



**Urbanna Town Council  
Public Hearing and Meeting  
AGENDA  
Town Council Chambers  
390 Virginia St., Suite B  
Thursday, January 25, 2024 7:00 PM**

1. Call to Order
2. Roll Call
3. Pledge of Allegiance
4. Approval of Agenda
5. Public Hearing
  - a. Special Use Permit Application-2023-SUP-04-Harte-Miniature Pony
  - b. Special Use Permit Application-2023-SUP-05-Jay Wolfson-Small Town Burger
  - c. Ordinance 2024-001-Bad Check Fee
6. Public Comment
7. Council Comment
8. Announcements
9. Adjourn



## **Agenda Item Summary January 25, 2024**

**Agenda Item:** Approval of Agenda

**Staff Recommendation:** Approve

**Council Action Requested:** Yes

**Sample Motion(s):** Motion to approve agenda as presented.



**Agenda Item Summary**  
**January 25, 2024**

**Agenda Item:** 2023-SUP Application-04

**Staff Recommendation:** Approve with conditions.

**Justification:** See Staff Report.

**Fiscal Impact:** None anticipated.

**Council Action Requested:** Approve with conditions.

**Sample Motion:** I move to approve 2023-SUP Application-04 for Marnie Harte and Sean Hackney subject to the conditions contained in the staff report before us this evening.



## TOWN OF URBANNA

390 VIRGINIA ST. SUITE B, PO BOX 179, URBANNA, VA 23175

PHONE: 804-758-2613, FAX: 804-758-0389

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### MEMORANDUM

To: Town Council Members  
From: Ted Costin  
Subject: Staff Report for a Special Use Permit hearing January 25, 2024

**Application Number:** 2023-SUP Application-04

**Location:** #01 Kent Street, Urbanna

**Property Owner:** Marnie Elizabeth Bach Harte and Sean M. Hackney

**Applicant:** Marnie Hart

**Request:** Applicant requests permission to allow for the keeping of a miniature pony at 301 Kent Street which is a residential dwelling within the R-1 residentially district consisting of +/- 1.26 acres. The entire property, except for the garage is enclosed by a white wooden fence. The dwelling is connected to town water and sewer. The application, and other details are attached.

**Map:** 20A-2-23

**Zoning District:** R-1

**Overlay District(s):** Portion of lot in Chesapeake Bay Protection Act RPA

**Use:** Residential dwelling and accessory structures.

**Adjacent Owners Notified:** Yes

**Hearing Advertised:** Yes

**Adjacent land Uses:** North-Rappahannock River  
South-Obert Street, Kent Street, residential  
West-Residential  
East-residential

**Environmental:** There are no records of rare plants, threatened or endangered plants or animals. A portion of the lot is located within the Chesapeake Bay Resource Protection Area (RPA) but not where the miniature pony will be kept.



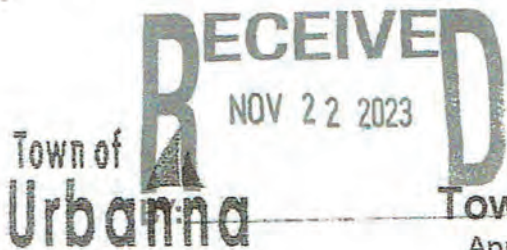
**Compliance with Zoning Provisions:** Town Code Section 17-4.2.3(17) permits such a use with a special use permit. That Section allows for private stable for the keeping of horses, ponies or other livestock for personal enjoyment and not as a business, provided that any building for keeping of animals shall be located at least 100 feet from any side or rear lot line and provided that no more than one such animal shall be kept for each acre. The Planning Commission, after a public hearing held on December 12, 2023 voted to recommend to the Town Council that the application be approved subject to the conditions before them. Staff has revised those conditions in accordance with the Commission's input and in consultation with the applicant for clarity.

There are no actions in this proposal that would cause any violations of other zoning provisions.

**Suggested Permit Restrictions:**

Permit holder shall:

- 1) Be permitted to keep one miniature pony on the property until such time as the applicant or a family member no longer owns the property. At such time as the property is transferred outside the family this special use permit will automatically expire.
- 2) Comply with all local, county, state, and federal laws, rules and regulations concerning the keeping of the animal.
- 3) On a daily basis pick up pony droppings and place them in a closed container until removed from the premises. Remove collected droppings from the property at least every other week.
- 4) Maintain fence enclosure around the property to prevent pony from roaming the neighborhood unattended.
- 5) Construct a 6 foot privacy fence on the applicants property line on Obert Road running toward the water and stopping just beyond the paddock area in order prevent the pony's presence from causing a distraction to neighboring property owners and their pets.
- 6) Provide for the shelter and wellbeing of the pony during periods of inclement weather by removing the pony to safe location.
- 7) If applicant violates any of the conditions above or fails to adhere to the representations set forth in the application and supporting materials, this special use permit may be terminated upon notice being given the applicant and hearing by the Town Council.



Special Use Permit Application Number \_\_\_\_\_

## Town of Urbanna, Virginia

### Application for Special Use Permit – Standard Form

The undersigned property owner or agent for the property owner, of the following property hereby applies for a Special Use Permit in accordance with Chapter 17, Urbanna Town Code, Article 9, Zoning Ordinance of Urbanna, Virginia.

#### Applicant / Property Owner Information

Applicant Name Marnie Harte  
Applicant Address 301 Kent Street, PO Box 833, Urbanna VA 23175  
City/Town \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_  
Applicant phone number 804 3800386 Applicant fax number \_\_\_\_\_

You are the ☒ property owner; ( ) agent for the property owner.

Note: If you are the agent for the property owner written consent of the owner must be attached to this application.

Property Owner Name N/A

Property Owner Mailing Address \_\_\_\_\_ City/Town \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Property owner telephone number \_\_\_\_\_ Property owner fax number \_\_\_\_\_

#### Location of Property

Street Address 301 Kent Street Tax parcel ID number \_\_\_\_\_

#### General Description of Property

White house on corner by water w/ fenced in yard +  
garage

Current Zoning District \_\_\_\_\_ Tax Map 20A DC \_\_\_\_\_ Lot(s) \_\_\_\_\_

Overlay District(s): Flood Zone ( ) Zone X ( ) Zone AE Historic District ( ) Yes ☒ No  
Chesapeake Bay ( ) RMA ( ) RPA

#### Existing Use(s) of Property

Residential - will continue to be used as residential

Is this application a request to amend an existing special use permit? Yes ☒ No \_\_\_\_\_ If so, explain the amendment(s).

This special use permit is for a miniature  
pony.



Describe the proposed change in use or change in structure(s) for the property.

no change in structures on property

Maximum Building Height(s) with Proposed Change N/A

Number of Dwelling Units/Density Calculations N/A

Proffers, Restrictive Covenants, Deed Restrictions and Other Special Considerations

N/A

Does this property have any conditions attached to it from a previous application for a special use permit? If so, please list them here.

N/A

Demonstrate how the proposed special use will not negatively impact the surrounding properties or detract from the neighborhood character in terms of public health, safety, and welfare. How will such impacts be mitigated or avoided?

we are seeking a permit to have a miniature pony on the property. No new buildings or other changes proposed. The pony is a town asset - loved and visited each day by residents. No negative impact.

Attach a site plan / plot plan / survey plat showing location(s) of existing and proposed structures to be erected and applicable setback lines and distances including all zoning district requirements.

#### Notes

- (1) Special use permits are issued subject to approval of a site plan. Permits may be issued for either a limited or indefinite period of time and shall be revocable by the Town Council for failure to adhere to the applicable conditions. Unless otherwise specified, work must begin within one year and be completed within 2 and one-half years.
- (2) The Town Council may include, as part of the ordinance granting any special use permit, suitable regulations and safeguards as it may deem appropriate. Once a special use permit is approved subject to such conditions, they shall be deemed to be a part of the zoning ordinance and may be enforced by the zoning administrator. Conditions attached to a special use permit may only be amended or deleted by subsequent application for the purpose.
- (3) This permit shall expire and may be revoked if the work performed does not conform to the approved site plan and application (drawings/site plan/requirements), the conditions attached thereto, or other applicable regulations. The permit shall be revoked if the use made of the property does not conform to the use applied for and approved hereby.



- (4) This application for a special use permit must be accompanied by three (3) copies of any required site plans or plot plans. Plans are to be drawn to scale, showing actual dimensions of all existing and proposed structures/alterations.

Attach the Names and Addresses of All Adjacent Property Owners to this Application: Please include lot numbers

Applicant(s) Remarks:

Use a separate sheet if necessary.

- ① Dennis + Cindy Pryor - 291 Kent Street, Urbanna VA 23176
- ② Betty Pritchard - 325 Obert St, Urbanna, VA 23175

**Application Fee:** A \$300.00 application fee for Level 1 applicants or \$1500 fee for Level 2 applicants must be paid to the Town of Urbanna. In addition, the applicant is responsible for the cost of advertising and for expenses of notifying the adjacent property owners. The application fee must be paid before any action is taken. The fee is non-refundable.

In making this application, the Applicant requests that the Town of Urbanna approve the location, modifications, or construction of the above proposed special use on the property described above.

Memo [Signature] Nov 20, 2023 N/A  
Property Owner Signature Date Applicant Signature (If Not Property Owner) Date

If this application is not signed by the property owner, Agent hereby swears and affirms that he has legally sufficient power of attorney to obligate the owner for all matters relating to this application.

N/A  
Agent Signature Date

For Office Use by the Urbanna Zoning Administrator and the Planning Commission	
<u>Roy Kime</u> Town Official Receiving Application	<u>12/4/2023</u> Date
Permit Level _____	Fee paid \$ <u>300</u>
	<u>Nov 22 - 2023</u> Date Paid/Received by
	<u>2023-500 A-04</u> Special Use Permit Application Number
Actions Taken:	
Application returned for correction/additional information	Date _____
<u>Nov 30 + Dec 7 2023</u> Public Hearing advertised	Date _____
<u>4 Dec 1 - 2023</u> Adjacent property owner notifications mailed	Date _____
Action by Planning Commission	Dates _____
<u>Planning Commission Recommends Approval with condition</u> Action by Town Council	Date <u>Dec 12 -</u>
Additional Action - Describe	Date _____
Additional Action - Describe	Date _____

(Revised 7/2013)



301 Kent St, Urbanna, VA, : X Q

Show search results for 301 Ke...

20A 2 48

20A 2 49

20A 2 50

20A 2 51

20A 2 52

20A 2 53

20A 2 54

20A 2 29A

20A 2 32

Search result:

301 Kent St, Urbanna, VA, 23175, USA

[Zoom to](#)

20A 4 8

20A 4 8B

20A 4 8A

20A 5 A

20A 5 B

20A 2 21

20A 2 20

20A 2 19

20A 2 18

20A 2

20

20A 3 C1

20A 3 F

20A 3 G1

20A 3 G

20A 6 12A

20A 3 C

20A 3 B

20A 3 A

Obert St

Obert St

Rappahannock Ave

Rappahannock Ave

Kent St

Cemetery Ln

by Ln

100ft

-76.571 37.646 Degrees



December 11, 2023

Mr. Roy Kime  
390 Virginia Street  
Urbanna, VA 23175

Dear Mr. Kime,

I received your letter regarding the application for a special use permit at 301 Kent St in the Town of Urbanna. I am unable to attend the Planning Commission meeting on Tuesday (DEC 12), and would like for this letter to be read at the meeting in my absence.

I'll preface my thoughts by saying that my main concern is around the health and wellbeing of Teddy, who we have grown fond of over the past year and a half. I grew up owning horses and have had a passion for them my whole life.

As the group considers approval of this special permit, below are some items to consider:

- Teddy's paddock area should be kept dry with adequate drainage to prevent run-off and also for the prevention of health problems for the horse. I would advise the Planning Commission to have an independent expert assess the conditions of Teddy's stable and paddock area.
- Does Teddy have a veterinarian/farrier that sees to his vaccinations, worming, and condition of his feet on at least an annual basis?
- I question whether there is sufficient area for Teddy to graze in. For the average horse, at least 2 acres of pasture is recommended. Understanding that Teddy is on the smaller side, less area may be required for him. But the property still seems too small (approx. 1.2 acres), especially given the buildings and other additions to the property. All in all, I would estimate Teddy has less than 0.8 acres to roam, and none of it pasture.
- Teddy should not be eating cut grass. If so, he can develop colic, a gastrointestinal condition that can be painful and potentially dangerous.
- As long as Teddy is at the property, a supervising adult should be present to address any emergencies that may arise. It is not appropriate to leave Teddy alone at the property for any length of time (most experts recommend no more than 10 hours alone).
- Mental health is important to us all – even Teddy. He spends the majority of his time alone without the company of other equine friends. I wonder how he is doing mentally.
- We've had several trespassers on our property over the past year – people wanting to get a closer look at Teddy. Recently, I was driving into my driveway that borders the paddock and had to quickly slam on the brakes. A father had driven his golf cart onto our property to let his children see Teddy. We've even had people walk all the way up our driveway and into our yard to look at him. I recently put up a 'no trespassing' sign to see if that solves the issue, but it feels like something we should not have to deal with.
- It should be noted that the process of obtaining this special permit has been done in reverse order. I would have appreciated a formal review process before Teddy was brought onto the property. My daughter, who visits me in Urbanna on occasion, is severely allergic to horses – even the smell of them will cause her to have breathing problems and break out in hives. When she is visiting, she now has to be careful to avoid parts of our yard where Teddy has been close by.
- If this special permit is approved, does that then allow anyone else in the town to also get a horse? Pigs? Goats? Donkeys? Llamas? Where does the line get drawn? Remember that we are a residential community, not a farm.

We want to be good neighbors and are not trying to throw up roadblocks. But we do hope the Planning Commission takes these points into consideration during their review process. If the commission decides in favor of this special permit, I would prefer that it be re-evaluated on a routine cadence (at least annually), or as issues arise. I am not in favor of a special permit that is granted on a permanent basis.

Sincerely,

Elizabeth Pritchard



## **Agenda Item Summary January 25, 2024**

**Agenda Item:** 2023-SUP Application-05

**Staff Recommendation:** Approve with conditions.

**Justification:** See Staff Report.

**Fiscal Impact:** To be determined but likely favorable via utilities and taxes.

**Council Action Requested:** Approve with conditions.

**Sample Motion:** I move to approve 2023-SUP Application-05 for Small Town Burger subject to the conditions contained in the staff report before us this evening.





## TOWN OF URBANNA

390 VIRGINIA ST. SUITE B, PO BOX 179, URBANNA, VA 23175

PHONE: 804-758-2613, FAX: 804-758-0389

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### MEMORANDUM

To: Town Council Members  
From: Ted Costin  
Subject: Special use Permit Application hearing January 25, 2024

**Application Number:** 2023-SUP Application -05

**Location:** 241 Virginia Street Urbanna

**Property Owner:** Horsley Real Estate, Inc.

**Lessor:** Small Town Burger

**Applicant:** Jay Wolfson

**Request:** Applicant requests permission to construct and operate a restaurant with outdoor tables and seating on property commonly referred to as the Town Green, which currently is vacant. The restaurant will use as its kitchen a mobile food truck, have rest rooms connected to Town water and sewer, and have seating for approximately 30 patrons at picnic tables and individual chairs. It will also have four fire pits and overhead electrical lines of lights. It will be similar in design to the lessor's location in Kilmarnock. The application, renderings and other details are attached.

**Map:** 20A-18-G

**Zoning District:** B-1

**Overlay District(s):** Historic District

**Use:** Vacant but used by the Town with owner's permission for various social events such as Farmer's Market, SecondSaturday, and Oyster Festival events. A residential house was on the property but was torn down sometime before September 2008.

**Adjacent Owners Notified:** Yes

**Hearing Advertised:** Yes



**Adjacent land Uses:**

North- Residential Land of A.B. Gravitt  
South-Virginia Street  
West-Post Office  
East-State Liquor Store

**Environmental:**

There are no records of rare plants, threatened or endangered plants or animals. The proposed restaurant will not be located within the Chesapeake Bay Resource Protection Area (RPA.) The general area is developed as commercial property with other restaurants, retail shops and Inn. No on-site parking has been proposed other than for golf carts.

**Compliance with other Zoning Provisions:** There are no setbacks or minimum lot sizes in the B-1 district. There is a 35 foot height restriction but applicant's drawings does not indicate that would present a problem. A restaurant is a permitted use within the B-1 district so long as a special use permit is obtained from the Planning Commission.

Section 17-4.6.3 (41) Permits a "new" restaurant with a special use permit.

Definition of a restaurant in the Town Code at 17.13.2 is RESTAURANT: Any building in which, for compensation, food or beverages are dispensed for consumption on the premises, including among other establishments, cafes, tea rooms, confectionery shops, or refreshment stands.

No permission or prohibition for a food truck or trailer in current Town Code. Also, no definition of food truck or trailer.

Food trucks or trailers have been utilized on a temporary basis at the Oyster Festival, Second Saturday, Farmer's Markets, and other social events for several years.

Only reference in Code to trailers can be found in Section 17-5.4 Temporary buildings, construction trailers and mobile home(s) used in conjunction with construction work may be permitted in any district during the period when construction work is in progress, but such temporary facilities shall be removed immediately upon completion of construction.

The applicant is concerned that having the term "restaurant" used in this special use permit would subject him to difficulties with the local health department which has more stringent requirements for a typical "restaurant" than for a food truck or trailer. That is a matter for him to work out with the health department which is certainly not bound by the Town's definition of a "restaurant" for special use permit purposes.

There is a provision in the Town Code Section 17.6.15 that requiring a new restaurant to have one parking space available for each three seats within the restaurant. We do have a parking problem in the immediate area with only street parking and the lot between the ABC store and Something Different. None of the other restaurants in the area have been required to provide private parking spaces based on the number of seats made available.

There are no other actions in this proposal that would cause any violations of other zoning provisions.

HARB after a public hearing held on November 8, 2023 has authorized the awarding of a Certificate of Appropriateness. The Planning Commission, after a public hearing held on December 12, 2023



voted to recommend to the Town Council that the application be approved subject to the conditions before them. Staff has revised those conditions in accordance with the Commission's input and in consultation with the applicant for clarity.

#### Suggested Permit Conditions:

##### Permit holder shall:

- 1) Be permitted to operate a food truck year-round between 11:00 AM to 8:00 PM in winter months and between 11:00 AM to 9:00 PM in Spring, Summer, and Fall months six days a week except when weather conditions warrant closing.
- 2) Comply with all local, county, state, and federal laws, rules and regulations concerning the conduct of its business.
- 3) Limit the amount of noise and light disturbance to the extent possible to the boundary limits of the property. Individual white lights on overhead wiring shall be limited to 40 watts.
- 4) Maintain the property in a clean and orderly manner.
- 5) Connect to the Town's water and sewer systems and remain current on billings. Whenever the mobile food is off premises, cap all utility connections.
- 6) At end of permitted use by current applicant or a family member, all of the temporary structures including the food truck/trailer, storage sheds, tables, chairs fire pits, landscaping and gravel shall be removed by the permit holder and returned to original surface after seeding with appropriate grass.
- 7) Permit holder is relieved of the parking spot requirements of Section 17.6.15 because of the inequity that enforcement of such a provision would create.
- 8) If applicant violates any of the conditions above or fails to adhere to the representations set forth in the application and supporting materials, this special use permit may be terminated upon notice being given the applicant and hearing by the Town Council.



Special Use Permit Application Number

2025  
5-1  
APR 05

## Town of Urbanna, Virginia

## Application for Special Use Permit – Standard Form

The undersigned property owner or agent for the property owner, of the following property hereby applies for a Special Use Permit in accordance with Chapter 17, Urbanna Town Code, Article 9, Zoning Ordinance of Urbanna, Virginia.

## Applicant / Property Owner Information

Applicant Name Jay Wolfson  
Applicant Address 903 Fleets Bay Rd. White Stone State VA Zip Code 22578  
Applicant phone number 940-395-1777 Applicant fax number N/A

You are the ( ) property owner; (☒) agent for the property owner.

Note: If you are the agent for the property owner written consent of the owner must be attached to this application.

Property Owner Name David Dew  
Property Owner Mailing Address 462 Coppedge Farm Rd. White Stone State VA Zip Code 22578  
Property owner telephone number 804-430-3106 Property owner fax number N/A

## Location of Property

Street Address 241 Virginia Street Tax parcel ID number 20A-18-G

## General Description of Property

Land between Liquor Store and Post office  
Vacant lot "Town Green"

Current Zoning District B-1 Tax Map 20A DC \_\_\_\_\_ Lot(s) \_\_\_\_\_

Overlay District(s): Flood Zone ( ) Zone X ( ) Zone AE Historic District (☒ Yes ( ) No  
Chesapeake Bay ( ) RMA ( ) RPA

## Existing Use(s) of Property

Current Vacant - used by Town w/owner's Permission  
For Various Social Events such as Farmer's Market,  
2nd Saturdays + Oyster Festival Events

Is this application a request to amend an existing special use permit?

Yes / ☒ No

If so, explain the amendment(s).



Describe the proposed change in use or change in structure(s) for the property.

Property will be used for Semi-Permanent Mobile Food Trailer  
Business - utilizing Town Water and Sewer along with  
a permanent Free Standing Sign and Storage Shed.

Maximum Building Height(s) with Proposed Change \_\_\_\_\_

Number of Dwelling Units/Density Calculations \_\_\_\_\_

Proffers, Restrictive Covenants, Deed Restrictions and Other Special Considerations

Does this property have any conditions attached to it from a previous application for a special use permit? If so, please list them here.

Yes, HARB approved.

Demonstrate how the proposed special use will not negatively impact the surrounding properties or detract from the neighborhood character in terms of public health, safety, and welfare. How will such impacts be mitigated or avoided?

Attach a site plan / plot plan / survey plat showing location(s) of existing and proposed structures to be erected and applicable setback lines and distances including all zoning district requirements.

#### Notes

- (1) Special use permits are issued subject to approval of a site plan. Permits may be issued for either a limited or indefinite period of time and shall be revocable by the Town Council for failure to adhere to the applicable conditions. Unless otherwise specified, work must begin within one year and be completed within 2 and one-half years.
- (2) The Town Council may include, as part of the ordinance granting any special use permit, suitable regulations and safeguards as it may deem appropriate. Once a special use permit is approved subject to such conditions, they shall be deemed to be a part of the zoning ordinance and may be enforced by the zoning administrator. Conditions attached to a special use permit may only be amended or deleted by subsequent application for the purpose.
- (3) This permit shall expire and may be revoked if the work performed does not conform to the approved site plan and application (drawings and plan/lot/section), the conditions attached thereto, or other applicable regulations. The permit shall be revoked if the use made of the property does not conform to the use applied for and approved hereby.

- (4) This application for a special use permit must be accompanied by three (3) copies of any required site plans or plot plans. Plans are to be drawn to scale, showing actual dimensions of all existing and proposed structures/alterations.

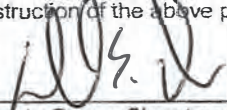
**Attach the Names and Addresses of All Adjacent Property Owners to this Application:** *Please include lot numbers*

**Applicant(s) Remarks:**

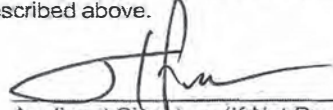
*Use a separate sheet if necessary.*

**Application Fee:** A \$300.00 application fee for Level 1 applicants or \$1500 fee for Level 2 applicants must be paid to the Town of Urbanna. In addition, the applicant is responsible for the cost of advertising and for expenses of notifying the adjacent property owners. The application fee must be paid before any action is taken. The fee is non-refundable.

In making this application, the Applicant requests that the Town of Urbanna approve the location, modifications, or construction of the above proposed special use on the property described above.

  
\_\_\_\_\_  
Property Owner Signature


11/28/23  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Applicant Signature (If Not Property Owner) 11/27/2023  
Date

If this application is not signed by the property owner, Agent hereby swears and affirms that he has legally sufficient power of attorney to obligate the owner for all matters relating to this application.

\_\_\_\_\_  
Agent Signature

\_\_\_\_\_  
Date

For Office Use by the Urbanna Zoning Administrator and the Planning Commission	
 Town Official Receiving Application	Date <u>11/22/2023</u>
Permit Level _____	Fee paid \$ <u>300</u> <u>11/29/2023</u> Date Paid/Received by _____
Actions Taken:	Special Use Permit Application Number <u>2023 SUPA-05</u>
Application returned for correction/additional information _____	Date _____
Public Hearing advertised <u>Nov 30 + Dec - 7 - 2023</u>	Date _____
Adjacent property owner notifications mailed <u>9 - Mailed cert. fil</u>	Date <u>12/1/2023</u>
Action by Planning Commission _____	Dates _____
Action by Town Council <u>Recommend Approval with Conditions</u>	Date <u>Dec. 12, 2023</u>
Additional Action - Describe _____	Date _____
Additional Action - Describe _____	Date _____

(Revised 7/2013)

## **Small Town Burger – Semi-Permanent Mobile Food Trailer Business**

- **Special Use Permit (SUP)**
  - ***Allow My Semi-Permanent Mobile Food Trailer to be Placed @241 Virginia Street Indefinitely***
  - ***Allow STB to Use Town Water and Sewer***
  - ***Allow STB to erect a permanent Free Standing Backlit Sign in front of 241 Virginia Street (will follow code)***
  - ***Allow STB to have a Storage Shed at 241 Virginia Street***

### **Business Overview:**

- Small Town Burger... “Big Time Taste”(Tag Line)
  - Fun and Vibrant Family Atmosphere w/ Premium Food
- Highest Quality Custom Built Trailer (\$60,000)
  - Patriotic Theme, American Quality & Pride
  - Featuring made to order Premium Smash Style Burgers, Lobster Rolls and Hot Dogs, Pastry Dessert & Ice Cream
  - Premium N/A Beverages
  - Online Ordering, Gift Cards
  - Free High Speed Guest WiFi
  - Corn Hole Set-Up (Free for Customers)
  - Open 6 days a Week (Wednesday – Monday)
- Environment
  - Warm & Welcoming
  - Landscaping (\$30,000-40,000)
  - Premium Fire Pit Tables(\$15,000)
  - High Quality Patio Furniture(\$35,000)
  - Covered Seating High Quality Umbrellas(\$12,000)
  - Beautiful String Lighting, Music & Free High Speed Internet (\$5,000)
  - Upscale plumbed in Port-a-Potties (\$6,000)
  - Property Improvements (utilities, water, sewer, electric, gas) (\$25,000)
- Location Downtown Urbanna
  - Open Lot between ABC Store and Post Office “The Green”
  - 241 Virginia Street
- Marketing
  - High Quality Custom Backlit Lollipop Freestanding Sign (\$10,000)
  - Professional Website
  - Social Media
  - Email Marketing
  - Charity Events
  - High Reviews Ratings (Google 4.6, Yelp 4.9, FB 5, etc.)
- Demographic of Customers
  - 8 – 80 years old
- Operation Plan



- Jay & Duke Wolfson Ops Team
  - Hire 5+ Employees
  - Toast POS System, Payroll, Inventory, Ordering, etc.
  - Broadline Vendors (USF, Sysco, PFG, etc)
- Self-Financed
  - Personal Investment \$200,000-\$300,000
- Projected Sales
  - Year One Sales: \$500,000
  - Operating Expense: Food 30%, Labor 25%







# ISABELL K. HORSLEY REAL ESTATE, LTD.

P. O. Box 44 • White Stone, Virginia 22578

(804) 435-2644

FAX 804-435-2645

October 15, 2023

Town of Urbanna  
Historic Architectural Review Board  
390 Virginia Street, Suite B  
Urbanna, VA 23175

Mr. Kime, Mayor Goldsmith and HARB Board Members,

I am writing this letter in support of Jay Wolfson and Small Town Burger occupying our vacant lot located at 241 Virginia Street in Urbanna. I have personally known Jay since he and his family moved to the Northern Neck. They started NN Burger in Kilmarnock and in Tappahannock. The fire in downtown Kilmarnock destroyed their restaurant so Jay was forced to look at other options. I own commercial property in Kilmarnock so I leased my lot next door to the ABC Store for Jay to open Small Town Burger.

It is such a great operation just exemplifying a wonderful meal, at a great venue and location, Red, White and Blue furniture and just a special place for patrons of all ages, including dogs. Foot traffic in downtown Kilmarnock has increased with Small Town Burger's opening. He also employs locals to work which is great!

Jay, his wife Diana, son's Duke and Rock are all amazing people. They are extremely dedicated, hardworking, determined, loyal, honest and driven individuals. They are winners and want to be successful at everything they do. This is why I support them in leasing my lot to them and I would encourage the Town of Urbanna to support their endeavor there. I can be reached at 804-436-3106 or [davidedew@gmail.com](mailto:davidedew@gmail.com) should anyone have any questions for me.

Sincerely,

David E. Dew  
Managing Broker  
IsaBell K. Horsley Real Estate, Ltd.

# Town of Kilmarnock

**VICE MAYOR** -DR. CURTIS H. SMITH  
**COUNCIL MEMBER**- KYLIE ABBOTT  
**COUNCIL MEMBER**- MICHAEL BEDELL  
**COUNCIL MEMBER**- REBECCA TEBBS NUNN  
**COUNCIL MEMBER**- LES SPIVEY  
**COUNCIL MEMBER**- VACANCY

**MAYOR** -SHAWN E. DONAHUE



**TOWN MANAGER**- SUSAN COCKRELL  
**TOWN ATTORNEY**-NANCY ELLEN KEANE  
**TOWN PLANNER** - MARSHALL SEBRA  
**TOWN CLERK** -CINDY BALDERSON  
**TOWN TREASURER** - JUDY G. STEVENS  
**POLICE CHIEF** - CLIFF DAWSON

November 2, 2023

Mr. Roy Kime  
Planning and Zoning Administrator  
Town of Urbanna, Virginia  
390 Virginia Street, Suite B  
Urbanna, Virginia 23175

Mr. Kime and members of the Urbanna Town Council, Planning Commission and Historic Architectural Review Board:

I am writing in support of the application of Jay Wolfson, owner of Small Town Burger, and his application to open his second location in Urbanna. Jay and his partner opened Northern Neck Burger in Kilmarnock in 2013 and unfortunately was involved in a devastating fire in April of 2021. Jay reimagined his business, opening Small Town Burger only twenty months later in December of 2022 as a food truck using our Town Centre Park as a transient location. By mid-January of 2023, Small Town Burger was on a permanent site at 81 S. Main Street in Kilmarnock. He is a "can do" entrepreneur and does what he says he will.

Small Town Burger (and Northern Neck Burger in its day) is an are anchor restaurant in Kilmarnock. Jay was able to open quickly with quality product and has created an amazing, vibrant and destination worthy casual dining experience. He used local suppliers and contractors. He is committed to the community in which he and his family live and work. He walks the talk.

I invite you to come to Kilmarnock and experience great food, cornhole fun, fire pits and an All-American atmosphere. The look and feel are in keeping with Kilmarnock's Steptoe's District-it's vintage, charming and a hometown feeling. I am certain STB can create a similar and appropriate environment in Urbanna.

From our governmental perspective, STB sought out information on zoning requirements and adapted to what was needed. The business completes all tax and fee requirements on time and without follow-up. They are a model business in that regard. I believe you will find him easy to work with and a reliable partner in your community.

I encourage you to look favorably on their application and to enable STB to become a part of the Urbanna business fabric. Certainly, Kilmarnock would support a second or third Wolfson enterprise here at any time.

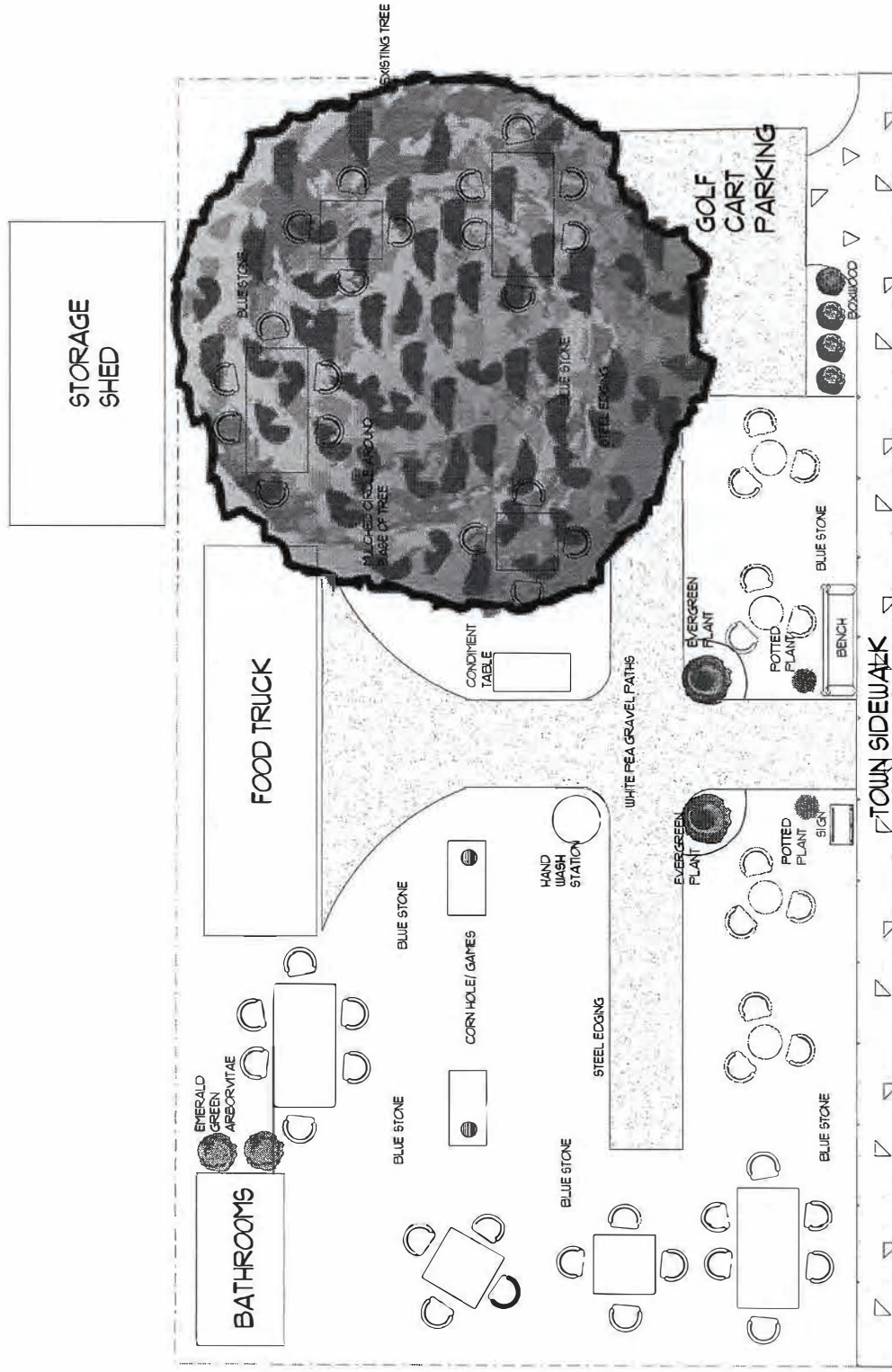
If I can answer any questions you have, please don't hesitate to call or email me. Happy to be of service to Urbanna.

Regards,

*Susan*

Susan T. Cockrell  
Town Manager  
susancockrell@kilmarnockva.com





Revision #:

Date: 11/10/2023

Scale:

1/16" = 1'

Landscape Plan:

Small Town Burger Urbanna

Landscape Design by: Drew Ransone

Ransone's Nursery































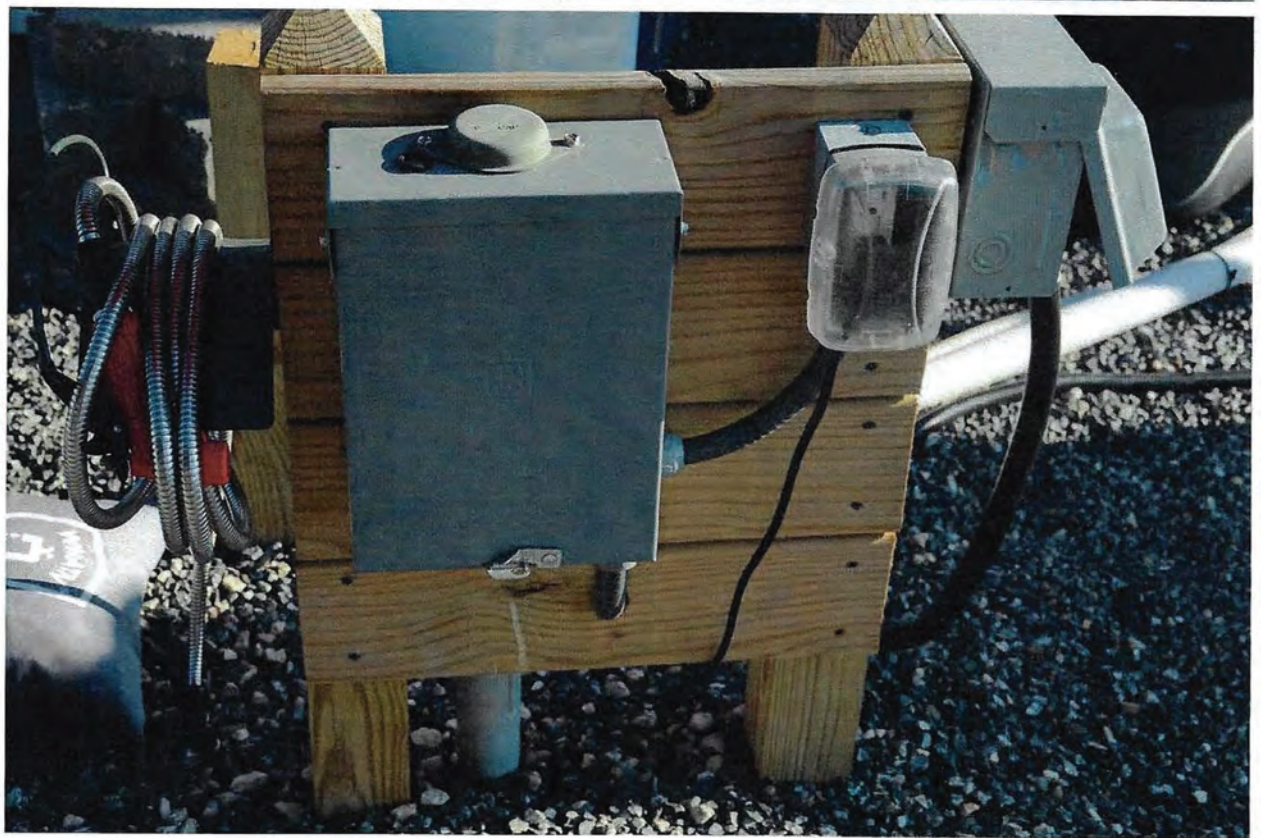


















Follow us On  
Social for Location  
@SmallTownBurger



Open 6 Days  
11am-8pm  
(Closed Tuesday)

## Lobster Roll

### Connecticut Style | 22

Fresh lobster sauteed in lemon butter  
topped with lemon, served on a top  
split New England Brioche Bun,  
Dusted with a hint of Old Bay

### Maine Style | 22

Fresh Chilled lobster tossed in our homemade  
herbed lemon aioli served on a top  
split New England Brioche Bun,  
Dusted with a hint of Old Bay.

Want More Meat Add  
**Extra lobster | 6**

## Burgers

### Small Town Burger | 10

A Juicy burger topped with two slices of  
American cheese, fresh lettuce, tomato,  
onion, and our homemade STB sauce. Served  
On a Chrisped Brioche Bun

### Big Time Burger | 14

Two Juicy burger pattys topped with four slices  
of American cheese, fresh lettuce, tomato,  
onion, and our homemade STB sauce. Served  
On a Chrisped Brioche Bun.

Every thing Is better With Bacon  
**Add Bacon | 2.5**

## Sides

### Granddaddy's Curly Fries | 4.5

Curly Fries Dusted with Old Bay Seasoning

## Dogs

### The Big Dog | 8

Premium 100% All Beef Hot Dog Cooked to perfection  
in a Chrisped Brioche Bun.

## Desserts

### The Big Malasada (Hawaiian Donut) | 3.5

Our Big Fried Pastry Dusted In Cinnamon Sugar

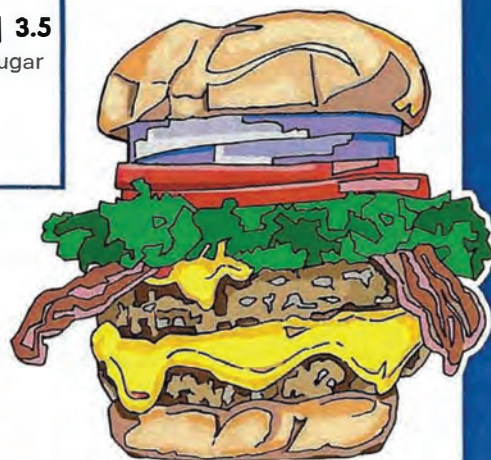
### Big Time Sweet | 3.5

Choose One of our Frozen Sweets  
In Our Freezer Outside Our Trailer

**All Beverages | 3.75**

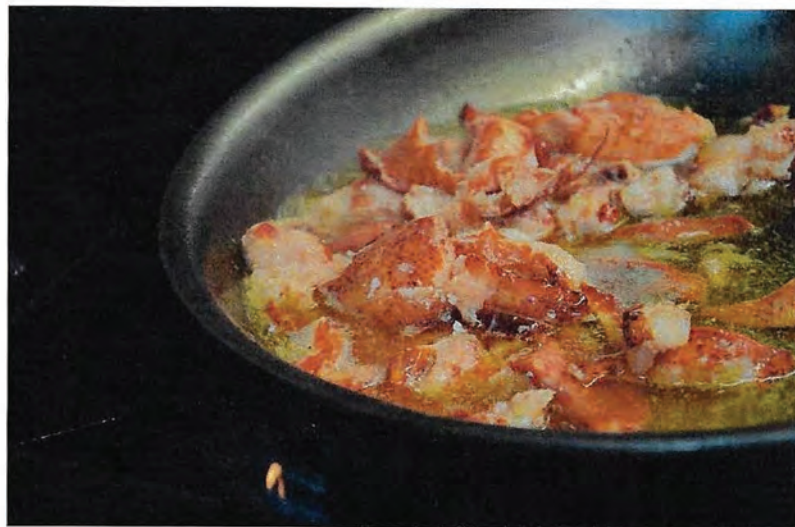


**We Use 100%  
Maine Lobster**

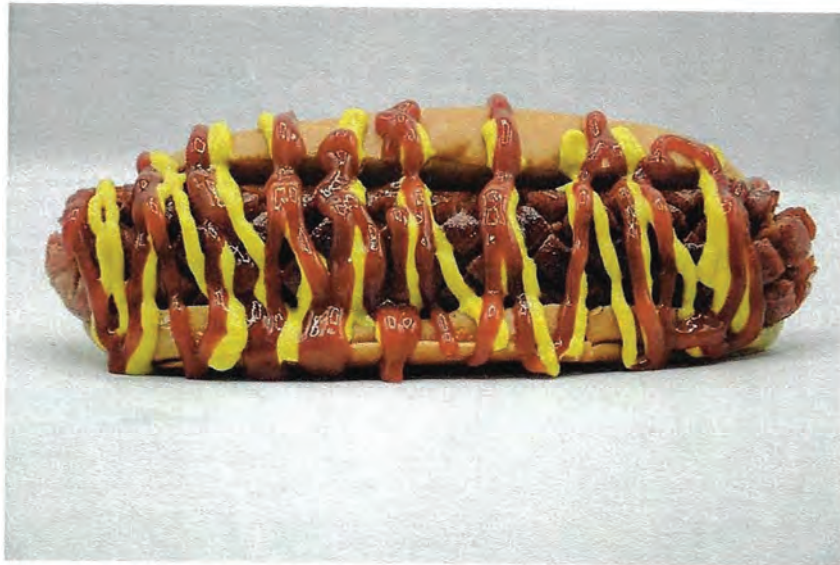














## Agenda Item Summary January 25, 2024

**Agenda Item:** Public Hearing - Bad check fee ordinance; proposed increase.

**Background:** At present, there is an ordinance for the Town to collect fees for checks returned for insufficient funds (2-5.1 attached), but it sets a fee well below that allowed by the Code of Virginia. Per the Code of Virginia:

***§ 15.2-106. Ordinances providing fee for passing bad checks to localities.***

*Any locality may by ordinance provide for a fee, not exceeding \$50, for the uttering, publishing or passing of any check, draft, or order for payment of taxes or any other sums due, which is subsequently returned for insufficient funds or because there is no account or the account has been closed, or because such check, draft, or order was returned because of a stop-payment order placed in bad faith on the check, draft, or order by the drawer.*

Council authorized staff to conduct a public hearing on the matter in the closing months of 2023. Holidays and staff turnover delayed that action until this point in time. A public hearing is required to increase any fee when not included in the adoption of the annual budget as is a period of time between public hearing and action on the matter.

**Fiscal Impact:** Would be more favorable than having to absorb bank fees and staff time which exceed the current penalty of \$20.

**Staff Recommendation:** Adopt on February 8, 2024 after receiving input via Public Hearing the proposed verbiage below:

***2-5.1 - Bad Checks***

*There shall be a fee of \$ 50 for the uttering, publishing or passing of any check or draft for payment of taxes, or any other sums due the Town, which is subsequently returned to the Town for insufficient funds or because there is no account or the account has been closed. Such fee shall be collected by the Town Treasurer and be credited to the general fund of the Town.*

**Council Action Requested:** Adopt on February 8, 2024 after receiving input via Public Hearing.

**Sample Motion:**

I move to open public hearing on Ordinance Number 2024-01 to increase the bad check fee from \$20 to \$50 with monies collected to be credited to the general fund.



(4) Upon majority vote approval of the town council, the Trust may be administered in whole or part by a firm or person other than the town and that person or firm may receive compensation from the Trust for such administration.

(5) The town council may establish rules and regulations not in conflict with this section for the administration, maintenance, or operation of the Trust.

Section 2-5.1. Bad checks.

Any person uttering, publishing or passing any check or draft for payment of taxes or any other sums due to the town, which is subsequently returned for insufficient funds or because there is no account or because the account has been closed, shall pay a fee of twenty dollars (\$20.00) in addition to any taxes, penalties, fees, charges or other sums due to the town. (1990)

Section 2-6. Right of entry for purposes of inspection.

Whenever any officer or employee of the town is required or authorized by statute, the provisions of this Code or any ordinance or resolution, or rules and regulations or orders issued thereunder, in order to carry out his duties thereunder, to enter any premises or vehicle for the purpose of making an inspection thereof or of anything therein contained, such officer or employee shall have the right to enter any such premises or vehicle in accordance with law at any reasonable time in pursuance of such duties.

Section 2-7. Federal social security for eligible officers and employees.

(a) In order to provide for the coverage of eligible officers and employees of the town under the provisions of title II of the federal Social Security Act, the town shall subscribe to the applicable provisions of sections 51-111.1 to 51-111.8 of the Code of Virginia; and the plan heretofore submitted to and approved by the state agency<sup>5</sup> pursuant to section 51-111.5 of the Code of Virginia is hereby ratified, confirmed and continued in full force and effect.

(b) The town council shall, each year, appropriate sufficient funds to make its required employer contributions to the state agency, and the town treasurer shall withhold from the salaries and wages of those town officers and employees who are so covered by federal social security to make their required contributions pursuant to the approved plan.

<sup>5</sup>. Editor's Note.—The town's copy of the agreement mentioned herein is on file in the office of the town clerk. Title 15.1 recodified. See Title 15.2.

Ordinance 2024- 01

ORDINANCE NO. 2024-01 AMENDS THE URBANNA TOWN CODE, Chapter 2, "ADMINISTRATION", SECTION 2-5.1, "BAD CHECKS," PARAGRAPH 1, TO INCREASE THE BAD CHECK FEE FROM \$20 TO \$50, AND DIRECTS THE MONIES COLLECTED TO BE CREDITED TO THE GENERAL FUND

BE IT ORDAINED by the Urbanna Town Council, at its regular meeting on February 8, 2024, that Chapter 2, "Administration", Section 2-5.1, "Bad Checks" to be repealed and readopted to read as follows:

Section 2-5.1-Bad Checks

There shall be a fee of \$50.00 for the uttering, publishing or passing of any check or draft for payment of taxes, or any other sums due the Town, which is subsequently returned to the Town for insufficient funds or because there is no account or the account has been closed. Such fee shall be collected by the Town Treasurer and be credited to the general fund of the Town.

This Ordinance shall take effect upon adoption.

Adopted: February 8, 2024

Certified to be true and accurate:

---

Martha Rodenburg, Town Clerk

Ms. Austin  
Mr. Chowning  
Ms. Justice  
Dr. Goldsmith  
Ms. Courtney  
Ms. Hanson  
Ms. Sturgill