



CITY OF POQUOSON **ZONING VARIANCE/EXCEPTION** **APPLICATION**

An application for relief from a Zoning Ordinance regulation requires consideration by the City's Board of Zoning Appeals (*a seven member Board comprised of Poquoson residents appointed by City Council*). As a part of the consideration process, a public hearing must be held to receive comments from those who are either in favor of or opposed to the request. Applicants are encouraged to attend the meeting to represent the application. Typically the Board meets on the fourth Wednesday of each month at 6:30 p.m. in the City Council Chambers located at 500 City Hall Avenue. In order for an application to be scheduled for consideration, the following must be satisfactorily addressed:

APPLICANT RESPONSIBILITY

Submit a complete application at least 30 days prior to a scheduled meeting date. A complete application includes:

- Answer all application questions;
- Endorse the application. All property-owners must sign application;
- Provide plan view and elevation drawings of the project as requested in Nos. 8A and 8B of the attached application;
- Submit a minor/major water quality impact assessment report for Resource Protection Area (RPA) encroachments. You will be advised by City staff if a report is required;
- Pay \$286 application processing fee; and
- Stake the proposed improvement area on the property.

Once the above-listed items are satisfactorily addressed, City staff will commence with processing your application for consideration by the Board of Zoning Appeals. At that time, please expect the following to occur:

- Members of City staff and the Board visiting the project site during reasonable hours. A majority of Board members will visit the property one to seven days in advance of the meeting date.
 - The application will be advertised for public hearing twice (*one and two weeks prior to meeting date*) in the Poquoson Post and/or Daily Press and on the City's Local Cable Access Channel and Website.
 - Signs will be posted at the project site that announces the public hearing date. The signs will be removed by the City's Public Works Department shortly after the meeting date.
 - Adjacent property owners will be notified in writing of the request.
- Questions concerning this application process should be directed to the City's Community Development Department at:

500 City Hall Avenue
Poquoson, VA 23662
(757) 868-3040
karen.holloway@poquoson-va.gov

NECESSARY FINDINGS

Before granting a variance to a Zoning Ordinance requirement, the Board must find that the request adheres to the following conditions:

- The strict application of the terms of the ordinance would unreasonably restrict the utilization of the property or that the granting of the variance would alleviate a hardship due to a physical condition relating to the property or improvements thereon at the time of the effective date of the ordinance;
- The property interest for which the variance is being requested was acquired in good faith and any hardship was not created by the applicant for the variance;
- The granting of the variance will not be of substantial detriment to the adjacent property and nearby properties in the proximity of the geographical area;
- The condition or situation of the property concerned is not of so general or recurring a nature as to make reasonable practicable the formulation of a general regulation to be adopted as an amendment to the ordinance;
- The granting of the variance does not result in a use that is not otherwise permitted on such property or a change in the zoning classification of the property; and
- The relief or remedy sought by the variance application is not available through a special exception process that is authorized in the ordinance pursuant to subdivision 6 of the Code of Virginia §15.2-2309 or the process for modification of a zoning ordinance pursuant to subdivision A4 of the Code of Virginia §15.2-2286 at the time of the filing of the variance application.

In addition, before granting an exception to the City's Environmental Management Area Overlay District regulations (i.e. reduction of RPA buffer zone), the Board must find that the request adheres to the following conditions:

- The exception request is not based upon conditions or circumstances that are self-created or self-imposed. The exception must pertain to alleviating requirements imposed by the implementation of the ordinance and shall not afford a special privilege or mere convenience sought by the applicant;
- The physical characteristics of the property and/or existing development must be such that, in the opinion of the Board, there exists no other reasonable option or location outside of the required buffer area;
- The exception request shall be the minimum necessary to afford relief;
- Reasonable and appropriate measures shall be proposed in order to maintain or reduce the pre-development Pollutant Loading Index of the property. The proposed development shall not effectively increase the Pollutant Loading Index;
- The exception request shall be consistent with the purpose and intent of the Overlay District, and not injurious to the neighborhood or otherwise detrimental to the public welfare, or of substantial detriment to water quality.
- Granting the exception will not confer upon the applicant any special privileges that are denied by this part to other property owners who are subject to its provisions and who are similarly situated.

APPLICATION FOR RELIEF FROM ZONING ORDINANCE REQUIREMENTS
(Please Print Clearly)

1. APPLICANT(S):

Name: _____

Address: _____

Telephone Number(s): _____

Email Address: _____

May we contact you by email? Yes No

Interest in Property: Owner Purchasing Lease Renting Agent

2. OWNER(S):

Name: _____

Address: _____

Telephone Number(s): _____

Email Address: _____

May we contact you by email? Yes No

3. LOCATION OF PROPERTY:

Tax Map Parcel Number: _____

Address: _____

Subdivision Name (if applicable): _____

Date Property was Recorded: _____

Zoning: R-S R-1 R-2 R-3 B-1 B-2 VC GC R&D

Size of Property in Square Feet: _____

Served by Public Water/Sewer? Yes No

4. PROPOSED ACTIVITY OR USE: (Explain in *detail* what you want to do on the property. Please include structure size and building setbacks.)

5. **REQUEST IS FOR:**

- Variance(s) from the Zoning Ordinance
- RPA Reduction/Exception to Environmental Overlay District
- Appeal of the Zoning Administrator's Decision of (date) _____
- Appeal of the Zoning Administrator's interpretation of the Zoning Ordinance of (date) _____

6. **THE FOLLOWING ZONING ORDINANCE SECTION(S) APPLY TO THIS APPLICATION:**

a. **Main Structure or Dwelling:**

- Area Regulation of Lot Coverage
- Minimum Floor Area
- Side Yard Setback
- Height Regulation
- Area Regulation of Building Overhang
- Front Yard Setback
- Rear Yard Setback
- Other (explain) _____

b. **Accessory Building(s)**

- Area Regulation for Lot Coverage
- Side Yard Setback
- Setback from Main Structure or Dwelling
- Front or Side Yard Placement
- Height Regulation
- Rear Yard Setback
- Maximum Floor Area Regulation
- Other (explain) _____

7. **PERTINENT INFORMATION**

EXISTING STRUCTURES ON PROPERTY

(Please check all that apply)

Main Building (Residential): Size _____ Height _____
Provide square footage, including non-heated space (i.e. garage, covered porch, etc.) of the main structure. Do not include uncovered stoops and/or decks.

Main Building (Commercial): Size _____ Height _____
Provide square footage including non-heated space (i.e. storage areas, covered stoops, etc.)

Accessory Structures:

Number of units on property: _____

Type of units – please check all applicable descriptions below:

- Garage: Size _____ Height _____
- Shed: Size _____ Height _____
- Carport: Size _____ Height _____
- Other (please explain): Size _____ Height _____

PROPOSED IMPROVEMENTS

Please identify below the improvements which are the subject of this variance/exception request:

- House (include non-heated space): Size _____ Height _____
- Home Addition: (Please circle addition type – Carport, Deck, Garage, Porch, Stoop)
Heated area size _____ Heated area height _____
Non-heated area size _____ Non-heated area height _____
- Detached Garage Addition: Size _____ Height _____
- Carport: Size _____ Height _____
- Shed: Size _____ Height _____
- Shed Addition: Size _____ Height _____
- In-Ground or Above-Ground Pool: Size _____
- Deck: Size _____ Patio: Size _____
- Other (Please explain): _____

Proposed Yard Setback:

Distance of Improvement to:

- | | |
|---------------------------------|---------------------------------|
| -Front Property Line _____ feet | - Rear Property Line _____ feet |
| -Side Property Line _____ feet | - Side Property Line _____ feet |
| - Wetlands _____ feet | - Top of Bank _____ feet |
| - Tidal Ditch _____ feet | |

8. DESCRIPTION OF PROPERTY:

- A. An accurate plot plan illustrating the information listed below and drawn at a scale of 1" = 20', 1" = 25' or 1" = 30' shall be submitted with this application:
- (a) Graphic Scale;
 - (b) North Arrow;
 - (c) Title block identifying the location, tax map number and property owner;
 - (d) Name and location of adjacent street(s)
 - (e) Shape of the property showing actual lot dimensions;
 - (f) Area of property in acres and square feet;
 - (g) Location, dimensions and description of all existing easements and right-of-ways;
 - (h) Location, distance from property lines, dimensions and description including height of all existing structures (including buildings, driveways, decks or porches and primary and alternative septic tanks and drain fields, if applicable);
 - (i) Location, distance from property lines, dimensions and description including height of all existing structures on adjacent property within thirty feet of a property line of the subject property;
 - (j) Location, distance from property line, dimensions and description, including height of all proposed structures; and
 - (k) Other information as instructed by the Administrator.
- B. If proposing to construct a new structure or an addition to an existing structure an accurate set of plan(s) illustrating the exterior configuration of the proposed project and its relationship with any existing structure(s), determined to be pertinent by the Administrator, shall be submitted with this application. Said plans shall be drawn at a scale determined by the Administrator and illustrate plan and profile views of the proposed project.

WATER QUALITY IMPACT ASSESSMENT

(Required only for projects proposing RPA encroachment. Attach additional pages if needed)

1. What is the nature of the proposed encroachment into the buffer area? (Include type of paving material, areas of clearing or grading, location of any proposed structures, drives, or other impervious cover.)

2. Provide a narrative providing the reason for the encroachment or disturbance and a description of other alternatives to the RPA encroachment that have been explored (i.e. reducing other setbacks, altering the construction footprint, consideration of alternative site layouts, etc.) and why these other alternatives are not practicable.

3. What type of vegetation exists onsite? Include the number and types of trees and other vegetation to be removed in the buffer to accommodate the encroachment.

4. Explain how the design of the plan will preserve to the greatest extent possible any significant trees and vegetation on the site.

5. What type of water quality feature(s) do you propose to install in mitigation for the proposed RPA encroachment?

***Please note that by signing below you allow access to your property during reasonable hours by City staff or their designees in preparation for the public hearing:**

Signature of Property Owner(s)

Date

Signature of Applicant(s)

Date