Index File

UP-832-13

Mark A. and J. Paige Stephens; Bay Tree Manor Bed & Breakfast

Assessor's Parcel No. 26-75

Request for a Special Use Permit, pursuant to Section 24.1-409(e) of the York County Zoning Ordinance, to authorize private weddings and receptions for a fee as a business venture to be hosted on the premises of a bed and breakfast operation, previously authorized by Special Use Permit, on property located at 4201 Seaford Road (Route 622). The property is located at the eastern terminus of Seaford Road approximately 330 feet east of its intersection with Bay Tree Beach and York Point Roads (Route 712) and is further identified as Assessor's Parcel No. 26-75. The property is zoned RC (Resource Conservation) and is designated Conservation in the Comprehensive Plan.

Attachments:

- Zoning Map
- Staff Report
- Sketch Plan
- Plat of Property
- Pages from Applicants' Website
- Board of Supervisors Resolution No. R09-86
- Board of Supervisors Ordinance No. 13-12
- Proposed Resolution No. PC13-24

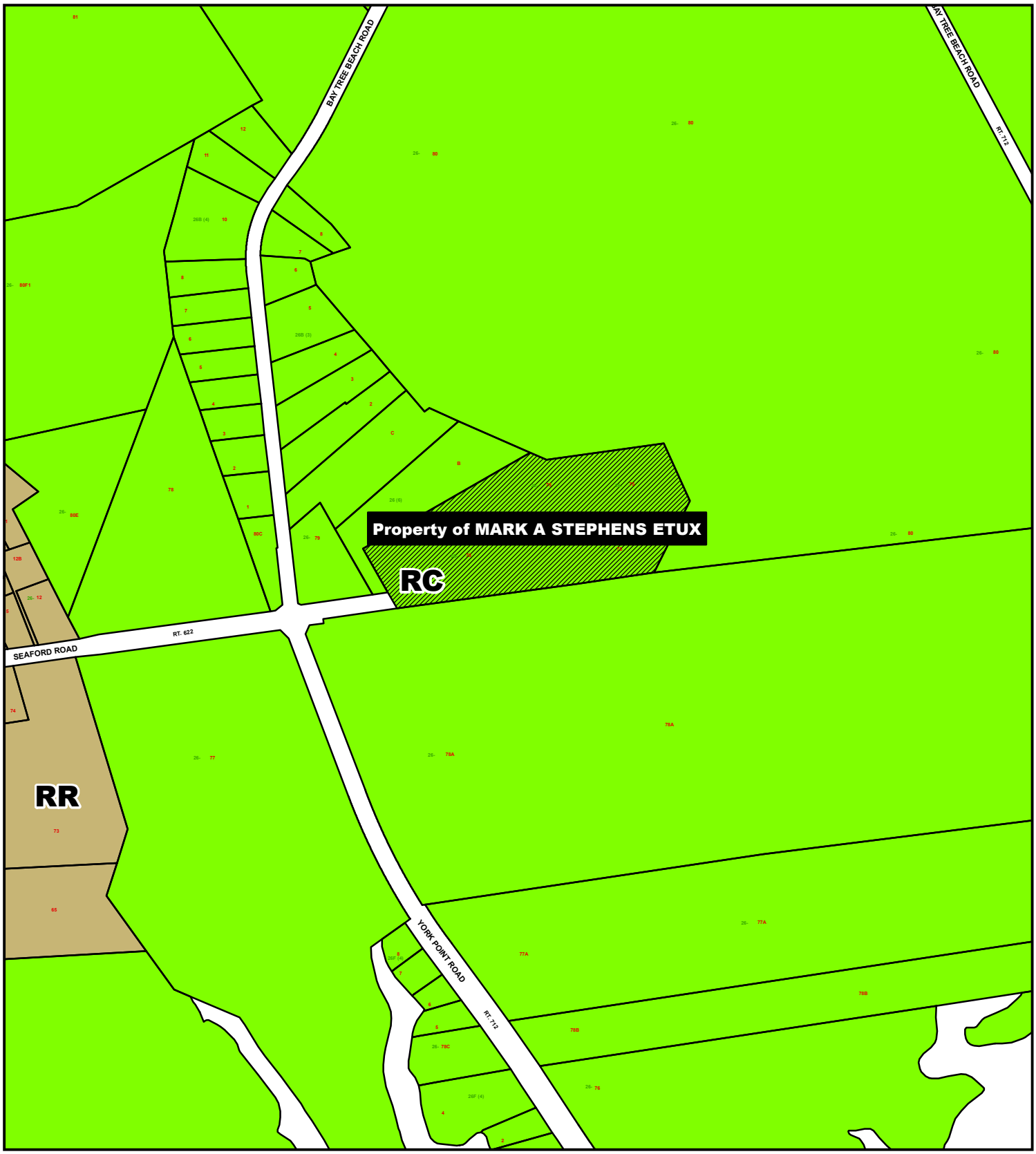
APPLICANTS: Mark A. & Judy P. Stephens

Special Use Permit for weddings and receptions in conjunction with a bed and breafast operation

4201 SEAFORD RD

ZONING MAP

APPLICATION NUMBER: UP-832-13



0 250 500 1,000 Feet

N W E S

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.

COUNTY OF YORK
MEMORANDUM

DATE: October 1, 2013 (PC Mtg. 10/9/13)

TO: York County Planning Commission

FROM: Amy M. Parker, Senior Planner

SUBJECT: Application No. UP-832-13, Mark A. and J. Paige Stephens; Bay Tree Manor Bed and Breakfast

ISSUE

This is a request for a Special Use Permit, pursuant to Section 24.1-409(e) of the York County Zoning Ordinance, to authorize private weddings and receptions for a fee as a commercial venture on the premises of an existing bed and breakfast operation, previously authorized by Special Use Permit, on property located at 4201 Seaford Road (Route 622).

DESCRIPTION

- Property Owners: Mark A. and J. Paige Stephens
- Location: 4201 Seaford Road (Route 622)
- Area: 9.45 acres
- Frontage: Approximately 65 feet on Seaford Road
- Utilities: Public water and sewer
- Topography: Flat
- 2035 Land Use Map Designation: Conservation
- Zoning Classification: RC – Resource Conservation
FMA – Floodplain Management Area overlay
- Existing Development: Four-suite bed and breakfast operation in existing single-family detached dwelling
- Surrounding Development:

  North: Single-family detached dwellings
  East: Bay Tree Creek, single-family detached dwelling beyond
  South: None
  West: None

- Proposed Development: Private weddings and receptions for a fee as a commercial venture in conjunction with the approved bed and breakfast establishment

BACKGROUND

In June 2009, the applicants received approval for a Special Use Permit, through the adoption of Board of Supervisors Resolution No. R09-86 (copy attached), to establish a four-suite bed and breakfast (B&B) operation in their single-family detached home. They have been operating a B&B establishment on the property since that time.

In February 2013, the applicants submitted a written request to the County (copy attached) for authorization to host weddings (as a commercial venture) in conjunction with their B&B operation. At the time, Zoning Ordinance provisions for residential zoning districts (other than the YVA-Yorktown Village Activity district), where B&Bs can be authorized by Special Use Permit, only allowed weddings and receptions involving and attended exclusively by registered guests of B&B establishments.

On July 16, 2013, the Board of Supervisors approved a Zoning Ordinance text amendment (Ordinance No. 13-12, attached) to allow, by Special Use Permit, private weddings and receptions for a fee as a business venture on the premises of authorized and operating B&B establishments. Accordingly, operators of authorized B&Bs may now request approval of a Special Use Permit to conduct large-scale weddings and receptions for customers who are not registered guests of the B&B.

CONSIDERATIONS/CONCLUSIONS

1. The applicants have requested approval to host private weddings and receptions for up to 160 guests on the premises of their B&B establishment as a fee-based commercial venture. According to the applicant, events would be held in a tent located off the south side of the dwelling. Parking for events would be located along the north side of the property. The 9.45-acre property is located off the eastern terminus of Seaford Road and the dwelling (with the four-suite B&B) is situated approximately 300 feet from the front property line and approximately 600 feet from the Bay Tree Beach/Seaford/York Point Roads intersection. The only adjacent dwelling is located approximately 70 feet from the common property line and approximately 230 from the dwelling on the subject property. Abutting properties to the east, west, and south are undeveloped.

2. Section 24.1-409(e) of the Zoning Ordinance specifies performance standards for private weddings and receptions on properties with operating B&B establishments. Standards include frequency (no more than one event per day, and two events per week), duration of events (event held between 10:00 AM and 10:00 PM; set-up no earlier than 8:00 AM, take-down no later than 11:00 PM), maximum number of guests, lighting (illumination intensity not more than 0.1

foot-candle at any property line), noise (per the County Code Noise Ordinance), emergency access, parking, and Building and Fire Prevention Code requirements.

Section 24.1-409 (e)(2) specifically addresses maximum numbers of permitted guests as follows:

> *"The maximum number of guests shall be established as a condition of the Special Use Permit approval and shall be based on an assessment of the capacity and suitability of the site in consideration of the size of the property and facilities, the amount of parking available to accommodate guests, the capacity and condition of the highway network providing access to the site, the surrounding land uses and their proximity, and such other considerations as the Board of Supervisors deems to be relevant to prevent adverse effects upon neighboring properties."*

3. Guests attending events on the subject property would be accommodated in a large tent with a paver foundation, currently installed off the south side of the dwelling. According to the applicants' website (copy of pages attached), additional common areas around the outdoor pool and inside the dwelling (such as a bar, pool table and ping pong table areas) are also available as event space. Earlier this year, at the time of issuance of a building permit for the tent, zoning approval was granted because the applicant indicated that the tent was for residential use only for family functions. If the SUP is approved by the Board of Supervisors, a new building permit for the tent will be required with zoning approval stipulating use of the temporary tent in accordance with SUP conditions (including limiting occupancy to not more than 160 guests and contract employees associated with events). A proposed approval condition addresses this issue. Zoning Ordinance standards require that tents be dismantled within 48 hours of the conclusion of each event "*unless the Special Use Permit shall allow a greater time*." The applicant has indicated that on a seasonal basis (May through October), several events could be scheduled in a relatively short time period, making dismantling the tent between events impractical. Given the property location and size, and characteristics of the surrounding area, staff does not perceive that leaving the tent in place for an extended time would create adverse impacts. Staff is therefore recommending an approval condition allowing the tent to remain for the maximum time allowed for temporary tents in accordance with the Virginia Statewide Fire Prevention Code and the International Fire Prevention Code (i.e., not more than 180 days). Zoning Ordinance standards require that tents meet minimum setback requirements for principal structures, which would be 50 feet for side, front, and rear yards in the RC district. Building Code compliance review will also be necessary to ensure that any interior spaces proposed to be used for the commercial reception activities meet all applicable standards for public functions.

4. Zoning Ordinance parking standards require one parking space for every two persons plus one space for every contract employee (i.e. caterers, musicians, etc.) associated with the event. Staff estimates approximately 90 temporary parking

spaces would be required to accommodate the maximum event attendance as requested by the applicant (80 spaces for guests plus 10 for caterers, musicians, and other staff). As shown on the applicants' sketch plan, there is ample room on the north side of the driveway and along the north side of the property to accommodate the required spaces. A 25-foot evergreen landscaped buffer would be required along the northern property line to facilitate screening the parking areas from the adjacent property, unless the abutting property owner consents to a waiver of this requirement (no such "waiver" documentation has been received or submitted). Parking areas are required to be constructed with all-weather surfaces, such as gravel or pavers. Detailed parking design (construction materials, parking layout, landscape buffering, etc.) will be addressed as part of the required site plan review process if this application is approved by the Board of Supervisors.

Access to the subject property is via a one-way circular driveway approximately 600 feet in length. Staff estimates that the driveway could accommodate stacking for 20 to 30 vehicles entering the site for large events. To insure the neighbor's driveway, which merges with the applicants' driveway at the east end of the Seaford Road right-of-way, is not blocked during large events, Staff is proposing an approval condition prohibiting stacking of vehicles in the right-of-way and installation of a "do not block driveway" sign for the neighbor's driveway entrance.

Virginia Department of Transportation (VDOT) staff have reviewed the application, and expressed no concerns about traffic volume impacts from the proposed use. VDOT did, however, recommend a stop bar be delineated across the westbound lane of Seaford Road (for vehicles exiting the subject property) at the Seaford/Bay Tree Beach/York Point Roads four-way intersection. The section of Seaford Road in the eastern quadrant of the intersection is not within the VDOT secondary road system, and is not maintained by VDOT. Therefore, installation of the stop bar would be the applicants' responsibility. Stop bars already exist across the three remaining streets in the intersection. A proposed approval condition would require demarcation of the recommended stop bar.

5. Portions of the property are encumbered by wetlands, Resource Protection and Resource Management areas, and the 100-year floodplain. Accordingly, a natural resource inventory, wetlands field delineation and detailed grading plans will be required at the time of site plan review. Environmental and Development Services staff have indicated that, based on a preliminary evaluation of the property, enough area exists on the subject parcel outside of wetlands and Resource Protection areas to accommodate the required parking areas.

RECOMMENDATION

The existing bed and breakfast establishment has been operating successfully for over three years without any evidence of adverse impacts on the surrounding area or the residential character of the neighborhood. There is only one adjacent dwelling, which is

230 feet from the applicant's dwelling, and the tent used for hosting events is located on the opposite side of the applicants' dwelling. Proposed parking areas located along the neighbor's common property line would be required to be buffered with evergreen landscaping, unless the neighbor agrees to a waiver of the requirement. The property is surrounded on all other sides by a few very large parcels of vacant land that are also zoned RC (with a minimum lot size of five acres) and have very limited subdivision potential since they are entirely within the Chesapeake Bay Resource Protection Area (RPA) and less than four feet above mean sea level. Proposed approval conditions would insure that vehicles entering the property for large events would not block the neighbor's access. Existing Zoning Ordinance regulations place limits on noise, lighting, and frequency and duration of events. Therefore, staff recommends that the Commission forward the application request to the Board of Supervisors with a recommendation of approval subject to the conditions contained in proposed Resolution No. PC13-24.

AMP

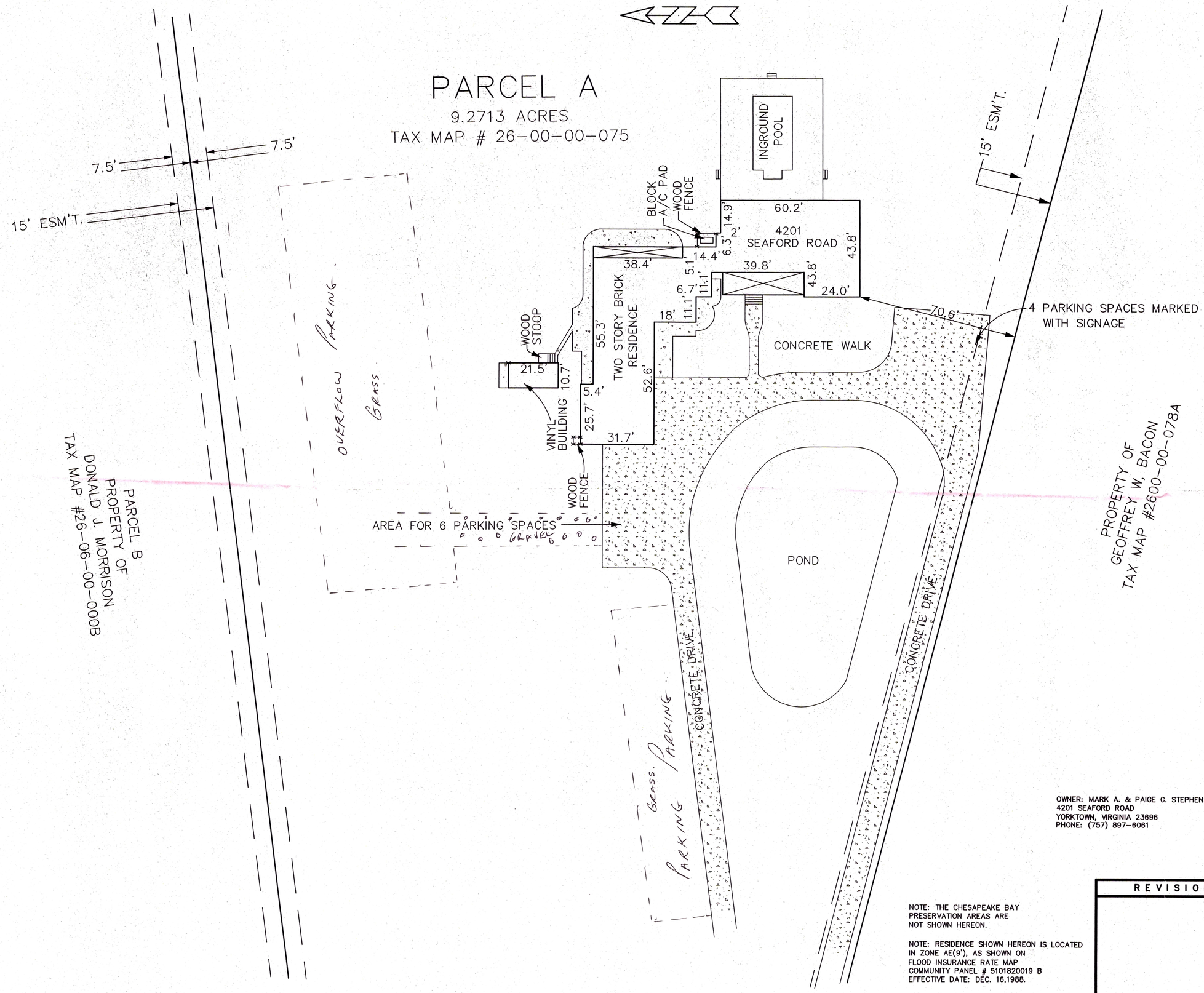
Attachments:

- Zoning Map
- Sketch Plan
- Plat of Property
- Pages From Applicants' Website
- Board of Supervisors Resolution No. R09-86
- Board of Supervisors Ordinance No. 13-12
- Proposed Resolution No. PC13-24

PARCEL A

9.2713 ACRES

TAX MAP # 26-00-00-075



OWNER: MARK A. & PAIGE G. STEPHENS
4201 SEAFORD ROAD
YORKTOWN, VIRGINIA 23696
PHONE: (757) 897-6061

NOTE: THE CHESAPEAKE BAY PRESERVATION AREAS ARE NOT SHOWN HEREON.

NOTE: RESIDENCE SHOWN HEREON IS LOCATED IN ZONE AE(9'), AS SHOWN ON FLOOD INSURANCE RATE MAP COMMUNITY PANEL # 5101820019 B EFFECTIVE DATE: DEC. 16,1988.

RECEIVED
York County
AUG 6 2013
Planning Division

JOB LOCATION: 4201 SEAFORD ROAD

PLAN SHOWING IMPROVEMENTS TO
"PARCEL A"
BOUNDARY LINE ADJUSTMENT BETWEEN
THE PROPERTIES OF
C.W. MESSNER & RICHARD W. TEAGLE & JACK D. MCCOMB
COUNTY OF YORK, VIRGINIA
P.B. 9/PG. 489 INST. #040007220
SCALE : 1" = 20' DATE : 1 APRIL 2009

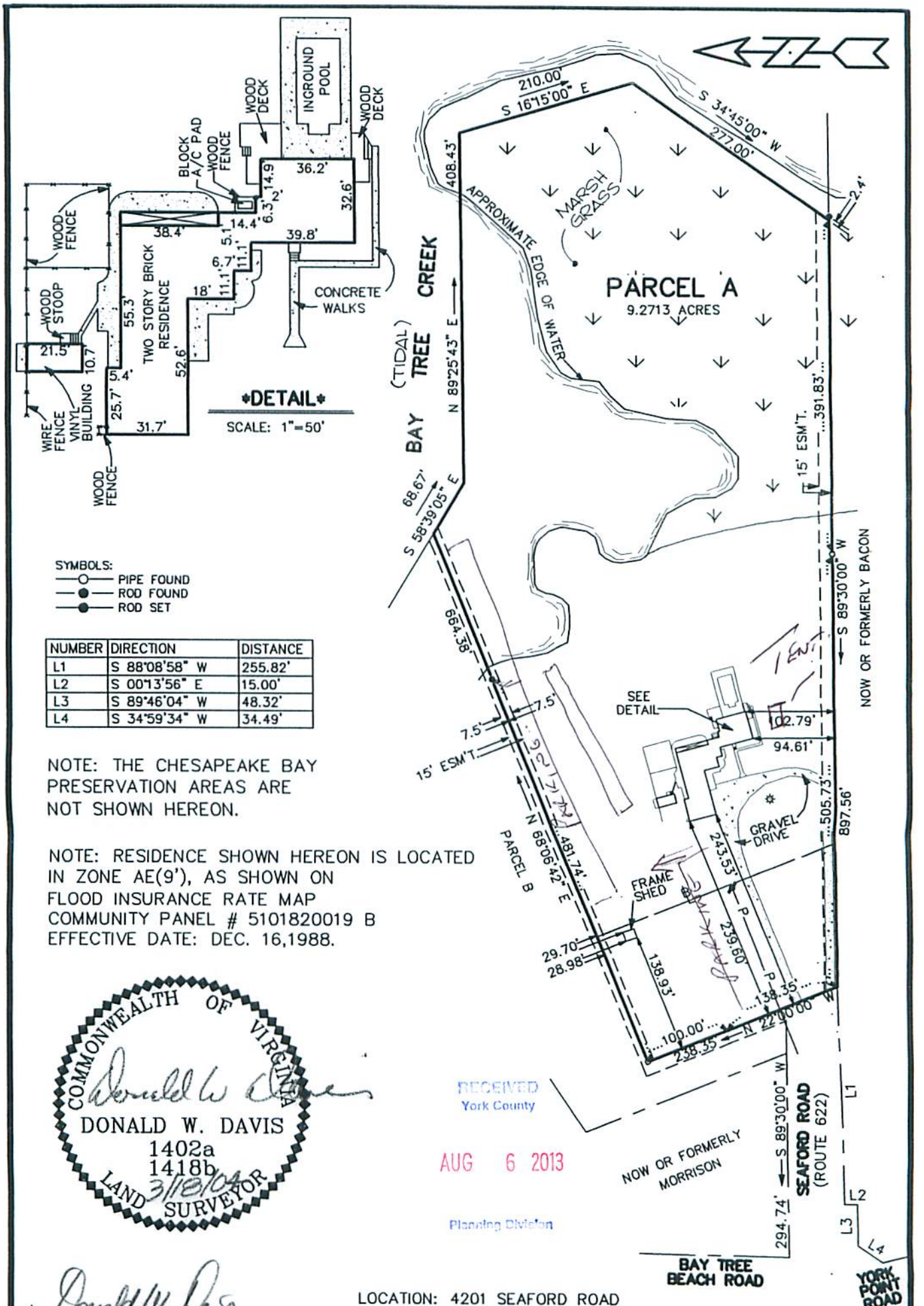
REVISIONS

COMMONWEALTH OF VIRGINIA
DONALD W. DAVIS
Lic. No. 1402(a)
Lic. No. 1418(b)
4/1/09
LAND SURVEYOR

DAVIS & ASSOCIATES, P.C.
SURVEYORS – PLANNERS
3630 GEORGE WASHINGTON
MEMORIAL HIGHWAY – SUITE G
YORKTOWN, VIRGINIA 23693
(757)867-8583

07-0314

SHEET 1 OF 1



SYMBOLS:
- PIPE FOUND
- ROD FOUND
- ROD SET

NUMBER	DIRECTION	DISTANCE
L1	S 88°08'58" W	255.82'
L2	S 00°13'56" E	15.00'
L3	S 89°46'04" W	48.32'
L4	S 34°59'34" W	34.49'

NOTE: THE CHESAPEAKE BAY PRESERVATION AREAS ARE NOT SHOWN HEREON.

NOTE: RESIDENCE SHOWN HEREON IS LOCATED IN ZONE AE(9'), AS SHOWN ON FLOOD INSURANCE RATE MAP COMMUNITY PANEL # 5101820019 B EFFECTIVE DATE: DEC. 16,1988.

COMMONWEALTH OF VIRGINIA
DONALD W. DAVIS
1402a
1418b
3/18/04
LAND SURVEYOR

RECEIVED
York County
AUG 6 2013
Planning Division

I, Donald W. Davis HEREBY CERTIFY THAT THE SURVEY REPRESENTED BY THIS PLAT WAS MADE BY ME ON THIS DATE AND IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF THERE ARE NO ENCROACHMENTS OF BUILDINGS UNLESS SHOWN HEREON.

DAVIS & ASSOCIATES
SURVEYORS & PLANNERS
YORK COUNTY, VIRGINIA

LOCATION: 4201 SEAFORD ROAD

PLAT OF THE PROPERTY OF:
MARK A. & PAIGE J. STEPHENS

"PARCEL A"

BOUNDARY LINE ADJUSTMENT BETWEEN
THE PROPERTIES OF
C.W. MESSNER & RICHARD W. TEAGLE & JACK D. MCCOMB

COUNTY OF YORK, VIRGINIA
P.B. 9/PG. 489 INST. #020005490

CODE: 04-0255	DRAWN BY: A.R.	SCALE: 1"=150'	TO: STEPHENS	DATE: 18 MAR. 04

Bay Tree Manor B&B

Welcome Home...

Bay Tree Manor Bed & Breakfast

Photos by Michael and Carina Photography

The Perfect Getaway

Voted one of the top three Bed and Breakfasts in Eastern Virginia by Virginia Living Magazine for 2012 and 2013. Located along the tranquil shores of the Chesapeake Bay, Bay Tree Manor will transport you to a world of warmth and relaxation. Experience the simple pleasures of a majestic water view of the largest estuary in the United States, the amazing Chesapeake Bay. Wake up to sights and sounds of our local natural wildlife. Whether you are seeking a peaceful retreat, a romantic getaway, or simply want to experience a natural

wonder, you will find what you are looking for at Bay Tree Manor. Just a short ride brings you to the quaint beach of Yorktown, where you will find charming antique shops, bike rentals, and even a beach side pub (a local favorite!). Less than 30 minutes from Colonial Williamsburg, Busch Gardens, Water Country and Virginia Beach, Bay Tree Manor combines the magic of a remote getaway with the convenience of nearby tourist attractions. Come stay with us and you will understand why Yorktown is Virginia's best kept secret!

Leave your stress behind and immerse yourself in unparalleled relaxation at Bay Tree Manor.

Bay Tree Manor
This historic bay side estate is a favorite for travelers seeking a beautiful, romantic destination. In the 1930's, the manor welcomed many dignitaries and celebrities for its legendary duck hunting. The estate is situated over nine acres of waterfront and wooded areas that provide an oasis of seclusion. Bay Tree Manor features a full breakfast, complimentary wine, and luxuriously appointed rooms. You can enjoy an early morning cup of coffee by the pool as the sun rises, or join other guests in the great room for friendly conversation.

Mark & Paige Stephens
4201 Seaford Road
Seaford, VA 23696
(757) 897 - 6062 cell (757) 369 - 5990 home

Bay Tree Manor B&B

Welcome Home...

Amenities

Featured amenities include:

Deluxe Suite and Rooms
Each room is uniquely decorated with Olympic paints from the "A touch of pure romance..." collection, plush carpeting and exquisite furnishings
A private bath with Lord & Mayfair toiletries
Aireloom mattresses and fine linens
Turkish towel robes
Free wireless internet connection

All guests receive: (All inclusive)
Full breakfast
Afternoon refreshments
Special accommodations for dietary restrictions
Beverage service including fine wines and beer on tap at our own in-house pub
Enjoy the outdoor patio with spectacular view
Free local calls
Peaceful garden surroundings and tranquil waterfall
Great room with fireplace for socializing
Large pool and deck area
Kayaks available and Pier for fishing

Pamper yourself in the comfort and charm of Bay Tree Manor. Leave all your cares behind as we take care of everything!

Bay Tree Manor B&B

Welcome Home...

Weddings

Bay Tree Manor is a casual waterfront bed & breakfast that is ideal for tranquil weddings… With nine and a half acres overlooking the Chesapeake Bay it is the perfect place for a long weekend wedding.

Arrive Friday afternoon with your bridal party and relax by the pool, kayak out to the private beach or just fish from the pier.

If you choose a casual rehearsal dinner it can simply be arranged with moonlit seating around the pool.

Saturday morning wake up to a farmer's gourmet breakfast that will be sure to keep you sustained until your reception.
After breakfast you may decorate the ceremony and reception areas to your taste or just pamper yourself in the Master Suite bath.

Sunday wake up to your abundant farewell breakfast surrounded by your loved ones until the beginning of your happily ever after!

Bay Tree Weekend Package Includes:

» Rehearsal space, wedding breakfast, ceremony and reception space, four suites and farewell breakfast
» Grand 66'x 33' marquee tent
» Tables, chairs and linens for reception and ceremony for up to 130 guests

Katie & Shane exchanged vows June 22, 2013

Heather & Jason exchanged vows September 28, 2013

Mary Lynn & Jamie will be exchanging vows October 5, 2013

Christy & Chris will be exchanging vows October 19, 2013

Chelsea & Adam will be exchanging vows April 5, 2014

Shelby & Matt will be exchanging vows May 24, 2014

Tabetha & Jim will be exchanging vows September 27, 2014

Tabitha & Josh exchanged vows May 11, 2013

Casey & Matthew exchanged vows June 15, 2013

Emily & Travis exchanged vows June 9, 2012

Trisha & Adam exchanged vows August 4, 2012

Nicole & Chris exchanged vows September 8, 2012

Courtney & Chris exchanged

» Elegant Rhapsody Pavilion decorated with white sashes for your ceremony
» Use of the bar with 2 keg capacity kegerator, Tournament size Pool table and Ping Pong table.
» Our landscape includes views of the Chesapeake Bay, waterfowl and a waterfall for your photographer's pleasure!
» Large pool deck with stone pavers ideal for dancing!
» Ample parking space
» Full breakfast for up to 10 guests served the day of and the day after the wedding
» Recommendations for all that you can envision such as local caterers, photographers, florist, music and cake! The options are limitless!

You are welcome to use your own professional licensed vendors.

Bay Tree Manor Bed and Breakfast can accommodate up to 160 people for a formal or informal wedding ceremony and reception

Please contact us for more information and to schedule a tour.

Mark and Paige Stephens
757-897-6062 / 369-5990
stay@btmanor.com

vows October 27, 2012

See the Boudoir Shoot by Michael and Carina Photography here...

Testimonials...

"This is an amazing location for a wedding!! My husband and I had our wedding there last June and I wish we could relive it every year. To try to put in words how amazing this place is wouldn't be enough. Everyone needs to spend one weekend here..so amazing. Mark and Paige are also amazing." Yorktown, VA

"I participated in a wedding at this place and it could not have turned out more beautiful. I am a native of the area and I had no idea this place existed. The owners, Mark and Paige are fabulous, pleasant, professional, and caring. I cannot recommend this place highly enough. The wedding consisted of about 150 people with a DJ, band, and catering. There was plenty of space and the owners worked out the parking accommodations without an issue. Everyone had a wonderful time and I cant wait until I attend another event here. The rooms are beautiful and comfortable. I would love to do business here again." Virginia Beach, VA

"We were married at Bay Tree Manor in May and I have to say that everything was beyond perfect. Mark & Paige went above and beyond to make sure that our wedding was the beautiful day that we envisioned. They handled everything from the flowers to the minister so that we could relax and enjoy the day. The beautiful grounds, opulent suites, great company and fabulous food made this the most wonderful experience for us and our families. I recommend Bay Tree Manor to anyone looking for a romantic, peaceful getaway or the perfect

location for a wedding." Hampton, VA

"When we first visited Bay Tree Manor last August, my now husband and I immediately knew it would be the perfect place for our wedding. We were looking for a place where we could spend a weekend with our parents and my brother and sister-in-law, and also have our wedding ceremony. The innkeepers Mark and Paige were friendly, welcoming and generous from the outset.

We spent the weekend there in June with our family and had the wedding ceremony on Saturday afternoon. The inn beautifully furnished and set on the river in peaceful Seaford, VA, and was made all the better by our wonderful hosts. Each morning they cooked an excellent and spectacularly presented breakfast and chatted with us like friends who'd known one another for years.

As for wedding arrangements, our hosts helped get us flowers, cake, champagne for a toast, an officiant, and allowed my father and brother to use their kitchen to cook us dinner following the wedding ceremony. They even set up chairs, flower petals, and a gazebo near the water where we had the wedding. "Best wishes" balloons floated in the pool and the whole thing was just right down to the tiniest details. We spent the entire weekend feeling relaxed, refreshed and perfectly happy.

If I could give Mark and Paige and their inn more than five stars, I would. We could not have asked for anything more special for the happiest weekend of our lives. I recommend Bay Tree to anyone looking for a quiet, peaceful, and friendly place to stay in the Yorktown/Jamestown/Williamsburg area." Arlington, VA

R09-86

BOARD OF SUPERVISORS
COUNTY OF YORK
YORKTOWN, VIRGINIA

Resolution

At a regular meeting of the York County Board of Supervisors held in York Hall, Yorktown, Virginia, on the 16th day of June, 2009:

Present	Vote
Walter C. Zaremba, Chairman	Yea
Donald E. Wiggins, Vice Chairman	Yea
Sheila S. Noll	Yea
George S. Hrichak	Yea
Thomas G. Shepperd, Jr.	Yea

On motion of Mrs. Noll, which carried 5:0, the following resolution was adopted:

A RESOLUTION TO APPROVE A SPECIAL USE PERMIT TO AUTHORIZE A BED AND BREAKFAST OPERATION IN AN EXISTING SINGLE-FAMILY DETACHED DWELLING AT 4201 SEAFORD ROAD

WHEREAS, Mark A. and J. Paige Stephens have submitted Application No. UP-767-09 to request a Special Use Permit, pursuant to Section 24.1-306 (Category 1, No. 6) of the York County Zoning Ordinance, to authorize a bed and breakfast operation in an existing single-family detached dwelling on a 9.45-acre parcel of land located at 4201 Seaford Road (Route 622) and further identified as Assessor's Parcel No. 26-75 (GPIN V08b-4893-4991); and

WHEREAS, said application has been forwarded to the York County Planning Commission in accordance with applicable procedure; 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 16th day of June, 2009, that Application No. UP-767-09 be, and it is hereby, approved to authorize a bed and breakfast operation in an existing single-family detached dwelling on a 9.45-acre parcel of land located at 4201 Seaford Road (Route 622) and further identified as Assessor's Parcel No. 26-75 (GPIN V08b-4893-4991) subject to the following conditions:

1. This use permit shall authorize a four-suite bed and breakfast operation in an existing single-family detached dwelling on a 9.45-acre parcel of land located at 4201 Seaford Road (Route 622) and further identified as Assessor's Parcel No. 26-75 (GPIN V08b-4893-4991).

2. A site plan prepared in accordance with the provisions of Article V of the Zoning Ordinance shall be approved by the York County Department of Environmental and Development Services, Division of Development and Compliance, prior to the commencement of operation of the bed and breakfast use on the parcel. Said site plan shall be in substantial conformance with the sketch plan titled "Plan Showing Improvements to "Parcel A," Boundary Line Adjustment Between the Properties of C.W. Messner & Richard W. Teagle & Jack D. McComb, County of York, Virginia" prepared by Davis & Associates, P.C., dated April 1, 2009 and floor plans prepared by the applicant, both received by the Planning Division April 3, 2009, copies of which shall remain on file in the office of the Planning Division.

3. Operation of the bed and breakfast facility shall be in compliance with the performance standards set forth in Section 24.1-406 of the Zoning Ordinance and applicable regulations of the Virginia Uniform Statewide Building Code, International Building Code, Section 907.2.10.1.2, and the International Residential Code, Section 313.1.

4. One (1), non-illuminated sign not exceeding four (4) square feet in size shall be permitted to identify the use.

5. The maximum number of guest suites shall be four (4) units, and occupancy of the bed and breakfast facility shall be limited to eight (8) persons, not including the proprietors and their family members.

6. Retail sales shall not be permitted on the premises.

7. Adequate provisions shall be made for off-street parking of motor vehicles in such a fashion as to be compatible with the character of the single-family residence and adjacent properties.

8. The applicant shall submit proof of applicable licensing and permits from the Peninsula Health District prior to issuance of a certificate of use and occupancy for the bed and breakfast use.

9. In accordance with Section 24.1-115(b)(6) of the York County Zoning Ordinance, a certified copy of this resolution 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 application for site plan approval or issuance of a certificate of use and occupancy for the bed and breakfast facility.

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

A Copy Teste:

Mary E. Simmons
Deputy Clerk

VIRGINIA: In the Clerk's Office of the York County – Poquoson Circuit Court, the 23rd day of October, 2009. This deed was presented with the certificate annexed and admitted to record at 3:39 o'clock P.M.

Teste: LYNN S. MENDIBUR, CLERK

By: _____ D.C.

BOARD OF SUPERVISORS
COUNTY OF YORK
YORKTOWN, VIRGINIA

Ordinance

At a regular meeting of the York County Board of Supervisors held in York Hall, Yorktown, Virginia, on the 16th day of July, 2013:

Present	Vote
Donald E. Wiggins, Vice Chairman	Yea
Sheila S. Noll	Yea
George S. Hrichak	Yea
Thomas G. Shepperd, Jr.	Yea

Absent

Walter C. Zaremba, Chairman

On motion of Ms. Noll, which carried 4:0, the following ordinance was adopted:

AN ORDINANCE TO APPROVE AN APPLICATION TO AMEND CHAPTER 24.1, ZONING, YORK COUNTY CODE, BY ADDING PROVISIONS TO ALLOW AUTHORIZATION OF WEDDING RECEPTIONS CONDUCTED ON THE PREMISES OF OPERATING BED AND BREAKFAST ESTABLISHMENTS

WHEREAS, in response to property owner inquiries, the Board of Supervisors has sponsored Application No. ZT-143-13 to allow consideration of amendments to the Zoning Ordinance to provide opportunities for the operators of bed and breakfast establishments to host wedding receptions on the same premises; and

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

WHEREAS, the Planning Commission has recommended approval of the proposed amendments; and

WHEREAS, the Board of Supervisors has conducted a duly advertised public hearing and considered the public comments and Commission's recommendation with respect to this application; and

WHEREAS, the Board has determined that adoption of the proposed amendments would provide appropriate land use opportunities;

NOW, THEREFORE, BE IT ORDAINED by the York County Board of Supervisors this the 16th day of July, 2013, that Application No. ZT-143-13 be, and it is hereby, approved to amend the York County Zoning Ordinance (Chapter 24.1, York County Code) to incorporate the following amendments:

***

Sec. 24.1-409. Standards for boarding house, tourist home and bed and breakfast establishments.

(a) When located in single-family residential zoning districts, boarding houses, tourist homes, and bed and breakfast establishments shall have the appearance of a single-family detached residence and normal residential accessory structures.

(b) Other provisions of this chapter notwithstanding, one freestanding, non-illuminated sign, not exceeding four (4) square feet in area, may be permitted to identify such use.

(c) In all residential districts, required off-street parking for the subject use shall be effectively screened by landscaping from view from adjacent residential properties and shall not be located in any required front yard area.

(d) The board shall specify the maximum number of persons who may be accommodated in the proposed use. Such determination shall be based on a consideration of the density and character of the vicinity in which located and of the size and characteristics of the proposed site.

(e) The owner/proprietor of an authorized and operating bed & breakfast (B&B) establishment or tourist home may apply for a supplementary Special Use Permit authorization to host private weddings and receptions for a fee as a business venture. In order to be eligible to apply for such supplementary Special Use Permit, the B&B or tourist home shall have been in continuous operation for at least one (1) year prior to the date of the submission of the application. The following performance standards and conditions shall be observed unless specifically modified or waived by the Board of Supervisors at the time of approval:

(1) *Frequency of events*: No more than one (1) event per day, or two (2) events in any 7-day period, shall be allowed. A wedding ceremony and its associated reception shall be considered to be a single event.

(2) *Maximum number of guests*: The maximum number of guests shall be established as a condition of the Special Use Permit approval and shall be based on an assessment of the capacity and suitability of the site in consideration of the size of the property and facilities, the amount of parking available to accommodate guests, the capacity and condition of the highway network providing access to the site, the surrounding land uses and their proximity, and such other considerations as the Board of Supervisors deems to be relevant to prevent adverse effects upon neighboring properties.

(3) *Facilities:* Any building or temporary tents used to accommodate ceremonies or receptions shall comply with all applicable Building and Fire Code requirements including, but not limited to: access; materials and fire ratings; emergency lighting; exit lights; fire detection and suppression; etc. Any tent(s) shall be positioned on the property in accordance with all applicable setback requirements for principal structures or such greater setbacks as may be established as a condition of the Special Use Permit approval. Tents shall be dismantled within 48 hours of the conclusion of each event, unless the Special Use Permit shall allow a greater time.

(4) *Duration of event*: Events shall be limited to the time period between 10:00 am and 10:00 pm. Set-up and take-down activities may take place no earlier than 8:00 am and no later than 11:00 pm.

(5) *Lighting*: Exterior lighting shall be limited to fixtures and illumination intensities that will not produce illumination intensities exceeding 0.1 footcandles at any property line.

(6) *Noise*: The activities on the subject property shall be conducted in complete accordance with all requirements of the York County Noise Ordinance set forth in Section 16-19 of the York County Code.

(7) *Parking*: Except as specified below and as documented in the Special Use Permit approval, all parking demand associated with the event shall be accommodated on the site on a suitable all-weather surface. The minimum number of spaces shall be calculated at a ratio of one (1) parking space per every two (2) persons based on the maximum allowable occupancy/attendance limit plus one (1) space for every regular or contract employee associated with the reception facility.

The Special Use Permit may allow:

a. the use of an abutting property owned or controlled by the applicant and from which event attendees can walk without obstruction to reach the reception site. For the purposes of this section, the term abutting shall be construed to include property located on the opposite side of a street right-of-way, provided that event attendees will be able to cross perpendicularly and safely and will not be required to walk along a road or road shoulder;

b. the use of any available and conveniently located public parking spaces from which attendees can walk safely.

Any parking areas constructed or established specifically for support of the reception use shall be located a minimum of 25 feet from any abutting property not owned by the proprietor, unless with the consent of the owner of the abutting property, and shall be screened from view from those abutting properties and public rights-of-way by evergreen landscaping,

unless the abutting property owner consents to waiver of the screening requirement. All applicable stormwater management standards and requirements associated with the installation of the required parking spaces shall be observed.

(8) *Fire and Emergency Vehicle Access*: Driveway access to the site shall comply with all requirements as to weight capacity, base and surface material, width, configuration and alignment, and vertical and horizontal clearance as set forth in Section 24.1-261. Existing driveways shall be upgraded to meet these standards if they are deficient in any aspect.

(9) *Sanitation*: Restrooms or toilet facilities shall be provided for event attendees based on the ratios/requirements set forth in the Virginia Uniform Statewide Building Code. Reception venues that would be dependent on the dwelling's on-site septic system will not be approved unless the applicant provides written authorization from the Health Department as to the adequacy of the system. In the event portable restroom or toilet facilities are proposed to be used, all shall be screened from view from adjacent public rights-of-way and abutting properties and all shall be serviced or removed within two working days of the conclusion of the event.

(10) *Caterers / Vendors*: The proprietor shall ensure that any caterers or other vendors providing services for a reception are properly licensed and permitted, whether such caterer/vendor is hired by the proprietor or by the client contracting for the use of the facility. Likewise, the proprietor shall ensure that all applicable ABC permits have been obtained, either by the client or by the proprietor, and are kept valid.

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A Copy Teste:

Mary E. Simmons

Mary E. Simmons
Deputy Clerk

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
Mark B. Suiter, Chair	
Melissa S. Magowan, Vice Chair	
Glenn A. Brazelton	
Timothy D. McCulloch	
Todd H. Mathes	
Richard M. Myer, Jr.	

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

A RESOLUTION TO RECOMMEND APPROVAL OF AN APPLICATION FOR A SPECIAL USE PERMIT TO AUTHORIZE PRIVATE WEDDINGS AND RECEPTIONS FOR A FEE AS A BUSINESS VENTURE TO BE HOSTED ON THE PREMISES OF A BED AND BREAKFAST OPERATION, PREVIOUSLY AUTHORIZED BY SPECIAL USE PERMIT, ON PROPERTY LOCATED AT 4201 SEAFORD ROAD.

WHEREAS, on June 16, 2009, the York County Board of Supervisors approved Application No. UP-767-09, through the adoption of Resolution No. R09-86, to authorize a Special Use Permit for the establishment of a bed and breakfast operation in an existing single-family detached dwelling on a 9.45-acre parcel of land located at 4201 Seaford Road (Route 622) and further identified as Assessor's Parcel No. 26-75 (GPIN V08b-4893-4991); and

WHEREAS, Mark A. and J. Paige Stephens have submitted Application No. UP-832-13 to request a Special Use Permit, pursuant to Section 24.1-409(e) of the York County Zoning Ordinance, to authorize private weddings and/or receptions for a fee as a business venture to be hosted on the premises of the operating bed and breakfast operation located at 4201 Seaford Road (Route 622) and further identified as Assessor's Parcel No. 26-75 (GPIN V08b-4893-4991); 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 __ day of ___, 2013, that Application No. UP-832-13, be, and it is hereby, forwarded to the York County Board of Supervisors with a recommendation of approval, subject to the following conditions:

1. This use permit shall authorize private weddings and/or receptions (henceforth referred to as "events") for a fee as a business venture to be hosted on the premises of the operating bed and breakfast establishment located at 4201 Seaford Road and further identified as Assessor's Parcel No. 26-75 (GPIN V08b-4893-4991).

2. A site plan prepared in accordance with the provisions of Article V of the Zoning Ordinance shall be approved by the York County Department of Environmental and Development Services, Division of Development and Compliance, prior to the conducting of private weddings and/or receptions on the subject property. Said site plan shall be in substantial conformance with the sketch plan titled "Plan Showing Improvements to "Parcel A," Boundary Line Adjustment Between the Properties of C.W. Messner & Richard W. Teagle & Jack D. McComb, County of York, Virginia" prepared by Davis & Associates, P.C., dated April 1, 2009 and received by the Planning Division August 6, 2013, copies of which shall remain on file in the office of the Planning Division, except as modified herein.

3. Operation of events on the subject property shall be in compliance with the performance standards set forth in Section 24.1-406 of the Zoning Ordinance and applicable regulations of the Virginia Uniform Statewide Building Code, the Virginia Statewide Fire Prevention Code, and the International Fire Prevention Code.

4. The maximum number of guests permitted at any one event shall be one hundred sixty (160), not including caterers and other contract employees associated with individual events.

5. The applicants shall procure a new building permit and zoning approval for a temporary tent for use in accordance with the conditions herein prior to commencement of events. Location of the temporary tent shall be limited to the south side of the existing dwelling/bed and breakfast establishment as shown on the sketch plan referenced in Condition No. 2 above. The maximum number of consecutive days said tent can be installed on the premises shall not exceed time limits established for temporary tents pursuant to the Virginia Statewide Fire Prevention Code and Section 2403 of the International Fire Prevention Code (i.e., not more than 180 days). In addition, the applicant shall consult with the Building

Official to ensure compliance with all applicable Building Code requirements related to use of any building interior spaces for reception-related purposes.

6. The applicant shall insure that all stacking of vehicles entering or exiting the subject property in conjunction with events shall be accommodated on the property. Stacking of vehicles shall not be permitted in any public right-of-way.

7. Prior to commencement of events, signage reading "Do Not Block Driveway" shall be installed at the Seaford Road entrance to the driveway serving the property located at 4203 Seaford Road (Assessor's Map No. 26-6B, GPIN V09d-4500-0125).

8. The applicant shall be responsible for installation of a painted road surface stop bar across the westbound lane of Seaford Road at its intersection with Bay Tree Beach and York Point Roads. Said stop bar shall be installed in accordance with applicable Virginia Department of Transportation standards prior to the conducting of events.

9. In accordance with Section 24.1-115(b)(6) of the York County Zoning Ordinance, a certified copy of the resolution authorizing this 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 application for site plan approval.

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.