

**TOWN OF AMHERST  
BOARD OF ZONING APPEALS  
Thursday, March 10, 2025**

**AGENDA**

6:00 PM

1. Call to Order and Determination of Quorum
2. Moment of Silence
3. Adoption of Minutes from January 30, 2025
4. Hearing of Application for Variance submitted by Joe Schuppe, Land Surveyor (167 and 173 West Court Street). A public hearing on this application has been scheduled and duly advertised.
5. Adjournment

**Town of Amherst  
Board of Zoning Appeals**

A meeting of the Town of Amherst Board of Zoning Appeals was called to order by Town Manager Sara E. McGuffin at 6:00 P.M. on January 30, 2025, in the Council Chambers of the Town Hall at 174 S. Main Street.

Town Manager McGuffin noted that a quorum was present as follows and asked for a moment of silence.

|   |                |   |                        |
|---|----------------|---|------------------------|
| P | June Driskill  | P | R. A. "Tony" Robertson |
| P | Shannan Carter |   | Vacant                 |
| P | Jason Eagle    |   |                        |

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

Town Manager McGuffin called for nominations for Chairperson. A nomination was made by Ms. Driskill for R. A. "Tony" Robertson. Hearing no other nominations for Chairperson, the nominations were closed. R. A. "Tony" Robertson was elected Chairperson by a vote of 4-0 as follows:

|     |                |     |                        |
|-----|----------------|-----|------------------------|
| Aye | June Driskill  | Aye | Jason Eagle            |
| Aye | Shannon Carter | Aye | R. A. "Tony" Robertson |
|     |                |     | Vacant                 |

Town Manager McGuffin turned the meeting over to Chairperson Robertson.

The Chair called for nominations for Vice Chairperson. A nomination was made by Mr. Eagle for June Driskill. Hearing no other nominations for Vice Chairperson, the nominations were closed. June Driskill was elected Vice Chairperson by a vote of 4-0 as follows:

|     |                |     |                        |
|-----|----------------|-----|------------------------|
| Aye | June Driskill  | Aye | Jason Eagle            |
| Aye | Shannon Carter | Aye | R. A. "Tony" Robertson |
|     |                |     | Vacant                 |

Town Manager McGuffin was elected Secretary by affirmation of 4-0 as follows:

|     |                |     |                        |
|-----|----------------|-----|------------------------|
| Aye | June Driskill  | Aye | Jason Eagle            |
| Aye | Shannon Carter | Aye | R. A. "Tony" Robertson |
|     |                |     | Vacant                 |

Mr. Eagle made a motion that was seconded by Mr. Robertson to approve the minutes of the September 26, 2022, meeting.

There being no discussion, the motion to approve the September 26, 2022, minutes carried 4-0 according to the following:

|     |                |     |                        |
|-----|----------------|-----|------------------------|
| Aye | June Driskill  | Aye | Jason Eagle            |
| Aye | Shannon Carter | Aye | R. A. "Tony" Robertson |
|     |                |     | Vacant                 |

**Appeal of Steve and Jerry Martin on Decision of Zoning Administrator of Violation of the Sign Ordinance related to Martin’s Paint and Body Shop.**

At 6:08 p.m., Ms. Driskill stated a conflict of interest because she is an adjacent property owner and recused herself from any discussion of the matter.

Town Manager McGuffin provided a report of the appeal of Steve and Jerry Martin as follows:

Pursuant to a zoning complaint that was made on a sign on a vacant lot at 469 South Main Street, pertains to a business on another lot, i.e. Martin’s Paint and Body Shop, 468 South Main Street, the Zoning Administrator determined that the vacant lot containing the subject sign is not contiguous to the lot on which the business is located pursuant to Town Code Sec. 24-573. - Signs shall pertain to the property. The zoning administrator then issued a violation of the Town’s Zoning Ordinance Section 24-580, Signs prohibited in all sign districts, paragraph 7, prohibiting off-premises signs, other than those specifically permitted. The violation applies to the directional language on the sign and not the sign structure itself. Staff requested that the Board make a determination as to whether the sign is an off-premises sign as described in Code Section 24-580 (7) due to the two lots not being contiguous properties.

Upon the timely appeal by Steve and Jerry Martin of the decision of the Zoning Administrator, a hearing was scheduled on the matter.

Steve and Jerry Martin were present to make statements and to answer questions.

Steve Martin stated that the existing sign is necessary to direct potential customers to the correct location, and that the business’ Virginia Independent Auto Dealer License could be revoked since a licensing requirement states that a sign must be on the road.

Jerry Martin stated her concern that without the sign they would lose the Virginia Independent Auto Dealer License and that it would be detrimental to the surrounding businesses because of the possibility that cars and trucks, after passing their business, would turn around in other parking areas.

After discussion, Mr. Eagle made a motion that was seconded by Mr. Robertson to defer the matter for 90 days to allow the Planning Commission and Town Council to consider a proposed revision to the sign ordinance that would allow for off-premises signs after going through the zoning process.

There being no further business, the meeting adjourned at 6:27 P.M.

\_\_\_\_\_  
R. A. "Tony" Robertson, Chairperson

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



**STAFF REPORT**  
**VARIANCE REQUEST**  
Joe Schuppe, Land Surveyor  
Board of Zoning Appeals Public Hearing

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**General Information:**

Processing schedule: The Board of Zoning Appeals has a public hearing that has been advertised for March 10, 2025. Adjacent notification was sent to property owners on February 18<sup>th</sup>. The application and staff report was reviewed by the Planning Commission (per Town Code) at their regular meeting on March 5, 2025.

**Application Information:**

Owner: Carl Brown and Gilbert and Patricia Rose  
Agent: Joe Schuppe, applying for Carl Brown  
Requested Action: Variance to allow lot reconfiguration of two lots.  
Location: 167 and 173 West Court Street  
Tax Map: 96 A4 A 37-38  
Existing Zoning: B-1  
Existing land uses: Single Family homes  
Comp. plan area: B-1/Light Commercial (allows for existing use)

**Summary of Request and Background Information:**

The subject lots each contain a single family home. These homes are older, and the lots are part of a historic subdivision in town. The surveyed lot lines show that one of the two houses is bisected by the property line between the two lots. Because the existing home locations are located on the lots where they are, and because of the size of the existing lots, there are existing non-conformities that cannot be resolved without a variance. The Town Zoning Ordinance does not allow for a lot reconfiguration of these lots without a variance due to the non-conformities that exist currently and will exist with the new configuration.

The survey attached to the application shows where the new lot line would be between the two properties. It equalizes the lot width between the two lots and provides conformity on side setbacks

for both homes. However, 167 West Court Street is currently conforming as to lot width, and becomes non-conforming with this change. Required lot width for single family homes in the B-1 district is 75 feet wide. Under this change, the lot width for each lot would be 67 feet. While the currently conforming lot becomes non-conforming, because the degree of non-conformity on 173 West Court Street is so severe, this change is an overall decrease in non-conformity.

**Sec. 24-11. Nonconforming lots, buildings and uses and vested rights.**

- (a) As provided in the Code of Virginia, nothing in this chapter shall be construed to impair any vested right, except that this chapter recognizes that the elimination of existing lots, buildings and structures or uses that are not in conformity with the provisions of this chapter is as much a subject of health, safety, and general welfare as if the prevention of the establishment of new uses that would violate the provisions of this chapter. It is, therefore, the intent of this chapter to permit these nonconformities to continue, but not to encourage their survival or permit their uses as grounds for adding other structures or uses prohibited elsewhere within the same district.
- (b) Therefore, any structure or use of land existing at the time of the enactment of the ordinance from which this chapter is derived, and amendments thereto, but not in conformity with its regulations and provisions, may be continued subject to the following provisions:
  - (1) *Lots of record.* Where a lot of record at the time of enactment of the ordinance from which this chapter is derived or amendment thereof does not contain land of sufficient area or width to permit conformity with dimensional requirements of this chapter, the following provision shall apply: When a lot was legally created and platted at the time of enactment of the ordinance from which this chapter is derived, 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 24-132.
  - (2) *Nonconforming structures.* Where a lawful structure exists at the time of enactment or amendment of this chapter that could not be built in the district in which it is located by reasons of restrictions on area, lot coverage, height, yard dimensions or other requirements, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:
    - a. Any structure or portion thereof declared unsafe by the building inspector, or destroyed, damaged or demolished in any way by any means, may be restored to a safe condition or replaced in the same location, provided that the requirements of this section are met and the restoration or replacement work is underway with two years after the declaration, destruction, damage or demolition.
    - b. A nonconforming structure may be enlarged or altered as necessary, provided such enlargement or alteration does not exceed a cumulative 50 percent of the floor area of the original nonconforming structure, and provided all yard and other appropriate requirements herein are met; any structure or portion thereof may be altered to decrease its nonconformity.
    - c. Notwithstanding the above, whenever repairs on or installation of plumbing facilities in residential structures are required by law or administrative action of the health department or the building inspector, such alterations shall be permitted, provided that, where such alterations require an addition to the structure, such addition shall be no nearer the lot line than permitted by the requirements of this chapter. Where an existing residential structure exceeds these requirements, the said addition shall extend no nearer the lot line than the existing building line.
    - d. Should a nonconforming structure be moved, it shall thereafter conform to the yard dimension requirements of the district in which it is located after it is moved.

The need to reconfigure the lot requires that the lot would meet all current Code requirements, including the lot size requirement, as there is a Town Code section that prohibits subdivision of a lot (including reconfiguration) if the lot is not conforming to the current Code.

The applicant seeks a variance to allow:

1. The reconfiguration of two non-conforming lots.
2. A variance to the width provision found in 24-464, minimum lot area and width, from 75 feet wide to 67 feet wide.
3. A variance to the front yard setback to both lots contained in Section 24-467, minimum yard requirements, from 50 feet to 20 feet.

### **Consistency with the State Code:**

For the consideration of the variance, State Code outlines that the burden of proof is upon the applicant. It further states that a variance shall be granted if the evidence shows that the strict application ...of the ordinance would unreasonably restrict the utilization of the property. There is no development of this lot for use as a single-family home, without the variance. Thus, the applicant can show that there is a restriction on the use of the property. A variance can further be granted if doing so would “alleviate a hardship...due to a physical condition,” which, in this case, would be the corner of the neighbor’s drain field.

Evaluation of the variance is outlined by the Code, with the code provision stated, followed by the response.

- (i) the property interest for which the variance is being requested was acquired in good faith and any hardship was not created by the applicant for the variance;  
*There is no reason to believe that the property interest was not acquired in good faith. Both of these properties have been in the same hands for decades, and the two properties ere previously owned by members of the same family.*
- (ii) the granting of the variance will not be of substantial detriment to adjacent property and nearby properties in the proximity of that geographical area;  
*There is no detrimental effect to this variance, as there is no new development planned. It simply makes legal what currently exists and allows for the transfer and improvement of both lots.*
- (iii) the condition or situation of the property concerned is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the ordinance;  
*The granting of this variance would not be of so general a nature as to create an issue, as these two lots were developed many years ago and new development does not have the same issue.*
- (iv) the granting of the variance does not result in a use that is not otherwise permitted on such property or a change in the zoning classification of the property; and  
*The use that is sought is consistent with the zoning district from a use point of view- the issue is the size of the lot and the need to reconfigure it.*

- (v) the relief or remedy sought by the variance application is not available through a special exception process that is authorized in the ordinance pursuant to subdivision 6 of § [15.2-2309](#) or the process for modification of a zoning ordinance pursuant to subdivision A 4 of § [15.2-2286](#) at the time of the filing of the variance application.  
*There is no other remedy available to this applicant.*

**Citizen Comment:**

In advance of the public hearing, there has been no citizen comments.

**Conclusion:**

This application for a variance meets all of the required State Code elements. It is a legally appropriate use of the remedy. Staff recommends approval of the variance request as outlined above.

From the State Code regarding variances:

Notwithstanding any other provision of law, general or special, to grant upon appeal or original application in specific cases a variance as defined in § [15.2-2201](#), provided that the burden of proof shall be on the applicant for a variance to prove by a preponderance of the evidence that his application meets the standard for a variance as defined in § [15.2-2201](#) and the criteria set out in this section.

Notwithstanding any other provision of law, general or special, a variance shall be granted if the evidence shows that the strict application of the terms of the ordinance would unreasonably restrict the utilization of the property or that the granting of the variance would alleviate a hardship due to a physical condition relating to the property or improvements thereon at the time of the effective date of the ordinance, or alleviate a hardship by granting a reasonable modification to a property or improvements thereon requested by, or on behalf of, a person with a disability, and (i) the property interest for which the variance is being requested was acquired in good faith and any hardship was not created by the applicant for the variance; (ii) the granting of the variance will not be of substantial detriment to adjacent property and nearby properties in the proximity of that geographical area; (iii) the condition or situation of the property concerned is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the ordinance; (iv) the granting of the variance does not result in a use that is not otherwise permitted on such property or a change in the zoning classification of the property; and (v) the relief or remedy sought by the variance application is not available through a special exception process that is authorized in the ordinance pursuant to subdivision 6 of § [15.2-2309](#) or the process for modification of a zoning ordinance pursuant to subdivision A 4 of § [15.2-2286](#) at the time of the filing of the variance application. Any variance granted to provide a reasonable modification to a property or improvements thereon requested by, or on behalf of, a person with a disability may expire when the person benefited by it is no longer in need of



the modification to such property or improvements provided by the variance, subject to the provisions of state and federal fair housing laws, or the Americans with Disabilities Act of 1990 (42 U.S.C. § 12131 et seq.), as applicable. If a request for a reasonable modification is made to a locality and is appropriate under the provisions of state and federal fair housing laws, or the Americans with Disabilities Act of 1990 (42 U.S.C. § 12131 et seq.), as applicable, such request shall be granted by the locality unless a variance from the board of zoning appeals under this section is required in order for such request to be granted.

No variance shall be considered except after notice and hearing as required by § [15.2-2204](#). However, when giving any required notice to the owners, their agents or the occupants of abutting property and property immediately across the street or road from the property affected, the board may give such notice by first-class mail rather than by registered or certified mail.

In granting a variance, the board may impose such conditions regarding the location, character, and other features of the proposed structure or use as it may deem necessary in the public interest and may require a guarantee or bond to ensure that the conditions imposed are being and will continue to be complied with. Notwithstanding any other provision of law, general or special, the property upon which a property owner has been granted a variance shall be treated as conforming for all purposes under state law and local ordinance; however, the structure permitted by the variance may not be expanded unless the expansion is within an area of the site or part of the structure for which no variance is required under the ordinance. Where the expansion is proposed within an area of the site or part of the structure for which a variance is required, the approval of an additional variance shall be required.



APPLICATION FOR VARIANCE  
TOWN OF AMHERST BOARD OF ZONING APPEALS  
POST OFFICE BOX 280  
AMHERST, VIRGINIA 24521  
(434) 946-7885

1/30/2025  
DATE

APPLICANT Joe Schuppe, LS  
ADDRESS 190 S. Main Street  
CITY Amherst  
TELEPHONE NO. 434-241-0919

OWNER Henry Brown (deceased) C/O Carl Brown  
ADDRESS 167 W. Court St  
CITY Amherst  
TELEPHONE NO. Unknown

REPRESENTATIVE Joe Schuppe, LS ADDRESS (Same as above)

CITY \_\_\_\_\_ TELEPHONE NO. \_\_\_\_\_

LOCATION OF REQUEST 167 / 173 W. Court St

TAX MAP NO. 96A4-A-38 / 96A4-A-37 LOT AREA(S) 0.497AC ZONE B1

PROPOSED USE Two Residential Lots

QUESTIONS TO BE ANSWERED BY APPLICANT

1. Which of the following special conditions necessitates a variance?
  - Exceptional narrowness, shallowness, size or shape of property.
  - Exceptional topographic conditions or other extraordinary conditions of property.
  - Exceptional conditions of adjacent property.

2. In what way would the strict application of the Zoning Ordinance effectively prohibit or unreasonably restrict the utilization of the property?

Robert Pendleton created these lots 130 years ago and then they were bought and sold and divided with very little surveying. Half lots were sold, resulting in lot widths of 40.33 feet. Using what is on the ground, including the existing houses, I have recreated the lots as best I can. Unfortunately, the lot of Carl Brown no longer conforms to the 60' minimum requirement, and forcing it out to 60' would throw lot lines through houses and put the neighborhood in a state of confusion. Mr. Jones would like to sell to his neighbor, Mr. Rose, the back third of Mr. Rose's lot, which was not deeded in the original conveyance. A new line is being proposed to create a full lot which can then be transferred between the parties.

3. What effect would the variance have on adjacent property? Would the proposal be detrimental to adjacent property or change the character of the district?

Not at all. The proposal would clear up ambiguous lot lines and keep existing houses on individual lots.

Please attach sketches and other detailed information to this application.

*Applicants are reminded that §18.1-1002 of the Town Code requires signs describing the action requested under this application to be posted on the property.*

AS owner of the property listed above, I hereby petition the Board of Zoning Appeals to grant a variance as described herein.

Carl J. Brown  
Signature of Owner

1/31/25  
Date

BOARD OF ZONING APPEALS PUBLIC HEARING \_\_\_\_\_  
Date Time

BOARD OF ZONING APPEALS ACTION: \_\_\_\_\_  
Zoning Administrator Date

## Adjacent property owner information for

Special Use Permit Application - Rezoning Application - Conditional Zoning Application - Variance Application - Appeal Application

§ 15.2-2204 of the Code of Virginia requires that a notice of pending action to be mailed to the owners, their agent or the occupant, of all abutting property and property immediately across the street or road from the property affected, including those parcels which lie outside the Town; and, if any portion of the affected property is within a planned unit development, then to such incorporated property owner's associations within the planned unit development that have members owning property located within 2,000 feet of the affected property. The purpose of this form is to assist the applicant to collect the needed information from the Amherst County Commissioner of the Revenue's office.

| Tax Map # | Physical Address                     | Owner's Name                        | Owner's Mailing Address                     |
|-----------|--------------------------------------|-------------------------------------|---|
| 96A4-A-51 | 268 S. Main St<br>Amherst, VA 24521  | Douglas Thompson<br>Rachel Thompson | PO Box 726<br>Amherst, VA 24521             |
| 96A4-A-37 | 173 W. Court St<br>Amherst, VA 24521 | Gilbert Rose<br>Patricia Rose       | PO Box 328<br>Amherst, VA 24521             |
| 96A4-A-39 | 163 W. Court St<br>Amherst, VA 24521 | Ruby A Grooms                       | 694 Poor House Farm Rd<br>Amherst, VA 24521 |
| 96A4-A-33 | 164 W. Court St<br>Amherst, VA 24521 | Mount Olive<br>Baptist Church       | PO Box 12<br>Amherst, VA 24521              |
|           |                                      |                                     |   |
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|           |                                      |                                     |   |

*Applicants should use as many forms as are needed to provide the needed information.*

*Note: Applicants are reminded that §18.1-1002 of the Town Code requires signs describing pending action by the Planning Commission, Town Council or Board of Zoning Appeals to be posted when approval of a site plan, subdivision, special use permit, rezoning, conditional zoning, variance, or appeal is requested.*

## § 15.2-2309. Powers and duties of boards of zoning appeals.

Boards of zoning appeals shall have the following powers and duties:

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2. To authorize upon appeal or original application in specific cases such variance as defined in § [15.2-2201](#) from the terms of the ordinance as will not be contrary to the public interest, when, owing to special conditions a literal enforcement of the provisions will result in unnecessary hardship; provided that the spirit of the ordinance shall be observed and substantial justice done, as follows:

When a property owner can show that his property was acquired in good faith and where by reason of the exceptional narrowness, shallowness, size or shape of a specific piece of property at the time of the effective date of the ordinance, or where by reason of exceptional topographic conditions or other extraordinary situation or condition of the piece of property, or of the condition, situation, or development of property immediately adjacent thereto, the strict application of the terms of the ordinance would effectively prohibit or unreasonably restrict the utilization of the property or where the board is satisfied, upon the evidence heard by it, that the granting of the variance will alleviate a clearly demonstrable hardship, as distinguished from a special privilege or convenience sought by the applicant, provided that all variances shall be in harmony with the intended spirit and purpose of the ordinance.

No such variance shall be authorized by the board unless it finds:

- a. That the strict application of the ordinance would produce undue hardship relating to the property;
- b. That the hardship is not shared generally by other properties in the same zoning district and the same vicinity; and
- c. That the authorization of the variance will not be of substantial detriment to adjacent property and that the character of the district will not be changed by the granting of the variance.

No variance shall be authorized except after notice and hearing as required by § [15.2-2204](#). However, when giving any required notice to the owners, their agents or the occupants of abutting property and property immediately across the street or road from the property affected, the board may give such notice by first-class mail rather than by registered or certified mail.

No variance shall be authorized unless the board finds that the condition or situation of the property concerned is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the ordinance.

In authorizing a variance the board may impose such conditions regarding the location, character and other features of the proposed structure or use as it may deem necessary in the public interest, and may require a guarantee or bond to ensure that the conditions imposed are being and will continue to be complied with. Notwithstanding any other provision of law, the property upon which a property owner has been granted a variance shall be treated as conforming for all purposes under state law and local ordinance; however, the structure permitted by the variance may not be expanded unless the expansion is within an area of the site or part of the structure for which no variance is required under the ordinance. Where the expansion is proposed within an area of the site or part of the structure for which a variance is required, the approval of an additional variance shall be required.

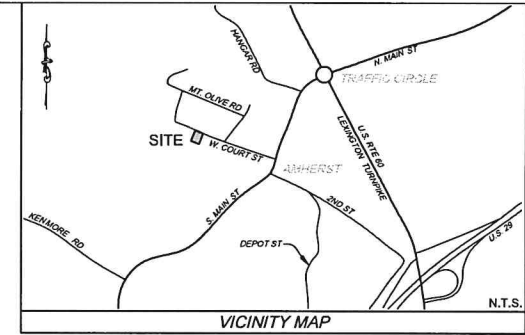
**NOTES:**

1. THIS PLAT HAS BEEN PREPARED FROM AN ACTUAL FIELD SURVEY DONE AS PER DATE OF THIS PLAT AND THERE ARE NO VISIBLE EASEMENTS OR ENCROACHMENTS EXCEPT AS SHOWN.
2. THIS PLAT HAS BEEN PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND THEREFORE DOES NOT NECESSARILY SHOW ALL ENCUMBRANCES ON THE PROPERTY.
3. THE AREA SHOWN IS LOCATED ON FEMA MAP NUMBER 51009C0283B, DATED REVISED SEPTEMBER 19, 2007, AND IS NOTED AS BEING IN UNSHADED AREA 'X' AND HAVING NO SPECIAL FLOOD HAZARD DESIGNATION.
4. LOTS ARE SERVED BY PUBLIC WATER AND SEWER.
5. DASHED INTERIOR LOT LINES HEREBY VACATED TO BECOME AN INTEGRAL PART OF PID 9644-A-37.
6. THIS SURVEY WAS PREPARED AT THE REQUEST OF CARL BROWN.

**ACREAGE TABLE:**

- 0.337 ACRE (ORIGINAL PID 9644-A-38)
  - 0.083 ACRE (TO BECOME PART OF PID 9644-A-37)
  - 0.254 ACRE (NEW PID 9644-A-38)
- 
- 0.171 ACRE (ORIGINAL PID 9644-A-37)
  - 0.083 ACRE (FROM PID 9644-A-38)
  - 0.254 ACRE (NEW PID 9644-A-37)

**PLAT SHOWING RECONFIGURATION  
PORTIONS OF LOTS 17 & 18  
PROPERTY OF  
HENRY LEWIS BROWN & THELMA JORDAN BROWN,  
AND GILBERT M. ROSE & PATRICIA P. ROSE  
TOWN OF AMHERST, VIRGINIA**



**OWNER'S CONSENT:**

THIS SUBDIVISION OF LAND APPEARING ON THIS PLAT IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNERS. THE OWNERS CERTIFY THAT THEY ARE THE FEE SIMPLE OWNERS OF SAID LAND.

CARL J. BROWN

COMMONWEALTH AT LARGE TO WIT:  
STATE OF VIRGINIA  
COUNTY/CITY OF \_\_\_\_\_

DO HEREBY CERTIFY THAT THE OWNER: \_\_\_\_\_, WHOSE NAME IS SIGNED HEREON HAS (NAME) (TITLE)

ACKNOWLEDGED THE SAME BEFORE ME THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2025.  
MY COMMISSION EXPIRES: \_\_\_\_\_

NOTARY PUBLIC

**OWNER'S CONSENT:**

THIS SUBDIVISION OF LAND APPEARING ON THIS PLAT IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNERS. THE OWNERS CERTIFY THAT THEY ARE THE FEE SIMPLE OWNERS OF SAID LAND.

GILBERT M. ROSE

PATRICIA P. ROSE

COMMONWEALTH AT LARGE TO WIT:  
STATE OF VIRGINIA  
COUNTY/CITY OF \_\_\_\_\_

DO HEREBY CERTIFY THAT THE OWNER: \_\_\_\_\_, WHOSE NAME IS SIGNED HEREON HAS (NAME) (TITLE)

ACKNOWLEDGED THE SAME BEFORE ME THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2025.  
MY COMMISSION EXPIRES: \_\_\_\_\_

NOTARY PUBLIC

**SOURCES OF TITLE:**

**PLAT OF REFERENCE:**

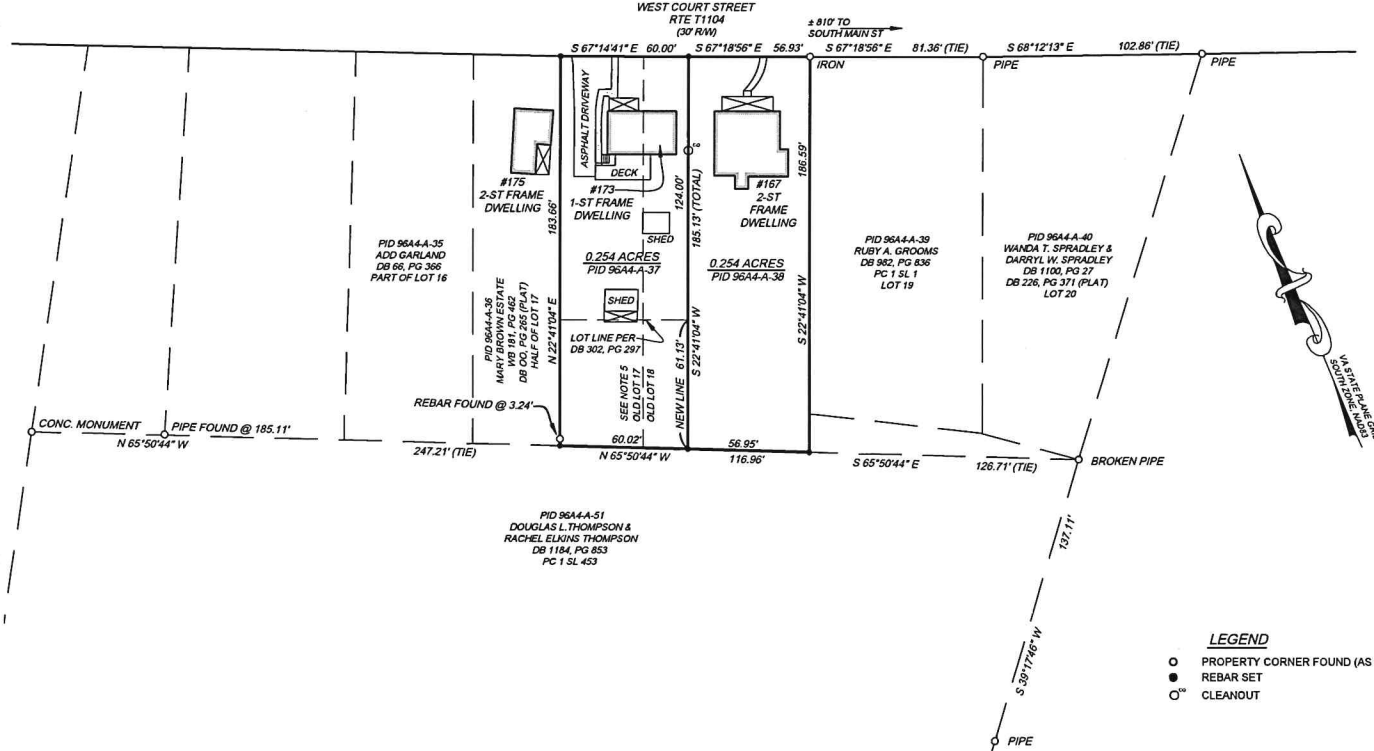
DEED BOOK 00, PAGE 265

**SUBDIVISION APPROVED:**

TOWN MANAGER DATE

PID 9644-A-38  
HENRY L. & THELMA J. BROWN (DECEASED)  
C/O CARL J. BROWN  
PO BOX 1105  
AMHERST, VA 24521  
DB 111, PG 127

PID 9644-A-37  
GILBERT M. ROSE & PATRICIA P. ROSE  
PO BOX 328  
AMHERST, VA 24521  
DB 302, PG 297



- LEGEND**
- PROPERTY CORNER FOUND (AS NOTED)
  - REBAR SET
  - CLEANOUT



|             |           |
|-------------|-----------|
| PROJECT NO: | 25001     |
| DATE:       | 1/09/2025 |
| SCALE:      | 1" = 40'  |
| SHEET:      | 1 OF 1    |

**KINZER**  
LAND SURVEYORS  
190 S. MAIN STREET  
AMHERST, VA 24521  
JOE@KINZERSTREET.COM  
434-241-0919



# OFFICIAL AD PROOF

This is the proof of your ad scheduled to run in **Amherst New Era Progress** on the dates indicated below. If changes are needed, please contact us prior to deadline at [help@column.us](mailto:help@column.us)

Notice ID: 6YzsqNdZsDhJenh2403p | **Proof Updated: Feb. 10, 2025 at 05:43pm EST**  
Notice Name: PHN BZA 031025 | Publisher ID: COL-4000147

See Proof on Next Page

This is not an invoice. Below is an estimated price, and it is subject to change. You will receive an invoice with the final price upon invoice creation by the publisher.

|                          |                          |
|--------------------------|--------------------------|
| <b>FILER</b>             | <b>FILING FOR</b>        |
| Vicki Hunt               | Amherst New Era Progress |
| vicki.hunt@amherstva.gov |                          |
| (434) 946-7885           |                          |

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|                        |                         |
|------------------------|-------------------------|
| <b>Columns Wide: 2</b> | <b>Ad Class: Legals</b> |
|------------------------|-------------------------|

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|----------------------------------|-------|
| 02/20/2025: General Legal Notice | 46.68 |
| 02/27/2025: General Legal Notice | 46.67 |
| Legal Processing Fee             | 20.00 |
| Online Fee                       | 10.00 |

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|--------------|-----------------|
| <b>Total</b> | <b>\$123.35</b> |
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## Town of Amherst Notice of Public Hearing

The Town of Amherst Board of Zoning Appeals will hold a public hearing at 6:00 PM on March 10, 2025, in the Council Chambers of the Town Hall at 174 South Main Street, Amherst, VA, on the following application:

**Application for Variance** submitted by Joe Schuppe, Land Surveyor, request for variance for property located at 167 and 173 West Court Street (TM# 96A4-A-38 and 96A4-37), B-1, to allow the reconfiguration of two existing non-conforming lots that will, if approved, eliminate a property line that intersects an existing house. No new development is planned with this request.

Documents relating to the request available for public inspection [amherstva.gov](http://amherstva.gov) and in the Town Hall during normal working hours.  
COL-4000147