

AMHERST COUNTY PLANNING COMMISSION

DATE: August 14, 2018
TIME: 7:00 PM
PLACE: Administrative Office Complex
153 Washington Street
Public Meeting Room

A G E N D A

1. Call to Order
2. Approval of Agenda
3. Citizens Comments
4. Public Hearing – Special Exception
 - A. 2018-297 Edward Dillard Jr.
5. Approval of Minutes for July 19, 2018
6. Adjournment

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 Tuesday, August 14 2018 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. 2018-297

Request by Edward Dillard, Jr. for a special exception in the A-1 Agricultural Residential District. The purpose of the special exception is to allow a kennel. The property is located at 1325 Sugar Hill Tunnel Road and further identified as tax map number 60-A-24.



Procedures Special Exception

WHAT IS A SPECIAL EXCEPTION?

A special exception is a use of the land which may be allowed in a zoning district in which the land is situated subject to the approval of either the board of supervisors or the board of appeals, after a public hearing.

HOW IS THE DECISION MADE?

A special exception decision involves one public hearing – however, both the Planning Commission and the Board of Supervisors vote on the issue. The Planning Commission hears the issue and votes on a recommendation to the Board of Supervisors. The Board of Supervisors then makes a final decision.

Applications for a zoning permit for a special exception shall be submitted to the zoning administrator, who shall refer the application to the board of supervisors for a public hearing.

HOW LONG DOES IT TAKE?

The process takes approximately 8-10 weeks once an application is filed. However the Planning Commission and Board of Supervisors can delay the process if desired.

HOW MUCH WILL IT COST?

A special exception requires a public hearing; all public hearings are subject to a \$300 dollar fee. Site plans are also required as part of a special exception, site plans may be required to be reviewed by the Development Review Committee (DRC) and the Planning Commission. The site plan review fee is \$200 dollars.

WHAT IS THE PROCESS?

The process for a special exception is as follows.

1. Pre-application conference with Planning Department;
2. Completing and filing the application;
3. Completely fill out a zoning permit;
4. Staff review and public notice; and
5. Planning Commission/Board of Supervisors public hearing.

PURPOSE

It is the purpose of the special exception to provide a flexible and adaptable zoning method to cope with situations whereby a more intense use may be allowed subject to certain conditions set by the board of supervisors.

PRE-APPLICATION CONFERENCE

Applicants must schedule a pre-application conference with the staff prior to submittal of the special exception application package. *Staff may reject any application without a pre-application conference.* Please schedule a conference with staff by calling (434) 946-9303. Staff will review submitted applications to ensure all required materials and information is provided. If the application is not complete, the required information must be provided prior to formal staff review and acceptance of the application.

Applicants are strongly encouraged to discuss the proposed special exception with neighboring properties prior to filing an application.

APPLICATION REQUIREMENTS

A special exception application consists of four parts:

1. Application form;
 2. Requirements of a special exception;
 3. Site plan; and
 4. Zoning Permit.
1. **Special Exception Application Form:** The application is available in the Planning Department and may also be found on the department's website at www.countyofamherst.com. It must be signed by all owners of the property. If a legal representative signs for a property owner, a copy of the executed power of attorney is required.
 2. **Requirements of a Special Exception:** In addition to the specific requirements for special exception as specified in this article, the board of supervisors shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate evidence showing that such use at the proposed location:
 - a. 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;
 - b. 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;
 - c. Will not be hazardous or disturbing to existing or future neighboring uses;
 - d. 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;
 - e. 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;
 - f. 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;
- g. 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
 - h. Will not result in the destruction, loss or damage of a natural scenic or historic feature of major importance.
3. **Site Plan:** An acceptable site plan is required per Section XI Site Plan Review Requirements of the Amherst County Code.
4. **Zoning Permit:** A zoning permit must be filled out concurrently with the special exception request.

POST FILING INFORMATION

1. **Staff Review and Public Notices:** Once staff has accepted the complete application and filing fees have been paid, adjoining property owners are notified that a special exception request has been filed and of the time and date of the public hearing. Notice of public hearing is published as a legal advertisement, and the subject property is posted with a notice for a zoning hearing. Staff prepares a staff report and recommendations for the Planning Commission and Board of Supervisors consideration and staff reports are available to the petitioner and interested citizen on the previous Planning Commission meeting.
2. **Public Hearing:** At the public hearing, the staff presents the report and recommendation, the applicant also presents the request. The Commission takes public comment and the Commission discusses the request and makes a recommendation to the Board of Supervisors.

The Board of Supervisors considers a request that has been heard by the Planning Commission. The Board of Supervisors approves, denies, continues or refers the matter back to the Commission.

FILING/FEES/DEADLINES

Special exception applications, and accompanying fees, are filed with the:

Department of Planning
P.O. Box 390
Amherst, VA. 24521
(434)946-9303

Public hearing fees are \$300 dollars, paid with filing of application.

2018297



**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

Edward W. Dillard Sr.

Applicant Name

1354 Sugarhill Tunnel Rd Amherst, VA 24521

Applicant Address

City/Town

State

Zip Code

434 610-5617

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

Edward W. Dillard Jr.

Property Owner Name

1325 Sugarhill Tunnel Rd Amherst VA 24521

Property Owner Mailing Address

City/Town

State

Zip Code

434 610 5617

Property owner telephone number

Property owner fax number

Property owner E-Mail

Amherst County 60-A-24

Street Address

Tax parcel ID number

General Description of Property Farm land 37.97 acres

Current Use(s) of Property Farming

Proposed Use(s) of Property Train, raise dogs train on Property
50/50

Total Acreage: 2

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?

None

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

None

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

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?

I will be supplying trained dogs to the public

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.

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.

Property Owner Signature

Date

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. 2018-297

Actions Taken:

S. Stunnett

County Official Receiving Application

S. Stunnett

Public Hearing fee received by

Application returned for correction/additional information

Amended application received by

Public Hearing advertised in

Adjacent property owner(s) notified by mail

Action by Planning Commission

Action by Board of Supervisors

7/20/18
Date

7/20/18
Date

Date

Date

Date(s)

Date

Date

Date



Re: Fw: Special Exception requests

Joanne Carden to: Stacey G Stinnett

07/24/2018 11:56 AM

Hello Stacey,

This is to advise that Tiffany D and Matthew Stuart Alcock and Edward W Dillard Jr are current with their taxes in Amherst County as of this date. Thanks!

Joanne

Joanne Adams Carden
Treasurer, Amherst County
(434)946-9318 (ext 683)
(434)946-9402 (fax)

Stacey G Stinnett

I need you when you get a moment to check to...

07/24/2018 10:51:33 AM

From: Stacey G Stinnett/Amherst
To: Joanne Carden/Amherst@Amherst
Date: 07/24/2018 10:51 AM
Subject: Fw: Special Exception requests

I need you when you get a moment to check to make sure the individuals below have paid all of their property taxes. They are applying for a special exception with our office. Thanks

>

>

> Tiffany D and Matthew Stuart Alcock

>

> Edward W. Dillard Jr

Stacey G. Stinnett
Administrative Assistant
Planning & Zoning Dept.
P.O. Box 390
Amherst, VA 24521
Office: (434) 946-9303
Fax: (434) 946-9370
sgstinnett@countyofamherst.com

----- Forwarded by Stacey G Stinnett/Amherst on 07/24/2018 10:56 AM -----

From: Kay Rowe/Amherst
To: Stacey G Stinnett/Amherst
Date: 07/24/2018 10:28 AM
Subject: Re: Special Exception requests

Stacy
I am off this week

Sent from my iPhone

> On Jul 24, 2018, at 8:46 AM, Stacey G Stinnett <sgstinnett@CountyOfAmherst.com> wrote:
>
>
> Good morning Kay!
>
> I need you when you get a moment to check to make sure the individuals below have paid all of their
property taxes. They are applying for a special exception with our office. Thanks
>
>
> Tiffany D and Matthew Stuart Alcock
>
> Edward W. Dillard Jr
>
>
> Stacey G. Stinnett
> Administrative Assistant
> Planning & Zoning Dept.
> P.O. Box 390
> Amherst, VA 24521
> Office: (434) 946-9303
> Fax: (434) 946-9370
> sgstinnett@countyofamherst.com

ZONING PUBLIC NOTIFICATION

Case 2018-297

Board/Commission: Planning Commission
Board of Supervisors

Public Hearing Dates: **August 14, 2018 - Planning Commission**
September 18, 2018 - Board of Supervisors

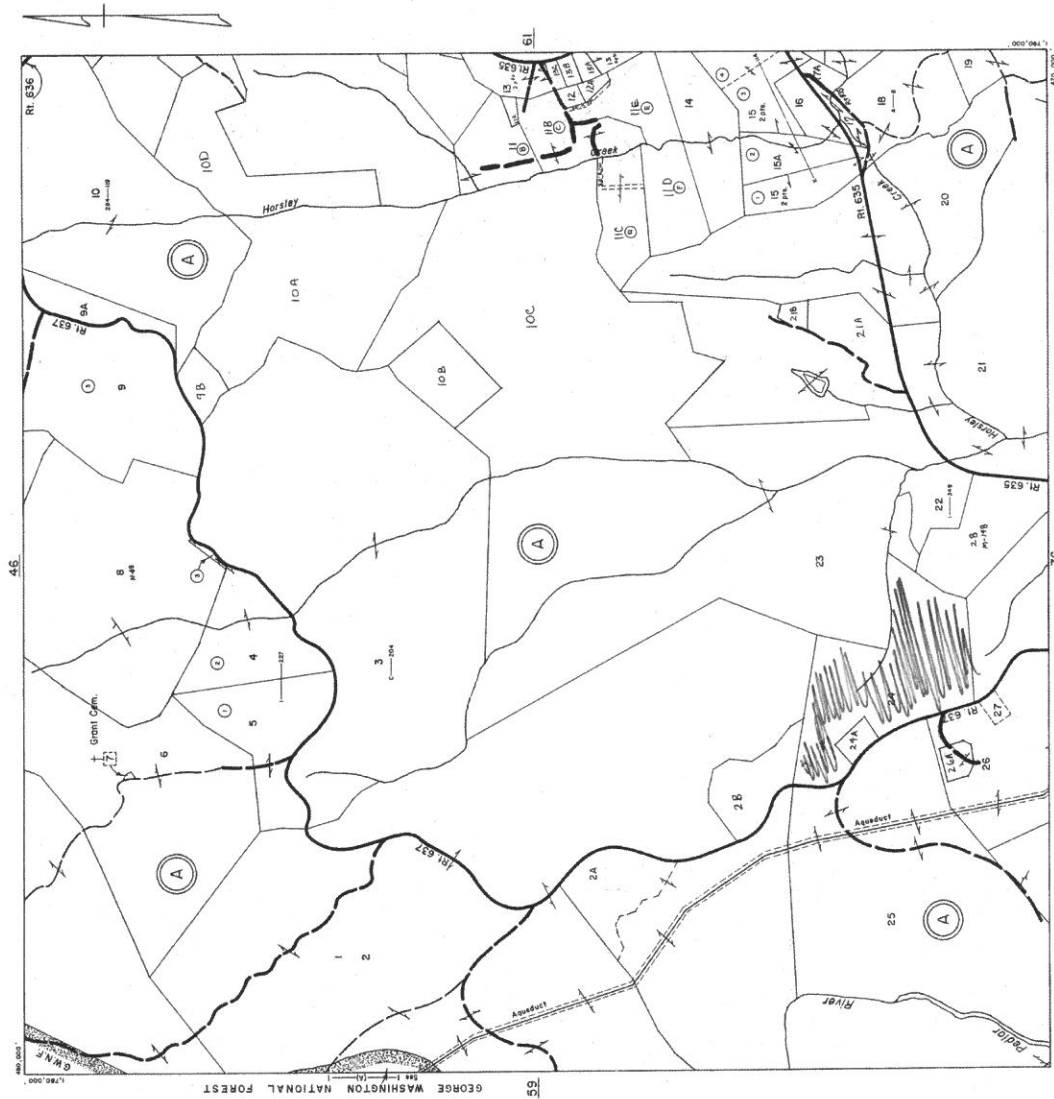
Applicant: Applicant Property Owner/Site Address
Edward W. Dillard Jr Edward W. Dillard Sr
1325 Sugar Hill Tunnel Rd 1354 Sugar Hill Tunnel Rd
Amherst VA 24521 Amherst VA 24521
Tax Map #: 60-A-24

Adjoining Property Owners:		
Tax Map # 60-A-23,28	Tax Map # 60-A-2	
Douglas & tammy Eubank	Land Mays Company LLC	
1810 Buffalo Springs Tpke	1634 Buffalo Springs Tpke	
Amherst, VA 24521	Amherst VA 24521	
Tax Map # 76-A-8		
Creed Rucker Jr.		
2024 S Coolwell		
Monroe, VA 24579		
Tax Map # 60-A-26,27		
Edward William Dillard		
1354 Sugar Hill Tunnel Rd		
Amherst, VA 24521		
Tax Map # 60-A-25,2A		
Michael & Debbie Bradley		
1026 Sugar Hill Tunnel Rd		
Amherst, VA 24521		
Tax Map # 60-A-2B		
Melissa Mays		
1171 Sugar Hill Tunnel Rd		
Amherst, VA 24521		

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 (Signature)
Stacey Stinnett (Title)
Planning & Zoning Administrative Assistant (Date)
July 26 , 2018

AMHERST COUNTY



SECTION 60

PEDLAR DISTRICT

REVISED 12/31/88