

# Planning Commission

## Regular Meeting Agenda

Cape Charles Civic Center – 500 Tazewell Avenue

June 7, 2016

6:00 P.M.

1. Call to Order – Planning Commission Regular Meeting
  - a. Roll Call – Establish a quorum
2. Invocation and Pledge of Allegiance
3. Public Comments
4. Consent Agenda
  - a. Approval of Agenda Format
  - b. Approval of Minutes
  - c. Reports
5. Old Business
  - a. Draft text amendment on design and construction guidelines for new commercial development in the Commercial – 3 District as discussed in Article III Section 3.8.E
  - b. Draft text amendment on dog pens in the Residential – 1 District
6. New Business
  - a. Conditional use permit application for bed and breakfast with swimming pool at 530 Randolph Avenue
  - b. Request for Planning Commission consent with zoning administrator's determination on tea room as permitted use in the Commercial – Residential District
7. Announcements
8. Adjourn



**DRAFT**  
**PLANNING COMMISSION**  
**Regular Meeting**  
**Cape Charles Town Hall**  
**May 16, 2016**  
**6:00 p.m.**

At 6:00 p.m. Chairman Dennis McCoy, having established a quorum, called to order the Regular Meeting of the Planning Commission. In addition to Chairman McCoy, present were Vice Chairman Michael Strub, and Commissioners Andy Buchholz, Dan Burke, Sandra Salopek and Bill Stramm. Commissioner Joan Natali was not in attendance. Also in attendance were Town Planner Larry DiRe and Town Clerk Libby Hume. There was one member of the public in attendance.

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

**PUBLIC COMMENTS:**

There were no public comments to be heard nor any written comments submitted prior to the hearing.

**CONSENT AGENDA**

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

The Commissioners reviewed the minutes for the April 5, 2016 Planning Commission Regular Meeting.

**Motion made by Bill Stramm, seconded by Andy Buchholz, to approve the minutes from the April 5, 2016 Planning Commission Regular Meeting as presented. The motion was unanimously approved.**

**REPORTS**

Larry DiRe reported that the following: i) The U.S. Army Corps of Engineers issued a notice to proceed for the next phase of the federal harbor dredge project on April 27, 2016. The Town was expecting an update soon; ii) Two Wetlands and Coastal Dunes Board meeting were scheduled for June 1<sup>st</sup> and June 16<sup>th</sup> to discuss dune management practices; iii) Plans and a rendering were received for the next phase of the Strawberry Street Station with parking proposed behind the building. Phase 2 mirrored Phase 1; and iv) The Kellogg building was getting some interest from an out-of-town developer.

There was much discussion regarding the comprehensive plan process.

**OLD BUSINESS**

A. *Follow-up to April Discussion of Dog Beach.*

No conclusion was reached at the April meeting regarding the possibility of a dog beach. Discussion continued as follows: i) Larry DiRe stated that there was no more liability to the Town than other public property and added that Virginia did not have any breed-specific legislation; ii) The Commission agreed that there did not seem to be much support for a dog

beach but the Town could consider the possibility of a dog park. A lot of dog-friendly people came to town and would be happy with a dog beach but others would complain. Also, it was felt that the beach wasn't big enough for a designated area which could be closed off from the main portion of the beach; iii) The possibility of changing the timeframe prohibiting dogs on the beach from April 1 through Labor Day to Memorial Day to Labor Day. The times could be changed during the week to allow dogs on the beach after 7:00 p.m. and keep it at 9:00 p.m. for weekends. Libby Hume stated that in early 2015, Council formed a citizen committee to review the issues with dogs on the beach. They had recommended a time change to 10:00 a.m. to 7:00 p.m. from Memorial Day to Labor Day and the Town Council decided to keep the current times; and iv) The Commission asked Libby Hume to publish something in the Gazette asking for public opinion regarding dates and times to allow dogs on the beach.

**B. Dog Pens in the Residential – 1 District.**

The Commissioners discussed comments received at the March Planning Commission meeting regarding dogs kept in pens in poor conditions at a number of houses in town. At the March meeting, a photo was provided by a citizen showing a dog in a pen standing in muddy water. Ordinances from the City of Suffolk were reviewed. There was much discussion as follows: i) Northampton County Animal Control officers had visited this site and could not do anything since no laws were broken; ii) This particular house was vacant and the dog owner was given permission from a third party living across the street from the property. There were no ordinances regarding storing dogs on someone else's property; iii) The Town's tethering ordinance was discussed and some of the Commissioners felt that the current law was too lenient since it allowed for a dog to be tethered up to 12 hours in a 24 hour period. Some other localities limited the time to an hour; iv) The dogs wake people in neighboring houses up in the middle of the night barking. This could possibly be enforced as a nuisance or under a noise ordinance; v) The Town could require that the owner(s) of a dog(s) kept in a pen had to live on the property; vi) This dog pen was actually a shed surrounded by a chain-link fence. It was unknown whether the owner obtained a zoning clearance for the fence; and vii) The issue of mosquitos was discussed as well since water would stand in the area and the photo depicted the dog standing in the water.

The Commissioners asked Larry DiRe to draft language for review at the June meeting to include: a definition, standards for acceptable construction and maintenance of a pen, the issue of interior fencing, the requirement that the dog owner live on the property, etc. The Commissioners also asked that tethering ordinances from other localities be reviewed to possibly strengthen the Town's current tethering ordinance; and suggested that a resident from the neighboring property be invited to the next Planning Commission meeting to discuss their issues regarding living next door to this vacant property.

**NEW BUSINESS**

**A. Commercial-3 District Construction-Design Guidelines as Discussed in Article II Section 3.6.F.1.e.**

Larry DiRe explained that the Commercial-3 (C-3) District covered the lots on the south side of Stone Road coming into Town and currently had no development. Some trees had recently been taken down for future development. The ordinance required a review body for plans in the C-3 District. The Town Council reviewed this issue at their March meeting and designated the Historic District Review Board (HDRB) as the review body for the C-3 District since a number of lots overlapped with the Historic District. Currently, there were no guidelines for the C-3 District. Council directed staff to bring the issue to the Planning Commission for study and recommendation to Council.

The Commission reviewed Zoning Ordinance Article III, Sections 3.6.F.1.e, 3.8.E, and 3.8.F. of the Zoning Ordinance pertaining to regulations in the Commercial-1 District.

After much discussion, the Commissioners asked Larry DiRe to draft language extending the HDRB's purview to include the C-3 District.

**ANNOUNCEMENTS**

There were no announcements.

**Motion made by Dan Burke, seconded by Bill Stramm, to adjourn the Planning Commission Regular Meeting. The motion was approved by unanimous vote.**

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Chairman Dennis McCoy

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Town Clerk

DRAFT

# Planning Commission Staff Report

From: Larry DiRe   
Date: June 7, 2016  
Item: 4c-Staff Report  
Attachments: None

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1. No update on the project approved under a conditional use permit for 207 Mason Avenue.
2. The Historic District Review Board received no applications for Certificate of Appropriateness at their May 17<sup>th</sup> regular monthly meeting. They did review the full draft revisions to the Historic District Guidelines document and are studying recommending exterior paint color palettes for use in the historic district.
3. The increase in inquiries about potential commercial development in both the Commercial and Harbor Districts noted last month has continued this month, but at a slower rate.
4. Construction on the next phase of the community trail project along Peach Street and Washington Avenue was scheduled to begin on Tuesday May 31<sup>st</sup>.
5. The USACE and Town have been discussing the next phase of the federal harbor dredge project.
6. The 2016 Planning Commission Annual Report first six months update will be delivered to the Commissioners at the July 5<sup>th</sup> meeting.
7. The Wetlands and Coastal Dunes Board will meet on Wednesday June 1<sup>st</sup> (4:00 pm) and Wednesday June 15<sup>th</sup> (6:00 pm) to discuss beach sand and dune management practices.
8. The Board of Zoning Appeals received an application for variance for off-street parking requirements at lot 83A3-A-7 parcel A (southside 200 block of Mason Avenue\old Be-Lo supermarket), and scheduled a public hearing and meeting for Wednesday June 15<sup>th</sup> at 10:00 am.

# Planning Commission Staff Report

From: Larry DiRe   
Date: June 7, 2016  
Item: 5a – Draft text amendment on design and construction guidelines for new commercial development in the Commercial – 3 District as discussed in Article III Section 3.8.E  
Attachments: None

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## Item Specifics

Following the discussion at the May 16<sup>th</sup> meeting, staff is presenting draft text amendment language for zoning ordinance Article III Section 3.8.E. That section currently reads as follows:

*Article III Section 3.8.E (page 22) “Development standard Section 3.6 F (1)e, Materials, shall apply.”*

There are several lots within the Commercial – 3 District that are also within the footprint of the historic district overlay. Most Commercial -3 District parcels are outside of that overlay. These lots are not currently under the same design and construction guidelines base on location. The following draft text amendment is proposed to bring conformity to the district. The draft text amendment reads as follows:

### **Section 3.8.E**

*All new development shall conform to the commercial design and construction standards required for commercial development within the Town’s historic district overlay.*

## Discussion

The proposed draft text amendment to the above cited section is presented for review and comment. Should the Planning Commission find the language acceptable or revise such language and approve recommendation for amendment to the Town Council, a public hearing will be required. There is currently no plan review or building permits for pending commercial development in this district.

## Recommendation

Following discussion provide direction to staff.

# Planning Commission Staff Report

From: Larry DiRe   
Date: June 7, 2016  
Item: 5b- Draft text amendment on dog pens in the Residential – 1 District  
Attachments: None

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## Item Specifics

For the past several months the Planning Commission has been reviewing the issue of dog enclosures (for the purpose of this report “pens”) within the residential areas of Cape Charles. Last month the Commissioners reviewed ordinance language from the City of Suffolk. Concern over the condition of domestic dogs left in outdoor pens has been raised by residents on several occasions. Following the May 16<sup>th</sup> meeting staff was tasked with developing draft language on this issue. Staff is proposing the following draft text amendments to zoning ordinance Article II Section 2.9 (definitions) and Article III Section 3.2.B.8:

### **Section 2.9**

*Dog pen means any structure used to enclose and confine domestic canines outside of the principal building or structure on a lot. Pens shall be located only in the rear yard and in accordance with the Town’s zoning regulations. Pens shall be designed to provide the canines with shelter from the elements of nature, and constructed in such a manner as not to cause injury to the animal or interfere with movement, vision or respiration. Pens shall be in a clean, dry, and sanitary condition at all times. Animal waste shall not be allowed to accumulate.*

### **Section 3.2.B.8**

*Dog pens.*

## Discussion

The proposed draft text amendment to the above cited sections is presented for review and comment. Should the Planning Commission find the language acceptable or revise such language and approve recommendation for amendment to the Town Council, a public hearing will be required. The process to finally amend the zoning ordinance is several more months in the making.

## Recommendation

Following discussion provide direction to staff.

# Planning Commission Staff Report

From: Larry DiRe   
Date: June 7, 2016  
Item: 6a- Conditional use permit application for a bed and breakfast with swimming pool at 530 Randolph Avenue  
Attachments: May 2016 application form, photos

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## Item Specifics

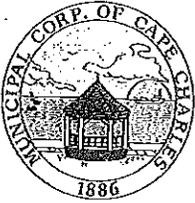
Staff received an application for a conditional use permit to operate a bed and breakfast with swimming pool at 530 Randolph Avenue. According to zoning ordinance Article III, Section 3.2.C.3 a bed and breakfast operation is by conditional use permit only in the Residential – 1 District. This property is a residential lot within the Residential – 1 District. The location for the proposed bed and breakfast with swimming pool is large and can accommodate both the pool and the off-street parking. The property backs against lots in the Commercial – Residential District, which allows for bed and breakfast accommodations as a permitted use. Following discussions with staff, the applicant is aware of the fencing and safety requirements for a pool located on a residential lot. The attached photos and drawings show the availability of space at this particular location to accommodate setback and parking. Procedural requirements for issuing a conditional use permit are found in the zoning ordinance Article IV, Section 4.3.C.

## Discussion

Staff finds the application in order. The applicant must meet all procedural obligations before approval can be given to being the bed and breakfast operation at this location.

## Recommendation

Staff recommends that the Planning Commission review the application and set a public hearing date for this conditional use permit application.



Application for Conditional Use Permit

Town of Cape Charles
2 Plum Street
Cape Charles, VA 23310
757-331-2036 Fax: 757-331-4820
planner@capecharles.org

Date 05/25/2016
\*(Attach Plans)

Fee: \$300.00 (paid)

Applicant: Kathleen M Glaser
Address: 530 Randolph Ave
Telephone: 757-274-1589
Signature:
City: Cape Charles State: Zip: 23310
Email: kathyglaser@hotmail.com

Owner(s): Kathleen M Glaser
Address: 530 Randolph Ave
Telephone: 757-274-1589
City: Cape Charles State: Zip: 23310
Email: kathyglaser@hotmail.com

Contractor:
Address:
Telephone:
Town License: State License:

Location of Improvement: 530 Randolph Ave
Lot No.: Block No.: Lot Size: Lot Area:
Type of Improvement:
Proposed Use: Bed and Breakfast
Estimated Construction Costs:

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Conditional Use Permit Checklist
(Applicant must attach items 1-7)

- 1. [x] completed application
2. [x] payment of fees (\$300.00 + \$25.00 per acre)
3. [x] letter of application stating in general terms: (a) the proposed use of the property, (b) the effect of the changes on the surrounding area, and (c) the reason for the request
4. [x] concept plan (see attached information for recommended contents)
5. [x] plot plan of property
6. [ ] disclosure statement signed and notarized verifying ownership
7. [x] names and addresses of adjacent property owners
8. [x] Zoning Administrator's review of documentation

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CERTIFICATION OF APPLICANT

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

Signature of Owner/Agent: Kathleen M Glaser

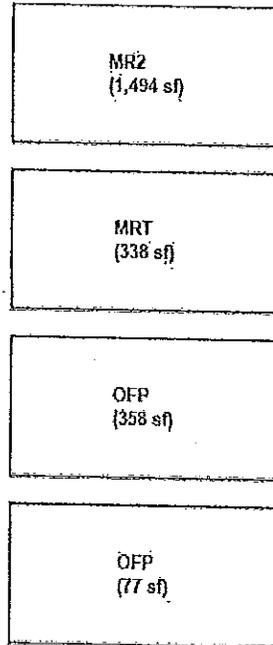


**Building 1 : Section 1**

**Year Built:** 1920  
**Living Area:** 0

**Building Layout**

Building Attributes	
Field	Description
STYLE	Mortuary
MODEL	Com/Ind
Grade	C+10
Stories	2
Exterior Wall 2	
Exterior Wall 3	
Foundation 1	Brick
Foundation 2	
Roof Structure 1	Hip
Roof Cover 1	Composition Shingle
Roof Cover 2	
Interior Wall 1	Dry Wall
Interior Wall 2	Panel
Class	CONVENTIONAL
Bldg Use	Comm - Indl
AC Type 1	Central Air
AC Typ 2	Central Heat
Heat Fuel 1	Electric
Heat Fuel 2	
Sand Shower	
Interior Floor 1	Carpet
Exterior Wall 1	Vinyl
Interior Floor 2	Hardwood
Interior Floor 3	
Heat Type 1	Central Heat
Wall Height	
Fireplace Openings	0.00



Building Sub-Areas (sq ft)			Legend	
Code	Description	Gross Area	Living Area	
MR2	Mortuary - 2.00	1,494	0	
MRT	Mortuary - 1.00	338	0	
OFP	Open Frame Porch - 1.00	435	0	
		2,267	0	

**Extra Features**

Extra Features					Legend	
Code	Description	Size	Value	Assessed Value	Bldg #	
BSM2	CELLAR	100.00 UNITS	\$500	\$500	1	
ATTC	ATTIC	373.00 UNITS	\$3,000	\$3,000	1	
CHMY	CHIMNEY	1.00 UNITS	\$200	\$200	1	

**Land**

**Land Use**

Use Code 400C  
 Description Comm - Indl  
 Zone  
 Alt Land Appr No

**Land Line Valuation**

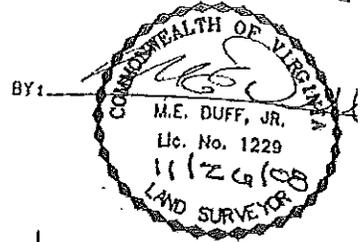
Size (Acres) 1  
 Frontage

**Outbuildings**

Outbuildings							Legend
Code	Description	Sub Code	Sub Description	Size	Value	Assessed Value	Bldg #
STOR	STORAGE	TY	TYPICAL	1220.00 UNITS	\$8,000	\$8,000	1

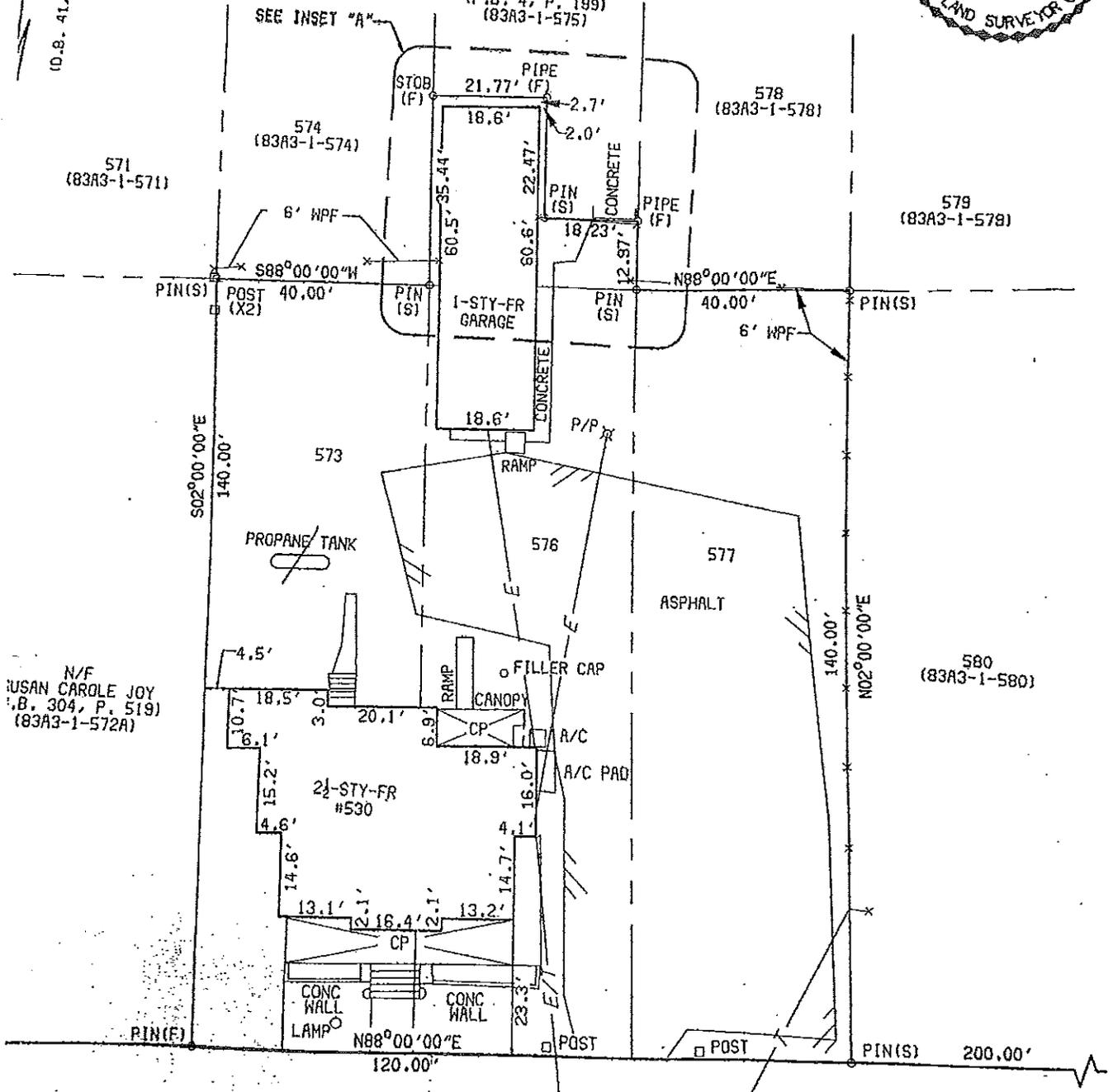
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EXISTENT SHORE SURVEY



(D.B. 41, P. 483-485 INCL.)

N/F  
MYRTLE G. BECKETT  
LARRY T. BECKETT  
(D.B. 224, P. 828)  
(P.B. 4, P. 199)  
(83A3-1-575)



N/F  
SUSAN CAROLE JOY  
(D.B. 304, P. 519)  
(83A3-1-572A)

RANDOLPH (70' R/W) AVENUE

Kathleen Glaser  
530 Randolph Ave  
Cape Charles, VA 23310  
[kathyglaser@hotmail.com](mailto:kathyglaser@hotmail.com)  
757-274-1589

May 25, 2016

To whom it may concern,

This letter is to explain the proposed use for the property at 530 Randolph Avenue in Cape Charles. The property includes a 4000 square foot, 3 story home along with a 1.5 single story garage. The property is on 3 lots (#573, 576, and 577) with the house centered on two of the lots and the third lot empty. The garage is detached and is at the rear of the property.

The planned use is for the home to become a Bed and Breakfast doing business as Alyssa House Bed and Breakfast. It will have 4 bedrooms with 4 baths on the second floor. The ground floor will have a possible 5 bedroom that could accommodate someone unable to use the stairs. There is a full bath off the first floor room. The third floor would be owner's residence and I plan to live on site.

The yard is enclosed with a 3 foot fence in front and 5 foot in the rear. There will be a hot tub in the back yard that is portable and could be moved. The future plan includes the addition of a swimming pool that will conform to all building codes and an additional fence will enclose the pool. There will be access from the house and all doors will be alarmed.

I plan to serve full breakfast only and afternoon snacks and beverages. The kitchen will receive all inspections and permits required by health code.

There will be adequate off street parking for 5 cars on the side lot. Landscaping will be done to camouflage the parking area.

There will be no change to the outside of the structure or surrounding lots other than landscaping. There should be minimal traffic impact.

Adjacent property owners:

520 Randolph Ave – Mrs. Jackie Barton

Randolph Ave –

521 Mason Ave – Jay Crystal, 18227 Brighton Green, Dallas, TX 75252

525 Mason Ave – Myrtle and Larry Beckett, 829 Heritage Acres Ct., Apt 4.

529 Mason Ave – Garrison and Elizabeth Brown, PO Box 567, Eastville, VA 23347







DAVIS  
DISPOSAL  
757-442-7979





# Planning Commission Staff Report

**From:** Larry DiRe   
**Date:** June 7, 2016  
**Item:** 6b- Request for Planning Commission consent with zoning administrator's determination on tea room as a permitted use in the Commercial –Residential District (439 Mason Avenue)  
**Attachments:** Plot plan, photos

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## Item Specifics

As recently amended, the zoning administrator may allow certain uses not specifically enumerated with certain zoning districts as permitted uses if that use is found to generally conform to the zoning district's intent and if the Planning Commission provides review of and consent with the zoning administrator's determination. Staff received a request for a determination on a request to operate a commercial tea room at 439 Mason Avenue. That lot is a small (approximately 3,505 square feet), corner lot within the Commercial – Residential District. For several decades the lot has been used as a residential lot, which is the current site of a small 1970s vinyl-clad ranch-style cottage. The zoning administrator's determination to allow the tea room operation is based on the following conditions: first, the scale of the lot and the footprint of the building work against the proposed tea room having more than perhaps a dozen occupants at a time (no more than would be expected at many of the permitted uses); second, the lot has no curb cut and could not have a curb cut given the closeness of the structure to the lot lines; third, the off-street parking requirement could likewise not be met and not having on-site parking will by necessity limit the number of patrons (this will require a variance from the Board of Zoning Appeals before a business license can be issued); fourth, absent a commercial entrance the ability to have commercial deliveries is curtailed and the only place likely for commercial delivery trucks to park is on Mason Avenue (given the rest of the 400 block of Mason is Commercial - 1 District it should be expected that Mason Avenue is a commercial delivery street); sixth, each adjoining lot is zoned commercial and the predominantly residential properties in the Commercial - Residential District are separated from this lot by the large institutional parcel of 2 Plum Street.

In the interest of full disclosure, the zoning administrator was a rent-paying tenant of this property for the period of February 2015 through March 2016.

## Discussion

Staff requests Planning Commission review and consent. Should the Planning Commission not grant consent with the zoning administrator's determination, such commercial operation may only proceed through the conditional use permit application process that applies to several other eating and drinking type uses with the Commercial – Residential District.

## Recommendation

Provide direction to staff.

# Northampton County, Virginia

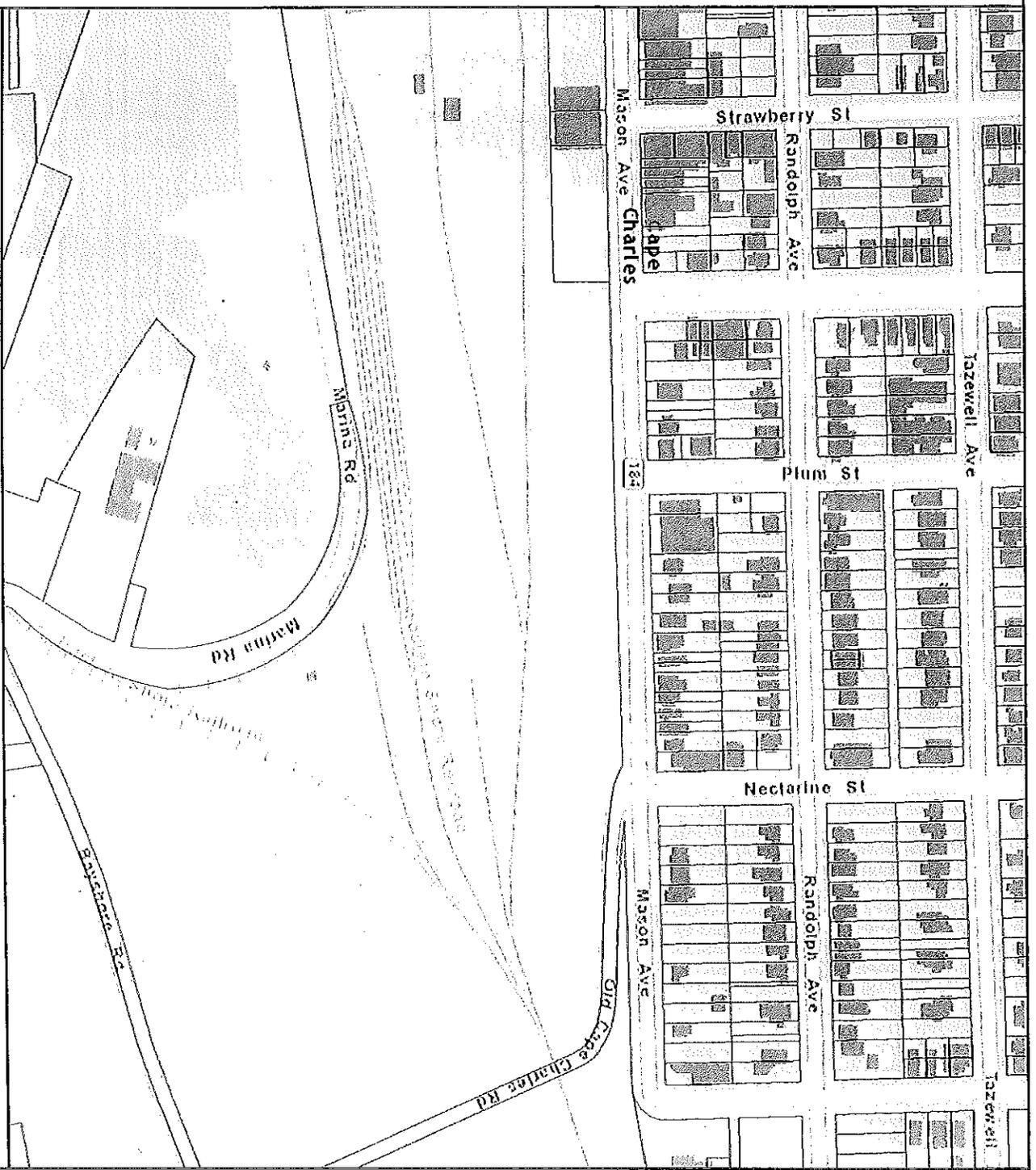
- Legend**
-  Parcels
  -  Building Footprints

Map Printed from Northampton  
<http://northampton.mapsdirect.net/>

Feet

0 100 200 300 400

1:4,514 / 1"=376 Feet



**Title: Parcels**

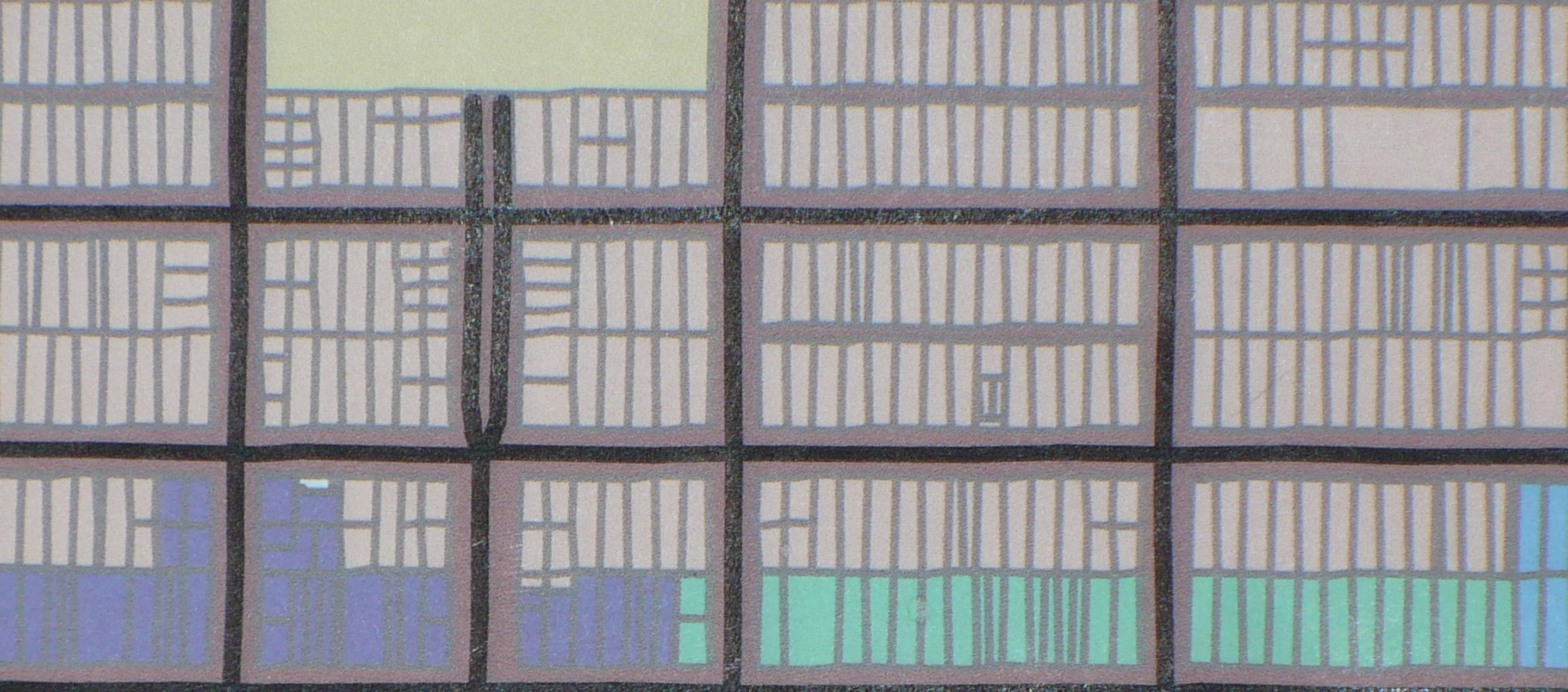
*DISCLAIMER: This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. The information displayed is a compilation of records information, and data obtained from various sources, and Northampton County is not responsible for its accuracy or how current it may be.*

**Date: 5/30/2016**



439





49

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51

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