

## **Attachment A - Staff Analysis**

**STAFF PERSON:** Rebecca Ragsdale, Principal Planner  
**BOARD OF SUPERVISORS:** May 19, 2021  
**PROJECT:** SE202100030 Ramsay Cottage Homestay Special Exceptions  
**PROPERTY OWNERS:** Vivian Reae Porter Sargeant, Trustee/Tom Sargeant  
**LOCATION:** 7704 Rockfish Gap Turnpike  
**TAX MAP/PARCEL:** 07000-00-00-005A0  
**MAGISTERIAL DISTRICT:** White Hall

### **APPLICANTS' PROPOSAL:**

The applicant is seeking a homestay zoning clearance and three (3) special exceptions for a proposed homestay (Attachment B) as follows:

- 1. Increase the Number of Guest Rooms-** The first special exception request is to increase the number of permitted guest rooms to three (3). County Code §18-5.1.48(j)(1)(iii) otherwise limits homestays on parcels of less than five (5) acres to two (2) guest rooms.
- 2. Reduce Required Minimum Yards-** The second special exception is to reduce the required 125 ft. setbacks for the proposed homestay from the eastern property line. For homestay parking and structures on Rural Area (RA) parcels, County Code §18-5.1.48(j)(1)(v) requires a minimum yard of 125 ft. from any abutting lot not under the same ownership. The proposed homestay is approximately 97.1 ft. from the eastern property line. Parking is located in front of the proposed homestay, approximately 80 + ft. from the closest point of the eastern property line.
- 3. Owner-occupancy –** The third special exception request is to waive the owner occupancy requirement of County Code § 18-5.1.48(j)(1)(iv) to instead allow occupancy by a tenant resident manager, as authorized by County Code § 18-5.1.48(i)(1)(iv).

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

The property, known as Ramsay, consists of two parcels totaling 78.4 acres, and is located in Greenwood along Rockfish Gap Turnpike. The primary parcel (70-5) is 74.83 acres, consisting of agricultural uses, along with a main house, farmhouse, carriage house, and several other outbuildings. The owner resides in the main house, shown on Attachment E as the "Owner's Residence." A separate homestay application is also under review for guest rooms to be offered within the existing historic carriage house and farmhouse on that separate parcel.

The second Ramsay parcel (70-5A) is the subject of these special exceptions. It is approximately 3.6 acres, and includes the Ramsay Cottage, which is set back from Rockfish Gap Turnpike approximately 800 feet. Both Ramsay parcels are under the same ownership and are managed as one property with walkways connecting the Cottage and the Owner's Residence. The parcels are served by separate driveways. The nearest neighboring home is approximately 250' to the east. There is a significant existing evergreen and deciduous buffer along the eastern property line shared with the nearest dwelling. (Attachments D and E)

### **PROPERTY HISTORY:**

The Ramsay Cottage, where the proposed homestay would be located, was constructed in 1950, and the Artist's Studio (to be converted to the tenant's residence) was constructed in 2001. The Cottage proposed for the homestay use is non-conforming in that it does not meet

the minimum Rural Areas rear setback of 35' or the required 25' side setback to the property line shared with the primary Ramsay parcel. A portion of the Cottage is also located on the adjacent primary parcel.

The property is located within the Greenwood-Afton Rural Historic District and is also listed individually on the National and State Register Historic Sites. The Department of Historic Resources' survey form describes the significance of the property:

*Ramsay is located within the picturesque Greenwood area in western Albemarle County, Virginia. The main house is a two-story, frame, Classical Revival-style building, constructed circa 1900. The north elevation of the house faces the Blue Ridge Mountains and is bordered by Route 250 to the south, which provides access to the property. This estate is comprised of 78.4 acres and includes a number of significant buildings, a boxwood garden and other resources. Charlottesville architect Milton L. Grigg added to and sympathetically remodeled the main house in 1937, 1947 and again in the early 1950s. Ramsay was the home of members of the locally prominent Langhorne and Gibson families and was the retirement home of the "Gibson Girl," Irene Langhorne Gibson.*

The property was placed under conservation easement with the Virginia Outdoors Foundation (VOF) in 2004. County staff has verified with VOF that homestay use is permitted under that conservation easement.

**COMPREHENSIVE PLAN:** The property is designated Rural Area in the Comprehensive Plan and also contains an historic resource. Relevant Comprehensive Plan strategies and objectives that support additional uses on a historic property are:

**Historic, Cultural, and Scenic Resources**

Strategy 2b: Continue to find ways for preservation of historic structures and sites to be financially viable for property owners. Rehabilitation, restoration, and maintenance of historic structures can be costly. These high costs combined with limited options for using historic properties, particularly in the Rural Areas where the majority of the County's historic buildings are located, threaten these valuable resources. A greater variety of allowable uses for historic buildings and sites could encourage historic property owners to spend the money required to maintain, rehabilitate and restore these buildings. Objective 5 in the Rural Area Chapter provides guidance for use of restaurants and artist residencies in the Rural Area. Additional uses that can be accommodated in older buildings and sites while maintaining conformity with Rural Area goals, objectives, and strategies should be considered.

Strategy 1c: Promote tourism that helps preserve scenic, historic, and natural resources. Tourism brings visitors to enjoy the County's scenic rural landscapes and also to spend money in the County. Rural Area businesses that showcase the County's rich and diverse rural, agrarian, and historical resources provide sustainable economic development opportunities. In so doing, these businesses also help preserve, protect, and in some cases restore the Rural Area characteristics that make Albemarle County a desirable destination. Tourism and agribusiness opportunities are discussed in more detail in the Rural Area Chapter of this Plan. Recent State legislation has made large gatherings for commercial events possible at farm breweries and other bona fide agricultural operations. Events can help promote tourism and provide for enjoyment of scenic and natural resources; however, the County needs to ensure that the

health, safety, and welfare of the residents of the Rural Area are protected when large events occur.

### Rural Area

Strategy 3a: Promote reuse of historic structures that support agricultural and forestal uses in the Rural Area. While valued by residents and tourists alike, historic buildings and sites can sometimes pose challenges for owners. Large farmhouses and historic mansions can be expensive to maintain and, at times, additional income is needed to ensure that historic buildings do not fall into disrepair. Historic buildings and sites can be maintained for their original use, such as a home, or converted to income producing properties, such as a restaurant at a crossroad community or a bed and breakfast. Care is needed when a building converts from one use to another to ensure that the historic integrity of a site is retained.

Objective 3: Protect the County's historic, archeological, and cultural resources. Most, but not all, of the County's historic, archeological, and cultural resources are found in the Rural Area. Historic features of the Rural Area contribute to the value placed by residents and visitors on Albemarle County. Historic buildings and sites also provide opportunities for tourism, which is discussed in the Economic Development and Historical, Cultural, and Scenic Resources Chapters of this Plan, as well as in the next section.

Objective 4: Promote rural and historic landscapes that enhance visitors' experience and give historic sites as authentic a setting as possible. Tourism is a vital part of Albemarle County's economy. Within the confines of the existing goals for the Rural Area, tourism provides for economic vitality and is a benefit to the County. Agriculture, historic and scenic preservation, and the maintenance of rural character help to create authentic rural places. It is important 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.

### Economic Development:

Strategy 1c: Promoting tourism helps preserve scenic, historic, and natural resources.

### **ABUTTING PROPERTY OWNER COMMENTS:**

Notices to abutting property owners were mailed on August 2, 2021. To date, staff has received no objections to the proposal.

### **ANALYSIS OF THE SPECIAL EXCEPTION REQUEST:**

County Code §18-5.1.48(i) allows reduced yards, increases in guest rooms, and/or tenant resident manager occupancy by special exception(s), after notice to abutting property owners.

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.*

1. **Increase the number of guest rooms** – Prior to August 2019, homestay rentals in the Rural Area (known as “Bed and Breakfasts”) were permitted five (5) guest rooms by-right. The revisions to the zoning ordinance adopted in August 2019 reduced the number of by-right guest rooms for Rural Areas parcels of less than five acres to two (2), with the intention of treating “residential character” Rural Area properties consistently with residentially zoned properties. Given the location and rural characteristics of this property, staff does not believe that increasing the number of guest rooms to three (3) would cause detriment to abutting properties. Homestays are an accessory use to a single-family residence and are not expected to generate more traffic than a residential use. In addition, screening of the proposed homestay is adequate.
2. **Reduce Required Minimum Yards** – The homestay regulations require a setback of 125 ft. for any structure or parking area used for a homestay. The intent of the increased setback is to provide a buffer between the homestay and its abutting neighbors. Staff’s opinion is that authorizing the homestay with reduced setbacks would not cause either (i) detriment to abutting lots or (ii) harm to the public health, safety, or welfare. With this proposal, the required 125’ setback applies only to the eastern side property line. It does not apply to the adjacent western or northern parcels, which are under the same ownership. The structure proposed for homestay use (Ramsay Cottage) is also non-conforming to side and rear setbacks and encroaches over the western side property line. Staff has concerns about approving a special exception without addressing the future possibility of separate ownership. Special exceptions for a reduction in required yards for homestays have typically been approved with a condition for buffer and screening requirements, consistent with the standards applicable to commercial uses adjacent to residential and Rural Area properties. Staff is recommending that a 20 ft. buffer and screening meeting the standards of County Code § 18-32.7.9.7(b)-(e) be maintained or established along the eastern property line. Setbacks and buffers are not required for properties under the same ownership.
3. **Owner-occupancy** – The homestay regulations require that for each homestay located on a parcel of less than five acres in the Rural Areas Zoning District (such as this parcel), the owner must reside on and be present at the subject parcel during the homestay use. *Albemarle County Code* § 18-5.1.48(i)(1)(iv) allows a tenant resident manager to occupy a homestay by special exception instead of owner occupancy, as otherwise required by § 5.1.48(j)(1)(iv). Since the adoption of the current regulations in 2019, the Board has approved one owner-occupancy waiver request. The owner occupancy requirement is intended to address concerns that widespread purchase of homestays not owner-occupied could (a) negatively impact surrounding residential neighborhoods and/or rural areas and (b) reduce housing stock for residential use. Staff believes that this proposed homestay does not raise either concern. The proposed homestay would be located in the existing dwelling (Ramsay Cottage). The second dwelling (Artist’s Studio) on the property would be occupied by the tenant resident manager, who is also the farm manager of Ramsay. Also, the owners of both properties reside next door in what is referred to as the Main House. There are no changes to the character of the property. Based on the unique circumstances, staff recommends approval of the waiver of owner occupancy with conditions.

Based on these circumstances, staff believes that these special exceptions (with the recommended conditions) would not cause either (i) detriment to abutting lots or (ii) harm to the public, health, safety, or welfare.

The application will meet all other requirements of the County Code, including 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.

Though staff has not found any detriment to abutting lots or harm to public health, safety, or welfare, two zoning compliance issues should be addressed to allow the homestay use:

- Setback/encroachment on adjacent parcel-A condition of approval is recommended to require a boundary line adjustment (BLA) between Tax Parcels 07000-00-00-005A0 and 07000-00-00-00500 sufficient to meet primary structure setbacks for the Cottage (25 ft. side setback and 35 ft. rear setback). Staff also recommends that any BLA also demonstrate sufficient area to provide a 20 ft. minimum buffer/screening from Tax Parcel 07000-00-00-00500 if ownership changes.
- Minimum acreage to allow a second dwelling- Tax Parcel 07000-00-00-005A0 has sufficient development rights to permit a second dwelling, provided the parcel meets the minimum lot size of two acres per dwelling. In this case, the parcel is less than four acres in size. In order to allow conversion of the accessory structure (Artist's Studio) to a dwelling, a boundary line adjustment to provide the required acreage would be needed. This issue has also been addressed in a recommended condition of approval.

#### **RECOMMENDATION:**

Staff recommends that the Board adopt the attached resolution (Attachment F) approving the three requested homestay special exceptions, subject to the following conditions:

1. Parking for homestay guests is limited to the parking area as designated on the Parking and House Location Exhibit dated August 18, 2021.
2. Homestay use is limited to a total of three guest rooms, all of which must be within the Ramsay Cottage, as currently configured and depicted on the Parking and House Location Exhibit dated August 18, 2021.
3. The existing buffer and screening, as depicted on the Parking and House 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.
4. A boundary line adjustment subdivision between Tax Parcel IDs 07000-00-00-005 and 007000-00-00-005A0 must have been approved and recorded before the issuance of either (i) a zoning clearance for the homestay use of the Ramsay Cottage and/or (ii) a building permit to convert the existing Artist's Studio to a single-family dwelling. An accompanying plat must demonstrate that existing and proposed structures fully comply with County Code §18-10.4 (Area and Bulk regulations).

#### **ATTACHMENTS:**

- A. Staff Analysis
- B. Applicant's Proposed Homestay
- C. County Code § 18-5.1.48 Homestay Zoning Regulations
- D. Location Map
- E. Parking and House Location Exhibit
- F. Resolution