

**MINUTES OF THE MEETING OF THE ISLE OF WIGHT COUNTY
PLANNING COMMISSION HELD ON THE TWENTY-FIFTH DAY OF
FEBRUARY IN THE YEAR TWO THOUSAND AND TWENTY-FIVE**

CALL TO ORDER

Bobby Bowser, Chairman, called the Isle of Wight County Planning Commission meeting to order at 6:00 PM on February 25, 2025, in the Board of Supervisors Room at the Isle of Wight County Courthouse, Isle of Wight, Virginia.

INVOCATION

Bobby Bowser delivered the invocation.

PLEDGE OF ALLEGIANCE

Chairman Bowser invited everyone present to join in the Pledge of Allegiance.

ROLL CALL/DETERMINATION OF A QUORUM

PRESENT

Bobby Bowser, Chairman
Brian Carroll
Cynthia Taylor
James Ford
Jennifer S. Boykin
George Rawls
Matthew Smith
Raynard Gibbs

ABSENT

Thomas J. Distefano, Vice-Chairman

A quorum was determined

ALSO IN ATTENDANCE

Amy Ring, Community Development Director
Bobby Jones, County Attorney
Amanda Landrus, Secretary
Kristi Sutphin, Economic Development Director
Sandy Robinson, Planner II
Caleb Kitchen, Planner II
Cordell Asbenson, Planner I

ACTION ON REQUESTS TO WITHDRAW OR TABLE PENDING AGENDA ITEMS

Chairman Bowser asked if there were any requests to table or withdrawal agenda items. Amy Ring stated there were no requests.

APPROVAL OF AGENDA

Chairman Bowser called for a vote to approve the agenda. Commissioner Ford made the motion to approve the agenda. Commissioner Boykin seconded the motion. Chairman Bowser asked for all in favor to signify by saying aye. The motion passed unanimously.

CONSENT AGENDA

Chairman Bowser called for a vote to approve the consent agenda. Commissioner Boykin made the motion to approve the consent agenda. Commissioner Ford seconded the motion. Chairman Bowser asked for all in favor to signify by saying aye. The motion passed unanimously.

CITIZENS' COMMENTS

Chairman Bowser opened the floor for any citizens comments. There being no comment, Chairman Bowser closed citizens comments.

PUBLIC HEARINGS

There were no public hearings items.

OLD BUSINESS

There were no old business items.

NEW BUSINESS

Chairman Bowser called for the following new business item:

Application EXC-24-6 of Paula Thompson and Samuel Gough, owners, for a waiver to Section 3.2.4.A.4 and Section 5.9.1.C of the Subdivision Ordinance to allow two family member subdivisions from the property with tax map number 70-01-020 on a private ingress/egress easement not built to public standards which serves more than two lots.

Sandy Robinson, Planner II, gave the following presentation.

APPLICATION EXC-24-6
PAULA THOMPSON
&
SAMUEL GOUGH
WAIVERS TO SECTION 3.2.4.A.4
AND SECTION 5.9.1.C OF THE
SUBDIVISION ORDINANCE

Planning Commission Meeting
February 25, 2024

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Details

- Tax Map ID#: 70-01-020
- Location: Bob Cat Lane
- Current Zoning: RAC
- Election District: D5
- Request: Create two family member lots on a private easement that serves more than two lots that doesn't meet public road standards.

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Background

- Parcel contains over 215 acres and is located on the south side of Carrsville Hwy. (Rte.58).
- Adjacent land uses include single family residential, agriculture, commercial and wetlands.
- Purchased in 2016 and accessed by an ingress and egress easement that crosses the CSX railroad known as Bobcat Lane serving five existing lots.
- Owners propose to establish a new ingress/egress from Bobcat Lane running along their property in a westerly direction to access the two proposed new lots.

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Background

- Owners will establish a road maintenance agreement for the new easement.
- Bobcat Lane does not have an existing road maintenance.
- CSX railroad maintains the crossing across its right-of-way between Bobcat Lane and Rte. 58.
- Subdivision Ordinance requires all roads which provide access to more three or more lots is a street that must meet VDOT construction standards.
- Property owners request a waiver from Section 3.2.4.A.4 of the Subdivision Ordinance to allow the creation of a family member lot on a private road that serves more than two lots as well as a waiver from Section 5.9.1.C which requires that all streets serving three or more lots be public roads built to VDOT standards.

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Comprehensive Land Use Plan Review

- Site is designated RAC on the Future Recommended Land Use Map.
- Designation intended to maintain and conserve rural character and farmlands and to provide for a full range of agricultural and farming activities and related uses along with scattered, low density residential development.
- Proposed use is consistent with the future recommended land use.

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Ordinance Review

- Section 3.2.4.A.4 addresses family member subdivisions - no more than one family member subdivision lot may be created from a single tract of land which is accessed from a single easement of right-of-way, unless approved by the Board of Supervisors upon recommendation from the Planning Commission.
- Section 5.9.1.C - all new streets must be public and improved to comply with the VDOT road and bridge standards.
- Section 3.2.10.E - lists criteria in order to approve a request for a waiver, the Board of Supervisors shall make an affirmative finding that all of the following criteria are met:

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Ordinance Review

1. Granting the waiver will not have an adverse impact on land use compatibility.

Finding: Staff finds the proposed use is consistent with the residential and rural uses of surrounding properties.

2. Strict adherence to the general regulations would result in substantial injustice or hardship.

Finding: Staff finds no hardship, because the parcel can be used for its intended single family residential use.

3. The waiver has not been opposed in writing by the county, VDOT engineer, or health official.

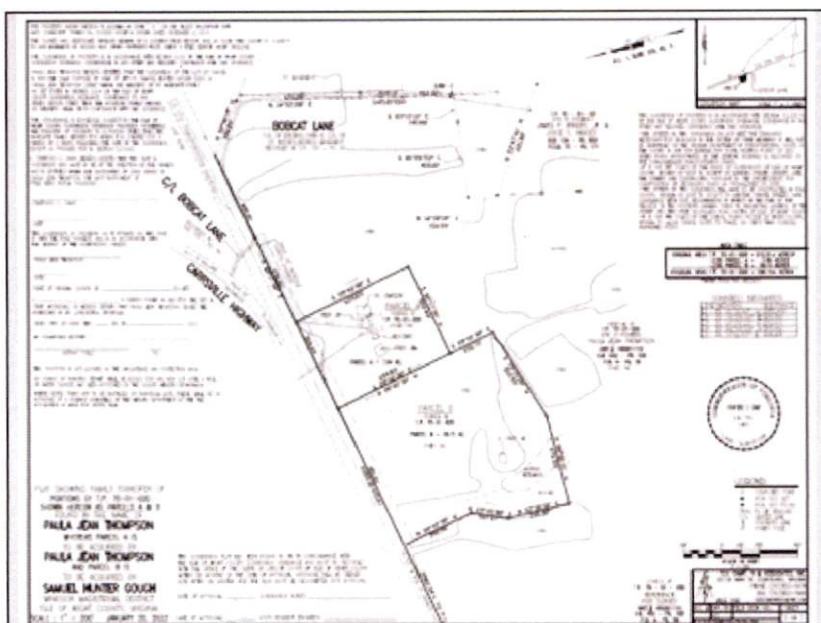
Finding: VDOT does not oppose the application. The Health Department will require a permit for the installation of a well land septic system.

4. Granting the administrative waiver shall be consistent with the purposes and intent of this ordinance.

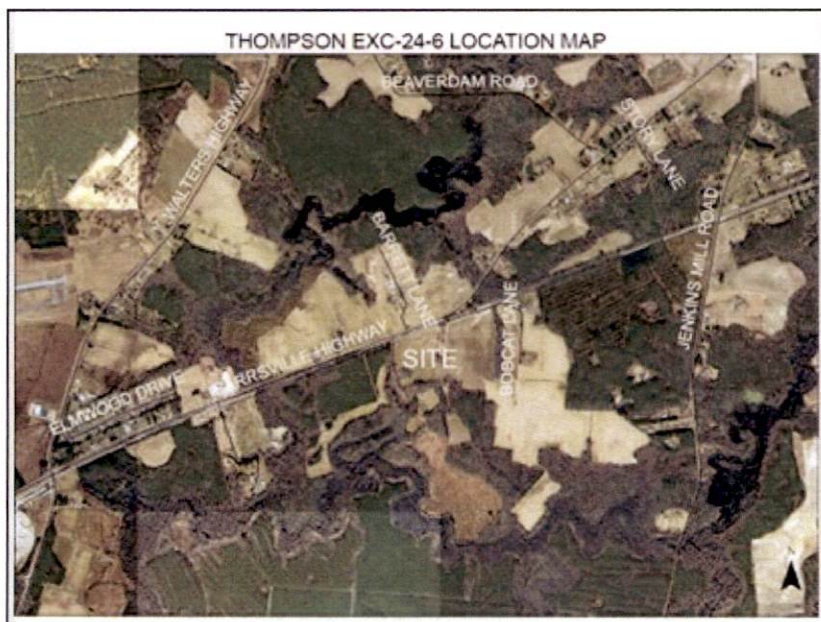
Finding: Staff finds that the proposed subdivision is not consistent with the purpose and intent of the Ordinance which is to promote the orderly development of the County and to protect the public health, safety and welfare by ensuring access by emergency service vehicles.

Agency Review

- VDOT states that there are no impacts to the state-maintained right-of-way with the proposal.
- Onsite Soil Evaluator (OSE) assessed property for installation of a septic system which includes a primary and reserve drain field as required for approval.
- No concerns have been identified by County Departments.



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Staff Conclusions

Strength:

- ☐ The proposed two lots are consistent with the recommended Future Land Use designation of Rural Agricultural Conservation.
- ☐ There will be a road maintenance agreement to provide maintenance for the new extended easement to provide ingress/egress to the two lots.

Weakness:

- ☐ The request does not meet the requirements of the Subdivision Ordinance without the waiver.

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Staff Recommendation

1. Staff recommends denial of the waiver based on its weakness.
2. If the Board does approve the request, staff recommends that it be approved with the condition that a road maintenance agreement be recorded for the new ingress egress easement as approved by the County Attorney.

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William Riddick, legal representative for the applicant, stated that the railroad has limited the right to access the property creating a hardship for the owner to develop her land. Mr. Riddick asked for the Planning Commission's favor in approving the application.

Commissioner Smith asked if the CSX agreement was changed during her ownership.

William Riddick stated he was unsure but knew that originally this property had three access points and now only has one.

Commissioner Rawls asked if the road maintenance agreement applies to all of Bobcat Lane or just the section the applicant is intending to use.

Bobby Jones stated it would apply to the access point on Carrsville Highway and the section she is intending to use only.

Mr. Riddick confirmed that the road maintenance agreement applies to the two lot owners, Ms. Gough and her son, and they are responsible for maintaining the right-away between those two parcels and the entrance to Route 58.

Commissioner Boykin stated the Bobcat Lane is a mess; however, Ms. Gough's portion is not.

Commissioner Carroll stated that the intent of a road maintenance agreement is the new part of the road will be built so that emergency services can access the properties.

Commissioner Boykin made the motion to recommend approval of this application to the Board of Supervisors with staff's recommendations. Commissioner Carroll seconded the motion. The motion was adopted with Commissioners Boykin, Ford, Rawls, Gibbs, Smith, Carroll and Bowser voting in favor of the motion, and no commissioners voting against.

The motion was approved, and the item will go to the March 20, 2025, Board of Supervisors meeting.

Chairman Bowser called for the next new business item:

2024 Planning Commission Annual Report.

Amy Ring stated that the 2024 Planning Commission Annual Report is ready for review and approval.

Commissioner Carroll stated a correction needed to be made to the Chairman and Vice Chairman for 2024 in the list of Planning Commission members.

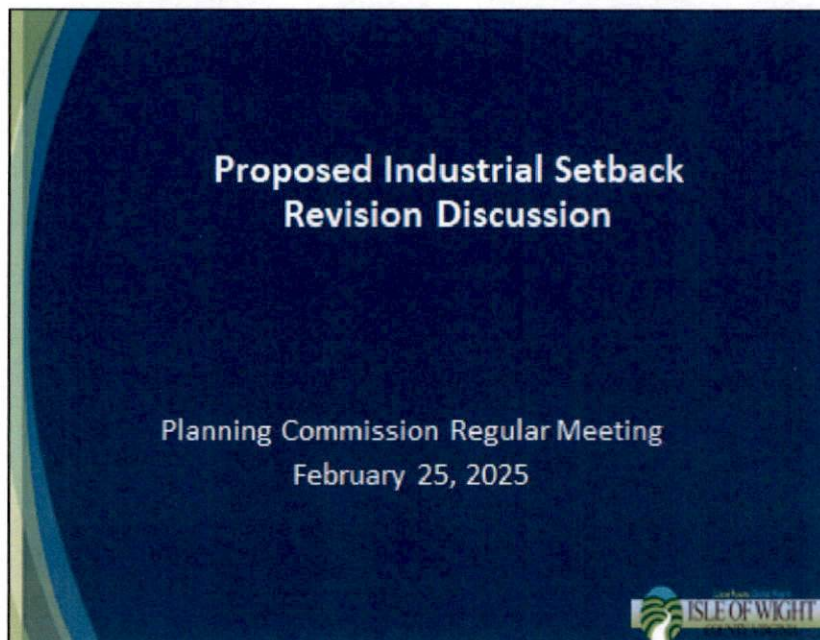
Commissioner Ford made the motion to recommend the report for approval with the correction. Commissioner Gibbs seconded the motion. . Chairman Bowser asked for all in favor to signify by saying aye. The motion passed unanimously.

COUNTY ATTORNEYS REPORT

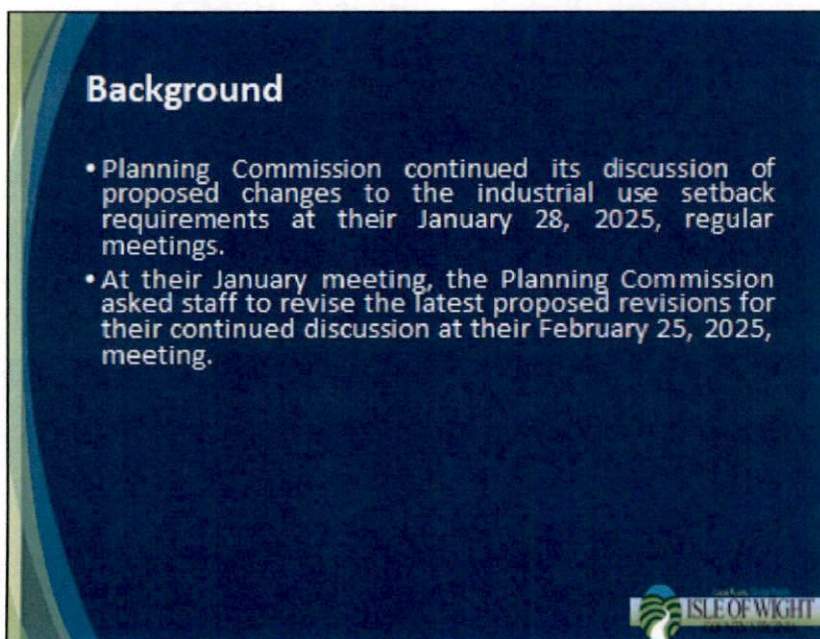
There were no items for the County Attorneys report.

PLANNING DIRECTORS REPORT

Amy Ring gave the presentation on the proposed industrial setback revisions below.



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Proposed Ordinance Revisions

The most recent redline version of the proposed industrial setback requirements include the following revisions:

- 100 foot setback applies to the side and rear property lines of industrial development with one building and 200 feet for industrial development with two or more buildings adjacent to residential subdivisions of five lots or more recorded on the same plat as of July 1, 2025,
- Buffer of at least three rows of staggered evergreen landscaping planted a maximum of ten feet on center required in addition to the berm at least 10 feet high,
- Sound wall or other mitigation measure required as recommended in the sound study as approved by the Zoning Administrator, and
- Board may grant an exemption to these requirements following a recommendation by the Planning Commission.



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Proposed Ordinance Revisions

- Proposed setbacks decreased to 100 feet and 200 feet from 300 feet to be more consistent with other Virginia localities and recognize increased impacts with more than one user/building.
- Enhanced setbacks apply to side and rear property lines because Ordinance currently requires 100 foot setback for industrial uses and 35 feet for associated office uses from the front, or street, property line.
- Other proposed performance criteria for industrial uses if an existing residential subdivision if located across the street.
- Sliding scale setbacks not recommend due potential to create nonconforming properties



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Industrial District Setbacks

For parcels directly adjacent to an existing residential subdivision of at least five lots recorded on the same plat as of July 1, 2025, the minimum setback for new industrial uses consisting of one building shall be 100 feet and 200 feet for industrial uses with two or more buildings from the side and rear property line adjacent to the residential subdivision. Within the required setback, there shall be no development, clearing, grading, or construction activity with the following exceptions:

- a. Roadway or driveway access to the portion of the site not in the minimum residential setback is permitted provided that it is approximately perpendicular to the arterial public right-of-way;
- b. Water, sanitary sewer, storm drainage, to include stormwater management ponds, electrical, telephone, natural cable, and utility service lines may be installed below the surface of the ground at right angles, provided that the natural vegetation is preserved and protected to the greatest extent practicable, and landscaping requirements are met;
- c. Sidewalks, pedestrian pathways and bicycle paths designed to provide continuous connection along the road corridor may be permitted, provided that they can be constructed without materially reducing the screening and visual softening capacity of the required landscaping;



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Industrial District Setbacks

- d. Signs are permitted in accordance with article IX;
- e. Clearing for sight distances is permitted at the entrances and exits to any development as needed to provide for reasonable traffic safety, in accordance with accepted traffic engineering practices recommended or required by the Virginia Department of Transportation;
- f. The trimming of existing limbs or branches of preserved trees is permitted when approved by the zoning administrator;
- g. There shall be an earthen berm with a minimum height of ten (10) feet installed in the required setback between the residential use and the industrial use in addition to a minimum of three rows of staggered evergreen landscaping planted a maximum of ten feet on center;
- h. A sound study shall be required with the submittal of the application for the industrial use. The new development shall implement a sound wall or other mitigation measure as recommended in the study in addition to the berm and landscaping requirements as approved by the Zoning Administrator.
- i. The board of supervisors may exempt, wholly or partially, any new proposed industrial development adjacent to existing residential subdivisions from the requirements of this section. In granting exemptions, the board of supervisors with a recommendation by the planning commission may impose reasonable conditions.



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The Planning Commission briefly discussed the proposed changes, and they directed staff to advertise the changes for the next available public hearing.

The proposed changes will be advertised for public hearing on March 25, 2025, regular Planning Commission meeting.

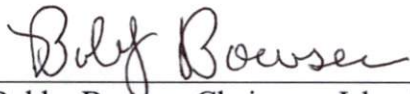
Ms. Ring then shared the Comprehensive Plan Five Year Review Community Survey Results.

She stated Community Development staff developed a draft community feedback survey with the help of the Comprehensive Plan Review Stakeholder Working Group as part of the five-year Plan review process. The survey was conducted online using the Survey Monkey platform from October until December 2024. Staff presented the preliminary results of the survey to the Stakeholder Working Group at their February 11, 2025, meeting.

She explained that the purpose of the community feedback survey was to assess the community's satisfaction on the overall quality of life in the County as well as with current development trends five years after the adoption of the 2020 Comprehensive Plan. The survey garnered over 900 responses with over 445 individual written comments. A copy of the survey results is attached to the agenda.

There being no further information to discuss, Chairman Bowser adjourned the meeting at 6:50 PM.

Adopted this 25 day of March, 2025



Bobby Bowser, Chairman, Isle of Wight County Planning Commission

Attest: 

Amanda Landrus, Secretary