

BOARD OF SUPERVISORS
COUNTY OF YORK
YORKTOWN, VIRGINIA

Resolution

At a regular meeting of the York County Planning Commission held in the Board Room, York Hall, Yorktown, Virginia, on the ____ day of _____, 2022:

Present

Vote

Sheila S. Noll, Chairman
Thomas G. Shepperd, Jr., Vice Chairman
Walter C. Zaremba
W. Chad Green
G. Stephen Roane, Jr.

On motion of _____, which carried ____, the following resolution was adopted:

A RESOLUTION TO APPROVE A MAJOR AMENDMENT OF A PREVIOUSLY APPROVED SPECIAL USE TO AUTHORIZE A TOURIST HOME AS A WHOLE HOUSE RENTAL AND PERMIT RENTALS SEVEN (7) DAYS A WEEK

WHEREAS, Ryan W. Moberley submitted Application No. UP-895-17, requesting a Special Use Permit, pursuant to Section 24.1-306 of the York County Zoning Ordinance (Category 1, No. 6), to authorize the establishment of a tourist home in an existing single-family detached dwelling on a 0.22-acre parcel (GPIN G14c-0188-1256) located at 113 Edale Avenue (Route 731); and

WHEREAS, on October 17, 2017, the York County Board of Supervisors approved said application through the adoption of Resolution R17-128; and

WHEREAS, Mr. Moberley submitted Application No. UP-915-18 to request a minor modification to the above-referenced Special Use Permit, pursuant to Section 24.1-115(d)(2) of the York County Zoning Ordinance and in accordance with Condition No. 9 of Resolution R17-28, authorizing an extension of the term of the Special Use Permit; and

WHEREAS, on October 16, 2018, the York County Board of Supervisors approved said application through the adoption of Resolution R18-118; and

WHEREAS, Mr. Moberley has submitted Application No. UP-977-21 to request a major amendment of the referenced Special Use Permit for the above-referenced property, pursuant to Section 24.1-115(d)(3) of the York County Zoning Ordinance, to amend the conditions of approval to allow whole-house rentals and to permit rentals seven (7) days a week; and

WHEREAS, the Planning Commission recommends approval of this application;
and

WHEREAS, the York County Board of Supervisors has conducted a duly advertised public hearing on this application; and

WHEREAS, the Board has carefully considered the public comments and Planning Commission recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the ____ day of _____, 2022, that Application No. UP-977-21 be, and it is hereby, approved, to authorize a major amendment of the referenced Special Use Permit for the above-referenced property, pursuant to Section 24.1-115(d)(3) of the York County Zoning Ordinance, to amend the conditions of approval set forth in Resolution R17-128 to allow whole-house rentals and to permit rentals seven (7) days a week subject to the following conditions:

1. This use permit shall authorize a major amendment of a previously approved Special Use Permit for a tourist home on a 0.2-acre parcel (GPIN G14c-0188-1256) located at 113 Edale Avenue (Route 731), pursuant to Section 24.1-115(d)(3) of the York County Zoning Ordinance, to amend the conditions of approval set forth in Resolution R17-128 to allow whole house rentals and to permit rentals seven (7) days a week.
2. The site and floor plan layout associated with the tourist home shall remain as they exist and as depicted on the sketch plan and floor plan provided by the applicant and received by the York County Planning Division July 26, 2017, copies of which shall remain on file in the office of the Planning Division, except as modified herein.
3. Operation of the tourist home shall be in compliance with the performance standards set forth in Section 24.1-409 of the Zoning Ordinance.
4. The tourist home shall be rented out as a single unit only. Rental of individual bedrooms shall be prohibited. The maximum number of bedrooms shall be two (2), and the maximum number of guests occupying the tourist home at any one time shall be four (4).
5. Exterior cooking appliances used by customers of the tourist home shall have a fuel source of either propane or natural gas. The use of charcoal shall be prohibited.
6. Retail sales shall not be permitted on the premises.
7. The term of this Special Use Permit shall expire upon the termination of ownership of the subject property by the applicant or upon the termination of his residency at 528 E. Maynor Drive.

8. Except as specifically modified herein, the conditions set forth in Resolutions R17-128 and R18-118 shall remain in full force and effect.
9. A certified copy of this resolution shall be recorded at the expense of the applicants in the name of the property owners as grantor in the office of the Clerk of the Circuit Court prior to continuation of the tourist home use on the subject property.

BE IT FURTHER RESOLVED that this Special Use Permit is not severable and invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.