

Attachment A - Staff Analysis

STAFF PERSON: Lea Brumfield, Senior Planner II
BOARD OF SUPERVISORS: July 21, 2021
PROJECT: SE202100021 Homestay Special Exception Euans
PROPERTY OWNER: David and Joanna Euans
LOCATION: 6850 Castleberry Court
TAX MAP PARCEL: 07100-00-00-004H0
MAGISTERIAL DISTRICT: Samuel Miller

APPLICANT'S PROPOSAL:

The applicants are seeking a zoning clearance and two special exceptions for a homestay use within the existing accessory structure. The two requests are to (1) reduce the minimum yard of 125 feet from all property lines for parking and structures used for a Homestay in the Rural Areas (RA) zoning district, and (2) to permit the use of an accessory structure in association with a homestay on a Rural Areas district parcel of less than five acres. (Attachment B).

1. **Reduce Required Minimum Yards.** For homestay parking and structures on Rural Areas (RA) parcels, County Code § 18-5.1.48(j)(1)(v) requires a minimum yard of 125' from any abutting lot not under the same ownership. The applicants are requesting to reduce the required 125-foot setbacks to 100 feet +/- from the front property line and 15 feet +/- from the western property line to conduct a homestay in the one-bedroom renovated space above the existing garage. The parking for the homestay use is located directly in front of the garage. The structure and parking comply with required minimum yards from the rear and eastern property boundaries.
2. **Permit Use of Accessory structure.** County Code § 18-5.1.48(j)(1)(ii) requires homestays on Rural Areas (RA) parcels of less than five acres to be conducted within a detached single-family dwelling. The applicants are requesting to conduct a one-bedroom homestay within the renovated space above their detached garage.

CHARACTER OF THE PROPERTY AND AREA:

The 3.86-acre property is located at 6850 Castleberry Court, within a densely wooded cul-de-sac south of Yancey Mills. The nearest house is located 150 feet +/- feet away from the homestay. The parcel backs onto Stockton Creek, a perennial stream, and approximately 2.92 acres +/- of the property remains wooded. The primary dwelling and the garage structure were both completed in 2018. The homestay use is proposed in the one-bedroom finished space above the detached garage structure. (Attachment E)

PLANNING AND ZONING HISTORY:

County GIS inaccurately shows the accessory garage structure across the western property boundary, but County Staff has confirmed the structure is located 15 feet +/- from the western property boundary.

The property has not been rented out as a homestay, and has no zoning compliance or taxation/licensing compliance issues.

ABUTTING PROPERTY OWNER COMMENTS

The notice to abutting property owners was mailed on June 17, 2021. Following that notice, staff received a question from a property owner regarding the licensing requirements for future homestays located at 6850 Castleberry Court. When informed that the Euanses and any future property owners would be required to obtain a Homestay Zoning Clearance in addition to the special exceptions requested, the neighbor stated that he had no concerns about a future homestay or objections to the application.

Additionally, the neighbor located closest to the proposed homestay location provided the applicants with a letter of support for the homestay use (Attachment B).

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 would 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 neither special exception would cause either (i) detriment to any abutting lot or (ii) harm to the public health, safety, or welfare.

Additional screening to the west of the homestay is recommended to screen the use from abutting properties, consistent with prior staff recommendations and special exceptions granted to homestays with similar requests.

The applicant will be required to meet all other homestay 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 the Homestay special exceptions, 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 28, 2021.
2. Homestay use is limited to the existing structures, as currently configured and depicted on the House and Parking Location Exhibit dated June 28, 2021.
3. The existing screening, as depicted on the House and Parking Location Exhibit dated June 28, 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 screening must be established directly west of the homestay and homestay parking area as shown on the Buffer Exhibit dated June 28, 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