

**TOWN OF AMHERST PLANNING COMMISSION**  
**Wednesday, October 4, 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 September 6, 2023, meeting minutes** – *Chair Driskill- The minutes of the September 6, 2023, meeting are attached.*
5. **Determination of Substantial Accord**—*Per the requirements of State Code, staff requests that the Commission make a determination of ‘substantial accord’ for the property across from the Amherst County High School that is being donated to the Town for a park.*
6. **Discussion: Code Amendment for Accessory Dwelling Units-** *A public hearing was held in August for a Code Amendment to allow Accessory Dwelling Units in selected zoning districts. Staff recommends reviewing the revised proposal to determine if it meets the Planning Commission’s intent.*
7. **Concerns of Commissioners**
8. **Adjournment**

**Town of Amherst Planning Commission  
Minutes  
September 6, 2023**

A meeting of the Town of Amherst Planning Commission was called to order by Chairperson June Driskill on September 6, 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	P	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. Driskill to approve the minutes of the August 2, 2023, meeting.

There being no discussion, the motion carried 7-0 according to the following:

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

Town Manager McGuffin gave a report on a proposed donation to the Town of Amherst from Paul Kilgore of 22 acres of land which is a portion of the property generally known as the “Ambler property,” designated as tax map numbers 95-A-90, 90A, 91, and 110-A0103, and generally located across South Main Street from the Amherst County High School. Mr. Kilgore is seeking to place a conservation easement on the land. To be compliant with the Town’s adopted Comprehensive Plan staff requested that the 22 acres of land be designated for public/semi-public uses.

The proposal was advertised for public hearing for two consecutive weeks, as required by State Code. Because the public hearing was not set by the Planning Commission, staff requested ratification of the public hearing by the Commission.

Mr. Vandervelde made a motion that was seconded by Mr. Driskill to ratify the setting of a public hearing on determination of whether to amend the adopted Town of Amherst Comprehensive Plan, Section 13, Land Use Profile, to include a provision to address parks in specific suitable

areas; and whether to amend the Town's Future Land Use Map to include a proposed public use designation on a portion of the property generally known as the "Ambler property," designated as tax map numbers 95-A-90, 90A, 91, and 110-A0103, and generally located across South Main Street from the Amherst County High School, as recommended by staff.

After discussion, the motion carried 7-0 according to the following:

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

The Chair opened a duly advertised public hearing at 7:04 p.m. on determination of whether to amend the adopted Town of Amherst Comprehensive Plan, Section 13, Land Use Profile, to include a provision to address parks in specific suitable areas; and whether to amend the Town's Future Land Use Map to include a proposed public use designation on a portion of the property generally known as the "Ambler property," designated as tax map numbers 95-A-90, 90A, 91, and 110-A0103, and generally located across South Main Street from the Amherst County High School.

Mr. Kilgore was present to answer questions.

There being no one else present who wished to speak on the matter, the public hearing was closed at 7:22 PM.

Mr. Driskill made a motion that was seconded by Mr. Hart to make a recommendation to Town Council for approval of an amendment to the adopted Town of Amherst Comprehensive Plan, Section 13, Land Use Profile, to include a provision to address parks in specific suitable areas and to amend the Town's Future Land Use Map to include a proposed public use designation on a portion of the property generally known as the "Ambler property," designated as tax map numbers 95-A-90, 90A, 91, and 110-A0103, and generally located across South Main Street from the Amherst County High School, as recommended by staff.

After discussion, the motion carried 7-0 according to the following:

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

Town Manager McGuffin gave a report on consideration of an amendment to the Town's Zoning and Subdivision Ordinances, Chapter 24, that would, if approved, allow the creation of flag lots 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 and which meet certain criteria.

The Chair opened a duly advertised public hearing at 7:23 p.m.

Paul Kilgore, a resident of the Town of Amherst, came forward in support of the proposal.

There being no one else present who wished to speak on the matter, the public hearing was closed at 7:28 PM.

Mr. Vandavelde made a motion that was seconded by Mr. Hart to make a recommendation to Town Council for approval of an amendment to the Town's Zoning and Subdivision Ordinances, Chapter 24, that would to allow the creation of flag lots 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 and which meet certain criteria, as recommended by staff.

After discussion, the motion carried 7-0 according to the following:

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

Town Manager McGuffin gave a report on the application of Jeremiah and Andrea Kirkland for a special use permit to allow a bed and breakfast at their residence 146 N. Main Street, Amherst, Virginia. A public hearing was held on the matter by the Commission on August 2, 2023, at which time the matter was deferred to allow the applicants sufficient time to present a list of conditions for consideration.

Jeremiah Kirkland was present to answer questions.

Mr. Vandavelde made a motion that was seconded by Ms. Day to make a recommendation to Town Council for approval of a special use permit of a bed and breakfast at 146 N. Main Street, with the following conditions:

1. The Special Use Permit shall only apply to the use of the duplex unit as a bed and breakfast unit and shall only apply to the garage structure if the living space is compliant with the Accessory Dwelling Unit zoning and Building Code requirements.
2. A maximum of two rental units shall be allowed on the property, and only if all dwelling units on the property meet zoning requirements.
3. The property owner shall live on the property while the short-term rental use is in effect.
4. If the property owner will not be home for the night while the property is being rented, they will have a responsible property manager on site for the night.
5. Quiet hours shall be from 10 p.m. to 7 a.m., consistent with the Town's adopted noise ordinance.
6. Occupancy in the duplex rental unit shall be limited to four people.
7. Occupancy in the garage unit shall be limited to two people.
8. Camping, overnight stays in RV's or other motor vehicles is prohibited.
9. All guest parking must be off street parking.

After discussion, the motion carried 7-0 according to the following:

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

Town Manager McGuffin gave a report on consideration of a proposed amendment to the Town's zoning ordinance that, if approved, would allow more than one accessory unit on a residential lot, and on consideration of a proposed amendment to the Town's zoning ordinance that would, if approved, allow more than one dwelling unit on a lot based on the underlying zoning district and/or size of parcel. A public hearing was held on the matter by the Commission on August 2, 2023, at which time the matter was deferred to allow staff an opportunity to present a draft code amendment for consideration.

After discussion, by consensus the matter was deferred to the October 4, 2023, Planning Commission meeting for further discussion and consideration.

There being no further business, on motion of Mr. Vandervelde which was seconded by Mr. Hart and carried 7-0, the meeting adjourned at 8:09 PM, according to the following:

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

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June Driskill, Chairperson

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



# TOWN OF AMHERST

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

**To:** Town of Amherst Planning Commission

**From:** Sara McGuffin

**Date:** September 26, 2023

**Re:** Substantial Accord Process for park on S. Main Street

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**Background:** Paul and June Kilgore are offering the Town a 22+/- acre parcel of land across from Amherst County High School as a donation for a park. The Comprehensive Plan was amended last month to change the land use designation of the affected property to public/semi-public land use. This will allow the Kilgores to proceed with a conservation easement on the property. The next step in the process is a determination of ‘substantial accord.’

**Substantial Accord:** State Code requires that any public facility be found to be “substantially in accord” with the adopted Comprehensive Plan. The determination is made by the Planning Commission, and procedurally is then accepted or rejected by the elected body. A public hearing may be held, but is not required.

From State Code:

## § 15.2-2232. Legal status of plan.

A. Whenever a local planning commission recommends a comprehensive plan or part thereof for the locality and such plan has been approved and adopted by the governing body, it shall control the general or approximate location, character and extent of each feature shown on the plan. Thereafter, unless a feature is already shown on the adopted master plan or part thereof or is deemed so under subsection D, no street or connection to an existing street, park or other public area, public building or public structure, public utility facility or public service corporation facility other than a railroad facility or an underground natural gas or underground electric distribution facility of a public utility as defined in subdivision (b) of § [56-265.1](#) within its certificated service territory, whether publicly or privately owned, shall be constructed, established or authorized, unless and until the general location or approximate location, character, and extent thereof has been submitted to and approved by the commission as being substantially in accord with the adopted comprehensive plan or part thereof. In connection with any such determination, the commission may, and at the direction of the governing body shall, hold a public hearing, after notice as required by § [15.2-2204](#). Following the adoption of the

Statewide Transportation Plan by the Commonwealth Transportation Board pursuant to § [33.2-353](#) and written notification to the affected local governments, each local government through which one or more of the designated corridors of statewide significance traverses, shall, at a minimum, note such corridor or corridors on the transportation plan map included in its comprehensive plan for information purposes at the next regular update of the transportation plan map. Prior to the next regular update of the transportation plan map, the local government shall acknowledge the existence of corridors of statewide significance within its boundaries.

B. The commission shall communicate its findings to the governing body, indicating its approval or disapproval with written reasons therefor. The governing body may overrule the action of the commission by a vote of a majority of its membership. Failure of the commission to act within 60 days of a submission, unless the time is extended by the governing body, shall be deemed approval. The owner or owners or their agents may appeal the decision of the commission to the governing body within 10 days after the decision of the commission. The appeal shall be by written petition to the governing body setting forth the reasons for the appeal. The appeal shall be heard and determined within 60 days from its filing. A majority vote of the governing body shall overrule the commission.

**The Comprehensive Plan:** The Comprehensive Plan does not address the provision of any additional public facilities in the Town.

**Recommendation:** Staff recommends a finding of substantial accord for this proposed facility. It is within an area designated for public and semi-public uses and will be convenient to the high school, and the entire community with its access on S. Main Street.

## Accessory Dwelling Unit Examples:

- **Sec. xx.xx- Dwellings units accessory to single-household residences.**

Dwellings units, which include guest houses, garage apartments, additional dwellings within a home, mother-in law dwellings, 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 within the home shall retain 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 number of dwellings shall not exceed the limits established in the applicable zoning district.

(c) One additional accessory dwelling may be allowed above the limits established in the applicable zoning ordinance, if the additional unit meets the area requirements for subdivision for the district, meets all primary dwelling setbacks, and meets the requirements for water and wastewater provision.

(d)(d) Accessory dwellings shall comply with all applicable parking, building coverage and density requirements.

(e) No lot shall contain more than two accessory dwellings, for a total of three dwellings on a lot.

(f) Before a zoning certificate will be issued for development of an accessory dwelling unit, acceptable provision for water and wastewater must be obtained.