

Attachment A - Staff Analysis

STAFF PERSON:	Rebecca Ragsdale, Principal Planner
BOARD OF SUPERVISORS:	September 15, 2021
PROJECT:	SE202100029 McCarthy Homestay Special Exception
PROPERTY OWNER:	Beth and Sean McCarthy
LOCATION:	5621 Rockery Place
TAX MAP PARCEL:	04000-00-00-012E0
MAGISTERIAL DISTRICT:	White Hall

APPLICANT'S PROPOSAL:

The applicants are seeking a special exception for a homestay use within an existing single-family dwelling (Attachment B). County Code § 18-5.1.48(j)(1)(v) (Attachment C) requires a minimum yard of 125 feet from all property lines for parking and structures used for a Homestay in the Rural Areas (RA) zoning district. County Code § 18-5.1.48(i) allows that setback to be reduced if a special exception is approved by the Board after notice has been provided to abutting property owners.

Because the structure and guest parking used for the homestay are 64 feet +/- from the southern property line, the use requires a special exception for this setback. The proposed homestay location complies with the 125-foot setback from all other property lines.

CHARACTER OF THE PROPERTY AND AREA:

The 11.5-acre property is located at Rockery Place, immediately off of White Hall Road, with residential and accessory buildings on the front half of the property and woods on the back half. The property is developed with a primary dwelling and two additional dwellings, including the two-bedroom carriage house to be used for the homestay. There are also agricultural and accessory structures located on the parcel. The nearest house is located 160 feet +/- south of the homestay, across a vegetative buffer. The properties to the north are developed residentially and agriculturally, including the Henley orchard. The property across the street is used for agriculture. (Attachment E)

PLANNING AND ZONING HISTORY:

The dwellings were constructed in 1930. There are no zoning or other compliance issues.

ABUTTING PROPERTY OWNER COMMENTS

The notice to abutting property owners was mailed on August 2, 2021. There have been no neighbor concerns expressed to staff.

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 and supportive of tourism to nearby agritourism uses.

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 southern side property line 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 south of the homestay is recommended to screen the use from the abutting residential property, consistent with prior staff recommendations and special exceptions granted to homestays with similar requests.

The applicant would 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, would be 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 August 18, 2021.
2. Homestay use is limited to the existing structure, as currently configured and depicted on the House and Parking Location Exhibit dated August 18, 2021.
3. The existing screening, as depicted on the House and Parking Location Exhibit dated August 18, 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