

**TOWN OF AMHERST PLANNING COMMISSION**  
**Wednesday, September 5, 2018**  
**7:00 P.M.**  
**REVISED**  
**AGENDA**

1. **Call to Order** – *Mrs. Driskill, Chair*
2. **Determination of Quorum**
3. **Approval of August 1, 2018 meeting minutes** – *The minutes of the June 6, 2018 meeting are attached.*
4. **Public Hearing : Code Amendment to 601.01-** *A public hearing has been set and advertised to revise the current language regarding non-conforming lots, and ensure that the language meets the intent of the Commission. The issue has come forward due to a vacant lot for sale on Sunset Drive.*
5. ~~**Site Plan Review for the Amherst Mill/Lazy River LLC-** *Staff is working with the applicant to have a draft site plan for the Commission's review at this meeting.*~~
6. **Other Matters**
7. **Concerns of Commissioners**
8. **Adjournment**



## TOWN OF AMHERST

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**To:** Town of Amherst Planning Commission

**From:** Sara Carter

**Date:** September 5, 2018

**Re:** Public Hearing for Code Amendment to 18.1-601.01

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**Background:** Section 601.01 of the Zoning Ordinance sets out the conditions under which non-conforming lots within the Town may be developed. 601.01 differentiates between lots that have been conveyed together at the time of enactment of the Ordinance, and those that were conveyed individually. This presents an issue that two lots with the same dimensions may be treated differently. The Planning Commission is taking up an amendment that would allow non-conforming lots to be used for single family residential development if they were legal at the time of subdivision, can meet all setback requirements, and provide for the safe provision of water and wastewater. The Planning Commission will hold their public hearing on September 5, 2018.

**Recommended Action:** Staff recommends that the Commission consider this Ordinance amendment after the public hearing. If the Commission wishes to ease the means under which currently undeveloped non-conforming lots can be developed, it should be adopted.

**Sec. 18.1-601.01**

*Lots of record.* Where a lot of record at the time of enactment of this ordinance does not contain land of sufficient area or width to permit conformity with dimensional requirements of this ordinance, the following provisions shall apply:

- ~~1. When two or more adjoining and vacant lots with continuous frontage are in single ownership a lot was legally created and platted at the time of enactment of this ordinance or amendments thereto, and each of such the lots has width or lot area less than is required by the district in which it is located, such lot shall be platted and re-parcelled so as to create one or more lots which conform to the minimum lot width and area requirements of the district.~~
2. Where a single nonconforming lot of record at the time of enactment or amendment of this ordinance is not of continuous frontage with other lots in the same ownership, such lot may be used as a single family building site, provided that yard dimensions, and requirements other than those applying to area or width of the lot shall conform to the regulation for the district in which such lot is located and safe provision and appropriate permitting has been made for water and wastewater. Variances of yard requirements may be obtained only through an appeal to the board of appeals, as outlined in Section 1008 herein.

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**Sec. 18.1-601.01**

*Lots of record.* Where a lot of record at the time of enactment of this ordinance does not contain land of sufficient area or width to permit conformity with dimensional requirements of this ordinance, the following provision shall apply:

When a lot was legally created and platted at the time of enactment of this ordinance or amendments thereto, and the lot has width or lot area less than is required by the district in which it is located, such lot may be used as a single family building site, provided that yard dimensions, and requirements other than those applying to area or width of the lot shall conform to the regulation for the district in which such lot is located and safe provision and appropriate permitting has been made for water and wastewater. Variances of yard requirements may be obtained only through an appeal to the board of appeals, as outlined in Section 1008 herein.