

Town of Culpeper Variance Information

A **VARIANCE** is a relaxation of a specific requirement of the Zoning Ordinance. A variance may only be authorized by the **Joint Board of Zoning Appeals (BZA)**. The BZA is a semi-judicial body of local citizens given the authority under state and local laws to provide relief of strict applications of the Zoning Ordinance.

A variance **may not** be granted simply because the property cannot be put to its most profitable use. A property owner must prove hardship in order to obtain a variance. In many cases, property owners will request a variance to construct a building or addition with less setback than required under the Zoning Ordinance. A variance may not be granted when the granting of such variance would constitute a use which is prohibited in the zoning district.

APPROVAL:

The Board of Zoning Appeals may only approve a variance when the following conditions exist, according to the Code of Virginia (1950, as amended) Section 15.2-2309.

Notwithstanding any other provision of law, general or special, a variance shall be granted if the evidence shows that 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, or alleviate a hardship by granting a reasonable modification to a property or improvements thereon requested by, or on behalf of, a person with a disability, and (i) 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; (ii) the granting of the variance will not be of substantial detriment to adjacent property and nearby properties in the proximity of that geographical area; (iii) 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; (iv) 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 (v) 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 § 15.2-2309 or the process for modification of a zoning ordinance pursuant to subdivision A 4 of § 15.2-2286 at the time of the filing of the variance application.



The applicant for a variance must be the record owner of the property. The application must be completed and submitted to the Planning & Zoning Administrator along with any appropriate fees. A site plan/sketch plan or plat may be required.

The applicant may obtain a variance application from the Town Planning & Community Development Department located at 400 S. Main Street on the third floor.



If you are interested in obtaining a variance, schedule a meeting with the Town's Planning staff to discuss the details of the application. The applicant must fill out a variance application with the help of the Planning staff. The fee of \$300 is to be paid at the time of filing. The application must be received 30 days prior to the next regularly scheduled meeting. The Joint Board of Zoning Appeals meets on the third Thursday of the month at 7:00 p.m. in the Culpeper County Board of Supervisors Room, 302 N. Main Street, Culpeper, Virginia.



After reviewing the application and other pertinent

documents, a public hearing will be held to gather comments and input from interested persons, by the Joint Board of Zoning Appeals, who will make the final decision on the case.

NOTE: The zoning administrator may grant a variance of up to twenty-five (25) percent from any building setback requirement contained in the zoning ordinance if the administrator finds in writing that: (1) the strict application of the ordinance would produce undue hardship; (2) such hardship is not shared generally by other properties in the same zoning district and the same vicinity; and (3) the authorization of the variance will not be of substantial detriment to adjacent property and the character of the zoning district will not be changed by the granting of the variance.

Prior to the granting of a variance, the zoning administrator shall give all adjoining property owners written notice of the request for variance, and an opportunity to respond to the request within twenty-one (21) days of the date of the notice. If any adjoining property owner objects to said request in writing within the time specified above, the request shall be transferred to the Joint Board of Zoning Appeals for decision. Costs of the notices shall be the responsibility of the applicant.

For the administrative variance, the applicant must fill out a variance application with the help of the Planning staff. The fee of \$300 is to be paid at the time of filing.



**Town of Culpeper
400 S. Main Street
Culpeper, VA 22701**

Department of Planning
& Community Development
3rd Floor, Suite 301
Phone: (540) 829-8260
Fax: (540) 829-8279

For further information please contact the Planning & Community Development Department.

Office hours are 8:00 a.m. to 5:00 p.m.,
Monday through Friday.
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**Variance Application
Information**