Planning Commission Regular Meeting and Public Hearing
Cape Charles Civic Center – 500 Tazewell Avenue
March 4th, 2025, at 6:00 P.M.

1. **Call to Order**

2. **Roll Call**

3. **Invocation and Pledge of Allegiance**

4. **Consent Agenda -**
   a. Approval of Agenda Format
   b. Approval of Minutes:
      i. September 3rd, 2024, Planning Commission Regular Meeting and Public Hearing
      ii. October 1st, 2024, Planning Commission Regular Meeting
      iii. October 21st, 2024, Planning Commission and Town Council Joint Public Hearing
      iv. February 4th, 2025, Planning Commission Regular Meeting and Public Hearing

5. **Public Hearing -**
   a. Conditional Use Permit (CUP) 2025-02: application from Donna and Gregory Kohler 711 Tazewell Avenue/302 Fig Street (Fig Street Inn) (Tax Map # 83A4-2-A, 83A4-2-J, & 83A4-2-I) to amend a previously approved Bed & Breakfast Conditional Use Permit to request to add to its allowed commercial uses, the following: bicycle rental; gift shop; and an EV charging station.

6. **Unfinished Business -**
   a. None

7. **New Business -**
   a. Conditional Use Permit (CUP) 2025-02: application from Donna and Gregroy Kohler 711 Tazewell Avenue/302 Fig Street (Fig Street Inn) (Tax Map # 83A4-2-A, 83A4-2-J, & 83A4-2-I) to amend a previously approved Bed & Breakfast Conditional Use Permit to request to add to its allowed commercial uses, the following: bicycle rental; gift shop; and an EV charging station.

8. **Standing Staff Reports –**
   a. February 2025 Monthly Report

9. **Announcements –**
   a. Next Planning Commission Meeting – April 1st, 2025 @ 6:00p.m.

10. **Adjourn**

Agenda Item 4 (B) (1)

September 3rd, 2024 Minutes

Planning Commission
Regular Meeting and Public Hearing
Cape Charles Civic Center
September 3rd, 2024

At approximately, 6:00p.m., Chairman Bill Stramm, having established a quorum, called to order the Planning Commission Regular Meeting for September 3rd, 2024. In addition to Chairman Stramm, also present were Commissioners Bill Ashworth, Shannon Smith, Libby Wright, Ian McDonald and Councilman Paul Grossman. Commissioner Holloway was unable to make the meeting.

Also, in attendance were Planning and Zoning Administrator Katie Nunez, Zoning Compliance Officer Jack Steinmayer, and Town Clerk Libby Hume. There was one member of the pubic in attendance and two watching via Facebook Live.

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

Consent Agenda:
Hearing no objections, Chairman Stramm approved the Consent Agenda as presented.

Public Hearing Comment:
There were no public comments to be heard.

Unfinished Business:

A. ***Continued review of the Zoning Map Amendment (ZMA 2024-01): Application from Donna and Gregory Kohler to conditionally rezone 711 Tazewell Avenue /302 Fig Street (aka Fig Street Inn) (Tax Map #83A4-2-A & 83A4-2-J & 83A4-2-I) from Residential-1 to Commercial Residential (CR).***

During the Planning Commission Regular Meeting on August 6th, 2024, it was clear that the Commission was not going to come to a consensus agreement on what to do with the conditional rezoning application from the Kohler's, therefore Ms. Nunez suggested that the Commission table the vote and allow for the appellants to meet with staff to talk over their options to move forward.

After the appellants met with staff, it was recommended that to move the application forward they would need to provide additional proffers for consideration, agreeing with staff the appellants are now offering the following proffers for removal; antique stores, art galleries, athletic clubs, camera shops, dry goods stores, leather goods, newsstands, tobacco stores, video stores, day care centers, ice cream parlors, delicatessens, and restaurants.

Another issue that the Commission had was regarding the parking, or lack thereof, at the Fig Street Inn. The applicants mentioned that they were going to be working

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on ways to increase the parking on the property, so that more parking was available to visitors.

After the applicants heard the Commission's concerns they had with the application, the Commission began to ask clarifying questions on certain parts of the zoning process that could affect the applications.

Councilman Grossman wanted to know if this would fall under the classification of spot zoning. Ms. Nunez did not believe so as this application was consistent with the fact there was already other commercial zoning nearby, making it not completely out of character for this area of Fig and Tazewell.

Commissioner McDonald wanted to know that because there was a wellhead on Lot J would the rezoning be impacted. Ms. Nunez explained that the wellhead is not applicable to rezoning. Furthermore, Chairman Stramm followed up by asking if the well is currently active. Ms. Nunez mentioned that the applicant would have to speak more on the specifics of the well.

After the Commission concluded asking questions, they then began discussing the possible rezoning. Commissioner McDonald was willing to rezone just Lot A but had concerns for the precedent it would set if they rezoned all three lots and there was a change of ownership down the line that wanted to develop the other lots into businesses that were out of character with the area. Councilman Grossman did not want to rezone Lot A as the Future Land Use Map (FLUM) does not reflect lots as Commercial Residential in this specific area of town. Councilman Grossman was also concerned that by rezoning these Lots it could possibly be a gateway into a transition that would be out character with the area, and going from Residential-1 to Commercial Residential was not compatible with the area as a whole.

Finally, Councilman Grossman asked Ms. Nunez if the submitted proffer statement was in the appropriate legal form that complied with the appropriate standards. Ms. Nunez mentioned that she will need to refine the proffer standards.

Motion made to rezone only Lot A with the accompanying proffer statement for Town Council. Motion passed with a 5-1 vote, with Councilman Grossman being the lone dissenting vote.

Standing Staff Report:
Ms. Nunez spoke about how she recently signed off on the creation of Village L in Bay Creek, which would create 58 new lots for development. Councilman Grossman wanted to know if Village L would be in compliance with PUD. Ms. Nunez mentioned that Village L was in compliance with the PUD.

Motion made by Commissioner Grossman, seconded by Commissioner Ashworth, to adjourn the Planning Commission Regular Meeting and Public Hearing at 6:25p.m., the motion was approved unanimously.

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Chairman Bill Stramm

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Planning Technician

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Agenda Item 4 (B) (2)

October 1st, 2024 Minutes

Planning Commission

Regular Meeting
Cape Charles Civic Center
October 1st, 2024

At 6:00p.m., on October 1st, 2024, Chairman Bill Stramm, having established a quorum, called the Planning Commission Regular Meeting into session. In attendance were Commissioners Bill Ashworth, Jim Holloway, Ian McDonald, Shannon Smith, and Libby Wright. Councilman Paul Grossman was also present.

Also present were Planning/Zoning Administrator Katie Nunez, Zoning Compliance Officer Jack Steinmayer, Finance Clerk Ryan Silvey, and Town Clerk Libby Hume.

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

Due to Ms. Nunez not feeling well at the time of the meeting, it was decided that instead of holding a full meeting, the Planning Commission would only go over the upcoming calendar for Short – Term Rentals and all other Zoning Text Amendments. After the Planning Commission decided that October 30th, 2024, would be the best date for a special meeting if the Commission was unable to get through all the material on the October 21st, 2024, STR Zoning Text Amendment meeting, Chairman Stramm called for a motion to adjourn.

Motion made by Chairman Stramm, seconded by Commissioner Smith to adjourn the Planning Commission Regular Meeting at 6:00p.m., motion was approved unanimously.

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Chairman Bill Stramm

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Planning and Zoning Administrative Assistant

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Agenda Item 4 (B) (3)

October 21st, 2024 Minutes

CORRECTION

Planning Commission and Town Council

Joint Public Hearing
Cape Charles Civic Center
October 21, 2024
6:00pm

At 6:00p.m., on October 21st, 2024, Councilman Paul Grossman, filling in for Chairman Bill Stramm, having established a quorum, called to order the Joint Public Hearing for the Planning Commission. Also present were Commissioners Bill Ashworth, Jim Holloway, Ian McDonald, and Libby Wright. Commissioners Bill Stramm and Shannon Smith were not in attendance.

At 6:02p.m., Mayor Adam Charney, having established a quorum called to order the Joint Public Hearing for the Town Council. Also present were Councilwomen Tammy Holloway, Councilman Andy Buchholz, Councilman Paul Grossman, and Councilman Ken Butta. Vice-Mayor Steve Bennett was not in attendance.

Town staff in attendance were Town Manager John Hozey, Planning/Zoning Administrator and Subdivision Agent Katie Nunez, Planning/Zoning Assistant – Preservation & Zoning Administrator Tracy Outten, Zoning Compliance Officer Jack Steinmayer, Assistant Treasurer Adrian Oei, and Finance Clerk Ryan Silvey.

After establishing both quorums, a moment of silence was observed, followed by the recitation of the pledge of allegiance.

Following the pledge of allegiance, Councilman Grossman asked for a motion to approve the agenda format as presented, motion was made by Commissioner Holloway and seconded by Commissioner McDonald. It was approved by unanimous consent.

After the approval of the agenda format, Planning/Zoning Administrator Katie Nunez presented the staff presentation on the proposed Short-Term Rental (STR) ordinance amendments. (See attached)

Once Ms. Nunez finished the staff presentation, Councilman Grossman opened the Public Hearing.

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Once the Public Hearing was opened, the first member of the public to speak was Donna Kohler, who presides at 711 Tazewell Avenue. Mrs. Kohler believes that STRs should follow the same stringent Conditional Use Permit (CUP) processes as Bed and Breakfasts, rather than allowing them as a by-right use.

After Mrs. Kohler, the next to speak was Walt Bronson from 515 Tazewell Avenue. Mr. Bronson concurred with Mrs. Kohler in that STRs should go through the CUP process. He also addressed the ongoing parking issues within the Residential-1 district. He mentioned that under the current Zoning Ordinance tourist homes are required to have one off-street parking space available, which up to this point has not been enforced. Mr. Brunson believes that we should retain this aspect of the Zoning Ordinance as it would help limit the total number of cars per STR. Furthermore, he mentioned that instead of limiting STRs to 5 per owner, it should be a lower number. Finally, Mr. Brunson spoke on the transient occupancy tax vs monthly payments from companies like VRBO/Airbnb.

Speaking next was Elise McMath located at 304 Tazewell Avenue. She expressed uncertainty about why the public is just seeing the STR ordinance proposals now when they are almost finalized instead of earlier in the process. She also wanted to know why they are going to be allowed as a by-right use instead of a conditional one. Furthermore, she wondered who was truly going to benefit from STRs as not every homeowner within Cape Charles was looking for a way to increase their property values. She further questioned if approving STRs was truly going to be beneficial for Cape Charles, as allowing STRs as a by-right use would drive up housing costs and make it harder for young families to afford to live in town, knowing that the Town has been looking for ways to increase the number of young families that reside in Cape Charles.

Following Elise was Ed Wells from 202 Strawberry Street. Mr. Wells mentioned that STRs in Cape Charles have been around for roughly 8 years, so why has it taken so long to see this information? Furthermore, he wanted to know about business insurance requirements.

Laura Weigand from 623 Madison Avenue was next. She mentioned that this was a good first step for the Town to take regarding STRs. She wanted to know what is considered a good response time from the police, town, or neighbor if a violation is noticed. Furthermore, she believes that there should be some sort of parking permit that every rental needs to receive. Finally, she agreed with Mr. Wells in that all STRs should have business insurance, and this insurance should readily available both on the premises and online to provide assurance to the neighbors that the correct insurance was received.

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Mark Usry from 117 Strawberry Street spoke next. He believed this was a good start. However, he had concerns about the lack of off-street parking that was not included or addressed in the staff presentation. He believes that every STR that is designated by Town should have one designated parking space in front of their property, in order to limit a free for all when it comes to parking. Finally, he wanted some clarification on the 24/7 violation response vs longer type violations.

George Proto from 607 Pine Street followed. He also believed that this was a good start for the Town, and he concurred with those before him that STRs should go through the CUP process instead of being a by-right use. Furthermore, he believes that if a noise violation is observed that the police chief or police in general should be the ones to enforce that. He also spoke on that if a violation is observed and reported there needs to be more of a graduating scale with violations instead of an all or nothing approach that the Town seemed to be taking.

His wife, Nancy Proto also of 607 Pine Street was next to be heard. She mentioned that she had some confusion on the parking requirements as it didn't seem to be addressed. She also wanted to know about the consequences of the violations – such as noise violations that are tenant driven and not owner driven.

Finally, the last public commenter to be heard was Marlene Cree from Blue Heron Realty. She believes that the suggestions of a graduating violation response would be a good one and should be conducted by the necessary personnel be it Town staff or police. Along with this, a financial penalty should be imposed vs outright stripping the permit if it is not a severe violation. She also mentioned that by-right would be better than following the CUP process as the number of public hearings that would be heard would be unsustainable for Town staff and the Commissioners. Finally, she wanted to see the ages that don't count against occupancy be raised from 5 to 10-12 years of age.

After Marlene Cree finished her comments, Planning/Zoning Assistant – Preservation & Zoning Administrator Tracy Outten read the comments that staff received from those who could not make it to the meeting. The following residents submitted comments; Kerry Shackleford (527 Jefferson Avenue), Raffaele Allen (504 Plum Street), Joseph Williams (515 Mason Avenue), Bonnie Moore (206 Madison Avenue), Christopher Stahl (209 Tazewell Avenue), and Andrew Lessner (404 Jefferson Avenue).

At approximately 7:02p.m., seeing as there were no more comments from those in attendance, Councilman Grossman asked for a motion to close the public hearing,

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Commissioner Holloway made the motion, which was seconded by Commissioner McDonald. It was approved with unanimous consent.

At 7:02p.m., after the Planning Commission closed the Public Hearings, Mayor Charney asked for a motion to dismiss the Town Council, the motion was made by Councilman Buchholz, this was seconded by Councilwomen Tammy Holloway. It was approved with unanimous consent.

Once Town Council and members of the public left, the Planning Commission opened their meeting.

Councilman Grossman asked for a motion to accept ZTA 2024-01 with discussion for potential amendments to each section. Commissioner Ashworth made the motion, it was seconded by Commissioner Jim Holloway and was accepted with unanimous consent.

Once the motion was accepted, the Planning Commission began going through the proposed short term rental ordinance amendment.

The Planning Commission had one minor change to Section 2.9, as the packet they had received mentioned reference 4.15, this was incorrect, it should have said 4.12.

There were no changes to Article III.

After getting through Article III, Councilman Grossman asked the Planning Commission if everyone was comfortable allowing STRs as a by-right use in the districts that were mentioned within the proposed short term rental ordinance amendment; everyone agreed. Before moving on to address Article IV, Commissioner Holloway wanted to know if it was worth having a one-year trial period of having STRs as a by-right use. After a year, the Planning Commission would gather and vote on whether or not to leave STRs as a by-right use or change over to follow the Conditional Use Permitting process.

Once the Planning Commission reached Article IV – General Regulations Applicable to All Districts, they went section by section and the following decisions were made on the subsets of this article.

Section 4.12 (A) Purpose and Intent, Items #1 – 4: Fine as written.

Section 4.12 (B) Permitting Requirements:

(1): Fine as written

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(2), Items a-g: Fine as written

However, when reaching item (2) (F), there was discussion by the Planning Commission on whether or not to leave the phrasing "publicly available" in. Commissioner McDonald believes that the only people who should have access to this information are the Town and Police. Commissioner Ashworth agreed with this sentiment.

Councilman Grossman asked for a motion to remove the phrasing "publicly available" from B.2.F. Commissioner McDonald made the motion which was seconded by Commissioner Ashworth. When the vote was made on the motion, it did not receive majority vote and failed to pass.

Councilman Grossman asked for a motion to remove the phrasing "publicly available" from B.2.F. Commissioner McDonald made the motion which was seconded by Commissioner Ashworth. The motion passed unanimously.

(3): Fine as written

(4): Fine as written

(5): Fine as written

(6): Fine as written

(7): Fine as written

Section 4.12 (C) Additional Requirements

(1): Fine as written

(2): Fine as written

(3): Fine as written

(4): Fine as written

(5): Fine as written

Once reaching section (5) deliberations began amongst the Planning Commissioners on whether or not those five years of age or younger was an acceptable age to exclude against the occupancy count or should it be higher. Commissioner McDonald expressed some concern as to how the Town was going to manage this. Commissioner Wright suggested that perhaps 16 was a good age as it would also address the parking concerns. Town Manager Hozey then pushed back and mentioned that even though 16-year-olds do not have the legal ability to drive without a parent, many of them do drive golf carts.

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Commissioner Holloway wondered why there was a restriction in the first place, as Cape Charles was trying to attract younger families, placing an age restriction would turn families away from the Town.

After deliberations, Commissioner McDonald believed it would be best to change the phrasing to 12 and under, in order to be less restrictive.

Councilman Grossman wanted a motion to increase to age limit to exclude children 12 and under from counting against the total occupancy. Commissioner McDonald made the motion, and the motion was seconded by Commissioner Wright.

Ms. Nunez then clarified for the Planning Commission that by accepting this motion it would allow an unlimited number of children 12 years of age and younger on the premises.

After hearing this clarification, the motion was then withdrawn by Commissioner McDonald.

After talking about the occupancy age, it was 8:00p.m., and the Planning Commission agreed to pause discussion until the October 30th, 2024, Special Meeting.

Councilman Grossman called for a motion to dismiss the Planning Commission until October 30th. Motion was made by Commissioner Holloway and was seconded by Commissioner Wright and McDonald. It was approved by unanimous consent.

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Chairman Stramm

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Planning/Zoning Assistant

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Agenda Item 4 (B) (4)

February 4th, 2025 Minutes

Planning Commission

Regular Meeting and Public Hearing
Cape Charles Civic Center
February 4th, 2025

At 6:00p.m., Chairman Bill Stramm, having established a quorum, called to order the first regular meeting and public hearing of the Planning Commission in 2025. In addition to Chairman Stramm, also present were Commissioners Bill Ashworth, Jim Holloway, Ian McDonald, Shannon Smith, and Libby Wright. Finally, the new Town Council representative on the Planning Commission, Clayton Newman, was not available for tonight's meeting.

Also, in attendance were Planning/Zoning Administrator Katie Nunez, Zoning Compliance Officer Jack Steinmayer, and Town Clerk Libby Hume.

Furthermore, there were two members of the public in attendance as well as four viewers watching via Facebook Live.

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

Reorganization and Election of Officers:
Following the Pledge, the Planning Commission began the process to elect a Chair, Vice-Chair, and Secretary for 2025. Bill Stramm was elected Chair unanimously, Bill Ashworth was elected Vice-Chair unanimously, and Zoning Compliance Officer Jack Steinmayer would continue to serve as Secretary to the Commission.

Consent Agenda:
Hearing no objections, Chairman Stramm approved the Consent Agenda as presented.

Chairman Stramm than read the public hearing notice and opened the public hearing.

Public Hearing:

A. ***A Conditional Use Permit Application (CUP) 2025-01: application from Jon Dempster for a non-conforming fence within the Historic District to serve as screening for three above-ground propane tanks.***
Zoning Compliance Officer Jack Steinmayer summarized the staff report.

The applicant, Jon Dempster, then spoke on the application and offered clarifying information for the board. He mentioned how the location of the tanks was not where they wanted to place them, due to the fact that the placement of the tanks will

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require the removal of 4 seats, which in a fairly small restaurant is not ideal. He further mentioned how the previous propane vendor would be willing to continue to fill the tank, but Mr. Dempster does not want to send staff to work at the location if his propane vendor does not want to touch the tank.

Commissioner Holloway wanted to know how the propane company would get to the tanks. Mr. Dempster explained that there would be a gate to allow access to the area.

Seeing as there were no more questions from the board, Chairman Stramm moved on to public comments.

Public Comments

A. Chuck Little (8 Randolph Avenue)

Mr. Little had 3 main concerns, first he mentioned how the application is requesting a 6-foot-high fence, but there was no indication of the height of the propane tanks in the application. Next, he wanted to know what would become of the abandoned propane tank. Finally, he provided a type of fencing that would be more in keeping with the current view of the historic commercial district.

Unfinished Business

None.

New Business

A. A Conditional Use Permit Application (CUP) 2025-01: application from Jon Dempster for a non-conforming fence within the Historic District to serve as screening for three above-ground propane tanks.

Chairman Stramm asked for a motion to approve the Conditional Use Permit Application as presented and recommend the application to Town Council for approval.

Motion made by Commissioner Smith, seconded by Commissioner Wright, to recommend Conditional Use Permit Application 2025-01: application from Jon Dempster for a non-conforming fence within the Historic District to serve as screening for three above-ground propane tanks to Town Council for approval. The motion was approved unanimously.

Report of Officers and Committees

None.

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Standing Staff Report
Ms. Nunez went over the annual report and mentioned that staff will be making corrections before the annual report goes before Town Council.

Announcements
Next Planning Commission meeting will be on March 4th, 2025.

Adjourn
Chairman Stramm asked for a motion to adjourn the February 4th, 2025, Regular Meeting and Public Hearing of the Planning Commission.

Motion made by Commissioner Holloway, seconded by Commissioner Smith to adjourn the February 4th, 2025, Regular Meeting and Public Hearing of the Planning Commission at 6:20p.m. The motion was approved unanimously.

Chairman Bill Stramm

Planning/Zoning Administrative Assistant

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Agenda Item 5 (a)

Public Hearing – Amend Previously Approved Bed & Breakfast Conditional Use Permit

Town of Cape Charles
Planning Commission – Public Hearing

The Cape Charles Planning Commission will hold a public hearing on Tuesday, March 4th, 2025 at 6:00p.m. in the Cape Charles Civic Center, 500 Tazewell Avenue, to receive comment on the following request:

A. Conditional Use Permit Application (CUP) 2025-02: application from Donna and Gregory Kohler at 711 Tazewell Avenue/302 Fig Street (aka Fig Street Inn) (Tax Map #83A4-2-A, 83A4-2-J, & 83A4-2-I) to amend a previously approved Bed & Breakfast Conditional Use Permit to request to add to its allowed commercial uses, the following: bicycle rental; gift shop; and an EV charging station.

The application is available for public review on our website at www.capecharles.org. Please contact the Planning Department at (757) -331-2036, or by email at planner@capecharles.org if you have any questions or require additional information.

Ad Placed: Tuesday, February 18th
Ad to Run: Friday, February 21st and Friday, February 28th

Planning Commission Staff Report

Meeting Date: March 4th, 2025
Item #: 5a
Prepared By: Jack Steinmayer, Zoning Compliance Officer
Prepared On: February 25th, 2025

Applicant: Donna & Gregory Kohler	**Type of Application:** Conditional Use Permit
Site Address: 711 Tazewell/302 Fig Street Inn	**Specific Request:** Amend Previously Approved Conditional Use Permit
Tax Map #: 83A4-2-A & 83A4-2-J & 83A4-2-I	**Ordinance Section:** CCZO Section 3.1 (M), 4.1 (M) (5)
Lot Size: 36,404.18 sq. ft. or .84 acres	**Current Zoning:** Residential-1 (R-1)

Date Received: January 21st, 2025
Date Deemed Complete: February 19th, 2025
Legal Deadline: 100 days from Receiving Completed Application: May 30th, 2025

Narrative of Proposal – Amended Conditional Use Permit Application

After adhering to CCZO Section 3.2 (C) (3), the applicants after some time wanted to expand business opportunities on their property, and on August 6th, 2024, the applicants went before the Planning Commission to petition for a conditional rezoning of their property from Residential – 1 (R-1) to Commercial Residential (CR). Within the application, the applicants stated that the primary purpose of the rezoning would be to allow for bicycle rentals as an accommodation for both guests and members of the public. This would have been allowed with a Conditional Use Permit with a Commercial Residential designation.

However, the Planning Commission only was amenable to rezone parcel "A" as the Fig Street Inn only occupies this singular parcel.

Afterwards, the application appeared at October 17th, 2024, Town Council meeting, where after substantial conversations it was clear that the Town Council was not going to allow a rezoning of this property, therefore, before a motion was voted upon the applicants withdrew their application.

On December 19th, 2024, Town Council adopted the updated version of the Cape Charles Zoning Ordinance. At this meeting, the following terminology was added to Article IV Section 4.2 (M), "the following ancillary, accessory, and business uses are permissible through a conditional use permit; said uses may be included with the initial Conditional Use

Permit application for a Bed & Breakfast or may be applied for as a modification of a previously approved Conditional Use Permit:

I.) Bicycle Rentals;
II.) Gift Shops, located within the principal residence or buildings identified as part of the Bed & Breakfast and not to exceed twenty percent (20%) of the total floor space of the Bed and Breakfast;
III.) Electric Vehicle Charging Stations."

It was approved by a unanimous vote. With Councilwoman Holloway recusing herself, as she owes the other Bed and Breakfast within Cape Charles.

After the adoption of the updated Zoning Ordinance by Town Council on December 19th, 2024, the Kohler's submitted an application to amend a previously approved Conditional Use Permit to include the following permitted uses (stated above).

Staff Review with Respect to the Comprehensive Plan

Pursuant to the Comprehensive Plan, "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 – Overview) (pg. 50).*

By allowing for the Fig Street Inn to expand its business operations to encompass the approved business uses of bicycle rental; gift shop; and EV charging station, the Town would be in keeping with the Comprehensive Plan as outlined above.

Furthermore, the Town would be providing opportunities for households to strengthen their economic wellbeing, outlined in the Comprehensive Plan in *Economy Objectives and Strategies on pg. 54.*

The Fig Street Inn has been a well-known and popular accommodation within the Town of Cape Charles generating income not only for the applicants but also for the Town economy. By moving forward with the amended Conditional Use Permit application, the Fig Street Inn will be able to offer expanded services to compliment the Bed and Breakfast operations.

History

On February 11th, 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 rooms (5 bedrooms in the main house a 1 bedroom in the accessory building).

At the time of receiving their Conditional Use Permit, the applicants had to adhere to CCZO Section 3.2 (C) (3), which stated:

3.) Bed & 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 agents 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 Permit Application, ensuring adherence to Section 4.5.1 (parking standards) using both on and off-street parking areas;
   d.) A sign no larger than 4 square feet shall be permitted;
   e.) The amount of accommodations shall be subject to recommendation by the Planning Commission and approval by the Town Council.

Staff Recommendation

Staff is requesting the Planning Commission convene and hold the required public hearing and consider all comments received and determine if there are any additional issues raised that were not considered by staff. Staff is further recommending favorable consideration of the application submitted by the Kohler's (Tax Map #83A4-2-A, 83A4-2-J, & 83A4-2-I) to allow the following ancillary, accessory, and business uses that are now permissible through an amended Conditional Use Permit Application:

1. Bicycle Rentals;
2. Gift Shop;
3. EV Charging Station

Possible Planning Commission Motion

I would recommend the following motion for the Planning Commission's consideration:
Motion to recommend approval of amended conditional use permit application to include the following ancillary, accessory, and business uses at the Fig Street Inn; bicycle rental; gift shop; and an EV charging station.

Conditional Use Permit Application

Planning & Zoning Department
2 Plum Street; Cape Charles, VA 23310
757-331-3259 x31
planningtech@capecharles.org

Revised 03/2023	
Taxes	☑ paid R.S
Violations	—
Fee	$600
Decision	

Budget Code: LANDF 100-3100-1050

PART 1: APPLICATION NOTES

Certain land uses, by nature, can have a potentially unfavorable impact on or be incompatible with other uses of land within a given zoning district. These uses may be permitted within designated districts under controls, limitations, and regulations of a conditional use permit.
The Town Council has the responsibility to evaluate the impact and the compatibility of each use and to stipulate conditions and restrictions to assure the proposed use is compatible with the neighborhood in which it is located. The Council can deny the use as not being in accordance with the adopted comprehensive plan or as being incompatible with the surrounding neighborhood.

In addition to the information required in this application, all items from this checklist must be submitted before it can be evaluated.

☐ Zoning Clearance Application ☐ Site Plan/Survey showing existing conditions and proposed changes

Owner signature: [signature] Date: 1.21.2025

PART 2: PROPERTY INFORMATION

Property Address: 711 Tazewell Avenue Cape Charles VA 23310

Tax Map #: Zoning District: R-1

Current use: bed + breakfast w/ CUP dated 2/11/10 Proposed use: updated CUP w/permitted uses approved 12/19/2024

PART 3: PROPERTY OWNER INFORMATION

Name and/or Company: Gregory S + Donna Olney Kohler

Mailing Address: 711 Tazewell Avenue Cape Charles VA 23310

Phone Number: 757.331.3133 Email: info@figstreetinn.com

If owner is not the applicant, an Owner's Permission Affidavit must be attached. n/a

PART 4: APPLICANT INFORMATION

Name and/or Company: Gregory S + Donna Olney Kohler / Fig Street Inn LLC

Mailing Address: 711 Tazewell Avenue Cape Charles VA 23310

Phone Number: 757.331.3133 Email: info@figstreetinn.com

PART 5: PROJECT INFORMATION

A. Neighborhood

1. What are the current uses and characteristics of the neighborhood? R-1 district - single family homes w/ year-round + seasonal use; vacation rentals; multi-family homes; CR district w/ Eastern Shore Custom Carts + old MeatLand bldg.
2. How would this proposed use fit in with the neighborhood? this application is to update our CUP to include newly approved functions of bed + breakfasts to include bicycle rental; gift shop; EV charger. Property currently operates as 4-room b+b w/ 5th under under construction (approved).
3. Describe the effects that any noise or odor from the proposed use might have on the neighborhood. none

B. In the Commercial and Harbor Districts, a conditional use permit is required for residential use above 1st floor commercial use.

Number of residential floors _____ Number of residential units per floor _____

Number of parking spaces on premises _____ Number of parking spaces on street _____ deeded off-site _____

Amenities provided _____

C. Description of Use

Days of Operation b+b is open year-round Number of full-time staff? 2 Part-time? 1

Hours of Operation n/a If foodservice, will there be alcohol sales on premises? n/a

Hours of Delivery n/a

These are services open to guests of b+b + to public by reservation

D. Site plan must also include Primary and any accessory structures (size & setbacks), Trash location, screening, fencing, lighting, utilities, landscaping, and parking if required.

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

Applicant's signature: _____ Date: 1.21.2025

Zoning Administrator's signature: _____ 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.

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: 0295F 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.

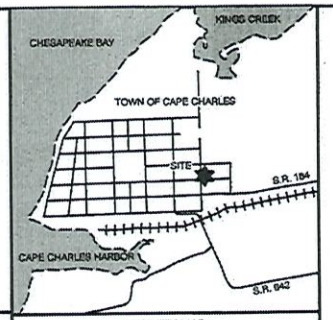
THE NORTH MERIDIAN OF THIS PLAT IS BASED ON THE VIRGINIA STATE PLANE COORDINATE SYSTEM, SOUTH ZONE, NAD83.

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.

COMMONWEALTH OF VIRGINIA
MICHAEL A. STARLING
Lic. No. 2598
3/7/24
LAND SURVEYOR



VICINITY MAP
1" = 2000'

GRAPHIC SCALE
50' 25' 0' 25'

MADE IN AMERICA

N
W E
S

Monroe Avenue - State Route 1110

STOB(FOUND)
PIPE(FOUND)
PIN(SET)
PIN(FOUND)
DRILL HOLE(FOUND)
STRUCK PIPE (FOUND)

VONNIE R. MALEY LOT B TAX PARCEL #83A4-2-B (INSTRUMENT #140000703)
VONNIE R. MALEY LOT C TAX PARCEL #83A4-2-C (INSTRUMENT #140000703)
JAMES T. & SUE H. WEAVER LOT D TAX PARCEL #83A4-2-D (INSTRUMENT #130001167) (INSTRUMENT #130002073)
JAMES T. & SUE H. WEAVER LOT E TAX PARCEL #83A4-2-E (INSTRUMENT #130001167) (INSTRUMENT #130002073)
STEVEN L LEWIS LOT F TAX PARCEL #83A4-2-F (INSTRUMENT #110000010) (PB 6, PG 95)
STEVEN L LEWIS LOT G TAX PARCEL #83A4-2-G (INSTRUMENT #110000010) (PB 6, PG 95)
STEVEN L LEWIS LOT H TAX PARCEL #83A4-2-H (INSTRUMENT #110000010) (PB 6, PG 95)
STEVEN L LEWIS LOT 29 TAX PARCEL #83A4-1-29 (INSTRUMENT #110000010) (PB 5, PG 184)
LOT 30
LOT 31

FRAME GARAGE
FRAME GARAGE
FRAME GARAGE

279.89'
132.61'
15.00'
1.74'
2.26'
280.04'
39.99'
39.99'
39.99'
39.99'
280.24'
560.16'

15' Alley (Plat Book 6, Page 95)
GRAVEL LANE
GRAVEL LANE
OVERHEAD UTILITIES
WOOD FENCE
N 87° 16' 07" E
CORNER UNDER FENCE
PROPANE TANK
A/C(3)
WELL
WOOD DECK
FRAME GARAGE
#302
2-STORY FRAME
CONCRETE SIDEWALK
WATER METER
6" SPIGOT
CELLAR DOOR #711
STONE SIDEWALK
FLAGPOLE
WOOD SIGN
BRICK SIDEWALK
GRAVEL
UTILITY POLE (TYPICAL)
OVERHEAD UTILITIES
2.5' CONCRETE CURB & GUTTER
CORNER UNDER FENCE
N 02° 41' 08" W
200.06'
67.33'
132.33'
67.26'
47.62'
193.95'
S 67° 18' 24" W
N 2° 38' 35" W 132.51'
N 2° 38' 35" W 132.53'
S 02° 38' 35" E 132.56'

GREGORY S. & DONNA OLNEY KOHLER LOT J TAX PARCEL #83A4-2-J (INSTRUMENT #100000303) (PB 6, PG 95) AREA = 5,299sf or 0.122ac

GREGORY S. & DONNA OLNEY KOHLER LOT I TAX PARCEL #83A4-2-I (INSTRUMENT #100000303) (PB 6, PG 95) AREA = 5,300sf or 0.122ac

JO ANNE MAST LOT 22 TAX PARCEL #83A4-1-22 (INSTRUMENT #220000891) (PB 5, PG 184)

1-STORY BRICK #715

JO ANNE MAST LOT 23 TAX PARCEL #83A4-1-23 (INSTRUMENT #220000891) (PB 6, PG 184)

LOT 24

GREGORY S. & DONNA OLNEY KOHLER LOT A TAX PARCEL #83A4-2-A (INSTRUMENT #100000303) (PB 6, PG 95) AREA = 26,488sf or 0.608ac

Tazewell Avenue - State Route 1111 (70' Right-of-Way) (Plat Book 6, Page 95)

Fig Street - State Route 1105 (70' Right-of-Way) (Deed Book 41, Page 464)

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 A, I & J
T. L. Webster Co., Inc.
(PLAT BOOK 6, PAGE 95)
TAX PARCELS #083A4-((02))-00-000A, #083A4-((02))-00-000I & #083A4-((02))-00-000J
TOWN OF CAPE CHARLES
NORTHAMPTON COUNTY, VIRGINIA
FOR
Donna Kohler
FEBRUARY 22, 2024

MUNICIPAL CORPORATION OF CAPE CHARLES

Date Issued: February 11, 2010

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

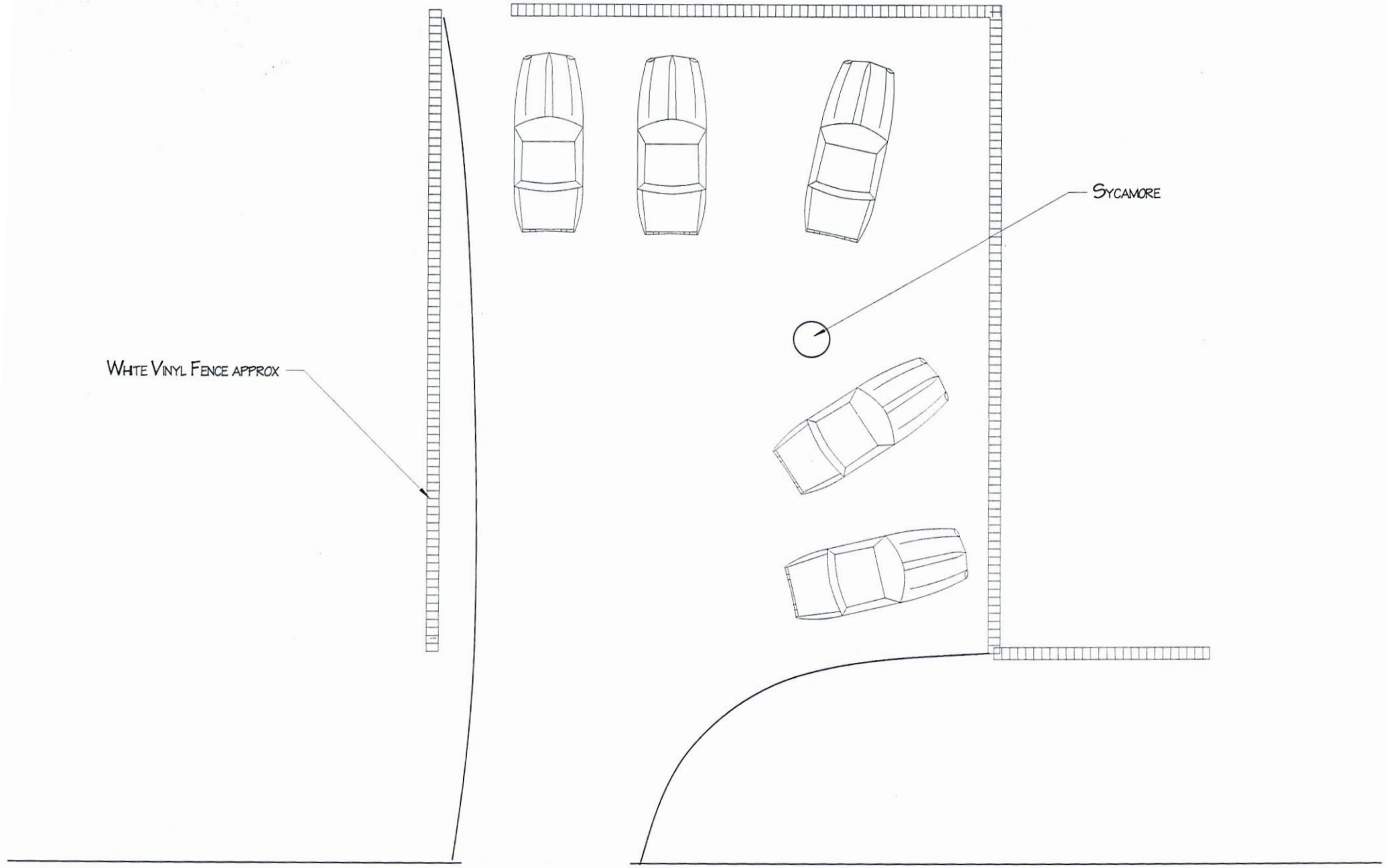
For Property: 302 Fig Street
Cape Charles, VA 23310

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


SYCAMORE
WHITE VINYL FENCE APPROX
TAZEWELL AVE

Agenda Item 8 (a)

February 2025 Monthly Report

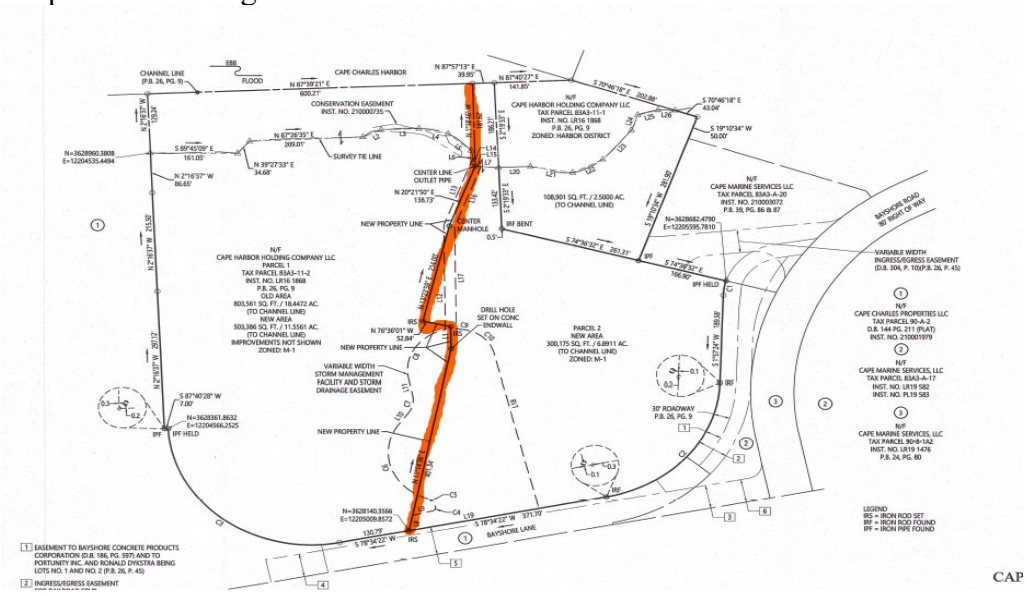
Municipal Corporation of Cape Charles

FEBRUARY 2025
MONTHLY REPORT
Katie H. Nunez, Planning/Zoning Administrator

This monthly report encompasses the months of November & December 2024 when the Planning Commission has not held a Regular Session meeting in that timeframe.

A. SUBDIVISION AGENT:

Subdivision Plat: 1101 Bayshore Road – Cape Harbor Holdings, LLC (Tax Map #83A3-11-2) - subdivide into 2 parcels. The parcel on the left of the red line will be 11.5561 acres and the parcel on the right of the red line will be 6.8911 acres



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.]

No applications were filed.

The BZA is meeting on Tuesday, March 11, 2025 with the developer of Dreams by the Water (10 lot subdivision on Washington Avenue) for a discussion regarding the zoning ordinance and the front and rear setback requirements relative to proposed housing styles and sizes to see if the BZA would consider variance applications for all of the lots. This is a conceptual meeting discussion to see if the property owner will file variance applications.

C. HARBOR DEVELOPMENT CERTIFICATES: No applications were filed.

D. WETLANDS and COASTAL SAND DUNE BOARD: No applications were filed.