

**Zoning Board of Appeals  
October 25, 2023, Regular Meeting**

**STAFF REPORT-ADMINISTRATIVE APPEAL**

**Subject: ZBA 23-0025: 111 Longman Lane**

**Summary:**

Tansy Degen, property owner, has filed an administrative appeal regarding Section 5.33.6 Nonconforming Short-Term Rental-Non-Principal Residence and Section 5.32.1 (D) Nonconforming Use. The owner requests to re-establish a short-term rental (less than 30 days) use at the subject property. The Certificate of Compliance expired on January 29, 2022, which exceeds the one year discontinuance period. The applicant was denied a short-term rental license on August 24, 2023, and is appealing the decision of the Manager of Rental Housing Services.

**Background:**

The subject property is located north of Jackson Avenue between Longman Lane and Veterans Park in the Arborview neighborhood. The home was built in 1929 and is approximately 924 square feet in size.

**Description:**

The three bedroom four occupant rental home has a current Certificate of Compliance that was applied for on July 10, 2023, and approved on August 14, 2023. The previous Certificate of Compliance expired on January 29, 2022. Approximately, 18 months passed between the expiration of the two Rental Registration certificates. Ms. Degen claims to have been operating a short-term rental home prior to the certificate expiring on January 29, 2022, but ceased operating the business due to COVID-19.

City Council adopted a new Short-Term Rental License ordinance in March of 2021 and amended it to specifically allow short-term (less than 30 days) rentals that are not owner occupied in residentially zoned districts if the business was in operation prior to May 23, 2021. A short-term rental (STR) property that was in operation was required to apply for the STR license to obtain their nonconforming status with the Rental Housing Department. Ms. Degen failed to comply with the above requirements and therefore does not meet the nonconforming status to operate an STR as the one year period has expired and the proper certificate was not obtained. Ms. Degen is permitted to operate a rental home, but it cannot be leased for periods of less than 30 days.

Supporting evidence and documentation has not been supplied by the appellant other than the attached email and photos that you have received.

**Section 5.31 Purpose Statement**

It is the intent of this Article VI to recognize that the eventual elimination, as expeditiously as is reasonable, of existing uses or Structures that are not in conformity with the provisions of this chapter is as much a subject of health, safety, and welfare as is the prevention of the establishment of new uses that would violate the provisions of this chapter. It is also the intent of this Article VI that any elimination of Nonconforming Uses or Nonconforming Structures shall be effected so as to avoid any unreasonable invasion of established private property rights.

Zoning Board of Appeals  
October 25, 2023

**Section 5.32.1 Nonconforming Use**

A Nonconforming Use may be continued and shall be maintained in good condition, but it shall not be:

D. Re-established after discontinuance for a period of at least one year.

**Short-Term Rental – Non-Principal Residence**

Any Dwelling Unit that is not the owner's Principal Residence and is rented wholly or partly for compensation for periods of 30 consecutive days or less.

**Section 5.33.6 Nonconforming Short-Term Rental – Non-Principal Residence<sup>1</sup>**

A Non-Principal Residence Short-Term Rental lawfully established in a Residential Zoning District prior to March 1, 2021, shall be considered a legal nonconforming use and may continue and be maintained subject to Section 0.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Jon Barrett".

**Jon Barrett**  
**Zoning Coordinator**

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<sup>1</sup> Ordinance No. ORD-21-12, effective May 21, 2021.