

Planning & Zoning Department

Horace H. Wade III, AICP, CZA

Director of Planning & Community Development

Phone: (757) 294-5210

**County of Surry**

P.O. Box 65

45 School Street

Surry, Virginia 23883

Building Inspections Department

Matt Westheimer, MCP, CBO

Building Official

Phone: (757) 294-5211

FARM BUILDING & STRUCTURE AFFIDAVIT

Applicant Information			
Name of Owner		Phone Number	
Email		Tax Map Number	
Owner's Address			
Property Location or Address (If not same as above)			

Farm buildings and structures are exempt from the Virginia Uniform Statewide Building Code (USBC). In order to qualify for this exemption, the structure must be used for a specific purpose which is directly related to an operating farm and provide a copy of schedule F (Form 1040), Profit or Loss from Farming, that was filed with the IRS for the current or as demonstrated by previous tax year.

The CODE OF VIRGINIA § 36-97 defines farm buildings and structures as follows:

A building or structure not used for residential purposes, located on property where farming operations take place, and used primarily for any of the following uses or combination thereof:

1. Storage, handling, production, display, sampling, or sale of agricultural, horticultural, floricultural or silvicultural products produced on the farm;
2. Sheltering, raising, handling, processing or sale of agricultural animals or agricultural animal products;
3. Business or office uses related to the farm operations;
4. Use of farm machinery or equipment or maintenance or storage of vehicles, machinery or equipment on the farm;
5. Storage of use of supplies and materials used on the farm; or
6. Implementation of best management practices associated with farm operations.

"Farm operation" means any activity conducted solely or primarily for the production of one or more agricultural products or commodities, including timber, for sale or home use, and customarily producing such products or commodities in sufficient quantity to be capable of contributing materially to the operator's support. (**CODE OF VIRGINIA § 25.1-400**)

Is the proposed structure to be used for residential purposes? If "Yes", then the structure is not eligible to be exempt from the Building Code	[] YES or [] NO
Do farming operations take place on the property? If "No", then the structure is not eligible to be exempt from the Building Code If "Yes", then please describe the farming activities and how they contribute materially to your support:	[] YES or [] NO <hr/> <hr/> <hr/> <hr/>

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Questions	
1. Is the proposed structure to be used for storage, handling, production, display, sampling, or sale of agricultural, horticultural, floricultural or silvicultural products produced on the farm?	[] YES or [] NO Type of Products: _____
2. Is the proposed structure to be used for sheltering, raising, handling, processing or sale of agricultural animals or agricultural animal products?	[] YES or [] NO Type of Animals/Products: _____
3. Is the proposed structure to be used for business or office uses related to the farm operations?	[] YES or [] NO
4. Is the proposed structure to be used to hold farm machinery or equipment or maintenance or storage of vehicles, machinery or equipment on the farm	[] YES or [] NO Type of Equipment: _____
5. Is the proposed structure to be used for storage of use of supplies and materials used on the farm?	[] YES or [] NO Type of Supplies/Materials: _____
6. Is the proposed structure to be used for the implementation of best management practices associated with farm operations?	[] YES or [] NO Description of BMPs: _____

Building Information	
Type of Structure	
Building Use	
Building Size (Square Feet)	
Height	

Land Disturbance	
Amount of Land Disturbed (Square Feet)	

***Note, this affidavit only relates to the Building Code. The proposed structure and use must also comply with the County's Zoning Ordinance, and a Zoning Permit or written determination from the Zoning Administrator is required to confirm compliance with zoning regulations.**

A copy of a plat/ site plan sketch showing the building location with setbacks to all property lines along with any existing structures must be submitted with this form along with a completed zoning permit application which is required to ensure that the proposed structure adheres to zoning requirements. The associated fee for a zoning permit will be \$35.00.

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AFFIDAVIT

By completing the following affidavit, you are swearing that the proposed structure meets the farm structure exemption of the USBC. No building permit or building inspections will be required. **Building a structure without a building permit that is not legally exempt, would constitute a violation of Code of Virginia § 36-106 which is deemed a misdemeanor and subject to a fine of up to \$2,500.** Each day the violation continues after conviction or court-ordered abatement period has expired shall constitute a separate offense. Presentation of a false affidavit may also constitute violation of other state laws which may be punishable separately. **The structure is not exempt from other laws, regulations and ordinances, including the Surry County Zoning Ordinance and Surry County Erosion and Sediment Control Ordinance.**

Commonwealth of Virginia

County/ City of _____, to wit:

COMES NOW _____ (name), and after having been sworn, state that I have read and understand the information above, have truthfully answered all questions on this application, and affirm that the structure proposed to be built qualifies as a *farm structure* as defined by the USBC.

Owner Signature: _____ Date: _____

Sworn and subscribed to before me, a Notary Public in and for the jurisdiction aforesaid by _____, whose name is signed to the above, on this _____ day of _____, 20____.

My commission expires: _____

Notary Public

Seal

For Office Use Only	Signature	Date
Director of Planning & Zoning Approval		
Building Official Approval		

Applicant Name: _____