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# TOWN OF IRVINGTON

## PLANNING COMMISSION

### REGULAR MEETING SUMMARY MINUTES

*Tuesday, September 1, 2026 · Irvington Town Center*

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#### Call to Order and Roll Call

Chair Tom Chapman called the regular meeting to order. Records were confirmed on.

Members present:

| Member Name               | Present | Member Name   | Present |
|---------------------------|---------|---------------|---------|
| Tom Chapman (Chair)       | X       | Steve Strait  | X       |
| Viv Ralls (Secretary)     | X       | Jeremy Taylor | X       |
| Marston Smith             | X       | Ruth Fuller   | X       |
| David Clarke (electronic) | X       |               |         |

There was no objection to electronic participation. David Clarke joined, and the Chair noted a full Commission.

Staff present: Justin, Town Administrator. Others present included Lara Brown and members of the public.

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#### Approval of Minutes

A motion to approve the minutes of the June 2, 2026 meeting was made and carried unanimously.

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#### Chair's Report

Chair Chapman apologized that ordinance amendments already discussed by the Commission had not been put in resolution form and taken to Town Council in time. The Town Council had noted the delay. He had spoken with Phil, Sam, and the Mayor, who accepted the apology.

Items already reviewed by Council now need to be drafted individually as code-amendment resolutions, sent to the Town Attorney, and scheduled for public hearing under Virginia Code § 15.2-2204. Combining them, including definition changes recommended earlier, is not how the Clerk says the Town Charter allows them to move. Charles provided boilerplate the Chair can use.

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#### Proposed Overlay / Renaissance Group

Members had seen a proposal from the Renaissance Group, and an addition. There was discussion of an email, received the day of or the day before the meeting, advising that the matter not be discussed at this point. The Chair stated the proposal is not ready for action. A public meeting noticed in the paper is a presentation by the proponent, not a Town-sanctioned meeting. Members may attend, consistent with guidance from Town Attorney Kelly on attendance. The Town has taken no action. No Commission action was taken.

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#### Public Comment

Lara Brown, 39 Madcap Lane, Irvington, asked about accessory setbacks and possible ADU language and left written questions with the Chair.

She said a 25-foot setback for accessory buildings over 300 square feet was discussed in 2025 as part of an earlier Chapter 154 amendment, but does not appear in the current code. The Chair confirmed it has not been adopted. It is one of the items not yet put in proper ordinance form. He said the language the Commission had moved and approved is the 25-foot setback for accessory buildings over 300 square feet.

She asked whether that setback is also intended for detached ADUs over 300 square feet. The Commission said that is still under discussion.

She cited Virginia Code § 15.2-2292.4(E)(1): a locality may not require a rear or side setback for an ADU greater than the setback for the primary dwelling or for accessory structures on the lot, whichever is less, and may not impose ADU restrictions more restrictive than those for single-family dwellings in the same district as to height and rear or side setbacks. She asked how a 25-foot setback for a detached ADU over 300 square feet would interact with those provisions, and asked Council and the Commission to consider whether accessory-building and ADU rules taken together are consistent with state law. The Chair said they will have to be, and that the Commission has not yet discussed the interaction in detail.

No other public comment.

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## **Town Administrator Report**

No report.

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## **Old Business: Chapter 154 Code Changes**

About seven items are in process. Three or four are ready once placed in proper form. The Chair will draft that language.

Accessory structures had previously been discussed at up to 700 square feet with a 25-foot setback, versus the current 300 square feet and 10 feet. The Chair's view is that accessory-structure and ADU size limits should be consistent. That item was left open pending the SB 531 discussion. No separate motion was taken at the start of old business.

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## **Old Business: SB 531, Accessory Dwelling Units**

Steve Strait and Ruth Fuller presented draft ordinance language. The Town considered ADUs about two years ago and did not proceed. State law now requires ADUs to be enacted before July 2027. Action can be sooner, but is not required this year. The draft was written as ordinance text.

Draft points reviewed:

- One ADU per single-family lot. Not permitted on multifamily lots. Proposed for single-family lots in R-1 and R-2. A lot with a duplex would not also have an ADU. R-1 lots that may allow a duplex, but that have only one residence, could still have an ADU if it fits.
- Maximum size shown as 700 square feet, in brackets for discussion. Seven hundred was described as about a two-bedroom unit. The state minimum is 500 square feet.
- Attached ADU to follow primary-dwelling setback, height, coverage, and frontage. Detached ADU to follow accessory-building setbacks. Current code treats a structure attached to the main building as part of the main building. Members noted that "attached" needs to be clarified so a lawful attached or converted ADU is not written out of the ordinance.
- Building code, including the Uniform Statewide Building Code, water, sewer, septic, emergency access, and flood zone. Certificate of occupancy required. A mobile or manufactured home on

wheels would not qualify, even on a foundation. Modular or stick-built construction meeting code would.

- One off-street parking space in addition to spaces required for the primary dwelling.
- No rental of the ADU for less than 30 days. The draft also would keep the ADU out of use while the primary dwelling is rented as a short-term rental. Monitoring was questioned. An alternative was to prohibit an STR and an ADU on the same lot. Ruth suggested the owner be allowed to occupy the ADU while the main house is an STR, so someone is on site.
- Permit and fee under the Town fee schedule, subject to the statutory cap.
- Owner occupancy required only at the time of application, as the statute provides.
- Conforming edits to accessory definitions, and to R-1 and R-2 permitted uses: one single-family dwelling and one ADU per lot.
- Current accessory buildings other than a carport or garage may not exceed 300 square feet or 15 feet in height, or come closer than 10 feet to the line. There is no adopted standard for accessory buildings over 300 square feet. A prior Commission direction would have allowed up to 700 square feet with a 25-foot setback. That has not been codified. Total accessory buildings still may not exceed 25 percent of the rear yard.
- Indoor kitchen appliances for an ADU were cleaned up in the draft.

#### Round-the-table:

- Marston asked about the purpose of the law. It was described as urban density and housing affordability. It was not aimed at rural towns, but it applies to every locality. The Town cannot ban bedrooms in an ADU. Setbacks are a question for the Town Attorney: accessory structures under 300 square feet are 10 feet, primary dwellings 25 feet, and the statute uses the lesser of the primary or accessory setback.
- Ruth supported a larger unit, about 700 square feet, for a stay of 30 days or more, and supported letting the owner use the ADU while the main house is an STR.
- Jeremy agreed the size should be rethought and favored 700 over 500.
- Viv noted 700 square feet is about 20 by 35, and favored 25-foot setbacks so units do not close in neighboring yards. Accessory height is 15 feet. The Town height limit is 35 feet, with limited exceptions such as a church spire.
- David asked how many lots could take 700 square feet and still meet 25 feet. The Chair did not have a count. A 25-foot setback would eliminate some lots, and the attorney may require the 10-foot accessory setback. If so, David would reduce the maximum from 700 to 500 rather than place a 700-square-foot unit 10 feet from a neighbor. He noted smaller lots, including septic constraints.
- Steve expected the attorney to require 10 feet, especially because garages are already 10 feet and can exceed 300 square feet. He favored 500 square feet as a studio or one-bedroom accessory unit, not a second full dwelling, and noted the 25 percent rear-yard cap remains.
- Justin said the first applications are likely garage conversions, which are typically 10 feet off the line. He noted two or three such conversions during his time with the Town, and one currently underway. A 25-foot ADU setback would block most of those unless a variance were granted. Square footage should be conditioned living space, so a garage with an apartment above could have 500 square feet of living area plus non-living garage space. An additional bedroom will

affect septic sizing. Health Department approval is required before the County will issue a building permit for a new dwelling.

Later discussion did not produce a final draft of an adopted ADU ordinance. Members discussed a two-tier approach: 500 square feet at 10 feet, and up to 700 square feet only with a 25-foot setback, if the attorney says that is lawful. Some members preferred not to cap size beyond septic, yard coverage, and setbacks if the unit is 25 feet back. Others wanted a cap to limit density, consistent with the comprehensive plan and larger-lot policy.

The Chair asked Steve to revise the draft to reflect the discussion, and to consult the Town Attorney on the 10-foot accessory setback and VDH on where health approval fits in the zoning process. No motion to adopt the ADU text was made. The Chair said the Commission had made progress but was not approving anything that night.

The planned motion to revise the earlier 700-square-foot accessory-building language was not made. The Chair said he would not reduce the accessory-structure standard below what the Commission was considering for an ADU. Members noted that a 500-square-foot ADU at 10 feet would still require a code change, because accessory buildings other than garages and carports are currently limited to 300 square feet at 10 feet.

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### **Zoning Permit Fee Language**

The Commission took up the change tied to Town Council Resolution 2026-06. The dollar amount of the zoning permit fee is currently embedded in the code, while Council sets the fee schedule. The change would remove the dollar figure from the code so the adopted fee schedule controls.

Motion to approve the change and send it forward for the § 15.2-2204 public-hearing process. No discussion. Voice vote: all in favor. Motion carried.

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### **Chesapeake Bay Preservation Act**

Town Council Resolution 2026-25 refers to the Planning Commission proposed amendments from the Virginia Department of Environmental Quality to the Town's Chesapeake Bay Preservation Area ordinance and related zoning provisions, including resiliency and mature-tree requirements. Any code amendment is to be considered separately and returned to Council with the Commission's recommendation.

Justin reported that he had reviewed the changes. They are extensive, and a side-by-side compare is difficult because the texts do not line up. Volunteers were requested to review what the Town must change. No ordinance amendment was adopted.

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### **Golf-Cart Connectivity**

Near the end of the meeting there was an informal discussion of golf-cart travel, Route 200, and a possible citizen route. The Chair said this was not an official Planning Commission action. Points made: VDOT previously refused golf carts on Route 200 when the Town ordinance was adopted, which is why signs mark the end of the golf-cart zone on Steamboat Road and King Carter Drive. VDOT-approved signs are already posted. Asking VDOT again is possible, but prior answers have been no. A private or citizen alternative was described as the more realistic path. Enforcement of golf carts on Route 200 has increased. Members were free to speak with VDOT individually. No motion.

## **Adjournment**

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The meeting was adjourned.

*Minutes prepared from the official recording of September 1, 2026, and compared with the Town Administrator recording of the same meeting. Prepared by Vivian Ralls, Secretary.*