

INSTRUCTIONS FOR PREPARING LEGAL NOTICES FOR BOARD OF ZONING APPEALS (BZA) PUBLIC HEARINGS

The Department of Planning and Zoning staff is responsible for ensuring that legal notice requirements to property owners have been satisfied for the Board of Zoning Appeals public hearings. In accordance with the Fairfax County Zoning Ordinance (Sect. 18-110, Paragraph 4), the applicant or agent, individually and as designee of the staff, shall prepare and mail out legal notices in accordance with these instructions. Failure to accurately comply with the instructions prior to the designated deadline shall be due cause to cancel the hearing and reschedule it at a later date.

Notices must be sent by certified mail, return receipt requested. All costs, including postage, will be the responsibility of the applicant/agent. Please ensure a Domestic Return Receipt is requested, and PS Form 3811 is used. **Warning!** If the notices are sent by certified mail without requesting a return receipt, they will have to be resent properly at additional expense to the applicant/agent.

What must I do AFTER I have prepared and mailed the notices?

Prior to the **20-day deadline**, submit the following items to the Special Permit and Variance Branch of the Department of Planning and Zoning, Suite 801, 12055 Government Center Parkway, Fairfax, Virginia 22035:

1. A list of the names, mailing addresses, and tax map numbers to which the notices were sent. (See page 4 for a sample list.) This information must be obtained from the Fairfax County Tax Assessment records. (See Pages 2 and 5 for more information.)
2. All postmarked PS Form 3800s (green and white), which were received from the post office for each notice that was sent by certified mail, return receipt requested. (See Page 6.) Each PS Form 3800 must also include the total spent for each mailing.
3. One copy of the dated Legal Notice and Map showing what was sent to each property owner. (A copy of each is enclosed in this mailing.) No other items are allowed to be included in the notice mailings. If it is desired to send any additional information to neighbors regarding the application, it must be sent in a separate mailing.
4. The completed, signed Legal Notice Certification form, which is enclosed in this mailing. (Page 7)

It is strongly suggested that you submit the above items in person to our office. Once your information is received, staff will check the information, and contact the person who prepared the notices if any errors or problems are found. Any corrected or additional notices must be postmarked no later than the **15-day deadline**. If the above items are mailed to our offices, it should be done by First Class Mail. However, if they are delayed in the mail, it may jeopardize the hearing date, and cause the hearing to be rescheduled to a later date with the notice process having to be repeated.

Please refer to the enclosed Board of Zoning Appeals Deadline Schedule to determine the **15-day and 20-day deadlines** for your hearing date.

Once the above items have been submitted to our office, and it has been determined that all information is in order, the applicant's responsibility for the notice process ends. When the mail

carrier delivers the notices, the mail carrier will tear off the return receipt postcards, and mail them to our offices, where they will become a permanent part of the application file. If the mailings are refused or undeliverable for any reason, the entire envelope will be marked accordingly by the mail carrier, mailed to our offices, and will also become a permanent part of the application file, as evidence that notification was attempted.

What supplies will I need to prepare the notices?

PS Form 3800 for each notice sent (These forms can be obtained from any U.S. Post Office.)

PS Form 3811 for each notice sent (These forms can be obtained from any U.S. Post Office.)

Legal Notice and Map (Enclosed in this mailing. Copies need to be made for each mailing.)

Business size envelopes

Paper

Department of Planning and Zoning return address labels (One sheet is enclosed in this mailing. The labels are to be used on the back of PS Form 3811 and as the return address on the front of the envelopes. Do not put the applicant/agent as the return address.)

To whom do I send the notices?

Notices must be sent to the mailing address of record, found in the Fairfax County Tax Assessment records, of all owners of properties adjoining/abutting the application property; however, a minimum of 10 notices must be sent. What this means is, disregarding any streets or alleys, notices must be sent for any property which touches the application property, to the front and rear, on either side, and diagonally from the application property. If there are more than 10 properties adjoining/abutting the application properties, all of those properties must receive notices. If there are less than 10 properties adjoining/abutting the application property, move outward from the application property and select the next closest properties until the minimum of 10 notices is reached. If there are multiple properties with the same owner/mailing address, show the additional tax map numbers on your list, but only send one notice to that owner, which counts as only one towards the 10-notice minimum.

- If the notices are prepared by someone other than the owner of the application property, for example, an agent or attorney, a notice must be sent to the owner of the application property, and that notice does not count towards the 10-notice minimum.

How do I obtain the mailing address of record for the property owners where the notices are to be sent?

The mailing addresses of record are contained in the Fairfax County Tax Assessment records. They can be obtained by one of two ways:

1. By using the Internet at the **Department of Tax Administration** site found at <https://www.fairfaxcounty.gov/taxes/real-estate>. (See Page 5 for more information and examples of screenshots from the site.)
2. By visiting the offices of the **Department of Tax Administration** at the Fairfax County Government Center, Suite 357, 12000 Government Center Parkway, Fairfax, Virginia 22035.

Do not obtain the addresses by contacting the persons residing at the properties or looking for the address numbers on the houses or curbs, as the persons residing at the property may not

be the owners. The notices must be mailed to the mailing addresses which were supplied to the County by the property owners directly, or through the settlement process when the property was purchased. Even if it is believed the information in the Fairfax County Tax Assessment records is incorrect, use the Tax Assessment information. It is the responsibility of the individual property owners to ensure their mailing address of record is kept current. If it is desired to send an additional courtesy notice to the person/address believed to be correct, but is not the address noted in the Fairfax County Tax Assessment records, it does not count towards the 10-notice minimum.

Will my hearing be advertised in any other manner or require further notification?

In accordance with Sect. 18-110 of the Zoning Ordinance, notice of the public hearing will be published in the *Washington Times* newspaper, as well as a sign being posted by County personnel on the application property. The posting of the property will take place approximately 15 to 21 days prior to the hearing date. The purpose is to provide legal notification to all interested parties. The sign must not be removed or defaced, as it can cause a deferral of the hearing, or dismissal of the application. County personnel will remove the sign approximately one to two weeks after the hearing, unless the hearing is deferred.

If an application is deferred to a date more than 30 days from the original BZA public hearing date, the applicant or agent is required to again send notices indicating the new hearing date.

Additional Notes:

- For notification purposes, when the application property involves part of a parcel, the entire parcel is to be treated as the subject property.
- If the application property is an individual condominium or cooperative unit within a condominium or cooperative building, written notice shall be provided to:
 - (a) The condominium unit owners' association or proprietary lessees' association; and
 - (b) Unit owners immediately abutting the application property or on the same floor of the building as the application unit and those unit owners immediately above and below the application unit.
- When the application property is abutting or immediately across the street from a condominium or cooperative property, written notice shall be provided in accordance with the following:
 - (a) When the application property abuts or is immediately across the street from open space or common ground of a condominium or cooperative, the condominium unit owners' association or proprietary lessees' association shall be notified in lieu of the individual unit owners; and
 - (b) Where individual condominium or cooperative units or lots abut or are immediately across the street from the application property, written notice shall be sent to the owner of each such unit.
- When the mailing address for the application property owner and/or abutting property owner is outside of the United States, call your local Post Office to determine whether a Registered Mail Receipt must be used instead of PS Form 3800 (Receipt for Certified Mail).

- The notification requirements also apply to owners of adjacent/abutting property in an adjoining county or city. The names and mailing addresses of the owners of parcels located in jurisdictions other than Fairfax County shall be taken from the current real estate tax assessment records of those jurisdictions.

Where can I get additional information?

For additional information or assistance, please contact the Clerk or a Deputy Clerk to the Board of Zoning Appeals at 703-324-1280.

Sample of Mailing List

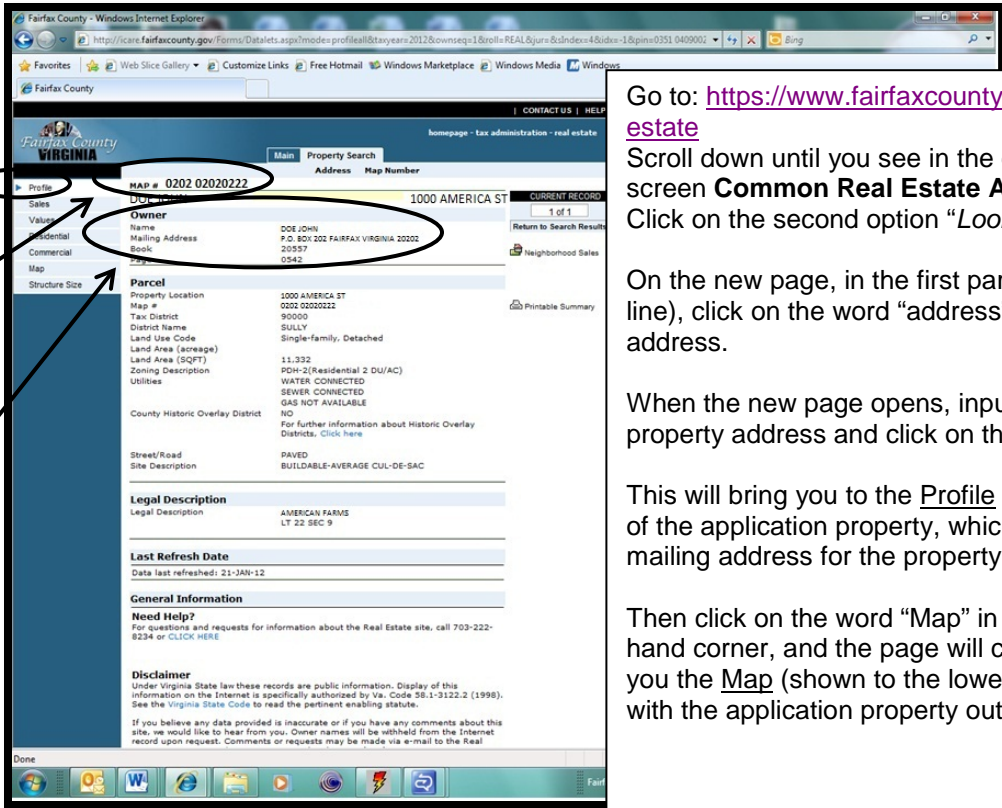
Applicant(s)' Name: George and Martha Washington
Application Number(s): SP 2012-MM-001 and VC 2012-MM-001
Hearing Date: January 1, 2099

| <u>Name and Mailing Address</u> | <u>Tax Map Reference No.</u> | <u>Certified Receipt No.</u> |
|--|-------------------------------------|-------------------------------------|
| John Doe P.O. Box 202 Fairfax, Virginia 20202 | 0202 02020222 | 7011 1570 0000 8844 5942 |
| Thomas Jones 1002 America Street Fairfax, Virginia 20202 | 0202 02020217 | 7011 1570 0000 8844 5943 |
| 3... | | |
| 4... | | |
| 5... | | |
| 6... | | |
| 7... | | |
| 8... | | |
| 9... | | |
| 10 or more ... | | |

Profile

Tax Map Reference Number

Owner's Name and Mailing Address



Go to: <https://www.fairfaxcounty.gov/taxes/real-estate>
 Scroll down until you see in the center of the screen **Common Real Estate Actions**
 Click on the second option "Lookup Assessments"

On the new page, in the first paragraph (third line), click on the word "address" to search by address.

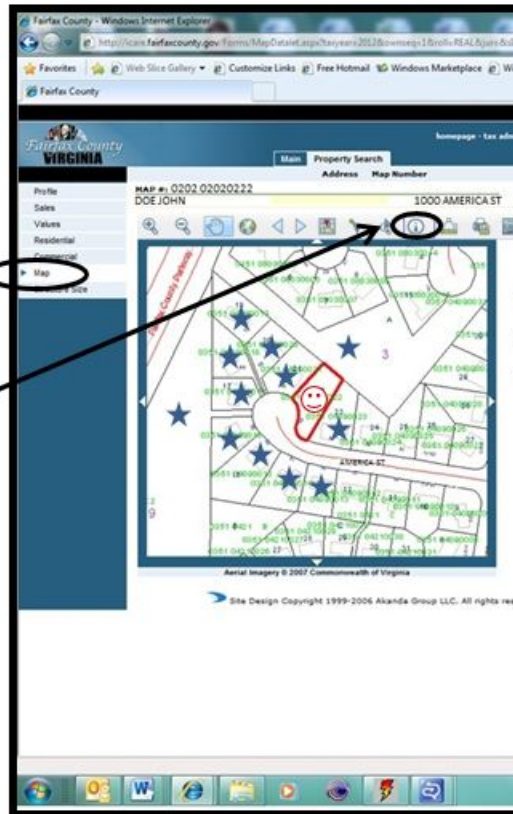
When the new page opens, input the application property address and click on the "Search" button.

This will bring you to the Profile (shown to the left) of the application property, which shows the mailing address for the property owner.

Then click on the word "Map" in the upper left-hand corner, and the page will change to show you the Map (shown to the lower left) of the area with the application property outlined in red.

Map

GIS Identify



To find the information for the neighboring properties, first on the tool bar click on **i** (GIS Identify) then click on each property on the map. The profile information for the property will be displayed in a new box including the property owner's name and mailing address.

Continue this process by selecting a property on the Map page and then getting the mailing information and tax map number on the Profile page for each property.

In this example to the left, the application property is the one with the "happy face" on it. The surrounding properties which require notification have stars on them. In this case, more than the minimum of 10 notices need to be mailed, because the streets and alleys are disregarded, so 12 properties touch the application property.

Even though only the driveway of the large property to the far west abuts the application property, a notice is required. The large parcel with the star located to the north of the application property is open space, a wooded area, but it is still owned by someone, and a notice is required. If there is no structure on an abutting property, notification to the owner of record is still required. The group of three properties at the northwestern end of the cul-de-sac that have pipestem driveways are required because the pipestem portion touches the application property when the street is disregarded.

PS Form 3800 (Front)

(Green and White)

PS Form 3800 (Back)

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
 Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Certified Mail Fee \$
 Extra Services & Fees (check box, add fee as appropriate)
 Return Receipt (hardcopy) \$
 Return Receipt (electronic) \$
 Certified Mail Restricted Delivery \$
 Adult Signature Required \$
 Adult Signature Restricted Delivery \$

Postage \$
 Total Postage and Fees \$

Sent To **John Doe**
 Street and Apt. No. **P.O. Box 202**
 City, State, ZIP+4® **Fairfax, Virginia 20202**

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

Certified Mail service provides the following benefits:

- A receipt (this portion of the Certified Mail label).
- A unique identifier for your mailpiece.
- Electronic verification of delivery or attempted delivery.
- A record of delivery (including the recipient's signature) that is retained by the Postal Service™ for a specified period.

Important Reminders:

- You may purchase Certified Mail service with First-Class Mail®, First-Class Package Service®, or Priority Mail® service.
- Certified Mail service is not available for international mail.
- Insurance coverage is not available for purchase with Certified Mail service. However, the purchase of Certified Mail service does not change the insurance coverage automatically included with certain Priority Mail items.
- For an additional fee, and with a proper endorsement on the mailpiece, you may request the following services:
 - Return receipt service, which provides a record of delivery (including the recipient's signature). You can request a hardcopy return receipt or an electronic version. For a hardcopy return receipt, complete PS Form 3811, Domestic Return Receipt; attach PS Form 3811 to your mailpiece;

for an electronic return receipt, see a retail associate for assistance. To receive a duplicate return receipt for no additional fee, present that USPS®-postmarked Certified Mail receipt to the retail associate.

- Restricted delivery service, which provides delivery to the addressee specified by name, or to the addressee's authorized agent.
- Adult signature service, which requires the signee to be at least 21 years of age (not available at retail).
- Adult signature restricted delivery service, which requires the signee to be at least 21 years of age and provides delivery to the addressee specified by name, or to the addressee's authorized agent (not available at retail).

■ To ensure that your Certified Mail receipt is accepted as legal proof of mailing, it should bear a USPS postmark. If you would like a postmark on this Certified Mail receipt, please present your Certified Mail item at a Post Office™ for postmarking. If you don't need a postmark on this Certified Mail receipt, detach the barcoded portion of this label, affix it to the mailpiece, apply appropriate postage, and deposit the mailpiece.

IMPORTANT! Save this receipt for your records.

PS Form 3800, April 2015 (Revisee) PSN 7530-02-000-9047

PS Form 3811 (Front) (Green)

Fill in the name and address of the person to whom the notice is to be sent.

Put an "X" in the box for Certified Mail.

| SENDER: COMPLETE THIS SECTION | COMPLETE THIS SECTION ON DELIVERY |
|---|---|
| <ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. <p>1. Article Addressed to:</p> <p>John Doe P.O. Box 202 Fairfax, Virginia 20202</p> <p>9590 9403 0728 5196 5453 00</p> <p>2. Article Number (Transfer from service label)</p> | <p>A. Signature X <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name)</p> <p>C. Date of Delivery</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p> |
| <p>3. Service Type</p> <p><input type="checkbox"/> Adult Signature <input type="checkbox"/> Adult Signature Restricted Delivery <input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Insured Mail <input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)</p> | <p><input type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Registered Mail™ <input type="checkbox"/> Registered Mail Restricted Delivery <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Signature Confirmation™ <input type="checkbox"/> Signature Confirmation Restricted Delivery</p> |
| PS Form 3811, April 2015 PSN 7530-02-000-9053 | Domestic Return Receipt |

Use one of the enclosed return address labels for the Department of Planning and Zoning. Also, use one of the labels as the return address on the front of the envelope.

UNITED STATES POSTAL SERVICE

First-Class Mail
 Postage & Fees Paid
 USPS
 Permit No. G-10

• Sender: Please print your name, address, and ZIP+4® in this box•

**Department of Planning and Zoning
 Special Permit & Variance Branch
 12055 Government Center Parkway
 Suite 801
 Fairfax, Virginia 22035**

USPS TRACKING#

9590 9403 0728 5196 5453 00

Legal Notice Certification

I certify, as the applicant and/or designee of the Clerk to the Board of Zoning Appeals, that I have mailed the required legal notice and map for the Board of Zoning Appeals public hearing on _____ for Application _____
Hearing Date Application Number(s)
in strict accordance with the instructions furnished me by the Department of Planning and Zoning.

(Signature)

(Printed Name)

(Address Line 1)

(Address Line 2)

(Telephone number)