

## RESOLUTION

### CASE NO. SUP-0003-2010. GILLEY PROPERTIES TWO-FAMILY DWELLING

- 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. Greg Davis, on behalf of Gilley Properties, LLC, has applied for an SUP to allow for the construction of a two-family dwelling; and
- WHEREAS, the proposed two-family dwelling is shown on a preliminary site plan, titled "Master Plan for Gilley Duplex on Lot 3-E of Neck-O-Land Road Subdivision" dated December 14, 2009; and
- WHEREAS, the property is located at 248 Neck-O-Land Road on land zoned R-2, General Residential, and can be further identified as James City County Real Estate Tax Map/Parcel No. 4740100040C; and
- WHEREAS, the Planning Commission of James City County, following its public hearing on March 3, 2010, recommended approval of this application by a vote of 7-0; and
- WHEREAS, the Board of Supervisors of James City County, Virginia, finds this use to be consistent with the 2009 Comprehensive Plan Land Use Map designation for this site.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, after a public hearing does hereby approve the issuance of SUP No. 0003-2010 as described herein with the following conditions:

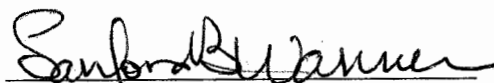
1. This SUP shall be valid for the construction of one duplex dwelling structure (the "Project") as shown on the Master Plan titled "Master Plan for Gilley Duplex on Lot 3-E of Neck-O-Land Road Subdivision" dated December 14, 2009 (the "Master Plan"). The duplex shall be located at 248 Neck-O-Land Road, further identified as James City County Real Estate Tax Map No. 4740100040C (the "Property"). Development of the Property shall be generally in accordance with the Master Plan as determined by the Director of Planning. Minor changes may be permitted by the Development Review Committee (the "DRC"), as long as they do not change the basic concept or character of the development. This includes the removal of existing structures and removal of nonessential gravel, as shown on the Master Plan.
2. Construction shall commence on the Project within 36 months from the date of approval of this SUP by the Board of Supervisors, or the SUP shall become void. For purposes of this SUP condition, "construction" shall be defined as the owner/developer having obtained building permits for, and passed inspection of, footings and/or foundation for the proposed duplex.

3. The owner/developer shall provide and install rain barrels for all residences on the Property prior to issuance of a certificate of occupancy for the duplex.
4. The owner/developer shall install a single shared driveway to be used to provide access to the five lots (Lots 3-A, 3-B, 3-C, 3-D, and 3-E), as well the existing duplex on Lot 4. This shared driveway shall be paved, constructed to a minimum standard of three inches of asphalt over six inches of compacted No. 21 A or B stone and no less than 12 feet in width, to be verified and approved by the Director of the Environmental Division. The owner/developer shall prepare and record documents in a form approved by the County Attorney that set forth: 1) the provisions made for the permanent care and maintenance of the shared driveway and its associated easement, including bonds where required by the County, and 2) the method of assessing each individual property for its share of the cost of adequately administering, maintaining, and replacing such shared driveway in the event the lots of the subdivision ever come under separate ownership. The driveway shall be located as generally depicted on the Master Plan, as determined by the Director of Planning and subject to the approval of the Virginia Department of Transportation (VDOT).
5. The owner/developer shall be responsible for developing and enforcing water conservation standards, which shall be submitted to and approved by the James City Service Authority (JSCA) prior to the issuance of a building permit for the duplex. The standards shall include, but not be limited to, such water conservation measures as limitations on the installation and use of irrigation systems and irrigation wells, and the use of approved landscaping materials, including the use of drought-resistant native and other adopted low-water-use landscaping materials and warm-season turf where appropriate and the use of water-conserving fixtures and appliances to promote water conservation and minimize the use of public water resources.
6. The SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

James G. Kennedy  
 Chairman, Board of Supervisors

SUPERVISOR	VOTE
MCGLENNON	AYE
GOODSON	AYE
ICENHOUR	AYE
JONES	AYE
KENNEDY	AYE

ATTEST:

  
 Sanford B. Wanner  
 Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 13th day of April, 2010.