



BOARD OF ZONING APPEALS
APPLICATION FOR USE PERMITS AND VARIANCES

Case No. \_\_\_\_\_

ARLINGTON COUNTY, VIRGINIA
DEPARTMENT OF COMMUNITY PLANNING, HOUSING AND DEVELOPMENT
ZONING ADMINISTRATION
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 \_\_\_\_\_

premises known as \_\_\_\_\_ Civic Association \_\_\_\_\_

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

Lot Coverage: Existing \_\_\_\_\_ Proposed \_\_\_\_\_

Main Building Footprint: Existing \_\_\_\_\_ Proposed \_\_\_\_\_

Make checks payable to: Treasurer of Arlington County

Form box containing fields: ZONE, PROPOSAL FILED, FEE DEPOSITED, C.R.I.F. NO., FEE, RECEIVED BY, Previous Cases

Print Name \_\_\_\_\_

Signature \_\_\_\_\_

Address \_\_\_\_\_

Zip \_\_\_\_\_ Daytime Telephone \_\_\_\_\_

Agent Contact Information:

Name: \_\_\_\_\_ Title \_\_\_\_\_

Address \_\_\_\_\_

Zip \_\_\_\_\_ Telephone \_\_\_\_\_

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 DEPARTMENT OF COMMUNITY PLANNING, HOUSING AND DEVELOPMENT  
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**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.

<u>PARCEL ADDRESS</u>	<u>NAME</u>	<u>ADDRESS</u>	<u>NATURE OF INTEREST</u>

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 address \_\_\_\_\_

STATE OF VIRGINIA, COUNTY OF \_\_\_\_\_ TO WIT: \_\_\_\_\_

Subscribed and sworn before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

Notary \_\_\_\_\_

My commission expires \_\_\_\_\_

**August 14, 2000**

**TO:** APPLICANTS FOR PUBLIC HEARING CASES

**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 Admndments, 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 Section 36, Subsections E-5, F-6, G-7, and H-7 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.

## 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 engineer licensed by the Commonwealth of Virginia. The Survey Plat must be to scale and show the surveyor's or engineer's seal and signature. Plats that are 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 Administration 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 certified 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" may be submitted. An Architect's site plan may not substitute for a certified survey plat.

\_\_\_\_\_ 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, 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 should be provided on the County's worksheet, and the percentage 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, stoops, 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 should be provided on the County's worksheet, and the percentage 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 fifty (150) square feet, or with heights of two stories or more]; and (3) parking pads and driveways; by (b) the gross area of that lot. In some cases zoning administration may require that lot coverage be calculated by a licensed surveyor.

#### Architectural Drawings:

\_\_\_\_\_ A full set of Architectural Drawings is required for Variances involving new dwellings, additions to the living space of an existing dwelling, and certain accessory structures. The Architectural Drawings must be on letter sized (8 1/2" by 11") paper. The Architectural Drawings must include elevations and floor plans. Variances involving decks, stoops, balconies, covered porches and certain accessory structures require elevation drawings only. Variance 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 the existing and proposed structures. The Elevation Drawings must show the height dimension of the front and rear corners of the structure. Computer generated drawings that are in color or darkly shaded are discouraged because they do not copy well.

\_\_\_\_\_ Floor Plans: A full set of Floor Plans showing all levels of the structure is required for all new dwellings, all additions to the living space of an existing dwelling and certain accessory structures. The rooms must be labeled and dimensioned.

#### Neighborhood Outreach:

\_\_\_\_\_ All applicants for a Variance should discuss their project with their neighbors and, if possible, have the neighbors sign a statement in support of the proposal. It is also advised that Applicants discuss their project with their Civic Association.

# Information and Instructions Variance and Use Permit Applications

## 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 Room 1000 at 2100 Clarendon Blvd) must be filed with Zoning Administration 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 Board of Zoning Appeals, Variance and Use Permit Filing & Public Hearing Dates schedule. Late or incomplete Applications will not be accepted.
- 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 takes the following actions: notifying adjacent property owners of the request by mail; posting notices on the property and the immediate neighborhood; ensuring a Public Notice describing each request is published twice in the Washington Times prior to the hearing.
- Applications and required materials will be available for public examination in the Office of the Zoning Administrator, Room 1000, at 2100 Clarendon Boulevard.

## Filing Fees (effective July 1, 2010)

- **ADD AUTOMATION ENHANCEMENT FEE, 10% OF TOTAL FEES BELOW, TO EACH FEE.**
- Additions to Existing Single Family Dwellings - \$341 for 1st subsection. Each additional subsection is an additional \$69.
- New Single Family Dwellings - \$2,689 for 1st subsection. Each additional subsection is an additional \$538.
- Building Location Error for New Structures - \$4,044. Does not apply to errors in fence or accessory structure placement.
- High Density Residential, Town Houses, Garden Apartments, Office Buildings, Other Commercial Buildings - \$3,350 for 1st subsection. Each additional subsection is an additional \$670.
- Variance or Use Permit Applications made by Non-profit Organizations & for Non-profit Institutional Uses - \$280.
- Appeals to Determinations of the Zoning Administrator - \$548.
- The fees must accompany the Application. It is refundable if withdrawn prior to preparation of the Public Notice for the request, about three weeks before the hearing.

## The Application - One Copy Each of the Following:

- **Application Form:** A fully completed application form.
- **A Certified Survey 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 storm water 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 property.
  - **Comments from adjacent property owners, other neighbors, and civic associations** which assist the BZA in making its required findings.
  - **Architectural Drawings** of proposed developments and additions which shall include a full set of elevation drawings and floor plans indicating dimensions of changes and features desired. Photos of existing conditions are helpful but are not required. **All architectural drawings must be on 8.5" X 11" paper.**
  - 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 or opposition 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 please) 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. They are effective immediately and may include BZA imposed modifications and conditions for the approval. Building Permit requests can be submitted the next day. Deferred cases are usually heard at the next scheduled hearing.

- Variances and use permits granted must be put into effect within one year of approval. Lapsed approvals, changes in construction plans approved by variance, and denied requests can only be resubmitted via a new application.
- Applicants or aggrieved persons can appeal BZA decisions to the Arlington County Circuit Court. This must be done within 30 days of the decision's filing in the case record.

**If approval is given the applicant(s)** must submit four (4) wall check plats to scale certified by a licensed engineer/surveyor after completion of the foundation walls.

**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.