



Loudoun County, Virginia

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Department of Building and Development
Zoning Administration / MSC# 60

1 Harrison Street, S.E., P.O. Box 7000, Leesburg, VA 20177-7000
Administration: 703-777-0397 • Fax: 703-771-5215

January 20, 2010

Marchant Schneider
Senior Planner, Land Use Review
Loudoun County Department of Planning
P.O. Box 7000, MSC #62
Leesburg, VA 20177

RE: Commission Permit – Bulk Propane Storage
Tax Map # 102////1////1/ MCPI 097-40-7676

Dear Marchant:

I am responding to your email dated January 13, 2010 to Dan Schardein, Zoning Administrator, in which you asked if approval of a Commission Permit is required for a use described as “bulk propane storage” to locate at Dulles Industrial Park South, Lot 1. As explained in your email, a special exception application, SPEX-2009-0006, is pending approval to locate the use at the above referenced location.

The Statement of Justification provided with the special exception application indicates that the use is bulk storage and commercial distribution of propane gas. The proposed use is defined in the Revised 1993 Loudoun County Zoning Ordinance (Ordinance) as “Storage, bulk gasoline, petroleum products and natural gas, small and large.” “Propane gas” is not defined in the Ordinance; however, Article 8 states, in part, that any word, term, etc. not defined in the Ordinance shall have the meaning ascribed to such word, term in the most recent edition of Webster’s Unabridged Dictionary. The dictionary indicates that propane gas is used chiefly as a fuel (as in liquefied petroleum gas.) Section 6-1100(A) requires approval of a Commission Permit for a public service corporation facility, whether publicly or privately owned, to locate within Loudoun County. In the Revised 1993 Loudoun County Zoning Ordinance, the definition of a “public utility/facility” includes “all buildings and facilities owned by a public service corporation as defined in Section 56-1 of the Virginia State code. The definition of “public service corporation” in the Code of Virginia, Section 56-, includes gas companies.

ZCOR-2010-0028

Therefore, it is staff's opinion that a Commission Permit is required for the proposed use to locate on the referenced property.

This determination applies solely to the referenced property and is not binding upon the County, the Zoning Administrator or any other official with respect to any other property. No person may rely upon this determination with respect to any property other than the referenced property.

Please be advised that any person aggrieved, or any officer, department or agency of Loudoun County affected by an order, requirement, decision or determination made by an administrative officer in the administration or enforcement of the provisions of the *Zoning Ordinance* may appeal said decision within thirty days to the Board of Zoning Appeals in strict accordance with Section 15.2-2311 of the *Code of Virginia*. This decision is final and unappealable if not appealed within 30 days.

If I may be of further assistance, please contact me at 571-258-3197 or by email at nita.bearer@loudoun.gov.

Sincerely,



Nita Bearer
Zoning Planner

C: Dan Schardein, Zoning Administrator
Marilee Seigfried, Deputy Zoning Administrator
Ron Brown, Assistant County Attorney
Julie Pastor, Director of Planning
Van Armstrong, Program Manager
Property Owner: Dulles South Properties LLC