

## **Index File**

**UP-860-15**

**GGR Construction, Inc.**

**616 and 700 Dandy Loop Road (Route 629)**

**Assessor's Parcel Nos. 20C-7-B and 20C-7-A**

Request for a Special Use Permit, pursuant to Section 24.1-283 of the York County Zoning Ordinance, to authorize a home occupation with a non-resident employee and a 50 square foot increase in the allowed floor area on two parcels (2.11-acres) located at 616 and 700 Dandy Loop Road (Route 629) and further identified as Assessor's Parcel Nos. 20C-7-B and 20C-7-A. The properties, located on the east side of Dandy Loop Road approximately 500 feet from its intersection with Buckingham Drive (Route 743), are zoned RR (Rural Residential) and is designated Low Density Residential in the Comprehensive Plan.

### Attachments:

- Staff Report
- Zoning Map
- Narrative
- Sketch Plan
- Floor Plan
- Proposed Resolution No. PC15-7

# COUNTY OF YORK

## MEMORANDUM

**DATE:** May 4, 2015 (PC Mtg. 5/13/15)  
**TO:** York County Planning Commission  
**FROM:** Earl W. Anderson, AICP, Planner  
**SUBJECT:** Application No. UP-860-15, GGR Construction, Inc.

### ISSUE

This application requests a Special Use Permit, pursuant to Section 24.1-283 of the York County Zoning Ordinance, to authorize a home occupation with a non-resident employee on two parcels (2.1 acres) located at 616 and 700 Dandy Loop Road (Route 629) and further identified as Assessor's Parcel Nos. 20C-7-B and 20C-7-A. The properties, located on the east side of Dandy Loop Road approximately 500 feet from its intersection with Buckingham Drive (Route 743), are zoned RR (Rural Residential) and designated Low Density Residential in the Comprehensive Plan.

### DESCRIPTION

- Property Owner: Gregory G. Rogers
- Location: 616 and 700 Dandy Loop Road (Route 629)
- Area: 2.1 acres
- Frontage: Approximately 370 feet on Dandy Loop Road
- 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
- Surrounding Development:
  - North: Two single-family detached homes
  - East: None (York River)
  - South: Single-family detached home
  - West: Five single-family detached homes (across Dandy Loop Road)
- Proposed Development: Home occupation with a non-resident employee

## **CONSIDERATIONS/CONCLUSIONS**

1. The subject parcels are located in Dandy on the east side of Dandy Loop Road. The two parcels (2.1 acres) and the surrounding area are zoned RR (Rural Residential) and designated Low Density Residential in the Comprehensive Plan. The property is occupied by a 5,019-square foot single-family detached home and a 1,122-square foot detached garage with a legally conforming second-floor accessory apartment, used as an office by the applicant.
2. The applicant/property owner is the owner of GGR Construction, Inc., established in 1999. He obtained a business license in 2008 to operate a home office for his contracting business out of his detached garage apartment. The main business operations (i.e., equipment storage, employee location, etc.) are located on Kecoughtan Road in Hampton. The applicant works out of the home office space to bid jobs and oversee the business. An assistant also works in the office and maintains the accounting and payroll records as well as performing other business-related duties, working approximately four to five hours per day, five days a week, between the hours of 9:00 am and 3:00 pm. In 2011, the Board of Supervisors approved Mr. Rogers's application for a Special Use permit authorizing one non-resident employee and a 50-square foot increase in the allowable floor area for the home occupation. The resolution of approval stipulated that the authorization for a non-resident employee would expire in three years (May 11, 2014). In March, the County's Zoning and Code Enforcement staff inspected the property as part of its regular review of approved Special Use Permits and found that the term of the non-resident employee authorization had expired. Mr. Rogers subsequently submitted this application requesting authorization for a non-resident employee for a four (4) year term.
3. The subject property can accommodate both the residential parking requirement and the off-street parking demand generated by the home occupation's non-resident employee. The home has an attached two-car garage with a parking pad that measures 25 feet in length and 20 feet in length. Furthermore, there is a parking area adjacent to the detached garage/office that measures approximately 15 feet in width and 20 feet in length.
4. Section 24.1-283(e)(3) of the Zoning Ordinance specifies that use permits for home occupations with non-resident employees are limited to an initial term of two (2) years. This term can be adjusted upward or downward as the Board deems appropriate at the time the use permit is approved, as the Board did in March 2011 when it approved a three-year term for Mr. Rogers. In this case, given the low intensity of the home occupation and the fact that it has operated for four years with no complaints from the neighbors, staff believes it would be appropriate to increase the term of the use permit to four (4) years as requested by the applicant. Terms of authorization have varied in recent years, ranging from the standard two (2) years to as many as ten (10) years. Most recently, in March 2015, the Board approved a four-year term for a home contractor office with non-resident employees in Seaford.

Extensions for non-resident employee terms can be processed as minor amendments (i.e., authorization by resolution of the Board of Supervisors with no public hearings or Planning Commission review) if the applicant provides written statements from the owners of each of the properties abutting the subject property indicating that they have no objection to continuation of the non-resident employee. When such statements cannot be provided – or, as in this case, when the operator of the home occupation fails to request an extension before the term of the use permit expires – the extension is processed as if it were an original application for a Special Use Permit (i.e., both Planning Commission and Board action required). Note: the County has received no complaints for the subject properties.

5. 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 uses 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 with the non-resident employee is a small-scale operation and has not had any adverse impacts on the surrounding area or generated any complaints from neighbors. Therefore, based on the considerations and conclusions as noted, staff recommends that the Planning Commission forward this application to the Board of Supervisors with a recommendation of approval subject to the conditions set forth in proposed Resolution No. PC15-7.

EWA

Attachments:

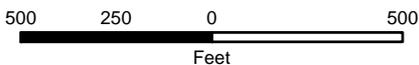
- Zoning Map
- Narrative
- Sketch Plan
- Floor Plan
- Proposed Resolution No. PC15-7

**APPLICANT** GGR Construction, Inc.

# ZONING MAP

Special Use Permit request for a non-resident employee and increase in allowable square footage for a home occupation  
616 and 700 Dandy Loop Road

**APPLICATION NUMBER: UP-860-15**



Printed on March 26, 2015

SOURCE: YORK COUNTY  
GIS PARCEL DATA and  
ZONING COVERAGE

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

**GGR Construction, Inc.  
700 A Dandy Loop Rd.  
Yorktown, Va. 23692  
Office-1-757-369-9636 \* Fax- 1-757-968-5082**

March 2, 2011

Planning Dept. of York County  
224 Ballard St.  
Yorktown, Va. 23692

**RE: Application For Special Use Permit For Small Business, With One Non Residential  
Employee**

Dear Mr. Anderson,

GGR Construction, Inc. is a Contracting business which was established in 1999 originally in Hampton, Va. At that time we were conducting business from my home at 38 Eastmoreland Dr. Hampton, Va.

I purchased property in Yorktown in approximately 2006 and began building on the property known as 700 Dandy Loop Rd., Yorktown, Va. At the time of purchase, there was an existing building with a garage apartment on the property. Eventually, I moved during the building process and began to conduct from York County. At the time we applied for and received a proper business license from York County.

The business being conducted from 700 Dandy Loop Rd, consists of myself, Gregory G. Rogers, owner, and my assistant, Annette Firth. My duties here are to bid jobs, and maintain the overseeing of GGR Construction, Inc. Our work is conducted mainly at the Military Bases, here locally, Langley AFB, Ft. Eustis, Naval Weapon Station, and other bases on the Southside. Mrs. Firth, as my assistant, maintains all of our paperwork, including Payroll, Taxes, Accounts Payable, Accounts Receivable, and any other paperwork generated from the business. She is in the office approximately 4-5 hours each day, 5 days a week, between the hours of 9 am. and 3 p.m.

We currently maintain a shop for equipment and material storage located at 4337 Kecoughtan Rd., Hampton, Va. for the past 7 years. Also located at this location, is where other employees of GGR Construction work out of to conduct business.

Upon the recent visit from Ms. Bryant, we understand that a special permit is needed for a non residential employee, which we certainly want to comply with. We appreciate your consideration of this application, and intend to comply in every way with the York County, Codes and Compliance.

Thank you for you time and consideration.

Respectfully,

Gregory G. Rogers, President  
GGR Construction, Inc.

**RECEIVED**  
York County

**MAR 2 2011**

**Planning Division**

POST-DEV. IMPERVIOUS WITHIN RPA  
 8,757 SQ. FT.  
 0.1551 ACRES

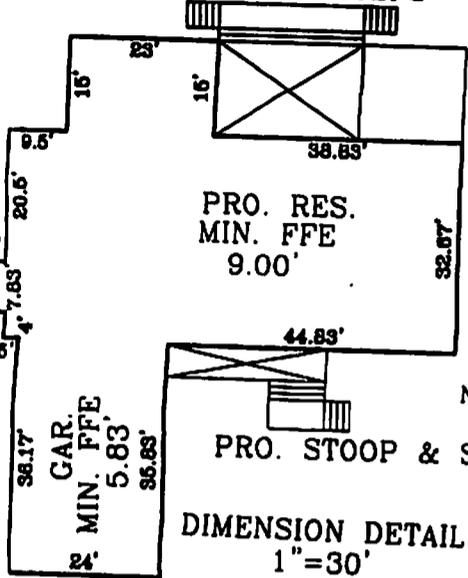
POST-DEVELOPMENT  
 IMPERVIOUS CALCS  
 HOUSE & GAR.=3,560 sf  
 D/W=2830 sf x 0.5=1,415 sf  
 STOOPS/DECK=1,201 sf  
 EX GAR. & DECK=881 sf  
 TOTAL IMP.=7,047 sf  
 HIGH GR. AREA=49,986 sf  
 IMP. %=14.1%

- (CE) = CONSTRUCTION ENTRANCE
- (CF) = CONSTRUCTION FENCING
- (SF) = SILT FENCE
- (PS) = PERMANENT SEEDING

ALL EROSION CONTROL SHALL BE IN ACCORDANCE WITH THE VIRGINIA EROSION AND SEDIMENT CONTROL HANDBOOK, LATEST EDITION.

PRO. WOOD DECK & STEPS

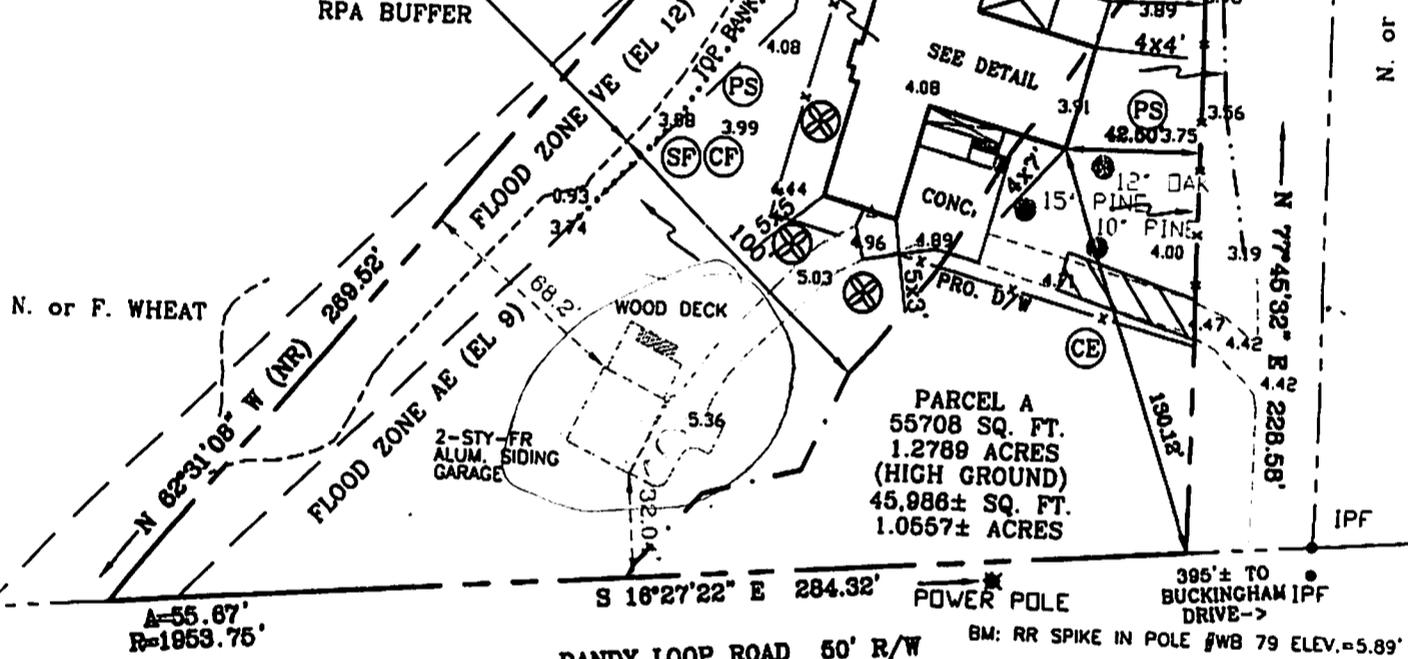
PROPERTY LINES EXTEND TO MEAN LOW WATER



INFILTRATION TRENCH  
 35' x 3' x 2.5' (RAD=10')  
 PER YORK CO. STANDARD

BACK CREEK

APPROXIMATE LIMIT OF RPA BUFFER



DANDY LOOP ROAD 50' R/W

NOTES: THIS PROPERTY IS LOCATED IN FIRM ZONES AE, (ELEV 9, SHADED, AREA OF 100 YEAR FLOOD), VE, (ELEV 12, SHADED, COASTAL FLOOD WITH VELOCITY) AS SHOWN ON COMMUNITY PANEL NO. 510182 0016 B DATED DEC. 16, 1988.

PLAT PROVIDED BY OWNER ENTITLED REF: "PARCELS A, B, & C, AS SHOWN ON PLAT OF THE PROPERTY OF R & W CORPORATION PARCELS A & B" BY DAVIS AND ASSOCIATES DATED JAN. 20, 2004

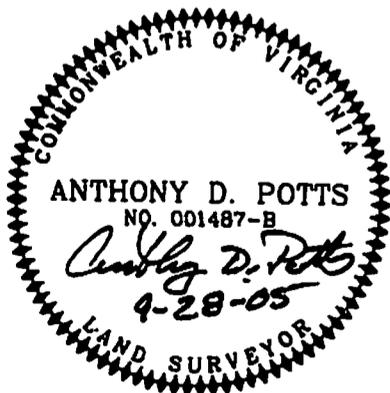
THE PLAT DOES NOT MATHEMATICALLY CLOSE. THE INFORMATION SHOWN HEREON PER PLAT BY DAVIS & ASSOCIATES. THE HOUSE DIMENSIONS NEED TO VERIFIED BY APPROVED ARCHITECTURAL PLANS PRIOR TO STAKEOUT. (PLANS PROVIDED WERE INCOMPLETE)

GROUND ELEVATIONS PER A.D. POTTS & ASSOCIATES, INC.

#700 DANDY LOOP ROAD

SHEET 2 OF 2

PRO. TREE (4 REQUIRED)  
 OWNER TO DETERMINE TYPE  
 FROM CBPA BUFFERS PLANT LIST



I HEREBY CERTIFY THAT THE PROPOSED GRADES ARE IN ACCORDANCE WITH THE ACTUAL FIELD CONDITIONS.

ANTHONY D. POTTS, L.S.

**DEVELOPMENT PLAN**

**PARCEL A**

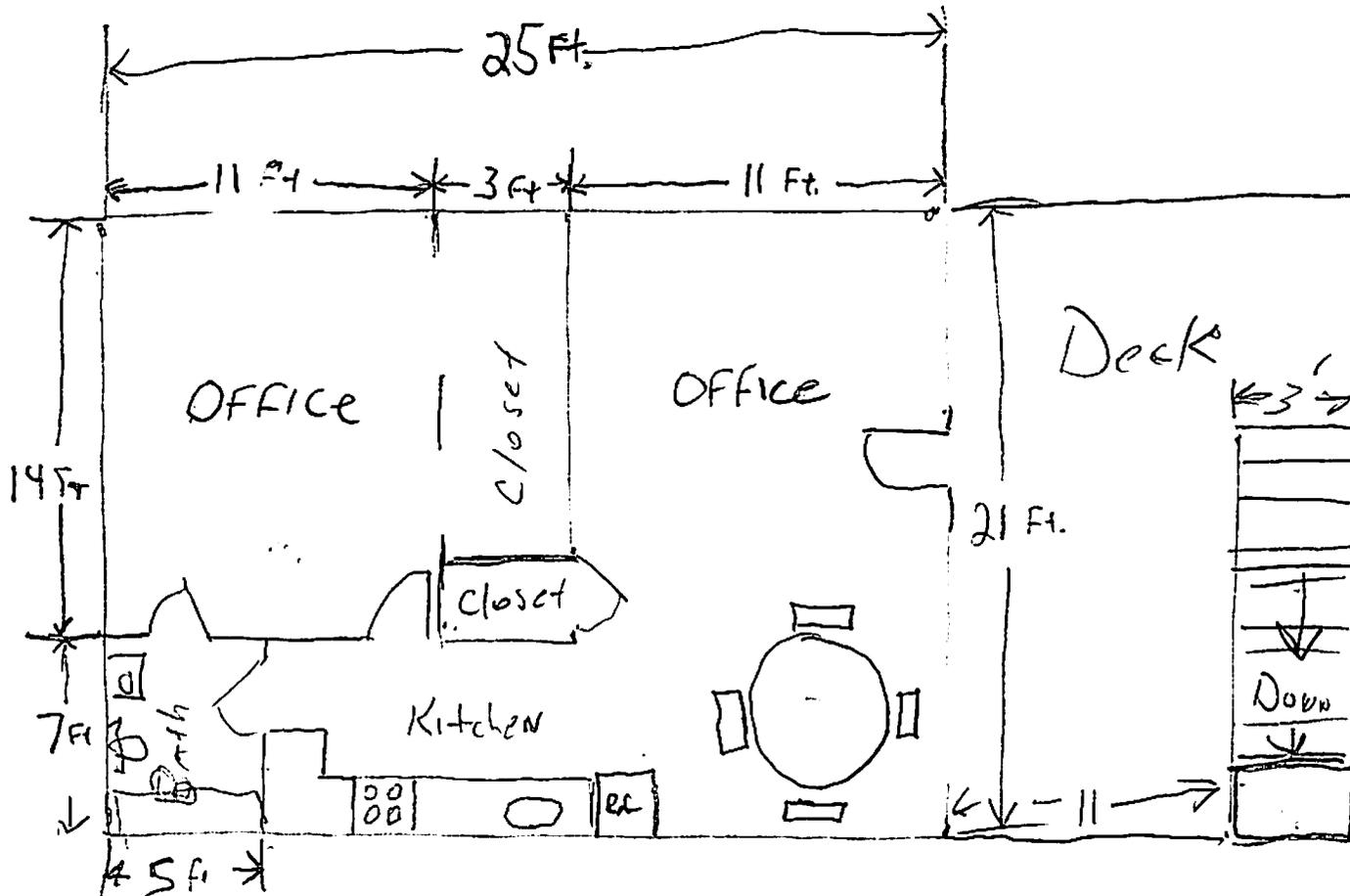
**R & W CORPORATION**

**YORK COUNTY, VIRGINIA**

ADPA **A.D. POTTS & ASSOCIATES, INC.**  
 11524 JEFFERSON AVENUE  
 NEWPORT NEWS, VIRGINIA 23601  
 PHONE: (757)-595-4610 9/28/05  
 SCALE: 1"=60' DATE: REV. 2/3/08

700 Dandy

3-2-11



Floor Plan

Office ABOVE GARAGE

RECEIVED  
York County

MAR 2 2011

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 \_\_\_\_, 2015:

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<u>Present</u>	<u>Vote</u>
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	

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

A RESOLUTION TO RECOMMEND APPROVAL OF A SPECIAL USE PERMIT TO AUTHORIZE A HOME OCCUPATION WITH ONE NON-RESIDENT EMPLOYEE AT 616 AND 700 DANDY LOOP ROAD

WHEREAS, GGR Construction, Inc. has submitted Application No. UP-860-15 requesting a Special Use Permit, pursuant to Section 24.1-283 of the York County Zoning Ordinance, to authorize a home occupation with a non-resident employee on two parcels (2.1 acres) located at 616 and 700 Dandy Loop Road (Route 629) and further identified as Assessor’s Parcel Nos. 20C-7-B and 20C-7-A (GPIN# U10d-3975-2055 and U10d-3790-2085); 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-860-15 be, and it is hereby, transmitted to the York County Board of Supervisors with a recommendation

of approval to authorize a home occupation with a non-resident employee on two parcels (2.11-acres) located at 616 and 700 Dandy Loop Road (Route 629) and further identified as Assessor's Parcel Nos. 20C-7-B and 20C-7-A (GPIN# U10d-3975-2055 and U10d-3790-2085), subject to the following conditions:

1. This use permit shall authorize a home occupation with a non-resident employee on two parcels (2.11-acres) located at 616 and 700 Dandy Loop Road (Route 629) and further identified as Assessor's Parcel Nos. 20C-7-B and 20C-7-A (GPIN# U10d-3975-2055 and U10d-3790-2085).
2. The home occupation shall be conducted in accordance with the provisions of Sections 24.1-281 and 24.1-283 of the York County Zoning Ordinance, except as modified herein. The use shall be limited to 450 square feet and shall be in substantial conformance with the floor plan submitted by the applicant titled "700 Dandy, Office Above Garage" submitted to the Planning Division on March 2, 2011, a copy of which shall remain on file in the office of the Planning Division.
3. One non-resident employee shall be permitted. Pursuant to Section 24.1-283(e)(3) of the Zoning Ordinance, 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 prevent the operator of the home occupation from applying for a term extension or 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.
4. The days and hours the non-resident employee may work at the property shall be limited to Monday through Friday from 8:00 AM to 5:00 PM.
5. 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 employee. This space shall be in addition to the two (2) spaces that are otherwise required for the single-family residence.
6. In accordance with Section 24.1-115(b)(6) of the York County Zoning Ordinance, a certified copy of this resolution 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 within one month of use permit approval.

BE IT FURTHER RESOLVED that this Special Use Permit is severable, and invalidation of any word, phrase, clause, sentence, or paragraph shall not invalidate the remainder.