

SHENANDOAH COUNTY
ZONING MODIFICATION PROCEDURES

The following procedures apply to the granting of a modification to the Shenandoah County Zoning Ordinance by the Zoning Administrator pursuant to Shenandoah County Code Section 165-102. Persons applying for a modification should follow each of the below-listed procedures.

1. MEET WITH THE ZONING ADMINISTRATOR

Prior to the submission of an application for a modification, the applicant should make an appointment with the Zoning Administrator. The purpose of this meeting is to review the modification request in order to assist the zoning administrators in determining if the proposed modification meets State and County requirements, to determine if other applicable procedures are required and to answer any questions the applicant has.

2. COMPLETE THE APPLICATION

Please take sufficient time to complete your application package so that your reason for seeking the modification is clearly stated. All materials must be able to be legibly copied. If the applicant is a person or entity different than the property owner(s), the application must be signed by both the property owner(s) and the applicant. If the applicant is a business entity, organization, church, etc., then the name and title of the person signing the application on behalf of such entity must be shown on the application.

PLEASE ATTACH THE FOLLOWING IN SUPPORT OF THE APPLICATION:

- i. **SITE PLAN OF THE PROPERTY.** The site plan should show:
 - a. Property boundaries (e.g. a recent survey);
 - b. Total area of the property;
 - c. Location and size of all existing and proposed structures (including signs);
 - d. Measurements from any existing structure(s) to all property lines;
 - e. Measurements from any proposed structure(s) to all property lines for which a setback modification is requested and to the nearest structure(s) on any adjoining property and the property upon which the modification is requested;
 - f. The existing use of all adjacent properties;
 - g. Any roads, rights-of way, easements, etc. adjoining and/or associated with the property;
 - h. Any river, creek, stream, run, lake, pond, etc. adjoining and/or associated with the property; and
 - i. Any other pertinent information that would help explain your proposal.

- ii. **COPY OF THE MOST RECENT 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, Virginia.

- iii. **SUPPORTING DOCUMENTATION.** It is the responsibility of the applicant to demonstrate that the modification meets the criteria set forth in Shenandoah County Code

Section 165-102 and described below in the “Legal Standard for Granting a Modification” section. The applicant should submit evidence in support of the modification, including but not limited to photographs, written statements or explanations, and exhibits. All supporting evidence must be submitted with the application.

3. SUBMIT APPLICATION AND FEE

It is the responsibility of the applicant to complete the application in its entirety and as precisely as possible. Incomplete applications may not be processed.

Application for a Modification Applications may be submitted in person or by mail to the Zoning Administrator at the Community Development Office, 600 North Main Street, Suite 107, Woodstock, Virginia 22664. Applications may not be submitted via facsimile or email.

Applications will be considered by the Zoning Administrator on a rolling basis. Each application presents its own facts and circumstances, and the timeframe for considering and processing an application will vary on a case-by-case basis. The Zoning Administrator will strive to process all applications within 90 days from the date that a complete application has been received.

Application Filing Fee The filing fee for submitting an application for a modification is set by the Board of Supervisors from time to time. Please check with the Zoning Administrator with regard to the current fee.

4. FOLLOW-UP WITH ZONING ADMINISTRATOR AS NEEDED

The Zoning Administrator will review the application and all accompanying materials, and give all adjoining property owners written notice of the request for the modification. Adjoining property owners shall have an opportunity to respond within 21 days of the date of such notice. After review of the application, accompanying materials, or comments from adjoining property owners, the Zoning Administrator may ask questions of the applicant, request additional information, or schedule an additional meeting with the applicant.

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

If you have any questions regarding the procedures for requesting a modification or need assistance in completing the application, please contact the Zoning Administrator at the Community Development Office at 540-459-6194 or jsmith@shenandoahcountyva.us.

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LEGAL STANDARD FOR GRANTING A MODIFICATION

Pursuant to Section 165-102(C) of the County Code, the Zoning Administrator may grant a modification from any provision contained in the Shenandoah County Zoning Ordinance with respect to physical requirements on a lot or parcel of land, including but not limited to size, height, location or features of or related to any building, structure, or improvements, if the Zoning Administrator finds, in writing, that:

- (a) The strict application of the ordinance would produce undue hardship;
- (b) Such hardship is not shared generally by other properties in the same zoning district and the same vicinity; and
- (c) The authorization of the modification will not be of substantial detriment to adjacent property, and the character of the zoning district will not be changed by the granting of the modification.

The applicant should include in the application information and evidence with respect to each of the factors set forth above. Each application will be reviewed based on its own merits.

**APPLICATION FOR MODIFICATION OF THE ZONING
ORDINANCE OF SHENANDOAH COUNTY, VIRGINIA**

This form must be typed or filled out in ink - (please print). A hard copy of this form must be submitted to the Shenandoah County Community Development Office, 600 North Main Street, Suite 107, Woodstock, Virginia 22664

1. Applicant Information

The applicant is the (*Check one*) 1). property owner____ 2). occupant _____
3). contract purchaser _____ 4). other _____

Applicant(s) Name: _____
Address: _____
Phone: _____
Email: _____

Owner(s) Name (if different from Applicants): _____
Address: _____
Phone: _____
Email: _____

2. Property Information

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

Tax Map Identification Number: _____

Zoning District: _____

Acreage: _____

Road frontage (in feet): _____

Source of title for current ownership (a copy of the deed must be enclosed with the application):

Deed Book Number_____

Page Number_____

Existing Use of Property (e.g. "single-family residence", "business", "church", etc. If it is a non-residential use, state the type of use):

Have there been any prior applications for zoning permits, zoning modifications, special use permits, or variances with respect to the property? (If yes, please provide detail as to the type of permit/application, when it was submitted, what the outcome was and all documents associated with such request that are still in your possession): _____

NOTE: A SITE PLAN OF THE PROPERTY MUST BE ATTACHED WITH THIS APPLICATION IN ACCORDANCE WITH SECTION 2 OF THE ZONING MODIFICATION PROCEDURES

3. Adjoining Property Information:

Adjoining property uses for all properties in each direction are: (*e.g. residential, commercial, agricultural, etc.*). There may be more than one adjoining property in each direction, please list all.

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

4. Requested Modification

Describe in detail the modification to the zoning ordinance requested by the applicant. If applicable, state distances. For example "A modification to the side yard setback to allow a storage shed to be constructed six feet from the side property line.": _____

Describe in detail the circumstances relating to the request for the modification, including (i) the purpose of the modification, (ii) how the property will be served if the modification is granted, and (iii) any undue hardship that will be suffered by the applicant if the modification is not granted:

It is proposed that the following buildings, additions, or improvements will be constructed: _____

5. Additional Information

Describe below any special circumstances pertaining to the property and the requested modification:

- 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.
- Other _____.

Please describe the special circumstances, if any, checked above.

Additional comments or information with respect to the requested modification (you may enclose additional pages, pictures, or other information):

I (we), the undersigned, do hereby certify that the information provided is accurate to the best of my (our) knowledge and hereby apply for a modification under the provisions of the Code of Shenandoah County. I (we) understand that the Zoning Administrator may approve or deny this application. I (we) authorize the County, its agents and employees to go upon the property for the purpose of making site inspections. **All owner(s) must sign.**

SIGNATURE(S) OF APPLICANT(S) _____ **DATE** _____

SIGNATURE(S) OF OWNER(S) _____ **DATE** _____
(if other than applicant(s))

OFFICE USE ONLY

Application No:

Date Received:

Date Notice Provided to Adjacent Properties:

Decision: