

Planning Commission
Work Session
Cape Charles Civic Center
September 22nd, 2025

At 6:00 p.m., having established a quorum, Chairman Bill Stramm called to order the Planning Commission Work Session. In addition to Chairman Stramm, present were Commissioners Ashworth, Newmann, McDonald, and Wright. Commissioner Holloway was not in attendance.

Also in attendance were Director of Planning/Zoning Administrator Katie Nunez and Zoning Compliance Officer Jack Steinmayer.

There were 2 members of the public in attendance.

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

Consent Agenda

Motion made by Chairman Stramm to approve the Consent Agenda as presented. The motion was approved by common consent.

New Business – Discussion of Zoning Text Amendment

- A. *Discussion about the Accessory Dwelling Unit (ADU) Ordinance and whether it should be expanded to allow Short-Term Rentals (either by-right or by Conditional Use Permit), pursuant to a request forwarded by the Town Council that was received by the Historic District Civic League.*

Ms. Nunez gave a quick summary of the reasoning behind holding this conversation as a work session instead of a regular meeting, as it was more informal. After explaining why, the Planning Commission was holding a work session, Ms. Nunez then went over a table that included the current Accessory Dwelling Units within the Historic District and what they were currently being used for. This is not to say that every ADU was on the list at the time of the meeting.

After explaining all of this information, Ms. Nunez summarized the staff report for the Planning Commission.

Once she finished summarizing the staff report, Ms. Nunez opened the floor for the Planning Commissioners to discuss the proposed Zoning Text Amendment (ZTA).

Commissioner Newmann wanted to know what gives something the ADU distinction. Ms. Nunez explained that Accessory Structures are allowed by-right in the Historic District and that there is a process to get those approved. However, until 2018, the Zoning Ordinance had no provisions to define an Accessory Dwelling Unit, explain what it meant, or set criteria for its evaluation. Commissioner Newmann then asked what was needed in an Accessory Structure to classify it as an ADU. Ms. Nunez then read the ordinance requirements, which were as follows:

- Accessory Dwellings shall have one kitchen and one bathroom;
- Accessory Dwellings shall not have the appearance of a single-family dwelling; and,
- Accessory Dwellings shall not exceed 45% of the floor area of the main building

Commissioner Wright then asked what it means for an ADU not to have the appearance of a single-family dwelling. Ms. Nunez explained that on the lot, the Accessory Structure should be proportionate to the main dwelling and should have a distinct appearance that separates it from the main dwelling.

Commissioner McDonald asked Ms. Nunez if someone had a garage with a little apartment-style room overtop, was that something that was allowed? Ms. Nunez explained that when she first came on, she had to bring in the Building Official during the review of the ADU Ordinance and the standards of the Building Code that had to be adhered to. Just because you place a bed somewhere in the room does not qualify it for a dwelling. Ms. Nunez then explained that after another round of revisions to the ADU Ordinance in 2022, they removed the “bedroom” phrasing and replaced it with “sleeping area” and added “kitchen.”

Commissioner Stramm then made Town Staff aware that 409 Tazewell had an Accessory Dwelling that was not on the list.

Claudette Lajoie from the Cape Charles Historic District Civic League wanted to clarify that the Zoning Text Amendment intended to allow property owners of Cape Charles to utilize their ADUs as STRs, and the intent was to rent one or the other, and there would never be an instance of two structures on one lot being utilized as STRs.

Commissioner McDonald then wanted to know if having 4 out of 18 ADUs utilized as workforce housing and long-term rentals been a success in the eyes of the Town, or if there were other avenues that could be explored to help with the housing issue. Ms. Nunez explained that she believes the town has not fully utilized every tool to promote ADUs in the Town, and there are other avenues that the Town could explore

to get more people interested in converting their ADUs into workforce housing or long-term rentals.

Commissioner Newmann believed that property owners within the Town should be able to benefit from the tourism industry, like all the other STR owners who do not live within the Town, as a way to offset the cost of living in the Town.

Commissioner Ashworth wanted to know if any of the 13 ADUs that were built before the adoption of the ordinance were used for workforce housing. He went on to explain that, to the Historic Civic League's point, very few (4) of the current ADUs were being utilized as workforce housing or long-term rentals.

Commissioner Stramm explained that most people are coming here for 2-3 nights and if hotels and BnB's are not available, turning to an ADU with one bedroom would be the next option for these tourists.

Commissioner McDonald then asked the Zoning Administrator if the Planning Commission put forth an amendment that made it so the property owners had to have a parking space on their property to utilize the STR as an ADU, would that be feasible? Ms. Nunez explained that this was already outlined in the ADU ordinance.

Commissioner Newmann then asked how someone would have a 2-bay garage but still utilize on-street parking. Zoning Compliance Officer Jack Steinmayer explained that some of the ADU owners do not allow the renters to utilize the garages, as they use it for personal use.

Ms. Nunez then asked the Planning Commission where they were going to place workforce housing for the town. Commissioner Newmann explained that it shouldn't solely fall onto the Town to address the workforce housing issue, as this issue persists within the County as well and the County should also look to address the problem.

Commissioner McDonald then went on to state that the Planning Commissioners did not believe that what they current have in place to address the workforce housing issues was not working as intended.

Commissioner Newmann went on to explain that in the Railroad/Harbor Area maybe they could reserve an area on the railroad property to construct workforce housing.

Claudette Lajoie went on to explain that Cape Charles alone should not be trying to solve the County housing crisis. Ms. Nunez stated that even if Cape Charles does not solve the workforce housing problem, we do need to be apart of any solution.

Commissioner Ashworth then captured the two concepts that the Planning Commissioners wanted in the Ordinance. (1) Allow for STRs in ADUs; and (2) property owners are only allowed to use one of the units on the property as STRs.

The changes to the Comprehensive Plan and Zoning Ordinance would be as follows:

Cape Charles Comprehensive Plan Changes:

Housing – Accessory Dwelling Units (pg.41)

The Town of Cape Charles adopted ordinances in February 2019 that permitted accessory dwelling units under certain conditions, with adequate safeguards to protect the character of the existing residential neighborhood. This strategy is intended to develop new, moderate-cost rental housing while preserving the large, older homes and allowing more flexibility for elderly homeowners to stay in their homes. Among the conditions of approval for accessory apartments is that the accessory dwelling unit be “clearly subordinate to” the main unit. This is achieved by requiring that the unit be less than a specified percentage of the original house’s square footage. ~~In addition, these units cannot be rented for less than 30 days.~~

Zoning Ordinance Changes:

CCZO Section 4.1 (J) (2) (a)

Length of Stay – ~~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.

Ms. Nunez then went on to explain that ADUs would need to comply with the trash and occupancy requirements laid out in the STR section of the Zoning Ordinance and she would need some time to figure that out.

Commissioner McDonald then asked the other Planning Commissioners if they should limit this to one-bedroom and a max occupancy of 4. Ms. Nunez believed that 4 would be to high of a number as the ADU would need to comply with the definition

of bedroom in the STR ordinance and the size of the Accessory Structure which will limit the occupancy of the ADU.

After discussion the Planning Commissioners agreed that there should be some sort of limitation on the total occupancy for ADUs. Ms. Nunez explained that she would need to talk to the Code Official for some clarification.

Commissioner Stramm asked for a motion to adjourn the September 22nd, 2025, Planning Commission Work Session. Motion made by Commissioner McDonald, seconded by Commissioner Wright. The Planning Commission adjourned at 8:04 pm.

Bill Stramm
Chairman

Zoning Compliance Officer