

SPECIAL USE PERMIT-18-0031. 115 Constance Avenue Detached Accessory Apartment

Staff Report for the February 6, 2019, Planning Commission Public Hearing

SUMMARY FACTS

Applicant: Ms. Kristin Baum, Guernsey Tingle

Land Owners: Mr. and Mrs. Bryan and Barbara Burris

Proposal: The construction of a 393-square-foot detached accessory apartment to be occupied by the property owners' family member.

Location: 115 Constance Avenue

Tax Map/Parcel No.: 4732500002

Project Acreage: +/- 26.83 acres

Zoning: R-8, Rural Residential

Comprehensive Plan: Low Density Residential

Primary Service Area: Inside

Staff Contact: Tori Haynes, Planner

PUBLIC HEARING DATES

Planning Commission: February 6, 2019, 6:00 p.m.

Board of Supervisors: March 12, 2019, 5:00 p.m. (tentative)

FACTORS FAVORABLE

1. With the proposed conditions, staff finds the proposal will not impact the surrounding zoning and development.

2. With the proposed conditions, staff finds the proposal consistent with the recommendations of the Comprehensive Plan adopted in 2015, "*Toward 2035: Leading the Way.*"

FACTORS UNFAVORABLE

1. With the attached conditions, staff finds no unfavorable factors.

SUMMARY STAFF RECOMMENDATION

Approval, subject to the proposed conditions.

PROJECT DESCRIPTION

Ms. Kristin Baum has applied on behalf of Mr. and Mrs. Bryan and Barbara Burris for a Special Use Permit (SUP) to allow a detached accessory apartment to be constructed within a new detached accessory structure. The detached accessory structure will be 2,064 square feet, with the proposed apartment being 393 square feet or 19% of the floor area. A garage and workshop will also be included in the accessory structure.

R-8, Rural Residential, allows detached accessory apartments as a specially permitted use in accordance with Section 24-32(b) of the Zoning Ordinance, which states that detached accessory apartments, where approved, shall comply with the following requirements (staff comments in *italics*):

1. Only one accessory apartment shall be created per lot.

Only one accessory apartment is proposed with this application.

2. The accessory apartment may not occupy more than 50% of the floor area of the accessory structure and shall meet all setback, yard and height regulations applicable to accessory structures in the zoning district in which it is located.

This staff report is prepared by the James City County Planning Division to provide information to the Planning Commission and Board of Supervisors to assist them in making a recommendation on this application. It may be useful to members of the general public interested in this application.

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The proposed apartment unit will occupy 19% of the accessory structure's floor area and will meet all applicable setback, yard and height regulations.

3. The accessory apartment shall not exceed 400 square feet in size and shall meet all setback, yard and height regulations applicable to accessory structures in the zoning district in which it is located.

The proposed apartment unit will be 393 square feet and will meet all applicable setback, yard and height regulations.

4. The property owner or an immediate family member as defined in Section 19-17 of the Subdivision Ordinance shall reside in either the single-family dwelling or the accessory apartment.

Per the applicant's letter (Attachment No. 6), the property owners will continue to reside in the single-family dwelling.

5. Approval from the Health Department shall be required where the property is served by an individual well and/or sewer disposal system.

Not applicable. The lot is served by public water/sewer.

6. The accessory structure shall be so designed such that the size and scale of the structure is compatible with surrounding structures.

Attachment Nos. 4 and 5 show the design of the accessory structure to be compatible with surrounding structures.

7. Off-street parking shall be required in accordance with Section 24-54 of this chapter.

The minimum off-street parking required for a single-family dwelling with an accessory apartment is three spaces. Per

Attachment Nos. 5 and 6, the available off-site parking will exceed this requirement.

Staff has reviewed the proposed design and finds that all requirements have been met.

PLANNING AND ZONING HISTORY

The subject parcel was created in 1999 through a subdivision of property originally belonging to the Rees family, which was previously part of the Gospel Spreading Church (Gilley Addition) Agricultural and Forestal District.

SURROUNDING ZONING AND DEVELOPMENT

The subject parcel is adjacent to R-8, Rural Residential to the east and west, Powhatan Shores (zoned R-1, Limited Residential) to the north and the Colonial Parkway (zoned PL, Public Lands) to the south.

COMPREHENSIVE PLAN

The property is designated Low Density Residential on the 2035 Comprehensive Plan Land Use Map, as are all surrounding parcels with the exception of the Colonial Parkway. Recommended uses include single-family homes, multifamily units, accessory units and cluster housing. Staff finds the proposal consistent with the Comprehensive Plan.

PUBLIC IMPACTS

- Anticipated impact on public facilities and services: None.
- Nearby and surrounding properties: No impacts anticipated.

PROPOSED CONDITIONS

Proposed conditions are provided in Attachment No. 2.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission recommend approval of this application to the Board of Supervisors, subject to the attached conditions.

TH/nb

SUP18-31-115ConstanceAve

Attachments:

1. Location Map
2. Proposed SUP Conditions
3. Master Plan
4. Proposed Detached Accessory Structure Layout and Elevations
5. Existing Single-Family Home Elevations
6. Applicant Letter