

***SPECIAL PERMIT /
SPECIAL PERMIT AMENDMENT***
Application Information



ZONING EVALUATION DIVISION
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Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call 703-324-1334 or TTY 771 (Virginia Relay Center).

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SPECIAL PERMIT / SPECIAL PERMIT AMENDMENT APPLICATION INFORMATION

This publication contains information on how to process a special permit application in Fairfax County. It includes instructions and suggestions, a detailed list of submission requirements, an application form, an affidavit form, and a fee schedule. Additional copies of this publication are available from the Zoning Evaluation Division, Department of Planning and Development, or from the County's web site at <https://www.fairfaxcounty.gov/planning-development/zoning/application-review>. The materials in this publication are also applicable to applications to amend previously approved special permits.

SPECIAL PERMIT: The Zoning Ordinance states that there are certain uses which by their nature or design can have an undue impact upon, or be incompatible with, other uses of land. In addition, there are times when standards and regulations specified for certain uses allowed within a given zoning district should be allowed to be modified, within limitations, in the interest of sound development. These uses, described as special permit uses in the Zoning Ordinance, may be allowed to locate within designated zoning districts under the controls, limitations and regulations of a special permit approved by the Board of Zoning Appeals (BZA).

The BZA may approve a special permit under the provisions of the Zoning Ordinance when it concludes that the proposed use complies with all specified standards, including the standards that such use will be in harmony with the Comprehensive Plan and will be compatible with existing and/or planned development in the area. In addition, in approving a special permit, the BZA may impose conditions and restrictions to ensure that the standards will be met. Where such cannot be accomplished, or when it is determined that the use is not in accordance with all applicable standards of the Zoning Ordinance, the BZA will deny the special permit.

In order to request consideration of a special permit by the BZA, an application must be filed by an authorized person (see subsection 8100.4.C(2) of the Zoning Ordinance). A special permit must comply with specific submission requirements, including the provision of a fee and an affidavit, as set forth in the Zoning Ordinance.

BOARD OF ZONING APPEALS: The BZA is comprised of Fairfax County citizens who are appointed by the Circuit Court. There are 7 members, with each member serving in an at-large capacity for a term of 5 years. The Board of Zoning Appeals has the authority, among other powers, to approve special permits. The powers of the BZA are defined by the Fairfax County Zoning Ordinance and the State enabling legislation in 15.2-2309 of the Code of Virginia.

The BZA may approve, deny, or approve-in-part, a special permit application. The BZA may approve a special permit only upon a finding that the request meets all of the General Standards and additional standards for a Special Permit as outlined in the Zoning Ordinance and any other relevant Zoning Ordinance provisions.

SUBMISSION REQUIREMENTS: A synopsis of the submission requirements for an application for a special permit is presented in this package in a checklist format as a convenient way to collect all required items and information prior to beginning the on-line application process. In general, the submission requirements include a plat (as required and outlined in the Zoning Ordinance) of the property showing existing and proposed uses, a zoning section sheet (zoning map), photographs of the property, an affidavit disclosing ownership and other interest in the property, a written statement of justification describing the proposed use as it relates to the specific Zoning Ordinance criteria, owner concurrence in the application, any applicable overlay district information, and a fee.

All special permits must meet the applicable General and any Use-Specific Standards specified in the Zoning Ordinance, which may be found on the County's web site at <https://www.fairfaxcounty.gov/planning-development/zoning-ordinance>. A copy of the general standards is also included on page 3 of this package. Demonstrating compliance with these group and additional standards may require additional submission materials.

WHERE TO SUBMIT: All applications must be submitted electronically through the PLUS application portal. For additional information on how to use the PLUS application portal, please visit the PLUS Support Center.

ASSISTANCE: For information on the application process, clarification of these instructions, or for other assistance please call the Zoning Evaluation Division at 703-324-1290.

HELPFUL HINTS: The following "Helpful Hints" are provided to assist in the filing of a special permit application:

- Each application is considered a "package," the minimum required elements must be submitted. We recommend you use the checklist in this packet to make sure you have all the required elements before you begin.
- Please review your materials for completeness, correctness, and coordination!
- Each applicant should designate a "single point of contact" who will be responsible for the application. This may be the applicant, agent, attorney, engineer, property owner, or other member of the application team. (The PLUS system will prompt you for this information.)

ZONING ORDINANCE GENERAL STANDARDS FOR A SPECIAL PERMIT

A Statement of Justification should be provided for all special permit uses which must satisfy the following general standards pursuant to subsection 4102.1.F(2) of the Zoning Ordinance in order for the Board of Zoning Appeals to approve the application.

- (a) The proposed use at the specified location must be in harmony with the Comprehensive Plan.
- (b) The proposed use must be in harmony with the general purpose and intent of the zoning district where it is to be located.
- (c) The proposed use, including its design and operational characteristics, must not adversely affect the use or future development of neighboring properties and must be in accordance with the applicable zoning district regulations. The location, size and height of buildings, structures, walls, and fences, as well as the nature and extent of screening, buffering and landscaping cannot hinder or discourage the appropriate development and use, or impair the value of, adjacent or nearby land or buildings.
- (d) Pedestrian and vehicular traffic associated with the use must not be hazardous or conflict with the existing and anticipated traffic in the neighborhood.
- (e) Adequate utility, drainage, and other necessary facilities to serve the proposed use must be provided.
- (f) Signs are regulated by Article 7; however, the Board or BZA may impose stricter requirements for a given use than those set forth in this Ordinance.

In addition to the general standards outlined above, some types of special permits also have specific standards which must be met. These specific standards can be found in subsection 4102 the Zoning Ordinance, which is available on the County's web site at <https://www.fairfaxcounty.gov/planning-development/zoning-ordinance>.

PROCESSING OF A SPECIAL PERMIT APPLICATION

STEP 1 - SUBMISSION OF THE APPLICATION: A complete special permit application package, containing all of the required items, must be submitted online through the PLUS system. Please contact the Zoning Evaluation Division (ZED) in the Department of Planning and Development (DPD) Monday through Friday from 8:00 a.m. to 4:30 p.m. if you have any specific question or concerns regarding the electronic filing process.

STEP 2 - APPLICATION ACCEPTANCE: An application will be reviewed for acceptance only when a complete application package that contains all required submission items is electronically submitted. The Applications Acceptance Branch of the Zoning Evaluation Division will review all complete application packages in the order in which they are received. If deficiencies are found, a letter will be sent to the applicant or authorized agent regarding deficiencies that must be corrected. The special permit application will be accepted when all Zoning Ordinance submission requirements are met, including payment of the applicable fee. Once the special permit application has been accepted, an email will be sent to the applicant/agent verifying such acceptance. The average time an applicant spends going through the Acceptance process to have all documents in acceptable form is 3 to 6 months, depending on how quickly an applicant resubmits requested revised documents. If you have any questions about your application prior to filing or acceptance, please call 703-324-1290, TTY 711.

STEP 3 – SPECIAL PERMIT/VARIANCE BRANCH: After a Special Permit application is accepted, it is forwarded to the Special Permit/Variance Branch of the Zoning Evaluation Division for processing. At that time, a public hearing before the Board of Zoning Appeals (BZA) will be scheduled and a staff coordinator will be assigned to the application. A letter will be sent to the applicant/agent confirming this information. By State law, the public hearing date must generally be held within 90 days of application acceptance, unless a deferral is requested by the applicant. If you have any questions about your application once it has been accepted, please call 703-324-1280, TTY 711.

STEP 4 – STAFF REVIEW PROCESS: Upon acceptance of a special permit application, the application will be reviewed by staff for compliance with the Comprehensive Plan and the Zoning Ordinance and for its impacts on land use, transportation, environmental resources, public facilities and other factors. The review process is managed by a staff coordinator within the Zoning Evaluation Division who is the primary point of contact for the application. The staff coordinator will transmit requests for additional information needed to review the application, provide staff comments/issues on the request, facilitate the resolution of any issues which may be identified, and respond to question/inquiries about the application. A written staff report will be prepared documenting the analysis of each application, and presenting a recommendation to the BZA. The staff report is published one week before the public hearing, at which time it is mailed to the applicant/agent, delivered to the BZA, and made available to the public and published on-line in the PLUS system.

STEP 5 - NOTIFICATION: Between 30 and 40 days prior to BZA public hearing, a package will be sent to the applicant/agent, by certified mail, outlining the procedures for notifying surrounding property owners of the public hearing on the special permit request. Providing notification is a State and County legal requirement. The applicant/agent **must follow the directions contained in the notice package** including sending the specified written notice to a minimum of 10 different property owners abutting, across the street from, and/or in the immediate vicinity of the property (unless such notices are sent by staff).

A public hearing cannot be conducted unless the notification process is completed correctly and within the mandated timeframe. Failure to adhere to the procedures contained in the notification package will jeopardize the scheduled public hearing date. If you have questions regarding the legal notification, please call 703-324-1280, TTY 711.

Between 21 and 14 days prior to the public hearing, County staff will advertise the public hearing in a local newspaper. A minimum of 15 days prior to the public hearing, County staff will also place one or more yellow sign boards on the application property notifying the public of the public hearing. The sign boards must not be moved or removed from the property. After the public hearing, the sign boards will be removed by County staff.

STEP 6 - PUBLIC HEARING: BZA public hearings are open to the public and are held on most Wednesday mornings beginning at 9:00 a.m. in the Board Auditorium in the Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, VA. The BZA agenda can be found on the County's web site at <https://www.fairfaxcounty.gov/planning-development/board-zoning-appeals/weekly-agendas>. If you have any questions regarding the public hearing, please call 703-324-1280, TTY 711.

To learn more about the public hearing process, applicants may want to view a meeting prior to their hearing date.

Televised Meetings: Fairfax County Cable Channel 16 broadcasts all BZA meeting live. For program listings, check the viewing guide at <https://www.fairfaxcounty.gov/cableconsumer/channel-16/fairfax-county-government-television/> or call 703-324-5930, TTY 711.

Telephone Access: To listen by telephone while the public hearings are underway, call 703-324-7700, TTY 711.

Public Access: For special accommodations or alternative information formats, call 703-324-3151, TTY 711.

Conduct of Public Hearings: Typically public hearings are conducted as follows:

- The Chairman of the BZA will call an application to be heard.
- The applicant/agent is required to be present at the public hearing and will be asked to come to the podium to state his/her name and address and to reaffirm the affidavit, all under oath.
- Staff will describe the location of the property and the request, and present other pertinent information.
- The applicant/agent will present the justification for the special permit request(s), including how the application meets the Zoning Ordinance standards for the Special Permit, as outlined in a Statement of Justification.
- The BZA will open the public hearing for testimony in support of, or in opposition to, the request. Anyone wanting to speak at the public hearing may do so or may submit written testimony to the Clerk to the BZA.

Although not mandatory, as a courtesy and to ensure the accuracy of the record, those who wish to speak on a particular case are requested to sign up on the speaker's list prior to the day of the meeting by contacting the Clerk to the BZA at 703-324-1280, TTY 711, or via <https://www.fairfaxcounty.gov/planning-development/board-zoning-appeals/speaker-signup>.

- At any time during the public hearing, a member of the BZA may ask questions of the applicant/agent, staff or a speaker.
- The BZA makes its determination based on whether it finds that the application meets **all of the Zoning Ordinance Required Standards for a Special Permit**, as well as other relevant Zoning Ordinance provisions. The BZA may impose conditions on a special permit, as it deems necessary.
- The BZA will close the public hearing and may make a motion to approve the application, deny it, or approve it in-part; continue the hearing to another date if it needs additional information; or, defer decision to a later date.

STEP 7 - LETTER OF DECISION: The Clerk to the BZA will mail a letter containing the final decision of the BZA and a copy of the adopted Resolution to the applicant/agent after the final decision date. If the BZA denies a special permit request, a new special permit application cannot be filed on the same property for one year, unless a waiver of the one-year wait period is granted by the BZA.

STEP 8 – IMPLEMENTATION: A special permit normally has conditions which must be met prior to final establishment of the use, as well as other plats/plans such as site plans and occupancy permits which must be submitted and approved. Whenever a special permit is approved by the BZA, the activity authorized must be established or any construction authorized must commence and be diligently prosecuted within such time as the BZA specified in the approval, or, if no such time is specified, then, within thirty (30) months from the final approval date of the special permit. If the use has not been established or construction has not commenced within the time period approved, the special permit automatically expires, without notification by the County, unless additional time is approved by the BZA as outlined in the Zoning Ordinance and as follows.

The BZA may grant additional time beyond the originally established time period to implement a special permit. Should additional time be necessary, a letter requesting additional time must be filed with the Zoning Administrator prior to the date of expiration of the special permit. The additional time request must specify the amount of additional time requested, the basis for the amount of time requested, and an explanation as to why additional time is required. The procedure to request additional time is contained in the Zoning Ordinance or if you have any questions, please call 703-324-1280, TTY 711.

Note: The approval of a special permit does not interfere with, abrogate or annul any easement covenants, or other agreements between parties, as they may apply to the property subject to this application.

**SYNOPSIS OF SUBMISSION REQUIREMENTS
FOR A SPECIAL PERMIT APPLICATION**

A special permit application must meet all of the submission requirements specified in the Zoning Ordinance in order to be accepted for processing. To assist you in determining that you have all of the materials ready to submit a complete application prior to beginning the online process, a synopsis of the requirements is presented below.

A complete application must be submitted before the application will be reviewed for compliance with the submission requirements by the Applications Acceptance Section of the Zoning Evaluation Division (ZED), Department of Planning and Development (DPD). If the application does not meet the submission requirements, a checklist letter outlining the deficiencies will be sent to the applicant or designated agent. The application will not be accepted and scheduled for a public hearing until all deficiencies have been resolved. When an application meets all the submission requirements, it will be accepted and scheduled for a public hearing and the applicant/agent will be so notified.

REQUIREMENT	
<p>1. A PDF copy of the Special Permit Plat, uploaded in Puls and prepared and sealed by a professional land surveyor, engineer, architect or landscape architect licensed in the State of Virginia. See the detailed Requirements for Special Permit Plats found on pages 9 - 15 of this package and Section 8101 of the Zoning Ordinance. * Please refer to subsection 8101.3.E for any specific Plat requirements for specific uses. * <i>In some instances, hard copies may be requested during review.</i></p>	
<p>2. One (1) copy of the current Official Zoning Map Fairfax County, showing the subject property and an area of at least a 500 foot radius around the property. If more than one (1) Zoning Map sheet is required to cover this area, such sheets should be combined into a single readable map. The boundaries of the subject property must be outlined in red.</p> <p>The official Zoning Map Fairfax County may be obtained on the web at https://www.fairfaxcounty.gov/gisapps/DMV/Default.aspx. For Map Type, you must select <u>ZONING MAP</u> and the appropriate map grid (e.g., 045-2). Download your map, outline lot in red or highlight, and upload into Plus.</p>	
<p>3. Photographs of the application property and abutting properties showing existing structures, terrain and vegetation as viewed from all lot lines and street lines of the application property. All front, rear, and side yards must be shown, regardless of the location of the structure/use where you are requesting relief. Provide the date, location and direction from which the photographs were taken in the description box when uploading. A single multi-page pdf document with all photos and information is preferred.</p>	

* **Reminder: Transportation Impact Analysis (TIA) checklist is required for Special Permit and Special Permit Amendments and must be submitted with the application package. A copy of the TIA checklist is included in this package on pages 30-32. Most single lot residential applications (fence, reduction in minimum and/or certain yards, accessory dwelling unit, keeping of animals, etc.) WILL NOT require a TIA determination.**

REQUIREMENT	
4.	A written statement of justification describing the proposed use and other pertinent data which complies with the Zoning Ordinance as found on page 17 of this package.
5.	<p>A notarized affidavit (single sided) completed and signed by the applicant or the applicant’s authorized agent. At a minimum, the first 5 pages must be completed and notarized. If the applicant’s authorized agent completes the application or affidavit on the applicant’s behalf, a certified (notarized) statement (pages 34-36) from the applicant must be submitted authorizing the agent to complete the affidavit on the applicant’s behalf. Please insert your application number at the top of each page where, along with the date the affidavit is notarized where requested. Make sure to fill out 1(a) on page 1, all applicant/s, owner/s, and any other applicable parties must be disclosed. Please only use listed relationships referenced in 1(a). All affidavits are reviewed by the Office of the County Attorney for completeness and accuracy. A copy of the affidavit form is presented on pages 18 – 27 and is available on the web at <u>Special Permit/Variance Affidavit (fairfaxcounty)</u>.</p> <p>After initial review by Applications Acceptance staff, your Acceptance reviewer will instruct you to mail the original Affidavit and (consents if applicable) to the County Attorneys Office for review by the Office of the County Attorney. Please do not mail in until requested to do so.</p> <p>For questions concerning affidavits, please contact the Office of the County Attorney at (703) 324-2421, TTY 711. <i>The affidavit must be updated if there are any changes in the information up to the time of the public hearing. Prior to each public hearing on the application, the applicant or authorized agent is required to reaffirm the affidavit verbally.</i></p>
6.	A statement from all owners of the subject property which confirms the ownership and the nature of the applicant’s interest in the property. If the applicant is not the owner of the property involved in the application, evidence must be submitted showing that the applicant will have the right to use the property as proposed. If a lessee is the applicant, a copy of the lease is required to be uploaded into Plus. If there are multiple owners, all owners must provide consent. For a condominium, the provisions of Section 8105 are applicable. (Owner Consent standard form attached – pages 34-36)
8.	Where applicable, any other information as may be required by the provisions of subsection 3101.6.F, including the submission of the Archaeological Survey Data Form and a Phase I Archaeological Survey to the Fairfax County Park Authority as may be required for applications resulting in 2500 square feet or more of land disturbing activity and where the application property is located wholly or partially within or contiguous to a Historic Overlay District. A copy of the Archaeological Survey Data Form is included in the package on pages 28-29.

<p>9. Payment (via electronic check or credit card) in the amount shown on the fee schedule in Section 8102 of the Zoning Ordinance set forth on page 37 of this package. Electronic payments returned or rejected are subject to a fee (Fairfax County Code, §1-1-17; Va. Code § 15.2-106).</p>	
<p>10. Please refer to page 33 regarding Va. Code § 57-15 which references “Proceeding by trustees or members for similar purposes, exception for certain transfers.” If applicable, please provide this documentation.</p>	

* *Reminder: One of the detailed submission requirements for special permit plats relates to stormwater management facilities. Any waivers for stormwater management to permit underground detention facilities in residential areas or for Resource Protection Area (RPA) exceptions should be submitted concurrently with the special permit. Waiver requests or RPA exceptions are to be submitted to Land Development Services at the Customer and Technical Support Center, located on the 2nd floor of the Herry Building, 12055 Government Center Parkway. If you have any questions, please call 703-324-1730.*

GENERAL SPECIAL PERMIT PLAT SUBMISSION REQUIREMENTS

Note: a Special Permit Plat, prepared as stated below, is required for most applications. Please refer to the next several pages or subsection 8101.3.E for modified plat requirements for specific application types.

A pdf of a plat and any supporting graphics, including any resubmissions, drawn to designated scale of not less than one inch equals fifty feet (1" = 50'), certified by a professional engineer, land surveyor, architect or landscape architect licensed by the State of Virginia, presented on a sheet having a maximum size of 24" x 36", and one 8 ½" x 11" reduction of the plat. If the proposal cannot be accommodated on one 24" x 36" sheet at a scale of 1" = 50', a scale not less than 1" = 100' may be used. If presented on more than one (1) sheet, match lines should clearly indicate where the sheets join. Such plat shall contain the following information (list starts at (5) to match Zoning Ordinance text):

- (5) Boundaries of entire property, with bearings and distances of the perimeter property lines and of each zoning district;
- (6) Total area of the property and of each zoning district in square feet or acres;
- (7) Scale and north arrow, with north, to the extent feasible, oriented to the top of the plat and on all supporting graphics;
- (8) Location, dimensions and maximum height in feet, including penthouses, of all existing and proposed structures, and if known, the construction date(s) of all existing structures and an indication whether they will be retained or demolished;
- (9) All required minimum setbacks to include front, side and rear; distances from all existing and proposed structures to lot lines; and if applicable, transitional screening yards;
- (10) Public right(s)-of-way, indicating names, route numbers, width, any required or proposed improvements to the public right-of-way and delineation of the existing centerline of all streets abutting the property, including dimensions from the existing centerline to the edge of the pavement and to the edge of the right-of-way;
- (11) Proposed means of ingress and egress to the property from a public street;
- (12) Location of existing and proposed parking spaces, indicating minimum distance from the nearest property line(s), and the number of required and provided parking spaces;
- (13) Location of well and septic, or indication that the property is served by public water and sewer. Where applicable, a statement from the Fairfax County Health Department that available facilities are adequate for the proposed use;
- (14) A declaratory statement noted on the plat that: The location and width of all existing utility easements and the preliminary location(s) of new or relocated utilities;
- (15) Approximate delineation of any grave, object, or structure marking a place of known burials, and a statement indicating how the proposed development will impact the burial site;

- (16) If applicable: A stormwater management plan in accordance with subsection 8101.1 (*A Stormwater Management checklist form is included as page 16 for your convenience*).
- (17) If applicable: A statement setting forth the maximum gross floor area and FAR proposed for all uses other than residential, and the maximum density of dwelling units, if applicable;
- (18) If applicable: Existing topography with a maximum contour interval of two feet, and a statement indicating whether it is an air survey or field run;
- (19) If applicable: A plan showing existing vegetation, including the limits of clearing and vegetation to be preserved, and proposed landscaping and screening in accordance with the provisions of Section 5108, and an existing vegetation map when there is 2,500 square feet or more of land disturbing activity;
- (20) Plats must note if a floodplain exists, and if applicable: Approximate delineation of any floodplain designated by the Federal Emergency Management Agency, United States Geological Survey, or Fairfax County; delineation of any Resource Protection Area and Resource Management Area; the approximate delineation of any environmental quality corridor as defined in the Comprehensive Plan; and, if applicable, the distance of any existing and proposed structures from the floodplain, Resource Protection Area and Resource Management Area, or environmental quality corridor;
- (21) Where applicable, seating capacity, usable outdoor recreation area, emergency access, bicycle parking, fencing, outdoor lighting, and loudspeakers;
- (22) If applicable: Location of all trails required by the Comprehensive Plan; and
- (23) If applicable: The extent of any dam break inundation zone of a state-regulated impounding structure must be identified and labeled with the name of the impoundment and the date of the study that established the inundation zone. This requirement does not apply to any development proposed downstream of a dam for which a dam break inundation zone map is not on file with the County as of the time of submission of the plan. When a state-regulated impounding structure is proposed to be constructed or altered, an approximate delineation of the future dam break inundation zone must be provided.

**MINIMUM STORMWATER INFORMATION FOR REZONING, SPECIAL EXCEPTION,
SPECIAL PERMIT AND DEVELOPMENT PLAN APPLICATIONS**

The following information is required to be shown or provided in all zoning applications, or a waiver request of the submission requirement with justification shall be attached. Note: Waivers will be acted upon separately. Failure to adequately address the required submission information may result in a delay in processing this application.

This information is required under information is required under Zoning Ordinance subsection 8101.1.G.

- 1. Plat is at a minimum scale of 1"=50' (Unless it is depicted on one sheet with a minimum scale of 1"=100')
- 2. A graphic depicting the stormwater management facility(ies) and limits of clearing and grading accommodate the stormwater management facility(ies), storm drainage pipe systems and outlet protection, pond spillways, access roads, site outfalls, energy dissipation devices, and stream stabilization measures as shown on Sheet(s) _____.
If infiltration is proposed the soils should be tested for suitability prior to submission of the development plan and results of the infiltration test provided as part of the description of the facility.

3. Provide:

Facility Name/ Type & No. (E.g. drypond, infiltration trench, underground vault, etc)	On-site area served (acres)	Off-site area served (acres)	Drainage area (acres)	Footprint area (sf)	Storage volume (cf)	If pond, dam height (ft.)
Totals:						

- 4. Onsite drainage channels, outfalls and pipe systems are shown on Sheet(s) _____. Pond inlet and outlet pipe systems are shown on Sheet(s) _____.
- 5. Maintenance access (road) to stormwater management facility(ies) are shown on Sheet(s) _____.
Type of maintenance access road surface noted on the plat is _____ (asphalt, geoblock, gravel, etc.)
- 6. Landscaping and tree preservation in and near the stormwater management facility is shown on Sheet(s) _____.
- 7. Stormwater management and BMP narratives including Virginia Runoff Reduction Spreadsheet and descriptions of how detention and best management practices requirements will be met are provided on Sheet(s) _____.
- 8. A description of existing conditions of each numbered site outfall extended downstream from the site to a point which is at least 100 times the site area or which has a drainage area of at least one square mile (640 acres) is provided on Sheet(s) _____. If the outfall is proposed to be improved off-site it should be specifically noted.
- 9. A detailed description and analysis of how the channel protection requirements and flood protection requirements of each numbered outfall will be satisfied per Stormwater Management Ordinance and Public Facilities Manual are provided on Sheet(s) _____.
- 10. Existing topography with maximum contour intervals of two (2) feet and a note as to whether it is an air survey or field run is provided on Sheet(s) _____.
- 11. A submission waiver is required for _____.
- 12. Stormwater management is not required because _____.

PLEASE NOTE

All special permit/special permit amendment applications must address the General Submission requirements as noted below in a statement of justification, even if the response is “not applicable”. Additional requirements or modifications are found in subsection 8101.3.E and on pages 11-15 of this packet for the specific application type requested

GENERAL SUBMISSION REQUIREMENTS

SPECIAL PERMIT STATEMENT OF JUSTIFICATION

A written statement from the applicant describing the proposed use, and other pertinent data, including specifically:

- A. Type of operation(s).
(for daycare, religious assembly, home based business, private school)
- B. Hours of operation.
(for daycare, religious assembly, home based business, private school)
- C. Estimated number of patrons/clients/patients/pupils/etc.
(for daycare, religious assembly, home based business, private school)
- D. Proposed number of employees/attendants/teachers/etc.
(for daycare, religious assembly, home based business, private school)
- E. Estimate of traffic impact of the proposed use, including the maximum expected trip generation and the distribution of such trips by mode and time of day.
(for daycare, religious assembly, home based business, private school)
- F. Vicinity or general area to be served by the use.
(for daycare, religious assembly, home based business, private school)
- G. Description of building facade and architecture of any proposed new building or additions.
- H. A listing, if known, of all hazardous or toxic substances as set forth in Title 40, Code of Federal Regulations Parts 116.4, 302.4 and 355; all hazardous waste as set forth in Virginia Department of Environmental Quality Hazardous Waste Management Regulations; and/or petroleum products as defined in Title 40, Code of Federal Regulations Part 280; to be generated, utilized, stored, treated, and/or disposed of on site and the size and contents of any existing or proposed storage tanks or containers.
- I. A statement of how the proposed use conforms to the provisions of all applicable ordinances, regulations, adopted standards and any applicable conditions, or, if any waiver, exception or variance is sought by the applicant from such ordinances, regulations, standards and conditions, such shall be specifically noted with the justification for any such modification.

Application No.(s): _____
(Enter Plus generated County-assigned application number above)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: _____
(enter date affidavit is notarized)

I, _____, do hereby state that I am an
(enter name of applicant or authorized agent)

(check one) applicant
 applicant's authorized agent listed in Par. 1(a) below

and that, to the best of my knowledge and belief, the following is true:

1(a). The following constitutes a listing of the names and addresses of all **APPLICANTS, TITLE OWNERS, CONTRACT PURCHASERS, and LESSEES** of the land described in the application,* and, if any of the foregoing is a **TRUSTEE,**** each **BENEFICIARY** of such trust, and all **ATTORNEYS** and **REAL ESTATE BROKERS**, and all **AGENTS** who have acted on behalf of any of the foregoing with respect to the application:

(NOTE: All relationships to the application listed above in **BOLD** print must be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner**, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel(s) for each owner(s) in the Relationship column.)

NAME	ADDRESS	RELATIONSHIP(S)
(enter first name, middle initial, and last name)	(enter number, street, city, state, and zip code)	(enter applicable relationships listed in BOLD above)

(check if applicable) There are more relationships to be listed and Par. 1(a) is continued on a "Special Permit/Variance Attachment to Par. 1(a)" form.

* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.
** List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).

Application No.(s): _____
(Enter Plus generated County-assigned application number above)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: _____
(enter date affidavit is notarized)

1(b). The following constitutes a listing*** of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 10 or less shareholders, a listing of all of the shareholders:

(NOTE: Include SOLE PROPRIETORSHIPS, LIMITED LIABILITY COMPANIES, and REAL ESTATE INVESTMENT TRUSTS herein.)

CORPORATION INFORMATION

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

DESCRIPTION OF CORPORATION: (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF SHAREHOLDERS: (enter first name, middle initial, and last name)

(check if applicable) There is more corporation information and Par. 1(b) is continued on a "Special Permit/Variance Attachment 1(b)" form.

*** All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER or LESSEE* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.* Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

Application No.(s): _____
(Enter Plus generated County-assigned application number above)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: _____
(enter date affidavit is notarized)

1(c). The following constitutes a listing*** of all of the **PARTNERS**, both **GENERAL** and **LIMITED**, in any partnership disclosed in this affidavit:

PARTNERSHIP INFORMATION

PARTNERSHIP NAME & ADDRESS: (enter complete name, number, street, city, state, and zip code)

(check if applicable) The above-listed partnership has no limited partners.

NAMES AND TITLE OF THE PARTNERS (enter first name, middle initial, last name, and title, e.g. General Partner, Limited Partner, or General and Limited Partner)

(check if applicable) There is more partnership information and Par. 1(c) is continued on a "Special Permit/Variance Attachment to Par. 1(c)" form.

*** All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.* Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

Application No.(s): _____
(Enter Plus generated County-assigned application number above)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: _____
(enter date affidavit is notarized)

1(d). One of the following boxes **must** be checked:

In addition to the names listed in Paragraphs 1(a), 1(b), and 1(c) above, the following is a listing of any and all other individuals who own in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE*** of the land:

Other than the names listed in Paragraphs 1(a), 1(b), and 1(c) above, no individual owns in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE*** of the land.

2. That no member of the Fairfax County Board of Zoning Appeals, Planning Commission, or any member of his or her immediate household owns or has any financial interest in the subject land either individually, by ownership of stock in a corporation owning such land, or through an interest in a partnership owning such land.

EXCEPT AS FOLLOWS: (**NOTE:** If answer is none, enter “NONE” on the line below.)

(check if applicable) There are more interests to be listed and Par. 2 is continued on a “Special Permit/Variance Attachment to Par. 2” form.

Application No.(s): _____
(Enter Plus generated County-assigned application number above)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: _____
(enter date affidavit is notarized)

3. That within the twelve-month period prior to the public hearing of this application, no member of the Fairfax County Board of Zoning Appeals, Planning Commission, or any member of his or her immediate household, either directly or by way of partnership in which any of them is a partner, employee, agent, or attorney, or through a partner of any of them, or through a corporation in which any of them is an officer, director, employee, agent, or attorney or holds 10% or more of the outstanding bonds or shares of stock of a particular class, has, or has had any business or financial relationship, other than any ordinary depositor or customer relationship with or by a retail establishment, public utility, or bank, including any gift or donation having a value of more than \$100, singularly or in the aggregate, with any of those listed in Par. 1 above.

EXCEPT AS FOLLOWS: (NOTE: If answer is none, enter "NONE" on line below.)

(NOTE: Business or financial relationships of the type described in this paragraph that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings. See Par. 4 below.)

(check if applicable) There are more disclosures to be listed and Par. 3 is continued on a "Special Permit/Variance Attachment to Par. 3" form.

4. **That the information contained in this affidavit is complete, that all partnerships, corporations, and trusts owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land have been listed and broken down, and that prior to each and every public hearing on this matter, I will reexamine this affidavit and provide any changed or supplemental information, including business or financial relationships of the type described in Paragraph 3 above, that arise on or after the date of this application.**

WITNESS the following signature:

(check one) Applicant Applicant's Authorized Agent

(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this _____ day of _____, 20____, in the State/Comm. of _____, County/City of _____.

Notary Public

My commission expires: _____

Application No.(s): _____
(Enter Plus generated County-assigned application number above)

Page ____ of ____

Special Permit/Variance Attachment to Par. 1(a)

DATE: _____
(enter date affidavit is notarized)

(NOTE: All relationships to the application are to be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner**, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel (s) for each owner(s) in the Relationship column.)

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in BOLD above)
--	---	--

(check if applicable) There are more relationships to be listed and Par. 1(a) is continued further on a "Special Permit/Variance Attachment to Par. 1(a)" form.

Application No.(s): _____
(Enter Plus generated County-assigned application number above)

Page ____ of ____

Special Permit/Variance Attachment to Par. 1(b)

DATE: _____
(enter date affidavit is notarized)

=====

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

DESCRIPTION OF CORPORATION: (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)

=====

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

DESCRIPTION OF CORPORATION: (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)

=====

(check if applicable) There is more corporation information and Par. 1(b) is continued further on a "Special Permit/Variance Attachment to Par. 1(b)" form.

Application No.(s): _____
(Enter Plus generated County-assigned application number above)

Page _____ of _____

Special Permit/Variance Attachment to Par. 1(c)

DATE: _____
(enter date affidavit is notarized)

PARTNERSHIP NAME & ADDRESS: (enter complete name, number, street, city, state, zip code)

(check if applicable) The above-listed partnership has no limited partners.

NAMES AND TITLES OF THE PARTNERS: (enter first name, middle initial, last name, and title, e.g.,
General Partner, Limited Partner, or General and Limited Partner)

(check if applicable) There is more partnership information and Par. 1(c) is continued further on a
“Special Permit/Variance Attachment to Par. 1(c)” form.

Application No.(s): _____
(Enter Plus generated County-assigned application number above)

Page _____ of _____

Special Permit/Variance Attachment to Par. 2

DATE: _____
(enter date affidavit is notarized)

(check if applicable)

There are more financial interests in the subject land to be listed and Par. 2 is continued further on a "Special Permit/Variance Attachment to Par. 2" form.

Special Permit/Variance Attachment to Par. 3

DATE: _____
(enter date affidavit is notarized)

for Application No. (s): _____
(enter County-assigned application number (s))

(check if applicable)

There are more disclosures to be listed for Par. 3, and Par. 3 is continued further on a "Special Permit/Variance Attachment to Par. 3" form.

Archaeological Survey Data Form – Part A

In order to determine the existing on-site conditions, the following information must be provided to the Cultural Resource Management and Protection Section of the Fairfax County Park Authority, James Lee Community Center 2855 Annandale Road, Room 124, Falls Church, VA, 22042, prior to submission of any rezoning, development plan, special exception, special permit or variance application that involves 2500 square feet or more of land disturbing activity and where the application property is located wholly or partially within or contiguous to a Historic Overlay District. Following the County's review of available files and GIS information for the application property, a determination will be made as to the probability of the application property to yield significant archaeological resources. The Cultural Resource Management and Protection Section will reply to the applicant within fifteen (15) working days of receipt of the following required information:

APPLICANT	Name		
	Mailing Address		
	Phone Home ()	Work ()	Mobile ()
PROPERTY INFORMATION	Property Address		
	Tax Map and Parcel Number:		Size (acre/sq.ft.)
	Zoning District:		Magisterial District
	Proposed Zoning if concurrent with rezoning application:		
HISTORIC OVERLAY DISTRICT ARCHAEOLOGICAL SURVEY REQUEST INFORMATION	Provide the following: One (1) copy of the current Fairfax County Zoning Section Sheet(s) at a scale of one inch equals five hundred feet (1" = 500'), covering the area within at least a 500 foot radius of the proposed use, showing the existing zoning classification for all land appearing on the map. If more than one (1) Zoning Section Sheet is required to cover the area, such sheets shall be attached so as to create an intelligible map. The boundaries of the subject site shall be outlined in red thereon.		
	Description of the proposal including type of application and proposed use, and a graphic drawn to scale showing the dimensions of all existing buildings and their distance from property lines (attach additional sheets, as necessary):		
AGENT/CONTACT INFORMATION	Name		
	Mailing Address		
	Phone Home ()	Work ()	Mobile ()
MAILING	Send all correspondence to (check one): ___ Applicant or ___ Agent/Contact		
Type/Print Name of Applicant		Signature of Applicant/Agent	

FOR OFFICIAL COUNTY USE ONLY

Date all required information received: _____

No probability. No Survey Required. _____

Low probability. Survey Required (): _____

Medium to high probability. Survey Required (): _____

Comments (attach additional sheets, if necessary): _____

Date of response to applicant: _____

Archaeological Survey Data Form – Part B

If the Cultural Resource Management and Protection Section of the Fairfax County Park Authority determines that a Survey is required and a report of the survey results must be submitted prior to submission of any rezoning, development plan, special exception, special permit or variance application that involves 2500 square feet or more of land disturbing activity and where the application property is located wholly or partially within or contiguous to a Historic Overlay District, then a copy of the Executive Summary contained in the report must be printed in the space below (attach additional sheets if necessary).

EXECUTIVE SUMMARY:

I certify that the above Executive Summary is a true copy of the Executive Summary contained in the Report dated _____ submitted to the Cultural Resource Section.

Type/Print Name of Applicant

Signature of Applicant/Agent and Date

FOR OFFICIAL COUNTY USE ONLY

Date of Report submitted to the Park Authority _____

Report submitted and meets submission requirements. Staff recommendation forthcoming: _____

PLEASE CONTACT JEREMY KO AT THE FAIRFAX COUNTY DEPARTMENT OF TRANSPORTATION VIA EMAIL @ jeremy.ko@fairfaxcounty.gov WITH A WRITTEN REQUEST TO DETERMINE IF THIS APPLIES.

PLEASE PROVIDE THAT EMAIL ALONG WITH YOUR SUBMISSION.

**State Checklist for Rezoning Applications
(24 VAC 30-155-40)**

Project Name: _____

Applicant Name: _____

Tax Map Parcel Reference: _____

Please check which apply:

- My rezoning application does not meet the thresholds according to 24 VAC 30-155-40. Please sign at the bottom of this sheet.
- My rezoning application meets the thresholds according to 24 VAC 30-155-40. Please complete checklist below to indicate the required material is included in your application package and sign at the bottom of this sheet. Please also complete the TIA Review Form.
- A COVER SHEET** containing:
 - Contact Information** for the
 - Locality,
 - Developer (or owner), if applicable;
 - Site Information**
 - Rezoning location,
 - Highways adjacent to the site,
 - Parcel number or numbers;
 - Proposal Summary** with the
 - Development's name,
 - Size (acreage),
 - Proposed zoning, and
 - Proposed types of land uses, including maximum number of lots or maximum business square feet;
 - A Statement** regarding the proposal's compliance with the Comprehensive Plan.
- A TRAFFIC IMPACT ANALYSIS** in accordance with 24 VAC-30-155-60 **and a completed TIA Review Form (attached)**
- A CONCEPT PLAN** of the proposed development.
- ANY PROFFERED CONDITIONS** submitted by the applicant.
- FEES** (submitted directly to VDOT after acceptance of application)
 - For the initial or second review** of a rezoning proposal, a single fee for both reviews will be determined by the number of vehicle trips generated per peak hour of the generator, as follows:
 - 100 or less vehicles per peak hour - \$500
 - More than 100 vehicles per peak hour - \$1,000
 - For a third or subsequent submission** of a rezoning proposal that is requested by VDOT on the basis of the failure of the applicant to address deficiencies previously identified by VDOT, the fee is equal to the initial fee paid.

Applicant Signature: _____ Date: _____

Chapter 870 TIA Review Form

Use this form to capture data about TIA Review to be entered into LandTrack

Submission Details	Enter your values below
Project Name	
Submission #	
Locality Project ID	
District	
Jurisdiction	
Locality Contact	
TIA Preparer	
Scope Meeting Held?	
Location	
Route(s)	
Site Details	
<i>Submission Type(s):</i>	
Comprehensive Plan TIA Review:	
Zoning TIA Review?	
Site Plan TIA Review?	
Subdivision TIA Review?	
870 Review?	
Number of Units	
Square Feet of Units	
VPH (increase)	
VPD (increase)	
ITE Codes	
Acreage	
Parcel ID	
<i>Facility Type (pick one)</i>	
<input type="checkbox"/> Commercial – Banks / Drug Store <input type="checkbox"/> Commercial – Cinema <input type="checkbox"/> Commercial – Fast Food Restaurant <input type="checkbox"/> Commercial – Grocery Store <input type="checkbox"/> Commercial – Health / Fitness Center <input type="checkbox"/> Commercial – Industrial <input type="checkbox"/> Commercial – Mixed Type <input type="checkbox"/> Commercial – Office <input type="checkbox"/> Commercial – Other <input type="checkbox"/> Commercial – Shopping Center <input type="checkbox"/> Commercial – Superstore <input type="checkbox"/> Commercial – Gas Station <input type="checkbox"/> Commercial – Sit Down Restaurant <input type="checkbox"/> Mixed Use – Commercial / Residential <input type="checkbox"/> Residential – Mixed Type <input type="checkbox"/> Residential – Multi Family <input type="checkbox"/> Residential – Single Family <input type="checkbox"/> Residential – Town House <input type="checkbox"/> Local Policy Change	

Checks should be made payable to the "Treasurer of Virginia". A copy of this form, completed by the applicant and stamped by Fairfax County should accompany the check.

Chapter 870 TIA Review Form – Instructions

This spreadsheet can be used to capture details on the 870 reviews to facilitate data entry in LandTrack once that system goes live next month. Below you will find field-by-field instructions on how to complete this form.

Submission Details	Instructions for each field
Project Name	Enter the name of the project – usually on the TIA Cover.
Submission #	Is this the first submission for this project? 2 nd ? 3 rd ?
Locality Project ID	A tracking # created by the locality
District	Enter the VDOT District where the project is located.
Jurisdiction	Enter the Jurisdiction for the project.
Locality Contact	Who is the primary point of contact with the locality?
TIA Preparer	Who prepared the TIA? Can be the developer or engineering firm.
Scope Meeting Held?	Indicate whether or not a scope meeting has been held.
Location	
Route(s)	List the routes involved with this project.
Site Details	
<i>Submission Type(s):</i>	
Comprehensive Plan TIA Review?	Select yes or no if the review is this type.
Zoning TIA Review?	Select yes or no if the review is this type.
Site Plan TIA Review?	Select yes or no if the review is this type.
Subdivision TIA Review?	Select yes or no if the review is this type.
870 Review?	Does this TIA qualify as a 870 review?
Number of Units	How many units are involved in the development?
Square Feet of Units	What is the square footage of the development?
VPH (increase)	What increase is expected in VPH?
VDP (increase)	What increase is expected in VPD?
ITE Codes	Indicate the ITE Codes involved.
Acreage	What is the acreage of the development?
Parcel ID	What is the locality's parcel ID for the project?
Facility Type	Select the facility type for the TIA.

§ 57-15. Proceedings by trustees or members for similar purposes, exception for certain transfers.

A. The trustees of such a church diocese, congregation, or church or religious denomination, or society or branch or division thereof, in whom is vested the legal title to such land held for any of the purposes mentioned in § 57-7.1, may file their petition in the circuit court of the county or the city wherein the land, or the greater part thereof held by them as trustees, lies, or before the judge of such court in vacation, asking leave to sell, encumber, extend encumbrances, improve, make a gift of, or exchange the land, or a part thereof, or to settle boundaries between adjoining property by agreement. Upon evidence being produced before the court that it is the wish of the congregation, or church or religious denomination or society, or branch or division thereof, or the constituted authorities thereof having jurisdiction in the premises, or of the governing body of any church diocese, to sell, exchange, encumber, extend encumbrances, make a gift of, or improve the property or settle boundaries by agreement, the court shall make such order as may be proper, providing for the sale of such land, or a part thereof, or that the same may be exchanged, encumbered, improved, or given as a gift, or that encumbrances thereon be extended, and in case of sale for the proper investment of the proceeds or for the settlement of such boundaries by agreement.

When any such religious congregation has become extinct or has ceased to occupy such property as a place of worship, so that it may be regarded as abandoned property, the petition may be filed either by the surviving trustee or trustees, should there be any, or by any one or more members of such congregation, should there be any, or by the religious body which by the laws of the church or denomination to which the congregation belongs has the charge or custody of the property, or in which it may be vested by the laws of such church or denomination. The court shall either (i) make a decree for the sale of the property or the settlement of boundaries between adjoining properties by agreement, and the disposition of the proceeds in accordance with the laws of the denomination and the printed acts of the church or denomination issued by its authority, embodied in book or pamphlet form, shall be taken and regarded as the law and acts of such denomination or religious body or (ii) at the request of the surviving trustees and after notice in accordance with law to all necessary parties, make such order as may be proper providing for the gift of such property to any willing local, state or federal entity or to a willing private, nonprofit organization exempt from taxation under § 501 (c) (3) of the Internal Revenue Code, provided the court finds that (a) the property includes a historic building or landmark so designated by the Commonwealth and (b) the purpose of such gift is historical preservation of the property.

The court may make such order as to the costs in all these proceedings as may seem proper.

B. As an alternative to proceeding under subsection A, (i) the trustees of a church or religious body that incorporate may transfer the title to the real and personal property of the church or religious body held by them to the incorporated church or religious body; and (ii) the trustees of a church or religious body that do not incorporate under subdivision (i) hereof may transfer title to the real and personal property of the church or religious body held by them to a corporation created pursuant to § 57-16.1 without, in either instance, obtaining court permission if the transfer is authorized in accordance with the church's or religious body's polity. If no petition seeking to set such a transfer aside is filed within one year of the recordation of the trustees' deed transferring title to the real estate, or the date of the transfer of any personal property, it shall be conclusively presumed that the transfer was made in accordance with the church's or religious body's polity insofar as a good faith purchaser or lender is concerned.

C. No transfer made pursuant to subsection A or B shall operate as a transfer for purposes of a provision contained in any note or deed of trust that purports to accelerate an indebtedness upon a transfer of title. Any such transfers of real estate shall be entitled to the exemptions set forth in § 58.1-811.

D. Any transfer of real or personal property made pursuant to subsection B, and any similar transfer made pursuant to subsection A after April 23, 2002, shall be deemed to assign to the incorporated church or religious body, or the corporation created pursuant to § 57-16.1, as the case may be, the beneficial interest in every policy of insurance of every kind, type, and description, relating to the property transferred, contemporaneously with the transfer, and the transferee shall have all of the rights and obligations of the transferor relating thereto.

(Code 1919, § 46; 1924, p. 535; 1938, p. 179; 1962, c. 516; 1974, c. 138; 1983, c. 542; 1993, c. 370; 1998, c. 258; 2005, c. 772.)

OWNER CONSENT / AGENT AUTHORIZATION STATEMENT

To Whom It May Concern:

I/We, _____, the undersigned applicant and/or title owner(s) of the property identified below, do hereby authorize _____, to act as agent(s) in the furtherance of an application for a special permit on my/our property located at: _____ Tax Map No. _____.

Thank you in advance for your cooperation.

APPLICANT/TITLE OWNER

Date: _____ By: _____

COMMONWEALTH/STATE OF: _____
CITY/COUNTY OF: _____, TO WIT:

The foregoing instrument was acknowledged before me this _____ day of _____, 20____, by _____ (Signor)

Notary Public (Signature)
Notary Registration No. _____
My Commission Expires: _____

AFFIX NOTARY SEAL/STAMP

ALL TITLE OWNERS MUST SIGN IN PRESENCE OF NOTARY. IF THERE IS MORE THAN ONE OWNER, SIGNATURES MAY CONTINUE ON NEXT PAGE.

Owner Consent / Agent Authorization Statement

Page 2 of 2

CO-TITLE OWNER

Date: _____ By: _____

COMMONWEALTH/STATE OF: _____

CITY/COUNTY OF: _____, TO WIT:

The foregoing instrument was acknowledged before me this _____ day of _____, 20____,
by _____.
(Signor)

Notary Public (Signature)
Notary Registration No. _____
My Commission Expires: _____

AFFIX NOTARY SEAL/STAMP

OWNER CONSENT STATEMENT

To Whom It May Concern:

I, _____, the undersigned title owner of the property identified below, do hereby authorize _____, to apply for a Special Permit/Special Permit Amendment on my/our property located at:

Tax Map No. _____.

Thank you in advance for your cooperation.

TITLE OWNER

Date: _____ By: _____
(signor)

COMMONWEALTH/STATE OF: _____

CITY/COUNTY OF: _____, TO WIT:

The foregoing instrument was acknowledged before me this _____ day of _____,

20____, by _____
(Signor)

Notary Public (Signature)

Notary Registration No. _____

My Commission Expires: _____

AFFIX NOTARY SEAL/STAMP