

**TOWN OF AMHERST
BOARD OF ZONING APPEALS
Tuesday, June 23, 2026**

AGENDA

6:00 PM

1. Call to Order and Determination of Quorum
2. Moment of Silence
3. Election of Officers
Staff requests a nomination of a slate that includes a Chairman, Vice Chairman and Secretary.
4. Confirmation of Minutes from March 10, 2025
5. Hearing of Appeal of Zoning Administrator Determination for Amherst Woods
 - Staff Presentation
 - Appellant Presentation
 - Discussion and Questions
 - Decision
6. Adjournment

**Town of Amherst
Board of Zoning Appeals**

A meeting of the Town of Amherst Board of Zoning Appeals was called to order by Chairperson R.A. “Tony” Robertson at 6:00 P.M. on March 10, 2025, in the Council Chambers of the Town Hall at 174 S. Main Street.

Chairperson Robertson 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.

Mr. Eagle made a motion that was seconded by Mr. Robertson to approve the minutes of the January 30, 2025, meeting.

There being no discussion, the motion carried 4-0 according to the following:

Aye	June Driskill	Aye	Jason Eagle
Aye	Shannon Carter	Aye	R. A. “Tony” Robertson
			Vacant

Variance Application Review: Joe Schuppe, Land Surveyor (167 and 173 West Court Street).

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

Joe Schuppe, Land Surveyor, on behalf of the property owner Carl Brown, has applied for a variance to allow lot reconfiguration of two lots at 167 and 173 West Court Street (TM# 96 A4 A 37-38), zoned Business B-1.

The application pertains to two lots, each containing a single family home. The surveyed lot lines show that one of the two houses is bisected by the property line between two lots (167 and 173 West Court Street). It is the desire of the property owner to remedy the non-conformity issues that currently exist. If approved:

1. The reconfiguration of the two non-conforming lots would be allowed.
2. The width provision found in §24-464, minimum lot area and width, from 75 feet wide to 67 feet wide would be allowed; and
3. The front yard setback to both lots contained in §24-467, minimum yard requirements, from 50 feet to 18 feet would be allowed.

A public hearing was set by the Board of Zoning Appeals for March 10, 2025, and a notification to adjacent property owners was sent on February 18th. At its regular meeting on March 5, 2025, the Planning Commission reviewed the application per Town Code.

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 §24-131 indicates that “substantially the same petition affecting the same land shall not be considered within any twelve (12) month period.”

Chairman Robertson opened the duly advertised public hearing at 6:04 P.M. on the Application for Variance submitted by Joe Schuppe, Land Surveyor, owner Carl Brown, to allow a reconfiguration of two lots at 167 and 173 West Court Street (TM# 96 A4 A 37-38), zoned Business B-1.

Ruby Grooms, Town of Amherst resident, came forward requesting clarification on the location of the lots.

There being no one else present who wished to speak, the public hearing was closed at 6:05 P.M.

Aye	June Driskill	Aye	Jason Eagle
Aye	Shannon Carter	Aye	R. A. “Tony” Robertson
			Vacant

Discussions held by the Board related to the proposed reconfiguration of the properties use and whether the variance would meet the legal standards contained in §15.2-2309 of the Code of Virginia.

Mr. Robertson made a motion that was seconded by Ms. Driskill to approve the application for variance finding that the application meets the standard for a variance as defined in Virginia Code §15.2-220, and meets all appropriate provisions set out in Virginia Code §15.2-2309.

There being no further discussion, the motion carried 4-0 as follows:

Aye	June Driskill	Aye	Jason Eagle
Aye	Shannon Carter	Aye	R. A. “Tony” Robertson
			Vacant

There being no further business, the meeting was adjourned at 6:08 P.M.

R. A. “Tony” Robertson, Chairperson

ATTEST: _____
Secretary

FOR APPROVAL



STAFF REPORT FOR APPEAL TO DETERMINATION OF ZONING ADMINISTRATOR

DATE: June 22, 2026

SECTION: 24-477 a 3

RE: Appeal of a Zoning Administrator Determination

Amherst Woods, LLC is working through the site plan and subdivision process for a townhouse development at the end of Whitehead Drive. The property is zoned R-3, high density residential.

As the drawings have worked their way through the process, information was requested about the distance between the individual units and the sidewalk. Staff believed that the distance was required to be ten feet, based upon the existing ordinance. Some units have nine feet for this distance and would thus be non-compliant.

The developer questions this distance, as the Ordinance is unclear. For the front yard setback, the Code states, "Front yard: There shall be a minimum ten-foot front yard (area between front door and front of lot, or parking area, or other common area)."

The Ordinance does not define common area.

To address this, staff has issued a determination that a sidewalk is included in the words "common area." This emailed determination is attached, along with drawings from the developer and their appeal application.

Options for the Board:

The Board, upon hearing the applicants request, can choose to:

1. Uphold the determination of the Zoning Administrator, requiring ten feet between the front of the house and the sidewalk;

2. Determine that the sidewalk is not part of the 'common area,' and allow the front walk to be included in the setback;
3. Or, find that a percentage or portion of the sidewalk could be included and part not included.

Staff has no recommendation for the Board on this case. The language is unclear, and the sidewalk is clearly a portion of the property owner's property, though it will be maintained by the Homeowner's Association.

Joel Harkness

From: Sara McGuffin <sara.mcguffin@amherstva.gov>
Sent: Friday, June 12, 2026 8:21 PM
To: Joel Harkness
Cc: Bill Lane; Terry Morcom- Morcom Building Inc; doug janney
Subject: RE: Amherst Woods

Categories: Filed by Newforma

ALERT This email looks suspicious and may have been automatically generated. Be careful as this is likely spam. If you disagree, mark as Safe/Phishing using the Outlook Add-In. Powered by CyberSentriq.

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Joel,

Staff has reviewed the request regarding the required front yard setback for the proposed townhouse development and the interpretation of Section 24-477.a.3, which states:

“Front yard: There shall be a minimum ten-foot front yard (area between front door and front of lot, or parking area, or other common area).”

The applicant has stated that the proposed design provides approximately fourteen (14) feet between the building façade and the property line and has requested that the sidewalk area be considered part of the required front yard.

Staff acknowledges that the ordinance language is not as clear as it could be regarding the precise point from which the required ten-foot front yard is to be measured. In particular, the ordinance references “parking area, or other common area” rather than expressly stating “property line” or “sidewalk.” However, staff finds that the most consistent interpretation of the ordinance, when considered alongside the Town’s general zoning and land development practices, is that the required setback/front yard must be measured from the edge of the traveled or improved common area intended for pedestrian or vehicular use. In this case, the HOA-maintained sidewalk constitutes part of the common area referenced by the ordinance. In other areas of the town, sidewalks are maintained by VDOT and front yard setbacks are measured from the property line on the house side of the sidewalk. Although this development has the sidewalk as land owned ginglyvally, it will be maintained by the HOA and used by all, so serves a similar purpose.

Under this interpretation, the sidewalk itself may not be counted toward the minimum required front yard depth. Rather, the required ten-foot front yard begins at the edge of the sidewalk/common pedestrian area and extends to the face of the building.

Accordingly, staff has determined that the proposed townhouse layout, as currently designed, does not satisfy the minimum ten-foot front yard requirement of Section 24-477.a.3 where the distance between the building façade and the edge of the sidewalk is less than ten (10) feet.

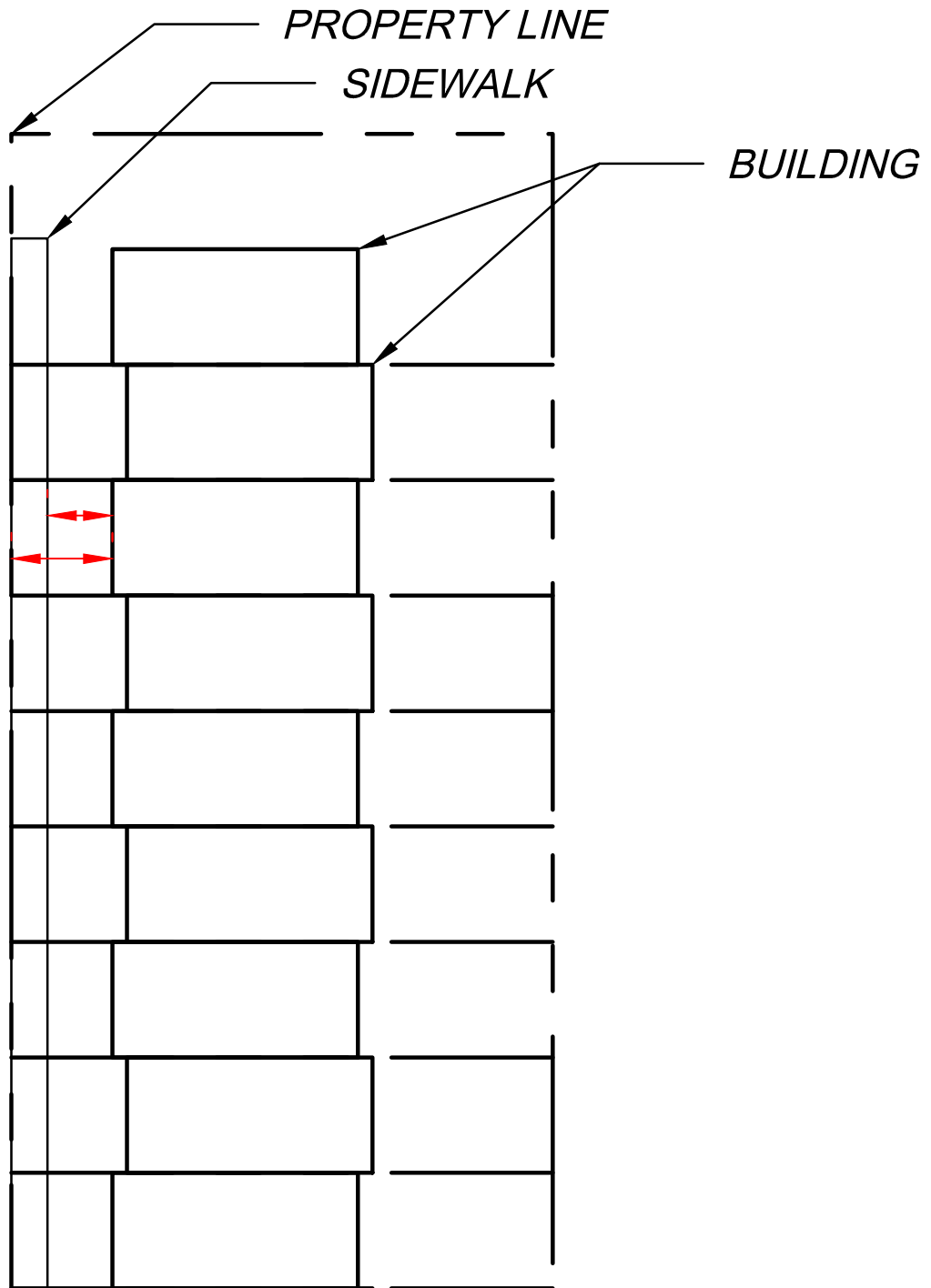
Staff also notes that the ordinance language would benefit from future clarification to more explicitly identify the intended measurement point for townhouse front yard setbacks.

Staff recognizes the difficulty in meeting this requirement, and acknowledges that the design changes to remedy this issue are more likely to negatively impact the development, than to positively impact it. Both eliminating the staggered units or decreasing sidewalk width are undesirable outcomes.

As always, any determination made by the Zoning Administrator may be applied to the Board of Zoning Appeals.

Please let me know if you have any questions.

Sara





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

06/17/2026
DATE

APPLICANT BILL LANE (HURT & PROFFITT) OWNER MORCOM BUILDING COMPANY
ADDRESS 2524 LANGHORNE ROAD ADDRESS P.O. BOX 487
CITY LYNCHBURG, VA CITY MONROE, VA
TELEPHONE NO. 434-847-7796 TELEPHONE NO. 434-929-5599

REPRESENTATIVE _____ ADDRESS _____
CITY _____ TELEPHONE NO. _____


STATEMENT BY APPLICANT

In reference to the Amherst Woods Townhomes project located at the end of Whitehead Drive. The Zoning Administrator determined that the project as drawn does not comply with Town Code 24-477.a.3 "Front yard: There shall be a minimum ten-foot front yard (area between front door and front of lot, or parking area, or other common area). However, we are providing 14' from the front door to the edge of the lot, and we believe that we are therefore complying with Town Code 24-477.a.3. We therefore appeal the Zoning Administrator's determination that the project does not comply with Town Code 24-477.a.3.

Please attach documents outlining the action appealed 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.

I hereby petition the Board of Zoning Appeals to grant the appeal as described above.


Signature of Applicant 6/17/2026
Date

BOARD OF ZONING APPEALS PUBLIC HEARING _____
Date Time

BOARD OF ZONING APPEALS ACTION:

ZONING ADMINISTRATOR Date