

Attachment A - Staff Analysis

STAFF PERSON: Lea Brumfield, Senior Planner II
BOARD OF SUPERVISORS: June 18, 2025
PROJECT: SE202500009 4158 Millington Road Homestay
PROPERTY OWNER: EFG3 Holding LLC
LOCATION: 4158 Millington Road
PARCEL ID: 02900-00-00-022A1
MAGISTERIAL DISTRICT: White Hall

APPLICANTS'S PROPOSAL:

The applicant is requesting authorization to permit a resident property-managing agent to fulfill the occupancy requirements for a parcel of five acres or more in the Rural Areas district (Attachment B).

County Code § 18-5.1.48(b)(2) requires at least one individual owner of a homestay parcel to reside on the subject parcel. The applicant, Mr. Edward "Zeke" Galvin, is requesting a special exception to allow him to serve as a resident property-managing agent for EFG3 Holding LLC, which he holds as sole proprietor. Mr. Galvin previously lived two doors down, at 4196 Millington Road, but has indicated that he has moved to live on the property at 4158 Millington Road.

CHARACTER OF THE PROPERTY AND AREA:

The 6-acre property is located in Free Union, in an area comprised largely of agricultural and forested parcels. Directly abutting the parcel are two parcels owned by Mr. Galvin and his wife, Jennifer, which contain a horse barn and a single-family residence at 4184 Millington Road, and a single-family residence at 4196 Millington Road. Neighboring residential and agricultural parcels owned by different owners abut the subject parcel directly to the south and east.

The subject parcel contains a three-bedroom, 1,568-square-foot double-wide manufactured home constructed in 1987, located at 4158 Millington Road. The rear of the property contains a horse training field.

The single-family residence at 4184 Millington Road is a 1,100 square-foot, two-bedroom dwelling constructed in 1960.

The single-family residence at 4196 Millington Road is a 2,724 square-foot, three-bedroom dwelling constructed in 1972 and remodeled in 2007. Mr. Galvin resided in this residence with his wife until January 2025, when he indicates that he moved into the residence at 4158 Millington.

The next nearest dwelling not owned by Mr. Galvin is 180 feet from the proposed homestay location at 4144 Millington Road. The next nearest dwelling is 232 feet from the proposed homestay location at 4151 Millington Road.

PLANNING AND ZONING HISTORY:

The property was issued a zoning violation (ZVIO202300395) on 9/8/2023, for operating a homestay without a permit. After the listing was removed, the zoning violation was abated on 11/21/2024. The property is currently in compliance with taxation requirements.

ABUTTING PROPERTY OWNER COMMENTS

As of May 29, 2025, staff had received no comments or concerns from abutting owners.

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, 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 permitting the use of the existing dwelling for a homestay 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. This existing structure is consistent in size and scale with the surrounding neighborhood.

As a homestay use on a Rural Areas parcel of five or more acres, the owner would be permitted to offer unhosted stays for up to seven days per month, up to 45 days per year. The owner must keep a record of unhosted stays and present them to the Zoning Administrator upon request. Additionally, the resident property-managing agent for EFG3 Holdings LLC (presumably Mr. Galvin) is required to reside on the property for a minimum of 180 days per year as his primary residence. Mr. Galvin has indicated that he already resides on the subject property, but he has not indicated that his wife, Ms. Jennifer Galvin, has also moved to the property from their home at 4196 Millington Road.

If this special exception were approved, the applicant would be required to meet all homestay requirements of the County Code prior to operating a homestay. The homestay regulations to be met at that time include parking requirements, safety inspections, building code, neighbor notification of emergency contact, and visible addressing for Fire Rescue. These requirements are verified through the zoning clearance process, which follows the special exception approval.

The standard process for residential verification, which is conducted during the zoning clearance process, requires presentation of two forms of identification displaying the applicant's address, at least one of which must be a government-issued form of identification.

RECOMMENDATION:

Staff recommends that the Board adopt the attached resolution (Attachment F) to approve a special exception to permit a resident property-managing agent to fulfill the occupancy requirements at 4158 Millington 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