



**PLANNING COMMISSION**  
**Public Hearing & Regular Meeting**  
**Cape Charles Civic Center**  
**November 5, 2019**  
**6:00 p.m.**

At 6:00 p.m., Chairman Bill Stramm, having established a quorum, called to order the Public Hearing and Regular Meeting of the Planning Commission. In addition to Chairman Stramm, present were Commissioners Diane D'Amico, Paul Grossman, Jim Holloway, Dennis McCoy and Michael Strub. Sandra Salopek was not in attendance. Also, in attendance were Town Planner Zach Ponds, Deputy Clerk Tracy Outten and the applicants. There were two members of the public in attendance.

**PUBLIC HEARING PUBLIC COMMENTS:**

Bill Stramm read the Notice of Public Hearings and opened the floor for comments.

*Andrew Follmer, 300 Mason Avenue*

Mr. Follmer gave his support for the project at 316B Mason Avenue and added he thought that this type of development was a wonderful idea.

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

**Motion made by Paul Grossman, seconded by Dennis McCoy, to close the public hearing portion of the Planning Commission meeting at 6:10 p.m. The motion was approved by unanimous vote.**

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 meeting.

**CONSENT AGENDA**

Bill Stramm said the November elections for the Chair and Vice-Chair were not on the agenda and needed to be added under New Business.

**Motion made by Michael Strub, seconded by Dennis McCoy, to approve the agenda format as amended adding item B. Election of Chair and Vice-Chairman under New Business. The motion was approved by unanimous vote.**

The Commissioners reviewed the minutes from the October 1, 2019 Planning Commission Public Hearing and Regular Meeting and the minutes from the October 21, 2019 Planning Commission Work Session.

**Motion made by Paul Grossman, seconded by Jim Holloway, to approve the minutes from the minutes from the October 1, 2019 Planning Commission Public Hearing and Regular Meeting and the October 21, 2019 Planning Commission Work Session as presented. The motion was approved by unanimous vote.**

**REPORTS**

Zach Ponds reported that approximately 150 Comprehensive Plan surveys have been completed.

## **UNFINISHED BUSINESS**

### **A. *Comprehensive Plan Update***

Bill Stramm stated the following: (i) the staff report was good; (ii) the next work session was scheduled for November 18, 2019 and would start at 3:00 p.m. in the Cape Charles Civic Center; (iii) everyone knew what they should be working on; and (iv) doing a word search for your topic within the Comprehensive Plan was helpful.

Dennis McCoy informed the commissioners that he could not make the next work session but would email his updates to Tracy Outten for distribution.

Michael Strub asked about the survey results. Bill Stramm responded he would like a summary of the results that had been received at the December meeting, if possible. Zach Ponds and Tracy Outten would work on this.

### **B. *Conditional Use Permit allow a residential dwelling unit above a commercial use in the C-1 zoning district at 316B Mason Avenue – Review and Make Recommendation to Town Council.***

Bill Stramm said this conditional use permit was discussed last month and asked if anyone had any additional questions.

Discussion was as follows: (i) Diane D'Amico wanted to make sure that the office space was going to be used as an office and not a studio where the work would be shown. Edward Tebele, the tenant, responded that the space would not be used as a showroom; and (ii) Bill Stramm asked if more than one entrance was needed. Zach Ponds answered that the code would be followed.

**Motion made by Paul Grossman, seconded by Diane D'Amico, to recommend Town Council approval of the Conditional Use Permit to allow a residential dwelling unit above a commercial use in the C-1 zoning district at 316B Mason Avenue. The motion was approved by unanimous vote.**

### **C. *Conditional Use Permit to allow an accessory dwelling unit at 501 Tazewell Avenue – Review and Make Recommendations to Town Council.***

Bill Stramm stated this conditional use permit was reviewed last month and added that it was a shed that was going to be converted into a one-bedroom accessory dwelling unit and had adequate parking.

Diane D'Amico asked if it made sense to only have access through the storage area. Zach Ponds said, as previously discussed, this was an accessory to an accessory structure, and nothing stated that this could not be done. Diane D'Amico said this needed to be looked at for future changes. Dennis McCoy said only what was in place at this time could be enforced.

There was some discussion on the definition of an accessory dwelling unit. Diane D'Amico asked if the town council understood what they were approving. Paul Grossman responded yes.

**Motion made by Paul Grossman, seconded by Dennis McCoy, to recommend Town Council approval of the conditional use permit to allow an accessory dwelling unit at 501 Tazewell Avenue. The motion was approved by unanimous vote.**

### **D. *Proposed Text Amendments to Zoning Ordinance Article II, Section 2.9, adding two definitions – Review and Make Recommendations to Town Council.***

Bill Stramm said the two definitions that had been discussed were hardship and variance. Discussion was as follows: (i) Paul Grossman did not think the definition for variance should change and wanted to know the reason for condensing down the current definition. Zach Ponds explained that the definition would be simplified; (ii) Diane D'Amico liked when

definitions were as distinct as possible; (iii) Zach Ponds said hardship did need to be defined; and (iv) Mike Strub thought that being strict implied there were rules. Zach Ponds added that the criteria had to be met.

**Motion made by Diane D’Amico, seconded by Jim Holloway, to recommend Town Council approval of the proposed text amendments to Town Zoning Ordinance Article II, Section 2.9, adding definitions for hardship and variance. The motion was approved by unanimous vote.**

E. *Proposed Text Amendments to Zoning Ordinance Article IV, Section 4.5 and Section 4.6 – Review.*

Zach Ponds read through each section.

Discussion on the proposed text amendments to Article IV, Section 4.5.C Shared Parking was as follows: (i) Paul Grossman said there would be two options; and (ii) Diane D’Amico said this was essentially for new construction; yes.

Discussion on the proposed text amendments to Article IV, Section 4.5.J Landscaping in parking lots was as follows: (i) Diane D’Amico wanted to know how close Patrick Hand’s parking lots were to meeting this ordinance. Zach Ponds responded not at all; (ii) Zach Ponds said a good example of a landscaped parking lot was in Bay Creek and added the goal was to expand walkability; (iii) Dennis McCoy stated that it would downsize parking spaces but was more pedestrian friendly; (iv) Some discussion on the jurisdiction of the Department of Environmental Quality ensued; and (v) Zach Ponds mentioned that the town did not have to follow the zoning ordinance. Bill Stramm agreed.

Discussion on the proposed text amendments to Article IV, Section 4.5.K Access Management was as follows: (i) Bill Stramm asked if this dealt with the entrance and exit; yes; and (ii) Paul Grossman said one of the approvals tonight was for access to the rear of the building. Zach Ponds explained that was not what the ordinance was talking about.

Discussion on the proposed text amendments to Article IV, Section 4.5.L Provisions for off-street loading was as follows: (i) Zach Ponds had already talked to the business owners about the time frame and they were okay with it; and (ii) Paul Grossman said to make sure pervious pavers were added to Article IV, Section 4.5.L.1.c.

Discussion on the proposed text amendments to Article IV, Section 4.5.M Dumpsters was as follows: (i) Diane D’Amico said was a gate required; yes; (ii) Diane D’Amico asked if there was a way to put a time frame on how long a dumpster could be at the construction site. There was much discussion about what time frame could be given and actions that could be taken if the dumpster was considered abandoned; and (iii) Zach Ponds would switch Section 4.5.M.6 and Section 4.5.M.7.

Zach Ponds informed the Commissioners that he would be presenting the proposed text amendments at the Town Council Regular Meeting on November 21, 2019.

**NEW BUSINESS**

A. *Appointment of a Planning Commission Representative to the Historic District Review Board.*

Bill Stramm asked if anyone was interested in serving on the Historic District Review Board. Paul Grossman mentioned Sandra Salopek was not present to ask. Bill Stramm decided to defer the appointment until the December meeting.

B. *Election of Chair and Vice-Chair.*

Bill Stramm stated that annual the election of the chair and vice-chair were held in November.

Paul Grossman nominated Bill Stramm for chairman.

**Motion made by Paul Grossman, seconded by Jim Holloway, to elect Bill Stramm as the Chair for the Planning Commission. The motion was approved by unanimous vote.**

The election of the vice-chair would be postponed until December when current Vice-Chairwoman Sandra Salopek was present.

**OTHER BUSINESS**

There was no other business.

**ANNOUNCEMENTS**

- Bill Stramm said Bay Creek had been sold.

**Motion made by Paul Grossman, seconded by Jim Holloway, to adjourn the Planning Commission Public Hearing and Regular Meeting. The motion was approved by unanimous vote.**

The meeting adjourned at 7:20 p.m.

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Chairman Bill Stramm

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Deputy Clerk