

Attachment A - Staff Analysis

STAFF PERSON: Lea Brumfield, Senior Planner II
BOARD OF SUPERVISORS: April 17, 2024
PROJECT: SE202300042 3074 Doctors Crossing Homestay
PROPERTY OWNER: Leslie Martina Durr
LOCATION: 3074 Doctors Crossing
PARCEL ID: 04700-00-00-047J0
MAGISTERIAL DISTRICT: Rivanna

APPLICANTS'S PROPOSAL:

The applicant is requesting authorization for 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. The property is owned by Ms. Leslie Martina Durr, but is currently occupied by Mr. Eric Hurt, the son of Ms. Durr. This application is requesting a special exception to permit Mr. Hurt to serve as a resident agent for Ms. Durr.

CHARACTER OF THE PROPERTY AND AREA:

The 65-acre property is located in Stony Point, just west of Rt. 20. The property is partially forested and partially hayed, and is held in agricultural land use. The primary dwelling on the parcel, a 2,655 sf home built in 1976 at 3074 Doctors Crossing, is Mr. Hurt's primary residence.

The house is 576 feet from the closest property boundary, and 786 feet from the nearest neighboring residential structure. The next nearest neighboring residential structure is 870 feet from the house.

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 March 29, 2024.

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) 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 authorizing a resident manager for Ms. Durr 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. The existing structure is consistent in size and scale with the surrounding neighborhood. Mr. Hurt lives on the property full-time, and has a vested interest in the continued care of his family's 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.

RECOMMENDATION:

Staff recommends that the Board adopt the attached resolution (Attachment G) to approve a Homestay special exception to authorize a resident manager to fulfill the residency requirements for a homestay use at 3074 Doctors Crossing.

ATTACHMENTS

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