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UP-813-12

J. Rhines Consulting, LLC

218 Cherwell Court (Route 1629)

Assessor's Parcel No. 2G-75-7

Application No. UP-813-12, J. Rhines Consulting, LLC: 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 in a single-family detached home located at 218 Cherwell Court (Route 1629). The 1.01-acre parcel, further identified as Assessor's Parcel No. 2G-75-7, is zoned RR (Rural Residential) and designated Low-Density Residential in the Comprehensive Plan.

Attachments:

- Staff Report
- Zoning map
- Property Sketch Plan
- Floor Plans
- Proposed Resolution No. PC12-19

COUNTY OF YORK

MEMORANDUM

DATE: September 5, 2012 (PC Mtg. 9/12/12)

TO: York County Planning Commission

FROM: Amy M. Parker, Senior Planner

SUBJECT: Application No. UP-813-12; John C. Rhines, dba J. Rhines Consulting

ISSUE

Application No. UP-813-12 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 218 Cherwell Court (Route 1629). The 1.01-acre parcel, further identified as Assessor's Parcel No. 2G-7-5-7, is zoned RR (Rural Residential) and designated Low-Density Residential in the Comprehensive Plan.

DESCRIPTION

- Property Owner: John C. Rhines
- Location: 218 Cherwell Court (Route 1629)
- Area: 1.01 acres
- Frontage: Approximately 160 feet on Cherwell Court
- Utilities: Public water and sewer
- Topography: Varied
- 2025 Land Use Map Designation: Low Density Residential
- Zoning Classification: RR – Rural Residential
- Existing Development: Single-family detached home
- Surrounding Development:
 - North: Subdivision common area (Laurel Lake Waterfront Property Owners Association/Barlows Pond)
 - East: Single-family detached homes
 - South: Single-family detached homes across Cherwell Court
 - 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 Banbury Cross subdivision on the north side of Cherwell Court adjacent to single-family homes and subdivision common area. This 1.01-acre parcel and the surrounding area are zoned RR (Rural Residential) and are designated Low Density Residential in the Comprehensive Plan.
2. The applicant has indicated that the home business (firearms repair and refurbishing) would consist of a small machine shop located in a portion of the basement of the dwelling. The proposed home business would be for firearms repair only; there would be no sales of firearms or ammunition. According to floor plans submitted by the applicant, the proposed home occupation would include approximately 484 square feet of shop area in the dwelling's basement. Access to the home business area would be through an existing ground-level exterior doorway in the west side of the split-level dwelling. A gravel path connects the driveway to the doorway
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 3,482 square feet of floor area, including the 484 square-foot finished area of the basement to be used for the home business. The floor area proposed for the home business use would be approximately 14% of the total floor area of the home. Although the proposed floor area of the home business use exceeds the normal minimum standard of 400 square feet, given its small proportion compared to the total floor area of the dwelling and its unobtrusive location, staff is of the opinion that the proposed home business could be conducted in conformance with Zoning Ordinance standards.
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 are by appointment only, and would be Monday through Saturday between the hours of 9:00 AM and 6:00 PM. The average number of appointments would not exceed three customers/clients per week, and more than one appointment could be scheduled on a single day. On rare occasions, as during hunting season, up to five customers may be served on a given day. A proposed approval condition would limit customer/client contact to no more than five 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 dwelling has a two-bay garage, which satisfies minimum standards for single-family detached dwellings. The applicant's driveway, which measures approximately 18 feet in width and 200 feet in length, has sufficient room to easily accommodate 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. A staff inquiry made to the ATF indicates that the applicant currently holds such a license. 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.
8. The subject parcel falls under the jurisdiction of an established homeowners' association. Regardless of any covenants that may be deeded, the County must evaluate the home business use 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 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 to the side of the dwelling. 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. PC12-19.

Attachments:

- Zoning Map

York County Planning Commission

September 5, 2012

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- Property Sketch Plan
- Floor Plans
- Proposed Resolution No. PC12-19

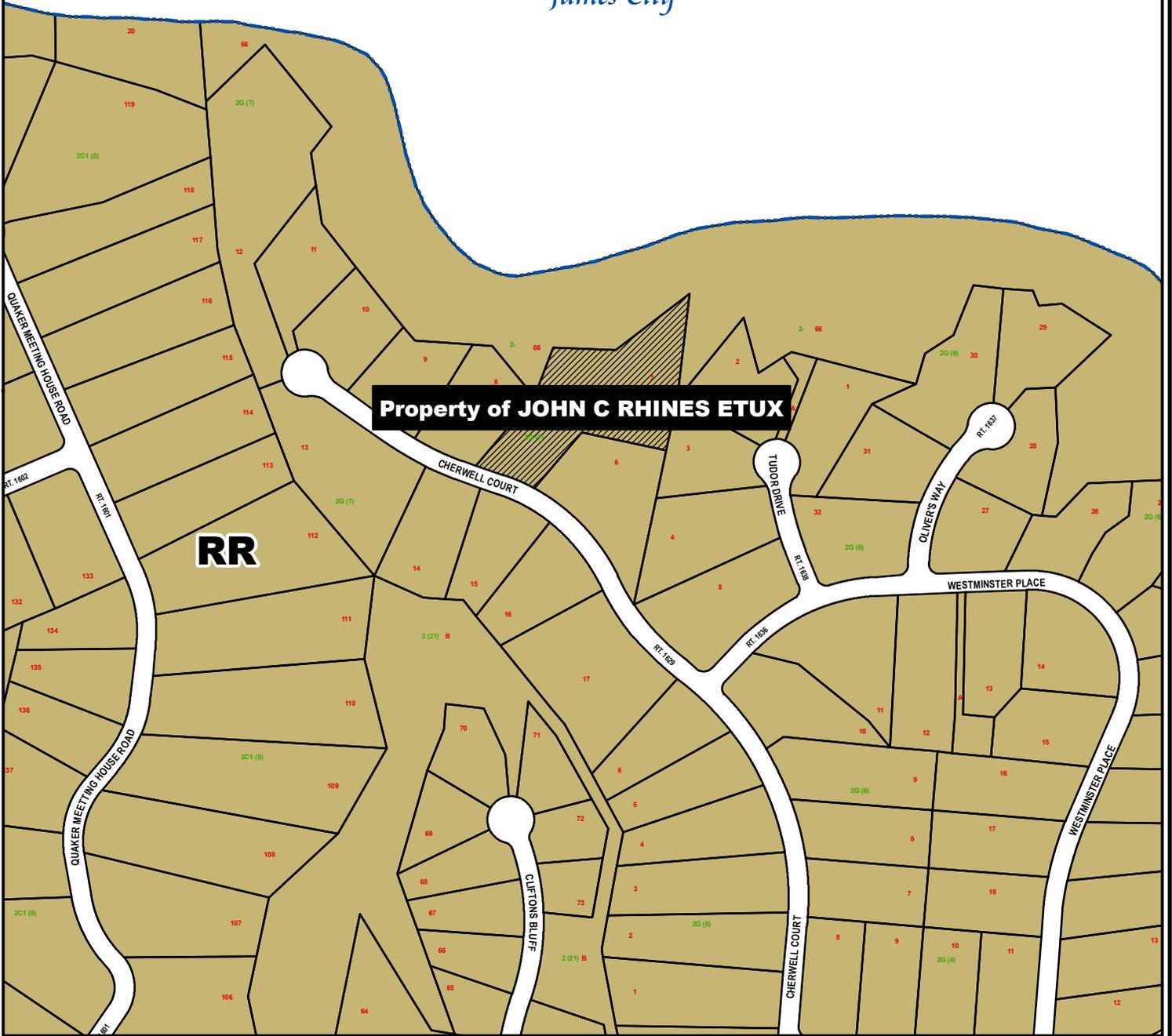
APPLICANT: J. Rhines Consulting

*Special Use Permit for a home occupation (firearms repair) use
in a single-family detached dwelling
218 CHERWELL CT*

ZONING MAP

APPLICATION NUMBER: UP-813-12

James City



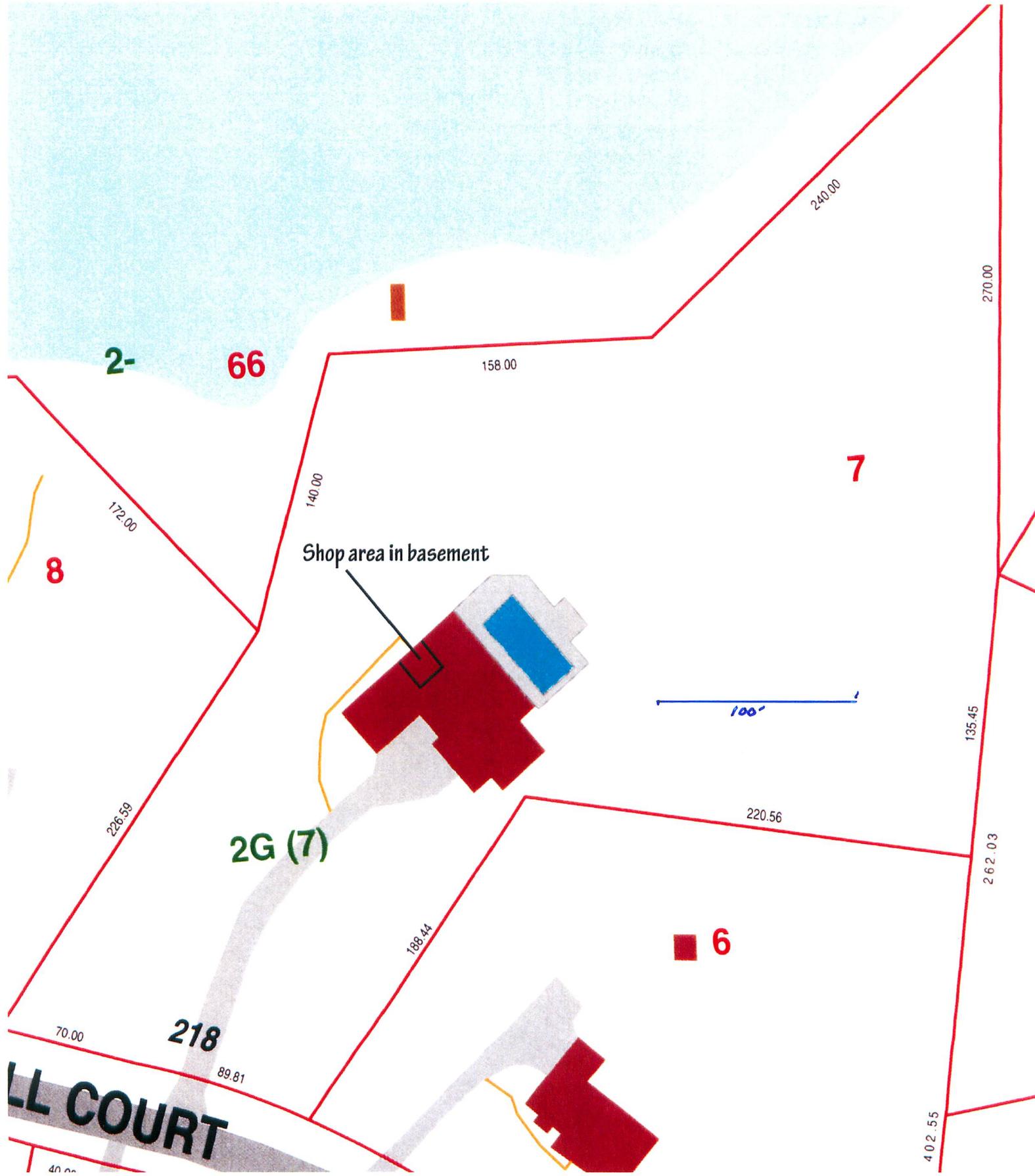
Property of JOHN C RHINES ETUX

RR



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.



2-

66

8

Shop area in basement

100'

2G (7)

6

218

LL COURT

172.00

226.59

70.00

89.81

140.00

158.00

240.00

270.00

7

135.45

262.03

402.55

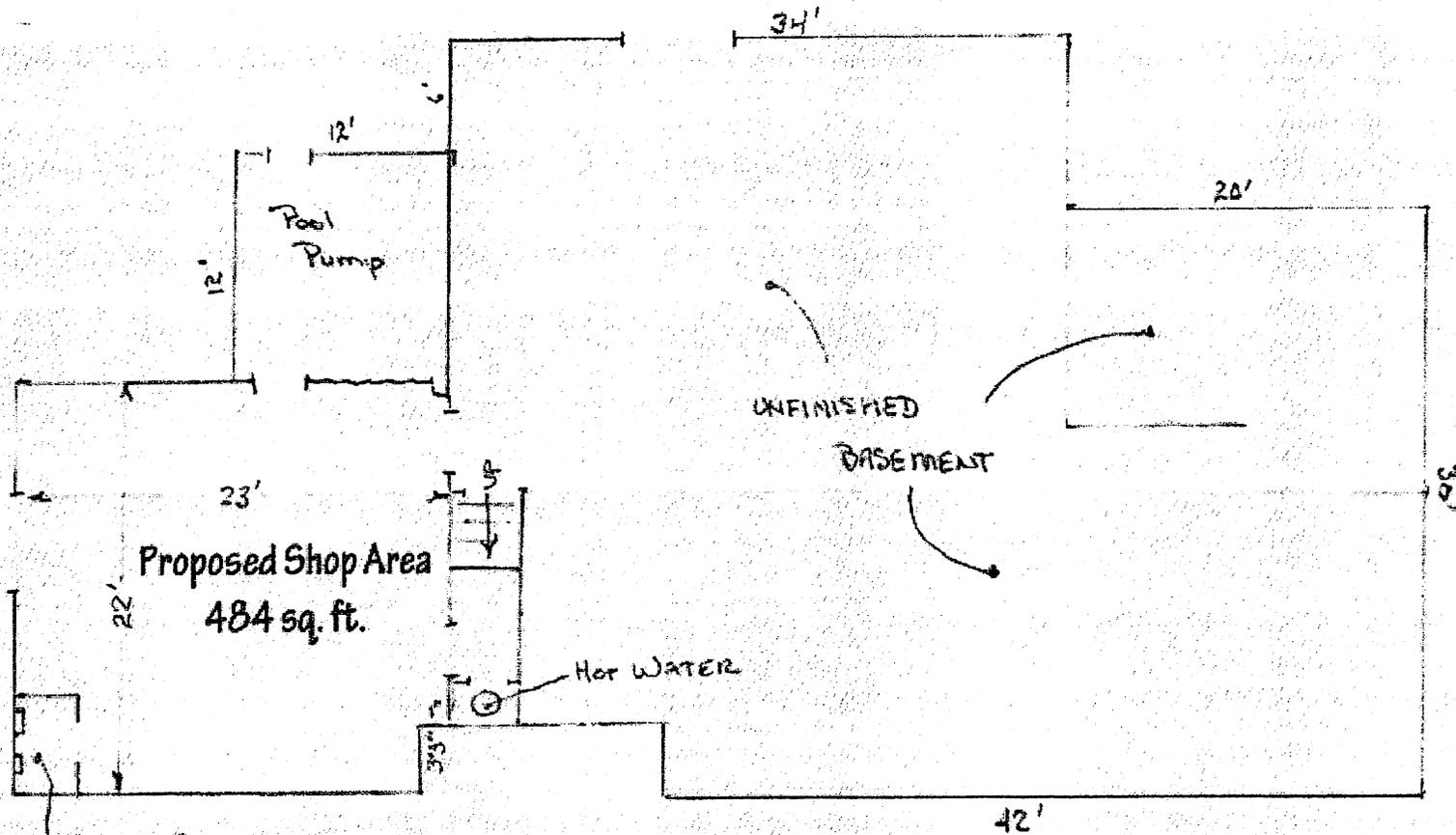
220.56

188.44

RECEIVED
York County

AUG 6 2012

Planning Division



Shop area was single car garage.

Total basement area = 2949 sq ft
Total house area = 5847 sq ft

Proposed business use = 8.2%

J. Rhines Special Use Permit Application

218 Cherwell Ct.

Williamsburg, VA 23188

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 _____, 2012:

Present

Vote

Richard M. Myer, Jr., Chair
Mario C. Buffa, Vice Chair
Alexander T. Hamilton
Christopher A. Abel
Timothy D. McCulloch
Melissa S. Magowan
Mark B. Suiter

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 218 CHERWELL COURT

WHEREAS, John C. Rhines, dba J. Rhines Consulting, has submitted Application No. UP-813-12 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 218 Cherwell Court (Route 1629) and further identified as Assessor's Parcel No. Assessor's Parcel No. 2G-7-5-7 (GPIN C21d-3936-2392); 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 _____, 2012, that Application No. UP-813-12 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 218 Cherwell Court (Route 1629) and further identified as Assessor's Parcel No. 2G-7-5-7 (GPIN C21d-3936-2392), 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 218 Cherwell Court (Route 1629) and further identified as Assessor's Parcel No. 2G-7-5-7 (GPIN C21d-3936-2392).
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 business shall not exceed five hundred (500) square feet, and shall be designed as depicted on the floor plan submitted by the applicant and received by the Planning Division on August 6, 2012, 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 limited to Monday through Saturday, 9:00 AM to 6:00 PM, and customer/client contact shall be limited to no more than five customers per day.
7. Prior to commencement of the home business use, the portion of the home used for the home office 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.
8. The home business 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.

9. The home business shall be operated in conformance with York County Code Section 16-19, Unnecessary or Excessive Noise.
10. 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.
11. 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.
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.