

## **Attachment A - Staff Analysis**

**STAFF PERSON:** Lea Brumfield, Senior Planner II  
**BOARD OF SUPERVISORS:** August 18, 2021  
**PROJECT:** SE202100019 Homestay Special Exception Tranquil Cottage  
**PROPERTY OWNER:** Charles or Cynthia Riegler  
**LOCATION:** 3434 Fosters Branch Road  
**TAX MAP PARCEL:** 04700-00-00-029F0  
**MAGISTERIAL DISTRICT:** Rivanna

### **APPLICANT'S PROPOSAL:**

The applicants are seeking a zoning clearance and a special exception for a two-bedroom homestay use within an existing accessory structure (Attachment B). County Code § 18-5.1.48(j)(1)(iii) (Attachment C) requires a minimum yard of 125 feet from all property lines for parking and structures used for a Homestay in the Rural Areas (RA) zoning district. County Code § 18-5.1.48 allows that setback to be reduced if a special exception is approved by the Board after notice has been provided to abutting property owners.

Because the structure and guest parking used for the homestay are 82 feet +/- from the southwestern property line, the use requires a special exception for these setbacks. The proposed homestay location complies with the 125-foot setback from all other property lines. Because the homestay would be located in an accessory structure built in 2000, and on a parcel larger than 5 acres, no special exception for the accessory structure would be required.

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

The 8.5-acre property is located at 3434 Fosters Branch Road, and is surrounded on all sides by large parcels used for residential and agricultural uses. The nearest house is located 442 feet +/- from the homestay, across a large field. All other abutting properties are used solely for agriculture, and do not contain dwellings. The primary dwelling was completed in 1998, and the homestay is proposed in an accessory structure used as a guest cottage, built in 2000. (Attachment E)

### **PLANNING AND ZONING HISTORY:**

The property was previously rented out as a homestay, but has ceased advertising the homestay, and is currently in compliance.

### **ABUTTING PROPERTY OWNER COMMENTS**

The notice to abutting property owners was mailed on July 12, 2021. Staff received a phone call from the nearest neighbor, who cited poor neighborly relations and dumping on their property as cause for concern. However, the neighbor did not cite any concerns related to the proposed homestay on the phone call.

### **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 would conflict with these overall goals of the Comprehensive Plan. The homestay is proposed within an existing structure.

**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 setback from the southwestern property line for a homestay use within an existing accessory structure would not cause either (i) detriment to any abutting lot or (ii) harm to the public health, safety, or welfare.

Additional screening to the southwest of the homestay is recommended to screen the use from the abutting residential property, consistent with prior staff recommendations and special exceptions granted to homestays with similar requests.

The applicant would 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, would be 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 is limited to the existing parking areas, as depicted on the House and Parking Location Exhibit dated July 29, 2021.
2. Homestay use is limited to the existing structures, as currently configured and depicted on the House and Parking Location Exhibit dated July 29, 2021.
3. Screening must be established and maintained southwest of the homestay and homestay parking area, as shown on the House and Parking Location Exhibit dated July 29, 2021, in a way that meets the minimum requirements of County Code § 18-32.7.9.7(b)-(e).

**ATTACHMENTS**

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