



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.

Board of Zoning Appeals hearing _____

Send notices by certified or registered mail between the dates of

_____ and _____.

INSTRUCTIONS

FILING FOR BOARD OF ZONING APPEALS

1. **FILING DEADLINE:** 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. **APPLICATION FORMS:** Complete the form titled "Application for Special Exception for Yard and Setback Requirements: Board of Zoning Appeals." Please use black ink or type. Sign the form and include a daytime phone number.
3. **PLANS:** Applicants must submit 12 copies of plans, as requested by the Planning Department staff (e.g., site layout plan, building elevations, floor plans, etc.). Plans must be legible and drawn to scale, showing the subject property, existing and proposed buildings or additions, and clearly showing the requested special exception. Plans must be individually folded to a maximum size of 9" x 14" and in such manner that the lower right corner of the plan is on top with the plan title in view. Rolled plans will not be accepted. One 8 ½ "x11" set of elevations must be submitted with the application for use in reports and presentations.
4. **PHOTOGRAPHS:** Applicants must submit a picture of the property in the location where the special exception is requested.
5. **FILING FEE:** Applicants must submit a filing fee with the application. Exact fee amount may be obtained from the Department of Planning and Zoning.
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. In the event the application is deferred, notification shall be given again.

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

- * a copy of the notice letter sent
- * a list of the names and addresses of those persons to whom notice was sent
- * a copy of the post office receipts for the certified or registered mail
- * a "Certification of Notice" statement that notice was sent by certified or registered mail to those to whom notice is required to be given

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.

For assistance with any of these procedures,
call the Department of Planning & Zoning at 703-838-4666

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 A VARIANCE

A special exception is a request to vary the requirements of the zoning ordinance with respect to lot area, frontage, yards, open space, floor area ratio, etc., where owing to special conditions of the property, literal enforcement of the ordinance will result in unnecessary hardship.

STANDARDS FOR VARIANCE

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 approaching confiscation, 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.
- 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, the special exception 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.



APPLICATION
BOARD OF ZONING APPEALS

VARIANCE

BZA CASE # _____

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

PART A

1. Applicant: Owner Contract Purchaser
Name _____
Address _____
_____ Daytime Phone _____

2. Property Location _____

3. Assessment Map _____ Block _____ Lot _____ Zone _____

4. Legal Property Owner:
Name _____
Address _____

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 demonstrate a legal hardship. A legal hardship refers to the shape and topographical conditions, or to some other unique characteristic of the property; for example, if a rear yard has a sharp drop-off or hilly terrain where an addition could otherwise be located legally, or if the property has three front yards.

A legal 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 legal hardship having to do with specific conditions of the land.)

APPLICANT MUST EXPLAIN THE FOLLOWING:
(please print clearly and use additional paper where necessary)

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

A. Will enforcement of the zoning ordinance amount to a confiscation of the property? Explain:

B. Will enforcement of the zoning ordinance prevent reasonable use of the property? Explain:

2. Is this hardship unique to the property?

A. Is the hardship shared by other properties in the neighborhood? Explain:

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

3. Was the hardship caused by the applicant?

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

B. Did the applicant apply the property without knowing of the hardship?

C. How was the condition which creates the hardship first created?

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. Will the applicant's proposal be harmful in any way to any adjacent property?

B. Will it harm the value of adjacent and nearby properties?

C. Has the applicant shown the proposed pains to the adjacent most affected property owner? Has that neighbor objected to the proposed variance, or has the neighbor written a letter in support of the proposed variance? If so, please attach the letter.

D. Will it change the character of the neighborhood?

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



ALEXANDRIA DEPARTMENT OF PLANNING AND ZONING

FLOOR AREA AND OPEN SPACE COMPUTATIONS

A. Property Information

A1. Street _____

A2. Zone _____ Total Lot _____

B. FAR Information

B1. Floor Area Ratio (F.A.R.) allowed by the Zone _____

B2. _____ x _____ = _____
Lot Area F.A.R. Maximum Allowable Net Floor

C. Existing Gross Area Computations

EXISTING GROSS AREA		DEDUCTIONS	
Basement		Basement	
First Floor		Stairways	
Second Floor		Mechanical/Elevator	
Third Floor		Total Deductions	
Porches/ Other			
Total Gross			

- C1. Existing Gross Floor Area * _____ Square Feet
- C2. Allowable Floor Deductions ** _____ Square Feet
- C3. Existing Net Floor Area (subtract C2 from C1) _____ Square Feet

D. New Gross Area Computations

NEW GROSS AREA		DEDUCTIONS	
Basement		Basement	
First Floor		Stairways	
Second Floor		Mechanical/Elevator	
Third Floor		Total Deductions	
Porches/ Other			
Total Gross			

- D1. New Gross Floor Area * _____ Square Feet
- D2. Allowable Deductions ** _____ Square Feet
- D3. New Net Floor Area (subtract D2 from D1) _____ Square Feet

E. Existing + New Area

- E1. Total Net Floor Area (add C3 and D3) _____ Square Feet
- E2. Total Net Floor Area Allowed (B2) _____ Square Feet

F.

- F1. Existing Open Space _____ Square Feet
- F2. Required Open Space _____ Square Feet
- F3. Proposed Open Space _____ Square Feet

*Gross floor area is measured from the face of exterior walls and includes basements, outside garages, sheds, gazebos, guest buildings and other accessory buildings.

** Allowable deductions from gross floor area: Stairways, elevators, mechanical and electrical rooms; basements (if the basement is less than four feet out of the ground as measured from the average finished grade at the perimeter of the bottom of the first floor).

NOTE: Open space calculations are required for all residential zones (except in the R-20, R-12, R-8, R-5, R-2-5 and RT zones) and in commercial, office and mixed-use zones where residential uses are proposed. Refer to specific provisions in the zoning ordinance.

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 SUBMISSION FOR 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 following example illustrates a detailed description:

“Variances for two side-yard setbacks of 8.00 feet to allow construction of a second-story addition; and front yard setback of 2.50 feet to allow construction of a new open front porch to the existing house.”

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

ARTICLE XI, SECTION 11-300

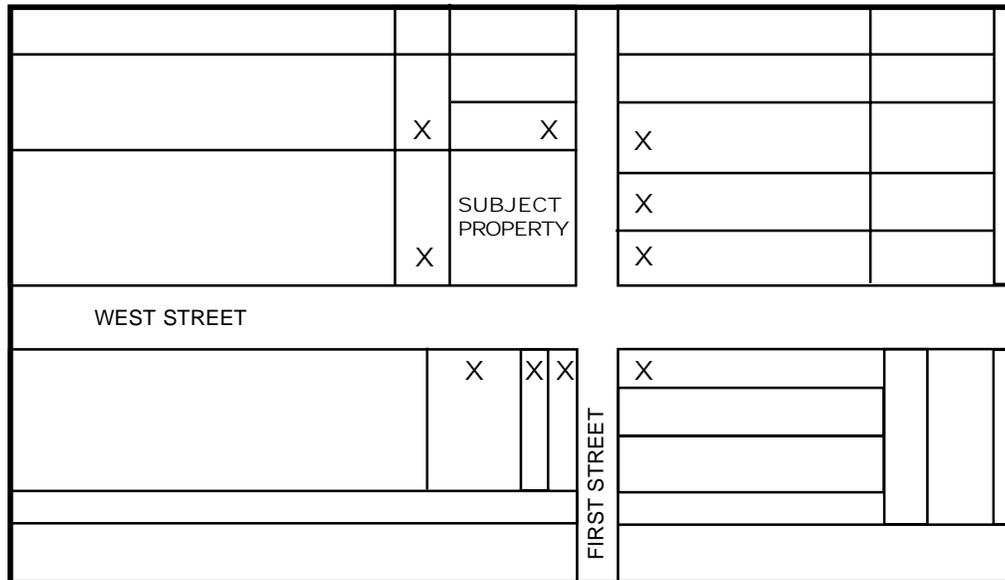
NOTICE OF PUBLIC HEARINGS

SEC. 11-301

Required Notice. Except as provided in Section 11-302, written notice, placard notice and newspaper notice shall be given before each public hearing by the planning commission, city council, board of zoning appeals, subdivision committee and the board of architectural review.

- (A) **Written Notice.** The applicant shall send by certified or registered mail written notice at least ten and not 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 property. In the case of a condominium, written notice may be mailed or delivered to the president of the board of the unit owners' 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 complete street address of the property.
- (B) **Placard 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(s) within seven days after the hearing.

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.

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

*Applicant to mail this notice to adjoining and abutting property owners between 30-10 days prior to the hearing.



NOTICE OF PUBLIC HEARING

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 issue described below.

BOARD OF ZONING APPEALS PUBLIC HEARING DATE: _____

AT
7:30 PM, CITY HALL
301 KING STREET
CITY COUNCIL CHAMBERS, SECOND FLOOR
ALEXANDRIA, VIRGINIA 22313

ISSUE DESCRIPTION: _____

PROPERTY ADDRESS: _____

TAX ASSESSMENT MAP NUMBER: _____

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

Sincerely,

Applicant Signature

Applicant Printed Name

CERTIFICATION OF NOTICE

- BOARD OF ARCHITECTURAL REVIEW
- BOARD OF ZONING APPEALS
- SPECIAL USE PERMIT
- SUBDIVISION PLAT
- VACATION OF RIGHT-OF-WAY
- ENCROACHMENT IN RIGHT-OF-WAY
- REZONING
- OTHER

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:

- (a) a copy of the notice letter sent
- (b) a list of the names and addresses of those persons to whom notice was sent
- (c) a copy of the post office receipts for the certified or registered mail
- (d) 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)(3).

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 mailed) _____.

PROPERTY ADDRESS: _____

ISSUE DESCRIPTION: _____

REQUIRED ATTACHMENTS:

- (a) copy of the notice letter sent**
- (b) list of the names and addresses of those persons to whom notice was sent**
- (c) copy of the post office receipts for the certified or registered mail**

Applicant to return this form and attachments at least 5 days prior to the hearing
to: Department of Planning and Zoning, 301 King Street, Room 2100

