

COUNTY OF YORK

MEMORANDUM

DATE: January 26, 2021 (PC Mtg. 2/10/21)
TO: York County Planning Commission
FROM: Earl W. Anderson, AICP, Senior Planner
SUBJECT: Application No. UP-962-21, Andrew Piske

ISSUE

This application is a request for a Special Use Permit, pursuant to Section 24.1-283(b)(1) of the York County Zoning Ordinance, to authorize firearms sales and gunsmithing as a home occupation with on-site customer/client contact located at 211 Henry Lee Lane (Route 1570). The 0.4-acre parcel, further identified as Assessor's Parcel No. 30-28-8, is zoned R20 (Medium density single-family residential) and designated Medium Density Residential in the Comprehensive Plan.

DESCRIPTION

- Property Owners: Andrew J. and Stephanie M. Piske
- Location: 211 Henry Lee Lane (Route 1570)
- Area: 0.4 acre
- Frontage: 114 feet on Henry Lee Lane
- Utilities: Public water and sewer
- Topography: Flat
- 2035 Land Use Map Designation: Medium Density Residential
- Zoning Classification: R20 - Medium density single-family residential
- Existing Development: Single-family detached home with a detached garage
- Surrounding Development:
 - North: Two single-family detached homes on Gaines Way
 - East: Single-family detached home on Gaines Way
 - South: Two single-family detached homes across Henry Lee Lane
 - West: Two single family detached homes on Henry Lee Lane

- Proposed Development: Firearms sales and gunsmithing as a home occupation with on-premises customer/client contact

CONSIDERATIONS/CONCLUSIONS

1. The subject parcel is located near the end of Henry Lee Lane within the Gaines Estates subdivision and is surrounded by single-family detached homes. The 0.4-acre parcel and the surrounding area are zoned R20 (Medium density single-family residential) and are designated Medium Density Residential in the Comprehensive Plan.
2. The proposed gunsmithing home occupation is defined as the designing, making, or repairing of firearms and would utilize an area of the detached garage for this part of the use and a space within the single-family dwelling for recordkeeping and customer/client contact. The applicant has stated that the use would not include the discharge of firearms or the sale of ammunition on the property, and conditions have been proposed prohibiting those activities. Additionally, the applicant has a gun safe in which to store customers' firearms when they are not being worked on. According to the floor plan submitted by the applicant, the proposed home occupation would include approximately 168 square feet of customer/client contact area within the detached single-family dwelling and 128 square feet of shop area in the detached garage. Customer access to the home business area would be through the front door of the dwelling. No customer/client contact would be in the detached garage.
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 (e.g., because of on-premises customer contact). 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, the principal residential structure has approximately 2,403 square feet of floor area. The 296 square feet of floor area occupied by the in-home office and garage proposed for the home occupation use would constitute approximately 12% of the total floor area of the home.
4. The Zoning Ordinance 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 stated that he would work Monday through Friday from 9:00 AM to 4:00 PM, and these hours of operation have been proposed in the resolution as a condition of approval. Customers would be by appointment only with no more than one customer at a time.

To allow monitoring of compliance with the one-customer-at-a-time limit, the proposed conditions would require the applicant's appointment book to be made available for review by the Zoning and Code Enforcement staff upon request. This same requirement for appointment book review has been a part of various other Special Use Permit approvals involving on-premises customer contact for the purpose of verifying the

number of customer appointments and not to review or collect information as to customer identities, the type of firearm, or the amount of any business transaction.

5. Off-street parking must be provided to meet the needs of the home occupation in addition to the two spaces otherwise required for the residential use of the property. Based on the proposed condition limiting customer appointments to one at a time, the maximum customer parking demand at any time would be two vehicles (i.e., assuming that a customer might arrive before another's appointment has ended). The applicant's property has a driveway/parking area that measures approximately 32 feet in width and 20 feet in length and can accommodate the two (2) required residential spaces plus two (2) additional spaces for clients' vehicles.
6. The Department of Fire and Life Safety has indicated that a license from the federal Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) would be required for the proposed home occupation. The applicant would also be required to meet the requirements of the York County Fire Prevention Code, the Virginia Statewide Fire Prevention Code and the National Fire Protection Association. A proposed approval condition addresses this issue.
7. Several other Special Use Permits have been authorized to allow on-site customer contact in conjunction with a home occupation involving firearms repair and sales. These include:
 - UP-04-84 – Neal Johnson, Burts Road
 - UP-813-12 – Rhines Consulting, Inc., Cherwell Court
 - UP-827-13 – Robert Williams, Jr., Bolivar Drive
 - UP-842-14 – Kevin Weeks, Old York-Hampton Highway
 - UP-945-20 – Coastal Custom Guns, Mastin Avenue

According to Zoning and Code Enforcement staff, there have been no complaints or enforcement actions related to any of these businesses. The Sheriff's Office also has received no complaints regarding any these businesses over the past five years.

RECOMMENDATION

The proposed home occupation, provided that it is operated in the manner described by the applicant, would be consistent with the type and intensity of activity approved for other home occupations that involved customer contact and is not anticipated to have any adverse impacts on the surrounding area. Parking would be limited to the existing driveway, and the home business shop area is located in the existing detached garage and the customer/client area would be located within the single-family detached dwelling, so there would be no change in the exterior appearance of the residence. 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 set forth in proposed Resolution No. PC21-5.

Attachments:

- Zoning Map
- Narrative
- Sketch and Floor Plan
- Proposed Resolution No. PC21-5

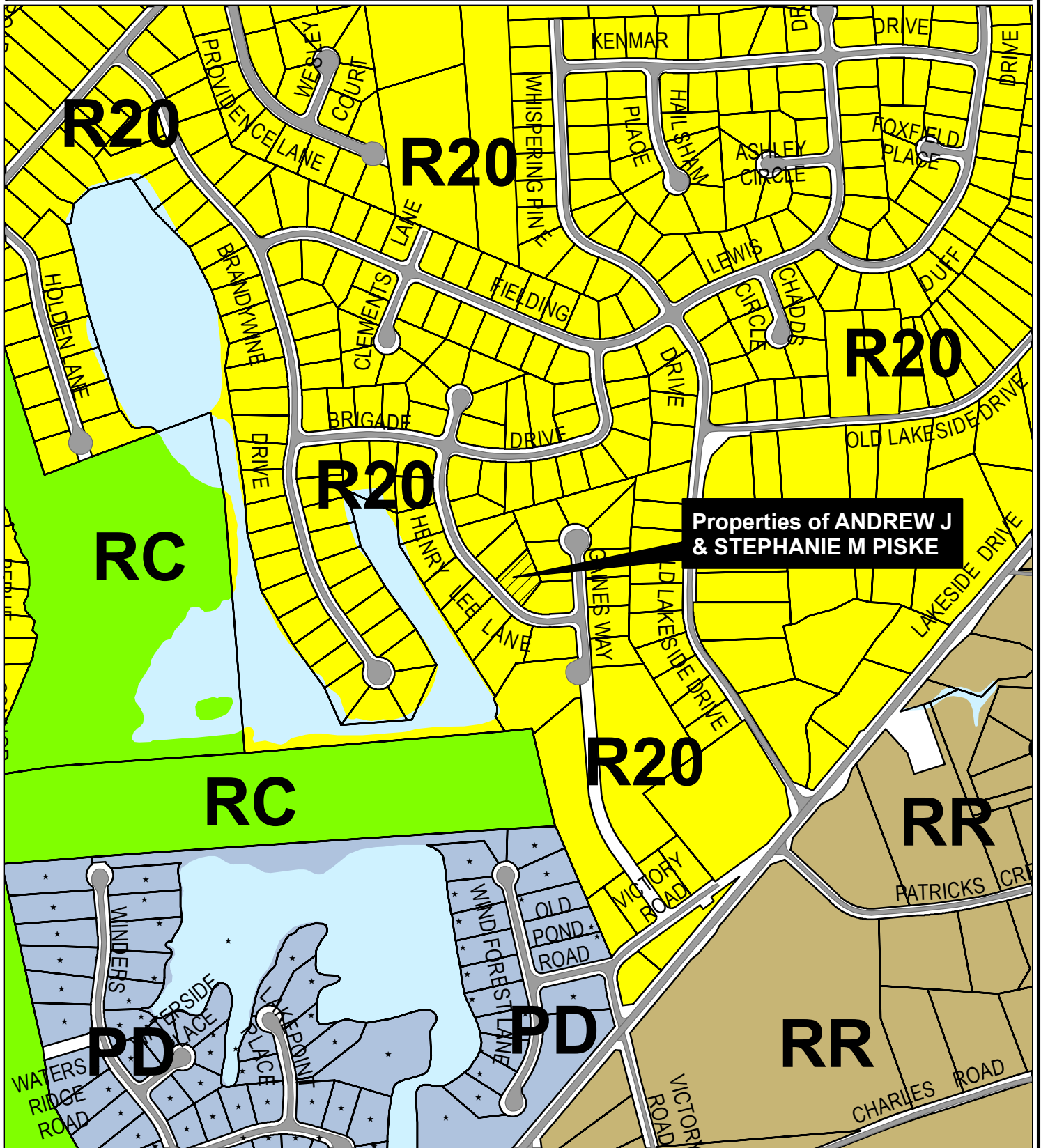
APPLICANT Andrew Piske

Request for a Special Use Permit to authorize firearms sales and gunsmithing as a home occupation.

211 Henry Lee Lane

ZONING MAP

APPLICATION NUMBER: UP-962-21



★ = Conditional Zoning



January 6, 2021



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.

Andrew Piske
211 Henry Lee Ln
Yorktown, VA 23692

To whom it may concern,

This request for a Special Use Permit is to allow me to start my home-based gunsmithing business. This has been a long-time dream of mine and after much consideration I have decided that now is the time to start the process. I can understand that this might seem like it would have negative impacts on my community but I can assure you that I have put much thought into this business plan with emphasis on safety and consideration of my neighborhood.

Examples of such considerations include:

- ATF FFL (YPSO notified) is in process and all local, state, and federal regulations will be followed;
- Appointments to ensure that I do not have multiple customers at a time;
- Off street parking so that my neighbors are not impacted;
- Business hours of Mon-Fri from 9-4 so that I am starting after the typical work day and concluding work early;
- Gunsmithing activities will be done in my detached workshop that has been spray foam insulated to reduce noise, though the machinery/tools used are not excessively loud and not heard by my closest neighbor;
- Personal and customer weapons are always secured when not actively being worked on – safety is utmost concern;
- Workshop is keypad controlled and under video surveillance;
- Reloading is not a service offered so there are no hazardous materials;
- Firearm or ammunition inventory is not maintained on site;
- Goes without saying but testing of firearms will never be done on- site, it will only be done at approved gun ranges.

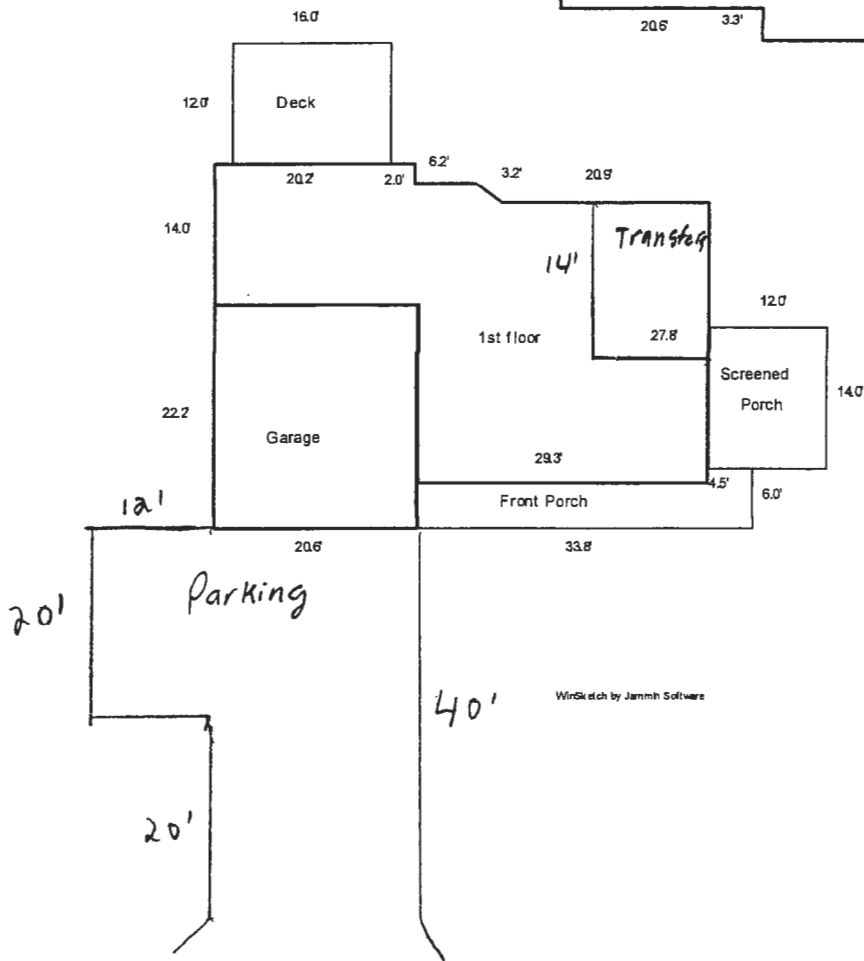
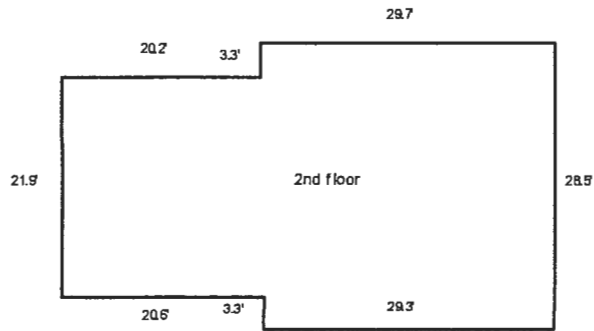
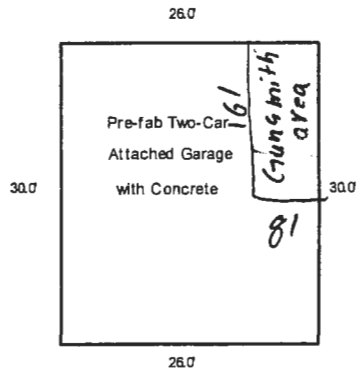
My family moved from Newport News to York County 6 years ago and have loved being a part of such a great community. Should my new business start to thrive and I outgrow my current shop then my intent is to move into a commercial building here in the county. I have no intention of expanding my current structures for business purposes.

I appreciate your consideration and welcome any questions you may have.



Andrew Piske
757-846-6991

T06a-1372-3760
211 Henry Lee Lane



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 ____, 2021:

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 AN APPLICATION TO AUTHORIZE FIREARMS SALES AND GUNSMITHING AS A HOME OCCUPATION WITH ON-PREMISES CUSTOMER/CLIENT CONTACT ON PROPERTY LOCATED AT 211 HENRY LEE LANE (ROUTE 1570)

WHEREAS, Andrew Piske, has submitted Application No. UP-962-21 requesting a Special Use Permit, pursuant to Section 24.1-283(b)(1) of the York County Zoning Ordinance, to authorize firearms sales and gunsmithing as a home occupation with on-site customer/client contact on a 0.4-acre parcel of land located at 211 Henry Lee Lane (Route 1570) and further identified as Assessor’s Parcel No. 30-28-8 (GPIN T06a-1372-3760); and

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 ____, 2021, that Application No. UP-962-21 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, for the establishment of firearms sales and gunsmithing as a home occupation with on-site customer/client contact on a 0.4-acre parcel of land located at 211 Henry Lee Lane (Route 1570) and further identified as Assessor's Parcel No. 30-28-8 (GPIN T06a-1372-3760), subject to the following conditions:

- 1) This use permit shall authorize the establishment of firearms sales and gunsmithing as a home occupation with on-site customer/client contact on a 0.4-acre parcel of land located at 211 Henry Lee Lane (Route 1570) and further identified as Assessor's Parcel No. 30-28-8 (GPIN T06a-1372-3760).
- 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) The floor area of the home occupation shall not exceed approximately 300 square feet of area within the detached garage area and the interior home floor area as depicted on the floor plan submitted by the applicant and received by the Planning Division on December 18, 2020, a copy of which shall remain on file in the office of the Planning Division.
- 4) No person other than individuals residing on the premises shall be engaged in the home occupation.
- 5) The days and hours of operation shall be limited to Monday through Friday, 9:00 AM to 4:00 PM. Customer/client contact on the premises shall be by appointment only and shall be limited to no more than one customer appointment at any one time. The applicant shall keep a log book indicating appointments scheduled by date and time with such log book to be made available for review by Zoning and Code Enforcement staff upon request. The log need not contain customer names or details concerning the type of firearm(s) or the amount of the business transaction.
- 6) A minimum of four (4) off-street parking spaces shall be provided on the premises and no on-street parking shall be allowed for the residence or business uses.
- 7) There shall be no live firing of firearms on the premises.
- 8) No ammunition or gun powder shall be stored or manufactured on-site for the purposes of sale to customers.
- 9) All firearms not owned by the property owner shall be locked in the gun safe when not being worked on.

- 10) Prior to commencement of operation of the home occupation, the portion of the home used for the home occupation, including the customer/client entrance and parking area shall conform to minimum standards of the Virginia Uniform Statewide Building Code, subject to the approval of the Building Code Official.
- 11) The home occupation shall be operated in conformance with all applicable codes and requirements of the York County Fire Prevention Code, the 2009 Virginia Statewide Fire Prevention Code, and the National Fire Protection Association and the following:
 - a) Installation of one 2A10BC fire extinguisher in the detached garage;
 - b) Submission of a Hazardous Materials Management Plan (to include ammunition, gunsmithing materials such as oils, and gun powder) to be reviewed and approved by the Department of Fire and Life Safety/Prevention and Community Safety Division;
 - c) An initial fire inspection prior to the commencement of the use, with annual fire inspection thereafter, to be conducted by the Department of Fire and Life Safety in accordance with the Virginia Statewide Fire Prevention Code and any local amendments to be conducted.
- 12) Proof of licensure from the Federal Bureau of Alcohol, Tobacco, Firearms and Explosives for a Federal Firearms license shall be submitted to the Department of Fire and Life Safety prior to issuance of a Certificate of Occupancy for the home occupation use.
- 13) 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 Use and Occupancy for the home occupation.

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.