



**AMHERST COUNTY
PLANNING COMMISSION
MEETING**



MINUTES

May 15, 2025

Administrative Office Complex
153 Washington Street
Public Meeting Room
Meeting Convened - 7:00 PM

1. Call to Order

Members Present: Beverly Jones (Chair), Derin Foor (Vice Chair), Jim Thompson, Catherine Gamble, Michael Bryant, David Pugh (Board of Liaison Non-Voting Member) and Shelly Hunt (EDA Non-Voting Member)

Members Absent: Micheal Braynt, Emerson Bryant (Youth Participant Non-Voting Member) and Beyla Cunningham (Youth Participant Non-Voting Member).

Staff Present: Tyler Creasy (Director of Community Development)

Staff Absent: Tyler Amburgey (Assistant Zoning Administrator) and Stacey Stinnett (Administrative Assistant)

Madam Chair Jones called the meeting to order at 7:00 pm.

2. Invocation & Pledge of Allegiance

Madam Chair Jones led in prayer and then led in the Pledge of Allegiance.

3. Approval of Agenda

Staff stated that item number eleven, "Farewell of Graduating Youth Participants" on the agenda, needed to be removed. The youth participants had their high school graduation tonight, therefore they were not in attendance.

Planning Commission Recommendation:

Motion to amend the agenda and remove item number eleven, "Farewell of Graduating Youth Participants."

Motion made by: Foor

Second: Thompson
Motion carried by a 5-0 vote.

4. Citizens Comments

Madam Chair Jones had Shelly Hunt introduce herself. Mrs. Hunt stated that she is the owner of the Caterpillar Clubhouse DayCare and that she also serves on the Amherst County Economic Development Authority Board.

There were no citizen comments.

5. Public Hearing - Special Exception

A. 2025-136 David Yeatts

Request by David Yeatts for a special exception in the A-1, Agricultural Residential District. The purpose of the special exception is to allow a short-term tourist rental of a dwelling. The property is located at 156 Mountain Lake Trail and is further identified as Tax Map Number 88-2-12.

Mr. Creasy presented the staff report and stated that staff recommended the following conditions:

1. Lighting: All outdoor lighting will be glare-shielded and directed so as to prevent illumination across the property line.
2. Sewerage Facilities: The applicant shall follow all regulations prescribed by the Virginia Department of Health.
3. Parking: Guest shall be required to park on the property and not park on neighboring lots or on any right-of-way outside of their property unless they have written permission.
4. Amherst County Fire and EMS: The owner shall meet all requirements set forth by the Director and Fire Marshal of Amherst County Fire and EMS as it has to do with access to the property.
5. Short-Term Tourist Rental: The applicant shall meet all requirements of Section 916.

Madam Chair Jones opened the public hearing.

David Yeatts, applicant, spoke in favor of the request and answered the Planning Commission's questions.

Jonathon Gilbert, who resides at 480 Circle Brook Drive in Monroe, spoke in opposition to the request. Mr. Gilbert stated that this was a community that respected one another's privacy and, by operating an airbnb allowing strangers to stay, would disrupt the community's privacy.

Laura Ottinger, who resides at 182 North Park Trail in Monroe, spoke in opposition to the request.

Charlie Tysver, who resides at 132 South Park Trail in Monroe, spoke in opposition to the request. Ms. Tysver discussed the restrictive covenants of the neighborhood and passed them out to the Planning Commission.

Michael Gummo, who resides at 194 Mountain Lake Trail in Monroe, spoke in opposition to the request.

There being no further speakers, Madam Chair Jones closed the public hearing.

Mr. Yeatts asked if he could speak referencing the public comments.

Chair Jones requested a roll call vote among the Planning Commission members if they would like the applicant to come back up to the podium to speak after the public hearing portion of the meeting had been closed.

Foor: AYE

Martineau: NAY

Jones: AYE

Thompson: NAY

Gamble: NAY

The Planning Commission had a brief discussion.

Planning Commission Recommendation:

Motion: Based on the analysis, I make a motion to recommend denial to the Board of Supervisors for request for 2025-136 David Yeatt.

Motion made by: Thompson

Second: Foor

Motion carried by a 5-0 vote.

B. 2025-209 Sidney & Sharon Storozum

Request by Sidney and Sharon Storozum for a special exception in the A-1, Agricultural Residential District. The purpose of the special exception is to allow a private, outpatient Veterinary Clinic. The Clinic shall not have any overnight boarding, public advertising, or published office hours. The Clinic shall not exceed 576 square feet in size, which includes a 192 square foot attached deck. The property is located at 351 Peters Hollow Road and is further identified as Tax Map Number 93-A-2.

Mr. Creasy presented the staff report and stated that staff recommended the following conditions:

1. The entrance shall be approved by the Virginia Department of Transportation for the proposed change of use before issuance of a zoning permit.
2. All requirements of the Virginia Department of Health shall be met.
3. All requirements set forth by the County's Fire Marshall shall be met prior to issuance of a zoning permit.
4. A certificate of occupancy shall be issued by the Amherst County Building & Safety Inspection Division for a change of use for the existing structure.
5. The veterinary clinic shall not exceed 576 square feet in size.
6. There shall not be overnight boarding of any animals.
7. There shall be no published office hours nor commercial signage.

Madam Chair Jones opened the public hearing.

Sidney Storozum, applicant, spoke in favor of the request and answered the Planning Commission's questions.

No one spoke in opposition to the request.

There being no further speakers, Madam Chair Jones closed the public hearing.

The Planning Commission had a brief discussion.

Planning Commission Recommendation:

Motion to recommend approval of 2025-209 Sidney & Sharon Storozum with staff recommended conditions.

Motion made by: Foor

Second: Thompson

Motion carried by a 5-0 vote.

6. Non-Public Hearing

A. 2025-115 OneEnergy Development LLC

Request by OneEnergy Development, LLC for a special exception request in the A-1, Agricultural Residential District for a solar energy system, utility-scale (5MW). The parcel is located at tax map number 82-A-84A. This request also requires a review for compliance with the Amherst County Comprehensive Plan, in accordance with Virginia Code Sec. 15.2-2232, for a proposed solar facility, on Tax Map Parcel 82-A-84A, zoned A-1, Agricultural Residential

District.

The Commission tabled this petition at their April meeting to allow the developer time to work out concerns with adjoining property owners.

Staff presented the staff report and reminded the Planning Commission that this was not a public hearing.

The Planning Commission briefly had a discussion.

Planning Commission Recommendation:

Motion to deny 2025-115 for OneEnergy Development LLC based in accordance with Virginia State Code section 15.2-2232, that special exception 2025-115 is not consistent with the Amherst County Comprehensive Plan due to:

1. Park and Recreation Section, Goal #2, Objective #2 states: Protect natural resources while promoting public access.
2. Cultural Resources and Community Aesthetics Section, Goal #1 states: To preserve and improve the aesthetic of Amherst County.
3. Cultural Resources and Community Aesthetics Section, Goal #1, Objective #1, Strategy #5 states: Consider the architecture and aesthetic of a proposed development as one factor in recommending approval or denial of a rezoning or special permit request.
4. Cultural Resources and Community Aesthetics Section, Goal #1, Objective #2 states: Preserve and maintain the unique natural features of Amherst County.
5. Land Use section, Goal #2 states: To promote the preservation and use of open space and encourage viable agricultural and forest land uses to protect the County's natural beauty, rural character, wildlife habitats, and water resources.
6. Land Use section, Goal #2, Objective #7 states: Promote retention of agricultural and forest land use in Amherst County.
7. Land Use section, Goal #3 states: Minimize the negative environmental impacts of new and existing residential, commercial, and industrial development.
8. Land Use section, Goal #3, Objective #3 states: protect the County's water and air resources from degradation.
9. Land Use section, Goal #4 states: To protect our scenic view sheds. "

Special Exception:

"I find that such use will be of substantial detriment to adjacent properties, that the character of the zoning district will be changed thereby, and that such use will not be in harmony with the purpose and intent of the uses permitted by right in the zoning district, and with the public health, safety, and general welfare to the community. Therefore, I move to recommend denial of the applicant's request for a special use permit for a solar energy system, utility-scale."

Motion made by: Gamble
Second: Thompson
Motion carried by a 4-1 vote. (Jones)

7. 2024 Annual Report

A. Attachment

8. Site Plan Review

A. Site Plan Attachment

Mr. Creasy updated the Planning Commission on the current siteplans.

9. Old/New Business

A. Discussion of Meeting Date for June

Due to the June 19th holiday, the Planning Commission moved the June 19th meeting to June 26th.

Planning Commission Recommendation:

Motion to reschedule the June 19th Planning Commission Meeting date to June 26th, due to the holiday.

Motion made by: Foor

Second: Martineau

Motion carried by a 5-0 vote.

10. Approval of Minutes for April 17, 2025

A. Minutes Attachment

Planning Commission Recommendation:

Motion to approve the minutes for the April 26, 2025, Planning Commission Meeting.

Motion made by: Foor

Second: Gamble

Motion carried by a 4-0 vote. (Martineau abstained)

11. Farewell of Graduating Youth Participants

12. Adjournment

There being no further business to discuss, the meeting was adjourned at 8:01 pm.

Planning Commission Recommendation:

Motion to adjourn.

Motion made by: Gamble

Second: Foor

Motion carried by a 6-0 vote.


Chairman

Original mailed to:
Penn Development Corp.
P. O. Box #13006
Roanoke, Va. 24030
August 19th, 1982

1150

KNOW ALL MEN BY THESE PRESENTS:

That the undersigned, Penn Development Corporation, does hereby, of its own free will, impose for the protection of the lots hereinafter mentioned, in order that the same may be properly developed, certain restrictions, covenants and conditions which shall apply to all of the lots shown on the Map of Section 2, Blue Ridge Forest, made by T. P. Parker & Son, S.C.E.'s, dated July 26, 1982, of record in the Clerk's Office of the Circuit Court of Amherst County, Virginia, in Plat Cabinet 1, page 383-384 binding on each of the tracts or lots shown thereon and the owners thereof for a period of fifty (50) years from the date hereof, which said restrictions, covenants and conditions are as follows, to-wit:

1. No commercial activity shall be carried on on any of the lots in Blue Ridge Forest.
2. The erection of a residence shall not be started that will not be completed outside within six (6) months from the time construction is started nor shall any residence or any portion thereof be erected closer than thirty (30) feet from the front line of the tract or closer than ten (10) feet from any side or rear lot.
3. No residence shall be erected that does not have a pressure water system with inside toilet and bath facilities and sewerage disposal facilities of a septic tank type, which meets the State Health Department requirements. All water supplies and sanitary facilities must be provided by the lot owner.
4. Mobile homes may be used provided (a) not more than one shall be permitted on any lot and none shall be permitted on any lot which another dwelling is located, (b) the wheels must be removed therefrom and (c) the same must be "skirted" within thirty (30) days after the same is located on the lot.
5. No more than one single family dwelling shall be erected on any one lot as shown on the subdivision map, and a lot may be subdivided providing each part is allotted to an adjoining lot.
6. No lot shall be used or maintained as a dumping ground for rubbish, trash, garbage and all waste, garbage or trash shall be kept in sanitary containers. All incinerators or other equipment for the storage or disposal of such material shall be kept in a clean and sanitary condition.

LAW OFFICES
UNKETT & LOGAN
ROANOKE, VA.

7. Easements are reserved for the drainage of surface water along natural drains and ten (10) feet in width along all lot lines.

8. The right is reserved to put in such water mains, drains, culverts, poles or wires as may be required for light, telephone, and power, etc., in the streets and roads and along the easements shown on the map and the utility easements so shown may also be used for water easements if deemed necessary.

9. All lots are subject to easements granted to the Appalachian Power Company and C & P Telephone Company of Virginia and all utility easements on front of each lot, or elsewhere, and drainage designated on recorded subdivision map.

10. No junk cars, trucks or buses shall be permitted to be stored on any lot and no cars, trucks or buses shall be permitted on any lot unless the same bears a current Virginia Inspection Sticker and current Virginia License plates.

11. Each lot, after sale by the party imposing these restrictions, shall be subject to the payment of an annual assessment of the sum of \$45.00, which shall be subject to increase to not more than \$85.00 per year by a majority of the owners of the lots in the subdivision signing, acknowledging and recording an instrument for that purpose from time to time; and said assessments shall become a lien on each lot until paid, which lien shall be inferior to any valid first mortgage deed of trust placed thereon. Said assessment shall become due and payable on January 1st of each year, beginning January 1, 1983, and shall be made to the party imposing these restrictions until more than one-half of said lots have been sold by said party; and thereafter, said assessment shall be paid to a self-perpetuating Board of four Trustees elected initially by the party imposing these restrictions with two of the Trustees from among the owners of the lots in Section 1 and two of the Trustees from among the owners of lots in Section 2 of Blue Ridge Forest. The remaining Trustees shall elect from among said owners successors to any Trustee who resigns, removes from the State, dies or declines to act, so that there shall always be four (4) Trustees, with two from among the owners of lots in Section 1 and two from among the owners of lots in Section 2 of Blue Ridge Forest. The assessment shall be used for the improvement and maintenance of the roads in the subdivision of Blue Ridge Forest, Sections 1 and 2, as shown on the recorded plats thereof, and for the improvement and maintenance of the lake and common areas in the subdivision of Blue Ridge Forest as shown on the recorded plat of Section 2 thereof. It is the intention that said lake and common areas shall be for the use and enjoyment of the owners of the lots in the subdivision of Blue Ridge Forest, Section 1 and 2 as shown on the recorded plats thereof.

12. Invalidity of any of these covenants by judgment or Court order shall in no wise affect any of the other provisions which shall remain in full force and effect, and the party imposing these restrictions reserves the right to waive, release or modify any of the restrictions by instrument duly executed by the same recorded in the Clerk's Office of the Circuit Court of the County of Amherst, Virginia.

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13. If the parties hereto, or any of them, or their heirs and assigns, shall violate or attempt to violate any of the covenants and restrictions herein before January 1, 2033, it shall be lawful for any other person or persons owning any other lot in said development or subdivision to prosecute any proceedings at law or in equity against the person or persons violating or attempting to violate any such covenant or restriction, and either to prevent him or them from so doing or to recover damages or other dues for such violation.

IN TESTIMONY WHEREOF, witness the signature of Penn Development Corporation signed by its President this 11th day of August, 1982:

PENN DEVELOPMENT CORPORATION

By *[Signature]*
O. J. Frink, Jr., President

STATE OF VIRGINIA

CITY OF ROANOKE

The foregoing instrument was acknowledged before me this 11th day of August, 1982, by O. J. Frink, Jr., President of Penn Development Corporation, on behalf of the corporation.

My commission expires: February 23, 1985.

Judy Dianna Barren Allee
Notary Public

State Tax	\$	In the Clerk's Office of the Circuit Court for the County
County Tax	\$	of Amherst, Va., this <u>12th</u> day of <u>Aug.</u> , 19 <u>82</u>
Transfer Fee	\$	this instrument was presented, with the Certificate of
Clerk's Fee	\$	<u>10.00</u> acknowledgement, then to be received and admitted to record
Plats	\$	<u>9.00</u> 10:00 o'clock P.M., after payment of \$ <u> </u> , tax
Tax 58-54.1	\$	imposed by Sec. 58-54.1.
	\$	Teste: <u>Wm. E. Sandidge</u> , Clerk
Total	\$	<u>19.00</u> By <u>Kathy S. Tomlin</u> , Deputy Clerk

PLAT CABINET
NO. 1 PAGE 383-384

LAW OFFICES
LUNKETT & LOGAN
ROANOKE, VA.

Original mailed to:
Penn Development Corp.
P. O. Box #13006
Roanoke, Va. 24030
August 19th, 1982

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KNOW ALL MEN BY THESE PRESENTS:

THAT WHEREAS, Penn Development Corporation did impose certain restrictions, covenants and conditions on all of the lots shown on the map of Section 1 of Blue Ridge Forest made by T. P. Parker & Son, S.C.E.'s, dated May 20, 1981, of record in the Clerk's Office of the Circuit Court of Amherst County, Virginia, in Plat Cabinet 1, page 350, by instrument dated the 3rd day of September, 1981, of record in the aforesaid Clerk's Office in Deed Book 468, page 388; and

WHEREAS, Penn Development Corporation therein reserved the right to modify said restrictions by instrument duly executed and recorded in the aforesaid Clerk's Office; and

WHEREAS, it is now the desire of Penn Development Corporation to modify said restrictions as follows:

Item 11 is hereby modified to provide that there shall always be four (4) Trustees from among the owners of the lots in Blue Ridge Forest, Sections 1 and 2, and that the assessment shall be used for the improvement and maintenance of the roads in the subdivision of Blue Ridge Forest, Sections 1 and 2, as shown on the recorded plats thereof, and for the maintenance and improvement of the lake and common areas in the subdivision of Blue Ridge Forest, Section 2, as shown on the recorded plat thereof. The lake and common areas shown on the map of Blue Ridge Forest, Section 2, shall be for the use and enjoyment of the owners of the lots in the subdivision of Blue Ridge Forest, Sections 1 and 2, as shown on the recorded plats thereof.

IN TESTIMONY WHEREOF, witness the signature of Penn Development Corporation signed by its President this 11th day of August, 1982:

LAW OFFICES
UNKETT & LOGAN
ROANOKE, VA.

1151

PENN DEVELOPMENT CORPORATION

By *O. J. Frink, Jr.*
O. J. Frink, Jr., President

STATE OF VIRGINIA

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Plats	\$		<u>10:20</u> o'clock <u>A.M.</u> , after payment of \$ <u> </u> , tax
Tax 58-54.1	\$		imposed by Sec. 58-54.1.
	\$		Teste: <u>Wm. E. Sandidge</u> , Clerk
Total	\$	<u>10.00</u>	By <u><i>Kathy S. Jordan</i></u> , Deputy Clerk

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