

Attachment A - Staff Analysis

STAFF PERSON: Lea Brumfield, Senior Planner II
BOARD OF SUPERVISORS: April 5, 2023, deferred from March 1, 2023
PROJECT: SE202200065 Greenfield Short Term Rental Homestay
PROPERTY OWNER: Sara Greenfield
LOCATION: 225 Starcrest Road
PARCEL ID: 090D0-00-00-19100
MAGISTERIAL DISTRICT: Scottsville

BACKGROUND:

On March 1, 2023, the Albemarle County Board of Supervisors considered SE202200065, a proposal to increase the maximum number of guest rooms used for sleeping associated with the homestay use at 225 Starcrest Road. During that meeting, members of the Board expressed concerns over the potential for on-street parking despite the ordinance requirement of adequate off-street parking. Board members also expressed concerns over a loft space (which provides access to another bedroom) being used as a guest room for sleeping. Following its discussion, the Board deferred action on the proposed special exception to allow further consideration of the concerns raised. For clarity, staff's updates to the original staff report for this application have been underlined in this document.

APPLICANTS'S PROPOSAL:

The applicant is seeking a zoning clearance special exception to increase the maximum number of guest rooms for sleeping from two to three or four for a homestay use. (Attachment B).

County Code § 18-5.1.48(c)(1)(iii) permits a total of two guest rooms for sleeping on parcels within Residential zoning districts. The applicant is currently approved for a homestay with two guest rooms for sleeping, and is requesting to increase the maximum number of guest rooms for sleeping.

CHARACTER OF THE PROPERTY AND AREA:

The 0.4-acre property is located at the end of cul-de-sac in the neighborhood of Lake Reynovia, west of Avon Street Extended. The parcel is surrounded on three sides by preserved green space owned by the Lake Reynovia Owners Association. The south side of the parcel borders another residential dwelling. The parcel is zoned R-4 Residential, and contains one detached single family dwelling.

The house at 225 Starcrest Road is a three-bedroom home with a loft area currently configured for sleeping, and a finished basement. The owner is proposing to use the finished basement, which includes a space finished as a bedroom, as her private space when the upper levels are rented as a homestay.

PLANNING AND ZONING HISTORY:

The property was issued a by-right homestay permit for two bedrooms in 2022, and is currently in compliance with zoning and taxation/licensing regulations. Following licensure of the homestay, there have been no complaints or violations found against the homestay.

ABUTTING PROPERTY OWNER COMMENTS

Prior to the March 1, 2023 Board of Supervisors meeting, notice of the requested special exception was sent to abutting property owners on January 9, 2023. Staff had received no concerns about the proposed homestay special exception, but shortly before the March 1, 2023 meeting, staff did receive a general request from the Lake Reynovia Owners Association for

clarification on the homestay and special exception process. Additionally, staff sent a notice of the deferred application date to abutting property owners on March 13, 2023. Due to the compressed timeline of bringing the item back before the Board, abutting property owners were instructed to submit any comments or concerns about the proposed homestay special exception to the Board during the meeting, prior to this action item being heard.

COMPREHENSIVE PLAN:

The property is primarily designated Neighborhood Density Residential in the Comprehensive Plan. This designation includes low-density residential development patterns with neighborhood-scale commercial, retail, and institutional uses. The rear of the property is designated for Parks and Green Systems, which is not impacted by the applicant's proposal of using the existing dwelling on the parcel without expansion. Staff does not believe that the proposed special exception would conflict with these overall goals of the Comprehensive Plan.

PARKING

Following the March 1, 2023 Board of Supervisors meeting, where Board members expressed concern over parking, staff considered whether the number of on-site spaces required by the ordinance could be waived or modified. Because no such waiver or modification of the parking regulations in § 18-4.12.2 is permitted under § 18-5.1.48(b)(4), a homestay providing four guest rooms for sleeping must provide four on-site parking spaces. However, because this homestay already has the minimum number of required on-site parking spaces, this requirement does not need to be waived or modified.

As an alternative, the Board could impose a condition limiting the total number of vehicles that homestay guests may bring to the site. However, staff does not recommend this option, as it (a) would not reduce the underlying demand for guest parking and (b) would be difficult to enforce.

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 applicant has been operating a by-right homestay on the site without complaint.

If approved, the applicant's change to her homestay would be required to meet all other homestay regulations, including parking and safety inspections/building code of the new guest bedrooms. Staff has confirmed that the driveway and parking areas on the site do meet the required number of spaces for the expanded homestay parking requirements.

In consideration of the Board's concerns, staff recommends increasing the number of guest rooms used for sleeping to only three (down from the originally-proposed four). Permitting three guest rooms, which would require three guest parking spaces on-site, would be preferred over increasing the number of guest rooms to four with a condition that attempted to limit the total number of guest vehicles.

Board members also expressed concern over the use of a loft area as a guest room for sleeping, and proposed a potential condition requiring the applicant to advertise the sleeping space with clear descriptions of the access to one bedroom through the loft area. However, restricting advertising content as a land use condition might raise First Amendment issues and would also be difficult to enforce.

RECOMMENDATION:

Staff recommends that the Board adopt the attached resolution (Attachment F) to approve a Homestay special exception to increase the maximum number of guest rooms for sleeping from two to three for a homestay use at 225 Starcrest 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