

Attachment A - Staff Analysis

STAFF PERSON: Lea Brumfield, Senior Planner II
BOARD OF SUPERVISORS: June 2, 2021
PROJECT: SE202100006 Homestay Special Exception
Patterson Mill
PROPERTY OWNER: John E. Howard
LOCATION: 198 Patterson Mill Lane
TAX MAP PARCEL: 07100-00-00-04000
MAGISTERIAL DISTRICT: Samuel Miller

APPLICANT'S PROPOSAL:

The applicant is seeking a zoning clearance and special exception for a homestay use within the existing primary dwelling. (Attachment B). County Code § 18-5.1.48(j)(1)(iii) (Attachment C) requires 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 structure and guest parking used for the homestay are 46 feet +/- from the front property line on Patterson Mill Lane, 84 feet +/- from the southwestern property line, and 76 feet +/- from the western property line. The use requires a special exception for these setbacks. The homestay complies with the 125-foot setback from the northernmost property lines.

CHARACTER OF THE PROPERTY AND AREA:

The 1-acre property is located at 198 Patterson Mill Lane. The nearest house is located across Patterson Mill Lane, 222+/- feet away from the homestay, and is screened by 20 feet of vegetation. The next nearest house is located more than 330 feet away from the homestay, and is screened by over 40 feet of vegetation. The parcel directly south of the homestay is pastureland, and is located almost entirely in the floodplain. The parcel sharing the largest border with the homestay, to the west, contains multiple dwellings over 2,900 feet from the homestay. The land between the proposed homestay and the dwellings on that parcel is heavily wooded. The closest non-abutting parcel to the proposed homestay is a storage yard and operations location for the Virginia Department of Transportation. The homestay use is proposed within the existing primary dwelling. (Attachment E)

PLANNING AND ZONING HISTORY:

The existing dwelling is listed in real estate records as built in 1800. The homestay received a notice of zoning violation for an unpermitted homestay in 2019, after which the property owner removed the listing. The zoning violation has been abated, and the homestay is in compliance with business license and prior taxation requirements.

ABUTTING PROPERTY OWNER COMMENTS

Notice to abutting property owners was mailed on April 9, 2021. To date, staff has received no complaints or concerns from neighbors regarding this proposed homestay.

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.

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. The Board may approve, approve with conditions, deny, or defer this application. Staff analysis of the special exception request is below.

Staff's opinion is that reducing the setback from the front, southwestern, and western property lines for a homestay use would not cause either (i) detriment to any abutting lot or (ii) harm to the public health, safety, or welfare. This opinion is based on several factors favorable, including distance between the homestay and the abutting residences, the industrial use of a nearby property, and the vegetative screening buffering all sides of the parcel. The application will meet all other requirements of the County Code including parking, safety inspections/building code, neighbor notification of emergency contact, and addressing. These requirements, along with conditions of approval, are verified through the zoning clearance process, which would follow special exception approval.

RECOMMENDATION:

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

1. Parking for homestay guests is limited to the existing parking areas, as depicted on the Parking and House Location Exhibit dated May 11, 2021.
2. Homestay rental is limited to the existing house, as currently configured and depicted on the House and Parking Location Exhibit dated May 11, 2021.

3. The existing screening, as depicted on the House and Parking Location Exhibit dated May 11, 2021, must be maintained, or equivalent screening that meets the minimum requirements of County Code § 18-32.7.9.7(b)-(e) must be established and maintained.

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