

Attachment A - Staff Analysis

STAFF PERSON: Rebecca Ragsdale, Principal Planner
BOARD OF SUPERVISORS: December 2, 2020
PROJECT: SE202000012 Awen Retreat
PROPERTY OWNER: Linda Ross Geiger
LOCATION: 669 Gillums Ridge Road
TAX MAP/PARCEL: 05700-00-00-081Q0
MAGISTERIAL DISTRICT: Samuel Miller

APPLICANT'S PROPOSAL:

The applicant is seeking a homestay zoning clearance and special exception that would include the rental of up to two guest rooms within the existing house. (Attachment B). The property is less than five acres, so it 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 used for the homestay is less than 125' from Gillums Ridge Road (120'+/-') and the southern property line (75'+/-). The house and parking comply with the 125' setback from all other property lines.

CHARACTER OF THE AREA:

The property is 3.94 acres and is located less than a quarter-mile from Three Notch'd Road. The property is a long pie-shaped lot with Gillums Ridge Road traversing the property and the Buckingham Branch railroad running along the rear property line. Much of the lot is wooded, including surrounding the house and pool. The nearest homes are located more than 200 feet away on properties across the road and to the south. (Attachment D-Location Map)

PLANNING AND ZONING HISTORY:

The single-family dwelling was constructed on this property in 1984.

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 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. The homestay is proposed within an existing residential neighborhood and is an accessory use to the residence. It is not expected to cause impacts to the RA or change the residential character of the neighborhood.

ADJACENT PROPERTY OWNER COMMENT:

Notice of this special exception request was mailed to abutting property owners on November 2, 2020. Staff has not received any objections or concerns regarding the request to-date.

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](#).

According to 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.*

According to County Code §18-33.49(B), the Board is not required to make specific findings in support of its action. Staff's opinion is that authorizing the homestay use of up to two guest rooms with reduced setbacks from the front and southern 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. The parcel is wooded along the property lines, and berms adjacent to abutting properties provide additional screening. Guest rooms and parking for homestay rental would be located to the lot's rear and opposite side from abutting neighbors. Based on this location, the house itself also provides screening of guest areas. The application will meet all other requirements of the County Code (parking, safety inspection, 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 November 5, 2020.
2. The existing vegetative buffer/berm located along the southern property line, as depicted on the Parking and House Location Exhibit dated November 5, 2020, 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