



Relevant Code Sections (Prior to January 1, 2024)

Sec. 18-209. - Use permit subject to certain conditions.

The board of zoning appeals may issue a use permit for any of the uses enumerated in section 18-210 in response to an application therefor, provided the use for which the permit is sought:

- (1) Will not affect adversely the health or safety of persons residing or working in the neighborhood of the proposed use;*
- (2) Will not be detrimental to the public welfare or injurious to property or improvements in the neighborhood; and*
- (3) Will be in accord with the purposes of the Town's master plan.*

In granting any use permit, the board of zoning appeals may impose such conditions as it may deem in the public interest, including limiting the duration of a permit, and as will ensure that the use will conform to the foregoing requirements and that it will continue to do so, and may require a guarantee or bond to insure that the conditions imposed are being and will continue to be complied with. The board may revoke a use permit if the board determines that there has not been compliance with the terms and conditions of the permit. No permit may be revoked except after notice and hearing as provided by Code of Virginia, § 15.2-2204.

Sec. 18-211. - Application of use permit.

Written application for a conditional use permit may be made by any property owner, tenant, government office, department, board or bureau. Such application shall be made to the zoning administrator and shall accompany an application for a building permit, whenever the proposed building or structure will be or may be used for any of the uses enumerated in section 18-210. The zoning administrator shall also transmit a copy of the application to the planning commission and a copy of the application and site plan to the architectural review board, which commission and board shall send a recommendation to the board of zoning appeals within 30 days or appear as a party at the hearing.

Sec. 18-215. - Decision of board.

The decision of the board on an application for a use permit shall be made within 90 days of the application therefor.

Sec. 18-216. - Permit void after six months if operation not commenced.

Any use permit shall become void six months after issuance if construction or operation related thereto has not commenced.

Sec. 18-256 – Modification of requirements.

Where an applicant for a building permit subject to the requirements of this article can demonstrate to the council that the most practical, efficient or aesthetic development of the site involved cannot be achieved within the requirements of this chapter, the council, after receiving the recommendation of the planning commission, or not less than 30 days after requesting such recommendation in writing, may modify such requirements upon a finding that the integrity of this chapter and the health, safety and morals of the Town will not be thereby impaired. Such modifications may apply to yard, lot area, lot coverage, parking, number of units, unit floor area, screening, frontage, and similar requirements, but this section shall not be construed to permit any modifications of the uses permitted in any zone or of the maximum building height permitted for any building.

Sec. 18-257. - Procedure for requesting modification.

- A. Requests for modifications authorized under section 18-256 shall be submitted to the director of public works in writing and shall be accompanied by a written statement setting forth the reasons therefor. Each such request shall also be accompanied by a site plan, including thereon all of the information required by this article shown to indicate the development as modified or building as it is proposed for construction by the applicant. The granting or denial of any such modification shall be discretionary with the council and this article shall not be deemed to create any right to any such modification.*
- B. Prior to the Town Council granting or denying any such modification, notification letters by certified mail to adjoining property owners and those abutting across a public street shall be sent not less than five days prior to council's consideration of the request for modification.*
- C. Approval by the Town Council of any such modified site plan, shall constitute authority for the director of public works to issue the necessary building permits therefor, provided other applicable provisions of law have been complied with.*