

Planning Commission

Public Hearing and Regular Session Agenda

Cape Charles Civic Center – 500 Tazewell Avenue
February 1, 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:
 - A. 520 Randolph Avenue (Tax Map #83A3-1-580): Kathleen & Todd Glaser for an Accessory Structure with Dwelling Unit pursuant to CCZO 4.2 (J)
5. Citizen Comment Period, for any item not subject to an advertised public hearing
6. Unfinished Business: None
7. New Business: None
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.) Department Staffing
10. Announcements - Next Meetings:
 - Regular Session: February 1, 2022 @ 6:00 pm
 - Joint Meeting with Town Council: February 2, 2022 @ 6:00 pm for Contract Kick-Off Meeting with Summit Design Engineering, consultant for Comprehensive Plan Update and Zoning Ordinance Update
11. Adjourn

TOWN OF CAPE CHARLES
Planning Commission – Public Hearing
Town Council – Public Hearing

The Cape Charles Planning Commission will hold a public hearing on Tuesday, February 1, 2022, at 6:00 pm in the Cape Charles Civic Center, 500 Tazewell Avenue, to receive comment on the following request:

- A. A Conditional Use Permit application from Kathleen and Todd Glaser at 520 Randolph Avenue (Tax Map # 83A3-1-580) in the Residential-1 Zoning District for an accessory dwelling unit pursuant to Cape Charles Zoning Ordinance Section 4.2 (J)

The Cape Charles Town Council will hold a public hearing on Thursday, February 17, 2022, at 6:30 pm in the Cape Charles Civic Center, 500 Tazewell Avenue, to receive comment on the following requests:

- A. A Conditional Use Permit application from Claudine Pierce, Peacock Cottage LLC, with consent from the property owners Steve and Kate Keeler at 630 Tazewell Avenue (Tax Map #'s 83A3-1-436 & 437) in the Residential-1 Zoning District for an accessory dwelling unit pursuant to Cape Charles Zoning Ordinance Section 4.2 (J)
- B. A Conditional Use Permit application from Kathleen and Todd Glaser at 520 Randolph Avenue (Tax Map # 83A3-1-580) in the Residential-1 Zoning District for an accessory dwelling unit pursuant to Cape Charles Zoning Ordinance Section 4.2 (J)

The applications are 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 - Wednesday, January 19, 2022
AD TO RUN: Friday, January 21, 2022 & January 28, 2022



PLANNING COMMISSION STAFF REPORT

Meeting Date: January 4, 2022

Item #: 4A

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

Date: January 25, 2022

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: January 7, 2022

LEGAL DEADLINE (90 Days from Complete Application – Directory, not Mandatory): April 8, 2022

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.

ORDINANCE REQUIREMENTS

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.

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.

Lastly, it is important to note that Town Code Section 71-42 (Connection Charges for Sewer Use) (b) states the following:

“Accessory dwelling units approved by town council as a conditional use shall be billed at 50 percent of the residential monthly minimum bill. Accessory dwelling units occupied by family member(s) of the principal property owner or non-rent paying occupants may be exempt from

this monthly bill upon the town receiving affidavit signed by the principal property owner attesting to such occupancy.”

This requirement was recently brought to my attention and I am including this in the staff report so that the applicant is aware of this provision of the Town Code.

STAFF ANALYSIS:

The application for the renovation and conversion of the majority portion of the existing accessory structure (520 sq. ft. of the 767 sq. ft structure or 67.8%) substantially meets the requirements of the Cape Charles Zoning Ordinance Section 4.2 (J) with the exception that the applicant has indicated that the accessory dwelling would initially be used by her as her residency while renovation work is underway in the primary structure at this property but upon completion of the renovation work then the primary structure will be her place of residence. The applicant has signed the Accessory Dwelling Unit Checklist but has not provided any additional information in the application to clarify or elucidate the use of the Accessory Dwelling Unit once she no longer is utilizing it as her residence during the renovation phase of the principal structure.

The existing accessory structure is 767 square feet and the lot size is 5,600 sq. ft; however, since the accessory structure is existing, then the compliance with the requirement of Section 3.2(C) (7) and 3.2.F.2 & 4 of the ordinance, requiring the total of all accessory building footprints to be no greater than 10% which would equate of 560 sq. ft is not required and the size of the existing accessory structure is deemed legal, non-conforming.

The second requirement is that the total footprint of the accessory dwelling shall not exceed 45% of the total footprint of the floor area of the main building (Section 4.2 (J) (1) (b). The total footprint of the main house, with the proposed addition, will be 1,717 sq. feet and 45% is 772.65 sq. ft. and the portion of the accessory structure being classified as accessory dwelling is 520 sq. ft which is in compliance with the ordinance requirements.

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”. If the Accessory Dwelling Unit will continue to be used for 30 day or longer rental stays, whether for a fee or not, beyond the initial use declared by the applicant, then this does fit within the Comprehensive Plan goals.

If this application is favorably considered by the Town, then a condition needs to be included that requires the voluntary termination by the applicant of the portion of the Conditional Use Permit that was issued by the Town on July 18, 2016 for a Bed-n-Breakfast owned and operated by the applicant at 530 Randolph Avenue when the applicant occupies the Accessory Dwelling Unit at 520 Randolph Avenue since the applicant will no longer meet the residency requirement for a Bed-n-Breakfast establishment. Please note that a swimming pool was also approved as part of that Conditional Use Permit on 7/18/2016 and that approval will remain in effect.

STAFF RECOMMENDATION:

Upon clarification of the long-term intent of the use of the Accessory Dwelling Unit once the Accessory Dwelling Unit is no longer being utilized as her interim residence during the renovation of the principal structure at 520 Randolph Avenue, then staff will be in support of recommending approval of the Conditional Use Permit and is prepared to assist with the development of a motion, along these lines:

The Cape Charles Planning Commission recommends approval of a Conditional Use Permit for an Accessory Dwelling Unit at 520 Randolph Avenue on an application filed by Kathy & Todd Glaser, 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;*
- 3.) upon the occupancy of the Accessory Structure as a dwelling by the applicant at 520 Randolph Avenue, then the Conditional Use Permit issued by the Town on July 18, 2016 for a Bed-n-Breakfast, owned and operated by the applicant at 530 Randolph Avenue, will be relinquished by the applicant since the requirements of the CUP will not be met, particularly the residency requirement for Bed-n-Breakfast establishments.*

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: Kathleen Glaser Date: 12/29/24

Town of Cape Charles Planning & Zoning Department
2 Plum Street Cape Charles, VA 23310 757-331-2036

Conditional Use Permit - Accessory Dwelling Unit Checklist

date: 12/29/2021

Address: 530 Randolph Ave Cape Charles

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 520 sqft
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: Karlson Shaw

Signature of Applicant: Same

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:

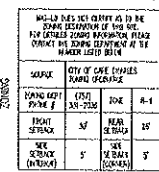
Hannah Baker, 2010 N Upton St, Arlington, VA

West side:

Kathy Glaser 530 Randolph Ave, Cape Charles

South side:

Norman and Margaret Allen



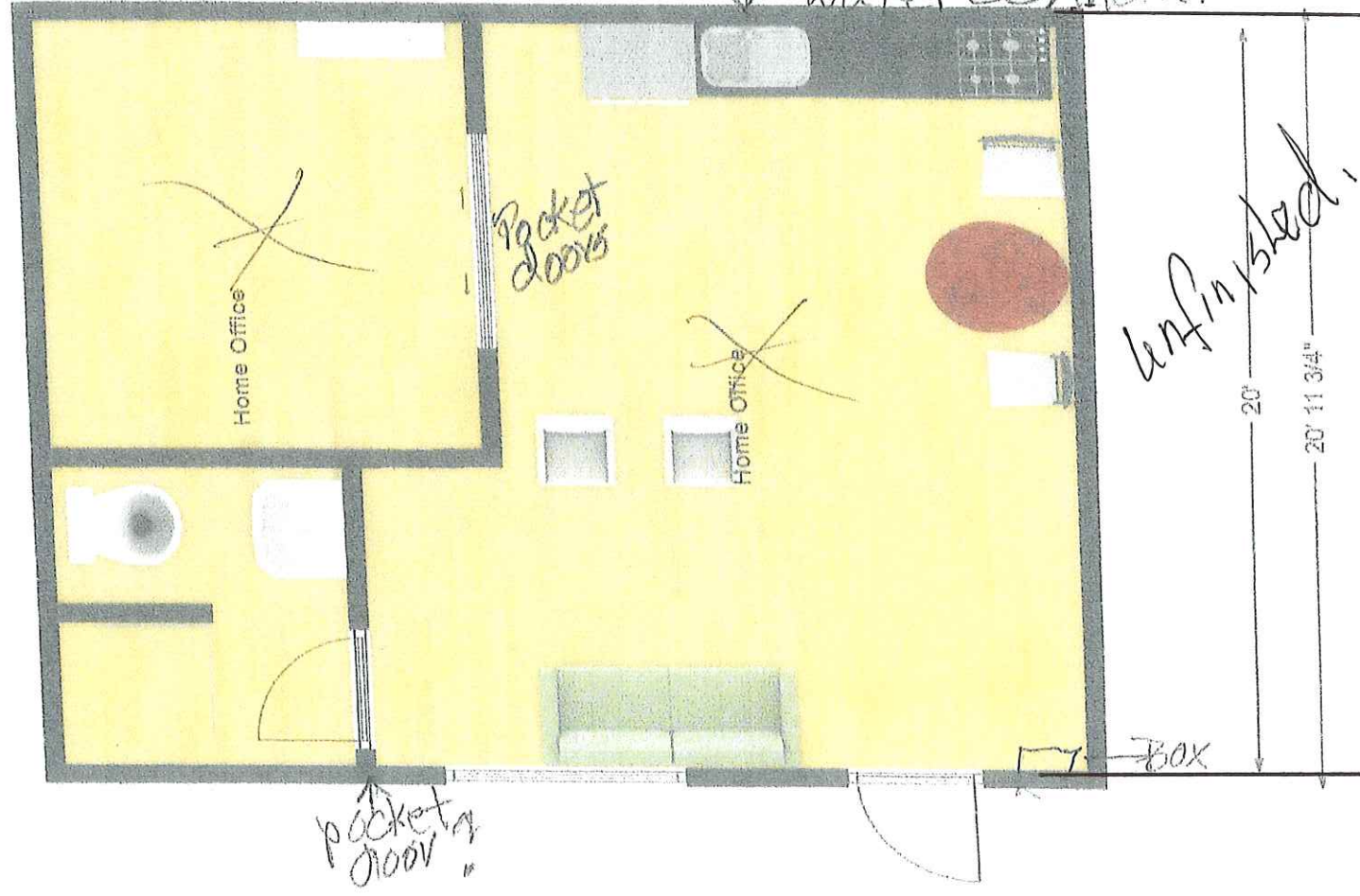
SCALE 1"=10'

SHEET

1 of 1

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

Mini split water connection

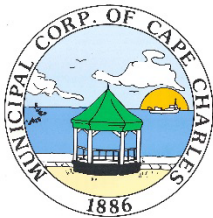


unfished.

20' 20' 11 3/4"

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





Municipal Corp. of Cape Charles

JANUARY 2022 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. Town review has been completed and comments have been provided as of 1/21/2022 to Developer and Engineer for resubmittal.
- B.** Dreams by the Bay – 10 lot subdivision – tax map # 83A1-A-2: full preliminary plat was not submitted; Town received only revised utility and road plans which VDOT has now reviewed and provided additional comments and needed revisions to the Engineer and Developer.
- C.** Final plats submitted for Village L – Phase 1B, 1C, and 1D in Bay Creek (north of Athletic Center & pools) – for Town review.
- D.** Cape Charles Mini Golf Site Plan – submitted 1/7/2022 – in review. As of 1/21/22, VDOT comments provided and sent to Applicant and Engineer; DEQ and E&S review in progress.

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 was 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 applicant has now withdrawn this application.

3. Consulting Contract for the Comprehensive Plan & Zoning Updates

As a reminder, a joint meeting with Town Council is scheduled on Wednesday, February 2, 2022 @ 6:00 pm at the Civic Center for a kick-off meeting with Summit Design to review and affirm scope of work and review and finalize timeline and milestones.

4. Department Staffing

I am working on revising the job descriptions and staffing organization of the department. I have completed a new job description for a Zoning Enforcement Officer and provided to Human Resources for review. In the interim, I have received authorization to engage interim services for Zoning Enforcement until the full HR process for a new position can be completed. With concurrence from Town Council, Ken Butta will be providing part-time interim services in this capacity. His work will be focused on investigating and overseeing the enforcement of zoning violations which we have an extensive backlog in the department. In addition, he will also be conducting compliance checks with issued permits (Conditional Use Permit, Certificates of Appropriateness, and Variances).

Planning Commission

Work Session Agenda

Cape Charles Civic Center – 500 Tazewell Avenue

February 1, 2022

**TIME: Immediately following conclusion of
Regular Session Meeting of Planning Commission**

1. Call to Order
 - a. Roll call and establish a quorum
2. Consent Agenda
 - a. Approval of agenda format
3. Order of Business
 - i. Continued Discussion on Accessory Dwelling Units
4. Adjourn



PLANNING COMMISSION STAFF REPORT

Meeting Date: February 1, 2022

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

Date: January 26, 2022

WORK SESSION: Accessory Dwelling Unit Zoning Ordinance Review

A work session was held on Monday, January 24, 2022 to discuss the current Accessory Dwelling Unit Zoning Ordinance. A broad discussion was held on the ordinance and administration by staff (Town Treasurer, Code Official and Interim Planning/Zoning Administrator).

Due to time, a continued work session was requested and added onto the February 1, 2022 Regular Session of the Planning Commission, once that meeting concludes then a work session will be convened to continue the discussion of the Accessory Dwelling Unit Zoning Ordinance.

Attached to this agenda is Attachment 7 from the 2/24/2022 work session – proposed zoning text amendments to the Accessory Dwelling Unit zoning ordinance.

We will commence the discussion where we ended: the consideration of adding a new Section 4.2 (J) (2) (c): residency requirement for the owner of the property in either the main house or the Accessory Dwelling Unit and allowing only one of the 2 structures on the property to be utilized in a rental capacity. The discussion will continue through the rest of the document, as time permits for the meeting.

Please bring with you or have it accessible via your iPads to reference the 1/24/2022 Work Session Agenda Packet for all of the remaining materials provided at that meeting for background and information.

ADU REGULATIONS WITH PROPOSED CHANGES – DEVELOPED BY PAUL GROSSMAN, KEN BUTTA, AND

KATIE NUNEZ

1/19/2022

CHANGES SHOWN IN YELLOW HIGHLIGHTING or BLUE STRIKETHROUGH

Section 4.2

J. Accessory Dwellings. One accessory dwelling may be maintained on a property in the RE, 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 **area** 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, **by the same person or persons** for a period **no** 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. **(IF CUP requirement is removed, this section will need to be revised.)**
- 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 **(or, if CUP requirement is removed, from the issuance of the Zoning Permit).**

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. (IF CUP requirement is removed, this section will need to be revised.)
- d. Exterior elevations shall also be approved by the Historic District Review Board when required by Article VIII, Historic Overlay.
- e. The property owner shall be required to sign an annual affidavit attesting to their understanding of this ordinance and willingness to abide by them. Failure to do so will be a violation of this ordinance and will be pursued as such.

OTHER POSSIBLE CHANGES FOR DISCUSSION

- 1) Since our current Zoning Ordinance contains a definition of GUEST HOUSE, we may wish to consider having two subsets of Accessory Dwelling Units: Guest Houses and what we have been referring to as an ADU. The difference being in the length of stay and in the collection of money for the stay.
- 2) Additional definitions to add to our zoning ordinance (Research and Citations provided by Ken Butta):

KITCHEN means or space within a structure designated for the preparation of food that includes a sink.

BATHROOM means a room or area that includes a sink and toilet. It may also include a bathtub, shower, or bidet

BEDROOM is a room, or space within a structure intended for sleeping. Requirements include:

- A minimum size of 70 ft². If more than one person occupies the room, there must be 50 ft² per occupant.
- Access to a bathroom without crossing another bedroom
- Every bedroom must have access to natural ventilation and have a permanent heat source
- Two means of egress: one that leads to the rest of the home without going through another bedroom and one that leads directly to the outside. If the outside egress is a window, it must be at least 5.7 square feet and can be no more than 44 inches from the room floor, unless there is a permanent step installed. It shall be illegal to have locking bars or grates covering an egress window.
- Ceiling height must be no less than 7 feet.

RESEARCH and CITATIONS on Kitchen/Bedroom/Bathroom Definitions

Bedroom

A private room intended for sleeping, separated from other rooms by a door and accessible to a bathroom without crossing another bedroom. The Complete Illustrated Book of Development Definitions, 4th ed.

“a habitable room designed for sleeping purposes, and which has a minimum habitable floor area of 80 square feet” Fair Housing Advocates Assn. v. City of Richmond Heights (N.D. Ohio, 1998)

Here are some requirements for bedrooms that apply state-wide:

1. **Means of Egress:** *A bedroom must have two ways to exit: one that leads to the rest of the home and one that leads directly to the outside. In most cases, the outside egress will be a window. A bedroom egress window must be at least 5.7 square feet. It can be no more than 44 inches from the room floor, unless there is a permanent step installed. In addition, it is illegal to have locking bars or grates covering an egress window.*

Also, in order to be considered a legal bedroom, its sole entrance must not be through another bedroom. Finally, the bedroom must have access to a bathroom without going through another bedroom.

2. **Closet:** *Contrary to popular belief, Virginia has no closet requirement for a bedroom.*

3. **Square Footage:** *The minimum size of a bedroom is 70 square feet. If more than one person occupies the room, there must be 50 square feet per occupant.*

4. **Ceiling Height:** *Ceiling height must be no less than 7 feet.*

5. **Heating and Ventilation:** *Every bedroom must have access to natural ventilation (i.e. to the outside air), and must have a heat source. Portable heaters do not count as an adequate heat source.*

Northern Virginia Realtors <https://www.nvar.com/realtors/news/re-view-magazine/article/may-jun-2015/2015-05-06-ask-nvar-legal-definition-of-bedroom>

A room, or space within a structure intended for sleeping. Requirements include:

- A minimum size of 70 ft². If more than one person occupies the room, there must be 50 ft² per occupant.*
- Access to a bathroom without crossing another bedroom*
- Every bedroom must have access to natural ventilation and have a permanent heat source*
- Two means of egress: one that leads to the rest of the home without going through another bedroom and one that leads directly to the outside. If the outside egress is a window, it must be at least 5.7 square feet and can be no more than 44 inches from the room floor, unless there is a permanent step installed. It shall be illegal to have locking bars or grates covering an egress window.*
- Ceiling height must be no less than 7 feet.*

KITCHEN. Kitchen shall mean an area used, or designated to be used, for the preparation of food. Virginia Uniform Statewide Residential Building Code

<https://codes.iccsafe.org/content/VRC2018P1/chapter-2-definitions>

A room, or space within a structure designated for the preparation of food that includes a sink.

Bathroom

From the IRC: BATHROOM GROUP. A group of fixtures, including or excluding a bidet, consisting of a water closet, lavatory, and bathtub or shower. Such fixtures are located together on the same floor level.

From NEC: Bathroom. An area including a basin with one or more of the following: a toilet, a tub, or a shower.

A room or area that includes a sink and toilet. It may also include a bathtub, shower, or bidet.