

Attachment A - Staff Analysis

STAFF PERSON: Rebecca Ragsdale, Principal Planner
BOARD OF SUPERVISORS: March 4, 2020
PROJECT: HS201900030
PROPERTY OWNER: Joyce, Elizabeth Guie
LOCATION: 8500 Beacon Hill Lane
TAX MAP/PARCEL: 08300-00-00-02600
MAGISTERIAL DISTRICT: White Hall

APPLICANT'S PROPOSAL:

The applicant is seeking a homestay zoning clearance and special exception on her property that would include rental of up to two guest rooms within the existing house. (Attachment B). The zoning ordinance regulations found in County Code §18-5.1.48 (Attachment C) require a minimum yard of 125' from all property lines for parking and structures used for a homestay in the RA zoning district. County Code §18-5.1.48 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 existing house and parking for the homestay is less than 125' from Beacon Hill Lane (90') and from the western property line (121.13'). The house and parking comply with the with the 125' front setback from the rear and eastern property line.

CHARACTER OF THE AREA:

The property is 7.66 acres in the Signal Hill subdivision, which is near Pughs Store and the Nelson County line, accessed from Batesville Road. The property, along with other lots within the subdivision, are fairly wooded. The nearest houses are located to the west of the property (200') and across Beacon Hill Lane (270+'). (Attachment D-Location Map)

PLANNING AND ZONING HISTORY:

B200400148SF-The single family dwelling was constructed on this property in 2004.

B201401064AR- A garage was added to the existing house in 2015.

B201600572NNRZ- A greenhouse was constructed in 2016.

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 that urges 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.

ADJACENT PROPERTY OWNER COMMENT:

Notice of this special exception request was mailed to abutting property owners on February 4, 2020. A letter of support was provided by the abutting property owner to the west. Staff has not received any objections or concerns regarding the request to-date.

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 from front and western property lines would not cause detriment to abutting lots or cause harm to the public health, safety, or welfare. This opinion is based on several factors favorable, including the unique characteristics of the homestay property. The parcel is wooded along the western property line and the nearest houses are more than 200' away from the residence used for a homestay. The homestay will also be limited to two guest rooms. This is less than the allowable five guest rooms for parcels greater than five acres in size. Residentially zoned parcels may rent up to two guest rooms with no increased setback. The application will meet all other requirements of County Code (parking, safety inspection, addressing).

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 February 11 , 2020.
2. Parking for homestay guests is limited to the existing parking areas as depicted on the Parking and House Location Exhibit dated February 11, 2020.

ATTACHMENTS:

- A. Staff Analysis
- B. Applicant's Proposed Homestay, Survey of Parcel, and Neighbor Support
- C. County Code § 18-5.1.48 Homestay Zoning Regulations
- D. Location Map
- E. Parking and House Location Exhibit
- F. Resolution