

Attachment A - Staff Analysis

STAFF PERSON: Lea Brumfield, Senior Planner II
BOARD OF SUPERVISORS: February 1, 2023
PROJECT: SE202200066 Estouteville Homestay
PROPERTY OWNER: K Holdings LLC
LOCATION: 5500 Estouteville Farm
PARCEL ID: 11200-00-00-030A0
MAGISTERIAL DISTRICT: Scottsville

APPLICANTS'S PROPOSAL:

The applicant is seeking a zoning clearance special exception to permit a resident manager to fulfill 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 K Holdings LLC, the property must have a resident manager in order to be eligible for homestays. The applicant is requesting a waiver to allow the resident and managing member of the LLC, L. Kutner, to act as "resident manager" for K Holdings LLC.

CHARACTER OF THE PROPERTY AND AREA:

The 16.79-acre property is located in the southern part of the County, just north of Plank Road, and is surrounded by forested parcels, and agricultural operations. The parcel contains four dwellings and multiple outbuildings and farm buildings.

The house at 5500 Estouteville Farm is the primary dwelling, and was built in approximately 1820. The second and third dwellings on the property, proposed for use as a homestay, are a "cottage" of approximately 1,433 square feet, and a "cabin" of approximately 1,024 square feet. The final "dwelling" on the property is a very small, 308 square foot structure. The nearest dwelling not owned by K Holdings LLC is 15,000 feet from the proposed homestay locations.

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 January 11, 2023.

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.

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) 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 dwellings 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 beneficiary of the K Holdings, instead of the LLC itself, the use would not require this special exception. Additionally, as noted by the applicant, the structures are not appropriate for long-term residential use as currently configured on the property.

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 fulfill the residency requirements for a homestay use at 5500 Estouteville Farm.

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