



Fee (\$300): _____ App No. _____

City of Fredericksburg
BOARD OF ZONING APPEALS
Community Planning & Building Department
715 Princess Anne Street, P.O. Box 7447
Fredericksburg, Virginia 22404

ZONING VARIANCE

What is a variance? A reasonable deviation from those provisions in the Zoning Ordinance 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 Zoning Ordinance would result in 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 this article, and would result in substantial justice being done. It shall not include a change in use which could be accomplished by a rezoning, a conditional zoning, or a special use permit.

Who can grant a variance? The Board of Zoning Appeals (BZA) 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 Board of Zoning Appeals (BZA)? The BZA is a five-member board comprised of City residents and appointed by the Circuit Court. The BZA will hear and consider requests for variances to the City of Fredericksburg Zoning Ordinance, and appeals of the Zoning Administrator's decisions.

What is the basis for a variance? The BZA must make the following three findings, as set forth in the Code of Virginia §15.2-2309(2), in order to grant a variance:

1. The strict application of the 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 the 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.

How do I prove a hardship? To prove hardship, a property owner must show that the strict application of the terms of the ordinance effectively prohibits or unreasonably restricts the use of the property. A variance may be justified by:

1. the exceptional size or shape of a property at the time of the effective date of the ordinance, or
2. the exceptional topographic conditions or other extraordinary situation of such property.

The BZA must be satisfied, upon the evidence heard, that granting a variance will alleviate a clearly demonstrated hardship, as distinguished from a special privilege or convenience sought by the applicant.

What is the application process? Variance applications must be filed with the Community Planning & Building Department.

- A pre-submission conference is held between the applicant and a Planning Services Division staff member. A solution may be discovered without the need for a variance.
- A complete variance application with original signatures and all associated materials must be submitted with seven (7) copies of all material and the application fee (\$300) by the established deadline. (Please provide an electronic version of accompanying materials, if possible.)
- The Planning Services Division will advertise the variance request as a notice of public hearing once a week for two consecutive weeks prior to the hearing date in the local newspaper. The notice will specify the date, time, and place of the hearing so persons affected may appear and present their views.
- The applicant will notify adjoining property owners of the requested variance and hearing date.
- A Planning Services Division staff member will prepare a staff report that will accompany the variance application and both will be forwarded to the members of the BZA for their review before the meeting date.

- At the public hearing the BZA will approve, deny, or defer the variance request until a later date after hearing the applicant and all interested parties.
- **The policy of the Board of Zoning Appeals is that members will not discuss variance cases with applicants prior to a scheduled public hearing of the Board of Zoning Appeals.**

How long does a typical variance process take? The average variance process is approximately four to six weeks from submission to action.

What if I want to appeal the decision of the BZA? Any one aggrieved by a decision of the BZA has thirty (30) days to appeal the decision to the Fredericksburg Circuit Court.

Name of Applicant: _____

Telephone: _____ Email _____

Mailing Address: _____

Interest in Property: _____

If the Applicant is not the Property Owner, complete the Affidavit for Special Power of Attorney Owner Consent Form (attached).

Name of Property Owner (if different from applicant): _____

Mailing Address: _____

_____ Telephone _____

Property Description

The property is described as follows: _____

Street Address: _____ Zoning District: _____

Tax Map ID _____ GPIN No. _____

Legal Description (include subdivision and lot number): _____

This is a request for a variance to Section _____ of the Zoning Ordinance. Only those items previously listed in the definition of a variance may be requested.

Describe the proposed variance and the reason(s) such a variance is necessary. The following items must be specifically addressed for this application to be considered complete: (Use additional sheets, if necessary.)

1. How the strict application of the provisions of the Zoning Ordinance would create undue hardship.

2. What exceptional circumstances or conditions are applicable to the property, or to the intended use of the property, that do not apply generally to other properties in the same zoning district and the same vicinity.

3. How a variance will not be of substantial detriment to adjacent property, and the character of the district will not be changed thereby.

4. Has any previous application or appeal been filed in connection with this property?

No Yes

If yes, provide the date and type of application: _____

If necessary, additional sheets may be used



**AFFIDAVIT FOR SPECIAL POWER OF ATTORNEY
OWNER CONSENT FORM**

I, _____ the owner of the property located at

Make, constitute, and appoint _____,
special power of attorney to do and perform all acts, and make all representation necessary, without any
limitation whatsoever, to make application for said variance. The rights, powers, and authority of said
attorney-in-fact herein granted shall commence and be in force and effect on _____.

Property Owner

**Commonwealth of Virginia
City of Fredericksburg**

Subscribed and sworn before me this _____ day of _____, 20_____.

Notary Signature

Registration Number

Commission Expiration

PUBLIC NOTIFICATION REQUIREMENTS

Written Notice: Written notice of an application initiated by a property owner or contract purchaser shall be provided to adjacent property owners by certified return receipt mail **by the applicant at least five calendar days prior** to the public hearing (not counting the date of the hearing) and **not more than 15 days prior** to the hearing. Applicants may use the notice form supplied with the application forms. In the event the application is deferred indefinitely, notification shall be given when the application is rescheduled.

Evidence of the receipt of such notice shall be provided to the Zoning Administrator prior to the public hearing. In the case of a condominium or a cooperative, the written notice may be mailed to the unit owners' association or proprietary lessees' association, respectively, in lieu of each individual unit owner.

The following notice documents must be submitted to the office of the Zoning Administrator at least 5 days prior to the public hearing:

1. a copy of the notice letter sent
2. a list of the names and addresses of those persons to whom notice was sent
3. a copy of the post office receipts for the certified or return receipt mail
4. "Certification of Notice" form found at the back of this application

Posted Notice: The applicant shall post a sign provided by the Zoning Administrator on each parcel of land involved in an application for zoning map amendment (when 25 or fewer parcels are affected), **Posted notice shall be erected at least five days before the BZA public hearing and before the City Council public hearing.**

Failure to send accurate or correct notices will result in deferral of the application to a later hearing date. Property ownership information is to be obtained from the City Real Estate Office, Room 107, City Hall, 715 Princess Anne Street or online at Fredericksburgva.gov

APPLICANT to mail this notice by certified return receipt mail to adjoining and abutting property owners between 15 and 5 days prior to the scheduled hearing.

Dear Property Owner:

You are hereby notified of the following public hearing to be held by the City of Fredericksburg Board of Zoning Appeals on the issues described below.

PUBLIC MEETING DATE: _____

**AT
4:00 PM, CITY HALL
715 PRINCESS ANNE STREET
COUNCIL CHAMBERS (LOWER LEVEL)
FREDERICKSBURG, VA 22401**

**ISSUE
DESCRIPTION:** _____

_____.

**PROPERTY
ADDRESS:** _____

GPIN NUMBER: _____

As a citizen and party of interest, you are invited to attend the meeting and express your views concerning the above issue. If you have questions regarding the request, you can reach me at _____.

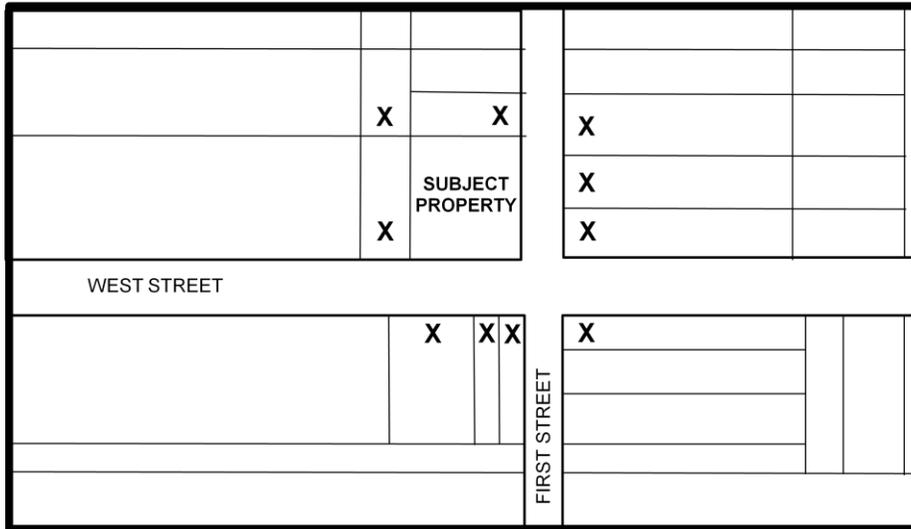
Sincerely,

Applicant signature

Applicant printed name

EXAMPLE DIAGRAM OF ADJOINING PROPERTY OWNERS

X = Property owners to be notified



PROPERTY OWNERS LIST

SUBJECT ADDRESS **GPIN #**

Adjoining property owner names and addresses can be obtained by visiting the City website at www.fredericksburgva.gov and following the link to GIS, or by visiting the Office of Real Estate at City Hall, 715 Princess Anne Street, Room 107.

Adjoining Property Owner’s Name and Mailing Address

Property Address		
Owner Name		GPIN NUMBER
Mailing Address		
City, State, Zip		

Property Address		
Owner Name		GPIN NUMBER
Mailing Address		
City, State, Zip		

Property Address		
Owner Name		GPIN NUMBER
Mailing Address		
City, State, Zip		

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Mailing Address		
City, State, Zip		

Property Address		
Owner Name		GPIN NUMBER
Mailing Address		
City, State, Zip		

ATTACH ADDITIONAL SHEETS IF NECESSARY

NOTE: Applicant to return all notice documents at least five days or prior to the public hearing to: Office of the Zoning Administrator, 715 Princess Anne Street, Fredericksburg, VA 22401



Variance # _____

CERTIFICATION OF NOTICE

**TO: Zoning Administrator
 715 Princess Anne Street
 Fredericksburg, VA 22401**

At least five days or prior to the public hearing, the applicant shall supply the Zoning Administrator with the following notice documents:

- 1. A copy of the notice sent**
- 2. A list of the names of those persons to whom notice has been given**
- 3. Copies of the post office receipts for certified or registered mail.**
- 4. A certification statement that notice has been sent by certified or registered mail to those to whom notice is required to be given.**

The applicant shall use the records and maps maintained in the City’s office of real estate or GIS to determine the proper recipients of notice and reliance upon such records shall constitute compliance with the requirements of the UDO.

The undersigned hereby certifies that the notice to adjoining property owners (copy attached), as required, was sent to the attached list of property owners concerning the following issue on (DATE)_____.

PROPERTY
ADDRESS: _____
ISSUE
DESCRIPTION: _____

Applicant Signature

Applicant Printed Name

Telephone Number

Date

NOTE: Applicant to return all notice documents at least five days or prior to the public hearing to: Office of the Zoning Administrator, 715 Princess Anne Street, Fredericksburg, VA 22401

SIGN POSTING PROCEDURES

Instructions

It is the applicant's responsibility to ensure that the sign(s) remain on the project site for the required time and are maintained in good/legible condition until after the public hearing date.

Site Posting Procedure

Sign(s) shall be posted at least five (5) business days before the public hearing/meeting. The applicant shall complete a notarized affidavit stating the sign(s) shall be posted in accordance with these procedures. Within three (3) days of posting the sign the applicant shall provide a photograph of the posted sign to the Community Planning and Building Department. **Failure to submit a notarized affidavit and/or photograph of the posted sign may result in the removal of the application from the scheduled meeting agenda.**

Information required on the sign(s) shall be completed by a member of the planning staff and provided to the applicant for posting. Signs shall be removed within three (3) days of the public hearing/meeting. Sign(s) should **not** be returned to the Community Planning & Building Department.

A minimum of one sign shall be placed along any adjacent arterial street. Signs should be posted every 600 feet when a street frontage adjacent to a project exceeds that distance. Sign(s) shall be placed parallel to the roadway.

Sign(s) shall be placed on the property in the most visible location available in such a manner that landscaping or other obstructions do not impair the visibility of the sign(s) from the street. The sign(s) shall not be placed on the public street right-of-way. The sign(s) should not be placed more than 10 feet behind the property line adjacent to the street.

The Community Planning and Building Department may vary any of the above guidelines where there are special circumstances in order to ensure that the sign(s) will be visible to the general public.

The undersigned acknowledges that he/she has read this procedure and understands how and where to post the required sign(s).

Applicant Signature

Date

