

## **Attachment A - Staff Analysis**

**STAFF PERSON:** Lea Brumfield, Senior Planner II  
**BOARD OF SUPERVISORS:** September 1, 2021  
**PROJECT:** SE202100027 Homestay Special Exception Ownby  
**PROPERTY OWNER:** Jeffrey D. Ownby  
**LOCATION:** 1850 Secretarys Drive  
**TAX MAP PARCEL:** 11400-00-00-064A1  
**MAGISTERIAL DISTRICT:** Scottsville

### **APPLICANT'S PROPOSAL:**

The applicant is seeking a zoning clearance and two special exceptions for a homestay use within the existing primary dwelling (Attachment B). 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) increase the number of guest rooms to three, in a homestay on a parcel of less than five acres in the Rural Areas district.

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 applicant is requesting to reduce the required 125-foot setbacks to 88 feet +/- from the western property boundary and 90 feet +/- from the southeastern property boundary for a homestay within the existing primary dwelling. The parking for the homestay use is located directly behind the primary dwelling. The structure and parking comply with required minimum yards from all other property boundaries.
2. **Increase number of guest rooms.** County Code § 18-5.1.48(j)(1)(iii) limits homestays on Rural Areas (RA) parcels of less than five acres to a maximum of two guest rooms. The applicant is requesting to increase the permitted number of guest rooms to three.

### **CHARACTER OF THE PROPERTY AND AREA:**

The 3.38-acre property is located at 1850 Secretarys Drive, approximately halfway between the Town of Scottsville and the City of Charlottesville, east of Walnut Creek Park. The nearest house is located 200 feet +/- feet away from the homestay, and the next nearest neighboring house is located 290 feet +/- from the homestay. The primary dwelling, as well as a shed and a garage, were completed in 2015. The homestay use is proposed on the primary floor of the existing primary dwelling while the owner resides in the basement apartment, and parking for the homestay would be located to the rear of the dwelling. (Attachment E)

### **PLANNING AND ZONING HISTORY:**

The applicant operates a permitted minor home occupation within the dwelling, primarily performing office work on site, and performing installation of masonry at clients' locations. The property is currently in compliance with zoning and taxation/licensing regulations.

### **ABUTTING PROPERTY OWNER COMMENTS**

The notice to abutting property owners was mailed on July 29, 2021. Staff has received no concerns or comments from 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 side property lines for a homestay use within the existing primary dwelling, and increasing the number of permitted guest rooms from two to three guest rooms would not cause either (i) detriment to any abutting lot or (ii) harm to the public health, safety, or welfare.

Additional screening to the east 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 two 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 August 11, 2021.
2. Homestay use is limited to the existing structures, as currently configured and depicted on the House and Parking Location Exhibit dated August 11, 2021.
3. The existing screening, as depicted on the House and Parking Location Exhibit dated August 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. Additional screening must be established directly east of the homestay and homestay parking area as shown on the House and Parking Location Exhibit dated August 11, 2021, and maintained to meet 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. Resolution