

Attachment A - Staff Analysis

STAFF PERSON: Lea Brumfield, Senior Planner II
BOARD OF SUPERVISORS: November 17, 2021
PROJECT: SE202100035 2247 Frays Mill Homestay
PROPERTY OWNER: Adam and Lynn Schwenk
LOCATION: 2247 Frays Mill Road
TAX MAP PARCEL: 02000-00-00-01610
MAGISTERIAL DISTRICT: White Hall

APPLICANTS'S PROPOSAL:

The applicants are seeking a zoning clearance special exception to reduce the minimum required yards for a homestay use within the two existing dwellings. (Attachment B).

County Code § 18-5.1.48(j)(2)(v) requires homestay parking and structures on Rural Areas (RA) parcels over five acres to have a minimum yard of 125' from any abutting lot not under the same ownership. The applicants are requesting to reduce the required 125-foot northern side setback to 115 feet +/- and the southern side setback to 20 feet +/- to conduct a homestay in the dwellings. The parking for the homestay use is located in the existing parking area adjacent to the home. The structures and parking comply with all other required minimum yards.

CHARACTER OF THE PROPERTY AND AREA:

The 5.01-acre property is located at 2247 Frays Mill Road, in a heavily wooded area of large residential parcels and working farms. The applicants currently reside in a renovated barn on the northern side of the property, and wish to initially conduct a homestay in the existing cottage on the southern side of the property. However, they have requested a special exception for the side setbacks from both the renovated barn and the cottage, as they may move from the renovated barn into the cottage in future.

The nearest house to either of the existing structures is located 363 feet +/- feet away from the cottage, and the next nearest house is located 370 feet +/- from the cottage. The cottage was built in 1978, and the barn was renovated into a dwelling in 2020. The property does retain sufficient development rights for both dwellings. Dense, mature vegetation surrounds the existing structures, providing screening on all sides of the property (Attachment E).

PLANNING AND ZONING HISTORY:

The property is currently in compliance with zoning and taxation/licensing regulations.

ABUTTING PROPERTY OWNER COMMENTS

The notice to abutting property owners was mailed on October 7, 2021. Staff had not received any objections or concerns regarding the proposed special exception as of October 27, 2021.

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 the homestay use will conflict with these overall goals of the Comprehensive Plan. The homestay is proposed within existing structures.

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.

Though the Board is not required to make specific findings in support of its action, County Code §18-5.1.48(i)(2) identifies the following factors for consideration:

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

Staff's opinion is that reducing the setbacks from the northern and southern property lines for a homestay use within the existing dwellings would not cause either (i) detriment to any abutting lot or (ii) harm to the public health, safety, or welfare.

The applicants 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 F) to approve a Homestay special exception, subject to the following conditions:

1. Parking for homestay guests must continue to meet the setbacks required for homestays.
2. Homestay use is limited to the existing structures as currently configured and depicted on the House and Parking Location Exhibit dated October 27, 2021, or in additional structures or additions meeting the setbacks required for homestays.
3. The existing screening, as depicted on the House and Parking Location Exhibit dated October 27, 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. Applicants' Proposed Homestay
- C. County Code § 18-5.1.48 Homestay Zoning Regulations
- D. Location Map
- E. House and Parking Location Exhibit
- F. Resolution