

Attachment A - Staff Analysis

To: Albemarle County Board of Supervisors
From: Lea Brumfield, Senior Planner II
Date: January 20, 2021
Re: SE202000020 Dean Kedes
Owner: Dean Kedes
TMP: 04300-00-00-023E2
Magisterial District: Samuel Miller

APPLICANT'S PROPOSAL:

The applicant is seeking a homestay zoning clearance and special exception for an existing homestay that includes rental of two guest bedrooms 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 feet from all property lines for parking and structures used for a Homestay in the Rural Areas (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 to abutting property owners. Approval of this special exception would allow the existing homestay to come into compliance.

The house and guest parking used for the homestay are less than 125 feet from the property lines (40 feet +/- from the northeastern and eastern property lines for the house and homestay parking and 118 feet +/- from the southern property line for the house). The homestay and parking comply with the 125' setback from all other property lines.

CHARACTER OF THE AREA:

The 2.98 acre property is located at 1045 Quail Hollow Lane. The nearest house is located 120 feet away from the homestay, and the next nearest houses are located more than 250 feet away from the homestay. The homestay is located below grade to the rear of the house, and a 20' planted buffer located on the homestay property along the northeastern and eastern property line, as well as the house itself, mitigates visibility of activity from the closest neighboring house. A 60'+ planted buffer on the southern border of the property mitigates visibility from the southern bordering property. (Attachment E)

PLANNING AND ZONING HISTORY:

The single-family dwelling was built in 2001.

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 that this homestay use would 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 December 10, 2020. Staff received a letter of support from the nearest neighbor (Attachment F).

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.*

Under 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 northeastern, eastern, and southern property lines would not cause detriment to abutting lots or cause harm to the public health, safety, or welfare for rental of two guest bedrooms. This opinion is based on several factors favorable, including the unique characteristics of the existing house and the support of the affected neighbor. The homestay itself is not visible from the affected neighboring house, and the parking is screened by a 20' planted buffer. The view of the homestay from the southern abutting parcel is screened by extensive planted buffers. This application meets the parking requirements of the County Code, and is pursuing all other requirements (safety inspection).

RECOMMENDATION:

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

1. The homestay use is limited to the existing two-bedroom basement apartment located within the existing dwelling.
2. Parking for homestay guests is limited to the existing parking areas depicted on the Parking and House Location Exhibit dated December 23, 2020.
3. The existing 20' planted buffer located along the northeastern and eastern property boundaries and existing 60'+ planted buffer located along the southern property

boundary, depicted on the Parking and House Location Exhibit dated December 23, 2020, may not be disturbed and must be maintained with screening that meets the minimum requirements of County Code § 18-32.7.9.7(b)-(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. Letter of Support
- G. Resolution