

Attachment A - Staff Analysis

STAFF PERSON: Lea Brumfield, Senior Planner II
BOARD OF SUPERVISORS: September 20, 2023
PROJECT: SE202300024 3585 Stockton Road Homestay
PROPERTY OWNER: Patricia Lynn Dell
LOCATION: 3585 Stockton Road
PARCEL ID: 07400-00-00-008F0
MAGISTERIAL DISTRICT: Samuel Miller

APPLICANTS'S PROPOSAL:

The applicant is requesting to increase from two to three the number of guest rooms used for sleeping with a homestay use on a Rural Areas parcel of less than five acres. (Attachment B).

County Code § 18-5.1.48(c)(1)(iii) permits a total of up to two guest rooms used for sleeping on Rural Areas parcels of less than five acres.

CHARACTER OF THE PROPERTY AND AREA:

The 2.01-acre property is located off Taylor's Gap Road, near Blandemar Drive. The parcel is largely forested, and is surrounded by other residential-use parcels of a similar size, also largely forested. The primary dwelling is an approximately 1500 square foot split level home built in 1978. The uppermost level contains three bedrooms, the primary living space is located on the ground floor, and an additional bedroom and family room are located on the lowest level.

The nearest neighboring dwelling is approximately 160 feet northeast, at 3535 Stockton Road. The next nearest neighboring dwelling is approximately 190 feet west, at 3605 Stockton Road.

PLANNING AND ZONING HISTORY:

The owner is currently in violation of the zoning ordinance (ZVIO202300370) due to operating a homestay without a zoning clearance. In addition, as of 8/28/23, the owner was advertising the use of three guest rooms for unhosted stays. Though this special exception would permit the owner to pursue a three-guest room homestay zoning clearance, unhosted stays are not permitted on Rural Areas properties of less than five acres, and there is no available avenue to permit the property to hold unhosted stays.

ABUTTING PROPERTY OWNER COMMENTS

On August 21, 2023, staff received a telephone call from the northeast neighbors at 3545 Stockton Road, expressing concerns over the currently unpermitted homestay, asserting that the applicant does not remain on the property during rentals, and that the rental of three bedrooms permits up to six guests to stay on the property. The concerned neighbors also forwarded a letter expressing these concerns on August 23, 2023 (Attachment D).

COMPREHENSIVE PLAN:

The property is designated as Rural Area in the Comprehensive Plan. This designation includes preservation and protection of agricultural, forestal, open space, and natural, historic, and scenic resources. The Rural Area chapter of the Comprehensive Plan recognizes tourism as a vital part of the County's economy but urges that care be taken with tourist activities so that they do not overwhelm or negatively affect the very resources that make rural Albemarle attractive to residents and tourists. Staff does not believe that the proposed special exception would conflict with these overall goals of the Comprehensive Plan.

FUTURE COMPLIANCE

The applicant would be required to meet all other homestay requirements of the County Code, including parking, safety inspections/building code, neighbor notification of emergency contact, and addressing. These requirements, along with conditions of approval, would be verified through the zoning clearance process, which would follow special exception approval. At the time of the zoning clearance site inspection, if the property were not in compliance, the zoning clearance would be denied.

Given the neighbor's concerns over unhosted stays, the current advertisement of the property as a whole house rental, and the active violation, staff has concerns regarding future compliance.

ANALYSIS OF THE SPECIAL EXCEPTION REQUEST:

Special exceptions are subject to County Code § 18-33.5, under which the Board may either approve or deny an application, defer action to allow for changes prior to final action, or refer the application to the Planning Commission.

County Code §18-5.1.48(d)(3) provides that among other relevant factors, in granting homestay special exceptions, the Board may consider whether:

- (i) *There would be any adverse impact(s) to the surrounding neighborhood;*
- (ii) *There would be any adverse impact(s) to the public health, safety, or welfare;*
- (iii) *The proposed special exception would be consistent with the Comprehensive Plan and any applicable master or small-area plan(s); and*
- (iv) *The proposed special exception would be consistent in size and scale with the surrounding neighborhood.*

Staff's opinion is that permitting three guest rooms for a homestay would not cause adverse impacts to the surrounding neighborhood or to the public health, safety, or welfare. As an accessory use to a residential dwelling, the proposed use would be consistent with the Comprehensive Plan, and as the structure is already in existence, it is consistent in size and scale with the surrounding neighborhood.

As a land use determination, staff believes that permitting a third guest room for sleeping with the homestay use at 3585 Stockton Road is supported by the relevant factors above.

RECOMMENDATION:

Staff recommends that the Board adopt the attached resolution (Attachment G) to permit a third guest room for sleeping with the homestay at 3585 Stockton Road.

ATTACHMENTS

- A. Staff Analysis
- B. Applicants' Proposed Homestay
- C. County Code § 18-5.1.48 Homestay Zoning Regulations
- D. Letter From Abutting Neighbor
- E. Location Map
- F. Parking and Structures Location Exhibit
- G. Resolution