

Variance Application Packet

February 2015



Caroline County Department of Planning and Community Development

233 West Broaddus Avenue

Bowling Green, VA 22427

www.visitcaroline.com

Phone: 804-633-4303 Fax: 804-633-1766



Variance General Information

The Department of Planning and Community Development has established this application packet to provide an overview as to the process associated with applying for a variance in Caroline County.

Variance

A variance is defined by the Code of Virginia § 15.2-2201 as:

“A reasonable deviation from those provisions regulating the size or area of a lot or parcel of land, or the size, area, bulk or location of a building or structure when the strict application of the ordinance would result in an unnecessary or unreasonable hardship to the property owner, and such need for a variance would not be shared generally by other properties, and provided such variance is not contrary to the intended spirit and purpose of the ordinance, and would result in substantial justice being done. It shall not include a change in use which change shall be accomplished by a rezoning or by a conditional zoning.”

Essentially, a variance is a deviation from a particular regulation of the Zoning Ordinance and has very specific guidelines for being granted.

The variance process is a public hearing process and is heard by the Board of Zoning Appeals (BZA).

Initial Consultation

Call the County Department of Planning and Community Development (DPCD) to discuss your proposal. The Applicant should discuss the proposed variance with staff prior to initiating any work on the variance application to discuss zoning regulations, the asserted hardship, and potential conditions. The Applicant should bring as much information to this meeting as possible, including site layout, geographical and topographic information, plans, designs, and any other details that might be relevant.

Procedure

Once an application is submitted to the County, it will be reviewed by DPCD staff to ensure that all required application information has been provided. The application will then be placed on the BZA agenda for public hearing. The date of the public hearing is generally known soon after the application is deemed complete. During the BZA meeting, staff will present a staff report providing general information regarding the application, and a recommendation as to whether staff believes the variance requests meets applicable zoning standards. The public hearing will then be opened

and the applicant will be allowed to explain its application to the BZA and offer support for its variance request. After the applicant is finished, the public will be allowed to comment on the application, and the public hearing will be closed. The BZA will then discuss and vote on the whether to approve or deny the application. The BZA may impose conditions upon any approved variance.

Authority

Article XVII, Section 4-B.1 of the Zoning Ordinance provides that variances may be granted when a property owner can show that his property was acquired in good faith and where by reason of the exceptional narrowness, shallowness, size or shape of a specific piece of property at the time of the effective date of the ordinance, or where by reason of exceptional topographic conditions or other extraordinary situation or condition of such piece of property, or of the use or development of property immediately adjacent thereto, the strict application of the terms of the ordinance would effectively prohibit or unreasonably restrict the use of the property or where the board is satisfied, upon the evidence heard by it, that the granting of such variance will alleviate a clearly demonstrable hardship approaching confiscation, as distinguished from a special privilege or convenience sought by the applicant, provided that all variances shall be in harmony with the intended spirit and purpose of this ordinance.

No such variance shall be authorized by the BZA unless it finds:

1. The strict application of the provisions of the Zoning Ordinance would produce undue hardship
2. The hardship is not shared generally by other properties in the same zoning district and the same vicinity; and
3. 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. The intended use of the property 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 this ordinance.

Prohibited Variances & Limitations

No variance shall be authorized by the BZA that would:

1. Permit the establishment of a use not otherwise permitted in the zoning district as set forth in the Zoning Ordinance.
2. Result in an increase in density from that permitted by the applicable zoning district regulations as set forth in this ordinance.

3. Relate to signs, except as specifically qualified by the provisions of the sign regulations of the Zoning Ordinance.

Whenever an application for a variance has been denied by the BZA, at least one (1) year shall lapse before reconsideration of the same application or one substantially similar.

If you have further questions please feel free to call the Department of Planning and Community Development at (804) 633-4303.

Variance Applicant Checklist



- Payment (Checks payable to Treasurer of Caroline County):
 - \$600 per request
- Completed Land Development Application
- Narrative to address the following:
 - The specific provision(s) of the Ordinance from which a variance is sought
 - The natures and extent of the variance sought
 - The special conditions of the property or the nature of the use and/or development of immediately adjacent property which would make such a variance necessary Description of the proposed use
 - Copy of the deed verifying ownership of the property
 - Recent boundary survey



Tax Map Number: _____

PLANNING & DEVELOPMENT APPLICATION

DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT

233 WEST BROADDUS AVENUE

BOWLING GREEN, VA 22427

(804) 633-4303

(804) 633-1766

WWW.VISITCAROLINE.COM

DATE SUBMITTED: _____

CASE NUMBER: _____

1. TYPE OF REQUEST

- REZONING: FROM _____ TO _____ PROFFER AMENDMENT _____
(REZONING CASE #)
- SPECIAL EXCEPTION: _____ SITE PLAN: _____ MAJOR _____ MINOR
(ORDINANCE SECTION)
- VARIANCE: _____ ADMINISTRATIVE APPEAL _____
- COMP. PLAN AMENDMENT _____ OTHER _____
- SUBDIVISION (MAJOR)
_____ PRELIMINARY _____ FINAL _____ CONCEPT
- SUBDIVISION (OTHER)
_____ MINOR _____ BLA/VACATION _____ FAMILY

2. PROPERTY INFORMATION

TAX MAP NUMBER _____ CURRENT ZONING _____

ACREAGE OF REQUEST _____ TOTAL ACREAGE _____

PHYSICAL ADDRESS/LOCATION _____

VOTING DISTRICT _____

UTILITIES: _____ PUBLIC _____ PRIVATE _____ EXISTING _____ NEW

3. CONTACT INFORMATION

APPLICANT NAME DAYTIME PHONE NUMBER

MAILING ADDRESS, CITY, STATE, ZIP CODE

OWNER(S) NAME (ATTACH SEPARATE SHEET(S) IF NECESSARY) DAYTIME PHONE NUMBER

MAILING ADDRESS, CITY, STATE, ZIP CODE

MAIN POINT OF CONTACT DAYTIME PHONE NUMBER

Tax Map Number: _____

4. FEE SCHEDULE

REZONING	_____	+	(_____ X _____)	=	_____
	BASE FEE		ACREAGE \$/ACRE		TOTAL
PROFFER AMENDMENT	_____	+	(_____ X _____)	=	_____
	BASE FEE		NO. OF REQUESTS \$/REQUEST		TOTAL
SPECIAL EXCEPTION	_____	+	(_____ X _____)	=	_____
	BASE FEE		ACREAGE \$/ACRE		TOTAL
SITE PLAN: MAJOR	_____	+	(_____ X _____)	=	_____
	BASE FEE		ACREAGE \$/ACRE		TOTAL
SITE PLAN: MINOR	_____	X	_____	=	_____
	BASE FEE		NUMBER OF REQUESTS		TOTAL
COMP PLAN AMENDMENT	_____	X	_____	=	_____
	BASE FEE		NUMBER OF REQUESTS		TOTAL
VARIANCE/ADM. APPEAL	_____	X	_____	=	_____
	BASE FEE		NUMBER OF REQUESTS		TOTAL
SUBDIVISION: MINOR			\$250 - MINOR \$200 - BLA \$100 - VACATION	=	_____
TYPE: _____			\$200 + \$50 PER NEW LOT - FAMILY		TOTAL
SUBDIVISION: MAJOR	_____	+	(_____ X _____)	=	_____
	BASE FEE		NUMBER OF LOTS \$/LOT		TOTAL
CONCEPT PLAN	\$250	X	_____	=	_____
	BASE FEE		NUMBER OF REQUESTS		TOTAL
OTHER	_____	X	_____	=	_____
	BASE FEE		NUMBER OF REQUESTS		TOTAL
TOTAL					

CHECK # _____ CASH CHARGE RECEIPT # _____

REVIEW BY / COMMENTS: _____

5. I/WE READ THIS COMPLETED APPLICATION, UNDERSTAND ITS INTENT AND FREELY CONSENT TO ITS FILING. THE INFORMATION PROVIDED IS ACCURATE TO THE BEST OF MY/OUR KNOWLEDGE. I UNDERSTAND THAT THE COUNTY MAY APPROVE, CONDITIONALLY APPROVE, OR DENY THE REQUEST FOR WHICH I AM APPLYING. FURTHERMORE, I GRANT PERMISSION TO THE DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT AND OTHER AUTHORIZED GOVERNMENT AGENTS TO ENTER THE PROPERTY AND MAKE SUCH INVESTIGATIONS AS THEY DEEM NECESSARY TO EVALUATE THE REQUEST.

OWNER SIGNATURE OR _____
AGENT/APPLICANT SIGNATURE

OWNER'S NAME _____
AGENT/APPLICANT NAME

DATE _____
DATE

***NOTE: AN APPLICATION SHALL NOT BE DEEMED OFFICIALLY FILED UNTIL ALL REQUIRED PLANS, PLATS, FEES AND SUPPORTING DOCUMENTATION ARE SUBMITTED TO THIS DEPARTMENT.**