

Index File

UP-863-15

Leigh Ann Wilson

Request for a Special Use Permit, pursuant to Section 24.1-283(b)(1) of the York County Zoning Ordinance, to authorize a beauty shop as a home occupation on a parcel located at 111 Sunset Drive (Route 769) and further identified as Assessor's Parcel No. 25A-3-50. The property is zoned RR (Rural Residential) and designated Low Density Residential in the Comprehensive Plan.

Attachments:

- Staff Memorandum
- Zoning Map
- Vicinity Map
- Survey Plat
- Floor Plans
- Proposed Resolution No. PC15-12

COUNTY OF YORK

MEMORANDUM

DATE: June 2, 2015 (PC Mtg. 6/10/15)
TO: York County Planning Commission
FROM: Amy M. Parker, Senior Planner
SUBJECT: Application No. UP-863-15, Leigh Ann Wilson

ISSUE

Application No. UP-852-14 requests a Special Use Permit, pursuant to Section 24.1-283(b)(1) of the York County Zoning Ordinance, to authorize a beauty shop as a home occupation with on-premises customer/client contact on a 0.47-acre parcel located at 111 Sunset Drive (Route 769) and further identified as Assessor's Parcel No. 25A-3-50.

DESCRIPTION

- Property Owners: James and Leigh Ann Wilson
- Location: 111 Sunset Drive (Route 769)
- Area: 0.47 acre
- Frontage: Approximately 108 feet on Sunset Drive
- Utilities: Public water and sewer
- Topography: Flat
- 2035 Land Use Map Designation: Low Density Residential
- Zoning Classifications: RR – Rural Residential
FMA – Floodplain Management Area overlay district
- Existing Development: Single-family detached home
- Surrounding Development:
 - North: Single-family detached homes across Sunset Drive
 - East: Single-family detached homes
 - South: Single-family detached homes
 - West: None

- Proposed Development: Beauty shop as a home occupation with on-premises customer/client contact to be located in a proposed dwelling addition

CONSIDERATIONS/CONCLUSIONS

1. The subject parcel is located in the Montgomery Estates subdivision and is surrounded on three sides by single-family detached homes and vacant land on the remaining adjacent parcel. This 0.47-acre parcel and the surrounding area are zoned RR (Low-density single-family residential) and are designated Low Density Residential in the Comprehensive Plan.
2. The applicant intends to house the requested beauty shop in a proposed 280-square foot dwelling addition. A new walkway and steps (or handicap ramp, if required) would be constructed from the driveway to the shop entrance, which would be located to the rear and side of the existing attached garage (see attached floor plans).
3. 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 2,436 square feet of floor area, and the proposed addition would increase the floor area to 2,716 square feet. The floor plan submitted by the applicant indicates that the area proposed for the beauty shop would be approximately 10.3% of the total floor area of the home (including the proposed addition).

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 would be limited to Tuesday through Saturday from 10:00 AM to 7:00 PM. The applicant has indicated that the total number of client appointments would not exceed six per day. Appointment times would vary, and appointments would last between 30 minutes and one hour.

4. In accordance with Zoning Ordinance Section 24.1-283(b)(3), off-street parking must meet standards for commercial and business uses, and must be in addition to spaces otherwise required for the residential use on the property (two spaces). The maximum amount of client parking needed on site would be two spaces at any one time. Taking into account the existing two-car garage and driveway area (which can accommodate four vehicles), the property contains adequate parking area to serve the proposed use.
5. The average daily traffic that would be generated by the proposed home occupation is difficult to estimate since the actual number of clients seen in any given day is variable. The applicant has indicated that no more than six clients would be seen on

any day, which would result in a total of twelve additional vehicle trips per day in accordance with the hours of operation noted in the applicant's narrative statement. During the PM peak hour, there would be no more than two trips for appointments, and none in the AM peak hour.

6. It should be noted that the Board has approved several use permits for home barber/beauty shops and with similar hours of operation. Additionally, two use permits have been approved for nutritional counseling that included group classes and evening hours, and a use permit for a physician's office as a home occupation was approved in 2010 that included evening hours of operation. None of these home businesses have generated any reported problems or complaints from surrounding neighbors with regard to traffic or any other aspects of their operation. Based on the County's history, staff does not believe the proposed home business would have a significant traffic impact on the neighborhood.
7. The Building Code Official has indicated that the applicant will be required to comply with applicable Virginia Uniform Statewide Building Code and International Code Council requirements relative to access for persons with disabilities. Access requirements would be mandated for the proposed beauty shop area, exterior ingress/egress, and parking areas.
8. The subject property is located in the Resource Management Area associated with nearby Back Creek. Accordingly, any new development must comply with County Code Chapter 23.2 – Chesapeake Bay Preservation Areas. Conformance with this Code section will be taken into account as part of the building permit review process.
9. The subject property is located in the Floodplain Management Area, and any new construction will be required to meet applicable standards for development in floodplain areas. Conformance with these standards will be taken into account as part of the building permit review process.
10. The subject parcel does not appear to fall under the jurisdiction of an established homeowners' association. Regardless of any covenants that may be deeded, the County must evaluate the home occupation 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.

RECOMMENDATION

The proposed home occupation, provided that it is operated in the manner described by the applicants, 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. 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. PC15-12.

Attachments:

- Zoning Map
- Vicinity Map
- Survey Plat
- Floor Plans
- Proposed Resolution No. PC15-12

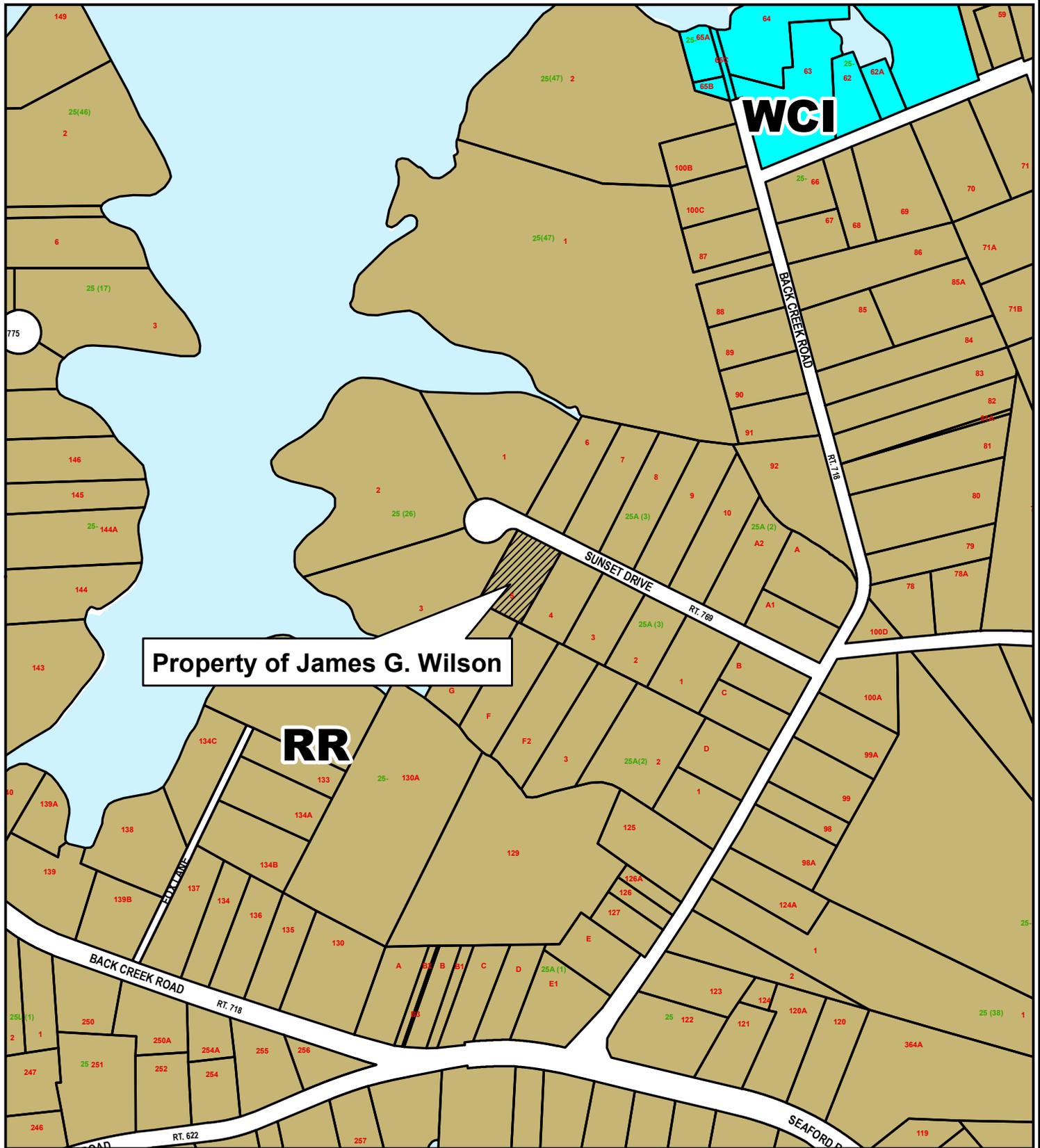
APPLICANT: Leigh Ann Wilson

Special Use Permit for Beauty Salon as a Home Business

111 SUNSET DR

ZONING MAP

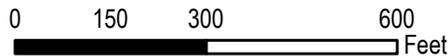
APPLICATION NUMBER: UP-863-15



Property of James G. Wilson

RR

WCI

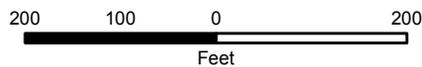


SOURCE: YORK COUNTY GIS PARCEL DATA and ZONING COVERAGE

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



111 Sunset Drive

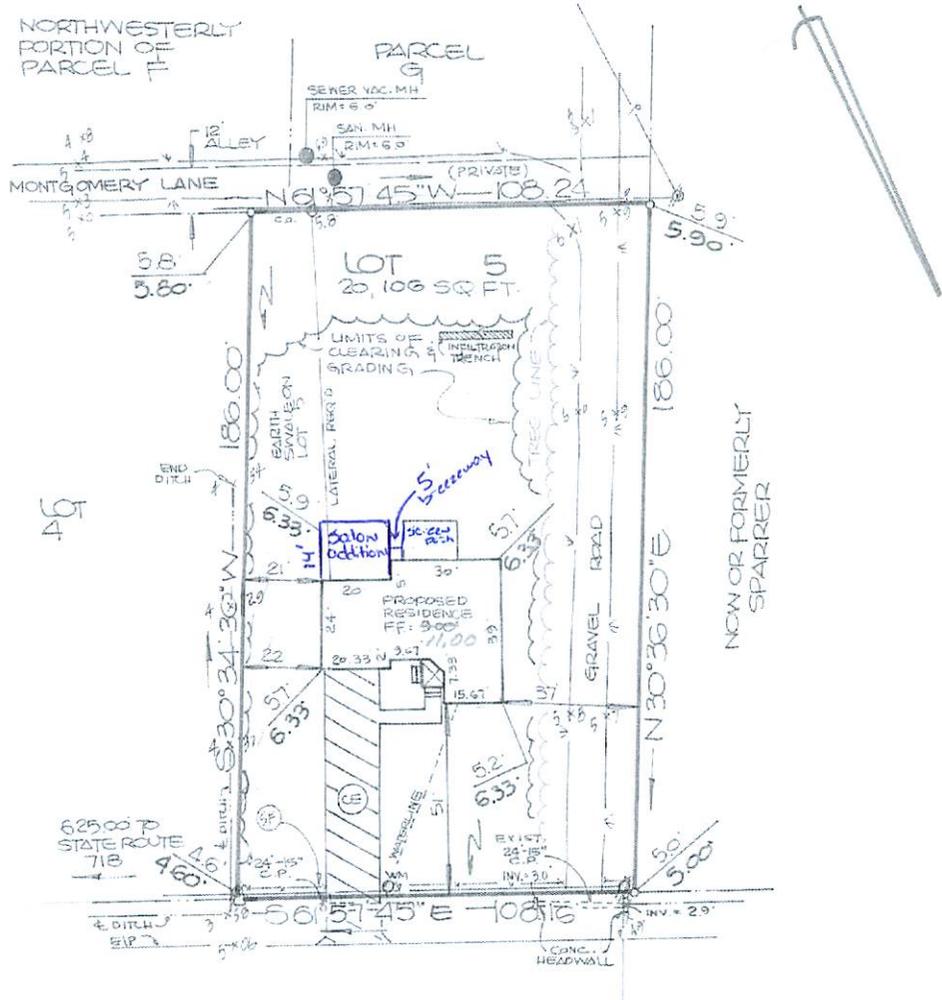


THIS IS NOT A LEGAL PLAT.
 This map should be used for information purposes. It is not suitable for detailed site planning.

RECEIVED
York County

APR 30 2015

Planning Division



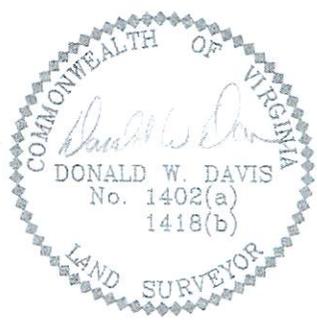
ZONE-RR

SUNSET DRIVE
(40' R/W)

NOTE: THE PROPERTY SHOWN HEREON
IS LOCATED IN THE RESOURCE
MANAGEMENT AREA.

NOTES:

- THIS PLAT DOES NOT REPRESENT A PHYSICAL SURVEY, IT IS FOR BUILDING PERMIT PURPOSES ONLY.
- BUILDING DIMENSIONS ARE TO THE FRAME LINE.
- PROPERTY SHOWN HEREON IS LOCATED IN ZONE Ae(8) AS SHOWN ON FLOOD INSURANCE RATE MAP COMMUNITY PANEL NUMBER 51018200183, EFFECTIVE DATE: DEC. 16, 1986.
- BUILDING LOCATIONS SHOWN HEREON ARE SUBJECT TO APPROVAL BY APPLICABLE ZONING ADMINISTRATORS PRIOR TO ANY CONSTRUCTION.
- THE BUILDER MUST VERIFY THE BUILDING DIMENSIONS FROM THE ARCHITECTURAL PLANS BEFORE ANY CONSTRUCTION TAKES PLACE.



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

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

DEVELOPMENT PLAN JOB LOCATION: # III SUNSET DRIVE			
LOT 5		PLAT	
SUBDIVISION MONTGOMERY ESTATES			
BEING A PORTION OF THE ESTATE OF H. W. MONTGOMERY			
COUNTY OF YORK, VIRGINIA (Pg 6 of Pg 11)			
CODE: 03-0693	DWN.BY: NM	SCALE: 1" = 40'	TO: HARBIN
		DATE: 22 AUG. 03	

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 A BEAUTY SALON AS A HOME OCCUPATION WITH CUSTOMER/CLIENT CONTACT ON PROPERTY LOCATED AT 111 SUNSET DRIVE

WHEREAS, Leigh Ann Wilson has submitted Application No. UP-863-15 requesting a Special Use Permit, pursuant to Section 24.1-283(b)(1) of the York County Zoning Ordinance, to authorize the establishment of a beauty shop as a home occupation with customer/client contact in a single-family detached home on a parcel located at 111 Sunset Drive (Route 769) and further identified as Assessor’s Parcel No. 25A-3-50 (GPIN U09a-1532-2826); 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-863-15 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 24.1-283(b)(1) of the York County Zoning Ordinance, to authorize the establishment of a beauty shop as a home occupation with customer/client contact in a single-family detached home on a parcel located at 111 Sunset Drive (Route 769) and further identified as Assessor's Parcel No. 25A-3-50 (GPIN U09a-1532-2826), subject to the following conditions:

1. This use permit shall authorize the establishment of a beauty shop as a home occupation with customer/client contact in a single-family detached home on a parcel located at 111 Sunset Drive (Route 769) and further identified as Assessor's Parcel No. 25A-3-50 (GPIN U09a-1532-2826).
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 beauty shop shall not exceed three hundred (300) square feet, and shall be designed as depicted on the floor plans submitted by the applicant and received by the Planning Division on May 6, 2015, a copy of which shall remain on file in the office of the Planning Division.
4. No portion of the proposed beauty shop area referenced in Condition No. 3 above shall be used as an accessory dwelling unit/apartment, as the term is defined in Zoning Ordinance Section 24.1-104, Definitions, without applicable approvals as set forth in Section 24.1-407, Standards for Accessory Apartments in Conjunction with Single-family Detached Dwellings.
5. No person other than individuals residing on the premises shall be engaged in the home occupation.
6. Customer visits shall be scheduled by appointment only. Not more than one (1) customer at any one time shall be served within the applicant's home. The term "customer" may include a family group provided such group accesses the premises in a single vehicle.
7. A minimum of two (2) off-street parking spaces, in accordance with all applicable Zoning Ordinance requirements, shall be provided on the premises (i.e., off-street) to accommodate customers. These spaces shall be in addition to the two (2) spaces that are otherwise required for the single-family residence.
8. The days and hours of operation shall be limited to Tuesday through Saturday between the hours of 10:00 AM and 7:00 PM. Not more than six (6) appointments shall be scheduled on any given day.
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 the resolution authorizing this Special 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 issuance of a Certificate of Compliance and 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.