

Town of Onancock  
Planning Commission Meeting  
July 20, 2021  
5:30 p.m.

Call to Order and Roll Call:

Chairwoman Grier called the meeting to order at 5:30 p.m. and roll was called. Chairwoman Judith Grier and Commissioners Robert Bloxom, Bill Bagwell, Brandon Brockmeier, Larry Frey, Scott Schreiber, T. Lee Byrd, Carol Tunstall and Honorary Commissioner Ridgway Dunton were present. All members were present, and a quorum was established.

Consideration and Approval of the Meeting Minutes from the Previous Meeting:

No minutes due to a lack of quorum.

Planning Commission Discussion:

- a. Update on Comprehensive Plan: Mr. Spuck shared with the Commissioner the timeline for the joint public hearing with Town Council to review the Comprehensive Plan rewrite. Planning Commission will ask Town Council to consider the rewrite at its September Town Council Meeting.
  - a. Joint Public Hearing at the August 23, 2021 Town Council Meeting, Vote for Adoption at the September 27, 2021 Town Council Meeting.
- b. Discussion of Town Code §38-77 – Special Exemptions: Mr. Spuck explained that he has received a lot of applications for homestays in Town over the past several months and that those that attended the June Planning Commission meeting had some lengthy dialogue about possibly reviewing the Town’s current Code. Some Commissioners were wanting to take a more proactive role in managing this type of use. Mr. Spuck shared that Town Council heard two applications at their June meeting. Both the Council and the public had a lengthy conversation about the applications as well as the future of the short-term rental use in the residential districts. While both applications were approved, Town Council agreed to place a moratorium on those special use applications until Planning Commission had an opportunity to review and rewrite the policy as needed.

Mr. Spuck shared with the Commission the three options for this policy review.

1. Do nothing – keep the policy as is.
2. Only make changes to the current Code to remove ambiguity (ex: specify who can apply)
3. Reshape some of the rules and guidelines for that use in Town. This could include limiting the number of allowable homestays in Town, limit the number of allowable homestays by neighborhood or district, not allow contiguous properties to operate as homestays, and to not allow special use permit holders to retain permits for inactive homestays.

Mr. Spuck explained that no decisions would be made this evening, that this meeting was purely conversational. Mr. Spuck estimates about two-months’ worth of discussion before putting language before Council. Mr. Spuck urged the Commissioners to not let the conversation go on too long since he already has two applications on his desk waiting to be heard.

Mr. Spuck shared his concern about the transient occupancy tax (TOT) collection, stating that on their honor may not be the best practice. Currently, there are ten active homestays in Town and two nonactive. Policing who is active and who should be remitting the tax gets complicated and the Town needs to get better at this task. Another thing to consider is that currently only one person can have a special use permit for this use but what happens if the same person is also a member of an LLC, is the LLC another "person" and therefore eligible for another special use permit? What about the members of the LLC are they also eligible for additional permits? We may want to also require that someone local be the property manager.

Chairwoman Grier expressed concern over the lack of affordable housing and that people are more interested in short rentals than offering long-term affordable housing. Chairwoman Grier also felt that having boundaries in place is important.

Commissioner Bloxom stated that he likes the idea of setting a period of time on the permit approval, if they do not report sales, they lose their special use permit.

Commissioner Schreiber shared that when Town Council approved the initial homestay language it was against the wishes of the Planning Commission. Commissioner Schreiber asked if the Town was receiving complaints about the current homestays in Town. Mr. Spuck shared that the Town was not receiving complaints. Commissioner Schreiber shared that he likes the Airbnb's, they bring visitors to our Town and the Town does not have enough overnight accommodations for everyone. Airbnb's serve a slice of the population that does not want to stay in hotels. Commissioner Schreiber stated that as long as they are not causing issues, he would like to see the Town welcome these visitors. Commissioner Schreiber did feel that the ownership should be better defined, and that the TOT collection should be better.

Commissioner Bloxom shared that he agrees with Commissioner Schreiber. Commissioner Bloxom stated that the divide on this issue is large, some do not want any homestays and other do not want to impose any limit on the number of homestays in Town. Commissioner Bloxom stated that the Commission should consider a sunset clause on each permit and a potential limit of the total number of housing units. Commissioner Bloxom stated that the Code can always be changed as needed.

Commissioner Byrd stated that the Planning Commission needs to determine how many are allowed along with where they are allowed, stating that he realizes the Town does need places to stay but that he also does not want to see the residential lifestyle disrupted.

Commissioner Bagwell stated that while he appreciated Commissioner Schreiber's talking points, he feels that the Planning Commission should put the Town residents first. Airbnb's are businesses in residential areas. Commissioner Bagwell cited an article where a locality only allows Airbnb's if 75% of the neighborhood's residents approve of the use. That would take the resident's feelings and concerns into consideration.

Commissioner Tunstall shared that there is a balance between preserving the neighborhoods and supporting local businesses. Commissioner Tunstall shared the results of an Onancock Main Street study which stated that there were more untapped opportunities for homestays in Town. The study was primarily focused on business opportunities. Commissioner Tunstall shared that maybe it would be helpful to encourage this use in particular zones in Town.

Commissioner Brockmeier shared that he moved into the Town to be a part of the community otherwise he would have moved out of Town. Commissioner Brockmeier shared that he would have been heartbroken if he had been outbid by someone who did not actually want to live here full time. Commissioner Brockmeier stated that he likes the idea of limiting the number within a radius and allowing permit approval to lapse due to nonuse. He also stated that he feels that the lack of complaints is important for renewal purposes. Commissioner Brockmeier suggested that the police department be notified with renters are expected that way the Town will know who is coming and going.

Chairwoman Grier stated that she feels that they should hold a public hearing to really allow the residents to share their views on this issue. She also suggested including local realtors in the conversation.

Mrs. Janet Fosque, Market Street, asked if the Bed and Breakfasts have to be owner occupied. Mr. Spuck confirmed that statement.

Councilmember Joy Marino shared that the Town Code did not mention that stipulation. Councilmember Oswald state that the Bed and Breakfast Association requires that the owner live at the facility.

Ms. Mariellen Mearsheimer, Mt. Prospect Avenue, shared that everyone moves here because of the small community feeling which includes knowing your neighbors. Ms. Mearsheimer stated that it would be upsetting if Onancock turned in Cape Charles. Ms. Mearsheimer further stated that she no longer knows everyone who is walking down her street. She also stated that she feels very few home purchases lately have been for those wanting to move here full time. Ms. Mearsheimer also expressed concern about the gold cart rentals at the Marina. Ms. Mearsheimer closed by stating that she does not want a lot of Airbnb's.

Councilmember Joy Marino shared that she is thrilled at how many children are living on her block. She shared that has a member of Council all she has to go by when making rulings on these permits is what is outlined in Code. She shared that she stays in Airbnb's when she travels and loves them. Councilmember Marino went on to share a story of a friend of hers in Town that was unable to sell her home, so they turned it into an Airbnb. Even they stressed that the historical district should not be open to this type of use and that the Town should not let homes next to each other have the same use. Councilmember Marino read a section of the residential code aloud which mentions single-family homes in a quiet low-density area which helps to protect the neighborhood characteristic. Town Council will have to change that language if they allow Airbnb's to proliferate. Councilmember Marino closed by stating that she has heard some good suggestions about Code changes at this meeting and that she particularly likes the need for neighborhood feedback before an application can be approved.

Councilmember Sarah Nock asked how long the special use permits are active. Mr. Spuck stated that they are active until the property changes hands or the permit is revoked. Councilmember Nock stated that she would be interested to see if other localities have put sunset clauses in their approvals. Councilmember Nock also stated that she feels that neighbor feedback is crucial to these approvals. Councilmember Nock shared that she was not even given notice of the applicant's intent until two weeks prior to the meeting. Mr. Spuck explained the process of the adjacent property owner notices. Councilmember Nock suggested that the Town broaden the notice requirement to include more neighbors. Councilmember Nock shared that she would like to see the following in the Code change,

distance between properties with this use, a sunset clause for these permits, and more neighbor input and notification.

Mrs. Fosque shared that the argument that “we will never be Cape Charles” does not mean that the Town should not be wary of approving homes for this use. Town Council should have to answer to the property owners and residents of this Town. Finding the formula to live with this type of use discounts the need to serve those that already live and make their homes here. Mrs. Fosque suggested that Town Council looking into incentivizing short-term rentals in certain zones, rather than have them all over the residential districts.

Councilmember Maphis Oswald stated that the Town needs places for people to stay while visiting. How can you encourage people to visit but not offer them accommodations?

Commissioner Tunstall shared that friendly people visit the Town and often its at that time when they fall in love with Onancock want to purchase a home here. Ideally, we want people to come and live here but they also need the opportunity to fall in love with the Town.

Councilmember Marino asked how long the moratorium would be in effect. Mr. Spuck stated until Town Council told him otherwise. Mr. Spuck shared that he would be taking tonight’s comments, the minutes, and current Code into consideration when preparing for the next Planning Commission meeting. Mr. Spuck shared that he feels that this process should take about three months.

Public Comment:

No additional comments were heard.

Adjourn:

Commissioner Bagwell made a motion to adjourn. Commissioner Schreiber seconded the motion. The motion passed by unanimous voice vote.

The meeting adjourned at 6:54 p.m.



Judith Grier, Chairwoman



Lisa Fiege, Deputy Clerk