

Attachment A - Staff Analysis

STAFF PERSON: Lea Brumfield, Senior Planner II
BOARD OF SUPERVISORS: September 7, 2022
PROJECT: SE202200036 5600 Turkey Sag Road Homestay
PROPERTY OWNER: 5600 Turkey Sag Road LLC
LOCATION: 5600 Turkey Sag Road
TAX MAP PARCEL: 04900-00-00-024A0
MAGISTERIAL DISTRICT: Rivanna

APPLICANTS'S PROPOSAL:

This application was originally scheduled for August 3, 2022, but has been postponed to September 7, 2022. The applicant is seeking a zoning clearance special exception to permit a resident manager to fulfil the residency requirements for a homestay use. (Attachment B).

County Code § 18-5.1.48(b)(2) requires at least one individual owner of the homestay parcel to reside on the subject parcel for a minimum of 180 days in a calendar year. As the property is owned by the business entity 5600 Turkey Sag Road LLC, the property must have a resident manager in order to be eligible for homestays. The applicant is requesting a waiver to allow the beneficial owner of the LLC to serve as a resident manager for 5600 Turkey Sag Road LLC. The parcel contains one dwelling.

CHARACTER OF THE PROPERTY AND AREA:

The 370-acre property is located north of Cismont, and is surrounded on all sides by large, forested, hilly parcels. The parcel contains one dwelling, located near the center of the parcel, a minimum of ½ mile from the parcel boundaries on all sides. The closest dwelling is approximately 1700 feet from the proposed homestay, and located on a parcel owned by the same entity. (Attachment D)

The existing dwelling at 5600 Turkey Sag Road, proposed for use as a homestay, is approximately 12,937 square feet, and was built in 2009. The property is held under a conservation easement.

PLANNING AND ZONING HISTORY:

The property is currently in compliance with zoning and taxation/licensing regulations.

ABUTTING PROPERTY OWNER COMMENTS

Staff had received no comments or concerns about the proposed homestay special exception as of July 20, 2022.

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. The homestay is proposed within an existing dwelling and surrounded on all sides by heavily forested, mountainous topography, with approximately 1,000 feet of dense vegetation on the subject parcel.

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.

Under County Code § 18-5.1(a), the Board of Supervisors may modify or waive a supplementary zoning regulation upon a finding that the applicable requirement would not forward the purposes of the Zoning Ordinance or otherwise serve the public health, safety, or welfare or that a modified regulation would satisfy the purposes of the Zoning Ordinance to at least an equivalent degree as the applicable requirement. In addition, County Code §18-5.1.48(d)(3) identifies the following factors for consideration, as to 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 a homestay use within the existing dwelling 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 dwelling is already in existence, it is consistent in size and scale with the surrounding neighborhood. The use itself is permitted by-right, and if the parcel were held by the beneficial owner of the 5600 Turkey Sag Road LLC, instead of the LLC itself, the use would not require this special exception.

The applicant will 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, are verified through the zoning clearance process, which would follow special exception approval. At that time, staff would require proof of residency from the proposed resident manager.

RECOMMENDATION:

Staff recommends that the Board adopt the attached resolution (Attachment F) to approve a Homestay special exception to permit a resident manager to fulfil the residency requirements for a homestay use at 5600 Turkey Sag Road.

ATTACHMENTS

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