

## **Attachment A - Staff Analysis**

**STAFF PERSON:** Lea Brumfield, Senior Planner II  
**BOARD OF SUPERVISORS:** September 7, 2022  
**PROJECT:** SE202200045 1699 Colle Lane Homestay  
**PROPERTY OWNER:** WNG LLC  
**LOCATION:** 1699 Colle Lane  
**TAX MAP PARCEL:** 09200-00-00-04500  
**MAGISTERIAL DISTRICT:** Scottsville

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

This application was originally scheduled for August 17, 2022, but has been postponed to September 7, 2022. The applicant is seeking a zoning clearance special exception to permit a resident manager to fulfil the residency requirements for a homestay use. (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. As the property is owned by the business entity WNG LLC, the property must have a resident manager in order to be eligible for homestays. The applicant is requesting a waiver to allow the beneficial owner of the LLC to serve as a resident manager for WNG LLC. The parcel contains multiple dwellings, one of which is currently occupied by the beneficial owner of the LLC, and one of which would be used for a homestay.

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

The 205.93-acre property is located in Simeon, at the intersection of Milton Road and Thomas Jefferson Parkway. The property is surrounded by large forested and agricultural parcels, and borders a small cluster of homes on small lots over 2000 feet from the proposed homestay location. The parcel contains multiple dwellings, outbuildings, farm buildings, and the historical country store Simeon Market. The property is held by a family-owned LLC, and has been owned by the same family since the 1930's, who transferred ownership to an LLC in 2010 for management of the estate between multiple siblings. The dwelling proposed for use as a homestay is located approximately 300 feet from Milton Road, and approximately 412 feet from the nearest neighbor's dwelling on a separate parcel. The next nearest dwelling on a separate parcel is approximately 597 feet from the proposed homestay location, and is also owned by the same legal entity as the applicant. (Attachment D)

The dwelling proposed for a homestay use at 1699 Colle Lane is approximately 4,017 square feet, and was built before 1900. The additional dwellings on the property range between approximately 944 and 1,980 square feet in size, and were also built before 1900. The property is held under a conservation easement.

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

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

### **ABUTTING PROPERTY OWNER COMMENTS**

Staff received no comments or concerns about the proposed homestay special exception as of July 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 is located on a large parcel screened from abutting parcels by existing mature vegetation.

**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.

Under County Code § 18-5.1(a), the Board of Supervisors may modify or waive a supplementary zoning regulation upon 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 applicable requirement. In addition, County Code §18-5.1.48(d)(3) identifies the following factors for consideration, 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 already exists, it is consistent in size and scale with the surrounding neighborhood. The use itself is permitted by-right, and if the parcel were held by a beneficial owner of WNG LLC, instead of the LLC itself, the use would not require this special exception.

The applicant 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. At that time, staff would require proof of residency from the proposed resident manager.

**RECOMMENDATION:**

Staff recommends that the Board adopt the attached resolution (Attachment F) to approve a Homestay special exception to permit a resident manager to fulfil the residency requirements for a homestay use at 1699 Colle Lane.

**ATTACHMENTS**

- A. Staff Analysis

- B. Applicant's Proposed Homestay
- C. County Code § 18-5.1.48 Homestay Zoning Regulations
- D. Location Map
- E. Parking and Structures Location Exhibit
- F. Resolution