

Attachment A - Staff Analysis

To: Albemarle County Board of Supervisors
From: Lea Brumfield, Senior Planner II
Date: April 7, 2021
Re: SE202100006 Homestay Special Exception Georgetown Way
Owner: Janasha Bradford
TMP: 060A0-09-00-02000
Magisterial District: Jack Jouett

APPLICANT'S PROPOSAL:

The applicant is seeking a homestay zoning clearance and special exception for an existing homestay that includes rental of two guest bedrooms within the existing primary dwelling. (Attachment B). The Zoning Ordinance regulations found in County Code §18-5.1.48 (Attachment C) require a minimum yard of 125 feet from all property lines for parking and structures used for a Homestay in the RA zoning district. County Code §18-5.1.48 allows that setback to be reduced if a special exception is approved by the Board after notice has been provided to abutting property owners.

The structure and guest parking used for the homestay are 87 feet +/- from the front property line on Georgetown Way, 100 feet +/- from the southeastern property line, and 118 feet +/- from the northwestern property line. The use requires a special exception for these setbacks. The homestay complies with the 125' setback from the rear property lines.

CHARACTER OF THE AREA:

The 2.23 acre property is located at 245 Georgetown Way. The nearest house is located across Georgetown Way, 159 feet away from the homestay, and is screened by 20 feet of vegetation and a 6' tall fence. The next nearest houses are located more than 180 feet away from the homestay, and are screened by over 36 feet of vegetation. A veterinarian commercial use enabled by a special use permit is located northeast of the proposed homestay, and is separated from the homestay by 20 feet of vegetation. Two sides of the parcel abut R6 Residential zoning, and the rear of the parcel abuts R15 Residential zoning. The homestay is proposed within the existing primary dwelling. (Attachment E)

PLANNING AND ZONING HISTORY:

The primary dwelling is a doublewide built in 2000.

COMPLAINTS

There are no zoning complaints listed for this parcel.

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 and is an accessory use to the residence.

ADJACENT PROPERTY OWNER COMMENT:

Notice of this special exception request was mailed to abutting property owners on February 19, 2021. The applicant included with the application three letters of support from neighboring property owners (Attachment B). One letter of support was written by the owner of the closest house north of the proposed homestay across Georgetown Way, who would be most directly impacted by the approval of the homestay, one was written by the manager of the veterinary hospital, and one was written by the owner of the house directly to the rear of the proposed homestay.

Staff received two additional inquiries from neighbors requesting information about the nature of homestays and the details of the proposal, but did not receive any negative comments or concerns regarding this proposed homestay.

ANALYSIS OF THE SPECIAL EXCEPTION REQUEST:

Special exceptions are subject to approval by the Board under County Code §18-33.49:

Sec. 33.49 - Action by the Board of Supervisors.

The Board of Supervisors shall act on an application for a special exception as follows:

- A. *Action* . The Board may either approve the application, deny the application, or defer action to either allow changes to be made to the application or any proposed conditions prior to final action by the Board, or to refer the matter to the Commission for further consideration and recommendation within the time for an action provided in subsection (D).
- B. *Factors to be considered* . In acting on a special exception, the Board shall consider the factors, standards, criteria, and findings, however denominated, in the applicable sections of this chapter, provided that the Board shall not be required to make specific findings in support of its action.
- C. *Conditions* . In approving a special exception, the Board may impose reasonable conditions to address any possible impacts of the special exception. Except as the Board may specify in a particular case, any condition imposed on a special exception shall be deemed to be essential and nonseverable from the special exception itself. Any condition determined to be unreasonable, invalid, void, or unlawful shall invalidate the special exception.
- D. *Time for action* . The Board shall act on an application for a special exception within 90 days after the application is determined to be complete. The 90-day period may be extended if the applicant requests a deferral pursuant to [Section 33.52](#).

According to County Code §18-5.1.48(i)(2), special exceptions may be granted after notice to abutting property owners upon consideration of the following factors:

- (i) *There is no detriment to any abutting lot; and*
- (ii) *There is no harm to the public health, safety, or welfare.*

According to County Code §18-33.49(B), the Board is not required to make specific findings in support of its action. The Board may approve, approve with conditions, deny, or defer this application. Staff analysis of the special exception request is below.

Staff's opinion is that reducing the setback from the front, southeastern, and northwestern property lines for two guest rooms would not cause harm to the public health, safety, or welfare. This opinion is based on several factors favorable, including the residential zoning of the abutting property, the commercial use of an abutting property, and the vegetative screening buffering all residential neighbors. The application meets the parking requirements of the County Code, and is pursuing all other homestay requirements (safety inspection).

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 Parking and House Location Exhibit dated March 15, 2021.
2. Homestay rental is limited to two guest rooms located within the existing house, as depicted on the Parking and House Location Exhibit dated March 15, 2021.
3. The existing screening, as depicted on the Parking and House Location Exhibit dated March 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. 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