

Attachment A - Staff Analysis

STAFF PERSON:	Rebecca Ragsdale, Principal Planner
BOARD OF SUPERVISORS:	September 15, 2021
PROJECT:	SE202100031 Blessing Homestay Special Exception
PROPERTY OWNER:	Justin Blessing
LOCATION:	8464 Mountain Hollow Road
TAX MAP PARCEL:	069B0-00-00-03100
MAGISTERIAL DISTRICT:	White Hall

APPLICANT'S PROPOSAL:

The applicant is seeking a zoning clearance and a special exception for a two-guest room 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)(1)(ii) 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 homestay structure is 27 feet +/- from the western 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 7.52-acre property is located at 8464 Mountain Hollow Road, north of Brookville Road, approximately ¾ mile from Rockfish Gap Turnpike. The property is developed with a single-family dwelling towards the center of the property. The front third of the property is open, and the remainder of the property heavily wooded. The nearest house is located 160 feet +/- south of the proposed homestay, across a vegetative buffer. The property to the north contains a 560+ foot-wide section within the I-64 right of way. The property across the street is used for a vineyard, along with residential uses to the east and west. (Attachment E)

PLANNING AND ZONING HISTORY:

The existing house was built in 1980. There are no zoning or other compliance issues.

ABUTTING PROPERTY OWNER OR OTHER COMMENTS RECEIVED

The notice to abutting property owners was mailed on August 2, 2021. No neighbor concerns have been expressed to staff. Two emails of support have been received. There was one inquiry regarding the applicant's residency. The applicant's driver's license and voter registration indicate that this is the his primary residence. He is in the process of changing all other addresses (such as tax bills) to the homestay address.

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 western side property line for a homestay use within an existing dwelling would not cause either (i) detriment to any abutting lot or (ii) harm to the public health, safety, or welfare.

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 17, 2021.
2. Homestay use is limited to the existing structure, as currently configured and depicted on the House and Parking Location Exhibit dated August 17, 2021.
3. The existing screening, as depicted on the House and Parking Location Exhibit dated August 17, 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