

## **Attachment A - Staff Analysis**

**STAFF PERSON:** Rebecca Ragsdale, Principal Planner  
**BOARD OF SUPERVISORS:** October 20, 2021  
**PROJECT:** SE202100034- 3393 Loch Brae Lane (Blue Mountain Haven)  
Homestay  
**PROPERTY OWNER:** Chimi Thonden and Gregory Alling  
**LOCATION:** 3393 Loch Brae Lane  
**TAX MAP PARCEL:** 05800-00-00-003J1  
**MAGISTERIAL DISTRICT:** 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-Applicant Request and Physical Survey).

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 feet from any abutting lot not under the same ownership. The applicants are requesting to reduce the required 125 foot southern rear property line setback to 124 feet +/- and the eastern property line to 119 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 dwelling. The structure and parking comply with all required minimum yards from all other property boundaries.

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

The 5.31-acre property is located at 3393 Loch Brae Lane, in a heavily wooded area of large residential parcels, some undeveloped. The nearest houses are located over 450 feet +/- feet away from the homestay. Dense, mature vegetation surrounds the existing house providing screening to the lot lines for which this special exception is being requested. (Attachment E) There is a 30 foot private easement along the eastern property line.

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

The existing dwelling was built in 1970. 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 September 22, 2021. No objections have been received to the proposed homestay.

### **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 the setback reductions are *de minimis* in that they are very minor. The reductions to the required 125-foot setback of 1 foot to the southern property line and 6 feet to the eastern property line still leave sufficient buffers to protect the adjacent properties. Staff considered other contributing factors such as the location of the structures on the lot, the existing vegetation and the 30-foot access easement that runs along the eastern property line. Staff would not recommend additional buffer(s) or screening for such a minor reduction or for a reduction to the area adjacent to the access easement. (Attachment B includes a physical survey). Staff believes the setback reduction is so minimal it 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 condition:

1. Homestay use is limited to (a) the existing structure as currently configured and depicted on the Parking and House Location Exhibit dated September 28, 2021 and (b) additional structures or additions meeting the setbacks required for homestays.

**ATTACHMENTS**

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