

A G E N D A
ISLE OF WIGHT COUNTY PLANNING COMMISSION
October 22, 2024

1. CALL TO ORDER

INVOCATION

PLEDGE OF ALLEGIANCE

2. ROLL CALL/DETERMINATION OF A QUORUM

BOBBY BOWSER, CHAIRMAN

THOMAS J. DISTEFANO, VICE-CHAIRMAN

BRIAN CARROLL

CYNTHIA TAYLOR

JAMES FORD

JENNIFER S. BOYKIN

GEORGE RAWLS

RAYNARD GIBBS

MATTHEW SMITH

3. ACTION ON REQUESTS TO WITHDRAW OR TABLE PENDING AGENDA ITEMS

4. APPROVAL OF AGENDA

5. CONSENT AGENDA

A. August 15, 2024 Board of Supervisors Work Session Action List

6. CITIZENS' COMMENTS

7. PUBLIC HEARINGS

A. EXC-24-2 Bolt and Boyes Chesapeake Bay Preservation Area Exception Request

Application EXC-24-2 of Jeffrey H. and Paula J. Bolt and Bryan W. and Amanda L. Boyes, property owners, for an after-the-fact exception under the Chesapeake Bay Preservation Area Ordinance for an unauthorized retaining wall with fill in the fifty-foot seaward Resource Protection Area (RPA) buffer at 15407 and 15437 Laurelwood Drive on tax map numbers 34A-01-F006 and 34A-01-F005 as well as a request to place a swimming pool within the fifty-foot seaward RPA buffer and a replacement shed within the fifty-foot landward RPA buffer on tax map 34A-01-F006

8. OLD BUSINESS

9. NEW BUSINESS

A. EXC-24-1 Davis Subdivision Ordinance Waiver Request

Application EXC-24-1 of Charles Davis, Jr. and Kimberly Davis, owners, for a waiver to Section 3.2.4.A.4 and Section 5.9.1.C of the Subdivision Ordinance to allow a family member subdivision from tax map parcel 31-01-019A on a private thirty-foot ingress/egress easement not built to public standards which serves more than two lots

B. EXC-4-24 Hall NDSO Exception Request

Application of Hall Family Partnership LLC, applicant and owner, for an Exception to Section 6-2010.A.3.a of the Newport Development Service Overlay (NDSO) District Regulations in the Zoning Ordinance for the property located at 20168 Regal Circle with Tax Map Number 42-06-004 for an Exception to the NDSO Design Standards for building façades

C. COUNTY ATTORNEY'S REPORT

D. PLANNING DIRECTOR'S REPORT

1. Proposed Zoning Ordinance Change Discussion
Discussion on Proposed Changes to the Zoning Ordinance

10. CLOSED MEETING

11. ADJOURNMENT

PLANNING REPORT

ATTACHMENTS:

Description	Type	Upload Date
August 15, 2024 Board of Supervisors Work Session Action List	Cover Memo	10/16/2024

ACTION LIST
BOARD OF SUPERVISORS
SEPTEMBER 19, 2024

1. Approval of Agenda: Supervisor Rosie moved that the agenda be approved as amended to include a discussion under New Business concerning past VDOT directives. The motion was adopted unanimously (5-0) with Supervisors Acree, Rosie, Jefferson, Rountree and McCarty voting in favor of the motion and no Supervisor voting against the motion.

2. Closed Meeting

No action was taken following the closed meeting.

3. Citizens' Comments

- A. Supervisor Rountree congratulated Supervisor McCarty on the 25th anniversary of Healing Waters Worship Center.
- B. Chairman Acree recognized Danny Byrum for his efforts on the 2024 County fair.

3. Consent Agenda

Following an overview by Assistant County Administrator Robertson, on motion of Supervisor McCarty, the following Consent Agenda was adopted unanimously (5-0) with Supervisors Aree, Rosie, Jefferson, Rountree and McCarty voting in favor of the motion and no Supervisor voting against the motion:

- A. Resolution to Amend the FY2024-25 Grant Fund Budget and Appropriate Funding from the Virginia Department of Motor Vehicles Alcohol Enforcement Program (\$11,580)

Assignment: Wells

- B. Resolution to Amend the Budget and Appropriate Obici Healthcare Foundation Grant Funds to the Farmers Market (\$5,000)

Assignment: Wells

- C. Resolution to Budget and Appropriate Insurance Proceeds from VaCorp Insurance for Repair and Replacement of County Vehicles and Equipment (\$50,003)

Assignment: Wells

- D. Resolution to Amend the Budget and Appropriate Funding for Renovations to the Rushmere Volunteer Fire Station Addition Project (\$189,916)

Assignment: Wells

- E. Resolution to Amend the FY2024-25 Budget and Appropriate Funding for the Smithfield Sidewalk Project (\$145,160)

Assignment: Wells

- F. Resolution to Amend the FY2024-25 Grant Fund Budget and Appropriate Funding from the Virginia Department of Motor Vehicles Police Traffic Services Enforcement Program (\$32,250)

Assignment: Wells

- G. Resolution to Designate October 6-12, 2024 as Fire Prevention Week

- H. Resolutions of Support and Endorsement for VDOT SMART SCALE Round 6 Project Grant Applications

Assignment: Oliver

- I. Execution of a Vehicle Grant Agreement for Carrollton Volunteer Fire Department Tanker Truck

Assignment: Jones

- J. Resolution to Accept and Appropriate Grant Funds from the Virginia Circuit Court Records Preservation Program (\$40,744)

Assignment: Wells

K. Resolution to Amend the County Policy Manual (Worker's Compensation)

Assignment: Clark

5. Regional and Inter-Governmental Reports

A. Hampton Roads Military Federal Facilities Alliance: Supervisor Rosie reported that a representative of the Alliance will be addressing the Board at its October work session regarding economic opportunities.

B. Hampton Roads Transportation Planning Organization/Hampton Roads Transportation Accountability Commission: Supervisor McCarty reported that there has been \$5.5 billion in road infrastructure in the Hampton Roads region.

6. Appointments

Historical Architectural Review Committee: Chairman Acree moved that Durwood Scott be reappointed to serve on the Historical Architectural Review Committee representing District 4. The motion was adopted unanimously (5-0) with Supervisors Acree, Rosie, Jefferson, Rountree and McCarty voting in favor of the motion and no Supervisor voting against the motion.

Assignment: Storm

7. County Attorney's Report:

Supervisor McCarty moved that the Board authorize the County Administrator, subject to the County Attorney's review, to execute an agreement terminating the previous business contract related to electronic payment support. The motion was adopted unanimously (5-0) with Supervisors Acree, Rosie, Jefferson, Rountree and McCarty voting in favor of the motion and no Supervisor voting against the motion.

Assignment: Jones

8. Public Hearings

A. AFD 1-24 Todd and Kristi Bryant Withdrawal Request: Supervisor Jefferson moved that the request be approved as submitted. The motion was adopted unanimously

(5-0) with Supervisors Acree, Rosie, Jefferson, Rountree and McCarty voting in favor of the motion and no Supervisor voting against the motion.

Assignment: Ring

- B. ZA-05-24 Coastal Investors Commercial Rezoning Request: Supervisor Rountree moved that the request be approved. The motion was adopted unanimously (5-0) with Supervisors Acree, Rosie, Jefferson, Rountree and McCarty voting in favor of the motion and no Supervisor voting against the motion.

Assignment: Ring

- C. Resolution to Authorize the Issuance of General Obligation School Bonds of IOWC in an Aggregate Principal Amount not to exceed \$7,560,000: Supervisor McCarty moved that the Resolution be adopted. The motion was adopted unanimously (5-0) with Supervisors Acree, Rosie, Jefferson, Rountree and McCarty voting in favor of the motion and no Supervisor voting against the motion.

Supervisor McCarty moved that the Resolution Providing for the Issuance of the General Obligation School Bonds be adopted. The motion was adopted unanimously (5-0) with Supervisors Acree, Rosie, Jefferson, Rountree and McCarty voting in favor of the motion and no Supervisor voting against the motion.

Assignment: Wells

- D. Three-Year Real Estate Reassessment Schedule: Supervisor McCarty moved to postpone action until the Board's October 17, 2024 meeting and that staff be prepared to allow for a full presentation on the advantages and disadvantages. The motion was adopted unanimously (5-0) with Supervisors Acree, Rosie, Jefferson, Rountree and McCarty voting in favor of the motion and no Supervisor voting against the motion.

Assignment: Ring

9. County Administrator's Report

Cash Balance and Collections Report: Assistant County Administrator Robertson was requested to invite the Treasurer to the Board's October 3, 2024 work session.

Assignment: Robertson

10. Unfinished / Old Business

A. CUP-6-23 Old Stage Highway Utility Scale Solar Energy Facility: Supervisor Jefferson moved to approve the application with the following changes: a 50-foot buffer zone; 10-foot trees and payment agreement. The motion was defeated (2-3) with Supervisors Jefferson and McCarty voting in favor of the motion and Supervisors Rosie, Rountree and Acree voting against the motion.

Assignment: Ring

B. CUP-8-23 Sycamore Solar A Conditional Use Permit Request: Supervisor Rountree moved that the request be approved per conditions of September 11, 2024. The motion was adopted with Supervisors Jefferson, Rountree and McCarty voting in favor of the motion and Supervisors Rosie and Acree voting against the motion.

Assignment: Ring

C. CUP-5-24 Sycamore Solar B Conditional Use Permit Request: Supervisor Rountree moved that the request be approved. The motion was adopted with Supervisors Jefferson, Rountree and McCarty voting in favor of the motion and Supervisors Rosie and Acree voting against the motion.

Assignment: Ring

D. Sycamore Cross Solar Energy Generation Facility Siting Agreement: Supervisor Rountree moved that the Siting Agreement be approved subject to the final review of the County Attorney. The motion was adopted with Supervisors Jefferson, Rountree and McCarty voting in favor of the motion and Supervisors Rosie and Acree voting against the motion.

Assignment: Ring

E. 2025 Legislative Priorities: Assistant County Administrator Robertson was requested to return to the Board at its October 3, 2024 work session with information on the following matters:

- . Supervisor Rountree asked that the ability to tax vape be pursued and relief for the agricultural community with regard to fuel subsidies.
- . Chairman Acree requested clarification on House Resolution 82 as it relates to individuals who have local pensions having their social security amount reduced. He further suggested a meeting with VRS to educate the Board questions regarding the VRS Fund.
- . Supervisor McCarty asked for a list of unfunded mandates and for a joint meeting with Federal and State representatives regarding impacts to localities.

11. New Business

A. Resolution to Execute a Master Lease Purchase Agreement for the Purchase of New Vehicles (\$973,000): Supervisor McCarty moved that the Resolution be adopted. The motion was adopted unanimously (5-0) with Supervisors Acree, Rosie, Jefferson, Rountree and McCarty voting in favor of the motion and no Supervisor voting against the motion.

Assignment: Wells

B. Joint Meeting with the School Board: Supervisor Rountree moved that the Board conduct a work session on October 3, 2024 at 5:00 p.m. with the School Board to discuss capital needs in the foreseeable future and for the School Board to update this board on items already funded and how those projects are moving forward.

Assignment: Storm/Jones

C. Supervisor McCarty requested Vdot do the following:

- . conduct study of speed and traffic on Whippingham
- . no heavy equipment going through Whippingham
- . Look at the speed sign on the back of Whippingham going into Channel Way
- . road safety signage near the Harris farm

PLANNING REPORT

APPLICATION:

Application EXC-24-2 of Jeffrey H. and Paula J. Bolt and Bryan W. and Amanda L. Boyes, property owners, for an after-the-fact exception under the Chesapeake Bay Preservation Area Ordinance for an unauthorized retaining wall with fill in the fifty-foot seaward Resource Protection Area (RPA) buffer at 15407 and 15437 Laurelwood Drive on tax map numbers 34A-01-F006 and 34A-01-F005 as well as a request to place a swimming pool within the fifty-foot seaward RPA buffer and a replacement shed within the fifty-foot landward RPA buffer on tax map 34A-01-F006

ELECTION DISTRICT:

D2

LOCATION:

The exception request is located 15407 and 15437 Laurelwood Drive, Carrollton. Surrounding land uses include other residential uses and wetland areas.

BACKGROUND:

In 2020, the current owners installed a new septic tank and drainfield. The septic tank was placed in the RPA as there was no other suitable area to place it. The health department and the previous environmental planner gave the contractor Mr. John Edwards of Edwards Septic Service permission to install the tank and use fill as needed to install the tank due to the slope of the backyard. Work was completed in July 2020, and Mr. Edwards stated he did not need fill as he buried the tank deep enough that it would not move. In October 2020, a complaint was received about someone dumping several truck loads of dirt into the RPA. During the site visit, staff observed a new retaining wall and fresh fill that leveled the backyard within the seaward portion of the RPA.

Staff worked for several years with the applicant to submit an exception request. Once the request was received with a survey, the County noticed that a portion of the retaining wall was on the neighboring property 34A-01-F005. Mr. Bolt tried to purchase the piece of the adjacent property where he had built the wall, and then ultimately the neighbor agreed to be included in the exception application.

Mr. Bolt subsequently revised his application to include a pool within the fifty-foot seaward portion of the RPA and to replace an existing shed in the landward portion of the RPA. The retaining wall and fill were installed without permits or obtaining the required CBPA exception.

DESCRIPTION:

This request is for an exception to allow a retaining wall with fill to remain in the seaward RPA as well as install a pool in the seaward 50-foot RPA and replace a shed in the landward portion of the RPA.

The unpermitted 118-foot long retaining wall including 12.2 feet on adjacent parcel 34A-01-F005 required approximately 105 cubic yards, or twelve dump trucks, of fill to level out the backyard. The fill lies within the seaward fifty-foot buffer and flood hazard zone AE. The proposed new 22-foot diameter swimming pool would lie within the fifty-foot seaward buffer and also within flood zone AE. The proposed 11.3 by 9.5 foot replacement shed lies within the fifty-foot landward portion of the buffer. The fill, the shed and the pool total 1,995 square-feet of disturbance.

To compensate for the encroachment into the buffer area, the WQIA recommends compensatory landscaping consisting of five canopy trees, ten understory trees, and 15 small shrubs, with the RPA. The landscaping is based on the total square footage of the disturbance and is in compliance with the state "Riparian Buffers Modification and Mitigation Guidance Manual." However, the property owner would like to reduce the amount required amount.

COMPREHENSIVE LAND USE PLAN:

The Comprehensive Plan categorizes this sensitive environmental area as an Environmental Conservation Area, or an area dominated by environmental features that are particularly sensitive to development, including wetlands, floodprone areas, streams and stream buffers, unique habitat areas, and RPAs defined by the local Chesapeake Bay program.

Areas that should remain largely undeveloped consist of wetlands, floodplains, forest and some areas of farmland. Within residential developments, they should be preserved as protected open spaces. Limited low impact recreational uses such

as trails and water access are also appropriate if sited correctly.

ORDINANCE REVIEW:

CBPA Article 4, Section 4002, regulates performance standards in RPAs and outlines permitted modifications and encroachments. Development is not permitted to extend into the 100-foot RPA buffer under this section unless an exception is warranted due to loss of buildable area.

Under Subsection 4002(b)2., permitted encroachments in the RPA buffer must be the "minimum necessary to achieve a reasonable buildable area for a principal structure and necessary utilities" and "may not extend into the seaward fifty (50) feet of the buffer area." This exception request proposes development that is not part of the principal structure and extends into the seaward fifty feet.

CBPA Article 5, Section 5002 regulates exception requests and include five criteria that must be met in order to grant an exception. These are as follows:

1) That the strict application of the ordinance would produce an undue hardship and will not confer upon the applicant any special privileges denied by this ordinance to other property owners in the CBPA areas;

The need for a retaining wall prior to the installation is unknown, because they were installed without review, permits, and inspections. If there were erosion problems, it is possible other measures could have been used in place of the retaining wall and fill that would have been more appropriate and less intensive in this low wave action environment. Other neighbors in the general area have sloping backyards and have not requested any erosion stabilization projects.

The need for a pool is not considered a hardship and would be placed in a flood hazard area. In addition, encroachments in the fifty-foot seaward foot of the buffer area are similarly restricted on all lots where the RPA buffer exists. Records show that requests from nearby areas were received and were advised that exceptions were required or they needed to avoid the the buffer. Therefore, this request would not constitute a unique hardship and would grant a special privilege to the applicants.

2) The exception request is not based on conditions or circumstances that are self-created or self-imposed, nor does the request arise from conditions or circumstances either permitted or non-conforming that are related to adjacent parcels;

The applicant failed to contact the County and to apply for the necessary exception, which resulted in a retaining wall and fill not permitted by the ordinance. This is a self-created circumstance.

3) The exception request is the minimum necessary to afford relief;

Lots in the surrounding area have not requested any shoreline or property erosion control projects. Therefore, it is unknown if this was the minimum necessary to address the erosion.

4) The exception request will be in harmony with the purpose and intent of this ordinance, not injurious to the neighborhood or otherwise detrimental to the public welfare, and is not of substantial detriment to water quality; and

The expansion of the backyard and pool does not meet the purpose or intent of the ordinance, which is to safeguard water quality through protection of existing buffers and establishment of buffers where they do not exist. The retaining wall with fill and the pool are within the fifty-foot seaward buffer and lie within flood hazard zone AE. Structures built in flood hazard areas present the opportunity for property damage as well as flood insurance claim liability.

5) Reasonable and appropriate conditions are imposed which will prevent the exception request from causing a degradation to water quality;

If this exception is approved, staff recommends the following conditions:

1. the applicant be required to install the mitigation landscaping as proposed in the WQIA within the RPA,
2. the pool be denied due to flood hazard potential and in accordance with the CBPA Ordinance, and
3. no further exceptions be granted.

STAFF CONCLUSIONS:

Strengths:

1. Proposed landscaping mitigation in the WQIA does meet the requirements of the Riparian Buffers Guidance Manual.

Weaknesses:

1. The applicants' request does not meet the five criteria needed for approval of exceptions.
2. Exceptions for structures are not permitted by Ordinance in the fifty-foot seaward RPA buffer.
3. Structures are proposed in the flood hazard area presenting potential flood damage liability.
4. The retaining wall and fill were done without permits or needed inspections to determine structural integrity. It is not known what, if any, erosion problems existed prior to the property being covered in fill.

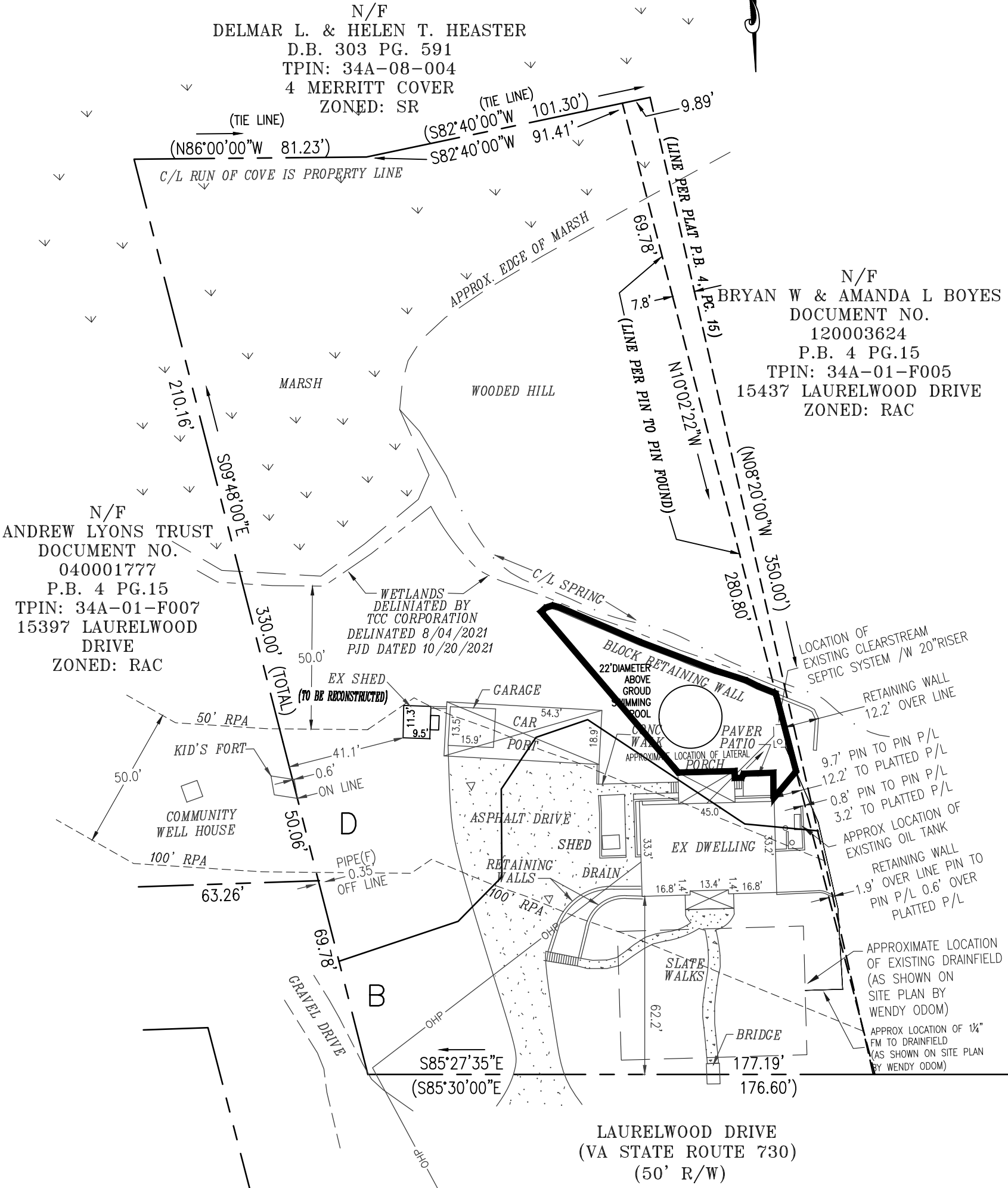
STAFF RECOMMENDATION:

Based on the above findings, staff recommends denial of the exception request. If this exception is approved, staff recommends the following conditions: 1. the applicant be required to install the mitigation landscaping as proposed in the WQIA within the RPA, 2. the pool be denied due to flood hazard potential and in accordance with the CBPA Ordinance, and 3. no further exceptions be granted.

ATTACHMENTS:

Description	Type	Upload Date
Site Plan	Exhibit	10/3/2024
Site Plan zoomed in showing areas of disturbance	Exhibit	10/3/2024
Area of Disturbance with proposed mitigation	Exhibit	10/3/2024
Pictures	Exhibit	10/3/2024
WQIA	Exhibit	10/3/2024
Flood Map #1	Exhibit	10/3/2024
Flood map #2	Exhibit	10/3/2024
Plantings proposed by homeowner	Exhibit	10/3/2024
Homeowners reason for asking for reduced landscaping	Exhibit	10/3/2024
Statement of Reason for exception	Exhibit	10/3/2024
Boyes Letter	Exhibit	10/3/2024

— DENOTES LIMITS OF DISTURBANCE
(1,995 SF (0.05 ACRE))



SITE PLAN
FOR
JEFFREY H. AND PAULA J. BOLT
15407 LAURELWOOD DRIVE

JUNE 28, 2024

NEWPORT MAGISTERIAL DISTRICT
ISLE OF WIGHT COUNTY, VIRGINIA

FILE NUMBER: 2020-026 (INITIAL SUBMITTAL APRIL 14, 2022)

NOTE:

TTC CORPORATION
DELINEATION OF WETLANDS
COMPLETED AUGUST 4, 2021

MELISSA NASH OF USACE
CONFIRMED DELINEATION
OCTOBER 20, 2021

GRAPHIC SCALE



(IN FEET)
1 inch = 40 ft.

CAE, INC.

ENGINEERS, PLANNERS, AND CONSTRUCTION CONSULTANTS

321 OFFICE SQUARE LANE, SUITE 101A
VIRGINIA BEACH, VIRGINIA 23462-3655
TELEPHONE (757) 271-1576 (757) 271-1009 (FAX)

WETLANDS
 DELINIATED BY
 'CC CORPORATION
 INATED 8/04/2021
 DATED 10/20/202

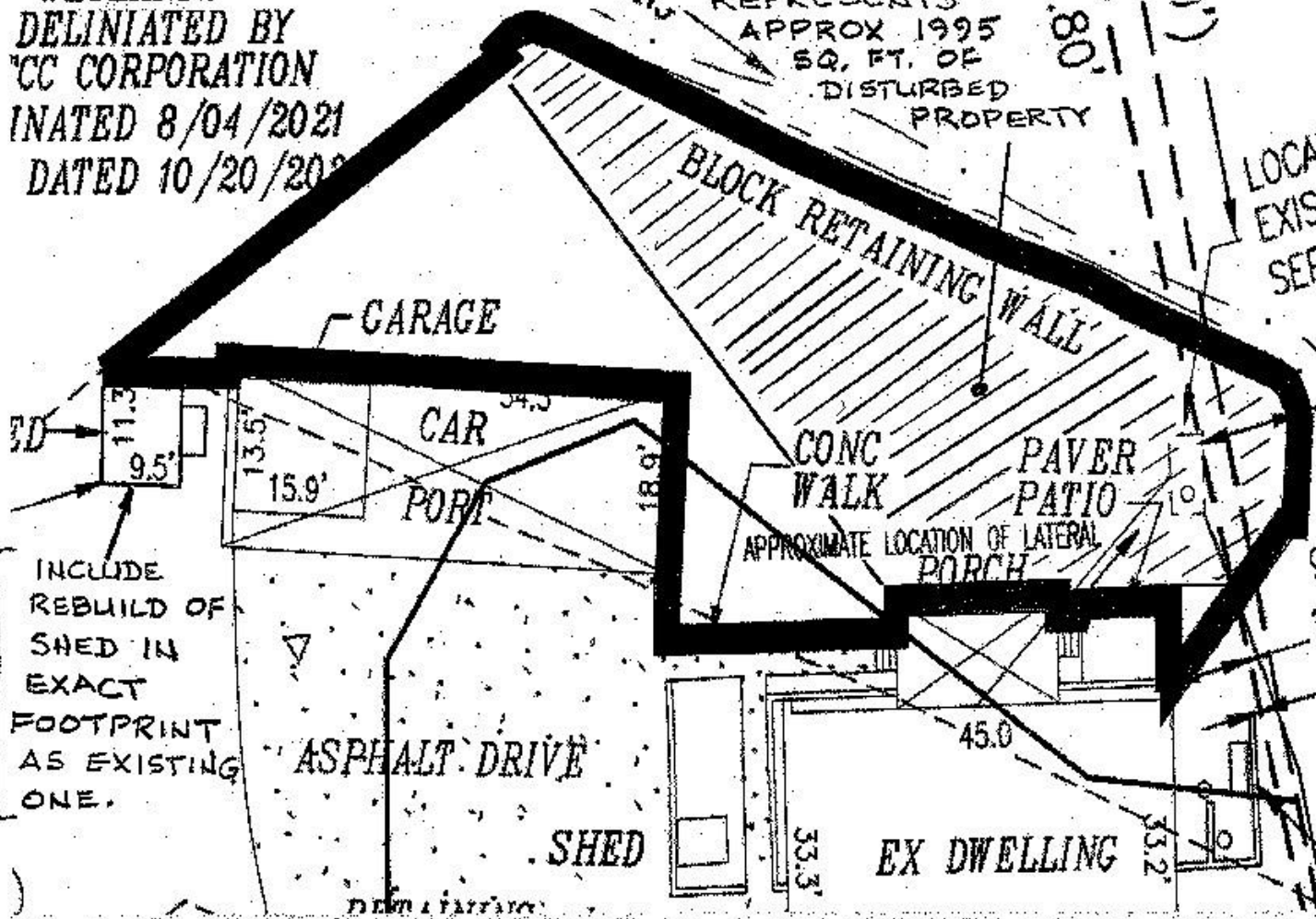
SHADED AREA
 REPRESENTS
 APPROX 1995
 50, FT. OF
 DISTURBED
 PROPERTY

LOCATION OF
 EXISTIN
 SEPTIC
 SYSTEM

RETAIN
 2.2'

9.7' PIN TO F
 12.5' TO PLAT
 0.5' PIN TO
 3.2' TO PLA
 APPROX L
 EXISTING

NEW!
 INCLUDE
 REBUILD OF
 SHED IN
 EXACT
 FOOTPRINT
 AS EXISTING
 ONE.

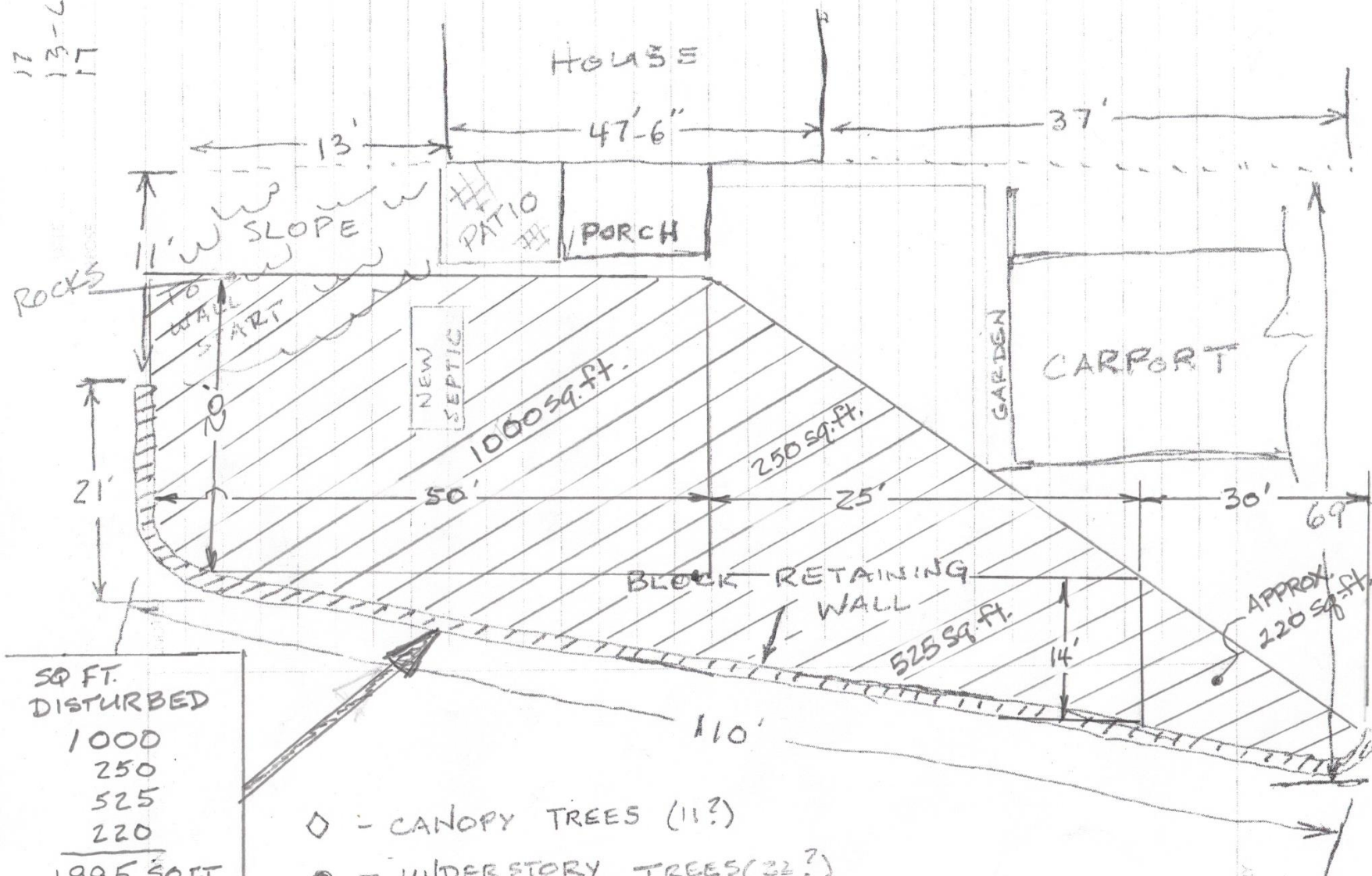


ASPHALT DRIVE

SHED

EX DWELLING

17
13-6
17



50 FT.
DISTURBED

1000

250

525

220

1995 SQ. FT.

◇ - CANOPY TREES (11?)

- - UNDERSTORY TREES (22?)

* - SHRUBS (33?)

*SHADED AREA

DENOTES DISTURBED
 GROUNDS











Entrance



Along side wall













Major Water Quality Impact Assessment

For

Jeff Bolt

Prepared By

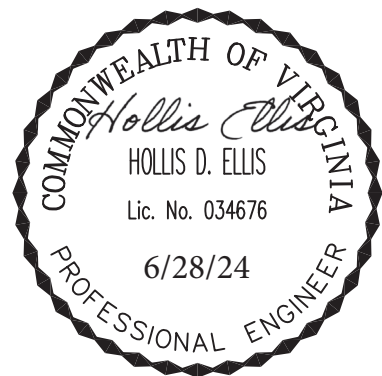
Hollis D. Ellis, PE

CAE, Inc.

321 Office Square Lane, Suite 101A

Virginia Beach, VA 23462-3655

June 28, 2024



Isle of Wight County Major Water Quality Impact Assessment (pg-1)

Sec. 4003. - Water quality impact assessment.

Contents of the major water quality impact assessment.The information required below shall be considered a minimum, unless the zoning administrator determines that some of the elements are unnecessary due to the scope and nature of the proposed use and development of land:

- (1) A site plan, which shall at minimum, contain the following: **Site Plan Attached**
 - A. Location of the components of the resource protection area, including the one-hundred-foot buffer area delineated in accordance with section 3001; **RMA / RPA Buffers Delineated on Site Plan As Attached**
 - B. Location and nature of the proposed encroachment into the buffer area, including type of paving material; areas of clearing or grading; location of any structures, drives, or other impervious cover; and sewage disposal systems or reserve drainfield sites; **All existing features located with RMA / RPA shown on plan. The proposed above ground swimming pool is located within the seaward 50' RPA buffer while the reconstructed shed is located within the landward 50' RPA buffer. All other impervious features are existing.**
 - C. Type and location of proposed best management practices to mitigate the proposed encroachment; **No BMPs proposed**
 - D. Location of existing vegetation on site, including the number and type of trees and other vegetation to be removed in the buffer to accommodate the encroachment or modification; **No existing vegetation disturbed for construction of bulkhead.**

- E. Re-vegetation plan that supplements the existing buffer vegetation in a manner that provides for pollutant removal, erosion and runoff control. **Plantings are proposed in the nature of 5 large canopy trees, 10 understory trees and 15 shrubs for CBPAO mitigation.**

(2)

- A. A hydrogeological element that describes the existing topography, soils, and hydrology of the site and adjacent lands. **The existing topography consists of gentle slopes ranging from 1% - 2% from the dwelling towards the RMA/RPA Buffer. The site is divided into two different soil types, Emporia fine sandy loam, 0 – 2% and Nevarc/Remlik soils, 15 – 20% slopes.**

The Emporia fine sandy loam consists of the upland areas while the Nevarc/Remlik soils are in the wetlands areas. The bulkhead has been constructed within the Nevarc/Remlik soil area. This area will drain towards the existing wetlands area. Slopes within the bulkheaded area will continue to drain towards the wetlands. No impervious area is proposed here.

- B. Describes the impacts of the proposed development on topography, soils, hydrology, and geology on the site and adjacent lands. **As stated in Item A, constructed bulkhead falls within the Nevarc/Remlik soils area. No wetlands disturbance is proposed and no change in hydrology will occur given no increase in impervious is proposed.**

- C. Indicates the following:

- (i) Disturbance or removal of wetlands and justification for such action. **No wetlands have been removed with this application.**
- (ii.) Disruptions or reductions in the supply of water to wetland, streams, lakes, rivers, or other water bodies. **No disruptions to water supply to existing live streams.**

Isle of Wight County Major Water Quality Impact Assessment (pg-3)

- (iii.) Disruptions to existing hydrology including wetland and stream circulation patterns. **No disruption to existing wetlands or stream patterns proposed.**
- (iv.) Source location of description of proposed fill material. **Locally Sourced Fill Material.**
- (v.) Location of dredging and location of dumping area for such dredged material. **No Dredging Proposed.**
- (vi.) Estimation of pre- and post-development pollutant loads in runoff. **Pre-Developed Loading: 0.72 PPY. Post-Developed Loading: 0.73 PPY.**
- (vii.) Estimation of percent increase in impervious surface on site, type(s) of surfacing material used. **The applicant is proposing an above ground swimming pool, 22' in diameter for a total of 380 SF additional impervious. The existing 11'X9.5' shed is being reconstructed within the same footprint, no increase in impervious from shed reconstruction.**
- (viii.) Percent of site to be cleared for project. **Area to be bulkheaded already cleared. No additional clearing required.**
- (ix.) Anticipated duration and phasing schedule of construction project. **Project Already Completed. Completed March 2021.**
- (x.) Listing of all requisite permits from all applicable agencies necessary to develop project. **USAOE Confirmed No Additional Permits Required.**

(D) Describes the proposed mitigation measures for the potential hydrogeological impacts. Potential mitigative measures include. **No Mitigation Measures proposed with application.**

Isle of Wight County Major Water Quality Impact Assessment (pg-4)

(i.) Additional proposed erosion and sediment control concepts beyond those normally required under subsection 4000(b)5. of this ordinance; these additional concepts may include the following: minimizing the extent of cleared area; perimeter controls; reduction of runoff velocities; measures to stabilize disturbed areas; schedule and personnel for site inspection.

No E&S Measures required at this time. Site has been stabilized.

(ii.) When required, proposed stormwater management system for nonpoint source quality and quantity control in compliance with Chapter 14A of Isle of Wight County's Stormwater Management Ordinance. **No BMP proposed as no increase in impervious area.**

(3) A vegetative element that identifies and delineates the location of all woody plant material on site, including all trees on site eight (8) inches or greater diameter at breast height or, where there are groups of trees, said stands may be outlined. **No woody vegetation exists within the RMA/RPA Buffer on site.**

(B) Describes the impacts the development or use will have on the existing vegetation. Information should include:

(i) General limits of clearing, based on all anticipated improvements, including buildings, drives, and utilities. **No improvements within limits of clearing.**

(ii) Clear delineation of all trees and other woody vegetation which will be removed. **No vegetation has been removed for this application.**

(iii) Description of all plant species to be disturbed or removed. **No vegetation has been removed for this application.**

(C) Describes the proposed measures for mitigation. Possible mitigation measures include:

No mitigation measures proposed.

(i) Proposed design plan and replanting schedule for trees and other woody vegetation removed for construction, including a list of proposed plants and trees to be used. **No additional plant materials proposed with this application.**

(ii) Demonstration that the re-vegetation plan supplements the existing buffer vegetation in a manner that provides for pollutant removal, erosion and runoff control. **No replanting proposed within the buffer or entire site.**

Isle of Wight County Major Water Quality Impact Assessment (pg-5)

(iii) Demonstration that the design of the plan will preserve to the greatest extent possible any significant trees and vegetation on the site and will provide maximum erosion control and overload flow benefits from such vegetation. **No woody vegetation required to maintain erosion control. Site has been stabilized with permanent seeding based on Virginia E&S Standard and Specification 3.32.**

(4) Demonstration that indigenous plants are to be used to greatest extent possible. **Not Applicable. Not vegetation proposed.**

(A) In the case of a WQIA for shoreline and bank stabilization projects, the following items shall be required: **Not a shoreline stabilization project. No impact to wetland area proposed.**

(B) Completion of the shoreline erosion control water quality impact assessment form, as provided by the zoning administrator and kept on file with the department of planning and zoning. **Not Applicable.**

(i) An environmental assessment as follows: The environmental site assessment shall be drawn to scale and clearly delineate the environmental components identified in subsection 3000(b) of this ordinance. **See Attached Site Plan for Environmental Site Assessment components.**

Isle of Wight County Major Water Quality Impact Assessment (pg-6)

(ii) Wetlands delineations shall be performed consistent with the procedures specified in the Federal Manual for Identifying and Delineating Jurisdictional Wetlands, 1987, and updates as they become available. **Wetland Delineation shown on Site Plan. No disturbance to wetlands with application.**

(iii) The environmental assessment shall delineate the geographic extent of the resource protection area on the specific site or parcel as required under section 3001 of this ordinance. **Not Applicable.**

(iv) The environmental assessment shall be drawn at the same scale as the preliminary site plan or subdivision plat. **Not Applicable**

(C) A landscaping plan in accordance with subsection 5000(c), except that the plans may be submitted by any qualified professional, including shoreline contractors and nursery professionals. **Not Applicable.**

(D) A stormwater management plan in accordance with Chapter 14A of the Isle of Wight County Code, as required by state code Section 62.1-44.15:55. **No increase in impervious, therefore no stormwater management proposed.**

(E) An erosion and sediment control plan in accordance with Chapter 6 of the Isle of Wight County Code. **Site has been stabilized and no further disturbance proposed.**

(F) Project construction plans shall be certified as complete and accurate by a professional shoreline engineer or other qualified professional, as determined by the zoning administrator, as well as a determination as to the necessity of the project. **No shoreline / waterborne activities proposed.**

(5)

(E) For phased projects, an updated WQIA shall be provided for each phase to the county planning and zoning department demonstrating the projects compliance with the criteria of the original WQIA. An updated WQIA shall be required until all phases of the project are complete. **Not Applicable.**

Isle of Wight County Major Water Quality Impact Assessment (pg-7)

(1) Submission, review requirements, and evaluation procedure. Ten (10) copies of all site drawings and other applicable information as required by subsection c. above shall be submitted to the zoning administrator for review. **10 Copies of WQIA provided.**

(2) All information required in this section shall be certified as complete and accurate by a professional engineer or certified land surveyor qualified to prepare such information.

Acknowledged.

Responses From Comments from April 19, 2022 Review as follows:

(1) How tall is the wall? **Wall is approximately 3 feet on its lowest end to 4' on the its highest. The highest end is to the west and the lowest end is to the east.**

(2) How long is the wall? **Wall is 118' feet long.**

(3) What is the change in elevation caused by the fill and wall? **Change in elevation is approximately 3 to 4' from west to east along wall profile. We are estimating the fill to be in the range of 105 cubic yards. This equates to approximately 10 to 12 dump truck loads of fill. The perineal stream which flows along the east side of the property is on the outside of the wall and fill area and is not blocked by the wall. Stream still flows to the tidal ditch to the rear.**

(4) Mr. Bolt stated that some grading and seeding is still needed for erosion. Why is there erosion still after the placement of the wall and fill. Grading is prohibited in the RPA without a plan and approval, So justification for this will be needed. **Seed is having difficulty establishing itself in the fill area due to the excessive existing tree canopy in the area. Since these comments were made, seed as better established itself now that its towards the end of summer. See attached site photographs.**

(5) Site plan should show date TTC delineated and date when USACE confirmed. **TTC completed its delineation in August 2021 and Ms. Melissa Nash of the USACE confirmed the delineation on October 20, 2021. This is now reflected on the site plan. Contours in the vicinity of the fill area have been added to the site plan.**

(6)

(A) Site plan should show date TCC delineated and date when USACE confirmed. **USACE PJD Dated October 20, 2021.**

(B) Make sure the site plan you submit in the package has; all utilities shown including drainfield locations, and all parts of the septic system, length of wall, height of wall, contour lines Drainfield location, Clearstream treatment system, and lateral from dwelling is now shown on plan. **Mr. Bolt stated that some grading and seeding is still needed for erosion. Why is there erosion still after the placement of the wall and fill. Grading is prohibited in the RPA without a plan and approval, So justification for this will be needed. You may need to have stormwater meet with you for there input on how to address the issues without impacting the RPA any further.**

Bare and non-denuded areas still exist on the site due to the extensive amount of tree canopy to the rear of the site. This side is the southern side of the property, therefore the extensive tree canopy is blocking the maximum amount of sunlight. drainfield locations, and all parts of the septic system, length of wall, height of wall, contour lines Drainfield location, Clearstream treatment system, and lateral from dwelling is now shown on plan.

(i) How tall is the wall? **Wall height varies but averages around 3.5' to 4'.**

(ii) How long is the wall? **Wall is approximately 120' long.**

Isle of Wight County Major Water Quality Impact Assessment (pg-9)

(iii) Location and nature of the proposed encroachment into the buffer area, including: type of paving material; areas of clearing or grading; location of any structures, drives, other impervious cover; and sewage disposal systems or reserve drain field sites; **Encroachment. into the 50' seaward RPA is the CMU block retaining wall and the Clearstream treatment unit (located underground other than access hatch). All other seaward encroachments are existing and predate the CBPAO. The drainfield is located within the 50' landward RPA and within the RMA on the north side of the property.**

(7) Mr. Bolt stated that some grading and seeding is still needed for erosion. Why is there erosion still after the placement of the wall and fill. Grading is prohibited in the RPA without a plan and approval, So justification for this will be needed. You may need to have stormwater meet with you for their input on how to address the issues without impacting the RPA any further. **Bare and non-denuded areas still exist on the site due to the extensive amount of tree canopy to the rear of the site. This side is the southern side of the property, therefore the extensive tree canopy is blocking the maximum amount of sunlight.**

(8) What is the proposed mitigation plantings? **Using the area of disturbance of approximately 1,995 SF, will result in 4.99 required planting credits based upon CBPA planting mitigation of 400 SF. Therefore, the requirement will be 5 canopy trees, 10 understory trees, and 15 small shrubs or woody groundcover.**

(9) Describes the existing topography, soils, and hydrology of the site and adjacent lands **The existing topography prior to wall construction consists of slopes towards the spring of 9 – 10% slopes from the edge of the dwelling. Soils in this area consist of Emporia Fine Sandy Loam, Nevarc and Remlik soils, and Bohicket silty clay loam.**

The Emporia fine sandy loam occupies the upland area upland of the retaining wall. The Necarc, Remlik, and Bohicket soils occupy the wetlands area along the southern side of the property. Given this, the Emporia Sandy Loams are well drained soils with good soil hydrology. Therefore, these are classified by NRCS within Hydrologic Group 'B'. The Necarc, Remlik, and Bohicket soils are classified within Hydrologic Group 'D' given these are wetlands mudflats in this location. The surrounding area exhibits similar topography and physiology.

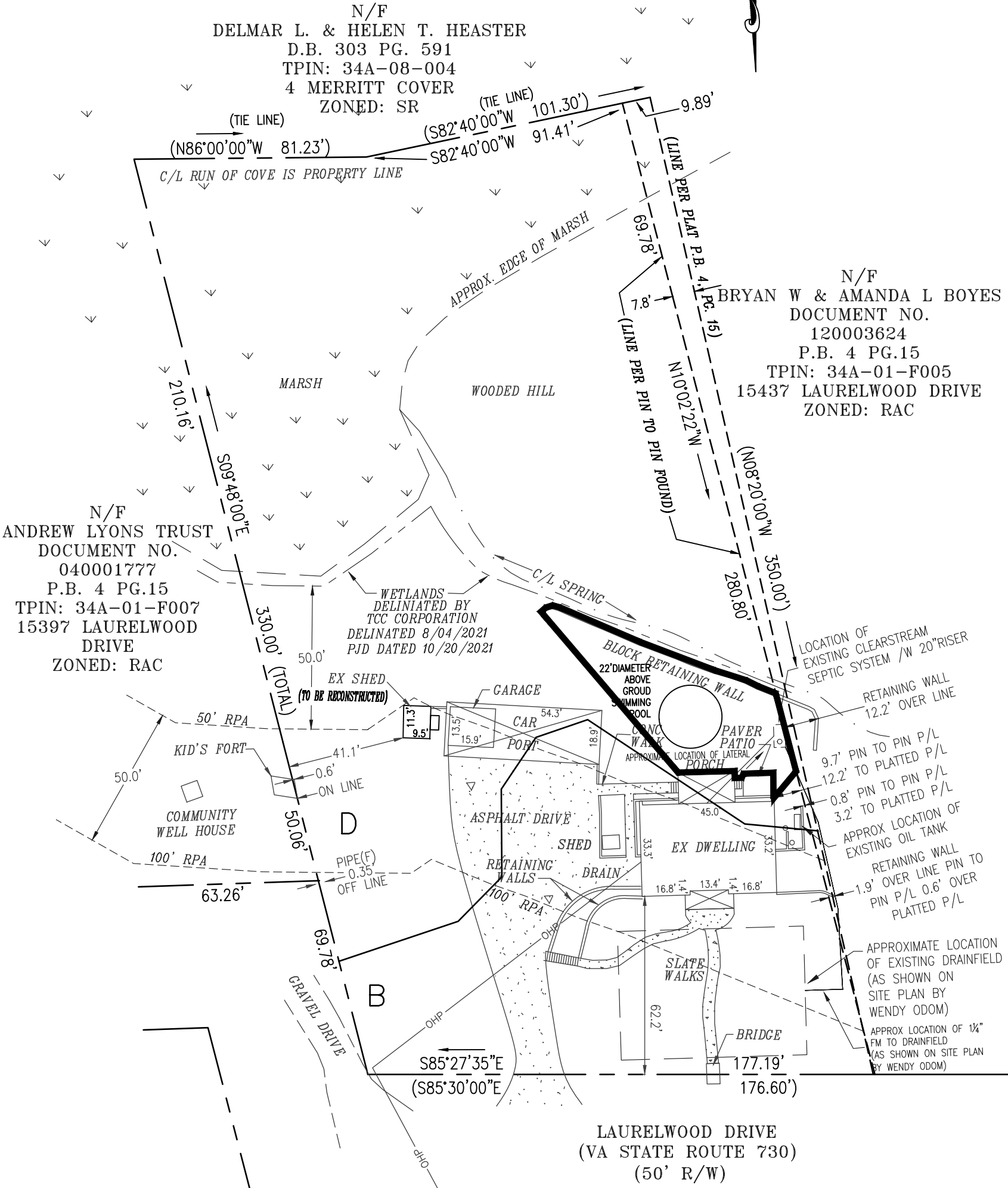
(10) What is the change in elevation caused by the fill and wall?

The backyard is now level to the spring so the contour has changed. The elevation change is approximately 5-6 feet from low to high along the wall. There was approximately 105 CY of fill placed within the rear yard representing approximately 8 to 10 truckloads of fill. This is based upon the comparison of old topographic contours and the elevation change between the dwelling and the wall. The perennial stream is approximately 5-6 feet below the top elevation of the wall.

(11 Describes the impacts of the development on topography, before wall and fill vs now. **The construction of the retaining wall has reduced the cross-slope of the yard from the natural grade of 9-10% to 7-8%. Once the grade is stabilized and seed well established, this will result in less erosion into the spring as the slope will not be as severe.**

(12)Does the wall effect the spring water levels? **The perennial stream source is upstream from the wall location. Additionally, the wall is constructed outside of the top of bank of course of the stream. Given these factors, the wall construction will have minimum impact upon the perennial stream levels.**

— DENOTES LIMITS OF DISTURBANCE
(1,995 SF (0.05 ACRE))



SITE PLAN
FOR
JEFFREY H. AND PAULA J. BOLT
15407 LAURELWOOD DRIVE

JUNE 28, 2024

NEWPORT MAGISTERIAL DISTRICT
ISLE OF WIGHT COUNTY, VIRGINIA

FILE NUMBER: 2020-026 (INITIAL SUBMITTAL APRIL 14, 2022)

NOTE:

TTC CORPORATION
DELINEATION OF WETLANDS
COMPLETED AUGUST 4, 2021

MELISSA NASH OF USACE
CONFIRMED DELINEATION
OCTOBER 20, 2021

GRAPHIC SCALE



(IN FEET)
1 inch = 40 ft.

CAE, INC.

ENGINEERS, PLANNERS, AND CONSTRUCTION CONSULTANTS

321 OFFICE SQUARE LANE, SUITE 101A
VIRGINIA BEACH, VIRGINIA 23462-3655
TELEPHONE (757) 271-1576 (757) 271-1009 (FAX)

National Flood Hazard Layer FIRMMette



76°30'59"W 36°55'39"N



0 250 500 1,000 1,500 2,000 Feet 1:6,000

Basemap Imagery Source: USGS National Map 2023

Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

SPECIAL FLOOD HAZARD AREAS		Without Base Flood Elevation (BFE) Zone A, V, A99
		With BFE or Depth Zone AE, AO, AH, VE, AR
		Regulatory Floodway
OTHER AREAS OF FLOOD HAZARD		0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X
		Future Conditions 1% Annual Chance Flood Hazard Zone X
		Area with Reduced Flood Risk due to Levee. See Notes. Zone X
		Area with Flood Risk due to Levee Zone D
OTHER AREAS		NO SCREEN Area of Minimal Flood Hazard Zone X
		Effective LOMRs
GENERAL STRUCTURES		Area of Undetermined Flood Hazard Zone D
		Channel, Culvert, or Storm Sewer
OTHER FEATURES		Levee, Dike, or Floodwall
		Cross Sections with 1% Annual Chance Water Surface Elevation
		Coastal Transect
		Base Flood Elevation Line (BFE)
		Limit of Study
		Jurisdiction Boundary
		Coastal Transect Baseline
		Profile Baseline
		Hydrographic Feature
MAP PANELS		Digital Data Available
		No Digital Data Available
		Unmapped



The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 10/1/2024 at 2:11 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.



LAURELWOOD DRIVE

34A-01-C004 - RAC

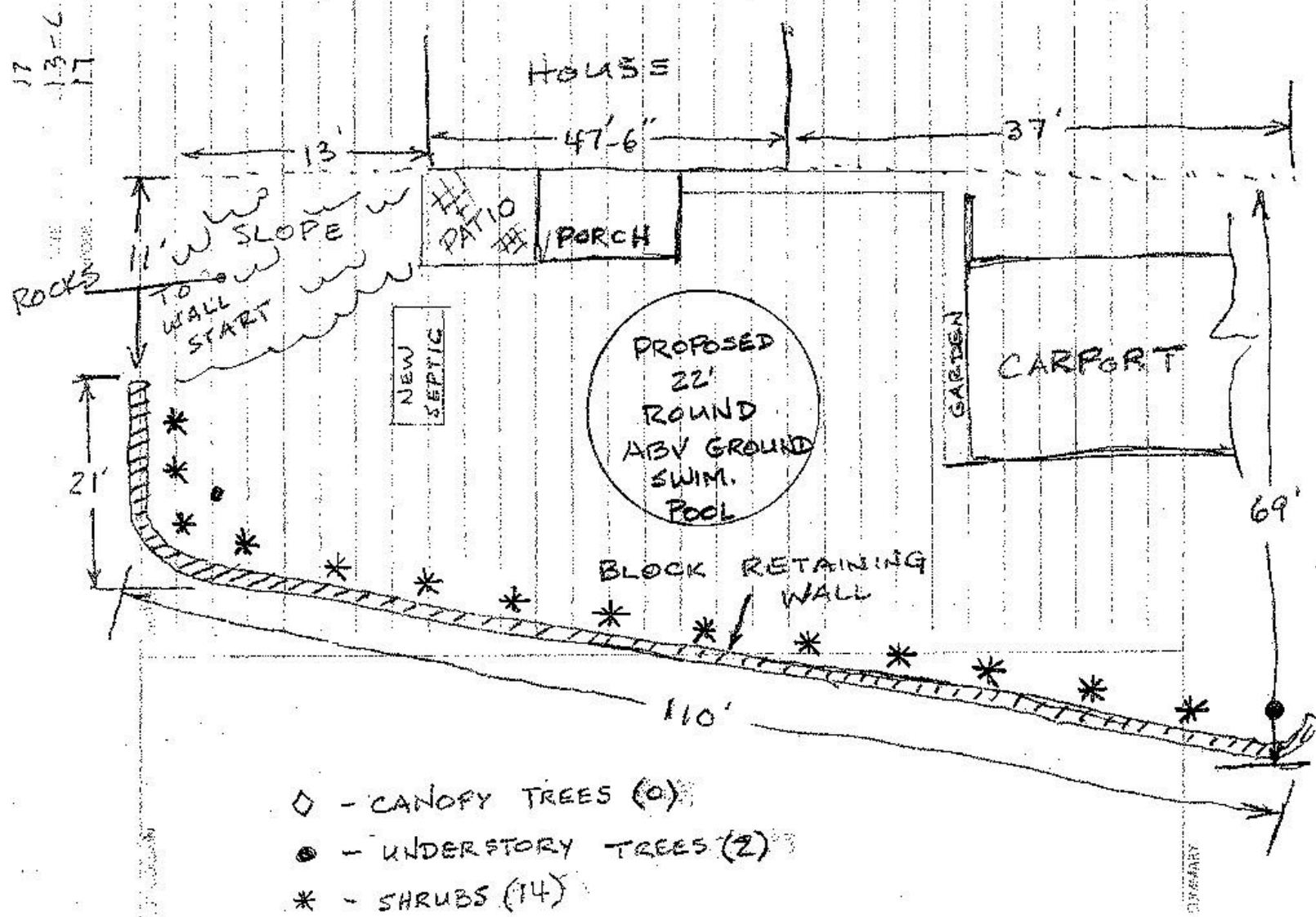
15407

34A-01-F007 - RAC

34A-01-F006 - RAC

34A-01-F005 - RAC

34A-08-004 - SR



Reasons for proposed planting plan in lieu of established guidelines:

1. The existing canopy from trees just behind the wall extends well in to the yard. This is further exasperated by the slope of the hill that the trees are actually growing from.
2. The retaining wall is currently retaining the soil. Presently, there is no soil loss as a result. In essence, the wall is doing what it was installed to do.
3. The addition of more large trees and the resulting root structures would put the wall in jeopardy of failing as the trees become mature. The retaining wall, while built to specification, is not designed to ward off large roots from close by trees.
4. Before anything was disturbed in my backyard, the yard was a grass lawn and had been for a great number of years. I moved into the house in March of 2012 and the yard was an established grass lawn.
5. I have already had one large tree blow over on to my house during a thunderstorm. There are presently, still today, trees that are close enough to the house to do the same. I do not wish to add to this fear.
6. While I realize there are guidelines concerning plantings in this type of situation, there is no mention of a retaining wall of this kind in the wetland's guidelines. There are mentions of bulkheads along the shoreline but that is not the case with my backyard.
7. Before the retaining wall was installed, when the yard included the sloping condition that proved to be next to impossible to grow new grass, the yard eroded at a fast pace. Presently, vegetation is flourishing due to the retaining wall. This, despite the fact that I have not attempted to grow grass (I was advised against it by Ms. Beussink).
8. The Preface to the CBPA Riparian Buffers Guidance Manual, page iii, states "Where a property had a lawn prior to the adoption of the local Bay Act program, no additional planting is required, although the addition of woody vegetation is encouraged for the benefits they would provide."

r/Jeff Bolt

7/12/24

Statement of reasons for exception/waiver-

A retaining wall became necessary when a large area of the grass lawn, directly behind and to the driveway side of the house was destroyed by heavy equipment during the installation of a new septic tank and system.

A new septic system was installed when the old one failed. I was advised to move the drain field from the back to the front yard which required a new tank that included a pump to move fluid uphill (the front yard is much higher in elevation than the backyard). The process of doing this turned the entire front yard and about ½ of the backyard into dirt. I immediately followed up the front yard disturbance with grass sod to replace the lawn that was previously there.

Due to the severe slope of the backyard, at the uphill side of the yard (behind where the actual house resides), the now dirt landscape immediately started to erode. It would not hold grass seed even with the netted mesh that is used to hold grass seed in place. The erosion was occurring at such a fast pace, I felt something needed to be done as soon as possible. This is when I decided a retaining wall would be appropriate to control erosion and enable the re-establishment of a grass lawn.

I would also like to note that I had attempted many times, before the septic tank issue, to grow grass on the most severe-sloping area of the yard but was unable to. This was mostly due to the extreme downpours we experience nowadays. Some grass and mostly weed-like vegetation was able to hold most of the soil but erosion did occur.

In addition to the retaining wall, I am asking for an above-ground swimming pool which would only be set on the ground and would provide rest and relaxation. This would be installed in the area enclosed by the retaining wall.

I'm also asking to rebuild a dilapidated shed that is already on a concrete slab. I would like to replace this shed on the exact same footprint with a wood structure.

August 5, 2023

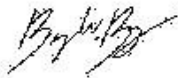
To Whom it may concern,

I, Bryan Boyes, am aware that my neighbor has built a retaining wall that intrudes upon my property by 12.2 feet. I have discussed this situation with them and believe it was done unintentionally and without any malicious intent. I believe that the actions my neighbor has taken were done with the intent to protect and improve water quality in the Chesapeake Bay. The wall appears to be professionally built and seems to be a reasonable solution to the erosion problem they have been experiencing over the years.

In light of all this, I am willing to allow the wall to remain intact with the understanding that no adverse possession claim can be made in the future, and that I cannot be held liable for any financial or physical hardship or adversity caused by any portion of the wall that remains on my property.

Respectfully,

Bryan William Boyes

A handwritten signature in black ink, appearing to read "Bryan Boyes", written over a horizontal line.

PLANNING REPORT

APPLICATION:

Application EXC-24-1 of Charles Davis, Jr. and Kimberly Davis, owners, for a waiver to Section 3.2.4.A.4 and Section 5.9.1.C of the Subdivision Ordinance to allow a family member subdivision from tax map parcel 31-01-019A on a private thirty-foot ingress/egress easement not built to public standards which serves more than two lots

ELECTION DISTRICT:

D4

LOCATION:

The parcel is located at 15258 Carroll Bridge Road, Smithfield and is zoned Rural Agriculture Conservation (RAC). The surrounding land uses are single family residential, agricultural, farmland and wetlands.

BACKGROUND:

This parent parcel was created in the 1990's and is accessed by a private ingress/egress easement, which provides access to Carroll Bridge Road (Rt. 654).

When the property owners talked to Planning and Zoning staff, they were advised that their proposal does not meet the Subdivision Ordinance standards that were adopted in 2021.

The Subdivision Ordinance family member standard allows no more than one lot resulting from a single tract to be accessed from a single ingress/egress easement unless approved by the Board of Supervisors upon recommendation from the Planning Commission.

The Subdivision Ordinance also stipulates that all roads which provide access to three or more lots must be public roads which meet VDOT construction standards.

The proposed new lot is approximately 1,000 feet down the private ingress/egress which presently serves access to four existing lots. There is a recorded road maintenance agreement, and the new proposed lot will also be subject to that

agreement.

DESCRIPTION:

The 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.

COMPREHENSIVE LAND USE PLAN:

The property is designated Rural Agricultural Conservation on the Future Recommended Land Use Map in the Comprehensive Plan. This designation is 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. The proposal is consistent with the future recommended land use.

ORDINANCE REVIEW:

Section 3.2.4.A.4, which addresses family member subdivisions, states that no more than one (1) 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 states that, unless specifically modified in this ordinance, all new streets must be public and improved to comply with the VDOT road and bridge standards.

Section 3.2.10.E of the Ordinance lists criteria for a waiver from the Subdivision Ordinance requirements. 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:

1. That 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. That strict adherence to the general regulations would result in substantial injustice or hardship.

Finding: Staff finds no hardship, because the lot is currently being 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 and septic system.

4. That granting the administrative waiver shall be consistent with the purposes and intent of this Ordinance.

Finding: Staff finds that the purpose and intent of the Ordinance 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 has reviewed the request and states that there are no impacts to the state-maintained right-of-way with the proposal.

The owner has had the proposed parcel evaluated by an Onsite Soil Evaluator (OSE) for installation of a septic system which includes a primary and reserve drainfield as required for subdivision approval.

No concerns have been identified by County Departments

STAFF CONCLUSIONS:

Strengths:

1. There is an existing road maintenance agreement.

Weaknesses:

1. The waiver request does not meet all of the criteria stipulated by the Subdivision Ordinance.

STAFF RECOMMENDATION:

Staff recommends denial of the waiver based on its weakness.

ATTACHMENTS:

Description	Type	Upload Date
REQUEST	Cover Memo	10/4/2024
EXHIBIT	Exhibit	10/3/2024
ZONING MAP	Backup Material	10/3/2024
LOCATION MAP	Backup Material	10/3/2024
LAND USE MAP	Backup Material	10/3/2024
ROAD AGREEMENT	Backup Material	10/3/2024

To whom it may concern,

We are gifting 2 acres of land to our Daughter Heather McAfee and her Husband. This land is part of our current property at 15258 Carroll Bridge Road, Smithfield, VA 23430.

Thanks,

7/24/2024

Kimberly Deeds Davis



ISLE OF WIGHT
COUNTY, VIRGINIA

DEPARTMENT OF COMMUNITY DEVELOPMENT

AFFIDAVIT OF OWNERSHIP

This 25 day of September, 2024
(day) (month) (year)

I Kimberly D. Davis owner of T.P. 31-01-019A
(owner) (address and/or tax map number)

give my permission to: Kimberly D. Davis to make
(applicant)

application to Isle of Wight County Department of Community Development for the aforementioned property.

[Signature]
(signature of owner)

Kimberly D. Davis
(printed name)

Commonwealth of Virginia

County of Isle of Wight

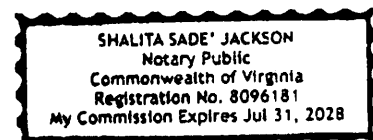
Subscribed and sworn to before me Shalita Jackson

A Notary Public in and for the County of Isle of Wight, Commonwealth

of Virginia, this 25th day of September, 2024.

[Signature]
Notary Public

My Commission Expires July 31, 2028





Isle of Wight
COUNTY, VIRGINIA

DEPARTMENT OF COMMUNITY DEVELOPMENT

AFFIDAVIT OF OWNERSHIP

This 2 day of October, 2024
(day) (month) (year)

I Charles Davis, owner of T.P. 31-01-019A
(owner) (address and/or tax map number)

give my permission to: Charles Davis, to make
(applicant)

application to Isle of Wight County Department of Community Development for the aforementioned property.

Charles Davis
(signature of owner)

Charles W. Davis Jr.
(printed name)

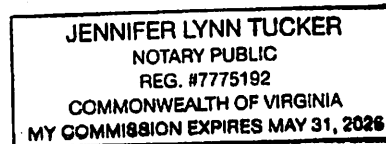
Commonwealth of Virginia

County of Isle of Wight

Subscribed and sworn to before me Jennifer Lynn Tucker

A Notary Public in and for the County of Isle of Wight, Commonwealth
of Virginia, this 2 day of October, 2024.

Jennifer Lynn Tucker
Notary Public



My Commission Expires May 31, 2026

**COUNTY OF ISLE OF WIGHT
DISCLOSURE OF REAL ESTATE HOLDINGS**

Applicant Kim Davis
Address 1525 Carroll Bridge Road
Smithfield ^{Street} VA 23430
City State Zip

REAL ESTATE HOLDINGS TO BE AFFECTED

Location or Address	Description
15258 Carroll Bridge	T P 31-01-019A

OTHER OWNERS OF AFFECTED REAL ESTATE

(Not Required for Corporation whose stock is traded on a national or local stock exchange or having more than 500 shareholders.)

Name of Individuals Corporation/Partnership Business Association	Address

Does any member of the Isle of Wight County Planning Commission or governing body have any interest in such property, either individually, by ownership of stock in a corporation owning such land, partnership, as the beneficiary of a trust, or the settlor of a revocable trust, or whether a member of the immediate household of any member of the Planning Commission or governing body has any such interest? ☐ Yes ☒ No

If yes, names of members:

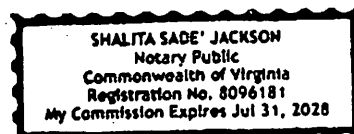
I do solemnly swear that the foregoing statement(s) and attachments(s), if any, are complete, correct and true.

Applicant: Kimber Davis Applicant: [Signature] Date: 9/25/24
Printed or Typed Name Signature

Commonwealth of Virginia
County of Isle of Wight

Subscribed and sworn to before me Shalita Jackson
A Notary Public in and for the County of Isle of Wight, Commonwealth
of Virginia, this 25th day of September, 2024.

[Signature]
Notary Public



My Commission Expires July 31, 2024

**COUNTY OF ISLE OF WIGHT
DISCLOSURE OF REAL ESTATE HOLDINGS**

Applicant Charles Davis
Address 15258 Carroll Bridge Road
Smithfield Street Va. 23120
City State Zip

REAL ESTATE HOLDINGS TO BE AFFECTED

Location or Address	Description
15258 Carroll Bridge	T.P. 31-01-019A

OTHER OWNERS OF AFFECTED REAL ESTATE

(Not Required for Corporation whose stock is traded on a national or local stock exchange or having more than 500 shareholders.)

Name of Individuals Corporation/Partnership Business Association	Address

Does any member of the Isle of Wight County Planning Commission or governing body have any interest in such property, either individually, by ownership of stock in a corporation owning such land, partnership, as the beneficiary of a trust, or the settlor of a revocable trust, or whether a member of the immediate household of any member of the Planning Commission or governing body has any such interest? ☐ Yes ☒ No

If yes, names of members:

I do solemnly swear that the foregoing statement(s) and attachments(s), if any, are complete, correct and true.

Applicant: Charles Davis Applicant: Charles Davis Date: 10/02/2024
Printed or Typed Name Signature

Commonwealth of Virginia
County of Isle of Wight

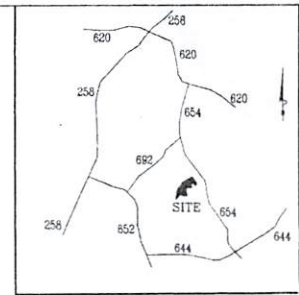
Subscribed and sworn to before me Jennifer Lynn Tucker
A Notary Public in and for the County of Isle of Wight, Commonwealth
of Virginia, this 2 day of October, 2024.

Jennifer Lynn Tucker
Notary Public

My Commission Expires May 31, 2026

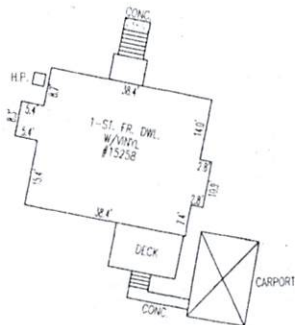
JENNIFER LYNN TUCKER
NOTARY PUBLIC
REG. #7775192
COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES MAY 31, 2026

THIS SURVEY IS SUBJECT TO ANY EASEMENT OF RECORD AND OTHER PERTINENT FACTS WHICH A TITLE SEARCH MIGHT DISCLOSE. NO TITLE REPORT WAS PROVIDED FOR THIS SURVEY.



SITE LOCATION
SCALE 1" = 2 MI.

ZONE "TRAC"
MIN. BUILDING LINE:
60' FRONT SETBACK
50' REAR SETBACK
25' SIDE YARD SETBACK



DETAIL SHOWING DWELLING AREA
SCALE 1" = 20'

SUSAN C. CORBIN
T.P. 31-01-022
INSTR. #180000196

PETER FINKENAUER
T.P. 31-01-019N
INSTR. #140002468
P.C. 2-134-15

JUSTIN B. FERGUSON
KAYLA W. DUCK
T.P. 31-01-019AI
INSTR. #230000877
P.C. 2-172-6

SUSAN C. CORBIN
T.P. 31-01-022
INSTR. #180000196

EDWARD RAE SCOTT REVOCABLE TRUST
T.P. 31-01-019M
INSTR. #110001581
P.C. 2-134-15

T.P. 31-01-019A
AREA=14.172 AC.
ZONED "TRAC"

LEE BARLOW
ANGELA H. BARLOW
T.P. 31-01-0197
INSTR. #060003300
P.C. 2-106-6

ANGELA W. MORRIS
JONATHAN W. MORRIS
T.P. 31-01-019I
INSTR. #170004384
P.C. 2-106-6

JUDITH B. HEMMER
T.P. 31-01-01602
INSTR. #190003055
P.C. 2-66-11

CHARLES DANNY MCCAMPBELL
T.P. 31-01-0194
INSTR. #040000818
P.C. 2-66-11

JOHN J. HUMPHREYS
T.P. 31-01-0195
INSTR. #130002495
P.C. 2-66-11

ANTHONY ROY MCFATTER
HELLENA MAE MCFATTER
T.P. 31-01-019F
INSTR. #070000111
P.C. 2-187-13

I HEREBY CERTIFY THAT THE PROPERTY SHOWN ON THIS PLAT IS LOCATED IN ZONE "X" AS SHOWN ON THE FLOOD INSURANCE RATE MAP, COMMUNITY-PANEL NUMBER 510303 0150 E, DATED DEC. 2, 2015.

THIS IS TO CERTIFY THAT ON MAY 3, 2023, I SURVEYED THE PROPERTY SHOWN ON THIS PLAT, SHOWING THE TITLE LINES AND PHYSICAL IMPROVEMENTS. THE IMPROVEMENTS STAND STRICTLY WITHIN THE TITLE LINES AND THERE ARE NO ENCROACHMENTS OR VISIBLE EASEMENTS EXCEPT AS SHOWN.

J.D. VANN L.S.

PHYSICAL SURVEY SHOWING TAX PARCEL 31-01-019A
SURVEYED FOR
**CHARLES MONROE DAVIS, JR.
& KIMBERLY DEEDS DAVIS**

LOCATED AT 15258 CARROLL BRIDGE ROAD
NEWPORT MAGISTERIAL DISTRICT
ISLE OF WIGHT COUNTY, VIRGINIA
SCALE 1"=100' MAY 3, 2023

REFERENCE - INSTRUMENT #090002140
P.C. 2-172-6

- - DENOTES IRON PIN OR PIPE FOUND
- - DENOTES COMPUTED POINT
- - DENOTES POINT IN BRANCH OR RAVINE



J.D. VANN - LAND SURVEYING
25085 New Market Rd
Courtland, VA 23837
757-682-4923

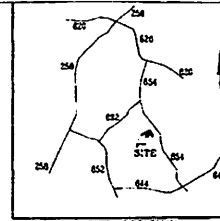


TO RTE. 644 ROUTE 654 CARROLL BRIDGE ROAD 0.2 MI. TO RTE. 692--
40' R/W

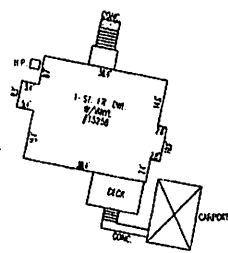
REVISED MAY 11, 2023
REVISED MAY 10, 2023

DRAWN BY: L.L. JOB #2023-57-W 83-60

THIS SURVEY IS SUBJECT TO ANY EASEMENT OF RECORD AND OTHER PERTINENT FACTS WHICH A TITLE SEARCH MUST REVEAL. NO TITLE REPORT WAS PROVIDED FOR THIS SURVEY.



ZONE "B"
W/ 20' DRAINAGE LANE
67' FRONT SETBACK
50' REAR SETBACK
25' SIDE YARD SETBACK



I HEREBY CERTIFY THAT THE PROPERTY SHOWN ON THIS PLAN IS LOCATED IN ZONE "B" AS SHOWN ON THE FLOOD INSURANCE RATE MAP, COMMUNITY-PANEL NUMBER 510333 0150 I, DATED DEC. 2, 2015.

THIS IS TO CERTIFY THAT ON MAY 3, 2023, I SURVEYED THE PROPERTY SHOWN ON THIS PLAN, SHOWING THE TITLE LINES AND PHYSICAL IMPROVEMENTS. THE IMPROVEMENTS STAND STRONGLY WITHIN THE TITLE LINES AND THERE ARE NO ENCROACHMENTS OR VIOLATIONS EXCEPT AS SHOWN.

[Signature] LS

PHYSICAL SURVEY SHOWING TAX PARCEL 31-01-019A
SURVEYED FOR
**CHARLES MONROE DAVIS, JR.
& KIMBERLY DEEDS DAVIS**

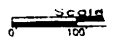
LOCATED AT 15250 CARROLL BRIDGE ROAD
NEWPORT MAGISTERIAL DISTRICT
ISLE OF WIGHT COUNTY, VIRGINIA
SCALE 1"=100' MAY 3, 2023

REFERENCE - INSTRUMENT #000002140
P.C. 2-172-8

- - DENOTES IRON PIN OR PIPE FOUND
- - DENOTES COMPUTED POINT
- - DENOTES POINT TO BE PLACED ON R/W



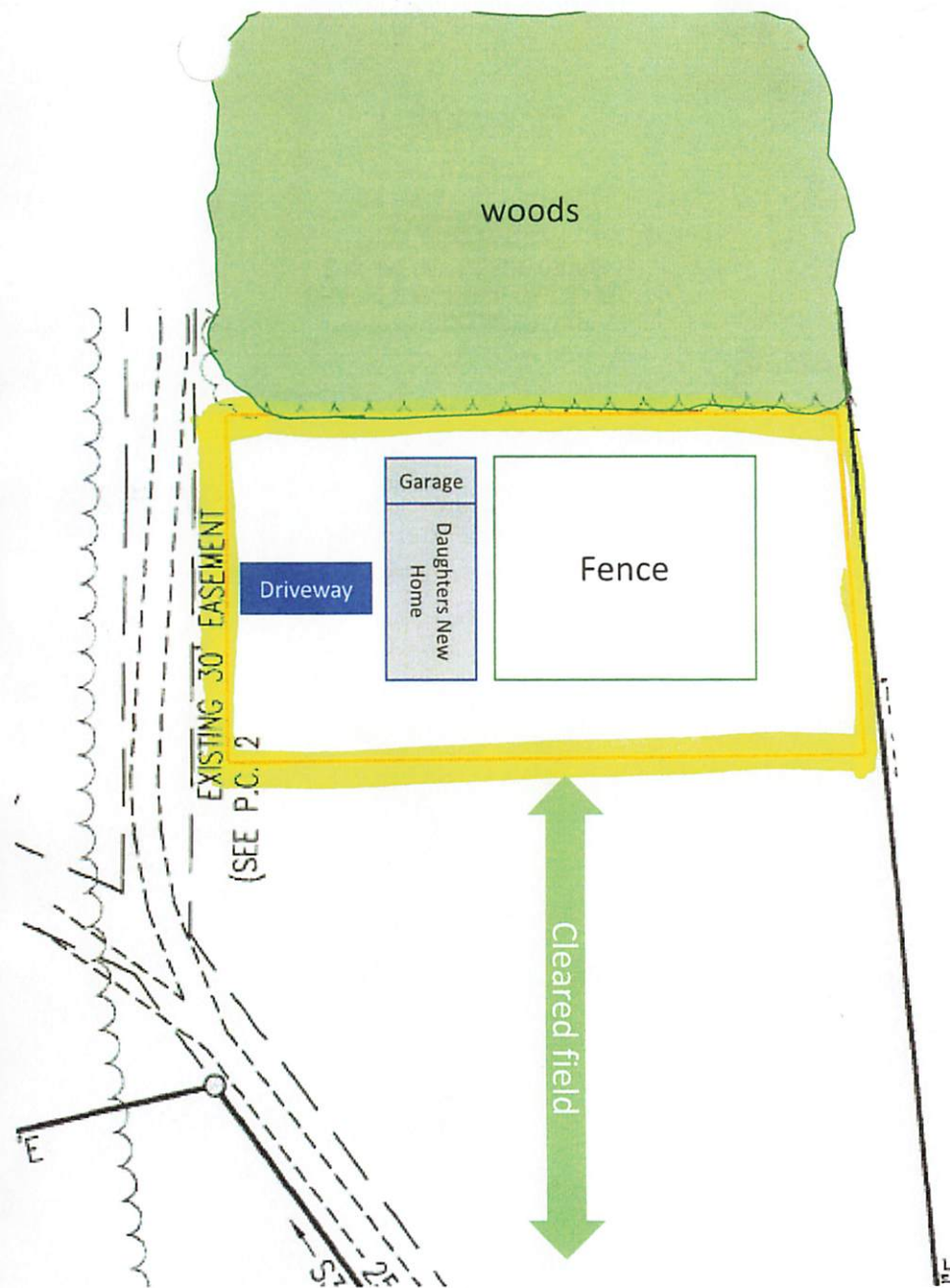
J.D. VANDY - LAND SURVEYOR
2025 New Market Rd
Charlottesville, VA 22907
757-582-0823



ROUTE 654 CARROLL BRIDGE ROAD 52 M TO RT 647 - 407' RW

REVISED MAY 11, 2023
REVISED MAY 10, 2023

UNION 01 L.L. 2.83 2.723 57.74 63-68



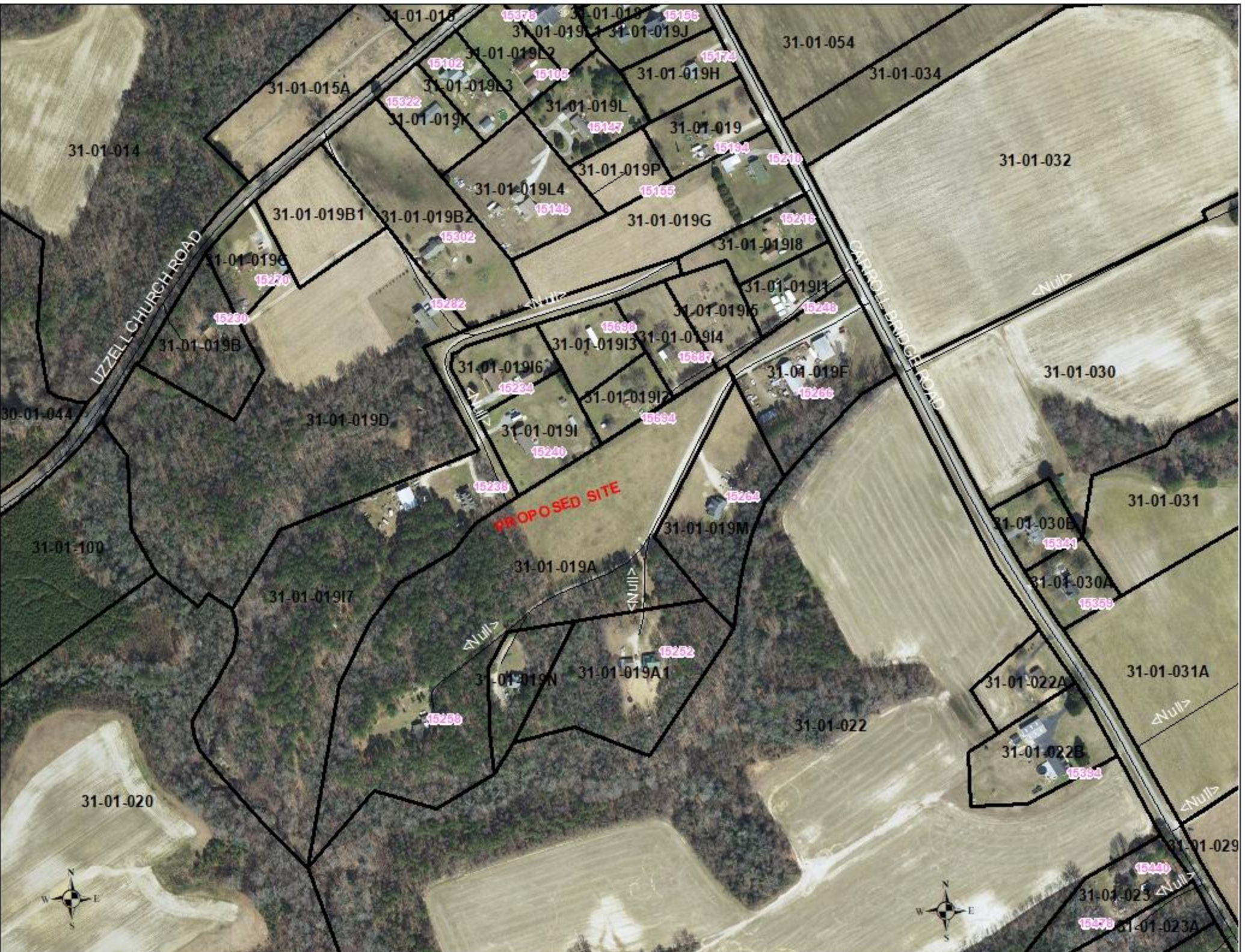
To Whom it may concern,

Gifting our Daughter 2 Acres of our 13.162 land
to build a home on. Road Agreement Attached.

T.P. 31-01-019A

Sincerely,
Charles and Kim Davis
15258 Carroll Bridge Road
Smithfield, VA 23430





PROPOSED SITE

UTZELL CHURCH ROAD

CARROLL BRIDGE ROAD





230830

PG 4 MAR 20 2023

Prepared By & Return To: Archer L. Jones, II
Jones and Gilchrist, P.C., 1600 S. Church Street, Smithfield, VA 23430
Tax ID Nos.: 31-01-019A, 31-01-019M & 31-01-019A1

ROAD MAINTENANCE AGREEMENT

THIS ROAD MAINTENANCE AGREEMENT dated the 17th day of March, 2023, by and between Dale FEHD, Trustee of the EDWARD RAE SCOTT REVOCABLE TRUST, and Justin B. FERGUSON and KAYLA N. DUCK, to be indexed herein as Grantors and Grantees, all of whom are referred to herein as "OWNERS".

WHEREAS, Dale Fehd, Trustee of the Edward Rae Scott Revocable Trust, is the owner of the property being identified as TM 31-001-019A and TM 31-01-019M which was conveyed into the Edward Rae Scott Revocable Trust by deed dated April 9, 2009 and recorded as Instrument No. 090002140 in the Clerk's Office aforesaid; and

WHEREAS, Justin B. Ferguson and Kayla N. Duck are the owners of the property identified as Parcel A3 (TM 31-01-019A1) which was conveyed to them by deed from Dale Fehd, Trustee of the Edward Rae Scott Revocable Trust dated March 17, 2023 and recorded immediately prior hereto; and

WHEREAS, Dale Fehd, Trustee of the Edward Rae Scott Revocable Trust, has fee simple title to a certain lot or parcel containing an ingress and egress easement designated as "30' R/W FOR INGRESS, EGRESS AND UTILITIES" as shown on that certain plat entitled, "PLAT OF PARCEL A1 AND A2 EDWARD RAE SCOTT FAMILY SUBDIVISION PART OF THE PROPERTY OF EDWARD RAE SCOTT LOCATED IN NEWPORT MAGISTERIAL DISTRICT, ISLE OF WIGHT COUNTY, VIRGINIA", dated February 17, 2005 made by Emin B. Holley, Jr., Certified Land Surveyor, Smithfield, Virginia duly record in the Clerk's Office of the Circuit Court of Isle of Wight County, Virginia, in Plat Cabinet 2, Slide 134, Page 15, to which plat reference is hereby specifically made for more particularities as to same; and

WHEREAS, Owners agree, as evidenced by their signatures affixed herein below, to equally maintain and repair the aforesaid ingress and egress easement as the same from time to time may be necessary as hereinafter provided.

NOW, THEREFORE, WITNESSETH: That for and in consideration of the premises, Owners, for themselves, their heirs and assigns, do hereby covenant and agree as follows:

1. The Owners agree to maintain the easement as shown on that certain plat "PLAT OF PARCEL A1 AND A2 EDWARD RAE SCOTT FAMILY SUBDIVISION PART OF THE PROPERTY OF EDWARD RAE SCOTT LOCATED IN NEWPORT MAGISTERIAL DISTRICT, ISLE OF WIGHT COUNTY, VIRGINIA", in its present good condition and to share equally in any expense to repair and/or maintain the easement.

2. Any owner may initiate repairs of maintenance by first informing all others in writing of their intention and the extent of the work sought. If no objection is received within 15 days of such notice, then the initiating owner may proceed with the work. Each owner shall pay their share of the costs to the contract, and/or materialman prior to the payment due date specified on any bill for work or materials.

If agreement cannot be reached as to the need for maintenance or repairs then the party desiring the work may proceed to enforce these covenants by legal action, with all costs and reasonable attorney's fees incurred therein to be awarded to the prevailing party.

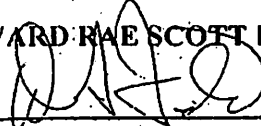
3. That a majority of the lot owners shall be empowered to modify this agreement as the same may from time to time be needed; provided, however, that any deed of trust or mortgage placed on any of the said lots shall not be affected by any subsequent modification to this agreement recorded after any such deed of trust or mortgage.

4. That this agreement shall be binding upon the successors in interest, heirs, and assigns of the undersigned.

(REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK)

WITNESS the following signatures and seals:

EDWARD RAE SCOTT REVOCABLE TRUST

By:  Trustee (SEAL)
DALE FEHD, Trustee

COMMONWEALTH OF VIRGINIA:
COUNTY OF ISLE OF WIGHT, to-wit:

The foregoing instrument, bearing the date of 17th day of March, 2023, was
acknowledged before me by Dale Fehd, Trustee of the Edward Rae Scott Revocable Trust.


Notary Public

My Commission Expires: May 31, 2024

Justin B. Ferguson (SEAL)
JUSTIN B. FERGUSON

Kayla N. Duck (SEAL)
KAYLA N. DUCK

COMMONWEALTH OF VIRGINIA:
COUNTY OF ISLE OF WIGHT, to-wit:

The foregoing instrument, bearing the date of 17th day of March, 2023, was
acknowledged before me by Justin B. Ferguson and Kayla N. Duck.

Angela M. Becker
Notary Public

My Commission Expires: May 31, 2024

24

A. Jones: Gilchrist PC

PLANNING REPORT

APPLICATION:

Application of Hall Family Partnership LLC, applicant and owner, for an Exception to Section 6-2010.A.3.a of the Newport Development Service Overlay (NDSO) District Regulations in the Zoning Ordinance for the property located at 20168 Regal Circle with Tax Map Number 42-06-004 for an Exception to the NDSO Design Standards for building façades

ELECTION DISTRICT:

District 4

LOCATION:

The property is a 1.66 acre parcel located on Regal Circle inside the Isle of Wight County Industrial Park on property with tax map parcel number 42-06-004. It is bounded to the east by Benns Church Boulevard and to the north, west, and south by parcels included in the industrial park and also in the Conditional-Limited Industrial (C-LI) zoning district.

BACKGROUND:

The property is currently vacant but has been cleared as a part of an approved site plan. The site is a part of the original Isle of Wight Industrial Park which received zoning approval in 1988. A site plan has been approved for contractor office and storage facility use.

The proposal is to add 6,200 square feet of indoor storage space and 4,800 square feet of office space. There is also a storage yard to the rear of the property. The applicant has proposed using a portion of the building for his existing electrical business and leasing the remaining square footage to similar contractor businesses.

DESCRIPTION:

The applicant would like to construct a building using metal siding, which according to the NDSO design standards, would be prohibited. The applicant states that the cost and maintenance required with the materials found in the ordinance are the primary reasons for the exception request. The applicant also

stated that he is going for a more contemporary and professional look and thinks that can be achieved with the proposed metal siding. The proposed metal siding will give the appearance of board and batten siding. As a result, the applicant requests an exception to the architectural and design guidelines of the NDSO District. The request is for an exception to Section 6-2010.A.3.a of the Zoning Ordinance which prohibits the use of either concrete block, flat or corrugated metal, or vinyl siding walls for new development or expansion of existing development within the NDSO District.

COMPREHENSIVE LAND USE PLAN:

The 2020 Comprehensive Plan states that building design which promotes the character of the Newport Development Service District (DSD) is encouraged. Architectural guidelines are recommended for non-residential structures to ensure compatible and positive aspects of the District's visual experience from the arterial roadways. Buildings should reflect an individual design that considers site location, conditions, intended use, and the character/building mass of the surrounding properties.

ORDINANCE REVIEW:

The property is in the Conditional - Limited Industrial (C-LI) zoning district and the NDSO and Chesapeake Bay Preservation Area Overlay districts. The intent of the NDSO district regulations is to reduce incompatible and adverse impacts on the visual experience from the highway and provide continuity of site design within the proposed development.

Per Section 6-2011.B., when granting an exception, the Board of Supervisors must consider the following criteria:

1. Such exception shall be no less beneficial to the residents or occupants of the development, as well as the neighboring property, that would be obtained under the applicable regulation.
2. That the exception is reasonable because of the high level of design and construction that will be incorporated into the development; and,
3. That the exception will result in design and construction that is in accordance with accepted engineering and building standards.

AGENCY REVIEW:

Staff performed an analysis of the exception request and developed the following findings:

1. The proposed use and building are consistent and similar in nature with neighboring properties inside the industrial park.
2. Beyond the metal siding, the building design includes such higher-level design elements such as awnings over the entrances, and parking located in the interior of the site.

STAFF CONCLUSIONS:

Based on an analysis of the project, staff identified the following strengths and weaknesses for the proposed uses:

Strengths:

1. The building design and use will be similar to those of existing buildings within the industrial park.
2. The proposed use of the property would increase employment and revenues in the County.

Weaknesses:

1. The new building will not meet the NDSO requirements.

STAFF RECOMMENDATION:

Based on the listed strengths, staff recommends approval of the application with the condition that the building materials will be the same as those proposed in the concept elevations.

ATTACHMENTS:

Description	Type	Upload Date
Application	Backup Material	10/14/2024
Elevations	Backup Material	10/14/2024
Sample Building	Backup Material	10/15/2024
Location Map	Backup Material	10/14/2024



APPLICATION FOR EXCEPTIONS

This application should be used to petition for an exception for certain uses which, because of their unique characteristics, but which may, under the right set of circumstances and conditions be acceptable.

A. APPLICATION FOR (CHECK ALL THAT APPLY):

- ☐ Chesapeake Bay Preservation Area Ordinance Exception
- ☒ Newport Development Service Overlay District Exception
- ☐ Highway Corridor Overlay District Exception
- ☐ Signage Exception
- ☐ Subdivision Ordinance Waiver
- ☐ Other (please list) _____

The proposal is a request to Section (s) 6-2016 A.3.c of the Chesapeake Bay Preservation Area Ordinance, the Isle of Wight County Zoning Ordinance, or the Isle of Wight County Subdivision Ordinance.

Proposed Use or Activity: Office/Warehouse

B. APPLICATION INFORMATION:

Applicants Name: Robert L. Hall

Address: 301 Huntington Way, Smithfield, VA

Email: robby@hallelectrical.net

Phone: 757-376-3776

Property Owners Name: Hall Family Partnership, LLC

Address: 301 Huntington Way, Smithfield, VA

C. PROJECT DESCRIPTION:

Project Name: Regal Business Park

Property Address (if any): 20168 Regal Circle, Smithfield, VA 23430

Comprehensive Plan Designation: Business Sp. 1.4

The exception will apply to .253 acres out of 1.634 total acres

Tax Parcel Identification # 42-06-004 Number of acres to be effected: .253

Proposed Utilities (check all that apply): Public Water ☐ Private Well ☒

Public Sewer ☐ Private Septic ☒

NOTICE: THE ATTACHED CHECKLIST MUST BE COMPLETED, CERTIFIED, AND SUBMITTED OR THE APPLICATION WILL BE CONSIDERED INCOMPLETE.

Remit Application to: Isle of Wight County Central Permitting, 17140 Monument Circle, Suite 100
P. O. Box 80, Isle of Wight, Virginia 23397


Applicant Signature

8/14/24
Date

Owner Signature *if different*

Date

FOR OFFICE USE ONLY:

Complete Application Received On: _____ Fees Paid: _____

Tax Query: [] Current [] Delinquent Distribution Date: _____

Posted/Date to Post: _____

AGENCIES REFERRALS:

☐ Department of Conservation & Recreation
☐ Economic Development
☐ Emergency Services
☐ General Services
☐ Environmental Planner
☐ Health Department
☐ Transportation Manager
☐ Commission of Revenue
☐ Other _____

☐ Inspections
☐ Sheriff's Office
☐ Town of Smithfield
☐ Town of Windsor
☐ VDOT
☐ Schools
☐ Budget & Finance
☐ County Attorney

Verified By: _____ Date: _____

**COUNTY OF ISLE OF WIGHT
DISCLOSURE OF REAL ESTATE HOLDINGS**

Applicant: Robert L. Hall for Hall Family Partnership, LLC

Address: 301 Huntington Way, Smithfield, VA

REAL ESTATE HOLDINGS TO BE AFFECTED

Location or Address	Description
20168 Regal Circle, Smithfield, VA 23430	Office/Warehouse

OTHER OWNERS OF AFFECTED REAL ESTATE

(Not Required for Corporation whose stock is traded on a national or local stock exchange or having more than 500 shareholders.)

Name of Individuals Corporation/Partnership Business Association	Address

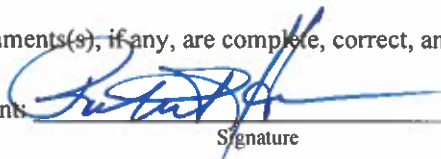
Does any member of the Isle of Wight County Planning Commission or governing body have any interest in such property, either individually, by ownership of stock in a corporation owning such land, partnership, as the beneficiary of a trust, or the settlor of a revocable trust, or whether a member of the immediate household of any member of the Planning Commission or governing body has any such interest? Yes No

If yes, names of members:

I do solemnly swear that the foregoing statement(s) and attachments(s), if any, are complete, correct, and true.

Applicant: Robert L. Hall

Printed or Typed Name

Applicant: 

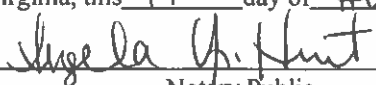
Signature

Date: 8.14.2024

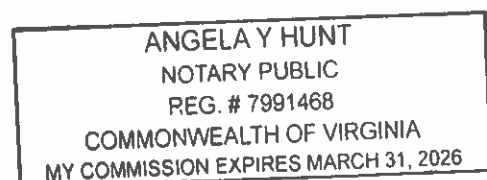
Commonwealth of Virginia
County of Isle of Wight

Subscribed and sworn to before me Robert L. Hall

A Notary Public in and for the County of Isle of Wight, Commonwealth of Virginia, this 14th day of August, 2024.


Notary Public

My Commission Expires March 31, 2026





SUBMITTAL CHECKLIST FOR EXCEPTION APPLICATIONS

****Both checklist and application required upon submission to central permitting or application will not be accepted****

In accordance with Section 5002, *Exceptions*, of the Chesapeake Bay Preservation Area Ordinance, and in accordance with Section 6-1015, *Exceptions*, Section 6-2011, *Exceptions*, and Section 9-1013, *Exceptions*, of the Isle of Wight County Zoning Ordinance, the following information shall be submitted for an exception application. Please note that it is the applicant's responsibility to ensure that the application is in compliance with all Federal, State and County regulations.

No application for an exception shall be certified as complete unless the following information is provided. **The required number of copies may be increased or reduced with permission of the Zoning Administrator, depending on the review needs.** Applicant(s) must have their signature(s) notarized on the disclosure of real estate holdings.

- ☒ **Ten (10) copies of the following**
 - ☒ original, executed application
 - ☒ a statement of the reasons for seeking an exception
 - ☐ narrative description of the property which shall include the tax parcel identification number
 - ☒ full size concept plan of the site to show all existing and proposed physical improvements and such other information as is necessary to clearly indicate to the reviewing body that adequate provisions have been made for compliance with all standards for that particular use, the extent of the property to be so used on a given parcel or parcels, and information defining the requested exceptions. The plan shall be prepared by the appropriate authorized design professional licensed to practice in Virginia. No person shall prepare or certify design elements of site plans which are outside the limits of their professional expertise and license. Such document shall be drawn to scale and shall include the following information:
 - A vicinity map at a scale of no less than one (1) inch equals two thousand (2,000) feet
 - Title of drawing
 - Date of drawing
 - Existing wood line
 - North arrow
 - Scale bar
 - Current zoning of parcel(s), including tax map number(s) and owner(s)

- Current zoning of adjacent parcel(s), including tax map number(s) and owner(s)
- Street names including route number and width(s) of the right-of-way(s)

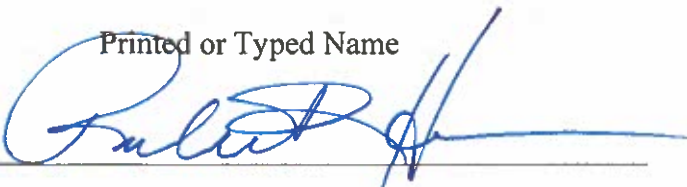
- ☒ **One (1) original executed application**
- ☒ **One (1) digital copy of ALL application documents**
- ☒ **One (1) reduced 11"x17" copy of concept plan**
- ☒ **Application fee submitted with the application. Checks should be made payable to treasurer, Isle of Wight, County**
- ☐ **For CBPA Exception applications, a major water quality impact assessment which meets the criteria in Section 4003 of the Chesapeake Bay Preservation Area Ordinance must be submitted at the time of application.**
- ☐ Other information may be necessary to demonstrate compliance with all other applicable federal, state and County standards and regulations.
- ☒ All real estate taxes must be paid and current at the time of submittal; otherwise, the submittal will be refused at the counter. Proof of the most recent tax payment to the County must accompany the application.

Please note that additional information on the site layout may be requested by the Zoning Administrator during the review process in order to more effectively review the application and prepare the staff reports for the appropriate reviewing body.

I, the undersigned, certify that this application is complete, accurate and contains all required and requested information, documents, and other submittals, and that all statements made herein are, to the best of my knowledge, true and correct. I further certify that I have exercised due diligence to obtain the most recent, complete, and correct information available. I understand that any section not completed in its entirety may delay the processing of this application.

Robert L. Hall

Printed or Typed Name


Signature

8.14.2024

Date

REGAL BUSINESS PARK EXCEPTION REQUEST

Reasons for seeking an Exception:

I want to thank the commission for hearing and considering my request for an exception to the Newport District Service Overlay section 6-200.13C which states:

“Stucco, natural wood siding, brick, stone, decorative block, cementitious siding or other materials with similar texture and appearance are considered appropriate to county character and shall be provided on all exterior elevations. Alternative materials that provide an equivalent appearance and durability of the above may be approved by the zoning administrator. Vinyl siding, flat or corrugated metal and concrete block shall not be used for exterior siding material on any building, except that vinyl siding may be used as trim material. The exterior covering material shall extend to the ground, except that when a solid brick or masonry perimeter foundation is used, exterior covering material need not extend below the top of the foundation.”

I would like for the exception to be made to allow for a Flat Metal panel that is of high quality and looks very professional for the type of building that I am constructing. I have attached a picture of what the building would look like for reference. Here are my reasons for this request.

1. **Cost:** The Stucco, Wood Siding, and Cementitious Siding in its construction will add more labor to install. Siding requires that there is framing for the siding to be mounted or supported. The metal building has steel beams and columns and cross members. However, additional wood/studs are required to create a wall for the siding to be supported. With materials being so expensive this will add not only more cost for materials but also for labor to build the wall. Then the maintenance to up-keep the look and appearance creates an unnecessary burden whereas the metal siding does not.

Brick is Very Expensive for the size of building that I have. It would add another \$75,000 to \$100,000 to my cost which would prohibit me from building.

Metal siding comes in large panels and attaches directly to the metal structure. No additional framing of walls is required. And due to the nature of the metal flat panel wall finish lasting 25yrs or more it maintains its look 4 to 5 times longer than other traditional siding listed above. The Flat Metal Panel has a 25yr warranty making this a much better value than stucco, wood or cementitious siding.

2. **Maintenance:** Stucco, Wood Siding and even cementitious siding requires a lot of maintenance. Some more than others listed here. However, Stucco is a product that has been known to let water get behind it even with the smallest of gaps. When that happens, the moisture will build up and cause rot, mold, mildew and it will not be noticeable until it is too late. When this occurs there is a tremendous amount of damage that has to be repaired structurally. The cost of that would be much more to replace than what was initially installed. In addition, Hardie Plank (Cementitious Siding) and Wood Siding would require to be painted every 4 to 5 yrs. For that size of building painting would cost

about \$8,000 to \$10,000 or more each time to maintain a clean professional look. The metal flat panel would not require that.

Wood Siding has this same potential of leaks but you would be able to see it. However, wood will rot and is high maintenance with painting even more frequent. Again, the cost over the years in 25yrs could exceed \$50,000 or more just painting. If it is to be maintained properly. This creates a unnecessary burden and expense on my company.

Cementitious Siding (Hardy Plank) holds up better, but like stucco, moisture can get behind the hardy plank where gaps are and if Caulk fails. And it would not be seen until more structural damage, mold and mildew has occurred. Again, it can be costly to maintain having to paint and caulk to maintain it properly regularly.

The Metal Flat Panel I am requesting to be used, will be of high quality and is very low maintenance and will hold up for years to come with lower cost to maintain. The finish/paint on these metal panels will last 25yrs or more without maintenance other than pressure washing. It is a very low-cost product to maintain and is perfect for an office/warehouse building such as I am constructing.

3. The Appearance: The look that I would like the other products above do not give the same look. I wanted something of a more contemporary and professional look, more of an office park look. See the picture that I provided. This is a sample of what I am looking for. The style is more of a Board and Batten look of siding.

The Building to the Right of me and to the Left of me have Corrugated Metal Siding. I am not doing a corrugated metal. It will be a flat metal panel with Board and Batten Look. As stated, before this panel is low maintenance and will be the least costly for me.

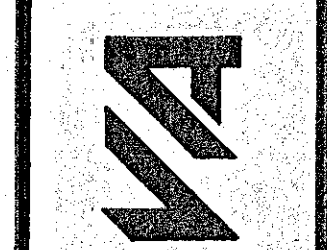
Thank you for your consideration. I believe this building will give a very professional appearance and will attract more businesses to the area which will help the county and our area.

Best Regards,

Robert L. Hall, Managing Member/Owner

REVISIONS	BY
5/02/24	BV
6/12/24	BV
6/14/24	BV
10/10/24	BV

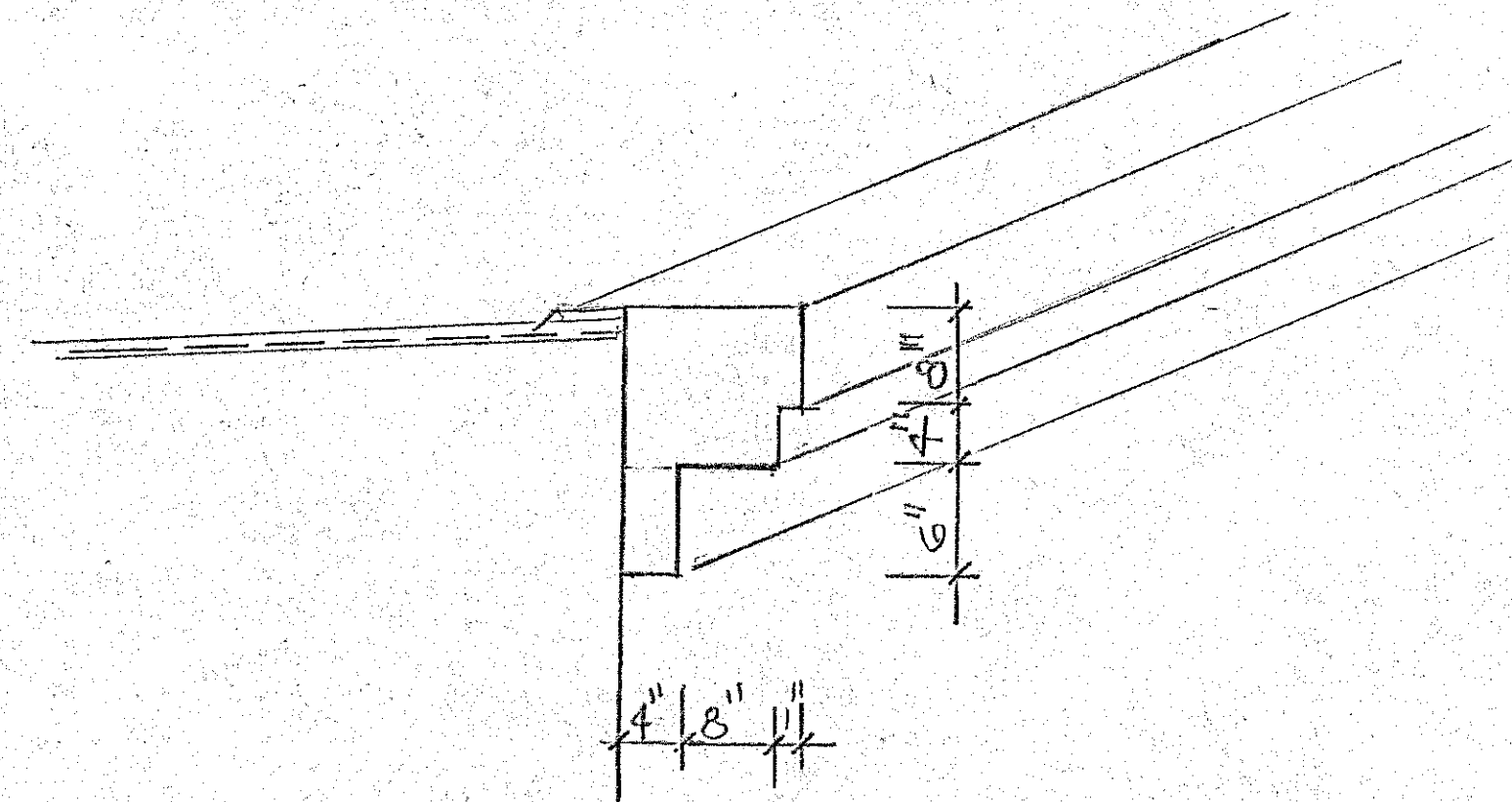
Verebely & Associates,
Architects
Chesapeake
Virginia



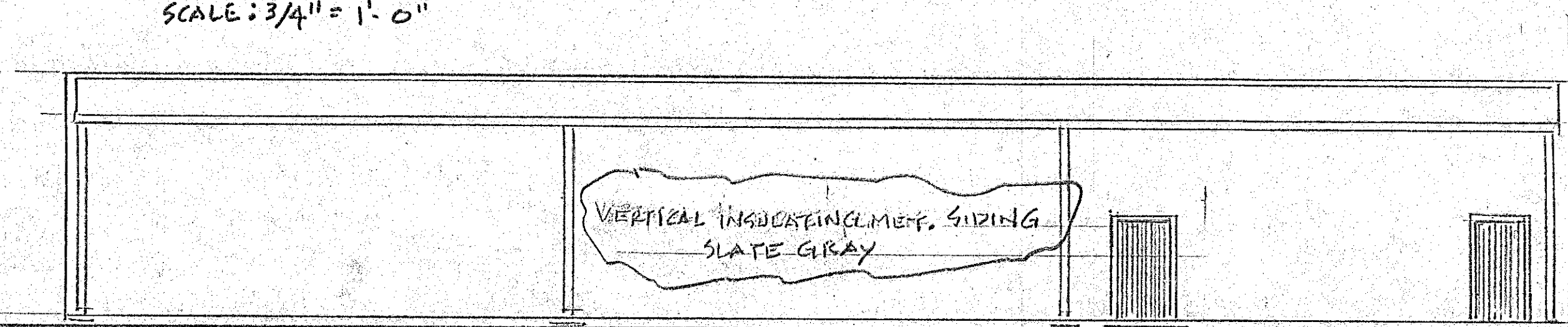
ALL DRAWINGS, SPECIFICATIONS, AND COPIES THEREOF ARE INSTRUMENTS OF SERVICE AND SHALL REMAIN THE PROPERTY OF THE ARCHITECT. NO UNAUTHORIZED USE OF THESE DRAWINGS OR SPECIFICATIONS FOR ANY PROJECT WITHOUT THE ARCHITECT'S AUTHORIZATION IS PERMITTED. THIS DESIGN IS COPYRIGHTED ©

BUILDING ELEVATIONS
OFFICE/WAREHOUSE for the
HALL FAMILY PARTNERSHIP, LLC
REGAL BUSINESS CENTER
ISLE OF WIGHT, VA.

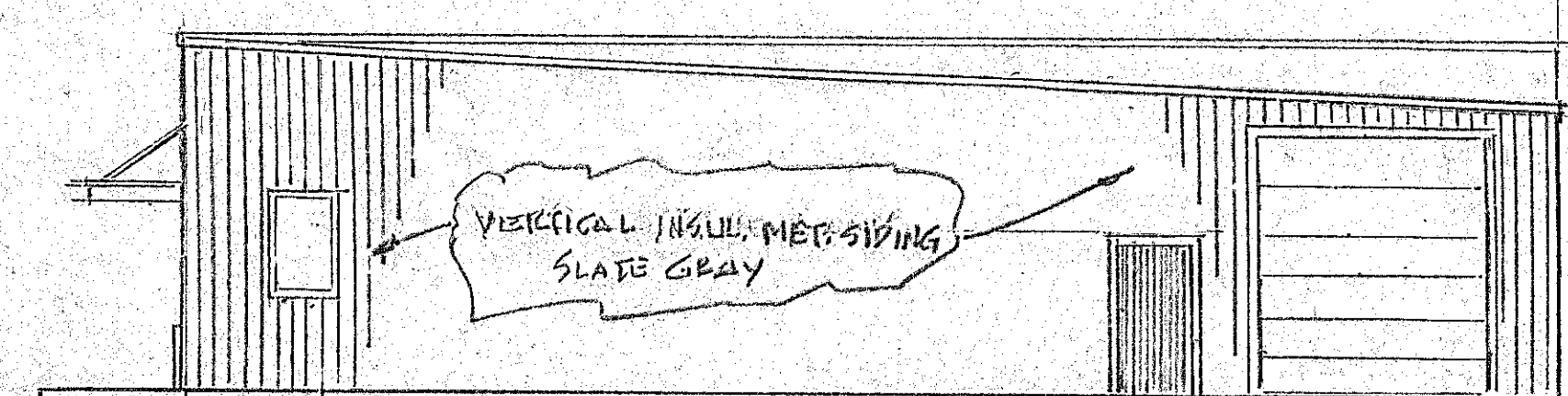
Date 29 FEB. 24
Scale
Drawn VERB
Job 24-22
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01 of 3 Sheets



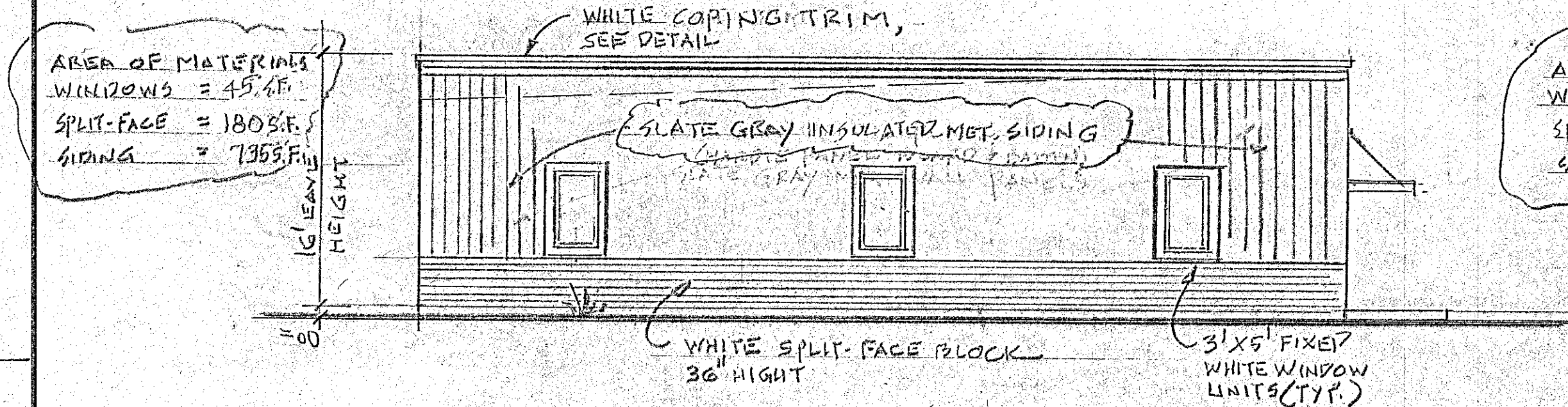
COPING DETAIL
SCALE: 3/4" = 1'-0"



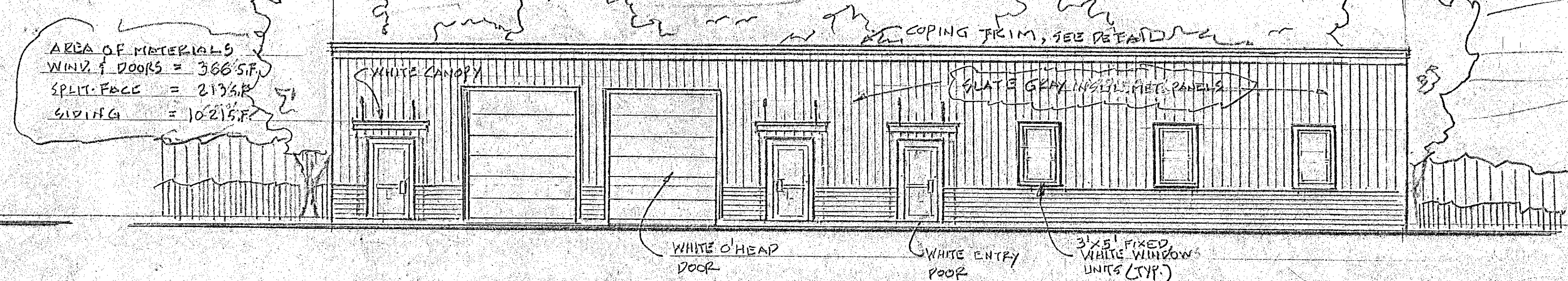
REAR ELEVATION SOUTH FACING
SCALE: 1/8" = 1'-0"



RIGHT SIDE ELEVATION WEST FACING
SCALE: 1/8" = 1'-0"

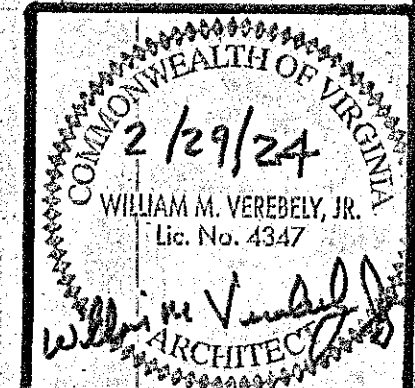


SIDE ELEVATION EAST FACING
(STREET FRONT) SCALE: 1/8" = 1'-0"



FRONT ELEVATION NORTH FACING
SCALE: 1/8" = 1'-0"

ISSUE DATE
8/26/24





Canopies, Walk Doors, Windows,
Glass Store Front Doors -
All supplied by Steel Building Accessories

EXC-4 -24 - NDSO Exception- Location Map



PLANNING REPORT

APPLICATION:

Discussion on Proposed Changes to the Zoning Ordinance

ELECTION DISTRICT:

All

LOCATION:

County-wide

BACKGROUND:

The Planning Commission continued its discussion of proposed changes to the industrial zoning district setback requirements adjacent to residential uses to their October 22, 2024, regular meeting in order to review changes requested at their September 24, 2024, regular meeting. The changes included the following items:

1. Increase the setback to 300 feet from residential lots or districts;
2. Require a sound study for industrial uses adjacent to residential lots or districts; and
3. Require a berm with a minimum height of ten feet adjacent to residential lots or uses.

Staff proposes the following additional items for discussion:

1. The term "residential lot" should be clarified as a property whose principal use is or is proposed for residential use. This term shall not include agricultural properties where the principal use is agricultural or silvicultural, and a residence is considered accessory to this use.
2. Consider changing the setback to 300 feet from the residential structure as opposed to the property line. This would allow some additional flexibility for properties where the residential structure is setback further from the proposed industrial use.

DESCRIPTION:

Staff developed draft Ordinance changes for Planning Commission review and discussion. A copy of the draft revisions is attached to this staff report.

AGENCY REVIEW:**STAFF RECOMMENDATION:**

The information provided in this staff report is for informational purposes only. No action is required.

ATTACHMENTS:

Description	Type	Upload Date
Redline	Backup Material	10/15/2024

Proposed Zoning Ordinance Revisions

Revised October 15, 2024

The draft revisions are listed by section below. New, proposed language is in red/blue underlined text where blue represents the most recent change. Language proposed to be deleted is shown in red text with ~~strikethrough~~ markings.

Article IV, Zoning districts and boundaries.

Sec. 4-11005. Limited Industrial - Bulk regulations

C. Minimum setback requirements:

1. Front yard: Thirty-five (35) feet.
 - a. Industrial uses shall meet a setback of one hundred (100) feet, except that office buildings associated with the industrial use may meet the minimum thirty-five (35) feet setback.
 - b. For lots within designated industrial park of twenty (20) acres or more, office buildings associated with the industrial use shall meet a setback of thirty-five (35) feet.
2. Side yard: Twenty (20) feet.
3. Rear yard: Twenty (20) feet.
4. For parcels directly adjacent to a residential use or district whose principal use is residential, the minimum setback shall be 300 feet. 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, 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;
 - 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. When, in the opinion of the zoning administrator, the addition of plantings and earthen berms or masonry walls would better achieve the purposes of this district in lieu of the landscaping requirements of the frontage zone.
- h. There shall be an earthen berm with a minimum height of ten (10) feet installed in the required set back between the residential use and the industrial use.
- i. A sound study shall be required with the submittal of the application for the industrial use.

Sec. 4-12005. General Industrial – Bulk regulations

C. Minimum setback requirements:

1. Front yard: Thirty-five (35) feet.
 - a. Industrial uses shall meet a setback of one hundred (100) feet, except that office buildings associated with the industrial use may meet the minimum setback of thirty-five (35) feet.
 - b. For lots within designated industrial park of twenty (20) acres or more, office buildings associated with the industrial use shall meet a setback of thirty-five (35) feet.
2. Side yard: Twenty (20) feet.
3. Rear yard: Twenty (20) feet.
4. For parcels directly adjacent to a residential use or district whose principal use is residential, the minimum setback shall be 300 feet. 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, 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;
 - 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. When, in the opinion of the zoning administrator, the addition of plantings and earthen berms or masonry walls would better achieve the purposes of this district in lieu of the landscaping requirements of the frontage zone.
 - h. There shall be an earthen berm with a minimum height of ten (10) feet installed in the required set back between the residential use and the industrial use.

- i. [A sound study shall be required with the submittal of the application for the industrial use.](#)

Sec. 4-13005. General Industrial Conservation – Bulk regulations

B. Minimum setback requirements:

1. Front yard: Thirty-five (35) feet.
 - a. Industrial uses shall meet a setback of one hundred (100) feet from the right-of-way of any existing street which abuts or borders the use, except that uses located within a designated industrial park of twenty (20) acres or more shall meet a setback of fifty (50) feet from any street right-of-way.
 - b. For lots within a designated industrial park of twenty (20) acres or more, office buildings associated with the industrial use shall meet a setback of thirty-five (35) feet.
2. Side yard: Twenty (20) feet.
3. Rear yard: Twenty (20) feet. (11-17-16; 7-19-18; 11-15-18.)
4. [For parcels directly adjacent to a residential use or district whose principal use is residential, the minimum setback shall be 300 feet. 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, 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;](#)
 - 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. [When, in the opinion of the zoning administrator, the addition of plantings and earthen berms or masonry walls would better achieve the purposes of this district in lieu of the landscaping requirements of the frontage zone.](#)
 - h. [There shall be an earthen berm with a minimum height of ten \(10\) feet installed in the required set back between the residential use and the industrial use.](#)
 - i. [A sound study shall be required with the submittal of the application for the industrial use.](#)

Article V, Supplementary Use Regulations

Sec. 5-1001. - Prohibited uses.

The following uses are specifically excluded from all districts:

Sec. 5-2000. - Supplementary density and dimensional regulations.

H. Projections and yard setback modifications.

1. Covered, unenclosed front porches. Covered, unenclosed porches, decks, landings, steps, terraces, patios or platforms, open on three (3) sides except for necessary supporting columns and customary architectural features, may be permitted in a required front yard provided that such structure shall not be more than eight (8) feet in width and shall not project more than three (3) feet into such yard.
2. Covered unenclosed porches permitted in required side or rear yard. Covered, unenclosed porches, decks, landings, steps, terraces, patios or platforms, open on three (3) sides except for necessary supporting columns and customary architectural features, may be permitted in required side or rear yards provided that no such structure, shall project closer than three (3) feet to any side lot line, that no such structure shall be more than one (1) story in height or more than twenty-four (24) feet in length, and that no such structure shall project more than eight (8) feet into any required rear yard.
3. Uncovered porches. Uncovered porches, decks, landings, steps, terraces, patios or platforms which do not extend above the level of the first floor of the building (except for railings and railing supports) may project into any required front, side or rear yard or court not to exceed eight (8) feet.
4. [Architectural features, chimneys, air conditioners, cornices, eaves, belt courses, sills, canopies, or other similar architectural features.] Architectural features, chimneys, air conditioners, generators, fuel tanks, cornices, eaves, belt courses, sills, canopies, or other similar architectural features (but not including bay windows or vertical projections) may project into a required side yard not more than eighteen (18) inches, but not closer than three (3) feet to the side lot line, and may not exceed thirty-six (36) inches. Chimneys and air conditioners may project into any yard not more than eighteen (18) inches, but air conditioners rated at twenty-four thousand (24,000) BTU or less shall not be so placed as to discharge air within five (5) feet of side yard lines, and those rated over twenty-four thousand (24,000) to discharge air within twelve (12) feet of side yard lines, other than side yard lines adjacent to streets.
5. Open fire escapes. Open, unenclosed fire escapes may project not more than four (4) feet into any required yard, but shall not project closer than three (3) feet to any side lot line.
6. Open stairways and balconies. Open, unenclosed stairways or balconies, not covered by a roof or canopy, may extend or project into a required rear yard only, not more than four (4) feet, but shall not be within three (3) feet of any property line.
7. Exemption of front yard setback for handicap ramps. Handicap ramps used for residence(s) of a single-family dwelling shall be allowed to encroach into the required front yard setback. The ramp must be built in accordance with the American Disabilities Act as it pertains to wheelchair accessibility. In no instances shall the ramp be covered.

8. Exemption of yard setback requirements for electrical, water or wastewater utility cabinets. Utility cabinets measuring no more than six feet high and eight feet wide shall be allowed to encroach into required yard setbacks and shall be located outside of any required sight line or sight triangle.