

## **Attachment A - Staff Analysis**

**STAFF PERSON:** Lea Brumfield, Senior Planner II  
**BOARD OF SUPERVISORS:** March 2, 2022  
**PROJECT:** SE202200001 Cove Lawn Homestay  
**PROPERTY OWNER:** Stephen and Deborah Davis  
**LOCATION:** 5574 Boaz Road  
**TAX MAP PARCEL:** 10800-00-00-007A1  
**MAGISTERIAL DISTRICT:** Samuel Miller

### **APPLICANTS' PROPOSAL:**

The applicants are seeking a zoning clearance special exception to reduce the minimum required yards for a homestay use within an existing dwelling, and potentially in two accessory structures. (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 feet from any abutting lot not under the same ownership. The applicants are requesting to reduce the required 125-foot front setback to 40 feet +/- from the northern front property line and 45 feet +/- from the western 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.

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

The 24.66-acre property is located at 5574 Boaz Road in Covesville, and is surrounded on three sides by a 233.09-acre parcel held under a conservation easement, which contains one dwelling over 500 feet away from the proposed homestay sites. The other parcels abutting the proposed homestay parcel across Boaz Road are used for forestry and a residence. The residence is 735 feet +/- from the proposed homestay site.

The property contains the owner's residence, the dwelling proposed for the homestay and multiple accessory structures. Dense, mature vegetation shields the proposed homestay from Boaz Road, and shields the accessory structures from the western boundary (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 January 20, 2022. Staff received one inquiry about the application, but the inquirer did not express 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 and potentially within existing accessory structures.

**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 February 8, 2022, or meet the setbacks required for homestays.
2. Homestay use is limited to the existing structure as currently configured and depicted on the House and Parking Location Exhibit dated February 8, 2022, or in additional structures or additions meeting the setbacks required for homestays.
3. The existing screening, as depicted on the House and Parking Location Exhibit dated February 8, 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. House and Parking Location Exhibit
- F. Resolution