

Attachment A - Staff Analysis

To: Albemarle County Board of Supervisors
From: Lea Brumfield, Senior Planner
Date: June 17, 2020
Re: HS202000035 Homestay Special Exception Minor Mill
Owner: Mark J. or Linda G. Corradino
TMP: 06300-00-00-046C0
Magisterial District: Rivanna

APPLICANT'S PROPOSAL:

The applicants are seeking a Homestay zoning clearance and special exception for an existing Homestay that includes rental of two guest rooms within a second dwelling on the parcel, renovated from the existing barn on the property. (Attachment B). 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. Approval of this special exception will bring the existing Homestay into compliance.

The second dwelling and guest parking used for the homestay are less than 125 feet from the southwestern property line (60 feet +/- for the structure and 40 feet +/- for parking) shared with 2435 Minor Mill Road. The owner's dwelling and parking are 110 feet and 92 feet from the southwestern property line, but this dwelling will not be used in the homestay.

CHARACTER OF THE AREA:

The 10.0 acre property is located at 2420 Minor Mill Road. The nearest house is located more than 220 feet away from the homestay, and the next nearest houses are located more than 450 feet away from the homestay. There is a 25' planted buffer located on the homestay property along the southwestern property line that mitigates visibility of the homestay and parking from the nearest house. (Attachment E)

PLANNING AND ZONING HISTORY:

The existing house and second dwelling (barn), which is used for the homestay, were built in 1964. The applicant has been in contact with the Building Official to determine the applicable building code requirements for renovations to the existing second dwelling (barn).

COMPLAINTS

There are no zoning complaints listed for this parcel.

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. The Homestay is proposed within an existing structure and is an accessory use to the residence. It is not expected to cause impacts to the Rural Area and is supportive of tourism in Albemarle.

ADJACENT PROPERTY OWNER COMMENT:

Notice of this special exception request was mailed to abutting property owners on May 21, 2020. As part of his application, the applicant included two letters of support from abutting property owners, including one from the abutting property owner located directly across from the homestay.

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 the setback from the northern property line would not cause detriment to abutting lots or cause harm to the public health, safety, or welfare for rental of one guest room. This opinion is based on several factors favorable, including the unique characteristics of the Homestay property. The affected neighboring house is than 125 feet away from the residence used for a Homestay. The application meets the parking requirements of the County Code, and is pursuing all other requirements (safety inspection, and addressing). The safety inspection will be scheduled as soon as the novel coronavirus situation permits.

RECOMMENDATION:

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

1. The Homestay use is limited to two (2) guest rooms within the existing second dwelling (renovated barn) as depicted on the Parking and House Location Exhibit dated May 22, 2020.
2. Parking for Homestay guests is limited to the existing parking areas as depicted on the Parking and House Location Exhibit dated May 22, 2020.

3. The existing 25' planted buffer located along the southwestern property as depicted on the Parking and House Location Exhibit dated May 22, 2020 line may not be disturbed and must be maintained with screening that meets the minimum requirements of County Code § 18-32.7.9.7(a)-(e).

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