

**Town of Amherst  
Planning Commission Minutes  
May 7, 2014**

A meeting of the Town of Amherst Planning Commission was called to order by Chairperson June Driskill in the Council Chambers of the Town Hall at 7:30 PM on May 7, 2014. It was noted that a quorum was present as indicated below:

A Kevin Belcher	A William Jones
P June Driskill	Late Leon Moss
P Ted Finney	P Rachel Thompson
P Clifford Hart	

Town Manager Jack Hobbs was present in his capacity as Secretary to the Commission.

Augustine Special Use Permit Application - 138 Garland Avenue

At 7:31 PM a duly advertized public hearing was opened on an application from Duncan and Janice Augustine for a special use permit that would, if approved, allow a 5-room bed and breakfast along with on-site events such as wedding receptions and "teas" at their house at 138 Garland Avenue. The property (Tax Map 96A4-A-55 & 95A3-A3-11) contains 5.566 Ac and is zoned R-2.

It was reported that County real estate assessment records indicate that the 7,964 SF dwelling there was built in 1789. The Augustines have owned the property since 1999; a detailed history of the site can be found in the documentation supporting its listing on historic register lists at [http://www.dhr.virginia.gov/registers/Counties/Amherst/163-0003\\_Edgewood\\_2006\\_NR\\_final.pdf](http://www.dhr.virginia.gov/registers/Counties/Amherst/163-0003_Edgewood_2006_NR_final.pdf). No new construction is contemplated under the proposal.

Per materials provided to the Commission, the Zoning and Subdivision Ordinance requires:

- approval of a Special Use Permit for a bed and breakfast as an accessory use (Table 7.1) under standards at Sec. 18.1-1003.03.4 of the Town Code,
- the operator of the bed and breakfast establishment must be an owner/occupant (see Table 7.1),
- small identification signs for such establishments; these are allowed by right (Sec. 18.1-908.03a), and
- one parking space per bedroom plus two for the main dwelling (Sec. 18.1-602.06a&b) located behind the front setback (Table 7.1), and

Letters expressing concern about the proposed change in use from Anne Day Garrison and William and Ann Tucker were received. Two different petition documents containing signatures from individuals living near the Augustine property were received.

Pat Malchow, 154 Garland Avenue, suggested an entrance directly from Main Street for events due to the potential for more parking

problems along Garland Avenue. She suggested that music associated with on-site events should stop by a specified hour and that on-site parking for events should be required. She indicated that she did not object to the bed and breakfast portion of the proposal.

Ann Garrison, 140 Garland Avenue, expressed her objection to the on-site event portion of the application. She asked for good clarification of how the bed and breakfast business would be operated.

Ann Tucker, 234 Garland Avenue, expressed concern regarding increased traffic due to the on-site events. She suggested that Garland Avenue is too narrow to accommodate the traffic or parking that the proposed use would generate. She expressed concern about individuals having to travel the length of Garland Avenue to turn around.

Bill Tucker, 234 Garland Avenue, suggested that Garland Avenue is very narrow and the presence of many dogs, children and elderly individuals make it unsafe for a significant increase in traffic.

Wayne Ferguson, 304 S. Main Street, suggested that "bed and breakfast" should be better defined.

Rae Hart, 219 Garland Avenue, suggested that an increase in traffic on Garland Avenue will aggravate the safety problems created by cars driving too fast and the presence of children and dogs on Garland Avenue. She expressed concern about the event aspect of the proposal but suggested that the bed and breakfast portion was acceptable.

Janice Augustine, 138 Garland Avenue, explained that the "teas and dinners" portion of the application was an add-on and that the bed and breakfast portion was the primary element of the proposal. She agreed to withdraw the event portion of the application and to require all parking for the bed and breakfast operation to be on the Augustine site.

Duncan Augustine, 138 Garland Avenue, noted that her house has no large rooms that could support large events and that there is no good place on the property that could support the placement of a large tent.

Commissioner Leon Moss entered the meeting.

Phil Lamm, 231 Garland Avenue, came forward to suggest that previous events involving personal use of the property seem to be acceptable but the increase in frequency could be problematic.

Ann Garrison, 140 Garland Avenue, asked about the possibility of a fence being installed between her property and the Augustine's property.

There being no one else present who wished to speak, the public hearing was closed at 8:05 PM.

Mrs. Thompson made a motion that was seconded by Mr. Hart to recommend that the Town Council approve a special use permit for the property at 138 Garland Avenue that would feature the following:

- A 5-room bed and breakfast would be allowed to operate on the site,
- All parking associated with the bed and breakfast operation would be on-site,
- There would be no restaurant service other than breakfast for the bed and breakfast lodgers and
- There would be no events on the site that would involve people other than individuals lodging at the bed and breakfast.

The motion carried 5-0 according to the following:

Kevin Belcher	Absent	William Jones	Absent
June Driskill	Aye	Leon Moss	Aye
Ted Finney	Aye	Rachel Thompson	Aye
Clifford Hart	Aye		

The minutes of the April 2, 2014 Commission meeting were approved on a motion by Mrs. Thompson, seconded by Mr. Hart, and carried 5-0 according to the following:

Kevin Belcher	Absent	William Jones	Absent
June Driskill	Aye	Leon Moss	Aye
Ted Finney	Aye	Rachel Thompson	Aye
Clifford Hart	Aye		

Wimmer Variance Application - 115 Woodland Drive

The Secretary reported that the Board of Zoning Appeals granted the Wimmer variance as requested on April 15 on a 4-1 vote.

There being no further business, the meeting adjourned at 8:20 PM on a motion by Mrs. Thompson that was seconded by Mr. Hart and carried 5-0 according to the following:

Kevin Belcher	Absent	William Jones	Absent
June Driskill	Aye	Leon Moss	Aye
Ted Finney	Aye	Rachel Thompson	Aye
Clifford Hart	Aye		

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June Driskill, Chairperson

Attest: \_\_\_\_\_