



Checklist – Board of Zoning Appeals Application

Item	Yes	No	Not Applicable	Comments
<ul style="list-style-type: none"> • Required application fee, <u>\$205.00</u> • Required application fee (after-the-fact), <u>\$455.00</u> 				
Two 11 x 17 inch (or smaller) copies of a survey drawn to scale showing all existing and proposed building structures, driveways, parking, landscaping, property lines				
Two copies of all supporting documents				

Notes:

Applicant Signature: _____ Date: _____

Staff Signature: _____ Date: _____



**CITY OF NORFOLK
BOARD OF ZONING APPEALS
DEPARTMENT OF CITY PLANNING**

5TH FLOOR, ROOM 508
810 UNION STREET
NORFOLK, VA 23510
(757) 664-4752
(757) 441-1569 (FAX)
WWW.NORFOLK.GOV/PLANNING

ZONING VARIANCES, APPEALS OR INTERPRETATIONS



Application Instructions

- Application must be typed or printed and filled out completely
- Incomplete application will delay the filing process
- Completed Checklist must accompany the application
- A filing fee of \$205 must accompany the application for any appeal or variance.
 - ◊ For any request for a variance in which work has already been performed or completed, a fee of \$455 shall accompany the application.
- Submittal requirements (2 copies):
 - Application
 - Survey (one being a 11" x17" or smaller)
 - Drawn to scale
 - Show the size and dimensions of the lot
 - All existing structures
 - All proposed structures
 - Curb cuts
 - Off-street parking, loading facilities
 - Screening, and buffering
 - Two copies of all supporting documents that are filed with the application must be provided
 - ALL DOCUMENTS submitted with application become the property of the Board .
 - Applicant or Representative must attend Public Hearing:
 - ▶ Where: City Hall Building
11th Floor, Council Chambers
 - ▶ Time: 10:00 a.m.

Note 1: Members of the Board are appointed by the Circuit Court and are empowered to grant appeals and variances.

Note 2: The Board is not empowered to grant appeals or variances which are being sought by the applicant for some special privilege or convenience.

Note 3: The following examples are common situations where no variance can be requested:

- a) The variance, if granted, would result in a change of use on the property.
- b) There is a duplex on the property when the applicable zoning district only allows single-family residences.
- c) The application seeks relief from the zoning rule which prohibits customers frequenting a home occupation.

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1. Applicant (**print**): _____
2. Address of Property (**print**): _____
3. I request that a hearing be scheduled before the Board of Zoning Appeals to hear a request for (check all that apply):
 - a. ____ A variance from the regulations of the Zoning Ordinance.
 - b. ____ An appeal from the decision of the Zoning Administrator
 - c. ____ An interpretation of the Zoning District Boundaries.
 - d. ____ An appeal of a Zoning Violation Notice.
4. Lot Numbers _____ Block Number _____ Lot Size _____
 Subdivision or Plat _____ Land Zoned _____
5. Present Use/Number of structures/Land Improvements:

6. List in detail the nature of your appeal and/or request for a variance:

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7. When did you acquire the property and from whom?

The following questions apply for variance applications:

8. Is the utilization of the property unreasonably restricted by the strict application of the zoning ordinance because of some physical condition of the property? (Only required if applying for a variance.)

_____ Yes _____ No

If "Yes," describe why the restriction is unreasonable:

9. Is there a physical condition of the property (lot has an exceptional size, shape, or slope) that creates a hardship that the requested variance would alleviate? (Only required if applying for a variance.)

_____ Yes _____ No

If "Yes," describe the physical condition or when/how the hardship originated:

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10. If you answered "No" to Questions #8 and #9, then stop here. The subject property is not eligible for a variance.

11. If you answered "Yes" to Question #8 or #9, if the variance you request is **not** granted, what, if anything, could the property be used for in the future:

12. Describe the hardship which has limited the use of the property:

13. Are you requesting a variance to afford a person who might use the property some personal convenience that is not currently available under the regulations from which you are seeking a variance? (Only required if applying for a variance.)

_____ Yes _____ No

14. If you answered "Yes" to Question #13, is there any reason for your requesting a variance *other than* obtaining additional convenience?

_____ Yes _____ No

If "Yes," describe:

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The following questions apply for an appeal to a zoning violation notice or zoning determination:

15. Has an appeal been filed for this property within the last year?
_____ Yes _____ No

16. Is this property currently under any legal action? If so, list the type of action pending (i.e., violation notice for non compliance with construction code regulations; non compliance with zoning regulations; court order related to the specific property under appeal; etc.) and attach a copy of each notice.
_____ Yes _____ No

If "Yes," describe:

17. Have you received a written zoning determination letter?
_____ Yes _____ No

If "Yes," attach a copy of the letter.

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Please note that variances are hard to obtain under the law of the Commonwealth of Virginia. The purpose of a variance is to provide a “safety valve” so that the formal regulations of the zoning ordinance do not cause a parcel of property to be rendered useless.

In order to satisfy the requirements of the law and secure a variance from the Board of Zoning Appeals, the applicant must prove **all of the following**:

- (1) The property was acquired in good faith.
- (2) The use of the property is allowed (either by right or by special exception) in the zoning district where the property is located.
- (3) The property is characterized by a physical condition that:
 - (a) Relates to either the property or improvements on the property;
 - (b) Which existed at the time the zoning ordinance regulations seeking to be avoided were made effective; and
 - (c) Either of the following:
 - (i) The strict application of the terms of the zoning ordinance would unreasonably restrict the utilization of the property, or
 - (ii) The granting of the variance would alleviate a hardship.
- (4) The applicant did not create any hardship associated with the use of the property.
- (5) Authorizing the variance would not be substantially detrimental to any adjacent or nearby properties.
- (6) The grant of the variance does not result in a change of use on the property.
- (7) The grant of the variance will not result in a change of the property’s zoning classification.
- (8) The relief or remedy being sought by applying for the variance is not available through either the Special Exception process or the process for modifying a provision of the zoning ordinance set forth in Virginia Code § 15.2-2286(A)(4).

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19. I attest that all statements, documents, plans, and other supporting data relative to this appeal and submitted herewith are true to the best of my knowledge and belief.

(Signature of applicant) (Date application submitted)

(Mailing address - Include City, State & Zip Code) (Email Address)

(Applicant Name – Please Print) (Telephone) (Fax)

(Signature of property owner, if different from Applicant) (Date)

(Mailing address - Include City, State & Zip Code) (Email Address)

(Property Owner – Please Print) (Telephone) (Fax)

20. If the owner of the property elects representation before the Board by Counsel, Agent, or others, acting on behalf of the owner, the following information must be provided.

(Signature of representative) (Date application submitted)

(Mailing address - Include City, State & Zip Code) (Email Address)

(Representative Name – Please Print) (Telephone) (Fax)

**Note: Property listed on this application will be photographed by
The Department of City Planning
prior to the hearing date.**

Revised—May 2015

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