SPECIAL USE PERMIT-17-02. 112 Smokehouse Lane Accessory Apartment
Staff Report for December 10, 2002, Board of Supervisors Public Hearing

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.

PUBLIC HEARINGS	Building C Board Room; County Government Complex
Planning Commission:	October 7, 2002, 7:00 p.m. November 4, 2002, 7:00 p.m.
Board of Supervisors:	December 10, 2002, 7:00 p.m.

SUMMARY FACTS

Applicant:	Mr. Vance Elkins
Land Owner:	Same
Proposed Use:	Accessory apartment in the existing single-family residence
Location:	112 Smokehouse Lane, Gatehouse Farms subdivision; Jamestown District
Tax Map and Parcel No.:	(47-3)(7-40)
Primary Service Area:	Inside
Parcel Size:	.524 acres
Existing Zoning:	R-1, Limited Residential District
Comprehensive Plan:	Low Density Residential
Surrounding Zoning:	R-1, Limited Residential: Gatehouse Farms subdivision R-8, Rural Residential: single-family homes across Neck-O-Land Road
Staff Contact:	David Anderson - Phone: 253-6685

STAFF RECOMMENDATION:

Mr. Vance Elkins has applied for a special use permit to allow an accessory apartment in an R-1, Limited Residential District. The accessory apartment would be located within an existing single-family structure at 112 Smokehouse Lane in the Gatehouse Farms subdivision. The property is further identified as Parcel No. (7-40) on James City County Real Estate Tax Map No. (47-3).

Staff finds the proposal compatible with the surrounding residential properties, since it will maintain the appearance of a single-family residence and will retain the residential character of the area. Staff also finds the proposal consistent with the Comprehensive Plan since the Comprehensive Plan encourages accessory apartments. Therefore, staff recommends the Board of Supervisors approve the special use permit with the attached conditions. At the November 4, 2002, Public Hearing, the Planning Commission voted 4-3 to recommend approval of the special use permit.

Project Description

The applicant proposes renting out the existing master bedroom and master bath as an accessory apartment in his 1,300-square foot single-family residence located at 112 Smokehouse Lane. The applicant's original purpose for the accessory apartment was to provide housing for a young woman with lupus. However, the woman has since found an alternate rental apartment. The applicant desires to continue to pursue approval for the accessory apartment in order to provide an affordable housing option for someone in need.

The master bedroom and master bath, totaling approximately 400 square feet, are located towards the rear of the residence. The applicant has made some minor alterations to the interior of the master bedroom, adding a counter top, sink, and microwave. An existing entrance on the back deck will serve as access to the accessory apartment. It should be noted that there are no covenants restricting this use on this property.

There are no exterior alterations associated with the accessory apartment.

Topography and Physical Features

The structure, built in 1980, is located at 112 Smokehouse Lane in the Gatehouse Farms subdivision. The residence of approximately 1,300 square feet is located on a .524 acre lot.

Surrounding Zoning and Land Use

The site is surrounded by R-1, Limited Residential property within the Gatehouse Farms subdivision, located off Neck-O-Land Road. The rear of the lot backs up to Neck-O-Land Road, and across Neck-O-Land Road lies property zoned R-8, Rural Residential, developed as single-family homes. Since this proposal will maintain the look and appearance of a single-family residence and will retain the residential character of the area, staff feels that this proposal is compatible with the surrounding development and zoning.

Access and Parking

The driveway is accessed off of Smokehouse Lane. The Zoning Ordinance requires that single-family residences with accessory apartments provide three parking spaces. This site currently contains four parking spaces.

Comprehensive Plan

The 1997 Comprehensive Plan designates this site as Low-Density Residential. Examples of acceptable land uses within this designation include single-family homes, duplexes, cluster housing, recreation areas, schools, churches, community-oriented public facilities, and very limited commercial establishments.

An important strategy of the Housing element of the Comprehensive Plan is to recognize that least-cost housing serves a significant public benefit. The strategy also encourages clustering, zero-lot line development, accessory apartments, mixed housing types, and other innovative housing and neighborhood design options in appropriate locations.

For these reasons, staff feels the proposal is consistent with the Comprehensive Plan land use designation.

Special Requirements for Accessory Apartments

Accessory apartments are allowed in R-1 in accordance with Section 24-32 which outlines special requirements for accessory apartments. They are as follows:

1. Only one accessory apartment shall be created within a single-family dwelling.

2. The accessory apartment shall be designed so that the appearance of the building remains that of a one-family residence. New entrances shall be located on the side or rear of the building and the apartment may not occupy more than 35 percent of the floor area of the dwelling.

3. For purposes of location and design, the accessory apartment is part of the main structure and shall meet all setback, yard, and height regulations applicable to main structures in the zoning district in which it is located.

4. Off-street parking shall be required in accordance with Section 24-53 of the Zoning Ordinance.

The house and proposed apartment meet these requirements. The apartment will occupy approximately 30 percent of the dwelling floor area, and the house will retain its single-family appearance.

Recommendation

Staff finds that this proposal is compatible with the surrounding zoning and development, since it will maintain the appearance of a single-family residence and will retain the residential character of the area. Staff also finds that this proposal is consistent with the Comprehensive Plan since the Comprehensive Plan encourages accessory apartments. For these reasons, staff recommends the Board of Supervisors approve the special use permit application with the attached conditions. At the November 4, 2002, public hearing, the Planning Commission voted 4-3 to recommend approval of the special use permit.

At the November 4, 2002, Planning Commission meeting, residents of the Gatehouse Farms Subdivision raised concern over what would happen in the future if the accessory apartment was approved. They were less concerned with the proposal as it currently stood, but were very concerned over what the accessory apartment could become. In order to ease the residents' fear, the Planning Commission recommended attaching a 5-year sunset condition to the special use permit. Relying on the inclusion of this sunset condition, the Planning Commission recommended approval of the application. The County Attorney's Office has communicated with staff that they do not support including this condition because it is not related to the land use issues involved in the case. However, since the Planning Commission relied on the condition for their recommendation of approval, staff has carried the condition over to the Board.

1. The permitted accessory apartment shall be part of the owner occupied residential structure on the property. Only one individual may occupy the accessory apartment. The owner of the property shall occupy the remainder of the residential structure as long as the accessory apartment is rented.

2. All parking shall be limited to the existing parking area.

3. The accessory apartment shall be put into use within 18 months, or the permit shall become void.

4. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

5. This special use permit shall be valid for a period of five years from the date of issuance of this special use permit.

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David Anderson

CONCUR:

_____
O. Marvin Sowers, Jr.

DA/tlc
smokehseln.wpd

Attachments:

1. Minutes from the October 7, 2002, and November 4, 2002, Planning Commission
2. Site Location Map
3. Floor Plans
4. Letters of Opposition
5. Resolution