

Town of Washington, Virginia
P.O. Box 7
Washington, Virginia 22747

For questions or to schedule a meeting call the Town Office (540) 675-3128

Board of Zoning Appeals (BZA) Variance or Appeal Application

Application Instructions

1. Complete as much of the application as possible, paying careful attention to the description of your project.
2. Schedule a meeting with the Zoning Administrator by calling the Town Office at 540-675-3128 or emailing the Zoning Administrator at zoning@washingtonva.gov or the Town Clerk at townofwashington@washingtonva.gov
3. The Zoning Administrator will determine if the application is correct and complete. Additional information or supportive materials may be required to complete the application.
4. The appropriate fee will be required as part of completing the application. A fee schedule will be provided for reference. The Zoning Administrator will provide you with the amount due for the application.
5. The Zoning Administrator will provide a meeting schedule for the required meeting to hear the application. Some types of applications require multiple meetings for approval. If additional meetings are required a tentative schedule will be provided.
6. Once the application is determined complete and fee is paid the application will proceed to the appropriate meeting. You will receive notification of the meeting a few days prior to the meeting.

Town Office File Assignment Information:
Street Address: _____ Date: _____ Application No. _____

Town of Washington, Virginia
P.O. Box 7
Washington, Virginia 22747

BOARD OF ZONING APPEALS APPLICATION

Please print or type all information

Applicant: _____
Owner: _____
Telephone: _____
Email Address: _____
Street Address: _____
City, State, Zip Code: _____

Owner's Name as it appears on land records:

Telephone/Cell Phone: _____
Email Address: _____
Street Address: _____
City, State, Zip code: _____

Please describe the request of the application:

Owner' Signature _____
If more than one owner, list all owners and contact information on the reverse of this page

Property Location:
Current Street Address: _____
Current Zoning: _____
Tax map identification number(s): _____

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Applications, supportive materials and fees must be submitted to the Town Clerk for the Zoning Administrator to determine if the application is complete. Complete Applications must be submitted two (2) weeks prior to the regular monthly meeting of the Board of Zoning Appeals.
Failure to submit all materials may result in a delay.

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I/we hereby certify that the above information is complete and correct.

Signature _____ Date _____

BOARD OF ZONING APPEALS APPLICATION

Please print or type all information

Please submit all of the following materials as part of this application

1. One complete copy of this application and supportive materials.
2. A description of the Appeal or Variance requested.
3. Supportive materials and documents.
4. Required Fees. See the Town Fee Schedule
5. List of adjacent property owners with name, mailing address and tax ID.

Please submit all materials to the Town Clerk.

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This section is to be filled out by the Town Zoning Administrator

Appeal / Variance No. : _____

Fee Paid: _____ Date Fee Paid: _____

Date of Conference with Zoning

Administrator: _____

Application complete and accepted by & date: _____

Legal notices: Yes No Sign: Yes No Adjoining Owners: Yes No

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Submit applications and materials to:

Mailing Address:

Town of Washington, P. O. Box 7, Washington, Virginia 22747

Physical Town Office Location:

567 Mt. Salem Ave, Suite 3, Washington, Virginia 22747

Town Office Phone: (540) 675-3128

Town Clerk Email: townofwashington@washingtonva.gov

Zoning Administrator Email: zoning@washingtonva.gov

Please submit all applications, support materials and fees to the Town Clerk.

BOARD OF ZONING APPEALS APPLICATION – Page 2 of 2

§ 15.2-2309. Powers and duties of boards of zoning appeals.

Boards of zoning appeals shall have the following powers and duties:

1. To hear and decide appeals from any order, requirement, decision, or determination made by an administrative officer in the administration or enforcement of this article or of any ordinance adopted pursuant thereto. The decision on such appeal shall be based on the board's judgment of whether the administrative officer was correct. The determination of the administrative officer shall be presumed to be correct. At a hearing on an appeal, the administrative officer shall explain the basis for his determination after which the appellant has the burden of proof to rebut such presumption of correctness by a preponderance of the evidence. The board shall consider any applicable ordinances, laws, and regulations in making its decision. For purposes of this section, determination means any order, requirement, decision or determination made by an administrative officer. Any appeal of a determination to the board shall be in compliance with this section, notwithstanding any other provision of law, general or special.

2. Notwithstanding any other provision of law, general or special, to grant upon appeal or original application in specific cases a variance as defined in § 15.2-2201, provided that the burden of proof shall be on the applicant for a variance to prove by a preponderance of the evidence that his application meets the standard for a variance as defined in § 15.2-2201 and the criteria set out in this section.

Notwithstanding any other provision of law, general or special, a variance shall be granted if the evidence shows that the strict application of the terms of the ordinance would unreasonably restrict the utilization of the property or that the granting of the variance would alleviate a hardship due to a physical condition relating to the property or improvements thereon at the time of the effective date of the ordinance, or alleviate a hardship by granting a reasonable modification to a property or improvements thereon requested by, or on behalf of, a person with a disability, and (i) the property interest for which the variance is being requested was acquired in good faith and any hardship was not created by the applicant for the variance; (ii) the granting of the variance will not be of substantial detriment to adjacent property and nearby properties in the proximity of that geographical area; (iii) the condition or situation of the property concerned is not 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; (iv) the granting of the variance does not result in a use that is not otherwise permitted on such property or a change in the zoning classification of the property; and (v) the relief or remedy sought by the variance application is not available through a special exception process that is authorized in the ordinance pursuant to subdivision 6 of § 15.2-2309 or the process for modification of a zoning ordinance pursuant to subdivision 4 of § 15.2-2286 at the time of the filing of the variance application. Any variance granted to provide a reasonable modification to a property or improvements thereon requested by, or on behalf of, a person with a disability may expire when the person benefited by it is no longer in need of the modification to such property or improvements provided by the variance, subject to 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. If a request for a reasonable modification is made to a locality and 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 locality unless a variance from the board of zoning appeals under this section is required in order for such request to be granted.

No variance shall be considered except after notice and hearing as required by § 15.2-2204. However, when giving any required notice to the owners, their agents or the occupants of abutting property and property immediately across the street or road from the property affected, the board may give such notice by first-class mail rather than by registered or certified mail.

In granting a variance, the board may impose such conditions regarding the location, character, and other features of the proposed structure or use as it may deem necessary in the public interest and may require a guarantee or bond to ensure that the conditions imposed are being and will continue to be complied with. Notwithstanding any other provision of law, general or special, the property upon which a property owner has been granted a variance shall be treated as conforming for all purposes under state law and local ordinance; however, the structure permitted by the variance may not be expanded unless the expansion is within an area of the site or part of the structure for which no variance is required under the ordinance. Where the expansion is proposed within an area of the site or part of the structure for which a variance is required, the approval of an additional variance shall be required.