



**Town of Urbanna Planning Commission
Public Hearing on
Application for a Special Use Permit 2022-01
Oyster Road Dock LLC c/o Lewis Hall
for 41 Oyster Road - (20A-1-113)
AGENDA
Town Council Chambers
390 Virginia St., Suite B
Wednesday, August 31, 2022 7:00 PM**

1. Call to Order, Roll Call and Introduction – Chair Merri Hanson
2. Public Hearing - Request for Special Use Permit- 41 Oyster Road
 - a. Presentation by Roy Kime, Zoning Administrator
 - b. Presentation by Applicant Lewis Hall
 - c. Open the Public Hearing
 - d. Close the Public Hearing
 - e. Action by Planning Commission
3. Adjourn

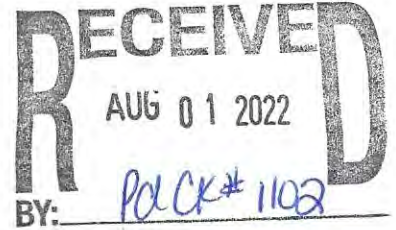
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Town of Urbanna

45 Cross Street • P.O. BOX 179
Urbanna, Virginia 23175

Office: 804-758-2613 • Fax: 804-758-0389



Application for Zoning and Other Permits

Owner Name: Oyster Road Docks, LLC
% Lewis Hall
Mailing Address: P.O. Box 603
Urbanna, VA 23175

Contractors Name: (if available) Bayside Joinery & Construction Co., LLC
Mailing Address: 61 Cobbs Creek Ln
Cobbs Creek, VA 23035

Application number #22-01

Date Submitted Aug 1 - 2022

Home Phone: _____

Office Phone: _____

Cell Phone: _____

E-mail address: _____

Office Phone: _____

Cell Phone: _____

E-mail address: _____

Property Location:

_____ Tax Map: _____ PIN #

_____ Subdivision Name (if applicable): _____ Lot #

Current Zoning (circle one) R-1, R-2, B-1, B-2, M-1

In Historic Overlay (circle one) Yes No (if Yes may require approval after application to the Town of Urbanna Historic Review Board)

Current Use: Vacant

Proposed Use: Residential

Is the Proposed use in the zoning district – by right, require a special use permit or require rezoning (circle one of the above) The latter two will require an application and hearing before the Planning Board

Description of the proposed Structure or Project:

Residential use in B-2

Is the lot upon which the structure or project is to be located currently serviced by both public water and sewer? Yes No (if no) Will the lot upon which the structure or project is to be located be serviced by either public water and sewer: Yes No (circle appropriate answers above)

In order to obtain a zoning permit, the following must be submitted with this application:

3 Sets of a plot plan by a certified Land Surveyor or registered Civil Engineer which must include the following:

The proposed title of the project, owner(s) of the land, name of the engineer, architect, landscape architect or surveyor who prepared the plan

The North point, scale and date

Location map of the property by an insert map, north arrow, scale and such information as the names and numbers of adjoining roads, bodies of water, boundaries and other landmarks sufficient to clearly identify the location of the project.

Existing zoning and district boundaries and proposed changes in zoning if any.

The boundaries of the property involved, general location of existing easements and property lines, existing streets and buildings, water ways, flood plains, topography and prominent physical features in or adjoining the project area.

Location and dimensions of all proposed lots, streets, sidewalks, parking areas, easements, buildings, front, side and rear yards, landscaping, lighting, and drainage.

Complete description of all land clearing and site alterations, site alterations, tree and vegetation (grading, buffer removal, drainage etc.) activities – may require county land disturbance permit or town Bay Preservation considerations

Uses of adjoining properties, nearby buildings and names of owners

The following information will ultimately be required by Middlesex County for a building permit so should be included in the plot plan:

Acreage of the parcel

The date the parcel was recorded

The location and dimensions of all existing and proposed structure(s), driveway(s), sidewalk(s) (Label each as existing or proposed)

The location of any existing drain septic field or proposed septic field

The size of impervious area of the lot (rooftops and concrete)

The distance from the proposed structure(s) to all property lines

The delineation of the RPA and RMA

The delineation of land clearance or disturbance

The size of the land clearing or disturbance (in square feet)

I hereby certify that the information contained in this application and the plot plan submitted herewith and which is incorporated by reference into this application is true and accurate to the best of my knowledge and I further certify that I will comply with all the ordinances of the Town of Urbanna and the County of Middlesex Virginia in the completion of construction of this structure or project

Signed 

Dated 8/1/22



August 22, 2022

MEMORANDUM

To: Planning Commission Members

From: Roy Kime - Zoning Administrator

Subject: Special Use Permit – Oyster Road Docks LLC c/o Lewis Hall

Application Number: SUP #22-01

Location: 41 Oyster Road

Property Owner: Oyster Road Docks LLC, c/o Lewis Hall

Request: For a special use permit to allow for the construction of a residential dwelling structure within a B-2 zoned district.

Map: 20A – 1 –113 -

Zoning District: B-2

Flood Zone(s): Zone X & Zone AE

Overlay District(s): Chesapeake Bay/Resource Protection Area (RPA)
Historic District

Previous Use: Property has not been in use, but did have a 12' x 18' structure.

Adjacent Owners Notified: Yes

Hearing Advertised: Yes

Adjacent Land Uses:

North –Primarily residential dwellings Oyster Road Condominiums
South – Parking lot for Marina and restaurant
West – Parking lot and residential
East – Urbanna Creek (water)

Environmental: There are no wetlands, native plant life, rare plants, threatened or endangered plants or animals. The lot does abut Urbanna Creek.

Code Reference: Section 17-4.7.1 provides the purpose of the B-2 Special Waterfront Mixed Use district is to encourage a higher density use of land areas adjacent to and/or overlooking water, and encourage a range of compatible and complimentary mixed uses, in such a manner that is public and pedestrian oriented, and a strong generator of public and semi-public activities.

Section 17.4.7.2.1 (1) specifies any principal building permitted by right in an R-2 zoning district (High Density Residential) is permitted within a B-2 zoned district as long as a special use permit for such use is obtained. Section 17-4.4.2 (1) says that one of the permitted use by right within an R-2 district are those building and uses permitted by right an R-1 (Low Density Residential District.)

Finding: The Code provides for the construction and use of a residential structure in the B-2 district by Special Use Permit. For the past several years this lot has been vacant with the exception of a legal, non-conforming structure (a 12' by 18') reportedly used as a restaurant, and prior to that as an office for a fuel storage facility, which has been removed for some time. The legal, non-conforming structure was built and used prior to the adoption of the zoning code and is thus grandfathered in at its size and location. This legal, non-conforming structure was demolished within the last 3 months with the intent to reconstruct it after the bulkhead and dock were completed.

There will be no apparent negative impacts to adjoining properties.

Staff Comments: If the applicant is approved for an SUP to construct a residential dwelling, the 12 by 18' structure that was demolished may only be reconstructed and used as an accessory structure to the residential dwelling. There cannot be two main structures on a lot. Staff recommends that several conditions be placed on the permit. These conditions will help clarify and limit the Special Use Permit. Those conditions are included in the proposed motion for approval below.

Planning Commission: For approval of a special use permit application the Planning Commission shall give due regard to the nature and condition of all adjacent structures and the probable effect upon them of the proposed use. It shall also take into account the special characteristics, location site plan, design, construction, method of operation, effect on traffic conditions, proffers and other special considerations, or any aspect aspects of the particular project that may be proposed by the applicant. After notice and hearing as required herein, if it should find that the proposed establishment or use is consistent with the Comprehensive Plan and all regulations and chapters of the Town Code, and will not adversely affect the health, safety or welfare of the citizens of Urbanna, the Planning Commission

shall make recommendations regarding the project to the Town Council for its review and consideration.

PROPOSED MOTION FOR APPROVAL

Because the Planning Commission finds that after notice and hearing as required herein, that the proposed special use permit for 20A-1-113, 41 Oyster Road will not adversely affect the health, safety, or welfare of persons residing or working on the premises or in the neighborhood, will not unreasonably impair an adequate supply of light and air to adjacent property, nor increase congestion in the streets, nor impair the character of the district or adjacent districts, nor be incompatible with the Comprehensive Plan nor be likely to reduce or impair the value of buildings or property of surrounding areas, but that such establishment or use will be in accordance with Chapter 17 of the Urbanna Town Code; therefore the Planning Commission of the Town of Urbanna recommends to the Urbanna Town Council approval of Special Use Permit Application #13-04 with the following conditions:

1. Consistent with Section 17-3.2, the applicant shall only construct the residential dwelling on the lot of record and in no case shall there be more than one main building on the lot.
2. Consistent with Section 17-13.2, any accessory building or structure is subordinate to or a portion of the main building and shall not be constructed prior to the construction of the main building.
3. Consistent with Section 17-18.11 any expansion to a non-confirming structure shall require a separate special use permit. If reconstruction or expansion of the prior non-confirming structure is not commenced within two years of the date of this special use permit, the non-confirming structure status shall expire.
4. The applicant must furnish the Town of Urbanna with evidence connection to town sewer and water systems before construction is completed.
5. Once the property is dedicated for use as a residential dwelling, no commercial uses shall be permitted on the property, except a home occupation.
6. The residence to be constructed, as well as any accessory structures in a B-2 zoned district, are also within overlays districts, including but not limited to Historic district overlay and Chesapeake Bay district overlays. Applicant must comply with all rules and regulations of all applicable districts and obtain appropriate approvals before further zoning approvals will be considered.
7. Applicant will comply with all Town of Urbanna, County of Middlesex, Commonwealth of Virginia and federal laws and ordinances.
8. Prior to construction, the applicant must submit and receive approval from the Zoning Administrator as to the design, color scheme and materials to be used for the residential dwelling to ensure neighborhood compatibility.
9. Construction of the primary residence shall commence within two years of the date of the issuance of this special use permit or this special use permit shall automatically expire.
10. Outdoor construction activity may only occur Monday through Friday between the hours of 8:00AM and 5:00PM. During construction, the applicant will ensure that trash and debris are not scattered about on the property.
11. Lighting shall be dark sky compliant and shall be downward facing.
12. There shall be no music or other sound that is audible beyond twenty feet of the property line.
13. Two parking spaces shall be provided on the lot.

14. The applicant shall cooperate with the Town of Urbanna and the recordation of this special use permit in the Middlesex County Circuit Court.

PROPOSED MOTION FOR DISAPPROVAL

After notice and hearing as required herein, the Planning Commission finds that the proposed use may be likely to have an adverse effect. The Planning Commission of the Town of Urbanna recommends to the Urbanna Town Council denial of Special Use Permit Application #13-03.

Town of Urbanna Planning Commission Public Hearing

Wednesday, August 31, 2022

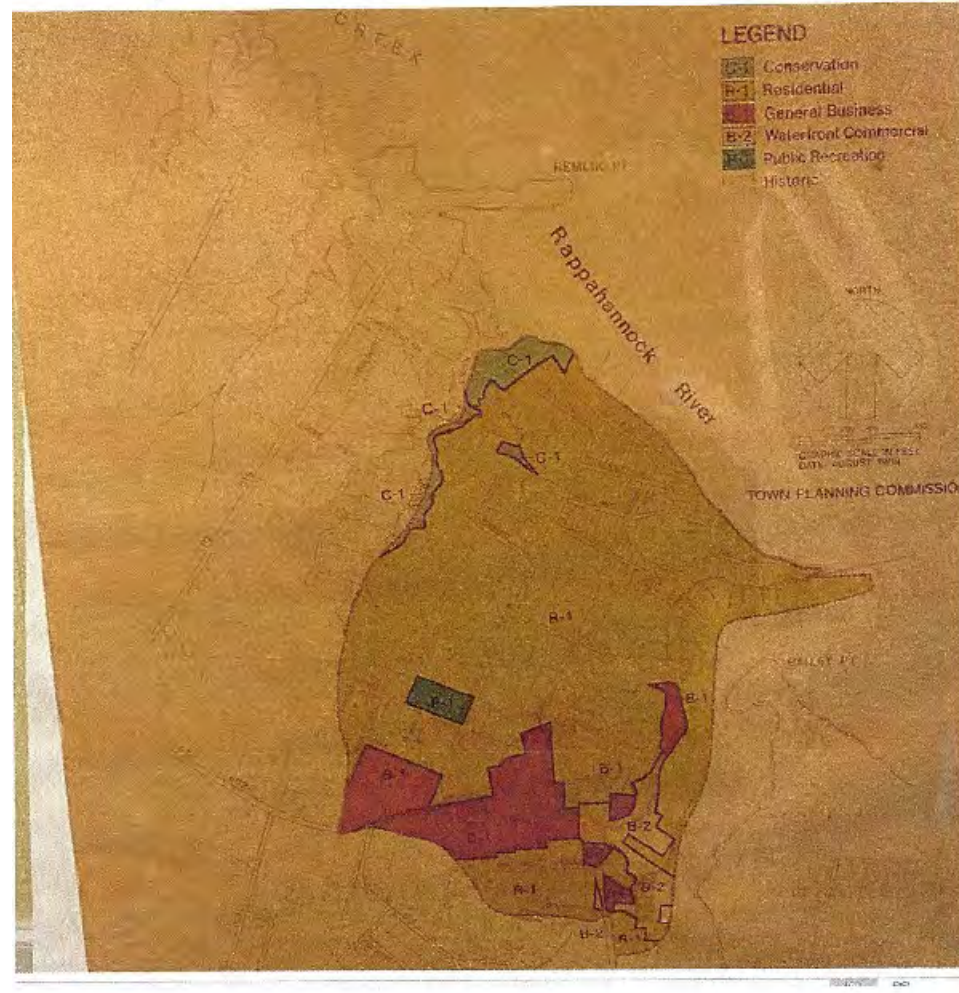
Regarding Special Use Permit Application 22-01

By

Oyster Road Docks LLC c/o Lewis Hall

Urbanna Zoning Districts

- Map



Zoning Districts

- Section 17-2.5 Enumeration of Districts
 - R-1 – Low Density Residential
 - R-2 – High Density Residential
 - B-1 – General Commercial
 - B-2 – Special Waterfront Mixed Use
 - M-1 –Light Industrial
- Section 17-2.6 Special District
 - CB-1 -Chesapeake Bay Protection Act
 - H-1 - Historic District
 - F-1 - Flood Plain

Permitted Uses in Districts

- By Right
- Permitted with a Special Use Permit
- Listed in each section of the ordinance

Special Use Permit

- Requires a public hearing by the Planning Commission – after
- Notice of hearing
 - 1) in newspaper for two weeks prior to hearing
 - 2) letters sent certified mail to abutting property owners

That is why we are here – to hold a Public hearing on an application for a Special use permit.

- Application for a special use in a B-2 District
-
- Section 17- 4.7.2 Permitted Uses and Structures (by right)
 - 1) Marinas, docks and small scale associated building and uses related to water activities
 - 2) Stores for the sale of retail and wholesale seafood
 - 3) Short – Term Rental
- Section 17-4.7.2.1 Uses Permitted by Special use Permit
 - 1) Any Principal building or use permitted in R-2 Zoning

R-2 Zoning District

- Section 17-4.4.4-2 Permitted Uses and Structures (by Right)
 - 1) Those buildings and structures permitted by right in R-1 Low Residential
 - 2) Multiple-family dwellings subject to the special regulations of this article
 - 3) Attached single-family dwellings or town houses, subject to special regulations of this article.

41 Oyster Road 20A-1-113



History and Future

- VMRC – permit 2020-1925
- CPBA Encroachment Permit
- Application for a special use permit
- Planning Commission recommendation to Town Council
- Town Council Approval or disapproval of P. C, Recommendation
- Plans specifications and renderings
- Application to Historic Architectural Review Board for certificate of appropriateness - HARB Recommendation – Town Council Action
- Zoning Review for set backs
- Building Permit

Staff recommendation

Hall Presentation

Public Hearing

Planning Board Action