

Attachment A - Staff Analysis

STAFF PERSON: Lea Brumfield, Senior Planner II
BOARD OF SUPERVISORS: January 18, 2023
PROJECT: SE202200062 Edgefield LLC Homestay
PROPERTY OWNER: EDGEFIELD LLC
LOCATION: 2860 Pea Ridge Road
PARCEL ID: 04100-00-00-022H0
MAGISTERIAL DISTRICT: White Hall

APPLICANTS'S PROPOSAL:

The applicant is seeking zoning clearance special exceptions to 1) permit a resident manager to fulfill the residency requirements for a homestay use, and 2) permit a homestay use within new accessory structures. (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 Edgefield 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 Edgefield LLC.

Additionally, County Code § 18-5.1.48(c)(2)(ii) requires homestay uses on parcels in the Rural Areas (RA) zoning districts to be located in a detached single-family dwelling or within its accessory apartments, or within an accessory structure built on or before August 7, 2019. The applicant is requesting a special exception to operate a homestay within up to three new cabin-type accessory structures that she intends to build on the parcel.

The proposed structures for use as a homestay would include up to three "cabin" style structures built with accommodations for impaired mobility and other disabilities, but the layout and design of the structures is not finalized. The applicant intends to design the structures to be used only for private guests and short-term rentals and does not intend the structures to be full dwellings.

CHARACTER OF THE PROPERTY AND AREA:

The 43.72-acre property is located in the White Hall magisterial district, off of Stony Point Road, and is surrounded on all sides by forested and large residential parcels. Directly south of the parcel is Parcel 41-22H1, a 42-acre vacant, forested parcel owned by Frances Lee-Vandell, the beneficiary of Edgefield LLC, which owns Parcel 41-22H.

The house at 2860 Pea Ridge Road is the property owner's primary dwelling and was built in 2016. The only other structure currently on the property is a cattle barn.

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 27, 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 exceptions would conflict with these overall goals of the Comprehensive Plan. Additionally, the applicant's proposal to provide facilities for disabled guests on an active agricultural operation, with opportunities for agricultural education, supports the Comprehensive Plan's objective to support a strong agricultural and forestal economy.

ANALYSIS OF THE SPECIAL EXCEPTION REQUESTS:

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 new accessory structures 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 the proposed size of less than 1,200 sf per structure is consistent in size and scale with the surrounding neighborhood. The use would not increase density of the parcel, as the structures would not be dwellings. Homestay uses are permitted by-right, and if the parcel were held by the beneficiary of the Edgefield LLC, instead of the LLC itself, the use would not require that 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 two homestay special exceptions to 1) permit a resident manager to fulfil the residency requirements for a homestay use at 2860 Pea Ridge Road, and 2) permit a homestay use within new accessory structures.

ATTACHMENTS

- A. Staff Analysis
- B. Applicant's Request
- C. County Code § 18-5.1.48 Homestay Zoning Regulations
- D. Location Map
- E. House and Parking Exhibit
- F. Resolution