

## **VARIANCE/APPEAL PROCESS** **BROCHURE**

### ***What is a variance?***

A provision in the Zoning Ordinance which allows an applicant to depart from the standard rules of the Zoning Ordinance.

### ***Who can grant a variance?***

The Board of Zoning Appeals has the authority to grant variances in cases where strict application of the Zoning Ordinance would result in unnecessary hardship for the property owner.

### ***What is the basis for a variance?***

The Board of Zoning Appeals must base their decision on the following considerations, stated in the Pittsylvania County Zoning Ordinance, Article V, Division 7, Section 35-851, when they grant variances.

1. Because of special conditions associated with the property, such as exceptional topographic conditions, the strict application of the Zoning Ordinance would effectively prohibit or unreasonably restrict the use of the property.
2. Due to the condition or development of immediately adjacent property, the strict application of the Zoning Ordinance would effectively prohibit or unreasonably restrict the use of the property.
3. If the applicant can clearly demonstrate a hardship approaching confiscation, as opposed to a special privilege or convenience.

In addition, if the Board finds a hardship, all three of the following must be met by the applicant:

1. That the strict application of this chapter would cause undue hardship.
2. That the hardship is not shared generally by other property in the same zoning district and the same vicinity.
3. 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.

Furthermore, variances are not authorized to deal with general situations in which an amendment to the Zoning Ordinance is more appropriate.

Before applying for a variance, discuss your situation with a member of the Zoning Department staff. A solution may be discovered without the use of a variance.

### ***When are applications accepted?***

The deadline for applications and required material is the first Thursday of each month.

### ***What kind of information do I need to submit?***

- If recent conveyance or subdivision, a copy of the recorded deed and or plat
- A sketch showing dimensions, existing structures, proposed structures, streets and setbacks from property lines.
- A letter of application stating in general terms: why a variance is needed and if it meets the requirements.
- A site development plan/concept plan, discretion of the Zoning Administrator
- Legal Forms, including Petition and Proffer of Conditions (if any). All forms must be typed and if done outside zoning office notarized.
- A list of all adjacent property owners, their addresses and parcel numbers.
- Other information requested by the Zoning Administrator

### ***How much is the variance fee?***

\$ The cost to apply for a variance is \$125 payable to the Treasurer of Pittsylvania County.

\$ Plus the cost of certified postage for each adjacent property owners and the postage for the registered letter to the applicant must be included.

### ***WHAT IS AN APPEAL?***

A zoning appeal is when the decision or determination made by the zoning administrator is questioned.

### ***When is the best time to file for a zoning appeal?***

Appeals must be filed within thirty days of a zoning administrator's decision.

### ***What must be submitted in order to file a zoning appeal?***

All that is required to be submitted is a notice of appeal, specifying the grounds thereof.

### ***What happens after I apply for a zoning appeal?***

After making an application to appeal a decision, the property is posted, adjoining properties are notified, and a public hearing is conducted at a regular Board of Zoning Appeals meeting. Final decision is rendered by vote of the Board.

### ***What is the criteria followed by the Board in determining an appeal?***

The Board of Zoning Appeals must decide whether the zoning administrator correctly interpreted the ordinance.

### ***How much is the appeal fee?***

\$ The cost to apply for an appeal is \$115 payable to the Treasurer of Pittsylvania County.

\$ Certified postage for the notification of all adjacent property owners and Registered postage for letter to property owner must also be included.

***How long does the Variance or Appeal Process take?***

The process takes approximately two months.

\*\*\*\*\*