

Planning Commission
Public Hearing and Regular Meeting
Cape Charles Civic Center
January 6th, 2026 @ 6:00 PM

At 6:00 pm, with a quorum established, Chairman Bill Stramm called to order the January 6th, 2026, Public Hearing and Regular Meeting of the Planning Commission. In addition to Chairman Stramm, Commissioners McDonald, Holloway, Newmann, and Wright were also present. Commissioner Ashworth arrived at 6:10 pm.

Also present were Planning/Zoning Administrator Katie Nunez, Zoning Compliance Officer Jack Steinmayer, Town Clerk Libby Hume, and Town Manager Rick Keuroglian.

There were also 15 members of the public in attendance.

Consent Agenda:

Motion made by Chairman Stramm to accept the consent agenda as presented. The motion was approved by common consent.

Public Hearings:

- A. *Conditional Use Permit Application (CUP) 2026-01: from the Cape Charles Rosenwald School Restoration Initiative for the review of a comprehensive sign plan as part of a Conditional Use Permit Application in the Commercial-1 District (C-1), per Cape Charles Zoning Ordinance Section 5.3 (F).*

Zoning Compliance Officer Jack Steinmayer summarized the staff report for the Planning Commission.

After summarizing the staff report, Elise McMath, representing the applicant, the Cape Charles Rosenwald School Restoration Initiative, spoke on the application. Discussion went as follows:

Ms. McMath stated that the application was pretty straightforward. She went on to say that other signs in the area were quite large, but she understood that was before the Town had changed its zoning sign ordinance. She was asked if the sign would be illuminated, and she responded that they were not proposing to illuminate the sign at the time, but may consider solar lights in the future, depending on cost and need.

The public hearing was held, and there were no written or verbal comments offered; the hearing was then closed.

During their discussion of the proposed application, the entirety of the Planning Commission expressed concern about the requested square footage and height of the sign. This was further extrapolated upon when Commissioner Newman conveyed his worry that by recommending approval of the Conditional Use Permit Application as presented, the Planning Commission would be “blowing the square footage requirements out of the water” by going from 24 sq. ft. to 59 sq. ft. as the sign would then be 2 ½ greater than the maximum allowable square footage for a freestanding sign in the Commercial-1 (C-1) District.

Commissioner Newman then went on to question whether the applicant required a 59 sq. ft. sign, noting that comparable advertising and business signs in Cape Charles are smaller. He then cited how the Kiptopeke Elementary School sign (located in Northampton County) is 50 sq. ft. and located on Route 13, where the speed limit is 55 mph, compared to Old Cape Charles Road, where the speed limit is only 25 mph. He then referenced further investigatory work he did and cited the current Federal Highway Administration guidance, indicating that 4-inch lettering is more than legible at speeds of 25 mph or less. Commissioner Newman then asked the applicant if there was a way to place the address of the building on the side of the building instead of on the sign in order to shrink the sign.

Zoning Administrator Katie Nunez clarified that the sign ordinance specifically included this provision to allow for a Conditional Use Permit consideration of signs of a greater size than the ordinance states for a particular zoning district, because not all the different variables for signage needs can be anticipated. She stated that if the CUP is approved, it does not “blow the square footage requirements out of the water,” as the Conditional Use Permit process was intentionally built into the ordinance, which provides a process that includes an opportunity for public input and allows both the Planning Commission and Town Council to consider whether site-specific circumstances justify a sign exceeding ordinance standards.

Commissioners Holloway and Wright both agreed with the points that Commissioner Newman had made.

Commissioner Ashworth explained that the Commission put a lot of time and effort into developing the sign ordinance, and in those meetings, he was an outspoken advocate for allowing some flexibility in the regulations that were being adopted. He then mentioned his two concerns he had for approving this Conditional Use Permit application as presented: (1) the Planning Commission and Town Council go through a large effort to adopt the ordinances, then the rules are never enforced uniformly; and (2) if the Planning Commission granted Conditional Use Permits for every sign application that came along it would become incredibly hard to say no. Commissioner Ashworth then wanted to know if the Impact Center would have a presence online for advertising as well as a physical sign.

After the Planning Commissioners had all spoken on the application, the applicant, Elise McMath, addressed some of the concerns that the Commissioners had

mentioned. Regarding Commissioner Newman's questions about moving the address to the front of the building, Ms. McMath explained that the address is already on the front of the building, as they would not have passed their building inspection otherwise. Furthermore, she explained that by having the address on the sign, it would help delivery drivers find the building more easily. Finally, she addressed Commissioner Ashworth's question on whether the Impact Center had a social media presence, and she responded in the affirmative. The sign would just be another way to get information out to the public.

After deliberating, the Planning Commission made the following recommendation on the proposed Conditional Use Permit Application by the Cape Charles Rosenwald School Restoration Initiative.

Motion was made by Commissioner Stramm and seconded by Commissioner McDonald to recommend approval of Conditional Use Permit Application (CUP) 2026-01 to the Town Council with the conditions that the sign does not exceed 36 sq. ft., is no greater than 10 ft. in height, and complies with the lighting requirements as laid out in the Zoning Ordinance and the vote was unanimous.

B. Comprehensive Plan Amendment 2026-01: Application from the Town of Cape Charles to amend page 41, Accessory Dwelling Units, by removing language that prohibits ADUs from being rented for less than 30 days, and Zoning Text Amendment (ZTA) 2026-01: Application from the Town of Cape Charles to amend Article IV Section 4.1 (J) (2) (a) and Section 4.14 to incorporate new language to allow Accessory Dwelling Units (ADUs) to be rented as a Short-Term Rental.

Planning and Zoning Administrator Katie Nunez, before presenting the staff report, wanted to clarify the process by which a Zoning Text Amendment and Comprehensive Plan Amendment move through the system. She went on to explain that the only ways a Zoning Text Amendment and a Comprehensive Plan Amendment can advance are through the Town Council initiating the process or the Planning Commission.

After clarifying how a Zoning Text Amendment or Comprehensive Plan Amendment can advance through the process, Ms. Nunez then summarized the staff report.

After summarizing the staff report, Commissioner McDonald asked for clarification on the staff recommendation to the Town Council regarding the prohibition of the "plus two" to the occupancy section of the Short-Term Rental ordinance relative to the Accessory Dwelling Units.

Ms. Nunez responded that three components of the Zoning Ordinance must be followed :

- (1) Accessory Structures (garages, sheds, gazebos, etc) can be no greater than 550 square feet if the front lot frontage is less than 80 feet, which is the general rule for a legal lot in the district of 40 x140 or 5,600 sq. ft. There are only requirements within this section of the ordinance (setback requirements, separation distance from the main house to the accessory structure);
- (2) Convert or build the accessory structure to an Accessory Dwelling Use (ADU); the requirements are:
 - a. Floor area not to exceed 45% of the main residence, and
 - b. One kitchen, one bathroom, and one sleeping area. A kitchen does not have to have a stove. There are different ways to qualify what a kitchen is.During the composition of this ordinance, there was debate about bedroom vs. sleeping area, and it was intentional that the term bedroom was not used as a result of the discussion and various examples that came forward.
- (3) Allow STRs in an ADU – Ms. Nunez explained that she needed to look at the requirements in the STR Ordinance, specifically where the term bedroom was used and how bedroom was defined pursuant to the Building Code, and the # of bedrooms determines the occupancy limit of the STR. Bedrooms are square footage based on 70 s. ft. for one person; for two people (100 sq. ft.) (50 per person), and for each additional person in that one bedroom, it will require another 50 ft.

Commissioner Ashworth then asked if Town Staff had known about any ADUs that are greater than 550 sq. ft. Ms. Nunez responded in the affirmative that some are larger and were constructed prior to the ordinance authorizing ADUs, or occurred, and the Town allowed it without applying ordinance requirements to that development.

Seeing as there was no more discussion from the Planning Commission, the public hearing was called to order, and the following comments were provided:

- (1) Claudette Lajoie, President of the Cape Charles Historic District Civic League – she provided her comments in writing as well as verbally (see attached). She stated that she is appreciative that this Zoning Text Amendment allows ADUs to be used as STRs, which is advancing through the public hearing process; however, she does not support any different rules be applied to ADUs than what is allowed for all other STRs in the Town, specifically referring to the prohibition on the “plus two,” re: occupancy contained in the draft ZTA.

(2) Sam Jones, 538 Monroe Avenue – He explained that he is supportive of only allowing one STR on a given property (either main house or ADU can be an STR in the calendar year); he wants to retain all the elements of the Accessory Structures section of the ordinance; and retain the parking requirements in the ordinance concerning the ADUs. One of the fundamental questions that he believes should be asked is whether the Town really needs any further saturation of the STR market. He provided these comments in writing as well (see attached).

The following comments were submitted and read into the recording by Zoning Compliance Officer Jack Steinamyer.

- (1) Greg and Emily Gentry – opposed to the “plus two” prohibition re: occupancy
- (2) Robin and Scott Simes – opposed to the “plus two” prohibition re: occupancy

An additional verbal comment was received from Scott Sims, 401 Madison Avenue. He would like the Town to consider language that would allow an administrative process if a medical emergency or other life circumstance arises, allowing a property owner to move the STR from the primary to the ADU during the calendar year.

The Chairman then recognized Greg Gentry of 542 Jefferson Avenue for an additional verbal comment. He explained that they have an ADU greater than 1,000 sq. ft. (2 bedrooms, 1 ½ bath, and kitchen area), that the Town allowed it, and that everyone knows about it.

Commissioner McDonald moved to close the Public Hearing, and it was seconded by Commissioner Holloway. The motion was approved unanimously.

After closing the Public Hearing, Ms. Nunez asked the Planning Commission as a whole if they were generally supportive of the Zoning Text Amendment, and they indicated favorably that they were. Based upon that input, Ms. Nunez recommended that the Planning Commission take up the Comprehensive Plan Amendment application first.

Commissioner Ashworth motioned to recommend to the Town Council to pass CPA2026-01 as presented, and was seconded by Commissioner McDonald. The motion was passed unanimously.

The following discussion was held regarding Zoning Text Amendment 2026-01:

The Planning Commission as a whole had no objection or proposed changes to the Proposed Zoning Text Amendment outlined for CCZO Section 4.1 (J) (2) (a), now found in the Town Code at Chapter 32, Article IV, Section 32-91 (j) (2) (a)

ZONING TEXT AMENDMENT (ZTA) 2026-01

CCZO Section 4.1 (J) (2) (a) UPDATE of Section Citation as of 12/29/2025 to Chapter 32, Article IV, Section 32-91 (j) (2) (a)

Length of Stay –An Accessory Dwelling may either be rented as a short-term rental or long-term rental; by An Accessory Dwelling Unit may not be rented as a short-term rental. An Accessory Dwelling Unit may be occupied by any person for no less than 30 consecutive calendar days, either paying a fee for such occupancy at his/her own expense or at the expense of another ~~thirty (30) day rental or greater~~. Upon request from any building, zoning, finance, or public safety official acting on behalf of the Town of Cape Charles, the owner of the subject lot of record upon which the Accessory Dwelling Unit sits shall provide occupancy documentation and/or information as requested in writing. If an Accessory Dwelling Unit is going to be rented for less than thirty (30) days (Short-Term Rental), the Owner must comply with Section 4.14 of the Cape Charles Zoning Ordinance.

Commissioner Holloway stated that the comments received during the public hearing concerning the prohibition on the “plus 2” language re: occupancy within the ADU ordinance should be removed because of the possibility that there could be an ADU that could apply to the “plus 2” consideration outlined in the STR Ordinance.

Commissioner Newmann concurred with Commissioner Holloway. He noted that this will create some gray areas for the Building Official as he conducts inspections of the ADU under the criteria and definitions contained as part of the STR ordinance, since one refers to “sleeping area” and the other refers to “bedroom.” He stated that there should be criteria that the Building Official would follow to determine what is the bedroom within the ADU space. Ms. Nunez then read the entire definition of bedroom to the Planning Commission, which is:

- ***Bedroom***, is a room or space within a structure intended for sleeping. Requirements include:
 - (1) A minimum size of 70 sq. ft.; if more than one person occupies the room, there must be 50 sq. ft. per occupant.
 - (2) Access to a bathroom without crossing another bedroom.
 - (3) Every bedroom must have access to natural ventilation and have a permanent heat source.

- (4) Two means of egress: one that leads to the rest of the home without going through another bedroom and one that leads directly to the outside. If the outside egress is a window, it must be at least five-point seven square feet (5.7 sq. ft.) and can be no more than 44 inches from the room floor, unless there is a permanent step installed. It shall be illegal to have locking bars or grates covering an egress window.
- (5) Ceiling height must be no less than seven feet.

Commissioner Ashworth motioned to delete the last sentence of the proposed new section as follows, and was seconded by Commissioner Holloway.

Proposed Language to add in Section 4.14 (STRs) of the Cape Charles Zoning Ordinance UPDATE of Section Citation as of 12/29/2025 to Chapter 32, Article IV, Section 32-104

A property with a legal Accessory Dwelling Unit (ADU) in accordance with Article IV, Section 32-9 (j) may apply for only the primary dwelling unit or accessory dwelling use to receive an annual Short-Term Rental Zoning Permit; there will be no allowance for both dwelling structures to be utilized as a Short-Term Rental in the same calendar year. If the ADU is applying for an STR Zoning Permit, the requirements outlined in the STR Ordinance must be met to establish # of applicable bedrooms and occupancy for the STR. ~~The ADU is prohibited from the plus two occupancy allowance contained in Article IV, Section 32-104 (C) (5)~~

The motion was passed unanimously.

Commissioner Stramm then motioned to recommend to the Town Council the ZTA 2026-01 application to the Town Council as presented for CCZO Section 4.1 (j) (2) (a), now found in the Town Code at Chapter 32, Article IV, Section 32-91 (j) (2) (a), and for new section to add in Section 4.14 (STRs) of the Cape Charles Zoning Ordinance, now found in Town Code at Chapter 32, Article IV, Section 32-104 with the proposed deletion of the last sentence of "The ADU is prohibited from the plus two occupancy allowance contained in Article IV, Section 32-102 (C) (5). Commissioner Ashworth seconded, and the motion was approved unanimously.

Review and Adoption of 2026 Planning Commission Meeting Calendar

After recommending approval of the ZTA2026-01 to the Town Council, the Planning Commission reviewed its 2026 Meeting Calendar.

The Commissioners had no objections and approved the 2026 Meeting Calendar as presented.

Review of By-Laws

The Planning Commission then reviewed its bylaws. Chairman Stramm asked if anything changed or needed to be brought to attention. Zoning Compliance Officer Jack Steinmayer responded in the negative.

Standing Staff Reports

Ms. Nunez explained that the railroad and harbor master planning process is underway, and she hoped that the commissioners would be able to attend one of the two community engagement events on January 13th, 2026.

Motion to adjourn made by Commissioner Holloway, seconded by Commissioner McDonald. The motion was approved unanimously. The January 6th, 2026, Planning Commission Regular Meeting and Public Hearing adjourned at 7:32 pm.



Chairman Stramm



Zoning Compliance Officer

Gentry Public Comments

January 6, 2026

Dear Cape Charles Planning Commission,
Town Manager, and Town Council-

We are asking that the last line of the proposed text amendment be stricken-

“The ADU is prohibited from the plus two occupancy allowance contained in Section 4.14 (C) (5)”.

There is no “one size fits all” formula for ADU’s just as there isn’t for traditional homes in the Historic District. There are already guidelines in place to govern and enforce occupancy based on bedrooms and square footage for STR’s.

Thank you,
Greg and Emily Gentry
542 Jefferson Ave.

Simms Public Comments

FROM THE DESK OF:

Robin Simms

Town of Cape Charles

January 5, 2026

Dear Planning Commission / Zoning Board / Town Council Members,

I am writing to express serious concerns regarding the proposed restriction limiting accessory dwelling unit (ADU) occupancy to "plus two" residents or guests. This provision is unnecessary, overly restrictive, and appears to disproportionately target larger ADUs without a sound planning or regulatory basis.

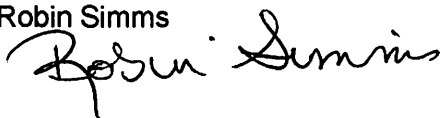
Occupancy levels are already appropriately governed through existing short-term rental (STR) ordinances, building codes, and life-safety regulations. These frameworks address guest limits, parking, noise, trash, and neighborhood impact in a comprehensive and enforceable manner. Introducing additional ADU-specific occupancy language is therefore redundant and superfluous.

More importantly, the "plus two" restriction does not account for the wide variation in ADU size, layout, or intended use. A well-designed, code-compliant ADU with adequate square footage, egress, and parking capacity should not be arbitrarily limited based solely on its classification as an ADU. This restriction effectively penalizes larger ADUs—those that are often designed to accommodate families or multigenerational living—without justification tied to health, safety, or infrastructure impacts.

If the intent of this policy is to regulate short-term rental activity, that objective is already addressed through existing STR ordinances. Singling out ADUs through additional occupancy limits conflates land use with rental behavior, results in inequitable treatment compared to primary dwellings of similar size and capacity, and undermines the broader goals of ADU policy, including housing flexibility, aging in place, and responsible expansion of housing options.

Respectfully,

Robin Simms



W. Scott Simms



401 Madison Ave.
Cape Charles, VA

Jones Public Comments

Good Evening.

My name is Sam Jones and my wife Julie and I live at 538 Monroe Avenue. Thank you for the opportunity to speak and for your service to the Town.

As you consider whether to allow Accessory Dwelling Units to be used for short-term rental, I ask that the following current zoning requirements remain in place:

1. As recommended, zoning language be added that only one STR can exist on a given property. That is, either the primary dwelling or the ADU may be used as a STR, but not both.
2. That all aspects of **Section 4.1 E Accessory Buildings** shall continue to apply. These generally relate to building location, setbacks, size, and height.
3. That under **Section 4.1 J Accessory Dwellings**, language allowing property owners to use an accessory dwelling unit for family and personal guests by right remains in place.
4. That parking requirements remain in compliance with **Section 4.5 B 3 Off-Street Parking and Loading Standards** which state that the minimum number of off-street parking spaces required by an ADU is one off-street space per unit.

As noted, other than adding language allowing only 1 STR on a property, these requirements are currently in place and require no action by the Commission or the Town Council. Of course, a more fundamental question is whether the Town needs additional STRs within its boundaries, or is the market now saturated.

Thank you again for the opportunity to comment.