

**THIS PAMPHLET OUTLINES THE PROCESS FOR OBTAINING A VARIANCE IN THE TOWN OF WARRENTON. THIS IS A GENERAL GUIDE FOR THE OWNER/BUILDER. PLEASE CONSULT SECTION 11-3.11 OF THE ZONING ORDINANCE FOR MORE INFORMATION.**

**Variance**

**Definition:** A variance is a relaxation of the terms of the Zoning Ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of actions of the applicant, a literal enforcement of the Ordinance would result in unnecessary and undue hardship (See Section 11-3.11)

No such variance shall be authorized by the Board unless it finds **all** of the following:

- 1) That strict application of the Ordinance would produce undue hardship;
- 2) That such hardship is not shared generally by other properties in the same zoning district and the same vicinity;
- 3) That the authorization of such variance will not be a substantial detriment to adjacent property and that the character of the district will not be changed by the granting of the variance and

- 4) That the condition or situation of the property concerned or the intended use of the property 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.

In authorizing a variance the Board may impose such conditions regarding the location, character, and other features of the proposed structure for use as it may deem necessary in the public interest and may require a guarantee or bond to ensure that the conditions imposed are being and will continue to be complied with.

No such variance shall be authorized except after notice and hearing as required by § 15.1-431 of the Code of Virginia 1950, as amended; and

**Unauthorized Variances:**

- 1) No variance shall be authorized that would permit the establishment of any use not otherwise permitted in the zoning district under the specific provisions of the Zoning Ordinance.
- 2) No variance shall be authorized that would result in an increase in density from that permitted by the applicable zoning district regulations.
- 3) No variance shall be authorized that would relate to a nonconforming use.
- 4) No variance shall be authorized that would reduce the amount of off-street parking space required by Article 7.
- 5) No variance shall be granted that would relate to signs.
- 6) No variance shall be authorized in

cases where the applicant, subsequent to the date of the Zoning Ordinance, has purchased a portion of a larger parcel that does not comply to Zoning Ordinance provisions.

- 7) No variance shall be authorized that would permit the establishment of any use not otherwise permitted in a floodplain.
- 8) No variance shall be authorized merely for the purpose of convenience or economic hardship.

**Fees:** The fee for processing a variance shall be established by the Town Council by resolution. Please ask a staff member for a current fee schedule.

**SUBMITTED VARIANCES MUST INCLUDE PAYMENT OF REVIEW FEES.**

**THE BOARD OF ZONING APPEALS MEETS ON THE FIRST TUESDAY OF THE MONTH AT 5:00 P.M.**

**THE APPLICATION DEADLINE IS THE MEETING DATE THE MONTH PRIOR TO WHEN A CASE WILL BE HEARD (i.e. JULY 6 FOR AUGUST 2 MEETING).**

**IN ORDER TO HEAR A REQUEST FOR A VARIANCE, THE BOARD MUST HOLD A PUBLIC HEARING. PRIOR TO HOLDING A PUBLIC HEARING, THE REQUEST MUST FIRST BE ADVERTISED IN THE NEWSPAPER, AND ADJACENT PROPERTY OWNERS NOTIFIED.**

# VARIANCE



## TOWN OF WARRENTON VARIANCE REGULATIONS AND PROCEDURES

1. Review Article 11-3.11 of the Town's Zoning Ordinance to determine if requesting a variance is a viable option for you. Closely review this pamphlet to become familiar with what the Board is required to find before a variance can be authorized.
2. File a Variance application with the Department of Planning and Community Development. The application must include all required information, as well as all required fees.
3. Attend the Board of Zoning Appeals meeting to present your application.

## AN OVERVIEW OF VARIANCE REGULATIONS AND PROCEDURES

**FOR FURTHER INFORMATION  
AND ADDITIONAL HELP PLEASE  
CONTACT:**

**The Department of Planning and  
Community Development  
18 Court Street  
Warrenton, VA 20186  
(540) 347-2405  
Monday-Friday:  
8:00 a.m. 4:30 p.m.**

**\*Contact the Department of Planning  
and Community Development if you  
require any assistance or have any  
questions during this process.**

**PREPARED BY:  
THE DEPARTMENT OF  
PLANNING AND COMMUNITY  
DEVELOPMENT**