



## Legislation Details (With Text)

<b>File #:</b>	23-0224	<b>Version:</b>	1	<b>Name:</b>	Use Permit 526 Settlers Landing Rd Short-Term Rental
<b>Type:</b>	Use Permits	<b>Status:</b>			Removed
<b>File created:</b>	7/23/2023	<b>In control:</b>			City Council Legislative Session
<b>On agenda:</b>	9/11/2024	<b>Final action:</b>			9/11/2024
<b>Title:</b>	Use Permit Application by Antoinette Smith to Permit a Short-Term Rental (STR) at 526 Settlers Landing Road [LRSN: 2003217]				
<b>Sponsors:</b>					
<b>Indexes:</b>	, Tourism				
<b>Code sections:</b>					
<b>Attachments:</b>	1. Application Package, 2. Conditions UPDATED, 3. Conditions, 4. Staff Report, 5. Planning Commission Resolution, 6. Presentation				

Date	Ver.	Action By	Action	Result
9/11/2024	1	City Council Legislative Session	removed	Pass
6/12/2024	1	City Council Legislative Session	deferred	Pass
2/28/2024	1	City Council Legislative Session	deferred	Pass
11/8/2023	1	City Council Legislative Session	deferred	Pass
8/9/2023	1	City Council Legislative Session	deferred	Pass

Use Permit Application by Antoinette Smith to Permit a Short-Term Rental (STR) at 526 Settlers Landing Road [LRSN: 2003217]

### UPDATED BACKGROUND STATEMENT FOR SEPTEMBER 11, 2024:

Pursuant to Zoning Ordinance sec. 3-3(29)(e), short-term rental applications with a pending public hearing date as of June 30, 2024, convert to zoning Administrator Permits (ZAPs) if the requirements in Zoning Ordinance sec. 3-3(29)(a) are satisfied. This application was deferred by City Council at the June 12th meeting and satisfies the requirements set forth in Zoning Ordinance sec. 3-3(29)(a). As such, it has been converted to a ZAP and no further Council action is required. This application will be processed administratively by zoning staff.

### UPDATED BACKGROUND STATEMENT FOR JUNE 12, 2024:

This item was deferred at the August 9, 2023, the November 8, 2023, and the February 28, 2024 City Council meetings.

Based on the set of proposed amendments, the proposed short-term rental is located in the Downtown 3 Zone, in which the proposed amendments recommend a maximum of four (4) STRs. Currently, the Downtown 3 Zone features four (4) permitted STRs and the proposed STR would exceed the maximum number of STRs permitted. Additionally, this Use Permit application is eligible to convert to a Zoning Administrator Permit (ZAP) application on the day the proposed ordinance amendments go into effect.

### UPDATED BACKGROUND STATEMENT FOR FEBRUARY 28, 2024:

This item was deferred at the August 9, 2023 and the November 8, 2023 City Council meetings.

Staff is recommending deferral of all short-term rental use permit applications on this agenda. Staff continues to work with the guidance of City Council to establish a consistent and effective land use policy for short-term rentals with goals including the protection of the community's neighborhoods and supporting opportunities for stays for visitors of Hampton.

### **UPDATED BACKGROUND STATEMENT FOR AUGUST 9, 2023:**

At Planning Commission, it was discussed that this property was under code enforcement action for work that had been performed without permits prior to Planning Commission. That work included installation of new impervious area (a walkway). After Planning Commission, on July 27, 2023, an inspector observed that deck construction had also been performed on the site. A Notice of Violation was sent on July 31, 2023 for the deck work. Permits need to be obtained. Staff also inspected an accessory bathroom structure based upon a neighbor complaint. The Acting Building Official spoke with the homeowner who conveyed her intention to convert the structure into an outdoor shower facility. This facility will require permits as well, which was conveyed to the owner.

As a result of these inspections, staff is recommending additional language be included in Condition # 11, which would require that the accessory bathroom structure be brought up to code or removed from the property within 60 days. In addition, if the use permit is approved, before the short-term rental is allowed to commence operation, it must be fully compliant with all relevant codes (Condition #11(a)). The applicant advised the Code Official on August 4, 2023 that her intention is secure the structure to meet the Virginia Maintenance Code and Zoning Ordinance requirements and obtain a zoning permit to satisfy this condition while she solidifies her permanent plans for the structure. She applied for the required zoning permit on August 4, 2023.

Despite these violations related to structures on-site, staff's recommendation remains approval because--to our best knowledge--all work was ceased when the owners were notified by the City of the need for permits.

### **Background Statement from July 12, 2023:**

This is a request for a use permit to operate a short-term rental (STR) at 526 Settlers Landing Road [LRSN: 2003217]. The property is currently zoned Downtown Business (DT-1) District which allows for the desired use, subject to an approved use permit.

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 includes 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.

The property is located within the area governed by the Downtown Hampton Master Plan (2017, as amended). The Plan does not specifically address this property or the proposed use but does place an emphasis on Downtown becoming a regional and vibrant neighborhood. The property is located in the Franklin Street & Salters Creek Landing initiative area which is supported as a primarily residential neighborhood.

If the use permit is to be granted, staff has identified fifteen (15) recommended conditions based upon the proposed use's operational and land use characteristics. Among the conditions are limitations on occupancy and capacity, which is governed by the Virginia Uniform Statewide Building Code in addition to conditions related to a ledger, a local contact person, and restrictions on events.

The property currently has two (2) open violations related to new impervious area without a permit and exterior structural issues, both of which are being addressed and resolved by the applicant. There has been one (1) complaint regarding the short-term rental activity which was determined to be unfounded during the initial inspection. The property is not currently available for booking.

**Recommendations:**

Staff Recommendation:

Defer to the Council meeting following the effective date of the proposed amendments