

APPLICATION FOR VARIANCE/APPEAL OF ZONING ADMINISTRATOR'S DECISION

Applicant¹

Name: _____ Phone: _____

Company: _____ Fax: _____

Address: _____ Email: _____

Applicant's Signature: _____ Date: _____

Property Owner

Name: _____ Phone: _____

Address: _____ Email: _____

Owner's Signature: _____ Date: _____

Proposal Information²

Application Type: Appeal (attach description of appeal) Variance³ (complete below)

Address (or location description): _____

Tax Map: _____ Deed Book and Page #: _____

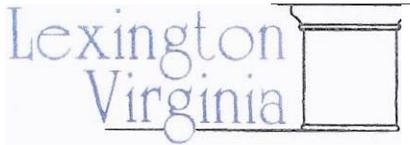
Acreage: _____ Zoning (attach any existing zoning conditions or proffers): _____

The Applicant requests a variance from Section _____ of the City of Lexington

Zoning Ordinance, in respect to the requirement for _____

in order to build _____.

1. Prior to submitting an application, the applicant is required to meet with staff for a pre-application meeting.
2. Any application deemed incomplete by staff will not be accepted.
3. See page 3 of this application for the powers and duties of the Board of Zoning Appeals in granting appeals and variances. If not specifically required in the zoning ordinance, submitting a sketch plan or other visual detail of your variance request is highly encouraged.



Notice to Adjacent Property Owners

For variance requests, the City will give notice of public hearings to be held on the application to those persons who own property, any portion of which abuts the subject property, and all property which is directly across the street from any portion of the subject property, as determined by the City's real property tax records. This notice will give the date, time and place of the hearing, identify the property which is the subject of the application and give a brief description of the proposed action. Notices will be mailed a minimum of ten (10) days prior to the date of the scheduled public hearings.

Posting of the Property

For variance requests, the City will place a sign provided by the City on the subject property which indicates that an action is pending. The sign will be located to be clearly visible from the street.

THIS SECTION TO BE COMPLETED BY STAFF ONLY

Application Fee: \$200 Amount Paid: _____ Case Number: BZA- _____ - _____

Date Received: _____ Received By: _____

Staff Review

Planning: _____ Public Works: _____

Police: _____ Fire/Rescue: _____

Board of Zoning Appeals

Legal Ad Dates: _____ Adj. Property Notifications: _____

Public Hearing Date: _____ Action: _____

Powers and Duties of the Board of Zoning Appeals

Pursuant to § 15.2-2309 of the Code of Virginia and § 420-236 of the City of Lexington Zoning Ordinance, the Board of Zoning Appeals is granted the following powers:

Appeals:

To hear and decide appeals from any order, requirement, decision or determination made by an administrative officer in the administration or enforcement of this chapter or of any ordinance adopted pursuant hereto.

Variances:

The Board may authorize variances from the terms of the Zoning Ordinance, as allowed by State Law. When granting variances, the Board must make the following findings:

- 1) The property was acquired in good faith.
- 2) By reason of exceptional size or shape of a specific piece of property, or where exceptional topographic conditions or other extraordinary situations exist, the application of the Zoning Ordinance effectively prohibits or unreasonably restricts the utilization of the property.
- 3) The granting of the variance will alleviate a clearly demonstrable hardship, 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 the ordinance.
- 4) The hardship is not generally shared by other properties in the area or in the zoning district.
- 5) The authorization of the variance will not be a detriment to adjacent properties, and will not change the character of the zoning district.
- 6) The situation for which the variance is sought is not so general or recurring in nature so as to it would be more practical to amend the Zoning Ordinance.

The applicant must demonstrate these findings to the Board. Submit a letter attached to the application, demonstrating these findings.