

Attachment A - Staff Analysis

STAFF PERSON: Rebecca Ragsdale, Principal Planner
BOARD OF SUPERVISORS: January 6, 2021
PROJECT: SE202000015 Homestay Special Exception
PROPERTY OWNER: Susan Caughey Pierce/Kelvin Pierce
LOCATION: 6950 Heards Mountain Road
TAX MAP/PARCEL: 09600-00-00-014A0
MAGISTERIAL DISTRICT: Samuel Miller

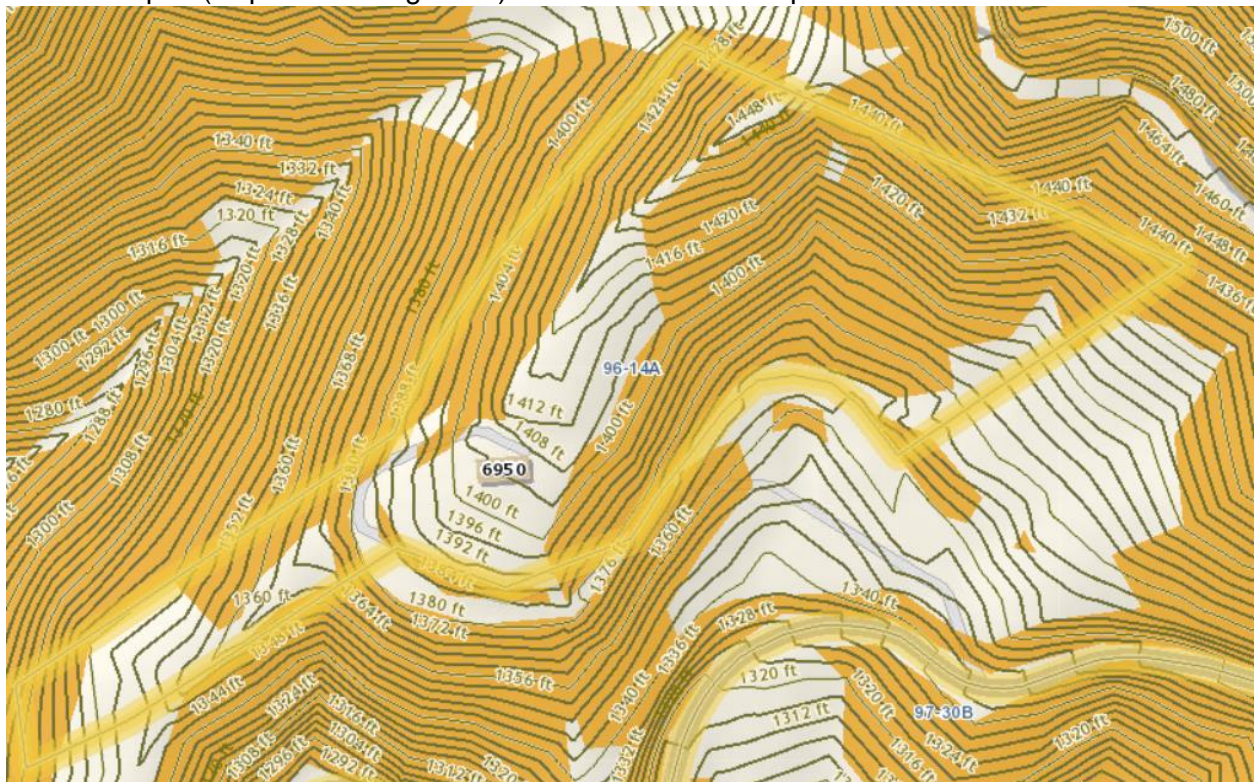
APPLICANT'S PROPOSAL:

The applicant is seeking a homestay zoning clearance and special exception that would include the rental of guest rooms within the existing house. (Attachment B). The zoning ordinance regulations found in County Code §18-5.1.48 (Attachment C) require a minimum yard of 125' from all property lines for parking and structures used for a homestay in the RA zoning district. County Code §18-5.1.48 allows that setback to be reduced if a special exception is approved by the Board and after notice has been provided to abutting property owners.

The existing house used for the homestay is less than 125' from the front property line with distances of 108.7', 94.9' and 76' at the closest point. This is reflected on the survey provided with the applicant's request. (Attachment B)

CHARACTER OF THE AREA:

The property is 5.807 acres and is located off Heards Mountain Road, approximately a mile from the Nelson County line. (Attachment D-Location Map) The property is almost entirely wooded as is surrounded by one other property that is entirely wooded with steep topography. Critical Slopes (slopes 25% or greater) are shown on the map below.



PLANNING AND ZONING HISTORY:

The single-family dwelling was constructed on this property in 2007.

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 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 residential neighborhood and is an accessory use to the residence. It is not expected to cause impacts to the RA.

ADJACENT PROPERTY OWNER COMMENT:

Notice of this special exception request was mailed to the one abutting property owner on December 4, 2020. The abutting property owner is a family member and has provided a letter of support for the special exception request. (Attachment B)

ANALYSIS OF THE SPECIAL EXCEPTION REQUEST:

Special exceptions are subject to approval by the Board under County Code §18-33.49:

Sec. 33.49 - Action by the Board of Supervisors.

The Board of Supervisors shall act on an application for a special exception as follows:

- A. *Action* . The Board may either approve the application, deny the application, or defer action to either allow changes to be made to the application or any proposed conditions prior to final action by the Board, or to refer the matter to the Commission for further consideration and recommendation within the time for an action provided in subsection (D).
- B. *Factors to be considered* . In acting on a special exception, the Board shall consider the factors, standards, criteria, and findings, however denominated, in the applicable sections of this chapter, provided that the Board shall not be required to make specific findings in support of its action.
- C. *Conditions* . In approving a special exception, the Board may impose reasonable conditions to address any possible impacts of the special exception. Except as the Board may specify in a particular case, any condition imposed on a special exception shall be deemed to be essential and nonseverable from the special exception itself. Any condition determined to be unreasonable, invalid, void, or unlawful shall invalidate the special exception.
- D. *Time for action* . The Board shall act on an application for a special exception within 90 days after the application is determined to be complete. The 90-day period may be extended if the applicant requests a deferral pursuant to [Section 33.52](#).

According to County Code §18-5.1.48(i)(2), special exceptions may be granted after notice to abutting property owners upon consideration of the following factors:

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

According to County Code §18-33.49(B), the Board is not required to make specific findings in support of its action. Staff's opinion is that authorizing the homestay use with reduced setbacks from the front property line would not cause detriment to the abutting lot or cause harm to the public health, safety, or welfare. This opinion is based on several factors favorable, including the unique characteristics of the homestay property. Given that the parcel is surrounded by an entirely wooded family-owned parcel, with steep slopes adjoining the parcel that cannot be

developed, staff is not recommending the typical condition to maintain a buffer along property lines. The application will meet all other requirements of the County Code (parking, safety inspection, addressing).

RECOMMENDATION:

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

1. Parking for homestay guests must be located within existing parking areas on the “gravel drive” depicted on the plat titled “Plat Showing Survey of Parcel A” dated May 2, 2008, prepared by J. Thomas Gale.

ATTACHMENTS:

- A. Staff Analysis
- B. Applicant’s Request, including plat and abutting owner support
- C. County Code § 18-5.1.48 Homestay Zoning Regulations
- D. Location Map
- E. Resolution