



City of Falls Church Zoning Office
Community Planning & Economic
Development Services (CPEDS)

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ZONING VARIANCE APPLICATION GUIDELINES

What is a Variance? The current law in Virginia defines a variance as, “*A reasonable deviation from those provisions regulating the shape, size, or area of a lot or parcel of land or the size, height, area, bulk, or location of a building or structure when the strict application of the ordinance would unreasonably restrict the utilization of the property, and such need for a variance would not be shared generally by other properties, and provided such variance is not contrary to the purpose of the ordinance. It shall not include a change in use, which change shall be accomplished by a rezoning or by a conditional zoning.*”

Who can grant a variance? The Board of Zoning Appeals (BZA) has the authority to grant variances in cases where strict application of the City Zoning Ordinance would “*unreasonably restrict*” the utilization of the property.

What is the Board of Zoning Appeals (BZA)? The BZA is a five-member board comprised of City residents appointed by the City Council. The BZA hears and considers request for variances to the City of Falls Church Zoning Ordinance, Special Use Permits, and appeals of the Zoning Administrator’s decisions.

What is the basis for a Variance? Under Code of Virginia 15.2-2309(2) the BZA may grant a variance when it finds the following conditions exist:

1. The strict application of the terms of the ordinance would unreasonably restrict the utilization of the property or that the granting of the variance would alleviate a hardship due to a physical condition relating to the property or improvements thereon at the time of the effective date of the ordinance;
2. The property interest for which the variance is being requested was acquired in good faith and any hardship was not created by the applicant for the variance;
3. The granting of the variance will not be of substantial detriment to adjacent property and nearby properties in the proximity of that geographical area;
4. The condition or situation of the property concerned is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the ordinance;
5. The granting of the variance does not result in a use that is not otherwise permitted on such property or a change in the zoning classification of the property; and
6. The relief or remedy sought by the variance application is not available through a special exception process that is authorized in the ordinance pursuant to subdivision 6 of § [15.2-2309](#) or the process for modification of a zoning ordinance pursuant to subdivision A 4 of § [15.2-2286](#) at the time of the filing of the variance application.

What is the application process? Variance applications must be filed with the Department of Development Services Permit Counter.

- A pre-submission discussion by phone or in person with a Zoning staff is recommended to determine a need for a variance.
- A complete variance application must be submitted by the submission deadline for each meeting. The application fee is due at the time submission.
- The Zoning division will advertise the variance request as a notice of public hearing once a week for two consecutive weeks prior to the hearing date in the local newspaper. Neighbors within 150 feet of the subject property will be notified by mail. The notice will specify the date, time, and place of the hearing so persons affected may appear and present their views, and/or provide written comments.
- At the public hearing the BZA will approve, deny, or defer the variance request until a later date after hearing the applicant and other interested speakers.

How do I prove a hardship? To prove hardship, a property owner must show that the strict application of the ordinance would unreasonably restrict the utilization of the property. A variance may be justified by:

1. the exceptional size or shape of a property at the time of the effective date of the ordinance, or
2. the exceptional topographic conditions or other extraordinary situation of such property.

The BZA must be satisfied, upon the evidence heard, that granting a variance will alleviate a clearly demonstrated hardship, as distinguished from special privilege or convenience sought by the applicant.

How long does a typical variance process take? The average variance process is approximately six to eight weeks from submission to action.

What if I want to appeal the decision of the BZA? Any one aggrieved by a decision of the BZA has thirty (30) days to appeal the decision to the Arlington Circuit Court.

Application Supporting Documents Typical application package will include the following supporting documents. The Applicant is responsible for submitting 10 sets of the application package by noon of Thursday, a week before the scheduled BZA meeting.

- Letters of support from neighbors
- Relevant photographs
- Property plat
- Architectural plans
- Statement of hardship
- Any other relevant information in support of the application