

Department of Planning and Zoning

LOB #72:

SPECIAL PERMIT AND VARIANCE EVALUATION

Purpose

The purpose of the Special Permit and Variance Evaluation LOB is to provide the public, the development community and the appointed members of the Board of Zoning Appeals (BZA) with objective analysis and recommendations regarding the potential development impacts of land development applications that propose a variance of the provisions of the Zoning Ordinance or a specific use within a particular zoning district that may be allowed subject to the approval of a special permit by the Board of Zoning. This line of business also provides the Clerk to the Board of Zoning Appeals function that manages communication with individual members and the body as a whole and maintains the official public meeting record including, minutes and legal notice verification for each of the public hearings held by the Board of Zoning Appeals. When BZA decisions are challenged in court, the Clerk prepares official returns of record during trial preparation.

Description

Staff within the Department of Planning & Zoning engaged in this LOB coordinate the comprehensive review of land development proposals for compliance with the provisions of the Zoning Ordinance, for conformance with the recommendations of the Comprehensive Plan and for potential conflicts with other land development regulations and/or adopted policies. Written comment and participation from multiple County agencies is obtained during the application review process resulting in a comprehensive written staff report on each land use proposal. Staff reports are available to the public and used by the Board of Zoning Appeals and the Planning Commission and the Board of Supervisors, when applicable, during deliberations.

Products of this line of business include:

- Interagency coordination among the land development agencies
- Written staff reports for each land use case
- Public Hearings before the BZA, Planning Commission, and Board of Supervisors
- Guidance through the land development process (applicants and citizens)
- Development conditions to mitigate development impacts
- Preparation of official meeting minutes for adoption by the BZA
- Maintenance of the official case file and video record of the zoning case
- Coordination of all official communication to and with members of the BZA

Benefits

The benefits of this line of business include the following:

- Implementation of County policies and land development regulations
- Public notification/outreach regarding opportunities to provide direct input at public hearings
- Special outreach and assistance to applicants unfamiliar with land development, such as homeowners and non-profit institutions
- Development conditions that mitigate land development impacts
- Support to the appointed members of the BZA
- Community education (public and development community)

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Mandates

The Zoning Ordinance regulates land use in Fairfax County in accordance with the Code of Virginia; the Comprehensive Plan is required to provide for these regulations.

Trends and Challenges

Fairfax County zoning regulations delegate the review authority for a variety of uses to the Board of Zoning Appeals. Zoning applications that propose the addition of an accessory dwelling unit for an older adult or disabled person, home child care facilities, increases in fence height, and places of worship are among the Special Permit uses that are under the purview of the Board of Zoning Appeals. As the volume of certain Special Permit applications increase and/or the associated case analysis becomes routine, it will be increasingly more important to review these uses to determine whether process changes may be warranted to ensure the review times stipulated by the Code of Virginia are routinely satisfied. A recent policy change by the Virginia Department of Social Services requires the Zoning Administrator to certify that home child care facilities comply with local zoning regulations. This has resulted in over 250 applications for special permits for home child care facilities over the past two years, many of which had been in operation for years. As state licenses require renewals, it is anticipated that applications for these special permits will continue in high volumes of applications as compared with years prior to 2014. Further, for many home child care providers, English is not their native language; this has led to increased demands on staff to provide guidance through the application process.

Resources

Category	FY 2014 Actual	FY 2015 Actual	FY 2016 Adopted
LOB #72: Special Permit and Variance Evaluation			
FUNDING			
<u>Expenditures:</u>			
Compensation	\$541,705	\$515,036	\$594,773
Operating Expenses	50,954	41,203	41,082
Total Expenditures	\$592,659	\$556,239	\$635,855
General Fund Revenue	\$477,090	\$505,055	\$474,841
Net Cost/(Savings) to General Fund	\$115,569	\$51,184	\$161,014
POSITIONS			
Authorized Positions/Full-Time Equivalents (FTEs)			
<u>Positions:</u>			
Regular	8 / 8	8 / 8	8 / 8
Total Positions	8 / 8	8 / 8	8 / 8

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Metrics

Metric Indicator	FY 2013 Actual	FY 2014 Actual	FY 2015 Actual	FY 2016 Estimate	FY 2017 Estimate
Number of Applications Accepted for Scheduling	116	225	261	200	200
Number of Staff Reports Published	NA	NA	275	280	280
Number of BZA Final Actions	102	136	247	258	258
Average Time (in months) from Application Acceptance to BZA Final Action	3.1	4.6	6.0	6.8	6.8
Number of Pre-Application Meetings Held by Branch Chiefs (BZA Cases)	NA	NA	4	6	6

Five metrics are identified for DPZ Special Permit & Variance Evaluation:

1. Number of Applications Accepted for Scheduling

The number applications accepted during the fiscal year indicates the number of new applications that staff are actively evaluating. This number does not include cases where the evaluation process must carry-over beyond the fiscal year of acceptance due to factors such as proposal complexity, deferrals due to additional community outreach or other factors are not acted upon by the BZA within the year of acceptance.

2. Number of Staff Reports Published

This metric indicates the volume of zoning cases that staff is actively evaluating during the fiscal year as evidenced by the publication of a staff report. This metric does not account for those applications that may have been actively evaluated during the year, but deferred or withdrawn prior to publication of a staff report.

3. Number of BZA Final Actions

This metric indicates the number of zoning cases for which the BZA has reached a final decision during the fiscal year.

4. Average Time (in months) from Application Acceptance to BZA Final Action

This metric indicates the number of zoning cases for which the BZA has reached a final decision during the fiscal year.

5. Number of Pre-Application Meetings Held by Branch Chiefs (BZA Cases)

This metric is an indicator of the number of meetings held with prospective applicants prior to filing a zoning application with the purpose of providing early guidance on the policies of the Comprehensive Plan, the regulations of the Zoning Ordinance, and other relevant information applicable to the prospective proposal.