

Introduction

Overview & Purpose



This *Development Review Guidebook* has been produced for informational purposes to assist property owners, the development community, and the general public. It is intended to be a user-friendly tool to assist in navigating through the City of Fairmont's development application and review process.

The Planning Department has prepared this *Development Review Guidebook* for those who desire to have a general understanding of the development process in the City. In the *Guidebook* you will find application forms and requirements, submittal checklists, easy-to-follow review process flowcharts, and answers to commonly asked questions.

This document is not an ordinance. It is important to note that the ordinances of the City should be thoroughly researched before reaching any conclusions on questions related to development in the City of Fairmont. This document can be the source to begin your search for information.

A complete copy of the *Development Review Guidebook* can be obtained from the Planning Department located in the Fairmont City/County Complex, 200 Jackson Street, Fairmont WV 26554, or downloaded from the City of Fairmont website at www.fairmontwv.gov.

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Introduction

Getting Started

Where do I start?

Prior to a formal submission, it is strongly suggested that applicants contact the Planning Department to discuss the proposed project or application and to obtain valuable information regarding ordinances, codes and procedures. This step can greatly facilitate a more timely review of your project or application.

How can I obtain feedback prior to finalizing my plans?

There are two main ways to obtain feedback regarding a potential development proposal prior to a formal submission. While both are optional, applicants are strongly encouraged to pursue at least one of the following, particularly for large development proposals or unique or challenging sites:

Pre-Application Meeting

Applicants may request a meeting with the Planning Department to collect information regarding ordinances and requirements, present conceptual development proposals, and obtain initial feedback. In some situations, attendance by other departments or the City's engineering or planning consultants may also be requested if appropriate.

Development Review Committee Study Meeting

DRC study meetings offer applicants an opportunity to obtain preliminary feedback and comments from the various departments within the City.

Plans and any other supporting documentation should be submitted at least six (6) business days prior to a scheduled study meeting. The submission should include 8 sets of a conceptual development plan, building elevations, and a cover letter explaining the project. Depending on the size of the project, plans may be submitted on 11"x17" sheets. Applicants should contact the Planning Department to determine the appropriate plan submission format.

Each applicant will be given 30 to 40 minutes for discussion. This includes a 15 to 20 minute presentation and an additional 15 to 20 minutes for questions and comments from the DRC.

A fee is not required for the first meeting. Additional meetings and/or a Site Plan Review may require the payment of a fee.

For more information, please contact Shae Strait, Director of Planning and Development at (304) 366-6211, Ext. 249 or sstrait@fairmontwv.gov.

Important Contacts

City of Fairmont

City/County Complex—3rd Floor
200 Jackson Street
Fairmont, WV 26554
Phone: (304) 366-6211
Fax: (304) 366-0228
www.fairmontwv.gov

Planning Department

(304) 366-6211, ext. 333
sstrait@fairmontwv.gov

Building Department

(304) 366-6211, ext. 303
sjolliff@fairmontwv.gov

City Engineer

(304) 366-0540
jcarson@fairmontwv.gov

Stormwater Manager

(304) 366-0540
mbragg@fairmontwv.gov

Department of Public Works

1030 Minor Ave.
Fairmont, West Virginia 26554
Phone: (304) 363-3883
Fax: (304) 363-8396
rmiller@fairmontwv.gov

State of West Virginia

WV Department of Highways

1900 Kanawha Blvd, East
Building 5, Room A-722
Charleston WV, 25305-0330
Phone: (304) 558-3304
www.transportation.wv.gov

WV Alcohol Beverage Control

322 70th Street S.E.
Charleston, WV 25304
Toll Free: (800) 642-8208
www.wvabca.com

WV Tax Department

1001 Lee Street
Charleston, WV 25301
Phone: (304) 558-3333
www.state.wv.us/taxdiv

Site Plans

Overview

When is a site plan required?

A site plan is required for review and approval by the Development Review Committee (DRC):

- Any buildings, structures, or outdoor uses of land in any zoning district other than those excluded in Article 6.1.5.C.
- For any substantial change in use or class of use, as determined by the City Planner.
- Uses which require conditional use permit approval.
- Modification of a previously approved site plan.
- New parking lots or expansion of parking lots adding ten (10) or more spaces.
- Any residential structure to be converted for non-residential use.
- Any structure that has been vacant for one (1) year or more.
- For all development within a special use district.



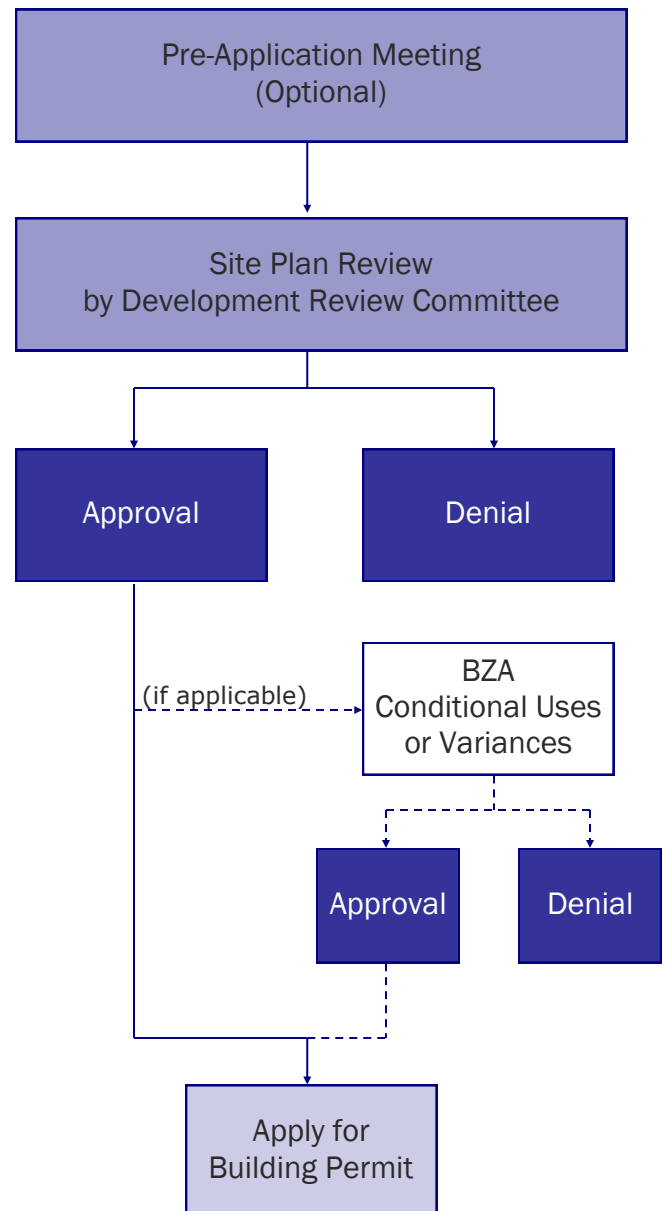
Why is site plan review required?

Site plan review provides the City with an opportunity to review the proposed use of a site in relation to all applicable ordinances and plans.

Site plan review also provides the City with an opportunity to review the relationship of the plan to surrounding uses, accessibility, pedestrian and vehicular circulation, off-street parking, public utilities, drainage, natural features, screening, and other relevant factors which may have an impact on public health, safety, and general welfare.

What is the site plan review process?

The site plan review process consists of two stages: 1) pre-application meeting, and 2) site plan review. Preliminary review *may* not be required if the project is moderate in scope. Please check with the Planning Department to determine whether site plan review is required.



Site Plans

Application Requirements

Common Questions

What is required for site plan review?

The following must be submitted for site plan review:

- One (1) completed Application Form with original signatures of the legal owner and applicant.
- One (1) original notarized Affidavit of Ownership and supporting ownership documentation.
- Eight (8) copies of the sealed site plan, floor plans, elevations, and landscape plan (refer to Site Plan Checklist).
- The site plan fee shall be \$75.00 for the first \$100,000 of the project and an additional \$5.00 for each \$100,000 thereafter.

Do I need to attend any meetings?

You will be notified of all meetings with your site plan on the agenda. It is strongly recommended that you have representation at all meetings at which your site plan will be discussed.

The DRC will take action on a site plan whether the applicant is in attendance or not; however, action may be postponed if the applicant is not available to answer questions.

What happens after site plan approval?

Once approval is given for a site plan, the next step is to make any necessary changes to the plans as required by the DRC. Upon revision, the applicant must submit the following to the Planning Department for verification:

- Five (5) copies of the final revised site plan, if applicable.
- Detailed summary of changes in response to DRC comments.

Acceptable final plans will be stamped “approved” by DRC members. One (1) copy of the approved plans will be returned to the applicant.

What is the submission deadline for site plan review?

The DRC meets weekly. Site plans for review by the DRC must be submitted to the Planning Department at least six (6) business days prior to a regularly scheduled DRC meeting.

Site plans will be scheduled for review in the order in which they are received and on the basis of completeness.

Does final site plan approval allow me to begin construction?

No, final site plan approval does not authorize construction. Following site plan approval, permits to allow construction or begin the use must be sought through appropriate City departments and other agencies. Application to the BZA for conditional use and/or variances may also be necessary.

Site plan approval indicates compliance with the Zoning Ordinance. It does not satisfy engineering or building requirements. Plans must be approved separately by the City Engineer and the Building Department.

How long is site plan approval valid?

Site plan approval is valid for twelve (12) months from the date of approval.

Within twelve (12) months, the applicant shall have made application for a building permit. Failure to do so will result in approval being null and void unless renewed or extended by the DRC.

A request for extension shall be made in writing to the DRC, and it will be addressed at the next available meeting. If approval is not extended before the expiration of the twelve (12)-month period, a new site plan application and approval shall be required before a building permit may be issued.

Site Plans

Site Plan Checklist

What information must be included on a site plan?

All site plans submitted for review must include the information required by Article 6 of the City of Fairmont Code Ordinance. Site plans must conform to current City regulations and those of any other agency having jurisdiction. Site plans must be submitted by a licensed and/or registered professional in the field of architecture, surveying, engineering or planning. The site plan shall be submitted to the DRC for approval. Incomplete site plans will not be accepted for review. All drawings shall be to scale, clear and complete to obtain site plan approval

The following checklist is intended to assist applicants in preparing a complete site plan.

- The site plan must be 11" x 17" to 24" x 36" to ensure an accurate reading and interpretation.
- Property lines of the proposed site as well as the owners of adjacent parcels.
- Dimensions of property line boundaries and building setbacks.
- Existing and proposed streets, alleys, lots, easements, reservations, and areas set aside for public use must be labeled.
- Must include design, location and size of all motor vehicle access to and from the site.
- The location and design of detailed description of existing and proposed buildings including those to be removed.
- Detailed description of existing and proposed storm drainage structures, including size, grading and direction of flow.
- Identify the limits of the existing 100-year flood surface elevations within this area.
- Location of existing and proposed utilities (water, sanitary sewer, cable television, gas, electric and telephone).
- Location of major electrical equipment (power poles, guy wires, pad mount transformers, etc...).
- Location of existing and proposed fire hydrants.
- Location of existing and proposed contour lines with elevations for curb and lot parking.
- If a dumpster is to be used in the control and handling of solid waste, indicate location, screening and size of the dumpster pad.
- The planned use or uses of the site.
- Location of all waste water pre-treatment devices.
- The location and design of any off-street parking areas, including handicapped parking and loading areas.
- Name of development, legal description of property with address, vicinity map and site plan oriented with parallel north arrow, scale, acreage, name and address of record owner and engineer, draftsman, architect and land planner.
- Zoning designation as determined by the official zoning map. The planned use or uses of the site.
- Landscaping plan as required by Article 5 of the City of Fairmont Zoning Code.
- Areas designated for material staging, concrete truck wash out and construction debris.
- Location and pavement type for temporary access for vehicles during construction.
- All existing and proposed signage, including height, square footage and setbacks.
- Architectural façade renderings which meet the requirements of Article 3 and Article 6 of the City of Fairmont Zoning Code.
- Additional information or engineering data to determine that the site plan meets the standards of the city.

Who do I contact if I have more questions?

Contact the City of Fairmont Planning Department at:

Phone: (304) 366-6211 , ext. 333
Email: sstrait@fairmontwv.gov
Address: 200 Jackson Street
Fairmont, WV 26554

Conditional Uses



Overview

What is a conditional land use?

Conditional uses are uses that *may* be permitted within a zoning district subject to special conditions and standards. Conditional uses listed in the Zoning Ordinance may not always be permitted at all locations within a district. Conditional uses are subject to the following: 1) specific use conditions listed in the ordinance, 2) site plan review by the Board of Zoning Appeals (BZA).

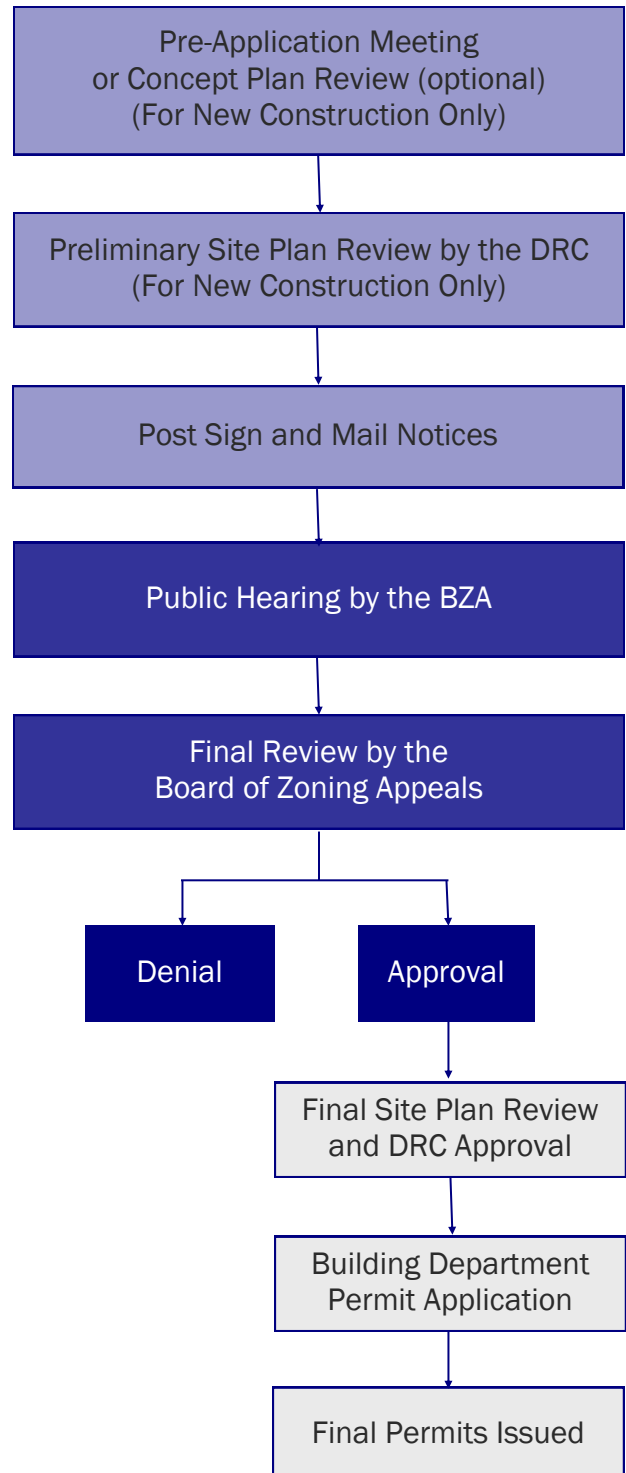


What is the conditional use review process?

The conditional use review process generally follows the site plan review process with the addition of an application and public hearing before the BZA.

A complete site plan application package is required for all conditional use proposals.

Review by the DRC may not be required if the project is moderate in scope or involves the substitution of one conditional use for another similar conditional use with no new construction. Please check with the Planning & Zoning Department to determine whether preliminary review is required.



Conditional Use Standards

What are the review standards for conditional uses?

All applications for conditional use approval shall be accompanied by a written narrative responding to the following general review standards contained in Article 4 and Article 8 of the City of Fairmont Zoning Ordinance:

- The proposed use is compatible with the goals of the adopted comprehensive plan.
- The proposed use shall be compatible with the appropriate and orderly development of the district, taking into consideration the location and size of the use, the nature and intensity of the operations involved in or conducted in connection with such use, the size of the site in relation to the use, the assembly of persons in connection with the use, and the location of the site with respect to streets giving access to the site.
- The proposed site development shall be such that the use will not hinder nor discourage the appropriate development and use of adjacent land and buildings, taking into consideration the location, nature and height of buildings, the location, nature and height of walls and fences, and the nature and extent of landscaping on the site.
- Neighborhood character and surrounding property values shall be reasonably safeguarded.
- Operations in connection with the use shall not be offensive, dangerous, destructive of property values and basic environmental characteristics, or detrimental to the public interest of the community. They shall not be more objectionable to nearby properties by reason of fumes, noise, vibration, flashing of or glare from lights, and similar nuisance conditions than the operations of any permitted use not requiring a conditional use permit in the district.
- The character and appearance of the proposed use, buildings, structures, and/or outdoor signs should be in general harmony or better, with the character and appearance of the surrounding neighborhood.

In addition to the general review standards, conditions specific to the proposed use as outlined in Article 4 must be met. The Board of Zoning Appeals shall have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed conditional use.

What is required for preliminary review? (New Construction Projects Only)

The following must be submitted for preliminary review by the DRC for all conditional uses which include new construction projects:

- One (1) completed Application Form with original signatures of the legal owner and applicant.
- Eight (8) copies of the sealed site plan, floor plans, elevations and landscape plan (refer to Site Plan Checklist).
- One (1) copy of the written response to conditional use standards.
- Review fee for both site plan review and conditional

What information must be included on the site plan?

All conditional use proposals for new construction projects must be accompanied by a complete site plan application package that includes the information required by Article 6 of the Zoning Ordinance.

Site plans must demonstrate compliance with all applicable standards for the proposed use and development and the conditional use standards contained in Article 4 of the Zoning Ordinance.

Site plans must conform to current City regulations and those of any other agency having jurisdiction.

Incomplete site plans will not be accepted for review. Please refer to the Site Plan Procedures and Checklist for assistance in preparing a complete site plan package.

Conditional Uses



Common Questions

What is required for final review?

Final review requires completed site plans to be reviewed and approved by the Board of Zoning Appeals (BZA).

Do I need to attend any meetings?

You will be notified of all meetings with your conditional use request on the agenda. It is strongly recommended that you have representation at all meetings at which your request will be discussed.

Action may be taken on a conditional use request whether the applicant is in attendance or not; however, action may be postponed if the applicant is not available to answer questions.

What are the submission deadlines for conditional use review?

Final plans for review by the Board of Zoning Appeals must be submitted to the Planning Department at least twenty-five (25) days prior to a scheduled BZA meeting. Applications will be scheduled for public hearing in the order in which they are received and on the basis of completeness.

Does final approval allow me to begin construction?

Final approval by the BZA does not authorize construction. Following approval, final site approval is required by the DRC for new construction.

Conditional use approval confers compliance with the Zoning Ordinance. It does not satisfy engineering or building requirements. Permits must also be issued separately by the City Engineer, Storm Water Coordinator and the Building Department.

What happens after final approval?

Once approval is given for a conditional use, the next step is to submit final site plans to the Development Review Committee for approval.

How long is approval valid?

Conditional use approval is valid for 12 months from the date of approval. Within 12 months, the applicant shall have made application for a building permit or received engineering approval. Failure to do so will result in approval being null and void.

A request for extension shall be made in writing to the BZA, and it will be addressed at the next available meeting. If approval is not extended before the expiration of the 12-month period, a new application and approval shall be required.

Who do I contact if I have more questions?

Contact the City of Fairmont Planning Department at:

Phone: (304) 366-6211, ext. 333

Email: cjones@fairmontwv.gov

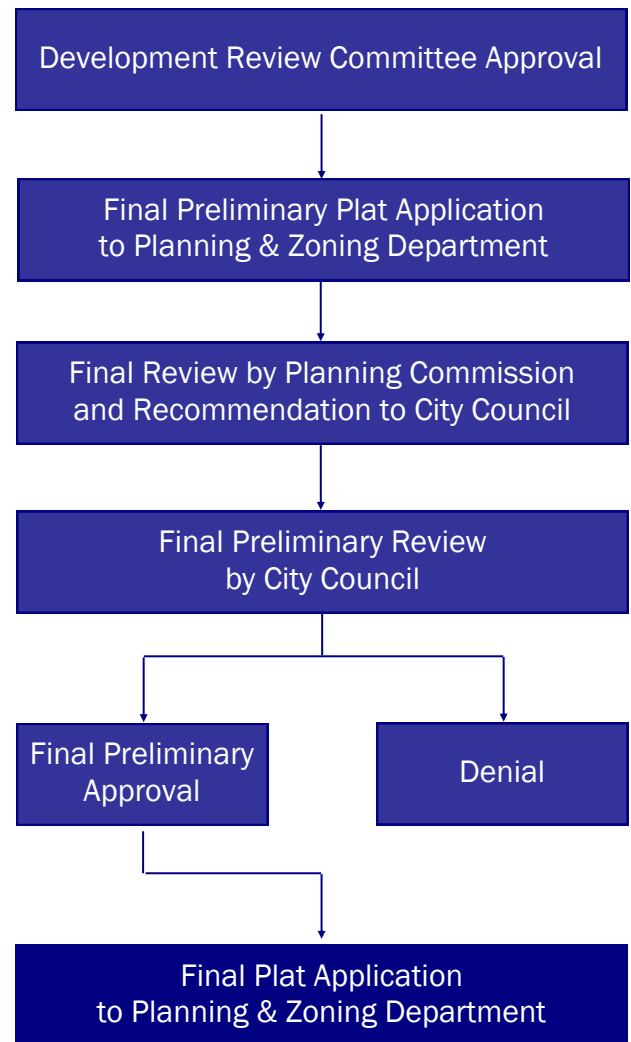
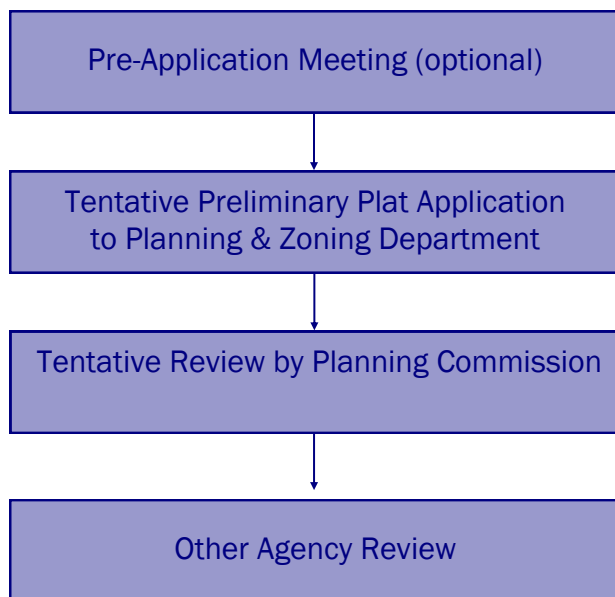
Address: 200 Jackson Street
Fairmont, WV 26554

Subdivisions & Minor Boundary Adjustments

Overview

What is the subdivision review process?

While the flowchart provides an overview of the approval process, applicants should closely review the requirements of the plat review and approval process. Applicants are encouraged to schedule a pre-application meeting with the Development Review Committee.



Subdivisions & Minor Boundary Adjustments

Preliminary and Final Plat

What is required for preliminary plat review?

The following must be submitted for preliminary review of the final plat:

- One (1) completed Application Form with original signatures of the legal owner and applicant.
- Clearly drawn simple sketch
- A location map showing the relationship of the proposed subdivision to existing community facilities which serve or influence it and showing the following information: main traffic arteries, shopping facilities, schools, parks and playgrounds, churches, public transportation and railroad tracks. The location map shall include a title, north arrow, scale and date.

The City Planner, Engineer will then provide data to the Development Review Committee to review to ensure the proposed subdivision meets the regulations. Once approved by the Development Review Committee, the applicant will be asked to submit a more formal and final subdivision plan.

What is required for final plat review?

The following must be submitted for final review of the final plat:

- One (1) completed Application Form with original signatures of the legal owner and applicant.
- Clearly drawn plat with a minimum size of 8.5" x14" to a maximum size of 24"x36". Minimum scale acceptable is 1 inch equals 20 feet and maximum scale is 1 inch equals 50 feet.
- Five (5) copies of the preliminary plat showing the following information:

*The nearest street, to which all dimensions, angles, bearings and similar data on the plat shall be referenced.

*Tract boundary lines, right-of-way lines of streets, easements, and other rights -of-way, and property lines of residential lots and other sites, with, in all cases, accurate dimensions and bearings, length of radius and length of arc.

*Streets on and adjacent to tract, including name and right-of-way width.

*Watercourses, marshes, houses and barns.

*Proposed public improvements and proposed right-of-way or easement.

*Zoning districts.

*Lot lines and lot numbers, tax map, parcel, lot deed book and page, and name of adjoining parcel(s).

*Sites to be reserved or dedicated for parks, playgrounds or other public use.

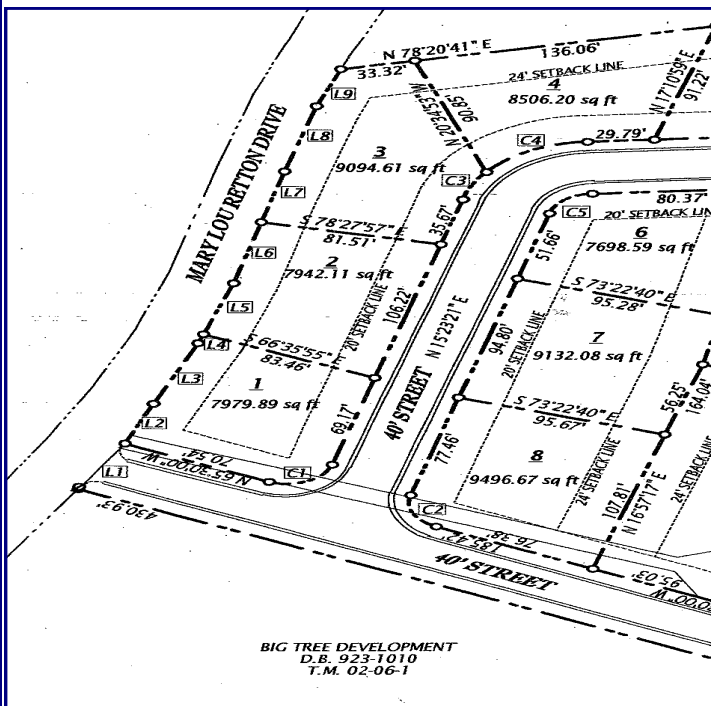
*Accurate location of all monuments.

*Title, north arrow, scale and date.

*Proposed name of subdivision and names of subdivider and engineer or licensed land surveyor.

*Utilities on or adjacent to street

*Location, size and invert elevation of sanitary, storm and combined sewers; water main, gas lines, fire hydrants, catch basins, electric and telephone poles, and street lights, underground electric and telephone conduits



Subdivisions & Minor Boundary Adjustments

final plat review, continued...

- The direction and distance to, and size of nearest water mains and sewers and the invert elevation of such sewers if water mains and sewers are not on or adjacent to the tract.
- Conditions on adjacent land such as but not limited to the approximate direction and gradient of ground slope, railroads, power lines, towers and other nearby non-residential land uses or adverse influences and ownership information concerning the adjacent un-platted land.
- Profiles showing existing ground surface and proposed street grades, typical cross sections for the proposed grading, roadways and sidewalks and preliminary plan of proposed sanitary and storm water sewer with grade and size indicated.
- The subdivider shall submit the plans, data and material required for preliminary review, except that the plan shall be clearly and legibly drawn and shall include such detail drawings as may be required by the Planning Department to supplement material submitted or when needed to document changes. Such supplementary material may include cross sections and profiles of streets showing grades approved by the City Engineer and based on the U.S.G.S. datum plane, protective covenants, and a soil engineering report, prepared by a recognized authority, when development is on or adjacent to a known or potentially hazardous area.
- Five (5) copies of the plat, with original signature by professional engineer or licensed land surveyor shall be submitted to the Planning Department. Additional copies, mylar or reproducible of larger plats may be required by the Planning Department.

The final plat shall conform substantially to the preliminary plat as approved.

Minor Boundary Adjustments

- The City Planner will provide information and advice concerning the review procedure during the pre-application review, and coordination for the plat review and approval.
- Five (5) original, Final Plat maps, stamped and signed by a registered West Virginia Surveyor shall be prepared in conformance with the requirements specified in Section 7.4 and submitted, along with the appropriate fees, to the City Planner.
- Within seven (7) days after the submission of the minor subdivision plat, the applicant and the City Planner shall meet to discuss the proposed subdivision and the criteria used to classify the proposal as minor. The City Planner may make a site inspection of the proposed subdivision.
- Within ten (10) days after the submission of a complete subdivision plat application, the City Planner shall notify the applicant in writing that the proposed subdivision has been classified a minor subdivision.
- Within ten (10) days after a complete subdivision plat application has been classified a minor subdivision, the City Planner shall approve or deny the plat. If the City Planner denies the plat, the City Planner shall notify the applicant in writing of the reasons for denial.
- If the City Planner and other appropriate City agencies are satisfied that the proposed subdivision is not contrary to applicable provisions of these Regulations or any other law or ordinance, the City Planner, after the approval and signature of any other applicable agency heads deemed necessary, will approve such subdivision and have the plat signed, dated, and affix the seal on the plat.
- The City Planner may attach reasonable conditions and/or restrictions to the final plat. If the plat is approved with conditions, then the City Planner must state the conditions.
- The approved final plat shall be recorded in accordance with Section 7.3.6 of these regulations.

Subdivisions & Minor Boundary Adjustments

Common Questions

Do I need to attend any meetings?

You will be notified of all meetings with your subdivision proposal on the agenda.

It is strongly recommended that you have representation at all meetings at which your proposal will be discussed.

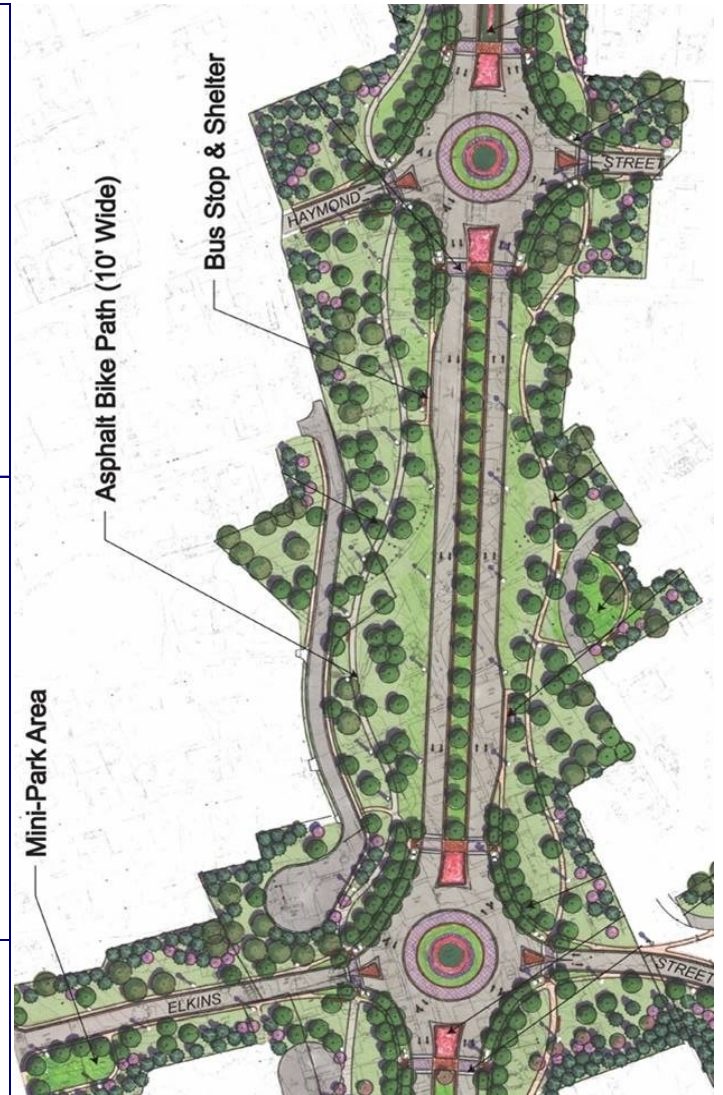
Action may be taken by the Planning Commission whether the applicant is in attendance or not; however, action may be postponed if the applicant is not available to answer questions.

Does final approval allow me to begin construction?

Upon final approval of the final preliminary plat, approval of the engineering plans, recordation of the plat and the issuance of all necessary permits, construction of site improvements may begin.

What other permits and procedures should I be aware of?

- Demolition Permit
- Stormwater Permit
- Curb Cuts (through City or Department of Highways).
- Historic Preservation Certificates of Appropriateness.
- There may be a number of other reviews and permits required by other County and State agencies.
- Applicants are encouraged to schedule a pre-application meeting as provided for by the Development Review Commission.



Who do I contact if I have more questions?

Contact the City of Fairmont Planning Department at:

Phone: (304) 366-6211, ext. 337
Email: cjones@fairmontwv.gov
Address: 200 Jackson Street
Fairmont, WV 26554

Rezoning Requests

Overview

What is a rezoning of property?

A rezoning is a change in the zoning classification of a specific property; it is an amendment to the City's Official Zoning Map.

Authority to rezone property rests with the City Council and requires a recommendation of Favorable or Unfavorable from the Planning Commission.

Who can initiate a rezoning request?

A rezoning may be initiated by the City Council, the Planning Commission, or an owner of real property within the City.

What can I do if my rezoning request is denied?

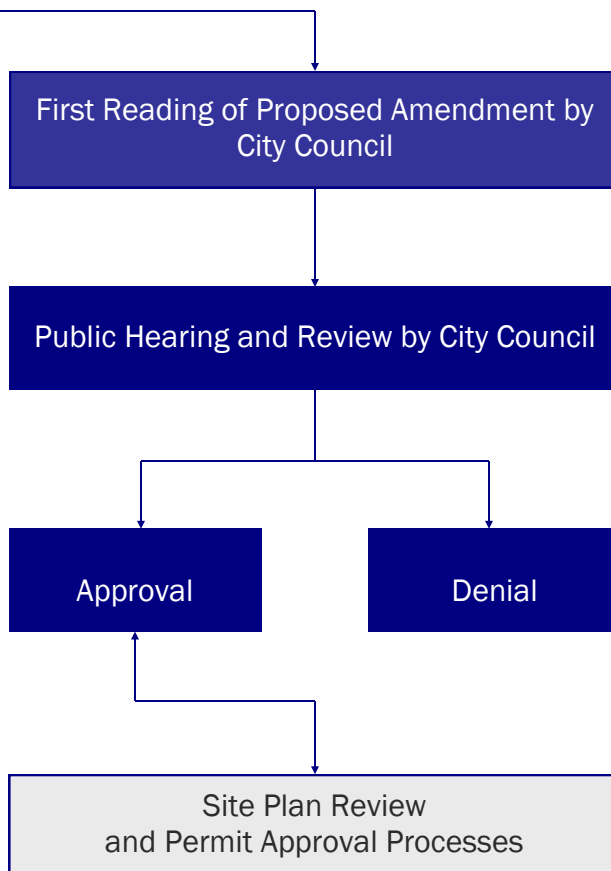
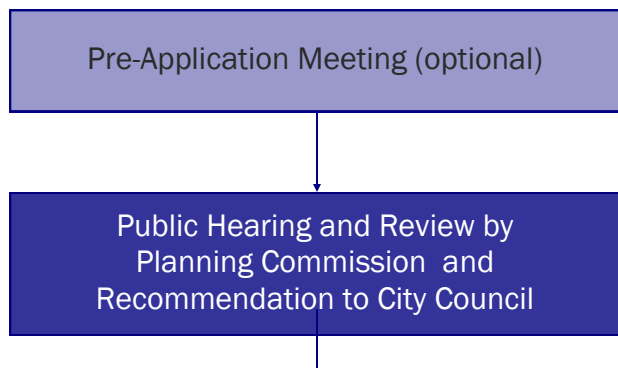
You may discuss the reconsideration of your petition, with the Planning Commission, within the first year of the decision if:

- There have been major changes of an economic, physical or social nature within the area since the initial consideration.
- These changes have significantly changed the basic characteristics of the area.
- The conditions were not previously considered by the Planning Commission or City Council (Article 8).

What are the procedures for requesting a rezoning?

Upon receipt of a complete application for rezoning, the Planning Commission will hold a public hearing, review the request, and make a recommendation to the City Council. The City Council has final authority to approve or deny a request for rezoning.

Applicants should note that changes to rezoning proposals prior to City Council approval may result in additional public hearing(s).



Board of Zoning Appeals

Overview

What is the Zoning Board of Appeals?

The Board of Zoning Appeals (BZA) is a quasi-judicial body appointed by the City Council.

The BZA is authorized to hear and decide matters as required by the West Virginia Planning Enabling Act and the City of Fairmont Planning and Zoning Code.

What are the powers of the Board of Zoning Appeals?

The Board of Zoning Appeals has the following powers:

- Hear, review and determine appeals from an order, requirement, decision or determination made by an administrative official charged with the enforcement of this Zoning Ordinance.
- Authorize exceptions to the district rules and regulations only in the classes of cases or in particular situations as specified in the Zoning Ordinance;
- Hear and decide conditional uses of the Zoning Ordinance.
- Authorize, upon appeal in specific cases only as provided in this ordinance, a variance to the zoning ordinance.
- Reverse, affirm or modify the order, requirement, decision or determination appealed from so long as the action of the Board taken on appeal is consistent with the rules, regulations and requirements of this ordinance;
- Authorize, upon appeal the substitute of one legal non-conforming use existing at the effective date of this ordinance for another similar non-conforming use.

What are the procedures for submitting an application to the BZA?

Procedures for the BZA vary depending upon the type of request.

Refer to the appropriate application requirements on the following pages for appeals, variances, and conditional uses.

Variances are the most common requests brought before the Board of Zoning Appeals.

Board of Zoning Appeals

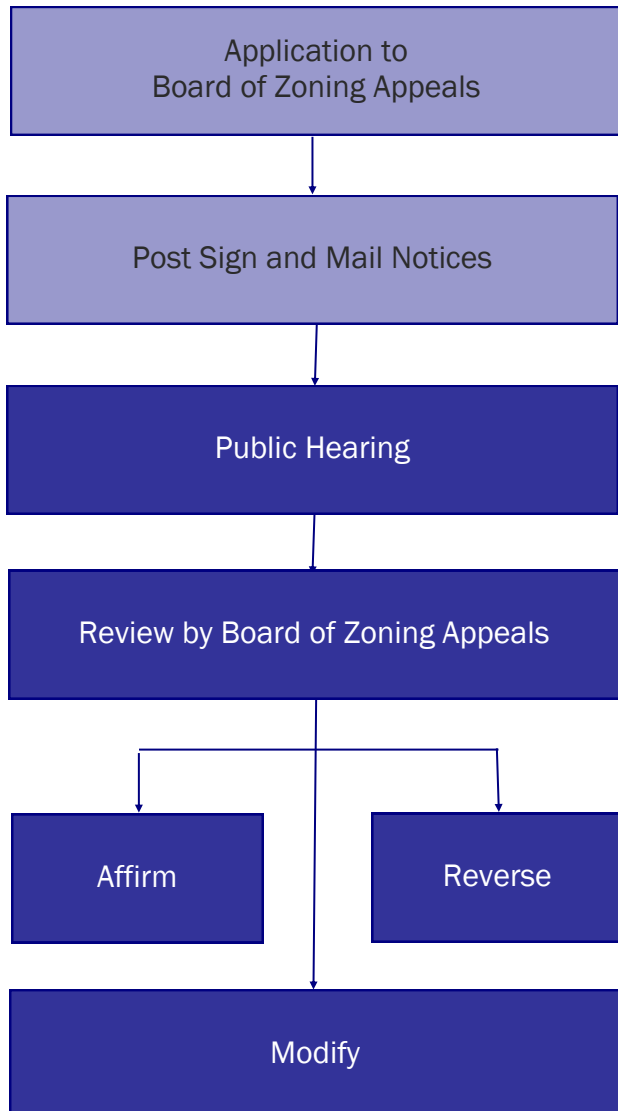
Overview

Appeals

What is the appeal process?

The appeals process begins with the applicant submitting all of the required application materials to the Planning Department.

The applicant must also file the appeal with the body or official whose action is being appealed. The body or official will then transmit all information related to the matter to the Board of Zoning Appeals for review.



How do I initiate an appeal to the BZA?

The following must be submitted for consideration:

- One (1) completed Application Form with original signatures of the legal owner and applicant.
- Review fee of \$85.00.
- Copies of any written orders for which the appeal is based.

What are the notification requirements for an appeal?

- Notification must be mailed by Certified Mail to adjacent property owners.
- Applicants must post the supplied sign on the property in question 15 days prior to the Public Hearing. Applicant is responsible for the return of the sign to the Planning Department.
- Notice of the Public Hearing must be posted 15 days prior to the hearing.

What are the possible outcomes of my appeal?

After a public hearing and review, the Board of Zoning Appeals may reverse or affirm, in whole or in part, or may modify the order, requirement, decision, or determination being appealed.

In making its decision, the BZA has the authority to assume all powers and duties of the body or official from whom the appeal was taken.

A concurring vote of the majority of the membership of the Board of Zoning Appeals is necessary to reverse an order, requirement, decision, or determination being appealed, or decide in favor of the applicant on any matter.

Board of Zoning Appeals

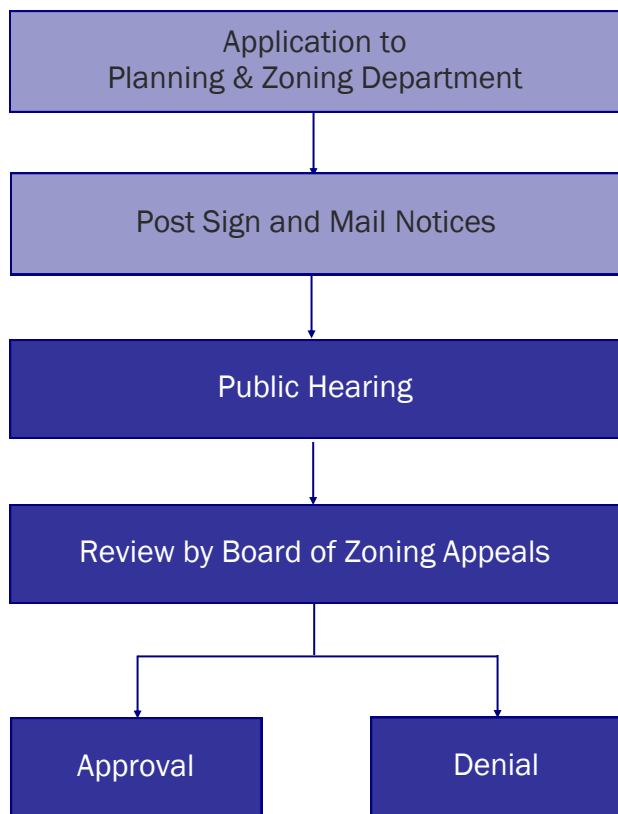
Overview

Variations

What is the variance process?

Since a variance is the result of a condition unique to a particular property or structure and not the result of an administrative action, a “denial” is not a required precedent to an application.

Projects that require site plan review must first be reviewed by the DRC before an application is submitted to the Board of Zoning Appeals.



Variations may not be granted for any approved conditional use or Planned Unit Development.

A concurring vote of the majority of the membership of the Board of Zoning Appeals is necessary to grant a variance.

How do I request a variance?

The following must be submitted for consideration:

- One (1) completed Application Form with original signatures of the legal owner and applicant.
- Review fee of \$85.00.

What are the notification requirements for a variance?

- Notification must be mailed by Certified Mail to adjacent property owners.
- Applicants must post the supplied sign on the property in question 15 days prior to the Public Hearing. Applicant is responsible for the return of the sign to the Planning Department.
- Notice of the Public Hearing must be posted 15 days prior to the hearing.

What are the standards for BZA review?

The BZA may grant a variance to the Zoning Ordinance if it finds that the variance:

- Will not adversely effect the public health, safety, welfare or the rights of adjacent property owners, residents or the neighborhood.
- Arises from special conditions or attributes which pertain to the property for which a variance is sought and which were not created by the person seeking the variance.
- Would eliminate an unnecessary hardship and permit a reasonable use of the land.
- Will allow the intent of the Zoning Ordinance to be observed and substantial justice done.
- Is the minimum variance that will accomplish this purpose.

