

Attachment A - Staff Analysis

STAFF PERSON: Lea Brumfield, Senior Planner II
BOARD OF SUPERVISORS: June 21, 2023
PROJECT: SE202300004 638 Rocky Hollow Road Homestay
PROPERTY OWNER: Tuerk, Adriana K, Trustee of the Adriana Tuerk Living Trust
LOCATION: 638 Rocky Hollow Road Homestay
PARCEL ID: 06200-00-00-071A2
MAGISTERIAL DISTRICT: Rivanna

APPLICANTS'S PROPOSAL:

The applicant is seeking a zoning clearance special exception to permit a resident manager to fulfill the residency requirements for a homestay use. (Attachment B).

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 occupied full-time by Mr. Jonathan Birdsey but owned by Adriana K Tuerk as trustee of the Adriana Tuerk Living Trust, Mr. Birdsey must be approved to act as the resident manager of the property in order to allow the property to be eligible for homestay use.

CHARACTER OF THE PROPERTY AND AREA:

The 47.12-acre property is located just north of Pantops, and is surrounded by forested parcels, large residential parcels, and agricultural operations. The parcel contains two dwellings, addressed 638 Rocky Hollow Road and 640 Rocky Hollow Road. Directly to the west of the parcel is a 41.48-acre parcel also owned by the Adriana K Tuerk Living Trust.

Both houses located on the parcel were built in 2017. The larger house at 640 Rocky Hollow Road is approximately 5,867 square feet, with four bedrooms, and is Mr. Birdsey's dwelling. The smaller house at 638 Rocky Hollow Road is approximately 1,884 square feet, with two bedrooms, and would be used as the homestay location. Both structures meet all homestay setback requirements, and are screened by vegetation on all sides. The nearest dwelling not owned by the Adriana K Tuerk Living Trust is approximately 400 feet from 638 Rocky Hollow Road, and the next nearest dwelling is approximately 573 feet from 638 Rocky Hollow Road, at 645 Rocky Hollow Road.

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 June 2, 2023.

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 exception would conflict with these 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 permitting a homestay use within the existing dwellings would not cause adverse impacts to the surrounding neighborhood or to the public health, safety, or welfare. As an accessory use to a residential dwelling, the proposed use would be consistent with the Comprehensive Plan, and as the dwelling is already in existence, it is consistent in size and scale with the surrounding neighborhood. Mr. Birdsey has been a long-term resident of the property, living on the parcel since 2016, and he will serve as resident manager and responsible agent for the homestay.

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 F) to approve a Homestay special exception to permit a resident manager to fulfill the residency requirements for a homestay use at 638 Rocky Hollow Road.

ATTACHMENTS

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