



# 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	8-17-2023
APP FEE PD	_____
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): HAYDEN DUBAY

Tax Map Parcel(s): 33 264

Address/Location: 992 KING CARTER

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

Proposed Use: \_\_\_\_\_

Acreage of Parcel: 0.49 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 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 checked="" 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 checked="" type="checkbox"/> No

Owner or Agent Contact: HAYDEN DUBAY

Address: 2788 RIVER ROAD

City: VIRGINIA BEACH State: VA Zip: 23454

Phone Number: 757-901-9201 Email address: HDUBAY@DUBAYPROPERTIES.ORG

Official Owner(s) of Record (If different than applicant): \_\_\_\_\_ .COM

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:

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.

N/A

PLEASE SEE ATTACHED  
WRITTEN STATEMENT

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.

N/A

PLEASE SEE ATTACHED  
WRITTEN STATEMENT

**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) DAVID DUBAY, 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.

<u>David Dubay</u>	<u>10 AUGUST 2023</u>
Signature of Owner or Agent	Date
<u>2788 RIVER ROAD</u>	<u>757-901-9201</u>
Mailing Address	Phone No.

Subscribed and sworn to before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

_____	_____
My Commission Expires	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



©CVR/15







LOT LOCATOR SURVEY  
FOR CONFORMANCE TO  
**ALBERT D. BUGG, III**  
**ADRANNE C. BUGG**  
TOWN OF IRVINGTON  
LANCASTER COUNTY, VIRGINIA

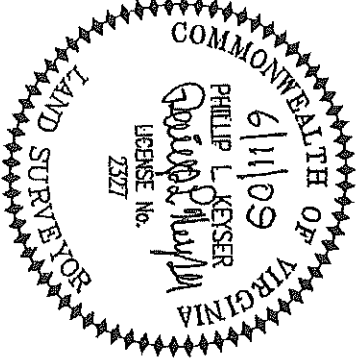
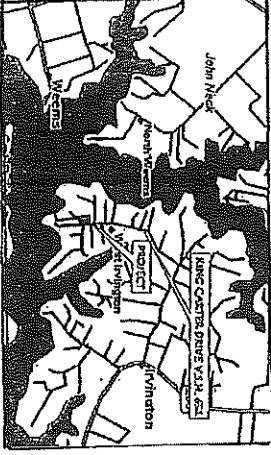
804-306-3275

GENERAL NOTES

- 1) THIS SURVEY DOES NOT REFLECT TOPOGRAPHIC FEATURES AND \ OR SOIL STUDIES.
- 2) THIS SURVEY PREPARED WITH THE BENEFIT OF OF A TITLE REPORT. SEE TITLE REPORT FOR COMPLETE DESCRIPTION OF PROPERTY.
- 3) PROPERTY REFERENCES: INSTRUMENT #200001080
- 4) PROPERTY IS SHOWN IN THE NAME OF: THOMAS H. AND SUSAN D. ROYALSON

NOTE: ALL LINES DETERMINED BY PREVIOUS SURVEYS AND FOUND POINTS. A VARIANCE WAS GRANTED BY THE TOWN OF IRVINGTON BOARD OF ZONING APPEALS ON FEBRUARY 10, 2004 TO ALLOW RECONSTRUCTION OF THE FRONT PORCH SETBACK OF THE PROPERTY. THE EXISTING PORCH IS TO BE DEMOLISHED AND A NEW PORCH IS TO BE CONSTRUCTED. THE AREA DETERMINED TO BE OUTSIDE 500 YEAR FLOOD PLAIN. SEE COMMUNITY PANEL #10221 0007 B. FLOOD INSURANCE RATE MAP, TOWN OF IRVINGTON, LANCASTER COUNTY, VIRGINIA FOR FLOOD INFORMATION.

LOCATION MAP



THOMAS H. & SUSAN D. ROYALSON  
ERENIDA L. ASCH  
INSTRUMENT #200003342  
TM 33-269

LINDA JEAN SEBRA  
JOYCE LEE LAMPROY  
HARRON RAY REMOULDS TRUSTEES  
INSTRUMENT # 2006522  
DB 104 PG. 247  
TM 33-269F

RICHARD E. HERBIL  
LILLIAN C. HERBIL  
INSTRUMENT #20052266  
TM 33-263



GRAPHIC SCALE  
(IN FEET)  
1 inch = 20 ft.

388.24'±  
1.34' TO FD. PIPE  
IN BASE OF PINE TREE

RAILWAY ROAD  
V.S.H. 721  
30' WIDE

0.453 AC.

382 KING CARTER DRIVE

KING CARTER DRIVE  
V.S.H. 634  
30' WIDE

I CERTIFY THIS PERMETER SURVEY IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF SUBJECT TO EXISTING SURVEYS AND COMPANYS OF RECORD. THIS SURVEY IS BASED ON A CURRENT FIELD SURVEY.

DATE: JUNE 11, 2009 SCALE: 1" = 20'  
SURVEYOR: PHILLIP L. KEYSER  
FIRM: TOMLIN & KEYSER, INC.  
909 JESSE DUPONT HIGHWAY, P.O. BOX 98  
BURKESS, VIRGINIA 22642  
DRAWN BY: PLY JOB NO. LS 1463  
CHECKED BY: PLY FLD. NO. DATE  
DRAWING NAME: BGG0909



Town of Irvington  
P.O. Box 174  
Irvington, Va 22480

RE: Application for Conditional use Permit: 992 Carters Creek Road

We are the new owners of 992 Carters Creek Road. We are a family based out of Virginia Beach and have acquired this home in Irvington as a family home. We intend to occupy the home as often as possible but would like the opportunity to share the home with others, even if it's just a few times a month. We expect use of the home by others to be minimal since we will be using it routinely as a family gathering place.

We are of the opinion that the establishment and operation of this conditional use permit will not adversely affect anyone in the Irvington community. We are good neighbors with extensive experience in the ownership, renovation and maintenance of our own properties. The home itself is beautiful, well built, well-appointed and we intend for it to remain as such. The home and property will be unaltered, but excellently maintained as will be the landscaping. The home will continue to present and appear as it currently does on the property. No major additions are planned for the home or the property in the foreseeable future. Any possible future additions will be compliant with the Chesapeake Bay Act and will be submitted with the necessary plans and drawings. At the present time, none are planned.

We are not aware of anyway that the conditional use permit we are applying for would be incompatible with surrounding or nearby uses. This will be addressed if any objections or obstacles arise.

The real estate company we own and manage has been in business for over forty years. We take great pride in the quality of the properties we own and maintain. We have a full staff to assist with property issues whenever they arise, but are planning on utilizing support and assistance from inside the Irvington community for management, maintenance and any future projects with respect to this home. As stated, the exterior of the home will remain unaltered.

We have a long family history of spending time in Irvington and are looking forward to becoming part of the community. We

are happy to comply with any request for approval of this conditional use permit. There are no erosion issues whatsoever with respect to the property. The property has sufficient driveway/ on premises parking so off street parking is not an issue. We agree to the final limitations provided in numbers 5-10 of the guidelines for Conditional Use permit applicants.



Hayden DuBay ESQ.  
President, DuBay Properties

