

**BOARD OF ZONING APPEALS
APPLICATION FOR USE PERMITS AND VARIANCES**

ARLINGTON COUNTY, VIRGINIA
DEPARTMENT OF COMMUNITY PLANNING, HOUSING AND DEVELOPMENT
ZONING DIVISION
2100 CLARENDON BOULEVARD SUITE #1000
ARLINGTON, VIRGINIA 22201
(703) 228-3883 • Fax (703) 228-3896

DATE: _____

I _____ Owner _____
We _____ Occupant _____
Contract Owner _____

of Lot (s) _____ Block _____ Sec. _____ Subdivision _____

Address _____ RPC# _____ Civic Association _____

hereby apply for a Use Permit _____ Variance _____ to Article _____ Section _____ of the Zoning Ordinance as
contained in the appendix of the Arlington County Code to permit _____

Lot Coverage: Existing _____ S.F. _____ % Proposed _____ S.F. _____ %

Main Building Footprint: Existing _____ S.F. _____ % Proposed _____ S.F. _____ %

Make checks payable to: Treasurer of Arlington County Owner's Name (s) _____

ZONE _____
DATE FILED _____
FEE _____
RECEIPT # _____
RECEIVED BY _____
PREVIOUS CASES _____

Signature _____

Address _____

Zip _____ Telephone _____

Email _____

Agent's Name _____ Title _____

Address _____

Zip _____ Telephone _____

Email _____

October, 2011
Updated July, 2013

TO: APPLICANTS FOR PUBLIC HEARING CASES

FROM: ZONING DIVISION

SUBJECT: Disclosure Statement for Public Hearings of County Board
Planning Commission and Board of Zoning Appeals

As an applicant for a case that will be considered by the County Board or the Board of Zoning Appeals (Rezoning, Site Plan Approvals and Amendments, Use Permits and Amendments, and Variances), you are required to file a complete disclosure of the equitable ownership and parties interest of the real estate that is the subject of the application. This requirement is contained in Article 15, Section 1.3. of the Arlington County Zoning Ordinance and Title 15.2 of the Code of Virginia. The purpose of the Disclosure Statement is to document the ownership interests of the property or properties that are the subject of the application. The following information is provided to assist you in preparing an accurate and complete Disclosure Statement which will help avoid otherwise unnecessary deferrals of the public hearing date for which you have filed your application.

A complete Disclosure Statement must be filed with your application by the FINAL FILING DEADLINE for you application to be complete and therefore accepted for processing. The Statement must be notarized. (*It does not have to be notarized in Virginia.*) It is very important that you review your Disclosure Statement for accuracy and completeness before you file it with the County. As with all application information, the Disclosure Statement is available to the public for review.

Particular attention should be paid to the following elements of your statement:

- > Partnership information must list all General and Limited Partners and be broken down successively until ONLY INDIVIDUAL PERSONS are listed.
- > Corporate information and all stockholders (except those that are traded on a national or local stock exchange and have more than 500 shareholders) must list the names of officers and directors of the corporation. For Corporations that are not traded on a national or local stock exchange, stockholders must be identified as well.
- > Whenever a trust is listed, the beneficiaries must be identified.
- > Addresses of partnerships, corporations, trusts, etc. must include the street address or post office box number, city, state, and zip code. Telephone numbers are not required.
- > Identification of the interest of the persons and firms listed. This should identify the nature of the interest (ie. Owner, contract owner, lessee, general or limited partner, beneficiary, mortgage holder, etc.). The percent of interest is not required.

Disclosure Statement

TYPE OR PRINT IN INK

Case No. _____

Complete the following:

1. Description of the real estate affected

List the addresses of all property that is affected by the application. Provide the lot, block, section, and sub-division of all parcels only if the properties have not been subdivided.

Address(es) _____

Lot(s) _____ Block _____

Section _____ Subdivision _____

2. Is the owner of said real estate, a corporation whose stock is traded on a national or local stock exchange and having more than five hundred (500) shareholders?

YES _____ NO _____ If "Yes," give the name of the corporation and skip to item 4

3. List the names, addresses, and nature of interest of ALL persons having equitable ownership of the real estate to be affected, including, in the case of corporate ownership, the names of stockholders, officers, and directors; and of ALL parties in interest.

PARCEL ADDRESS	NAME	ADDRESS	NATURE OF INTEREST

4. I hereby certify that this is a true and accurate disclosure of all persons having equitable ownership real estate to be affected and of all the parties in interest.

Applicant's signature _____

Applicant's signature _____

Applicant's address _____

STATE OF VIRGINIA, COUNTY OF _____ TO WIT: _____

Subscribed and sworn before me this _____ day of _____, 20 _____

Notary _____

My commission expires _____

DISCLOSURE STATEMENT

Information and Instructions

Hearings and Filing Deadlines

- The BZA holds a scheduled public hearing on requests for Variances and Use Permits each month (except January) starting at 7:00 p.m. in Room 307, #1 Courthouse Plaza, 2100 Clarendon Boulevard, unless otherwise noticed.
- Applications (available in Suite 1000 at 2100 Clarendon Blvd) must be filed with the Zoning Division for review and processing in accordance with the Board of Zoning Appeals, Variance and Use Permit Filing & Public Hearing Dates schedule. A consent letter from the property owner is required if the applicant is not the current owner. Although you may submit a Variance or Use Permit application at any time, if you are attempting to apply for a particular BZA meeting date, a complete Application must be filed in accordance with the listed deadlines. Late or incomplete applications will not be accepted for the upcoming scheduled hearing.
- Early filings and consultation with Zoning Staff is advisable to determine the nature, need, and suitability of any Variance or Use Permit request.
- County Staff completes the following: Adjacent property owners are notified of the request by mail. Placards will be posted on the subject property and in the immediate neighborhood. A Public Notice describing each request is published twice in the Washington Times two consecutive weeks prior to the week of the hearing.

All applications and submitted materials will be available for public examination in the Zoning Division, Suite 1000, at 2100 Clarendon Boulevard, and will be available online once the application is accepted as complete.

BZA Filing Fees:

BZA filing fees must accompany the application, and are collected regardless of the outcome of the application with the BZA. These fees are 50% refundable only upon written request that the application be withdrawn prior to the advertisement of the Public Notice for the hearing.

BZA filing fees are assessed based both on the type of application and the number of subsections of the Zoning Ordinance that require modification or relief.

Detailed information on the applicable BZA filing fees can be found in the Zoning Division Fee Schedule.

<https://arlingtonva.s3.amazonaws.com/wp-content/uploads/sites/38/2017/05/Consolidated-Zoning-Fee-Schedule.pdf>

The Application - One Copy for Each of the Following:

- **Application Form:** A fully completed Application form.
- **A Certified Survey Plat:** Applicants are required to submit at least one certified survey plat of their property. **All plats must be to scale**, and provided on paper measuring either 8 ½" x 11" or 8 ½" x 14". It is also strongly recommended that applicants provide two separate plats: (1) a plat showing the existing conditions of the subject property, including setbacks to all relevant structures (including eaves), and (2) a plat showing the proposed condition of the subject property, including the proposed setbacks to all the same structures. It is highly recommended that plats submitted with any BZA application be no more than 10 years old. Please be advised that older plats were created without the benefit of modern surveying technology, and may not show setback dimensions accurately. Ultimately, it is the sole responsibility of the applicant to submit correct information in their application. Inaccuracies on plats may result in a BZA application being deferred or denied. Inaccuracies on a plat may also result in a structure that can not be built in accordance with the BZA's approval, or when built in an incorrect location, necessitate subsequent applications to the BZA for building location errors, which are assessed at a higher fee.

The plat of the subject property prepared by a surveyor or engineer licensed by the Commonwealth of Virginia showing:

1. All existing structures on the site including additions, sheds, decks, garages, porches, stoops, swimming pools, etc. with dimensions to lot lines; and all driveways and parking and maneuvering space.
2. All proposed improvements drawn to scale with dimensions indicated (e.g. porches, garages, sheds, air conditioning units, room additions and new dwellings).
3. All easements for street purposes (e.g. public sidewalks, curb/gutter, planting strip, utilities, vehicle space) and stormwater and sanitary sewer lines, electrical service and others.

- **Statement of Justification - Use Permits - please describe the following:**

1. What positive or negative effects the proposal will have on the health and safety of persons residing in the neighborhood.
2. What positive or negative effects the proposal will have on the public welfare and to property or improvements in the neighborhood.
3. Whether or not the proposal will be in conflict with the purposes of the master plans and land use and zoning related policies of the County.
4. Whether or not the proposal will promote compatibility of development with the surrounding neighborhood; i.e. the structure's overall size and footprint size and placement are similar to the structures on the properties surrounding the lot in question; and whether or not the proposal will help preserve natural land form, historical features and/or significant trees and foliage.

- **Statement of Justification - Variances - please describe the following:**

1. The physical characteristics of the property, e.g. exceptional narrowness, shallowness, size, shape or unusual topography, or the condition of or developments on abutting property including public streets and alleys.
2. How the strict application of zoning requirements would prohibit or unreasonably restrict use of development of the property as a result of the above described conditions.
3. How the size or placement of the proposal is justified by physical conditions and why a modified proposal could not be built in conformance with zoning requirements.
4. What impacts, positive or negative, the proposal may have on abutting properties.

- **Comments from adjacent property owners, other neighbors, and civic associations** which assist the BZA in making its required findings.

- **Architectural Drawings** of proposed construction which shall include a full set of elevation drawings showing all visible sides of the proposed structures and full floor plans indicating dimensions of changes and features desired. It is strongly recommended that applicants provide floor plans and elevation drawings of existing conditions. **All architectural drawings must be on 8.5" X 11" paper and all notations must be legible.**

- A notarized Disclosure Statement (use attached form) indicating all owners of the property in question and mortgage holders.

- **Public Hearings Procedures**

- Cases are heard starting at 7:00 p.m. in the order they appear on the Public Notice. Hearings are informal in character and Board members may ask questions and comment at any time.
- The "Burden of Proof" in justifying the Variance or Use Permit is on the applicants. They are heard first. Persons in support of or in opposition to the proposal follow with needed rebuttal time provided for the applicant. Speaker slips, for persons other than applicants, must be filled out and submitted to the recording secretary prior to the case being called.
- Written statements (six copies preferred) can accompany oral testimony. Photo slides of the property are shown and can be used to describe existing conditions and proposed developments.
- The BZA makes decisions on each case following testimony and discussion. Approvals are effective immediately and may include **modifications and conditions of approval** imposed by the BZA. Building Permit requests can be submitted the next day. Deferred cases are usually heard at the next scheduled hearing.
- **If approval is given, the applicant(s)** must submit four (4) copies of a Wall Check after completion of the foundation walls and/ or a Final Plat including eave lines and any other projections from the new structure. The type of plat required is determined at the time of Zoning Plan Review. All plats must be certified by a licensed engineer/surveyor and must be to scale
- Variances and Use Permits granted must receive approval of a Building Permit by the Zoning Division within one year of approval. Lapsed approvals, changes in construction plans approved by the BZA, and denied requests can only be resubmitted via a new application.

NOTICE! The Zoning Division does not have the authority to permit changes to BZA approvals and/or conditions, thus Building Permit plans submitted after approval of a Variance or Use Permit by the BZA may only be changed by repeating the BZA application and public approval process. Re-application requires an applicant to pay the fees again and wait approximately two (2) months to be heard at the next scheduled hearing. Construction plan designs must be final when submitting for a BZA application.

Example: Generic condition imposed by BZA for approval of Variances and Use Permits.

“The applicant agrees that the structure/addition shall be constructed in accordance with the footprint shown on the survey, and the architectural drawings attached to the staff report dated _____ and that no enlargement of the structure/addition may be made in any dimension shown on the plat or architectural drawings”.

- **Right to Appeal:** The Code of Virginia provides that any person aggrieved by a decision of the Board of Zoning Appeals may, within thirty (30) days of that decision, file a petition with the Circuit Court to review the decision.

VARIANCE AND USE PERMIT APPLICATION CHECK LIST

Application Form:

_____ The application form must be completed in its entirety including a brief description of the project, Civic Association name, address, and daytime telephone number. Applications that are not fully completed will not be accepted.

Disclosure Statement:

_____ The Disclosure Statement is required by state law. It must list all persons having an equitable ownership interest in the property in question, including any mortgage company. The Disclosure Statement must be signed and notarized. Applications that do not have a fully completed and notarized Disclosure Statement will not be accepted.

Statement of Justification:

Use Permits:

_____ The Statement of Justification should discuss the positive or negative effects the proposal will have on the health and safety of persons residing in the neighborhood, the positive or negative effects the proposal will have on the public welfare and to property or improvements in the neighborhood, whether or not the proposal will conflict with the purposes of the master plans and land use and zoning related policies of the County, and whether or not the proposal will promote compatibility of development with the surrounding neighborhood, i.e. the structure's overall size and footprint size and placement are similar to the structures on properties surrounding the lot in question; and whether or not the proposal will help preserve the natural land form, historical features and/or significant trees and foliage.

Variances:

_____ The Statement of Justification should include a description of the hardship, if any, e.g., exceptional narrowness, shallowness, size, shape or unusual topography, or the condition of, or development, on abutting property including public streets and alleys and how such hardship, if any, justifies a variance. The Statement Of Justification should also discuss how the strict application of the zoning requirements would prohibit or unreasonably restrict the use of the property; whether the hardship is shared generally by other properties in the vicinity and zoning district; and whether the variance would be detrimental to adjacent properties or change the character of the neighborhood.

Certified Survey Plat:

A Survey Plat prepared and certified by a surveyor or civil engineer licensed by the Commonwealth of Virginia. The Survey Plat must be to scale and show the surveyor's seal. Plats that have been reduced (except as noted below) or enlarged, or that are not clearly legible will not be accepted. The applicant may be able to obtain a plat at the Zoning Counter. However, Zoning Division provides these plats as a courtesy only and does not certify that the plats are to scale or that the plats show all improvements on the property. Most survey plats are legal size (8 ½" by 14"). If the applicant's certified survey plat is larger than legal size, one full sized copy and one copy reduced to 8 ½" by 11" shall be submitted. This survey plat must show all existing and proposed improvements on the lot, including proposals that can be approved by-right. An Architect's site plan may not substitute for a survey plat certified by a Surveyor or Engineer.

VARIANCE AND USE PERMIT APPLICATION CHECK LIST

_____ The Survey Plat must show the footprint of all existing and proposed improvements to scale with dimensions and the distances to the closest lot lines. It is the applicant's responsibility to make sure that all proposed improvements including, but not limited to, buildings, stoops, porches, decks, balconies, eave lines, bay windows, hot tubs, accessory structures and air conditioning units are shown on the plat. It is the applicant's responsibility to provide accurate dimensions and distances. A scaled distance may not be accurate. If you are in doubt hire a surveyor.

Main Building Footprint:

_____ A calculation of the existing Main Building Footprint and the proposed Main Building Footprint must be provided in the space on the front of the application. The calculation of the Main Building Footprint should include all parts of a main building that rest, directly or indirectly, on the ground, including, by way of illustration and not by limitation, attached garages, bay windows with floor space, chimneys, porches, decks supported by posts and with floor heights that are four (4) feet or higher above grade, cantilevered decks with horizontal projections that are four (4) feet or more and covered breezeways connected to a main building.

Lot Coverage:

_____ A calculation of the existing and the proposed Lot Coverage must be provided in the space on the front of the application. The Lot Coverage is the percentage determined by dividing (a) the area of a lot covered by the total (in square feet) of: (1) the footprint of the main building; and (2) the total footprints of accessory buildings [counting only buildings with footprints larger than one hundred and fifty (150) square feet]; and (3) parking pads and driveways; by (b) the gross area of that lot. In some cases Zoning Staff may require that lot coverage be calculated by a licensed surveyor.

Architectural Drawings:

_____ A full set of Architectural Drawings is required for Variances and Use Permits for all structures. The Architectural Drawings must be on letter sized (8 ½" by 11") paper. The Architectural Drawings must include elevations and floor plans and must be legible. Variance and Use Permit applications submitted without a complete set of Architectural Drawings will not be accepted. Poorly drawn hand sketches will not be accepted.

_____ Elevation Drawings: Must show all visible sides of existing and proposed structures. Elevations must show the height of structures from grade to the top of the structure, or midpoint of the roof. Sections shall be provided for detached garages. Drawings that are in color or have been shaded are discouraged because they do not copy well.

_____ Floor Plans: A full set of Floor Plans showing the entire level where work is taking place. The rooms must all be labeled and exterior dimensions must be provided from edge-to-edge of all structures. An entire basement floor plan is required for the addition of new areaways and/or window wells. Unenclosed porches and decks do not require an entire floor plan of the home but these may be helpful; however a floor plan must be provided for the new structure itself.

Neighborhood Outreach:

_____ All applicants for a Variance or Use Permit should discuss their project with their neighbors and, if possible, have the neighbors provide a statement or sign a petition in support of the proposal. It is also advised that Applicants discuss their project with the local Civic Association and obtain a statement of support from the association.

_____ The applicant hereby gives permission to Arlington County Zoning Staff to enter the subject property in order to take photographs which will be viewed by the BZA and residents at the public hearing.



DEPARTMENT OF COMMUNITY PLANNING, HOUSING AND DEVELOPMENT
Zoning Division
#1 Courthouse Plaza, 2100 Clarendon Boulevard, Suite1000
Arlington, VA 22201
TEL 703.228.3883 FAX 703.228.3896 www.arlingtonva.us

APPLICANT AUTHORIZATION FORM

Date and Time _____

Address _____

Name(s) & Phone # _____

Owner's Name (if available at this time) _____

E-mail Address _____

Applicant hereby gives to Arlington County Zoning Division staff permission to enter the application property to take photographs for view by the B.Z.A. at the public hearing.

Signature

Date



BOARD OF ZONING APPEALS
ARLINGTON COUNTY, VIRGINIA

2100 Clarendon Boulevard • Suite 1000 • Arlington, VA 22201
TEL. 703.228.3562 • www.commissions.arlingtonva.us/bza

Notice to Applicants Regarding Neighbor Outreach

Under Virginia law, one important purpose of a Board of Zoning Appeals (BZA) hearing is for affected neighbors to be able to provide the BZA important information. This is why we, like other BZAs, want neighbors' perspectives: to help the BZA evaluate the legal criteria for granting a Use Permit, Variance, or Appeal. Neighbors do not have a veto over proposals, however – BZAs make their own independent judgments.

Arlington County provides legal notices of your application to your neighbors, but we expect you to make direct contact as well. **You should contact each of your affected neighbors and, when possible, get their written feedback.** This includes sharing your plans promptly and providing written responses from each of those neighbors as part of your submission to the BZA.

Comments from your neighbors may be in the form of letters, emails, or signatures on a petition and should include the full name and address of each person who signs. **The BZA staff should receive these written comments at least one week prior to your hearing date,** so that we can read them before the hearing. (If you get more responses in the final week, you should bring seven (7) paper copies of them to the staff at start of the hearing.)

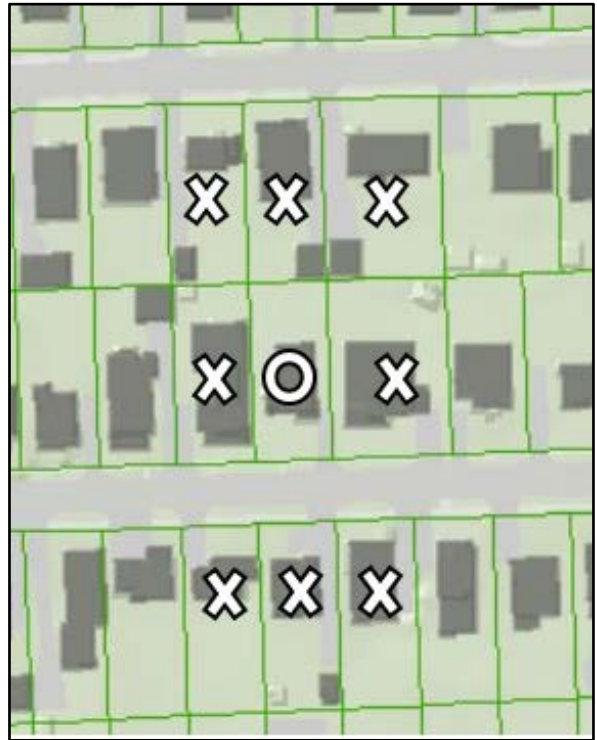
If a property owner does not live in their house, you can get their mailing address of record from Arlington County at <https://propertysearch.arlingtonva.us/>. If you cannot get written comments from the owner, you should try to get them from the tenants. If the neighbor is an institution (such as a church, public organization, park, school, or business) we would like feedback from their representatives.

We expect you to contact, **at a minimum,** all “adjacent” neighbors, who will receive the County’s notice and be expecting to hear from you. Your adjacent neighbors are those who live next door, across the street, and behind your property. The diagrams on the next page show two examples showing “adjacency” for a hypothetical applicant’s property and the neighboring properties. (These are only a sample and the layout and adjacencies of your property may differ.)

Example Diagrams of Neighbors Considered “Adjacent”

⊙ Applicant’s Property

⊗ Adjacent Property



If there are additional neighbors that could also be affected (for example, neighbors who could experience changes to what they see as they look at your property, changes in their shade, changes in water runoff, or changes in noise), you should include them as well. When in doubt, you should get written feedback from more neighbors. **If you are missing written feedback from an adjacent or affected neighbor, provide us with an explanation about how you tried to get it.**

It can also be helpful to ask for comments from the local neighborhood association, especially if your request is unusual for your neighborhood.

Effective neighbor outreach can also help prevent surprises at the hearing and delays for your project. Thank you for your efforts to provide us a complete application.