

Notice of Public Hearing of the Amherst County Planning Commission

The Amherst County Planning Commission will conduct a public hearing during its regular meeting on Thursday, November 16, 2017 at 7:00 P.M., or as soon thereafter as may be heard, in the Amherst County Administration Building, 153 Washington Street, Amherst, Virginia, 24521, to consider the following requests:

SPECIAL EXCEPTION REQUEST, NO. 2017-17

Request by Vincent & Margo Baker for a special exception in the A-1 Agricultural Residential District. The purpose of the special exception is to allow a short term tourist rental of a dwelling. The parcel is located at 203 Forks of Buffalo Drive and is further identified as tax map number 35-2-9.

SPECIAL EXCEPTION REQUEST, NO. 2017-18

Request by Rutcom Properties for a special exception in the A-1 Agricultural Residential District. The purpose of the special exception is to allow a short term tourist rental of a dwelling. The parcel is located at 1025 Lexington Turnpike and is further identified as tax map number 80-A-16.

AMHERST COUNTY COMPREHENSIVE PLAN UPDATE

Request by the County of Amherst to approve proposed modifications to the Amherst County Comprehensive Plan. The Comprehensive Plan was written in 2007; the County is proposing to update the current Plan. In general, sections that are proposed to be updated include the Introduction, Process, Development and Growth Trends, Community Facilities, Anticipated Growth Trends, Land Use, and the Mixed Use and Urban Development Areas Sections.

More specifically, updates were made to the demographic data found in the Development and Growth Trends Section that include population projections, employment and unemployment data, household income, housing units constructed, housing value and rent distribution by census tract; policies were updated in the Public Water and Wastewater Section that improve the readability of that Section, and includes a strategy that address annual increases of water and sewer rates and fees rather than periodic large increases, also including the addition of a strategy for future funding; the Solid Waste Management Section includes a name change to the Department of Public Works and addresses the enforcement of inoperative motor vehicles; the Transportation Section reflects amendments to updated road projects, specifically updating the current Six Year Improvement Program and other updates to proposed road projects; the Public Education Section was re-written to address primary and secondary education, higher education, adult education and to reflect the Amherst County Public School's Six-Year Strategic Plan, four goals have been added to ensure continuous improvement in student and school achievement, promoting and maintaining a safe, clean, inviting, supportive and healthy school environment that is conducive to teaching and learning for all students and staff, strengthen relationships with

students, parents, community members and local organizations and to expand opportunities to learn; Public Library Services was modified to clarify library services; objectives and strategies were updated in the Law Enforcement Section to clarify their services, the Public Safety Section was re-worded to better address their operations; the Social Services and Health Care Section was updated with budgetary information and office space additions; the Economic Development Section was modified to address a number of changes including the closure of Central Virginia Training Center, objectives dealing with business friendly policies and procedures, references to the 2016 Economic Development Strategic Plan, policies to address business growth, funding plans, creation of business sites and buildings, job creation, removal of irrelevant goals, objectives and strategies; additions to Cultural Resources and the Natural Heritage Resources Section that promote Sweet Briar College and the Virginia Center for the Creative Arts and identify and support conservation practices that protect rare, threatened, or endangered plant and animal species, unique or exemplary natural communities, and significant geological formations; the Future Land Use Map is modified to reflect a change in a growth boundary near the Town of Amherst and the Land Use Section has been updated to support tourism and agritourism, promoting parks, clarify objectives and strategies, support of Planned Unit Developments, retirement communities and the redevelopment of Central Virginia Training Center.

The proposed hearing packet is available for review Monday through Friday from 8:30 A.M. to 5:00 P.M. in the Office of the County Administrator at the above address.

Accommodations for disabled persons may be made with the Office of the County Administrator by calling 434-946-9400 at least five (5) days prior to the hearing date.

Jeremy S. Bryant
Director of Planning/Zoning

**SPECIAL EXCEPTION STAFF REPORT
NOVEMBER 2017**

ZONING REQUEST: 2017-17

PETITIONER: Vincent & Margo Baker

OWNER: Vincent & Margo Baker

REQUEST: Request by Vincent & Margo Baker for a special exception in the A-1 Agricultural Residential District. The purpose of the special exception is to allow a short term tourist rental of a dwelling.

LOCATION/ MAP NUMBER: 203 Forks of Buffalo Drive / 35-2-9

PARCEL SIZE: 10.21 acres

EXISTING LAND USE: Single Family Dwelling

ZONING: A-1 Agricultural Residential District

SURROUNDING ZONING/LAND USES:

NORTH: A-1 – Wooded Land / Residential

SOUTH: A-1 – Wooded Land / Residential

EAST: A-1 – Wooded Land / Residential

WEST: A-1 – Wooded Land / Residential

LAND USE PLAN DESIGNATION: Agriculture Limited

SEWER AND WATER CONDITIONS: On-site water and on-site septic system

ANALYSIS

This is a request by Vincent & Margo Baker for a special exception request in the A-1 Agricultural Residential District. The purpose of the special exception is to allow a short term tourist rental of a dwelling (vacation rental). The parcel is located at 203 Forks of Buffalo Drive and is further identified as tax map number 35-2-9.

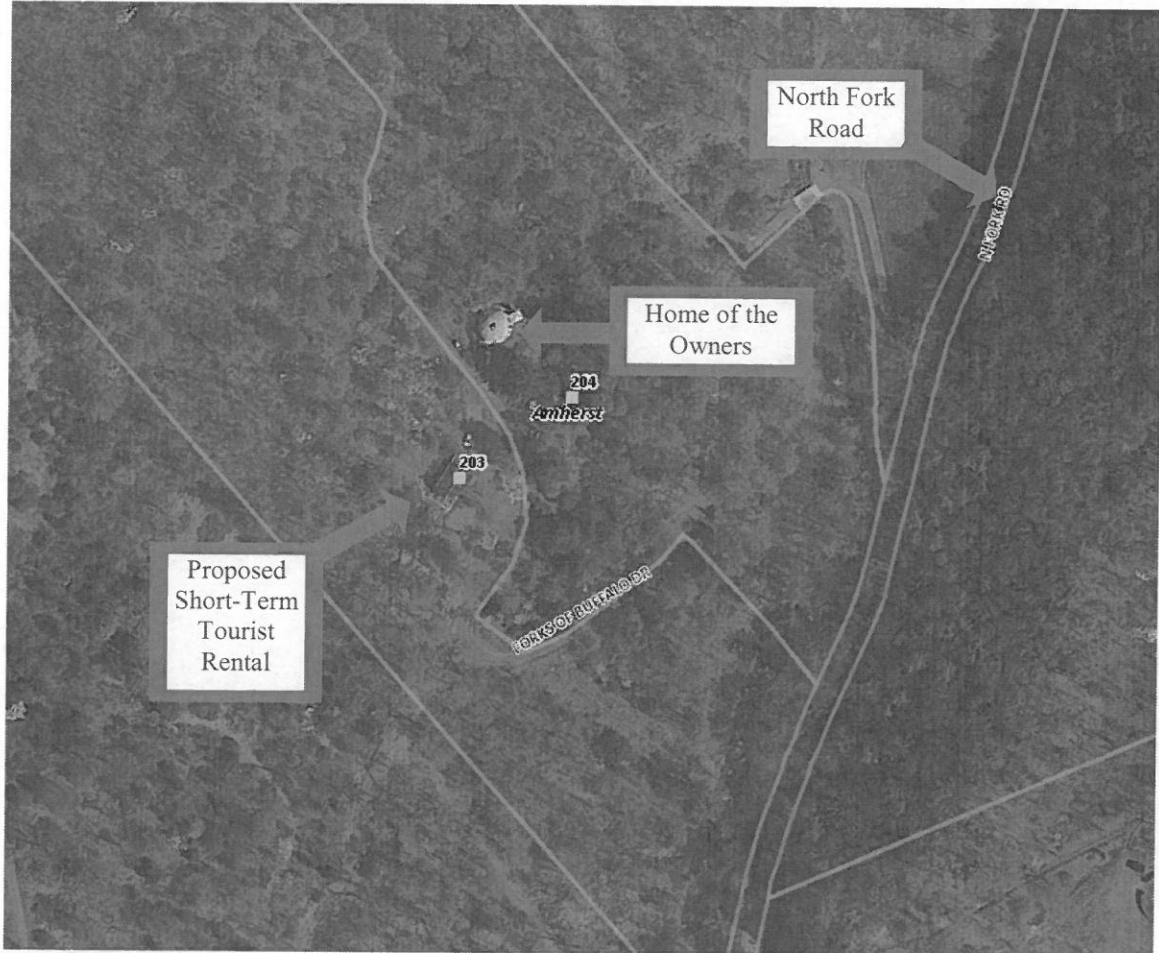
203 Forks of Buffalo Drive is located on a private road that is controlled by a private gate. The owners of the proposed short-term tourist rental live directly across the road from the subject property at 204 Forks of Buffalo Drive.

Short-term tourist rentals of dwellings are allowed only as a special exception use in the A-1 Agricultural Residential District. Section 916 regulates short-term rentals of residential dwellings; the regulations are below:

1. Site Plan. Before a building and zoning permit shall be issued for any dwelling to be rented to transients for any period less than thirty (30) consecutive days, a site plan of the proposed development shall be approved by the planning commission or the zoning administrator, whichever is applicable, in conformance with Section 1003 and Article XI herein. In addition to the requirements thereof, site plans pursuant to this section shall include a maintenance schedule proposed by the developer or property owner, and shall incorporate low impact development techniques, such as those about which information is available from the Virginia Department of Environmental Quality.
2. There shall be no change in the outside appearance of the dwelling or premises, or other visible evidence of the conduct of such short-term rentals.
3. The maximum number of occupants in the dwelling unit for overnight accommodation shall be calculated as two (2) adults per bedroom. An adult, for the purpose of this regulation, is any person over the age of sixteen (16). The number of bedrooms shall be determined by reference to health department permits specifying the number of bedrooms or the certificate of occupancy issued by the Amherst County Department of Building Inspections. Private septic systems shall be pumped out or inspected once every three (3) years.
4. All vehicles of tenants shall be parked in driveways or parking areas designed and built to be parking areas. In the case of multifamily dwellings, all vehicles must be parked in spaces specifically reserved for the dwelling unit being rented. No vehicles shall be parked in, along, or on the sides of roads at any time.
5. All boats and trailers of tenants shall be parked on the lot on which the dwelling unit is located. In the case of multifamily dwellings, boats and trailers must be parked in areas specifically reserved for the dwelling unit being rented. No boats or trailers shall be parked in, along, or on the sides of the roads at any time.
6. There shall be a working, two-pound minimum, ABC rated, fire extinguisher located in a visible and readily accessible area (i.e., kitchen or hallway) within each dwelling unit. Working smoke detectors shall be installed in each bedroom of the dwelling unit as well as one (1) on each floor (including the basement) outside of any bedrooms.

7. Property boundaries, or limitations within the property's boundaries where transients are allowed, must be clearly marked at all times.
8. Notice of the application for special exception, and the hearing thereon, shall be conspicuously posted on the property, in the same manner and for the same duration as though the property were the subject of an application for variance, rezoning, or conditional zoning.

AERIAL PHOTOGRAPH



REQUIREMENTS OF A SPECIAL EXCEPTION

- Will be harmonious with and in accordance with the general objectives, or with any specific objective of the county's comprehensive plan and/or this article;
- Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the

general vicinity and that such use will not change the essential character of the same area;

- Will not be hazardous or disturbing to existing or future neighboring uses;
- Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structure, refuse disposal, water and sewers, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services;
- Will not create excessive additional requirements at public costs for public facilities and services and will not be detrimental to the economic welfare of the community;
- Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, odors, or water pollution;
- Will have vehicular approaches to the property which shall be so designed as not to create any interference with traffic on surrounding public streets or roads; and
- Will not result in the destruction, loss or damage of a natural scenic or historic feature of major importance.

TRAFFIC IMPACT:

The property is addressed off of Forks of Buffalo Drive. Forks of Buffalo Drive is a private (gated) road that has access to North Fork Road.

STAFF RECOMMENDED CONDITIONS:

1. Lighting: All outdoor lighting will be glare-shielded and directed so as to prevent illumination across the property line.
2. Sewerage Facilities: The applicant shall follow all regulations prescribed by the Virginia Department of Health.
3. Short Term Tourist Rental: The applicant shall meet all requirements of Section 916 which regulates short-term tourist rental of dwellings.



APPLICATION FOR A ZONING PERMIT /
SPECIAL EXCEPTION
Amherst County, Virginia

pd ck

2017-17

The undersigned applicant wishes to petition Amherst County for an amendment, supplement, or change in the district boundaries or zoning classification on the Official Zoning Map. Please refer to Section 1004 of the zoning ordinance regarding changes to the Official Zoning Map. Please call the Department of Planning and Zoning at 434-946-9303 if you have any questions regarding the County zoning map or zoning ordinance.

Applicant / Property Owner Information

Vincent J. & Margo E. Baker
Applicant Name

204 Forks of Buffalo Dr. Amherst VA 24521
Applicant Address City/Town State Zip Code

434-922-0710 N/A v.joseph.baker@gmail.com
Applicant phone number Applicant fax number Applicant E-Mail

You are the (X) property owner; () agent for the property owner.

If you are the agent for the property owner, do you have consent of the owner attached? Please circle one: Yes/No

Property Owner Name

Property Owner Mailing Address City/Town State Zip Code

Property owner telephone number Property owner fax number Property owner E-Mail

Location of Property

203 Forks of Buffalo Dr. 35 2 9
Street Address Tax parcel ID number

General Description of Property

2 Bedroom, bath and a half log cabin on 10.21 acres off North Fork Rd (SR635)

Current Use(s) of Property

Guest House

Proposed Use(s) of Property

Short Term Rental/Guest House

Total Acreage: 10.21

Check all categories that apply for the parcels requesting to be heard for special exception:

Public water _____ Private wells X
Public sewer _____ On-site septic systems X Mass drainfield(s) _____

Comprehensive Plan Land Use Designation: Agricultural/Forested

Current Zoning:
(please circle one)

P-1 A-1 R-1 R-2 R-3 V-1 B-2 M-1 FH Other _____

Requested Special Exception Code Section: 916

VDOT Review: Will the proposed development require Chapter 527 review? YES NO

Petitioner Comments (Continue on separate sheets if necessary.)

How will the proposed special exception affect adjacent property?

There will be no impact on any adjacent property

How will the proposed special exception affect the character of the district(s) surrounding the property?

The proposed use will be virtually unknown to anyone not directly participating in the use.

How is the use in harmony with the purpose and intent of the Zoning Ordinance?

Allowing the short term rental in this part of the county stimulates tourism, enables people from all over the world to experience and enjoy the beauty of Amherst County and surrounding areas.

How is the use in harmony with the uses permitted by right in the district?

This use allows many people from outside the area to enjoy hiking, mountain biking, swimming, fishing, canoing/kayaking and other types of enjoyment of our natural environment.

How will the use promote the public health, safety, and general welfare of the community?
Our guests spend money in Amherst County while they are here, at grocery stores, gas stations,
restaurants, local antique stores, breweries, wineries, Local Farm Markets, etc., increasing the
revenues of the County.

Has the Planning Commission and/or Board of Supervisors heard a request for special exception of this property within twelve (12) months of the date of this application? Yes/ (No)

Proffers and Conditions

List any conditions or proffers currently associated with this property.

None

Expiration

Any zoning permit shall automatically expire twelve (12) months from the date of issuance if the persons, firm, or corporation to which the permit was issued has not clearly demonstrated that the permit is being exercised for the purpose for which it was issued, or if the work so authorized is suspended or discontinued for a period of twelve (12) months.

Application fee and other requirements

A \$300.00 application fee must be paid to the County of Amherst upon submission of this application for the cost of advertising and for expenses of notifying the adjacent property owners and incidental to reviewing, publishing, and processing the application.

A survey plat of the property by a certified land surveyor must accompany this application. The scale must be 1"=100'.

Zoning Permit

Has a zoning permit been filled out and attached with this application? Yes X No

Signatures

The undersigned Applicant hereby affirms that all information contained herein is accurate to the best of his/her knowledge and confirms that he/she has read the Application and its Instructions and has paid all fees currently due and is aware of costs which may be assessed to Applicant related to this Application process. The undersigned Applicant (and Landowner, if applicable) also authorizes entry onto the subject property by the Zoning Administrator, Planning Director and/or Board of Zoning Appeals and/or Board of Supervisors during the normal discharge of their duties regarding the above Applicant.

 10/3/17
Property Owner Signature Date

 10/3/17
Property Owner Signature Date

Agent Signature

Date

Agent Signature

Date

*****DO NOT WRITE BELOW THIS LINE - OFFICE USE ONLY*****

For use by the County of Amherst Department of Planning and Zoning

Case No. 2017-17

Actions Taken:

Steven Sinnott
County Official Receiving Application

10-4-17
Date

Steven Sinnott
Public Hearing fee received by

10-4-17
Date

Application returned for correction/additional information

Date

Amended application received by
New Era Program

Date

Public Hearing advertised in
S. Sinnott

Date(s)
10/27/17

Adjacent property owner(s) notified by mail

Date

Action by Planning Commission

Date

Action by Board of Supervisors

Date

ZONING PUBLIC NOTIFICATION

Case 2017-17

Board/Commission: Planning Commission
Board of Supervisors

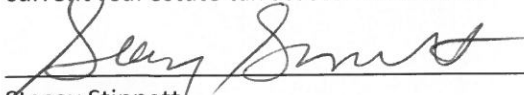
Public Hearing Dates: **November 16, 2017 - Planning Commission**
December 19, 2017 - Board of Supervisors

Applicant/Property Owner: Vincent & Margo Baker
203 Forks of Buffalo Dr
Amherst VA 24521
Tax Map #: 35-2-9

Site Address
Vincent & Margo Baker
204 Forks of Buffalo Dr
Amherst, VA 24521

Adjoining Property Owners:		
Tax Map # 35-2-8	Tax Map # 34-A-28A,30	
Vincent & Margo Baker	Douglas Hakey	
204 Forks of Buffalo	311 N. Fork Rd	
Amherst, VA 24521	Amherst VA 24521	
Tax Map # 35-2-3	Tax Map # 35-A-B1	
John Lambert III & Kyunk Hu Kim	John & Cynthia Cooper	
116 Prospect Ln	326 N. Fork Rd	
Troy, VA 22974	Amherst, VA 24521	
Tax Map# 35-2-2	Tax Map # 35-1-B	
Marjoe De Witt	Joseph Perdue & Bobby Burks	
4301 Springhill Ave	Donald Rudd & Nuckols	
Richmond, VA 23225	P.O Box 311	
	Port Haywood, VA 23138	

I hereby make affidavit that the notices of public hearing for this case as required by Section 15.2-2204 of the Code of Virginia, 1950, as amending, have been sent by first class mail to the last known address of the owners of abutting property as shown on the current real estate tax assessment books.


Stacey Stinnett

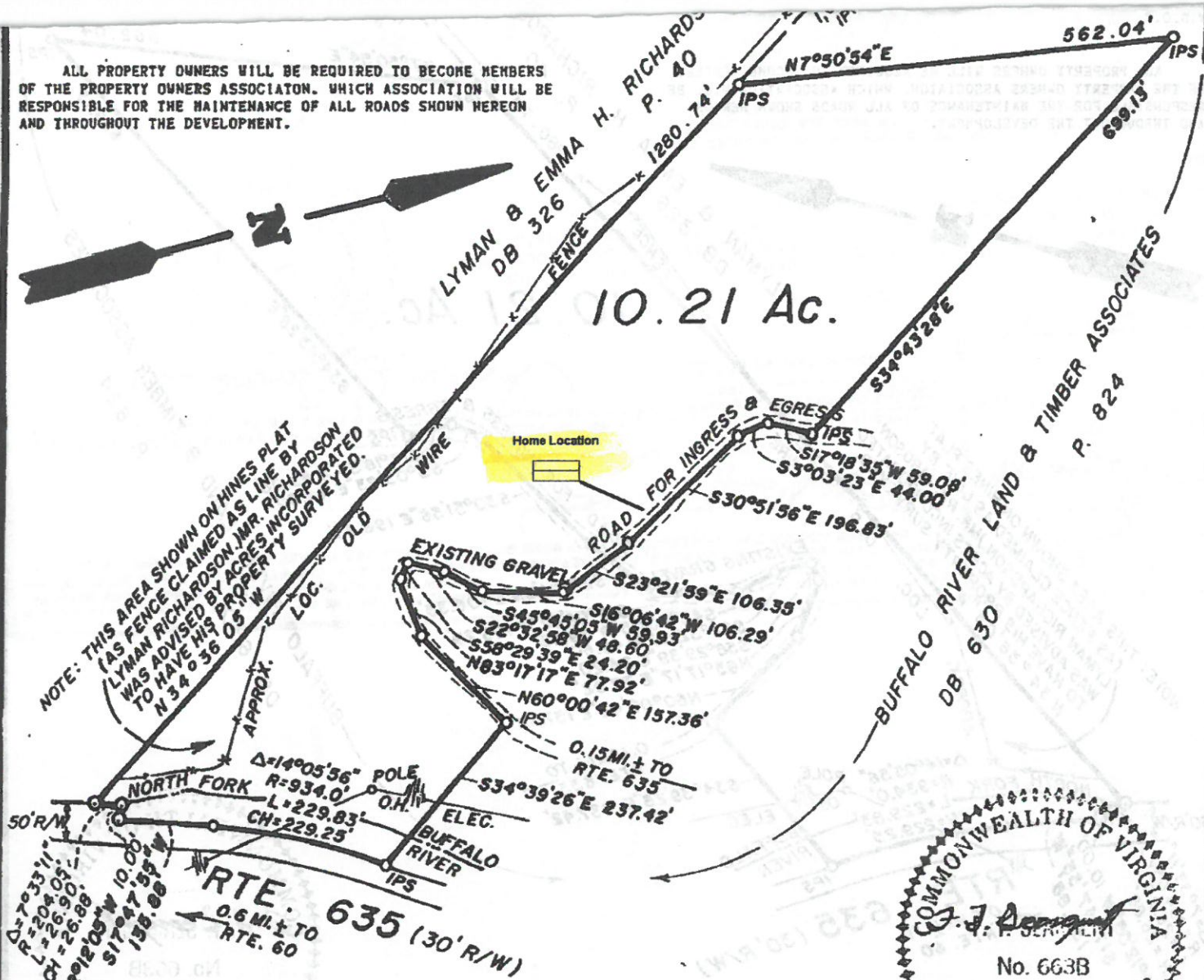
Planning & Zoning Administrative Assistant
November 1, 2017

(Signature)

(Title)

(Date)

ALL PROPERTY OWNERS WILL BE REQUIRED TO BECOME MEMBERS OF THE PROPERTY OWNERS ASSOCIATION, WHICH ASSOCIATION WILL BE RESPONSIBLE FOR THE MAINTENANCE OF ALL ROADS SHOWN HEREON AND THROUGHOUT THE DEVELOPMENT.

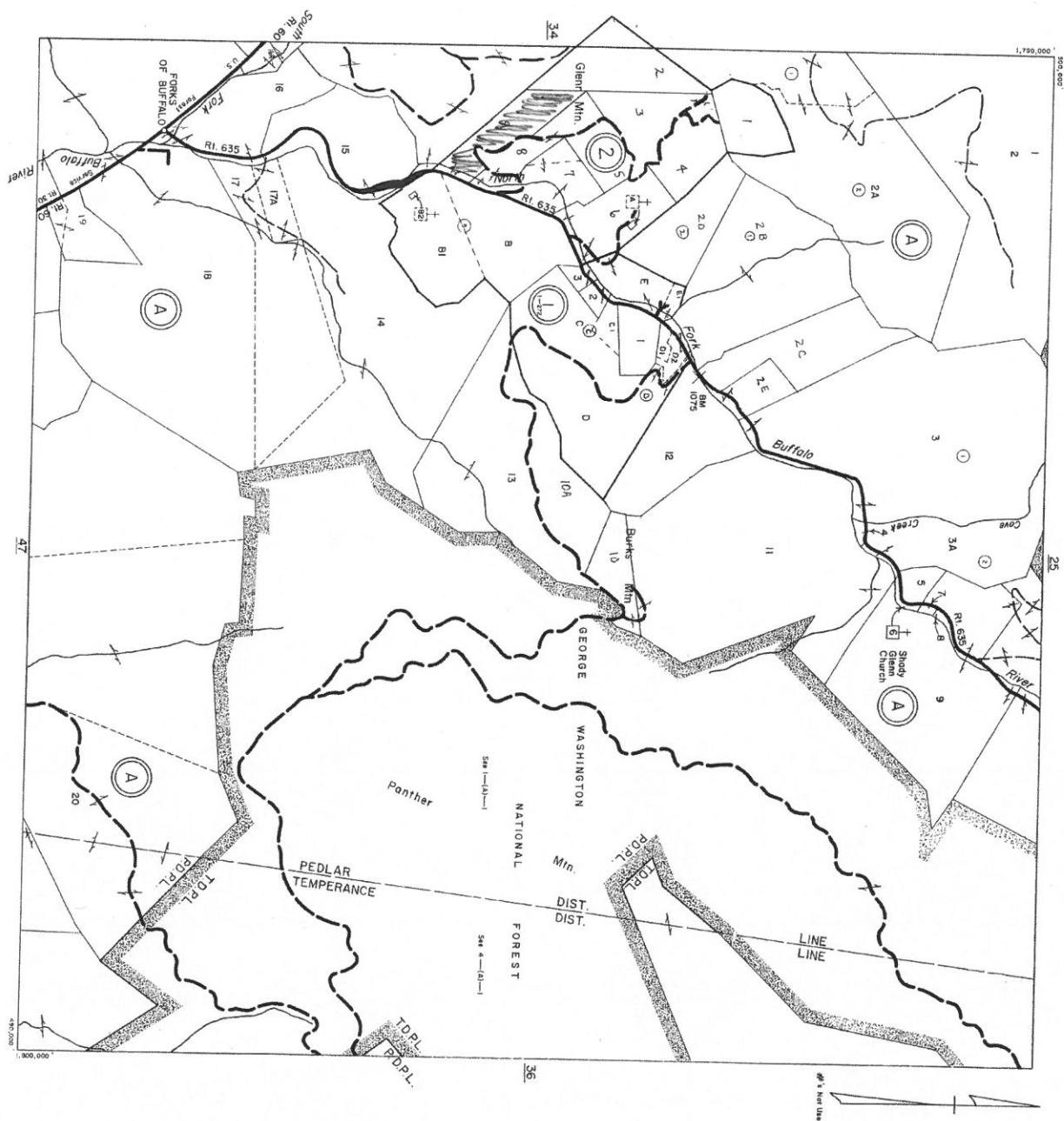


NOTE: NO DETERMINATION OF WETLANDS WAS MADE BY ACRES INCORPORATED OR THIS SURVEYOR.

THIS SURVEY HAS BEEN PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND DOES NOT THEREFORE NECESSARILY INDICATE ALL ENCUMBRANCES ON THE PROPERTY. ALL ADJOINING OWNERS ARE NOW OR FORMERLY.



AMHERST COUNTY



REVISED: 12/31/88

PEDLAR
TEMPERANCE DISTRICT

SECTION 35

PROPERTY TAX MAP - VIRGINIA DEPT. OF TAXATION

