

FRANKLIN COUNTY
ZONING VARIANCE APPLICATION

Consultation with planning staff is strongly recommended prior to filing of a zoning variance request. The purpose of the consultation is to review the request, identify specific information that may need to be submitted, and discuss procedures and time frames. In addition to discussing the proposal with planning staff, it is recommended that the applicant contact neighboring property owners to discuss the request.

Filing Deadline: Completed application must be received by 4:30 PM on the deadline date listed on the current hearing schedule. The hearing schedule is available online at <https://www.franklincountyva.gov/437/Board-of-Zoning-Appeals>, or in person at the Franklin County Development Services suite.

Incomplete applications will not be accepted nor advertised.

APPLICANT MUST SUBMIT A COMPLETE APPLICATION CONSISTING OF THE APPLICATION FORM, LETTER OF APPLICATION, CONCEPT PLAN, AND ANY OTHER PERTINENT INFORMATION TO BE CONSIDERED BY THE BOARD OF ZONING APPEALS.

Application Requirements:

1. **Completed application form**, typed or printed in ink and signed by the applicant, including the property owner's consent and signature.
2. **Letter of application** stating in general terms:
 - a) The proposed use of the property
 - b) The reason for the request
 - c) The effect of the changes on the surrounding area
3. **Concept Plan** for property showing existing site features and any proposed development additions and/or improvements. See attached information for recommended contents of concept plans.

Fee Schedule:

Variance	\$200
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ALL required application fees must be paid at the time of application submittal. Applicant may pay by cash, check, or credit/debit card. Please be advised there will be an 3.5% convenience fee added to the total amount if paid by credit or debit card.

Considerations for Granting Variances:

Section 25-773 of the Zoning Ordinance is specific in outlining the grounds for granting a variance to establish regulations. A variance shall be granted by the Board of Zoning Appeals if the evidence shows that:

1. The strict application of the terms of the ordinance would unreasonably restrict the utilization of the property; or
2. That the granting of the variance would alleviate a hardship due to a physical condition relating to the property or improvements thereon at the time of the effective date of this chapter

AND

- The property interest for which the variance is being requested was acquired in good faith and any hardship was not created by the applicant for this variance;
- The granting of the variance will not be of substantial detriment to adjacent property and nearby properties in the proximity of that geographical area;
- The condition or situation of the property concerned 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 chapter;
- The granting of the variance does not result in a use that is not otherwise permitted on such property or a change in zoning classification of the property; and
- The relief or remedy sought by the variance application is not available through a special use process that is authorized in the ordinance pursuant to subdivision 6 of section 15.2-2309 of the Code of Virginia or the process for modification of a zoning ordinance pursuant to subdivision A4 of section 15.2-2286 of the Code of Virginia at the time of the filing of the variance application.

Staking of Variance Requests:

Variance requests for setbacks must be staked on the ground prior to the Board of Zoning Appeals hearing and site visit in order to appropriately view the request. The staked area should clearly show the dimensions of any proposed construction. In determining setback of the structure from the property lines, it is important to ensure that **measurements are calculated from the edge of the structure** (i.e. overhand or eave, rather than footer or building wall) to the property line.

Posting of the Subject Property prior to Public Hearings:

Franklin County Department of Planning and Community Development will prepare and post a “Notice of Public Hearing” sign along any road that is adjacent to the property for which a variance is requested. The notice will be posted by the county at least fourteen (14) days prior to the

scheduled Board of Zoning Appeals hearing and will remain up until the Board of Zoning Appeals has decided on the application. If no public road abuts the property, then notice signs shall be erected on at least two (2) boundaries of the property abutting land not owned by the applicant.

The signs are property of Franklin County and must not be removed by the applicant or property owners.

Legal Advertisement Costs:

Each variance request must be legally advertised in a newspaper of general circulation in accordance with established state and local regulations. Franklin County advertises hearings in the Franklin News Post. The Department of Planning and Community Development shall prepare the legal ads and shall send the ads to the newspaper for publication.

The cost of publishing the legal ad is the responsibility of the applicant. The newspaper will send an invoice to Planning staff, and staff will then notify the applicant of the cost of the legal ad. If payment is not received prior to the public hearing, the application may be tabled and delayed one (1) month until the next public hearing.

If the applicant requests that the public hearing be delayed after the publication of the legal ad, the applicant shall be responsible for all costs of re-advertisement. If the applicant requests to withdraw their application after the publication of the legal ad, the applicant will still be responsible for all costs of the advertisement.

For Further Information Contact:

Department of Planning and Community Development
1255 Franklin Street, Suite 103
Rocky Mount, VA 24151

Phone: (540) 483-3027

Office Hours: Monday through Friday 8:00 AM to 4:30PM

*Except for approved County holidays & closures

FRANKLIN COUNTY VARIANCE REQUEST PROCESS

STEP 1- PRE-APPLICATION MEETING

- Applicant meets with planning staff to discuss request, obtain forms, review process and identify required materials for the request. An application for a variance request must be filed by the property owner or with the property owner's written consent.

STEP 2- APPLICATION

- **Application:** Applicant submits complete application packet to the Department of Planning and Community Development. Application and plans are available for public review.
- **Posting of Property:** The County shall post public notice signs on the property at least fourteen (14) days prior to the scheduled Board of Zoning Appeals public hearing. The sign will remain up until the Board of Zoning Appeals has reached a decision on the application.
- **Notification of Property Owners:** Planning staff notifies adjoining property owners of the variance request and dates of public hearings. A letter of notification is mailed out approximately twenty (20) days prior to the Board of Zoning Appeals public hearing.
- **Public Notice/Legal Advertisement:** Planning staff prepares required legal advertisement which is published in the local newspaper. Notification of requests and public hearings must appear in a local newspaper two (2) times within two (2) consecutive weeks prior to the public hearings. Applicant is responsible for the cost of Board of Zoning Appeals legal ad publication.

STEP 3- STAFF REVIEW

- Staff will visit the site listed on the variance request application.
- Planning staff prepares a written report for the Board of Zoning Appeals that considers the proposed district regulations, and Section 25-2 through 25-4 of the Franklin County Zoning Ordinance (Purpose and Intent; Relationship to Environment; and Relationship to the Comprehensive Plan adopted by the County) as well as Section 25-773, which details considerations and required findings for variances.

STEP 4- BOARD OF ZONING APPEALS ACTION

- The Board of Zoning Appeals visits each site prior to the scheduled public hearing.
- The applicant or a designated agent must attend the public hearing. During the public hearing, the applicant and/or their agent will address the Board of Zoning Appeals. The applicant or agent may prepare a presentation.

- Any member of the public who wishes to comment on the application will be granted time to address the Board of Zoning Appeals during the public hearing.
- The Board of Zoning Appeals reviews the request based upon conditions set forth in Section 25-773 of the Zoning Ordinance.
- The Board of Zoning Appeals may impose conditions regarding the location, character and other features of a proposed structure or use as it may deem necessary in the public interest, and may require a guarantee or bond to ensure the conditions will be complied with.
- The variance is effective immediately after action by the Board of Zoning Appeals.
- It is the responsibility of the property owner/developer to obtain all necessary permits for construction (i.e. building permit, land use, erosion & sediment control, etc.).

FRANKLIN COUNTY
VARIANCE REQUEST APPLICATION

I/We _____ as Owner(s), Contract Purchasers, or Owner's Authorized Agent of the property described below, hereby apply to the Franklin County Board of Zoning Appeals for a variance on the property described below:

Petitioner's Name: _____

Petitioner's Address: _____

Petitioner's Phone Number: _____

Petitioner's Email Address: _____

Property Owner's Name: _____

Property Owner's Address: _____

Property Owner's Phone Number: _____

Property Owner's Email Address: _____

Property Information:

A. Proposed Property Address: _____

B. Tax Map and Parcel Number: _____

C. Election District: _____

D. Size of Property: _____

E. Existing Zoning: _____

F. Existing Land Use: _____

G. Is the property located within any of the following overlay zoning districts:

___ Corridor District ___ Westlake Overlay District ___ Smith Mountain Lake Surface District

H. Is any land submerged under water or part of Smith Mountain Lake? ___ YES ___ NO

I. If yes, please explain: _____

Proposed Variance Request Information:

J. Describe how the strict application of the Zoning Ordinance would unreasonably restrict the use of the property or how the granting of the variance would alleviate a hardship due to a physical condition of the property. Attach additional information if needed.

K. Proposed Land Use: _____

L. Size of Proposed Use: _____

M. Section of the Zoning Ordinance for which a variance is being requested:

(Zoning Code section must be correct and all applicable code sections included in the request.)

Checklist for Completed Items:

- Application Form
- Letter of Application
- Concept Plan
- Application Fee

I certify that this application for a variance request and the information submitted is herein complete and accurate. I authorize County staff to access this property for purposes related to the review and processing of this application.

Petitioner's Name (Printed): _____

Petitioner's Signature: _____

Date: _____

Mailing Address: _____

Phone Number: _____

Email Address: _____

Owner's consent, if petitioner is not property owner:

Owner's Name: _____

Owner's Signature: _____

Date: _____

Date Received by Planning Staff: _____

Concept Plans
Residential, Business, and Industrial Districts
Necessary Contents

Purpose of a Concept Plan:

A Concept Plan is necessary for all variance request applications. The purpose of the Concept Plan is to provide information on site conditions and general understanding of the proposed use of the property. Typically, a concept plan contains information on the property such as the property address, parcel boundaries, adjacent roads, natural features (including water courses) and neighboring properties. A concept plan also includes the locations of any existing or planned physical structures such as buildings, parking, streets, community facilities, buffering or screening, boat docks, signs, and lighting, as well as the proposed densities of development.

Concept Plan versus Site Development Plan:

A concept plan is not the same as a site development plan, which is more detailed to ensure compliance with development regulations and obtain construction permits. A concept plan may be the first step in creating a Site Development Plan. It is important to note that the approval of a variance request with a concept plan does not mean that a site development plan has been or will be approved.

Required Contents of the Concept Plan:

- ❖ Project title, name of applicant, project engineer/architect/surveyor/planner
- ❖ Plan Date
- ❖ North arrow and graphic scale
- ❖ Size of entire parcel and if applicable, size of portion of parcel requested for rezoning, accompanied by meets and bounds description
- ❖ Adjacent streets, railroads, natural features, historic sites, streams or bodies of water, floodplains, and other information that may help describe site conditions
- ❖ Locations, dimensions, and heights of all existing and proposed structures
- ❖ Locations and dimensions of proposed pedestrian and vehicular access points, driveways, parking areas/spaces and other facilities
- ❖ Natural areas or historic sites to be preserved
- ❖ Location and description of existing vegetation or any landscaping, screening or buffering proposed within the lot or along the perimeter of the development
- ❖ Location of proposed signs, including type of sign, size and height
- ❖ Lighting information, if applicable
- ❖ Building elevations or renderings of the proposed development, if available

- ❖ Accessory use information such as the location of storage yards, recreation spaces, refuse collection areas, septic drain fields, wells, or water tank locations, ETC
- ❖ Number, type, and size of dwellings proposed, and the residential density per acre
- ❖ Number and square footage of retail and office use proposed
- ❖ Location, size and type of recreational amenities, parking facilities, and utility information
- ❖ Other items that may be recommended by staff

CONCEPT PLANS MUST BE LEGIBLE

***NOTE* If you wish to display your concept plan or any other supporting materials during the Board of Zoning Appeals public hearings, there is an overhead projector available, as well as a computer projector. Applicants MUST bring a flash drive to display their presentation on the computer, or submit presentation materials to staff AT LEAST 24 HOURS in advance.**