



*Municipal Corporation of Cape Charles*

**MONTHLY REPORT**

Katie H. Nunez, Planning/Zoning Administrator

This monthly report encompasses the months of December 2025  
& January, February, March 2026

**A. SUBDIVISION AGENT:**

1. 614 Peach – Lot Line Vacation - approved
2. Approved revised Preliminary Plat for Village F-1 (originally submitted and approved for 77 single family dwelling lots) – now amended as follows:
  - 67 single family dwelling lots; 1 parcel with 5 condominium buildings - each building will be 65 ft tall and consist of 5 stories with 1<sup>st</sup> story for parking and the remaining 4 stories will house two units per floor for a total of 40 condominium residential dwellings; said approval is contingent on revised submission of construction drawings regarding revised road serving the condominium buildings to accommodate increased fire response lanes & fire hydrants and reworked parking area in front of condo buildings. The total number of units for Village F-is now at 107 dwelling units.
  - Approved Preliminary Plat for Fairways Section II, Phases 4-7 and Section III, Phase 2 (The Commons – Lots 29A-29D & 32A-32D)
  - Approved Recombination Final Plat for Fairways Parcel P-1A (The Commons, Lots 7A-7C)

**B. BOARD OF ZONING APPEALS - CODE OF VIRGINIA SECTION 15.2-2310**

1. A public hearing was held on October 14th, 2025, at 10:00 am regarding an application from Martin Mayer for a variance from Article 3 Section 3.2 of the Cape Charles Zoning Ordinance to allow for a rear deck to extend 1.5' into the side setback and 5' into the rear setback. Said application was approved by the BZA.
2. A public hearing was held on December 9, 2025, @ 10:00 a.m. regarding an appeal on a Zoning Determination letter denying an STR on a houseboat in the harbor. Said appeal was denied and the BZA upheld the Zoning Determination letter.
3. A public hearing will be held on April 14th, 2026, @ 9:00 a.m., to discuss an exception to the Chesapeake Bay Act Application at 165 Sunset Blvd.

**C. HARBOR DEVELOPMENT CERTIFICATES:** No applications were filed.

- D. WETLANDS and COASTAL SAND DUNE BOARD:** At the January 21<sup>st</sup>, 2026, Wetlands and Coastal Dune Board Public Hearing and Regular Meeting, the Board heard an application from the Bay Creek at Cape Charles Community Association to construct an aquatic barrier to deter aquatic vegetation floating in the Chesapeake Bay from coming ashore on the North Beach of Bay Creek.
- After discussion, the Wetlands and Coastal Dune Board voted to table the application until Town Staff had received input from both VMRC and VIMS on whether this was within the Board's jurisdiction or not.

**E. TOWN COUNCIL:** A work session is scheduled with Town Council and staff on Thursday, April 9, 2026 regarding several proposed zoning text amendments that staff has developed for Town Council consideration to determine if they wish to accept these as Zoning Text Amendment applications for public hearing. They are as follows:

- Revisions to Article VIII (Historic District Overlay Ordinance) and new Appendix G to the Historic District Guidelines re: Routine Maintenance Work, Minor Work and Major Work and the level of review required (none vs. Zoning Administrator review vs. HDRB review)
- Development of a draft Food Mobile Vendor Zoning Ordinance
- Revisions to the Short Term Rental Zoning Ordinance
- Development of a Special Events Policy and possible zoning ordinance amendment.
- Development of a Peddler's License Town Code or Zoning Ordinance amendment.

**F. CHESAPEAKE BAY PRESERVATION ACT – DEQ COMPLIANCE REVIEW AND CORRECTIVE ACTION AGREEMENT**

As I have reported to you previously, the Town was the first locality that VA Dept of Environmental Quality (DEQ) selected to resume the five-year review of CBPA Compliance; said review commenced in the summer 2024 and has been ongoing since. As a result of their initial review, DEQ staff identified several deficiencies of non-compliance and developed a Corrective Action Agreement which the Town initially executed in August 2025 and subsequently amended it to March 2026 (Attachment A).

**While we have been making progress on most items and will achieve compliance and completion on the majority of the deficiency items by the end of April 2026 (Attachment B), there is one item that I have not been able to focus on and am requesting assistance from the Planning Commission to either appoint a subcommittee or have the entire Commission commit to working on addressing this item with the intent to bring us into compliance with state law.** The specific item is:

**Deficiency #4 - Comprehensive Plan**

*As required by 9VAC25-830-170 of the Regulations, the Town of Cape Charles must amend its comprehensive plan to include mapping of the location of designated Chesapeake Bay Preservation Areas, shoreline and streambank erosion problems, and existing and potential water pollution sources. The Town must also develop implementation measures (such as goals, objectives, and action strategies) and a time frame for accomplishment of the implementation measures.*

Regarding the mapping of the CBPA, specifically the Resource Protection Areas (RPA) and Resource Management Areas (RMA), I have reached an agreement with Northampton County to cooperatively share their GIS Services and am working with their vendor to develop multiple "Cape Charles" specific mapping layers, which include our zoning layers, subdivision layers, sidewalk layers, conditional use permits and variances approved "designation" layer, Historic District Overlay layer including designation of Contributing Structures by property within the Historic District, and the mapping and designation of RPA and RMA based upon the proposed revisions to the CBPA Zoning Ordinance Overlay which the Town is hopefully adopting in April 2026.

There may be additional layers we should consider as a result of our Comp Plan chapter on Environmental Conditions, such as: shoreline erosion, oyster and clam bed locations, water access points for both boaters and swimmers.

Most importantly, the State is desirous of the Town attaching projected timeframes of implementation and/or completion on the goals and objectives that we have identified for this topic.

To that end, I have attached the Comprehensive Plan components addressing the Environmental Chapter as part of this discussion (Attachment C).