

SPECIAL EXCEPTION APPLICATIONS

What is a special exception?

The uses permitted in a zoning district are classified in two ways: permitted uses and special exception uses. Permitted uses, which are specified in the Zoning Ordinance, do not require a special exception. They simply require a Zoning and Building Permit and, in some cases, site plan approval. Special exception uses are also specified in the Zoning Ordinance but require an application and approval by the Board of Supervisors.

A special exception permit allows for certain land uses in a given zoning district that generally require a more in-depth study than permitted uses. The process ensures that all proposed special exception uses will be harmonious with and in accordance with the objectives of the Middlesex County Zoning Ordinance and the 2001 Middlesex County Comprehensive Plan.

When is a special exception required?

A special exception is required for uses listed in a zoning district as a special exception use. To find out whether a use requires a special exception, please obtain a copy of the Middlesex County Zoning Ordinance or consult the Planning Director for an official determination.

What must I provide to obtain special exception approval?

The following information should be submitted for a special exception request:

- A completed “Special Exception Application” signed and dated by the applicant and the property owner.
- A copy of a survey of the property.
- The application fee in accordance with the Middlesex County Fee Ordinance.
- Information and data that would demonstrate that the proposed special exception use would meet all the requirements of Article 20, Section 20-3-B of the Middlesex County Zoning Ordinance.

What is the fee for a special exception application?

A fee of \$250 is required for all special exception applications. Applications will not be reviewed until this fee has been provided. This fee is applied to the cost of advertising, notification of adjacent property owners and other expenses incidental to reviewing and processing the application. Such fee is not returned whether the application is granted, denied or withdrawn.

What is the process for approval of a special exception application?

1. A pre-submission conference between the applicant and the Department of Planning and Community Development is recommended to discuss the proposal.
2. The applicant must submit a special exception application and all associated materials/fees by the established deadline (the 10th of every month).

3. The Department advertises the request and public hearing once a week for two (2) consecutive weeks in the Southside Sentinel. Such notice specifies the time and place of hearing at which persons affected may appear and present their views. In addition, the Department notifies the property owner(s) and the owners of adjacent properties for which the special exception is being requested.
4. The Department reviews the application as submitted and prepares a staff report on the request.
5. The Department forwards the special exception application to the Planning Commission for their review. The Planning Commission considers the special exception on the second Thursday of the month at 7:30 PM at the Circuit Courtroom of the County Courthouse Complex, or in such other place as the Commission deems necessary. The Planning Commission holds a public hearing on the request and will make a recommendation to the Board of Supervisors regarding the approval or denial of the application.
6. The Planning Commission forwards the special exception application, including their recommendations, to the Board of Supervisors for their review. The Board of Supervisors considers the special exception on the third Tuesday of the month at 7:30 PM in the Woodward Building Boardroom of the County Courthouse Complex, or in such other place as the Board deems necessary. The Board of Supervisors holds a public hearing on the request and will grant final approval or denial of the application.

What should I do after my special exception is approved?

Once the Board of Supervisors has granted approval of the special exception, you must ensure that you have obtained all construction-related permits from the Department of Planning and Community Development and all relevant State agencies prior to the start of your project. Permits that may be required from the Department of Planning and Community Development include (but not limited to):

- Major or minor site plan review
- Zoning and building permit
- Land disturbance permit

How long does a typical special exception process take?

The typical process takes two (2) months from submission to Board of Supervisors action, depending on the type and complexity of development being proposed.



For further information on special exceptions, contact the Middlesex County Planning Department at (804) 758-3382.

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NOTICE

This guide is for information only. Please refer to the applicable laws and regulations for specific technical and procedural requirements. In some cases, you will need professional help in such areas as land survey, engineering and law.

Although every effort has been made to ensure accuracy and completeness, the procedures contained in this guide are not guaranteed to be inclusive. Permitting procedures, fees and times are subject to periodic review and change.

Any errors and omissions in this guide will not relieve any applicant or property owner of the responsibility, obligation or liability in fulfilling all of these legal requirements. Fees quoted in this document are accurate as of August 2005 and are subject to change. Please check with the Department of Planning and Community Development to confirm all fees.

SPECIAL EXCEPTION



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