

# COUNCIL WORKSHOP MEETING

## A G E N D A

TOWN OF CHINCOTEAGUE

October 20, 2011, 5:00 P.M. - Council Chambers - Town Hall

CALL TO ORDER

INVOCATION BY COUNCILMAN T. HOWARD

PLEDGE OF ALLEGIANCE

AGENDA ADDITIONS/DELETIONS AND ADOPTION:

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1. Presentation – Draft Hazard Mitigation Plan (2 of 98)
  - a. Provide comments to A-NPDC for final version
  - b. Schedule public hearing date
2. Comprehensive Zoning Map and Zoning District Amendment (34 of 98)
  - a. Overview of public hearing comments
  - b. Planning Commission recommendation
  - c. Schedule additional work session or public hearing date
3. Memorial Park Septic System Repair (98 of 98)
4. Discuss an Alabama Disaster Relief Volunteer (Councilwoman Conklin)
5. Council Member Comments

ADJOURN:



## MEMORANDUM

Town of Chincoteague Inc.

Date: October 20, 2011  
To: Mayor Tarr and Town Council  
Through: Robert Ritter, Town Manager  
From: William Neville, Director of Planning  
Subject: Staff Report on the Hazard Mitigation Plan

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- ❖ **Town Council review of proposed update to the Hazard Mitigation Plan (HMP)**
  - ❖ **Schedule public hearing for draft HMP Update – November 7<sup>th</sup> or December 5<sup>th</sup>**
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**Hazard Mitigation is defined as any sustained action taken to reduce or eliminate long-term risk to human life or property from hazards.**

The regional Eastern Shore of Virginia Hazard Mitigation Plan was approved by FEMA, and the sections pertaining to the Town of Chincoteague were approved and adopted by the Town Council in 2006.

An update is required by the 5<sup>th</sup> year anniversary of the adoption of the Plan that allows the community the opportunity, through advertised public hearings, to comment on plan revisions prior to the Town Council approving them. Eastern Shore localities are currently working with Curtis Smith of the A-NPDC to complete the Hazard Mitigation Plan update. A completed draft is now available and sections specific to Chincoteague are attached for review by the Town Council.

### **New Concepts and Recommendations**

Although the current HMP is thorough in its evaluation of past natural hazard events, there are specific areas of vulnerability that have been incorporated in the update to assist in grant applications and public education.

- ✓ Barrier Island Protection Measures
- ✓ Commercial Main Street Building Flood Protection
- ✓ Critical Infrastructure
- ✓ Shallow Coastal Flooding/Drainage Improvements
- ✓ Storm Surge and Peak High Tide Events

## **Proposed Mitigation Projects**

The project list that was adopted in 2006 has generally been completed. New projects have been listed in the draft HMP for the next 5 year period, and may be eligible for grant applications.

### **1) STORM WATER MASTER PLAN**

- a) Conduct a Phase 2 Storm Water Study to improve drainage infrastructure for the Town and mitigate flooding hazards.
- b) Develop enforceable standard for fill and drainage to mitigate flooding hazards
- c) Perform GIS mapping project to evaluate incremental flooding issues
- d) Complete a storm water infrastructure improvement project on Maddox Boulevard at the traffic circle to reduce frequent flooding of access corridor to the National Seashore and Wildlife Refuge.

### **2) CRITICAL INFRASTRUCTURE**

- a) Partner with federal agencies to perform beach nourishment on Assateague Island to mitigate erosion and flooding hazards in Chincoteague
- b) Widen the Route 175 Causeway to improve public safety and the emergency response/evacuation corridor. (shoulders, emergency lane/bike lane, center barrier)
- c) Develop a cooperative agreement and short term response plan between Chincoteague and the USFWS to ensure access to the beach following a hazard event.

### **3) FLOODPLAIN / EROSION CONTROL**

- a) Review FEMA Region III Coastal analysis Risk Map and amend Town ordinance, if required
- b) Study and map critical infrastructure including new FEMA wave analysis
- c) Coordinate studies and maps with Emergency Operations Plan and Comprehensive Plan
- d) Prepare a plan for mitigation of coastal erosion along the southern shoreline of Chincoteague Island

### **4) PUBLIC OUTREACH**

- a) Implement a public information campaign on the benefits of flood insurance.
- b) Apply for additional insurance premium reduction through the NFIP Community Rating System.
- c) Develop and provide residents and businesses with hazard risk assessment maps and response plan.
- d) Protect new construction from flooding and wind events by continuing to enforce Virginia building code provisions
- e) Promote mitigation of flood prone properties and drainage infrastructure improvements through the FEMA grant program
- f) Encourage private investment in Commercial Building flood proofing along Main Street
- g) Identify locations of special needs populations using 2010 US Census data. Coordinate special needs assessment into the Chincoteague EOP
- h) Study and propose mitigation actions for increased exposure of special needs populations to coastal erosion and storm surge at the south end of Chincoteague Island.

# Hazard Mitigation Plan

DRAFT

THE EASTERN SHORE OF VIRGINIA

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Eastern Shore Hazard Mitigation Planning Committee  
Accomack-Northampton Planning District Commission

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THE EASTERN SHORE OF VIRGINIA

# Hazard Mitigation Plan

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*This report was funded by the Federal Emergency Management Agency through the Virginia Department of Emergency, via grant agreement number FMA 2009-001-022 for \$54,800*

Accomack-Northampton Planning District Commission  
P.O. Box 417, 23372 Front Street, Accomac, Virginia 23301  
Phone 757.787.2936 • Fax 757.787.4221



**FEMA**



**A-NPDC**

# Introduction

This section provides a general introduction to the Eastern Shore of Virginia Hazard Mitigation Plan. The section consists of the following subsections:

- *Background*
- *Purpose*
- *Plan Organization*

## Background

Since the 1960s, Congress and the President have been under increasing pressure to organize resources for the nation during large disasters. The government has increasingly turned its attention to the federal response to these types of disasters. In the 1960s, the government created the National Flood Insurance Program to shift some of the costs to those who choose to live in the areas of most risk. In the 1970s, the Federal Emergency Management Agency (FEMA) was created to centralize a great deal of the assistance the federal government offers to states in emergency situations. In the 1980s, the Stafford Act was passed to standardize the federal response and to institute programs to decrease the United States' vulnerability to disasters. In the early '90s, the National Flood Insurance Program was reformed to increase the participation of those most at risk to flooding. Still, disaster assistance costs mounted and the late '80s and early '90s saw some of the largest disasters the country has ever experienced. This included multiple billion dollar events such as Hurricane Hugo, the Loma Prieta Earthquake, the Northridge Earthquake, Oakland wildfire, the Midwest Floods of 1993, Hurricane Andrew and Hurricane Iniki (*Planning for Post-Disaster Recovery and Reconstruction*, 1998).

In October 2000, the United States Congress passed an amendment to the Stafford Act called the Disaster Mitigation Act of 2000. This act seeks to protect lives and property and to reduce disaster assistance costs by mitigation, sustained actions to reduce long-term risk. FEMA has since written regulations based on this act.

***Local governments are required to complete a Hazard Mitigation Plan to continue to receive certain types of disaster assistance.***

In spring of 2003, the Virginia Department of Emergency Management asked the counties of the Eastern Shore and the Accomack-Northampton Planning District Commission (A-NPDC) to undertake this work and directed the A-NPDC to apply for a Pre-disaster mitigation grant to finance the planning process. The Eastern Shore's plan was originally completed and adopted in 2006 According to 44 CFR Part 78, flood mitigation assistance, and the Disaster Mitigation Act of 2000. The current update to the plan occurred in 2010 and 2011 with the updated plan being adopted in 2011.

As these plans continue to evolve across the country, the understanding of different hazards and hazard planning has expanded to include a broad range of potential disasters and a concept of community resiliency.

The counties and towns of the Eastern Shore of Virginia have worked diligently to complete the following revised Hazard Mitigation Plan, which is presented to address the requirements of the Disaster Mitigation Act of 2000.

## **Purpose**

The purpose of the Eastern Shore of Virginia Hazard Mitigation Plan is to:

- *Ensure the protection of life, safety, and property by reducing the potential for future damages and economic losses that result from hazards;*
- *Make local communities safer places to live, work, and play;*
- *Assist localities in meet the criteria for grant funding prior to and following disasters;*
- *Expedite the recovery and redevelopment process following disasters;*
- *Exhibit a commitment from localities to hazard mitigation in the region; and*
- *Comply with federal and state legislative requirements for hazard mitigation plans.*

## **Plan Organization**

The chapters comprising this document follow the process spelled out in the Disaster Mitigation Act of 2000 and are organized to be both functional and reader-friendly as possible. The organization and intended flow of this document is described in the following sections.

***Chapter 1, Hazards on the Shore***, provides an overview of the hazards that have historically impacted the region and provides insight into the geographic and geologic setting of the region. A chronology of hazard events documents both pre-historic and historic hazard events that have impacted the Shore.

***Chapter 2, Planning Process***, narrates a complete description of the process used to prepare the Plan including how the public and other stakeholders were involved and who participated on the Hazard Mitigation Planning Committee.

***Chapter 3, Brief Description of Risk***, identifies and analyzes the hazards, assesses the risks associated with each hazard that threatens the region, and gauges the capability of available and cost-effective mitigation options for each hazard. This process builds on available historical data, defines detailed profiles for each hazard, and ranks each hazard for associated risk based

on occurrence frequency, affected structures, primary and secondary impacts, and mitigation options. The outcome of this process is a priority ranking of hazards that impact the region.

*Chapters 4 through 7* profile the four hazards that were given the highest hazard priority ranking: coastal flooding, storm water flooding, high wind, and coastal erosion. Each chapter provides background information, historical accounts, explanations of potential damages, and vulnerability overviews regarding each of the four high priority hazards.

*Chapters 8 through 22* are profiles of each locality that took part in the planning process. The profiles are ordered by location from north to south along the Shore and provide a general description of the community including geographic, physical, demographic, and economic characteristics. In addition; land-use patterns, general historical disaster data, and building characteristics are discussed. These profiles assist local officials and residents by providing baseline information on each community's social, environmental, and economic character that is plays a role in determining community vulnerability to hazards. Maps illustrating areas expected to be impacted by the highest priority hazards are included in the profile chapters for Accomack and Northampton Counties.

*Chapters 23 through 27* consist of broad vision and regional goal statements that guide the identification and prioritization of specific mitigation projects for the region and for each local government jurisdiction participating in the planning process. Descriptions for how the plan is to be maintained by government officials are included in the mitigation strategy chapters for Accomack County, Northampton County, and the Town of Chincoteague (Chapters 24, 25, and 26 respectively). Each specific project is assigned a start timeline and a responsible department/person to ensure action is taken to make localities less vulnerable to the damaging forces of hazards, while improving the economic, social, and environmental health of the community. Chapter 27 describes federal mitigation funding options available to localities prior to and following natural disasters. Together, these chapters are designed to make the Plan both strategic through identification of long-term goals and functional through the identification of short-term and immediate actions that will guide daily decision making and project implementation.

**Terminology**

*100-Year Flood – A flood that has a 1% chance of being equaled or exceeded in any single year*

*A zone – areas where the 1% probability flood, 100-year flood, would inundate with waves less than 3 feet.*

*V zone – areas where the 1% probability flood, 100-year flood, would inundate with waves greater than 3 feet.*

*NFIP – National Flood Insurance Program*

*Pre-FIRM – Built before the FIRM (Flood Insurance Rate Map) was adopted by a community*

**Town of Chincoteague Profile**

**History.** Chincoteague is a barrier island that is characterized by a series of ridges that run in a northeast-southwest direction that were formed approximately 2,000 to 4,000 years ago when the island was connected to the south end of Assateague Island. An inlet eventually formed at what is now the north end of the island separating Chincoteague and Assateague. A spit subsequently developed off the south end of Assateague serving as a barrier that has sheltered Chincoteague Island from erosion. The Accomack County Soil Survey shows that there are nine types of soil on Chincoteague. Several landform types are present including tidal salt marshes, dunes, beaches, intermingled dunes and marshes, coastal upland or floodplain, and fill. Elevation above sea level ranges from 0 to 10 feet with most of the developed areas within the 3 to 7 foot range.

The Town's economy has always been closely tied to natural resources and scenic beauty. Prior to the mid to late 1800s, the inhabitants of the island primarily subsisted by farming and raising cattle and sheep. As the demand for oysters grew throughout the 1800s, the seafood industry became the Town's main source of income. The seafood industry expanded to include clams, crabs, and fish during the 1900s and Chincoteague became widely known as a seafood capital (*Chincoteague Comprehensive Plan, 2010*).

When the causeway to the Island was constructed in 1922, the Town's primary economy began to shift from seafood to tourism. Chincoteague is now heavily dependent on the tourist industry. Many visitors come to enjoy Assateague Island National Seashore and the small coastal town atmosphere (*Chincoteague Comprehensive Plan, 2010*). In the 1950s, the tourist accommodations included rooming houses and small hotels. The island now includes large hotels, campgrounds, and vacation/rental homes to support the tourism industry during the 21<sup>st</sup> century and can

accommodate approximately 11,000 overnight visitors (*Chincoteague Comprehensive Plan*, 2002).

**Demographics.** The Town has experienced a significant population growth as it has become an increasingly popular tourist destination. The first significant population gain occurred leading up to the 1990s and has continued into the 21<sup>st</sup> Century. The population grew 21% from 3,572 to 4,317 between 1990 and 2000 (U.S. Census, 2000). The 2010 Census indicated that the Town experienced a 31.9% decrease in population from 4,317 in 2000 to 2,941 in 2010. The Town has appealed this count and estimates 3,666 as the full year resident population. The median age for residents in Chincoteague in 2000 was 46.1 years, indicating a population older than the national average.

Chincoteague is a gateway community providing a single point of access to the National Wildlife Refuge and Seashore in Virginia with an estimated 1.5 million visitors per year. With tourism as the primary industry on the island, the Town experiences a peak population of over 15,000 seasonal residents and tourists during the summer months (*Chincoteague Comprehensive Plan*, 2010).

**Local Industry.** Chincoteague supports a seafood industry that has been a vital component of the town's economy for generations. The town also supports a growing aquaculture industry. Both industries are vulnerable to economic losses as result of coastal flooding. Storm events have events have had adverse impacts on the local seafood industry in the past by damaging facilities and gear as well as damaging oyster and clam beds.

There is a significant risk of economic losses to the tourist related businesses if a spring northeaster caused a functional shut down of access to the beach during the summer tourist season. A late summer hurricane could also cause the tourist season to be shorter than usual and also cause functional losses.

The following table illustrates the top five types of businesses establishments located on Chincoteague.

2008 Rank	Name	No. of Establishments 2008	No. of Establishments 2001	2001 Rank
1	Accommodation and Food Services	46	43	1
2	Retail Trade	30	33	2
3	Construction	18	15	3
4	Other Services (except public administration)	16	12	4
5	Real Estate and Rental and Leasing	12	10	5

TABLE 9.1 Top five business sectors located on Chincoteague (Zip Code Business Patterns, 2001 and 2008).

**Coastal and Storm Water Flooding.** The *Flood Insurance Study* for Chincoteague identifies the greatest threat of flood inundation comes from hurricanes and northeasters.

The entire town is located within the 100 year floodplain. Most areas are designated as an A flood zone, with only a slim edge of the southern shore of the Town located in a V flood zone. The *Flood Insurance Study* for Chincoteague includes a wave analysis. The town’s A zones then are likely coastal A zones where waves under 3 feet can be expected in the 100-year flood. This poses additional risk above ordinary A zones and is included in the adoption of Base Flood Elevations by FEMA. The V zone Base Flood Elevation on the island is 10 feet. The A zone Base Flood Elevations range from 7 to 9 feet.

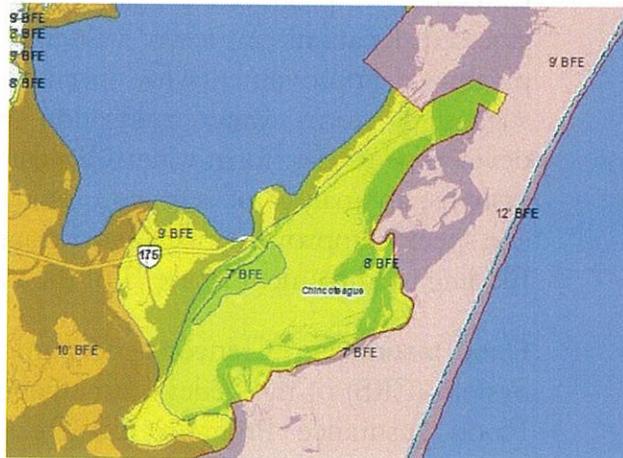


FIGURE 9.1 Map showing Base Flood Elevations (yellow, green and orange) and Coastal Barrier Resource Areas (red) within the vicinity of Chincoteague. Map courtesy of Accomack County’s *Accomap* mapping service.

The Town has a significant number of older homes not built to current building code standards for high winds and flooding conditions. All structures on the island are at high risk to coastal flooding. An estimate of residences for built prior to the National Flood Insurance Program (pre-FIRM) is 2,016. There are approximately 609 additional residences built before the wave analysis. Some of these structures should be classified as pre-FIRM since they were built in the unincorporated areas of Accomack County prior to 1984 and annexed into the town in 1989. Prior to 1984, structures were built to the stillwater elevations. The *Flood Insurance Supplemental Study* shows that wave crest increases the Base Flood Elevation by 0.8 to 1.1 feet. All pre-FIRM and pre wave analysis structures are at greater risk of flood damage than post-FIRM structures built after June 1984.

Two commercial districts are located on the island, along Maddox Boulevard and the original downtown area on Main Street. Both of these areas are located in A zones and for the most part lie below 5 feet in elevation. In August 2011, there were 1,269 business licenses within the Town. Many of these licenses are for home based businesses and vacation rental homes since U.S. Census Business Patterns zip code data for Chincoteague indicated only 149 business establishments employing 755 persons and 162 businesses employing 807 persons in 2001 and 2008, respectively.

Chincoteague produced a *Phase I Storm Water Master Plan* in 2011 that assessed locations in town vulnerable to storm water flooding and prioritized improvements for specific drainage issues. The plan outlines suggested storm water mitigation actions for Phase II including development of a storm water GIS database, a phased survey of drainage systems, an analysis of selected existing drainage systems, and suggesting site specific improvements. Chincoteague is interested in utilizing HMGP funding to implement Phase II of the master plan.

**Flood Insurance.** Chincoteague participates in the Community Rating System (CRS) of the Federal Emergency Management Agency's National Flood Insurance Program (NFIP). The NFIP provides participants protection against catastrophic damage of loss from flooding. Communities participate in the NFIP by adopting and enforcing local ordinances that reduce future flood losses by regulating new construction.

These measures include the adoption of floodplain zoning provisions, designed to limit damage to structures in flood hazard areas. Measures also include the adoption of special building codes for affected areas. Homeowners, renters, and business owners living in communities that participate in the NFIP are eligible for federally backed flood insurance.

The Community Rating System rewards communities that voluntarily take steps beyond the minimum requirements of the Flood Insurance Program with discounts on flood insurance premiums. Eligible activities fall under one or more of the following categories: flood preparedness; flood damage reduction; mapping and regulations; and public awareness.

In 2003, Chincoteague improved its rating to Class 8, entitling the community to a 10% discount on flood insurance premiums. Chincoteague's current rating is Class 8. The town had 530 NFIP policies in 2003 and 819 in 2011 that reduce the risk of financial loss experienced following a hazard event (FEMA NFIP Insurance Report, July 2003 and May 2011). Depending on the distribution of NFIP policies, these should provide a portion of the cost of repair. Purchasing NFIP contents insurance is not usually required unless the property is being used to secure a loan. In this case, NFIP building insurance is a requirement to receive a mortgage on the property. Most of the covered losses will be for repair of existing buildings and will not be for replacement of personal property. In 2003, there was approximately \$46.3 million in properties that are uncovered for residential structural loss. This amount rose to approximately \$89.5 million in 2011 for the Town. In 2003, private residential property owners would have suffered an estimated \$107.9 million in structural and contents damage in the event of a 100-year flood. In 2011, this estimate has risen to approximately \$208.3 million (Eastern Shore of Virginia Coastal Flood Vulnerability Assessment, 2006 and 2011).

**Disaster Assistance.** In the past, floods that have covered the entire island, such as the 1933 hurricane and the Ash Wednesday Storm of 1962, have garnered federal assistance. However, there is no guarantee that the President would declare a disaster for a specific storm. If a federal disaster was declared, then some Federal Disaster Assistance would become available. The average housing assistance in medium sized states, such as Virginia, is \$1,675 per home (CFR-Emergency Management and

Assistance, 2002). This housing assistance can include lodging reimbursement, rental assistance, home repair or home replacement. There were 2,068 households in Chincoteague in 2000 and 4,480 in 2009 (Census 2000; 2005-2009 American Community Survey 5-Year Estimate). If all of these households applied and received the average assistance, the total federal assistance that might be available for repair of the homes would be \$3.5 million in 2003 and \$7.5 million in 2009, far short of the funds needed in both years.

There is currently some limited Federal Disaster Assistance for personal property such as loss of clothing, household items, et cetera and other necessary costs such as cleanup. For medium sized states, the average amount of this assistance is \$2,106 (CFR-Emergency Management and Assistance, 2002). If all the households received the average assistance the total assistance that might be available for contents replacement would be \$4.4 million in 2003 and \$9.4 million in 2009, far short of the funds needed in both years.

The 2000 Census showed that there were approximately 542 houses with a mortgage and these homes are valued at approximately \$85,317,500. The July 2003 NFIP insurance report showed that there were 530 policies for \$57,295,800 in 2003. In 2011 the number of policies in the Town had increased to 819 covering \$159,316,400 (FEMA NFIP Insurance Report, May 2011) and the number of mortgages had risen to 635 in 2009 (2005-2009 American Community Survey 5-Year Estimate) It appears that most of the flood insurance policies are on mortgaged houses and that as mortgages are paid off owners are dropping their flood insurance. It also appears that those policies are not covering all the losses that would occur in the 100-year flood.

In addition, it appears that few businesses have flood insurance and those that may have flood insurance likely only insure the structure and not the contents. Depending on depth of flooding, the displacement time for a one story commercial structure could be anywhere from 62 days (flood 1 foot above floor) to 302 days (flood 8 feet above floor).



FIGURE 9.2 Chincoteague home elevation project.

**NFIP Community Participation.** The Town joined the NFIP on March 1, 1977. Wave height analysis wasn't included for the Town until June, 1984. Accomack County also joined the NFIP at this time. Approximately, twenty-five percent of the existing Town has had floodplain regulation from 1977 while the remainder of the Town was administered by Accomack County from 1984 to 1989.

Chincoteague had two Flood Insurance Rate Maps (FIRMs) prior to the most recent 2009 FIRM. The 1984 FIRM shows the old Town boundaries and the 1992 FIRM shows the rest of Chincoteague Island. In 1989, the Town of Chincoteague annexed the remainder of Chincoteague Island and as a result both the 1984 FIRM and 1992 FIRM are incorrect in showing the Town's boundaries. An updated FIRM was provided to the Town by FEMA with an effective date of March 16, 2009.

Chincoteague had 21 flood claims between 1978 and 2003 with the average claim being \$2,878 (FEMA NFIP Insurance Report, July 2003). From 2003 to 2011, the Town experienced 21 additional claims bringing the total claims since 1978 to 42 with the average claim being \$6,318 (FEMA NFIP Insurance Report, May 2011).

**HMGP Participation.** The Town has participated in the HMGP through A-NPDC and the adoption of an approved Hazard Mitigation Plan for Chincoteague in September 2006. The Town and A-NPDC are currently working on a project with FEMA and VDEM to reconstruct one severe repetitive loss property. There are Coastal Barrier Resource Areas located along Assateague Island and the northern tip of Chincoteague (see Figure 9.1) that would not be eligible for HMGP and Pre-Disaster Mitigation funding.

**High Wind Events.** ASCE 7-98 defines the Wind Borne Debris Hazard Area as within 1 mile of the coast where basic wind speed is equal to or greater than 110 mph (3 sec gust). Chincoteague is within the 110-120 mph range. The coast of Assateague Island and Wallops Island generally are further than 1 mile from Chincoteague. The southern tip of Chincoteague is the only place that falls near or within this zone. There are two mobile home parks in this area. There are approximately 180 units in the park most threatened worth approximately \$6.8 million. Assuming, a 110 mph (3 sec gust) event, which is the 100-year event in hurricane prone areas, Chincoteague could expect that many of these mobile homes would be a complete loss. It should be noted that the Floodplain Ordinance adopted by the Town in September 2006 requires elevation and anchoring for all new or substantially improved structures.



FIGURE 9.3 Mobile Home Park on the southern tip of Chincoteague Island. *Photo courtesy of Capt'n Bob's Marina.*

**Coastal Erosion.** Currently, the town is not experiencing a great deal of shoreline erosion. The island, located in Chincoteague Bay behind Assateague Island, is not currently exposed to the harsher wave climate of the Atlantic Ocean. Assateague Island serves as a barrier protecting Chincoteague from coastal erosion. Natural changes to the Tom's Cove hook have significantly increased the width of the Chincoteague inlet in recent years causing greater high tides and erosion of the marshland at the south end of Chincoteague.

In 1934, a jetty was constructed at the north end of Assateague Island to prevent shoaling at Ocean City Inlet. The jetty has successfully kept the inlet to the north navigable, but has starved Assateague Island of sediment and greatly accelerated erosion and island transgression. These impacts make the island vulnerable to inlet formation during storm events. Should an inlet breach Assateague, the island of Chincoteague could be exposed to greater flood elevations, wave energy and experience increased coastal erosion. Base flood elevations on Chincoteague are currently reduced by 4 to 5 feet due to the sheltering effect of Assateague Island (Accomack County online GIS).

A 50 year shoreline restoration project has been approved by the USACE for Wallops Island approximately 5 miles to the south of Chincoteague. Beach replenishment and extension of a seawall will protect significant federal property investments and may impact sand movement in the vicinity of Chincoteague inlet.

Approximately, 11.2% of the island's shoreline is hardened with bulkheads or riprap. Most of this is along commercial areas and privately owned land. Approximately 15 structures are located close to the shoreline with little buffer if erosion were to occur at that location. In several locations, critical infrastructure such as the Route 175 Causeway and portions of South Main Street come within several feet of the shoreline. A variety of shoreline management tools will be needed to promote a balance between perimeter marshland protection and meeting community needs for recreation, working waterfronts, and real estate value.

**Other Local Hazards.** On February 28, 2004, a tanker carrying 3.5 million gallons of ethanol exploded and sunk off of the coast near Chincoteague.

Although the ethanol evaporated and the fuel oil slick moved out into the ocean, an accident of this nature could have adverse impacts on the area's coastal environments and habitats. This is a significant concern for the Town since so much of its economy is related to the tourism and seafood industries and the major draw for the area the National Seashore on Assateague Island. An event of this nature could affect the economy for years.

NASA has planned seven major Taurus II rocket launches from the Wallops Flight Facility that will supply the International Space Station over the next several years beyond 2011. The Range Safety Officer establishes a safety performance envelope around the launch site as well as a circular hazard area in the event of a launch failure. This perimeter has been set in the past at 8,500 feet allowing for safe observation from Chincoteague.

Thunderstorms during warm weather months pose a significant threat to the Town. Lightning and high winds associated with thunderstorms are potentially hazardous especially during the annual Pony Penning event each third week in July. This event attracts tens of thousands of people to the pony swim, pony auction and fireman's carnival. During 2004, while thousands were attending the events a thunderstorm passed through and caught many out in the open.

Other significant hazards commonly experienced on the island include ice/snow storms and heat waves. Heat waves, unlike ice/snow storms, occur during the height of the tourist season when the population is at its greatest, putting a larger number of people at risk. Ice/snow storms regularly cause damages to trees and power lines and make access to and around the Town difficult.

**Critical Facilities.** Town officials evaluated high priority hazards that may affect Chincoteague's critical facilities. All of the Town's critical facilities are located in hazard areas.



FIGURE 9.4 Firehouse on Chincoteague Island. *Photo by Elaine Meil*

The following table lists the critical facilities and their importance to the Town.

Town of Chincoteague – Critical Facilities					
Facility	Hazards	No. of People Affected	Loss Potential	Relocation Potential	Retrofit Potential
Chincoteague Municipal Complex	Wind, Manmade	4,000+	Major Disruption	No	Yes
Chincoteague Fire Station	Flooding, Wind, Manmade	4,000+	Major Disruption	Yes	No
Chincoteague Docks, Bridges, and Harbor of Refuge	Wind, Flooding, Manmade	4,000+	Devastating	No	No
ANEC Power Delivery Substation	Wind, Flooding, Manmade, Loss of Power	4,000+	Devastating		
Chincoteague Water Supply & Distribution	Wind, Flooding, Fire, Loss of Power, Manmade	4,000+	Devastating	No	No
Emergency Medical Centers	Wind, Flooding, Fire, Loss of Power	4,000+	Major Disruption	Yes	Yes
Banks	Wind, Flooding, Fire, Loss of Power, Manmade	3,000+	Devastating	No	Yes
Hotels, Motels, Restaurants, Convention Center	Wind, Flooding, Fire, Loss of Power, Manmade	12,000+	Devastating	No	Yes

**Town of Chincoteague – Critical Facilities (continued)**

Coast Guard Station	Wind, Flooding, Fire, Loss of Power	15,000+	Major Disruption	Yes	Yes
Route 175 Causeway & Bridges	Wind, Flooding, Manmade	30,000+	Devastating	No	Yes
Collector Streets (Maddox, Chicken City, Ridge, Church)	Wind, Flooding, Manmade	4,000+	Major Disruption	No	Yes
Communications Network	Wind, Flooding, Manmade	4,000+	Major Disruption	Yes	Yes
Storm drainage system	Flooding	4,000+	Major Disruption	No	Yes

TABLE 9.2 Critical Town Facilities in Chincoteague.

**Planning Documents.**

*2002 Chincoteague Comprehensive Plan.* The 2002 Comprehensive Plan addressed hazards in several areas. The plan identified four hazards, three naturally occurring; flooding, wind, erosion and one manmade; fire. One of the major problems identified was storm water flooding. The Town identified drainage after storms as one of the major concerns. Most of the vacant lands remaining are areas where the island’s drainage occurs. The Town discourages filling in open drainage ditches. Some water stands in the ditches until the tide goes down.

*2006 Floodplain Ordinance.* The Town of Chincoteague adopted a Floodplain Ordinance in 2006 that established floodplain districts based on current FEMA Flood Insurance Rate Maps and created an overlay to all zoning districts. District provisions require permit approval for all new construction or substantial improvements to existing structures. Special construction standards apply and are enforced by professional Town staff.

*2010 Chincoteague Comprehensive Plan.* The 2010 Comprehensive Plan addresses the same four hazards that the 2002 Plan included: flooding, wind, erosion, and fire. Additionally, ice storms are identified as hazardous to agricultural lands on the Island. Furthermore, the plan recommends that future development adequately address storm water drainage.

*Town of Chincoteague, Drainage Maintenance Program.* The Town's Code requires local property owners to maintain the drainage ways on their land. Owners must keep these areas clear of natural or manmade material or substance. Allowing this debris to remain constitutes a misdemeanor with each day a separate offense. The Director of Public Works is responsible for conducting two inspections of certain drainage ways prior to northeaster and hurricane season.

**Regional Planning.** The Town of Chincoteague participates as a member of A-NPDC in regional planning efforts including the NPS General Management Plan, CNWR Comprehensive Conservation Plan, the Nature Conservancy sponsored Adaptation Work Group that will apply new LiDAR data to hazard mitigation planning, and other community facility/natural resource committees working on long range planning issues.

**Trends.** Chincoteague is currently experiencing challenging but stable economic conditions. Recent growth in home renovations and limited new home construction (10 permits/year) are largely a result of home conversions for vacation rentals. Any significant growth is constrained by lack of public sewer and the cost of engineered septic systems to meet current design standards. There are three major campgrounds, one small campground and one agricultural area located on the island. These constitute the largest areas of remaining undeveloped land. Two large campgrounds, located on the water, are up for sale. Many new structures are being built using easily erodible fill, and incremental fill is disrupting natural drainage patterns. Completion of a storm water drainage master plan with several key projects to reduce shallow flooding has been identified as a high priority by the Town Council.

**Findings.**

1. The Town lies wholly in the Special Flood Hazard Area. A small number of structures are exposed to potential erosion issues in addition to flooding, and approximately 11% of the island is hardened to avoid erosion. Storm water drainage is also a significant issue on the island.
2. Approximately 2,016 pre-FIRM buildings are vulnerable to damage or destruction in a 100-year flood event.

3. Post-FIRM buildings built with solid walls in A zones that are affected by wave action could be damaged or destroyed, even though in compliance with the NFIP regulations.
4. The 100-year flood event was estimated to cause approximately \$107.9 million in direct damage in 2006 and approximately \$208.3 million in 2011 (Eastern Shore of Virginia Coastal Flood Vulnerability Assessment, 2006 and 2011). Federal Disaster Assistance, if received, estimated at \$16.9 million in 2009 would not cover the damage.
5. NFIP flood insurance only covers approximately 13.4% of the houses at risk. NFIP policies and mortgages are almost equal and it appears that people are dropping flood insurance as they pay off their mortgages. Few businesses appear to have flood insurance. So in addition to functional shut downs of 62 to 302 days while buildings are repaired, many businesses will have to rely on loans or savings to repair their structures and replace their contents or inventories.
6. The existing 819 flood insurance policies do not appear to cover contents or the entire value of structures that are in the risk areas. However, the coverage deficit has been reduced significantly from approximately \$37.7 million in 2006 to approximately \$24.1 million in 2011 (Eastern Shore of Virginia Coastal Flood Vulnerability Assessment, 2006 and 2011).
7. Chincoteague is dependent on the tourist industry. A northeaster, causing a 100-year flooding event, could cause tremendous economic problems if the tourism industry was partially shut down thru the summer season.
8. The water distribution system is dependent on power on both the island and mainland. Without power, water cannot be pumped to the island and fire suppression is a concern. There are no dry hydrants on the island since they do not work well in the salt water environment. The town is dependent on residual pressure in the water tanks and Mutual Aid from other fire companies to combat fire during power outages. Water mains located along the Route 175 Causeway and bridges are critical infrastructure at risk from major storm events.
9. The potential damages are increasing due to increased storm and tidal exposure from Chincoteague inlet. New construction standards and

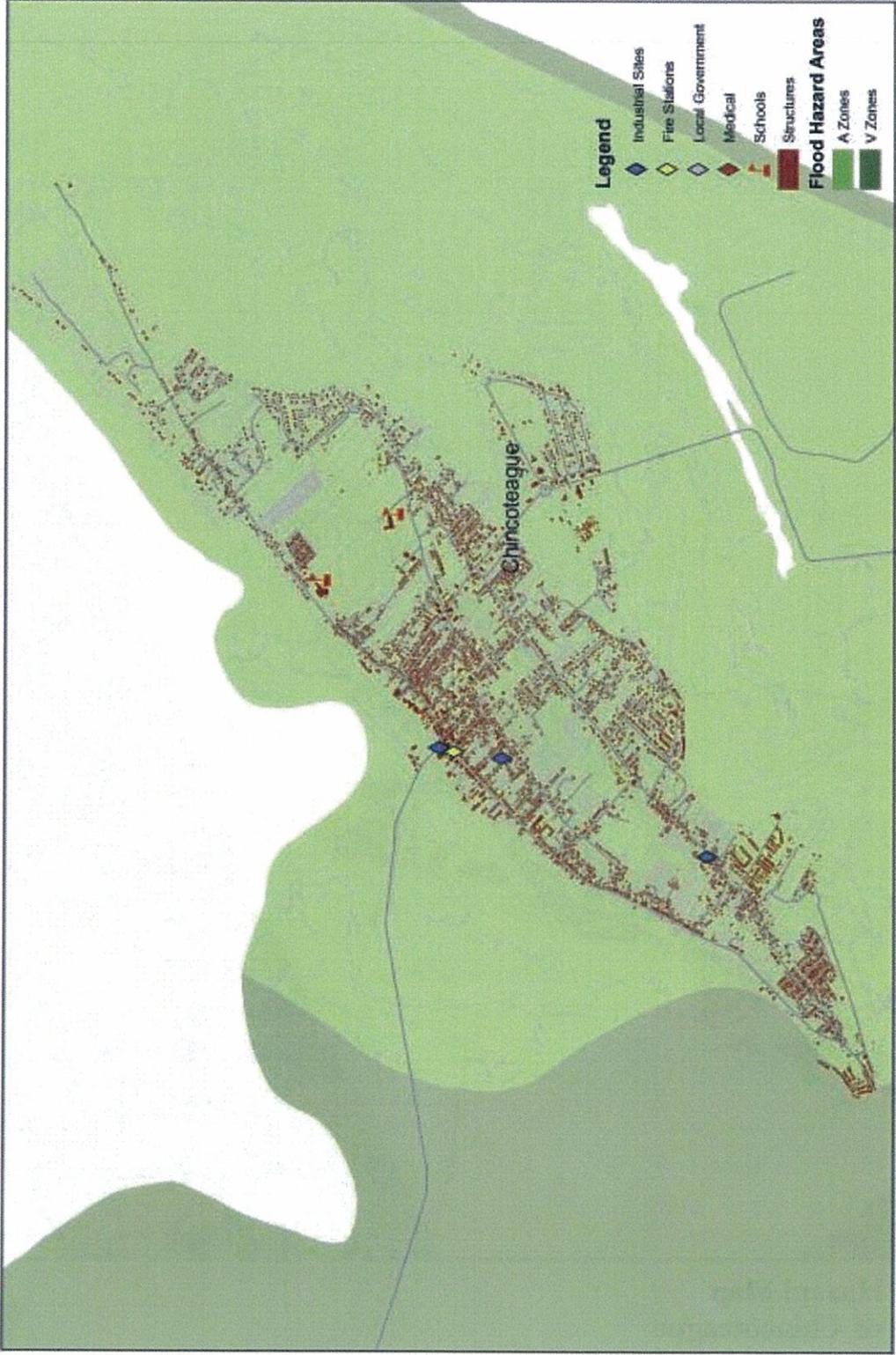
infrastructure improvements will help to mitigate the effects of hazards to new development on the island.

10. A master plan for storm water drainage that is based on field conditions and analysis of new LiDAR elevation data should be prepared to guide and regulate land development and the Town capital improvement program.

# **Town of Chincoteague Hazard**

## **Maps**

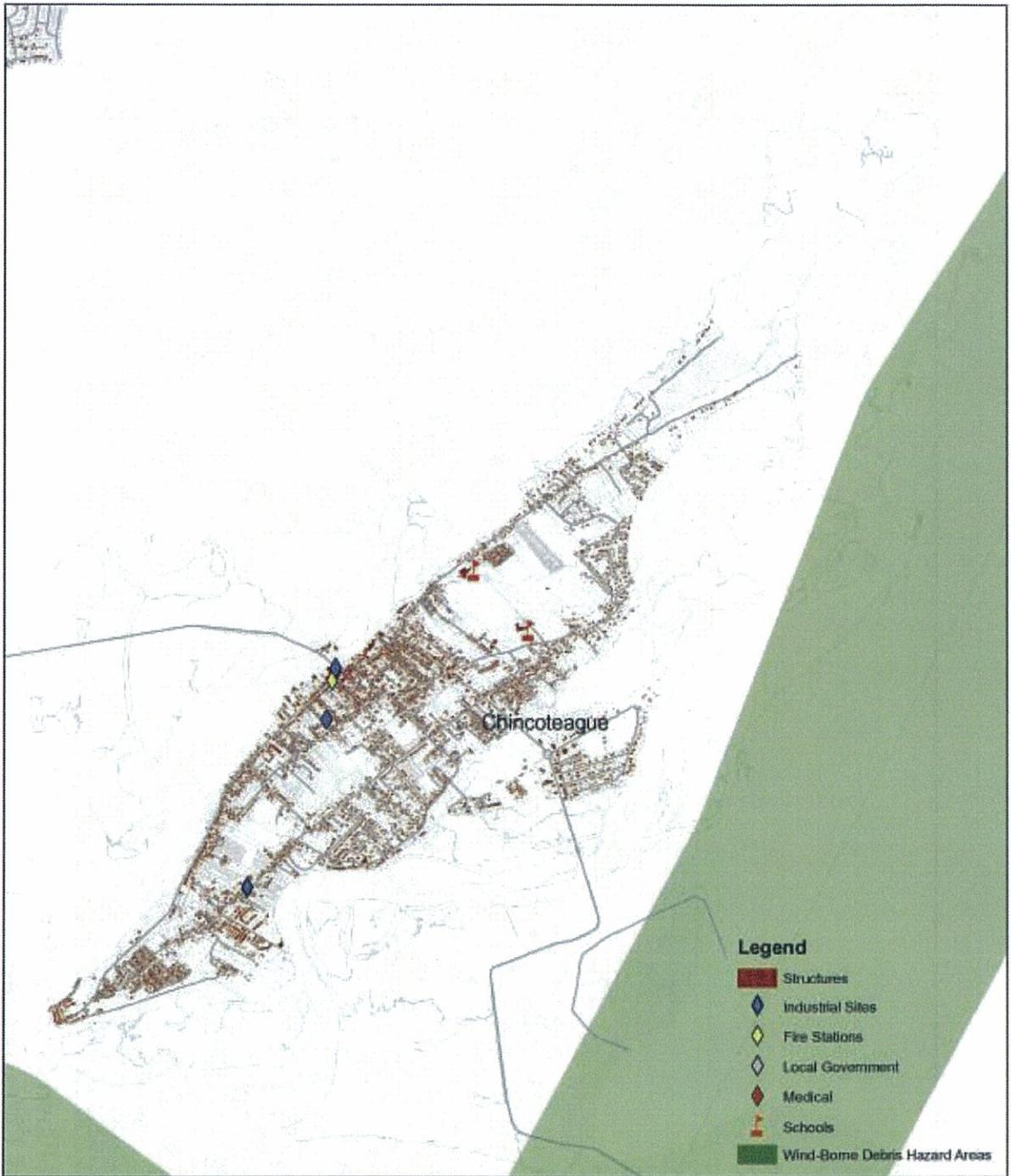
*The following maps illustrate coastal flooding and wind hazard areas for the Town of Chincoteague. Hazard maps for the remainder of Accomack County can be found at the end of Chapter 8. Descriptions of locations at risk to coastal erosion and storm water flooding are described in detail within Chapter 9.*



**Coastal Flood Hazard Map  
Town of Chincoteague**

Eastern Shore of Virginia Hazard Mitigation Plan 2011

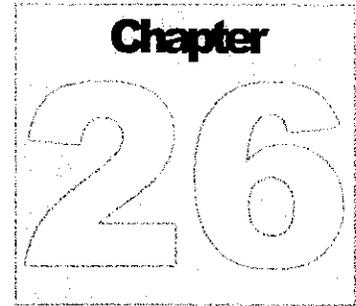




**Wind Hazard Map  
Town of Chincoteague**

Eastern Shore of Virginia Hazard Mitigation Plan 2011





## **Town of Chincoteague Mitigation Strategies**

**T**he Town of Chincoteague, located on Chincoteague Island, lies off of the northeast coast of Accomack County. The town is known as a gateway to Assateague Island National Seashore and the Chincoteague National Wildlife Refuge that has an economy reliant on both its natural resources and seasonal tourism. In addition, the community provides housing and visitor support for the neighboring Wallops Flight Facility. Chincoteague Island's unique location and economy has directed a set of mitigation strategies that specifically address the coastal hazards facing the town.

### **Project Prioritization**

The Town has ranked the various projects and actions, according to the project's unique elements and the Town's risk assessment. Start dates for each project were established. Town Staff presented proposed mitigation projects to the Town Council on August 18, 2011. The Director of Planning, Emergency Management Coordinator, and the Town Manager will consider economic costs and the benefits of the various projects and present that information to the Council for adoption.

### **Plan Maintenance**

The Emergency Management Coordinator will review the Hazard Mitigation Plan every year prior to the July 1 deadline for the Local Capability Readiness Assessment (LCAR). The Coordinator will evaluate the plan and review progress made during the previous years on the goals and projects in the plan. The Coordinator will use the LCAR criteria for

hazard mitigation to evaluate the Town's hazard mitigation program. Progress will be reflected in the LCAR. The Coordinator will also recommend any revisions to the Town Council. By July 1, 2015, the Coordinator will assemble a Committee or represent the Town of Chincoteague on a Committee to update the plan. The Committee will work to complete the updates by the end of the calendar year of the fifth anniversary of the adoption of the plan. During the plan maintenance process, the community will have opportunity through advertised public hearings to comment on plan revisions and updates prior to the Town Council approving them.

The Town of Chincoteague has a Town Plan. The Emergency Management Coordinator will provide input and plan materials to the planning group responsible for regular updates to the Town Plan and any other relevant planning documents. During updates of the Town Plan and other relevant planning efforts, the Hazard Mitigation Plan will be reviewed and appropriate material incorporated into the updates.

## Identified Mitigation Projects – Town of Chincoteague

<b>Goal 1 - Local Governments Guide a Comprehensive Mitigation Program Including Public Education and On-going Hazard Assessments</b>				
<i>Strategy 1.1 - Ensure emergency management and government operations can continue during and after a hazard event</i>				
<i>Strategy 1.2 - Complete hazard assessment mapping and Storm Water Master Plan to better inform Town Council decisions and public outreach efforts</i>				
Priority Rank	Town of Chincoteague - Goal 1: Description of Projects	Responsible Department	Start Timeline	Status as of 2011
<b>2006 – 2011 HMP Identified Mitigation Projects</b>				
---	Produce Responder Bilingual Cards with English on back. An example of the type of message to be included is "Do not drink the water."	Health Department and the Eastern Shore Disaster Preparedness Coalition (ESDPC)	2006	Complete*
---	Set a regional compatibility standard for emergency communications	ESDPC	2006	Funding attained, Pending
---	Obtain more changeable warning signs	VDOT	2006	Complete
---	Upgrade communications systems and provide for backup in the event of a communication failure	ESDPC, Tow	2009	Complete
---	Obtain funding for a generator Hookup for the Eastern Shore Community College	Eastern Shore Community College	Post-declared disaster	Not Complete
---	Investigate potential tertiary locations for a Chincoteague Emergency Operation Center located off the island and in northern Accomack County	Emergency Services Coordinator	2009	Ongoing
<b>2011 – 2016 HMP Identified Mitigation Projects</b>				
1	Conduct a Phase 2 Storm Water Study to improve drainage infrastructure for the Town and mitigate flooding hazards.	Chincoteague Dept. of Public Works	Ongoing	Phase 1 Complete
2	Perform GIS mapping project to evaluate incremental flooding issues.	Chincoteague Planning & Zoning	2012	Not Started
3	Study and map critical infrastructure including new FEMA wave analysis.	Chincoteague Planning & Zoning	2013	Not Started, awaiting FEMA map updates
4	Coordinate studies and maps with Emergency Operations Plan and Comprehensive Plan	Chincoteague Planning & Zoning	Annually	Ongoing

\*Spanish Health and Emergency Preparedness informational brochures have been produced and are available to the Hispanic population through a variety of outlets.

<b>Goal 2 - Residents, Businesses and Local Governments Will Work to Minimize Community Disruption Through Residential and Commercial Mitigation Activities</b>				
<i>Strategy 2.1 - Retrofit housing to withstand a 100-year flood event</i>				
<i>Strategy 2.2 - Utilize mitigation funds made available following a natural hazard event to retrofit commercial and residential structures to withstand flooding or other hazard events</i>				
<b>Priority Rank</b>	<b>Description of Projects</b>	<b>Responsible Department</b>	<b>Start Timeline</b>	<b>Status as of 2011</b>
<b>2006 - 2011 HMP Identified Mitigation Projects</b>				
---	Increase the safety of residents and visitors on the island by replacing the existing bridge.	VDOT	2006	Complete
---	Investigate the possibility of shoulders or enlarging pull offs on the causeway to aid traffic control during evacuations.	VDOT	2008	Complete
---	Manage a home elevation project on Chincoteague. Using a cost-benefit analysis, focus on reducing risk to the most vulnerable primary housing.	Chincoteague Building & Zoning	Post-declared disaster	Not Complete, Ongoing
---	Use hazard mitigation funds to retrofit commercial and residential structures.	Chincoteague Building & Zoning	Post-declared disaster	Complete, Ongoing
---	Protect new construction by continuing to enforce the building code provisions protecting structures from flooding and wind events.	Chincoteague Building & Zoning	Ongoing	Complete, Ongoing
<b>2011 - 2016 HMP Identified Mitigation Projects</b>				
1	Partner with federal agencies to perform beach nourishment on Assateague Island to mitigate erosion and flooding hazards in Town.	NPS, NFWS, & USACE	Unknown	Not Started
2	Mitigation of flood prone properties (to include, but not limited to acquisition, elevation, relocation, dry and wet flood proofing of flood prone structures, mitigation reconstruction for NFIP defined Severe Repetitive Loss (SRL) properties only), and drainage infrastructure improvements.	A-NPDC & Chincoteague	Post-declared disaster	Ongoing
3	Prepare plan for mitigation of coastal erosion along the southern shoreline of Chincoteague Island	Chincoteague Planning	2012	Not Started
4	Flood proof commercial buildings along Main Street to mitigate flooding hazards.	Chincoteague & Main Street Merchant's Assoc.	2012	Not Started
5	Use hazard mitigation funds to retrofit commercial and residential structures.	Chincoteague Building & Zoning	Post-declared disaster	Ongoing

<b>Goal 3 - Local Governments Encourage Self-sufficiency among Residents and Personal Responsibility for Managing Their Own Risk</b>				
<i>Strategy 3.1 - Promote the benefits of flood insurance from the National Flood Insurance Program</i>				
<i>Strategy 3.2 - Educate residents and businesses on potential natural hazards</i>				
<b>Priority Rank</b>	<b>Town of Chincoteague - Goal 3: Description of Projects</b>	<b>Responsible Department</b>	<b>Start Timeline</b>	<b>Status as of 2011</b>
<b>2006 - 2011 HMP Identified Mitigation Projects</b>				
---	Start a public information campaign on the benefits of flood insurance with a focus on Chincoteague's local needs.	Chincoteague Administration	2007	Complete, Ongoing
<b>2011 - 2016 HMP Identified Mitigation Projects</b>				
1	Implement a public information campaign on the benefits of flood insurance with a focus on Chincoteague's local needs.	Chincoteague Administration	Annually	Ongoing
2	Protect new construction by continuing to enforce the building code provisions protecting structures from flooding and wind events.	Chincoteague Building & Zoning	Ongoing	Ongoing
3	Review FEMA Region III Coastal Analysis Risk Map and amend Town ordinances, if required.	Chincoteague Planning	2012	Not Started
4	Develop and provide residents and businesses with hazard risk assessment maps and response plan.	Chincoteague Planning	2012	Not Started

<b>Goal 4 - Local Governments Will Work to Ensure That Infrastructure Will Continuously Function During and After a Natural Hazard Event</b>				
<i>Strategy 4.1 - Retrofit the causeway and bridge to maintain connection to the mainland</i>				
<i>Strategy 4.2 - Ensure adequate water resources will be available during and after hazard events</i>				
<i>Strategy 4.3 - Maintain beach access to the Assateague Island National Seashore following hazard events</i>				
<b>Priority Rank</b>	<b>Description of Projects</b>	<b>Responsible Department</b>	<b>Start Timeline</b>	<b>Status as of 2011</b>
<b>2006 - 2011 HMP Identified Mitigation Projects</b>				
---	Obtain and install a generator on the high rise water tower in the Town	Chincoteague Public Works	2008	Complete
<b>2011 - 2016 HMP Identified Mitigation Projects</b>				
1	Develop a cooperative agreement between Chincoteague and the National Fish and Wildlife Service and incorporate a short-term response plan to ensure access to the Assateague Island National Seashore following a hazard event	Chincoteague & NFWS	2011	Started
2	Perform a storm water infrastructure improvement project on Maddox Boulevard at the traffic circle to reduce frequent flooding of access corridor to National Seashore and Wildlife Refuge	Chincoteague Public Works	2012	Not Started
3	Develop enforceable standards for fill and drainage to mitigate flooding hazards.	Chincoteague Administration	2012	Not Started
4	Widen the Route 175 Causeway including expansion of shoulders, construction of an emergency lane/bike lane, and construction of a center safety barrier to maintain a safe corridor.	VDOT and other state agencies	Unknown	Not Started

<b>Goal 5 - Local Governments Will Make Efforts to Reach Special Needs Populations</b>				
<b>Strategy 5.1 - Identify locations of seasonal housing including mobile homes, campgrounds, etc.</b>				
<b>Priority Rank</b>	<b>Town of Chincoteague - Goal 5: Description of Projects</b>	<b>Responsible Department</b>	<b>Start Timeline</b>	<b>Status as of 2011</b>
<b>2006 - 2011 HMP Identified Mitigation Projects</b>				
---	Identify and map tourist lodging for use in emergency	Chincoteague Administration	2008	Complete
<b>2011 - 2016 HMP Identified Mitigation Projects</b>				
1	Identify locations of special needs populations using 2010 U.S. Census data.	Chincoteague Planning	Annually	Not Started
2	Coordinate special needs assessment into Chincoteague Emergency Operations Plan.	Chincoteague Planning & EMS	Annually	Not Started
3	Study and propose mitigation actions for increased exposure of special needs populations to coastal erosion and storm surge at south end of Chincoteague Island.	Chincoteague Planning & EMS	2012	Not Started



## STAFF REPORT

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To: Mayor Tarr and Town Council

Through: Robert Ritter, Town Manager

From: Bill Neville, Director of Planning

Date: September 6, 2011

Subject: Zoning Map and District Update

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**The Planning Commission held two public hearings on May 10, 2011 and June 14, 2011 regarding a comprehensive Zoning Map and Zoning District amendment. Public comments were summarized into 7 topics/issues that were considered at the Planning Commission work session on July 12, 2011. Revisions and corrections have been completed by Staff as contained in this staff report. On August 9, 2011 the Planning Commission voted to forward this project to the Town Council with a recommendation for approval.**

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**OBJECTIVE: To update the Official Zoning Map and Zoning Districts for the Town of Chincoteague as recommended by the adopted Comprehensive Plan.**

The Town of Chincoteague Comprehensive Plan, adopted on January 4, 2010, is required by the Code of Virginia for the purpose of guiding the general development of the Town. A community typically uses an official zoning map, a zoning ordinance, a subdivision ordinance, and other measures in order to implement the goals and objectives contained in the Plan.

Specific recommendations were adopted in the 2010 Comprehensive Plan to designate twelve (12) land use planning areas that considered existing use, established settlement patterns, and opportunities for growth and redevelopment. Within most areas, the existing zoning district regulations would continue to apply without change. Several new

zoning categories are proposed that require the consideration of a comprehensive update to the official zoning map and district regulations.

Why are new zoning districts necessary? Because the new alignment of Route 175 changes the way that Main Street and Maddox Boulevard are managed and grow in the future. Because some areas of marshland, forest and open space should not be developed. Because the existing campgrounds and surrounding neighborhoods of seasonal housing are unique and different from year round housing and neighborhoods in the older part of the Town Center. New zoning districts help to identify and manage the diverse areas of Chincoteague.

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**APPROACH: Expand Town zoning districts from 6 to 12 with boundaries to match planning areas. Rename the existing zoning districts to coordinate with the planning areas and limit any change in property development rights by using existing zoning regulations.**

The Planning Commission proposed a strategy to prepare the zoning revisions, hold public hearings, and to recommend to the Town Council an update of the Official Town Zoning Map. This approach made only minimum incremental changes to each district rather than to completely revise the zoning ordinance. Revisions to the district regulations have been tracked by redline changes and permitted uses within each district included in a comparison chart.

The process began with a focus on the Old Town Commercial district along Main Street as the heart of Town. (See May 2010 PC packet). The next area reviewed was the Commercial Corridor district along Maddox Boulevard (see June 2010 PC packet). The Resort Residential and Resort Commercial districts generally located at the central and south ends of the Island were reviewed together. (see August 2010 PC packet) The review of Public-Semi Public, Resource Conservation and Agriculture districts followed next. (see September 2010 PC packet). The remaining districts were discussed along with land use issues affecting all districts. (see October 2010 PC packet). A Workshop was advertised and held on November 3, 2010 to begin review of all zoning districts. Strategies for providing public information and a review of specific properties that were recommended for a change in zoning district by the Comprehensive Plan were reviewed at workshops and meetings with public participation. (see November, December and January PC packets). The first public hearing to consider the Amendments was held on May 10, 2011.

Planning Area #	Proposed Zoning District	Existing Zoning District	Proposed Zoning Abbreviation
1	Single Family Residential	R-1	<b>R-1 Single Family Residential</b>
2	One & Two Family Residential	R-2	<b>R-2 One &amp; Two Family Residential</b>

3	Mixed Use Residential	R-3	<b>R-3 Mixed Use Residential</b>
4	Old Town Commercial	C-1, C-2 and R-3	<b>C-2 Old Town Commercial</b>
5	Resort Residential	R-3	<b>R-4 Resort Residential</b>
6	Neighborhood Commercial	C-1	<b>C-1 Neighborhood Commercial</b>
7	Commercial Corridor	C-1 and C-2	<b>C-3 Corridor Commercial</b>
8	Resort Commercial	C-1	<b>C-4 Resort Commercial</b>
9	Public-Semi Public	C-1, C-2 and R-3	<b>PSP Public Semi-Public</b>
10	Park & Open Space	R-2 and R-3	<b>POS Park and Open Space</b>
11	Resource Conservation	R-3	<b>RC Resource Conservation</b>
12	Agriculture	A	<b>A Agriculture</b>

\* Note: Town Code Chapter 30 Floods creates a zoning overlay district for the entire Chincoteague Island that corresponds with the FEMA 100 year floodplain mapping. This information will be added to the Official Zoning Map.

The proposed implementation of a zoning map and zoning districts that match with the planning areas of the Comprehensive Plan raised several policy questions. The Town Council suggested going ahead with presentations and hearings so that public opinion may be incorporated into their consideration of the zoning map change.

**POLICY ISSUES:**

1. Changes in property zoning – Several properties were recommended by the Comprehensive Plan Land Use Map to change from one zoning district to another based on existing use or characteristics. (For example: Marsh Island is recommended to change from C-1 Commercial to R-3 Mixed Use Residential) With regard to other comprehensive changes, the Planning Commission has proposed to
  - a. Generally maintain the edges of existing zoning districts;
  - b. Revise zoning district edges to match the areas adopted in the 2010 Comprehensive Plan;
  - c. Limit the application of Resource Conservation to only those parcels that are currently in protected public ownership;
  - d. Apply the Agriculture zoning district to previously un-zoned marsh areas surrounding Chincoteague Island that are included within the Town boundaries;
  - e. Consider specific requests by property owners as a result of public testimony during public hearings

2. Split zoned properties – The zoning ordinance currently allows the property owner of a split zoned property the option to select which zone may be used for the entire property. For example: properties along commercial corridors with residential neighborhoods to the rear. This option will remain.

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PROJECT SCHEDULE:

Public information display, presentations, advertisement	April/May 2011
Planning Commission Public hearings	May 10 <sup>th</sup> and June 14th 2011
<b>Town Council Workshop #1</b>	<b>October 20, 2011</b>
Town Council Workshop #2	November 17, 2011
Town Council Public hearing	January 2012

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**PUBLIC COMMENT: Public comments received during the advertised hearing period by Town Staff are attached to assist the Planning Commission/Town Council in evaluating the proposed Zoning Map and Zoning District Amendments. This list will be updated prior to each public meeting.**

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Many of the questions or comments received were resolved by illustrating the existing/proposed districts and reviewing the changes (if any) in the zoning district regulations. Several errors were discovered that are listed in the next section. Topics that required additional review and consideration by the Planning Commission were reviewed during the July 12<sup>th</sup> work session.

- 1) **R-4 Resort Residential** – The majority of land that is proposed for the Resort Residential district is currently zoned R-3. The proposed district should not be based on the existing C-1 district regulations that would allow commercial uses in a residential district. (10% of public comment)

**PC recommendation:** There was consensus approval for the proposed changes. Commissioner Papadopoulos noted that the paragraph numbering system on page 22 would need to be revised. (The Commission later directed staff to return the Campground and Camper/Travel Trailer Park uses to the Special Exception/Special Use Permit section of the R-4 ordinance.)

- 2) **C-4 Resort Commercial** - A significant concern about allowing an expansion of commercial uses in the Resort Residential and Resort Commercial districts has been expressed by property owners at both the north and south end of the Island. In particular the expansion of commercial uses in the northern residential neighborhoods adjacent to schools, parks, and historic properties as proposed on the Comprehensive Plan land use map may not be warranted. Existing zoning is R-3. Waterfront areas along South Main Street were questioned regarding the impact of large restaurant uses. (27% of public comment)

- A) Remap Nature Park from proposed P/SP (blue) to proposed POS district (light green). Proposal to show more ‘green’ on the zoning map to indicate the Town’s commitment toward open space and recreation, versus the potential for future use to expand the public school, town office or infrastructure facilities (planned water tower). The Park and Open Space district was determined to include public utilities as a permitted use. The current zoning is C-1 Commercial.

**PC recommendation:** Revise the proposed zoning map to show the two Nature Park parcels in the Park and Open Space district (light green)

- B) Remap proposed C-4 to proposed R-4. Proposal to keep commercial C-4 zoning on the parcels that are zoned commercial today (Pine Grove Campground), and apply the R-4 zoning to areas that are zoned

R-3 today. Since the proposed R-3 district will limit mobile homes/mobile home parks by Special Use Permit, the way to keep development rights constant is to remap to the R-4 district. Property owners have indicated that they wish to keep their current permitted uses.

**PC recommendation:** Revise the proposed zoning map to remove the C-4 (red) zoning from parcels currently zoned R-3 and replace it with the R-4 district. Within the proposed R-4 district, the Campground and Camper/Travel Trailer Park uses will be returned to the Special Exception/ Special Use Permit section of the ordinance. The existing strip of R-2 zoning along Main Street should be shown on the proposed zoning map.

C) Remap existing R-3 to proposed R-4 on existing trailer park. The Misty Meadows neighborhood is currently mapped in the R-3 district. For this area to retain its current status, it should also be mapped to the R-4 district.

**PC recommendation:** The Commission agreed that Misty Meadows should be included in the proposed R-4 district.

D) Remap historic property from existing R-3 to R-2. The property that includes the Captain Timothy Hill cabin is shown on the proposed zoning map as split zoned between the C-4 and R-4 districts. To apply a similar mapping strategy as discussed for adjacent parcels, the property should be zoned R-2 along the Main Street frontage with R-4 for the remainder. This would minimize any change from existing zoning.

**PC recommendation:** Maintain the R-2 zoning along the Main Street frontage to a depth of approximately 150 feet and map the remainder of the property to the R-4 district.

E) Remap proposed R-4 to existing R-3. This area is adjacent to Oyster Bay Section 1 along Mifflin Marsh Lane. Public concern raised the question why this area was proposed for Resort Residential when it is already a large lot subdivision with homes constructed. Staff recommends that this area retain its existing R-3 zoning.

Another area of proposed C-4 zoning was presented for Commission review. Along the waterside of Main Street south of the Coast Guard Station, the Comprehensive Plan recommended an area to be zoned to the C-4 Resort Commercial district. Staff recommended that this area should retain its current C-2 zoning and extend the Old Town Commercial to include land on both sides of the Coast Guard.

**PC recommendation:** Proposed changes to the zoning map areas A through E were confirmed as described above and generally responded to public comment by recommending that the C-4 Resort Commercial district should not be expanded as shown on the Comprehensive Plan land use map. The area located to the south of the Coast Guard Station should be included in the C-2 Old Town District rather than the C-4 District as shown on the Comprehensive Plan land use map.

- 3) **All Commercial Districts** – In general, the idea has been advanced that most commercial uses should be allowed only by conditional use permit as a way to allow public participation in the land use approval process and to allow the Town to address unique impacts associated with new development. One speaker recommended an economic impact study. (11% of public comment)

**PC recommendation:** There was agreement that the work necessary to adequately address this topic went beyond the adoption of a new zoning map and would require a separate effort.

- 4) **RC Resource Conservation** - This district is generally supported for the marshland areas surrounding the Island. Several questions have been raised about the exceptions proposed, including the purpose behind using the Agriculture district and Resort Commercial district in some locations. Several speakers appealed for the use of the RC district on the Island to protect natural features and water quality. (14% of public comment)

**PC recommendation:** Forward this issue to the Town Council showing the recommended land use from the adopted Comprehensive Plan as it was advertised for public hearing.

- 5) **R-3 Mixed Use Residential** – Marsh Island homeowners have supported the proposed residential zoning and requested that the existing townhomes and condos would be recognized as a prior PUD approval rather than becoming legal non-conforming uses. They have also requested that any public or non-residential use such as Section 3.7.22 public piers or public boat ramps should only be allowed as a conditional use in order to address concerns for parking and safety in this location. Other property owners have asked about limitation of commercial or public uses for R-3 zoned property with access from private streets. (10% of public comment)

**PC recommendation:** The proposed change to the R-3 district that would require special exception approval should not be made. Public piers, public boat ramps will continue to be a permitted use.

- 6) **All Permitted Uses** - Several questions have come up about the definition of 'Light Waterfront Seafood Industry'. If this is a use that is intended to support

small individual businesses, should it be permitted in all districts? Is there another aquaculture definition or use listed in the Agriculture District that should be permitted in all districts.

**PC recommendation:** Without a specific problem to be solved, the best solution is to leave the waterfront use topic unchanged for the purpose of the Official Zoning Map project.

- 7) **C-3 Corridor Commercial** – The Chincoteague Volunteer Fire and Rescue Company has requested to extend the C-3 district one additional parcel along Deep Hole Road to the intersection with Chicken City Road in support of a potential Fire Station location. It is currently zoned R-3.

**PC recommendation:** The proposed zoning map should show an extension of the C-3 zoning district to the corner of Deep Hole Road and Chicken City Road.

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**ERRORS/CORRECTIONS:** Necessary corrections to the proposed Zoning Map and Zoning Districts have been identified as a result of public review comments and are listed below. Staff has completed the corrections that will be available for public review prior to Town Council consideration of the project.

- 
- Remove text from the C-4 District regarding potential public sewer required prior to redevelopment
  - Correct the R-4 Resort Residential District so that it is based on the R-3 District zoning standards (instead of the C-1 district standards)
  - Change the color of the C-4 Resort Commercial district so that the map prints out a red color matching the Comprehensive Plan land use map.
  - Adjust the zoning map on the east side of Main Street between the C-1 (existing) and C-2 (proposed) district and the R-2 district so that properties located along Ocean Boulevard match the written description of district boundaries contained in the Town Zoning Ordinance.
  - Correct Zoning Maps to show Hibiscus Drive as two cul-de-sacs without a through connection
  - Amend the map legend to note the existing Floodplain Overlay District that applies to the entire Island.

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**OUTSTANDING ISSUES:** Several comments from the public were not resolved by the Planning Commission. Since they involve a broader policy decision by Town Council, these issues will be presented by Staff at the workshop meeting and may need to be resolved prior to advertising for public hearing.

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- Expansion of existing campgrounds through C-4 Commercial zoning of land currently zoned R-3 Residential (two examples)
  - Resource Conservation zoning and/or district regulations for protection of wetland areas.

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**PROPOSED ACTION: Town Council review during one or more workshop meetings to confirm Planning Commission recommendations, request Staff for additional information, and provide direction on several outstanding issues prior to advertising for a public hearing.**

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Following review of this staff report, the Town Council may have questions or comments that should be resolved before completing the extensive advertising process for the public hearing.

- Maps illustrating the Current Zoning and Proposed Zoning are currently being revised to incorporate changes recommended by the Planning Commission. Changes to the Proposed Zoning Map will be available for public review at least 2 weeks prior to the next scheduled Town Council review.
- Redline Changes to the Zoning Ordinance are attached.
- Public Hearing comments are attached

# Chincoteague Zoning Map and Districts – 2011 Update

## Public Hearing Comments

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May 10<sup>th</sup>

Karen Nold – property owner on Marsh Island and president of the homeowners association. General support for proposal with question about whether zoning change would affect development on Marsh Island if it is considered a 'PUD'. Mr. Neville responded that a deed restriction would not be affected; however a prior zoning approval with conditions may be different. The question will be referred to Town legal counsel for a determination.

Jim Rauth – homeowner on Marsh Island representing the homeowners association. Support for change of zoning from C-1 to R-3. Suggestion that public boat ramps should not be a permitted use by right because of problems with associated traffic. Conditional use approval is appropriate so that the impacts can be addressed.

Peggy Thomas – property owner along East Side Road. Question about zoning and an existing combination of garage and mobile home park that have been there since 1962 and the 70's, with stated preference that it stay that way. Mr. Neville confirmed that the existing C-1 and R-3 zoning districts in this location would not change by projecting the maps on the wall. The R-3 district revision that would require new mobile home parks to obtain conditional use permit approval would not apply to the existing structures that meet local and state grandfathering provisions.

Mary Burton – owner of Tom's Cove Campground. Concern for C-4 Resort Commercial district language that appears to restrict any future redevelopment of campgrounds until public sewer service is available. Mr. Neville noted that the Planning Commission had requested last November that this section should be removed and apologized for his error in not making that correction to the public hearing draft document. The sentence will be removed prior to the June 14<sup>th</sup> meeting.

Wanda Thornton – owner of Pine Grove Campground. Concern for C-4 Resort Commercial district language that appears to restrict any future redevelopment of campgrounds until public sewer service is available. Public docks and boat ramps should not be removed entirely from the R-3 district (Fir Landing as example). Question about definition of 'light waterfront seafood

industry'. Mr. Neville noted that each zoning district lists different types of waterfront uses and a standardized use or definition across all districts may not be available. Chairman Rosenberger noted a prior application heard by the Board of Zoning Appeals for a limited clam operation along the South Main Street waterfront that may have set a standard for this use. Ms. Thornton suggested that we should never lose sight of how the Town's people make a living over the years, and light seafood industries need to be by right. Individual watermen making a living are what makes Chincoteague unique and it should be a use that is permitted by-right, especially in the R-3 district.

Jim Frese – property owner on East Side Road. Comment on the annual tax burden of waterfront properties which should allow owners to do whatever they want. Question about 6 new zoning districts and whether any properties will be 'down-zoned'? Mr. Neville responded with two examples on Marsh Island (C-1 to R-3) and Wildcat Marsh (R-3 to Resource Conservation). Mr. Frese recommended individual notification of any property owner subject to down-zoning or significant change in zoning.

Kathleen Seefeldt – property owner on Cathell Street. Question about what change may be proposed? The maps were presented to demonstrate that both existing and proposed zoning is R-3 with no change other than the proposed limitation of mobile homes by conditional use. Question why the Town would have a mixed use district for properties served by a private street not maintained by the Town, and what link will the zoning change have on assessed value? Chairman Rosenberger responded that the zoning district alone does not have a strong effect on real estate assessments.

June 14<sup>th</sup>

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John Lang – property owner of Peyton Place Suites on South Main Street. Concern for the C-4 Resort Commercial district in this location and the need to limit large scale restaurant/tiki bar uses with outside music, alcohol license, and traffic/parking impacts that would disrupt the surrounding residential neighborhood. Request to exclude large restaurant uses or allow for special use permit process that would allow public review.

Peggy Thomas – request for information about whether the new zoning map proposes more or less commercial property than the current zoning. She believes that there are enough beer joints, townhouses, condos to sink Chincoteague Island and we don't need more. Concern for

setbacks between buildings. Request for information about parcel 21A/Wayne Road and whether a portion is zoned commercial.

Joshua Jacobson – concern for commercial zoning proposed on the property adjacent to Misty Meadows. As a resident of Richardson Landing, he is concerned about the potential increase in traffic and problems that commercial use would cause. Mr. Neville explained the approach of starting with the existing zoning districts and then applying the proposed land uses from the Comprehensive Plan – the extension of the resort commercial district was proposed as the result of the prior public planning process that recognized existing campground uses and surrounding seasonal housing as areas of common interest. Mr. Jacobson is totally opposed to this idea.

Paul Brzozowski – The biggest mistake is that R-4 Resort Residential is the same as C-4 Resort Commercial as written. There should not be any land currently zoned R-3 residential that is rezoned for commercial use. The R-3 district intent was read aloud to demonstrate the point that residential uses should be protected from the encroachment of commercial uses. Also, the C-4 district allows uses by-right that should only be permitted by conditional use permit so that the public, or the Town, has the opportunity to object to any commercial development. ‘Draw a line in the sand and don’t give away the store’.

Laurie Walton – In support of the R-3 mixed use residential zoning of Marsh Island. Concern for ‘grandfathering’ of existing commercial use/property and potential redevelopment that would create traffic and parking problems for the existing homeowners.

Laura Flaningam – part time resident of 5122 Main Street and owner of the historic Captain Timothy Hill house. Love the island, the interesting people, the entrepreneurs that start their own businesses, and everything that gives the Island a special quality that is recognized by Travel magazines, etc. Tourists love Chincoteague because it is not Ocean City. Concerned about ‘development’ and the ‘blood red gash’ of commercial zoning proposed in the northern part of the Island which includes many of the R-1 and R-2 zoned residential neighborhoods. The potential of commercial zoning was described as an Arbys fast food restaurant that would be allowed on 2 acres with no restrictions if the proposed zoning map was approved. Constraints on building approval from the Health Department or Army Corps of Engineers were dismissed as the Town abdicating its responsibility to decide what and how this Island gets developed. The concern was vehemently expressed that other government agencies will not protect the Town and that breaking the environmental rules was just the cost of doing business for major

commercial businesses. The C-4 district (or R-4 the way it is written) could allow by-right hotels, motels, spas, restaurants, light industry and by special permit parking garages and semi tractor-trailers on your property to store things. This does not go with the northern part of the Island. Concern was expressed for the impact of commercial development that can destroy an area like the Hudson Valley of New York. An extreme example was offered of an out of town businessman working with local people to accomplish unconstrained development under the threat of a lawsuit. This was described as what can happen – ‘if you open the floodgates, some really foul water can come in’.

Mike Meyers – Concern for allowing commercial uses in the R-4 resort residential district such as hotels, restaurants, health club, spas, retail stores and light industry. A residential district should not allow commercial uses. Why is commercial use needed or wanted up north on Main Street...has there been a request or proposal that caused the expansion of a commercial district?

Harry Thornton – As Deputy Chief of the Chincoteague Volunteer Fire and Rescue Company, he requests the Planning Commission consider changing one lot from residential to commercial zoning directly across the street from the Town Office to allow for purchase of the property and relocation of the Town Fire Station. Chairman Rosenberger noted that the Planning Commission would discuss this item further following the public hearing.

Wanda Thornton – Support for the Fire Company request, noting that the Fire Company and the Churches are the backbone of this community and that should not be forgotten. We should also remember the people who make their living traditionally like the working watermen and hunting party guides, and that nothing in the zoning ordinance should prohibit continuing a traditional way of life for our people. Understand confusion about the R-4 district definitions, however as the property owner of some of the commercial land in question, they did not request the expansion of commercial use and would be happy with the existing zoning in place today. The only concern is that mobile homes/mobile home parks should continue to be allowed by right for the parcels adjacent to Misty Meadows as it is today under the R-3 district. The existing campground is currently zoned C-1 commercial and should continue to remain commercial to allow the uses that have been there since the district was created and over the 47 years the campground has been in business. There was discussion over existing C-1 areas on the map compared to the proposed C-4 areas on the map. Ms. Thornton repeated that those portions of her property currently zoned R-3 can remain R-3 as long as the uses do not change. There is no proposal to develop the R-3 property at this time. She agreed that the error in the R-4 district has caused a great deal of confusion and understands the concerns.

Inge Veneziano – No comment at this time. Responded later to hearing others speak. Concern for the unique gift that Chincoteague has to offer tourists, and the potential that development allowed under by-right zoning will take that away forever.

Kay Gelletly – The audience was asked about how many people had attended a Wetlands Board meeting in order to make the point that wetland mitigation permits are easily granted. Protection of wetlands should be an important part of planning the future. Concern for a rush to grant ‘blanket okays’ of commercial development given the downturn in the economy. Approval of new development should be by hearings and public notice. She suggested that the zoning map does not reflect the beauty and character of the Island in that the ‘green’ districts do not follow natural features and are isolated. There should be more green than red on the map.

Ed Schamel – No comment at this time.

Marvin and Cathy Mikel – Concern for protection of wetlands. An example was provided from another community where development occurred in wetland areas that people thought were protected. Areas like this should be zoned for permanent protection. Does not want to attract growth as Wallops Island continues to develop. Loves Chincoteague and wishes to keep the Island like it is.

Jon Richstein – His concerns had been addressed. No comment.

Jim Rauth – resident of Marsh Island and representative of the Homeowners Association. Agrees with change from C-1 to R-3 zoning district. Requests consideration of moving public pier and boat ramp in the R-3 to a conditional use in order to address concerns for parking problems that would occur on Marsh Island. Disagrees that the “light waterfront seafood industry’ should be allowed by right in all districts. New uses should be by conditional use, existing uses could be grandfathered.

Margot Hunt – Resident of Oyster Bay. Concern about the area around Miflins Marsh Road that is part of Oyster Bay 1. The zoning should not be R-3 or proposed to change to R-4 since it is a

part of the R-1 subdivision and these are important marsh areas. This will be a correction that the Planning Commission will take action on. The colors of the map are not clear. A petition was submitted with over 100 names of people who are concerned over the proposed changes in the resort areas shown on the map.

Linda Scholer – Other speakers have addressed her concerns. No comment.

Karen Lukacs – Resident of Chincoteague. Appreciates map and redline information that has been available for review. Question about Resource Conservation district and why there are not more tidal marsh areas shown in 'dark green'. Mr. Neville responded that the approach taken by the Planning Commission in preparing the draft map was that any marsh area that was in private ownership and was already zoned would not be changed to the RC district because of the potential loss of property value. Ms. Lukacs asked what a property owner with marshland zoned R-3 could do with the property? Mr. Neville answered that the residential or commercial zoning district regulations do not restrict any use in the marsh, or attempt to duplicate the permits required by State or Federal agencies. Recommends that the Town place marsh areas surrounding the Island under protective zoning regardless of private ownership.

William Brekey – Support for those who protest the increased commercial zoning on North Main Street area. Agrees with Ms. Thorton about safeguarding the traditional ways of life for people of Chincoteague, however, he does not see how creating this commercial zone east of Main Street will advance that idea in any way.

Rick Willis – Full time resident and former guide on the Trolley history tour. Concern for the downtown area. Has any consideration been given to the economic impact and change in traffic flow with the alignment of the new bridge. Has there been any consideration of the economic impact of the new zoning districts? Chairman Rosenberger responded that there has not been an economic study completed at this time because of the limited nature of change to the zoning districts other than re-naming. Mr. Willis recommends that a local university intern could be asked to complete this type of study and that this information would be valuable to consider any future changes in zoning.

Margaret Northam – Family tradition of environmental conservation. Concern for water quality and its impact on the watermen and the seafood industry. Request limits on commercial zoning and development outside of the downtown area.

Kathy Phillips – Assateague Coast Keeper whose job is to speak for the ‘water’ which does not have a voice at meetings like this. The Island depends on tourism for its survival and what draws people is the clean water, scenic marshes, a waterman’s way of living, and small town atmosphere. Comprehensive rezoning is all about the big picture not individual properties or owners. It should be about what is good for the community, the citizens, its economy, the flora and fauna. Ms. Phillips quoted from the Accomack County decision to extend the Chesapeake Bay Act regulations over to the Seaside in order to protect water quality for its fishing, aquaculture and tourism industries as well as quality of life. Resource Conservation zone should be extended onto the Island as well in order to protect natural resources and maintain the natural functions of the land. Sea level rise is an issue that makes the case for protection of marshes as the first line of defense. Concern for commercial and residential zoning of tidal wetland areas on the east side of the Island. This action could be construed as being irresponsible on the part of the Town because of the unrealistic assumption of value for owners of this property. Protective zoning would reduce taxes for the property owner instead of increasing the ‘Town coffers’. Consider uses that would only be allowed under a conditional use permit instead of by-right, and applying protective conservation zoning to areas on the Island.

David Burden – Virginia Eastern Shore Keeper. If you take wetlands and marshland and tell people that it is a good place to build businesses and homes, you are lying to them, because you know they can’t build there, and you are stealing from them, because you are taxing them for a higher value than what they have really got. As a Town, that is probably not a good way to operate. People own to the mean low water mark, but the for the purpose of looking for a good place to build, maybe the mean high water mark is a better place to start. Keep in mind that you are not zoning a map, you are zoning land. Appeal for clean water to support the traditional watermen and avoid shellfish closures because of some development that does not install a buffer or setback from the marshes. Suggestion of special use permits and involvement of the community in all land use decisions so that 10 years from now no one asks ‘how did that happen?’. By-right use takes the public out of the process. Mr. Burden thanked the Planning Commission for the hard work that they do.

Dan Smith – Representing 20 other homeowners in the Fiddler Bay community that are bulkheaded up to the marsh looking out to the lighthouse, and adjoining the Maddox Campground. Concern for marshland proposed to be zoned resort commercial. One third of their view and the area that they paddle around in on their kayaks has turned ‘red’ on the map including areas out to Assateague. The primary responsibility of zoning is not to align with ownership. Zoning of marshland is not consistent and should all be RC district, not zoned for resorts.

Jillian Poole – homeowner on the water near Misty Meadows. Why do people come to Chincoteague – not just the beach but a passion for the Refuge, wetlands, etc. The proposed commercial zoning area on North Main Street would seriously change the way people feel about the Island.

Laura Lee Schmitter – Concern for not just the wetlands but the animals and birds that have to relocate if areas are filled in. She purchased an existing house and refurbished it because there is too much growth.

Elaine Fioriglio – Resident at south end of Island. Recalls change over 50 years, with trees, docks and piers over wetlands, new home construction – change will happen but this is her ‘piece of heaven’. Wants to keep it magical by having people respect the land, the water, the marshes.

Martin Dombrowski – Resident in Misty Meadows near the schools. Question why would you want to make the area surrounding the schools commercial? This is a nice quiet area that is not the best location for commercial activity?

Greg Lyons – Resident of North Main Street. Request to clear up whether there is a change proposed or not in the commercial zoning across the street. Mr. Neville responded that areas of existing C-1 commercial including the school properties and the nature park were re-mapped to the Public/Semi-Public district, and that other parcels west of the existing campground are currently proposed to change from R-3 residential to C-4 Resort Commercial. Mr. Lyons agrees with others who do not believe that additional land should be zoned for commercial if it is not

commercial now. Ms. Thornton stated that there is another owner of the subdivided lots that she does not speak for in saying that the zoning may stay the way it is.

David Johnson – Requested that everyone who spoke would recognize that corrections and changes have been suggested that would return the northern area of concern to the permissions allowed by the existing zoning districts. The campground would stay commercial. Agrees that marsh areas out toward Assateague should be considered for Resource Conservation. Mr. Johnson noted that the owners of the subdivided property on North Main Street have not been heard from, and there may be some uncertainty about what will happen with this piece. He observed that this issue may be resolved.

Elaine Lang – Individual permitted uses from the zoning districts were read aloud to demonstrate the number of commercial businesses that can be permitted in a residential zoning district.

Paul Brzozowski – Identified the location of his property on the proposed zoning map next to the large area of proposed C-4 Resort Commercial Zoning and explained that is why he is upset.

Comment – In most planned communities the commercial is located at the outside and you drive through it to get to the residential, you don't drive through the residential, including delivery trucks, to get to the commercial. I think we have it backwards.

John Westlake – What is the rationale for this commercial zoning at the north end of the Island? Why does Chincoteague need more commercial when there is more than enough in other parts of Town? Mr. Rosenberger responded that the rationale that was applied to this point was to tie the Zoning Map in with the Comprehensive Plan that was developed over a 3 year period and approved in January 2010. Mr. Westlake persisted to ask why it was proposed in the Comprehensive Plan. Mr. Neville answered that the idea was proposed to allow existing campground uses to expand and connect with the ultimate use of the subdivided lots proposed for a travel trailer park or campground, and this was not a deliberate effort to change the character of the area.

Richard Vesely – Asked about the existing subdivided lots and whether they were specifically zoned for a trailer park. Mr. Neville stated that may have been the intended use, however this

land was subdivided in the 1960's before the current R-3 zoning was adopted and any development of the land would have to meet current zoning standards. Mr. Vesely described the history of the subdivision and suggested that there was nothing to suggest that it should be zoned for Resort Commercial.

Ben Ellis - Resident of Misty Meadows. Concern about comment that the intent of the Comprehensive Plan change from R-3 to C-4 was to allow existing uses to expand. Doesn't the C-4 district allow many commercial uses by-right that could come there with no recourse or the opportunity for residents to say anything about it? Why would the Town want to allow all of the permitted commercial uses without requiring a special permit, it does not make sense.

Eddie Tull – Addressed two points. The people who are the owners of Peyton Place have a sewer system that ties to Chincoteague Channel, and if they are so concerned, they should tear down the building to help the environment. Mr. Tull described his family history on the Island and suggested that the most effective way to keep property from being developed is to buy it. He described his love for Chincoteague and the property he has worked for over 74 years. He stated he has sold 700 lots and would be happy to sell 700 more.

PUBLIC COMMENTS and QUESTIONS				
2011 Zoning Map Amendments				
Comment	Date	Contact	Zone	Comment
1	5.1	Natalie Berry/Bunting Road	R-3/MUR	General information and request to maintain small town character
2	5.1	Laurette/USCG	C-2/PSP	General information
3	5.3	Post Office	-	Information about website
4	5.5	Travis Thornton	R-2, C-4	Question change in district, requested email copies, concern for limit on redevelopment in C-4 district, request to remove section of C-4 re: public sewer
5	5.5	Richard Conklin	C-3, C-2	Reviewed C-1 on Chicken City Road, Discussed C-4 district along South Main Street
6	5.5	Wanda Thornton	all	Requested copies
7	5.5	David Cole	all	Requested copies emailed to tomscovepark@verizon.net
8	5.5	Ray Landis/5122 Serenity Lane	R-3/MUR	Request for call with any change
9	5.5	Stanley Jester/Bobby Lappin	R-3 to C-3	Request to extend C-3 zoning along Deep Hole Road to Chicken City Road intersection
10	5.6	Robert Hecker/Ocean Breeze	R-4	Request for call about tax changes
11	5.6	Ladely/Meyer Pond 2	R-4	Request for call about tax changes
12	5.6	James Floyd/Ridge Road	R-3	Discussed grandfathered use
13	5.6	Chuck Ward	all	Discussed split zoned parcels, potential for farmers/fish market at Curtis Merritt Harbor
14	5.6	Ambroz Skrovanak/Filmore	C-1	General information
15	5.6	Jim Dawson	R-3/R-4	Aquaculture use in residential zones
16	5.6	William Reider/4185 Division Street	R-3	Question about whether zoning changes will impact flood ratings/flood insurance
17	5.6	David Russell/Richardson Street	R-2, C-1	General information
18	5.8	Raffi Karahisar/Captains Quarters	R-3	Support for zoning district change on Marsh Island
19	5.8	Jack Tarr	C-4	Concern for public sewer requirement for campground re development
20	5.9	Janet Garcia/Ridge Road	R-4 and C-4	Request to retain residential zoning
21	5.9	Judith Hemstetter	R-3	Support for zoning district change on Marsh Island
22	5.9	Sam Merritt/Sunnywood	R-1	Address change for mailing
23	5.10	Phillip Ettinger	R-2	Concern for change of adjacent R-3 zoning to R-4 zoning district allowing commercial and rv parks
24	5.10	Ken Thomas	R-3	Support for zoning district change on Marsh Island
25	5.10	Ruth Lane	R-1	Question about existing duplexes in R-1
26	5.10	/Bunting Road	R-3	General information
27	5.10	/Willow Street	all	General information
28	5.10	Robert Ingram/Rosedale	R-3	General information
29	5.10	Brent Hurdle	all	Response to questions about zoning change effect on property taxes/value
30	5.10	<b>1st PUBLIC HEARING COMMENTS</b>		<b>See meeting minutes from PC hearing</b>
		Karen Nold	R-3	
		Jim Rauth	R-3	
		Peggy Thomas	C-1 and R-3	
		Mary Burton	C-4	
		Wanda Thornton	C-3, R-3	
		Jim Frese	C-1, R-3	
		Kathleen Seefeldt	R-3	
31	5.11	Jim Rauth	R-3	Request for definition of 'light waterfront seafood industry'

32	5.11	Bob Willis/6145 Ocean Blvd	C-2/R-2	Property is incorrectly mapped as commercial - remap as residential
33	5.13	Non resident property owner	R-2	Question about dog kennels, concern for too much commercial use
34	5.13	Paul Brzozowski/Louisa Flaningam	C-4/R-4	Concern for commercial use in Resort areas surrounding Nature Trail, northern residential neighborhoods, and historic property improvements
35	5.16	David Fetterman/6254 Wagner Ln	R-3	General information
36	5.16	Michael Pilgrim/Conant Lane	R-3	Suggest mobile home to be renamed manufactured housing. Recommend a separate document that explains the reasons for each of the proposed changes - like requiring a special permit for mobile homes in the R-3 district
37	5.16	Property Owner/South Main Street	C-1 to C-4	General information
38	5.16	John and Elaine Fleming/ South Main Street Townhomes	C-4	Concern for proposed outdoor tiki bar on Britton waterfront parcel
39	5.20	Susan Cook/Maddox Campground	C-1 to C-4	Objection to 'public sewer' language in C-4 district
40	5.23	Susan Rauth	R-3	Support for zoning district change on Marsh Island. Question about light waterfront seafood industry use
41	5.25	Jim Rauth	R-3	Recommends allowing existing light waterfront seafood industry to be grandfathered, but requiring a conditional use permit for any new uses.
42	5.26	Larry Whitlock	R-3 to C-4	Support for C-4, general questions regarding uses and setback standards for existing small lots
43	5.31	Dr. Baychek	C-2	General information
44	5.31	John Walsh/3049 Ridge Road	R-3 to R-4	Request no change from R-3 regulations
45	5.31	Paul Brzozowski/Louisa Flaningam	R-4	Flyer provided to business community
46	5.31	Chuck Ward	C-4 and R-4	Questions regarding historic register nomination of log cabin, R-2 district mapping question N. Main St.
47	5.31	Resident/8281 Seagull	R-3 to R-4	Request no change from R-3 regulations
48	6.1	Paul Brzozowski/Louisa Flaningam	R-4	Resort residential and commercial zoning districts would allow too much commercial use at the north end of the Island.
49	6.5	Jack Nold	R-3	Support for zoning district change on Marsh Island.
50	6.3	Oyster Bay property owner	R-1	Map should show Hibiscus Drive with 2 stubs, not a thru road
51	6.6	Joan Kean/5332 Pearl Drive/Oyster Bay1	R-1	Question parcels proposed R-4 with access to Hibiscus Drive, Question Agriculture versus RC zoning, Question Nature Park parcel as PSP rather than Park, too many zones are confusing
52	6.6	Peggy Thomas	All	Question why are new districts necessary
53	6.6	Resident/N. Piney Island	R-1	General information
54	6.7	Nancy Hamilton/Fiddler Bay HOA	C-4	Question regarding zoning of marsh areas
55	6.10	Michele Lawson	C-1 to R-3	Support for zoning change
56	6.12	Jillian Poole	All	Opposed to expansion of commercial areas
57	6.13	Kathy Phillips	R-3 to C-4	Opposed to commercial zoning of Maddox Campground marshland
58	6.13	Judith Hemstetter	C-1 to R-3	Support Marsh Island zoning change
59	6.13	Mike Zdradzinski	C-1 to R-3	Support for zoning district change on Marsh Island
60	6.13	Bill and Sylvia Larson	C-1 to R-3	Support for zoning district change on Marsh Island
61	6.14	John Lang	C-4	Recommends special use permit for certain commercial uses in the C-4 district
62	6.14	Nancy Hamilton/Fiddler Bay HOA	C-4	Requests protection of marsh along Assateague Channel
63	6.14	2nd PUBLIC HEARING COMMENTS		See meeting minutes from PC hearing
		John Lang		
		Peggy Thomas		
		Joshua Jacobson		

		Paul Brzozowski		
		Laurie Walton		
		Laura Flaningam		
		Mike Meyers		
		Harry Thornton		
		Wanda Thornton		
		Inge Veneziano		
		Kay Gelletly		
		Ed Schamel		
		Marvin and Cathy Mikel		
		Jon Richstein		
		Jim Rauth		
		Margot Hunt		
		Linda Scholer		
		Karen Lukacs		
		William Brekey		
		Rick Willis		
		Margaret Northam		
		Kathy Phillips		
		David Burden		
		Dan Smith		
		Jillian Poole		
		Laura Lee Schmitter		
		Elaine Fioriglio		
		Martin Dombrowski		
		Greg Lyons		
		David Johnson		
		Elaine Lang		
		Paul Brzozowski		
		John Westlake		
		Comment		
		Richard Vesely		
		Ben Ellis		
		Eddie Tull		
64	6.20	Roger LeMaster		Request for copy of April 29th staff report
65	6.27	John and Elaine Lang		Information regarding adequate septic system for property to set the record straight
66	7.19	Paul and Louisa		Several questions regarding changes proposed by the Planning Commission
67	8.3	Jim Garner	C-2	Concern for potential tax impacts of commercial zoning
68	8.5	Paul and Louisa		Questions about next several meetings, confirmed that concerns seemed to have been addressed by PC
69	8.16	Larry Whitlock	R-4, C-4	Discuss existing Island Village Subdivision (small lots). Requested information regarding application of zoning setbacks and lot size criteria to existing subdivision of record. Suggested that mobile home area regulations should allow the addition of porches, decks, etc.
69	9.5	Christine Murphy Richardson	C-4	Concern for commercial zoning of wetlands south side of Maddox Blvd at Eel Creek. Request Resource Conservation zoning to protect areas of wetlands within the Town
70	9.8	Andea LaCombe	C-4	Request to protect wetlands owned by Maddox Family Campground, do not rezone to commercial district
71	9.3	Paul and Louisa		Inquiry about next scheduled meeting

## **William Neville**

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**From:** nancyhhamilton@gmail.com on behalf of Nancy Hamilton [nhh@comcast.net]  
**Sent:** Tuesday, June 14, 2011 11:00 AM  
**To:** wneville@chincoteague-va.gov  
**Subject:** Changes in Zoning on Chincoteague

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**Categories:** Zoning Map

Dear Mr. Neville:

I am writing on behalf of the 21 owners of Fiddler Bay Townhouses, 7180 - 7222 Fiddler Bay Lane in regard to the proposed new zoning on the Island. Our main concern is the change in zoning to Resort Commercial from Residential of parts of the marsh between Chincoteague and Assateague which our properties overlook. (We are adjacent to the Maddox Family Campground on the west side of the campground.) Our unimpeded view of the marsh, the Assateague Channel and Assateague Island are the main reason we have purchased our units and any thought of development there greatly concerns us.

Chincoteague's main draw as a tourist destination is the relatively undeveloped, yet tourist-commercial mix of properties. To allow the marsh anywhere around the island to be developed either as Residential or Resort Commercial would really downgrade the appeal of Chincoteague and make it less of a very special place.

Ideally, we feel that all the marsh around the Island should be zoned as Resource Conservation, but we realize that some private ownership has existed historically and it may be that the Town does not feel able to make that move. However, anything that can be done to preserve the unspoiled appearance of the marsh would be in defense of the wildlife and natural beauty that makes Chincoteague so special.

Also, we heartily support the purchase of the Maddox Family Campground by the Fish and Wildlife Service or the National Park Service for preservation and recreational uses that do not impinge on wildlife or the natural marsh. We will also be writing to Congressman Rigell in support of this move.

Thank you for your attention and help.

Sincerely,

Nancy H. Hamilton  
President, Board of Directors  
Fiddler Bay Townhouses Owners Association  
home phone: 410-747-5037



# ZONING COMMENT FORM

## PUBLIC HEARING ON PROPOSED COMPREHENSIVE AMENDMENTS TO THE OFFICIAL ZONING MAP AND ZONING ORDINANCE OF THE TOWN OF CHINCOTEAGUE, VIRGINIA

Property Information (street address, parcel #, general location or landmark)

(zoning district)

2569 Main St  
Payton Place Suites

C-4

Comment or Question

I would like to recommend that a special use permit be required for the C-4 area of South main for any establishment that plans to serve alcoholic beverages or have outdoor music. Residential (R-4) homes are immediately adjacent to this area and would be adversely impacted by such establishments

Contact Information (mailing address, phone# or email)

John Lang  
2569 Main St  
Chincoteague VA 23336  
johnelang@verizon.net  
410 440 3192

The public is invited to express their views on the proposed zoning districts and revised zoning map.

Written comments may be submitted into the public record at the Town Office, 6150 Community Drive, Chincoteague Island, Virginia 23336 or by email to [wneville@chincoteague-va.gov](mailto:wneville@chincoteague-va.gov). All comments will be considered by the Planning Commission for recommendation to the Town Council.

## William Neville

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**From:** Bill and Sylvia Larson [billsyllars@msn.com]  
**Sent:** Monday, June 13, 2011 1:56 PM  
**To:** wneville@chincoteague-va.gov  
**Cc:** dickleggcam1@aol.com; joliehuffman@verizon.net; karen.gauthier@lmco.com; greensboropharmacy@yahoo.com; sevpert@verizon.net; jhemstett@msn.com; cyoungsig@aol.com; sasetc@aol.com; joan.a.thomas@altria.com; brillig@loudounwireless.com  
**Subject:** MARSH ISLAND ZONING

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**Categories:** Zoning Map

DEAR MR. NEVILLE,

ON BEHALF OF THE MEMBERS OF THE CAPTAINS QUARTERS TOWN HOUSE OWNERS ASSOCIATION, I AM WRITING YOU TO AFFIRM OUR POSITION THAT MARSH ISLAND MUST BE RE-ZONED FROM COMMERCIAL TO RESIDENTIAL. OUR LITTLE ISLAND ENCLAVE INCLUDES A SMALL CONDO, SEVERAL SINGLE FAMILY HOMES, AND 14 TOWNHOUSE UNITS. FOR MORE THAN A DECADE, MARSH ISLAND HAS CONSISTED SOLELY OF THESE RESIDENTIAL STRUCTURES (EXCEPTING THE NOW DERELICT TULL/ MASON OFFICE BUILDING).

AS YOU ARE AWARE, FOR THE PAST THREE YEARS, MARSH ISLAND HAS BEEN USED AS THE PRIMARY CONSTRUCTION SITE FOR DEMOLITION OF THE OLD CHINCOTEAGUE CHANNEL BRIDGE AND CONSTRUCTION OF THE NEW BRIDGE AND CAUSEWAY. THIS USE OF OUR NEIGHBORHOOD WAS VISITED ON US WITHOUT ANY REGARD FOR OUR COMMUNITY WELL BEING. DURING THESE YEARS, WE HAVE BEEN SUBJECT TO DESTRUCTIVE TRESPASS, DEPRIVED OF THE PEACEFUL ENJOYMENT OF OUR SURROUNDINGS, AND INCURRED SIGNIFICANT FINANCIAL LOSS IN PROPERTY VALUES AND RENTAL INCOME. THESE HARDSHIPS WERE ENTIRELY THE RESULT OF MARSH ISLAND BEING ZONED AS COMMERCIAL. MARSH ISLAND MUST BE RE-ZONED TO RESIDENTIAL STATUS TO PREVENT ANYTHING LIKE THIS FROM EVER HAPPENING AGAIN. THIS WOULD PREVENT ANY ONE PROPERTY OWNER ON MARSH ISLAND USING THE STATUS OF COMMERCIAL ZONING FOR THEIR FINANCIAL ADVANTAGE TO THE DETRIMENT OF ALL OTHERS IN THE COMMUNITY.

I WOULD APPRECIATE IT IF YOU WOULD MAKE THIS E-MAIL AVAILABLE TO ALL THE CHINCOTEAGUE GOVERNMENT ENTITIES THAT WILL BE INVOLVED IN RE-ZONING MARSH ISLAND FROM COMMERCIAL TO RESIDENTIAL STATUS.  
SINCERELY,

WILLIAM ("BILL") LARSON, PRESIDENT,  
CAPTAINS QUARTERS TOWNHOUSE OWNERS ASSOCIATION

**William Neville**

---

**From:** Mike Zdradzinski [greensboropharmacy@yahoo.com]  
**Sent:** Monday, June 13, 2011 11:40 AM  
**To:** WNEVILLE@CHINCOTEAGUE-VA.GOV  
**Subject:** marsh island rezoning

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**Categories:** Zoning Map

**Mr. Neville:**

**Kindly be advised that I, as a resident of Marsh Island, do indeed endorse the proposed zoning change (from C-1 to R-3) as it is entirely in keeping with the character and makeup of Marsh Island.**

**Thank you.**

**Regards,  
Mike Zdradzinski**

**William Neville**

---

**From:** Cary Bacon [jhemstett@msn.com]  
**Sent:** Monday, June 13, 2011 6:57 AM  
**To:** WNEVILLE@CHINCOTEAGUE-VA.GOV  
**Subject:** Marsh Island R-3

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**Categories:** Zoning Map

**Kindly be advised that I, as a resident of Marsh Island, do indeed endorse the proposed zoning change (from C-1 to R-3) as it is entirely in keeping with the character and makeup of Marsh Island. Thank you. Regards,**

**Judith L Hemstetter**

**Property owner, 6151 Marsh Island**

W

6/17



# ZONING COMMENT FORM

## PUBLIC HEARING ON PROPOSED COMPREHENSIVE AMENDMENTS TO THE OFFICIAL ZONING MAP AND ZONING ORDINANCE OF THE TOWN OF CHINCOTEAGUE, VIRGINIA

**Property Information** (street address, parcel #, general location or landmark)

(zoning district)

Maddox campground

Current R3  
Proposed C-4

**Comment or Question**

\*Resource protection concerns  
channel dredging?  
Docks  
stormwater management  
upzoning  
R-2 zoning - east end of island

**Contact Information** (mailing address, phone# or email)

Kathy Phillips  
coastkeeper@actforbays.org  
Assateague Coastal Trust

The public is invited to express their views on the proposed zoning districts and revised zoning map.

Written comments may be submitted into the public record at the Town Office, 6150 Community Drive, Chincoteague Island, Virginia 23336 or by email to [wneville@chincoteague-va.gov](mailto:wneville@chincoteague-va.gov). All comments will be considered by the Planning Commission for recommendation to the Town Council.



# ZONING COMMENT FORM

## PUBLIC HEARING ON PROPOSED COMPREHENSIVE AMENDMENTS TO THE OFFICIAL ZONING MAP AND ZONING ORDINANCE OF THE TOWN OF CHINCOTEAGUE, VIRGINIA

**Property Information** (street address, parcel #, general location or landmark)

(zoning district)

Tidal marshes + wetlands

R-2 +  
C-4

**Comment or Question**

Zoning needs to address the physical realities of the land when ~~considering~~ designating uses. Building on or continuing to prop up past errors simply passes costs and responsibility down the line. Responsible zoning is not a popularity contest. It is a duty that should be undertaken thoughtfully.

**Contact Information** (mailing address, phone# or email)

Shorekeeper@gmail.com

The public is invited to express their views on the proposed zoning districts and revised zoning map.

Written comments may be submitted into the public record at the Town Office, 6150 Community Drive, Chincoteague Island, Virginia 23336 or by email to [wneville@chincoteague-va.gov](mailto:wneville@chincoteague-va.gov). All comments will be considered by the Planning Commission for recommendation to the Town Council.

## William Neville

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**From:** Jillian H. Poole [Jillian\_Poole@verizon.net]  
**Sent:** Sunday, June 12, 2011 5:24 PM  
**To:** wneville@chincoteague-va.gov  
**Subject:** Zoning Comment

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**Categories:** Zoning Map

### Property information:

5019 N. Main Street, Chincoteague 23336 Waterfront house  
and 2 lots

### Comment:

I built this house on Main street in 1976. For 37 years I have enjoyed the charm and unique quality of Chincoteague. I have been a taxpayer and contributed the Island economy in a number of fairly substantial ways. There have been many changes over the years, but the Proposed Zoning Amendments to the Official Zoning Map are most disturbing. I am unalterably opposed to increasing the possibility of commercial extensions. I believe this will drastically change the nature of Chincoteague and discourage visitors other than strictly beach traffic. Chincoteague will lose homeowners and visitors who currently contribute substantially to the economy of the island. They will certainly lose me and my many summer visitors.

### Contact Information

Jillian Poole 2016 N. Westmoreland Street  
Arlington, VA 23336  
703 534 1552 [Jillian\\_poole@verizon.net](mailto:Jillian_poole@verizon.net)



5/26  
6/4

# ZONING COMMENT FORM

## PUBLIC HEARING ON PROPOSED COMPREHENSIVE AMENDMENTS TO THE OFFICIAL ZONING MAP AND ZONING ORDINANCE OF THE TOWN OF CHINCOTEAGUE, VIRGINIA

**Property Information** (street address, parcel #, general location or landmark)

(zoning district)

Peninsula Properties  
(Whitlock)  
North Main Street

C-4/R-2

**Comment or Question**

Existing subdivided lots planned for  
campground/travel trailers/cabins

- Request all lots (including proposed roadway) zoned the same from Main St. back
- Supports proposed C-4 so that limited commercial (general store) is available to residents
- How will R-3 area regulations be applied to existing small lots?

**Contact Information** (mailing address, phone# or email)

Larry Whitlock

The public is invited to express their views on the proposed zoning districts and revised zoning map.

Written comments may be submitted into the public record at the Town Office, 6150 Community Drive, Chincoteague Island, Virginia 23336 or by email to [wneville@chincoteague-va.gov](mailto:wneville@chincoteague-va.gov). All comments will be considered by the Planning Commission for recommendation to the Town Council.

## William Neville

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**From:** Michele Lawson [lawson3806@yahoo.com]  
**Sent:** Friday, June 10, 2011 11:39 AM  
**To:** wneville@chincoteague-va.gov  
**Cc:** Ryan Blackwell  
**Subject:** Marsh Island zoning

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**Categories:** Zoning Map

Mr. Neville:

Please be advised that I, as a resident of Marsh Island, do indeed endorse the proposed zoning change (from C-1 to R-3) as it is entirely in keeping with the character and makeup of Marsh Island.

Thank you

Michele & Ryan Blackwell

602 Marsh Island Drive #8

Chincoteague, VA. 23336



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# ZONING COMMENT FORM

## PUBLIC HEARING ON PROPOSED COMPREHENSIVE AMENDMENTS TO THE OFFICIAL ZONING MAP AND ZONING ORDINANCE OF THE TOWN OF CHINCOTEAGUE, VIRGINIA

**Property Information** (street address, parcel #, general location or landmark)

(zoning district)

6332 Pearl Dr.  
Oyster Bay 1.

R-1

**Comment or Question**

1. land along Hibiscus Dr. is to be rezoned "Resort Residential". The only outlet is via a private Rd. in Oyster Bay I. This does not conform with ingress/egress needed under this zoning. (Also Hibiscus does not go through to Main)
2. what is the purpose of zoning land Agriculture when it is clearly Resource Conservation? Is there an agenda here?
3. Why is area along Helle Wharton Smith public Semi-public? at least a portion should be park/open space as a lasting commitment.
4. The Annexation section is about as vague as possible. It should at least include some of state requirements for annexing & general good planning techniques.
5. Most planners would agree you have too many zones which only leads to confusion

**Contact Information** (mailing address, phone# or email)

Jean Dean  
P.O. Box 269  
Chinco.  
336.5953

The public is invited to express their views on the proposed zoning districts and revised zoning map.

Written comments may be submitted into the public record at the Town Office, 6150 Community Drive, Chincoteague Island, Virginia 23336 or by email to [wneville@chincoteague-va.gov](mailto:wneville@chincoteague-va.gov). All comments will be considered by the Planning Commission for recommendation to the Town Council.

Dear Business Owner and Neighbor....

We would like to bring attention to the re-zoning that is being proposed to the residents and the business owners of Chincoteague Island. The Town sent out a statement that this re-zoning affects every property on Chincoteague...AND IT DOES! However, many citizens may be unaware of how significant the changes really are.

The original residential district...R-3...allows "by right" a combination of single family homes with 2 family dwellings, mobile homes, mobile home parks, tourist homes, vacation rental cottages, boarding house, B&B's, rest home and home based businesses and under special exceptions could allow a "special use permit" for multifamily dwellings and some commercial development. "The regulations for this district are designed to stabilize and protect the essential characteristics of the district.....a suitable environment for family life....and unlikely to develop extreme concentrations of traffic and crowds of customers..." (Appendix A Zoning, CDA-39)

The proposed change from an R-3 to an R-4 Resort Residential district will allow all of the original R-3 "by right" uses.....however, now, rather than having to apply for a "special use permit"...this new R-4 will allow "by right" all previous special exception uses including HOTELS, MOTELS, RESTAURANTS, CAMPER/TRAILER PARKS, CAMP GROUNDS, HEALTH CLUBS, SPAS, GYMS, RETAIL STORE, ANY RETAIL STORE, LIGHT INDUSTRY, CATERER, TOWNHOUSES, CONDIMINIUMS....and now the "special use permits" can allow the use of a semi-tractor trailer as additional storage for an establishment and parking garages or other similar structures.

As of this writing we cannot figure out what the actual difference is between an R-4 Resort Residential district and a C-4 Resort Commercial district .....they appear to be the same. The Resort Commercial district goal is to "maintain and create desirable commercial environments." (Comprehensive Plan 2010 p.3-10) The addition of a new commercial area (as much as 50 acres) in the northern part of the island will add more competition to the market. Why would we want to add any commercial competition for the existing businesses that are struggling enough in this time of economic hardship? Why don't we wait until "demand" asks that we increase "supply"!

We believe that very careful thought be given before making changes that could forever ruin that which makes Chincoteague the popular destination that it is. Both residents and tourists come here because it is a special and unique place. It is an island filled with entrepreneurs which makes most of the businesses "one of a kind". We believe that uniqueness and diversity is a great asset and should be encouraged.

These new proposed "allowed uses" will also have a dangerous affect on the sensitive environmental nature of our island. For example, the northern part of the island is, for the most part, non-tidal wetlands. People may believe that environmental regulations will protect these lands from misuse but the history of environmental protection is full of failed cases. For many large companies, paying off the fines imposed for breaking environmental law is simply seen as the cost of doing business. To open the door so easily for the new proposed "allowed uses" is a disaster in the making.

We hope the Town Council will not go forward with these proposed changes...

Please let the Town know how you feel!!

Written comments can be e-mailed to [wneville@chincoteague-va.gov](mailto:wneville@chincoteague-va.gov)

Public Meeting...June 14<sup>th</sup> at 7PM

More information at the Town of Chincoteague web site or in the lobby of Town Hall.....

Respectfully....your neighbors and proud owners of the Captain Timothy Hill House at 5122 Main St .  
Louisa Flaningam and Paul Brzozowski 914 589-5015 [pjandlouisa@optonline.net](mailto:pjandlouisa@optonline.net)

Dear Mr. Neville:

I wish for my property to be  
changed from R-3 to the proposed  
C-3 District on Deep Hole Road.  
Which would just extend the  
district one more property to  
include my corner property  
Tax map # 3087-A-81

Sincerely yours,

Stanley F. Jester

June 4, 2011

## William Neville

---

**From:** Jack Nold [jnold@verizon.net]  
**Sent:** Sunday, June 05, 2011 8:16 PM  
**To:** wneville@chincoteague-va.gov  
**Subject:** Marsh Island Zoning

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**Categories:** Zoning Map

Mr. Neville:

Kindly be advised that I, as a resident of Marsh Island, do indeed endorse the proposed zoning change (from C-1 to R-3) as it is entirely in keeping with the character and makeup of Marsh Island. Thank you. Regards,

J. Nold

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**John J. (Jack) Nold**

6184 Marsh Island Drive  
Chincoteague, VA 23336  
757-336-1594 (H)  
302-598-5225 (C)

[jnold@vtext.com](mailto:jnold@vtext.com) (IM)

<http://mysite.verizon.net/jnold/>

*37° 56' 10.6" N 75° 22' 44.1" W*

## William Neville

---

**From:** jarinc2@comcast.net  
**Sent:** Wednesday, May 25, 2011 12:05 PM  
**To:** wneville@chincoteague-va.gov  
**Cc:** Jack Nold; Karen Nold; Bill/Sylvia Larson; Young, Christian and Christine; Jim Rauth  
**Subject:** Zoning Public Hearing

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**Categories:** Zoning Map

Bill ..

Thank you for the definition of the Waterfront seafood industry, light. Based upon this definition, I am strongly AGAINST moving the item 3.8.2.1 ( light waterfront seafood industry) in the proposed new zoning from 'conditional use' to permitted 'by Right'. In areas proposed for the new R-3 designation, such as Marsh Island, use by RIGHT would change the very nature of the environment as it exists today. If a property owner wants to establish a light waterfront industry, they may always have a hearing so that the other property owners can have a 'voice' in the new industry location . Of course, if that light industry already exists today in the proposed R-3 area, it should be 'grandfathered in'.

I believe that it should remain a conditional use...

Best Regards,  
Jim Rauth  
owner 6170 Marsh Island Dr, Chincoteague, VA , 23336

## William Neville

---

**From:** jarinc2@comcast.net  
**Sent:** Monday, May 23, 2011 12:56 PM  
**To:** William Neville  
**Subject:** Re: Zoning Information Request

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

**Categories:** Zoning Map

Bill ...

Thanks !!!!! Jim R

----- Original Message -----

**From:** "William Neville" <wneville@chincoteague-va.gov>

**To:** jarinc2@comcast.net

**Cc:** "Kenny Lewis" <kenny@chincoteague-va.gov>

**Sent:** Monday, May 23, 2011 9:50:00 AM

**Subject:** RE: Zoning Information Request

Jim,

Thank you for your continued interest in this topic. I plan to include it as a specific public comment for the Planning Commission to consider at their June 14<sup>th</sup> meeting. Chairman Rosenberger stopped in the office last week and suggested that I research a prior application to the Board of Zoning Appeals that may have established a precedent for this use. In the meantime, please consider the current definition that is included in the Zoning Ordinance definitions as follows:

### CHINCOTEAGUE CODE

CDA:30

#### **Sec. 2.178. Waterfront seafood industry, light.**

Including but not limited to wholesale and retail marine activities, such as docks and areas for the receipt, storage and shipment of waterborne commerce; customary seafood and shellfish receiving, packing and shipping facilities. All such uses shall be contiguous to the waterfront. Only one building shall be permitted and shall be limited to a maximum of 500 square feet in size and must conform to the accessory building setbacks as required for this zoned area.

'Marina, commercial' and 'marina, private noncommercial' are defined as separate uses. If this is also a concern, please let me know so that the Planning Commission may consider how these uses should be accommodated in the R-3 district.

#### **Sec. 2.99. Marina, commercial or club type.**

A marina designed and operated for profit or operated by any club or organized group where hull and engine repairs, boat and accessory sales, packaged food sales, restaurants, personal services, fueling facilities, storage and overnight guest facilities or any combination of these are provided.

**Cross reference**--Water access facilities, ch. 70.

#### **Sec. 2.100. Marina, private noncommercial.**

A marina designed and intended to be used for mooring of boats by residents of the general neighborhood with no commercial facilities other than necessary for minor servicing

and repairs.

**Cross reference**--Water access facilities, ch. 70.

If the development areas of Marsh Island have been constrained by covenants and restrictions, please provide a copy of any relevant documents to the Town for reference in the future.

Bill

William W. Neville, AICP  
Director of Planning  
**Town of Chincoteague**  
6150 Community Drive  
Chincoteague Island, VA 23336  
[wneville@chincoteague-va.gov](mailto:wneville@chincoteague-va.gov)  
PH: (757) 336-6519  
FX: (757) 336-1965  
<http://www.chincoteague-va.gov>

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**From:** [jarinc2@comcast.net](mailto:jarinc2@comcast.net) [mailto:[jarinc2@comcast.net](mailto:jarinc2@comcast.net)]

**Sent:** Monday, May 23, 2011 9:25 AM

**To:** [wneville@chincoteague-va.gov](mailto:wneville@chincoteague-va.gov)

**Subject:** Fwd: Meeting last eve

Bill ...

Just wondering whether you have a definition yet RE my earlier email ????

Jim R

----- Forwarded Message -----

From: [jarinc2@comcast.net](mailto:jarinc2@comcast.net)

To: [wneville@chincoteague-va.gov](mailto:wneville@chincoteague-va.gov)

Sent: Wednesday, May 11, 2011 12:03:48 PM

Subject: Meeting last eve

Bill ...

GREAT meeting last eve .. Just on question ... It refers to the item which Wanda Thornton raised about

3.8.2.1 Light waterfront seafood industry .... Could you please give me a definition of this item and a narrative to allow the people on Marsh Island to determine whether we agree that this should become a 'right' rather than conditional use ???

Thanks !!!!

Jim rauth

Marsh Island 336-3173

## William Neville

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**From:** svhr@comcast.net  
**Sent:** Monday, May 23, 2011 9:43 AM  
**To:** wneville@chincoteague-va.gov  
**Subject:** Marsh Island R-3

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

**Categories:** Zoning Map

Bill ..

I just want to go on record to indicate that I agree Marsh Island should be rezoned R-3 Mixed Use Residential...

I am a property owner of the property listed below. I am concerned, however, about allowing conditional use of "light waterfront seafood industry" in this zone without a clear definition of what that is.

Susan Helfenstein Rauth  
6170 Marsh Island Dr  
Chincoteague, VA 23336

## William Neville

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**From:** michaelpilgrim@comcast.net  
**Sent:** Monday, May 16, 2011 8:15 AM  
**To:** wneville@chincoteague-va.gov  
**Subject:** Zoning Comments

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**Categories:** Zoning Map

I am a property owner (house) on Conant Lane (R-3). My question concerns mobile homes. It appears throughout the documnet that town is making it more difficult for people to use mobile homes (actually - you need to amend the code to refer to them as "manufactured housing" to conform with the IBC Residential Building Code. See Virginia Manufactured Home Safety Regulations, 2003 edition as amended issued by VA Dept of Housing and Community Development).

Many folks on the island can only afford a mobile home. If the intent is to deal with those that are not kept in good order, that is a zoning enforcement issue; not one that should be addressed by attempting to drive lower income folks from one district to another.

I assume those existing homes will be grandfathered, but what of an existing mobile home that the owner wishes to replace with a new one?

Will they be required to pay fees to get a use permit, or to move?

I think the reason behind this and all substantial changes Zoning Plan should be fully explained in a separate but attached document. In other words, explaining specifically why each substantial change is recommended.

Thanks

Michael E. Pilgrim

## William Neville

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**From:** jarinc2@comcast.net  
**Sent:** Wednesday, May 11, 2011 12:04 PM  
**To:** wneville@chincoteague-va.gov  
**Subject:** Meeting last eve

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**Categories:** Zoning Map

Bill ...

GREAT meeting last eve .. Just on question ... It refers to the item which Wanda Thornton raised about

3.8.2.1 Light waterfront seafood industry .... Could you please give me a definition of this item and a narrative to allow the people on Marsh Island to determine whether we agree that this should become a 'right' rather than conditional use ???

Thanks !!!!

Jim rauth

Marsh Island 336-3173

## William Neville

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**From:** Phillip Ettinger [phillipettinger@comcast.net]  
**Sent:** Tuesday, May 10, 2011 7:23 PM  
**To:** 'William Neville'  
**Cc:** 'Jeff Potts'  
**Subject:** RE: Chincoteague Proposed Zoning Map

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

**Categories:** Zoning Map

Thank You Mr. Neville for being so responsive and correcting the oversight. Does the New Official Zoning Map – proposed , in any way affect my R-2 zoning of the former Marriott Property?  
Many thanks, Phillip

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**From:** William Neville [<mailto:wneville@chincoteague-va.gov>]  
**Sent:** Tuesday, May 10, 2011 12:19 PM  
**To:** 'Phillip Ettinger'  
**Cc:** Jeff Potts  
**Subject:** Chincoteague Proposed Zoning Map

Mr. Ettinger,

I hope you are well. Tonight is the first of several public hearings to consider the adoption of a new official zoning map for the Town of Chincoteague. After much hard work to make sure that the map was correct, I have just noticed that your parcels on North Main Street which were zoned to the R-2 district last year are correct on the Current Zoning Map and incorrect on the Proposed Zoning Map. Please accept my apology...I will note this error in the map tonight and will provide a corrected copy for all future hearings.

Bill

William W. Neville, AICP  
Director of Planning  
**Town of Chincoteague**  
6150 Community Drive  
Chincoteague Island, VA 23336  
[wneville@chincoteague-va.gov](mailto:wneville@chincoteague-va.gov)  
PH: (757) 336-6519  
FX: (757) 336-1965  
<http://www.chincoteague-va.gov>

## William Neville

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**From:** Phillip Ettinger [phillipettinger@comcast.net]  
**Sent:** Wednesday, May 11, 2011 11:27 PM  
**To:** 'William Neville'  
**Subject:** RE: Chincoteague Proposed Zoning Map

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**Categories:** Zoning Map

That's not so great Mr. Neville. R-4 could provide many non conforming types of residential type housing. Like business and even amusement parks or r/v park. Is that what Chincoteague really wants in that area? And after the hard time I got from many on the planning commission and then originally from the town council when I just wanted R-2 so that duplexes would be possible so that even Chincoteague residents could afford a new home?? This seems really strange for that area of the town up there on North Main St.

Respectfully  
Phillip Ettinger

---

**From:** William Neville [mailto:wneville@chincoteague-va.gov]  
**Sent:** Wednesday, May 11, 2011 1:00 PM  
**To:** 'Phillip Ettinger'  
**Subject:** RE: Chincoteague Proposed Zoning Map

correct

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**From:** Phillip Ettinger [mailto:phillipettinger@comcast.net]  
**Sent:** Wednesday, May 11, 2011 1:01 PM  
**To:** 'William Neville'  
**Subject:** RE: Chincoteague Proposed Zoning Map

Mr. Neville, when you say the property to the South of my R-2 property that is currently R-3 and being considered for R-4 zoning is the town referring to the "Tull" owned property?

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**From:** William Neville [mailto:wneville@chincoteague-va.gov]  
**Sent:** Wednesday, May 11, 2011 10:03 AM  
**To:** 'Phillip Ettinger'  
**Subject:** RE: Chincoteague Proposed Zoning Map

The only change to the R-2 zoning district regulations is to add Bed and Breakfast use as permitted by right. Currently the property adjacent to the south is proposed to change from R-3 to R-4 zoning which adds higher density housing and additional commercial uses to be permitted by right.

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**From:** Phillip Ettinger [mailto:phillipettinger@comcast.net]  
**Sent:** Tuesday, May 10, 2011 7:23 PM  
**To:** 'William Neville'  
**Cc:** 'Jeff Potts'  
**Subject:** RE: Chincoteague Proposed Zoning Map

Thank You Mr. Neville for being so responsive and correcting the oversight. Does the New Official Zoning Map – proposed , in any way affect my R-2 zoning of the former Marriott Property?

## William Neville

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**From:** Ken Thomas [kthomas6145@gmail.com]  
**Sent:** Tuesday, May 10, 2011 3:00 PM  
**To:** kenny@chincoteague-va.gov; wneville@chincoteague-va.gov  
**Subject:** Marsh Island Zining

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

**Categories:** Zoning Map

Dear Mr. Kenny Lewis, Mr. Bill Neville:

I am writing to both of you regarding the upcoming public hearings on the proposals concerning zoning of properties in Chincoteague. More specifically I am most interested in the possible zoning change from C1-Commercial to R3-Mixed Use Residential for Marsh Island.

As a property owner and part-time resident of Marsh Island **I AM STRONGLY IN FAVOR OF THE PROPOSED ZONING CHANGE.** It is my opinion a classification of R3 (Mixed Residential Use) is a more accurate reflection due the land size of Marsh Island, the limited space for septic and drain fields as well as the current existing single family homes, condos and townhouses

I also believe the R3 zoning change would help preserve the scenic charm Marsh Island provides at sunset for the guest at the Hampton Inn and Comfort Suites. Which leads me to the question : Do you think the management at the Hampton Inn would use Marsh Island as a backdrop on their website if commercial businesses were located on Marsh Island? I do not and I believe there would be far less tourist snapping pictures of their balcony's view if commercial property was located on Marsh Island.

Sincerely,  
Ken Thomas  
6145 Marsh Island Drive  
Chincoteague Island, VA

May 9, 2011

Mr. Bill Neville,

I just received the "Notice to All Property Owners" sent by the Town of Chincoteague regarding the zoning changes. Unfortunately I will not be able to attend either of the Public Hearings so I am submitting my comments via email. It is very difficult to view the maps on the website; it would have been much easier to view if the island had been broken into segments. Also if the zoning changes pertinent to the change affecting each property had been included instead of having to peruse the zoning staff report which is 86 pages long it would have been easier for the property owners since will **ALL** be affected by the changes.

The two pieces of property that I am concerned about are on Ridge Road -- Parcel ID No. 030A207000002A0 Part Birch LOTS 2 & 3 which occupy either side of Ridge Road after Beebe Road. One lot is adjacent to the office of Tom's Cove Inc. As the proposed amendments stand one property will be designated R-4 Resort Residential and the other (just across the street, next to Tom's Cove office) C-4 Resort Commercial. They were both designated C-1 in earlier zoning maps. The property was originally one piece until the state used their right-of-way power to construct a road down the middle of the property to create Ridge Road.

It appears to me that the property to be designated R-4 is being done to bring the commercial use of the property next to mine, Tom's Cove into conformance. The C-4 zoning also includes two other properties adjoining my property.

While I understand the importance of the tourist trade to the island, I live in one of the most sought after tourist attractions in the world, Hawaii; equal consideration should be afforded current landowners.

If the planning commission wishes to accommodate Tom's Cove office by redistricting it C-4 I have no objection as long as my property next door remains R-4. I don't know how the other residents feel but it has been my experience that any property designated commercial can not be sold for residential use, pays more in property taxes, and has many restrictions on its use.

If there is any misinformation on my part please feel free to email or call me (808) 689-5765 (PST) with the correct information. If these changes are approved when would they be effective?

Sincerely,

Janet E. Garcia

91-407 Papipi Dr.

Ewa Beach, HI 96706

Email: [garciaja2001@yahoo.com](mailto:garciaja2001@yahoo.com) or [garciaja@hcc.hawaii.edu](mailto:garciaja@hcc.hawaii.edu)

## William Neville

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**From:** Wanda Thornton [wjt\_shore@verizon.net]  
**Sent:** Monday, May 09, 2011 3:44 PM  
**To:** 'William Neville'  
**Subject:** RE: Chincoteague Zoning

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**Categories:** Zoning Map

Thanks for all the info.  
Wanda

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**From:** William Neville [mailto:wneville@chincoteague-va.gov]  
**Sent:** Monday, May 09, 2011 9:51 AM  
**To:** 'Wanda Thornton'  
**Subject:** FW: Chincoteague Zoning

Wanda,  
Are there any other questions that you would like to ask Brent?  
Bill

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**From:** William Neville [mailto:wneville@chincoteague-va.gov]  
**Sent:** Monday, May 09, 2011 9:50 AM  
**To:** 'Brent Hurdle'  
**Subject:** Chincoteague Zoning

Good Morning Brent,

As we have discussed, the Town of Chincoteague is beginning the public hearing process tomorrow night to consider adopting comprehensive changes to the Official Zoning Map and Zoning Districts including the creation of 6 new zoning districts. In general we are not revising any of the permitted uses or area regulations – only changing around the names of the zoning districts to match up with the land use areas that were adopted in our 2010 Comprehensive Plan. There are, however, a few properties that will change from residential to commercial or commercial to residential.

Planning Area #	Proposed Zoning District	Existing Zoning District	Proposed Zoning Abbreviation
1	Single Family Residential	R-1	<b>R-1 Single Family Residential</b>
2	One & Two Family Residential	R-2	<b>R-2 One &amp; Two Family Residential</b>
3	Mixed Use Residential	R-3	<b>R-3 Mixed Use Residential</b>
4	Old Town Commercial	C-1, C-2 and R-3	<b>C-2 Old Town Commercial</b>
5	Resort Residential	R-3	<b>R-4 Resort Residential</b>
6	Neighborhood Commercial	C-1	<b>C-1 Neighborhood</b>

			<b>Commercial</b>
7	Commercial Corridor	C-1 and C-2	<b>C-3 Corridor Commercial</b>
8	Resort Commercial	C-1	<b>C-4 Resort Commercial</b>
9	Public-Semi Public	C-1, C-2 and R-3	<b>PSP Public Semi-Public</b>
10	Park & Open Space	R-2 and R-3	<b>POS Park and Open Space</b>
11	Resource Conservation	R-3	<b>RC Resource Conservation</b>
12	Agriculture	A	<b>A Agriculture</b>

Several questions have been asked about the real estate assessment and real estate tax impact of the proposed changes. Would you please consider the following questions and give me call to discuss this.

1. When would the next reassessment take place that may consider the new zoning districts?
2. The R-4 zoning district is based on the R-3 district regulations and is intended to address a different geographic area not additional density. Would County assessment methods increase value based on the zoning district numbering system?
3. The C-3 zoning district is based on the combined uses permitted in both the C-1 and C-2 zoning districts so that there is no loss of development potential for property owners in the Maddox Boulevard corridor. Our commercial districts allow both residential and commercial use. Are the assessment and tax category based on current use or the zoning district?
4. The existing residential uses on Marsh Island are proposed to be rezoned from C-1 to R-3. Would there likely be a change in either their assessment or tax rate?
5. Several salt marsh areas surrounding Chincoteague Island have been zoned C-1, R-3 or Agriculture. What effect would a change in zoning district have on these areas in terms of assessment or tax rate?

Thanks for your help with this, so that I may provide the best information to the public.  
Bill

William W. Neville, AICP  
 Director of Planning  
**Town of Chincoteague**  
 6150 Community Drive  
 Chincoteague Island, VA 23336  
[wneville@chincoteague-va.gov](mailto:wneville@chincoteague-va.gov)  
 PH: (757) 336-6519  
 FX: (757) 336-1965  
<http://www.chincoteague-va.gov>

## William Neville

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**From:** Judith Hemstetter [jhemstett@msn.com]  
**Sent:** Monday, May 09, 2011 6:31 AM  
**To:** wneville@chincoteague-va.gov

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

**Categories:** Zoning Map

Mr BILL Neville & Kenny Lewis:

I am writing to you both with regard to the upcoming public hearing on the zoning proposal, more specifically about the proposed change of from C-1 Commercial to R-3 Mixed Use Residential for Marsh Island. I hope there will be no discussion on what Marsh Island should be (R-3 Mixed use residential). This small portion of Chincoteague would have no reason to have a commercial property located among all the houses and Town homes. This is a very quaint and individual area and now that we have our own exit it would not make sense to bring the additional traffic onto this property, we do not have the parking and this would destroy the quaintness of this small portion of property.

Thank you

Judy Hemstetter & Cary Bacon (Property Owners)

## William Neville

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**From:** Raffi Karahisar [sevpert@verizon.net]  
**Sent:** Sunday, May 08, 2011 11:16 PM  
**To:** KENNY@CHINCOTEAGUE-VA.GOV; wneville@chincoteague-va.gov  
**Subject:** Public Hearing on the Zoning Proposal

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

**Categories:** Zoning Map

Dear Mr. Bill Neville, Dear Mr. Kenny Lewis,

I am writing to you both with regard to the upcoming public hearing on the zoning proposal, more specifically about the proposed change of from C-1 Commercial to R-3 Mixed Use Residential for Marsh Island.

As a property-owner and part-time resident of Marsh Island, and as the secretary of Captains Quarters Townhouse Association, I am **strongly in favor of the proposed change**, i.e., the classification of Marsh Island as R-3 (Mixed Residential Use). It certainly reflects much more accurately the current residential status of Marsh Island, which is comprised exclusively of single family homes, town houses and condos.

I also believe that the zoning change would enhance the value of existing and any future development, for home owners as well as the town, by preserving the existing characteristics and quality of life of our corner of the island, far more than the previous C-1 commercial zoning would have allowed.

Thank you for your consideration in this matter.

Sincerely,  
Raffi Karahisar

Secretary, CQTA  
6155 Marsh Island Drive  
Chincoteague, VA

## William Neville

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**From:** jack [jtelec@verizon.net]  
**Sent:** Sunday, May 08, 2011 8:50 PM  
**To:** 'William Neville'  
**Subject:** c-4

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

**Categories:** Zoning Map

Bill,

The resort comm..district has wording to the effect that they have the potential to be Redeveloped only with 'public sewer'..?

1. We don't control sewer permits.
- 2.They have the right to use whatever sewer system that gets approved by the health dept.
3. We had discussed this at the Comp.Plan level and on page 3-11 we only say that the potential was greater with Public Sewer not that it was required to Redevelop?
4. I don't think it's legal to require Public Sewer in a Zoning Ordinance, We don't have Public Sewer or Issue permits for any sewer.
5. The uses permitted by right in all the other Zones aren't dependant on "Public Sewer". And this one shouldn't be written around something we don't even have....
6. Our intent for these area's was this is where we would encourage existing to stay or redevelop if They wanted to..

What was the Planning Commission's thoughts or comments on this?

None of the campgrounds want the Public Sewer clause in there and I don't blame them..

Jack

## William Neville

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**From:** wlreider1@aol.com  
**Sent:** Sunday, May 08, 2011 8:04 AM  
**To:** wneville@chincoteague-va.gov  
**Subject:** Fwd: RE: ZONING MAP/ZONING ORDINANCE

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

**Categories:** Zoning Map

Bill Neville

Thank you for your email. I have reviewed both the current zoning and proposed zoning maps. Divison Street - the location of my home - is rated Green or R-3 on both maps.

I have no idea what this means. Is all of Chincoteague Island considered a flood risk?

It appears that the last flood in Chincoteague was March 1962. It stated that the entire island was under water.

Insurance is always a gamble and is slanted toward the provider. I would like to be able to determine my risk if I decide not to obtain flood insurance.

Thanks again for your help. Bill Reider

-----Original Message-----

**From:** William Neville <wneville@chincoteague-va.gov>  
**To:** wlreider1 <wlreider1@aol.com>  
**Sent:** Fri, May 6, 2011 11:01 am  
**Subject:** RE: ZONING MAP/ZONING ORDINANCE

Mr. Reider,

The proposed zoning map and zoning ordinance revisions do not change the Floodplain Ordinance Section of Town Code (Chapter 30 Floods) for the Town of Chincoteague. A note will be added to the Zoning Map that identifies current FEMA floodplain mapping as an overlay to all Town Zoning Districts. I will share your question with the Planning Commission and will let you know if we discover any possible connection between the proposed zoning changes and flood requirements. Thank you for email.

Bill

William W. Neville, AICP  
Director of Planning  
**Town of Chincoteague**  
6150 Community Drive  
Chincoteague Island, VA 23336  
[wneville@chincoteague-va.gov](mailto:wneville@chincoteague-va.gov)  
PH: (757) 336-6519  
FX: (757) 336-1965

<http://www.chincoteague-va.gov>

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**From:** [wreider1@aol.com](mailto:wreider1@aol.com) [mailto:[wreider1@aol.com](mailto:wreider1@aol.com)]

**Sent:** Friday, May 06, 2011 8:29 AM

**To:** [wneville@chincoteague-va.gov](mailto:wneville@chincoteague-va.gov)

**Subject:** ZONING MAP/ZONING ORDINANCE

Good Morning

I have no written comments for the meetings, but would like to know if the zoning changes will impact the flood ratings of Chincoteague.

I have paid off my home on Division Street and am not required to obtain flood insurance. I have read about the 1962 storm and this was definitely a time for flood insurance.

I would appreciate knowing if the zoning changes have any impact on flood requirements for Chincoteague Island.

Thank you, William Reider, 4185 Division Street

## William Neville

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**From:** wlreider1@aol.com  
**Sent:** Friday, May 06, 2011 8:29 AM  
**To:** wneville@chincoteague-va.gov  
**Subject:** ZONING MAP/ZONING ORDINANCE

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

**Categories:** Zoning Map

Good Morning

I have no written comments for the meetings, but would like to know if the zoning changes will impact the flood ratings of Chincoteague.

I have paid off my home on Division Street and am not required to obtain flood insurance. I have read about the 1962 storm and this was definitely a time for flood insurance.

I would appreciate knowing if the zoning changes have any impact on flood requirements for Chincoteague Island.

Thank you, William Reider, 4185 Division Street

## William Neville

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**From:** J. Travis Thornton [t.thornton@verizon.net]  
**Sent:** Thursday, May 05, 2011 9:29 PM  
**To:** wneville@chincoteague-va.gov; kenny@chincoteague-va.gov  
**Subject:** Zoning Comp Plan  
**Attachments:** Zoning Letter.doc

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

**Categories:** Zoning Map

Mr. Neville,

Will you please pass the attached letter to the planning commission for their public hearing on Tuesday. I will also copy Kenny Lewis too. If a hand delivered is required please tell me so I can make that happen.

Travis

Maddox Family Campground  
Chincoteague VA 23336

May 6, 2011

Dear Planning Commission Members,

I am writing on behalf of the Maddox Family Campground. Unfortunately, I will not be able to make your public comment meeting and would like to submit the following comments. After reading the proposed zoning changes your board has recommended, we have a major concern and ask for your reconsideration of the following section.

1. Under section C-4 Recreational Resort District, the second paragraph states the following:

**“Properties within this district have the potential to be redeveloped only with the provision of public sewer and will be eligible for assemblage and rezoning to a planned mixed use development district.”**

We strongly disagree with this statement and would like to see it removed from the plan. By adding this verbiage, our properties could not be redeveloped until public sewer was installed on the island. While we appreciate the town actively pursuing public sewer opportunities, the reality is the financial burden may never allow it to become a viable option. The majority of the properties located in the new C-4 zones already have enough sewer installed to permit them to redevelop now if the owners would choose to do so. Hopefully this was an oversight and not an attempt to place a restriction which would virtually prohibit land owners of C-4 properties from ever developing their properties. Again, we ask that you remove this line from the zoning plan. Thank you for your consideration.

Sincerely,

Travis Thornton

## William Neville

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**From:** Berry, Natalie [nberry@dciv.org]  
**Sent:** Tuesday, May 03, 2011 4:09 PM  
**To:** wneville@chincoteague-va.gov  
**Subject:** THANK YOU

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

**Categories:** Zoning Map

Thank you for taking time to review the proposed zoning map and its rationale with me yesterday. I hope that all goes well in the hearings and that progress continues to be made to shape the island in its former image with similarities to some of the towns on the Lower Bay Shore. (NO neon and New Jersey glitz !!!!)

Natalie Berry

Kathy Phillips  
Assateague COASTKEEPER  
Assateague Coastal Trust  
PO Box 731  
Berlin, MD 21811

June 14, 2011

Planning Commission  
Town of Chincoteague  
6150 Community Drive  
Chincoteague Island, Virginia 23336

Comments submitted by Assateague COASTKEEPER, Kathy Phillips on the Proposed Comprehensive Zoning Map and Zoning Ordinance Amendment

Members of the Chincoteague Island Planning Commission,

Thank you for this opportunity to submit oral and written comments regarding the proposed Comprehensive Zoning Map and Zoning Ordinance Amendment.

Chincoteague Island depends on tourism for its survival. What draws people is the clean water, the scenic marshes, a waterman's way of living, and small town atmosphere.

Comprehensive Rezoning is all about the Big Picture, and is not supposed to be about who owns what parcel or what happens to be on the ground at the moment. It is supposed to be about what is good for the future of the community, its citizens, (and its economy) flora and fauna.

The County of Accomack said in its comments on the Chesapeake Bay Preservation Act extension to the seaside:

"The Board of Supervisors has proposed to extend the CBPA to protect water quality for our fishing, aquaculture, and tourism industries, as well as for the quality of life of Accomack County residents. By protecting our water quality, Accomack County sends the message that we have something of value and that we need to work together to protect it. The people of Accomack County value our traditional way of life, which is based on natural resources that need protection. Our Eastern Shore culture, waterman, farming, and natural heritage all depend on natural resources that need to be managed and conserved."

## Why a Resource Protection Zone?

RPAs are intended to preserve the environmentally significant areas of the island. This would include those areas of the Island that pose constraints for development or where development could have a substantially adverse environmental effect, serving to maintain the environmental functionality of the landscape by avoiding or minimizing disturbance of sensitive areas such as tidal and non-tidal wetlands, muck and alluvial soils, streams and riparian corridors that protect water quality. RPA's filter pollutants from runoff before they can enter tributary creeks or coastal waters.

## Sea Level Rise!!

These tidal marshes are the Town's first line of defense, and should be protected if for no other reason than to acknowledge this Town's government has a responsibility to its citizens and property owners.

Despite all we know now about resource protection, the Town of Chincoteague, for whatever reasons, has decided not to designate tidal wetlands as a protected resource. Yet, these Federally protected tidal wetland parcels slated for Residential and Resort Commercial zoning will never be able to be built upon by Federal law and indeed Army Corps permits for piers and canal dredging are very difficult to acquire and will be challenged by parties wishing to see these resources protected.

Rezoning does convey an impression of vested rights on landowners it becomes far less flexible for citizens affected by these acts to address subsequently. Communities are "organic" in that changes in one way bring about consequences and effects in other ways. Chincoteague Island, as a matter of good and fair process, needs to look at this upzoning in a more thorough and comprehensive context.

To upzone these areas as Commercial or Residential <sup>could be seen as</sup> irresponsible on the part of the Town and is only deluding prospective buyers of these parcels into an unrealistic assumption of value. Buyers of these tidal wetlands will be assessed taxes on property that is valued Residential or Commercial, when in reality these parcels are not able to be developed into residential lots or commercial enterprises as mandated by Federal law.

Indeed, if protective zoning was applied, taxes on that property would go down. A savings for the prospective buyer, but if the proposed zoning is approved this will only benefit the Town's coffers.

In a time when other municipalities across the country are committing tax suicide, why would the Town of Chincoteague create a situation where they would force taxes on property

that is protected from development by Federal Law, and give the impression that the town does not value it's natural resources, or feel protective of its water quality, tourism and aquaculture industries.

Thank you.

Respectfully submitted,

A handwritten signature in cursive script that reads "Kathy Phillips".

Kathy Phillips, Assateague COASTKEEPER

Assateague Coastal Trust (ACT) works to protect and enhance the natural resources of the Atlantic Coastal Bays watershed through *advocacy, conservation, and education.*

The Assateague COASTKEEPER, a member of the WATERKEEPER ALLIANCE and WATERKEEPERS Chesapeake, patrols and protects the Maryland & northern Virginia Eastern Shore Coastal Bays, standing up to polluters and guaranteeing everyone's right to clean water

## William Neville

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**From:** Christine Murphy Richardson [chrisvmr@verizon.net]  
**Sent:** Monday, September 05, 2011 7:50 PM  
**To:** wneville@chincoteague-va.gov  
**Subject:** To: Bill Neville, AICP, Planning Director

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**Categories:** Zoning Map

Dear Bill,

I spoke with you about a week and a half ago over the phone and in your office. I have concerns about the C-4 zoning of the wetlands on the south side of Maddox Blvd. at Eel Creek. My husband and I live in Onancock and own a condominium at Assateague Inn overlooking the wetlands, which is owned by the Maddox family and is contiguous with the Maddox Family Campground.

I feel that there needs to be Resource Conservation zoning to protect areas of wetlands within the town of Chincoteague, or there needs to be restrictions and special procedures indicating that wetlands are an exception in the definition of C-4 zoning. Even though there are state and federal regulations regarding wetlands, I believe that this valuable resource needs to be addressed at the local level. Please forward this letter to the Mayor and Town Council.

Thank you,

Christine Murphy Richardson  
[chrisvmr@verizon.net](mailto:chrisvmr@verizon.net)

319 Stanley Plaza Blvd.

Newark, DE 19713

September 7, 2011

Dear Mr. Neville,

It is my understanding that you will share the sentiments of any letter received in your office with the mayor and the town council. Thank you in advance for agreeing to be the conduit.

It is with great dismay that I learn that the town council is considering changing the zoning for the area that is now salt marsh and lagoon between the Assateague Inn and Maddox Campground. It is my firm belief that rezoning, even if it has the veneer of being harmless, is a slippery slope at best. If this area were to be zoned differently, it would open up these sensitive wetlands to the potential for development. Stranger things have happened in similar situations, and it would be a travesty to the Town of Chincoteague and to the wildlife that call Chincoteague home to allow any destruction of this pristine land.

The reason so many of us return to Chincoteague time and time again (I have been coming to Chincoteague regularly for 50 years) is that it is, in fact, different from other beach destinations. Tourists appreciate the opportunity to get in touch with nature, to view the birds and other indigenous animals, the plant life, as well as the ponies. I am certain that any environmental group who assessed this land would deem it to be an important habitat to many species- an area that should be protected from development.

I strongly encourage the Town of Chincoteague to protect these wetlands and to set aside any proposal to change the zoning. This town is a national treasure; I sincerely hope that the city council will opt to protect the plant and wildlife that make Chincoteague a unique destination.

Sincerely,

Andea F. LaCombe



# ZONING COMMENT FORM

## PUBLIC HEARING ON PROPOSED COMPREHENSIVE AMENDMENTS TO THE OFFICIAL ZONING MAP AND ZONING ORDINANCE OF THE TOWN OF CHINCOTEAGUE, VIRGINIA

**Property Information** (street address, parcel #, general location or landmark)

(zoning district)

R 4 proposed  
from Deep Hole to Main  
Resort Residential

**Comment or Question**

this proposal would  
be unacceptable to  
Oyster Bay I. The  
land is primarily  
wetlands.

**Contact Information** (mailing address, phone# or email)

Marvst Hunt  
330-1884

The public is invited to express their views on the proposed zoning districts and revised zoning map.

Written comments may be submitted into the public record at the Town Office, 6150 Community Drive, Chincoteague Island, Virginia 23336 or by email to [wneville@chincoteague-va.gov](mailto:wneville@chincoteague-va.gov). All comments will be considered by the Planning Commission for recommendation to the Town Council.

To the Town Council of Chincoteague Island, Virginia:

We would like to bring attention to the re-zoning that is being proposed to the residents and the business owners of Chincoteague Island. We, the undersigned, are concerned about these proposed changes and believe that more thought and review should be undertaken. We feel that the changes, as proposed, will have a very adverse effect on the residential and business communities, the natural environment of the island and could diminish the overall unique character of Chincoteague and this could negatively impact the tourism industry.

Name: Newman Merrill

Business: 4670 MAIN ST.

Address: Retired

Name: Paul Bryzowski

Business: \_\_\_\_\_

Address: 5122 Main St.  
Chincoteague

Name: Theodore G. Kelly

Business: \_\_\_\_\_

Address: 4694 MAIN ST  
CHINCOTEAGUE

Name: Arvi Schmitt

Business: 5400 Misty Meadows

Address: Chincoteague Vc

Name: Peterson Marshall

Business: \_\_\_\_\_

Address: 5396 Misty Meadows PK  
Chincoteague, VA 23556

(99 SIGNATURES)

Bundick Well & Pump  
P.O. Box 15  
Painter, VA 23420

# Quotation

Quote Number:  
2366

Quote Date:  
Sep 27, 2011

757-442-5555      757-824-3555

**Quoted to:**

Town of Chincoteague  
6150 Community Dr.  
Chincoteague, VA 23336

336-6510

Customer ID	Good Thru	Payment Terms	Sales Rep
Town of Chincoteague	10/27/11	Net Due	

Description	Amount
RE: Memorial Park Bathrooms Installing additional 1000 gallon concrete top seam septic tank with outlet filter in series with existing septic tank. Installing 600 gpd Delta DF-60 ATU. Effluent from the ATU will go to the existing pump station. Installing pressure dosing pump with new control/alarm box in existing pump station. Installing 15' X 25' pad in area where existing drain fields are located. Removing all the fine sand and clay & backfilling with course Maryland approved sand. Building low pressure distribution drain field system on top of sand bed. This drain field system will give equal distribution to entire drain field area instead of pumping one specific spot. Cost includes soil work, engineering cost and inspection and complete installation.	19,786.00

Subtotal	19,786.00
Sales Tax	
<b>Total</b>	<b>19,786.00</b>