

RESOLUTION

CASE NO. SUP-18-0031, 115 CONSTANCE AVENUE

DETACHED ACCESSORY APARTMENT

WHEREAS, the Board of Supervisors of James City County, Virginia, has adopted by Ordinance specific land uses that shall be subjected to a Special Use Permit (SUP) process; and

WHEREAS, Mr. and Mrs. Bryan D. and Barbara R. Burris (the "Owners") own property located at 115 Constance Avenue, further identified as James City County Real Estate Tax Map Parcel No. 4732500002 (the "Property"); and

WHEREAS, the Owners have applied for an SUP to allow a detached accessory apartment on the Property as shown on the exhibit titled "Burris Residence," dated December 20, 2018; and

WHEREAS, a public hearing was advertised, adjoining property owners notified, and a hearing conducted on Case No. SUP-18-0031; and

WHEREAS, the Planning Commission, following its public hearing on February 6, 2019, recommended approval of the application by a vote of 7-0.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, after consideration of the factors in Section 24-9 of the James City County Code, does hereby approve the issuance of Case No. SUP-18-0031 as described herein with the following conditions:

1. *Master Plan:* This SUP shall be valid for a detached accessory apartment (the "Project") located at 115 Constance Avenue, further identified as James City County Real Estate Tax Map Parcel No. 4732500002 (the "Property"). Development of the Project on the Property shall be in accordance with Section 24-32(b) of the Zoning Ordinance, as amended, and shall occur generally as shown on the exhibit entitled, "Burris Residence," dated December 20, 2018 (the "Master Plan"), with any deviations considered pursuant to Section 24-23(a)(2) of the Zoning Ordinance, as amended.
2. *Dwelling Occupied:* Within 36 months from the issuance of this SUP, a permanent Certificate of Occupancy for the Project shall be issued or the SUP shall become void.
3. *Recordation:* A certified copy of the Board of Supervisors' SUP resolution shall be recorded against the Property in the Williamsburg/James City County Circuit Court prior to issuance of any Certificate of Occupancy for the Project. Proof of recordation shall be provided to the Zoning Administrator.

4. *Access:* No new ingress/egress points shall be created to Constance Avenue. All ingress and egress to the Property shall be via the private driveway as shown on the Master Plan.
5. *Water Conservation Plan:* Water conservation standards shall be enforced on the Property. Water conservation standards shall be submitted to and approved by the James City Service Authority prior to any Certificate of Occupancy for the Project. The standards may include, but shall not be limited to, such water conservation measures as limitations on the installation and use of irrigation systems and irrigation wells, the use of approved landscaping materials including the use of drought-tolerant plants where appropriate, and the use of water-conserving fixtures and appliances to promote water conservation and minimize the use of public water resources.
6. *Severability:* The SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

James O. Icenhour, Jr.
Chairman, Board of Supervisors

ATTEST:

Teresa J. Fellows
Deputy Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
HIPPLE	_____	_____	_____
LARSON	_____	_____	_____
SADLER	_____	_____	_____
MCGLENNON	_____	_____	_____
ICENHOUR	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of March, 2019.

SUP18-31ConstAve-res