



Department of Planning & Zoning
25 West Market Street, Leesburg, Virginia 20176
(703) 771-2765 / Fax-(703) 771-2724 www.leesburgva.gov/planning

BOARD OF ZONING APPEALS APPLICATION INFORMATION

This packet contains information on how to process a variance or an appeal of a zoning determination in the Town of Leesburg, Virginia. The following application form describes what a variance is, includes copies of the various required documents, and provides instructions on how to complete the application form. The application can be found on the Town's website using the following link <http://www.leesburgva.gov/government/boards-commissions/board-of-zoning-appeals>.

What is the Board of Zoning Appeals?

The Board of Zoning Appeals (BZA) hears and decides cases for variance requests, appeals of administrative decisions, and appeals of zoning map interpretations. The BZA is a quasi-judicial body whose members are appointed by the Chief Judge of Loudoun County Circuit Court.

What is a variance?

A variance is a reasonable deviation from certain requirements of the Zoning Ordinance that would otherwise result in an unreasonable restriction on the use of property.

The Board of Zoning Appeals is authorized to approve a variance from the provisions regulating:

- The size, shape, or area of a lot; or
- The size, height, area, bulk, setback, open space, yards, or location of buildings or structure.

The Board of Zoning Appeals is not authorized to approve a variance from the provisions regulating:

- Use of property or density of development; or
- Building or structures including Floor Area Ratio; or
- density of The size, shape, or area of a lot; or
- Use and activity within any flood plain resulting in an increase in the 100-year flood elevation; or
- Signs

What is an appeal of a zoning determination?

The Zoning Administrator can be requested, in writing, to interpret the application of the regulation(s) contained within the Zoning Ordinance. The Board of Zoning Appeals is authorized to hear and decide appeals where it is alleged there is an error in any decision of the Zoning Administrator or any order, requirement, decision or determination made by an administrative official in the administration or enforcement of the Zoning Ordinance. In this capacity, the Board of Zoning Appeals exercises appellate jurisdiction as a quasi-judicial body; its responsibility is to determine the intent of the Zoning Ordinance when applied to a particular fact situation.

What is the application procedure?

Prior to initiating an application, the applicant is encouraged to schedule a pre-application meeting with Town staff. Pre-application meetings can be scheduled by contacting Michael Watkins, Assistant Zoning Administrator, via e-mail at mwatkins@leesburgva.gov or via phone at (703) 737-7920. The intent of the pre-application meeting is to review the circumstances of the hardship, the application review procedures, and approval criteria, before the application is submitted.

Applications are received by the Planning and Zoning Department located on the Second Floor of Town Hall, 25 West Market Street, Leesburg, VA 20176. Within five (5) business days, the Zoning Administrator shall provide notification of the application's completeness and/or acceptance.

Applications accepted for review are scheduled for a public hearing based on the Board of Zoning Appeals calendar. A copy of the meeting calendar is attached to this application package. A staff report is prepared and made available a week before the public hearing. The public hearing is advertised in a local paper for two consecutive weeks prior to the hearing date. A placard is prepared by Town Staff and is required to be posted by the applicant fifteen (15) days in advance of the public hearing. The applicant is required to provide notice of the public hearing to adjacent and confronting property owners no less than ten (10) calendar days before the public hearing.

The Board of Zoning Appeals public hearings are held in the Council Chamber located on the 2nd floor of Town Hall, 25 West Market Street, Leesburg, VA 20176. Public hearings begin at 7:30, unless advertised differently.



BOARD OF ZONING APPEALS APPLICATION

Town of Leesburg, Virginia

Department of Planning & Zoning
 25 West Market Street, Leesburg, Virginia 20176
 (703) 771-2765 / Fax-(703) 771-2724

TLZV _____ - _____

Date Application Received	Application Accepted By	Dated Application Accepted

As the owner for the property described below, I do hereby certify that I have the authority and do by grant and convey the applicant and/or authorized agent to make this application as described below. I hereby affirm that the information contained in this application is true and correct to the best of my knowledge, information, and belief.

As owner, I acknowledge and consent to the inspection of the property by the Zoning Administrator or his/her designee and the members of the Board of Zoning Appeals to perform site inspections during normal business hours to investigate existing conditions of the property and the nature of the request.

Owner:	Phone:
Address:	Fax:
	E-Mail:
	Signature

Applicant:	Phone:
Address:	Fax:
	E-Mail:
	Signature

Authorized Agent:	Phone:
Address:	Fax:
	E-Mail:
	Firm/Company Name:

Property Address:	
Parcel Identification Number:	
Subdivision:	Current Zoning:

The Board of Zoning Appeals may grant a variance only if the applicant can clearly demonstrate a legal hardship. State Code Section §15.2.2309 states that the Zoning Administrator shall be presumed to be correct and that the burden of proof is on the Applicant to justify the actions of the Zoning Administrator incorrect or provide evidence to approve a variance or zoning determination appeal application. Applicant's initials

In granting the variance, the BZA may impose such conditions regarding the location, character, and other features of the proposed structure or 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. The BZA must be satisfied, based on the evidence provided, that granting a variance will alleviate a demonstrated hardship. Applicant's initials

Brief Description of the requested variation / zoning determination appeal:

How does the Zoning Ordinance unreasonably restrict the use of the property:

What hardship would the requested variance alleviate:

Was the hardship created by the owner/applicant:

What physical features of the property make the variance necessary:

Describe how the condition or situation is unique to this property:

Would the variance have a negative effect on adjacent properties:

Additional information can be provided separately from this form.