

CUP - Harding + Boyd

33-397

Application for Conditional Use Permit



Town of Irvington

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

Internal Use Only	
RECEIVED	<u>3/17/23</u>
APP FEE PD	<u>ck. # 1014</u>
APPLICATION #	_____
PC Public Hearing	_____
TC Public Hearing	_____

\$200

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): Harding + Boyd LLC

Tax Map Parcel(s): # 33 - 397

Address/Location: 205 Steamboat Road Irvington VA 22480

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

Proposed Use: Short Term Rental

Acreeage of Parcel: .178 Overlay District(s): Chesapeake Bay ___ Yes No

Is this an amendment to an existing conditional use permit? If so, provide CUP number: _____	<input type="checkbox"/> Yes	<input 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 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 type="checkbox"/> No

Owner or Agent Contact: Harding + Boyd LLC

Address: PO Box 714

City: Irvington State: VA Zip: 22480

Phone Number: (804)436 2018 Email address: amber@braggco.com

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

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.

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.

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) Harding = Boyd LLC, 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 of Owner or Agent	Date
Mailing Address	Phone No.

Subscribed and sworn to before me this 1 day of _____, 20____.

My Commission Expires	Notary Public
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<u>A. Wall</u>	<u>3-78-23</u>
Signature of Property Owner	Date
<u>PO Box 714 Irvington VA 22480</u>	<u>22480</u>
Mailing Address	Phone No.
	<u>8044362018</u>

Subscribed and sworn to before me this 18 day of March, 2023.

<u>Sept. 30, 2026</u>		<u>Katie A. Parker</u>
My Commission Expires		Notary Public

OPERATING AGREEMENT

OF

HARDING & BOYD, LLC

THIS OPERATING AGREEMENT, effective as of March 23, 2022, is entered into by and between **BRENDAN WALKER**, individually, **AMBER WALKER**, individually, and **ROBERT BOYD BRAGG, IV** and **CAMILLE K. BRAGG, TRUSTEES UNDER JOINT TRUST MADE BY ROBERT BOYD BRAGG, IV AND CAMILLE K. BRAGG DATED DECEMBER 16, 2019** (each a "Member" and, collectively, the "Members").

WITNESSETH:

In consideration of the covenants and mutual agreements hereinafter set forth, the parties hereto (hereinafter collectively referred to as the "Members") agree as follows:

1. **FORMATION OF LIMITED LIABILITY COMPANY.** The Members form a limited liability company (hereinafter referred to as the "Company") pursuant to the provisions of the Virginia Limited Liability Company Act, Section 13.1-1100, et seq., Code of Virginia (1950), as amended ("Act").

2. **GENERAL PROVISIONS.**

A. Name. The name of the Company shall be Harding & Boyd, LLC and all business of the Company shall be in that name. The business of the Company may be conducted under such trade or fictitious names as the Managers deem advisable.

B. Purpose. The primary purpose of the Company is to own real estate for investments purposes and to share in the benefits of ownership and the revenues generated thereby, and the general purpose of the Company is to engage in such other activities permitted under the laws of the Commonwealth of Virginia governing limited liability companies.

C. Principal Office. The principal office and place of business of the Company shall be located at 361 Greenfields Lane, White Stone, Virginia 22578 or such other place as the Members or Managers may from time to time determine following notice to the Members.

D. Term. The period of duration of the limited liability company shall be perpetual unless terminated in accordance with the provisions of Section 12 of this Agreement.

E. Taxation. The Company intends to be treated for local, state and federal tax purposes as a partnership and shall conduct its business in such a manner as to comply with the requirements to be treated as such a partnership.