

Attachment A - Staff Analysis

STAFF PERSON: Lea Brumfield, Senior Planner II
BOARD OF SUPERVISORS: January 11, 2023
PROJECT: SE202200060 7S Farm/Henriksen Homestay
PROPERTY OWNER: 7S FARM LLC
LOCATION: 4504 Turkey Sag Road
PARCEL ID: 04800-00-00-06200
MAGISTERIAL DISTRICT: Rivanna

APPLICANTS'S PROPOSAL:

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 entity 7S Farm LLC, the property must have a resident manager in order to be eligible for homestays. The applicant is requesting a waiver to allow the beneficiary of the LLC to serve as a resident manager for 7S Farm LLC.

CHARACTER OF THE PROPERTY AND AREA:

The 40-acre property is located in the northeastern quadrant of the County, off of Stony Point Road, and is surrounded on all sides by forested parcels, large residential parcels, and agricultural operations. The parcel contains two dwellings and multiple outbuildings and farm buildings.

The house at 4504 Turkey Sag Road is the property owner's primary dwelling, and was built in 1935. The second dwelling on the property, proposed for use as a homestay, is a 960 square foot structure with two bedrooms, built in 2002 and described as a "cabin." The cabin is approximately 87 feet from the nearest property boundary, and approximately 700 feet from the nearest neighboring residence.

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 December 14, 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.

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.

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 is already in existence, 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 the beneficiary of the 7S Farm 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 4504 Turkey Sag Road.

ATTACHMENTS

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