

## **Attachment A - Staff Analysis**

**STAFF PERSON:** Lea Brumfield, Senior Planner II  
**BOARD OF SUPERVISORS:** March 2, 2022  
**PROJECT:** SE202200006 Green Hill Cottage Homestay  
**PROPERTY OWNER:** Tulku Kalsang Gyatso  
**LOCATION:** 8270 Green Hill Lane  
**TAX MAP PARCEL:** 054A0-00-00-00100  
**MAGISTERIAL DISTRICT:** White Hall

### **APPLICANTS'S PROPOSAL:**

The applicant is seeking a zoning clearance special exception to reduce the minimum required yards for a homestay use within an existing dwelling. (Attachment B).

County Code § 18-5.1.48(j)(1)(v) requires homestay parking and structures on Rural Areas (RA) parcels of less than five acres to have a minimum yard of 125' from any abutting lot not under the same ownership. The applicant is requesting to reduce the required 125-foot front setback to 122 feet +/- from the front southern property line, 55 feet +/- from the western side property line, and 65 feet +/- from the eastern side property line for a homestay and its accompanying parking. The parking for the homestay use is proposed in the existing parking area adjacent to the home.

### **CHARACTER OF THE PROPERTY AND AREA:**

The 1.02-acre property is located at 8270 Green Hill Lane, Greenwood, VA, and abuts vacant lots on three sides and a vacant manufactured residence home on the fourth side. The parcel to the front of the property is a Virginia Department of Transportation right of way, and beyond that parcel is Interstate 64. Additionally, a railroad line abuts the rear property line. The manufactured home is 96 feet +/- from the proposed homestay.

The area is comprised of small residences and vacant lots. Dense, mature vegetation shields the proposed homestay on all sides (Attachment D).

### **PLANNING AND ZONING HISTORY:**

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

### **ABUTTING PROPERTY OWNER COMMENTS**

The notice to abutting property owners was mailed on January 20, 2022. Staff received no comments or concerns about the proposed homestay.

### **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 dwelling and potentially within existing accessory structures.

**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.

Though the Board is not required to make specific findings in support of its action, County Code §18-5.1.48(i)(2) identifies the following factors for consideration:

- (i) *There is no detriment to any abutting lot; and*
- (ii) *There is no harm to the public health, safety, or welfare.*

Staff's opinion is that reducing the setbacks for a homestay use within the existing dwelling would not cause either (i) detriment to any abutting lot or (ii) harm to the public health, safety, or welfare.

The applicants 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.

**RECOMMENDATION:**

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

1. Parking for homestay guests must be located in the parking area shown on the House and Parking Location Exhibit dated February 8, 2022, or meet the setbacks required for homestays.
2. Homestay use is limited to the existing structure as currently configured and depicted on the House and Parking Location Exhibit dated February 8, 2022, or in additional structures or additions meeting the setbacks required for homestays.
3. The existing screening, as depicted on the House and Parking Location Exhibit Map dated February 8, 2022, must be maintained, or equivalent screening that meets the minimum requirements of County Code § 18-32.7.9.7(b)-(e) must be established and maintained.

**ATTACHMENTS**

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