

Town Council: Bob Bloxom, Ray Burger, Thelma Gillespie, Joy Marino, Sarah Nock and Maphis Oswald
Mayor: Fletcher Fosque | **Town Manager:** Matt Spuck

Town of Onancock

Planning Commission Meeting

October 19, 2021 at 5:30 p.m.

Agenda

1. Call to order and roll call
2. Consideration and approval of meeting minute from:
 - a. September 21, 2021 meeting
3. Commissioner Business:
 - a. Brief update on status of Comprehensive Plan Review
 - b. Review zoning for Pine Street
 - c. Recommendation to rezone four parcels to Cultural, Recreational, and Community Facilities
 - d. Paper road construction standards and requirements
 - e. Review most recent version of Homestay ordinance – preliminary, for discussion purposes only
4. Adjourn

Town of Onancock
Planning Commission Meeting
Tuesday
September 21, 2021
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, Brandon Brockmeier, T. Lee Byrd, Larry Frey, Judith Grier, Scott Schreiber, and Carol Tunstall were present. Commission member Robert Bloxom was absent. A quorum was established.

Town Manager Matt Spuck and Deputy Clerk Mariellen Mearsheimer were present. See Attendance Sheet (attached) for others present at the meeting.

Minutes:

Chairman Grier asked for a motion to approve the August 17, 2021 minutes.

Commission member Bill Bagwell made a motion to approve the August 17, 2021 minutes as presented.

Commission member Scott Schreiber seconded the motion. No discussion was held. The motion was approved by unanimous voice vote.

Items of Business:

- a. Update on the status of the Comprehensive Plan Review

Town Manager Spuck informed the Commissioners that Town Council will meet on Monday September 27, 2021 to vote on the Comprehensive Plan. He has met with some Council members about the Plan. He stated the Council will make a motion to adopt the Plan, they will discuss it and make changes or corrections. He added with or without changes the Planning Commission is finished with their part.

- b. Review zoning application – 18 Market Street - Change of zoning from residential to business.

Commission member Bill Bagwell made a motion to recommend to Town Council they approve the change in zoning from residential to business for 18 Market Street. Commission member T. Lee Byrd seconded the motion.

Discussion followed. Mrs. Fosque gave an overview of how the property was used in the past. Commission member Larry Frey was concerned with the fact that a change of zoning was just made last year. Commission member Schreiber wanted the process of zoning change explained. Town Manager Spuck mentioned the shared backyard space that was the reason for the last zoning change. Commission member Brockmeier asked if the zoning change last year was meant to be temporary. Commission member Bagwell asked if there was a business license for a business at the location. With no further discussion Chairman Grier called for the vote.

Commission members Bagwell, Brockmeier, Byrd, Grier, Schreiber, and Tunstall voted yes. Commission member Frey abstained. The motion was approved, 6 yes, 0 no.

- c. Review current version of Homestay ordinance.

Town Manager Spuck presented the Commission members with the most recent version of Section 38-77.- Special exceptions. He stated the Town needs to define who we are and write an ordinance that fits that definition. Discussion followed. Mr. Spuck was asked how many special use permits for Homestays the Town currently has on record. He stated eleven; two are used often, two are idle, most of the others are infrequently used and three applications have been submitted since the moratorium. Commission member Bagwell was concerned about keeping the character of our neighborhoods, he wants to know his neighbors. Commission member Brockmeier said the residential areas are not for business, Airbnb's are businesses. Also discussed was requiring a minimum of two hundred linear feet between water meters plus one tax parcel between properties in order to prevent clusters of Homestays in any one area, a three year expiration for the special use permit, the submission of Transient Occupancy Taxes (TOT), who can apply, proof of insurance, limits on the number of days (90) homes can be rented in a calendar year which Mr. Spuck estimated would keep the property from being an overly profitable business, limits on the number of people that could stay in the house at one time (four for each full bath), the availability of off street parking for all types of vehicles and local contact information for the responsible party given to police and adjoining property owners. There was some discussion of Airbnb's in the downtown Business zone (B1) but it was decided by the Commissioners to defer that discussion for a later time.

Public Comment:

Chairman Grier opened the discussion to the public.

Residents had concerns about, keeping the residential areas residential and considered Airbnb's businesses', keeping home ownership and rentals affordable to locals, the 90 day limit and its effect on property rights, the minimum two hundred linear foot requirement being a good idea but homeowners should also have a say about Homestays near them and finally not allowing anymore Homestays than we have right now and making no changes to the ordinance, and concerns about inspections , oversite and enforcement and the costs to the Town. A resident from Onancock shared information collected about other localities on the Chesapeake Bay that had Homestays and a resident of Cape Charles, Virginia shared information about that Town's experiences with Homestays.

Adjourn:

Chairman Grier asked for a motion to adjourn.

Commission member Frey made a motion to adjourn. Commission member Brockmeier seconded the motion. The motion was approved by unanimous voice vote.

The meeting adjourned at 7:15 P.M.

Judith Grier, Chair

Mariellen Mearsheimer, Deputy Clerk

[Printer-Friendly](#)[View In Map](#)  [Back To Results](#) **Tax Map Number**

85A4-A-8A

Parcel ID

085A4A000008A0

The assessment information is obtained from the total value of these tax map numbers...

85A4-A-8A

[Summary](#)[Land](#)[Building](#)**Owner's Name:**

TOWN OF ONANCOCK

Mailing Address:15 NORTH ST
ONANCOCK, VA 23417**Base Zoning:**

All or part of this parcel is located within an Incorporated Town. Please check with the appropriate town for zoning within town limits.

Overlay Zoning:**Tax District:**

Subscription Only

**Assessment Information**

Transfer Date: 12/23/2020
12:00:00 AM

Sales Price: \$0

Grantor: CARNIVAL
GROUNDS
DEVELOPMENT
LLC

Deed Reference: 2000 05522

Additional Ref: Book 2000

Additional Ref: Page 05379

Assessment Information

	2020 Assessment	Prior Assessment
Land Value:	\$82,700	
Improvement:	\$0	
Total Value:	\$82,700	

Click [here](#) to view Tax Records in AccomackTax.com. Select to search by 'Parcel ID Number' and enter 085A4A000008A0 to find the tax record associated with this property

[Printer-Friendly](#)[View In Map](#) [Back To Results](#)**Tax Map Number**

85A2-9-28

Parcel ID

085A20900002800

The assessment information is obtained from the total value of these tax map numbers...

85A2-9-28

[Summary](#)[Land](#)[Building](#)**Owner's Name:**

TOWN OF ONANCOCK

Mailing Address:15 NORTH ST
ONANCOCK, VA 23417**Base Zoning:**

All or part of this parcel is located within an Incorporated Town. Please check with the appropriate town for zoning within town limits.

Overlay Zoning:**Tax District:**

Subscription Only

**Assessment Information**

Transfer Date: 12/23/2020
12:00:00 AM

Sales Price: \$0

Grantor: CARNIVAL
GROUNDS
DEVELOPMENT
LLC

Deed Reference: 2000 05522

Additional Ref: Book

Additional Ref: Page

Assessment Information

	2020 Assessment	Prior Assessment
Land Value:	\$31,500	
Improvement:	\$0	
Total Value:	\$31,500	

Click [here](#) to view Tax Records in AccomackTax.com. Select to search by 'Parcel ID Number' and enter 085A20900002800 to find the tax record associated with this property

Accomack County, Virginia

Tax Map #:

85A3-A-27

Parcel ID:

085A3A000002700

The assessment information is obtained from the total value of these tax map numbers...

85A3-A-27

Summary

Owner's Name

TOWN OF ONANCOCK

Mailing Address

15 NORTH ST
ONANCOCK, VA 23417

Base Zoning

All or part of this parcel is located within an Incorporated Town. Please check with the appropriate town for zoning within town limits.

Overlay Zoning

Tax District

Subscription Only

Sale Information

Transfer Date:	8/9/2004 12:00:00 AM
Sales Price:	0.00000000
Grantor:	COMMONWEALTH OF VIRGINIA
Deed Reference:	2004 05293
Additional Ref:	Book
Additional Ref:	Page

Assessment Information

	2020 Assessment	Prior Assessment
Land Value	\$7,500	\$3,000
Improvement	\$0	\$0
Total Value	\$7,500	\$3,000

The assessment information is obtained from the total value of these tax map numbers...

85A3-A-27

Land

Property Class:	740-Local Govt
Legal Description:	POINT OF FORKS GRILL & PT OLD RT 178 1/2 AC
Land Description:	RESIDUAL LAND
Street Type:	Subscription Only

Electricity:	Subscription Only
Gas:	Subscription Only
Sewer:	Subscription Only
Water:	Subscription Only

Building

Building Type:	Subscription Only	Total Rooms:	Subscription Only
Description:	Subscription Only	Number of Bedrooms:	Subscription Only
Stories:	Subscription Only	Number of Baths:	Subscription Only
Year Built:	Subscription Only	Number of Half Baths:	Subscription Only
Finished Sq Ft:	Subscription Only	Heat Type:	Subscription Only
		Air Conditioning:	Subscription Only

Construction		Additional Data	
Foundation Type:	Subscription Only	Attic:	Subscription Only
Construction Type:	Subscription Only	Finished Attic Sq Ft:	Subscription Only
Exterior:	Subscription Only	Basement Sq Ft:	Subscription Only
Condition:	Subscription Only	Finished Basement Sq Ft:	Subscription Only
Roof Type:	Subscription Only	Attached Garage Sq Ft:	Subscription Only
Roof Material:	Subscription Only	Detached Garage Sq Ft:	Subscription Only
		Deck Sq Ft:	Subscription Only

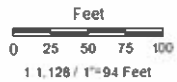
Accomack County, Virginia

Legend

Parcels



Map Printed from AccoMap
<https://parcelviewer.geodecisions.com/Accomack>



Title: Parcels

Date: 10/11/2021

DISCLAIMER: This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. The information displayed is a compilation of records, information, and data obtained from various sources, and Accomack County is not responsible for its accuracy or how current it may be.

Accomack County, Virginia

Tax Map #:

85A2-A-39

Parcel ID:

085A2A000003900

The assessment information is obtained from the total value of these tax map numbers...

85A2-A-39

Summary

Owner's Name

TOWN OF ONANCOCK

Mailing Address

15 NORTH ST
ONANCOCK, VA 23417

Base Zoning

All or part of this parcel is located within an Incorporated Town. Please check with the appropriate town for zoning within town limits.

Overlay Zoning

Tax District

Subscription Only



Sale Information

Transfer Date:	
Sales Price:	
Grantor:	
Deed Reference:	
Additional Ref:	Book
Additional Ref:	Page

Assessment Information

	2020 Assessment	Prior Assessment
Land Value	\$45,000	\$45,000
Improvement	\$20,400	\$20,400
Total Value	\$65,400	\$65,400

The assessment information is obtained from the total value of these tax map numbers...

85A2-A-39

Land

Property Class:	740-Local Govt	Electricity:	Subscription Only
Land Description:	COMMERCIAL	Gas:	Subscription Only
Street Type:	Subscription Only	Sewer:	Subscription Only
		Water:	Subscription Only

Building

Building Type:	Subscription Only	Total Rooms:	Subscription Only
Description:	Subscription Only	Number of Bedrooms:	Subscription Only
Stories:	Subscription Only	Number of Baths:	Subscription Only
Year Built:	Subscription Only	Number of Half Baths:	Subscription Only
Finished Sq Ft:	Subscription Only	Heat Type:	Subscription Only
		Air Conditioning:	Subscription Only

Construction		Additional Data	
Foundation Type:	Subscription Only	Attic:	Subscription Only
Construction Type:	Subscription Only	Finished Attic Sq Ft:	Subscription Only
Exterior:	Subscription Only	Basement Sq Ft:	Subscription Only
Condition:	Subscription Only	Finished Basement Sq Ft:	Subscription Only
Roof Type:	Subscription Only	Attached Garage Sq Ft:	Subscription Only
Roof Material:	Subscription Only	Detached Garage Sq Ft:	Subscription Only
		Deck Sq Ft:	Subscription Only

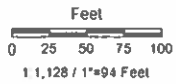
Accomack County, Virginia

Legend

Parcels



Map Printed from AccoMap
<https://parcelviewer.geodecisions.com/Accomack>



Title: Parcels

Date: 10/11/2021

DISCLAIMER This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. The information displayed is a compilation of records, information, and data obtained from various sources, and Accomack County is not responsible for its accuracy or how current it may be

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 ~~actually~~ 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 the purpose of~~For this subsection, the term "homestay" means a home occupation in which an individual owns a dwelling ~~and also~~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 AirBnB, VRBO, or any other online or private travel agent or agency.~~
 - a. ~~Every short-term rental must obtain and maintain a Special Use Permit from the Town of Onancock. Special Use Permits for STR expire 3-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 twelve 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 must apply for the Special Use Permit. In the situation of a property sale contingent on securing the Special Use Permit (SUP), both the current owner and the purchaser may jointly apply. An owner of a homestay residence must apply for a business license and is subject to the transient occupancy tax.~~
 - d. ~~The owner shall only be permitted one homestay in the town. Any ownership by an LLC, a partnership or a corporation must disclose all individuals included in the ownership of the purchasing entities. No individual may own any portion of more than one homestay in Onancock.~~
 - 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 two-hundred 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 creates an appropriate barrier between Homestay structures.~~
 - g. ~~Homestay properties may rent for no more than 90 days in a calendar year.~~

-
- dgh. The number of overnight guests will be determined by the zoning administrator in consultation with the homeowner. ~~Properties will allow no more than 2 guests per bedroom and no more than 4 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. based on the number of bedrooms, size of the house and size of the lot subject to approval of the town council.~~
 - i. ~~The owner of the property must annually provide the Town of Onancock 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 per occurrence and \$2,000,000 in aggregate.~~
 - ej. The homestay shall comply with all applicable town, county, state and federal statutes, regulations and ordinances.
 - fk. 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.
 - gl. The special use permit ~~may 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 ~~in this subsection (3) 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))