

**TOWN OF AMHERST PLANNING COMMISSION**  
**Wednesday, July 5, 2023**  
**AGENDA**

1. **Call to Order** – *Chair. Driskill*
2. **Determination of Quorum**
3. **Citizen Comment-** *This time is provided for citizens to bring concerns or comments to the Commission that are not scheduled for a public hearing. This is not meant to be a discussion or an exchange, but rather, an opportunity for citizens to have their concerns be heard.*
4. **Approval of June 7, 2023, meeting minutes** – *Chair Driskill- The minutes of the June 7, 2023, meeting are attached.*
5. **Special Use Permit Request for Bed and Breakfast-** *Chair Driskill – Jeremiah and Andrea Kirkland at 146 N. Main Street have submitted an application for a Bed and Breakfast at their home. Staff recommends that the Commission discuss their proposal and consider setting a public hearing for the request.*
6. **Consideration of Code Amendment: Flag Lots–** *Chair Driskill- - Staff has discussed this issue at a previous meeting with the Commission. Language is included in the packet for the Commission to consider. Staff recommends setting this item for a public hearing if the Commission is satisfied with the language.*
7. **Consideration of Code Amendment: Accessory Dwelling Units-** *Chair Driskill- Staff has discussed this issue at a previous meeting with the Commission. Language is included in the packet for the Commission to consider. Staff recommends setting this item for a public hearing if the Commission is satisfied with the language.*
8. **Concerns of Commissioners**
9. **Adjournment**

**Town of Amherst Planning Commission  
Minutes  
June 7, 2023**

A meeting of the Town of Amherst Planning Commission was called to order by Chairperson June Driskill on June 7, 2023, at 7:00 P.M. in the Council Chambers of Town Hall at 174 S. Main Street.

It was noted that a quorum was present as indicated below:

P	June Driskill	P	Michael Driskill
P	William Jones	P	John Vandervelde
P	Anne Webster Day	A	Veda Butcher
P	Clifford Hart		

Town Manager Sara McGuffin, and Clerk of Council Vicki K. Hunt in her capacity as Secretary, were also present.

The Chair opened the floor for citizen comments. There being no one present in person or otherwise to speak, no comments were made.

Mr. Hart made a motion that was seconded by Mr. Jones to approve the minutes of the May 3, 2023, meeting.

There being no discussion, the motion carried 6-0 according to the following:

June Driskill	Aye	Anne Webster Day	Aye
Michael Driskill	Aye	John Vandervelde	Aye
William Jones	Aye	Veda Butcher	Absent
Clifford Hart	Aye		

Town Manager McGuffin gave a report on an Application for Rezoning submitted by McDonald's Corporation which, if approved, would rezone 2,193 square feet of property adjacent to the existing McDonalds (Tax Map No. 96A4-A174) from T-1 to B-2. The rezoning is intended for the purpose of redevelopment of the applicant's drive-thru.

McDonald's representative Tammy Kahm was present to answer questions.

The Chair opened a duly advertised public hearing at 7:01 p.m. on the application submitted by McDonald's Corporation to rezone 2,193 square feet of property adjacent to the existing McDonalds.

There being no one present who wished to speak on the matter, the public hearing was closed at 7:05 PM.

Mr. Hart made a motion that was seconded by Mr. Driskill to recommend that Town Council approve the application for Rezoning submitted by McDonald's Corporation to rezone 2,193 square feet of property adjacent to the existing McDonalds (Tax Map No. 96A4-A174) from T-1 to B-2.

After discussion, the motion carried 6-0 according to the following:

June Driskill	Aye		Anne Webster Day	Aye
Janice Wheaton	Aye		John Vandervelde	Aye
William Jones	Aye		Veda Butcher	Absent
Clifford Hart	Aye			

Town Manager McGuffin gave a report on the proposed site plan submitted by McDonald's Corporation to add a second drive through at their location on Richmond Highway.

Ms. Day made a motion that was seconded by Mr. Jones to approve the proposed site plan submitted by McDonald's Corporation to add a second drive through at their location on Richmond Highway.

After discussion, the motion carried 6-0 according to the following:

June Driskill	Aye		Anne Webster Day	Aye
Janice Wheaton	Aye		John Vandervelde	Aye
William Jones	Aye		Veda Butcher	Absent
Clifford Hart	Aye			

Town Manager McGuffin gave a report on an Application for Special Use Permit submitted by Rutledge Development LLC which, if approved, would allow a temporary contractor storage yard on property owned by Rutledge Development LLC (Tax Map No. 96 A 22) located in the B-2 district at Route 60 and the railroad tracks (no address).

Manly Rucker and John Wimer were present to comment and answer questions on the application of Rutledge Development, LLC for a special use permit for a temporary contractor storage yard on property at Route 60 and the railroad tracks.

The Chair opened a duly advertised public hearing at 7:08 p.m. on the application of Rutledge Development LLC. for special use permit.

There being no one present who wished to speak on the matter, the public hearing was closed at 7:12 PM.

Mr. Hart made a motion that was seconded by Ms. Day to recommend that Town Council approve the application for Special Use Permit submitted by Rutledge Development LLC, to allow a temporary contractor storage yard on property owned by Rutledge Development LLC (Tax Map No. 96 A 22) located in the B-2 district at Route 60 and the railroad tracks (no address), with the special use permit to end on December 31, 2024.

After discussion, the motion carried 6-0 according to the following:

June Driskill	Aye		Anne Webster Day	Aye
Janice Wheaton	Aye		John Vandervelde	Aye
William Jones	Aye		Veda Butcher	Absent
Clifford Hart	Aye			

There being no further business, on motion of Mr. Driskill which was seconded by Mr. Vandervelde and carried 6-0, the meeting adjourned at 7:42 PM, according to the following:

June Driskill	Aye		Anne Webster Day	Aye
Michael Driskill	Aye		John Vandervelde	Aye
William Jones	Aye		Veda Butcher	Absent
Clifford Hart	Aye			

\_\_\_\_\_  
June Driskill, Chairperson

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

FOR APPROVAL



TOWN OF AMHERST  
POST OFFICE BOX 280  
AMHERST, VIRGINIA 24521  
(804) 946-7885  
FAX (804) 946-2087

DATE 6/1/23 NO. \_\_\_\_\_

LOCATION \_\_\_\_\_

ZONING PERMIT APPLICATION

Application is hereby made for a Zoning Permit in accordance with the description and for the purpose hereinafter set forth. This application is made subject to all local and state laws and ordinances and which are hereby agreed to be the undersigned and which shall be deemed a condition entering into the exercise of this permit.

	NAME	ADDRESS	PHONE NUMBER
OWNER	Jeremiah Kirkland	146 N Main Street	434 401 6472
CONTRACTOR/AGENT			

DESCRIPTION OF PROPOSED WORK:

- ☒ ALTERATIONS/REPAIRS changing/updating detached garage to a living space. Requesting a  
☐ SIGN rezone from R1 to R3 for entire  
☐ NEW CONSTRUCTION property  
☐ CHANGE IN USE  
(See back for required attachments)

UTILITIES	PUBLIC	PRIVATE	NEW	EXISTING	AVAILABILITY FEES
WATER					
SEWER					

ZONING DISTRICT

R1 R2 R3 R4

B1 B2 E1 M1

LOCATION: \_\_\_\_\_

LOT: \_\_\_\_\_ BLOCK \_\_\_\_\_ SECTION \_\_\_\_\_ SUBDIVISION \_\_\_\_\_

USE OF STRUCTURE	DIMENSIONS
<input checked="" type="checkbox"/> Dwelling(s)	<u>16</u> Building Width
<input type="checkbox"/> Retail	<u>24</u> Building Depth
<input type="checkbox"/> Office	_____ Building Height
<input type="checkbox"/> Factory	_____ Lot Depth
<input type="checkbox"/> Accessory	_____ Building Setback
<input type="checkbox"/> Sign	_____ Rear Yard
	_____ Left Yard
	_____ Building Width
	_____ Right Yard
	_____ Lot Width

8x8 bathroom

Attachments:

I hereby certify that I have the authority to make the foregoing application and that the information given is correct and that the construction will conform with the regulations contained in the Uniform Statewide Building Code, Town of Amherst Zoning and Subdivision Ordinance, and private building restrictions, if any, which may be imposed upon the above property by deed.

I, or we, hereby agree to restore any and all damages to sidewalks, streets, alleys, storm sewers, water and sewer pipes and facilities, gas mains, and electric installations that result from the construction described herein.

Signature

Owner or Authorized Agent

Address

Telephone Number

JK  
Jeremiah Kirkland  
146 N Main Street  
Amherst, VA 24521  
434 401 6472

PLEASE CALL MISS UTILITY BEFORE YOU DIG  
1-800-552-7001

\_\_\_\_ Approved  
\_\_\_\_ Rejected

Date \_\_\_\_\_

Zoning Administrator \_\_\_\_\_

## Sara McGuffin

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**From:** Jeremiah Kirkland <jeremiahkirkland9@yahoo.com>  
**Sent:** Tuesday, June 13, 2023 8:20 PM  
**To:** Sara McGuffin  
**Subject:** The Kirklands at 146 N Main  
**Attachments:** IMG\_9487.HEIC; IMG\_9488.HEIC; IMG\_9489.HEIC; IMG\_9490.HEIC; IMG\_9491.HEIC; IMG\_9492.HEIC; IMG\_9493.HEIC; IMG\_9494.HEIC; Screen Shot 2023-06-13 at 3.56.19 PM.png; Screen Shot 2023-06-13 at 3.56.56 PM.png; Screen Shot 2023-06-13 at 3.57.03 PM.png; floor plan main house.png; plans.png

Hey Sarah, it was really nice meeting and speaking with you yesterday. I wanted to send over a brief email regarding everything being done on the 146 N Main Street property. I will also attach pictures, floor plan diagrams, and our current short-term rental listing.

My wife Andrea and I bought this property in 2021 from her parents who then afterwards moved to Alabama. Since purchasing the property, we personally have been able to make significant improvements cosmetically to the home such as repairing the front porch with new cedar beams, replacing the roof, adding gutters, replacing flooring in a few rooms, adding tile to a bathroom, refreshing the paint, etc. We believe this has been able to add value and curb appeal to the home. We take a lot of pride in doing this. While making these improvements to the home, we had a desire and vision to make one half of the house a rental unit for a few reasons. One being able to see a return on our investment, to host families who are passing through or visiting the town, and lastly to replace my wife's income. We believe this helps with our desire and goal for her to be a stay-at-home mom to our 10 month old boy. After doing some upgrades and renovations, we listed it on Airbnb. Here is the link for that listing. [Home in Amherst · ★5.0 · 2 bedrooms · 2 beds · 1 bath](#). I will also attach screenshots of reviews from families we have been able to host. I encourage you all to read those. We have seen incredible feedback from families who love the town and want to return. We even have a couple staying in September that look to retire here, and want to shop for property while staying with us. We believe we have given, based on our feedback and reviews, a very inviting and comfortable stay in the town of Amherst.

While getting excited about the possibilities of how this can help get us to our goal that I mentioned earlier, we decided to invest in turning our detached garage into a livable space after a tree fell through it. (A similar model to the home located on the corner of Washington and Depot - a rentable space that is detached from the home.) This investment has been a lot of hard work and money. We did this with the hopes to see a return on this investment and allow my wife to stay at home with our boy. Although the detached garage is still under construction, I will attach images of what the current state of this project looks like. Our hope is to be able to provide the same, if not better experience that we provide with our current listing, to visiting families or individuals.

We believe this is be a way to provide income for our family, with the end goal being that my wife is able to stay at home with our kids. We believe this will provide attraction, growth, and income for the town of Amherst. This will provide a safe, comfortable, and memorable experience to any guest who decides to stay with us. This will provide a reason for someone to return to the town, or even choose to retire here. In our current listing, we highly recommend multiple local businesses to help give our guests the same experience we have as locals. Our reviews have shown that we represent the town in the best positive way.

I've attached a floor plan drawing that I created showing the main house and detached dwelling. Neither are to scale, however I did my best giving you all an image of how it's all laid out. The red line demonstrates the privacy wall in the home, the right side being the rental side. We are living on the left side. To clarify, the only work we did to create privacy between the 2 sides was install 2 small walls that previously were doors. We used 2x6 framing, soundproof insulation, and 1/2" drywall to do so.

Thank you for taking the time to read this. Please visit the Airbnb link provided to get a better understanding of what we are offering to our guests. I've also attached other helpful files as well. Please let me know if you have any questions, or if there is anything else I can do to help. Thank you again.

Blessings,

Jeremiah Kirkland











Amherst County definition:

Flag lot. An individual lot which has a fee simple driveway strip ("pole") providing the primary entrance from a street to the buildable area ("flag"). Flag lots are only permitted in the A-1 Agricultural Residential District.

Town of Altavista:

**Sec. 86-595. - Flag lots; prohibition of irregular lots.**

(a) Flag lots, shall have a minimum lot frontage as defined in this chapter.

(b)The creation of irregular lots, as defined in this chapter, shall be prohibited. No lot shall be platted or modified pursuant to the town's subdivision ordinance that due to its unusual geometric shape, results in the creation of an irregular lot.

Town of Blacksburg:

LOT, PIPESTEM—A "panhandle" or "flag" shaped lot with its widest point set back from the road at the rear of another lot (called the pipe), and having a thin strip of land connecting to the road to provide legal access and frontage (called the stem). Pipestem lots are also referred to as panhandle lots or flag lots.

City of Lynchburg:

**Sec. 24.1-28.1. - Flag lots.**

The creation of flag lots will only be considered in those instances where severe topographic constraints or unusual existing lot lines make this type of lot arrangement the only feasible way to develop the tract. In such cases the proposed subdivision may be approved by the city planner when the following conditions are met:

(a)Each flag lot shall have a minimum of 50 feet of frontage on a street, public or private as defined in [section 24.1-5](#). Words and terms, except for a lot on a cul-de-sac which shall have a minimum street frontage of 30 feet.

(b)The required minimum lot area shall meet the zoning ordinance requirement of the district in which it is located and shall not include the area of the long narrow "flagpole" portion.

(c) Not more than two adjacent flag lots shall be created.

(d)The development of one flag lot behind another flag lot shall be prohibited.

(e) A flag lot shall not be further subdivided until a public street to serve the proposed lot(s) is dedicated and constructed with a minimum right-of-way of fifty (50) feet, or unless a planned unit development, cluster commercial development, or townhouse development is approved for the

property, and a note to this effect shall be placed on each subdivision plat which contains a flag lot.

(f) A note shall be placed on the final subdivision plat stating that public services such as refuse collection, snow removal, and street maintenance will only be provided to the point where the flag lot meets the public street right-of-way.

(g) Flag lots with flagpole access strips greater than 200 feet in length shall provide, at the subdivider's expense, a driveway which is capable of supporting emergency vehicles and which is at least ten feet in width for the front half closest to the street and at least 20 feet in width for the rear half to allow for the pass-by of vehicles.

(h) The maximum length for the flagpole access strip shall be 700 feet in order to provide adequate fire protection.

(i) The house on a flag lot must have a setback of at least 50 feet from all property lines.

(j)

A driveway on a residential flag lot shall be located a minimum of five feet from all lot lines, unless approval has been obtained from a shared driveway with one of the adjacent lots.

## Accessory Dwelling Unit Examples:

### City of Lynchburg:

- **Sec. 35.2-71.3. - Dwellings units accessory to single-household residences.**

Dwellings units, which include guest houses, caretakers' cottages and other residential accommodations, may be established accessory to a single-household residence either in the principal dwelling or as a detached accessory structure subject to the following provisions:

- (a) Accessory dwelling units shall be located within the principal structure using a common entrance so that the principal structure retains the appearance of a single-household residence, or be located in an accessory structure located in the rear yard and outside the required setback lines for principal structures.
- (b) The occupancy shall not exceed the limits established in the applicable zoning district.
- (c) Detached accessory dwelling units shall be limited to 900 square feet and shall not have more than one bedroom.
- (d) Accessory dwellings shall comply with all applicable parking, building coverage and rear yard building coverage requirements.

### Amherst County:

## **- Additional dwelling on a single lot.**

Two (2) additional single-family dwellings may be permitted on the same lot or parcel of land as that of the main dwelling, upon application to and approval by the zoning administrator, provided that:

**408.01.** The main dwelling is located either in R-2 Residential District, A-1 Agricultural District, or Public Lands.

**408.02.** Each additional dwelling conforms to the minimum lot area, minimum lot width, maximum lot coverage and yard requirements for such a dwelling as set forth in Article VIII herein.

**408.03.** Each additional dwelling has access to a public street by means of a passageway open to the sky at least fifteen (15) feet in width.