

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

**#1**

**ACTION ITEM**

**SUBJECT:** Fee Waiver Request, Kyra Macy Foundation

**ELECTION DISTRICT:** Former & New: Catoctin

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

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

**RECOMMENDATIONS:**

**Staff:** Staff finds the requested fee waiver is consistent with the County fee waiver policy.

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**BACKGROUND:**

The Kyra Macy Foundation is a nonprofit dog rescue organization. They are seeking special exceptions for an animal hospital and outdoor kennel and minor special exceptions to modify certain standards associated with the uses. The fee for the Special Exception is \$15,750.

The proposed location is a 4.4-acre property adjoining the Goose Creek just south of the Goose Creek Golf Course. Cochran Mill Road accesses the property. The property is in the Joint Land Management Area and designated Business Community in the Revised General Plan. The Leesburg Town Plan designates the area for Light Industry. The proposal is consistent with the Business Community policies. On October 20, 2010 the Transportation and Land Use Committee voted 5-0 to recommend approval of a permanent pump and haul for the Foundation with the recommendation that the approval be contingent on a approval of a special exception for the rescue facility. On November 3, the Board of Supervisors voted 8-0-1 (Waters absent) to approve the permanent pump and haul with the special exception contingency.

The proposal will consist primarily of a kennel for temporarily boarding rescue dogs, with accessory veterinary services and retail sales of products to help fund the operation. The kennel will also be open for boarding private dogs as a means of fundraising.

**ISSUES:**

1. The \$15,750 application fee covers the County's costs of processing the Special Exception application. These costs include time spent by staff in processing and reviewing the application, report preparation, costs associated with Planning Commission and Board of Supervisors public hearings and meetings, and other costs associated with the application except the applicant cost of posting the property and sending notifications to neighboring properties.
2. The Board adopted guidelines for waiving application fees in July of 2000. Charitable and non-profit organizations are eligible to receive a fee waiver, if the requested facility serves the

community and not affiliated with a church. The Foundation is an eligible nonprofit organization engaged in animal protection activities.


**FISCAL IMPACT:**

If the Board waives the fee, the costs to process the application will be funded from local tax revenues.

**ALTERNATIVES:**

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

**DRAFT MOTION(S):**


-  1. I move that the Transportation and Land Use Committee approve the request to waive the \$15,750 fee for the Kyra-Macy Foundation Special Exception request.

Or

2. I move that the Transportation and Land Use Committee deny the request to waive the \$15,750 fee for the Kyra-Macy Foundation Special Exception request.

Or

3. I move an alternate motion

-  Draft motion #1 is proposed for consent.

**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 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

VICINITY MAP



Directions: Route 7 east to south on Crosstrail Boulevard. East on Cochran Mill Road. Property is south of the golf course.



September 27, 2011

John Merrithew  
Assistant Director of Planning  
Loudoun County Virginia  
1 Harrison Street, SE  
3<sup>Rd</sup> Floor, mailstop #62  
Leesburg Virginia 20178

Mr. Merrithew:

Enclosed herewith please find a fee waiver request for The Kyra Macy Foundation.

In 2009, The Kyra Macy Foundation, a Private Foundation, (501(c)(3): 26-1552316) purchased the 4.4092 acre commercially zoned property located at 42485 Cochran Mill Road, Leesburg, VA, adjacent to Goose Creek, behind the Goose Creek Golf Club, and with a mile of the new Wegmans. The goal of this property is to serve as a safe haven for rescued dogs in preparation for adoption, and to raise funds for this work. The Kyra Macy Animal wellness Center at Goose Creek will enable more animals to be rescued because it will serve as a landing zone before our animals are placed with foster families or directly adopted from this facility. In addition to the care of dogs, The Kyra Macy Foundation would like to offer services that will fund the Foundation, and therefore allow more rescue work to take place.

The Kyra Macy Center at Goose Creek will be an area for volunteers to meet, supplies and donations to be delivered and picked up, educational seminars, workshops, and adoptions events. The first service offered on the property will be the boarding of dogs (both to the public, and animals that have been rescued and need homes). The first step will be to have one or two people using the property as a 2 bedroom residence, along with some boarding of animals. When the special exception is granted for the animal hospital and outdoor kennel, the project will moves toward fulfilling the need for full service animal rescue operations.

Given the 501(c)3 status that the The Kyra Macy Foundation has been granted and fulfilling a community need of animal rescue and adoption we feel that the fee waiver request is justified.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Thomas".

Mark Thomas, CLA  
Director of Planning and Landscape Architecture  
Patton Harris Rust+ Associates, a Pennoni Company

RECEIVED

SEP 29 2011

LOUDOUN COUNTY DEPARTMENT OF PLANNING

LOUDOUN COUNTY LAND DEVELOPMENT APPLICATION REQUEST FOR FEE WAIVER

This form should be completed and submitted to County Administration for transmittal to the Board of Supervisors' Land Use Committee. You will be notified in advance of the date and time of the meeting at which this request will be considered. Please submit to:

Linda A. Neri, Deputy County Administrator
County Administration, 1 Harrison Street, S.E., P. O. Box 7000, Leesburg, VA 20177
703-777-0200

Name of Organization: THE KYRA MACY FOUNDATION

Address: 42485 Cochran Mill Road
Leesburg, VA 20175
703-731-9962(c)
Contact Person: Lynn Marcinek
Phone: 703-803-6594;
Fax: 1-253-650-6504

Date of Fee Waiver Request:

Signature of Contact Person: Lynn Marcinek Director (Title)

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Type of Land Use Development Application: SPECIAL EXCEPTION

Date of Submission of Application: ASAP

Fee: \$ TBD Requested Waiver: Full [checked] or Partial

If Partial, please indicate on this line the amount you wish to have waived (subtracted) from the full fee: \$

Purpose of Application: SPECIAL EXCEPTION FOR OUTDOOR KITCHEN AT ANNE HOSPITAL

The Loudoun County Land Development Application Fee Waiver Policy is attached. This policy identifies the organizations which are eligible to apply for a land development fee waiver, and defines the circumstances in which a request for a fee waiver may be granted. Fee waivers may be granted to eligible organizations 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.

THE FOLLOWING ADDITIONAL INFORMATION IS REQUIRED IN ORDER TO PROCESS YOUR REQUEST FOR A WAIVER OF LAND DEVELOPMENT APPLICATION FEES:

- 1. What is the mission of your organization and/or its basic purpose?

\_\_\_\_\_ The Kyra Macy Foundation is a non-profit organization (501c3) that supports dog rescue in many ways. The property listed above, is owned by the Foundation and offers it for the use of Kyra Macy K9 Rescue. The mission of Kyra Macy K9 Rescue : \_\_\_\_\_  
Kyra Macy K9 Rescue is dedicated to rescuing dogs at risk, providing medical care and a safe haven if needed, placing these dogs in loving, permanent homes, and offering dog welfare education to the public.

**2. What specific public good will the proposed facility provide to Loudoun County residents?**

- will support and partner with Loudoun County Animal Shelter \_\_\_\_\_
- will offer educational seminars to the community

**3. Describe the qualifying circumstances for this fee waiver request (i.e. hardship or 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). If more space is needed, please continue on a separate sheet of paper.**

\_\_\_\_\_ We are a small non-profit organization struggling to get started, and with very limited funds. \_\_\_\_\_

**4. Have land development application fees previously been waived for this organization?**

\_\_\_\_\_ We were not aware of the possibility so this is our first application for a fee waiver  
If yes, please indicate when and for what type of application(s)

**5. What other contributions have you received for this project?**

\_\_\_\_\_ - donation of flooring in dog areas

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**6. Please attach a copy of the documentation of your organization's IRS status (501.C.3 or other).**

Attachments:

Loudoun County Land Development Application Fee Waiver Policy  
Virginia Code Sections 15.2-953 and 15.2-820

luc\fee waiver request form

INTERNAL REVENUE SERVICE  
P. O. BOX 2508  
CINCINNATI, OH 45201

DEPARTMENT OF THE TREASURY

RECEIVED

Date: MAR 31 2008

Employer Identification Number:  
26-1552316

APR 03 2008

DLN:  
17053058006019

THE KYRA MACY FOUNDATION INC  
C/O TERRY PAO  
12054 N SHORE DR  
RESTON, VA 20190

Contact Person: CYNTHIA ROBINSON ID# 31517  
Contact Telephone Number:  
(877) 829-5500

Accounting Period Ending:  
December 31

Effective Date of Exemption:  
December 10, 2007

Addendum Applies:  
No

Dear Applicant:

We are pleased to inform you that upon review of your application for tax exempt status we have determined that you are exempt from Federal income tax under section 501(c)(3) of the Internal Revenue Code. Contributions to you are deductible under section 170 of the Code. You are also qualified to receive tax deductible bequests, devises, transfers or gifts under section 2055, 2106 or 2522 of the Code. Because this letter could help resolve any questions regarding your exempt status, you should keep it in your permanent records.

Organizations exempt under section 501(c)(3) of the Code are further classified as either public charities or private foundations. We determined that you are a private foundation within the meaning of section 509(a) of the Code. You are required to file Form 990-PF annually.

Please see enclosed Publication 4221-PF, Compliance Guide for 501(c)(3) Private Foundations, for some helpful information about your responsibilities as an exempt organization.

We have sent a copy of this letter to your representative as indicated in your power of attorney.

Sincerely,



Robert Choi  
Director, Exempt Organizations  
Rulings and Agreements

Enclosure: Publication 4221-PF

Letter 1076 (DO/CG)