

Attachment A - Staff Analysis

STAFF PERSON: Lea Brumfield, Senior Planner II
BOARD OF SUPERVISORS: June 21, 2023
PROJECT: SE202300009 8688 Little York Heights Homestay
PROPERTY OWNER: Matthew A. and Alexandra V. Caddenhead
LOCATION: 8688 Little York Heights
PARCEL ID: 069A0-00-00-07400
MAGISTERIAL DISTRICT: White Hall

APPLICANTS'S PROPOSAL:

The applicants are seeking a zoning clearance special exception to permit a homestay use within an accessory structure. (Attachment B).

County Code § 18-5.1.48(c)(1)(ii) requires homestay uses on parcels of less than five acres in the Rural Areas zoning district be located in a detached single-family dwelling or within its accessory apartments. The applicants are requesting a special exception to waive that requirement, to operate a homestay within a garage apartment on the parcel.

CHARACTER OF THE PROPERTY AND AREA:

The 1.59-acre property is located near the Augusta and Nelson County borders, and is located in a Rural Areas subdivision. The majority of the subdivision is undeveloped. The owners purchased the property in 2018, and began building the garage and its accompanying apartment early in 2023, completing construction in April 2023. The primary structure on the parcel at 8690 Little York Heights is approximately 1,008 sf dwelling built in 1950, and is the owners' primary dwelling. The garage, addressed 8688 Little York Heights, has approximately 725 finished square feet above a workspace dedicated to the owners' floral business.

The garage structure is screened by vegetation, and the nearest dwelling is approximately 300 feet from the structure.

PLANNING AND ZONING HISTORY:

The property is currently in compliance with zoning and taxation/licensing regulations.

ABUTTING PROPERTY OWNER COMMENTS

Staff had received no comments or concerns about the proposed homestay special exception as of June 2, 2023.

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 that the proposed special exception would conflict with these overall goals of the Comprehensive Plan.

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.

County Code §18-5.1.48(d)(3) provides that among other relevant factors, in granting homestay special exceptions, the Board may consider whether:

- (i) *There would be any adverse impact(s) to the surrounding neighborhood;*
- (ii) *There would be any adverse impact(s) to the public health, safety, or welfare;*
- (iii) *The proposed special exception would be consistent with the Comprehensive Plan and any applicable master or small-area plan(s); and*
- (iv) *The proposed special exception would be consistent in size and scale with the surrounding neighborhood.*

Staff's opinion is that permitting a homestay use within the existing accessory structure would not cause adverse impacts to the surrounding neighborhood or to the public health, safety, or welfare. As an accessory use to a residential dwelling, the proposed use would be consistent with the Comprehensive Plan. As the structure is located within a garage, and would be used primarily for private family guests and a by-right floral home occupation, it is consistent in size and scale with the surrounding neighborhood. The property owners live full-time on the parcel, and would be available to address any issues that may arise.

The applicant 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 to permit the use of an accessory structure as a homestay, provided that the homestay use is limited to (i) the existing accessory structure as depicted on the Homestay Location Exhibit dated June 5, 2023 or (ii) a primary dwelling or existing structure meeting all homestay setbacks.

ATTACHMENTS

- A. Staff Analysis
- B. Applicants' Proposed Homestay
- C. County Code § 18-5.1.48 Homestay Zoning Regulations
- D. Location Map
- E. Parking and Structures Location Exhibit
- F. Resolution