

## **Attachment A - Staff Analysis**

**STAFF PERSON:** Lea Brumfield, Senior Planner II  
**BOARD OF SUPERVISORS:** February 2, 2022  
**PROJECT:** SE202100049 598 Merrie Mill Farm Homestay  
**PROPERTY OWNER:** Elizabeth Pelly,  
Trustee of the Elizabeth W Pelly Revocable Living Trust  
**LOCATION:** 598 Merrie Mill Farm  
**TAX MAP PARCEL:** 06500-00-00-084B1  
**MAGISTERIAL DISTRICT:** Rivanna

### **APPLICANTS'S PROPOSAL:**

The applicant is seeking a zoning clearance special exception to reduce the minimum required yards for a homestay use within an existing dwelling. (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 applicant is requesting to reduce the required 125-foot front setback to 28 feet +/- from the northeastern property line and 36 feet +/- from the southeastern property line for a homestay and its accompanying parking. The parking for the homestay use is located in the existing parking area adjacent to the home. The structure and parking comply with all other required minimum yards. The two property lines subject to the proposed setback reduction border a property owned by Merrie Mill Farm LLC, a separate legal entity also controlled by the Trustee of the subject property.

### **CHARACTER OF THE PROPERTY AND AREA:**

The 42.34-acre property is located at 598 Merrie Mill Farm, in Keswick, VA, and is surrounded on three sides by a 371.13-acre parcel owned by the separate Merrie Mill Farm LLC. The two parcels together comprise Merrie Mill Farm, a farm winery operated and owned by the applicant. Over half of the 371.13-acre farm parcel is forested, and the rest comprises of fields, the farm winery itself, and grapevines.

Excluding a full-time rental property and the owner's dwelling, the nearest house to the proposed homestay is located 1810 feet +/- away, to the southwest, and the next nearest house is located 1903 feet +/- away, due east. The dwelling proposed to be used as a homestay was built in approximately 1754. Dense, mature vegetation surrounds the larger property on the eastern, western, and southern sides (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 December 16, 2021. Staff received two inquiries about the application, but no abutting property owners expressed concern over 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 the homestay use will conflict with these overall goals of the Comprehensive Plan. The homestay is proposed within an existing dwelling.

**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 for a homestay use within the existing dwelling 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 be located in the parking area shown on the House and Parking Location Exhibit dated January 14, 2022, or meet the setbacks required for homestays.
2. Homestay use is limited to the existing dwelling as currently configured and depicted on the House and Parking Location Exhibit dated January 14, 2022, or in additional structures or additions meeting the setbacks required for homestays.
3. If the existing screening, as depicted on the Location Map dated January 14, 2022, is not maintained, 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