

Attachment A - Staff Analysis

STAFF PERSON: Lea Brumfield, Senior Planner II
BOARD OF SUPERVISORS: September 4, 2024
PROJECT: SE202400014 6316 Estes Lane Homestay
PROPERTY OWNER: David Rickard and Susan Baker
LOCATION: 6316 Estes Lane
PARCEL ID: 01900-00-00-001C0
MAGISTERIAL DISTRICT: White Hall

APPLICANTS'S PROPOSAL:

The applicants are requesting authorization to use an accessory structure built after August 7, 2019 for a homestay use on a parcel greater than five acres in the Rural Areas zoning district. (Attachment B).

County Code § 18-5.1.48(c)(2)(ii) requires that on parcels of five acres or more in the Rural Areas zoning district, homestays must be conducted in a detached single-family dwelling, within its accessory apartment, or within an accessory structure built on or before August 7, 2019, provided that by special exception, the Board of Supervisors may authorize the homestay use of accessory structures built after August 7, 2019. The property is owned and occupied by Mr. David Rickard and Ms. Susan Baker. The owners currently live in an 880 square foot (sf) structure, and are in the process of building a 2,177 sf structure for use as their primary dwelling. After the 2,177 sf structure is completed, they intend to convert the 880 sf structure into an accessory structure.

CHARACTER OF THE PROPERTY AND AREA:

The 26.87-acre property is located north of Earlysville, in the unincorporated area of Dyke. The property is primarily forested, and is surrounded by forested, agricultural, and residential parcels. The property currently contains one 880 sf dwelling, which is the primary residence of the property owners. The owners have submitted a building permit for a 2,177 sf dwelling, and the permit is currently under review. Following completion of the 2,177 sf dwelling, the applicants intend to convert the 880 sf dwelling into an accessory structure by removing kitchen facilities from the structure (Attachment B).

The site of the existing 880 sf structure, proposed for use as a homestay, is approximately 659 feet from the closest neighboring dwelling, to the east, and approximately 907 feet from the next closest dwelling, to the west. Most of the parcel is wooded, and vegetation screens the site on all sides. The under-review 2,177 sf dwelling will sit approximately 150 feet from the 880 sf existing structure.

PLANNING AND ZONING HISTORY:

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

ABUTTING PROPERTY OWNER COMMENTS

Staff had received no comments or concerns about the proposed homestay special exception as of September 22, 2024.

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, or 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 authorizing use of an accessory structure built after August 7, 2019 for a homestay use 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. The conversion of the existing 880 sf dwelling into an accessory structure is by right, and only the use of the existing structure, newly converted from a dwelling into an accessory structure, necessitates a special exception.

Other requirements, including parking, safety inspections/building code, neighbor notification of emergency contact, and addressing, would be confirmed during review of the homestay clearance application.

RECOMMENDATION:

Staff recommends that the Board adopt the attached resolution (Attachment F) to approve the proposed special exception to use an accessory structure built after August 7, 2019 for a homestay use at 6316 Estes Lane.

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. Proposed Resolution