

**Requests**

**#8 - Conditional Use Permit** (Short Term Rental) - Unit A

**#9 - Conditional Use Permit** (Short Term Rental) - Unit B

**Staff Recommendation**

Approval

**Staff Planner**

William Miller

**Location**

2002 Baltic Avenue, Units A & B

**GPIN**

2427071910

**Site Size**

6,636 square feet

**Existing Land Use and Zoning District**

Single-family dwelling / OR Oceanfront Resort

**Surrounding Land Uses and Zoning Districts**

**North**

Single-family dwellings / OR Oceanfront Resort

**South**

20th Street

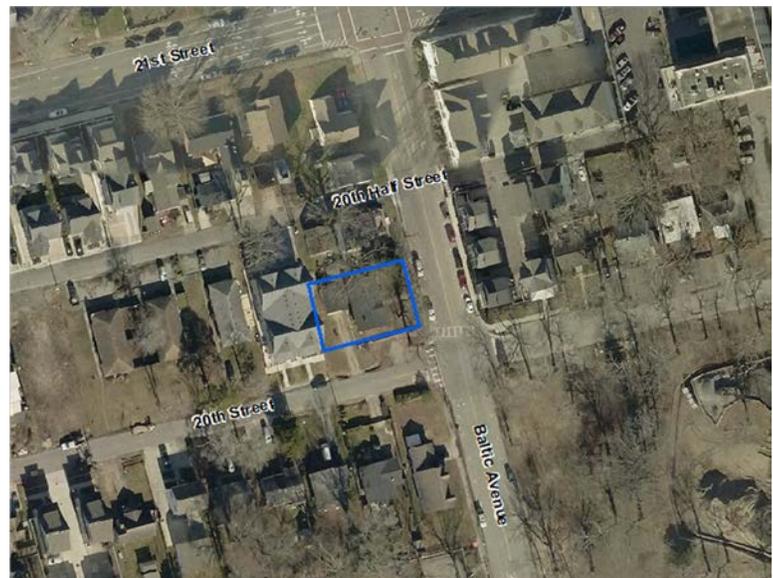
Single-family dwellings / OR Oceanfront Resort

**East**

Single-family condominium dwellings / OR Oceanfront Resort

**West**

Duplex dwellings / OR Oceanfront Resort

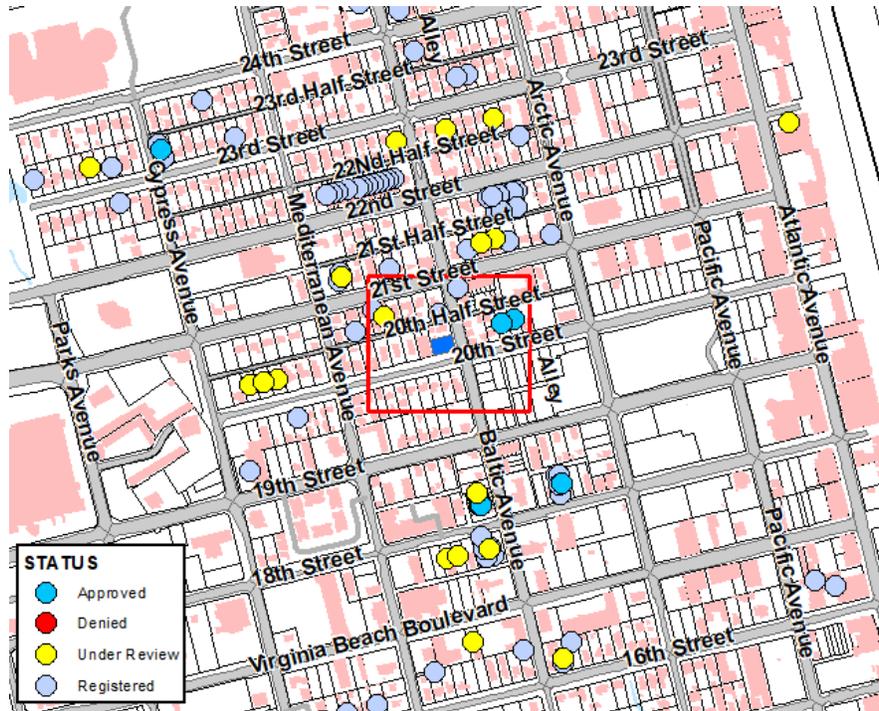


## Background & Summary of Proposal

### Site Conditions and History

- This 7,000 square foot lot is located within the OR Oceanfront Resort Form Based Code District and currently contains one single-family dwelling.
- The subject dwelling is not the property owner(s) primary residence
- According to City records, the single-family home on the lot was constructed in 1959; however, it is the intent of the applicant to demolish this home and build a duplex “detached house” as defined in Appendix 1 of the City Zoning Ordinance. As per Appendix 1 of the Zoning Ordinance, a detached house is “a building type having a maximum of three stories and containing up to four dwelling units; attached at the rear, rear and side, or between stories; with private yards on all four sides.” In this instance, the detached house structure will contain only two dwelling units, both owned by the applicant.
- Staff spoke with one of the applicant’s representatives on July 20<sup>th</sup> regarding the timing of this request. Staff expressed concern relating to the submittal of this Short Term Rental request prior to the submittal of a full site plan for review by the Development Services Center division of the Planning Department. The applicant’s representative advised Staff of his client’s desire to obtain approval for the Short Term Rental use prior to finalizing a site plan. He explained that the site plan will be modified if approval for the Short Term Rental use request is not granted; for instance, less on-site parking will be proposed. Thus, his clients do not wish to contract with an engineering firm to design a full site plan since the nature of all Conditional Use Permit requests contains an element of uncertainty.
- The applicant’s representative is agreeable to the addition of a recommended condition relating to the development of the site in substantial compliance with the submitted design inspirations and architectural renderings, both of which are found in this Staff report.
- The applicant’s representative does not agree with City Council’s recently imposed condition reducing the number of bookings in a seven day period to one (recommended condition #15).
- The applicant’s representative does agree with City Council’s recently imposed condition reducing the overnight guest calculation to two per bedroom (recommended condition #18).
- Staff inspected the site on July 10, 2020 to observe site conditions and take photographs for this report.
- The property partially lies within the RPPP boundary, where parking during the evening and overnight hours is limited; however, the 2000 block of Baltic Avenue contains eight on-street parking spaces outside the RPPP controlled area. Based on this, a condition is recommended that would prohibit the occupants of the STR from utilizing the on-street RPPP restricted spaces during controlled hours.
- No records of zoning violations relating to Short Term Rental use were found associated with the subject address.

### Short Term Rentals in the Vicinity



### Summary of Proposal

The applicant submitted a Conditional Use Permit request to operate a Short Term Rental on the subject site. The regulations for Short Term Rental use are identified in Section 241.2 of the City Zoning Ordinance. Specific details pertaining to this application are listed below.

	2002 Baltic Avenue Unit A	2002 Baltic Avenue Unit B
Number of proposed bedrooms in the Short Term Rentals:	4	4
Maximum number of guests permitted on the property after 11:00 pm:	8 - As recommended in condition #18	8 - As recommended in condition #18
Number of parking spaces required (1 space per bedroom required):	4	4
Number of parking spaces proposed on-site:	4	4

				<b>Zoning History</b>	
				#	Request
				1	ALT (Special exception for alternative compliance relating to minimum lot area and width) Approved 06/19/2018
				2	ALT (Special exception for alternative compliance to allow multiple separated building types on one lot and development deviation from the prescribed code criteria) Approved 06/07/2016 STR (Short Term Rental) Applicant withdrew request on 12/10/2019
				3	ALT (Special exception for alternative compliance to the prescribed form and criteria for a detached house) Approved 09/16/2014
				4	SVR (A variance to lot width for three proposed lots) Approved 09/06/2016
				5	ALT (Proposed construction of five detached homes that do not conform to the prescribed building type criteria) Approved 05/14/2013
				6	SVR (A variance to the requirement that all newly created lots front on a public right-of-way) Approved 10/08/2013 ALT (Request to create a lot fronting on a public right-of-way that is not assigned to a required street frontage type - 20 1/2 Street) Approved 10/08/2013
				7	STR (Short Term Rental) Approved 06/09/2020 STR (Short Term Rental) Approved 06/09/2020
				8	STR (Short Term Rental) Approved 06/09/2020
<b>Application Types</b>					
CUP – Conditional Use Permit REZ – Rezoning CRZ – Conditional Rezoning		MOD – Modification of Conditions or Proffers NON – Nonconforming Use STC – Street Closure		FVR – Floodplain Variance ALT – Alternative Compliance SVR – Subdivision Variance	
				LUP – Land Use Plan STR – Short Term Rental	

## Evaluation & Recommendation

The site is adjacent to the ViBe Creative District, which is home to a myriad of commercial and residential uses with an emphasis on arts and culture. The subject property is surrounded by mostly single-family and duplex style dwellings; however, the lot also sits approximately 100 feet from a partially vacant tract referred to as *The Dome Site*, which will likely be redeveloped in the near future. In addition, this proposed Short Term Rental location is approximately 0.3 miles from the Virginia Beach Convention Center and 0.34 miles, from the public beach of the Atlantic Ocean. The applicant is proposing to demolish the existing single-family dwelling located on the lot. Afterward, a duplex would be constructed and both units would be used for Short Term Rental purposes, if granted authority to do so by City Council. For clarity, the two dwelling units planned for construction will be owned by the applicants named in this request.

The submitted parking plan depicts two on-site 9' x 18' covered parking spaces (carport style) and six on-site 9' x 18' uncovered marked parking spaces. As permitted by Section 241.2(1) of the City Zoning Ordinance, the Zoning Administrator reviewed the parking plan and deemed it acceptable. Together with the requirements of Section 241.2 of the Zoning Ordinance pertaining to Short Term Rentals, a condition is recommended that limits the number of Residential Parking Permit Program parking passes to two and prohibits the issuance of guest and temporary passes through the program while the Conditional Use Permit is active. The applicant is not agreeable to recommended condition #15, which limits the number of rentals in a seven day period to one.

Recommended condition #4 was revised as requested by the Planning Commission at the September 9, 2020 public hearing.

Based on the considerations above, Staff recommends approval of this request with the conditions listed below; however, the recommended conditions reflect City Council's Short Term Rental revisions by limiting the overnight guest calculation to two per bedroom and reducing the number of bookings in a seven day period to one.

## Recommended Conditions

1. The following conditions shall only apply to the dwelling unit addressed as 2002 Baltic Avenue, Units A & B, and the Short Term Rental use shall only occur in the principal structures as depicted in this application.
2. Off-street parking shall be provided as required by Section 241.2 of the City Zoning Ordinance or as approved by City Council.
3. The covered parking spaces must remain a minimum of 9-feet by 18-feet and shall remain free of materials to ensure vehicular accessibility to the Short Term Rental tenants.
4. The proposed buildings shall be in substantial conformance with the submitted Concept Plan entitled, "Crescent Court" dated 8/4/2020, prepared by Altruistic Design, which has been exhibited to the Virginia Beach City Council and is on file in the Department of Planning & Community Development, unless deviations are approved by the Planning Director or his designee and are in conformance with the Oceanfront Resort Form-Based Code.
5. While this Conditional Use Permit is active, parking passes issued for the subject dwelling unit(s) through the Residential Parking Permit Program (RPPP) shall be limited to two resident passes only. Guest and temporary passes through the RPPP shall not be permitted.
6. This Conditional Use Permit shall expire five (5) years from the date of approval. The renewal process of this Conditional Use Permit may be administrative and performed by the Planning Department; however, the Planning Department shall notify the City Council in writing prior to the renewal of any Conditional Use Permit for a Short Term Rental where the Short Term Rental has been the subject of neighborhood complaints, violations of its conditions or violations of any building, housing, zoning, fire or other similar codes.
7. No events associated with the Short Term Rental shall be permitted with more than the allowed number of people who may stay overnight (number of bedrooms times two(2)) on the property where the Short Term Rental is located. This Short Term Rental may not request or obtain a Special Event Permit under City Code Section 4-1 (8a).
8. The owner or operator must provide the name and telephone number of a responsible person, who may be the owner, operator or an agent of the owner or operator, who is available to be contacted and to address conditions occurring at the Short Term Rental within thirty (30) minutes. Physical response to the site of the Short Term Rental is not required.
9. If, or when, the ownership of the property changes, it is the seller's responsibility to notify the new property owner of requirements 'a' through 'c' below. This information must be submitted to the Planning Department for review and approval. This shall be done within six (6) months of the property real estate transaction closing date.
  - a) A completed Department of Planning and Community Development Short Term Rental Zoning registration form; and
  - b) Copies of the Commissioner of Revenue's Office receipt of registration; and
  - c) Proof of liability insurance applicable to the rental activity of at least one million dollars.

10. To the extent permitted by state law, each Short Term Rental must maintain registration with the Commissioner of Revenue's Office and pay all applicable taxes.
11. There shall be posted in a conspicuous place within the dwelling a summary provided by the Zoning Administrator of City Code Sections 23-69 through 23-71 (noise), 31-26, 31-27 and 31-28 (solid waste collection), 12-5 (fires on the beach), 12-43.2 (fireworks), and a copy of any approved parking plan.
12. All refuse shall be placed in automated refuse receptacles, where provided, and comply with the requirements of City Code sections 31-26, 31-27 and 31-28.
13. Accessory structures shall not be used or occupied as Short Term Rentals.
14. No signage shall be on-site, except one (1), four (4) square foot sign, may be posted on the building which identifies the Short Term Rental.
15. The Short Term Rental shall have no more than one (1) rental contract during any consecutive seven (7) day period.
16. The owner or operator shall provide proof of liability insurance applicable to the rental activity at registration and renewal of at least one million dollars (\$1,000,000) underwritten by insurers acceptable to the City.
17. There shall be no outdoor amplified sound after 10:00 p.m. or before 10:00 a.m.
18. The maximum number of persons on the property after 11:00 p.m. and before 7:00 a.m. ("Overnight Lodgers") shall be two (2) individuals per bedroom.
19. To the extent permissible under state law, interconnected smoke detectors (which may be wireless), a fire extinguisher and, where natural gas or propane is present, carbon monoxide detectors, shall be installed in each Short Term Rental.

*Further conditions may be required during the administration of applicable City Ordinances and Standards. Any site plan submitted with this application may require revision during detailed site plan review to meet all applicable City Codes and Standards. All applicable permits required by the City Code, including those administered by the Department of Planning / Development Services Center and Department of Planning / Permits and Inspections Division, and the issuance of a Certificate of Occupancy, are required before any approvals allowed by this application are valid.*

*The applicant is encouraged to contact and work with the Crime Prevention Office within the Police Department for crime prevention techniques and Crime Prevention Through Environmental Design (CPTED) concepts and strategies as they pertain to this site.*

## Public Outreach Information

### Planning Commission

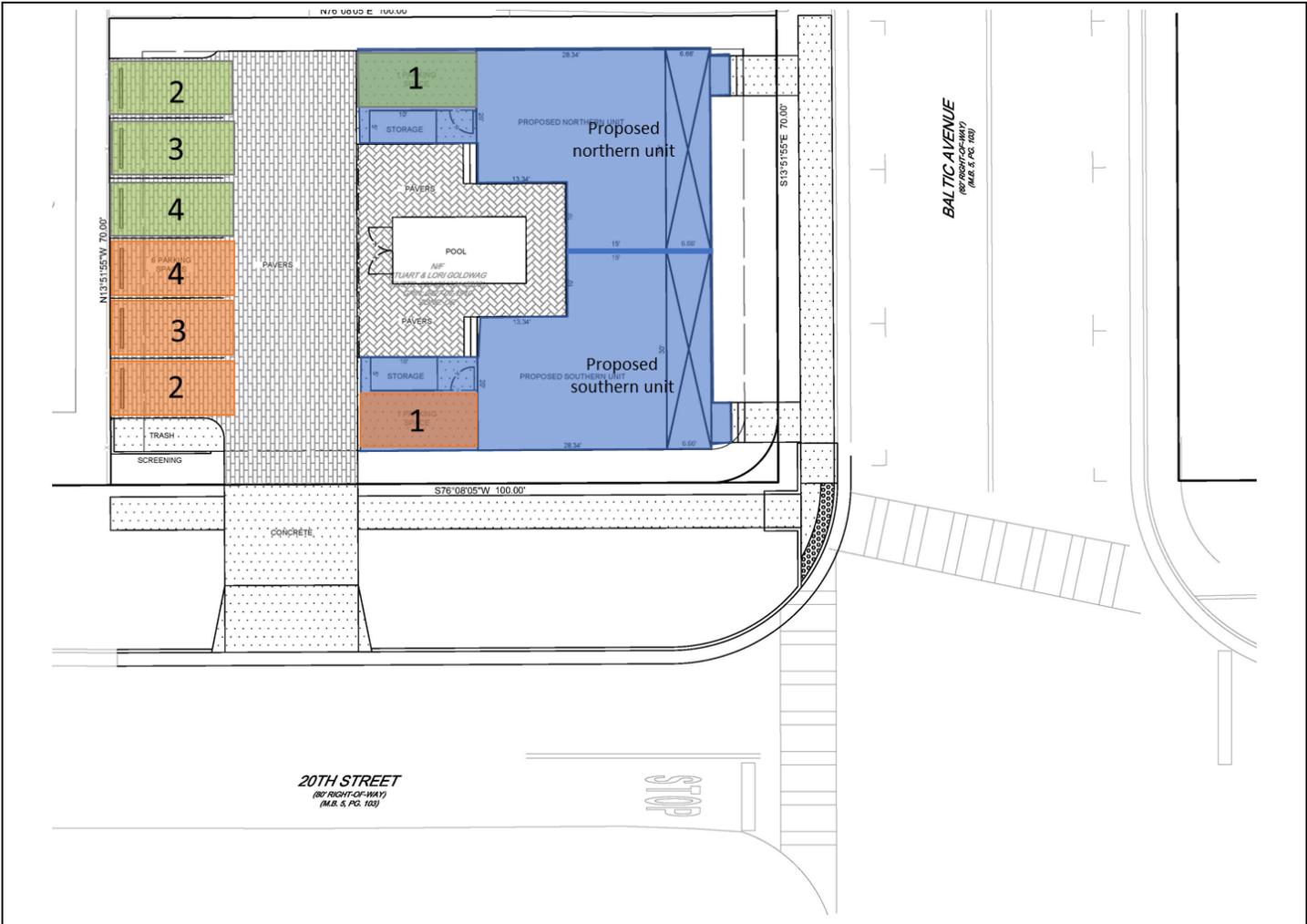
- The applicant reported that they met with the surrounding property owners, and no objections were raised. 1 letter of opposition and 3 letters of support have been received by Staff relating to this request.
- As required by the Zoning Ordinance, the public notice sign(s) was placed on the property on August 10, 2020.
- As required by State Code, this item was advertised in the Virginia Pilot Beacon on Sundays, August 23, 2020, and August 30, 2020.

- As required by City Code, the adjacent property owners were notified regarding the request and the date of the Planning Commission public hearing on August 24, 2020.
- This Staff report, as well as all reports for this Planning Commission's meeting, was posted on the Commission's webpage of [www.vbgov.com/pc](http://www.vbgov.com/pc) on September 3, 2020.

### **City Council**

- As required by State Code, this item was advertised in the Virginian-Pilot Beacon on Sundays, October 4, 2020, and October 11, 2020.
- As required by City Code, the adjacent property owners were notified regarding both the request and the date of the City Council's public hearing on October 5, 2020.
- The City Clerk's Office posted the materials associated with the application on the City Council website of <https://www.vbgov.com/government/departments/city-clerk/city-council/Documents/BookmarkedAgenda.pdf> on October 16, 2020.

# Site Layout & Parking Plan



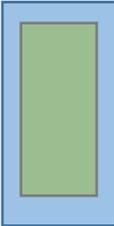
9' x 18' marked parking space



9' x 18' marked parking space



9' x 18' area within a carport/open-covered area



9' x 18' area within a carport/open-covered area

Site Photos



2002 Baltic Avenue

Site Photos



Site Photos



# Design Inspirations

## ROW HOUSE DESIGN PROPOSAL FOR 2002 BALTIC AVE.



FRONT EXTERIOR

## INSPIRATION

FRONT EXTERIOR



## MORE REALISTIC DESIGN

FRONT EXTERIOR



## INSPIRATION

BACK EXTERIOR



BACK EXTERIOR



# Architectural Renderings



SD101  
CONCEPTUAL DESIGN FOR  
ALTRUISTIC DESIGN  
DATE: 8/4/2020

CONCEPTUAL DESIGN FOR  
**CRESCENT COURT**  
2002 BALTIC AVENUE, VIRGINIA BEACH, VIRGINIA 23451  
ALTRUISTIC DESIGN



SD102  
CONCEPTUAL DESIGN FOR  
ALTRUISTIC DESIGN  
DATE: 8/4/2020

CONCEPTUAL DESIGN FOR  
**CRESCENT COURT**  
2002 BALTIC AVENUE, VIRGINIA BEACH, VIRGINIA 23451  
ALTRUISTIC DESIGN

Signage does not appear to be in compliance with the City Zoning Ordinance (CZO). If a sign is used, it must comply with Appendix A of the CZO.



**APPLICANT'S NAME** Stuart & Lori Goldwag

**DISCLOSURE STATEMENT FORM**

The completion and submission of this form is required for all applications that pertain to City real estate matters or to the development and/or use of property in the City of Virginia Beach requiring action by the City Council or a board, commission, or other body appointed by the City Council. Such applications and matters include, but are not limited to, the following:

Acquisition of Property by City	Disposition of City Property	Modification of Conditions or Proffers
Alternative Compliance, Special Exception for	Economic Development Investment Program (EDIP)	Nonconforming Use Changes
Board of Zoning Appeals	Encroachment Request	Rezoning
Certificate of Appropriateness (Historic Review Board)	Floodplain Variance	Street Closure
Chesapeake Bay Preservation Area Board	Franchise Agreement	Subdivision Variance
Conditional Use Permit	Lease of City Property	Wetlands Board
	License Agreement	

The disclosures contained in this form are necessary to inform public officials who may vote on the application as to whether they have a conflict of interest under Virginia law.

**SECTION 1 / APPLICANT DISCLOSURE**

FOR CITY USE ONLY / All disclosures must be updated two (2) weeks prior to any Planning Commission and City Council meeting that pertains to the application(s).

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<input type="checkbox"/>	APPLICANT NOTIFIED OF HEARING	DATE:	09-15-2020 WM
<input type="checkbox"/>	NO CHANGES AS OF	DATE:	10-07-2020 WM
<input type="checkbox"/>	REVISIONS SUBMITTED	DATE:	

William Miller / *William Miller* 10-07-2020



Check here if the **APPLICANT IS NOT** a corporation, partnership, firm, business, or other unincorporated organization.

Check here if the **APPLICANT IS** a corporation, partnership, firm, business, or other unincorporated organization.

(A) List the Applicant's name: Stuart & Lori Goldwag  
If an LLC, list all member's names:

If a CORPORATION, list the the names of all officers, directors, members, trustees, etc. below: *(Attach list if necessary)*

(B) List the businesses that have a parent-subsidiary <sup>1</sup> or affiliated business entity <sup>2</sup> relationship with the Applicant: *(Attach list if necessary)*

See next page for information pertaining to footnotes <sup>1</sup> and <sup>2</sup>



**SECTION 2 / PROPERTY OWNER DISCLOSURE**

*Complete Section 2 only if property owner is different from Applicant.*

Check here if the **PROPERTY OWNER IS NOT** a corporation, partnership, firm, business, or other unincorporated organization.

Check here if the **PROPERTY OWNER IS** a corporation, partnership, firm, business, or other unincorporated organization, **AND THEN**, complete the following.

(A) List the Property Owner's name: \_\_\_\_\_  
If an LLC, list the member's names:

\_\_\_\_\_



If a Corporation, list the names of all officers, directors, members, trustees, etc. below: *(Attach list if necessary)*

- (B) List the businesses that have a parent-subsiary <sup>1</sup> or affiliated business entity <sup>2</sup> relationship with the Property Owner: *(Attach list if necessary)*

<sup>1</sup> "Parent-subsiary relationship" means "a relationship that exists when one corporation directly or indirectly owns shares possessing more than 50 percent of the voting power of another corporation." See State and Local Government Conflict of Interests Act, Va. Code § 2.2-3101.

<sup>2</sup> "Affiliated business entity relationship" means "a relationship, other than parent-subsiary relationship, that exists when (i) one business entity has a controlling ownership interest in the other business entity, (ii) a controlling owner in one entity is also a controlling owner in the other entity, or (iii) there is shared management or control between the business entities. Factors that should be considered in determining the existence of an affiliated business entity relationship include that the same person or substantially the same person own or manage the two entities; there are common or commingled funds or assets; the business entities share the use of the same offices or employees or otherwise share activities, resources or personnel on a regular basis; or there is otherwise a close working relationship between the entities." See State and Local Government Conflict of Interests Act, Va. Code § 2.2-3101.

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**SECTION 3. SERVICES DISCLOSURE**

Are any of the following services being provided in connection with the subject of the application or any business operating or to be operated on the Property. If the answer to any item is YES, please identify the firm or individual providing the service: IF THE OWNER AND APPLICANT ARE DIFFERENT, EACH MUST COMPLETE THE SECTION SEPERATELY



**APPLICANT**

YES	NO	SERVICE	PROVIDER (use additional sheets if needed)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Accounting and/or preparer of your tax return	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Architect / Landscape Architect / Land Planner	Jeremy Maloney
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Contract Purchaser (if other than the Applicant) - identify purchaser and purchaser's service providers	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Any other pending or proposed purchaser of the subject property (identify purchaser(s) and purchaser's service providers)	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Construction Contractors	TBD
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Engineers / Surveyors/ Agents	Gaddy Engineering Services, LLC
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Financing (include current mortgage holders and lenders selected or being considered to provide financing for acquisition or construction of the property)	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Legal Services	R. Edward Bourdon, Jr., Esq.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Real Estate Brokers / Agents/Realtors for current and anticipated future sales of the subject property	Erik Polumbo

**SECTION 4. KNOWN INTEREST BY PUBLIC OFFICIAL OR EMPLOYEE**

YES	NO	Does an official or employee of the City of Virginia Beach have an interest in the subject land or any proposed development contingent on the subject public action?
<input type="checkbox"/>	<input checked="" type="checkbox"/>	

If yes, what is the name of the official or employee and what is the nature of the interest?

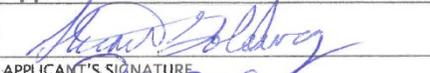
# Disclosure Statement



**CERTIFICATION:**

I certify that all of the information contained in this Disclosure Statement Form is complete, true, and accurate.

I understand that, upon receipt of notification that the application has been scheduled for public hearing, I am responsible for updating the information provided herein two weeks prior to the Planning Commission, Council, VBDA meeting, or meeting of any public body or committee in connection with this Application.

	Stuart Goldwag	6/25/20
APPLICANT'S SIGNATURE	PRINT NAME	DATE
	Lori Goldwag	6/25/2020

## Next Steps

- Upon receiving a recommendation from Planning Commission, this request will be scheduled for a City Council public hearing. Staff will inform the applicant and/or their representative of the date of the hearing in the upcoming days.
- Following City Council's decision, the applicant will receive a decision letter from Staff.
- Once the conditions of approval are in place and/or completed, the applicant must contact the Zoning Division of the Planning Department to obtain verification that the conditions have been met. Contact the Zoning Division at 757-385-8074.
- If the request requires land disturbance and/or a subdivision of property, please contact the Development Services Center (DSC) to discuss next steps for site plan/plat review. Contact the DSC at 757-385-4621 or the Development Liaison Team at 757-385-8610.
- Please note that further conditions may be required during the administration of applicable City Ordinances and Standards. Any site plan submitted with this application may require revision during detailed site plan review to meet all applicable City Codes and Standards. All applicable permits required by the City Code, including those administered by the Department of Planning / Development Services Center and Department of Planning / Permits and Inspections Division, and the issuance of a Certificate of Occupancy, are required before any approvals allowed by this application are valid.
- The applicant is encouraged to contact and work with the Crime Prevention Office within the Police Department for crime prevention techniques and Crime Prevention Through Environmental Design (CPTED) concepts and strategies as they pertain to this site.