



CITY OF HARRISONBURG COMMUNITY DEVELOPMENT

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August 31, 2026

**TO THE MEMBERS OF CITY COUNCIL
CITY OF HARRISONBURG, VIRGINIA**

SUBJECT: *Consider a request for a Special Use Permit at 387 Monticello Avenue*

**EXTRACT FROM THE DRAFT MINUTES OF HARRISONBURG PLANNING
COMMISSION MEETING HELD ON: August 12, 2026**

Chair Baugh read the request and asked staff to review.

Ms. Rupkey said the applicant is requesting a special use permit (SUP) per Section 10-3-34 (7) to allow a short-term rental (STR) in the R-1, Single-Family Residential District. The +/- 10,154-square-foot property is addressed as 387 Monticello Avenue and is identified as tax map parcel 26-Q-13. If approved, the applicant plans to operate a short-term rental (STR) in the accessory building on the property.

In 2019, the City adopted regulations associated with short-term transient lodging, commonly referred to as Airbnbs. These regulations were amended in September 2020 to create the by right “homestay” use. To operate a homestay, the property must be the operator’s primary residence, may host up to four guests, guests must stay within the main dwelling unit (as opposed to staying in a separate building on the property), and may operate up to 90 nights per calendar year. If the operator wants to operate outside of what is permitted through a homestay, they must apply for an SUP to operate an STR.

The applicant recently purchased the property and will live in the home. They will be the operator of the STR and intend to make the STR available most weekends throughout the year. Because the applicant intends to operate the STR for more than 90 nights per calendar year and in an accessory building, the STR requires an SUP.

In the applicant’s letter they state that the available rental area would be limited to two rooms (a bedroom and living room) and one full bathroom all on the bottom floor of the accessory building. The space can accommodate up to four guests, though the applicants intend to market the rental for two to three guests. The door between the garage and the living room would be locked and

blocked to prevent guest access to the garage or loft area. The rental area would not include a kitchen, stove, or oven. The applicants have also landscaped a small driveway off the alley to be used by STR guests.

Land Use

The Comprehensive Plan designates this site as Low Density Residential and states:

These areas consist of single-family detached dwellings in and around well-established neighborhoods with a target density of around 4 dwelling units per acre. The low density residential areas are designed to maintain the character of existing neighborhoods. It should be understood that established neighborhoods in this designation could already be above 4 dwelling units per acre.

The proposed SUP does not add additional dwelling units or increase density.

Transportation and Traffic

A traffic impact analysis (TIA) was not required for the SUP request.

Public Water and Sanitary Sewer

Staff has no concerns with the requested special use permit regarding water and sewer matters.

Housing

The City's Comprehensive Housing Assessment and Market Study (Housing Study) places the subject property within Market Type D, which notes that "[m]arket type D has lower market activity as well as lower access to amenities. This could be because the areas are stable residential neighborhoods or because the area is less developed and therefore has fewer sales and fewer amenities. Strategies that would be appropriate in the latter case include concurrent development of the housing and economic opportunities through mixed-use developments to build commerce and housing centers across the City.

The property is zoned R-1, where only one single-family detached dwelling is allowed. The request does not remove a dwelling unit from the long-term rental housing inventory.

Public Schools

If the special use permit is approved, no additional dwelling units would be added to the property; therefore, the student generation is zero.

Conclusion

Staff believes this request shares similar characteristics to other applications for STRs that have received approval. Staff recommends approval of the SUP with the following conditions:

1. All STR accommodations shall be within the existing accessory structure described in the application.
2. There shall be no more than two STR guest rooms or accommodation spaces.
3. The number of STR guests at one time shall be limited to four.

4. Prior to operation, the operator shall submit to City staff a completed Short-Term Rental Pre-Operation Form. Furthermore, the operator shall maintain compliance with the items identified in the Pre-Operation Form when short-term rental guests are present.
5. Minimum off-street parking spaces do not need to be delineated and can be accommodated utilizing the driveway or other areas on the property.
6. If in the opinion of Planning Commission or City Council, the short-term rental becomes a nuisance, the special use permit can be recalled for further review, which could lead to the need for additional conditions, restrictions, or the revocation of the permit.

Chair Baugh asked if there any questions for staff. Hearing none, invited the applicant to speak to their request.

Kate Denbigh and Peter Denbigh, 387 Monticello Avenue. Ms. Denbigh said our intent is to rent out what we call the casita behind our house. It is just a bedroom, a living room, and a bathroom. There is no kitchen. The casita faces the back of our house. We do not want anybody rowdy in there. We do not want parties or anything like that. The intent is for folks who are coming to visit JMU, coming to visit downtown, or visiting the national park. There is no kitchen, so nobody will be living in there. The intention is mostly for folks to have somewhere to sleep when they visit town.

Mr. Denbigh said just to reiterate, the application required us to say four people. But there is one bed in the place, and that is all that will fit. It is either two people or four very friendly people. We have a lot of respect for this neighborhood. We are not loud people at all. We go to bed early. I am a very light sleeper, so we will have zero tolerance for noise or disruption to the neighborhood. The entrance is on a back alley, not off Monticello [Ave]. We put in designated parking, even though we were not required to, to make sure that was not an impediment to Monticello Avenue. In general, we respect our neighbors a lot. We are not afraid to enforce our standards if our renters are not living up to our standards, and we will very quickly. We welcome any questions you might have.

Councilmember Dent said I am looking at the sketch of the layout. I appreciate that. I am curious about the loft. What is that going to be?

Mr. Denbigh said it is actually our theater room.

Ms. Denbigh said it is only accessed through the garage or an exterior door, so they cannot get to it. They cannot physically get to it.

Councilmember Dent said it is for your own use?

Ms. Denbigh said it is for our use, yes.

Councilmember Dent said okay. I was just curious about that. If it were me, I would add the loft, too.

Ms. Denbigh said they would have to go through the garage, and we like to have the garage. It is a workshop for us.

Mr. Denbigh said it does not have a bathroom upstairs either, so we prefer to keep it simple.

Councilmember Dent said no stove and all that, but a kitchenette, a coffee machine? I do not know what people might expect.

Mr. Denbigh said no. I think by code, we are not allowed to have a kitchenette in it right now.

Councilmember Dent said kitchenette?

Ms. Dang said you can talk to our zoning staff. There are some provisions for things that you can have. I hesitate to use the word kitchenette because it means different things.

Ms. Denbigh said if anything, it would be a Keurig.

Ms. Dang said that would be fine.

Mr. Denbigh said we will have a coffee maker. We will make sure it is pleasant for when they are in there.

Councilmember Dent said okay. Thanks.

Commissioner Jezior said with the additional parking that you added in the back, if you did have four people in there, is there enough room for two cars to be parked there?

Mr. Denbigh said yes. We have the gravel lot, and then we have the garage driveway right beside it, should they need to.

Commissioner Jezior said okay. Thank you.

Chair Baugh said does anybody else have questions for the applicant?

Mr. Denbigh said thank you very much for your consideration.

Chair Baugh asked if there were any questions for the applicants. Hearing none, he opened the public hearing and asked if there was anyone in the room or on the phone wishing to speak to the request.

Dave McCarty, 366 Monticello Avenue, said I live catty-corner across the street from the proposal that we are looking at. As it states here, it is an R-1, Single-Family Residential district. That is one

of the reasons I bought in the neighborhood in 1985, 41 years ago. Since that time, people have bought homes and turned them into rental units, which is fine, but it was a home. People stayed there for more than three days or five days. During the time with the rentals, which I had next door, catty-corner the other way, and straight across, there have been issues in trying to contact people when issues occur and determine what to do and how to take care of it. Like I said, I purchased in that neighborhood to live in my house and worry about my yard, not everybody else's. The people who have moved in, Peter and Kate, both seem very friendly. They take nice care of their property. However, there is parking on our street that can be an issue. While it says four guests, my question is, what happens if four people meet there and they all drive a car? What I saw in the back, you would have to be creative or have some small cars to get four there. Also, that alley is very thin, so using that to park on probably would not be a good idea for neighbors accessing it. As they said, they purchased the property recently. We have had them in the neighborhood for six months, and during that time, they have been great. My concern is that they want to move on, and we now have this tied to that. Who is going to police it? I know it is 90 nights per calendar year, so that is roughly 45 weekends. During that time, from what I have observed, both Kate and Peter are active people. When they are going on weekends and activity occurs at the house, then who is going to take care of that issue? We have had recent tenants removed on the other side of the street, on the backside. There was everything from scooters and stuff going through people's yards in the middle of the night. I witnessed and talked to some of the kids coming through. What is this man telling me? I do not have to listen to this. They were cussing up and down the street. Those are things that I am not looking forward to. I think that they would try their best. However, one of the things I look at is, instead of four, why not two? Try that out for a while. Even better, put in a kitchen and let it be a rental all year long. Then that person we would know, and we would have a contact to. With 45 weekends being used, that is 45 different [groups] of two to four people showing up in the neighborhood. They go to JMU, which is great. They go to the game and catch up with some friends. Then they say, we do not have any place to go, so come on over to our place. Where are they going to park?

Those are all my concerns. I do not feel good about it. I bought in an area that did not have a business, and I see an Airbnb as a business. It is there to make money, and that is not what I bought into. Thank you.

Heidi Klim, 418 Monticello Avenue, said I have lived there for 40 years. It is a very well-established neighborhood. When I was reading the forms, they mentioned that low-density residential indicates established neighborhoods. When I read the word established, I think of neighborhoods that are stable, where there is not a lot of movement. People buy a home, live there for years, and invest in the neighborhood. I wonder, what is the tipping point? We do have other rental properties on the street, maybe four or five. They are all long-term. But where is the tipping point where the neighborhood becomes destabilized by a lot of transitional people coming for two or three days? If they need a place to stay, there is a really nice hotel right down the hill. It is hardly a need for people to find a place to stay. I worry about destabilizing a very secure... it is a cul-de-

sac neighborhood, a very secure neighborhood. That is my concern about it, basically. Not that I think it is all bad, but where is the tipping point where you go from a stable neighborhood to an unstable neighborhood? If there is a problem, is the family that owns the house going to be there the weekends it is rented? Are they going to stay there so they can take care of any problem? If people are involved, there is always a chance for a problem. Even a small problem, there is always a chance. If you are in a hotel, the hotel takes care of it. The front desk takes care of it. If the people are not at home, what happens then? Thank you.

Chair Baugh closed the public hearing and opened the matter for discussion.

Councilmember Dent said I have a question for staff. The applicant said staff was encouraging them to say up to four people when they are really aiming for two, maybe three. What is the reasoning for that?

Ms. Rupkey said the encouragement of four persons is what is allowed by right. Additionally, if someone had a small family where it was a couple with a small child, a child counts as a third person.

Councilmember Dent said there is one comment not exactly related to this, but by Virginia law, we are now required to allow accessory dwelling units by right, with some restrictions on lot size and such. This is not a dwelling unit. This is an accessory structure with the short-term rental. That is just an FYI for future development potential.

Ms. Dang said to be clear, that effective date is next year in July. It is not effective yet.

Councilmember Dent said yes.

Chair Baugh said is that one where, in theory, they could vote against it? They gave themselves the right to vote against it?

Mr. Russ said yes.

Chair Baugh said the reasonable expectation is that it will pass, but it may not.

Commissioner Jezior said I like the use of the accessory structure. You still have the tenant in the main house and the space in the back that you are responsible for. I think it is a good use of the property. Density is generally increasing in the City and that is the goal.

Commissioner Kettler said I was thinking about the cost of housing generally and how people today afford it. Increasingly, if you bought your home 20 years ago, you are not necessarily facing the same problems in terms of drastically increasing costs all at once as you do today. People are starting to have to get creative in how they are able to afford a home. I think this is one example of what that looks like. My first thought was, before I realized very quickly that there was not a

kitchen or space for a kitchen in there, why cannot this be a long-term rental? But that can itself be a pretty substantial additional cost up front, especially if you just bought a home. This is not taking any existing housing off the market. This is just adding a short-term rental unit that can help make the home itself more affordable to people who already live there. I do take note of the concerns that folks are saying. Everyone touches on one thing and gets back around to it, which is more cars coming into the area and more parking being required. I think that is significant when we are talking about people who do not want more housing near them. More cars is a pretty consistent point we are hearing a lot. I think that is something to keep in mind for the future. In this case, I do not think it is a particular problem because it is a small space and is most likely going to have two cars in there. Given the actual configuration of the area, it sounds like two people and one car is much more likely. I am not quite so concerned with that part of it here.

Chair Baugh said this is reminiscent to me of something we discussed at the July 21 meeting. As we go forward, and we have already identified that we are looking at the ordinance update on residential properties, the thing that has come up is that, historically, our attitude on residential areas is that it looks like something that came out of the early 60s. Harrisonburg has historically been fairly extreme in that you do not do nonresidential stuff when you have single-family detached homes nothing goes on there other than human beings living in single detached homes, hopefully not bothering their neighbors very much, and no commercial activity. There is a baseline that the more established parts of the community are used to that. That is what we had. The trend, of course, is not in that direction. Perhaps even amplified by the point raised by Councilmember Dent, state law has already given us notice that most communities are probably going to be looking at a liberalization of their rules on people living in accessory structures, whether they want to or not, because it is going to become a matter of state law.

Vice-Chair Porter said I would have concerns if I thought this was a unit that could be rented to a local resident. It is not, so I do not see any problem.

Commissioner Seitz said it is consistent with other short-term rentals that we have approved, and I think the City does a good job of enforcing regulations related to it.

Councilmember Dent said another statement of preference is that this is the kind of place I would be looking for if I were staying in town for a weekend. It is in a neighborhood and walkable to downtown. You park your car and walk downtown. That is better than an East Market Street hotel that you have to drive from, for me anyway. Maybe someday people will not have to bring a car.

Chair Baugh said staff correct me if I am wrong, on the site visit, we were talking about others in the area, and the closest one we could come up with was one on Franklin Street. If I remember correctly, on that one, I do not remember whether Planning Commission recommended against it, or at least there were votes against it, but it got approved by Council.

Ms. Rupkey said it is not operating. I found three operating ones in the Old Town neighborhood: one on Newman Avenue, one on Campbell Street, and one on Grattan Street. One of those is a homestay that did not need a request.

Chair Baugh said the one I am remembering fairly dimly is that the issue for people who were against it was the piece you raised. It had been a rental unit. It was the idea that it was not expanding options for the community. It was changing them, probably in a direction that we did not care for. It literally was taking the rental unit off the market.

Commissioner Kettler said I move to recommend approval of the special use permit request with the suggested conditions by staff.

Councilmember Dent said second.

Chair Baugh called for a roll call vote.

Commissioner Jezior	Aye
Commissioner Seitz	Aye
Vice Chair Porter	Aye
Councilmember Dent	Aye
Commissioner Kettler	Aye
Chair Baugh	Aye

The motion to recommend approval of the special use permit passed (6-0). The recommendation will move forward to City Council on September 8, 2026.

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