

COUNTY OF YORK

MEMORANDUM

DATE: February 25, 2015 (PC Mtg. 3/11/15)
TO: York County Planning Commission
FROM: Timothy C. Cross, AICP, Principal Planner
SUBJECT: Application No. UP-856-15, Artisan Meads LLC

ISSUE

This application requests a Special Use Permit to authorize the establishment of a meadery (a facility for the production of mead, which is an alcoholic beverage made from fermented honey and water) as a home occupation with one non-resident employee. There would be no on-premises sales or customer/client contact. The meadery would be located within an existing detached garage located on a 0.29-acre parcel at 117 Whites Lane (private road) in Seaford and further identified as Assessor's Parcel No. 25-186. The property is zoned RR (Rural Residential) and designated Low Density Residential in the Comprehensive Plan.

DESCRIPTION

- Property Owner: John Ragan
- Location: 117 Whites Lane (private road)
- Area: 0.29 acre
- Frontage: 75 feet on Whites Lane
- 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 a detached garage
- Surrounding Development:
 - North: Single-family detached home
 - East: Single-family detached home (across Whites Lane)
 - South: Single-family detached home

West: None

- Proposed Development: Meadery to be operated within an existing detached garage as a home occupation with one non-resident employee

CONSIDERATIONS/CONCLUSIONS

1. The applicant, Artisan Meads LLC, consists of John Ragan, who lives at 117 Whites Lane in York County, and Zeb Johnston, who lives in the City of Newport News. They wish to go into business together and operate a home-based meadery – a facility for the manufacture of mead, which is an alcoholic beverage made from fermented honey and water – in Mr. Ragan’s garage. There would be no on-premises retail sales or customer contact, so this type of operation would ordinarily be permitted as a matter of right. However, Section 24.1-281(a) of the Zoning Ordinance specifies that “No person other than individuals residing on the premises shall be engaged on the premises in such [home occupation] unless otherwise authorized under” the section of the Zoning Ordinance that pertains to home occupations with non-resident employees. Specifically, Section 24.1-283(e) states that any home occupation with one or more non-resident employees requires a Special Use Permit. Accordingly, they have submitted this application.
2. Located in Seaford, the subject property and the entire surrounding area are zoned RR (Rural Residential) and designated Low Density Residential in the Comprehensive Plan. There are single-family detached homes on either side of the property and across the street, while the property to the rear is undeveloped. There are eight single-family detached homes on Whites Lane, which is a private road.
3. As described in the applicants’ project narrative (copy attached), the meadery would consist mainly of a work area for mixing ingredients, bottling, and labeling, and a fermentation area with 13 to 26 fermenters ranging in size from 5 to 120 gallons each. There would be no cooking equipment. Sales would be conducted on the internet via the Virginia Winery Distribution Company (VWDC) web site. The VWDC is a non-profit organization created by the Virginia Department of Agriculture and Consumer Services (VDACS) to provide wholesale wine distribution services for Virginia farm wineries. Many wineries in the Commonwealth use VWDC to distribute and personally deliver their wines to local retailers. The applicants have indicated that such deliveries would be via a personal car or pickup truck. No commercial vehicles would be operated from the property.
4. Pursuant to Section 24.1-281(b) of the Zoning Ordinance, home occupations cannot exceed 400 square feet or 25% of the floor area of the home, whichever is less, “unless a greater area is deemed appropriate and is authorized by the Board of Supervisors in conjunction with consideration of a Special Use Permit application for a home occupation.” In this case, the area of the garage in which the home occupation would be located is 653 square feet, which is 58% of the area of the 1,133-square foot home. Although the proposed home occupation would exceed the standard size thresholds, this is more a reflection of the size of the garage relative to the size of the

house than an indicator of the intensity of the proposed use. Therefore, staff believes it would be appropriate to deviate from the standard size thresholds in this case.

5. In accordance with Section 24.1-283(b)(3) of the Zoning Ordinance, adequate off-street parking must be provided to accommodate the home occupation and must be in addition to the two spaces otherwise required for the residential use. In this case, a total of three spaces will be required, including one for the non-resident employee. With a 95-foot long gravel driveway and a paved exposed aggregate parking area of approximately 800 square feet, the property can easily accommodate more than the required three spaces.
6. With one non-resident employee and no on-premises retail sales or customer contact, the proposed home occupation would not, in staff's opinion, generate a significant amount of traffic. The applicants estimate that there would be approximately eighteen vehicle trips – nine entering and nine exiting – per week, and any deliveries of equipment or supplies would be conducted by the applicants themselves in their personal vehicles. The subject property is located on Whites Lane, which is a private road off of Back Creek Road in Seaford that serves a total of eight (8) single-family detached homes and has a pavement width of approximately thirteen feet (13'). While a more intensive home occupation on this road could be problematic, staff believes Whites Lane is adequate to accommodate the additional traffic that would be generated by the proposed meadery.
7. The subject property is served by public water and sewer. The Utilities Division has reviewed this application and indicated that since the by-products from mead will be very low in volume, organic, and do not include grains, hops, or other destructive byproducts that breweries do, it has no concerns about the proposed meadery.
8. In accordance with Section 24.1-283(e)(3) of the Zoning Ordinance, the standard term of any use permit for non-resident employees is two (2) years unless the Board of Supervisors specifies some other time period, either lesser or greater. At the end of the specified term, the operator of the home occupation can request an extension of the non-resident employee term, which can be approved by the Board without public hearings and Planning Commission review, provided that the request is accompanied by written statements from all adjacent property owners indicating that they have no objection to continuation of the non-resident employee authorization. If the applicant cannot provide such a statement of approval, the request for an extension would be processed and reviewed as if it were an original use permit application.

The applicants have characterized the home occupation as a "start-up" operation that they hope to relocate to a commercial location within two years, so it is possible that they will not need more than that. Nevertheless, given the low intensity of the home occupation, staff believes it would be appropriate to increase the term of the use permit to four (4) years in the event that additional time is needed. Terms of authorization have varied in recent years, ranging from the standard two (2) years to as many as ten (10) years.

9. The subject parcel does not appear to fall under the jurisdiction of an established homeowners' association. Regardless of any covenants that may be deeded, the County must evaluate the home occupation within the context of the Zoning Ordinance and its standards. The County cannot be a party to the enforcement of private covenants, and approval of a Special Use Permit will not relieve the applicant of any responsibilities for compliance with any such covenants.

RECOMMENDATION

The proposed home occupation would be located entirely within the existing garage and would, in staff's opinion, have little if any impact on the surrounding area. Other than a few additional vehicle trips – an average of two to three per day – on Whites Lane, there would be little noticeable evidence that the home occupation is being conducted on the property. 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. PC15-3.

TCC

Attachments:

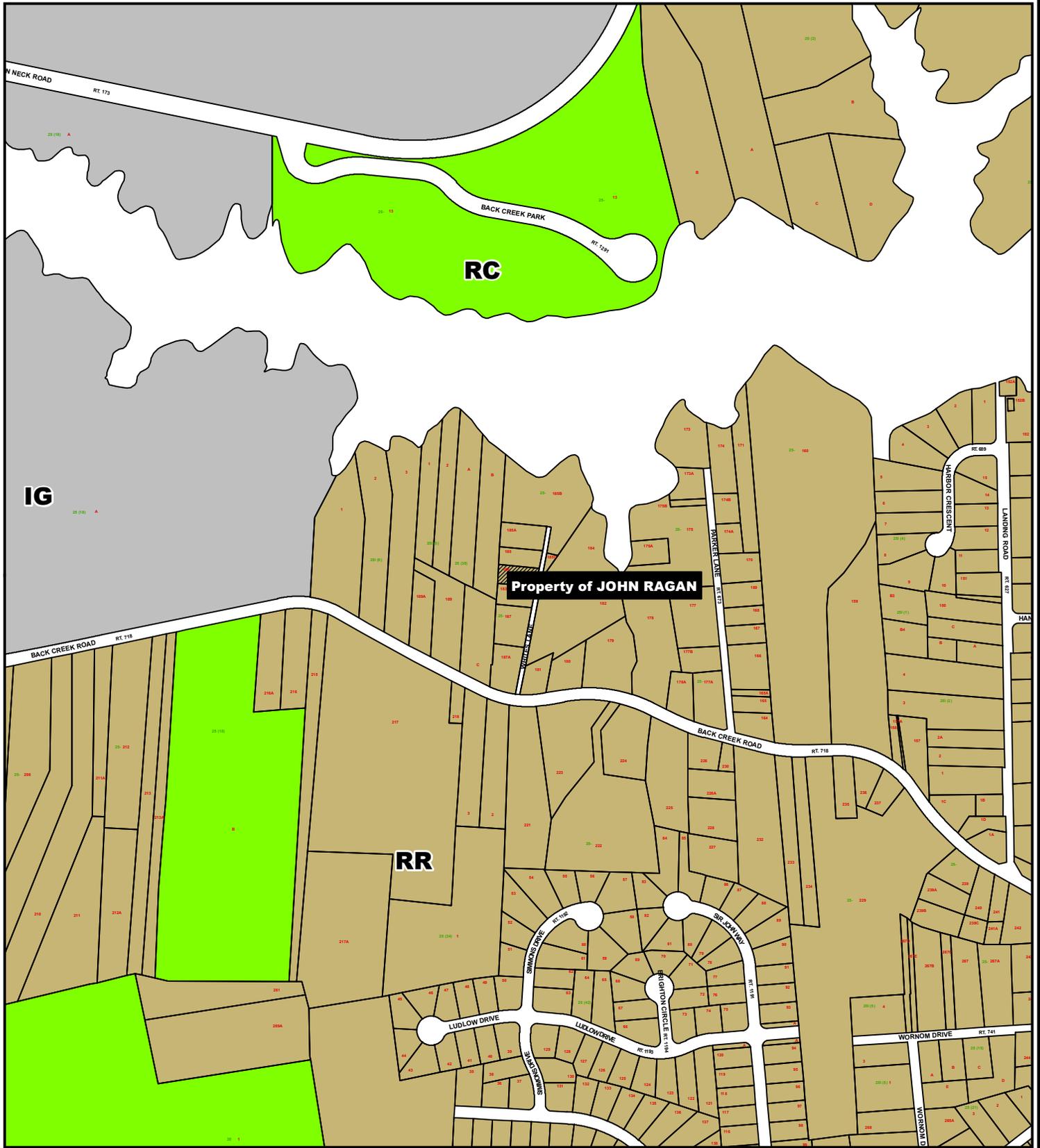
- Zoning Map
- Project Narrative
- Proposed Resolution No. PC15-3

APPLICANT
Artisan Meads, LLC

Meadery as a home occupation with one non-resident employee
117 WHITES LN

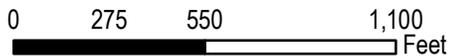
ZONING MAP

APPLICATION NUMBER: UP-856-15



Property of JOHN RAGAN

★ = Conditional Zoning



Printed on February 05, 2015



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.

Artisan Meads LLC:

Supplemental Information for the York County Special Use Permit application

About the business:

Artisan Meads LLC will be a start up Meadery located in Seaford, a small community in York County Virginia. Mead is honey based wine, the oldest alcoholic beverage known to man. It is similar in complexity to wine and can range from 5% – 18% in alcohol content. It is classified as wine.

As micro-breweries and micro-wineries are growing in popularity, mead is also experiencing resurgence. The American Mead Makers Association annual reports that mead saw a 130% increase in sales between 2012 and 2013. Mead is the smallest and fastest growing segment of the alcohol industry.

Location:

Artisan Meads LLC plans to start in a detached garage at the Rural Residential zoned home of John Ragan at 117 Whites Lane in Seaford, VA. After obtaining all federal, state, and local permits, production is planned to start in late 2015. Within two years, Artisan Meads LLC plans to move to a larger production facility in a business or industrial zoned area.

Future Plans:

Artisan Meads plans to follow a proven start-up and growth plan, similar to that of Moonlight Meadery. Moonlight Meadery started in a garage in May of 2010 and moved to a 4000 square foot production facility two years later. Their annual sales topped \$1 million in 2013, and their beverages are now available in 29 states, Washington DC, and Australia.

Manufacture process:

Mead starts as a solution of honey, water, and yeast. The ingredients are mixed in a fermenter, and the yeast eats the honey to produce alcohol. After two months of fermentation, the mead is bottled and aged.

Manufacture Equipment:

The mixture does not need to be cooked or pasteurized, so the meadery will not have any cooking equipment. The meadery will use plastic, glass, and stainless steel containers for fermenting. All fermenting and bottling equipment will be moveable and not permanent.

Community Impact:

The garage start up in Seaford, VA will not change the outward appearance of the home or the garage. All raw materials, equipment, and finished product will be contained within the garage. There will be no production noises or smells, and no negative impact on the neighboring community. There will be no retail customers at the home since all sales will be through distributors or a direct shipper's license.

About the Entrepreneurs:

John Ragan and Zeb Johnston are only members of Artisan Meads LLC.

John Ragan has owned the home and detached garage at 117 Whites Lane since 2003. He has been an appraiser in Hampton Roads since graduating with a Bachelor of Science in Business Administration degree from Christopher Newport University in 2003.

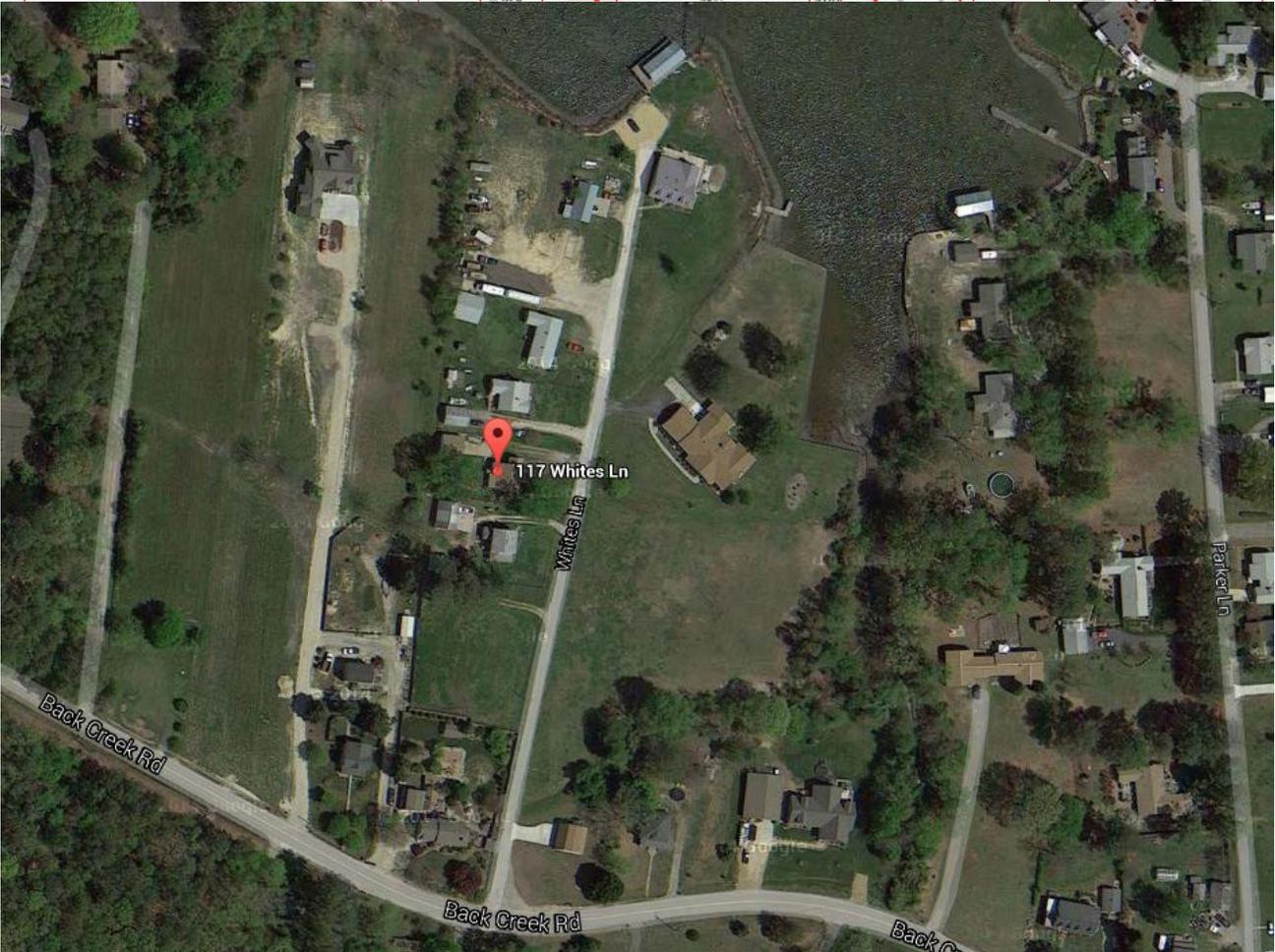
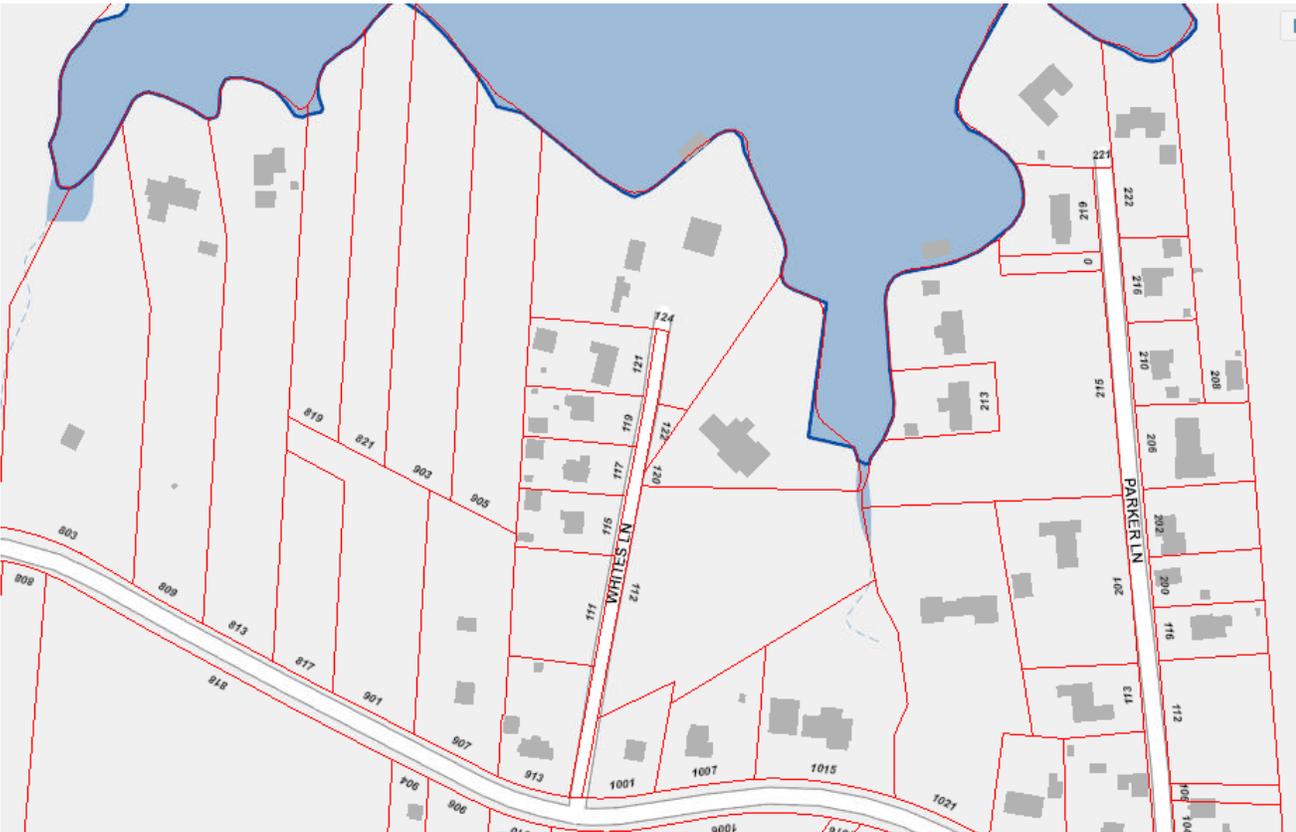
Zeb Johnston is a Senior Procurement Analyst at Newport News Shipbuilding. He also has a BSBA from CNU, and earned a Master of Business Administration degree from The College of William & Mary in 2013. He is also the owner of Zeb's Bees LLC, which began in 2013 and currently sells local honey at Yorktown Market Days under York County's business license number 024721. (<http://www.yorkcounty.gov/tourism/Events/MarketDays.aspx>)

Zeb Johnston
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ZebJohnston@gmail.com

John Ragan
757-846-8172
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The Location:





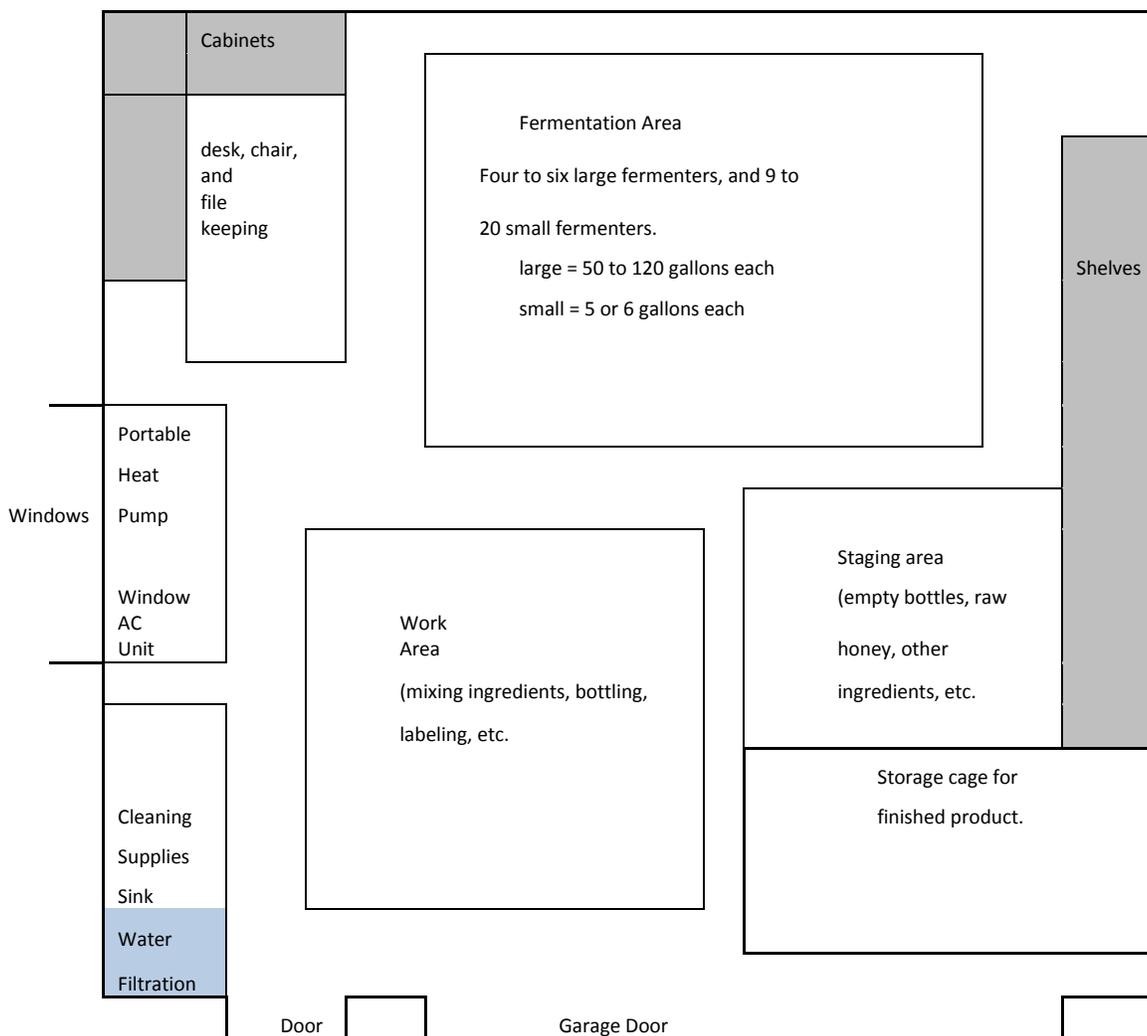


Interior Layout:

Below is a layout for the proposed meadery in the detached garage at 117 Whites Lane in Seaford, VA. The garage will be used for storage of raw materials, fermentation, and storage of finished product before it is sold.

The grey areas are permanent shelving that currently exists in the garage. We do not plan to remove the shelves or cabinets.

There is a water line and sewer line in the lower left hand corner, shown in blue, by the words 'water filtration'. This water service once provided pool water for an above ground pool that is no longer in the back yard. We will hook up a water filtration system to this water line since quality filtered water is one of the most important ingredients in mead. The corner of the garage will also have a large sink and cleaning supplies for sanitizing bottles and equipments.





This is a photo of the interior of Moonlight Meadery's garage startup, similar to what Artisan Meads LLC garage business will look like. Moonlight Meadery started in this garage in May of 2010 in Londonderry, New Hampshire. Two years later, they moved to a 2000 square foot production facility. Their business has grown to well over \$1 million in annual sales, and their meads are now in 29 states, Washington DC, and Australia. Artisan Meads LLC wishes to follow Moonlight's success with a similar start up model in York County, Virginia.

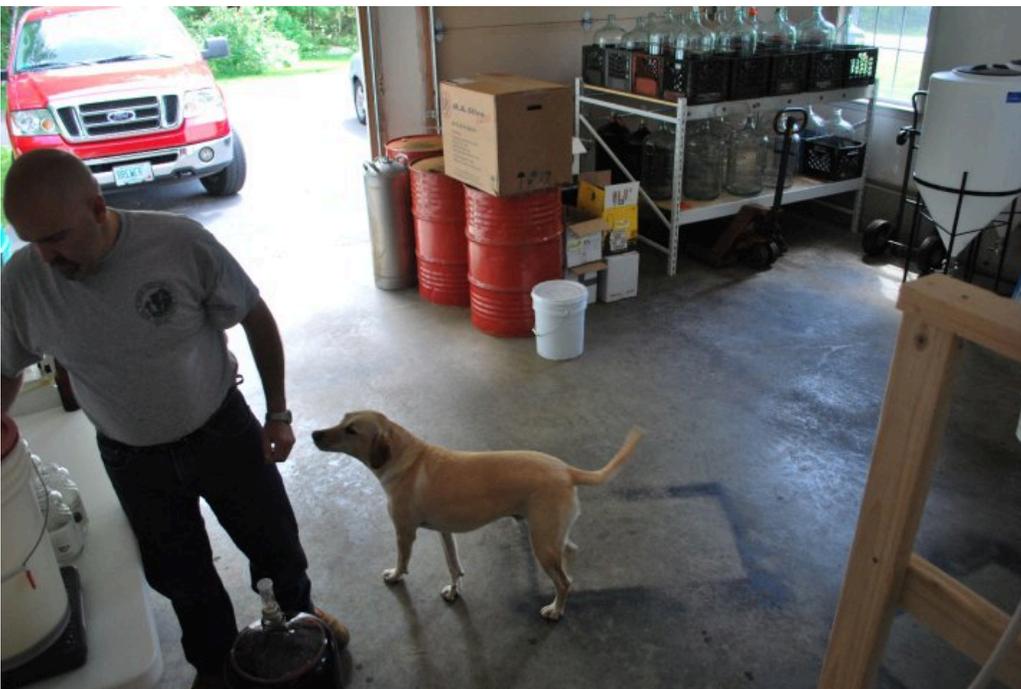
<http://www.moonlightmeadery.com/>

<https://www.facebook.com/MoonlightMeadery?pnref=about.overview>

<https://www.facebook.com/michael.d.fairbrother>

<http://greatbrewers.com/story/moonlight-meadery-other-fermented-drink-heather-vandenengel-honestpint>

<https://www.facebook.com/adamjmccune/photos/a.402882429931.176073.135934689931/402883689931/?type=1&theater>



This is a picture of Michael Fairbrother, the founder of Moonlight Meadery, in his start-up garage in May of 2010.



This is the garage that Bee & Bramble LLC is using for their start up Meadery, located in Fairview North Carolina. Bee & Bramble received state licenses to start production in 2014.

<https://www.facebook.com/BeeBrambleFineMeads>

<http://beeandbramble.com/>

<http://mountainx.com/food/modern-mead-is-honey-wine-ashevilles-next-big-thing/>



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 FOR A SPECIAL USE PERMIT TO AUTHORIZE A MEADERY AS A HOME OCCUPATION WITH ONE NON-RESIDENT EMPLOYEE AT 117 WHITES LANE

WHEREAS, Artisan Meads LLC has submitted Application No. UP-856-15 requesting a Special Use Permit to authorize the establishment of a meadery as a home occupation with one non-resident employee within an existing detached garage located on a 0.29-acre parcel at 117 Whites Lane (private road) and further identified as Assessor’s Parcel No. 25-186 (GPIN T09b-2938-3556); 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 _____, 2015, that Application No. UP-856-15 be, and it is hereby, transmitted to the York County Board of Supervisors with a

recommendation of approval to authorize a Special Use Permit for the establishment of a meadery as a home occupation with one non-resident employee within an existing detached garage located on a 0.29-acre parcel at 117 Whites Lane (private road) and further identified as Assessor's Parcel No. 25-186 (GPIN T09b-2938-3556) subject to the following conditions:

1. This Special Use Permit shall authorize the establishment of a meadery (a facility for the production of mead) as a home occupation with one non-resident employee within an existing detached garage located on a 0.29-acre parcel at 117 Whites Lane (private road) and further identified as Assessor's Parcel No. 25-186 (GPIN T09b-2938-3556).
2. One (1) non-resident employee shall be permitted. This authorization of a non-resident employee shall expire four (4) years from the date of approval of this application. Nothing in this approval shall be construed to preclude the operator of the home occupation from applying for a new use permit to authorize a non-resident employee in accordance with the procedures set forth in Section 24.1-283(e)(3) of the Zoning Ordinance.
3. 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(e), except as modified herein.
4. No on-premises sales of goods or materials to the general public shall be permitted.
5. The home occupation shall be conducted within the existing 653-square foot garage in accordance with the procedures set forth in the applicant's project narrative titled "Artisan Meads LLC: Supplemental Information for the York County Special Use Permit application," a copy of which shall remain on file in the office of the Planning Division.
6. The home occupation shall be conducted in accordance with all applicable state and federal licensing, permitting, and regulatory requirements.
7. In accordance with the terms of the Zoning Ordinance, at least one (1) off-street parking space shall be provided on the premises to accommodate the non-resident employee. This space shall be in addition to the two (2) spaces that are otherwise required for the single-family residence.
8. Approval of this Special Use Permit shall not be construed to supersede or negate the effect and application of any private covenants that may be applicable to the proposed use/activity nor the authority of any property owner's association to enforce compliance with any applicable covenants.

9. In accordance with Section 24.1-115(b)(6) 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 no later than thirty (30) days following approval of the Special Use Permit.

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.