

## **Index File**

**YVA-30-10**

**Yorktown Main Street, LLC; David and Phillip Bowditch**

**702 Main Street**

**Assessor's Parcel Nos. 18A-1-64 and 18A-1-65**

**Application No. YVA-31-10, Yorktown Main Street, LLC; David and Phillip Bowditch:** Request for authorization, pursuant to Section 24.1-327(b)(2) of the York County Zoning Ordinance, to establish a 5-guest room bed and breakfast operation on two parcels containing a total of 27,443 square feet located at 702 Main Street and further identified as Assessor's Parcel Nos. 18A-1-64 and 18A-1-65. The properties, located in the southeast quadrant of the intersection of Main Street (Route 1001) and Smith Street (Route 1002), are zoned YVA, (Yorktown Village Activity) and are located in the HRM, Historic Resources Management overlay district. The properties are designated Yorktown in the *Comprehensive Plan*.

### **Attachments:**

- Staff Report
- Vicinity Aerial Photo
- Applicant's narrative statement
- Floor plans
- Site sketch plan
- Sign sketch
- Proposed Resolution No. PC10-7

# COUNTY OF YORK

## MEMORANDUM

**DATE:** April 5, 2010 (PC Mtg. 4/14/10)

**TO:** York County Planning Commission

**FROM:** J. Mark Carter, Assistant County Administrator

**SUBJECT:** Application No. YVA-31-10, Yorktown Main Street, LLC, David and Philip Bowditch: Hornsby House Bed and Breakfast

### ISSUE

This is a request for authorization, pursuant to the terms of the Yorktown Village Activity District (YVA), to convert an existing single-family detached home to a 5-guest room bed and breakfast establishment. The subject property is located at 702 Main Street in the southeast quadrant of the Main Street (Route 1001) / Smith Street (Route 1002) intersection. The properties are further identified as Assessor's Parcel Nos. 18A-1-64 (GPIN P11b-3304-4621) and 18A-1-65A (GPIN P11b-3239-4525).

### DESCRIPTION

- Property Owners: Yorktown Main Street LLC (David and Philip Bowditch)
- Location: 702 Main Street (Route 1001)
- Area: 0.63 acre (combined area of two parcels)
- Frontage: Approximately 135 feet on Main Street / 231 feet on Smith St.
- Utilities: Public water and sewer
- Topography: Flat
- 2025 Land Use Map Designation: Yorktown Historic Area
- Zoning Classification: YVA – Yorktown Village Activity District  
Yorktown Historic District overlay
- Existing Development: Single-family detached home and a detached accessory apartment (note: this accessory apartment pre-dates the current provisions dealing with such uses and, accordingly, is not restricted to use by members or guests of the family residing in the principal dwelling).

- Surrounding Development:

North: National Park Service property (Dudley Digges House / Yorktown Victory Monument)

East: Single-family detached dwelling

South: Single-family detached dwelling

West: Single-family detached dwelling

- Proposed Development: Five-suite bed and breakfast operation in existing single-family detached dwelling

## **BACKGROUND**

The YVA-Yorktown Village Activity district (Section 24.1-327) requires that significant changes in the use of property within the district must be reviewed and approved in accordance with the same procedures as are applicable to Special Use Permits – i.e., review, public hearing, and recommendation by the Planning Commission and review, public hearing, and decision by the Board of Supervisors. “*Guest houses and bed and breakfast establishments*” are listed as permitted uses in the YVA District.

Section 24.1-104 of the Zoning Ordinance defines Bed and Breakfast Inns (tourist homes) as follows: *A dwelling in which, for compensation, meals and overnight accommodations are provided for transitory guests. The operator of the inn shall live on the premises or in an adjacent premises.*

The YVA reference to the Special Use Permit provisions serves to define the review and approval process for land use changes in the YVA district, but it does not mandate the use of the Performance Standards that would apply to a B&B proposal for property located elsewhere in the County in one of the standard residential zoning districts (e.g., the B&B in Seaford that was granted a Special Use Permit last year). Nevertheless, those performance standards (as set forth in Section 24.1-409, and below) will be helpful in reviewing this request and, absent any compelling need to deviate from them, would seem to provide appropriate design and operational guidance:

- (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 [4000cm<sup>2</sup>] 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.

### **CONSIDERATIONS/CONCLUSIONS**

1. The applicant has requested approval of a five-suite bed and breakfast operation in the above-referenced 5,300-square foot single-family detached dwelling. Three of the bed and breakfast suites would be on the second floor and two would be on the third. The resident proprietor's suite would also be on the third floor (see attached floor plan).
2. The applicant has provided a narrative (copy attached) describing the proposed establishment and its operation, including his intention to be the resident operator/proprietor and to have those family living quarters in the main house (and not the accessory apartment, even though that would be permissible under the Zoning Ordinance definition). This is, however, significant from the standpoint of the Building Code, which differentiates between proprietor-occupied and non-proprietor occupied when defining occupancy limits (maximum of 5 guest rooms for a proprietor-occupied vs. maximum of 10 occupants for a non-proprietor occupied establishment) and which would consider the main house to be a *hotel* if it contained only guest suites and the proprietor/operator resided in the accessory apartment. Based on the applicant's proposed mode of operation, the Building Official has indicated that the establishment will be subject to the 5-guest rooms limit and the applicant's floor plan indicates compliance with that standard. The facility will be required to have smoke detectors but would not be required to have a fire sprinkler system.
3. The applicant will be required to comply with Health Department permitting and inspection requirements since food will be prepared for guests and, if any alcoholic beverages are to be served to guests, the applicant will need to obtain an ABC license. Additionally, 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 noted in one of the proposed approval conditions.
4. The property currently has space available along Smith Street for several vehicles to park in a 90-degree alignment on a gravel surface. The applicant proposes to modify this area to create a "driveway" that would extend into the backyard area where five (5) additional gravel parking spaces would be created (one space per bed and breakfast guest room, which is the standard parking ratio for a B&B). A total of four (4) 90-degree parking spaces would remain (two on each side of the driveway), which

would satisfy the two-spaces/unit requirement for the single-family residence and the separate accessory apartment.

The new parking spaces are proposed to be buffered from view from Smith Street and the adjoining properties to the south and east by landscaping, either existing (a row of Hollies was recently installed along the southern and eastern property lines) or to be installed (along the edge of the parking area).

The addition of the expanded gravel-surfaced parking area will necessitate attention to stormwater management. A preliminary assessment by the County's Management Division indicates that the stormwater impacts could be addressed through the installation of a bioretention area of approximately 150 square feet in size.

5. The property is addressed on Main Street, faces Main Street, and the applicant proposes to advertise the Bed & Breakfast Inn as being accessible from Main Street. However, parking and the guest entrance will be on the Smith Street side of the property and structure. That will require guests' vehicles to negotiate around the portable barricade that is used from April through October to delineate the "pedestrians-only" restrictions on the portion of the street extending from Comte de Grasse to Church Street. This drive-around access opportunity is available to and used on occasion by Main Street residents and residents of the intersecting side streets and VDOT has confirmed that extending the drive-around option to B&B guests is acceptable. The applicant notes in the narrative description that guests would be "instructed" (requested) to exit using that same route so as not to add non-resident traffic to Smith Street. This, of course, would depend on the cooperation of the guests but even if they did not heed that request and instead came and went using Smith Street, the additional traffic on Smith Street would be, in staff's opinion, relatively insignificant.
6. The applicant does not propose any exterior building modifications and the only physical evidence of the B&B would be the additional parking spaces and an identification sign (applicant's rendering is attached). In accordance with the Yorktown Design Guidelines, the maximum area of the sign would be four (4) square feet and its design and color scheme would be subject to review and approval by the Historic Yorktown Design Committee.
7. The Yorktown Master Plan (an element of the York County Comprehensive Plan) contains the following relevant statement in its description of the Main Street area:

*"Bed-and-Breakfasts would also be desirable on Main Street and should be economically viable. A small Inn would be another desirable use, but the economic viability of such a venture in the foreseeable future may not be strong. Perhaps, as a critical mass of additional attractions in Town develops, and the popularity of Yorktown as an overnight destination increases, the economic viability of an Inn will be increased. Until such a time, bed-and-breakfasts would be the most practical way of increasing the number of overnight visitors"* (page 83, Yorktown Master Plan).

In addition, the Plan indicates:

*“It is recommended that property owners be allowed to convert existing houses into bed-and-breakfasts, subject to zoning approval”* (page 98, Yorktown Master Plan).

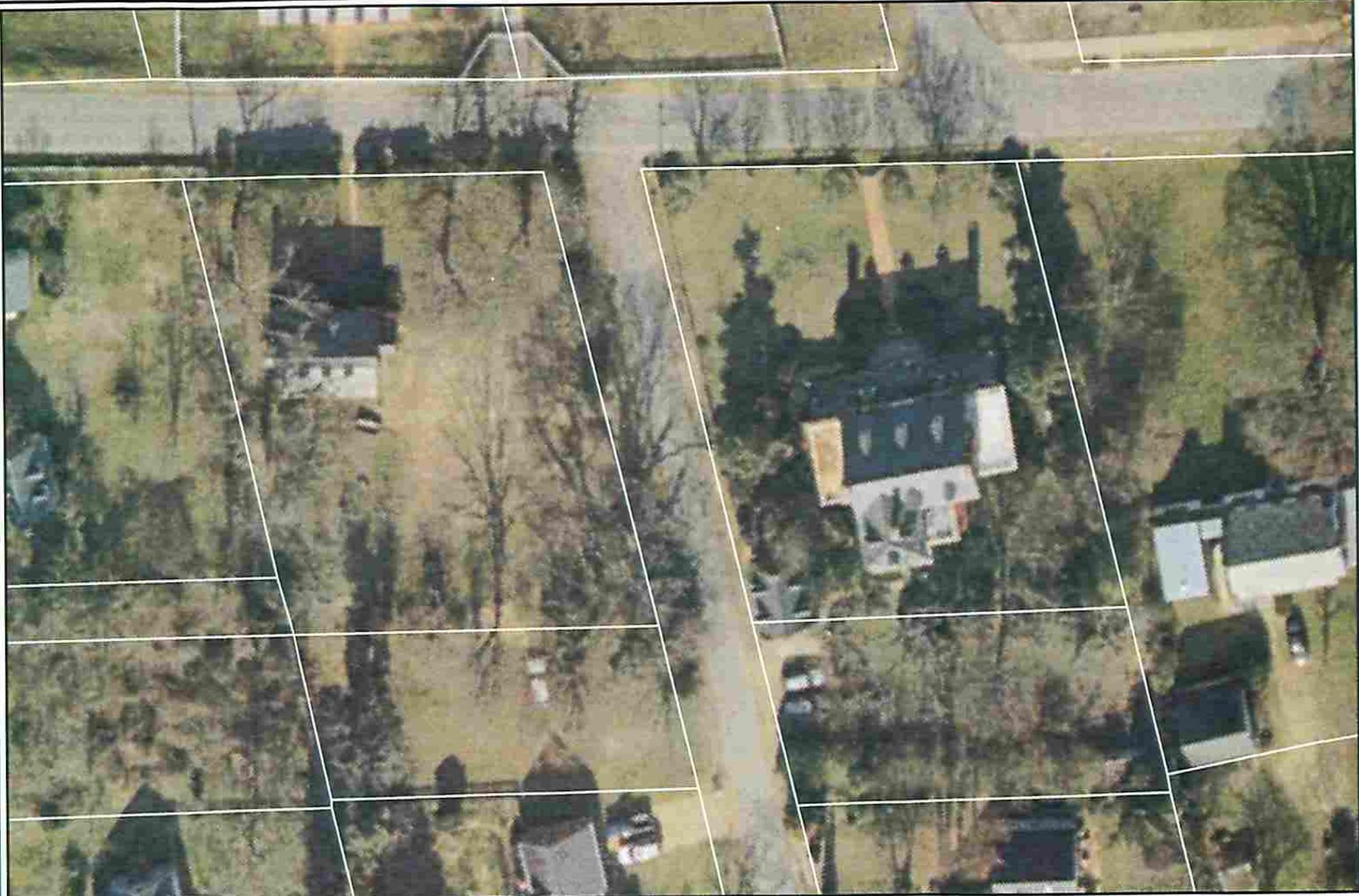
Currently, there are two B&Bs in operation in Yorktown – the Marl Inn on Church Street and the York River Inn Bed & Breakfast on Ambler Street. In addition, overnight accommodations are also provided in the Moss Guest Cottage located on Nelson Street. All of these establishments have been approved pursuant to the YVA District (and the predecessor PD-VA District) procedures.

### **RECOMMENDATION**

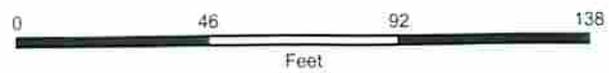
Consistent with the goals of the Yorktown Master Plan, establishment of a bed-and-breakfast at this location would create additional opportunities for overnight accommodations in a picturesque part of Yorktown. With a limit of five (5) guest suites, the operation would not, in staff’s opinion, create activity or impacts that would be incompatible with its setting or surroundings. Signage, per the terms of the Zoning Ordinance, would be small (4 square feet, maximum area) and parking would be accommodated off of Smith Street in a location that would not be visible from Main Street while being well-buffered from views from Smith Street and adjoining properties. There would be no exterior architectural changes to the structure and, if not for the small 4-square foot identification sign, the bed and breakfast operation would be virtually unnoticeable from Main Street. Accordingly, staff recommends that this application be forwarded to the Board of Supervisors with a recommendation of approval, subject to the conditions shown in proposed Resolution No. PC10-7.

Attachments:

- Vicinity Aerial Photo
- Applicant’s narrative statement
- Floor plans
- Site sketch plan
- Sign sketch
- Proposed Resolution No. PC10-7



### 702 Main Street



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

Flood Information Courtesy of:  
Federal Emergency Management Agency (FEMA)  
This flood data has not been certified.

March 16, 2010

YVA Application – Request for authorization of a Bed and Breakfast at 702 Main Street.

The “Hornsby House” at 702 Main Street, Yorktown, was built in 1934 by our grandparents, J. W. and Georgette Hornsby. Our mother, Marian H. Bowditch, grew up in the home with her five brothers. She returned to the home with her husband, Willits H. Bowditch, and four sons, Bill, John, David and Philip in 1956.

David and Philip Bowditch presently own this family home, as well as the property next door at 606 Main Street. David Hornsby Bowditch will be the resident operator / proprietor of The Hornsby House Inn- a five (5) guest room bed and breakfast. Five guest rooms will be designated for that purpose.

We plan to retain the existing interior charm with Hornsby family pictures and numerous antiques throughout the house. It is a lovely and impressive 3 story brick “Colonial style” home that adds much to the charm and ambience of Main Street in Historic Yorktown.

We are restoring the home for our resident use and making many interior improvements. We are there daily, and we will continue to use it for our personal family purposes. As the operator / proprietor, I will retain part of the home for our resident use.

We plan to use the existing “off street parking” that is presently in the rear of the house- on Smith Street for resident parking. We plan to add five (5) “guest parking” spaces in the rear of the home, in the rear lot, with appropriate landscape buffering.

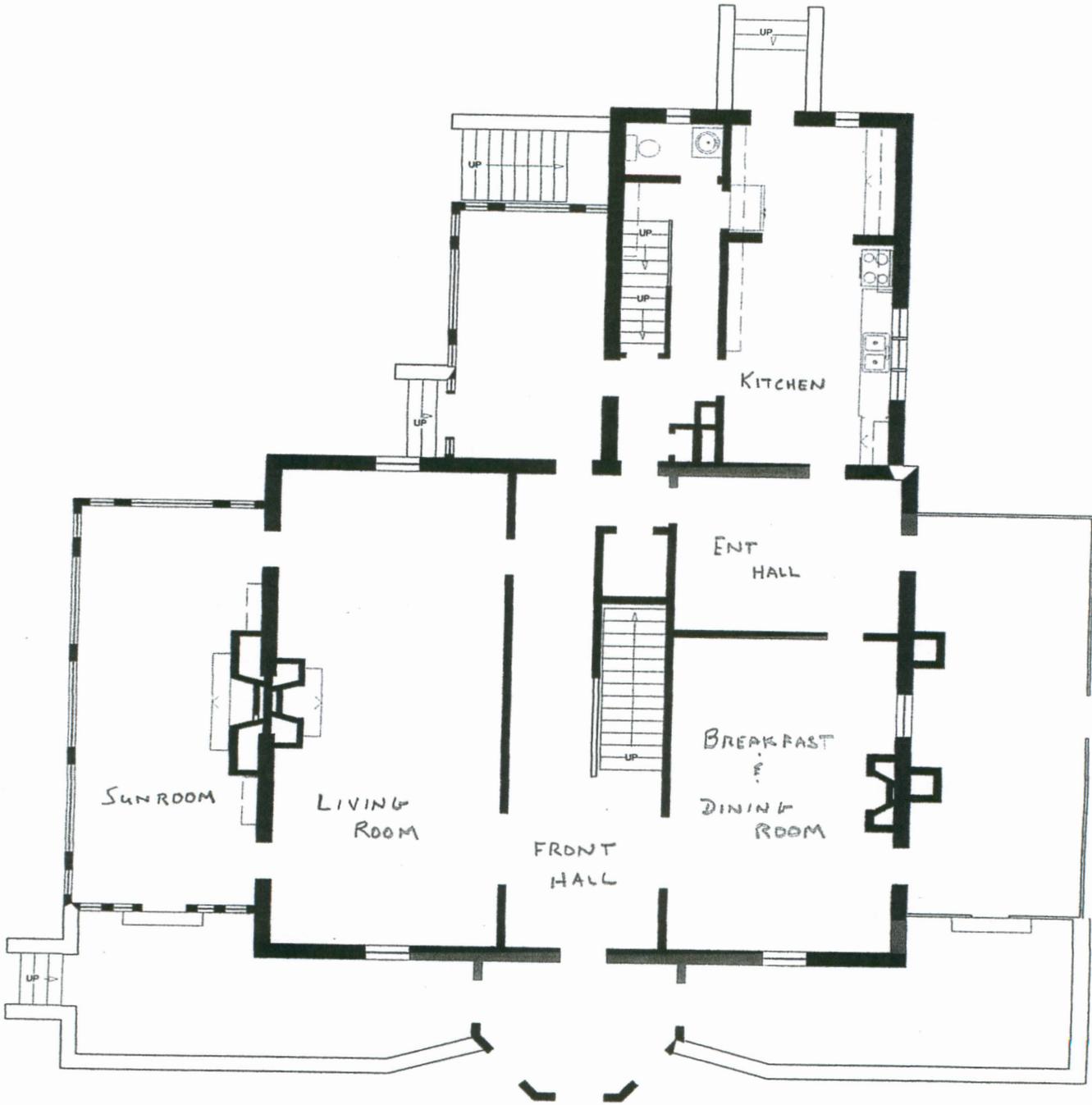
We would like the existing Main Street traffic patterns and street closures to remain the same. If possible, we would like Main St to continue to be closed to general traffic, as it is now in front of the house, but allow our guest (at the times when Main Street is closed during the day) to simply go around the existing street barrier, and drive the short distance to Smith St and make a left. Many current residents on Smith and Main Street do this now, and it does not seem to be a problem. . We also plan to instruct and request guests to exit in that same direction so as not to add non-resident traffic to Smith Street.

We hope that we can continue to contribute to the charm and ambience of Yorktown’s very special “Main Street” by offering guests a charming, quiet place stay in the heart of Historic Yorktown.

Thank you for your consideration of the application.

David Hornsby Bowditch

HORNSBY HOUSE INN



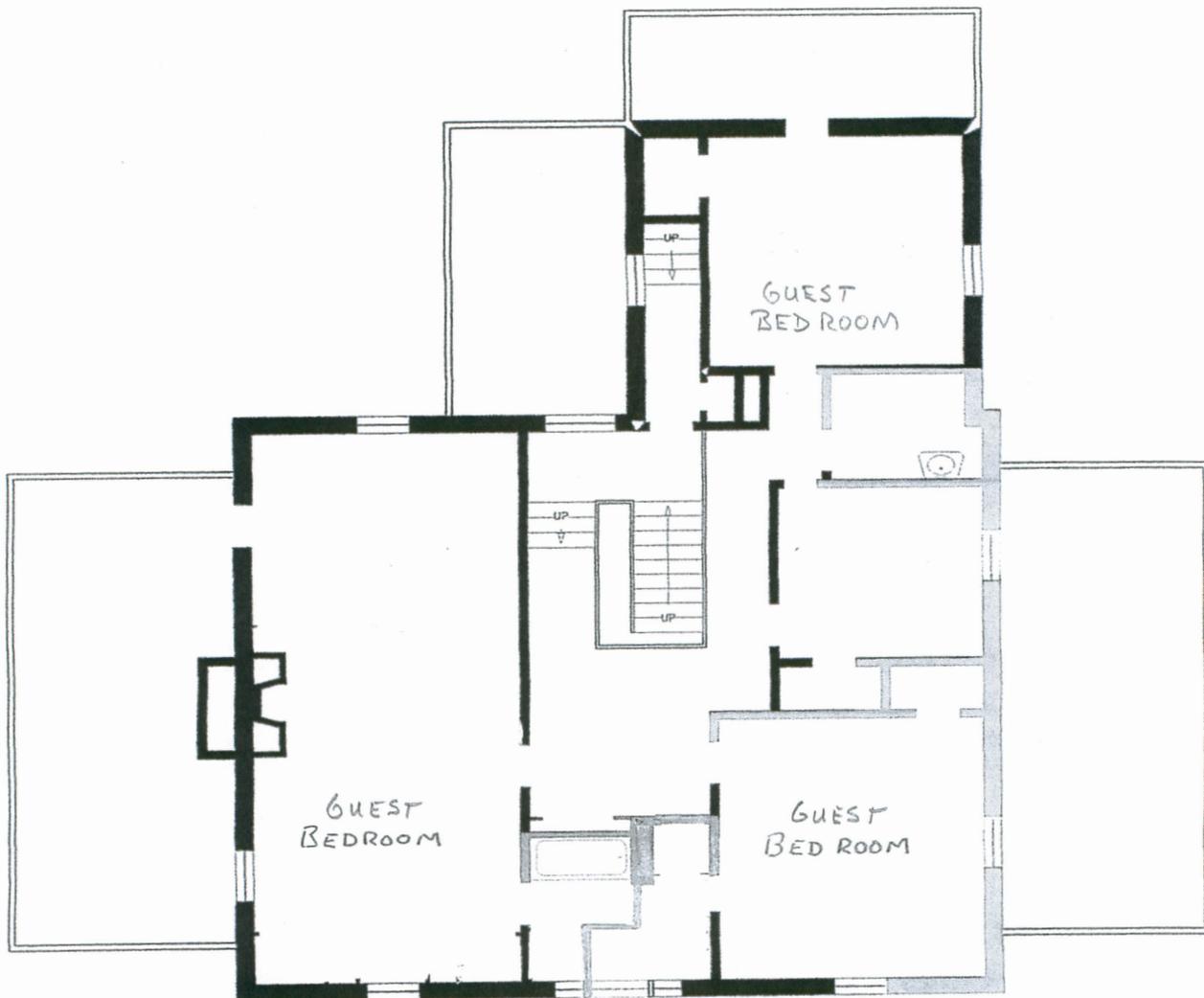
1ST FLOOR

RECEIVED  
York County

MAR 16 2010

Planning Division

HORNSBY HOUSE INN



2ND FLOOR

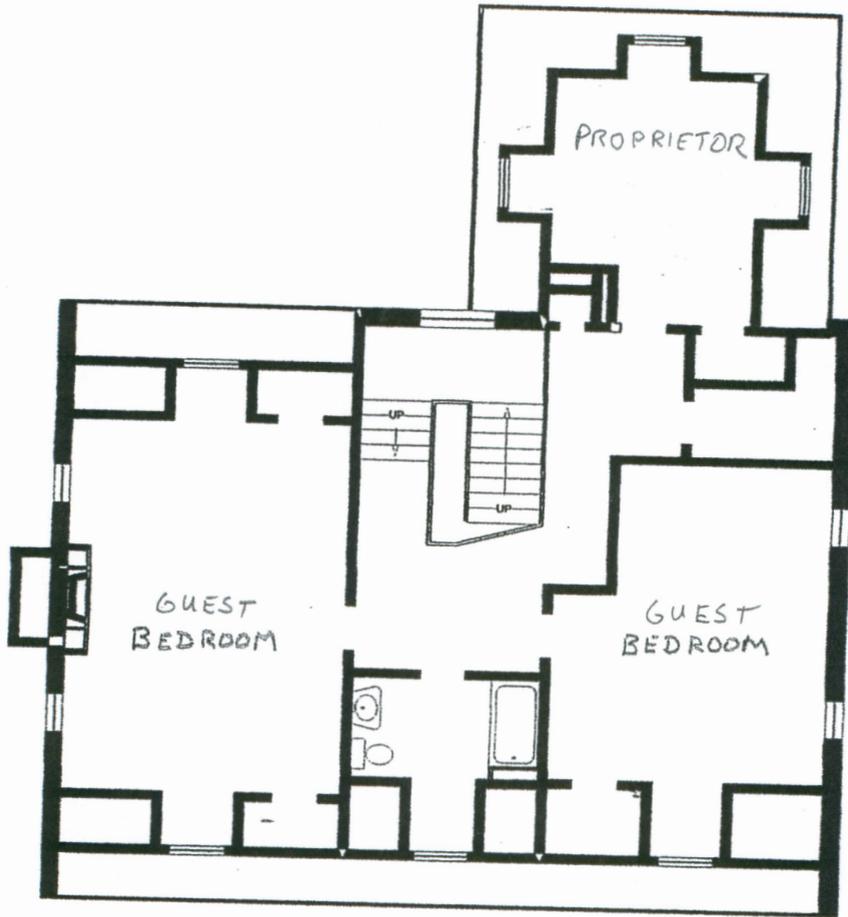
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MAR 16 2010

Planning Division

3RD FLOOR

HORNSBY HOUSE INN

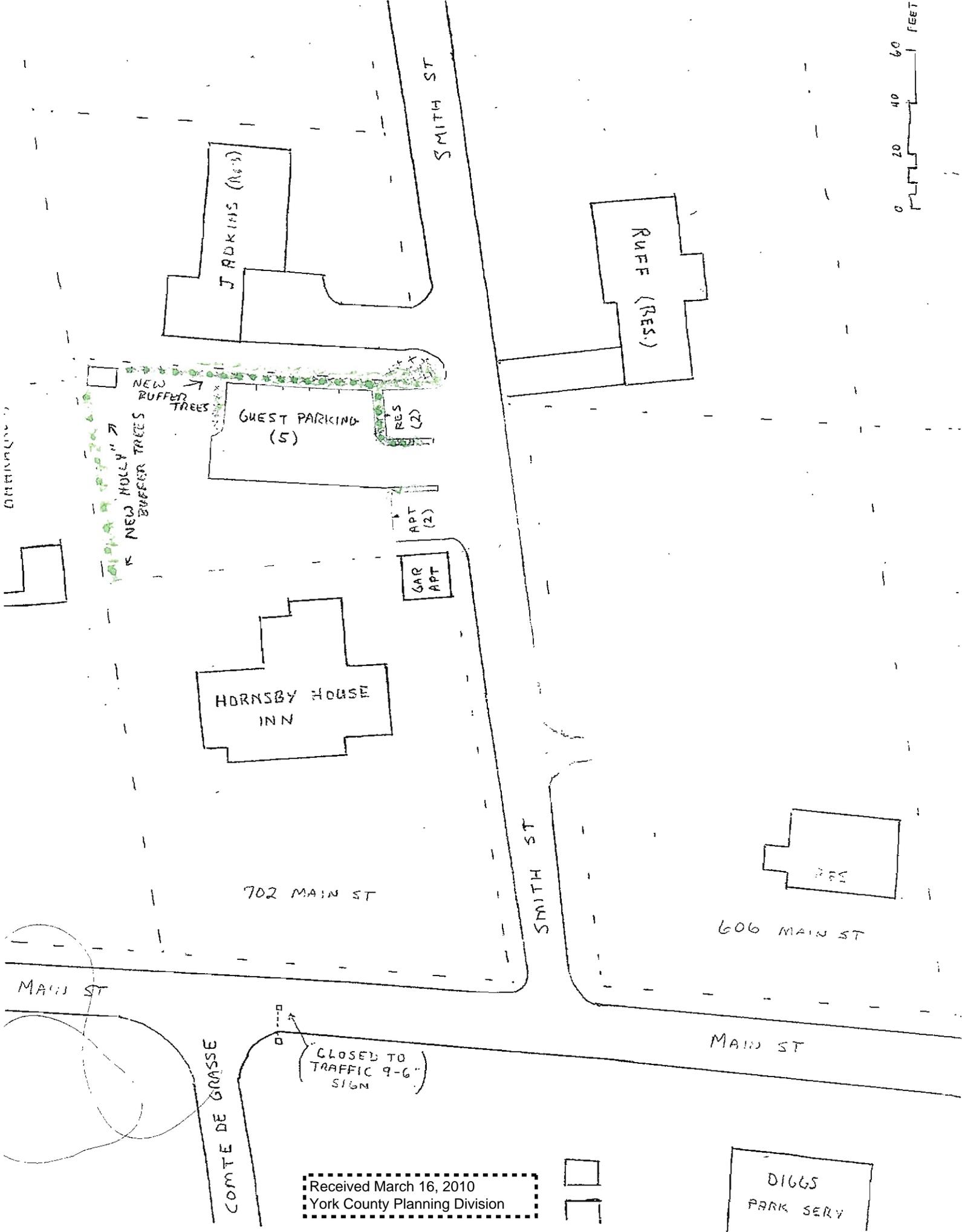
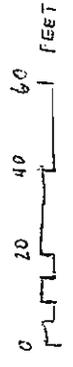


3RD FLOOR

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MAR 16 2010

Planning Division



JADKINS (RES.)

RUFF (RES.)

GUEST PARKING (5)

RES (2)

APT (2)  
GAR APT

HORNSBY HOUSE  
INN

RES

702 MAIN ST

606 MAIN ST

MAIN ST

MAIN ST

COMTE DE GRASSE

CLOSED TO TRAFFIC 9-6 SIGN

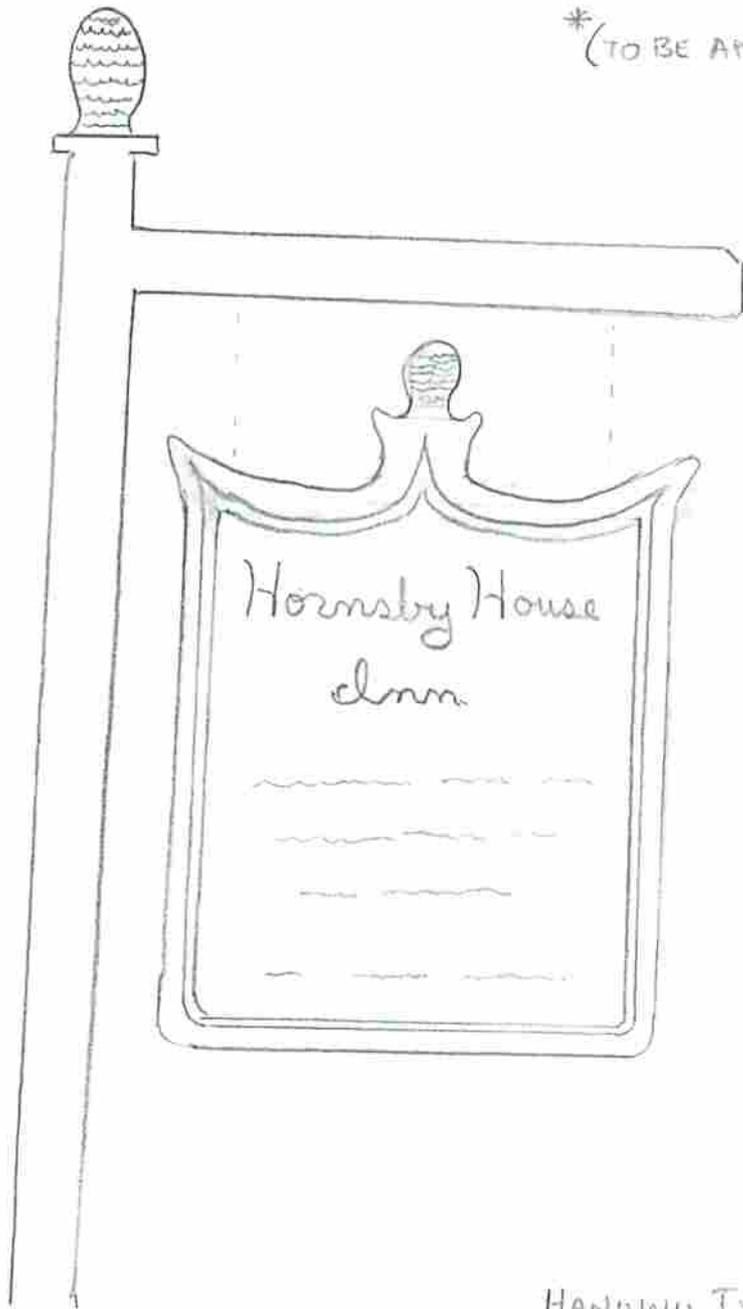
Received March 16, 2010  
York County Planning Division



DIGGS  
PARK SERV

"HORNSBY HOUSE INN"  
EXAMPLE SIGN \*

\*(TO BE APPROVED BY YVA DESIGN COMMITTEE)



MAX SIZE IS  
4' per  
Design Guidelines

HANGING TYPE SIGN

ON WOODEN OR IRON POST

APPROX SIZE: 34-38" TALL  
28-32" WIDE,  
(PLUS POST)

PROPOSED COLORS: DARK GREEN  
GOLD LETTERS

RECEIVED  
York County

FEB 26 2010

Planning Division

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 \_\_\_\_\_, 2010:

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Present

Vote

John R. Davis, Chair  
Christopher A. Abel, Vice Chair  
Alexander T. Hamilton  
M. Sean Fisher  
Nicholas F. Barba  
Alfred E. Ptasznik, Jr.  
Anne C. H. Conner

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

**A RESOLUTION TO RECOMMEND APPROVAL, PURSUANT TO THE YVA-YORKTOWN VILLAGE ACTIVITY DISTRICT, OF A BED-AND-BREAKFAST ESTABLISHMENT PROPOSED TO BE OPERATED IN THE EXISTING SINGLE-FAMILY DETACHED RESIDENTIAL STRUCTURE LOCATED AT 702 MAIN STREET**

WHEREAS, Yorktown Main Street, LLC has submitted Application No. YVA-31-10 requesting authorization, pursuant to Section 24.1-327 of the York County Zoning Ordinance (Category 12, No. 18), to authorize the establishment of a bed-and-breakfast establishment located at 702 Main Street and further identified as Assessor’s Parcel Nos. 18A-1-64 (GPIN P11b-3304-4621) and 18A-1-65A (GPIN P11b-3239-4525); 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 \_\_\_\_\_, 2010 that Application No. YVA-31-10 be, and it

is hereby, transmitted to the York County Board of Supervisors with a recommendation of approval to authorize the establishment of a bed-and-breakfast operation on property located at 702 Main Street and further identified as Assessor's Parcel Nos. 18A-1-64 (GPIN P11b-3304-4621) and 18A-1-65A (GPIN P11b-3239-4525), subject to the following conditions:

1. This use permit shall authorize a five (5)-suite bed and breakfast operation in an existing single-family detached dwelling on property located at 702 Main Street and further identified as Assessor's Parcel Nos. 18A-1-64 (GPIN P11b-3304-4621) and 18A-1-65A (GPIN: P11b-3239-4525). The establishment shall be operated in accordance with the narrative description provided by the applicant, David Hornsby Bowditch, dated March 16, 2010, a copy of which shall remain on file in the office of the Planning Division.
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 submitted in conjunction with this application and date-stamped March 16, 2010, a copy 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.
4. One (1), non-illuminated sign not exceeding four (4) square feet in size shall be permitted to identify the use with the design and color scheme of said sign to be submitted to and approved by the Historic Yorktown Design Committee (HYDC).
5. The maximum number of guest suites shall be five (5).
6. Retail sales shall not be permitted on the premises.
7. Off-street parking space for a minimum of five (5) guest vehicles shall be provided on the lot in the general location and configuration as depicted on the sketch plan. The guest parking area shall be in addition to the four (4) spaces required for the principal residence and the garage apartment. The new spaces shall be constructed of a brownstone gravel surface and shall be buffered from view from Smith Street and adjoining properties by landscaping.
8. The applicant shall be responsible for obtaining and maintaining any and all applicable and necessary permits and licenses from the Virginia Department of Health and the Alcoholic Beverage Control Board.

9. 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 these conditions of approval are severable and invalidation of any word, phrase, clause, sentence, or paragraph shall not invalidate the remainder.