



# Application for Conditional Use Permit

## Town of Irvington

P.O. Box 174, Irvington, VA 22480  
804-438-6044 (Zoning & Land Use)  
Application Fee \$200

Internal Use Only	
RECEIVED _____	
APP FEE PD _____	
APPLICATION # <u>2017-CUP-0011</u>	
PC Public Hearing _____	
TC Public Hearing _____	

**IMPORTANT NOTE:** The application must be filled out completely. The application may not be signed by an agent or attorney but must be signed by the owner, agent of owner or owners before a Notary Public in the space provided on page 4.

**Applicant Name (s):** Marston Smith

**Tax Map Parcel(s):** 33-230A

**Address/Location:** 110 Lancaster Road, Irvington VA 22480

**Deed Restrictions:** Yes \_\_\_ No X (If yes, attach copy of deed) **Current Zoning** R-1

**Proposed Use:** R-1/ Short-term Rental

**Acreage of Parcel:** 0.656 acres **Overlay District(s):** Chesapeake Bay \_\_\_ Yes X No

Is this an amendment to an existing conditional use permit? If so, provide CUP number:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
A scale drawing (see p.3) is required to be attached to any CUP application. Is a scale drawing attached to this application?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is this an application for a private pier or dock? If so, please attach your VMRC and ACOE applications and permits.	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

**Owner or Agent Contact:** Marston Smith

**Address:** 110 Lancaster Road

**City:** Irvington **State:** VA **Zip:** 22480

**Phone Number:** 804.467.5968 **Email address:** marston.s.smith@gmail.com

**Official Owner(s) of Record (If different than applicant):** \_\_\_\_\_

**Address:** \_\_\_\_\_

**City:** \_\_\_\_\_ **State:** \_\_\_\_\_ **Zip:** \_\_\_\_\_

**Phone Number:** \_\_\_\_\_ **Email address:** \_\_\_\_\_

Does the property owner also own or have any ownership interest in any abutting property? If yes, please list those tax map numbers:

No

Section 154.017 of the Town of Irvington Zoning Ordinance provides guidelines for conditional use permit applications. Please address the following standards which will be reviewed by the staff in analysis of your request. If you need assistance filling out these items, staff is available.

Provide a written statement demonstrating that:

1. The establishment, maintenance or operation of the CUP will not adversely affect the public health, safety, morals and general welfare and is in compliance with the Chesapeake Bay Act;
2. The establishment of the CUP will not substantially diminish or impair property values within the neighborhood nor will it be detrimental to the environment and surrounding properties;
3. The purpose of the CUP is to provide for certain uses which may not be compatible with certain surrounding uses or which may be compatible with surrounding uses only if the use in question is established in conformance with certain limiting conditions;
4. That proper landscape designs detailing plantings, screening for sight and sound and proper buffers be provided, that only certain appropriate activities shall occur;
5. Adequate utilities, and off street parking are provided;
6. That soil erosion and sedimentation be avoided;
7. The height, area, yard and sign limitations shall be the same as for other uses in the district;
8. That businesses and other operations be carried out only at appropriate times;
9. The establishment of the CUP is not in conflict with the Comprehensive Plan;
10. The CUP shall, in all other respects, conform to the applicable regulations of the zoning district in which it is located, except as such regulations may, in each instance, be modified by the Governing Body.

(Governing Body may impose reasonable conditions to make use compatible, to protect environment, surrounding properties, persons, neighborhood values.)

Please attach your written statement with this document upon submission.

Describe your request in detail and include any relevant information such as the number of persons involved in the use, operating hours, or any unique features of the proposed use.

Per our attached letter, Cille and I wish to obtain the STR designation on our property. We have prepared the property for such use, and will contract local professional contractors for services we cannot perform ourselves. We will list our property on certain STR websites for rental, and will pay all occupancy taxes derived and due the Town of Irvington.

If any improvements are being proposed, briefly state whether new structures are to be constructed, existing structures are to be used or modifications, expansion, reconstruction, or additions are to be made to existing structures. If available, provide dimensions of any structures that will be used for this CUP.

No improvements are proposed.

**Attachments Required** – provide three copies of each


- n/a
1. *A scale drawing showing the size and shape of the parcel of land on which the proposed use is located. Scale drawing shall show the size and shape of the parcel of land on which the proposed building is to be constructed, the nature of the proposed use of the building or land and the location of such building or use with respect to the property lines of said parcel of land to the right-of-way of any street or highway adjoining said parcel of land.*
  2. *Ownership information* – If ownership of the property is in the name of any type of legal entity or organization including, but not limited to, the name of a corporation, partnership or association, or in the name of a trust, or in a fictitious name, an acceptable document must be submitted certifying that the person signing below has the authority to do so.
- n/a

**Certification**

State of Virginia, Town of Irvington, To Wit

I (We) Marston Smith, being duly sworn, depose and say that I am the Owner/Or Agent of Owner of the property involved in the application. If I am not the Owner, I have attached written certification from the owner granting me the right to submit this application. I further declare that I have familiarized myself with the rules and regulations pertaining to preparing and filing this application and that the foregoing statements and answers provided herein are in all respects true and correct.

I have read this application, understand its intent, and freely consent to its filing. Furthermore, I have the power to authorize and hereby grant permission to Town of Irvington officials and other authorized government agents on official business to enter the property as necessary to process this application and to monitor compliance with any permit issued hereunder. I hereby have posted a notice on my property, near the boundary, in a place visible to the public notifying the public of my application.

	10/26/22
Signature of Owner or Agent	Date
110 Lancaster Road, Irvington VA 22480	804.467.5968
Mailing Address	Phone No.

Subscribed and sworn to before me this \_\_\_ day of \_\_\_\_\_, 20\_\_.

_____	_____
My Commission Expires	Notary Public

n/a

_____	_____
Signature of Property Owner	Date
_____	_____
Mailing Address	Phone No.

Subscribed and sworn to before me this \_\_\_ day of \_\_\_\_\_, 20\_\_.

_____	_____
My Commission Expires	Notary Public

Marston Smith  
110 Lancaster Road  
Irvington, VA 22480

10/26/22

Dear Town of Irvington,

This conditional use permit application seeks to establish 110 Lancaster Road as a legal short-term rental (STR) property within the Town of Irvington. This property was originally licensed by the Town as a short-term rental, but with the new ordinance requiring previous STR income, the property was not grandfathered this use. Thus, we seek to again obtain this use.

Since the purchase of our property, we have been making gradual improvements not only to make it both a beautiful place for us to live, but also safe and appropriate to one day serve well as a short-term rental. Given its location immediately adjacent to the Tides Inn, we knew it would serve well for a larger group that all wanted to stay together, and we began taking on projects to help us achieve this aim.

To ensure adequate parking, we enlarged the existing driveway and created a circular drive in the underutilized front of our property.

To ensure safety, we performed significant demolition in our backyard of broken, rusted fence and unstable trees lingering near the house. There is no fire pit, pool, or otherwise potentially dangerous structure on our property.

To ensure adequate screening and privacy, we installed a continuous wood fence around the entire backyard. The house is shaped as a horseshoe around an exterior back courtyard, which naturally screens sound well. We also performed planting and landscaping beyond this for additional aesthetic appeal, including new surrounding house plantings and the restoration of two very prominent oak and magnolia trees in the front/ side.

Our property is located immediately fronting the Tides Inn, an operating hotel, and backs up to an operating short-term rental (61 Virginia Road). Thus, the establishment of this CUP will not adversely affect or further impair neighbors and is compatible with surrounding existing uses.

Cille and I cherish being integrated in the community of Irvington, and this application does not signal a departure from the area, but just maintaining a possible use we have long planned for and intended to implement in Q1 2023 before the Town began discussing STR Ordinances. We feel that the upgrades we have made to date on this property improve the neighborhood, while enhancing the safety and adequacy of this property for this short-term rental use.

Our property is in compliance with all local and federal regulations and the Chesapeake Bay Act, and this application satisfies all elements of Section 154.017 of the Town of Irvington Zoning Ordinance. For these reasons, please consider re-granting the STR use for 110 Lancaster Road.

Thank you,

Marston Smith

*Marston Smith*

Lucille C. Smith

*Lucille Smith*

# 110 Lancaster Road Aerial

- Subject property outlined in blue
- Neighbors
  - To west- 132 Lancaster Rd, owned by the Tides Inn, and Quinby entrance easement
  - To east- Thaxter residence
  - To north- 61 Virginia Road, an operating STR
  - To south- the Tides Inn
- Improved with new driveway, new fence, significant landscaping
- U-shape with back courtyard provides natural privacy/ screening
- No new buildings to be constructed with this CUP

