



BOARD OF ZONING APPEALS



MINUTES

July 9, 2026

Administrative Office Complex
153 Washington Street
Board of Supervisors Room
Meeting Convened - 7:00 PM

1. Call to Order

MEMBERS PRESENT: George (Bill) Wise (Chair), Michael Fitzgerald, Peter Bryan

MEMBERS ABSENT: None

STAFF PRESENT: Tyler Creasy (Director of Community Development), Tyler Amburgey (Assistant Zoning Administrator), Haley Alger (Administrative Assistant), Mark Popovich (County Attorney)

Chairman Wise called the meeting to order at 7:00pm.

2. Approval of Agenda

BZA Recommendation:

Motion made by Bryan: Motion to approve the agenda as presented.

Second: Fitzgerald

Motion carried with 3-0 vote.

3. Election of Chair and Vice-Chair

A. Discussion

Bill Wise was voted as Chair.

Motion made by Fitzgerald: Motion to elect Bill Wise as Chair.

Second: Bryan

Motion carried with a 3-0 vote.

Michael Fitzgerald was voted as Vice Chair.

Motion made by Bryan: Motion for Michael Fitzgerald to be elected as Vice Chair.

Second: Wise

Motion carried with a 3-0 vote.

4. Public Hearing

A. 2026-284 Appeal (Beckner)

An appeal of a determination made by the Amherst County Zoning Administrator ("ZA") on April 14, 2026, regarding Section 702.02.9 of Article VII of Appendix A of the Code of the County of Amherst (the "Section") regarding camping in portable facilities (e.g., tents or campers) on Tax Map Numbers 146A-1-2, 146A-1-3, and 146A-1-4. The Section permits camping in portable facilities (e.g. tents or campers) for periods of less than four (4) consecutive weeks. The ZA determined that to comply with the Section, campers may not be placed on a permanent foundation and the wheels must remain attached. The ZA further determined that there is no minimum or maximum number of portable facilities allowed per parcel, so long as they are used by the property owner, or his/her family or friends, and that no fees are charged for the use of portable facilities or portion of land. The appellant disagrees with the ZA's interpretations of the County of Amherst's Zoning Ordinance and determinations.

Mr. Popovich advised the Board that it's duty was to determine whether the Zoning Administrator had correctly interpreted the zoning ordinance. He explained that the appellant bears the burden of presenting evidence showing that the interpretation was contrary to the ordinance's provisions.

Mr. Creasy presented the case to the BZA, and concluded his comments by stating that while the petitioner raises policy concerns regarding the potential number of campers that could be located on a parcel, those concerns are legislative rather than interpretive in nature. If the Board of Supervisors determines that additional limitations regarding the number, location, or long-term storage of portable facilities are appropriate, such restrictions would require an amendment to the zoning ordinance.

Mr. Beckner, appellant, presented his testimony in support of the appeal and argued that the Zoning Administrator's interpretation of the ordinance was incorrect. He stated that the Zoning Administrator did not merely interpret the ordinance, but that he created new permissions that do not exist. He cited Section 702.03, and stated that there is no "family and friends, no fee campground" category. In support of his position, Mr. Beckner provided references to court cases and the Zoning Administrator's determination letter, and additional documents and photographs, which will be attached to these minutes. He requested that the Board reverse the Zoning Administrator's decision.

Chairman Wise opened the public hearing.

Shawn Hartman spoke in support of the appeal, stating that there is nowhere in the ordinance where it is permissible to store vehicles on agricultural land without a dwelling or farm. Mr. Hartman asked the Board to empower the Zoning Administrator to enforce the ordinance and remove accessory buildings and campers where there are no primary dwellings.

Steven Crowder, owner of plots 146A-1-3 and 146A-1-4, spoke in opposition of the appeal, stating that they do not agree that it should be classified as a campground and that they use the land for recreational purposes. Mr. Crowder stated that the time frame for camping being allowed for four consecutive weeks is tied to the parcel only, and not what is being used to camp in.

Travis Klous, owner of plot 146A-1-2, spoke in opposition of the appeal, stating that he worked with the Zoning Department to get the necessary permits, and the time spent camping has been 5–6 days consecutively at most.

Due to no one else speaking in favor or opposition to the appeal, Chairman Wise closed the public hearing.

The Board had a discussion regarding the appeal.

Wise: "I've researched this quite a bit, and comments about the RV being there for 12 months when someone is building a house; the reason why it's limited is because the RV is used 24/7, basically. We have one in our neighborhood; the house burned, and they are living in an RV while the house is being built. So that is the difference, why that is set on 12 months. Also, as far as the Dillon Rule, he mentioned the zoning admin can't impose limits. Well, that's what they are asking him to do: impose limits."

Fitzgerald: "That's my sticking point. On page 6 here, it says the zoning admin lacks authority to impose limitations not adopted by BOS. So he can't impose limitations that he doesn't have written permissions to do. I'm not a lawyer, I want that to be publicly known, but I have read through this and I can't find anything written that would allow him that imposition of the storage capabilities."

Wise: "Also, in my research, I have found that you can have up to 3 junk vehicles there the whole time. That is in the code, that you can have 3 junk vehicles. I would assume I have interpreted that code correctly, right, Tyler?"

Creasy: "That's correct."

Wise: "So the fact is that with vehicles, they can leave them if they need to."

Bryant: "Didn't Mr. Popovich make a statement that he was going to talk after public comments as well?"

Popovich: "Only, I guess, I would just reiterate again the statement I made at the very beginning: unless there is a clear violation of the intent and letter of the law in the zoning ordinance, the presumption of correctness remains. And so, I don't know if you've necessarily

heard anything that would sway you in that direction, but that is the standard of the law in VA."

Wise: "Also, two cases of the state supreme court that you mentioned. The first one, Higgs vs. Kirkbride, actually speaks in favor of the Zoning Admin because it says ordinance cannot be extended by interpretation or construction, which is what he's asking to be done. And the other one that is mentioned actually had to do with Zoning Admin not knowing that there is a code that existed, and I don't know if that really applies at all."

Bryant: "No, not really. Well, it seems to me also, on one hand, the code is silent. So, on the one hand, Mr. Creasy has interpreted it as, 'I cannot impose limitation.' On the other hand, I am under the impression that this appeal essentially is wanting a limitation imposed. It is fundamentally an interpretation, and I think Mr. Creasy acted in good faith and the right manner. Whether one agrees or not with having campers there all the time is really kind of irrelevant. Would I want a lot of campers in my neighbor's house in the front yard? No, of course I wouldn't. Very few people would. What we come back to is: is it in the ordinance? And I'm at a loss. I can't see it in the ordinance. This is something, if it is important enough to the people around the table, and it appears it clearly is, it is something that needs to be taken up by the Board of Supervisors. They're the ones who are going to have to act on this. It is a legislative issue."

Fitzgerald: "I agree. Sympathetic to what you're seeing and some of the things you bring forth, but I agree. I don't think Mr. Creasy stepped out of line to abide by what is in the written law right now."

Beckner: "There's no friends and family campground written into the law. He made that up. It's not there. There is only a campground, period, and it requires a special exception."

Bryant: "I move that we uphold the finding of the county."

Fitzgerald: "I second."

Wise: "So you make a motion to uphold the zoning administrator's decision regarding Appeal Number 2026-284 in the determination made on April 14, 2026?"

Bryant: "Yes."

Wise: "All those in favor, say aye."

Bryant, Fitzgerald, Wise: "Aye."

BZA Recommendation:

Motion made by Bryan: Motion to uphold the Zoning Administrator's decision regarding appeal no. 2026-284 and the determination made on April 14, 2026.

Second: Fitzgerald

Motion carried with a 3-0 vote.

5. Old/New Business

None.

6. Approval of Minutes

A. April 9th, 2026 Meeting Minutes

BZA Recommendation:

Motion made by Bryan: Motion to approve April 9th, 2026 Meeting Minutes.

Second: Fitzgerald

Motion carried with a 3-0 vote.

7. Adjournment.

There being no further business to discuss, the meeting was adjourned at 8:06pm.

BZA Recommendation:

Motion by Bryan: Motion to adjourn.

Second: Fitzgerald

Motion carried with a 3-0 vote.

A handwritten signature in blue ink, appearing to read "Bill Whi", is written over a horizontal line.

Chairman

