



# Greenbrier County Board of Zoning Appeals

## PETITION FOR VARIANCE OR SPECIAL EXCEPTION

Pursuant to the Zoning Ordinance, any request for a Variance or Special Exception shall first be submitted by petition to the Board of Zoning Appeals for a public hearing. The Board shall give full consideration to the scope and character of the request and verify compliance with the Zoning Ordinance in order to promote the orderly development of the district in which the subject property is located. A \$50.00 non-refundable application fee is required and must be submitted with this petition.

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### Owner/Applicant Information

Owner/Applicant: \_\_\_\_\_ Telephone Number: \_\_\_\_\_

Mailing Address: \_\_\_\_\_  
Street, Rural Route, or Box Number                      Town or City                      State                      Zip Code

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### Property Information

Property Address: \_\_\_\_\_  
Street, Rural Route, or Box Number                      Town or City                      State                      Zip Code

Directions to Property: \_\_\_\_\_

District: \_\_\_\_\_ Tax Map: \_\_\_\_\_ Parcel: \_\_\_\_\_

Deed Book: \_\_\_\_\_ Page: \_\_\_\_\_ Lot Square Footage or Acreage: \_\_\_\_\_

Zoning: \_\_\_\_\_ Land Use: \_\_\_\_\_

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### Nature of Proposed Action

Construction of Custom Built Single-Family Dwelling: \_\_\_\_\_ Placement of Modular or Mobile Home: \_\_\_\_\_

Construction of Multi-Family Dwelling: \_\_\_\_\_ Remodeling or Addition: \_\_\_\_\_

Construction of Commercial Building: \_\_\_\_\_ Building Square Footage Variance: \_\_\_\_\_

Construction or Placement of Storage Building: \_\_\_\_\_ Lot Size or Setback Variance: \_\_\_\_\_

Other; please explain: \_\_\_\_\_

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### Ownership of Property

IF YOU DO NOT OWN THE SUBJECT PROPERTY, THE OWNER'S SIGNATURE OF CONSENT IS REQUIRED. THE OWNER MUST SIGN ON PAGE 4 OF THIS APPLICATION.

Do you own the property? Yes: \_\_\_\_\_ No: \_\_\_\_\_ Do you lease or rent the property? Yes: \_\_\_\_\_ No: \_\_\_\_\_

Is your purchase of the property contingent upon approval of this request? Yes: \_\_\_\_\_ No: \_\_\_\_\_

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**Definitions** (from the Greenbrier County Zoning Ordinance, Lewisburg and Fort Spring Districts, May 2003 Revised Edition)

**VARIANCE** is defined by the Ordinance as being a relaxation of the terms of the Zoning Ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the Ordinance would result in unnecessary and undue hardship. As used in the Ordinance, a variance is authorized only for height, area, and size of structure or size of yards and open spaces; establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of non-conformities in the zoning division or district or adjoining zoning division or districts.

**SPECIAL EXCEPTION** is defined by the Ordinance as being a use that would not be appropriate generally or without restriction throughout the zoning division or district, by which, if controlled as to the number, area, location, or relocation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or general welfare. Such uses may be permitted in such zoning divisions or districts as a special exception in accordance with the Zoning Ordinance.

**CONDITIONAL USE** is defined by the Ordinance as being a use requiring authorization by the Planning Commission, following a public hearing, that enables the applicant, if approved, to use property as specified in the Zoning Ordinance, as well as additional requirements imposed by the Board. Conditional uses are limited to those specified in the Zoning Ordinance.

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This request is for a                      Variance                      Special Exception

Please provide a detailed narrative of your plans for the property and the circumstances that require you to request a public hearing

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*Please print legibly or type. Attach another sheet if additional space is necessary.*

Have you notified the adjoining property owners of your intended actions?    Yes: \_\_\_\_\_    No: \_\_\_\_\_    If no, please explain.

If a conditional use, is this a request to operate a home occupation or professional office?    Yes: \_\_\_\_\_    No: \_\_\_\_\_    If  
yes, how many employees? \_\_\_\_\_    Hours of operation? \_\_\_\_\_

If a home occupation or professional office, please provide a brief, detailed description of use. \_\_\_\_\_

Please provide a brief, detailed description of the personal hardship that would occur if this request is denied. \_\_\_\_\_

Is this a proposed residence?    Yes: \_\_\_\_\_    No: \_\_\_\_\_    Dimensions of lot, square footage, or acreage: \_\_\_\_\_

Will the usage be on public water?    Yes: \_\_\_\_\_    No: \_\_\_\_\_    Public sewer?    Yes: \_\_\_\_\_    No: \_\_\_\_\_

Article 700 of the Greenbrier County Zoning Ordinance sets forth specific standards for consideration and approval of all types of housing. Articles 800 through 1003 describe the types of zoning currently in effect and list the permitted uses and density restrictions for each zone. Article 200.75, 200.92, 200.93, 200.96, and 200.97 define House Trailer, Manufactured Home Type 'A', Manufactured Home Type 'B', Mobile Home, and Modular Home, respectively. **Please provide a brief narrative of which type of home, if from the above list, you plan to locate on the subject property and the circumstances which require you to request a variance, special exception, or conditional**

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*Please print legibly or type. Attach another sheet if additional space is necessary.*

**If this request is for residential purposes and pertains to any of the above types of housing, please provide the following information:**

**Year:** \_\_\_\_\_ **Make:** \_\_\_\_\_ **Model:** \_\_\_\_\_ **Dimensions:** \_\_\_\_\_

Article 200.85 of the Zoning Ordinance defines **Lot of Record, Conforming**. This Article is summarized as follows: *a parcel or area of land recorded in the Office of the Clerk of Greenbrier County which does not contain more than one single-family residence; meets the use intensity requirements (density restrictions) of this ordinance; complies with applicable County, State, or Federal regulations for drinking water and sewage disposal (if applicable); and has received variances or special exceptions as described by this ordinance.* This limits you to one single-family House Trailer, Manufactured Home Type 'A', Manufactured Home Type 'B', Mobile Home, Modular Home, Custom or Site Built dwelling, or any other type of single-family residential dwelling per lot of record.

**Is the residence referred to in this application the only one on the lot? Yes:** \_\_\_\_\_ **No:** \_\_\_\_\_ **If this request is for a Special Exception to have more than one single-family residential dwelling per lot of record, please explain.** \_\_\_\_\_

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### **Intensity of Use (Density Restrictions)**

***In a Residential Zone:***

- With public water and public sewer the minimum lot size shall be 20,000 square feet.
- With public water but without public sewer the minimum lot size shall be 30,000 square feet.
- Without public water and public sewer the minimum lot size shall be 43,560 square feet, or 1 acre.
- No lot shall be less than 60 feet in width.

***In an Open Space Conservation Zone:***

For all areas the minimum lot size shall be 87,120 square feet, or 2 acres.

***In a Forest Recreation Zone:***

- With public water and public sewer the minimum lot size shall be 12,000 square feet.
- With public water but without public sewer the minimum lot size shall be 20,000 square feet.
- Without public water and public sewer the minimum lot size shall be 32,670 square feet, or 3/4 acre.
- No lot shall be less than 60 feet in width.

***In a Commercial Zone:***

No intensity of use restrictions on non-residential structures built in this zone. However, a site plan of the proposed development must be submitted with this application and must clearly demonstrate the availability of adequate parking as defined by the Zoning Ordinance.

***In an Industrial Zone:***

No intensity of use restrictions on non-residential structures built in this zone.

**If this request is for a Variance to the lot size requirements, please explain.** \_\_\_\_\_

## Adjacent Property Owners

In addition to a Class I Legal Advertisement published by the Board of Zoning Appeals, notice must be sent by the Owner/Applicant to all adjacent property owners. Notification shall be by certified mail from the applicant and must be received by the adjacent property owners a minimum of fifteen (15) days prior to the public hearing. Requirement to notify adjacent property owners will be fulfilled if the notification is mailed to the adjacent property owners' current addresses as listed with the County Assessor's Office.

Adjacent property owners shall mean all persons, businesses, etc. whose property borders at any point the applicant's property, including any owners whose property would border the applicant's property but is separated from it by a street, alley, creek, or stream, or other minor roadway or waterway. The locations of all property owners to be notified must be shown on the preliminary plat.

The applicant shall provide the names and addresses of all adjacent property owners.

All owners of property located within 300 feet must be listed below and designated on the preliminary plat.

Map Identification Deed Book, Page Number, Tax Map, Parcel Number	Property Owner	Mailing Address

*Please print legibly or type. Attach another sheet if additional space is necessary.*

**Please return completed form to:  
Greenbrier County Board of Zoning Appeals  
200 North Court Street, Lewisburg, West Virginia 24901**

**I certify by my signature below that:**

1. All of the information contained in this application is true and accurate to the best of my knowledge and belief.
2. Withholding information or submitting false information will result in the revocation of the permit, variance, or special exception.
3. A false application is considered a violation and will result in revocation of permit, variance, or special exception.
4. A decision to grant or deny a variance or special exception is solely the decision of the Board of Zoning Appeals.
5. I or any other party may appeal the decision of the Board of Zoning Appeals within forty-five (45) days of the date of the hearing at the expense of the appellant.
6. I will not begin or continue construction or placement of the structure until after the hearing.
7. My application, file, and hearing are public information.
8. The Board of Zoning Appeals is required by the Zoning Ordinance to charge a non-refundable fee of fifty dollars (\$50) for considering applications.
9. No hearing can be conducted until the publishing of a legal advertisement at least fifteen days prior to the scheduled date of the hearing.
10. I have requested, and have been provided, a copy of the appropriate sections of the Ordinance to which I am requesting a hearing be granted.

*DATE RECEIVED*

\_\_\_\_\_  
*Signature of Applicant*

\_\_\_\_\_  
*Date Petition Completed and Signed*

\_\_\_\_\_  
*Date Received by BZA*

*DATE RECEIVED ONLY*

\_\_\_\_\_  
*Signature of Owner for Consent (Required)*

\_\_\_\_\_  
*Date Signed*

\_\_\_\_\_  
*Date Received by BZA*