

Attachment A - Staff Analysis

STAFF PERSON: Lea Brumfield, Senior Planner II
BOARD OF SUPERVISORS: June 5, 2024
PROJECT: SE202400005 320 Home Port Lane Homestay
PROPERTY OWNER: Junior, Austen M & Mary Katherine R Junior
LOCATION: 320 Home Port Lane
PARCEL ID: 05700-00-00-03900
MAGISTERIAL DISTRICT: Samuel Miller

APPLICANT'S PROPOSAL:

The applicants/property owners are requesting authorization to use an accessory structure built after August 7, 2019 for a homestay use on a parcel greater than five acres in the Rural Areas zoning district. (Attachment B).

County Code § 18-5.1.48(c)(2)(ii) requires that on parcels of five acres or more in the Rural Areas zoning district, homestays must be conducted in a detached single-family dwelling, within its accessory apartment, or within an accessory structure built on or before August 7, 2019, provided that by special exception, the Board of Supervisors may authorize the homestay use of accessory structures built after August 7, 2019. Mr. Austen Junior and Ms. Mary Katherine Junior own and occupy the parcel. The owners intend to build an approximately 1,000-square-foot accessory structure.

CHARACTER OF THE PROPERTY AND AREA:

The 6.93-acre parcel is located south of Crozet off of Rockfish Gap Turnpike, surrounded by forested and residential parcels. The parcel currently contains one dwelling, which is the owners' primary residence. The proposed accessory structure would be parallel to the existing driveway and meet all required setbacks (Attachment B).

The site of the proposed homestay accessory structure is approximately 165 feet from the closest neighboring dwelling to the northeast and approximately 197 feet from the next closest dwelling to the southwest. The majority of the parcel is wooded, and vegetation screens the site to the front, on Rockfish Gap Turnpike, and to the southwest. The primary structure sits between the site of the proposed homestay accessory structure and the abutting parcel to the northwest.

The parcel contains three development rights, one of which is used by the existing dwelling.

PLANNING AND ZONING HISTORY:

The parcel 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 May 13, 2024.

COMPREHENSIVE PLAN:

The parcel is designated as Rural Area in the Comprehensive Plan. This designation includes preserving and protecting 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 authorizing an accessory structure built after August 7, 2019 for a homestay use would not cause adverse impacts to the surrounding neighborhood or the public health, safety, or welfare. The proposed use would be consistent with the Comprehensive Plan as an accessory use to a residential dwelling. A guest cottage accessory structure without a kitchen is a by-right structure, and the proposed structure is consistent in size and scale with the surrounding neighborhood.

The applicants have confirmed that the proposed structure would not contain a full kitchen. The applicants would prefer to build the structure as an accessory structure to permit later potential divisions of the parcel, which avoids the removal of a potential dwelling from future housing stock for use as a homestay.

As the structure is not yet built, setback requirements and confirmation of all other homestay requirements of the County Code would be confirmed following construction. Other requirements, including parking, safety inspections/building code, neighbor notification of emergency contact, and addressing, would be confirmed during the homestay clearance application review.

RECOMMENDATION:

Staff recommends that the Board adopt the attached resolution (Attachment F) to approve the proposed special exception to use an accessory structure built after August 7, 2019 for a homestay use at 320 Home Port Lane.

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 Structures Location Exhibit
- F. Proposed Resolution