



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 5:30 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 \$589 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 Daily Press and on the City's Local Cable Access Channel and Website.
 - 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
Thomas.Cannella@poquoson-va.gov
Laura.Nusz@poquoson-va.gov**

NECESSARY FINDINGS

Before granting a variance to a Zoning Ordinance requirement, the Board must find that the request meets the following necessary findings:

- 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 reasonably 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.

Before granting an exception or variance to the City's Chesapeake Bay Preservation Act, the Board must find that the request meets the following necessary findings: [\(WH Note:](#)

- 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 RPA buffer area.
- The exception request shall be the minimum necessary to afford relief.
- Reasonable and appropriate conditions shall be proposed in order to maintain or reduce the predevelopment 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, 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/CHESEAPEAKE BAY PRESERVATION
ACT REQUIREMENTS
(Please Print Clearly)**

1. APPLICANT(S):

Name: _____

Address: _____

Telephone Number(s): _____

Email Address: _____

Interest in Property: ☐ Owner ☐ Purchasing ☐ Agent

2. OWNER(S):

Name: _____

Address: _____

Telephone Number(s): _____

Email Address: _____

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 Exception/Variance to Chesapeake Bay Preservation Act
- ☐ 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 | ☐ Area Regulation of Building Overhang |
| ☐ Minimum Floor Area | ☐ Front Yard Setback |
| ☐ Side Yard Setback | ☐ Rear Yard Setback |
| ☐ Height Regulation | ☐ Other (explain) _____ |

b. Accessory Building(s)

- | | |
|--|--|
| ☐ Area Regulation for Lot Coverage | ☐ Height Regulation |
| ☐ Side Yard Setback | ☐ Rear Yard Setback |
| ☐ Setback from Main Structure or Dwelling | ☐ Maximum Floor Area Regulation |
| ☐ Front or Side Yard Placement | ☐ 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.

A professional survey completed by a licensed surveyor is highly recommended

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.

C. As determined to be appropriate by the Administrator, other pertinent information shall be submitted with this application.

9. JUSTIFICATION FOR RELIEF:

A. Why do you need relief? Is there a physical constraint on the property, which prevents compliance? Please explain in detail adding additional pages if necessary: _____

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

B. Are there similar constraints on neighboring properties? ☐ Yes ☐ No

C. Will your proposed improvement and/or use adversely affect other properties or change the character of the neighborhood? ☐ Yes ☐ No