



CITY OF HARRISONBURG COMMUNITY DEVELOPMENT

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Sample Staff Report – Appeal Request For Training Proposes Only

To: Board of Zoning Appeals (BZA)
From: Zoning Staff Member
Date: xx/xx/xxxx (Regular Meeting)
Re: Appeal of a Decision by the Zoning Administrator Staff Report Example

Summary:

Owner/Applicant Information: First Name, Last Name (*sometimes you see an LLC or trust*)
Location/Address: (Insert Address)
Tax Map #: ### – # - ###
Zoning District: Zoning District
Lot Area: +/- # of sq. ft.
Appeal Summary:

Content: A brief description of the request will be provided here. It would match the description provided for public advertisement. For example: an appeal of the decision by the Zoning Administrator to deny a building permit for an addition to the rear of the principal building located at (insert address) for failing to meet setback requirements of the B-2 General Business District.

Relevant Sections of the Zoning Ordinance and Definitions

Content: This section will contain excerpts from the Zoning Ordinance that are relevant to the request. Some definitions are proved as examples.

Article F. - Definitions

Addition: Any construction which increases the area of cubic content of a building or structure. The construction of walls which serve to enclose completely any portion of an existing structure, such as a porch, shall be deemed an addition within the meaning of the chapter. (Chapter 3 of the City Code is the Zoning Ordinance)

Setback: The minimum distance by which any building or structure must be separated from all lot lines.

Article Q. – B-2 General Business District Regulations, a copy of which is attached with this report.

Background

Content: This section should provide a detailed description of the proposal, along with any relevant background information about the property and/or the circumstances leading to the request. The content of an appeal can vary significantly depending on the context of the request. This might include, but is not limited to, a history of how the property was developed, historical permits, site plans, past and current zoning violations, and explanation of proffers or conditions. Use Legistar to review example staff reports from previous meetings for real examples of information that might appear in this section.

Staff Determination

Content: In this section, staff will outline the process used to make the determination. It will explain how staff arrived at the decision that gave rise to the appeal. Take note that there is not an extensive set of criteria from the State Code used to evaluate the request like a variance. The Board must weigh the facts presented and decide if the Zoning Administrator or their designee made the appropriate decision.

For example: Staff denied the building permit for an addition to the rear of the principal building located at (insert address) because, if constructed as shown, the addition would be only 5ft from the rear lot line. The B-2 General Business District requires principal buildings to be located at least 10ft from the rear lot line. A survey of the property on file with the Department of Community Development indicates that the rear wall of the existing building is already located at the minimum setback. Therefore, no addition can be constructed at the rear of the building and meet the required setback.

Proposed Motions

Content: Staff will recommend motions to the Board to help guide the meeting.

If the Board chooses to deny this appeal (staff's recommendation):

I move to deny the appeal of an administrative decision for (inset address).

If the Board finds legal grounds to grant this appeal:

I move to grant the appeal of an administrative decision and overturn the Zoning Administrator's determination for (inset address).

Additionally, the Board shall explain in detail the evidence and legal grounds that support the decision.

Community Engagement: → (This section is standard on all staff reports)

As required, the request was published in the local newspaper twice advertising for the Board of Zoning Appeals' public hearing. The advertisement was published as shown below:

(Insert copy of request description)

In addition, adjoining property owners were notified of the public hearing; the property was posted with signage advertising the request, and a notice was provided on the City's website at <https://www.harrisonburgva.gov/public-hearings>.

Attachments: ← (Examples)

1. Site Map
2. Application and Supporting Documents
3. Article Q. – B-2 General Business District Regulations
4. Exhibit A - Conceptual Site Plan
5. 2018 Property Survey
6. Aerial Images from the City of Harrisonburg GIS