



**Standard for review of Variance Applications**

The Supreme Court of Virginia recently clarified the legal standard that the Board of Zoning Appeals (BZA) must apply when reviewing variance applications. The court summarized the standard as follows:

“The threshold question for the BZA in considering an application for variance as well as for a court reviewing its decision, is whether the effect of the zoning ordinance upon the property under consideration, as it stands, interferes with all reasonable beneficial uses of the property, taken as a whole.” If the answer is in the negative, the BZA has no authority to go further.” *Cochran v. Fairfax County Bd. Of Zoning Appeals, 267 Va. 765 (2004)*

The BZA can grant a variance only if the applicant demonstrates that the zoning ordinance interferes with all reasonable beneficial uses of the property. The applicant should be aware of this, as the application fee cannot be refunded once a case has been advertised, regardless of the board’s decision.

I acknowledge that the Planning & Inspections staff has discussed the “Standard for Review of Variance Applications” with me. If I am not the owner of the property, I agree to give this information to the owner.

\_\_\_\_\_  
Name (Please Print)

\_\_\_\_\_  
Signature

### Application for Variance

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

Parcel Number: \_\_\_\_\_

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

Water \_\_public\_\_ private\_\_ Sewer: \_\_public\_\_ private

Request for Variance in order to build \_\_\_\_\_

Fill in only the line(s) that apply to your request(s)	Code Section:	Applicant Has	Code requires	Variance Requested
Total Area				
Lot Width				
Front Yard Setback				
Minimum Side Yard Setback				
Total Side Yard Setback				
Rear Yard Setback				
Public Street Frontage				
Other				

Two copies of a plan must be submitted with this application, showing size and location of the lot, dimensions and location of the proposed building or structure, and the dimensions and location of the existing structures on the lot.

Applicant:		Representative:	
Address:		Address:	
Phone:	Fax:	Phone:	Fax:
E-mail		E-mail	

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

Owner's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Print Name: \_\_\_\_\_

**The City of Staunton Zoning Ordinance details the criteria which must be met before the BZA can grant a variance. Please read the attached Zoning Code section prior to submitting your completed application.**

To assist you in addressing the pertinent issues regarding your request, please answer the following questions.

1. How does the Zoning Ordinance prohibit, or unreasonably restrict, the use of this property? Is there a hardship so severe that it keeps you from using the property? **If not, do not continue.**

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2. What is the problem with the size, shape or topography of this property that does not apply generally to other property in the area?

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3. How would this variance affect other property in the area? Would the building be visible from neighboring property?

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4. Describe why you cannot make other arrangements to comply with the Zoning Ordinance without a variance.

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