



**TOWN OF IRVINGTON, VIRGINIA
JOINT PUBLIC HEARING
IRVINGTON BAPTIST CHURCH
THURSDAY JANUARY 7, 2021 5:30 PM**

NOTICE: the Irvington Town Council & Planning Commission will hold a Joint Public Hearing on Thursday January 7, 2021 at 5:30 PM; Irvington Baptist Church.

AGENDA

- A. CALL TO ORDER** – Mayor Bugg
- B. ROLL CALL** – Mayor Bugg
- C. PUBLIC HEARING**

- 1. CUP Application 2020.CUP.8_Smith**

- The Town seeks public comment on a application for a conditional use permit for tax map 27 222A; 173 Virginia Road; swimming pool not in the RPA

- 2. CUP Application 2020.CUP.11_Tides Inn And Exception**

- The Town seeks public comment on application for a conditional use permit and exemption for tax map 33-236; B-1; 480 King Carter Drive; proposed boardwalk, new proposed docks/piers; and CANDOCK; passive recreation trails.

DUE TO THE GOVERNOR’S EXECUTIVE ORDER LIMITING MEETINGS TO 10 PERSONS, PUBLIC ATTENDANCE WILL BE ON A FIRST COME, FIRST SERVED BASIS UNTIL THE LIMIT IS ATTAINED.

YOU MAY COMMENT IN ADVANCE BY SENDING AN EMAIL TO THE UNDERSIGNED BY JANUARY 6, 2021 AT 5PM.

These topics are placed on the joint public hearings agenda pursuant to VA Code §15.2-2204. Copies of the applications, ordinance, and resolution are available in the Town Office. Individuals requiring additional information or clarification may contact Lara M. Brown, Zoning Administrator, 804.438.6044.

2020. CW 8 Smith
Amended 12/11/20

Zoning Application for Conditional Use Permit
Town of Irvington, Virginia

To: The Zoning Administrator:

Date 9/20/20

The Applicant ANAN SMITH is (are) the
(Please print owner's name)

1 173 VIRGINIA ROAD, IRVINGTON, VA 22400
(street address)

Between WALCASTER ROAD street and CARTER'S CREEK
Street.

Exact legal description of said property being (tax map and
Parcel #) T.M. 27 - PARCEL 22A JB

A Map and Adjacent Property Owner's List are hereto attached and made "a" part of this application.

- (A) Above described property was acquired by Applicant 6/18/14 (Mo, Day, Yr)
- (B) What original deed restrictions concerning the type of improvements permitted, if any, were placed on the property involved? Give date said restrictions expire. N/A (you may attach copy of original printed restrictions in answer to this question after properly underscoring those features governing the type and class of uses permitted thereby.)
- (C) Request: The Applicant requests that you approve the location of the following use on the above described property: SWIMMING POOL - IN GROUND

(Use this space ONLY to state exactly what is intended to be done on or with the property. Use space on Page 2 for circumstances pertaining to this request. If a building is involved a sketch or plan with photographic or other suitable description should accompany this application.)

REQUIREMENTS AND INSTRUCTIONS

FOR FILING APPLICATION FOR CONDITIONAL USE

1. The Application Form must be filled out completely with full answers to every statement and question. The application may not be signed by an agent or attorney but must be signed by the lessee, owner or owners before a Notary Public in the space provided on the Applicant's Affidavit. Signatures of adjacent property owners who approve the request may be signed in the space provided on the Applicant's Affidavit. If space is not sufficient a supplemental sheet may be added to the petition. Such Signatures are desirable but are not absolutely required
2. The Filing Fee in the Amount of 35.00 payable to the Town of Irvington must be paid at the time of filing the application.

Paid 10/8/2020
(date)

1. Describe briefly the type of use and improvements proposed. State whether new buildings are to be constructed, existing buildings are to be used or additions made to existing buildings.

- IN GROUND POOL @ 14' x 30'
- NO ADDITIONAL WORK TO EXISTING BUILDINGS

2. Why does applicant believe the location of the use in question on the particular property is essential or desirable for the public convenience or welfare and will not be detrimental to the immediate neighborhood?

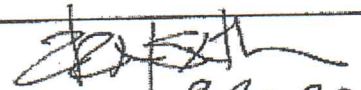
- ADDITION OF POOL IS OF RECREATIONAL & HEALTH BENEFITS TO THE APPLICANT / RESIDENT AND IS OF SIGNIFICANT IMPORTANCE DUE TO CURRENT (COVID) PANDEMIC SITUATION. POOL ALLOWS THE HOMEOWNER & FAMILY RECREATIONAL AND SOCIAL DISTANCING OPTION OUTSIDE OF PUBLIC RECREATIONAL FACILITIES.

3. Describe how the proposed use and improvements are to be designed and arranged to fit into the development of adjacent property and the neighborhood.

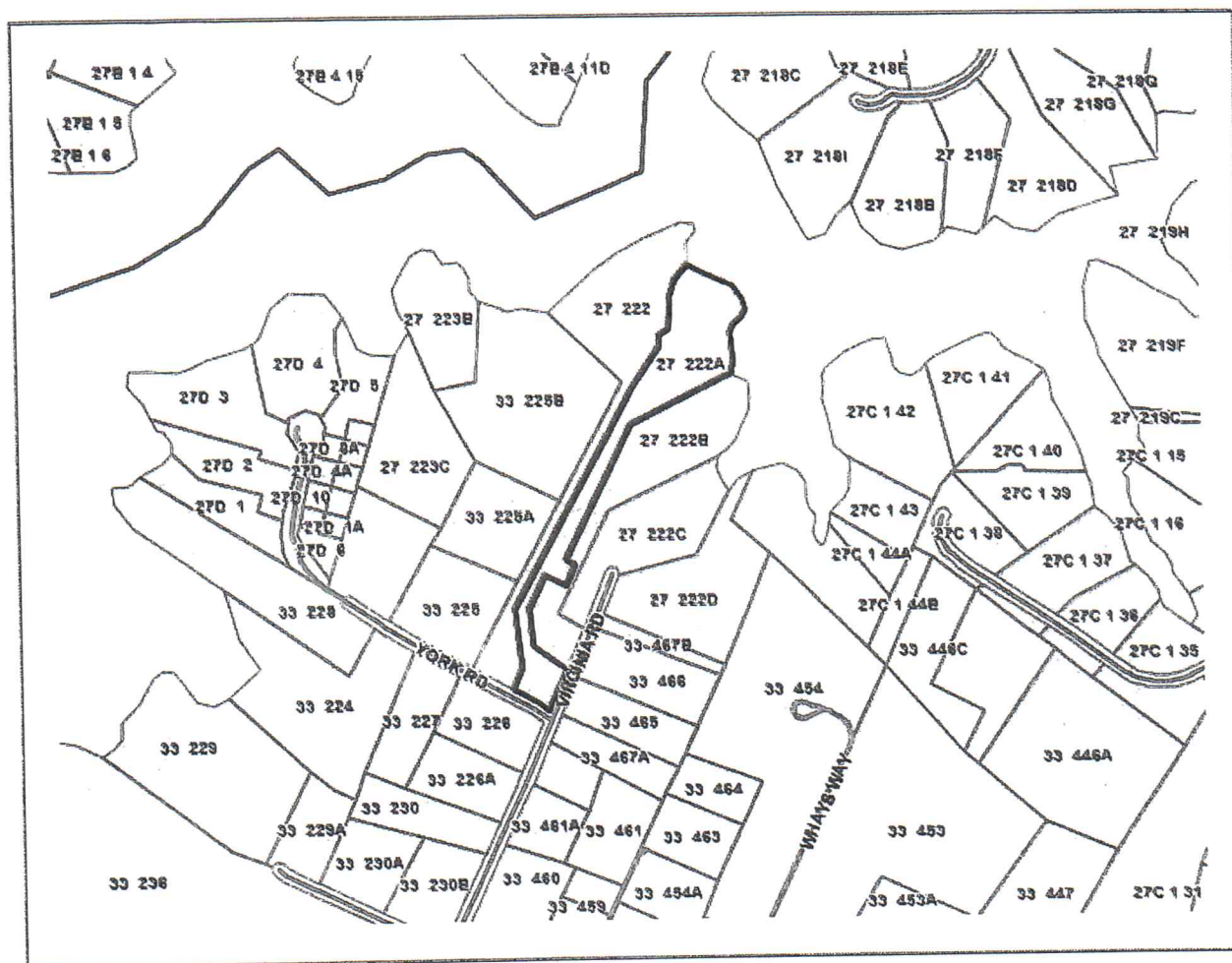
- POOL TO BE LOCATED OUTSIDE THE EXISTING 100' RPA SETBACK & HELD IN EXCESS OF REQUIRED 10' SETBACK FROM ADJACENT PROPERTY OWNERS. THERE IS AMPLE EXISTING VEGETATION & LANDSCAPING AFFORDING PRIVACY AND VISUAL SCREENING FROM ADJACENT PROPERTY OWNERS.

4. Furnish plot plan showing the boundaries and dimensions of property, width of boundary streets, location and size of buildings on the site, roadways, walks, off street parking and loading space, landscaping and the like. Architect's sketches showing elevations of proposed buildings and complete plans are also desirable and if available should be filed with the application.

SITE PLAN IS INCLUDED INDICATING LOCATION OF POOL / DECK AND SHOWS ALL EXISTING STRUCTURES ON SITE.


9.20.20

Lancaster County GIS Parcel Data Report



Parcel Number:	27 222A
Owner Name:	SMITH ALAN J
Address:	P O BOX 525
	IRVINGTON VA 22480
Property Address:	173 VIRGINIA RD
Property Description:	IRVINGTON 1.99 AC
Acreage:	1.99
Land Value:	369900
Improvements Value:	699800
Total Value:	1069700
Instrument Number:	LR 2014 0000901
Date Last Sold:	06/25/2014
Grantor:	TIDES OUT PROPERTY HOLDINGS LLC
Selling Price:	625000

DISCLAIMER: No warranty is offered for content or accuracy. Any information obtained from this web site which is to be used in the preparation of legal documents should be verified by an outside source prior to inclusion in said documents.

Applicant's Affidavit

TO ACCOMPANY APPLICATION FOR REZONING, ETC.
TOWN OF IRVINGTON, VIRGINIA

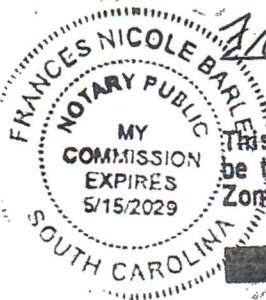
We (I), MAX SMITH
being duly sworn, depose and say that we are LESSEE (I am the OWNER) of the property involved in this application and that we (I) have familiarized ourselves (myself) with the rules and regulations of the Zoning Administrator with respect to preparing and filing this application, and that the foregoing statements and answers herein contained and the information on the attached map and property owners' list thoroughly to the best of our (my) ability present the argument on behalf of the application herewith requested and that the statements and information above referred to are in all respects true and correct to the best of our (my) knowledge and belief.

Phone No (703) 798-6400

Signed [Signature]
115 Friend Street
Mt. Pleasant, SC 29464

Mailing address of applicant.

Subscribed and sworn to before me this 20th day of October 2020



Frances Nicole Barley
Notary Public
of Charleston County, South Carolina

This is to certify that the foregoing application has been inspected by me and has been found to be thorough and complete in every particular and to conform to the rules and regulations of the Zoning Administrator governing the filing of such application.

State below the name, address, and phone number of person to be contacted for details if other than above signatory.

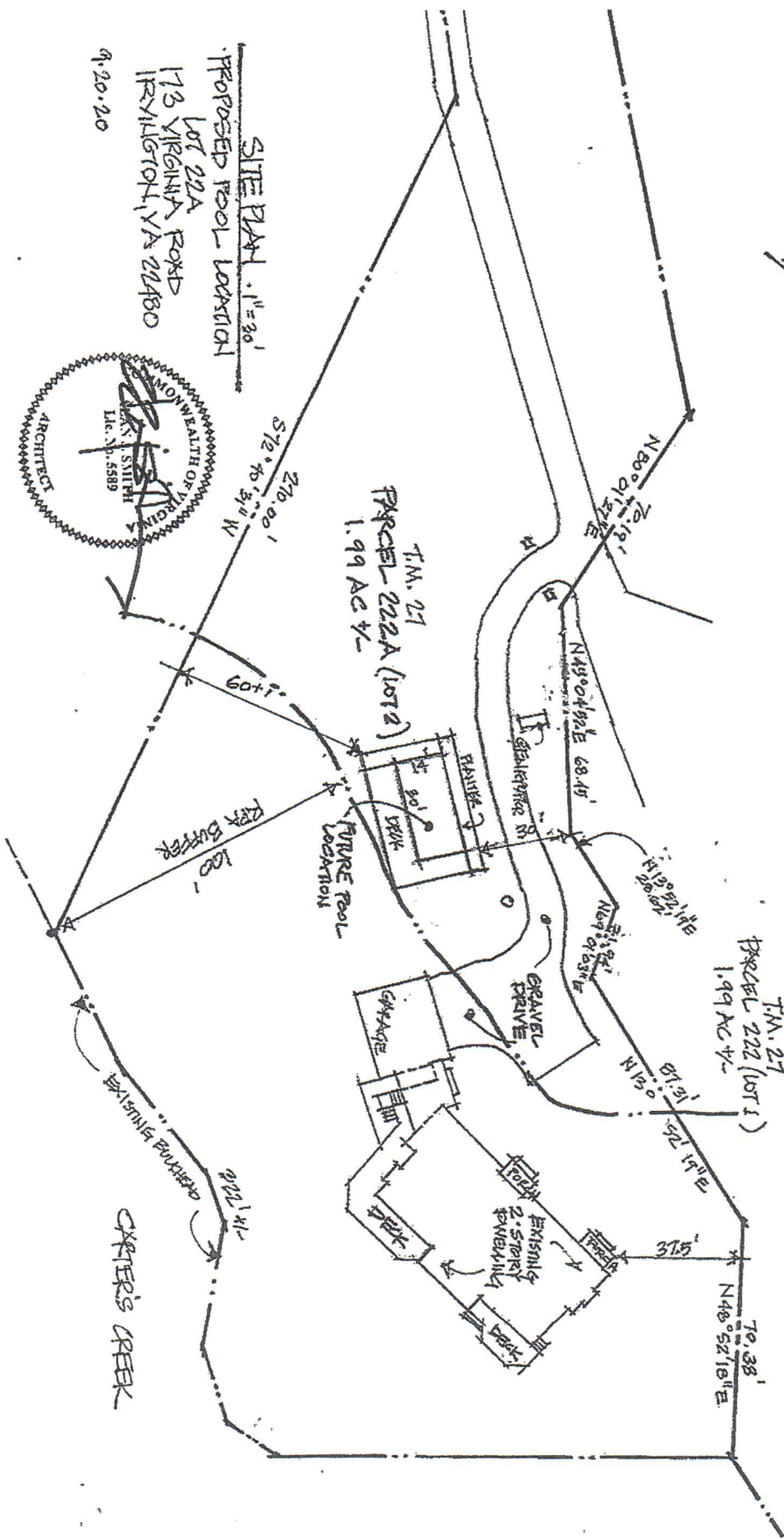
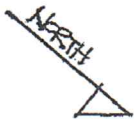
Name _____
Address _____
Phone No. _____

	Receipt Nos.	Date
Map and list	_____	___/___/197__
Application	_____	___/___/197__
Application Completed and Received by Zoning Administrator	_____	10/8/2020
By	<u>[Signature]</u>	
	(For the Zoning Administrator)	

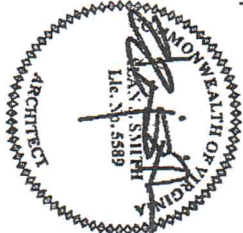
We, the undersigned OWNERS of ADJACENT PROPERTY as shown upon map attached to the application hereby certify that we have read the foregoing petition and agree that the facts stated correctly and completely present the conditions surrounding the property involved in this application, and believe the application SHOULD BE GRANTED. (Add additional sheets where necessary. These signatures are desirable but not demanded).

No. on Map	Name	Address	Lot	Block	Tract

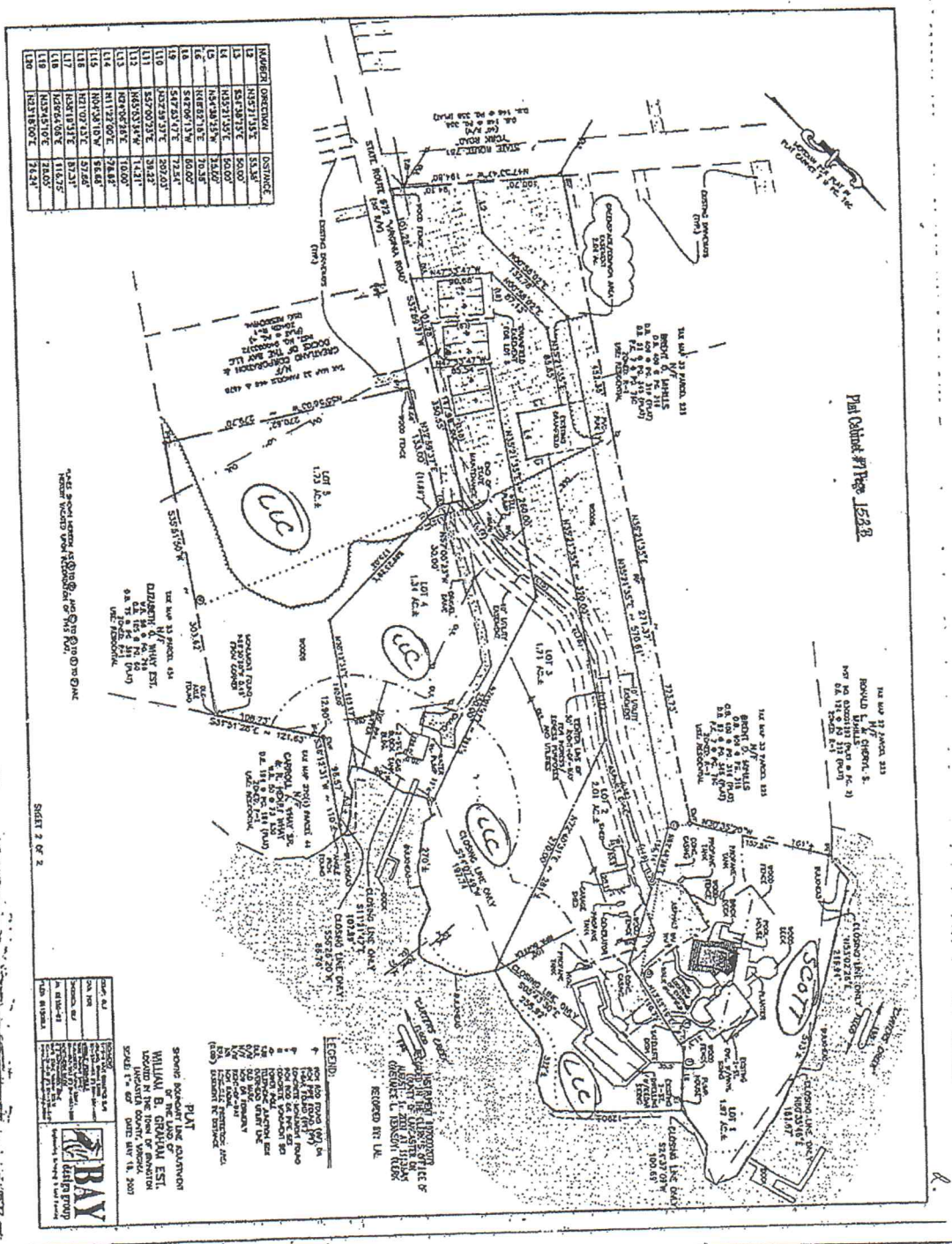
Omit



SITE PLAN - 1" = 30'
PROPOSED POOL LOCATION
LOT 22A
173 VIRGINIA ROAD
IRVINGTON, VA 22480
9.20.20



NUMBER	ORIENTATION	DISTANCE
12	N157°13'35"	53.34'
13	S47°30'13"E	50.00'
14	N57°18'15"E	50.00'
15	N57°30'15"W	23.60'
16	N48°22'18"W	70.50'
18	S47°30'13"W	50.00'
19	S47°30'13"E	20.50'
110	S25°28'17"E	20.50'
111	N48°22'18"W	23.60'
112	N48°22'18"E	14.31'
113	N48°22'18"E	16.00'
114	N112°00"E	28.84'
115	N0°34'18"W	58.64'
116	N21°07'43"E	57.26'
117	N48°18'15"E	57.21'
118	N48°18'08"E	118.75'
119	N48°18'10"E	24.00'
120	N21°18'00"E	24.24'



SEE SPREAD SHEET FOR DIMENSIONS OF THIS PLAN
 NORTH VELOCITY VOR RECORDS OF THIS PLAN

SHEET 2 OF 2

STATE OF TEXAS
 COUNTY OF DALLAS

BY: **STACY BAY**
 Surveyor

WITNESSES:

APPROVED:

 Surveyor

DATE: MAY 18, 2007

LEGEND:
 - - - - - EASEMENT
 --- --- --- ENCROACHMENT
 --- --- --- EASEMENT
 --- --- --- ENCROACHMENT
 --- --- --- EASEMENT
 --- --- --- ENCROACHMENT
 --- --- --- EASEMENT
 --- --- --- ENCROACHMENT

CUP Application, TOI#2020.CUP8_Smith, 173 Virginia Rd, Tax Map 27 222A

Property Owners within 300 ft of Tax Map Parcel 27 222A

Tax Map	Name	Mailing Address	Physical Address
27 222	Brenda Eubank & Graham Scott	9408 Avolon Dr, Richmond VA 23229	171 Virginia Rd
33 225B	Rebecca & Albert Konvicka	PO Box 535, Irvington, VA 22480	76 York Rd
33 225A	Mary Louisa & Albert Pollart TTEE	60 York Rd, Irvington, VA 22480	Same
33 225	Alice & Richard Riviere	7518 Milway Dr, Alexandria VA 22306	52 York Rd
27 222B	Tides Out Property Holdings LLC	10815 Weathervane Rd, Richmond, VA 23238	
27 222C	Susan Neal & Gregory Kirkbride	9308 Cedar Ln, Bethesda, MD 20814	
27 222D, 33 467B, 33 466	Jewel-Ann Parton & David Priddy	105 Paloma Farm Rd, Afton, VA 22920	100 Virginia Rd
33 462	Richard Smith	PO Box 443, Irvington, VA 22480	Same
33 465	Joyce & Michael Bombay	124 Virginia Rd, Irvington, VA 22480	Same
33 226	Wade & Judson McQuire	97 Virginia Rd, Irvington, VA 22480	Same
33 227	Lucille Christopher	55 York Rd, Irvington, VA 22480	Same
33 226A	Janet Ball & Mary Robey TTEE	14 Spear Pl, Reedville, VA 22539	77 Virginia Rd
33 467A	Roy Barrack	4623 Dunkirk Dr, Chester, VA 23831	
33 461A	Terry & Glenn Tignor	60 Virginia Rd., Irvington, VA 22480	
33 461	Ashley Robertson	57 Winstead Dr, Irvington, VA 22480	Same

Property Owners within 500 ft across water of Tax Map Parcel 27 222A

27C 1 42	Reiss Trust	PO Box 782, Irvington, VA 22480	729 Chesapeake Dr
27C 1 43, 27C 1 44A	Ralph Higgins	908 South Gaskins Rd, Richmond, VA 23233	711 Chesapeake Dr
27C 144	Carroll & Henry Whay	PO Box 72, Irvington, VA 22480	659 Glebe Rd
27 218C	Bonnalyn & Charles Pritchard TTEE	PO Box 116, Irvington, VA 22480	657 Glebe Rd
27 218I	Bruce Marguerite Trustee	16634 MLC Ln, Rockville, MD 23146	643 Glebe Rd
27 218B	Katherine Monroe	PO Box 518, Irvington, Va 22480	



Application for Conditional Use Permit
Last Revised 10/2020
Town of Irvington

P.O. Box 174, Irvington, VA 22480
804-438-6044 (Zoning & Land Use)

Internal Use Only
RECEIVED 11/10/20
APP FEE PD \$35 CK 2527
APPLICATION # 2020-011-Tid
PC Public Hearing 1-7-2021
TC Public Hearing Joint 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.

Address/Location: 480 King Carter Drive

Deed Restrictions: Yes ___ No X (If yes, attach copy of deed) Current Zoning: B-1

Proposed Use: Existing Resort/Hotel; Proposed Living Shoreline, Boardwalk and Beach Nourishment

Acreage of Parcel: 23.51 Overlay District(s): Chesapeake Bay X Historic ___

Tax Map Parcel(s): 33-236

Table with 2 columns: Question and Yes/No options.
1. Is this an amendment to an existing conditional use permit? If so, provide CUP number: [] Yes [X] No
2. A Scale Drawing (see p.3) is required to be attached to any CUP application. Is a Scale Drawing attached to this application? [X] Yes [] No
3. Is this an application for a private pier or dock? If so, please attach your VMRC and ACOE applications and permits. [X] Yes [] No

Owner or Agent Contact: Wayne Savage, PE c/o Bay Design Group

Address: P.O. Box 51

City: Urbanna State: VA Zip: 23175

Phone Number: 804-693-2993

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

New Tides, LLC c/o Enchantment Group Management Company Attn: Brian Muszynski

Address: 14630 North Scottsdale Rd., Suite 290

City: Scottsdale State: AZ Zip: 85254

Phone Number: 303-549-2682

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

33-235

33-229A

33-308A

33-307C

33 235

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.

See Attachment A

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.

This purpose of this project is to improve the existing eroding north shoreline of the Tides Inn property. The project will include the installation of approximately 18,000SF of living shoreline with a vinyl sill wall connected to a meandering 1,305 linear foot boardwalk. There will also be a RipRap sill with Oyster Shell and live spat installed on a portion of the project in lieu of the vinyl sill option. The project will also involve the installation of a low profile breakwater with beach sand nourishment. As part of the shoreline stabilization effort, this project will also involve the re-grading of upland slopes, removal of invasive kudzu and various trees/shrubs with an extensive re-planting/landscaping plan in accordance with the Chesapeake Bay Act and impacts to the Resource Protection Area.

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.

This project is proposing the construction of a 1,305 linear foot 8-ft. wide boardwalk with 4 separate connections/platforms over water. There will also be 2 locations where the boardwalk will be connected to upland points of the site. The boardwalk will act as a wraparound dock and extension of the marina, while the associated platforms provide kayak/paddle boarding and swimming access at key points of connection around the property's waterfront to allow guests and visitors to reach restrooms, assistance and amenities. Due to the nature of the site, access around the shoreline is limited due to the steep and eroding slopes. There is little to no flat private land available to provide the proposed water dependent recreation opportunities while also providing a sustainable/adequate living shoreline buffer. Additionally, there currently does not exist a location on-site where ADA Accessibility is achieved from the upland points to the marina and by providing this boardwalk with selective locations for upland connection, we are able to achieve conformance with the ADA regulations. This boardwalk will also serve as a resource to bring Tides guests closer to the water allowing the opportunity to teach resort goers about the ecologically friendly living shoreline, Oysters being grown in Carters Creek and the overall function of the tributaries to the Chesapeake Bay.

Attachments Required – provide three copies of each

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.

Certification

State of Virginia, Town of Irvington, To Wit

I (We) Wayne A. Savage, 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.

Wayne A. Savage

11-10-2020

Signature of Owner or Agent

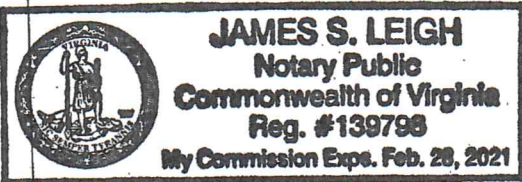
Date

P.O. Box 51, Urbanna, VA 23175

804-693-2993

Mailing Address

Phone No.



Subscribed and sworn to before me this 10th day of NOVEMBER, 20 20.

2-28-2021

My Commission Expires

James S. Leigh
Notary Public

[Signature] 11/9/2020
Signature of Property Owner Manager Date
New Hides LLC

551 Fifth Ave 33FL NY NY 10176

Mailing Address

Phone No.

Subscribed and sworn to before me this 9th day of November, 20 20.

Catherine L. Wornom

My Commission Expires September 5, 2021

Notary Public

CATHERINE L. WORNOM
NOTARY PUBLIC, State of New York
No. 01W05048858
Qualified in Kings County
Commission Expires September 5, 2021

Attachment A

November 6, 2020



Lara Brown
Zoning Administrator
Town of Irvington
P.O. Box 174
Irvington, VA 22480

Re: ***Tide Inn Shoreline Improvements
Conditional Use Permit***

Dear Ms. Brown Et al.;

Please find attached the Conditional Use Permit (CUP) application and associated plan set for the proposed shoreline improvements associated with the Tides Inn parcel (TM. 33, Parcel 236) in the Town of Irvington, Lancaster County, Virginia. In coordination with the attached CUP application and per Town Zoning Ordinance Section 154.017, please find below our demonstration of compliance with included standards.

1. The shoreline improvements proposed as part of this project will not only improve the public health, safety, morals and general welfare of the Town, but additionally will positively impact the same for wildlife and the ecosystem. This project will provide safe ingress/egress and ADA accessibility for the guests of Tides Inn to the existing marina and waterfront, which currently is non-existent. Additionally, this project will provide for a diverse ecosystem with the planting of thousands of vegetative plantings along the shoreline and throughout the upland backs of the property. By doing so, this project will be in strict conformance with the CBPA regulations. The appropriate Shoreline Erosion Control documentation and WQA has been submitted concurrently to Town staff.
2. The shoreline improvements of this project will create a natural shoreline that will not only improve the property value of the subject property, but will also positively affect surrounding properties. Additionally, this project will substantially improve the marine and upland environments of the surrounding lands.
3. This project is in conformance with the established shoreline protection measures of the state of Virginia and the associated boardwalk is in conformance with the use of a resort located on the water.
4. The landscape design/details are included on the attached plan set.
5. Conduits for electrical lines and Cable are provided under the boardwalk along with a waterline that will be used for the maintenance watering of the plants being installed on the upland slopes. No additional parking is proposed/necessary as part of this project.
6. An Erosions and Sediment Control Plan has been provided as part of the attached plan set.
7. The height and yard setbacks are not applicable to this project.
8. The construction of this project will only take place during daylight hours under the normal business operating hours. The use of boardwalk will be in conformance with the usual operation of the Tides Inn resort.
9. The property is zoned B-1 and this project is an extension of the existing marina/resort which is in conformance with the B-1 zoning district and the comprehensive plan.
10. This project is in conformance with the code of the state of Virginia for water dependent uses and in conformance with all Town of Irvington requirements.

Thank you for your review of the attached Conditional Use Permit application. We look forward to a positive reaction on this project from Town staff and Town Council.

Sincerely,

Wayne Savage
Wayne A. Savage, PE
Senior Engineer

Cc: B. Muszynski w/ att



TOWN OF IRVINGTON

4203 Irvington Rd
 PO Box 174
 Irvington, VA 22480
 Zoning (804)-438-6044
 lbrown@town.irvington.va.us

Water Quality Impact Assessment / Landscape Plan Agreement

This form is designed to aid in the assessment of impacts for proposed activities within a Resource Protection Areas (RPA) and to ensure proper replacement and installation of vegetation. The applicant shall complete and remit to the above address. For inquiries or appointments, contact Lara Brown, Zoning Administrator at (804) 438-6044.

Property Owner New Tides LLC. Address 14630 N. Scottsdale Rd., Ste. 290
c/o Enchantment Group Scottsdale, AZ 85254
Management Company

Tax Map# 33-236 Phone# 303-549-2682 E-mail Brian.Muszynski@enchantmentgroup.com

Site 911 Address or driving directions: 480 King Carter Dr., Irvington, VA 22480

Single-family residence <input type="checkbox"/>	Accessory structure <input type="checkbox"/>
Commercial/community development <input type="checkbox"/>	Silvicultural conversion <input type="checkbox"/>
Agricultural conversion <input type="checkbox"/>	Water access <input checked="" type="checkbox"/>
Shoreline erosion project <input checked="" type="checkbox"/>	Roadway <input type="checkbox"/>
Grading <input checked="" type="checkbox"/> Fill <input type="checkbox"/>	Bay Act violation <input type="checkbox"/>
Redevelopment <input type="checkbox"/> Other: _____	

Description of project: The project consists of stabilizing and protecting the existing eroding shoreline by installing riprap & vinyl sills, 18,000 SF of living shorelines, vinyl bulkhead, 3 riprap breakwater structures and beach nourishment. A 1,305 L.F. 8" limber boardwalk with upland access points will also be installed along the Northern Shoreline of the Tides Inn.

ft² of impervious area within RPA N/A (water dependent) (BMP: yes no), type: N/A

ft² of land disturbance within RPA 91,173 SF

Land Disturbance Permit obtained: yes no

Number of 10'x10' units: (ft² of land disturbance in RPA/100 = units) 912 units

Existing vegetation to be removed:

Trees (quantity, type, size) 23 trees-ranging from 8"-30", Oak (20), Cedar (1), Gum (1), Cherry (1)

Shrubs (quantity, type, size) Various (see attached plan) Located in town office

Groundcovers Kudzu

Lawn grass (ft²) _____

LANDSCAPE AGREEMENT

In order to pursue the aforesaid activity on this property, (Tax Map# 33-236), I agree to properly install and maintain the vegetation as required and in accordance with the attached guidelines. Any vegetation required shall be native to this area and planted within the 100' Resource Protection Area. Use page 3 to help compose a landscape plan and complete the list below.

	SPECIES	SIZE	QUANTITY
	See attached planting plan - located in town office		
TREES			
SHRUBS			
GROUND COVERS			

[Signature] 11/9/2020 Oscar L. Tang
 Property Owner (sign) *Manday New Places LLC* Date Property Owner (print)

Representing agent: Wayne Savage, PE c/o Bay Design Group Planting Deadline: May 2021

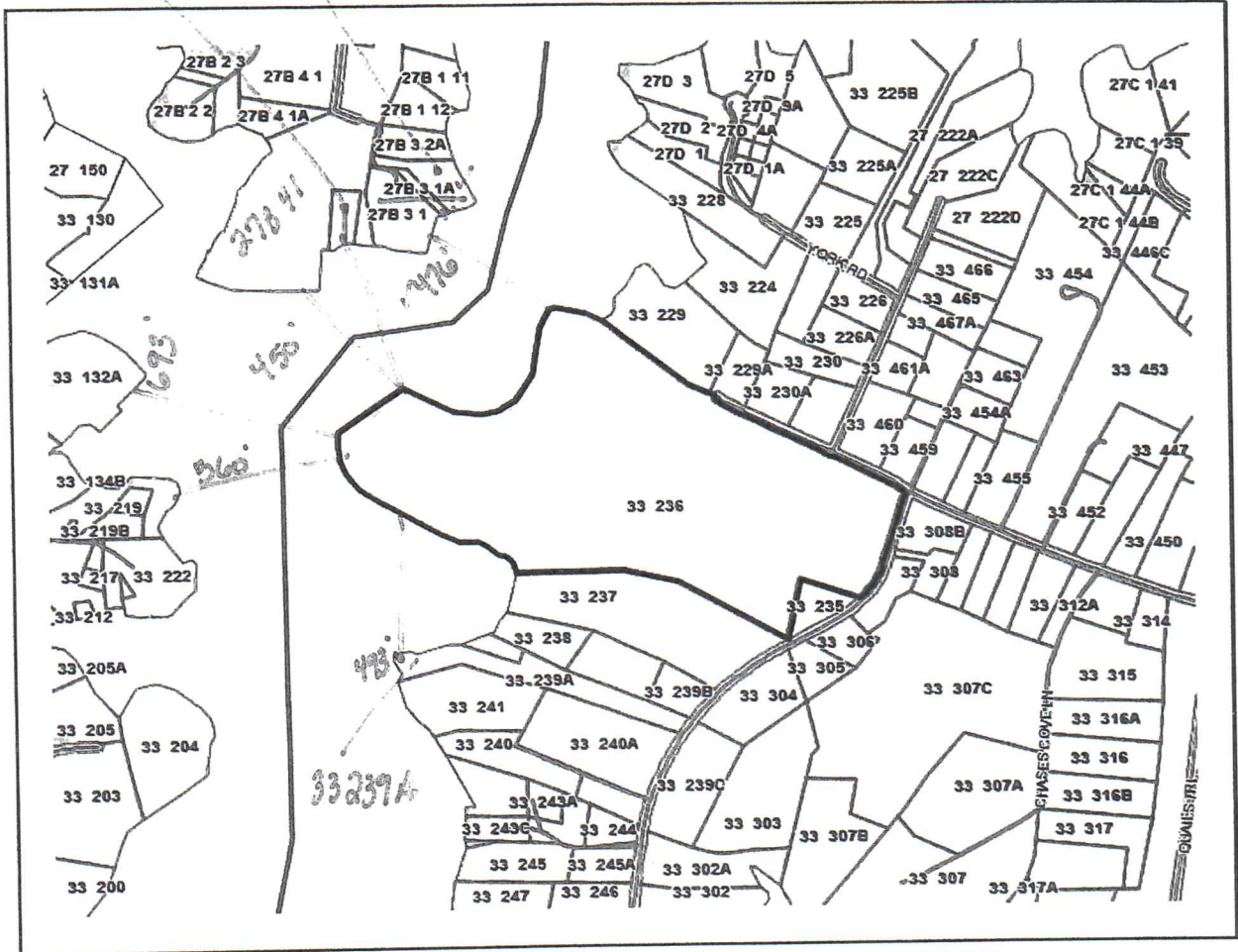
Office Use, Regulations Review:
 -Disturbance and encroachment minimized -Wetlands Permit obtained -Land Disturbance Permit obtained
 -Existing vegetation maximized -Replacement strategy sufficient
 Requirements to suffice Bay Act Regulations: _____

[Signature] 12/7/2020
 Town of Irvington Official Date

27B 418
530

27B 328
441

Lancaster County GIS Parcel Data Report



Parcel Number:	33 236
Owner Name:	NEW TIDES LLC
	C/O SEDONA RESORT MANAGEMENT
Address:	OF VA LLC 480 KING CARTER DR
	IRVINGTON VA 22480
Property Address:	480 KING CARTER DR
Property Description:	IRVINGTON 23.66 AC
Acreage:	23.660
Land Value:	1729800
Improvements Value:	7127900
Total Value:	8857700
Deed Book/Page:	443/0443
Instrument Number:	LR 2015 0001367
Date Last Sold:	04/16/2001
Grantor:	TIDES INN INC /THE/
Selling Price:	11698999
	Selling price reflects sale of two or more parcels

DISCLAIMER: No warranty is offered for content or accuracy. Any information obtained from this web site which is to be used in the preparation of legal documents should be verified by an outside source prior to inclusion in said documents.

CUP Application and Exemption for Passive Recreatiⁿ Trail(s), 480 King Carter Rd, Tax Map 33 236

Property Owners within 300 ft of Tax Map Parcel 33 236

Tax Map	Name	Mailing Address	Physical Address
33 229	Ginn, Louis IV & Kimberly	213 Gun Club Rd, Richmond VA 23221	142 Lancaster Rd
33 224	Quinby, Gordon	4212 Stuart Ave, Richmond VA 23221	126 Lancaster Rd
33 229A	New Tides LLC		
33 230A	Garbis, Dennis & Denise	7808 Swinks Mill Ct Mclean, VA 22102	110 Lancaster Rd
33 230B	Thaxter, Shaun TTEE	1901 Oakengate Ln, Midlothian, VA 23113	27 Virginia Rd
33 460	Boundy, Paula Trustee	22 Virginia Rd, Irvington, VA 22480	same
33 459	Robertson, James	26 Lancaster Rd, Irvington, VA 22480	same
33 459A	Robertson, Bonnie	57 Winstead Dr, Irvington, Va 22480	same
33 227	Christopher, Lucille	55 York Rd, Irvington, Va 22480	same
33 226A	Ball, Janet TTEE	14 Spear Pl, Reedville, VA 22539	77 Virginia Rd
33 461A	Tignor, Glenn & Terry	60 Virginia Rd, Irvington, VA 22480	same
33 230	Hall, Wesley & Brenda	61 Virginia Rd, Irvington, VA 22480	same
33 461	Robertson, Ashley	57 Winstead Dr, Irvington, Va 22480	same
33 454A	Whay, Carroll & ruth	PO Box 72, Irvington, VA 22480	Lot
33 455	Ransone, Theresa	PO Box 333, Irvington, VA 22480	424 King Carter Dr
33 308B	Camillo, Joaquin	PO Box 610, Irvington, VA 22480	461 King Carter Dr
33 457	Munro, Leslie & Susan	Calle 66 451 Centro, Merida Yucatan, 97000 Mexico	20 Winstead Dr
33 456	Johnson, Eric & Kelley	410 E Water St, Suite 500, Charlottesville, VA 22902	448 King Carter Dr
33 309	Bronford Associates LLC	12105 Country Hills Way, Glen Allen, VA 23059	423 King Carter Dr
33 308	Marvin Gardens LLC	PO Box 7358, Hampton, VA 23666	439 King Carter Dr
33 308A	New Tides LLC		
33 306	Pollard, Albert Jr	48 Steamboat Rd, Irvington VA 22480	569 King Carter Dr
33 305	Aqua Virginia Inc	2414 Granite Ridge Rd, Rockville, VA 23146	Lot
33 307C	New Tides LLC		
33 235	New Tides LLC		
33 304	Aqua Virginia Inc	2414 Granite Ridge Rd, Rockville, VA 23146	Lot

33 303	Carter, Bernard & Joni	PO Box 952, Irvington, VA 22480	755 King Carter Dr
33 237	Hall, Esther Life Estate	PO Box 134 St Stephens Church, VA 23148	650 King Carter Dr
33 239	Hundley, Nancy	PO Box 86, Irvington, VA 22480	Lot
33 239B	Hundley, Nancy	PO Box 86, Irvington, VA 22480	Lot
33 238	Hundley, Nancy	PO Box 86, Irvington, VA 22480	Lot

Property Owners within 500 ft across the water of Tax Map Parcel 33 236

27B 31	New Tides LLC		
27B 31A	Armstrong, Thomas	PO Box 1456, Kilmarnock, VA 22482	Lot/Tides Inn Golf Course, Weems
27B 32B	Armstrong, Thomas	PO Box 1456, Kilmarnock, VA 22482	82 Binnacle Ln, Weems
27B 41	New Tides LLC		
33 239A	Hundley, Nancy	PO Box 86, Irvington, VA 22480	682 King Carter Dr
33 239	Duplicate of 300' Land Owner		
33 228	91 York Road Associates LLC	3050 Old Gun Rd, Midlothian, VA 23113	91 York Rd
33 224	Duplicate of 300' Land Owner		



Town of Irvington
Staff Report for the Lancaster County Wetlands Board
Prepared: December 4, 2020
Staff Contact: Lara M. Brown, Zoning Administrator

This report is prepared by the Town of Irvington Staff to provide information to the Lancaster Wetlands Board to assist them in making a decision on the Shoreline Erosion project for the Tides Inn (JPA #20201674) It may also be useful to others interested in this zoning matter.

Property Characteristics:

Physical Address: 480 King Carter Drive, Irvington, VA 22480
Tax Map: 33 236
Zoning: B-1
Acreage: 23.51
Present Use: Existing Resort/Hotel

Project Request:

The applicant proposes to improve the existing shoreline located on the north end of the Tides Inn property by stabilizing the existing slope and to save building(s) from falling into the water. The project consists of stabilizing and protecting the existing eroding shoreline by installing riprap and vinyl sills, 18,000 SF of living shorelines, vinyl bulkhead, 3 riprap breakwater structures and beach nourishment. In addition to the shoreline stabilization, a 1,305 L.F. boardwalk with two upland access points providing ADA accessibility is also being proposed.

Recommended Local Review and Approval Process for Shoreline Erosion Control

Projects:

Is the proposed project consistent with the Bay Act using the 8 criteria for shore erosion control projects:

(1) Are the proposed erosion control measures necessary? On 11/20/2020, Town of Irvington Staff completed a site visit with Mike Vanlandingham, Shoreline Engineer with DCR. The entire North End of the Shoreline was evaluated, see attached pictures. The site conditions show ebank undercutting as noticed in attached pictures 1 and 2. The Lancaster House sits along the North End of the shoreline with compromised trees along the banks as noted in attached pictures 3 and 4. Continuing along the North End of the cove, additional compromised trees were seen throughout the proposed project area as observed in pictures 5 and 6. Based on the Town's observations, it appears there is active erosion along the North End of the Tides Inn property along Carter's Creek. Along the existing bulkhead located in front of the existing pool, there are no signs of erosion as noted in the 10-30-2020 report by VIMS.

(2) Does the proposed project utilize the best available technical advice? As noted in the 10-30-2020 VIMS report, shading from the proposed height of the boardwalk, may prevent vegetation from surviving under the boardwalk and could lead to destabilization of the sediment, ultimately

causing localized marsh erosion. Guidance from VIMS suggests construction of the boardwalk be no less than the same height above the wetland surface as it is wide to reduce potential shading impacts. The vinyl sill has come into question as an appropriate measure specifically the 12" coir log to be installed landward of the sill as noted in the 10-16-2020 report from DCR, M. Vanlandingham. The shared concern would be the life expectancy of the coir log and the effect of the transplanted marsh grasses should the coir log fail.

- (3) Has indigenous vegetation been preserved to the maximum extent possible? There are 23 trees, kudzu and various shrubs being removed within the 2.09 affected area as noted in the WQIA/LP submitted to the Town of Irvington.
- (4) Has land disturbance been minimized? The entire parcel consists of 23.66 acres. The shoreline wraps around three sides of the property, measuring approximately 1.4 mile. Due to the extensive amount of shoreline, 2.09 acres are involved in the buffer modification plan. To the extent possible, and as noted on the attached pictures, the majority of the shoreline is affected by active erosion.
- (5) Do the proposed mitigation plantings achieve the required pollutant removal functions of the buffer? 912 units will be installed in the RPA to mitigate for the 91,173 SF of land disturbance.
- (6) Is the project consistent with the local comprehensive plan requirements? The proposed project does not conflict with the current comprehensive plan, November 21, 2019.
- (7) Has access to the project been provided with the minimum amount of land disturbance? As noted on the Erosion and Sediment Control Plan, one point of entry has been identified as the "temporary construction entrance" off of Lancaster Road near existing tennis courts to minimize land disturbance on the property. One, 10' wide access road covered with logging mats will be maintained to prevent tracking or flow of mud onto public roads.
- (8) Does the project comply with the local erosion and sediment control regulations? Permit to be obtained through Lancaster County followed up with a land disturbance permit from the Town of Irvington.

Local Jurisdiction Recommendation:

Based on three site visits (10/7/2020, 11/20/2020, 12/8/2020) and consultation with Mike Vanlandingham, Shoreline Engineer, the Town of Irvington confirms there is active erosion along the shoreline of the Tides Inn that meets the Buffer Modification criteria (TC §154.153(C)(4a1-4) to install shoreline erosion control structures.

30 October 2020

Jay Woodward
Environmental Engineer
Virginia Marine Resources Commission
380 Fenwick Road, Bldg. 96
Fort Monroe, VA 23651

Dear Mr. Woodward;

We have reviewed the application for the Tides Inn shoreline on Carter's Creek in Lancaster County (VMRC #20-1674). This is an extensive project extending along approximately a quarter mile of shoreline and includes upland bank grading, low-profile breakwaters and beach nourishment, a rock and oyster sill, and a low vinyl sill wall with associated tidal wetlands plantings in addition to large timber boardwalk and pier structures. Scientists from the Department of Physical Sciences Shoreline Studies Group and Office of Research and Advisory Services contributed to this report.

There are two low rock breakwaters and associated beach nourishment proposed channelward of the existing bulkhead, beach area, and pool. The existing bulkhead appears to be functioning well and there are no signs of erosion at this location. The function of the proposed breakwaters and beach nourishment appears for creating a recreational beach. Should the proposed structures and nourishment be deemed necessary, we recommend that the proposed 3:1 channelward slope of the rock be increased to 2:1 to reduce the area of impacted subaqueous bottom. Additionally, there are oysters within the project footprint, so we recommend that they be removed prior to construction and replanted within the bounds of the Carter Creek Condemned Shellfish Area (#020-041), section F.

North of this area, between the existing pier to the east and floating dock to the west, there is a jurisdictional beach channelward of the Fish Hawk restaurant. There is a vinyl sill wall proposed channelward of this area to expand the beach. Such a structure will affect the natural sediment dynamics of the beach. Instead, we recommend consideration of adding sand nourishment or alternatively, installing the low breakwater structure and nourishment (described above) at this location where it would provide stabilization to an existing beach. In either case, the boardwalk proposed to start at the existing pier to the west of the beach could instead begin at the east side of the beach. Upland drainage has formed a channel extending from under the restaurant and through the beach, reworking beach sand. We recommend this upland drainage be addressed so that sediment is not transported from the upper portions of the beach to the creek.

The shoreline north of Windsor and Lancaster houses involves proposed upland bank grading and construction of a continuous vinyl sill wall and associated fill and wetlands plantings, a coir log immediately landward of the sill, and an elevated boardwalk channelward of the sill. The sill extends vertically to mean low water (MLW) with nourishment extending continuously to this elevation. The coir log is expected to degrade relatively quickly; however, it extends above MLW so we recommend a minimum five-foot gap be incorporated approximately every 100 feet to allow aquatic fauna to egress the wetland at low tide. Use of a vinyl wall as a sill is typically done when bathymetry increases steeply adjacent to the sill location and therefore unconsolidated materials (e.g. rock, shell bags) would not be

stable. In this case, bathymetry does not appear to preclude the use of other materials. Compared with a rock sill, the vinyl wall will provide less habitat and will reflect more wave energy, but will have a smaller footprint. Its low profile, extending vertically to MLW, will provide minimal protection to the landward marsh from wave energy or high water events, though wave energy is generally low in this area with the largest waves most often caused by boat wakes.

At the head of the small cove is a proposed rock sill with an oyster shell top. There are no details included on the application drawings regarding how this structure will tie into the adjacent vinyl sill walls on either side. As the rock sill extends to above mean high water (MHW), we recommend that gaps be incorporated at these transitions to allow for aquatic fauna egress at lower tides. The sill is proposed channelward of an existing vegetated tidal wetland so we recommend that construction access through this marsh be minimized to the greatest extent practicable to minimize impacts and the area that will need to be restored. There is little information regarding the "oyster garden" aspect of this area, only that shells will be incorporated into the sill above MLW and that spat will be planted between MLW and MHW. Note that the Department of Health Division of Shellfish Sanitation has condemned this area for the harvest of oysters (see Notice and Description of Shellfish Area Condemnation number 020-041, Carter Creek: <https://www.vdh.virginia.gov/content/uploads/sites/20/2016/05/cond020-041.pdf>).

North of the proposed rock and oyster shell sill and around the northern point of the property, the project again involves a vinyl sill wall and wetland planting; however, the boardwalk transitions from channelward of the sill to the landward side of the proposed wetland at the base of the graded upland which will include a retaining wall at its base. The height of the boardwalk above the wetland surface, both in this section and throughout the project, is not well defined; therefore, it may shade the proposed wetland plantings if it is not adequately high above the vegetation, particularly in this section as it transitions across the wetland. Shading that prevents vegetation from surviving under the boardwalk could promote destabilization of the sediment, resulting in localized marsh erosion. Should the boardwalk be deemed water dependent, we recommend that it be constructed no less than the same height above the wetland surface as it is wide to reduce potential shading impacts.

Throughout the project, behind sills and breakwaters, the nourishment proposed is "sandy clay" (noted in the application as 50% sand, 30% clay, and 20% silt) with clean sand for the top 12 inches. We recommend that all nourishment for wetlands and beaches be clean sand. Beaches are dynamic and sediment is likely to be reworked exposing the sandy clay and increasing local turbidity. Additionally, the sandy clay may impact the roots structure of the proposed wetlands planting as they extend beyond the sand cap and such fine sediment may not provide adequate drainage.

Please let me know if you have any questions or require additional information.

Sincerely,



Emily Hein
Assistant Director for Advisory Services

Virginia Marine Resources Commission
Permit Application 20201674

Printed: Thursday December 31, 2020 10:00 AM



Applicant: New Tides, LLC
480 King Carter Drive
Irvington, VA 22480

Application Number:	20201674	Engineer:	Jay Woodward
Application Date:	September 10, 2020	Locality:	Lancaster
Permit Type:	VMRC Subaqueous	Waterway:	Carter Creek (Rappahanock)
Permit Status:	Paid Application Fees	Expiration Date:	
Wetlands Board Action:	Approved as Proposed	Public Hearing Date:	December 10, 2020

Project Description: Living Shoreline @ Tides Inn

Project Dimensions:

Beach Nourishment: 2100 Cubic Yards

Breakwater: 315 Linear Feet

Bulkhead: 315 Linear Feet

Pier: 1170 Linear Feet

Sill: 1100 Linear Feet

Sill Fill: 67 Cubic Yards

Living Shoreline: 1100 Linear Feet

Fill/Plantings: 19166 Square Feet



THE TIDES INN | EXISTING CONDITIONS

Additional Info/Revision received
by VMRC on December 1, 2020 /lra



THE TIDES INN | PROPOSED PLAN

GLUCKMAN TANG | waterstreetstudio



Tides Inn: Irvington Town Council Meeting



THE TIDES INN | WINDSOR HOUSE BEFORE

Additional Info/Revision received
by VMRC on December 1, 2020 /lra



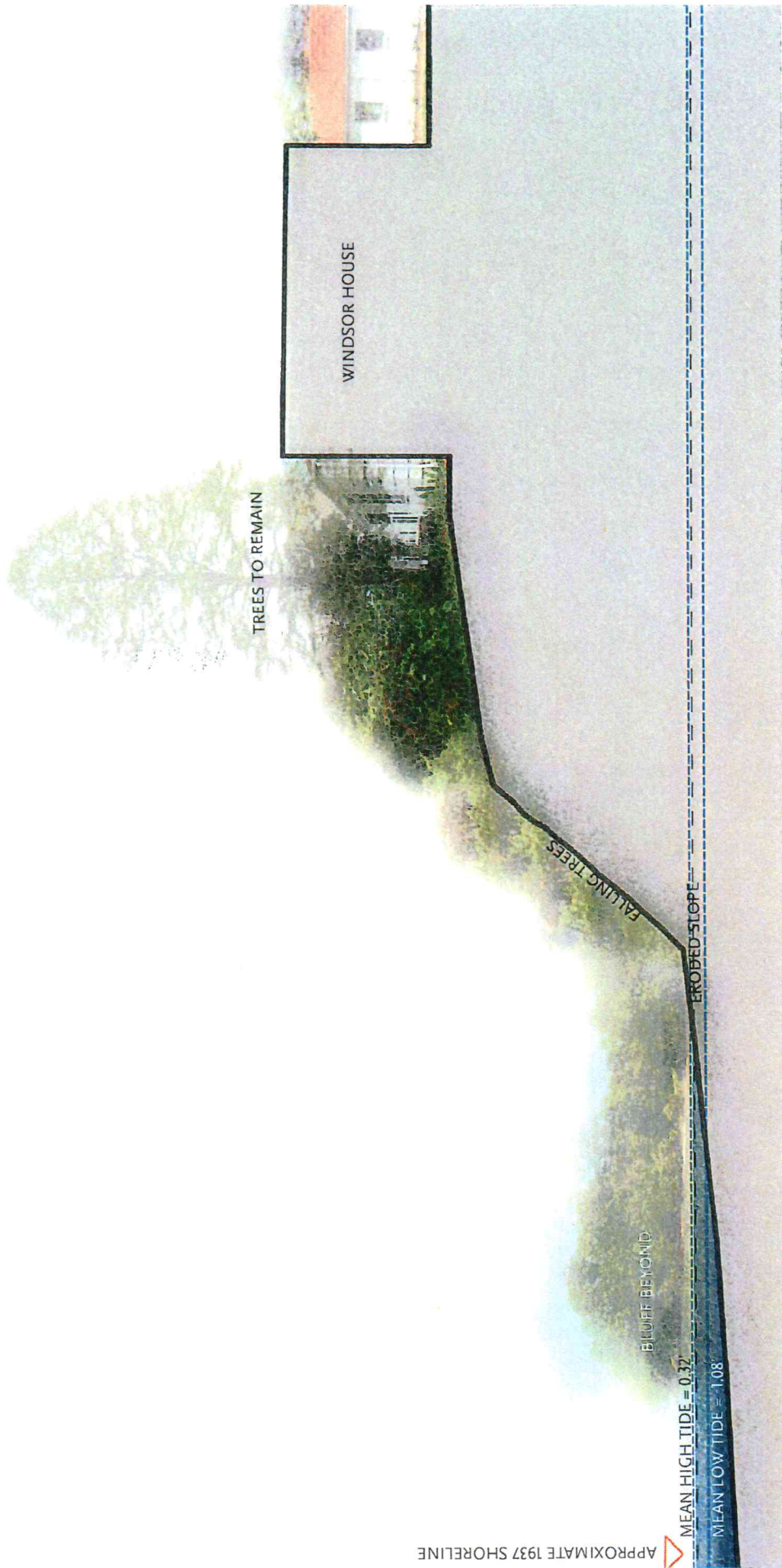
THE TIDES INN | WINDSOR HOUSE AFTER

GLUCKMANTANG | waterstreetstudio



Tides Inn: Irvington Town Council Meeting

Additional Info/Revision received
by VMRC on December 1, 2020 /lra



APPROXIMATE 1937 SHORELINE

THE TIDES INN | WINDSOR HOUSE BEFORE



THE TIDES INN | WINDSOR HOUSE AFTER

GLUCKMAN TANG | waterstreetstudio

Tides Inn: Irvington Town Council Meeting



THE TIDES INN | THE COVE BEFORE

Additional Info/Revision received
by VMRC on December 1, 2020 /lra



THE TIDES INN | THE COVE AFTER

GLUCKMANTANG |  | waterstreetstudio

Tides Inn: Irvington Town Council Meeting

APPROXIMATE 1937 SHORELINE

MEAN HIGH TIDE = 0.32'

MEAN LOW TIDE = -1.08'



THE TIDES INN | THE COVE BEFORE



APPROXIMATE 1937 SHORELINE

MEAN HIGH TIDE = 0.3'

MEAN LOW TIDE = 1.08'

OYSTER HABITAT

EXPANDED LIVING SHORELINE

EXISTING TREE TO REMAIN

SLOPE BEYOND

UPLAND SLOPE PLANTING

THE TIDES INN | THE COVE AFTER

GLUCKMAN TANG | waterstreetstudio

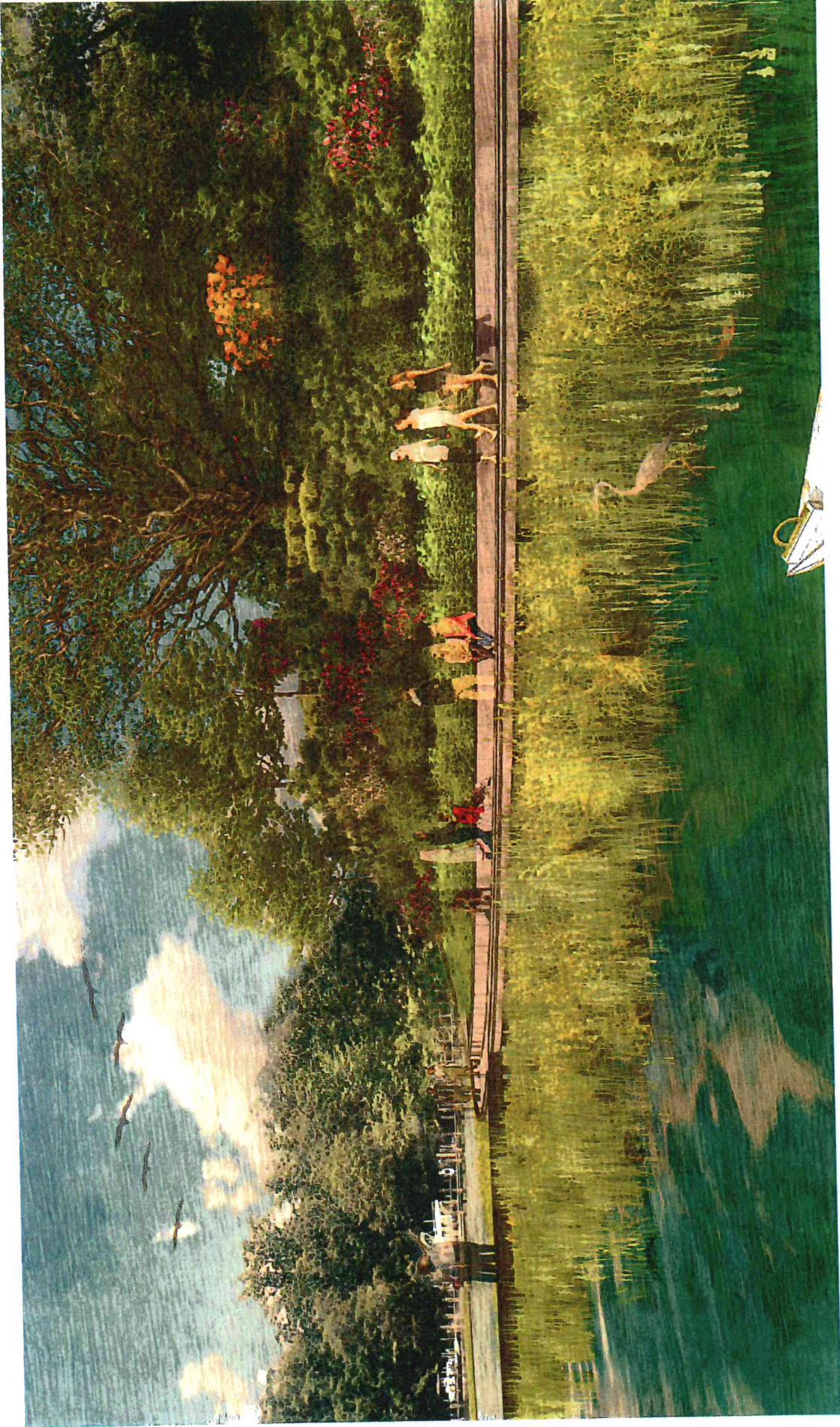


Tides Inn: Irvington Town Council Meeting



THE TIDES INN | THE BLUFF BEFORE

Additional Info/Revision received
by VMRC on December 1, 2020 /lra



THE TIDES INN | THE BLUFF AFTER

GLUCKMAN TANG | waterstreetstudio



Tides Inn: Irvington Town Council Meeting

APPROXIMATE 1937 SHORELINE

MEAN HIGH TIDE = 0.32'

MEAN LOW TIDE = 1.08'

FALLING TREES

ERODED SLOPE

CHESTNUT OAK TREES TO REMAIN

THE TIDES INN | THE BLUFF BEFORE

APPROXIMATE 1937 SHORELINE



CHESTNUT OAK TREES TO REMAIN

SEAT WALL

SWIMMING AND KAYAK DOCK

MEAN HIGH TIDE = -0.32'

MEAN LOW TIDE = -1.08'

LIVING SHORELINE

GRANDPINE PLANTING 21'

THE TIDES INN | THE BLUFF AFTER

GLUCKMAN TANG | waterstreetstudio



Tides Inn: Irvington Town Council Meeting