

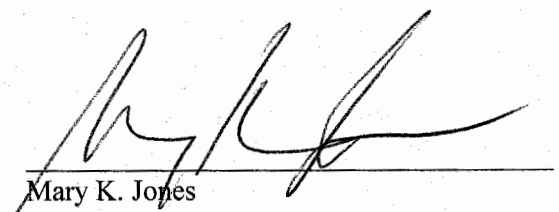
## RESOLUTION

### CASE NO. SUP-0006-2011. 126 SHELLBANK DRIVE ACCESSORY APARTMENT

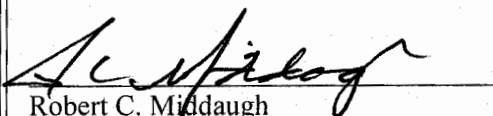
- WHEREAS, the Board of Supervisors of James City County has adopted by ordinance specific land uses that shall be subjected to a Special Use Permit (SUP) process; and
- WHEREAS, Mr. Roger Hunt has applied for an SUP to allow the expansion of an existing nonconforming accessory apartment on his single-family dwelling ("Apartment"); and
- WHEREAS, a public hearing was advertised, adjoining property owners notified, and a hearing conducted on Case No. SUP-0006-2011; and
- WHEREAS, the proposed Apartment is depicted on the plan prepared by Roger S. Guernsey, dated May 13, 2011, and entitled "Hunt Residence Alterations;" and
- WHEREAS, the proposed Apartment will be constructed in its entirety on property zoned R-1, Limited Residential, further identified as Parcel (2-5) on James City County Real Estate Tax Map No. (45-1) in First Colony; and
- WHEREAS, the Planning Commission, following its public hearing on October 5, 2011, voted 7-0 to recommend approval of Application No. SUP-0006-2011.
- NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve SUP Application No. SUP-0006-2011, as described herein, pursuant to the following conditions:

1. **Plan:** This SUP shall be valid for one accessory apartment generally as shown on the plans drawn by Roger S. Guernsey, titled Hunt Residence Alterations, and dated May 13, 2011. The accessory apartment shall not exceed 35 percent of the total floor area of the dwelling.
2. **Deed Restriction:** Prior to the issuance of a Certificate of Occupancy (CO) for the accessory apartment expansion, the applicant shall be responsible for recording with the Clerk of the Circuit Court a deed restriction, approved by the County Attorney, on the property. The deed restriction shall stipulate that the accessory apartment shall be used, occupied, and maintained in accordance with the conditions set forth in the Board of Supervisors' resolution approving the SUP. A copy of the Board of Supervisors' resolution shall be attached to the deed restriction as an exhibit. A court-certified copy of the recorded deed restriction shall be submitted to Building Safety and Permits and the Proffer Administrator along with the CO application.
3. **Rental of Apartment:** The owner of the property shall occupy the principal dwelling as long as the accessory apartment is rented.
4. **Parking:** A minimum of three off-street parking spaces shall be maintained at all times for use by the occupants of the principal dwelling and the accessory apartment.

5. **Commencement:** Within 18 months of the issuance of this SUP, the accessory apartment shall receive a CO, or the SUP shall become void.
6. **Severance Clause:** This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

  
\_\_\_\_\_  
Mary K. Jones  
Chairman, Board of Supervisors

ATTEST:

  
\_\_\_\_\_  
Robert C. Middaugh  
Clerk to the Board

<u>SUPERVISOR</u>	<u>VOTE</u>
KENNEDY	AYE
GOODSON	AYE
MCGLENNON	AYE
ICENHOUR	AYE
JONES	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 8th day of November, 2011.

Sup06-11AccApt\_res