

Index File

UP-787-10

Donald J. Reichle, Jr.

113 August Drive

Assessor's Parcel No. 25M-8-4-17

Application No. UP-787-10, Donald J. Reichle, Jr.: Request for a Special Use Permit, pursuant to Section 24.1-407(b)(2) of the York County Zoning Ordinance, to authorize an accessory apartment in a detached structure in conjunction with an existing single-family home on a 0.49-acre parcel located at 113 August Drive (Route 1292) and further identified as Assessor's Parcel No. 25M-8-4-17. The property is zoned RR (Rural Residential) and is designated Low Density Residential in the Comprehensive Plan.

Attachments:

- Staff report
- Zoning map
- Applicant's parcel sketch
- Floor plan sketch
- Building elevations
- Proposed Resolution No. PC10-23

COUNTY OF YORK

MEMORANDUM

DATE: November 19, 2010 (PC Mtg. 12/8/09)
TO: York County Planning Commission
FROM: Amy M. Parker, Senior Planner
SUBJECT: Application No. UP-787-10, Donald J. Reichle, Jr.

ISSUE

This application seeks a Special Use Permit, pursuant to Section 24.1-407(b)(2) of the York County Zoning Ordinance, to authorize an accessory apartment in a detached structure in conjunction with an existing single-family detached home on a 0.49-acre parcel of land located at 113 August Drive.

DESCRIPTION

- Property Owner: Donald J. Reichle, Jr.
- Location: 113 August Drive
- Area: Approximately 0.49 acre
- Frontage: Approximately 158 feet on August Drive (Route 1292)
- Utilities: Public water and sewer
- Topography: Flat
- 2025 Land Use Map Designation: Low Density Residential
- Zoning Classification: RR – Rural Residential
FMA –Floodplain Management Area overlay
- Existing Development: Single-family detached home
- Surrounding Development:
 - North: Single-family detached homes on August Drive
 - East: Single-family detached home on August Drive
 - South: Vacant land
 - West: Single-family detached home on August Drive
- Proposed Development: Accessory apartment on the second floor of a proposed detached garage associated with an existing single-family detached home

CONSIDERATIONS/CONCLUSIONS

1. The applicant proposes to construct an accessory apartment on the second floor of a proposed detached two-car garage to be located to the rear of the existing house. The entire property lies within Chesapeake Bay Resource Management Area, and a portion of the front of the parcel lies within the Resource Protection Area (RPA). The footprint of the principal structure (constructed in 1997) and the proposed garage location are outside the RPA. The property is also located within the Floodplain Management Area overlay district (FMA). According to the 2009 Federal Emergency Management Area (FEMA) Flood Insurance Rate Map for York County, the property is located within the 100-year floodplain area. Compliance with applicable Chesapeake Bay Protection Act, FEMA, and County floodplain regulations will be required for construction of the proposed garage/apartment structure. A proposed approval condition addresses this issue.
2. Detached accessory apartments on parcels less than one acre in size in the RR zoning district require a Special Use Permit and cannot exceed 800 square feet or 35% of the principal structure floor area, whichever is less. The applicant's floor plans indicate that the second-floor apartment will contain a full bathroom, closets, and an open efficiency style room (with a full kitchen). The proposed apartment (which the applicant indicates will be used for family members or guests) would have approximately 250 square feet of habitable floor space – or 20% of the floor area of the 1,230-square foot home. The Virginia Uniform Statewide Building Code's definition of habitable space excludes bathrooms, closets, utility rooms, stairs, etc.
3. Performance standards for accessory apartments are set forth in Section 24.1-407 of the Zoning Ordinance and have been included as conditions in the proposed resolution of approval. These provisions require occupancy only by family members or guests of the occupant of the principal dwelling and prohibit the apartment from being rented separate from the principal dwelling. They also limit the maximum number of accessory apartments to one per single-family detached dwelling and require adequate provisions for off-street parking. Staff estimates that the existing driveway, attached garage and proposed detached garage are more than adequate to accommodate parking for both the principal dwelling and the accessory apartment.
4. As with any application of this type, the County must evaluate the accessory apartment use within the context of the Zoning Ordinance and its standards. The County cannot be a party to the enforcement of any private covenants that may exist, and approval of a Special Use Permit will not relieve the applicant of any responsibilities for compliance with any such covenants.

RECOMMENDATION

Staff believes the subject property can accommodate the proposed accessory apartment with no adverse impacts on surrounding properties. Proposed approval conditions would insure compliance with all applicable zoning and environmental regulations. Therefore, based on the considerations and conclusions as noted, staff recommends that the

York County Planning Commission

November 19, 2010

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Commission forward this application to the Board of Supervisors with a recommendation of approval subject to the conditions contained in proposed Resolution No. PC10-23.

AMP

Attachments:

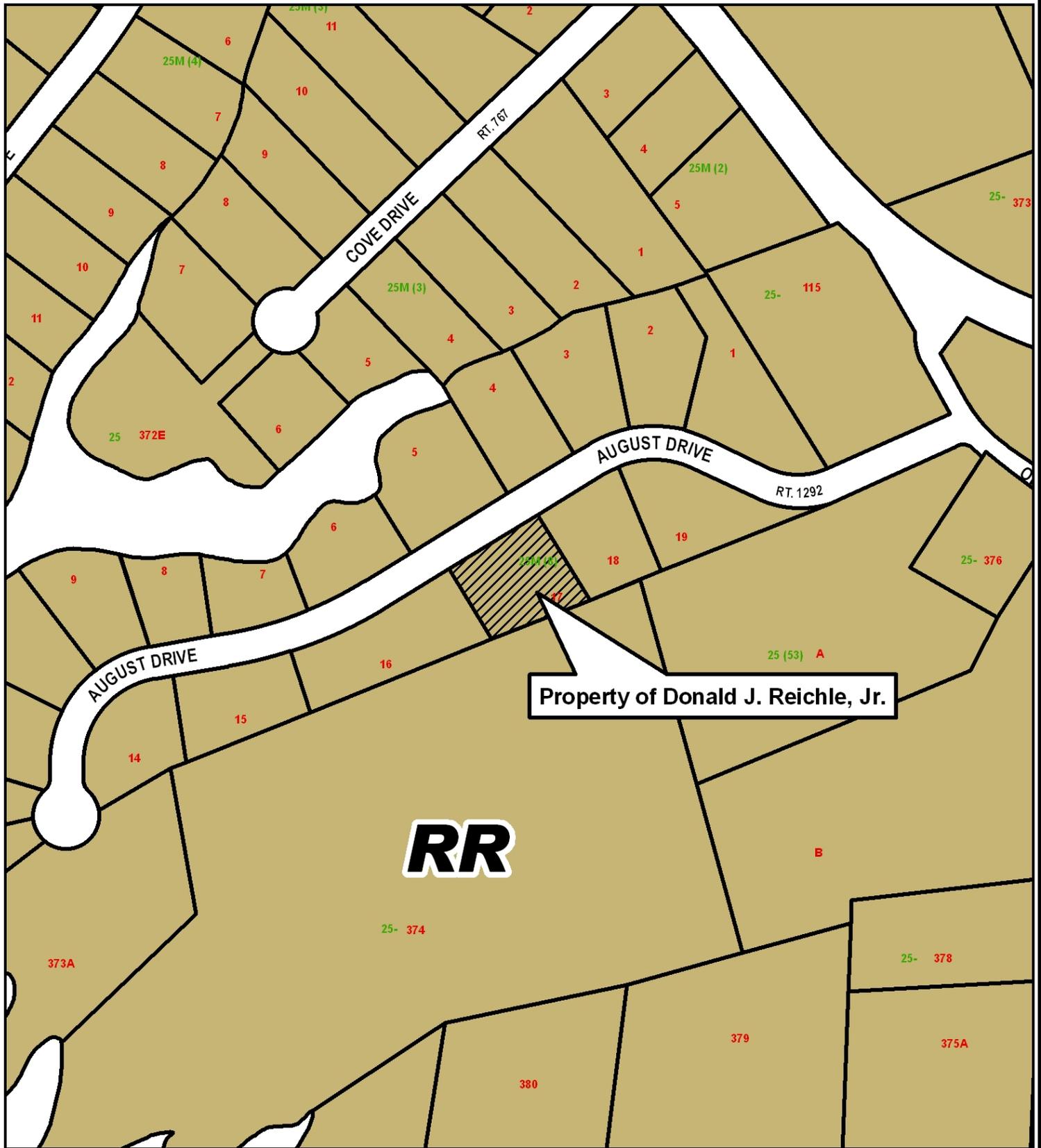
- Zoning map
- Applicant's property sketch plan
- Applicant's floor plan
- Building elevations
- Proposed Resolution No. PC10-23

APPLICANT: Donald J. Reichle, Jr.

Accessory apartment associated with a single-family residence
113 AUGUST DRIVE

ZONING MAP

APPLICATION NUMBER: UP-787-10



Property of Donald J. Reichle, Jr.

RR



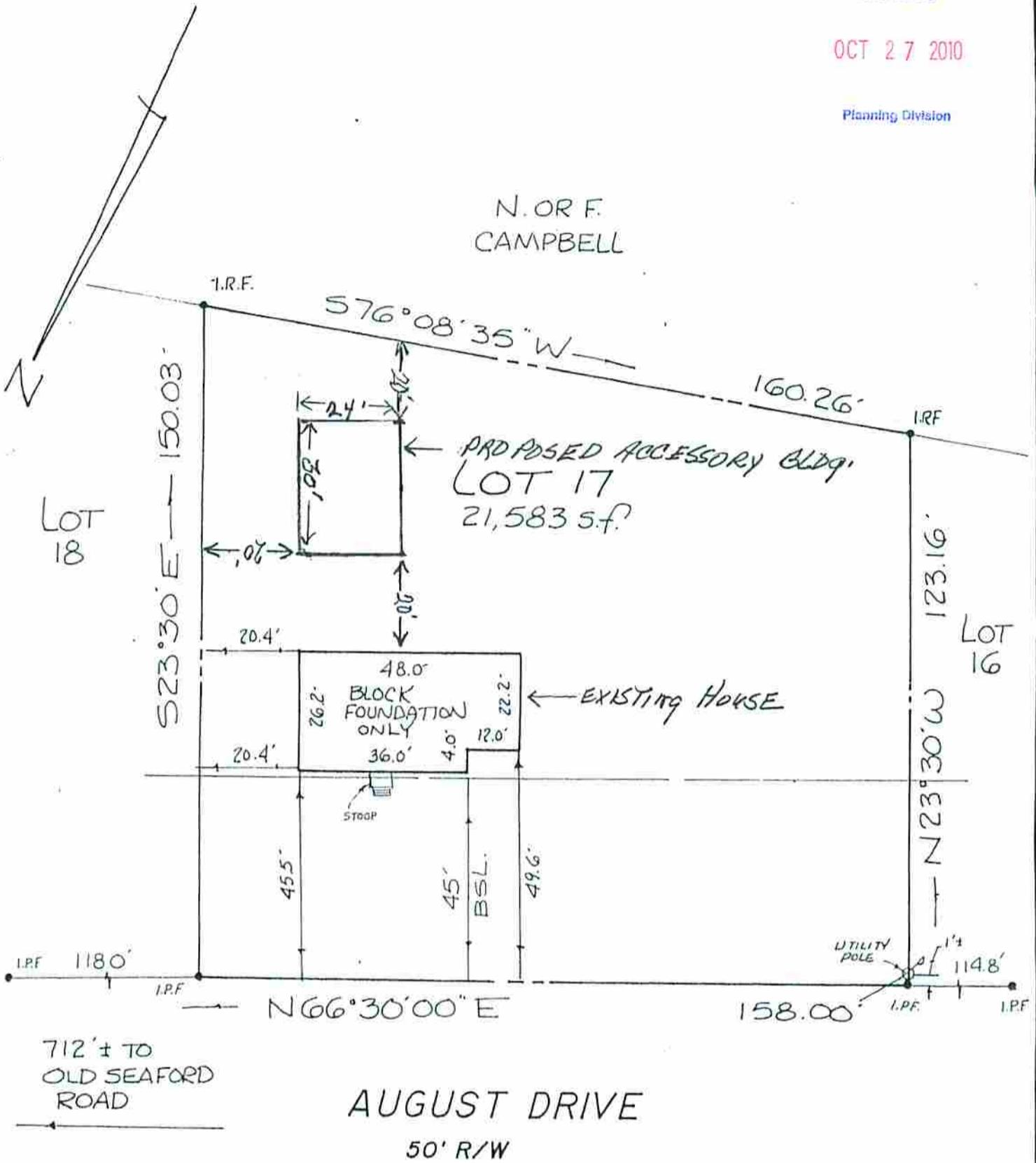
SOURCE: YORK COUNTY
GIS PARCEL DATA and
ZONING COVERAGE

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

OCT 27 2010

Planning Division

N. OR F.
CAMPBELL



THIS IS TO CERTIFY, THAT ON MAR. 19, 1997 I SURVEYED THE PROPERTY SHOWN ON THIS PLAT AND FOUND THE PROPERTY LINES TO BE CORRECT AS SHOWN HEREON. THERE ARE NO VISIBLE ENCROACHMENTS EITHER WAY ACROSS THE LINES EXCEPT AS SHOWN. THIS PROPERTY IS SUBJECT TO EASEMENTS, SERVITUDES AND COVENANTS OF RECORD.

David P. Campbell

DAVID P. CAMPBELL, C.L.S. 1498

ZONE : AE (ELEV. 8)
FLOOD INSURANCE RATE MAP : 510182 0019 B
DATE OF F.I.R.M. : 12/16/88
AUGUST DRIVE

FOUNDATION SURVEY

LOT 17
SEAFORD SHORES
SECTION FOUR

YORK COUNTY, VIRGINIA

CAMPBELL LAND SURVEYING, INC.
SURVEYORS PLANNERS
YORK COUNTY, VIRGINIA

SCALE : 1" = 30' DATE : MAR. 19, 1997

LEGEND

- IRF ○ IRON PIPE FOUND
- IRFO ○ IRON ROD SET
- CMFB ■ CONCRETE MONUMENT FOUND
- IRF ○ IRON ROD FOUND
- ==== PROPERTY LINE
- ==== EASEMENT LINE
- ==== BUILDING SETBACK

REFERENCES

P.B. 9, PG. 86

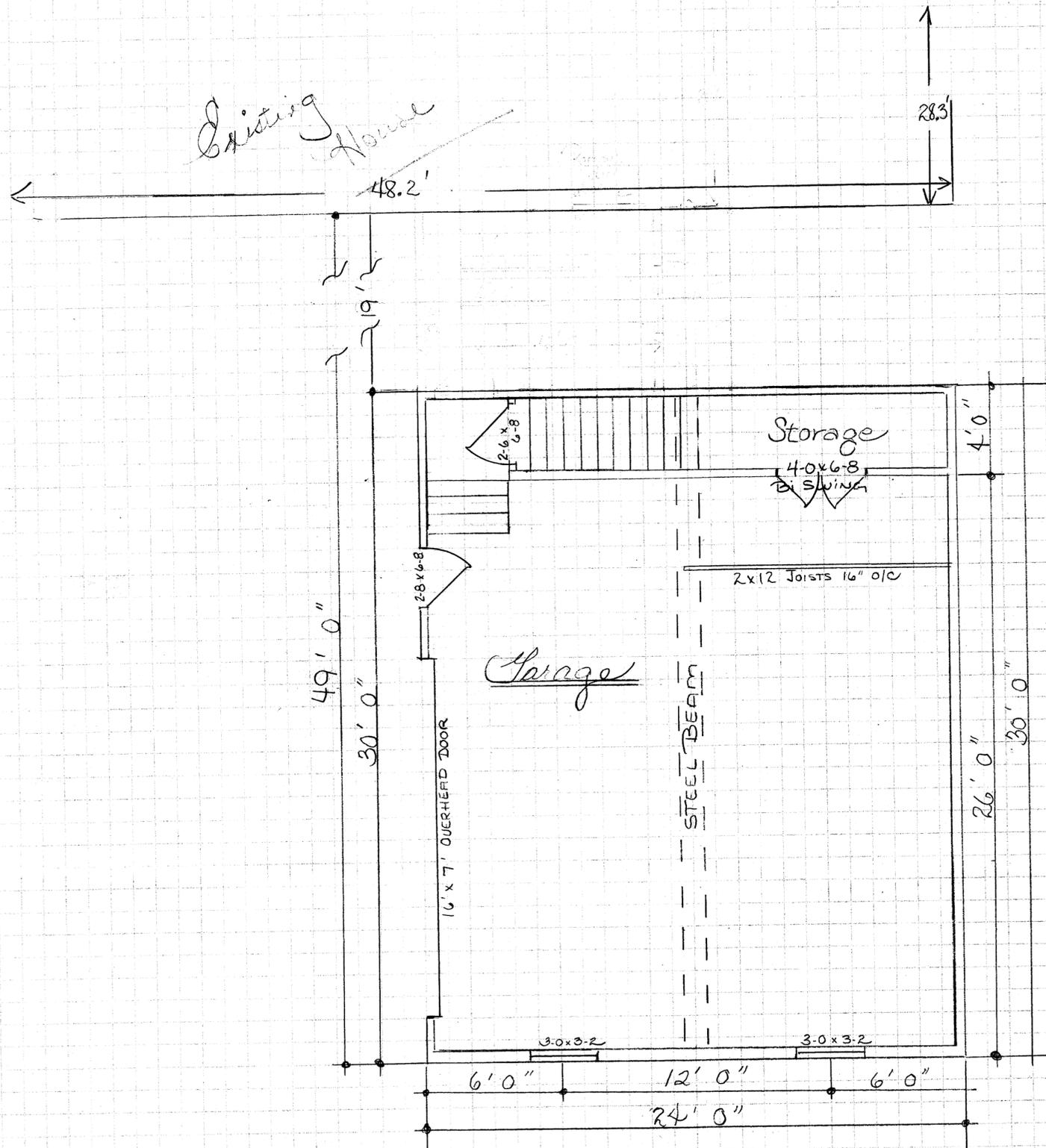
F.B. 145 PG. 81

3/19/97

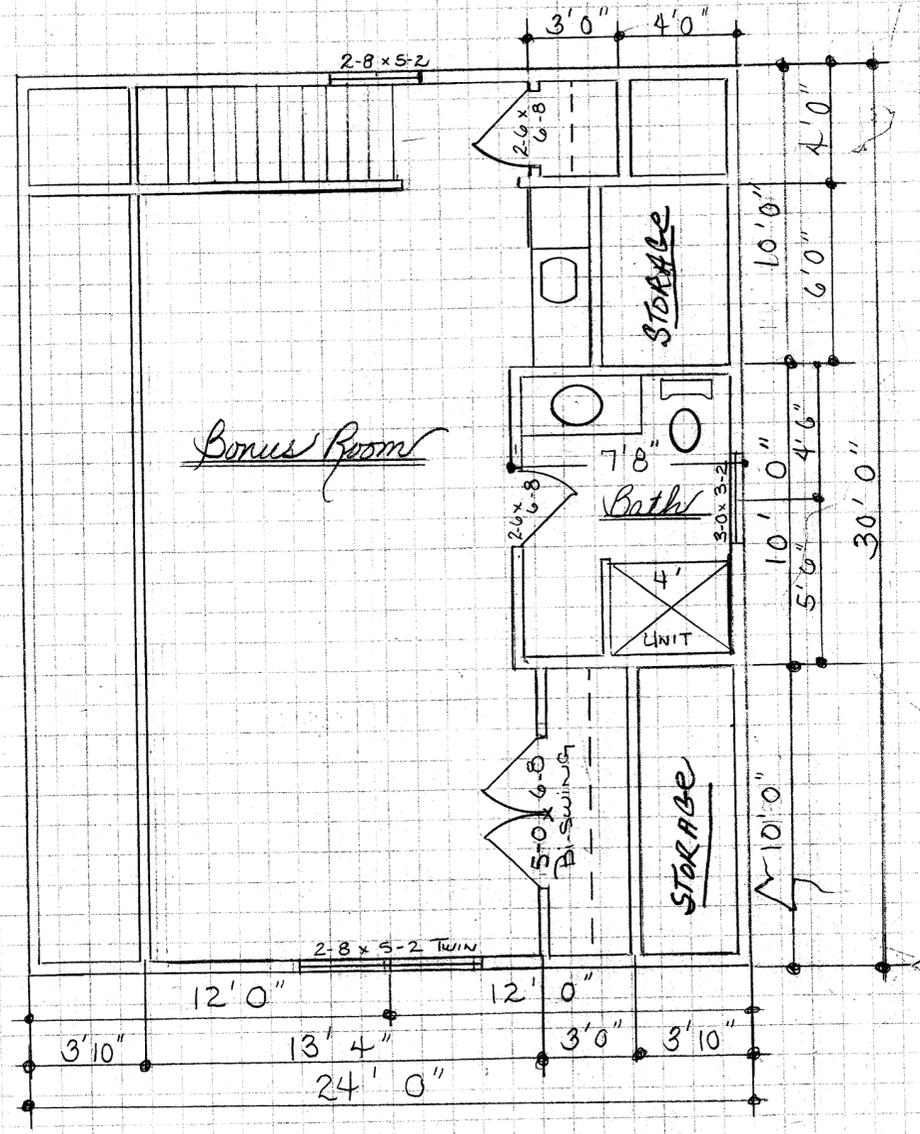
Floor Plan

Scale 1/4" = 1'

Reichle Garage
 113 August Drive
 Searford, VA 23696



Bonus room w/ bath 312 sq ft (approx)
 Garage 688 sq ft (approx)

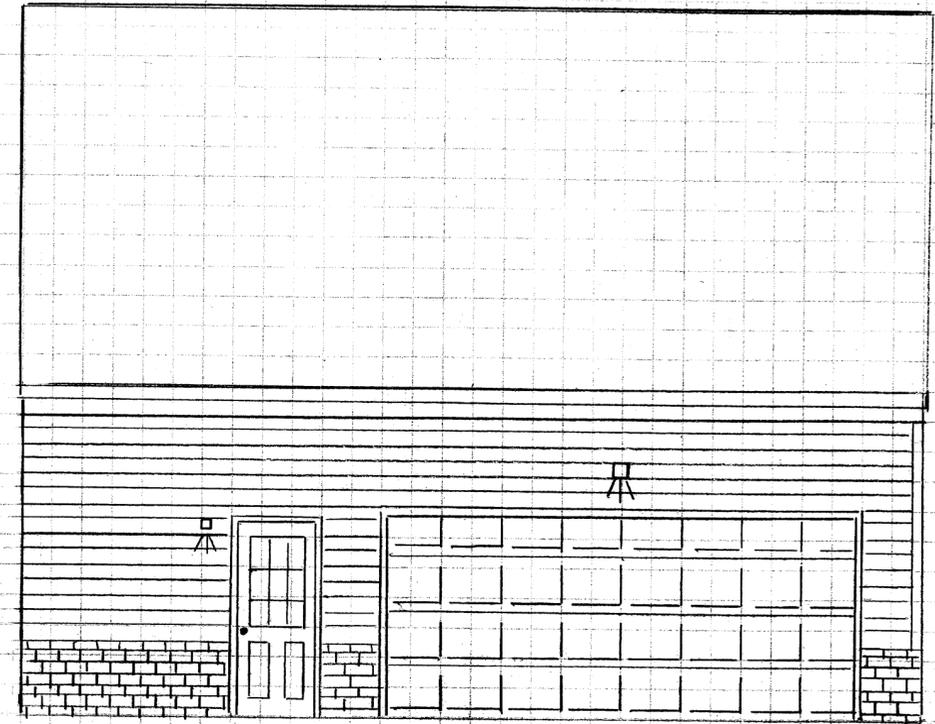
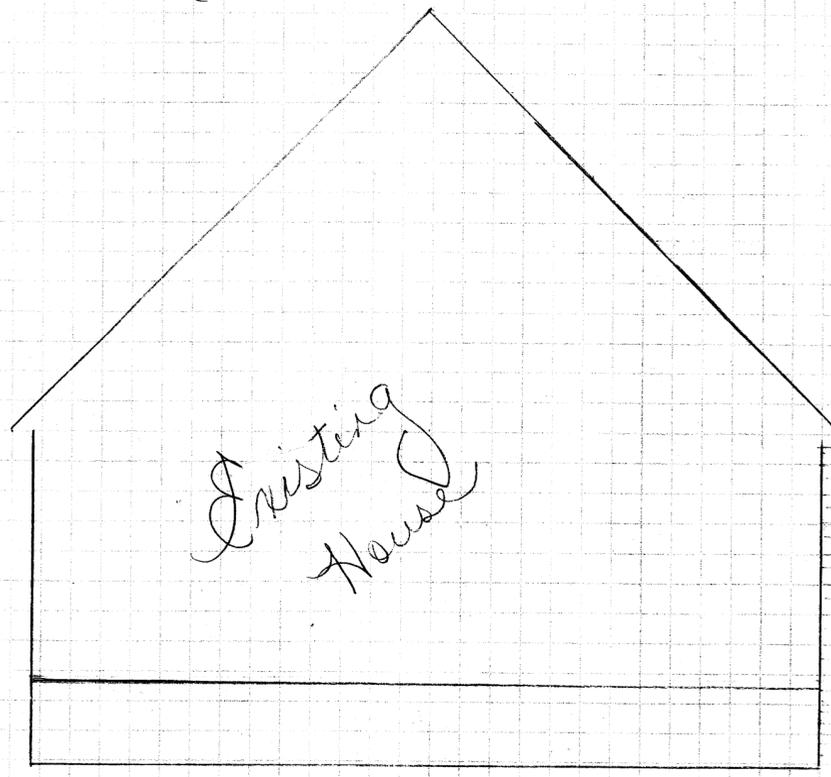


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 York County

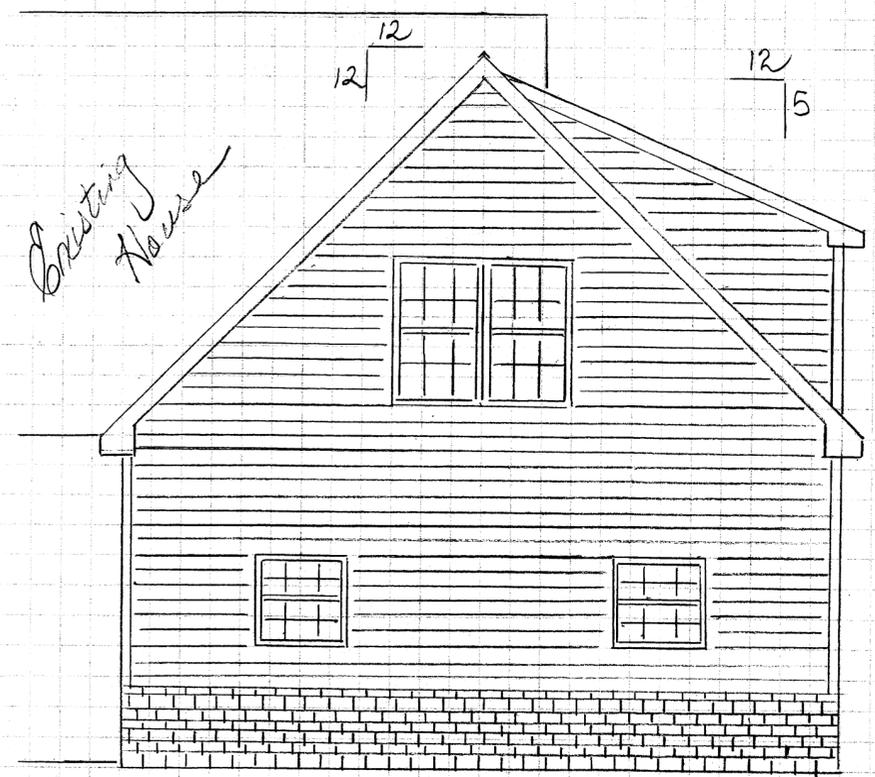
OCT 27 2010

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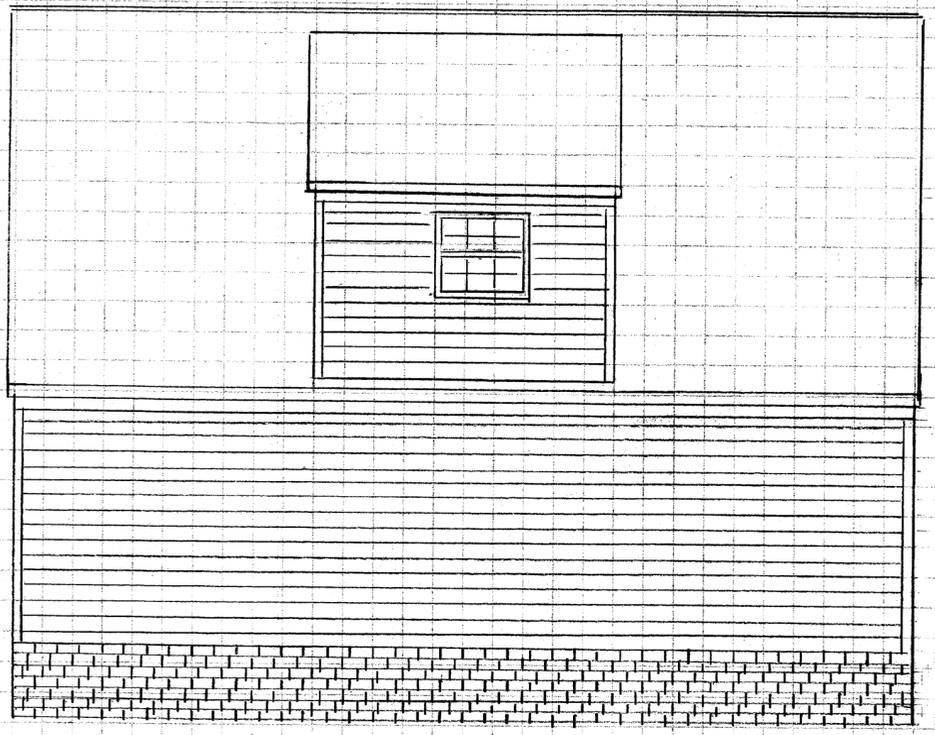
Reickle Garage - 113 August Drive - Seaford, VA 23696
scale 1/4" = 1'



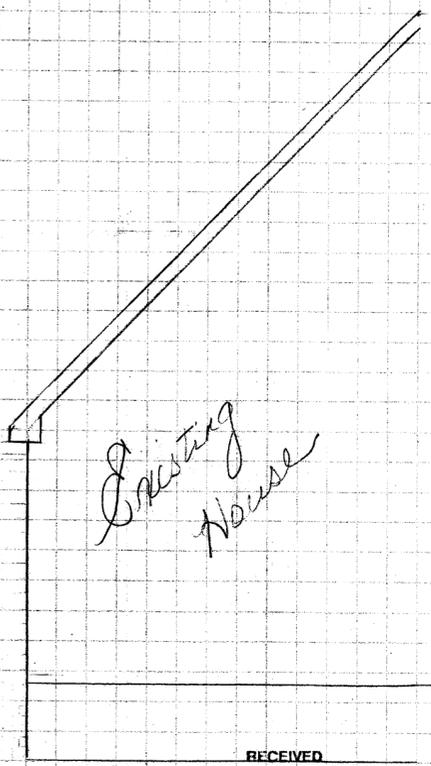
Right Side View



Rear View



Left Side View



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York County

OCT 27 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:

Present

Vote

Christopher A. Abel, Chair
M. Sean Fisher, Vice Chair
Alexander T. Hamilton
Mario C. Buffa
Richard M. Myer, Jr.
John R. Davis
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 DETACHED ACCESSORY APARTMENT
AT 113 AUGUST DRIVE

WHEREAS, Donald J. Reichle, Jr. has submitted Application No. UP-787-10 to request a Special Use Permit, pursuant to Section 24.1-407(b)(2) of the York County Zoning Ordinance, to authorize an accessory apartment in a detached structure in conjunction with an existing single-family home on a 0.49-acre parcel of land located at 113 August Drive and further identified as Assessor's Parcel No. 25M-8-4-17 (GPIN U08b-3191-4532); 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 given careful consideration to 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-787-10 be, and it is hereby, transmitted to the York County Board of Supervisors with a recommendation of approval to authorize a Special Use Permit, pursuant to Section 24.1-407(b)(2) of the York County Zoning Ordinance, for the establishment of an accessory apartment in a detached structure in conjunction with an existing single-family detached

home on a 0.49-acre parcel of land located at 113 August Drive and further identified as Assessor's Parcel No. 25M-8-4-17 (GPIN U08b-3191-4532), subject to the following conditions:

1. This use permit shall to authorize the establishment of an accessory apartment in a detached structure in conjunction with an existing single-family home on a 0.49-acre parcel of land located at 113 August Drive and further identified as Assessor's Parcel No. 25M-8-4-17 (GPIN U08b-3191-4532).
2. The accessory apartment shall be contained within the proposed detached accessory structure to be located in the rear yard of the subject property as depicted on the property sketch plan, floor plans, and building elevations submitted by the applicant and received by the Planning Division on October 27, 2010, copies of which shall remain on file in the office of the Planning Division.
3. Construction and occupancy of the accessory apartment shall be in compliance with the performance standards set forth in Section 24.1-407 of the Zoning Ordinance.
4. Use of the property shall be in compliance with regulations set forth in Section 24.1-373 of the Zoning Ordinance and Chapter 23.2 of the County Code.
5. Not more than one (1) accessory apartment shall be permitted in conjunction with the principal dwelling unit.
6. The habitable floor area of the accessory apartment unit shall not exceed three hundred (300) square feet.
7. The accessory apartment unit shall contain no more than one (1) bedroom and no more than one (1) bathroom with tub and/or shower facilities.
8. Adequate provisions shall be made for off-street parking of motor vehicles in such a fashion as to be compatible with the character of the single-family residence and adjacent properties.
9. The accessory apartment shall not be rented separate from the principal dwelling and shall be occupied only by family members or guests of the occupant of the single-family dwelling.
10. 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.
11. In accordance with Section 24.1-115(b)(7) of the York County Zoning Ordinance, a certified copy of the resolution authorizing this 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. A court-certified copy of the document shall be submitted to the County at the time of building permit application.

BE IT FURTHER RESOLVED that this Special Use Permit is severable and invalidation of any word, phrase, clause, sentence, or paragraph shall not invalidate the remainder.