

# COUNTY OF YORK

## MEMORANDUM

**DATE:** October 6, 2020 (PC Mtg. 10/14/20)  
**TO:** York County Planning Commission  
**FROM:** Earl W. Anderson, AICP, Senior Planner   
**SUBJECT:** Application No. UP-959-20, Susan E. Ferrandino

### ISSUE

This application 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 authorize the establishment of a tourist home in an existing single-family detached house on a 0.16-acre parcel of land located at 101 Mosel Court (private) and further identified as Assessor's Parcel No. 11A-12. The property is zoned R13 (High Density Single-Family Residential) and designated High Density Residential in the Comprehensive Plan.

### DESCRIPTION

- Property Owner: Susan E. Ferrandino
- Location: 101 Mosel Court (private)
- Area: 0.16 acres
- Frontage: Approximately 70 feet on Mosel Court and approximately 100 feet on Golden Drive (Route 1165)
- Utilities: Public water and sewer
- Topography: Flat
- 2035 Land Use Map Designation: High Density Residential
- Zoning Classification: R13 - High Density Single-Family Residential
- Existing Development: Single-family detached dwelling
- Surrounding Development:
  - North: Single-family detached dwellings
  - East: Single-family detached dwellings across Golden Drive
  - South: Single-family detached dwelling

West: Single-family detached dwellings

- Proposed Development: Three-bedroom tourist home in an existing single-family detached dwelling

### CONSIDERATIONS/CONCLUSIONS

1. The subject 0.16-acre parcel is occupied by a single-family detached home. The property, located in the Vineyard Heights subdivision, is surrounded by single-family detached homes to the north, east, south, and west. Distances between the subject dwelling and dwellings on adjacent parcels measure approximately 21 feet (south side), 72 feet (east side), 116 feet (north side), and 118 feet (west side). The property is zoned R13 (High Density Single-Family Residential) and is designated High Density Residential in the Comprehensive Plan.
2. Section 24.1-104 of the Zoning Ordinance defines Tourist Home as “An establishment, either in a private dwelling or in a structure accessory and subordinate to a private dwelling, in which temporary accommodations are provided to overnight transient guests for a fee.” Tourist homes are differentiated from bed-and-breakfast inns by the fact that on-premises residency by the tourist home owner/operator and breakfast service for guests are not required. In this case, the owner will not be on the premises during times that the tourist rooms are rented. The applicant/owner will reside near Charlottesville but would maintain the subject dwelling for herself when she has drill weekends at Fort Story and Fort Eustis. The standards state that the applicant may, “designate a responsible party...who shall be available to promptly respond to and resolve problems or complaints that arise while rentals are taking place”. The applicant has stated in her narrative that she will designate someone who works in Yorktown, but lives in Virginia Beach approximately an hour and fifteen minutes from the subject property as her main contact. However, she has also made arrangements with the adjacent neighbor at 103 Mosel Court to serve as another designee. Further, the Zoning Ordinance performance standards for boarding houses, tourist homes, and bed and breakfast establishments require that such establishments “shall have the appearance of a single-family detached residence and normal residential accessory structures.”
3. The applicant seeks approval to utilize the whole 1,467-square foot home as a three-bedroom tourist home for use by no more than six (6) guests at a time. The house would be offered as a whole-house rental, so individual bedrooms would not be rented out separately. The rentals would be either two three-day rentals or a seven-day rental on a monthly basis. The home includes a family room, dining room, kitchen, and half-bath on the first floor and three bedrooms and two bathrooms on the second floor. The applicant does not propose to make any additions or exterior changes to the building.
4. According to the Institute of Transportation Engineers’ *Trip Generation* manual, (8<sup>th</sup> edition), a typical single-family detached dwelling generates an average of 9.6 trips per day; however, no trip generation data is available for short-term rentals. Similar uses include motel rooms (average of 9.1 trips per room per day) and timeshares (10.6 trips

per room per day). With the possibility of three vehicles per rental, staff estimates the proposed tourist home could potentially generate between 17 and 30 trips per day during rentals, though there would be reduced traffic during periods of non-rental. Though this is somewhat more traffic than would be generated by a typical single-family detached home, staff believes it could have a detrimental impact on Mosel Court, Golden Drive and Queens Creek Road, which the renters would need to utilize to access the dwelling. Additionally, Mosel Court is an approximately 12-foot wide private road that serves three homes; no traffic volume data is available. Renters would access the home via Queens Creek Road, which is approximately twenty feet (20') in width at its narrowest and carries approximately 1,800 vehicles per day, and Golden Drive, which is approximately twenty-one feet (21') in width and carries approximately 850 vehicles per day. None of these roads has streetlights.

5. The Zoning Ordinance requires a minimum of five (5) off-street parking spaces for the proposed tourist home (two spaces for the residence, plus one for each rented sleeping room). The dwelling contains a one-car garage and has space in driveway to accommodate the additional four (4) vehicles in a stacked position meeting the required parking.
6. If this application is approved, the applicant will 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.
7. Previous tourist home approvals included various emergency/life safety conditions of approval recommended by the Department of Fire and Life Safety. In March 2020, as part of a series of Zoning Ordinance text amendments, the Board of Supervisors incorporated these requirements into the performance standards for short-term rentals. Therefore, there is no longer any need to include these requirements as conditions of Special Use Permit approval.

### **RECOMMENDATION**

In allowing tourist homes in the R13 and other residential districts with a Special Use Permit, the Zoning Ordinance recognizes that such a use could be appropriate in some residential areas but not in others. By their nature, tourist home rentals often have higher per-unit occupancy rates and generate more traffic than typical single-family detached dwellings, though with this particular request, the applicant plans to limit rentals to no more than two weekends or a single one-week period in a given month.

As the Commission is aware, the Board of Supervisors recently adopted a series of amendments to the Zoning Ordinance provisions for short-term rentals (STRs). One change was the addition of language specifying that the Board and the Commission will consider the adequacy and capacity of the adjacent roadway network to accommodate any proposed STR without adversely affecting neighboring properties. In this case, direct access would be to a very narrow, private street, which is a less than ideal but not a major concern, given that there are only two other homes with access to this street. Also less than ideal is the

applicant's proposal to have no on-site management; rather, operation of the tourist home would be monitored by a neighbor, with no guarantee that the neighbor will always be present while rentals are taking place. The potential for neighbors to be disrupted by unruly guests is magnified by the relatively high development density of the subdivision, although it should be noted that so far, the County's experience with legal tourist homes that have been approved through the use permit process has been uniformly positive. There have been no citizen complaints about any of the *legally* operating STRs in residential areas, and no zoning violations. As the Commission is aware, Zoning and Code Enforcement staff conducts annual inspections of all properties for which there is an active Special Use Permit.

While this property may not be as well-suited for a tourist home as some others that have been approved in the past, staff does not believe it would be incompatible with the residential character of the area, especially with the limited number of rentals per month and the designation of an adjacent neighbor as the responsible party to monitor the use and the conduct of the occupants. 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 through the adoption of proposed Resolution No. PC20-21. This resolution includes a condition of approval that would cause the use permit to expire upon the transfer of ownership of the property by the current owner. It generally has not been the County's practice to tie Special Use Permit approvals to specific individuals based on the principle that if the Board of Supervisors deems a given use to be acceptable in a given location subject to a given set of conditions, it should not matter who owns the property since any future owner would be subject to the same conditions of approval as the applicant. In the case of short-term rentals, however, an exception to the normal rule may be appropriate. STRs are different from other land use proposals. The introduction of commercial and quasi-commercial activities in residential neighborhoods can be a sensitive issue, and people's reactions to proposed short-term rentals are often influenced by their knowledge of the applicant.

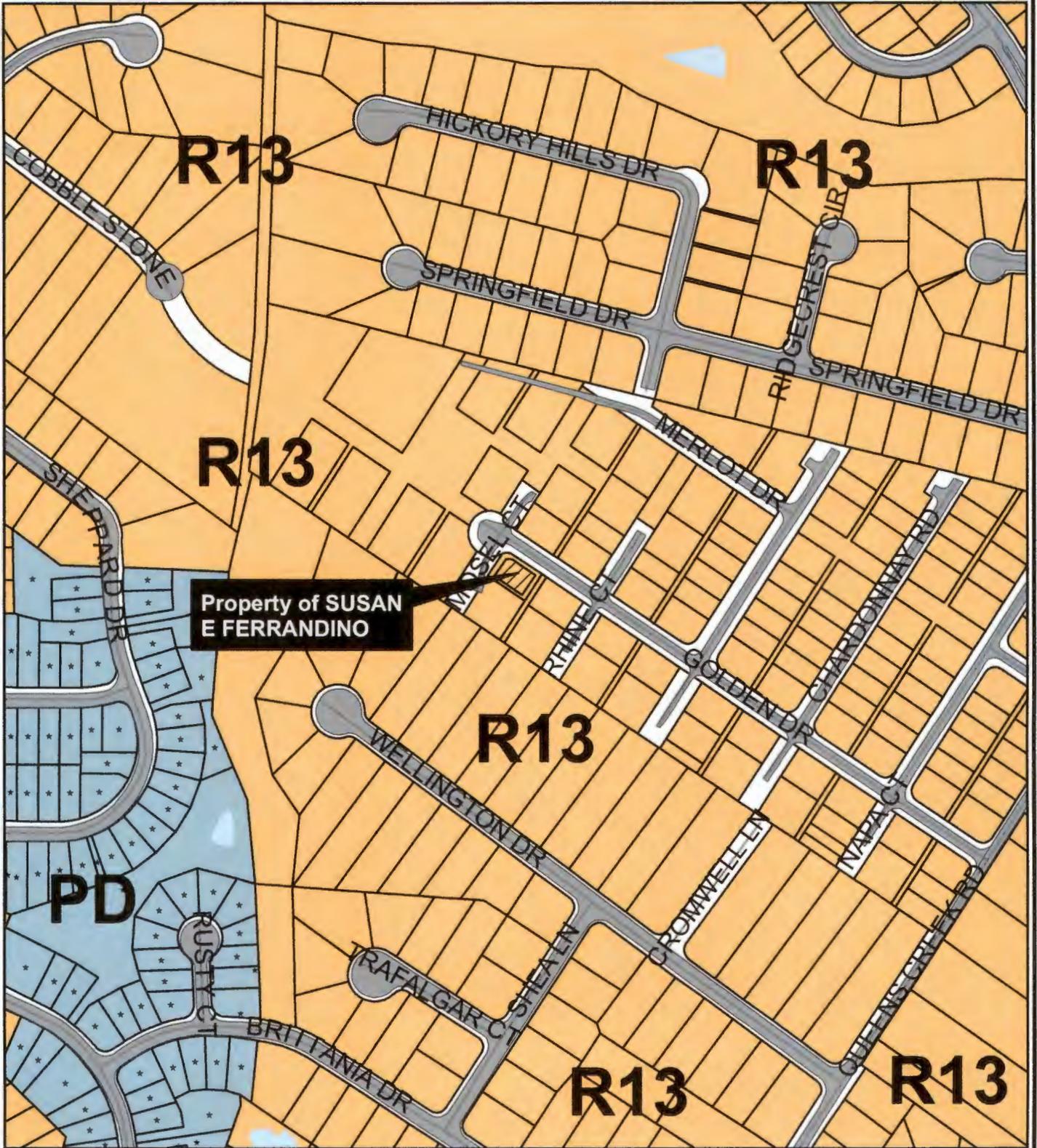
EWA

Attachments:

- Zoning Map
- Sketch Plan
- Floor Plan
- Proposed Resolution No. PC20-21

**APPLICANT**  
**Susan E Ferrandino**  
Request for a Special Use Permit for a tourist home  
101 Mosel Court

**ZONING MAP**  
APPLICATION NUMBER: UP-959-20



★ = Conditional Zoning



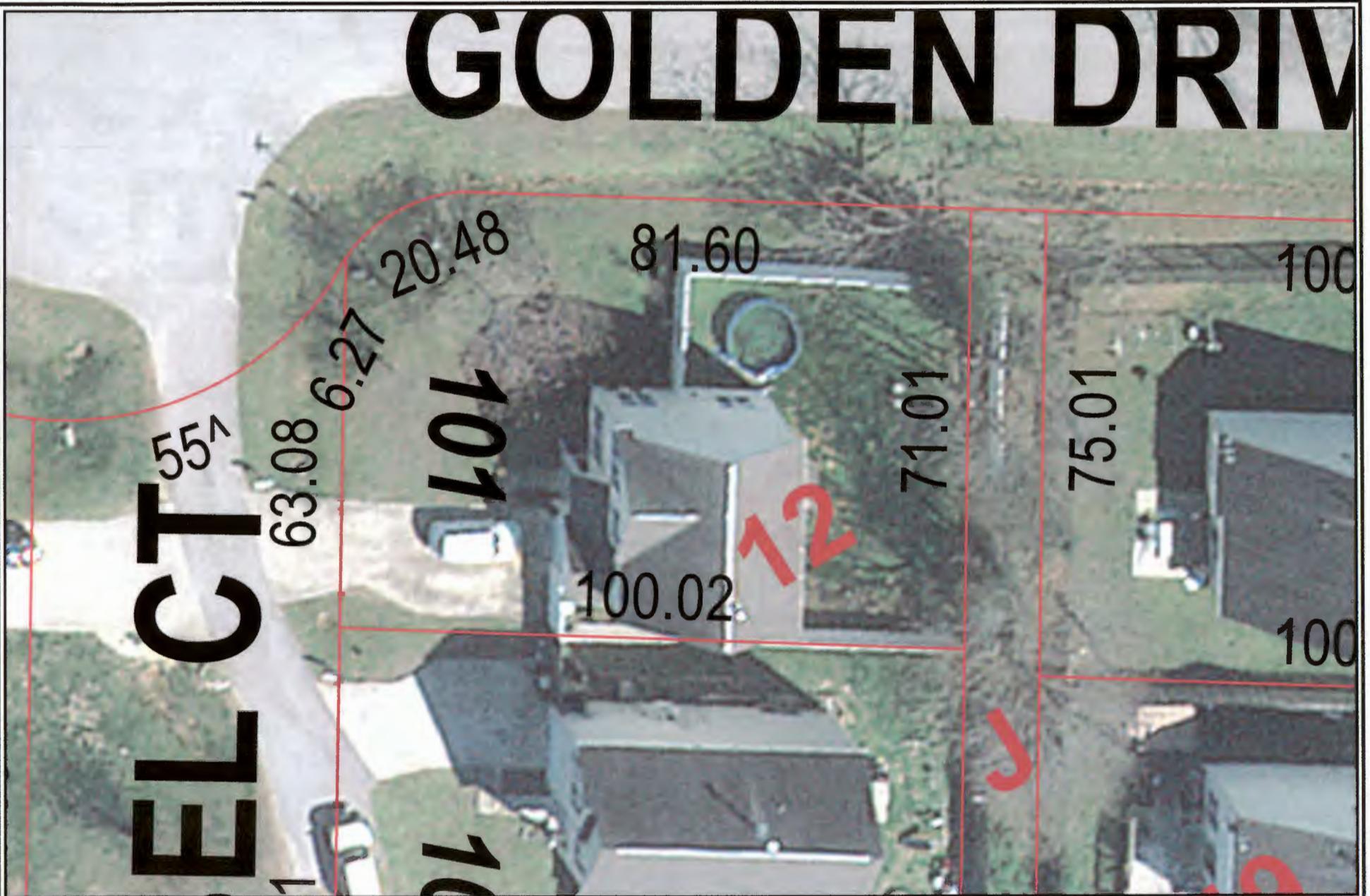
September 2, 2020



SOURCE: YORK COUNTY  
GIS PARCEL DATA and  
ZONING DATA

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

# GOLDEN DRIVE



**York County**  
VIRGINIA  
*America's Future Starts Here!*

GEOGRAPHIC INFORMATION SYSTEMS  
Department of Information Technology  
WWW.YORKCOUNTY.GOV

Image Copyright 2017  
Commonwealth of Virginia

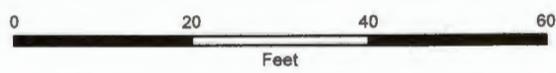
HORIZONTAL ACCURACY: +/- 2.5 feet DATUM: VA State Plane South, NAD 83  
VERTICAL ACCURACY: +/- 1 foot DATUM: NAVD 1988  
DATE OF ELEVATION INFORMATION: 2007

This map should NOT be used for engineering or other design purposes without full verification having been undertaken by a qualified surveyor.

The County of York, Virginia assumes no responsibility for the accuracy of this map or the information contained herein or derived here from. The buyer and/or user assumes all risks and liabilities whatsoever resulting from, or arising out of the use of this map.

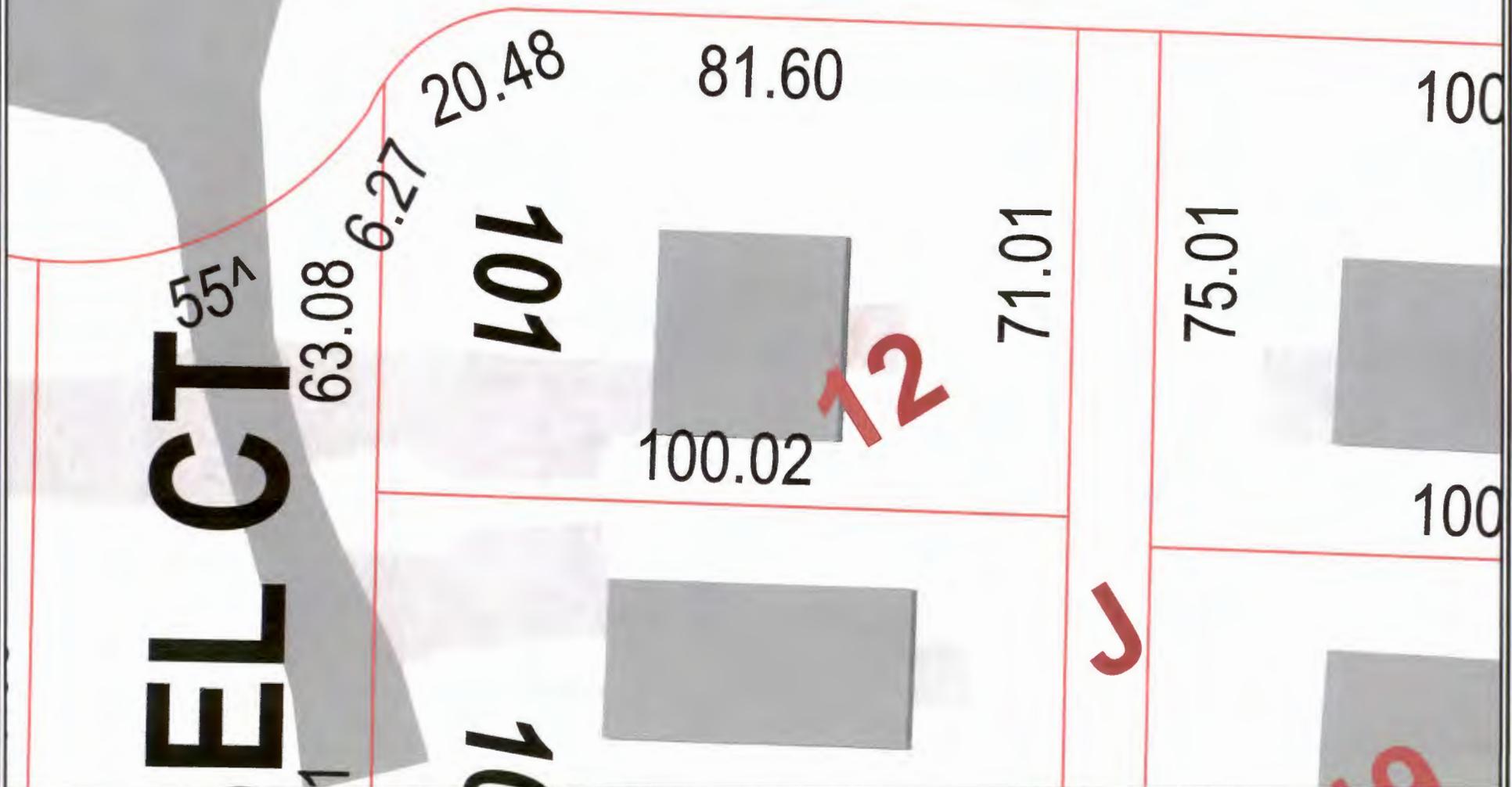
There are no oral agreements or warranties relating to the sale and/or use of this map.

## 101 MOSEL COURT



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

# GOLDEN DRIVE



# EL CT

55°

63.08

6.27

20.48

101

81.60

100.02

71.01

75.01

100

100

## 101 MOSEL COURT



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

# A York County Retreat

*(at 101 Mosel Court, Williamsburg, Virginia)*

A narrative by Susan E. Ferrandino

15 August 2020

The splendor of Williamsburg captured me as I grew up. As a native Virginian, many field trips, vacations and day trips took place in the tri-city area with emphasis on Williamsburg. In 2003, I had the privilege of moving to York County, Virginia into my very first home on Mosel Court!

In the near future, part of my work will be located near Charlottesville, VA, thus I will be relocating to Orange County, VA. However, I will still be working in the Hampton Roads area minimally to include drill weekends at Ft. Story & Ft. Eustis. For this reason, I will be returning to my Williamsburg home 1-2 times a month. For the days I am not here, I would like to open my home as a vacation home (short-term rental), "whole-house rental". This will allow visitors the opportunity to see Williamsburg, Yorktown and Jamestown just as I did when I was a tourist. Also, it will provide security having the home occupied.

Please do know, my home will not incorporate "back-to-back" rentals. This will not mimic an Outer Banks or Virginia Beach rental, but rather, limited days available each month. My goal is to rent out 1-2 weekends a month *or* 1 week a month. Specifically, this will be a maximum of "two" 3-day rentals *or* "one" 7-day rental. I will only rent out to responsible adults and families (to include children). Renters will be vetted. The maximum number of occupants will be 6. Adults will always supervise children. Immediate neighbors and Mr. Raylondo (Vineyard Heights HOA President) will be made aware of all upcoming rental dates. Rules and regulations of York County and neighboring counties, collectively, will be included in the rental agreement. In addition, I will have house rules to include housekeeping, trash removal, noise levels. This is my home and I want it and the neighborhood to be respected.

My designated responsible party will be James Meekins, LCDR, USN. He resides at 2745 Pleasant Acres Drive, Virginia Beach, VA 23453. Phone: 757-642-7052. Email: [jmeekins8297@hotmail.com](mailto:jmeekins8297@hotmail.com). He is stationed in Yorktown. In addition, Maura and Adam Wertin who live next door at 103 Mosel Ct, Williamsburg, VA 23185, will also be emergency contacts. Phone: 814-243-6729.

Adjacent neighbors are in favor of the Special Use Permit for “short-term rental” and have submitted signed letters.

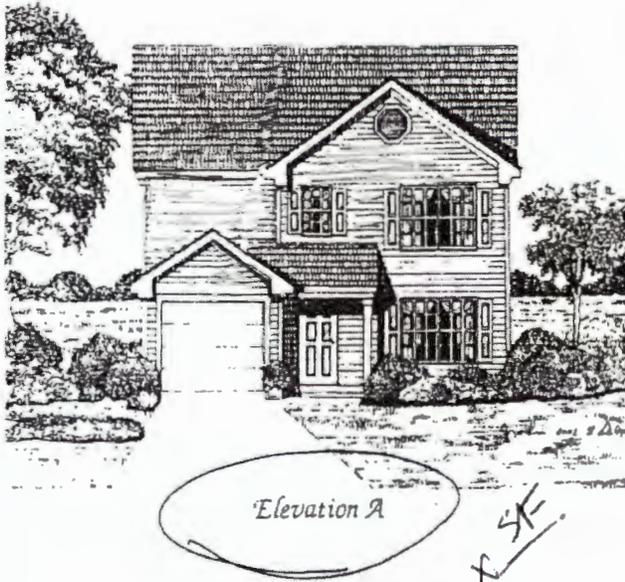
1. Mr. & Mrs. Kris Nichols, owners of 103 Mosel Court, Williamsburg, VA
2. Darin and Valerie Scott, owners of 100 Mosel Court, Williamsburg, VA

In closing, I want to reiterate how passionate I am about sharing my home. As you know, this area is full of rich history, area attractions, beautiful parks and restaurants, to name a several. The visitors I seek will be those families and individuals that embrace this. My home is a short distance to Colonial Williamsburg and central to Jamestown, Busch Gardens and Water Country. This is advantageous from a commerce standpoint. I hope you will support the next chapter of my life by allowing my home to be rented as a short-term rental, vacation home.

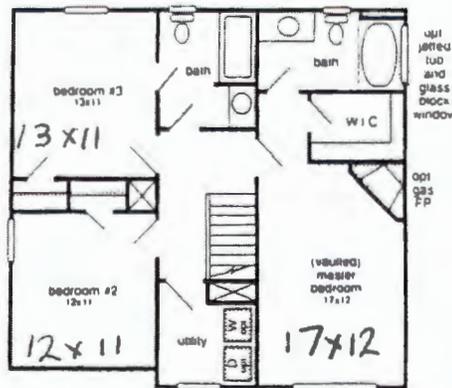
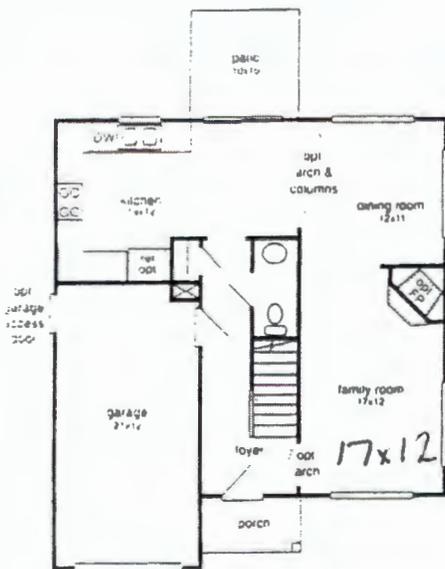
Thank you for your time,

Susan E. Ferrandino

# Zinfandel Model D



*This affordable and charming three-bedroom model, features two and one-half baths and offers the convenience and versatility of a guest bedroom connecting with the hall bath. The formal dining room opens to a large sunlit kitchen. The master bedroom suite features a dramatic vaulted ceiling, and offers an optional jetted tub in the master bath for comfort and relaxation! An optional gas fireplace with media center above is available in both family room and master bedroom. This virtually maintenance-free home comes with a full-car garage.*



*"Building dreams one home at a time."*

Details and dimensions above shown on these floorplans are approximate and subject to change. Illustrations are artists concepts and may vary in detail from plans and specifications.

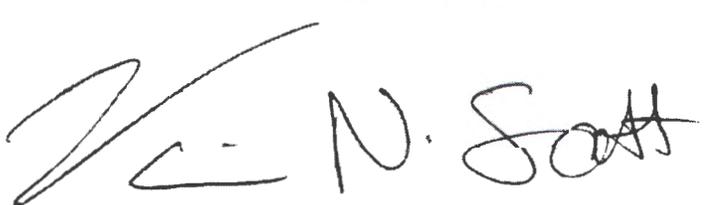
Mr. & Mrs. Scott  
100 Mosel Court  
Williamsburg, VA 23185  
25 September 2020

Earl W. Anderson, AICP  
Senior Planner  
100 County Drive  
Yorktown, VA 23690-0532

Dear Mr. Anderson:

We, Mr. & Mrs. Scott, are in favor of Susan E. Ferrandino's Special Use Permit (Application No. UP-959-20) for "short-term rental" of 101 Mosel Court, Williamsburg, VA 23185. She has explained the details of this business model and we support it.

Sincerely,

RECEIVED  
York County

OCT 06 2020

Planning  
Division

Mr. & Mrs. Kris Nichols  
103 Mosel Court  
Williamsburg, VA 23185  
(612) 210-4190

25 September 2020

Earl W. Anderson, AICP  
Senior Planner  
100 County Drive  
Yorktown, VA 23690-0532

Dear Mr. Anderson:

We, Mr. & Mrs. Kris Nichols, are in favor of Susan E. Ferrandino's Special Use Permit (Application No. UP-959-20) for "short-term rental" of 101 Mosel Court, Williamsburg, VA 23185. She has explained the details of this business model and we support it.

Sincerely,

*Kristopher Nichols*

*Vanessa Nichols*

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 \_\_\_\_\_, 2020:

---

Present

Vote

Michael S. King, Chair  
Glen D. Titus, Vice Chair  
Montgoussaint E. Jons  
Mary P. Leedom  
Robert T. Criner  
Robert W. Peterman  
Bruce R. Sturk

---

On motion of \_\_\_\_\_, which carried \_\_\_\_, the following resolution was adopted:

A RESOLUTION TO RECOMMEND APPROVAL OF A SPECIAL USE PERMIT APPLICATION TO AUTHORIZE A TOURIST HOME IN AN EXISTING SINGLE-FAMILY DETACHED DWELLING AT 101 MOSEL COURT

WHEREAS, Susan E. Ferrandino has submitted Application No. UP-959-20, pursuant to Section 24.1-306 (category 1, no. 6) of the York County Zoning Ordinance, to authorize the establishment of a tourist home in an existing single-family detached dwelling on an approximately 0.16-acre parcel located at 101 Mosel Court (private) and further identified as Assessor’s Parcel No. 11A-12 (GPIN G14a-1800-2682); 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 \_\_\_\_\_, 2020 that Application No. UP-959-20 be, and it is hereby, transmitted to the York County Board of Supervisors with a recommendation of approval to authorize the establishment of a tourist home in an existing single-family

detached dwelling on an approximately 0.16-acre parcel located at 101 Mosel Court (private) and further identified as Assessor's Parcel No. 11A-12 (GPIN G14a-1800-2682), subject to the following conditions:

1. This Special Use Permit shall authorize the establishment of a tourist home in an existing single-family detached dwelling on an approximately 0.16-acre parcel located at 101 Mosel Court (private) and further identified as Assessor's Parcel No. 11A-12 (GPIN G14a-1800-2682).
2. The tourist home shall be operated in accordance with York County Zoning Ordinance Section 24.1-409, *Standards for boarding house, tourist home, and bed and breakfast establishments* and the application description, sketch plan, and floor plans provided by the applicant and received by the York County Planning Division on August 27, 2020, copies of which shall remain on file in the office of the Planning Division.
3. The term of this Special Use Permit shall expire upon the termination of ownership of the property by the applicant.
4. The applicant shall be responsible for obtaining all applicable permits and/or approvals required in accordance with regulations of the Virginia Uniform Statewide Building Code, the York County Department of Fire and Life Safety, and the Virginia Department of Health prior to use of the dwelling as a tourist home.
5. No more than six (6) guests shall occupy the tourist home at any one time.
6. The owner/proprietor shall provide the Zoning and Code Enforcement office and the Sheriff's Office with the contact information for a responsible party, who may be the owner or, if not the owner, shall be located within thirty (30) minutes and shall be available 24 hours a day, 7 days a week, to respond to and resolve issues and complaints that arise while the tourist home is being rented.
7. On-street parking shall not be permitted.
8. Exterior cooking appliances used by customers of the tourist home shall have a fuel source of either propane or natural gas. The use of charcoal shall be prohibited.
9. Approval of this application 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 owners association to enforce compliance with any applicable covenants.
10. In accordance with Section 24.1-115(b)(6) 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(s) in the name of the property owner(s) as grantor(s) in the office of the Clerk of the Circuit Court prior to commencement of the tourist home use on the subject property.

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.