

**PUBLIC COMMENTS**  
**Focus Group on Rental Housing Near the College**  
**February 26<sup>th</sup>, 2009**

Received on: 2.20.09

Natalie Miller-Moore  
304 Watson Drive  
City of Williamsburg

With regard to the policy of residents in rental housing in Williamsburg, I have to draw on my own experience living in a college town as a student. I understand that the laws / policies are made to protect the interests of the city, but generalizations of the town about the students tend to be overreaching. As a college student living with 2-3 other women, we were good citizens. We parked where we were supposed to, never let gatherings get out of control, kept our apartment clean, picked up litter, etc. We would have lived in a house, but there were similar policies there prevented us from finding an affordable one.

No matter what the outcome, please keep in mind that all college students are not the same. Many of them will do just as well whether there are 3 residents or 4 residents. And on the same note, some of them won't. I realize this is one of the challenges of governing a college town, but I ask for some even handed consideration for those college students whose financial status will be affected -- splitting the rent 4 ways is cheaper than 3!

Sincerely,

Natalie Miller Moore  
BGSU Class of '99

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Classification: **UNCLASSIFIED**

Caveats: NONE

Focus Group Members,

Thank you for your participation on this panel to deal with such an important issue. I have a question and have included City members since they will most likely be needed to answer it.

From last week's presentation: "[rental property is the limitation on the number of unrelated people who may occupy a single family residence (Sec. 2-2 definition of family – "A number of persons, not exceeding three, living and cooking together as a single housekeeping unit though not related by blood, adoption, marriage or guardianship"))]"

There's also guidelines in the City zoning code on the number of rental bedrooms in single-family detached dwellings to roomers and visitors, which I've copied below. My question has to do with properties that are purchased (by parents, who don't reside there and have a different address for tax purposes) for their child/student to live in while attending school, and have other students living there as well. I am aware of one situation like this in my neighborhood, where there are generally four cars parked near the home on a regular basis. Based on the below information, which zoning code would apply here, the 3-unrelated person rule, or special use permit required for rental of more than one roomer?

Something to be aware of and consider, since this is probably another zoning area that may be difficult to enforce.

Sec. 21-605. Rental of bedrooms in single-family detached dwellings to roomers and visitors.

(a) *Intent*. These regulations are established to allow the rental of bedrooms to roomers and visitors in single-family detached dwellings while at the same time preserving the residential character of the neighborhoods in which the dwellings are located. To these ends, bedroom rentals are limited to owner-occupied dwellings. Rentals to roomers, being largely residential in character, are allowed throughout residential districts; rentals to visitors, being more commercial in character, are allowed only along specified major streets to avoid bringing increased traffic and congestion by nonresidents into residential districts. In addition, rentals to visitors are limited to a minority of the single-family detached dwellings on the specified streets, with greater restrictions placed on the minor corridors, in order to ensure that all of the corridors maintain their residential character.

(b) *Owner-occupied single-family detached dwelling defined*.

(1) For the purpose of this section, a single-family detached dwelling shall be deemed "owner-occupied" only so long as it is regularly occupied by:

a. An adult individual who owns at least a 50 percent undivided fee simple interest in such dwelling and the lot upon which it is located and regularly occupies said dwelling as his or her principal place of residence; or

b. The stockholders of at least 51 percent of the individual outstanding voting stock of a corporation, chartered in the Commonwealth of Virginia, or the members of a limited liability company chartered in the Commonwealth of Virginia, who own the controlling interest therein, which corporation or limited liability company owns full fee simple title to the dwelling and the lot on which it is located.

(2) Ownership shall be established as follows:

a. Record ownership of fee simple title shall be certified by an attorney-at-law duly licensed to practice in the Commonwealth of Virginia, and shall be based upon examination of the land records in the Clerk's Office for the Circuit Court of the City of Williamsburg and County of

James City made not earlier than the day before delivery of the certification to the zoning administrator. Such certification shall be in form acceptable to the city attorney.

b. The identity of stockholders of a corporation and members of a limited liability company shall be established by affidavit of all stockholders or members in form satisfactory to the city attorney.

Such affidavit shall state that said stockholders of the majority interest of the corporation, or the majority of the members of the limited liability company, regularly occupy the dwelling as their primary residence.

c. On the first business day of each January following the issuance of the special exception, the ownership and occupancy of the dwelling and lot, if unchanged, shall be established as follows:

1. In the case of individual ownership, by affidavit of the owner or owners originally identified in the attorney's title certification furnished in connection with the permit application;

2. In the case of corporate ownership, the corporation's continued full fee simple ownership and the identity of the controlling stockholders shall be established by the affidavit of the president of the corporation and the continued occupancy of the dwelling and lot as the principal residence of the controlling stockholders shall be established by their affidavits; or

3. In the case of ownership by a limited liability company, the company's continued ownership of full fee simple ownership, the fact that the members previously identified as owning control of the limited liability company continue to do so and that all of said members continue to occupy the dwelling and lot as their primary residence shall be established by their affidavits.

d. If a change in fee simple ownership of the dwelling and lot has occurred since the last annual certification, than [then] the current fee simple ownership shall again be established by certificate of a duly licensed attorney-at-law based upon examination of the land records in the Clerk's Office of the Circuit Court for the City of Williamsburg and the County of James City. In such case, the identity of controlling stockholders, in the case of a corporation or controlling members, in the case of limited liability company and the facts regarding occupancy shall be established by affidavits as provided in section 21-605(b)(2)c. above.

e. Should ownership, control or occupancy of a dwelling for which a special exception has been issued at any time fail to meet the requirements of this section 21-605(b), and if compliance has not been achieved within 60 days of the zoning administrator's notice of noncompliance, then the special exception shall become null and void.

**(c) Rental of one bedroom to one roomer. The rental of one bedroom to one roomer shall be allowed by right, subject to the following:**

(1) Rentals shall be limited to owner-occupied single-family detached dwellings.

(2) The furnishing of meals for compensation to such rental occupant by a member of the family is also permitted.

(3) No additional off-street parking shall be required.

(4) Applicable provisions of the Uniform Statewide Building Code, and all other applicable laws and regulations, shall be met.

**(d) Rental of bedrooms to more than one roomer. The rental of bedrooms to more than one roomer shall be contingent upon approval as a special exception use by the board of zoning appeals in accordance with section 21-97(f), and subject to the following:**

(1) Rentals shall be limited to owner-occupied single-family detached dwellings.

(2) No more than two bedrooms in the principal dwelling may be rented to roomers.

(3) No persons other than members of the immediate family residing on the premises shall be involved in the rental of the permitted bedroom(s).

(4) The furnishing of meals for compensation to permitted occupants by a member of the family is also permitted.

(5) No more than two roomers shall occupy a bedroom at the same time, unless otherwise reduced by the requirements of the Uniform Statewide Building Code and all other applicable laws and regulations.

Sharon Baker

Classification: **UNCLASSIFIED**

Caveats: NONE