

Application No. UP-962-21, Andrew Piske: Request for a Special Use Permit, pursuant to Section 24.1-283(b)(1) of the York County Zoning Ordinance, to authorize a firearms sales and gunsmithing business as a home occupation with on-site customer/client contact on a 0.4-acre parcel located at 211 Henry Lee Lane (Route 1570) (GPIN T06a-1372-3760). The property is zoned R20 (Medium density single-family residential) and designated Medium Density Residential in the Comprehensive Plan.

Earl Anderson, Senior Planner, summarized the staff report dated January 26, 2021, stating that staff recommends that the Commission forward the application to the Board of Supervisors with a recommendation of approval subject to the conditions set forth in proposed Resolution No. PC21-5.

Mr. Criner asked about signage.

Mr. Anderson responded that signage is not allowed. He added that the applicant does not intend to have any signage.

Chair King opened the public hearing.

Andrew Piske, 211 Henry Lee Lane, spoke as the applicant. He stated that copies of the public hearing notice had been distributed to homes throughout the surrounding neighborhood, which generated a lot of questions and concerns about the application from nearby residents that he wanted to address. In response to concerns about an increase in crime, he noted that staff and the Sheriff's Office have indicated there is no data over the past five years to support such concerns. He stated that his business would be in strict compliance with all guidelines from the federal Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) and the State Police. With regard to concerns that this would set a precedent for allowing businesses in residential areas, he said that is not his intent, adding that there are already quite a few home-based businesses in the neighborhood that have more impact than his business would. He explained that he would not be the actual seller of firearms but rather would serve as an ATF representative for online transactions that require verification of the purchaser's identity. With regard to the gunsmithing component of the business, he said the work is performed with common hand tools that he has used as a hobbyist in his garage for years with no noise complaints from neighbors. He said there would not be any signage, websites, business cards, or other public advertising. In response to traffic concerns, he said he expects to have only a few customers per week who would be by appointment only. He said he wants to minimize the impact on his home and neighborhood by using shipping as much as possible and ensuring that firearms are concealed when being brought into his home. He said there would not be an inventory of firearms onsite and he noted his security measures in place, including security cameras, a safe, digital keypads, and access locks. He added if the business should turn into a larger commercial endeavor, he would move to an appropriately zoned location.

Mr. Jons asked for clarification regarding the ATF licensing process.

Mr. Piske said that he would be held to strict record-keeping requirements and would be subject to surprise ATF audits and inspections and would have to comply with strict guidelines and policies to obtain and maintain his Federal Firearms License.

Mr. Jons asked if a customer could bring a loaded gun to his house.

Mr. Piske responded in the negative and that if there were a situation where a round is stuck in a gun chamber, he would advise the customer to leave it at home and he would figure out a safe way to resolve it or decline the job.

Mr. Jons said he feels every reasonable and responsible measure has been taken to conduct the business

safely.

Mr. Sturk asked for clarification as to whether or not any firearms sales would be taking place.

Mr. Piske explained that although no firearms are inventoried onsite, the transfer of firearms between a retailer and a customer would be transacted through him.

Mr. Sturk asked how much of the business would consist of transfers.

Mr. Piske responded that transfers would be a nominal part of his business and the bulk of his work would be gunsmithing, repair, and restoration.

Mr. Titus asked how a customer ensures the gun is functional after it has been worked on.

Mr. Piske stated that the gun could be tested at a nearby gun range or discharged on land that he owns in the western part of the state.

Mr. Jons asked if guns would be available to purchase onsite.

Mr. Piske said they would not.

Mr. Sturk asked if customers would be able to buy components and have them shipped to his business for the applicant to work on.

Mr. Piske said that is correct, stating that non-serialized components can be shipped to his business. He stated that he charges for the assembly but not for the shipped parts.

Mr. Titus asked what type of components Mr. Piske is capable of making.

Mr. Piske said he can manufacture smaller components and that most of his work is done with hand tools.

Chair King asked if this is a hobby or his occupation.

Mr. Piske responded that gunsmithing is a hobby that he is seeking to turn into a business but it will not be his primary source of income.

Mr. Anderson clarified his previous response to Mr. Criner's earlier question about signage, stating that home occupations are allowed a sign of up to three square feet. He added that phone calls and letters about the application were received and forwarded to the Commissioners. He stated that four of those who called were in support of the application and four were opposed, while the rest asked questions and did not express an opinion. Mr. Anderson said he received written comments from three citizens in support of the application and seven opposed. He added that there are 32 home occupations in the Brandywine subdivision, according to the Commissioner of the Revenue's office.

Bobby Clegg, 125 Duff Drive, stated that initially he was against the application but, having heard the details, most of his worst fears have been alleviated. As a thirty-year resident, he said he is concerned about the business's impact on property values. He agreed that signage would not be desirable. He said that he will stand by the decision made by the Commission.

Guy Werner, 214 Henry Lee Lane, spoke in opposition to the application. He said he does not want an

increase in traffic, the possibility of signage, or people with concealed weapons permits in the neighborhood. He said this business does not belong in a residentially zoned area.

Sandy Werner, 214 Henry Lee Lane, said she moved to this area because it is safe and secure. She stated that she wants to protect the integrity of the residential neighborhood. She said this type of home occupation is not a common business and believes that because it deals with weapons, it should be located in an area zoned for business. She said traffic and potential crime are major concerns. Lastly, she stated that this type of business would decrease her property value.

Ann Baker, 404 Whispering Pine Drive, said she is a long-time resident and that there are a lot of younger families with children who ride bikes and play outside. She expressed concern about the additional traffic. She said she is apprehensive about a weapons business in the neighborhood and the possibility of setting a precedent for more businesses in this area.

Kenny Sterling, 103 Henry Lee Lane, said he is in full support of this application. He said both of his businesses were started out of his home and eventually grew into larger businesses. He stated that there would be no opposition to this application if it did not involve weapons. He said that he does not share the traffic concerns expressed by others.

Bradford Powell, 201 Gaines Way, stated that the only access problem in the neighborhood has nothing to do with the proposed home occupation but rather is caused by residents parking in the street instead of in their driveways, which is the real problem. He said the business would provide a valuable service to the community and he is in support of the application. He added that he would like to see the parking spaces in place prior to the business opening.

Kristi Chamberlain, 127 Duff Drive, said she understands the economic appeal of running a business out of the home. She stated that home businesses are diverse and some do not have customers or generate traffic. She said she is concerned about adding more cars to the neighborhood and a decline in property values. She said this type of business should be located in a commercially zoned area.

Robert McCallister, 102 Fox Hill Place, said he is concerned about weapons storage and asked about the scale of the business. He said the Special Use Permit would allow the applicant to sell guns, and although that is not the intent, there is nothing in the permit to prevent it. He noted that signage allowance is another issue and that the additional traffic will be non-residents.

Chet Szymecki, 103 Brigade Drive, stated that he strongly supports the application and noted that many large companies began in garages. He said that he is a federally-licensed firearms manufacturer and has been working out of his home in Brandywine since 2015. He said his business shares about 90% of the same characteristics as the applicant's. He stated that the ATF is very thorough and has a strict background investigation process and mandates accurate record-keeping. He said a gunsmith is a craftsman with specialized tools used to repair intricate parts. He noted that the ATF conducts regular safety inspections and has strict regulations.

Mr. Piske responded to a written question from a Mr. Pinkerton, stating that his business practices were included with his application, that he will not have any signs, and that he cannot limit the types of firearms that will be sold.

Brandon Scott, 300 Gaines Way, stated that he is in full support of the application. He said that the applicant is doing an enormous service for the County and that he has no concerns.

There being no one else wishing to address the Commission on this application, **Chair King** closed the

public hearing.

Mr. Titus said that he is very supportive of home occupations in general and that some types generate a lot more traffic and customer interface than this well-regulated business would. He said he supports this application.

Mr. Jons stated that he supports the application, noting that the hours of operation are more limited than the Zoning Ordinance allows, the applicant will have one customer at a time, parking is adequate, and the applicant has no intent to have a sign.

Mr. Peterman stated that the narrowness of the roads is concerning, but with one customer at a time, he does not think it will be a problem and he supports the application.

Mr. Criner stated that he supports the application. He asked if the parking area will be completed prior to opening the business.

Mr. Piske said he will open up the driveway for additional use and it will be able to accommodate four to six cars. He added that on-street parking will not be allowed.

Mr. Sturk said he supports the application.

Chair King stated that all of his questions and concerns have been addressed and he is in support. He noted the business is very well-regulated by various agencies. He added that stipulating that no signage will be allowed would please some of the citizens.

Mr. Titus moved the adoption of Resolution No. PC21-5(R) as revised to specify that no signage will be permitted.

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 10th day of February, 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) No signage shall be allowed for the home occupation.
- 11) 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.
- 12) 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.
- 13) 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.
- 14) 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.

On a roll call the vote was:

Yea: (6) Criner, Sturk, Peterman, Jons, Titus, King
Nay: (0)
