

**Town of Amherst  
Board of Zoning Appeals**

A meeting of the Town of Amherst Board of Zoning Appeals was called to order by Vice Chairman Edward Carton at 7:00 PM on May 16, 2022, in the Council Chambers of the Town Hall at 174 S. Main Street.

The Chair noted that a quorum was present as follows and asked for a moment of silence.

P	Edward Lawrence Carton	P	June Driskill
A	Marvin Hensley	P	R. A. "Tony" Robertson
P	Teresa Tatlock Stinson		

Town Manager Sara McGuffin, and Clerk of Council Vicki Hunt, were also present.

Mr. Carton made a motion that was seconded by Ms. Stinson to dispense with the reading and approve the minutes from the April 4, 2017, meeting.

There being no discussion, the motion to approve the April 4, 2017, minutes carried 4-0 according to the following:

Aye	Edward Lawrence Carton	Abstain	June Driskill
Absent	Marvin Hensley	Aye	R. A. "Tony" Robertson
Aye	Teresa Tatlock Stinson		

Mr. Carton asked Town Manager McGuffin to chair the meeting during the election of officers. Ms. Stinson nominated Mr. Carton to be Chairman. There being no other nominations, the Board voted 4-0 to elect Mr. Carton Chairman by acclamation as follows:

Aye	Edward Lawrence Carton	Aye	June Driskill
Absent	Marvin Hensley	Aye	R. A. "Tony" Robertson
Aye	Teresa Tatlock Stinson		

Town Manager McGuffin asked for nominations for Vice Chairman. Ms. Stinson entered her name for election as Vice Chairman. There being no other nominations, the Board voted 4-0 to elect Ms. Stinson Vice Chairman by acclamation as follows:

Aye	Edward Lawrence Carton	Aye	June Driskill
Absent	Marvin Hensley	Aye	R. A. "Tony" Robertson
Aye	Teresa Tatlock Stinson		

Ms. Stinson nominated Town Manager McGuffin to be the Board's Secretary. There being no other nominations, the Board voted 4-0 to elect Ms. McGuffin Secretary by acclamation as follows:

Aye	Edward Lawrence Carton	Aye	June Driskill
Absent	Marvin Hensley	Aye	R. A. "Tony" Robertson
Aye	Teresa Tatlock Stinson		

**Variance Application Review: T&T Investments, Inc. – Property Located on Address TBD Sunset Drive, between 184 and 204 Sunset Drive**

Town Manager/Secretary McGuffin provided a report on a variance application as follows:

T&T Investments, Inc., owner Troy Cash, and their agent Trevor Gillespie, has applied for a variance to allow construction of a single-family home for property located between 184 and 204 Sunset Drive (TM# 95-3-B-11), zoned Limited Residential District R-1.

The application pertains to use of existing vacant lot for the construction of a new single-family home on an existing non-conforming lot. It is the desire of the property owner to remedy issues regarding the existence of a corner of a neighbor's existing septic drain field on a small portion of the lot between 184 and 204 Sunset Drive which would require a lot reconfiguration. If approved:

1. The reconfiguration of the non-conforming lot would be allowed.
2. The size provision found in Sec.18.1-802, minimum lot area, from 20,000 square feet to 17,424 square feet would be allowed.

Code section 18.1-601.01 was amended in 2018 upon a recommendation of the Planning Commission, by the Town Council, to encourage the development of non-conforming infill lots located within the Town.

The Board should pay close attention to the state law and the Town's Zoning and Subdivision Ordinance in addition to the testimony during the required public hearing. Three affirmative votes by Board members will be required to approve this request. Town Code §18.1-1006.05 indicates that “substantially the same petition affecting the same land shall not be considered within any twelve (12) month period.”

Trevor Gillespie, Realtor and Agent for Applicant/Property Owner Troy Cash came forward to explain the application and answer questions.

Applicant/Property Owner Troy Cash and Applicant Thomas Hill, President of T & T Investments were present to answer questions.

Chairman Carton opened a duly advertised public hearing at 7:25 P.M. on the Application for Variance submitted by T&T Investments, Inc. for property located on address TBD Sunset Drive, between 184 and 204 Sunset Drive. (TM# 95-3-B-11, zoned Limited Residential District R-1).

Shah Kanev, 204 Sunset Drive, Amherst, VA, came forward in opposition expressing her belief that if the variance is approved the proximity of a new construction on the subject property to her adjacent house would cause depreciation and raise privacy issues.

Andrey and Katerina Sunstev, 193 Sunset Drive, Amherst, VA, by letter opposed approval of the requested variance.

Joan C. Smith, 206 Sunset Drive, Amherst, VA, came forward in opposition and referred to subdivision restrictions pertaining to side yard set-back lines.

Shannan Carter, 184 Sunset Drive, Amherst, VA, came forward in opposition to the requested variance expressing her belief that new construction would be too close to her adjacent property.

William Carter, 184 Sunset Drive, Amherst, VA, came forward in opposition to the requested variance, referring to Health Department documents with a sketch of the drainage field.

Edgar Kinnear and Telia Jones Kinnear, 201 Sunset Drive, Amherst, VA, by letter, opposed approval of the requested variance expressing their belief that two drainage fields would be too close together.

Rob Bouldin, 224 Sunset Drive, Amherst, VA, came forward in opposition expressing his belief that approval of the requested variance would fundamentally alter and cause damage to the character of that section of the neighborhood.

Amy Dawson, 203 Sunset Drive, Amherst, VA, came forward in opposition expressing her belief that approval of the variance would contribute to depreciation of neighboring houses.

Bill Dawson, 203 Sunset Drive, Amherst, VA, came forward in opposition of approval of the requested variance.

Svet Kanev, 204 Sunset Drive, Amherst, VA, came forward in opposition of approval of the requested variance.

There being no one else present who wished to speak, the public hearing was closed at 8:14 P.M.

Chairman Carton recessed the meeting at 8:15 PM.

The meeting reconvened at 8:21 PM. It was noted that a quorum was present as follows:

P	Edward Lawrence Carton	P	June Driskill
A	Marvin Hensley	P	R. A. "Tony" Robertson
P	Teresa Tatlock Stinson		

Upon applicant's request, the matter was deferred for 30 days to the next meeting of the Board of Zoning Appeals upon motion of Mr. Carton, seconded by Ms. Stinson, and carried 4-0 as follows:

Aye	Edward Lawrence Carton	Aye	June Driskill
Absent	Marvin Hensley	Aye	R. A. "Tony" Robertson
Aye	Teresa Tatlock Stinson		

There being no further business, the meeting was adjourned at 8:27 P.M.

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Edward Carton, Chairman

ATTEST: \_\_\_\_\_  
Secretary