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## ***What is a Variance?***

It is a provision of the Zoning Ordinance which allows an applicant to depart from the standard requirements of the Ordinance.

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## ***Who can grant a Variance?***

The Board of Zoning Appeals (BZA) has the authority to grant variances in cases where strict application of the Zoning Ordinance would result in unnecessary hardship for the property owner.

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## ***What is the basis for a Variance?***

The Board of Zoning Appeals must base its decision on the following considerations, stated in the City's Zoning Ordinance, Article 19 B-2, when it considers a variance:

1. Because extraordinary situations or conditions of a piece of property (such as exceptional topographic conditions, size, or shape) at the time of the effective date of the Ordinance would effectively prohibit or unreasonably restrict the use

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of the property by strict application to the terms of the Ordinance.

2. Due to the condition or development of immediately adjacent property, the strict application of the terms of the Ordinance would effectively prohibit or unreasonably restrict the use of the property.
3. If the applicant can clearly demonstrate a hardship approaching confiscation, as distinguished from a special privilege or convenience sought by the applicant.

In addition, if the Board finds a hardship, all three (3) of the following must be met:

1. That the strict application of the Ordinance would produce undue hardship.
2. That the hardship is not shared generally by other properties in the same zoning district in the same vicinity.
3. That the authorization of such a variance will not be substantially detrimental to adjacent property and that the character of the district will not be changed by the granting of the variance.

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Furthermore, no variance shall be authorized unless the Board finds that the condition or situation of the property is not of so general or recurring a nature as to make reasonably practical the formulation of a general regulation to be adopted as an amendment to the Ordinance.

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## ***Are there any conditions to a Variance being granted?***

In authorizing a variance, the Board of Zoning Appeals may impose conditions regarding the location, character, and other features of the proposed structure for use as it may deem necessary in the public interest, and may require a guarantee or bond to ensure that the conditions imposed are being and will continue to be complied with.

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## ***What is submitted to apply for a Variance?***

- A completed "Application of Board of Zoning Appeals," which can be obtained at the Department of Development.

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- A scaled plat of the property. Instructions for the drawing are on the application.
  - A \$200 application fee.

*Before applying for a variance, discuss your situation with a member of the Department of Development. A solution may be discovered without the use of a variance.*

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### ***What are the steps in obtaining a Variance?***

1. Submit the application, plat, and fee to the Department of Development.
2. The variance is taken before the Board of Zoning Appeals, which will hold a public hearing.
3. The Board will consider and approve, approve with conditions, or deny the variance request. A favorable vote of three (3) out of the five (5) Board members is necessary for a decision.

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### ***How long does it take to obtain a Variance?***

The process usually takes two (2) months.

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### ***Can the decision of the BZA be appealed?***

Yes, if appealed within thirty (30) days of the final decision of the BZA. The appeal is considered by the City of Hopewell's Circuit Court.

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For more information contact:

**Department of Development**  
 300 N. Main St.  
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# *Variances*



## **Land Development Brochure**

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