

Response to Questions on the FY 2010 County's Line of Business & Schools Program Review Processes Fall 2008

Request By: Supervisor Smyth

Question: Is it possible for the Department of Planning and Zoning (DPZ) to charge additional fees on deferred cases, especially when the case is deferred at request of the applicant?

Background: During calendar year 2008, staff received approximately 157 requests from applicants to defer the scheduled public hearing date before the Planning Commission and/or Board and approximately 7 deferral requests from applicants for public hearings scheduled before the Board of Zoning Appeals (BZA). Recently, concern has been expressed by individual members of both the Planning Commission and the Board regarding the number of deferrals that have been occurring and the costs that are incurred as a result.

Response: The Office of the County Attorney has confirmed that a fee may be charged by Fairfax County for zoning applications that are deferred at the request of an applicant. Therefore, the DPZ staff proposed the establishment of such a fee concurrent with the Zoning Ordinance Amendment pertaining to zoning application fees when it was proposed for authorization by the Board of Supervisors on February 9, 2009.

Several regional jurisdictions already have such a fee in place. For example, the Chesterfield County, Virginia Zoning Ordinance does include fees for those zoning applications that are deferred at the request of an applicant after the legal advertising for the case has occurred. The deferral fees are based upon case type and hearing body. A table is shown below to illustrate their fee structure for deferral requests.

Chesterfield County, Virginia Zoning Application Deferral Fees (per request)		
Application Hearing Body	Residential Uses	Office, Commercial, and Industrial Uses
Planning Commission	\$1,000.00	\$1,000.00
Board of Zoning Appeals	\$130.00	\$130.00
Board of Supervisors	\$1,000.00	\$1,000.00

Further, Prince William County, VA also assesses a fee for deferrals that occur after advertisement occurs. The fee assessed is based upon the actual costs to re-advertise and post the property in accordance with the State Code.

If a fee of \$130 per applicant-requested deferral of a public hearing before the BZA, and a fee of \$1,000 for per applicant-requested deferral of a public hearing before the Planning Commission or Board of Supervisors were to be approved by the Board of Supervisors, is it estimated that \$157,910 in additional revenue would be generated in FY 2010.