

Attachment A - Staff Analysis

STAFF PERSON: Bart Svoboda, Zoning Administrator
BOARD OF SUPERVISORS: August 17, 2022
PROJECT: SE202200024 – Division Road Inc. (3618 Rolling Road)
Major Home Occupation
PROPERTY OWNER: Pecarich, Jason & Erin
LOCATION: 3618 Rolling Road
TAX MAP PARCEL: 10300-00-00-03300
MAGISTERIAL DISTRICT: Scottsville

APPLICANTS' PROPOSAL:

The applicant requests to modify County Code § 18-5.2A(b)(1) to increase the maximum allowable area for the home occupation. A major home occupation may be conducted within an accessory structure. The maximum area allowed by-right for the entire home occupation is limited to 1500 square feet. The applicant is requesting an increase in the area for the home occupation to 3364 square feet. Approximately 1400 square feet of an existing accessory structure (the Barn) has been utilized for the home occupation since May 2021. At its closest point, the structure would be 310 feet away from the nearest property line (Attachment D). The structure and parking comply with all required setbacks yards from all property boundaries.

CHARACTER OF THE PROPERTY AND AREA:

The 41.29-acre property is located at 3618 Rolling Road and contains 15+/- acres of heavily wooded area, 19+/- acres of pasture/grassland with remainder located around the house and barn area. The nearest property line is located over 350 feet+/- from the Barn. Approximately 200 feet of wooded area is owned by the applicant between Route 620 and this parcel (TMP 10300-00-00-03300) (Attachment D).

PLANNING AND ZONING HISTORY:

The existing Barn was built in 2002. The property contains a single-family house along with various other outbuildings and structures. The property is currently in compliance with zoning and taxation/licensing regulations. A Major Home Occupation was approved in 2021, allowing the use of 1400 square feet of the Barn.

ABUTTING PROPERTY OWNER COMMENTS

The notice to abutting property owners was mailed on July 27, 2022.

COMPREHENSIVE PLAN:

The property is designated as Rural Area in the Comprehensive Plan. This designation includes preserving and protecting agricultural, forestal, open space, and natural, historic, and scenic resources as discussed in the Rural Area chapter of the Comprehensive Plan. Staff recognizes that care must be taken not to overwhelm or negatively affect the resources that make rural Albemarle attractive to residents and tourists. Staff does not believe this home occupation will conflict with the overall goals of the Comprehensive Plan. The home occupation already exists within the Barn structure, and the proposed expansion and square footage are contained within the Barn resulting in no change to the building footprint.

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 before final action or refer the application to the Planning Commission.

To grant the requested special exception, the Board is required to make both general and specific findings in support of its action. 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 granting a waiver or modification of the home occupation area requirement specifically, County Code §18-5.2A(m)(1) requires the following additional findings:

- (1) the nature of the home occupation requires storage or additional space within the dwelling unit to conduct the home occupation;
- (2) the primary use of the dwelling unit as a residence is maintained; and
- (3) the waiver or modification would not change the character of the neighboring agricultural area or the residential neighborhood.

Staff’s opinion is that the 1864 additional square feet within the existing Barn will not impact the factors listed above.

The applicants will continue to be required to meet all other home occupation requirements of the County Code, including parking.

RECOMMENDATION:

Staff recommends that the Board adopt the attached resolution (Attachment G) to approve the additional 600 square feet special exception, subject to the following conditions:

1. The maximum area allowed for this home occupation is 3370 square feet.
2. The home occupation must be located in the existing Barn (3618 Rolling Road) as indicated on the Property Layout / Attachment D dated July 27, 2022.

ATTACHMENTS

- A. Staff Analysis
- B. SE202200024 Special exception Application and Applicant’s Request Letter
- C. County Code § 18-5.2A Home Occupation in the Rural Areas Regulations
- D. Property Layout
- E. Building Floorplan
- F. HO202100057 Approved Home Occupation Permit
- G. Resolution