

Attachment A - Staff Analysis

STAFF PERSON: Lea Brumfield, Senior Planner II
BOARD OF SUPERVISORS: August 4, 2021
PROJECT: SE202100020 Homestay Special Exception Anderson
PROPERTY OWNER: Philip or Janet Anderson
LOCATION: 4800 Mahonia Drive
TAX MAP PARCEL: 02000-00-00-145A0
MAGISTERIAL DISTRICT: White Hall

APPLICANT'S PROPOSAL:

The applicants are seeking a zoning clearance and a special exception for a homestay use within a proposed basement apartment to be built in the existing primary dwelling (Attachment B). County Code § 18-5.1.48(j)(2)(v) (Attachment C) requires a minimum yard of 125 feet from all property lines for parking and structures used for a Homestay on parcels of five acres or more in the RA zoning district. County Code § 18-5.1.48(i)(1)(ii) 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 65 feet +/- from the northern property line, and 95 feet +/- from the southeastern property line. The use requires a special exception for these setbacks. The homestay complies with the 125-foot setback from all other property lines.

CHARACTER OF THE PROPERTY AND AREA:

The 7.41-acre property is located at 4800 Mahonia Drive, within a densely wooded cul-de-sac east of Earlysville. The nearest house is located 133 feet +/- feet away from the homestay, and the next nearest house is located 155 feet +/- from the homestay. The parcel backs onto North Fork Rivanna River. The primary dwelling was completed in 2002, and the homestay is proposed in a basement apartment within the primary dwelling, as yet to be built. (Attachment E)

PLANNING AND ZONING HISTORY:

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 July 2, 2021, and staff has received no concerns from neighboring properties.

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 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 front and western property lines for a homestay use within an existing accessory structure would not 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 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 House and Parking Location Exhibit dated July 12, 2021.
2. Homestay use is limited to the existing structures, as currently configured and depicted on the House and Parking Location Exhibit dated July 12, 2021.
3. The existing screening, as depicted on the House and Parking Location Exhibit dated July 12, 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. House and Parking Location Exhibit
- F. Resolution