

Attachment A - Staff Analysis

STAFF PERSON: Rebecca Ragsdale, Principal Planner
BOARD OF SUPERVISORS: May 19, 2021
PROJECT: SE202100010 La Fourche
PROPERTY OWNERS: Leah Willey and Seth Chokel
LOCATION: 3555/3557 Keswick Road and 1061 East Keswick Drive
TAX MAP/PARCEL: 079A1-00-0A-00100
MAGISTERIAL DISTRICT: Rivanna

APPLICANTS' PROPOSAL:

The applicants are seeking a homestay zoning clearance and two special exceptions for a proposed homestay. The requests are (1) to allow the rental of up to five guest rooms within existing structures on their property and (2) to reduce the required 125' setbacks. (Attachment B).

1. **Increase the Number of Guest Rooms-** County Code § 18-5.1.48(j)(1)(iii) limits homestays on parcels of less than five acres in size to two guest rooms. The first special exception request is to increase the number of permitted guest rooms to five. The applicants propose to reside in the existing historic main house and rent rooms primarily in the existing guest cottages. They would also like the option of offering up to five guest rooms in the main house on busy weekends such as graduations or reunions, during which time cottage guest rooms would not be rented.
2. **Reduce Required Minimum Yards-** For homestay parking and structures on Rural Areas (RA) parcels, County Code § 18-5.1.48(j)(1)(v) requires a minimum yard of 125' from any abutting lot not under the same ownership. The second special exception request is to reduce the required 125' setbacks for two existing dwellings: 3555 Keswick Road and 1061 East Keswick Drive. A third structure, 3557 Keswick Road, already meets the required 125' setback. The main house is approximately 99' from the northeast property line along Keswick Road and approximately 88' from the southeast property line along East Keswick Drive. The cottage is approximately 43' from East Keswick Drive. All structures comply with the required 125' setback from the northeastern and southeastern property lines. There are four existing parking areas on the property. Two parking areas are located off of East Keswick Road, including a loop driveway in front of the main house and an area for one parking space in front of an existing cottage. The other parking areas are along the northeast property line and accessed from Keswick Drive.

CHARACTER OF THE PROPERTY AND AREA:

The property is located at the northeast corner of Keswick Road and East Keswick Drive and consists of 2.3 acres. The applicants also own the abutting lot to the northeast consisting of 0.93 acres. There is a historic Greek Revival main house (3555 Keswick Road) dating to the 1700s, along with two cottages referred to as the caretaker's cottage (1061 East Keswick Road) and smoke house (3557 Keswick Road). Parking is in several locations, including off of East Keswick Drive. The nearest neighboring homes are approximately 200' away to the south and southeast. There is existing vegetation along the northwestern and southwestern property lines, and a significant evergreen screen and buffer along the property to the southeast. (Attachments D and E)

PLANNING AND ZONING HISTORY:

Because of their age, the structures pre-date zoning requirements. The dwellings are legally non-conforming to the density and lot size regulations of the Rural Areas (RA) zoning district. However, all structures comply with current setback regulations for primary structures: 75' from Keswick Road, 25' from East Keswick Road, and 25' from side property lines.

The property has no zoning compliance or taxation/licensing compliance issues.

Although the property is not currently on the National or State Register Historic Sites, it is potentially eligible, and the Department of Historic Resources survey form includes the following information. The applicants indicate that the property has been used in the past for lodging.

The patents for the land on which La Fourche Tavern now stands can be traced as far back as 1730 to a Harvie Welsh who served as guardian to Thomas Jefferson on the death of his father, Peter. Jefferson later attempted unsuccessfully buy the land for his son-in-law. Welsh sold his land to John Everett who laid out the original tavern called Traveller's Grove. In 1860, La Fourche Tavern was bought by a Mr. Bowcock who extensively [sic] remodeled and added to the building, creating the structure as we recognise it today.

COMPREHENSIVE PLAN: The property is designated Rural Area in the Comprehensive Plan and also contains an historic resource. Relevant Comprehensive Plan strategies and objectives that support additional uses on a historic property are:

Historic, Cultural, and Scenic Resources

Strategy 2b: Continue to find ways for preservation of historic structures and sites to be financially viable for property owners. Rehabilitation, restoration, and maintenance of historic structures can be costly. These high costs combined with limited options for using historic properties, particularly in the Rural Areas where the majority of the County's historic buildings are located, threaten these valuable resources. A greater variety of allowable uses for historic buildings and sites could encourage historic property owners to spend the money required to maintain, rehabilitate and restore these buildings. Objective 5 in the Rural Area Chapter provides guidance for use of restaurants and artist residencies in the Rural Area. Additional uses that can be accommodated in older buildings and sites while maintaining conformity with Rural Area goals, objectives, and strategies should be considered.

Rural Area

Strategy 3a: Promote reuse of historic structures that support agricultural and forestal uses in the Rural Area. While valued by residents and tourists alike, historic buildings and sites can sometimes pose challenges for owners. Large farmhouses and historic mansions can be expensive to maintain and, at times, additional income is needed to ensure that historic buildings do not fall into disrepair. Historic buildings and sites can be maintained for their original use, such as a home, or converted to income producing properties, such as a restaurant at a crossroad community or a bed and breakfast. Care is needed when a building converts from one use to another to ensure that the historic integrity of a site is retained.

Objective 4: Promote rural and historic landscapes that enhance visitors' experience and give historic sites as authentic a setting as possible. Tourism is a vital part of Albemarle County's economy. Within the confines of the existing goals for the Rural Area, tourism provides for economic vitality and is a benefit to the County. Agriculture, historic and scenic preservation,

and the maintenance of rural character help to create authentic rural places. It is important 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.

ABUTTING PROPERTY OWNER COMMENTS:

Notices to abutting property owners were mailed on March 19, 2021. After the special exception requests were re-scheduled, a second set of notices was mailed on April 20, 2021. To-date, staff has received no objections to the proposal.

ANALYSIS OF THE SPECIAL EXCEPTION REQUEST:

County Code §18-5.1.48 allows reduced yards and/or increases in guest rooms by special exception, after notice to abutting property owners. Special exceptions are subject to approval by the Board under County Code § 18-33.49:

Sec. 33.49 - Action by the Board of Supervisors.

The Board of Supervisors shall act on an application for a special exception as follows:

- A. *Action.* The Board may either approve the application, deny the application, or defer action to either allow changes to be made to the application or any proposed conditions prior to final action by the Board, or to refer the matter to the Commission for further consideration and recommendation within the time for an action provided in subsection (D).
- B. *Factors to be considered.* In acting on a special exception, the Board shall consider the factors, standards, criteria, and findings, however denominated, in the applicable sections of this chapter, provided that the Board shall not be required to make specific findings in support of its action.
- C. *Conditions.* In approving a special exception, the Board may impose reasonable conditions to address any possible impacts of the special exception. Except as the Board may specify in a particular case, any condition imposed on a special exception shall be deemed to be essential and nonseverable from the special exception itself. Any condition determined to be unreasonable, invalid, void, or unlawful shall invalidate the special exception.
- D. *Time for action.* The Board shall act on an application for a special exception within 90 days after the application is determined to be complete. The 90-day period may be extended if the applicant requests a deferral pursuant to [Section 33.52](#).

Pursuant to County Code §18-33.49(B), the Board is not required to make specific findings in support of its action. The Board may approve, approve with conditions, deny, or defer this application.

Under County Code §18-5.1.48(i)(2), special exceptions may be granted after notice to abutting property owners upon consideration of the following factors:

- (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 the requested special exceptions for reduced setbacks and an increase in the number of guest rooms would cause (i) no detriment to any abutting lot and (ii) no harm to the public health, safety, or welfare. This opinion is based on several favorable factors, including the unique characteristics of the homestay property. Typically, on applications for reductions in required yards for homestay guest rooms and parking, special exceptions have been approved with a condition requiring buffers and screening consistent with the standards applicable to commercial uses adjacent to residential and Rural Areas properties. A buffer and screening meeting the standards of County Code § 18-32.7.9.7(b)-(e) must be maintained or established

along side or rear property lines. Screening and buffering are not required adjacent to streets, but the minimum setbacks of the district must be met. The proposed homestay is located on a corner lot with frontage on Keswick Road and East Keswick Drive. Property to the northeast is under the same ownership. The side property line to the southeast has an established buffer and landscape screen of 20' in depth. This is the only property line along which buffer and screening requirements would apply, consistent with commercial district regulations. All structures proposed for use as a homestay meet the primary structure setbacks of 75' from Keswick Road, 25' from East Keswick Road, and 25' from side property lines. As such, the recommended condition of approval would require a buffer/screening only along the southeast property line.

Staff has concerns about the existing parking area adjacent to 1061 East Keswick Drive. Because it is located so close to East Keswick Drive, there is not safe and convenient access to the space without having to back into the roadway. With ample safe parking spaces for the owners and homestay guests elsewhere on the property, staff recommends that this parking area be removed prior to approval of a homestay zoning clearance.

Another favorable factor is that the property is identified as an historic inn. The Comprehensive Plan encourages the reuse and preservation of historic structures for income-generating uses.

The application would meet all other requirements of the County Code, including parking, safety inspection, 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) approving the two requested homestay special exceptions, subject to the following conditions:

1. Parking for homestay guests is limited to the Parking areas designated on the Parking and House Location Exhibit dated April 27, 2021.
2. Homestay use is limited to a total of five guest rooms, all of which must be within the existing dwellings depicted on the Parking and House Location Exhibit dated April 27, 2021.
3. The existing buffer and screening located along the southeastern property line, as depicted on the Parking and House Location Exhibit dated April 27, 2021, 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.
4. The existing parking adjacent to 1061 East Keswick Drive, labeled as "Parking to be removed" on the Parking and House Location Exhibit dated April 27, 2021, must be removed prior to zoning clearance approval for a homestay.

ATTACHMENTS:

- A. Staff Analysis
- B. Applicant's Proposed Homestay
- C. County Code § 18-5.1.48 Homestay Zoning Regulations
- D. Location Map
- E. Parking and House Location Exhibit
- F. Resolution