



ZONING APPLICATION

Northampton County Department of Planning and Zoning
16404 Courthouse Road P. O. Box 538
Eastville, VA 23347
(757) 678-0443 Phone (757) 678-0483 Fax
www.co.northampton.va.us



2016-04

Zoning application is required when a project intends to change, add or expand the current use of a property and / or to construct or enlarge a building or structure. All applications submitted must include a zoning application Sections A through D, a completed Zoning Clearance checklist and the appropriate fee. Additional application form sections and checklists may be required for your specific project. Continue to follow instructions for each section and complete each section that applies to your project. Consult with County staff if necessary to determine which application sections and checklists are required for your specific project.

Section A - Owner information must be completed by the current owner of record.

- Owner (print): Candace S Nottingham
 - Mailing address: P.O. Box 908 Eastville VA. 23347
 - Phone# (h): 678-5673 (o): _____ (c): _____ (f): _____
 - Email: F-Nottingham@hotmail.com
 - I attest that all statements, documents, plans, and other supporting data relative to this application and submitted herewith are true to the best of my knowledge and belief. I give my permission for this application to be submitted and I give my permission for the applicant and / or agent, if any is listed below, to represent my interests as the authorized applicant and / or agent in all matters specific to this application.
- Candace S. Nottingham
Signature of owner _____ Date _____

Section B - Applicant information must be completed if the person(s) submitting the application is not the current owner of record and that person will be representing the owner's interests in all matters specific to this application. Examples of an applicant are a consultant, person with power of attorney, a lease holder or renter and contract purchaser. **If the owner and applicant are the same, do not complete Section B.**

- Applicant if different from owner (print): NANCY KENNEDY
 - Mailing address: PO Box 522 Eastville, VA
 - Phone# (h): _____ (o): _____ (c): 703-906-1920 (f): _____
 - Email: nancykennedy@gmail.com
 - I attest that all statements, documents, plans, and other supporting data relative to this application and submitted herewith are true to the best of my knowledge and belief.
- Nancy Kennedy
Signature of applicant if different from owner _____ Date 4/13/16

Section C - Agent information must be completed if the licensed professional submitting the application is not the current owner of record and that person(s) will be representing the owner's interests in all matters specific to this application. Examples of an agent are a real estate agent, surveyor, engineer, landscape architect, soil evaluator and attorney.

- Agent name (print): _____
 - Company name: _____
 - Mailing address: _____
 - Phone# (h): _____ (o): _____ (c): _____ (f): _____
 - Email: _____
 - I attest that all statements, documents, plans, and other supporting data relative to this application and submitted herewith are true to the best of my knowledge and belief.
- _____
Signature of agent _____ Date _____

Section D - Zoning Clearance / Special Use Permit must be completed for all applications along with the Zoning Clearance checklist. If your project involves a Special Use Permit, which can be determined by viewing Appendix A of the Northampton County Zoning Ordinance, you must also complete the Special Use Permit checklist. Continue to follow instructions for each section and complete each section that applies to your project.

1. List the 911 address of the subject property(ies).

3059 Toms Lane

2. What is the area of the lot(s) in square feet if less than one acre and in acres if greater than one acre?

304,920 sq ft

3. Describe all the proposed uses to be changed, added or expanded as part of this project.

Boo & Breakfast.

4. What are the uses, heights (ft.), building coverage (sq. ft.) and total building areas (sq. ft.) of each proposed building or structure to be constructed or enlarged as part of this project?

29 footings at this is 3300 sq ft.
Structure will not be constructed or enlarged. No alterations.

5. Describe how the subject property(ies) is currently being used.

Rental property

6. What are the uses, heights (ft.), building coverage (sq. ft.) and total building areas (sq. ft.) of each existing building or structure located on the property(ies)?

2 construction, 1 barn
Height is 3300 sq ft.

7. I, Condace S. Nottingham (print name), am aware that the following improvements associated with the proposed project may be required to comply with State regulations before and / or in conjunction with the approval of this zoning application: (1) entrances onto a State maintained road must meet the current Virginia Department of Transportation standards; (2) the septic system and water supply must meet the current Virginia Department of Health Department standards for all uses on the subject property; (3) all food service establishments (restaurants) must be permitted by the Virginia Department of Health; (4) all food manufacturing business must be registered and inspected by the Virginia Department of Agricultural and Consumer Services; and (5) building(s) and structure(s) must meet current Building Codes as determined by the NHCO Building Official. I will provide copies of documents which establish the approval and / or permitting of any required improvements to the NHCO Planning and Zoning Department. I will be responsible for the installation and cost of bonding of these improvements if required before a certificate of completion and / or certificate of occupancy will be issued or final inspection completed.

Condace S. Nottingham
Signature

7-13-16
Date

Section E - Reserve Sewage Disposal Site Waiver must be completed for all projects requiring an on-site sewage disposal system. Continue to follow instructions for each section and complete each section that applies to your project. This section must be answered after consulting with the Zoning Administrator or Zoning Inspector.

1. If an on-site sewage disposal system is required as part of the approval for your project, is a reserve disposal area provided?

Yes No Does not apply because the proposed use(s) does not require a new onsite sewage disposal system or an existing system has been deemed adequate by the Health Department.

If "yes" or "does not apply", continue to Section F.

If "no", complete the Reserve Waiver / Deviation checklist. Staff will initiate the review process to evaluate your lot for eligibility and granting of a waiver. If a waiver is granted, it will be documented by staff through the application review process. If your lot is not eligible and a waiver cannot be granted, a reserve disposal area must be provided.

Section F - Deviation from an ordinance entitled "An Ordinance Imposing Minimum Separation Distances Subsurface Absorption Systems and Wells" must be completed for all projects requiring an on-site sewage disposal system and well. Continue to follow instructions for each section and complete each section that applies to your project. This section must be answered after consulting with the Zoning Administrator or Zoning Inspector.

1. Is the bottom or sidewall of the proposed on-site sewage disposal areas (subsurface soil absorption system trench, gravel pad or seepage bed) a minimum of ten (10) feet from all property line?

Yes No Does not apply because the proposed use(s) does not require a new onsite sewage disposal system or an existing system has been deemed adequate by the Health Department.

2. Is the bottom or sidewall of the proposed on-site sewage disposal areas (subsurface soil absorption system trench, gravel pad or seepage bed) a minimum of twenty-five (25) feet to the boundary of any sewage system easement?

Yes No Does not apply because the proposed use(s) does not require a new onsite sewage disposal system or an existing system has been deemed adequate by the Health Department.

3. Is the proposed private well a minimum of twenty-five (25) feet from any property line?

Yes No Does not apply because the proposed use(s) does not require a new well or an existing well has been deemed adequate by the Health Department.

4. Is a minimum of twelve (12) inches maintained between the proposed secondary treated effluent from the bottom of any absorption trench or from the bottom of any trenchless system (alternative systems) to the water table?

Yes No Does not apply because the proposed use(s) does not require a new onsite sewage disposal system or an existing system has been deemed adequate by the Health Department.

If "yes" or "does not apply" to questions 1 through 4, continue to Section G.

If "no" to any questions, complete the Reserve Waiver / Deviation checklist. Staff will initiate the review process to evaluate your lot for eligibility and granting of a deviation. If a deviation is granted, it will be documented by staff through the application review process. If your lot is not eligible and a deviation cannot be granted, the on-site sewage disposal areas and / or private well must be relocated to maintain the required minimum distances stated above.

April 13th,2016

Northampton County Department of Planning & Zoning
16404 Courthouse Road P.O. Box 538
Eastville, VA 23347

RE: Zoning Application

3059 Tom's Lane Eastville, Va 23347 ID # 57-A-99A

At present I live at 3059 Tom's Lane. The property is 7 acres. It has a house and a barn. The property slopes down to the shore.

The property has 3 bedrooms. I plan on operating a ~~3~~² bedroom Bed & Breakfast.

The business will cater to travelers and Shore tourists. I will provide a light continental breakfast as well.

There is just 1 Adjacent Property Owner in the surrounding area. This business will not affect this area at all.

There is also sufficient parking for 4 cars. The cars will park on the driveway.

The existing structure will not be physically changed in any way.

The Health Department does not have any record or permit for Septic. The county records only go back to the 1950's and this structure was built before that time.

“Let our Experience Solve Your Water Problems”

Bundick Well & Pump Company

35162 Lankford Highway P.O. Box 15 Painter, Virginia 23420

757/442/5555 757/824/3555

1/15/16

Cathy Plant
Eastern Shore Health District

RE: Candice Nottingham – 3059 Toms Ln Tax Map 57-A-99A

We have pumped the septic tank and checked the drain fields at this location. There is a 1000 gallon septic tank and a 3 bedroom drain field at this location. Everything is in working condition.

Sincerely,



Jimmy Bundick

T U R N E R & T U R N E R
ATTORNEYS AT LAW

C. A. TURNER, JR. (1919 - 2003)
C. A. TURNER, III

16464 COURTHOUSE ROAD, SUITE 201
P.O. BOX 878
EASTVILLE, VIRGINIA 23347

www.TurnerandTurner.org
757-678-5448 - TELEPHONE
757-678-7249 - FACSIMILE

May 3, 2016

Melissa S. Burgard Kellam
Northampton County Zoning Administrator
P. O. Box 538
Eastville, VA 23347

Via hand delivery

Re: Candace S. Nottingham/TMP#57-A-99A/SUP Application/Letter of Justification/3059 Tom's Lane

Dear Ms. Kellam:

In connection with the above referenced special use permit application, the following is submitted as the required letter of justification, addressing the criteria set forth in Section 154.2 .042 of the Zoning Ordinance for the use of Bed and Breakfast.

As background, this historic home, constructed in 1801, was the former home of Thomas Smith, who developed the Smith Beach community, which community has for many decades served as a vacation destination for many, now zoned as Existing Cottage Community/Residential.

As with many historic homes in the County, this home has been well preserved and is well-suited to serve as a bed and breakfast. The house contains approximately 3,300 square feet of heated living area, containing 4 bedrooms (one downstairs for the Resident Manager, and three upstairs for guestrooms, and two baths). The house is presently in good condition, with no structural renovations intended for the conversion to the bed and breakfast use.

The property is well screened from other properties; Tom's Lane is a private drive of approximately 1,500 feet from Virginia State Route 666. The nearest residence is one of only two other residences on Tom's Lane, and it is approximately 500 feet from 3059 Tom's Lane; there are several residences over 500 feet away, separated by a body of water, and screened by numerous substantial trees, being located at the end of Smith Beach Road. The property currently has substantial vegetation, providing natural screening already.

The parking area as depicted on the site plan is an existing parking area surfaced with crusher run stone; it is approximately 30' x 20' and sufficient for parking of three cars. There is also a circular driveway serving the property. No additional area is intended to be created for parking.

Smith Beach is a unique community, as virtually all of the land abutting on Smith Beach Road is owned by either the applicant or the THS Family Limited Partnership, of which the applicant is the General Partner. The character and usage of the surrounding property includes a long history of cottage rentals, seasonal visitors and others seeking recreational access to the Chesapeake Bay. There is and has long been a history of vacation and temporary rentals in the Smith Beach community, and this use is intended to fit with the character of the neighborhood and the history of the uses in this area.

Criteria under 154.2.042 (B)(4):

- (a) The applicant is applying for a Bed and Breakfast use; this use is allowed in the district regulations in the ECC/R zone, Commercial uses, with a Minor Special Use Permit.
- (b) I am not aware of any specific requirements for bed and breakfast uses beyond those regulations applicable to all minor special use permits, other than the requirement implied in the definition for bed and breakfast use, that the property be occupied by the owner of the unit, or a resident manager. The Applicant is the owner of the property, and she lives close by at 16227 Lane, and the Resident Manager, Nancy Kennedy, will reside on the premises at 3059 Tom's Lane.
- (c) This request is consistent with the County's comprehensive plan, as bed and breakfast is a recognized use to be fostered and encouraged. This property is identified in the comprehensive plan as one of the County's assets of historic architecture; this adaptive reuse of the property will further the goal of maintenance and preservation of the structure. Tourism is one of the top goals and strategies contained in the comprehensive plan, and this property is uniquely located in the existing cottage community, with a great natural asset, Smith Beach and its surrounding waters. This area has a long history of bringing people here to enjoy the waters of the Chesapeake Bay, and a bed and breakfast at this location fits this need very well, without building additional structures or making physical alterations to the land, thereby maintaining the rural character of the area.
- (d) The proposed use will not change the character of the neighborhood, but will instead fit very well in the Smith Beach cottage community, where vacation and seasonal rentals have been the norm for more than 60 years.
- (e) The bed and breakfast use is harmonious with the uses permitted by right in the ECC/R Zone; there will be no adverse impacts on the neighboring properties, the great majority of which are owned and/or controlled by the applicant through her family limited partnership. The project has been discussed with the closest adjacent owners (TMP# 57-A-99B), and there is no known objection to this use at this time; the applicant is requesting a letter of no objection, which will be submitted if and when received.
- (f) The proposed use will not be hazardous or injurious to or in conflict with the existing character of the neighborhood. There are proposed three bedrooms for rent in this spacious historic 19th century home, which represents little density on this property of approximately 7 acres, which also represents substantially less density than occurs in the Smith Beach community overall, with its many cottages and homes. The site layout will take advantage of the historic access to the property, Tom's Lane, and as

the site plan submitted by the applicant indicates, there are no substantial changes to be made to the property to accommodate this low impact use.

- (g) The bed and breakfast use will not adversely affect the health and safety of anyone residing or working in the neighborhood; there will be no hazardous operations conducted. The property is served by a private well and septic system, which is and has long been in proper working order. A recent inspection (1/15/16) by Bundick Well and Pump has been submitted by the applicant. The applicant resided in this house for years, and reports no problems with either the well or septic systems.
- (h) The bed and breakfast use will not be detrimental to public welfare or injurious to property or improvements in the neighborhood, as there are no activities intended which would have any negative impact in this respect.
- (i) The proposed use will not any damage to the County's freshwater aquifer and water quality, as physical changes to the site are not expected, i.e., the site is adequate in its current physical shape to accommodate the requested use.
- (j) The proposed use will not generate any impacts that are not adequately mitigated.
- (k) The proposed use is otherwise in accord with the provisions of the Northampton County zoning code.

Please don't hesitate to contact me if I may provide any further information for consideration. I hope that staff, the Planning Commission and the Board will view this applicant's request as a good opportunity to generate positive economic development in the County, without the downside that new development can often bring. This seems to be an appropriate adaptive reuse of this historic structure, and will promote tourism and generate tax dollars for the County. The location in the existing cottage community appears particularly appropriate, as this property and neighborhood has a long, long history of bringing people to Northampton County to enjoy country living and; the waters of the Chesapeake Bay.

I thank you again for your assistance, and for your time and consideration in this matter

Very truly yours,

TURNER & TURNER



C. A. Turner, III

CATiii/bt

cc: Candace S. Nottingham

Peter Stith

From: Melissa Kellam <mkellam@co.northampton.va.us>
Sent: Tuesday, May 10, 2016 10:31 AM
To: 'Peter Stith'
Subject: FW: SUP 2016-04

From: Richardson, Jonathan (VDH) [mailto:Jon.Richardson@vdh.virginia.gov]
Sent: Tuesday, May 10, 2016 9:01 AM
To: 'Theresa Adkins' <tadkins@co.northampton.va.us>
Cc: 'Melissa Kellam' <mkellam@co.northampton.va.us>
Subject: SUP 2016-04

Re: 2016-04 Zoning Application for a 3 bedroom Bed & Breakfast
3059 Toms Lane, Eastville, VA
Tax Map # 57((A))99A

Summary: Applicant Nancy Kennedy has applied for a 3 bedroom B&B for an existing dwelling owned by Candace Nottingham. She has researched files at the health dept. and has found no records. In January she had Bundick Well & Pump, Inc. pump the septic tank and locate the drainfield. BWP, Inc. reported a 3 bedroom sewage system had been installed and that the system is in working condition. She indicated on a sketch the location of the sewage system and well on the property. She states that she has no plans on adding to the existing house.

Comments: Appears to be approvable as a 3 bedroom B&B.

Jon Richardson, REHS
Environmental Health Manager, Senior
Eastern Shore Health District
757-302-4271
757-414-6247

Peter Stith

From: Melissa Kellam <mkellam@co.northampton.va.us>
Sent: Tuesday, May 10, 2016 12:52 PM
To: 'Peter Stith'
Subject: FW: SUP 2016-04

From: Richardson, Jonathan (VDH) [mailto:Jon.Richardson@vdh.virginia.gov]
Sent: Tuesday, May 10, 2016 11:20 AM
To: 'Theresa Adkins' <tadkins@co.northampton.va.us>
Cc: 'Melissa Kellam' <mkellam@co.northampton.va.us>; Plant, Cathy (VDH) <Cathy.Plant@vdh.virginia.gov>; Thomas, Jeffrey (VDH) <Scott.Thomas@vdh.virginia.gov>
Subject: RE: SUP 2016-04

Theresa,

To clarify the below, this property has a sewage system that will accommodate 3 bedrooms total. Mr. Nottingham conveyed to us today that his intention was to have a 3 bedroom B and B plus a separate bedroom for the operator for a total of 4 bedrooms. Cathy conveyed to him that he could have a 2 bedroom B and B with the 3rd bedroom for the operator or he could enlarge the sewage system.

From: Richardson, Jonathan (VDH)
Sent: Tuesday, May 10, 2016 9:01 AM
To: 'Theresa Adkins'
Cc: 'Melissa Kellam'
Subject: SUP 2016-04

Re: 2016-04 Zoning Application for a 3 bedroom Bed & Breakfast
3059 Toms Lane, Eastville, VA
Tax Map # 57((A))99A

Summary: Applicant Nancy Kennedy has applied for a 3 bedroom B&B for an existing dwelling owned by Candace Nottingham. She has researched files at the health dept. and has found no records. In January she had Bundick Well & Pump, Inc. pump the septic tank and locate the drainfield. BWP, Inc. reported a 3 bedroom sewage system had been installed and that the system is in working condition. She indicated on a sketch the location of the sewage system and well on the property. She states that she has no plans on adding to the existing house.

Comments: Appears to be approvable as a 3 bedroom B&B.

Jon Richardson, REHS
Environmental Health Manager, Senior
Eastern Shore Health District
757-302-4271
757-414-6247

Theresa Adkins

From: Pusey, Dale (VDOT) [Dale.Pusey@vdot.virginia.gov]
Sent: Tuesday, May 10, 2016 8:43 AM
To: 'Theresa Adkins'
Subject: RE: Special Use Permit

Theresa,

Toms Lane is not a state-maintained route. VDOT therefore has no comment on the proposed use.

Dale Pusey, P. E.
Area Land Use Engineer
Hampton Roads District
Accomac Residency

Virginia Department of Transportation
23096 Courthouse Avenue
Accomac, VA 23301
Office: (757) 787-5932
Email: dale.pusey@vdot.virginia.gov

From: Theresa Adkins [<mailto:tadkins@co.northampton.va.us>]
Sent: Friday, April 29, 2016 4:07 PM
To: Pusey, Dale (VDOT); Richardson, Jonathan (VDH); Plant, Cathy (VDH)
Subject: Special Use Permit

Good Afternoon, I have attached SUP 2016-04 for your review and comments, if I could get your comments back by May 20, 2016 that would be great. Thank you and have a great day.

Theresa A Adkins

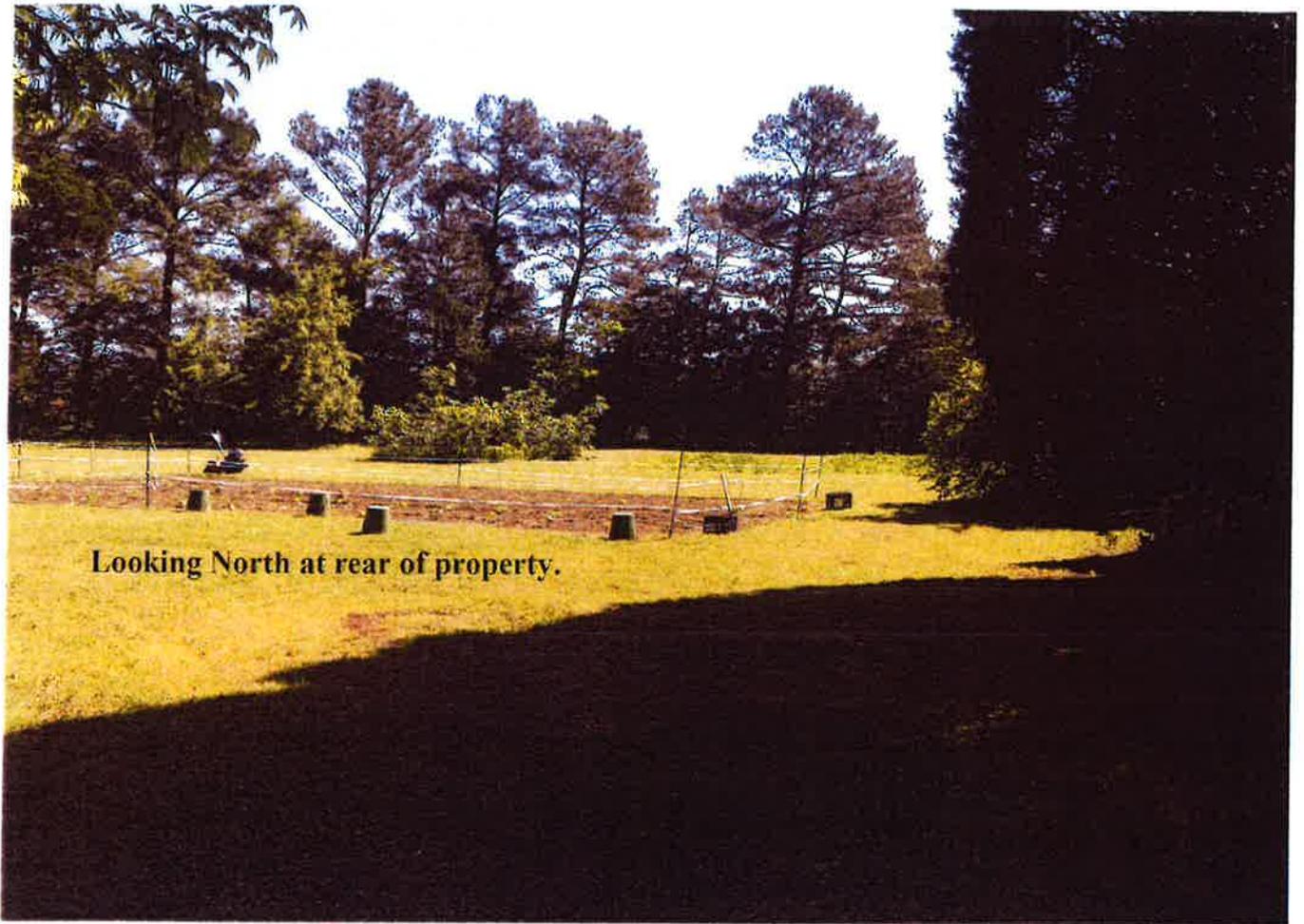
Office Coordinator
Northampton County
PO Box 538
16404 Courthouse Rd.
Eastville, VA 23347
V- 757-678-0443 ext: 524
F-757-678-0483
Email- tadkins@co.northampton.va.us



Family grave site.



Looking Northeast at The Gulf.



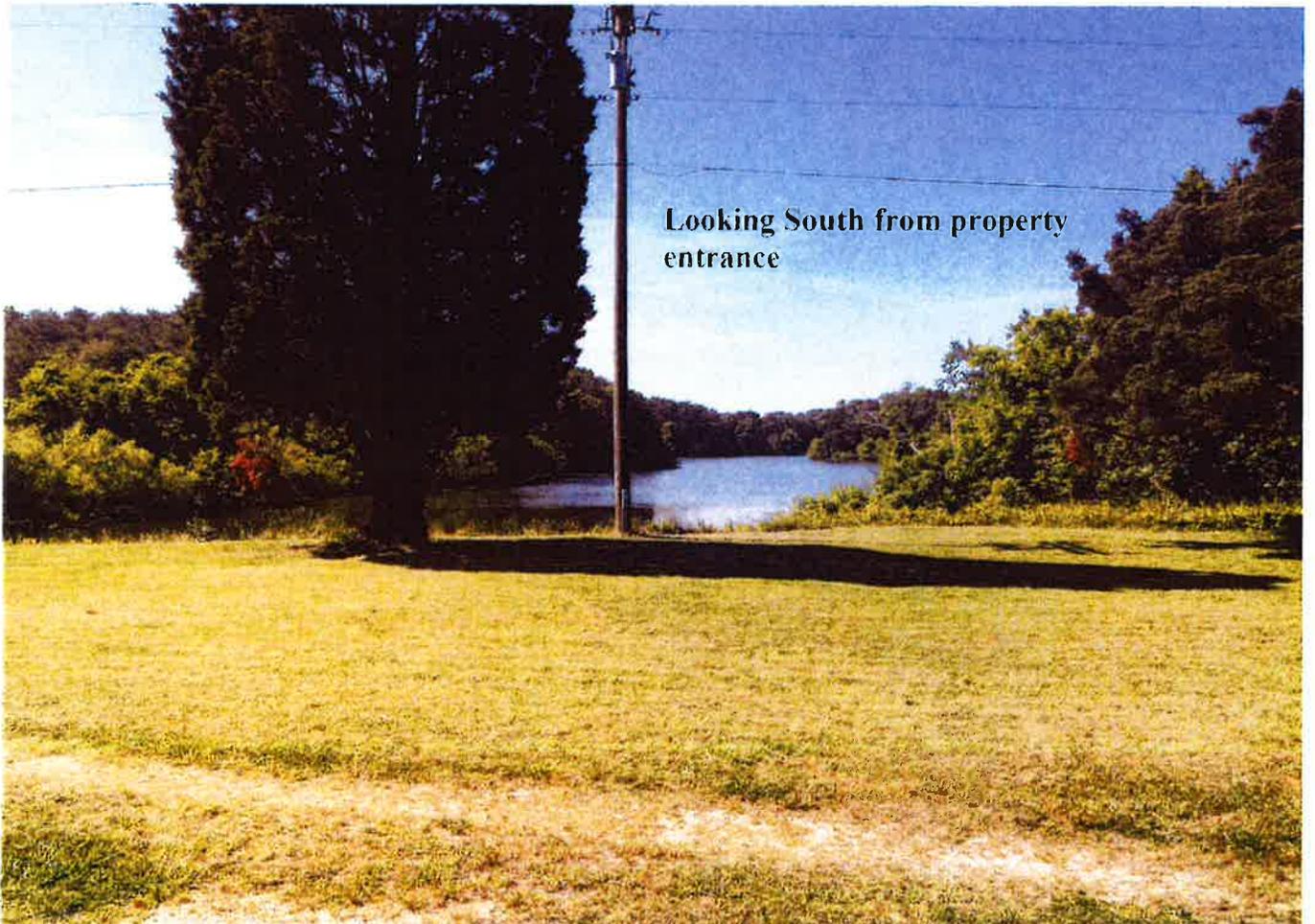
Looking North at rear of property.



Looking Northeast at front of house.



Looking Southwest at back of house.



Looking South from property entrance

Looking West



To Whom It May Concern:

I am writing to you today in reference to the White Cliff Bed and Breakfast, on Toms Lane in Smith Beach, that is planning on opening soon. There are six of us, who live on Smith Beach Rd year round, who would like to protest the opening of this business. We are not happy about the increase in traffic that this will bring to our small community, which is our main complaint. The summer season already brings an excess of traffic to Smith Beach Rd, and this business could double that, and we don't appreciate that danger being brought to our children. Our secondary issue is that, from what we understand, the person who is opening said business, has 3 very mean dogs. We are afraid that with the traffic going in and out of the Bed and Breakfast, it will raise the chances of those dogs getting out and hurting someone. We don't quite understand how you can run a Bed and Breakfast with vicious dogs to begin with, but the thought of them getting loose because of guests going in and out, and them possible biting us or one of our children, doesn't sit very well with us!

We don't know if this will make a difference as to whether the business opens or not, but we wanted to voice our opinion,

Sincerely,

Concerned Residence



DEVELOPMENT DEPARTMENT NORTHAMPTON COUNTY, VIRGINIA

Development Department
Kris Tucker, Director
- Planning
- Zoning
- Building
- Code Compliance
- Economic Development

16404 Courthouse Road
P.O. Box 538
Eastville, VA23347
Phone: 757-678-0443
Fax: 757-678-0483
www.co.northampton.va.us

Staff Report

Petition: Special Use Permit 2016-04
Applicant: Nancy Kennedy
Owner: Candace Nottingham
Staff Reviewer: Peter Stith, AICP *PS*
Long Range Planner
Site Visit Conducted: May 20, 2016
Date: May 23, 2016

General Information/Background

Special Use Permit 2016-04: Candace Nottingham has applied to obtain a special use permit for a Bed and Breakfast (NCC, 4/12/2016, Appendix A, Category 3 Commercial Uses #21) on property located 3059 Toms Lane, near Eastville. The property, described as Tax Map 57, double circle A, parcel 99A, is zoned ECC/R, Existing Cottage Community/Residential and contains approximately 7 acres of land.

Existing Conditions and Zoning

The special use permit request has been made by the applicant in order to operate a three room bed and breakfast out of an existing home. The applicant will be the resident manager onsite and will occupy the fourth bedroom in the home. The property is located in the Smith Beach community. The subject parcel is bordered by The Gulf on the north, east and southeast. The parcel to the south is zoned A/RB, Agriculture/Rural Business and contains a dwelling. The parcel to the west is zoned ECC/R, Existing Cottage Community/Residential and is owned by the owner of the subject property. There is another adjacent parcel to the west and it is also zoned ECC/R and contains a dwelling.

Environmental Considerations

Soils: According to the United States Department of Agriculture Soil Conservation Service Soil Survey of Northampton County, the subject parcel consists of BoA, Bojac fine sandy loam soils and MoD, Molena loamy sand soils. The Bojac soil is nearly level, very deep, and well drained. Permeability is moderately rapid and surface runoff is slow. The seasonal high water table is more than 4 feet below the surface. Development is limited by rapid permeability and instability of the soil. The majority of the uplands where the dwelling and yard are located contain the Bojac soils. The Molena soil is moderately sloping to steep, very deep and excessively drained. Permeability in this soil type is rapid and surface runoff is slow to medium. This soil is found on the edge of the property adjacent to the wetlands.

Ground Water: The property is not located within the main recharge area spine. There is an existing well and septic. Comments from the Health Department state the property has a system that will accommodate three bedrooms and in order to have four bedrooms (three for the bed and breakfast and one for the resident manager),

the sewage system must be enlarged. The owner has indicated they are exploring two options with the Health Department to adequately serve the four bedrooms.

Chesapeake Bay Preservation Areas: The property does contain a Resource Protection Area on three sides. There are no new improvements planned for the proposed use. The house is located outside of the 100 foot buffer.

Section 154.2.042 (B) (4) *Special use permit approval guidelines* of the zoning code sets forth eleven (11) criteria which should be addressed before issuance of a special use permit. The criteria and staff comments on each follow.

(a) *The proposed use and/or structure are allowed under the district regulations or elsewhere in this Ordinance:* A Bed and Breakfast is allowed in the ECC/R, Existing Cottage Community/Residential district by Minor Special Use permit.

(b) *The proposed use and/or structure complies with the regulations governing individual special uses:* A Change of Use form will be required if the special use permit is granted. This will ensure compliance with building and zoning regulations. Comments from VDOT and the Health Department are in the file.

(c) *The proposed use and/or structure are consistent with the County's Comprehensive Plan:* Tourism is one of the main economic drivers of Northampton County. The Smith Beach community contains many rental houses and second home cottages. The proposed bed and breakfast is consistent with tourism goals in the Comprehensive Plan and would not change the character of the community.

Section 3.4.1 Tourism Goals and Strategies

Goal: Support tourism activities in appropriate locations through land use planning.

Implementation Strategies:

1) *Provide for activities that are tourist-draws, such as festivals, wineries, tours, non-motorized recreational trails, arts and agritourism events and activities, bed and breakfast inns, etc., through zoning.*

(d) *The proposed use and/or structure will not change the character of the neighborhood, area, or district in which it will be located:* The subject parcel is currently zoned Existing Cottage Community/Residential. There are no new proposed buildings for this use. The applicant has indicated the existing structure will be used for the bed and breakfast. Smith Beach has long been a community that has provided for vacation rentals and summer cottages. The proposed use will be compatible with the character of the area.

(e) *The proposed use and/or structure, and accompanying parcel development, are in harmony with the uses permitted by right in the zoning district and with the intent of the zoning district regulations and will not adversely affect the use of neighboring property or impair the value thereof:* The proposed bed and breakfast is in harmony with the uses allowed in the ECC/R district and will not adversely affect neighboring properties.

(f) *The proposed use and/or structure will not be hazardous or injurious to or in conflict with the character of the neighborhood considering the size and location of the use, the nature and intensity of the operation involved or conducted in connection with it, its site layout, and its relation to roads giving access to it:* The property has frontage on and access to Tom's Lane. There are dwellings to the north across The Gulf and west on Tom's Lane. The property to the south also contains a dwelling.

(g) *The proposed use and/or structure will not adversely affect the health and safety of persons residing or working in the neighborhood of the proposed use:* The proposed use would not be expected to adversely affect the health or safety of the neighborhood.

(h) *The proposed use and/or structure will not be detrimental to public welfare or injurious to property or improvements in the neighborhood:* See comments on (e), (f), and (g) above.

(i) The proposed use and/or structure will protect and not cause damage to the County's fresh water aquifer and water quality (including groundwater): The proposed use would not be expected to be a major water user. The property is not located within the recharge spine.

(j) The application, along with the development conditions and safeguards imposed, adequately mitigates the impacts of the proposed use and/or structure: The applicant will be required to go through the change of use process which will address all building and zoning requirements.

(k) The proposed use and/or structure will otherwise be in accord with the provisions of the Ordinance: The proposed use will comply with the provisions of this ordinance. See letter (j) above.

Staff Comment

The proposed bed and breakfast is consistent with the goals of the Comprehensive Plan and will conform to all applicable building and zoning requirements. This proposal will not have adverse impacts nor will it change the character of the Smith Beach community. It will provide for additional accommodations for tourists. The Health Department has stated the current system will serve three bedrooms. The applicant is proposing four bedrooms, three for the bed and breakfast and one for the resident manager. The owner has indicated they are working to resolve the issue of the fourth bedroom with the Health Department. If this has not been resolved before the public hearing, the Planning Commission should consider conditioning approval based on resolving the sewage capacity issue with the Health Department.

5/1-A-72A



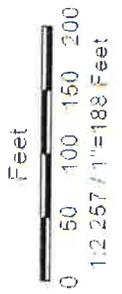
Legend

- Town Names
- Route Numbers
- Road Labels
- Parcels
- Driveways

Key

- - - 100ft Buffer
- 1 space = 9x20
- 3 cars min 27x20'
- 3 bedroom
- - Drainfield

Map Printed from AccoMap
<http://accmack.mapsdirect.net/>



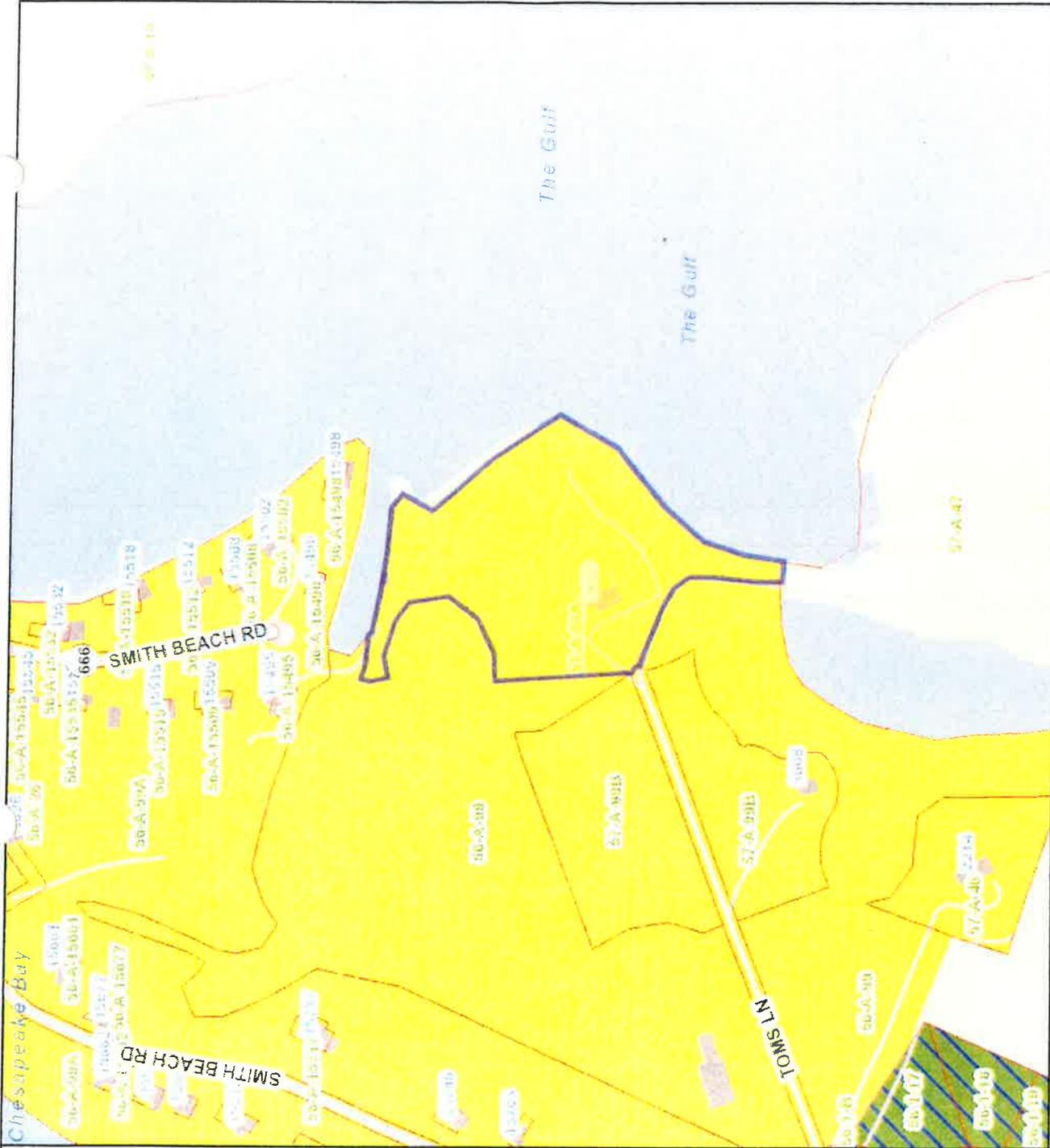
Title: Nottingham B+B

Date: 4/13/2016

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

- ES/R - CDRR - Existing Subdivision/Residential - Community Development - Rural Residential
- ES/R - CDRI - Existing Subdivision/Residential - Community Development - Single Family Residential
- ES/R - EBCW - Existing Subdivision/Residential - Existing Business - Commercial Waterfront
- C-1 - Commercial Bayview PUD

Map Printed from AccoMap
<http://accomack.mapsdirect.net/>



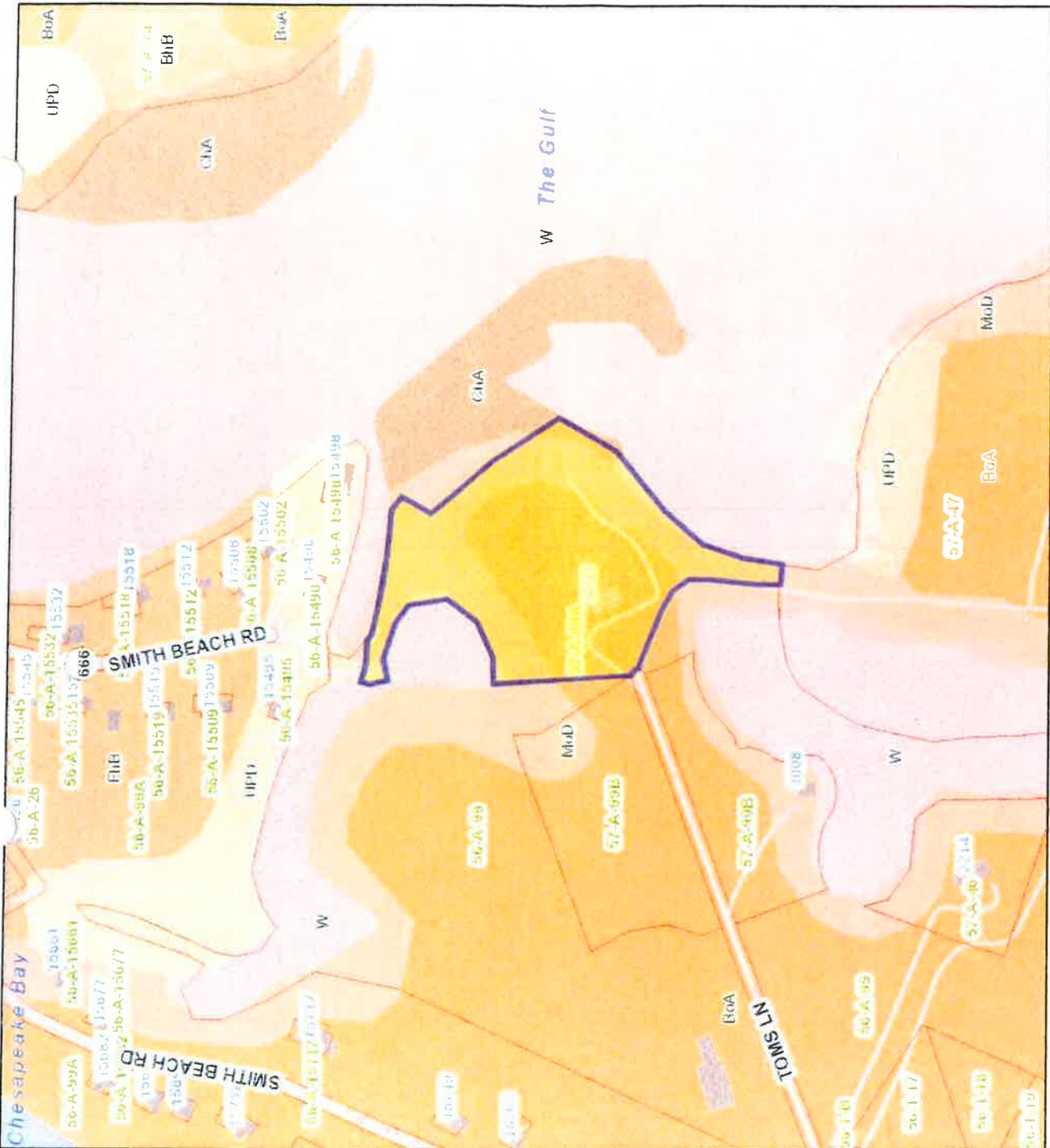
Title: ZONING MAP

Date: 4/14/2016

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Legend

- Town Names
- Route Numbers
- Road Labels
- Parcels
- Building Footprints
- Pavement
- Driveways
- Soils
- AsE
- AtD
- BeB
- BhB
- BkA
- BoA
- CaA
- ChA
- DrA
- FhB
- FmD
- FrB
- MaA
- MoD
- MuA
- NmA
- PoA
- SeA
- UPD
- W



Map Printed from AccoMap
<http://accmack.mapsdirect.net/>



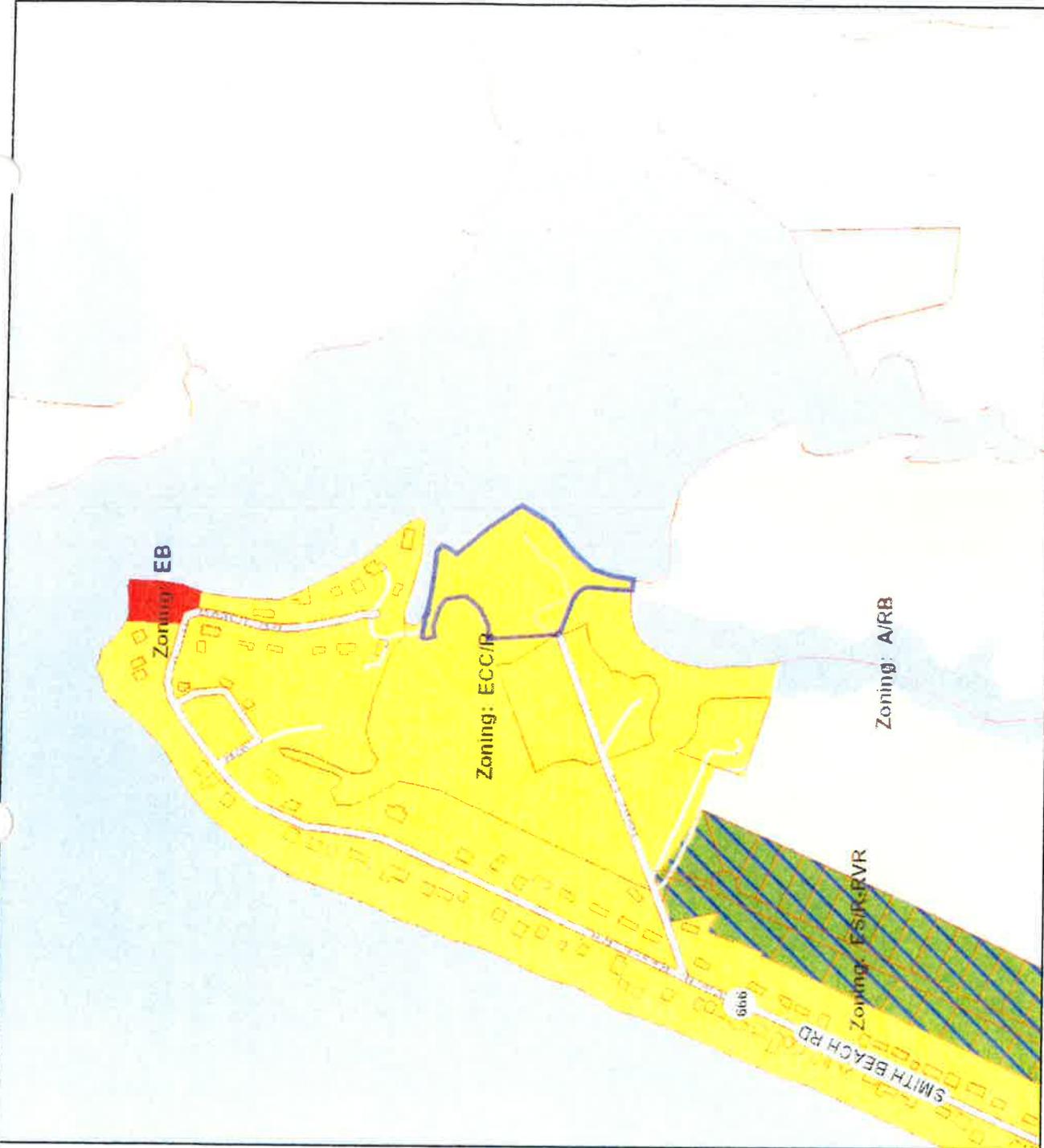
Title: SOIL MAP

Date: 4/14/2016

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- NB - Village Neighborhood Business
- WH/R - Waterfront Hamlet/Residentia
- WV/R - Waterfront Village/Residentia
- WVI - Waterfront Village - I
- WVN/B - Waterfront Village Neighborhood Business
- WWC - Waterfront Village Waterfront Commercial
- WW - Working Waterfront

Map Printed from Northampton
<http://northampton.mapsdirect.net/>



Title: Parcels

Date: 5/10/2016

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

Soils 57-A-99A

Legend

- Town Names
- Route Numbers
- Road Labels
- Parcels
- Driveways
- Soils
- AsE
- AtD
- BeB
- BhB
- BkA
- BoA
- CaA
- ChA
- DrA
- FhB
- FmD
- FrB
- MaA
- MoD
- MuA
- NmA
- PoA
- SeA
- UPD
- W



Map Printed from AccoMap
<http://accomack.mapsdirect.net/>



Title: SOIL MAP

Date: 4/13/2016

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