

Attachment A - Staff Analysis

STAFF PERSON: Lea Brumfield, Senior Planner II
BOARD OF SUPERVISORS: July 7, 2021
PROJECT: SE202100014 Homestay Special Exception
Stony Point
PROPERTY OWNER: Richard Heeschen and Linda Braxdale Heeschen
LOCATION: 2022 Stony Point Road
TAX MAP PARCEL: 06200-00-00-049D1
MAGISTERIAL DISTRICT: Rivanna

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 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 has been provided to abutting property owners.

The structure and guest parking used for the homestay are 75 feet +/- from the southern front property line, 75 feet +/- from the eastern property line, and 69 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 northern property line.

CHARACTER OF THE PROPERTY AND AREA:

The 2.4-acre property is located at 2022 Stony Point Road. The nearest house is located 306 feet +/- 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 100 feet of vegetation on the homestay parcel. The parcel directly south of the homestay is not yet developed. The parcel to the east of homestay contains five dwellings over 1,000 feet from the homestay, which are primarily long-term residential rentals. The homestay use is proposed in the one-bedroom basement apartment of the existing primary dwelling. (Attachment E)

PLANNING AND ZONING HISTORY:

The existing dwelling was completed in April 2020, and has not been rented out as a homestay. The property owner runs a home occupation creating and selling container garden arrangements, permitted by a major home occupation permit.

This item was originally scheduled for June 2, 2021, but was postponed at the property owner's request.

ABUTTING PROPERTY OWNER COMMENTS

The first notice to abutting property owners was mailed on April 9, 2021. Following that notice, staff received a comment from the eastern abutting property owner, expressing concern that the shed located on the applicant's property was too close to the property boundary, and that the guests to the homestay might take the wrong driveway and accidentally trespass on the neighbor's property. The shed will not be used in for homestay, and meets primary structure setbacks, located over 40' +/- from the parcel boundary.

Following the postponement of this item, the second notice to abutting property owners was

mailed on May 13, 2021. No additional comments were received.

Additionally, two letters of support were included in the application packet, from the southern and western abutting property owners.

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 County Code § 18-33.5, under which the Board may either approve or deny an application, defer action to allow for changes prior to final action, or refer the application to the Planning Commission.

Though the Board is not required to make specific findings in support of its action, County Code §18-5.1.48(i)(2) identifies the following factors for consideration:

- (i) *There is no detriment to any abutting lot; and*
- (ii) *There is no harm to the public health, safety, or welfare.*

Staff's opinion is that reducing the setback from the southern front, eastern, 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.

Traffic

The single bedroom homestay unit would not create more traffic than the by-right use of the apartment as a full-time residential rental. As part of the homestay zoning clearance approval process, the applicant would be required to post the property address at the entrance to the property's driveway, reducing the likelihood that any homestay guests would enter the wrong driveway.

Screening

The homestay entrance and parking, located to the rear of the primary dwelling, is screened by dense vegetation and is not visible from any abutting parcels. However, the vegetation in the southeastern corner of the property is primarily composed of tall evergreen trees. This allows the eastern property owner visibility of the applicant's shed, dwelling, and front yard where the neighbor's driveway passes close by the applicant's parcel boundary (Attachment E).

The application meets 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 G) 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 House and Parking Location Exhibit dated June 17, 2021.
2. Homestay use is limited to the existing house, as currently configured and depicted on the House and Parking Location Exhibit dated June 17, 2021.
3. The existing screening, as depicted on the House and Parking Location Exhibit dated June 17, 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. Additional vegetative screening in the southeastern corner of the parcel mitigating the visibility of the dwelling from TMP 62-49B must be planted in the general location shown on the Buffer Exhibit dated June 17, 2021, and 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. House and Parking Location Exhibit
- F. Buffer Exhibit
- G. Resolution