

Board of Zoning Appeals
Public Hearing and Regular Meeting
Cape Charles Civic Center
December 9th, 2025

At 10:00 a.m., having established a quorum, the Board of Zoning Appeals Public Hearing and Regular Meeting was called to order by Zoning Administrator Katie Nunez. In addition, members Stramm, Murphy, McMath, and Baumann were present.

Also present were Inspector & Compliance Officer Casey Quilter, Code Official Jeb Brady, Harbor Master Paula Davis, and Zoning Compliance Officer Jack Steinmayer.

There was 1 member of the public in attendance, and 7 watching online.

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

Re-Organization and Election of Officers

Member Stramm was elected as the new chair of the Board of Zoning Appeals by a 3-0 vote. Member McMath was elected as the new vice-chair of the Board of Zoning Appeals by a 3-0 vote.

Consent Agenda

The consent agenda was approved by common consent.

New Business

- A. *Application from Derek Roncaioli appealing a decision from the Zoning Administrator dated October 3rd, 2025, which provided a Zoning Determination letter, which was further amended on November 10th, 2025, regarding licensing a houseboat as a Short-Term Rental (STR) in the Harbor Commercial (HAR-C) District that stated:*
- i. *The houseboat is not a structure and is not exclusively used for human habitation; therefore, it does not fit the definition of a Short-Term Rental, and*
 - ii. *The houseboat is a non-navigable, floating home; therefore, it is not within the US Coast Guard's jurisdiction and falls under the Town's Zoning Ordinance. The Town's Zoning Ordinance Section 3.8 does not permit single-family homes in the Harbor Commercial District (HAR-C)*

STR Compliance Officer Casey Quilter summarized the staff report.

After summarizing the staff report, Harbor Master Paula Davis appeared before the Board and stated that her main concern was the water infrastructure. The Town drains its harbor water lines each winter, as was done the previous day, and the lines near the vessel's mooring would not be restored until around March. She also noted that the Town is currently dealing with an active water leak buried in concrete that requires contractor repair, and that the Town lacks the equipment to quickly address a water line failure. In response to a question from Chairman Stramm, Harbor Master Davis confirmed that shutting off water to the entire harbor for the winter is standard procedure.

After Harbor Master Paula Davis, Code Official Jeb Brady appeared before the Board and advised the Board of Zoning Appeals that the Building Code does not regulate boats, which created a regulatory gap preventing him from evaluating the matter through an STR lens, as there was no applicable building code framework to apply. He stated that this matter would be more appropriately addressed as a zoning issue. Mr. Brady expressed particular concern regarding sewage disposal, noting that the residential building code requires connection to an approved sanitary sewer system or septic system. Mr. Brady further noted that he had consulted with another building official in another jurisdiction that oversees a floating campground and was advised of numerous problems associated with floating vessels operating as short-term rentals.

After the staff presented their view of the application and the problems associated with allowing the houseboat to be rented as an STR, Mr. Roncaioli came forward to explain his perspective.

Mr. Roncaioli first explained that his intention was not necessarily to obtain a permit at this hearing, but to open a conversation about how the property might be used as an STR.

Mr. Roncaioli presented the following arguments to the Board of Zoning Appeals:

He contended that the houseboat is a legally registered vessel with the Commonwealth of Virginia and that this classification trumps the Town's ability to impose local zoning ordinances that would classify it as a home. He explained further that the vessel is registered and has a hull number.

Regarding the concerns with sewage, he described two Coast Guard-approved marine sanitation systems on board: a dry composting toilet utilizing a self-contained sealed sock system disposed of as solid waste, and an electrocan system

that treats waste through a saltwater and electrical current process before discharging treated water overboard.

Regarding water, he described a 200-gallon onboard storage tank that could be filled via a water delivery service, which he argued would eliminate concerns related to the Town's winter water shutoff.

He further argued that the structure meets all applicable building codes in all respects other than utility connections, noting proper door and window sizing, egress, fire extinguishers, smoke detectors, a heat pump, and full-size appliances.

At the end of Mr. Roncaioli's presentation, the staff noted that Section 3.8, not 3.9, is the correct citation for the Harbor Commercial District. Staff also noted that the applicant's earlier characterization of the vessel as non-navigable had formed based on the Town's amended position, and that the applicant's claim of Coast Guard registration as a navigable vessel constituted new information not previously provided. Nevertheless, staff maintained that regardless of vessel classification, the structure does not meet the requirements for an STR license under the Town's Zoning Ordinance.

Motion to close the public hearing made by Vice-Chair McMath, seconded by Member Murphy. The vote passed unanimously, and the public hearing was closed at 10:45 a.m.

The Board of Zoning Appeals then discussed the matter and reached a consensus that the existing framework does not permit the requested use. Members then suggested that the applicant consider participating in the Town's Railroad/Harbor Master Planning Process as a means of pursuing the change he would like to see.

Motion made by Chairman Stramm to deny the appeal application and uphold the Zoning Administrator's determination letter dated October 3rd, 2025, further amended on November 10th, 2025, and found that the Town's Zoning Ordinance Section 3.8 does not allow a single-family home which the houseboat meets that designation as a permitted use in the Harbor-Commercial District, thus there is no ability to have a Short-Term Rental be licensed and permitted by the Town for the houseboat, and residential is only allowed above commercial in the Harbor Commercial. The motion passed by unanimous consent.

The Board of Zoning Appeals then reviewed the proposed 2026 meeting calendar. Following discussion regarding scheduling considerations for members with daytime professional commitments, the Board of Zoning Appeals agreed to amend the regular meeting time from 10:00 a.m. to **9:00** a.m. on the second Tuesday of each month. Staff then

noted that meetings are only convened when an application has been filed and that members would receive notice approximately one month in advance. The January 13th, 2026, meeting was cancelled due to no applications being received before the December 2nd filing date.

Staff then noted that the complete bylaws were not included in the meeting packet and will be distributed at the next meeting. Staff also advised that the Virginia Department of Environmental Quality (DEQ) has requested a language amendment to the Board's operating documents pertaining to exception hearings under the Chesapeake Bay Act, and staff is working on incorporating the appropriate language into the Board of Zoning Appeals Member Manual.

Motion to adjourn made by Vice-Chair McMath, seconded by Member Baumann. The motion was approved unanimously, and the Board of Zoning Appeals Regular Meeting and Public Hearing for December 9th, 2025, was adjourned at 10:59 a.m.

Chairman Stramm

Zoning Compliance Officer