

COUNTY OF ALBEMARLE**APPLICATION FOR A SPECIAL EXCEPTION**

- ☒ Request for a waiver, modification, variation or substitution permitted by Chapter 18 = **\$457**
- ☐ Variation to a previously approved Planned Development rezoning application plan or Code of Development = **\$457**

OR

- ☐ Relief from a condition of approval = **\$457**

Provide the following

- ☒ 3 copies of a written request specifying the section or sections being requested to be waived, modified, varied or substituted, and any other exhibit documents stating the reasons for the request and addressing the applicable findings of the section authorized to be waived, modified, varied or substituted.

Provide the following

- ☐ 3 copies of the existing approved plan illustrating the area where the change is requested or the applicable section(s) or the Code of Development. Provide a graphic representation of the requested change.
- ☐ 1 copy of a written request specifying the provision of the plan, code or standard for which the variation is sought, and state the reason for the requested variation.

Project Name : Philip and Ellen Anderson Accessory Apartment for long term or transient Homes

Current Assigned Application Number (SDP, SP or ZMA)

Tax map and parcel(s): 02000-00-00-145A0, LOT 145A0

Applicant / Contact Person Philip Anderson

Address 4800 Mahonia Drive **City** Charlottesville **State** Va **Zip** 22911

Daytime Phone# (301) 335-6051 **Fax#** () **Email** philsolar@gmail.com

Owner of Record Philip & Ellen Anderson

Address 4800 Mahonia Drive **City** Charlottesville **State** Va **Zip** 22911

Daytime Phone# (301) 335-6051 **Fax#** () **Email** philsolar@gmail.com

COUNTY OF ALBEMARLE**APPLICATION FOR A SPECIAL EXCEPTION****APPLICATION SIGNATURE PAGE**

If the person signing the application is someone other than the owner of record, then a signed copy of the "CERTIFICATION THAT NOTICE OF THE APPLICATION HAS BEEN PROVIDED TO THE LANDOWNER" form must be provided in addition to the signing the application below. (page 3)

Owner/Applicant Must Read and Sign

By signing this application, I hereby certify that I own the subject property, or have the legal power to act on behalf of the owner of the subject parcel(s) listed in County Records. I also certify that the information provided on this application and accompanying information is accurate, true, and correct to the best of my knowledge. By signing this application, I am consenting to written comments, letters and or notifications regarding this application being provided to me or my designated contact via fax and or email. This consent does not preclude such written communication from also being sent via first class mail.

Philip Anderson Ellen Anderson

Signature of Owner / Agent / Contract Purchaser

May 5, 2021

Date

Philip & Ellen Anderson

Print Name

301 335-6051 (Philip)

Daytime phone number of Signatory

FOR OFFICE USE ONLY

APPLICATION# 582021-20

Fee Amount \$ 457-

Date Paid 5/7/21

By who? Ellen & Philip Anderson Receipt # 123363 Ck# 132 By JS

Request for special exception to Homestay regulation for 125 ft setback, May 5, 2021

Property:

Philip & Ellen Anderson, 4800 Mahonia Drive, Charlottesville Va 22911, 301 335-6051, PhilSolar@gmail.com

Parcel: 02000-00-00-145AO

Size: 7.41 acres

Zoning: Rural Area

I have applied for an accessory apartment permit, which we are allowed by right, and a building permit for its construction. I expect construction to begin in June 2021.

I would like to rent the apartment for long term rental (more than 30 days), which is not regulated by the County, or for homestays (transient guests for less than 30 days per stay).

I am requesting the Board of Supervisors to approve a special exception to the 125 ft lot line setback requirement for homestay dwelling and parking, per County regulation:

Sec 5.1.48 j. (2) (v)

Section 5.1.48 - Homestay

j. Parcel-based regulations

(2) Each homestay located on a parcel of five acres or more in the Rural Areas district

(v) *Minimum yards.* The minimum front, side, and rear yard for parking and for structures used in whole or in part to serve a homestay shall be 125 feet from any abutting lot not under the same ownership as the homestay use.

Per Sec 5.1.48 j. (2) (i & ii), an exception to the setback requirements may be approved if the County Board of Supervisors determines that:

There is no detriment to any abutting lot; and there is no harm to the public health, safety, or welfare.

Only two neighbors share our lot lines and so would be affected by the 125 ft homestay offset requirement. I asked both to state if they had any objection to an exception to the homestay 125 ft offset requirement, and told them they could also make a statement directly to the Board of Supervisors and the Board may also invite a statement from them. Only one of the neighbors has responded, and they have no objection:

1. Joe & Elizabeth Feola, 4794 Mahonia Drive, Charlottesville VA 22911, Joe: joeifeola5@gmail.com, (540) 181-3517; Elizabeth: ecareyincville@gmail.com (434) 466-2329. Their emailed response (email attached):

We discussed and don't have any objections assuming there is some sort of assurance that anyone staying there would obviously pose no risk or danger to the family. I'm positive you would put safeguards in place but I guess I feel I need to say it out loud to be sure.

Best of luck. Happy to send whatever you need us to.

2. Robert Munsey, 4830 Mahonia Drive, Charlottesville VA 22911, (864) 216-1122, munceyr@gmail.com Robbie has not responded to my invitation to state his opinion about the exception and his house is now for sale.

I feel that homestay use of our basement accessory apartment (to be built) will not be a detriment to the two abutting lots (Munsey & Feola lots) because:

Visual and acoustic privacy of the Munsey home: At night, headlights of cars in our driveway will not shine toward the Munsey home. No part of the apartment is visible from the Munsey home, including the apartment entrance. Our home is 64 feet from the lot line and 105 feet from the Munsey house, including 40 feet of dense forest, and the apartment entrance and patio is another 30 feet (total 135 feet from the Munsey home). The Munsey house is elevated about 20 feet above our home main entrance floor and 30 feet above the entrance to the basement apartment so there is no level line of sight from our home to the Munsey home and no line of sight from the apartment. In the growing season, forest foliage blocks view of our home and driveway, and partially in the winter. In outside

activity weather, voices of homestay guests on the apartment patio and swimming pool further away and downhill will be blocked by our home, hill and forest, but guest voices may be heard (but not discernable) as the guests walk from parking toward the apartment entrance. We have seldom heard voices from the Munsey property, and never discernable - people would have to yell to be heard between both properties. The apartment entrance is not visible at any time from the Munsey home but the apartment parking will be visible when there is no foliage in winter.

Visual and acoustic privacy of the Feola home: The apartment is 106 feet from the Feola lot line and 120 feet from the home. At night, headlights of cars in our driveway will not shine toward the Munsey home. The apartment entrance is not visible from the Feola home. In the growing season, forest foliage blocks view of the apartment two side windows and the driveway, and partially in the winter. In outside activity weather, voices of homestay guests on the apartment patio and swimming pool may be heard from the Feola home but will not be discernable - people would have to yell to be heard clearly between both properties. The apartment entrance and parking is not visible at any time from the Feola home.

The swimming pool is downhill and further away from both adjacent homes, not visible at any time from the Munsey home and only partially visible from the Feola home due to screening by the pool pump house and pool fencing.

Activities on the 5 acre meadow will likely be walking and running, and maybe games like badminton, croquet and frisbee. From the rear of our home we can barely hear voices down in the meadow so they will be even less perceptible from the adjacent homes.

Traffic: We expect only 1 and occasionally 2 homestay guest cars two to four days weekly, in addition to our two cars, and these extra cars will likely use the driveway for one entrance and exit daily.

Public health, safety, or welfare: This will be a high end cost apartment in a beautiful natural setting which will be attractive and affordable mainly to people who will likely be civil, behaved, law abiding and considerate of others. We will have rules forbidding rowdy or lewd guest behavior, and forbidding drunkenness, smoking and drugs. Guests will be partially screened for

behavior by a reservation service, like Air B&B or Vrbo. COVID quarantine rules will be strictly observed.



natureschild2000 <philsolar@gmail.com>

Phil - apartment for Air B&B or long term rental

7 messages

Phil Anderson <philsolar@gmail.com>

Fri, Apr 23, 2021 at 7:30 PM

To: Joe Feola <joeifeola5@gmail.com>, Elizabeth Carey Feola <ecareyincville@gmail.com>

Cc: Philip Anderson <philsolar@gmail.com>, Ellen Anderson <ellenstar0521@gmail.com>, Chris Anderson <coaoak@gmail.com>

Elizabeth and Joe,

I may have mentioned to you that we planned to build a one-bedroom apartment in the basement of our home for long term rental (more than 30 days) or for short term /Air B&B rental less than 30 days (referred to by the County as a "Homestay").

We can rent the apartment for terms longer than 30 days by right due to our property's zoning (as can you) but for the short term rental we have to get a special exception by the County Board of Supervisors because our home and the apartment parking are less than 125 feet from neighbors' lot lines.

How do you feel about this? We feel there will be no or minimal impact on your property, in terms of visual or acoustic privacy, and social and safety issues. I hope you agree for we do not want to do anything to degrade your quality of life. But if you have some objection, please call me so we can discuss. Also, you could put your objection in writing for me so I can include it in our application for the special exception for the County Board to consider, or you can submit your objections directly to them, and they also may contact you for this.

I hope this will be okay for you. It is something we need to do now and the apartment may enable us to age in place later, and enable Chris to remain here after we are gone, with a caretaker in residence.

Links to the County regulations are after my signature block.

Best,
Phil

--
Philip Anderson
4800 Mahonia Drive
Charlottesville, VA 22911

philsolar@gmail.com mobile: 301 335-6051 home: 434 284-8492

<https://www.albemarle.org/government/community-development/learn-more-about/home-occupation> ! see "regulations" tab

https://library.municode.com/va/albemarle_county/codes/code_of_ordinances?nodeId=CH18ZO_ARTIIBARE_S5SURE_S5.1SURE_S5.1.48HO

Phil Anderson <philsolar@gmail.com>

Fri, Apr 23, 2021 at 7:40 PM

To: Joe Feola <joeifeola5@gmail.com>, Elizabeth Carey Feola <ecareyincville@gmail.com>

Cc: Ellen Anderson <ellenstar0521@gmail.com>, Chris Anderson <coaoak@gmail.com>

E & Joe, you could also write that you have no objections, if that is the case, for the Board to consider.

[Quoted text hidden]

Joseph Feola <joeifeola5@gmail.com>

Sat, Apr 24, 2021 at 3:56 PM

To: Phil Anderson <philsolar@gmail.com>

4/27/2021

Gmail - Phil - apartment for Air B&B or long term rental

Cc: Elizabeth Carey Feola <ecareyincville@gmail.com>, Ellen Anderson <ellenstar0521@gmail.com>, Chris Anderson <coaoak@gmail.com>

Thanks for the heads up Phil. If you don't mind just giving us a few days to chat about it we would appreciate it. I'll get you a response by end of day Monday.

Curious if you don't mind sharing, how much you are considering charging for a long term rental? Or do you prefer shorter term? I know people making good money out there. Love to check out your set up sometime. Don't see it being an issue but want to make sure we give it the proper consideration. Thanks again!

Joe

Sent from my iPhone

On Apr 23, 2021, at 7:40 PM, Phil Anderson <philsolar@gmail.com> wrote:

[Quoted text hidden]

Phil Anderson <philsolar@gmail.com>
To: Joseph Feola <joefeola5@gmail.com>

Sat, Apr 24, 2021 at 5:58 PM

Sounds good. Don't feel constrained on the timetable. I can submit my request for setback waiver and the neighbors' opinion can come later.

Long term rental \$1500 to \$2000 monthly.. Air B&B \$180 to \$200 nightly. This is a high end apartment with full kitchen and laundry, family room (with woodstove?), maybe a garden, berry bushes, pool, hot tub, maybe medical sauna, all the Nature out back.

[Quoted text hidden]

Phil Anderson <philsolar@gmail.com>
To: Joseph Feola <joefeola5@gmail.com>

Sat, Apr 24, 2021 at 6:08 PM

You're welcome to look at the apartment layout anytime.. Just roughed in at this point.

[Quoted text hidden]

Joseph Feola <joefeola5@gmail.com>
To: Phil Anderson <philsolar@gmail.com>

Tue, Apr 27, 2021 at 8:29 PM

Phil

We discussed and don't have any objections assuming there is some sort of assurance that anyone staying there would obviously pose no risk or danger to the family. I'm positive you would put safeguards in place but I guess I feel I need to say it out loud to be sure.

Best of luck. Happy to send whatever you need us to.

Joe

Sent from my iPhone

On Apr 24, 2021, at 6:09 PM, Phil Anderson <philsolar@gmail.com> wrote:

[Quoted text hidden]

4/27/2021

Gmail - Phil - apartment for Air B&B or long term rental

Phil Anderson <philsolar@gmail.com>

Tue, Apr 27, 2021 at 11:11 PM

To: Joseph Feola <joefeola5@gmail.com>, Elizabeth Carey Feola <ecareyincville@gmail.com>

Cc: Philip Anderson <philsolar@gmail.com>, Ellen Anderson <ellenstar0521@gmail.com>

Thanks Joe & Elizabeth. It will be a high-end, high cost apartment which should attract higher cultured people and we will have strict rules against drunken behaviour, drugs, smoking, loud or lewd behavior, etc. This, not just for our neighbors, but for ourselves since these people will be guests in our home. I'm not sure, but I expect the advertising and booking platform we use may have a discrimination function that blocks people who have misbehaved in previous rentals on the system - Air B&B, VRBO, etc. I'll keep you posted on the project.

[Quoted text hidden]