

Raleigh Public Record (<https://raleighpublicrecord.org/news/2013/05/14/permit-for-in-home-gun-dealer-approved/>)

Permit for In-Home Gun Dealer Approved

By: **ARIELLA MONTI** | May 14, 2013

[View as "Clean Read"](#)

Editor's Note: This post has been updated from the original to correct the spelling of Jeff Satterwhite's name and the number of federal firearms licenses held by North Carolina residents.

A Cameron Park resident this week received a special-use permit to sell firearms out of his home, but says he did so to comply with federal regulations.

A city ordinance says people cannot sell guns from their homes in residential districts, but state law overrides the city rule.

The Raleigh Board of Adjustment approved Jeff Satterwhite's special-use permit application to operate a limited home business that would allow him to sell, receive and ship firearms from his house on Hawthorn Road.

The Board voted 4 to 1 in favor, with Ted Shear voting against.

Satterwhite holds a federal firearms license, which allows him to ship and receive firearms to and from other licensed dealers like himself. As part of his license, he must comply with all local laws, which require him to seek a special-use permit from the city in order to conduct business out of his home.

He said the license is to benefit his hobby of collecting guns, but to keep it he has to "actively engage in the business." Satterwhite told the Record that what "actively" means is extremely vague and its interpretation varies.

He said as a dealer, he is required to keep records, shipment and delivery logs, conduct background checks and is subject to inspection by the federal Bureau of Alcohol, Tobacco, Firearms and Explosives.

"It's difficult to keep and difficult to get," he said of the license.

Satterwhite said he is one of 1,380 North Carolina residents with this license and that he has to comply with more regulations than someone who sells guns privately.

As part of his special-use permit, Satterwhite agreed to no more than five shipments to or from his home each month. He also agreed to only having one customer per month come to his home for business.

The guns will be stored in a safe.

He said he has no intention of selling ammunition and won't have large quantities on his property for his personal use.

Unenforceable Law

According to city code, a special-use permit for a limited home business excludes gun dealers.

Board Counsel John Silverstein explained that there was a flurry of applications for gun dealers about 10 years ago. The City Council responded to neighborhood outcry and added a provision that would outlaw home-based gun dealers.

But state law makes this provision unenforceable.

City Attorney Tom McCormick told the Record that state law says local officials can't prohibit gun sales in zoning districts that allow other retail.

Because the city allows other small businesses — nail salons, daycares and mechanics — to operate out of someone's home in a residential district, it can't prohibit gun dealerships.

At the meeting, resident Tom Erwin said a vote should be delayed until the city attorney's office issues an official recommendation to the Board.

He said the Board should enforce city code until it is told by the city to ignore it.

In a notarized letter to the Board, Cameron Park Neighborhood Association President Neil Riemann said this type of business does not belong in their community.

"The presence of a publicly disclosed, home-based gun retailer poses a potential security threat for the adjacent properties and neighborhoods and may impair property values," he wrote.

Riemann wrote that the neighborhood association understands that Satterwhite intends to use the permit to benefit his collection, but does not believe that the federal license nor the permit would restrict him to this use, and permitting him would set a bad precedent.

"We do not feel that gun shipments and transactions originating or terminating in our residential setting are safe or appropriate," he wrote.

Gun Cleaning and Repair Application Denied

While Satterwhite's application was approved, resident Allen Greene's special-use permit application to operate a gun cleaning and repair business out of his home was denied.

Greene said that as part of his gun smithing license, he must also comply with local laws. Greene cleans and repairs guns, and provides gun safety classes and training.

Neighbors and friends might stop by and ask him to repair or clean their guns, but said he often goes out to the owners' home to pick up and return their firearms. As part of his license, he can clean and repair guns anywhere.

Greene was willing to comply with the same conditions as Satterwhite: one in-home customer and five shipments per month. As part of his license, he said he is already restricted by how many guns he can ship or receive.

Although his application garnered a 3 to 2 vote in favor, it failed because it needed at least four votes to pass.

Board members Tommy Jeffreys and Shear voted against the permit.