

## **Attachment A - Staff Analysis**

**STAFF PERSON:** Lea Brumfield, Senior Planner II  
**BOARD OF SUPERVISORS:** January 12, 2022  
**PROJECT:** SE202100042 2364 Mountain Brook Drive Homestay  
**PROPERTY OWNER:** James Dunton  
**LOCATION:** 2364 Mountain Brook Drive  
**TAX MAP PARCEL:** 09200-00-00-056E0  
**MAGISTERIAL DISTRICT:** Scottsville

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

The applicant is seeking a zoning clearance special exception to reduce the minimum required yards for a homestay use within an existing dwelling. (Attachment B).

County Code § 18-5.1.48(j)(2)(v) requires homestay parking and structures on Rural Areas (RA) parcels over five acres to have a minimum yard of 125' from any abutting lot not under the same ownership. The applicant is requesting to reduce the required 125-foot front setback to 73 feet +/- to conduct a homestay in the existing 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 other required minimum yards.

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

The 9.31-acre property is located at 2364 Mountain Brook Drive, in a forested area of residential parcels and agricultural operations. The parcel also contains a barn structure and smaller accessory structures.

The nearest house to the existing dwelling is located 463 feet +/- away from the dwelling at 2399 Mountain Brook Drive, and the next nearest house is located 470 feet +/- from the dwelling at 2325 Mountain Brook Drive. The subject dwelling was built in 1974. Dense, mature vegetation surrounds the dwelling on all sides, including the front, mitigating the view of the dwelling from the road (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 November 13, 2021. Staff was alerted to a typo in the notice and sent an additional notice correcting the typo on November 30, 2021. Staff had received no comments or concerns from abutting property owners as of December 15, 2021.

### **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 the existing dwelling.

### **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 setbacks from the front 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 continue to 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 December 15, 2021, and/or (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 December 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