STAFFORD COUNTY
DEPARTMENT OF PLANNING AND ZONING
1300 Courthouse Road, Stafford VA 22554
Phone: 540-658-8668 Fax: 540-658-6824
www.staffordcountyva.gov

SPECIAL EXCEPTION

APPLICATION PACKET

- The following items are included within this packet:

  1. Pre-Application Conference Sheet
  2. Stafford County Code Section 28-351
  3. Application
  4. Owners Consent Form
  5. Application Affidavit

- Please be advised that applicants are required to schedule a meeting with the Zoning staff to submit their application. Appointments may be scheduled by calling the office of Planning and Zoning at 540-658-8668.

- Home & Rural Business applicants should contact the Commercial Plan Reviewer for any additional requirements at (540) 658-4508.

- If an application is withdrawn prior to the first public hearing, fifty (50) percent of the amount of the application fee may be refunded to the applicant.

** Beginning July 1, 2012, per Ordinance O12-19, a 2.75% technology fee will be assessed and collected on the total fees for all new and resubmitted applications or requests.*

Fees are as follows: *Residential $600.00 per Special Exception*
Commercial/Industrial $1,375.00 per Special Exception

- The Board of Zoning Appeals meets the fourth Tuesday of every month. Applications must be received by the fourth Tuesday one month prior to the scheduled meeting.

April 2019

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NOTICE

Stafford County treats all applications and applicants equally. The County does not discriminate against religion, or on the basis of race, sex, age, national origin, or disability, in its planning, permitting, utilities, and land use processes.

Under the laws of the United States and the Commonwealth of Virginia, no government may discriminate against any religion or on the basis of race, sex, age, national origin, or disability, in its planning, permitting, utilities, and land use processes.

Under the Religious Land Use and Institutionalized Persons Act ("RLUIPA"), no government may apply its zoning or land use laws, or its policies and procedures in a manner that unjustifiably imposes a substantial burden on the religious exercise of a person, assembly, or institution.

RLUIPA also provides that no government may apply its zoning or land use laws in a manner that treats a religious assembly or institution on unequal terms with a non-religious institution or assembly.

Finally, RLUIPA provides that no government may impose or implement a land use regulation in a manner that discriminates against a religious assembly or institution.

Stafford County does not discriminate in its planning, permitting, utilities, and land use processes, practices, and policies. Stafford County treats all applications and applicants equally.

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Pre-Application Conference - Checklist

Pre-application conference date:

Owner and/or applicant:

Application for: ***SPECIAL EXCEPTION***

The following information must be submitted with the completed application and fee:

☐	Plat – 1 copy *(May be obtained from the Clerk of the Circuit Court, if available)*
☐	Sketch, Layout, Elevation or other renderings.
☐	Site Plans – 1 copy
☐	Completed Application
☐	Health Department Permit or Perk Test
☐	Owner's Consent Form *(Provide if applicant is not the owner of the property)*
☐	Application Affidavit
☐	Verification of Non-Delinquent Taxes *(May be obtained from the Treasurer's Office)*
☐	Other *(Specify)*
☐	Health Department Approval *(If required)*

Applications must be completed and returned no later than_____in order to be heard at the meeting scheduled for_____. Meetings are held at 7:00 p.m. in the Board of Supervisors Chambers and you or a representative must be present.

NOTE: This form must be submitted with the completed application, affidavit, all of the above and a fee of $_____.

_____
Staff Member Signature

Sec 28-351. Grant of Special Exceptions.

(a) The Board of Zoning Appeals may grant special exceptions under this chapter upon finding that the use will not be detrimental to the character and development of adjacent land and will be in harmony with the purpose and intent of this chapter.

(b) An application for a special exception shall be submitted to the Zoning Administrator, who shall forward the same, along with such information that may be necessary, to the Board of Zoning Appeals.

(c) No special exception shall be granted, except after notice and hearings provided in Section 15.2-2204 of the Code of Virginia.

(d) If the Board of Zoning Appeals shall find that the use for which a special exception is sought shall be in accord with the following standards, it may grant the exception, provided that all other provisions law shall be complied with:

(1) The use shall not tend to change the character and established pattern of development of the surrounding area;

(2) The use shall be in harmony with the uses permitted by right under a zoning permit in the zoning district and shall not affect adversely the use of neighboring properties;

(3) The location and height of buildings, the location, nature and height of walls and fences and the nature and extent of landscaping on the site shall be such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings or impair the value thereof;

(4) The use shall not affect the health or safety of persons residing or working in the neighborhood of the proposed use;

(5) The use shall not be detrimental to the public welfare or injurious to property or to improvements to the neighborhood;

(6) The use shall be in accord with the purpose of this chapter and the comprehensive plan for the county.

(e) Any use, building or activity legally in existence on the effective date of this chapter, shall not require a special exception, so long as such existing use, building or activity is not expanded or enlarged.

Should an application for a special exception be denied, at least one year shall elapse before another application of the same use on the same land is considered. The one year shall be counted from the date of denial.

(f) Should an application for a special exception be approved, unlike an approval for a variance, the special exception does not “run with the land.”

(g) The Board of Zoning Appeals may require conditions for special exception approval. These conditions must be met before the special exception becomes effective unless County staff allows provisional activation of the special exception.

STAFFORD COUNTY
Department of Planning and Zoning

SPECIAL EXCEPTION APPLICATION

RECEIVED BUT NOT OFFICIALLY SUBMITTED

DATE:_____INITIALS _____

OFFICIALLY SUBMITTED

DATE:_____INITIALS_____

SPECIAL EXCEPTION
TYPE OF APPLICATION

_____
APPLICATION NUMBER

APPLICANT INFORMATION

NAME

STREET ADDRESS

CITY STATE ZIP

PHONE CELL

FAX EMAIL

OWNER INFORMATION

NAME

ADDRESS CITY STATE ZIP

PHONE NUMBER CELL FAX NUMBER

EMAIL ADDRESS

PROPERTY INFORMATION

TAX MAP SECTION PARCEL/LOT# LOT SIZE

SUBDIVISION ZONING DISTRICT

EXISTING USE PROPOSED USE

COMPREHENSIVE PLAN DESIGNATION MAGISTERIAL DISTRICT

FOR OFFICE USE ONLY

APPLICATION APPROVED BY DATE

CASE #

FEES PAID: ☐YES ☐NO

IV. GENERAL INFORMATION

A Special Exception is requested by the applicant for the following reason:

Rural Home Business ☐ Home Business ☐

Flood Hazard Overlay District, Code Section: _____

Other, Code Section: _____

What type of business is proposed? _____

What are the days and hours of operation? _____

What is the # of employees employed by the business who do not reside on the premises? _____

Do the employees work on the premises or off-site? ☐ ***On Premise*** ☐ ***Off-Site*** ☐ ***Both***

What is the finished gross floor area of the primary dwelling?_____ square feet

If the existing dwelling will be utilized by the proposed use, what is the gross floor area of the area to be used for the business? _____ square feet

Will there be a necessity to maintain outside storage? ☐ *Yes* ☐ *No*
If yes, please provide a general list of materials, equipment, and/or supplies:

_____

Will the storage be placed within a structure or will it be screened from adjoining properties or roadways?
☐ Enclosed within structure ☐ Screened from view

Does screening currently exist or is it proposed. ☐ *Existing* ☐ *Proposed*
If proposed, please indicate location, type proposed, and a maximum height:

_____

Will the business require fleet parking? ☐ *Yes* ☐ *No* If so, please provide the # of vehicles _____

How many off street parking spaces will be provided on the premises? _____

What is the anticipated volume of traffic expected on a daily basis? _____

Please use the following page to provide a description of the Special Exception.

V. Special Exception Description

Please provide a narrative, which provides specific information regarding the nature of the proposed use. You may use additional sheets, if necessary:

VI. AUTHORIZATION

❖ _____ _____

Applicant's Signature *Date*

❖ _____ _____

Applicant's Signature *Date*

❖ Was an owner's consent form provided? ☐ *Yes* ☐ *No* ☐ *Not Required*

Owner's Consent Form

(All owners must sign)

I/We, the Owner(s) of the property listed below, hereby grant permission for the Applicant,

_____ to seek a

_____ as requested in the

Board of Zoning Appeals application relating to property located at _____

_____ on Assessor's Parcel(s)

_____.

_____ _____

Date *Signature*

_____

Printed Name

_____ _____

Date *Signature*

_____

Printed Name

~Notary~

SUBSCRIBED & SWORN TO Before me this_____day of_____, _____.

_____

Notary Public

My Commission Expires: _____

APPLICATION AFFIDAVIT

This form to be filed with:

BOARD OF ZONING APPEALS
1300 COURTHOUSE ROAD
STAFFORD, VIRGINIA 22555

Internal Use Only
Project Name: _____
A/P #: _____
Date: _____

All applicants for a special exception, a special use permit, conditional use permit, amendment to the zoning ordinance or variance shall make complete disclosure of the equitable ownership of the real estate involved in the application, including in the case of corporate ownership, limited liability company ownership or similar business ownership, the name of stockholders, officers, managing partners, general partners, owners and members, and in any case the names and addresses of all of the real parties in interest. The requirement of listing names of stockholders, officers and directors shall not apply to a corporation whose stock is traded on a national or local stock exchange and having more than 500 shareholders. In the event the ownership of the involved real estate changes in any respect during the time the application is pending, the applicant shall make complete disclosure of the new equitable ownership of the real estate involved in the application as required herein. If the applicant is a contract purchaser, the ownership information required herein shall be provided for the contract purchaser in addition to the owner of the real estate involved in the application. This section applies to applications before the board of supervisors, planning commission and board of zoning appeals.

See Section 15.2-2289 for State Enabling Authority

1. Applicant Information

Name of Applicant : _____
Name of Company: _____
Address of Applicant: _____
_____

Applicant's Signature: _____

Name of Agent: _____
Address of Agent: _____
_____

2. Type of Application

☐ **Conditional Use Permit** ☐ **Variance**

☐ **Rezoning** ☐ **Special Exception**

Application Affidavit

Page 2

Applicant: _____

Project Name: _____

A/P #: _____

Date: _____

3. Property Information

Assessor's Parcel(s): _____

Address: _____

_____

4. Unless the equitable ownership is a corporation, limited liability company or similar business ownership, list all equitable owners of the property.

Name of owners	**Address**

5. If the equitable ownership of the property is a corporation, limited liability company or similar business ownership, list all officers, managing partners, general partners, shareholders, owners and members. This provision shall not apply if the corporation is listed on a national or local stock exchange and has more than 500 shareholders.

Name of Members	

6. Unless the applicant is a contract purchaser and is a corporation, limited liability company or similar business ownership, list all individuals involved with the purchase of the property.

Name of Owners	**Address**

Application Affidavit
Page 3
Applicant: _____

Project Name: _____
A/P #: _____
Date: _____

7. If the applicant is a contract purchaser and is a corporation, limited liability company or similar business ownership, list all officers, managing partners, general partners, shareholders, owners and members. This provision shall not apply if the corporation is listed on a national or local stock exchange and has more than 500 shareholders.

Name of Members

_____ _____

_____ _____

_____ _____

8. Have all individuals listed on this affidavit been notified of the purpose of the application?

☐ **Yes** ☐ **No**

9. If #8 is No, list all individuals who have not been notified about this application plus submit the cost required for the Department of Planning and Community Development or Code Administration to send certified letters notifying those listed below of this application prior to the public hearing.

Name	**Address, including zip code, no P.O. Box please**

Number of owners to be notified:_____X
Cost for certified letters $_____(cost as of the day of submittal)
Total due: **$ _____** (Make checks payable to County of Stafford)

Please submit a check in the amount due with this application to cover the cost of serving the individuals listed in this section.

Application Affidavit

Project Name: _____
A/P #: _____
Date: _____

Page 4
Applicant: _____

10. Affirmation & Witness

I hereby make oath or affirmation that the contents of this affidavit are true and correct to the best of my knowledge, information and belief. In the event the ownership of the involved real estate changes during the time the application is pending, I shall make complete disclosure of the new equitable ownership of the real estate involved in the application as required herein.

Printed name of Signer _____

Corporate Office of Signer _____

Signature _____

Date _____

COMMONWEALTH OF VIRGINIA
COUNTY OF STAFFORD, to wit:

The forgoing affidavit was acknowledged before me this_____day of_____, _____,

by _____ owner/applicant.

_____
Notary Public

My commission expires: _____