

Index File

UP-864-15

Stephen A. Casto

Request for a Special Use Permit, pursuant to Section 24.1-306 (Category 1, No. 6) of the York County Zoning Ordinance, to authorize a tourist home on a parcel located at 104 Valor Court (Route 1340) and further identified as Assessor's Parcel No. 7A3-18-WG-9. The property is zoned R20 (Medium-density Single Family Residential) and is designated Medium Density Residential in the Comprehensive Plan.

Attachments:

- Staff Memorandum
- Zoning Map
- Applicant's narrative statement
- May 22, 2015 email from applicant to Planning Division
- Floor plans
- Parcel map
- Vicinity map
- Proposed Resolution No. PC15-13

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-864-15, Stephen A. Casto

ISSUE

This is a request for a Special Use Permit, pursuant to Section 24.1-306 (Category 1, No. 6) of the York County Zoning Ordinance, to authorize the establishment of a tourist home on a 0.74-acre parcel located at 104 Valor Court and further identified as Assessor's Parcel No. 7A3-18-WG-9. The property is zoned R20 – Medium-density Single Family Residential and is designated Medium Density Residential in the Comprehensive Plan.

DESCRIPTION

- Property Owners: Stephen A. Casto
- Location: 104 Valor Court (Route 1340)
- Area: 0.74 acre
- Frontage: Approximately 180 feet on Valor Court (Route 1340)
- Utilities: Public water and sewer
- Topography: Sloping
- 2035 Land Use Map Designation: Medium Density Residential
- Zoning Classification: R20 – Medium Density Single-family Residential
- Existing Development: Single-family detached home
- Surrounding Development:
 - North: Interstate 64, single-family detached homes beyond
 - East: Single-family detached dwelling
 - South: Single-family detached dwelling across Valor Court
 - West: Single-family detached dwelling

- Proposed Development: Three-bedroom tourist home in existing single-family detached dwelling

BACKGROUND

According to Zoning and Code Enforcement staff, the applicant (who has owned the property since March 2011) applied for a business license to operate a tourist home on the subject property in August 2013. At the time, he was informed that a Special Use Permit would be required. Following subsequent reviews of websites advertising the property as a tourist home, a Notice of Violation was issued to the property owner for using the property as a tourist home without the required SUP. The applicant submitted this application on April 30, 2015.

CONSIDERATIONS/CONCLUSIONS

1. Section 24.1-104 of the Zoning Ordinance defines Tourist Home as “*An establishment, either in a private dwelling or in a structure accessory and subordinate to a private dwelling, in which temporary accommodations are provided to overnight transient guests for a fee.*” It is noted that on-premises residency by the tourist home owner/operator and breakfast service for guests are not required for tourist homes, as would be the case for a bed-and-breakfast inn. Further, Section 24.1-409 of the Zoning Ordinance, Standards for boarding house, tourist home and bed and breakfast establishments, requires that such establishments “*shall have the appearance of a single-family detached residence and normal residential accessory structures.*”
2. The applicant has requested approval of a three-bedroom tourist home in an existing 2,422-square foot single-family detached dwelling. According to the applicant’s floor plan sketch (attached), the two-story home contains a family room, dining room, living room, and kitchen on the first floor and four bedrooms on the second floor, three of which would be available to guests. The applicant does not propose to make any additions or exterior changes to the dwelling.
3. Currently, there are several bed and breakfast establishments operating in the greater Yorktown village area: the Marl Inn on Church Street, the York River Inn on Ambler Street, the Hornsby House Inn on Main Street, and the Mann guest cottage on Lafayette Road in the Moore House neighborhood. Additionally, the Moss Guest Cottage on Nelson Street operated for several years as a tourist home. Another bed and breakfast establishment – Bay Tree Manor Bed and Breakfast – is located on a 9.5-acre parcel at the end of Seaford Road in the Bay Tree Beach area. All of these establishments were approved pursuant to the Yorktown Village Activity or Special Use Permit procedures.

This application differs from those mentioned in that the subject property is not located within or in proximity to a historic district or tourist area, nor is it located on a large parcel in a relatively isolated area. Rather, it is located in a single-family residential subdivision – Queens Lake – at the end of a cul-de-sac street serving seven

single-family detached homes. The street is accessed via a second cul-de-sac street (Huntingdon Road) serving eight single-family detached homes that connects to West Queens Drive. The average housing density in this section of Queens Lake is 1.1 dwelling units per acre.

4. According to the applicant, up to six guests would stay in the tourist home at any one time, and short-term rentals would range from three days to two weeks (see attached proposed use description and email from the applicant). The applicant has indicated that the housed would usually be rented to family groups, and he estimates that there would likely be no more than six separate rentals in any given month. The dwelling would not be occupied by the owner or other persons who are not guests during its use as a tourist home, and it would be operated year-round.
5. The variability of occupancy rates at any given time makes it difficult to estimate for the amount of traffic that would be generated by the proposed use. According to the Institute of Traffic Engineers' *Trip Generation* manual, (8th Edition), a typical single-family detached dwelling generates an average of 9.6 trips per day. This would equate to an average daily traffic volume of 67 trips for Valor Court. However, although the proposed tourist home would be located in a single-family residential neighborhood and would be rented as single unit, it can be expected to generate more traffic than a typical home for two reasons. First, according to information submitted by the applicant, up to six persons could occupy the dwelling at one time, and individual rentals could occur as often as six times per month. This is more than twice the average household size in York County, which is 2.7 persons per household. Based on the ITE's per-person trip generation rates for single-family homes, a six-person home can be expected to generate an average of fifteen (15) trips per day. Second, vacationers visiting local historic and recreational sites and engaging in other leisure activities tend to make more vehicle trips per day than a typical household. Indeed, according to the ITE, an average timeshare unit generates one more vehicle trip per day than does a single-family detached home. While the occupants could be a single family unit, they could also be three couples renting the tourist home as a group, or, potentially, as many as six adults with six vehicles.
6. In accordance with Section 24.1-606(a) of the Zoning Ordinance, Minimum off-street parking and loading requirements, five off-street parking spaces would be required for the proposed tourist home (two spaces plus one for each sleeping room). The existing driveway (20 feet wide; 40 feet long) and two-car garage can accommodate up to six vehicles.
7. If this application is approved, the applicant will be required to obtain a County business license, establish a County transient occupancy tax account, and file with the Virginia Department of Taxation for a Virginia State Sales Tax account. These requirements are addressed in the proposed approval conditions.
8. The subject parcel does not fall under the jurisdiction of a homeowners association, although many residents belong to the Queens Lake Community Association which, unlike a homeowners' association, is a voluntary association that does not have any

legal jurisdiction over use of properties in the neighborhood. Regardless of any covenants that may be deeded, the County must evaluate the proposed 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.

RECOMMENDATION

In allowing tourist homes in the R20 district with a Special Use Permit, the Zoning Ordinance anticipates that such a use could be appropriate in some residential areas and not in others. By their nature, vacation rentals generally have higher per-unit occupancy rates than typical single-family detached dwellings. As previously noted, it can also be expected that guests on vacation visiting various recreational sites and engaging in other leisure activities would generate a higher number of vehicle trips per day than the average household. The applicant has indicated that up to six separate rentals could occur in any month throughout the year, which would mean the potential for the equivalent of six different family groups coming and going to and from the dwelling in any month. While such a use could be appropriate in some R20-zoned areas, particularly on a larger parcel in a more sparsely developed location, in this case, given the quiet nature of the immediate neighborhood and the proximity of nearby homes, staff does not believe the traffic and activity levels associated with the proposed use would be compatible with the residential character of the surrounding area. In addition, since there would not be an on-site manager, there would be no one to present to police the restriction on on-street parking or monitor the conduct of the occupants. 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 denial. However, should the Commission wish to recommend approval of the application, proposed Resolution No. PC15-13 is attached for consideration.

Attachments:

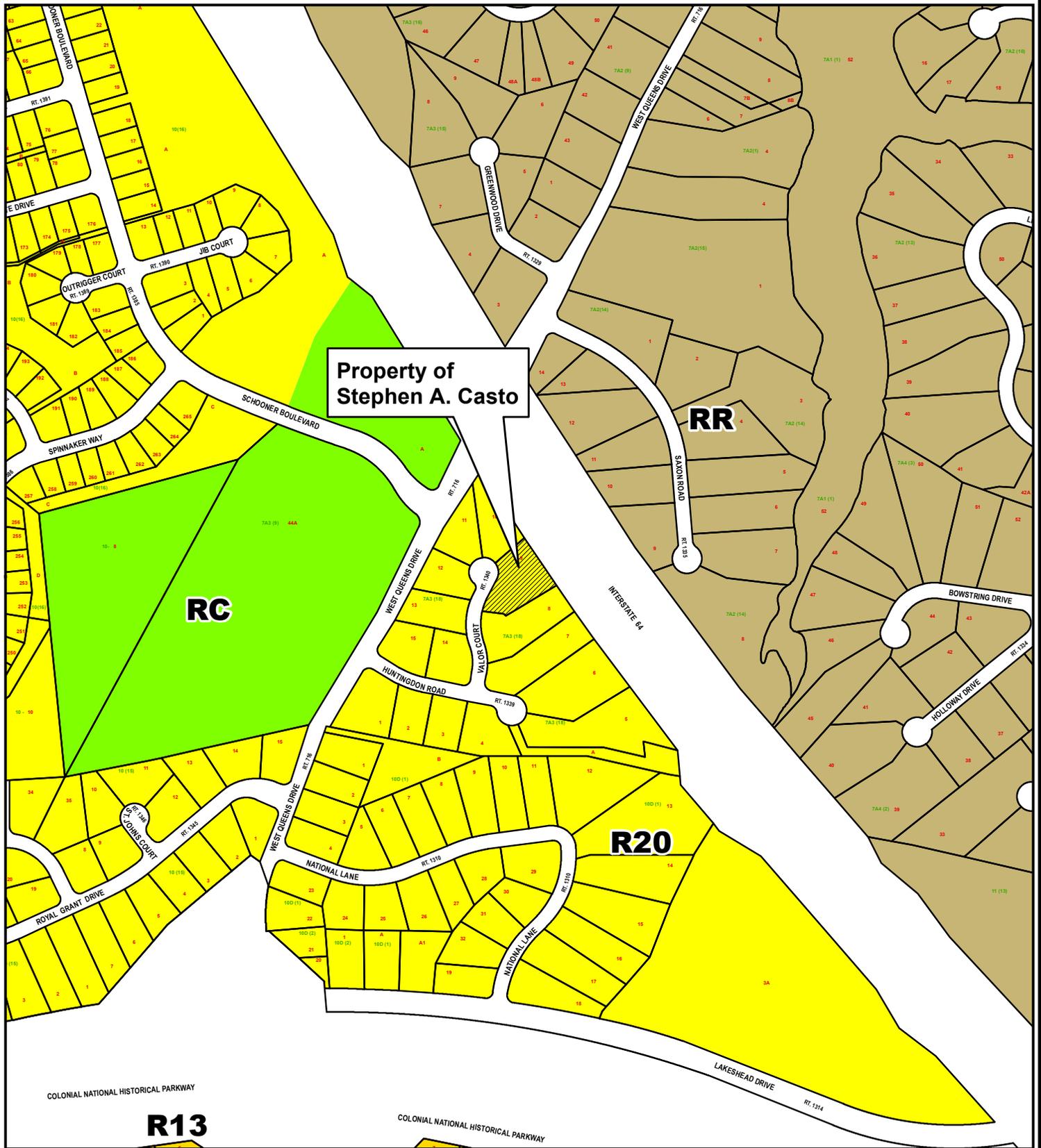
- Zoning Map
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APPLICANT
Stephen A. Casto

Special Use Permit for Tourist Home
104 VALOR CT

ZONING MAP

APPLICATION NUMBER: UP-864-15



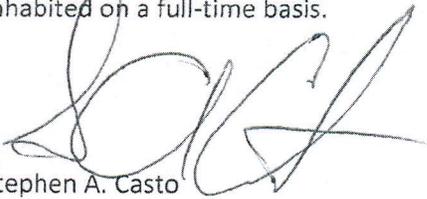
SOURCE: YORK COUNTY
GIS PARCEL DATA and
ZONING COVERAGE

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

The intended use for the property located at 104 Valor Court, Williamsburg, VA 23185, is that of a vacation rental. The intent is to occasionally offer the home to individuals and families, that are visiting the Historic Triangle, for short stays. The stays will range from 3 days to 2 weeks.

This home, located on a semi-private and quite lot, and has the capacity to park up to 4 full-size vehicles (2 in garage & 2 on driveway). Occupancy will be limited to a maximum of 6 people. No impediments to the flow of traffic is possible, as vehicular traffic will not increase anymore than if the house was inhabited on a full-time basis.

Stephen A. Casto



RECEIVED
York County

APR 30 2015

Planning Division

Parker, Amy

From: Capt. Jonathan <jonathan@bigboatco.com>
Sent: Friday, May 22, 2015 3:14 PM
To: Parker, Amy
Cc: Casto Stephen
Subject: Fwd: SUP application

Good afternoon Ms. Parker,

Thank you for your continued assistance. I will manage the vacation rentals myself, and no one(manager) will be on property when folks are staying in the house. I would prefer to not be limited on the number of times it could be rented. In going through this process I would hate for the need to change down the road and me to have to do this again. With that said it would be just one family at a time renting the house and I would think that logistically the maximum number of families in a given month would be six with the average being less. I would not like to be limited to any specific season of the year as well, so let's call it year round.

Thanks a ton. Happy Friday! Enjoy your holiday weekend.

Jonathan

Capt. Jonathan Westbrook
(C)703-626-2599
(O)877-964-4222 x723

Begin forwarded message:

From: Stephen Casto <steve@bigboatco.com>
Date: May 22, 2015 at 3:01:34 PM EDT
To: Joe Nathan <jonathan@bigboatco.com>
Subject: Fwd: SUP application

www.bigboatco.com

Begin forwarded message:

From: "Parker, Amy" <aparker@yorkcounty.gov>
Date: May 22, 2015 at 2:58:16 PM EDT
To: "'steve@bigboatco.com'" <steve@bigboatco.com>
Subject: SUP application

Hi Mr. Casto

I'm working on the Planning Commission memo for your application, and I need clarification as to how the tourist home use would be managed. Would you or any

other staff or management personnel be in residence during the times the house is rented to clients?

Also, you indicated that the home is to be "occasionally" offered as a vacation rental. Can you tell me the times of the year it would be available (i.e., summer only or all year) and how many times during the year it would be rented out? For example, would the rentals be limited to a specified number of times per month?

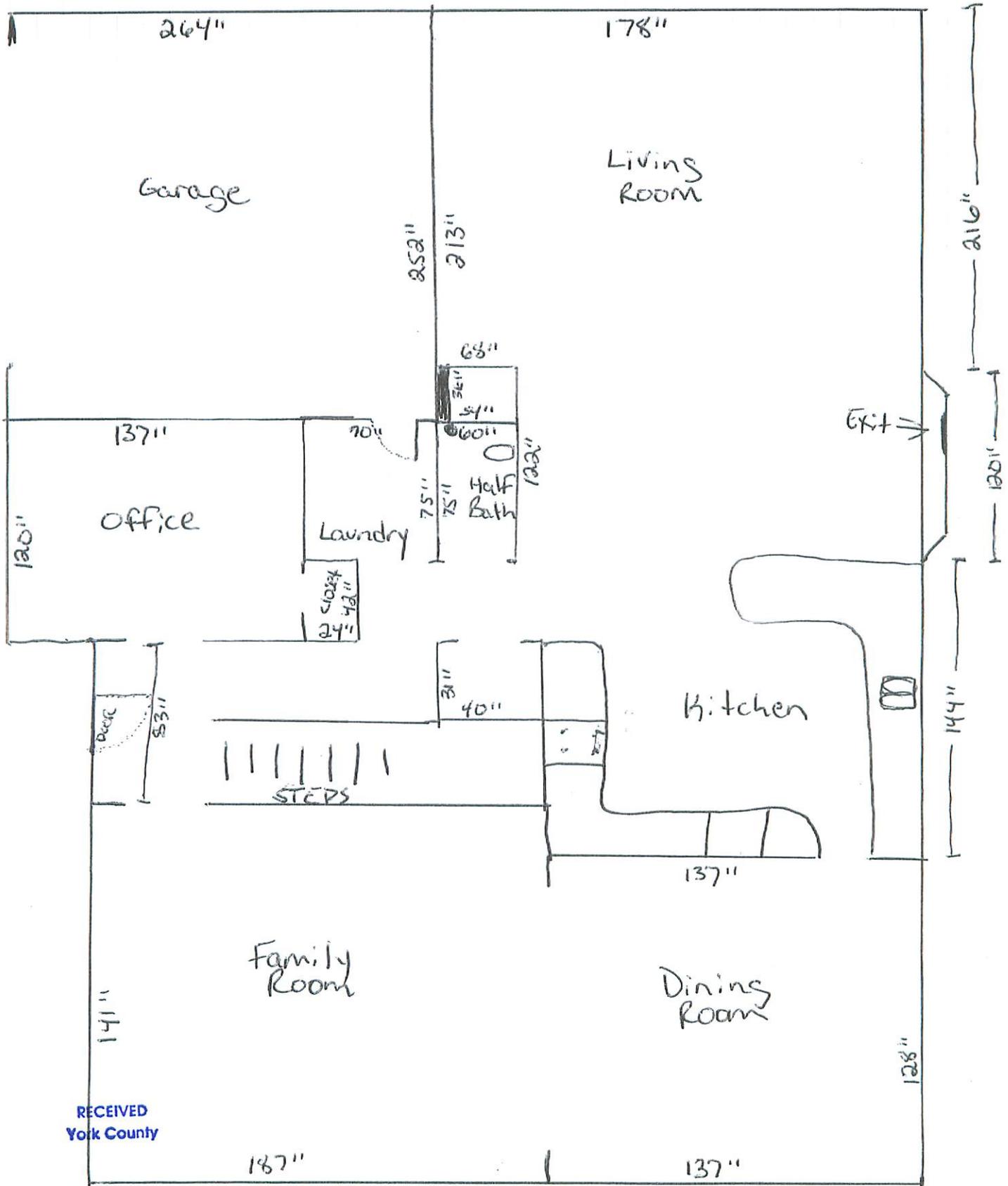
I need the information to gauge the level of activity on the property during its use as a tourist home.

Thanks

Amy

Amy M. Parker
Senior Planner
York County Planning Division
PO Box 532; 224 Ballard Street
Yorktown, VA 23690
757-890-3495

1st Floor

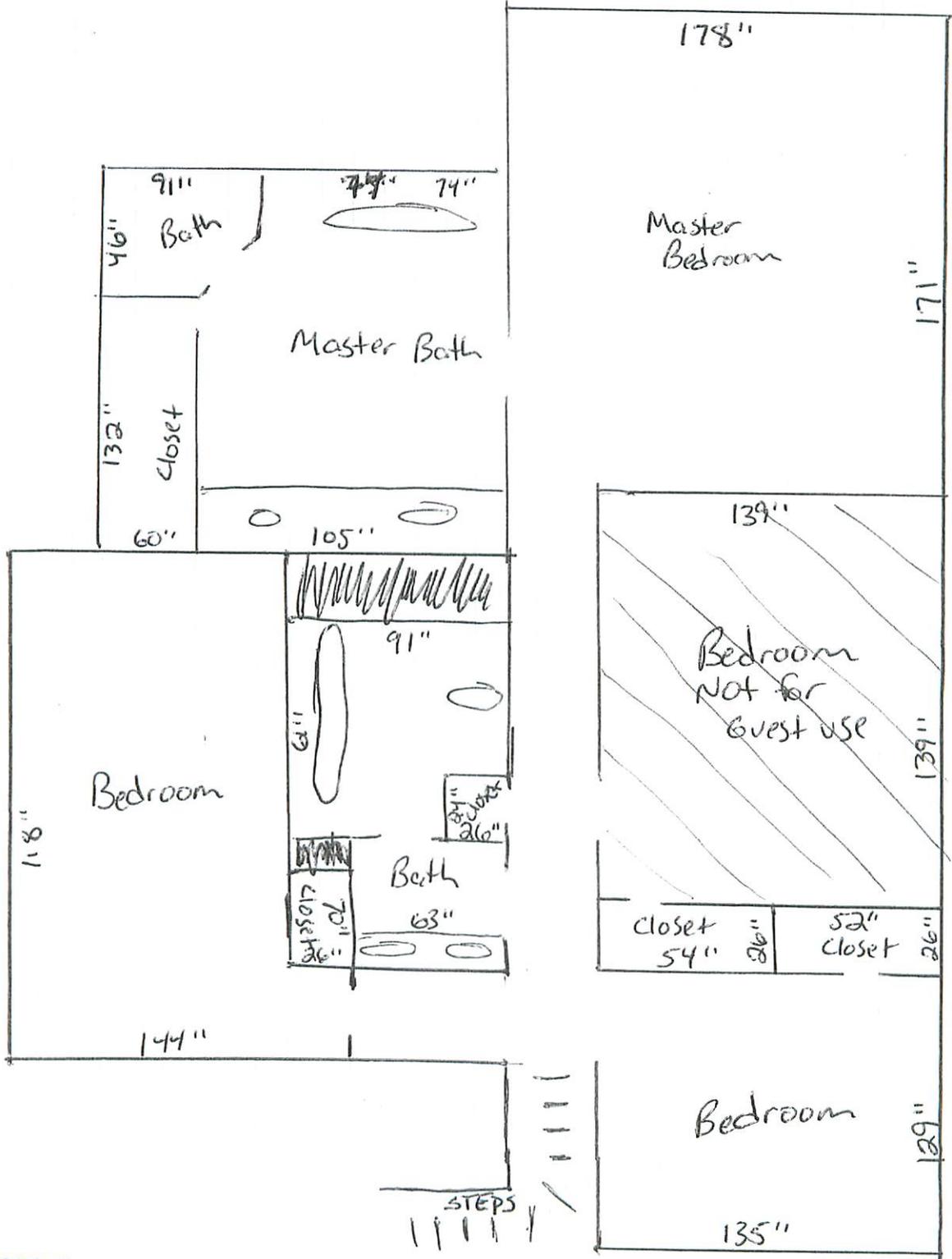


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APR 30 2015

Planning Division

2nd Floor



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Planning Division



HORIZONTAL ACCURACY: +/- 2.5 feet DATUM: VA State Plane South, NAD 83
 VERTICAL ACCURACY: +/- 1 foot DATUM: NAVD 1988
 DATE OF ELEVATION INFORMATION: 2007

This map should NOT be used for engineering or other design purposes without full verification having been undertaken by a qualified surveyor.

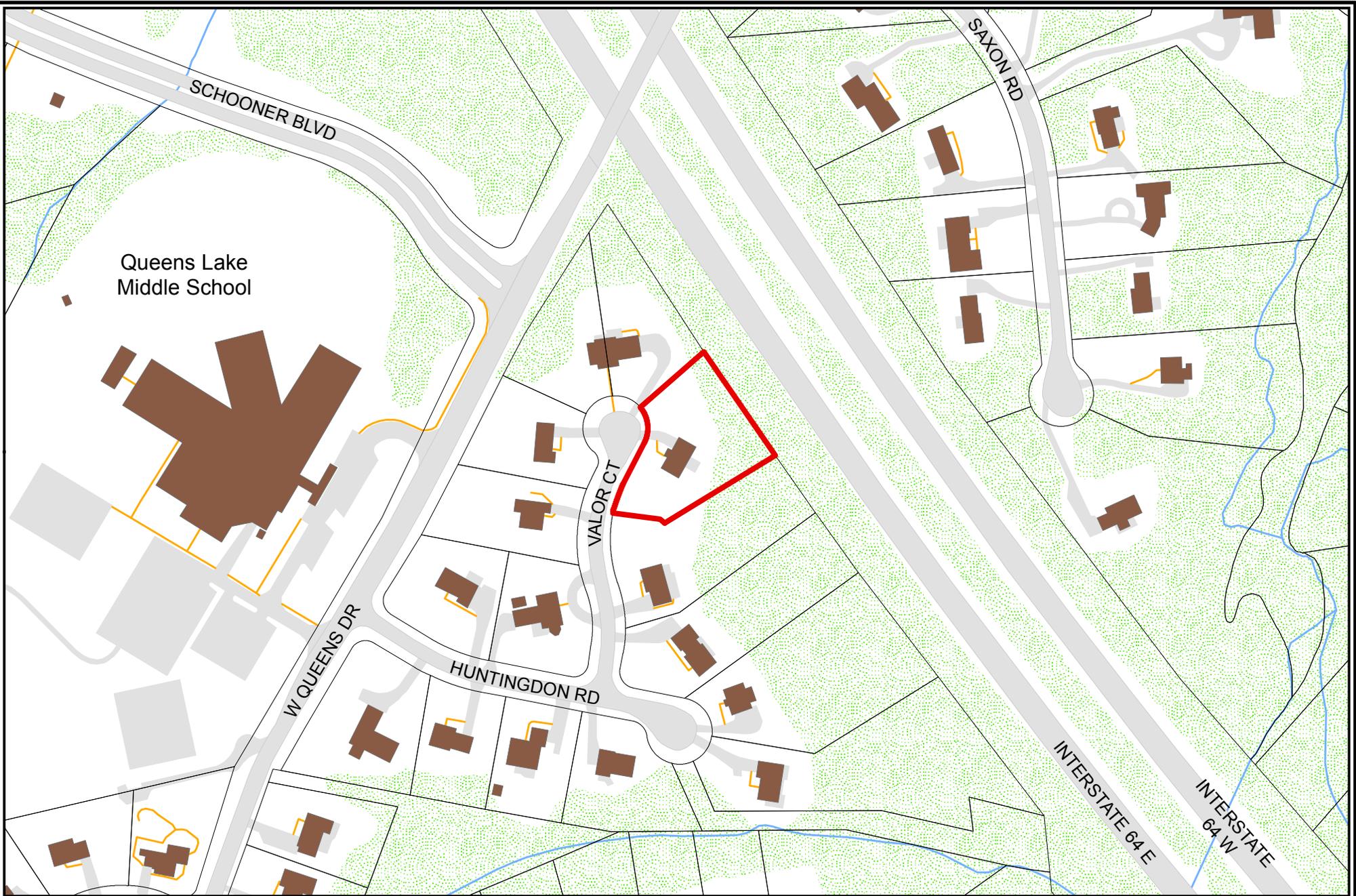
The County of York, Virginia assumes no responsibility for the accuracy of this map or the information contained herein or derived here from. The buyer and/or user assumes all risks and liabilities whatsoever resulting from, or arising out of the use of this map.

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104 Valor Court



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Queens Lake Middle School

SCHOONER BLVD

SAXON RD

VALOR CT

W QUEENS DR

HUNTINGDON RD

INTERSTATE 64 E

INTERSTATE 64 W



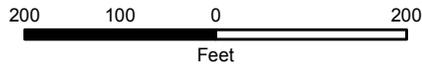
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UP-864-15
 104 Valor Court



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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 A SPECIAL USE PERMIT TO AUTHORIZE A TOURIST HOME IN AN EXISTING SINGLE-FAMILY DETACHED DWELLING AT 104 VALOR COURT

WHEREAS, Stephen Casto has submitted Application No. UP-864-15, requesting a Special Use Permit, pursuant to Section 24.1-306 of the York County Zoning Ordinance (Category 1, No. 6), to authorize the establishment of a tourist home in an existing single-family detached dwelling located at 104 Valor Court and further identified as Assessor’s Parcel No. 7A3-18-WG-9 (GPIN G15c-0445-1918); 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 _____, 2015 that Application No. UP-864-15 be, and it is hereby, transmitted to the York County Board of Supervisors with a recommendation of approval to authorize a Special Use Permit for the establishment of a tourist home in an existing single-family detached dwelling located at 104 Valor Court and further

identified as Assessor's Parcel No. 7A3-18-WG-9 (GPIN G15c-0445-1918), subject to the following conditions:

1. This use permit shall authorize a tourist home in an existing single-family detached dwelling located at 104 Valor Court and further identified as Assessor's Parcel No. 7A3-18-WG-9 (GPIN G15c-0445-1918). The establishment shall be operated in accordance with the narrative description provided by the applicant, received by the York County Planning Division April 30, 2015, and the email from the applicant to the Planning Division dated May 22, 2015 describing the management of the tourist home, copies of which shall remain on file in the office of the Planning Division, except as modified herein.
2. The tourist home interior configuration shall be as depicted on the floor plans received by the York County Planning Division on April 30, 2015, a copy of which shall remain on file in the office of the Planning Division, except as modified herein.
3. Operation of the tourist home shall be in compliance with the performance standards set forth in Section 24.1-409 of the Zoning Ordinance. The applicant shall be responsible for obtaining all applicable permits and/or approvals required in accordance with regulations of the Virginia Uniform Statewide Building Code prior to use of the dwelling as a tourist home.
4. The maximum number of guests occupying the tourist home at any one time shall be six (6). The maximum number of individual rentals shall not exceed two (2) times in any month. Rental of rooms on an individual basis shall not be permitted.
5. The off-street parking area for guest vehicles shall be maintained on the property in the existing attached garage and adjacent driveway.
6. The applicant shall be responsible for obtaining a York County business license, establishing a County transient occupancy tax account, and filing with the Virginia Department of Taxation for a Virginia State Sales Tax account prior to use of the accessory structure as a tourist home.
7. 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.
8. A certified copy of the resolution approving 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 the issuance of a Certificate of Use and Occupancy for the tourist home.

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