

**Planning Commission**  
**Public Hearing and Regular Meeting**  
**Cape Charles Civic Center**  
**October 7<sup>th</sup>, 2025**

At 6:00 p.m., having established a quorum, Chairman Bill Stramm called to order the Regular Meeting of the Planning Commission. In addition to Chairman Stramm, present were Commissioners Ashworth, McDonald, Holloway, Wright, and Newmann.

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

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 was made by Chairman Stramm, seconded by Commissioner Ashworth, to approve the Consent Agenda as presented. The motion was approved by common consent.***

***New Business***

- A. *Proposed Zoning Ordinance and Comprehensive Plan Changes to Accessory Dwelling Units regarding being allowed as Short-Term Rentals (STRs)*

Ms. Nunez summarized the staff report.

The proposed changes to the Zoning Ordinance and Comprehensive Plan were 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.~~

**New Language in Comprehensive Plan**

**Mixed Use – Preferred Uses (pg. 127)**

3. Housing within this area shall lend itself to a variety of housing types (e.g., apartments, condos, single-family dwellings). It shall offer a diverse range of both rental options and ownership options to meet a range of price points to serve the community.

Commissioner Stramm would like to see *Duplexes* included in the proposed new language in the comprehensive plan. Commissioner Holloway and Newmann agreed with Commissioner Stramm's idea.

**Zoning Ordinance Changes:**

**CCZO Section 4.1 (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 McDonald would like to strike the phrasing *rental or greater*, and stop *at the expense of another*, to make the sentence more cohesive.

**Proposed Language to add in Section 4.14 (STRs) of the Cape Charles Zoning Ordinance**

*When applying for a Short-Term Rental, property owners who have an Accessory Dwelling on their property understand that only the primary dwelling or accessory dwelling will be used as an STR for that calendar year.*

Commissioner Holloway wanted to know if Section 4.14 of the Zoning Ordinance completely covered items ranging from safety to the transient occupancy tax. Ms. Nunez responded in the affirmative.

Commissioner McDonald then stated that he did not believe the Planning Commission could vote to recommend these changes to the Town Council without finding a place to include language that would only allow one unit on a property to be rented. Ms. Nunez went on to explain that she did not believe a true consensus agreement was made at the September 22<sup>nd</sup>, 2025, Planning Commission Work Session on allowing only the principal structure or ADU to be rented as an STR and not both. While it is something that the Commission can explore, staff does not have a good handle on how to implement the prohibition.

Commissioner Newmann then stated that it could be as simple as including a statement on the application that says, “ *if you have an accessory dwelling unit on your property, only one of the ADU or principal structure can be rented at a time.*”

Commissioner Holloway then wanted to know if a business that is used for hospitality would be tracked through the software. Ms. Nunez responded in the negative as the software is only designed to track STRs.

Ms. Nunez then explained to the Planning Commission that addressing is done by the County, and it’s a little bit more complicated than putting an A or B on the ADU. She then went on to explain that Town Staff was in the middle of testing, proving, and working with Deckard to make sure the software launches correctly.

Ms. Nunez then told the Planning Commission that she will look for a way to include the prohibition of allowing both the ADU and the primary dwelling to be used as an STR at the same time. It’s either one or the other.

***Motion made by Chairman Stramm to recommend the proposed changes to the Zoning Ordinance and Comprehensive Plan back to Town Council, with the stipulation that only the ADU or primary dwelling could be utilized as an STR in a calendar year.***

***B. Zoning changes to the Town Edge***

As a discussion point for the Planning Commission, Ms. Nunez made the Commissioners aware that Northampton County has begun their Comprehensive Plan review and update. More specifically, she wanted to make them aware that on September 23<sup>rd</sup>, 2025, the Northampton County Board of Supervisors began discussions on a proposed Zoning Text Amendment that would allow for gradual

density increase through changes to the Town Edge Zoning Districts. Specifically, the proposed amendment would permit townhouses and duplexes as a by-right use, and apartments and mixed-use structures (up to 4 units residential/commercial) by SUP (Special Use Permit).

Ms. Nunez explained that this was relevant to the Planning Commission, as the Town Edge Zoning District is right outside of Town bounds. She further explained that the Town Edge Zoning District is more of a placeholder for the County, and that when someone comes forward with a development proposition, it will be further refined to have cohesion with the development that is occurring within the Town of Cape Charles.

Commissioner Holloway wanted to know if the Town Edge could be supported by Virginia American Water (VAW), besides a septic system. Ms. Nunez explained that VAW infrastructure could be brought into the County property.

Commissioner Wright wanted to know about the capacity that the Town is able to handle with its water. Ms. Nunez explained that when the Town was negotiating with VAW, one of the work products that was handed over was a capacity study for the growth of the Town. She went on to explain that there are hard stops for growth in the study, and projections were included as the Town envisioned growth both inside the Historic District and out by the Keck Wells property.

Commissioner McDonald wanted Ms. Nunez to explain from a Town perspective, concerns with the Cluster concept at the Town Edge, or was it consistent with what has already happened with the PUD and Bay Crossing? Ms. Nunez explained that the cluster capacity, especially within Bay Crossing, was already envisioned. However, in regard to height, they would like to keep the height aligned with the current height requirements that are already in place. But smaller units would be allowed, as it would look more attractive. In terms of what the County might do, the Town would want to speak on those issues when a development proposal comes forward.

### **Standing Staff Reports**

Ms. Nunez told the Planning Commission that the Town's new agenda management system had been launched, and so had the new website.

Ms. Nunez then went on to explain that the Board of Zoning Appeals would be hearing 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. The BZA would also be hearing an application from North Beach Associates,

LLC, appealing a decision from the Zoning Administrator dated August 7<sup>th</sup>, 2025, which provided a Zoning Determination, and August 27<sup>th</sup>, 2025, which provided a clarifying email concerning 201-209 Washington Avenue (Seabreeze Apartments) that stated:

- (i) The owner has one year to fix the violations on the property, reflective of approved extensions to that one-year deadline. If the owner does not fix the violations within this period, the property will lose its legal non-conforming status; and,
- (ii) The owner must place tenants in the property before the July 31<sup>st</sup>, 2026 deadline (2 years from when last occupied with a tenant) to retain its legal, non-conforming status for the number of multi-family dwellings currently allocated on the property, pursuant to the legal non-conforming review.

Ms. Nunez then told the Planning Commission that the Wetlands and Coastal Dune Board Was originally scheduled to hold its public hearing on Wednesday, October 8<sup>th</sup>, 2025, at 5:30 pm to hear an application from Coastal Precast Systems, LLC, to construct a 120-foot-wide by 462-foot-long, concrete launching ramp. However, due to the contractor needing to tweak their design, Coastal Precast Systems was told they would need to redesign their application because they needed to tweak what they needed to build on their property. The application has been pulled and will be pushed to the public hearing once those redesigns are completed.

Finally, Ms. Nunez explained that the Berkeley Group has been contracted as the Consulting Group to help the Town oversee the Railroad/Harbor Master Planning process. After explaining that the Town was putting together a Railroad/Harbor Project Management Team, the Planning Commission appointed Commissioner McDonald to the PMT.

***Commissioner Holloway made a motion to adjourn, seconded by Commissioner Newmann. The motion was approved unanimously. The Planning Commission Regular Meeting for October 7<sup>th</sup>, 2025, was adjourned at 6:52 pm.***

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Bill Stramm  
Chairman

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Zoning Compliance Officer