

Attachment A - Staff Analysis

STAFF PERSON: Rebecca Ragsdale, Principal Planner
BOARD OF SUPERVISORS: January 6, 2021
PROJECT: SE202000016 Homestay Special Exception
PROPERTY OWNER: Evelyn Kitchin Tickle
LOCATION: 4391 Mechums School Hill
TAX MAP/PARCEL: 05700-00-00-032A0
MAGISTERIAL DISTRICT: Samuel Miller

APPLICANT'S PROPOSAL:

The applicant is seeking a homestay zoning clearance and special exception that would include the rental of guest rooms within an existing cottage. (Attachment B). The zoning ordinance regulations found in County Code §18-5.1.48 (Attachment C) require a minimum yard of 125' 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 and after notice has been provided to abutting property owners.

The cottage used for the homestay is less than 125' from the side property lines, approximately 50' and 110' at the closest points.

CHARACTER OF THE AREA:

The property is 2.16 acres and is located on Mechums School Hill, which is off of Mechums Depot Lane, just west of the intersection of Rockfish Gap Turnpike/Three Notch'd Road. (Attachment D-Location Map) The nearest homes are approximately 300' and 200+' feet from the homestay cottage. The cottage is set behind the main home on the property, surrounded by a mix of evergreen and deciduous vegetation. The rear of the property adjoins railroad tracks.

PLANNING AND ZONING HISTORY:

The main house on the property was constructed in 1890 and the cottage for homestay rental in the 1970s.

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 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 residential neighborhood and is an accessory use to the residence. It is not expected to cause impacts to the RA.

ADJACENT PROPERTY OWNER COMMENT:

Notice of this special exception request was mailed to abutting property owners on December 4, 2020. To-date, staff has received no objections to this request to reduce setbacks.

ANALYSIS OF THE SPECIAL EXCEPTION REQUEST:

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](#).

According to 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.*

According to County Code §18-33.49(B), the Board is not required to make specific findings in support of its action. Staff's opinion is that authorizing the homestay use with reduced setbacks from side property lines would not cause detriment to abutting lots or cause harm to the public health, safety, or welfare. This opinion is based on several factors favorable, including the unique characteristics of the homestay property. There is a wooded buffer on the applicant's property along the property lines adjacent to the cottage being used for homestay rental, as shown on Attachment E. The application meets all other requirements of the County Code (parking, safety inspection, addressing).

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 Parking and House Location Exhibit dated December 10, 2020.
2. The existing screening, as depicted on the Parking and House Location Exhibit dated December 10, 2020, 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. Applicant's Request
- C. County Code § 18-5.1.48 Homestay Zoning Regulations
- D. Location Map
- E. Parking and House Location Exhibit
- F. Resolution