

Attachment A - Staff Analysis

STAFF PERSON: Lea Brumfield, Senior Planner II
BOARD OF SUPERVISORS: September 1, 2021
PROJECT: SE202100028 Homestay Special Exception Buck Mountain
PROPERTY OWNER: John and Bridget Ridenour
LOCATION: 3 Buck Mountain Road
TAX MAP PARCEL: 03100-00-00-00500
MAGISTERIAL DISTRICT: Rio

APPLICANTS'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 15 feet +/- from the southeastern property line and 30 feet +/- from the northwestern property line to conduct a homestay in the existing artist's studio. The parking for the homestay use is located directly in front of the studio. The structure and parking comply with required minimum yards from the front and rear 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 existing artist's studio on their property.

CHARACTER OF THE PROPERTY AND AREA:

The 2.40-acre property is located at 3 Buck Mountain Road, directly across from a C1 Commercial parcel abutting the Earlysville Village Residential zoning district. The nearest house is located 125 feet +/- feet away from the homestay, and the next nearest house is located 140 feet +/- from the homestay. The primary dwelling was completed in 1933, and the accessory structure previously used as an artist's studio was completed in 2011. The homestay use is proposed in the artist's studio. (Attachment F)

PLANNING AND ZONING HISTORY:

The applicants began a Bed and Breakfast Zoning Clearance application in 2019, prior to the homestay regulation changes in August of 2019, but the application was never completed, and was voided due to inactivity.

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. Following that notice, staff received a letter of support from the abutting property owner closest to the proposed homestay (Attachment C).

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 neither reducing the setback from the northwestern and southeastern property lines nor permitting a homestay use within an existing accessory structure would cause either (i) detriment to any abutting lot or (ii) harm to the public health, safety, or welfare.

As noted in the applicants' request, strong winds recently damaged trees in the vegetative buffer to the southwest of the homestay. While this damage is not visible on County GIS, staff confirmed this damage in person and noted the necessity of replanting the buffer in conversation with the applicants. The applicants noted their intention to replant the buffer, and this additional screening is listed in the recommended conditions of approval, consistent with prior staff recommendations and special exceptions granted to homestays with similar requests.

The applicants 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 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 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 south 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. Applicants' Proposed Homestay
- C. Letter of Support
- D. County Code § 18-5.1.48 Homestay Zoning Regulations
- E. Location Map
- F. House and Parking Location Exhibit
- G. Resolution