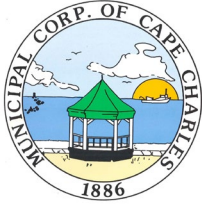


Planning Commission

Public Hearing and Regular Session Agenda

Cape Charles Civic Center – 500 Tazewell Avenue
March 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
 - B. Approval of Minutes
 - (1) September 20, 2021 Work Session
 - (2) October 5, 2021 Regular Session
 - (3) October 18, 2021 Work Session
4. Public Hearing: None
5. Citizen Comment Period, for any item not subject to an advertised public hearing
6. Unfinished Business: Continued discussion on proposed zoning text amendments regarding Accessory Dwelling Units and affiliated zoning definitions
7. New Business: None
8. Report of Officers and Committees
9. Standing Staff Reports
 - A. Interim Planning & Zoning Administrator Monthly Report for January 2022
 - 1.) Subdivision Agent Report
 - 2.) Report on Applications filed with Board of Zoning Appeals, pursuant to Code of Virginia §15.2-2310
10. Announcements - Next Meetings:
 - Regular Session: April 5, 2022 @ 6:00 pm
11. Adjourn



DRAFT
PLANNING COMMISSION
Work Session
Cape Charles Civic Center
September 20, 2021
3:00 p.m.

At approximately 3:12 p.m., Chairman, Bill Stramm having established a quorum, called to order the Work Session 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 Town Planner/Zoning Administrator Katie Nunez and Planning Technician Tracy Outten. There were no members of the public in attendance.

APPROVAL OF AGENDA

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

ORDER OF BUSINESS

A. Continued discussion of proposed revisions to the Planning Commission's Bylaws

Discussions and questions were as follows:

Article Two: Purpose

2-1

Kenneth Butta said the Planning Commission just reviewed the Capital Improvement Programs after the Town Council prepared the document.

Article Three: Membership

3-6

Kenneth Butta asked if there would be a vote; no. Katie Nunez would ask the chair to reach out to the member that has been absent and then inform the Town Council.

Change the word "Board" at the end of the first sentence to "Town Council".

3-8

Michael Strub thought it should be noted that the commissioners were paid \$25.

Article Four: Officers and Their Selection

4-4

The words "on the Commission" were added after the word "seniority".

Article Six: Committees

The number five should be number six.

Article Seven: Meetings

7-4

Strike out "or five (5) minutes if representing a group" in the third sentence.

7-6

Jim Holloway asked about participating electronically; only if necessary.

7-8

The commissioners would like the wording to include when pertaining to public hearing votes.

Article Eight: Order of Business

After some discussion, the agenda would include the following: (i) Call to order by the Chairman; (ii) Roll call; determination of a quorum; (iii) Invocation and Pledge of Allegiance; (iv) Consent Agenda: A) Acceptance of Agenda; B) Presentation of the minutes; and C) Other; (v) Public Hearings; (vi) Unfinished Business; (vii) New Business; (viii) Report of Officers and Committees; (ix) Citizen Comment Period; (x) Standing Staff Reports: A) Subdivision Agent; and B) Board of Zoning Appeals Applications received, pursuant Section 2.2-3711 of the Code of Virginia; and (xi) Adjournment.

Article Nine: Hearings

9-1

The commissioners would like the language to be reworded and the words "or meetings" to be deleted.

9-3

Delete the word "normally".

9-3.3

The word "or" should be unstricken and replace the words "limited to" with the words "combined total of" when referencing the presentation time allotment.

9-3.6

Wording to allow staff the opportunity to provide clarification needs to be added in this section.

9.-3.9

A suggestion was made to add that the commissioners would only ask questions to the staff and applicant.

10-3

The words "All information" were changed to "A complete application" on the first sentence.

B. Appendices to the Bylaws

- i. Citizens Participation Guidelines adopted by Town Council on 7/22/2021*
- ii. Code of Ethics and Meeting Rules of Order adopted by Town Council on 7/22/2021*

OTHER

Future Work Session would be as follow:

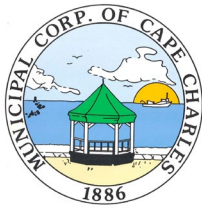
- October – Transportation

Motion made by Paul Grossman, seconded by Jim Holloway, to adjourn the Planning Commission Work Session. The motion was approved by unanimous vote.

The meeting adjourned at 4:56 p.m.

Chairman Bill Stramm

Planning Technician



DRAFT
PLANNING COMMISSION
Public Hearing and Regular Meeting
Cape Charles Civic Center
October 5, 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, Dennis McCoy, and Jim Holloway. Michael Strub participated via telephone. Also, in attendance were Interim Planning/Zoning Administrator Katie Nunez, Planning Technician Tracy Outten, Town Clerk Libby Hume, and the applicants. There were two members of the public in attendance and twenty-two viewers on Facebook Live.

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

AGENDA

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

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

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)*

Katie Nunez read the staff report. Paul Grossman thought all requirements were covered for an accessory dwelling unit but the requirements for an accessory structure were not.

The commissioners asked the owner, Renato Lucatello, if the height was known, no.

Renato Lucatello said that the area above the garage would be used as a residence when he came to town as the main house was a vacation rental. He added that the future plan was for him and his family to move her and then, the accessory dwelling unit would be used as a long-term rental.

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

Motion made by Kenneth Butta, seconded by Paul Grossman, to recommend Town Council approval of an Conditional Use Permit for an Accessory Dwelling Unit at 602 Tazewell Avenue on an application filed by Renato and Jody Lucatello, pursuant to Cape Charles Zoning Ordinance Sections 3.2 (C) (7) and 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 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.

Diane D'Amico has done research and the zoning ordinance can be interpreted in different ways. She thought accessory dwelling units were supposed to be affordable housing or workforce housing not short-term rentals; and other localities have put terms in their ordinances. Paul Grossman explained that our ordinance's intent was not for short-term rentals; that was why applicants had to sign an affidavit stated that someone was to be staying or renting for at least thirty-days. After much discussion on accessory dwelling units not being used as intended, Dennis McCoy stated that this was not the forum nor time to discuss these issues.

Katie Nunez would like to address some concerns and said that she would write in the staff report to Town Council that they include the Planning Commission's recommendations as conditions to the approval.

- 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)*

Katie Nunez said this was an after-the-fact approval and read the staff report.

Paul Grossman asked if a prior conditional use permit was received; no, this would be an approval after the fact. He wanted to know if the commission had the ability to approve this knowing it does not comply and violated the current ordinance; yes. There was some discussion on this matter.

Susan Robinson, applicant, explained that this building has been rented for the past twenty-five years and they were unaware of this issue when they purchased the residence. She apologized and said they would be live in the main house and rent the accessory dwelling unit long-term.

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

Motion made by Paul Grossman, seconded by Jim Holloway, to recommend Town Council approval of an Conditional Use Permit for an Accessory Dwelling Unit at 206A Jefferson Avenue on 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) the applicant obtains a Certificate of Occupancy thru the Building Department for this Accessory Dwelling Unit; 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. The motion was approved by unanimous vote.

- 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)*

Katie Nunez said this was another after-the-fact approval and read the staff report.

Discussion and questions were as follows: (i) Paul Grossman asked if the proposed frame garage superseded by the hand drawn structure in the packet. Diane Gonzalez answered that the hand drawing depicts the actual accessory dwelling unit. (ii) Paul Grossman asked if a stove was needed for the room to be called a kitchen, no. He then asked if this structure had been issued a Certificate of Occupancy; no. (iii) Diane D'Amico asked why the applicant did not receive a Conditional Use Permit because the ordinance was in place and then asked if there was a fine associated with not having the correct permits. Jose Gonzalez said they never intended to do anything wrong. Katie Nunez said that the accessory dwelling unit

ordinance had not been written. and (iv) Diane D'Amico said that accessory dwelling units were intended to be used as affordable housing or workforce housing; not for the owners to live in while they rented their main house as a vacation rental. She thought the commissioners needed to keep that in mind when making decisions or recommendations.

Katie Nunez read a statement submitted by Diana Gonzalez, the applicant, pertaining to parking. (Please see attached.)

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

Motion made by Jim Holloway, seconded by Dennis McCoy, to recommend Town Council approval of an Conditional Use Permit for an Accessory Dwelling Unit at 325 Madison Avenue on an after-the-fact approval on an application filed by Jose and Diane Gonzalez, pursuant to Cape Charles Zoning Ordinance Section 4.2 (J) with the following condition: (1) the applicant obtains a Certificate of Occupancy thru the Building Department for this Accessory Dwelling Unit; 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 and that the applicant has expeditiously applied for this permit after the fact for this structure upon notification that a CUP is required for an accessory dwelling unit. The motion was approved by majority vote with Diane D'Amico opposing.

D. A Conditional Use Permit application from Michael Ryan and Donna 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)

Katie Nunez read the staff report and added that additional material was received just before the meeting. Paul Grossman asked why this was an after-the-fact application if items could not be addressed. Katie Nunez answered that this was an existing structure.

Paul Grossman wanted to know how parking was being handled. Donna Wilkins, applicant, said parking was available in front of the garage, in the alley way, and on the street. Paul Grossman would like parking to be addressed in the staff report provided to the Town Council.

Donna Wilkins said they were new to the town and ignorantly rented the garage after buying the property because the realtor said it was okay.

Motion made by Jim Holloway, seconded by Dennis McCoy, to recommend Town Council approval of an Conditional Use Permit for the conversion of an Accessory Dwelling Unit at 654 Monroe Avenue on an application filed by Michael Ryan and Donna Lee Wilkins, pursuant to Cape Charles Zoning Ordinance Section 4.2 (J) with the following condition: (1) the applicant obtains a Certificate of Occupancy thru the Building Department for this Accessory Dwelling Unit; 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.

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

Motion made by Jim Holloway, seconded by Paul Grossman, to close the public hearing portion of the Planning Commission meeting at 7:33 p.m. The motion was approved by unanimous vote.

CITIZEN COMMENTS:

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

Bill Stramm suggested scheduling a work session on Accessory Dwelling Units.

UNFINISHED BUSINESS

A. *Continued discussion and review of proposed amendments 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*

Bill Stramm made a correction on page 5 to Article 8 Order of Business that "Public Hearing" needed to be moved before "Unfinished Business".

Motion made by Paul Grossman, seconded by Jim Holloway, to approve the amended Planning Commission's Bylaws, including the Appendices to the Bylaws: (1) Citizen Participation Guidelines adopted by Town Council on 7/22/2021; and (2) Code of Ethics and Meeting Rules of Order adopted by Town Council on 7/22/2021 with the revision on Page 5 and any grammatical errors necessary. The motion was approved by unanimous vote.

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)*

Katie Nunez summarized the staff report.

Motion made by Paul Grossman, seconded by Kenneth Butta, to schedule a public hearing on November 9, 2021 for a Conditional Use Permit for an Accessory Dwelling Unit at 410 Harbor Avenue on an application filed by Sam and Amy Scharpf, pursuant to Cape Charles Zoning Ordinance Sections 3.2 (C) (7) and 4.2 (J). The motion was approved by unanimous vote.

2. *Randolph Avenue (Tax Map #83A4-1-B-26,27,28, &29): Tom & Katie Austin – 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*

Katie Nunez summarized the staff report.

Motion made by Paul Grossman, seconded by Dennis McCoy, to schedule a public hearing on November 9, 2021 for a Conditional Use Permit for a Mini-golf Course on Randolph Avenue for Tax Map #83A4-1-B-26, #83A4-1-B-27, #83A4-1-B-28, and #83A4-1-B-29 on an application filed by Tom and Kate Austin, pursuant to Cape Charles Zoning Ordinance Section 3.8 (B) (2), as determined by the Planning Commission at their meeting on 2/2/2021. The motion was approved by unanimous vote.

B. *Review and Adopt the November 1, 2021 thru October 31, 2022 Meeting Calendar*

Bill Stramm said the November 2022 date needed to be changed due to Election Day.

Motion made by Paul Grossman, seconded by Jim Holloway, to approve the November 1, 2021 thru December 31, 2022 Meeting Calendar as presented with the correction of the November 2022 meeting date. The motion was approved by unanimous vote.

C. *Appointment of Planning Commission member to the Harbor Area Review Commission*

Motion made by Paul Grossman, seconded by Bill Stramm, to appoint Kenneth Butta to serve as the Planning Commission representative on the Harbor Area Review Board. The motion was approved by unanimous vote.

REPORT OF OFFICERS AND COMMITTEES

Bill Stramm informed the Commissioners that a Request for Proposal was posted for the comprehensive plan consulting work.

STANDING STAFF REPORTS

Katie Nunez gave updates on the following: Three subdivisions: (i) Dreams by the Bay, Bay Creek Village L – Phase 1A – 19 lots, and Bay Creek Recombo Master Plat; and (ii) Northampton County was hearing comment on an application to rezone four parcels from TE-1-Town Edge 1 to TE-CG-Town Edge – Commercial General on Lankford Highway for retail space. After some discussion, the Planning Commission would like a letter written to the Northampton County Planning Commission stating that a Virginia Department of Motor Vehicles Study needs to be provided and more information was needed a what would be in the retail space.

Bill Stramm said there were a lot of accessory dwelling units in Bay Creek.

ANNOUNCEMENTS

- Public Hearing & Regular Session – November 9, 2021, 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:
 - November 15, 2021: Land Use (Ken Butta/Jim Holloway)
 - December 20, 2021: Community Facilities (Diane D’Amico)

Motion made by Jim Holloway, seconded by Dennis McCoy, to adjourn the Planning Commission Public Hearing and Regular Meeting at 8:21 p.m. The motion was approved by unanimous vote.

Chairman Bill Stramm

Planning Technician

October 5, 2021 Planning Commission Applicant Comments & Public Hearing Comments

Subject: Public Hearing Tuesday 10/5/21

My name is Diana Gonzalez. My husband and I own and reside at 325 Madison Avenue. We have applied to have our accessory building rezoned as an accessory dwelling.

After submitting all the relevant paperwork and fees, it occurred to me that one sticking point might be the issue of parking - which is to be decided on a case-by-case basis, according to what I have read.

Therefore I'd like to point out that our situation is rather unique. We live on the only block of Madison Avenue which faces Park Row. As a result, all the houses across the street from us have on-street parking on Park Row and additional rear-loading driveways on Madison Avenue.

On our side of the street, we are the only vacation rental home on the block. None of our neighbors rent out their homes, and all have created off-street parking for their vehicles. The only exception is our only adjacent neighbor, Mrs. Janet Dudley, who parks her car on the street in front of her house. Our house manual specifically forbids our guests from taking that space, a rule all guests have honored since we built 4 years ago.

We estimate there to be about 7-8 parking spaces on each side of our block that don't interfere with driveways, so 14-16 total. Our house rental typically uses 3 or 4. We own 1 car. As such, we do not believe we put undue pressure on the parking situation on our block, although we do encourage any renters that bring boats to park them on the empty lot we also own simply to keep traffic flowing smoothly.

Therefore, we hope you will not consider parking a negative factor when considering our accessory dwelling application.

Thank you

Diana Gonzalez

Janet Dudley

Subject: dwelling permit 325 Madison Avenue

My name is Janet Dudley and I Live at 303 Madison Avenue, I totally support Jose & Diana Gonzalez's request to have their tiny house as a "dwelling" they have been stellar neighbors, and whomever "turned them in for living there" have nothing better to do, obviously they need to get a hobby other than trying to create havoc where none exist.

The Gonzalez's have not committed any crimes they do not create any noise ordinances, they keep their property in good condition, they keep their rental property and guest informed about all town restrictions, and they don't have any dogs that bark all the time (in fact most of the neighbors have dogs including me and they spoil mine all they time).

So good for them for bring good neighbors, and give them that permit.

Respectively Submitted:

Janet Dudley

Edmund Sabo

Subject: 325 Madison Avenue

Town of Cape Charles

ATTN: Zoning Commission

Sir or Ma'am:

I am writing this letter in support of Jose and Diana Gonzalez' request to convert an Accessory Building to an Accessory Dwelling at their address, 325 Madison Avenue. I have reviewed the applicable town ordinances and feel that they have fulfilled all the requirements necessary to do so. It is my understanding that they intended to originally classify the structure as an Accessory Dwelling, and not doing so was just an administrative error.

I have lived next to the Gonzalez' fulltime for more than a year and have had no issues with them or their tenants. Quite the opposite, since Jose and Diana live on the property with their rental house, they are immediately available if their renters have an issue; much better than if the house was owned by an absentee landlord, or managed by a company which may have multiple units to care for. Also, since Jose and Diana live on site, they are members of our community not just landlords. They are engaged in our neighborhood and town happenings. Jose and I meet regularly to talk, borrow tools, help move heavy items, all things good neighbors do. He is sure to ask if I have any concerns about his guests, but to date his tenant selection process has been exceptional. I am confident I could discuss any issue with the Gonzalez' and come to an understanding.

I fully support Jose and Diana's request to convert their Accessory Building to an Accessory Dwelling and permit them to continue living on site.

Sincerely,
Edmund J Sabo II
Lucky Dog Cottage
325 Madison Avenue
540-905-2237

The Pattans

Subject: Testimony re 325

Madison

To whom it may concern:

I am writing on behalf of our neighbors at 325 Madison Ave Cape Charles VA 23310. We recently became aware of complaints lodged against Jose and Diane and their residence in the accessory building and were shocked that anyone was able to find a reason.

Having owned property and been neighbors since 2018, I can only say good things about the people, the property, and the business they run. In a small town, Jose and Diane have found a way to enjoy their time together while promoting the town, hosting tourists, and running a small business out of their home. Small business owners should be applauded for their efforts and ingenuity, not reported and scolded for using their property in a way they see fit that is not intrusive or disruptive to the neighborhood.

I'm unfamiliar with the letter of the law, though am certain the spirit of the law and common sense would find that Jose and Diane's situation is in no way a disruption or impediment to the neighborhood or broader town and should not be deemed a violation.

The Pattans
522 Strawberry Street

Jeanne Hollister

Subject: Public Hearing for 325 Madison Avenue Accessory Dwelling

Good afternoon,

We would like to submit this letter on behalf of our neighbors, Jose and Diana Gonzalez of 325 Madison Avenue, who have a scheduled public hearing regarding their accessory dwelling behind their rental property. We don't see any problem with Jose and Diana using this dwelling to live in as it is practical for them to live there while they keep an eye on and maintain their rental property.

Let us begin by sharing with you that the Gonzalez property is behind our home on Park Row, and we could not ask for better neighbors! They go over and above for everyone in our immediate neighborhood. We are scheduled to move permanently to Cape Charles this month; however, Jose Gonzalez has been kind enough to move our trash can back into our yard when we are not in town for over four years now. We never asked for this favor; he just began doing this for us. He also does the same for two other part-time residents. We can't tell you how many times we have seen the Gonzalezes policing the street for trash (candy wrappers, empty cups, cans, bottles, etc.), no doubt caused by visitors to our town park.

They fanatically maintain their property and the surrounding area. Due to the fact that they are "on-site," the Gonzalezes have done nothing but keep their home and yard in tip-top shape. They personally manage the repair of their sidewalk, paths around their home, lawn care, landscaping and their side property used for additional parking. The Gonzalezes were so concerned for their neighbors, that they paid to create additional parking for all their house guests so that there are plenty of available spots for all, including the many visitors to our town park.

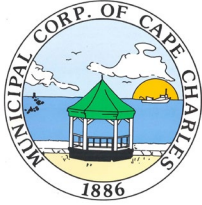
Their rental home on Madison Avenue, Family Reunion, enjoys many visitors, thanks to the wonderful care they put forth daily. The Gonzalezes do much of the cleaning of this property themselves (makes economic sense for a healthy, active retired couple) and take tremendous effort to make certain their guests have a wonderful, memorable experience while visiting our little town. Thanks to all their immediate and thoughtful attention, The Family Reunion symbolizes the special place that we all here in town want Cape Charles to be for our visitors. Their daily upkeep does nothing but enhance the charm and stellar reputation that Cape Charles has with families who are seeking our town's unique experience.

Diana and Jose are great neighbors. They are always cheerful, pleasant, POSITIVE, and upbeat and highly concerned with our beautiful town. It is quite an asset for all of us to have them right here in town 24/7 to personally maintain their rental home.

If we can provide you any further insight in this matter for the public hearing, please do not hesitate to contact us.

Kindest regards,

Michael and Jeanne Hollister
7 Park Row



DRAFT
PLANNING COMMISSION
Work Session
Cape Charles Civic Center
October 18, 2021
3:00 p.m.

At approximately 3:00 p.m., Chairman, Bill Stramm having established a quorum, called to order the Work Session of the Planning Commission. In addition to Chairman Stramm, present were Commissioners, Diane D'Amico, Paul Grossman, Jim Holloway, and Dennis McCoy. Michael Strub arrived after roll call. Kenneth Butta was not in attendance. Also, in attendance were Interim Town Planner/Zoning Administrator Katie Nunez and Planning Technician Tracy Outten. There were no members of the public in attendance.

APPROVAL OF AGENDA

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

ORDER OF BUSINESS

A. Comprehensive Plan update
i. Transportation

Bill Stramm gave an overview of the chapter and said that the appendices were pulled from the 2009 Comprehensive Plan and updated accordingly. He added that the maps have not been updated.

Discussions and questions were as follows: (i) Katie Nunez said Bay Creek conducted a golf cart versus automobile traffic impact study coming from Parsons Circle to the end of Bay Creek. (ii) Paul Grossman does not think that map 16 on page 5 meant anything. (iii) Virginia Department of Motor Vehicles has an updated six-year plan. (iv) Cape Charles Main Street completed a parking study recommendation that included loading zones and crosswalks. (v) Paul Grossman suggested inserting a paragraph for tripping hazards under the "Sidewalks" section. (vi) The "Resident Transportation Patterns" would be deleted but, the "Star Transit" chapter would remain. (vii) The commissioners suggested that the revenue numbers be removed from Table 36 and Figure 18. (viii) Paul Grossman thought that the harbor master's plan should be added to the comprehensive plan. and (ix) Katie Nunez said this chapter should include all roads whether private or public.

Motion made by Paul Grossman, seconded by Dennis McCoy to adjourn the Planning Commission Work Session at 4:42 p.m. The motion was approved by unanimous vote.

Chairman Bill Stramm

Planning Technician

From: Katie Nunez
Sent: Monday, February 14, 2022 9:41 AM
To: 'Kate Obenshain'; commissonerstramm@capecharles.org; Mayor William "Smitty" Dize; John Hozey
Cc: Tracy Outten
Subject: RE: Accessory Dwelling Units

Kate:

I appreciate your e-mail and will provide it to the full Planning Commission as part of their agenda packet for March 1, 2022 as part of their continued discussion regarding Accessory Dwelling Unit Zoning Ordinance.

This law was adopted in late 2018 and was due for a review to see if it was working as intended, especially since the Town has issued more than a dozen Conditional Use Permits for Accessory Dwelling Units during the last three years. Therefore, the Planning Commission has devoted their last two work sessions (December 2021 and January 2022) to the review of this ordinance, including a discussion about the various definitions in our ordinance, including guest house.

It is important to be aware of the foundation of this ordinance which came from the Town's Comprehensive Plan which identified the need for affordable housing options in town, especially since the public input noted that there was a lack of long-term, affordable rental housing in town and employees both in town and in the County were struggling to locate housing, especially housing in and around the towns (near amenities). The Town felt that one option that may help fill this void was to increase the density allowance in the Residential districts in Town for accessory structures to allow accessory dwelling units but through a Conditional Use Permit process – the criteria outlined included a limitation on size of the structure, its features and the requirements of the length of stay to be 31 days or longer.

I recognize that this criteria currently in the ordinance placed limitations on you regarding how you were hoping to utilize your accessory dwelling unit but the increased unit density of dwelling units on a residential lot was done with a very specific intent and purpose to hopefully encourage property owners to provide longer term rental units into the market space.

At this time, the Planning Commission is working to finalize potential amendments to the Accessory Dwelling Unit zoning ordinance for the Town Council's consideration and eventual public hearing by both bodies, if agreeable to the Town Council. I will ensure that you are kept on the e-mail list for the Planning Commission meetings and agenda packets where this will be discussed.

Thank you again for your input and perspective on this matter.

Sincerely,

Katie Nunez

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: Kate Obenshain <kate@kateobenshain.com>

Sent: Monday, February 7, 2022 7:51 AM

To: Katie Nunez <knunez@capecharles.org>; commissionerstramm@capecharles.org; Mayor William "Smitty" Dize <mayor@capecharles.org>; John Hozey <john.hozey@capecharles.org>

Subject: Accessory Dwelling Units

Dear Mayor Dize, Mr. Hozey, Commissioner Stramm and Mrs. Nunez,

As full-time residents of Cape Charles, we are writing to urge you to consider changing the Town of Cape Charles' Zoning Ordinance to allow Accessory Dwelling Units to be used as guest houses (based on the Zoning Ordinance definition of a "Guest House").

We are going through the approval process to have our existing carriage house designated an Accessory Dwelling Unit. We have agreed to use it only for long-term occupancy (30 days or more), per the Town's requirement. However, as expressed in our original application, our preference is to have it available for long-term occupancy OR family. That would include short visits from family. We changed our application based on advice from town officials, who, after the Planning Commission's initial review of our application, made it clear our application would be rejected if we did not. But it is still our preference to have the option to allow family members to stay there when they visit. That was our vision when we purchased our home a year ago. We had no idea that there would be regulatory obstacles to finishing the deteriorating, existing carriage house--which we thought would be a benefit to our property value as well as to the Town.

Specifically, we are fortunate that two of our parents are still alive. They are elderly and cannot navigate the steep, narrow staircases in our main house. We would like them to be able to stay in the carriage house when they come to visit. It will have all the safety features that our existing Victorian does not, and cannot.

We also have six adult children. We anticipate a full house on many occasions in the future, and would like to be able to use the buildings on our property in the way we determine to be in the best interest of our family.

As we said when we spoke before the Planning Commission, we have no intention of using our carriage house (or our main house) for short term rental. Ever. And to be clear: as long as the Zoning Ordinance prohibits short term stays, we will abide by the 30 day rule. But we respectfully request the Planning Commission and the Town Council change the ordinance to allow residents to use the accessory buildings on our property as guest houses.

Sincerely,

Steve and Kate Keeler
630 Tazewell Avenue



PLANNING COMMISSION STAFF REPORT

Meeting Date: March 1, 2022

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

Date: February 23, 2022

WORK SESSION: Accessory Dwelling Unit Zoning Ordinance Review
- Draft Zoning Text Changes

At the January 24, 2022 and the February 1, 2022 work session meetings, the Planning Commission discussed the existing zoning ordinance relating to Accessory Dwelling Units contained in Section 4.2 (J) as well as Article 2 in the Definitions Section (Section 2.9).

Based upon the 2 meetings, I am presenting a draft amendment to the Zoning Ordinance relative to Section 4.2 and Section 2.9. In addition, I have also removed all reference to a Conditional Use Permit process to have an Accessory Dwelling Unit and proposed replacement language to include those components as criteria requirements that must be met to determine the Accessory Dwelling Unit in compliance as a by-right use.

Here is Legend of Changes in the document:

Current Zoning Text: Regular Text

Proposed Deletions: Shown as **~~bold, strike-through text~~**

Proposed Additions: Shown in *Red Italic Font*

Proposed Additions added by KHN -need PC input: Shown in *Blue Italic Font*

A. PROPOSED ZONING TEXT AMENDMENTS TO CCZO SECTION 4.2 (J)

1. ADD A NEW SECTION AS THE FIRST PARAGRAPH in SECTION 4.2 (J)
STATEMENT OF INTENT: To establish criteria and standards for Accessory Dwelling Units to implement one component of the goal from the Town's Comprehensive Plan to add diversity of housing type while maintaining the neighborhood character and providing affordable housing options. The intent is to allow an increased density on a lot in specific zoning districts to provide long-term rental units to meet the housing needs of the Town and County workforce population.
2. ADD A NEW SECTION OF DEFINITIONS of terms specific to Accessory Dwelling Units and show terms already defined in our zoning ordinance in Section 2.9 as well as to add new terms and definitions:
KITCHEN means a 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.

BUILDING, ACCESSORY means a subordinate and separate building located upon the same lot occupied by the main structure or where a main structure was previously located. Accessory buildings shall not be used as dwelling units, unless a ~~conditional permit is issued for an accessory dwelling~~ *a zoning permit is issued in compliance with Section 4.2 (J).*

DWELLING UNIT means one or more rooms, designed, occupied, or intended for occupancy as a separate living quarter with cooking, sleeping, and sanitary facilities provided within the dwelling unit for the exclusive use of a single family maintaining a household.

3. ORIGINAL ORDINANCE of SECTION 4.2 (J):

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 *area*, one bathroom and *sleeping area*.
- 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)~~ *sixty (60)* 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. Accessory dwellings will be required to have its own trash can, separate from the main residence/structure.*
- c. Accessory dwellings meeting the requirements of all of the physical characteristics of 4.2 (J) (1) above must obtain a Certificate of Completion for Accessory Dwellings from the Code Official, which is equivalent to a Certificate of Occupancy. In order to issue said Certificate, the Code Official will conduct an inspection to determine compliance with the Building Code.*
- ~~b.~~ d. The lot on which an accessory dwelling is located shall have the required minimum lot area for the district in which it is located.
- ~~e.~~ e. Parking shall ~~be considered on a case-by-case basis as part of the conditional use permit application process, ensuring adherence to~~ *be in compliance with* Section 4.5.1.C.6. (Table of Parking Standards) using both on and off-street parking areas.
- ~~d.~~ f. Exterior elevations shall also be approved by the Historic District Review Board when required by Article VIII, Historic Overlay.
- ~~e.~~ g. *Annual Certifications to be submitted to the Town by March 15 of each year to the Building and Planning Department.*
 - 1. The property owner will submit an annual affidavit on Town Affidavit Form for Accessory Dwellings attesting to their acknowledgement and adherence to the Zoning Ordinance requirements for Accessory Dwelling*
 - 2. The property owner will submit an annual affidavit on Town Affidavit Form for Safety Compliance for Accessory Dwellings.*

NOTE: STAFF still need to work on an owner-based inspection process to include verification of the following: Smoke alarms/detectors, carbon monoxide alarms, fire extinguishers, functional door and lock, windows free from any encumbrance (furniture blocking the window, etc.)

Additionally, we can discuss whether this should be required on an annual basis or some other calendar basis. As a point of information, in the research that Paul Grossman had done on this point, Blacksburg has required that an inspection be done within 90 days of the approval of the accessory dwelling unit and then every 4 years thereafter; said inspection is being done to determine compliance with the provisions of the building code that affect the safe, decent and sanitary living conditions for the tenants of such property. If the property is sold, the building department may require a new inspection.

B. PROPOSED ZONING TEXT AMENDMENTS TO SECTION 2.9 – Definitions

1. Add the following Definitions to Section 2.9

KITCHEN means a 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 sq. ft; if more than one person occupies the room, there must be 50 sq. ft 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 sq. ft 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.*

2. Correct the following definition in Section 2.9

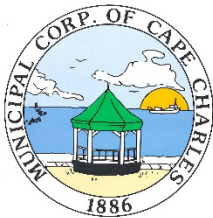
BUILDING, ACCESSORY means a subordinate and separate building located upon the same lot occupied by the main structure or where a main structure was previously located. Accessory buildings shall not be used as dwelling units, unless a **conditional permit is issued for an accessory dwelling** ~~a zoning permit is issued in compliance with Section 4.2 (J).~~

C. ISSUES RAISED DURING THE WORK SESSION BUT NOT DISCUSSED FURTHER:

1. House Addressing associated with the Accessory Dwelling Unit vs. the Main House for Emergency Response Personnel/Vehicles
2. Utility Regulations and Practices
For Town Council to Discuss:
Town Code, Chapter 71 – Sewers and Sewer Use, Article IV: Building Sewers and Connections, Section 71-42 (b) includes a provision regarding accessory dwelling units that are approved by town council as a conditional use permit and allowing them to be billed at 50% of the residential monthly minimum bill. It also states that “ 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 WILL NEED TO BE REVISED IF THE ZONING TEXT AMENDMENTS ARE FAVORABLY CONSIDERED BY THE TOWN COUNCIL.



Municipal Corp. of Cape Charles

MARCH 2022 MONTHLY REPORT

Katie H. Nunez, Interim Planning/Zoning Administrator

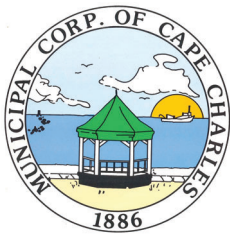
1. Subdivision Agent:

- A.** Final plats submitted for Village L – Phase 1B, 1C, and 1D in Bay Creek (north of Athletic Center & pools): Town approved on 2/2/2022 and Bay Creek recorded same day.

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.** Application received for height variance for 7 Strawberry Street to expand the Hotel Cape Charles – seeking to add three floors to create a maximum of 12 hotel rooms. Staff is working on staff report for the BZA and will provide a copy to Planning Commission once completed. Full application is included for your information.



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 |
| ☒ Proposed site plan or survey (if applicable) | \$450, all others \$750, each additional variance request on same application \$50) |

PROJECT INFORMATION

Name of Project: Hotel Cape Charles Expansion
Property Address: 7 Strawberry Street
Brief Description of Project: Construct three level addition to existing single story commercial building
Zoning District: C-1 Current Use: Commercial Storefront Proposed Use: Hotel

OWNER INFORMATION

Name and Company: Betis Group Inc
Mailing Address: 1451 Dolley Madison Blvd, Suite 230 McLean Va 22101
Phone Number: _____ Email: _____

APPLICANT INFORMATION

☐ check here if applicant is owner

Name: David M Gammino Cape Charles Ventures LLC
Mailing Address: 212 E Leigh Street, Suite 1 Richmond Va 23219
Phone Number: 8045395961 Email: david@hotelcapecharles.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: DAVID M GAMMINO Digitally signed by DAVID M GAMMINO
Date: 2022.02.03 16:37:28 -05'00' Date: 2/3/2022

February 3, 2022

Katie H. Nunez

Interim Planning/Zoning Administrator at Town of Cape Charles.

2 Plum Street, Cape Charles, VA 23310

Re: 7 Strawberry Street Hotel Cape Charles Expansion

Dear Ms. Nunez attached please find application and requisite documents for above captioned property/project.

We currently have 7 Strawberry Street under contract. The contract is contingent upon Zoning approvals from the Town of Cape Charles, as we seek relief from C-1 current height, minimum lot size and setback requirements. This site is three contiguous parcels (83A3-1-621B, 620B, 617B), that appear to have been cut from the rear of three parcels which front Randolph Ave. The current commercial building, the "Betis Building" is single-story masonry commercial building with 32' x 90' footprint, and zero-lot lines. There entire site measures 32' x 120'.

We propose to retain the current ground level structure and add three additional floors with a roof top deck, each measuring approximately 32' x 90'. The approximate height of the primary structure would not exceed 48'. This building would add approximately 10-12 new hotel rooms.

The rear courtyard of this building is adjacent to the current Hotel Cape Charles property located at 235 Mason Avenue, and the current property lines vacated as one new parcel. Current Hotel trash receptacles would be relocated to rear of the 7 Strawberry Street. Additionally, contingent upon approval of this project, the Hotel has entered a draft agreement for a parking lease for 32 off-street parking spots with the owners of 713 Randolph Street (Meatland Parking Lot).

Thank you for your assistance in this matter. Please do not hesitate to contact me if I have omitted any necessary information or you have any follow-up questions

Best Regards

David Gammino

David M Gammino

Hotel Cape Charles Operating LLC

Cape Charles Ventures LLC

7 Strawberry St

Cape Charles, Virginia



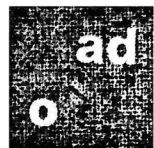
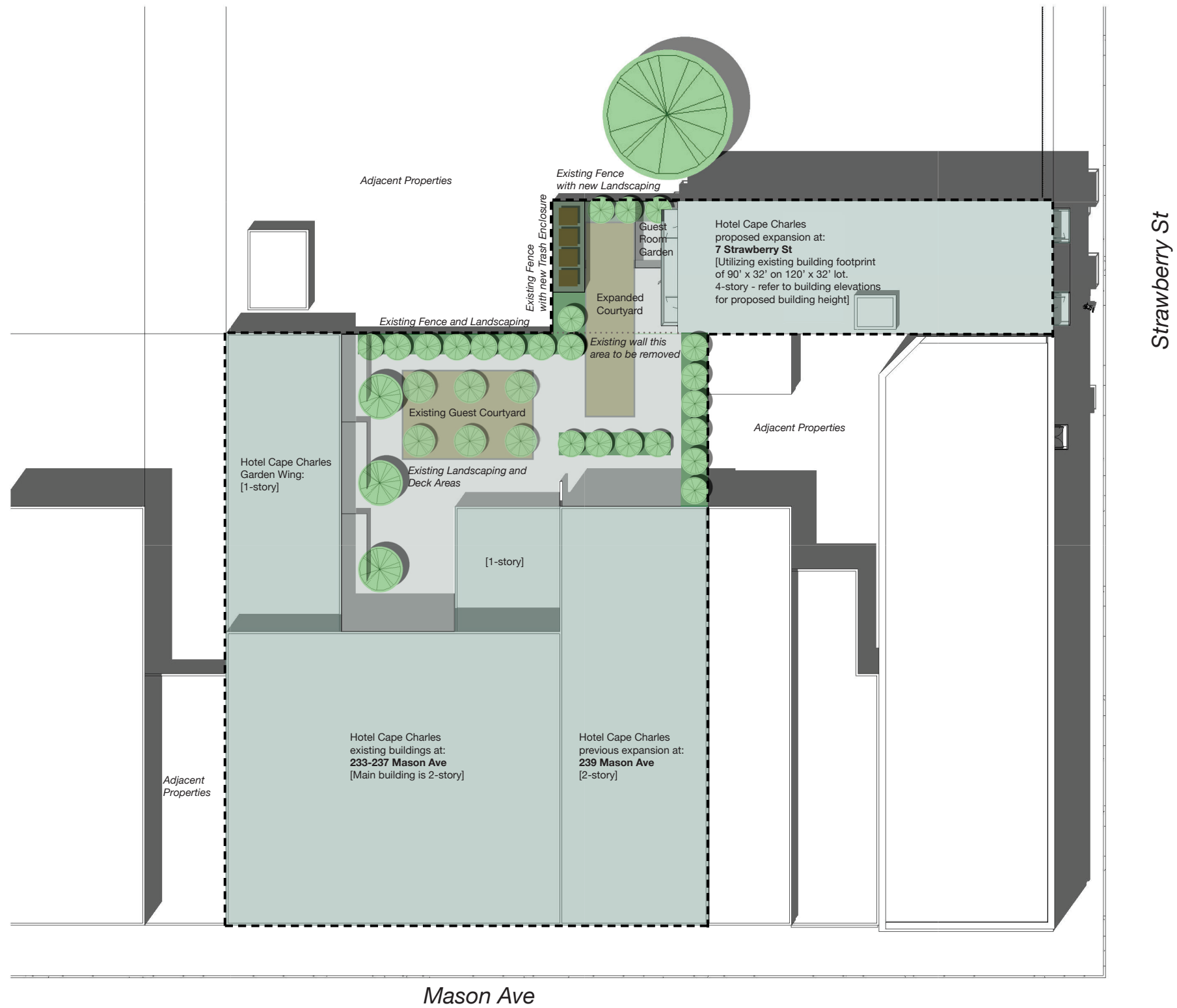
Google

Street View - Aug 2014



Google





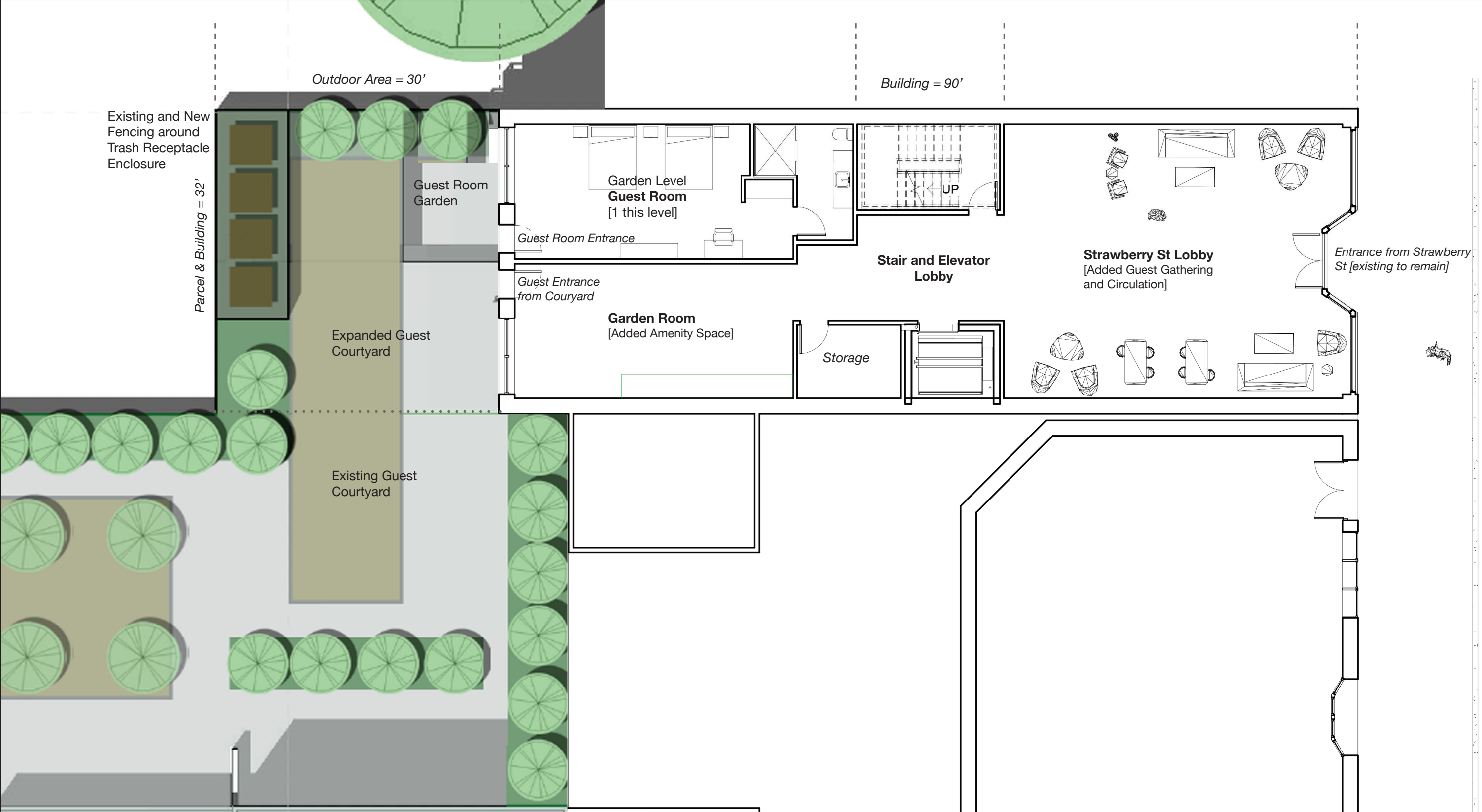
ADO / Architecture Design
728 E Main St
Richmond VA 23219
804 343 1212

Expansion of the HOTEL CAPE CHARLES

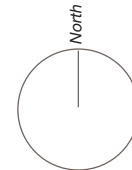
Site Plan

PROJECT NUMBER	HCC2022
SCALE	1" = 30'-0"
DATE	02.07.2022

A100

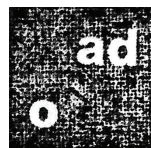
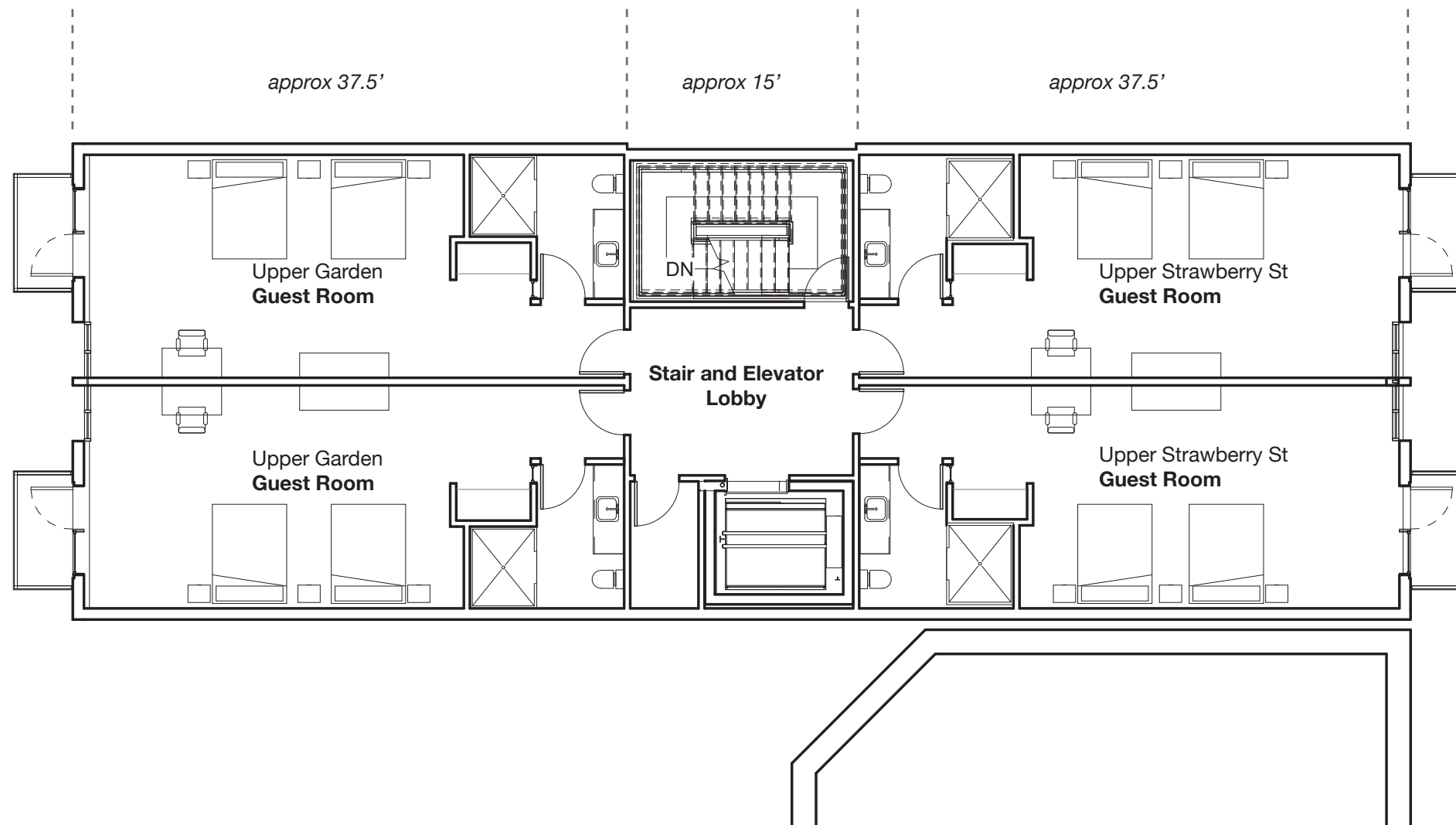


1 Level 1
1" = 10'-0"



ADO / Architecture Design
728 E Main St
Richmond VA 23219
804 343 1212

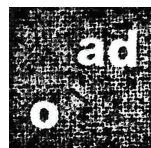
Expansion of the HOTEL CAPE CHARLES		PROJECT NUMBER	HCC2022	A101
1ST/GROUND LEVEL		SCALE	1" = 10'-0"	
		DATE	02.07.2022	



ADO / Architecture Design
 728 E Main St
 Richmond VA 23219
 804 343 1212

Expansion of the HOTEL CAPE CHARLES Typical 2nd through 4th Levels	PROJECT NUMBER	HCC2022	A102
	SCALE	1" = 10'-0"	
	DATE	02.07.2022	

Note: Height of existing neighboring building is estimated



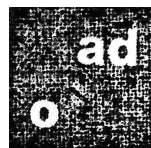
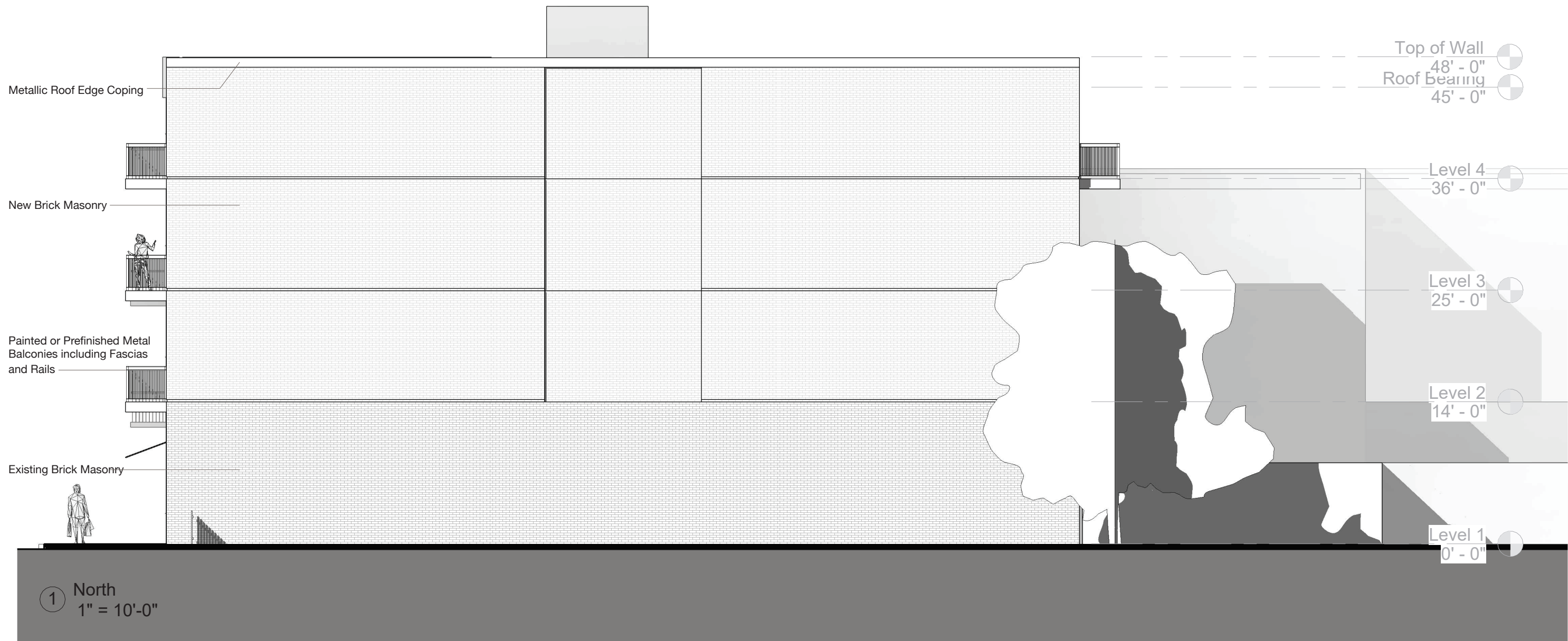
ADO / Architecture Design
728 E Main St
Richmond VA 23219
804 343 1212

Expansion of the HOTEL CAPE CHARLES

East/Strawbery St and West/Garden Building Elevations

PROJECT NUMBER	HCC2022
SCALE	1" = 10'-0"
DATE	02.07.2022

A103



ADO / Architecture Design
 728 E Main St
 Richmond VA 23219
 804 343 1212

Expansion of the HOTEL CAPE CHARLES

North Building Elevation

PROJECT NUMBER	HCC2022
SCALE	1" = 10'-0"
DATE	02.07.2022

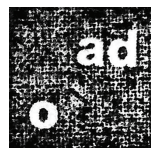
A104



① FRONT ELEVATION PERSPECTIVE



② REAR ELEVATION PERSPECTIVE



ADO / Architecture Design
728 E Main St
Richmond VA 23219
804 343 1212

Expansion of the HOTEL CAPE CHARLES

Front/Strawberry St and Rear/Garden Perspective Views

PROJECT NUMBER	HCC2022
SCALE	
DATE	02.07.2022

A105