

**Albemarle County Planning Commission
September 4, 2018**

The Albemarle County Planning Commission held a public hearing on Tuesday, September 4, 2018, at 6:00 p.m., at the County Office Building, Lane Auditorium, Second Floor, 401 McIntire Road, Charlottesville, Virginia.

Members attending were Tim Keller, Chair; Pam Riley, Vice Chair; Julian Bivins, Daphne Spain; Karen Firehock, Bruce Dotson, Jennie More and Luis Carrazana, UVA representative. Ms. Firehock arrived at 6:02 p.m.

Other officials present were David Hannah, Natural Resource Manager; Andrew Knuppel, Planner; Andrew Gast-Bray, Assistant Director of Community Development/Director of Planning; Bob Crickenberger, Director of Parks; David Benish, Chief of Planning; Sharon Taylor, Clerk to Planning Commission and Andy Herrick, Assistant County Attorney.

Call to Order and Establish Quorum

Mr. Keller, Chair, called the regular meeting to order at 6:02 p.m. and established a quorum.

Public Hearings

PROJECT: SP-2018-00010 Art Studio (Painting) (Andrew Knuppel)

MAGISTERIAL DISTRICT: Samuel Miller

TAX MAP/PARCEL: 09000000000100

LOCATION: 790 Old Lynchburg Road, Charlottesville, VA 22903

PROPOSAL: Home Occupation to allow an art studio in an existing accessory structure instead of inside the home. Outside visitors are expected on a limited basis with no greater than 3 open studio events per year.

PETITION: Home occupation, Class B per Section 13.2.2(9) (reference 5.2) of the Zoning Ordinance.

ZONING: R-1 Residential - 1 unit/acre

ENTRANCE CORRIDOR (EC): Yes.

OVERLAY DISTRICT(S): Flood Hazard Overlay District

COMPREHENSIVE PLAN: Neighborhood Density Residential – residential (3-6 units/acre); supporting uses such as places of worship, schools, public and institutional uses and small-scale neighborhood serving retail and commercial, and Parks and Green Systems – parks, playgrounds, play fields, greenways, trails, paths, recreational facilities and equipment, plazas, outdoor sitting areas, natural areas, preservation of stream buffers, floodplains and steep slopes adjacent to rivers and streams in Neighborhood 5 in the Southern Urban Neighborhood.

(Andrew Knuppel)

Andrew Knuppel presented a PowerPoint presentation to summarize the staff

report. This is a request for a special use permit for a Class B Home Occupation within an accessory structure in a residential zoning district. For some context since it does not appear there has been a request of this type in almost eight years the Board approved a zoning text amendment in early 2011 allowing the use of accessory structures for home occupations by right in the rural areas zoning district; however, a special use permit is still required for accessory structures in a residential zoning district, which is why you are seeing this application tonight.

Mr. Knuppel said the site in question is a 18.65 acre parcel zoned R-1, Residential with frontage on Old Lynchburg Road, containing the residue of the Tudor Grove Estate. It is surrounded by the Mosby Mountain development across the street from the Southwood Mobile Home Park and the future Biscuit Run Park. The bulk of the property was added to the development area in 2015 although it has been zoned R1 since 1980 with the comprehensive rezoning and despite being surrounded by development it is still fairly rural in nature and has wooded frontage on a rural section of Old Lynchburg Road. The main house is in the center with a circular rail fence along it and the driveway to the studio or the accessory structure run along the north property line.

Mr. Knuppel said the proposal is for an art studio within an accessory structure as the applicant is a painter and occasional visitors are anticipated by invitation only to discuss the proposed art work or pick up a piece that they have purchased. The expected volume would be well below what would be allowed in a by-right Class A, Home Occupation. There would be about one visitor every two weeks and maybe as many as three on a rare busy week. Additionally the applicant requests permission to host infrequent open studio events up to three per year at a four-month interval although it will likely only be one per year near the holiday season. Staff expects that the character of this event will be consistent with an Artisan Trail, a seasonal art show event, an open house or other kind of gathering at a private residence. Such an event will be held on one or two days with no outdoor amplified sound. The applicant on their application mentioned that the hours anticipated would be no earlier than 12 p.m. and no later than 8 p.m.

Mr. Knuppel said while a formal community meeting was not held for the application, staff did provide an opportunity to ask questions and get information at the Fifth and Avon Street CAC meeting in July. During the meeting and review of the application staff heard a couple of concerns from abutting property owners about visual impacts and traffic from the driveway usage. The Commission has received some of their comments over the past week in an email format. A few photos show the general character of the driveway and if you look at the map, the arrow shows the direction the photo is facing. Mr. Knuppel pointed out this is near the front where you turn off from the main house and you see the fence and the house kind of landscaped there on the left and a wooded buffer on the right. Mr. Knuppel noted this is facing towards the house at 1659 Hubert Court - again, if you move a little further along on the road you might be able to see back in the photos a little bit of the house back in there at 1659. Again, moving further down the

driveway you start to see a clearing on the left and the same wood buffer on the right. Next, is the parking area near the studio facing towards 1671 and you cannot really see the house in there but it provides context of the entirety of the driveway. Despite this, the applicant has been working with abutting property owners to have discussions with them in how to move forward with this. Staff believes that potential conditions of approval could mitigate some of the impacts and due to the infrequency of the open studio events do not anticipate significant impacts arising from headlights or such with their limitation of the hours and the conditions.

Staff recommends approval of this request with the conditions as listed below.

1. The home occupation shall be conducted entirely within the studio structure.
2. No outdoor amplified sound shall be permitted in accordance with the home occupation.
3. Visitors shall be permitted by invitation only. The traffic generated by the home occupation shall not exceed more than seven (7) vehicle round trips per week, with the exception of open studio events.
4. Visitors may be permitted up to six (6) days per week between the hours of 7:00 a.m. and 8:00 p.m.
5. No more than three (3) open studio events shall be allowed per calendar year. An open studio event may be held between 10:00 a.m. and 8:00 p.m. on a single day.
6. The traffic generated by an open studio event shall not exceed more than thirty-five (35) vehicle round trips per event. Vehicles shall not be parked along the driveway to the studio shown in the Concept Plan in Attachment C of the staff report.

Mr. Knuppel noted that condition 2 reiterates that no outdoor amplified sound is proposed. He said that condition 3 mirrors the current administrative policy for a by right Class A Home Occupation for regular traffic no more than seven trips per week. He said we do not expect that the applicant will come close to this with the exception of open studio events. He said that visitors are permitted up to 6 days per week from 7:00 a.m. to 8:00 p.m. and this is in line with the current regulations for a rural home occupation and that currently is not a requirement in the Code so we are adding this in there for consistency.

Mr. Knuppel said condition 5 the open studio events no more than 3 per year that we are counting each day separately so if the applicant were to participate in a studio tour. He noted the Artesian Studio Tour is what we looked at and if they were going to do Saturday and Sunday, they would count as two of the events so there are three allotted per year to be held between 10:00 a.m. and 8:00 p.m. on a single day. The applicant requested 12 p.m. to 8:00 p.m. but we changed it slightly to accommodate participation in one of the studio tours and the hours we saw were 10 a.m. to 5 p.m. so it is to provide flexibility. He said we do not anticipate that it would run for ten hours.

Mr. Knuppel said finally, we did put a cap on the vehicle round trips per event at 35 and felt that this would be spread over 7 hours since we would not expect all people to come out at once and felt comfortable recommending this. He said we also added a condition that vehicles would not be parked along the driveway of the studio again to help mitigate some of the visibility impacts on the neighbors. He

noted that the motions are on the slide and he would be happy to answer questions.

Mr. Keller invited questions for the applicant.

Ms. Firehock asked how staff arrived at the 35 vehicle trips per day.

Mr. Knuppel replied that we looked at a couple of comparable uses and just kind of eyeballed what we felt would be a comfortable recommendation for us. He said we looked at the major home occupations in the rural area zoning district and they allow 10 per day or 30 per week, but there is a determination that open houses are allowed with this. He said staff felt that it was lower and also looked at what we currently allow for an agricultural operation under 21 acres with a zoning clearance, which allow up to 50 trips per day and with that so we picked a middle point in there. He said that again we do not have the enforcement capabilities to have someone out there counting cars so we operate on a complaint driven basis and feel that this provides a reasonable number given the size of the parking area and the expected length of time that each person would be there to accommodate this.

Ms. Firehock said to follow up you obviously looked at the current studio tour that goes on in the county once a year and she had gone on that but was curious if you have data from them and is that a reasonable amount that only 35 teams or groups would visit a studio.

Mr. Knuppel replied that we do not have data on the attendance for such an event but we did speak with the applicant about what she would expect for one of her own open studio events separated from that. He said there is another question in there about how we are accommodating a studio tour and we want to make sure the hours are consistent with them.

Mr. Bivins asked if staff was suggesting a limit on the number of vehicles that are able to park in that location as shown on the slide.

Mr. Knuppel replied that it looks like there are about four vehicles in there and there is a field next to it as well. He said the main limitation of parking was to avoid this driveway area for vehicles parked directly along there in sight of the other houses.

Mr. Bivins asked if there would not be a prohibition to parking on the field to the left of the structure, and Mr. Knuppel replied no that there was additional parking area by the main house as well.

Mr. Dotson said he was curious about that parking area that you said is sized to accommodate about four vehicles for the artist and invited guests that could be up to 35 guests that would not be there at the same time so they would park on the grass perhaps to the south or the bottom of the driveway.

Mr. Knuppel replied yes, potentially along the grass area or by the main house and the guests can walk up from there.

Mr. Dotson said that is an existing parking lot, and Mr. Knuppel replied yes.

There being no further questions, Mr. Keller opened the public hearing and invited the applicant to come forward and speak.

Ms. Abby Kasonik, resident at 790 Old Lynchburg Road, said she had been a professional artist in Charlottesville for about 15 years and my studio is generally very quiet. She said as Andrew said she had had a week where there were three people there but that has only happened once in maybe 5 years and was applying for three open studios during the year but have only ever had one in the last 10 or 15 years. Ms. Kasonik said that now she was represented by Laseo Demon Gallery and has exhibitions scheduled with them and on years when she has public exhibitions she does not plan to have a studio event at all. She said that most of the time that her neighbors would not notice and hopes to be a nice neighbor since the studio events are planned to be relatively infrequent. Ms. Kasonik said she would be happy to answer questions.

Mr. Keller invited questions for the applicant.

Mr. Dotson said since he had not seen the studio is there a patio or a seating area outside.

Ms. Kasonik replied that the thing you cannot see in this picture is there is a back door on the far side with a little patio area but most of the time people coming into the studio are inside unless they are walking from their car.

Mr. Dotson asked do you intend to do any teaching, and Ms. Kasonik replied no.

Mr. Dotson said the first condition says shall be conducted entirely within the studio structure and the question to the staff is might you ever want to be outside and painting. He asked how we interpret entirely within.

Mr. Kasonik replied yes that she walks around the yard sometimes with a sketchpad, but the not the visitors to the studio.

Mr. Dotson said the question then is to staff in terms of that first condition conducted entirely within.

Mr. Knuppel said that he would refer to the County Attorney on the specifics of that, but the intent of this was that all events and visitors would be within the studio or not be in outside attendance.

Mr. Herrick said that he thinks the language of the condition is meant to mimic

the standards that is provided in the County Code. He said the County Code speaks to home occupations as being entirely conducted within either the dwelling or in this case entirely within the dwelling or the accessory structure. He said the condition is again just repeating the same standard that exists in the County Code.

Mr. Dotson said that it would not prohibit the artist from painting in her own yard.

Ms. More said there was one picture of the driveway and it sounds like you may not even have the events three times a year but she just wondered is the traffic pretty staggered because she just wondered about a car meeting another car leaving.

Ms. Kasonik replied that was one thing that we did talk about in going on this road and then looping in through our driveway and going in the driveway closer to the house and going out so that people did not meet each other. She said it is a one-way road for the majority of it but near the house, we could potentially make a loop so not to go in our neighbor's yards and that is one thing we talked about with our neighbors.

Ms. Spain said she just wondered if you have decided whether you will be part of that Artisan's Trail weekend because this might make you eligible.

Ms. Kasonik replied that it does not really appeal to me.

Mr. Keller invited public and applicant comment. Hearing none, he closed the public hearing to bring it back for discussion and action.

Mr. Dotson asked does a special use permit run with the land or with the applicant and if this applicant were to move to a larger studio at some point in the future and sold the property would the new artist require an additional special use permit or does this say forever more that can be an artist studio.

Mr. Herrick replied that the special use permit runs with the land.

Ms. Riley said a follow-up question on that is that it runs with the land but then these conditions would all apply and the use would need to be restricted to an art studio.

Mr. Herrick replied yes, that is correct and why we suggested that any sort of special use permit conditions be crafted with such care because they apply not only to the current owner but they would apply to future owners as well. He said if a subsequent owner were also an artist, these same conditions would apply to that individual as well.

Mr. Keller said he sent a question this morning to Andrew, Amelia McCulley and Greg Kamptner asking about whether this is a topic and he does not want to get

into it now because we can do it under new business. He said the question is whether this is something when we are looking at ZTA's that could be handled administratively because it seems to me that there is kind an implied performance standard that you have been working from. He said if we are trying to think about where we need to have the meeting focused and where we do not it seems to me that what we see here is an example of something that might be handled internally. He said under new business he would ask that question and see what the director has to say on it. He asked if there was a motion.

Ms. Firehock moved to recommend approval of SP-2018-00010 Art Studio (Painting) with the conditions outlined in the staff report.

Ms. More seconded the motion.

Mr. Keller invited further discussion. Hearing none, he asked for a roll call.

The motion passed by a vote of 7:0.

Mr. Keller said the request would be forwarded to the Board of Supervisors with the Planning Commission's recommendation for approval on a date to be determined.

The meeting moved to the next item.