

# **PITTSYLVANIA COUNTY Zoning Ordinance**

## **VARIANCE Application Process**



Zoning Administrator's Office  
Pittsylvania County Administrative Offices  
E-911 Building, 53 N. Main Street  
Chatham, VA 24531  
Telephone: 434-432-1771

# PITTSYLVANIA COUNTY

## VARIANCE PROCESS

A variance means, in the application of a zoning ordinance, a reasonable deviation from those provisions regulating the size or area of a lot or parcel of land, or the size, area, bulk or location of a building or structure when the strict application of the Ordinance would effectively prohibit or unreasonably restrict the use of the property to an extent approaching confiscation. The need for a variance is not generally shared by other properties. The variance shall not be contrary to the intended spirit and purpose of the ordinance, and shall result in substantial justice being done. It shall not include a change in use which change shall be accomplished by a rezoning.

The Board of Zoning Appeals may grant a variance when the property owner can show that his property was acquired in good faith and where by reason of

- a. exceptional narrowness, shallowness, size, or shape of the property
- b. exceptional topographic conditions or other extraordinary conditions of the property; or
- c. extraordinary conditions of an adjacent property the strict application of the terms of the ordinance would effectively prohibit or unreasonably restrict the use of the property.

The board must be satisfied that granting the variance will alleviate a clearly demonstrable hardship approaching confiscation, as distinguished from a special privilege or convenience sought by the applicant. No such variance shall be authorized by the board unless it finds:

- a. That the strict application of the ordinance would produce undue hardship.
- b. That such hardship is not shared generally by other properties in the same zoning district and the same vicinity.
- c. That the authorization of such 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.

### **STEP 1: REAPPLICATION**

Applicant confers with the Zoning Administrator concerning request and to obtain proper forms, recommended procedures, and technical assistance. An application to obtain a variance may be filed by any property owner, tenant, government official, department, board, or bureau. Applicant should contact neighboring property owners to review the proposal and determine the acceptability of the request.

### **STEP 2: APPLICATION**

Applicant submits complete application packet to Zoning Administrator by deadline (4:00 P.M. last Thursday in month, generally). The application is filed in the Zoning Administrator's Office and kept open for public inspection. Application set on public hearing calendar list by zoning administration staff.

The property must be posted in a clearly visible location at least two (2) days prior to the required public hearings. Signs will be posted by the County staff. Once signs are posted, it shall be the responsibility of the applicant to see that the signs remain in place until after the final public hearing.

Staff notifies adjoining property owners of the variance application and the public hearing schedule by first class mail. Staff prepares and delivers required legal advertising to newspaper. Notification of requests and scheduled public hearings must appear in a local newspaper two (2) times in two (2) consecutive weeks before the public hearing. Fee charges include \$125 for the processing, signs, and advertising, plus first class postage for each adjoining property owner to be notified.

### **STEP 3: STAFF REVIEW**

Staff places application on agenda for Planning Commission and Board of Zoning Appeals. Staff may visit site. Staff may route application packet to various County departments as well as interested State departments for review. *Staff* compiles information from field inspection and reviews and prepares report for Planning Commission and Board of Zoning Appeals.

### **STEP 4: PLANNING COMMISSION**

Planning Commission, as a group, may visit each site during the week prior to the scheduled hearing. Planning Commission Meeting (first Tuesday of the month, generally):

Applicant must attend meeting. The applicant may have an agent present the request to the Commission, if desired, but must also be in attendance in order to answer any questions and avoid delays in processing due to lack of information. This meeting is not a public hearing and is not advertised in the newspaper or by mail to, adjoining property owners.

The Commission may choose to send a recommendation to the Board of Zoning Appeals or may appear as a party at the BZA public hearing.

### **STEP 5: BOARD OF ZONING APPEALS**

Staff distributes a report to the BZA including all information submitted by the applicant, staff comments and additional information, and the recommendation of the Planning Commission.

Board of Zoning Appeals Public Hearing (third Tuesday of the month generally):

Applicant must attend hearing. The applicant may have an agent present the request to the Board of Zoning Appeals, if desired, but must also be in attendance in order to answer any questions and avoid delays in processing due to lack of information. This meeting is a public hearing and is advertised in the newspaper or by mail to adjoining property owners are notified.

Interested citizens may comment on request and/or voice concerns to the BZA.

Board of Zoning Appeals will review the request according to conditions set forth in Section 15.1-495 of the Code of Virginia and vote to approve, approve with conditions, or deny the variance request. The BZA may also vote to delay the hearing if more information is necessary.

### **STEP 6: RECORDATION OF FINAL ACTION**

The BZA's decision is considered to be in effect once the vote on the request has been announced. Legal forms are filed in the Zoning Administrator's Office the morning following the vote. All files remain open for public inspection.

## PITTSYLVANIA COUNTY

### REQUIREMENTS FOR VARIANCE APPLICATION

All applications must be received by 4:00 P.M. on the last Thursday of the month, generally. ***(Ex. Cases filed the last Thursday in January will be heard in March)*** Incomplete packets will not be accepted.

The packet must include the following information:

1. Consultation with zoning staff to review the proposal and obtain recommended procedures and technical assistance.  
Applicant should also contact neighboring property owners to review the proposal.
2. Completed application form typed and signed by applicant, including owner's consent if different.
3. Completed Letter of Justification for the Variance.
4. Site development plan (if required) discuss requirements with Zoning Administrator. Concept plan submission may be permitted. A concept plan and site development plan may be required at the discretion of the Zoning Administrator. (See attached Site Development Plan instructions.)
5. Concept plan (if required) for site layout --11" x17" scaled drawing, plat map. A concept plan and site development plan may be required at the discretion of the Zoning Administrator. (See attached Concept Plan Instructions.)
6. Legal Forms, including Petition, Recommendation, and Final Order. All forms must be typed.
7. List of names, addresses and tax map and parcel numbers of property owners who abut the property or are directly across a public right-of-way. (Refer to County tax records in the Land Use office.)
8. Application fee: \$125.00 to cover required processing, signs, and newspaper advertising, plus first class postage for each adjoining property owner for mailing costs.

For further information or assistance, please contact the Zoning Administrator's Office Monday through Friday, 9:30 AM. to 4:00 P.M. at: 434-432-1771

# PITTSYLVANIA COUNTY

## APPLICATION FOR VARIANCE

I/We, \_\_\_\_\_ hereby apply to the Pittsylvania County Board of Zoning Appeals for a Variance to the Pittsylvania County Zoning Ordinance as hereinafter described:

Property Owner's Name: \_\_\_\_\_ Phone: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_ Zip \_\_\_\_\_

2. Location of Property: \_\_\_\_\_

3. Tax Map and Parcel Number: \_\_\_\_\_

4. Election District: \_\_\_\_\_

5. Size of Property : \_\_\_\_\_ acres/square feet

6. Existing Land Use: \_\_\_\_\_

Existing Zoning: \_\_\_\_\_

7. Section(s) of the Zoning Ordinance to which variance is requested: \_\_\_\_\_

8. Reason for requesting variance: \_\_\_\_\_

9. Check completed items:  
\_\_\_\_\_ Justification Letter \_\_\_\_\_ 11'x17" Concept Plan \_\_\_\_\_ Legal Forms \_\_\_\_\_ List of adjoining Properties \_\_\_\_\_ Application Fee \_\_\_\_\_ Plat Map \_\_\_\_\_ Site Development Plan

10. Any materials relating to a particular case, including a staff recommendation or report furnished to a member of the board, shall be made available without cost to such applicant, appellant or other person aggrieved. Such materials will be sent to the following email address, unless otherwise requested.  
\_\_\_\_\_ (Email)

*Through application for this permit, the owner authorizes a right-of-entry to the designated personnel of Pittsylvania County for the purpose of site evaluation and monitoring for compliance with the Pittsylvania County Zoning Ordinance.*

\_\_\_\_\_  
Applicant

Sworn to and subscribed before me in my presence this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in my City and State aforesaid, by \_\_\_\_\_ Notary Public. My commission Expires: \_\_\_\_\_

\*\*\*\*\*  
OFFICE USE ONLY:

Application No. \_\_\_\_\_ Application Deadline: \_\_\_\_\_

P. C. Hearing Date: \_\_\_\_\_ Received By: \_\_\_\_\_

Date Received: \_\_\_\_\_ B. Z. A. Hearing Date: \_\_\_\_\_

Action: \_\_\_\_\_

VIRGINIA:  
BEFORE THE BOARD OF ZONING APPEALS OF PITTSYLVANIA COUNTY

A \_\_\_\_\_ acre parcel of land, )  
generally located \_\_\_\_\_ )  
\_\_\_\_\_ )  
within the \_\_\_\_\_ )  
Election District, and recorded as )  
parcel # \_\_\_\_\_ in the )  
Pittsylvania County tax records. )

PETITION

TO THE BOARD OF ZONING APPEALS OF PITTSYLVANIA UNTY:

WHEREAS, your Petitioner \_\_\_\_\_  
respectfully files this petition pursuant to Sections 35-850 and 35-851 of the Pittsylvania County Zoning  
Ordinance and in accordance with the Code of Virginia 1950, as amended, and would respectfully show  
the following:

- 1) The Petitioner is the owner of the above-referenced parcel of land, or is filing with the owner's  
consent.
- 2) The property is presently zoned under the provisions of the Pittsylvania County Zoning  
Ordinance as \_\_\_\_\_ District.
- 3) Your petitioner now desires to have issued a Variance to Section \_\_\_\_\_ of the  
Pittsylvania County Zoning Ordinance in order to

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

WHEREFORE, your Petitioner respectfully requests relief from the strict application of the Zoning  
Ordinance of Pittsylvania County and requests that the above-referenced parcel of land be issued a  
Variance as set out in Number 3.

FURTHER, your Petitioner respectfully requests that this petition be referred by the Zoning  
Administrator/Secretary to the Pittsylvania County Planning Commission for its consideration and  
recommendation.

Respectfully submitted,

\_\_\_\_\_  
Petitioner

*Sworn to and subscribed before me in my presence this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in my City and State  
aforesaid, by \_\_\_\_\_ Notary Public. My commission Expires: \_\_\_\_\_*

## SITE DEVELOPMENT PLAN INSTRUCTIONS

Purpose: The site development plan details the characteristics of the applicant project's setbacks, boundaries, location, density, and id other factors critical to making zoning determinations.

Preparation. A site development plan is required with rezonings, special use zoning permits, some zoning permits for permitted uses and variances. The Ordinance provides for those uses specifically requiring site development plans; also listed are exemptions from preparation of site development plans. In addition, the Zoning Administrator may have discretion to waive site development plans, substituting concept plan requirements.

Eight (8) copies of the site development plan and one (1) original will be required on initial application. The plan does not have to be prepared by a professional site planner but should be legible and describe the project in appropriate detail. The following are considered minimum requirements:

- Title of project; name of subdivision.
- Name of owner, subdivider, surveyor, or engineer.
- True north pointer.
- Date of drawing; number of sheets; voting district.
- Scale of the drawing which shall be one hundred (100) feet per inch. Original drawings) shall be black line on polyester film or comparable transparentized material; size of drawing(s) shall be twenty (20) inches by eighteen (18) inches. A blank oblong space of 3" by 5" shall be reserved for the use of the approving authorities.
- A three (3) inch by five (5) inch area shall be reserved on drawings for signatures and/or stamps of approving agencies.
- Location of the proposed subdivision by an inset map at a scale of not less than two (2) inches per one (1) mile, showing adjoining roads,, their names and numbers, towns, subdivisions and other landmarks, and streams; bodies of water, " railroads, subdivisions, to clearly identify the location of the property.
- A boundary survey or existing survey of record; provided that such survey shows a closure with an accuracy of not less than one (1) in twenty-five hundred (2,500); totsl acreage, acreage of subdivided area, number and approximate area and frontage of all building sites, existing buildings within the boundaries of the tract, names of owners and their property lines within the boundaries of the tract and adjoining such boundaries.
- Zoning of the tract and all surrounding tracts. Include parcel numbers, other identifying numbers from county tax maps.
- All existing, platted and proposed streets, their names, numbers and widths; existing utility and other easements, public areas and parking spaces; culverts, drains and watercourses, their names and other pertinent data
- Location, type and size of all entrances to the site.
- All parcels of land to be dedicated for public use and the conditions of such dedication.

- Existing topography and proposed finished contours shown at intervals satisfactory to the Resident Engineer, when applicable.
- Elevations of existing and proposed ground surface at all street intersections and at points of major grade change along the center line of streets, together with proposed grade lines connecting therewith.

- Grades of roads shall not exceed those recommended by the Resident Engineer's Office, when applicable. Street grades shall not exceed ten (10) percent.
- Provisions for off-street parking, loading spaces and pedestrian walkways; including sidewalks; calculations indicating the number of parking spaces required and the number provided.
- Number of floors, floor area, height and location of each building.
- For a multi-family residential development, the number, size and type of dwelling units; density, location, type, and percentage of total acreage of recreation facilities.
- Proposed connections with existing sanitary sewers and existing water supply or the alternate means of sewage disposal and water supply.
- Detailed utility layout including water and sanitary sewer plan with profiles; density, location of electrical transmission lines, gas pipelines, streetlights; and fire hydrants; and showing the locations of garbage and trash disposal facilities; location of standpipes for fire protection.
- Provisions for collecting and discharging surface drainage and preliminary designs of any structure that may be required; other provisions for the adequate control of storm water drainage and erosion and sedimentation, indicating all proposed temporary and permanent control measures, and including drainage calculations.
- Computations notation to include the total site area, and the amount and percentage of the site covered by open space and buildings, or dwelling units for multi-family residential developments.
- Bylaws of Homeowners Association when applicable.

Notification of adjacent property owners. It shall be the responsibility of the applicant to pay for notification of all adjoining property owners, advising them of the submission of plans to the County and that plans are on file and available for review in the Zoning Administrator's office. No site plan shall be approved until the Zoning Administrator or his designee, is satisfied that all property owners contiguous to and sharing a common property line with said-applicants or whose property lies directly across from the proposed development have been notified in writing prior to the time the site development plan is approved. Evidence that such notice was sent by mail to the last known address of such owner as shown on the current real estate tax assessment books shall be deemed adequate compliance.

If the Zoning Administrator determines that one (1) or more of the submittal requirements is not applicable to the proposed project, the Administrator may waive those requirements.

The submittal of a site development plan with insufficient information shall result in the return of the plans to the applicant without review; such deficiencies shall be noted in written form.

## CONCEPT PLAN INSTRUCTIONS

*Limitations:* The concept plan should not be confused with the site development plan that is required in most cases before the issuance of a zoning permit and building permit. Site development plan procedures ensure compliance with development regulations and may require changes to the initial concept plan. Unless limiting conditions are proffered during a rezoning and accepted, or imposed by the Board of Supervisors on a Special Use Permit request, the concept plan may be altered to the extent permitted by zoning district and other regulations.

*Preparation:* A concept plan may be required with all Rezoning, Permitted Use Zoning Permit, Special Use Zoning Permit, and some other zoning applications at the discretion of the Zoning Administrator. The plan does not have to be prepared by a professional site planner, but should be legible and describe the project in appropriate detail. Eight (8) copies of the Concept Plan and one (1) original will be required on initial application. The staff may exempt some items or suggest the addition of extra items, but in general, the following are considered minimum:

- Project title; name of applicant, and project designer/surveyor (if applicable).
- Date, north arrow, and graphic scale.
- 11" x 17" drawings. If plans are larger than 11" x 17", applicant must provide twenty (20) copies of the plan for distribution to Planning Commission and Board of Supervisors members.
- Size of entire parcel and/or lots in acres and square feet and, if applicable, size of portion of parcel to be rezoned.
- Lot dimensions in feet.
- Adjacent streets, alleys, railroads, water bodies, physical features, etc. Tax parcel identification numbers, deed book references, plat book references.
- Locations, dimensions, and heights of all structures.
- Impacting natural features.
- Additional requirements of applicant's concept plan may include:
  - For residential, commercial, and mixed use projects: the number, type, and size of dwelling, retail, or commercial office units, and the gross density of units, plus the location, size, and type of recreational amenities.
  - Location and dimensions of pedestrian access and plazas as well as vehicular driveways, off-street parking spaces, and loading facilities.
  - Outstanding natural features to be conserved, such as slope, ground cover, surface water, trees and vegetation, floodplain, etc.
  - Signs, including type, area, height, and placement on site.
  - Location and description of any screening and buffering along the lot perimeter or within the lot.
  - Building elevations or renderings and description of landscape improvements (optional).

- Other information pertinent to the specific request including areas outdoors which are designated for special uses, for example, storage areas, recreation area, loading/unloading areas, dumpster areas.



OFFICE OF ZONING/CODE COMPLIANCE  
P.O. Drawer D,  
Chatham, Virginia 24531  
(434) 432-1771

**SIGN AFFIDAVIT**

**Sec. 35-817. POSTING OF PROPERTY - PLANNING COMMISSION HEARING-**

At least fourteen (14) days preceding the Commission's public hearing on a zoning map amendment, there shall be erected on the property proposed to be rezoned, a sign or signs provided by the Zoning Administrator indicating the date, time, and place of the public hearing. The sign shall be erected within ten (10) feet of whatever boundary line of such land abuts a public road and shall be so placed as to be clearly visible from the road with the bottom of the sign not less than two and one-half (2 1/2) feet above the ground. If more than one (1) such road abuts the property, then a sign shall be erected in the same manner as above for each such abutting road. If no public road abuts thereon, then signs shall be erected in the same manner as above on at least two (2) boundaries of the property abutting land not owned by the applicant.

**Sec. 35-818, POSTING OF PROPERTY - BOARD OF SUPERVISORS HEARING-**

When a public hearing has been scheduled before the Board of Supervisors for a Zoning Map amendment, there shall be erected, at least fourteen (14) days preceding such hearing, a sign or signs provided by the Zoning Administrator indicating the date, time and place of the public hearing. Such sign or signs shall be erected in the same manner as prescribed in Section 35-817 above.

**Sec. 25-819. MAINTENANCE AND REMOVAL OF SIGNS.**

Any sign erected in compliance with this section shall be maintained at all times by the applicant up to the time of the hearing. It shall be unlawful for any person, except the applicant or the Zoning Administrator or an authorized agent of either, to remove or tamper with any sign furnished during the period it is required to be maintained under this Section. All signs erected under this Section shall be removed by the applicant with fourteen (14) days following the public hearing for which it was erected.

I have read and understand Sections 35-817, 35-818, and 35-819 of the Pittsylvania County Zoning Ordinance. I understand it is my responsibility to post, maintain and remove this/these sign or signs, according to Section 35-817, Section 35-818, and 35-819. If this sign is removed or destroyed, I understand it is my responsibility to obtain another sign from the Zoning office, post the property and maintain the sign(s), according to the above Sections of the Pittsylvania County Zoning Ordinance.

***Should the property not be posted and the sign(s) maintained as required above, I understand the board may defer the case.***

Case \_\_\_\_\_ Applicant \_\_\_\_\_ Date \_\_\_\_\_  
*Sworn to and subscribed before me in my presence this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in my City and State aforesaid, by \_\_\_\_\_ Notary Public. My commission Expires: \_\_\_\_\_*

**SPECIAL POWER OF ATTORNEY**

**Property Description (GPIN, Street Address or Common Description, Borough):**

\_\_\_\_\_  
\_\_\_\_\_

**Tax Map #** \_\_\_\_\_

I/we \_\_\_\_\_, am/are:

\_\_\_\_\_ the applicant for the above-referenced application

\_\_\_\_\_ the owner(s) of the property described above

I/we do hereby make, constitute, and appoint \_\_\_\_\_, authorized agent of \_\_\_\_\_, my/our true and lawful attorney-in-fact, and grant unto my/our attorney-in-fact full power and authority to make any and all applications and execute any related documents required in connection with all zoning and/or permitting matters related to \_\_\_\_\_, on the above described property (the "Property"), and to perform all acts and make all agreements as such person shall deem necessary or appropriate in regard to said zoning and/or permitting matters, including but not limited to the following authority: the authority to negotiate with localities; to sign and submit proffers that would constitute binding conditions on the Property; to agree to conditions and bind the Property with conditions, whether through proffers or other agreements; to sign and submit applications, agreements and/or other documents in connection with rezoning, conditional rezoning, special use permits, conditional use permits, special exceptions, zoning variances, building permits and/or any other permits related to \_\_\_\_\_, on the Property; and to modify or amend any documents in whole or in part relating to such applications, agreements and related documents.

I/we ratify all actions taken to date in connection with the zoning and/or permitting of the Property related to \_\_\_\_\_, on the Property.

\_\_\_\_\_  
\_\_\_\_\_

Owner: Print Name

Commonwealth of Virginia City/County of \_\_\_\_\_, to-wit:

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in my City and State aforesaid, by \_\_\_\_\_ Notary Public

My Commission Expires: \_\_\_\_\_