



PLANNING COMMISSION
Public Hearing and Regular Meeting
Cape Charles Civic Center
December 7, 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, Town Clerk Libby Hume, and the applicants. There was one member of the public in attendance and twenty-one viewers on Facebook Live.

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

AGENDA

Chairman Bill Stramm approved the consent agenda as presented by unanimous consent.

Chairman Bill Stramm read the Notice of Public Hearing and opened the public hearing.

PUBLIC HEARING:

- A. *A Conditional Use Permit application from Claudine Pierce, Peacock Cottage LLC, with consent from the property owners Steve and Katie Keeler at 630 Tazewell Avenue (Tax Map #83A3-1-436) in the Residential-1 Zoning District for an accessory dwelling unit pursuant to Cape Charles Zoning Ordinance Section 4.2 (J).*

Katie Nunez read the staff report and informed the commission that an amended letter of intent had been received. (Please see attached.)

Paul Grossman asked if an existing structure was being renovated; yes.

Steve and Kate Keeler, owners, thanked the staff and commissioners for their time and read the amended letter of intent.

Discussion and questions were as follows: (i) Paul Grossman wanted to confirm that if this was being used for family overflow it would be for over thirty days or this space would not be used. Kate Keeler ensured him that the accessory dwelling unit would be used as the ordinance intended. (ii) Diane D'Amico asked if they understood it had to be the same person for thirty days, yes. The owners thought their older parents or kids would be using the space. Diane D'Amico questioned the applicants if this could potentially become workforce housing; that depended on the circumstances. Paul Grossman said the intent for infill was to provide affordable housing for the workforce. and (iii) Michael Strub said the comprehensive plan was in the process of being updated and an affordable housing section needed to be included. He thought the applicants understood the intended use.

Tracy Outten read a comment submitted in writing by Jill and Ken Monarch. There were no public comments to be heard nor any additional written comments submitted prior to the meeting for this application.

Motion made by Paul Grossman, seconded by Jim Holloway to close the public hearing at 6:20 p.m. for a Conditional Use Permit for an Accessory Dwelling Unit at 630 Tazewell Avenue. The motion was approved by unanimous vote.

Motion made by Paul Grossman, seconded by Dennis McCoy, to recommend Town Council approval of a Conditional Use Permit for an Accessory Dwelling Unit at 630 Tazewell Avenue on an application filed by Claudine Pierce, Peacock Cottage LLC, with consent from the property owners Steve and Katie Keeler, pursuant to Cape Charles Zoning Ordinance Section 4.2 (J) based on the owners spoken testimony and the amended letter of intent dated December 6, 2021 with the following conditions: 1) the applicant follows any approvals received from the Historic District Review Board 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 Departments; and further finds that the Conditional Use Permit (CUP) standards in Section 4.3 are satisfied and that the issuance of the CUP is in general accord with the current Comprehensive Plan. The motion was approved by majority vote with Diane D'Amico opposing.

CITIZEN COMMENTS:

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

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

There was no new business.

REPORT OF OFFICERS AND COMMITTEES

There were no reports from the officers or committees.

STANDING STAFF REPORTS

Katie Nunez gave updates on the following: (i) Approval of a subdivision and boundary line adjustment plat between the Town of Cape Charles and the Cape Charles Rosenwald School; (ii) There were no applications filed for the Board of Zoning Appeals but, one potentially for a variance to allow residential on the 1st floor of a commercial building, and (iii) Three proposals have been received in response to the comprehensive plan consulting services request for proposals.

ANNOUNCEMENTS

- Regular Session – January 4, 2022, at 6:00 p.m. in the Civic Center
- Comprehensive Plan Work Sessions from 3:00 p.m. – 5:00 p.m. in the Civic Center:
 - December 20, 2021: Community Facilities (Diane D'Amico)

Motion made by Paul Grossman, seconded by Jim Holloway, to adjourn the Planning Commission Public Hearing and Regular Meeting at 6:47 p.m. The motion was approved by unanimous vote.

Chairman Bill Stramm

Planning Technician

**Amended Letter of Intent and Comment Submitted in Writing
December 7, 2021, Planning Commission Public Hearing**

December 6, 2021

To: Zoning Administrator
Town of Cape Charles

Re: Amendment to Letter of Intent
Conditional Use Permit for an Accessory Dwelling Unit
630 Tazewell Avenue

Dear Katie:

Thanks to feedback from you, we understand the "family overflow" comment in our letter of intent has caused concern for members of the Planning Commission. We understand that concern, and are hopeful that the Commission will grant our permit with the understanding that we will abide by the Occupancy Characteristics requirement: "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."

We have six adult children between the ages of 19 and 25. We also have an 87 year old mother and 86 year old father. We envision this space as being available for the grown children and/or our parents to come and reside for a period of time--perhaps a few months in between jobs--in the case of our children--or for a more extended time for one of our parents, should that become necessary.

When we submitted this application we did not consider that we would ever rent our space for workforce housing, but after living in Cape Charles for some months now, we realize that need is, indeed, extreme. We would certainly consider renting the space to a teacher or other member of our local workforce; in fact, we would love to make that contribution to the community as we've seen the impact of the local housing shortage on local businesses, schools and other organizations.

We respectfully ask that our letter of intent be amended to reflect our understanding of the 30-day occupancy requirement, and our willingness to consider renting our space for longer-term periods toward providing workforce housing. We continue to maintain that we have no intention of using the space for short term rentals.

Thank you for your consideration.

Sincerely,

Steve and Kate Keeler

Jill and Ken Monarch,

Subject: Steve and Kate Keeler at 630 Tazewell Ave

To the Cape Charles Planning Commission,

Our names are Jill and Ken Monarch. We are building the home at 621 Tazewell across the street from the Keelers. We received a letter regarding the work the Keelers would like to do to their home. We would like the commission to know that we support the Keelers in their endeavor to make their home/garage/property suitable for their family needs. We hope the town is able to find a way to accommodate their request. Thank you.

Jill and Ken Monarch