

STAFF EVALUATION

Case No.: Use Permit No. 24-0539

Planning Commission Date: January 16, 2025

City Council Date: February 12, 2025

Prepared By: Han Vu, City Planner

727-6252

Reviewed By: Mike Hayes

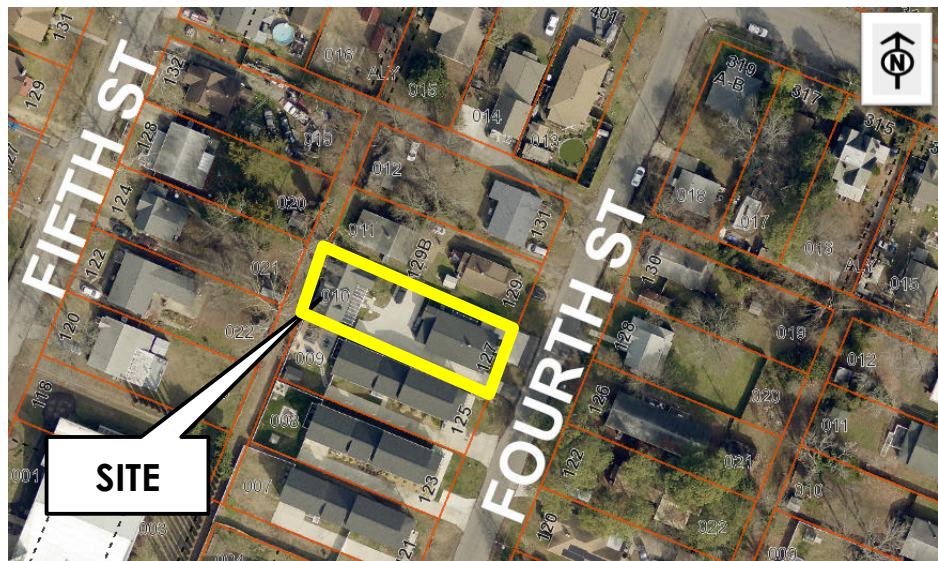
728-5244

Reviewed By: Jessica Kraus, Assistant City Attorney

General Information

Applicant & Property Owners Overflow LLC

Site Location 127 N Fourth St [LRSN: 12006963]



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

Description of Proposal The applicant is proposing a short-term rental at 127 N Fourth St. The property is ± 0.17 acres and features 2 dwellings, with eight (8) bedrooms in total, four (4) bathrooms in 2 buildings. The front dwelling was constructed in 1927, and is approximately 1,409 square feet. The rear dwelling is approximately 2,028 square feet and was constructed in 1953.

Existing Land Use Two-Family Residential

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

Applicable Regulations

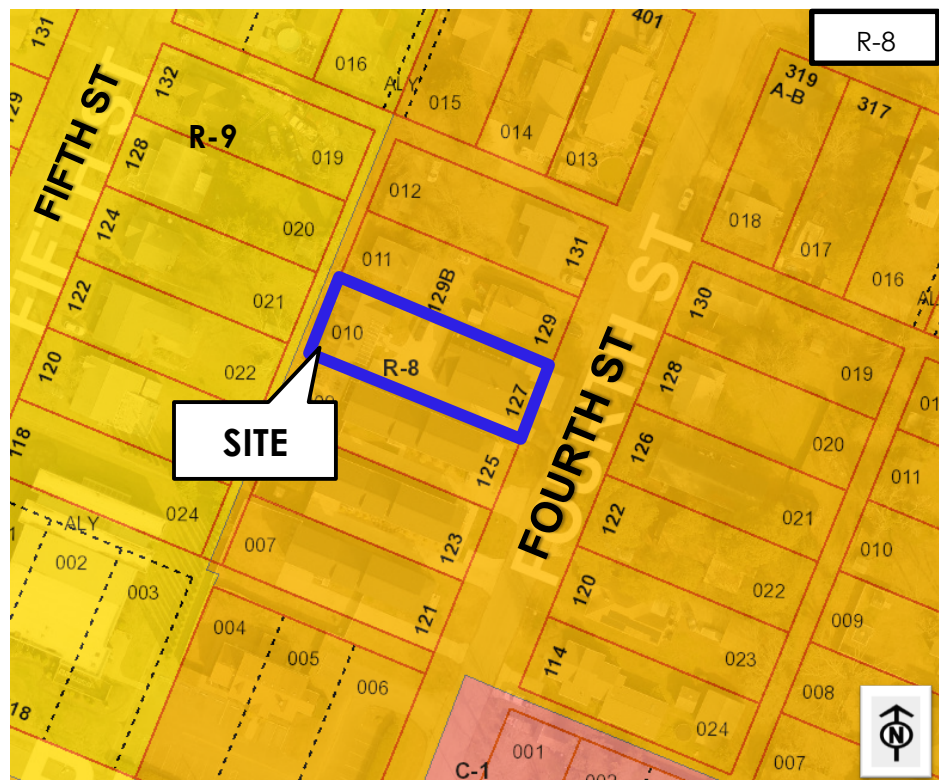
As of September 1, 2024, City Council amended the Zoning Ordinance use table and additional standards for short-term rentals. This amendment created a definition and additional standards for short-term rentals. Short-term rentals in the R-LL, R-43, R-R, R-33, R-22, R-15, R-13, R-11 , R-9, R-8, R-4, MD-1, 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

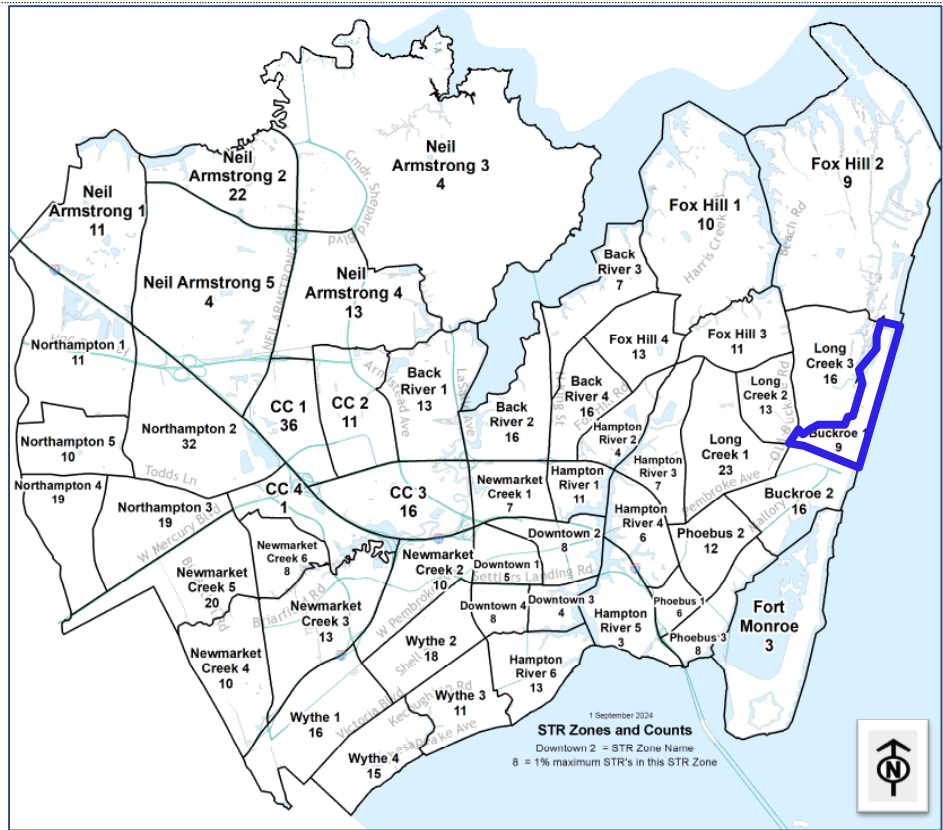
North: Two-Family Residential (R-8) District; residential
South: Two-Family Residential (R-8) District; residential
East: Two-Family Residential (R-8) District; residential
West: One-Family Residential (R-9) District; residential

Surrounding Zoning Map:

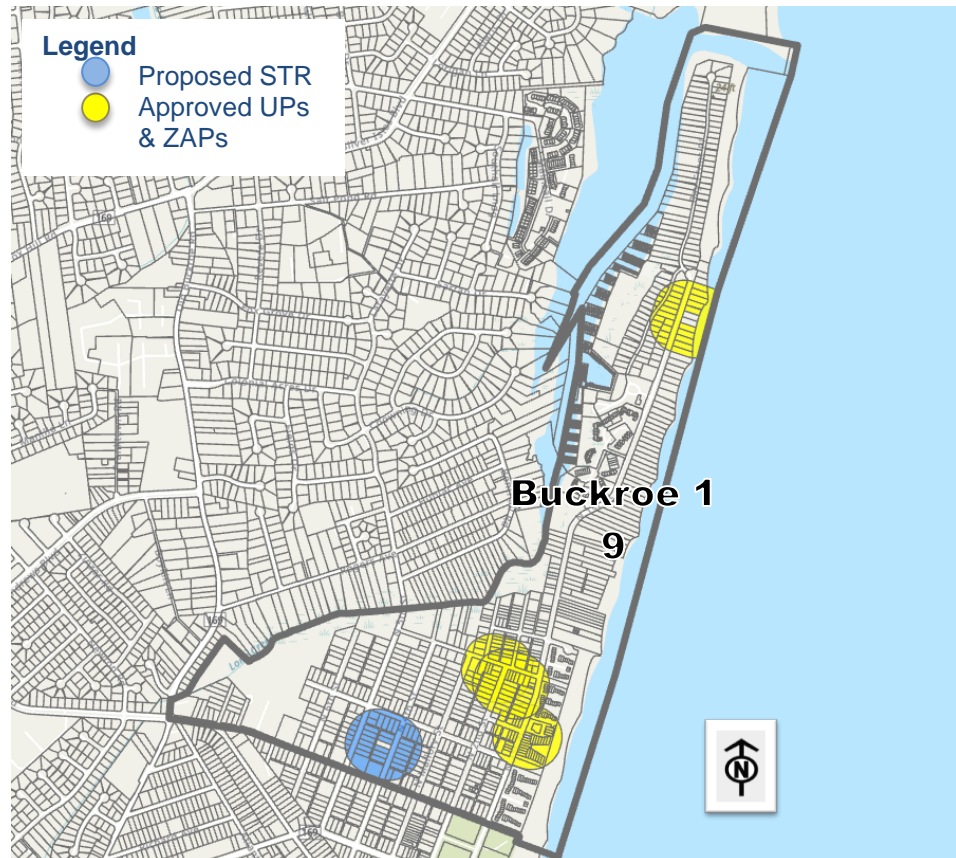


Surrounding O-STR zones and approved STRs

Short-term Rental Overlay (O-STR) District Map:



Surrounding approved STRs and proposed STR Map:



*Public Policy***Hampton Community Plan**

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

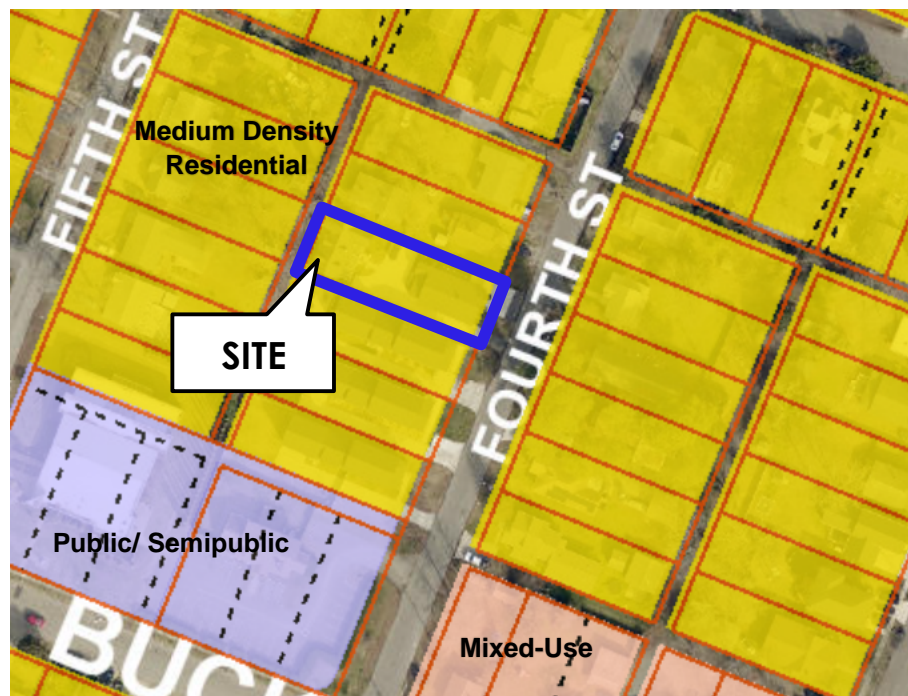
LU-CD Policy 31: Encourage a mix of land uses that is appropriate for each district. Promote the efficient use of land and high-quality urban design.

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 low-density residential.

Land Use Plan:

*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 January 14, 2025.

Analysis:

Use Permit Application No. 24-0539 is a request for a use permit for a short-term rental. The subject property is located at 127 N Fourth St [LRSN: 12006963]. 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 proposed STR is a multi-family dwelling, therefore, is not subjected to nor does it impact the separation requirements. Additionally, the total number of approved STRs does not exceed the 9 STRs permitted in Buckroe 1 Zone, satisfying the density requirement, as outlined in Chapter 9, Article VIII of the Zoning Ordinance.

The applicants and property owners, Overflow LLC, are requesting to operate a short-term rental (STR) within a single-family dwelling in the front and a two unit building in the rear, with a total of eight (8) bedrooms. The front dwelling was constructed in 1927, consists of 4 bedrooms, and is approximately 1,409 square feet. The rear dwelling is a duplex, consists of 4 bedrooms, is approximately 2,028 square feet and was constructed in 1953. The applicant intends to use the property for short-term rentals year-round, meaning it would not feature a primary resident.

The reason that the applicant is seeking a Use Permit is that 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 of the proposed STR application include:

- Responsible Local Person (RLP): The application must include the designation of a Responsible Local Person (RLP), 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 in total shall be rented to overnight lodgers or offered for rent by the operator of the short-term rental. The maximum number of rentable bedrooms shall not exceed as follows:
 - Front Dwelling: four (4)
 - Rear Dwelling Unit A: two (2)
 - Rear Dwelling Unit B: two (2)

Staff recommends **APPROVAL** of the Use Permit Application No. 24-0539 with fifteen (15) conditions.