



**COUNTY OF LOUDOUN
DEPARTMENT OF PLANNING AND ZONING
1 HARRISON STREET, S.E.,
P. O. BOX 7000
LEESBURG, VA 20177-7000
(703) 777- 0246**

**APPEAL (APPL)
TO
BOARD OF SUPERVISORS
Regarding
Proffer Interpretations and
Notices of Violations
Related to Proffers**

CHECKLIST OF SUBMISSION REQUIREMENTS
FOR APPEAL APPLICATIONS

Please remember:

1. Submit two (2) copies of a completed and signed application form which includes a signed statement setting forth the following information:
 - The order, requirement, decision, determination or notice of violation which is the subject of the appeal. *NOTE: Please attach a copy of the document that sets forth the determination at issue.*
 - The date upon which the decision being appealed was made.
 - The grounds for appeal.
 - Specification as to how the appellant is an aggrieved person.
 - Any additional supportive data such as plats, plans, drawings, charts or other related material.
2. Submit the \$350 application fee, in the form of a check, made payable to the County of Loudoun. *NOTE: Cash is not accepted.*
3. File the appeal with both the Zoning Administrator and the Chairman of the Board of Supervisors. Please accomplish this by submitting the completed application form and the above-referenced materials to the Planning and Zoning counter located on the third floor at the following address: 1 Harrison Street, S.E., PO Box 7000, Leesburg, Virginia 20177-7000.

Please note:

- The appellant will be notified in writing as to whether the appeal has been accepted. If accepted, the appellant will be notified of the date and time for the public hearing in the acceptance letter.
- Should you have any questions regarding the appeal procedure, please contact Zoning Administration at (703) 777- 0246.

**GENERAL INFORMATION FOR APPEALS TO THE
BOARD OF SUPERVISORS**

INTRODUCTION

Any person aggrieved or affected by an order, requirement, decision or determination made by an administrative officer in the administration or enforcement of the provisions of the proffer conditions attached to a rezoning or amendment to the zoning map, may appeal said decision within thirty (30) days to the Board of Supervisors in strict accordance with Section 15.2-2301 of the Code of Virginia.

The Board of Supervisors consists of nine (9) members elected by the residents of Loudoun County for a non-staggered term of four years. All members of the Board of Supervisors are private citizens and are required to be residents of Loudoun County. They serve as the governing body for Loudoun County and not as County employees. The Proffer Administration Division in the Department of Planning and Zoning provides principal administrative support on appeal applications of proffer decisions for the Board of Supervisors. The address of the Department of Planning & Zoning is 1 Harrison Street, S.E., Leesburg, Virginia, 20177-7000 on the third floor and the telephone number is (703) 777 - 0246.

Before the Board of Supervisors will consider an appeal, two copies of the application must be properly filed with the Zoning Administrator within thirty (30) days from the date of the decision being appealed. The completed application form with the attached submission requirements and filing fee should be submitted to the Planning and Zoning counter located on the third floor at the above noted address. The application will subsequently be forwarded to both the Zoning Administrator and Chairman of the Board of Supervisors. If an application is accepted, a public hearing date is then scheduled. Written notice requirements must be satisfied and the public hearing properly held before the Board of Supervisors can act upon an application. The appellant or authorized agent is required to present the justification for the appeal at the hearing.

PROPERLY FILED APPLICATIONS

Attached to the application form for an appeal is a copy of the submission requirements for filing and processing the application. All components of the submission requirements must be met within the thirty (30) day filing time frame before the application can be accepted and scheduled for public hearing. The appellant must submit an appeal application to include a written statement signed by the appellant setting forth the following:

- The order, requirement, decision, or determination which is the subject of the appeal. *NOTE: This usually can best be accomplished by including a copy of the document which sets forth the determination at issue and then making reference to it in the statement.*
- The date upon which the decision being appealed was made.
- The appellant's grounds and reasons for the appeal.
- Specification as to how the appellant is an aggrieved person (for example, owner of property affected by the determination or adjacent owner affected by the determination, etc.). If the appellant is a County officer, department, board or bureau, a statement must be provided as to how the appellant is affected by this decision.
- Any other supportive data as the appellant may desire in the record, including plats, plans, drawings, charts or related material.

A \$350 filing fee as prescribed by a resolution of the Board of Supervisors must accompany each application. The filing fee must be in the form of a check made payable to the County of Loudoun; cash is not accepted.

LEGALLY ADVERTISED PUBLIC HEARING

Normally, the public hearing on an application will be held within ninety (90) days of the acceptance of the application. There are advertisement and public notification procedures required by law for all public hearings. They are as follows:

1. The **County** must publish a notice of the time and place of the public hearing once a week for two successive weeks in a newspaper having general circulation in the County, with the second advertisement no more than twenty one (21) days and no fewer than six (6) calendar days before the date of the public hearing.

2. If the appeal is processed under the REVISED 1993 Loudoun County Zoning Ordinance and 1993 Loudoun County Zoning Ordinance, the **appellant** must, at least twenty-one (21) and no more than thirty (30) calendar days prior to the public hearing, post on the subject property a notice of the hearing using the placards provided by the County. If the appeal is processed under the 1972 Loudoun County Zoning Ordinance, the **appellant** must, at least ten (10) calendar days prior to the public hearing, post on the subject property a notice of the hearing using the placards provided by the County.
3. The **appellant** must notify nearby property owners concerning the public hearing. The Zoning Administrator will notify the applicant of the time, date, and place of the public hearing in sufficient time for the applicant to fulfill this legal requirement. Instructions for preparing these written notices and additional information regarding the public hearing process are provided at that time.

Prior to the public hearing, staff will forward a report to the Board of Supervisors detailing staff's position, a copy of which will be sent to the applicant. At the public hearing, both staff and the appellant present their position and then any other interested person is given the opportunity to speak.

ACTION OF THE BOARD OF SUPERVISORS

Although the Board of Supervisors may occasionally find it necessary to defer its decision on an application, it usually renders a decision immediately following the public hearing. The Board of Supervisors may affirm or reverse, wholly or in part, or may modify any order, requirement, decision or determination of the Zoning Administrator or any other administrative officer in the administration or enforcement of the approved proffers and concept development plans for a property. Such action requires the concurring vote of five (5) members of the Board of Supervisors.

The State Code provides that any person aggrieved by a decision of the Board of Supervisors may, within thirty (30) days of that decision, file a petition with the Circuit Court to review its decision.

Excerpts of pertinent sections from the Revised 1993 Zoning Ordinance is located below regarding an appeal of a decision on proffered conditions.

Section 6-1209

6-1209 Proffered Conditions. Proffered conditions in accordance with Section 6-1208 may include written statements, development plans, profiles, elevations, or other demonstrative materials and shall be subject to the procedures set out in, or established by resolution pursuant to Section 6-1203 and the following:

- (I) **Appeal of Proffer Decision.** Any person aggrieved by a decision of the Zoning Administrator regarding any proffered condition may appeal such decision to the Board of Supervisors. Such appeal shall be filed within thirty (30) calendar days from the date of the decision appealed by filing a notice of appeal with the Zoning Administrator. Such notice shall be a written statement specifying the grounds on which aggrieved and the basis for the appeal and shall include the materials specified in Section 6-1209(J). Upon receipt of the appeal notice, the Board of Supervisors shall take such testimony as it deems appropriate and shall render its decision within ninety (90) calendar days after receipt of the appeal notice and following a public hearing. The Board of Supervisors may reverse or affirm wholly or partly or may modify the decision of the Zoning Administrator.

- (J) **Proffer Appeal Submission Materials.** Any appeal presented in accordance with the provisions of Section 6-1209(I) of this Ordinance shall include the following materials within the thirty (30) calendar day filing time frame. The ninety (90) day timeline set forth in Section 6-1209(I) above shall not commence until all of the following are received by the Zoning Administrator and the Chairman of the Board of Supervisors:
 - (1) Two copies of an application form, signed by the appellant or appellant's representative, accompanied by the following information:
 - (a) A copy of the decision or proffer determination which is the subject of the appeal.
 - (b) The date upon which the decision or determination being appealed was made.
 - (c) The grounds for the appeal.
 - (d) Specification as to how the appellant is an aggrieved person (for example, owner of property affected by the determination or adjacent owner affected by the determination, etc).
 - (e) Any additional supportive data such as plats, plans, drawings, charts or other related material desired to be included in the record.

 - (2) An application fee in the amount set forth by resolution of the Board of Supervisors.