



ALBEMARLE COUNTY PLANNING
STAFF REPORT SUMMARY

Project Name: SP201800010 Art Studio (Painting)	Staff: Andrew Knuppel, Planner
Planning Commission Public Hearing: September 4, 2018	Board of Supervisors Hearing: TBD
Owner(s): A. Camille Price	Applicant: Abby Kasonik
Acreage: 18.64 acres	Special Use Permit for: Home occupation, Class B per Zoning Ordinance Section 13.2.2(9).
TMP: 09000000000100	Location: 790 Old Lynchburg Road
School District: Monticello HS, Walton MS, Cale ES	By-right use: R-1 Residential - 1 unit/acre
Magisterial District: Samuel Miller	Proffers/Conditions: Yes
Requested # of Dwelling Units/Lots: N/A	DA - X RA -
Proposal: Home Occupation to allow an art studio in an existing accessory structure instead of inside the home. Outside visitors are proposed on a limited basis with no greater than 3 open studio events per year.	Comp. Plan Designation: Neighborhood Density Residential – residential (3-6 units/acre); supporting uses such as places of worship, schools, public and institutional uses and small-scale neighborhood serving retail and commercial. In Neighborhood 5 in the Southern Urban Neighborhood.
Character of Property: Large parcel in the Development Areas containing a historic house and accessory outbuildings. Wooded areas buffer most parcel boundaries.	Use of Surrounding Properties: Except for its frontage on Old Lynchburg Road, the property is completely surrounded by the Mosby Mountain subdivision which includes residences and wooded areas. Southwood Mobile Home Park and the future Biscuit Run County Park are located across the street.
Factors Favorable: <ol style="list-style-type: none"> 1. The use will be conducted entirely indoors, with minimal impacts to adjoining properties. 2. The use will promote a target industry identified in the Comprehensive Plan. 3. Traffic generated by the use is consistent with what would normally be expected by a dwelling unit in a residential neighborhood. Recommended conditions of approval would prevent activity in excess. 4. Approval of the request would rectify a potential code violation. 	Factors Unfavorable: <ol style="list-style-type: none"> 1. Concerns about visual impacts to adjacent properties have been stated. However, these impacts would be comparable to uses allowed by-right.
Recommendation: Staff recommends approval of SP201800010 with conditions.	

STAFF CONTACT:
PLANNING COMMISSION:
BOARD OF SUPERVISORS:

Andrew Knuppel, Planner
September 4, 2018
TBD

PETITION:

PROJECT: SP201800010 – Art Studio (Painting)

MAGISTERIAL DISTRICT: Samuel Miller

TAX MAP/PARCEL: 09000000000100

LOCATION: 790 Old Lynchburg Road, Charlottesville, VA 22903

PROPOSAL: Home Occupation to allow an art studio in an existing accessory structure instead of inside the home. Outside visitors are expected on a limited basis with no greater than 3 open studio events per year.

PETITION: Home occupation, Class B per Section 13.2.2(9) (reference 5.2) of the Zoning Ordinance.

ZONING: R-1 Residential - 1 unit/acre

ENTRANCE CORRIDOR (EC): Yes.

OVERLAY DISTRICT(S): Flood Hazard Overlay District

COMPREHENSIVE PLAN: Neighborhood Density Residential – residential (3-6 units/acre); supporting uses such as places of worship, schools, public and institutional uses and small-scale neighborhood serving retail and commercial, and Parks and Green Systems – parks, playgrounds, play fields, greenways, trails, paths, recreational facilities and equipment, plazas, outdoor sitting areas, natural areas, preservation of stream buffers, floodplains and steep slopes adjacent to rivers and streams in Neighborhood 5 in the Southern Urban Neighborhood.

CHARACTER OF THE AREA:

The property is surrounded to the north, west, and south by residences and an open space tract in the Mosby Mountain subdivision. The Southwood Mobile Home Park and the future Biscuit Run County Park are directly across Old Lynchburg Road from the subject property, although their frontages on Old Lynchburg Road are currently wooded. (Attachment A)

The property is a large, mostly wooded parcel containing the historic Tudor Grove house and accessory outbuildings. A wooded area buffers the property's frontage on Old Lynchburg Road, with a smaller wooded buffer along most parcel boundaries adjoining the Mosby Mountain subdivision. The structure containing the proposed art studio is located near the western edge of the property, across a clearing from the main house.

PLANNING AND ZONING HISTORY:

Although zoned R-1 Residential in the 1980 comprehensive rezoning, a majority of the property was not located in a designated Development Area until the Southern & Western Urban Neighborhoods Master Plan was adopted in 2015.

The property is the residue of the Tudor Grove estate. During the course of numerous subdivisions and boundary line adjustments prior to 2004, portions of the estate were subdivided and now form the acreage of the Mosby Mountain development.

At present, the accessory structure is being used as a painting studio.

DETAILS OF THE PROPOSAL:

The applicant is proposing to utilize an existing accessory structure as a painting studio for her home occupation. The usage of an accessory structure is the only criterion requiring a Class B home occupation.

In conjunction with the use, regular visitors to the studio are expected on an occasional basis by invitation only (an average of 1 visitor every 2 weeks, or as many as 3 on a rare busy week) to discuss a proposed piece of art or to pick up a piece they have purchased. Regular visits from visitors at this level is allowed for a Class A home occupation.

The applicant has also requested permission to have up to 3 open studio events in a year (at a 4 month interval), although it is possible that only one event per year may actually occur. These events would be consistent with what might be expected as part of an artisan trail or cultural tourism event, or a seasonal art show. The applicant anticipates that an open studio event would be held on one or two consecutive days from no earlier than 12:00 p.m. to no later than 8:00 p.m., inside the studio with no outdoor amplified sound. During an open studio event, no more than 35 vehicles would be expected and the invited visitors would be visiting intermittently throughout the event, and would not be expected to attend at the same time.

Attachment B contains the applicant's proposal, and Attachment C contains the concept plan.

COMMUNITY MEETING:

Due to the nature of the request and the anticipated minimal impacts, a community meeting was not held for this proposal. Instead, staff provided information at the July 19, 2018 5th and Avon Community Advisory Committee meeting. During the meeting, an abutting property owner expressed concerns about visual impacts that would be caused by vehicles utilizing the driveway to the studio structure, particularly those caused by headlights during evening hours. Questions were also asked regarding the applicant's ability to utilize the structure for private gatherings at the residence, as well as whether the County could further restrict the use of the studio structure.

ANALYSIS OF THE SPECIAL USE PERMIT REQUEST

Section 33.8 of the Zoning Ordinance states that the Planning Commission and Board of Supervisors shall reasonably consider the following factors when reviewing and acting upon an application for a special use permit:

No substantial detriment. The proposed special use will not be a substantial detriment to adjacent lots.

Because the property is fairly large and surrounded by wooded areas, and because all activities would take place inside the existing accessory structure, no significant visual, parking, traffic, or noise impacts are anticipated. The level of activity from open house visitors is similar to that of a party, a book club, Bible study, or activity that is accessory to the private residence. Staff believes that visual impacts to adjoining properties due to the operation of visitor vehicles will not be significant due to the infrequency of such events. The open studio events are expected to be comparable to other uses permitted by-right.

The recommended conditions of approval would limit vehicle trips, hours of operation, and parking areas; and prohibit outdoor amplified noise. Staff believes these conditions would serve to prevent and mitigate potential impacts to adjoining properties.

Character of district unchanged. The character of the district will not be changed by the proposed special use.

The studio already exists and no additional improvements are proposed. Staff believes that all operations related to the home occupation would be located in the interior of the property and would not affect the character of the district.

Harmony. The proposed special use will be in harmony with the purpose and intent of this chapter.

Chapter 18, Section 13 of the County Code outlines the purpose of the Residential – R-1 zoning district as follows:

“This district (hereafter referred to as R-1) is created to establish a plan implementation zone that:

- *Recognizes the existence of previously established low density residential districts in communities and the urban area;*
- *Provides incentives for clustering of development and provision of locational, environmental and development amenities; and*
- *Provides for low density residential development in community areas and the urban area.”*

No new development is proposed that would be contrary to the purpose and intent of this chapter.

The proposed special use will be in harmony with the uses permitted by right in the district.

A home occupation that is accessory to a permitted residential use is compatible with the residential and other by-right uses in the R-1 Residential district. The differences between a Class A (by-right) and Class B home occupation are summarized in Attachment D.

Administrative review of traffic impacts from a Class A home occupation is largely based on interpretation of Zoning Ordinance Section 5.2.e by the Zoning Administrator. The relevant requirement is below:

Traffic generated by a home occupation. The traffic generated by a home occupation shall not exceed the volume that would normally be expected by a dwelling unit in a residential neighborhood.

The standard administrative interpretation for a Class A (by-right) home occupation has been that this volume is seven (7) vehicle round trips per week, with the option to request a special exception for more than 7 trips per week. Regular (non-open studio event) traffic expected by this home occupation will be in line with this interpretation. Further discussion of this interpretation as applied to a Class B home occupation will be discussed in the following section.

The proposed special use will be in harmony with the regulations provided in section 5 as applicable.

The full analysis of the regulations in Section 5.2 of the Zoning Ordinance can be found in Attachment D. The traffic requirement is again described below:

Traffic generated by a home occupation. The traffic generated by a home occupation shall not exceed the volume that would normally be expected by a dwelling unit in a residential neighborhood.

The proposed use anticipates a low volume of regular customer traffic. Although open studio events are proposed, staff believes that due to their irregularity, expected attendance, and expected duration of the attendees' visits, an open studio event would be comparable to an open house or an occasional private gathering normally expected in a residential neighborhood.

Although the traffic volume for an open studio event may be in excess of what would be expected under the standard interpretation for a Class A home occupation, the volume would be in line with that permitted for a major home occupation in the Rural Areas zoning district (which allows open house activities by-right), and the requisite legislative approval for a Class B home occupation would be in line with that necessary to obtain a special exception for a Class A home occupation.

The proposed special use will be in harmony with the public health, safety and general welfare.

The proposed use is not expected to have impacts on traffic, noise, environmental features, or infrastructure. Staff believes the potential traffic impacts from the open studio events are mitigated by the character and location of the property. The entrance to the property is located on Old Lynchburg Road, which is a major collector road of rural character, rather than a residential street. All open studio events will take place within the studio structure, with no outdoor amplified music. No additional improvements are proposed.

Consistency with the Comprehensive Plan.

Compliance of this proposal relative to the policies and plans contained in the County's Comprehensive Plan is analyzed below:

Chapter 6 (Economic Development) Strategy 3a: Continue to use the 2012 Target Industry Study to guide decisions for economic development.

Staff Comment: The County recognizes "Arts, Design, and Sports & Media" as a complementary target industry cluster identified in the Target Industry Study. This proposal would support this industry.

Chapter 6 (Economic Development) Objective 6: Increase local business development opportunities, including support for entrepreneurial and startup businesses.

Staff Comment: This proposal is a home business operated by a local artist. Approval of the special use permit would permit a local artist to operate within the County at this scale.

Staff believes that the use is consistent with the goals of the Comprehensive Plan.

SUMMARY:

Staff has identified factors which are favorable and unfavorable to this proposal.

Factors favorable to this request include:

1. The use will be conducted entirely indoors, with minimal noise, parking, or visual impacts to adjoining properties.
2. The use will promote a target industry identified in the Comprehensive Plan.
3. Traffic generated by the use, including open studio events, will be in line with what would normally be expected by a dwelling unit in a residential neighborhood. Recommended conditions of approval will prevent activity in excess.
4. Approval of the request would rectify a potential code violation.

Factors unfavorable to this request include:

1. Concerns about visual impacts to adjacent properties have been stated. However, these impacts are anticipated to be comparable to those that may be allowed in other by-right activities, including the private residence.

RECOMMENDED ACTION:

Staff recommends approval of SP201800010 Art Studio (Painting), with the following conditions:

1. The home occupation shall be conducted entirely within the studio structure.
2. No outdoor amplified sound shall be permitted in accordance with the home occupation.
3. Visitors shall be permitted by invitation only. The traffic generated by the home occupation shall not exceed more than seven (7) vehicle round trips per week, with the exception of open studio events.
4. Visitors may be permitted up to six (6) days per week between the hours of 7:00 a.m. and 8:00 p.m.
5. No more than three (3) open studio events shall be allowed per calendar year. An open studio event may be held between 10:00 a.m. and 8:00 p.m. on a single day.
6. The traffic generated by an open studio event shall not exceed more than thirty-five (35) vehicle round trips per event. Vehicles shall not be parked along the driveway to the studio shown in the Concept Plan in Attachment C of the staff report.

MOTIONS:

- A. Should the Planning Commission choose to recommend approval of this special use permit:
I move to recommend approval of SP201800010 Art Studio (Painting) with the conditions outlined in the staff report.
- B. Should the Planning Commission choose to recommend denial of this special use permit:
I move to recommend denial of SP201800010 Art Studio (Painting) – (state reasons for denial).

ATTACHMENTS

Attachment A- Vicinity Map
Attachment B- Applicant's Narrative
Attachment C- Concept Plan
Attachment D- Summary & Analysis of Home Occupation Regulations