

# TOWN OF NEW MARKET APPLICATION FOR VARIANCE

Applicant: \_\_\_\_\_ Date: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Phone Number: \_\_\_\_\_

I (We), \_\_\_\_\_, respectfully request the approval of a variance from the New Market Board of Zoning Appeals in regard to Section \_\_\_\_\_ of the New Market Zoning Ordinance in respect to \_\_\_\_\_ requirements in order to \_\_\_\_\_

Zoning Classification: \_\_\_\_\_ Tax Map Number: \_\_\_\_\_

Location of Property (Please give exact directions and include applicable E-911 street address):

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

The following is a list of names, complete mailing addresses, and the tax map numbers for all of the owners, their agents, or the occupants of all abutting property and property immediately across the street from the property affected, as required by Section 70.196 of the Code of Laws of the Town of New Market, Virginia.

Name:	Address:	Tax Map Number:
Name:	Address:	Tax Map Number:
Name:	Address:	Tax Map Number:
Name:	Address:	Tax Map Number:
Name:	Address:	Tax Map Number:
Name:	Address:	Tax Map Number:
Name:	Address:	Tax Map Number:
Name:	Address:	Tax Map Number:
Name:	Address:	Tax Map Number:

Please state the applicant's interest in seeking this variance.

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Please explain how the strict application of the zoning ordinance will produce an undue hardship for the applicant. Describe below the specific reason(s) why the variance is being sought in terms of:

- Exceptional narrowness, shallowness, size or shape of property, or
- Exceptional topographic conditions or other extraordinary situation or condition of property, or
- The use or development of property immediately adjacent thereto.

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Please state how the previously mentioned hardship is not shared generally by all other properties in the same zoning district and the same vicinity, and also how the authorization of such variance will not be of substantial detriment to this adjacent property.

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*\*\*Please submit, in addition to this completed application, a site plan or plat of the property, drawn to scale, and showing all existing buildings, including accessory buildings, driveways, septic tanks, etc., and any proposed structure or alteration. Please feel free to attach any additional pages to this application that you feel contains information pertinent to the consideration of your request for a variance.\*\**

The required fee for a zoning variance request is \$325.00. No action will be initiated on any request until the payment of fees has been made in full.

I (We) agree to comply with any conditions for the variance required by the BZA. I hereby certify that all of the above information contained in this application and in any attached exhibits is, to the best of my knowledge, true.

Signature of Applicant: \_\_\_\_\_ Date: \_\_\_\_\_

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**FOR OFFICE USE ONLY:**

Date Received By Zoning Administrator: \_\_\_\_\_

Amount of Fee: \_\_\_\_\_ Date Fee Paid: \_\_\_\_\_

Date Forwarded To Board of Zoning Appeals: \_\_\_\_\_

Public Hearing Date: \_\_\_\_\_

BZA Action: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_ Date: \_\_\_\_\_

\_\_\_\_\_  
Zoning Administrator's Signature

## **WHAT IS A VARIANCE AND WHEN SHOULD SUCH AN ACTION BE APPROVED?**

A *variance* is a reasonable deviation in the application of the Town's Zoning Ordinance provisions regulating the size or area of a lot or the size, area, bulk or location of a structure that may be granted by the Board of Zoning Appeals when the strict application of the ordinance would result in undue hardship to the owner.

*In presenting a request for a variance, it is the property owner who has the burden of showing:*

- I. That the property was acquired in good faith.
- II. The ONE OR MORE of the following conditions have been met:
  - A. Strict compliance with the zoning ordinance would effectively prohibit or unreasonably restrict the use of the property because of:
    1. the property's exceptional narrowness, shallowness, size, or shape;  
or
    2. exceptional topographic conditions or other extraordinary situation or condition; or
    3. an extraordinary situation or condition of the property immediately adjacent.
  - B. The granting of the variance will alleviate a clearly demonstrable hardship approaching confiscation, as distinguished from a special privilege or convenience sought by the applicant.
- III. That the variance is in harmony with the intended spirit and purpose of the Town's Zoning Ordinance.
- IV. That ALL of the following three conditions have been met:
  - A. The strict application of the ordinance would produce undue hardship; and
  - B. Such hardship is not shared generally by other properties in the same zoning district and the same vicinity; and
  - C. The authorization of the 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.
- V. That 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 Zoning Ordinance.