



## Variance Application

Town of Vinton, Virginia  
Department of Planning and Zoning

**Mailing Address:** 311 S. Pollard Street, Vinton, VA 24179 **Phone:** 540-983-0605 **Fax:** 540-983-0621  
**Website:** <https://www.vintonva.gov>

Property Address: \_\_\_\_\_ Current Zoning: \_\_\_\_\_

Tax Map ID #: \_\_\_\_\_ Magisterial District \_\_\_\_\_

Subdivision: \_\_\_\_\_ Lot: \_\_\_\_\_ Block: \_\_\_\_\_ Section: \_\_\_\_\_

Request for variance in order to build: \_\_\_\_\_

Nature of Request (e.g. lot area, lot width, side setback, street frontage)	Code Section	Applicant has	Code requires	Variance Requested

<b>Owner:</b>	Phone:
Address:	Fax:
	Email:
City/State/Zip:	<b>Owner's Signature</b>

By signing this application the property owner authorizes the members of the Board of Zoning Appeals and Town employees to enter the property during normal business hours in the discharge of their duties in regard to this request.

<b>Applicant:</b>	Phone:
Address:	Fax:
	Email:
City/State/Zip:	

<b>Representative:</b>	Phone:
Address:	Fax:
	Email:
City/State/Zip:	

**To be submitted as part of this application:**

- A plat of this property must be attached and made a part of this application, with a location sketch of the property showing nearest road intersection.
- A plot plan showing boundaries and dimensions of property, width of boundary streets, location and size of buildings on the site, roadways, sidewalks, off-street parking and loading space, landscaping, and the like. Architect's sketches showing elevations of proposed buildings and complete plans are also desirable and if available, should be filed with application.

The Board of Zoning Appeals can grant a variance only if the applicant proves certain legal requirements have been met. The following questions are intended to help the applicant show that a variance is appropriate.

**Please answer all seven questions as completely as possible. Attach additional pages if necessary.**

1. How does the zoning ordinance unreasonable restrict the use of this property?

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2. Describe briefly the type and use and improvements proposed. State whether new buildings are to be constructed, existing buildings are to be used, or additions made to existing buildings.

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3. Why does applicant believe the location of the use in question on the particular property is essential or desirable for the public convenience or welfare and will not be detrimental to the immediate neighborhood?

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4. Describe how the proposed use and improvements are to be designed and arranged to fit into the development of adjacent property and the neighborhood.

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5. It is proposed that the property will be put to the following use:

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6. It is proposed that the following buildings will be constructed:

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7. It is proposed that the following setbacks and off-street parking provisions will be made:

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List of Attachments to this Application

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2.	
3.	
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7.	
8.	

## **What is a variance and when should one be approved?**

A variance is a deviation from the requirements of the zoning ordinance. Applications for variances are reviewed by the Board of Zoning Appeals (BZA), a body of five citizens appointed by the Circuit Court. The BZA may grant a variance if it finds that, because of some physical characteristic of the property or the buildings or structures on it, the strict application of the zoning ordinance would unreasonably restrict the use of the property, or that granting a variance would alleviate a hardship.

If the BZA finds that the zoning ordinance unreasonably restricts the use of the property, it must consider five other factors.

- (i) The property must have been acquired in good faith and the hardship must not have been created by the applicant for the variance.
- (ii) The granting of the variance must not have a detrimental impact on nearby property.
- (iii) The condition or situation of the property must be unique or very unusual (otherwise it would be better to amend the ordinance than to grant a variance for every property that is affected by the condition).
- (iv) A variance cannot allow a use that is not otherwise permitted on the property. (For example, in a residential area, a variance may allow a dwelling to be built on a lot that is too small to meet the zoning requirements, but a variance cannot allow a business in a residential zoning district.)
- (v) The relief or remedy sought by the variance application must not be available through other means, such as a conditional use permit or special exception.

## **Board of Zoning Appeals Procedure**

### **Notification Process**

The Code of Virginia requires that all variance petitions heard by the Board of Zoning Appeals meet the public hearing requirements. These include:

- Posting notices on personal property regarding the hearing (a staff member will provide the signs at the time the application is submitted)
- Mailings to adjacent property owners notifying them of the date, time, and location of these hearings
- Placing a legal advertisement in a newspaper of general circulation in advance of these hearings to give those interested an opportunity to speak at the hearing (the petitioner may be billed for the cost of legal advertisements)
- Allowing ample time between the submission of the application and the public hearing

### **Time Frame**

A typical variance will take 4-6 weeks from the submission of the application to the public hearing. On the evening of the public hearing with the Board of Zoning Appeals, either the petitioner or his/her representative is expected to give a brief presentation to the board and answer any questions board members may have.

The board usually makes its decision on the evening of this public hearing, but it has 90 days, by law, to make its recommendation. The decision is made in the form of a findings of fact. If the board's decision is to deny the variance, the petitioner may appeal the decision to the Roanoke County Circuit Court within 30 days.