

Index File

UP-812-12

Deborah and Daniel Mazanek

Assessor's Parcel Nos. 2-21-10

Application No. UP-812-12, Deborah and Daniel Mazanek: Request for a Special Use Permit, pursuant to Section 24.1-283(b)(1) of the York County Zoning Ordinance, to authorize the establishment of a home office with customer/client contact in a single-family detached home on a 0.41-acre parcel located at 309 Marks Pond Way (Route 1437) and further identified as Assessor's Parcel No. 2-21-10. The property is zoned RR (Rural Residential) and is designated Low Density Residential in the Comprehensive Plan.

Attachments:

- Zoning Map
- Survey Plat
- Applicant's Project Narrative
- Floor Plans
- Proposed Resolution No. PC12-14

COUNTY OF YORK

MEMORANDUM

DATE: July 30, 2012 (PC Mtg. 8/8/12)

TO: York County Planning Commission

FROM: Amy M. Parker, Senior Planner

SUBJECT: Application No. UP-812-12; Deborah and Daniel Mazanek, dba Renaissance Integrative Therapy, Inc.

ISSUE

Application No. UP-812-12 requests a Special Use Permit, pursuant to Sections 24.1-283(b)(1) and 24.1-283(e) of the York County Zoning Ordinance, to authorize a physical therapy office as a home occupation with on-premises customer/client contact on a 0.41-acre parcel located at 309 Marks Pond Way (Route 1437) and further identified as Assessor's Parcel No. 2-21-10.

DESCRIPTION

- Property Owners: Deborah and Daniel Mazanek
- Location: 309 Marks Pond Way (Route 1437)
- Area: 0.41 acre
- Frontage: 93.4 feet on Marks Pond Way
- Utilities: Public water and sewer
- Topography: Flat
- 2025 Land Use Map Designation: Low Density Residential
- Zoning Classification: RR – Rural Residential
- Existing Development: Single-family detached home
- Surrounding Development:
 - North: Single-family detached home
 - East: Single-family detached homes across Marks Pond Way
 - South: Single-family detached home
 - West: Home Owners Association (Oaks at Fenton Mill) common area
- Proposed Development: Physical therapy office as a home occupation with on-premises customer/client contact

CONSIDERATIONS/CONCLUSIONS

1. The subject parcel is located in the Oaks at Fenton Mill subdivision on the west side of Marks Pond Way adjacent to two single-family homes and subdivision common area. This approximately half-acre parcel and the surrounding area are zoned RR (Low-density single-family residential) and are designated Low Density Residential in the Comprehensive Plan.
2. The applicants currently operate a physical therapy office with associated counseling classes located in the City of Williamsburg. They desire to relocate the business to their home and have indicated they would construct an addition to the rear of their single-family detached home to accommodate the office. According to floor plans submitted by the applicants, the proposed home occupation use (400 square feet in area) would be limited to the ground floor of the proposed two-story addition. Access to the office area would be through an exterior doorway on the ground level of the addition. A second access is shown on the plans via a stairway that leads to the second floor of the addition, which would be a part of the residential portion of the dwelling. According to the applicants' narrative, clients are seen individually or as a family group. In addition to regular therapy appointments, group classes would be held up to four times per year on Saturdays and on weekdays no more than once per month.
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. In accordance with these standards, home occupations are not permitted to occupy more than 25% of the floor area of a residence or 400 square feet, whichever is less, unless the Board authorizes a greater floor area in conjunction with a use permit application. According to County Assessor's records, and including the floor area proposed for the addition, the applicants' home would have approximately 3,100 square feet of floor area. The floor plan submitted by the applicants (copy attached) indicates that the floor area proposed for office use would be approximately 400 square feet, or 8% of the total floor area of the home. The office space would include a reception area, treatment room, and bathroom.

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 applicants' proposed hours of operation are Monday through Friday from 9:00 AM to 3:30 PM for regular appointments, with occasional evening appointments until 6:00 PM. The applicants have indicated that evening appointments would occur no more than two times per month. Group classes of up to 8 clients would be held on weekdays between the hours of 1:00 and 8:00 PM and on Saturdays between 9:00 AM and 4:00 PM. Weekday group meetings would be held no more than once per month and Saturday group classes would be held no more than four times per year.

4. In accordance with Zoning Ordinance Section 24.1-283(b)(3), off-street parking must meet standards for commercial and business uses, and must be in addition to spaces otherwise required for the residential use on the property (two spaces). The applicants' dwelling has a two-bay garage, which satisfies minimum standards for single-family detached dwellings. The applicants' driveway, which measures approximately 18 feet in width and 60 feet in length, has sufficient room to accommodate up to six vehicles pursuant to noted commercial parking standards. Therefore, staff is proposing an approval condition limiting parking for clients to six on-site spaces. This would also effectively limit the number of clients on-site at any one time.
5. The average daily traffic that would be generated by the proposed home occupation is difficult to estimate since the actual office hours are variable as is the length of the appointments, which the applicant has stated range from one hour to one and one-half hours. If all regular appointments were for one hour, the home business would generate one or two trips every hour, or up to a maximum total of 15 trips per day in accordance with the hours of operation noted in the applicants' narrative statement. Assuming the above-noted parking limits, group classes would generate up to 6 trips per day on not more than two days per month. During the PM peak hour, there would be no more than two trips for regular appointments or six trips for occasional group classes (held no more than two days per month), and none in the AM peak hour.

It should also be noted that the Board has approved several use permits for home barber/beauty shops and with almost identical hours of operation (except for the extra evening hours). Additionally, one use permit has been approved in 2007 for nutritional counseling that included group classes and evening hours, and a use permit for a physician's office as a home occupation was approved in 2010 that included evening hours of operation. None of these permits have generated any reported problems or complaints from surrounding neighbors with regard to traffic or any other aspects of their operation. Based on the County's history, staff does not believe the proposed home occupation would have significant traffic impacts on the neighborhood.

6. The Building Code Official has indicated that the applicants will be required to comply with applicable Virginia Uniform Statewide Building Code and International Code Council requirements relative to access for persons with disabilities and assembly occupancy requirements (for group classes). Access requirements would be mandated in the proposed office area and exterior ingress/egress and parking areas. A proposed approval condition addresses this issue.
7. The subject parcel falls under the jurisdiction of an established homeowners' association. Regardless of any covenants that may be deeded, 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 private covenants, and approval of a Special Use Permit will not relieve the applicant of any responsibilities for compliance with any such covenants.

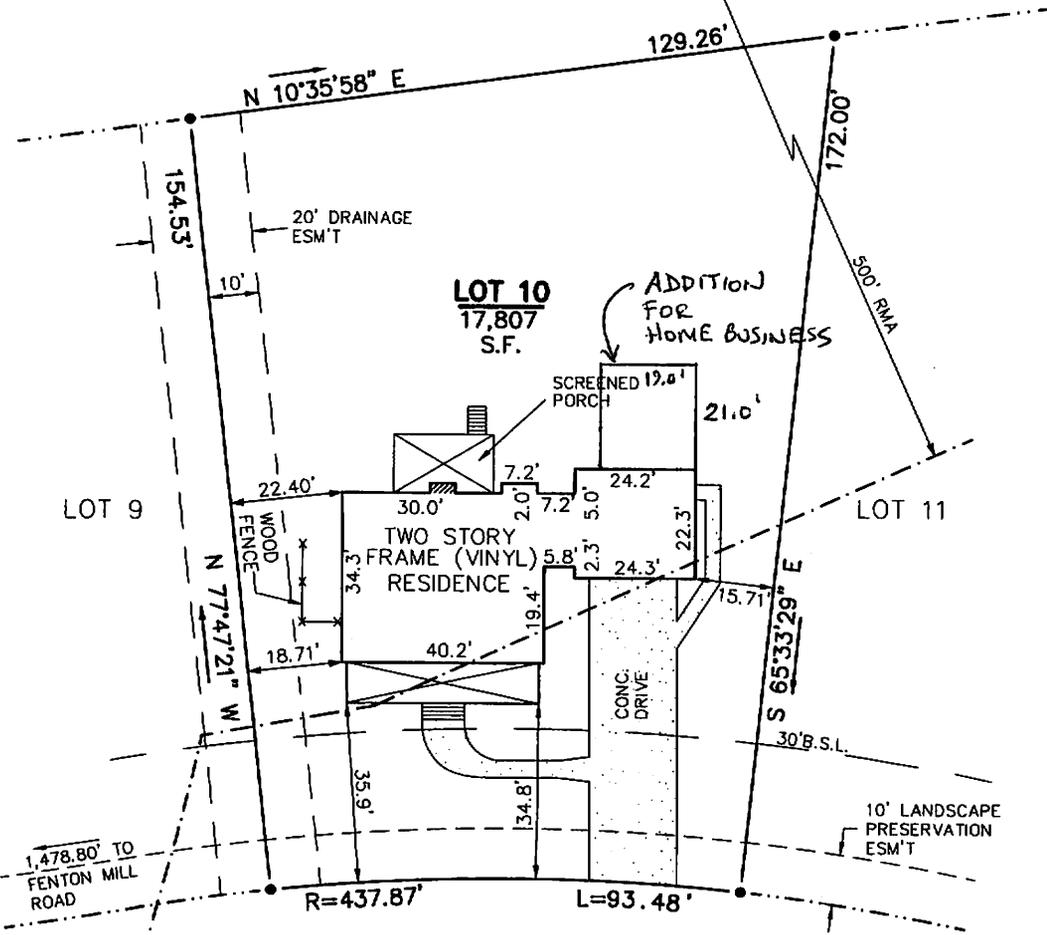
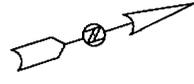
RECOMMENDATION

The proposed home occupation, provided that it is operated in the manner described by the applicants, will be consistent with the type and intensity of activity approved for several other home occupation situations, and is not likely to have any adverse impacts on the surrounding area. Parking would be limited to the existing driveway, and the office is located to the rear of the dwelling. Staff believes that the proposed conditions 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 contained in proposed Resolution No. PC12-14.

Attachments:

- Zoning Map
- Survey Plat
- Applicants' Project Narrative
- Floor Plans
- Proposed Resolution No. PC12-14

COMMON AREA #2
HOMEOWNERS ASSOCIATION



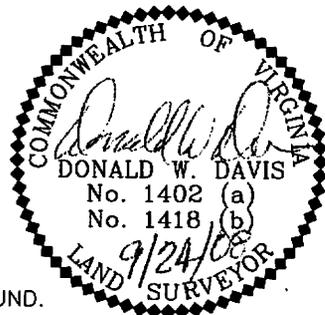
MARKS POND WAY
(50' R/W)

NOTE:
PROPERTY SHOWN HEREON IS LOCATED IN ZONE X
AS SHOWN ON FLOOD INSURANCE RATE MAP COMMUNITY
PANEL NUMBER 510180 0025 B
EFFECTIVE DATE: DECEMBER 16, 1988.

- SYMBOLS :**
- PIPE FOUND
 - IRON PIPE SET
 - IRON ROD FOUND
 - CONC. MONUMENT

I, *Donald W. Davis*
HEREBY CERTIFY THAT THE
SURVEY REPRESENTED BY THIS
PLAT WAS MADE BY ME ON
THIS DATE AND IS CORRECT
TO THE BEST OF MY KNOW-
LEDGE AND BELIEF THERE ARE
NO ENCROACHMENTS OF BUILD-
INGS UNLESS SHOWN HEREON.

DAVIS & ASSOCIATES, P.C.
SURVEYORS - PLANNERS
YORK COUNTY, VIRGINIA



NOTE: UTILITY SERVICE UNDERGROUND.
JOB LOCATION : #309 MARKS POND WAY

PLAT OF THE PROPERTY OF:
DANIEL D. MAZANEK & DEBORAH A. MAZANEK,
TRUSTEES OF MAZANEK FAMILY LIVING TRUST

LOT 10
SUBDIVISION PLAT OF
THE OAKS
AT FENTON MILL
BRUTON MAGISTERIAL DISTRICT - COUNTY OF YORK, VIRGINIA
INST. #060029282

Deborah and Daniel Mazanek
Renaissance Integrative Therapy, Inc.
Tax ID #: 57-1170974
309 Marks Pond Way
Williamsburg, Virginia 23188
July 30, 2012

RECEIVED
York County

JUL 30 2012

Amy M. Parker, Senior Planner
York County Planning Division
224 Ballard Street
Yorktown, Virginia 23690-0532

Planning Division

Dear. Ms. Parker,

Enclosed, please find the application and other submissions for a Special Use Permit to conduct a home business. The Application for a Special Use Permit is enclosed along with a copy of the surveyor's plat of our property and a copy of the home's floor plan and a scale drawing showing the planned addition for the home business use.

Property Description: The property is located at 309 Marks Pond Way in the subdivision of The Oaks at Fenton Mill on lot number 10 (GPIN C20b-3365-3717). The property is 0.41 acres and is zoned Rural Residential. The house is approximately 2600 square feet at the time of this application. A two-story addition will be built onto the back of the house after the home business approval process is completed (please see attached plan sketch). The home business will be conducted in the first story of the addition. There will be an outside entrance into a waiting room (approximately 6 ft. by 11 ft.) with an adjacent bathroom (approximately 5 ft. by 8 ft.). The therapy room will be approximately 15 ft. by 19 ft. with a second entrance. The total square footage of the first floor home business will not exceed 399 square feet (19 ft. by 21 ft. – overall maximum outside dimensions). The second floor of the addition will add approximately 350 square feet to the total square footage of the home and will be used for residential purposes. The clients will be able to park in the driveway and will have a concrete walkway along the right side of the property into the office space. The driveway can accommodate up to 8 cars when necessary (during times of a group class for up to 6 cars, plus our 2 personal cars).

Proposed Uses: I am a holistic manual physical therapist. I have been in practice since 1998, and my husband and I established Renaissance Integrative Therapy, Inc. in 2003. I currently have an office at 1158 Professional Drive in Williamsburg, Virginia. I treat one client at a time using gentle techniques and exercise to assist in restoring their body to health. I also teach small classes on self-care and healing techniques. I do not sell any products.

My typical schedule has been the following for the last 8 years:

- Monday through Friday, 9:00am to 3:30pm, one client every 60 to 90 minutes
- An occasional evening client (until 6:00 p.m.), but no more than 2 per month
- Self-help group classes with typically 4 – 8 participants, no more than 6 cars.
 - * Week day afternoon from 1:00 p.m. – 3:00 p.m., not more than once a month
 - * Week night, 6:00 p.m. – 8:00 p.m., not more than once a month
 - * Saturdays, no more than four times a year, 9:00 a.m. – 4:00 p.m.

Sketch Plan of Proposed Site: Please see attached.

Property Owner's Written Consent: We are the owners of the property and the principals of Renaissance Integrative Therapy, Inc. Our signatures below indicate our consent for the home business to be conducted on our property at 309 Marks Pond Way, Williamsburg, Virginia 23188.

Traffic Statement: During business hours, one client or one family is treated per visit. There are typically four visits available per day. There will be four cars, one every 60 to 90 minutes, between the hours of 9:00 a.m. and 3:30pm. That will be a total of 20 vehicle visits during the week. When there is a group class being taught, there could be a potential of six vehicles with a maximum of 18 vehicle visits during any particular month.

My husband and I have contacted our neighbors and the Oaks at Fenton Mill Homeowner's Association Board to inform them about this application for a Special Use Permit.

Please let me know if any additional information is required. I can be reached during the day at 757-220-4996 or via e-mail at harmony@ritherapy.org.

Thank you very much for your time and consideration in processing this application.

Sincerely,



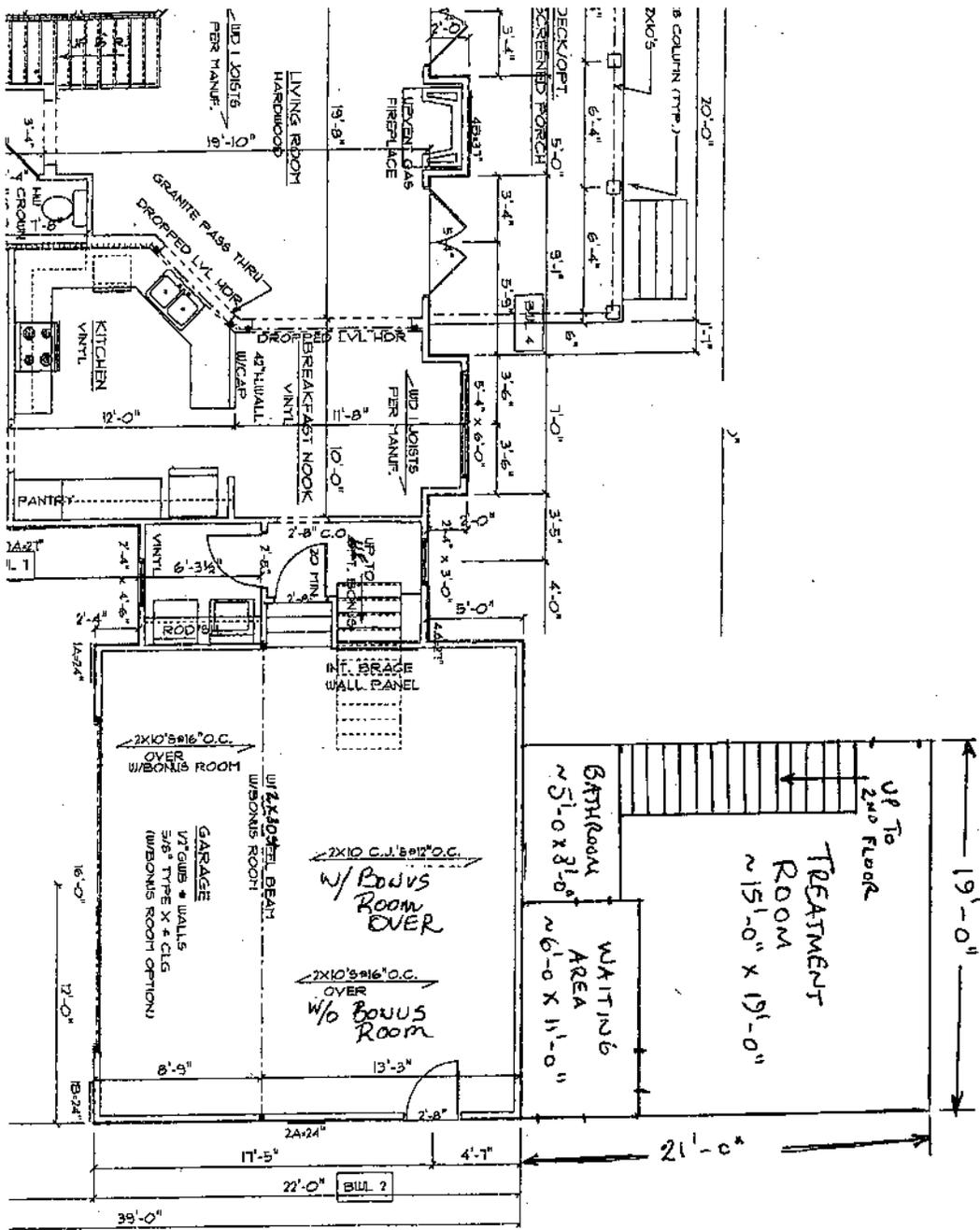
Deborah A. Mazanek



Daniel D. Mazanek

309 MARKS POND WAY
 SKETCH PLAN OF
 PROPOSED HOME BUSINESS SITE
 (FIRST FLOOR)
 UPDATED

↑ REAR OF
 PROPERTY



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 TO AUTHORIZE A PHYSICAL THERAPY OFFICE AS A HOME OCCUPATION WITH CUSTOMER/CLIENT CONTACT ON PROPERTY LOCATED AT 309 MARKS POND WAY

WHEREAS, Deborah and Daniel Mazanek, dba Renaissance Integrative Therapy, have submitted Application No. UP-812-12 requesting a Special Use Permit, pursuant to Section 24.1-283(b)(1) of the York County Zoning Ordinance, to authorize the establishment of a physical therapy office as a home occupation with customer/client contact in a single-family detached home on a 0.41-acre parcel located at 309 Marks Pond Way (Route 1437) and further identified as Assessor’s Parcel No. 2-21-10 (GPIN C20b-3365-3717)

WHEREAS, said application has been transmitted 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-812-12 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 24.1-283(b)(1) of the York County Zoning Ordinance, to authorize the establishment of a physical therapy office as a home occupation with customer/client contact in a single-family detached home on a 0.41-acre parcel located at 309 Marks Pond Way (Route 1437) and further identified as Assessor's Parcel No. 2-21-10 (GPIN C20b-3365-3717), subject to the following conditions:

1. This use permit shall authorize a physical therapy office as a home occupation with customer/client contact in a single-family detached home on a 0.41-acre parcel located at 309 Marks Pond Way (Route 1437) and further identified as Assessor's Parcel No. 2-21-10 (GPIN C20b-3365-3717).
2. The home occupation shall be conducted in accordance with the provisions of the York County Zoning Ordinance, Sections 24.1-281 and 24.1-283(b), except as modified herein.
3. Floor area of the home office shall not exceed four hundred (400) square feet, and shall be designed as depicted on the floor plans for a two-story addition to the existing dwelling submitted by the applicants and received by the Planning Division on July 30, 2012, a copy of which shall remain on file in the office of the Planning Division. As shown on the noted floor plans, the home office use and group counseling sessions shall be limited to the ground floor of the addition.
4. No person other than individuals residing on the premises shall be engaged in the home occupation.
5. No portion of the proposed two-story addition referenced in Condition #3 above shall be used as an accessory dwelling unit/apartment, as the term is defined in Zoning Ordinance Section 24.1-104, Definitions, without applicable approvals as set forth in Section 24.1-407, Standards for Accessory Apartments in Conjunction with Single-family Detached Dwellings.
6. No more than one (1) client (individual or family group) at any one time shall be served within the applicant's home, provided, however, that classes for small groups (not to exceed 8 persons) shall be permitted in compliance with all other conditions of this resolution and applicable performance standards.
7. A maximum of six (6) off-street parking spaces, in accordance with all applicable Zoning Ordinance standards and limitations, shall be provided on the premises (i.e., off-street) to accommodate clients. These spaces shall be in addition to the two (2) spaces that are otherwise required for the single-family residence. The applicant

shall ensure that scheduling of patient visits and group sessions is limited such that parking demand does not exceed six (6) vehicles.

8. The days and hours of operation shall be limited to Monday through Saturday as listed below and as stated in the applicants' proposed use narrative, received by the Planning Division on July 30, 2012, a copy of which is hereby made a part of this resolution by reference:

Regular appointments

Monday – Friday: 9:00 AM to 3:30 PM
3:30 PM to 6:00 PM, not more than two (2) times per month

Group classes

Monday – Friday 1:00 PM to 3:00 PM, not more than once per month
6:00 PM to 8:00 PM, not more than once per month
Saturday 9:00 AM to 4:00 PM, not more than four (4) times per year

9. Prior to commencement of the home occupation use, the portion of the home used for the home office as well as client entrance and parking areas shall conform to minimum standards of the Virginia Uniform Statewide Building Code, subject to the approval of the Building Code Official.
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 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 issuance of a Certificate of Compliance and Occupancy for the home office use.

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.