



BOTETOURT COUNTY, VIRGINIA

### Development Services

[permits@botetourtva.gov](mailto:permits@botetourtva.gov)

### AFFIDAVIT FARM STRUCTURE EXEMPTION

Farm buildings and structures are exempt from the Virginia Uniform Statewide Building Code (USBC). In order to qualify for the exemption, a structure must be used for a specific purpose that is directly related to farming operations. The Code of Virginia Section 36-97 defines a farm building/structure as follows:

Farm Structure (Building): A building or structure not used for residential purposes, located on property where farming operations take place, and is used primarily for any of the following uses or combinations thereof:

1. Storage, handling, production, display, sampling or sale of agricultural, horticultural, floricultural or silvicultural products produced on the farm;
2. Sheltering, raising, handling, processing or sale of agricultural animals or agricultural animal products;
3. Business or office uses relating to the farm operations;
4. Use of farm machinery or equipment or maintenance or storage of vehicles, machinery or equipment on the farm;
5. Storage of use of supplies and materials used on the farm; or,
6. Implementation of best management practices associated with farm operation.

Such buildings or structures lying within a flood plain or in a mudslide-prone area are subject to floodproofing and/or mudslide regulations. This exemption does not apply to any building or portion thereof used or operated as a restaurant and license by the Board of Health.

OWNER NAME: \_\_\_\_\_ PHONE: \_\_\_\_\_

OWNERS ADDRESS: \_\_\_\_\_

PROPERTY ADDRESS: \_\_\_\_\_

TAX MAP ID: \_\_\_\_\_ ZONING DESIGNATION: \_\_\_\_\_

Please answer the following questions in order to verify that the identified structure is qualified for exemption:

1. Is the above described property currently being used as a farm operation? **“Farm operation”** means any activity conducted solely or primarily for the production of one or more agricultural products or commodities, including timber, for sale or home use, and customarily producing such products or commodities in sufficient quantity to be capable of contributing materially to the operator’s support. (Code of Virginia Section 25.1-400)

YES NO

2. Is the identified building or structure intended to be used for one or more of the following:
  - a. The storage, handling, production, display or sale of any items listed in question 1, or
  - b. For the sheltering, raising or processing of agricultural animals or animal products, or
  - c. For the maintenance, storage or use of equipment or materials related to the activities listed in question 1, or
  - d. For business or office use or implementation of best management practices associated with the farm use?

YES NO

If you answered **NO** to either question, the building or structure **is not exempt** from the requirements of the USBC. If you answered **YES** to both questions, please complete the affidavit on the bottom of this form stating that the identified structure meets the farm structure exemption of the USBC. There will be no permits required or inspections performed by the Botetourt County Development Services Office. **The Structure is not exempt from other laws, regulation and ordinances including the Botetourt County Zoning Ordinance.** Presentation of a false affidavit is a violation of the USBC and subject to a fine not to exceed \$2,500.00. Presentation of a false affidavit may also constitute violation of other federal, state or local regulations.

I (name) \_\_\_\_\_ have read and understand the above and affirm that the structure identified qualifies as a farm structure.

Owner's Signature: \_\_\_\_\_ Date: \_\_\_\_\_