

Planning Commission
Regular Session Agenda
Cape Charles Civic Center – 500 Tazewell Avenue
September 3, 2024, at 6:00 P.M.

1. Call to Order
 1. 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. August 6, 2024, Regular Meeting Minutes
4. Public Hearings: NONE.
5. Citizen Comment Period, for any item not subject to an advertised public hearing
6. Unfinished Business:
 - A. Zoning Map Amendment (ZMA) 2024-01: application from Donna and Gregory Onley to conditionally rezone 711 Tazewell Avenue/302 Fig Street (aka the Fig Street Inn) (Tax Map #83A4-2-A & 83A4-2-J & 83A4-2-I) from Residential-1 to Commercial Residential (CR) with proffers to limit the commercial activity of said proposed rezoning; said property has a current Conditional Use Permit for a Bed & Breakfast.
7. New Business:
 - A. NONE.
8. Report of Officers and Committees: NONE
9. Standing Staff Reports - Planning & Zoning Director
10. Announcements - Next Meetings:
 - Regular Meeting: Tuesday, October 1, 2024 @ 6:00 p.m.
11. Adjourn

Agenda Item 3 (B)

Approval of Minutes: August 6,
2024, Regular Meeting Minutes



PLANNING COMMISSION
Regular Meeting
Cape Charles Civic Center
August 8, 2024

At 6:00 p.m., Chairman Bill Stramm, having established a quorum, called to order the Regular Meeting of the Planning Commission. In addition to Chairman Stramm, present were Commissioners Bill Ashworth, Paul Grossman, Jim Holloway, and Libby Wright, and new Commissioner Ian McDonald joined by video. Also, in attendance were Planning/Zoning Administrator Katie Nunez, Zoning Compliance Officer Jack Steinmayer, and Town Clerk Libby Hume.

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

Consent Agenda:

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

Public Hearing:

- A. *Zoning Map amendment (ZMA) 2024-01: application from Donna and Gregory Onley to conditionally rezone 711 Tazewell Avenue/302 Fig Street (aka Fig Street Inn) (Tax Map #83A4-2-A & 83A4-2-J & 83A3-2-I) from Residential-1 to Commercial Residential (CR).* Ms. Nunez opened the public hearing by explaining the background of the Fig Street Inn and the current zoning of Fig Street Inn. She stated that the applicants, Donna and Greg Kohler, want to conditionally rezone from an R-1 district to a Commercial Residential (CR) zoning district and the proffer statement submitted by the applicants on this matter.

Donna and Greg Kohler, owner(s), then spoke on their application. They mentioned how they wanted to expand their business offerings of the Fig Street Inn by allowing tenants to rent bicycles for the duration of their stay. They went on to explain that this would be done through an online form of some sort, whether it be Google forms or some other comparable software. They then spoke about how they would be more than willing to seek the necessary conditional use permit.

After the Kohler's explained what they were looking for, a few of the Commissioners had questions.

Commissioner Holloway was concerned that rezoning Fig Street Inn to allow for bicycle rentals would increase the number of cars on the streets and that Fig Street Inn would not have enough parking to accommodate the demand.

The Kohler's went on to explain that there would be no problem with keeping up with the increase in demand for parking.

Commissioner Stramm then asked about the other two parcels and what their intentions were going to be with them. He then asked if they would think about pulling the other two parcels at this time.

The Kohler's mentioned that at this time they have no intention of making any development on these parcels. They did say that in the future they may look to develop these lots but that is a way away.

The first public commenter was Dennis Sedat, the owner of 116 Fig Street. He spoke on how he did not have problems with the business, but he was opposed to the changes in zoning. Because he believes that parking is a bit of a current issue in the neighborhood and due to the expansion of Short-Term Rentals. He then went on to say that Fig Street already has a speeding problem, and that traffic is already high due to the Wendell Distributing Company and people going to the Oyster Farm.

Bruce Evans was the next public commentator, as a former owner of a successful bed and breakfast located at 652/654 Tazewell Avenue, he also spoke on his concerns about the rezoning of Fig Street Inn. Like Mr. Sedat, he already had reservations because of the 34 current rooms in the area between Nectarine and Fig being used as Short-Term Rentals, because of this he was not supportive of the rezoning especially on the extra 2 lots that the Kohlers were looking to rezone.

The final public comment came from Jim Weaver, the owner of 702 Monroe Avenue, who was supportive of Kohler's proposition as he believed that it would be good for the community.

Motion was then made at 6:30 p.m., by Commissioner Grossman, seconded by Commissioner Holloway, to close the public hearing for the ZMA 2024-01 application and the motion was carried unanimously.

The board discussed rezoning Fig Street Inn. Commissioner Grossman was not supportive of rezoning the 2 lots that the business was not physically on.

After discussion, Commissioner Grossman motioned to table rezoning Fig Street Inn until further discussion between the applicant and staff could occur, and the motion was seconded by Commissioner Wright and the motion was carried unanimously.

UNFINISHED BUSINESS

There was no unfinished business.

Standing Staff Report

Ms. Nunez spoke about how there was going to be an upcoming hearing at 204 Bay Avenue before the Board of Zoning Appeals regarding an appeal of a decision by the Zoning Administrator.

Motion made by Commissioner Grossman, seconded by Commissioner Holloway, to adjourn the Planning Commission Public Hearings and Regular Meetings at 6:45 p.m., and the motion was approved by unanimous vote.

Planning Technician

Chairman Bill Stramm

Agenda Item 6 (A)

ZMA 2024-01: Donna and Gregory Kohler to conditionally rezone 711 Tazewell/302 Fig Street from Residential-1 (R-1) to Commercial Residential (CR)



PLANNING COMMISSION PUBLIC HEARING STAFF REPORT

Meeting Date: September 3, 2024

Item #4A & 7A – ZMA-2024-01

Prepared by: Katie H. Nunez, Planning/Zoning Administrator &
Jack Steinmayer, Planning & Zoning Compliance Officer

Date: August 29, 2024

APPLICANT: Donna & Gregory Kohler

SITE ADDRESS: 711 Tazewell Avenue/302 Fig Street (aka Fig Street Inn)

TAX MAP: 83A4-2-A & 83A4-2-J & 83A4-2-I

LOT SIZE: 36,404.18 sq. ft total or .84 acres

TYPE OF APPLICATION: Conditional Rezoning Map Amendment (ZMA) 2024-01

SPECIFIC REQUEST: Conditionally Rezone from R-1 to CR with proffers

ZONING ORDINANCE: CCZO Section 2.7.2 & 2.7.4 thru 2.7.9

CURRENT ZONING: Residential-1(R-1)

PROPOSED ZONING: Commercial Residential (CR)

DATE RECEIVED: June 6, 2024

DATE DEEMED COMPLETE: June 8, 2024

LEGAL DEADLINE: 100 days from 1st Receiving Application: November 14, 2024

Updated Staff Report – Updated Proffer Statement by Applicant:

At the August 6, 2024, Public Hearing and Regular Meeting, the Planning Commission discussed a conditional rezoning application with proffers submitted by Donna and Gregory Kohler to allow for a rezoning of their property and business identified as the Fig Street Inn at 711 Tazewell Avenue/302 Fig Street (Tax Map #83A4-2-A & 83A4-2-J & 83A4-2-I).

As stated by the Kohler's in their original application the primary purpose for rezoning would be to allow for bicycle rentals as an accommodation for guests of the Fig Street Inn, however, they would also be available to members of the public. This would be permissible with a conditional use permit with a Commercial Residential designation.

After considerable conversation between members of the Planning Commission along with input from the members of the public, no conclusive resolution between the board could be agreed upon to reach a majority recommendation of parcel "A" for the conditional rezoning application for Fig Street Inn at the time. Furthermore, more information was requested by members of the Planning Commission for clarification on why the applicants were looking to rezone parcels J and I from R-1 to CR, even though Fig Street Inn building occupies the singular parcel "A".

Because of this it was recommended by the Planning/Zoning Administrator to table the vote for the conditional rezoning of the parcels for Fig Street Inn and have the applicants come in and talk to the Planning/Zoning Administrator. This was agreed upon with unanimous approval.

After meeting with the Planning/Zoning Administrator, the applicants have offered the following additional proffers for consideration: Antique Shops; Art Galleries; Candy Store, Dry Goods Store; and a Leather Goods Store. Also, the applicants have offered to eliminate the following as a conditional use and further restrict the following four uses: Day Care Centers; Delicatessens; Ice Cream Parlors; and Restaurants. (see updated chart on page 7 of this staff report)

It was also brought up by the Planning Commission and by members of the public that parking has been a problem on Tazewell Avenue and Fig Street, and rezoning these parcels to allow for additional business would exacerbate the problem. After meeting with the Planning/Zoning Administrator, the applicants have submitted a proffer to address the parking issues by using only natural materials for the development and maintenance of the current off-street parking on their property to retain the character of the neighborhood. Currently, the Kohler's have met with Jeff Klingel Landscape and at some point, this year will work to improve the current off-street parking which is accessible from Tazewell Avenue.

There is also potential to add an additional parking space to the lot, though, the space is currently occupied by a sycamore tree which would have to be removed, and this would not be the preferred decision as the tree provides shade and adds to the residential area.

Finally, the applicants have also mentioned how they would like to add a Fig Street Inn sign to the side of the building. As the town is currently working on updating the sign ordinance, the applicants have agreed to work with the town on any new signage and/or changes/updates so that it is appropriate for Fig Street Inn to have this proposed sign within a residential community.

Applicant has submitted a greater explanation within this amended proffer statement on why they are seeking for all three lots to be rezoned. The Planning Commission will need to determine if this explanation is sufficient to support rezoning of all three lots.

STAFF REVIEW OF COMP PLAN relative to the Updated Proffer Statement

While the Future Land Use Map (FLUM) shows these parcels with a land use designation of Historic District Residential, this land use designation specifically references that some of the historic homes have been converted into lodging and other uses and the intent is for the plan to have flexibility in use while maintaining the character of the area and the quality of life for the residents.

This business has been in operation for the past 14 years and is intending on being in operation for years to come but has indicated that some flexibility in its ability to conduct and offer complementary, but ancillary business services is essential to their continued operations.

The proffers from the applicant clearly demonstrate their intent to respect the neighborhood in which they are located but also give a nod to the current conditions at the edges of their neighborhood block

with Wendell’s Distributing Company located a block and a half to the north at the corner of Fig St & Madison Avenue and the former Meatland property, now home to Eastern Shore Custom Carts, located at the end of their street (Tazwell Avenue) on the south side.

Their proffers are limiting the more intensive uses that would impact a neighborhood with increased traffic, both vehicular and pedestrian, noise and visual impact. Staff are in support of this application with the original and amended proffers from the applicant.

Staff is prepared to assist the Planning Commission in developing a motion, as needed, regarding a recommendation to the Town Council on ZMA 2024-01 application to conditional rezone Tax Map Parcels # 83A4-2-A & 83A4-2-J & 83A4-2-I from Residential -1 to Commercial Residential with the original and amended proffers provided by the applicant.

AUGUST 6, 2024 STAFF REPORT
NARRATIVE OF PROPOSAL

An application for conditional rezoning (ZMA 2024-01) with proffers was submitted by Donna and Gregory Kohler to rezone their property & business identified as the Fig Street Inn at 711 Tazewell Avenue/302 Fig Street (Tax Map #83A4-2-A & 83A4-2-J & 83A4-2-I).



BACKGROUND

On February 11, 2010, Town Council approved a Conditional Use Permit to operate a Bed & Breakfast to the Fig Street Inn at this address; said approval indicated it was for a total of 6 room (5 bedrooms in the main house and 1 bedroom in the accessory building).

The Cape Charles Zoning Ordinance Section 3.2 (Single Family Residential District R-1), Item # C (3) allows, through conditional use permit, the following:

3. Bed and breakfasts and tourist homes, provided the following requirements are met:
 - a. The owner and family must occupy the residence. The owner and his/her appointed agent are responsible for supervising guests.
 - b. The single-family dwelling appearance must be maintained.
 - c. Parking should be considered on a case-by-case basis as part of the conditional use application, ensuring adherence to Section 4.5.1 (Table of Parking Standards) using both on and off-street parking areas.
 - d. A sign no larger than four square feet shall be permitted.
 - e. The number of rooms shall be subject to recommendation by the Planning Commission and approved by the Town Council.

This was the requirement at the time when this property received their Conditional Use Permit.

CONDITONAL REZONING REQUEST

The applicant is seeking to rezone their three parcels from Residential-1 to Commercial Residential (CR) with the following proffer condition: To eliminate the following five by-right uses allowed in the CR District – Athletic Club; Camera Shop; Newsstand; Tobacco Store; Video Store.

The applicant is seeking to expand their business offerings on the property to enhance the visitor experience for their customers at the Bed & Breakfast. They would like to offer a bicycle rental business which would be available to their clientele as well as the general public; said bicycle rental business would not require a “storefront” but would operate through an online application for rental reservation and payment. While this type of business operation is not a by-right use in the CR district but requires a conditional use permit, the applicant is aware and prepared to seek said conditional use permit, which they understand is not a guarantee of approval, but would not be a possibility if the zoning on their property remains R-1.

Enclosed is the full application from the applicant; please note that this includes their response to the five mandatory questions contained in the application.

REVIEW WITH RESPECT TO COMPREHENSIVE PLAN

ECONOMY CHAPTER – OVERVIEW – pg. 50

Cape Charles is home to a lively economy **built around accommodations**, food service, health care, social services, education services, retail trade, public administration, manufacturing, fisheries/maritime activities, and transportation (2018 Cape Charles Market Study). **The Cape Charles economy is evolving to support growth in other sectors, especially tourism and related sectors**, as maritime businesses decline nationwide. Having navigated the worst of the COVID-19 pandemic, the **Town continues to encourage the growth of existing businesses, as well as the creation of new businesses, in diverse markets**. The Town is pursuing strategies to support businesses of different sizes and structures, ranging from small shops opened by residents to corporations.

Economy Objectives and Strategies – pg. 54

- (3) Provide opportunities for households to strengthen their economic wellbeing.

Transportation Objectives and Strategies – pg. 68

- (1) Reduce traffic congestion by reducing local vehicle miles traveled (VMT) by automobile. Coordinate with Land Use objectives and strategies.
- (b) Prioritize increasing the number of people walking and bicycling in town.

FUTURE LAND USE MAP



The Future Land Use Map (FLUM) shows this area of Town to continue to be Historic District Residential; however, in the description of this designation (see below), there is an acknowledgement that some of the residential properties have been converted into a business use for lodging and indicates that this Plan intends for flexibility in use while maintaining the character of the area and quality of life for residents.



Historic District Residential: The Historic District Residential category covers the majority of the original street grid in Cape Charles. Any new development in this area is intended to reflect the historic character of the core residential area and compliment features of existing structures.

This plan recognizes that some historic homes have been converted into lodging and other uses. As such, the plan intends flexibility in use while maintaining the character of the area and quality of life for residents.

REVIEW WITH RESPECT TO ZONING ORDINANCE: ZONING DISTRICTS – INTENT

The Cape Charles Zoning Ordinance provides a statement of intent for the current zoning district of Residential-1 (R-1) as follows:

The intent of this basic zoning district is to provide quiet, medium density, single-family residential development plus provide open areas where similar residential development appears likely to occur. The regulations for this district are designed to stabilize and protect the essential characteristics of the district, to promote and encourage a suitable environment for family life where there are children, and to restrict all activities of a commercial nature as described in Section 3.6-A of this ordinance,

known as Commercial District C-1, which states “These commercial activities are characterized by heavy traffic, noise, and congestion of people and passenger vehicles and by large office buildings and retail establishments,” and to promote a convenient, attractive, and harmonious community. This section is created in recognition of the existence of developed areas where single-family and duplex dwelling currently exist on lots of 5,600 square feet and where the characteristics of the neighborhood include both permanent as well as seasonal residents.

The proposed rezoning district of Commercial Residential (CR) provides the following statement of intent as follows:

The purpose of this district is to recognize the unique juxtaposition of the existing residential structures within the central business district and the future needs of Cape Charles commercial districts. It is the intent of this zone to promote the continued residential character of these areas while allowing commercial uses to be introduced.

The specific intent of this district is (1) to encourage retention of the existing residential buildings and character of the area and (2) to encourage compatible uses for these buildings.

ANALYSIS – Uses by Right and Conditional Use between the 2 Districts (ITEMS highlighted in PINK are ORIGINAL PROFFERS & GREEN are AMENDED PROFFERS to prohibit these by-right uses as well as Conditional Uses from this property)

<u>RESIDENTIAL-1</u>	<u>COMMERCIAL RESIDENTIAL</u>
Permitted Uses by Right 1. Single-family dwellings. 2. Churches and places of worship 3. Parks and playgrounds. 4. Accessory buildings. 5. Schools and Municipal Community Center. 6. Group Homes per § 15.2-2291 of the Code of Virginia. 7. Home occupations in accordance with Section 4.0. 8. Dog pens. 9. Accessory Dwelling units by right in compliance with the requirements of Article 4.2(J)	Permitted Uses by Right 1. Accessory buildings 2. Antique shops 3. Art galleries 4. Athletic clubs 5. Beauty and barber shops 6. Bed and breakfasts 7. Camera shops 8. Candy stores 9. Clothing stores 10. Day spas 11. Dry goods stores 12. Florists 13. Gift shops 14. Leather goods 15. Newsstands 16. Offices 17. Real estate sales 18. Single-family dwellings 19. Tobacco stores 20. Video stores 21. Any other use which is compatible in nature with the foregoing uses and which the Zoning Administrator determines to be compatible with the intent of the district and is concurred with by the Planning Commission.
<u>CONDITIONAL USES</u>	<u>CONDITIONAL USES</u>
1. Libraries, museums, and office and meeting spaces for civic organizations Town of Cape Charles 2. Public utilities and services provided that the exterior appearance of any building permitted in this district shall be in keeping with the character of the neighborhood in which it is located 3. Bed and breakfasts and tourist homes, provided the following requirements are met: a. The owner and family must occupy the residence. The owner and his/her appointed agent are responsible for supervising guests. b. The single-family dwelling appearance must be maintained.	1. Bakeries 2. Bicycle shops 3. Cafes and coffee shops 4. Conference centers 5. Day care centers 6. Delicatessens 7. Ice cream parlors 8. Restaurant

c. Parking should be considered on a case-by-case basis as part of the conditional use application, ensuring adherence to Section 4.5.1 (Table of Parking Standards) using both on and off-street parking areas. d. A sign no larger than four square feet shall be permitted. e. The number of room accommodations shall be subject to recommendation by the Planning Commission and approved by the Town Council. 4. Neighborhood community center 5. Swimming pools, tennis courts, and basketball courts. 6. Adaptive Reuse of existing structure is a new use different than the intended use for which the structure was originally constructed. The Reuse is generally a permitted, accessory or conditional use with an adaptation such as density or size that is greater than the ordinance allows. The Reuse would require a conditional use permit (CUP). The following additional requirements must also be met: a. The use must be compatible with the permitted uses in the zone. b. The Reuse plan must meet the table of parking and landscaping standards (unlike reuse in the C-1 Zone where parking requirements are on a case by case basis). c. Replacement and new utility services shall be placed underground. d. The structure shall be a contributing structure to the Cape Charles National Historic District or at least 50 years old and the exterior of the structure must be restored in accordance with the Cape Charles Historic District Guidelines. 7. Residential dwelling units in square footage area below the minimum or above the maximum stated in Section 3.2.F.2	
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The Fig Street Inn is an established Bed & Breakfast in the Town; however, the Town has seen a conversion of these types of establishments over the last five years back into a residential use, with a strong leaning towards Short Term Rental capacity. In fact, there are only two remaining bed & breakfast establishments in Cape Charles along with two hotels. This application would allow this establishment to become a by-right use of its primary business at this property but to also offer, by-right, additional amenities not only to its guests but potentially to other customers in a low-impact manner; said amenities would supplement the viability of this business.

The Comprehensive Plan has acknowledged that the large historic homes have been converted into this type of lodging and the type of supplemental business being considered by the applicant is consistent with the intent of the Town to increase bicycling opportunities in the Town.

It is essential to review all of the by-right uses in the Commercial-Residential District that would be allowed at this location if the rezoning application is approved and determine if any of these uses were initiated at this property would they rise to the same level of use and activity occurring on the property currently or would they impact the neighborhood in a more intensive and possibly disruptive manner to a generally residential neighborhood. I do feel that the other by-right uses are equally on-par and would not be jarring to the neighborhood and would operate during daylight hours with nominal traffic impact and the property and its road frontage on Tazewell Avenue provide sufficient parking capacity to handle these uses, if activated.

STAFF RECOMMENDATION

Staff are requesting the Planning Commission to convene and hold the public hearing and consider all comments received and determine if there are additional issues raised that were not considered by staff which may need to be considered. Staff is recommending favorable consideration of the conditional rezoning of Tax Map Parcels# 83A4-2-A & 83A4-2-J & 83A4-2-I from Residential-1 (R-1) to Commercial Residential (CR) with the proffers provided by the applicant.

POSSIBLE PLANNING COMMISSION MOTION

I would recommend the following motion for the Planning Commission's consideration: ***Motion to recommend the conditional rezoning of Tax Map Parcels # 83A4-2-A & 83A4-2-J & 83A4-2-I from Residential -1 to Commercial Residential with the proffers provided by the applicant.***

Attachments:

- Attachment 1 – ZMA Packet for 711 Tazewell Avenue Application for ZMA with Proffers
- Attachment 2 – Site Plan
- Attachment 3 – CUP for Fig Street Inn 2010-02-11 – 6 Bedroom B&B
- Attachment 4 – Town Council Minutes approving CUP 2010-02-10
- Attachment 5 – Cape Charles Zoning Ordinance Sections 2.7.2 & 2.7.4 thru 2.7.9

ADDITIONAL ATTACHMENT

Amended Proffer Statement and Narrative dated August 16, 2024

ZMA 2024-01 Addendum



Friday, August 16, 2024

Katie Nunez, Director of Planning
Town of Cape Charles
2 Plum Street
Cape Charles, VA 23310

Dear Katie,

Thank you for the opportunity to submit additional materials for proposed Zoning Map Amendment (ZMA) 2024-01. We would like to provide additional information, as well as address questions that came up during the August 6, 2024 Planning Commission Meeting:

Proffers:

The following proffers are offered:

1. The following by right uses will NOT be considered for development of Tax Map #83A4-2-A & 83A4-2-J & 83A4-2-I:
 - Antique shop
 - Art galleries
 - Athletic club
 - Camera shop
 - Candy store
 - Dry goods store
 - Leather goods
 - Newsstands
 - Tobacco Store
 - Video Store
2. Only natural materials such as sand, shell, stone, grass, or other natural material compatible with residential dwellings in the historic district, would be used for improvement or development of any off-street parking area(s). Blacktop and/or cement would not be used.

We have plans to work with Jeff Klingel Landscape later this year to improve the current off-street parking accessible from Tazewell Avenue. Spots will be clearly marked so guests know exactly where to park and we may continue to accommodate 5 cars in the off-street parking area. This should encourage guests to park in the lot vs. on Tazewell.

There is potential to add a 6th parking spot with removal of the large sycamore tree (shown on land survey attached). However, we prefer not to do that as the tree provides shade for the lot and adds to the residential look and feel of the business.

A sketch of the proposed off-street parking plan is attached.

3. The following conditional uses would NOT be applied for:

- Day care center
- Ice cream parlor
- Delicatessen
- Restaurant

Each of these uses has potential to bring increased vehicular traffic, foot traffic, and/or noise to Tazewell Avenue, and that is not our intent in requested a CR designation.

4. Electronic or neon signage would not be utilized. The only change we would like to make to Fig Street Inn signage is permission to add a sign on the Fig Street side of the building. This is not currently allowed under b&b signage regulations.

We know the Town is updating signage regulations and we are not familiar with what those may be. We agree to work with the Town for approval on any new signage and/or changes/updates so it is appropriate for a commercial entity within a residential community.

Parking:

Fig Street Inn has an off-street parking area accessible from Tazewell Avenue that can accommodate 5 vehicles. It is done in natural materials (sand, shell, dirt, grass). Please refer to Proffer 2 above about planned improvements to off-street parking.

We currently have 4 guest rooms and have approval to add a 5th unit in a pre-existing out building. This unit should be operational by year's end.

We provide one (1) off-street parking spot per guest room. Guests are told they can park in the lot or on the street, whichever they prefer. When guests have more than 1 vehicle – whether it is 2 people meeting here, or guests that rent a golf cart – they are directed to park one in the lot, and one on the street. When we are not at full occupancy, guests are told they may park more than 1 vehicle in the lot, if needed.

We do direct guests with over-width vehicles or trailers to park on Tazewell.

There is additional off-street parking accessible from the alleyway between Tazewell and Monroe. The area is not marked and is grassed. Guests are not directed to this area but it is available for ourselves and staff.

Concern was raised about parking on Tazewell. We can only speak to parking on the 700 block, and issues on other blocks of Tazewell are not from our business.

We have taken an inventory of street parking along Tazewell since the August 6th Planning Commission meeting (see attachment). We believe the data supports our previous statement that there is ample parking on our block of Tazewell. Residents that park on the west side claim a spot and rarely move their vehicles. These are residents who live along Fig Street or on the 600 block of Tazewell. Non-residents parking on Tazewell are typically from our business.

During the 10-day period in which we tracked parking, Fig Street Inn was at 85% occupancy (6 of those days were 100% occupancy). This means we had 3+ guest vehicles each day, and there were times many guests would choose to park on the street. Even with those vehicles on Tazewell, there was ample available parking. Should there still be concern with visitor parking along the 700 block of Tazewell, we believe some of this may be mitigated with the planned improvements to our off-street parking area and requesting that Fig Street Inn guests use the lot.

We recognize that parking is a concern throughout Cape Charles; however, our business should not be held to a higher standard than other businesses, and neither should we be held to higher residential standards. We understand the Town will be looking at longer term town-wide solutions, but until those are in place, the 700 block of Tazewell and our business should not be restricted for what may be a perceived issue vs. measurable issue.

Speeding Along Fig Street:

A concern was raised about vehicles speeding along Fig Street. We do not believe this is our guests. We are one block from the turn onto Fig from Randolph or from the STOP sign near New Roots Youth Garden. It is improbable, in our opinion, for a guest vehicle to increase to a high rate of speed when they are only driving one block and making a right turn onto Tazewell to access our business.

We are not aware of any guest receiving a speeding ticket within Town limits in our 14 years of operation. We are aware of guests receiving parking tickets downtown or speeding tickets along Route 13, so we expect a guest would have mentioned receiving a speeding ticket in Town.

Should our business expand to include additional offerings to the public, we do not see speeding along Fig Street being a result of commercial operations from our property because of our close proximity to Town's entrance.

Traffic:

We have updated our website to direct guests to use Fulcher Street rather than Fig Street when coming into Town (see attached). This will redirect traffic from Fig Street and the 4 corners on Randolph and Fig.

Commercial Development in a Residential Area:

The intent of the Commercial Residential (CR) designation (Town of Cape Charles Zoning Ordinance, Article III, Section 3.5) is exactly what we want to accomplish and preserve - "It is the intent of this zone to promote the continued residential character of these areas while allowing commercial uses to be introduced. The specific intent of this district is (1) to encourage retention of the existing residential buildings and character of the area and (2) to encourage compatible uses for these buildings."

The Town's Comprehensive Plan dated December 15, 2022 (pages 112, 113) recognizes the "existing land use" of 711 Tazewell Avenue/302 Fig Street as commercial, despite a R-1 designation. The property has operated as a commercial entity since Fig Street Inn opened May 2011. It is not a hobby and it is not supplemental or secondary income. Fig Street Inn is a full-time, year-round business, with 2 full-time employees (two owners) and 3 part-time seasonal employees. It is the oldest bed and breakfast in Cape Charles with 14 years in business, and is only one of two operating beds and breakfasts in town.

Since opening 14 years ago, the property has maintained its residential "character". Any changes to the building, and any potential new development are required to go through Town processes, permitting, commissions, boards, etc. for approval(s). We should not be denied for fear or concern of the "potential" of what could be developed. There are multiple steps any one (whether it is ourselves or a future owner) would need to go through, and multiple opportunities for the Town to impact and influence development, and ensure that residential character is maintained.

Commercial operations are not new to our end of Town. According to the August 9, 2024 Weekly Report, the Town Manager is in discussions "with the owner of the former Meatland property about possible future developments". We expect that would have sort of commercial use and would be accessible and visible from Tazewell Avenue. Storage and access to Eastern

Shore Custom Carts is available and visible across from our lots and along Tazewell Avenue. Those commercial entities are about ¼ of the 700 block of Tazewell.

One block south on Fig Street are Rayfield's Pharmacy, Chesapeake Properties and the Kellogg Building. Two blocks north on Fig Street is Wendell's Distributing, an industrial warehouse with parking lot for delivery trucks that operate in and out of town regularly.

The point of stating this is to acknowledge that our neighborhood already has a mix of commercial and residential, and specifically, it already exists on the 700 block of Tazewell Avenue. It would not be out of the neighborhood's character to have additional designated commercial entities on the 700 block of Tazewell.

Proposed Changes:

As stated in our initial application, we would like to add bicycle rentals to our business. The primary purpose is to offer as an amenity to guests, but we also want to make them available to the general public. This would be permissible with a conditional use permit with CR designation, and we understand that is a separate approval process. There would NOT be a "bicycle shop" or addition of any other structure for a bicycle rental business. Operation plans with location are detailed in our initial application.

Since our initial application, we have researched the addition of an EV charger to our off-street parking lot area. It will be for guest use but it does have the capability of being made available to the general public. We do not think making it available to the public is a good financial decision and could be disruptive to inn guests.

We have also researched and have a company we would like to engage with for solar power. As a commercial entity, with a commercial zoning designation, we would reduce our electric by approximately 75%. This will save us at least \$4,000 per year as well as be better for the environment. Savings with a residential designation are about 35%. There are many more incentives for commercial properties which is the reason for the difference in savings. However, these require zoning designation and not just land use. We have discussed Town licensing and permitting processes with the vendor so they (and we) are aware of what is needed to pursue. Having a commercial designation is the first step to implementing that project.

Reasoning for Designation Request:

Fig Street Inn is operated with a Conditional Use Permit (CUP) in R-1 designation. The CUP (copy attached) permits "operation of a 6 bedroom bed & breakfast (5 bedrooms in main house, 1 bedroom in accessory building)" and is "valid for only the specific use it covers".

The only way to expand bed and breakfast operations is to add a 5th guest bedroom to the main building which would require a significant renovation. We are not in a position to do that and do not have plans to pursue.

In order to grow the business outside of a bed & breakfast operation, to continue sustainability and viability, and to protect the home and lots from potential conversion into 7 single family homes, we are asking for a CR designation for all 3 parcels (7 lots total). We are not a contributing structure but the home was built for W.B. Wilson, owner of Wilson's department store (the Wilson Building on corner of Strawberry and Mason).

CR designation allows the pursuit of additional operations from our business location with minimal impact on our neighborhood.

- **Bicycle rental** is our immediate interest requiring a CUP. There could be signage attached to the fence for this, but we would work with the Town on what is permissible and suitable for the neighborhood.

- By right use for **gift shop** - We currently have a very small gift shop inside the inn available to guests, but we would like option to open to the public. Given the nature of our bed and breakfast operations, this would be on a limited basis with limited days and hours of operation and would more than likely be seasonal (holiday time). This would not require additional structures or signage.
- **Small business meetings, retreats** - We are not sure if this is a by-right under “offices” or requires a CUP under “conference center”. Either way, we would like to include this offering to generate income during our slower periods. This would not require additional structures and we would work with the Town should this require a CUP.
- **Elopements** - This is not listed as a by right or CUP under CR, but is not permitted with our current CUP. We would work with the Town to ensure we have permission to offer this. This would not require additional structures or signage, but we may want to add a decorative arch in the gardens. This offering would be in Lots J and/or I if outdoors, and Lot A, if indoors.

Separating Parcels:

There was discussion of limiting a CR designation to select parcels. The inn sits on Lot A which is made up of 5 parcels; and then there are 2 additional lots - Lot J to the west of A, and then Lot I which borders our neighbor. Lots J and I are boxwood gardens and we believe the two lots have been undeveloped since the home was built in 1899.

Having looked more closely at our land survey (see attached), you will see a well head towards the middle back on Lot J (towards the alleyway). This well serves Fig Street Inn. We ask that if parcels are to be separated with different zoning designations, that Lot J stay with Lot A and also receive a CR designation as the well is part of the business.

Future Development:

The following are not offered as proffers for permitted uses, as we would like to consider them in future development as business opportunities for us or family members:

- **Accessory building** – to provide long-term workforce housing or housing for aging family members. Although more lucrative, we are not interested in operating a vacation rental, but helping to address housing issues in our area.
- **Beauty and barber shop** – this is an area of interest for one of our children.
- **Bed and breakfast** – with addition of another structure to provide transient overnight accommodations. This is a limited offering in Cape Charles with only 35 available rooms among 4 businesses. We will add one to the inventory upon completion of our outside unit, and the Hotel Cape Charles will add additional units in the Betis Building, if approved. We know there is demand for this offering, and it makes sense to keep that type of business contained within our parcels.
- **Clothing store** – this is area of interest for both of our children
- **Day spas** – this is area of interest for one of our children.
- **Florist** – this is not something we are personally interested in but is not something our Town has. Should a structure be built for this, it would be a lease option for another business owner.
- **Gift Shop** – see above
- **Office** – see above
- **Single family dwelling** – for the same reasons we did not offer accessory building as a proffer.

Although permitted uses, ANY development is required to go through Town processes for approval. Concerns with parking could be addressed by requiring off-street parking.

The following CUP uses were not offered as proffers:

- **Bakeries** - this is area of interest for our family as a whole, but we do not see this as a need or fitting into our business plans, at this time.
- **Bicycle shop** – see above.
- **Café and coffee shop** - this is area of interest for our family as a whole, but we do not see this as a need or fitting into our business plans, at this time.
- **Conference center** – see above.

Not only would any development for the CUPs listed above need to go through Town processes for approval, they would also need to go through CUP approval processes.

There are many opportunities for the Town to have a say into how the land is developed.

Summary:

We know we want to expand our offerings and provide opportunities for our family to stay on the Shore. CR designation for all 3 parcels allows that with Town processes in place to protect the neighborhood character.

Again, thank you for the opportunity and we hope this addresses concerns of the Planning Commission. At least one of us will be attendance at the Tuesday, September 3 Planning Commission Meeting. The other is traveling back from dropping our oldest off at college and will do their best to return in time for the 6 pm meeting.

We thank you for working with us throughout this process.

With kindness,



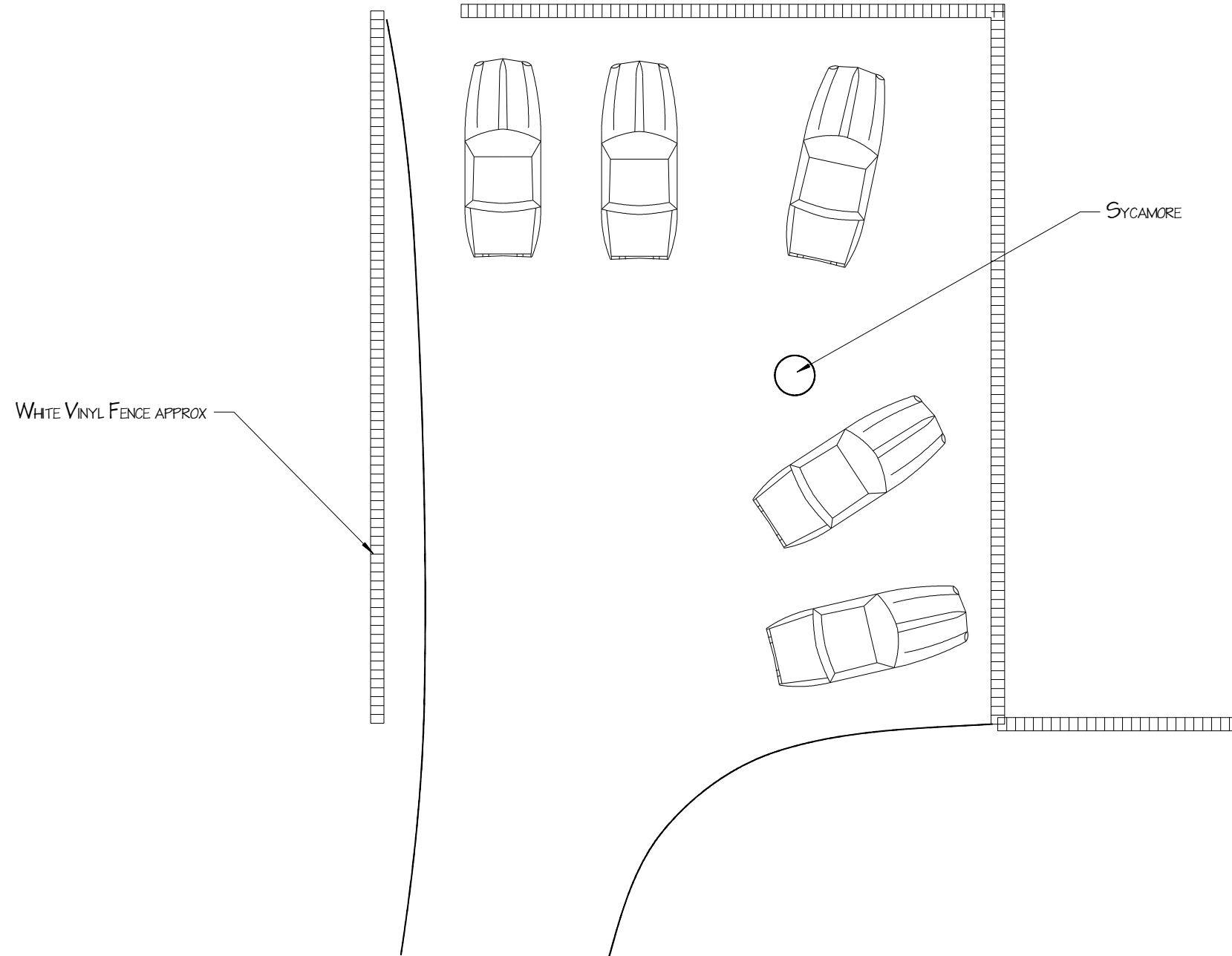
Donna Olney Kohler



Gregory S. Kohler

WHITE VINYL FENCE APPROX

SYCAMORE



TAZEWELL AVE



MUNICIPAL CORPORATION OF CAPE CHARLES

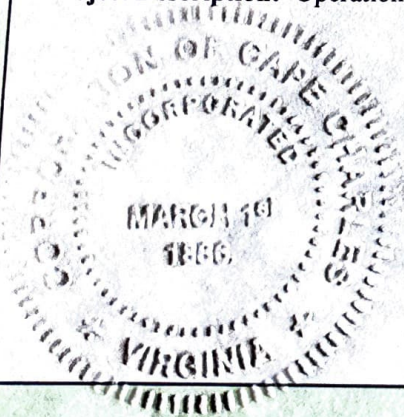
Date Issued: February 11, 2010

Issued to: Gregory S. & Donna O. Kohler
4650 Harris Hill Road
Williamsville, NY 14221

For Property: 302 Fig Street
Cape Charles, VA 23310

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 the date of approval. If not acted upon within one year, the conditional use permit shall become null and void, unless construction is substantially underway during such one-year period or unless an extension of time not exceeding one year is approved by the Town Council for good cause shown before the expiration of such one-year period.

Project Description: Operation of a 6 bedroom Bed & Breakfast (5 bedrooms in main house, 1 bedroom in accessory building).



Libby Hume
Town Clerk

2/11/10
Date

THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE REPORT AND MAY NOT SHOW ANY/all EASEMENTS OR RESTRICTIONS THAT MAY AFFECT SAID PROPERTY AS SHOWN.

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THIS PROPERTY APPEARS TO FALL IN:

FLOOD ZONE: X

COMMUNITY NO.: 510106

PANEL: 0285F DATED: MARCH 2, 2015

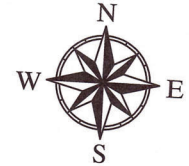
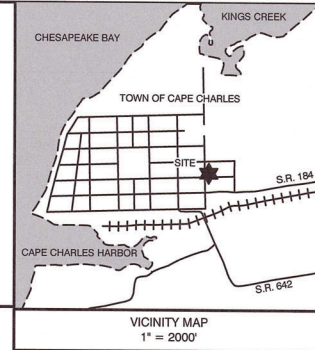
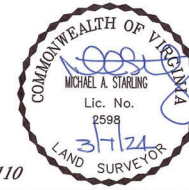
FLOOD ZONE DETERMINATION IS BASED ON THE FLOOD INSURANCE RATE MAPS AND DOES NOT IMPLY THAT THIS PROPERTY WILL OR WILL NOT BE FREE FROM FLOODING OR DAMAGE.

THE NORTH MERIDIAN OF THIS PLAT IS BASED ON THE VIRGINIA STATE PLANE COORDINATE SYSTEM, SOUTH ZONE, NAD83.

THIS PLAT IS BASED ON A CURRENT FIELD SURVEY HAVING A CLOSURE EXCEEDING 1:41,642.

BUILDING WALLS SHOWN HEREON REPRESENT THE FOUNDATION FOOTPRINT.

I, HEREBY CERTIFY THAT THIS BOUNDARY IS BASED ON A CURRENT FIELD SURVEY, AND TO THE BEST OF MY KNOWLEDGE AND BELIEF IS CORRECT AND COMPLIES WITH THE MINIMUM PROCEDURES AND STANDARDS ESTABLISHED BY THE VIRGINIA STATE BOARD OF ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS AND CERTIFIED LANDSCAPE ARCHITECTS.



Shoreline Surveyors

23314 Courthouse Avenue - P.O. Box 735
Accomac, Virginia 23301
PHONE (757) 769-3960 FAX (757) 769-3962

SCALE: 1" = 25'
DRAWN: WAS
FIELD BOOK: 54, PAGES 39 & 40
JOB #24006
SHEET 1 OF 1

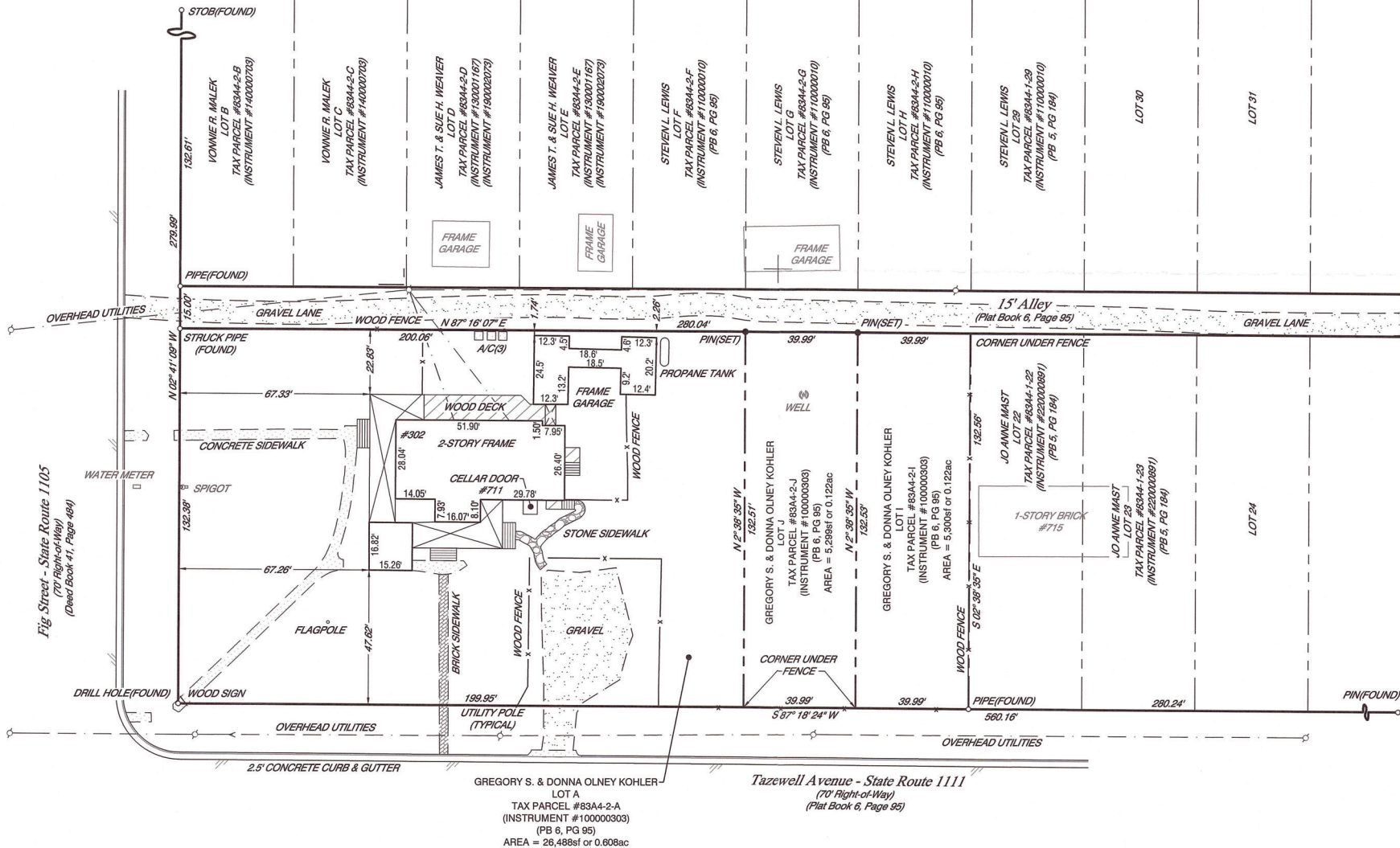
PHYSICAL SURVEY
OF

Lots A, I & J
"L. Webster Co., Inc."

(PLAT BOOK 6, PAGE 95)
TAX PARCELS #083A4-(02)-00-000A,
#083A4-(02)-00-0001 & #083A4-(02)-00-000J
TOWN OF CAPE CHARLES
NORTHAMPTON COUNTY, VIRGINIA

FOR
Donna Kohler

FEBRUARY 22, 2024



Attachment 1

RECEIVED
6/6/2024



Zoning Map Amendment Application

Planning & Zoning Department
2 Plum Street; Cape Charles, VA 23310
757-331-2036
planner@capecharles.org

Revised 08/2023

Taxes	√pdmmw
Violations	NA
pdchk 411 Fee	\$1,000
Decision	

Budget Code: MISPL 100-3100-1070

PART 1: APPLICATION NOTES

1. A pre-application conference is mandatory prior to submission of an application for a zoning map amendment.
2. A zoning map amendment application should be consistent with the Comprehensive Plan and therefore, may also require a Comprehensive Plan amendment, which should be approved prior to the zoning map amendment application.
3. The Town Council may not add conditions of approval to a zoning map amendment application.
4. If proffers are being offered, the proffer statements may not be less restrictive than the requested base zoning district standards.
5. If proffers are being offered, proffer statements may not be amended after the public notification of a public hearing to consider the application has been sent. The applicant may voluntarily offer proffered conditions as part of their application, which must be listed in a separate voluntary proffer statement using the template found on our website.
6. **Fees: Regular Rezoning – (a) Non-PUD = \$500 + \$50/acre****
(b) PUD = \$1,000 + \$50/acre (i) Amendment to Comp. Plan; Concept Approvals: \$550/app**
Conditional Rezoning = \$1000 + \$50/acre**
****plus, any actual cost for advertising & adjacent property owner notification mailings**

PART 2: PROPERTY INFORMATION

Property Address: 711 Tazewell Avenue	Tax Map #: 83A4-2-A
Project name: Rezone to CR	Current Zoning District: R-1
Does this application include proffers? ☐ No ☒ Yes, if so, attach separate form	Proposed Zoning District: CR

PART 3: PROPERTY OWNER INFORMATION

Applicant Name: Gregory S + Donna Olney Kohler	
Mailing Address: 711 Tazewell Avenue Cape Charles VA 23310	
Email address: donna@figstreetinn.com	Phone: 757.331.3133

If property is owned by an LLC, LP, or other form of corporation, list all landowners and their contact information.

n/a

Zoning Map Amendment Application (also referred to as a Rezoning or Conditional Rezoning) may be submitted by a Cape Charles property owner and may be advanced to public hearing, after this application is submitted to Town Council who authorizes said applications to public hearings, first to the Planning Commission in compliance with the Code of Virginia Section 15.2-2285 and 15.2-2204.

The applicant will be required to make a presentation to fully explain the request and demonstrate the need for said request and how the Comprehensive Plan supports and maintains compliance with the goals and objectives of the Comprehensive Plan

Additionally, the Planning Commission or Town Council may prepare and apply for a zoning map amendment with either the Town Manager or the Zoning Administrator or Planning Director representing the application on behalf of the Town.

PART 4: Written Description of Request – Answer all questions in this section. Attach additional sheets as needed.

- A) Describe the existing conditions on the property including existing land uses and buildings as well as the land uses and zoning districts on the abutting properties.

see attached.

- B) Describe how existing conditions have changed, thereby making the proposed amendment needed.

see attached.

- C) Describe how the proposed amendment furthers the objectives of the Comprehensive Plan.

see attached.

- D) Describe why the proposed rezoning is necessary.

see attached

- E) Describe the proposed use of the rezoned property including a site plan with the proposed types of site improvements and buildings.

see attached.

Applicant's signature: _____

Date: _____

Zoning Administrator's Signature: _____

Date: _____

PART 5: To Be Completed by P & Z Department Staff

Date Application Received in Office:	Application #: ZMA
Planning Commission	Town Council
Date referred:	Date received from Planning Commission:
Action deadline (100 days from receipt):	Action deadline (max. 365 days from referral to PC):
Public hearing date:	Public hearing date:
Decision:	Decision:

Proffers Offered:

As part of the Zoning Map Amendment Application, the following permitted by-right uses for CR district would not be considered in any plans for expansion, addition, or change of use:

- Athletic Club
- Camera Shop
- Newsstand
- Tobacco Store
- Video Store

A. Describe the existing conditions on the property including existing land uses and buildings as well as the land uses and zoning districts on the abutting properties.

The property located at 711 Tazewell Avenue/302 Fig Street is located in the R1 district and has a conditional use permit to operate as a 6 room bed and breakfast. It has been operated as Fig Street Inn, a 4-room bed and breakfast since May 2011. We have submitted an application to Planning & Zoning Department to improve an outbuilding for use as a 5th bed and breakfast transient unit. We should be on the June 18, 2024 for HRDB review.

Per Cape Charles requirements, we live on property in order to operate as a bed and breakfast. The business is open year-round and has hosted thousands of visitors in its 14 years of operation.

The property consists of a main structure (approx. 4,450 sq ft) with 6 bedrooms, 6 ½ bathrooms (between guest and owners' quarters). There is an outbuilding (approx. 237 sq ft) connected to the main building by a breezeway. This building is what we are working with Town to convert to a 5th bed and breakfast unit. This outbuilding is connected to an unfinished barn/shed by an 18 ft long enclosed area that backs up to the alleyway.

The property consists of 7 town lots with buildings located on 5 lots. The 6th and 7th lots (Lots I & J along Tazewell Avenue) are gardens.

The property is abutted by 4 single family dwellings, each in R1 district. Two of those homes are full-time residents, and two are second homes. One of the full-time residents is an area business owner and sometimes has work trucks in and out of their property.

B. Describe how existing conditions have changed, thereby making the proposed amendment needed.

Cape Charles has seen a significant amount of growth since we purchased the property in February 2010. We have also seen the needs of travelers change – they want to spend more time here and they want to have more things to do. Potential visitors can often find it difficult to find a place to stay. There are currently 35 transient lodging units among 4 properties in the historic district (36 if our HRDB application is approved). We know the demand is there and we would like to capture that opportunity.

We currently have a R1 designation and operate our bed and breakfast with a conditional use permit. Changing to CR (commercial residential) would allow us to operate by right, and would give the potential to develop Lots J&I with permissible uses.

Our property is located across the street (on Tazewell Avenue) which has both CR and R1. There are a total of 7 homes along Tazewell Avenue from Fulcher to Fig, with 6 of those being full-time residents, and the 7th being a second home. One home does have a vacation rental unit on property; and another is owned by a local business owner and often has a work truck parked along Tazewell.

It is not out of character for our block to be a mix of residential and commercial use. We have the former MeatLand property on the corner. There is boat trailer parking along with golf cart parking for Eastern Shore Custom Carts. We have 2 local business owners with commercial work vehicles coming in and out of the area – one on Tazewell, and one in an abutting property. We also had a medical building many years ago on the corner of Fulcher and Tazewell, which now has 3 newer homes.

We have been in operation for 14 years and our business is low impact on our block. We are not aware of any complaints regarding our business. We have never had the need for law enforcement with our guests. We provide off-street parking so street parking can be used by residents.

The Town has lost 3 beds and breakfasts since we opened, with each converted to a vacation rental. We want to preserve the use of this building, and the financial contribution it makes as a bed and breakfast with a CR designation. A bed and breakfast operation would be allowed by right, and not by conditional use permit.

Although Fig Street Inn is also a home, its purpose is business - a commercial entity contributing to the local economy. A CR designation is a more accurate description for the property.

C. Describe how the proposed amendment furthers the objectives of the Comprehensive Plan.

- *“Healthy balance between year-round residents, tourists, and second homeowners in Cape Charles.”*
This is the perfect description for our block of Tazewell between Fulcher and Fig. We have 6 full-time residents (with one also offering a vacation rental unit); 1 second homeowner; 1 business (Fig Street Inn) providing overnight accommodations for tourists. One half of Tazewell on the south side is CR and is used for boat and golf cart parking.
- *“Provide opportunities for households to strengthen their economic well-being.”*
A CR designation would allow for the expansion of business opportunities for ourselves, as well as for our family. We have the physical space on property to expand, build, develop a variety of businesses permissible by a CR designation that would allow us to grow our portfolio, and/or provide business opportunities for our children. Any additional business opportunity would have a financial impact on the local economy through collection and remittance of taxes.
- *“Promote and expand businesses in a business-friendly environment.”*
A CR designation provides more options on the types of businesses that could be operated from our property. We would like to expand the bed and breakfast and provide additional overnight transient accommodations. This would require an additional building and is not in our immediate plans.

Our immediate intent is to have a bicycle rental business. This amenity would be available to both guests and the public and would be done in such a way to have minimal impact on our street.

A longer term objective is to encourage our children to stay on the Eastern Shore, in Cape Charles, by providing opportunities for a small business on our property. Some of the permitted by-right uses match their interests and may be their career paths.

- *Bicycle Infrastructure*

The Comprehensive Plan recognizes that Cape Charles is a bicycle friendly town. It mainly discusses infrastructure improvements, many of which are in the works. A bicycle rental business, as we are proposing, supports the initiatives of bicycle use to promote healthy lifestyles and reduce vehicle traffic in the downtown areas.

D. Describe why the proposed rezoning is necessary.

The CR designation confirms the property's use as a bed and breakfast, and approves Fig Street Inn as a commercial entity in a residential area, without need for a conditional use permit. It recognizes the current mix of commercial and residential that already exists on our block, and has for much longer than we have owned the property.

With a CR designation, the immediate plan we have is to offer bicycle rentals that would be available to the public (not just our guests). This is not a "shop" and would not require an additional structure or building. This would be 2 bike racks located on our property – one within the off-street parking area, and the other around the corner from it along the fence line on Tazewell Avenue. Each rack can hold up to 5 bicycles. Bicycles are reserved on a mobile app with payment made to an outside company. After someone reserves, they receive a code on their phone to unlock a bicycle; they are provided a helmet; and after use, return the bicycle to lock back up at the rack(s). This is a self-serve operation with minimal impact, but offers an amenity that complements Cape Charles's character.

The outside company collects payment and remits payment to us after taking a commission. The outside company assumes liability and covers the insurance. Our responsibility is inventory and maintenance.

Bicycles would be maintained and repaired as needed on our existing property. We do not anticipate any need for an additional structure to support this business.

We expect that most users would walk to pick up bicycles or may have someone drive them to our location. We do not have the capacity to provide off-street parking for bicycle renters, but we do not anticipate a significant impact on street parking along Tazewell Avenue. Currently, on any given day, there are not many cars parked on Tazewell so street parking is usually readily available.

A “bicycle shop” is a conditional use permit use with CR designation. Although this would not be a shop, we understand we would need a conditional use permit for a bicycle rental business.

E. Describe the proposed use of the rezoned property including a site plan with the proposed types of site improvements and buildings.

There is no need for any buildings at this time.

The bicycle rental business would be one rack located at the end of our off-street parking area towards Tazewell Avenue. The second rack would be around the corner from the first rack, in front of the fence along Tazewell Avenue. Their placement makes them visible to the public from Tazewell without altering the block’s character.

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THIS PROPERTY APPEARS TO FALL IN:
FLOOD ZONE: X
COMMUNITY NO.: 510106
PANEL: 0285F DATED: MARCH 2, 2015

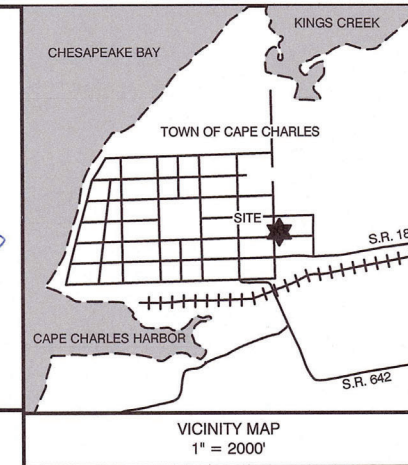
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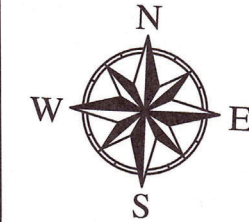
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MADE IN AMERICA



Shoreline Surveyors

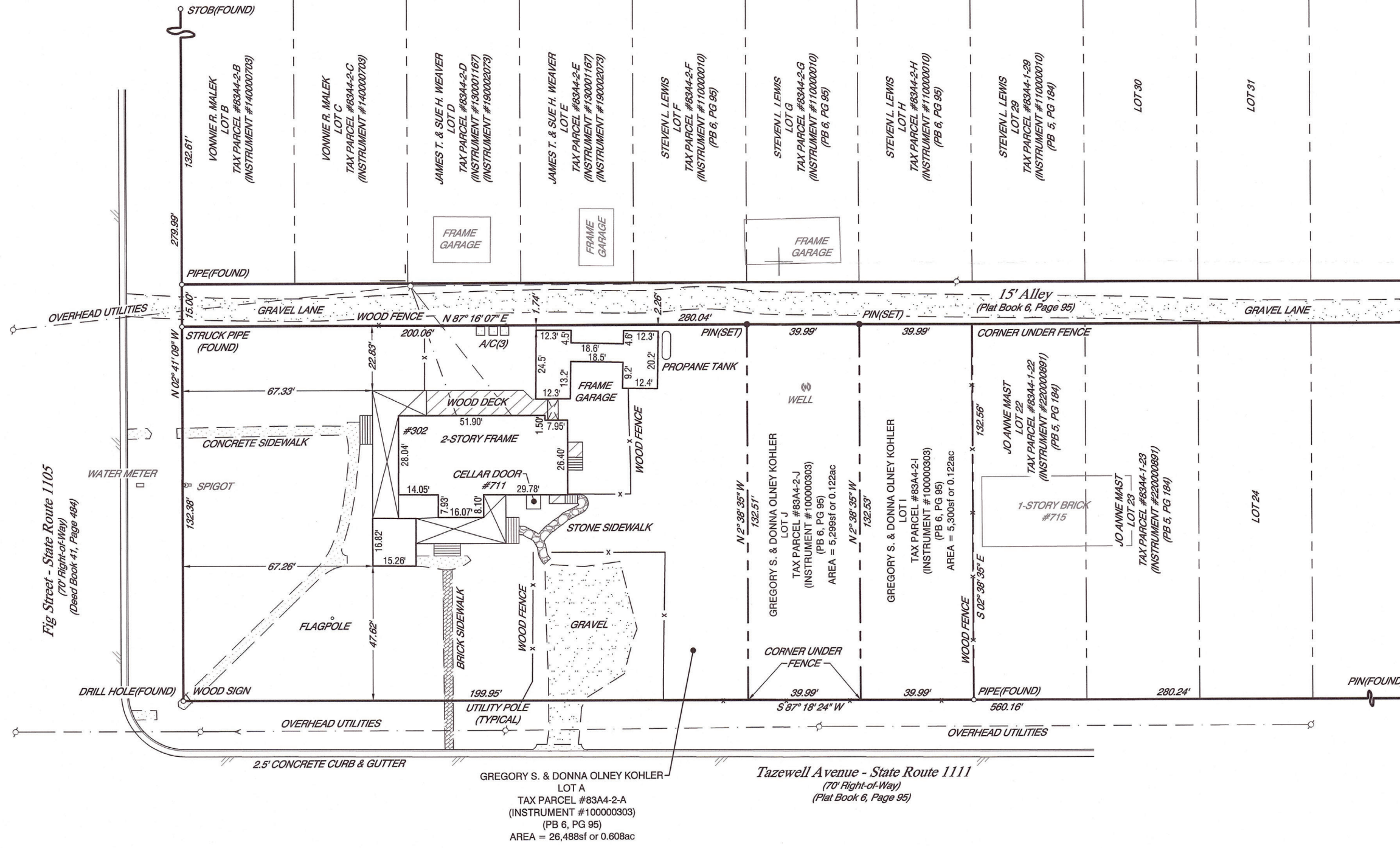
23314 Courthouse Avenue - P.O. Box 735
Accomac, Virginia 23301
PHONE (757) 789-3960 FAX (757) 789-3962

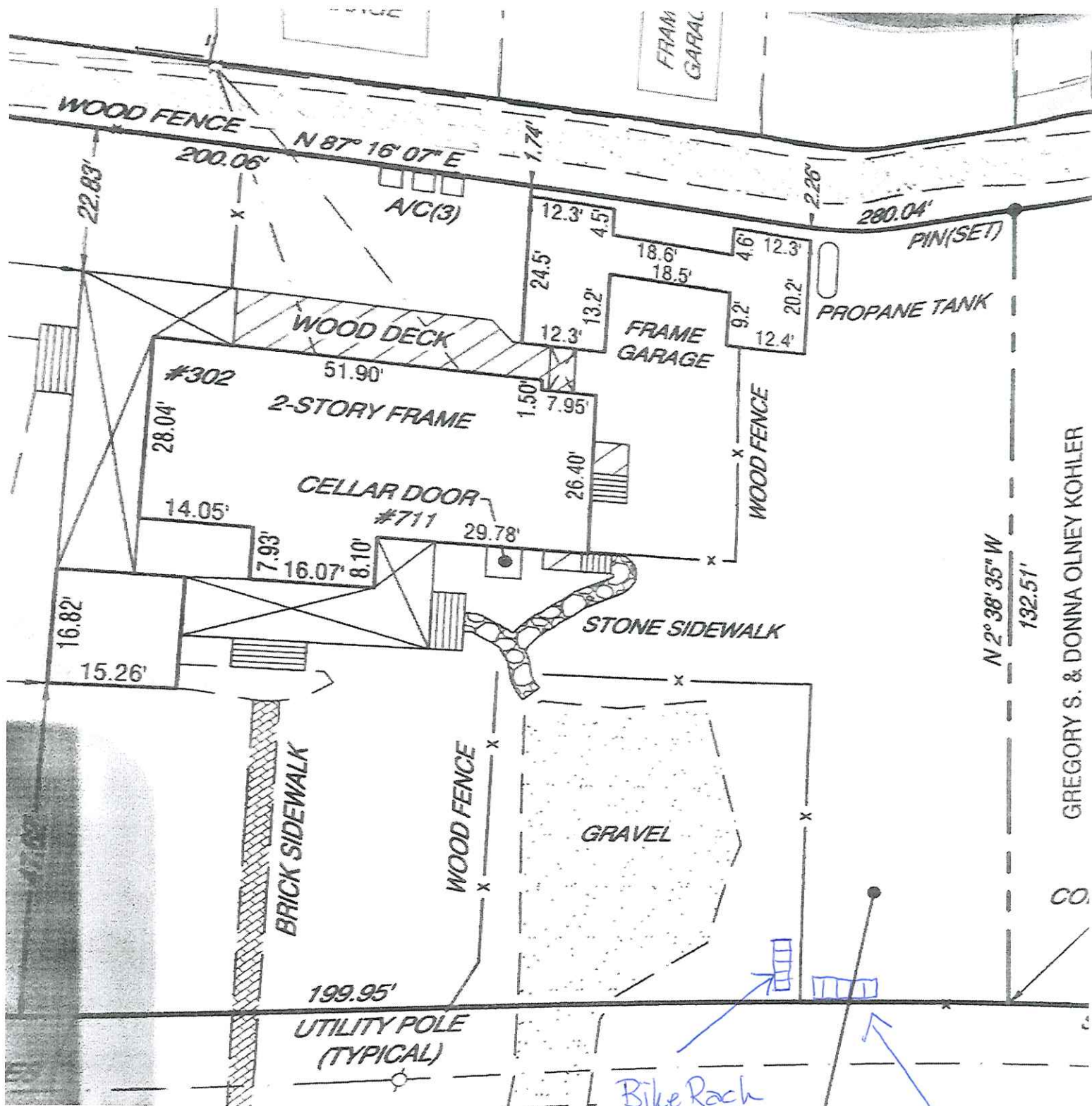
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FIELD BOOK: 54, PAGES 39 & 40
JOB #24006
SHEET 1 OF 1

PHYSICAL SURVEY
OF
Lots 4, I & J
OF
"G. L. Webster Co., Inc."

(PLAT BOOK 6, PAGE 95)
TAX PARCELS #083A4-(02)-00-000A,
#083A4-(02)-00-0001 & #083A4-(02)-00-000J
TOWN OF CAPE CHARLES
NORTHAMPTON COUNTY, VIRGINIA

FOR
Donna Kohler
FEBRUARY 22, 2024

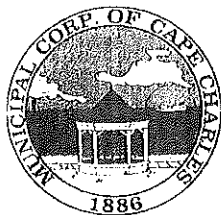




GREGORY S. & DONNA OLNEY KOHLER

Bike Rack
located in
parking lot
area

Bike rack
located at
fence
visible from
Tazewell



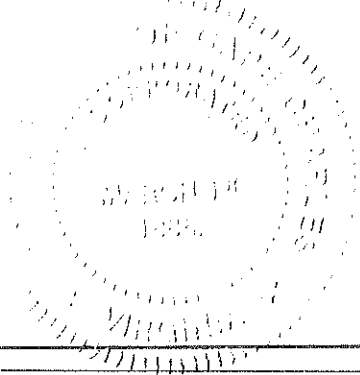
MUNICIPAL CORPORATION OF CAPE CHARLES

Date Issued: February 11, 2010

Issued to: Gregory S. & Donna O. Kohler For Property: 302 Fig Street
4650 Harris Hill Road Cape Charles, VA 23310
Williamsville, NY 14221

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Project Description: Operation of a 6 bedroom Bed & Breakfast (5 bedrooms in main house, 1 bedroom in accessory building).



Libby Hume
Town Clerk

2/11/10
Date

VIDEOS IMAGES



Adult Urban Bike Adjustable Fit Sy Integrated Taillig Women

Color: Matte Blue

Size: Large(23.2"-24.0")

1x Available
Add to Cart
Apply to

Color: Matte Blue



Size:

Large(23.2"-24.0")

Size Chart

Brand

Color

Age Range (Description)

Adult

Size

Large(23.2"-24.0"/59-61cm)

Special Feature

Rear Light, Lightweight, Adjustable Strap

Add to List

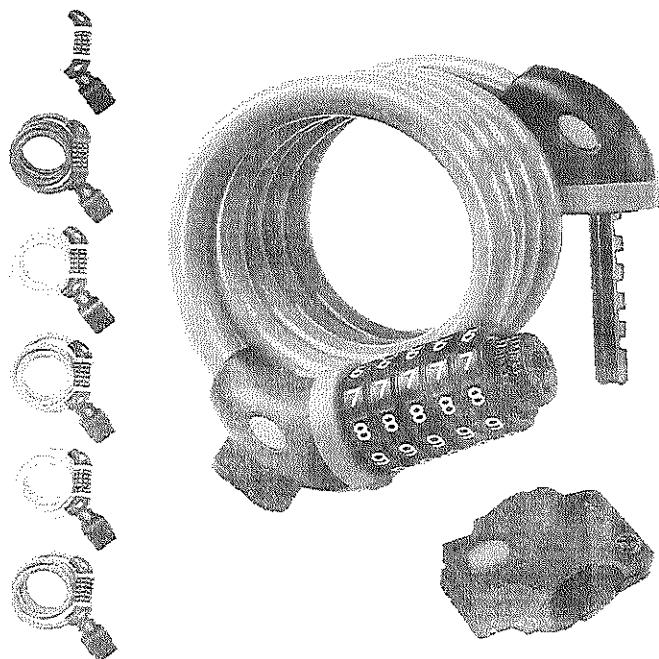
About this item

- **FASHION URBAN STYLE** - Built for urban riders and commuters. Fit for men and women.
- **DUAL CERTIFIED** - Meet US & EU safety standards.
- **LIGHTWEIGHT & BREATHABLE** - Built using integrated construction to reduce weight. Integrated polycarbonate shell with EPS liner enhancing durability. 5 large vents offer good air-flow.
- **SIZE ADJUSTMENT SYSTEM** - This bike helmet suitable for most adults head circumference. M size (21.7-22.8inch / 55-58cm) , L size (23.2-24inch / 59-61cm)
- **SAFETY REAR LIGHT** - Rechargeable USB rear light with 3 lighting options. Fully charged in 2 hours. Last for about 6-8 hours.

Report an issue with this product or seller

VIDEOS

IMAGES



NDakter Bike Lock
Locks Cable, High
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400+ bought in past

1739

Journal of Management Education 30(6)p. 789-803
© The Author(s) 2006

2012-2013

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on Business, you would have
36 in the last year. In 1991,
and save up to 54% today.

Stressors

$$E_{\text{eff}} = \frac{E}{1 + \frac{1}{\beta} \left(\frac{1}{\alpha} + \frac{1}{\alpha^2} \right)}$$

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1. *Journal of the American Medical Association*, 2000; 284: 1039-1044.

1974-015

4500

Figure 1. A schematic diagram of the experimental setup. The subject is seated in a chair, viewing a screen. The screen displays a target (a small circle) and a starting point (a larger circle). The subject's hand is positioned at the starting point. The distance between the starting point and the target is labeled as d . The subject is instructed to move their hand from the starting point to the target. The screen also displays a scale bar indicating the distance d .

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[illegible]

Grand: NDekos:

Social Anti-Therapeutic

Casey, R. S. 1993. *Casey, R. S.*

Lock Type Combination Lock

Item 6 x 6 x 1.5 inches
dimensions

The figure consists of five sub-diagrams labeled 1 through 5, each showing a pair of homologous chromosomes (one normal, one rearranged) with their centromeres represented by dots.
 1. Normal chromosome: Two identical chromosomes, each with segments labeled A, B, C, and D.
 2. Reciprocal translocation: Two chromosomes where segments A and B have swapped places between the two homologs.
 3. Non-reciprocal translocation: One chromosome has segment A from one homolog and segment B from the other, while the other chromosome remains normal.
 4. Deletion: One chromosome is missing segment A.
 5. Duplication: One chromosome has two copies of segment A.

Material	Vinyl, Steel, Poly-vinyl Chloride
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About this item

2. **SECURE & RESETTABLE:** Smart 5-digit resettable combination chain lock, much safer than other 4 digit locks. Easy to set your own personalized number combination.

Attachment 2

THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE REPORT AND MAY NOT SHOW ANY/ALL EASEMENTS OR RESTRICTIONS THAT MAY AFFECT SAID PROPERTY AS SHOWN.

FLOOD ZONE INFORMATION SHOWN HEREON IS NOT GUARANTEED AND WAS APPROXIMATELY SCALED FROM F.E.M.A. FLOOD MAPS. SHORELINE SURVEYORS IS NOT A PARTY IN DETERMINING THE REQUIREMENTS FOR FLOOD INSURANCE ON THE PROPERTY SHOWN HEREON. FOR FURTHER INFORMATION AND TO CONFIRM THE FLOOD ZONE FOR THIS PROPERTY, CONTACT THE LOCAL COMMUNITY FLOOD OFFICIAL.

THIS PROPERTY APPEARS TO FALL IN:
FLOOD ZONE: X
COMMUNITY NO.: 510106
PANEL: 0285F DATED: MARCH 2, 2015

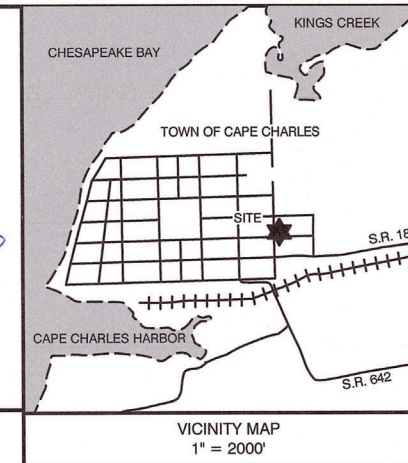
FLOOD ZONE DETERMINATION IS BASED ON THE FLOOD INSURANCE RATE MAPS AND DOES NOT IMPLY THAT THIS PROPERTY WILL OR WILL NOT BE FREE FROM FLOODING OR DAMAGE.

THE NORTH MERIDIAN OF THIS PLAT IS BASED ON THE VIRGINIA STATE PLANE COORDINATE SYSTEM, SOUTH ZONE, NAD83.

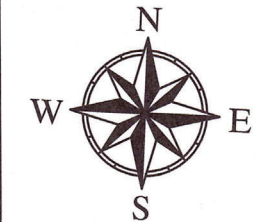
THIS PLAT IS BASED ON A CURRENT FIELD SURVEY HAVING A CLOSURE EXCEEDING 1:41,642.

BUILDING WALLS SHOWN HEREON REPRESENT THE FOUNDATION FOOTPRINT.

I, HEREBY CERTIFY THAT THIS BOUNDARY IS BASED ON A CURRENT FIELD SURVEY, AND TO THE BEST OF MY KNOWLEDGE AND BELIEF IS CORRECT AND COMPLIES WITH THE MINIMUM PROCEDURES AND STANDARDS ESTABLISHED BY THE VIRGINIA STATE BOARD OF ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS AND CERTIFIED LANDSCAPE ARCHITECTS.



MADE IN AMERICA



Shoreline Surveyors

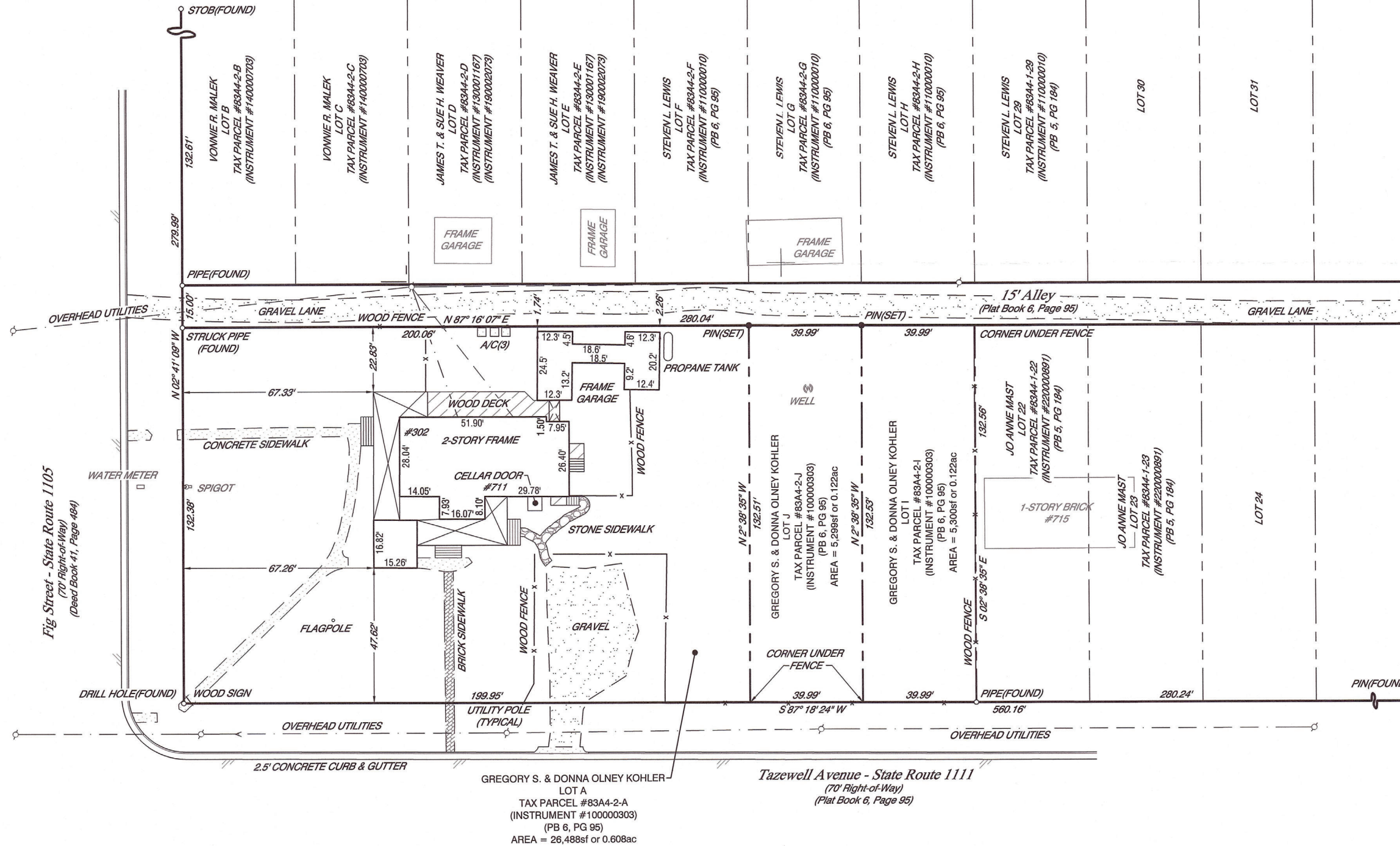
23314 Courthouse Avenue - P.O. Box 735
Accomac, Virginia 23301
PHONE (757) 789-3960 FAX (757) 789-3962

SCALE: 1" = 25'
DRAWN: MAS
FIELD BOOK: 54, PAGES 39 & 40
JOB #24006
SHEET 1 OF 1

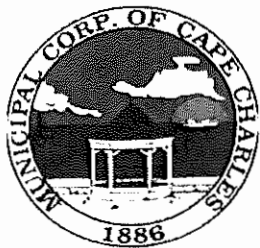
PHYSICAL SURVEY
OF
Lots 4, I & J
OF
"G. L. Webster Co., Inc."

(PLAT BOOK 6, PAGE 95)
TAX PARCELS #083A4-(02)-00-000A,
#083A4-(02)-00-0001 & #083A4-(02)-00-000J
TOWN OF CAPE CHARLES
NORTHAMPTON COUNTY, VIRGINIA

FOR
Donna Kohler
FEBRUARY 22, 2024



Attachment 3



MUNICIPAL CORPORATION OF CAPE CHARLES

Date Issued: February 11, 2010

Issued to: Gregory S. & Donna O. Kohler
4650 Harris Hill Road
Williamsville, NY 14221

For Property: 302 Fig Street
Cape Charles, VA 23310

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 the date of approval. If not acted upon within one year, the conditional use permit shall become null and void, unless construction is substantially underway during such one-year period or unless an extension of time not exceeding one year is approved by the Town Council for good cause shown before the expiration of such one-year period.

Project Description: Operation of a 6 bedroom Bed & Breakfast (5 bedrooms in main house, 1 bedroom in accessory building).


Libby Hume
Town Clerk

2/11/10
Date



PLANNING COMMISSION

Regular Meeting

Town Hall

February 2, 2010

At 6:10 p.m. in the Town Hall, Chairwoman Joan Natali called to order the Regular Meeting of the Planning Commission. In addition to Chairwoman Natali, present were Commissioners Eileen Cobb, Bruce Evans, Malcolm Hayward, Dennis McCoy and Roger Munz. Also present were Town Planner Tom Bonadeo and Town Clerk Libby Hume. There were two (2) members of the public in attendance.

PUBLIC COMMENTS

There were no public comments nor any comments submitted in writing prior to the Regular Meeting.

CONSENT AGENDA

The agenda was approved as presented by unanimous consent.

The Commissioners reviewed the minutes for the January 5, 2010 Public Hearing and Regular Meeting. Dennis McCoy stated that he felt that the minutes were rather vague in regards to the information on the CUP process on page 3. There was some discussion regarding this issue and the Commissioners agreed that no change needed to be made to the minutes but that this issue would be discussed later in more detail. Joan Natali pointed out two typographical errors on page 3. There were no other comments regarding the minutes.

The minutes for the January 5, 2010 Regular Meeting were approved as amended by unanimous consent.

REPORTS

Tom Bonadeo reported the following: i) The Town is reviewing the Keck Property for a test well; ii) The Breakwater Project contract has been signed and mobilization is expected to start next week; iii) FEMA representatives again visited the Town to review the damage to the beach. This group deals only with beaches. Pre-storm and post-storm measurements have been provided and beach maintenance work was discussed. The review should take approximately two weeks; iv) The Central Park Trail Project is underway but work is being hindered due to the weather. This January was the wettest January on record. The water retention feature in the northwest portion of the park will be the first order of construction and should help reduce the amount of water in the rest of the area. There is also a possibility to lay sod over the area vs. seeding which is preferred; and v) The Cape Charles Town Council met with Cheriton Town Council to discuss possible boundary adjustments. This issue will be reviewed in more detail later in this meeting.

OLD BUSINESS

302 Fig Street – Conditional Use Permit – Bed & Breakfast

Tom Bonadeo stated that there had been no changes to the application and that he had been talking to the applicants and they may install a new door and new siding sometime in the future. The application is for a six (6) bedroom bed & breakfast with five (5) bedrooms in the main house and one (1) bedroom in an accessory building on the property. There is substantial parking available on the property. All requirements in the ordinance have been met. Ms. Kohler

explained that initially the bed & breakfast will open with only the five (5) bedrooms in the main house and they will work on the sixth bedroom at a later date. Tom Bonadeo informed the Commissioners that the purchase contract for the property was contingent upon approval of the CUP and the closing was currently scheduled for February 19th. A Joint Public Hearing was held earlier this evening with the Town Council and there were no public comments heard. Once the Commissioners vote on their recommendation to the Council, the Council will review and vote on the CUP at their February 11th meeting. The applicant does not have to be in attendance at the February 11th Council meeting.

Motion made by Bruce Evans, seconded by Dennis McCoy and unanimously approved to forward a recommendation to the Town Council for approval of the Conditional Use Permit to operate a six (6) bedroom bed & breakfast at 302 Fig Street.

PD-STIP Heights – Zoning Change

Tom Bonadeo explained that the area around the Cape Charles Harbor and the now defunct Sustainable Technology Park (STIP) has changed in the past few years. The marine industry uses in the Harbor District allow building heights up to 55' with a CUP but the PD-STIP District limits the height of any building to 40'. A Joint Public Hearing was held earlier this evening with the Town Council regarding increasing the height limit to 55' in the PD-STIP District with a CUP. There were no public comments heard.

Motion made by Malcolm Hayward, seconded by Roger Munz and unanimously approved to forward a recommendation to the Town Council for approval of the increase in maximum building heights in the PD-STIP District to 55' with a Conditional Use Permit.

Conditional Use Permit Process Modification

Tom Bonadeo explained that currently Section 4.3.D of the Zoning Ordinance only allows a CUP to be valid for one (1) year from the date of approval with allowance of a one (1) year extension but the ordinance is vague on additional extensions. In commercial development, one (1) year is not enough time to sufficiently “act on” the CUP since there are often many additional permits to obtain prior to the start of construction. The Town Council tasked the Commissioners with modifying the current CUP process.

Tom Bonadeo reviewed his proposed CUP process as follows: i) The application for the CUP would include a list of required permits and expected completion dates for each permit. The applicant shall prepare a Permit Completion Report within the first nine (9) months after the Town Council approval of the CUP; ii) The completed application is acted upon by the Planning Commission within the allotted 100 days and no changes to the list of permits can be made after this time; iii) The application is forwarded to the Town Council for final action including the list of required permits and the Council approval will include an expected timetable for additional permit applications and approval. Staff will review the Permit Completion Report with the Town Council and will advise Council of the start date of the one (1) year CUP process, if approved; iv) During the one (1) year CUP timeframe, the applicant may apply for a one (1) year extension of the CUP if a good reason for non-compliance is present. There was much discussion regarding “good reason” and it was agreed that it would be up to the Town Council to decide what constitutes a “good reason;” v) Council shall allow only one (1) one-year extension of the CUP; vi) No permit for the same use may be reviewed within one (1) year of the expiration of the CUP or the one-year extension of the CUP, if granted. There was much discussion regarding this one (1) year requirement for an applicant to submit a new CUP application for the same use and Dennis McCoy suggested adding “whichever is less” at the end of this item. Malcolm Hayward did not agree with the one (1) year moratorium for a new CUP. Tom Bonadeo read the current language from § 4.3.E of the Zoning Ordinance as follows: “No application for a use permit for

the same conditional use on a lot, parcel, or tract shall be considered by the Town Council within a one-year period from its last consideration. The provisions, however, shall not impair the right of the Town Council to propose a use permit on its own motion if it finds that there is public benefit to be gained.” Malcolm Hayward stated that he was okay with the proposed language since the current Zoning Ordinance allows the Council to move forward with approval of a CUP if they so chose.

Motion made by Eileen Cobb, seconded by Roger Munz and unanimously approved to forward a recommendation to the Town Council for approval of the proposed modifications to the Conditional Use Permit process as discussed.

NEW BUSINESS

Text Change – Name Change STIP and PD-STIP Zones

Tom Bonadeo explained that the STIP and PD-STIP Zones were named for the Sustainable Technologies Industrial Park. The STIP zone is the industrial area outside the Planned Unit Development (PUD) and the PD-STIP zone is the industrial zone within the original area of the PUD. Since the Sustainable Technologies Park is now defunct, the Commissioners discussed the possibility of a name change for these two (2) zones at their December meeting. The recommendations were: i) PD-STIP would be renamed “General Business Light Industrial – H1 (GBI-H1)” which reflects the type of uses in this zone more closely; and ii) STIP would be renamed “Industrial – M2” which reflects the more industrial nature of this zone. These are only text changes for the names of the zones and no uses will be changed except for the modifications to the PD-STIP District as discussed earlier in this meeting.

Motion made by Roger Munz, seconded by Dennis McCoy and unanimously approved to schedule a public hearing for March 2, 2010 prior to the Planning Commission Regular Meeting to hear comments regarding these text changes.

Rezoning of County – DCR Property 90A-4-C

Tom Bonadeo explained that the Cape Charles Coastal Habitat Natural Area Preserve is a wildlife area of approximately 23-29 acres located within the Town limits and is currently owned by Northampton County. It was formerly part of the STIP and was rezoned PD-STIP along with the other land within the PUD industrial park. At the December meeting, the Commissioners suggested rezoning this area as Open Space since a wildlife easement has been established in perpetuity for this area. In the very near future, the land will change ownership to the Department of Conservation and Recreation (DCR). Staff has reviewed this zoning change with Northampton County and the DCR and neither has objections to this change which will better reflect the use of the land.

Motion made by Bruce Evans, seconded by Roger Munz and unanimously approved to schedule a public hearing for March 2, 2010 prior to the Planning Commission Regular Meeting to hear comments regarding this zoning change.

Boundary Adjustment Information

Tom Bonadeo stated that the Cape Charles and Cheriton Town Councils met in January to discuss possible boundary adjustments and agreed that it could be in the Towns’ mutual interest to work together on a boundary adjustment vs. working separately and possibly against each other. Cheriton needs land for new businesses because there is no place for new businesses downtown and many lots are not buildable due to the septic tank problems. Cape Charles’ concern is mainly the type of businesses to be approved for the Route 13 corridor between the two towns. The process needs to be worked through with Cheriton. A sub-committee was appointed, comprised of Councilmen Burdiss and Veber and Tom Bonadeo representing Cape

Charles and Vice Mayor Spencer, Councilman Larry LeMond and Consultant Beverly Harper representing Cheriton, to work on this issue in more detail. The sub-committee decided that a Memorandum of Agreement (MOA) would be of value and that a press release should be published to help citizens understand the process. Tom Bonadeo went on to explain that as part of the sub-committee, he would be doing research on parcels, property values, tax implications, service provisioning and legal issues. The sub-committee has agreed that most of the work would be handled and reviewed by the respective Town Planning Commissions.

The Commissioners reviewed the draft MOA and several minor revisions were made.

There was much discussion regarding opposition from property owners in Tower Hill and Kings Creek regarding tax implications. Tom Bonadeo stated that typically there is a 10-year period to phase in taxes, services, etc. Bruce Evans asked Tom Bonadeo to check to see if after the 10 years whether the taxes could be abated. Bruce Evans added that in his opinion, the most valid reason for this boundary adjustment was that both subdivisions have been approved for well and septic which are bad for the environment and with the County's new reassessment, the property assessments will come down tremendously.

Tom Bonadeo stated that he will prepare a list of everything that is involved in this process and that the process would take approximately 10-11 months. It is important for the process to be orderly.

ANNOUNCEMENTS

There were no announcements.

Motion made by Malcolm Hayward, seconded by Roger Munz and unanimously approved to adjourn the Regular Meeting of the Planning Commission.

Chairwoman Joan Natali

Town Clerk



**PLANNING COMMISSION &
TOWN COUNCIL**
Joint Public Hearing

Town Hall
February 2, 2010
6:00 p.m.

At approximately 6:05 p.m. Chairwoman Joan Natali called to order the Public Hearing of the Planning Commission. In addition to Chairwoman Natali, present were Commissioners Eileen Cobb, Malcolm Hayward, Dennis McCoy and Roger Munz. Also in attendance were Town Manager Heather Arcos, Town Planner Tom Bonadeo and Town Clerk Libby Hume. There were two (2) members of the public in attendance.

Vice Mayor Chris Bannon called to order the Public Hearing of the Town Council. In addition to Vice Mayor Bannon, present were Councilmen Bannon, Bennett, Burdiss, Elliott and Veber. Councilman and Commissioner Evans arrived at 6:08 p.m.

Joan Natali read the public hearing advertisement, which appeared in the January 20th and 27th issues of the Eastern Shore News, announcing the evening's public hearing was to **hear public comment on the Conditional Use Permit (CUP) Application for a Bed & Breakfast at 302 Fig Street, Modifications to § 3.14-PD-STIP District and § 4.3.D-Conditional Use Permits of the Cape Charles Zoning Ordinance.**

PUBLIC COMMENTS:

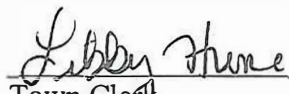
There were no public comments to be heard and no written comments were submitted prior to the hearing regarding any of the issues included in this public hearing.

Joan Natali introduced Donna and Gregory Kohler, the applicants for the CUP for the bed & breakfast at 302 Fig Street. Ms. Kohler informed the Council that she and her husband recently sold their bed & breakfast in Rhode Island and after extensive research of various areas, decided to settle in Cape Charles for their next bed & breakfast. Ms. Kohler added that they were looking forward to growing their business in Cape Charles.

Hearing no objections, Chairwoman Natali and Vice Mayor Bannon adjourned their respective public hearings.


Vice Mayor Bannon


Chairwoman Natali


Town Clerk

Attachment 4



TOWN COUNCIL
Regular Meeting
St. Charles Parish Hall
February 11, 2010
Immediately Following Public Hearing

At 7:05 p.m. Mayor Dora Sullivan called to order the Regular Meeting of the Town Council. In addition to Mayor Sullivan, present were Councilmen Bannon, Bennett, Burdiss, Evans and Veber. Councilman Elliott was not in attendance. Also in attendance were Town Manager Heather Arcos, Town Consultant Bob Panek and Town Clerk Libby Hume. The Department Heads were also in attendance along with five members of the public.

PUBLIC COMMENTS:

Mr. Tom Bonadeo, 579 Mason Avenue, addressed the Council requesting support for the Rosenwald School Restoration Initiative. Tom Bonadeo continued by reading a letter dated February 11, 2010 regarding the Cape Charles Rosenwald School Restoration Initiative. (see attached)

Ms. Valentine Evans, Jefferson Avenue, addressed the Council stating that she was a former student of the Rosenwald School in Cape Charles. There is an initiative to place a historic marker that identifies the historic nature of the school.

There were no further comments from the public in attendance nor any written comments submitted prior to the meeting.

Councilman Veber stated that he would like to compliment the members of the Cape Charles Volunteer Fire Department for their quick action when a tree fell on the roof of a house in the 500 block of Monroe Avenue and thanked them for all their hard work.

CONSENT AGENDA:

Mayor Sullivan stated that beginning this month; Combination Inspector Jeb Brady would be giving monthly updates on the Central Park Trail project. Mayor Sullivan added that she would like to add this report to the beginning of the Report Presentations before Item 5A.

Motion made by Councilman Bennett, seconded by Councilman Veber to approve the agenda as amended. Hearing no objections, the motion was approved by unanimous consent.

The Town Council reviewed the minutes of the January 11, 2010 Joint Work Session with the Cheriton Town Council, the January 14, 2010 Public Hearing, the January 14, 2010 Regular Meeting and the January 28, 2010 Work Session.

Motion made by Councilman Burdiss, seconded by Councilman Bennett to approve the minutes for the January 11, 2010 Joint Work Session with the Cheriton Town Council, the January 14, 2010 Public Hearing, the January 14, 2010 Regular Meeting and the January 28, 2010 Work Session. Hearing no objections, the motion was approved by unanimous consent.

REPORT PRESENTATIONS:

A. Code Enforcement / Central Park Trail Update

Combination Inspector Jeb Brady stated that the Central Park Trail Project was at a slow crawl due to the weather. At least two inspections are made daily to check the progress. Weekly

construction meetings have started and are used as a guide for any outstanding issues and to discuss future work. The flooding during the last storm became a problem on the corner of Park Row and Strawberry Street but was taken care of immediately once the weather cleared up. The first Best Management Practice (BMP) on the northwest corner of the park is being dug and water is being pumped to establish the BMP.

Heather Arcos thanked Jeb Brady and Tom Bonadeo for their hard work on this project and asked that the minutes from the weekly construction meeting be included in the monthly Town Council packets.

B. *Town Manager's Report:*

Town Manager Heather Arcos reported the following: i) The Public Works and Public Utilities crews did a great job in preparing and maintaining the roads before and after the snow storm last weekend. The Police Department also did a great job taking care of the safety of the citizens and visitors. Thank you all for the hard work; ii) The Breakwater Project is under contract and in the process of mobilization. Staff is working on the schedule of work which is behind due to the weather. Once the work has started, the contractor has 150 days to complete the project; and iii) The Virginia Port Authority meeting which was scheduled for today, was postponed until 10:00 AM February 16th.

C. *Treasurer's Report:*

Treasurer JoAnna Leatherwood reported that the Treasurer's Report dated January 31, 2010 showed \$827,662 in the Bank of America checking account and \$2,874,061 in the Local Government Investment Pool ("LGIP") with a Total Cash on Hand of \$3,701,723.

Motion made by Councilman Bennett, seconded by Councilman Bannon to approved the Treasurer's Report as presented. Hearing no objections, the motion was approved by unanimous consent.

D. *Library Report:*

Librarian Ann Rutledge reported the following: i) The Friends of the Cape Charles Memorial Library will be presenting *Slammin' at the Hall, a Family Poetry Slam* on February 13th at 1:00 PM at the St. Charles Parish Hall; ii) An Identity Theft Workshop has been scheduled for February 25th at the St. Charles Parish Hall; iii) This month's book display is "Valentine's Day;" iv) A customer checked out a John Grisham book and found a deposit slip along with \$200 in cash inside. The customer took it to the Bank of America in Town but they could not identify the account and told her she could keep the money. The customer came back and gave the Library \$100 as a donation; v) Storytime is being held in the Baptist Church Hall; vi) The old doors of the Library do not close completely and the building is very drafty. The Library ran out of gas recently since it cannot be kept warm. New doors are needed.

E. *Recreation Report:*

Community Events / Recreational Coordinator Jen Lewis reported the following: i) The Health Department will be giving free H1N1 shots from 12:30 – 2:00PM on February 16th at the Fire Hall; ii) There will be a Valentine's Day Gift Exchange on February 13th at 2:00 PM at Aqua; iii) Arts and Crafts at Heritage Acres has been rescheduled to February 12th due to the snow.

F. *Public Works / Public Utilities Report:*

Public Works / Public Utilities Director Dave Fauber reported the following: i) He met with FEMA representatives and paperwork was signed for monetary assistance to repair a portion of the boardwalk and mitigation repairs for the pier; and ii) The Public Works crew is working on the Library doors. The doors are not historical and it is time to replace them. Councilman Evans

added that the Historic District Review Board would need to review replacement doors for the building. Dave Fauber distributed the Task Order Summaries and Updates for water and wastewater adding that task orders #8, 9 and 10 for wastewater were very brief and would be updated at a later date. Councilman Evans brought up the issue with VDOT cutting back the crape myrtle trees in Town. They were cut back too drastically which was not necessary. These trees were over 16 years old and over 20' tall and were not in the VDOT right-of-way and felt that a letter needed to be sent to VDOT regarding this issue. Heather Arcos stated that she spoke with Mr. Fitchett of VDOT and that she will also send him a letter. Councilman Evans added that he would also send a letter as an individual. Councilman Veber asked about the number of houses in Town that had broken pipes. Dave Fauber responded that approximately 9 or 10 had confirmed broken pipes and 14 or 15 residences had very high meter reads. Many of these properties are not full time residences. Dave Fauber added that the Town is losing a lot of money by making adjustments to water bills and may want to revisit the subject of adjustments. Currently, one adjustment is permitted on a property every three years. Mayor Sullivan asked how the Town determines where the problem lies and Dave Fauber stated that if the water goes through the meter, the leak is within the property owner's realm of responsibility.

G. Harbor Report:

Heather Arcos mentioned that Harbor Master Smitty Dize was not able to attend this evening's meeting and added that the Third Annual Blessing of the Fleet was scheduled for April 9th and 10th.

H. Planning Commission / Historic Review Board / Harbor Area Review Board Report:

Town Planner Tom Bonadeo reported the following: i) He received a letter from VDOT explaining their requirements regarding traffic studies and denying the Town's request to reduce the speed limit on Old Cape Charles Road to 25 MPH. There was some discussion regarding the letter and the Council agreed that the Town should continue in the efforts to get the speed limit reduced and that another letter should be sent to include the issue of golf cart usage in the Town; and ii) He has been informed by Heritage Acres that they are interested in remodeling.

OLD BUSINESS:

A. Cape Charles Harbor "No Wake Zone"

Tom Bonadeo stated that a public hearing was held earlier this evening to hear comments regarding the proposed changes to Section 14-32 of the Town Code entitled "No Wake Zone for Vessels" removing references to specific boundaries and generalizing the area "as designated by the Department of Game and Inland Fisheries" (DGIF) since the area controlled by the DGIF was subject to change. Ordinance #20100211 was reviewed by the Council.

Mayor Sullivan moved for adoption of Ordinance #20100211-Modifying Section 14-32 of the Cape Charles Town Code Regarding the Cape Charles Harbor "No Wake Zone." Ordinance #20100211 was adopted by unanimous vote. Roll call vote: Bannon, yes; Bennett, yes; Burdiss, yes; Evans, yes; Veber, yes.

B. Collection of Delinquent Taxes Prior to Permit Issuance

Jo Anna Leatherwood stated that a public hearing was held earlier this evening to hear comments regarding the proposed addition of Section 66-4 to the Town Code entitled "Payment of Delinquent Real Estate Taxes Prior to Issuance of Any Permits" and the proposed changes to Article II, Section 2.4.2.A. of the Cape Charles Zoning Ordinance entitled "Permits" requiring that all delinquent real estate taxes owed to the Town must be paid in full before any permits would be issued on a property. Ordinance #20100211A was reviewed by the Council.

Mayor Sullivan moved for adoption of Ordinance #20100211A-Requiring That All Delinquent Real Estate Taxes Be Paid Prior to the Issuance of Any Conditional Use Permit, Variance, Rezoning or Other Land Disturbing Permit, Building Permits and Erosion and Sediment Control. Ordinance #20100211A was adopted by unanimous vote. Roll call vote: Bannon, yes; Bennett, yes; Burdiss, yes; Evans, yes; Veber, yes.

C. *Conditional Use Permit Application for a Bed & Breakfast at 302 Fig Street*

Tom Bonadeo stated that a Conditional Use Permit (CUP) application was received to operate a six-bedroom bed and breakfast at 302 Fig Street. A joint public hearing with the Planning Commission was held and no public comment was heard regarding this application.

Motion made by Councilman Burdiss, seconded by Councilman Bennett to approve the CUP as forwarded by the Planning Commission for the applicant to operate a six-bedroom bed and breakfast at 302 Fig Street. Hearing no objections, the motion was approved by unanimous consent.

D. *Modifications to §3.14 – PD-STIP District of the Cape Charles Zoning Ordinance*

Tom Bonadeo stated that the Planning Commission recommended allowing building heights in the PD-STIP District to be over 40' but less than 55' with a CUP which is the same as what is permitted in the Harbor District. The proposed changes to Section 3.14.C of the Zoning Ordinance were reviewed. A joint public hearing with the Planning Commission was held and no public comment was heard regarding this issue.

Motion made by Councilman Evans, seconded by Councilman Veber to approve the changes to Section 3.14.C of the Cape Charles Zoning Ordinance as presented. Hearing no objections, the motion was approved by unanimous consent.

E. *Modifications to §4.3.D – Conditional Use Permits of the Cape Charles Zoning Ordinance*

Tom Bonadeo stated that at the request of the Council, the Planning Commission recommended the following modifications to Section 4.3 of the Zoning Ordinance: i) The application for CUP will include a list of additional permits and their approximate time requirements; ii) The Planning Commission will review, hold a public hearing and make their recommendations to the Council; iii) The Council will review, hold a public hearing and approve or deny the permit; iv) If the permit is approved the applicant will have time to obtain the other permits listed in the application; v) The applicant will be required to submit a progress report to the zoning administrator within the first nine months after approval of the CUP and the zoning administrator will report the ongoing status to the Council; vi) Once the other permits have been obtained, staff will advise Council of the start date of the one-year CUP; vii) Requirements for the permit being "acted upon" during the year would include the following: obtaining a building permit, payment of connection fees and approved building plans properly authorized by a Virginia Licensed Professional; viii) The applicant may apply for one CUP extension not exceeding one year for good cause shown before the expiration of the original one-year period. There was much discussion regarding this process and any recourse for the Town if an applicant were to "stall" in obtaining the other permits that may be required. Councilman Evans suggested having legal counsel review the proposed revisions.

Motion made by Councilman Bannon, seconded by Councilman Burdiss to approve the proposed modifications to Section 4.3 of the Cape Charles Zoning Ordinance as recommended by the Planning Commission. The motion was denied with Councilmen Bannon and Veber voting for and Councilmen Bennett, Burdiss and Evans voting against.

Motion made by Councilman Evans, seconded by Councilman Bannon and unanimously approved to table the decision regarding the modifications to Section 4.3 of the Cape Charles Zoning Ordinance until after review by legal counsel.

NEW BUSINESS:

A. *FEMA Beach Report*

Tom Bonadeo stated that he and Dave Fauber met with engineers from FEMA regarding the Town's request for monetary assistance regarding the damages to the beach caused by the November nor'easter. The Town's request for funding was denied due to a technicality in that the Town did not have an official beach management plan which called for regular sand replenishment. Tom Bonadeo reviewed FEMA's requirements for beaches and beach maintenance to qualify for aid as follows: i) The beach was constructed with imported sand of the proper grain size. The Town met this requirement by using local sand that was .38 to .30 mm in grain size; ii) A maintenance program involving periodic nourishment with imported sand that has been adhered to by the applicant. The Town did not meet this requirement in that beach nourishment was not funded in the last budget cycle and the Town did not have an official beach maintenance program; and iii) The program preserves the original design. The Town's measurements and data supported the original design and sand requirements referenced the original design but since the nourishment was not funded, the Town did not maintain the original design. FEMA recognized the "good faith" efforts of the Town and offered recommendations on the development of an official maintenance plan. Staff will implement an Official Beach Nourishment Plan and will submit such plan to Council for funding in the new budget. Dave Fauber added that the FEMA representatives strongly recommended that the Town appeal the decision to Richmond stating that they feel that the Town does have a plan in place.

B. *Boundary Adjustment Committee Update*

Tom Bonadeo informed the Council that the Boundary Adjustment Committee met on January 25th and reviewed the Northampton County Zoning Map showing the Cheriton / Route 13 area and their classifications and agreed to spend time looking at maps and to analyze the pros and cons of taking in the additional area. The Committee agreed that the process should begin with a Memorandum of Agreement between the two towns and the publication of the press release. Since that time, numerous emails and calls have been received from concerned County citizens that are not aware of the process involved regarding a boundary adjustment and seem to believe that the Towns and the County Board of Supervisors can easily approve a boundary adjustment at any time. These citizens were notified of the Council meeting this evening, but are not in attendance.

C. *Potential Regional Wastewater System*

Consultant Bob Panek stated that, at the request of the Virginia Secretary of Natural Resources, a working group was formed with Northampton County and Cheriton officials to explore the possibility of implementing a regional wastewater system to serve Cape Charles, Cheriton and the surrounding area of Northampton County. A similar working group has been formed in the northern section of the county near Exmore and Nassawadox. Last week, the County Administrator submitted the application for the planning grant to the Virginia Department of Housing and Community Development. After completion of the preliminary engineering report, the application to USDA Rural Development for the grant and loan package for the final engineering and construction of the sewer collection, pumping and pipeline systems must be submitted in June 2010 to allow for the grant award by September 30, 2010 which is the expiration of the American Recovery and Reinvestment Act of 2009 (ARRA) funds. The existing county Public Service Authority (PSA) will need to be appropriately modified to function as the grantee by June 2010. A meeting was held on February 3rd to discuss the PSA concept. Representatives from the County, Exmore, Nassawadox, Cheriton and Cape Charles

attended the meeting and the consensus of the group was to form a coordinating committee, consisting of a representative and alternate from each of the four towns and the county, to recommend the necessary modifications to the existing county PSA. The final recommendation of the committee would be brought to each governing body for approval after appropriate public notice. Bob Panek added that the Council needed to designate a representative and alternate to serve on this committee.

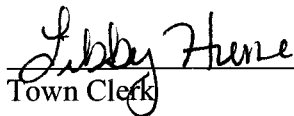
Motion made by Councilman Veber, seconded by Councilman Burdiss, and unanimously approved to designate Councilman Bannon and Staff Consultant Bob Panek as representative and alternate, respectively, to the PSA coordinating committee.

ANNOUNCEMENTS:

- February 15, 2010 Town Offices closed for Presidents' Day
- February 13, 2010 Poetry Slam at the Cape Charles Memorial Library
- February 25, 2010 ID Theft Workshop presented by Officer Nick Braatz at St. Charles Parish Hall
- March 11, 2010 Town Council Regular Meeting

Motion made by Councilman Bennett, seconded by Councilman Bannon to adjourn the Town Council Regular Meeting. Hearing no objections, the Town Council Regular Meeting was adjourned by unanimous consent.


Mayor Sullivan


Town Clerk

THE CAPE CHARLES ROSENWALD SCHOOL RESTORATION INITIATIVE

February 11, 2010

The Honorable Cape Charles Town Council
2 Plum

Hopewell, Virginia 23860

Cape Charles

2331 L

Dear Town Council:

The Town of Cape Charles is overflowing with history that has been carefully preserved for several generations. From the railroad, to the harbor and beautiful homes along tree lined streets, the Town is a living museum. For many years the Town Council, Town employees, business owners, civic organizations and residents have recognized the relationship between historic preservation and tourism. Thousands visit Cape Charles each year to shop in specialized stores and galleries, visit and play at the waterfront, and study the architecture of historic buildings. The heartbeat of this town is historic tourism and the preservation of the historic fabric of the Town is integral to its continued success. The members of the Cape Charles Rosenwald School Restoration Initiative acknowledge this reality and are excited to begin work on the recognition and preservation of the history of the Cape Charles Colored Elementary School, located just 'over the hump' on Old Cape Charles Road.

The construction of the school in the late 1920's was funded through public dollars, the African American community and the Julius Rosenwald Fund. This school is one of the 367 schools built in Virginia to serve African American children in the then segregated south. It is significant for several reasons; first it was a focal point for the African American community. It symbolized unity, leadership and hope. Second, the architecture is impeccable. Most Rosenwald Schools were constructed with wood and therefore have not survived. The Cape Charles School, however, is one of a few schools that are all brick which has helped it maintain its architectural integrity. The restoration of Rosenwald schools has become an important initiative for the National Trust for Historic Preservation. Stories of preservation efforts have been highlighted in Southern Living Magazine and the New York Times in 2009.

The Cape Charles School has been in private ownership since 1968 and vacant since 1977; for some 33 years. While the ultimate vision for the school should be a successful adaptive reuse, the Initiative understands the challenges in bringing this to fruition. However, this does not negate the importance of preserving the history of the school, its alumni and faculty. To that end the first goal of the Initiative is to construct a Virginia Historic Highway Marker that acknowledges the architectural and historical significance of the school.

This application is due to the State on March 1, 2010. Approved applicants will be announced in June of 2010. Funding for the sign is due at that time. The Initiative is requesting contributions from alumni and faculty and will also hold fundraisers to cover the cost of the sign construction and erection. We are asking the Town for support in this effort by allowing the erection of the sign in the public right-of-way adjacent to the School, as required by the State, and a financial contribution towards the endeavor. The total cost of construction and erection of the sign is approximately \$1,350. This sign is the first step to begin recognition of the school, its administrators, teacher and students. We hope you will help us to continue the legacy of historic awareness this Town is known for by partnering with the Initiative.

The next meeting of the Initiative will be held on Saturday, February 20, 2010 (10 am) at First Baptist Church located at 501 Jefferson Street, Cape Charles, Virginia. Please join us.

To learn more about the Cape Charles Rosenwald School Restoration Initiative or to discuss how a partnership for the Historical Marker can be accomplished please contact Tevya W. Griffin at (757) 331-3042 or (804) 318-0607.

Sincerely,

Charles Bell

Delpha Savage

Mr. & Mrs. David Mitchell

Valentine Evans

Bishop James Davis

Clarence Emsw

Dr. Arthur Carter

Vincent Elliott

Harriet Williams

Alice H. White

Margaret Beshett

Edo L. Parris

Thomas Godwin

Jennie King

Mr. & Mrs. Nolan Griffin

MUNICIPAL CORPORATION OF CAPE CHARLES
CASH POSITION
JANUARY 31, 2010

Cash on Hand	12/31/2009	1/31/2010
Bank of America Checking	93,403	827,662
Local Government Investment & Restricted Funds	<u>2,873,521</u>	<u>2,874,061</u>
Total Cash On Hand	<u>2,966,924</u>	<u>3,701,723</u>

The above amounts include a schedule draw
on our VML/VACO construction loan.



***Municipal Corp. of
Cape Charles***

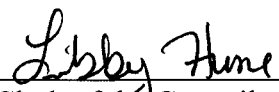
The undersigned Clerk of the Council of the Town of Cape Charles, Virginia (the "Town"), hereby certifies that:

1. A meeting of the Council of the Town (the "Council") was duly called and held on February 11, 2010 (the "Meeting").
2. Attached hereto is a true, correct and complete copy of the Ordinance (the "Ordinance") of the Town entitled as recorded in full in the minutes of the Meeting, duly adopted by a majority of the members of the Council present and voting during the Meeting.
3. A summary of the members of the Council present or absent at the Meeting and the recorded vote with respect to the foregoing Ordinance as set forth below:

<u>Member Name</u>	<u>Present</u>	<u>Absent</u>	<u>Voting</u>		
			<u>Yes</u>	<u>No</u>	<u>Abstaining</u>
Dora Sullivan, Mayor	X				
Chris Bannon	X		X		
Steve Bennett	X		X		
John Burdiss	X		X		
Gerald Elliott		X			
Bruce Evans	X		X		
Larry Veber	X		X		

4. The Ordinance has not been repealed, revoked, rescinded or amended and is in full force and effect on the date hereof.

Witness my signature and the seal of the Town of Cape Charles, Virginia this 12th day of February 2010.



Clerk of the Council
Town of Cape Charles, Virginia

(Seal)

ORDINANCE 20100211

**MODIFYING SECTION 14-32 OF THE CAPE CHARLES TOWN CODE
REGARDING THE CAPE CHARLES HARBOR "NO WAKE ZONE"**

WHEREAS, in order to protect vessels docked in the Cape Charles Harbor and structures within the Harbor, the Town of Cape Charles made application to the Department of Game and Inland Fisheries to modify the existing "No Wake Zone" within the Harbor;

WHEREAS, a response was received from the Department of Game and Inland Fisheries designating a modified "No Wake Zone" for the Cape Charles Harbor which are subject to change from time to time;

THEREFORE, BE IT ORDAINED by the Town Council of the Town of Cape Charles this 11th day of February, 2010 that:

Section 14-32 of the Cape Charles Town Code be modified as follows: Vessels entering, leaving or moving about in the waters of the harbor shall not be operated in such manner as to create a wake or swell disruptive or injurious to other boats or craft anchored, tied up or plying in the harbor or fastened to bulkheads or shorelines, and such area shall be designated a "No Wake Zone" as designated by the Department of Game and Inland Fisheries.

Adopted by the Town Council of Cape Charles on February 11, 2010

By: 
Mayor

ATTEST:


Town Clerk



Municipal Corp. of Cape Charles

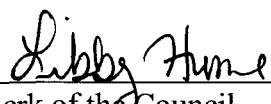
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3. A summary of the members of the Council present or absent at the Meeting and the recorded vote with respect to the foregoing Ordinance as set forth below:

<u>Member Name</u>	<u>Present</u>	<u>Absent</u>	<u>Voting</u>		
			<u>Yes</u>	<u>No</u>	<u>Abstaining</u>
Dora Sullivan, Mayor	X				
Chris Bannon	X		X		
Steve Bennett	X		X		
John Burdiss	X		X		
Gerald Elliott		X			
Bruce Evans	X		X		
Larry Veber	X		X		

4. The Ordinance has not been repealed, revoked, rescinded or amended and is in full force and effect on the date hereof.

Witness my signature and the seal of the Town of Cape Charles, Virginia this 12th day of February 2010.



Clerk of the Council
Town of Cape Charles, Virginia

(Seal)

ORDINANCE 20100211A

**REQUIRING THAT ALL DELINQUENT REAL ESTATE
TAXES BE PAID PRIOR TO THE ISSUANCE OF ANY
CONDITIONAL USE PERMIT, VARIANCE, REZONING OR
OTHER LAND DISTURBING PERMIT, BUILDING PERMITS
AND EROSION AND SEDIMENT CONTROL**

WHEREAS, pursuant to the provisions of § 15.2-2286 of the Code of Virginia of 1950, as amended, a town may require that all delinquent taxes be paid prior to the initiation of an application for a special exception, conditional use permit, variance, rezoning or other land use permit;

WHEREAS, The Town Council of the Town of Cape Charles deems such requirement to be reasonable and necessary;

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF
THE TOWN OF CAPE CHARLES, VIRGINIA:**

Sec. 1. Authority.

Pursuant to authority contained in § 15.2-2286 of the Code of Virginia of 1950, as amended, the Town of Cape Charles adopts the following ordinance,

Sec. 2. Satisfaction of Delinquent Taxes

Prior to the initiation of an application for a special exception, special use permit, variance, rezoning or other land disturbing permit, including building permits and erosion and sediment control permits, the authorizing body shall require the applicant to produce satisfactory evidence that any delinquent real estate taxes owed to the Town which have been properly assessed against the subject property have been paid.

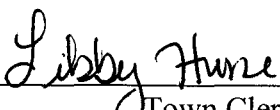
Sec. 3. Should any section, paragraph, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid for any reason, the remainder of such Ordinance shall not be affected thereby.

Sec. 4. This Ordinance shall be effective March 1, 2010.

Adopted by the Cape Charles Town Council on February 11, 2010.

By: 
Mayor

ATTEST:


Town Clerk

Agenda Item 9

Standing Staff Reports – Planning & Zoning Director



Municipal Corporation of Cape Charles

AUGUST 2024 MONTHLY REPORT

Katie H. Nunez, Planning/Zoning Administrator

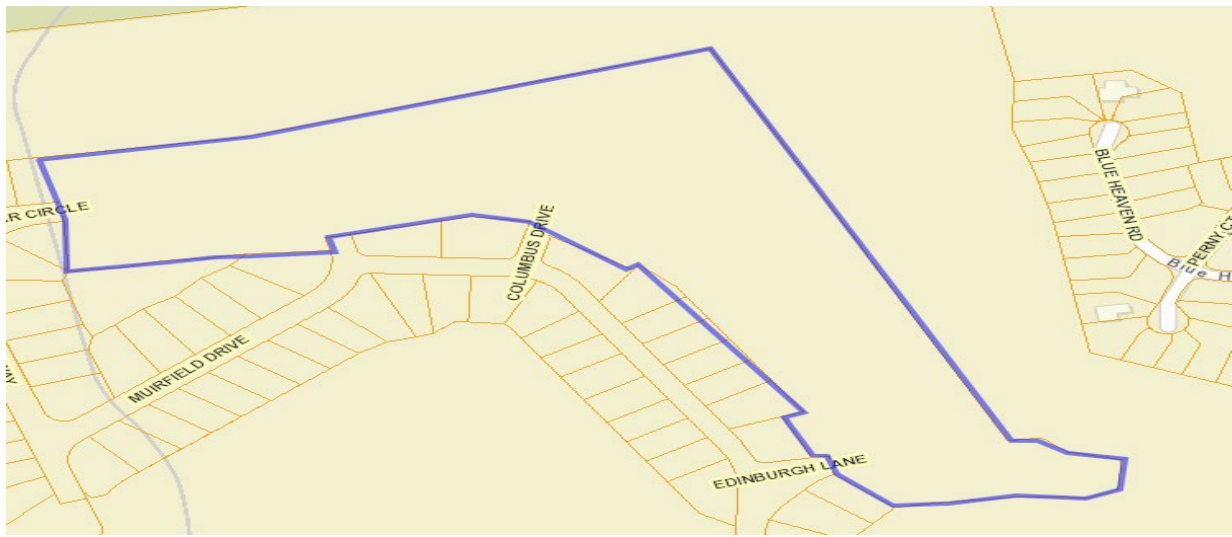
A. SUBDIVISION AGENT:

FINAL PLAT APPROVALS

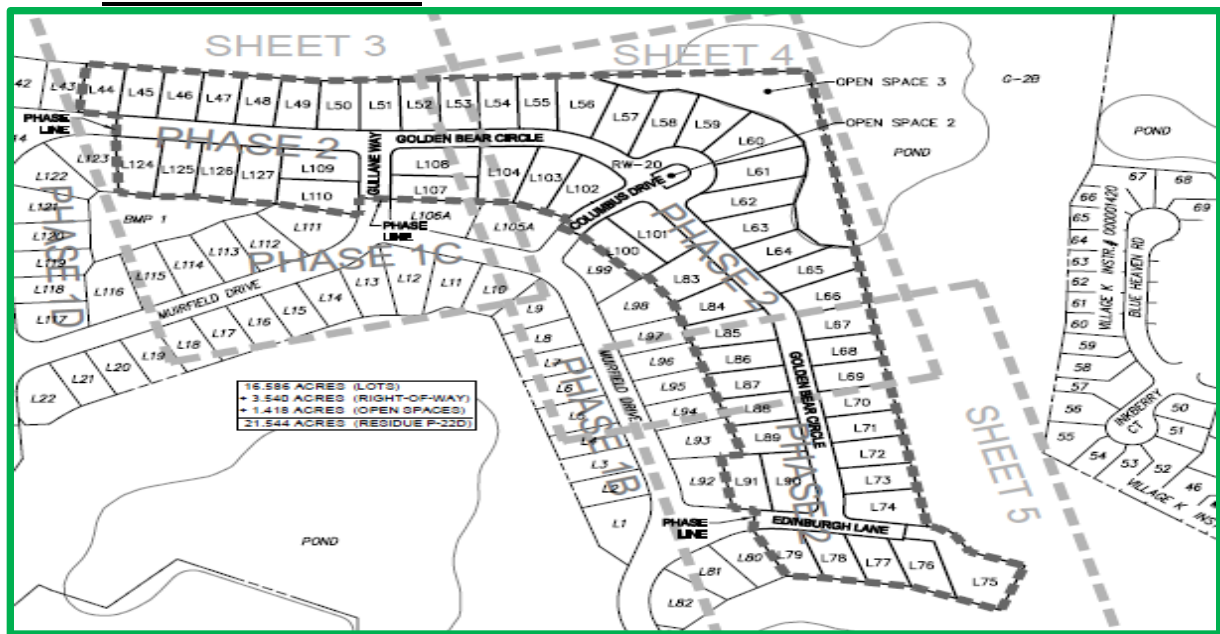
Village L aka Muirfield Village – Phase II

Signed final plat approved on 8/28/2024 for 58 lots

AERIAL MAP



FINAL PLAT LAYOUT



B. 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.]

- An application appealing a decision of the Zoning Administrator has been filed regarding zoning violations issued on 204 Bay Avenue. This appeal hearing was scheduled for August 13, 2024 @ 10:00 a.m. but was postponed due to a technical deficiency in the notification to the property owner. This matter will be heard on Tuesday, October 8, 2024.
- An application appealing a Zoning Administrator decision regarding Notice of Violation at Tax Map #83A3-1-273 (undeveloped lot owned by Francis Wendell on Madison Avenue) has been filed and the hearing is scheduled for Tuesday, October 8, 2024.

C. HARBOR DEVELOPMENT CERTIFICATES: None.

D. WETLANDS and COASTAL SAND DUNE BOARD: None.