

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

**REZONING STAFF REPORT
MAY 2019**

ZONING REQUEST: 2019-187

PETITIONER: James E. Steuart

OWNER: James E. Steuart

REQUEST: 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.

LOCATION/ MAP NUMBER: The property is located on Kentmoor Farm Road and is further identified as tax map number 149-A-64.

SIZE: 58 acres

EXISTING LAND USE: Wooded /Vacant

ZONING: R-1 Limited Residential District

SURROUNDING ZONING/LAND USES:

NORTH: R-1 –Single-Family Dwelling

SOUTH: R-1 – Vacant land / Single-Family Dwelling

EAST: A-1 / R-1 – Vacant land / Single-Family Dwelling

WEST: R-1 –Single-Family Dwelling

LAND USE PLAN DESIGNATION: Low Density Residential

SEWER AND WATER CONDITIONS: Public water and private sewer.

ANALYSIS

James E. Steuart is requesting 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. Primarily, the property to the north, west and south are all zoned residential with predominantly small lot sizes. On the eastern portion of said lot, and opposite side of Brightwell's Mill Road, the property is zoned agriculture. The lot is larger than most of the adjacent parcels that are zoned residential.

DEVELOPMENT POTENTIAL: The A-1 Agricultural Residential District's intent statement reads: This district is designed to accommodate farming, forestry and limited residential use. While it is recognized that certain rural areas may logically be expected to develop residentially, it is the intent however to discourage the random scattering of residential, commercial or industrial uses in this district.

TIMELINE FOR APPROVAL: The Planning Commission must submit its recommendation to the Board of Supervisors within one hundred (100) days of the first meeting of the commission after the proposed amendment has been referred to it, if the commission fails to submit its recommendation the commission shall be deemed to have approved the proposed amendment.

ZONING MAP



TRAFFIC IMPACT: The property has frontage on Kentmoor Farm Road and Brightwell's Mill Road. The owner intends to place a manufactured home on the parcel which would generate on average 10 vehicle trips per day.

SUMMARY OF COMPREHENSIVE PLAN ITEMS:

Future Land Use Map – The Future Land Use map indicates that the property is designated for residential purposes.

LAND USE IMPACT/CONCERNS/NOTABLES:

- The property is located within the County's Designated Growth Area for Public Water as can be identified in the Amherst County Comprehensive Plan.
- The property is served by public water.
- The property is not served by public sewer.
- Proffers run with the land until the property is rezoned. Once accepted as part of a rezoning, proffers continue in effect until a subsequent rezoning changes the zoning on the property. Virginia Code §§ 15.2-2297 (A), 15.2-2298 (A), 15.2-2303 (A).

FACTORS RELEVANT TO THE REASONABLENESS OR UNREASONABLENESS OF THE PROPOSED ZONING:

The most important factors in making a determination of the reasonableness or unreasonableness of the proposed zoning are: 1) whether the proposed zoning is consistent with the comprehensive plan; 2) the zoning and actual land uses of the abutting or nearby properties; 3) the change in the character of the area since the existing zoning was established; 4) rezoning actions of similarly situated properties; and 5) the impacts of the proposed zoning on the existing neighborhood.

Ten Essential Features of Proffers

1. In a proffer, the owner promises to perform an act or donate money, land, services or products designed to address an impact arising from the rezoning.
2. Proffers impose additional requirements and restrictions, not alternative or lesser requirements or restrictions.
3. Proffers must be voluntary, which means that after the locality identifies the impacts arising from the rezoning, it is up to the owner to decide whether it wants to address the impacts through proffers or risk having the rezoning denied by the governing body because impacts were not addressed; it is improper for a locality to deny a rezoning simply because the owner did not proffer something requested by the locality.
4. Proffers must be reasonably related to the rezoning; this requirement does not apply to localities enabled to accept proffers under Virginia Code 15.2-2303.
5. Proffers must be consistent with the comprehensive plan.

6. Once accepted by the governing body, proffers become part of the zoning regulations applicable to the land and they run with the land until it is rezoned.
7. Proffers must be in writing.
8. Proffers must be submitted prior to the public hearing by the governing body and may not be materially amended once the public hearing begins without holding another public hearing, provided that the governing body may waive the requirement for a public hearing if the amendment does not affect the conditions of use or density.
9. Proffers must be signed by the owner(s) of the land being rezoned.
10. Proffers to dedicate substantial land make substantial cash payments, to construct substantial improvements, or which specify the permitted use or density, may create vested rights in the zoning of the land.

VOLUNTARY PROFFERS

1. No proffers were submitted.



2019-187

**APPLICATION FOR REZONING/
CONDITIONAL ZONING**
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

JAMES E. STEWART
Applicant Name
1363 IZAAK WALTON MADISON HTS VA 24572
Applicant Address City/Town State Zip Code
(434) 846 5193 JESTEWART@COMCAST.NET
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

JAMES E. STEWART
Property Owner Name
1363 IZAAK WALTON MADISON HTS VA 24572
Property Owner Mailing Address City/Town State Zip Code
(434) 846 5193 JESTEWART@COMCAST
Property owner telephone number Property owner fax number Property owner E-Mail

Location of Property

Kentmore Farm Rd 149-A-64
Street Address Tax parcel ID number

General Description of Property

VACANT

Current Use(s) of Property

VACANT

Proposed Use(s) of Property

PLACE DOUBLE WIDE ON PROPERTY

Total Acreage: 58+-

Check all categories that apply for the parcels requesting to be rezoned:

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

Comprehensive Plan Land Use Designation: Residential

Current Zoning:
(please circle one)

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

Proposed Zoning:
(please circle one)

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

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

Petitioner Comments (Continue on separate sheets if necessary.)

State the purpose of rezoning request and its relationship to the comprehensive plan and adjacent properties.

NEED TO PLACE HOME-RESTRICTED

Anticipate the effect of the proposed changes on public services and facilities.

N/A

Describe how the proposed change will further the purposes of the Zoning Ordinance and general welfare of the community.

Has the Planning Commission and/or Board of Supervisors heard a request for rezoning 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.

Proffers may be amended in writing prior to the Planning Commission public hearing.

If this is an application for a **conditional zoning**, the following conditions are voluntarily proffered:
*See proffer form.

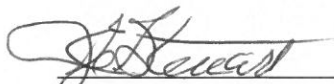
Application fee and other requirements

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'.

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.



Property Owner Signature

Date

Property Owner Signature

Date

Agent Signature

Date

Agent Signature

Date



Proffers for Conditional Zoning

County of Amherst, Virginia
153 Washington Street, Amherst, VA. 24521

Mailing Address: Planning Department, P.O. Box 390, Amherst, VA. 24521

Phone: (434)-946-9303

Facsimile (434) 946-9370

___ Original ___ Amended

Rezoning Case Number _____

Pursuant to Section 1005.02 of the County Code, the owner or duly authorized agent hereby voluntarily proffers the following conditions which shall be applicable to the property, if rezoned:

Signature of Owner or Applicant / Print Name

Date

I, _____, A NOTARY PUBLIC IN AND FOR _____ COUNTY, IN THE STATE OF _____, DO HEREBY CERTIFY THAT THE OWNERS WHOSE NAMES ARE SIGNED HEREON, HAVE ACKNOWLEDGED THE SAME BEFORE ME THIS ____ DAY OF _____, 20____. MY COMMISSION EXPIRES: _____

NOTARY PUBLIC

Please handwritten voluntary proffers below this line:

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

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

Case No. 2019-487

Actions Taken:

J. Bryant
County Official Receiving Application

Date

J. Bryant
Public Hearing fee received by

Date

Application returned for correction/additional information

Date

Amended application received by

Date

New Era Progress
Public Hearing advertised in

May 2 May 9
Date(s)

Adjacent property owner(s) notified by mail

May 1
Date

Action by Planning Commission

Date

Action by Board of Supervisors

Date

ZONING PUBLIC NOTIFICATION

Case: 2019-187

Board/Commission: Planning Commission
Board of Supervisors

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

Applicant: James E Steuart
1363 Izaak Walton Rd
Madison Heights VA 24572

Property Owner
James E Steuart
1363 Izaak Walton Rd
Madison Heights VA 24572

Tax Map Number: 149-A-64

Adjoining Property Owners:		
Tax Map # 149-A-56	Tax Map # 149-A-62A	Tax Map # 149-A-51A
Anthony Kidd	David & Kimberly Sherburne	Reggie & Kathy Williams
1397 Izaak Walton Rd	1317 Izaal Walton Rd	160 Brightwells Mill Rd
Madison Heights VA 24572	Madison Heights VA 24572	Madison Heights VA 24572
Tax Map # 149-A-57	Tax Map # 149-5-1	Tax Map #149C-3-1
Kathryn Keese	Emmett & Jennifer Fielder	Rodney & Tina Simpson
1385 Izaak Walton Rd	1301 Izaak Walton Rd	142 Brightwells Mill Rd
Madison Heights VA 24572	Madison Heights VA 24572	Madison Heights VA 24572
Tax Map # 149-A-57A,58	Tax Map # 149-A-63A	Tax Map # 150-A-20
James Jr & Mary Steuart	Lawerence & Betty Flannery	Carolyn Keene
1371 Izzak Walton Rd	1229 Izaak Walon Rd	125 Brightwells Mill Rd
Madison Heights VA 24572	Madison Heights VA 24572	Madison Heights VA 24572
Tax Map # 149-A-59	Tax Map # 149-A-75A,75C,77	Tax Map # 150-A-19A
Joseph & Susan Wright	Walter & Yvonne Sturfels	Joseph & Kari May
1357 Izaak Walton Rd	171 Kentmoor Farm Rd	228 Elon Rd
Madison Heights VA 24572	Madison Heights VA 24572	Madison Heights VA 24572
Tax Map # 149-A-60	Tax Map # 149-A-75B	Tax Map # 150-A-19B
Keith & Susan Wilson	Richard Martin	Teresa Coleman
1347 Izaak Walton Rd	191 Kentmoore Farm Rd	101 Brightwells Mill Rd
Madison Heights VA 24572	Madison Hieghts VA 24572	Madison Heights VA 24572
Tax Map # 149-A-61	Tax Map # 149-A-74	Tax Map # 150-A-22
Dean & Melissa Jones	Jamerson Living Trust	Gary & Linda Mays
1339 Izaak Walton Rd	193 Kentmoore Farm Rd	145 Brightwells Mill Rd
Madison Heights VA 24572	Madison Heights VA 24572	Madison Heights VA 24572
Tax Map # 149-A-62	Tax Map # 149-A-74A	Tax Map # 149-A-53
Clifford & Betty Campbell	Richard Tyree	Daniel & Lindsey Allgood
1333 Izaak Walton Rd	199 Kentmorre Farm Rd	128 Lamont Dr
Madison Heights VA 24572	Madison Heights VA 24572	Madison Heights VA 24572

Tax Map # 150-A-14A	Tax Map # 150-A-21	Tax Map # 149-A-51
Jamerson Living Trust	Robert & Mamie Gowen	Horace & Joanne Knight
375 Kentmoor Farm Rd	135 Brightwells Mill Rd	162 Brightwells Mill Rd
Madison Heights VA 24572	Madison Heights VA 24572	Madison Heights VA 24572

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.

5/1/19

Jeremy Bryant
Director of Community Development
May 1, 2019

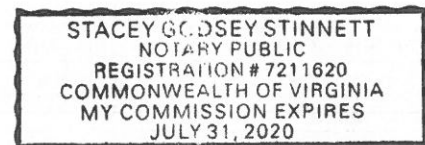
This affidavit is subscribed and worn before me this 1 day of may, 20 19 by Stacey Stinnett, Planning & Zoning Administrative Assistant for Amherst County, Virginia, on behalf of Amherst County, Virginia, who is personally known to me. In testimony whereof I have set my hand on the day, month, and year aforesaid.

My Commission Expires: July 31, 2020

Notary Public

7211620

Registration Number



SECTION 149 _____