

# **Index File**

**UP-857-15**

**Penny Cazier**

**Assessor's Parcel No. 25-11-3-67**

**Application No. UP-857-15, Penny Cazier:** Request for a Special Use Permit, pursuant to Section 24.1-306 (Category 3, No. 2) of the York County Zoning Ordinance, to authorize the establishment of a natural health consultant office with on-premises customer/client contact as home occupation in a single-family detached home on a 0.57-acre parcel located at 108 Bonito Drive (Route 1266) and further identified as Assessor's Parcel No. 25-11-3-67. The property is zoned RR (Rural Residential) and is designated Low Density Residential in the Comprehensive Plan.

## **Attachments:**

- Staff Memorandum
- Zoning Map
- Narrative
- Sketch Plan
- Floor Plan
- Proposed Resolution No. PC15-4

# COUNTY OF YORK

## MEMORANDUM

**DATE:** February 27, 2015 (PC Mtg. 3/11/15)

**TO:** York County Planning Commission

**FROM:** Earl W. Anderson, AICP, Planner

**SUBJECT:** Application No. UP-857-15; Penny Cazier

### ISSUE

This application requests a Special Use Permit, pursuant to Section 24.1-306 (Category 3, No. 2) of the York County Zoning Ordinance, to authorize the establishment of a natural health consultant office with on-premises retail sales and customer/client contact as a home occupation in a single-family detached home on a 0.57-acre parcel located at 108 Bonito Drive (Route 1266) and further identified as Assessor's Parcel No. 25-11-3-67.

### DESCRIPTION

- Property Owners: Frank W. & Penelope Cazier Jr. TRS
- Location: 108 Bonito Drive (Route 1266)
- Area: 0.57 acre
- Frontage: 120 feet on Bonito Drive
- Utilities: Public water and sewer
- Topography: Flat along the frontage and sloping down toward Chisman Creek
- 2035 Land Use Map Designation: Low Density Residential
- Zoning Classification: RR - Rural Residential
- Existing Development: Single-family detached home
- Surrounding Development:
  - North: Single-family detached home
  - East: Single-family detached home
  - South: Single-family detached home across Chisman Creek
  - West: Single-family detached home
- Proposed Development: Natural health consultant office as a home occupation with on-premises retail sales and customer/client contact

## **CONSIDERATIONS/CONCLUSIONS**

1. The subject parcel is located in the Mill Cove Estates subdivision on the southwest side of Bonito Drive adjacent to four single-family detached homes. This half-acre parcel and the surrounding area are zoned RR (Rural Residential). The entire area is designated Low Density Residential in the Comprehensive Plan.
2. The applicant applied for a Special Use Permit to operate a natural health consultant office as a home occupation with on-premises retail sales and customer/client contact. According to floor plans submitted by the applicant, the proposed home occupation use would be limited to the ground floor of the two-story home. Access to the office area would be through the front door, to the foyer, kitchen, den, and into the sunroom. According to the applicant's narrative, clients would be seen individually.
3. In accordance with Zoning Ordinance Section 24.1-283(b)(3), the parking demand associated with the home occupation must be accommodated on the property and must be in addition to spaces otherwise required for the residential use on the property (two spaces). The applicant's dwelling has a two-car garage, which satisfies the minimum standards for single-family detached dwellings. The applicant's driveway, which measures approximately 20 feet in width and 75 feet in length, has sufficient room to accommodate up to another four vehicles.
4. Section 24.1-281 of the Zoning Ordinance specifies a series of performance standards that apply to home occupations in general, and Section 24.1-283(b) sets forth additional standards that apply specifically to those home occupations for which a use permit is required. In accordance with these standards, home occupations are not permitted to occupy more than 25% of the floor area of a residence or 400 square feet, whichever is less, unless the Board authorizes a greater floor area in conjunction with a use permit application. According to County Assessor's records, the applicant's home has approximately 2,748 square feet of floor area. The floor plan submitted by the applicant (copy attached) indicates that the room proposed for the office space would be approximately 187 square feet, or 7% of the total floor area of the home. The proposed condition of approval is for 200 square feet to provide some leeway in the total size.

The Zoning Ordinance also limits all customer/client contact to the period between 8:00 AM and 8:00 PM, Monday through Saturday, unless otherwise specified by the Board through a use permit condition. The applicant's proposed hours of operation are Monday through Saturday from 9:00 AM to 6:00 PM for appointments. The proposed conditions of approval would limit the number of appointments to no more than one at a time.

5. The average daily traffic that would be generated by the proposed home occupation is difficult to estimate since the actual office hours are variable, as is the length of the appointments. If all appointments were for one hour, the home business would generate two trips every hour (one entering and one exiting), or up to a maximum total of eighteen trips per day based on the proposed hours of operation. There would

be no more than three trips for appointments during the PM peak hour and none in the AM peak hour.

The Board has approved several use permits for home barber/beauty shops and with almost identical hours of operation. Additionally, three use permits have been approved for nutritional counseling that included group classes and evening hours, as well as use permits for a physician's office and a physical therapist's office as home occupations, both of which included evening hours of operation. None of these permits have generated any reported problems or complaints from surrounding neighbors with regard to traffic or any other aspects of their operation. Based on the history of these uses, staff does not believe the proposed home occupation would have significant traffic impacts on the neighborhood.

6. There is an informal/voluntary homeowners' association (HOA) in Mill Cove that maintains a community lot and the neighborhood's entrance sign; however, the lots in the neighborhood are not subject to any HOA-administered covenants. Even if there were covenants established by deed, the County must evaluate the use within the context of the Zoning Ordinance and its standards. The County cannot be a party to the enforcement of private covenants, and approval of a Special Use Permit will not relieve the applicant of any responsibilities for compliance with any such covenants that may exist.

### **RECOMMENDATION**

The proposed home occupation, provided that it is operated in the manner described by the applicant, will be consistent with the type and intensity of activity approved for several other home occupation situations, and is not likely to have any adverse impacts on the surrounding area. Parking would be limited to the existing driveway. Staff believes that the proposed conditions are sufficient to ensure that it remains a small-scale operation, consistent with the intent of the home occupation provisions of the Zoning Ordinance. 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. PC15-4.

#### Attachments:

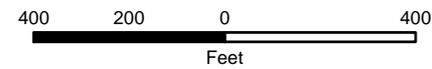
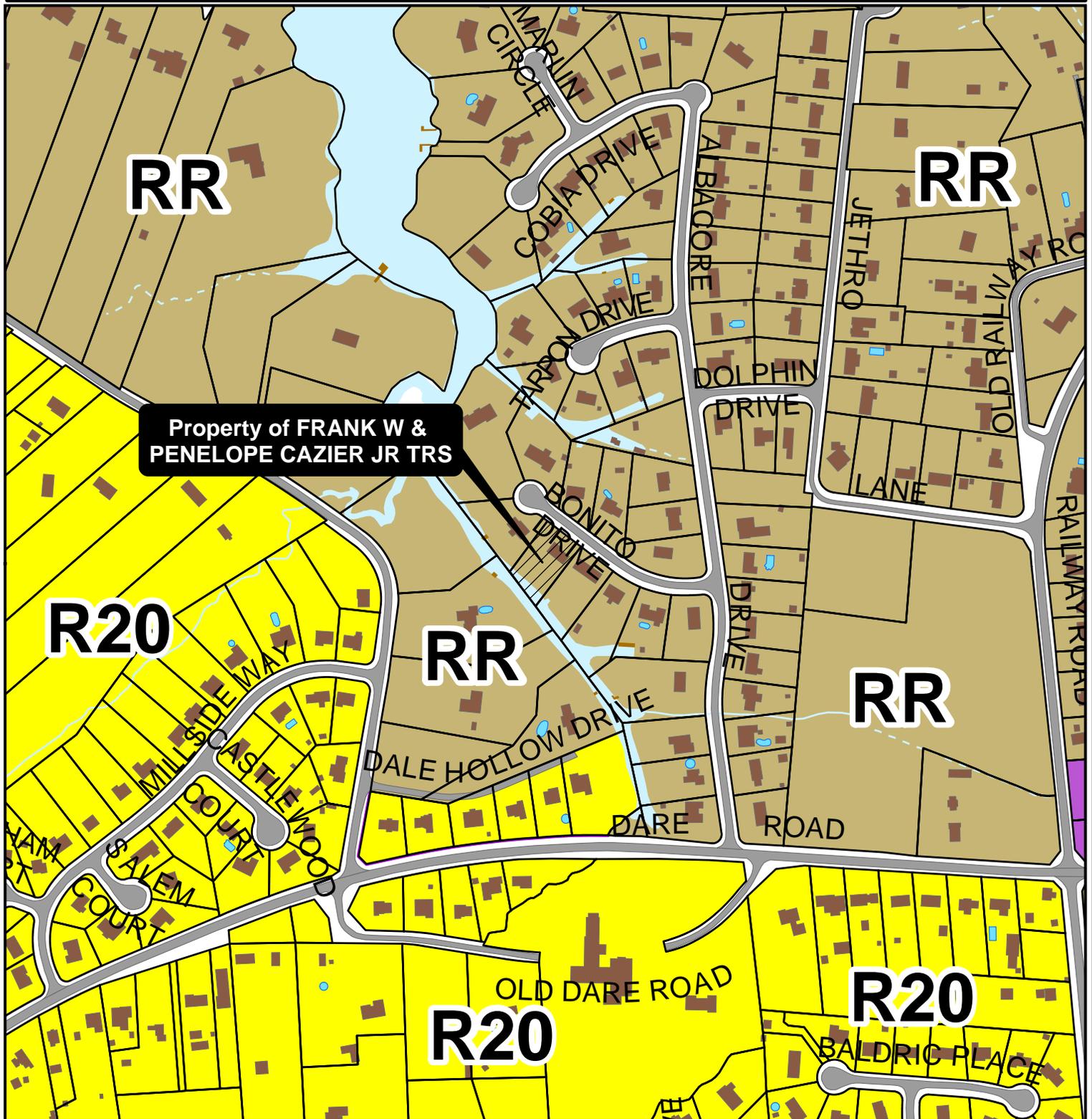
- Zoning Map
- Narrative
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- Floor Plan
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**APPLICANT** Penny Cazier

Special Use Permit request to allow a Home Occupation with customer contact  
108 BONITO DRIVE

# ZONING MAP

**APPLICATION NUMBER:** UP-857-15



Printed on February 3, 2015



SOURCE: YORK COUNTY GIS PARCEL DATA and ZONING COVERAGE

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

## Project Narrative

I am a small business owner, and I work out of my home. I have been a natural health consultant since 2005. As a naturopath, I recommend and sell herbs to my customers. My retail sales average \$100 a month. I may have one or two clients come to the house during the week. I do not have any employees; nor do I have natural health meetings on this property. My business hours are between 9 am and 6 pm. The appointment times vary.

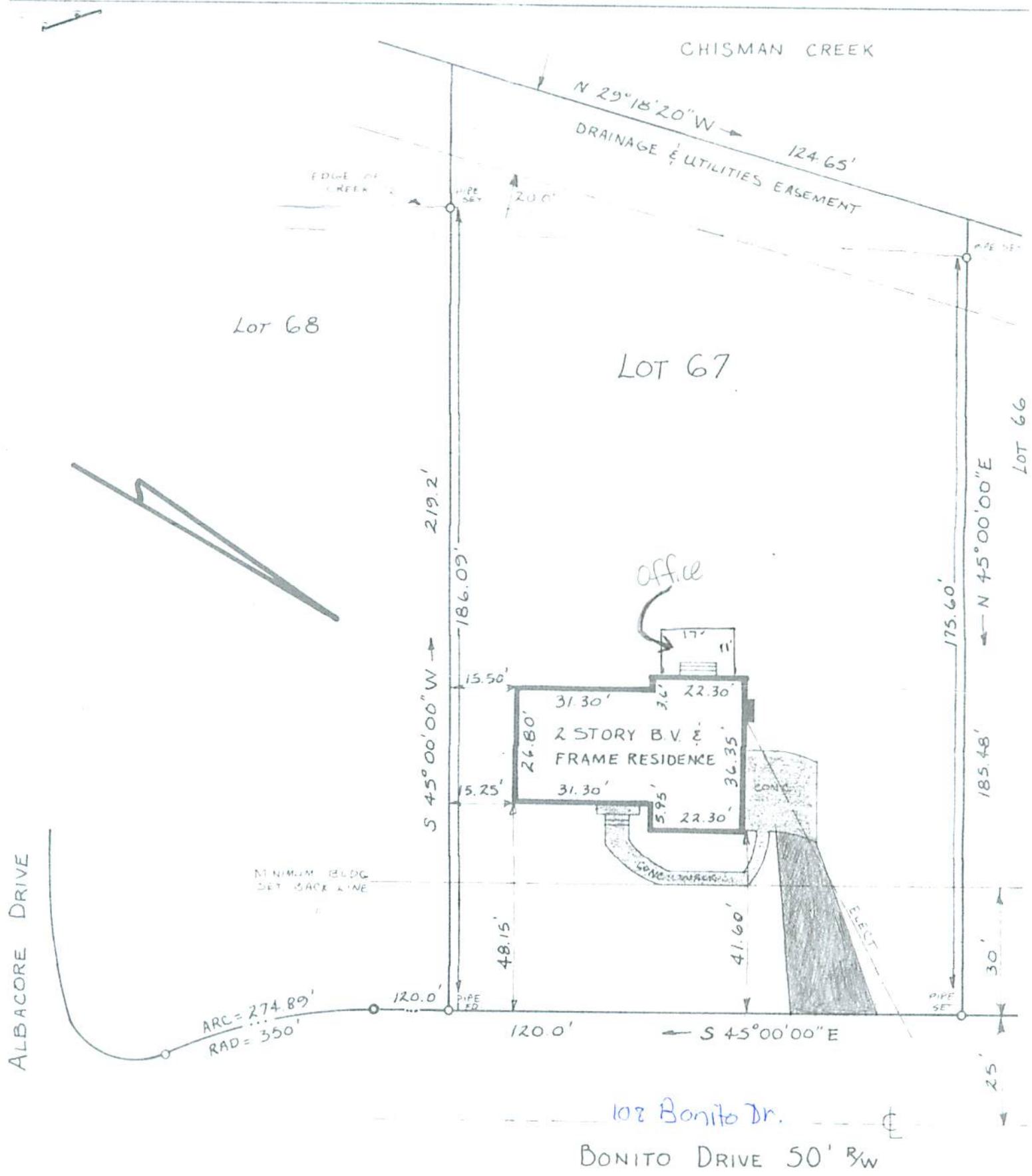
Our paved driveway is 75' long, 30' wide at one end and 15' wide at the narrowest point. Two cars are kept in the garage. There is adequate parking for 4-6 cars on the driveway. Along the driveway, there is a natural area of trees and shrubs which forms a buffer between our property and our neighbors' yard.

Clients enter the house through the front door and walk through the hall and the den, and into the sunroom where my office is located.

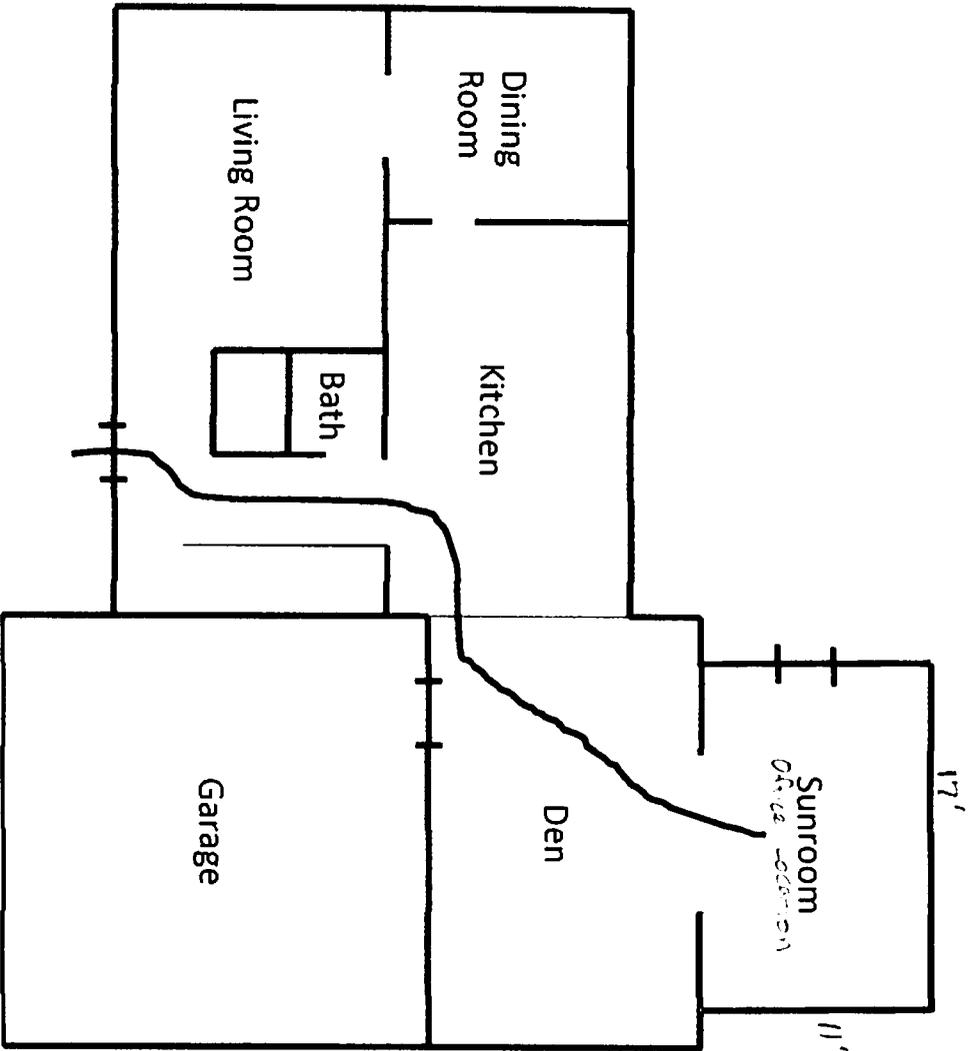
A sketch of the bottom floor plan of our house is included. It is somewhat to scale. The dimensions of the rooms are listed below:

|             |             |
|-------------|-------------|
| Foyer       | 8' x 5'     |
| Hallway     | 8' x 3'     |
| Living room | 12'6" x 23' |
| Dining room | 12'6" x 11' |
| Kitchen     | 12'6" x 20' |
| Den         | 20' x 13'   |
| Sunroom     | 17' x 11'   |

Penny Cazier  
PENC MINISTRIES LLC  
108 Bonito Drive  
Yorktown, VA 23692



UNDERGROUND PHONE



108 Bonito Dr

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 \_\_\_\_\_, 2015:

Present

Vote

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

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

A RESOLUTION TO RECOMMEND APPROVAL OF AN APPLICATION TO AUTHORIZE THE ESTABLISHMENT OF A NATURAL HEALTH CONSULTANT OFFICE WITH ON-PREMISES RETAIL SALES AND CUSTOMER/CLIENT CONTACT AS A HOME OCCUPATION AT 108 BONITO DRIVE

WHEREAS, Penny Cazier, has submitted Application No. UP-857-15 requesting a Special Use Permit, pursuant to Section 24.1-306 (Category 3, No. 2) of the York County Zoning Ordinance, to authorize the establishment of a natural health consultant office as a home occupation with on-premises retail sales and customer/client contact in a single-family detached home on a 0.57-acre parcel located at 108 Bonito Drive (Route 1266) and further identified as Assessor’s Parcel No. 25-11-3-67 (GPIN T07a-2021-2594); and

WHEREAS, said application has been transmitted 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 \_\_\_\_\_, 2015, that Application No. UP-857-15 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 24.1-306 (Category 3, No. 2) of the York County Zoning Ordinance, subject to the following conditions:

1. This use permit shall authorize the establishment of a natural health consultant office as a home occupation with on-premises retail sales and customer/client contact in a single-family detached home on a 0.57-acre parcel located at 108 Bonito Drive (Route 1266) and further identified as Assessor's Parcel No. 25-11-3-67 (GPIN T07a-2021-2594).
2. The home occupation shall be conducted in accordance with the provisions of the York County Zoning Ordinance, Sections 24.1-281 and 24.1-283(b), except as modified herein.
3. The floor area of the home office shall not exceed two hundred (200) square feet, and shall be designed as depicted on the floor plan submitted by the applicant and received by the Planning Division on February 2, 2015, a copy of which shall remain on file in the office of the Planning Division.
4. No person other than individuals residing on the premises shall be engaged in the home occupation.
5. The business shall be operated in accordance with the description set forth in the applicant's letter received February 2, 2015 as a part of the application submission, except as may be modified by these Special Use Permit conditions. No more than one (1) client (individual or family group) at any one time shall be served within the applicant's home in compliance with all other conditions of this resolution and applicable performance standards.
6. The property's driveway shall be available and used for client parking. The applicant shall ensure that scheduling of client visits is limited such that parking demand does not exceed two (2) vehicles at any time and shall ensure that clients do not park off the premises.
7. Appointments shall be limited to Mondays through Saturdays from 9:00 AM to 6:00 PM.
8. No signs or other forms of on-premises advertisement or business identification visible from outside the home shall be permitted.
9. Approval of this Special Use Permit shall not be construed to supersede or negate the effect and application of any private covenants that may be applicable to the proposed use/activity nor the authority of any property owner's association to enforce compliance with any applicable covenants.

10. In accordance with Section 24.1-115(b)(7) 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 issuance of a Certificate of Occupancy for the home office use.

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.