

Planning Commission

Public Hearing and Regular Session Agenda

Cape Charles Civic Center – 500 Tazewell Avenue
January 4, 2022, 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
4. Public Hearing: None
5. Citizen Comment Period, for any item not subject to an advertised public hearing
6. Unfinished Business: None
7. New Business
 - A. Schedule public hearing for the following Conditional Use Permit Application:
 - 1) 520 Randolph Avenue (Tax Map # 83A3-1-580): Kathleen & Todd Glaser for an Accessory Structure with Dwelling Unit pursuant to CCZO 4.2 (J)
8. Report of Officers and Committees
9. Standing Staff Reports
 - A. Interim Planning & Zoning Administrator Monthly Report for December 2021
 - 1.) Subdivision Agent Report
 - 2.) Report on Applications filed with Board of Zoning Appeals, pursuant to Code of Virginia §15.2-2310
 - 3.) Update on issuance of contract for Comprehensive Plan Consulting Services and Zoning Ordinance Update
 - 4.) Update on Historic District Consultant Contract Work
 - B. Annual Report for 2020 and 2021 for the Planning Commission
10. Announcements - Next Meetings:

Regular Session: February 1, 2022 @ 6:00 p.m.

Work Session: January 24, 2022 from 3:00 – 5:00 p.m., Civic Center
11. Adjourn



PLANNING COMMISSION PRELIMINARY STAFF REPORT

Meeting Date: January 4, 2022

Item #: 7A

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

Date: December 28, 2021

APPLICANT: Kathleen & Todd Glaser
SITE ADDRESS: 520 Randolph Avenue

TAX MAP: 83A3-1-580
LOT SIZE: 5,600 sq. ft.

TYPE OF APPLICATION: Conditional Use Permit
SPECIFIC REQUEST: Renovate to locate an accessory dwelling unit within an existing accessory structure
ZONING ORDINANCE: Section 4.2 (J)
CURRENT ZONING: Residential (R-1)

DATE RECEIVED: December 15, 2021

DATE DEEMED COMPLETE:

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

NARRATIVE OF PROPOSAL

The applicant is seeking to renovate an existing, 38 ft. x 20 ft. (767 sq. ft.) accessory structure to house an accessory dwelling unit which will only comprise 520 sq. ft. of the structure with the remaining square footage to be used as storage. The proposed use of a portion of an accessory structure as an accessory dwelling unit requires a Conditional Use Permit.

AERIAL MAP: *Property outlined in blue*



The applicant has recently applied for and was approved for a Certificate of Appropriateness to renovate the main house at 520 Randolph Avenue. As part of that project, she has indicated that she would like to move forward and renovate the accessory structure to create an accessory dwelling unit that she can reside in while the renovation work occurs on the main structure at 520 Randolph Avenue. When the renovation work is completed on the main structure at 520 Randolph Avenue, this property will then serve as her principal residence.

The applicant also owns 530 Randolph Avenue, the adjacent property, which is the recipient of a Conditional Use Permit issued by Town Council on July 18, 2016 to operate a Bed-n-Breakfast and a swimming pool. One of the required conditions contained in the Cape Charles Zoning Ordinance Section 3.2 (C) (3) (a) states that the owner must reside on the premises of the bed-n-breakfast. I have spoken with the applicant, and she has indicated that she intends on relinquishing the bed-n-breakfast Conditional Use Permit and would retain the Conditional Use Permit for the swimming pool (also approved on July 18, 2016) and that she is looking to close the bed-n-breakfast and utilize this residence as a weekly rental property.

Said relinquishment of the Bed-n-Breakfast Conditional Use Permit would be predicated upon favorable consideration by the Town of this request for a Conditional Use Permit for the Accessory Dwelling Unit at 520 Randolph Avenue.

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 and 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 February 1, 2022 meeting; said public hearing would be held jointly with the Town Council.

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 February 1, 2022, for a Conditional Use Permit for an Accessory Dwelling Unit at 520 Randolph Avenue on an application filed by Kathleen & Todd Glaser, pursuant to Cape Charles Zoning Ordinance Section 4.2 (J).

Attachments:

Attachment 1 – CUP Application Packet

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: Glaser residence
Property Address: 520 Randolph Ave
Brief Description of Project: renovate accessory building into small apartment
Zoning District: r-1 Current Use: r-1 Proposed Use: _____

OWNER INFORMATION

Name and Company: Kathleen and Todd Glaser
Mailing Address: 530 Randolph Ave
Phone Number: 757-274-1589 Email: kathyglaser@hotmail.com

APPLICANT INFORMATION

☒ check here if applicant is owner

Name: _____
Mailing Address: _____
Phone Number: _____ Email: _____

CERTIFICATION OF APPLICANT

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

Signature of Applicant: _____ Date: _____

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

Conditional Use Request

I am requesting a conditional use permit for the accessory building in the backyard of my property at 520 Randolph Ave, Cape Charles.

I plan to renovate the building to use as a small apartment for long term use. I am currently renovating the main house which I plan to make my full-time residence, but the work will take longer than anticipated. I would like to finish the accessory building so that I can live there while the work is being done on the main house.

No changes will be made on the exterior except for repairing/recovering the existing roof. I will apply to the HDRB for approval of the roof. The exterior of building will remain as is except for paint to match the color of the finished main house.

The building is 38 ft by 20 ft for a total of 767 sf. I will not be finishing the entire building. I am only finishing an area that is 26 ft by 20 ft (520 sf) and the remainder will be unfinished storage.

Attached is a drawing of the finished plan and site plan.

Neighbors on the east side:

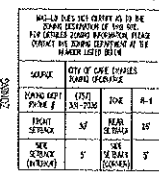
Hannah Baker, 2010 N Upton St, Arlington, VA

West side:

Kathy Glaser 530 Randolph Ave, Cape Charles

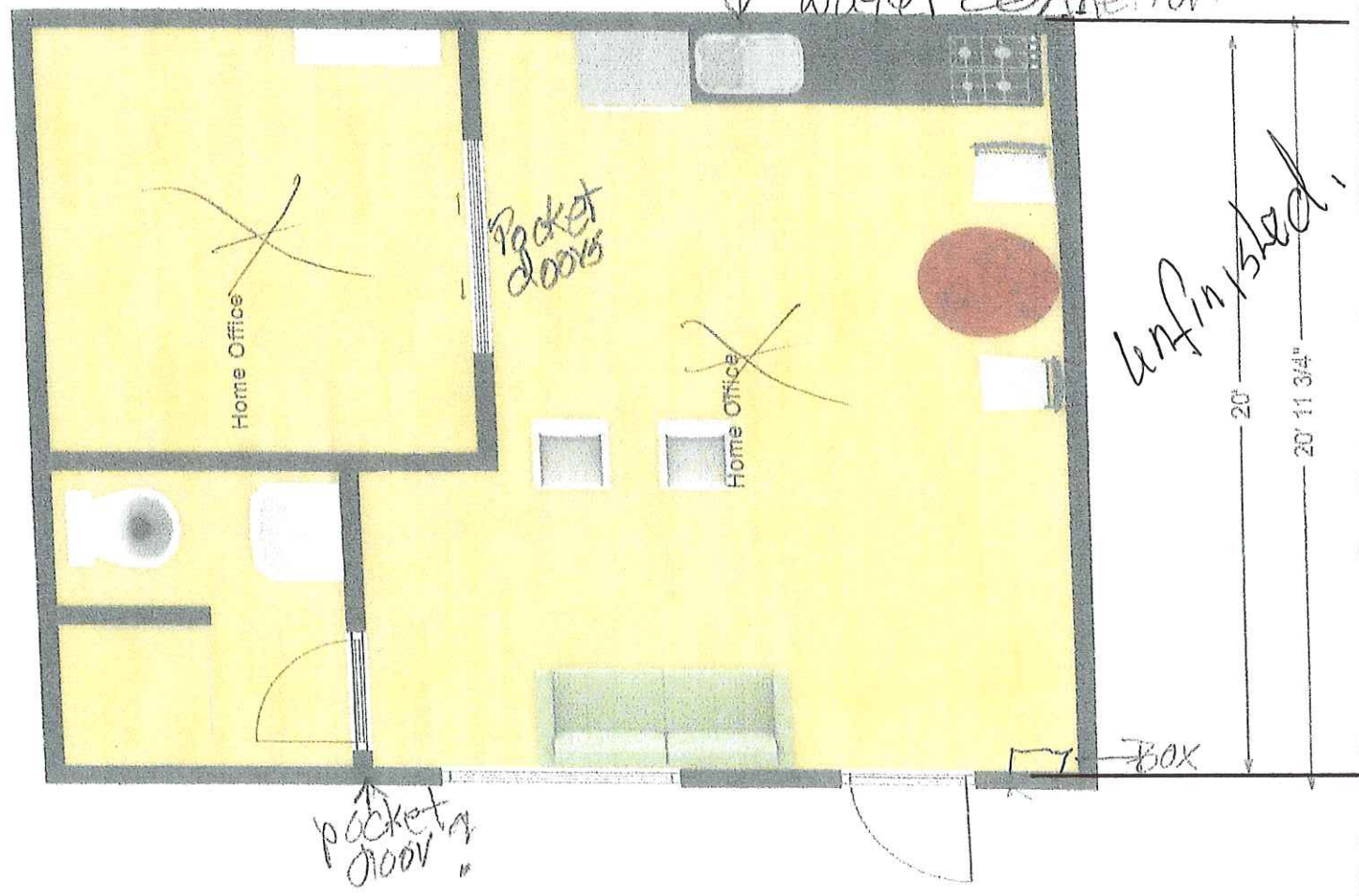
South side:

Norman and Margaret Allen



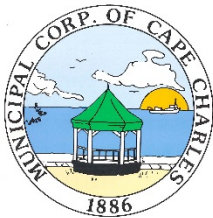
26' 11 3/4" 14' 2 5/8" 11' 3 1/2"

Mini split water connection



5' 5 3/8" 12' 5 5/8" 7' 7"





Municipal Corp. of Cape Charles

DECEMBER 2021 MONTHLY REPORT

Katie H. Nunez, Interim Planning/Zoning Administrator

1. Subdivision Agent:

- A. Bay Creek – Village J (Palmer Drive) – tax map #90-30-P20 – 50 duplex units: the concept plat was provided to the Town in September and the preliminary plat has now been filed with the Town for review.
- B. Dreams by the Bay – 10 lot subdivision – tax map # 83A1-A-2: a revised preliminary plat has been submitted and review is under way to confirm if this addresses all of the previous Town comments as well as awaiting VDOT review of said revised preliminary plat.

2. Board of Zoning Appeals - Code of Virginia Section 15.2-2310

[Planning Commission shall be provided any applications filed with the Board of Zoning Appeals.]

- A. An application has been filed for Tax Map #83A3-2-1-74 at 105 Mason Avenue to seek a variance to allow a 1st floor dwelling unit in the C-1 Zoning District where the ordinance currently requires only 2nd floor dwelling units in the C-1 Zoning District. However, the underlying conditions have changed personally for the applicant & family that was driving this request. The applicant has indicated that she would still like to proceed with the application for a dwelling space for her sister, but I have indicated the challenges to this application relative to the ordinance requirements and the standards for variance consideration. The applicant wanted to think about our conversation, and I also indicated that I would be completing my draft staff report by next week that will also include a history of how other dwelling units have occurred in the C-1 District, either on the first-floor fronting Mason Avenue or on the first floor on the rear side or rear block of Mason Avenue.

I will be speaking with the applicant next week to determine if they wish to proceed with the application for a variance regarding a dwelling unit on the 1st floor in the Commercial-1 Zoning District. If she does, then this matter would be on the February 2022 BZA Meeting Agenda.

3. Consulting Contract for the Comprehensive Plan & Zoning Updates

At their meeting on December 16, 2021, Town Council voted to award the contract for the Comprehensive Plan & Zoning Updates to Summit Design and Engineering Services. Here is the link to the Town Council Staff Report and full Proposal Response from Summit Design and Engineering Services:

<https://www.capecharles.org/files/documents/8K-ComprehensivePlanConsultantagenda119541468121321-124200PMo.pdf>

Just so you have this for your information and files, here is the link to the Request for Proposals that was issued by the Town for this scope of work which will also become part of the contract documents with Summit Design: [RFP-ComprehensivePlanZoningUpdatebid3811468100521-101801AMa.pdf \(capecharles.org\)](https://www.capecharles.org/files/documents/8K-ComprehensivePlanConsultantagenda119541468121321-124200PMo.pdf)

Due to the workload and meeting commitments of the Town Council and the associated staff involved, this work will not commence formally until the 1st two weeks in February 2022 when a kick-off meeting will occur with Summit Design and joint meeting with Town Council and Planning Commission. This will also allow staff to complete the work session meeting minutes of the Planning Commission where each chapter of the Comprehensive Plan was discussed and ensure that all of the most current draft chapters are posted to the Town Website.

4. Consulting Contract for the Update and Revisions to Historic District Overlay Zoning Ordinance and Historic District Guidelines

The Commonwealth Preservation Group is progressing with their work on the drafting of revised guidelines and proposed revisions to Article VIII of the Cape Charles Zoning Ordinance (Historic District Overlay Zoning Ordinance). During the months of October & November, questionnaires were provided to all members of Town Council and the Historic District Review Board and interviews were conducted with those respective board members as well as Town Staff. A survey was issued through the monthly utility bills as well as on-line and over 100 responses were received to this survey.

Staff has responded and reviewed certain components of the guidelines, regarding structure and formatting, and providing clarifying information as questions are forthcoming from the consultant regarding process and administrative flow item.

The consultant will be providing drafts of the design guidelines text, ordinance text and historic district map by January 10, 2022 to the Town and our review of said draft documents needs to be completed by January 31, 2022.

The consultant and the Town will be hosting a Town Hall style meeting on Thursday, January 27, 2022 to receive the results of the survey responses and to preview the work progress to date.

From: [Katie Nunez](#)
To: [Ann Hayward Walker](#)
Cc: [Tracy Outten](#); [Commissioner Bill Stramm](#); [John Hozey](#)
Subject: Request to allow 1st floor residential dwelling unit in the Commercial-1 Zoning District at 107 Mason Avenue for Lois A. Rooney due to ADA disabilities.
Date: Tuesday, November 30, 2021 8:10:00 AM

Ann:

I apologize that my response has taken a bit of time but I wanted to make sure I understood how other first floor residential dwellings on Mason Avenue in the Commercial-1 Zoning District were authorized by the Town since the ordinance does not allow for 1st floor dwelling units in the Commercial-1 Zoning District.

Under [Code of Virginia Section 15.2-2309 \(2\)](#), I do not find that I can administratively approve your request for residential use of the building at 107 Mason Avenue since this is not a use allowed by right in the Commercial-1 District and is only allowed through a Conditional Use Permit if located on a second story or greater in the Commercial-1 Zoning District ([Cape Charles Zoning Ordinance Section 3.6 \(C\)](#)) and require you to seek a variance from the Board of Zoning Appeals specifically regarding the building story level requirement. In one of your e-mails to me, you asked whether you are seeking a variance or a special exception. Regarding Special Exceptions (also referred to as Special Use Permits and/or Conditional Use Permits), this term is defined by the Code of Virginia Section 15.2-2202 as: *"Special exception" means a special use that is a use not permitted in a particular district except by a special use permit granted under the provisions of this chapter and any zoning ordinances adopted herewith.* My ruling is that you need to seek a variance from the requirements of an established use authorized through a Conditional Use Permit. You are not able to request a special exception unless this is already established by the Town as a use allowed in some capacity by the Zoning Ordinance in the zoning district for the parcel in question.

In terms of process, you would need to:

1. File an Application for a Zoning Variance – here is the link to this form on the Town website: <https://www.capecharles.org/docview.aspx?docid=20113> since you are seeking a variance from the provision of Cape Charles Zoning Ordinance Section 3.6 (C) to allow by conditional use permit a residential dwelling use on the first floor in the C-1 district. You will need to provide a existing survey, if one is available, or site plan for the lot which shows the building with all dimensions and setbacks on the lot and also include an interior layout of the building to show the proposed residential use within that layout and if there will be more than one use occurring in the building other than the requested residential use. This interior layout drawing can be done by you. Please also show the access into the building for any proposed residential use vs. any other proposed use(s). I have your letter of intent and narrative which will be included as part of your application packet. You will also need to fill out Property Owner Permission Affidavit form (link here: <https://www.capecharles.org/docview.aspx?docid=29092>).

Timing wise: there are advertising requirements that must be met in order to bring this to public hearing before the Board of Zoning Appeals so it can not be on the December

14, 2021 Board of Zoning Appeals meeting agenda. **In order to be on the January 11, 2021 Board of Zoning Appeals meeting agenda, a completed application must be submitted by close of business on Tuesday, December 7, 2021.**

2. File an Application for a Conditional Use Permit (CUP): we can run this process simultaneously with the BZA Application so that if there is favorable consideration of the variance by the BZA which establishes a variance from the building floor requirement for residential dwelling use, then a Conditional Use Permit application can be considered by the Planning Commission and the Town Council – I will request that we conduct a joint hearing of those two bodies. The application for a conditional use permit require the same information as submitted for a Variance Application with the substitution of the cover application -that link is here: <https://www.capecharles.org/docview.aspx?docid=20803>.

Timing wise: I would need to speak with the Planning Commission and the Town Council regarding the convening of the public hearing for this CUP Application since the timing is a little tricky with the Planning Commission regular meeting the 1st Tuesday in January (before the BZA Meeting). The Planning Commission would not be able to provide their recommendation until zoning compliance is achieved on an application and in order for your application to achieve zoning compliance, it needs an approval of the variance from the Board of Zoning Appeals. Town Council meets the 3rd Thursday in January but they can not vote on a CUP application until they receive a recommendation from the Planning Commission. I have included both the chairman of the Planning Commission and the Town Manager in this email so that they are aware of your request and will be prepared to discuss with me the calendar issues involved regarding a CUP Application to see if we can establish a workable public hearing calendar for January or if it will need to occur in February 2022.

I can not give you any assurance whether this will be approved by the Town since there are several conflicting issues both in our local ordinance and state code. When I write up my staff report for this application to the Board of Zoning Appeals, I will delve more thoroughly into those issues and will cite all governing documents, including any prior actions by the Town regarding first floor residential dwelling units on Mason Avenue, and the state provisions contained in 15.2-2309 (2) which does provide for the ability to authorize a variance in order to provide a reasonable modification to the property for a person with a disability but which is also time limited for its approval when that person with a disability is no longer in need of the modification to the property or improvements provided by the variance.

I appreciate your patience as I have worked through the various issues raised by your request on behalf of your mother to determine the process needed to apply to the Town. I understand that time is of the essence for you and your mother and will do my best to advance this as quickly as possible while meeting all of our public notice requirements for legal advertising of these matters.

Don't hesitate to contact me if you have any questions on this matter.

Sincerely.

Katie H. Nunez, Interim Planning/Zoning Administrator at Town of Cape Charles.

Phone 757-331-2036 **Mobile** 757-695-0787

Web www.capecharles.org **Email** knunez@capecharles.org

2 Plum Street, Cape Charles, VA 23310

From: Ann Hayward Walker <ahwalker@seaconsulting.com>

Sent: Friday, November 19, 2021 4:09 PM

To: Katie Nunez <knunez@capecharles.org>

Cc: Tracy Outten <tracy.outten@capecharles.org>

Subject: RE: Lois A. Rooney request for exception at 107 Mason Ave. - please respond

Hi Katie,

There are only two forms (variance and conditional use) I see, but maybe I don't need a form?

My understanding is that it could be appropriate to seek an exemption for certain conditions outlined in the attached VA Code Section.

Have a nice weekend! Ann Hayward

Ann Hayward Walker

Independent Consultant

306 Bay Avenue

Cape Charles VA 23310 USA

Cell 757-373-6636

Over 40 Years of Connecting the Dots

From: Katie Nunez <knunez@capecharles.org>

Sent: Friday, November 19, 2021 12:43 PM

To: Ann Hayward Walker <ahwalker@seaconsulting.com>

Cc: Tracy Outten <tracy.outten@capecharles.org>

Subject: FW: Lois A. Rooney request for exception at 107 Mason Ave. - please respond

Importance: High

Ann:

Sorry I was not able to call you yesterday so I am glad that you e-mailed me with the letter. I will look at this and Tracy Outten is checking for any prior information we have about this building and previous conversations with Allyson Finchum on this matter just so that I have the history of this. I

am not certain that a variance can be sought for this but I will get back with you this weekend and lay out a course of action.

I will also research the ADA and see how that impacts the Town zoning ordinance regarding by-right uses and conditional permit uses and run through the ordinance again to see if there is leeway regarding housing on the first floor in the Commercial Zoning District.

Katie

From: Ann Hayward Walker <ahwalker@seaconsulting.com>

Sent: Friday, November 19, 2021 6:26 AM

To: Katie Nunez <knunez@capecharles.org>

Subject: Lois A. Rooney request for exception at 107 Mason Ave. - please respond

Importance: High

Good morning, Katie,

I left you a voice mail yesterday, but I realize “busy” is an understatement for your day.

Attached is a letter of request for my mother. Could you please take a look at it? I want to be sure I’ve articulated the appropriate request, submit the proper form (variance?), and fee. I can’t recall now if I submitted a fee for my mother last year, or what that amount was.

Thank you for your kind assistance, sincerely, Ann Hayward

Ann Hayward Walker

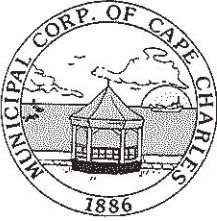
Independent Consultant

306 Bay Avenue

Cape Charles VA 23310 USA

Cell 757-373-6636

Over 40 Years of Connecting the Dots



VARIANCE APPLICATION

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

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

- | | |
|---|---|
| ☒ Completed application | ☒ Photos/elevations of existing structure |
| ☒ Letter of intent clearly explaining project | ☐ Photos/elevations of proposed project |
| ☒ Existing site plan or survey | ☒ Payment of fees (single-family detached \$450, all others \$750, each additional variance request on same application \$50) |
| ☐ Proposed site plan or survey (if applicable) | |

PROJECT INFORMATION

Name of Project: Rear of building - ground floor residence for Lois A. Rooney (disabled)
Property Address: 107 Mason Ave. Cape Charles VA 23310
Brief Description of Project: Request variance to reside on ground floor (alley entrance)
Zoning District: C1 Current Use: commercial Proposed Use: commercial/residential

OWNER INFORMATION

Name and Company: Lois A. Rooney Declaration of Trust (Enclosure 1)
Mailing Address: 306 Bay Ave. VA 23451
Phone Number: 757-373-6636 Email: ahwalker@seaconsulting.com

APPLICANT INFORMATION

☒ check here if applicant is owner

Name: Applicant is Ann Hayward Walker, co-trustee
Mailing Address: 306 Bay Ave., Cape Charles VA 23310
Phone Number: 757-373-6636 Email: ahwalker@seaconsulting.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: *Ann Hayward Walker* Date: *Dec 6, 2024*

306 Bay Ave.
Cape Charles, VA 23310
6 December 2021

Ms. Katie Nunez
Town Planner
Town of Cape Charles
2 Plum Street
Cape Charles, VA 23310

Dear Ms. Nunez:

I am the co-trustee of the Lois A. Rooney Declaration of Trust (Enclosure 1 – Northampton County real estate assessment) which owns the property, 107 Mason Ave. This property is zoned C1 – Commercial District; it is 50' wide and 140' long. On the property is a one-story building that is 30' wide x 110' long; the west side has a fenced area of 20' of open space, vegetated with grass and trees.

Per your email guidance (Nov. 30, 2021), I'm applying for zoning variance to enable Lois A. Rooney, my mother, to reside on the back of the ground floor of the building, which is zoned C1. The back of the building has a rear entrance, windows, and sufficient space for residential parking. As I understand the process, if the variance is approved, another step is to obtain a Conditional Use Permit (CUP). Therefore, I'd also like to apply for a CUP. Both applications are being submitted with this Letter of Intent. No internal or external construction changes are needed at this time.

Details on Enclosures 1-4 to this letter:

1. Northampton County real estate assessment shows the ownership of 1-story building, with 3,300 square feet. Built in 1960, this was a Virginia ABC (Alcoholic Beverage Control) retail store until the store moved out to the highway. Since that move, the space has been used as the office for Chesapeake Bay Communications until they vacated the space May 31, 2020.
2. Deed for original purchase of 107 Mason Ave. conveying ownership of the building to Lois A. Rooney. The deed was entered into the Trust a few years ago.
3. Architectural plan by Leon Parham of the existing internal space. You can see the large front room opening to Mason Ave., the middle portion of the building has 8 office spaces (four on each side of a central hallway), and a rear portion which contained two powder rooms, 2 closets which were turned into a kitchenette, a utility room, and another large open space. There are two front door entrances and one rear entrance, and two windows at the rear of the building facing the alley (the rear windows do not show on the drawing).
4. Exterior photos taken on Dec. 5, 2021 – front (south), rear (north), and side (west) views. Please notice: 1) the two windows show on the rear photo, and 2) the 20' space along the west side of the building which is visible in all three photos. The fence along the property line also is visible. The old fence was replaced this year – same general style, height, and location as previous fence, which had rusted.

My mother grew up in Ghent in Norfolk where she loved walking along the Hague and seeing the activities in the Norfolk harbor every day. Since my mother first visited Cape Charles in 1995, she wanted to live on Mason Avenue near the harbor and businesses. My mother purchased 107 Mason Ave. in 1997 (Enclosure 2 – Deed). She has planned all these years on obtaining the necessary approvals to build an apartment as a new second floor to the building. However, now at 93-years old, she has become wheelchair bound and her plan to live on the second floor – to observe the activities in the

harbor and on Mason Ave. — is no longer viable. Her desire to see what's going on remains strong and I've taken her in her wheelchair to observe the concrete plant and clam operations across from her building. She loves it all.

Due to special conditions listed below, I respectfully request this variance to allow her to reside in her building:

1. The strict application and literal enforcement of the C1 ordinance would produce undue hardship on her, due to her limited mobility, age, and declining health. She would be unable to use the building the way she has dreamed about for decades, and it is too late in her life to change this.
2. We also view this request as appropriate under the provisions of the Americans with Disabilities Act.
3. Consistent with C1 zoning, the front part of the building is planned for one of the uses permitted by right in C1, probably an art and antique business. My sister, who lives with our mother and is now her primary care giver, is an artist who retired as a public-school teacher (Northampton High School, Lake Taylor High School, others). They would like to open a business which would include painting, photography, and fabric arts.
4. By retaining the front of the building for commercial use, the building will be in harmony with the intended spirit and purpose of C1, which is stated as "The intent of this zoning district is to preserve and enhance the traditional mixed use urban nature of Cape Charles commercial districts."
5. Using the back of her building as a residence will not result in a detriment to adjacent property or change the character of Mason Avenue's commercial district. As the town is aware, other buildings on the north side of Mason Ave. have been granted an exception for rear residential use on the ground floor, with commercial spaces on the front. On the south side of the street, 300 Mason Ave. also has residences on the rear of the ground floor. I realize this building is in the Harbor District but, to the public and concept of Main Street, the difference is invisible. The adjacent property owners are:
 - a. East: 109 Mason Ave. BROWN FOSTER & CHARLES LLC
 - b. West: Open lot. Not sure of owners — same as Coffee Shop at 241 Mason - LINKS COURT LLC?
 - c. North: Back doors of residences on Randolph Ave. (102 Randolph Ave. MACKEY, CHRISTOPHER A; 106 Randolph Ave. RAYNOR, JAMES W III & NICHOLE H)

If you have any questions, please do not hesitate to contact me by mobile phone, 757-373-6636, or email ahwalker@seaconsulting.com. I hope that this request can be approved as soon as possible. Thank you for your kind consideration and assistance.

Sincerely,



Ann Hayward (Rooney) Walker

ENCL. #1 (3 pages)

107 MASON AVE

Location 107 MASON AVE

Map # 083A3/ 02 01/ 0000074/ 1

Par Rec # 4642

Owner LOIS A ROONEY DELCARATION
OF TRUST, THE

Assessment \$246,700

PID 4392

Building Count 1

Legal Description #74,PT.#75 60X140

Lot Type

Current Value

Assessment					
Valuation Year	Building	Extra Features	Outbuildings	Land	Total
2020	\$106,700	\$0	\$0	\$140,000	\$246,700

Owner of Record

Owner LOIS A ROONEY DELCARATION OF TRUST, THE
Care Of LOIS A ROONEY & ANN HAYWARD TRUSTEES
Address 1005 CHUMLEY RD
VIRGINIA BEACH, VA 23451-3734

Sale Price \$0
Instrument # LR02 882
Book & Page 0/0
Sale Date 04/08/2002
Sale Type G

Ownership History

Ownership History						
Owner	Sale Price	Instrument #	Book & Page	Sale Type	Sale Date	Plat
LOIS A ROONEY DELCARATION OF TRUST, THE	\$0	LR02 882	0/0	G	04/08/2002	
LOIS ROONEY & ANN WALKER	\$0		0/0		12/30/2001	

Building Information

Building 1 : Section 1

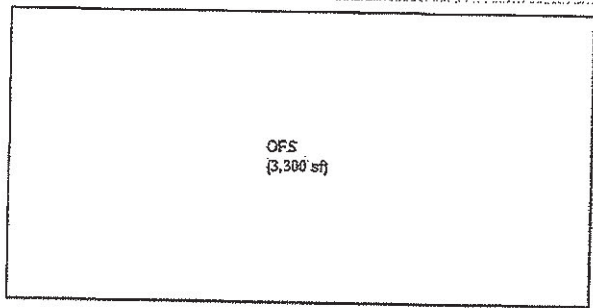
Year Built: 1960

Living Area: 0

Building Attributes	
Field	Description
STYLE	Retail

MODEL	Com/Ind
Grade	C+05
Stories	1
Exterior Wall 2	
Exterior Wall 3	
Foundation 1	Brick
Foundation 2	
Roof Structure 1	Flat
Roof Cover 1	Tar & Gravel
Roof Cover 2	
Interior Wall 1	Plaster
Interior Wall 2	
Class	COMMERCIAL
Bldg Use	SFD - Urban Comm
AC Type 1	Central Air
AC Typ 2	
Heat Fuel 1	Oil
Heat Fuel 2	Electric
Sand Shower	
Interior Floor 1	Terazzo Tile
Exterior Wall 1	Brick Veneer
Interior Floor 2	
Interior Floor 3	
Heat Type 1	Central Heat
Wall Height	
Fireplace Openings	0.00

Building Layout



Building Sub-Areas (sq ft)			Legend
Code	Description	Gross Area	Living Area
OFS	Office - Standard - 1.00	3,300	0
		3,300	0

Extra Features

Extra Features	Legend
No Data for Extra Features	

Land

Land Use

Use Code 100C
 Description SFD - Urban Comm
 Zone
 Alt Land Appr No

Land Line Valuation

Size (Acres) 1
 Frontage

Outbuildings

--

Outbuildings							Legend
Code	Description	Sub Code	Sub Description	Size	Value	Assessed Value	Bldg #
FNC	FENCE			1.00 UNITS	\$0	\$0	1

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Grantors, and LOIS ANN ROONEY, having an address of 428 Gosnold Court, Virginia Beach, Virginia 23451, party of the second part, Grantee, and CLAIBORNE M. DICKINSON, non-owning spouse of Charles W. Dickinson, IV, party of the third part.

WITNESSETH: That for and in consideration of the sum of One Hundred Seventeen Thousand Two Hundred Dollars (\$117,200.00), cash in hand paid at and before the signing, sealing, and delivery of this deed, the receipt whereof is hereby acknowledged, the parties of the first part do grant and convey, with General Warranty and English Covenants of Title unto Lois Ann Rooney, her heirs and assigns forever, the following described real estate:

ALL THAT CERTAIN lot, piece or parcel of land, with the buildings and improvements thereon, lying, situate and being in Northampton County, Virginia, and being known, numbered and designated as Lot 74 and the eastern ten feet (10') of Lot 75 shown on a map or plat of the Sea Cottage Addition to the Town of Cape Charles, Virginia, and recorded in the Clerk's Office of the Circuit Court of Northampton County, Virginia, with a deed from Matthew H. Taylor, et als, surviving trustees, to Cape Charles Real Estate Corporation in Deed Book 65, Pages 181-183, unto which reference is made. Said lots being situate on Mason Avenue, in the Town of Cape Charles, Virginia.

This is the same lot, piece or parcel of land that was devised by the residuary estate of Frank Parsons to Margaret Parsons Dickinson and George F. Parsons in equal shares by his will recorded in the aforesaid Clerk's Office in Will Book 55, Page 163. Margaret Parsons Dickinson vested fee simple title in her one-half undivided interest in the described "ABC Store property" to Charles W. Dickinson, IV, by her will recorded in the aforesaid Clerk's Office in Will Book 70, Page 24; and as further shown in Deed of Confirmation dated March 7, 1996, recorded in the aforesaid Clerk's Office in Deed Book 279, Page 754. George F. Parsons vested fee simple title in his one-half undivided interest in the "ABC Store" property to Charlye K. Parsons by his will recorded in the aforesaid Clerk's Office in Will Book 70, Page 654.

Together with all the privileges and appurtenances to the real estate thereunto belonging or in anywise appertaining.

This conveyance is made expressly subject to the easements, conditions,

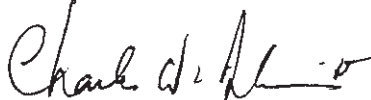
conveyed which have not expired by limitation of time contained therein or otherwise become ineffective, and to matters readily visible upon inspection of the property, and SUBJECT, HOWEVER, to existing tenant's rights, being more particularly described in that certain Deed of Lease dated February 6, 1995, recorded in the Clerk's Office for the Circuit Court of Northampton County, Virginia, in Deed Book 274, page 327, between George F. Parsons, et al, as Lessor, and Virginia Alcoholic Beverage Control Board, as Lessee.

Claiborne M. Dickinson, party of the third part, joins in this deed for the sole purpose of waiving any right to claim that the interests in the property conveyed herein by her spouse be included in any augmented estate created by Virginia Code Section 64.1-16.1 and specifically does not assume or agree to be bounded by any covenants or warranties herein contained.

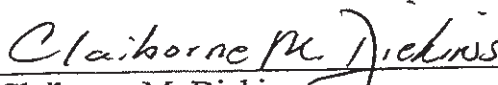
TO HAVE AND TO HOLD said real estate with the appurtenances aforesaid unto Lois Ann Rooney, her heirs and assigns forever.

Taxes for the year 1997 are to be prorated as of the date of delivery of this deed. Possession of said real estate is to be given to the party of the second part immediately upon the delivery of this deed.

WITNESS the following signatures and seals:

 (SEAL)
Charles W. Dickinson, IV

 (SEAL)
Charlye K. Parsons

 (SEAL)
Claiborne M. Dickinson

COUNTY OF NORTHAMPTON, to-wit:

The foregoing instrument was acknowledged before me this 13th day of February, 1997, by Charles W. Dickinson, IV.

My commission expires: 5-31-97

Mary Melissa Kesterson
Notary Public

STATE OF VIRGINIA

COUNTY OF NORTHAMPTON, to-wit:

The foregoing instrument was acknowledged before me this 13th day of February, 1997, by Charlye K. Parsons

My commission expires: 5-31-97

Mary Melissa Kesterson
Notary Public

STATE OF VIRGINIA

COUNTY OF NORTHAMPTON, to-wit:

The foregoing instrument was acknowledged before me this 13th day of February, 1997, by Claiborne M. Dickinson.

My commission expires: 5-31-97

Mary Melissa Kesterson
Notary Public

VIRGINIA:

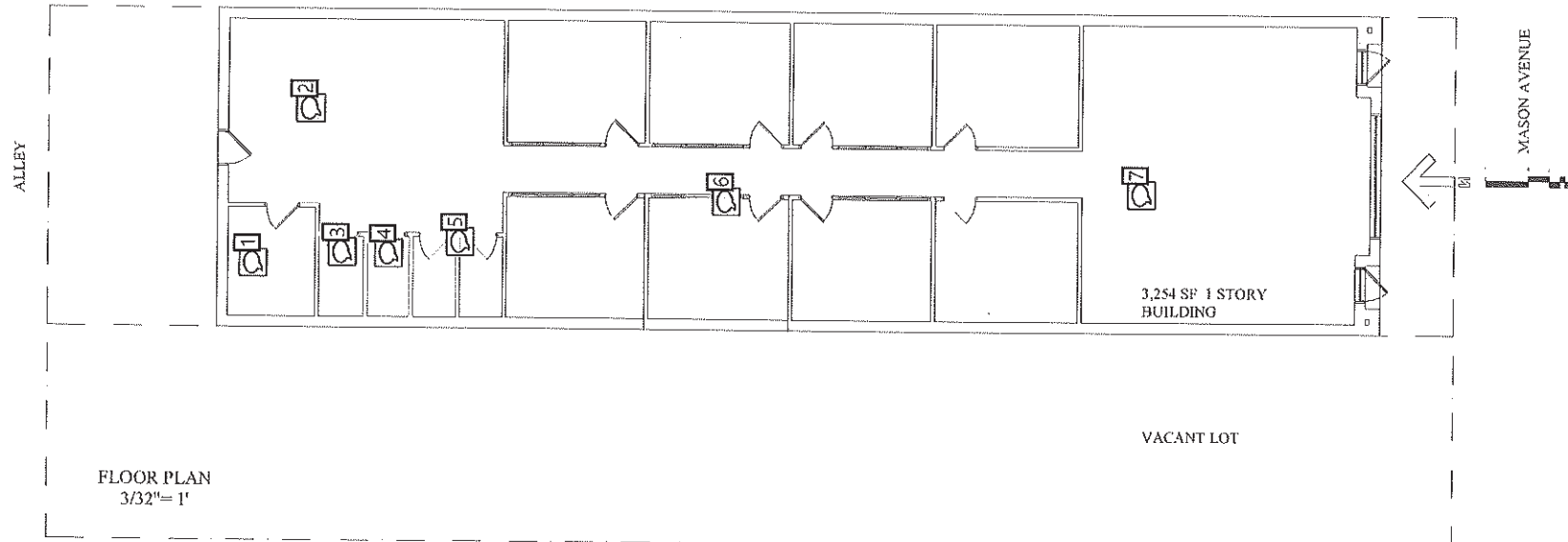
In the Clerk's Office of the Circuit Court of the County of Northampton, on Feb 13, 1997. This instrument was, with the certificate of acknowledgment thereof, thereto annexed, received by me in my said office this day and admitted to record at 12:04 o'clock, AM (PM). Taxes imposed by Section 58.1-802 of the Code of Virginia, as amended, have been paid in the amount of \$ 117.50

Tested: Kenneth F. Arnold, Clerk
Notary Public

Summary of Comments on C:\Autocad Projects\2019 PROJECTS\201913 LAR 107 Mason\LAR 107 mason 11x17 EC-1 (1)

Page: 1

Number: 1	Author: Ann Hayward Walker Subject: Sticky Note	Date: 12/5/2021 7:13:14 AM
Utility room w/ window on rear wall		
Number: 2	Author: Ann Hayward Walker Subject: Sticky Note	Date: 12/5/2021 7:13:47 AM
Great room / disabled bedroom with window on rear wall		
Number: 3	Author: Ann Hayward Walker Subject: Sticky Note	Date: 10/14/2020 8:47:43 AM -04'00'
existing powder room with toilet and sink. Will retain.		
Number: 4	Author: Ann Hayward Walker Subject: Sticky Note	Date: 10/14/2020 8:48:35 AM -04'00'
change 2nd powder room to a shower. (no toilet or sink)		
Number: 5	Author: Ann Hayward Walker Subject: Sticky Note	Date: 12/5/2021 7:10:37 AM
2 closets. remove center wall to make an office kitchenette along the left and back walls - cabinets, sink, refrigerator, maybe a small dishwasher. Countertop microwave, NO STOVE.		
Number: 6	Author: Ann Hayward Walker Subject: Sticky Note	Date: 12/5/2021 7:12:29 AM
8 center cubicles - office, storage, and additional residential spaces		
Number: 7	Author: Ann Hayward Walker Subject: Sticky Note	Date: 12/5/2021 7:12:56 AM
Commercial use space		

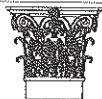


FRONT (SOUTH) ELEVATION

SIDE (WEST) ELEVATION

REAR (NORTH) ELEVATION
ELEVATIONS 1/16" = 1'

SIDE (EAST) ELEVATION



PARHAM

5377 AMCKHURST BAY DR., CAPE CHARLES VIRGINIA 23318-3217
757.331.0591... rick@rickparham.com
PARHAM ARCHITECT, R.A., NCARB

107 MASON AVENUE ADDITION/RENOVATION

EXISTING CONDITIONS PLANS & ELEVATIONS

201913

LP	11/14/19		EC-1
	1/8"=1'		

Enclosure 3 – Property Photos of 107 Mason Ave., Cape Charles

Top left: Front (south)

Top right: Rear (north)

Bottom center: side (west)

