

# **Town of Colonial Beach Planning Commission Minutes**

Date: July 07, 2011 – Town Center, 22 Washington Avenue

Time: 4:30 P.M.

**Present:** Maureen Holt, Vice Chairperson  
Ed Grant  
Maureen Holt  
Kent Rodeheaver  
Desiree Urquhart  
David H. Coombes

**Absent:** Cynthia Misicka, Margaret McMullen

**Also Present:** Val Foulds, Town Manager  
Gary Mitchell, Director of Planning and Community Development  
Andrea Erard, Town Attorney

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## **CALL THE MEETING TO ORDER**

Ms. Holt called the meeting to order at 4:30 P.M. Ms. Misicka and Ms. McMullen were absent from the meeting.

## **APPROVAL OF MINUTES FROM THE JUNE 02, 2011 MEETING**

Mr. Rodeheaver moved to approve the minutes with no corrections and Mr. Grant seconded the motion. There was general agreement to approve the minutes.

## **PUBLIC HEARING FOR MS. BARBARA REED AT 1333 MONROE BAY AVENUE AND CORNELIUS LITTLE AT 1329 MONROE BAY AVENUE**

Ms. Holt opened up the public hearing for the request to vacate the right of way running parallel with Monroe Bay Avenue.

Ms. Holt asked Mr. Mitchell for his Staff report.

Mr. Mitchell presented his staff report to the Commission. Stating that this was the same right of way that they have been dealing with in the past. He explained that he had combined Ms. Reed's and Mr. Little's staff report together as one. However they would need to vote on each right of way application separately. Mr. Mitchell explains the details of the staff report and that each piece of right of way is located in the 100 foot Chesapeake Bay buffer. He states that the Reed right of way request is approximately 13,500 square feet and the Little right of way request is approximately 3,500 square feet. Mr. Mitchell recommended sending these proposals to the Town Council with a favorable recommendation with the following conditions.

1. The applicant(s) shall pay for a survey of the property, recordation costs and for all other closing costs.
2. The applicant(s) shall purchase the property from the Town Council within 45-days of approval.
3. The applicant(s) shall have a lot consolidation survey prepared to show how the right-of-way will be consolidated into his existing property. Upon approval the lot consolidation, the applicant(s) shall record the plat in the Circuit Court Clerk's Office of Westmoreland County.
4. The lot consolidation survey shall preserve the existing drainage easement in accordance with the Town's subdivision ordinance requirements (20-foot wide) as shown on the accompanying plats.

Ms. Holt asked if the applicants would like to come forward and speak.

Mr. Dana Reed of 117 Broadview Road, Colonial Beach stated that he was there to represent his father and step mother. He stated that he would just like to encourage the Commission to continue with the approvals of some of these properties in this area. He stated that he had met with some of the folks from the Town and looked at this pretty closely. He said the property is pretty much land locked and the Reeds have been paying waterfront rates on their property for at least 10 years. He stated that they have put a 100 foot seawall in on the Town property at their expense. He stated that they gave the Town a right of way for a drainage ditch. He stated that they have developed the property extensively over the years that belongs to the Town. So, they would certainly like to see the Planning Commission move forward with the vacation.

Ms. Holt asked if there were any other applicants that would like to speak.

Hearing none. Ms. Holt asked if there was any other public that would like to speak on this item.

Mr. William Rose of 340 4<sup>th</sup> Street, Colonial Beach stated that he is opposed to the sale of these properties. He stated that he is opposed to the sale of any Town owned water front properties. He stated he is opposed to the sale of any property that could be used as park land. He stated that he is familiar with these properties and understands that these properties are probably not the best for public use. He stated that he is afraid of the precedence being set to sell waterfront property that could be used as waterfront access and park land. He stated this is his concern with these vacations and the domino effect it is starting.

Ms. Holt closed the public hearing.

*Discussion from the Commissioners.*

Mr. Coombes stated that he felt that when people make application for the Town to do something for them that they should hear from those applicants. He stated that Mr. Little is not here and he would like to hear from him. He stated that he would oppose the Little application until he hears from him.

Mr. Grant stated his concerns were in the process. He stated that once the recommendation goes through an approval with Town Council anybody could purchase the property.

Ms. Holt asked Mr. Mitchell to please go through the process.

Mr. Mitchell explains that steps of the process of the vacating a right of way and how the sale takes place.

Ms. Erard explained that nobody can purchase the property until the right of way has been vacated. She explained it is a two part process with public hearings for both.

Mr. Rodeheaver asked if there was any way they can close the loop hole were anybody can buy the property. Mr. Rodeheaver stated he would like to see it in the ordinance stating that only adjoining property owners can buy the property.

Ms. Erard stated this would be something for the Town Council to entertain.

Ms. Urquhart stated she is concerned about the precedence they are setting with selling these properties particularly the waterfront property.

Mr. Coombes stated that it is their purview to decide if it is appropriate to abandon these properties and the Planning Commission should really not be going beyond that.

Ms. Holt stated to the applicants it is not personal but she would be voting against this to make a statement to the Town Council that she does not agree with selling waterfront property.

Ms. Holt asks Mr. Coombes to read the recommendation into the record.

Whereas, the Colonial Beach Planning Commission finds that public necessity, convenience, general welfare and good zoning practice would be served by the recommending **(approval)** of ROWV-06-2011 (Barbara Reed) and,  
Now therefore be it resolved that the Colonial Beach Planning Commission hereby forwards this petition to the Town Council of Colonial Beach with a **(favorable)** recommendation (including the conditions as outlined in the staff report) in accordance with §15.2-2200 of the *Code of Virginia*, 1950 as amended.

Moved by Mr. Coombes and Seconded by Ms. Urquhart

Mr. Coombes voted Aye.

Mr. Grant voted Nay.

Ms. Urquhart voted Nay.

Mr. Rodeheaver voted Nay.

Ms. Holt voted Nay.

Motion failed.

Mr. Rodeheaver made the following motion.

Whereas, the Colonial Beach Planning Commission finds that public necessity, convenience, general welfare and good zoning practice would be served by the recommending of **(non-approval)** of ROWV-06-2011 (Barbara Reed) and,  
Now therefore be it resolved that the Colonial Beach Planning Commission hereby forwards this petition to the Town Council of Colonial Beach with a **( unfavorable)**

recommendation (including the conditions as outlined in the staff report) in accordance with §15.2-2200 of the *Code of Virginia*, 1950 as amended.

Moved by Mr. Rodeheaver and Seconded by Mr. Grant

Mr. Coombes voted Nay.  
Mr. Grant voted Aye.  
Ms. Urquhart voted Aye.  
Mr. Rodeheaver voted Aye.  
Ms. Holt voted Aye.

Motion will be sent to the Town Council with an unfavorable recommendation.

The Commission decided to continue/table Mr. Little's application until the August meeting. They requested that Mr. Mitchell get in touch with him and request that he attend the meeting so that they could hear his reasons for requesting the vacation.

Moved by Mr. Coombes  
Seconded by Ms. Urquhart

Mr. Coombes voted Aye.  
Mr. Grant voted Aye.  
Ms. Urquhart voted Aye.  
Mr. Rodeheaver voted Aye.  
Ms. Holt voted Aye.

**PUBLIC HEARING FOR BETTY TICHES, JAMES/DIMETRIOS TICHES AND DOROTHY ALMASY REGARDING THE RIGHT OF WAY VACATION BETWEEN 9<sup>TH</sup> STREET AND 10<sup>TH</sup> STREET.**

Ms. Holt opened up the Public Hearing for this request to abandon the right of way between 9<sup>th</sup> Street and 10<sup>th</sup> street running parallel with Beach Avenue.

Mr. Mitchell presented his Staff report to the Commission.

Ms. Holt asked for the applicants to come forward.

Ms. Dorothy Almassy of 13 9<sup>th</sup> Street, Colonial Beach. She stated that she would just like to make use of this property and add it to her garden.

Ms. Betty Tiches of 1808 Beach Avenue, Colonial Beach. She stated that she would just like to say that she has lived there five years and has never seen a car go down this alley. She said there are fenced in rear yards and there is no access to their yards. She stated she would like it to be approved because it would enhance her property.

Mr. Dimetrios Tiches stated he was representing #2 10<sup>th</sup> Street, Colonial Beach. He stated that he had bought #2 10<sup>th</sup> Street and it is a foot off the property line currently. The 15 foot alley would help with our building restriction lines and side yards. He said they would be interested in purchasing the property if the opportunity is there.

Ms. Holt closed the public hearing.

Mr. Grant asked if there was something located in the right of way on the right hand side near 10<sup>th</sup> street.

Staff explained that it was an old boat that was no longer located there.

Mr. Coombes asked if Mr. Mitchell had a letter in the file from the Coopers stating they were not interested in buying the property. Mr. Mitchell responded yes.

Mr. Coombes inquired about the Dessimoz/Satterfield property owners and the reason they withdrew their application. He asked if the Town had any correspondence saying they would not object to this.

Mr. Mitchell indicated to the Commission that Mr. Dessimoz said he would fight this application but he is not here. Mr. Mitchell explained that Mr. Dessimoz stated to him that he was against this because Mr. Tiches had a house elsewhere.

Mr. Coombes asked if in the past that everybody (all neighbors) need to agree on these things before they sold a piece of public property.

Ms. Erard responded that this had been a procedure in the past.

Mr. Mitchell stated that it was up to the Town Council to really make that decision.

Mr. Coombes stated that it is his opinion that when somebody wants to object to something they should appear to do so and the applicant should not be penalized if they do not show.

Mr. Coombes asked that they hold this over one month until August and have Staff try and get in touch with this individual and have him put in writing or have him here to object to this.

Mr. Grant asked if the Tiches could buy their entire section if Mr. Dessimoz was not interested. Staff replied yes.

Mr. Rodeheaver inquired about any utilities running through the right of way.

Staff responded that there are utilities in the right of way and that a utility easement will be required.

Mr. Coombes made a motion to table/continue this application for vacation until the August meeting so that maybe they will receive something in writing from Mr. Dessimoz on why he opposes this.

Mr. Coombes stated that they should instruct staff to get something in writing or more information on why Mr. Dessimoz is against this.

Mr. Grant seconded the motion.

Mr. Coombes voted Aye.

Mr. Grant voted Aye.

Mr. Rodeheaver voted Aye.

Ms. Urquhart voted Aye.

Ms. Holt voted Aye.

The motion carries and the public hearing for this Right of Way Vacation will be tabled until the August meeting.

Ms. Holt allowed Mr. James Tiches to come forward and make a statement.

Mr. James Tiches of 1712 Beach Avenue and 2 10<sup>th</sup> Street stated he would like to make some suggestions since they have made a decision. He stated that he could not understand tying them up because of one individual. He said that this individual did not even have the courtesy to appear here to tell you something. He stated for them to be delayed is unreasonable. He said he felt some decision should be made.

Ms. Holt stated the reason they are holding this over is because there is a concern between what he wrote and what he said being two different things.

Mr. Coombes stated that the reason for the delay is because that he truly just wants to hear from this man as to whether he wants this or not. He said the dispute with his neighbors is something that they should not be involved in.

Mr. Coombes asked Mr. Tiches what is unreasonable about waiting 30 days.

Mr. Tiches explained that it delays them with the building of the new house.

### **PUBLIC COMMENT ON PLANNING COMMISSION MATTERS**

Ms. Holt asked if there were any comments on Planning Commission matters. There was no comment from the public.

Ms. Holt closed the public comment section of the meeting.

### **OLD AND NEW BUSINESS**

#### **- PROPOSED UPDATES TO THE R-1/R-2 SECTION OF THE ZONING ORDINANCE**

Mr. Mitchell stated that he had included in their packets the proposed updated versions of the R-1 and R-2 Zoning districts of the Colonial Beach Zoning Ordinance. He stated that it may be more appropriate to go over these changes next month when they will have a full Commission in attendance.

Ms. Urquhart stated that she had some updates that she would hand into staff.

Mr. Coombes stated that he had comments for the other Commission Members. He stated on page 5. C. Harmony & Compatibility for Re-development Sites. He stated this is one step short of an Architectural Review Board. He stated this section is too much responsibility for one person and too much responsibility for the Planning Commission. He stated that in 1992 they abolished an Architectural Review Board because it had caused such anxiety among the people of Colonial Beach. He stated he is totally opposed to this. He stated they needed to rethink this.

Ms. Urquhart commented that Mr. Mitchell did what they asked him to do. She stated they need to make sure that whatever these articles include they need to reflect the Comprehensive Plan. Ms. Urquhart stated she disagrees with Mr. Coombes and feels it is the Planning Commission's responsibility to review this type of thing. She said maybe they can find a happy medium on what she has learned at the CPVEA course and how Mr. Coombes feels about this.

Mr. Coombes stated he feels this language is excessive however there may be room for some middle ground.

Ms. Urquhart suggested having a work session on this issue.

Mr. Mitchell stated maybe they could schedule it for the second Wednesday of August which would be August 10, 2011 at 4PM. Pending approval from the Town Clerk.

Ms. Holt made a motion for the meeting on Wednesday August 10, 2011 at 4PM and Mr. Coombes seconded the motion. There was general agreement from all Members present to have this work session.

Mr. Mitchell stated he would be sending out an email regarding the confirmation of this meeting time.

**ADJOURNMENT**

**Ms. Holt adjourned the meeting at 5:40 P.M.**

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**Ms. Maureen Holt, Vice Chairperson**

