

**BOARD OF SUPERVISORS  
TRANSPORTATION AND LAND USE COMMITTEE**

**#1**

**ACTION ITEM**

**SUBJECT:** Fee Waiver Request, Heritage Baptist Church

**ELECTION DISTRICT:** Dulles

**CRITICAL ACTION DATE:** At the Pleasure of the Committee

**STAFF CONTACT:** John Merrithew, AICP, Department of Planning  
Julie Pastor, AICP, Director of Planning

**RECOMMENDATIONS:**

**Staff:** Staff finds the requested fee waiver is not eligible under the County fee waiver policy and staff further recommends upholding the Board's policy of recovering the costs of processing the application through the collection of fees.

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**BACKGROUND:**

In 2009, the Board of Supervisors approved two special exceptions permitting the Heritage Baptist Church to expand their facility on Shellhorn Road and to construct a commuter parking lot on a separate parcel that also serves the Church. The approved plans allow expansion of the facility to approximately 25,000 square feet on a 1.35-acre lot and add 50 parking spaces on 1.6 acres nearby. The applicant paid the fee for SPEX 2008-0053 and SPEX 2008-0065, which totaled \$2,530.

During the special exception discussion in 2009, the Church and County staff acknowledged that the proposal would be better if the applicant purchased an intervening parcel linking the Church to the parking lot. Unfortunately, the purchase was not completed in time to affect SPEX 2008-0053. The Church has now completed the transaction and is proposing a special exception to revise the approved plans accordingly. The change in lot configuration will lead to a redesign of the original proposal and will require a new special exception. The application will request the same expansion to the existing facility. The Board of Supervisors enacted a revised fee schedule in March 2009 and special exception requests that involve land disturbance exceeding 10,000 square feet are now subject to a fee of \$15,750.

As noted in the attached waiver policy (attachment 1), waivers may be granted to any charitable institution or association, if such organization provides services to residents of the locality and is not controlled in whole or in part by any church or sectarian society.

**ISSUES:**

1. The purpose of application fees is to cover the County's costs of processing applications, in this case a Special Exception. These costs include time spent processing and reviewing the application, report preparation, costs associated with Planning Commission and Board of Supervisors public hearings. The \$15,750 fee is to recover all public expenses. The applicant will be responsible for mailing notices and posting the property.

2. The issues associated with this application were addressed during the review of SPEX 2008-0053 and SPEX 2008-0065, which resulted in approval of the same expansion being proposed with the new application. The review efforts conducted during the earlier applications will allow for a more streamlined review of the current application.
3. The Board adopted guidelines for waiving application fees in July of 2000. The Board may grant charitable and non-profit organizations a fee waiver if the requested facility serves the public or the applicant can demonstrate hardship and if such organization provides services to residents of the locality and is not controlled in whole or in part by any church or sectarian society. The Heritage Baptist Church is not eligible under the guidelines.

**FISCAL IMPACT:**

If waived, the \$15,750 fee for processing the Special Exception will be funded from local tax revenues rather than recovered from the fees.

**ALTERNATIVES:**

1. Do not waive the fee
2. Waive the fee as requested
3. Reduce the fee.

**DRAFT MOTION (S):**

1. I move that the Transportation and Land Use Committee deny the request to waive up to \$15,750 in fees for the Heritage Baptist Church Special Exception.

Or

2. I move that the Transportation and Land Use Committee approve the request to waive up to \$15,750 in fees for the Heritage Baptist Church Special Exception or,

3. I move that the Transportation and Land Use Committee reduce the application fee for the Heritage Baptist Church to \$\_\_\_\_\_ for the Special Exception request.

Or

4. I move an alternate motion

**ATTACHMENTS:**

1. Land Development Application Fee Waiver Policy
2. Vicinity Map
3. Fee Waiver Application

**LOUDOUN COUNTY LAND DEVELOPMENT APPLICATION  
FEE WAIVER POLICY  
Adopted July 10, 2000**

The Loudoun County Board of Supervisors affirms its Blanket Fee Waiver Policy for Land Development Applications initiated by the County Government, the Loudoun County School System, the incorporated Towns, the Loudoun County Sanitation Authority, and the Fire and Rescue Companies. Waivers may also be granted upon written request from applicants meeting the criteria set forth in Sections 15.2-953 and 15.2-820 of the Code of Virginia, which defines the groups which may receive gifts or donations from a locality in the Commonwealth as described below, for facilities to serve the public, when the applicant can demonstrate hardship, or for replacement of facilities serving the public which have been lost as a result of disaster and when the loss is not reimbursable from a third party. As set forth in the Loudoun County Zoning Ordinance, no fee will be charged to any applicant for downzoning to A-10 and A-25. No approvals will be given to requests that fees be based on recorded time and expenses for processing individual applications.

**Eligible Groups:**

Any charitable institution or association, located within their respective limits or outside their limits if such institution or association provides services to residents of the locality and is not controlled in whole or in part by any church or sectarian society;

Any charitable institution or nonprofit or other organization, providing housing for persons sixty years of age or older, or operating a hospital or nursing home;

Any organization furnishing voluntary fire fighting services;

Any non-profit lifesaving crew or lifesaving organization or rescue squad;

Non-profit recreational associations or organizations...not controlled in whole or in part by any church or sectarian society;

Chambers of Commerce which are non-profit and non-sectarian;

Industrial Development Authorities

Public and private nonprofit organizations engaged in commemorating historical events;

A state college or university which provides services to such locality's residents;

Any non-profit legal entity that is not controlled in whole or in part by any church, sectarian society or group that has exclusionary membership practices or rules, that owns recreational facilities in the county, such as swimming pools, tennis courts, etc....

luc\fee waiver policy-adopted 7/10/00

