

## **Index File**

**UP-821-13**

**James Sasin**

### **149 Wynne Road**

Request for a Special Use Permit, pursuant to Section 24.1-407(b) of the York County Zoning Ordinance, to authorize the establishment of an accessory apartment on the second story of a proposed detached garage located at 149 Wynne Road (Route 657) approximately 620 feet northeast of its intersection with Boathouse Cove (private road). The 1.48-acre parcel is zoned RR (Rural Residential) and is designated Low Density Residential in the Comprehensive Plan.

#### Attachments:

- Staff Memorandum
- Zoning Map
- Sketch Plan
- Floor Plan
- Proposed Resolution No. PC13-2

# COUNTY OF YORK

## MEMORANDUM

**DATE:** December 20, 2012 (PC Mtg. 1/9/13)  
**TO:** York County Planning Commission  
**FROM:** Earl W. Anderson, AICP, Planner  
**SUBJECT:** Application No. UP-821-13, James Sasin

### ISSUE

This application seeks a Special Use Permit, pursuant to Section 24.1-407(b)(2) of the York County Zoning Ordinance, to authorize an accessory apartment in excess of the normally allowed 600-square foot/25% floor area limits in a detached structure in conjunction with an existing single-family detached home on a 1.48-acre parcel of land located at 149 Wynne Road and further identified as Assessor's Parcel No. 25G-1-11.

### DESCRIPTION

- Property Owner: Debora F. Sasin
- Location: 149 Wynne Road (Route 657)
- Area: Approximately 1.48 acres
- Frontage: Approximately 150 feet on Wynne Road
- Utilities: Public water and sewer
- Topography: Slight slope toward the northwest
- 2025 Land Use Map Designation: Low Density Residential
- Zoning Classification: RR – Rural Residential
- Existing Development: Single-family detached home and detached garage
- Surrounding Development:
  - North: Single-family detached homes on Railway Road
  - East: Single-family detached homes on Wynne Road
  - South: Single-family detached homes across Wynne Road
  - West: Single-family detached homes on Wynne Road

- Proposed Development: Accessory apartment in a proposed 2-story detached garage in conjunction with an existing single-family detached home and with a floor area of up to 35% of the area of the principal residence.

### **CONSIDERATIONS/CONCLUSIONS**

1. The proposed detached two-story garage would be located on the southeastern side of the principal dwelling and an existing detached garage, approximately 65 feet from the Wynne Road right-of-way. Access would be from an existing driveway off Wynne Road. The apartment would be located on the second floor of the proposed new structure, with the ground floor to be used for vehicle and miscellaneous storage. An additional driveway cuts across the property and provides access the property to the east at 152 Wynne Road; however, the applicant has stated that they do not use this driveway to access the subject property.
2. Detached accessory apartments up 600 square feet in area, or 25% of the floor area of the principal dwelling, are permitted as a matter of right in the RR zoning district on parcels of an acre or more; larger accessory apartments – up to a maximum of 800 square feet of habitable area or 35% of the principal structure floor area, whichever is less – can be permitted through approval of a Special Use Permit. Assessor's records show the applicant's current principal dwelling has 1,536 square feet of floor area. The applicant is proposing to add 300 square feet to the rear portion of the existing structure, bringing the square footage to 1,836 square feet, and is requesting authorization to increase the apartment floor area to the 35% limit. The applicant has submitted a preliminary floor plan showing that the apartment (which the applicant indicates will be occupied by his mother) will include a living room/kitchen area and a single bedroom with a walk-in closet and bathroom. The 35% maximum floor area limit applied to the enlarged principal residence would accommodate an apartment having 640 square feet of floor area. The Virginia Uniform Statewide Building Code's definition of habitable space excludes bathrooms, closets, utility rooms, stairs, etc.
3. Performance standards for accessory apartments are set forth in Section 24.1-407 of the Zoning Ordinance and have been included as conditions in the proposed resolution of approval. These provisions require occupancy only by family members or guests of the occupant of the principal dwelling and prohibit the apartment from being rented separate from the principal dwelling. They also limit the maximum number of accessory apartments to one per single-family detached dwelling and require adequate provisions for off-street parking. With regard to parking, staff estimates that the existing and proposed driveways and parking bays are adequate to accommodate parking for both the principal dwelling and the accessory apartment.
4. The property is located within the FMA, Floodplain Management Area overlay district. Therefore, construction of the garage and accessory apartment must be in compliance with the requirements of Section 24.1-373 of the Zoning Ordinance.

5. Portions of the property are located within the Chesapeake Bay Resource Protection Area and are subject to the requirements set forth in the Chesapeake Bay Preservation Act (CBPA). When applying for a building permit, the applicant will be required to submit a Natural Resources Inventory indicating the location of the house addition and proposed garage in relation to the RPA (Resource Protection Area) boundary. Additionally, if the impervious coverage of the lot will exceed 16% of the lot area, then a Best Management Practice (BMP) and maintenance agreement will be required.

### **RECOMMENDATION**

Staff believes the subject property can accommodate the accessory apartment with no adverse impacts on surrounding properties and that it will comply with all applicable zoning regulations. Therefore, based on the considerations and conclusions as noted, staff recommends that the Commission forward this application to the Board of Supervisors with a recommendation of approval subject to the conditions contained in proposed Resolution No. PC13-2.

EWA

Attachments:

- Zoning map
- Sketch plan
- Floor plan
- Proposed Resolution No. PC13-2

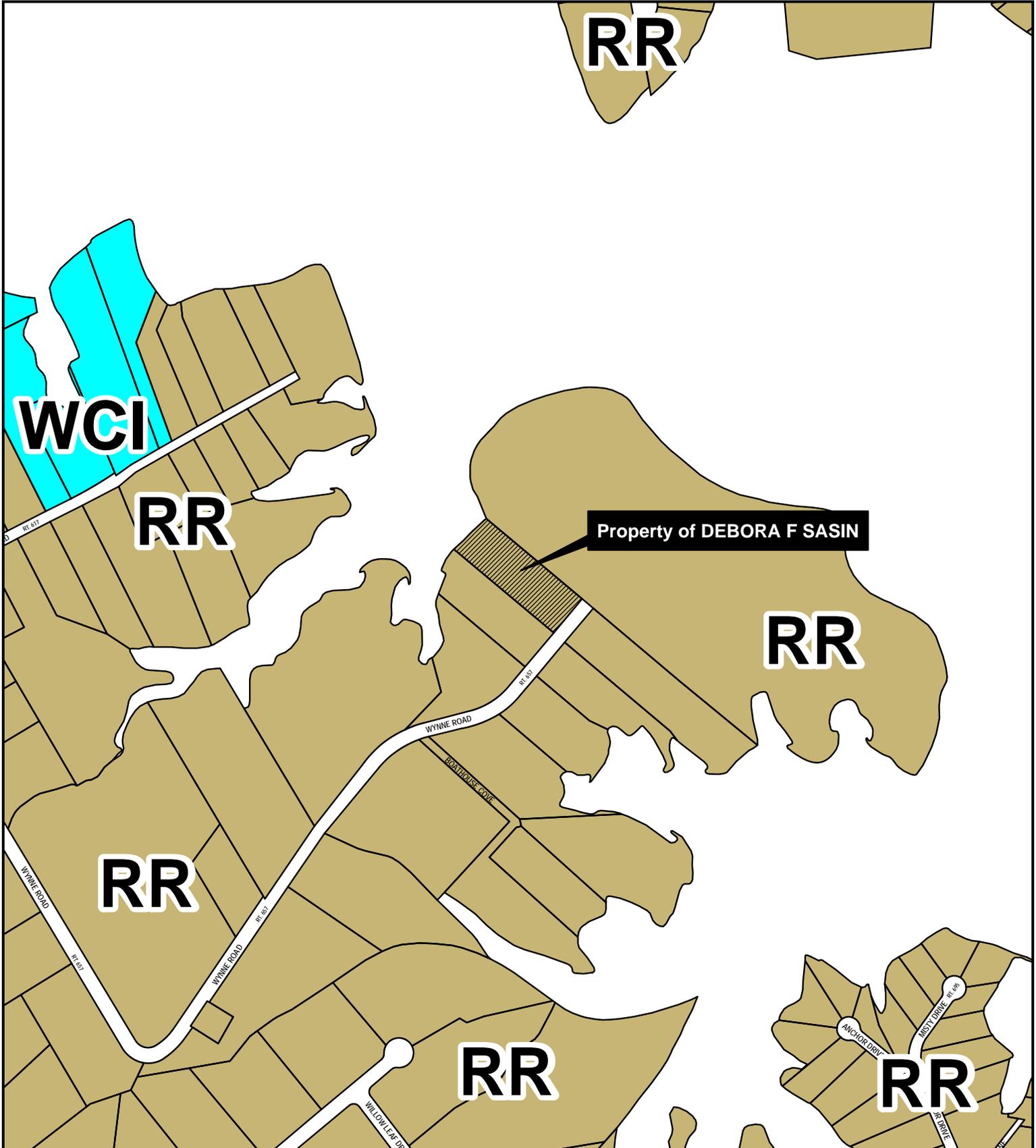
**APPLICANT James Sasin**

*A Special Use Permit request for an accessory apartment*

149 WYNNE RD

# ZONING MAP

APPLICATION NUMBER: UP-821-13



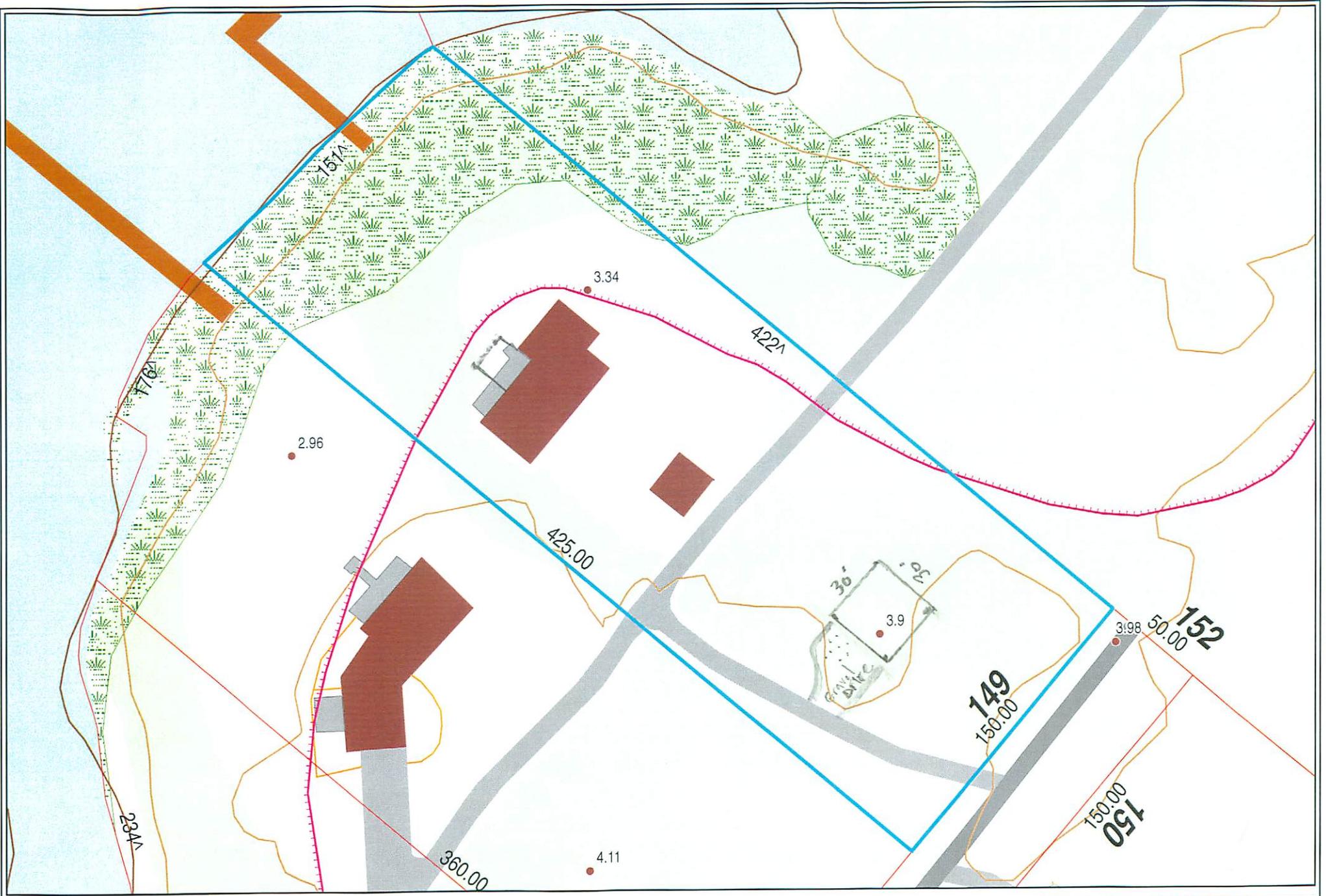
★ = Conditional Zoning



SOURCE: YORK COUNTY GIS PARCEL DATA and ZONING COVERAGE

THIS IS NOT A LEGAL PLAT. This map should be used for information purposes only. It is not suitable for detailed site planning.

Printed on December 10, 2012



Natural Resource Inventory  
 for U08d-4454-0836  
 149 WYNNE RD



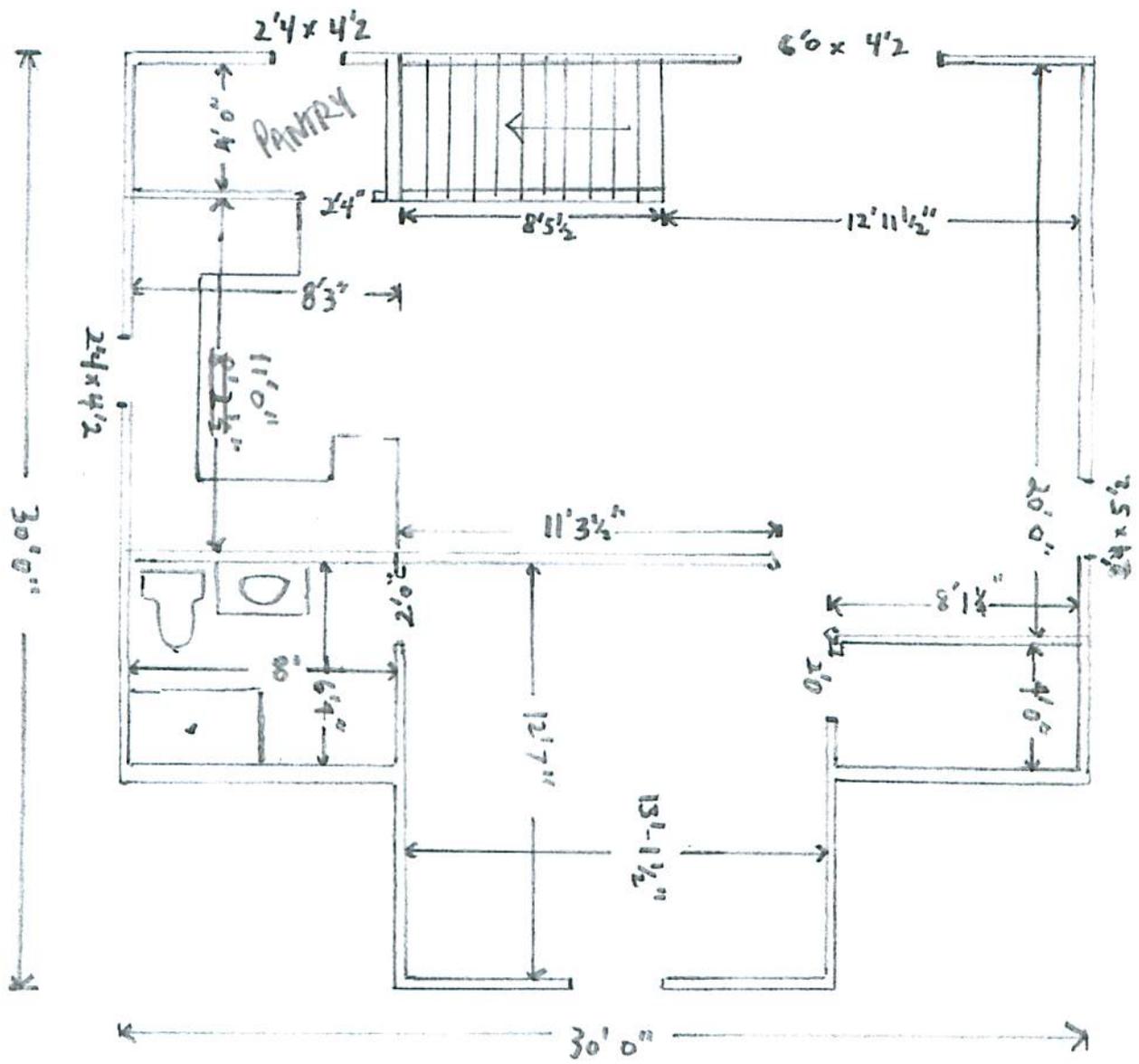
Natural Resource Inventory  
 for U08d 4454-0836  
 149 WYNNE RD



Topography	
Index Contour	Resource Protection Area
Inter Contour	Resource Management Area
Approximate Index Contour	Streams
Approximate Inter Contour	Lakes
Depression Index Contour	Wetlands
Depression Inter Contour	Wooded Area
Approx. Depression Index Contour	Property Lines
Approx. Depression Inter Contour	



Natural Resource Inventory  
 for U08d-4454-0836  
 149 WYNNE RD



J.F. SASIN

ENGINEER  
York County

DEC - 7 2012

Planning Division

12/1/12

3/16" = 1'

PLANNING COMMISSION  
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 \_\_\_\_\_, 2013:

Present

Vote

Richard M. Myer, Jr., Chair  
Mark B. Suiter, Vice Chair  
Alexander T. Hamilton  
Christopher A. Abel  
Timothy D. McCulloch  
Todd H. Mathes  
Melissa S. Magowan

On motion of \_\_\_\_\_, which carried \_\_\_\_, the following resolution was adopted:

A RESOLUTION TO RECOMMEND APPROVAL OF A SPECIAL USE PERMIT TO AUTHORIZE A DETACHED ACCESSORY APARTMENT AT 149 WYNNE ROAD

WHEREAS, James Sasin has submitted Application No. UP-821-13 to request a Special Use Permit, pursuant to Section 24.1-407(b)(2) of the York County Zoning Ordinance, to authorize the establishment of an accessory apartment exceeding the normally allowable 600-square foot/25% floor area limits in a detached structure in conjunction with an existing single-family detached home on a 1.48-acre parcel of land located at 149 Wynne Road and further identified as Assessor's Parcel No. 25G-1-11 (GPIN U08d-4454-0836); 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 given careful consideration to the public comments with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the \_\_\_\_ day of \_\_\_\_\_, 2013 that Application No. UP-821-13 be, and it is hereby, transmitted to the York County Board of Supervisors with a recommendation of approval to authorize a Special Use Permit, pursuant to Section 24.1-

407(b)(2) of the York County Zoning Ordinance, for the establishment of an accessory apartment in a detached structure in conjunction with an existing single-family detached home on a 1.48-acre parcel of land located at 149 Wynne Road and further identified as Assessor's Parcel No. 25G-1-11 (GPIN U08d-4454-0836) subject to the following conditions:

1. This use permit shall authorize the establishment of a detached accessory apartment in conjunction with a single-family detached home on a 1.48-acre parcel of land located at 149 Wynne Road and further identified as Assessor's Parcel No. 25G-1-11 (GPIN U08d-4454-0836).
2. The apartment shall be contained within a structure located at least 50 feet from the Wynne Road right-of-way line, as depicted on the sketch plan, and in general accordance with the floor plan submitted by the applicant, copies of which shall remain on file in the office of the Planning Division.
3. Construction and occupancy of the accessory apartment shall be in compliance with the performance standards set forth in Sections 24.1-407 (Standards for accessory apartments in conjunction with single-family detached dwellings).
4. The habitable floor area of the accessory apartment unit shall not exceed 35% of the floor area (either current or enlarged) of the principal residence, or 640 square feet, whichever is less. If the size of the accessory apartment is dependent on an enlargement of the principal residence, the Certificate of Occupancy (C.O.) for the enlargement must be issued prior to issuance of the C.O. for the accessory apartment.
5. The accessory apartment shall not be rented separate from the principal dwelling and shall be occupied only by family members or guests of the occupant of the single-family dwelling or by a bona fide medical/health caretaker or domestic employee of the occupant of the single-family dwelling.
6. Prior to issuance of a Certificate of Occupancy for the accessory apartment, the applicant shall be responsible for recording with the Clerk of the Circuit Court, a copy of the resolution authorizing this use permit. A court-certified copy of the document shall be submitted to the County at the time of building permit application.

BE IT FURTHER RESOLVED that the above conditions are not severable and invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.