

# **Board of Zoning Appeals**

## **Application Procedures**

Updated 5/2021



## **Town of Round Hill**

P.O. Box 36  
23 Main St.  
Round Hill, VA 2014  
540-338-7878

This packet contains information on how to process a variance or an appeal of a zoning determination in the Town of Round Hill, VA, describes what a variance is, and provides instructions on how to complete the application form. The application can be found on the Town's website using the following link [BZA Appeals Form | Round Hill VA](#).

### **What is the Board of Zoning Appeals?**

The Board of Zoning Appeals (BZA) hears and decides cases for appeals of administrative decisions, variance requests, and appeals of zoning map interpretations. The BZA is a quasi-judicial body whose members are appointed by the Round Hill Town Council.

## **APPEALS**

### **What is an appeal of a zoning or administrative determination?**

The Zoning Administrator administers and interprets the Town Zoning Ordinance. The Zoning Administrator reviews and issues zoning permits, receives and investigates zoning violations and enforces the Zoning Ordinance. Property owners can also make a written request to the Zoning Administrator for an interpretation and 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 appeal process?**

If a property owner disagrees with a determination made by the Zoning Administrator or a Town administrative officer regarding the Zoning Ordinance, the property owner may appeal the decision to the Board of Zoning Appeals within thirty (30) calendar days of the determination. The property owner must complete the appeal documents found on the Town website or request the documents from Town Staff. A filing fee of \$750.00 is required for each appeal and the appeal will not be accepted without the required fee. The property owner should state the reasons for the appeal and submit all documents, legal support, evidence, exhibits and witnesses to be presented at a public hearing on the appeal. All information to be considered by the Board of Zoning Appeals must be submitted to the Town Office at least 45 days prior to the public hearing.

## **VARIANCES**

### **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 and when the need

for such variance would not be shared generally by other properties and would not be contrary to the purpose of the Zoning Ordinance.

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
- Use and activity within any flood plain resulting in an increase in the 100-year flood elevation; or
- Signs

### **What is the application procedure for a variance?**

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 Melissa Hynes, Zoning Administrator at [mhynes@roundhillva.org](mailto:mhynes@roundhillva.org) or by phone at 540-338-7878. 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.

### **GENERAL INFORMATION – ALL BZA APPLICATIONS**

Applications are received by the Planning and Zoning Department at the Town Office located at 23 Main Street, PO Box 36, Round Hill, VA 20141.

A filing fee of \$750.00 is required for each application. Applications will not be accepted without the required fee. The Zoning Administrator will not be able to accept an application without the required fee.

Please attached the following documents, as applicable, in support of the application:

- 1) **SITE PLAN OF THE PROPERTY.** The site plan should show:
  - a) Property boundaries (i.e., a recent survey).
  - b) Measurements from any existing structure(s) to all property lines.
  - c) Measurements from any proposed structure(s) to all property lines for which a variance is requested and to the nearest structure(s) on an adjoining property.
  - d) Any roads, right of way, easements, etc. adjoining and/or associated with the property.
  - e) Any creek, stream, run, lake, pond, etc. adjoining and/or associated with the property.
  - f) Any other pertinent information that would help explain your application.
- 2) **COPY OF RECORDED DEED TO THE PROPERTY.** Recorded property deeds may be obtained from the Clerk of the Circuit Court located at the Loudoun County Courts Complex in Leesburg, VA.
- 3) **SUPPORTING DOCUMENTATION.** All other evidence of exhibits should be submitted along with this application.

Within five (5) business days, the Zoning Administrator shall provide notification of the application's completeness and/or acceptance.

Appeals and Variance Applications accepted for review are scheduled for a public hearing based on the Board of Zoning Appeals calendar. All materials to be considered by the Board of Zoning Appeals must be received by the Zoning Administrator at least 45 days prior to the public hearing. The Board of Zoning Appeals holds a public hearing on the last Wednesday of each month at 7:30 pm at the Town Office located at 23 Main Street, Round Hill, Virginia. **The Property Owner, Applicant or an authorized Representative must be present at the meeting of the Board of Zoning Appeals public hearing.**

A staff report is prepared and made available a week before the public hearing. The public hearing is advertised in a local newspaper for two consecutive weeks prior to the hearing date. For variances, 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 written notice of the public hearing to property owners abutting or immediately across the street no less than ten (10) calendar days before the public hearing. An affidavit of notice must be submitted to the Town by the property owner with a copy of the notice and a list of those notified prior to the public hearing.

In authorizing a variance, the Board of Zoning Appeals may impose specific and reasonable conditions, as it may deem necessary in the public interest.

Decisions of the Board of Zoning Appeals may be appealed to the Circuit Court of Loudoun County within thirty (30) calendar days of the decision.

If you have any question regarding these procedures or need assistance in completing a BZA application, please contact the Zoning Administrator at the Round Hill Town Office at [mhynes@roundhillva.org](mailto:mhynes@roundhillva.org) or by phone at (540) 338-7878 .

# Board of Zoning Appeals – Appeal Form

**Fee: \$750**

(Please check one)

- ☐ Variance  
☐ Appeal of Zoning Determination  
☐ Appeal of ZMAP Interpretation



## Town of Round Hill

P.O. Box 36  
23 Main St.  
Round Hill, VA 2014  
540-338-7878

Applicant Name(s): \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Street

City/Town

State/Zip

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Site Address: \_\_\_\_\_

Street

City/Town

State/Zip

Property Identification Number (PIN): \_\_\_\_\_ Lot Size: \_\_\_\_\_

### VARIANCE REQUEST

Variance Requested: \_\_\_\_\_

Alleged Special Conditions: \_\_\_\_\_

Alleged Hardships: (attach additional sheets if necessary) \_\_\_\_\_

### ADMINISTRATIVE APPEALS

Appealing Decision Made by: \_\_\_\_\_ Date of Decision: \_\_\_\_\_

Zoning Ordinance and/or Map Section(s) involved: \_\_\_\_\_

Nature of Alleged Error: (attach additional sheets if necessary) \_\_\_\_\_

### **PLEASE ATTACH A COPY OF THE ORIGINAL DETERMINATION SUBJECT TO APPEAL**

As the owner for the above referenced property, I do hereby certify 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 their 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.

Applicant Signature

Date

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. **Initials:** \_\_\_\_\_

In granting a variance, the BZA may impose 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 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. **Initials:** \_\_\_\_\_

#### **OFFICE USE ONLY**

**Date Received:** \_\_\_\_\_ **Fee Paid:** \_\_\_\_\_ **BZA Application #:** \_\_\_\_\_

**Determination:** ☐ **APPROVED** ☐ **DENIED** ☐ **CONTINUANCE**

**Notes or Conditions of Approval:** \_\_\_\_\_

**Zoning Administrator Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_