

Attachment A - Staff Analysis

STAFF PERSON: Rebecca Ragsdale, Principal Planner
BOARD OF SUPERVISORS: February 5, 2020
PROJECT: HS201900015
PROPERTY OWNERS: Massie, William W. or Nan E.
LOCATION: 312 Squirrel Path
TAX MAP/PARCEL: 04500-00-00-011B0
MAGISTERIAL DISTRICT: Rio

APPLICANT'S PROPOSAL:

The applicants are seeking a homestay zoning clearance and special exception on their property that would include rental of up to two guest rooms within the existing house. (Attachment B). Approval of the special exception will allow the applicants to continue the homestay rental use in compliance with what they have previously conducted on the property. There have been no complaints or concerns regarding this homestay use from neighbors since it began in 2016.

The zoning ordinance regulations found in County Code §18-5.1.48 (Attachment C) require a minimum yard of 125 feet from all property lines for parking and structures used for a homestay in the RA zoning district. County Code §18-5.1.48(i)(1)(ii) 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 parking and existing house are less than 125 feet from Squirrel Path Lane (70+/-), western (35+/-), and rear (60+/-) property lines. The house and parking comply with the 125-foot front setback from Pine Cone Circle.

ADJACENT PROPERTY OWNER COMMENT:

Notice of this special exception request was mailed to abutting property owners on December 17, 2019. Staff has not received any questions or comments in response to that mailing.

CHARACTER OF THE AREA:

The property is 0.95 acres, partially wooded, and is in the Squirrel Ridge subdivision. The lot is located at the corner of Squirrel Path and Pinecone Circle. The nearest house is to the western property line and that owner has offered no objection. All other residences are located more than 125 feet away and, in some cases, separated by wooded areas. (Attachment D-Location Map)

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 vital part of the County's economy, but 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 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 or change the residential character of the neighborhood.

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 of up to two guest rooms with reduced setbacks would not cause detriment to abutting lots or cause harm to the public health, safety, or welfare. The application will meet all other requirements of County Code (parking, safety inspection, addressing) and there has been no objection or concerns from neighbors to-date. Staff proposes the number of guest rooms for rental be limited to two, which is the number of guest rooms that homestays in Residential zoning districts are permitted to rent without an increased setback.

RECOMMENDATION:

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

1. No more than two (2) guest rooms may be rented for homestay use within the existing residence as depicted on the Parking and House Location Exhibit dated January 15, 2020.
2. Parking spaces for homestay guests are limited to the existing parking areas as depicted on the Parking and House Location Exhibit dated January 15, 2020.

ATTACHMENTS:

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

F. Resolution