

Attachment A - Staff Analysis

STAFF PERSON: Lea Brumfield, Senior Planner II
BOARD OF SUPERVISORS: February 15, 2023 (deferred from January 18, 2023)
PROJECT: SE202200062 Edgefield LLC Homestay
PROPERTY OWNER: EDGEFIELD LLC
LOCATION: 2860 Pea Ridge Road
PARCEL ID: 04100-00-00-022H0
MAGISTERIAL DISTRICT: White Hall

APPLICANTS'S PROPOSAL:

The applicant is seeking zoning clearance special exceptions to 1) permit a resident manager to fulfill the residency requirements for a homestay use, and 2) permit a homestay use within up to three new accessory structures totaling no more than 2,500 sf combined. (Attachments B and C).

County Code § 18-5.1.48(b)(2) requires at least one individual owner of the homestay parcel to reside on the subject parcel for a minimum of 180 days in a calendar year. As the property is owned by the business entity Edgefield LLC, the property must have a resident manager in order to be eligible for homestays. The applicant is requesting a waiver to allow the beneficiary of the LLC to serve as a resident manager for Edgefield LLC.

Additionally, County Code § 18-5.1.48(c)(2)(ii) requires homestay uses on parcels in the Rural Areas (RA) zoning districts to be located in a detached single-family dwelling or within its accessory apartments, or within an accessory structure built on or before August 7, 2019. The applicant is requesting a special exception to operate a homestay within up to three new cabin-type accessory structures that she intends to build on the parcel, for a total of up to 2,500 sf combined.

The proposed structures for use as a homestay would include up to three "cabin" style structures built with accommodations for impaired mobility and other disabilities, but the layout and design of the structures is not finalized. The applicant intends to design the structures to be used only for private guests and short-term rentals and does not intend the structures to be full dwellings.

CHARACTER OF THE PROPERTY AND AREA:

The 43.72-acre property is located in the White Hall magisterial district, off of Stony Point Road, and is surrounded on all sides by forested and large residential parcels. Directly south of the parcel is Parcel 41-22H1, a 42-acre vacant, forested parcel owned by Frances Lee-Vandell, the beneficiary of Edgefield LLC, which owns Parcel 41-22H.

The house at 2860 Pea Ridge Road is the property owner's primary dwelling and was built in 2016. The only other structure currently on the property is a cattle barn.

PLANNING AND ZONING HISTORY:

The property is currently in compliance with zoning and taxation/licensing regulations.

ABUTTING PROPERTY OWNER COMMENTS

Staff had received no comments or concerns about the proposed homestay special exception as of December 27, 2022.

At the January 18, 2023 Board meeting, a neighbor spoke prior to the Board's consideration of this request, raising concerns about prior conversations she had had with the applicant, wherein the applicant described plans for up to 35 people visiting the parcel.

Staff followed up with the applicant for clarity about this assertion, and received confirmation that this estimate of the number of guests was not in relation to the homestay request before the Board under SE202200062, but was in relation to by-right agricultural education and workshops.

Per County Code § 18-5.1.58(d), on sites greater than 21 acres where an agricultural educational program or workshop will generate 50 or fewer visitor vehicle trips per day, and the activity will have fewer than 200 attendees, the agricultural educational program is by-right. These are the activities referred to by the applicant as potentially having up to 35 visitors to the parcel, and as these activities are by-right agricultural educational programs and workshops, they are not relevant to the special exception related to a homestay use.

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 that the proposed special exceptions would conflict with these overall goals of the Comprehensive Plan. Additionally, the applicant's proposal to provide facilities for disabled guests on an active agricultural operation, with opportunities for agricultural education, supports the Comprehensive Plan's objective to support a strong agricultural and forestal economy.

ANALYSIS OF THE SPECIAL EXCEPTION REQUESTS:

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) identifies the following factors for consideration, as to 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 permitting a homestay use within new accessory structures would not cause adverse impacts to the surrounding neighborhood or to the public health, safety, or welfare.

The applicant proposes up to three accessory structures of up to 2,500 square feet combined. Under this proposal, each accessory structure would have a total square footage of less than 850 square feet. This is 250 feet larger than the existing cattle barn of 600 square feet, but each

structure would be proportionately smaller than the primary dwelling of approximately 2,500 square feet. Accessory structures on abutting and nearby parcels are roughly estimated at 3,638 sf (TMP 41-22C), 1,697 sf (TMP 41-22G), 1,984 sf (TMP 41-78), and 969 sf, 1,162 sf, 545 sf, and 355 sf (TMP 41-56A), averaging 1,478 sf per structure. In comparison with this average square footage per structure, the three proposed accessory structures of a total of 2,500 sf combined, or less than 850 sf per structure, is consistent in size and scale with the surrounding neighborhood.

As an accessory use to a residential dwelling, the proposed use would be consistent with the Comprehensive Plan. The use would not increase density of the parcel, as the structures would not be dwellings. Homestay uses are permitted by-right, and if the parcel were held by the beneficiary of the Edgefield LLC, instead of the LLC itself, the use would not require that special exception.

The applicant will 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, are verified through the zoning clearance process, which would follow special exception approval. At that time, staff would require proof of residency from the proposed resident manager.

RECOMMENDATION:

Staff recommends that the Board adopt the attached resolution (Attachment G) to approve two homestay special exceptions to 1) permit a resident manager to fulfil the residency requirements for a homestay use at 2860 Pea Ridge Road, and 2) permit a homestay use within up to three new accessory structures totaling no more than 2,500 square feet combined.

ATTACHMENTS

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