

Attachment A - Staff Analysis

STAFF PERSON: Rebecca Ragsdale, Principal Planner
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BOARD OF SUPERVISORS: March 18, 2020

PROJECT: HS202000003

PROPERTY OWNER: Bahn, Collette M. or Matthew A.

LOCATION: 859 Hatton Court

TAX MAP/PARCEL: 13600-00-00-008E0

MAGISTERIAL DISTRICT: Scottsville

APPLICANTS' PROPOSAL:

The applicants are seeking a Homestay zoning clearance and special exception for an existing Homestay that includes rental of two guest rooms within the basement of the residence. (Attachment B). The Zoning Ordinance regulations found in County Code §18-5.1.48 (Attachment C) require a minimum yard of 125 feet from all property lines for parking and structures used for a Homestay in the 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. Approval of this special exception will bring the existing Homestay into compliance.

The existing house and guest parking are less than 125 feet from the northeast property line (97 feet +/-). The house and parking comply with the 125-foot setback from all other property lines.

CHARACTER OF THE AREA:

The 4.25-acre wooded property is located at the corner of Hatton Ferry Road and Hatton Court. The property to the northeast is a 4-acre wooded undeveloped lot. The nearest residence is located more than 260 feet away to the south of the Homestay residence. The property across Hatton Ferry Road is an undeveloped 22-acre lot. The property across Hatton Ferry Court is a 4-acre lot developed with a residence that is more than 500 feet from the Homestay. (Attachment D-Location Map)

PLANNING AND ZONING HISTORY:

The existing single-family dwelling was built in 1989.

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 residence and is an accessory use to the residence. It is not expected to cause impacts to the Rural Area and is supportive of tourism in southern Albemarle.

ADJACENT PROPERTY OWNER COMMENT:

Notice of this special exception request was mailed to abutting property owners on February 12, 2020. Staff has not received any objections or concerns regarding the request to-date.

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 reducing the setback from the northeast property line 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. The nearest house is situated more than 260' away from the residence used for a Homestay. The Homestay is limited to two guest rooms by the Zoning Ordinance. Residentially zoned parcels may rent up to two guest rooms with no increased setback. The application will meet all other requirements of County Code (parking, safety inspection, and addressing).

RECOMMENDATION:

Staff recommends that the Board adopt the attached resolution (Attachment F) to approve the Homestay special exception, subject to the following conditions:

1. No more than two (2) guest rooms may be rented for Homestay use within the existing residence as depicted on the Parking and House Location Exhibit E dated February 24, 2020.
2. Parking for Homestay guests is limited to the existing parking areas as depicted on the Parking and House Location Exhibit dated February 24, 2020.

ATTACHMENTS:

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