

**FRANKLIN COUNTY  
REQUIREMENTS FOR ZONING VARIANCE APPLICATIONS**

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

**Filing Deadline:** Applications must be received and all fees paid by 4:30 P.M. on the first Monday of the month in order to be processed and considered for public hearing. Applications for variance must contain specific information, as detailed below.

**Incomplete applications will not be accepted nor advertised.**

**APPLICANT MUST SUBMIT A COMPLETE APPLICATION CONSISTING OF ONE (1) ORIGINAL, AND 13 COPIES OF APPLICATION, LETTER OF APPLICATION, CONCEPT PLAN, AND ANY OTHER PERTINENT INFORMATION NEEDING TO GO BEFORE THE BOARDS.**

**Application Requirements:**

1. **Completed application form**, typed or printed in ink and signed by applicant, including owner's consent and signature.
2. **Letter of application** stating in general terms:
  - (a) the proposed use of the property,
  - (b) the effect of the changes on the surrounding area, and
  - (c) the reason for the variance request and the hardship posed by the requirement
3. **Concept Plan** for property showing existing site features and proposed development additions or improvements. See attached information for recommended contents of concept plans for residential business and industrial district requests.
4. **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.)
5. **Payment of Fees:**

➤ Variance	\$200.00
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### **Considerations for Granting Variances:**

The Section 25-773 of the Zoning Ordinance is specific in outlining the grounds for granting a variance to established regulations. The Board of Zoning Appeals considers the following when reviewing variance requests:

- Exceptional narrowness, shallowness, unusual size or shape of property, exceptional topographic conditions, or other extraordinary situations or conditions that unreasonably restrict or effectively prohibit the use or development of the property
- Demonstrated hardship of the requirement on development of the property to the extent that meeting the requirements would approach confiscation of the property (not a special privilege or convenience sought by the applicant)

No variance shall be authorized by the Board unless it finds the following:

- That the strict application of the regulation would produce undue hardship
- That such hardship is not generally shared by other properties in the same zoning district and the same vicinity
- That the authorization of such variance will not be of substantial detriment to adjacent property
- That the character of the district will not be changed by the granting of the variance

### **Staking of Variance Requests:**

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

### **Posting of the Subject Property prior to Public Hearings:**

The applicant is responsible for posting a “Notice of Public Hearing” on the subject property prior to the scheduled public hearing before the Board of Zoning Appeals. The Department of Planning and Community Development will provide the applicant with the notice for posting.

The notice shall be posted at least fourteen days prior to the scheduled public hearing. The posted sign shall be erected within 10 feet of the whatever boundary line of such land abuts a public road and shall be placed to be clearly visible from the road with the bottom of the sign not less than 2.5 feet above the ground. If more than one road abuts the property, then a sign shall be erected on each road. If no public road abuts the property, then signs shall be erected on at least 2 boundaries of the property abutting land not owned by the applicant.

The applicant is responsible for maintenance of posted signs. **If a posted sign is blown down or destroyed, the applicant shall obtain a new sign from the planning office at a cost of \$8.00 per sign.**

### **Legal Advertisement Costs:**

Each variance request must be legally advertised in accordance with established state and local regulations. A \$50.00 fee will be charged if a public hearing must be re-advertised because of incomplete information, inaccuracies, or because the applicant requests a deferment or withdraws the request.

**For Further Information:**

Department of Planning and Community Development  
120 East Court Street  
Rocky Mount, Virginia 24151

Phone: (540) 483-3027  
FAX: (540) 483-3041

Office hours: Monday through Friday, 8:00 A.M. to 4:30 P.M.

## **FRANKLIN COUNTY VARIANCE PROCESS**

### ***STEP 1 – PRE-APPLICATION MEETING***

- Applicant meets with planning staff to discuss request, obtain forms, review variance process, and identify required materials to appropriately process and review the request. An application may be filed by the property owner, contract purchaser, or the owner's agent with written consent.
- Applicant should discuss the request with adjacent property owners.

### ***STEP 2 – APPLICATION***

- Application: Applicant submits complete application packet to the Department of Planning and Community Development. Application and plans are available for public review.
- Posting of Property: Applicant is provided with sign(s) for posting the property when the application is received. The property must be posted by the applicant in a clearly visible location at least fourteen days before the required public hearings.
- Notification of Property Owners: Planning staff notifies adjoining property owners of the variance request and the date of the public hearing.
- Public Notice/Legal Advertisement: Planning staff prepares required legal advertising and publishes in local newspaper. (Notification of requests and public hearing schedule must appear in a local newspaper two times in two consecutive weeks before the public hearing.)

### ***STEP 3 – STAFF REVIEW***

- Staff visits site and coordinates application with other County departments and applicable public agencies (i.e. VDOT, AEP, Health). Staff prepares a written report for the Board of Zoning Appeals that considers the proposed district regulations, and Sections 25-2 through 25-4 of the Zoning Ordinance (Purpose and Intent; Relationship to Environment; and Relationship to Comprehensive Plan) as well as Section 25-773, which details considerations and required findings for variances.

### ***STEP 4 – BOARD OF ZONING APPEALS ACTION***

- Board visits each site prior to the scheduled public hearing.
- The applicant or a designated agent must attend the public hearing.
- Public comment is received at the hearing.
- Board reviews request based upon conditions set forth in Section 25-773 of the Zoning Ordinance.
- Board may impose conditions regarding the location, character and other features of a proposed structure or use as it may deem necessary in the public interest, and may require a guarantee or bond to ensure that the conditions will be complied with.
- Variance is effective immediately after action by the Board.

**FRANKLIN COUNTY  
APPLICATION FOR VARIANCE  
(Type or Print)**

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

1. Applicant's Name: \_\_\_\_\_

2. Property Owner's Name: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Address: \_\_\_\_\_

Zip: \_\_\_\_\_

3. Exact Directions to Property from Rocky Mount: \_\_\_\_\_  
\_\_\_\_\_

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

5. Magisterial District: \_\_\_\_\_

6. Property Information:

A. Size of Property: \_\_\_\_\_

B. Existing Land Use: \_\_\_\_\_

C. Existing Zoning: \_\_\_\_\_

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

\_\_\_ Corridor District \_\_\_ Westlake Overlay District \_\_\_ Smith Mountain Lake Surface District

E. Is any land submerged under water or part of a lake? Yes No If yes, explain.

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

F. Describe any unusual or extraordinary conditions of the property that affect development: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

7. Proposed Development Information:

A. Proposed Land Use: \_\_\_\_\_

B. Proposed Zoning: \_\_\_\_\_

C. Size of Proposed Use: \_\_\_\_\_

1. Section of the Zoning Ordinance for which a variance is being requested: \_\_\_\_\_

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

Checklist for completed items:

- \_\_\_\_\_ Application Form
- \_\_\_\_\_ Letter of Application
- \_\_\_\_\_ List of Adjoining Property Owners and Addresses
- \_\_\_\_\_ Concept Plan
- \_\_\_\_\_ Application Fee

I certify that this application for a variance and the information submitted herein is correct and accurate.

Applicant's Name (Print): \_\_\_\_\_

Signature of Applicant: \_\_\_\_\_

Date: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

\_\_\_\_\_

Telephone: \_\_\_\_\_

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

Owner's Name (Print): \_\_\_\_\_

Signature of Owner: \_\_\_\_\_

Date: \_\_\_\_\_

**Date Received by Planning Staff:** \_\_\_\_\_

**Time:** \_\_\_\_\_

**Clerk's Initials:** \_\_\_\_\_

**CHECK #:** \_\_\_\_\_

**RECPT. #:** \_\_\_\_\_

**AMOUNT:** \_\_\_\_\_

**ADJACENT PROPERTY OWNERS**

Adjacent property owners are mailed a notice of the request. Please provide each owner's name and mailing address plus zip code for every property adjacent to the site and directly across from any public right-of-way adjoining the site. Names and addresses are available in the County Real Estate office in the Courthouse.

NAME: \_\_\_\_\_ ADDRESS: \_\_\_\_\_

TAX MAP NUMBER: \_\_\_\_\_

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## CONCEPT PLANS FOR VARIANCES RECOMMENDED CONTENTS

### *Purpose of a Concept Plan:*

A Concept plan is requested for all variance applications. The purpose of the concept plan is to provide applicable information on site conditions and a general understanding of the proposed development. Typically, a concept plan contains information on the property such as the property address, parcel boundaries, adjacent roads, natural features (including water courses) and neighboring properties. A concept plan also includes the locations of any proposed buildings, parking, streets, community facilities, buffering or screening, boat docks, signs, and lighting. The plan should clearly show the variance being requested.

### *Concept Plan versus Site Development Plan:*

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

### *Concept Plan Recommended Contents:*

- ❖ Project title, name of applicant, project engineer/architect/surveyor/planner
- ❖ Plan date
- ❖ North arrow and graphic scale
- ❖ Size of entire parcel and, if applicable, size of portion of parcel requested for a variance, accompanied by meets and bounds description
- ❖ Adjacent streets, railroads, natural features, historic sites, streams or bodies of water, floodplains, and other information that may help describe site conditions
- ❖ Locations, dimensions, and heights of all existing structures and those proposed
- ❖ Location and dimensions of proposed pedestrian and vehicular access points, driveways, parking areas/spaces and other facilities
- ❖ Location and description of existing vegetation or any landscaping, screening or buffering proposed within the lot or along the perimeter of the development
- ❖ Location of proposed signs, including type, size and height, if applicable
- ❖ Lighting information, if applicable
- ❖ Other items that may be recommended by staff
- ❖ Recommended plan size: 8.5" x 11" minimum or 11" x 17" maximum. The plan must be legible.  
**The applicant must provide 13 copies of plan for distribution to the Board of Zoning Appeals.**

**NOTE: IF YOU ARE PLANNING A PRESENTATION AT THE PUBLIC HEARINGS FOR THE PLANNING COMMISSION AND BOARD OF SUPERVISORS, EITHER BRING A 8 ½ X 11 SIZE PAGE OF YOUR PRESENTATION TO SHOW ON THE OVERHEAD PROJECTOR OR PUT ON A CD TO SHOW ON THE POWERPOINT SYSTEM.**