

**TOWN OF AMHERST
BOARD OF ZONING APPEALS
Tuesday, July 21, 2026**

AGENDA

6:00 PM

1. Call to Order and Determination of Quorum
2. Moment of Silence
3. Confirmation of Minutes from June 23, 2026
4. Hearing of Appeal for Steve and Jerry Martin
 - Staff Presentation
 - Appellant Presentation
 - Discussion and Questions
 - Decision
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 June 23, 2026, 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	Ventris Gibson		

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:

June Driskill	Aye	Ventris Gibson	Aye
Shannon Carter	Aye	R. A. "Tony" Robertson	Aye
		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. Robertson for Shannon Carter. Hearing no other nominations for Vice Chairperson, the nominations were closed. Shannon Carter was elected Vice Chairperson by a vote of 4-0 as follows:

June Driskill	Aye	Ventris Gibson	Aye
Shannon Carter	Aye	R. A. "Tony" Robertson	Aye
		Vacant	

Mr. Robertson made a motion that was seconded by Ms. Carter to approve the minutes of the March 10, 2025, meeting.

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

June Driskill	Aye	Ventris Gibson	Aye
Shannon Carter	Aye	R. A. "Tony" Robertson	Aye
		Vacant	

Appeal of Bill Lane (Hurt & Proffitt) on Decision of Zoning Administrator of Violation of Town Code Section 24-477 (a) 3 Front Yard related to Amherst Woods Townhomes Project

Town Manager McGuffin presented the appeal filed by Bill Lane of Hurt & Proffitt regarding the interpretation of the front yard setback requirements for the proposed townhouse development. A determination was made by the Zoning Administrator that Town Code Section 24-477 (a) 3. requires a minimum ten-foot setback measured from the building façade to the adjacent common area and that several units did not meet this requirement. The applicant contended that the sidewalk should be included within the required front yard area. Staff acknowledged that the ordinance language is unclear but determined that the HOA-maintained sidewalk constitutes a common area and that the setback must be measured from the edge of the sidewalk to the building façade. Based on this interpretation, portions of the proposed layout do not comply with the Town Code. Staff further noted that the ordinance would benefit from clarification and that changes necessary to achieve compliance could negatively affect the development design.

Upon the timely appeal of the Zoning Administrator's decision by Bill Lane of Hurt & Proffitt, a hearing was held. Staff reiterated that the ordinance language regarding the required front yard setback is unclear and noted that the sidewalk is located on property owned by the development, though it will be maintained by the Homeowners Association.

Staff did not make a recommendation to the Board but outlined the following options for consideration: (1) uphold the Zoning Administrator's determination requiring a minimum ten-foot setback between the front of the townhouse and the sidewalk; (2) determine that the sidewalk is not part of the "common area" and allow the sidewalk area to be included within the required setback; or (3) determine that only a portion of the sidewalk may be included in calculating the required setback.

Joel Hartman of Hurt & Proffitt, Bill Lane of Hurt & Proffitt, and Terry Morcom of Morcom Homes, were present to make statements and to answer questions.

After discussion, Ms. Driskill made a motion, seconded by Mr. Robertson, to determine that the sidewalk is not a part of the "common area" and that a one-foot portion of the sidewalk may be included in calculating the required front yard setback.

The motion carried 4-0 according to the following:

June Driskill	Aye	Ventris Gibson	Aye
Shannon Carter	Aye	R. A. "Tony" Robertson	Aye
		Vacant	

Mr. Robertson made a motion that was seconded by Ms. Driskill to convene a future meeting to further discuss the 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.

The motion carried 4-0 according to the following:

June Driskill	Aye	Ventris Gibson	Aye
Shannon Carter	Aye	R. A. "Tony" Robertson	Aye
		Vacant	

There being no further business, the meeting adjourned at 6:40 P.M.

R. A. "Tony" Robertson, Chairperson

ATTEST: _____
Secretary

TOWN OF AMHERST

P.O. Box 280 174 S. Main Street Amherst, VA 24521
Phone (434)946-7885 Fax (434)946-2087



STAFF REPORT FOR APPEAL TO NOTICE OF VIOLATION

DATE: January 22, 2025

SECTION: 24-580

PREVIOUS SECTION: 18.1-908

RE: Off Premises Sign Complaint

A zoning complaint was made on a sign on a vacant lot that pertained to a business on another lot. The Sign Ordinance, both in today's chapter, and in the 2015 version, prohibit "off-premises signs."

Under Section 24-580, Signs Prohibited in all sign districts, number 7 enumerates that "off-premises signs, other than those specifically permitted" are not allowed. There is a section in the sign ordinance that describes this issue more fully:

Sec. 24-573. - Signs shall pertain to the property.

Any commercial message carried by permitted signs shall pertain to the business located on the same premises as the sign; or to any otherwise lawful noncommercial message that does not direct attention to a business operated for profit, or to a commodity or service for sale, provided that signs erected on contiguous properties with the same owner may pertain to a business located on any such contiguous property. Billboards and other off-premises signs are prohibited except as expressly permitted by this article.

Contiguous properties may be across the street from one another, but they cannot be separated by other properties. The allowance for a legal off-premises sign is not relevant for the Martins, as

they do not have a contiguous property line between the two parcels. Therefore, any sign on one parcel cannot be exempted through this Code section (map at end of report).

The sign on the lot was permitted in 2015, based upon the location of a used car lot, where the vehicles were located on the vacant lot, and the business office was located across the street. The original permitted sign referenced the business, and then provided the office location with an arrow. Below is the design for the original sign.



Based upon the location of the car lot on the vacant lot at the time, the sign was permitted as relating to the business on the lot, even though the office was located across the street.

At some point later, there was no longer a used car lot on the vacant lot, and the sign was changed to the sign below. This sign makes no reference to a business on the lot, only the business across the street, and thus becomes an off-premises sign.



There is no doubt that the Martins have had a sign on this property for many years. Prior to the permitted sign, there was a portable sign that was used to advertise for local events and sales. The current sign has been present in some form since it was permitted in 2015.

Based upon the complaint, and the change in the face of the sign, staff determined that the current sign face is illegal and a Notice of Violation was issued on November 20, 2024. The Martins appealed the Notice within their thirty day timeframe to do so, and this meeting was scheduled.

Because the sign structure was properly permitted, it is the face of the sign that is illegal. The remedy for this case could be taking the sign down, or covering the face of the sign for a future user.

Following this report is the map, the Notice of Violation and the appeal from the Martins.



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

12/16/2024
DATE

APPLICANT Steve T. & Jerry N. Martin OWNER SAME
ADDRESS P.O. Box 308 ADDRESS "
CITY Amherst VA 24521 CITY "
TELEPHONE NO. (434) 841-8970 cell TELEPHONE NO. "
(434) 946-7083 home
REPRESENTATIVE NA ADDRESS _____
CITY _____ TELEPHONE NO. _____

LOCATION OF REQUEST 469 South MAIN St. Amherst VA 24521

TAX MAP NO. 95 A 72 LOT AREA 1.91 ZONE B2

PROPOSED USE Keep the sign advertising my business across the street. I was given a permit in 2015 for a permanent sign after using a mobile sign for over 25 years.

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?

There is no place to locate A sign on my business's side of the road.
sign on the public roadway. (1) my Virginia Independent Auto Dealer License Requires trucks, customers and deliveries. Without A sign to direct people to my entrance, I would lose my VIADA license, lose potential customers and that hardship could put me out of business.
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?
HAVING A sign has not been detrimental to adjacent properties since 1989 so it would not change anything now. Removing the sign would be more detrimental since out of town tow trucks, customers and deliveries wouldn't know where to enter.

Please attach sketches and other detailed information to this application. They may enter adjacent properties or try to turn around the
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. the

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

Steve T Martin
Jerry N. Martin
Signature of Owner

12/16/24
Date

BOARD OF ZONING APPEALS PUBLIC HEARING

Date Time

BOARD OF ZONING APPEALS ACTION:

Zoning Administrator

Date

permitted 2015 sign



current
sign



Both the permitted 2015 sign AND the current sign ARE advertising MARTIN'S PAINT & Body Shop. Both signs have the same phone number, (434 - 946-5307) Both signs ARE directing customers ACROSS the street. The 2015 sign SAYS "office ACROSS the street AT MARTIN'S PAINT & Body Shop." The current sign HAS A direction ARROW, instead of wording to direct customers ACROSS the street.

The 2015 sign HAS "Auto Sales" AND A cell number "434 444 5925" which the current sign does not. However the current sign is still directing Auto sales customers to my shop. MARTIN'S PAINT & Body Shop is the legal NAME of my Auto sales business. Really the only thing that has changed is that JARED's phone number is no longer included. People were calling his cell in the middle of the night trying to get a wrecker

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
Borders on Left of Sign	95A7396A6112A	455 S. MAIN St. Amherst VA 24521	JUNE P. DRISKILL	P.O. Box 95 Amherst VA 24521
	96A6A11	457 S. MAIN St. Amherst VA 24521	" "	" "
	" "	459 S. MAIN St. Amherst VA 24521	" "	" "
Borders Behind	96A7A2A	162 GARLAND Ave. Amherst VA 24521	CHRISTINE L. AND DONNA M. DIXON	162 GARLAND AVE. Amherst VA 24521
Borders on Right	95A74	125 Nicewood Pl. Amherst VA 24521	MEGAN A. MARTIN	125 Nicewood PL. Amherst VA 24521
Borders on Right Across Road	95A71	122 Nicewood Pl. Amherst VA 24521	DEMALAS INVESTMENTS LLC	240 Totsie Floyd Road Amherst VA 24521
Immediately Across From Sign	95A54	462 S. MAIN St. Amherst VA 24521	Robert E. SR AND ELIZABETH VILLWOCK	462 S. MAIN St Amherst VA 24521

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.



TOWN OF AMHERST
P.O. Box 280 174 S. Main Street Amherst, VA 24521
Phone (434)946-7885 Fax (434)946-2087

OFFICIAL NOTICE OF VIOLATION

Date of Issuance: Wednesday, November 20, 2024

Property Owner: **Martin, Steve T & Jerry L**
P. O. Box 308
Amherst, VA 24521

Identification: TM# 95 A 72
No address, S Main Street, between 455 S Main Street and Nicewood Place

Zoning District: B-2, General Commercial District

Description of Violation(s): You are hereby notified that staff has inspected and researched the above referenced property and found a violation of the following provisions of the Town of Amherst Zoning Ordinance (24-580 (7)).

24-580. Signs prohibited in all sign districts.

The following types of signs are prohibited in all sign districts:

- (1) Any sign that impedes sight distance for a VDOT owned right-of-way.
- (2) Any sign that obscures a sign display by a public authority for the purpose of giving traffic instructions or directions or other public information.
- (3) Any sign, except official notices and advertisements, that is nailed, tacked, posted or in any other manner attached to any utility pole or structure or supporting wire, cable, or pipe; or to any tree on any street or sidewalk or to public property of any description.
- (4) Any sign that is attached to or mounted on a roof or projects above the plane of the building facade. This shall include decorative roofs such as a mansard roof.
- (5) Portable freestanding signs larger than 24 square feet or displayed for more than 60 days per year.
- (6) Except for time and temperature, no sign shall display flashing or intermittent lights, moving signs, inflatables or other lights of changing degrees of intensity, brightness or color. The light from any illuminated sign shall not cause direct glare into or upon any building or property other than the building or property to which the sign may be related. Neither the direct nor reflected light from an illuminated sign shall be located so as to create a traffic hazard to operators of motor vehicles on public thoroughfares.
- (7) Off-premises signs, other than those specifically permitted.

(Zoning Ord. 2003, § 18.1-908.10)

Background:

In 2015, Mr. Martin obtained a permit for a sign to be for a used car business to be located on the subject parcel. The sign advertised used cars, but directed customers to an office across the street. A sign for a business on that lot would be legal, and the structure of the sign was legally permitted.

However, there has been no used car business on the lot for several years, and at some point, the sign was erected that did not advertise any business on the lot, but just "Martin's Paint and Body Shop." Because that business is on a different lot, it is an off premises sign, and thus illegal. Mr. Martin had a previous sign on the property that may have been legally nonconforming, but that sign has not been present since at least 2018 and has passed its legally non-conforming status.

The original permit is attached to this Notice, as well as a current picture of the sign.

Whether the sign was originally constructed with its current facing, or whether that sign was faced with the off-premises language later, the sign does not comply with the Code or the permit that was approved. It is an off premises sign that advertises a business on another lot. This is not currently allowed within the Town of Amherst Zoning Ordinance, and it was not allowed at the time of the permit.

Corrective Action Required:

Please be advised that you have thirty (30) days to remedy the above violations by removing the sign or covering/painting over the lettering. Because the sign structure itself is permitted and in a legal location, the sign structure is not required to be taken down. It is the content that is illegal, not the structure.

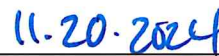
Right to Appeal:

The determination by the Zoning Administrator that you are in violation of the Zoning Ordinance is a final decision. If you wish to contest this final decision, you must file an appeal with the Board of Zoning Appeals by submitting an Appeals Application, filing fee \$300.00, along with the basis of your appeal within thirty (30) days of the date of this notice. Filing should be made at Town Hall, located at 174 S. Main Street, Amherst, VA 24521. Failure to appeal within thirty (30) days will result in your loss of the right to appeal in this matter.

Notice By:



Sara E. McGuffin, Zoning Administrator



Date

c: Town Attorney
Town Council



DATE 3/4/2015
2015-02

APPLICATION FOR SIGN PERMIT APPROVAL

TOWN OF AMHERST
POST OFFICE BOX 280
AMHERST, VIRGINIA 24521
(434) 946-7885

APPLICANT Steve T Martin OWNER Steve T Martin
ADDRESS 468 South MAIN Street ADDRESS 377 Christian Springs Road
CITY Town of Amherst CITY Amherst VA
TELEPHONE NO. VA 24521 TELEPHONE NO. 24521
434-946-5307 434-946-7083
REPRESENTATIVE Steve T Martin ADDRESS 468 South MAIN Street
CITY TOWN of Amherst TELEPHONE NO. 434-946-5307
LOCATION OF REQUEST Across from 468 South MAIN Street DISPLAY Lot (used cars)
TAX MAP NO. 95-A-72 LOT AREA 1.910 acres EXISTING ZONING B-2
PROPOSED USE Display Sign For Used Cars For Sale.

The following information is required to confirm compliance with the Town Code:

Sign # Existing or Proposed Height Size Location on the Site (provide map if necessary)

1. Double sided 4'x8' 12' TALL on Lot 95-A-72 between Amherst Car Wash and Amherst Dry Cleaners.
- 2.
3. Sign installed on side of Amherst Dry Cleaners.
4. 7 feet from State Highway right of way.

5. Sign at physical address 826 South MAIN Street.
STATEMENT BY APPLICANT: Steve T Martin

Note: All documentation – including attachments and drawings - should be on reproducible 8½ X 11 paper.

Applicants are reminded that building permits may be required from the Amherst County Building Official's office (434/946-9302).

☒ Approved ☐ Rejected	Zoning Administrator <u>John Stahl</u>
Note: This permit expires 365 days after approval. Date <u>3/4/2015</u>	

Mark & Karen STANLEY
2638 Boxwood Farm Rd,
Amherst, VA 24521



434 946 7517
info@signsandwonders.biz
www.signsandwonders.biz

Thank you for choosing Signs & Wonders. We appreciate your patronage and will do our best to produce a quality product for you. Please feel free to contact us at any stage of the development.

QUOTE for Martin's Paint & Body Shop
AUTO SALES SIGN
Contact: STEVE, JARED
February 16, 2015



We will letter TWO 48 x 96" aluminum faces (customer supplied) in high performance black, pale gold and reflective red vinyl for a total of \$653. There will be no sales tax on this item. A deposit of 50% (\$326.50) is required before production can begin, the balance due at completion.

TERMS:

Price does not include sales tax or installation, unless specifically noted. Signs & Wonders is not responsible for permits.

COPYRIGHT NOTICE

These are original unpublished designs created by Karen Stanley/Signs & Wonders. Any design and/or lettering created for this project are the intellectual property of Karen Stanley and remain the copyright protected property of the same. They are presented for the sole purpose of customer consideration and approval in connection with a project being planned for you by Karen Stanley only. They are not to be shown outside of your organization or used in conjunction with the obtaining of other competitive bids. They may NOT be reproduced in any medium for any purpose without the expressed written permission of Karen Stanley. Any infringement of this drawing may be vigorously pursued to the fullest extent of legal remedy. Karen Stanley/Signs & Wonders will be reimbursed \$1000.00, for the time and effort in the research and design of this project, for each occurrence of infringement.



AMHERST COUNTY TREASURER'S OFFICE
Garry L Friend - Treasurer
P.O. Box 449
Amherst VA 24521-0449

2014 REAL ESTATE INSTALLMENT
THIS IS A BILL DUE: December 05, 2014

*000612/1--S 4--B 1

MARTIN STEVE T & JERRY L
PO BOX 308
AMHERST VA 24521-0308

IMPORTANT TAX INFORMATION

1. If Real Estate has been sold please return this bill to the Treasurer's office with the name and address of the new owner.
2. If your taxes are held in escrow by your mortgage company, please forward this bill to them.
3. Envelopes must be postmarked on or before due date.
4. The Treasurer has no authority to change assessments; please direct any questions pertaining to these matters to the Commissioner of Revenue.

INFORMATION / INQUIRIES

All questions concerning assessments contact
Commissioner of Revenue 434-946-9311
Questions on tax payments call
Treasurer 434-946-9318

DUPLICATE DATE: December 05, 2014

INTEREST - 10.00%, ADDED AFTER: December 05, 2014
INTEREST - 10.00% PER ANNUM BEGINNING: January 01, 2015

Under the State Law ALL PAYMENTS shall be applied to the OLDEST TAX DUE

BILL NUMBER	TAX RATE	LAND VALUE	BUILDING & IMPROVEMENT VALUE	MAP NUMBER	ACREAGE	TAX DUE
10646	0.56	141,400	0 S OF AMHERST	95 A 72	1.910	395.92
Annual Tax Bill:						791.84
TOTAL NOW DUE :						395.92

IT IS THE OBLIGATION OF THE TAXPAYER TO SEE THAT THE PROPER TAX BILL IS RECEIVED AND PAID ON TIME.

WHEN PAYING BY MAIL SEND A STAMPED
SELF-ADDRESSED ENVELOPE IF A RECEIPT IS DESIRED.

DETACH AND RETAIN THIS PORTION FOR YOUR RECORDS

AMHERST TOWN CODE

- q. Freestanding signs greater than 25 feet above the ground.

Sec. 18.1-908.05 Signs Permitted in the Residential and Agricultural Zoning Districts.

- a. Temporary event signs, provided that they are not more than four (4) square feet in area, and there is not more than one (1) on any lot or premise.
- b. Residential Developments: Permanent subdivision or development identification signs indicating only the name and/or address of the premises. The identification sign shall be ground mounted, and shall not be internally illuminated. For developments of twenty (20) units or less the sign shall not exceed six (6) square feet in area or eight (8) feet in height. For developments of twenty-one (21) units or more the sign shall not exceed sixteen (16) square feet in area or eight (8) feet in height.
- c. Directional signs for parks, playgrounds, schools, religious institutions, and other non-residential uses of a non-commercial nature within the residential district, provided that such signs shall not exceed two (2) square feet in area, shall be within one (1) mile of the use, and shall not be illuminated.
- d. In the Transitional Use Zone District, identification signs, provided that they are not more than eight (8) square feet in area and there is not more than one (1) on any premise.

Sec. 18.1-908.06 Signs Permitted in the Commercial and Industrial Districts.

For each lot, tract, or parcel, one and one half (1-1/2) square feet of sign area shall be allowed for each (one) lineal foot of building frontage on the primary public street. In the case of buildings that front on more than one public street, sign area shall be based on the length of frontage of one side of the building only.

Signs approved under this section shall be exclusively for the businesses operated on the premises on which the signs are located. Sign area for changeable copy signs associated with churches, restaurants, theaters and gasoline sales establishments shall be included within the area allowed by this subsection. Changeable copy signs include display boxes for posters and menu boards where individual letters or numbers can be reconfigured but do not include portable signs as described hereinbelow.

Such sign area may be in a single sign, or in a combination of signs located on one or more sides of the building, with no more than two (2) signs allowed for each building facade. In addition, one (1) sign shall be permitted for the rear of the building, computed on the ratio of one half (1/2) square foot of sign for each (one) lineal foot of building frontage. Permitted signs shall be subject to the following limitations.

- a. Wall signs, provided that such signs do not exceed twenty percent (20%) of any exposed finished wall surface area including openings, or sixty (60) square feet, whichever is smaller, and do not extend more than six (6) inches beyond the building wall surface.
- b. Freestanding signs. One (1) freestanding sign shall be allowed when a building takes up less than fifty percent (50%) of the total lot area, provided that such sign be no larger than forty (40) square feet in area, no taller than twelve (12) feet and set back at least seven (7) feet from the public right of way. However, such freestanding signs shall not be larger than twenty (20) square feet along Main Street (U.S. 29 Business) from Monitor Road to 250' north of Nicewood Place.

Martin's
PAINT & BODY SHOP
434-946-5307
←

**AMHERST
CLEAN**