

**AMHERST COUNTY
PLANNING COMMISSION MEETING
THURSDAY, NOVEMBER 7, 2013
MINUTES**

VIRGINIA

A public meeting for the Amherst County Planning Commission was held on Thursday, November 7, 2013, in the Board of Supervisors Room located in the Administration Building at 153 Washington Street, Amherst, VA.

MEMBERS PRESENT: Leslie Irvin, Chairman
Derin Foor, Vice Chairman
Michael Martineau
Beverly Jones
George Brine
Lillian Floyd

MEMBERS ABSENT: Donald Kidd, Board of Supervisors Liaison

STAFF PRESENT: Jeremy Bryant, Director of Planning/Zoning
Austin Mitchell, Assistant Zoning Administrator/Planner
Stacey Stinnett, Administrative Assistant

1. Call to Order
2. Approval of Agenda
3. Citizens Comments
4. Review of Board of Zoning Appeals
 - A. 2013A-01 Kinkle Toliver
 - B. 2013A-02 Brenda & Wayne Carwile
5. Ordinance
 - A. Ordinance No. 2013-0016 Dam Inundation Zones – (First Reading) (Planning & Zoning Assigned No. to Dam Inundation Zones #2013-17)
6. Old/New Business
 - A. Zoning Approval Process/Delinquent Taxes Discussion
7. Approval of Minutes for September 19, 2013 and October 17, 2013
8. Adjournment

1. CALL TO ORDER

The meeting was called to order at 7:00 PM.

2. APPROVAL OF AGENDA

The agenda was amended by reversing items A) & B) on item number four (4) of the agenda.

Planning Commission Action:

Motion: Jones Motion to approve the agenda as amended with the one (1) change.

Second: Brine

The motion carried by a 6-0 vote

3. CITIZENS COMMENTS

There were none.

4. REVIEW OF BOARD OF ZONING APPEALS

B. 2013A-02 Brenda & Wayne Carwile

Request by M. Taze Crowder, L.S. (applicant), and Wayne D. & Brenda B. Carwile (property owner) for approval of multiple variances from Section 804 of the Zoning & Subdivision Ordinance to reduce the setback from the front yard (Blue Bird Lane) from sixty-five (65) (measured from centerline) feet to approximately thirty-four (34) feet and to reduce the rear yard setback from twenty-five (25) feet to approximately eleven (11) feet and to reduce the setback measured from a frontage road easement (measured from centerline) from sixty-five (65) feet to forty-six (46) feet, to allow the replacement of a burned single family dwelling. The proposed new structure is a manufactured home that is transferred in two (2) or more sections and is approximately 466 square feet larger than the existing dwelling that was a non-conforming structure. The request is referenced by a drawing submitted by the applicant with an exhibit at enlarged scale dimensions. The property is located at 438 Thomas Road, and is further identified as tax map parcel number 155-3-1.

Mr. Mitchell presented the Staff report and concluded his comments by stating the following conditions are recommended if the Board of Zoning Appeals wishes to approve the request:

1. The Variance is granted for Tax Map Parcel No. 155-3-1 to reduce the setback from the front yard (Blue Bird Lane) from sixty-five (65) (measured from centerline) feet to approximately thirty-four (34) feet and to reduce the rear yard setback from twenty-five (25) feet to approximately eleven (11) feet and to reduce the setback measured from a frontage road easement (measured from centerline) from sixty-five (65) feet to forty-six (46) feet, to allow the replacement of a burned single family dwelling.
2. The owners shall submit a new zoning permit and building permit with the correct dimensions and updated owner information.
3. The granting of this variance shall not be construed to vest in the applicant a right to the variance until all necessary local, State and Federal plan application, review and approval processes have been completed.
4. This approval may be revoked by the County of Amherst or its designated agent for failure by the applicant or its assigns to comply with any of the listed conditions or any provision of Federal, State or local regulations.

Planning Commission Action:

Motion: Foor Motion to not make a recommendation to the Board of Zoning Appeals.

Second: Brine

The motion carried by a 6-0 vote

A. 2013A-01 Kinkle Toliver

Request by Kinkle W. Toliver, for approval of multiple variances from Sections 710.06 (1) and 804 of the Zoning & Subdivision Ordinance to reduce the setback from the stream setback requirement of seventy-five (75) feet approximately sixty-five (65) feet and to reduce the setback from the frontage road easement (measured from centerline) of seventy-five (75) feet to approximately thirty-five (35) feet, to allow for an expansion of a porch to an existing single-family dwelling. The request is referenced by a drawing submitted by the applicant. The property is located at 129 My Way off Route 778, and is further identified as being tax map parcel number 64-A-11.

Mr. Bryant presented the Staff report and concluded his comments by stating the following conditions are recommended if the Board of Zoning Appeals wishes to approve the request:

1. All construction must be flood proofed in accordance with the Building Code.
2. The variance is granted for Tax Map Parcel No. 64 – A – 11 to reduce the seventy-five (75) foot setback to approximately sixty-five (65) feet and to reduce the setback from the frontage road easement (measured from centerline) of seventy-five (75) feet to approximately thirty-five (35) feet, to allow for an expansion of a porch to an existing single-family dwelling.

3. The proposed porch shall be in general compliance with the submitted plot plan.
4. The granting of this variance shall not be construed to vest in the applicant a right to the variance until all necessary local, State and Federal plan application, review and approval processes have been completed.
5. This approval may be revoked by the County of Amherst or its designated agent for failure by the applicant or its assigns to comply with any of the listed conditions or any provision of Federal, State or local regulations.

Mr. Foor stated that he drives past this property everyday and that he cannot see where this property would be considered for development in the future and therefore a future widening of My Way Drive would not be necessary. Mr. Foor also stated that the porch would enhance the property.

Planning Commission Action:

Motion: Foor Motion to recommend approval to the Board of Zoning Appeals.

Second: Jones

The motion carried by a 6-0 vote

5. ORDINANCE

A. Ordinance No. 2013-0016 Dam Inundation Zones – (First Reading)

Mr. Bryant briefly stated that this is a state code regulation, and read from a memorandum that was in the Planning Commission packet.

Mr. Bryant stated that there are approximately thirty (30) lakes that would be affected and four (4) government lakes.

Planning Commission Action:

Motion: Jones Motion to move Ordinance No. 2013-0016 from first reading to a public hearing next Planning Commission Meeting.

Second: Foor

The motion carried by a 6-0 vote

5. OLD/NEW BUSINESS

A. Zoning Approval Process/Delinquent Taxes

Mr. Bryant briefly stated that Gary Friend, Amherst County Treasury, had spoken to him about having the Zoning Department not issue any zoning permits (including business license) if a citizen was delinquent on their taxes. Mr. Bryant stated that Information Technology would allow the Zoning Department to review the Treasurers Delinquent records as a "view only" option. Mr. Bryant stated that if an individual was delinquent on their taxes then the Zoning Department would not issue any zoning permits and the individual would be directed to the Treasurer's Office.

Planning Commission Action:

Motion: Foor Motion to direct staff to draft language for an ordinance to check for delinquent taxes prior to issuing zoning permits.

Second: Martineau

The motion carried by a 6-0 vote

Mr. Martineau asked Staff if wineries, breweries and cidery operations were permitted in Amherst County. Mr. Bryant stated that farm wineries are a permitted use in the Agricultural District, however, cidery and brewery operations were not uses found in the zoning ordinance.

Planning Commission Action:

Motion: Martineau Motion to direct staff to proceed with the proposed draft ordinance allowing breweries and cidery operations.

Second: Floyd

The motion carried by a 6-0 vote

6. APPROVAL OF MINUTES FOR SEPTEMBER 19, 2013 & OCTOBER 17, 2013

September 19, 2013 Minutes

The September 19, 2013 Planning Commission Minutes were approved.

Planning Commission Action:

Motion: Foor Motion to approve the September 19, 2013 Planning Commission minutes.

Second: Jones

The motion carried by a 4-0 vote (Irvin & Martineau abstained)

October 17, 2013 Minutes

Planning Commission Action:

Motion: Martineau Motion to approve the October 17, 2013 Planning Commission minutes with one (1) correction.

Second: Brine

The motion carried by a 5-0 vote (Floyd abstained)

7. ADJOURNMENT

There being no more business to discuss the meeting was adjourned at 8:00 p.m.

Planning Commission Recommendation:

Motion: Jones Motion to adjourn.

Second: Brine

The motion carried by a 6-0 vote.

/ss/1.08.14


Chairman