



**Amherst County Board of Supervisors
County Ordinance No. 2018-0006**

AN ORDINANCE, NO. 2018-0006

Adding §§ 1005.1 and 1005.2 of Appendix A – Zoning and Subdivisions, Article X – Administration, to the Code of the County of Amherst to implement the Zoning Administrator Variances and Interpretations.

Approved as to form and legality by the County Attorney

**FIRST READING: Planning Commission, November 15, 2018
PUBLIC HEARING: Planning Commission, February 21, 2019**

**FIRST READING: Board of Supervisors, March 5, 2019
PUBLIC HEARING: Board of Supervisors, March 19, 2019**

THE COUNTY OF AMHERST HEREBY ORDAINS:

§ 1. That Sections 1005.1 and 1005.2 of Appendix A – Zoning & Subdivisions, Article X- Administration, to the Code of the County of Amherst be and hereby is added, as follows:

Sec. 1005.1. – Zoning Verification Letters & Boundary Line Interpretations.

- (a) Upon written request and the payment of a fee of fifty dollars (\$50.00), the zoning administrator shall issue a zoning verification letter indicating the zoning designation of a particular parcel or parcels of land as shown on the official zoning map or interpreting the boundary between two zoning districts as it relates to particular parcels.
- (b) The zoning administrator shall develop forms on which to submit requests for zoning verifications and boundary line determinations. A zoning verification or boundary line determination applies only to the facts and law in existence as of the date of the verification or determination, is not a written order, requirement, decision, or determination regarding the permissibility of a specific use or density, and confers no vested right.
- (c) A zoning verification letter or boundary line determination is appealable to the board of zoning appeals as set forth in Section 1008.02.

Sec. 1005.2. – Administrative variances.

- (a) When specifically provided in any section of this Appendix A to the Amherst County Code, the zoning administrator may grant a modification to such provision(s) with respect to the physical requirements on a lot or parcel of land, including but not limited to size, height, location, or features of or related to any building, structure, or improvements, if the administrator finds in writing that:
- (1) The strict application of the section would produce undue hardship;
(2) Such hardship is not shared generally by other properties in the same zoning district and vicinity; and
(3) The modification will not be of substantial detriment to adjacent properties and the character of the zoning district will not be changed by the granting of the modification.
- (b) Prior to granting the modification, the zoning administrator shall give all adjoining property owners, defined as all those whose properties abut the property subject to the modification or are across a road, railroad, or other right-of-way from it, written notice of the request for the modification by First-Class U.S. Mail, postage prepaid, and an opportunity to respond to the request within 21 days of the date of such notice.
- (c) Within 90 days from the initial filing of the request, the zoning administrator shall make a decision on the application for modification and issue a written decision with a copy provided to the applicant and any adjoining landowner who responded in writing to the notice sent pursuant to subsection (b). The decision shall be appealable to the board of zoning appeals as set forth in Section 1008.02.
- (d) The fee for an administrative variance shall be fifty dollars (\$50.00), payable upon application, and the actual cost of mailing notice to adjacent landowners. The zoning administrator shall develop forms on which to submit requests for modifications, notification of adjoining landowners, and final decisions.

§ 2. That this ordinance shall be in force and effect upon adoption.

Adopted this 19th day of March, 2019.

L. J. Ayers III, Chair
Amherst County Board of Supervisors

ATTEST:

Dean C. Rodgers, Clerk
Amherst County Board of Supervisors

Ayes _____

Nays _____

Abstentions _____