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AFFIDAVIT
BUILDING PERMIT RELEASE

Building Permit Number: _____

Address: _____

1-2-36 Family: See Attached Description

1-2-31 Dwelling Unit: One (1) or more rooms in a swelling designed for living or sleeping purposes and having only one (1) kitchen. Notwithstanding any other provisions of this Ordinance, not more than 12 people may live in or occupy any dwelling unit. (2-11-97, Case TA-96-09, Ord. No. 005-97)

The release of a building permit for interior remodeling, including kitchen appliances and bathroom facilities in no way implies permission to create a separate dwelling unit. The subject area shall not be rented, leased, or used in any way as a separate dwelling area, room, suite, or apartment. The current owner of the property hereby acknowledges that the existing dwelling unit shall not be used, marketed, and/or advertised, rented, leased, or sold in a manner implying occupancy beyond a *single-family dwelling unit*.

Building Official: _____ Date: _____

Zoning Administrator: _____ Date: _____

Property Owner: _____ Date: _____

NOTARY PUBLIC

STATE OF _____ CITY/COUNTY OF _____

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON
_____.

BY: _____
Notary Public

MY COMMISSION EXPIRES: _____

"To be a financially sound city providing top quality municipal services while focusing on the customer and engaging our community."

AFFIDAVIT OF USE AND OCCUPANCY

COMMONWEALTH OF VIRGINIA)
CITY OF WINCHESTER) CASE NO. _____ - _____

I, _____, being duly sworn, do state that:

The facts set forth in this affidavit are true and accurate to the best of my knowledge. I am the OWNER or LESSEE of a dwelling unit located at:

_____

I am complying with the occupancy limits for a dwelling unit as determined under Sections 1-2-31 and 1-2-36 of the City of Winchester Zoning ordinance, a copy of said sections being attached to this affidavit.

The number of persons residing within my dwelling is: _____.

Name	Relationship	Name	Relationship
Name	Relationship	Name	Relationship
Name	Relationship	Name	Relationship
Name	Relationship	Name	Relationship
Name	Relationship	Name	Relationship

_____
Signature

NOTARY PUBLIC

Subscribed, sworn to and acknowledged before me this _____ day of _____, _____

_____
Notary Public

My Commission Expires: _____

ATTACHMENT TO AFFIDAVIT OF USE AND OCCUPANCY

1-2-36 FAMILY: Any of the following groups conforming to the limitations outlined in Section 18-4, Occupancy of Dwelling Units, living and cooling together as a single housekeeping unit.

1. One or more persons related by blood, marriage, legal guardianship or adoption, including foster children, as verified by official public records such as motor vehicle operator's licenses, birth certificate or marriage certificates, or by affidavits. The Zoning Administrator may require an affidavit in this regard and may reject any such evidence not in the form of an affidavit; or

2. Not more than four (4) unrelated persons or a combination of related and unrelated persons; or

3. Two (2) unrelated adults and any children related to either one or both adults by blood, marriage, legal guardianship or adoption, including foster children; or

4. Not more than eight (8) unrelated persons who are:

   a. Residents of a group home as defined within §15.2-2291, Code of Virginia (as amended), occupying a single family dwelling unit or other residential facility for which the Department of Mental Health, Mental Retardation, and Substance Abuse services of the Commonwealth is the licensing authority; or

   b. "Handicapped" as defined within the Federal Fair Housing Act, 42 USC §3602(h), and/or "Disabled" as defined within the Americans with Disabilities Act of 1990, 42 USC §§12101, et seq. These definitions do not include current illegal use of or addiction to a "controlled substance" as defined in the Controlled Substances Act, 21 USC §802(6) or §54.1-3401, Code of Virginia (as amended). (10/09/07 Case TA-07-02, Ord. No. 2007-41)

   c. Residents of an assisted living facility as defined with §15.2-2291, Code of Virginia (as amended), occupying a single family dwelling unit or other residential facility for which the Department of Social Services of the Commonwealth is the licensing authority. (9-14-10, Case TA-10-333, Ord. No. 2010-38)

   Subject to the limitations in Section 18-4, the following shall not be included in the number of persons who might comprise a family: up to two (overall) persons who may be domestic employees (or one domestic employee and one minor child of the domestic employee), live-in companions to the elderly or disabled, or "au-pair" employees (except for families described under subparagraph (2), definition of "family"). Any one claiming a domestic employee, live-in companion to the elderly or disabled, or "au-pair" employee status for an occupant or for one's self must first verify to the zoning administrator the existence of a bond fide employment relationship by a copy of a record, such as an employment contract, a federal I-9 form, a tax return, or an affidavit. (6-14-11, Case TA-11-06, Ord. No. 2011-14)