



County of Washington, Virginia
 Board of Zoning Appeals
 1 Government Center Place, Suite A; Abingdon, Virginia 24210

APPLICATION FOR VARIANCE

PRINTED NAME OF APPLICANT: _____ DATE: _____

PARCEL NUMBER(S): _____

NAME OF PROPERTY OWNER(S): _____

RELATIONSHIP OF APPLICANT, IF NOT OWNER: _____

MAILING ADDRESS OF APPLICANT: _____

MAILING ADDRESS OF OWNER(S), IF NOT APPLICANT: _____

TELEPHONE NUMBER(S): _____

EMAIL ADDRESS(ES): _____

Instructions: Applications filed together with the application fee and all supporting materials that are received at the address shown above on or before 5 p.m. on the 15th of the month, postmarks notwithstanding, will be presented to the Board of Zoning Appeals (BZA) at its review during its regular meeting the following month. Incomplete applications and applications received by email or facsimile will not be processed. Applicants are encouraged to attend the BZA meeting at which the application will be presented for the purpose to explain the application to the BZA and answer questions from the BZA.

Standards for issuance of variance:

See, Virginia Code § 15.2-2309 and Washington County Code 66-32(2) and 66-136.

The applicant for a variance has the burden to prove by a “preponderance of the evidence” that the application meets the standard for variance as defined in Virginia Code § 15.2-2201 and the criteria for variance as set out in Virginia Code § 15.2-2309. The information requested in this application is what is needed for the BZA to determine if the application meets the state law requirements for variance.

If the application for variance satisfies the requirements of state law, the Board of Zoning Appeals may grant a variance to authorize a reasonable deviation from County Zoning Ordinance requirements regarding shape, size, or area of a lot or parcel of land or the size, height, area, bulk, or location of a building or structure. The BZA may impose such conditions regarding the location, character, and other features as it may deem necessary in the public interest and may require a bond to ensure that the conditions imposed are being and will continue to be complied with. No expansion of a structure permitted by variance shall be allowed unless the expansion is within an area of the site or part of the structure for which no variance is required. If not, then an additional variance shall be required.

The Board of Zoning Appeals does not have authority to grant a variance to authorize a use of property that is not allowed by the County Zoning Ordinance in the zoning district in which the lot or parcel is located. Permissible uses of property are listed for each zoning district as either permitted by right or eligible for consideration by the Board of Supervisors for allowance by special exception permit. The BZA does not have authority to alter zoning ordinance requirements regarding permissible uses of property.

Please provide the following information to support your application for a variance.

You may attach additional documentation and pages as needed.

Is the variance requested for the purpose to comply with state or federal Fair Housing Law Standards or Americans with Disabilities Act standards of 1990? No. Yes. If yes, please explain:

Note: If a request for a reasonable modification is appropriate under the provisions of state and federal fair housing laws, or the Americans with Disabilities Act of 1990 ([42 U.S.C. § 12131 et seq.](#)), as applicable, such request shall be granted by the BZA.

Which of the following Zoning Ordinance requirements unreasonably restricts your use of your property such that you request a variance:

Area regulations	Yard regulation
Setback regulations	Building height restriction
Frontage regulations	Corner lot regulation

How does the above-referenced restriction unreasonably affect your use of your property? Please provide a plat, diagram, photographs, or other supporting documentation to support your answer.

Would granting the variance alleviate a hardship due to a physical condition relating to the property or its improvements that have continued to be present on the property since December 31, 1971? If yes, please explain.

What changes have you made to the property since you acquired it? Have any of those changes contributed to the hardship from which you now request a variance?

How will granting the variance affect adjacent and nearby properties?

I (WE), THE UNDERSIGNED, BY OUR SIGNATURES BELOW, CERTIFY THAT THE ABOVE-STATED INFORMATION IS TRUE AND CORRECT TO THE BEST OF OUR KNOWLEDGE AND BY SUBMITTING THIS APPLICATION REQUEST ISSUANCE OF A VARIANCE AS STATED HEREIN.

Applicant signature(s): _____

Applicant printed name(s): _____

Owner signature(s): _____

Owner printed name(s): _____

ZONING STAFF USE ONLY

Applicant name and parcel number(s): _____

Date of County receipt of complete application and fee: _____

Section(s) of Zoning Ordinance for which variance is requested: _____

Parcel description and applicable zoning ordinance requirements:

Zoning District:	Primary use of parcel:
Size of parcel (acres or square feet):	Primary use of nearby parcels:
Public water?	Public sewer?
Minimum lot size:	Street setback requirement:
Frontage requirement:	Side yard setback:
Rear yard setback	Height regulations:
Corner lot requirements:	

Is the request suitable for a variance as a deviation from the Zoning Ordinance requirement for shape, size, or area of a lot or parcel of land or the size, height, area, bulk, or location of a building or structure? Explain.

Is the variance necessitated by federal or state Fair Housing Laws or Americans with Disabilities Act? Explain.

Would the granting of the variance result in a use of the property for a purpose that is not otherwise permitted in the applicable zoning district? Explain.

Could the applicant request a special exception permit or rezoning, which if granted would resolve the hardship?

Do other properties share the need for variance as described in the application such that a zoning ordinance amendment would be more appropriate? Is the condition or situation of the property concerned of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the ordinance?

Would granting the requested variance be contrary to the purpose of the zoning ordinance, taking into particular consideration the purpose of the zoning district in which the parcel is located?

Would granting the variance cause substantial detriment to adjacent property and nearby properties in the proximity of the geographical area in which the property is located?

Applicant name and parcel number(s): _____

*For completion after BZA Review:
Attach copy of meeting minutes to be maintained in file with application.*

Date of hearing before the Board of Zoning Appeals: _____

Action of Board of Zoning Appeals:
Grant variance as requested
Deny variance
Grant variance subject to conditions as stated in meeting minutes

Other: _____

On motion of _____, second by _____:

Vote:
Aye _____
Nay _____
Abstain _____