

MIDDLESEX COUNTY

Department of Planning and Community Development
P.O. Box 428, Saluda, VA 23149
Phone: 804-758-3382 Fax: 804-758-0061

VARIANCE SUBMISSION REQUIREMENTS

In order to expedite the review of Variance applications, please be sure that all of the following items have been included in your Variance application. Please return this completed checklist with the application to assure that all items have been addressed. All Variance applications must adhere to the regulations found in the Middlesex County Zoning Ordinance.

1. Completed variance application. (20-4-A)
 - a. Name, address, and telephone number of the applicant;
 - b. Legal description of the property affected;
 - c. Description of the variance requested; and
 - d. A narrative statement demonstrating that the requested variance satisfies the following criteria:
 - i. The 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 conditions of such piece of property, or of the condition, situation, 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.
 - ii. That the granting of the variance will alleviate a clearly demonstrable hardship, 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 the ordinance.
2. Variance application fee of \$450 or Administrative Variance application fee of \$150.
3. A sketch of the site showing the property lines, streets and roads, existing and proposed structures, water bodies, Chesapeake Bay Act features (if applicable) and variance requested.
4. The location of all Chesapeake Bay Preservation Act features, including the Resource Protection Area (RPA) and Resource Management Area (RMA).
 - a. Delineation of the RPA boundary.
 - b. Delineation of required buffer areas;
 - c. Delineation of RMA wetlands;
 - d. Delineation of RMA boundary;
 - e. Plat or plan note providing that no land disturbance or vegetation removal is allowed in the buffer area without review and approval by the Zoning Administrator.
 - f. Plat or plan note providing that on-site septic systems must be pumped out every five years, or that a certification must be submitted by a sewage handler permitted by the Virginia Department of Health that the septic system has been inspected, is functioning properly, and the tank does not need to have the solids pumped out;
 - g. Plat or plan note providing that a 100% reserve drain field is required for on-site sewage treatment systems; and
 - h. Plat or plan note of the permissibility of only water dependent facilities or redevelopment in Resource Protection Areas, including the 100-foot-wide buffer area.
 - i. Plat or plan depiction indicating the buildable area. All subdivision plats shall include a notation that setbacks and yards shown hereon are based on current district requirements at the time of approval but shall not take precedence over any subsequently adopted setback requirements related to any rezoning action or district regulation amendments.
 - j. Any additional requirements specified in the subsections below.
5. Any other information that the Zoning Administrator may reasonably determine to be necessary for the proper evaluation of the application.

As outlined in Article 20, Section 20-4-B of the Ordinance, the Board of Zoning Appeals shall not approve the Variance unless it finds:

1. That the variance satisfies the criteria of Section 20-4-A-4 above;
2. That the strict application of the ordinance would produce undue hardship relating to the property
3. That such hardship is not shared generally by other properties in the same zoning district and the same vicinity;
4. That 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;
5. That notice and hearing is in accord with § 15.2-2204, as amended.
6. That the condition or situation of the affected property or the intended use of the property is not of such general or recurring nature as to make reasonable practicable the formulation of a general regulation to be adopted as an amendment to the ordinance

In authorizing a variance, the Board of Zoning Appeals 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 insure that the conditions imposed are being and will continue to be complied with.

Notwithstanding any other provision of law, 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.

As outlined in Article 20, 20-4-D Administrative Variance. The Zoning Administrator shall have the authority to grant variances of fifty percent (50%) or less from any building setback requirement contained in this ordinance provided that the Zoning Administrator finds in writing that:

1. The strict application of the ordinance would produce an undue hardship relating to the property; (Amended 1/17/12)
2. Such 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 the character of the zoning district will not be changed by the granting of the variance.

Prior to the granting of the variance, the Zoning Administrator shall give all adjoining property owners written notice of the request for variance, and an opportunity to respond to the request within twenty-one (21) days of the date of the notice. If any adjoining property owner objects to said request in writing within the time period specified above, the request shall be transferred to the Board of Zoning Appeals for decision.

CERTIFICATION:

I hereby certify that the attached plans and this completed application form contain all the required information for a Variance application in accordance with the Middlesex County Zoning Ordinance. I understand that the submission of incomplete or inaccurate information may delay the processing of this Variance application.

Applicant's Signature

MIDDLESEX COUNTY

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VARIANCE APPLICATION

OFFICE USE ONLY

Application #: _____

Variance Classification/Fee: Variance (\$450) Administrative Variance (\$150)

Tax Query: Current Delinquent

Reviewing Authority: _____ Hearing Date: _____

Decision: Approved Denied

Conditions/Comments: _____

Zoning Administrator Signature

Date

APPLICANT INFORMATION

Name: _____

Address: _____ City/State/Zip: _____

Phone: _____ Fax: _____

Email: _____

PROPERTY OWNER INFORMATION

Name: _____

Address: _____ City/State/Zip: _____

Phone: _____ Fax: _____

Email: _____

PROPERTY INFORMATION

Parcel Number(s): _____ E911/Street Address: _____

Magisterial District: _____ Zoning District: _____

Existing Land Use: _____ CBPA District: _____

VARIANCE REQUEST

The undersigned owner of the following described property applies for a variance from the provisions of Article _____,
Section _____ of the Zoning Ordinance of Middlesex County, Virginia.

Please answer the following questions:

1. Describe the variance requested. _____

2. Provide a narrative statement demonstrating that the requested variance conforms to the following standards:
- (A) The property was acquired in good faith and where by reason of the exceptional narrowness, shallowness, size or shape of the property at the time of the effective date of the Zoning Ordinance, or where by reason of exceptional topographic conditions or other extraordinary situation or conditions of such piece of property or of 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.
 - (B) That special conditions and circumstances do not result from the actions of the owner.

3. How would this variance affect other property in the area? _____

4. Describe why you cannot make other arrangements to comply with the Zoning Ordinance without a variance. _____

APPLICANT STATEMENT

I hereby certify that I have the authority to make the foregoing application, that the information given is complete and correct to the best of my knowledge, and that development and/or construction will conform with the regulations as set forth in the Middlesex County Zoning Ordinance as written and also with the description contained in this application.

Applicant's Signature (if not Property Owner)

Date

Applicant's Signature (if not Property Owner)

Date

PROPERTY OWNER(S) STATEMENT

I hereby certify that I/we own the above described property, that the information given is complete and correct to the best of my knowledge, that development and/or construction will conform with the regulations as set forth in the Middlesex County Zoning Ordinance as written and also with the description contained in this application, and that the above person(s), group, corporation or agent has the full and complete permission of the undersigned owner(s) to make application for a variance as set forth in the Middlesex County Zoning Ordinance as written.

Property Owner's Signature

Date

Property Owner's Signature

Date

CONDITIONS

1. This permit application is not valid unless all property owner(s) signatures are affixed and dated.
2. All permit application charges are nonrefundable, regardless of whether the permit application is approved or denied once submitted. All checks for payment should be made payable to Middlesex County.
3. Any approval of a variance is issued on the basis of plans and applications approved and authorizes only the use, arrangement and construction set forth in such approved plans and applications. Any deviations from the plans and applications submitted shall render an approved variance null and void.