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February 22, 2016

Selma Home LLC
C/O Celia Burton
514 Amherst Street
Winchester, Virginia 22601

**RE: ZONING DETERMINATION LETTER (ZLR-16-078), 514 Amherst St, Winchester, Virginia
(hereinafter “the property”), 172-01- -4**

Dear Ladies and Gentlemen:

In response to your request concerning a Zoning Determination for the aforementioned property, please be advised of the following as of the date hereof. The Property, which is identified by Tax Assessment records as #172-01- -4, is located entirely within the Residential Office (RO-1) district with Historic Winchester (HW) district overlay.

The RO-1 Zone permits the use of the described property for those permitted uses (and, with appropriate exceptions, for those permissible uses by conditional use permit) contained in Section 6-1 of the Winchester Zoning Ordinance. A copy of Article 6, Residential Office – RO-1, is attached for your review. The RO-1 district provides that *Bed and Breakfast Homestays* and *Bed and Breakfast Inns* within structures at least 50 years old are permitted with a conditional use permit via City Council. These two uses are defined in the Zoning Ordinance as follows:

- §1-2-11.1 **BED & BREAKFAST HOMESTAY:** An owner-occupied dwelling unit which provides one to three guest rooms and breakfast for guests of those rooms only. No food preparation or cooking shall occur in the guest rooms. (12/13/94, Case TA-94-09, Ord. No. 028-94)
- §1-2-11.2 **BED & BREAKFAST INN:** A building designed or occupied as the more or less temporary abiding place with four (4) to twenty (20) guest rooms for individuals who are, for compensation, lodged and served breakfast, and in which provision is not generally made for cooking in the individual room or suite. (12/13/94, Case TA-94-09, Ord. No. 028-94)

Should the current owner or a future owner be interested in converting the residence to either a *Bed and Breakfast Homestay or Inn*, a conditional use permit and site plan applications would need to be filed with the Planning department. A conditional use permit is a discretionary review by City Council in which they evaluate the proposed use, the evaluation criteria can be found in Section 18-2-1 of the Zoning Ordinance:

18-2-1 CONDITIONAL USE PERMIT.

18-2-1.1 Conditional use permits may be granted by the City Council for any of the uses for which a permit is required by the provisions of this Ordinance. In granting any such use permit, the City Council may impose any such conditions in connection therewith as will assure that it will conform with the requirements contained herein and will continue to do so, and may require a guarantee or bond to ensure that the conditions imposed are being and will continue to be complied with. A conditional use permit shall not be issued unless the City Council shall find that:

- a. The proposal as submitted or as modified will not affect adversely the health, safety, or welfare of persons residing or working in the neighborhood of the proposed use; and will not be detrimental to public welfare or injurious to the property or improvements in the neighborhood. Among matters to be considered in this connection are traffic congestion, noise, lights, dust, odor, fumes, and vibration, with due regard for timing of operation, screening, and other matters which might be regulated to mitigate adverse impact.
- b. The proposal as submitted or modified will conform to the Comprehensive Plan, or to specific elements of such plan, and the official policies adopted in relation thereto, including the purposes and the expressed intent of this Ordinance.

In accordance with Section 15.2-2311 of the Code of Virginia (1950), as amended, you have the right to appeal this decision to the Board of Zoning Appeals within 30 days after your receipt of this letter. Otherwise the decisions set forth in this letter shall be final and unappealable if not appealed within the thirty-day period. The filing fee associated with an appeal is \$200.00, and should be enclosed with a completed application if you intend to appeal this decision. An acceptable application is determined to be: the application form completed, a letter outlining the grounds of the request and explanation of how the applicant is an aggrieved party, and required fee.

If you have any further questions, please contact me at (540)667-1815 x 1492 or aaron.grisdale@winchesterva.gov.

Regards,



Aaron M. Grisdale, CZA
Director of Zoning and Inspections

Encl. Article 6 – Residential Office District – RO-1
Application for Appeal of Zoning Determination

CC: Karin Andrews, 5208 Monticello Avenue, Williamsburg, VA 23188 (via email)