

# **Index File**

**UP-827-13**

**Robert J. Williams, Jr.**

**Assessor's Parcel No. 24G-3-15**

**Application No. UP-827-13, Robert J. Williams:** Request for a Special Use Permit, pursuant to Section 24.1-283(b)(1) of the York County Zoning Ordinance, to authorize a firearms repair business as a home occupation with on-site customer/client contact in a single-family detached home located at 220 Bolivar Drive (Route 1252). The 0.44-acre parcel, further identified as Assessor's Parcel No. 24G-3-15, is zoned R20 (Medium-density Single-family Residential) and designated Medium-Density Residential in the Comprehensive Plan.

## **Attachments:**

- Staff Memorandum
- Zoning Map
- Site Map
- Floor Plan
- Proposed Resolution No. PC13-6

# COUNTY OF YORK

## MEMORANDUM

**DATE:** July 2, 2013 (PC Mtg. 7/10/13)  
**TO:** York County Planning Commission  
**FROM:** Amy M. Parker, Senior Planner  
**SUBJECT:** Application No. UP-827-13; Robert J. Williams, Jr.

### ISSUE

Application No. UP-827-13 requests a Special Use Permit, pursuant to Section 24.1-283(b)(1) of the York County Zoning Ordinance, to authorize a firearms repair business involving on-premises customer contact as a home occupation in a single-family detached home located at 220 Bolivar Drive (Route 1252). The 0.44-acre parcel, further identified as Assessor's Parcel No. 24G-3-15, is zoned R20 (Medium-density Single-family Residential) and designated Medium Density Residential in the Comprehensive Plan.

### DESCRIPTION

- Property Owner: Robert J. Williams, Jr.
- Location: 220 Bolivar Drive (Route 1252)
- Area: 0.44 acre
- Frontage: Approximately 80 feet on Bolivar Drive
- Utilities: Public water and sewer
- Topography: Varied
- 2025 Land Use Map Designation: Medium Density Residential
- Zoning Classification: R20 – Medium-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 across Bolivar Drive
  - West: Single family detached homes

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

### **CONSIDERATIONS/CONCLUSIONS**

1. The subject parcel is located in the Harris Grove subdivision on the north side of Bolivar Drive and is surrounded by single-family homes. This 0.44-acre parcel and the surrounding area are zoned R20 (Medium-density Single-family Residential) and are designated Medium Density Residential in the Comprehensive Plan. The rear portion of the parcel is located in the Chesapeake Bay Resource Protection Area (RPA) associated with a small stream that runs along the rear property line.
2. The applicant currently has Zoning approval and a business license for a decorative metalworking home business, which is conducted from a shop located in a converted garage on the property. The proposed home business (firearms repair and refurbishing) would utilize existing shop machinery, and there would be no expansion of the shop area. The proposed home business would be for firearms repair only; there would be no on-premises sales of firearms or ammunition, and the applicant has indicated that all firearms testing would be conducted off-premises at a regulated firing range. According to floor plans submitted by the applicant, the proposed home occupation would include approximately 260 square feet of shop area in the converted garage. Customer access to the home business area would be through an existing exterior doorway in the front of the 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 applicant's home has approximately 1,612 square feet of floor area, including the converted garage floor area. The floor area proposed for the home business use would be approximately 16% of the total floor area of the home.
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 the applicant, customer hours would be by appointment only, Monday through Friday between the hours of 9:00 AM and 6:00 PM and Saturday between the hours of 9:00 AM and 1:00 PM. The average number of appointments would not exceed four customers/clients per week, and more than one appointment could be scheduled on a single day. A proposed approval condition would limit customer/client contact to no more than four customers per day during the noted hours.

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 applicant's driveway, which measures approximately 18 feet in width and 60 feet in length, has sufficient room to easily accommodate the two residential spaces and room for clients' vehicles.
6. The Building Code Official has indicated that the applicant will be required to comply with applicable Virginia Uniform Statewide Building Code and International Code Council requirements relative to access for persons with disabilities. Access requirements would be mandated in the proposed shop area and exterior ingress/egress and parking areas. A proposed approval condition addresses this issue.
7. The Department of Fire and Life Safety has indicated that a license from the Federal Bureau of Alcohol, Firearms, Tobacco and Explosives (ATF) would be required for the proposed home business. The applicant would also be required to meet codes and 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.

### **RECOMMENDATION**

The proposed home business, 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 occupation uses that include customer contact, and is not likely 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 garage. This application is almost identical to a previously approved firearms repair home business Special Use Permit (UP-813-12), which was approved by the Board on October 16, 2012. 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. PC13-16.

#### Attachments:

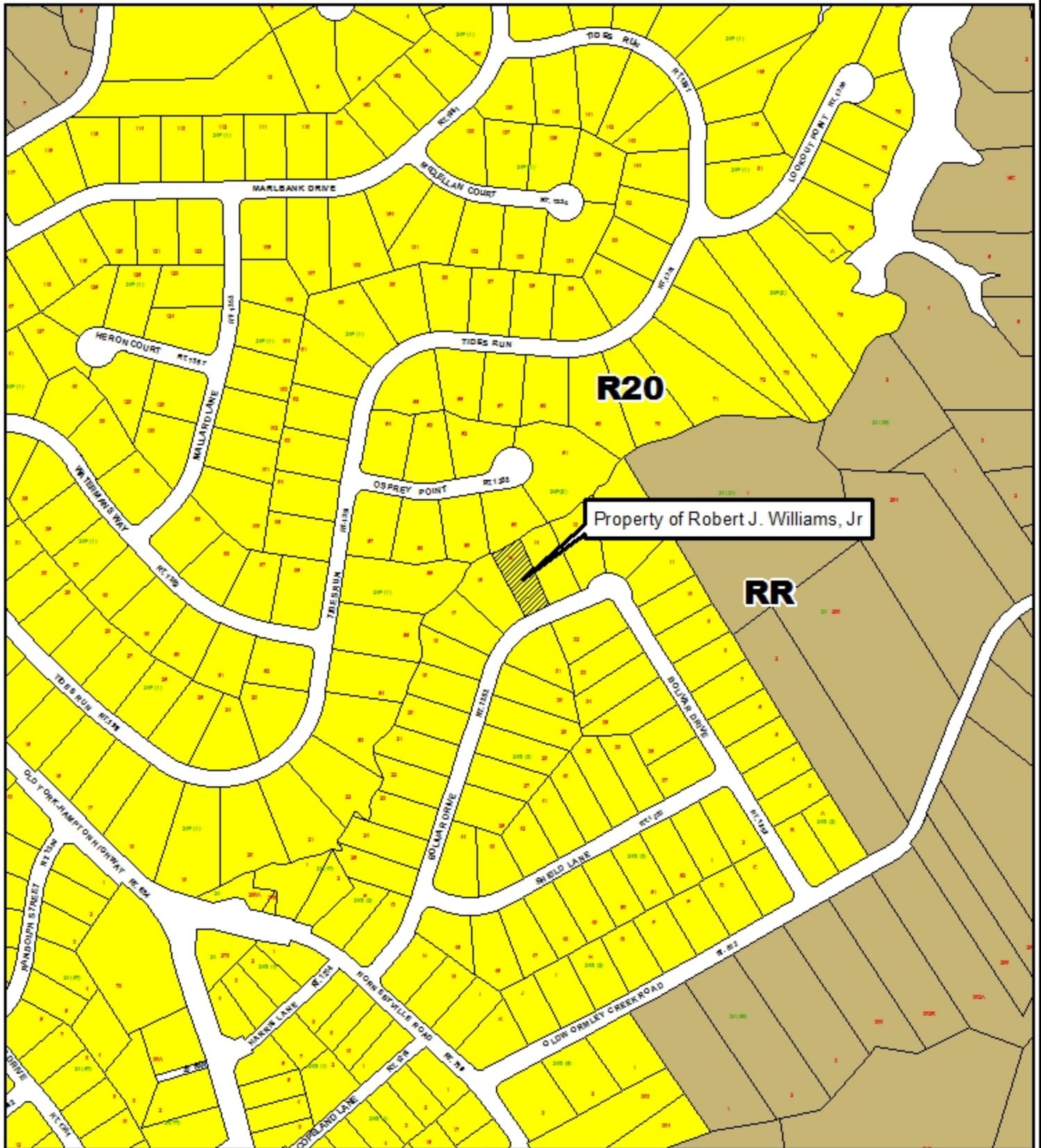
- Zoning Map
- Property Sketch Plan
- Floor Plans
- Proposed Resolution No. PC13-16

**APPLICANT: Robert J. Williams, Jr.**

Special Use Permit for firearms repair  
as a home occupation  
220 BOLIVAR DR

# ZONING MAP

APPLICATION NUMBER: UP-827-13

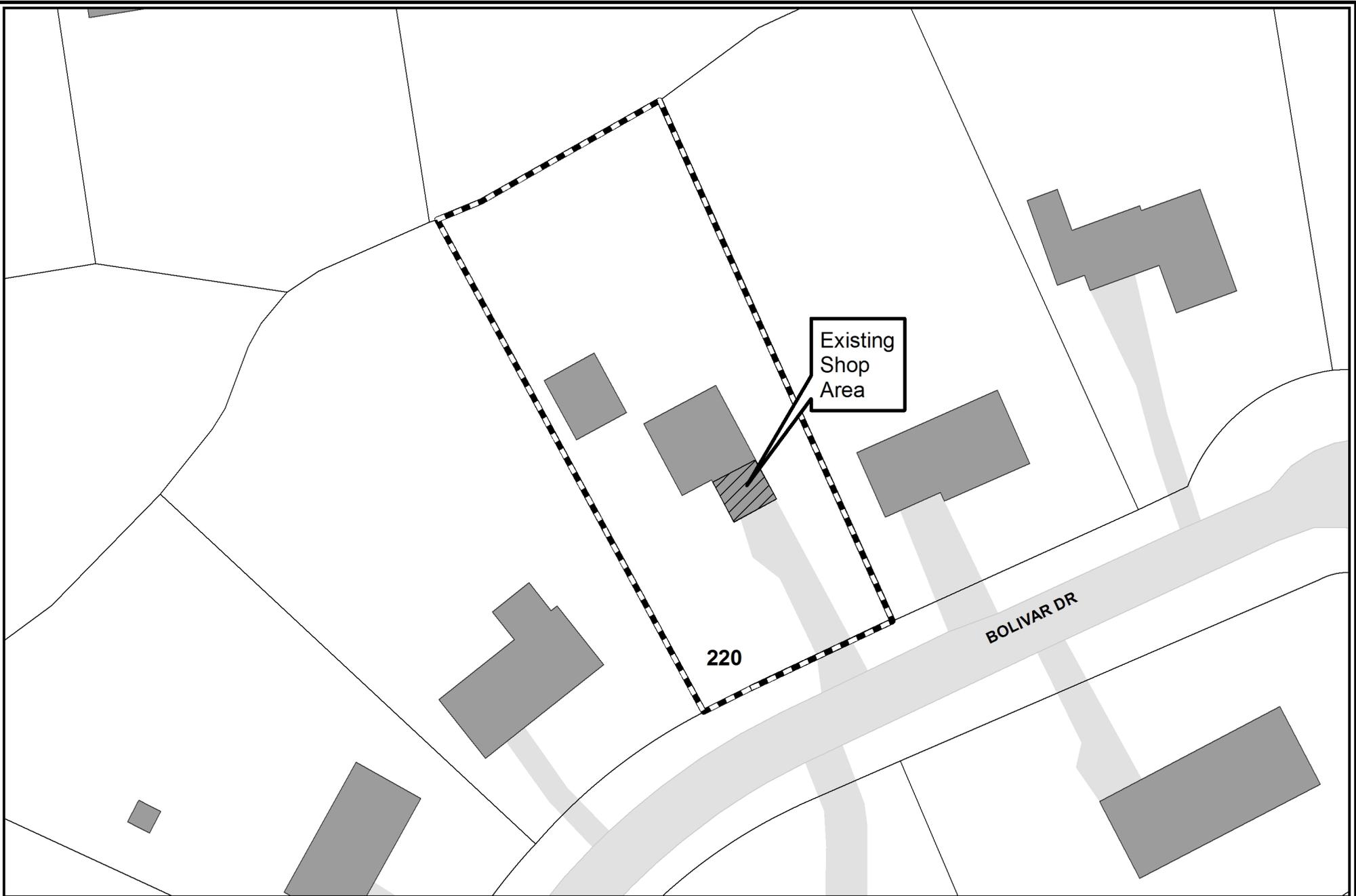


0 275 550 1,100 Feet



SOURCE: YORK COUNTY  
GIS PARCEL DATA and  
ZONING COVERAGE

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



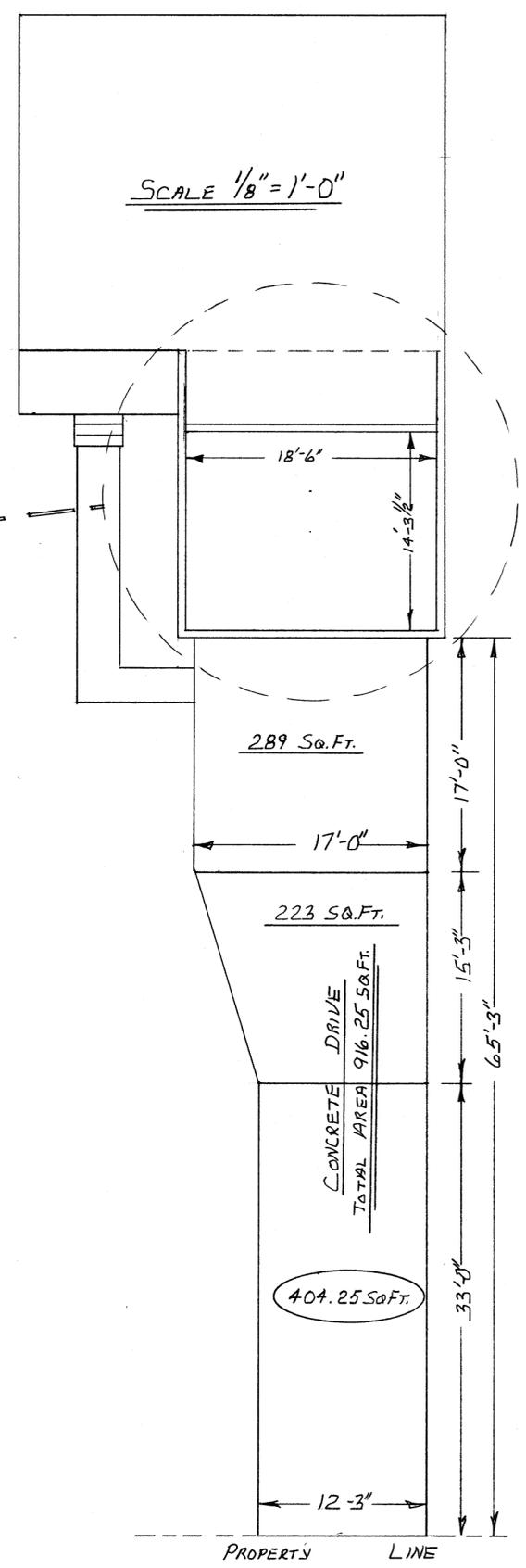
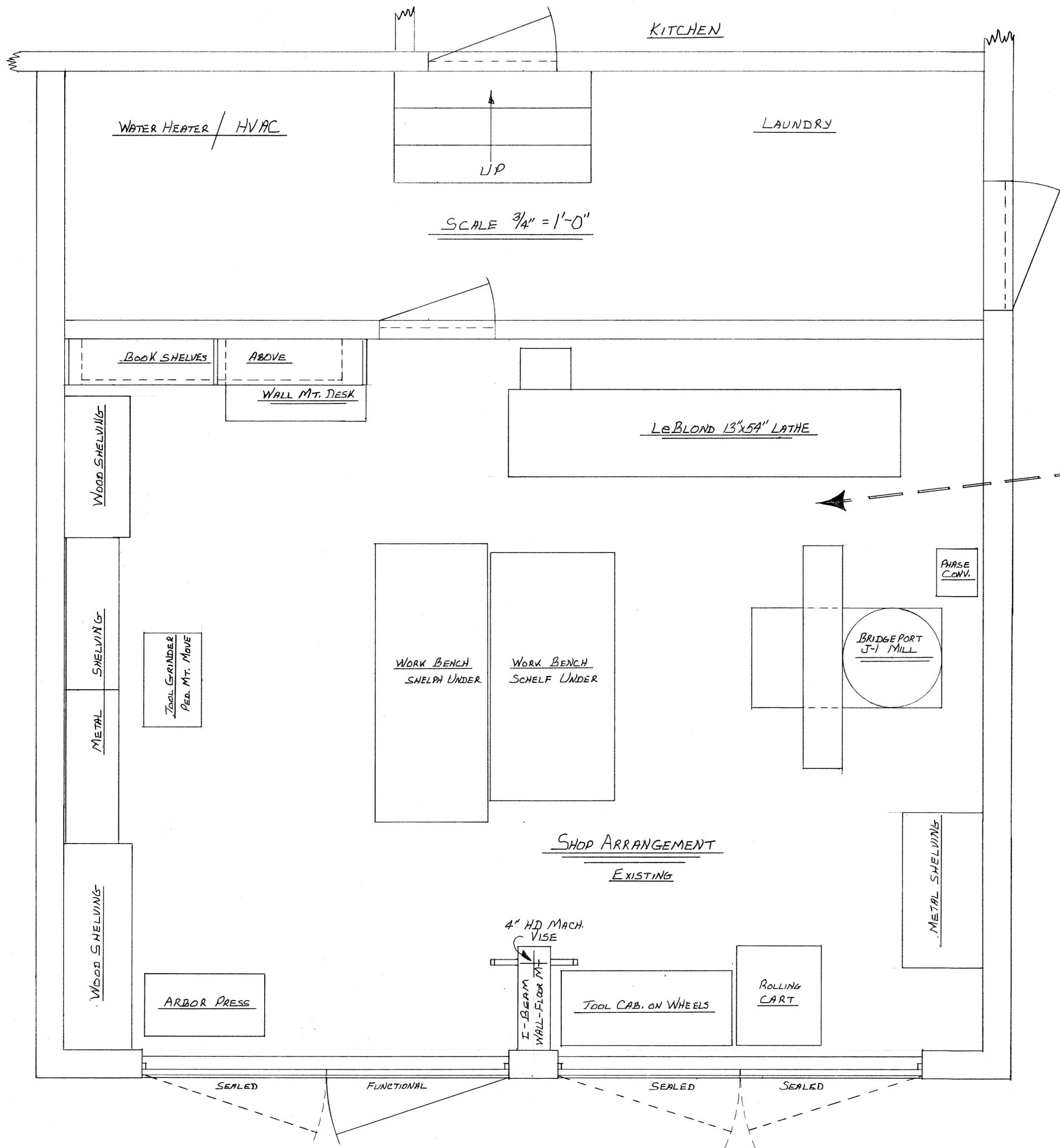
Existing Shop Area

220

BOLIVAR DR



ROBERT & DONNA WILLIAMS  
 220 BOLIVAR DRIVE  
 LOT 15 HARRIS GROVE  
 JUNE 2, 2013



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

Glen A. Brazelton  
Timothy D. McCulloch  
Todd H. Mathes  
Richard M. Myer  
Mark B. Suiter  
Melissa S. Magowan

\_\_\_\_\_

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

**A RESOLUTION TO RECOMMEND APPROVAL OF AN APPLICATION TO AUTHORIZE A FIREARMS REPAIR SHOP AS A HOME OCCUPATION WITH ON-PREMISES CUSTOMER/CLIENT CONTACT ON PROPERTY LOCATED AT 220 BOLIVAR DRIVE**

WHEREAS, Robert J. Williams, Jr. has submitted Application No. UP-827-13 requesting a Special Use Permit, pursuant to Section 24.1-283(b)(1) of the York County Zoning Ordinance, to authorize a firearms repair business with on-premises customer contact as a home occupation in a single-family detached home located at 220 Bolivar Drive (Route 1252) and further identified as Assessor’s Parcel No. Assessor’s Parcel No. 24G-3-15 (GPIN R09c-1609-2059); 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 \_\_\_\_\_, 2013, that Application No. UP-827-13 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, to authorize a firearms repair business with on-premises customer contact as a home occupation in a single-family detached home located at 220 Bolivar Drive (Route 1252) and further identified as Assessor's Parcel No. 24G-3-15 (GPIN R09c-1609-2059), subject to the following conditions:

1. This use permit shall authorize a firearms repair business with on-premises customer contact as a home occupation in a single-family detached home located at 220 Bolivar Drive (Route 1252) and further identified as Assessor's Parcel No. 24G-3-15 (GPIN R09c-1609-2059).
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. Floor area of the home occupation shall not exceed two-hundred sixty (260) square feet, and shall be designed as depicted on the floor plan submitted by the applicant and received by the Planning Division on June 1, 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. Off-street parking spaces, in accordance with all applicable Zoning Ordinance standards and limitations, shall be provided on the premises (i.e., off-street) to accommodate customers/clients. These spaces 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 Friday, 9:00 AM to 6:00 PM, and Saturday from 9:00 AM to 1:00 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 four (4) appointments per day. The applicant's appointment book/log shall be made available for review by Zoning and Code Enforcement staff upon request.
7. There shall be no live firing of firearms on the premises.
8. Prior to commencement of the home business use, the portion of the home used for the home business as well as customer/client entrance and parking areas shall conform to minimum standards of the Virginia Uniform Statewide Building Code, subject to the approval of the Building Code Official.

9. 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.
10. The home occupation shall be operated in conformance with York County Code Section 16-19, Unnecessary or Excessive Noise.
11. Proof of licensure from the Federal Bureau of Alcohol, Tobacco, Firearms and Explosives for a Federal Firearms Type 01 – Dealer in Firearms Other Than Destructive Devices 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.
12. 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.