

# STAFF EVALUATION

**Case No.:** Use Permit No. 25-0079

**Planning Commission Date:** March 20, 2025

**City Council Date:** April 9, 2025

**Prepared By:** Han Vu, City Planner

727-6252

**Reviewed By:** Kimberly Mikel, Deputy Director

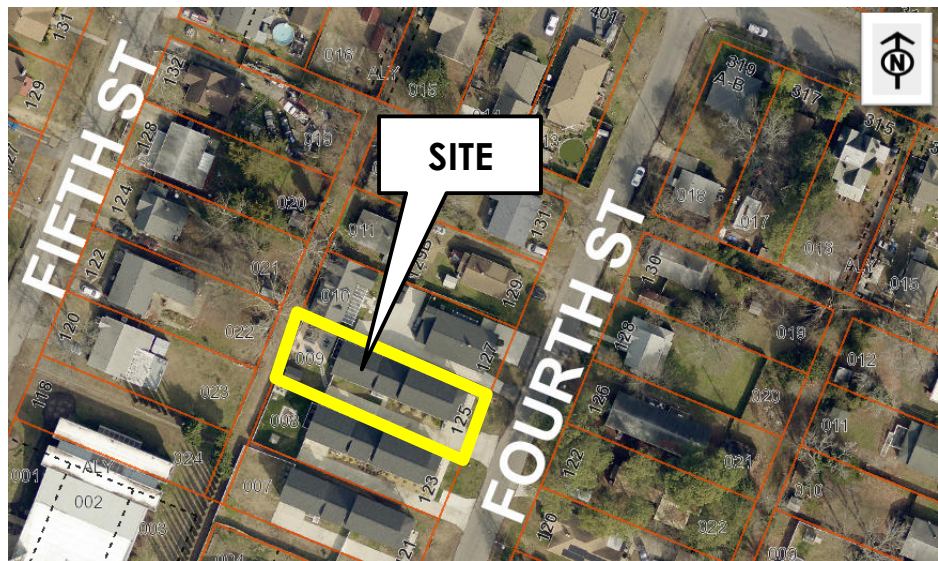
727-6228

**Reviewed By:** Jessica Kraus, Assistant City Attorney

## General Information

*Applicant &  
Property Owners* Jason Valentine

*Site Location* 125 N Fourth St [LRSN: 12006962]



*Requested Action* Use permit to allow for a short-term rental

*Description of Proposal* The applicant is proposing a short-term rental at 125 N Fourth St. The property is  $\pm$  0.17 acres and features an eight (8) bedroom, seven (7) bathroom residence that is approximately 3,848 square feet and was constructed in 2020.

*Existing Land Use* One-Family Detached Dwelling

*Zoning* Two-Family Residential (R-8);  
Short-term Rental Overlay (O-STR) District – Buckroe 1 Zone

*Applicable Regulations* As of September 1, 2024, City Council amended the Zoning Ordinance use table and additional standards for short-term rentals. This amendment created a definition and additional

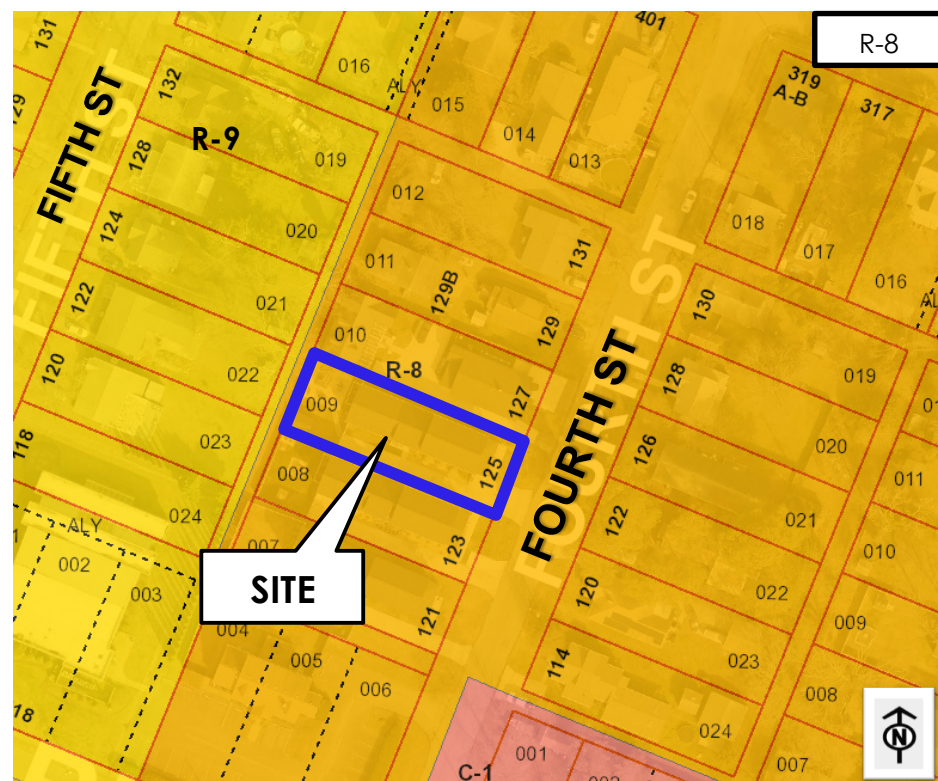
standards for short-term rentals. Short-term rentals in the R-LL, R-43, R-R, R-33, R-22, R-15, R-13, R-11, R-9, R-8, R-4, MD-1, MD-2, MD-3, MD-4, R-M, C-1, C-2, LFA-5, RT-1, BB-1, BB-2, BB-3, DT-1, DT-2, DT-3, PH-1, PH-2, PH-3, FM-1, FM-2, and FM-3 zoning districts are permitted subject to obtaining a use permit by City Council when certain operational standards are not met that would otherwise allow for an administrative permit.

A Use Permit is not available as a mechanism to exceed the density cap in a Short-Term Rental Zone nor is a Use Permit available as a mechanism to operate a short-term rental within or shorten the buffer of an existing short-term rental.

*Surrounding Land Use and Zoning*

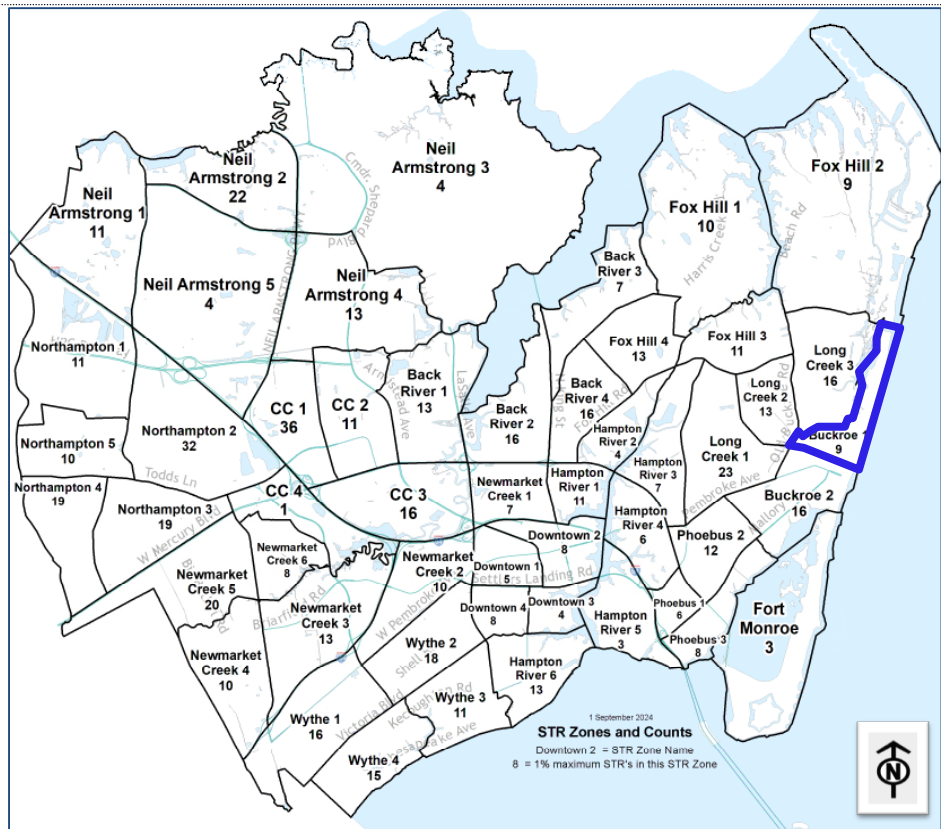
**North:** Two-Family Residential (R-8) District; residential  
**South:** Two-Family Residential (R-8) District; residential  
**East:** Two-Family Residential (R-8) District; residential  
**West:** One-Family Residential (R-9) District; residential

Surrounding Zoning Map:

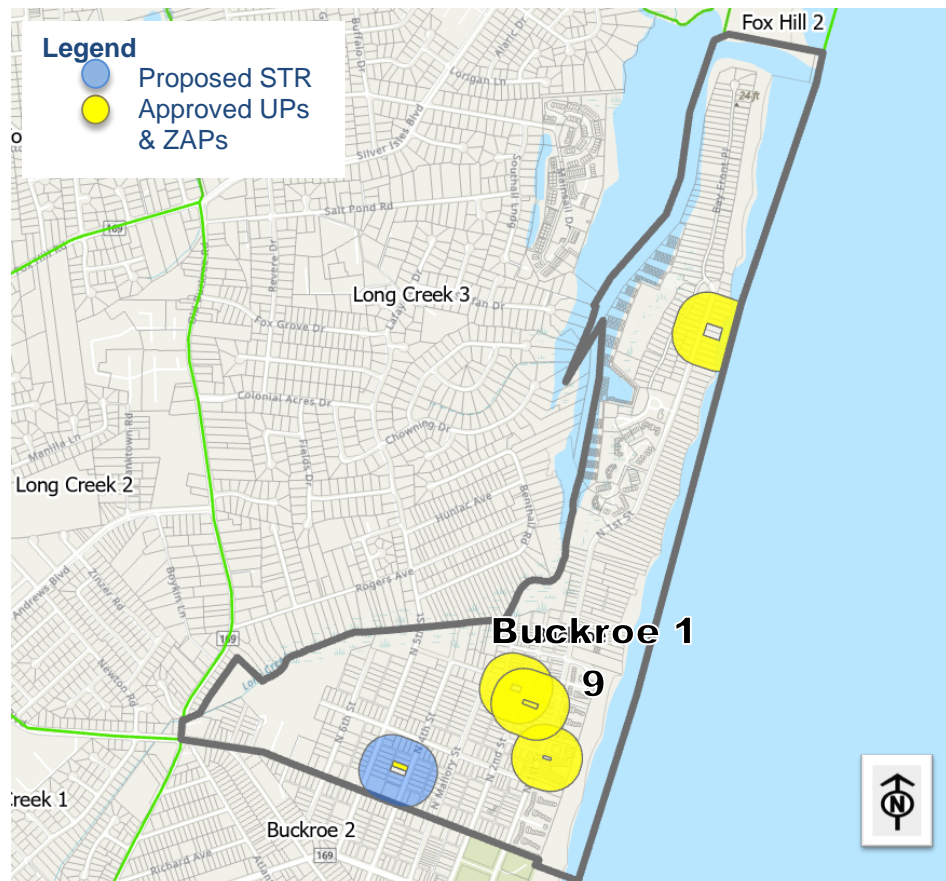


*Surrounding O-STR zones and approved STRs*

Short-term Rental Overlay (O-STR) District Map:  
 [see overlay map on the following page]



Surrounding approved STRs and proposed STR Map:





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*Public Policy****Hampton Community Plan***

The Hampton Community Plan (2006, as amended) recommends medium-density residential land-use for the subject property and surrounding properties.

Listed below are policies related to this request:

**LU-CD Policy 4:** Evaluate land use proposals from a regional, city-wide, and neighborhood perspective.

**LU-CD Policy 7:** Safeguard the integrity of existing residential neighborhoods.

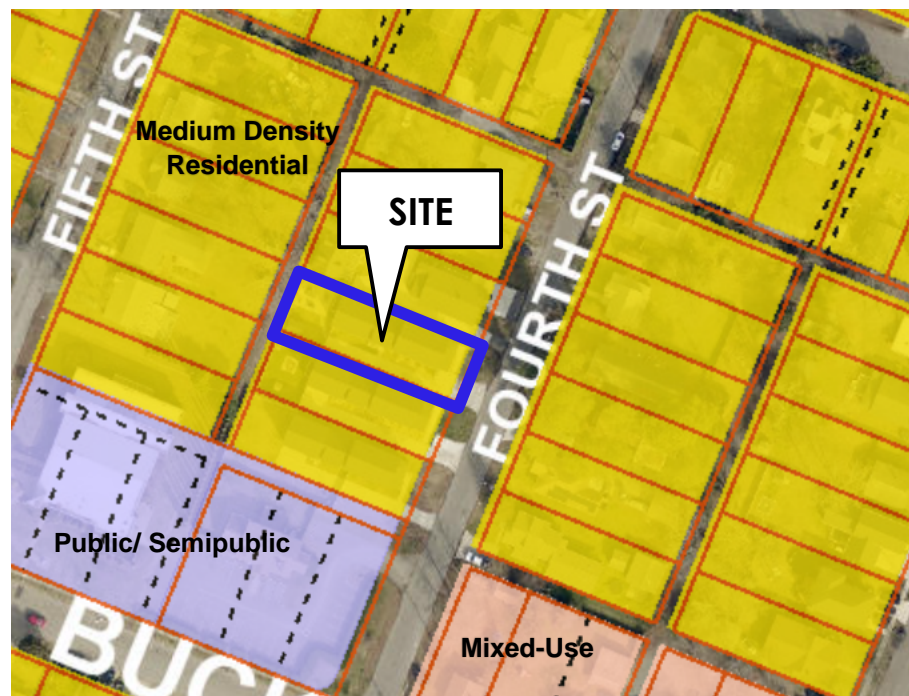
**LU-CD Policy 31:** Encourage a mix of land uses that is appropriate for each district. Promote the efficient use of land and high-quality urban design.

**ED Policy 6:** Expand tourism, entertainment, and cultural opportunities within the city.

***Future Land Use***

The Hampton Community Plan (2006, as amended) designates this area as medium-density residential.

Land Use Plan:



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*Traffic/Parking*

Staff does not anticipate that the requested use or operation would cause a significant or negative impact on traffic.

*Community Meeting*

A community meeting was held on February 27, 2025.

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*Analysis:*

Use Permit Application No. 25-0079 is a request for a use permit for a Short-Term Rental (STR). The subject property is located at 125 N Fourth St [LRSN: 12006962]. The property is zoned Two-Family Residential (R-8) District. R-8 allows for a short-term rental subject to an approved use permit. The application meets the separation and density requirements as outlined in Chapter 9, Article VIII of the Zoning Ordinance. The proposed STR is located more than 300 feet from other approved STRs that create a separation buffer, measured from property boundaries. Adjacent to the subject property, at 127 N Fourth St, is an approved STR. This neighboring STR is classified as a multi-family property, and its approval does not affect the separation limitations of other surrounding STRs. Additionally, the proposed STR satisfies the separation exception that permits two approved STRs, but no more than two, to operate directly adjacent to one another. Therefore, this proposed STR is in compliance with the separation requirement. Additionally, the total number of approved STRs does not exceed 1% of the total housing units in the Buckroe 1 Zone, satisfying the density requirement.

The applicant and property owner, Jason Valentine, is requesting to operate a short-term rental (STR) within an eight (8) bedroom, +/- 3,848 square foot single-family dwelling. The applicant intends to use the property for short-term rentals year-round, meaning it would not feature a primary resident. The applicant is seeking a Use Permit because the proposal exceeds the maximum number of rentable sleeping rooms that can be approved via a Zoning Administrator Permit. The site meets the minimum parking requirements for the proposed use. The applicant is not proposing to use the site to host events.

The Hampton Community Plan (2006, as amended) calls for evaluating land use proposals from a regional, city-wide and neighborhood perspective. Furthermore, land-use and economic development policies related to this land use application include safeguarding the integrity of existing residential neighborhoods, encouraging a mix of land uses that is appropriate and promoting the efficient use of land, and expanding tourism, entertainment, and cultural opportunities within the city. These policies can become competing, and much thought is given to the conditions under which short term rentals can operate in support of the tourism industry and welcoming visitors while maintaining the character of Hampton's neighborhoods.

The conditions of the Use Permit application align with the standard conditions typically placed on Short-Term Rentals (STRs) through a Zoning Administrator's Permit (ZAP). These conditions are designed to ensure the safety, functionality, and appropriate operation of STRs while mitigating potential impacts on the surrounding community.

In addition to standard conditions such as posting the approved floor plan, complying with maximum occupancy, Zoning Ordinance compliance, and prohibition of conducting events, key conditions specific to the proposed STR application include:

- Responsible Local Person (RLP): The application must include the designation of a Responsible Local Person, as required by the conditions. This individual must reside in Virginia and be available to address any complaints related to the STR use, such as noise, unpermitted parking, or disturbances. The RLP must respond within one hour of any issues reported to the City and must maintain updated contact information with the Zoning Administrator.
- No more than eight (8) bedrooms shall be rented to overnight lodgers or offered for rent by the operator of the short-term rental.
- The maximum number of overnight lodgers shall not exceed ten (10).
- Any alteration or renovation that modifies the floor plan shall not create additional units, dwellings, bedrooms or overnight sleeping areas, and shall be subject to review and approval by the Zoning Administrator and the Building Official.

At Planning Commission, the applicant offered, and the Commissioners discussed, adding a condition to the staff recommended conditions that would require the applicant to cancel or amend all currently reserved bookings that exceed the ten (10) overnight lodger maximum set forth in the conditions. The Commissioners ultimately determined this addition would be unnecessary, since enforcement of the ten (10) overnight lodger maximum will occur regardless of whether or not the bookings are currently reserved or reserved in the future. However, the Commissioners would like the City Council to be aware of the concern that the applicant currently has reserved bookings for more than ten (10) overnight lodgers.

The Planning Commission also made a recommendation to the applicant to cancel or amend all reserved bookings exceeding ten (10) overnight lodgers, and make modification to all advertisements of the Short-term Rental to reflect the conditioned number of overnight lodgers.

Staff recommends **APPROVAL** of the Use Permit Application No. 25-0079 with fifteen (15) conditions.

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