

Attachment A - Staff Analysis

STAFF PERSON: Lea Brumfield, Senior Planner II
BOARD OF SUPERVISORS: July 19, 2023
PROJECT: SE202300018 6925 Jarmans Gap Road Homestay
PROPERTY OWNER: Kelly Turkey USA LLC
LOCATION: 6925 Jarmans Gap Road
PARCEL ID: 05400-00-00-02600
MAGISTERIAL DISTRICT: White Hall

APPLICANTS'S PROPOSAL:

The applicant is seeking a zoning clearance special exception to permit a resident agent 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, provided that by special exception, the Board of Supervisors may authorize the residency of a property-managing agent to meet this requirement. As the property is owned by the business entity Kelly Turkeys USA LLC, the property must have a resident agent in order to be eligible for homestay use. The applicant is requesting a waiver to allow the primary beneficiary of the LLC, Judd Culver, to act as the resident agent for Kelly Turkeys USA LLC.

CHARACTER OF THE PROPERTY AND AREA:

The 106.36-acre property west of Crozet in Jarmans Gap. The rear of the parcel is forested, and borders other forested parcels. The front of the parcel is an active agricultural operation, and contains multiple agricultural and residential structures. The parcels bordering the front of the parcel are agricultural and residential. The primary dwelling on the parcel, a 3,330 square foot home built in 1875 at 6921 Jarmans Gap Road, is Mr. Culver's primary residence. The homestay is proposed for a two-bedroom, 584 square foot cottage at 6925 Jarmans Gap Road.

The cottage is 271 feet from the property boundary, and 652 feet from the nearest neighboring residential structure not owned by Kelly Turkeys USA LLC. The next nearest neighboring residential structure is 1,110 feet from the cottage.

PLANNING AND ZONING HISTORY:

The property is currently in violation of the zoning ordinance by operating a homestay without a zoning clearance (ZVIO2022-00440). The approval of this special exception would permit the property to come into compliance by pursuing a homestay zoning clearance.

ABUTTING PROPERTY OWNER COMMENTS

Staff had received no comments or concerns about the proposed homestay special exception as of June 30, 2023.

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 permitting Mr. Culver to act as resident agent for Kelly Turkeys USA LLC 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. This existing structure also is consistent in size and scale with the surrounding neighborhood. The LLC manager, Mr. Culver, lives on the property full-time, and operates an agricultural operation on the property. If Mr. Culver owned the property in his own name, the use would be by-right, but he has stated that he holds the property under an LLC to reduce liability.

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 F) to approve a Homestay special exception to permit a resident agent to fulfill the residency requirements for a homestay use at 6925 Jarmans Gap Road.

ATTACHMENTS

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