

33-262
and
33-260B



Application for Conditional Use Permit

Town of Irvington

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

\$200

Internal Use Only	
RECEIVED	11.18.2020
APP FEE PD	ck # 1739
APPLICATION #	_____
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): Kim and Jessie Hillenbrand

Tax Map Parcel(s): 33-262 and 33-260B

Address/Location: 81 Carters Creek Road

Deed Restrictions: Yes ___ No X (If yes, attach copy of deed) **Current Zoning** _____

Proposed Use: Short Term Rental (STR)

Acreage of Parcel: 0.672 **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: Kim and Jessie Hillenbrand

Address: 64 15th Street NE

City: Washington **State:** DC **Zip:** 20002

Phone Number: 202.329.4152 **Email address:** kimhillenbrand@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:

N/A

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.

Please see Attachment A.

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.

Please see Attachment A.

Attachments Required – provide three copies of each

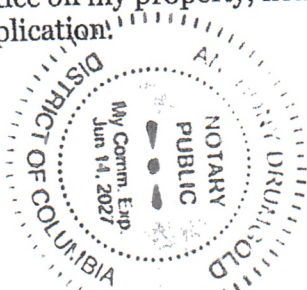
1. *A scale drawing showing the size and shape of the parcel of land on which the proposed use is located. Scale drawing shall show the size and shape of the parcel of land on which the proposed building is to be constructed, the nature of the proposed use of the building or land and the location of 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) Kim Hillenbrand, 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.



[Signature] 11/17/2022
Signature of Owner or Agent Date
64 15th Street NW Washington DC 20002 202.329.4152
Mailing Address Phone No.

Subscribed and sworn to before me this 17 day of Nov, 2022.

06/14/2027
My Commission Expires [Signature]
Notary Public

Signature of Property Owner Date

Mailing Address Phone No.

Subscribed and sworn to before me this ___ day of _____, 20____.

My Commission Expires Notary Public

Attachment A

Q: 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,

A: We are requesting a conditional use permit (CUP) operating a short-term rental (STR) at our second home, 81 Carters Creek Road, Irvington, VA 22480. We purchased this property to spend more time in Irvington. During certain periods of time when we are not using the property, we would like to have the option or ability to offer a short-term rental to our friends. Prior to purchasing, we had been spending almost five weeks per year renting STRs throughout Irvington. Having had such a great experience, we want to share the wonderful aspects of Irvington and the Northern Neck with friends and family, as an STR, when we are not using it. Any use as an STR will follow the rules and ordinances in place by the Town.

While we live in Washington, DC, we have been in contact with local individuals who can act on our behalf who can promptly assist with issues or emergencies that may arise when the property is being operated as an STR.

Q: 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.

A: N/A

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;

Applicant Answer: The operation of a STR on our property under a CUP will not adversely affect the public health, safety, morals and general welfare of the Town of Irvington and its residents and visitors. Operations of our STR will be in accordance with recent town Ordinance Amendments #2022-10 and #2022-05 and the Town of Irvington Ordinances Title XI and XV. Operations will 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;

Applicant Answer: The establishment of the CUP for a an STR would allow families to vacation in our home and enjoy the Town of Irvington. We will not permit inappropriate behavior or activities that would be a detriment to the neighborhood, environment, or surrounding properties. The use of the property as an STR will be in accordance with all laws, ordinances, and rules of the Town of Irvington.

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;

Applicant Response: The operation of an STR will be compatible with the surroundings. Currently there are a number STRs near the property and there are three commercial or

business properties (Rappahannock Yachts, Rappahannock River Yacht Club, and Create Designs of Virginia) within 300 feet of the property.

4. That proper landscape designs detailing plantings, screening for sight and sound and proper buffers be provided, that only certain appropriate activities shall occur;

Applicant Response: Acknowledged.

5. Adequate utilities, and off-street parking are provided;

Applicant Response: Applicants have off-street parking that exceeds the maximum occupancy of the property. The off-street parking area can accommodate more than six cars. Occupancy will not exceed what the properties septic system is rated for. All utilities are in working order and the Applicants had a home inspection prior to purchase in August 2022. This included a thorough inspection and draining of our septic system.

6. That soil erosion and sedimentation be avoided;

Applicant Response: Acknowledged.

7. The height, area, yard and sign limitations shall be the same as for other uses in the district;

Applicant Response: There will be no changes to the property that would deviate from other uses in the district.

8. That businesses and other operations be carried out only at appropriate times;

Applicant Response: Operations as an STR will be in accordance with the Town's new STR Regulations and Town Ordinances.

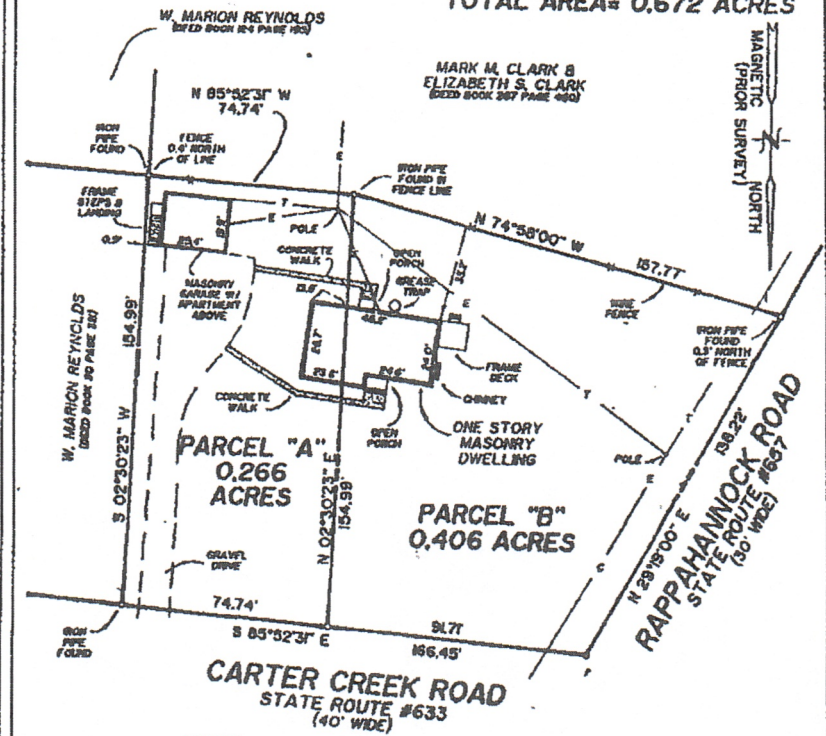
9. The establishment of the CUP is not in conflict with the Comprehensive Plan;

Applicant Response: The CUP will not conflict with the Town's 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.

Applicant Response: While the CUP will allow the use of the property as an STR, the property will still remain a residence for us.

TOTAL AREA= 0.672 ACRES



NOTES

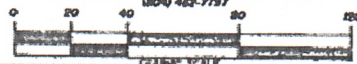
1. THE LAND SHOWN HEREON IS NOW IN THE NAME OF CHESAPEAKE NATIONAL BANK, TRUSTEE AS RECORDED IN DEED BOOK 183 AT PAGE 679 AMONG THE LAND RECORDS OF LANCASTER COUNTY, VIRGINIA.
2. THE PROPERTY DELINEATED HEREON IS LOCATED ON ASSESSMENT MAP 33-2 PARCELS 2608 & 262.
3. THE DWELLING AND GARAGE-APARTMENT ARE LOCATED WITHIN THE LIMITS OF FLOOD ZONE "X" (OUTSIDE THE 500 YEAR FLOOD PLAIN) AS DELINEATED ON FEMA FLOOD MAP (COMMUNITY PANEL NO. 510221 000B) EFFECTIVE DATE OF AUGUST 4, 1987.
4. THIS SURVEY HAS BEEN PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND DOES NOT NECESSARILY INDICATE ALL ENCUMBRANCES ON THE PROPERTY.

E-T-C DENOTES OVERHEAD ELECTRIC, TELEPHONE AND CABLE T.V. WIRES

BOUNDARY SURVEY OF THE LAND OF CHESAPEAKE NATIONAL BANK, TRUSTEE

TO BE CONVEYED TO WILLIAM B. BOWER TOWN OF IRVINGTON LANCASTER COUNTY, VIRGINIA SCALE 1"=40' JULY 21, 1995 CHARLES R. PRUETT CERTIFIED LAND SURVEYOR LANCASTER COURTHOUSE, VIRGINIA (804) 452-7757

Surveyor's signature and seal for Charles R. Pruett, dated 7/25/95.



95-133-L

Virginia, to wit: In the Clerk's Office of the circuit court of Lancaster County, the 1st day of September, 1995. The foregoing was presented and with \$120.00 in State Tax \$40.00 County Tax, and with plat attached, was admitted to record at 4:40 o'clock P. M. and with \$80.00 Tax under Section 58.54B all aforesaid taxes having been paid.

TESTE: [Signature] Clerk-By-Clerk