

**Application No. UP-1014-23, David and Angela Barglof :** Request for a Special Use Permit to authorize the establishment of a tourist home, pursuant to Section 24.1-306 (Category 1, No. 6) of the York County Zoning Ordinance, on a 0.29-acre parcel (GPIN G13d-4544-0633) located at 203 Bethune Drive (Route 1102). The property is zoned R13 (High Density Single-Family Residential) and is designated High Density Residential in the Comprehensive Plan.

**Caitlin Aubut**, Planner II, summarized the staff report dated June 26, 2023, stating that staff recommends that the Commission forward the application to the Board of Supervisors with a recommendation of approval subject to the conditions set forth in Resolution No. PC23-15.

**Mr. Titus** noted that the applicants plan to live part-time in Charles City County and part-time at the subject property. He asked what would preclude them, over time, from extending rentals from one week to 52 weeks a year.

**Ms. Aubut** responded that for personal reasons that the applicants would be better able to explain, they need to be physically present at the York County home every week. She stated that the Carver Gardens home is their primary residence.

**Mr. Titus** asked if the proposed occupancy limit of two bedrooms with up to six people is higher than has typically been allowed in the past.

**Mr. Cross** responded that the County has approved other applications with similar situations to accommodate couples with small children, so this would not be setting a precedent.

**Mr. Titus** asked why Condition No. 10 in the resolution, which requires fire pits to be lit, supervised, and extinguished by the property owners, is included since the owners would not be at the home when it is rented.

**Ms. Aubut** responded that the condition was recommended by the Department of Fire and Life Safety. She stated that in this case, it essentially prevents fire pits from being utilized.

**Mr. Cross** added there are some exceptions in the County Fire Code relating to rental housing versus ownership housing, with stricter standards regarding outside burning. He stated that another concern of the Department of Fire and Life Safety is that renters might not be aware if there is a burn ban in effect. He noted that this condition is a standard condition with every tourist home application.

**Mr. Wassmer** asked for clarification of regarding the maximum occupancy, which he understood to be four adults and two children.

**Ms. Aubut** responded that in the narrative, the applicants stated that they are looking to rent to four adults or a family of six.

**Chair Smith** opened the public hearing.

**Angela Barglof**, 203 Bethune Drive, spoke as the applicant, stating that she and her husband have lived in the home for sixteen years, are very close to the neighbors in the community and would like to rent to families with small children. She said the home has two small bedrooms and a sleeper sofa and that they would like to rent the home when they are at their Charles City County home. She stated that her husband is a disabled veteran and that they are on a fixed income and would

like to offer the home for short-term rentals to supplement their income. She explained that their infant son had a stroke before he was born and has weekly in-home therapy at the home in Carver Gardens and that her husband also has therapy sessions in the Williamsburg area. Ms. Barglof that two of the neighbors have agreed to notify them of any suspicious activity when the house is rented and that her parents live 10 to 12 minutes away and have agreed to serve as the responsible parties when rentals are taking place. Lastly, she stated that they plan to market the home to families since everything in the home is already equipped for a family with small children.

**Mr. King** commented that six people seems like a lot for a house of this size.

**Ms. Barglof** responded that six adults would be a lot. The bedrooms are relatively small, but the main living area is very open and spacious and has a large sleeper sofa.

There being no one else wishing to speak with regard to this application, **Chair Smith** closed the public hearing.

**Mr. Criner** stated since the neighbors are in support, he supports the application.

**Mr. King** agreed with Mr. Criner.

**Mr. Holroyd** stated that at least two in Carver Gardens have expressed opposition to the application. He expressed concern that the applicants would not be nearby while rentals are taking place, and he questioned whether or not the alternates are close enough to be able to address issues that might arise.

**Mr. Titus** agreed with Mr. Holroyd and stated that he doesn't see any mechanism to keep the number of rentals from expanding from one or two weeks a year to many weeks, which he said would be no different from an investor buying a house to operate as a short-term rental, except that in this case, the owners have lived in the house and know the neighborhood. He asked if the Commission should limit the number of weeks in a year in this case.

**Mr. Cross** responded if the Board had adopted those provisions that the Commission recommended, we would have the authority to do that.

**Mr. Cross** asked Mr. Hill if that would be considered a reasonable condition under the Zoning Ordinance standards as they exist today.

**Mr. Hill** responded that he believed it would.

**Mr. Titus** stated that he thinks it would be appropriate to limit rentals to no more than half the year.

**Mr. Smith** asked if the Commission can add a condition to the resolution stating that rental nights are not to exceed 50% of the year.

**Mr. Cross** responded that it can but that ultimately it will be up to the Board of Supervisors.

**Mr. King** stated that he would like to hear the applicant's reaction to such a condition.

**Chair Smith** asked Ms. Barglof to return to the podium.

**Ms. Barglof** responded that they would be amenable since their intent is to use it as a tourist home only when they are not there and they do need to use the house on a weekly basis.

**Mr. Wassmer** asked how the County would enforce such a condition. He stated that the Commission should either approve it as a tourist home or not.

**Mr. Cross** agreed with Mr. Wassmer that it would be basically unenforceable. He stated that one of the Zoning Ordinance text amendments proposed by the Commission would have required the owners to keep a guest log, which Zoning and Code Enforcement staff to periodically request to review for compliance with the limitation on the number of rental nights.

**Mr. Criner** moved the adoption of Resolution No. PC23-15

A RESOLUTION TO RECOMMEND APPROVAL OF AN APPLICATION TO  
AUTHORIZE A TOURIST HOME IN AN EXISTING DWELLING AT 203  
BETHUNE DRIVE

WHEREAS, David and Angela Barglof have submitted Application No. UP-1014-23 requesting a Special Use Permit, pursuant to Section 24.1-306 (Category 1, No. 6) of the York County Zoning Ordinance, to authorize the establishment of a tourist home in an existing single-family detached dwelling on a 0.3-acre parcel (GPIN G13d-4544-0633) located at 203 Bethune Drive (Route 1102); and

WHEREAS, said application has been forwarded to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission has conducted a duly advertised public hearing on this application; and

WHEREAS, the Commission has carefully considered the public comments with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the 12th day of July, 2023, that Application No. UP-1014-23 be, and it is hereby, transmitted to the York County Board of Supervisors with a recommendation of approval to authorize a Special Use Permit for the establishment of a tourist home in an existing single-family detached dwelling on a 0.3-acre parcel (GPIN G13d-4544-0633) located at 203 Bethune Drive (Route 1102) subject to the following conditions:

1. This use permit shall authorize the establishment of a tourist home in an existing single-family detached dwelling on a 0.3-acre parcel (GPIN G13d-4544-0633) located at 203 Bethune Drive (Route 1102).
2. Except as modified herein, the tourist home be operated in accordance with the narrative description provided by the applicant and received by the York County Planning Division on May 26, 2023, a copy of which shall remain on file in the office of the Planning Division.
3. The tourist home interior configuration shall be as depicted on the floor plans received by the York County Planning Division on May 24, 2023, a copy of which shall remain on file in the office of the Planning Division.

4. The tourist home shall be rented on a temporary basis for no fewer than two (2) and no more than fourteen (14) consecutive nights.
5. The tourist home shall be supervised and managed by a person who shall reside and be present at the address of 1101 Queens Crossing, Williamsburg Virginia 23185, during times of all tourist home rentals.
6. The tourist home shall be rented out as a whole house only. Rental of individual rooms shall be prohibited. The maximum number of guests occupying the tourist home at any one time shall be six (6).
7. A minimum of three (3) parking spaces shall be provided on-site. No more than four (4) vehicles parked shall be parked on the property at any one time as depicted on the plan titled "Parking Sketch Plan, UP-1014-23" prepared by the York County Planning Division, a copy of which shall remain on file in the office of the Planning Division. On-street parking shall be prohibited.
8. No signage advertising the tourist home shall be permitted.
9. 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. Any outside fire pits must be lit, supervised, and extinguished by the property owners.
10. The term of this Special Use Permit shall expire upon the termination of ownership of the subject property by the applicant.
11. The applicant shall be responsible for obtaining a new Certificate of Occupancy and all applicable permits and/or approvals required in accordance with regulations of the Virginia Uniform Statewide Building Code prior to use of the dwelling as a tourist home.
12. In accordance with Section 24.1-115(b)(6) of the York County Zoning Ordinance, a certified copy of the resolution authorizing this Special Use Permit shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court prior to commencement 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.

On a roll call the vote was:

Yea: (4)	Wassmer, King, Criner, Smith
Nay: (3)	Holroyd, Titus, Leedom

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