



**CITY OF NORFOLK  
BOARD OF ZONING APPEALS  
DEPARTMENT OF CITY PLANNING**

5TH FLOOR, ROOM 508  
810 UNION STREET  
NORFOLK, VA 23510  
(757) 664-4752  
(757) 441-1569 (FAX)  
[WWW.NORFOLK.GOV/PLANNING](http://WWW.NORFOLK.GOV/PLANNING)

**ZONING VARIANCES, APPEALS OR INTERPRETATIONS**



## Application Instructions

- Application must be typed or printed and filled out completely
- Incomplete application will delay the filing process
- Completed Checklist must accompany the application.
- A filing fee of \$270 must accompany the application for any appeal or variance.
  - ◊ For any request for a variance in which work has already been performed or completed, a fee of \$555 shall accompany the application.
- Submittal requirements:
  - Application
  - Survey (11" x17" or smaller)
    - Drawn to scale
    - Show the size and dimensions of the lot
    - All existing structures
    - All proposed structures
    - Curb cuts
    - Off-street parking, loading facilities
    - Screening, and buffering
  - All supporting documents that are filed with the application must be provided
  - Proof that real estate taxes and any other charges that constitute a lien in the land have been paid
  - ALL DOCUMENTS submitted with application become the property of the Board .
  - Applicant or Representative must attend Public Hearing:
    - ▶ Where: City Hall Building  
11th Floor, Council Chambers
    - ▶ Time: 10:00 a.m.

---

**Note 1:** Members of the Board are appointed by the Circuit Court and are empowered to grant appeals and variances.

**Note 2:** The Board is not empowered to grant appeals or variances which are being sought by the applicant for some special privilege or convenience.

**Note 3:** The following examples are common situations where no variance can be requested:

- a) The variance, if granted, would result in a change of use on the property.
- b) There is a duplex on the property when the applicable zoning district only allows single-family residences.

### DEPARTMENT OF CITY PLANNING

5TH FLOOR, ROOM 508  
(757) 664-4752 / (757) 441-1569 (FAX)  
WWW.NORFOLK.GOV/PLANNING

**ZONING VARIANCES, APPEALS OR INTERPRETATIONS**



## **Board of Zoning Appeals Application**

1. Applicant (**print**): \_\_\_\_\_
2. Address of Property (**print**): \_\_\_\_\_
3. I request that a hearing be scheduled before the Board of Zoning Appeals to hear a request for (check all that apply):
  - a. \_\_\_\_ A variance from the regulations of the Zoning Ordinance.
  - b. \_\_\_\_ An appeal from the decision of the Zoning Administrator
  - c. \_\_\_\_ An interpretation of the Zoning District Boundaries.
  - d. \_\_\_\_ An appeal of a Zoning Violation Notice.
4. Lot Numbers \_\_\_\_\_ Block Number \_\_\_\_\_ Lot Size \_\_\_\_\_  
Subdivision or Plat \_\_\_\_\_ Land Zoned \_\_\_\_\_
5. Present Use/Number of structures/Land Improvements:  
\_\_\_\_\_  
\_\_\_\_\_
6. List in detail the nature of your appeal and/or request for a variance:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**DEPARTMENT OF CITY PLANNING**  
5TH FLOOR, ROOM 508  
(757) 664-4752 / (757) 441-1569 (FAX)  
WWW.NORFOLK.GOV/PLANNING

**ZONING VARIANCES, APPEALS OR INTERPRETATIONS**



## **Board of Zoning Appeals Application**

7. When did you acquire the property and from whom?

---

---

**The following questions apply for variance applications:**

8. Is the utilization of the property unreasonably restricted by the strict application of the zoning ordinance because of a physical condition of the property or a disability of someone associated with the property? (Only required if applying for a variance.)

\_\_\_\_\_ Yes                      \_\_\_\_\_ No

If "Yes," describe why the restriction is unreasonable:

---

---

---

9. Is there a physical condition of the property (lot has an exceptional size, shape, or slope) that creates a hardship that the requested variance would alleviate? (Only required if applying for a variance.)

\_\_\_\_\_ Yes                      \_\_\_\_\_ No

If "Yes," describe the physical condition or when/how the hardship originated:

---

---

---

### **DEPARTMENT OF CITY PLANNING**

5TH FLOOR, ROOM 508  
(757) 664-4752 / (757) 441-1569 (FAX)  
WWW.NORFOLK.GOV/PLANNING

**ZONING VARIANCES, APPEALS OR INTERPRETATIONS**



## **Board of Zoning Appeals Application**

10. If you answered "No" to Questions #8 and #9, then stop here. The subject property is not eligible for a variance.

11. If you answered "Yes" to Question #8 or #9, if the variance you request is **not** granted, what, if anything, could the property be used for in the future:

---

---

---

12. Describe the hardship which has limited the use of the property:

---

---

---

13. Are you requesting a variance to afford a person who might use the property some personal convenience that is not currently available under the regulations from which you are seeking a variance? (Only required if applying for a variance.)

\_\_\_\_\_ Yes                      \_\_\_\_\_ No

14. If you answered "Yes" to Question #13, is there any reason for your requesting a variance *other than* obtaining additional convenience?

\_\_\_\_\_ Yes                      \_\_\_\_\_ No

If "Yes," describe:

---

---

### **DEPARTMENT OF CITY PLANNING**

5TH FLOOR, ROOM 508

(757) 664-4752 / (757) 441-1569 (FAX)

WWW.NORFOLK.GOV/PLANNING

**ZONING VARIANCES, APPEALS OR INTERPRETATIONS**



## **Board of Zoning Appeals Application**

**The following questions apply for an appeal to a zoning violation notice or zoning determination:**

15. Has an appeal been filed for this property within the last year?  
\_\_\_\_\_ Yes \_\_\_\_\_ No

16. Is this property currently under any legal action? If so, list the type of action pending (i.e., violation notice for non compliance with construction code regulations; non compliance with zoning regulations; court order related to the specific property under appeal; etc.) and attach a copy of each notice.  
\_\_\_\_\_ Yes \_\_\_\_\_ No

If "Yes," describe:

---

---

17. Have you received a written zoning determination letter?  
\_\_\_\_\_ Yes \_\_\_\_\_ No

If "Yes," attach a copy of the letter.

**DEPARTMENT OF CITY PLANNING**  
5TH FLOOR, ROOM 508  
(757) 664-4752 / (757) 441-1569 (FAX)  
[WWW.NORFOLK.GOV/PLANNING](http://WWW.NORFOLK.GOV/PLANNING)

**ZONING VARIANCES, APPEALS OR INTERPRETATIONS**



## **Board of Zoning Appeals Application**

Please note that variances are difficult to obtain under the law of the Commonwealth of Virginia. The purpose of a variance is to provide a “safety valve” so that the formal regulations of the zoning ordinance do not cause a parcel of property to be rendered useless.

In order to satisfy the requirements of the law and secure a variance from the Board of Zoning Appeals, the applicant must prove **all of the following**:

- (1) The property was acquired in good faith.
- (2) The use of the property is allowed (either by right or by conditional use permit) in the zoning district where the property is located.
- (3) The property is characterized by a physical condition that:
  - (a) Relates to either the property or improvements on the property;
  - (b) Which existed at the time the zoning ordinance regulations seeking to be avoided were made effective; and
  - (c) Either of the following:
    - (i) The strict application of the terms of the zoning ordinance would unreasonably restrict the utilization of the property, or
    - (ii) The granting of the variance would alleviate a hardship.
- (4) The applicant did not create any hardship associated with the use of the property.
- (5) Authorizing the variance would not be substantially detrimental to any adjacent or nearby properties.
- (6) The grant of the variance does not result in a change of use on the property.
- (7) The grant of the variance will not result in a change of the property's zoning classification.
- (8) The relief or remedy being sought by applying for the variance is not available through grant of a Conditional Use Permit nor any other process for modifying a provision of the zoning ordinance that is made available under the Norfolk Zoning Ordinance pursuant to Virginia Code § 15.2-2286(A)(4).

### **DEPARTMENT OF CITY PLANNING**

5TH FLOOR, ROOM 508  
(757) 664-4752 / (757) 441-1569 (FAX)  
[WWW.NORFOLK.GOV/PLANNING](http://WWW.NORFOLK.GOV/PLANNING)

**ZONING VARIANCES, APPEALS OR INTERPRETATIONS**





## **Board of Zoning Appeals Application**

19. I attest that all statements, documents, plans, and other supporting data relative to this appeal and submitted herewith are true to the best of my knowledge and belief.

\_\_\_\_\_  
(Signature of applicant)

\_\_\_\_\_  
(Date application submitted)

\_\_\_\_\_  
(Mailing address - Include City, State & Zip Code)

\_\_\_\_\_  
(Email Address)

\_\_\_\_\_  
(Applicant Name – Please Print)

\_\_\_\_\_  
(Telephone)

\_\_\_\_\_  
(Fax)

\_\_\_\_\_  
(Signature of property owner, if different from Applicant)

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Mailing address - Include City, State & Zip Code)

\_\_\_\_\_  
(Email Address)

\_\_\_\_\_  
(Property Owner – Please Print)

\_\_\_\_\_  
(Telephone)

\_\_\_\_\_  
(Fax)

20. If the owner of the property elects representation before the Board by Counsel, Agent, or others, acting on behalf of the owner, the following information must be provided.

\_\_\_\_\_  
(Signature of representative)

\_\_\_\_\_  
(Date application submitted)

\_\_\_\_\_  
(Mailing address - Include City, State & Zip Code)

\_\_\_\_\_  
(Email Address)

\_\_\_\_\_  
(Representative Name – Please Print)

\_\_\_\_\_  
(Telephone)

\_\_\_\_\_  
(Fax)

**Note: Property listed on this application will be photographed by  
The Department of City Planning  
prior to the hearing date.**

*Revised—April 2019*

### **DEPARTMENT OF CITY PLANNING**

5TH FLOOR, ROOM 508

(757) 664-4752 / (757) 441-1569 (FAX)

WWW.NORFOLK.GOV/PLANNING

**ZONING VARIANCES, APPEALS OR INTERPRETATIONS**





# Checklist – Board of Zoning Appeals Application

Item	Yes	No	Not Applicable	Comments
<ul style="list-style-type: none"><li>• Required application fee, <b>\$270.00</b></li><li>• Required application fee (after-the-fact), <b>\$555.00</b></li></ul>				
11 x 17-inch (or smaller) copy of a survey drawn to scale showing all existing and proposed building structures, driveways, parking, landscaping, property lines				
All supporting documents				
Proof of all City Taxes paid?				

Notes:

Applicant Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Staff Signature: \_\_\_\_\_ Date: \_\_\_\_\_