



# 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.
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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](http://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.



**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**

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Applicant Name

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Applicant Address

City/Town

State

Zip Code

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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

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Property Owner Name

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Property Owner Mailing Address

City/Town

State

Zip Code

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Property owner telephone number

Property owner fax number

Property owner E-Mail

**Location of Property**

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Street Address

Tax parcel ID number

**General Description of Property**

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**Current Use(s) of Property**

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**Proposed Use(s) of Property**

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Total Acreage: \_\_\_\_\_

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?

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

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

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

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

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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.

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**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.

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Property Owner Signature                      Date

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Property Owner Signature                      Date

