

Index File

UP-782-10

Just Iris' @ Home Hair Salon

103 West Bristol Lane

Assessor's Parcel No. 038A2-08-01-010

Request for a Special Use Permit, pursuant to Section 24.1-283(b) of the York County Zoning Ordinance, to authorize a beauty salon as a home occupation on a 0.24-acre parcel of land. The property is zoned PD (Planned Development) and is designated High Density Residential in the Comprehensive Plan.

The staff is recommending approval

Attachments:

- Staff report
- Zoning map
- Narrative
- Sketch plan
- Floor plan
- Proposed Resolution No. PC10-15

COUNTY OF YORK

MEMORANDUM

DATE: August 25, 2010 (PC Mtg. 9/8/10)
TO: York County Planning Commission
FROM: Earl W. Anderson, AICP, Planner
SUBJECT: Application No. UP-782-10, Just Iris' @ Home Hair Salon (Iris J. Baldwin)

ISSUE

Application No. UP-782-10 requests a Special Use Permit, pursuant to Section 24.1-283(b) of the York County Zoning Ordinance, for a beauty salon as a home occupation on a 0.24-acre parcel located at 103 West Bristol Lane (Route 1679) and further identified as Assessor's Parcel No. 038A2-08-01-010.

DESCRIPTION

- Property Owners: Melvin C. & Iris J. Baldwin
- Location: 103 West Bristol Lane (Route 1679)
- Area: 0.24 acre
- Frontage: Approximately 100 feet on West Bristol Lane
- Utilities: Public water and sewer
- Topography: Flat
- 2025 Land Use Map Designation: High Density Residential
- Zoning Classification: PD – Planned Development
- Existing Development: Single-family detached home
- Surrounding Development:
 - North: Single-family detached residential
 - East: Single-family detached residential
 - South: Single-family detached residential
 - West: Church on 6.7-acre parcel
- Proposed Development: Beauty shop as a home occupation

CONSIDERATIONS/CONCLUSIONS

1. The applicant wishes to operate a full-service salon as a home occupation in a space within the garage of her residence in the Yorkshire Downs planned development. The 0.24-acre parcel and the areas to the north, east, and south are zoned PD (Planned Development) and are designated High Density Residential in the Comprehensive Plan, with a large church to the west on property zoned R20 (Medium Density Residential). Section 24.1-283(b) of the Zoning Ordinance requires a Special Use Permit for any home occupations with on-premises retail sales, personal services, or customer/client contact, specifically including barber and beauty shops.

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(b) sets forth additional standards that apply specifically to those home occupations for which a use permit is required. The general purpose of these standards is to limit the size, scale, and visibility of home occupations in order to ensure that they remain incidental and subordinate to the residential use of the property and to prevent adverse impacts on surrounding homes. Pursuant to these standards, home occupations are not permitted to occupy more than 25% of the floor area of the residence, unless the Board authorizes a greater floor area in conjunction with a use permit application. The applicant's home has approximately 2,339 square feet of floor area, including the attached garage. According to the floor plan submitted by the applicant, the garage area in which the hair salon would be located is approximately 348 square feet, which is 15% of the floor area of the home.

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. The applicant's proposed hours of operation are Tuesday through Saturday from 10:00 AM to 6:00 PM (i.e., 40 hours per week). There would be no employees other than the applicant herself, and a condition has been included in the proposed resolution specifying that only one customer may be served at a time.

3. The subject property can accommodate both the residential parking requirement and the off-street parking demand generated by the proposed beauty shop. The home has a driveway, with a recent expansion, which measures approximately 18 feet in width and 33 feet in length, can accommodate approximately four cars.

4. In the past nineteen years, the Board has approved sixteen applications for home barber and beauty shops. For purposes of comparison, relevant data for these home occupations are listed in the table below:

Approval Date	Location	Maximum Area	Days and Hours of Operation	Maximum Hours per Week
2/21/91	Lotz Acres Estates	125 square ft.	Monday-Saturday, 8 AM-8 PM	72
10/17/91	Grafton Branch	240 square ft.	Monday-Saturday, 8 AM-8 PM	72
4/16/92	Hornsbyville Road	240 square ft.	Monday-Saturday, 8 AM-8 PM	72

Approval Date	Location	Maximum Area	Days and Hours of Operation	Maximum Hours per Week
10/15/92	Running Man	150 square ft.	Monday-Saturday, 8 AM-8 PM	72
5/20/93	Edgehill	260 square ft.	Monday-Friday, 9 AM-5 PM	40
8/16/95	Carraway Terrace	200 square ft.	Tuesday-Thursday, 9 AM-6 PM	27
11/21/00	Woods of Tabb	150 square ft.	3 days/week 9 AM-5 PM	24
2/19/02	Edgehill	250 square ft.	Tues. and Thurs., 10 AM-7 PM; Wed. and Fri., 10 AM-4 PM; & Saturdays, 10 AM-2 PM	34
2/19/02	Carver Gardens	200 square ft.	Monday-Saturday, 8 AM-8 PM	72
7/16/02	Skimino Hills	200 square ft.	Monday-Saturday, 9 AM-5 PM	48
12/03/03	Meadowlake Farms	335 square ft.	Tuesday-Saturday, 9 AM-5 PM	40
7/13/04	Woodlake Crossing	63 square ft.	Tuesday & Thursday, 9 AM-5PM	16
10/26/04	Edgehill	215 square ft.	3 days/week from 9 AM to 8 PM by appointment only	33
3/21/06	Cheadle Loop Road	468 square ft.	Tues. & Thursday, 10 AM-6 PM; Wed. & Friday, 10 AM-2 PM; Saturday, 10 AM-2 PM	28
7/17/07	Grafton Branch	338 square ft.	Tuesday-Friday, 10 AM-8 PM & Every other Saturday 10 AM-5 PM	40-47
11/18/08	Coventry	252 square ft.	Monday-Saturday 9 AM-6 PM	54

According to the County’s Zoning and Code Enforcement staff, there have been no complaints or compliance problems associated with any of the home beauty/barber shops that have been approved. As the table indicates, the proposed home beauty shop would be less intensive – in terms of activity levels – than eight of these approved home occupations based on the proposed 40 hours of operation per week. At 348 square feet, it is larger than all but one of the home beauty/barber shops that have previously been approved but still falls within the Zoning Ordinance standards, and staff does not believe the size of the proposed beauty salon will have any adverse impacts.

5. The subject parcel falls under the jurisdiction of an established homeowners’ association (Yorkshire Downs). 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 is a small-scale operation and is not likely to have any adverse impacts on the surrounding area. Staff is confident that the proposed conditions prohibiting non-resident employees and limiting the hours of operation 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

York County Planning Commission

August 25, 2010

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to the Board of Supervisors with a recommendation of approval subject to the conditions contained in proposed Resolution No. PC10-15.

EWA

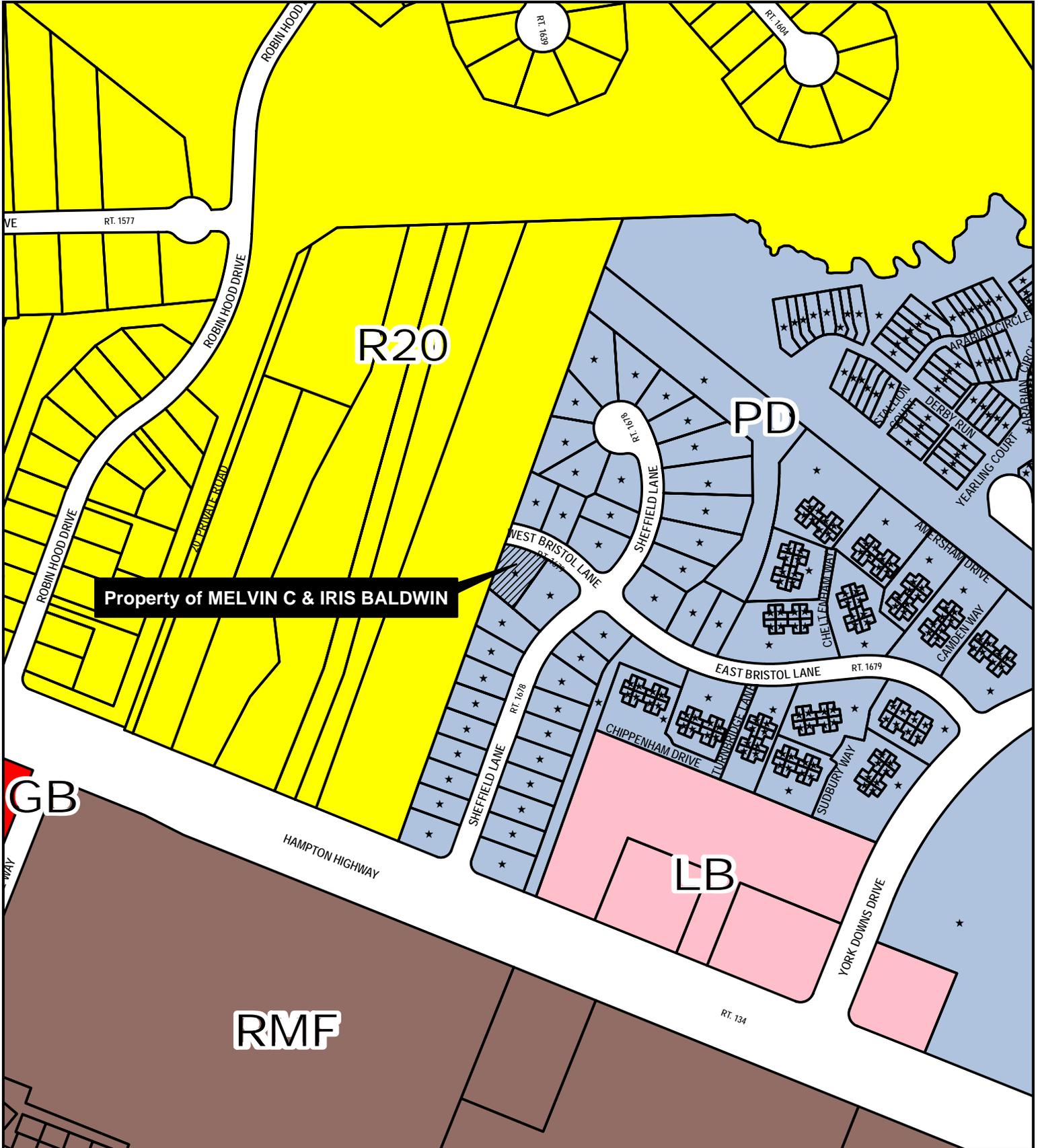
Attachments:

- Zoning Map
- Narrative
- Sketch Plan
- Floor Plan
- Proposed Resolution No. PC10-15

APPLICANT Just Iris' @ Home Hair Salon
Request for a Special Use Permit to authorize a beauty salon as a home occupation
103 WEST BRISTOL LN

ZONING MAP

APPLICATION NUMBER: UP-782-10



★ = Conditional Zoning



Printed on August 05, 2010



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.

July 21, 2010

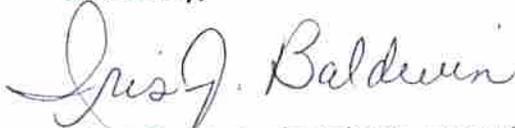
RE: Special permit for home business

Dear Planning Office:

I have been a licensed cosmetologist for over twenty years. I have been a stylist/manager for Hair Cuttery, a value based chain of hair salons since 1993. June 9, 2010, I quit that fast paced job and as a result had to give up most of my customers. However a few loyal clients, that I have known for years--- mostly made up of family, friends, neighbors and church members have been encouraging me to follow my dream. That dream is to start my own small salon. As a result, I am very excited to request permission to open a salon in my converted garage. I have decided on a name for that business. If allowed to open, it will be named *Just Iris' @ Home Hair Salon*. I already have the equipment needed. I have applied to the IRS for an EIN. That EIN Number is 27-298 9627. I have expanded my drive way to accommodate four vehicles at one time. I have spoken to my insurance company, USAA, about liability insurance for my customers. And I have also gone to each of my three neighbors in my cul-de-sac to make sure they have no objections to my venture. At my busiest, I plan to service no more than ten to fifteen clients a week, and by appointment only. I plan to offer services five days a week, Tuesday through Saturday from 10am until 6pm.

Enclosed is a copy of the floor plan of my home and a check for the application fee. If there is anything else I have omitted please call. Thank you in advance for considering my request.

Sincerely,

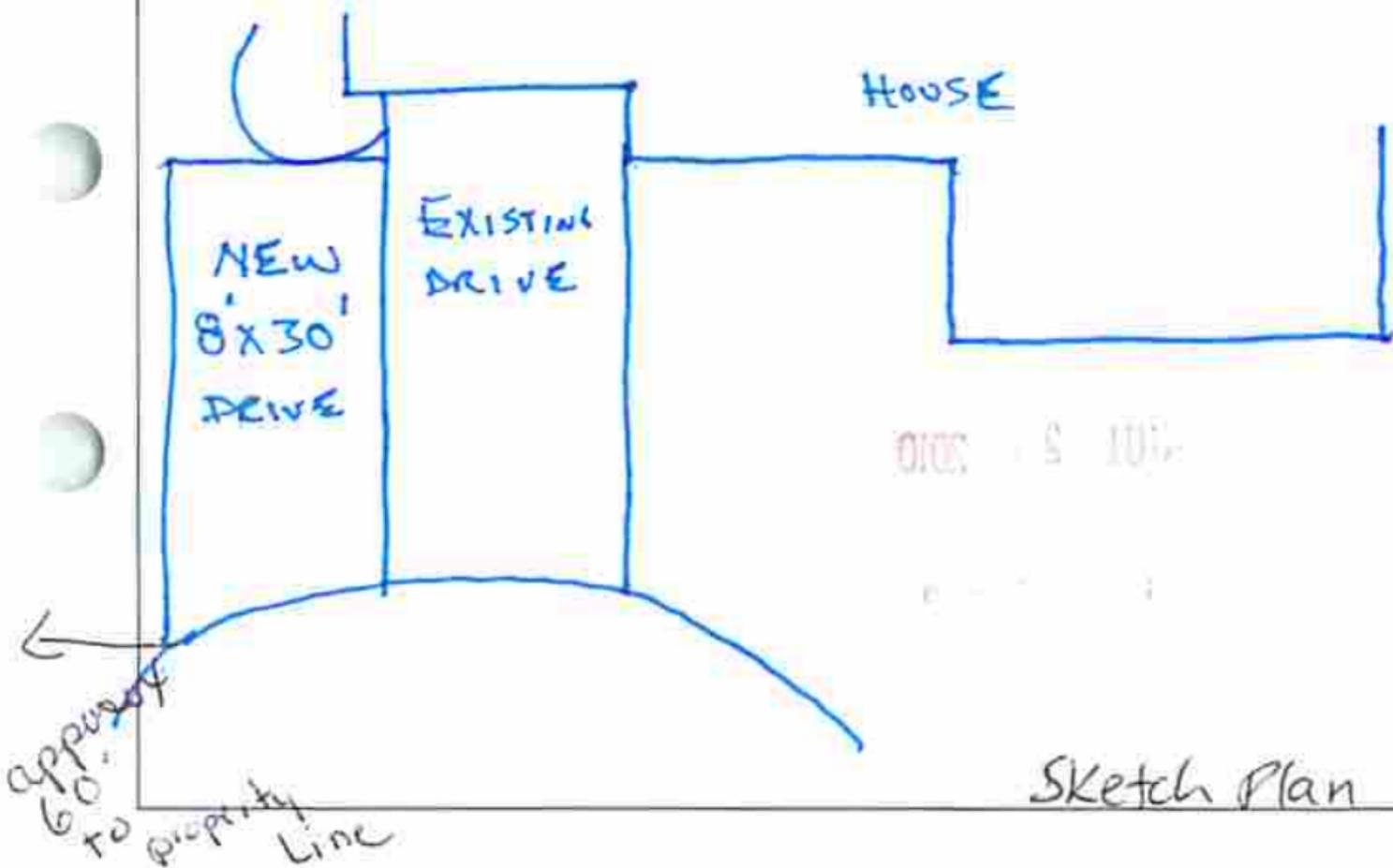


Iris J. Baldwin (757)865-1214 h (757)285-4415 c

RECEIVED
York County

JUL 28 2010

Planning Division



HOUSE

NEW
8'x30'
DRIVE

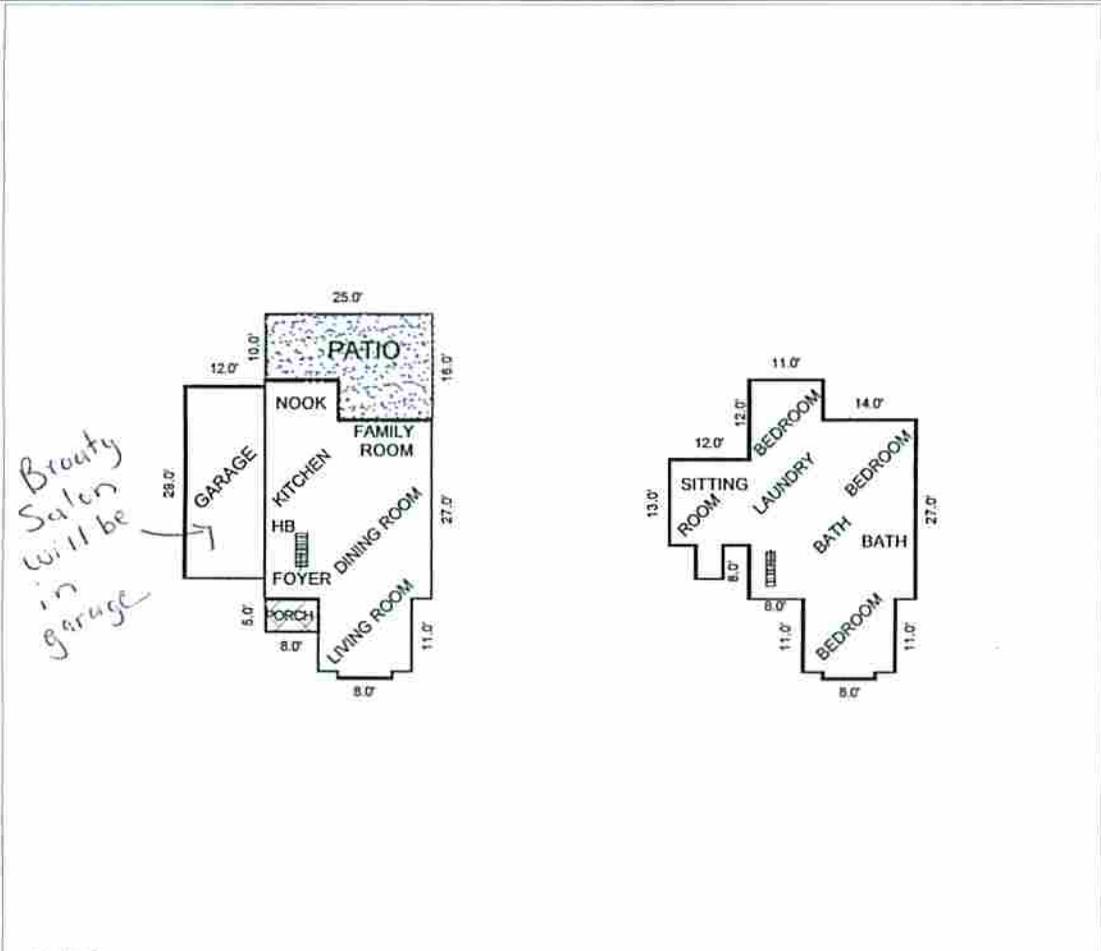
EXISTING
DRIVE

←
approx
60'
to property
line

Sketch Plan

FLOORPLAN

Borrower: MELVIN BALDWIN File No.: 20-03236665
 Property Address: 103 WEST BRISTOL LANE Case No.:
 City: YORKTOWN State: VA Zip: 23693-2815
 Lender: PENTAGON FEDERAL CREDIT UNION



10/10/08

Comments:

AREA CALCULATIONS SUMMARY			
Code	Description	Net Size	Net Totals
GLA1	First Floor	903.0	903.0
GLA2	Second Floor	1079.0	1079.0
P/P	Porch	40.0	
	PATIO	334.0	374.0
GAR	Garage	348.0	348.0
Net LIVABLE Area		(Rounded)	1982

LIVING AREA BREAKDOWN		
	Breakdown	Subtotals
First Floor		
	11.0 x 38.0	418.0
	3.0 x 27.0	81.0
	1.0 x 8.0	8.0
	11.0 x 29.0	319.0
	3.0 x 5.0	15.0
	4.0 x 11.0	44.0
	3.0 x 6.0	18.0
Second Floor		
	1.0 x 8.0	8.0
	11.0 x 14.0	154.0
	11.0 x 33.0	363.0
	14.0 x 27.0	378.0
	4.0 x 5.0	20.0
	12.0 x 13.0	156.0
13 Items	(Rounded)	1982

RECEIVED
York County

JUL 28 2010

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 _____, 2010:

Present

Vote

Christopher A. Abel, Chair
M. Sean Fisher, Vice Chair
Alexander T. Hamilton
Mario C. Buffa
Richard M. Myer, Jr.
Anne C. H. Conner
John R. Davis

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
BEAUTY SHOP AS A HOME OCCUPATION AT 103 WEST
BRISTOL LANE

WHEREAS, Iris J. Baldwin has submitted Application No. UP-782-10 requesting a Special Use Permit, pursuant to Section 24.1-283(b) of the York County Zoning Ordinance, to authorize a beauty shop as a home occupation within a single-family detached dwelling on a 0.24-acre parcel of land located at 103 West Bristol Lane (Route 1679) and further identified as Assessor's Parcel No. 038A2-08-01-010 (GPIN V02a-1558-2563); 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 given careful consideration to the public comments with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the __ day of _____, 2010, that Application No. UP-782-10 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) of the York County Zoning Ordinance, to establish a beauty salon as a home occupation within a single-family detached dwelling on property located at 103 West Bristol Lane (Route 1679) and further identified as Assessor's Parcel No. 038A2-08-01-010 (GPIN V02a-1558-2563), subject to the following conditions:

1. This use permit shall authorize the establishment of a one (1)-chair beauty shop as a home occupation within a single-family detached dwelling on property located at 103 West Bristol Lane (Route 1679) and further identified as Assessor's Parcel No. 038A2-08-01-010 (GPIN V02a-1558-2563).
2. The conduct of such home occupation shall be limited to an area within the existing home consisting of approximately 348 square feet as depicted on the floor plan submitted by the applicant, a copy of which shall remain on file in the office of the Planning Division.
3. The home occupation shall be conducted in accordance with the provisions of Sections 24.1-281 and 24.1-283(b) of the York County Zoning Ordinance, except as modified herein.
4. No person other than individuals residing on the premises shall be engaged on the premises in the home occupation.
5. The days and hours of operation shall be limited to Tuesday through Saturday from 10:00 AM to 6:00 PM.
6. No more than one (1) customer at any one time shall be served within the applicant's home.
7. Retail sales on the premises shall be limited to incidental sales of beauty products, shampoo, conditioning, and other hair care products.
8. No signs or other forms of on-premises advertisement or business identification visible from outside the home shall be permitted.
9. In accordance with the terms of the Zoning Ordinance, at least two (2) off-street parking spaces shall be provided on the premises to accommodate clients. These spaces shall be in addition to the two (2) spaces that are otherwise required for the single-family residence.
10. In accordance with Section 24.1-115(b)(7) of the York County Zoning Ordinance, a certified copy of the resolution authorizing this 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 application for site plan 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.