



**TOWN OF IRVINGTON, VIRGINIA
TOWN COUNCIL PUBLIC HEARING
IRVINGTON BAPTIST CHURCH
TUESDAY, MARCH 9, 2021 6:00 PM**

NOTICE: the Irvington Town Council will hold a Public Hearing on Tuesday, March 9, 2021 at 6:00 PM; Irvington Baptist Church.

AGENDA

1. CALL TO ORDER – Mayor Bugg

Mayor Bugg: I will go ahead and call this meeting to order. This is the Town of Irvington, Virginia Town Council Public Hearing held on March 9, 2021, 6:00 p.m. at the Irvington Baptist Church. I have called this meeting to order. We will start with roll call.

2. ROLL CALL – Mayor Bugg

Mayor Bugg present.

Members of Council Present: Frances Westbrook present.
Bonnie Schaschek present.
Wayne Nunnally present.
Jackie Brown present.
Anthony Marchetti present.
Dudley Patteson present.

Staff Present: Lara Brown Zoning Administrator
Nancyellen Keane, Esq., Town Attorney
Sharon Phillips, Town Clerk, FOIA Officer

Guests Present: See attached sign in sheet

3. PUBLIC HEARING

Mayor Bugg: Thank you council. That will bring us to the portion of this meeting, the public hearing which is the whole purpose of this meeting. We will start with item #1 which is the Rezoning Application 2020.RZ2_ICN Enterprises.

1. Rezoning Application 2020.RZ2_ICN Enterprises

Mayor Bugg: We will start with item #1 which is Rezoning Application 2020.RZ2_ICN Enterprises. The town seeks public comment on the rezoning of parcel Tax Map #33 422 from R-1 to B1; at 4203 Irvington Road. Is there anyone from the public that would like to speak about this? Mrs. Brown would you like to speak on this?

Lara Brown: I just want to read a letter from Vineyard Meadow and Vineyard Row Development with regard to this application. Vineyard Grove and Vineyard Meadow that



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they do not support rezoning to B1. While we understand that B1 would be consistent with the adjacent properties and shop fronts to the south, we are concerned that the B1 designation is overly permissive allowing some uses which are inconsistent with the charm and village and character of this area of the town. While it is unlikely to be the intention of the current applicant, allowing future by-right uses such as service stations and supply yards to be inappropriate for the location. So, I just wanted that to go on record.

Mayor Bugg: Thank you. Council any comments, any questions for Mrs. Brown.

Wayne Nunnally: Would they have to get a CUP to get a service station.

Lara Brown: All uses permitted in B1 and B2 require a CUP.

Bonnie Schaschek: But across the street and next door they are all R1's why would we do B1 versus a B2 which is the transition from residential to business?

Lara Brown: Directly to the right of the property all the way down to ? shops and ? are all B1. To the left of this parcel is R2. Across the street from the parcel is R1 until you get to the blue house that sits, and then it starts with B1 again down to the office, Café, The Dandelion, and the church, all that's B1.

Anthony Marchetti: I also think the square footage of the building is too big for it to be B2, so I think it's B1 or not at all.

Lara Brown: The applicant has withdrawn their option, is the applicant here? Or the applicant's agent, no. They wish for the application to be considered only for B1 right now, B2 is not in their application any longer as an option.

Anthony Marchetti: There is a square footage requirement on B2, and I believe that the building exceeds what is allowed in B2, square footage wise.

Lara Brown: And the applicant...

Anthony Marchetti:so I don't think it can be B2.

Lara Brown: And the applicant also stated that B2 designation would no longer allow it to be residential use in the future which is what it was prior to them renting it to the Town for a Town Office. The public hearing part of this you know we can discuss, Town Council meeting.

Frances Westbrook: Question. Does anyone know how far on either side of Irvington Road that the comprehensive plan addresses, it seems to me, I don't know how far it goes but we address the issues future uses and what they might be going towards Kilmarnock,



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and I thought it went up to the Vineyard, so if that's the case then we anticipated perhaps it being B1 or B2 sometime in the future. Is that?

Lara Brown: To the Vineyard, yeah.

Frances Westbrook: To the Vineyard, I thought that was the case, I just wasn't sure.

Mayor Bugg: Anyone else? With that that will take me to Item #2.

2. Conditional Use Permit Application #2020.CUP12_ICN Enterprises.

Mayor Bugg: Conditional Use Permit Application #2020.CUP12_ICN Enterprises.MB The town seeks public comment on a conditional use permit for a Town Office in B-1; Tax Map #33 422 at 4203 Irvington Road. Does the public have any comment on that? Mrs. Brown, council, anything further? That takes care of that one. Okay number 3.

3. Conditional Use Permit Application # 2020.CUP17_Stephens

Mayor Bugg: Conditional Use Permit Application #2020.CUP17_Stephens. The town seeks public comment on a 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. Does anyone from the public have any comments about that? Mrs. Brown, or council?

Lara Brown: No.

Mayor Bugg: Nothing further I'll move on to Item #4.

4. Conditional Use Permit Application #2020.CUP13_SandersRobinson.

Mayor Bugg: Conditional Use Permit Application #2020.CUP13_SandersRobinson. The town seeks public comment on a new pier for private use; Tax Map #33 252B; M-1 at Carters Creek Road/King Carter Drive. Does the public have anything to say about that application?

Fred Minton: I have a question.

Mayor Bugg: Yes sir. Could you please stand and state your name and address?

Fred Minton: There seems like to me there are four pier requests for that property.

Lara Brown: Four separate applications, four separate pier requests, yes sir.



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Fred Minton: How many slips are we talking about?

Lara Brown: It's one residential pier on each of the four parcels.

Fred Minton: So is this a precursor to the ?

Lara Brown: No.

Fred Minton: It's commercial?

Female: No, it's private.

Fred Minton: It's private.

Lara Brown: Four residential properties.

Fred Minton: Four slips....

Lara Brown: Four piers, four piers, four residential private piers.

Fred Minton: Got it.

Bonnie Schaschek: Do them all at once.

Mayor Bugg: Yeah.

Wayne Nunnally: Do ya'll remember if that replaces 27 slips....

Lara Brown: Sir?

Wayne Nunnally: Do ya'll remember was that 27 slips is that right...

Lara Brown: 45.

Wayne Nunnally: 45, so now we are going down to 4.

Mayor Bugg: For the record, you know what I'm going to do, I'm going to read all of them so we can talk about all of them at once, so we don't have to go through each one individually. I am going to move to Item, #5 and I will read that for the record.

5. Conditional Use Permit Application #2020.CUP14_SandersRobinson



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Mayor Bugg: Conditional Use Permit Application #2020.CUP14_SandersRobinson. The town seeks public comment on a new pier for private use; Tax Map #33 252A; M-1/R-1 at Carters Creek Road/King Carter Drive.

6. Conditional Use Permit Application #2020.CUP15_SandersRobinson MB

Mayor Bugg: Item #6 Conditional Use Permit Application #2020.CUP15.Sanders Robinson MB. The town seeks public comment on a new pier for private use; Tax Map #33 252; M-1/R-1 at 902 King Carter Drive.

7. Conditional Use Permit Application #2020.CUP16_SandersRobinson

Mayor Bugg: And lastly, Item #7 Conditional Use Permit Application #2020.CUP16_SandersRobinson. The town seeks public comment on a new pier for private use; Tax Map 33 252A; M-1/R-1 at XX King Carter Drive. So, we will talk about all these, all four items at once now. Thank you, Bonnie, for that reminder. Anyone else from the public? Yes ma'am, if you can please state your name and address that would be appreciated.

June McGeorge: My name is June McGeorge, 220 Sanders Lane. I am an owner and member of Crockett's Landing, Inc. I am here to represent all the board members and owners of our corporation. In regards to CUP16 and as adjacent property owners, we have a cause for our attorney to object to this application. In 2013 we signed an agreement with the previous owners Bruce Sanders and have a dated, recorded, dated bound readjustment which outlines a 60' fairway between our dock and any future docks built on the adjacent property. While we want to be a good neighbor with Mr. Robinson and don't object to him building docks within his boundary. He is asking for us to vacate this fairway and readjust the boundaries. This would impede our ability to properly run our marina and we do not wish to readjust this boundary line and our president of our Corp. has given Lara the court documents, the deed and the agreement, so you do have those documents where it does outline the 60' fairway which would infringe upon us.

Mayor Bugg: Thank you.

Wayne Nunnally: How much infringement is it?

Lara Brown: I'm not, I think his dock would come out....

June McGeorge: There's a drawing and you have it, and it would infringe upon the 60' that we're allowed.

Mayor Bugg: While you're up there sir, could you just give your name and address.



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Snowy McGeorge: I'm her husband.

Mayor Bugg: Same address?

Snowy McGeorge: Yep.

Mayor Bugg: Got it.

[a lot of background talking]

Mayor Bugg: [gavels].

Frances Westbrook: I see what you're saying.

Mayor Bugg: Thank you. Anyone else from the public?

Barry Robinson: My name is Barry Robinson and...

Mayor Bugg: Yes.

Barry Robinson: I'm the owner of these parcels and while I understand the feedback from my neighbors here, I am also a little frustrated to begin with because Carroll Davies reached out to me a month ago, myself, I believe. The zoning administrator did not have any issues with this, we agreed after I offered to give them additional rights. All they wanted to do is vacate this fairway at my cost and I had the legal agreement drawn and given to them in 24 hours, now today at the last minute I hear there is an objection. I too did a little bit of research and spoke to Jay Woodward of the VMRC and interestingly enough this agreement that is referred to is not valid. Two parties, two private parties cannot give deeded rights to water. The State of Virginia owns the water. There is only one governing body who can do that and that is the VMRC, point one. Point two, if you want to refer to this agreement, it is pretty clear in here that refers to a commercial pier that is going to be built and only concurrently, concurrently with that commercial pier being built with this 60' fairway be in effect. This is a private pier only going out 100', clearly does not impact any repairing rights, the repairing line of this pier is 30' from the pier which refers to in here is a fairway in the event a commercial pier is built, so my request is that these permits be approved. Mr. Woodward and my legal counsel says that this governing body right here has no jurisdiction over this. This is a by-way pier and I am certainly willing to work with my neighbors here as I offered well over a month ago, but you know coming up with this red light at this point in time I think is disappointing. Okay, again, Jay Woodward said he would be happy to talk to owners and explain to them that no two people can give the rights to water to anyone. This is the equivalent of if my neighbor across the street and I reach an agreement and said I'm going to give you rights to the street that is publicly owned, I can get that recorded, when you record a document, nobody reads it for its legality. All it



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is is a recorded document. So, it appears there's an objection and we can't work it out we'll settle it in court is all I have to say. Not to be rude here, but I also have the right if you want to use this agreement, to go to the end of the pier and use a chain saw and cut off 5' of their pier. It also says that in here too. That's all I have to say.

Mayor Bugg: Thank you.

June McGeorge: May I....

Mayor Bugg: Yes.

June McGeorge: This is an attorney matter which is we have been advised we have a boundary line that states the 60' fairway so to me this is an attorney matter. I don't see how the town can be involved giving permits when there is an infringement. So, like I say our attorney has advised us to object.

Mayor Bugg: Council. Mrs. Brown anything?

Lara Brown: No.

D. ADJOURN

Mayor Bugg: Thank you. With that, that covers all the items that we want to discuss at the public hearing. Is there a motion to adjourn?

Wayne Nunnally: Motion to adjourn yeah.

Mayor Bugg: Is there a second?

Anthony Marchetti: Second.

Mayor Bugg: All in favor?

Group: Aye.

Mayor Bugg: Opposed. We are adjourned.

Wayne Nunnally: Before you do that, I would like to comment on one of our members T-Shirts. I think it is so appropriate.

Mayor Bugg: What's up Doc. Thank you.

Respectfully submitted,

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Sharon L. Phillips, Clerk

Albert D. Bugg, III Mayor