APPLICATION
BOARD OF ZONING APPEALS
VARIANCE

_____ **Filing Fee**

_____ **Filing Deadline**

_____ **Board of Zoning Appeals Hearing**

Applicants must send written notice of public hearings by certified or registered mail to all adjoining and facing property owners at least 10 days prior to the Board of Zoning Appeals hearing, and not more than 30 days prior to the hearing.

Send notices by certified or registered mail between the dates of

_____ and _____.

INSTRUCTIONS

1. **FILING DEADLINE INSTRUCTIONS:** Board of Zoning Appeals applications, with required plans, must be submitted to the Department of Planning and Zoning at least 30 working days prior to the hearing date. Failure to submit all required information and plans by the filing deadline will result in the application being deferred to a later hearing date.

2. **FORMS:** Please complete the following forms below:
   - **APPLICATION:** Complete the form titled "Application for Variance: Board of Zoning Appeals."
   - **FLOOR AREA RATIO FORMS:** Complete form **A** for single and two–family residences outside the historic districts. Complete form **B** for all other properties.

3. **PLANS**: Twelve (12) copies of supporting materials are to be submitted with each application. Plans, drawings, photos, or other materials should not exceed 11" x 17" and should not be smaller than 8.5" x 11". All plan sets must be to scale.
   ELECTRONIC COPY: In addition, applicants should submit all images, photographs, and drawings electronically by CD disk or thumb drive in .pdf format. Larger or additional copies may be requested by staff for large scale projects. Applications without the required supporting materials will be deemed incomplete and will not be scheduled for hearing by the BZA.

4. **PHOTOGRAPHS:** Applicants must submit photographs of the property in the location where the variance is requested.

5. **FILING FEE:** Applicants must submit a filing fee with the application. Planning and Zoning Staff will contact the applicant regarding the submission of fees. Applications are not complete until all fees have been paid.

6. **PROPERTY OWNER NOTIFICATION:** Applicants must send written notice to all adjoining and facing property owners; notices must be sent by certified or registered mail **at least ten days** prior to the Board of Zoning Appeals public hearing (not counting the date of the hearing) and **not more than 30 days** prior to the hearing. Applicants may use the notice form supplied with the application forms. See page 16-20 for property owner notification instructions and forms. In the event the application is deferred, notification shall be given again.

BOARD OF ZONING APPEALS PROCESS

PUBLIC HEARINGS – BOARD OF ZONING APPEALS

The Board of Zoning Appeals meets on the second Thursday of each month in the City Council Chambers, City Hall, at 7:30 P.M. Meeting dates should be verified by the applicant prior to the hearing as they are subject to change. **The applicant or a representative must attend the meeting.**

DEFINITION OF VARIANCE, Code of Virginia § 15.2-2201

"Variance" means, in the application of a zoning ordinance, a reasonable deviation from those provisions regulating the shape, size, or area of a lot or parcel of land or the size, height, area, bulk, or location of a building or structure when the strict application of the ordinance would unreasonably restrict the utilization of the property, and such need for a variance would not be shared generally by other properties, and provided such variance is not contrary to the purpose of the ordinance. It shall not include a change in use, which change shall be accomplished by a rezoning or by a conditional zoning.

STANDARDS FOR VARIANCE, Code of Virginia § 15.2-2309

The Board of Zoning Appeals may grant a variance if the evidence shows that the strict application of the City's Zoning Ordinance would unreasonably restrict the utilization of the property or 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 the ordinance, and the following criteria are met:

i. 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 the variance;

ii. The granting of the variance will not be of substantial detriment to adjacent property and nearby properties in the proximity of that geographical area;

iii. 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 the ordinance;

iv. The granting of the variance does not result in a use that is not otherwise permitted on such property or a change in the zoning classification of the property;

v. The relief or remedy sought by the variance application is not available through a special exception process that is authorized in the ordinance pursuant to subdivision 6 of § 15.2-2309 or the process for modification of a zoning ordinance pursuant to subdivision A 4 of § 15.2-2286 at the time of the filing of the variance application

.

EFFECTIVE PERIOD OF VARIANCE

Any variance granted by the Board of Zoning Appeals is valid for a period of one year from the date the variance is approved. If no construction or operation has commenced within one year from the date of approval, the variance becomes null and void.

APPEAL OF THE BOARD OF ZONING APPEALS DECISION

Any person jointly or severally aggrieved or affected by a decision of the Board of Zoning Appeals may appeal such decision by filing a petition in the Circuit Court of the City. The petition shall set forth the alleged illegality of the Board's action, and shall be filed within 30 days from the date of the decision of the Board.

RECONSIDERATION OF AN APPLICATION

If an application for a variance is denied, the Board of Zoning Appeals shall not consider an application for the same variance on the same site again for one year unless the new application differs in a substantial and material way from the old one, in which case it may be reconsidered after six months.

For assistance with any of these procedures or processes, please call the Department of Planning and Zoning at 703-746-4333.

APPLICATION
BOARD OF ZONING APPEALS
VARIANCE

Section of zoning ordinance from which request for variance is made:
_____
_____
_____

PART A

1. Applicant: ☐ **Owner** ☐ **Contract Purchaser** ☐ **Agent**

Name _____

Address _____

_____

Daytime Phone _____

Email Address _____

2. Property Location _____

3. Assessment Map # _____ **Block** _____ **Lot** _____ **Zone** _____

4. Legal Property Owner Name _____

Address _____

_____

OWNERSHIP AND DISCLOSURE STATEMENT

Use additional sheets if necessary

1. Applicant. State the name, address and percent of ownership of any person or entity owning an interest in the applicant, unless the entity is a corporation or partnership, in which case identify each owner of more than three percent. The term ownership interest shall include any legal or equitable interest held at the time of the application in the real property which is the subject of the application.

Name	Address	Percent of Ownership
1.		
2.		
3.		

2. Property. State the name, address and percent of ownership of any person or entity owning an interest in the property located at _____(address), unless the entity is a corporation or partnership, in which case identify each owner of more than three percent. The term ownership interest shall include any legal or equitable interest held at the time of the application in the real property which is the subject of the application.

Name	Address	Percent of Ownership
1.		
2.		
3.		

3. Business or Financial Relationships. Each person or entity listed above (1 and 2), with an ownership interest in the applicant or in the subject property is required to disclose **any** business or financial relationship, as defined by Section 11-350 of the Zoning Ordinance, existing at the time of this application, or within the12-month period prior to the submission of this application with any member of the Alexandria City Council, Planning Commission, Board of Zoning Appeals or either Boards of Architectural Review (OHAD and Parker-Gray). **All fields must be filled out completely. Do not leave blank**. **(If there are no relationships please indicate each person or entity below and "NONE" in the corresponding fields.)**

Name of person or entity	Relationship as defined by Section 11-350 of the Zoning Ordinance	Member of the Approving Body (i.e. City Council, Planning Commission, etc.)
1.		
2.		
3.		

NOTE: Business or financial relationships of the type described in Sec. 11-350 that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings.

5. Describe request briefly:

_____
_____
_____
_____
_____
_____

6. If property owner or applicant is being represented by an authorized agent, such as an attorney, realtor or other person for which there is a form of compensation, does this agent or the business in which they are employed have a business license to operate in the City of Alexandria, Virginia?

☐ Yes — Provide proof of current City business license.

☐ No — Said agent shall be required to obtain a business prior to filing application.

PART B

APPLICANT MUST EXPLAIN THE FOLLOWING:

(Please **attach** additional pages where necessary.)

1. Please answer A or B:

A. Explain how enforcement of the zoning ordinance would prevent reasonable use of the property.

_____
_____
_____
_____
_____
_____

B. Explain how the variance, if granted, would alleviate a hardship, as defined above.

_____
_____
_____
_____
_____
_____

2. Is this unreasonable restriction or hardship unique to the property?

A. Explain if the restriction or hardship is shared by other properties in the neighborhood.

_____
_____
_____
_____
_____
_____

B. Does this situation or condition of the property (on which this application is based) generally apply to other properties in the same zone?

_____
_____
_____
_____
_____

3. Was the unreasonable restriction or hardship caused by the applicant?

A. Did the condition exist when the property was purchased?

_____
_____
_____
_____
_____

B. Did the applicant purchase the property without knowing of this restriction or hardship?

_____
_____
_____

C. How and when did the condition, which created the unreasonable restriction or hardship, first occur?

_____
_____
_____
_____
_____

D. Did the applicant create the unreasonable restriction or hardship and, if so, how was it created?

_____
_____
_____
_____
_____

4. Will the variance, if granted, be harmful to others?

A. Explain if the proposed variance will be detrimental to the adjacent properties or the neighborhood in general.

_____
_____
_____
_____
_____

B. Has the applicant shown the proposed plans to the most affected property owners? Have these property owners written statements of support or opposition of the proposed variance? If so, please attach the statements or submit at the time of the hearing.

_____
_____
_____
_____

5. Is there any other administrative or procedural remedy to relieve the hardship or unreasonable restriction?

_____
_____
_____
_____
_____

PART C

1. Have alternative plans or solutions been considered so that a variance would not be needed? Please explain each alternative and why it is unsatisfactory.

_____
_____
_____

2. Please provide any other information you believe demonstrates that the requested variance meets the required standards.

THE UNDERSIGNED HEREBY ATTESTS that all of the information herein provided including the site plan, building elevations, prospective drawings of the projects, etc., are true, correct and accurate. The undersigned further understands that, should such information be found incorrect, any action taken by the Board based on such information may be invalidated. The undersigned also hereby grants the City of Alexandria permission to post placard notice as required by Article XI, Division A, Section 11-301(B) of the 1992 Alexandria City Zoning Ordinance, on the property which is the subject of this application. The applicant, if other than the property owner, also attests that he/she has obtained permission from the property owner to make this application.

APPLICANT OR AUTHORIZED AGENT:

☐ I, as the applicant or authorized agent, note that there is a fee associated with the submittal of this application. Planning & Zoning Department staff will be in contact with the applicant regarding payment methods. Please recognize that applications will not be processed until all fees are paid.

☐ **Yes** ☐ **No** I affirm that I, the applicant or authorized agent, am responsible for the processing of this application and agree to adhere to all the requirements and information herein.

Printed Name: _____ Date: _____

Signature: _____

Pursuant to Section 13-3-2 of the City Code, the use of a document containing false information may constitute a Class 1 misdemeanor and may result in a punishment of a year in jail or $2,500 or both. It may also constitute grounds to revoke the permit applied for with such information.

ATTENTION APPLICANTS

At the time of application for a Special Use Permit, Rezoning, Vacation, Encroachment, Variance, Special Exception or Subdivision, you must provide a draft of the description of your request you intend to use in the property owner's notice. You must be thorough in your description. Staff will review the draft wording to confirm its completeness.

The example illustrates a detailed description:

"Variance to construct a two-story addition in the required side yards on _____ Street."

If you fail to submit draft language at the time of the application filing deadline, the application will be determined to be incomplete and may be deferred by staff.

A

DEPARTMENT OF PLANNING AND ZONING
FLOOR AREA RATIO AND OPEN SPACE CALCULATIONS FOR
SINGLE AND TWO-FAMILY RESIDENTIAL OUTSIDE HISTORIC DISTRICTS

A. Property Information

A1. Street Address _____ Zone _____

A2. _____ x _____ = _____
Total Lot Area *Floor Area Ratio Allowed by Zone* *Maximum Allowable Floor Area*

B. Existing Gross Floor Area

Existing Gross Area*		Allowable Exclusions	
Basement		Basement**	
First Floor		Stairways**	
Second Floor		Mechanical**	
Third Floor		Porch/Garage**	
Porches/Other		Attic less than 5'**	
Total Gross*		**Total Exclusions**	

B1. Existing Gross Floor Area *
_____ Sq. Ft.
B2. Allowable Floor Exclusions**
_____ Sq. Ft.
B3. Existing Floor Area minus Exclusions
_____ Sq. Ft.
(subtract B2 from B1)

C. Proposed Gross Floor Area (does not include existing area)

Proposed Gross Area*		Allowable Exclusions	
Basement		Basement**	
First Floor		Stairways**	
Second Floor		Mechanical**	
Third Floor		Porch/Garage**	
Porches/Other		Attic less than 5'**	
Total Gross*		**Total Exclusions**	

C1. Proposed Gross Floor Area *
_____ Sq. Ft.
C2. Allowable Floor Exclusions**
_____ Sq. Ft.
C3. Proposed Floor Area minus Exclusions _____ Sq. Ft.
(subtract C2 from C1)

D. Existing + Proposed Floor Area

D1. Total Floor Area (add B3 and C3) _____ Sq. Ft.
D2. Total Floor Area Allowed by Zone (A2) _____ Sq. Ft.

**Gross floor area for residential single and two-family dwellings in the R-20, R-12, R-8, R-5, R-2-5, RB and RA zones (not including properties located within a Historic District) is the sum of all areas under roof of a lot, measured from exterior walls.*
*** Refer to the zoning ordinance (Section2-145(A)) and consult with zoning staff for information regarding allowable exclusions.*
If taking exclusions other than basements, floor plans with excluded areas illustrated must be submitted for review. Sections may also be required for some exclusions.

E. Open Space Calculations Required in RA & RB zones

Existing Open Space	
Required Open Space	
Proposed Open Space	

The undersigned hereby certifies and attests that, to the best of his/her knowledge, the above computations are true and correct.

Signature: _____ Date: _____

B

DEPARTMENT OF PLANNING AND ZONING
FLOOR AREA RATIO AND OPEN SPACE CALCULATIONS

A. Property Information

A1. Street Address _____ Zone _____

A2. _____ x _____ = _____

Total Lot Area *Floor Area Ratio Allowed by Zone* *Maximum Allowable Floor Area*

B. Existing Gross Floor Area

Existing Gross Area*		Allowable Exclusions	
Basement		Basement**	
First Floor		Stairways**	
Second Floor		Mechanical**	
Third Floor			
		Total Exclusions	
Total Gross *			

B1. Existing Gross Floor Area *
_____ Sq. Ft.
B2. Allowable Floor Exclusions**
_____ Sq. Ft.
B3. Existing Floor Area minus Exclusions
_____ Sq. Ft.
(subtract B2 from B1)

C. Proposed Gross Floor Area (does not include existing area)

Proposed Gross Area*		Allowable Exclusions	
Basement		Basement**	
First Floor		Stairways**	
Second Floor		Mechanical**	
Third Floor		Other**	
Porches/ Other		Total Exclusions	
Total Gross *			

C1. Proposed Gross Floor Area *
_____ Sq. Ft.
C2. Allowable Floor Exclusions**
_____ Sq. Ft.
C3. Proposed Floor Area minus Exclusions _____ Sq. Ft.
(subtract C2 from C1)

D. Existing + Proposed Floor Area

D1. Total Floor Area (add B3 and C3) _____ Sq. Ft.
D2. Total Floor Area Allowed by Zone (A2) _____ Sq. Ft.

**Gross floor area is the sum of all gross horizontal areas under roof, measured from the face of exterior walls, including basements, garages, sheds, gazebos, guest buildings and other accessory buildings.*
*** Refer to the zoning ordinance (Section2-145(B)) and consult with zoning staff for information regarding allowable exclusions.*
If taking exclusions other than basements, floor plans with excluded areas must be submitted for review. Sections may also be required for some exclusions.

E. Open Space Calculations

Existing Open Space	
Required Open Space	
Proposed Open Space	

The undersigned hereby certifies and attests that, to the best of his/her knowledge, the above computations are true and correct.

Signature: _____ Date: _____

ATTENTION APPLICANTS

At the time of application for a Special Use Permit, Rezoning, Vacation, Encroachment, Variance, Special Exception or Subdivision, you must provide a draft of the description of your request you intend to use in the property owner's notice. You must be thorough in your description. Staff will review the draft wording to confirm its completeness.

The example illustrates a detailed description:

"Variance to construct a two-story addition in the required side yards on _____ Street."

If you fail to submit draft language at the time of the application filing deadline, the application will be determined to be incomplete and may be deferred by staff.

PROPERTY OWNER NOTIFICATION

PROPERTY OWNER NOTIFICATION: Applicants must send written notice to all adjoining and facing property owners; notices must be sent by certified or registered mail **at least ten days** prior to the Board of Zoning Appeals public hearing (not counting the date of the hearing) and **not more than 30 days** prior to the hearing. Applicants may use the notice form supplied with the application forms. In the event the application is deferred, notification shall be given again.

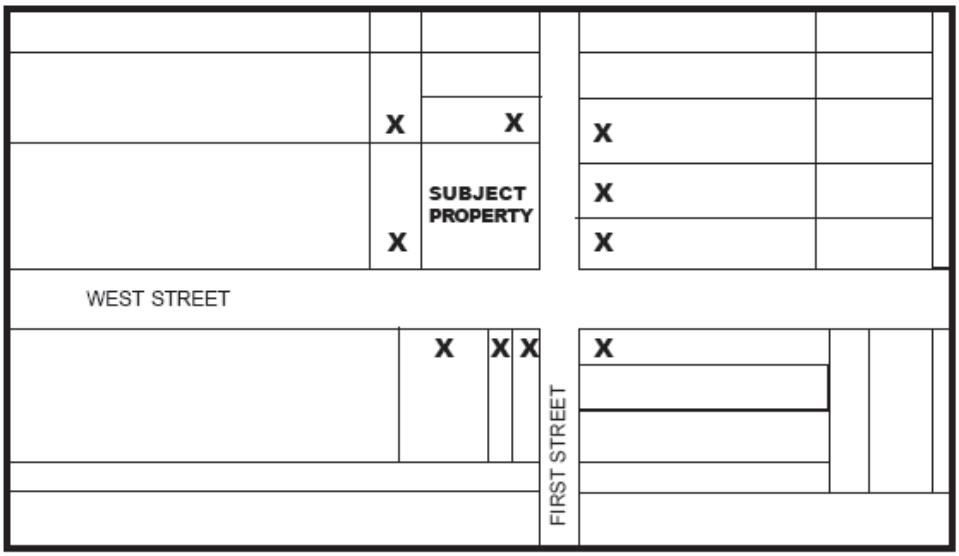
The following notice documents must be submitted to the Department of Planning and Zoning no later than **five calendar days** prior to the public hearing:

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 registered mail
4. "Certification of Notice" form found at the back of this application.

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 Assessment Office, Room 2600, City Hall, 301 King Street or online at www.alexandriava.gov/city/realestate.

Example diagram of adjoining property owners

X = Property owners to be notified



Sketch showing subject site and property owners to be notified pursuant to Article XI, Section 11-300 of the 1992 Zoning Ordinance of the City of Alexandria, Virginia. This is a sample sketch only and is not to be used as a final authority when sending notice if in doubt, it is advisable to provide notice to additional properties. Contact staff at 703-746-4333 for assistance regarding notice.

NOTE: If inadequate notice is given, the request cannot be heard and will be deferred.

ZONING ORDINANCE ARTICLE XI, SECTION 11-300 NOTICE OF PUBLIC HEARINGS

SECTION 11-301

Required Notice: Except as provided by Section 11-302, written notice, placard notice and newspaper notice shall be given before each public hearing by Planning Commission, City Council, Board of Zoning Appeals, Subdivision Committee or Board of Architectural Review.

A) Written Notice: The applicant shall send by certified or registered mail written notice at least ten and no more than 30 days prior to the hearing. Restricted delivery or return receipt is not required.

1) Recipients of Written Notice: Written notice shall be sent to the property owner, if different from the applicant, and to the owners of all abutting properties. In the case of a condominium, written notice may be mailed or delivered to the president of the board of the condo owner's association instead of to each individual unit owner.

2) Contents of Written Notice: Written notice shall contain the following information:

(a) the time, date and place of all hearings scheduled; and

(b) a description of the matter being heard, including the tax map number of the property and the complete street address of the property.

B) Placard and Newspaper Notice: The City staff will provide placard notice and newspaper advertisement. After the public hearing, the applicant may remove and discard the placard(s), or staff will remove the placard within seven days after the hearing.

Staff Only: **BZA Case #_____**

*****Applicant to mail this notice <u>by certified or registered mail</u> to adjoining and abutting property owners between 30 and 10 days prior to the hearing.*****

NOTICE OF PUBLIC HEARINGS

BOARD OF ZONING APPEALS

Dear Property Owner:

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

BOARD OF ZONING APPEALS PUBLIC MEETING DATE: _____

AT
7:30 PM, CITY HALL
301 KING STREET
COUNCIL CHAMBERS, SECOND FLOOR
ALEXANDRIA, VIRGINIA 22314

ISSUE DESCRIPTION:_____
_____
_____
_____
_____
_____

PROPERTY ADDRESS: _____

TAX ASSESSMENT MAP NUMBER: ***Map*** _____ ***Block*** _____ ***Lot*** _____

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

Sincerely,

_____ _____
Applicant Signature Applicant Printed Name

NOTE: Applicant to return all notice documents at least 5 days prior to the hearing to: Department of Planning and Zoning, 301 King Street, Room 2100.

Staff Only: **BZA Case #_____**

CERTIFICATION OF NOTICE

BOARD OF ZONING APPEALS

☐ SPECIAL EXCEPTION
☐ VARIANCE
☐ APPEAL

TO: DIRECTOR OF PLANNING AND ZONING
301 KING STREET, ROOM 2100
ALEXANDRIA, VIRGINIA 22314

Article XI, Section 11-301(A)(3), of the 1992 Zoning Ordinance of the City of Alexandria, Virginia states:

At least five days prior to the hearing, the applicant shall supply the director 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 registered or certified 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 by the city's office of real estate assessments to determine the proper recipients of notice and reliance upon such records shall constitute compliance with the requirements of this section 11-301(A).

The undersigned hereby certifies that the notice to adjoining property owners (copy attached), as required pursuant to Article XI, Section 11-301(A)(3) of the 1992 Zoning Ordinance of the City of Alexandria, Virginia, was sent to the attached list of property owners concerning the following issue on (DATE) _____.

PROPERTY ADDRESS: _____

ISSUE DESCRIPTION:_____
_____
_____
_____
_____
_____

_____ _____
Signature Print Name

_____ _____
Telephone Date

NOTE: Applicant to return all notice documents at least 5 days prior to the hearing to: Department of Planning and Zoning, 301 King Street, Room 2100.

Staff Only: **BZA Case #_____**

PROPERTY OWNERS LIST

BOARD OF ZONING APPEALS

_____ _____ - _____ - _____

SUBJECT ADDRESS **TAX ASSESSMENT MAP NUMBER**

Adjoining property owner names and addresses can be obtained by visiting the City website at www.alexandriava.gov and following the link to Real Estate Assessments, or by visiting the Office of Real Estate Assessments at City Hall, 301 King Street, Room 2600.

ADJOINING PROPERTY OWNER'S NAME & MAILING ADDRESS		TAX ASSESSMENT MAP NUMBER
Property Address		_____-_____-_____
Owner Name		
Mailing Address		
City, State, Zip		

Property Address		_____-_____-_____
Owner Name		
Mailing Address		
City, State, Zip		

Property Address		_____-_____-_____
Owner Name		
Mailing Address		
City, State, Zip		

Property Address		_____-_____-_____
Owner Name		
Mailing Address		
City, State, Zip		

Property Address		_____-_____-_____
Owner Name		
Mailing Address		
City, State, Zip		

Property Address		_____-_____-_____
Owner Name		
Mailing Address		
City, State, Zip		

Property Address		_____-_____-_____
Owner Name		
Mailing Address		
City, State, Zip		

Property Address		_____-_____-_____
Owner Name		
Mailing Address		
City, State, Zip		

Property Address		_____-_____-_____
Owner Name		
Mailing Address		
City, State, Zip		

NOTE: Applicant to return all notice documents at least 5 days prior to the hearing to: Department of Planning and Zoning, 301 King Street, Room 2100.