

<b>G</b>	<b>HOW CAN I FILE A ZONING COMPLAINT?</b>
<p>This section describes the process for filing a complaint about a zoning violation and the procedures that the Department of Planning use to investigate and pursue resolution of a zoning violation.</p>	
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### **Overview**

The Department of Planning is responsible for investigating and initiating enforcement actions on violations of the County’s Zoning Ordinance. Due to staffing levels and the time-consuming nature of zoning enforcement, the County acts on most zoning violations on a complaint basis. This means that Planning Staff must receive a formal complaint from a resident or other interested party in order to initiate a zoning investigation. Common types of zoning complaints that are processed by Planning Staff include:

- Inoperable motor vehicles
- Illegal signs
- Businesses operating without zoning approval (including home-based businesses)

### **Filing a Complaint**

A formal complaint may be provided either verbally or in writing to Planning Staff, and such complaint may be made anonymously. Regardless of whether a complaint is provided anonymously, State law exempts the name and contact information of a zoning complainant from being made available through the Virginia Freedom of Information Act. Anonymous complaints are treated differently by Planning Staff because the complainant’s testimony may be necessary should any zoning enforcement action be taken to court.

If a zoning complainant provides a name and contact number, Planning Staff will maintain contact with the complainant and provide updates on the investigation and any resultant enforcement action. If the action moves to litigation, the complainant may be asked to testify in court regarding the violation.

If a zoning complaint is filed anonymously, Planning Staff will investigate the complaint but will make no attempts to contact the complainant and will not retain the complainant’s name and contact information.

### **The Investigation and Enforcement Process**

When a zoning complaint is received, Planning Staff will conduct a field inspection to gather evidence of the violation. State law does not allow Planning Staff to inspect a property without the property owner’s permission. If the owner does not consent voluntarily to inspection, Planning Staff is limited to observations at eye level from adjacent streets and properties as well

as what may be observed in the course of walking from the County vehicle to the owner's front door in requesting permission to inspect the property. If insufficient evidence can be gathered, the complaint is closed and notes on the investigation are retained for future reference.

If Planning Staff does find evidence of a violation, a notice of violation letter is sent by certified mail to the property owner ordering them to correct the violation within 30 days or to contact Planning Staff to work out a remediation plan. Per State law, the notice of violation letter also gives the property owner 30 days to file an appeal to the County's Board of Zoning Appeals (BZA). If the owner chooses to appeal, then the enforcement action will be held in abeyance until there is final action on the appeal by the BZA or Circuit Court.

The goal is to encourage the property owner to remedy the violation in full and Planning Staff will work with a property owner that provides a remediation plan with a reasonable time frame and sees that plan through to completion. In the event that a property owner fails to remedy a violation, Planning Staff will forward the complaint to the Office of the Commonwealth's Attorney for legal action.

### **Complaints Handled by Other Agencies and Departments**

Below is a list of complaints that are often provided to the Department of Planning but fall under the purview of another agency or department to investigate:

- Illegal land disturbance (grading, clearing, excavation) – County Building Department
- Illegal dumping or accumulation of garbage/waste – County Sheriff's Office and Virginia Department of Health (VDH)
- Construction of a building without a permit – County Building Department
- Illegal occupancy of a structure (e.g., residing in a non-residential structure) – County Building Department
- Unsafe structure – County Building Department
- Failing septic systems – Virginia Department of Health (VDH)