



**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 ZONING APPEALS
UNDER THE
1972 ZONING ORDINANCE
OR
1993 ZONING ORDINANCE
OR
REVISED 1993 ZONING ORDINANCE**

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 Zoning Appeals (BZA). 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 ZONING APPEALS (BZA)**

INTRODUCTION

The Loudoun County Board of Zoning Appeals, frequently referred to as the BZA, was established pursuant to the provisions of Article 7, Chapter 22, Title 15.2 of the Code of Virginia. The BZA's powers, duties, and procedures are set forth in broad terms in the State Code and are further detailed in the Loudoun County Zoning Ordinance. Such powers and duties include, but are not limited to:

- Hearing and deciding appeals of administrative decisions made pursuant to the Zoning Ordinance.
- Hearing and deciding on applications for variances as authorized by the Zoning Ordinance.
- Hearing and deciding on appeals from the decisions of the Zoning Administrator regarding interpretation of the Zoning Map where there is uncertainty as to the location of a zoning district boundary.

The BZA consists of five (5) members and two (2) alternates appointed by the Circuit Court for staggered terms of five years. All members of the BZA are private citizens and are required to be residents of Loudoun County. They serve only as a Board and not as County employees. They do not have County office space nor are they available by telephone in the County government. Zoning Administration in the Department of Planning and Zoning provides principal administrative support on appeal applications for the BZA. They are located at 1 Harrison Street, S.E., P.O. Box 7000, Leesburg, Virginia, 20177-7000 on the third floor and their telephone number is (703) 777 - 0246.

Before the BZA will consider an appeal, an application must be properly filed with both the Zoning Administrator and the Chairman of the BZA within thirty (30) days from the date the decision being appealed was made. 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 of the same above noted building. The application will subsequently be forwarded to both the Zoning Administrator and Chairman of the BZA. 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 BZA 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 in the Zoning Ordinance 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 approximately 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 memorandum to the BZA 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 BZA

Although the BZA may occasionally find it necessary to defer its decision on an application, it usually renders a decision immediately following the public hearing. The BZA 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 Zoning Ordinance. Such action requires the concurring vote of three (3) members of the BZA.

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

Section 6-1700

Appeals.

- 6-1701 Appeals from Administrative Ruling.** The Board of Zoning Appeals is authorized to hear appeals from any order, requirement, decision or determination made by the Zoning Administrator in the administration or enforcement of this Ordinance. In this capacity the Board exercises appellate jurisdiction as a quasi-judicial body, and its task is to determine what the Ordinance means and how the Ordinance applies to a particular fact situation.
- 6-1702 When Appeals May Be Taken.** Appeals to the BZA may be taken by any person aggrieved or by any officer, department, board or agency of the County affected by any decision of the Zoning Administrator or from any order, requirement, decision or determination made by any other administrative officer in the administration or enforcement of this Ordinance. Appeals shall be taken within thirty (30) days after the decision has been rendered, with the exception that appeals shall be taken within ten (10) days after the issuance of a Notice of Violation for any violation of this Ordinance classified as a short term, recurring zoning violation. Appeals shall be taken by filing with the Zoning Administrator from whom the appeal is taken and with the chairman of the BZA a notice of appeal specifying the grounds of the appeal, to include the materials set forth in Section 6-1707 below. The Zoning Administrator shall forthwith forward to the chairman of the BZA all the papers constituting the record upon which the action appealed from was taken.
- 6-1703 When Appeals to Stay Proceedings.** A notice of appeal properly filed as herein provided shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Administrator certifies to the BZA that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed except by a restraining order which may be granted by the BZA or by a proper court order on notice to the Zoning Administrator and for good cause shown.
- 6-1704 Decisions on Appeal.** Within ninety (90) days after the notice of appeal has been filed, the BZA shall hold a public hearing, give public notice thereof required by Section 15.2-2204 of the Code of Virginia as well as due notice to the parties in interest, decide the appeal, and file with the Zoning Administrator its findings of fact and conclusions with respect to the appeal. The Zoning Administrator shall serve a copy of the decision on the appellant and upon each other person who was a party of record at the hearing. In exercising its powers, the BZA may reverse or affirm, wholly or partly, or may modify the decision appealed from. The concurring vote of a majority of BZA members shall be necessary to reverse a decision.
- 6-1705 Withdrawal of Application.** An appeal may be withdrawn by the appellant at any time prior to the deadline for cancellation of the newspaper advertisement for the public hearing on the application. After said deadline, an appeal may be withdrawn only with the permission of the BZA.

6-1706 **Proceedings to Prevent Construction of a Building.** Where a building permit has been issued and the construction of the building for which such permit was issued is subsequently sought to be prevented, restrained, corrected or abated as a violation of the zoning ordinance, by suit filed within fifteen days after the start of construction by a person who had no actual notice of the issuance of the permit, the court may hear and determine the issues raised in the litigation even though no appeal was taken from the decision of the Zoning Administrator to the Board of Zoning Appeals.

6-1707 **Submission of Appeal.** Any appeal submitted in accordance with the provisions of Section 6-1702 of this Ordinance must include the following materials within the thirty (30) day filing time frame before the appeal is considered to be filed. The ninety (90) day timeline set forth in Section 6-1704 above shall not commence until all of the following are received by the Zoning Administrator and the Chairman of the Board of Zoning Appeals:

- (A) Two copies of a completed application form signed by the appellant or appellant's representative, accompanied by the following information:
 - (1) A copy of the order, requirement, decision, determination or notice of violation which is the subject of the appeal.
 - (2) The date upon which the decision being appealed was made.
 - (3) The grounds for the appeal.
 - (4) 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).
 - (5) Any additional supportive data such as plats, plans, drawings, charts or other related material desired to be included in the record.
- (B) An application fee in the amount set forth by resolution of the Board of Supervisors.