

**BOTETOURT COUNTY DEVELOPMENT SERVICES**  
**Planning Commission Application**  
5 W. Main Street, Suite 100 ♦ Fincastle, Virginia 24090 ♦ 540.473.8320

**Planning Commission Members:**

Amsterdam District:	Hiawatha Nicely, Jr.
Blue Ridge District:	Sam Foster
Buchanan District:	Steve Kidd
Fincastle District:	John Griffin
Valley District:	William Thurman
Ex-officio Member:	Dr. Mac Scothorn

**REZONING/SEP/TEXT AMENDMENT and  
CHANGE IN PROFFERS/CONDITIONS INFORMATION**

There are four ways in which land use may be reclassified for a use other than that for which it is now zoned.

1. **REZONING.** This changes the land from one use district to another use district. The Planning Commission makes a recommendation to the Board of Supervisors, which makes the final decision.
2. **SPECIAL EXCEPTIONS PERMIT.** A special exception is a conditional use that is permitted within a use district after review and recommendation by the Planning Commission and approval by the Board of Supervisors.
3. **TEXT AMENDMENT.** Process to create a new use by right or SEP, that is not part of the existing ordinance text. The Planning Commission makes a recommendation to the Board of Supervisors, which makes the final decision.
4. **CHANGE IN PROFFERS/CONDITIONS.** Process to request a change in proffers or conditions made on existing property. The Planning Commission makes a recommendation to the Board of Supervisors, which makes the final decision.

The Zoning Administrator can help you to determine which of the classifications apply to your request.

**To move forward, a *pre-application meeting with Staff is required at least two weeks prior to submittal of any application.***

All requests shall be submitted to the Zoning Administrator on the required application form. The application ***must be signed by ALL property owner(s) and all property owner signatures must be notarized.***

Applications are due by the deadline indicated on the attached schedule and will be reviewed by the following procedure:

1. Staff will review applications within ten (10) working days. Applicants will then be notified if applications are complete or incomplete.
2. Applicants with incomplete applications will be notified and have ten (10) working days to submit required information. If the resubmittal is determined to be complete, the applicant will be notified of public hearing dates for their request. Incomplete applications will not be

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processed nor advertised. Applicants may re-apply once complete information is submitted.

3. Public hearings are advertised for complete applications only.

A complete application consists of:

- A. One original and four collated copies of all items listed below must be submitted by the application deadline.
  - a. A digital copy (must be JPG or TIF) of the Concept Plan.
  - b. Application signed and notarized by property owner(s).
  - c. Concept Plan Checklist and Concept Plan no larger than 24" x 36".
  - d. Statement of Intent, which indicates the reason for the Rezoning, SEP, Zoning Text Amendment or Change in Proffers/Conditions.
  - e. Any voluntary proffers, signed and notarized by property owners.
  - f. VDOT Traffic Impact Analysis. If the proposed project meets the threshold of VDOT Chapter 527 requirements, the applicant shall notify VDOT and request a scoping meeting per VDOT requirements. No application will be advertised for public hearing until the final written VDOT review and comment report has been received and processed by Planning and Zoning.
  - g. Any other supporting documentation (Staff may require digital format) that is necessary or is requested by Staff to assist the Planning Commission and Board of Supervisors in their decision.
- B. Application fee. *NOTE: See #8 regarding adjoining property owner notification.*

After the Zoning Administrator has approved the application package, these steps will be followed:

4. The application, concept plan and checklist, statement of intent and all other supporting documents **must be collated into twenty-five (25) separate packages**. Certain projects may be required to submit more final copies, depending upon public interest. **Uncollated packages will be returned.**
5. Notice shall be given of the required public hearings in accordance with the requirement of the Code of Virginia (Title § 15.2-2204). Public hearings are required by law and will be held by the Planning Commission on the second Monday of the month and by the Board of Supervisors on the fourth Tuesday of the month, excluding holidays (see attached schedule).
6. Adjacent property owners and the applicant shall be notified in writing as to the date of the public hearings. A legal advertisement will be prepared and submitted to the local newspaper to run for two (2) consecutive weeks before the hearings.
7. The Planning Staff will advertise the request and contact adjacent property owners, as required by State Code. ***The cost of notifying adjacent property owners by certified mail will be billed to the applicant and such cost must be paid prior to the Planning Commission meeting.*** A public hearing shall be held by the Planning Commission. The landowner or his/her representative requesting the rezoning action must be present at the Planning Commission and Board of Supervisors to answer any questions. Adjacent property owners and all other interested parties may present their support or opposition at these public hearings.

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8. The Planning Commission shall review the supporting data and public comments and make a recommendation to the Board of Supervisors. In some cases the applicant or the Planning Commission may request tabling an application in order to obtain additional information. All costs involved in re-advertisement and adjacent property owner notification must be paid by the applicant if the project is tabled.

The recommendation of the Planning Commission will be forwarded to the Board of Supervisors.

**NOTE: It is the responsibility of the applicant or agent to verify the public hearing dates at the time of submittal. If you have any questions regarding this, please call 540.473.8320.**

### **CONCEPT PLAN CHECKLIST**

A concept plan is required with all rezoning, special exception permits, and change in proffers/conditions. It is the initial plan that shows the land use change or development that is intended. It differs from the final site plan, which is required prior to the issuance of zoning and building permit. The applicant may voluntarily submit proffers that guide the future use and development of the property i.e., excluding certain uses, landscaping, low level lighting, exterior building design, etc. The property owner must sign and notarize all proffered conditions. A professional architect or engineer should prepare concept plans. The level of needed detail may vary depending on the nature, size, and complexity of the proposed project. The County Planning Department may require additional information depending on the nature of the project. An example of a concept plan submittal is available from the Planning Department. The following will be considered a minimum concept plan submittal:

- Name of all landowners, applicant (if different), developer, engineer/party preparing the plans.
- Date, revision dates(s), scale and north arrow.
- A certified plat prepared by a Virginia Licensed Land Surveyor indicating lot size in acres and/or square feet, property lines and dimensions and any easements.
- Vicinity sketch and tax map number(s).
- Zoning and existing use of property and all zoning and names of adjoining property owners.
- All existing buildings and streets and/or other adjacent improved or unimproved rights-of-way.
- All existing physical features, such as tree cover, natural watercourses, recorded drainage easements and 100-year floodplain limits.
- Industrial/commercial and large-scale residential developments must include contours at 20' intervals, unless a lesser or greater contour is approved by the zoning administrator.
- Locations of access areas, loading zones and streets or other rights-of-way.
- Structures (architectural rendering— front, rear and side views with elevations): Dimensions, use, and the types of exterior materials.
- Outside Lighting: General location, height, type and shielding.
- General landscaping plan. Existing trees and shrubs are recommended to be maintained wherever possible.
- General location and type of screening (fences, walls, vegetation), signs and Dumpster enclosures.
- Proposed proffered conditions (voluntary). Proffers must be signed **and** notarized by the property owner(s).
- If project is to be phased, please show proposed phase(s).
- Preliminary Soils Data.

**BOTETOURT COUNTY DEVELOPMENT SERVICES PLANNING COMMISSION APPLICATION**  
**Rezoning/SEP/Text Amendment/Change in Proffers**

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- Preliminary Traffic Study. It is the applicants' responsibility to meet VDOT Chapter 527 requirements.
- Indicate if well and septic or public water and/or public sewer are proposed for this project.
  - Well and septic
  - Public water and/or public sewer
  - Community water/sewer
  - Community water/septic

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**TO THE BOARD OF SUPERVISORS AND PLANNING COMMISSION OF BOTETOURT COUNTY:**

*Please type or print information below*

<b>Date:</b>		<b>Current zoning:</b>	
<b>Please check request(s) below:</b>		<b>Please briefly describe request below (indicate zoning change, SEP request, changes, etc.):</b>	
<input type="checkbox"/>	<b>Request rezoning to</b> (From zoning ordinance permitted uses list)		
<input type="checkbox"/>	<b>Special Exceptions Permit request for</b> (from zoning ordinance SEP list)		
<input type="checkbox"/>	<b>Text Amendment</b> (proposed use)		
<input type="checkbox"/>	<b>Change in proffers/Conditions</b>		
Describe proposed use:			
Property owner name(s)			
Mailing address			
Town, State, Zip Code			
Phone number		FAX	
Email			
Property location (physical address):			
Subdivision:			
State Route Number:		Magisterial District:	
Tax map number(s):			
Deed Book:		Page number(s):	
Total area of property			
Total area included in this request:			

Certified plat prepared by a Licensed Land Surveyor of entire property to include metes and bounds. Requests for rezoning of a portion of a parcel of land requires a legal metes and bounds description of that particular portion. Show: Lengths of all property lines, existing and proposed building(s) for existing and proposed uses, and distance of buildings from all property lines, including distance from any street/highway right-of-way adjoining the parcel. (See attached concept plan checklist and information sheet.)

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Appropriate application fee payable to the *Treasurer of Botetourt County* is hereby submitted for advertising.

All applicants must have notarized signatures by the current property owners. By signing below, signature(s) indicate consent [§25-521(9)(1)(c)] for county officials to conduct site reviews on this property.

\_\_\_\_\_  
Signature and printed name of property owners \_\_\_\_\_  
Date

\_\_\_\_\_  
Signature and printed name of property owners \_\_\_\_\_  
Date

\_\_\_\_\_  
Signature and printed name of property owners \_\_\_\_\_  
Date

\_\_\_\_\_  
Signature and printed name of property owners \_\_\_\_\_  
Date

State of Virginia  
County of Botetourt to Wit:

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_ 2\_\_ by

\_\_\_\_\_  
Printed name of property owners

My commission expires: \_\_\_\_\_ Date

\_\_\_\_\_  
Notary Public printed name and registration number \_\_\_\_\_  
Notary Public signature

State of Virginia  
County of Botetourt to Wit:

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_ 2\_\_ by

\_\_\_\_\_  
Printed name of property owners(s)

My commission expires: \_\_\_\_\_ Date

\_\_\_\_\_  
Notary Public printed name and registration number \_\_\_\_\_  
Notary Public signature

**Note: Signature(s) of property owner(s) must be notarized.**