

Attachment A - Staff Analysis

STAFF PERSON: Rebecca Ragsdale, Principal Planner
BOARD OF SUPERVISORS: March 17, 2021
PROJECT: SE202000026 The Little Homestead Homestay
PROPERTY OWNERS: Bianca and Thomas King
LOCATION: 754 Woodlands Road
TAX MAP/PARCEL: 04400-00-00-012G0
MAGISTERIAL DISTRICT: Jack Jouett

APPLICANT'S PROPOSAL:

The applicant is seeking a homestay zoning clearance and special exception to allow for the rental of one guest room within the existing house. (Attachment B). Because the property is less than five acres, the proposed homestay is limited to no more than two guest rooms. The zoning ordinance regulations found in County Code §18-5.1.48 (Attachment C) require a minimum yard of 125' from all property lines for parking and structures used for a homestay in the RA zoning district. County Code §18-5.1.48 allows that setback to be reduced if a special exception is approved by the Board and after notice has been provided to abutting property owners.

The existing house and parking used for the homestay are less than 125' from side property lines. The house is approximately 40' from side property lines to the south and west, and parking is approximately 20' from side property lines.

ZONING AND PLANNING HISTORY:

This lot was created by a county approved subdivision plat in 1978. The existing house was built in 1980. A shed was constructed in 1982. A garage with storage space above it was constructed in 2010. A Home Occupation Class A was approved in 1993 for massage therapy. That business is no longer in operation.

CHARACTER OF THE AREA:

The property is 3.32 acres and contains one residence. There are also two accessory structures, including a garage with storage space above it located behind the house to the northwest and a shed located to the southeast of the house. The home is situated approximately 550' from Woodlands Road with the driveway extending that length along the two parcels situated to the east and west of the parcel. The parcel is what is commonly referred to as a "flag lot." Surrounding properties are 2-3 acres and developed residentially. The nearest neighboring homes are more than 300' feet away. The property is wooded along the property line shared with the abutting property to the south. A row of evergreen trees is planted in front of the parking area along the western property line. Parking for homestay guests is located in front of the home. (Attachments D and E)

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 care that tourist activities not overwhelm or negatively affect the very resources that make rural Albemarle attractive to residents and tourists. Staff does not believe the Homestay use would conflict with these overall goals of the Comprehensive Plan. The Homestay is proposed within an existing structure and is an accessory use to the residence. It is not expected to cause impacts to the Rural Area and is supportive of tourism in Albemarle.

ABUTTING PROPERTY OWNER COMMENTS:

Notice to abutting property owners was mailed on January 29, 2021. Staff received a response from two abutting owners, one of which had only general questions about homestays. The second had questions and concerns unrelated to the homestay that have been addressed. Also, they had concerns about the use of the space above the garage for a homestay. The homestay will not be located in that structure but in the existing home. There is no objection to rental of one guest room in the existing home.

ANALYSIS OF THE SPECIAL EXCEPTION REQUEST:

Special exceptions are subject to approval by the Board under County Code § 18-33.49:

Sec. 33.49 - Action by the Board of Supervisors.

The Board of Supervisors shall act on an application for a special exception as follows:

- A. *Action.* The Board may either approve the application, deny the application, or defer action to either allow changes to be made to the application or any proposed conditions prior to final action by the Board, or to refer the matter to the Commission for further consideration and recommendation within the time for an action provided in subsection (D).
- B. *Factors to be considered.* In acting on a special exception, the Board shall consider the factors, standards, criteria, and findings, however denominated, in the applicable sections of this chapter, provided that the Board shall not be required to make specific findings in support of its action.
- C. *Conditions.* In approving a special exception, the Board may impose reasonable conditions to address any possible impacts of the special exception. Except as the Board may specify in a particular case, any condition imposed on a special exception shall be deemed to be essential and nonseverable from the special exception itself. Any condition determined to be unreasonable, invalid, void, or unlawful shall invalidate the special exception.
- D. *Time for action.* The Board shall act on an application for a special exception within 90 days after the application is determined to be complete. The 90-day period may be extended if the applicant requests a deferral pursuant to [Section 33.52](#).

Under County Code §18-5.1.48(i)(2), special exceptions may be granted after notice to abutting property owners upon consideration of the following factors:

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

Pursuant to County Code §18-33.49(B), the Board is not required to make specific findings in support of its action. The Board may approve, approve with conditions, deny, or defer this application. Staff's opinion is that authorizing the homestay use of up to one guest room with reduced setbacks from the side property lines would not cause detriment to abutting lots or cause harm to the public health, safety, or welfare. This opinion is based on several factors favorable, including the unique characteristics of the homestay property, such as the landscape screening. Staff believes that limiting the homestay to one guest room, which is less than the two allowed by-right, would further limit the potential for noticeable activity on the property. Staff believes that this condition would be appropriate given how the proposed homestay would be situated in relation to the abutting parcel. The application meets all other requirements of the County Code (including parking, safety inspection, and addressing).

RECOMMENDATION:

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

1. Parking for homestay guests is limited to the existing parking areas, as depicted on the Parking and House Location Exhibit dated February 21, 2021.
2. Homestay rental is limited to one guest room within the existing house, as depicted on the Parking and House Location Exhibit dated February 21, 2021.
3. The existing screening, as depicted on the Parking and House Location Exhibit dated February 21, 2021, must be maintained, or equivalent screening that meets the minimum requirements of County Code § 18-32.7.9.7(b)-(e) must be established and maintained.

ATTACHMENTS:

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