

November 29, 2021

Sean F. Murphy  
Steven M Mikulic  
McGuire Woods  
1750 Tysons "Boulevard, Suite 1800  
Tysons Corner, Virginia 22102

**RE: ZCOR-2021-0233 Group Homes in AR-1 at 20191, 20179, and 20173  
Gleedsville Road, Leesburg, Virginia**

**PINs: 315-39-2788, 315-39-4049, and 315-30-2419 ("subject properties")**

Dear Mr. Murphy and Mr. Mikulic:

This correspondence is in response to your letter, dated September 22, 2021, regarding the permissibility of operating group residential facilities on each of the Parcel Identification Numbers (PINs) listed above (the "subject properties") for no more than eight adolescents in each facility, with one or more nonresident staff persons. The short answer to your inquiry is the proposed use is a Congregate Housing Facility, a use not permitted in the AR-1 zoning district. However, the proposed use would be permitted as a Dwelling, Single-Family Detached on each of the subject properties if the use meets the Zoning Ordinance definition of "Family" and the criteria of Section 15.2-2291.A of the *Code of Virginia*. Licensure by the Department of Behavioral Health and Developmental Services is required. An explanation of this conclusion follows:

The subject properties are zoned AR-1 (Agricultural Rural-1), administered under the Revised 1993 Loudoun County Zoning Ordinance ("Zoning Ordinance"). PIN 315-39-2788 and 315-39-4049 are also located partially within the FOD (Floodplain Overlay District)(minor floodplain).

The proposed use to be located on each of the three subject properties is described as a single-sex group residential facility for no more than eight adolescents, with one or more nonresident staff persons. Residents would participate in individual therapy, group therapy, academic study, and a variety of other activities, including music therapy, life skills counseling, yoga, meditation, and other fitness activities. The residents would not have access to the other two properties. The length of stay is typically between 30 to 90 days. The facilities would be licensed by the Virginia Department of Behavioral Health and Development Services ("VDBHDS") as an "MH Therapeutic Group Home for Children and Adolescents with Serious Emotional Disturbance."

The use described meets the definition of a "Congregate Housing Facility", defined in Article 8 of the Zoning Ordinance as:

*"A structure other than a single-family dwelling where more than four (4) unrelated persons reside under supervision for special care, treatment, training or similar purposes, on a temporary or permanent basis."*

A Congregate housing facility is not a listed use in the AR-1 zoning district and is therefore not a permitted use on the subject property.

However, the proposed use may be permitted as a single-family dwelling, if it meets the definition of "Family", defined in Article 8 of the Zoning Ordinance as:

*"A group of people living together consisting of:*

- a. One or more persons related by blood or marriage together with any number of natural, foster, step or adopted children, domestic servants, nurses and therapists and no more than two roomers or boarders; or*
- b. No more than 4 unrelated persons;*
- c. Any group identified in Section 15.2-2291 of the Code of Virginia."***  
***(emphasis added)***

If the use is "*Any group identified in Section 15.2-2291 of the Code of Virginia*" and meets the criteria of Section 15.2-2291.A (a residential facility in which no more than eight individuals with mental illness, intellectual disability, or developmental disabilities reside, with one or more resident or nonresident staff persons, and for which the Department of Behavioral Health and Developmental Services is the licensing authority pursuant to the Code of Virginia), then the use would continue to meet the Zoning Ordinance definition of a "family" residing in a single-family dwelling, a permitted use in the AR-1 zoning district. The residential facility will require licensing through the Department of Behavioral Health and Developmental Services.

To establish the use, issuance of a zoning permit is required. Additional information regarding the zoning permit application process may be obtained by contacting the Department of Building and Development at 703-777-0220.

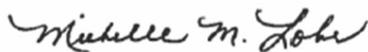
PLEASE NOTE: This opinion is valid only as of this date, and this opinion does not and shall not relieve the owner or any occupant of the property in question from the obligation to comply with all applicable Zoning Ordinance and other County Ordinance requirements. This opinion is based upon the text of the Zoning Ordinance as it exists as of the date of this letter and such text is subject to change.

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 office, 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 30 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. An application packet and additional information regarding the filing of an appeal to the Board of Zoning Appeals may be obtained by contacting the Department of Planning and Zoning by phone at 703-777-0246, by email at [dpz@loudoun.gov](mailto:dpz@loudoun.gov), or by visiting the Board of Zoning Appeals website at [www.loudoun.gov/bza](http://www.loudoun.gov/bza). Two copies of the completed appeal application must be submitted to the Department of Planning and Zoning, along with payment of the \$350.00 appeal fee, within 30 days from the date of this letter. Due to service adjustments related to COVID-19, applications and fees may be either submitted by mail to the Department of Planning and Zoning at 1 Harrison Street, S.E., 3<sup>rd</sup> Floor, P.O. Box 7000, Leesburg, Virginia 20177 or may be placed in the Planning and Zoning Department drop box located in the lobby of the Government Center.

If you have questions regarding this letter, please contact me at 703-771-5073 or via email at [michelle.lohr@loudoun.gov](mailto:michelle.lohr@loudoun.gov).

Regards,



Michelle M. Lohr, AICP, CZA  
Deputy Zoning Administrator

cc: Caleb Kershner, Supervisor, Catoclin District  
Tim Hemstreet, County Administrator  
Charles Yudd, Deputy County Administrator  
Valmarie Turner, Assistant County Administrator  
James David, Acting Director  
Mark Stultz, Zoning Administrator  
Michelle Lohr, Deputy Zoning Administrator  
Ryan Reed, Deputy Zoning Administrator  
Theresa Stein, Zoning Permits Manager, Building and Development

Property Owners:

PIN: 315-39-2788  
John H. and Jenne Belle Crowe  
8650 S. Ocean Drive, Apt. 1104  
Jensen Beach, FL 34957

PINs: 315-39-4049 and 315-30-2419  
David and Jennie Dussalt  
2937 Trailside Path  
Stuart, FL 34997