

**AMHERST COUNTY  
PLANNING COMMISSION MEETING  
THURSDAY, SEPTEMBER 21, 2017  
MINUTES**

**VIRGINIA**

A public meeting for the Amherst County Planning Commission was held on Thursday, September 21, 2017, in the Public Meeting Room located in the Administration Building at 153 Washington Street, Amherst, VA.

**MEMBERS PRESENT:** Michael Martineau, Chairman  
Derin Foor, Vice Chairman  
George Brine  
Beverly Jones  
Jim Thompson  
Leslie Gamble  
Michael Russell, EDA Board of Liaison (non-voting)

**MEMBERS ABSENT:** David Pugh, Board of Supervisors Liaison (non-voting)

**STAFF PRESENT:** Jeremy Bryant, Director of Planning/Zoning  
Dylan Bishop, Assistant Zoning Administrator/Planner  
Stacey Stinnett, Administrative Assistant

**Agenda**

1. Call to Order
2. Approval of Agenda
3. Citizens Comments
4. Board of Zoning Appeals Request
  - A. 2017A-06 Shirley E. & Robert L. Coleman
  - B. 2017A-07 Judy McCauley
5. Public Hearing – Ordinance
  - A. 2017-0006 Short Term Tourist Rental
6. Business Unfriendliness
7. Comprehensive Plan Review
8. Old/New Business
9. Approval of Minutes for August 17, 2017
10. Adjournment

### **1. CALL TO ORDER**

The meeting was called to order at 7:00 p.m.

Mr. Martineau introduced Leslie Gamble as the newest Planning Commission member and Dylan Bishop as the new Assistant Zoning Administrator/Planner.

### **2. APPROVAL OF AGENDA**

The agenda was approved.

#### **Planning Commission Action:**

**Motion:** Jones                      Motion to approve the agenda as submitted.

**Second:** Foor

**The motion carried by a 6-0 vote**

### **3. CITIZENS COMMENTS**

Mr. Ken Watts, resides at 130 Epiphany Court in Amherst, spoke in opposition to adopting the new growth boundary in the Comprehensive Plan. Mr. Watts stated that he also speaks on the Towns behalf that the Town of Amherst is also opposed.

Mr. Eldon Cox, resides at 105 Meadow Ridge Lane in Amherst, spoke in opposition to adopting the new growth boundary in the Comprehensive Plan. Mr. Cox asked the question, "who is benefiting from allowing Ms. Speyer's property to be put into a conservation easement? Is it the 32,000 citizens of Amherst County or for the owner's prosperity?"

Mrs. Rachel Carton, resides at 241 Hanger Road in Amherst, spoke in opposition to adopting the new growth boundary in the Comprehensive Plan. Mrs. Carton stated that she is a member of the Amherst Town Council and that the Town Council was opposed to changing the growth boundary in the Comprehensive Plan. Mrs. Carton stated that her job on Town Council was to "look out for the money that the tax payers pay" also adding that the Town has invested a lot of money in good faith for utilities that benefit the town's growth.

Mrs. Sharon Turner, resides at 193 Main Street in Amherst, spoke in opposition to adopting the new growth boundary in the Comprehensive Plan. Mrs. Turner asked the Planning Commission to carefully evaluate the growth boundaries of Amherst County prior to making a decision.

Mr. Terry Morcom, resides at 136 Shadow Oaks Drive in Madison Heights, spoke in opposition to adopting the new growth boundary in the Comprehensive Plan. Mr. Morcom stated that as a builder and developer in Amherst County he supports and sub-contracts local businesses.

#### **4. BOARD OF ZONING APPEALS REQUEST**

A. 2017A-06 Shirley E. & Robert L. Coleman.

Request by Shirley and Robert Coleman for approval of a variance from Section 913.03 of the Amherst County Zoning Ordinance. The requested variance will reduce the setback from the front yard requirements of 125 feet to 64.5 feet. The purpose of the request is to allow for the replacement of a manufactured home. The request is referenced by a drawing submitted by the applicant. The property is located at 4607 Elon Road and is further identified as being tax map parcel number 104-A-42.

Mr. Bryant presented the Staff report and concluded his comments by stating that Staff recommends the following condition:

**Should the Board of Zoning Appeals approve this request; Staff recommends the following conditions:**

1. The variance is granted for Tax Map Parcel No. 104-A-42 to reduce the 125-foot front yard setback to 64.5 feet to allow for the placement of a manufactured home.
2. Any changes to existing landscaping and vegetation that is located in the front yard of the lot shall be approved by the Department of Planning and Zoning.
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.

Valerie Brooks, with Nixon Surveying, spoke on behalf of the applicant. Mrs. Brooks answered the Planning Commission's questions and concerns and stated that the applicant didn't have the funds to purchase more land or move the drainfield, therefore, this request is a hardship.

The Planning Commission had a discussion regarding whether this situation was a hardship and other possibilities like moving the drainfield.

#### **Planning Commission Recommendation:**

**Motion:** Jones                      Motion to approve 2017A-06 Shirley E. & Robert L. Coleman with a favorable recommendation to the Board of Zoning Appeals with staff recommendations.

**Second:** Motion died for lack of a second vote

**Motion:** Foor                      Motion to deny 2017A-06 Shirley E. & Robert L. Coleman

**Second:** Thompson

**Motion carried by a 5-1 vote. (Jones opposed)**

Mr. Bryant stated that this case will be heard by the Board of Zoning Appeals on October 12, 2017.

B. 2017A-07 Judy McCauley

Request by Judy McCauley for approval of two variances from Section 411 and Section 710 of the Amherst County Zoning Ordinance. The first requested variance will reduce the setback from the buffer zone surrounding select P-1 Public Lands District from 200 feet to 45 feet. The second requested variance will reduce the setback from the Watershed District requirement of no structure within 350 feet from the normal pool elevation of a water supply reservoir to 240 feet. The purpose of the request is to allow for the addition of an attached garage. The request is referenced by a drawing submitted by the applicant. The property is located at 1466 Elon Road and is further identified as being tax map parcel number 136-3-4.

Mr. Bryant presented the Staff report and concluded his comments by stating that Staff recommends the following condition:

**Should the Board of Zoning Appeals approve this request; Staff recommends the following conditions:**

1. The variance is granted for Tax Map Parcel No. 136-3-4 to reduce the 200-foot rear yard setback to 45 feet and to reduce the distance from the water's edge of a drinking water supply reservoir from 350 feet to 240 feet to allow for the placement of an attached garage to an existing dwelling.
2. No additional land disturbance can take place that is above the high point of the dwelling.
3. Applicant shall meet with the Amherst County Erosion and Sediment Control Program Administrator prior to land disturbance to determine how to manage erosion and sediment control and storm water during construction.
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. John Bagby, contractor speaking on behalf of the applicant, was in favor of the request.

The Planning Commission had questions regarding certain regulated setbacks which were answered by staff.

**Planning Commission Recommendation:**

**Motion:** Foor      Motion to make a favorable recommendation to the Board of Zoning Appeals for 2017-07 Judy McCauley with staff recommendations.

**Second:** Brine

**Motion carried by a 6-0 vote.**

Mr. Bryant stated that this case will be heard by the Board of Zoning Appeals on October 12, 2017.

**5. PUBLIC HEARING – ORDINANCE**

**A. 2017-0006 Short Term Tourist Rental**

Amending § 916 of Appendix A to the Code of the County of Amherst to eliminate the regulations that limit the use of a short-term tourist rental of a dwelling in a platted subdivision.

Mr. Bryant stated that #9 would be eliminated, which prohibited short term rental of any dwelling upon property located within a platted subdivision.

Mr. Martineau opened the public hearing.

Mr. Michael Russell spoke on behalf of the Economic Development Authority of Amherst County, stating that they voted to approve this ordinance.

There being no further speakers, Mr. Martineau closed the public hearing.

**Planning Commission Recommendation:**

**Motion:** Thompson      Motion to approve Ordinance 2017-0006 Short Term Tourist Rental.

**Second:** Jones

**Motion carried by a 6-0 vote.**

**6. BUSINESS UNFRIENDLINESS**

Mr. Bryant briefly reviewed a memorandum from Dean Rodgers, County Administrator, regarding a planning workshop that the Board of Supervisors attended about the County's reputation for being unfriendly to business. From that workshop the Board of Supervisors is soliciting proposals to change County ordinances, processes, policies and procedures to improve the business environment for both existing and new businesses in Amherst County. Mr. Bryant stated that for the next two (2) Planning Commission meetings in October and

November he would like for the Planning Commission to consider certain changes that can be considered as business friendly. Mr. Bryant stated that all proposals would be heard at the first Board of Supervisors meeting in December.

Mrs. Jones stated that in the future she would like to see the Planning Commission invited to such planning workshops.

#### **7. COMPREHENSIVE PLAN**

Mr. Bryant stated that the Future Land Use Map may be amended removing the growth boundary and that the School Board wanted to rewrite their section in the Comprehensive Plan and review. Mr. Bryant stated that once these changes had taken place we would be back on schedule to reviewing and voting on the Comprehensive Plan.

#### **8. OLD/NEW BUSINESS**

Mr. Bryant reminded the Planning Commission of the Region 2000 Local Government Council Fall Dinner on October 19<sup>th</sup> at 6:00 pm.

Mr. Thompson expressed his disappointment with the branding strategy process and felt that this should have been brought to the Planning Commission for review.

Mr. Brine wanted an update from the EDA on the land disturbance at the Amelon Commercial Center.

#### **9. APPROVAL OF MINUTES FOR AUGUST 17, 2017**

One change was made to the minutes.

##### **Planning Commission Recommendation:**

**Motion:** Foer

Motion to approve Planning Commission Meeting Minutes for August 17, 2017 with the one change.

**Second:** Brine

**Motion carried by a 4-0 vote. (Martineau and Gamble abstained)**

## **10. ADJOURNMENT**

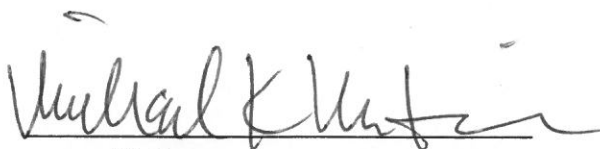
There being no more business to discuss, the meeting was adjourned at 8:18 p.m.

### **Planning Commission Recommendation:**

**Motion:** Brine                      Motion to adjourn.

**Second:** Foor

**Motion carried by a 6-0 vote.**

A handwritten signature in dark ink, appearing to read "Michael K. Martin", written over a horizontal line.

Chairman

/ss/10.11.17

