

## **Attachment A - Staff Analysis**

**STAFF PERSON:** Lea Brumfield, Senior Planner II  
**BOARD OF SUPERVISORS:** December 15, 2021  
**PROJECT:** SE202100039 3232 Horseshoe Bend Homestay  
**PROPERTY OWNER:** Thomas and Anna Sullivan  
**LOCATION:** 3232 Horseshoe Bend Road  
**TAX MAP PARCEL:** 02900-00-00-07400  
**MAGISTERIAL DISTRICT:** Jack Jouett

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

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

County Code § 18-5.1.48(j)(2)(v) requires homestay parking and structures on Rural Areas (RA) parcels over five acres to have a minimum yard of 125' from any abutting lot not under the same ownership. The applicants are requesting to reduce the required 125-foot southeastern side setback to 52 feet +/- to conduct a homestay in one dwelling. The parking for the homestay use is located in the existing parking area adjacent to the dwelling. The structure and parking comply with all other required minimum yards.

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

The 10.67-acre property is located at 3232 Horseshoe Bend Road, in an area of residential parcels and agricultural operations. The applicants reside in the primary dwelling on their property, at 3234 Horseshoe Bend Road, and wish to rent out the second dwelling on their property, at 3232 Horseshoe Bend Road.

The nearest house to either of the existing structures is located 236 feet +/- away from the secondary dwelling at 3232 Horseshoe Bend Road, and the next nearest house is located 455 feet +/- away. The secondary dwelling (proposed for the homestay) was built in 2015, and was occupied by a family member until 2021. The property does retain sufficient development rights for both dwellings. Dense, mature vegetation surrounds both dwellings, and a wooden fence separates the proposed homestay from the closest neighboring dwelling (Attachment E).

### **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 November 3, 2021. Staff received an inquiry from an abutting property owner, but the neighbor expressed no concerns or objections regarding the proposed special exception, and the neighbor later clarified that she was in support of the request.

### **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 existing 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 setback from the southeastern property line 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 continue to meet the setbacks required for homestays.
2. Homestay use is limited to (a) the existing structures as currently configured and depicted on the House and Parking Location Exhibit dated November 12, 2021, and/or (b) additional structures or additions meeting the setbacks required for homestays.
3. The existing screening, as depicted on the House and Parking Location Exhibit dated November 12, 2021, 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