



City of Bristol Virginia - Planning Department
300 Lee Street
Bristol, VA 24201
Phone: 276-645-7470
Fax: 276-821-6099

Administrative Modification Request (\$200.00)

Applicant Name: _____

Address: _____

Phone: _____

Email: _____

Proposed Request:

Please provide any potentially pertinent information (photographs, plans, maps, diagrams) needed to fully explain your request. Please explain how the strict application of the zoning ordinance would cause an undue hardship and one that is not generally shared by other properties in the same zoning district and vicinity.

In addition to the application fee (\$200.00), I understand that as the applicant, I am required to pay the cost of mailing notices to all adjoining property owners via certified mail. The City is required to do this mailing as per Virginia Code §15.2-2286 (4).

Applicant Signature: _____

Date: _____

FOR DEPARTMENT USE ONLY

Received By: _____

Date: _____

Zoning Ordinance Section Number(s): _____

Date of Adjoining Property Mail-out: _____

Cost: _____

Case Number: _____

Sec. 50-190 ADMINISTRATIVE MODIFICATIONS

- a) The zoning administrator is authorized to grant a modification from any provision contained in the zoning ordinance with respect to physical requirements on a lot or parcel of land, including but not limited to size, height, location or features of or related to any building, structure, or improvements. Administrative modifications shall not be granted for outdoor advertising. The administrator shall find in writing that:
 - 1) the strict application of the ordinance would produce undue hardship;
 - 2) such hardship is not shared generally by other properties in the same zoning district and the same vicinity; and
 - 3) the authorization of the modification will not be of substantial detriment to adjacent property and the character of the zoning district will not be changed by the granting of the modification.

- b) Prior to the granting of a modification, the zoning administrator shall give all adjoining property owners written notice of the request for modification, and an opportunity to respond to the request within 21 days of the date of the notice. If an adjoining owner, duly notified, objects to the granting of the modification the zoning administrator may:
 - 1) Suggest an altered modification request from the applicant to accommodate the adjoining owner; and / or
 - 2) Determine that the modification is warranted despite the received objection and grant the modification notifying the adjoining owner of the decision and the availability of the appeal process; and / or
 - 3) Determine that the received objection is valid and if no accommodation may be made on the part of the applicant to satisfy the adjoining owner, require the applicant to apply for a formal variance as provided by Virginia Code §15.2-2309.

- c) The zoning administrator shall inform the Planning Commission of any pending applications for modification prior to approval allowing individual members of the commission to provide written comment to the zoning administrator for his/her consideration.

- d) The zoning administrator shall make a decision on the application for modification and issue a written decision with a copy provided to the applicant and any adjoining landowner who responded in writing to the notice sent pursuant to this section. The decision of the zoning administrator shall constitute a decision within the purview of Virginia Code §15.2-2311, and may be appealed to the Board of Zoning Appeals as provided by that section. The applicant shall bear the burden of cost for any such appeal including but not limited to application and advertising fees. However, if the filed appeal is successful the City may reimburse those costs as approved by the City Council. Decisions of the board of zoning appeals may be appealed to the circuit court as provided by Virginia Code § 15.2-2314.

- e) The zoning administrator shall respond within 90 days of a request for a decision or determination on zoning matters within the scope of his authority unless the requester has agreed to a longer period.