

Attachment A - Staff Analysis

STAFF PERSON: Lea Brumfield, Senior Planner II
BOARD OF SUPERVISORS: April 17, 2024
PROJECT: SE202300043 5799 Tabor Street Homestay
PROPERTY OWNER: R&H Partners LLC
LOCATION: 5799 Tabor Street
PARCEL ID: 056A2-01-00-01000
MAGISTERIAL DISTRICT: White Hall

APPLICANTS'S PROPOSAL:

The applicant is requesting authorization to permit a resident manager to fulfill the residency requirements for a homestay use, and to reduce the required setbacks for a homestay. (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. The property is owned jointly by the Chiles family through R&H Partners LLC, but is currently occupied by Ms. Cynthia Chiles, one of the members of the LLC. This application proposes a special exception to permit Ms. Chiles to serve as a resident agent for R&H Partners LLC.

Additionally, County Code § 18-5.1.48(b)(3) requires primary structure setbacks for all structures used for a homestay. As the structure is an existing structure abutting a parcel owned by the same entity, this application is also requesting a reduced setback for a homestay use at 5799 Tabor Street.

CHARACTER OF THE PROPERTY AND AREA:

The 3.26-acre property is located in Crozet, just south of the Crozet Library. The property contains two dwellings, a 3,912 sf dwelling at 5803 Tabor Street, and a 1,512 sf dwelling at 5799 Tabor Street. The 3,912 sf dwelling is occupied by Ms. Cynthia Chiles, and the 1,512 sf dwelling is proposed for use as a homestay.

The 1,512 sf dwelling at 5799 Tabor Street is located approximately 6 feet from the closest property boundary, directly to the south of the structure. The parcel directly abutting 5799 Tabor Street to the south, with an address of 1105 Crozet Avenue, is also owned by the same entity, R&H Partners LLC.

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 March 29, 2024.

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.

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, or 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 a resident manager for R&H Partners LLC 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. This existing structure also is consistent in size and scale with the surrounding neighborhood.

As R&H Partners LLC owns both the parcels containing 5799 Tabor Street and the directly abutting 1105 Crozet Avenue, staff's opinion is that a reduced setback would not cause adverse impacts to the surrounding neighborhood or public health, safety, or welfare. Additionally, R&H Partners LLC owns the next abutting parcel to the south, containing 1107 Crozet Avenue, and one of the parcels abutting 5799 Tabor Street to the east, at 5757 Tabor Street (Attachment D). As a result, staff is not aware of any neighbor concerns.

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. These requirements, along with 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 special exceptions for a homestay use at 5799 Tabor Street both (a) to authorize a resident manager to fulfill the residency requirements and (b) to reduce the setback requirements.

ATTACHMENTS

- A. Staff Analysis
- B. Applicants' 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