


AMHERST
Perfect Slice of Virginia
SPECIAL EXCEPTION
STAFF REPORT
October 2023

REQUEST

Request by Matthew Wiese for a special exception in the R-2, General Residential district. The purpose of the special exception is to allow a short-term tourist rental of a dwelling. The property is located at 430 River Road and is further identified as tax map number 160-A-6

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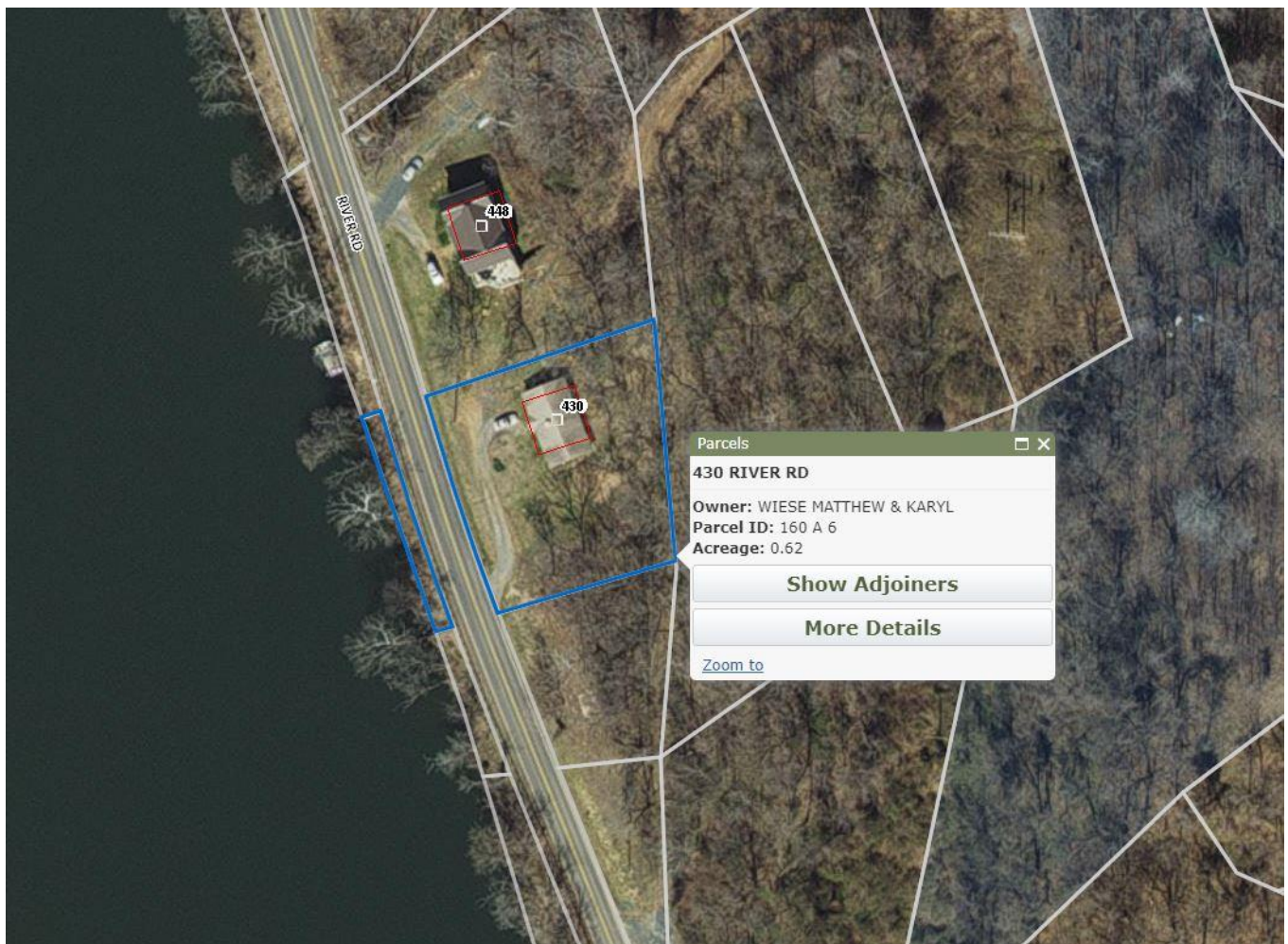
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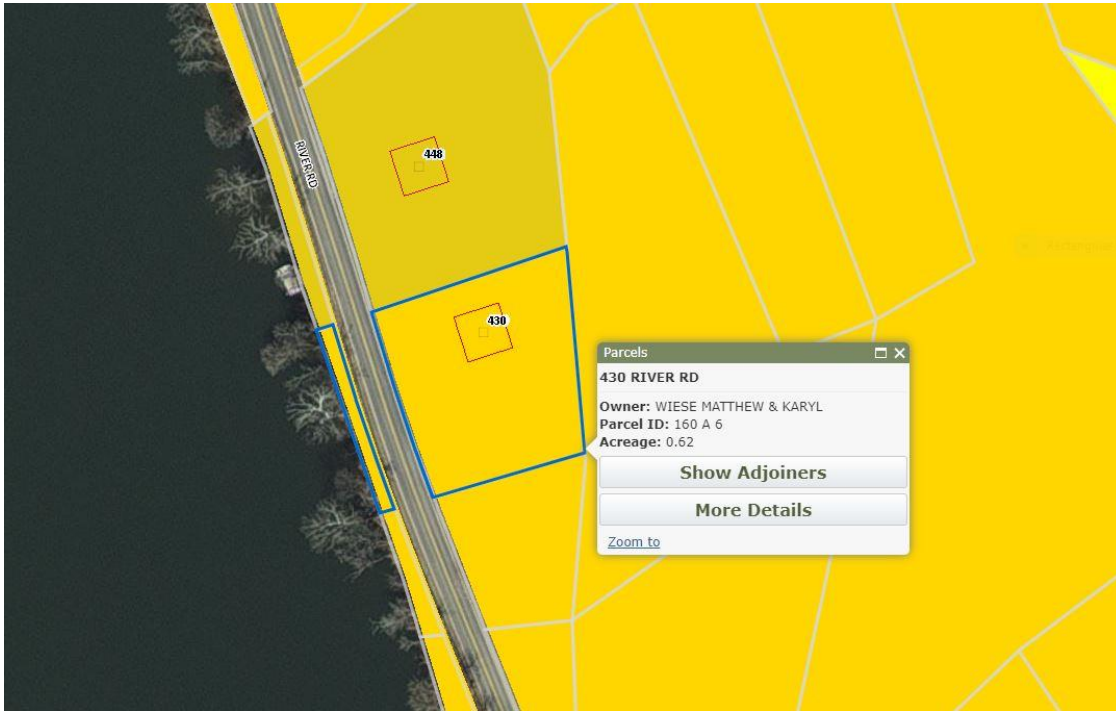
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Existing Conditions

Owner	Matthew and Karyl Wiese
Location / Tax Map Number	160-A-6
Size	0.62 acres
Zoning	R-2, General Residential
Existing Land Use	Single-family dwelling
Future Land Use Plan Designation	Medium Density Residential
Sewer and Water Conditions	Public Water and Sewer
Designated Growth Boundary for Public Water / Sewer	Yes





Current Zoning Designation	
R-2, General Residential	Gold

Analysis of Request

Request by Matthew Wiese for a special exception in the R-2, General Residential district. The purpose of the special exception is to allow a short-term tourist rental of a dwelling. The property is located at 430 River Road and is further identified as tax map number 160-A-6. There is currently a single-family dwelling located on the property. The surrounding area generally has the same characteristics as the requested parcel. The property is surrounded by residential zoned property; with vacant land to the East and South, a single-family dwelling to the North (same owner.), and the James River to the East.

Section 916 – Short-term Tourist Rental of Dwellings

Section 916 of the Amherst County Zoning and Subdivision ordinance regulates short-term rentals of residential dwellings, these regulations are below:

1. Site Plan. Before a building and zoning permit shall be issued for any dwelling to be rented to transients for any period less than thirty (30) consecutive days, a site plan of the proposed development shall be approved by the planning commission or the zoning administrator, whichever is applicable, in conformance with Section 1003 and Article XI herein. In addition to the requirements thereof, site plans pursuant to this section shall include a maintenance schedule proposed by the developer or property owner, and shall incorporate low impact development techniques, such as those about which information is available from the Virginia Department of Environmental Quality.
2. There shall be no change in the outside appearance of the dwelling or premises, or other visible evidence of the conduct of such short-term rentals.
3. The maximum number of occupants in the dwelling unit for overnight accommodation shall be calculated as two (2) adults per bedroom. An adult, for the purpose of this regulation, is any person over the age of sixteen (16). The number of bedrooms shall be determined by reference to health department permits specifying the number of bedrooms or the certificate of occupancy issued by the Amherst County Department of Building Inspections. Private septic systems shall be pumped out or inspected once every three (3) years.
4. All vehicles of tenants shall be parked in driveways or parking areas designed and built to be parking areas. In the case of multifamily dwellings, all vehicles must be parked in spaces specifically reserved for the dwelling unit being rented. No vehicles shall be parked in, along, or on the sides of roads at any time.

5. All boats and trailers of tenants shall be parked on the lot on which the dwelling unit is located. In the case of multifamily dwellings, boats and trailers must be parked in areas specifically reserved for the dwelling unit being rented. No boats or trailers shall be parked in, along, or on the sides of the roads at any time.
6. There shall be a working, two-pound minimum, ABC rated, fire extinguisher located in a visible and readily accessible area (i.e., kitchen or hallway) within each dwelling unit. Working smoke detectors shall be installed in each bedroom of the dwelling unit as well as one (1) on each floor (including the basement) outside of any bedrooms.
7. Property boundaries, or limitations within the property's boundaries where transients are allowed, must be clearly marked at all times.
8. Notice of the application for special exception, and the hearing thereon, shall be conspicuously posted on the property, in the same manner and for the same duration as though the property were the subject of an application for variance, rezoning, or conditional zoning.

Requirements of a Special Exception

- The proposed special exception should be harmonious with and in accordance with the general objectives of the comprehensive plan;
- The proposed use should be designed, constructed, operated, and maintained so as to be harmonious with the intended character of the general vicinity;
- The proposed use should be served adequately by essential public facilities and services such as streets, police and fire protection, schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services;
- The proposed use will not create excessive additional requirements at public costs for public facilities and services and will not be detrimental to the economic welfare of the community;
- The proposed use will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by the reason of excessive production of traffic, smoke, fumes, glare, odors, or water pollution;
- The proposed use should have vehicular approaches to the property which shall be so designated as not to create any interference with traffic on surrounding public streets or roads; and
- The proposed use does not result in the destruction, loss or damage of a natural scenic or historic feature of major importance.

Recommended Conditions

1. **Lighting:** All outdoor lighting will be glare-shielded and directed so as to prevent illumination across the property line.
2. **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.
3. **Transportation:** The applicant shall work with the Virginia Department of Transportation for an entrance permit, if applicable.
4. **Public Safety:** The owner shall meet all requirements set forth by the Director of Public Safety as it has to do with access to the property.
5. **Short Term Tourist Rental:** The applicant shall meet all requirements of Section 916 which regulates short-term tourist rental of dwellings.