

Index File

UP-823-13

Jennifer Bacon & Louella Heck; Bakin' It Better, Inc.

Assessor's Parcel No. 10B-2B-17

Application No. UP-823-13, Jennifer Bacon & Louella Heck; Bakin' It Better, Inc.: Request for a Special Use Permit, pursuant to Section 24.1-283(b)(1) of the York County Zoning Ordinance, to authorize the establishment of a catering kitchen as a home occupation use with customer/client contact in a renovated detached garage associated with a single-family detached home on a 0.37-acre parcel located at 105 Nelson Drive (Route 727) and further identified as Assessor's Parcel No. 10B-2B-17. The property is zoned R13 (High Density Single-Family Residential) and is designated High Density Residential in the Comprehensive Plan.

Attachments:

- Staff Memorandum
- Zoning Map
- Site Map
- Applicants' Narrative Description
- Floor Plan
- Proposed Resolution No. PC13-6

COUNTY OF YORK

MEMORANDUM

DATE: April 3, 2013 (PC Mtg. 4/10/12)

TO: York County Planning Commission

FROM: Amy M. Parker, Senior Planner

SUBJECT: Application No. UP-823-13; Jennifer Bacon and Louella Heck; Bakin' It Better, Inc.

ISSUE

Application No. UP-823-13 requests a Special Use Permit, pursuant to Section 24.1-283(b)(1) of the York County Zoning Ordinance, to authorize a catering kitchen as a home occupation in a detached residential garage with on-premises customer/client contact on a 0.37-acre parcel located at 105 Nelson Drive (Route 727) and further identified as Assessor's Parcel No. 10B-2B-7.

DESCRIPTION

- Property Owner: Louella Heck
- Location: 105 Nelson Drive (Route 727)
- Area: 0.37 acre
- Frontage: Approximately 96 feet on Nelson Drive
- Utilities: Public water and sewer
- Topography: Flat
- 2025 Land Use Map Designation: High Density Residential
- Zoning Classification: R13 – High-density Single Family Residential
- Existing Development: Single-family detached home
- Surrounding Development:
 - North: Single-family detached homes
 - East: Single-family detached homes
 - South: Single-family detached homes
 - West: Single-family detached homes

- Proposed Development: Catering kitchen in a detached garage as a home occupation use with on-premises customer/client contact.

CONSIDERATIONS/CONCLUSIONS

1. The subject parcel is located on the east side of Nelson Drive in the Nelson Park subdivision and is surrounded by single-family detached homes. This approximately one-third acre parcel and the surrounding area are zoned R13 (High-density single-family residential) and are designated High Density Residential in the Comprehensive Plan.
2. The applicants have operated bakeries in retail establishments in the Williamsburg area in the past, and desire to establish a catering business in their home. The new kitchen would be located in the detached garage located to the rear of the dwelling on the subject property. According to floor plans submitted by the applicants, the garage would be renovated to accommodate the proposed catering kitchen of approximately 400 square feet in area. Access to the structure would be through three exterior doorways on the front, north, and rear sides of the building.
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. 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 applicants' home has approximately 1,152 square feet of floor area. The floor plan submitted by the applicants (copy attached) indicates that the floor area used for kitchen facilities would be approximately 400 square feet (or 35% of the total floor area of the home), while the remainder of the structure (approximately 225 square feet) would be used for storage. While this exceeds normal standards, in part due to the small size of the dwelling, staff is of the opinion that the use can be accommodated without adverse impacts to the surrounding neighborhood.
4. The Zoning Ordinance also 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. According to information provided by the applicants in discussions with staff, customer hours would be by appointment only, Monday through Saturday between the hours of 8:00 AM and 7:00 PM and they expect to schedule no more than five appointments per day. A proposed approval condition would limit customer/client contact to the noted hours and, to accommodate the applicant's intentions as well as some room for growth, would limit the number of appointments to eight (8) per day.
5. In accordance with Zoning Ordinance Section 24.1-283(b)(3), off-street parking must meet standards for commercial and business uses, and must be in addition to spaces

otherwise required for the residential use on the property (two spaces). The applicants' driveway measures approximately 10 feet in width and 65 feet in length, and has sufficient room to accommodate up to three vehicles pursuant to noted commercial parking standards. Staff is proposing an approval condition limiting parking for clients to one on-site space, and limiting the number of on-site customer vehicles to one vehicle at any one time. The average maximum daily traffic that would be generated by the proposed home occupation is a total of 10-16 trips per day in accordance with the hours of operation noted in the applicants' narrative.

It should also be noted that the Board has approved several use permits for home barber/beauty shops with almost identical hours of operation. A catering kitchen as a home occupation was also approved in the adjacent York Terrace neighborhood in 1998. None of these permits have generated any reported problems or complaints from surrounding neighbors with regard to traffic or any other aspects of their operation. Based on the County's history, staff does not believe the proposed home occupation would have significant traffic impacts on the neighborhood.

6. The applicants will be required to comply with applicable Virginia Uniform Statewide Building Code, Virginia Statewide Fire Prevention Code, and Virginia Department of Health requirements relative to access for persons with disabilities, and plumbing, electrical, fire prevention and mechanical code requirements for the proposed kitchen facilities. A proposed approval condition addresses this issue.

RECOMMENDATION

The proposed home occupation, provided that it is operated in the manner described by the applicants, will be consistent with the type and intensity of activity approved for several other home occupation situations, and is not likely to have any adverse impacts on the surrounding area. Parking would be limited to the existing driveway, and the structure to contain the catering kitchen is located to the rear of the dwelling. Staff believes that 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 contained in proposed Resolution No. PC13-6.

Attachments:

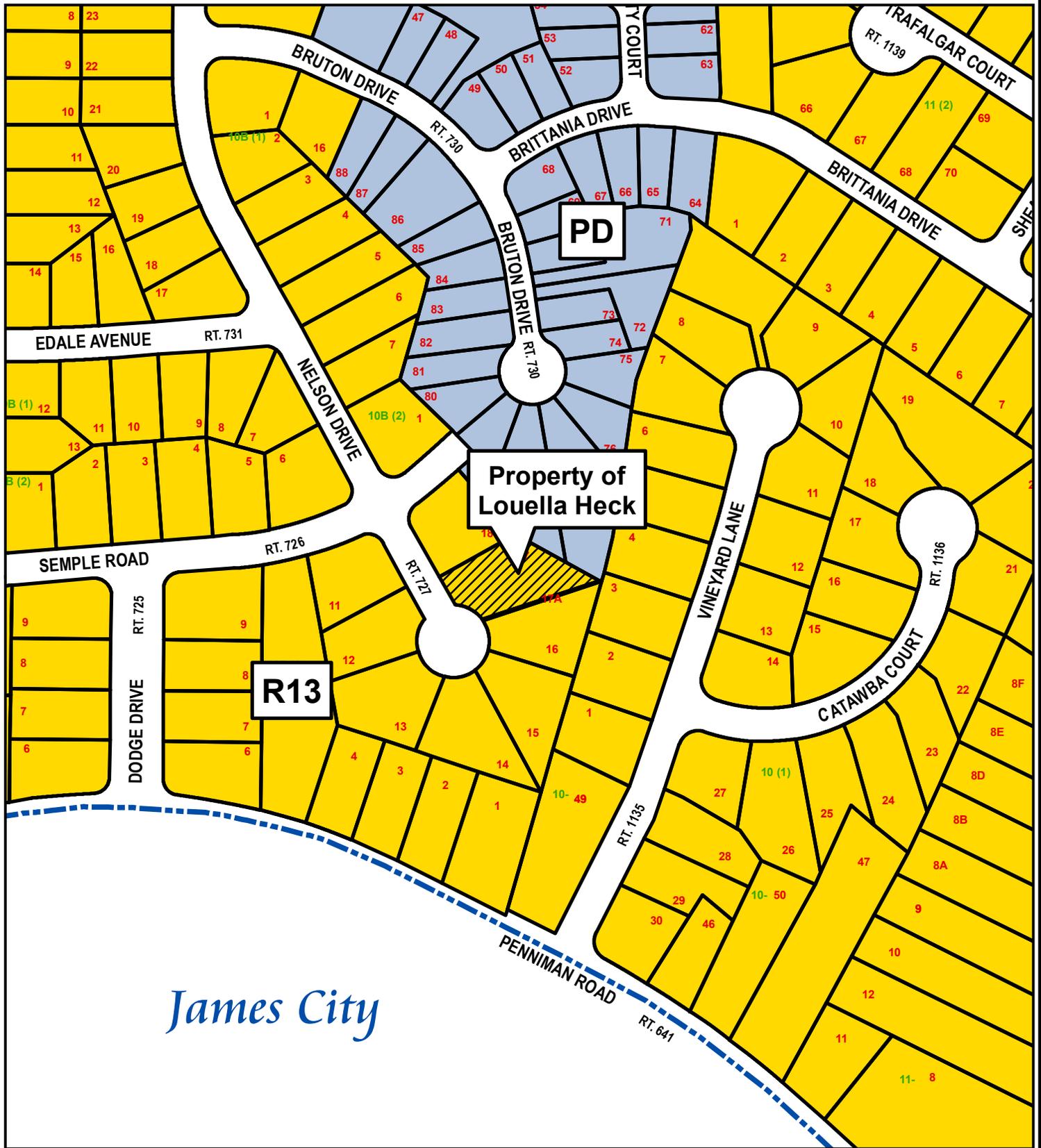
- Zoning Map
- Property sketch plan
- Applicants' Project Narrative
- Floor Plans
- Proposed Resolution No. PC13-6

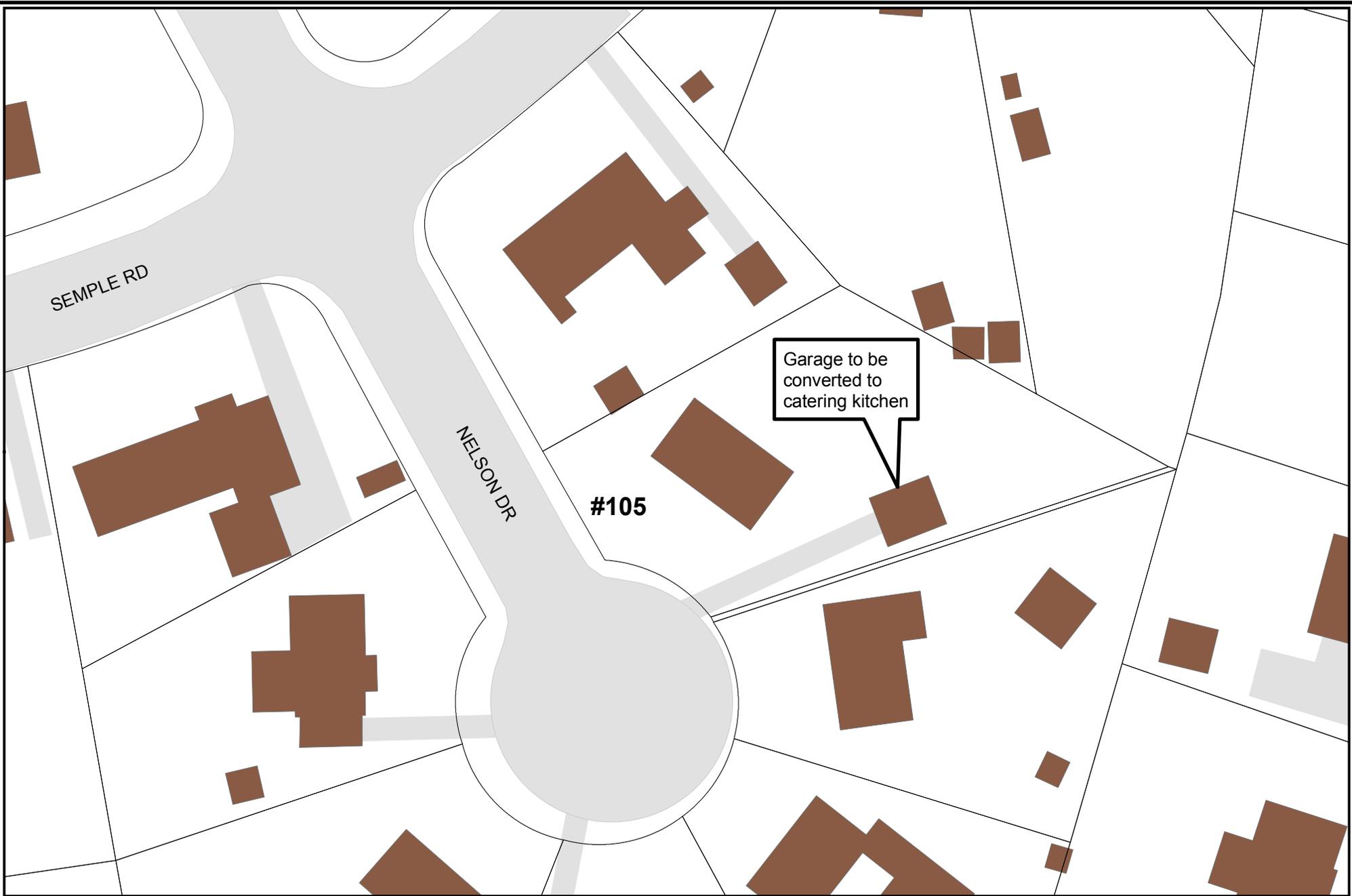
APPLICANTS:

Jennifer Bacon And Louella Heck; Bakin' It Better, Inc
Special Use Permit for Catering Kitchen as a Home Occupation
105 NELSON DR

ZONING MAP

APPLICATION NUMBER: UP-823-13

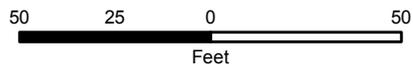




Garage to be converted to catering kitchen

#105

UP-823-13
105 Nelson Drive



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

Jennifer L. Bacon
105 Nelson Drive
Williamsburg, Virginia 23185
(757) 207-0172

March 1, 2013

To Whom It May Concern,

My name is Jennifer L. Bacon. My mother, Louella M. Heck and I are the property owners of 105 Nelson Drive, In Nelson Park, in upper York Country. We are also the owners of The Flakey Bakers. We have been making cakes and candy confections for over 20 years. The past year would have been a success to our business. But, I under went surgery on my ankle which forced us to close down our bakery. We had several wholesale and catering orders that assisted in the growing our business. I would like to continue our growth and decrease our over head by converting our garage into a small kitchen. We would use the facility to make bakery items such as cakes, cookies, muffins, pastries, cinnamon rolls and breads. We would eventually extend our line to include catering events. We would offer sandwich, vegetable, cheese, fruit, side salads and soup platters. I would also use the facility to create new ideas and recipes to expand our menu to cater to every ones taste needs. We plan to make the garage as efficient, as well as follow all Virginia Heath Regulations that are required. The plans are attached to show the following changes to the exterior and interior of the garage. We have several ideas for the grounds around the property so that it will be maintained at it's best appearance at all times.

The reasons for converting our garage, is one to allow us to maintain our dream of continuing our bakery products for all to enjoy. But also to be a gathering area for our large family to enjoy. This kitchen is yet another step towards being able to continue our love for baking but also bring our families favorite past time back to it's home.

Thank you for your time and if you have any questions, please contact us at the above phone number.

Respectfully,

Jennifer Bacon

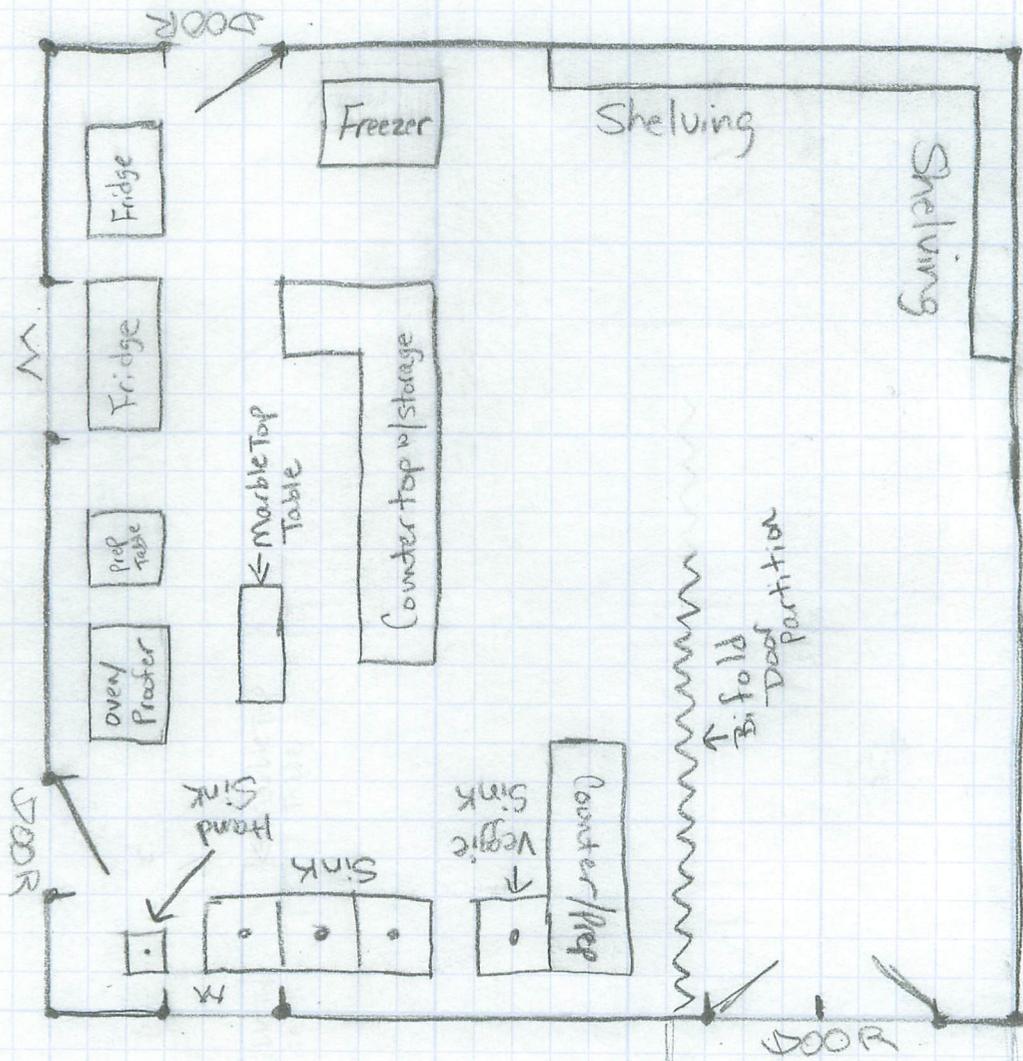
Louella Heck

25 ft.

25 ft.

25 ft.

25 ft.



Jennifer Bacon
 105 Nelson Drive
 Williamsburg, VA. 23185

DRIVEWAY

RECEIVED
York County

MAR 4 2013

Planning Division

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 _____, 2013:

Present

Vote

Richard M. Myer, Jr., Chair
Mark B. Suiter, Vice Chair
Alexander T. Hamilton
Christopher A. Abel
Timothy D. McCulloch
Todd H. Mathes
Melissa S. Magowan

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

A RESOLUTION TO RECOMMEND APPROVAL OF AN APPLICATION TO AUTHORIZE A CATERING KITCHEN AS A HOME OCCUPATION WITH ON-PREMISES CUSTOMER/CLIENT CONTACT ON PROPERTY LOCATED AT 105 NELSON DRIVE

WHEREAS, Jennifer Bacon and Louella Heck and Bakin’ It Better, Inc. have submitted Application No. UP-823-13 requesting a Special Use Permit, pursuant to Section 24.1-283(b)(1) of the York County Zoning Ordinance, to authorize the establishment of a catering kitchen as a home occupation use in a renovated detached garage associated with a single-family detached home on a 0.37-acre parcel located at 105 Nelson Drive (Route 727) and further identified as Assessor’s Parcel No. 10B-2B-17 (GPIN G14c-0924-0971); 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 _____, 2013 that Application No. UP-823-13 be, and it is hereby, transmitted to the York County Board of Supervisors with a recommendation of approval of a Special Use Permit authorizing the establishment of a catering kitchen as a home occupation use in a renovated detached garage associated with a single-family detached home on a 0.37-acre parcel located at 105 Nelson Drive (Route 727) and further identified as Assessor's Parcel No. 10B-2B-17 (GPIN 14c-0924-0971) subject to the following conditions:

1. This use permit shall authorize the establishment of a catering kitchen as a home occupation use in a renovated detached garage associated with a single-family detached home on a 0.37-acre parcel located at 105 Nelson Drive (Route 727) and further identified as Assessor's Parcel No. 10B-2B-17 (GPIN 14c-0924-0971).
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 layout of the home business use shall be generally in accordance with the floor plan submitted by the applicant and received by the Planning Division on March 4, 2013, 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. One off-street parking space, in accordance with all applicable Zoning Ordinance standards and limitations, shall be provided on the premises (i.e., off-street) to accommodate customers/clients. This space shall be in addition to the two (2) spaces that are otherwise required for the single-family residence.
6. The days and hours of operation shall be by appointment only, and shall be limited to Monday through Saturday, 8:00 AM to 7:00 PM. Customer/client contact on the premises shall be limited to no more than one customer appointment at any one time, and not more than eight (8) appointments per day. The applicant's appointment book/log shall be made available for review by the Zoning Enforcement staff upon request.
7. Prior to commencement of the home business use, the portion of the structure used for the catering kitchen as well as customer/client entrance and parking areas shall conform to minimum standards of the Virginia Uniform Statewide Building Code, the 2009 Virginia Statewide Fire Prevention Code, and the Virginia Department of Health.

8. Proof of licensure from the Virginia Department of Health shall be submitted to the Building Regulation Division prior to issuance of a Certificate of Occupancy for the catering kitchen use.
9. 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 Compliance and Occupancy for the home occupation use.

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.