

KING WILLIAM COUNTY VARIANCE APPLICATION



King William County
Est. 1702

**180 HORSE LANDING ROAD
KING WILLIAM, VA
804-769-4980**

**Procedures for
Variance Applications**

Effective July 1, 2023

Variance

A ***variance*** means 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 this chapter's provisions would result in unnecessary or unreasonable hardship to the property owner, and such need for a variance would not be shared generally by other properties, and provided that such variance is not contrary to the intended spirit and purpose of this chapter, and would result in substantial justice being done. It shall not include a change in use which change shall be accomplished by a rezoning or by a conditional zoning (Code of Virginia, § 15.2-2201).

A ***site plan*** means a plan prepared by a professional engineer or land surveyor licensed by the state showing all proposed improvements to the site. The site plan shall include all covenants, grants, or easements and other conditions relating to use, location, and bulk of buildings, density of development, common open space, public facilities, and such other information as is required in applicable sections of this chapter such as with conditional use, rezoning, or variance applications.

Conditions regarding the location, character, and other features of the 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 imposed are being and will continue to be complied with.

Pre-application Meeting (Optional)

The applicant should consider scheduling a meeting with Planning staff prior to submitting an application. It is helpful to bring a sketch plan to this meeting to show the proposed changes to occur on the property. The staff can then make suggestions concerning the sketch that may help make the application process easier.

Application Submittal

Application submittal shall include a completed application form, a certified survey plat showing all existing and proposed changes on the property including all of the dimensions of the lot, any resources protection area, resources management area, flood zones, Hampton Roads Sanitation District or approval from the Health Department, if applicable. Following acceptance of the application, the applicant will also need to submit the application fee which is \$1,500.00.

Staff Review of Application

Planning staff will review the application to verify its completeness and will notify the applicant if any items have been omitted. Any missing information can delay the processing of an application.

Staff will visit the subject property as part of their review process.

Staff will then prepare a report that will include recommendations. This report will be sent to the Board of Zoning Appeals for consideration prior to the public hearing.

Board of Zoning Appeals (BZA) Public Hearing

All variance requests are advertised in the Tidewater Review two weeks prior to the Public Hearing. Information is also on the County's website. The applicant is notified by letter of the BZA meeting date. The applicant shall appear at the public hearing before the BZA. Staff will present their report on the variance application to the BZA members. The members may ask questions to clarify any concerns. They will also accept testimony from both proponents and opponents of the proposal. The BZA may then vote to approve, approve with conditions, deny, table, or defer the application.

Board of Zoning Appeals Action

Staff notifies the applicant of the decision of the Board of Zoning Appeals by letter. Should the case be denied, the Board of Zoning Appeals shall not consider substantially the same variance application within one year after the date of denial of the application.



VARIANCE APPLICATION

King William County

Department of Community Development

180 Horse Landing Rd. #4 King William, VA 23086

Phone (804) 769-4980 Fax (804) 769-2235

1. Owner(s): _____

Address: _____

Phone Number: _____

Email Address: _____

2. Applicant (if different from owner): _____

Address: _____

Phone Number: _____

Email Address: _____

3. Property Identification Tax Map: _____

Physical Address of Property: _____

Deed Book or Instrument Number for title of property: _____

Zoning District: _____

Present Use of Property: _____

4. A variance is requested from the requirements of Article _____, Section _____, of the Zoning Ordinance for King William County, Virginia.

Describe requested variance request in detail and provide information to each of the items the Board of Zoning Appeals will be considering in granting or denying the request:

- (a) Strict application of the ordinance will produce undue hardship relating to the property (Do not include financial hardships);

- (b) The hardship is not shared generally by other properties in the same zoning district and in the same vicinity, Describe and/or show the topography or other unique conditions of the site that are not shared by others;

(c) Authorization of the variance will not be detrimental to adjacent properties and the character of the district will not be changed; and

(d) The condition or situation giving rise to the variance is not of such general or recurring nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the Zoning Ordinance.

(e) The hardship seeking relief from is not self-inflicted by the owner.

The undersigned has read and understands the following statement (Section 15.2-2309.2 of the Code of Virginia):

“When a property owner can show that his property was acquired in good faith and when by reason of the exceptional narrowness, shallowness, size, or shape of a specific piece of property at the time of the effective state of the ordinance, or whereby reason of exceptional topographic conditions or other extraordinary situation or condition of the pierce of property, or of the condition, situation, or development of property immediately adjacent thereto, the strict application of the terms of the ordinance would effectively prohibit or unreasonably restrict the utilization of the property or where the board is satisfied, upon the evidence as distinguished from a special privilege or convenience sought by the applicant, provided that all variances shall be in harmony with the intended spirit and purpose of the ordinance. The Board of Zoning Appeals is authorized to grant a variance only if a finding is made that: i) the strict application of the ordinance would produce undue hardship; ii) such hardship is not shared generally by other properties in the same zoning district and the same vicinity; and iii) the authorization

of the variance will not be of substantial detriment to adjacent properties and the character of the zoning district will not be changed by granting of the variance.”

Signature: _____ Date: _____

I do certify that the information presented in this application is complete and accurate to the best of my knowledge. Members of the Board of Zoning Appeals and County employees are hereby authorized to enter upon the property described herein during normal working hours for the purpose of performing assigned duties in connection with this application.

Note: A power of attorney must be granted by the owner to the applicant if signed by someone other than the owner.

Applicant

Owner

CERTIFICATE OF NOTARY PUBLIC

STATE OF: _____ COUNTY OF _____: to wit:

The foregoing instrument was acknowledged before me this ____ day of _____, 20 ____.

Notary Public

My Commission Expires