

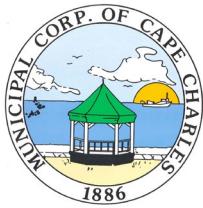
Planning Commission

Special Meeting Agenda

Cape Charles Civic Center – 500 Tazewell Avenue

July 7, 2020 6:00 P.M.

1. Call to Order
 - a. Roll call and establish a quorum
2. Invocation and Pledge of Allegiance
3. Public Comments re: Agenda Items Only
4. Consent Agenda
 - a. Approval of agenda format
 - b. Approval of minutes
5. New Business
 - a. Application for Conditional use permit to allow an accessory dwelling unit at 401 Madison Avenue (tax map #83A1-1-182A) – review application and set a public hearing.
6. Adjourn



DRAFT
PLANNING COMMISSION
Regular Meeting
Cape Charles Civic Center
March 3, 2020
6:00 p.m.

At 6:00 p.m., Chairman Bill Stramm, having established a quorum, called to order the Regular Meeting of the Planning Commission. In addition to Chairman Stramm, present were Commissioners Diane D'Amico, Paul Grossman, Jim Holloway, Dennis McCoy and Michael Strub. There was one vacancy on the commission. Also, in attendance were Deputy Clerk Tracy Outten. There were three members of the public in attendance.

A moment of silence was observed which was followed by the recitation of the Pledge of Allegiance.

PUBLIC COMMENTS:

There were no public comments to be heard nor any written comments submitted prior to the meeting.

CONSENT AGENDA

Motion made by Michael Strub, seconded by Jim Holloway, to approve the Consent Agenda as presented. The motion was approved by unanimous vote.

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

- A. *Application for a conditional use permit to allow a residential dwelling unit above a commercial use in the C-1 zoning district located at 325 Mason Avenue – tax map #83A3-1-610*
Dennis McCoy asked if Jeb Brady should be attending the meeting in the absence of a town planner. Paul Grossman said no; the deputy clerk and he were handling the boards and commission.

Bill Stramm read the staff analysis.

Motion made by Michael Strub, seconded by Paul Grossman, to schedule a public hearing on April 7, 2020 for the Conditional Use Permit to allow a residential dwelling unit at 325 Mason Avenue. The motion was approved by unanimous vote.

OTHER BUSINESS

There was no other business.

ANNOUNCEMENTS

Bill Stramm informed the commissioners that John Hozey, the new town manager, would be starting on March 9.

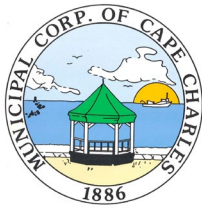
Motion made by Paul Grossman, seconded by Dennis McCoy, to adjourn the Planning Commission Regular Meeting. The motion was approved by unanimous vote.

The meeting adjourned at 6:06 p.m.

Chairman Bill Stramm

Deputy Clerk

DRAFT



DRAFT
PLANNING COMMISSION
Public Hearing & Special Meeting
Cape Charles Civic Center
via Electronic Communications
May 5, 2020
6:00 p.m.

This Public Hearing and Special Meeting of the Cape Charles Planning Commission was held by video conference in accordance with Code of Virginia § 2.2-3708.2, subsection A.3, resulting from Governor Northam's March 12, 2020 declaration of a state of emergency for the Commonwealth of Virginia arising from the Novel Coronavirus (COVID-19) pandemic. It was deemed impractical and unsafe to assemble physically due to the highly contagious nature of COVID-19.

The purpose of this meeting was to review an application for a Conditional Use Permit. An audio recording was made of the meeting, and the meeting was also live-streamed on Facebook, as well as video-taped for viewing from the Town's website after processing. Public comments were accepted in writing prior to the meeting. Viewers could also submit their comments via Facebook Live, emails to the clerk and by calling the clerk's office and leaving a voicemail during the public hearing.

At approximately 6:00 p.m., Chairman Bill Stramm, having established a quorum, called to order the Public Hearing and Special Meeting of the Planning Commission. Physically present at the Civic Center were Town Clerk Libby Hume and Deputy Clerk Tracy Outten. In attendance via Zoom were Diane D'Amico, Paul Grossman, Jim Holloway, Dennis McCoy, Michael Strub, Code Official Jeb Brady, and the applicants. There was one vacancy on the board. There were no members of the public physically in attendance.

PUBLIC HEARING PUBLIC COMMENTS:

Bill Stramm read the Notice of Public Hearing and staff analysis.

Dennis McCoy pointed out that the applicant's name was misspelled on first page of the staff report and the application did not have a signature.

There were no public comments to be heard nor any written comments submitted prior to the public hearings.

Motion made by Michael Strub, seconded by Dennis McCoy, to close the public hearing portion of the Planning Commission meeting at 6:07 p.m. The motion was approved by unanimous vote.

PUBLIC COMMENTS RE: Agenda Items Only

There were no public comments to be heard nor any written comments submitted prior to the meeting.

SPECIAL ORDER OF BUSINESS:

- A. *Application for a conditional use permit to allow a residential dwelling unit above a commercial use in the C-1 zoning district located at 325 Mason Avenue – tax map #83A3-1-610 - recommendation to Town Council.*

Motion made by Paul Grossman, seconded by Jim Holloway, to recommend Town Council approval of the Conditional Use Permit to allow a residential dwelling unit at 325 Mason Avenue. The motion was approved by unanimous vote.

Motion made by Paul Grossman, seconded by Jim Holloway, to adjourn the Planning Commission Public Hearing and Special Meeting. The motion was approved by unanimous vote.

The meeting adjourned at 6:10 p.m.

Chairman Bill Stramm

Deputy Clerk

DRAFT



PLANNING COMMISSION

STAFF REPORT

Meeting Date: July 7, 2020

Item #: 6A

Prepared By:	Allyson Finchum – Town Planner
Site Address:	401 Madison Ave (tax map #83A1-1-182A)
Applicant:	Scott and Robin Simms
Owner:	Scott and Robin Simms
Proposed Development:	Conditional use permit to allow an accessory dwelling unit at 401 Madison Avenue
Current Zoning:	<u>Single-Family Residential (R-1):</u> This zoning district is intended to provide quiet, medium density, single-family residential development plus provide open areas where similar residential development appears likely to occur. The regulations for this district are designed to stabilize and protect the essential characteristics of the district, to promote and encourage a suitable environment for family life where there are children, and to restrict all activities of a commercial nature as described in Section 3.6-A of this ordinance, known as Commercial District C-1, which states “These commercial activities are characterized by heavy traffic, noise, and congestion of people and passenger vehicles and by large office buildings and retail establishments,” and to promote a convenient, attractive, and harmonious community. This section is created in recognition of the existence of developed areas where single-family and duplex dwelling currently exist on lots of 5,600 square feet and where the characteristics of the neighborhood include both permanent as well as seasonal residents. <u>Historic District Overlay:</u> 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.

Accessory Dwelling Unit Regulations:

Article 4, Section 4.2 (J) states one accessory dwelling may be maintained on a property in the R-E, R-1, R-2 and CR zoning districts, contingent upon approval as a conditional use in accordance with Section 4.3, and subject to the following:

A. Physical characteristics.

1. Accessory dwellings shall be located in an accessory building.
2. Accessory dwellings shall not have a floor area exceeding 45 percent of the floor area of the main building.
3. Accessory dwellings shall have one kitchen and one bathroom.
4. Accessory buildings containing an accessory dwelling shall maintain the exterior appearance of an accessory building and shall not have the appearance of a single-family dwelling.

B. Occupancy characteristics.

1. Length of stay – No accessory dwelling unit shall be occupied by any person or persons, whether paying a fee for such occupancy or not, for a period less than thirty (30) consecutive calendar days. Upon request from any building, zoning, finance, or public safety official acting on behalf of the Town of Cape Charles the owner of the subject lot of record upon which the accessory dwelling unit sits shall provide occupancy documentation and/or information as requested, either verbally or in writing. Failure to do so may result in the revocation by the Cape Charles Town Council of the conditional use status for the accessory dwelling unit according to Article IV, Section 4.3.F.
2. Inspections – All accessory dwelling units shall be inspected annually not later than fifteen (15) days from the anniversary date of the conditional use permit being approved by Town Council.

C. Other requirements.

1. Accessory dwellings located in accessory buildings may have a separate water meter from the principal dwelling.
2. The lot on which an accessory dwelling is located shall have the required minimum lot area for the district in which it is located.
3. Parking shall be considered on a case-by-case basis as part of the conditional use permit application process, ensuring adherence to Section 4.5.1 C. 6. (Table of Parking Standards) using both on and off-street parking areas. An accessory dwelling unit must have one off-street parking space per dwelling unit bedroom.
4. Exterior elevations shall also be approved by the Historic District Review Board when required by Article VIII, Historic District Overlay.

Description of Proposed Project:

The applicant would like to construct an accessory dwelling unit on the second floor of the existing accessory structure which is presently a garage. The garage area will remain located on the first floor of the structure. The applicant has stated they would use the accessory dwelling unit as a long-term rental.

A Certificate of Appropriateness was approved by the Historic District Review Board on June 20, 2017. The original construction of both the principal dwelling and accessory structure (garage) occurred in 2017/2018.

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 compatible infill development and renovation within established neighborhoods. The Comprehensive Plan states to “promote accessory dwelling units to add diversity of housing types, while maintaining the neighborhood character and providing affordable housing options.”

The proposed project meets the Comprehensive Plan goal of promoting accessory dwelling units within established neighborhoods.

Section 4.2(J)(3)(C) of the zoning ordinance states “parking shall be considered on a case-by-case basis as part of the conditional use permit application process, ensuring adherence to Section 4.5.1.C.6 (Table of Parking Standards) using both on and off-street parking areas.” Section 4.5.1.C.6 requires a minimum of one space per accessory dwelling unit bedroom.

The proposed project meets the requirements of the zoning ordinance. The concrete driveway area contains ample space for the two parking spaces required for the principal structure and additional parking space for the proposed accessory dwelling.

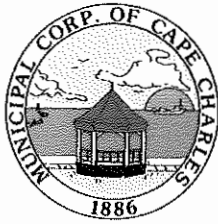
Staff Recommendation:

Staff recommends Planning Commission schedule a public hearing on this matter on August 4, 2020 for Item #6A 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: 401 Madison Studio in Garage
Property Address: 401 Madison Ave. Cape Charles, VA 23310
Brief Description of Project: Room above garage used as long term studio rental
Zoning District: _____ Current Use: N/A Proposed Use: yearly rental

OWNER INFORMATION

Name and Company: Scott and Robin Simms
Mailing Address: 401 Madison Ave.
Phone Number: 757-678-3033 Email: Rstwins@verizon.net

APPLICANT INFORMATION

☒ check here if applicant is owner

Name: same as above
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: Robin Simms Date: 5/29/00

Town of Cape Charles Planning & Zoning Department
2 Plum St. • Cape Charles, VA 23310 • 757-331-2036 • capecharles.org

Scott and Robin Simms
401 Madison Ave.
Cape Charles, VA 23310

May 29, 2020

Town of Cape Charles
2 Plum St.
Cape Charles, VA 23310

RE: Conditional Use Permit Application

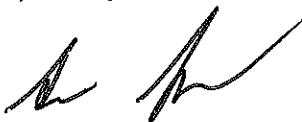
Dear Town of Cape Charles,

We, Scott and Robin Simms are writing this letter to declare our interest in obtaining a conditional use permit that would allow us to use a room above our garage as a long term rental unit.

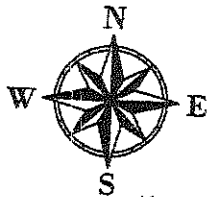
We are in the process of finishing the interior construction of this room. Our immediate desire is to use the space for overflow for visiting family and friends. We would like to have the opportunity to use the room as a long term rental if the need presents itself. The space we have would be considered a studio size rental unit. We feel there are very few long term rentals in the town and we could provide a nice option.

Thank you for your consideration of our application.

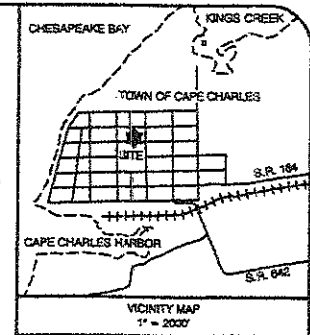
Respectfully submitted,


Scott Simms


Robin Simms



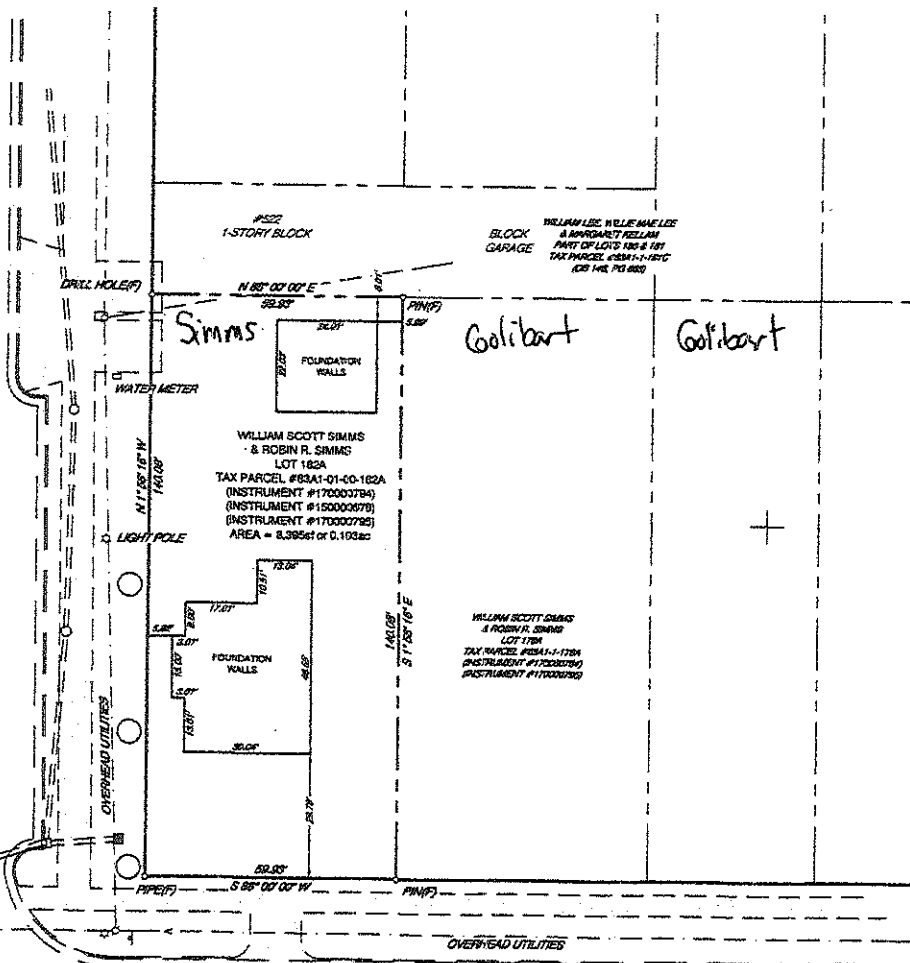
I, HEREBY CERTIFY THAT THIS AS-BUILT IS BASED ON A CURRENT FIELD SURVEY, AND TO THE BEST OF MY KNOWLEDGE AND BELIEF IS CORRECT AND COMPLIES WITH THE MINIMUM PROCEDURES AND STANDARDS ESTABLISHED BY THE VIRGINIA STATE BOARD OF ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS AND CERTIFIED LANDSCAPE ARCHITECTS.



NOTES:

1. THE MERIDIAN SOURCE OF THIS PLAT IS BASED ON "MAP OF THE TOWN OF CAPE CHARLES" RECORDED IN THE OFFICE OF THE CLERK OF COURTS IN DEED BOOK 41 AT PAGE 484.
2. THIS PROPERTY APPEARS TO FALL IN:
FLOOD ZONE: SHADED X
COMMUNITY NUMBER: 510100
PANEL: 0285F DATED: MARCH 2, 2015
3. FLOOD ZONE DETERMINATION IS BASED ON THE FLOOD INSURANCE RATE MAPS AND DOES NOT IMPLY THAT THIS PROPERTY WILL OR WILL NOT BE FREE FROM FLOODING OR DAMAGE.
4. THIS PLAT IS BASED ON A CURRENT FIELD SURVEY HAVING A CLOSURE EXCEEDING 1:111,158.
5. ZONING AND SETBACK INFORMATION IS ACCURATE AS OF THE DATE OF PLAT PREPARATION AND ARE SHOWN FOR INFORMATIONAL PURPOSES ONLY. CURRENT ZONING REGULATIONS AT THE TIME OF CONSTRUCTION SHALL GOVERN SETBACKS.
6. THE PROPERTY IS SERVED BY TOWN SEWER AND WATER.
7. THIS PROPERTY IS ZONED "SINGLE FAMILY RESIDENTIAL (R-1)" AND THE SETBACKS ARE AS FOLLOWS:
FRONT - 30' OR PREVAILING SETBACK
SIDE - 5'
REAR - 25'
8. THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE REPORT AND MAY NOT SHOW ANY/ALL EASEMENTS OR RESTRICTIONS THAT MAY AFFECT SAID PROPERTY AS SHOWN

Peach Street - State Route T-1109
(100' Right-of-Way)
(Deed Book 41, Page 484)



Madison Avenue - State Route T-1104
(70' Right-of-Way)
(Deed Book 41, Page 484)

FOUNDATION AS-BUILT
OF
Lot 182A
Map of the Town of Cape Charles
(DEED BOOK 41, PAGE 484)
(INSTRUMENT #170000786)
TAX PARCEL #03A1-01-00-182A
TOWN OF CAPE CHARLES
NORTHAMPTON COUNTY, VIRGINIA
FOR
Shoreline Surveyors
23314 Courthouse Avenue - P.O. Box 738
Accomac, Virginia 23001
PHONE (757) 788-3950 FAX (757) 788-3952



GRAPHIC SCALE
SCALE: 1" = 20'
DRAWN: 1/14/18
FIELD BOOK: 43, PAGE 16
JOB #170050
SHEET 1 OF 1

Northampton County, Virginia

Tax Map #: 83A1-1-178A
Owner: GOLIBART, MARTIN J & SUZANNE
K

Details

Billing Address: PO BOX 264
City: EASTVILLE
State: VA
Zip: 23347
Total Acres: 1.00
Land Value: \$100,000
Improvement Value: \$0
Total Value: \$100,000
Deed Book: 0
Deed Page: 0
Will Book: N/A
Will Page: N/A
Plat: PL17 795
Instrument Number: LR17 796
Parcel_Description: LOT 178A 59.93'X140'

DISCLAIMER: This data is provided without warranty of any kind, either expressed or implied, including but not limited to, the implied warranties of merchantability and fitness for a particular purpose. Any person, firm or corporation which uses this map or any of the enclosed information assumes all risk for the inaccuracy thereof, as Northampton County expressly disclaims any liability for loss or damage arising from the use of said information by any third party.

Northampton County, Virginia

Tax Map #: 83A1-1-183
Owner: THE EDMUND J SABO II & AMY L
SABO FAMILY TRUST

Details

Billing Address: 11912 STONEHENGE DR
City: FREDERICKSBURG
State: VA
Zip: 22407
Total Acres: 1.00
Land Value: \$120,000
Improvement Value: \$0
Total Value: \$120,000
Deed Book: 0
Deed Page: 0
Will Book: N/A
Will Page: N/A
Plat: PL19 2247
Instrument Number: LR15 618
Parcel_Description: LOT 183 & 186 COMBINED
MADISON & PEACH (PARCEL "A"
ON PLAT) 80X140

Northampton County, Virginia

Tax Map #: 83A1-1-180B
Owner: LEE, WILLIE MAE & KELLAM,
MARGARET &

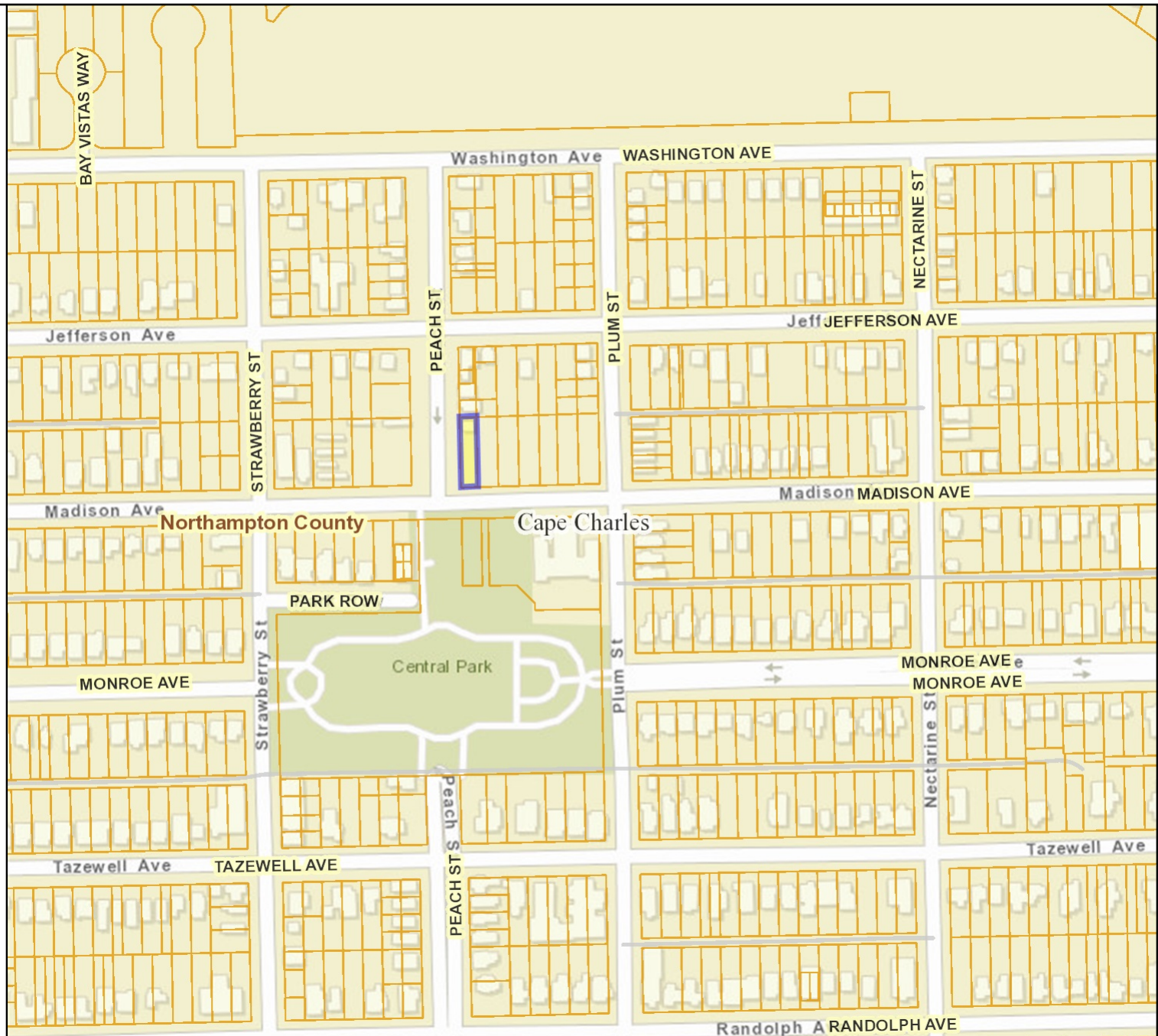
Details

Billing Address: 6116 LOCKAMY LN
City: NORFOLK
State: VA
Zip: 23502
Total Acres: 1.00
Land Value: \$54,800
Improvement Value: \$20,300
Total Value: \$75,100
Deed Book: 0
Deed Page: 0
Will Book: 0
Will Page: 0
Plat: N/A
Instrument Number: LR09 1611
Parcel_Description: PART OF LOTS 180 & 181 26.5'X80'

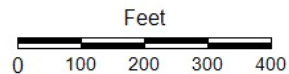
Northampton County, Virginia

Legend

-  County Boundaries
-  Town Names
-  Route Numbers
-  Road Labels
-  Parcels
-  Driveways



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



Title: 401 Madison Avenue

Date: 6/30/2020

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.