

Town Council: Brandon Brockmeier, Ray Burger, Cynthia Holdren, Joy Marino, Sarah Nock and Maphis Oswald
Mayor: Fletcher Fosque | **Town Manager:** Matt Spuck

Planning Commission

April 3, 2023

5:30 PM Council Chambers

Agenda

- 1) Call to Order
- 2) Attendance/ Establish Quorum
- 3) Review meeting minutes from March 6, 2023
- 4) Special Use Permit: Fence: 35 Meadville
- 5) Special Use Permit: Homestay: 16 Market
- 6) Zoning penalty process and amounts
- 7) Commissioner comments
- 8) Adjourn

Town of Onancock
Planning Commission Meeting
Monday
March 06, 2023
5:30 P.M.

Call to Order and Roll Call:

Chairman Scott Schreiber called the meeting to order at 5:30 P.M.
Commission members Bill Bagwell, Brandon Brockmeier, T. Lee Byrd, Larry Frey and Chairman Scott Schreiber were present. Commissioner Carol Tunstall was absent. A quorum was established.

Town Manager Matt Spuck and Deputy Clerk Mariellen Mearsheimer were present.

Minutes:

Chairman Schreiber asked for a motion to approve the February 06, 2023 meeting minutes.
Commission member Brandon Brockmeier moved to approve the February 06, 2023 meeting minutes as presented. Commission member T. Lee Byrd seconded the motion. The motion was approved by unanimous voice vote.

Items of Business:

a) Proposed Ordinance Change: Signs

Changes since the last consideration are the addition of prohibited signs and a permitting process. Discussion followed.

Commission member Bill Bagwell moved to recommend the proposed sign ordinance to Town Council for consideration and approval. Commission member Brandon Brockmeier seconded the motion. The motion was approved by unanimous voice vote.

b) Proposed Ordinance Change: Residential Zoning, R1 and R2, 38-1,75, 76.

First review of this ordinance. Discussion followed. Highlights included types of buildings.

c) Nominations to fill open seat on Planning Commission:

Commission member Brandon Brockmeier was an at large member of the Planning Commission when he was appointed to Town Council. This left his seat open. He now serves as the representative from Town Council on the Planning Commission still leaving an open seat on the Planning Commission that needs to be filled. Discussion followed.

Commission member Brandon Brockmeier moved to recommend to Town Council for consideration and approval the appointment of Jacob Dillon to the Planning Commission. Commission member Larry Frey seconded the motion. The motion was approved by unanimous voice vote.

Commission Member Comments:

Commission member Larry Frey commented that it would be a good idea to have address numbers on all the buildings in Town. Town Manager Spuck stated that is an ordinance already in the Town Code.

Adjourn:

Chairman Schreiber asked for a motion to adjourn.

Commission member T. Lee Byrd moved to adjourn. Commission member Bill Bagwell seconded the motion. The motion was approved by unanimous voice vote.

The meeting adjourned at 6:39 P.M.

Scott Schreiber, Chair

Mariellen Mearsheimer, Deputy Clerk

TOWN OF ONANCOCK

15 NORTH STREET
ONANCOCK, VIRGINIA 23417

RECEIVED
BY: [Signature]
MAR 13 2023

SPECIAL USE PERMIT APPLICATION

Applicant's Name: John & Lisa Fiege

Address: 35 Meadville Drive

Telephone: 757 710-2489 Date: 3/13/23

Location & Legal Description of Property Proposed* :
corner lot on Meadville Dr & Hurgis St.

No. of total guests (for homestay applicants only): X

No. of proposed parking spaces (for homestay applicants only): X

Parcel Number: 085A107 00000200

Zoning Classification: R1B

Name and telephone number for local emergency contact:
John (757) 710-2489 OR Lisa (757) 709-8692

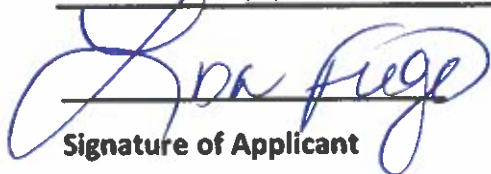
Description of Proposed Use:
a 6ft fence on Hurgis St side from back of garage to back corner of house. It would be closer to the street than the house.

PAYED
MAR 13 2023
BY: [Signature] # 5303
150!

TOWN OF ONANCOCK

15 NORTH STREET
ONANCOCK, VIRGINIA 23417

I certify that the information listed above is true and accurate to the best of my knowledge,
and I will comply with all provisions of the Code for the Town of Onancock.


Signature of Applicant

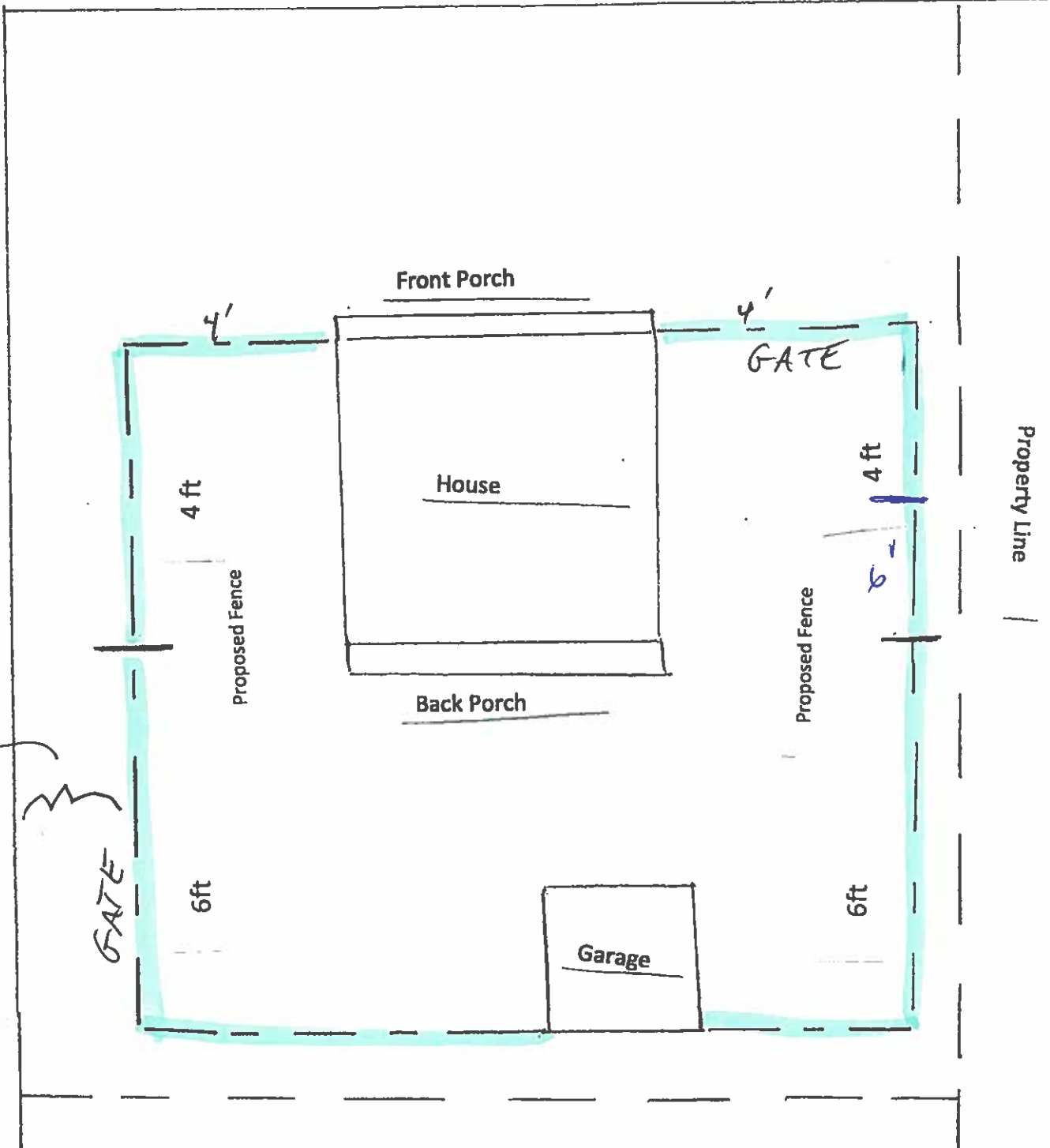
3/13/23
Date

***For requests to operate homestays, the applicant must attach a site plan that provides location of the home, setbacks from all property lines and the street, no. of proposed parking spaces, and traffic flow patterns entering and leaving the property. The zoning administrator will conduct a site visit of the property as part of the review of the application.**

Sturgis Street

Meadville Drive

3' to road



Property Line

Sec. 38-83. Special provisions for corner lots.

The following provisions shall apply to corner lots in the Single-Family Residential District (R-1):

- (1) Of the two sides of a corner lot the front shall be deemed to be the shortest of the two sides fronting on streets with frontage setback line, side yard and rear yard requirements to be determined accordingly.
- (2) The side yard on the side facing the side street shall be ten feet or more for both main and accessory building. Television antennas, including satellite dish antennas, and other types of communications antennas and/or towers and similar structures shall not be closer to the side street than the minimum side yard line or the portion of the main structure, not including porches, nearest to the side street, whichever is the greatest distance.
- (3) All fences in side yard exceeding four feet in height closer to the side street than the main structure shall require a special use permit, as set out in article XV of this chapter, from the town council. All property owners contiguous to the applicant's property or immediately across any street abutting the applicant's property shall be notified of the public hearing by certified mail mailed at least ten days prior to the public hearing to the last known address as shown on the town's real estate tax records.

(Code 1989, § 24-22; Ord. eff. 6-5-1962; Ord. of 3-24-1997; Amd. of 7-14-1997; Amd. of 5-22-2000)

Matt Spuck

From: Pusey, Dale <dale.pusey@vdot.virginia.gov>
Sent: Wednesday, March 29, 2023 9:51 AM
To: Matt Spuck
Subject: Re: ROW - Sturgis

Matt,

VDOT records indicate that the right of way width for the block of Sturgis Street from Liberty Street to Meadeville Drive is 40' and the block from Meadeville to Merry Lane is 50'. So the right of way line would be 20' or 25' from the pavement centerline depending on the block. Let me know if you have any other questions.

Dale Pusey, P. E.
Area Land Use Engineer
Virginia Department of Transportation
23096 Courthouse Avenue
Accomac, VA 23301
Office: (757) 787-5932

On Wed, Mar 29, 2023 at 9:24 AM Matt Spuck <matt.spuck@onancock.com> wrote:

Hi Dale,

There is an application for a fence on Sturgis that is drawn to be 3 feet from the edge of the street. Our code requires fences be two feet from the ROW, not necessarily the edge of the road. Is the ROW for Sturgis 30', 15' from center of street?

Any help is appreciated, as always.

Matt



Matt Spuck
Town Manager

t: 757-787-3363

e: matt.spuck@onancock.com | w: www.onancock.com

a: 15 North Street, Onancock, 23417

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Dale Pusey, P. E.
Area Land Use Engineer

Sec. 38-81. Yard regulations.

The following yard regulations shall apply in the Single-Family Residential District (R-1):

- (1) *Main buildings in the R-1A District.*
 - a. *Side.* The minimum side yard shall be ten feet and the total width of the two required side yards shall be 25 feet or more.
 - b. *Rear.* Each main building shall have a rear yard of 25 feet or more.
 - c. *Buildings.* Each building shall have a 35-foot setback from the street.
- (2) *Accessory buildings in the R-1A District.*
 - a. *Street setback.* Each accessory building shall have a street setback of 35 feet.
 - b. *Side.* The minimum side yard shall be three feet.
 - c. *Rear.* Each accessory building shall have a rear yard of three feet or more.
- (3) *Main buildings in the R-1B and R-1C Districts.*
 - a. *Side.* The minimum side yard shall be five feet and the total width of the two required side yards shall be 15 feet or more.
 - b. *Rear.* Each main building shall have a rear yard of 25 feet or more.
- (4) *Accessory buildings in the R-1B and R-1C Districts.*
 - a. *Side.* The minimum side yard shall be three feet.
 - b. *Rear.* Each accessory building shall have a rear yard of three feet or more.
- (5) *Fence regulations in the R1-A, R1-B and R1-C Districts.*
 - a. All fences may be erected to within one inch of the property line except that a fence or wall must be two feet from any sidewalk, alley or public right-of-way.
 - b. All fences closer to the front lot line than a point even with the front of the main structure shall have a maximum height of four feet.
 - c. All fences closer to the front lot line than a point even with the front of the main structure shall be at least 30 percent open space.

(Code 1989, § 24-20; Ord. eff. 6-5-1962; Ord. of 3-24-1997; Amd. of 7-14-1997; Amd. of 1-10-2000; Amd. of 5-22-2000)

RECEIVED
BY: _____

MAR 27 2023

TOWN OF ONANCOCK

15 NORTH STREET
ONANCOCK, VIRGINIA 23417

SPECIAL USE PERMIT APPLICATION

Applicant's Name: Janet + Fletcher Fosque

Address: 116 Market St

Telephone: 757 710 2028 Date: 3-25-2023

Location & Legal Description of Property Proposed* : 116 Market St
Residence - Creek Front Lot
Primary home for Fletcher + Janet

No. of total guests (for homestay applicants only): 6

No. of proposed parking spaces (for homestay applicants only): 3

Parcel Number: 085A1-A-50

Zoning Classification: R-1

Name and telephone number for local emergency contact: Janet Fosque
710-2028

Description of Proposed Use: Homestay - guests will have
access to 3 bedrooms that can
accommodate 2 persons each
and 2 full bathrooms -
1 ensuite and 1 shared
by 2 bedrooms.

plenty of space to park on the
property.

The owners will almost always
be in the home when guests are
staying there, as their private

(757) 787-3363
Phone

(757) 787-3309
Fax

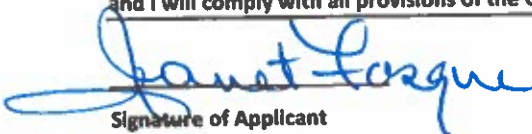
www.onanock.com
Website

areas are in a different
part of the house.

TOWN OF ONANCOCK

15 NORTH STREET
ONANCOCK, VIRGINIA 23417

I certify that the information listed above is true and accurate to the best of my knowledge,
and I will comply with all provisions of the Code for the Town of Onancock.


Signature of Applicant

3-25-2023
Date

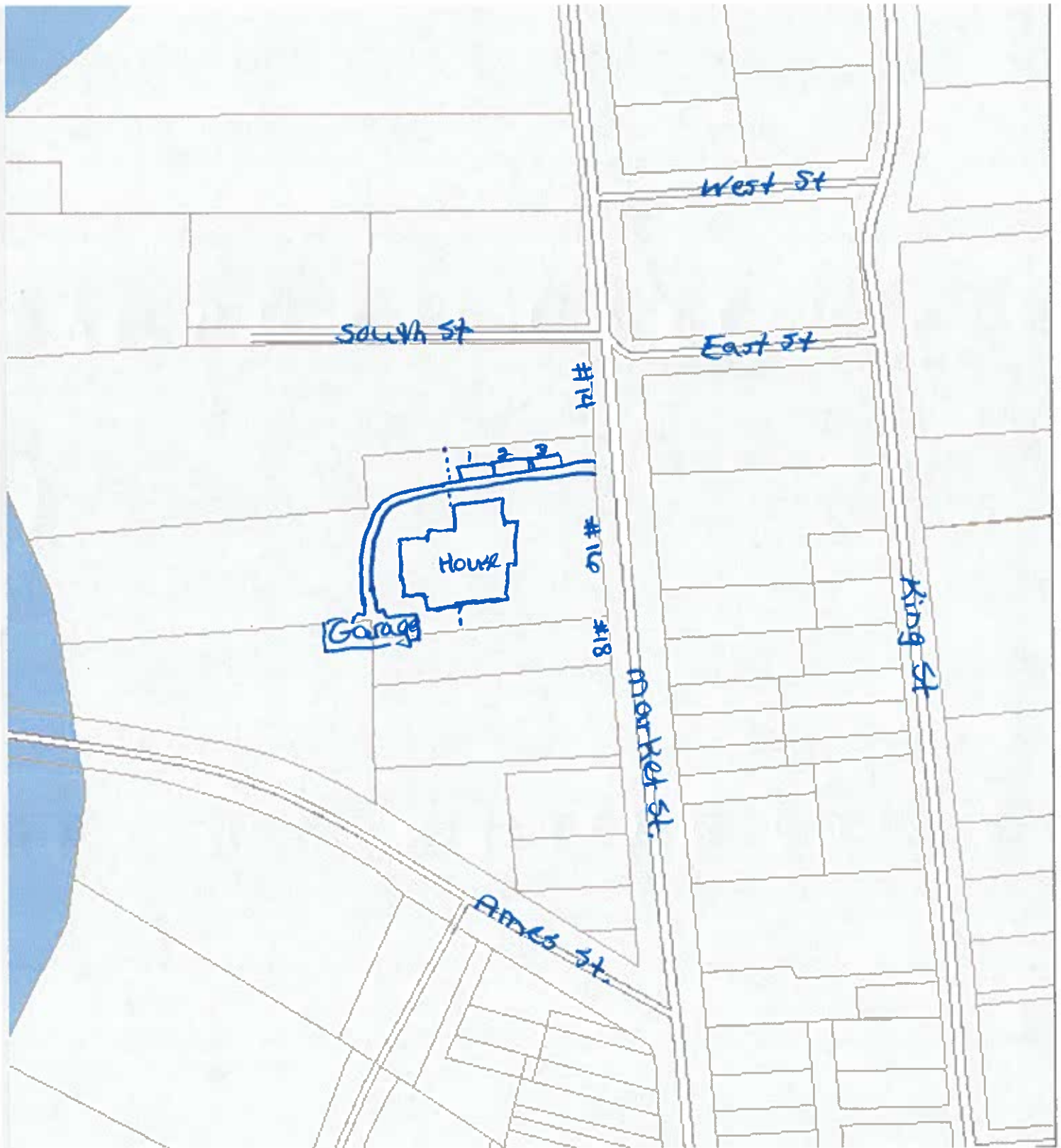
*For requests to operate homestays, the applicant must attach a site plan that provides location of the home, setbacks from all property lines and the street, no. of proposed parking spaces, and traffic flow patterns entering and leaving the property. The zoning administrator will conduct a site visit of the property as part of the review of the application.

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Fax

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Website

The house is: 75' from Market St
45' from #14
55' from #18
200' from the Creek



1-2-3 3 parking spaces to the west of the driveway - cars will park parallel to driveway and back out onto Market St
--- Fence

Sec. 38-77. Special exceptions.

The following uses shall be permitted in the Single-Family Residential District (R-1), subject to all the other requirements of this chapter, only upon the obtaining of a special use permit, as defined in article XV of this chapter, from the town council:

- (1) Each dwelling unit shall be permitted not more than one apartment, which shall be contained within the dwelling unit itself. It shall be a condition of issuance of a special use permit that the owner of the dwelling within which the apartment is located reside within the dwelling itself.
- (2) *Bed and breakfast houses.* Each dwelling unit may be permitted not more than five guestrooms in which overnight accommodations may be offered to transients and operators must live on site.
- (3) *Homestay.* For this subsection, the term "homestay" means a home occupation in which an individual owns a dwelling and provides lodging in all or any portion thereof for temporary periods of times not to exceed three weeks. Other terms used for this type of business include "Short-term Rental," and "STR." Examples of these include but are not limited to Air B&B, VRBO, or any other online or private travel agent or agency.
 - a. Every short-term rental must obtain a business license and maintain a special use permit from the town. Special use permits for STR expire three years from the date of issuance and must be reconsidered by town council following the application process in place at the time of the renewal request.
 - b. Every homestay is required to submit transient occupancy tax (TOT) as per chapter 16, article IV herein. If any homestay is idle for 12 consecutive months or does not submit TOT as defined, the special use permit is automatically rescinded, and the owner must reapply using the process in place at the time of the reapplication.
 - c. The current owner or, in the case of a property sale contingent on securing the special use permit (SUP), the prospective purchaser must apply for the special use permit. In the case of a contingent sale, the current owner and prospective purchaser may apply jointly.
 - d. The property shall serve as the primary Onancock residence for a majority of the year for the owner or principal owner of the legal entity that owns the property.
 - e. The applicant must provide local 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, seven 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. This contact information will be made available to all adjoining property owners and to the Onancock Police Department.
 - f. There must be a minimum of 200 linear feet (measured from the water meter for the property or the center of the street frontage, depending on the location of the meter) and one tax parcel as defined by Accomack County between properties allowed for use as homestay properties. This includes all contiguous parcels in front, behind, and on both sides. Natural separations, such as the creek, automatically create an appropriate barrier between homestay structures.
 - g. The number of overnight guests will be determined by the zoning administrator in consultation with the homeowner. Properties will allow no more than two guests per bedroom and no more than four persons for each full bathroom. Nuclear families with children under the age of 18 are not limited to the number of guests allowed. The property must provide off-street parking for one vehicle for every four guests.

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- h. The owner of the property must annually provide the town with proof of insurance for property damage and liability in an amount no less than the full replacement value of the structure as it exists at the time of application and an amount of liability coverage no less than \$1,000,000.00 per occurrence and \$2,000,000.00 in aggregate
 - i. The homestay shall comply with all applicable town, county, state and federal statutes, regulations and ordinances.
 - j. 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.
 - k. The special use permit will be revoked by the zoning administrator in the event that three or more substantiated complaints are received by the town in a calendar year, or failure to maintain compliance with any of the regulations set forth herein.

(Code 1989, § 24-16; Ord. eff. 6-5-1962; Ord. of 3-24-1997; Amd. of 7-14-1997; Ord. of 7-27-1998; Ord. of 2-27-2017, § 24-16(c); Ord. of 2-28-2022(2))

Code of Virginia
Title 15.2. Counties, Cities and Towns
Chapter 22. Planning, Subdivision of Land and Zoning

§ 15.2-2209. Civil penalties for violations of zoning ordinance.

Notwithstanding subdivision A 5 of § [15.2-2286](#), any locality may adopt an ordinance which establishes a uniform schedule of civil penalties for violations of specified provisions of the zoning ordinance. The schedule of offenses shall not include any zoning violation resulting in injury to any persons, and the existence of a civil penalty shall not preclude action by the zoning administrator under subdivision A 4 of § [15.2-2286](#) or action by the governing body under § [15.2-2208](#).

This schedule of civil penalties shall be uniform for each type of specified violation, and the penalty for any one violation shall be a civil penalty of not more than \$200 for the initial summons and not more than \$500 for each additional summons. Each day during which the violation is found to have existed shall constitute a separate offense. However, specified violations arising from the same operative set of facts shall not be charged more frequently than once in any 10-day period, and a series of specified violations arising from the same operative set of facts shall not result in civil penalties which exceed a total of \$5,000. Designation of a particular zoning ordinance violation for a civil penalty pursuant to this section shall be in lieu of criminal sanctions, and except for any violation resulting in injury to persons, such designation shall preclude the prosecution of a violation as a criminal misdemeanor, provided, however, that when such civil penalties total \$5,000 or more, the violation may be prosecuted as a criminal misdemeanor.

The zoning administrator or his deputy may issue a civil summons as provided by law for a scheduled violation. Any person summoned or issued a ticket for a scheduled violation may make an appearance in person or in writing by mail to the department of finance or the treasurer of the locality prior to the date fixed for trial in court. Any person so appearing may enter a waiver of trial, admit liability, and pay the civil penalty established for the offense charged. Such persons shall be informed of their right to stand trial and that a signature to an admission of liability will have the same force and effect as a judgment of court.

If a person charged with a scheduled violation does not elect to enter a waiver of trial and admit liability, the violation shall be tried in the general district court in the same manner and with the same right of appeal as provided for by law. In any trial for a scheduled violation authorized by this section, it shall be the burden of the locality to show the liability of the violator by a preponderance of the evidence. If the violation remains uncorrected at the time of the admission of liability or finding of liability, the court may order the violator to abate or remedy the violation in order to comply with the zoning ordinance. Except as otherwise provided by the court for good cause shown, any such violator shall abate or remedy the violation within a period of time as determined by the court, but not later than six months of the date of admission of liability or finding of liability. Each day during which the violation continues after the court-ordered abatement period has ended shall constitute a separate offense. An admission of liability or finding of liability shall not be a criminal conviction for any purpose.

No provision herein shall be construed to allow the imposition of civil penalties (i) for activities related to land development or (ii) for violation of any provision of a local zoning ordinance relating to the posting of signs on public property or public rights-of-way.

1985, c. 417, § 15.1-499.1; 1986, c. 97; 1987, cc. 78, 99; 1988, cc. 513, 813, 869, 895; 1989, c. 566; 1990, cc. 473, 495; 1992, c. 298; 1993, c. 823; 1994, c. [342](#); 1995, c. [494](#); 1996, c. [421](#); 1997, c. 587; 2003, c. [192](#); 2006, c. [248](#); 2008, c. [727](#).