



COUNTY OF RICHMOND

Land Use Office

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Warsaw, Virginia 22572

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Website: www.co.richmond.va.us

To: Applicant for Variance
From: Land Use Office
Subject: Variance Procedures & Application

Purpose and Background

When a property owner is unable to meet certain zoning requirements, such as the minimum property line setbacks for a structure, a *variance* may be requested.

Under Virginia Code Section 15.2-2201 a “Variance” is defined as a reasonable deviation from certain zoning requirements such as the size of a parcel of land or the location of a structure; and, that the granting of a variance will alleviate a clearly demonstrated hardship (as distinguished from a special privilege or convenience). The decision to approve a variance shall be in harmony with the intended spirit & purpose of the ordinance; shall not be contrary to the public interest; and, shall not be self-inflicted. The applicant for a variance may be any property owner, tenant, government official or agency.

The approving body for a variance is the Richmond County Board of Zoning Appeals (BZA). The BZA is a five member citizen body appointed by the Court and has the authority to hear & decide on an applicant’s request for a variance. Meetings are held in the evenings and are open to the public to allow the BZA to receive comments from the applicant, Zoning Administrator, County Attorney and/or individuals in favor or opposed to the request.

Applicants Responsibility

First, the applicant is required to meet with the Zoning Administrator to review their request and, if it is determined that a variance is necessary, the applicant is then required to submit a completed application. All questions must be answered as accurately and completely as possible to ensure that there is no delay in your request. Additionally, any required documents are to be included with the application & submitted to the Zoning Administrator prior to the deadline for the next meeting. Please note that the non-refundable application fee is required when the application is submitted.

If the applicant is not the owner of the property, evidence must be submitted showing that the applicant has approval to request a variance and will have the right to use the property as proposed.

The Completed Application

Please take sufficient time to complete your application packet so that your reason for seeking the variance is clearly stated and explains the physical hardship as to why you could not locate the *improvement* in any other area. **It is also the sole responsibility of the applicant to inform the BZA how much of a variance is being requested**, such as 2-feet from the rear property line.

The more information that is presented initially will lessen the possibility that the request will be held up by the Planning Commission due to lack of information. If a question is not applicable, please indicate by writing *N/A* (Not Applicable).

The Approval Process

The BZA meets on the 4th Tuesday of each month. In order for an application to be placed on the meeting agenda, the application must be filed in the Land Use Office by 5:00 p.m., twenty-one (21) days prior to the meeting date.

After the application is filed, the BZA meeting date and public notice is published in the Northern Neck News for two consecutive weeks. Prior to the meeting, the applicant's property is inspected by the Zoning Administrator and the BZA members so they may better understand the circumstances related to the request.

During the BZA meeting, a public hearing on the request will be held and members of the public may come to address the Board on the request. The information provided by speakers and the applicant shall be factual to the request; and, the decision of the BZA shall be based on the finding of facts and the exercise of limited discretion in applying predetermined policies to their situation. After the public hearing, the Board may make its decision on the request or they may table a decision if it is determined that the Board needs additional information.

In making their decision, the BZA will take into consideration the objective and intent of the Zoning Ordinance; ensure that the variance is in harmony with the intended spirit and purpose of the ordinance; approve the request in part of whole; and, may impose reasonable conditions.

The BZA may grant a variance where it finds that a literal enforcement of the provisions of the zoning ordinance would result in a hardship as distinguished from a special privilege or convenience sought by the applicant. The hardship from which the relief is sought **cannot be self-inflicted** and must arise out of an extraordinary situation or conditions of the piece of property or property immediately adjacent thereto; and, that the variances shall be in harmony with the intended spirit and purpose of the ordinance.

If you have any questions concerning the completion of the application, do not hesitate to contact the Zoning Administrator in this office at (804)333-3415.

**RICHMOND COUNTY
BOARD OF ZONING APPEALS
APPLICATION FOR A VARIANCE**

Project Number: _____

Date Received: _____

Fee Amount: \$ _____

Date Paid: _____

TO BE COMPLETED BY APPLICANT:

Applicant Name

Address

City

State

Zip

Property Location for Variance (if different than applicant's address)

Primary Contact Number

Email Address

Property Owner (if same as applicant, leave blank)

Address

City

State

Zip

Primary Contact Number

Email Address

() Property owner; () Agent for the property owner

If you are the property owner and/or agent for the property owner, you must provide evidence of consent.

1. Current land use and condition of site: _____

2. Character of surrounding land/property: _____

3. What is the applicant's interest in the premises affected? _____

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

5. Identify the specific section in the zoning ordinance from which you are requesting a variance. This request is made for a variance from Section _____ of the Richmond County Zoning Ordinance which states that: _____

6. What is the specific deviation from the Code that you are requesting? Example: Allow a 40-foot front yard setback instead of the required 50-foot front yard setback as required in the Agricultural Zoning District (A-1) under section 2-2-2-5. _____

7. How is the requested variance in harmony with Section 3-10-4 (Guiding Principles) of the Richmond County Zoning Ordinance, which states “the use shall be in harmony with the policies embodied in the adopted Richmond County Comprehensive Plan”? _____

8. Explain why there is no other reasonable option to comply with the zoning ordinance without a variance. (Have you tried other options, such as a smaller building, change building locations, clearing a larger area?) _____

9. Section 15.2-2309 of the Code of Virginia requires the BZA to make the following findings before a variance can be granted. Please read the factors listed below carefully and in your own words, describe how your request meets each factor.
- a. That the strict application of this ordinance would produce an undue hardship: _____

- b. That such hardship is not shared generally by other properties in the same zoning district and the same vicinity: _____

- c. That 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 the granting of a variance: _____

**The following documents and/or information are required
to be submitted with the application:**

□ **An application fee of \$**

Make payable to the Treasurer of Richmond County. This fee is non-refundable and is required at the time of submittal.

□ **A Site Plan/Survey**

A certified survey shall be obtained and indicate all property boundaries and adjacent roads. The required zoning district setback lines, distances for all existing and/or proposed structure(s) and septic and well location will be identified and measured in feet. Any other pertinent information which would help outline your proposed use should be included. The Administrator and or the Board of Zoning Appeals reserve the right to ask for an engineered site plan, if they deem it necessary for evaluation of the proposed variance request.

□ **Sewage Disposal and Well Site**

Location of the existing or proposed septic system & drainfield and the well site are to be indicated on the survey. A copy of the Virginia Department of Health permit is required.

□ **A copy of the deed to the property verifying the current ownership**

A copy may be obtained at the Richmond County Courthouse, Circuit Clerk's Office.

□ **A statement verifying the real estate taxes have been paid**

This may be obtained from the Treasurer's Office located in the Richmond County Administration Building.

□ **A Statement of Justification**

This printed or typed statement is to be addressed to the Richmond County Board of Zoning Appeals. It is to summarize your proposed use and highlight any aspects of the request which are not addressed in the application form. Please note, the statement is required to be on standard 8 ½ x 11 size paper so that we may copy it. The statement of justification is to specifically address how this variance request relates to the guidelines shown below in **bold**. For the variance request to be granted, the BZA must find that:

- *The strict application of the ordinance would produce undue hardship.*
- *Such hardship is not shared generally by other properties in the same zoning district and the same vicinity.*
- *Authorization of such variance will not be of substantial detriment to adjacent property and the character of the district will not be changed by the granting of the variance.*

□ **Location Map**

A map clearly legible, showing the location of the proposed project in relation to surrounding publicly maintained roads and showing the use of surrounding properties. County staff can assist in obtaining this information.

TO BE COMPLETED BY STAFF:

Tax Map No.: _____

Present Zoning: _____

Section: _____

Election District: _____

Block: _____

Property Area (acres): _____

Lots: _____

Property Frontage (feet): _____

Subdivision: _____

Property Depth (feet): _____

- List any prior variance, proffers and/or conditions currently associated with this property.

- A location map showing the location of the proposed project in relation to surrounding publicly maintained roads and showing the use of surrounding properties.

Date Authorized for Advertisement: _____

Advertising Deadline: _____

Building Department Review/Comments: _____

Planning/Zoning Department Review/Comments: _____

Date of Public Hearing for the Zoning Board of Appeals: _____

Approve: _____ Vote: _____ Disapprove: _____ Vote: _____

Conditions: _____

NOTES

Adjacent Property Owners to be completed by the Land Use Office

Name: _____

Address: _____

Tax Map No.: _____

Name: _____

Address: _____

Tax Map No.: _____

Name: _____

Address: _____

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Name: _____

Address: _____

Tax Map No.: _____

Name: _____

Address: _____

Tax Map No.: _____

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