

## **Attachment A - Staff Analysis**

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|------------------------------|----------------------------------|
| <b>STAFF PERSON:</b>         | Lea Brumfield, Senior Planner II |
| <b>BOARD OF SUPERVISORS:</b> | October 6, 2021                  |
| <b>PROJECT:</b>              | SE202100022 Woods Edge Homestay  |
| <b>PROPERTY OWNER:</b>       | Grace and Thomas Zeitler         |
| <b>LOCATION:</b>             | 4455 Woods Edge Road             |
| <b>TAX MAP PARCEL:</b>       | 09400-00-00-021A2                |
| <b>MAGISTERIAL DISTRICT:</b> | Scottsville                      |

### **APPLICANTS'S PROPOSAL:**

The applicants are seeking a special exception to reduce the minimum required yard for a homestay use within the existing primary dwelling. (Attachment B).

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 northern side setback to 93 feet +/- to conduct a homestay in the existing primary dwelling. The parking for the homestay use is located in the existing parking area adjacent to the home. The structure and parking comply with all required minimum yards from all other property boundaries.

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

The 10-acre property is located at 4455 Woods Edge Road, in a heavily wooded area of large residential parcels. The nearest house is located 326 feet +/- feet away from the homestay, and the next nearest house is located 497 feet +/- from the homestay. The primary dwelling was completed in 1992, and the homestay is proposed within the primary dwelling. Dense, mature vegetation surrounds the existing house, providing 90 feet +/- of screening on the side of the house requiring a special exception (Attachment E)

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

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 August 31, 2021. Following that notice, staff received an inquiry from an abutting property owner about the details of the special exception request, but the inquiry was explicitly not an objection, and the neighboring property owner expressed support for the request.

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

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 F) to approve a Homestay special exception, subject to the following conditions:

1. Parking for homestay guests must meet the setbacks required for homestays.
2. Homestay use is limited to (a) the existing structure as currently configured and depicted on the House and Parking Location Exhibit dated September 15, 2021 and (b) additional structures or additions meeting the setbacks required for homestays.
3. The existing screening, as depicted on the House and Parking Location Exhibit dated September 15, 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. Applicants' Proposed Homestay
- C. County Code § 18-5.1.48 Homestay Zoning Regulations
- D. Location Map
- E. House and Parking Location Exhibit
- F. Resolution