

Index File

UP-853-15

Michael Scarborough, dba Scarborough Electrical, Inc.

106 Lewis Drive

Assessor's Parcel No. 25-45-2

Request for a Special Use Permit, pursuant to Section 24.1-283(e) of the York County Zoning Ordinance, to authorize a home office with a non-resident employee on a 1.1-acre parcel located at 106 Lewis Drive (Route 628) and further identified as Assessor's Parcel No. 25-45-2. The property, located on the north side of Lewis Drive approximately 600' from its intersection with Seaford Road (Route 622), is zoned RR (Rural Residential) and designated Low Density Residential in the Comprehensive Plan.

Attachments:

- Staff Report
- Zoning Map
- Narrative
- Sketch Plan
- Pages from Applicant's Website
- Proposed Resolution No. PC15-2

COUNTY OF YORK

MEMORANDUM

DATE: February 2, 2015 (PC Mtg. 2/11/15)
TO: York County Planning Commission
FROM: Amy M. Parker, Senior Planner
SUBJECT: Application No. UP-853-15; Michael F. Scarborough, dba Scarborough Electrical, Inc.

ISSUE

Application No. UP-853-15 requests a Special Use Permit, pursuant to Section 24.1-283(e) of the York County Zoning Ordinance, to authorize an electrical contractor's office as a home occupation with non-resident employees on a 1.05-acre parcel located at 106 Lewis Drive (Route 628) and further identified as Assessor's Parcel No. 25-45-2.

DESCRIPTION

- Property Owners: Michael and Rebecca Scarborough
- Location: 106 Lewis Drive (Route 628)
- Area: 1.05 acres
- Frontage: Approximately 175 feet on Lewis Drive
- Utilities: Public water and sewer
- Topography: Flat
- 2035 Land Use Map Designation: Low Density Residential
- Zoning Classification: RR – Rural Residential
- Existing Development: Single-family detached home with detached garage
- Surrounding Development:
 - North: Seaford Baptist Church, single-family detached homes beyond
 - East: Single-family detached homes
 - South: Single-family detached homes across Lewis Drive
 - West: Single-family detached homes

- Proposed Development: Electrical contractor office as a home occupation with non-resident employees

BACKGROUND

In October 2014 the property was the subject of a zoning and code enforcement violation notice for on-site commercial vehicles and non-resident employees associated with the applicant's electrical contracting business. At the time, the applicant was storing a bucket truck used for the contracting business on the property, had been employing a non-resident office administrator in an existing office located in the detached garage, and had additional employees occasionally congregating on site. The applicant has since indicated that he is no longer storing the noted bucket truck on the property. Attached is a copy of pages from the applicant's website.

The applicant initially inquired about using the property for a small contracting business as a home occupation in accordance with Zoning Ordinance Section 24.1-283(c). However, the small size and narrow configuration of the parcel makes compliance with minimum parking and structure setback requirements (100 feet from any lot line) impossible. Therefore, the property cannot be used for a home occupation contracting business, and the applicant is only requesting approval for a home office with non-resident employees pursuant to Section 24.1-283(e).

CONSIDERATIONS/CONCLUSIONS

1. The subject parcel is located in the Seaford area, and surrounding land uses include a church and single-family detached homes. This 1.05-acre parcel and the surrounding area are zoned RR (Low-density single-family residential) and are designated Low Density Residential in the Comprehensive Plan.
2. 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(e) sets forth additional standards under which non-resident employees may be permitted by special use permit. 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 2,281 square feet of floor area. The floor plan submitted by the applicant indicates that the area proposed for office use in the detached garage would be approximately 150 square feet. As the Building Official has indicated that bathroom facilities would be required for the office use, staff is estimating the office use floor area as approximately 175 square feet, or approximately 7.6% of the total floor area of the home.

The applicant is requesting authorization to have an on-site office administrator four days per week (weekdays only, between the hours of 10:00 AM and 2:00 PM). Staff is recommending that approval be authorized to allow the office administrator on-site five days per week to allow for flexibility for any potential increase in business

activity. In addition, the applicant is requesting that up to five employees and three commercial vehicles (passenger vans) be permitted on-site on Thursday afternoons between the hours of 3:30 PM and 4:00 PM to pick up paychecks.

3. In accordance with Zoning Ordinance Section 24.1-281(g), parking needed for the home occupation use must be accommodated on-site and in addition to spaces otherwise required for the residential use on the property (two spaces). The dwelling has a two-car garage, and there is an existing paved driveway of over 140 feet in length connecting the house driveway and the detached garage located to the rear of the dwelling. The maximum number of parking spaces needed at any one time for the proposed use would be four (one for the administrative assistant, and three additional vehicles one day per week). Therefore, the property contains adequate parking area to accommodate the proposed use. In addition, the parking area will be required to be screened from view of adjacent residential properties with landscaping.

The applicant has indicated that, in addition to the three commercial vans that would be parked temporarily on the property one day per week, one commercial van associated with the business would be stored on the property for his use to travel to job sites. In accordance with Zoning Ordinance Section 24.1-271(h), Accessory Uses Permitted in Conjunction with Residential Uses, a commercial vehicle having a carrying capacity of 1-ton or less and used by the occupant of the dwelling to and from their place of employment would be permitted as a matter of right on the property. The applicant has indicated that all vehicles associated with the home business to be parked on the property have carrying capacities of less than one ton. A proposed approval condition addresses this issue.

4. Additional traffic generated by the proposed home occupation would be two additional trips five days per week for the office administrator and six additional trips one day per week for employees picking up paychecks. According to the ITE (Institute of Transportation Engineers) *Trip Generation* manual, 8th Edition, a single-family detached home can be expected to generate an average of ten (10) vehicle trips per day. According to 2013 VDOT traffic volume estimates, Lewis Drive, which provides access to 28 currently developed parcels, carries a daily average of 208 vehicles. Staff does not believe the additional 8 trips one day per week and additional two trips four days per week would adversely affect traffic on Lewis Drive.
5. It should be noted that the Board has approved several use permits for home barber/beauty shops, a physician's office, and home businesses that included group classes. None of these home businesses 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 a significant impact on the neighborhood.
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, toilet facilities,

and HVAC equipment for the office. A proposed approval condition addresses this issue.

7. The subject property is located within the Resource Management Area associated with nearby Chisman Creek. Accordingly, any new development must comply with County Code Chapter 23.2 – Chesapeake Bay Preservation Areas. Conformance with this Code section will be taken into account as part of the site plan review process.

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 several other home occupation situations, and is not likely to have any adverse impacts on the surrounding area. 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. PC15-2.

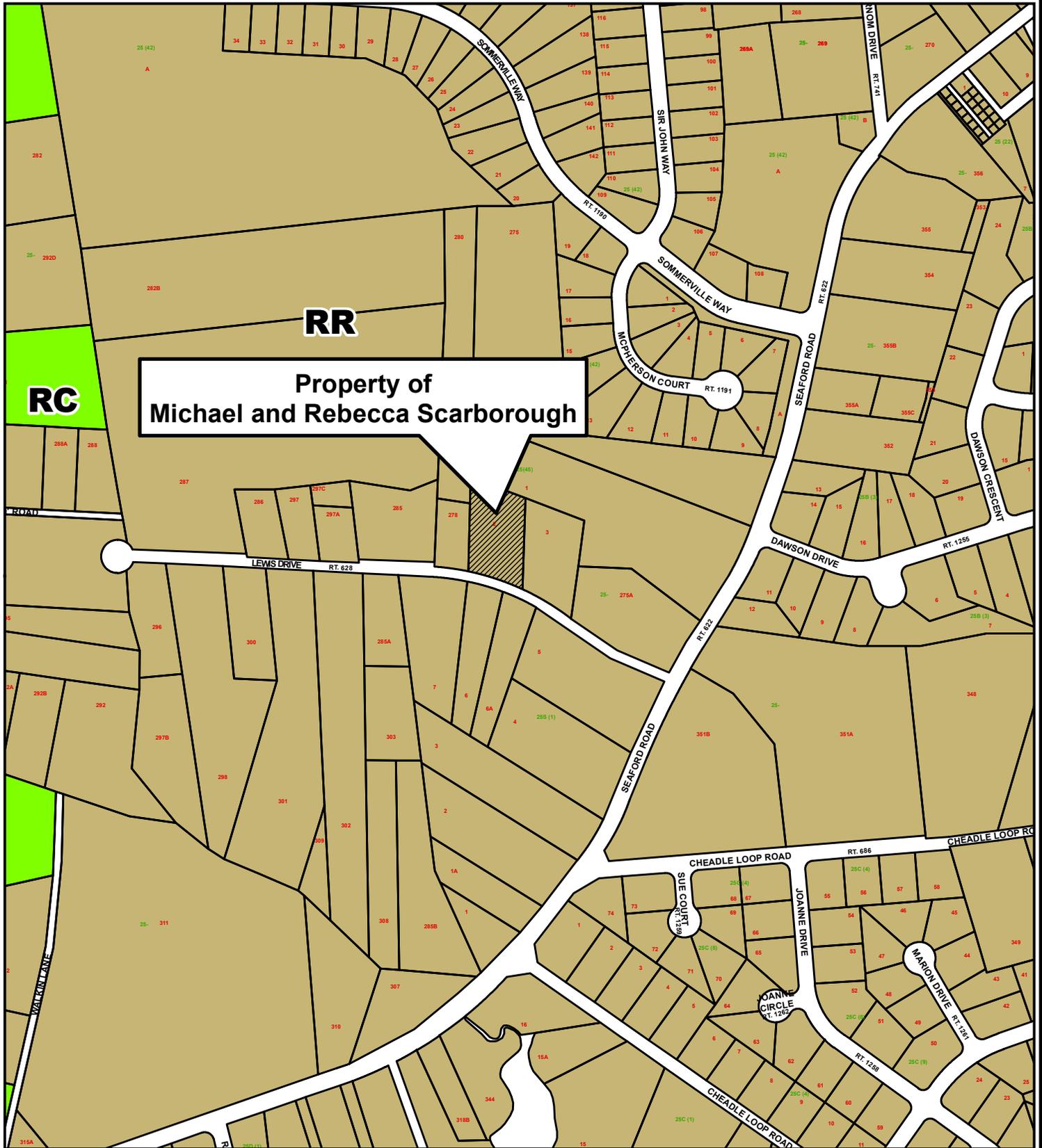
Attachments:

- Zoning Map
- Applicant's Project Narrative
- Sketch Plan
- Pages from Applicant's Website
- Proposed Resolution No. PC15-2

APPLICANT: Michael Scarborough, dba Scarborough Electrical, Inc.
Special Use Permit for
Home Office with Non-resident Employees
106 LEWIS DR

ZONING MAP

APPLICATION NUMBER: UP-853-15



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.

Re: Michael and Rebecca Scarborough

Proposed use or activity

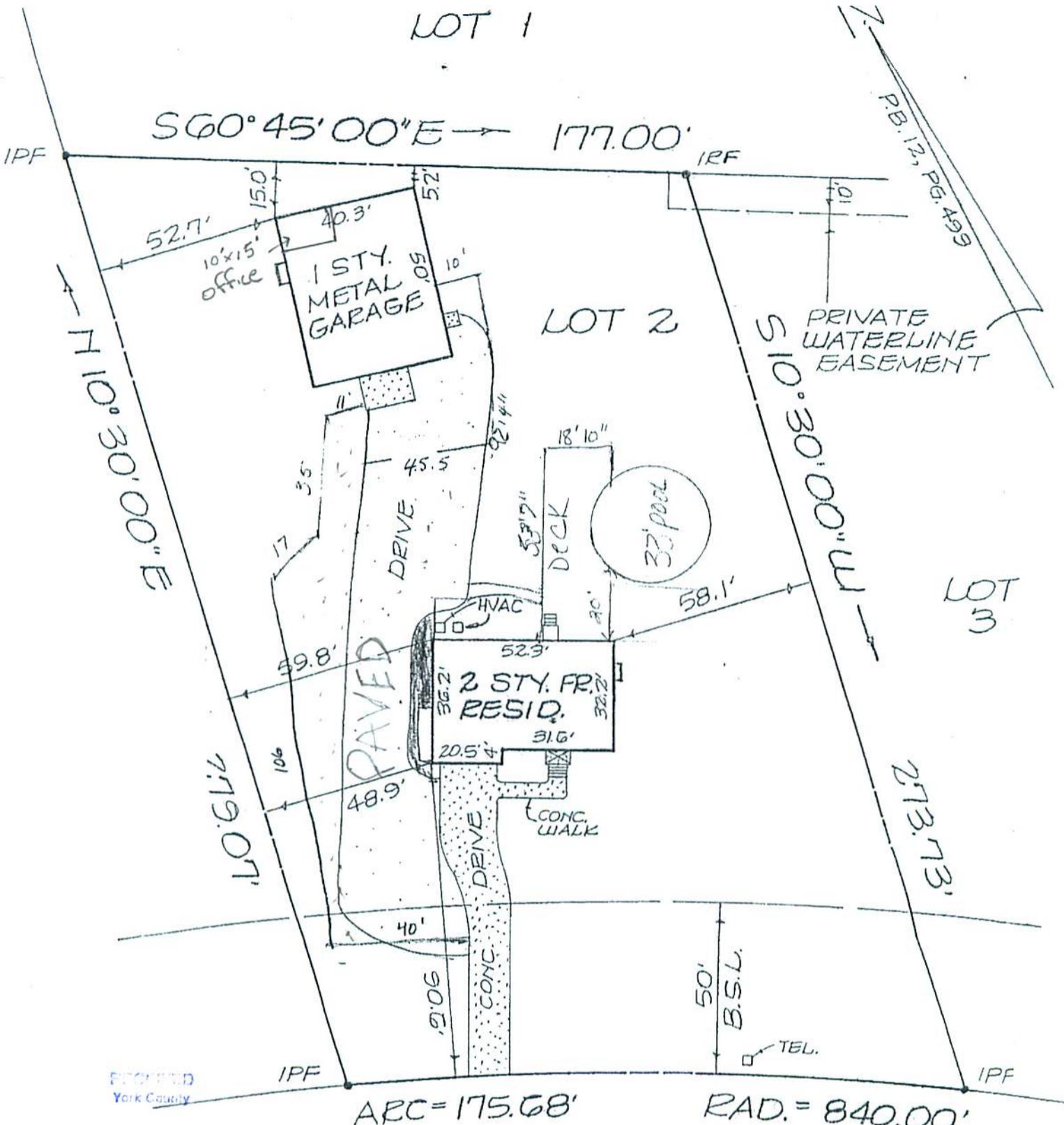
To have a Home based office with a non-resident employee to perform administrative duties. This non-resident employee will work a maximum of four days a week and only Monday through Friday. The hours will be from 10:00am until 2:00pm.

Traffic impact:

We would like to be able to allow in the event that Mr. Scarborough is unable to deliver payroll checks to employees that no more than 3 work van's with 5 employee's be allowed to come to the house on Thursdays between 3:30pm and 4:00pm to pick up their checks.

York County Planning Division Received 1/2/15
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LOT 1



S60°45'00"E 177.00'

IPF

IRF

P.B. 12, PG. 499

10'x15' office
1 STY. METAL GARAGE

LOT 2

PRIVATE WATERLINE EASEMENT

H 10°30'00"E

S 10°30'00"W

LOT 3

PAVED DRIVE

DRIVE

DECK
32' pool

2 STY. FR. RESID.
HVAC

CONC. WALK

273.73'

RECORDED York County

IPF

TEL.

IPF

ARC = 175.68'

RAD. = 840.00'

DEC 30 2014

Planning Division

LEWIS DRIVE
ST. RTE. 628

DRIVE
30' R/W

THIS IS TO CERTIFY, THAT ON NOV. 5, 2009, I SURVEYED THE PROPERTY SHOWN ON THIS PLAT AND FOUND THE PROPERTY LINES TO BE CORRECT AS SHOWN HEREON. THERE ARE NO VISIBLE ENCROACHMENTS EITHER WAY ACROSS THE LINES EXCEPT AS SHOWN. THIS PROPERTY IS SUBJECT TO EASEMENTS, SERVITUDES AND COVENANTS OF RECORD.

NOTE: UNDERGROUND UTILITIES ZONE: X
FLOOD INSURANCE RATE MAP: 51199C 0205C
DATE OF F.I.R.M.: 6/16/09

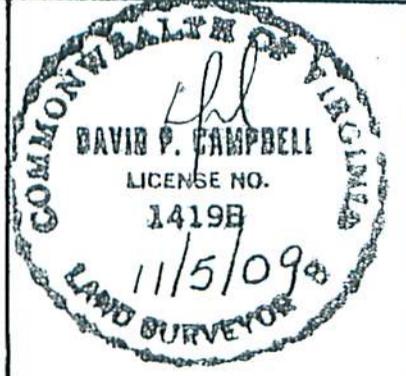
THIS SURVEY WAS DONE WITHOUT BENEFIT OF A CURRENT TITLE REPORT.

106 LEWIS DRIVE

[Signature]
DAVID P. CAMPBELL, C.L.S. 1419B

PLAT OF THE PROPERTY OF
MICHAEL F. & REBECCA A. SCARBOROUGH

- LEGEND**
- I.R.F. IRON ROD FOUND
 - I.P.F. IRON PIPE FOUND
 - I.R.S. IRON ROD SET
 - C.M.F. CONCRETE MONUMENT FOUND
 - PROPERTY LINE
 - - - EASEMENT LINE
 - BUILDING SETBACK LINE



LOT 2
BOUNDARY LINE ADJUSTMENT BETWEEN THE PROPERTIES OF THE SEAFORD CHURCH OF CHRIST (P.B. 12, PG. 499) YORK COUNTY, VIRGINIA

PLAT REFERENCE
P.B. 12, PG. 499
F.B. 399, PG. 4

CAMPBELL LAND SURVEYING, INC.
P.O. BOX 855, YORKTOWN, VA. 23692
890-0837
SCALE: 1" = 40' DATE: NOV. 5, 2009



757-449-1202

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RESIDENTIAL

Get affordable lighting installed in your home by a master tech.



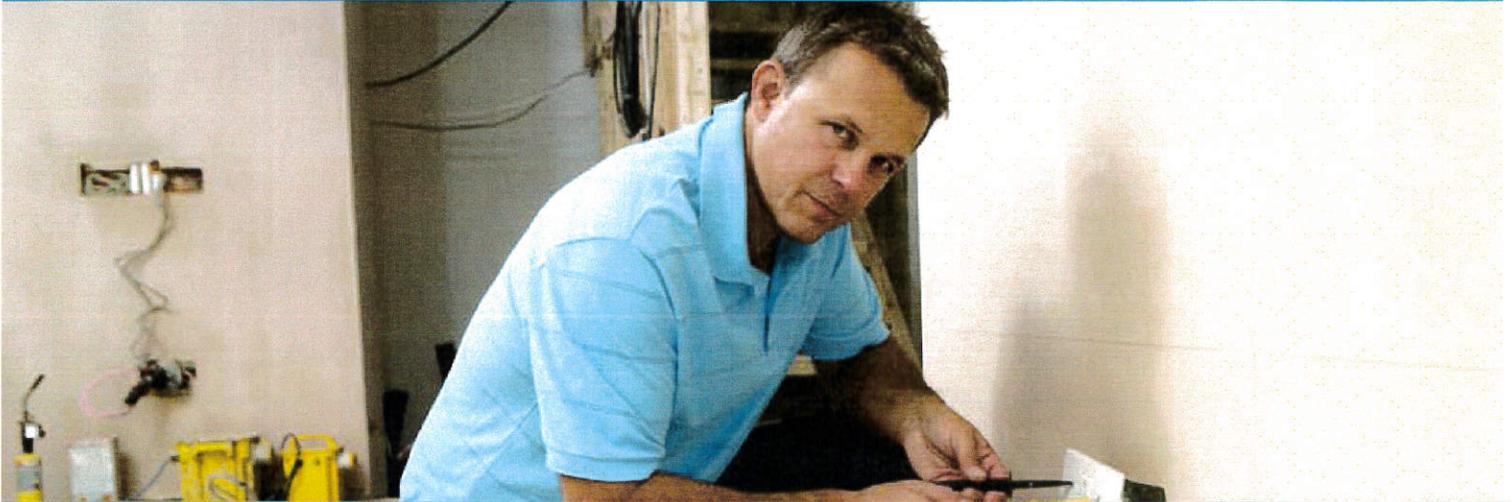
COMMERCIAL

Call for 24 hour emergency services when your lights go out.



NEW CONSTRUCTION

Make sure every new piece built is made for quality.



Don't stand for an electrical problem in your home

Get it corrected for less right now with the affordable prices we offer! You'll get superior service from a technician that's licensed and insured to make sure your electricity and appliances are working like they should be.

No job is out of our reach

Downed power lines and broken lighting in hard to reach areas are now a problem of the past. The master technicians at Scarborough Electrical Inc. can climb to new heights with their bucket truck and make short work of a tall electrical problem.

Superior home electrical services

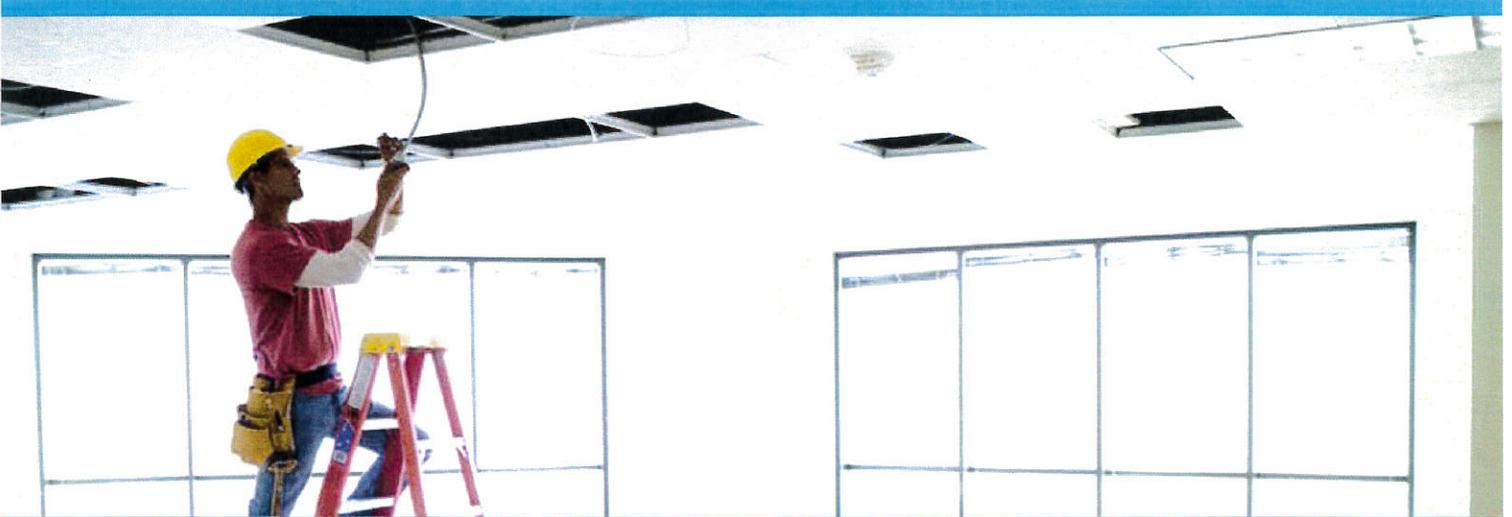
- Appliance setup
- TV mounting
- Code violation corrections
- Generators and new circuits and panels
- Removal of knob and tube wiring
- Track and recessed lighting
- Video setup
- Audio setup
- Internet wiring
- Wiring, rewiring, and outlet replacement

Add a spark to other areas too

If electrical issues inside and outside of your home are making your hair stand on end, get help from a friendly and professional electrician now!

Take advantage of our quality [commercial electrical services](#), or find out more about the [generators](#) and [landscape lighting](#) we can install for you. If you're working on a [new construction project](#), [contact us](#) now and let us handle the wiring for you!





Secure quality electrical systems for your office

Don't let the dim lights in your office keep you from thinking up new ideas. Update your electrical systems with our master technician today and you'll get our quality products and services at an affordable price.

We'll handle tall problems in short order

Is a parking light broken in your parking lot? Don't let it go unlit, or you could face a potential safety hazard when the sun goes down! Contact us any time, 24 hours a day, and get the electrical help you need fast.

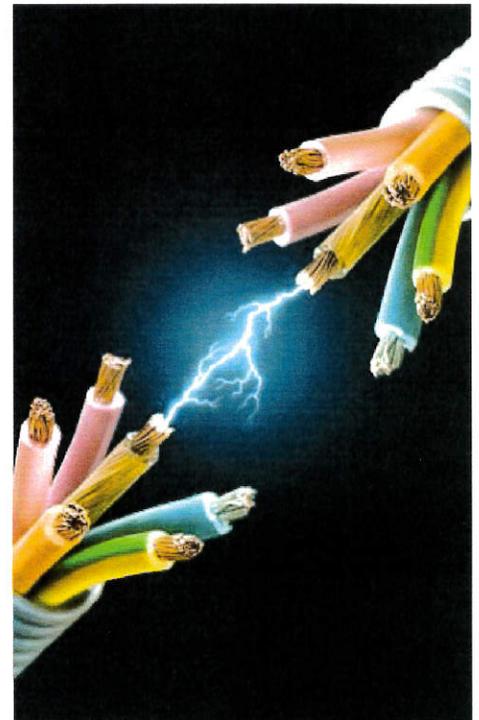
Commercial electricity at its finest

- Code violation inspections
- Electrical troubleshooting
- Electrical repairs
- Energy audits
- New construction wiring
- Parking lot lighting
- Security lighting
- Transformers

You'll be shocked at our quality

Finding a friendly and professional master technician to help you with every day electrical problems may seem like a stretch, but at Scarborough Electrical Inc. you'll get all that and more!

• [Contact us today](#) and ask us about the [landscape lighting](#) we can install around your office, with a [generator](#) to back it up!





Generating better electrical service for you

When the power outage around town has got you feeling down, perk up! Give us a call and our master technician will be happy to install a generator in your home to make sure you're never without power in an outage, all at an affordable price!

Take the power with you wherever you go

What's better than a generator that can give you power when it's dark inside your home? How about a quality portable generator? Light things up wherever and whenever you need to with a portable generator from us today!

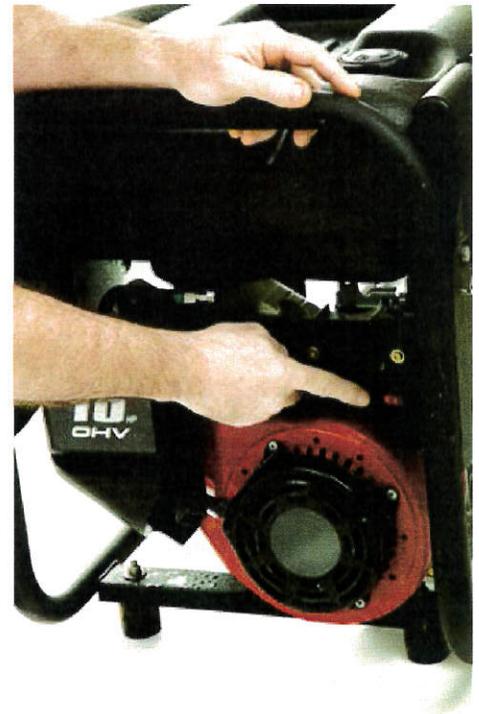
The generators you need to see

- Portable generators
- Standby generators
- Generator installation
- Inverter generators
- Power inverters
- Generator accessories
- Gasoline powered generators
- Propane powered generators
- Diesel powered generators
- Natural gas powered generators

Keep things lit no matter what

When your power is on in your home or business and you're storing your generator for a rainy day, don't forget to [call us back](#) when something goes wrong with your lights!

Our licensed and insured company will be there for you 24 hours a day to handle [residential](#) or [commercial](#) electrical emergencies, so give us a call and enjoy our professional and friendly service today!





Let it shine, let it shine...

Make your world a little brighter by adding quality landscaping lighting to your outdoor areas. You'll be able to take advantage of your porch much further into the year, so enjoy the nightlife while you can!

Make the dark outdoors a little less scary

There's nothing worse than hearing something on your porch and not being able to see what it is. Don't let fear or darkness get in the way - call our master technician today to install landscaping lighting at an affordable price.

Light up the night

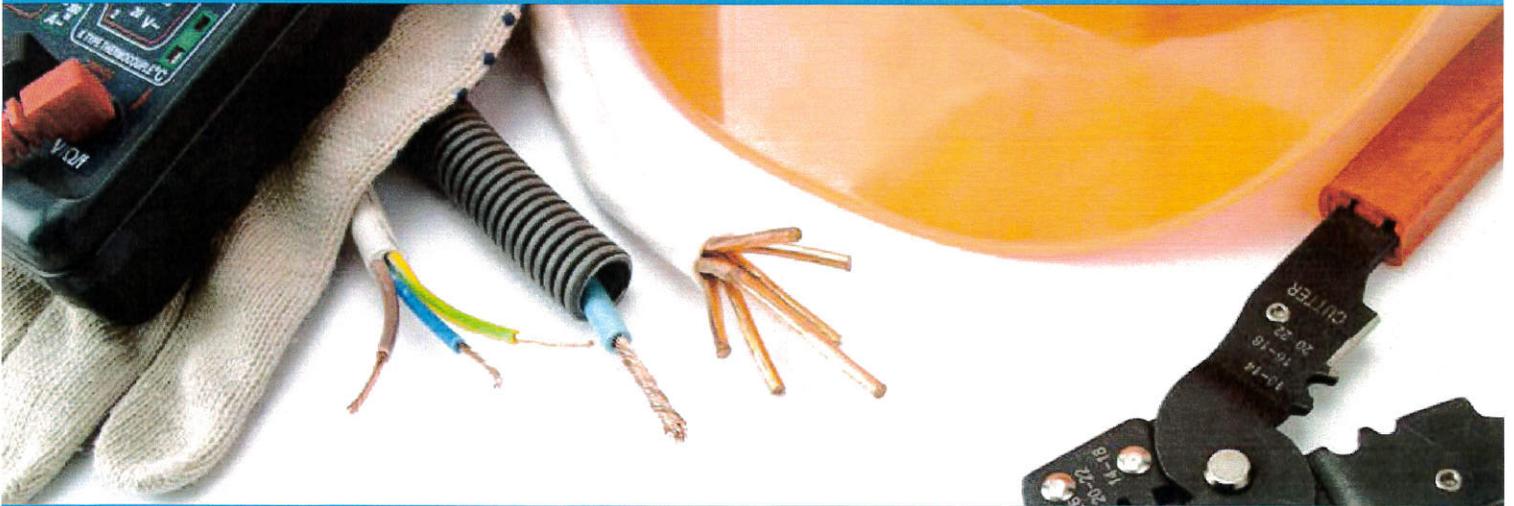
- Accent lighting
- Water lighting
- LED lighting and lamps
- Flood lights
- Security lighting
- Transformers
- Deck and patio lighting
- Wall lighting
- Path lighting

Brighten everything up

It doesn't matter if you're in need of [landscape lighting](#) or if you need to update the lights in your [home](#) or [office](#). You'll always get professional and friendly service when you come to Scarborough Electrical Inc!

[Contact](#) our licensed and insured electrical business today and get the quality products and services that you deserve.





Build it better with a little help from us

When you want to make sure your electrical systems are properly wired before your new walls close up around them, make sure to call our master technician. You'll get our professional and friendly service every time we help you with new home construction projects!

It's alive!

There's no better way to light things up in your new commercial space than by letting us have a crack at your electrical systems. If you're afraid there may be a flaw, call us at any time, 24 hours a day, and we'll rush out and check to make sure the problem isn't a danger to you.

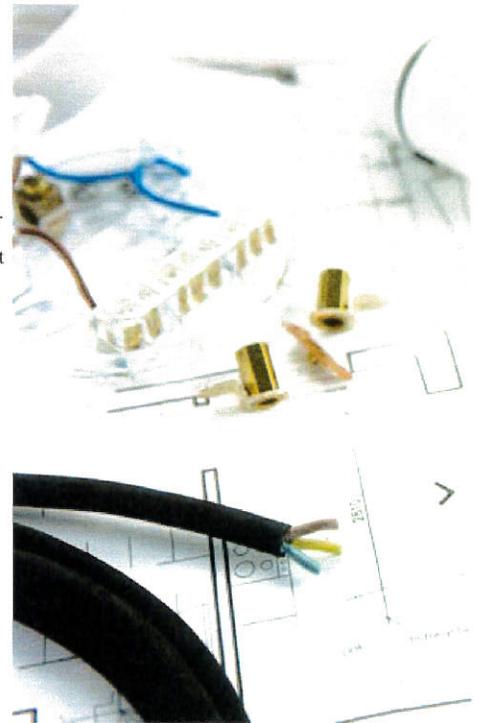
Wire it in and out

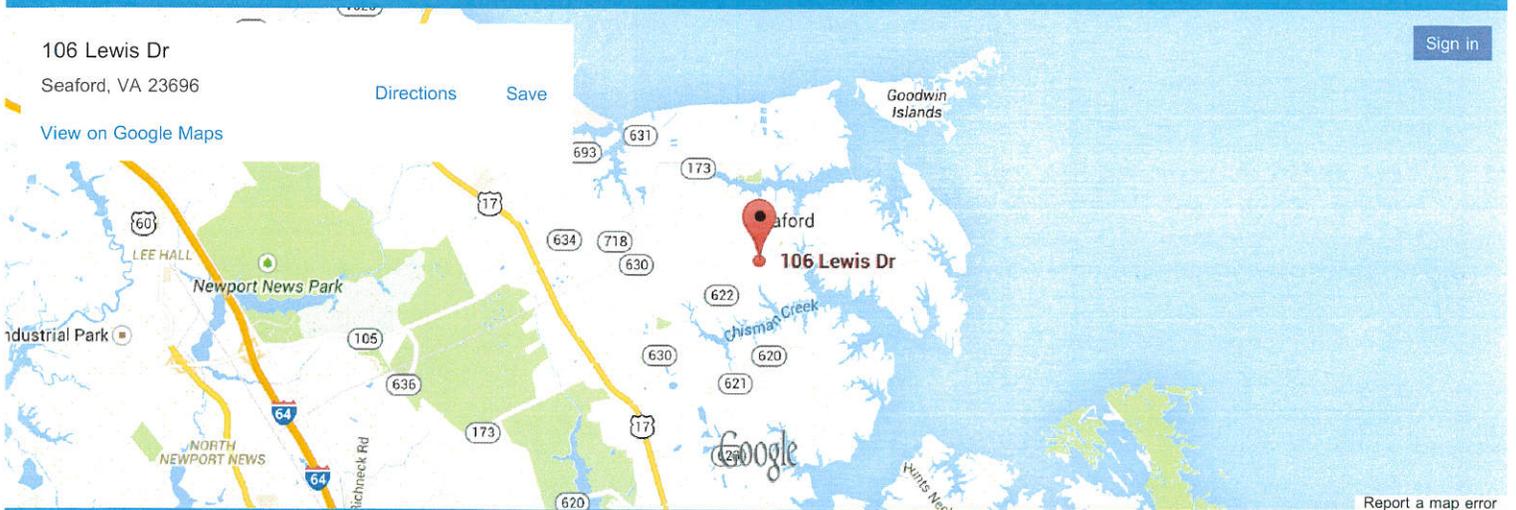
- Wiring
- Electrical sockets
- Light switches
- Appliance installation
- Lighting installation
- Ceiling fan installation
- Phone and TV jacks
- And more!

Making all electrical systems easier

Protect your new construction investment by hiring a licensed and insured electrical company to handle all the wiring in your new [home](#) or [commercial](#) building.

You'll always get quality products and services when you come to us, so [contact us](#) today before your project starts and we'll tell you how you can save with our affordable prices!





Contact us now

Let us shed a little light on your electrical problems, no matter what time you're having them by taking advantage of our 24 hour emergency services.

We offer residential electrician services to the Seaford, Yorktown, Hampton, Newport News, Williamsburg, and Tidewater areas. We are your first call for electrical services, and with our bucket truck, no job is out of our reach.

Address:

Scarborough Electrical Inc.
 106 Lewis Drive
 Seaford, VA, 23696-2410

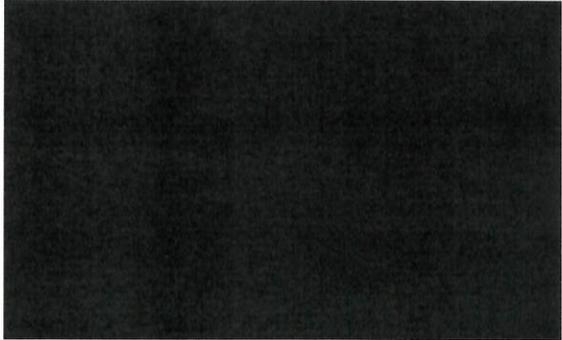
Phone:

757-449-1202

Email:

scarbelectric@cox.net

Choose a master electrician to handle all of your commercial and residential electrical needs in a friendly and professional manner by coming to Scarborough Electrical Inc. Save with our affordable prices and get quality products and services for less.



Contact Us

Name

Email *

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 _____, 2015:

Present

Vote

Melissa S. Magowan, Chair
Timothy D. McCulloch, Vice Chair
Montgoussaint E. Jons
Glenn A. Brazelton
Todd H. Mathes
Richard M. Myer, Jr.
Mark B. Suiter

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

A RESOLUTION TO RECOMMEND APPROVAL OF AN APPLICATION TO AUTHORIZE A HOME OFFICE WITH NON-RESIDENT EMPLOYEES ON PROPERTY LOCATED AT 106 LEWIS DRIVE

WHEREAS, Michael F. Scarborough, dba Scarborough Electrical, Inc., has submitted Application No. UP-852-14 requesting a Special Use Permit, pursuant to Section 24.1-283(e) of the York County Zoning Ordinance, to authorize the establishment of a home office with non-resident employees in a detached garage accessory to a single-family detached home on a 1.05-acre parcel located at 105 Lewis Drive (Route 628) and further identified as Assessor’s Parcel No. 25-45-2 (GPIN T08b-3491-4696); 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 _____, 2015, that Application No. UP-853-15 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(e) of the York County Zoning Ordinance, to authorize the establishment of a home office in a detached garage accessory to a single-family detached home on a 1.05-acre parcel located at 106 Lewis Drive (Route 628) and further identified as Assessor's Parcel No. 25-45-2 (GPIN T08b-3491-4696), subject to the following conditions:

1. This use permit shall authorize the establishment of a home office in a detached garage accessory to a single-family detached home on a 1.05-acre parcel located at 106 Lewis Drive (Route 628) and further identified as Assessor's Parcel No. 25-45-2 (GPIN T08b-3491-4696).
2. The home occupation shall be conducted in accordance with the provisions set forth in Sections 24.1-281 and 24.1-283(e) of the York County Zoning Ordinance, except as modified herein.
3. The floor area of the home office shall not exceed one hundred seventy five (175) square feet, and shall be designed as depicted on the floor plans submitted by the applicant and received by the Planning Division on December 30, 2014, a copy of which shall remain on file in the office of the Planning Division.
4. Non-resident employees shall be permitted on site as follows:
 - One office administrator, no more than five (5) business days (Monday - Friday) per week, between the hours of 10:00 AM and 2:00 PM
 - Up to five (5) additional employees, not more than one business day (Monday - Friday) per week, between the hours of 3:30 PM and 4:00 PM. Not more than three (3) commercial vehicles having a carrying capacity of 1-ton or less shall be utilized to transport and be parked by said employees on the property.

No other additional persons, other than individuals residing on the premises, shall be engaged in the home occupation.

5. A minimum of four (4) off-street parking spaces, in accordance with all applicable Zoning Ordinance requirements, shall be provided on the premises (i.e., off-street) to accommodate non-resident employees. These spaces shall be in addition to the two (2) spaces that are otherwise required for the single-family residence.
6. In accordance with Section 24.1-271(h), Accessory Uses Permitted in Conjunction with Residential Uses, one commercial vehicle having a carrying capacity of 1-ton or less and used by the applicant for transportation purposes associated with the home business is permitted to be stored on the property. No other commercial vehicles shall be parked or stored on the property except as stipulated in Condition #4 above.

7. Prior to commencement of the home occupation use, the portion of the detached garage used for the home office and associated parking areas shall conform to minimum standards of the Virginia Uniform Statewide Building Code, subject to the approval of the Building Code Official.
8. 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 office 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.