

Attachment A - Staff Analysis

STAFF PERSON: Lea Brumfield, Senior Planner II
BOARD OF SUPERVISORS: October 19, 2022
PROJECT: SE202200044 Vertical Acres Homestay
PROPERTY OWNER: Leonard Jason Lobo
LOCATION: 903 Hammocks Gap Road
PARCEL ID: 06300-00-00-04100
MAGISTERIAL DISTRICT: Rivanna

APPLICANT'S PROPOSAL:

The applicant is seeking a zoning clearance special exception to permit a resident manager to fulfil 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. The property is owned by Leonard Lobo, and he is requesting a waiver to permit his father, Peter Lobo, to serve as a resident manager for the property.

CHARACTER OF THE PROPERTY AND AREA:

The 92.87-acre property is located north of Keswick, on Hammocks Gap Road. The rear of the property is forested hills, and the property is surrounded on the other sides by residential and agricultural parcels. The closest neighboring residence is approximately 780 feet from the proposed homestay location, and the next closest residence is approximately 1000 feet from the proposed homestay location. The proposed homestay would be in the farmhouse surrounded by approximately 90 acres of pastureland, part of which would be rented out as a homestay (Attachment D).

The dwelling proposed for a homestay use at 903 Hammocks Gap Road is approximately 3,715 square feet, and was built prior to 1900. The additional structures on the property range between approximately 120 and 1,280 square feet in size, and were also built before 1900.

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 29, 2022.

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 is located on a large parcel screened from abutting parcels by existing mature vegetation.

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.

Under County Code § 18-5.1(a), the Board of Supervisors may modify or waive a supplementary zoning regulation upon a finding that the applicable requirement would not forward the purposes of the Zoning Ordinance or otherwise serve the public health, safety, or welfare or that a modified regulation would satisfy the purposes of the Zoning Ordinance to at least an equivalent degree as the applicable requirement. In addition, 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 second 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 as the dwelling proposed for use as a homestay is already in existence, and predates most of the development in the area, it is consistent in size and scale with the surrounding neighborhood. The homestay use itself is permitted by-right, and the property is occupied by a family member of the property owner.

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. At that time, staff would require proof of residency from the proposed resident manager.

RECOMMENDATION:

Staff recommends that the Board adopt the attached resolution (Attachment F) to approve a Homestay special exception to permit a resident manager to fulfil the residency requirements for a homestay use at 903 Hammocks 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