

COUNTY OF YORK

MEMORANDUM

DATE: December 26, 2013 (PC Mtg. 1/8/14)

TO: York County Planning Commission

FROM: Timothy C. Cross, AICP, Principal Planner

SUBJECT: Application No. UP-837-14, Timothy J. and Tammy R. Gelles

ISSUE

This application requests 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 with approximately 400 square feet of habitable space in an existing detached garage in conjunction with a single-family detached home located on two parcels of land with a combined area of 1.7 acres at 612 and 612-A York Point Road (Route 712) and further identified as Assessor's Parcel Nos. 26F-4-B-6 and 26F-4-B-5A. The properties are zoned RC (Resource Conservation) and designated Conservation in the Comprehensive Plan.

DESCRIPTION

- Property Owners: Timothy J. and Tammy R. Gelles
- Location: 612 and 612-A York Point Road (Route 712)
- Area: Approximately 1.7 acres total (1.4 acres and 0.3 acre respectively)
- Frontage: Approximately 172 feet on York Point Road total (126 feet and 46 feet respectively)
- Utilities: Public water and sewer
- Topography: Relatively flat
- 2035 Land Use Map Designation: Conservation
- Zoning Classification: RC – Resource Conservation
- Existing Development: Single-family detached home with a detached garage
- Surrounding Development:
 - North: Vacant 0.75-acre parcel owned by the applicants
 - East: Vacant 94.8-acre parcel across York Point Road
 - South: Single-family detached home

West: Cabin Creek

- Proposed Development: Accessory apartment in an existing detached garage

CONSIDERATIONS/CONCLUSIONS

1. The applicants own three adjoining waterfront lots with a combined area of approximately 2.4 acres along the west side of York Point Road in the York Point area of Seaford. The northernmost lot is undeveloped while the other two lots are occupied by a single-family detached home and a detached garage that straddles the border between the two parcels. The applicants live in the home and wish to convert the space on the second story of the garage into an accessory apartment (with a bathroom on the first floor) that will be occupied by them temporarily while the principal home is being renovated. They have indicated that ultimately the accessory apartment would be occupied by family members or guests, or possibly by a medical/health caretaker or domestic employee.
2. The subject parcels are zoned RC (Resource Conservation) and designated Conservation in the Comprehensive Plan, as is the entire York Point area, much of which consists of salt marshes and other environmentally fragile areas (wetlands, high water table, Chesapeake Bay Preservation areas) that cannot support intensive development. In addition, this low-lying area is located in the 100-year flood plain and the storm surge area for a Category 1 storm and has only one means of ingress and egress (Seaford Road). The RC zoning district provides opportunities for single-family detached homes with a minimum lot size of five (5) acres; however, there are many smaller lots in York Point – including the subject parcels and most of the parcels on the west side of York Point Road – that were subdivided before the RC zoning was in place and thus are nonconforming (i.e., “grandfathered”). Consequently, most of the surrounding development consists of single-family detached homes with an average lot size of approximately 36,000 square feet (0.83 acre). The area on the east side of York Point Road, in contrast, is almost entirely undeveloped, with four parcels totaling 216 acres and one single-family detached home. Like most of the undeveloped land in York Point, these parcels have an elevation of four feet (4’) or less above mean sea level in most places and cannot be further subdivided, pursuant to Section 24.1-203 of the Zoning Ordinance.
3. Detached accessory apartments are permitted as a matter of right in the RR (Rural Residential) and RC districts provided that the subject property meets the minimum lot size requirements (1 acre and 5 acres respectively) and the apartment is no larger than 600 square feet or 25% of the principal structure floor area, whichever is less. Otherwise – as in this case, where the property is zoned RC but is less than five acres – a Special Use Permit is required, and the maximum allowable floor area is the lesser of 800 square feet or 35% of the floor area of the principal structure. In this case, the area of the principal structure, including the attached 559-square foot garage, is 2,424 square feet, and 35% of 2,424 is 848, so the applicable threshold is 800 square feet. Section 24.1-407(d) of the Zoning Ordinance specifies that for the purposes of determining allowable floor area for an accessory apartment, the calculation should

include only “habitable space” as defined by the Virginia Uniform Statewide Building Code, which excludes bathrooms, closets, utility rooms, stairs, etc. According to the floor plan submitted by the applicant, the proposed apartment would have approximately 400 square feet of habitable space, which is 16.5% of the principal structure floor area.

4. The performance standards for accessory apartments are set forth in Section 24.1-407 of the Zoning Ordinance. These standards specify that the apartment can be occupied only by family members, guests, or bona fide health caretakers or domestic employees of the occupant of the principal dwelling and cannot be offered for rent to the general public. In addition, there can be no more than one bedroom, and there must be adequate provisions for off-street parking. In this case, the applicant has indicated that the apartment will be designed as an efficiency unit with living, sleeping, and kitchen facilities in a single room and a bathroom downstairs. No exterior modifications to the detached garage are planned, and the property has more than enough space to accommodate parking for both the accessory apartment and the principal dwelling. In addition to the detached three-car garage, the house has an attached garage as well as two large gravel driveway/parking areas that together can accommodate at least eight (8) vehicles. Lastly, as noted previously, the applicants have indicated that the accessory apartment would ultimately be occupied by family members or guests, or possibly by a medical/health caretaker or domestic employee.

RECOMMENDATION

With a combined area of 1.7 acres, the subject parcels constitute one of the larger home sites in the area, and, in staff’s opinion, can easily accommodate the proposed accessory apartment with no adverse impacts on nearby properties and the low-density residential character of the surrounding area. Therefore, based on the considerations and conclusions as noted, staff recommends that the Commission forward this application to the York County Board of Supervisors with a recommendation of approval subject to the conditions set forth in proposed Resolution No. PC14-2.

TCC

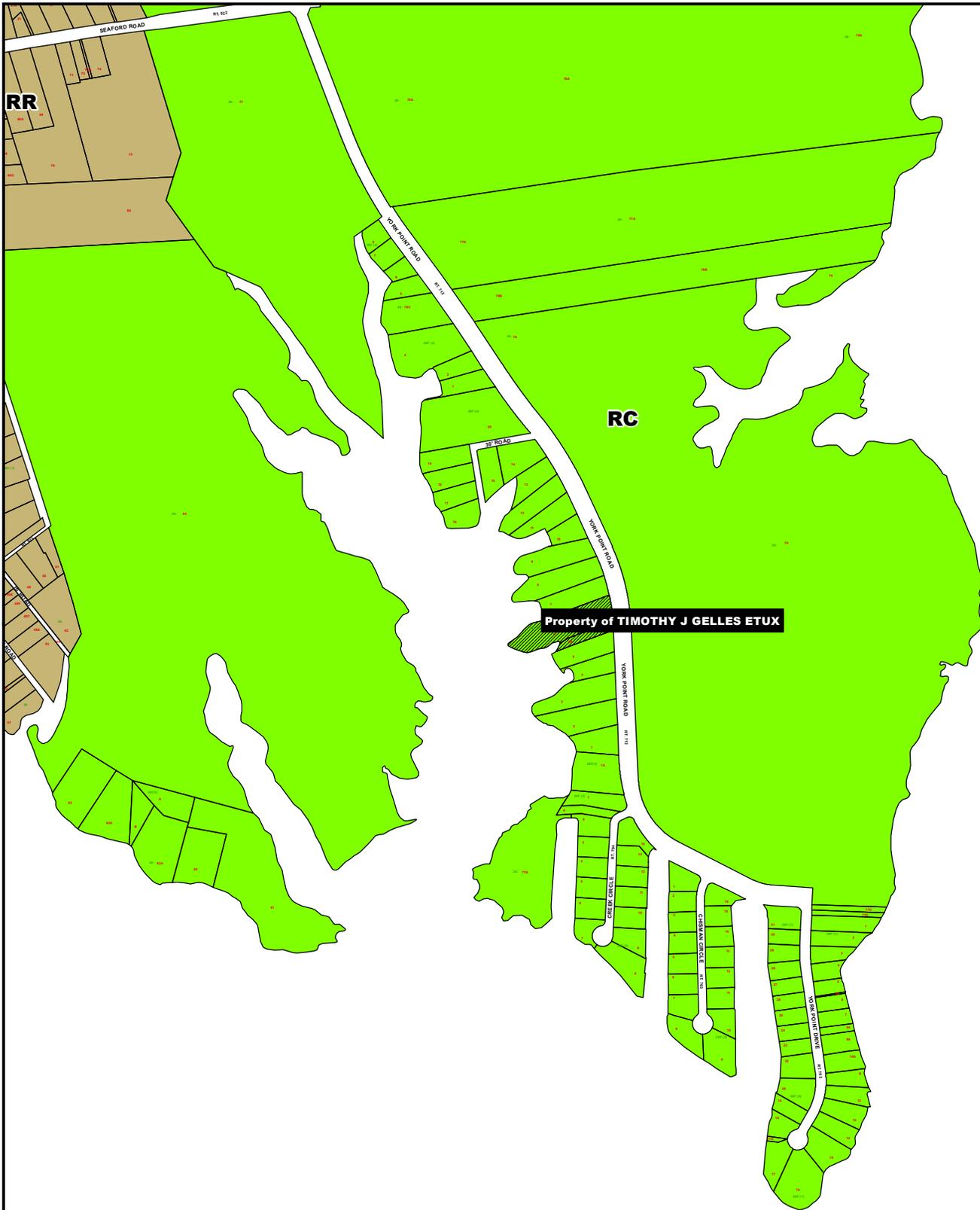
Attachments:

- Zoning Map
- Survey Plat (2 sheets)
- Floor Plan
- Proposed Resolution PC14-2

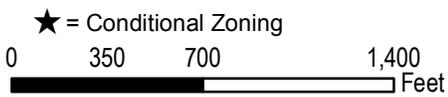
APPLICANT
Timothy J. and Tammy R. Gelles
Accessory apartment above existing detached garage
W08c-0446-1598, W08c-0337-1646

ZONING MAP

APPLICATION NUMBER: UP-837-14



Property of **TIMOTHY J GELLES ET UX**

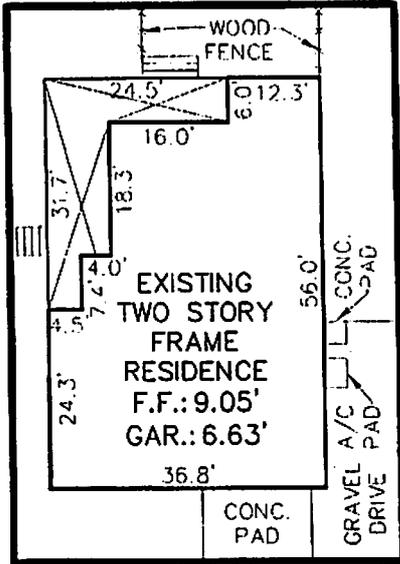


SOURCE: YORK COUNTY
GIS PARCEL DATA and
ZONING COVERAGE

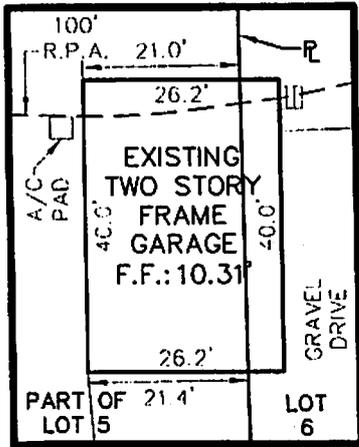
THIS IS NOT A LEGAL PLAT.
This map should be used for
information purposes only. It is
not suitable for detailed site planning.

Printed on December 05, 2013

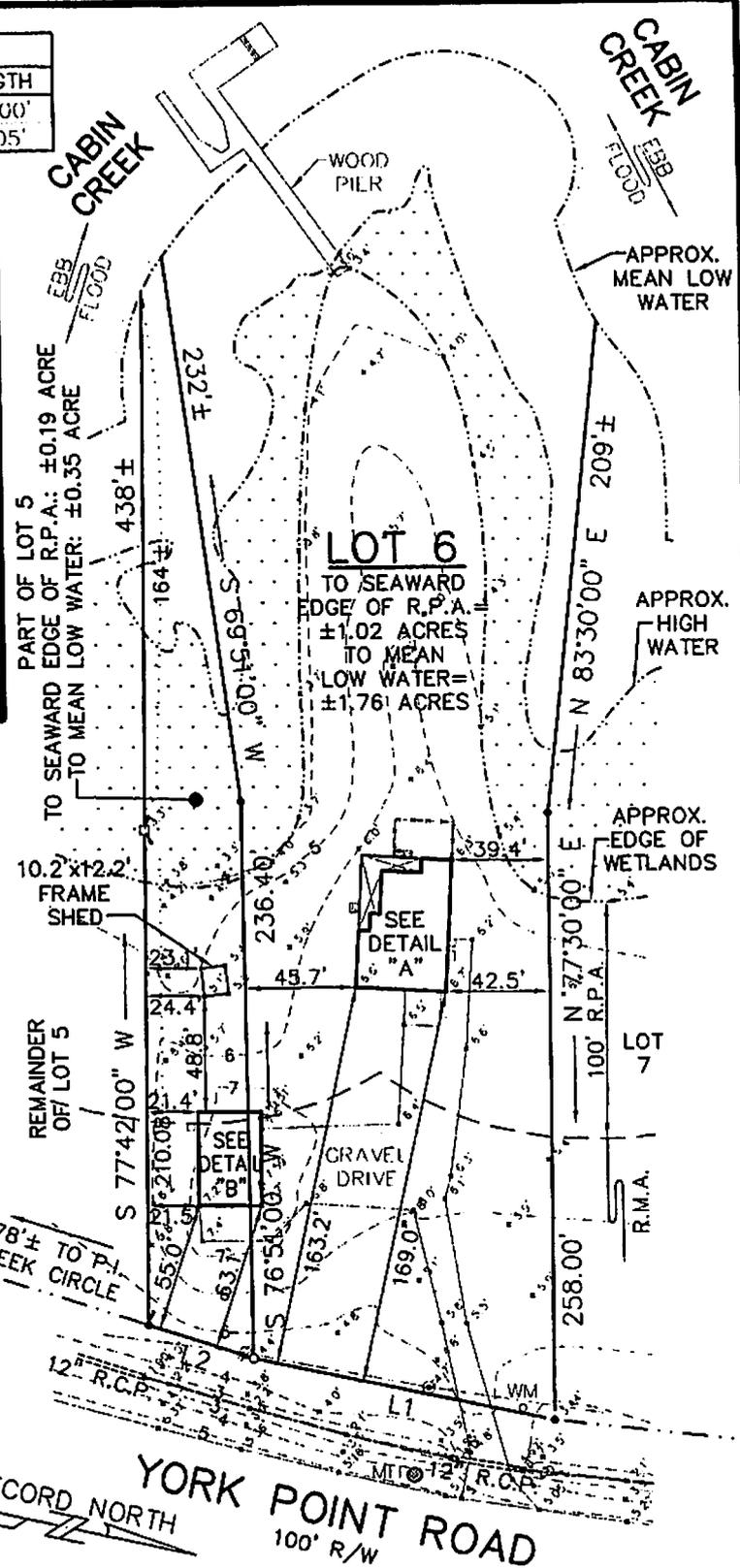
LINE TABLE		
LINE	BEARING	LENGTH
L1	S 00°24'00" E	126.00'
L2	S 05°23'00" W	46.05'



DETAIL "A" 1" = 20'



DETAIL "B" 1" = 20'



COMMONWEALTH OF VIRGINIA
Donald W. Davis
 DONALD W. DAVIS
 Lic. No. 1402(a)
 Lic. No. 1418(b)
 LAND SURVEYOR

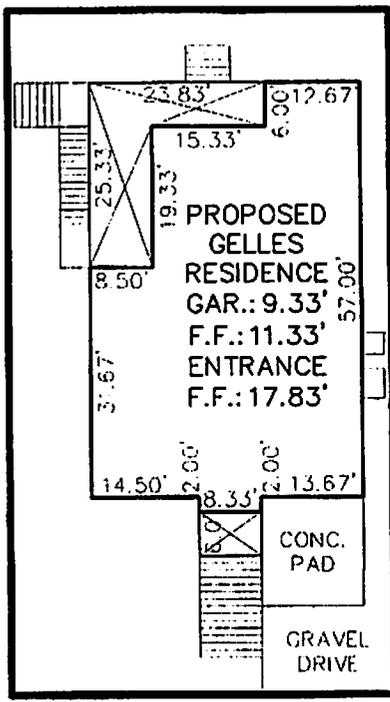
(CE) - DENOTES CONSTRUCTION ENTRANCE.
 (SF) - DENOTES SILT FENCE.

DAVIS & ASSOCIATES, P.C.
 SURVEYORS - PLANNERS
 YORK COUNTY, VIRGINIA

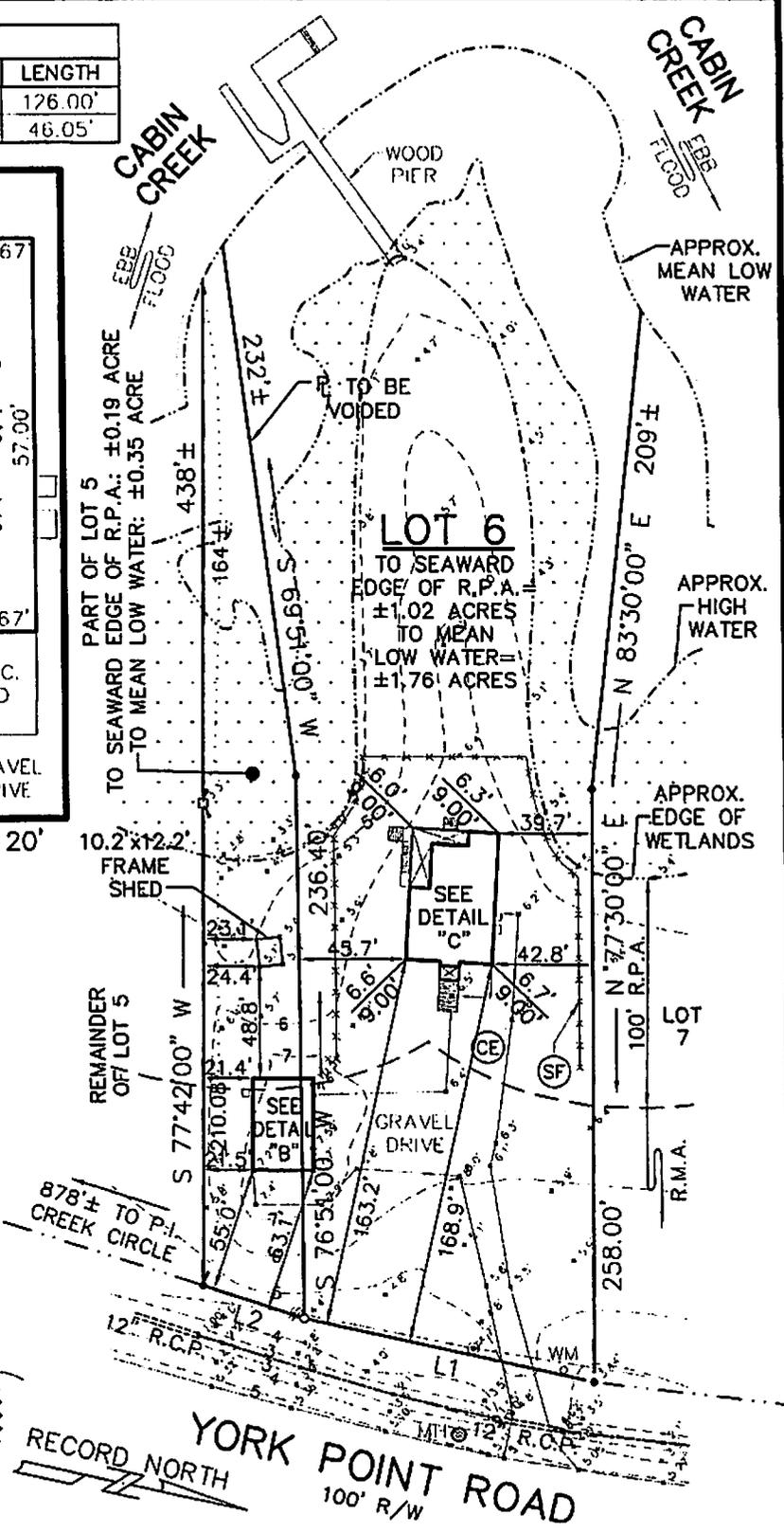
EXISTING CONDITIONS JOB LOCATION: #612 YORK POINT ROAD

LOT 6 & PART OF LOT 5
 PLAT OF SECTION B OF
 YORK POINT
 COUNTY OF YORK, VIRGINIA
 PLAT BOOK 4, PAGE 71

LINE TABLE		
LINE	BEARING	LENGTH
L1	S 00°24'00" E	126.00'
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DETAIL "C" 1" = 20'

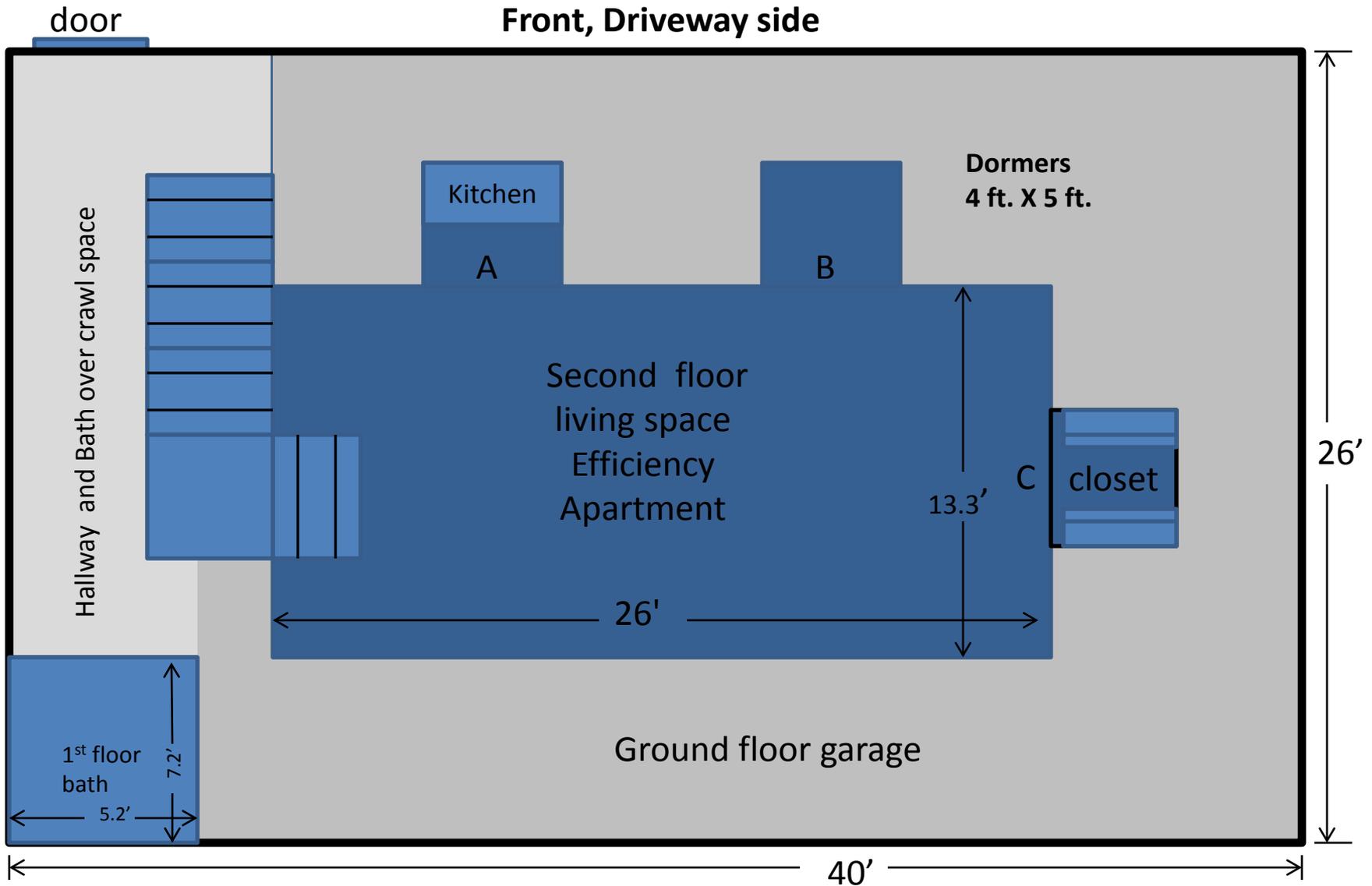


COMMONWEALTH OF VIRGINIA
Donald W. Davis
 DONALD W. DAVIS
 Lic. No. 1402(a)
 Lic. No. 1418(b)
 6/17/13
 LAND SURVEYOR

RECORD NORTH

DEVELOPMENT PLAN JOB LOCATION: #612 YORK POINT ROAD

LOT 6 & PART OF LOT 5
 PLAT OF SECTION B OF
YORK POINT
 COUNTY OF YORK, VIRGINIA
 PLAT BOOK 4, PAGE 71



2nd Floor Apartment

Main Floor area = 345.8 sq. ft.

Dormer s (A,B & C) = 20 sq. ft.(X 3) = 60 sq. ft.

Stairs (subtract) = 7.5 sq. ft.

TOTAL SQ. FT = 398.3

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 _____, 2014:

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 A SPECIAL USE PERMIT APPLICATION TO AUTHORIZE THE ESTABLISHMENT OF AN ACCESSORY APARTMENT IN AN EXISTING DETACHED GARAGE LOCATED AT 612 AND 612-A YORK POINT ROAD (ROUTE 712)

WHEREAS, Timothy J. and Tammy R. Gelles have submitted Application No. UP-837-14, which requests 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 with approximately 400 square feet of habitable space in an existing detached garage in conjunction with a single-family detached home located on two parcels of land at 612 and 612-A York Point Road (Route 712) and further identified as Assessor’s Parcel Nos. 26F-4-B-6 (GPIN W08c-0337-1646) and 26F-4-B-5A (GPIN W08c-0446-1598); 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 _____, 2014, that Application No. UP-837-14 be, and it is hereby, transmitted to the York County Board of Supervisors with a recommendation of approval of 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 with approximately 400 square feet of habitable space in an existing detached garage in conjunction with a single-family detached home located on two parcels of land at 612 and 612-A York Point Road (Route 712), further identified as Assessor's Parcel Nos. 26F-4-B-6 (GPIN W08c-0337-1646) and 26F-4-B-5A (GPIN W08c-0446-1598), subject to the following conditions:

1. This Special Use Permit shall 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 an existing detached garage in conjunction with a single-family detached home located on two parcels of land at 612 and 612-A York Point Road (Route 712), further identified as Assessor's Parcel Nos. 26F-4-B-6 (GPIN W08c-0337-1646) and 26F-4-B-5A (GPIN W08c-0446-1598).
2. Construction and occupancy of the accessory apartment shall be in compliance with the performance standards set forth in Section 24.1-407, *Standards for accessory apartments in conjunction with single-family detached dwellings*.
3. The habitable floor area of the accessory apartment unit shall not exceed approximately 400 square feet.
4. 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 principal dwelling or by a bona fide medical/health caretaker or domestic employee of the occupant of the principal dwelling.
5. Prior to issuance of a Building Permit for the accessory apartment, the applicant shall record a copy of the resolution authorizing this use permit with the Clerk of the Circuit Court. 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 this Special Use Permit is not severable and invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.