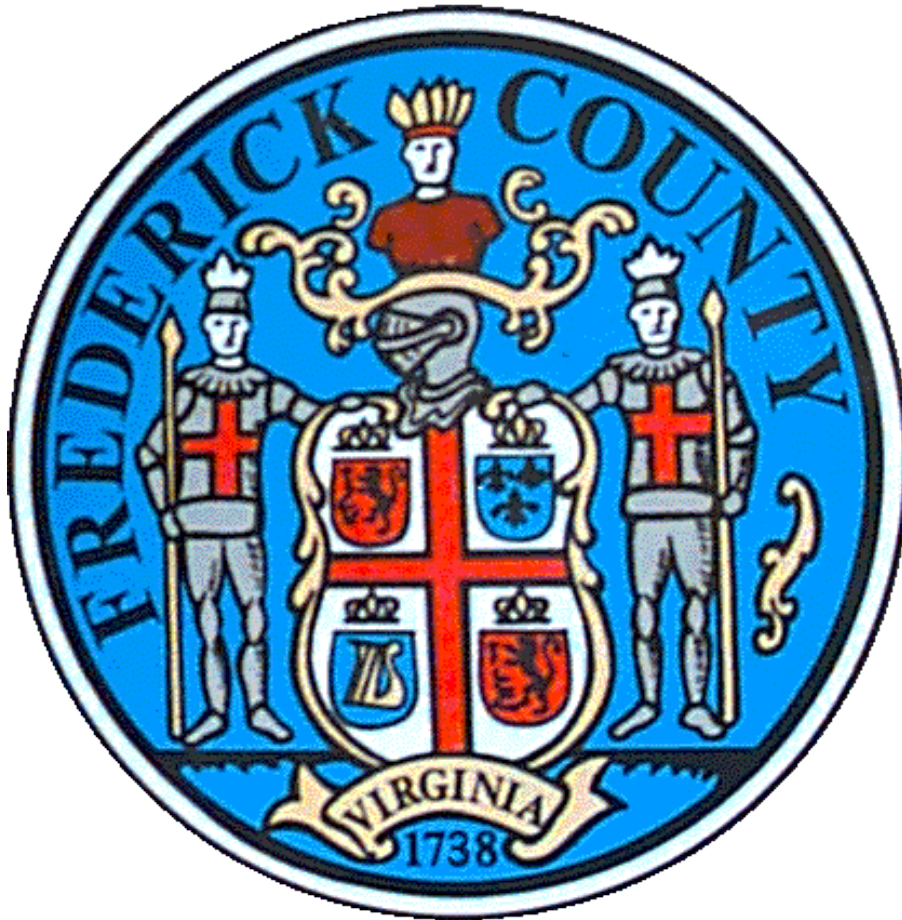


APPEAL OF DECISION APPLICATION PACKAGE



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 03.16.23)

TABLE OF CONTENTS
APPLICATION FOR APPEAL OF DECISION
FREDERICK COUNTY, VIRGINIA

Application Instructions.....3

Board of Zoning Appeals Policies4

Appeal Application Form5

Adjoining Property Owners7

Agreement.....8

Special Limited Power of Attorney Form.....9

Development Review Fee Schedule10

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 (§15.2-2314) 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 I (We)

(Name) _____ (Phone) _____

(Address) _____

the owner(s) of all those tracts or parcels of land ("Property") conveyed to me (us), by deed recorded in the Clerk's Office of the Circuit Court of the County of Frederick, Virginia, by

Instrument No. _____ on Page _____, and is described as

Parcel: _____ Lot: _____ Block: _____ Section: _____ Subdivision: _____
do hereby make, constitute and appoint:

(Name) _____ (Phone) _____

(Address) _____

To act as my true and lawful attorney-in-fact for and in my (our) name, place and stead with full power and authority I (we) would have if acting personally to file planning applications for my (our) above described Property, including:

- _____ **Rezoning (including proffers)**
- _____ **Conditional Use Permit**
- _____ **Master Development Plan (Preliminary and Final)**
- _____ **Subdivision**
- _____ **Site Plan**
- _____ **Variance or Appeal**

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 authorization shall expire one year from the day it is signed, or until it is otherwise rescinded or modified.

In witness thereof, I (we) have hereto set my (our) hand and seal this _____ day of _____, 20____,

Signature(s) _____

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

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

_____ My Commission Expires: _____
Notary Public

**FREDERICK COUNTY
DEVELOPMENT REVIEW FEES**

Revised - 03/08/2023

COMPREHENSIVE PLAN AMENDMENT

\$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 greater than 50-FT in height \$750

Other \$750

ADMINISTRATIVE TOWERS PER 165-204.19

Up to five facilities/structures \$100

Each additional facility \$50

Small Cell Facilities \$50

Co-location on an existing wireless structure \$50

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 10,000sf of disturbed area.

POSTPONEMENT of any Public Hearing or Public Meeting by Applicant after Advertisement, to include Applicant requests to **TABLE** an agenda item \$750/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 \$ 300

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

SHORT-TERM LODGING (STL)

Permit \$200

STL Permit Renewals \$100