

Attachment A - Staff Analysis

STAFF PERSON: Lea Brumfield, Senior Planner II
BOARD OF SUPERVISORS: May 4, 2022
PROJECT: SE202200013 Ivy Rose Teahouse Homestay
PROPERTY OWNER: Lloyd Byron Burk III or Mary Ann J Burk
LOCATION: 5715 Ivy Road
TAX MAP PARCEL: 05700-00-00-05500
MAGISTERIAL DISTRICT: Samuel Miller

APPLICANTS'S PROPOSAL:

The applicant is seeking a zoning clearance special exception to permit a resident manager to fulfill the residency requirement for a homestay. (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. The applicants are requesting a waiver to authorize a resident property-managing agent to fulfil the residency requirement in lieu of residing on the parcel themselves. The property owners reside on the abutting parcel (Parcel ID Number 05700-00-00-081J0), and are requesting that their adult son, who resides on Parcel ID Number 05700-00-00-05500, be permitted to serve as resident manager on this parcel.

CHARACTER OF THE PROPERTY AND AREA:

The 3.15-acre property is located at 5715 Ivy Road, Charlottesville, VA, and is located at the intersection of Three Notch'd Road and Rockfish Gap Turnpike. To the east of the property is the parcel occupied by the owners. The owners also own the parcel east of that, where they run a Craft and Gift Shop approved by Special Use Permit. To the south are large, forested residential parcels. The aforementioned state roads border the parcel to the north and west. The parcel contains a one-bedroom residential dwelling (5715 Ivy Road) as well as an accessory structure with a bedroom and a bathroom (5721 Ivy Road). The applicant has indicated that the resident manager would remain on the property in the accessory structure during homestay rentals of the 5715 Ivy Road dwelling (Attachment D).

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 April 1, 2022. Staff received no comments or concerns about the proposed homestay.

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. The homestay is proposed within an existing dwelling and on a parcel well buffered from neighboring dwellings.

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(d)(3) identifies the following factors for consideration, as to 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 a homestay use within the existing dwelling 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, and consistent in size and scale with the surrounding neighborhood. Additionally, as the homestay is proposed for an existing dwelling, and the resident manager would be residing in an accessory structure during rentals, the special exception would not decrease the number of dwellings available for occupancy.

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 meet the requirements for homestays as outlined in County Code § 18-5.1.48(b) (Attachment C).
2. The existing screening, as depicted on the Parking and Structures Location Exhibit dated April 14, 2022, 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. Parking and Structures Location Exhibit
- F. Resolution