

Attachment A - Staff Analysis

STAFF PERSON: Lea Brumfield, Senior Planner II
BOARD OF SUPERVISORS: July 20, 2022
PROJECT: SE202200025 1213 Tilman Road Cottage Homestay
PROPERTY OWNER: John R B Andrews, Jr and Neal Hussey Andrews
LOCATION: 1213 Tilman Road
TAX MAP PARCEL: 05800-00-00-065C0
MAGISTERIAL DISTRICT: Samuel Miller

APPLICANTS'S PROPOSAL:

The applicant is seeking a zoning clearance special exception to reduce the required setbacks for a homestay in an existing dwelling. (Attachment B).

County Code § 18-5.1.48(b)(3) requires all structures used for homestays to meet the minimum applicable front, side, and rear yard requirements. The applicants are requesting a modification to this requirement, to reduce the rear yard requirements from 35 feet to 15 feet +/- to for an existing, non-conforming dwelling. The property owners reside on the parcel in the second dwelling on the parcel.

CHARACTER OF THE PROPERTY AND AREA:

The 2.51-acre property is located at 1213 Tilman Road, Charlottesville, VA, and is located north of Rt. 250, and west of Owensville Road. The parcel is surrounded on all sides by forested parcels. Two parcels directly south of the applicant's parcel contain dwelling units located 596 feet +/- and 734 feet +/- from the proposed homestay. Additionally, a forested ridge containing critical slopes runs directly south of the proposed homestay, providing a topographical buffer to the property. (Attachment D)

The existing dwelling proposed for use as a homestay is approximately 680 square feet in size and was built in 1970. The dwelling is a non-conforming structure due to its distance from the parcel boundaries and is currently used as a private guesthouse for the property owner's friends and family. The property owner's dwelling is approximately 4,163 square feet in size and was built in 1958. (Attachment E).

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 28, 2022.

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. The homestay is proposed within an

existing dwelling and on a parcel buffered from neighboring dwellings by forested, steep topography.

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.

To waive or modify any supplementary zoning regulation generally, County Code § 18-5.1 requires a finding that the applicable requirement “would not forward the purposes of [the Zoning Ordinance] or otherwise serve the public health, safety, or welfare or that a modified regulation would satisfy the purposes of [the Zoning Ordinance] to at least an equivalent degree as the specified requirement.”

In addition, County Code §18-5.1.48(d)(3) identifies the following considerations for homestay special exceptions, 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 the existing dwelling 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.

Previous reductions in setbacks for homestays have included a requirement for screening the homestay along the reduced setback. Due to the siting of this structure, planting or erecting additional screening along the reduced setback would require removing the existing mature deciduous tree on the property boundary. Additionally, the forested, steep topography of the properties most directly affected by the setback reduction provides a natural buffer unlikely to ever be disturbed. The topography of the area provides the greatest potential for visibility of the homestay to the front of the parcel, from the road. However, the front of the homestay is over 160 feet from the road, meeting all setback requirements, and is screened by existing, mature vegetation. With these mitigating factors in place, staff does not believe additional screening is necessary for this setback reduction.

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 G) to approve a Homestay special exception, subject to the following conditions:

1. Parking for homestay guests must meet the requirements for homestays as outlined in County Code § 18-5.1.48(b) (Attachment C).
2. Homestay use is limited to the existing structure as currently configured and depicted on the House and Parking Exhibit dated June 28, 2022, or in additional structures or additions meeting the setbacks required for homestays.

ATTACHMENTS

- A. Staff Analysis
- B. Applicant's Request
- C. Homestay Ordinance
- D. Topographical Map
- E. Location Map
- F. House and Parking Exhibit
- G. Resolution