

Planning Commission
Public Hearing & Special Meeting
Cape Charles Civic Center – 500 Tazewell Avenue
via Electronic Communications
May 5, 2020 6:00 P.M.

1. Call to Order
 - a. Roll call and establish a quorum
2. Public Hearing
 - a. Conditional use permit to allow a residential dwelling unit at 325 Mason Avenue (tax map #83A3-1-610)
 - b. Close public hearing.
3. Public Comments re: Agenda Items Only
4. Special Meeting Order of Business
 - a. Conditional use permit to allow a residential dwelling unit at 325 Mason Avenue (tax map #83A3-1-610) – recommendation to Town Council.
5. Adjourn

Notice of Public Hearing

The Cape Charles Town Planning Commission will hold a virtual public hearing on Tuesday, May 5, 2020 at 6:00 pm in the Cape Charles Civic Center at 500 Tazewell Avenue, to receive comment on the following: 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).

The Planning Commission will hold a special meeting immediately following the public hearing to consider the requests. The application is available for public review on www.capecharles.org, under Agendas and Minutes/Planning Commission. 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. Anyone interested in attending and needing special assistance please contact the Town at least forty-eight hours before the hearing.



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: _____

Town of Cape Charles Planning & Zoning Department

2 Plum St. • Cape Charles, VA 23310 • 757-331-2036 • capecharles.org

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.



SOURCE FILE:
DB 41 P 484 (FLAT)

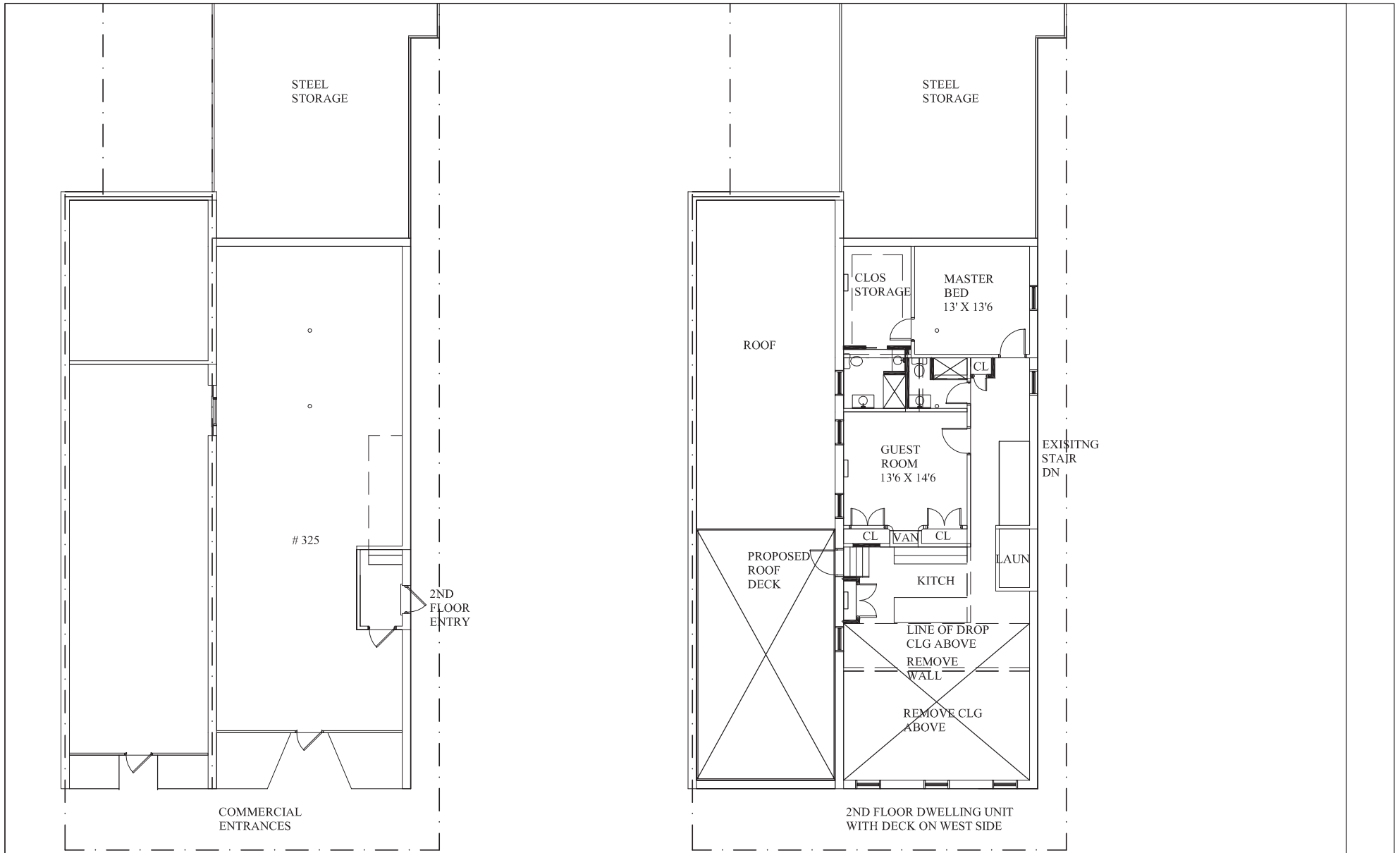
LOT
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600

LOT
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MAP
"CAP
D.B.
C.A.



PARHAM

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

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

STUDY

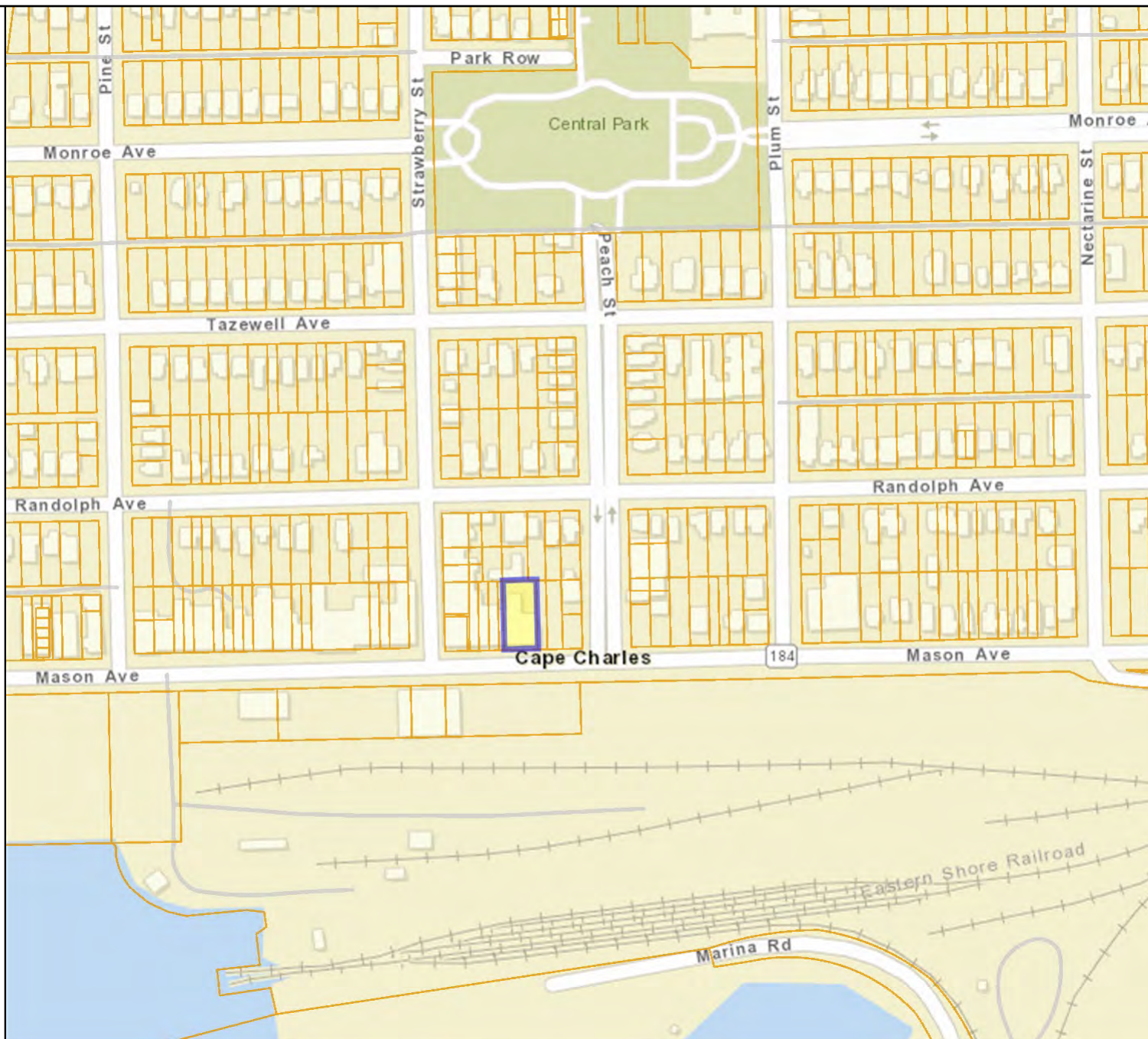
201904

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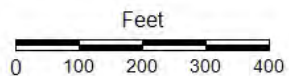
Northampton County, Virginia

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.