

Planning Commission

Public Hearing and Regular Session Agenda

Cape Charles Civic Center – 500 Tazewell Avenue
October 5, 2021, at 6:00 P.M.

1. Call to Order
 - A. Roll call and establish a quorum
2. Invocation and Pledge of Allegiance
3. Consent Agenda
 - A. Approval of agenda format
 - B. Approval of Minutes: July 13, 2021
4. Public Hearing
 - A. A Conditional Use Permit application from Renato & Jody Lucatello at 602 Tazewell Avenue (Tax Map #83A3-1-448) in the Residential-1 Zoning District for an accessory dwelling unit pursuant to Cape Charles Zoning Ordinance Section 3.2 (C) (7) & 4.2 (J)
 - B. A Conditional Use Permit application from Susan, John & Kelly Robinson at 206A Jefferson Avenue (Tax Map #83A1-1-220) in the Residential-1 Zoning District for an accessory dwelling unit pursuant to Cape Charles Zoning Ordinance Section 3.2 (C) (7) & 4.2 (J)
 - C. A Conditional Use Permit application from Jose & Diana Gonzalez at 325 Madison Avenue (Tax Map #83A1-1-191) in the Residential-1 Zoning District for an accessory dwelling unit pursuant to Cape Charles Zoning Ordinance Section 4.2 (J)
 - D. A Conditional Use Permit application from Michael Ryan and Anna Lee Wilkins at 654 Monroe Avenue (Tax Map #83A3-1-323) located in the Residential-1 Zoning District for an accessory dwelling unit pursuant to Cape Charles Zoning Ordinance Section 4.2 (J)
5. Citizen Comment Period, for any item not subject to an advertised public hearing
6. Unfinished Business
 - A. Continued discussion and review of proposed amendments to of proposed revisions to the Planning Commission's Bylaws, including the Appendices to the Bylaws:
 - 1) Citizen Participation Guidelines adopted by Town Council on 7/22/2021
 - 2) Code of Ethics and Meeting Rules of Order adopted by Town Council on 7/22/2021
7. New Business
 - A. Schedule public hearings for the following Conditional Use Permit Applications:
 - 1) 410 Harbor Avenue (Tax Map #83A3-2-8-7): Sam & Amy Scharpf – An accessory dwelling unit pursuant to CCZO Section 3.2 (C) (7) & 4.2 (J)
 - 2) Randolph Avenue (Tax Map #83A4-1-26, 27, 28, & 29): Tom & Kate Austin for a Mini Golf Course pursuant to CCZO Section 3-8 (B) (2) as determined by the Planning Commission at their meeting on 2/2/2021
 - B. Review and Adopt the November 1, 2021 thru October 31, 2022 Meeting Calendar
 - C. Appointment of Planning Commission member to the Harbor Area Review Board
8. Report of Officers and Committees
9. Standing Staff Reports
 - A. Subdivision Agent Monthly Report
 - B. Report on Applications filed with Board of Zoning Appeals, pursuant to Code of Virginia §15.2-2310

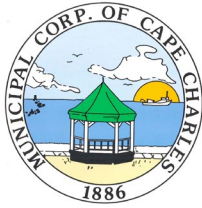
10. Announcements - Next Meetings:

Public Hearing & Regular Session – November 9, 2021 @ 6:00 p.m. – Civic Center

Work Session Schedule for Comprehensive Plan Work – these meetings are from 3:00 – 5:00 p.m., Civic Center

- October 18, 2021: Transportation (Bill Stramm)
- November 15, 2021: Land Use (Ken Butta/Jim Holloway)
- December 20, 2021: Community Facilities (Diane D'Amico)

11. Adjourn



DRAFT PLANNING COMMISSION

Joint Public Hearing with Town Council & Regular Meeting

Cape Charles Civic Center

July 13, 2021

6:00 p.m.

At 6:00 p.m., Chairman Bill Stramm, having established a quorum, called to order the Public Hearing and Regular Meeting of the Planning Commission. In addition to Chairman Stramm, present were Commissioners Kenneth Butta, Diane D'Amico, Paul Grossman, Jim Holloway, Dennis McCoy, and Michael Strub. Also, in attendance were Interim Planning/Zoning Administrator Katie Nunez, Planning Technician Tracy Outten, and the applicants. There were sixty-eight members of the public in attendance and thirty-five viewers on Facebook Live.

Mayor William "Smitty" Dize, having established a quorum, called to order the Public Hearing of the Town Council. In addition to Mayor Dize, present were Vice-Mayor Bennett, Councilmen Buchholz, Follmer and Grossman, and Councilwomen Holloway and O'Brien. Also, in attendance were Town Manager John Hozey and Town Clerk Libby Hume.

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

PUBLIC HEARING PUBLIC COMMENTS:

Interim Planning/Zoning Administrator Katie Nunez presented a PowerPoint to clearly identify the proposed parcel being considered for the zoning map amendment. She stressed that a subdivision had been approved and would be an added buffer. Ms. Nunez stated that there were Wetlands throughout tax map #90-8-1A1 and any plans submitted would deal with all issues.

Chairman Stramm read the Notice of Public Hearings and opened the floor for comments.

Phil Goetkin, 602 Jefferson Avenue

Mr. Goetkin voiced his concerns about the trees and tree canopy. He requested that the decision on the text changes and rezoning be deferred until additional input by all stakeholders can be developed and evaluated. (Please see his full statement attached.)

Margaret Ballard, 115 Mason Avenue

Ms. Ballard and her husband were not opposed to Coastal Precast Systems. She respectfully requested that the decision for the proposed amendments be delayed until these proposals from Coastal Precast and the parcel owner have had a chance to be considered and completely reviewed by the boards and commissions the council has put in place to represent its citizens. (Please see her full statement attached.)

Joan Natali, 110 Blue Heaven Road

Ms. Natali supported the rezoning but had the following concerns about the proposed text amendments; first the maximum structure of 75 ft tall was too high and second the removal of sirens and other devices needs to be revised to include a noise that was not so loud that it was a nuisance. (Please see her full statement attached.)

Shannon Alexander, 15338 Quail Lane, Painter

Ms. Alexander was speaking on behalf of Virginia Department of Conservation and Recreation which were adjacent property owners. She said the area was important for the environment and wildlife habitats.

Beverly Steffey, 204 Jefferson Avenue

Ms. Steffey thanked the Town Council and Planning Commission. She worried that the decisions were being rushed and suggested a deferral until proper research could be done on the effects the changes may have on businesses and the environment.

Susan Eidam, 646 Tazewell Avenue

Ms. Eidam's comments addressed the importance of effective zoning ordinances, with respect to time, transparency, and process. She implored the Planning Commission to defer the decisions. (Please see her full statement attached.)

Arnie Fuog, 547 Mason Avenue

Mr. Fuog thought that the zoning changes should benefit everyone and not just one person or corporation.

Mark Tillotson, 216 Blue Heaven Road

Mr. Tillotson encouraged the Planning Commission to reject the proposed zoning changes written by Coastal Precast Systems and submitted by Mr. S. Eyre Baldwin. (Please see his full statement attached.)

Susan Tillotson, 216 Blue Heaven Road

Ms. Tillotson expressed concerns of clearcutting trees and encouraged the commissioners to reject both proposals. (Please see her full statement attached.)

Phillipa Wilcox, 401 Cassatt Knoll

Ms. Wilcox said that the reason for her moving her was to assess natural resources and asked what kind of community we wanted to be. She does not want to thwart progress but would like the decision to be paused. Ms. Wilcox thought the comprehensive plan should be completed first.

Chris Sheppard, Apartment 203 Plum Street

Mr. Sheppard objects to the zoning changes and does not think they were being done properly.

Bruce Evans, 652 Tazewell Avenue

Mr. Evans was in total agreement with most of the comments spoken. He added that this process was rushed, should have many open discussion meetings about these items, and thought the commissioners needed to kill the proposal or defer the decision.

Dave Doherty, 509 Nectarine Street

Mr. Doherty said the town needed trees, preservation, and the economy which made these proposals a complex issue. The right decision does not need to be rushed and more information was needed. He added that green energy would be great and suggested restricting traffic by waterway as a way to reduce noise.

Bill Payne, 103 Arnie's Loop

Mr. Payne said the issue was a Northampton County issue not just a Cape Charles one. He continued by saying that the Eastern Shore was measured by its economic development success and this proposal would add jobs. The town should not be selfish and the commissioners should help keep the progress moving forward with no delays to bring additional jobs.

Laura Weigard, 632 Madison Avenue

Ms. Weigard moved here to enjoy a quiet beach community and live a happy healthy life with her wife. They opposed the amendments. (Please see her full statement attached.)

Planning Technician Tracy Outten read comments submitted in writing prior to the meeting. (Please see attached.)

Motion made by Paul Grossman, seconded by Dennis McCoy, to close the public hearing portion of the Planning Commission meeting at 7:18 p.m. The motion was approved by unanimous vote.

Motion made by Councilman Buchholz, seconded by Vice-Mayor Bennett, to adjourn the Town Council Public Hearing. The motion was approved by unanimous vote.

Chairman Stramm gave the commissioners and attendees a five-minute recess before beginning the Regular Meeting.

PUBLIC COMMENTS:

There were no public comments.

AGENDA

Motion made by Paul Grossman, seconded by Jim Holloway, to approve the agenda as presented. The motion was approved by unanimous vote.

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

A. *Application for Zoning Text Amendments (ZTA) to the Cape Charles Zoning Ordinance Section 3.14 General Business/Light Industrial H-1 (GBL-H1) as follows:*

1. *Allow assembly and/or storage of products as a by-right use under (Sec. 3.14.B (14))*
2. *Allow buildings up to 75 ft in height with a required setback of 125 ft through a Conditional Use Permit (Sec. 3.14.C(2))*
3. *Other minor changes*

Katie Nunez said all information was in the staff report and explained the process for a conditional use permit (CUP) if the proposed text amendment was approved.

Eyre Baldwin, applicant, tried to correct some of the misconceptions that were heard during the public comments. He explained that the text amendment was just giving future developers a way of asking for permission to ask through a CUP to construct a building up to 75 feet tall. Mr. Baldwin continued by informing all in attendance that past environmental studies had been done, the wetland had been delineated, and many of the adjacent parcels have already been rezoned. Dan Brown, applicant representative, thought this would be a relatively easy request and added that most of this would be by-right if zoned differently.

Brandon Mowrey, Coastal Precast Systems (CPS) representative, said that a building of the proposed height could be used as storage space for future renewable energy contracts and did not want to disclose further information. Mr. Mowrey did confirm that the text and map amendments would need to be approved before the property sale and before CPS could bid on certain projects.

Discussion and questions were as followed: (i) Paul Grossman asked Brandon Mowrey if they had any plans. Mr. Mowrey answered no, a contract was needed. Commissioner Grossman asked what properties CPS were buying, both parcels from South Port Investment, LLC; (ii) Kenneth Butta wanted to know if storing another type of product would mean another text amendment. Eyre Baldwin said that heavy items would be stored outside; (iii) Michael Strub was confused because CPS can not buy the parcel until the amendments were

approved but, they did not have any future plans; (iv) Diane D'Amico wanted to know if clarification had been given on Section 3.14.F. John Hozey answered that the attorney said the ordinance should be written as to what the town wanted it to say and zoning should be more strictive in this district than in heavy industrial. Paul Grossman asked if that was in writing, no; (v) Diane D'Amico thanked Katie Nunez for answering questions sent in an email about landscaping. Kenneth Butta asked if this district had landscaping to follow; yes; (vi) Kenneth Butta thought CPS would have to meet OSHA noise requirements. Brandon Mowrey said they try to make signals the lowest except when renting machinery those signals could not be set; (vii) Paul Grossman asked if 75 ft height was not approved what would that mean. An answered was declined; (viii) Kenneth Butta proposed slightly changing the amendment to making the change inclusively for a renewable energy concept. Dan Brown did not think that would work; (ix) Diane D'Amico would like the commissioners to take more time before making a recommendation; and (x) Jim Holloway wanted to know if they envisioned a great deal of modifications to this parcel; not answered. Dan Brown reiterated that the decimation of the trees was a by right use.

Motion made by Kenneth Butta, seconded by Dennis McCoy, to recommend Town Council approval of the application for the Town of Cape Charles Zoning Ordinance Article VIII, Section 3.14.B (14) proposed text amendments. The motion was approved by majority vote with Diane D'Amico opposing.

Motion made by Kenneth Butta, seconded by Dennis McCoy, to recommend Town Council approval of the application for the Town of Cape Charles Zoning Ordinance Article VIII, Section 3.14.C (2) proposed text amendments. The motion was approved by majority vote with Diane D'Amico abstained.

Diane D'Amico abstained due to concerns she had with the whole text.

Paul Grossman would like the town attorney to write a statement or recommendation.

Motion made by Paul Grossman, seconded by Jim Holloway, to recommend Town Council approval of the application for the Town of Cape Charles Zoning Ordinance Article VIII, Section 3.14.F proposed minor text amendments. The motion was approved by majority vote with Diane D'Amico opposing.

- B. *Application for Zoning Map Amendment (ZMA) - Rezoning 1201 Bayshore Rd. (tax map #90-8-1A1) from Harbor (H) to General Business/Light Industrial H-1 (GBI-H1) – make recommendation to town Council.*

Please see above conversation as the applicants and commissioners discussed all amendments together.

Motion made by Paul Grossman, seconded by Dennis McCoy, to recommend Town Council approval of the application to rezone Tax Map #90-8-1A1 from Harbor (H) to General Business/Light Industrial H-1 (GBI-H1). The motion was approved by majority vote with Diane D'Amico opposing.

OTHER BUSINESS

There was no other business.

ANNOUNCEMENTS

- Work Session – July 19, 2021, at 3:00 p.m. in the Civic Center
- Regular Session – August 6, 2021, at 6:00 p.m. in the Civic Center

Motion made by Jim Holloway, seconded by Dennis McCoy, to adjourn the Planning Commission Public Hearing and Regular Meeting. The motion was approved by unanimous vote.

The meeting adjourned at 9:00 p.m.

Chairman Bill Stramm

Planning Technician

DRAFT

CURRENT ZONING

CURRENT ZONING – SELECTED PARCEL #s

The map displays the following zoning districts and parcel information:

- M-2**: Multiple locations, including parcels 90-A-2 and 90-A-3.
- GBI H-1**: Multiple locations, including parcels 90-8-1A4, 90-8-1A3, 90-20-1, and 90-A-1B.
- 90-A-2**: Located near the top left.
- 90-A-3**: Located near the bottom left.
- 90-A-1A**: Located near the bottom right, highlighted in red.
- 90-A-1B**: Located near the bottom center.
- 90-8-1A**: Located near the center, highlighted in green.
- 90-8-1A4**: Located near the center.
- 90-8-1A3**: Located near the center.
- 90-20-1**: Located near the center.
- HARBOR**: Located near the center, highlighted in green.
- Cape Charles Coastal Habitat**: Located near the bottom left.
- Cape Charles Waterfront**: Located near the bottom center.

The map also shows the location of Cape Charles Waterfront and the Cape Charles Coastal Habitat.

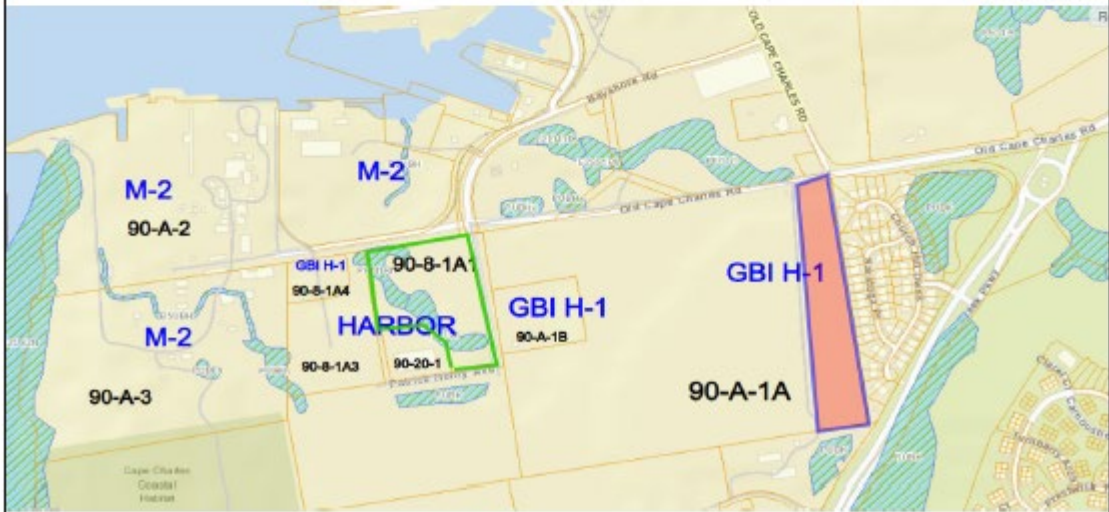
6

CURRENT ZONING with SELECTED PARCEL #s & AERIAL IMAGING



3

WETLANDS OVERLAY



4

Comments Heard and Submitted in Writing

July 13, 2021, Planning Commission/Town Council Joint Public Hearing

Phil Goetkin, 602 Jefferson Avenue

Conservation and protection of the trees and tree canopy is a well-documented high priority for the citizens of Cape Charles. Just take a look at the language included in the recently approved Strategic Planning Document or our most recently approved Comprehensive Plan; take a look at our Master Tree Plan or take a look at Appendix F of the Zoning Ordinance other wise known as the Tree Conservation and Preservation Ordinance. All of these documents reinforce the critical importance of trees in our town.

The intent of the Master Tree Plan and the Zoning Ordinance is to develop a vibrant green infrastructure in all of our Town districts by protecting existing trees and promoting the planting of new trees. Appendix F of the Zoning Ordinance applies to all undeveloped property and property undergoing redevelopment. It requires a ten percent (10%) tree canopy cover for any site zoned business, commercial or industrial. It also requires a permit before any tree may be destroyed or removed. The Town Council, the Planning Commission, and the Town Staff need to work together to insure the Tree Preservation and Conservation Ordinance is strictly administered and enforced.

The zoning changes and rezoning being discussed tonight will certainly enable Coastal Pre-Cast Systems (or whoever might develop property in question) to increase the industrial base of the Town. I think we can all agree that economic development is a good thing – more jobs and an increased tax base. At the same time, we need to be aware of the potential environmental costs the development of these properties (90-8-1A1 11.79 acres and 90-A-1A 7.66 acres) might create. The natural resources on these properties are at risk – the forest and all of the plants and animals that exist within it.

A property owner has the right to develop her or his property in any way the laws, rules and regulations permit. However, it is critical that development be done in an environmentally and ecologically sustainable manner. The development that has occurred in this area of Town over the last several years has fallen dramatically short. Trees have been clear-cut all the way to property lines. As recently as last week many more trees were being cut down. If the zoning changes being proposed are approved, it is my belief that the trees on these properties in question will be clear-cut as well – thereby, permanently changing these critical natural landscapes forever.

Before any decision is made on the zoning text changes or the rezoning request, I am requesting that a detailed tree plan that follows the Zoning Ordinance be submitted and approved. It is critical to know which trees will be saved and how these trees will be saved. Also, this plan should also be made public to insure that all citizens of this town are ware of what the consequences of this development could be.

Finally, I am requesting that the decision on these text changes and rezoning be deferred until additional input by all stakeholders can be developed and evaluated.

Margaret Ballard, 115 Mason Avenue

Good evening, Chairman Stramm, Mayor Dize and members of the Commission and Council. Thank you for the opportunity to speak to the proposed changes in the text of the Cape Charles zoning ordinances which would allow rezoning of parcel 90-8-1A1 from Harbor to General Business/ Light Industrial H1 (GBH/H1).

My name is Margaret Ballard. My husband and I reside full-time at 115 Mason Avenue, Cape Charles. I want to emphasize that my husband and I are NOT opposed to Precast Coastal Systems. We applaud the efforts of Dan McGhee, the plant manager, and the owners for keeping the doors of communication open. Our request is that the Planning Commission and Town Council create a much stronger vision of integrating the goals of Coastal Precast with the goals of ALL of the town's citizens, voters and property owners.

I also respectfully request that you delay the ordinance change until these proposals from Coastal Precast and the parcel owner have had a chance to be considered and completely reviewed by the boards and commissions the council has put in place to represent its citizens. (The Wetlands and Dune Commission, the Harbor District Review Board, the Tree Advisory board, and the Chesapeake Bay Preservation Board)

I would now like to review the Purposes of the GBH 1 District outlined in the current zoning ordinance.

Purpose of the District. The GBI H-1 district is a planned mixed industrial and employment park with a comprehensive development plan. The purpose of the district is to:

- 1. Encourage the revitalization of the local industrial economy and historic port of Cape Charles and Northampton County**
- 2. Create family-wage employment and training opportunities for local residents**
- 3. Serve as a model and national prototype of an integrated approach to land development and industrial operations, embodying sustainable approaches to the local economy, environment and culture**
- 4. Serve as a model for advancing the traditional settlement patterns of the Eastern Shore's towns and employment centers**
- 5. Incorporate comprehensive, cost-effective approaches to resource conservation, wise use of renewable resources, and ecologically based industrial development in all aspects of design and development of the project**

If the ordinance changes are passed without review by the various town organizations, where are the guard rails to ensure these purposes are fulfilled? Will the Commission recommend and the Town enact amendments that support these purposes?

Thank you.

Joan Natali, 110 Blue Heaven Road

July 13, 2021

My name is Joan Natali and I reside at 110 Blue Heaven Road in Cape Charles.

I have reviewed the complete agenda package and also reviewed the Zoning Ordinance referred to and under consideration tonight.

In general, I support the recommended revisions to Article III of the Zoning Ordinance and the rezoning of Tax Map #90-8-1A1 located at 1201 Bayshore Road from Harbor District (H) to General Business/Light Industrial H-1 (GBI H-1).

I have three concerns that I would like the Planning Commission and the Town Council to consider in their deliberations.

First: I understand that the change to the GBI H-1 District Conditional Use paragraph adds to statement 2:

or building or structure other than building may be constructed to a maximum height of 75 feet if the building is set back at least one hundred twenty-five (125) additional feet from the required setback for all yards abutting residential properties.

I understand that any proposed development of a property in this district has to apply for and go through the Conditional Use process. That process includes review and public hearings before a permit is either granted or denied prior to the development of the property, I personally think a height of 75' is too high for our Town.

Consider the following Zoning Ordinance Height Regulations for the Districts currently in that area:

- Harbor District – 40' height, (55' with a Conditional Use)
- GBI District & Industrial District M-1 – 45'
- Industrial District M-2 – 45' for buildings; 50' for structures other than buildings
- **General Business/Light Industrial H-1 (GBI H-1)** – 40' for buildings; 50' for structures other than buildings; (with a Conditional Use, Structures, other than buildings, exceeding 50 feet and Buildings over 40 feet but equal or less than 50 feet

I would like you to revise the 75' height maximum to 55', which I believe is the highest height currently stated in the Zoning Ordinance for the Town of Cape Charles.

Second, I am concerned about section F. Additional Development Requirements:

#9. the removal of "sirens" and "or other devices"

Please consider adding wording to ensure that noise from sirens or other devices are not so loud as to become a public noise nuisance to nearby residential neighborhoods and neighboring business(s) in the area. If not now, maybe the subject can be considered in the near future.

Third: Please do everything you can to ensure that as many trees, bushes and plantings present along the perimeter of a property in the areas south of the Harbor and north and east of the PUD are preserved, maintained and replaced if and when they die. Also require hedges, or fast-growing shrubs to be planted and maintained within the buffer yards as a noise-reducing element.

Thank you for your time and consideration.

Good evening. I am grateful to address The Planning Commission and Town Council.

The respect for residents, business and regulatory input has made Cape Charles a wonderful place.

My comments address the importance of effective Zoning Ordinances, with respect to Time, Transparency and Process.

My goal is not to influence an outcome but, ask questions about how the process *leading* to the outcome can be as inclusive as possible.

Your decisions affect the way we live, legislate, vote, and develop economically.

Planning Commissioners invest time, expertise and thorough study with everyone's best interests in mind, to ensure that Ordinances remain effective over time and changes evolve consistently with the Comprehensive Plan.

Prudence and due diligence are the foundation of any resilient framework.

In the Rezoning and Text Amendment application before the Planning Commission tonight, two parties have rightfully sought modifications to the existing Zoning and Text of Zoning Ordinance.

There is no criticism here. Business people with an interest in bringing more commerce to Cape Charles, and be profitable, is economic development.

A sound proposal is one where the shared interests of industry, residents, property stability and environmental sustainability are considered.

Our Planning Commissioners can assure they are making quality decisions by engaging the community, *before* a Resolution is advanced to Town Council.

For the Commission to exercise due diligence consult with Citizen Groups, Boards, Commissions, and Agencies may encourage and refine the initial proposal.

It takes time.

Time to review zoning, maps, and ordinance text.

Time to study Staff Reports

Time to ask Questions.

No Commission regardless of expertise can submit to Council a well-considered opinion, in a week. Council should respect the time it takes for the Commission to submit a more informed recommendation.

The practice of swiftly re-negotiating planning, zoning, and ordinance language, to accommodate an implied sense of urgency - often means we compromise our responsibility to fully explore and question the implications that those changes mean to the public at large.

In summary,

I request that citizens have ample time to read and study related documents and seek out our elected council members to ask questions and offer insights before a resolution is passed.

Changes that have such a visible impact on the landscape of the Town can be scary.

Let's mitigate the presumptive fear that can snowball into hostility and distrust, let's replace it with framework where community partners meet face to face; foster a sense of mutual cooperation, transparency, and support around change and growth.

I implore the Planning Commission to please return a decision tonight to:

defer The Resolution of Intent to modify the Cape Charles Zoning Ordinance § 3.14.

And provide a timeframe for the due diligence process, in which to advance a thoughtfully considered opinion to the Town Council.

Thank you.

Mark Tillotson, 216 Blue Heaven Road
July 13, 2021

Planning Commission and Town Council
Cape Charles, VA

My name is Mark Tillotson, and I would like to make the following statement for the permanent record to the Cape Charles Planning Commission public hearing on the Zoning Text Amendment.

My wife, Susan Tillotson, and I are residents of Cape Charles, and speaking for both of us, we **strongly** encourage the Planning Commission **to reject** the proposed zoning changes written by Coastal Pre-Cast Systems (CPS) and submitted by Mr. S Eyre Baldwin.

Today, I wish to respond to the request to change the Zoning of Lot 90-8-1A1 (referred to in the document as **Lot Baldwin**) from Harbor (H) to General Business / Light Industrial (GBI/H1). We **disagree** with Mr. Baldwin's assertion that the previous re-zoning of Lot 83A3-11-2 (referred to here after as **Lot Yacht**) set a precedent. That lot is **further** from the residential area of Bay Creek. While this rezoning action had the potential to negatively affect the Cape Charles because it is visible to downtown Main

Street, it was in keeping with the nature of the **Land Use Plan** for the Harbor in the Comprehensive Plan since it was planned to be a **yacht repair facility**. The change in zoning was needed to allow for the building of the repair facility. However ... for the Lot in question (**Lot Baldwin**), this property is closer to residential property and is **not anticipated to support** Harbor Planning, so it is **not the same**, and we feel **no precedent** has been set and that this action must **be evaluated on its own merits**.

Currently we live at the north end of the Hollies in Bay Creek. Already the existing noise from the CPS plant is obnoxiously loud. This proposal being considered brings additional industrial sounds even closer to within ¼ mile to our house.

This proposed change directly affects the residential property at New Quarter and the Hollies on Bay Creek. But we contend, just as we are dissatisfied with the level of noise that exists today from even a greater distance, expanding the industrial operations towards Bay Creek would put the **sale of the new residential lots** at Bay Creek in the Bluffs (to include the Muirfield Bluffs being advertised now) and Village J **at higher risk**. This **certainly** would not be good for the economic benefit to Cape Charles since all of these residents shop on main street, eat at the town restaurants and generally support Cape Charles economically.

Making it **less desirable** for visitors to come enjoy the tranquility and charm of the town of Cape Charles, as well as less desirable to live on the northern end of Bay Creek does not sound like it is in Cape Charles best interest. This re-zoning is obviously opportunistic for some at the expense of most others in Cape Charles.

Cape Charles has **previously** modified the Comprehensive Plan and **approved** a revised Town Zoning Map **without** additional study. As a former US Army Corps of Engineers leader in charge of **environmental planning** and a former Department of Veterans Affairs leader in charge of **community planning**, I am intimately aware how supposedly **minor changes** to a city plan can have a **large** unintended but negative impact on the local environment and economy. Based on my reading of the **Planning Commission Staff recommendation**, it appears that the town is prepared to continue to **incrementally change** the Zoning Map **by fiat**, rather than to **fully study** the effects to the Land Use Plan for Cape Charles (death by a 1,000 cuts). We think this is **shortsighted** in the interests of the city. Plus this could have a **domino effect** on other properties in this area without the due diligence required for a full review. For example, has an Environmental Impact Study (EIS) been prepared, complete with an analysis of **alternative options**, to determine the effects from **point source pollution** control into the Chesapeake Bay, **air pollution** control, a **noise level study**, or a Virginia Department of Transportation (VDOT) **Road Study** to determine the **affect of traffic** and the **safety** of the town residents and visitors? We contend that rezoning is **premature**, and that Cape Charles and its citizens do not have **sufficient knowledge** of this proposal to make this decision at this time as to the consequences of implementation.

So ... our objection to the proposal to redesignate the Lot Baldwin from H to GBI/H1 is based on **inadequate analysis** of the effects of this proposal. We feel that the negative impact to the community outweighs the benefits. We **strongly encourage** the Planning Commission to **reject** the proposed zoning changes.

Susan Tillotson, 216 Blue Heaven Road
July 13, 2021

Planning Commission and Town Council
Cape Charles, VA

Good evening, my name is Susan Tillotson. My husband Mark Tillotson previously spoke about the rezoning.

My intent is to address the text changes in the General Business / Light Industrial (GBI/H1) Zone requirements. The proposed text changes to the zoning requirements for Lot 90-8-1A1 (which we called Lot Baldwin), would also affect the wooded Lot 90-A-1A (which I will refer to as Lot Buffer) that is directly adjacent to the residential property on Bay Creek communities. In Section 3.14 General Business/Light Industrial H-1 (GBI H-1), A, the purpose of the "GBI H-1 District is a planned mixed industrial and employment park with a comprehensive development plan". Currently, we know of no comprehensive development plan. This comprehensive development plan should:

1. Serve as a model for advancing the **traditional settlement patterns of Eastern Shore's town;**
2. Incorporate comprehensive, cost-effective approaches to resource conservation, **wise use of renewable resources**, and ecologically based industrial development in all aspects of the design and development of the project.

The July 2021 issue of "Southern Living" has an article titled: "The Best Little Beach Town in Virginia; Cape Charles Has Been Flying Under the Radar, but not Anymore." The article talks about historic Cape Charles as "the economic hub of the Eastern Shore until the decline of the railroad industry. Now more than 50 years later, the salty little hamlet has officially made a comeback, holding tight to its small-town character even as it welcomes a new and growing crowd of beach lovers." Changing zoning text will have a negative effect to this small-town character as defined later.

We are unaware of a comprehensive plan that is ecologically sound. Clearcutting trees (which is highly likely), while profitable for some, is certainly not ecologically sound nor probably a wise use of renewable resources. So, we object to adding "assembly and/or storage" as this will certainly have to be done by clearcutting trees since the existing lot is forested in order to make room for assembly and storage of large pre-cast items, those items that the company Coastal Pre-cast Systems indicate are primary products. The inevitable removal of trees will reduce the natural sound buffering for all adjacent properties.

Further, we do not support changing the height of buildings to 75'. This is 1.5 times higher than any structure in Cape Charles, other than the Water tower. Likewise for any other new owners, the provision for 75' high buildings in this area also would create the possibility of looming high-rise buildings over future residential areas.

As mentioned above, we strongly disagree with changing the text to allow sirens and OSHA warning signals (e.g. back up horn and door closure warnings) so close to a residential area. Allowing it on Lot Baldwin also allows these changes to Lot Buffer which is adjacent to residential neighborhoods.

We understand this to be in the economic interest of some entities. But it feels like this is the equivalent of clearcutting of a forest for strip mining extractions which you cannot suddenly reverse course and restore. You can expect there will be a rise in temperatures due to increased concrete / buildings where once stood groves of cooling and CO2 absorbing woods. Plus, flooding is more likely to be exacerbated on paved or hard packed ground. So, ask yourself these questions which have not been answered to our satisfaction without a study:

1. What is the effect on local agriculture?
2. What is the effect on local wildlife?
3. And ultimately, what will be the effect on the quality of life for residents and tourists in Cape Charles?

These are not just some tree-hugger perspectives. Cape Charles is a town with a permanent population of around 1,000 which swells to 4,000 in the "season". Those tourists and visitors are outdoorsy people, attracted by the bay, the beach, the town charm, the golf course, the fresh air, the bird life, the peace, a different pace of life. Have we really considered the risk to one of the largest employers in Cape Charles – the tourist and hospitality industry? We feel that this is an opportunistic short-term solution which has not been well thought out and researched. We strongly encourage the Planning Commission to reject the proposed zoning changes.

Instead, we propose a full study of possible options and better use of Mr. Baldwin's property that furthers both the town values and the economic well being of all residents, present and future. We also state for the record = these developments might best be underwritten by the town itself. Put it to a vote.

Laura Weigand, 632 Madison Avenue

July 13, 2021

Dear Honorable Mayor, members of town council and planning commissioners:

My wife and I have owned our home at 632 Madison Avenue for 5 years. We bought our home here originally as our future retirement home after falling in love with the peaceful, beautiful community here in Cape Charles. When the pandemic hit last year, we reassessed our life and decided it was time to move and enjoy this quiet beach community and live our happiest, healthiest life possible.

We are now full-time residents of the Town of Cape Charles and oppose the amendment of the zoning text amendment and zoning map amendment which would allow for Coastal Concrete to use the land as industrial and erect buildings taller than 40 feet.

How ironic that we moved from Los Angeles to escape overcrowding and a concrete landscape to Cape Charles and have to battle the eyesore of a concrete industrial plant taking over the coastal views in the marina. We understand that the plant brings jobs, great, so do a lot of other industries that could be established in town without destroying the landscape and wildlands that have drawn the residents of Cape Charles to call this their home and invest their hard earned money to restore this beautiful town.

As elected officials of the residents of Cape Charles, you all have a duty to be the voice of the residents of Cape Charles. Your decisions should represent the residents of Cape Charles. And as you can see by the overwhelming response to this issue, the residents oppose the expansion of Coastal Concrete. If the sale of the land moves forward with rezoning to allow industrial use to this land, where will it end? Isn't it bad enough how much they have continued to encroach on the coast line? They are already an eyesore, causing noise pollution and dust to those merchants on Mason Ave. I am sure this hinders the merchants business which relies on tourism. Tourists don't want to see giant buildings in the line of sight from their dinner at the Shanty, stroll down Main Street or balcony on the two hotels in town, not to mention the numerous vacation rental homes business which could also be effected.

Don't let the charm of this town be taken over by big industry with big money. Please vote NO to the amendment to the land use for the lot in question being sold by Baldwin to Coastal Concrete.

I expect this to be read for the record if I am unable to speak myself in person.

Thank you,

Laura Weigand & Michele Molina

632 Madison Ave.

Cape Charles

Nikki Tiffany

Subject: Zoning Changes

We feel that the Cape Charles natural area and the surrounding wetlands should be preserved as much as possible to protect the unique habitat environment and the wildlife that reside there. For this reason, we do not agree with the rezoning requests.

Nicki & Paul Tiffany
22650 Benders Lane
Cape Charles VA 23310
585-313-7582

David J. Parham

Subject: Zoning Changes

Dear Mayor Dize and Honorable Members of Town Council & Dear Honorable Commissioners:

I am writing in advance of the Joint Meeting of the Planning Commission/Town Council to be held on Tuesday, July 13 at 6:00PM to consider changes to the text of the General Business/Light Industrial H1 zoning district (GBI/H1) and Re-zoning parcel 90-8-1A1 from Harbor to General Business/Light Industrial H1 (GBI/H1) .

I believe these zoning changes could have a huge impact on the residents, businesses and general environment in Cape Charles and any decision related to zoning changes should not be rushed through without a proper and complete review. I don't feel that an educated decision on this matter could be made without such a thorough and complete review of all considerations and impacts and can't imagine how the Planning Commission and Town Council could decide without a complete comprehensive review. I respectfully request that any decision be postponed until all the potential impacts are thoroughly studied. I would suggest that all the various boards and commissions we have in Cape Charles should be given the opportunity to review any and all impacts of the proposed zoning changes, these include, but not limited to, the Wetlands and Dune Commission, Harbor District Review Board, Tree Advisory Board, and whoever is in charge of the Chesapeake Bay Preservation Ordinance. In addition, environmental impact studies should be conducted and impact of sound and dust pollution seriously considered.

We all agree that new business growth is desirable. However, years of comprehensive reviews along with professional consultation has set the comprehensive plan which is currently in place and has led to a rebirth of Cape Charles. The existing planning and zoning should not be hastily changed without a complete and proper evaluation of the economic impact to downtown businesses, commercial property values, taxes, and the impact on tourism along with any environmental impacts. This is a serious issue and requires a complete and thorough investigation before any decision is made.

Thank you for your considerations.

Best Regards;

David J. Parham

William Lowe

Subject: Comments from landowner for July 13 meeting

To the members of the Planning Commission and Town Council:

My wife and I own 101 Tazewell Avenue. We wish to comment on the proposed zoning changes allowing the expansion of the Coastal Concrete operation in Cape Charles.

Please have our opinions read into the record of the Town Council Meeting and Planning Commission Meeting on July 13, 2021. Additionally we ask that the comments also be read into the Record of the regular Town Council meeting on Thursday July 15, 2021. To begin with, we wish to say that we understand the importance of this business to the local economy, and their right to use the property in accordance with current zoning regulations. That being said, it does not enhance the view shed from Mason Avenue; it creates noise, dust, and negatively impacts the business district and tourism. We strongly oppose acquisition of more land to expand the operation. We object strongly to the proposed "Text" changes to GBI/H1 on its own merit and their impact on other parcels. We strongly oppose the rezoning request because of its impact on surrounding areas. We are also strongly opposed to any action that would allow buildings to exceed 40 feet.

Thank you for your consideration of our opinion in the matter.

Regards,

Karen Reed Lowe and William Richard Lowe

Dan Coffey

Subject: Coastal Concrete

We are full time Cape Charles residents, taxpayers and registered voters. We have kept silent over recent changes at the concrete plant realizing the long history of the concrete plant that offers much needed jobs. We were pleased by the apparent cooperation between the town and the concrete plant to reduce noise and dirt from the operation. However, the current rezoning proposal has caused us to realize that now is the appropriate time for us to voice our concern over the proposed rezoning as it may further destroy the delicate balance between industry and the scenic beauty of this town, one of our greatest and fragile resources.

We ask that the Town Council and Planning Commission take the time and due diligence to study the effects the proposed zoning changes may have on the Mason Avenue view shed, the Town Harbor, the parcel designated Wetlands/Harbor, the treescape, property values, the Baycreek development and the tourism industry. Of utmost concern is the request for an exemption for property zoned Light Industrial, to allow 75' tall buildings for the purpose of assembly and storage.

We wish Coastal Concrete success but also desire the continued success of Cape Charles. There is a delicate balance that is too important to the futures of both Cape Charles and Coastal Concrete. Please take the time and resources to insure that both Cape Charles and Coastal Concrete can work together for all.

Please read our comments into the record of both the July 13 Town Council/Planning Commission Joint Meeting as well as the July 15 Town Council Meeting.

Thank you.

Dan and Macy Coffey
615 Strawberry St.
Cape Charles, VA 23310

Dan Coffey
coffeyd@wlu.edu
(540) 460-1156

Macy Coffey
coffeym@wlu.edu
(540) 460-2390

Jim Granger

Subject: 13 July Joint Public Hearing – Town Council and Planning Commission

I am writing this to voice my opposition to the proposed amendments to the Cape Charles Zoning Ordinance, Section 3.14 General Business/Light Industrial H-1 and the Application for Zoning Map Amendment (ZMA) – Rezoning 1201 Bayshore Road (tax map # 90-8-1A1) from Harbor District to General Business/Light Industrial H-1. I recognize the industrial nature of the south side of Cape Charles Harbor, however, 1201 Bayshore Road is much closer to the Yacht Center and Hook at Harvey. Marinas and restaurants are, in my opinion, a better use for that parcel. Also, allowing buildings up to 75 feet high would have a major negative impact on the view shed and appearance of the Harbor. For those reasons, I oppose the proposed Zoning Ordinance amendments and the proposed rezoning of 1201 Bayshore Road.

Sincerely,
Jim Granger

524 Jefferson Avenue
Cape Charles, VA 23310

Margot Gorske

Subject: Tuesday July 13th, 2021 Joint Meeting

The Gorske Family
205 Madison Ave.
Cape Charles, VA 23310

July 11, 2021

RE: Joint Meeting of the Planning Commission/ Town Council
Tuesday, July 12, 2021 6pm.

Subject: To consider changes to the text of the GB/LI H1 zoning district and to Re-zone parcel 90-8-1A1 from Harbor to GB/LI H1

Dear Planning Commission Members, Town Council, Mayor, and Town Manager:

I ask that you defer a decision on the above requested changes at this time. Coastal Precast Systems and South Port Investors, LLC wrote the changes to the wording and zoning for their mutual benefit. While not opposed to business advancement or a land purchase, I am opposed to this being approved without additional consideration.

Our wetlands, residents of the Hollies and New Quarter, future residents of lots abutting this parcel, our town; all would be affected by these changes. Structures would be permitted to nearly double in height. Sirens, audible devices, and outside manufacturing/assembly and storage would also be permitted. The parcel in question for sale is designated wetlands and zoned Harbor. This would change. The clear cut by Coastal Precast has already impacted the greensward near Waco and this affect would only increase.

Due diligence requires that decisions on rezoning and changes to the text be deferred until fully examined by our extant, cogent boards. Cape Charles Tree Advisory Board and the Wetlands Board need to review this proposal in consideration of current ordinances such as the Chesapeake Bay Preservation ordinance, Wetlands Ordinance, and the Tree Conservation and Preservation Ordinance.

This joint meeting of council and Planning commission followed by a meeting of Town Council next week is a clear effort to expeditiously decide this request. From 2008- 2021 only five zoning changes have occurred. I believe this underscores that we have time for due diligence before approving these changes. Please conclude today's meeting with an approval to defer a decision for the text and zoning changes until due diligence of cogent boards has occurred.

Sincerely,
The Gorske Family

Cape Charles Tree Advisory Board

TO: Cape Charles Town Council & Planning Commission

FROM: Cape Charles Tree Advisory Board

The Cape Charles Tree Advisory Board is concerned about the proposed zoning and text changes to accommodate the sale of Harbor area property to Coastal Precast Systems. There are many legal, aesthetic, economic and environmental aspects to consider in granting approval

for these changes; however, the focus of this letter is primarily on the environmental impact to this property and to the Town of Cape Charles.

This proposal would rezone a current heavily forested area with a section of wetland to light industrial. It would change the wording to allow indoor and outdoor "Assembly and Storage" and increase the size of the structures on this property to allow buildings up to 75 feet tall, the equivalent of a 5-story building. Additionally, any wording on landscape screening or environmental protection is, at best, vague.

With this, if the changes are approved, there is a high risk that the new owner would plan to treat this property as they have done the parcel of land recently purchased. The recently purchased land, directly to the north of the Cape Charles Nature Preserve, once offered a pristine approach through a native maritime forest which led to a lovely view of the Chesapeake Bay. It not only had value for its peacefulness and beauty, but it also offered shade to visitors seeking a cool respite during the hot summer months. This is no longer the case since all of the trees were cut down, leaving the land bare and destroying a high value asset for Cape Charles residents and visitors.

In evaluating the proposed zoning and text changes, TAB asks that the town to seriously consider the quality of life and environmental value that would be sustained through protecting this forested/wetland area. The existing flora and fauna residing on these properties provide a richness which could be forever lost if the changes were approved as written.

In weighing the pros and cons, the Town of Cape Charles would be wise to acknowledge the value that the existing trees provide to our town, to the Chesapeake Bay, and to the region as a whole. The reduction of air pollution, a serious health threat that causes asthma, respiratory and heart disease, and cancer, is one of the most valuable ways that trees benefit the community. This is done by removing harmful gases that contribute to smog, acid rain, and the greenhouse effect, a proven contributor to climate change. Trees sequester carbon dioxide in their roots, trunks, stems and leaves with one acre of forest able to absorb six tons of carbon dioxide per year according to the US Department of Agriculture. Just think of all the CO₂ absorbed by the many acres of trees under consideration which are now at risk of being replaced by the expansion of a concrete manufacturing plant!

If approved, the strong likelihood that existing trees will be removed from these parcels of land would result in even more negative impact. Residential properties adjacent to these areas would experience a loss of value as well as quality of life. With the ability of trees to slow down stormwater runoff, there is a risk that pressure on the town's wastewater filtration system would increase. And, with the proposal to expand plant operations to place it within view of Mason Avenue, the town's "Mayberry" image would be at risk of being replaced, instead, with the image of a small industrial town. The town would be wise to consider the aesthetic and economic impact to downtown businesses, property values, and tourism by the replacing the current tree line with unsightly industrial operations that offer no protection from the sounds of beeping and banging of heavy equipment and from residual air and water pollution.

It is to be noted, also, that there are current ordinances and regulations that address the management of Cape Charles trees. These legal guidelines provide the town with leverage to decline and, if necessary, control the amount of tree coverage allowed in a given area. The Town of Cape Charles' Zoning Ordinance, Appendix F, Tree Conservation and Preservation Act contains two specific requirements for tree preservation that apply in this instance. First, Section 1.4.1 A requires a ten percent (10%) tree canopy for a site zoned business, commercial or industrial. Second, Section 2.2 A requires that a property owner submit and have approved a tree removal permit before any tree can be removed or destroyed. It is incumbent on Town staff insure that such requirements are met by all applicants.

In summary, there is much to be considered in the response to the proposed zoning and text changes that are necessary to enable the expansion of the existing concrete plant. Before being too hasty in approving these changes, the town should exercise due diligence in evaluating all aspects of this proposal and obtaining input from all stakeholders. TAB encourages the town to weigh heavily the negative environmental impact that could result through the implementation of these proposed changes.

Respectfully Submitted by Members of Cape Charles Tree Advisory Board:

Christine Williams
Phil Goetkin
Barbara O'Hare
Joe Fehrer
Charlie Grizzard
Jane McKinley

Gary McKinney

Subject: Coastal Concrete Plant Expansion/Proposed Property Purchase and Rezoning
Cape Charles Town Council and Planning Commission,

As full-time residents of Cape Charles, Gary and I strongly oppose the expansion of the concrete facility. We are hopeful Town Council and the Planning Commission will also strongly oppose any expansion for Coastal Concrete by rezoning this property to allow large scale industrial use.

We already experience a huge amount of dust and noise on certain days from the facility. The dust has an unhealthy impact on the community and adversely affects our homes.

It is my understanding the parcel in question for sale is at present zoned harbor and a portion is designated wetlands. Therefore, should not the Chesapeake Bay Preservation Board and possibly other state entities be consulted prior to approval. Why is this being pushed through so quickly? At the very least, all residents and business owners should be given notice of these changes and proposals and given time to respond. Especially since the repercussions of approval would impact property values, the View Shed from Mason Avenue, and the wetlands.

We are asking you, as our Town Council and Planning Commission, to not make this worse! Please keep Cape Charles as magical as it is now.

Thank you for your consideration,
Gary and Shiela McKinney
14 Bay Avenue
Cape Charles, VA 23310

Luke Saunders

Subject: Coastal Concrete Concerns (to be read into the record of the Joint Meeting on July 13)

To whom it may concern:

My wife and I are relatively new to town. We decided to purchase in Cape Charles because it felt refreshingly removed from corporate commotion and the unchecked encroachment of inconsiderate industrial and commercial development.

That sentiment has changed as Coastal Precast Systems has continued to ramp up operations. It's been unfortunate to see CPS negatively impact much of the feel of the harbor and to some degree Mason Ave. It's noisy, it's an eyesore and it benefits very few in the town of Cape Charles.

I would like for us to strongly consider taking more time to evaluate the holistic impact that we would be enabling by allowing CPS to rezone and develop on more natural land along the harbor. I would also urge us to consider what other governing bodies or environmental agencies we should feel ethically obligated to partner with in making this decision.

Thanks for your consideration,

Luke Saunders
516 Madison

Robert D. Brown

Subject: 90-8-1A1 rezoning

Good evening,

I, Robert Brown and my wife, Donna Brown are property owners and residents of Bay Creek. We would recommend against rezoning the property adjacent to the resort as requested by the concrete plant. The area and adjacent property is part of the nature preservation area and is adjacent to housing in Bay Creek. Changes in the zoning of this area and commercial development would be detrimental to the environment and to quality of the life experience there. Please consider the impact this would have on the environment, natural habitat, and socially in the area and deny a change in the zoning in this area.

Sincerely,

Robert Brown

Mary Barrow

Subject: To consider changes to the text of the GB/LI H1 zoning district and to Re-zone parcel 90-8-1A1 from Harbor to GB/LI H1

Dear Planning Commission Members, Town Council, Mayor, and Town Manager:

As a home-owner in the Historic district of Cape Charles, I am writing to request that any decision regarding the text of the General Business/Light Industrial H1 zoning district (GB1/H1) and Re-zoning parcel 90-8-1A1 from Harbor to General Business/Light Industrial H1 (GB1/H1) be **DEFERRED** until consideration can be given, and summaries submitted, from the various boards and commissions available to Cape Charles as objective resources for projections regarding the consequences of this decision. These entities would include but are not limited to:

- 1) The Wetlands and Dune Commission
- 2) The Harbor District Review Board
- 3) The Tree Advisory Board
- 4) The Historic Review Board
- 5) Any Chesapeake Bay environmental study committee(s)
- 6) Any real estate association
- 7) Mainstreet

While I believe that Coastal Cement has every right to ask for the changes suggested, I also believe that such changes may have unforeseen and potentially detrimental consequences to the town of Cape Charles.

I appreciate your consideration.

Sincerely,

Mary Barrow

Monroe Avenue

Lori Blewitt

Subject: Wetland, Cape Charles and Harbor Concerns

Does our community want more industry right on the bay? More noise and dust.

Once it's done, can it be undone? Why is this such a rush job? It appears to be a recent request within the last sixty (60) days. I think we should step back and not be pressured into making this decision without studying and considering all impacts this change could have on our environment and town. Who does this benefit?

Has the EPA and the Nature Conservancy been notified of this potential change and the impact it may have on the Chesapeake Bay? Is it against the law to make this type of decision without having notified these entities? The Chesapeake Bay has lost 90% of it submerged and 50% of its coastal marshes per the EPA. What will be the impact

on the nearby wetlands from the development of this parcel? Isn't it in the communities' best interest to preserve any wetlands in and around Cape Charles?

Do we want to contribute to this lost?

We have a Tree Conservation and Preservation Ordinance and a Tree Advisory Board. We are also bound by the Chesapeake Bay Preservation Ordinance. To date, it appears that none of those Boards or ordinances have been consulted. I did not see any minutes to this respect.

Noted from the Joint Meeting Planning Commission/Town Council Tuesday, July 13 at 6:00P: #6 -The purpose of the joint meeting of the Planning Commission and the Town Council is to gain the approval of the Planning Commission on July 13 and then allow the Town Council to approve it on July 22. This is too quick to fully understand the ramifications of the proposed amendment changes and the re-zoning.

I've heard recently that the town is trying to promote tourism in Cape Charles. In fact, we appear to be all about it if you own a rental home, restaurant or retail store. Eroding our nature is not conducive to this end if that is where we are heading.

Do we want to see and I quote from the Joint Meeting Planning Commission/Town Council Tuesday, July 13 at 6:00P:

"potentially outdoor pilings of raw and waste materials and newly assembled products awaiting transport and/or delivery and warehousing in newly constructed facilities of 75' tall)".

When Coastal Precast purchased this facility, I would think they knew what they were getting and that it would be sufficient for their needs. Or, were they hedging their bets and given the wink, wink on expanding and expecting the town to allow them to do just that without question.

We want to see new job opportunities but not at the expense of our natural environment.

From what we've heard town council has already rubber stamped this huge change. How can that be decided so quickly? How can you do this without all of the environmental agencies being involved and to analyze and consider the impact. I am certainly not qualified, are you?

Please consider your vote carefully that you are about to take - does this truly benefit Cape Charles, our community and the Chesapeake Bay?

Sincerely,

Lorian Gallagher-Blewitt
A Come Here of 30+ years
Cape Charles, VA

John D. and Jeanne B. Evans, 4512 Park Road, Alexandria

Dear Ladies and Gentlemen:

This letter is from John & Jeanne Evans, owners since 2004 of the house and property located at 207 Monroe Ave in Cape Charles. We are writing in reference to the joint meeting of the Planning Commission and the Town Council to be held on July 13, 2021. First of all, thank you for providing homeowners and residents with an opportunity to express our thoughts and opinions on the proposed changes to the Zoning Code which would allow for expansion of the cement factory. In short, we are strongly opposed to the requested change in zoning and to any expansion of the factory so close to the Town Center and recreational areas adjacent to the town harbor, including the beach and the fish pier. Please do not rush to a decision in this matter that is so critical to the Town and its future. This matter is far too important to be decided without proper studies and recommendations by experts in land use management, environmental studies, conservation of land and animal species.

When we read of the proposed plans, the first thought that came to our minds was a quote from Thoreau: "Thank God they cannot cut down the clouds!"

We want to see people on the lower Eastern Shore being given the opportunity for employment that the factory provides. At the same time, we want to see that the

beauty of the land and green spaces surrounding the harbor are preserved and protected and, also, that the air quality standards are met and the air is safe to breathe. We are greatly concerned that the proposed growth of the cement factory will increase the amount of dust we are breathing and also increase the level of noise pollution that already exists with the present size of the factory.

Cape Charles has a charm that deserves protection and we do not believe that expanding the size of the cement factory is in the best interests of the residents or visitors. Tourists and new home buyers coming here in recent years have made a significant impact on the local economy and we believe many will no longer want to return here if the dust, noise, air quality and unsightly machinery increase in size and volume.

We urge the Planning Commission and the Town Council to adopt an environmentally sound approach and vote to deny or at least delay the rezoning request for the property adjacent to Fuji Waco Lab and the nearby conservation area pending in-depth studies of the long-range implications of such a critical decision. We thank you in advance for your consideration of our concerns and urge you to vote for preservation and protection. With climate change increasing around the world, we all need to do what we can to counter global warming in our own backyard and to do our best to protect the environment and manage precious resources.

Thank you for this opportunity for public comment. Please do not rush to judgement, but consider public opinion and request expert assistance. This decision is far too important to be taken without adequate input from experts and feedback from constituents.

Yours sincerely,

(signed)

John D. Evans and Jeanne B. Evans

Eric S. Feuillatte, 201 Monroe Avenue

July 12th, 2021

To the members of Cape Charles Town Council and Planning Commission

Dear members,

I understand you will discuss some serious amendments to Cape Charles zoning. I am in favor of business development in the municipality of Cape Charles if it benefits the People living here full time.

Regarding the project currently discussed, I would like to know how it will:

- Generate substantial revenues to the town?
- Protect the environment (I already notice serious deforestation)?
- Improve the quality of life of the residents?

If Cape Charles is an historic town with a beach then the view, the noise, and the dust generated by the existing concrete plant does not fit the description of who we are and want to remain.

Cape Charles is experiencing a major population change mostly due to the property values. Do not jeopardize the opportunity to attract higher income patrons to the existing retailers by transforming Cape Charles into an industrial park.

Your administration has been weak to raise revenues for the town outside increasing taxes; everything is free for the visitors: parking, pier, beach and concerts. Maybe it is time to think out of the box. Instead of granting an out-of-control extension of the concrete plant, maybe one could focus on attracting other businesses more related to who lives and visits Cape Charles. Don't you feel there is need for entertainment like a good size minigolf and an indoor shooting range for example. These businesses will buy or lease the land necessary for the activities.

I count on you to do the right thing. Do not change the character of Cape Charles, the concrete plant is big enough and bigger will not be better for all of us.

Sincerely,

Eric Feuillatte

Lothar and Cornelia Haselbergerger, 208 Harbor Avenue

Subject: Joint Meeting on July 13th, 2021

Members of the Planning Commission and the Town Council,

Please read this into the record of the Joint Meeting on July 13th:

It is with great concern that we – home owners in Cape Charles since 2007 – see both the haste and the magnitude of what is under consideration at today's meeting. We would like to voice our views as we cannot attend the meeting in person.

In one hastily scheduled decision, major zoning changes are requested that, directly or indirectly, will impact indefinitely those who work, live, or vacation in Cape Charles – all this for a text change in current zoning that allows the one requesting person to receive a higher sales value for property owned.

The consequences will be permanent and irreversible and, we believe, to the detriment of our community. The wording in the "Community Call" leaves no doubt about:

- the domino effect on developers and corporations intending to bring light industry to Cape Charles
- the massively intensified use of current lots for the monoculture of one heavy industry (intending to nearly double the existing factory building heights to 75 feet!)
- the lasting side effects on
 - the view sheds from Cape Charles
 - the adjacent Nature Preserve (parcel 90-A-4C)
 - the existing WACO Fuji Lab
 - the adjacent private properties.

We urge the Planning Commission and the Town Council to resist both the temptation and the pressure of the proposed changes,

Respectfully,

Lothar and Cornelia Haselbergerger

DK

TOWN OF CAPE CHARLES
Planning Commission – Public Hearing

The Cape Charles Planning Commission will hold a public hearing on Tuesday, October 5, 2021, at 6:00 pm in the Cape Charles Civic Center, 500 Tazewell Avenue, to receive comment on the following requests:

- A. A Conditional Use Permit application from Renato & Jody Lucatello at 602 Tazewell Avenue (Tax Map #83A3-1-448) in the Residential-1 Zoning District for an accessory dwelling unit pursuant to Cape Charles Zoning Ordinance Section 3.2 (C) (7) & 4.2 (J)
- B. A Conditional Use Permit application from Susan, John & Kelly Robinson at 206A Jefferson Avenue (Tax Map #83A1-1-220) in the Residential-1 Zoning District for an accessory dwelling unit pursuant to Cape Charles Zoning Ordinance Section 3.2 (C) (7) & 4.2 (J)
- C. A Conditional Use Permit application from Jose & Diana Gonzalez at 325 Madison Avenue (Tax Map #83A1-1-191) in the Residential-1 Zoning District for an accessory dwelling unit pursuant to Cape Charles Zoning Ordinance Section 4.2 (J)
- D. A Conditional Use Permit application from Michael Ryan and Anna Lee Wilkins at 654 Monroe Avenue (Tax Map #83A3-1-323) located in the Residential-1 Zoning District for an accessory dwelling unit pursuant to Cape Charles Zoning Ordinance Section 4.2 (J)

The application is available for public review on our website at www.capecharles.org. Please contact the Planning Department at 331-2036, or by email at planner@capecharles.org if you have any questions or require additional information.

AD PLACED: Eastern Shore Post - Monday, September 20, 2021
AD TO RUN: Friday, September 24, 2021 & October 1, 2021



PLANNING COMMISSION STAFF REPORT

Meeting Date: October 5, 2021

Item #: 4A

Prepared by: Katie H. Nunez, Interim Planning/Zoning Administrator

Date: September 29, 2021

APPLICANT: Renato & Jody Lucatello
SITE ADDRESS: 602 Tazewell Avenue

TAX MAP: 83A3-1-448
LOT SIZE: 5,600 sq. ft.

TYPE OF APPLICATION: Conditional Use Permit
SPECIFIC REQUEST: An accessory dwelling unit located on second floor of accessory structure (garage)
ZONING ORDINANCE: Section 4.2 (J)
CURRENT ZONING: Residential (R-1)

DATE RECEIVED: May 30, 2021

DATE DEEMED COMPLETE: August 18, 2021

LEGAL DEADLINE (90 Days from Complete Application – Directory, not Mandatory): November 18, 2021

NARRATIVE OF PROPOSAL

The applicant is seeking to construct an accessory structure of 2 stories (height of 24 ft) with 540 square feet with the first floor to be used as a garage and the second floor as an accessory dwelling unit. The proposed inclusion of an apartment on the second floor of the garage structure requires a Conditional Use Permit.

AERIAL MAP: *Property outlined in blue*



Staff has been working with the applicant over the last three months in submitting a complete application for the accessory structure, including the application for a Conditional Use Permit (CUP) as well as documentation that will be required to also be reviewed by the Historic District Review Board if the CUP is approved.

The Cape Charles Zoning Ordinance Section 4.2 (J) states that:

Accessory Dwellings. 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:

1. Physical characteristics.

- a. Accessory dwellings shall be located in an accessory building.*
- b. Accessory dwellings shall not have a floor area exceeding forty-five (45) percent of the floor area of the main building.*
- c. Accessory dwellings shall have one kitchen and one bathroom.*
- d. Accessory buildings shall not have the appearance of a single-family dwelling.*

2. Occupancy characteristics.

- a. 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 Section 4.3.F.*
- b. 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.*

3. Other requirements.

- a. Accessory dwellings located in accessory buildings may have a separate water meter from the principal dwelling.*
- b. The lot on which an accessory dwelling is located shall have the required minimum lot area for the district in which it is located.*
- c. 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.*
- d. Exterior elevations shall also be approved by the Historic District Review Board when required by Article VIII, Historic Overlay.*

ORDINANCE REQUIREMENTS:

Cape Charles Zoning Ordinance Section 4.3 states that “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:

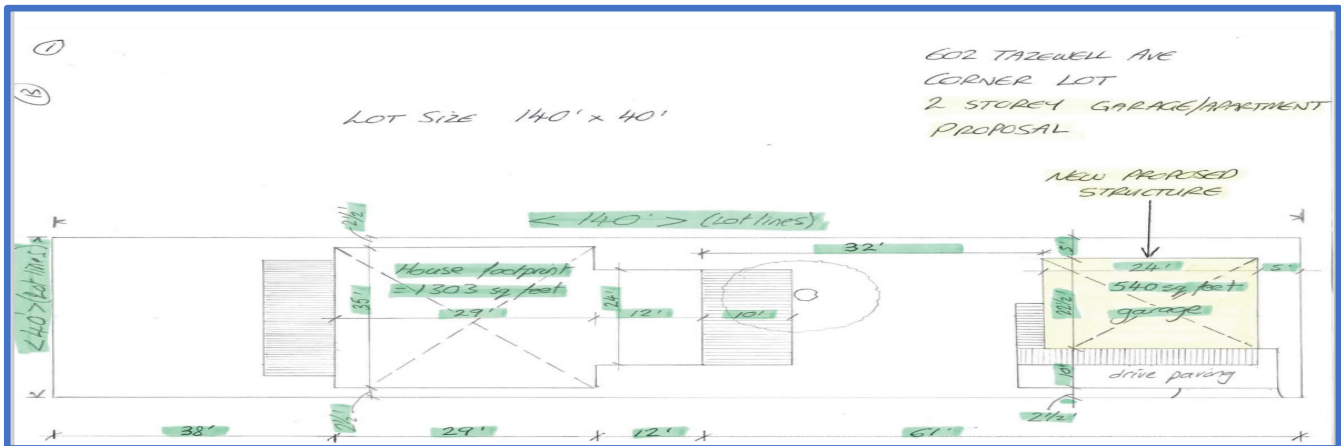
1. Adversely affect the health, safety, or welfare of the persons residing or working in the neighborhood of the proposed use or adversely affect other land uses within the particular surrounding neighborhood.
2. Be detrimental to the public welfare or injurious to property or improvements in the neighborhood.
3. Be in conflict with the purpose of the comprehensive plan of the town.

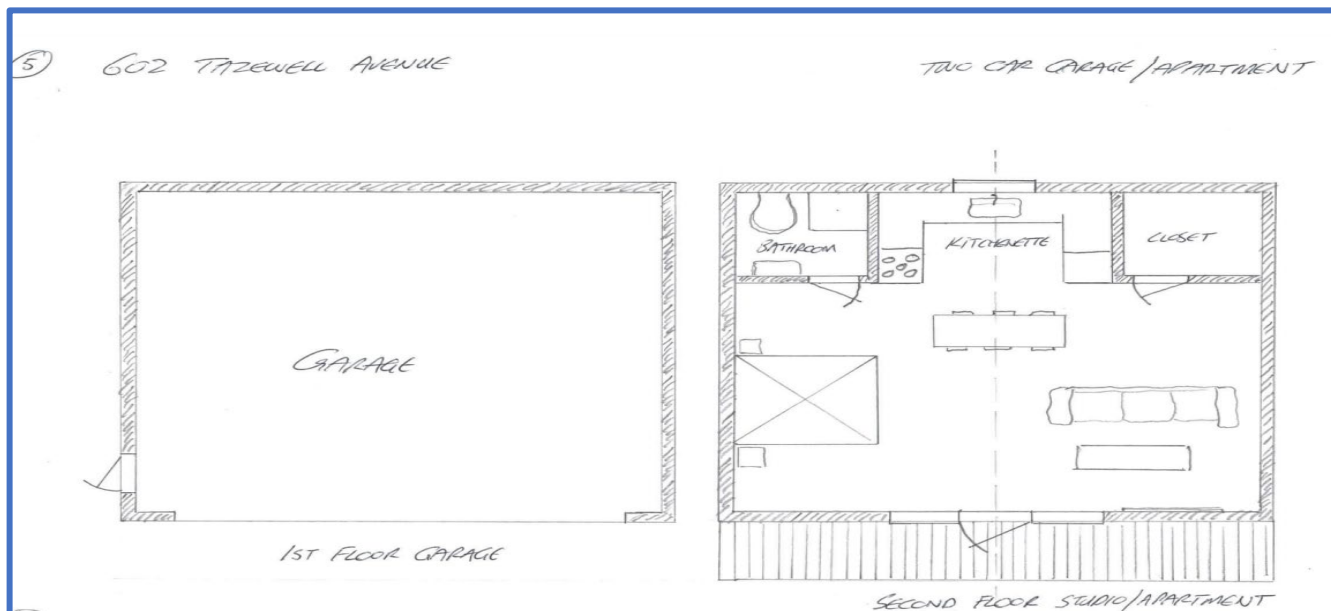
In granting any conditional use permit, the Town Council shall designate such conditions as it determines necessary to carry out the intent of this ordinance.

Additionally, approval of a conditional use permit shall be valid for only the specific use it covers in the specific location designated for a period of one year after approval by the Town Council and the completion of the additional permit process as requested in the application. Applicant shall apply or have applied for all additional permits as provided to the Planning Commission and as required by the Zoning Administrator within one (1) month of the approval by the Town Council. If Applicant fails to apply for any such permit within this time period, the conditional use permit shall be effective as of this date, thirty (30) days after the Town Council approval, unless the Town Council allows for additional time for such application or applications. If not acted upon within one (1) year, the conditional use permit shall become null and void, unless an extension of time is approved by the Town Council for good cause shown before the expiration of the Conditional Use Permit.

STAFF ANALYSIS:

The application for the construction of an accessory structure of 540 square feet with garage space on first floor and an accessory dwelling unit on second floor demonstrates consistency with the requirements of the Cape Charles Zoning Ordinance Section 4.2 (J). The full zoning review finds the application in compliance with all elements of the zoning ordinance.





The Cape Charles Comprehensive Plan Section III.A.5.2. identifies a goal to “Promote compatible infill development and renovation within established neighborhoods” and to specifically “Promote accessory dwelling units to add diversity of housing types, while maintaining the neighborhood character and providing affordable housing options”.

Staff finds that the application for a Conditional Use Permit pursuant to Section 4.2 (J) for an accessory dwelling unit as part of an accessory structure in the Residential-1 Zoning District meets and satisfies the requirements of the Town Zoning Ordinance, Section 4.3, as follows:

- 1) it does not adversely affect the health, safety, or welfare of the persons residing or working in the neighborhood or adversely affect other land uses within the particular surrounding neighborhood;
- 2) it is not detrimental to the public welfare or injurious to property or improvements in the neighborhood; and
- 3) it is not in conflict with the purpose of the comprehensive plan of the town.

Staff acknowledges that additional issues or comments may arise through the public hearing on this matter and request that the Planning Commission consider said issues and/or comments as part of their deliberations.

RECOMMENDED ACTION FOR PLANNING COMMISSION:

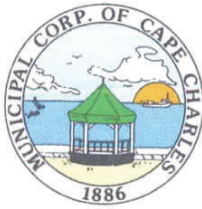
Staff recommends that the Planning Commission consider recommending approval of the Conditional Use Permit to the Town Council with the following motion:

The Cape Charles Planning Commission recommends approval of a Conditional Use Permit for an Accessory Dwelling Unit at 602 Tazewell Avenue on an application filed by Renato & Jody Lucatello, pursuant to Cape Charles Zoning Ordinance Section 4.2 (J) with the following conditions:

- 1.) the applicant applies and obtain Historic District Review Board approval for all exterior improvements, in accordance with the Historic District Overlay and Guidance Documents; and*
 - 2.) the applicant obtains all required permits and approvals from the Building and Planning Department;*
- and further finds that the CUP standards in Section 4.3 are satisfied and that the issuance of the CUP is in general accord with the current Comprehensive Plan.*

Attachments:

Attachment 1 – CUP Application, Letter of Intent and Proposal, CUP Accessory Dwelling Unit Checklist, Survey & Drawings/Photos



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: 2 CAR, 2 STOREY GARAGE / STUDIO APARTMENT
Property Address: 602 TAZEWELL AVENUE
Brief Description of Project: To build a garage and apartment above
Zoning District: R1 Current Use: YARD Proposed Use: GARAGE / RESIDENTIAL

OWNER INFORMATION

Name and Company: RENATO & JODY LUKATELLO
Mailing Address: 9 PURCELL MANSIONS, QUEENS CLUB GARDENS, LONDON W14 9TP
Phone Number: 0044 207 381 0627 Email: nat1966@yahoo.co.uk

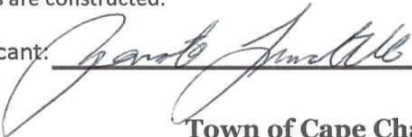
APPLICANT INFORMATION

☒ 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: 05/22/2021

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

Conditional Use Permit - Accessory Dwelling Unit Checklist

Date: 14th SEPT 2021

Address: 602 TAZEWELL AVENUE

The following criteria are required for one accessory dwelling to 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:

1. Is the accessory dwelling unit located in an accessory building? YES ☒ NO ☐
2. Does the accessory dwelling floor area exceed of forty-five (45) percent of the floor area of the main building? YES ☐ NO ☒ Accessory Dwelling Unit square footage 540
3. Does the accessory dwelling have one kitchen and one bathroom? YES ☒ NO ☐
4. Does the accessory building/dwelling differentiate from the single-family dwelling? YES ☐ NO ☒

The following conditions must be maintained for an accessory dwelling unit 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:

1. Occupancy characteristics.
 - a. 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 Section 4.3.F.
 - b. 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.
2. Other requirements.
 - a. Accessory dwellings located in accessory buildings may have a separate water meter from the principal dwelling.
 - b. The lot on which an accessory dwelling is located shall have the required minimum lot area for the district in which it is located.
 - c. 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.
 - d. Exterior elevations shall also be approved by the Historic District Review Board when required by Article VIII, Historic Overlay.

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. I am providing authorization to the town authorities to enter my properties to confirm accuracy of information contained in this application.

Signature of Owner: *Ronato Jucateeb*

Signature of Applicant: *Ronato Jucateeb*

Renato Lucatello
9 Purcell Mansions
Queens Club Gardens
London W14 9TP
Telephone: 0207 381 0627
Email: Nart1966@yahoo.co.uk

30th May 2021

602 TAZEWELL AVENUE, CAPE CHARLES GARAGE /APARTMENT PROPOSAL

We have a corner lot so have direct garage access onto street (nectarine)
We would like to build a 2 storey garage/apartment addition at the end of our yard.
It will be a 2 car garage (standard 24' wide x 22.5' depth) on the first floor and an apartment above in the roof space with a pitched roof.

The contractor will,
Pour monolith footing and pad to code.
Build garage to plan with truss roof.
Install one entry door and, two carriage style doors and six windows.
Roof similar to house in materials and pitch
Exterior to be the same style and colour as house (white trim, boothbay blue hardie plank and shingle roof) Windows and door to match existing main building (6 over 6)
Pour concrete pad in front of garage for pavers.

RENATO and JODY LUCATELLO.
Homeowners.

Renato Lucatello
9 Purcell Mansions
Queens Club Gardens
London W14 9TP
Telephone: 0207 381 0627
Email: Nart1966@yahoo.co.uk

30th May 2021

LETTER OF INTENT AND MATERIALS LIST

602 TAZEWELL AVENUE, CAPE CHARLES GARAGE /APARTMENT PROPOSAL

We would like to build a two car garage with apartment above at the end of our yard. As we have a corner lot we will have direct access onto Nectarine.

It will be built within the square feet and lot lines required guidelines.

Materials list

1st Floor

Side entry door Therma TRU Craftsman Lite Red to match main house as per spec sheet.

Double carriage style door white as per spec sheet.

3 Atrium double hung windows 36" x 60" 6 over 6 as per spec sheet.

2nd Floor

Single front (French style 15 lite) entry door to match main house rear door. Example as per spec sheet.

3 windows (2 either side of door (36" x 40" 6 over 6) to match same arrangement on rear of main house. 1 window at rear above counter height (36" x 40" 6 Over 6)

HARDIEPLANK siding to match main house as per spec sheet.

TIMBERLINE ULTRA HD SHINGLE (PEWTER) as per spec sheet to match main house. Roof pitch to match main house.

WHITE AZEK trim as per spec sheet to be used to match main house.

External stair and entry deck to be made from treated lumber as per rear deck of main house (photo attached)

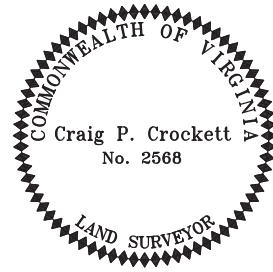
All decking and stair treads to be Mahogany as per main building rear deck.

Apartment to be used as private residence for the homeowners only and at this stage not for rental.

All the best,
RENATO and JODY LUCATELLO.
Homeowners.

SURVEYORS CERTIFICATION

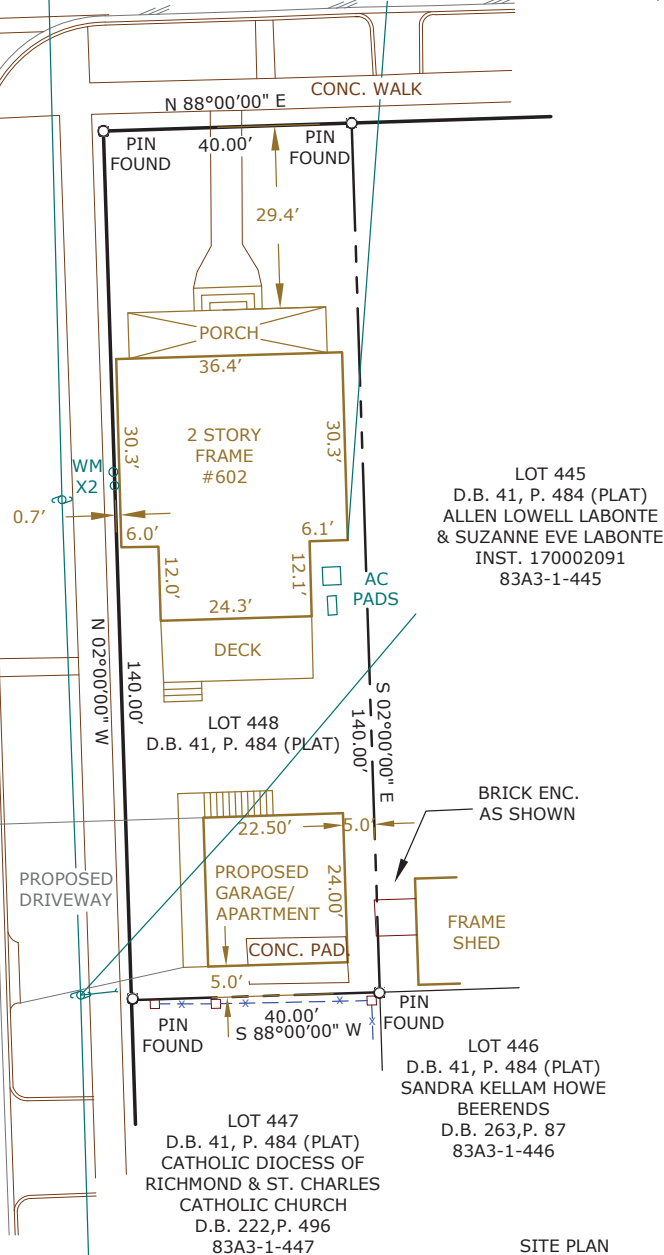
I, CRAIG P. CROCKETT, A LICENSED LAND SURVEYOR, HEREBY CERTIFY THAT THIS PLAT WAS MADE BY ME AT THE REQUEST OF THE OWNERS AND THAT THIS SURVEY IS ENTIRELY WITHIN THE BOUNDARIES OF LAND COVERED BY THE DEED DESCRIBED HEREON AND THAT MONUMENTATION IS ACTUALLY IN PLACE OR WILL BE SET AT POINTS MARKED AS SHOWN HEREON AND THAT THEIR LOCATIONS ARE CORRECTLY SHOWN. THIS SURVEY IS CORRECT AND COMPLIES WITH THE MINIMUM PROCEDURES AND STANDARDS ESTABLISHED BY THE VIRGINIA BOARD FOR ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS, CERTIFIED INTERIOR DESIGNERS, AND LANDSCAPE ARCHITECTS. THIS PLAT IS BASED ON A CURRENT FIELD SURVEY.

**GENERAL NOTES:**

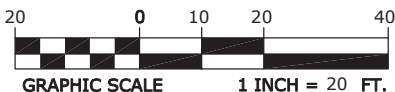
- OWNERS:
RENATO LUCATELLO
& JODY L. LUCATELLO
- TAX PARCEL:
83A3-1-448
- SOURCE OF TITLE:
INST. 100001925
- A SURVEY WAS PERFORMED ON THIS PROPERTY IN JULY 2021 WITH A BOUNDARY CLOSURE WHOSE PRECISION EXCEEDS 1:10,000.
- THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A CURRENT TITLE REPORT AND MAY NOT SHOW ANY/ALL EASEMENTS OR RESTRICTIONS THAT MAY AFFECT SAID PROPERTY AS SHOWN OR WETLANDS, ENVIRONMENTAL HAZARDS, CEMETERIES AND UNDERGROUND STRUCTURES NOT OBSERVED DURING THE COURSE OF THE SURVEY.
- ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY (F.E.M.A.) FLOOD INSURANCE RATE MAP COMMUNITY PANEL NO. 51131C0295F, DATED 03-02-15, THE PROPERTY SHOWN HEREON LIES IN FLOOD ZONE X.
- PLAT REFERENCE:
D.B. 41, P. 484 (PLAT)
- AREA: 5,600 SQ. FT. (0.129 AC.)

TAZEWELL AVE (70' R/W)

NECTARINE STREET (70' R/W)



SITE PLAN
LOT 448
MAP OF THE TOWN OF
CAPE CHARLES
CAPEVILLE DISTRICT
NORTHAMPTON COUNTY, VA.
MADE FOR RENATO LUCATELLO
& JODY L. LUCATELLO
SCALE: 1"=20' JULY 23, 2021



POINT NORTH

POINT NORTH SURVEYING LLC

P.O. Box 701, (757) 709-3008
Onley, VA. 23418 pointnorthsurveying@gmail.com

DRAWN BY: DCP FIELD BOOK: FILE COPY
BACK TRAV: CROCKETT PROJ. NO: 21116

①

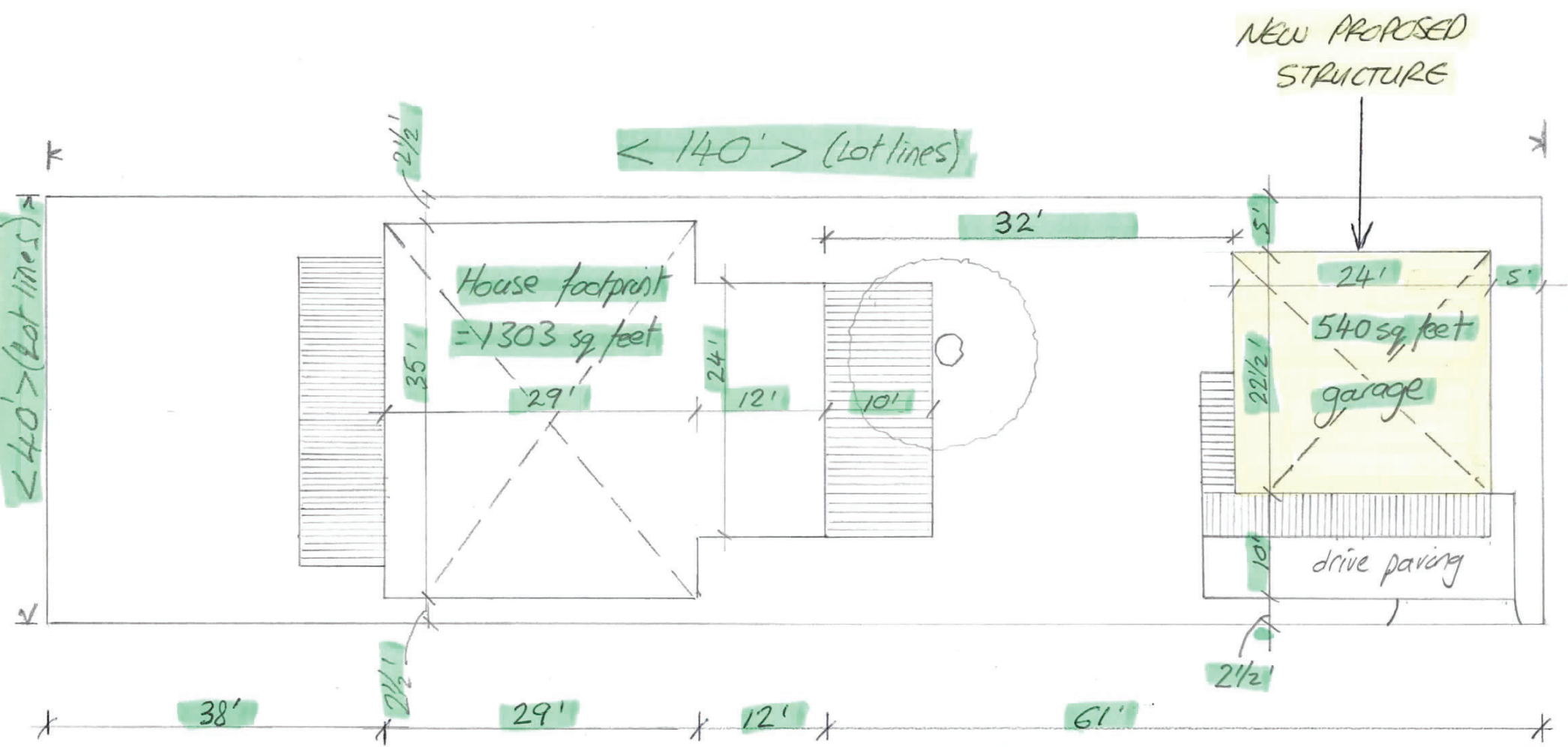
⑬

602 TAZEWELL AVE

CORNER LOT

2 STOREY GARAGE/APARTMENT
PROPOSAL

LOT SIZE 140' x 40'

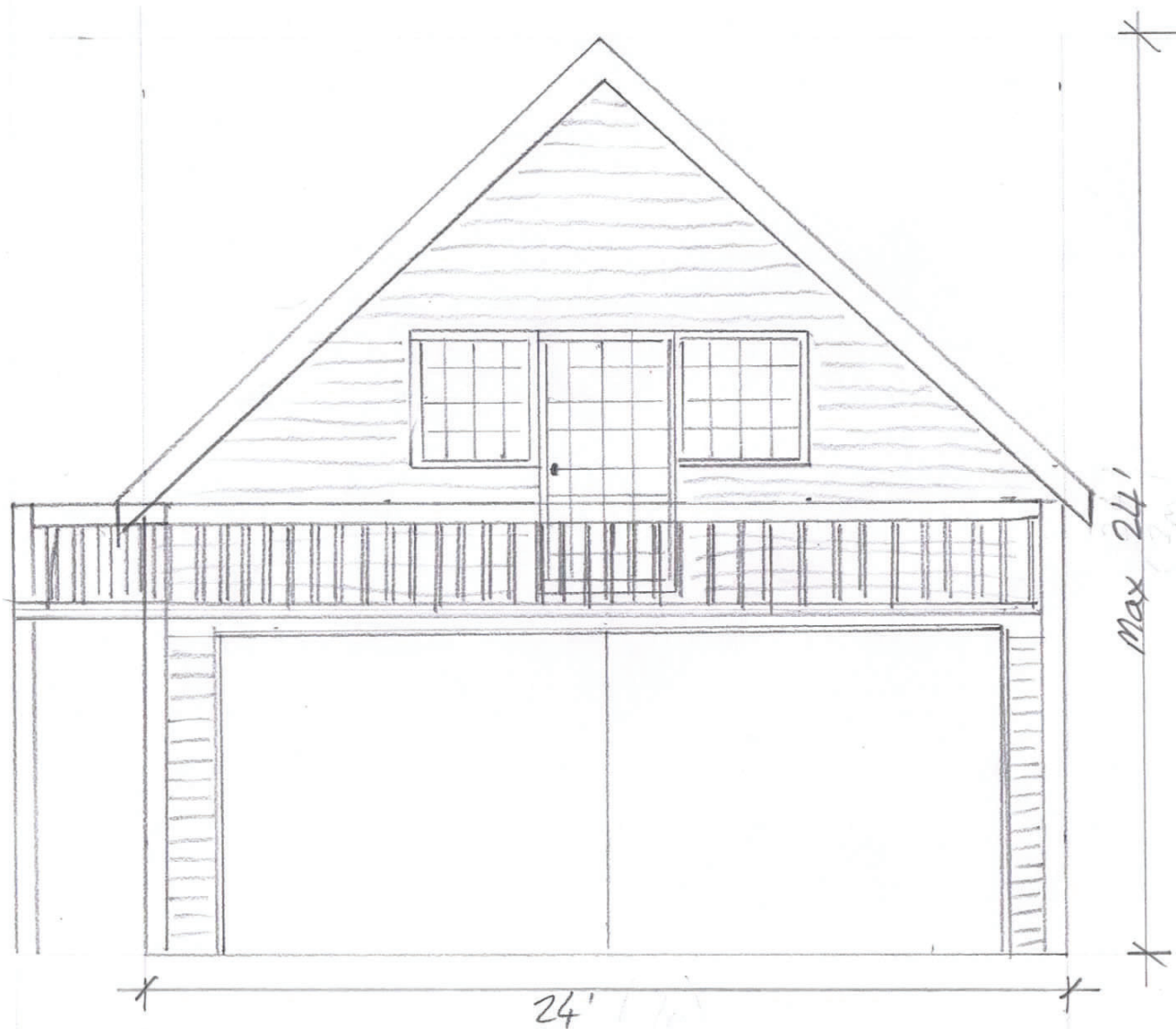


②

602 TAREWELL AVE

TWO CAR GARAGE/APARTMENT

WEST FACING



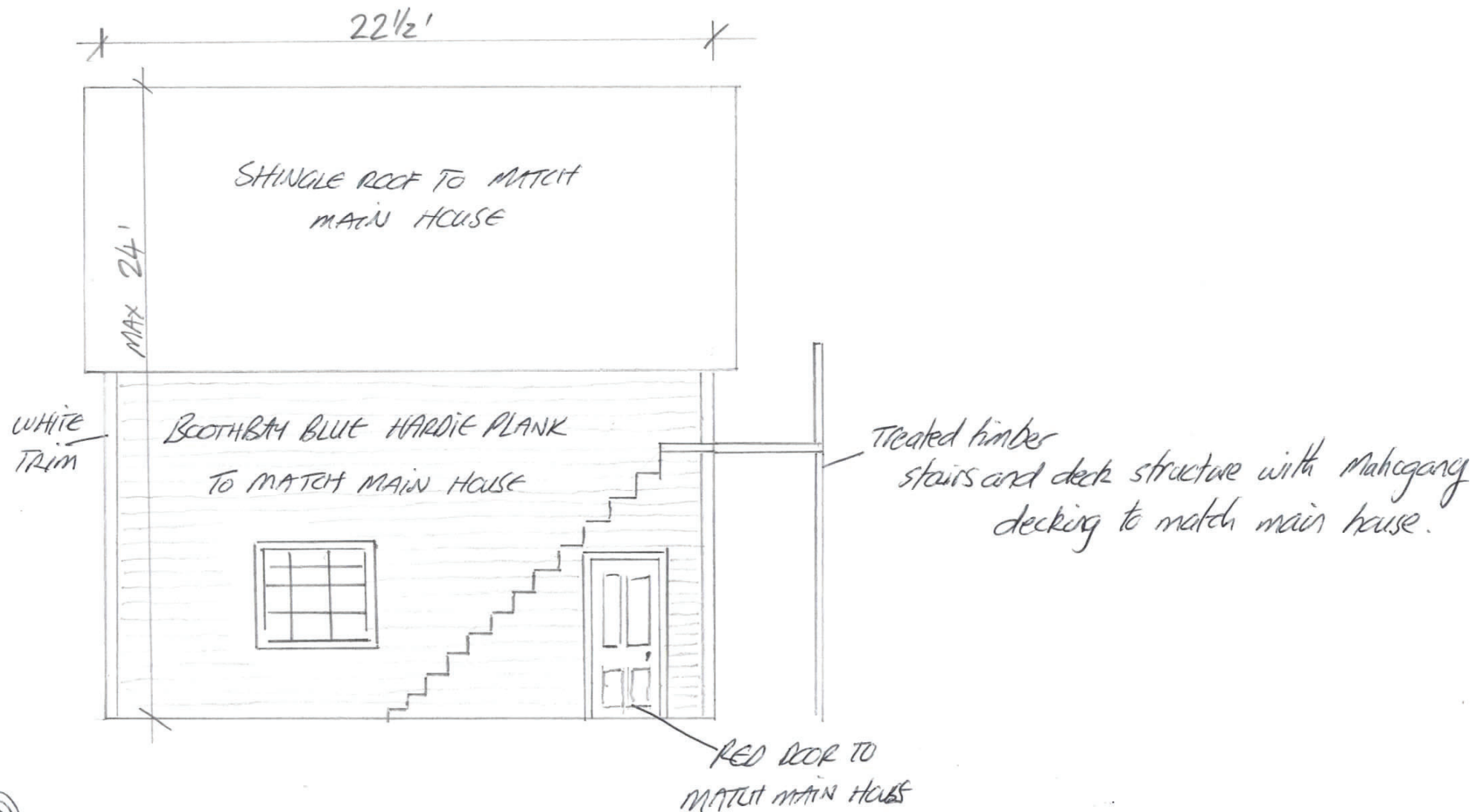
⑨

③

602 TAZEWELL AVE.

TWO CAR GARAGE / APARTMENT

NORTH FACING



⑩

④ 602 TAZEWELL AVE

TWO CAR GARAGE/APARTMENT

EAST FACING



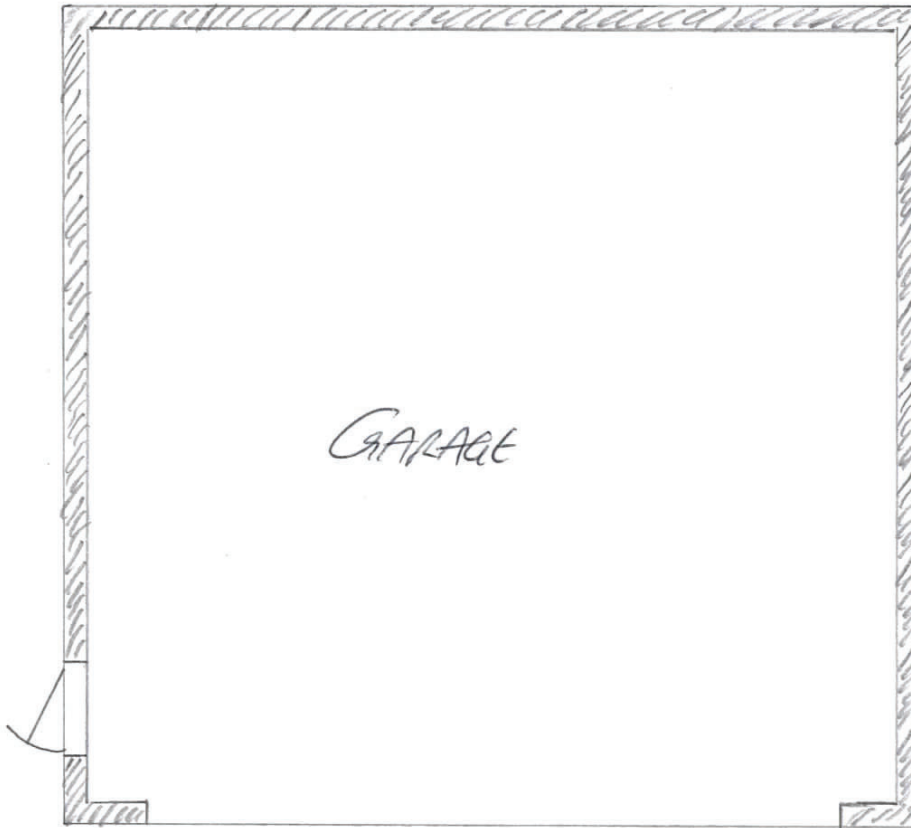
SOUTH FACING



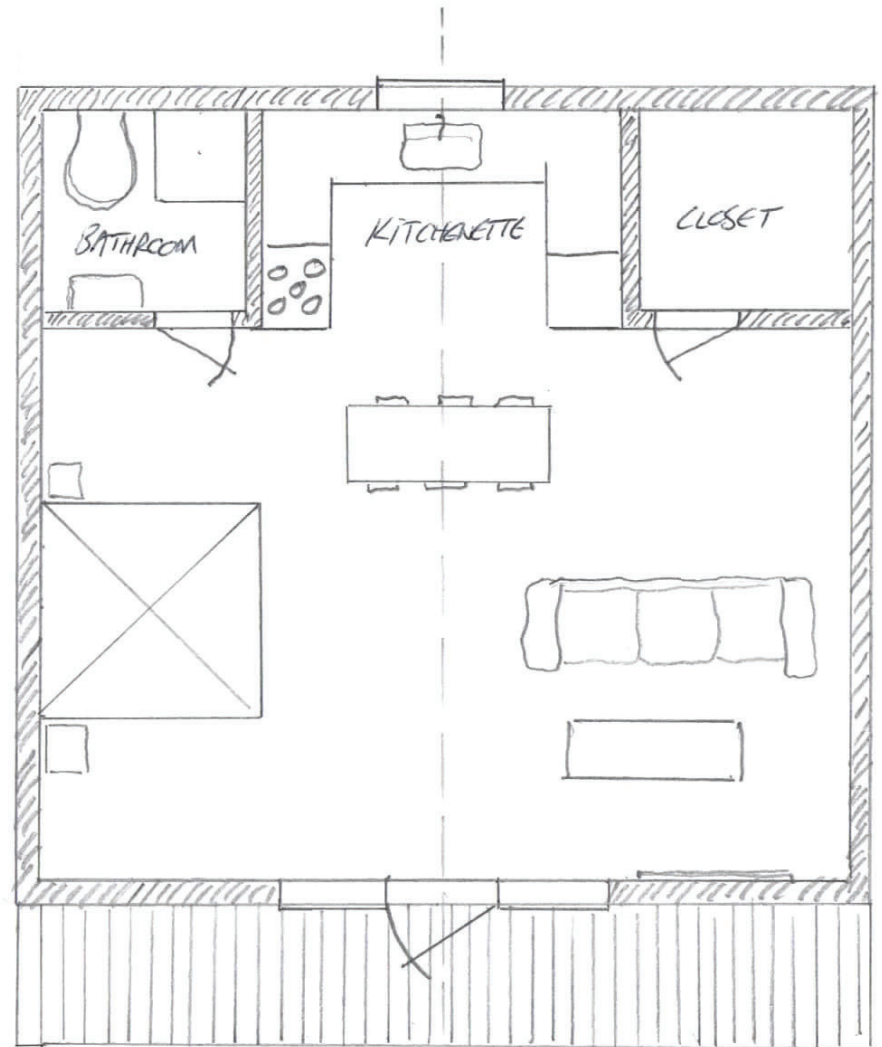
①

⑤ 602 TAZEWELL AVENUE

TWO CAR GARAGE/APARTMENT



1ST FLOOR GARAGE



SECOND FLOOR STUDIO/APARTMENT

28







51





PLANNING COMMISSION STAFF REPORT

Meeting Date: October 5, 2021

Item #: 4B

Prepared by: Katie H. Nunez, Interim Planning/Zoning Administrator

Date: September 29, 2021

APPLICANT: Susan, John & Kelly
Robinson

TYPE OF APPLICATION: Conditional Use Permit

SITE ADDRESS: 206A Jefferson Avenue

SPECIFIC REQUEST: An accessory dwelling unit

TAX MAP: 83A1-1-220

ZONING: Section 4.2 (J)

LOT SIZE: 5,200 sq. ft.

CURRENT ZONING: Residential (R-1)

DATE RECEIVED: August 12, 2021

DATE DEEMED COMPLETE: August 12, 2021

LEGAL DEADLINE (90 Days from Complete Application – Directory, not Mandatory): November 12, 2021

NARRATIVE OF PROPOSAL

The applicant is seeking approval after the fact to utilize a 576 square foot accessory structure as an accessory dwelling unit.

AERIAL MAP: *Property outlined in blue*



The office was informed that the accessory structure was being used as an accessory dwelling. After confirming that the structure was being used in this manner and that the Town had not approved a Conditional Use Permit for the accessory dwelling, the property owners were contacted about the matter and indicated that they need to apply for a Conditional Use Permit in order to address the violation, if their intent was to have an accessory dwelling unit on the property in addition to the primary house.

The current owners did not create this situation but purchased the property on May 3, 2021 and inherited this situation. They have acted swiftly to remedy the violation, once notified, and filed the Conditional Use Permit application on August 12, 2021.

The Cape Charles Zoning Ordinance Section 4.2 (J) states that:

Accessory Dwellings. 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:

1. Physical characteristics.

- a. Accessory dwellings shall be located in an accessory building.*
- b. Accessory dwellings shall not have a floor area exceeding forty-five (45) percent of the floor area of the main building.*
- c. Accessory dwellings shall have one kitchen and one bathroom.*
- d. Accessory buildings shall not have the appearance of a single-family dwelling.*

2. Occupancy characteristics.

- a. 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 Section 4.3.F.*
- b. 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.*

3. Other requirements.

- a. Accessory dwellings located in accessory buildings may have a separate water meter from the principal dwelling.*
- b. The lot on which an accessory dwelling is located shall have the required minimum lot area for the district in which it is located.*
- c. 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.*

d. Exterior elevations shall also be approved by the Historic District Review Board when required by Article VIII, Historic Overlay.

ORDINANCE REQUIREMENTS:

Cape Charles Zoning Ordinance Section 4.3 states that “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.

Additionally, approval of a conditional use permit shall be valid for only the specific use it covers in the specific location designated for a period of one year after approval by the Town Council and the completion of the additional permit process as requested in the application. Applicant shall apply or have applied for all additional permits as provided to the Planning Commission and as required by the Zoning Administrator within one (1) month of the approval by the Town Council. If Applicant fails to apply for any such permit within this time period, the conditional use permit shall be effective as of this date, thirty (30) days after the Town Council approval, unless the Town Council allows for additional time for such application or applications. If not acted upon within one (1) year, the conditional use permit shall become null and void, unless an extension of time is approved by the Town Council for good cause shown before the expiration of the Conditional Use Permit.

STAFF ANALYSIS:

The application for an after-the-fact permit for an accessory dwelling unit of 576 square feet demonstrates consistency with the requirements of the Cape Charles Zoning Ordinance Section 4.2 (J).

The accessory structure was built in the mid-to-late 2010’s when the ordinance did not specify the requirements for an accessory dwelling unit but did not give authority for an accessory dwelling unit as a by-right use either and the Town did not amend the zoning ordinance until 2017 regarding Accessory Dwelling Units.

The Cape Charles Comprehensive Plan Section III.A.5.2. identifies a goal to “Promote compatible infill development and renovation within established neighborhoods” and to specifically “Promote accessory dwelling units to add diversity of housing types, while maintaining the neighborhood character and providing affordable housing options”.

Staff finds that the application for a Conditional Use Permit pursuant to Section 4.2 (J) for an accessory dwelling unit in the Residential-1 Zoning District meets and satisfies the requirements of the Town Zoning Ordinance, Section 4.3, as follows:

- 1) it does not adversely affect the health, safety, or welfare of the persons residing or working in the neighborhood or adversely affect other land uses within the particular surrounding neighborhood;
- 2) it is not detrimental to the public welfare or injurious to property or improvements in the neighborhood; and
- 3) it is not in conflict with the purpose of the comprehensive plan of the town.

Staff acknowledges that additional issues or comments may arise through the public hearing on this matter and request that the Planning Commission consider said issues and/or comments as part of their deliberations.

RECOMMENDED ACTION FOR PLANNING COMMISSION:

Staff recommends that the Planning Commission consider recommending approval of the Conditional Use Permit to the Town Council with the following motion:

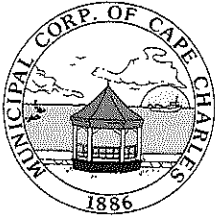
The Cape Charles Planning Commission recommends approval of a Conditional Use Permit for an Accessory Dwelling Unit at 206A Jefferson Avenue as an after-the fact approval on an application filed by Susan, John and Kelly Robinson, pursuant to Cape Charles Zoning Ordinance Section 4.2 (J) with the following condition:

(1) To obtain a Certificate of Occupancy thru the Building Department for this Accessory Dwelling Unit;

and finds that the CUP standards in Section 4.3 are satisfied and that the issuance of the CUP is in general accord with the current Comprehensive Plan and that the applicant has expeditiously applied for this permit after the fact for this structure upon notification as the new owners of this property as of May 3, 2021.

Attachments:

Attachment 1 – CUP Application



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: 206a Jefferson
Property Address: 206 Jefferson
Brief Description of Project: We would like the auxiliary building approved for LT rental
Zoning District: _____ Current Use: _____ Proposed Use: LT rental

OWNER INFORMATION

Name and Company: Susan, John and Kelly Robinson
Mailing Address: 9006 Wood Sorrel Drive, Henrico, VA 23229
Phone Number: 804-539-7318 Email: robin21090@aol.com

APPLICANT INFORMATION

☒ check here if applicant is owner

Name: Susan, ~~John and Kelly~~ Robinson
Mailing Address: 9006 Wood Sorrel Drive, Henrico, VA 23229
Phone Number: 804-539-7318 Email: robin21090@aol.com

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: 8/12/21

Conditional Use Permit - Accessory Dwelling Unit Checklist

Date: 8/12/2021

Address: 206 Jefferson Avenue

The following criteria are required for one accessory dwelling to 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:

1. Is the accessory dwelling unit located in an accessory building? YES ☒ NO ☐
2. Does the accessory dwelling floor area exceed of forty-five (45) percent of the floor area of the main building? YES ☐ NO ☒ Accessory Dwelling Unit square footage _____
3. Does the accessory dwelling have one kitchen and one bathroom? YES ☒ NO ☐
4. Does the accessory building/dwelling differentiate from the single-family dwelling? YES ☒ NO ☐

The following conditions must be maintained for an accessory dwelling unit 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:

1. Occupancy characteristics.
 - a. 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 Section 4.3.F.
 - b. 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.
2. Other requirements.
 - a. Accessory dwellings located in accessory buildings may have a separate water meter from the principal dwelling.
 - b. The lot on which an accessory dwelling is located shall have the required minimum lot area for the district in which it is located.
 - c. 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.
 - d. Exterior elevations shall also be approved by the Historic District Review Board when required by Article VIII, Historic Overlay.

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. I am providing authorization to the town authorities to enter my properties to confirm accuracy of information contained in this application.

Signature of Owner: 

Signature of Applicant: 

Town of Cape Charles Planning & Zoning Department,

We would like to rent our auxiliary, detached building located at 206a Jefferson Avenue to a long-term renter. 206 Jefferson will be the permanent residence of Kelly Robinson, our daughter and an owner of the property. Can we please have a conditional use permit to do that?

I have included the Northampton County plot map, a picture of the structures, the Northampton County description of the lot and the tenant house (still listed by the county under the previous owner), and the names and addresses of the owners of the lots on each side.

I have enclosed a check for \$600 for the application.

Please let us know if you need anything further.

Susan Robinson

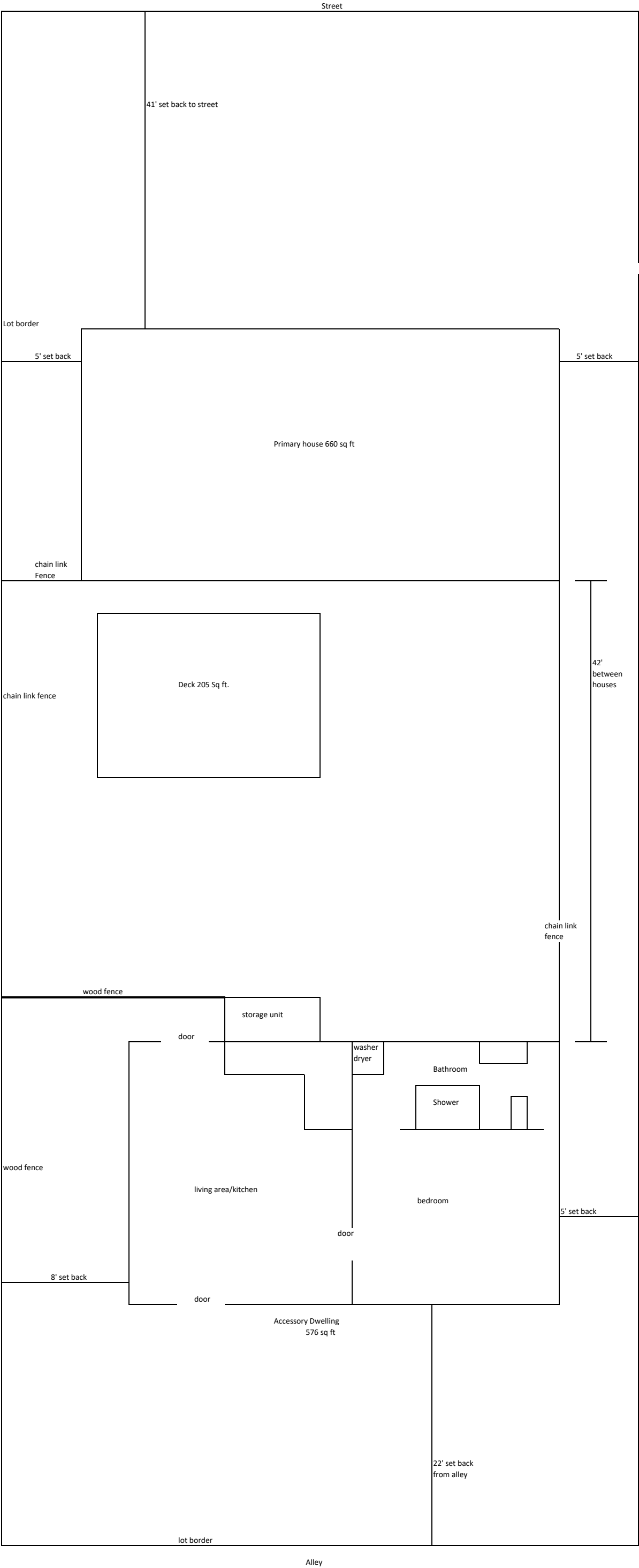
A handwritten signature in black ink, appearing to be 'S. Robinson'.

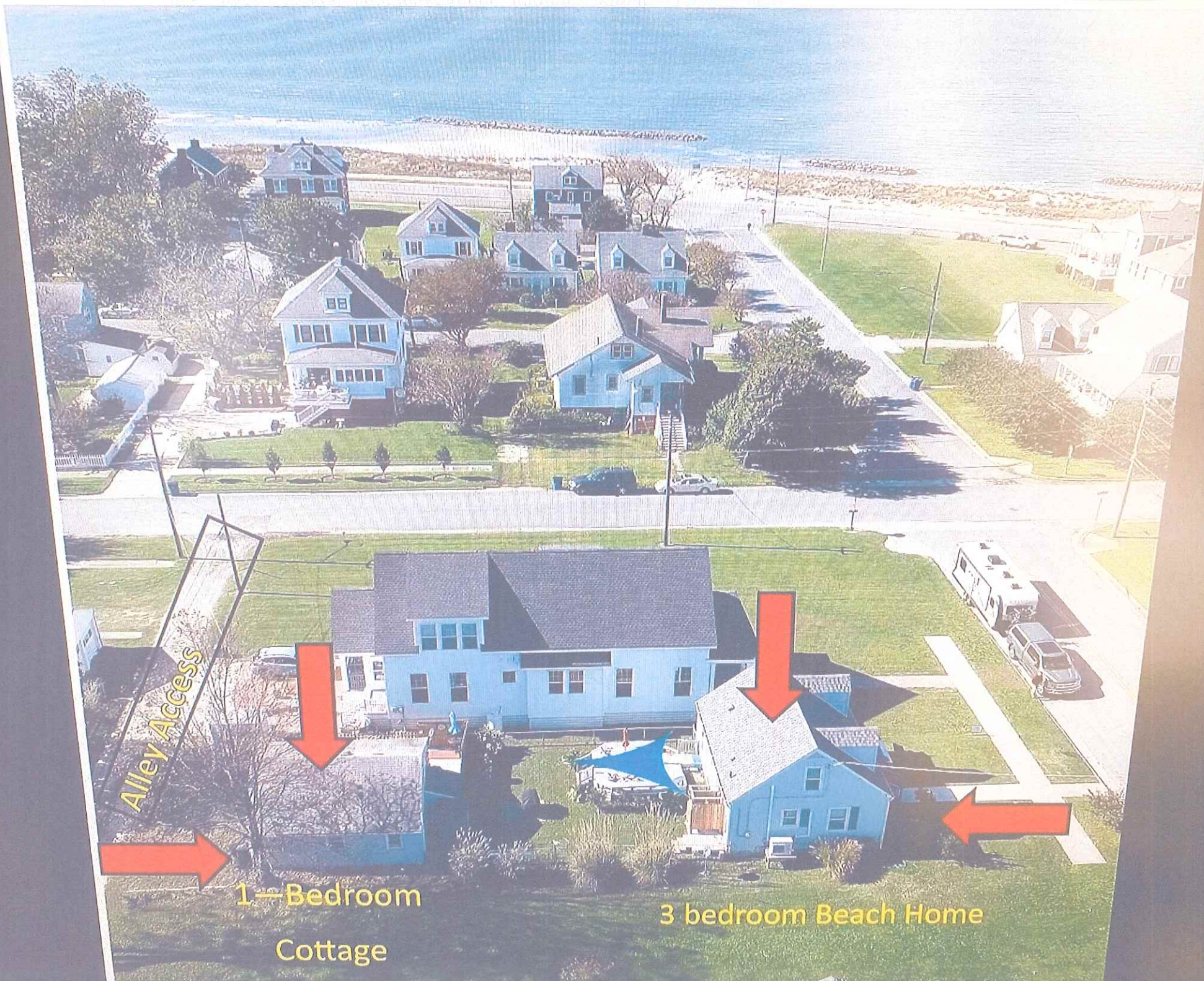
John Robinson

A handwritten signature in black ink, appearing to be 'J. Robinson'.

Kelly Robinson

A handwritten signature in black ink, appearing to be 'Kelly Robinson'.





Alley Access

1—Bedroom
Cottage

3 bedroom Beach Home

206 JEFFERSON AVE

Location 206 JEFFERSON AVE

Map # 083A1/ 01 00/ 0000220/ /

Par Rec # 4571

Owner BROWN, BARBARA M &

Assessment \$205,700

PID 4325

Building Count 1

Legal Description LOT #220 40X140

Lot Type

Current Value

Assessment					
Valuation Year	Building	Extra Features	Outbuildings	Land	Total
2020	\$62,500	\$200	\$31,600	\$111,400	\$205,700

Owner of Record

Owner BROWN, BARBARA M &
Care Of REYNOLDS, SHERI A
Address 226 RANDOLPH AVE
CAPE CHARLES, VA 23310

Sale Price \$145,000
Instrument #
Book & Page 336/1
Sale Date 07/30/2001
Sale Type Q

Ownership History

Ownership History						
Owner	Sale Price	Instrument #	Book & Page	Sale Type	Sale Date	Plat
BROWN, BARBARA M &	\$145,000		336/1	Q	07/30/2001	

Building Information

Building 1 : Section 1

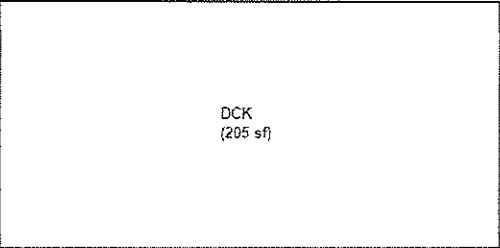
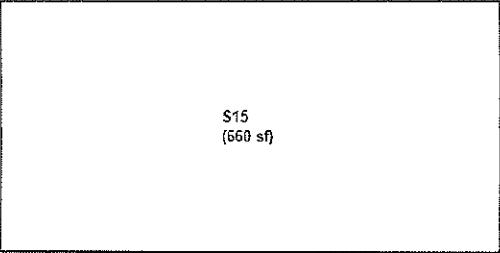
Year Built: 1949

Living Area: 990

Building Attributes	
Field	Description
Style	Single Family
Model	Residential

Grade	C-05
Stories	1
Foundation 1	Concrete Block
Exterior Wall 1	Vinyl
Exterior Wall 2	
Roof Structure 1	Gable
Roof Cover 1	Composition Shingle
Interior Wall 1	Plaster
Interior Wall 2	Tile
Interior Floor 1	Carpet
Roof Structure 2	
Fuel Type 1	Gas
Heat Type 1	Central Heat
AC Type 1	Central Air
Bedrooms	3
Full Baths	1
Half Baths	0
Extra Fixtures	
Total Rooms	0
Roof Cover 3	
Fuel Type 3	
Ttl Living Area	990
Exterior Wall 3	
Interior Floor 2	Softwood
Interior Floor 3	
Style	CONVENTIONAL
Heat Type 2	
Heat Type 3	
FPL Openings	0
Basement Area	
Roof Cover 2	
Interior Wall 3	Dry Wall
Fuel Type 2	

Building Layout



Building Sub-Areas (sq ft)			Legend
Code	Description	Gross Area	Living Area
S15	Single Family - 1.50	660	990
DCK	Wood Deck - 1.00	205	0
		865	990

Extra Features

Extra Features					Legend
Code	Description	Size	Value	Assessed Value	Bldg #
CHMY	CHIMNEY	1.00 UNITS	\$200	\$200	1

Land

Land Use

Use Code 100R
Description SFD - Urban Res
Zone
Alt Land Appr No

Land Line Valuation

Size (Acres) 1
Frontage

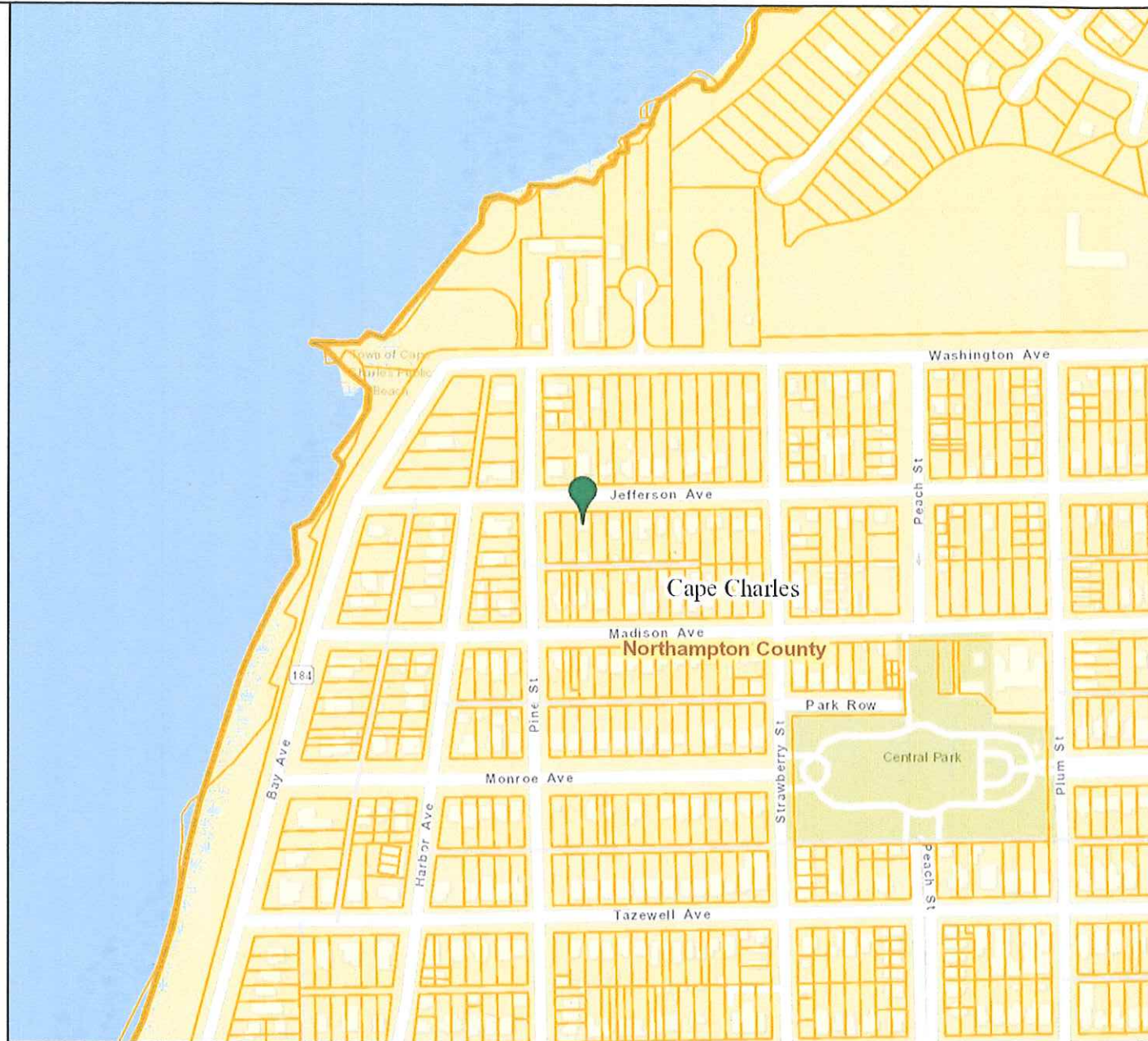
Outbuildings

Outbuildings							<u>Legend</u>
Code	Description	Sub Code	Sub Description	Size	Value	Assessed Value	Bldg #
TNHS	TENANT HOUSE			576.00 UNITS	\$31,000	\$31,000	1
FEN	FENCE	CL	CHAIN LINK/WOOD	1.00 UNITS	\$600	\$600	1

Northampton County, Virginia

Legend

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



Map Printed from Northampton
<https://parcelviewer.geodecisions.com/Northampton/>

Feet
0 100 200 300 400
1:4,514 / 1"=376 Feet

Title:

Date: 8/11/2021

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.



PLANNING COMMISSION STAFF REPORT

Meeting Date: October 5, 2021

Item #: 4C

Prepared by: Katie H. Nunez, Interim Planning/Zoning Administrator

Date: September 29, 2021

APPLICANT: Jose & Diana Gonzalez
SITE ADDRESS: 325 Madison Avenue
TAX MAP: 83A1-1-191
LOT SIZE: 5,546 sq. ft.

TYPE OF APPLICATION: Conditional Use Permit
SPECIFIC REQUEST: An accessory dwelling unit
ZONING ORDINANCE: Section 4.2 (J)
CURRENT ZONING: Residential (R-1)

DATE RECEIVED: August 25, 2021

DATE DEEMED COMPLETE: August 25, 2021

LEGAL DEADLINE (90 Days from Complete Application – Directory, not Mandatory): November 25, 2021

NARRATIVE OF PROPOSAL

The applicant is seeking approval after the fact to utilize a 360 square foot accessory structure as an accessory dwelling unit.

AERIAL MAP: *Property outlined in blue*



The office was informed that the accessory structure was being used as an accessory dwelling. After confirming that the structure was being used in this manner and that the Town had not approved a Conditional Use Permit for the accessory dwelling, the property owners were contacted about the matter and indicated that they need to apply for a Conditional Use Permit in order to address the violation, if their intent was to have an accessory dwelling unit on the property in addition to the primary house.

The Cape Charles Zoning Ordinance Section 4.2 (J) states that:

Accessory Dwellings. 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:

1. Physical characteristics.

- a. Accessory dwellings shall be located in an accessory building.*
- b. Accessory dwellings shall not have a floor area exceeding forty-five (45) percent of the floor area of the main building.*
- c. Accessory dwellings shall have one kitchen and one bathroom.*
- d. Accessory buildings shall not have the appearance of a single-family dwelling.*

2. Occupancy characteristics.

- a. 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 Section 4.3.F.*
- b. 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.*

3. Other requirements.

- a. Accessory dwellings located in accessory buildings may have a separate water meter from the principal dwelling.*
- b. The lot on which an accessory dwelling is located shall have the required minimum lot area for the district in which it is located.*
- c. 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.*
- d. Exterior elevations shall also be approved by the Historic District Review Board when required by Article VIII, Historic Overlay.*

The Cape Charles Zoning Ordinance Section 3.2 (C) (7) states:

Conditional Uses: The following uses may also be permitted, subject to securing a use permit as provided for in this ordinance:

- 7. Residential dwelling units in square footage area below the minimum or above the maximum stated in Section 3.2.F.2.*

ORDINANCE REQUIREMENTS:

Cape Charles Zoning Ordinance Section 4.3 states that “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.

Additionally, approval of a conditional use permit shall be valid for only the specific use it covers in the specific location designated for a period of one year after approval by the Town Council and the completion of the additional permit process as requested in the application. Applicant shall apply or have applied for all additional permits as provided to the Planning Commission and as required by the Zoning Administrator within one (1) month of the approval by the Town Council. If Applicant fails to apply for any such permit within this time period, the conditional use permit shall be effective as of this date, thirty (30) days after the Town Council approval, unless the Town Council allows for additional time for such application or applications. If not acted upon within one (1) year, the conditional use permit shall become null and void, unless an extension of time is approved by the Town Council for good cause shown before the expiration of the Conditional Use Permit.

STAFF ANALYSIS:

The application for an after-the-fact permit for an accessory dwelling unit of 360 square feet demonstrates consistency with the requirements of the Cape Charles Zoning Ordinance Section 4.2 (J).

The accessory structure was built in the mid-to-late 2010’s when the ordinance did not specify the requirements for an accessory dwelling unit but did not give authority for an accessory dwelling unit as a by-right use either and the Town did not amend the zoning ordinance until 2017 regarding Accessory Dwelling Units.

The Cape Charles Comprehensive Plan Section III.A.5.2. identifies a goal to “Promote compatible infill development and renovation within established neighborhoods” and to specifically “Promote accessory dwelling units to add diversity of housing types, while maintaining the neighborhood character and providing affordable housing options”.

Staff finds that the application for a Conditional Use Permit pursuant to Section 4.2 (J) for an accessory dwelling unit in the Residential-1 Zoning District meets and satisfies the requirements of the Town Zoning Ordinance, Section 4.3, as follows:

- 1) it does not adversely affect the health, safety, or welfare of the persons residing or working in the neighborhood or adversely affect other land uses within the particular surrounding neighborhood;
- 2) it is not detrimental to the public welfare or injurious to property or improvements in the neighborhood; and
- 3) it is not in conflict with the purpose of the comprehensive plan of the town.

Staff acknowledges that additional issues or comments may arise through the public hearing on this matter and request that the Planning Commission consider said issues and/or comments as part of their deliberations.

RECOMMENDED ACTION FOR PLANNING COMMISSION:

Staff recommends that the Planning Commission consider recommending approval of the Conditional Use Permit to the Town Council with the following motion:

The Cape Charles Planning Commission recommends approval of a Conditional Use Permit for an Accessory Dwelling Unit at 325 Madison Avenue as an after-the fact approval on an application filed by Jose & Diana Gonzalez pursuant to Cape Charles Zoning Ordinance Section 4.2 (J) with the following condition:

(1) To obtain a Certificate of Occupancy thru the Building Department for this Accessory Dwelling Unit;

and finds that the CUP standards in Section 4.3 are satisfied and that the issuance of the CUP is in general accord with the current Comprehensive Plan and that the applicant has expeditiously applied for this permit after the fact for this structure upon notification that a Conditional Use Permit is required for an accessory dwelling unit.

Attachments:

Attachment 1 – CUP Application



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: Accessory dwelling at 325 Madison Ave.
Property Address: 325 Madison Ave.
Brief Description of Project: Convert accessory building to dwelling
Zoning District: _____ Current Use: _____ Proposed Use: _____

OWNER INFORMATION

Name and Company: Jose + Diana Gonzalez
Mailing Address: 325 Madison Ave Cape Charles 23310
Phone Number: 257-646-8143 Email: josee.semilla.org

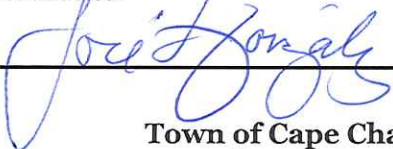
APPLICANT INFORMATION

☒ check here if applicant is owner

Name: see 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:  Date: 8/26/21

Conditional Use Permit - Accessory Dwelling Unit Checklist

Date: 8/26/21

Address: 325 Madison Ave.

The following criteria are required for one accessory dwelling to 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:

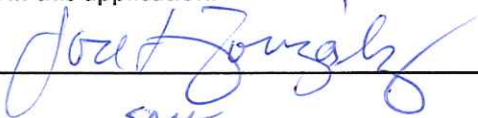
1. Is the accessory dwelling unit located in an accessory building? YES ☒ NO ☐
2. Does the accessory dwelling floor area exceed of forty-five (45) percent of the floor area of the main building? YES ☐ NO ☒ Accessory Dwelling Unit square footage 360 sq ft
3. Does the accessory dwelling have ~~one kitchen~~ one bathroom? YES ☒ NO ☐
4. Does the accessory building/dwelling differentiate from the single-family dwelling? YES ☒ NO ☐

The following conditions must be maintained for an accessory dwelling unit 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:

1. Occupancy characteristics.
 - a. 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 Section 4.3.F.
 - b. 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.
2. Other requirements.
 - a. Accessory dwellings located in accessory buildings may have a separate water meter from the principal dwelling.
 - b. The lot on which an accessory dwelling is located shall have the required minimum lot area for the district in which it is located.
 - c. 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.
 - d. Exterior elevations shall also be approved by the Historic District Review Board when required by Article VIII, Historic Overlay.

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. I am providing authorization to the town authorities to enter my properties to confirm accuracy of information contained in this application.

Signature of Owner: 

Signature of Applicant: SAME

Cape Charles, August 25, 2021

This is our letter of intent to request converting our accessory building to an accessory dwelling at the back of the property at 325 Madison Ave.

Background

We began to visit Cape Charles by renting one, or sometimes two houses every summer to gather our large extended family. After several years we decided to build a family beach house. We proceeded to build a large capacity beach house to gather our family anytime. To sustain the cost of building it, we offered it for rent to others, particularly during the summer season. It was reserved the day after posting it on AirBnB, and it has been rented or occupied by us ever since.

The first year, we traveled from Chesapeake every Saturday to clean the house for the next guests. Then we realized the value of maintaining closer supervision and maintenance of the house by living on the premises. Our presence in town ensures that any untoward behavior by our guests is dealt with immediately (our emphasis on renting to extended families - often with elderly members - means that this has never been an issue). We have always striven to be good neighbors.

We moved to Cape Charles during the off season and laid plans to build an accessory dwelling. We visited Town Hall several times, but were told that while an ordinance regulating accessory dwellings had been under discussion for months, it was not yet approved.

At that point, our home in Chesapeake had been sold, and we had to order a prefabricated building from Pennsylvania in time to vacate the main house for the reserved rental season, so we were forced to take out a permit for an "accessory building" to begin site work. We built it to comply with the (anticipated but not yet published) standards for an accessory dwelling for workforce housing.

The main house at 325 Madison is registered as "Family Reunion on the Bay, LLC" and is run by us as a vacation rental which we manage when not using it for our own family. We are thus a working couple requesting permission to live in our accessory building as a dwelling, per town policy.

Our plan has been to stay in it ourselves for as long as possible, thinking that at some future date it could become a desirable long-term rental for a single person (like a schoolteacher) to rent year-round or perhaps barter cleaning and maintaining the main house in the summer rental month. Either way, it would be a very affordable work force housing situation for others after us.

Regarding Article IV section 4.2 E, "Accessory Building:"

The accessory dwelling complies with all points, 1-13:

1. Not located in front or side yard
2. Not closer than 5 feet to any property line (see site plan)
3. Not closer than 2 feet to side or rear property line
4. Not closer than 15 feet from the main building. (It is 46 ft away.)
5. Not a 2-story building
6. Sum of all building footprints is less than 50% ($360 + 1680 \text{ sq} = 2040 \text{ sq ft}$, out of 5,600 sq ft lot)
7. Size of accessory building (360 sq ft) is less than main building & less than 550 sq ft.
8. N/A

9. Not higher than main structure
10. Not higher than 2/3 of main structure nor 24 ft (our accessory building peak is 11'3")
11. N/A
12. Does not exceed 7% of lot size (7% = 392 sq ft, Building is 360 sq ft)
13. N/A

Regarding Article IV. J. "Accessory Dwelling"

The dwelling complies with the physical and the occupancy characteristics required. Additionally:

- Water, sewer and electric lines are shared with the main building. (The sewer was originally built to accommodate five trailers). All utilities are on a single account.
- We can provide copies of multiple building inspections for when it was permitted as an accessory building (slab, plumbing, electrical, frame, insulation and final).
- The exterior matches the main structure in shape/form, siding, shingles, window, door, and shutters, thus harmonious while clearly subordinate to the main house. It's also landscaped.
- The 4 windows are 36" wide X 60" each, making them legal egress windows.
- We pay a monthly fee for an additional trash can for the accessory, stored separately.
- There is a 3-piece bathroom (shower, toilet, sink) and a food prep area with fridge, sink, microwave, toaster oven and induction hot plate, along with a 6 ft counter, pantry and cabinets. We prefer not to install a stove but will do so if the code requires it.
- It is heated and cooled by two units at either end of the building.

The entire 300 block of Madison Ave. is occupied by:

Mrs. Janet Dudley, the only neighbor who is actually adjacent to us, at 303 Madison Ave.

Beyond her, on the corner, Frank Giardina, 301 Madison Ave.

On our northwest corner, facing Strawberry, a vacant lot, owner unknown.

Directly north at the rear of the property, a vacant lot owned by the church across Jefferson Ave.

At the northeast corner, Jeanpaul Beauchamp, 312 Jefferson Ave

Directly east, 327 Madison Ave belongs to us.

Towards Peach, another vacant lot (owner unknown) separates us from Ed Sabo, on 333 Madison Ave.

Janet Dudley, Frank and Andrea Giardina, Jeanpaul and Marielena Beauchamp, and Ed Sabo have all expressed their support of an accessory dwelling in our property. We are also friends with the owners of three houses directly across the street, facing Park Row, if more neighborhood input is needed.

Attached please find the completed application, structure elevations, floor plan, property survey, site plan, and check for \$600.00.

We apologize for neglecting the transition to an accessory dwelling for so long and will pay any penalties for the delay. Thank you for your patience and for considering this application.



Jose L Gonzalez

(757) 646 8143

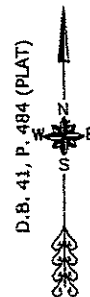


Diana L Gonzalez

(757) 646 9314

325 Madison Ave, Cape Charles, 23310

I, MARSHALL B. PARKS, A LICENSED LAND SURVEYOR, HEREBY CERTIFY THAT THIS PLAT WAS MADE BY ME AT THE REQUEST OF THE OWNERS AND THAT THIS SURVEY IS ENTIRELY WITHIN THE BOUNDARIES OF LAND COVERED BY THE DEED DESCRIBED HEREON AND THAT MONUMENTATION IS ACTUALLY IN PLACE OR WILL BE SET AT POINTS MARKED AS SHOWN HEREON AND THAT THEIR LOCATIONS ARE CORRECTLY SHOWN. THIS SURVEY IS CORRECT AND COMPLIES WITH THE MINIMUM PROCEDURES AND STANDARDS ESTABLISHED BY THE VIRGINIA BOARD FOR ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS, CERTIFIED INTERIOR DESIGNERS, AND LANDSCAPE ARCHITECTS. THIS PLAT IS BASED ON A CURRENT FIELD SURVEY.



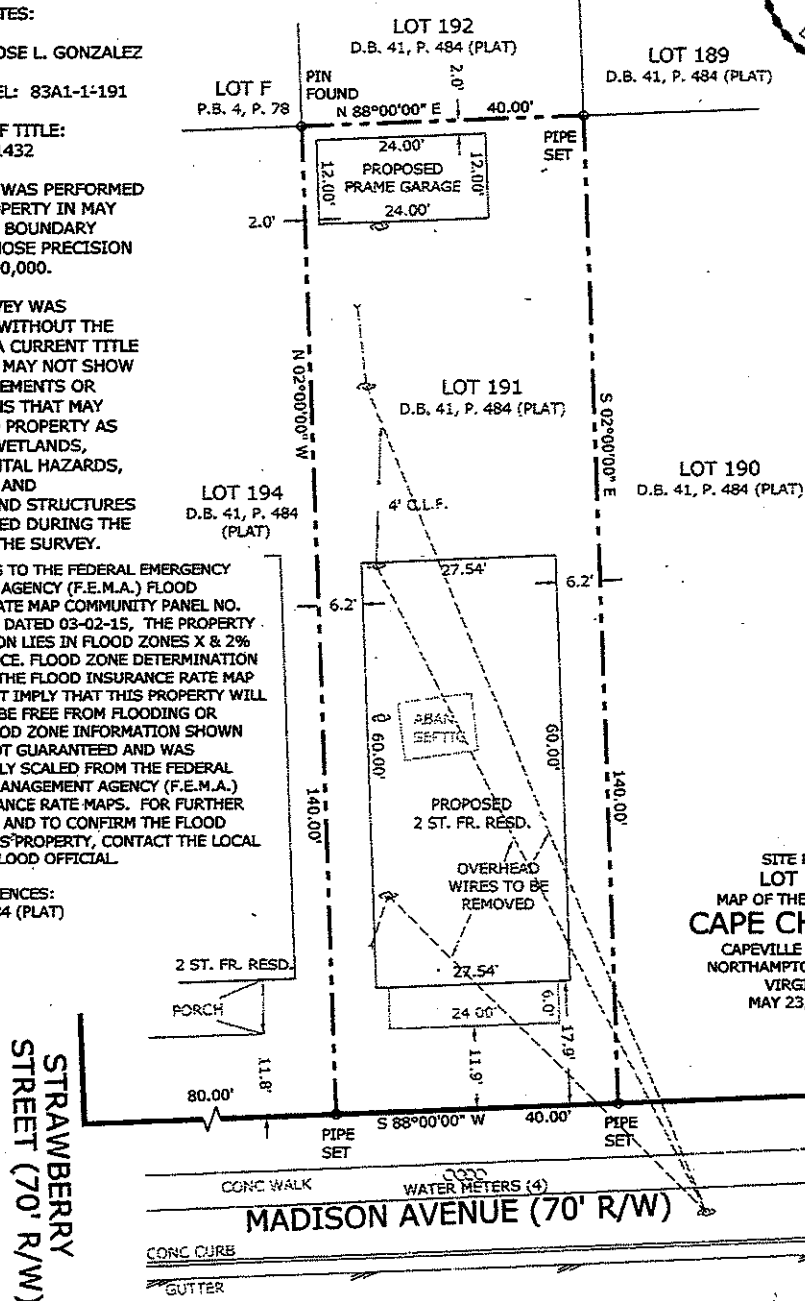
1. OWNER: JOSE L. GONZALEZ
2. TAX PARCEL: 83A1-1-191
3. SOURCE OF TITLE:
INST. 160001432

4. A SURVEY WAS PERFORMED ON THIS PROPERTY IN MAY 2017 WITH A BOUNDARY CLOSURE WHOSE PRECISION EXCEEDS 1:10,000.

5. THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A CURRENT TITLE REPORT AND MAY NOT SHOW ANY/ALL EASEMENTS OR RESTRICTIONS THAT MAY AFFECT SAID PROPERTY AS SHOWN OR WETLANDS, ENVIRONMENTAL HAZARDS, CEMETERIES AND UNDERGROUND STRUCTURES NOT OBSERVED DURING THE COURSE OF THE SURVEY.

6. ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY (F.E.M.A.) FLOOD INSURANCE RATE MAP COMMUNITY PANEL NO. 5113IC0430F, DATED 03-02-15, THE PROPERTY SHOWN HEREON LIES IN FLOOD ZONES X & 2% ANNUAL CHANCE. FLOOD ZONE DETERMINATION IS BASED ON THE FLOOD INSURANCE RATE MAP AND DOES NOT IMPLY THAT THIS PROPERTY WILL OR WILL NOT BE FREE FROM FLOODING OR DAMAGE. FLOOD ZONE INFORMATION SHOWN HEREON IS NOT GUARANTEED AND WAS APPROXIMATELY SCALED FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY (F.E.M.A.) FLOOD INSURANCE RATE MAPS. FOR FURTHER INFORMATION AND TO CONFIRM THE FLOOD ZONE FOR THIS PROPERTY, CONTACT THE LOCAL COMMUNITY FLOOD OFFICIAL.

7. PLAT REFERENCES:
D.B. 41, P. 484 (PLAT)
P.B. 4, P. 78



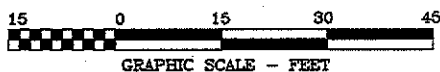
SITE PLAN
LOT 191
MAP OF THE TOWN OF
CAPE CHARLES
CAPEVILLE DISTRICT
NORTHAMPTON COUNTY,
VIRGINIA
MAY 23, 2017

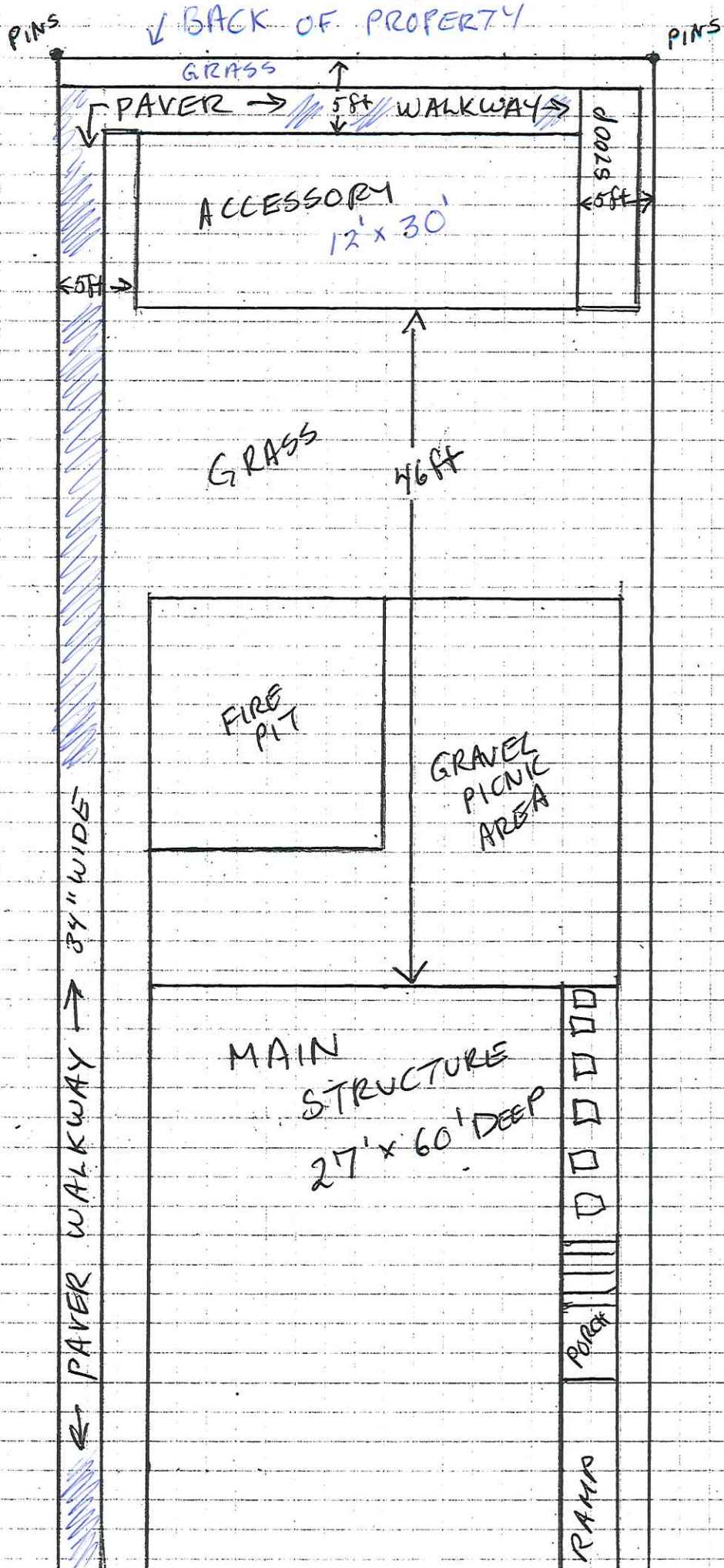


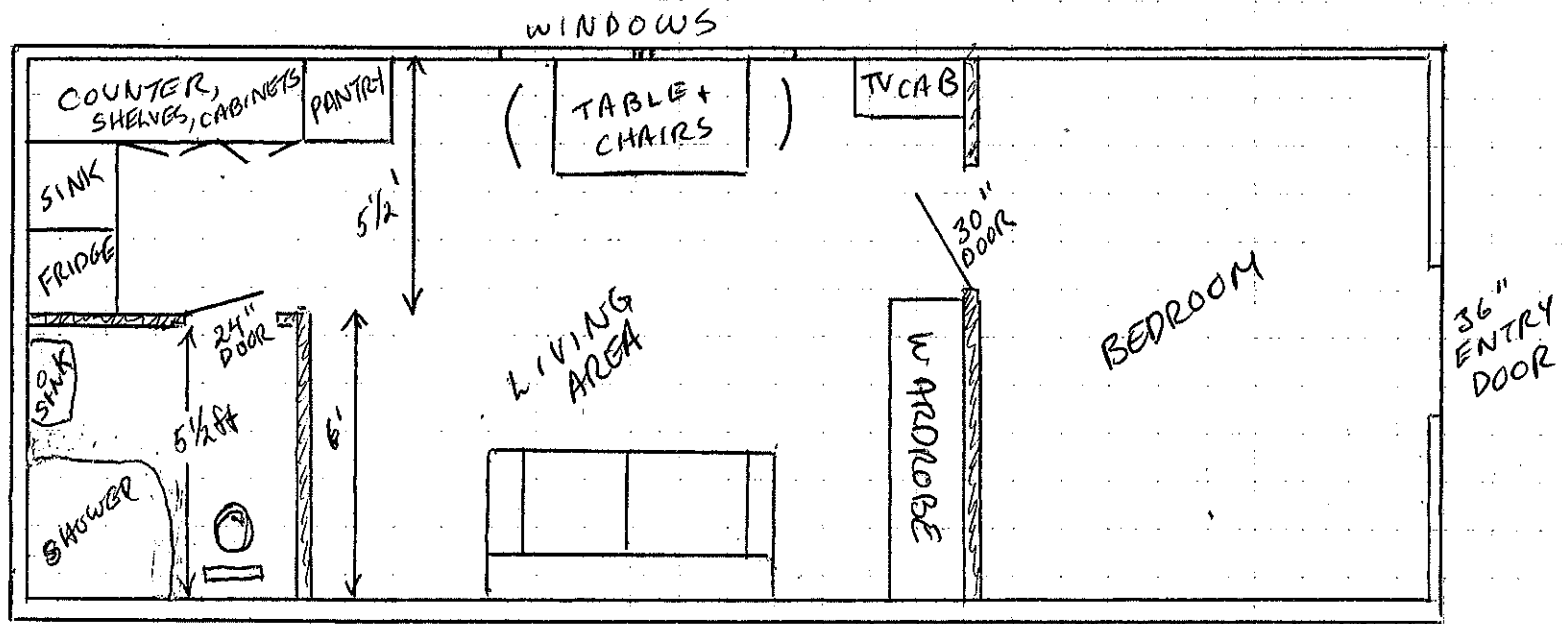
ACCOMACK-NORTHAMPTON
SURVEYING & MAPPING PLLC

36308 Lankford Highway, Belle Haven, Virginia 23306
Mail Address: 11403 Heron Drive, Machipongo, Virginia 23405
Phone: (757) 709-4192

DRAWN BY: CROCKETT	SCALE: 1" = 15'
CHK'D BY: PARKS	BACK TRAV. BY: CROCKETT
FIELD BOOK: CPC1, P. 23	JOB NUMBER: 576







Building Specifications

Floor:

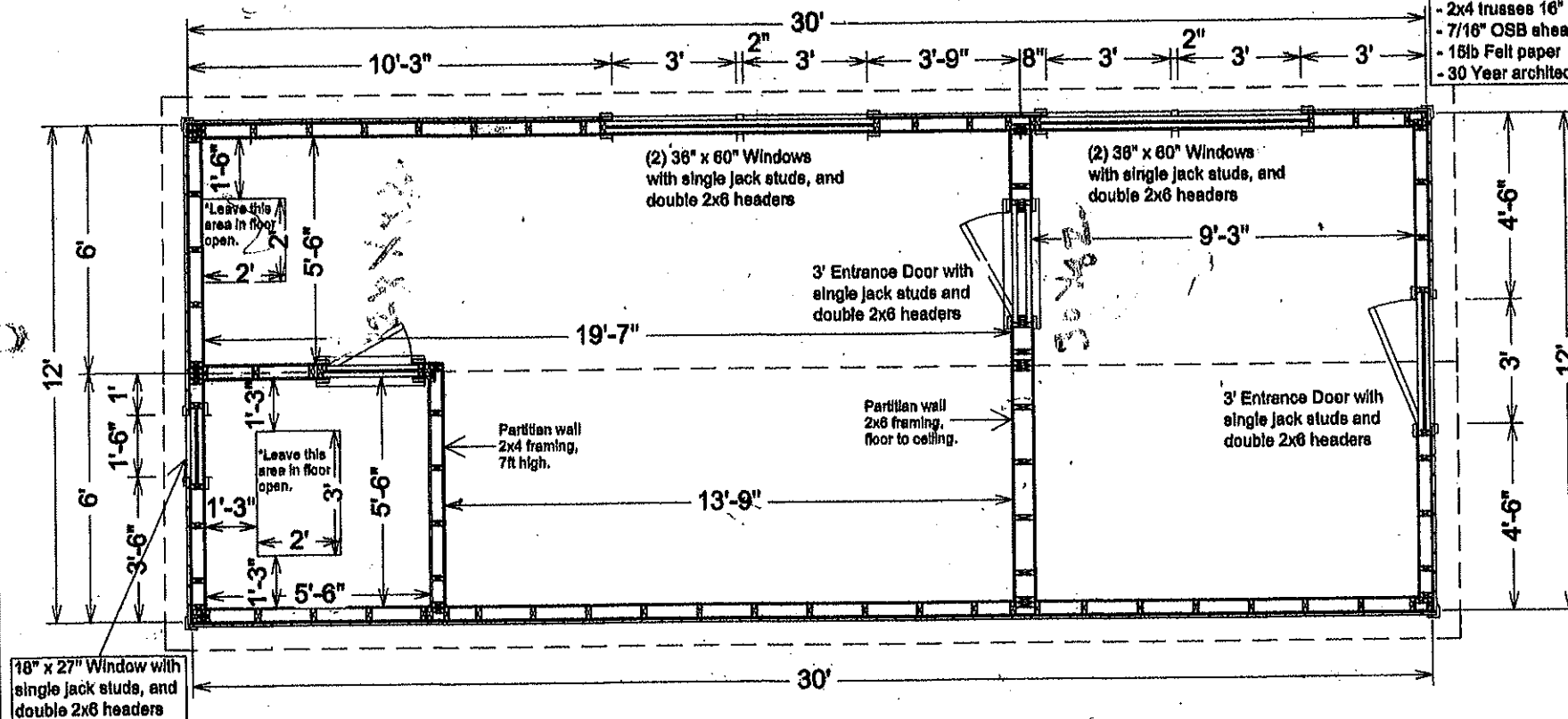
- Pressure treated 4x4 skids
- 2x4 Floor Joist at 12" O.C.
- 5/8" Plywood
- Double layer of 1" foam board insulation
- Floor anchored to concrete with 1/2" wedge anchor, one at each corner and one centered on each gable wall. (6) anchors total.

Walls:

- 2x4 wall framing at 16" O.C.
- Double top header
- Single bottom plate
- 7/16 OSB sheathing
- House wrap
- Vinyl siding

Roof:

- 2x4 trusses 16" O.C.
- 7/16" OSB sheathing
- 15lb Felt paper
- 30 Year architectural shingles



12x30 Classic Workshop

Sheds Unlimited
2025 Valley Rd
Morgantown, PA 19543
Phone: 717-442-3281
office@shedsunlimited.net

Customer:
Diana Gonzalez
4322 Oneford Place
Chesapeake, VA 23321

Drawing
Floor Plan
Scale
1/4" to 1'

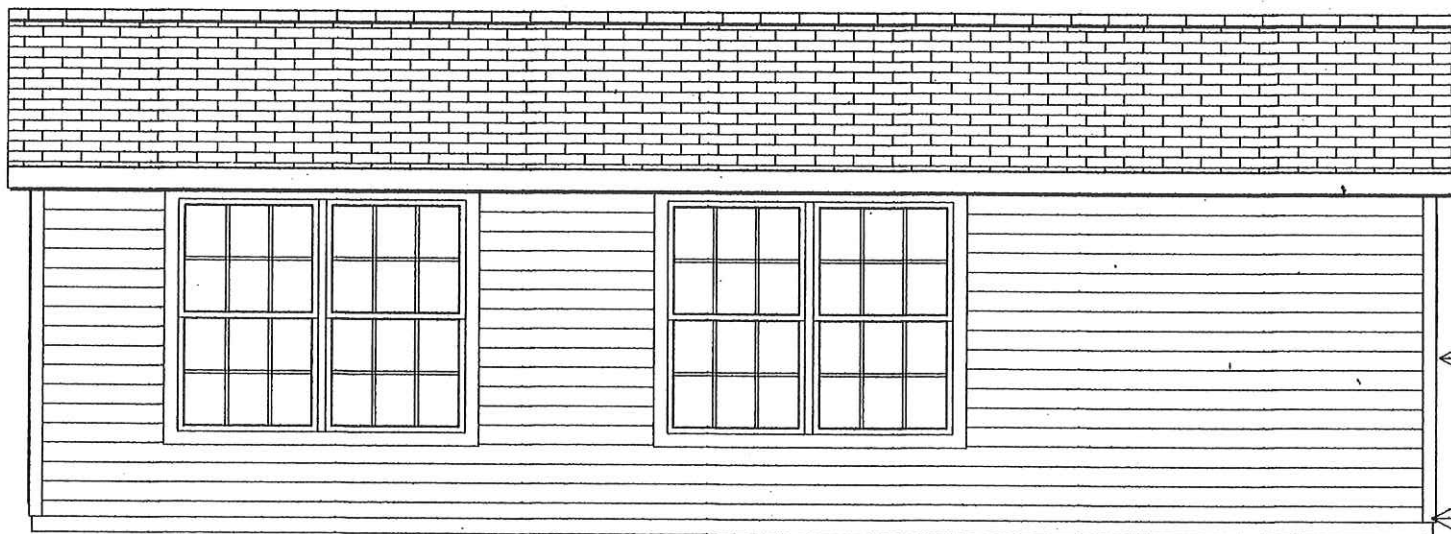
Revisions

Drawn By:
Austin Beachy
Date:
02/07/2019

Page No:

1

2x4 trusses 16" O.C. - 7/16" OSB sheathing - 15lb Felt paper - 30 Year architectural shingles



8" Overhang

- 2x4 wall framing at 16" O.C.
- Double top header
- Single bottom plate
- 7/16 OSB sheathing
- Vinyl siding
- House wrap

- Pressure treated 4x4 skids
- 2x4 Floor Joist at 12" O.C.
- 5/8" Plywood

SHUTTERS ADDED

Sheds Unlimited
2025 Valley Rd
Morgantown, PA 19543
Phone: 717-442-3281
office@shedsunlimited.net

Customer:
Diana Gonzalez
4322 Oneford Place
Chesapeake, VA 23321

Drawing
Side View
Scale
1/4" to 1'

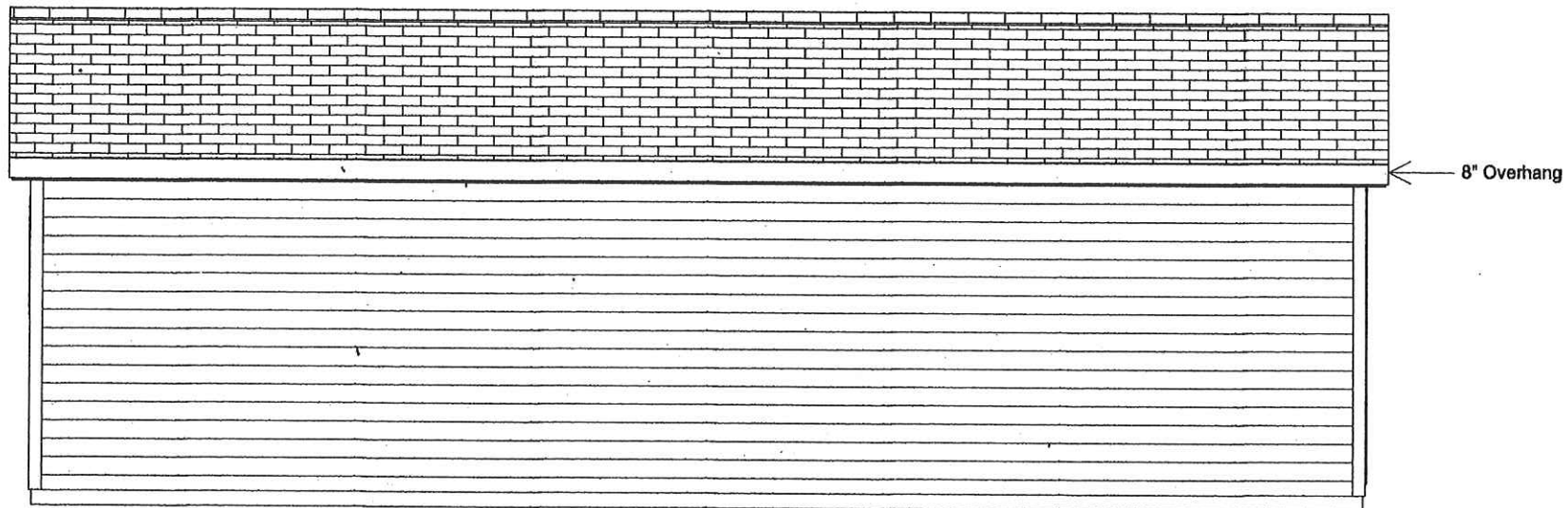
Revisions

Drawn By:
Austin Beachy
Date:
02/07/2019

Page No:

2

2x4 trusses 16" O.C. - 7/16" OSB sheathing - 15lb Felt paper - 30 Year architectural shingles



LANDSCAPING ADDED

Sheds Unlimited
2025 Valley Rd
Morgantown, PA 19543
Phone: 717-442-3281
office@shedsunlimited.net

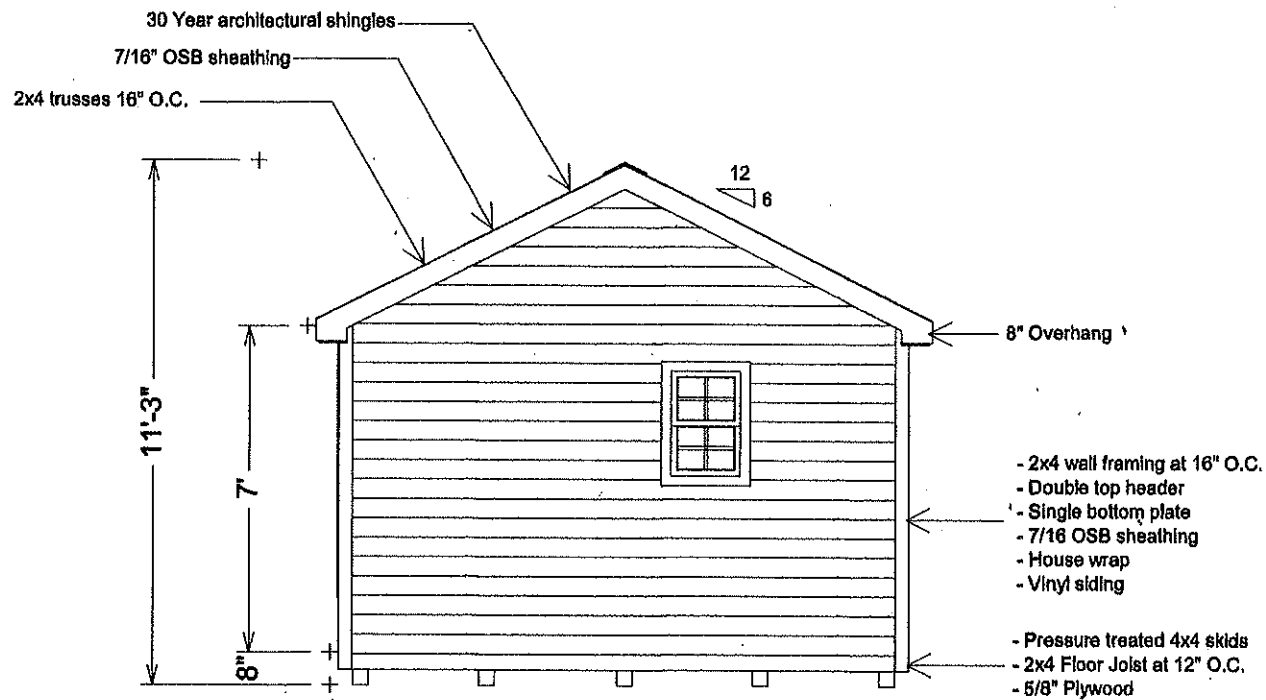
Customer:
Diana Gonzalez
4322 Oneford Place
Chesapeake, VA 23321

Drawing:
Side View
Scale
1/4" to 1'

Revisions

Drawn By:
Austin Beachy
Date:
02/07/2019

Page No:
3



Sheds Unlimited
2025 Valley Rd
Morgantown, PA 19543
Phone: 717-442-3281
office@shedsunlimited.net

Customer:
Diana Gonzalez
4322 Oneford Place
Chesapeake, VA 23321

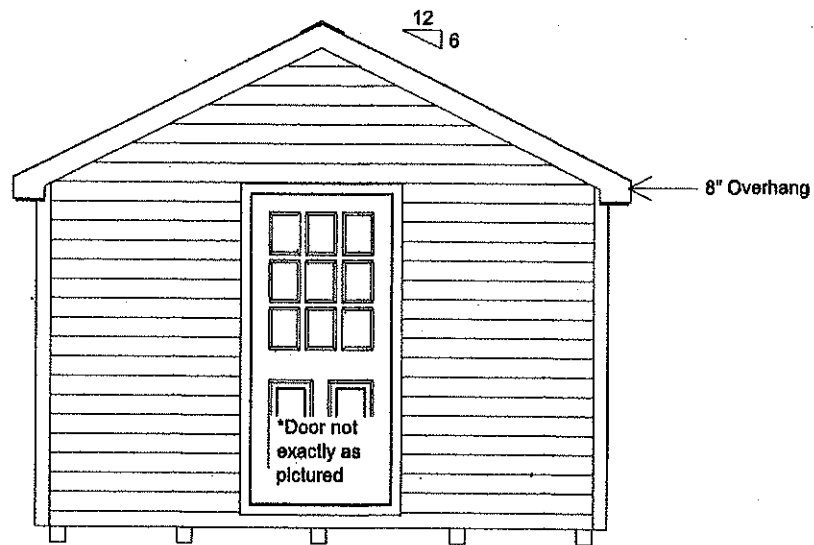
Drawing
Gable View
Scale
1/4" to 1'

Revisions

Drawn By:
Austin Beachy
Date:
02/07/2019

Page No:

4



Sheds Unlimited
2025 Valley Rd
Morgantown, PA 19543
Phone: 717-442-3281
office@shedsunlimited.net

Customer:
Diana Gonzalez
4322 Oneford Place
Chesapeake, VA 23321

Drawing
Gable View
Scale
1/4" to 1'

Revisions

Drawn By:
Austin Beachy
Date:
02/07/2019

Page No:

5



PLANNING COMMISSION PRELIMINARY STAFF REPORT

Meeting Date: October 5, 2021

Item #: 4D

Prepared by: Katie H. Nunez, Interim Planning/Zoning Administrator

Date: September 29, 2021

APPLICANT: Michael Ryan & Anna Lee Wilkins **TYPE OF APPLICATION:** Conditional Use Permit

SITE ADDRESS: 654 Monroe Avenue

SPECIFIC REQUEST: An accessory dwelling unit

TAX MAP: 83A3-1-323

ZONING: Section 4.2 (J)

LOT SIZE: 5,118 sq. ft.

CURRENT ZONING: Residential (R-1)

DATE RECEIVED: August 24, 2021

DATE DEEMED COMPLETE:

LEGAL DEADLINE (90 Days from Complete Application – Directory, not Mandatory):

NARRATIVE OF PROPOSAL

The applicant is seeking to convert an existing 576 sq. ft accessory structure as an accessory dwelling unit, specifically the second floor for living quarters and the first floor for recreation purposes with no parking of vehicles within the structure

AERIAL MAP: *Property outlined in blue*



The Cape Charles Zoning Ordinance Section 4.2 (J) states that:

Accessory Dwellings. 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:

1. Physical characteristics.

- a. Accessory dwellings shall be located in an accessory building.*
- b. Accessory dwellings shall not have a floor area exceeding forty-five (45) percent of the floor area of the main building.*
- c. Accessory dwellings shall have one kitchen and one bathroom.*
- d. Accessory buildings shall not have the appearance of a single-family dwelling.*

2. Occupancy characteristics.

- a. 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 Section 4.3.F.*
- b. 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.*

3. Other requirements.

- a. Accessory dwellings located in accessory buildings may have a separate water meter from the principal dwelling.*
- b. The lot on which an accessory dwelling is located shall have the required minimum lot area for the district in which it is located.*
- c. 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.*
- d. Exterior elevations shall also be approved by the Historic District Review Board when required by Article VIII, Historic Overlay.*

ORDINANCE REQUIREMENTS:

Cape Charles Zoning Ordinance Section 4.3 states that “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.

Additionally, approval of a conditional use permit shall be valid for only the specific use it covers in the specific location designated for a period of one year after approval by the Town Council and the completion of the additional permit process as requested in the application. Applicant shall apply or have applied for all additional permits as provided to the Planning Commission and as required by the Zoning Administrator within one (1) month of the approval by the Town Council. If Applicant fails to apply for any such permit within this time period, the conditional use permit shall be effective as of this date, thirty (30) days after the Town Council approval, unless the Town Council allows for additional time for such application or applications. If not acted upon within one (1) year, the conditional use permit shall become null and void, unless an extension of time is approved by the Town Council for good cause shown before the expiration of the Conditional Use Permit.

STAFF ANALYSIS:

The application for the conversion of an existing, 576 sq. ft. accessory structure from a garage to the second floor as an accessory dwelling unit and the first floor for recreational items (pool table and ping-pong table) demonstrates consistency with the requirements of the Cape Charles Zoning Ordinance Section 4.2 (J) with the exception that the loss of parking on-site within the accessory structure has not been addressed or noted in the application to indicate that the lot can accommodate on-site parking of vehicles.

The Cape Charles Comprehensive Plan Section III.A.5.2. identifies a goal to “Promote compatible infill development and renovation within established neighborhoods” and to specifically “Promote accessory dwelling units to add diversity of housing types, while maintaining the neighborhood character and providing affordable housing options”.

Please note that the applicant has indicated that the site plan and layout of the interior of the structure have been mailed to the office but have not been received by the date of this staff report so I am not able to make a recommendation on this matter until this material is received, as requested by the Planning Commission.

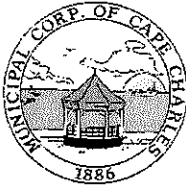
RECOMMENDATION TO PLANNING COMMISSION

I am recommending that the Planning Commission convene and hold the public hearing and receive any public comment but then table the matter until the floor layout and site plan have been received and provided to the Planning Commission for their review and inclusion as part of the application packet.

If these items are received by the office between the distribution of the agenda packet on September 29, 2021 and the public hearing on October 5, 2021, my office will electronically distribute this material and the Commission will determine if they are able to issue a recommendation following the public hearing. If that is the case, then the staff will assist in the development of a motion.

Attachments:

Attachment 1 – CUP Application



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: Remodel Garage
Property Address: 654 Monroe, Cape Charles, VA 23310
Brief Description of Project: Prepare existing space for occupancy.
Zoning District: _____ Current Use: Garage/loft space Proposed Use: Occupancy

OWNER INFORMATION

Name and Company: Michael F. Ryan Anna Lee Wilkins
Mailing Address: 106 Luther Ave, San Antonio, TX 78212
Phone Number: 210/393-8900 Email: dlee.wilkins@hotmail.com

APPLICANT INFORMATION

☒ check here if applicant is owner

Name: Michael F. Ryan Anna Lee Wilkins
Mailing Address: 106 Luther Ave, San Antonio, TX 78212
Phone Number: 210/393-8900 Email: dlee.wilkins@hotmail.com

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: [Signature] Date: 8-24-2021

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

PLANF - Revised 4/19

Conditional Use Permit - Accessory Dwelling Unit Checklist

Date: 8-24-2021

Address: 654 Monroe, Cape Charles, VA 23310

The following criteria are required for one accessory dwelling to 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:

1. Is the accessory dwelling unit located in an accessory building? YES ☒ NO ☐
2. Does the accessory dwelling floor area exceed of forty-five (45) percent of the floor area of the main building? YES ☐ NO ☒ Accessory Dwelling Unit square footage 576
3. Does the accessory dwelling have one kitchen and one bathroom? YES ☒ NO ☐
4. Does the accessory building/dwelling differentiate from the single-family dwelling? YES ☒ NO ☐

The following conditions must be maintained for an accessory dwelling unit 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:

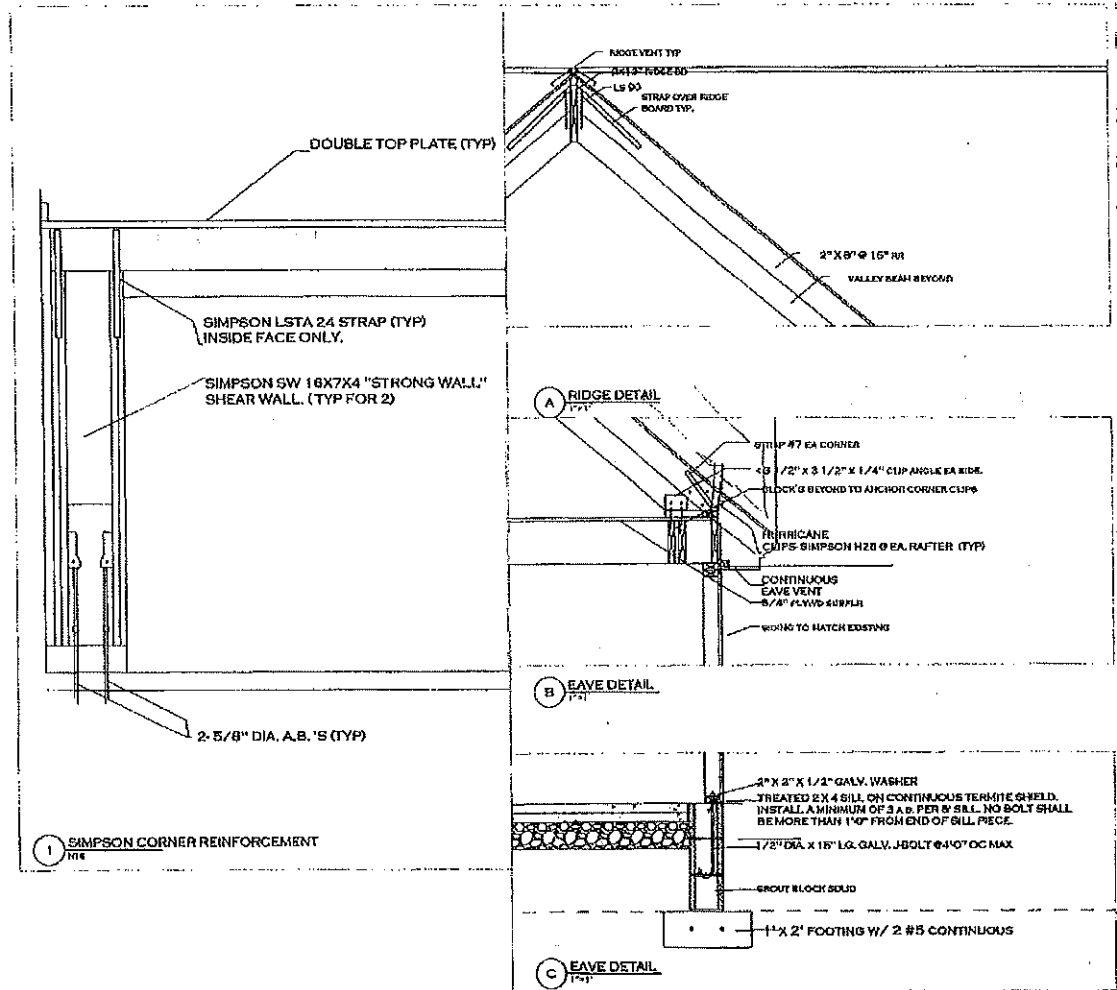
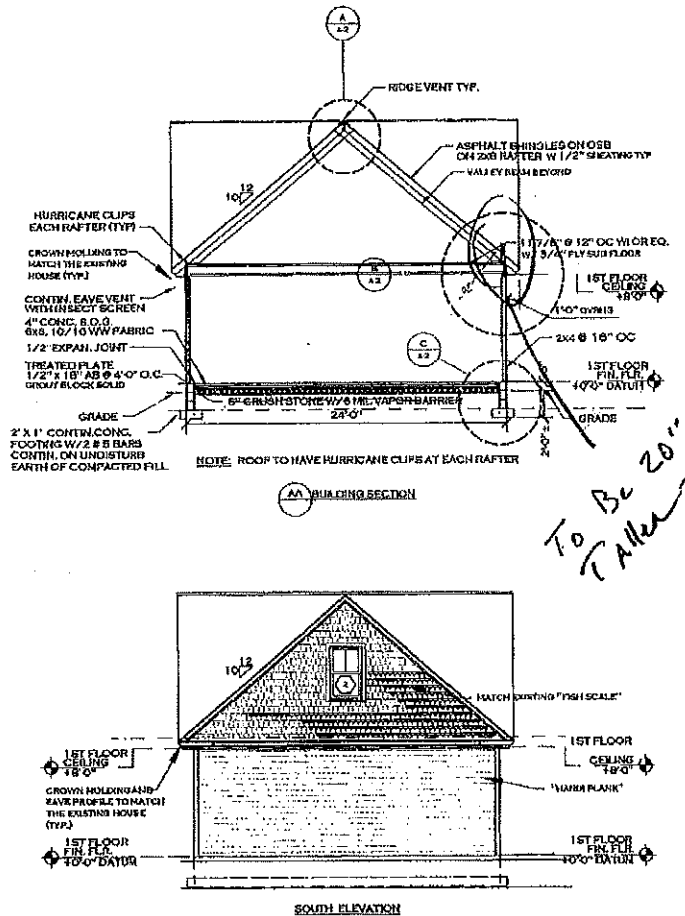
1. Occupancy characteristics.
 - a. Length of stay – No accessory dwelling unit shall be occupied by any person or persons, whether paying a fee for such occupancy or not, for a period less than thirty (30) consecutive calendar days. Upon request from any building, zoning, finance, or public safety official 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 Section 4.3.F.
 - b. 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.
2. Other requirements.
 - a. Accessory dwellings located in accessory buildings may have a separate water meter from the principal dwelling.
 - b. The lot on which an accessory dwelling is located shall have the required minimum lot area for the district in which it is located.
 - c. 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.
 - d. Exterior elevations shall also be approved by the Historic District Review Board when required by Article VIII, Historic Overlay.

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. I am providing authorization to the town authorities to enter my properties to confirm accuracy of information contained in this application.

Signature of Owner: _____

Signature of Applicant: _____



PARHAM
100 LAZARUS, CAPE CHARLES, VIRGINIA 23110-2117
337-211-5111 FAX 337-211-5112
1200 FIVE ARCADE, ARCHITECT, R.A. & ASSOC.

PROPOSED MELBY GARAGE
654 MONROE AVENUE, CAPE CHARLES, VA
ELEVATION, BUILDING AND WALL SECTIONS, AND DETAILS

LP	3/07/08		A-2
0804	1/4"=1'		

Town of Cape Charles Planning Commission By-Laws

ADOPTED: REVISED: September 2021 AMENDED:

ARTICLE ONE AUTHORIZATION

- 1-1 This commission, established in conformance with the resolution passed by the Cape Charles Town Council on October 12, 1976, has adopted the following articles in order to facilitate its powers and duties in accordance with the provisions of Section 15.2-2210 and 15.2-2212, Code of Virginia, 1950, as amended.
- 1-2 The official title of this commission shall be the “Town of Cape Charles Planning Commission.”

ARTICLE TWO PURPOSE

- 2-1 The purpose of the Cape Charles Planning Commission (the “Commission”) is to serve in an advisory capacity to the Town Council by preparing and/or reviewing plans, ordinances, capital improvement programs and other documents for consideration by the Town Council and to carry out activities as designated by the Town Council.

ARTICLE THREE Membership

- 3-1 This Planning Commission shall consist of seven (7) members. One (1) member shall be a representative of the Town Council. The remaining six (6) members shall be referred to as appointed members.
- 3-2 The qualifications of the six (6) appointed members shall be that each is a resident of the Town, qualified by knowledge and experience to make decisions on questions of community growth and development, provided that at least one-half (1/2) of the members so appointed shall be owners of property within of the Town.
- 3-3 The term of the representative from the Town Council shall be for tenure of office.
- 3-4 All other Commissioners shall be appointed for a term of four (4) years; the term of office shall commence on November 1 and expire 4 years hence on October 31.
- 3-5 Any vacancy in membership shall be filled by appointment of Town Council and shall be for the unexpired term only.

- 3-6 Members of the Commission may be removed by the Town Council for malfeasance in office or poor attendance as determined in the sole discretion of the Council. A Commissioner may be removed without limitation in the event that the Commission member is absent from any three consecutive meetings of the Commission or is absent from any four meetings of the Commission within any twelve-month period.
- 3-7 Members of the Commission shall attend and fulfill the requirements of the Virginia Certified Planning Commissioners Program within two calendar years of their appointment.
- 3-8 The Town Council may provide for the payment of expenses incurred by Commission members in the performance of their official duties and for compensation for service. *Note: Town Council has established a \$25 monthly meeting rate as of 07/202; this rate will automatically be adjusted if Town Council adopts new meeting rates.*

ARTICLE FOUR OFFICERS AND THEIR SELECTION

- 4-1 The officers of the Commission shall consist of a Chair, a Vice-Chair, and a Secretary. The Chair and Vice-Chair shall be elected by the membership. The Secretary shall be the Zoning Administrator, Planning Director or their designee.
- 4-2 The elected officers of the Planning Commission shall be elected for a one (1) year term by the Commission from the members at the first regular meeting after November 1 each year.
- 4-3 A candidate receiving a majority vote of a quorum of the Commission shall be duly elected. He shall take office immediately and serve for one (1) year or until his successor shall take office.
- 4-4 Should the Chair and Vice-Chair be absent at any meeting, the member with the most seniority on the Commission, alphabetically, shall preside as temporary Chair until the Chair or Vice-Chair is present.
- 4-5 Vacancies in office shall be filled immediately by regular election procedures at the next meeting after such vacancy has occurred.

ARTICLE FIVE DUTIES OF OFFICERS

5-1 The **Chairman** shall be an appointed member of the Commission and shall:

- 5-1.1 Preside at all meetings.
- 5-1.2 Appoint committee chairmen and members.
- 5-1.3 Be informed immediately of any official communications and report the same at the next regular Commission meeting.
- 5-1.4 Rule on all procedural questions.
- 5-1.5 Carry out other duties as are assigned by the Commission.

5-2 The **Vice Chairman** shall be an appointed member of the Commission and shall:

- 5-2.1 Act in the absence or inability of the Chairman.
- 5-2.2 Have the power to function in the same capacity as the Chairman in cases of the Chairman's inability to act.

5-3 The **Secretary** shall:

- 5-3.1 Keep a written record of all business transacted by the Commission.
- 5-3.2 Notify all members of all meetings.
- 5-3.3 Keep a file of all official records and reports of the Commission.
- 5-3.4 Certify all maps, records, and reports of the Commission.
- 5-3.5 Attend to the correspondence of the Commission.
- 5-3.6 Prepare and be responsible for the publishing of advertisements and public notices relating to all public hearings and public meetings.
- 5-3.7 Keep a set of minutes of the Commission meetings, which, after approval by the Commission, shall be retained in the Department of Planning & Zoning, and posted on the Town website.
- 5-3.8 Forward Commission recommendations to the Town Council along with a summary explanation of the Commission's vote and a summary explanation of any difference(s) between a staff recommendation and commission recommendation on a given matter within five days.

ARTICLE SIX COMMITTEES

6-1 Committees, standing or special, may be appointed by the Chairman, to serve as needed. Such committees shall be subject to the approval of a majority vote of the Commission.

ARTICLE SEVEN MEETINGS

7-1 Regular meetings of the Commission shall be held on the first Tuesday of each month in the Cape Charles Civic Center at 6:00 p.m. When a meeting date falls on a legal holiday, an alternative date shall be designated by the Commission. Meetings may be cancelled in advance by a majority vote of those present at a previous meeting. If the

Chairman, or the Vice Chairman if the Chairman is unable to act, finds and declares that weather or other conditions are such that it is hazardous for Commission members to attend a regularly scheduled meeting, the meeting shall be continued to the following Tuesday at 6:00 P.M. in the Cape Charles Civic Center. Such finding shall be communicated to the members of the Commission and the press and posted on the Town's website as promptly as possible. All hearing and other matters previously advertised shall be conducted at the continued meeting, and no further advertisement is required. Any regular meeting may be cancelled by the Chairman, or the Vice Chairman if the Chairman is unable to act, if there is no new business. The Secretary shall notify the members of the Commission of the cancelled meeting.

- 7-2 Special meetings or work sessions shall be called at the request of the Chairman or at the request of a majority of the membership.
- 7-3 Except as provided for in Section 2.2-3711, Code of Virginia, 1950, as amended (Virginia Freedom of Information Act), all meetings, hearings, records, and accounts of the Commission shall be open to the public. There shall be a Citizen Comment Period at each of the regular Planning Commission meetings. The Citizen Comment Period will allow a member of the Public three (3) minutes to speak about any planning matter, except agenda items scheduled for a Public Hearing. All public participation must comply with the Guidelines for Citizen Participation, as adopted by the Town Council on July 22, 2021, and which are affixed as Appendix A to these Bylaws.
- 7-4 Three or more of the members of the Commission shall constitute a quorum. No action of the Commission shall be valid unless authorized by a majority vote of those present and voting.
- 7-5 No member present shall abstain from voting unless such member has a conflict of interest in the matter being voted upon. A "conflict of interest" shall exist when there is an actual conflict: 1) pursuant to the Virginia State and Local Government Conflict of Interests Act (§ 2.2-3100 et. seq. of the Code of Virginia, or 2) pursuant to Town of Cape Charles Code of Ethics & Meeting Rules of Order, adopted by Town Council on July 22, 2021, and which is affixed as Appendix B to these Bylaws or 3) as stated by the Commission member unless objected to by a majority vote of the members of the Commission with such member asserting such conflict of interest not permitted to vote on such matter.
- 7-6. Commission members are permitted to meet with applicants outside of a Planning Commission meeting and Commission members shall publicly disclose any meetings at the next available Commission meeting by providing names of those persons in attendance and a summary of the reason(s) for such meeting, topics of discussion and any conclusions or findings as a result of the meeting.
- 7-7. The Secretary, in reporting votes of the Commission to the Town Council, shall indicate the recorded vote including any abstentions and absences.

ARTICLE EIGHT ORDER OF BUSINESS

- 8-1 The order of business for a regular meeting shall be:
- 8-1.1 Call to order by the Chairman.
 - 8-1.2 Roll call; determination of a quorum.
 - 8-1.3 Invocation and Pledge of Allegiance
 - 8-1.4 Consent Agenda: A) Acceptance of the Agenda; B) Presentation of the minutes; & C) Other
 - 8-1.5 Unfinished business.
 - 8-1.6 New business, including Public Hearings.
 - 8-1.7 Report of officers and committees.
 - 8-1.8 Citizen Comment Period
 - 8-1.9 Standing Staff Reports:
 - A) Subdivision Agent &
 - B) Board of Zoning Appeals Applications received, pursuant to Section 2.2-3711 of the Code of Virginia
 - 8-1.10 Adjournment.
- 8-2. The first item of business for the first regular meeting after November 1 of each year shall be the election of new officers.
- 8.3 Parliamentary procedures in the Commission meetings shall be governed by Robert's Rules of Order, specifically by the provisions which pertain to the Procedure in Small Boards. The Chair may speak, make motions and vote on all matters.
- 8-3.1 Motions shall be restated before a vote is taken.
 - 8-3.2 A tie vote on any motion means the defeat of the motion for a lack of a majority vote.
- 8.4 The Commission shall keep a set of minutes of all meetings, and these minutes shall become a public record.
- 8.5 The Commission shall retain the option to invite public comment by those present at a business meeting at such times as the Commission deems necessary.

ARTICLE NINE HEARINGS

- 9-1 The Commission, in addition to those required by law, following Town Council referral, shall hold public hearings.
- 9-2 Notice of a hearing shall be published in a newspaper having general circulation in the area once a week for two (2) successive weeks specifying the time and place of hearing at which persons affected may appear and present their views, not less than five (5) days nor more than twenty-one (21) days after final publication, or as otherwise set forth in the Code of Virginia. Non-l e g a l matters, or informational

meetings not covered by the Code of Virginia, but called by the Commission, may be advertised once in a/any paper deemed appropriate by the Commission for the meeting purpose.

9-3 The procedures followed for a public hearing on any matter shall be:

- 9.3.1 The legal advertisement is read, and the public hearing is opened.
- 9.3.2 The matter/case before the Commission shall be summarized by the Planning Director/Zoning Administrator. Presentations by staff shall be limited to fifteen (15) minutes unless additional time is authorized by the Commission.
- 9.3.3 The applicant, or their designated agent and/or legal representative, may make a presentation, combined total of fifteen (15) minutes, unless additional time is authorized by the Commission.
- 9.3.4 The Commission may recall a staff member or applicant to obtain specific information or ask additional questions regarding the matter or case.
- 9.3.5 Public Comments: Members of the public shall have three (3) minutes to speak or submit written comments in accordance with the Guidelines for Citizen Participation (Appendix A).
- 9.3.6 The applicant and staff are each provided an opportunity to provide a rebuttal or to clarify information in response to public comments, limited to five (5) minutes.
- 9.3.7 Staff recommendation is presented.
- 9.3.8 If the Planning Commission does not require additional information, then the Public Hearing is closed.
- 9.3.9 Planning Commission opens discussion on the matter and entertains votes for the recommendation and disposition of the matter.

ARTICLE TEN CORRESPONDENCE AND APPLICATION INFORMATION

- 10-1 The Secretary shall draft and sign all correspondence necessary for the execution of the duties and functions of the Planning Commission.
- 10-2 The Secretary shall communicate by telephone or other means when necessary to make communications that cannot be carried out as rapidly as required through direct correspondence.
- 10-3 A complete application from an applicant for consideration of Commission action shall be submitted generally to the Secretary not less than sixty (60) days preceding the meeting proposed for such consideration. Depending on the scope of work the Secretary may determine additional time is required for application review before such application is scheduled for consideration by the Commission and the applicant will be notified, in writing, of such action(s) and also shall be advised when an application may be considered complete and may be scheduled for Commission action.

- 10-4. All official papers and plans involving the authority of the Commission shall bear the signature of the Secretary.

ARTICLE ELEVEN
AMENDMENTS

- 11-1 These rules may be changed by a recorded two-thirds (2/3) vote of the entire membership after thirty (30) day's prior notice.

Town of Cape Charles Guidelines for Citizen Participation

Town Council meetings are open to the public, except when the Council invokes the provisions of the Virginia Freedom of Information Act to discuss an authorized topic under a closed (Executive) session. A period of Public Comment shall be provided as part of the Agenda for the Council's regular monthly meetings. The Public Comment period is an obligation of the Council to provide members of the public an opportunity to address the Council on legitimate matters of town business. This period shall be governed by the following provisions:

Eligibility

Only those citizens with standing in the Town of Cape Charles will be provided the opportunity to provide input during the Public Comment period. Citizens with standing include full-time residents, property owners, and business owners within the corporate boundaries of the Town of Cape Charles. State, federal, and county officials representing/serving the Town of Cape Charles are also eligible. When eligibility is called into question, input may be provided upon affirmative vote of the Council.

Registering

Persons having an interest in making in-person comments to the Town Council during the Public Comment period must register on a sign-up sheet, including their name and basis for standing, indicating the item or topic on which they wish to speak. The sign-in sheet is available at the main entrance to the Council meeting and must be completed prior to the start of the meeting. The Mayor will recognize speakers at the appropriate time.

Persons having an interest in providing written comments to the Town Council during the Public Comment period must provide such comments to the Town Clerk no later than 60 minutes prior to the start of the meeting. Written comments must include a full name, basis for standing, and the agenda item or topic on which they wish to comment. The Clerk will read authorized comments into the record following all in-person speakers during the Public Comment period.

Members of Council are not permitted to sign-up and make comment during the Public Comment period unless an agenda item being considered has a direct impact upon the Council member or his/her interests, they have declared a potential conflict of interest, and the remaining Council members have voted to excuse that Council member from official action on the related item.

Regulations:

Cell Phone and Recordings

- Ringers on cell phones or pagers shall be turned off during the time that persons are at a Town Council meeting.
- The taking of photographs and video or audio recordings of a speaker or the activities during a meeting of Town Council shall be no closer than the front row of seating or other location designated by the Mayor or presiding officer to avoid disruption to the meeting and to promote public safety. The photographer or recorder shall take steps to avoid obstructing the aisles or other areas for any length of time in such a manner as to prevent other citizens from taking photographs, or to block the view of other citizens attending the meeting. No flashes or lighting devices may be used by photographers or operators of video recording equipment.

Speaking

When a speaker is called by the Mayor or presiding officer, the following is required:

- Speakers shall speak into the microphone to ensure that their name and remarks are heard and recorded as a part of the record of the meeting.
- Speakers shall state their full name and basis for standing and topic to which they are speaking.
- If a speaker represents a group or organization, the speaker shall indicate the name of the organization and the speaker's relationship to the group or organization. Speakers may ask others from their group or organization to stand at their seats to be recognized while the group's or organization's name is announced, but non-speakers or individual members are not permitted to stand with the speaker at the podium and for safety reasons, no members of the group or organization are permitted to stand in the aisles or doorways at Town Council meetings. Those members of a group or organization who do stand when the name of the group or organization is announced shall then be seated.
- Speakers shall address remarks to the Mayor and members of Council and not to the audience.
- Speakers shall state their position, give the facts to substantiate their position, and relate the concerns they believe the Town Council should consider.
- Speaker's comments will be made part of the record and a written copy should be delivered to the Town Clerk for inclusion. If other supportive material is available, it should also be delivered to the Town Clerk for the record.
- Speakers shall refrain from campaigning for public office, personal attacks upon members of the Town Council, Town employees or officials, or any other person.
- Speakers shall refrain from words or statements which, from their usual construction and common acceptance, are construed as insults or which have a tendency to cause an act of violence or a breach of the peace.
- Speakers shall refrain from abusive language, obscenity, vulgarity, and profanely cursing or swearing.
- Speakers shall refrain from actions that would interrupt the public meeting.
- All comments must come directly from the speaker.

Time limitations for remarks

- In-person speakers shall confine their remarks to no more than three (3) minutes. Speakers will be advised when their three (3) minutes have concluded.
- Persons providing written input must limit their comments to no more than can be read by the Town Clerk within three (3) minutes. Written comments provided beyond what can be read during the allotted time will not be entered into the record.
- Speakers cannot "yield," "transfer" or "designate" their time to another speaker in an effort to provide another speaker more than the allotted three (3) minutes.
- The Mayor or other presiding officer shall have the right to limit redundant remarks, as well as the overall time provided for remarks based on consideration of the time available and the need to complete the meeting efficiently.
- After a speaker has concluded his or her remarks, the speaker shall be seated.

Decorum and order

- For safety reasons, petitioning, picketing, displaying signs or posters, solicitation, demonstrating, pamphlet distribution, conducting polls, and blocking of the entryway shall not be permitted at a Town Council meeting or within one hundred (100) feet of any doorway to the meeting location.
- These guidelines do not preclude speakers, when addressing the Town Council, from delivering to the Council members by way of the Town Clerk written materials including reports, statements, exhibits, letters, or signed petitions. Nor do these guidelines preclude those addressing the Town Council from using a chart or graph during their remarks.
- Speakers and members of the audience shall be respectful of others, even if they do not agree with others' comments.
- The Mayor or other presiding officer shall preserve decorum and shall decide all questions of public order.
- At the request of the Mayor or Town Manager, one or more persons, including Town police officers shall act as sergeant-at-arms or sergeants-at-arms at all Town Council meetings. The sergeant-at-arms or sergeants-at-arms shall, under the direction of the Mayor or other presiding officer, have charge of the Council meeting location, and shall prevent disorder or interruption of the business of Town Council.
- Applause shall be permitted only during awards and presentations. Flash photography will be permitted at this time.
- Violation of these rules by speakers or members of the audience shall enable the Mayor or other presiding officer to rule the speaker or member of the audience out of order and by directive to have the speaker or member of the audience removed from the meeting, if necessary, and to take such other steps the Mayor or other presiding officer deems appropriate. The Mayor's or other presiding officer's decision to remove or rule a speaker or member of the audience out of order shall be final. One (1) warning will be given and if not heeded, the speaker or member(s) of the audience shall be escorted from the meeting.
- Any citizen is welcome to address their concerns informally with the Mayor, Town Council or Town Manager at any time outside of a Town Council meeting.

Town Council Response

Council members or Town employees shall not respond to questions posed nor address or rebut speaker's statements made during the Public Comment period. The Council, at its discretion, may direct matters raised during the Public Comment period be placed on the Agenda of a future meeting.

The Town Council hopes these Guidelines will encourage the greatest possible participation by citizens in the Town Government.

Applicability

While these guidelines reference the Town Council specifically, they shall also apply to all Town boards, commissions, and committees as appropriate.

Thank you for your interest and participation in your Town Council meeting. The Mayor and Town Council invite and encourage you to attend whenever possible because good, responsive government depends on the interest and involvement of all citizens.

Appendix B



Town of Cape Charles Code of Ethics & Meeting Rules of Order

Adopted July 22, 2021

Preamble

The citizens and businesses of the Town of Cape Charles, Virginia, are entitled to have fair, ethical and accountable local government, which has earned the public's full confidence for integrity. The effective functioning of representative government requires that public officials, both elected and appointed, comply with both the letter and spirit of the laws and policies affecting the operations of government; that public officials be independent, impartial, and fair in their judgment and actions; that public office be used for the public good, not for personal gain; and that public deliberations and processes be conducted openly, unless legally confidential, in an atmosphere of respect and civility.

To this end, the Town of Cape Charles Town Council has adopted this Code of Ethics and Rules of Order for members of the Town Council and of the Town's boards, commissions, and committees to assure public confidence in the integrity of local government and its effective and fair operations.

Code of Ethics

1. Act in the Public Interest

Recognizing that stewardship of the public interest must be their primary concern, members will work for the common good of the people of the Town of Cape Charles and not for any private or personal interest, and they will assure fair and equitable treatment of all persons, claims, and transactions coming before the Town of Cape Charles Town Council, boards, commissions, and committees.

2. Comply with the Law

Members shall comply with the laws of the nation, the Commonwealth of Virginia, and the Town of Cape Charles in the performance of their public duties. These laws include but are not limited to the United States and Virginia Constitutions; the Charter of the Town of Cape Charles; laws pertaining to conflicts of interest, election campaigns, employer responsibilities, open processes of government; and Town ordinances and policies.

3. Conduct of Members

The professional and personal conduct of members must be above reproach and avoid even the appearance of impropriety. Members shall refrain from abusive conduct or language, personal charges or verbal attacks upon the character or motives of other members of the Town Council, boards, commissions, committees, the staff, or the public.

4. Respect for Process

Members shall perform their duties in accordance with the processes and Rules of Order established by the Town Council; they shall respect the deliberation of public policy issues of other bodies, the meaningful involvement of the public, and the Town staff's implementation of policy decisions of the Town Council.

5. Conduct of Public Meetings

Members shall prepare themselves for public business; listen courteously and attentively to all public discussions before the body; and focus on the issues at hand. They shall refrain from interrupting other speakers; making personal comments not germane to the business of the body; or otherwise interfering with the orderly conduct of meetings.

6. Decisions Based on Merit

Members shall base their decisions on the merits and substance of the matter at hand, rather than on unrelated considerations.

7. Communication

Members shall publicly share substantive information that is relevant to a matter under consideration by the Town Council or boards, committees, and commissions, which they may have received from sources outside of the public decision-making process.

8. Gifts and Favors

A member should never accept for himself or herself or for family members, gifts, favors, or benefits under circumstances which might be construed by reasonable persons as influencing the performance of governmental duties.

9. Confidential Information

Members shall respect the confidentiality of information concerning the property, personnel, or affairs of the Town. They shall neither disclose confidential information without proper legal authorization, nor use such information to advance their personal, financial, or other private interests.

10. Use of Public Resources

Members shall not use public resources that are not available to the public in general, such as Town staff time, equipment, supplies, or facilities, for private gain or personal purposes.

11. Advocacy

Members shall represent the official policies or positions of the Town Council, boards, commissions, or committees to the best of their ability when designated as delegates for this purpose. When representing their individual opinions and positions in any venue, members shall explicitly state they do not represent their body of Town of Cape Charles, nor will they allow the inference that they do.

12. Policy Role of Members

The Town Council determines the policies of the Town with the advice, information, and analysis provided by the public boards, commissions, committees, and Town staff. The Town Council delegates authority for the administration of the Town to the Town Manager.

Members, therefore, shall not interfere with the administrative functions of the Town or the professional duties of Town staff, nor shall they impair the ability of staff to implement Town Council policy decisions. Inquiries to staff shall be made through the Town Manager or the appropriate department manager or director as authorized by the Town Manager.

13. Independence of Town Council and Commissions

Because of the value of the independent advice of boards, committees, and commissions to the public decision-making process, members of the Town Council shall refrain from using their positions to unduly influence the deliberations or outcomes of board, committee, or commission proceedings.

14. Positive Workplace Environment

Members shall support the maintenance of a positive and constructive workplace environment for Town employees, citizens, and businesses dealing with the Town. Members shall recognize their special role in dealings with Town employees and in no way create the perception of inappropriate direction to staff. All requests for staff resources must be approved by the Town Manager.

15. Implementation

Ethical standards shall be included in the regular orientations for candidates for the Town Council, applicants to boards, committees, commissions, and newly elected and appointed officials. Members entering office shall sign a statement affirming they have read and understood the Town of Cape Charles Code of Ethics and Rules of Order. In addition, the Town Council, boards, committees, and commissions, shall annually review the Code of Ethics and Rules of Order, and the Town Council shall consider recommendations from boards, committees, and commissions to update it as necessary.

16. Compliance and Enforcement

The Town of Cape Charles Code of Ethics expresses standards of ethical conduct expected of Members of the Town of Cape Charles Town Council, boards, committees, and commissions. Members themselves have the primary responsibility to assure that ethical standards are understood and met, and that the public can continue to have full confidence in the integrity of government.

The chairs of boards, committees, and commissions and the Mayor of the Town of Cape Charles have the additional responsibility to intervene when actions of Members that appear to be in violation of the Code of Ethics are brought to their attention.

A violation of this Code of Ethics shall not be considered a basis for challenging the validity of a Town Council, board, committee, or commission decision. However, it may be considered when the Town Council is determining the suitability of any person to serve in any appointed position.

Conflict of Interest

In order to assure their independence and impartiality on behalf of the common good, members shall not use their official positions to influence government decisions in which they have a material financial interest and shall disclose any substantial organizational responsibility or personal business relationship to the parties in any matter coming before them. In accordance with the law, members shall disclose investments, interests in real property, sources of income, and gifts; and they shall abstain from participating in deliberations and decision-making where conflicts are determined to exist. This paragraph is not intended to unduly restrict members who have minor business or professional dealings with clients whose matter comes before them.

1. Abstention

As elected or appointed officials, members have a duty/obligation to represent their constituents in all public matters coming before their body. It is not appropriate for individual members to decide in which matters they should abstain. If a member believes they have a conflict of interest on any matter before their body, they are REQUIRED to disclose it before deliberations on that business begins. However, it shall be up to the remaining members of that body to determine if an actual conflict exists and if the member disclosing the potential conflict can be excused from participating in the business. If the body votes to allow the member to recuse him/herself, that member will not participate in any of the discussions or vote related to that business. Failing a vote to allow recusal, the member shall participate as normal.

2. Representation of Third-Party Interests

In keeping with their role as stewards of the public interest, members of the Town Council shall not appear on behalf of the private interests of third parties before the Town Council or any board, committee, commission, or proceeding of the Town; nor shall members of boards, committees, or commissions appear before their own bodies or before the Town Council on behalf of the private interests of third parties on matters related to the areas of service of their bodies. This provision should not unduly restrict a member's participation who is associated with, but not representing, community or non-profit organizations serving the Town, whose matter comes before them.

Meeting Rules of Order

The following rules of order are to serve as a non-binding guide to the conduct of business. It is the duty of the Mayor or other presiding officer to conduct meetings in accordance with the Code of Virginia, the Town Charter, applicable Bylaws, and in a manner intended to promote open, civil, and fair discussion of all issues.

1. Meeting Types

All meetings of the Town of Cape Charles fall under the provisions of the Virginia Freedom of Information Act (FOIA). All members will receive training on VA FOIA requirements upon initial appointment, as well as periodic refreshers. The Town Clerk will ensure FOIA training is completed, and that all records of the training are maintained. This document is not to be considered a substitute for FOIA training and offered only as a summary overview.

The public must be provided notice and access to all Town meetings.

- **Regular Meeting:** Meetings required by Charter or Bylaws to occur on a regular interval to conduct the primary business of the body. These meetings are conducted more formally, with established procedure. The Mayor or presiding officer will enforce these procedures to ensure proper decorum and efficient flow of business. Agendas will include a public comment period on any topic in accordance with public comment procedures established by the Town Council.
- **Special Meeting:** Meetings to conduct official business of the body that are deemed necessary in addition to Regular Meetings. Special Meetings are also conducted formally but may not include all Regular Meeting agenda items. Public comments will be permitted but limited to only business items on the agenda. Special meetings may be called by the Mayor, Chairperson, Town Manager, or any three members of a body.
- **Work Session:** Informal meetings of the body that allow for relaxed procedure enabling freer flowing discussion. No official action may be taken during a work session, however determining consensus on items to be brought forward to a Regular or Special meeting is appropriate. Work Sessions are generally used for (but not limited to) brainstorming, information gathering, planning efforts, budget review, or when more time is needed on a particular item than is typically afforded during formal meetings. The public must be permitted the opportunity to observe work sessions but are not typically permitted an opportunity to provide comments. The Mayor or presiding officer may on special circumstance, allow public comment. Work sessions may be called by the Mayor, Chairperson, Town Manager, or any three members of a body.
- **Closed Session:** Closed Sessions (Executive Sessions) are authorized by FOIA to discuss certain confidential matters limited to specific purposes, while using very specific procedures. Though a portion of this meeting is closed to the public, other portions are open. The public must be permitted to observe the motion to go into Closed Session as well as the certification upon leaving the Closed Session.
- **Public Hearing:** Public Hearings are intended to solicit public feedback on specific topics. These topics will be advertised in advance. Input may be made in person or in writing. All comments will adhere to the Town Council approved guidelines. Comments will be directed to the body and not to any individual. Members shall not respond to questions posed nor address or rebut speaker's statements made during the Public Hearing.
- **Town Hall Meeting:** An informal meeting where no official action is taken. A Town Hall Meeting is essentially a Work Session that involves the public. These meetings are typically focused on one or two topics and encourages dialog between members and the public. A primary goal of a Town Hall meeting is to provide decision makers with in-depth public perspectives prior to taking an official action.

- Social or Community Events: These are gatherings where no official business is conducted, but where Town issues may be informally discussed. If more than two members will be present in their capacity as a Town official, the gathering should be posted. There are no agendas or minutes associated with these functions.

2. Motions

- Unanimous Consent: Routine business is typically conducted by unanimous consent. This is an informal process that allows business to be conducted expeditiously. The procedure is for the presiding officer to ask whether anyone objects to a particular action and then to state, "Hearing no objection the action will be taken by unanimous consent." Note that even when a member is not in favor of a particular action the member may chose not to object in the interest of moving the agenda forward. In other words, unanimous consent does not mean that everyone was actually in favor of the action. If anyone objects, then the action must be addressed with a formal motion and vote.
- Main Motion: This is the motion that brings business before the council or other body. Such motions should be stated in a concise form and should generally be in writing to avoid misunderstandings. It must be seconded and when voted upon will ordinarily require a simple majority vote. There are circumstances where a super majority may be required. such as in the disposition of real estate. Before voting on the motion the presiding officer should call for discussion. The presiding officer should allow for discussion until it terminates by *unanimous consent* or is formally terminated by a subsidiary motion (discussed below).

When the motion is ripe for a vote the presiding officer should call for "all in favor" and then "all opposed." The presiding officer should then clearly state either the "motion passes" or the "motion fails." Generally, in the event of a tie the presiding officer may cast the deciding vote. The Town Charter expressly allows the Mayor to vote in the event of a tie. Any member may request a roll call vote.

- Subsidiary Motions:
 - Motion to Postpone Indefinitely (sometimes incorrectly called a motion to table): Normally used to put aside business that is not ripe for consideration. such as when further study is required. It requires a second. is debatable and is not amendable.
 - Motion to Amend: This is a motion to amend the wording and sometimes the meaning of the main motion. It requires a second and is debatable. It is also amendable *one time*. Note that a vole to adopt the amendment is not a vote on the main motion. Once the motion to amend is adopted the amended main motion must then be voted on as well. Often. simple motions to amend are adopted by unanimous consent. Also. note that whether the member that offered the original motion is willing to accept the proposed amendment or not is irrelevant. It must still be seconded and voted upon or adopted by unanimous consent.

- Motion to Refer: This is a motion to refer a matter to a committee or other body for action. In effect, when the motion is to refer the matter to a "workshop, it is a motion to refer the matter to a committee comprised of the entire council or other body (a committee of the whole). It requires a second and is debatable.
- Postpone to a Certain Time: Used when a matter is best considered at a different time to allow for the orderly conduct of business. It requires a second and is debatable.
- Motion to Limit Debate: Used to put a limit on the time permitted for debate of a motion. It requires a second, is not debatable and traditionally requires a two-thirds vote. Since the Town Charter allows for business to be conducted based on a majority vote, if a motion to limit debate does not pass by a two-thirds vote, then after further debate for a reasonable time the motion shall require only a majority vote.
- Motion of the Previous Question (often referred to as "a motion to call the question" or "motion to bring the matter to a vote"): Used to end debate and bring the pending motion to a vote. It requires a second, is not debatable, and traditionally requires a two-thirds vote. Since the Town Charter allows for business to be conducted based on a majority vote, if a motion of the previous question does not pass by a two-thirds vote, then after further debate for a reasonable time the motion shall require only a majority vote.
- Motion to Lay on the Table (often confused with a motion to postpone indefinitely): Used to temporarily interrupt pending business so that another matter can be considered first. It requires a second and is not debatable. This is often done by unanimous consent to move business forward.
- Motion to Recess: This is a motion to take a short break in the proceeding. It requires a second and is not debatable.
- Motion to Adjourn: This motion closes the meeting. It requires a second and is not debatable.

3. Agenda

The presiding officer should make a reasonable effort to conduct business in accordance with a consent agenda. The agenda should be organized to promote the orderly conduct of business. If the members cannot agree on the agenda, it should be presented by motion and subject to a vote. Keep in mind that even after an agenda is approved it can be amended. Often that is done by unanimous consent at the suggestion of the presiding officer to expedite the meeting. The procedure is for the presiding officer to state, "Is there any objection to amending the agenda [explain]. Hearing no objection, the agenda is so amended by unanimous consent."

4. Other Issues

- Mayor's Veto: The Town Charter provides the Mayor with "the power of veto over the ordinances and resolutions of the council, but such ordinances and resolutions may be passed over such veto by a two-thirds vote of the members of the town council present and meeting." With a six-member council the override requires a vote of four members if all are present and voting.
- Quorum: The Town Charter provides that "four members of the town council shall constitute a quorum for the transaction of business at any meeting." The bylaws of other bodies establish the number of members required for a quorum. The Code of Virginia provides that if a member is disqualified due to a conflict of interest "the remaining member or members shall constitute a quorum for the conduct of business and have authority to act for the agency by majority vote, unless a unanimous vote of all members is required by law, in which case authority to act shall require a unanimous vote of remaining members." 2.2-3112.C.

Acknowledgement

I _____ (printed name), a sitting member of
_____ (body), hereby certify that I have
been given a copy, read, understand, and will abide by the above Town of Cape Charles Code of
Ethics & Meeting Rules of Order, adopted on July 22, 2021.

_____ (signature)

_____ (date)



PLANNING COMMISSION PRELIMINARY STAFF REPORT

Meeting Date: October 5, 2021

Item #: 7A1

Prepared by: Katie H. Nunez, Interim Planning/Zoning Administrator

Date: September 29, 2021

APPLICANT: Sam & Amy Scharpf
SITE ADDRESS: 410 Harbor Avenue/100
Madison Avenue
TAX MAP: 83A3-2-8-7
LOT SIZE: 4,640 sq. ft.

TYPE OF APPLICATION: Conditional Use Permit
SPECIFIC REQUEST: An accessory dwelling unit located
on second floor of accessory structure
ZONING ORDINANCE: Section 4.2 (J)
CURRENT ZONING: Residential (R-1)

DATE RECEIVED: September 16, 2021

DATE DEEMED COMPLETE: September 29, 2021

LEGAL DEADLINE (90 Days from Complete Application – Directory, not Mandatory): December 28, 2021

NARRATIVE OF PROPOSAL

The applicant is seeking to remove the existing shed and construct an accessory structure with 390 square feet with the first floor to be used as a garage and the second floor as an accessory dwelling unit. The proposed inclusion of an apartment on the second floor of the garage structure requires a Conditional Use Permit.

AERIAL MAP: *Property outlined in blue*



Staff has been working with the applicant over the last several months in submitting a complete application for the accessory structure, including the application for a Conditional Use Permit (CUP).

The Cape Charles Zoning Ordinance Section 4.2 (J) states that:

Accessory Dwellings. 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:

1. Physical characteristics.

- a. Accessory dwellings shall be located in an accessory building.*
- b. Accessory dwellings shall not have a floor area exceeding forty-five (45) percent of the floor area of the main building.*
- c. Accessory dwellings shall have one kitchen and one bathroom.*
- d. Accessory buildings shall not have the appearance of a single-family dwelling.*

2. Occupancy characteristics.

- a. 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 Section 4.3.F.*
- b. 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.*

3. Other requirements.

- a. Accessory dwellings located in accessory buildings may have a separate water meter from the principal dwelling.*
- b. The lot on which an accessory dwelling is located shall have the required minimum lot area for the district in which it is located.*
- c. 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.*
- d. Exterior elevations shall also be approved by the Historic District Review Board when required by Article VIII, Historic Overlay.*

Staff is requesting the Planning Commission to review the application submitted and provide input and direction to the staff regarding any items of potential concern or clarification and authorize staff to schedule a public hearing on this application for your November 9, 2021, meeting. Staff will prepare a comprehensive staff report for that public hearing which evaluates the application in compliance with

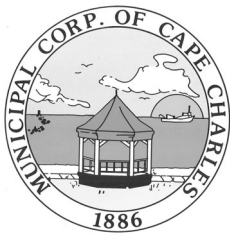
the requirements of the Cape Charles Zoning Ordinance and any other matters identified by the Planning Commission.

STAFF RECOMMENDATION:

Staff recommends that the Planning Commission schedule a public hearing on November 9, 2021, for a Conditional Use Permit for an Accessory Dwelling Unit at 410 Harbor Avenue/100 Madison Avenue on an application filed by Sam & Amy Scharpf, pursuant to Cape Charles Zoning Ordinance Section 4.2 (J).

Attachments:

Attachment 1 – CUP Application Packet



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: 410 Harbor Ave. Accessory Dwelling
Property Address: 410 Harbor Ave. Cape Charles, VA 23310
Brief Description of Project: Tear-down of shed and construction of Accessory Dwelling
Zoning District: HIST Current Use: Residential Proposed Use: Long term rental

OWNER INFORMATION

Name and Company: Sam & Amy Scharpf
Mailing Address: 410 Harbor Ave. Cape Charles, VA 23310
Phone Number: 202.365.4814 Email: samscharpf@yahoo.com

APPLICANT INFORMATION

☒ check here if applicant is owner

Name: Sam & Amy Scharpf
Mailing Address: 7829 Fulbright Court, Bethesda, MD 20817
Phone Number: 202.365.4814 Email: samscharpf@yahoo.com

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: Samford A. Scharpf Digitally signed by Samford A. Scharpf
Date: 2021.09.16 15:10:26 -04'00' Date: 9/16/2021

Conditional Use Permit - Accessory Dwelling Unit Checklist

Date: 9/16/2021

Address: 410 Harbor Ave. Cape Charles, VA

The following criteria are required for one accessory dwelling to 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:

1. Is the accessory dwelling unit located in an accessory building? YES ☒ NO ☐
2. Does the accessory dwelling floor area exceed of forty-five (45) percent of the floor area of the main building? YES ☐ NO ☒ Accessory Dwelling Unit square footage 390
3. Does the accessory dwelling have one kitchen and one bathroom? YES ☒ NO ☐
4. Does the accessory building/dwelling differentiate from the single-family dwelling? YES ☒ NO ☐

The following conditions must be maintained for an accessory dwelling unit 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:

1. Occupancy characteristics.
 - a. 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 Section 4.3.F.
 - b. 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.
2. Other requirements.
 - a. Accessory dwellings located in accessory buildings may have a separate water meter from the principal dwelling.
 - b. The lot on which an accessory dwelling is located shall have the required minimum lot area for the district in which it is located.
 - c. 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.
 - d. Exterior elevations shall also be approved by the Historic District Review Board when required by Article VIII, Historic Overlay.

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. I am providing authorization to the town authorities to enter my properties to confirm accuracy of information contained in this application.

Signature of Owner: Samford A. Scharpf

Digitally signed by Samford A. Scharpf
Date: 2021.09.16 15:22:37 -04'00'

Signature of Applicant: Samford A. Scharpf

Digitally signed by Samford A. Scharpf
Date: 2021.09.16 15:22:47 -04'00'

Letter of Intent for: 410 Harbor Ave. Accessory Dwelling

We would like to tear down the existing dilapidated shed and build a two-story structure in its place. The first floor would serve as a garage and storage space for tools and yard items. The second floor would contain a living room, kitchen, bathroom, and bedroom, and ultimately serve as a long-term rental unit for local workers, like teachers and other professionals.

Sam & Amy Scharpf

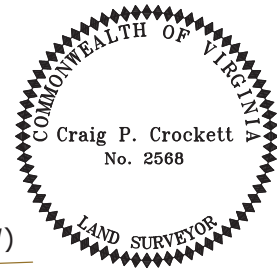
410 Harbor Ave.

Cape Charles, VA 23310

202.210.4590

SURVEYORS CERTIFICATION

I, CRAIG P. CROCKETT, A LICENSED LAND SURVEYOR, HEREBY CERTIFY THAT THIS PLAT WAS MADE BY ME AT THE REQUEST OF THE OWNERS AND THAT THIS SURVEY IS ENTIRELY WITHIN THE BOUNDARIES OF LAND COVERED BY THE DEED DESCRIBED HEREON AND THAT MONUMENTATION IS ACTUALLY IN PLACE OR WILL BE SET AT POINTS MARKED AS SHOWN HEREON AND THAT THEIR LOCATIONS ARE CORRECTLY SHOWN. THIS SURVEY IS CORRECT AND COMPLIES WITH THE MINIMUM PROCEDURES AND STANDARDS ESTABLISHED BY THE VIRGINIA BOARD FOR ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS, CERTIFIED INTERIOR DESIGNERS, AND LANDSCAPE ARCHITECTS. THIS PLAT IS BASED ON A CURRENT FIELD SURVEY.



GENERAL NOTES:

1. OWNERS: SAMFORD ADAMS SCHARPF & AMY CHEN SCHARPF

2. TAX PARCEL: 83A3-2-8-7

3. SOURCE OF TITLE: INST. 180001287

4. A SURVEY WAS PERFORMED ON THIS PROPERTY IN JANUARY 2020 WITH A BOUNDARY CLOSURE WHOSE PRECISION EXCEEDS 1:10,000.

5. THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A CURRENT TITLE REPORT AND MAY NOT SHOW ANY/ALL EASEMENTS OR RESTRICTIONS THAT MAY AFFECT SAID PROPERTY AS SHOWN OR WETLANDS, ENVIRONMENTAL HAZARDS, CEMETERIES AND UNDERGROUND STRUCTURES NOT OBSERVED DURING THE COURSE OF THE SURVEY.

6. ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY (F.E.M.A.) FLOOD INSURANCE RATE MAP COMMUNITY PANEL NO. 51131C0295F, DATED 03-02-15, THE PROPERTY SHOWN HEREON FALLS IN ZONE OF 0.2% ANNUAL CHANCE.

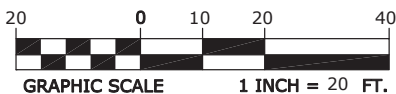
7. PLAT REFERENCES:
D.B. 41, P. 484 (PLAT)
D.B. 65, P. 181 (PLAT)



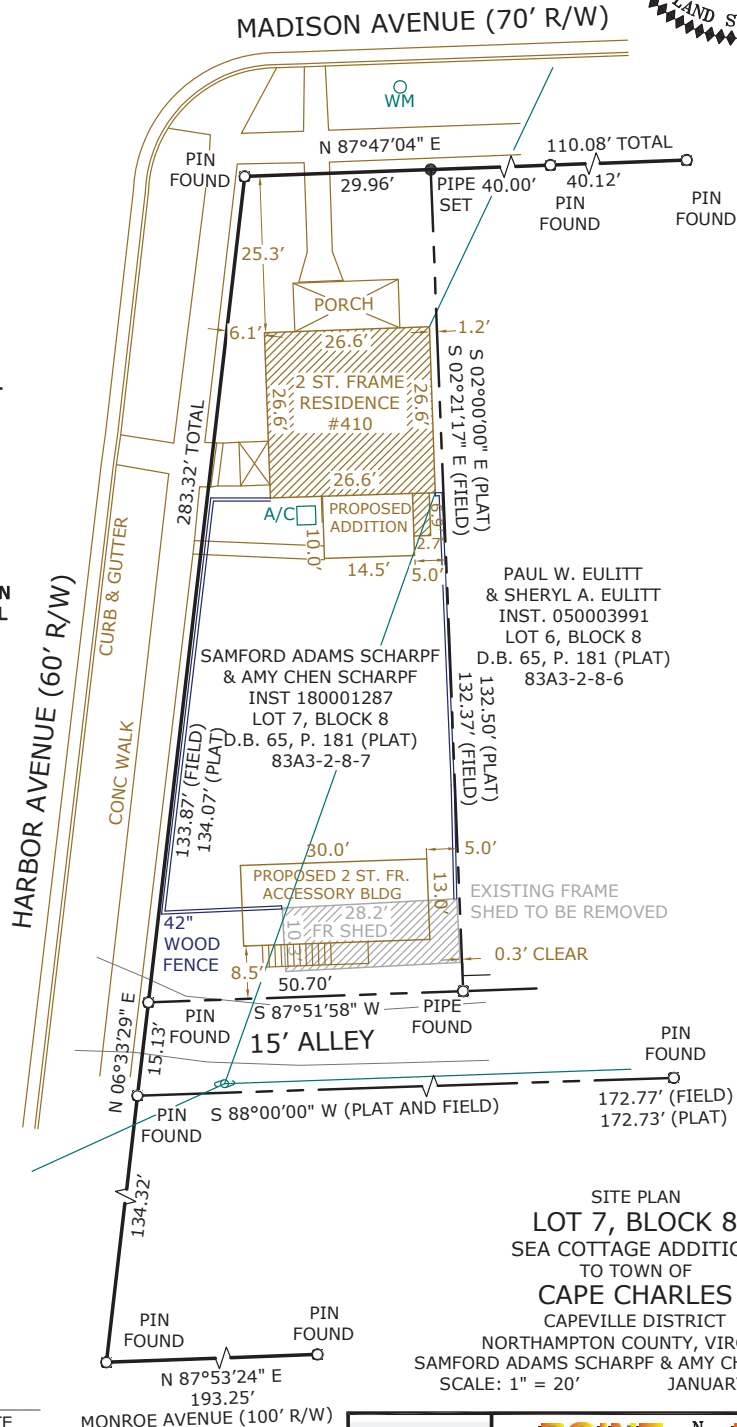
APPROVED

PLANNER, TOWN OF
CAPE CHARLES

DATE



REVISED 02-04-2021
CHANGES TO PROPOSED
HOUSE AND ACCESSORY
BUILDING



SITE PLAN
LOT 7, BLOCK 8
SEA COTTAGE ADDITION
TO TOWN OF
CAPE CHARLES

CAPEVILLE DISTRICT
NORTHAMPTON COUNTY, VIRGINIA
SAMFORD ADAMS SCHARPF & AMY CHEN SCHARPF
SCALE: 1" = 20'
JANUARY 13, 2020

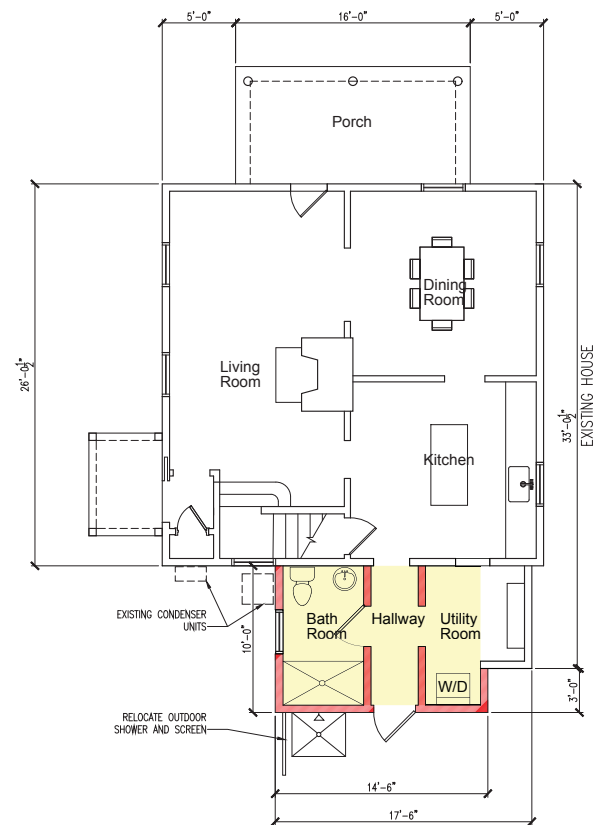
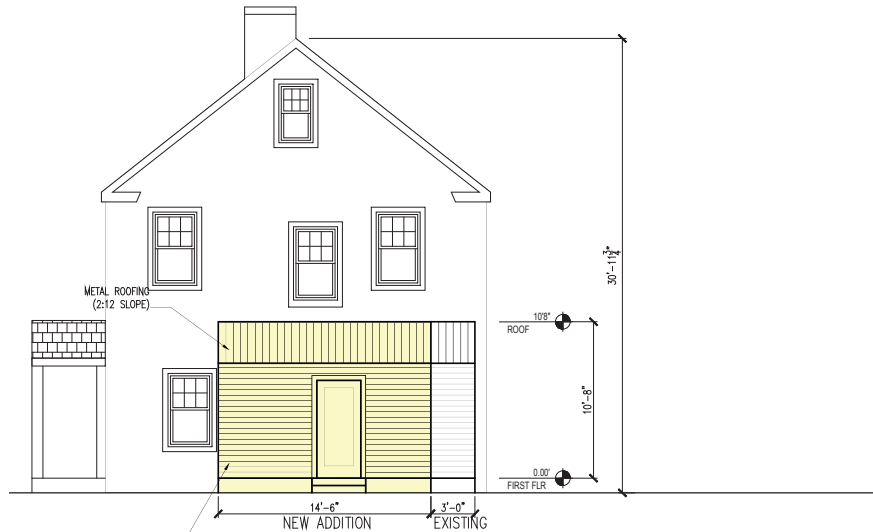


POINT NORTH

POINT NORTH SURVEYING LLC

P.O. Box 701, (757) 709-3008
Onley, VA. 23418 pointnorthsurveying@gmail.com

DRAWN BY: CROCKETT FIELD BOOK: FILE COPY
BACK TRAV: CROCKETT PROJ. NO: 20001B



DESIGN

Project Team

Architect
Dan Chen, AIA, LEED AP
36 Marlboro Street
Belmont, MA 02478
617.470.4722

Surveyor
Point North Surveying, LLC
P.O.Box 701
Onley, VA 23418
757.709.3008

410 HARBOR AVENUE

410 Harbor Avenue
Cape Charles, VA. 23310

DRAWING NOTES:

THIS DRAWING SHALL REMAIN THE PROPERTY OF THE ARCHITECT. REPRODUCTION OF THIS DRAWING OR THE SPECIFICATIONS ASSOCIATED WITH THIS PROJECT WITHOUT THE ARCHITECT'S AGREEMENT IS FORBIDDEN. THE PLANS AND SPECIFICATIONS OF THIS PROJECT SHALL NOT BE USED BY THE OWNER ON OTHER PROJECTS EXCEPT BY AGREEMENT IN WRITING AND WITH APPROPRIATE COMPENSATION TO THE ARCHITECT.

THE DRAWINGS ARE DIAGRAMMATIC. DO NOT SCALE. CONTRACTOR TO VERIFY ALL SITE CONDITIONS AND RESPONSIBLE FOR DIMENSIONAL COORDINATION WITH SUBCONTRACTORS WORK PRIOR START OF WORK.

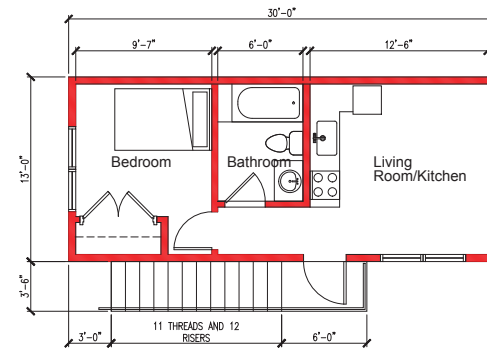
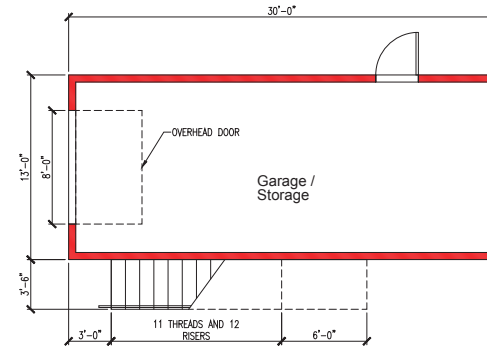
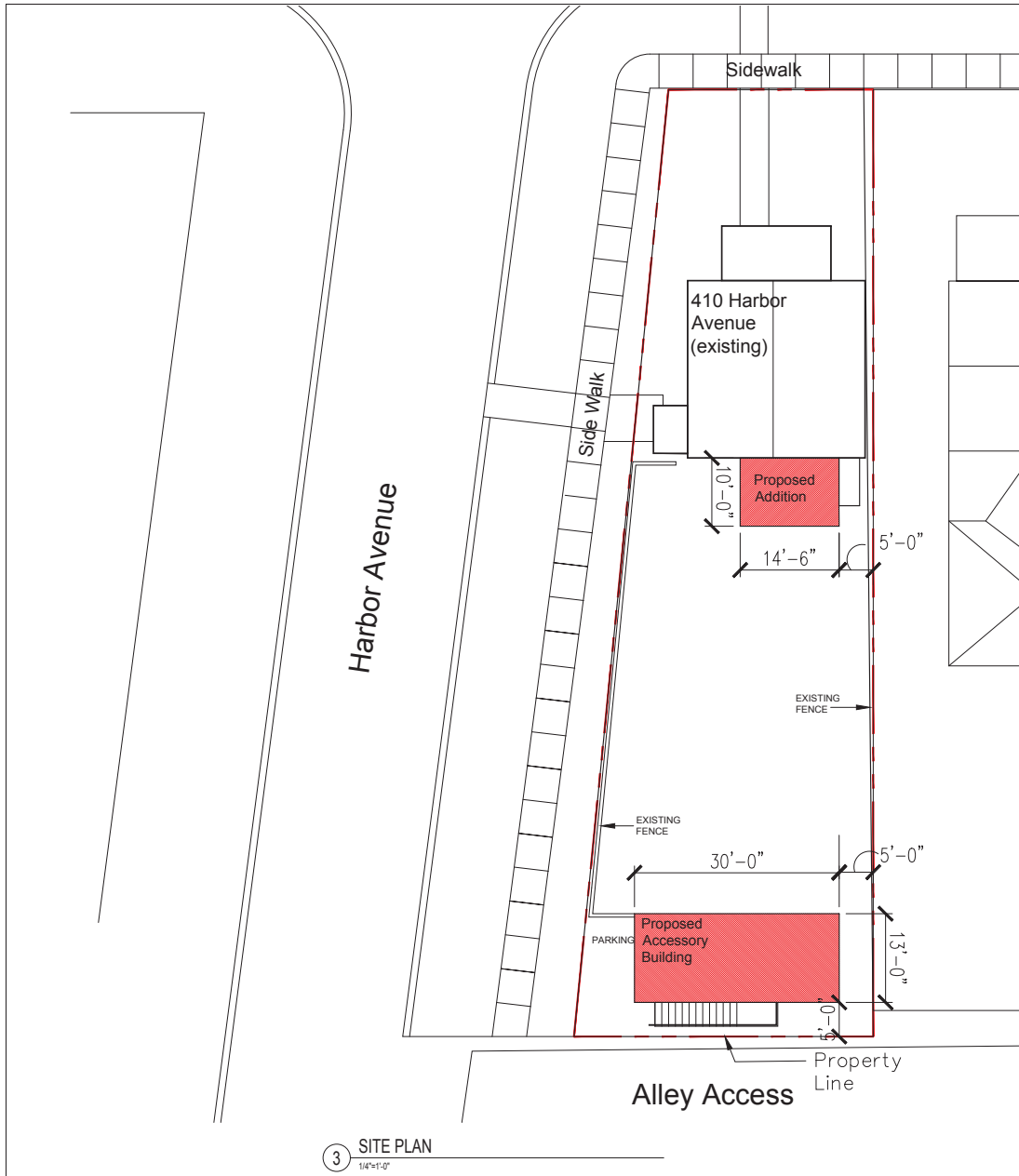
FLOOR PLAN AND ELEVATIONS

SCALE: AS NOTED
DATE: Jan. 20, 2021

DRAWN BY:
CHECKED BY:



A1



DESIGN

Project Team

Architect
Dan Chen, AIA, LEED AP
36 Marlboro Street
Belmont, MA 02478
617.470.4722

Surveyor
Point North Surveying, LLC
P.O. Box 701
Onley, VA 23418
757.709.3008

410 HARBOR AVENUE

410 Harbor Avenue
Cape Charles, VA 23310

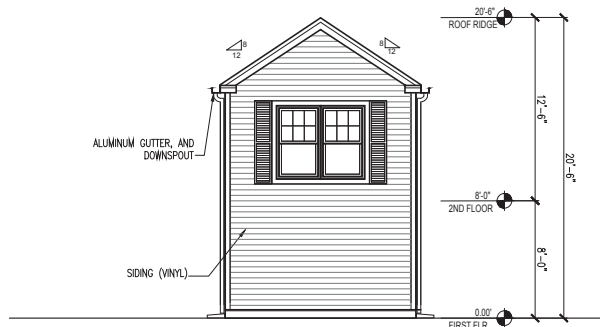
DRAWING NOTES:
THIS DRAWING SHALL REMAIN THE PROPERTY OF THE ARCHITECT. REPRODUCTION OF THIS DRAWING OR THE SPECIFICATIONS ASSOCIATED WITH THIS PROJECT WITHOUT THE ARCHITECT'S AGREEMENT IS FORBIDDEN. THE PLANS AND SPECIFICATIONS OF THIS PROJECT SHALL NOT BE USED BY THE OWNER ON OTHER PROJECTS EXCEPT BY AGREEMENT IN WRITING AND WITH APPROPRIATE COMPENSATION TO THE ARCHITECT.

THE DRAWINGS ARE DIAGRAMMATIC. DO NOT SCALE. CONTRACTOR TO VERIFY ALL SITE CONDITIONS AND RESPONSIBLE FOR DIMENSIONAL COORDINATION WITH SUBCONTRACTORS WORK PRIOR START OF WORK.

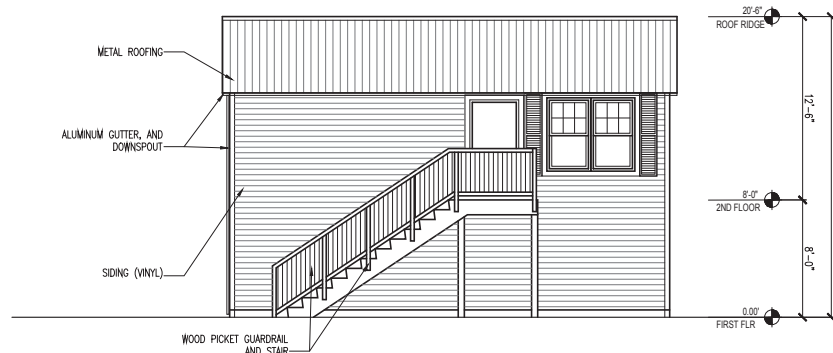
FLOOR PLAN AND SITE PLAN

SCALE: AS NOTED
DATE: Jan. 20, 2021
DRAWN BY:
CHECKED BY:

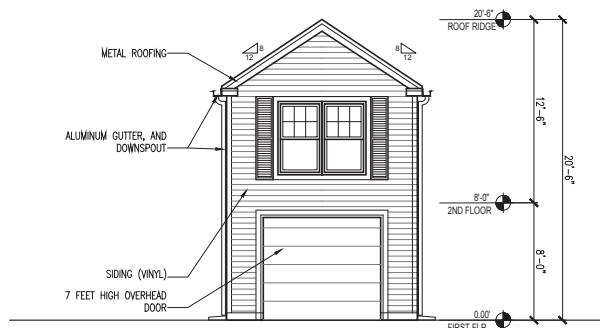
A2



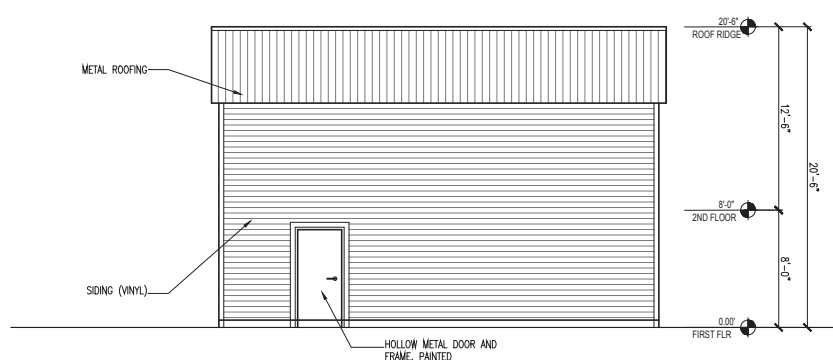
3 ELEVATION - EAST
1/4"=1'-0"



1 ELEVATION - SOUTH
1/4"=1'-0"



4 ELEVATION - WEST
1/4"=1'-0"



2 ELEVATION - NORTH
1/4"=1'-0"

DESIGN

Project Team

Architect
Dan Chen, AIA, LEED AP
36 Marlboro Street
Belmont, MA 02478
617.470.4722

Surveyor
Point North Surveying, LLC
P.O. Box 701
Onley, VA 23418
757.709.3008

410 HARBOR AVENUE

410 Harbor Avenue
Cape Charles, VA 23310

DRAWING NOTES:
THIS DRAWING SHALL REMAIN THE PROPERTY OF THE ARCHITECT. REPRODUCTION OF THIS DRAWING OR THE SPECIFICATIONS ASSOCIATED WITH THIS PROJECT WITHOUT THE ARCHITECT'S AGREEMENT IS FORBIDDEN. THE PLANS AND SPECIFICATIONS OF THIS PROJECT SHALL NOT BE USED BY THE OWNER ON OTHER PROJECTS EXCEPT BY AGREEMENT IN WRITING AND WITH APPROPRIATE COMPENSATION TO THE ARCHITECT.

THE DRAWINGS ARE DIAGRAMMATIC. DO NOT SCALE. CONTRACTOR TO VERIFY ALL SITE CONDITIONS AND RESPONSIBLE FOR DIMENSIONAL COORDINATION WITH SUBCONTRACTORS WORK PRIOR START OF WORK.

ELEVATIONS

SCALE: AS NOTED
DATE: Jan. 20, 2021
DRAWN BY:
CHECKED BY:

A3

Adjacent Neighbors for: 410 Harbor Ave. Accessory Dwelling

Next door, on Madison:

Vogt, William Joseph

102 Madison Ave

Cape Charles, VA

Behind house, on Monroe:

Hubbell, Brian & Andrea

101 Monroe Ave

Cape Charles, VA

Across the street, on Madison:

Headley, Robert

10 Madison Ave

Cape Charles, VA

Across the street, on Madison:

Hall, Betty Drummond

101 Madison Ave

Cape Charles, VA



PLANNING COMMISSION PRELIMINARY STAFF REPORT

Meeting Date: October 5, 2021

Item #: 7A1

Prepared by: Katie H. Nunez, Interim Planning/Zoning Administrator

Date: September 29, 2021

APPLICANT: Sam & Amy Scharpf
SITE ADDRESS: 410 Harbor Avenue/100
Madison Avenue
TAX MAP: 83A3-2-8-7
LOT SIZE: 4,640 sq. ft.

TYPE OF APPLICATION: Conditional Use Permit
SPECIFIC REQUEST: An accessory dwelling unit located
on second floor of accessory structure
ZONING ORDINANCE: Section 4.2 (J)
CURRENT ZONING: Residential (R-1)

DATE RECEIVED: September 16, 2021

DATE DEEMED COMPLETE: September 29, 2021

LEGAL DEADLINE (90 Days from Complete Application – Directory, not Mandatory): December 28, 2021

NARRATIVE OF PROPOSAL

The applicant is seeking to remove the existing shed and construct an accessory structure with 390 square feet with the first floor to be used as a garage and the second floor as an accessory dwelling unit. The proposed inclusion of an apartment on the second floor of the garage structure requires a Conditional Use Permit.

AERIAL MAP: *Property outlined in blue*



Staff has been working with the applicant over the last several months in submitting a complete application for the accessory structure, including the application for a Conditional Use Permit (CUP).

The Cape Charles Zoning Ordinance Section 4.2 (J) states that:

Accessory Dwellings. 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:

1. Physical characteristics.

- a. Accessory dwellings shall be located in an accessory building.*
- b. Accessory dwellings shall not have a floor area exceeding forty-five (45) percent of the floor area of the main building.*
- c. Accessory dwellings shall have one kitchen and one bathroom.*
- d. Accessory buildings shall not have the appearance of a single-family dwelling.*

2. Occupancy characteristics.

- a. 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 Section 4.3.F.*
- b. 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.*

3. Other requirements.

- a. Accessory dwellings located in accessory buildings may have a separate water meter from the principal dwelling.*
- b. The lot on which an accessory dwelling is located shall have the required minimum lot area for the district in which it is located.*
- c. 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.*
- d. Exterior elevations shall also be approved by the Historic District Review Board when required by Article VIII, Historic Overlay.*

Staff is requesting the Planning Commission to review the application submitted and provide input and direction to the staff regarding any items of potential concern or clarification and authorize staff to schedule a public hearing on this application for your November 9, 2021, meeting. Staff will prepare a comprehensive staff report for that public hearing which evaluates the application in compliance with

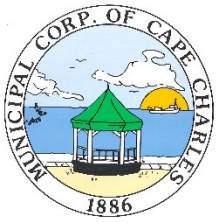
the requirements of the Cape Charles Zoning Ordinance and any other matters identified by the Planning Commission.

STAFF RECOMMENDATION:

Staff recommends that the Planning Commission schedule a public hearing on November 9, 2021, for a Conditional Use Permit for an Accessory Dwelling Unit at 410 Harbor Avenue/100 Madison Avenue on an application filed by Sam & Amy Scharpf, pursuant to Cape Charles Zoning Ordinance Section 4.2 (J).

Attachments:

Attachment 1 – CUP Application Packet



Municipal Corp. of Cape Charles

Date: February 2, 2021

To: Planning Commission

From: Allyson Finchum, Zoning Administrator

Re: Planning Commission Concurrence on Use in C-3

A request has been received by Cape Charles Planning Department to construct a putt-putt golf course as a commercial use in the C-3 zoning district on Stone Road within the Town of Cape Charles.

Permitted uses in C-3, outlined in the Town Zoning Ordinance, Section 3.8 (B)(2), include all that are presently allowed in the C-1 and C-2 districts and *“any other commercial or professional use which is compatible in nature with the allowed uses and which the Zoning Administrator determines to be compatible with the intent of the district and is concurred with by the Planning Commission.”*

It seems a putt-putt golf course may be compatible with other allowable uses in the C-3 district and the Zoning Administrator requests the Planning Commission’s review to determine if there are any concerns with the matter. If the Planning Commission concurs, the use will be allowed by right on any parcel in the C-3 district, unless, the Planning Commission requires it to be approved only on a case-by case basis by a conditional use permit.

Below are the current uses allowed in C-3 to assist in assessing harmony of uses.

The following uses are permitted by right in the C-1 district:

1. Art or antique shops
2. Auditoriums, theaters, and assembly halls
3. Automobile repair and small engine repair
4. Automobile service stations
5. Bakeries, confectionaries, delicatessens, and catering services
6. Barber shops and beauty parlors
7. Bicycle and moped sales and rentals
8. Blueprinting shops
9. Boat sales
10. Business and vocational schools
11. Business studios, offices, and clinics
12. Childcare and child care education centers
13. Commercial schools of instruction
14. Drug stores
15. Dressmaking, tailoring, and millinery shops, dry cleaning shops
16. Eating and drinking establishments
17. Financial institutions

18. Florists, gift shops, card shops, and stationery shops

19. Funeral homes

Town of Cape Charles Zoning Ordinance

Article III – District Regulations

Revised 12-2019 Article III, Page 14

20. Furniture repair, sales and household appliance sales and repair, carpet and flooring sales

21. Greenhouses and plant nurseries

22. Grocery stores

23. Hotels and motels

24. Liquor stores

25. Libraries, museums, or galleries

26. Music stores

27. Medical or dental or other laboratories

28. Offices, office supply stores

29. Public facilities, public buildings

30. Restaurants

31. Pet shops and pet supply stores

32. Radio and television sales

33. Upholstering shops and fabric stores

34. Watch and jewelry stores

35. Any use allowable in the S-C District.

36. Any other commercial or professional use which is compatible in nature with the foregoing uses and which the Zoning Administrator determines to be compatible with the intent of the district and is concurred with by the Planning Commission.

The following uses are permitted by conditional use in the C-1 district:

Single family and multi-family dwellings provided that no such dwelling is located at street level and all dwelling units have direct access to the street level (not access through commercial establishment on the first level).

The following uses are permitted by right in the C-2 district:

1. All uses as allowed in C-1

2. Nursing/retirement homes

3. Any other commercial or professional use which is compatible in nature with the allowed uses and which the Zoning Administrator determines to be compatible with the intent of the district and is concurred with by the Planning Commission.

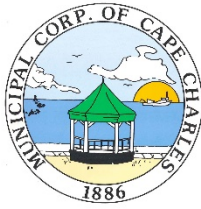
The following uses are permitted by conditional use in the C-2 district:

Single family and multi-family dwellings provided that no such dwelling is located at street level and all dwelling units have direct access to the street level (not access through commercial establishment on the first level).

The following uses are permitted by right in the C-3 district:

1. All uses as allowed in C-1 and C-2

2. Any other commercial or professional use which is compatible in nature with the allowed uses and which the Zoning Administrator determines to be compatible with the intent of the district and is concurred with by the Planning Commission.



PLANNING COMMISSION

Special Meeting

Cape Charles Civic Center

February 2, 2021

6:00 p.m.

This Special Meeting of the 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 hear public input on the potential rezoning to expand the concrete plant, to schedule a public hearing date for an application to rezone 303 Jefferson Avenue and 309 Jefferson Avenue, to discuss future concurrence use of miniature golf in the Commercial - 3 District and the comprehensive plan update. 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 planner and clerk.

At approximately 6:00 p.m., Chairman Bill Stramm, having established a quorum, called to order the Special Meeting of the Planning Commission. Physically present at the Civic Center were Commissioner Jim Holloway, Town Planner Allyson Finchum, and Planning Technician Tracy Outten. In attendance via Zoom were Commissioners Ken Butta, Diane D'Amico, Paul Grossman, Dennis McCoy, and Michael Strub. Also in attendance were Bill Ballard and Mollie Pickron. There were no members of the public physically in attendance, but there were 25 viewers on Facebook Live.

PUBLIC COMMENTS RE: Agenda Items Only

Planning Technician Tracy Outten read comments submitted in writing from David J. Parham, Margot and Scot Gorske, Bill and Margaret Ballard, Marrow Barrow, Vonnie Malek, James and Nancy Turner, and Phil Goetkin.

There were no other comments received in writing prior to the meeting or during the public comments period.

CONSENT AGENDA

Motion made by Paul Grossman, seconded by Michael Strub, to approve the agenda format as presented. The motion was approved by unanimous vote. Roll call vote: Dennis McCoy, yes; Michael Strub, yes; Paul Grossman, yes; Jim Holloway, yes; Ken Butta, yes; Diane D'Amico, yes.

SPECIAL MEETING ORDER OF BUSINESS

A. *Public Input to Potential Rezoning of Concrete Plant Expansion*

Bill Stramm stated that no formal proposal has been received and this agenda item was just to hear public comment on the matter. He continued by introducing the speakers Bill Ballard and Mollie Pickron, representatives from the Concerned Citizens of Cape Charles, (CCCC). (Please see attached.)

Bill Stramm asked if the planning department had any comments. Allyson Finchum said no formal comments at this time.

Discussion and questions were as followed: (i) Diane D'Amico wanted to know why comments were being heard if nothing has been filed and what outcome was the CCCC hoping to get tonight. Bill Ballard stated that the planning commission was a governing body that handled rezoning and wanted them to be aware of the concerns; (ii) There was much discussion on if the zoning ordinance was being followed and if the current zoning was light industrial. Allyson Finchum would do some research; and (iii) Diane D'Amico wanted to know if the Tree Preservation Plan was being enforced. Allyson Finchum would need to reach out to the town attorney for some answers.

B. Future Rezoning of 303 Jefferson and 309 Jefferson Avenue – set public hearing.

Allyson Finchum informed the commissioners that a rezoning application has been received requesting to rezone 303 Jefferson Avenue and 309 Jefferson Avenue, and Town Council referred it to the Planning Commission to have a public hearing and give their recommendation.

Discussion and questions were as follows: (i) Dennis McCoy asked if a buffer was required between a residential zoned property and a commercial zoned property. Allyson Finchum would research buffer requirements; (ii) Dennis McCoy questioned if the hours of operation would possibly have a noise concern during the neighboring church's service. Allyson Finchum was looking into the hours. Michael Strub thought the church was not active; (iii) Diane D'Amico stated that there was a special condition currently in place for them to operate; (iv) Paul Grossman said normally a staff report along with the full application was presented to the commissioners before a public hearing was scheduled; and (v) Jim Holloway asked how this could be rezoned commercial. Allyson Finchum explained that a non-conforming use could not be expanded so, rezoning was an option.

A public hearing to hear comment on an application to rezone 303 Jefferson Avenue and 309 Jefferson Avenue from residential to commercial would be scheduled for March 2, 2021.

C. Concurrence on use of Miniature Golf in Zoning District C-3

Allyson Finchum read the staff memo and email that was received.

Some discussion ensued on potential complaints, setbacks, parking requirements, and visual aesthetics on Stone Road. Allyson Finchum said once an actual plan has been submitted, these issues would be addressed.

Motion made by Paul Grossman, seconded by Dennis McCoy, to agree to proceed with allowing a golf course in the Commercial-3 District under the condition that a Conditional Use Permit was reviewed by the Planning Commission. The motion was approved by majority vote with Diane D'Amico opposed. Roll call vote: Dennis McCoy, yes; Michael Strub, yes; Paul Grossman, yes; Jim Holloway, yes; Ken Butta, yes; Diane D'Amico, no.

D. Comprehensive Plan Update Discussion

Bill Stramm would like work sessions to be scheduled and suggested having one on a Saturday. Ken Butta was willing to help with any chapter.

Motion made by Jim Holloway, seconded by Dennis McCoy, to adjourn the Planning Commission Special Meeting. The motion was approved by unanimous vote. Roll call vote: Dennis McCoy, yes; Michael Strub, yes; Paul Grossman, yes; Jim Holloway, yes; Ken Butta, yes; Diane D'Amico, yes.

The meeting adjourned at 7:44 p.m.

Chairman Bill Stramm

Planning Technician

**Comments submitted in writing
February 2, 2021 Planning Commission Special Meeting**

David J. Parham

Subject: Negative Economic effects on Cape Charles from Industrial Zone

Dear Honorable Commissioners;

I am writing to request your support in addressing the growing noise and air pollution problems from the Coastal Precast Concrete Plant (CPC). As a resident of Cape Charles I am voicing my concerns over the damage to the town this plant's operation is causing.

The town has experienced a revitalization of it's economy, largely due to expanded tourist industry and relocated retirees who appreciate the historic fabric and peaceful, quiet qualities of the town, beach & marina. However, since March 2020 the operation of the Coastal Precast Concrete Plant has greatly damaged these qualities which made Cape Charles a destination and will negatively hurt the long term economic growth of the town going forward.

The noise & air pollution from the plant is a large annoyance and major health concern to residents and renters. The dust from the plant can cause serious health issues to residents and renters and is damaging to boats in the marina not to mention possible chemicals which could be carried into the harbor. The noise while greatly upsetting the peace and serenity of the town also presents health concerns to our residents.

My request to the Commission is twofold. First that the light industrial zoning requirements for the Coastal Precast Concrete plant are enforced and actions are taken to reduce the noise and air pollution emitted from the plant to acceptable levels at acceptable times. Secondly, that the Commission does NOT endorse or approve any expanded or new Industrial zoning of any kind in the town limits or surrounding environs.

As the plant in its current configuration is greatly damaging the Town we love, no plant expansion or new industrial zoning should be permitted as that would further damage the Town and its economic future. I believe that the Commission has always believed and taken action to revitalize the economy of the town through expanded tourism and strongly agree that the economic benefits of a robust Tourism industry and a vibrant active group of residents supporting the local businesses and real estate market far outweighs the income from the Precast Concrete Plant. I respectfully request your consideration and support of this position.

Best regards & stay safe;

David J. Parham

8 Bay Avenue

Cape Charles, Virginia

Margot Gorske

Subject: Cape Charles Planning and Zoning Commission Meeting

To all;

I have written previously and cited cogent town articles and ordinance. I will not repeat here.

I do have specific requests for the town's officials to consider for the next town meeting scheduled for the second of February.

1. Do not rezone or amend any existing area from residential or commercial to heavy or light industry.
2. Do not rezone light industry areas to heavy industry areas.
3. Do not rezone any other lands, not mentioned above, to light or heavy industry areas.

4. Do not expand the current designated land area of the industrial park.

Thank you,
Margot and Scot Gorske
205 Madison Ave.
Cape Charles, VA

Bill Ballard

Subject: Land use issues affecting the future of Cape Charles

Dear Chairman Stram and Members of the Cape Charles Planning Commission:

My wife, Margaret, and I are members of Concerned Citizens of Cape Charles (CCCC). Last Thursday, January 21, 2021, I spoke to Town Council to voice the concerns of CCCC and the concerns of many others apart from CCCC, regarding the future of our town. I mentioned in my remarks that there are many residents and property owners in Cape Charles who believe the issues of noise and dust, not to mention others of slightly less importance, are so detrimental to the identity, vitality, and prosperity of the town, that should they go unresolved, they could lead to the demise of the community as we know it.

A lot of time, effort, and money has gone into the development and implementation of a comprehensive plan to assure the future of Cape Charles is positive. That plan calls for a vision “that gives all citizens the opportunity for prosperity, cultural enrichment, access to environmental treasures, and secure, sustainable homes.” It goes on further to say “citizens stated they want Cape Charles to be a clean, diverse, family friendly place where the young can find jobs and affordable housing and the old can continue to live in their homes.” These visions and expressed desires cannot be achieved if those issues are not mitigated and resolved.

Of particular interest is the Preservation Plan, written by John Milner Associates, commissioned in 1994 and adopted in 1996, and readopted in 2016 as part of the Comprehensive Plan for the town. It is a treasure of information regarding the past and the future of Cape Charles. It appears that it was not only adopted but embraced as a guide for what Cape Charles has become.

It cites four “Alternative Economic Futures” (p.3-3 – 3-4). The first is “no-change”. That scenario envisions a future with “a depressed economy and little increase in economic activity”. This approach would result in “a loss of historic buildings, a loss of significant building fabric, a degrading of the streetscape, and a diminishing of community character.” Thankfully, the town decided that no change was not acceptable.

The second proposes “a concerted promotion of tourism in Cape Charles” that “would lead to a gradual improvement of the town’s economic climate.” This would result in “an increased interest in town properties as a second residence and a gradual increase of tourism-based commercial activity” and “would help increase tourism and outside investment by potential homebuyers.”

The third scenario talks about implementation of the Accawmacke Plantation proposal, which has become the Bay Creek development. As with the second, the scenario envisions that “tourism, commercial activity, and land values would increase.”

Finally, the fourth alternative is related to the sustainable development industrial park initiative. **“A fundamental tenet of this initiative is the preservation, enhancement, and compatible use of the town’ natural and cultural resources.”**

The study goes further (p.8-2) to say “the concept of sustainable development is fully compatible with the principles and objectives of historical preservation, adaptive reuse, economic development and enhancement of community character”.

The noise and dust generated by Coastal Precast Systems threatens these last four objectives, particularly the community character. They jeopardize the preservation, enhancement, and compatible use of the town’s natural and cultural resources. Without resolution, we may see Cape Charles revert to a condition similar to that of “no change” envisioned in the Preservation Plan.

CCCC looks to the Planning Commission to take steps to address these issues. CCCC is in favor of compatible light industrial development that heightens Cape Charles as a clean, diverse, family friendly place.

Sincerely,
Bill and Margaret Ballard

Mary Barrow
Subject: Rezoning
January 28, 2021

Dear Members of the Town of Cape Charles,

Please do not sell or rezone any more property for heavy industry or for the use of Precast.

For the past several months my concerns about the cement plant have been dismissed when mentioned to town officials. As these concerns are becoming ever more paramount, please don’t tell me again that the cement plant was already there when I moved here four years ago so now I just have to ‘put up and shut up.’

Yes, Bayshore was there when I bought the house, but it was barely operating. Yes, I was aware of it and asked about it, but was assured the harbor area was going to be expanding marina services and would become more attractive for visitors – NOT BECOME AN INDUSTRIAL SITE.

So, let me describe what has changed for me since the arrival of Precast.

1) The rumblings and vibrations.

My house was built in 1921. In the past 100 years it had settled. During the first three years of our living in it, there were no indications that it was settling further. In 2020, that changed. There are now days of continuous vibrations during the loading and unloading of boulders at Precast. The result is that we have new cracks in the house, as well as floor slanting, and doors not closing. Further, the old addition at the back is pulling away from the main frame of the house. Could I prove a direct correlation? With the help of engineers, yes. Is it obvious? Yes.

If I can feel the vibrations from Precast throughout the house, will the vibrations cause damage to the foundation? Yes, of course.

CONSEQUENCE: I am in the midst of making arrangements for a full, two story extension to the back of the house. I've worked with a wonderful architect, (Leon Parham) and look forward to working with an excellent local contractor (Scott Simms). I've paid for the drawings, a survey and for a building permit, so I'm ready to start. WHAT WOULD YOU DO?

2) The noise. I know that many residents of the Historic District are complaining about the time, consistency and the effects of the endless noise from the plant. I don't think I need to reiterate their complaints or arguments. They all apply to me and to my house. Simply add my name to their list.

3) Dust. Cement dust is clearly a health threat. Clouds can be seen rolling towards the Historic District. Soot is wiped from the porch. Plants are being washed with it and our lungs? Read Margot Gorske's letter with this attachment:
<https://www.epa.gov/newsreleases/owners-portland-cement-plant-martinsburg-west-virginia-pay-more-15-million-penalty-air>

4) The boardwalk through the Nature Reserve was the perfect distance for a healthy walk, and a delight. Sadly, as the plant has expanded to within feet of the railings, it is destroyed.

I don't expect closure of Precast. I do hope, however, the town will not compound one mistake with another. Please do not rezone so Precast can expand.

Thank you,
Mary Barrow
206 Monroe Avenue

Vonnie Malek

Subject: Concrete Plant

I would like to express my concern about the proposed expansion of the physical plant as well as hours of operation. The main issues are the noise and pollution. I am so excited about the renewal of our downtown. Having outdoor dining and events would be difficult with both the noise and pollution. Also, I have lung disease and my health would be directly affected. I am hoping a compromise can be reached so we all can live together. Thank you.

Vonnie Malek
304 Fig Street

Jim Turner

Subject: Public feedback to Cape Charles planning commission regarding rezoning for Coastal Concrete

Dear Planning Commission Planner of Cape Charles,

We are residents of Cape Charles, residing about one mile south of the Coastal Concrete operation in Bay Creek. We strongly object to any consideration zoning changes that allow expansion of that industrial operation because of the potential increase in noise and air pollution that already emanates from the plant.

We purchased our property in December 2018, while the old Bayshore plant was dormant and seemingly abandoned. Visits to Cape Charles a number of times over the preceding 2-3 years never demonstrated any issues with noise or air pollution during that time. Inquiries with our real estate agent indicated no known firm plans were in place for the site, though it was for sale as an industrial site. So we plunged ahead with building our vacation/retirement home.

In the last 10 months since moving here we have noticed dramatically increased noise and air pollution coming from the plant site, particularly noticeable when winds are from the North. Particularly noticeable are industrial back up warning bells on heavy equipment, noise of rocks being dumped into barges, and general Diesel engine noises. In addition, in the last few months there have been frequent episodes of heavy smoke and particulate matter coming from the work site. Smoke is so heavy that it interferes with breathing necessitating going inside and closing up the house. One day in mid-December we alerted the Bay Creek Golf shop that we thought there was a forest/brush fire north of the Nicklaus golf course. After investigation by the course superintendent, we were reassured it was simply coming from "Coastal Concrete".

We appreciate the importance of job-producing businesses in the community; but don't think we should have to constantly have our quality of life impacted, living nearly a mile away. We are also concerned about the health impact of the air pollution, as well as protecting the environs of downtown Cape Charles. Finally, the successful development of Bay Creek in and around the Nicklaus golf course is threatened by the consequences of Coastal Concrete's operation.

Thank you for the opportunity to provide input to the Planning Commission.

James and Nancy Turner
518 Walbridge Bend
Cape Charles, Virginia

Phil Goetkin

From: Phil Goetkin 602 Jefferson Ave Cape Charles, VA 23310

To: Chairman Stramm and Members of the Cape Charles Planning Commission

Subject: Coastal Precast Systems Potential Rezoning of Plant Expansion **Date:** February 2, 2021

Background and Issues: I have lived with my wife at 602 Jefferson Avenue in Cape Charles since June of 2015. Prior to that time, we lived for six months in Bay Creek. One of the primary reasons we moved to Cape Charles was its incredible natural beauty including the Chesapeake Bay, its vast wildlife and other natural areas. During this time, I have been generally supportive of the activities of Bayshore Concrete Products. However, since the new owners, Coastal Precast Systems (CPS), have taken over operation, I have become quite disturbed especially from the standpoint of

pollution and the degradation of Cape Charles' natural assets, resources and environment. Not only has the viewshed of our natural resources been adversely affected by CPS's development, sound and air pollution has put these precious assets at serious risk.

Just make a visit to the Cape Charles Natural Area Preserve; take a walk along the beach; or take a ride in a boat in the harbor out into the Bay. Sound, air and light pollution being generated by CPS is extensive.

As stated in section II.5 of the current Comprehensive Plan:

An abundance of natural resources exist in Cape Charles. Critical wildlife habitats, such as wetlands, natural areas, and the public beach, are present within the town's boundaries and nearby. These natural environments are delicate and should be protected from degradation. **Land use policies must continue to take into account the importance of the local environment to protect these resources for present and future generations.**

The intent of the Cape Charles Master Tree Plan, an addendum to the Comprehensive Plan, is to develop vibrant green infrastructure in all town districts by promoting the planting of appropriate new trees, and protecting appropriate existing trees. The plan's purpose is to ensure the beauty and ecological health of Cape Charles for its citizens and guests. In the last few months, CPS has cut down virtually every tree right up to the Cape Charles Natural Area Preserve property line. Tens if not hundreds of mature native trees have been cut down. I walk the Preserve boardwalk almost every day. Now, with no buffer between CPS and the Preserve, the noise, dust and light pollution is dramatic, not only for me, but more importantly for the plants and animals that live in this preserve. Recently, CPS has been conducting open fires that have produced smoke and ash that has further degraded the preserve. Nothing better than enjoying nature while having problems seeing and breathing.

Conclusion: CPS's development and operation has had significant negative impacts on Cape Charles' natural assets and the quality of life for its citizens. As CPS continues to expand its operations on its current property, it is also planning to further expand its operation through additional land acquisition and rezoning.

I am totally against rezoning on any property that CPS now owns or acquires in the future.

Signed, Phil Goetkin

Mollie Pickron

Good Evening Chairman Stramm and members of the Planning Commission:

The purpose for this message is to ask you for support and action to protect the economic and lifestyle well being of the Cape Charles residents, businesses, and visitors.

My name is Mollie Pickron and my husband and I have owned the house at 501 Monroe Ave since 2000. We are members of the Concerned Citizens group relating to the noise, dust, and ugly landscape of the concrete plant (which I never noticed much in the previous 18 years before the plant was sold to the current owners). The Concerned Citizens group approached the plant with a good neighbor relationship attitude last year but unhappily the noise and dust are still huge problems.

I recently reviewed the Town Comprehensive Plan updates from 2019 where workshops collected important data on priorities and vision from the public. These priorities include among other things, Healthy Living, Economic Development, Economic Resiliency, and Concrete Plant Cleanup.

The current state of the concrete plant's excessive noise and dust negatively impacts each of these items and it seems as if the plant is operating as if they are zoned heavy industrial. Here are some of the impacts I see to the Comprehensive Plan updates:

- **Healthy Living**-It is obvious to anyone that the dust and noise generated by the plant are health hazards.
- **Economic Development**-Cape Charles has made great strides in this area. The Treasurer's Report from Oct 31, 2020 shows great growth even considering the pandemic. I believe the continued excess noise will adversely affect the attraction and satisfaction of tourists and cause current residents to seek retirement elsewhere where there is peace and quiet. All this will certainly affect the bottom line for our businesses and for the Town. We have made great strides in our growth previous to the new owners getting established.
Transient Occupancy Tax -**21.9% increase** over the previous fiscal year
Sales & Use Tax - **2.2% increase**
Business License Tax - **97.5% increase**
Harbor dockage - **61.8% increase**
- **Concrete Plant Cleanup**- The visual impact of the plant is a big negative and the plant intends to continue to grow. The promise by the Plant to build a shielding wall to help with noise and negative visual appeal has stalled and there is no definitive timeline on its completion.
- **Economic resiliency**- If our residents move away and tourists choose to visit elsewhere, our economic condition will certainly deteriorate, and businesses will falter and close.

I've worked with the Cape Charles Main Street organization for several years and have witnessed the tremendous effort expended in partnership with the Town to support and grow the town businesses, attract new businesses, enhance the sense of community pride and the quality of life for the local residents, and solidify our area as a valued destination for visitors. Neither tourists nor residents want to be awakened at 5 am by the plant noise. Who wants to enjoy a cocktail outside at a local establishment overlooking the beautiful bay or in a backyard gathering and have to shout over the beeping and crashing of heavy equipment? In addition, we have already heard from some boaters who were in the CC Harbor this past summer who say they will not come back because of the noise and dust.

I am concerned that all the effort and progress of the Town will be negated if we cannot find a solution to the adverse environmental impact of the plant.

We are not asking for the plant to be shut down! The plant provides jobs and contributes to the town tax revenues. We are concerned about the quality of life for the residents and tourists which will preserve and encourage the growth of the town!

Specifically, we are asking you to: 1) Support light industrial zoning ONLY in the future; 2) Ensure the plant operates consistently with their light industrial zoning requirements 3) Pressure the plant to finish the wall the owners promised to build.

Thank you for your consideration.

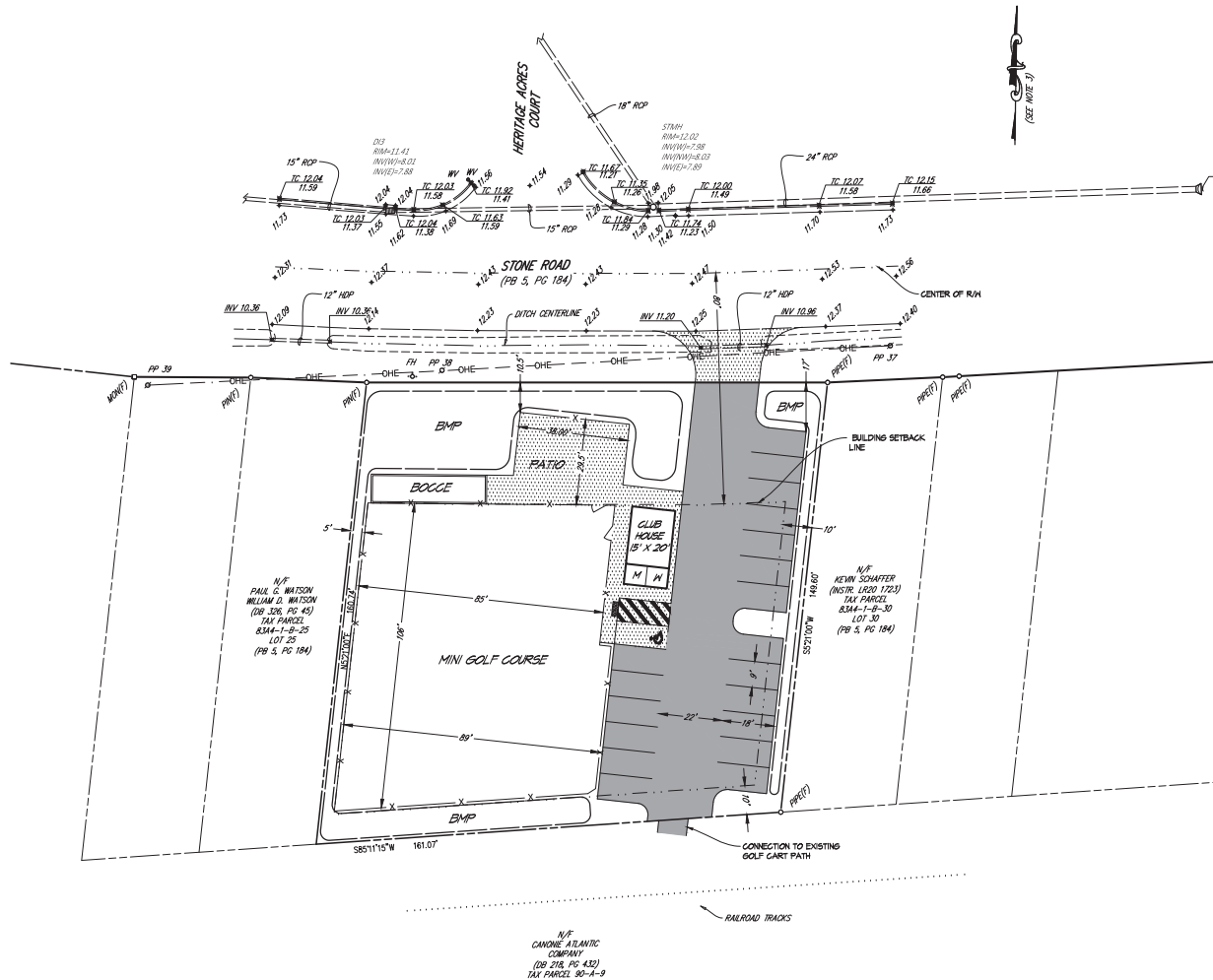
Mollie Pickron
501 Monroe Ave
pickronm@gmail.com
410-440-3236

CONCEPTUAL SITE LAYOUT PLAN OF CAPE CHARLES MINI-GOLF ISLE OF WIGHT, VIRGINIA

Site Area:	± 0.56 AC
Tax Parcels:	83A4-1-B-26 83A4-1-B-27 83A4-1-B-28 83A4-1-B-29
Existing Zoning:	C-3
Existing Use:	Undeveloped
Proposed Use:	Mini Golf
Parking Required:	20 Spaces
Parking Provided:	19 Spaces 1 ADA Space
	20 Total Spaces
BMP Provided:	± 3,600 SF (± 15% of Site Area)

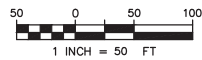
BUILDING SETBACKS
FRONT: 80' FROM CENTER OF R/W
SIDE: 5' & 10'
REAR: 10'

PATIO SETBACK 10.5' FROM R/W



DATE: 08/10/2021

THIS DRAWING IS CONCEPTUAL AND HAS BEEN PREPARED WITH A SITE SURVEY PREPARED BY OTHERS, THEREFORE, PROPERTY LINES, WETLAND BOUNDARIES, AND OTHER SITE SPECIFIC DATA ARE APPROXIMATE. CONCEPT DRAWINGS ARE GENERAL IN NATURE AND ARE INTENDED ONLY TO ILLUSTRATE THE DEVELOPMENT POTENTIAL FOR A PROPERTY; THEY SHOULD NOT BE RELIED UPON AS THE SOLE BASIS FOR ANY FINANCIAL OR LEGALLY BINDING TRANSACTION.



ORBIS
LANDSCAPE
ARCHITECTURE
ORBIS-LA.COM

Proposed Miniature Golf Course 9,600 sf.



Notes:
Handicap accessible portions of the course(s) are designed in accordance with ADAAG (Americans with Disabilities Act Accessibility Guidelines) Chapter 10 Section 1007.
ADA gate shown will consist of two 4x4 wooden posts, two eye hooks, and rope with hooks.



HORWATH
Miniature Golf Courses

ALL DESIGN, IMAGES AND PLANS SHOWN ARE ONLY TO BE USED BY BOB HORWATH MINIATURE GOLF COURSES UNLESS GIVEN WRITTEN CONSENT.

Project:
**Proposed Miniature Golf
CAPE CHARLES**

DATE: **07/20/2021**

**Layout
Plan**

SCALE:
1"=10'-0"

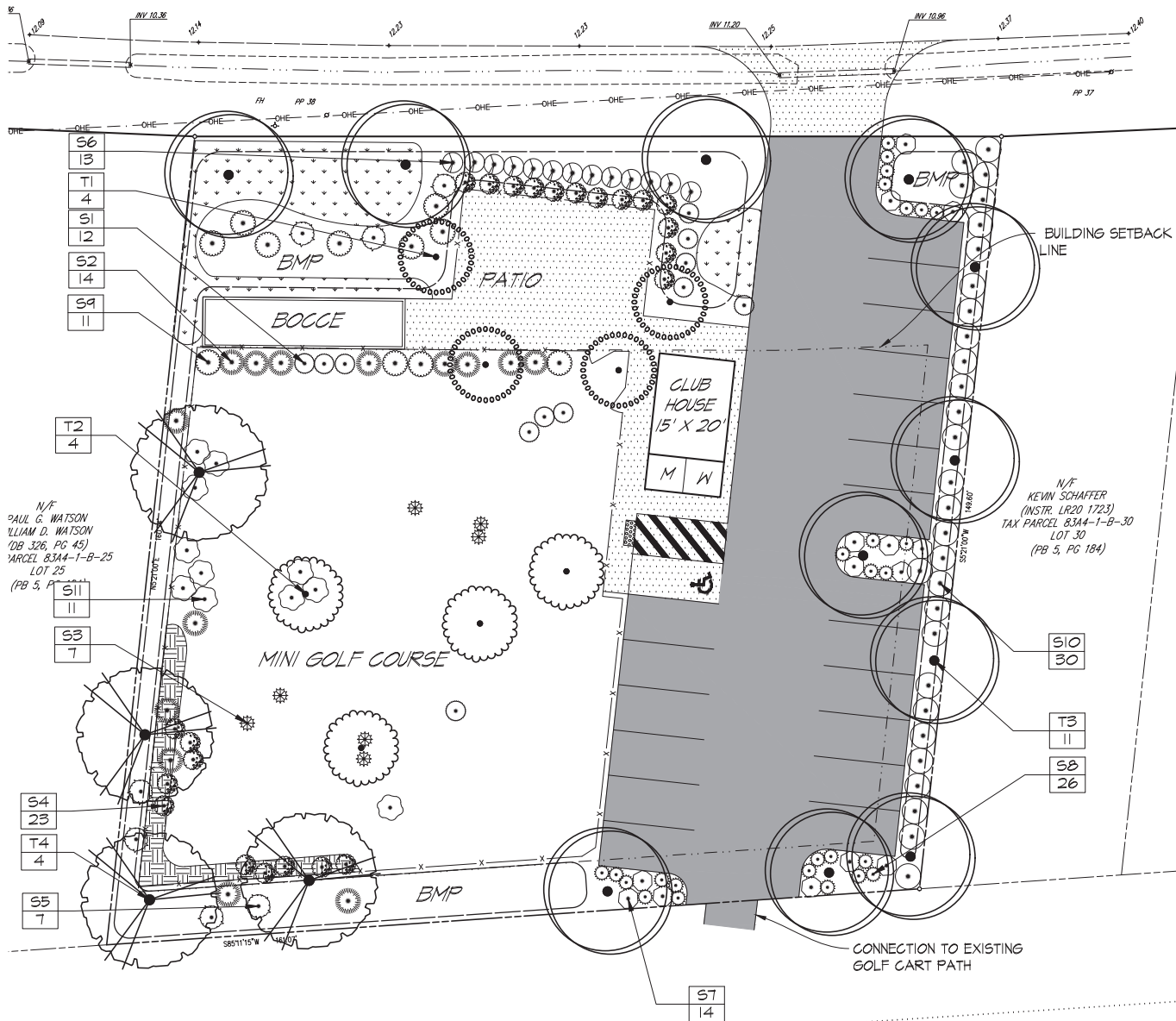
DRAWN BY:
MVC

SHEET #:
2

JOB #:
01-21

REVISIONS:	
MVC	August 9, 2021
MVC	September 1, 2021
DATE PRINTED:	September 1, 2021

GRAPHICS KEY	
R - ROUGH	
M - MOUND	
P - PLANTER	
ST - SAND TRAP	



LANDSCAPE SUMMARY	
R/I LANDSCAPE REQUIREMENTS	
1 LARGE TREE & 10 SHRUBS/ 50 LF	
113 LF TOTAL:	
3 LARGE TREES	
23 SHRUBS	
R/I LANDSCAPE PROVIDED:	
3 LARGE TREES	
51 SHRUBS	
BUFFER LANDSCAPE REQUIRED	
1 LARGE TREE/ 40 LF	
1 EVG. SHRUB/ 5LF	
150 LF TOTAL:	
4 LARGE TREES	
30 EVG. SHRUBS	
BUFFER LANDSCAPE PROVIDED:	
4 LARGE TREES	
30 EVG. SHRUBS	

NOTES

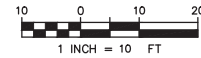
ADDITIONAL LANDSCAPE MAY BE REQUIRED FOR STORMWATER MANAGEMENT FACILITIES.

MINI GOLF COURSE LANDSCAPE PLANTINGS ARE PRELIMINARY AND DO NOT REFLECT THE FINAL DESIGN.



ORBIS LANDSCAPE ARCHITECTURE	
DESIGNED BY	ORBIS
DRAWN BY	AEB
CHECKED BY	NAL
APPROVED BY	NAL
DATE	08.20.21

LANDSCAPE PLAN OF
CAPE CHARLES MINI GOLF



DESIGNED	ORBIS	SHEET
DRAWN	AEB	LP-101
CHECKED	NAL	01 of 02 Sheets
APPROVED	NAL	SCALE: 1"=10'
DATE	08.20.21	PROJ. NO. 00071

2021-2022 Planning Commission Complete* Application Deadline	
*Completed application is defined as all the documents listed on the Conditional Use Permit under the Permit Checklist. *	
Complete Application Deadlines	Regular Meetings
Thursday, October 7, 2021*	Tuesday, December 7, 2021
Thursday, November 4, 2021*	Tuesday, January 4, 2022
Thursday, December 2, 2021*	Tuesday, February 1, 2022
Thursday, January 4, 2022*	Tuesday, March 1, 2022
Thursday, February 3, 2022*	Tuesday, April 5, 2022
Thursday, March 3, 2022*	Tuesday, May 3, 2022
Thursday, April 7, 2022*	Tuesday, June 7, 2022
Thursday, May 5, 2022*	Tuesday, July 5, 2022
Thursday, June 2, 2022*	Tuesday, August 2, 2022
Thursday, July 7, 2022*	Tuesday, September 6, 2022
Thursday, August 4, 2022*	Tuesday, October 4, 2022
Thursday, September 1, 2022*	Tuesday, November 1, 2022
Thursday, October 6, 2022*	Tuesday, December 6, 2022
*End of business day 4:30 PM	

Tracy Outten

From: Libby Hume
Sent: Tuesday, September 21, 2021 10:33 AM
To: Katie Nunez; Tracy Outten
Cc: John Hozey
Subject: Harbor Area Review Board Vacancies Reminder

Importance: High

Good morning, ladies.

I just wanted to send a reminder that the Planning Commission and Historic District Review Board need to select representatives to serve on the Harbor Area Review Board.

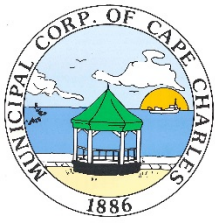
HARB is comprised of seven members, and we currently have four vacancies:

- Three citizen positions (two vacant). No one has expressed interest in serving. The other citizen member is Stuart Smith.
- One HDRB representative
- Two PC representatives. Diane D'Amico is currently one of the PC representatives.
- One Council representative, currently Steve Bennett.

It would be great if we could at least fill the vacancies for the HDRB and PC positions in case we need to have a meeting anytime in the near future.

Thank you! I hope you're having a nice day!
Libby

*Libby Hume, MMC
Town Clerk
Town of Cape Charles
2 Plum Street
Cape Charles, VA 23310
(757) 331-3259, ext. 10
www.capecharles.org
VMCA President 2021-2022*



Municipal Corp. of Cape Charles

SEPTEMBER 2021 MONTHLY REPORT

Katie H. Nunez, Interim Planning/Zoning Administrator

- 1) Subdivision Agent:
 - A) Dreams by the Bay – 10 lot subdivision – tax map # 83A1-A-2 –spoke with representative of developer and revised plat submission will be submitted by end of September (this is the old Coast Guard housing property on Washington Avenue
 - B) Bay Creek: Village L – Phase IA - 19 lots – FINAL PLAT APPROVED AND RECORDED on 9/14/2021
 - C) Bay Creek: Final Plat of Recombo master plat for Bay Creek Subdivision to reincorporate the golf course and correct lot lines for existing parcels – Approved and Recorded on 9/14/2021
- 2) Board of Zoning Appeals – The Code of Virginia Section 15.2-2310 states that the Planning Commission shall be provided any applications filed with the Board of Zoning Appeals. In order to meet that requirement, I will be providing a listing of any applications filed monthly that will be heard by the BZA. There were no applications filed or heard for the September BZA Meeting and no applications have been filed by the deadline of September 7, 2021 for their October meeting. At this time, we have not received any applications for their November meeting but that deadline runs until October 5, 2021.