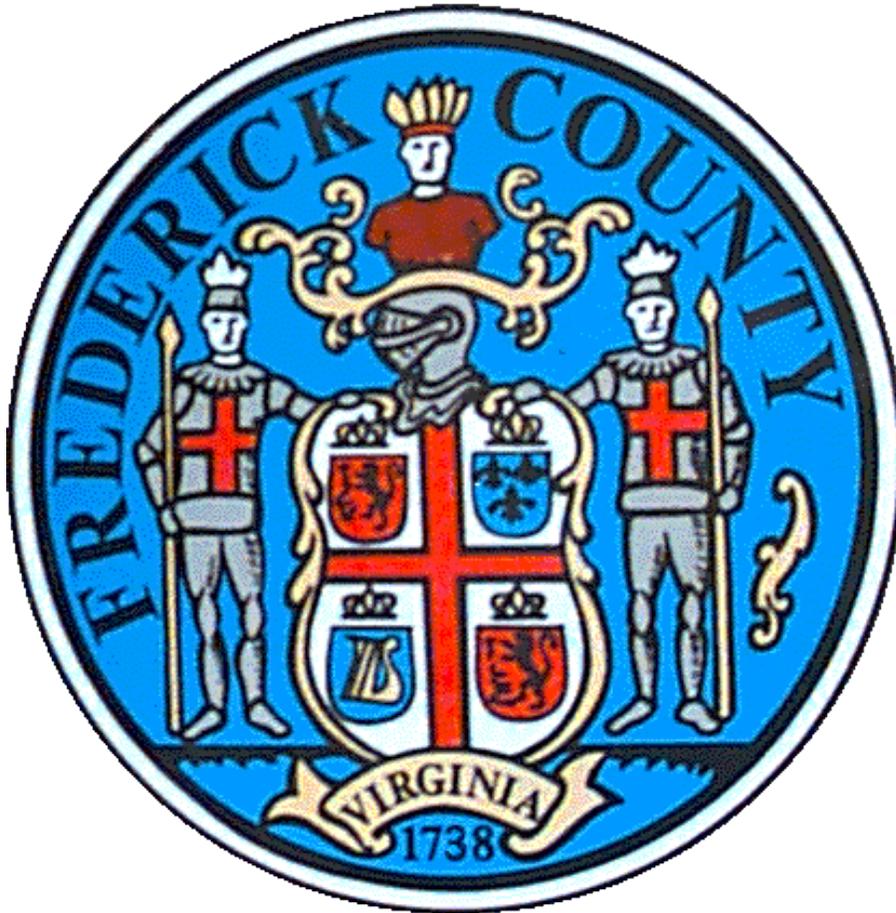


APPEAL OF DECISION APPLICATION PACKAGE



Frederick County, Virginia

Department of Planning and Development
107 North Kent Street
North Building, 2nd Floor
Winchester, Virginia 22601
Telephone: (540) 665-5651 - FAX: (540) 665-6395

Website: www.fcva.us

(Revised 01/16/18)

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FREDERICK COUNTY, VIRGINIA

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**APPLICATION INSTRUCTIONS
FOR
APPEAL OF DECISION**

It is the responsibility of the appellant to complete this form in its entirety and as precisely as possible. In order to be heard by the Board of Zoning Appeals on a particular date, all materials must be submitted prior to a cut-off date established during the previous month. The specific cut-off date is established for each month in order to meet advertising requirements specified by the Code of Virginia. You can obtain this date from the Planning and Development Department.

Because applications are photocopied for Board members, **they must be completed in ink or typed**. All supporting materials must also be able to be legibly photocopied.

PLEASE ATTACH THE FOLLOWING IN SUPPORT OF THIS APPLICATION:

1. A copy of the written decision which is being appealed.
2. Any other evidence or exhibits supporting this application.

Information for items 4, 5, and 12 of the Appeal Application may be obtained from the office of the Commissioner of the Revenue (located on the first floor of the Frederick County Administration Building). Current property zoning for items 6 and 8 may be obtained from the Office of Planning and Development.

If the appellant is not the property owner, the application must be signed by both parties. The title of the representative for an organization, church, etc. shall be shown on the application. The fee for this application is indicated in the County Development Review Fee Schedule. The application fee is due upon submittal of the completed application. Please make checks payable to "**Treasurer of Frederick County**."

Notification of the Board of Zoning Appeals public hearing will be mailed to you. Board of Zoning Appeals public hearings are generally held the third Tuesday of each month at 3:25 p.m. in the Board of Supervisors' meeting room at Frederick County Administration Building, 107 N. Kent Street, Winchester, Virginia.

The applicant (or a representative) must be present at the Board of Zoning Appeals public hearing when the appeal is to be considered. If the applicant (or the representative) is not present, the application will then be tabled until the next regular meeting. If the application is not represented for two consecutive meetings, the Board may remove the application from consideration.

**IF YOU HAVE ANY GENERAL QUESTIONS OR NEED ASSISTANCE IN COMPLETING THIS APPLICATION,
PLEASE CONTACT THE DEPARTMENT OF PLANNING & DEVELOPMENT AT 540-665-5651.**

**FREDERICK COUNTY
BOARD OF ZONING APPEALS
POLICIES**

The Board of Zoning Appeals (BZA) has the following policies under which it operates:

1. Your appeal application allows inspection of your property by the members of the BZA and the staff of the Planning and Development Department.
2. Applications submitted **after** the announced deadline or cut-off date for a specific meeting will not be heard at that meeting unless approved by the Zoning Administrator or Chairperson of the BZA.
3. The schedule of meeting dates will not be altered for individual applications except for reasons of public health, safety and welfare. In the event that a full quorum of the BZA is lacking, the Chairperson may call a special meeting to hear pending applications.
4. Each application will be reviewed based on its own merits.
5. There is a time limit for presentations to the BZA. Representatives of both sides of a case will be allowed a maximum of 20 minutes each for their presentation and each side will be allowed a maximum of 10 minutes each for rebutting the opposing side. Discussion in excess of this time will be allowed only upon a motion duly made and passed by the BZA.
6. The applicant's evidence, exhibits, etc., should be submitted with the application to allow for prior consideration by the BZA. This also expedites the public hearing, since BZA members receive copies of application materials.
7. In upholding an appeal the Board may impose such conditions as it may deem necessary in the public interest and may require a guarantee or bond to insure that the conditions imposed are being, and will continue to be, complied with.

Decisions of the BZA may be appealed to the Circuit Court within 30 days of the decision. See Code of Virginia (15.1-497) for details.



**APPLICATION FOR APPEAL
FREDERICK COUNTY, VIRGINIA**

-OFFICE USE ONLY-

Appeal Application # _____

Submittal Deadline _____

Submittal Date _____

For the BZA Meeting of _____

Fee Amount Paid _____

Initials: _____

Receipt # _____

MUST BE TYPED OR FILLED OUT IN INK – PLEASE PRINT

1. The applicant is to list the owners _____ adult occupants _____ or parties in interest of the property _____. (Check one)

2. APPLICANT:

OCCUPANT: (if different)

NAME: _____

NAME: _____

ADDRESS: _____

ADDRESS: _____

TELEPHONE: _____

TELEPHONE: _____

3. The property is located at (give exact directions and include State Route Numbers):

4. Magisterial District: _____

5. Property Identification Number (P.I.N.): _____

6. The existing zoning of the property is: _____

7. The existing use of the property is: _____

8. Adjoining Property:

	<u>USE</u>	<u>ZONING</u>
North	_____	_____
East	_____	_____
South	_____	_____
West	_____	_____

9. Describe the decision being appealed. (**Attach a copy of the written decision.**)

10. Describe the basis of the appeal, indicating your reason(s) for disagreeing with the decision. (This may be on a separate sheet).

11. Additional comments, if any:

12. The following names and addresses are all of the individuals, firms, or corporations owning property adjacent to the property for which the appeal is being sought, including properties at the sides, rear, and in front of (across street from) the subject property. (Continue on back if necessary.) These people will be notified by mail of this application:

Name and Property Identification Number	Address
Name	
Property #	
Name	
Property #	
Name	
Property #	
Name	
Property #	
Name	
Property #	
Name	
Property #	
Name	
Property #	
Name	
Property #	
Name	
Property #	
Name	
Property #	
Name	
Property #	
Name	
Property #	

AGREEMENT

APPEAL # _____

I (we), the undersigned, do hereby respectfully petition the Frederick County Board of Zoning Appeals (BZA) to overrule the administrative interpretation of the County Zoning Ordinance as described herein. I agree to comply with any conditions required by the BZA.

I authorize the members of the BZA and Frederick County officials to go upon the property for site inspection purposes.

I hereby certify that all of the statements and information contained herein are, to the best of my knowledge, true.

SIGNATURE OF APPLICANT _____ **DATE** _____

SIGNATURE OF APPLICANT _____ **DATE** _____
(if other than applicant)

-OFFICE USE ONLY-

BZA PUBLIC HEARING OF _____ ACTION:
-DATE-

APPEAL OVERRULED

APPEAL SUSTAINED

SIGNED: _____

BZA CHAIRMAN

DATE: _____



**Special Limited Power of Attorney
County of Frederick, Virginia
Frederick Planning Website: www.fcva.us**

**Department of Planning & Development, County of Frederick, Virginia
107 North Kent Street, Winchester, Virginia 22601
Phone (540) 665-5651 Facsimile (540) 665-6395**

Know All Men By These Presents That:

Name of Property Owner/Applicant

Please note: If the property owner/applicant is an entity, the name of the entity should appear above.
If multiple persons own the property or are applicants, an executed power of attorney from each owner will be needed.

Mailing Address of Property Owner/Applicant

Telephone Number

as owner of, or applicant with respect to, the tract(s) or parcel(s) of land in Frederick County, Virginia, identified by following property identification numbers:

do hereby make, constitute, and appoint:

Name of Attorney-In-Fact

Mailing Address of Attorney-In-Fact

Telephone Number

to act as my true and lawful attorney-in-fact for and in my name, place, and stead, with the same full power and authority I would have if acting personally, to file and act on my behalf with respect to application with Frederick County, Virginia for the following, for the above identified property:

- | | |
|--|---|
| <input type="checkbox"/> Rezoning | <input type="checkbox"/> Subdivision |
| <input type="checkbox"/> Conditional Use Permit | <input type="checkbox"/> Site Plan |
| <input type="checkbox"/> Master Development Plan (prelim. or final) | <input type="checkbox"/> Variance or Zoning Appeal |

and, further, my attorney-in-fact shall have the authority to offer proffered conditions and to make amendments to previously approved proffered conditions except as follows:

_____.

This appointment shall expire one year from the day that it is signed, or at such sooner time as I otherwise rescind or modify it.

Signature _____

Title (if signing on behalf of an entity) _____

State of _____, County/City of _____, To wit:

I, _____, a Notary Public in and for the jurisdiction aforesaid, certify that the person who signed the foregoing instrument personally appeared before me and has acknowledged the same before me in the jurisdiction aforesaid this _____ day of _____, 20__.

Notary Public

My Commission Expires: _____
Registration Number: _____

**FREDERICK COUNTY
DEVELOPMENT REVIEW FEES**

Adopted April 23, 2008 – Effective May 1, 2008, Revised 2/24/2010, 4/28/2010, 5/2011, 1/25/2012

COMPREHENSIVE POLICY PLAN

\$ 3,000 non-refundable

REZONING

\$ 1,000 – Proffer amendments not requiring a public hearing
\$ 5,000 base + \$100/acre – 2 acres or less
\$ 10,000 base + \$100/acre more than 2, less than 150
\$ 10,000 base + \$100/acre first 150 + \$50/acre over 150 acres

SUBDIVISION

Non-Residential \$1,000 base
Design Plan \$ 200/lot
Plat \$ 100/lot

Residential (RP, R4, R5)

Design Plan \$ 2,500/base \$100/lot
Plat \$ 200/lot to 50 lots
\$ 100/lot over 50 lots

Rural Areas (RA)

Sketch (Design) \$ 2,500 base \$200/acre
Plat \$ 200/lot

Rural Areas (RA)

Minor – 3 lots or less \$ 200/lot
Lot Consolidation \$ 200/lot
Boundary Line Adj. \$ 200/lot

VARIANCE \$ 400

BZA APPEAL \$ 250

ZONING CERTIFICATION LETTER \$ 250

ZONING DETERMINATION LETTER \$ 100

SUBDIVISION ORDINANCE

EXCEPTION \$ 500

MASTER DEVELOPMENT PLAN

\$ 3,000 base + \$100/acre for first 150 +\$50/acre over 150 acres

CONDITIONAL USE PERMIT

Cottage Occupation \$ 75
Telecommunication Tower \$ 7,000
Other \$ 750

SITE PLAN

Non-residential \$ 2,500 base
\$ 200/acre to 5 acres
\$ 100/acre over 5 acres

Residential \$ 3,500 base
\$ 300/unit to 20 units
\$ 100/unit over 20 units

Minor Site Plan \$ 500 for revision that increases existing structure area by 20% or less & does not exceed 5,000sf of disturbed area.

POSTPONEMENT of any Public Hearing or Public Meeting by Applicant after Advertisement, to include Applicant requests to **TABLE** an agenda item \$ 500/occurrence.

THIRD & SUBSEQUENT PLAN REVIEWS

(including County Attorney review) for a single development application \$ 500/review.

BOND MANAGEMENT

Establishment of bond	\$ 500
Reduction/Release	\$ 300
Replacement	\$ 500

TDR PROGRAM

TDR Application Review	\$300
(*Review includes TDR Letter of Intent)	
TDR Certificate	\$200
Certificate Ownership Transfer	\$50
Receiving Property Approval	\$200
Review of Sending Property	
Deed Covenant	\$100
Review of Deed of Transfer (Extinguishment Document)	\$100

CHAPTER 161 FEES

Installation License	\$300
Septic Haulers Permit	\$200
Residential Pump and Haul	\$50
Commercial Pump and Haul	\$500