

## **Attachment A - Staff Analysis**

**STAFF PERSON:** Rebecca Ragsdale, Principal Planner  
**BOARD OF SUPERVISORS:** March 4, 2020  
**PROJECT:** HS201900009  
**PROPERTY OWNER:** Daniels, Donald F. Jr. or Kathryn F.  
**LOCATION:** 4411 Stony Point Road  
**TAX MAP/PARCEL:** 04800-00-00-080A0  
**MAGISTERIAL DISTRICT:** Rivanna

### **APPLICANT'S PROPOSAL:**

The applicants are seeking a homestay zoning clearance and special exceptions on their property that would include rental of up to four guest rooms within the existing house. (Attachment B). Approval of the special exceptions will allow the applicants to continue the existing homestay rental use in compliance with current regulations.

Number of Guest Rooms-The zoning ordinance regulations found in County Code §18-5.1.48 (Attachment C) limits the number of guest rooms that may be rented on a RA zoned parcel of less than five acres to two (2) guest rooms. The applicants request a modification to the ordinance limitation of two (2) guest rooms to allow up to (4) four guest rooms in an existing house for homestay rental.

Required Yard for Homestay Parking-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(i) 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 parking is less than 125' (approximately 100') from the property line shared with Tax Map Parcel 04800-00-00-080B0. (See survey in Attachment B) The house complies with the required 125' setback from all property lines.

### **CHARACTER OF THE AREA:**

The property is 3.73 acres and is accessed from Stony Point Road via a 30' private street shared with 4409 Stony Point Road. It is located near the intersection of Gilbert Station Road and Stony Point Road. The nearest house is located almost 300 feet away. (Attachment D- Location Map)

### **PLANNING AND ZONING HISTORY:**

**SUB200700320-** A subdivision plat was approved in 2007 to create a two acre lot (Tax Map Parcel 04800-00-00-080A1), which is the lot located between the homestay parcel and Stony Point Road.

**B201501494AR and B201900582AR-** The existing house proposed for homestay use was originally built in 1962. The house has been remodeled and most recently a permit was issued for an addition.

### **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 the homestay use will conflict with these overall goals of the Comprehensive Plan.

**ADJACENT PROPERTY OWNER COMMENT:**

Notice of these special exception requests was mailed to abutting property owners on February 4, 2020. A letter has been provided from the owners of 4409 Stony Point Road indicating they have no objection to the proposed homestay. Staff has received no other questions or concerns 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 four guest rooms and a parking setback reduction from one property line would not cause detriment to abutting lots or cause harm to the public health, safety, or welfare. While the homestay would be accessed via a private street serving two lots, the homestay is not expected to generate additional traffic that would affect maintenance of the road and the abutting owner has offered no objection. The application will meet all other requirements of County Code (parking, safety inspection, addressing). Staff proposes the number of guest rooms for rental be limited to four and guest parking be limited to existing parking areas.

**RECOMMENDATION:**

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

1. No more than four (4) guest rooms may be rented for homestay use.
2. Parking for homestay guests is limited to the existing parking areas as depicted on the physical survey prepared by Commonwealth Land Surveying dated March 4, 2015.

**ATTACHMENTS:**

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