Middle Peninsula Planning District Commission

Case Studies

The following case studies were selected to illustrate some of these factors in the Middle Peninsula Region:

- **Gloucester Seafood, Inc.** was representative of a working waterfront business that closed due to economic hardship and the aging of a commercial waterman.

- **Cook’s Oyster Company, Inc.** was representative of a working waterfront business that closed due to the aging of commercial watermen. Mr. Eldridge Cook owned the property and upon his retirement, he did not have a legacy or succession plan in place to continue operations. Mr. Cook also did not have plans to sell the property, nor was there any family members wanting to continue the seafood business. Mr. Cook passed away and now the property is currently for sale.

- **International Seafood** was representative of a working waterfront business that closed due to governmental regulations regulating the primary type of seafood product that this business harvested and processed—the Spiny Dogfish. International Seafood leased space on the property Cook’s Oyster Company, Inc. owned to operate their seafood processing business.

GLOUCESTER SEAFOOD, INC.


Gloucester Seafood, Inc. was a seafood processing plant located on Aberdeen Creek, just off the York River in Gloucester County, VA (Figure 17 & Figure 18). Mr. George Sterling, a lifelong resident of Gloucester County and a former county supervisor, owned the business. The plant was mainly involved in processing Virginia Blue Crab, but became embroiled in debt in 2004. The business closed its doors in 2005 when Mr. Sterling passed away, and was then sold at auction to Meadow Financial, a Washington, D.C. area lender, in late 2007.
Figure 17: Aerial view of Gloucester Seafood, Inc. location (Google Earth).
Figure 18: Map of Gloucester Seafood, Inc.

Location of Gloucester Seafood, Inc.
Aberdeen Creek, Gloucester County, Virginia
Land Use and Zoning for Gloucester Seafood, Inc.

Land use and zoning aspects of the location (Figure 19) of this business were not factors in the closing of the business, but could be factors if the present or a future owner wished to reopen the business as previously used. Gloucester Seafood was located in an area of Gloucester County zoned SF-1 or the Single Family Detached Residential Zoning District. The intent of the SF-1 district is to preserve existing residential areas and provide for future areas of similar character. To this end, development is limited to low concentration and permitted uses are limited to detached single-family dwellings providing homes for residents plus certain additional uses such as schools, parks, churches and certain public facilities that serve the residents of the district.

In the Gloucester County Zoning Ordinance, marinas, boatyards and seafood processing plants require a special exception to be granted by the Board of Zoning Appeals (BZA) in all the districts in which they are permitted to establish a new use or to expand an existing one. This zoning (SF-1) does not allow marinas or seafood processing plants by right or by special exception. This means that in order for the new owner of this property to operate a seafood processing plant, they would have to apply for re-zoning. The point is, it is not guaranteed that the historical use of the property can continue without extra steps taken by the property owner-and even then it is not guaranteed.

Because many of the existing waterfront industry activities occurring along the County’s Rivers were in existence prior to the adoption of the county zoning ordinance, they are defined as legal non-conforming uses. The County’s ordinances allow non-conforming uses to continue and expand, but they must do so in compliance with Article 10 of the Zoning Ordinance. Unfortunately, the setbacks imposed by subsection (3) below make expansion of some of the existing facilities by adding additional structures difficult, if not impossible. A property owner can apply for a variance to avoid meeting the setback requirements if the situation meets criteria set in the zoning ordinance.

Also, if the use is discontinued for more than two (2) years, it is no longer considered a legal non-conforming use and must go through the special exception process (mentioned above) to be re-established. This is a concern for those facilities whose owners have passed away where there may no longer be anyone willing or able to continue the businesses within the two year period.

Legacy and Succession Planning for Gloucester Seafood, Inc.

There were no known legacy or succession plans in place for this business. Financial hardship and the death of the owner were the major factors in the closing of this business and the sale of the property.
Figure 19: Land Use and Zoning for Gloucester Seafood, Inc. Aberdeen Creek, Gloucester County, Virginia
Eldridge Cook, founder and owner of Cook’s Seafood, began hauling seafood to New York, Baltimore, Philadelphia, and Savannah in 1932, when he was just 17 years old. In 1939, he purchases 10 acres on Sarah’s creek (Figure 20 & Figure 21) and, in the early 1950’s started processing seafood. The processing plant once employed up to 250 workers and delivered seafood from Virginia to California as well as overseas to Europe. In 2010, after more than 70 years, Mr. Cook decided to retire. Though he still owned the property, he had no family to take over the business and he did not have any plans to sell the business or the property. Therefore, the 15 or so commercial seafood boats that docked at Cook’s Seafood were displaced and were forced to find dockage elsewhere. In 2014, Mr. Cook passed away and currently the property is for sale.

Figure 20: Aerial of Cook’s Seafood (Red Circle) on Sarah’s Creek. (Google Earth)
Figure 21: Location of Cook’s Oyster Company, Inc./Cook’s Seafood.

Location of Cook’s Oyster Company, Inc./Cook’s Seafood
Sarah’s Creek, Gloucester County, Virginia
Land Use and Zoning for Cook's Oyster Company, Inc.

Land use and zoning aspects of the location (Figure 22) of this business were not factors in the closing of the business, but could be factors if the present or a future owner wished to reopen the business as previously used. Cook’s Seafood is located in an area of Gloucester County zoned RC-1 or the Rural Countryside Zoning District. The intent of the RC-1 district is to conserve farm and forest land and to encourage agricultural activities, thereby helping to ensure that commercial agriculture and silviculture will continue as long term land uses and viable economic activities within the county. The RC-1 district is also established to preserve natural features and the rural landscape, while allowing low density, clustered residential development. Residential development is to be permitted only when it is located and designed to minimize its impact on agricultural land, farming and silviculture, and sensitive environmental features; to create attractive rural developments; and to respect existing features of the rural landscape.

In the Gloucester County Zoning Ordinance, marinas, boatyards and seafood processing plants require a special exception to be granted by the Board of Zoning Appeals (BZA) in all the districts in which they are permitted to establish a new use or to expand an existing one. This zoning (RC-1) permits a limited amount of low density residential development and low density residential subdivisions with an emphasis on clustering to protect natural resources. RC-1 allows a seafood processing plant by special exception.

Because many of the existing waterfront industry activities occurring along the County’s rivers were in existence prior to the adoption of the county zoning ordinance, they are defined as legal non-conforming uses. The County’s ordinances allow non-conforming uses to continue and expand on compliance with Article 10 of the Zoning Ordinance. Unfortunately, the setbacks imposed by subsection (3) below make expansion of some of the existing facilities by adding additional structures difficult, if not impossible.

Also, if the use is discontinued for more than two (2) years, it is no longer considered a legal non-conforming use and must go through the special exception process (mentioned above) to be re-established. This is a concern for those facilities whose owners have passed away where there may no longer be anyone willing or able to continue the businesses within the two year period.

Legacy and Succession Planning for Cook’s Oyster Company, Inc.

There was no planning for legacy or succession for Cook’s Oyster Company, Inc. Mr. Cooked passed away in 2014 and the property is currently for sale.
Figure 22: Land Use and Zoning for Cook's Oyster Company, Inc.

Land Use and Zoning for Cook's Seafood, Inc.
Sarah's Creek, Gloucester County, Virginia
INTERNATIONAL SEAFOOD

*Issues & Needs of International Seafood*

International Seafood was founded in 1988 as a family business (father and son). They were located on the Cook’s Seafood property on Sarah’s Creek in Gloucester Point, Virginia (Figure 23 & Figure 24). They did not own the property, but they were tenants. The primary fish processed at the facility was spiny dogfish, but they also processed scallops and conch. In April 1998, the National Marine Fisheries Service (NMFS) declared spiny dogfish overfished, which resulted in the development of the federal Fishery Management Plan (FMP) for spiny dogfish. International Seafood had not anticipated the closing of the fishery and had no secession plan in place. In anticipation of the closing of the spiny dogfish fishery (which did happen in August of 2000 – NCDMF, 2008), International Seafood closed. The father retired and the son started another business. The new business was not a water dependent business but seafood related (dealing with the regulations on the import of seafood), and was enticed to open in another location, outside of the Middle Peninsula, to take advantage of “business incubator” incentives.

![Figure 23: Aerial of International Seafood’s previous location (Red Circle) on Sarah’s Creek. (Google Earth)](image_url)
Figure 24: Location of International Seafood.

Location of International Seafood
Sarah's Creek, Gloucester County, Virginia
**Land Use and Zoning for International Seafood**

Land use and zoning aspects of the location (Figure 25) of this business were not factors in the closing of the business at this location in Gloucester County, but could be factors if the present or a future owner of the property wished to reopen the same type of business there. International Seafood, like Cook’s Oyster Company, was located in an area of Gloucester County zoned RC-1 or in the Rural Countryside Zoning District. The intent of the RC-1 district is to conserve farm and forest land and to encourage agricultural activities, thereby helping to ensure that commercial agriculture and silviculture will continue as long term land uses and viable economic activities within the county. The RC-1 district is also established to preserve natural features and the rural landscape, while allowing low density, clustered residential development. Residential development is to be permitted only when it is located and designed to minimize its impact on agricultural land, farming and silviculture, and sensitive environmental features; to create attractive rural developments; and to respect existing features of the rural landscape.

In the Gloucester County Zoning Ordinance marinas, boatyards and seafood processing plants require a special exception to be granted by the Board of Zoning Appeals (BZA) in all the districts in which those types of uses can be permitted by, to establish a new land use of that type or to expand an existing one. This zoning (RC-1) permits a limited amount of low density residential development and low density residential subdivisions with an emphasis on clustering to protect natural resources. The RC-1 zoning district does allow a seafood processing plant by special exception.

Because many of the existing waterfront industry activities occurring along the County’s rivers were in existence prior to the adoption of the county zoning ordinance, they are defined as legal non-conforming uses. The County’s ordinances allow non-conforming uses to continue and expand on compliance with Article 10 of the Zoning Ordinance. Unfortunately, the setbacks imposed by subsection (3) below make expansion of some of the existing facilities by adding additional structures difficult, if not impossible.

Also, if the use is discontinued for more than two (2) years, it is no longer considered a legal non-conforming use and must go through the special exception process to be re-established. This is a concern for those facilities whose owners have passed away where there may no longer be anyone willing or able to continue the businesses within the two year period.

**Legacy and Succession Planning for International Seafood**

International Seafood, as mentioned in Section 4.7.1 above, did not have a legacy or succession plan in place prior to their main product, the Spiny Dogfish, being taken off the market by regulations prohibiting the harvesting and processing of that resource.
Due to the factors listed previously, the Middle Peninsula is slowly losing its working waterfronts - an issue that may have long-term consequences for local economies, the environment, the coastal heritage, and quality of life.