

**ORDINANCE TO AMEND, REENACT, AND RECODIFY SECTION 36. ADMINISTRATION AND PROCEDURES OF THE ARLINGTON COUNTY ZONING ORDINANCE TO CONTINUE AUTHORIZATION TO THE BOARD OF ZONING APPEALS TO GRANT SPECIAL EXCEPTION USE PERMITS THAT MODIFY PLACEMENT REQUIREMENTS FOR STRUCTURES LOCATED IN “R-20,” “R-10,” “R-8,” “R-6,” “R-5,” AND “R2-7” ZONING DISTRICTS.**

Be it ordained, by the County Board of Arlington that Section 36 of the Arlington County Zoning Ordinance is amended, reenacted and recodified as set forth below, in order to facilitate the creation of a convenient, attractive and harmonious community; and for other reasons required by the public necessity, convenience and general welfare and good zoning practice.

**Section 36, ADMINISTRATION AND PROCEDURES**

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**E. Board of Zoning Appeals; Variances and Appeals.**

1. There shall be a Board of Zoning Appeals as provided for and having the powers, functions and responsibilities as described in the Code of the Commonwealth of Virginia.
2. Every appeal from a determination of the Zoning Administrator and every application for a variance shall be filed in writing with the Zoning Administrator. The time of the public hearing is determined by the Board of Zoning Appeals. The filing fee shall be as follows:
  - a. Appeals from a determination of the Zoning Administrator -- \$517.
  - b. Variances or Use Permits for existing single-family residential -- Three hundred twenty-one dollars (\$321) for the first subsection of the Zoning Ordinance being modified. Each additional subsection to be modified will be an additional fee of twenty percent (20%) of the base fee.
  - c. Variances or Use Permits for single-family new construction/resubdivision for new construction - Two thousand five hundred forty-two dollars (\$2,542) for the first subsection of the Zoning Ordinance being modified. Each additional subsection to be modified will be an additional fee of twenty percent (20%) of the base fee.
  - d. Variance or Use Permit applications from nonprofit organizations and for nonprofit institutional uses -- Two hundred sixty-four dollars (\$264).
  - e. Variances or Use Permits for a building location error, defined as a request for an "as-built" variance when a new structure is not built in accordance with the approved plans – Three thousand eight hundred twenty-three dollars (\$3,823).
  - f. Variances or Use Permits for all other uses – Three thousand one hundred sixty-seven dollars (\$3,167) for the first subsection of the Zoning Ordinance being modified. Each additional subsection to be modified will be an additional fee of twenty percent (20%) of the base fee.



In determining whether the proposal will be detrimental to the public welfare, injurious to property or improvements in the neighborhood or will adversely affect the health or safety of persons residing in the neighborhood, the BZA shall consider whether the modification will promote compatibility of development with the surrounding neighborhood because the structure's overall footprint size and placement are similar to the structures on the properties surrounding the lot in question; and whether the modification will help preserve natural land form, historical features and/or significant trees and foliage.