

**FRANKLIN COUNTY
REQUIREMENTS FOR ZONING VARIANCE
APPLICATIONS**

Consultation with planning staff is strongly recommended prior to filing 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 APPLICATION, LETTER OF APPLICATION, CONCEPT PLAN, AND ANY OTHER PERTINENT INFORMATION NEEDING TO GO BEFORE THE BOARD.

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. A variance shall be granted by the Board of Zoning Appeals if the evidence shows that:

1. The strict application of the terms of the ordinance would unreasonably restrict the utilization of the property; or
2. 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 this chapter.

AND

- 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 this 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 this chapter;
- 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; and
- v. The relief or remedy sought by the variance application is not available through a special use process that is authorized in the ordinance pursuant to subdivision 6 of section 15.2-2309 of the Code of Virginia or the process for modification of a zoning ordinance pursuant to subdivision A4 of section 15.2-2286 of the Code of Virginia at the time of the filing of the variance application.

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:

Franklin County Department of Planning and Community Development will post a “Notice of Public Hearing” sign along any road that is adjacent to the property for which a special use permit is requested. The notice will be posted by the county at least fourteen days prior to the scheduled Board of Zoning Appeals public hearings. If no public road abuts the property, then notice signs shall be erected on at least 2 boundaries of the property abutting land not owned by the applicant.

The signs are property of Franklin County and must not be removed by the applicant.

Legal Advertisement Costs:

Each variance request must be legally advertised in a newspaper of general circulation in accordance with established state and local regulations. Franklin County advertises in the Franklin News Post. The Department of Planning and Community Development shall prepare the legal ad and shall send the ad to the newspaper for publication.

The cost of publishing the legal ad is the responsibility of the special use permit applicant. The newspaper will send an invoice to the Planning Department and staff will forward the invoice to the applicant. It is important that the invoice be paid upon receipt. Payment should be made to the Franklin County Planning Department who will be charged for the cost of the ad. If the invoice is not paid by the applicant to the Planning Department prior to the date of the scheduled public hearing, the public hearing will be delayed for at least one month or until the cost of the ad is paid.

If an applicant requests that a public hearing be delayed after publication of a legal ad, the applicant shall be responsible for all costs of re-advertisement.

For Further Information:

Development Services
Planning & Community Development
1255 Franklin Street, Suite 103
Rocky Mount, Virginia 24151
Phone: (540) 483-3027

Office Hours: Monday thru Friday, 8:00 AM to 4:30 PM

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.
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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.
- It is the property owner/developers responsibility to obtain all necessary permits for construction. (i.e. building permit, land use, erosion & sediment control, etc.)

**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:

Applicant's Name: _____

Property Owner's Name: _____

Address of Property: _____

Phone Number: _____

Exact Directions to Property from Rocky Mount: _____

1. Tax Map and Parcel Number: _____

2. Magisterial District: _____

3. 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 ___

F. Describe how the strict application of the ordinance would unreasonably restrict the use of the property or how the granting of the variance would alleviate a hardship due to a physical condition of the property:

4. Proposed Development Information:

A. Proposed Land Use:

B. Proposed Zoning:

C. Size of Proposed Use:

- 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

____ Concept Plan

____ Application Fee

****I certify that this application for a variance and the information submitted herein is correct and accurate. I authorize County staff to access this property for purposes related to the review and processing of this application.**

Applicant's Name (Print): _____

Signature of Applicant:

Date: _____

Mailing Address:

Telephone:

Email Address (optional):

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

Owner's Name (Print):

Signature of Owner:

Date:

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.

NOTE: IF YOU ARE PLANNING A PRESENTATION AT THE PUBLIC HEARINGS FOR THE BOARD OF ZONING APPEALS, EITHER BRING A 8 X 11 SIZE PAPER OF YOUR PRESENTATION TO GIVE TO THE BOARD OR PUT ON A USB DRIVE TO SHOW ON THE POWERPOINT SYSTEM.

2020

PUBLIC HEARING SCHEDULE FOR FRANKLIN COUNTY

BOARD OF ZONING APPEALS

DEADLINE DATE

DECEMBER 2, 2019
JANUARY 6, 2020
FEBRUARY 3, 2020
MARCH 2, 2020
APRIL 6, 2020
MAY 4, 2020
JUNE 1, 2020
JULY 6, 2020
AUGUST 3, 2020
SEPTEMBER 8, 2020
OCTOBER 5, 2020
NOVEMBER 2, 2020
DECEMBER 7, 2020
JANUARY 4, 2021

MEETING DATE

JANUARY 7, 2020
FEBRUARY 4, 2020
MARCH 3, 2020
APRIL 7, 2020
MAY 5, 2020
JUNE 2, 2020
JULY 7, 2020
AUGUST 4, 2020
SEPTEMBER 8, 2020
OCTOBER 6, 2020
NOVEMBER 5, 2020**
DECEMBER 1, 2020
JANUARY 5, 2021
FEBRUARY 2, 2021

***APPLICATION DEADLINES MAY CHANGE IF PUBLIC HEARING DATES ARE CHANGED. PLEASE VERIFY APPLICATION DEADLINE DATE AND PUBLIC HEARING DATES WITH THE DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT PRIOR TO SUBMITTING APPLICATION.**

All petitions, to be considered complete and accepted, must be submitted and reviewed by the Planning staff prior to the deadline date. For further details contact Planning staff.

All public hearings in front of the Board of Zoning Appeals, unless otherwise advertised, are held in the Board of Supervisors Meeting Room, in the Franklin County Government Center, 1255 Franklin Street, Rocky Mount, VA, 24151, on the first (1st) Tuesday of each month beginning at 6:00 pm unless otherwise noted.. **** November 3, 2020 meeting will be held on the following Thursday, November 5, 2020 due to Election Day.**

Regular meetings of the Board may be continued to the following Thursday if the chairman or vice chairman is unable to act, finds and declares that weather or other conditions are such that it is hazardous for members to attend the meeting. Such finding shall be communicated to the members and the press as promptly as possible. All hearings and other matters previously advertised for such meeting shall be conducted at the continued meeting and no further advertisement is required.

APPLICANTS OR THEIR REPRESENTATIVE ARE REQUIRED TO ATTEND EACH MEETING.

Any person with a disability who needs accommodations to fully participate in these public hearings should notify the Franklin County Planning and Community Development Office, 1255 Franklin Street, Suite 103, Rocky Mount, Virginia, 24151, (540) 483 3027 at least seven (7) days prior to the hearings.

Submitted by Hannah Powell, Clerk