

## **Attachment A - Staff Analysis**

**STAFF PERSON:** Lea Brumfield, Senior Planner II  
**BOARD OF SUPERVISORS:** August 3, 2022  
**PROJECT:** SE202200023 Broadhead Cottage Homestay  
**PROPERTY OWNER:** Ralph K or Charlotte B Dammann  
**LOCATION:** 3950 Lonesome Mountain Road  
**TAX MAP PARCEL:** 06400-00-00-01400  
**MAGISTERIAL DISTRICT:** Rivanna

### **APPLICANTS'S PROPOSAL:**

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. The applicants are requesting a waiver to authorize a resident property-managing agent to fulfil the residency requirement in lieu of residing on the parcel themselves. The parcel contains two dwellings, one of which would be occupied full-time, and the other of which would serve as a homestay.

### **CHARACTER OF THE PROPERTY AND AREA:**

The 173-acre property is located in a mountainous area of Cismont, and is surrounded on all sides by large, forested, hilly parcels. Both abutting parcels closest to the proposed homestay are owned jointly by one of the applicants and an additional family member, and other parcels owned by the applicant and her family about those to the south. The closest dwelling to the proposed homestay, other than the second dwelling on the parcel to be occupied by a resident manager, is 0.94 miles from the proposed homestay location. (Attachment D)

The existing dwelling at 3950 Lonesome Mountain Road, proposed for use as a homestay, is approximately 1800 square feet, and was built in 2011. The resident manager's dwelling at 3948 Lonesome Mountain Road is approximately 1800 square feet, and was built in 2005.

### **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 on a parcel buffered by parcels held by the applicant's family, and surrounded on all sides by heavily forested, mountainous topography.

### **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.

Additionally, the applicant has noted that the steep, private road access to this dwelling makes the proposed homestay location unsuitable for year-round occupancy.

The applicants 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, and would also do a site visit to the proposed resident manager's dwelling and the homestay location.

### **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 3950 Lonesome Mountain Road.

### **ATTACHMENTS**

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