



October 16, 2024

Sean and Margaret DeWitt
108 Arrow Ct
Yorktown, VA. 23693

Dear Mr. and Mrs. DeWitt:

SUBJECT: 1021 Old Wormley Creek Road fence proposal

Thank you for your patience while I evaluated your proposal to install a six-foot tall fence along the property at 1021 Old Wormley Creek Road's street frontage on Old Wormley Creek Road continuing along the eastern property line adjacent to 1110 Old Wormley Creek Road and outside of the existing utility easement as shown on the enclosed sketch of the property.

For your information, Section 24.1- 271, Accessory uses permitted in conjunction with residential uses, states: "The following accessory uses shall be permitted in conjunction with residential uses. No accessory use, activity or structure, **except fences**, shall be constructed or conducted until the principal use of the lot has commenced, or the construction of the principal building/structure has commenced and is thereafter diligently and continuously pursued to completion. [**emphasis added**]"

It is my understanding no principal use of the lot has been established. However, Section 24.1-271 specifically exempts fences as permitted accessory structures which may be erected prior to the construction and completion of a principal use.

Furthermore, Section 24.1 – 271 (j) (7) of the Zoning Ordinance states: "the Zoning Administrator may authorize front and side yard fence heights to be increased to a maximum of eight (8) feet when it is determined that such additional height is necessary to provide screening or buffering of a residential property from an adjacent non-residential use;"

The property at 1021 Old Wormley Creek Road abuts the public boat landing at 1110 Old Wormley Creek Road which is a non-residential use.

Therefore, pursuant to Section 24.1-271(j) (7) of the Code of the County of York Virginia (copied above), I have determined that a six (6') foot tall fence may be installed along the property line abutting Old Wormley Creek Road in order to provide privacy to the property from the public boat landing and the right of way of Old Wormley Creek Road. No permit from the County is required if the fence is installed in accordance with the attached sketch.

Sean and Margaret DeWitt

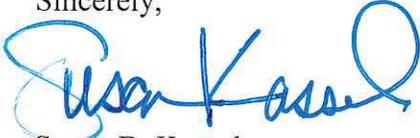
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Pursuant to Section 24.1 – 271 (j) (8) of the Code of the County of York Virginia, when a fence is designed/constructed such that the rails, boards, wire mesh or other nonstructural coverings are attached to only one side of the structural supports (i.e., posts, cross rails, etc.), that side shall be considered the "finished" side and shall face outward towards surrounding properties and rights-of-ways.

Should you have questions or require additional information, please do not hesitate to contact me or Dina Goode, Zoning and Code Enforcement Supervisor, at (757) 890-3531.

Sincerely,



Susan D. Kassel
Zoning Administrator

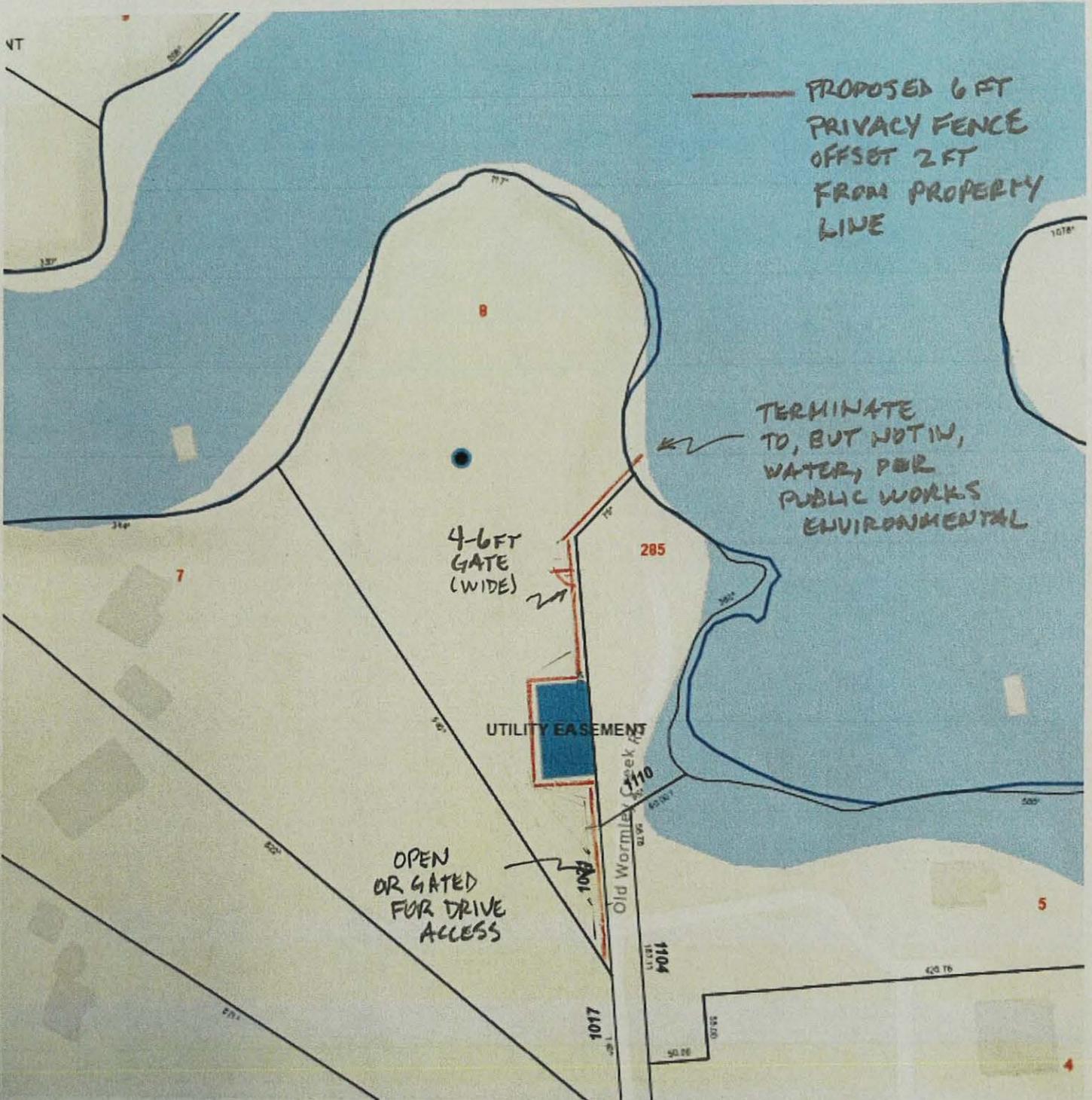
Enclosure

CC: Dina Goode, Zoning and Code Enforcement Supervisor
Greg Brooks, Zoning and Code Enforcement Inspector

NOTICE

In accordance with Section 15.2-2311 of the Code of Virginia, a decision of the Zoning Administrator, or any order, requirement, decision or determination of an administrative officer in the enforcement of the Zoning Ordinance may be appealed within thirty (30) days to the Board of Zoning Appeals, and, if not, the decision, order or requirement shall be final and unappealable. The filing fee for an appeal application is \$310. Information regarding the appeal application process can be obtained by contacting the Secretary of the Board of Zoning Appeals (757-890-3531).

1021 OLD WORMLEY CREEK



PROPOSED 6 FT
PRIVACY FENCE
OFFSET 2 FT
FROM PROPERTY
LINE

TERMINATE
TO, BUT NOT IN,
WATER, PER
PUBLIC WORKS
ENVIRONMENTAL

4-6 FT
GATE
(WIDE)

UTILITY EASEMENT

OPEN
OR GATED
FOR DRIVE
ACCESS

Old Wormley Creek

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