

Index File

UP-810-12

Chom Suk Kim

Assessor's Parcel Nos. 37-25

Application No. UP-810-12, Chom Suk Kim: 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 in a nonconforming single-family detached home located at 1630 George Washington Memorial Highway (Route 17). The 0.48-acre parcel, further identified as Assessor's Parcel No. 37-25, is zoned GB (General Business) and designated General Business in the Comprehensive Plan.

Attachments:

- Zoning Map
- Vicinity Map
- Floor Plan
- Proposed Resolution No. PC12-16

COUNTY OF YORK

MEMORANDUM

DATE: July 27, 2012 (PC Mtg. 8/8/12)
TO: York County Planning Commission
FROM: Timothy C. Cross, AICP, Principal Planner
SUBJECT: Application No. UP-810-12, Chom Suk Kim

ISSUE

This application 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 in a nonconforming single-family detached home located on a 0.48-acre parcel of land located at 1630 George Washington Memorial Highway (Route 17) and further identified as Assessor's Parcel No. 37-25. The property is zoned GB (General Business) and designated General Business in the Comprehensive Plan.

DESCRIPTION

- Property Owner: Chom Suk Kim
- Location: 1630 George Washington Memorial Highway (Route 17)
- Area: 0.48 acre
- Frontage: 60 feet along Route 17
- Utilities: Public water and a private septic system
- Topography: Relatively flat with an approximately 2-foot depression along Route 17
- 2025 Land Use Map Designation: General Business
- Zoning Classification: GB – General Business
- Existing Development: Single-family detached home
- Surrounding Development:

North: Tabb Square commercial condominiums; Mid-Atlantic office building
East: Single-family detached homes in Tabb Lakes subdivision
South: Best Pools
West: Route 17; two single-family detached homes beyond

- Proposed Development: Beauty shop as a home occupation

CONSIDERATIONS/CONCLUSIONS

1. The subject parcel is located on the east side of Route 17 approximately 450 feet south of its intersection with Mid-Atlantic Place (Route 1843), and is occupied by a single-family detached home built in 1955. Since the property, like most of the property along Route 17, is zoned GB (General Business), the home is considered a non-conforming use. The applicant has indicated that she purchased the property in March 2011 with the intention of renovating it as a residence in which she would also operate a beauty shop as an accessory home occupation. She has received two building permits for the rehabilitation of the residence, one for interior alterations and a one-story side addition. The other permit was for the construction of a deck in the rear. According to Zoning and Code Enforcement staff, there has not been a two-year interruption in the residential use of the property; therefore, it can continue to be used residentially under the non-conforming use provisions of the Zoning Ordinance.
2. Development surrounding the subject parcel is mainly commercial, with a small eight-unit retail center to the north and a pool store to the south. The property backs up to two single-family detached homes, zoned R13 (High-density single family residential) located in the Tabb Lakes subdivision, which are approximately 260 feet away from the subject home. The Zoning Ordinance typically requires a Type 35 (35-foot) landscaped transitional buffer between these two zoning districts, but the property is not in conformance with this requirement since the subject house was built before York County had zoning. To prevent any further increase in the nonconformity, staff has proposed a condition to prohibit any tree removal within 35 feet of the rear property boundary.
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. The general purpose of these standards is to limit the size, scale, and visibility of home occupations in order to ensure that they remain incidental and subordinate to the residential use of the property and to prevent adverse impacts on surrounding homes. This case is unusual in that the surrounding area is mostly commercial, so the impact on residential neighbors is minimal. While the rear of the property does abut two residential properties in the Tabb Lakes subdivision, the closer of those two properties is 185 feet from the subject home, and there is a wooden privacy fence along the entire rear property boundary. Nevertheless, the performance standards still apply. Pursuant to these standards, home occupations are not permitted to occupy more than 25% of the floor area of the residence, unless the Board authorizes a greater floor area in conjunction with a use permit application. According to County real estate records, the applicant's home has approximately 2,280 square feet of floor area. According to the floor plan submitted by the applicant, the area in which the beauty salon would be located is approximately 297 square feet, which is 13% of the floor area of the home.

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 has indicated that she would serve clients by appointment only between 8:00 AM and 6:00 PM and that there would be an average of three (3) customers per day. There would be no employees other than the applicant herself, and a condition has been included in the proposed resolution specifying that only one customer may be served at a time. The Zoning Ordinance prohibits any signage in connection with home occupations, which is important in this case since the home is located along a major commercial corridor and any signage could potentially encourage drop-in traffic and suggest that the property's principal use is commercial. While operation of the a beauty shop as a principal use would be possible, doing so would require that the property and the building meet the applicable zoning and Building Code requirements for a commercial use.

4. In the past 22 years, the Board has approved seventeen applications for home barber and beauty shops. For purposes of comparison, relevant data for these home occupations are listed in the table below:

Approval Date	Location	Maximum Area	Days and Hours of Operation	Maximum Hours per Week
2/21/91	Lotz Acres Estates	125 square ft.	Monday-Saturday, 8 AM-8 PM	72
10/17/91	Grafton Branch	240 square ft.	Monday-Saturday, 8 AM-8 PM	72
4/16/92	Hornsbyville Road	240 square ft.	Monday-Saturday, 8 AM-8 PM	72
10/15/92	Running Man	150 square ft.	Monday-Saturday, 8 AM-8 PM	72
5/20/93	Edgehill	260 square ft.	Monday-Friday, 9 AM-5 PM	40
8/16/95	Carraway Terrace	200 square ft.	Tuesday-Thursday, 9 AM-6 PM	27
11/21/00	Woods of Tabb	150 square ft.	3 days/week 9 AM-5 PM	24
2/19/02	Edgehill	250 square ft.	Tues. and Thurs., 10 AM-7 PM; Wed. and Fri., 10 AM-4 PM; & Saturdays, 10 AM-2 PM	34
2/19/02	Carver Gardens	200 square ft.	Monday-Saturday, 8 AM-8 PM	72
7/16/02	Skimino Hills	200 square ft.	Monday-Saturday, 9 AM-5 PM	48
12/03/03	Meadowlake Farms	335 square ft.	Tuesday-Saturday, 9 AM-5 PM	40
7/13/04	Woodlake Crossing	63 square ft.	Tuesday & Thursday, 9 AM-5PM	16
10/26/04	Edgehill	215 square ft.	3 days/week from 9 AM to 8 PM by appointment only	33
3/21/06	Cheadle Loop Road	468 square ft.	Tues. & Thursday, 10 AM-6 PM; Wed. & Friday, 10 AM-2 PM; Saturday, 10 AM-2 PM	28
7/17/07	Grafton Branch	338 square ft.	Tuesday-Friday, 10 AM-8 PM & Every other Saturday 10 AM-5 PM	40-47
11/18/08	Coventry	252 square ft.	Monday-Saturday 9 AM-6 PM	54
10/26/10	Yorkshire Downs	348 square ft.	Tuesday-Saturday 10 AM-6 PM	40

According to the County's Zoning and Code Enforcement staff, there have been no complaints or compliance problems associated with any of the home beauty/barber shops that have been approved. As the table indicates, the proposed home beauty shop

would be similar, in terms of activity levels, to those that have been approved previously.

5. The subject property is served by a gravel/stone driveway that is long enough to accommodate both the residential parking requirement and the off-street parking demand generated by the proposed beauty shop. However, because it is a straight driveway with no place for cars to turn around, staff has some safety concerns about the possibility of customers of backing their cars up onto Route 17 as they exit the property. Therefore, staff has proposed a condition requiring that the driveway be improved with the addition of a turnaround, either in front of or behind the house.

RECOMMENDATION

Because the property is located along a commercial corridor and not in a residential neighborhood, the proposed home occupation does not raise the same issues and concerns typically associated with home occupations. Located along the County's main commercial corridor between two commercial developments, the property can accommodate the proposed home occupation with no adverse impacts on surrounding properties or County services or infrastructure. Staff is confident that the proposed conditions prohibiting non-resident employees and the number of customers 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 set forth in proposed Resolution No. PC12-16.

TCC

Attachments:

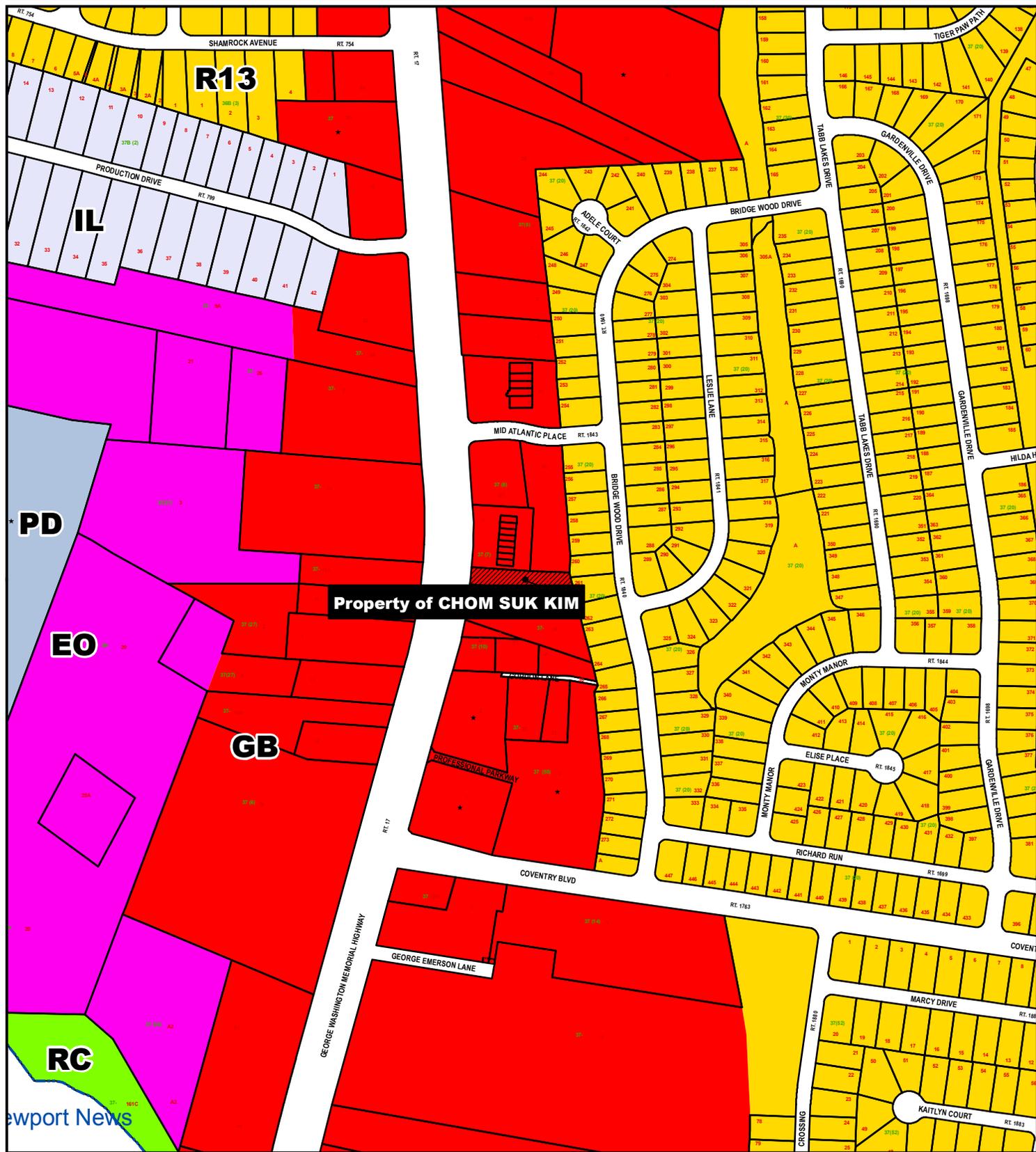
- Zoning Map
- Vicinity Map
- Floor Plan
- Proposed Resolution No. PC12-16

APPLICANT Chom Suk Kim

Beauty shop as a home occupation
1630 GEO WASH MEM HWY

ZONING MAP

APPLICATION NUMBER: UP-810-12



★ = Conditional Zoning



Printed on July 05, 2012



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.

1/8 SCALE

LEGEND P = POCKET DOOR

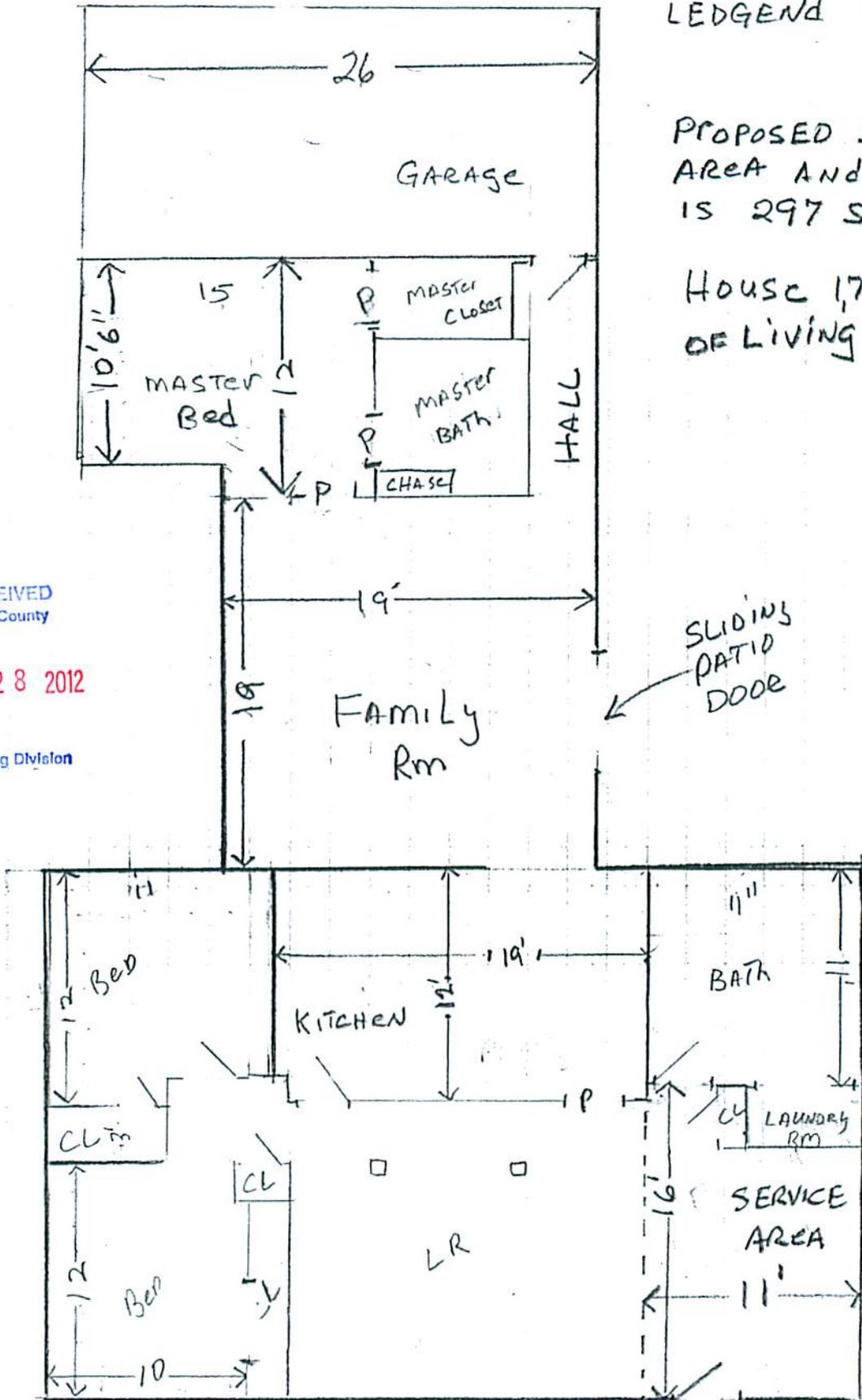
PROPOSED SERVICE AREA AND BATHROOM IS 297 SQUARE FEET

HOUSE 1,780 SQUARE FEET OF LIVING SPACE

RECEIVED
York County

JUN 28 2012

Planning Division



SLIDING PATIO DOOR

FRONT ENTRANCE
3-0 DOOR

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 _____, 2012:

Present

Vote

Richard M. Myer, Jr. , Chair
 Mario C. Buffa, Vice Chair
 Alexander T. Hamilton
 Christopher A. Abel
 Timothy D. McCulloch
 Melissa S. Magowan
 Mark B. Suiter

On motion of _____, which carried ____, the following resolution was adopted:

A RESOLUTION TO RECOMMEND APPROVAL OF AN APPLICATION FOR A SPECIAL USE PERMIT TO AUTHORIZE THE ESTABLISHMENT OF A BEAUTY SHOP AS A HOME OCCUPATION AT 1630 GEORGE WASHINGTON MEMORIAL HIGHWAY (ROUTE 17)

WHEREAS, Chom Suk Kim has submitted Application No. UP-810-12 to request 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 in a nonconforming single-family detached home located on a 0.48-acre parcel of land located at 1630 George Washington Memorial Highway (Route 17) and further identified as Assessor’s Parcel No. 37-25 (GPIN S02b-4155-4221); 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 _____, 2012, that Application No. UP-810-12 be, and it is hereby, transmitted to the York County Board of Supervisors with a recommendation of approval of 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 in a nonconforming single-family detached home located on a 0.48-acre parcel of land located at 1630 George Washington Memorial Highway (Route 17) and further identified as Assessor's Parcel No. 37-25 (GPIN S02b-4155-4221) subject to the following conditions:

1. This Special Use Permit shall authorize the establishment of a beauty shop as a home occupation in a nonconforming single-family detached home located on a 0.48-acre parcel of land located at 1630 George Washington Memorial Highway (Route 17) and further identified as Assessor's Parcel No. 37-25 (GPIN S02b-4155-4221).
2. The conduct of such home occupation shall be limited to an area within the existing home consisting of approximately 300 square feet as depicted on the floor plan submitted by the applicant, a copy of which shall remain on file in the office of the Planning Division.
3. The home occupation shall be conducted in accordance with the provisions of Sections 24.1-281 and 24.1-283(b) of the York County Zoning Ordinance, except as modified herein.
4. No person other than individuals residing on the premises shall be engaged on the premises in the home occupation.
5. The days and hours of operation shall be limited to Monday through Saturday from 8:00 AM to 6:00 PM.
6. No more than one (1) customer at any one time shall be served within the applicant's home.
7. Prior to the issuance of a Certificate of Occupancy for the home, the existing driveway shall be modified with the addition of a gravel, stone, or paved turnaround to allow safe and convenient egress to Route 17.
8. No tree removal shall be permitted on the subject parcel within thirty-five feet (35') of the rear property boundary adjacent to the Tabb Lakes subdivision.
9. Retail sales on the premises shall be limited to incidental sales of beauty products, shampoo, conditioning, and other hair care products.

10. No signs or other forms of on-premises advertisement or business identification visible from outside the home shall be permitted.
11. In accordance with the terms of the Zoning Ordinance, at least two (2) off-street parking spaces shall be provided on the premises to accommodate customers. These spaces shall be in addition to the two (2) spaces that are otherwise required for the single-family residence.
12. 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 application for a building permit.

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.