

## Variance Procedure

A variance is requested by an owner when they want to make an improvement or expansion to their property that is not allowed by the current zoning codes for their parcel. Below is a guideline of the process, and may vary slightly depending upon the circumstances.

Initially, the owner will contact the Zoning Administrator, Bill Rush, [brush@marionva.org](mailto:brush@marionva.org) , and determine if their desired improvement is allowed by code. If it is an allowable action, then nothing further needs to be done and the owner can proceed to securing a building permit. If it doesn't meet the zoning codes, the Zoning Administrator will inform the property owner, in writing, that the request has been denied. This process generally is quick, but if the request is complex, the Zoning Administrator may enlist the help of the Planning Commission to advise on the issue. This process may take as much as thirty days.

If the request is denied, the property owner has the right to appeal the decision to the Board of Zoning Appeals. This board is a group of court appointed citizens that will review the owners request and determine if the request fits the requirements for granting a variance. A public hearing must be held on the request, and the property owner pays a fee of \$175 to cover the cost of advertising for the public hearing. This process may take up to 60 days. The Board of Zoning Appeals will conduct the public hearing, deliberate, and either grant or deny the request. Upon that decision, either the property owner or the Town of Marion can, but is not compelled to, appeal the decision to the Circuit Court of the State of Virginia.

For more information on the guidelines, please consult the BZA Guidelines.