

***VARIANCE APPLICATION
PACKAGE***



**SHENANDOAH COUNTY,
VIRGINIA**

Department of Planning & Zoning
600 North Main Street, Suite 107
Woodstock, VA 22664
(540) 459-6190

SHENANDOAH COUNTY - BOARD OF ZONING APPEALS

“VARIANCE APPLICATION PROCEDURES”

When applying for a variance in Shenandoah County, please follow the procedures listed below:

1. MEET WITH THE ZONING ADMINISTRATOR

Prior to the submission of a variance application, the applicant should make an appointment with the Zoning Administrator. The purpose of this meeting is to review the variance request in order to determine if the proposed variance meets State and County requirements and to determine if other applicable procedures are required.

2. COMPLETE THE VARIANCE APPLICATION

Please take sufficient time to complete your application package so that your reasons for seeking the variance is clearly stated. Since your application will be photocopied for Board members, the application must be completed in ink or typed. All supporting materials must also be able to be legibly photocopied.

If the applicant is not the property owner, the application must be signed by both parties. If the applicant is representing an organization, corporation, church, etc., then the name and title of the representative must be shown on the application.

PLEASE ATTACH THE FOLLOWING IN SUPPORT OF THE APPLICATION:

- **SITE PLAN OF THE PROPERTY.** The site plan should show:
 - a. property boundaries (ie. a recent survey);
 - b. measurements from any ‘existing’ structure(s) to all property lines;
 - c. measurements from any ‘proposed’ structure(s) to all property lines for which a variance is requested and to the nearest structure(s) on an adjoining property;
 - d. any roads, rights-of way, easements, etc. adjoining and/or associated with the property;
 - e. any river, creek, stream, run, lake, pond, etc. adjoining and/or associated with the property;
 - f. any other pertinent information that would help explain your proposal.
- **COPY OF THE RECORDED DEED TO THE PROPERTY.** Recorded property deeds may be obtained from the Clerk of the Circuit Court located at the Shenandoah County Courthouse, 112 Main Street, Woodstock, VA.
- **SUPPORTING DOCUMENTATION.** All other evidence or exhibits should be submitted along with this application.

VARIANCE PROCEDURES (continued)

3. SUBMIT VARIANCE APPLICATION AND FEE

It is the responsibility of the applicant to complete the variance application in its entirety and as precisely as possible. Late or incomplete variance applications will not be processed nor will the variance be placed on the Board of Zoning Appeals upcoming agenda.

Variance Application In order to be heard by the Board of Zoning Appeals on a particular date, all materials must be submitted prior to a cut-off date. The specific cut-off date is established each month in order to meet advertising requirements specified by the Code of Virginia. Applicants are encouraged to submit their application two or three days prior to the deadline and to have their applications reviewed by Planning and Zoning Staff for completeness. *(The cut-off dates are listed on page 5)*

Variance Filing Fee A filing fee of \$400.00 is required for each variance application and the fee must accompany the application. Staff will not be able to accept an application without the required fee. The fee is used to advertise the request in the local newspaper and for administrative costs incurred in processing the application.

4. ATTEND THE BOARD OF ZONING APPEALS PUBLIC HEARING

The Board of Zoning Appeals holds a public hearing on the third Wednesday of each month. These meetings are held promptly at 6:00 p.m. in the Board Room of the Shenandoah County Government Office in Woodstock, Virginia.

Prior to the meeting date, notification of the Board of Zoning Appeal's public hearing will be mailed to the Applicant's address. The Applicant or Representative for a variance must be present at the meeting of the Board of Zoning Appeals public hearing on the advertised hearing date.

If the application (or the representative) is not present, the variance application will then be tabled until the next meeting. If the application is not represented for two consecutive meetings, the Board may remove the application from consideration.

In authorizing a variance, the Board of Zoning Appeals may impose specific and reasonable conditions, as it may deem necessary in the public interest.

Decisions of the Board of Zoning Appeals may be appealed to the Circuit Court within 30 consecutive days of the decision.

If you have any question regarding variance procedures or need assistance in completing the variance application, please contact the Zoning Administrator at the Department of Planning and Code Enforcement at (540)459-6190.

SHENANDOAH COUNTY - BOARD OF ZONING APPEALS

“POWERS AND DUTIES”

With regard to variances, the BZA has the following powers and duties as outlined in the *Code of Virginia* and the *Shenandoah County Zoning Ordinance*, as amended:

To authorize variances whereby a variance, by definition, is a relaxation of the terms of the Zoning Ordinance where such variance will not be contrary to the public interest; and where owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the Ordinance would result in unnecessary and undue hardship; and provided that the spirit of the zoning ordinance is observed and substantial justice done, based on criteria established in the *Code of Virginia* and the *Shenandoah County Zoning Ordinance*.

CRITERIA: The following set of criteria are used by the Board of Zoning Appeals (BZA) to determine hardship on variance applications (*Section 165-107, Shenandoah County Zoning Ordinance*)

1. The property was acquired in good faith.
2. One or more of the following conditions are met:
 - (a) Strict Compliance with the Zoning Ordinance would effectively prohibit or unreasonably restrict the use of the property because of the property's
 - (1) Exceptional narrowness, size or shape; or
 - (2) Exceptional topographic conditions or other extraordinary situation or condition; or
 - (3) Extraordinary situation or condition of the property immediately adjacent.
 - (b) The granting of such variance will alleviate a clearly demonstrable hardship, as distinguished from a special privilege or convenience sought by the applicant.
3. The variance is in harmony with the intended spirit and purpose of the Ordinance.
4. All of the following three conditions shall be met:
 - (a) The strict application of the Ordinance would produce undue hardship and;
 - (b) Such hardship is not shared generally by other properties in the same zoning district and the same vicinity and;
 - (c) The authorization of such variance will not be of substantial detriment to adjacent property, and that the character of the district will not be changed by granting of the variance.
5. The condition or situation of the property concerned is not of so general or recurring a nature as to make reasonably the formulation of a general regulation to be adopted as an amendment to the Ordinance.

SHENANDOAH COUNTY - BOARD OF ZONING APPEALS

“POLICIES”

The Board of Zoning Appeals (BZA) has the following policies under which it operates:

- Regular meetings of the Board of Zoning Appeals shall be held on the third Wednesday of each month.
- An application for variance allows inspection of your property by the members of the BZA and the Zoning administrator.
- As used in the *County of Shenandoah Zoning Ordinance*, a variance is authorized only for size or area of a lot or parcel of land or the size, area, bulk or location of a building or structure.
- The applicant has the burden of showing that a hardship does exist for him or her created by the application of the Ordinance or the characteristics of the property.
- Each application will be reviewed based on its own merits.
- Proof of ownership of the property for which the variance is being requested is required.
- Applications submitted after the announced deadline or cut-off date for specific meeting will *not* be heard at that meeting.
- The schedule of dates will not be altered for individual variance applications except for reasons of public health, safety and welfare. In the event a full quorum is lacking, the chairman may postpone the hearing to the next scheduled meeting.
- If the application (or the representative) is not present, the variance application will then be tabled until the next meeting. If the application is not represented for two consecutive meetings, the Board may remove the application from consideration.
- The applicant’s evidence, exhibits, etc. should be submitted with the application to allow for prior review by the BZA members. This procedure also expedites the public hearing, since BZA members receive copies of all application materials.
- In authorizing a variance, the Board of Zoning Appeals may impose specific and reasonable conditions, as it may deem necessary in the public interest.
- In authorizing a variance the Board (BZA) may impose such conditions regarding the location, character, and other features of the proposed structure for use as it may deem necessary in the public interest.
- Decisions of the Board of Zoning Appeals may be appealed to the Circuit Court within 30 consecutive days of the decision.

**APPLICATION FOR VARIANCE or APPEAL to the
BOARD OF ZONING APPEALS - SHENANDOAH COUNTY, VIRGINIA**

This form must be typed or filled out in ink - (please print)

I (we) _____
(Property Owner/Applicant)

respectively request that a determination be made by the Shenandoah County Board of Zoning Appeals on the following appeal which was denied by the Zoning Administrator on _____20____ for the reason that it was a matter which, in the opinion of the Zoning Administrator, should properly come before the Board of Zoning Appeals.

This application for a variance or an interpretation is required by *Section* _____ of the *Shenandoah County Zoning Ordinance* for the reason that:

_____ It is a request for a **Variance** relating to the following provision(s) of the Ordinance:

- _____ Area
- _____ Frontage
- _____ Yard: ()Front ()Side ()Rear
- _____ Other

_____ It is an **Appeal** for the interpretation of the Zoning Ordinance or Zoning Map or a Appeal of a decision by the Zoning Administrator.

1. The applicant is the property owner _____ occupant _____ other _____. *(Check one)*

OWNER: _____ OCCUPANT: _____

ADDRESS: _____ ADDRESS: _____

PHONE (H): _____ PHONE (H): _____

PHONE (O): _____ PHONE (O): _____

2. The property is located at: *(give exact directions and include applicable E-911 street address and State Route numbers)*

3. Tax Map Reference Number _____

VARIANCE/APPEAL APPLICATION (continued)

4. The property is owned by _____ (present owner)
as evidenced by deed from _____ (previous owner)
recorded in Deed Book Number _____ on page _____ of the
deed books of the Clerk of the Court for Shenandoah County. (please attach a copy
of the deed).
5. The property has a road frontage of _____ feet and depth of _____ feet
and consists of _____ acres.
6. The existing 'Zoning' of the property is: _____
7. The existing 'Use' of the property is: _____
8. Adjoining property 'uses' in each direction are: (residential, commercial, agriculture, etc)

North: _____
East: _____
South: _____
West: _____

9. Has any previous application or appeal been filed in connection with this property?
If yes, give date and please explain.

10. What is the applicant's interest in seeking this variance?

11. What purpose will the property be served by granting this variance?

VARIANCE/APPEAL APPLICATION (continued)

12. Describe the variance in terms of type and distance. (For example: "A rear yard variance of 3 feet for an attached garage.")

13. Describe below the specific reason(s) why the variance is being sought in terms of:

- Exceptional narrowness, shallowness, size or shape of property, or
- Exceptional topographic conditions or other extraordinary situation or condition of property, or
- The use or development of property immediately adjacent thereto.

14. Additional comments, if any, may be described on separate paper.

I (we) agree to comply with any conditions for the variance required by the BZA. I authorize the members of the BZA and Shenandoah County officials to go upon the property for site inspection purposes. I hereby certify that all of the statements and information contained herein are, to the best of my knowledge, true.

SIGNATURE OF APPLICANT _____ **DATE** _____

SIGNATURE OF OWNER _____ **DATE** _____

(if other than applicant)

OFFICE USE ONLY

Appeal No: _____ **Date Received:** _____

Appeal to Ordinance Section: _____

Date Hearing Advertised: _____

Decision of the Board of Appeals: _____
