



TOWN COUNCIL
Public Hearing & Special Meeting
May 21, 2020
Cape Charles Civic Center
via Electronic Communications
6:00 PM

1. Introduction by Mayor Dize

2. Call to Order
 - A. Roll Call
 - B. Establish quorum

3. Public Hearings:
 - A. Conditional Use Permit Application – 325 Mason Avenue

 - B. Proposed FY 2020-2021 Budget

4. Special Meeting Order of Business:
 - *A. Conditional Use Permit Application – 325 Mason Avenue

5. Adjournment

May 21, 2020 Town Council Public Hearing & Special Meeting

Item 1 – Introduction to Meeting by Mayor Dize

- This special meeting of the Town Council is being held electronically as provided under Code of Virginia Section 2.2-3708.2 Subsection A.3 which permits public bodies to meet by electronic communications without a quorum physically assembled at one location since, on March 12, 2020, Governor Northam declared a state of emergency for the Commonwealth of Virginia arising from the novel Coronavirus (COVID-19) pandemic.
- The purpose of this meeting is to hold a public hearing to receive comments regarding i) a conditional use permit application to allow a residential dwelling unit above a commercial use in the C-1 zoning district at 325 Mason Avenue; and ii) the proposed fiscal year 2020-2021 budget. Following the public hearing, Council will discuss and vote on the conditional use permit.
- An audio recording is being made of this meeting. This meeting is also being live-streamed on Facebook, as well as being video-taped for viewing from the Town's website after processing.
- Public comments will be accepted this evening via Facebook Live, emails to clerk@capecharles.org, and call-ins to 757-331-3259, ext. 10. Callers will be asked to leave a voicemail message which will be played during the public hearing. Comments were also solicited to be emailed to the Clerk prior to the meeting.
- All votes taken this evening will be by roll call vote and recorded in the minutes.
- Any Council members who leave the meeting or arrive after start of the meeting must verbally note their attendance.
- Only essential business of the Town of Cape Charles can be done in this manner.
- These procedures will remain in effect until the COVID-19 crisis has been alleviated.
- Do any of the Council members have any questions about this process?

Notice of Public Hearing

The Cape Charles Town Council will hold a virtual public hearing on Thursday, May 21, 2020 at 6:00 p.m. in the Cape Charles Civic Center at 500 Tazewell Avenue, to receive comment regarding an application for a conditional use permit to allow a residential dwelling unit above a commercial use in the C-1 zoning district at 325 Mason Avenue (tax map #83A3-1-610).

Written comments can be submitted via email to clerk@capecharles.org or placed in the exterior drop box at the Town Hall located at 2 Plum Street. Verbal comments can be provided during the public hearing by calling (757) 331-3259, ext. 10 and leaving a voicemail message which will be played for the record during the public hearing.

The Town Council will hold a special meeting immediately following the public hearing to consider the request. The application is available for public review on www.capecharles.org, under Agendas and Minutes/Town Council. Please contact Code Official Jeb Brady at 757-331-2036, or by email at codeofficial@capecharles.org if you have any questions or require additional information.

Libby Hume, Town Clerk

NOTICE OF PUBLIC HEARING
MUNICIPAL CORPORATION OF CAPE CHARLES
FISCAL YEAR 2020/2021 PROPOSED BUDGET AND UTILITY RATES

Following are the estimated receipts and expenditures of the Municipal Corporation of Cape Charles for the Fiscal Year 2020-2021. The Town Council will hold a virtual Public Hearing on May 21, 2020 at 6:00 p.m. at the Cape Charles Civic Center, 500 Tazewell Avenue, to receive verbal and written comments on all proposed disbursements. Written comments can be submitted prior to the hearing via email to clerk@capecharles.org or placed in the external drop box at Town Hall. Verbal comments can be provided during the public hearing by calling (757) 331-3259, ext. 10 and leaving a voicemail message which will be played for the record during the hearing. The proposed Fiscal Year 2020/2021 budget will be discussed and brought to a vote at a special meeting on May 28, 2020.

REVENUES	2020-2021	EXPENDITURES	2020-2021
General Fund		General Fund	
Real Estate Taxes	1,223,505	Legislative	34,355
Personal Property Tax	140,000	Town Clerk	146,199
Prior Year Tax Collections	55,300	Town Manager	513,055
Motor Vehicle License Tax	22,000	Finance	306,893
Machinery & Tools Tax	13,000	Police	494,680
BPOL Tax	110,000	Code Enforcement	138,506
Admissions, Short-term Rental, Transient Occupancy Taxes	130,500	Public Works	507,532
Meals Tax	390,000	Parks & Recreation	85,026
Other Taxes	101,010	Library	170,094
Building Permits & Code Enforcement	109,310	Town Planner	91,091
Recovered Costs & Miscellaneous Income	82,225	Fire Department – State Pass Thru	10,000
Library Revenues	1,000	Debt Service	153,070
Financing Proceeds (new)	89,817	Capital Projects	370,048
Grants and Local/State/Federal Aid	360,387	Contingency Fund-General	40,000
Appropriate from Fund Balance	307,494	Cape Charles Main Street	75,000
Total General Fund	3,135,548	Total General Fund	3,135,548
Sanitation Fund	220,274	Sanitation Fund	220,274
Harbor Fund		Harbor Fund	
Operating Revenue	673,816	Operating	681,900
Financing Proceeds	0	Debt Service	103,267
Grant Revenue	1,250	Capital	0
Transfer from General Fund	110,101		
Total Harbor Fund	785,167	Total Harbor Fund	785,167
Water/Wastewater Fund		Water/Wastewater Fund	
Operating Revenue	1,628,700	Water Operations	470,526
Penalties and Late Fees	17,000	Wastewater Operations	646,302
Grant Revenue	29,663	Meter & Utility Billing, Administration	92,989
Connection Fees	12,250	Debt Service	469,819
Financing Proceeds	55,088	Capital Projects	99,751
Facility Fees	169,600	Facility Fees moved to Reserve	169,600
Appropriation from Fund Balance	36,686		
Total Water/Wastewater Fund	1,948,987	Total Water/Wastewater Fund	1,948,987
TOTAL REVENUES ALL FUNDS	6,089,976	TOTAL EXPENDITURES ALL FUNDS	6,089,976

Following are the proposed tax rates and user fees which are part of the fiscal plan:

Vehicle Tax: \$31.00 per vehicle subject to Virginia State Registration (Trailers \$18.00) and Golf Cart Decal is \$31.00.

Real Estate Tax: \$.2731 per \$100; Personal Property Tax \$2.00 per \$100; Boat Tax \$0.01 per \$100

Transient Occupancy Tax: 3.7% Monthly

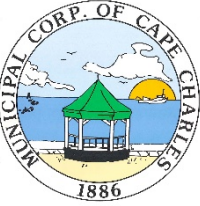
Meals Tax: 5% Monthly; Admissions Tax: 3% Quarterly; Short Term Rental Tax: 1% Quarterly

Water Rate: Residential 0-2,000 gal.: \$32.94 minimum; 2,001 to 5,000 gal.: \$2.63 per 1,000; 5,001 to 10,000: \$3.75 per 1,000; 10,001 to 15,000 gals: \$5.00 per 1,000; Over 15,000 gals: \$7.50 per 1,000; Commercial 0-2,000 gal: \$32.94 minimum; 2,001-10,000 gal: \$2.50 per 1,000; 10,001-15,000 gals: \$3.75 per 1,000; Over 15,000 gals: \$5.00 per 1,000

Wastewater Rate: Residential 0-2,000 gal.: \$62.00 minimum; 2,001 to 5,000 gal.: \$4.11 per 1,000; 5,001 to 10,000 gals: \$5.85 per 1,000; 10,001 to 15,000: \$7.80 per 1,000; Over 15,000 gals: \$11.70 per 1,000; Commercial 0-2000 gal: \$62.00 minimum; 2,001-10,000 gals: \$3.90 per 1,000; 10,001-15,000 gals: \$5.85 per 1,000; Over 15,000 gals: \$7.80 per 1,000

Trash Collection Fee: \$14.87 per month

William "Smitty" Dize, Mayor

 TOWN OF CAPE CHARLES	AGENDA TITLE: Conditional Use Permit Application – 325 Mason Avenue		AGENDA DATE May 21, 2020
	SUBJECT/PROPOSAL/REQUEST: Conditional Use Permit application to allow a residential dwelling unit above a commercial use at 325 Mason Avenue		ITEM NUMBER: 4A
	ATTACHMENTS: Planning Commission informational packet, conditional use permit application		FOR COUNCIL: Action (X#4A) Information ()
	STAFF CONTACT (s): Libby Hume, Town Clerk	REVIEWED BY: John Hozey, Town Manager	

BACKGROUND:

A conditional use permit application for a residential dwelling unit above a commercial use in the C-1 district at 325 Mason Avenue was received in January 2020. The Planning Commission reviewed the application at their March meeting and initially scheduled a public hearing on April 7, 2020 to receive comments regarding this application. Unfortunately, with the declaration of emergency due to the COVID-19 pandemic, that public hearing had to be canceled.

ITEM SPECIFICS:

The Planning Commission was able to hold a virtual public hearing and special meeting on May 5, 2020. Although citizens were invited to submit comments in writing prior to the hearing as well as calling in during the public hearing, no comments were received.

The Planning Commission reviewed the application specifics provided by former Planner Zach Ponds and unanimously voted to recommend Town Council approval of the conditional use permit application for 325 Maxon Avenue as submitted. The detailed information and application are included in this packet for Council review. A signed application has been received and is on file in the building office.

The Town Council public hearing is scheduled this evening immediately preceding the special meeting.

RECOMMENDATION:

Staff recommends Council review of the conditional use permit and information provided, and if deemed appropriate, approval of a conditional use permit to allow a residential dwelling unit above commercial use in the C-1 district at 325 Mason Avenue as recommended by the Planning Commission.



PLANNING COMMISSION

STAFF REPORT

Meeting Date: March 3, 2020

Item #: 4A

Prepared By: Zach Ponds – Town Planner

Site Address: 325 Mason Avenue (tax map #83A3-1-610)

Applicant: Ann Hayward Walker

Owner: Willian and Ann Hayward Walker

Proposed Development: A conditional use permit to allow a residential dwelling unit above a commercial use in the C-1 zoning district

Current Zoning: Commercial District C-1: This zoning district is intended to preserve and enhance the traditional mixed use urban nature of Cape Charles commercial districts, to encourage the location of regional and local business and professional activities, to facilitate the development of buildings in keeping with its largely National Historic District character, and to protect against destruction of or undesirable encroachment on these areas.

Historic District Overlay: The purpose of this district is to provide for protection against destruction or encroachment upon historic areas, buildings, monuments, or other features, or buildings and structures of recognized architectural significance which contribute or will contribute to the cultural, social, economic, political, artistic, or architectural heritage of the Town of Cape Charles and the Commonwealth of Virginia. It is the purpose of the district to preserve the designated historic areas and historic landmarks and other historic or architectural features, and their surroundings within a reasonable distance, from destruction, damage, defacement, and obvious incongruous development or uses of land and to ensure that buildings, structures, streets, walkways, or signs shall be erected, reconstructed, altered, or restored so as to be kept architecturally compatible with the character of the general area in which they are located and with the historic buildings or structures within the district.

Description of Proposed Project:

The subject property is an existing commercial building on Mason Avenue with a commercial space on the first floor and a storage space on the second floor. The front door of the second story will be from the alley on the east side. An original staircase will remain behind the wall on the first floor, which will be used for interior access to the second floor.

Staff Analysis:

Section 4.3 of the zoning ordinance states “conditional use permits may be issued for any of the conditional uses for which a use permit is required by the provision of this ordinance in the specific districts provided that the Town Council, upon recommendation by the Planning Commission, shall find that after duly advertised public hearing the use will not:

1. Adversely affect the health, safety, or welfare of the persons residing or working in the neighborhood of the proposed use or adversely affect other land uses within the particular surrounding neighborhood.
2. Be detrimental to the public welfare or injurious to property or improvements in the neighborhood.
3. Be in conflict with the purpose of the comprehensive plan of the town. In granting any conditional use permit, the Town Council shall designate such conditions as it determines necessary to carry out the intent of this ordinance.

The proposed project meets all of these provisions.

Section III-A.5.1.2 of the Comprehensive Plan discusses the overall policies for Cape Charles neighborhoods, specifically promoting mixed uses as the preferred form of development in the Commercial, Harbor, and Village Districts. The Comprehensive Plan states to “encourage the principle of incorporating mixed land uses, similar to the current land use patterns in the town such as: 1) allowing residential and retail/commercial uses within the same building; and 2) promoting residences within close proximity to commercial and retail centers.” The Comprehensive Plan goes on to state “combined live-work structures should be encouraged in new development and in the Mason Avenue districts to better integrate housing with the shops and businesses of the new and existing centers.”

The proposed project meets the goal of promoting mixed use as the preferred form of development in the commercial districts along Mason Avenue. The proposed project also meets the intent of the C-1 zoning district by enhancing the traditional mixed-use urban nature of Cape Charles commercial districts.

Section 4.5.B of the zoning ordinance states “new or change of use second and third floor units [in the Commercial District C-1] shall be required to conform to parking requirements as set forth herein.” Section 4.5.1.E.6 requires one space per one-bedroom dwelling unit, plus one additional space per 200 square feet of commercial gross floor area for mixed-use developments.

The proposed development has to meet the parking regulations for the second-floor change of use, which is one space per one-bedroom dwelling unit. The proposed project meets this requirement by providing one off-street parking space in the rear of the property.

Staff Recommendation:

Staff recommends Planning Commission recommend **APPROVAL** to Town Council for a conditional use permit to allow a residential dwelling unit above a commercial use in the C-1 zoning district at 325 Mason Avenue as proposed.

Attachments:

Attachment 1 – Application and Documents

Attachment 2 – Location Map



CONDITIONAL USE PERMIT APPLICATION

Town of Cape Charles
2 Plum Street
Cape Charles, VA 23310
757-331-2036 Fax: 757-331-4820
planner@capecharles.org

CONDITIONAL USE PERMIT CHECKLIST - all documents can be emailed to the above email

- ☐ Completed application (if applicable, attach accessory dwelling checklist and documents)
- ☐ Letter of intent clearly explaining project
- ☐ Existing site plan or survey
- ☐ Proposed site plan or survey (if applicable)
- ☐ Names and addresses of adjacent property owners
- ☐ Payment of Fees (single-family detached residential \$600; all other \$800)

PROJECT INFORMATION

Name of Project: _____

Property Address: _____

Brief Description of Project: _____

Zoning District: _____ Current Use: _____ Proposed Use: _____

OWNER INFORMATION

Name and Company: _____

Mailing Address: _____

Phone Number: _____ Email: _____

APPLICANT INFORMATION

☐ check here if applicant is owner

Name: _____

Mailing Address: _____

Phone Number: _____ Email: _____

CERTIFICATION OF APPLICANT

I hereby certify that I have the authority to make the foregoing application, that the information given is true and correct, and that the construction or improvements will conform to the regulations in the Virginia Statewide Building Code, all pertinent Town Ordinances, including fire, sewer and water ordinances, and private building restrictions, if any, which may be imposed on the property by deed. Furthermore, I certify that the changes to the improvement before or during construction will be provided to the Zoning Administrator and Building Official before such changes are constructed.

Signature of Applicant: _____ Date: _____

306 Bay Avenue
Cape Charles, VA 23310
31 January 2020

Town of Cape Charles
2 Plum Street
Cape Charles, VA 23310

Attention: Planning Commission
Subject: Conditional Use Permit Letter of Intent

Dear Town of Cape Charles:

This letter describes our intent to renovate the 2nd floor of 325 Mason Ave., which we have owned since December 1996, to return it to its original residential use. The 2nd floor was built as an above-store apartment; it was left unimproved from the time when it was last inhabited. We have used the 2nd floor for storing excess family belongings until now.

There are two enclosures to this letter:

1. Photos of the front façade. The top photo shows the current building appearance and the bottom is an old photo of buildings on this block on Mason Avenue (estimated to be in the late 1930s, based on one of the automobiles).
2. Site map of the building and property lines.
 - a. Parking - There is room in the rear of the site (outlined in orange) for parking 1-2 vehicles on the property.
 - a. Exterior access to the 2nd floor - Our property has deeded access 3.5 feet of the alley between the building to the east, i.e., 327 Mason Ave. Exterior access to the 2nd floor currently exists from an exterior steel door which opens on the alley on the east side of the building.

The adjacent building owners are:

1. West side 321 Mason Ave. – we are the owners.
 - a. The owners purchased both 321 Mason (1 story) and 325 Mason (2 story) as a single property (both were formerly the Sea Bell Gallery with an open wall between them)
 - b. A wooden awning extends along the front of both the 321 and 325 Mason buildings, which we believe was added in the 1970s.
2. East side 327 Mason Ave. (Bailey's Bait and Tackle) – Donny and Marie Brady. We have discussed our renovation plans in some detail with Donny Brady, our neighbor since we purchased the building, who has stated verbally that he has no issues with our plans.

About the building:

- The county tax map indicates that the 325 Mason was built in 1920.
- 1st floor will remain commercial. It has been in continuous commercial use. Moonrise Jewelry will relocate there spring 2020. Some renovations will occur on the 1st floor prior to Moonrise occupancy.

Renovation specifics:

1. Renovations include bringing the property to current building code, including fireproofing, new HVAC, insulation, plumbing and electrical.
2. Renovations will be carried out by QS LLC (Sean Ingram).
3. The existing layout has the living room across the front with three windows looking on to Mason Ave., 2 bedrooms in the center, 1 bath, and a kitchen and dining room in the back. New floor plans have been drawn by the architect, Leon Parham, and are being submitted with this Letter of Intent.
 - a. The renovation floor plan includes an open living, dining and kitchen area in the front plus two bedrooms and two baths.
 - b. Both baths will be located in same area as the original bath.
 - c. The owners are not applying for historic tax credit. New energy efficient windows will be purchased to resemble the windows on the front of the building in the old photo.
 - d. The existing living room wall adjacent to 1 of the original 2 bedrooms will be removed (it is not load bearing) to create the open and combined living/kitchen space.
4. The front-door entrance will be from the alley on the east side, which is 6 feet wide, of which 3.5 feet is on our property and 2.5 feet belongs to the Bradys as verified from the plat.
 - a. A new external door (to code) will installed in the alley entrance, with some roof protection, similar to the entrance to the home of Cela Burge and John Burdiss in the alley west of Kelly's Pub.
5. The original staircase remains behind the wall on the 1st floor, is structurally sound, and will be used for interior access the 2nd floor.
6. A new roof surface will be installed.
7. Occupancy of the new 2nd floor apartment has yet to be determined (may be Mrs. Walker's mother and sister).

If you have any questions, please either email ahwalker@seaconsulting.com or text/call Bill Walker's cell 757-331-0545.

Thank you for your kind consideration.

Sincerely,

Ann-Hayward and Bill Walker

Enclosures (2)

Enclosure 1: Property Photos

Below: 2020 View of 321 (left) and 325 (right) Mason. Ave.



Below: Early 20th Century View of 325 Mason Ave. is to the far right.



ORIGINAL DEED
D.B. XXXX P. XXXX

SOURCE PLAT
D.B. 41 P. 484 (PLAT)

LOT
612

LOT
609

LOT
608

PROPERTY CORNER
ON BUILDING LINE

ENC
0.3

ENC
0.2

FIN (S)

DETAIL

REMAINDER OF
LOT
611

LOT 610

1 ST. METAL
BUILDING

12" OUTLET
P.D. 4 P. 171

LOT
607

N 00°00'00" E

N 02°00'00" W
57'00"

P/P

P/P

P/P

P/P

P/P

P/P

P/P

P/P

P/P

P/P

P/P

P/P

P/P

P/P

P/P

P/P

P/P

STRAWBERRY ST.

DRILL HOLE (S)

BLOCK
COMMERCIAL
BUILDING OF OTHERS

2 ST. BRICK
COMMERCIAL
BUILDING
321

BRICK
COMMERCIAL
BUILDING OF OTHERS

PEACH STREET

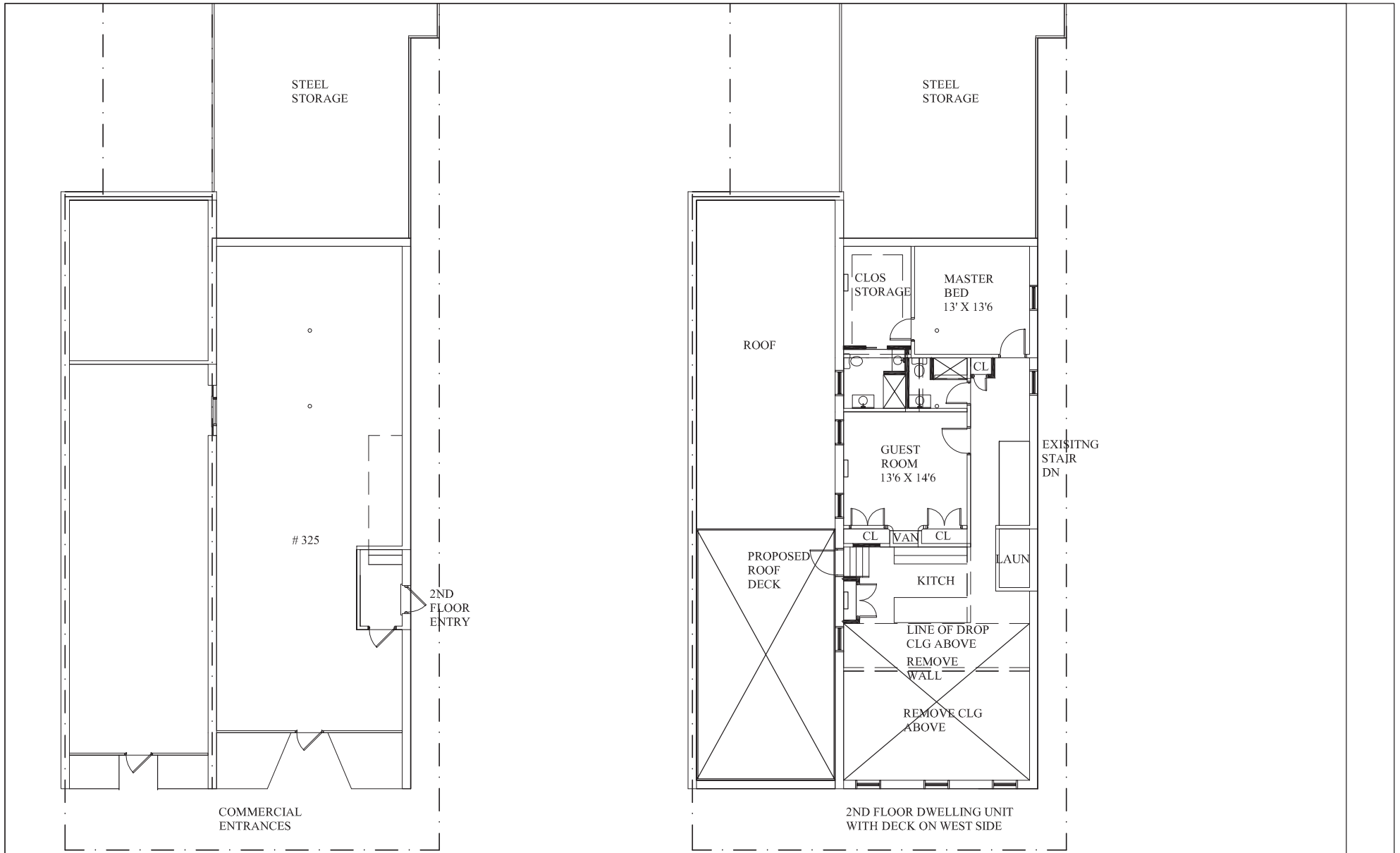
DRILL HOLE (S)

DRILL HOLE (S) S 88°00'00" W

MASON AVENUE (70' R/W)

DRILL HOLE (S)

NAP
"CAP"
D.B.
CA



PARHAM

210 HARBOR AVENUE, CAPE CHARLES VIRGINIA 23310-3217
757.331.8133 ... rkck@icloud.com
PARHAM ARCHITECT, R.A., NCARB

Walker Office/Apartment
325 MASON AVE, CAPE CHARLES, VA

STUDY

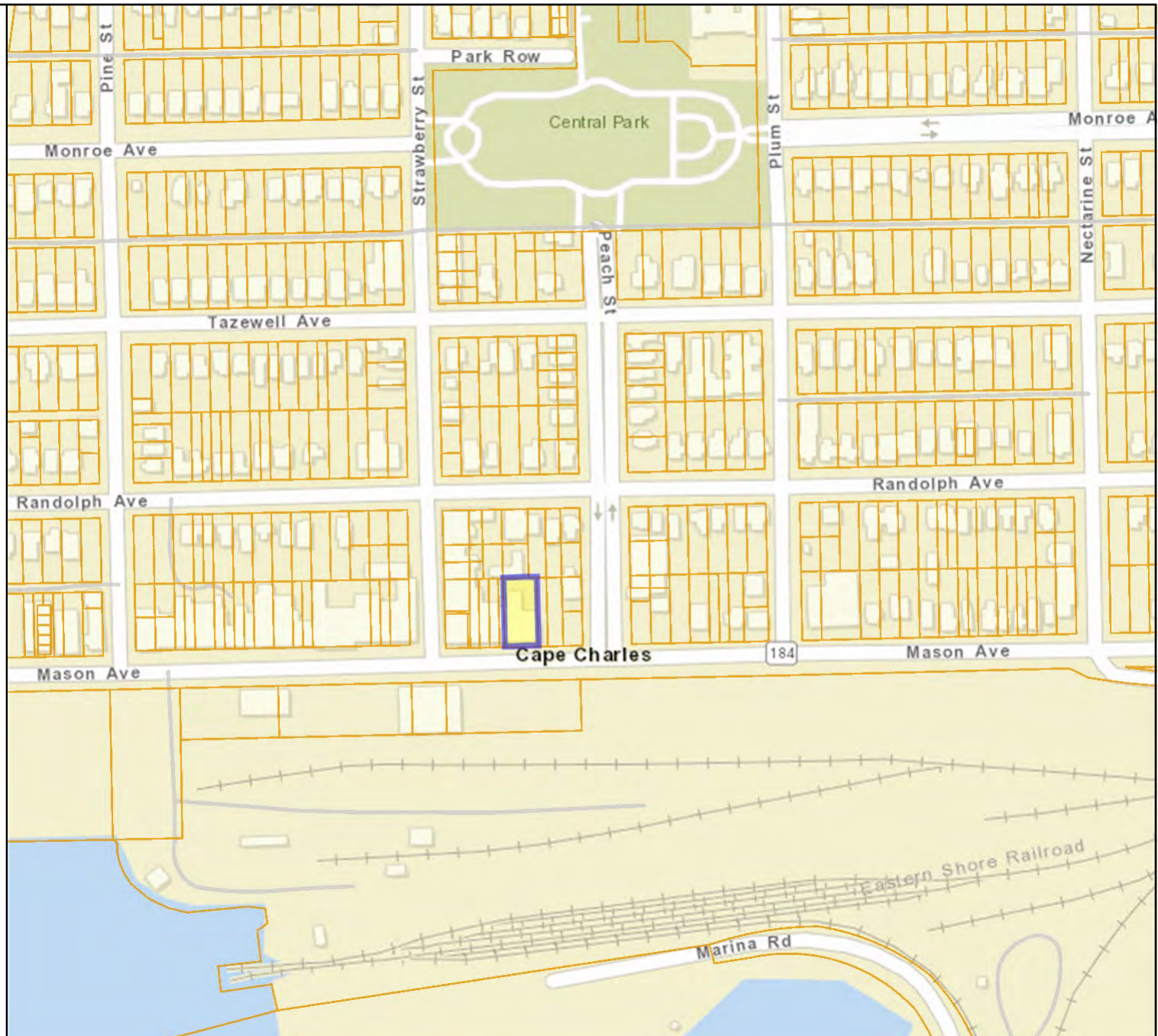
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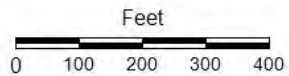
Northampton County, Virginia

Legend

- Parcels
- Driveways



Map Printed from Northampton
<http://northampton.mapsdirect.net/>



Title: 325 Mason Ave

Date: 2/11/2020

DISCLAIMER: This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. The information displayed is a compilation of records, information, and data obtained from various sources, and Northampton County is not responsible for its accuracy or how current it may be.



TOWN COUNCIL

Executive Session

May 21, 2020

via Electronic Communications

Immediately Following the Public Hearing & Special Meeting

1. Introduction by Mayor Dize

2. Call to Order

A. Roll Call

B. Establish quorum

3. Motion to Go into Closed Session:

Code of Virginia § 2.2-3711-A, Paragraph 1: Discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body.

Specifically: Appointment to Fill Town Council Vacancy

4. Return to Open Session

Certification to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements under this chapter and (ii) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the meeting by the public body. Roll call vote.

5. Appointment of Individual to Council to Complete Councilwoman Burge's Unexpired Term

6. Adjournment

May 21, 2020 Town Council Executive Session

Item 1 – Introduction to Meeting by Mayor Dize

- This executive session of the Town Council is being held electronically as provided under Code of Virginia Section 2.2-3708.2 Subsection A.3 which permits public bodies to meet by electronic communications without a quorum physically assembled at one location since, on March 12, 2020, Governor Northam declared a state of emergency for the Commonwealth of Virginia arising from the novel Coronavirus (COVID-19) pandemic.
- The purpose of this meeting is to appoint an individual to complete Councilwoman Burge's unexpired term on the Town Council.
- An audio recording is being made of the open portion of this meeting.
- All votes taken this evening will be by roll call vote and recorded in the minutes.
- Any Council members who leave the meeting or arrive after start of the meeting must verbally note their attendance for recordation in the minutes.
- Only essential business of the Town of Cape Charles can be done in this manner.
- These procedures will remain in effect until the COVID-19 crisis has been alleviated.
- Do any of the Council members have any questions about this process?