

Attachment A - Staff Analysis

STAFF PERSON: Lea Brumfield, Senior Planner II
BOARD OF SUPERVISORS: February 2, 2022
PROJECT: SE202100046 2558 Old Lynchburg Road Homestay
PROPERTY OWNER: Paul and Patricia Neuroth
LOCATION: 2558 Old Lynchburg Road
TAX MAP PARCEL: 10000-00-00-033E1
MAGISTERIAL DISTRICT: Samuel Miller

APPLICANTS'S PROPOSAL:

The applicants are seeking a zoning clearance special exception to permit the use of an accessory structure built after August 7, 2019. (Attachment B).

County Code § 18-5.1.48(j)(2)(ii) allows homestay uses on Rural Areas (RA) parcels over five acres to be located in accessory structures built on or before August 7, 2019. The applicants are requesting a waiver to construct an accessory structure for a homestay use in lieu of converting an existing accessory structure built prior to August 7, 2019. The existing structure is currently in use as a workshop, and the applicants would be able to construct a new workshop accessory structure by right.

CHARACTER OF THE PROPERTY AND AREA:

The 30.52-acre property is located at 2558 Old Lynchburg Road, and is surrounded by heavily wooded parcels and pastures. The applicants' single family dwelling and existing accessory structure were built in 1989-1990, and are screened on all sides by dense trees. The proposed homestay accessory structure would also be shielded by a minimum of 200 feet of trees on all sides (Attachment D).

The proposed homestay accessory structure location would meet all setback requirements.

PLANNING AND ZONING HISTORY:

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

ABUTTING PROPERTY OWNER COMMENTS

The notice to abutting property owners was mailed on December 13, 2021. Staff has not received any inquiries or concerns as of January 14, 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 the homestay use will conflict with these overall goals of the Comprehensive Plan.

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.

Though the Board is not required to make specific findings in support of its action, County Code §18-5.1.48(i)(2) identifies the following factors for consideration:

- (i) *There is no detriment to any abutting lot; and*
- (ii) *There is no harm to the public health, safety, or welfare.*

Staff's opinion is that permitting the construction of a new accessory structure on a lot with an existing, eligible accessory structure would not cause either (i) detriment to any abutting lot or (ii) harm to the public health, safety, or welfare. This proposed structure would not be located on or near critical slopes or waterways, and the overall development impact would be identical to that of the applicants converting their existing workshop structure for use as a homestay and building a new workshop accessory structure. Conversion of the existing workshop structure and construction of a new workshop would be by-right, and would only require a Homestay Zoning Clearance and any required building permits.

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.

RECOMMENDATION:

Staff recommends that the Board adopt the attached resolution (Attachment E) to approve a Homestay special exception, subject to the following conditions:

1. Parking for homestay guests must meet the setbacks required for homestays.
2. Homestay use is limited to the existing structures as currently configured or in the general location of the proposed homestay site as depicted on the Proposed Homestay Site exhibit dated November 11, 2021.

ATTACHMENTS

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