

**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 use black ink or type. Sign the form and include a daytime phone number.
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. In addition, applicants should submit all images, photographs, and drawings in digital 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.
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

A variance is a request to vary the requirements of the zoning ordinance with respect to lot area, frontage, yards, open space, etc., where owing to special conditions of the property, literal enforcement of the ordinance will amount to a clearly demonstrable hardship.

STANDARDS FOR VARIANCE, Zoning Ordinance §11-1103

The Board of Zoning Appeals may grant a variance only if it finds:

- a. The particular physical surroundings, shape, topographical condition or other extraordinary situation or condition of the specific property involved would effectively prohibit or unreasonably restrict the utilization of the property or would constitute a clearly demonstrable hardship, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;
- b. The conditions upon which the petition for a variance is based are not applicable generally to other property within the same zoning classification;
- c. The property was acquired in good faith and any hardship produced by the ordinance was not created by the owner of such property;
- d. The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located, or diminish or impair the values thereof;
- e. The proposed variance will not impair an adequate supply of light and air to adjacent property, or cause or substantially increase congestion in the public streets, or increase the danger of fire or the spread of fire, or endanger the public safety;
- f. The variance, if granted, will not alter the essential character of the area or be a substantial detriment to adjacent property;
- g. The strict application of this ordinance would produce undue hardship;
- h. Such undue hardship is not shared generally by other properties in the same zone and vicinity; and
- i. No other remedy exists whereby the same relief was, is or may be available from another approval body of the city as part of its review of a site plan or other development 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.

BZA Case # _____



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 _____

Alexandria City Council

William Euille
Kerry Donley
Frank Fannon IV
Alicia Hughes
Redella "Del" Pepper
Paul Smedberg
Rob Krupicka

Planning Commission

John Komoroske
H. Stewart Dunn
Jesse Jennings
Mary Lyman
J. Lawrence Robinson
Eric Wagner
Donna Fossum

Board of Zoning Appeals

Mark Allen
Geoffrey Goodale
John Keegan
Stephen Koenig
David Lantzy
Jennifer Lewis
Eric Zander

**Board of Architectural Review
Old and Historic District**

Chip Carlin
Oscar Fitzgerald
Thomas Hulfish
Arthur Keleher
Wayne Neale
Peter Smeallie
John Von Senden

**Board of Architectural Review
Parker-Gray District**

William Conkey
Theresa del Ninno
Robert Duffy
Christina Kelley
Douglas Meick
Philip Moffat
Deborah Rankin

Updated 5/12/2011

Definition of business and financial relationship.

Section 11-305 of the Zoning Ordinance defines a business or financial relationship as any of the following:

- (1) a direct one;
- (2) by way of an ownership entity in which the member or a member of his immediate household is a partner, employee, agent or attorney;
- (3) through a partner of the member or a member of his immediate household;
- (4) through a corporation in which any of them is an officer, director, employee, agent or attorney or holds 10 percent or more of the outstanding bonds or shares of stock of a particular class. In the case of a condominium, this threshold shall apply only if the applicant is the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium;
- (5) not as an ordinary customer or depositor relationship with a professional or other service provider, retail establishment, public utility or bank, which relationship shall not be considered a business or financial relationship;
- (6) created by the receipt by the member, or by a person, firm, corporation or committee on behalf of the member, of any gift or donation having a value of more than \$100, singularly or in the aggregate, during the 12-month period prior to the hearing on the application from the applicant.

BZA Case # _____

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.

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:

Print Name

Signature

Telephone

Date

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.

PART B (SECTION 11-1102)

NOTE: The Board of Zoning Appeals may grant a variance only if the applicant can clearly demonstrate a hardship. A demonstrated hardship refers to the shape and topographical conditions, or to some other unique characteristic of the property; for example, if a rear yard has sharp drop-off or hilly terrain where an addition could otherwise be located legally, or if the property has three front yards.

A demonstrated hardship is NOT, for example, having a large family in a two-bedroom house, or that you need a first-floor bedroom and bath. (These are good personal reasons for a variance, but do not constitute a hardship having to do with specific conditions of the land.)

APPLICANT MUST EXPLAIN THE FOLLOWING:

(Please **print clearly** and use additional pages where necessary.)

1. Does strict application of the zoning ordinance to the subject property result in a hardship to the owner? (Answer A or B).

A. Explain how enforcement of the zoning ordinance will amount to a clearly demonstrable hardship.

B. Explain how enforcement of the zoning ordinance will prevent reasonable use of the property.

2. Is this hardship unique to the property?

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

B. Explain how this situation or condition of the property (on which this application is based) applies generally to other properties in the same zone.

3. Was the 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 hardship?

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

D. Did the applicant create the 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. Explain how the proposed variance will affect the value of the adjacent and nearby properties.

C. Has the applicant shown the proposed plans to the most affected property owners? Has that neighbor objected to the proposed variance, or has the neighbor written a letter of support of the proposed variance? If so, please attach the letter or submit at the time of the hearing.

D. Explain how the proposed variance will change the character of the neighborhood.



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 (Section 2-145(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: _____



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 (Section 2-145(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.

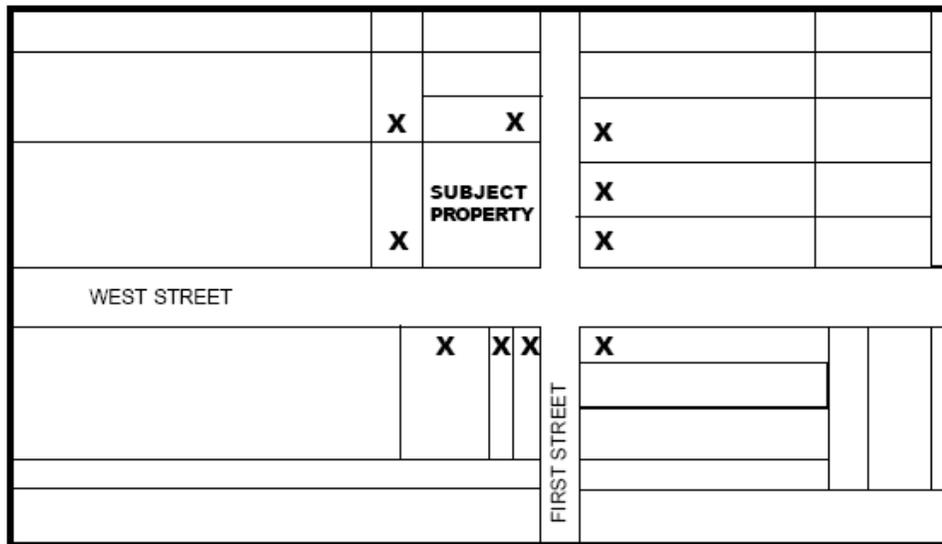
The following notice documents must be submitted to the Department of Planning and Zoning no later than **five calendar days** prior to the public hearing:

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.

*****Applicant to mail this notice by certified or registered mail 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.



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.



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		<p style="text-align: center;">- -</p>
Owner Name		
Mailing Address		
City, State, Zip		

Property Address		<p style="text-align: center;">- -</p>
Owner Name		
Mailing Address		
City, State, Zip		

Property Address		<p style="text-align: center;">- -</p>
Owner Name		
Mailing Address		
City, State, Zip		

Property Address		<p style="text-align: center;">- -</p>
Owner Name		
Mailing Address		
City, State, Zip		

Property Address		<p style="text-align: center;">- -</p>
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.