

PUBLIC HEARING NOTICE

The Town of Amherst Town Council will hold public hearings at 7:00 PM on March 8, 2023, in the Council Chambers of the Town Hall at 174 South Main Street, Amherst, VA, on the following matters:

1. To consider granting an easement to Appalachian Power Company required to run a new power line to the lower area of the Wastewater Treatment Plant.
2. To consider amending the Town Code to repeal Section 20-87(b)- Limited-time parking in certain areas, related to two-hour parking limitation.
3. Proposed amendments to Article IV, Chapter 20, Sections 143-144, Abandoned Vehicles, and Chapter 24 of the Town Code, Zoning and Subdivisions, to add a new code section, Inoperable Vehicles, to allow enforcement on any property zoned for residential, commercial, or agricultural purposes.
4. An application to rezone 123 Lee Street, Amherst, Virginia ((Tax Map 96A-416-5) from R-2 to B-1; and
5. An application for a special use permit to allow short term rental (air bnb) at 123 Lee Street, Amherst, Virginia ((Tax Map 96A-416-5).

All interested persons may express their views by emailing sara.mcguiffin@amherstva.gov prior to the meeting. Anyone having questions regarding the above may contact the Town Hall Office at 434-946-7885.

Supporting documentation is available at amherstva.gov and for inspection in the Town Hall during normal working hours.

Sec. 20-87. Limited-time parking in certain areas.

- (a) It shall be unlawful for any person to permit a vehicle to remain or to be parked in any parking space designated for limited-time parking by signs, decals, or painted markings if such vehicle has already been parked beyond the period of time prescribed for such parking space. It shall be unlawful for any person to cause, allow, permit or suffer any vehicle registered in his name to be parked overtime or beyond the period of legal parking time established for any parking zone.
- (b) The following areas are designated as two-hour parking zones and shall be in effect from 9:00 a.m. until 5:00 p.m., Monday through Saturday: South Main Street from the intersection of Lee Street to the Intersection of Star Street, Second Street from South Main Street to Depot Street, the entirety of East Court Street and the entirety of Goodwin Street. There shall be no time limit in effect during town holidays.
- (c) Members of recognized public safety agencies shall not be subject to the provisions of this section while responding to emergency calls, but shall be subject to its provisions at all other times.

(Code 2005, § 16-58; Ord. of 1-14-2009)

ARTICLE IV. - ABANDONED VEHICLES^[3]

Sec. 20-141. - Disposition of inoperable abandoned motor vehicles.

When in the opinion of the chief of police any motor vehicle, trailer, semitrailer, or part thereof which is inoperable and which by virtue of its condition cannot be feasibly restored to operable condition, such vehicle, trailer or semitrailer may be disposed of to a demolisher. The chief of police shall thereupon certify on behalf of the town to the division of motor vehicles that such motor vehicle, trailer or semitrailer has been found or abandoned on property located within the town and was determined before it was demolished that it was inoperable and could not be feasibly restored to operable condition. The chief of police shall further request reimbursement from the state for demolishing such inoperable vehicle.

(Code 2005, § 16-74)

Sec. 20-142. - Enforcement.

The chief of police is directed to enforce the provisions of Code of Virginia, title 46, ch. 12, art. 1 (Code of Virginia, § 46.2-1200 et seq.).

(Code 2005, § 16-75)

Sec. 20-143. - Inoperative motor vehicles on residential, commercial or agricultural property.

It shall be unlawful for any person, firm, or corporation to keep, except within a fully enclosed building or structure or otherwise shielded or screened from public view, ~~on any property zoned Restricted Residential (R-1), General Residential (R-2), Light Business (B-1), or General Business (B-2)~~, any motor vehicle, trailer or semitrailer, as such is defined in Code of Virginia, § 46.2-100 et seq., or its successor statute, which is inoperative. As used in this section, the term "inoperative motor vehicle" means any motor vehicle which is not in operating condition; or which, for a period of 60 days or longer, has been partially or totally disassembled by the removal of tires and wheels, the engine or other essential parts required for the operation of the vehicle, or on which there are displayed neither valid license plates nor a valid inspection decal. The provisions of this section shall not apply to any licensed business which, subsequent to June 26, 1970, is regularly engaged in business as an automobile dealer, salvage dealer or scrap processor. Any violation of this section shall be a Class 4 misdemeanor with a fine of not more than \$100.00 for each offense.

(Code 2005, § 16-76)

State Law reference— Penalty for ordinance violations, Code of Virginia, § 15.2-1429; punishments for Class 1—4 misdemeanors, Code of Virginia, § 18.2-11.

Sec. 20-144. - Removal of inoperative motor vehicles.

The owner of any property in any zoning district within the Town ~~zoned Restricted Residential (R-1), General Residential (R-2), Light Business (B-1), or General Business (B-2)~~ shall remove from its property any inoperative motor vehicles, trailers or semitrailers as defined in Code of Virginia, title 46.2 et seq., that are not kept within a fully enclosed building or structure. Any owner of property must remove any such vehicles, trailers or semitrailers within seven days after having received notice from the chief of police, the town manager or the town council. In the event that such vehicle, trailer or semitrailer is not removed within seven days of notice to remove the same, the town, through its agents or employees, may remove any such inoperative motor vehicle, trailer or semitrailer. In the event that the town removes any such inoperative motor vehicle, trailer or semitrailer after having given notice to remove the same, the town may sell, dispose, destroy or store such inoperative vehicle, trailer or semitrailer, as the town deems appropriate, after having given 15 days of advance notice to the owner. The cost of any such removal and disposal shall be chargeable to the owner of the vehicle and/or the owner of the premises upon which the inoperative vehicle, trailer or semitrailer was located, and may be collected when the taxes of the town are collected. The cost of removal and disposal as authorized by this section shall constitute a lien on the real estate from which the vehicle was removed and the lien shall continue until the payment of such costs have been made to the town.

(Code 2005, § 16-77)

24-xxx Inoperable vehicles.

24-xxx Keeping of inoperable vehicles.

(1) Definitions as used in this section:

- a. *Motor vehicle or vehicle* means any motor vehicle, trailer or semi-trailer, or any part thereof, as defined in Code of Virginia, § 46.2-100, as amended.
- b. *Inoperable vehicle* means any vehicle:
 1. Which is not in operating condition; or
 2. Which for a period of 60 days or longer has been partially or totally disassembled by the removal of tires and wheels, the engine, or other essential parts required for operation of the vehicle; or
 3. On which there are displayed no valid state license plates; or
 4. On which there is displayed no valid state inspection decal; or
 5. This definition of "inoperable vehicle" shall not include a registered and licensed antique vehicle, classic vehicle, or prestige vehicle so long as the vehicle is in operating condition.
- c. *Shielded or screened from view* means not visible by someone standing at ground level from outside of the property on which the subject vehicle is located by using one of the following methods:
 1. A form fitted, defect-free cover specifically designed and manufactured to completely shield the motor vehicle, trailer or semi-trailer from view;
 2. A hedge or dense evergreen landscape planting not less than six feet high and ten feet wide that is neat and well maintained; or
 3. An opaque masonry wall or treated wood fence of stockade, board and batten, panel or similar type design in good repair of not less than six feet high and ten feet wide.

(2) The keeping by any person, firm or corporation, except within a fully enclosed building or structure or otherwise shielded or screened from view, of any inoperable motor vehicle on any property zoned for residential, commercial or agricultural purposes is detrimental to the public health, safety and welfare, and is hereby declared to constitute a public nuisance.

(3) It shall be unlawful for any person, firm or corporation to keep on any property zoned for residential, commercial or agricultural purposes any vehicle which is inoperable, except as follows:

- a. On property less than two acres, one inoperable vehicle, including any portions thereof, may be kept provided they are shielded or screened from view; or

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- b. On property two acres and larger, two inoperable vehicles, including any portions thereof, may be kept provided they are shielded or screened from view; or
 - c. The inoperable vehicle is kept at a commercial business in compliance with the county's zoning regulations covering such business and/or a conditional use permit has been issued for the operation of such business; or
 - d. An inoperable vehicle being repaired at an automobile repair business may be kept at such property for no more than 60 continuous days; or
 - e. The inoperable vehicle is kept within a fully enclosed building or structure.
- (4) The provisions of this section shall not apply to any entity which was licensed and regularly engaged in business as an automobile dealer, salvage dealer or scrap processor, as of June 26, 1970.
- (5) The zoning administrator or his designee is hereby authorized to take any action necessary to ensure compliance with this Code section.

24-xxx Notice of violation. Property owner's, permit applicants, and/or establishment owners/managers, as applicable, and shall be notified in writing of violations of the provisions of this article. The zoning administrator or his designee shall, in the notice of violation, state the nature of the violation, the date that it was observed, and the remedy or remedies necessary to correct the violation. The zoning administrator or his designee may establish a reasonable time period for the correction of the violation. The procedure for any violations of this section will follow the procedures and penalties outlined in section 24-168 General Penalties for Zoning Violations.

Airbnb purpose

Shakhnoza <nozik25@list.ru>

Wed 11/9/2022 4:14 PM

To: Svetlozar Kanev <winery@rebecwinery.com>

Cover letter for Airbnb purpose.

I'm Shah Kanev. I'm taking Cancer treatments. I was looking for a job where I can have flexible time and more safety. Covid created a lot of fear and gave me a chance to take Airbnb classes. I found this job more suitable for me to manage my time with treatments to have enough resting time, to organize time for my family and work, have balance. I created a safe and enjoyable environment for everyone. My Airbnb has rules: No pets, no parties, limit on the amount of people, no noise past 9 pm.

Sent from my iPhone

Shah Kanev 

Sup for short term rental

Required contents for a full Special Use Permit Application:

- A completed application form, attached.
- A completed certificate of owner's representative, if appropriate.
- A signed cover letter outlining the background and clear justification for the proposed special use permit.
- Clear mapping showing the extent of the proposed changes to the property, including property lines, adjacent streets, buildings, etc.
- A site plan showing the proposed development of the property.
- Fees as required by Section 18.1-1009 of the Zoning and Subdivision Ordinance.

All documentation should be on reproducible 8½ X 11 paper.

DATE 10/26/22

APPLICATION FOR SPECIAL USE PERMIT
TOWN OF AMHERST
POST OFFICE BOX 280
AMHERST, VIRGINIA 24521
(804) 946-7885

APPLICANT
ADDRESSShakhmoza KanerOWNER
ADDRESSSvetlana Kaner
Shakhmoza Kaner

CITY

204 Sunset Drive
Amherst, VA 24521

CITY

204 Sunset Drive
Amherst, VA 24521

TELEPHONE NO.

434-907-2618

TELEPHONE NO.

434-907-1259

REPRESENTATIVE

Self

ADDRESS

CITY

TELEPHONE NO.

LOCATION OF REQUEST

108 Lee Street, Amherst, VA 24521

TAX MAP NO.

96A416-5

LOT AREA

1/5

EXISTING ZONING

PROPOSED SPECIAL USE

AirBnb and short term rental

STATEMENT BY APPLICANT

I would rezone our rental property on Lee Street to B-1 TO allow me to conduct short term rental through AirBnb and other sites.

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) (CONTRACT PURCHASER WITH OWNER'S WRITTEN CONSENT, ATTACHED) (OWNER'S AGENT) of the property listed above, I/we hereby petition the Amherst Town Council to rezone the above described property.

Signature of Applicant

Date

10/26/2022

PLANNING COMMISSION PUBLIC HEARING

Time

Date

PLANNING COMMISSION ACTION

Zoning Administrator

Date

TOWN COUNCIL PUBLIC HEARING

Time

Date

TOWN COUNCIL ACTION

Clerk of Council

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.

[illegible]

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.*

Rezone to B-1

Required contents for a full Rezoning Application:

\$300

- A completed application form, attached.
- A completed certificate of owner's representative, if appropriate.
- A signed cover letter outlining the background and clear justification for the proposed changes.
- Clear mapping showing the extent of where the changes are proposed, including property lines, adjacent streets, buildings, etc.
- A site plan showing the proposed development of the property.
- Applications for conditional zoning should clearly indicate such and include clear supplemental information such as any proffers being made.
- Fees as required by Section 18.1-1009 of the Zoning and Subdivision Ordinance.

All documentation should be on reproducible 8½ X 11 paper.



DATE _____

APPLICATION FOR REZONING
TOWN OF AMHERST
POST OFFICE BOX 280
AMHERST, VIRGINIA 24521
(804) 946-7885

APPLICANT
ADDRESSShakhnoza KanerOWNER
ADDRESSSvetlozar Kaner

CITY

Amherst VA 24521

ADDRESS

Shakhnoza Kaner

TELEPHONE NO.

204 Sunset Drive

CITY

204 Sunset Drive

TELEPHONE NO.

Amherst VA 24521

REPRESENTATIVE

Self

ADDRESS

CITY

Amherst VA

TELEPHONE NO.

LOCATION OF REQUEST

123 Lee street, Amherst VA 24521

TAX MAP NO.

96A 416-5

LOT AREA

#5

EXISTING ZONING

.

PROPOSED ZONING

add B-1

STATEMENT BY APPLICANT

I would rezone our rental property on 123 Lee street to add B1 to allow me to conduct short term rental through Airbnb, Vrbo & other sites.

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) (CONTRACT PURCHASER WITH OWNER'S WRITTEN CONSENT, ATTACHED) (OWNER'S AGENT) of the property listed above, I/we hereby petition the Amherst Town Council to rezone the above described property.

Signature of Applicant

Date

11/02/22

PLANNING COMMISSION PUBLIC HEARING

Time

Date

PLANNING COMMISSION ACTION

Zoning Administrator

Date

TOWN COUNCIL PUBLIC HEARING

Time

Date

TOWN COUNCIL ACTION

Clerk of Council

Date

Adjacent property owner information for

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

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