

Index File

UP-867-15

Kim Hatfield

Assessor's Parcel Nos. 26G-1-5, 26G-1-4, and 26G-8-B

Request for a Special Use Permit, pursuant to Section 24.1-306 (Category 2, Number 8) of the York County Zoning Ordinance, to authorize a commercial stable on three parcels (5.94 acres) located at 117 and 129 DeAlba Lane (Private) and 3618Z Seaford Road (Route 622) and further identified as Assessor's Parcel Nos. 26G-1-5, 26G-1-4, and 26G-8-B. The properties are zoned RR (Rural Residential) and the Comprehensive Plan designates this area as Conservation.

Attachments:

- Staff Report
- Zoning Map
- Sketch Plan
- Topographic Map
- Nutrient Management Plan Excerpt
- Proposed Resolution No. PC15-17

COUNTY OF YORK

MEMORANDUM

DATE: September 2, 2015 (PC Mtg. 9/9/15)
TO: York County Planning Commission
FROM: Earl W. Anderson, AICP, Senior Planner
SUBJECT: Application No. UP-867-15, Kim Hatfield

ISSUE

This application requests a Special Use Permit, pursuant to Section 24.1-306 (Category 2, Number 8) of the York County Zoning Ordinance, to authorize a commercial stable on three parcels (5.94 acres) located at 117 and 129 DeAlba Lane (Private) and 3618Z Seaford Road (Route 622) and further identified as Assessor's Parcel Nos. 26G-1-5, 26G-1-4, and 26G-8-B. The properties are zoned RR (Rural Residential) and the *Comprehensive Plan* designates this area as Conservation.

DESCRIPTION

- Property Owner: Robert E. Dean Trustee and Christopher C. DeAlba Trustee
- Location: 117 and 129 DeAlba Lane (Private) and 3618Z Seaford Road (Route 622)
- Area: 5.94 acres
- Frontage: Approximately 600 feet on DeAlba Lane
- Utilities: Public water and sewer
- Topography: Relatively flat with gentle slope toward Chisman Creek
- 2035 Land Use Map Designation: Conservation
- Zoning Classification: RR – Rural Residential
- Existing Development: Barn, gazebo, sheds, and fenced pasture areas
- Surrounding Development:
 - North: Single-family detached home and barn fronting on Seaford Road and DeAlba Lane
 - East: Single-family detached home on Wildey Road
 - South: Chisman Creek
 - West: Six Single-family detached homes fronting on DeAlba Lane

- Proposed Development: Commercial stable operation with a barn, riding ring, and pasture area for a maximum of 10 horses and riding and horsemanship lessons for up to six (6) people.

BACKGROUND

In 2013, the Zoning and Code Enforcement staff performed an inspection of the properties and found that the applicant, Kim Hatfield (dba Riverfront Riding), was operating an unauthorized commercial stable on the property. It was found she was offering parties, afterschool programs, pony rentals, equine-assisted therapy, and other special events open to the public. Additionally, staff received complaints about manure being left on Seaford Road, for which Ms. Hatfield was cited since she offered trail rides off her property using Seaford Road. At that time, the applicant spoke with Planning Division staff about applying for a Special Use Permit to authorize a commercial stable; however, she was unable to apply because she could not submit the required soil conservation and management plan. As of the summer of 2014 the applicant ceased the commercial operation and only offered free riding for non-profit groups until she could make application, which she did on July 31, 2015.

CONSIDERATIONS/CONCLUSIONS

1. The subject properties (5.94 acres) are located on the eastern side of DeAlba Lane and are zoned RR (Rural Residential). The applicant is requesting a Special Use Permit to allow a commercial stable for giving riding lessons, teaching horsemanship, and boarding of horses. According to the applicant's plans, no boarding of horses other than those owned by the applicant would occur on the property, although boarding for others would be permitted if this application is approved. Existing development consists of a five-stall barn, a gazebo, and a few storage sheds. The property is served by a circular driveway off DeAlba Lane (a private 30-foot road) accessed off Seaford Road. Parking would be along the driveway or in front of the barn. The property has fenced pasture areas and a fenced riding ring.
2. The Zoning Ordinance defines a commercial stable as "a facility consisting of fenced enclosures and/or buildings in which horses are kept as a commercial venture, including boarding, hire, and sale" and they are allowed in the RR district only by Special Use Permit. The prevailing land use pattern of this area is a mix of large and small lots occupied by single-family detached homes. DeAlba Lane is a thirty-foot right-of-way and there are eight homes on lots less than an acre in size. Six of these homes are located directly across DeAlba Lane from the proposed commercial stable with front setbacks ranging from 40 to 56 feet. The fence for the pasture and riding ring appear to be approximately 10 feet from the DeAlba Lane property line, which places the areas where the horses would be located 80 to 96 feet from these homes. The closest home is located at 128 DeAlba Lane (trustee property owner), where the side yard of the home would abut the rear pasture area denoted on the sketch plan. A condition has been proposed to require any new fencing to be 25 feet from any property line. The home located off Wildey Road is approximately 120 feet away from the pasture area and separated from it by a wooded area. The other undeveloped properties to the northeast are separated by woods that are on the subject property.

- Pursuant to the performance standards for horse keeping and commercial stables set forth in Section 24.1-414 of the Zoning Ordinance, the maximum number of horses permitted for commercial stables is two (2) per usable acre of land and certain areas are excluded from the “usable” acreage calculation. The table below denotes the usable acres for the subject 5.94-acre (258,746 square feet) parcels:

EXCLUDED AREAS	SIZE	TOTAL
<i>Residence</i>	None	n/a
<i>Front and Side Yard</i>	None	n/a
<i>Two-foot (2') Elevation</i>	0.64 acres	27,878 sq.ft.
<i>25-foot wide buffer</i>	0.30 acres	13,068 sq.ft.
TOTAL EXCLUDED		40,946 sq.ft.
<i>Usable Acreage</i>	258,746 sq.ft. – 40,946 sq.ft.	217,800 sq.ft. or 5 acres

With a usable acreage of five acres, the applicant can be permitted to have no more than ten horses on the property.

- In addition to the Zoning Ordinance standards, the commercial stable must meet the requirements of the York County Code, Chapter 4, Article II, Livestock. These standards stipulate a 100-foot setback for any stables or housing for horses, where the adjacent property is under different ownership. The existing barn is 100 feet from the property lines. The standards also require that no stables, pastures, or animal yards be utilized for the keeping of horses in any manner that is detrimental to the use of adjacent property or that, because of odor, noise, or attraction of flies or other pests, reduces or otherwise unreasonable restricts the rights of adjacent property owners to enjoy the use of their property. The standards do not specify how this should be accomplished; therefore, one of the proposed approval conditions would require a 25-foot separation between any new pastures and fencing and the adjacent properties to offer protection to any adjacent property owners.
- The Code also includes additional standards requiring that horses not be stabled, pastured, or otherwise kept within 1,000 feet of drinking water reservoirs and be separated from active wells. The applicant has not identified any active wells on the sketch plan and there is no drinking water reservoir within the area. During the sketch plan review process the applicant will need to identify any active wells in the area and comply with the Virginia Administrative Code and the Virginia Department of Health provisions.
- Manure/animal waste is also regulated in the standards and may not be stored, stockpiled, or permitted to accumulate in a way that attracts flies or pests. The applicant has located the manure handling area northwest of the barn and the circular driveway. No enclosure is noted in the application for the manure handling area, so a condition has been proposed to require this area to be no less than 25 feet from the property lines and be fenced on two sides. Additionally, manure is not to contaminate or pollute any stream, well, watercourse, or drainageway, natural or manmade. The manure handling area is located away from such areas.

7. The applicant has provided a soil conservation and management plan that addresses the environmental conditions on the property including soil types, texture, slopes, environmentally sensitive areas, and other soil fertility and management capabilities. The plan describes the methods for removal of horse manure and sets out standards of care for the pasture areas.
8. The Zoning Ordinance requires one parking space for every five stalls, which would require only one space to be available. The applicant has stated that a maximum of six persons will be on the property at a single time for riding lessons. The circular driveway can accommodate parallel parking along its length and should be able to accommodate up to eight parallel parking spaces.

RECOMMENDATION

The proposed commercial stable is a low-intensity use, and a commercial horsekeeping operation in a low-density residential setting such as this should not have any adverse impacts on its surroundings. The proposed commercial use will not alter the residential character of the area as long as the operation conforms to the recommended conditions and Zoning Ordinance performance standards. Therefore, based on the considerations and conclusions outlined above, 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. PC15-17.

EWA

Attachments:

- Zoning Map
- Sketch Plan
- Topographic Map
- Nutrient Management Plan excerpt
- Proposed Resolution No. PC15-17

APPLICANT

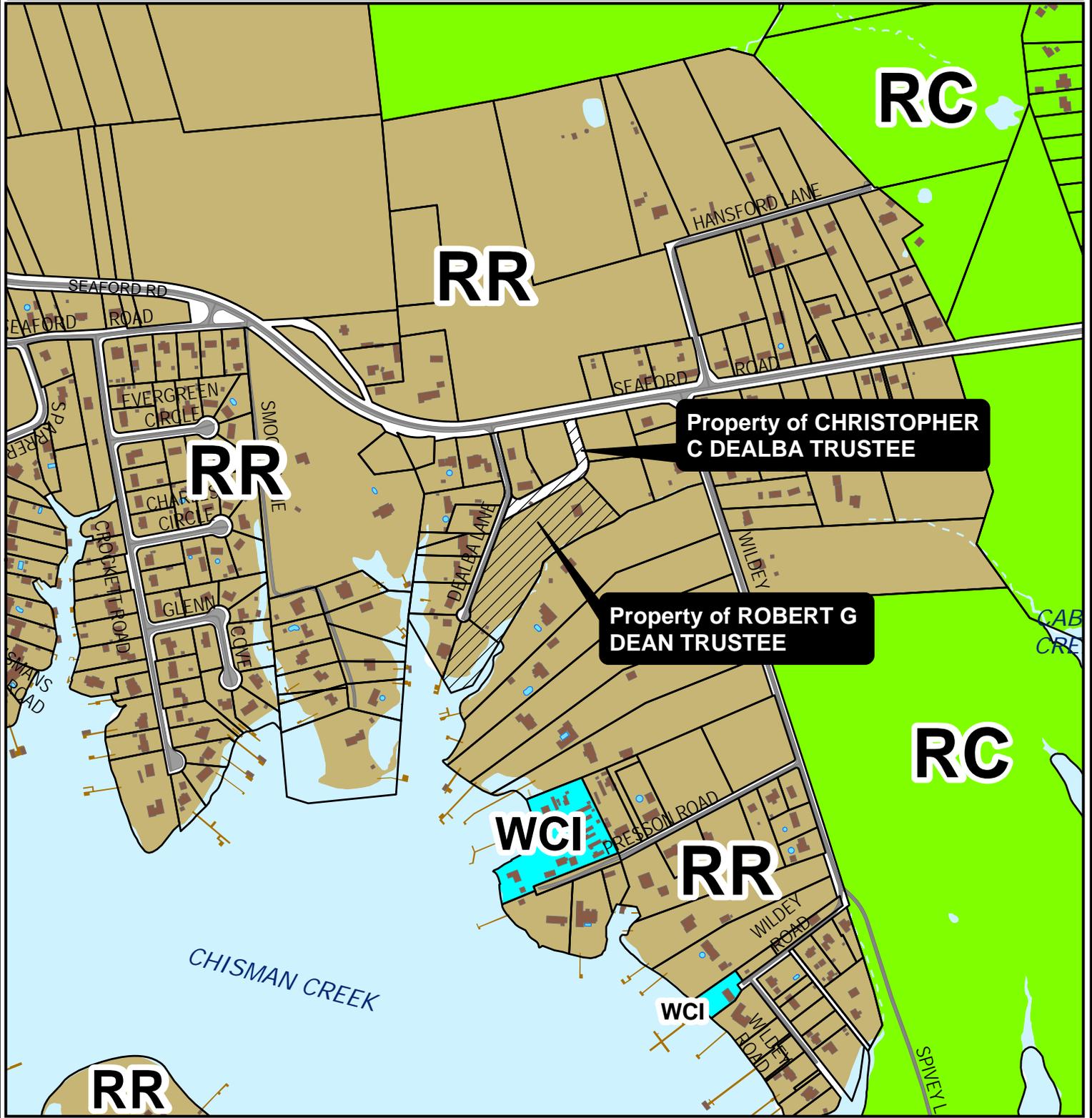
Kim Hatfield

Special Use Permit request for a Commercial Stable.

117 and 129 DeAlba Lane and 3618Z Seaford Road

ZONING MAP

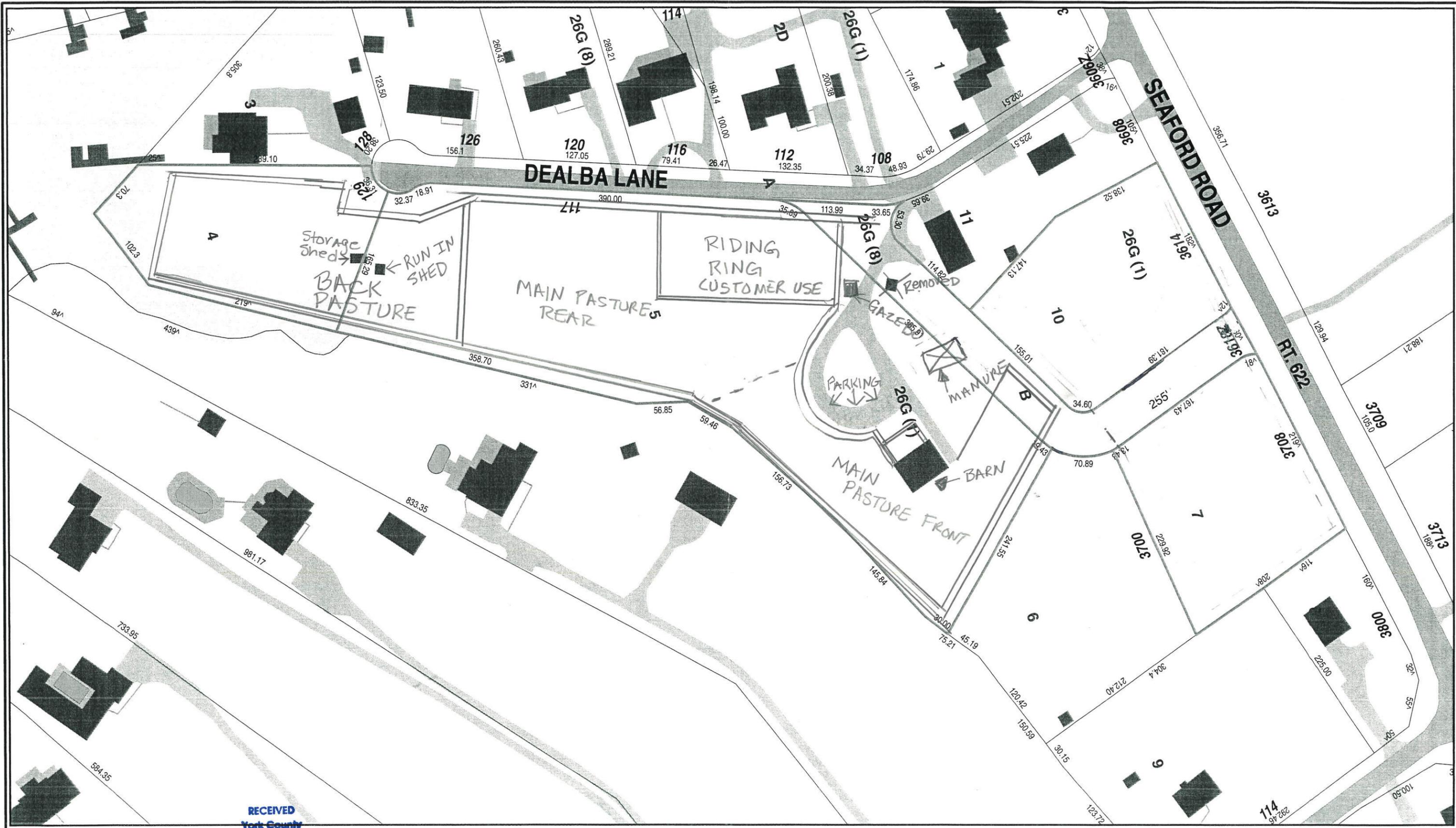
APPLICATION NUMBER: UP-867-15



SOURCE: YORK COUNTY GIS PARCEL DATA and ZONING COVERAGE

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

Printed on August 31, 2015

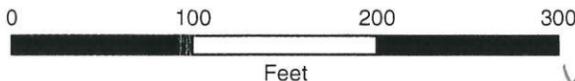


RECEIVED
York County

AUG 19 2015

Planning Division

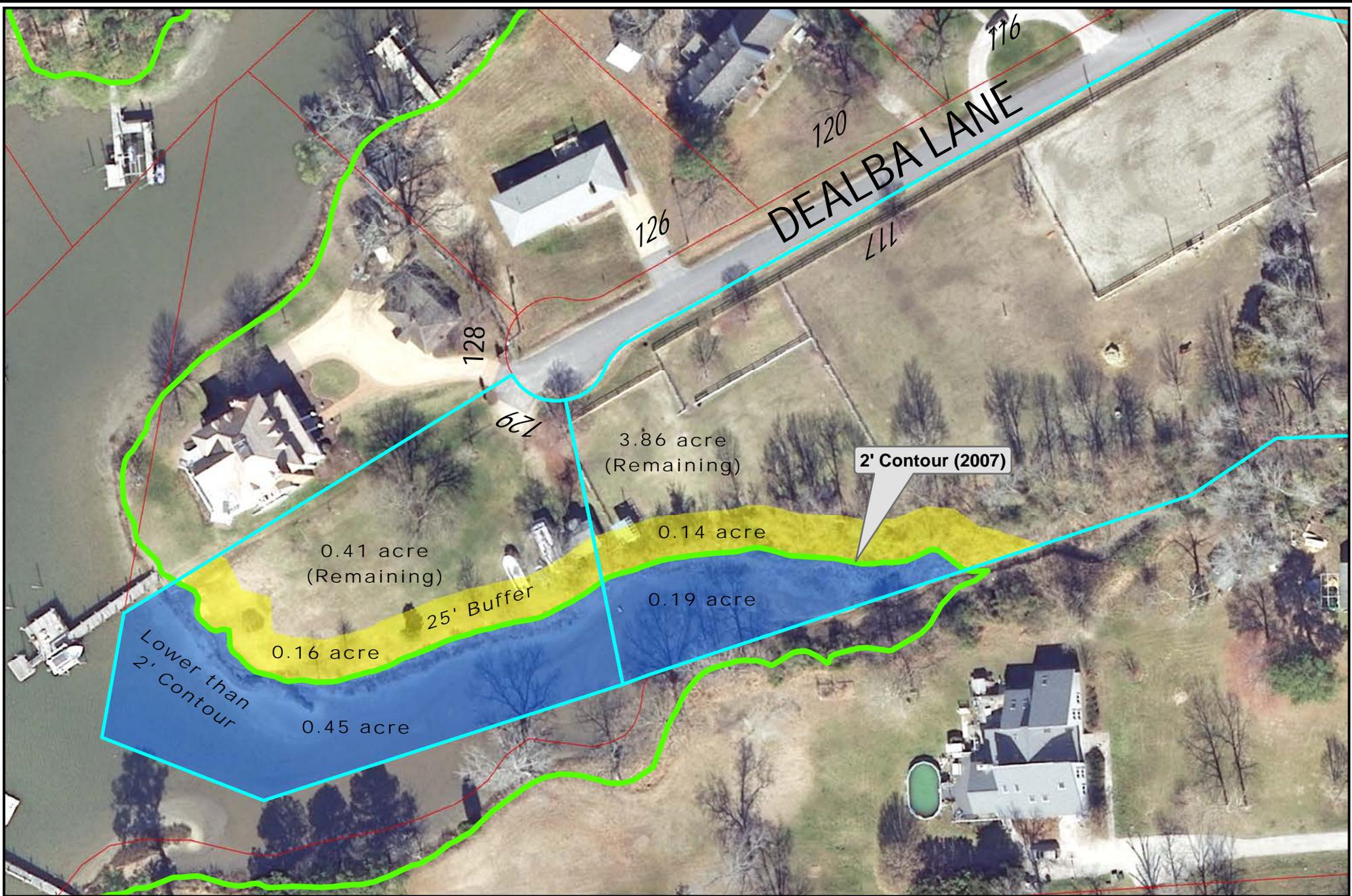
River Front Ridding Center



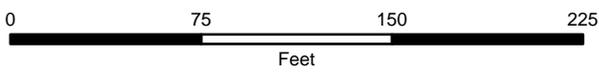
= FENCE BOARD
 - - - FENCE ELECTRIC
 [X] MANURE STORAGE w/ FENCE
 *NO NEW CONST. - ALL EXISTING



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 been certified.



117 & 129 Dealba Lane



THIS IS NOT A LEGAL PLAT.

 This map should be used for

 information purposes. It is not

 suitable for detailed site planning.

NUTRIENT MANAGEMENT PLAN IDENTIFICATION

Operator
Kim Hatfield
117 Dealba Ln
Seaford, VA 23696
757-869-0350

Integrator: None

Farm Coordinates
Easting: 0, Northing: 0, zone: 17

Watershed Summary
watershed: CB21
county: York

Nutrient Management Planner
David Dutton
1764 S. Military Hwy
Chesapeake VA, 23320

Certification Code: 763

Acreage Use Summary
Total Acreage in this plan: 4.5
Cropland: 0.
Hayland: 0.
Pasture: 4.5
Specialty: 0.

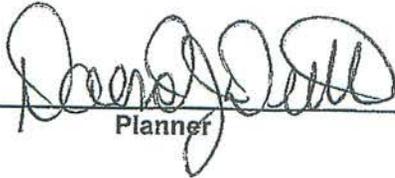
Livestock Summary
Beef Cattle 0
Dairy Cattle 0
Poultry 0
Swine 0
Other 6

Manure Production Balance

	Imported	Produced	Exported	Used	Net
kgals	0.	0.	0.	0.	0.
tons	0.	0.	0.	0.	0.

Plan written 6/22/2015
Valid until 7/22/2018

Signature: _____


Planner

7/28/15
date

Riverfront Riding Center Narrative

This plan was developed for **Riverfront Riding Center** which is a facility that keeps approximately six horses on site for the purpose of riding giving lessons. There are three pastures and a riding ring on the property at this time totaling approximately 4.5 acres. The pastures contain Bermudagrass, Fescue and Orchardgrass and are contained/separated by a combination of board fence, T-posts/electric fencing. None of the soil types present is environmentally sensitive. However, care should be taken to fence animals out of any areas prone to erosion, wash outs, gully etc.

Manure Storage/Management

An 1100# horse can produce as much as 57# of waste per day. Manure should be stored a minimum of 25' from ditches and minimum of 100' away from surface water. No manure is currently being spread on any of the pastures. All of the pastures and the riding ring are mucked on a monthly basis. The stock piled manure is hauled off every four to six weeks by a landscaping company. A silt fence barrier is maintained around the outside of the manure storage area. The manure I observed on the property at the time of my visit was stored on top of a tarp as a further containment measure. A tarp or another means to keep rain water off the manure should be used. More detailed information on manure management can be found in the VA Coop Ext Pub.406-208 included in this plan.

Pasture Management

The last application of seed and fertilizer was applied in March of 2014. The primary summer grasses will be bermudagrass and fescue. We discussed overseeding in the fall with a mix of cool season grasses such as fescue, orchardgrass and ryegrass. The profiles and management practices for each as well as bermudagrass are included in this plan from the VA Tech Agronomy Handbook. A copy of the Forage Crops Guide is also included. For cool season grasses in Tidewater it is recommended that seeding occur between September 1st and October 15th. 1.3 tons of lime is recommended to adjust the soil pH. Lime may be applied ASAP or at seeding time at a rate of no more than 60#/1000sqft per application. Applications should be made four months apart and total the 1.3 tons called for on the soil sample. A product called Solu-Lime could also be used at rate of 12#/1000sqft. It is recommended to split up field/paddocks so that they can be rotationally grazed to maximize the health and productivity of the pastures. Specific information can be found in the Publications 418-101, 104, 103 found in this plan.

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 _____, 2015:

Present

Vote

Todd H. Mathes, Chair
 Glenn A. Brazelton, Vice Chair
 Montgoussaint E. Jons
 Timothy D. McCulloch
 Richard M. Myer, Jr.
 Melissa S. Magowan
 Robert W. Peterman

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

A RESOLUTION TO RECOMMEND APPROVAL OF A SPECIAL USE PERMIT TO AUTHORIZE A COMMERCIAL STABLE ON PROPERTY LOCATED AT 117 AND 129 DEALBA LANE (PRIVATE) AND 3618Z SEAFORD ROAD (ROUTE 622)

WHEREAS, Kim Hatfield has submitted Application No. UP-867-15 to request a Special Use Permit, pursuant to Section 24.1-306 (Category 2, Number 8) of the York County Zoning Ordinance, to authorize a commercial stable on three parcels (5.94 acres) located at 117 and 129 DeAlba Lane (private) and 3618Z Seaford Road (Route 622) and further identified as Assessor’s Parcel Nos. 26G-1-5, 26G-1-4, and 26G-8-B (GPIN V08a-1452-3689, V08a-1165-3225, and V08a-1502-3949); 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 _____, 2015, that Application No. UP-867-15 be, and it

is hereby, transmitted to the York County Board of Supervisors with a recommendation of approval to authorize a commercial stable on three parcels (5.94 acres) located at 117 and 129 DeAlba Lane (Private) and 3618Z Seaford Road (Route 622) and further identified as Assessor's Parcel Nos. 26G-1-5, 26G-1-4, and 26G-8-B (GPIN V08a-1452-3689, V08a-1165-3225, and V08a-1502-3949), subject to the following conditions:

1. This Special Use Permit shall authorize a commercial stable on four parcels (7 acres) located at 117 and 129 DeAlba Lane (Private) and 3618Z Seaford Road (Route 622) and further identified as Assessor's Parcel Nos. 26G-1-5, 26G-1-4, and 26G-8-B (GPIN V08a-1452-3689, V08a-1165-3225, and V08a-1502-3949).
2. A sketch plan shall be prepared and submitted to and approved by the Development Services Division prior to commencement of commercial stable operations on the subject property. Except as modified herein, said plan shall be substantially in conformance with the sketch plan submitted by the applicant titled "River Front Ridding Center" (*sic*) dated August 19, 2015.
3. All activities shall comply with Section 24.1-414, *Standards for horsekeeping and commercial stables*, of the York County Zoning Ordinance and Chapter 4, Article II, *Livestock*, of the York County Code.
4. A maximum of ten (10) horses shall be allowed on the property.
5. Any new pasture fencing and any areas to be utilized for horses shall be located a minimum of 25 feet from any property boundary and 25 feet from the two foot (2') elevation contour above mean sea level.
6. The manure handling area shall be located at least 25 feet from any adjacent property boundary, and a six-foot privacy fence shall be installed to buffer views from adjoining properties.
7. Operation of the stable shall be in compliance with all the stipulations set forth in the soil conservation and management plan prepared by David Dutton and dated 7/28/2015, a copy of which shall be kept on file in the office of the Planning Division.
8. A certified copy of the resolution approving this Special Use Permit shall be recorded at the expense of the applicant in the names of the property owners as grantors in the office of the Clerk of the Circuit Court prior the issuance of a Certificate of Use and Occupancy for the tourist home.

BE IT FURTHER RESOLVED that these conditions of approval are not severable and invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.