

FRANKLIN COUNTY
APPEAL APPLICATION

Appeals: Any person aggrieved by a decision of the zoning administrator may appeal the decision to the Board of Zoning Appeals by filing such an appeal within 30 days of the decision.

Filing Deadline: Completed application must be received by 4:30 PM on the deadline date listed on the current hearing schedule. The hearing schedule is available online at <https://www.franklincountyva.gov/437/Board-of-Zoning-Appeals>, or in person at the Franklin County Development Services suite.

Incomplete applications will not be accepted nor advertised.

**APPLICANT MUST SUBMIT A COMPLETE APPLICATION CONSISTING OF
THE APPLICATION FORM, LETTER OF APPLICATION, CONCEPT PLAN (AS
NEEDED), AND ANY OTHER PERTINENT INFORMATION TO BE CONSIDERED
BY THE BOARD OF ZONING APPEALS.**

Application Requirements:

1. **Letter of Appeal**, typed or printed in ink and signed by the applicant, including the property owner's consent and signature.

Fee Schedule:

Appeal	\$200
--------	-------

ALL required application fees must be paid at the time of application submittal. Applicants may pay by cash or check. Checks must be made out to the Franklin County Treasurer and can be mailed to 1255 Franklin Street, Ste. 103, Rocky Mount, VA 24151.

Posting of the Subject Property prior to Public Hearings:

Franklin County Department of Planning and Community Development will prepare and post a “Notice of Public Hearing” sign along any road that is adjacent to the property for which an appeal is requested. The notice will be posted by the county at least fourteen (14) days prior to the scheduled Board of Zoning Appeals hearing and will remain up until the Board of Zoning Appeals has decided on the application. If no public road abuts the property, then notice signs shall be erected on at least two (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 or property owners.

Legal Advertisement Costs:

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

The cost of publishing the legal ad is the responsibility of the applicant. The newspaper will send an invoice to Planning staff, and staff will then notify the applicant of the cost of the legal ad. If payment is not received prior to the public hearing, the application may be tabled and delayed one (1) month until the next public hearing.

If the applicant requests that the public hearing be delayed after the publication of the legal ad, the applicant shall be responsible for all costs of re-advertisement. If the applicant requests to withdraw their application after the publication of the legal ad, the applicant will still be responsible for all costs of the advertisement.

For Further Information Contact:

Department of Planning and Community Development
1255 Franklin Street, Suite 103
Rocky Mount, VA 24151

Phone: (540) 483-3027

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

*Except for approved County holidays & closures

FRANKLIN COUNTY APPEAL REQUEST PROCESS

STEP 1- PRE-APPLICATION MEETING

- Applicant meets with planning staff to discuss request, obtain forms, review process and identify required materials for the request. An application for an appeal request must be filed by the property owner or with the property owner's written consent.

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:** The County shall post public notice signs on the property at least fourteen (14) days prior to the scheduled Board of Zoning Appeals public hearing. The sign will remain up until the Board of Zoning Appeals has reached a decision on the application.
- **Notification of Property Owners:** Planning staff notifies adjoining property owners of the request and dates of public hearings. A letter of notification is mailed out approximately twenty (20) days prior to the Board of Zoning Appeals public hearing.
- **Public Notice/Legal Advertisement:** Planning staff prepares required legal advertisement which is published in the local newspaper. Notification of requests and public hearings must appear in a local newspaper two (2) times within two (2) consecutive weeks prior to the public hearings. The applicant is responsible for the cost of Board of Zoning Appeals legal ad publication.

STEP 3- APPEALS PROCEDURE

- Appeal is filed with the Board of Zoning Appeals and the Zoning Administrator by submitting the above information to the Department of Planning and Community Development.
- Appeal is legally advertised and scheduled for the public hearing by the Board. Public notice of the appeal is handled by the Planning office.
- Any zoning materials on record will be transmitted to the Board by the Zoning Administrator for their review and consideration.
- An appeal shall stay all proceedings on the action appealed unless the Zoning Administrator certifies that a stay would cause imminent peril to life or property.
- A decision by the Board of Zoning Appeals is effective immediately.
- If a party is aggrieved by a decision of the Board, the matter may be appealed to the circuit court within 30 days in accordance with Virginia Code Section 15.2-2314.

FRANKLIN COUNTY
APPEAL REQUEST APPLICATION

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 to appeal the zoning administrator's decision on the property described below:

Petitioner's Name: _____

Petitioner's Address: _____

Petitioner's Phone Number: _____

Petitioner's Email Address: _____

Property Owner's Name: _____

Property Owner's Address: _____

Property Owner's Phone Number: _____

Property Owner's Email Address: _____

Property Information:

A. Proposed Property Address: _____

B. Tax Map and Parcel Number: _____

C. Election District: _____

D. Size of Property: _____

E. Existing Zoning: _____

F. Existing Land Use: _____

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

_____ Corridor District _____ Westlake Overlay District _____ Smith Mountain Lake Surface District

H. Is any land submerged under water or part of Smith Mountain Lake? _____ YES _____ NO

I. If yes, please explain: _____

Checklist for Completed Items:

- Application Form
- Letter of Appeal
- Concept Plan (as needed)
- Application Fee

I certify that this application for an appeal request and the information submitted is herein complete and accurate. I authorize County staff to access this property for purposes related to the review and processing of this application.

Petitioner's Name (Printed): _____

Petitioner's Signature: _____

Date: _____

Mailing Address: _____

Phone Number: _____

Email Address: _____

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

Owner's Name: _____

Owner's Signature: _____

Date: _____

Date Received by Planning Staff: _____

Concept Plans (as needed)

Purpose of a Concept Plan:

A Concept Plan is dependent upon the needs of a particular appeal. The purpose of the Concept Plan is to provide information on site conditions and general understanding of the proposed use of the property. 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 existing or planned physical structures such as buildings, parking, streets, community facilities, buffering or screening, boat docks, signs, and lighting, as well as the proposed densities of development.

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 the approval of a variance request with a concept plan does not mean that a site development plan has been or will be approved.

Required Contents of the Concept Plan:

- ❖ 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 rezoning, 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 and proposed structures
- ❖ Locations and dimensions of proposed pedestrian and vehicular access points, driveways, parking areas/spaces and other facilities
- ❖ Natural areas or historic sites to be preserved
- ❖ 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 of sign, size and height
- ❖ Lighting information, if applicable
- ❖ Building elevations or renderings of the proposed development, if available
- ❖ Accessory use information such as the location of storage yards, recreation spaces, refuse collection areas, septic drain fields, wells, or water tank locations, ETC

- ❖ Number, type, and size of dwellings proposed, and the residential density per acre
- ❖ Number and square footage of retail and office use proposed
- ❖ Location, size and type of recreational amenities, parking facilities, and utility information
- ❖ Other items that may be recommended by staff

CONCEPT PLANS MUST BE LEGIBLE

***NOTE* If you wish to display your concept plan or any other supporting materials during the Board of Zoning Appeals public hearings, there is an overhead projector available, as well as a computer projector. Applicants MUST bring a flash drive to display their presentation on the computer, or submit presentation materials to staff AT LEAST 24 HOURS in advance.**