

# ***BOTETOURT COUNTY DEVELOPMENT SERVICES***

## ***Board of Zoning Appeals Application for Variance***

5 West Main Street, Suite 100 ♦ Fincastle, VA 24090 ♦ 540.473.8320

### **PLEASE READ THE FOLLOWING:**

A variance application must be filed, signed and notarized by the owner of the subject property, and must meet specific submittal requirements.

### **Submittal Requirements/Checklist**

Once an application is submitted, county staff will review it for completeness. An application must be complete before it is officially accepted. If an application is incomplete, a letter specifying the deficiencies will be mailed to the property owner or designated agent. Once an application is deemed complete, it will be scheduled for a public hearing before the Board of Zoning Appeals. The following must be submitted and reviewed, prior to acceptance of the application:

- Submit one (1) original and four (4) collated copies of the application, certified plat and statement of justification for review. Staff will advise if the application has been deemed complete.
- Twelve (12) copies of a certified plat prepared by a licensed land surveyor, which includes the layout and location of all existing structures, any proposed structures and the setbacks from all property lines (front, sides and rear).
- A copy of the deed to the property, indicating the legal ownership.
- The variance application, certified plat and statement of justification must be collated together into twelve (12) separate packages.
- A check in the amount of \$150.<sup>00</sup> made payable to the Treasurer of Botetourt County.
- Hearings will be scheduled following a completed application.

After the complete application and supporting documents have been submitted to the Zoning Administrator, these steps will be followed:

1. Public hearings are required by law and will be held by the Board of Zoning Appeals on the second Tuesday of the month in the Old District Courtroom.
2. The Zoning Administrator will submit the application for a variance to the Board of Zoning Appeals.
3. Notice shall be given of the required public hearing in accordance with the requirement of the Code of Virginia (Title 15.2-2204). Adjacent property owners and the applicant shall be notified in writing via certified mail as to the date, time and location of the public hearing. **The applicant will pay all costs associated with certified mail notification to adjacent property owners. An invoice will be sent to the applicant following the mailing of the certified letters.** A legal advertisement will be prepared and submitted to The Fincastle Herald to be run

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for two (2) consecutive weeks prior to the public hearing.

4. The Board of Zoning Appeals shall hold a public hearing, which meets on the second Tuesday of the month. The applicant and/or his/her representative **must appear** at this meeting. Adjacent property owners and all other interested parties may appear in person and present their views/opinions or may submit written comments.
  
5. **Upon denial of any application filed, no subsequent application concerning any or all of the same property shall be filed in less than twelve (12) months from the time of the denial by the Board of Zoning Appeals.**

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Date: \_\_\_\_\_

**To the Botetourt County Board of Zoning Appeals:**

Property owner name(s)			
Mailing address			
Town, State, Zip Code			
Phone number		FAX	
Email			
Tax map number(s):			

I/We, \_\_\_\_\_ have read the above-referenced information listed above and understand the submission requirements. All applicants must have notarized signatures by the current property owners. By signing below, signature(s) indicate consent for county officials to conduct site reviews on this property. I/we further understand that incomplete applications will result in a delay in the process.

\_\_\_\_\_  
Signature and printed name of property owners

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature and printed name of property owners

\_\_\_\_\_  
Date

State of Virginia  
County of Botetourt to Wit:

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_ 2\_\_\_\_ by

\_\_\_\_\_  
Printed name of property owners

My commission expires: \_\_\_\_\_ Date

\_\_\_\_\_  
Notary Public printed name and registration number

\_\_\_\_\_  
Notary Public signature

State of Virginia  
County of Botetourt to Wit:

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_ 2\_\_\_\_ by

\_\_\_\_\_  
Printed name of property owners

My commission expires: \_\_\_\_\_ Date

\_\_\_\_\_  
Notary Public printed name

\_\_\_\_\_  
Notary Public signature

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**What is a Variance?**

Variations may be appropriate by reason of the exceptional narrowness, shallowness, size or shape of a specific piece of property, or by reason of exceptional topographic conditions or other extraordinary condition. **Variations are not automatically granted.** The applicant must demonstrate that the application meets the following criteria:

Pursuant to Paragraph (f) of Section 25-551 of the Botetourt County Zoning Ordinance, the standards for a Variance are as follows:

- (f) ***Standards for variance.*** No variance referred to in this section shall be authorized by the Board of Zoning Appeals unless it finds:
1. That the strict application of this chapter would produce undue hardship.
  2. That such hardship is not shared generally by other properties in 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 the variance.
  4. That the condition or situation of the property concerned or the intended use of the property is not of so general recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to this chapter.

***NOTE: Burden of applicant.*** The applicant for a variance shall bear the burden of producing evidence to support the required findings and to establish that the requested variance satisfies the standards for the granting of a variance.