



# Variance Application

County of Henrico, Virginia  
Department of Planning

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Email: [planning@henrico.us](mailto:planning@henrico.us) <http://henrico.us/planning>

Property Address: \_\_\_\_\_ Current Zoning: \_\_\_\_\_

Parcel Number (GPIN): \_\_\_\_\_ Magisterial District: \_\_\_\_\_

Subdivision: \_\_\_\_\_ Section: \_\_\_\_\_ Block: \_\_\_\_\_ Lot: \_\_\_\_\_

Request for variance in order to build: \_\_\_\_\_

Nature of Request (e.g. lot area, lot width, side setback, street frontage)	Code Section	Applicant has	Code requires	Variance requested

<b>Owner:</b>	Phone:	Fax:
Address:	Email:	
	<b>Signature:</b>	
City/State/Zip:	<b>Title:</b>	

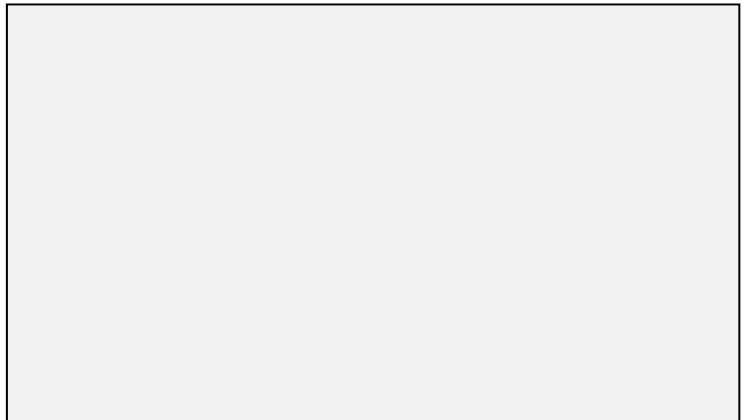
The property owner must sign the form or submit written authorization for an agent to sign. The property owner authorizes the members of the Board of Zoning Appeals and County employees to enter the property during normal business hours in the discharge of their duties in regard to this request.

<b>Applicant:</b>	Relationship to owner:
Address:	Phone:
	Fax:
City/State/Zip:	Email:
<b>Representative:</b>	Relationship to owner:
Address:	Phone:
	Fax:
City/State/Zip:	Email:

Two copies of a site plan must be submitted with this application showing the size and location of the lot, the location, and dimensions of the proposed building or structure, and the location, setbacks, and dimensions of any existing structures on the lot. If a building is proposed, one set of floor plans and elevations should be provided.

### OFFICE USE

Date Received:	Time Received:
PIV #:	Fee: \$ Enterprise Zone:
Accepted by:	Case #:



The Board of Zoning Appeals can grant a variance only if certain legal requirements have been met. The following questions are intended to help the applicant show that a variance is appropriate.

**Please answer all questions as completely as possible. Attach additional pages if necessary.**

1. Does the zoning ordinance ***unreasonably restrict*** the use of the property? If so, how is the zoning ordinance unreasonable?

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2. Is there a ***hardship*** related to the physical conditions of the property? If so, what physical conditions make the variance necessary? Were those physical conditions present when the ordinance was adopted?

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3. Is a variance necessary to make a reasonable modification to the property or improvements requested by, or on behalf of, a ***person with disability***? If so, describe what modification is needed, and why.

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4. If there is a hardship, was it created by the applicant?

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5. Is the condition or situation unique to this property, or is it common among other property in the area?

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6. Would the variance have a negative effect on other property in the area?

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## What is a variance and when should one be approved?

A variance is a deviation from the requirements of the zoning ordinance. Applications for variances are reviewed by the Board of Zoning Appeals (BZA), a body of five citizens appointed by the Circuit Court. The BZA may grant a variance in one of three cases: (1) the strict application of the terms of the ordinance would unreasonably restrict the utilization of the property, or (2) 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 (3) the variance would alleviate a hardship by granting a reasonable modification to a property or improvements thereon requested by, or on behalf of, a person with disability.

If the BZA finds that the zoning ordinance unreasonably restricts the use of the property, it must consider five other factors.

(i) The property must have been acquired in good faith and the hardship must not have been created by the applicant for the variance.

(ii) The granting of the variance must not have a detrimental impact on nearby property.

(iii) The condition or situation of the property must be unique or very unusual (otherwise it would be better to amend the ordinance than to grant a variance for every property that is affected by the condition).

(iv) A variance cannot allow a use that is not otherwise permitted on the property. (For example, in a residential area, a variance may allow a dwelling to be built on a lot that is too small to meet the zoning requirements, but a variance cannot allow a business in a residential zoning district.)

(v) The relief or remedy sought by the variance application must not be available through other means, such as a conditional use permit or special exception.

## Board of Zoning Appeals Procedure

All variance requests must be filed on the attached form. The owner of the property must sign the form, or submit a letter authorizing the applicant to sign it. Two copies of a plan must be submitted with the application showing the size and location of the lot, the location and dimensions of the proposed building or structure, and the location and dimensions of any existing buildings or structures on the lot.

Applications are processed according to a schedule of deadlines and public hearing dates that is published each year. The County is required to advertise applications in the Richmond Times-Dispatch and mail notices to the owners of all adjoining property. We will also post a sign on or near the property.

The fee of \$300 covers a portion of the cost of advertising, researching, reviewing and processing the application. If an application is withdrawn before the advertisement is published, the County may refund part of the fee. After the advertisement has been published, the fee cannot be refunded.

A staff report will be mailed to the representative in advance of the meeting. The representative must attend the public hearing to explain the request and answer questions. He or she should be familiar with the staff report, particularly the conditions recommended by the staff. At the hearing anyone may speak in favor or in opposition. Written comments may also be submitted.

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