

**Meeting Notice**

**Planning Commission Meeting**

**Tuesday**

**December 18, 2018**

**At 5:30 p.m.**

**The Onancock Planning Commission will hold a meeting at 5:30 p.m. on Tuesday December 18, 2018. The meeting will be held in the Town Hall Council Chambers at 15 North Street, Onancock, VA 23417.**

**Town of Onancock , Virginia**  
**Planning Commission**  
**AGENDA**  
**December 18, 2018**  
**5:30 p.m.**

1. Call to Order and Roll Call
2. Review of the Minutes from the October 23, 2018 Meeting
3. Items of Business
  - a. Main Street Update
  - b. Review of Proposed Homestay Regulations
  - c. Review of Attached v. Detached Zoning Amendment Change
4. Public Comment
5. Adjourn

Town of Onancock, Virginia  
Planning Commission Meeting

Tuesday

October 23, 2018

5:30 P.M.

Call to Order and Roll Call:

Chairman Judith Grier called the meeting to order at 5:30 P.M.

Commission members Bill Bagwell, Robert Bloxom, Ridgway Dunton, Judith Grier and Scott Schreiber were present. Commission members Larry Frey and Matt Spuck were absent. A quorum was established. Town Manager William Kerbin and Deputy Clerk Mariellen Mearsheimer were in attendance.

Onancock resident Linda Copper attended the meeting as well as realtor Nancy James and lawyer David Rowan.

Minutes:

Chairman Judith Grier asked if there were any changes or additions to the August 21, 2018 minutes as presented.

A motion was made by Commission member Scott Schreiber to approve the minutes as presented. Commission member Bill Bagwell seconded the motion. The minutes were approved by voice vote. Commission member Robert Bloxom abstained.

Items of Business:

Review of Homestay Ordinance Language and Proposed Definition of Attached Structure Ordinance Language.

Town Manager William Kerbin introduced resident Linda Copper. He gave a summary of her request to address the Planning Commission and then gave her the opportunity to speak. Ms. Copper said she had not planned on being at the meeting and instead wanted lawyer David Rowan to speak on her behalf.

David Rowan introduced himself as Ms. Copper's attorney. Mr. Rowan said he had looked at the proposed definitions and had some questions. He stated; "Our definition of an attached structure was a division wall and a shared roofline in common." His first question was; "What is meant by division wall?" He stated he thought it meant an interior wall. Mr. Rowan stated; "One of the things he is looking at in Ms. Copper's situation and in other houses in town is the idea that you would have a separate structure that would be joined to the main structure by a breezeway or colonnade that might be open with a roof or enclosed in glass." His second question was: "Would that suddenly not be attached in the proposed definition if it is a free-standing structure without a division wall?" He stated; "This definition might have to be fleshed out at some point."

Nancy James asked if she could speak before Mr. Rowan continued.

Ms. James expressed concerns about not allowing Ms. Copper and other residents to rent as homestays, detached structures on their properties, if they meet all the requirements for habitation.

Commission member Robert Bloxom stated that the issue was not about homestays but about zoning in the R1 district. He added that the R1 district does not allow habitation in detached structures. He stated the reason we were meeting was because the definitions of attached versus detached were not well defined in the zoning code. He stated the next step was to attempt to clarify those definitions so there is no debate about it going forward. Mr. Bloxom also stated the zoning issue in R1 is a decision the Planning Commission and subsequently the Town Council need to make; "Do we want to allow people to reside temporarily or permanently in detached structures?"

Commission member Bill Bagwell asked if the proposed language for attached structure was from the Council or someone else. Commission member Bloxom stated it was the Council's proposed language.

Mr. Rowan discussed the concept of Accessory Dwelling Units (ADU's) and their popularity out west.

More discussion followed about those in favor or opposed to people living in a detached structure, occurrences in town and concerns.

Ms. James stated that Section 24-16 of the Onancock Code allows for special exemptions and stated; "In this particular case it is worthy of utilizing the Council's ability to make a special exemption."

Commission member Ridgway Dunton stated his concerns about special exemptions.

Commission member Scott Schreiber asked if two different things were going on at this meeting and stated the Planning Commission has no authority to make special exemptions.

Commission member Schreiber and Commission member Bagwell discussed how the homestay ordinance was developed and approved.

Commission member Schreiber asked where the proposed definitions for attached versus detached came from. Commission member Bloxom stated they came from the construction oversight board that has a set definition for attached versus detached.

More discussion followed with Commission members, Ms. Copper and Ms. James concerning Ms. Copper's situation.

Town Manager William Kerbin stated he would come up with some language for homestays and detached structures based on what Ms. James proposed.

Commission Chairman Judith Grier ended discussion of the matter.

Commission member Bloxom made a motion that Town Manager Kerbin draft some proposed guidelines around allowing homestays in detached structures for the Planning Commission to consider and discuss at its' next meeting. Commission member Scott Schreiber seconded the motion. The motion passed by unanimous voice vote.

Commission member Bloxom suggested deferring the discussion of the definition of detached versus attached until the next meeting.

Public Comment:

None

Adjourn:

Commission member Scott Schreiber made a motion to adjourn. Commission member Robert Bloxom seconded the motion. The motion was approved by unanimous voice vote.

The meeting was adjourned at 6:28 P.M.

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Judith Grier, Chair

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Mariellen Mearsheimer, Deputy Clerk

Proposed Revisions Homestay Regulations  
December 18, 2018

Section 24-16 (c)

*Definitions:*

*Homestay - Homestay means a home occupation in which an individual owns a dwelling and also provides lodging in a portion thereof or an accessory building located on the property for temporary periods of times not to exceed 3 weeks.*

- 1. An owner of a Homestay residence must apply for a business license and is subject to the transient occupancy tax.*
- 2. The owner shall only be permitted one (1) homestay in the Town of Onancock.*
- 3. The applicant must provide contact information for a responsible party, if the owner is not the responsible party, the owner must identify a responsible party who will be available 24 hours a day, 7 days a week, to respond to, and resolve issues and complaints that arise during a period in which the dwelling is being used for transient occupancy.*
- 4. The number of overnight guests will be determined by the zoning administrator in consultation with the homeowner based on the number of bedrooms, size of the house and size of the lot subject to approval of the Town Council.*
- 5. The Homestay shall comply with all applicable Town, county, state and federal statutes, regulations and ordinances.*
- 6. The Town reserves the right to inspect the residence based on complaints to verify that the Homestay is being operated in accordance with the regulations set forth within this section.*
- 7. The special use permit may be revoked by the zoning administrator (i) in the event that three (3) or more substantiated complaints are received by the Town in a calendar year, or (ii) failure to maintain compliance with any of the regulations set forth in this section.*
- 8. An accessory building may be used provided that:*
  - (1) The accessory building is designed for living and sleeping purposes with at least one bathroom;*

- (2) The living space and bathroom meets all applicable building code standards including minimum living spaces;
- (3) All ingress and egress to the living space shall comply with all applicable fire and building codes;
- (4) At the owner's expense, the owner provides a certification from a licensed architect, engineer or building inspector that the accessory building meets all requirements set forth in items #1-3; and,
- (5) The owner of the property does not rent out any portion of the main building as a homestay.

Attached vs Detached Proposed Zoning Amendment Change  
Town of Onancock Planning Commission Meeting  
December 18, 2018

1. Add in General Provisions (24-1) the following definition:

**Attached Structure:** For the purpose of this Zoning Code, an Attached Structure is one where a structure is otherwise complete in itself and depends for structural support or complete enclosure upon a division wall or walls and roofline shared in common with an adjacent structure, such that such attachment is not able to be removed without significant damage to either or both structures. Typically an Attached Structure should open directly unto the rest of the dwelling via a doorway such that entry between structures is made without going outside.

2. Amend the definition of Building, Accessory in 24-1 as follows:

**Building, Accessory:** A subordinate structure customarily incidental to and located upon the same lot occupied by the main structure. No such accessory structure shall be used for housekeeping purposes **unless it meets the definition of an Attached Structure defined in this section.** Garages or other accessory structures such as carports, porches, and stoops attached to the main building shall be considered as part of the main building.