

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, May 16, 2019 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 request(s):

SPECIAL EXCEPTION REQUEST NO. 2019-175

Request by Tim Wright for a special exception use in the R-2 General Residential District. The purpose of the special exception is to erect a sign. The sign will be approximately six feet in height and eight feet in width and will be located near the corner of Route 163 (S. Amherst Highway) and Williams Road. The property is located at 101 Williams Road and is further identified as tax map number 155D-A-31.

SPECIAL EXCEPTION REQUEST NO. 2019-181

Request by Robert and Holly Fisher for a special exception use in the R-2 General Residential District. The purpose of the special exception is for a short-term tourist rental of a dwelling. The property is located at 124 Melville Place and is further identified as tax map number 156A1-1-6.

REZONING AND COMPREHENSIVE PLAN AMENDMENT REQUEST, NO. 2019-187

Request by James E. Steuart to rezone approximately 58 acres from the R-1 Limited Residential District to A-1 Agricultural Residential District. The purpose of the application is to rezone the property to agricultural zoning and to place a manufactured home on the property. The request includes an amendment to the Future Land Use Map from Public to Agriculture General. The property is located on Kentmoor Farm Road and is further identified as tax map number 149-A-64.

The proposed 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 or at least five (5) days prior to the hearing date.

Jeremy S. Bryant
Director of Community Development

**SPECIAL EXCEPTION STAFF REPORT
MAY 2019**

ZONING REQUEST: 2019-181

PETITIONER: Robert and Holly Fisher

OWNER: Robert and Holly Fisher

REQUEST: Request by Robert and Holly Fisher for a special exception use in the R-2 General Residential District. The purpose of the special exception is for a short-term tourist rental of a dwelling.

LOCATION/ MAP NUMBER: 124 Melville Place / TM# 156A1-1-6

PARCEL SIZE: 0.873 acres

EXISTING LAND USE: Single Family Dwelling

ZONING: R-2 General Residential District

SURROUNDING ZONING/LAND USES:

NORTH: R-2 – Single-Family Dwelling

SOUTH: R-2 – Single-Family Dwelling

EAST: R-2 – Single-Family Dwelling

WEST: R-2 – Single-Family Dwelling

LAND USE PLAN DESIGNATION: Medium Density Residential

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

ANALYSIS

This is a request by Robert and Holly Fisher for a special exception use in the R-2 General Residential District. The purpose of the special exception is for a short-term tourist rental of a dwelling. The parcel is located at 124 Melville Place, tax map 156A1-1-6.

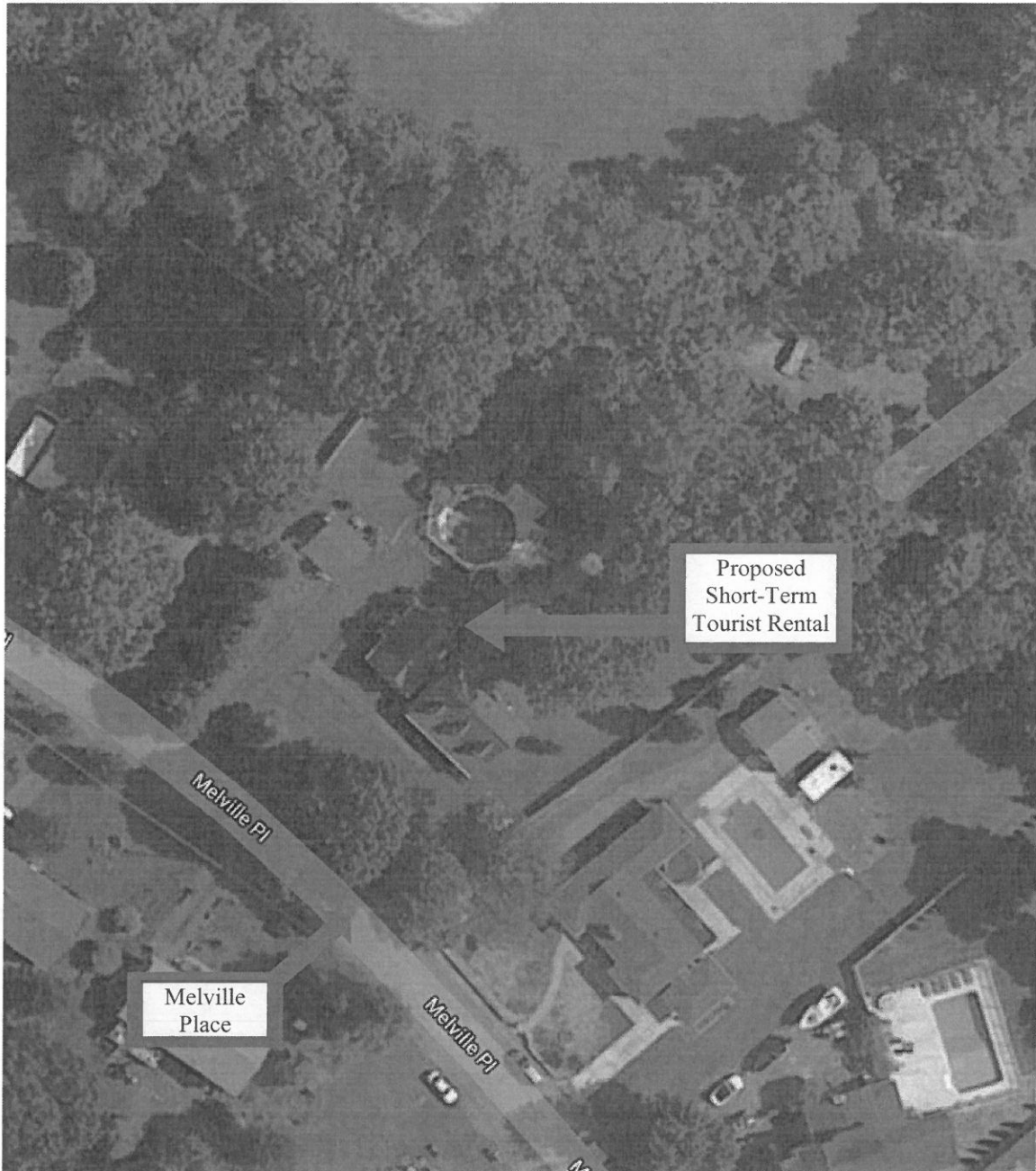
The dwelling is located off Melville Place and has access off of Long Pine Drive, near Seminole Drive. The dwelling rest on a parcel of land that is 0.873 acres in total size. The applicants intend to live at the property while operating a short-term tourist rental.

Short-term tourist rentals of dwellings are allowed only as a special exception use in the R-2 General 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 Melville Place, a private road. Melville Place is a state maintained road for a portion of its length, however, it becomes a private road near the intersection of Triple Oaks Circle.

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.



2019-181

RECEIVED
APR 23 2019
AMHERST COUNTY
PLANNING & ZONING

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

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

Robert & Holly Fisher
Applicant Name

124 Melville Place Madison Heights VA 24572
Applicant Address City/Town State Zip Code

434-258-2801 fisher, 218@gmail.com
Applicant phone number Applicant fax number Applicant E-Mail

You are the (☒) 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

156A1-1-6 873
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

124 Melville Place, Madison Heights, VA 156A1-1-6
Street Address Tax parcel ID number

General Description of Property

Single Family Home

Current Use(s) of Property

Personal Residence

Proposed Use(s) of Property

Personal residence w/ Airbnb suite

Total Acreage: 0.873

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

Public water ☒

Private wells ☐

Public sewer ☐

On-site septic systems ☒

Mass drainfield(s) ☐

Comprehensive Plan Land Use Designation: _____

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: _____

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?

Use of Melville Place road

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

There will be no changes + no affect

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

It will still be residential use

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

How will the use promote the public health, safety, and general welfare of the community?

It will bring visitors to the area

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 ___ 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.

[Signature]

Property Owner Signature

4/12/19
Date

Holly M. Finner
Property Owner Signature

4/12/19
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. 2019-181

Actions Taken:

S. Sturtevant (via mail)

4/23/19

County Official Receiving Application

Date

S. Sturtevant (via mail)

4/23/19

Public Hearing fee received by

Date

Application returned for correction/additional information

Date

Amended application received by

Date

Public Hearing advertised in

Date(s)

Adjacent property owner(s) notified by mail

Date

Action by Planning Commission

Date

Action by Board of Supervisors

Date

ZONING PUBLIC NOTIFICATION

Case: 2019-181

Board/Commission: Planning Commission
Board of Supervisors

Public Hearing Dates: **May 16, 2019 - Planning Commission**
June 18, 2019- Board of Supervisors

Applicant: Robert & Holly Fisher
124 Melville Pl
Madison Heights VA 24572

Property Owner
Robert & Holly Fisher
124 Melville Pl
Madison Heights VA 24572

Tax Map Number: 156A1-1-6

Adjoining Property Owners:		
Tax Map # 156A1-7-182-186	Tax Map # 156A1-2-2	
Dhirendrakumar & Rupal Desai	Roland Jr & May Bennett	
108 Melville Pl	131 Melville Pl	
Madison Heights VA 24572	Madison Heights VA 24572	
Tax Map # 156A1-3-B	Tax Map # 156A1-1-5A,6A	
Aaron Proctor	Mary Woody	
145 Triple Oak Cir	132 Melville Pl	
Madison Heights VA 24572	Madison Heights VA 24572	
Tax Map # 156A1-2-1	Tax Map # 156A1-8-1,2	
Linda Wells	Forest Views LLC	
121 Melville Pl	POB 2186	
Madison Heights VA 24572	Forest VA 24551	

COMMONWEALTH OF VIRGINIA)

COUNTY OF AMHERST) to wit:

This day in the County of Amherst, Jeremy Bryant, Community Development Director, on behalf of Amherst County, Virginia, personally appeared before me, Stacey Stinnett, a Notary Public in and for the County aforesaid, in the Commonwealth of Virginia, and made oath that he is the agent for Amherst County, Virginia: and that he duly caused a public hearing before the Planning Commission on May 16, 2019 and the Board of Supervisors on June 4, 2019 to be advertised in a newspaper with general circulation in Amherst County, Virginia, the New Era Progress. The affiant has declared to me under penalty of perjury that the foregoing is true and correct and further the affiant declareth not.



Jeremy Bryant
Director of Community Development
April 26, 2019

This affidavit is subscribed and sworn before me this 26 day of April, 2019
by Stacey Stinnett, Planning & Zoning Administrative Assistant for Amherst County, Virginia, on
behalf of Amherst County, Virginia, who is personally known to me. In testimony whereof I have
set my hand on the day, month, and year aforesaid.

My Commission Expires: July 31, 2020



Notary Public

7211620

Registration Number

STACEY GODSEY STINNETT
NOTARY PUBLIC
REGISTRATION # 7211620
COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES
JULY 31, 2020

AMHERST COUNTY



- ④ ACREAGE PARCELS
- ① W.E. MCGANN EST. - P.B. 6, Pg. 91
- ② LAWRENCE TRUCK SALES, INC. - D.B. 353, Pg. 209
- ③ 2 LOTS ON TRIPLE OAK CIRCLE - D.B. 227, Pg. 331
- ④ G.W. GOME PROPERTY - D.B. 93, Pg. 584
- ⑤ J.P. ABBOT TRACT - P.B. D, Pg. 75
- ⑥ GADOURY SUBDIVISION - P.B. E, Pg. 114
- ⑦ KIDDHURST ACRES - P.B. D, Pg. 233
- ⑧ RESUB. OF LOTS 187 THRU 197 KIDDHURST ACRES - D.B. 410, Pg. 416
- ⑨ LAKEVIEW SUBDIVISION PLAT # 4, D.B. 191, Pg. 69, P.B. E, Pg. 50
- ⑩ LAKEVIEW SUBDIVISION - P.B. E, Pg. 34
- ⑪ PLAT OF MADISON VIEW - P.B. D, Pg. 231
- ⑫ WINDROCKE P.C. I, S.I.D. 173

SCALE IN FEET
0 200 400 600 800 1000

SANITARY
ELTON
MADISON
DISTRICT

INSERT 156A1