

Index File

UP-777-10

Robert K. and Sheri D. Mann

121 Lafayette Road

Assessor's Parcel Nos. 19A-1F-11 and 19A-1F-12

Application No. UP-777-10, Robert K. and Sheri D. Mann: Request for a Special Use Permit, pursuant to Section 24.1-306 (Category 1, No. 6) of the York County Zoning Ordinance, to establish a tourist home on a portion of two parcels containing a total of 0.42 acre located at 121 Lafayette Road and further identified as Assessor's Parcel Nos. 19A-1F-11 and 19A-1F-12. The double-frontage properties are located between Lafayette Road (Route 650) and Moore House Road (Route 238), approximately 420 feet west of their intersection with Cornwallis Road (Route 663). The properties are zoned R20 (Medium Density Single-family Residential) and are designated Medium Density Residential in the *Comprehensive Plan*.

Attachments:

- Staff Report
- Zoning Map
- Applicants' narrative statement
- Floor plans
- Site sketch plan
- Applicants' Internet listing
- Proposed Resolution No. PC10-9

COUNTY OF YORK

MEMORANDUM

DATE: April 28, 2010 (PC Mtg. 5/12/10)
TO: York County Planning Commission
FROM: Amy M. Parker, Senior Planner
SUBJECT: Application No. UP-777-10, Robert K. and Sheri D. Mann

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 approve a tourist home on a portion of two parcels containing a total of 0.42 acre located at 121 Lafayette Road and further identified as Assessor's Parcel Nos. 19A-1F-11 and 19A-1F-12. The double-frontage properties are located between Lafayette Road (Route 650) and Moore House Road (Route 238), approximately 420 feet west of their intersection with Cornwallis Road (Route 663).

DESCRIPTION

- Property Owners: Robert K. and Sheri D. Mann
- Location: 121 Lafayette Road (Route 650)
- Area: 0.42 acre (combined area of two parcels)
- Frontage: Approximately 100 feet on Lafayette Road (Route 650) and 100 feet on Moore House Road (Route 238)
- Utilities: Public water and sewer
- Topography: Flat
- 2025 Land Use Map Designation: Medium Density Residential
- Zoning Classification: R20 – Medium Density Single-family Residential
- Existing Development: Single-family detached home with a detached accessory structure (recently used as a tourist home).
- Surrounding Development:
 - North: Single-family detached dwelling across Moore House Road
 - East: Single-family detached dwelling

South: Single-family detached dwelling, vacant land across Lafayette Road
West: Single-family detached dwelling

- Proposed Development: One-bedroom tourist home in existing detached accessory structure

BACKGROUND

According to Zoning and Code Enforcement records, the applicants (who have owned the property since January 1999) received zoning approval to establish a home occupation office use on the property in July 1999. According to the applicants, the home office was located in the main house for several years before being relocated to the accessory structure. The home office was again relocated to the main house in May 2009.

The applicants requested a Special Use Permit (SUP) to authorize a bed and breakfast operation on the subject property in 2001. The requested use included expansion of the accessory structure from 456 to 1,050 square feet of floor area and the establishment of two guest suites in the structure. The Planning Commission recommended approval of this request but, ultimately, it was denied by the Board of Supervisors on November 20, 2001. Board meeting minutes indicate reasons for denial included concerns with the intensity of the use and its potential negative impact on the neighborhood.

A building permit was issued by the Building Regulation Division for a ground-floor ½-bathroom addition, an outdoor shower and an interior floor drain in 2006. Subsequently, but without benefit of County approvals, the ½-bath was converted to a full bathroom by adding an interior shower in the location of the interior floor drain, thus causing the structure to meet the definition of an “accessory apartment” but without having been authorized as such per Zoning Ordinance requirements. The applicants indicate they were unaware of the need for a permit to create the interior shower nor that it would cause the space to be considered an “accessory apartment.”

According to the applicant’s narrative description (attached), the accessory structure was converted to tourist home use in Spring 2009 (without benefit of an approved SUP) and has been advertised on a vacation rentals website (copy attached). In November 2009, in the course of consulting with the office of the Commissioner of the Revenue concerning transient occupancy tax obligations and Business License requirements, the applicants were informed by Zoning and Code Enforcement staff that the tourist home use must first be authorized by an approved SUP. . The applicants subsequently submitted the current SUP request. They have indicated that they have not accepted reservations for the tourist home since learning of these requirements in November 2009.

CONSIDERATIONS/CONCLUSIONS

1. Section 24.1-104 of the Zoning Ordinance defines Tourist Home as “*An establishment in a private dwelling that supplies temporary accommodations to overnight guests for a fee (See also "Bed and Breakfast inn").*” Bed and Breakfast Inn is defined as “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.”

2. The applicant has requested approval of a one-bedroom tourist home operation in the above-referenced 456-square foot detached accessory structure which, by virtue of its design and interior features, qualifies as a “dwelling” as defined in the Zoning Ordinance (albeit not yet authorized to be used as such). According to the applicant’s floor plan sketch (attached), the two-story dwelling contains a bedroom and sitting room on the second floor with a kitchen, dining room, and full bath on the ground floor. No additions or exterior changes are proposed to be made to the building.
3. According to the applicants’ narrative, only two persons would stay in the tourist home at any one time, and there would be a two-night minimum stay requirement. The applicants would manage the operation as residents of the principal dwelling on the property. Rentals would only occur when the applicants were in residence.
4. Currently, there are two bed and breakfast establishments operating in the greater Yorktown village area – 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 Yorktown Village Activity district procedures. Additionally, a pending YVA application for a bed and breakfast establishment located at the corner of Main and Smith Streets is under consideration by the Board of Supervisors.

This application differs from those mentioned in that it is located in the R20 district rather than the YVA district. Accordingly, the proposed use is subject to the standards of Section 24.1-409, *Standards for boardinghouse, tourist home and bed and breakfast establishments*. These standards require that such establishments “*shall have the appearance of a single-family detached residence and normal residential accessory structures.*” A single freestanding identification sign (not exceeding four square feet in size) is permitted for the use; however, the applicant has indicated that no signage other than a small sign identifying the required parking area would be installed on the property.

5. Vehicular access to the property is via Moore House Road. Off-street parking spaces (one space required in this case) for tourist homes are not permitted in any required front yard area (as a “through lot”, the “front” yard of this property is on the Moore House Road frontage). A single parking space, located between the accessory structure and Moore House Road, has been established for the tourist home. The parking area is well-screened from the Moore House Road right-of-way by a row of high shrubs and is not visible from Lafayette Road. The parking space is identified by an existing sign that meets Zoning Ordinance standards (maximum size of three square feet). A proposed approval condition addresses the parking requirement.

6. The applicant would 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.

RECOMMENDATION

In allowing tourist homes in the R20 district, the Zoning Ordinance anticipates that such a use may be appropriate in residential neighborhoods, subject to the evaluation and issuance of a Special Use Permit. Proposed approval conditions would restrict use of the subject establishment to one bedroom with a two-person occupancy limit. Given such limits, the establishment would not, in staff's opinion, create activity or impacts that would be incompatible with the surrounding residential area. The tourist home would be accessed off of Moore House Road in a location that is buffered from view with existing landscaping and would not be conspicuous from Lafayette Road. There would be no exterior architectural changes to the structure and Zoning Ordinance regulations limit signage to a single freestanding identification sign (not exceeding four square feet in size) and a small sign identifying the parking area. 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. PC10-9.

Attachments:

- Zoning Map
- Applicants' narrative statement
- Floor plans
- Site sketch plan
- Applicants' Internet listing
- Proposed Resolution No. PC10-9

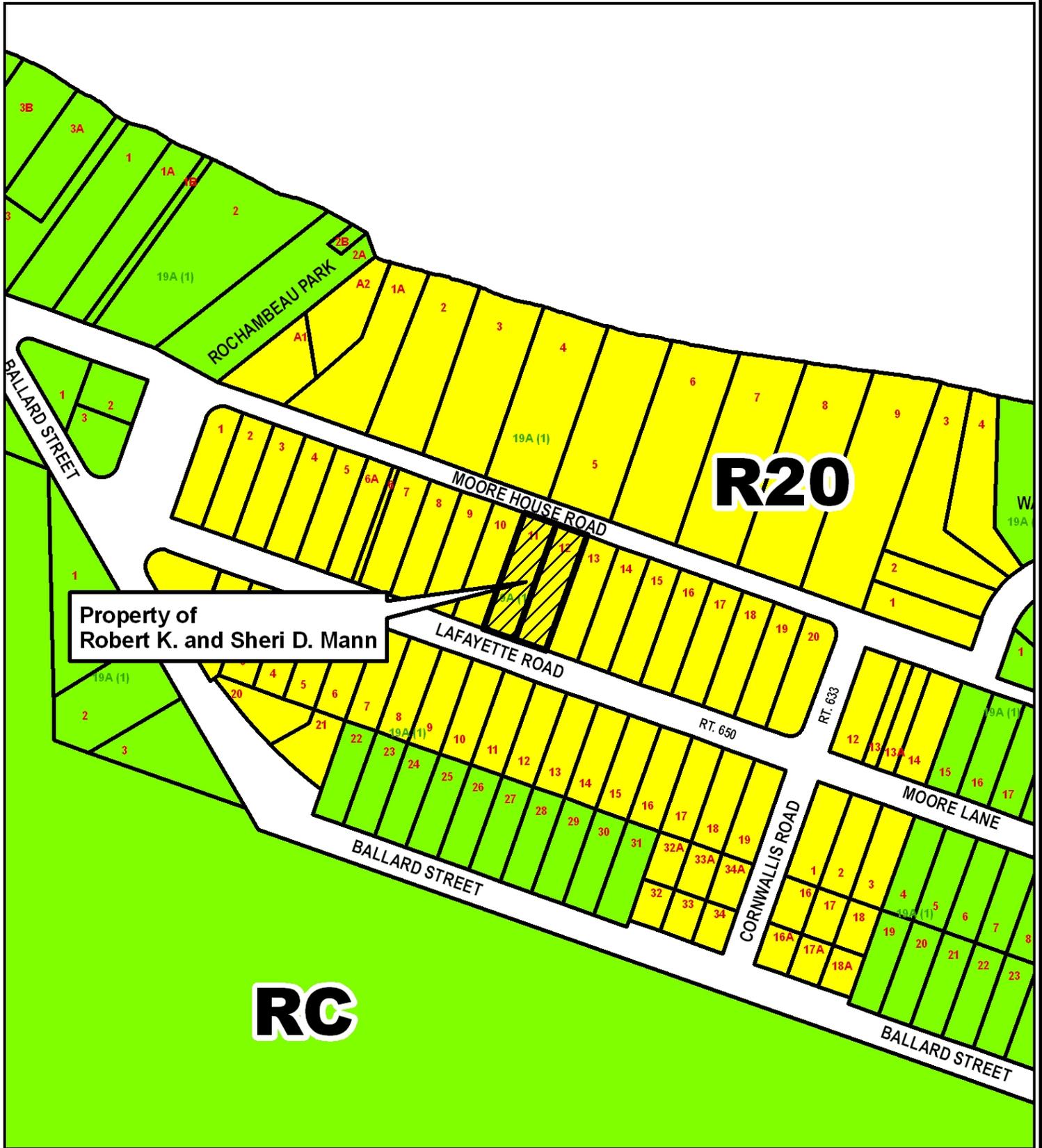
APPLICANTS: Robert K. And Sheri D. Mann

Special Use Permit for Tourist Home

121 LAFAYETTE ROAD

ZONING MAP

APPLICATION NUMBER: UP-777-10



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.

APR 2 2010

Planning Division

Attachment #2

Additional Information

Special Use Permit, 121 Lafayette Road, Yorktown, VA 23690

The website VRBO.com was established in 1995 to provide an on-line space for homeowners, second homeowners, and guest cottage owners to advertise vacation properties for rent. It is the most widely known and used site of its type currently listing over 130,000 rentals in 130 countries worldwide. Properties listed on the site are referred to as "VRBO's".

A VRBO is not a "Bed and Breakfast". Guests generally do not stay in a building occupied by the owners, and they are not served breakfast. To our knowledge, there is one VRBO listed on VRBO.com in Yorktown... "The Moss Cottage" located on a lane just off Nelson Street in Yorktown Village.

We have a guest cottage on our property. When we purchased the property in 1999, the cottage was equipped with heat and air, water supply and water heater. It came with a sink, stove, and refrigerator which we upgraded last spring. At that same time, York County issued a building permit to add a bathroom.

Last Spring we went on-line and researched "VRBO" requirements on the York County website... finding none we listed the cottage on VRBO.com and over the course of the 2009 tourist season hosted a total of seven guests. Without exception, these guests were affluent, history-oriented travelers coming specifically to see the historic sites, and shop and dine in York County. All were adult couples, 40-60 years of age. They came from as far away as Vancouver, Washington and typically stayed for a three-day weekend or for a week.

Please take a look at our listing on www.vrbo.com/251396 (It's located under Yorktown, Virginia "Charming Battlefield Cottage".) We are not accepting any reservations at this time pending the Special Use Permit, but so far, we have turned down six reservation requests for 2010.

You will see our "criteria" for staying at the cottage on the website, but I would like to highlight a few of them here:

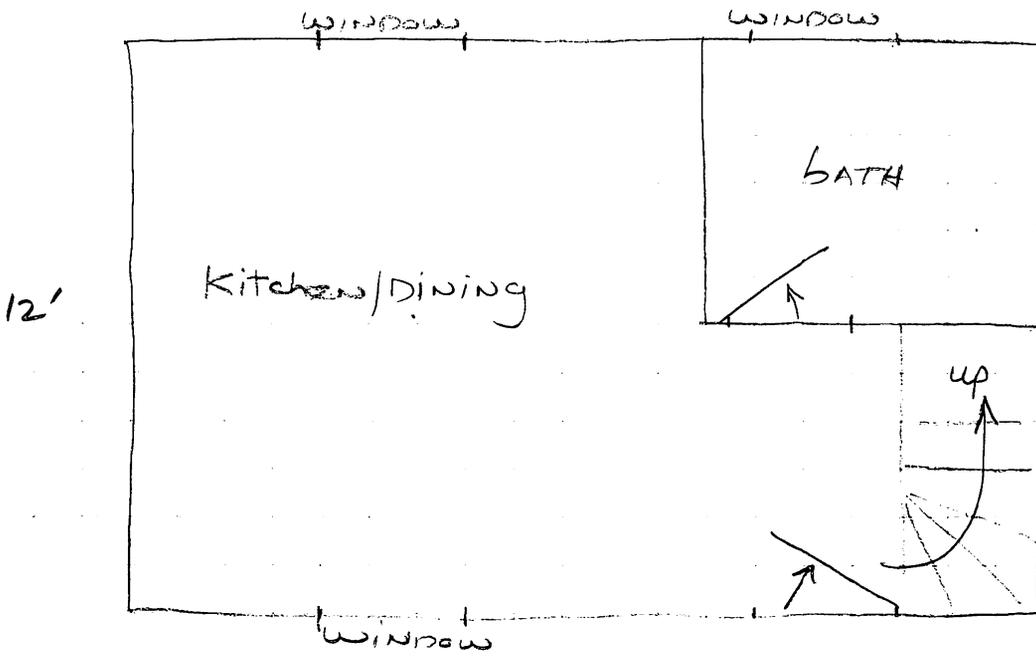
1. The maximum number of guests is two (we do not make exceptions.)
 2. We do not allow children to stay in the cottage.
 3. We do not allow pets.
 4. We do not allow smoking.
 5. We have a concealed (behind large bushes) off-street parking space next to the cottage for one vehicle, designed so that the vehicle cannot be seen from the street or from neighboring properties. Our driveway is 100 feet long. We use it to park one vehicle. Guest cottage traffic or parking would have minimal impact.
 6. We travel quite a bit on business. The cottage would only be rented when we are present.
 7. NO SIGNAGE IS REQUIRED.
 8. NO MODIFICATIONS TO THE BUILDING ARE REQUIRED.
- IT WILL NOT be RENTED day by day ^{for} single days. (there is a "2 night MINIMUM STAY")*

We have been National Park Service volunteer docents at the Moore House, on the Jamestown-Yorktown Foundation Speakers Bureau, and members of the Celebrate Yorktown Committee. We have also worked with the York County Historical Museum and are members of the Watermen's Museum and the Yorktown Chapter of the APVA. We have extensive knowledge of Yorktown history and love to share this with our guests.

Issuing us a Special Use Permit is in the best interest of York County. It would allow affluent history-oriented travelers from across the country the opportunity to take in the historic sites, shop, dine and spend money in York County. It would also generate tax revenue for the county.

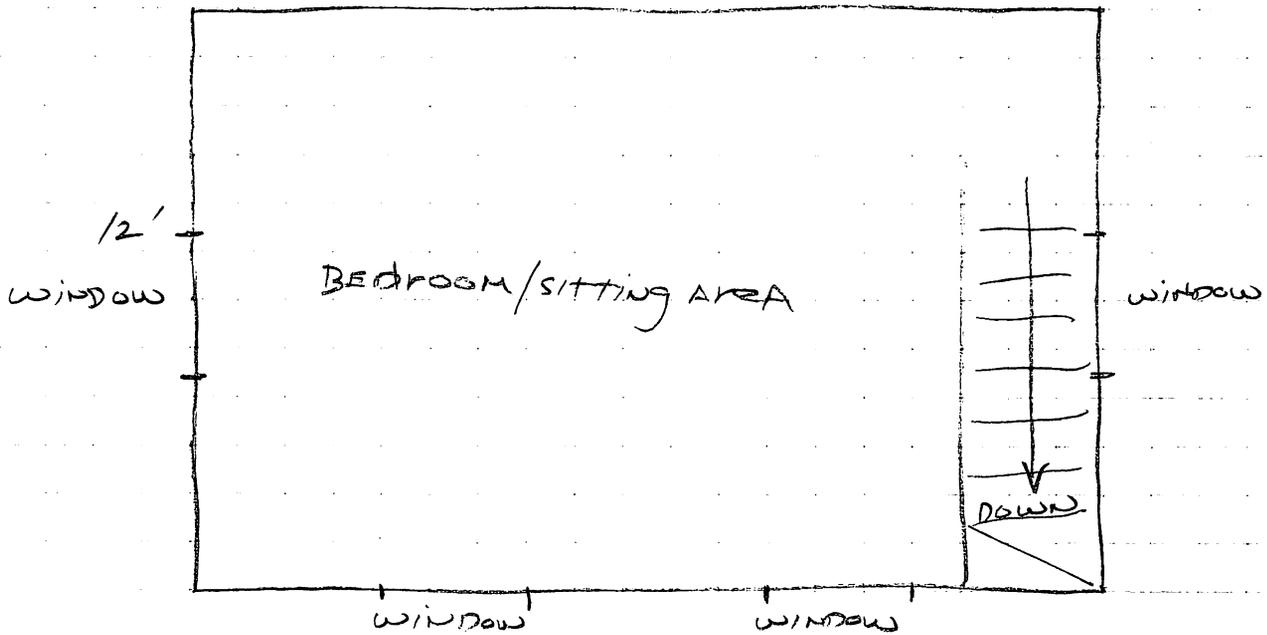
DOWNSTAIRS

19'



UPSTAIRS

19'



COTTAGE AT
121 LAFAYETTE ROAD

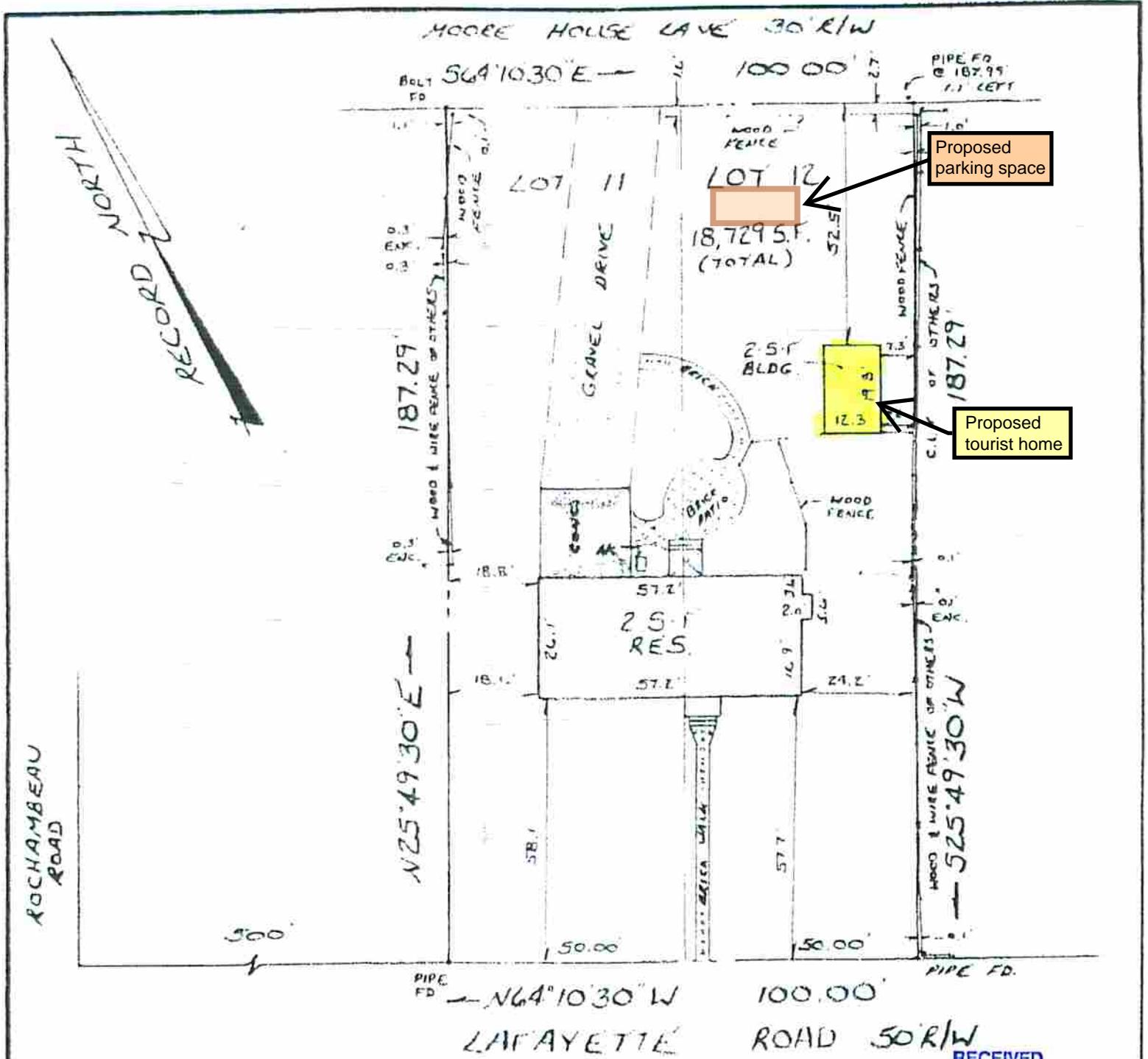
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York County

APR 7 2010

Planning Division

ATTACHMENT #1

SPECIAL Use Permit, 121 Lafayette Road



Proposed parking space

Proposed tourist home

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APR 2 2010

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PLAT REF.: P.B. 3 ,PG. 213

FLOOD ZONE: X

COMMUNITY NO.: 510182

PANEL NO.: 14

SUFFIX: B

DATE OF FIRM INDEX: 12-16-88

B.S.L. Denotes minimum building setback line. D&U EASEMENT Denotes easement for drainage and utilities.

#121 LAFAYETTE ROAD

PLAT OF THE PROPERTY OF ROBERT K. MANN SHERI D. MANN

Yorktown Virginia Cottage Live Theatres Museums

ATTACHMENT #3

Special Use Permit
121 Lafayette Road



Home > USA > Virginia > Hampton Roads > Yorktown > VRBO Listing #251396

Charming Battlefield Cottage - Tour Run Bike Romantic Getaway

Yorktown, Virginia Vacation Rental by Owner Listing 251396



Your cottage awaits...

Location: Yorktown, Hampton Roads, Virginia, USA
(15 Minutes from Williamsburg/Newport News Airport)

Accommodations: Detached Two-Story Cottage, 1 Bedroom, 1 Bath (Sleeps 2)

Keywords: Detached Two-Story Cottage

Call Owner

Phone 1: **(757) 872-7337**
(Virginia, USA)

Please say "I saw your listing #251396 on VRBO". Before contacting us, please check our calendar for your desired dates.

"Huzzah!" (A "colonial cheer") and Welcome! Your quaint and charming Yorktown cottage awaits you. Formerly the studio of renowned folk artist Nancy Thomas (visit her galleries in Yorktown & Williamsburg) this newly renovated (Jun 09) cottage is located in a quiet and scenic neighborhood on the Yorktown Battlefield on a bluff just above the York River. Your home away from home is just less than a mile across the battlefield to Historic Yorktown (a nice walk around the earthworks or a very short drive) and one-half mile from the Yorktown Coast Guard Training Station. The neighborhood of about 40 homes was laid out in the 1920's as an area of "summer retreats" for folks from Richmond to escape the summer heat to swim, fish and crab in the York River. It is the only neighborhood completely within the confines of the Colonial National Historic Park, and sits directly on the Revolutionary War Battlefield (Oct 1781) and between the Union and Confederate lines on the Civil War Battlefield (Battle of Yorktown, May, 1862). Your

hosts Rob and Sheri can provide as much information as you desire about local history, attractions, and the local area.

Your cottage includes everything you need to make your stay comfortable and relaxing. Most folks come to explore the Historic Triangle (Jamestown-Williamsburg-Yorktown). But there is also Busch Gardens, Water Country USA, and a host of other activities nearby. The Colonial National Historic Park and adjacent Newport News Park have over 25 miles of tour roads and trails perfect for runners/walkers/hikers/bicycles... (your bicycles are ready!) In fact, Yorktown is the East Coast Terminus for a transcontinental bike route and the scene of numerous Peninsula Track Club and Colonial Road Runners Club races each year. Walking the mile long Riverwalk (along the York River) from the National Park Service HQ to the Yorktown Victory Center is a popular activity as well as overland hiking to the many little known Civil War sites within the park (we'll tell you where they are!)

Your all-new full kitchen has everything you'll need to prepare any meals you wish. We'll start you out with coffee and teas, bottled waters and toiletries. If you'd like to dine out great seafood is available evenings at the River Room (Duke of York Hotel) or Nick's Riverwalk Restaurant both right on Water Street with York River views. The Schooner Alliance (at our Water Street docks) is available for mid-day or romantic evening sailing. Don't miss a breakfast or a lunch at the Island Cafe also at the Duke of York Hotel.

Your cottage is a beautiful drive up the Colonial Parkway (3 lanes, no stop signs or stop lights) directly into Colonial Williamsburg and on from there to Historic Jamestowne. Perfectly located, your personal retreat is also well suited for painting, writing, or those doing historical research at Colonial Williamsburg and nearby sites.

Very nearby is the Yorktown Coast Guard Training Station. Graduations occur almost monthly. The cottage is a perfect place for parents and spouses to stay and only one-half mile away. Also, a perfect place to stay to attend graduations at the College of William and Mary.

There are five beautiful golf courses within 15 miles...your clubs are provided. The Yorktown fishing pier requires no license, we have all your fishing gear waiting.

Holidays and special events are a great reason to visit Yorktown. A perfect place to stay if attending a wedding at the historic "Freight Shed" on Water Street. The 4th of July in Yorktown features all day activities, an evening concert, and a spectacular fireworks display over the York River! "Yorktown Day" (19 Oct) is the anniversary of the British surrender at Yorktown and always a day long celebration with ceremonies (many visitors from France). From Thanksgiving through Christmas Yorktown and Colonial Williamsburg have continual activities throughout the holiday season that are a joy to all. Yorktown is an all-year-long fun place to be...your cottage awaits you!

Questions? Please call and ask! All inquiries will receive a prompt and cheerful response.

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Vacation Rental Features

APR 2 2010

Planning Division

<i>Amenities</i>	Air Conditioning Linens Provided	Washer Off Street Parking	Dryer
<i>Beds</i>	Queen Bed		
<i>Entertainment</i>	Cable/Satellite TV CD Player	DVD Music Library	Video Library
<i>Kitchen</i>	Full Kitchen Microwave	Cooking Utensils Provided	Refrigerator
<i>Outdoor Features</i>	Gas/Electric BBQ Grill	Charcoal BBQ Grill	Deck/Patio
<i>Communications</i>	Telephone		
<i>Other Amenities</i>	Local dial-up internet, all new appliances, linens, towels and blanket, new pillow top mattress, high thread count sheets, teapot, coffee maker, blender, iron/board, toaster, outdoor shower (in addition to full bath in cottage), 2 bicycles, men's and ladies golf clubs, 2 sets of fishing gear, beach chairs, towels, boogie & skimmer boards, games/cards, sightseeing info, book/DVD/CD library, info on grocery stores, gas stations, hair salons, local church info, local hospital info, hairdryer, umbrellas		
<i>Suitability</i>	No Pets Allowed	Not Suitable for Children	Smoking Not Allowed
<i>Activities (on site and nearby)</i>	Golf Shopping Kayaking Swimming Hiking Health/Beauty Spa Live Theatre	Theme Park (Amusement Park) Sightseeing Sailing Biking Fishing Antiquing Museums	Zoo/Wildlife Park Restaurants Boating Wildlife Viewing Fitness Center/Gym Cinemas/Movie Theaters Miniature golf
<i>Other Activities</i>	Colonial Williamsburg, Historic Yorktown, Jamestown, Colonial National Historical Park, Yorktown Victory Center, Jamestown Settlement, Busch Gardens, Water Country USA, Yorktown Beach, running, walking/hiking, birding, Yorktown Coast Guard Training Center, College of William and Mary, Yorktown Fifes and Drums, Yorktown summer concert series, Yorktown Day (19 Oct), Yorktown Farmers Market, holiday events, VA Symphony Concert in Yorktown, Riverwalk Landing		

Rate Details (In US Dollars)

Personal Currency Assistant™

\$125/night (3 night minimum) .. \$700/week (7 nights) .. \$2700/month (30 days)

*All taxes are included

*No cleaning fees

50% deposit required upon booking (personal or travelers check)

Full payment in cash, personal check or travelers check upon check-in

Refunds subject to re-booking

Note: Until confirmed, rates are subject to change without notice.

Dates available: Year Round

Before contacting us, please check our calendar for your desired dates.

Phone 1: (757) 872-7337 (Virginia, USA)

Note: Each property is individually owned or managed.

Owner's Profile

Owner Description

Your hosts Rob and Sheri have lived on the Battlefield at Yorktown for 10 years; Business owners, amateur historians, runners and painters. We've been docents for the National Park Service, volunteers with the Jamestown-Yorktown Foundation, and members of the Celebrate

Yorktown Committee. We're available at your request to provide as much information as you might desire including insider recommendations on touring, shopping, restaurants, etc.

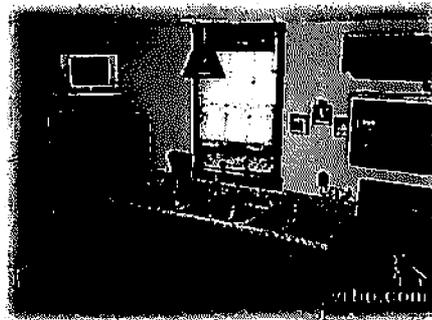
Property Photos



Your cottage awaits... - Yorktown, Virginia Cottage near Live Theatres and Museums



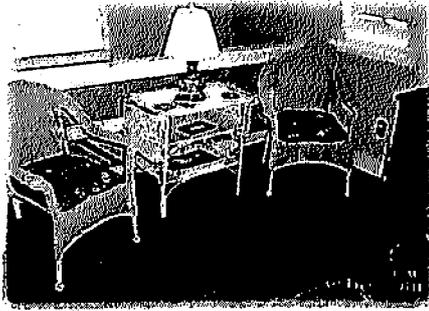
Relax after a day of touring... - Yorktown, Virginia Cottage near Live Theatres and Museums



Brand new kitchen with everything you need... - Yorktown, Virginia Cottage near Live Theatres and Museums



Sleep comfortably in queen bed with brand new pillow-top mattress...



Nice place to read in the bedroom...

Traveler Reviews (4)

5/5

Guest: C & J Harris (-)
Date of Stay: 11/03/09 Review Submitted: 11/03/09

We really enjoyed our stay in this cozy little cottage and can't wait to go back! It looks and feels just like the pictures posted...we were not disappointed. Thank you Sheri and Rob for creating a wonderful space for our vacation. We felt right at home and enjoyed every minute of our stay.

Recommended for:
Did you find this review helpful? Yes | No

Helpful votes: 0/0

5/5

Guest: Marcia & Brent (Lincoln, NE)
Date of Stay: 10/22/09 Review Submitted: 10/22/09

This is a great little surprise getaway. If you love history, quaint surroundings and a great host and hostess...this cottage is perfect. The location provides easy access to any place you would like to go. We call it our beaches and battlefields vacation. Quiet, cozy and comfortable...we have stayed in many VRBO vacation rentals and this is one of the very best. Don't stay here if you want to be part of the maddening crowd. You will be disappointed. Enjoy!

Recommended for:
Did you find this review helpful? Yes | No

Helpful votes: 0/0

5/5

Guest: Charlie & Sandy Brummet (Sugar Grove, IL)
Date of Stay: 09/13/09 Review Submitted: 09/13/09

Rob & Sheri, We enjoyed a wonderful week at your cottage. Your sightseeing and dining recommendations were helpful and much appreciated. We took full advantage of your video library during our downtime. All the amenities you provided exceeded our expectations. Thanks for your personable hospitality and care. We highly recommend your cottage. Thanks again for everything. Good luck in all your endeavors. Sincerely, Charlie and Sandy Brummet

Recommended for:
Did you find this review helpful? Yes | No

Helpful votes: 0/0

5/5

Guest: heather69 (drexel hill, pa)
Date of Stay: 08/29/09 Review Submitted: 08/29/09

what a wonderful place! rob and sheri, thank you so much for your hospitality! we had a great time biking all around yorktown and williamsburg, and your adorable cabin was not only a perfect location, but was charming and cozy and absolutely perfect for us...thank you so much! you thought of everything, the kitchenette was ideal, bed was super comfy, and decor beautiful-- and you even thought right down to water in the fridge, and a little taste of chocolate~ we hope to be back! and we already have highly highly recommended your place to our family and friends~ peace! heather and sandy

Recommended for:
Did you find this review helpful? Yes | No

Helpful votes: 0/0

First (4) of (4). Write a Review

Dates available: Year Round
Before contacting us, please check our calendar for your desired dates.

Phone 1: (757) 872-7337 (Virginia, USA)

Note: Each property is individually owned or managed.

Vacation Rentals by Owner Listing #251396

There have been 3432 visitors to this page since the counter was last reset in 2009.
This listing was first published here in 2009.

Date last modified - March 15, 2010

VRBO® is Vacation Rentals by Owner® - The largest and most popular vacation rental site. Specializing in BY OWNER vacation rentals, homes, condos, cabins, villas and apartments. ALSO privately owned properties offered thru rental agencies and management companies. To report any problems with this site, please use our help form | URL: <http://www.vrbo.com/251396> | ©Copyright 1995-2010 by VRBO.com, Inc., All rights reserved. Use of this website constitutes acceptance of the VRBO Terms and Conditions and Privacy Policy. "VRBO", "Vacation Rentals by Owner", & "Carpe Vacationum- Seize the Vacation" Reg. U.S. Pat. & TM Off

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:

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

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 DETACHED ACCESSORY STRUCTURE AT 121 LAFAYETTE ROAD

WHEREAS, Robert K. and Sheri D. Mann have submitted Application No. UP-777-10, 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 detached accessory structure on the eastern side of property located at 121 Lafayette Road and further identified as Assessor’s Parcel Nos. 19A-1F-11 (GPIN Q11d-2757-1072) and 19A-1F-12 (GPIN Q11d-2804-1055); 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. UP-777-10 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 detached accessory structure on the eastern side of property located at 121 Lafayette Road and further identified as Assessor's Parcel Nos. 19A-1F-11 (GPIN Q11d-2757-1072) and 19A-1F-12 (GPIN Q11d-2804-1055), subject to the following conditions:

1. This use permit shall authorize a tourist home in an existing detached accessory structure on the eastern side of property located at 121 Lafayette Road and further identified as Assessor's Parcel Nos. 19A-1F-11 (GPIN Q11d-2757-1072) and 19A-1F-12 (GPIN Q11d-2804-1055). The establishment shall be operated in accordance with the narrative description provided by the applicants, received by the York County Planning Division April 2, 2010, a copy of which shall remain on file in the office of the Planning Division.
2. The site layout associated with the tourist home (building location, parking location) shall be and shall remain as they exist and as depicted on the sketch plan submitted in conjunction with this application and received April 2, 2010 by the York County Planning Division. The tourist home interior configuration shall be and shall remain as depicted on the floor plans received by the York County Planning Division on April 7, 2010, copies of which shall remain on file in the offices of the Planning Division and Environmental and Development Services Development and Compliance Division.
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 applicants 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 accessory structure as a tourist home.
4. The operator of the tourist home shall reside on the subject property.
5. The maximum number of guest suites shall be one (1). The maximum number of guests occupying the tourist home at any one time shall be two (2).
6. Retail sales shall not be permitted on the premises.
7. The off-street parking area for guest vehicles shall be maintained on the property in the general location and configuration as described in the narrative referenced in Condition No. 2 above. The parking space shall be buffered from view from Lafayette Road, Moore House Road, 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. The applicant shall be responsible for obtaining 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 prior to use of the accessory structure as a tourist home.

10. 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 tourist home 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.