



THE CITY OF LYNCHBURG, VIRGINIA

Community Planning and Development
Neighborhood Services Division

City Hall, 900 Church Street
Lynchburg, Virginia 24504 • (434) 455-3900
FAX • (434) 845-7630

To: **THE BOARD OF ZONING APPEALS
LYNCHBURG, VIRGINIA**

APPEAL #ZA _____
DATE: _____

An appeal is hereby taken from the ruling of the Zoning Administrator, a copy of which is attached. Application is hereby made for an order reversing said ruling or authorizing a variation from the requirements of the Zoning Ordinance, under the discretionary power of your Board.

1. **APPLICANT(S)**

Name: _____

Address: _____

Telephone Number: _____

Email: _____

2. **OWNER(S):** [If different from applicant(s)]

Name: _____

Address: _____

Telephone Number: _____

3. **LOCATION OF PROPERTY:**

Address: _____

Tax Map #: _____

4. Please describe the project for which you have requested a variance and/or Conditional Use Permit:

5. If you are requesting a variance, please explain in detail your specific undue hardship regarding the proposal/project you are submitting to the Board. What constitutes an undue hardship is defined in the attached Zoning Ordinance Section 35.1-13.

The applicant, if other than the property owner, also attests that he/she has obtained permission from the property owner to make this application. The undersigned further authorizes entry onto the subject property by the Board of Zoning Appeals members and City officials during the normal discharge of their duties regarding the above application.

Name: _____

Address: _____

Telephone: _____

Signature: _____ Date: _____

IMPORTANT NOTE: The application will not be processed to be heard by the Board unless all pertinent questions in this application are answered and the filing fee is paid to the City collector. Any letters or other documents submitted directly to Board members and not copied to the Department of Community Planning and Development may be just cause to have your case continued to the next public hearing.

FOR OFFICE USE ONLY:

Date: _____

Application processed by: _____

Fee Paid: _____

Has the photo of the sign for the Conditional Use Permit been submitted by the applicant to the Zoning office 21 days before the hearing date? _____

Appeal notice is to be placed twice in the local newspaper as required under Section 35.1-19, wording of newspaper ad:

Sec. 35.1-13. Variances. [excerpts]

(b) Intent. Variances may be granted to the regulations of this ordinance when, owing to special conditions, a literal enforcement of the provisions will result in unnecessary hardships; provided that the spirit of this ordinance shall be preserved and substantial justice done.

(c) Conditions. When a property owner can show that his property was acquired in good faith and where by reason of the exceptional narrowness, shallowness, size or shape of a specific piece of property at the time of the effective date of this ordinance, or where by reason of exceptional topographic conditions or other extraordinary situation or condition of such piece 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 heard by it, that the granting of such variance will alleviate a clearly demonstrable hardship approaching confiscation 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 this ordinance.

No such variance shall be authorized by the board of zoning appeals (or the zoning administrator) unless it finds:

- (1) That the strict application of the ordinance would produce undue hardship.
- (2) That such hardship is not shared generally by other properties in the same zoning district and the same vicinity.
- (3) That the authorization of such variance will not be of substantial detriment to adjacent property and that the character of the district will not be changed by the granting of the variance.
- (4) That within the intent and purpose of this ordinance, the variance, if granted, is the minimum variance necessary to afford relief.

No such variance shall be authorized by the board except after notice and hearing as required by Section 35.1-19.

No variances shall be authorized unless the board finds that 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 the ordinance.

No variance shall be authorized to the sign requirements contained within this ordinance for commercially or industrially zoned land that would exceed the "Rules and Regulations Controlling Outdoor Advertising in Zoned and Unzoned Commercial and Industrial Areas" adopted by the State of Virginia and the Virginia department of highways and transportation.

In authorizing a variance, the board may impose such 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, payable to the City of Lynchburg, in such amount and for such period of time as the board may designate, to ensure that the conditions imposed are being and will continue to be complied with.

It shall be a further requirement that the decision or determination of the board of zoning appeals shall set forth each required finding and such other findings as shall be appropriate in each specific grant of a variance, and in each denial thereof, which of the findings have not been satisfied. In any such case, each finding shall be supported by evidence in the record.