



## **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 the fourth Wednesday of each month at 6:30 p.m. in the 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 land-owners must sign application;
- Provide plan and elevation drawing of the project as requested in No. 8A and 8B of attached application;
- Submit a minor/major water quality impact assessment report for RPA encroachments. You will be advised by City staff if a report is required;
- Pay \$250 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.
- 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 Planning Department at:

**Poquoson City Hall  
500 City Hall Avenue  
Poquoson, VA 23662  
757-868-3040  
[kholloway@poquoson-va.gov](mailto:kholloway@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 four conditions:

- That strict application of the ordinance would produce an undue hardship and prevent reasonable use of the property. Personal hardships are not grounds for the granting of a variance;
- That such hardship is not shared generally by other properties in the same zoning district and same vicinity;
- That authorization of such variance will not be of substantial detriment to adjacent property and that the character of the district will not be changed by the granting of the variance; and
- That the condition, situation or intended use of the subject property is uncommon.

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:

- a) The request shall not be based upon self-created or self-imposed conditions or circumstances. The exception must be given to alleviate requirements imposed by the implementation of the ordinance and shall not afford a special privilege or mere convenience sought by the applicant.
- b) 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.
- c) The exception request shall be the minimum necessary to afford relief.
- d) 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.
- e) 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.

**APPLICATION FOR RELIEF FROM  
ZONING ORDINANCE REQUIREMENTS  
(Please Type or Print)**

1. APPLICANT(S):

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_  
\_\_\_\_\_

Interest in Property:     Own         Rent         Lease  
    Purchasing         Agent

2. OWNER(S): (If different from applicant(s))

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

3. LOCATION OF PROPERTY:

Tax Map Number: \_\_\_\_\_

Address: \_\_\_\_\_

Subdivision Name: \_\_\_\_\_

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: \_\_\_\_\_

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

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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. For Main Structure or Dwelling

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

b. For Accessory Buildings

- Area Regulation for Lot Coverage
  - Height Regulation
  - Side Yard Setback
  - Rear Yard Setback
  - Setback from Main Structure or Dwelling
  - Maximum Floor Area Regulation
  - Requirement of Placement in Rear of Main Structure or Front Setback Line
  - Other (explain) \_\_\_\_\_
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- Pool In-Ground/Above-Ground  
 Deck  
 Patio  
 Other      Please explain:
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- 

***Proposed Yard Setback:***

Distance of Improvement To

- Front Property Line \_\_\_\_\_ feet
- Side Property Line \_\_\_\_\_ feet
- Side Property Line \_\_\_\_\_ feet
- Rear 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 owner of the property;
  - (d) Name and location of adjacent street(s);
  - (e) The shape of the property showing the actual lot dimensions;
  - (f) The area of the property in acres and square feet;
  - (g) The location, dimensions and description of all existing easements and right-of-ways;
  - (h) The 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 tank(s) and drain field(s);
  - (i) The 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) The location, distance from property line, dimensions and description including height of all proposed structures;
  - (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

