

Attachment A - Staff Analysis

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| STAFF PERSON: | Rebecca Ragsdale, Principal Planner Francis MacCall, Principal Planner |
| BOARD OF SUPERVISORS: | March 18, 2020 |
| PROJECT: | HS202000012 |
| PROPERTY OWNER: | Karen D. Pape Trust c/o Karen D. Pape, Trustee |
| LOCATION: | 734 Osprey View Way |
| TAX MAP/PARCEL: | 04400-00-00-021C0 |
| MAGISTERIAL DISTRICT: | Jack Jouett |

APPLICANT'S PROPOSAL:

The applicant is seeking a special exception for a proposed Homestay that includes rental of one guest room within a second dwelling on the property (734 Osprey View Way). (Attachment B) The owner resides on the property (740 Osprey View Way). 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 allows that setback to be reduced if a special exception is approved by the Board after notice has been provided to abutting property owners.

The house and parking for the proposed Homestay are less than 125 feet from the side property lines to the east and west (70 +/-). The house and parking comply with the with the required 125-foot setback from the front and rear property lines.

CHARACTER OF THE AREA:

The 9.45-acre property is partially wooded and is located on Osprey View Way between Woodlands Road and the South Fork Rivanna Reservoir. The property to the east is a 2-acre lot developed with one house located more than 400 feet away from the proposed Homestay. The property to the west is 21.86 acres in size and is developed with one house more than 600 feet away from the proposed Homestay. The property to the north of the proposed Homestay property is a 7.78-acre lot developed with a residence more than 650 feet away from the proposed Homestay. The parcel across Woodlands Road is 56 acres in size with residential uses. (Attachment D-Location Map)

PLANNING AND ZONING HISTORY:

B200404463SF- A single family dwelling was constructed in 2005.

B201901096SF- A building permit for a second single-family dwelling was issued July 3, 2019. The structure is still under construction. A certificate of occupancy and Homestay zoning clearance must be approved before the dwelling can be used for Homestay rental.

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 and is supportive of tourism.

ADJACENT PROPERTY OWNER COMMENT:

Notice of this special exception request was mailed to abutting property owners on February 21, 2020. 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 reducing setbacks for the Homestay from the side 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, including the unique characteristics of the Homestay property. The nearest house is situated more than 400 feet away from the residence used for a Homestay. The Zoning Ordinance allows up to five guest rooms for rent on parcels greater than five acres in size. The proposed Homestay will be limited to one guest room. 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, and 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 one (1) guest room may be rented for Homestay use within the existing residence as depicted on the Parking and House Location Exhibit dated February 24, 2020.
2. Parking for Homestay guests is limited to the existing parking areas as depicted on the Parking and House Location Exhibit dated February 24, 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