

Attachment A - Staff Analysis

STAFF PERSON: Lea Brumfield, Senior Planner II
BOARD OF SUPERVISORS: May 1, 2024
PROJECT: SE202300014 2020 Wingfield Road Homestay
PROPERTY OWNER: Marc Breton and Emily Whipple
LOCATION: 2020 Wingfield Road
PARCEL ID: 04400-00-00-06500
MAGISTERIAL DISTRICT: Jack Jouett

APPLICANTS'S PROPOSAL:

The applicant is requesting authorization to use an existing accessory structure for a homestay use on a parcel of less than five acres in the Rural Areas zoning district. (Attachment B).

County Code § 18-5.1.48(c)(1)(ii) requires that homestays on such parcels be conducted in a detached single-family dwelling or within its accessory apartment, provided that the Board of Supervisors may approve a special exception to authorize the use of an accessory structure. This special exception is requesting the use of an accessory structure at 2020 Wingfield Road for a homestay use.

CHARACTER OF THE PROPERTY AND AREA:

The 2.65-acre property is located in a large lot rural subdivision west of the Ivy Creek Natural Area and is bordered on the north by a large, shared pond and an undeveloped, forested parcel. The parcel is bordered on the west by a parcel containing two sheds and on the east by a parcel containing a single-family dwelling. The property currently contains a 4,798 sf dwelling built in 1976, which is the primary residence of the property owners, and a second structure.

The existing 1,600 sf second structure on the parcel was originally a garage built in 1989. The structure was approved for conversion into an accessory guest house without a kitchen in 1998. A stove was added to the guest house following its conversion, making the structure a dwelling. Though the structure was used as a property manager's dwelling for several years prior to the current owners' purchase of the parcel, a second dwelling is not permitted on the parcel. The current owner is aware of this violation and is working to remove the stove and cooktop from the structure, returning it to its approved accessory structure status.

The structure proposed for use as a homestay is approximately 287 feet from the nearest neighboring residence and approximately 297 feet from the next nearest neighboring residence. The parcel is wooded, with vegetation between the structure proposed for use as a homestay and all neighboring dwellings.

PLANNING AND ZONING HISTORY:

The property is currently in violation of the zoning ordinance (ZVIO 202400095), as the structure proposed for use as a homestay was converted to a dwelling without the required development rights or acreage for a second dwelling on the parcel. The zoning violation was discovered through Harmari third-party software in 2023. No other complaints on this homestay were reported. Staff is pursuing abatement of this zoning violation, and the owner is working toward compliance.

ABUTTING PROPERTY OWNER COMMENTS

Staff had received no comments or concerns about the proposed homestay special exception as of April 6, 2024.

COMPREHENSIVE PLAN:

The property is designated as Rural Area in the Comprehensive Plan. This designation includes preserving and protecting 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 resources that make rural Albemarle attractive to residents and tourists. Staff does not believe that the proposed special exception would conflict with the 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 authorizing the use of an accessory structure for a homestay use would not cause adverse impacts to the surrounding neighborhood or 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 also is consistent in size and scale with accessory structures in the surrounding neighborhood. The owner lives full-time on the property, and the structure proposed for use as a homestay is screened by vegetation on all sides, with sufficient parking behind the structure.

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.

Additionally, a homestay zoning clearance would not be approved until the structure came into compliance with the zoning ordinance by removal of the kitchen stove. These requirements, along with any required 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 the proposed special exception to authorize the use of an accessory structure for a homestay use at

2020 Wingfield Road.

ATTACHMENTS

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