



**The Town of Irvington Planning Commission  
Special Called Meeting March 9, 2021  
Irvington Baptist Church  
53 King Carter Drive, Irvington, VA 22480**

**1. Call to order** - Julie Harris, Chair

**2. Roll Call and Determination of Quorum**- Julie Harris, Chair

**3. Approve Minutes**

1. February 16, 2021 Planning Commission Public Hearing
2. February 16, 2021 Special Called Meeting

**4. Report from Chair** - J. Harris

**5. Report from Zoning Administrator** - L. Brown

**6. Old Business**

1. Second reading of Resolution 2021-01PC; Proposed Rezoning Application 2020.RZ2\_ICN Enterprises to rezone parcel Tax Map #33 422 from R-1 to B-1; at 4203 Irvington Road  
\*Discussion/Vote
2. Second Reading of Resolution 2021-02PC; Conditional Use Permit Application#2020.CUP12\_ICN Enterprises - Town Office in B-1; Tax Map #33 422 at 4203 Irvington Road  
\*Discussion/Vote
3. Second Reading of Resolution 2021-03PC; Conditional Use Permit Application # 2020.CUP17\_Stephens for new pool inside the RPA, redevelopment, no further encroachment and no increase in impervious cover, R-1; Tax Map #33 361 at 416 Steamboat Road  
\*Discussion/Vote
4. Second Reading of Resolution 2021-04PC; Conditional Use Permit Application #2020.CUP13\_SandersRobinson for new pier for private use; Tax Map #33 252B; M-1 at Carters Creek Road/King Carter Drive  
\*Discussion/Vote
5. Second Reading of Resolution 2021-05PC; Conditional Use Permit Application #2020.CUP14\_SandersRobinson for new pier for private use; Tax Map #33 252A; M-1/R-1 at Carters Creek Road/King Carter Drive  
\*Discussion/Vote
6. Second Reading of Resolution 2021-06PC; Conditional Use Permit Application #2020.CUP15\_SandersRobinson for new pier for private use; Tax Map#33 252; M-1/R-1 at 902 King Carter Drive  
\*Discussion/Vote

7. Second Reading of Resolution 2021-07PC; Conditional Use Permit Application  
#2020.CUP16\_SandersRobinson for new pier for private use; Tax Map 33 253A; M-1/R-1 at King  
Carter Drive  
\*Discussion/Vote

**7. New Business**

**8. Next meeting**, Tuesday, April 13, 2021 at 6:30 at Irvington Baptist Church.

**9. Adjourn**

LAW OFFICES

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February 26, 2021

Via U.S. Mail and Email: lbrown@town.irvington.va.us

Ms. Lara Brown

Town of Irvington

Post Office Box 174

Irvington, Virginia 22480

RE: Application for Rezoning and Conditional Use Permit for 4203 Irvington Road

Dear Ms. Brown:

My client, ICN Enterprises, LLC, respectfully requests to withdraw its application for rezoning to B-2. We intend to proceed with the application only to the extent it requests rezoning to B-1. Rezoning to B-1 would be consistent with the current use of the property, consistent with the zoning of contiguous parcels, and would preserve flexibility for various uses in the future.

As you are aware, the property's prior use was residential. Future residential use is no longer an option if the property is rezoned to B-2.

Should you have any questions, please give me a call. As always, thank you for your continued assistance.

Very truly yours,



William B. Hubbard



**CONDITIONAL USE PERMIT(s) #2020.CUP13, CUP14, CUP15, CUP16**  
**Town of Irvington**  
**Staff Report for the Planning Commission & Town Council**  
**Prepared: February 26, 2021**  
Staff Contact: Lara M. Brown, Zoning Administrator

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*This report is prepared by the Town of Irvington Staff to provide information to the Planning Commission and the Town Council to assist them in making a decision on this request. It may also be useful to others interested in this zoning matter.*

**Property Owner:** Barry Robinson  
PO Box 183, Irvington, VA

**Applicant:** Same

**Property Characteristics:**

Physical Address: 902 King Carter Drive and the 3 parcels adjacent  
Tax Map: 33 252B, 33 252A, 33 252, 33 253A  
Zoning: M-1 & R-1  
Acreage: 1.234, 2.12, 1.729, 1.55  
Present Use: Undeveloped Land

**Adjoining Property Zoning & Present Use:**

North: Crockett's Landing + 2 residential homes	Use: Industrial & Residential
South: Rapp. Yackts + 3 residential homes	Use: Industrial & Residential
East: McNeely & Whitbeck	Use: Residential
West: Carter's Creek	Use:

**Proposed Use:**

This is a request for a Conditional Use Permit to build 4 new piers in an M-1/ R-1 district. The 4 lots are located on King Carter Road commonly known as the "parade field" and formerly owned by Bruce Sanders. Applicant seeks to construct the following 4 piers:

1)**Parcel 33 252B:** 132' wooden pier, six feet wide with a 25' x 8' T head platform at the end. 125' of proposed pier is channelward of MLW. There will be 4, 12" pilings for the boat lift.

2)**Parcel 33 252A:** 96' wooden pier, six feet wide with a 25' x 8' T head platform at the end. 90' of proposed pier is channelward of MLW. There will be 4, 12" pilings for the boat lift.

3) **Parcel 33 252:** 142' wooden pier, six feet wide with a 25' x 8' T head platform at the end. 138' of proposed pier is channelward of MLW. There will be 4, 12" pilings for the boat lift.

4) **Parcel 33 253A:** 84' wooden pier, six feet wide with a 25' x 8' T head platform at the end. 80' of proposed pier is channelward of MLW. There will be 4, 12" pilings for the boat lift.

No clearing or grading is required and the project will be primarily constructed from a barge. The primary purpose of the project is to provide access to the water and provide secure harborage for a boat.

**Background:**

Mr. Robinson purchased these parcels from Bruce Sanders for four potential home sites. The pier(s) will add value to the property as well as provide access to the water. Two of these four parcels have current CUPs; parcel 33 252 has a CUP for a boat yard and marina with 45 slips. Parcel 33 252A has a CUP for a travel lift slip.

**Topography and Physical Features:**

The subject parcels lie in Zone X (no base flood elevations determined) as defined on the National Flood Insurance Rate Map dated November 2, 1014. The site is open space with each of the four parcels having water frontage.

**Agency Comments:**

1) **Parcel 33 252B:** VMRC application #20-2177 meets the qualifications for the statutory authorization found in Section 28.2-1203(A)5 of the Code of Virginia. No permit will be required from the Marine Resources Commission provided the proposed pier will be exclusively for private, non-commercial use. Army Corps of Engineers application #NAO-2020-02334 meets statutory requirements and no further authorization is required from the Corps.

2) **Parcel 33 252A:** VMRC application #20-2277 meets the qualifications for the statutory authorization found in Section 28.2-1203(A)5 of the Code of Virginia. No permit will be required from the Marine Resources Commission provided the proposed pier will be exclusively for private, non-commercial use. Army Corps of Engineers application #NAO-2020-02417 meets statutory requirements and no further authorization is required from the Corps.

3) **Parcel 33 252:** VMRC application #20-2237 meets the qualifications for the statutory authorization found in Section 28.2-1203(A)5 of the Code of Virginia. No permit will be required from the Marine Resources Commission provided the proposed pier will be exclusively for private, non-commercial use. Army Corps of Engineers application #NAO-2020-02379 meets statutory requirements and no further authorization is required from the Corps.

4) **Parcel 33 253A:** VMRC application #20-2128 meets the qualifications for the statutory authorization found in Section 28.2-1203(A)5 of the Code of Virginia. No permit will be required from the Marine Resources Commission provided the proposed pier will be exclusively for private, non-commercial use. Army Corps of Engineers application #NAO-2020-02269 meets statutory requirements and no further authorization is required from the Corps.

**Public Input:**

A public hearing was held by the Planning Commission on February 16, 2021 at the Irvington Baptist Church. The Town Council did not have a quorum and rescheduled a public hearing for March 9, 2021 at Irvington Baptist Church.

**Requirements for Approval of a Conditional Use Permit – Town Code §154.017, A-K:**

Before issuing any conditional use permit, the Planning Commission and the Town Council shall review the particular facts and circumstances relating to the application.

- (A) Town Code §154.051, Residential District R-1. The contemplated use is authorized in R-1 districts under §154.051 E (11) “boat docks for private use”. Town Code §154.126, Industrial District M-1 states any structure to be erected or land to be used shall be for all permitted uses in Residential District R-1 and R-2 and Business District B-1 and B-2.
- (B) This property is located along Carter’s Creek within a mixed residential/industrial area. The 4 proposed piers are similar in size to the residential piers north and south of the parcels.
- (C) The contemplated use for this property is consistent with the Amended Comprehensive Plan, November 6, 2019.
- (D) Piers are allowed in the R-1 district. The location of the proposed pier(s) is appropriate and not in conflict with the Amended Comprehensive Plan, November 6, 2019.
- (E) The proposed application does not adversely affect the public health, safety, morals and general welfare and is in compliance with the Chesapeake Bay Act.
- (F) The proposed project does not adversely affect the environment or surrounding properties
- (G) Private, residential pier(s) will not have any impact on hours of operation as in the business district.
- (H) No application has been made for a sign permit at the time of this application.
- (I) See attached scale drawing. Notice to property owners within 300’ by land and 500’ by water were mailed via applicant, Barry Robinson. Certification and listing was received February 1, 2021. (See VA Code 15.2-2206). No opposing letters received.

(J) The Planning Commission will make its recommendation to Council on these applications at its Special Called Meeting scheduled for Tuesday, March 9, 2021 at 6:30 PM at Irvington Baptist Church.

(K) Notice of a joint public hearing of the Planning Commission and the Council about this application was advertised twice in the Rappahannock Record, one week apart, on February 4 and February 11, 2021 and again on February 25 and March 4 to re-advertise the public hearing for the re-scheduled Town Council. (See VA Code 15.2-2004).

**Staff Recommendation:**

Application meets all legal and regulatory requirements and recommends approval.

**Planning Commission Recommendation:**



**CONDITIONAL USE PERMIT #2020.CUP12**  
**Town of Irvington**  
**Staff Report for the Planning Commission & Town Council**  
**Prepared: March 4, 2021**  
Staff Contact: Lara M. Brown, Zoning Administrator

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*This report is prepared by the Town of Irvington Staff to provide information to the Planning Commission and the Town Council to assist them in making a decision on this request. It may also be useful to others interested in this zoning matter.*

**Property Owner:**

ICN Enterprises, LLC  
Julien Patterson & Terri Wesselman

**Applicant:**

ICN Enterprises, LLC

**Property Characteristics:**

Physical Address: 4203 Irvington Road  
Tax Map: 33 422  
Zoning: R-1  
Acreage: 1.052  
Property Zoning & Present Use: R-1, Town Office (Former use – Residential)

**Adjoining Property Zoning & Present Use:**

North: 34M 1 28	Use: R-2, Vineyard Grove
South: 33 421	Use: B-1, undeveloped property
East: 34 M 1 6	Use: R-2, Vineyard Meadow
West: 33 426, 33 423A	Use: Residential

**Proposed Use:**

A Town Office serving 2 employees. Off street parking available.

**Background:**

The Town Office relocated to 4203 Irvington Road to maintain continuity of government. A lease was negotiated, agreed upon and signed by the Mayor for two years with the option to renew for a third year.

**Topography and Physical Features:**

The Parcel is located along Irvington Road between the Vineyard and the florist shop. The parcel is relatively flat with open space and off street parking.



**Agency Comments:**

N/A

**Public Input:**

A public hearing was held by the Planning Commission on February 16, 2021 at the Irvington Baptist Church. The Town Council did not have a quorum and rescheduled a public hearing for March 9, 2021 at Irvington Baptist Church. No public opposition at the Planning Commission meeting.

**Requirements for Approval of a Conditional Use Permit – Town Code §154.017, A-K:**

(A) Should the Commission and the Council approve the rezoning request; the contemplated use will be authorized.

(B) This property is located within a mixed use area with residential, retail, and farm/winery/restaurant usage.

(C) The Planning Commission shall consider the impact of proposed use with surrounding properties and location with the Comprehensive Plan.

(D) Should the Council approve the rezoning request, the proposed use will not be in conflict with the B-1 regulations.

(E) The proposed use does not appear to adversely affect the public health, safety, morals and general welfare and the Chesapeake Bay Act is not applicable to this parcel.

(F) The governing body may impose reasonable conditions in granting the CUP as it believes necessary to protect the environment and to protect surrounding properties, persons and neighborhood values.

(G) The proposed use does not require additional utilities. Off-street parking is available for this parcel as well as handicapped accessibility.

(H) A sign permit has been approved for this property and meets the size requirements of Town Code §154.190.

(I) Notice to property owners within 300' were mailed by the applicant on 1/25/2021 by certified mail, return receipt requested. Certification and listing was received on February 2, 2021. VA Code 15.2-2206.

(J) The Planning Commission will make its recommendation to Council on this application at its Special Called Meeting scheduled for Tuesday, March 9, 2021 at 6:30 PM at Irvington Baptist Church.

(K) Notice of a joint public hearing of the Planning Commission and the Council about this application was advertised twice in the Rappahannock Record, one week apart, on February 4 and February 11, 2021 and again on February 25 and March 4 to re-advertise the public hearing for the re-scheduled Town Council. (See VA Code 15.2-2004).

**Staff Recommendation:**

Staff does not have a recommendation at this time.

**Planning Commission Recommendation:**



**CONDITIONAL USE PERMIT #2020.CUP17\_Stephens**  
**Town of Irvington**  
**Staff Report for the Town Council & Planning Commission**  
**Prepared: February 26, 2021**  
Staff Contact: Lara M. Brown, Zoning Administrator

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*This report is prepared by the Town of Irvington Staff to provide information to the Planning Commission and the Town Council to assist them in making a decision on this request. It may also be useful to others interested in this zoning matter.*

**Property Owner & Applicant:**

Robert & Elynor Stephens  
8903 Glenmore Rd, Richmond, VA 23229

**Agent:**

Bay Design Group  
Wayne Savage  
PO Box 51, Urbanna

**Property Characteristics:**

Physical Address: 416 Steamboat Rd  
Tax Map: 33 361  
Zoning: R-1  
Acreage: 2.29  
Property Zoning & Present Use: Residence

**Adjoining Property Zoning & Present Use:**

North: 33 358 (Walmsley)	Use: Residential
South: Carter's Creek	Use: Eastern Branch
East: 33 361A (J. Stephens)	Use: Residential
West: Carter's Creek	Use: Eastern Branch

**Proposed Use:**

This is a request for a Conditional Use Permit to build an in ground pool and concrete apron in the RPA using the Redevelopment process. The parcel is located on the Eastern Branch of Carter's Creek.

**Background:**

This project is considered a redevelopment within the RPA with no further encroachment and no increase in impervious cover. The project consists of the construction of a pool, and concrete apron of 1,649 S.F. by removing 1,046 S.F of concrete patio and a 611 SF shed/barn. As stated in Town Code §154.151 (2) "Redevelopment outside locally designated intensely developed areas shall be permitted in the RPAs only if there is not an in increase in the amount of

impervious cover and no further encroachment within the RPA, and it shall conform to applicable erosion and sediment control requirements outlined under §154.153 (B)(4) herein and to the stormwater management requirements outlined in §154.153(B)(7).

**Topography and Physical Features:**

The site is situated along the Eastern Branch of Carter’s Creek. The natural topography of the parcel has slopes and drainage towards the Creek. Upland portion of the parcel is located in Flood Zone X, area of minimal flood hazard. The lower level of the parcel is located in AE flood zone, determined to have base flood elevations. The site has approximately 631 feet of shoreline.

**Bay Act Compliance:**

Performance Standards, §154.153 apply to ANY development occurring within a Chesapeake Bay Preservation Area. Compliance with the Performance Standards are reviewed through a WQIA. Development or Redevelopment exceeding 2,500 SF of land disturbance shall be subject to a Plan of Development Process in accordance with §154.155. Proposed land disturbance for this project is 2,473 SF.

**Public Input:**

A Public Hearing for the Planning Commission was held February 16, 2021 at Irvington Baptist Church. The Town Council did not have a quorum present, therefore the TC Public Hearing was re-scheduled for March 9, 2021. Eight property owners were noticed within 300 feet. Two notices appeared in the Rappahannock Record on February 4, 2021 and February 11, 2021. Two additional notices appeared in the Rappahannock Record referencing the re-scheduled Town Council Public Hearing on February 25, 2021 and March 4, 2021.

**Comprehensive Plan:**

Building a private in ground swimming pool is not in conflict with the Comprehensive Plan of November 21, 2019.

**Requirements for Approval of a Conditional Use Permit – Town Code §154.017, A-K:**

Before issuing any conditional use permit, the Planning Commission and the Town Council shall review the particular facts and circumstances relating to the application.

- (A) Town Code 154.051, Residential District R-1. The contemplated use is authorized in R-1 districts under 154.051 E (6) “swimming pools with conditional use permits”.
- (B) This property is located within a residential area and the adjacent parcel has an in-ground swimming pool.
- (C) The contemplated use for this property is consistent with the Amended Comprehensive Plan, November 21, 2019.
- (D) Swimming pools are allowed in the R-1 district. The location of the proposed in-ground pool meets the redevelopment requirements of the Chesapeake Bay Preservation Area Regulations and not in conflict with the Amended Comprehensive Plan, November 21, 2019.

- (E) The proposed application does not adversely affect the public health, safety, morals and general welfare and is in compliance with the Chesapeake Bay Act Performance Standards §154.153.
- (F) While the pool is being constructed, the applicant will install an infiltration trench BMP on-site to improve water quality and will reduce the total runoff by 521 C.F.
- (G) Existing vegetation and landscaping provides a natural buffer and privacy screening to adjacent property owners.
- (H) No application has been made for a sign permit at the time of this application.
- (I) See attached scale drawing. Notice to property owners within 300' by land were mailed via applicant. Certification and listing was received on January 22, 2021. (See VA Code 15.2-2206). No opposing letters received to date.
- (J) The Planning Commission will make its recommendation to Council on this application at its Special Called Meeting scheduled for Tuesday, March 9, 2021 at 6:30 PM at Irvington Baptist Church.
- (K) Notice of a joint public hearing of the Planning Commission and the Council about this application was advertised twice in the Rappahannock Record, one week apart, on February 4 and February 11, 2021, with the joint public hearing taking place five days after the last advertisement, on February 16, 2021 at Irvington Baptist Church and then again on February 25 and March 4 with the Town Council Public Hearing taking place on March 9, 2021 (See VA Code 15.2-2004).

**Staff Recommendation:**

The plans submitted by Bay Design Group are in conformance with the Chesapeake Bay Act, Redevelopment criteria and recommend approval as submitted.

**Attachments:**

Attachment A: LANCOVA parcel location

Attachment B: 300' Property Owners

Attachment C: Certification and Listing

**Planning Commission Recommendation:**