TOWN OF HERNDON, VIRGINIA
PUBLIC HEARING AGENDA
HERNDON COUNCIL CHAMBERS BUILDING
765 LYNN STREET
SEPTEMBER 24, 2019
7:00 P.M.

1. Call to Order

2. Pledge of Allegiance to the Flag of the United States of America

APPROVAL OF MINUTES

September 3, 2019 Town Council Work Session Draft Minutes
September 10, 2019 Town Council Public Hearing Draft Minutes
September 17, 2019 Town Council Work Session Draft Minutes

PRESENTATIONS

3. Proclamation, to recognize "Hispanic Heritage Month," September 15 – October 15, 2019

4. Proclamation, to recognize "Herndon Arts Week," October 6 – October 12, 2019

5. Certificate of Congratulations, to recognize Ian Nordling, Herndon Youth Advisory Council

COMMENTS

6. Comments from the Town Manager
7. Comments from the Town Council
8. Comments from the Audience

PUBLIC HEARINGS

9. Ordinance 19-O-30, to authorize the acquisition of a fee simple interest, permanent and temporary easements on property owned by James Gallagher Tax Map #016-2-22-0151 for public use by condemnation (eminent domain) for transportation facility improvements to Van Buren Street from Spring Street to Herndon Parkway, Herndon

10. Ordinance 19-O-31, to authorize the acquisition of a temporary easement on property owned by The Montessori Country School, Inc. Tax Map #016-2-02-0149C for public use by condemnation (eminent domain) for transportation facility improvements to Van Buren Street from Spring Street to Herndon Parkway, Herndon

11. Ordinance 19-O-32, to authorize the acquisition of temporary and permanent easements on property owned by Presidents Court Homeowners Association Tax Map #016-4-19-0000-A1 for public use by condemnation (eminent domain) for transportation facility improvements to Van Buren Street from Spring Street to Herndon Parkway, Herndon

12. Ordinance 19-O-33, to authorize the acquisition of fee simple interest and temporary easements on property owned by Vassili Fedousov Tax Map #016-2-02-0149 for public use by condemnation (eminent domain) for transportation facility improvements to Van Buren Street from Spring Street to Herndon Parkway, Herndon

13. Ordinance 19-O-34, to authorize the acquisition of a fee simple interest and temporary easement on property owned by Rosario E. Rivera Tax Map #016-2-22-0007 for public use by condemnation (eminent domain) for transportation facility improvements to Van Buren Street from Spring Street to Herndon Parkway, Herndon

14. Resolution 19-G-59, to consider authorization of an application to the Commonwealth Transportation Board for Virginia Department of Transportation (VDOT) – Transportation Alternatives Set-Aside funding for federal fiscal years 2021 and 2022 and endorsement of the "Central Elden Walkability Improvements" project

15. Resolution 19-G-60, to consider an appeal of the Heritage Preservation Review Board's Decision on HPRB #19-29. The decision, made at the HPRB public hearing on August 21, 2019, approved, with conditions, an application for a Certificate of Appropriateness to replace metal shingles on an existing single-family house located at 631 Oak Street. The HPRB approval required that the replacement material be standing seam metal panels instead of architectural asphalt shingles as originally requested in the application. Property Owner/Appellant: Ann Vayda Null

16. Resolution 19-G-61, to approve a temporary license agreement to use a designated public space in the alley adjacent to Jimmy's Old Town Tavern for outdoor seating for an event

17. Resolution 19-G-62, to approve a temporary license agreement for the use of the Town public parking lot designated as Fairfax County Tax Map #0162-02-0301C1, located behind Mediterranean Breeze at 781 Station Street, for a Saturday Anniversary event for Mile 20 at the Mediterranean Breeze. The property is zoned PD-D, Planned Development – Downtown, District

GENERAL

18. Resolution 19-G-63, to accept the State of the Town Report, Fiscal Year 2019

CONSENT AGENDA

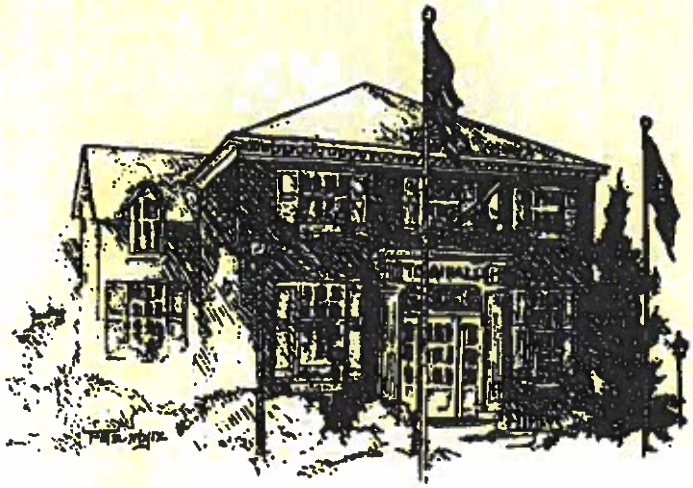
19. Resolution 19-G-64, to Authorize an Application to the Virginia Department of Transportation (VDOT) for the Allocation of Revenue Sharing Funds

CLOSED MEETING

A closed meeting pursuant to Virginia Code Sec. 2.2-3711(A)(3) and (A)(8) to consult with legal counsel and to discuss and consider the acquisition of real property within the Herndon Transit Oriented Core for a public purpose where such discussion or consultation in an open meeting would adversely affect the negotiating or litigating posture of the Council.

Future Town Council Meetings

October 9, 2019	Town Council Work Session	7:00 p.m.
October 15, 2019	Town Council Public Hearing	7:00 p.m.
October 22, 2019	Town Council Work Session	7:00 p.m.
October 29, 2019	Town Council Public Hearing	7:00 p.m.



TOWN OF HERNDON, VIRGINIA

PROCLAMATION

HISPANIC HERITAGE MONTH

SEPTEMBER 15 - OCTOBER 15, 2019

Since 1968, **Hispanic Heritage Month** has been celebrated annually from September 15 through October 15. This month honors the innumerable social, political, economic, and cultural contributions that Hispanics have made to our country. The Hispanic population of the United States, who trace their roots to Spain, Mexico and the Spanish-speaking nations of Central America, South America and the Caribbean, now constitutes over 18 percent of the nation's total population. Today, organizations in the United States use the term broadly to refer to persons with a historical and cultural relationship either with Spain, or with Spain and Portugal, regardless of race.

Five of our Central American neighbors ~ Costa Rica, El Salvador, Guatemala, Honduras and Nicaragua ~ gained independence from Spain on September 15, 1821, and Chile gained independence on September 18, 1821. Mexico's Independence Day is different from that of other nations. On September 16, 1810, the "Grito de Dolores" (Cry of Dolores) was declared by Father Miguel Hidalgo, beginning the Mexican War of Independence. September 16, 2019, marks 209 years of Mexican independence from Spanish rule.

Therefore, the Mayor and Town Council of the Town of Herndon, Virginia, hereby proclaim September 15 through October 15, 2019, as **Hispanic Heritage Month** in the Town of Herndon; and recognize that Americans of Hispanic and Latin heritage have a positive impact and enduring influence on our community through many fields ~ including business, law, politics, education, community service, the arts, sciences, and as members of our armed forces.

Further, the Mayor and Town Council of the Town of Herndon, Virginia, encourage all residents to learn more about the history of Americans of Hispanic and Latin heritage; to observe this month with the appropriate programs and activities celebrating these diverse cultures; and highlight that this is also an opportune time to celebrate the heritage of people from the other Spanish-speaking countries throughout the world.

Sheila A. Olem, Vice Mayor

Pradip Dhakal, Councilmember

Jennifer K. Baker, Councilmember

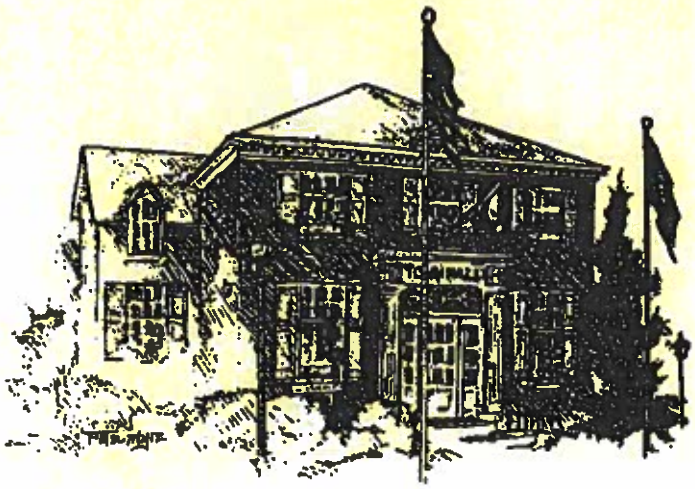
Signe Friedrichs, Councilmember

Cesar del Aguila, Councilmember

Bill McKenna, Councilmember

Lisa C. Merkel, Mayor

Proclaimed by the Herndon Town Council September 24, 2019.



TOWN OF HERNDON, VIRGINIA
PROCLAMATION
HERNDON ARTS WEEK
OCTOBER 6 – OCTOBER 12, 2019

Celebrated annually, **Herndon Arts Week** affirms the town's commitment to the arts community in Herndon, and recognizes that the performing arts, visual arts, literature and the humanities, are pivotal to the enrichment of human expression. **Herndon Arts Week** ~ an initiative of Arts Herndon ~ promotes our many wonderful community artists, arts organizations and businesses in town. Arts Herndon, and community arts organizations ~ ArtSpace Herndon; Dark Horse Theatre and Calamity Improv; Herndon Schools Arts Pyramid; Herndon Community Band; Fairfax County Public Schools Arts Department, Fairfax County Public Library Young Readers and Herndon Fortnightly Library; Folk Club of Herndon and Reston; Frying Pan Farm Park; NextStop Theatre Company; Music Loft; Treble Clefs Chorale; The Artists of Lake Anne; The Herndon Artists Cooperative; Bach 2 Rock; Sterling Playmakers; On the Record; Northern Virginia Community College; George Mason University; and art galleries in town ~ provide creative outlets for our citizens and enhance our town by developing and promoting the talents of local artists. Designating an annual arts week in Herndon provides a focal point to celebrate the unity created by our town's diverse cultural heritage through the arts and demonstrates the vitality of our community artists across all fields. **Herndon Arts Week** brings public and private sectors together to reaffirm support for the arts and humanities, and to emphasize the significance of arts in our community.

Therefore, the Mayor and Town Council of the Town of Herndon, Virginia, hereby proclaim October 6 through October 12, 2019, as **Herndon Arts Week** in the Town of Herndon; recognize this important week in our community; and commend and support Arts Herndon ~ the town's official arts agency ~ along with the many artists, arts groups, organizations, and clubs in the Greater Herndon Area ~ for their roles in organizing and hosting **Herndon Arts Week**.

Further, the Mayor and Town Council of the Town of Herndon, Virginia, encourage all citizens to participate in the activities throughout **Herndon Arts Week** and to take part in arts events and activities throughout the year.

Sheila A. Olem, Vice Mayor

Pradip Dhakal, Councilmember

Jennifer K. Baker, Councilmember

Signe Friedrichs, Councilmember

Cesar del Aguila, Councilmember

Bill McKenna, Councilmember

Lisa C. Merkel, Mayor

Proclaimed by the Herndon Town Council September 24, 2019.

For more information, including a schedule of events for 'Herndon Arts Week,' please visit artsherndon.org.

TOWN OF HERNDON, VIRGINIA

CERTIFICATE OF CONGRATULATIONS

PRESENTED TO

IAN NORDLING

On behalf of the citizens of the Town of Herndon and the Herndon Town Council, congratulations on all your hard work and excellence as a Member of the **Herndon Youth Advisory Council 2017-2019**

We are proud of your efforts and thank you for your dedication to making Herndon a wonderful place to live

Sheila A. Olem, Vice Mayor

Pradip Dhakal, Councilmember

Jennifer K. Baker, Councilmember

Signe Friedrichs, Councilmember

Cesar del Aguila, Councilmember

Bill McKenna, Councilmember

Lisa C. Merkel, Mayor

TOWN OF HERNDON, VIRGINIA

ORDINANCE

SEPTEMBER 24, 2019

Ordinance – Authorizing the acquisition of fee simple interest, permanent and temporary easements on property owned by James Gallagher, Tax Map #: 016-2-22-0151 for public use by condemnation (eminent domain) for transportation facility improvements to Van Buren Street to Herndon Parkway.

BE IT ORDAINED by the Council for the Town of Herndon that:

1. The Town of Herndon made a bona fide but ineffectual effort to acquire 34 square foot fee simple interest, a 65 square foot permanent signal easement, and 258 square foot temporary construction and grading easement from James Gallagher for $2,830 in connection with the Van Buren Street Improvement Project. The landowner did not accept this offer. Therefore, the Town Attorney and outside counsel on behalf of the Town are authorized and directed to file a Certificate of Take and prosecute to completion a condemnation action against the land owned by James Gallagher as well as James Gallagher for the Town's condemnation of these interests in property over real estate located at 359 Hillwood Court, Town of Herndon, Fairfax County, Virginia, designated as Tax #: 016-2-22-0151, and shown as Parcel 4 on Plat #2 of Job # RK1807.01, dated July 1, 2019, and revised through July 11, 2019, prepared by H&B Surveying and Mapping, LLC of Richmond, Virginia, which said plat is attached hereto and incorporated herein.

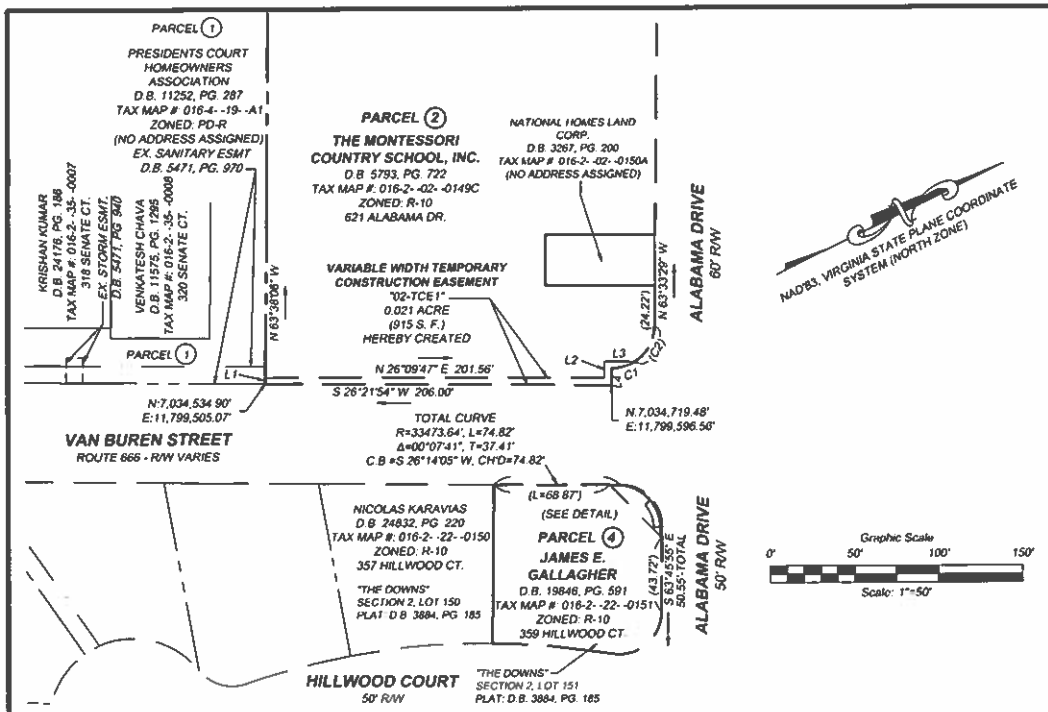
2. The Town Council approves the following proposed public use for this acquisition: the construction, maintenance, or improvement of the public roadway, bike lanes, sidewalks, utility relocation, curb and gutter, and storm drainage, for the public safety and welfare of the Town.

3. The Town Council directs the Town Manager, Town Attorney, and their outside counsel to acquire the above described interests in property for public use by condemnation, purchase, or other means. The Town staff is hereby authorized to pay the compensation set forth in paragraph 1 above into the Fairfax County Circuit Court contemporaneously with filing a Certificate of Take.

4. The property interests shall be used for the Van Buren Street Improvement Project. The property interests are necessary for the

construction, maintenance, or improvement of, and access to, the public roadway, bike lanes, sidewalks, utility relocation, curb and gutter, and storm drainage.

5. This ordinance shall be effective on and after the date of its adoption.



LINE	BEARING	DISTANCE
L1	N 63°38'06" W	3.69'
L2	N 63°22'44" W	9.62'
L3	N 26°37'16" E	18.03'
L4	S 63°38'04" E	10.00'
L5	S 63°45'55" E	6.83'
L6	S 71°57'18" W	1.07'
L7	N 63°45'55" W	4.99'
L8	S 24°10'49" W	4.02'
L9	N 14°22'26" W	4.02'

CURVE	RADIUS	ARC LENGTH	DELTA ANGLE	TANGENT	CHORD BEARING	CHORD LENGTH
C1	25.00'	14.38'	32°57'31"	7.40'	S 10°14'26" W	14.18'
C2	25.00'	25.17'	57°40'26"	13.76'	N 35°04'33" W	24.12'
C3	33473.64'	4.26'	00°00'26"	2.13'	N 26°17'32" E	4.26'
C4	33473.64'	1.69'	00°00'10"	0.85'	N 26°17'50" E	1.69'
C5	25.00'	39.23'	89°55'04"	24.96'	N 71°07'39" E	35.33'
C6	26.00'	0.93'	02°03'16"	0.47'	N 64°47'33" W	0.93'
C7	26.00'	17.50'	38°33'15"	9.09'	N 85°05'49" W	17.17'
C8	26.00'	22.39'	49°19'48"	11.94'	S 50°57'38" W	21.70'
C9	21.98'	14.79'	38°33'15"	7.69'	N 85°05'49" W	14.51'

AREA TABULATION: PARCEL (2)

TEMPORARY CONSTRUCTION EASEMENT "02-TCE1":	0.021 ACRE	(915 S.F.)
TOTAL AREA IN TEMPORARY EASEMENT:	0.021 ACRE	(915 S.F.)

AREA TABULATION: PARCEL (4)

RIGHT-OF-WAY DEDICATION "04-RW1":	0.001 ACRE	(34 S.F.)
TOTAL AREA IN RIGHT-OF-WAY DEDICATION	0.001 ACRE	(34 S.F.)
PERMANENT SIGNAL EASEMENT "04-PERM1":	0.001 ACRE	(65 S.F.)
TOTAL AREA IN PERMANENT EASEMENT:	0.001 ACRE	(65 S.F.)
TEMPORARY CONSTRUCTION EASEMENT "04-TCE1":	0.006 ACRE	(258 S.F.)
TOTAL AREA IN TEMPORARY EASEMENT:	0.006 ACRE	(258 S.F.)

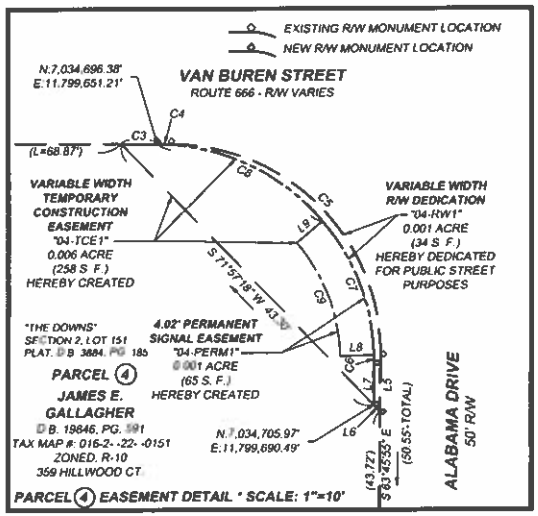
REVISION #1: PARCEL 4, RENAMED PERMANENT DRAINAGE EASEMENT TO PERMANENT SIGNAL EASEMENT

APPROVED BY
TOWN OF HERNDON, VIRGINIA

MAYOR DATE

ATTEST DATE

Sheet Status:
FINAL
Submittal Date:
07-11-2019



OWNER'S CERTIFICATE: (WITH RESPECT TO PARCEL _____ ONLY)

THE PLATTING OR DEDICATION OF THE RIGHT(S)-OF-WAY AND/OR EASEMENT(S) SHOWN HEREON IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRE OF THE UNDERSIGNED OWNER(S), PROPRIETOR(S) AND TRUSTEE(S), IF ANY

_____ _____
BY (SIGNATURE) DATE

_____
(PRINTED NAME AND TITLE)

_____ _____
BY (SIGNATURE) DATE

_____
(PRINTED NAME AND TITLE)

NOTARY:

COMMONWEALTH OF VIRGINIA

COUNTY OF _____

THIS PLAT WAS ACKNOWLEDGED BEFORE ME, A NOTARY PUBLIC FOR THE ABOVE JURISDICTION.

WITNESSED THE ABOVE SIGNATURE THIS _____ DAY OF _____, 2019.

NOTARY PUBLIC: _____

MY COMMISSION EXPIRES: _____

SURVEYOR'S CERTIFICATE:

I, ALISON W. HANSON, LS, A DULY LICENSED SURVEYOR IN THE COMMONWEALTH OF VIRGINIA DO HEREBY CERTIFY THAT THE DEDICATIONS OF EASEMENTS AND/OR RIGHTS-OF-WAY SHOWN HEREON ARE LOCATED UPON THE FOLLOWING INDICATED PARCELS EMBRACED ON THIS PLAT AND ARE NOW IN THE NAMES OF

PARCEL #:

2. THE MONTESSORI COUNTRY SCHOOL, AS RECORDED IN D.B. 5793, PG. 722

4. JAMES E. GALLAGHER, AS RECORDED IN D.B. 19846, PG. 591

AMONG THE LAND RECORDS OF FAIRFAX COUNTY, VIRGINIA AND THAT THE BEARINGS REFER TO NAD'83 VIRGINIA STATE PLANE COORDINATE SYSTEM (NORTH ZONE).

ALISON W. HANSON, LS (VIRGINIA LS #: 2617) 07-11-2019 DATE

NOTES:

1. EASEMENTS AND/OR RIGHTS-OF-WAY HEREBY DEDICATED BY THIS PLAT ARE IN CONJUNCTION WITH ENGINEERING PROJECT ENTITLED " TOWN OF HERNDON, VAN BUREN STREET IMPROVEMENTS, CONTRACT #: D-17-03, PHASE I, VDOT PROJECT NO.: (NFO) EN15-235-112, P101, R201, C501, (UPC 107658), FHWA-534 DATA 25208, FEDERAL NO.: TAP-5A01 (029) & PHASE II", PREPARED BY RUMMEL, KLEPPER, & KAHL, LLP (RK&K), DATED APRIL 11, 2019. PARCEL IDENTIFIER NUMBERS SHOWN IN THIS PLAN SET ARE DUPLICATED ON THIS PLAT FOR THE SUBJECT PROPERTIES AND ARE DESIGNATED BY AN ENCIRCLED NUMBER, I.E. (7)
2. BOUNDARY INFORMATION SHOWN HEREON IS BASED ON RECORDED DEEDS AND HIGHWAY PLAN INFORMATION AND DOES NOT REPRESENT A CURRENT BOUNDARY SURVEY BY THIS FIRM.
3. ALL PREVIOUSLY RECORDED RIGHTS-OF-WAY, EASEMENTS, OR OTHER INTERESTS OF THE TOWN OF HERNDON SHALL REMAIN IN FULL FORCE AND EFFECT UNLESS OTHERWISE SPECIFICALLY SHOWN HEREON
4. THIS PLAT WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT, THEREFORE NOT ALL ENCUMBRANCES TO THE PROPERTY ARE NECESSARILY SHOWN HEREON
5. NEW RIGHT-OF-WAY MONUMENTATION WILL BE SET BY THIS FIRM WITHIN 90 DAYS OF WRITTEN NOTIFICATION OF CONSTRUCTION ACTIVITY COMPLETION.

PLAT SHOWING
A VARIABLE WIDTH TEMPORARY CONSTRUCTION EASEMENT ON THE PROPERTY OF
THE MONTESSORI COUNTRY SCHOOL, INC.
(D.B. 5793, PG. 722) (PARCEL 2)

A VARIABLE WIDTH STREET RIGHT-OF-WAY DEDICATION, A 4.02' PERMANENT SIGNAL EASEMENT & A VARIABLE WIDTH TEMPORARY CONSTRUCTION EASEMENT ON THE PROPERTY OF
JAMES E. GALLAGHER
(D.B. 19846, PG. 591) (PARCEL 4)

TOWN OF HERNDON, FAIRFAX COUNTY, VIRGINIA
SCALE 1"= 50'

Job #: RK1807.01
Date: 07-01-2019
Sheet: 1 of 1
Drawn By: WFW
Checked By: AWH

PLAT #2

Rev. #	Rev. Date
#1	07-11-2019

Professional Seal

COMMONWEALTH OF VIRGINIA
Alison W. Hanson
Lic. No. 002617
LAND SURVEYOR
Sealed 07-11-2019

H&B Surveying and Mapping, LLC
insightful solutions, quality service
A DBE/WBE SWaM Certified Business
2105 Electric Road SW, Suite 103
Roanoke, VA 23224
540.904.2559 Office
Survey Produced at Richmond Office Location
614 Moorefield Park Drive
Richmond, VA 23236
804.330.3781 Office 804.859.5330 Fax
www.hbsurveying.com

Attachment
19-0-30

TOWN OF HERNDON, VIRGINIA

ORDINANCE

SEPTEMBER 24, 2019

Ordinance – Authorizing the acquisition of a temporary easement on property owned by The Montessori Country School, Inc. Tax Map #: 016-2-22-0149C for public use by condemnation (eminent domain) for transportation facility improvements to Van Buren Street from Spring Street to Herndon Parkway.

BE IT ORDAINED by the Council for the Town of Herndon that:

1. The Town of Herndon made a bona fide but ineffectual effort to acquire a 915 square foot temporary construction and grading easement from The Montessori Country School, Inc. for $1,680 in connection with the Van Buren Street Improvement Project. The landowner did not accept this offer. Therefore, the Town Attorney and outside counsel on behalf of the Town are authorized and directed to file a Certificate of Take and prosecute to completion a condemnation action against the land owned by The Montessori Country School, Inc.as well as The Montessori Country School Inc. for the Town's condemnation of these interests in property over real estate located at 621 Alabama Drive, Town of Herndon, Fairfax County, Virginia, designated at Tax Map #: 016-2-22-0149C, and shown as Parcel 2 on Plat #2 of Job # RK1807.01, dated July 1, 2019, and revised through July 11, 2019, prepared by H&B Surveying and Mapping, LLC of Richmond, Virginia, which said plat is attached hereto and incorporated herein.

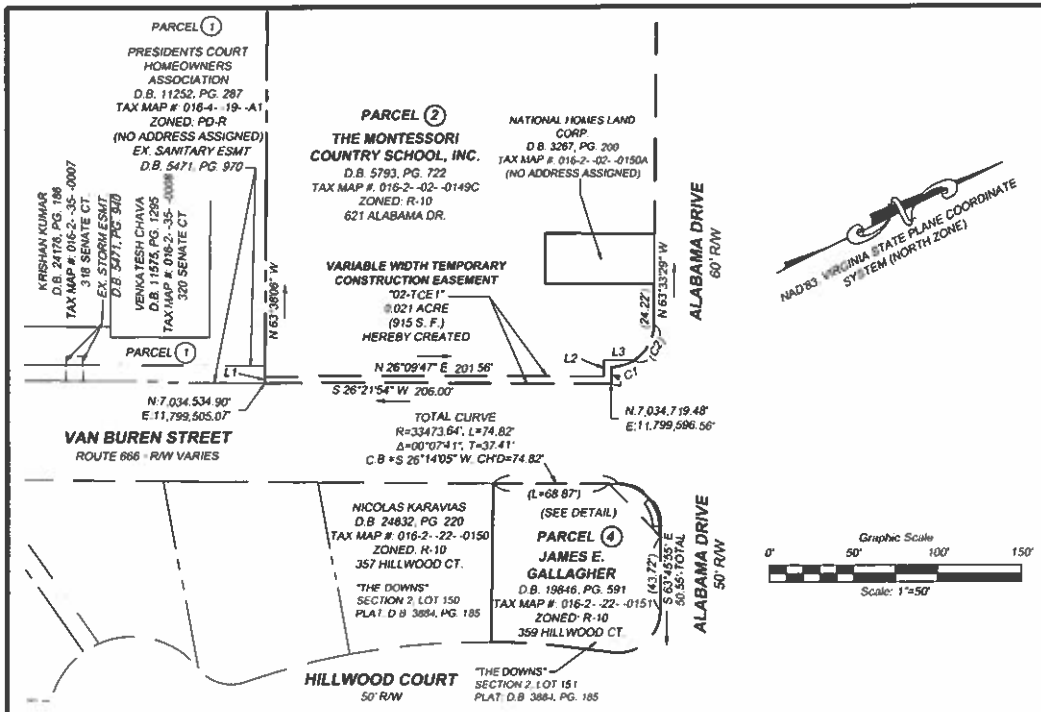
2. The Town Council approves the following proposed public use for this acquisition: the construction, maintenance, or improvement of the public roadway, bike lanes, sidewalks, utility relocation, curb and gutter, and storm drainage, for the public safety and welfare of the Town.

3. The Town Council directs the Town Manager, Town Attorney, and their outside counsel to acquire the above described interests in property for public use by condemnation, purchase, or other means. The Town staff is hereby authorized to pay the compensation set forth in paragraph 1 above into the Fairfax County Circuit Court contemporaneously with filing a Certificate of Take.

4. The property interests shall be used for the Van Buren Street Improvement Project. The property interests are necessary for the construction, maintenance, or improvement of, and access to, the public

roadway, bike lanes, sidewalks, utility relocation, curb and gutter, and storm drainage.

5. This ordinance shall be effective on and after the date of its adoption.



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C7	26.00'	17.50'	38°33'15"	9.09'	N 85°05'49" W	17.17'
C8	26.00'	22.39'	49°19'48"	11.94'	S 50°57'39" W	21.70'
C9	21.98'	14.79'	38°33'15"	7.69'	N 85°05'49" W	14.51'

AREA TABULATION: PARCEL (2)

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AREA TABULATION: PARCEL (4)

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PERMANENT SIGNAL EASEMENT "04-PERM1":	0.001 ACRE	(65 S.F.)
TOTAL AREA IN PERMANENT EASEMENT:	0.001 ACRE	(65 S.F.)
TEMPORARY CONSTRUCTION EASEMENT "04-TCE1":	0.006 ACRE	(258 S.F.)
TOTAL AREA IN TEMPORARY EASEMENT:	0.006 ACRE	(258 S.F.)

REVISION #1: PARCEL 4, RENAMED PERMANENT DRAINAGE EASEMENT TO PERMANENT SIGNAL EASEMENT

APPROVED BY
TOWN OF HERNDON, VIRGINIA

MAYOR DATE

ATTEST DATE

Sheet Status:
FINAL
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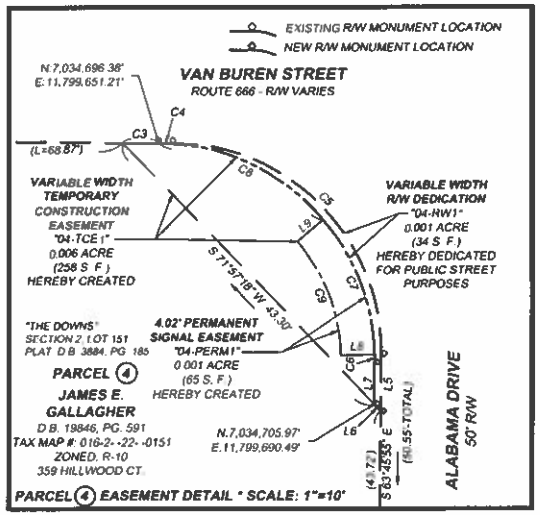
07-11-2019



OWNER'S CERTIFICATE: (WITH RESPECT TO PARCEL _____ ONLY)

THE PLATTING OR DEDICATION OF THE RIGHT(S)-OF-WAY AND/OR EASEMENT(S) SHOWN HEREON IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRE OF THE UNDERSIGNED OWNER(S), PROPRIETOR(S) AND TRUSTEE(S), IF ANY.

BY (SIGNATURE): DATE

(PRINTED NAME AND TITLE)

BY (SIGNATURE): DATE

(PRINTED NAME AND TITLE)

NOTARY:

COMMONWEALTH OF VIRGINIA

COUNTY OF _____

THIS PLAT WAS ACKNOWLEDGED BEFORE ME, A NOTARY PUBLIC FOR THE ABOVE JURISDICTION.

WITNESSED THE ABOVE SIGNATURE THIS _____ DAY OF _____, 2019.

NOTARY PUBLIC: _____

MY COMMISSION EXPIRES: _____

SURVEYOR'S CERTIFICATE:

I, ALISON W. HANSON, L.S. A DULY LICENSED SURVEYOR IN THE COMMONWEALTH OF VIRGINIA DO HEREBY CERTIFY THAT THE DEDICATIONS OF EASEMENTS AND/OR RIGHTS-OF-WAY SHOWN HEREON ARE LOCATED UPON THE FOLLOWING INDICATED PARCELS EMBRACED ON THIS PLAT AND ARE NOW IN THE NAMES OF:

PARCEL #:

2. THE MONTESSORI COUNTRY SCHOOL, AS RECORDED IN D.B. 5793, PG. 722

4. JAMES E. GALLAGHER, AS RECORDED IN D.B. 19846, PG. 591

AMONG THE LAND RECORDS OF FAIRFAX COUNTY, VIRGINIA AND THAT THE BEARINGS REFER TO NAD'83 VIRGINIA STATE PLANE COORDINATE SYSTEM (NORTH ZONE).

ALISON W. HANSON, L.S. (VIRGINIA L.S. #: 2617) 07-11-2019 DATE

NOTES:

1. EASEMENTS AND/OR RIGHTS-OF-WAY HEREBY DEDICATED BY THIS PLAT ARE IN CONJUNCTION WITH ENGINEERING PROJECT ENTITLED " TOWN OF HERNDON, VAN BUREN STREET IMPROVEMENTS, CONTRACT #: D-17-03, PHASE I, VDOT PROJECT NO., (NFO) EN15-235-112, P101, R201, C501, (UPC 107658), FHWA-534 DATA 25208, FEDERAL NO. TAP-5A01 (029) & PHASE II", PREPARED BY RUMMEL, KLEPPER, & KAHL, LLP (RK&K), DATED APRIL 11, 2019. PARCEL IDENTIFIER NUMBERS SHOWN IN THIS PLAN SET ARE DUPLICATED ON THIS PLAT FOR THE SUBJECT PROPERTIES AND ARE DESIGNATED BY AN ENCIRCLED NUMBER, I.E (2).
2. BOUNDARY INFORMATION SHOWN HEREON IS BASED ON RECORDED DEEDS AND HIGHWAY PLAN INFORMATION AND DOES NOT REPRESENT A CURRENT BOUNDARY SURVEY BY THIS FIRM.
3. ALL PREVIOUSLY RECORDED RIGHTS-OF-WAY, EASEMENTS, OR OTHER INTERESTS OF THE TOWN OF HERNDON SHALL REMAIN IN FULL FORCE AND EFFECT UNLESS OTHERWISE SPECIFICALLY SHOWN HEREON.
4. THIS PLAT WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT. THEREFORE NOT ALL ENCUMBRANCES TO THE PROPERTY ARE NECESSARILY SHOWN HEREON.
5. NEW RIGHT-OF-WAY MONUMENTATION WILL BE SET BY THIS FIRM WITHIN 90 DAYS OF WRITTEN NOTIFICATION OF CONSTRUCTION ACTIVITY COMPLETION.

PLAT SHOWING
A VARIABLE WIDTH TEMPORARY CONSTRUCTION EASEMENT ON THE PROPERTY OF
THE MONTESSORI COUNTRY SCHOOL, INC.
(D.B. 5793, PG. 722) (PARCEL 2)

A VARIABLE WIDTH STREET RIGHT-OF-WAY DEDICATION, A 4.02' PERMANENT SIGNAL EASEMENT & A VARIABLE WIDTH TEMPORARY CONSTRUCTION EASEMENT ON THE PROPERTY OF
JAMES E. GALLAGHER
(D.B. 19846, PG. 591) (PARCEL 4)

TOWN OF HERNDON, FAIRFAX COUNTY, VIRGINIA
SCALE 1"= 50'

Job #: RK1807.01
Date: 07-01-2019
Sheet: 1 of 1
Drawn By: WFW
Checked By: AWH

PLAT #2

Rev. #	Rev. Date
#1	07-11-2019

Professional Seal

COMMONWEALTH OF VIRGINIA
Alison W. Hanson
Lic. No. 002617
LAND SURVEYOR
Sealed 07-11-2019

H&B Surveying and Mapping, LLC
insightful solutions, quality service
A DBE/WBE SWaM Certified Business
2105 Electric Road SW, Suite 103
Roanoke, VA 23224
540.904.2559 Office
Survey Produced at Richmond Office Location
614 Moorefield Park Drive
Richmond, VA 23236
804.330.3781 Office 804.859.5336 Fax
www.hbsurveying.com

Attachment
19-0-31

TOWN OF HERNDON, VIRGINIA

ORDINANCE

SEPTEMBER 24, 2019

Ordinance – Authorizing the acquisition of temporary and permanent easements on property owned by Presidents Court Homeowners Association, Tax Map #: 016-4-19-000A1 for public use by condemnation (eminent domain) for transportation facility improvements to Van Buren Street from Spring Street to Herndon Parkway.

BE IT ORDAINED by the Council for the Town of Herndon that:

1. The Town of Herndon made a bona fide but ineffectual effort to acquire 536 square foot permanent streetscape easement and a 5,434 square foot temporary construction and grading easement from Presidents Court Homeowners Association for $22,790.00 (including landscaping) in connection with the Van Buren Street Improvement Project. The landowner did not accept this offer. Therefore, the Town Attorney and outside counsel on behalf of the Town are authorized and directed to file a Certificate of Take and prosecute to completion a condemnation action against the land owned by the Presidents Court Homeowners Association as well as the Presidents Court Homeowners Association for the Town's condemnation of these interests in property over real estate located in the Town of Herndon, Fairfax County, Virginia, designated as Tax Map #: 16-4-19-000A1, and shown as Parcel 1 on Plat #1 of Job # RK1807.01, dated July 1, 2019, prepared by H&B Surveying and Mapping, LLC of Richmond, Virginia, which said plat is attached hereto and incorporated herein.

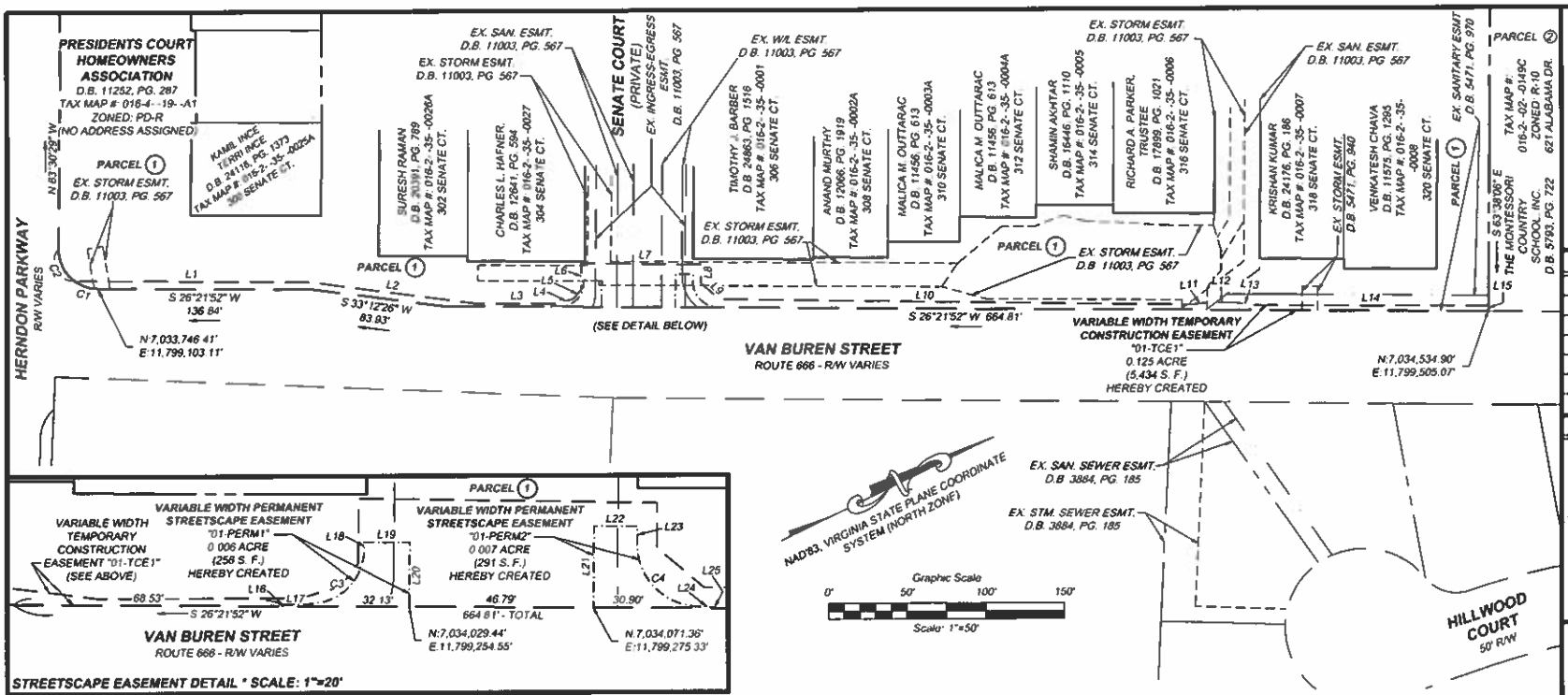
2. The Town Council approves the following proposed public use for this acquisition: the construction, maintenance, or improvement of the public roadway, bike lanes, sidewalks, utility relocation, curb and gutter, and storm drainage, for the public safety and welfare of the Town.

3. The Town Council directs the Town Manager, Town Attorney, and their outside counsel to acquire the above described interests in property for public use by condemnation, purchase, or other means. The Town staff is hereby authorized to pay the compensation set forth in paragraph 1 above into the Fairfax County Circuit Court contemporaneously with filing a Certificate of Take.

4. The property interests shall be used for the Van Buren Street Improvement Project. The property interests are necessary for the construction, maintenance, or improvement of, and access to, the public

roadway, bike lanes, sidewalks, utility relocation, curb and gutter, and storm drainage.

5. This ordinance shall be effective on and after the date of its adoption.



STREETSCAPE EASEMENT DETAIL * SCALE: 1"=20'

OWNER'S CERTIFICATE: (WITH RESPECT TO PARCEL __1__ ONLY)

THE PLATTING OR DEDICATION OF THE RIGHT(S)-OF-WAY AND/OR EASEMENT(S) SHOWN HEREON IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRE OF THE UNDERSIGNED OWNER(S), PROPRIETOR(S) AND TRUSTEE(S), IF ANY.

BY (SIGNATURE): _____ DATE _____

(PRINTED NAME AND TITLE) _____

BY (SIGNATURE): _____ DATE _____

(PRINTED NAME AND TITLE) _____

NOTARY:

COMMONWEALTH OF VIRGINIA

COUNTY OF _____

THIS PLAT WAS ACKNOWLEDGED BEFORE ME, A NOTARY PUBLIC FOR THE ABOVE JURISDICTION.

WITNESSED THE ABOVE SIGNATURE THIS _____ DAY OF _____, 2019.

NOTARY PUBLIC: _____

MY COMMISSION EXPIRES: _____

APPROVED BY
TOWN OF HERNDON, VIRGINIA

_____ _____
MAYOR DATE

_____ _____
ATTEST DATE

Sheet Status:
FINAL
Submittal Date:
07-01-2019

SURVEYOR'S CERTIFICATE:

I, ALISON W. HANSON, LS, A DULY LICENSED SURVEYOR IN THE COMMONWEALTH OF VIRGINIA DO HEREBY CERTIFY THAT THE DEDICATIONS OF EASEMENTS AND/OR RIGHTS-OF-WAY SHOWN HEREON ARE LOCATED UPON THE FOLLOWING INDICATED PARCEL EMBRACED ON THIS PLAT AND IS NOW IN THE NAME OF:

PARCEL #:

1. PRESIDENTS COURT HOMEOWNERS ASSOCIATION, AS RECORDED IN D.B. 11252, PG. 287

AMONG THE LAND RECORDS OF FAIRFAX COUNTY, VIRGINIA AND THAT THE BEARINGS REFER TO NAD'83 VIRGINIA STATE PLANE COORDINATE SYSTEM (NORTH ZONE).

_____ 07-01-2019
ALISON W. HANSON, LS (VIRGINIA LS # 2617) DATE

LINE	BEARING	DISTANCE
L1	N 26°21'52" E	148.52'
L2	N 33°16'10" E	107.94'
L3	N 25°56'28" E	52.29'
L4	N 09°25'08" E	10.22'
L5	N 25°51'32" W	7.51'
L6	N 63°38'08" W	16.61'
L7	N 26°54'55" E	75.02'
L8	S 63°37'07" E	11.54'
L9	N 66°09'56" E	15.70'
L10	N 26°45'00" E	300.47'
L11	N 19°41'29" E	10.50'
L12	N 26°14'01" E	17.67'
L13	N 32°52'20" E	12.06'
L14	N 26°09'47" E	148.76'
L15	S 63°38'06" E	3.89'
L16	N 64°39'59" W	0.47'
L17	N 25°20'01" E	6.82'
L18	N 63°38'08" W	2.00'
L19	N 26°21'52" E	11.57'
L20	S 63°38'06" E	16.48'
L21	N 63°28'58" W	20.82'
L22	N 26°31'02" E	11.00'
L23	S 63°28'58" E	4.39'
L24	N 26°56'21" E	4.02'
L25	S 63°03'39" E	0.32'

CURVE	RADIUS	ARC LENGTH	DELTA ANGLE	TANGENT	CHORD BEARING	CHORD LENGTH
C1	25.00'	15.54'	35°37'19"	8.03'	S 44°10'32" W	15.29'
C2	25.00'	23.79'	54°31'24"	12.88'	S 89°14'53" W	22.90'
C3	14.00'	21.63'	88°31'00"	13.64'	N 16°55'29" W	19.54'
C4	16.00'	25.01'	89°34'41"	15.88'	N 71°43'41" E	22.54'

NOTES:

1. EASEMENTS AND/OR RIGHTS-OF-WAY HEREBY DEDICATED BY THIS PLAT ARE IN CONJUNCTION WITH ENGINEERING PROJECT ENTITLED " TOWN OF HERNDON, VAN BUREN STREET IMPROVEMENTS, CONTRACT #, D-17-03, PHASE I, VDOT PROJECT NO. (NFO) EN15-235-112, P101, R201, C501, (UPC 107658), FHWA-534 DATA 25208, FEDERAL NO. TAP-5A01 (029) & PHASE II", PREPARED BY RUMMEL, KLEPPER, & KAHL, LLP (RK&K), DATED APRIL 11, 2019. PARCEL IDENTIFIER NUMBERS SHOWN IN THIS PLAN SET ARE DUPLICATED ON THIS PLAT FOR THE SUBJECT PROPERTIES AND ARE DESIGNATED BY AN ENCIRCLED NUMBER, I.E (1)
2. BOUNDARY INFORMATION SHOWN HEREON IS BASED ON RECORDED DEEDS AND HIGHWAY PLAN INFORMATION AND DOES NOT REPRESENT A CURRENT BOUNDARY SURVEY BY THIS FIRM.
3. ALL PREVIOUSLY RECORDED RIGHTS-OF-WAY, EASEMENTS, OR OTHER INTERESTS OF THE TOWN OF HERNDON SHALL REMAIN IN FULL FORCE AND EFFECT UNLESS OTHERWISE SPECIFICALLY SHOWN HEREON.
4. THIS PLAT WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT, THEREFORE NOT ALL ENCUMBRANCES TO THE PROPERTY ARE NECESSARILY SHOWN HEREON.

AREA TABULATION: PARCEL (1)

PERMANENT STREETSCAPE EASEMENT "01-PERM1":	0.006 ACRE	(245 S.F.)
PERMANENT STREETSCAPE EASEMENT "01-PERM2":	0.007 ACRE	(291 S.F.)
TOTAL AREA IN PERMANENT EASEMENTS	0.013 ACRE	(536 S.F.)
TEMPORARY CONSTRUCTION EASEMENT "01-TCE1"	0.125 ACRE	(5,434 S.F.)
TOTAL AREA IN TEMPORARY EASEMENTS	0.125 ACRE	(5,434 S.F.)

PLAT SHOWING
TWO VARIABLE WIDTH PERMANENT STREETSCAPE EASEMENTS & A VARIABLE WIDTH TEMPORARY CONSTRUCTION EASEMENT ON THE PROPERTY OF
PRESIDENTS COURT HOMEOWNERS ASSOCIATION
(D.B. 11252, PG. 287)
TOWN OF HERNDON, FAIRFAX COUNTY, VIRGINIA
SCALE 1"= 50'

Job #: RK1807.01
Date: 07-01-2019
Sheet: 1 of 1
Drawn By: WFW
Checked By: AWH

PLAT #1

Rev. #	Rev. Date

Professional Seal

COMMONWEALTH OF VIRGINIA
Alison W. Hanson
Lic. No. 002617
LAND SURVEYOR
Sealed: 07-01-2019

H&B Surveying and Mapping, LLC
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2105 Electric Road SW, Suite 103
Roanoke, VA 23224
540.904.2559 Office
Survey Produced at Richmond Office Location
614 Moorefield Park Drive
Richmond, VA 23236
804.330.3781 Office 804.859.5330 Fax
www.hbsurveying.com

Attachment
19-O-32

TOWN OF HERNDON, VIRGINIA

ORDINANCE

SEPTEMBER 24, 2019

Ordinance – Authorizing the acquisition of fee simple interest and temporary easements on property owned by Vassili Fedousov, Tax Map #: 016-2-02-0149 for public use by condemnation (eminent domain) for transportation facility improvements to Van Buren Street from Spring Street to Herndon Parkway.

BE IT ORDAINED by the Council for the Town of Herndon that:

1. The Town of Herndon made a bona fide but ineffectual effort to acquire 1,004 square foot fee simple interest and 1,226 square foot temporary construction and grading easement from Vassili Fedousov for $17,990 (including landscaping and asphalt pavement) in connection with the Van Buren Streets Improvement Project. The landowner did not accept this offer. Therefore, the Town Attorney and outside counsel on behalf of the Town are authorized and directed to file a Certificate of Take and prosecute to completion a condemnation action against the land owned by Vassili Fedousov as well as Vassili Fedousov for the Town's condemnation of these interests in property over real estate located at 401 Van Buren Street, Town of Herndon, Fairfax County, Virginia, designated as Tax Map #: 016-2-02-0149, and shown as Parcel 3 on Plat #3 of Job # RK1807.01, dated July 1, 2019, prepared by H&B Surveying and Mapping, LLC of Richmond, Virginia, which said plat is attached hereto and incorporated herein.

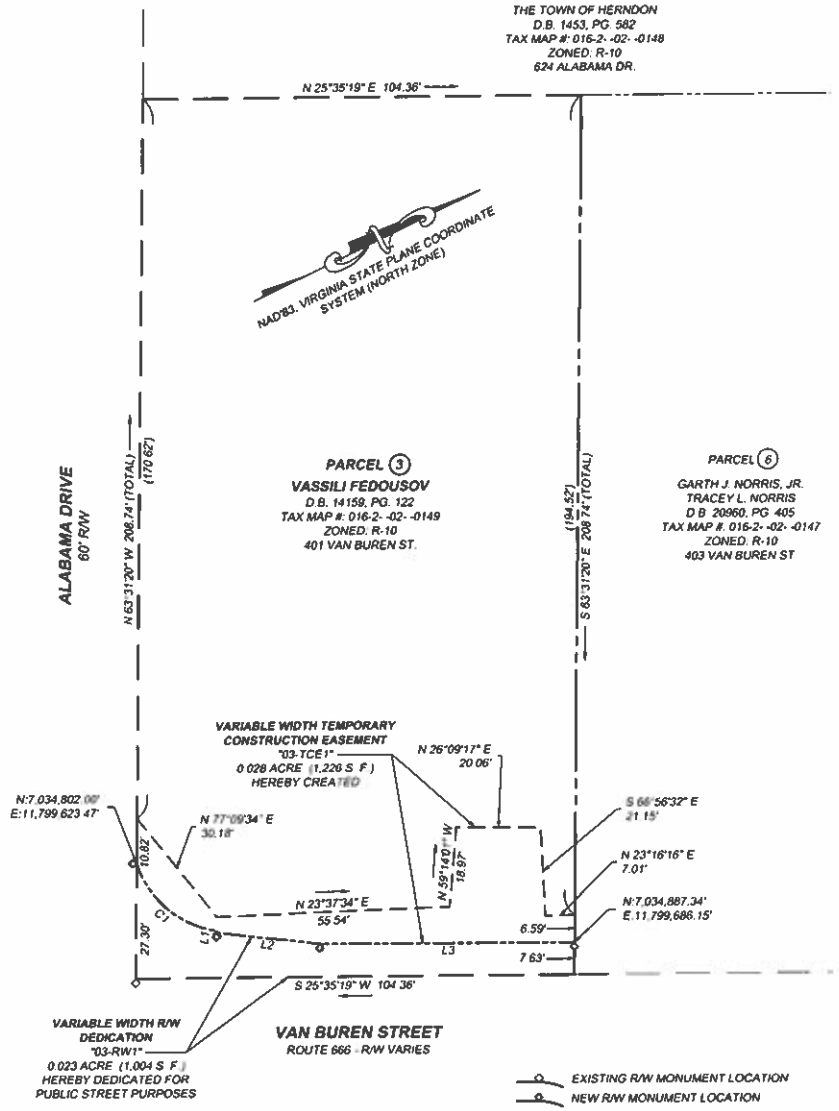
2. The Town Council approves the following proposed public use for this acquisition: the construction, maintenance, or improvement of the public roadway, bike lanes, sidewalks, utility relocation, curb and gutter, and storm drainage, for the public safety and welfare of the Town.

3. The Town Council directs the Town Manager, Town Attorney, and their outside counsel to acquire the above described interests in property for public use by condemnation, purchase, or other means. The Town staff is hereby authorized to pay the compensation set forth in paragraph 1 above into the Fairfax County Circuit Court contemporaneously with filing a Certificate of Take.

4. The property interests shall be used for the Van Buren Street Improvement Project. The property interests are necessary for the construction, maintenance, or improvement of, and access to, the public

roadway, bike lanes, sidewalks, utility relocation, curb and gutter, and storm drainage.

5. This ordinance shall be effective on and after the date of its adoption.



AREA TABULATION: PARCEL (3)

RIGHT-OF-WAY DEDICATION "03-RW1":	0.023 ACRE	(1,004 S.F.)
TOTAL AREA IN RIGHT-OF-WAY DEDICATION	0.023 ACRE	(1,004 S.F.)
TEMPORARY CONSTRUCTION EASEMENT "03-TCE1":	0.028 ACRE	(1,226 S.F.)
TOTAL AREA IN TEMPORARY EASEMENT:	0.028 ACRE	(1,226 S.F.)

CURVE	RADIUS	ARC LENGTH	DELTA ANGLE	TANGENT	CHORD BEARING	CHORD LENGTH
C1	23.50'	26.23'	63°57'50"	14.67'	N 65°54'57" E	24.89'

LINE	BEARING	DISTANCE
L1	S 56°03'57" E	0.51'
L2	N 32°15'22" E	24.76'
L3	N 25°45'38" E	60.55'

Graphic Scale
0' 20' 40' 60'
Scale: 1"=20'

APPROVED BY
TOWN OF HERNDON, VIRGINIA

MAYOR DATE

ATTEST DATE

Sheet Status:
FINAL
Submittal Date:
07-01-2019

OWNER'S CERTIFICATE: (WITH RESPECT TO PARCEL __3__ ONLY)

THE PLATTING OR DEDICATION OF THE RIGHT(S)-OF-WAY AND/OR EASEMENT(S) SHOWN HEREON IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRE OF THE UNDERSIGNED OWNER(S), PROPRIETOR(S) AND TRUSTEE(S), IF ANY

BY (SIGNATURE) DATE

(PRINTED NAME AND TITLE)

BY (SIGNATURE) DATE

(PRINTED NAME AND TITLE)

NOTARY:

COMMONWEALTH OF VIRGINIA

COUNTY OF _____

THIS PLAT WAS ACKNOWLEDGED BEFORE ME, A NOTARY PUBLIC FOR THE ABOVE JURISDICTION,

WITNESSED THE ABOVE SIGNATURE THIS _____ DAY OF _____, 2019.

NOTARY PUBLIC: _____

MY COMMISSION EXPIRES: _____

SURVEYOR'S CERTIFICATE:

I, ALISON W. HANSON, LS, A DULY LICENSED SURVEYOR IN THE COMMONWEALTH OF VIRGINIA DO HEREBY CERTIFY THAT THE DEDICATIONS OF EASEMENTS AND/OR RIGHTS-OF-WAY SHOWN HEREON ARE LOCATED UPON THE FOLLOWING INDICATED PARCEL EMBRACED ON THIS PLAT AND IS NOW IN THE NAME OF:

PARCEL #

3 VASSILI FEDOUSOV, AS RECORDED IN D.B. 14159, PG. 122

AMONG THE LAND RECORDS OF FAIRFAX COUNTY, VIRGINIA AND THAT THE BEARINGS REFER TO NAD'83 VIRGINIA STATE PLANE COORDINATE SYSTEM (NORTH ZONE)

07-01-2019
ALISON W. HANSON, LS (VIRGINIA LS # 2617) DATE

NOTES:

1. EASEMENTS AND/OR RIGHTS-OF-WAY HEREBY DEDICATED BY THIS PLAT ARE IN CONJUNCTION WITH ENGINEERING PROJECT ENTITLED " TOWN OF HERNDON, VAN BUREN STHEET IMPROVEMENTS, CONTRACT #. D-17-03, PHASE I, VDOT PROJECT NO. (NFO) EN15-235-112, P101, R201, C501, (UPC 107658), FHWA-534 DATA 25208, FEDERAL NO. TAP-5A01 (029) & PHASE II", PREPARED BY RUMMEL, KLEPPER, & KAHL, LLP (RK&K), DATED APRIL 11, 2019. PARCEL IDENTIFIER NUMBERS SHOWN IN THIS PLAN SET ARE DUPLICATED ON THIS PLAT FOR THE SUBJECT PROPERTIES AND ARE DESIGNATED BY AN ENCIRCLED NUMBER, I.E. (3).
2. BOUNDARY INFORMATION SHOWN HEREON IS BASED ON RECORDED DEEDS AND HIGHWAY PLAN INFORMATION AND DOES NOT REPRESENT A CURRENT BOUNDARY SURVEY BY THIS FIRM.
3. ALL PREVIOUSLY RECORDED RIGHTS-OF-WAY, EASEMENTS, OR OTHER INTERESTS OF THE TOWN OF HERNDON SHALL REMAIN IN FULL FORCE AND EFFECT UNLESS OTHERWISE SPECIFICALLY SHOWN HEREON.
4. THIS PLAT WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT, THEREFORE NOT ALL ENCUMBRANCES TO THE PROPERTY ARE NECESSARILY SHOWN HEREON.
5. NEW RIGHT-OF-WAY MONUMENTATION WILL BE SET BY THIS FIRM WITHIN 90 DAYS OF WRITTEN NOTIFICATION OF CONSTRUCTION ACTIVITY COMPLETION.

PLAT SHOWING
A VARIABLE WIDTH STREET RIGHT-OF-WAY DEDICATION & A VARIABLE WIDTH TEMPORARY CONSTRUCTION EASEMENT ON THE PROPERTY OF
VASSILI FEDOUSOV
(D.B. 14159, PG. 122) (PARCEL 3)

TOWN OF HERNDON, FAIRFAX COUNTY, VIRGINIA
SCALE 1"= 20'

Job #: RK1807.01
Date: 07-01-2019
Sheet: 1 of 1
Drawn By: WFW
Checked By: AWH

PLAT #3

Rev. #	Rev. Date

Professional Seal

COMMONWEALTH OF VIRGINIA
Alison W. Hanson
Lic. No. 002617
LAND SURVEYOR
Sealed 07-01-2019

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614 Moorefield Park Drive
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804.330.3781 Office 804.859.5330 Fax
www.hbsurveying.com

Attachment
19-0-33

TOWN OF HERNDON, VIRGINIA

ORDINANCE

SEPTEMBER 24, 2019

Ordinance – Authorizing the acquisition of fee simple interest and temporary easement on property owned by Rosario E. Rivera, Tax Map #: 016-2-22-0007 for public use by condemnation (eminent domain) for the transportation facility improvements to Van Buren Street from Spring Street to Herndon Parkway.

BE IT ORDAINED by the Council for the Town of Herndon that:

1. The Town of Herndon made a bona fide but ineffectual effort to acquire 86 square foot fee simple interest and 467 square foot temporary construction and grading easement from Rosaria E. Rivera for $2,420 in connection with the Van Buren Street Improvement Project. The landowner did not accept this offer. Therefore, the Town Attorney and outside counsel on behalf of the Town are authorized and directed to file a Certificate of Take and prosecute to completion a condemnation action against the land owned by Rosaria E. Rivera as well as Rosaria E. Rivera for the Town's condemnation of these interests in property over real estate located at 401 Hillwood Court, Town of Herndon, Fairfax County, Virginia, designated as Tax Map #: 016-2-22-0007, and shown as Parcel 5 on Plat #5 of Job # RK1807.01, dated June 28, 2019, and revised through July 11, 2019, prepared by H&B Surveying and Mapping, LLC of Richmond, Virginia, which said plat is attached hereto and incorporated herein.

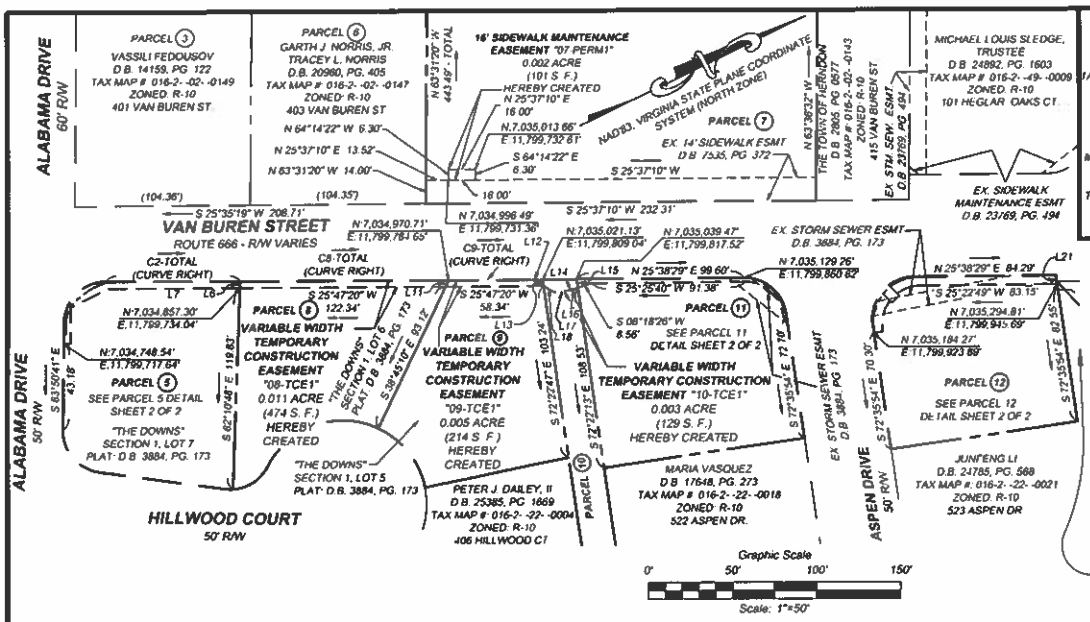
2. The Town Council approves the following proposed public use for this acquisition: the construction, maintenance, or improvement of the public roadway, bike lanes, sidewalks, utility relocation, curb and gutter, and storm drainage, for the public safety and welfare of the Town.

3. The Town Council directs the Town Manager, Town Attorney, and their outside counsel to acquire the above described interests in property for public use by condemnation, purchase, or other means. The Town staff is hereby authorized to pay the compensation set forth in paragraph 1 above into the Fairfax County Circuit Court contemporaneously with filing a Certificate of Take.

4. The property interests shall be used for the Van Buren Street Improvement Project. The property interests are necessary for the construction, maintenance, or improvement of, and access to, the public

roadway, bike lanes, sidewalks, utility relocation, curb and gutter, and storm drainage.

5. This ordinance shall be effective on and after the date of its adoption.



PARCEL 5
ROSARIO E. RIVERA
D.B. 17776, PG. 1690
TAX MAP #: 016-2- -22- -0007
ZONED: R-10
401 HILLWOOD CT.

PARCEL 7
VALERIE J. WINSTEAD, TRUSTEE
D.B. 3775, PG. 0510
D.B. 25450, PG. 2180
TAX MAP #: 016-2- -02- -0146
ZONED: R-10
405 VAN BUREN ST

PARCEL 8
JAMES R. LEE
D.B. 20718, PG. 1848
TAX MAP #: 016-2- -22- -0006
ZONED: R-10
403 HILLWOOD CT

PARCEL 9
VIRGILIO VASQUEZ
MARIA L. VASQUEZ
D.B. 15187, PG. 1683
TAX MAP #: 016-2- -22- -0005
ZONED: R-10
405 HILLWOOD CT

PARCEL 10
MARIA L. VASQUEZ VIRGILIO VASQUEZ
D.B. 13000, PG. 2051
TAX MAP #: 016-2- -02- -0151A
ZONED: R-10
408 VAN BUREN ST

PARCEL 11
ALVIN J. COSMO
ELISE L. COSMO
D.B. 21154, PG. 1370
TAX MAP #: 016-2- -22- -0019
ZONED: R-10
524 ASPEN DR.

PARCEL 12
TU-ANH N. NGUYEN
D.B. 11264, PG. 641
TAX MAP #: 016-2- -22- -0020
ZONED: R-10
525 VAN BUREN ST

TRUSTEES OF ST. TIMOTHY'S EPISCOPAL CHURCH
D.B. 2416, PG. 416
TAX MAP # 016-2- -22- -0153
ZONED: R-10
523 ASPEN DR

SURVEYOR'S CERTIFICATE:

I, ALISON W. HANSON, A DULY LICENSED SURVEYOR IN THE COMMONWEALTH OF VIRGINIA DO HEREBY CERTIFY THAT THE DEDICATIONS OF EASEMENTS AND/OR RIGHTS-OF-WAY SHOWN HEREON ARE LOCATED UPON THE FOLLOWING INDICATED PARCELS EMBRACED ON THIS PLAT AND ARE NOW IN THE NAMES OF:

PARCEL #
5 ROSARIO E. RIVERA, AS RECORDED IN D.B. 17776, PG. 1690
7 VALERIE J. WINSTEAD, TRUSTEE, AS RECORDED IN D.B. 3775, PG. 510 & D.B. 25450, PG. 2180
8 JAMES R. LEE, AS RECORDED IN D.B. 20718, PG. 1848
9 VIRGILIO VASQUEZ & MARIA L. VASQUEZ, AS RECORDED IN D.B. 15187, PG. 1683
10 MARIA L. VASQUEZ & VIRGILIO VASQUEZ, AS RECORDED IN D.B. 13000, PG. 2051
11 ALVIN J. COSMO & ELISE L. COSMO, AS RECORDED IN D.B. 21154, PG. 1370
12 TU-ANH N. NGUYEN, AS RECORDED IN D.B. 11264, PG. 641

AMONG THE LAND RECORDS OF FAIRFAX COUNTY, VIRGINIA AND THAT THE BEARINGS REFER TO NAD'83 VIRGINIA STATE PLANE COORDINATE SYSTEM (NORTH ZONE).

ALISON W. HANSON, LS (VIRGINIA LS # 2617) — 06-28-2019 DATE

SEE SHEET 2 OF 2 FOR DETAILS, LINE TABLE & CURVE TABLE

AREA TABULATION: PARCEL (5)

RIGHT-OF-WAY DEDICATION "05-RW1"	0.002 ACRE	(86 S.F.)
TOTAL AREA IN RIGHT-OF-WAY DEDICATION	0.002 ACRE	(86 S.F.)
TEMPORARY CONSTRUCTION EASEMENT "05-TCE1"	0.011 ACRE	(467 S.F.)
TOTAL AREA IN TEMPORARY EASEMENT	0.011 ACRE	(467 S.F.)

AREA TABULATION: PARCEL (7)

PERMANENT SIDEWALK MAINTENANCE ESMT "07-PERM1"	0.002 ACRE	(101 S.F.)
TOTAL AREA IN PERMANENT EASEMENTS	0.002 ACRE	(101 S.F.)

AREA TABULATION: PARCEL (8)

TEMPORARY CONSTRUCTION EASEMENT "08-TCE1"	0.011 ACRE	(474 S.F.)
TOTAL AREA IN TEMPORARY EASEMENTS	0.011 ACRE	(474 S.F.)

AREA TABULATION: PARCEL (9)

TEMPORARY CONSTRUCTION EASEMENT "09-TCE1"	0.005 ACRE	(214 S.F.)
TOTAL AREA IN TEMPORARY EASEMENTS	0.005 ACRE	(214 S.F.)

AREA TABULATION: PARCEL (10)

TEMPORARY CONSTRUCTION EASEMENT "10-TCE1"	0.003 ACRE	(129 S.F.)
TOTAL AREA IN TEMPORARY EASEMENTS	0.003 ACRE	(129 S.F.)

AREA TABULATION: PARCEL (11)

RIGHT-OF-WAY DEDICATION "11-RW1"	0.0003 ACRE	(14 S.F.)
TOTAL AREA IN RIGHT-OF-WAY DEDICATION	0.0003 ACRE	(14 S.F.)
TEMPORARY CONSTRUCTION EASEMENT "11-TCE1"	0.007 ACRE	(322 S.F.)
TOTAL AREA IN TEMPORARY EASEMENT:	0.007 ACRE	(322 S.F.)

AREA TABULATION: PARCEL (12)

RIGHT-OF-WAY DEDICATION "12-RW1"	0.001 ACRE	(43 S.F.)
TOTAL AREA IN RIGHT-OF-WAY DEDICATION	0.001 ACRE	(43 S.F.)
PERMANENT DRAINAGE EASEMENT "12-PERM1"	0.001 ACRE	(45 S.F.)
TOTAL AREA IN PERMANENT EASEMENT:	0.001 ACRE	(45 S.F.)
TEMPORARY CONSTRUCTION EASEMENT "12-TCE1"	0.003 ACRE	(117 S.F.)
TEMPORARY CONSTRUCTION EASEMENT "12-TCE2"	0.012 ACRE	(518 S.F.)
TOTAL AREA IN TEMPORARY EASEMENT:	0.015 ACRE	(635 S.F.)

NOTES:

1. EASEMENTS AND/OR RIGHTS-OF-WAY HEREBY DEDICATED BY THIS PLAT ARE IN CONJUNCTION WITH ENGINEERING PROJECT ENTITLED " TOWN OF HERNDON, VAN BUREN STREET IMPROVEMENTS, CONTRACT # D-17-01, PHASE I, VDOT PROJECT NO.: (NFO) EN15-23A-112, P101, R201, C501, (UPC 107698), FHWA-534 DATA 25-208, FEDERAL NO.: TAP-5A01 (029) & PHASE II". PREPARED BY RUMMEL, KLEPPER, & KAHL, LLP (RK&K), DATED APRIL 11, 2019. PARCEL IDENTIFIER NUMBERS SHOWN IN THIS PLAN SET ARE DUPLICATED ON THIS PLAT FOR THE SUBJECT PROPERTIES AND ARE DESIGNATED BY AN ENCIRCLED NUMBER, I.E. (7)
2. BOUNDARY INFORMATION SHOWN HEREON IS BASED ON RECORDED DEEDS AND HIGHWAY PLAN INFORMATION AND DOES NOT REPRESENT A CURRENT BOUNDARY SURVEY BY THIS FIRM.
3. ALL PREVIOUSLY RECORDED RIGHTS-OF-WAY, EASEMENTS, OR OTHER INTERESTS OF THE TOWN OF HERNDON SHALL REMAIN IN FULL FORCE AND EFFECT UNLESS OTHERWISE SPECIFICALLY SHOWN HEREON.
4. THIS PLAT WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT. THEREFORE NOT ALL ENCUMBRANCES TO THE PROPERTY ARE NECESSARILY SHOWN HEREON.
5. NEW RIGHT-OF-WAY MONUMENTATION WILL BE SET BY THIS FIRM WITHIN 90 DAYS OF WRITTEN NOTIFICATION OF CONSTRUCTION ACTIVITY COMPLETION.

OWNER'S CERTIFICATE: (WITH RESPECT TO PARCEL _____ ONLY)

THE PLATTING OR DEDICATION OF THE RIGHT(S)-OF-WAY AND/OR EASEMENT(S) SHOWN HEREON IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRE OF THE UNDERSIGNED OWNER(S), PROPRIETOR(S) AND TRUSTEE(S), IF ANY.

BY (SIGNATURE): _____ DATE _____

(PRINTED NAME AND TITLE) _____

BY (SIGNATURE): _____ DATE _____

(PRINTED NAME AND TITLE) _____

NOTARY:

COMMONWEALTH OF VIRGINIA

COUNTY OF _____

THIS PLAT WAS ACKNOWLEDGED BEFORE ME, A NOTARY PUBLIC FOR THE ABOVE JURISDICTION.

WITNESSED THE ABOVE SIGNATURE THIS ____ DAY OF _____, 2019

NOTARY PUBLIC _____

MY COMMISSION EXPIRES _____

APPROVED BY
TOWN OF HERNDON, VIRGINIA

MAYOR DATE

ATTEST DATE

Sheet Status:
FINAL
Submittal Date:
06-28-2019

PLAT SHOWING
A VARIABLE WIDTH STREET RIGHT-OF-WAY DEDICATION & A VARIABLE WIDTH TEMPORARY CONSTRUCTION EASEMENT ON THE PROPERTY OF
ROSARIO E. RIVERA
(D.B. 17776, PG. 1690) (PARCEL 5)

A 16' PERMANENT SIDEWALK MAINTENANCE EASEMENT ON THE PROPERTY OF
VALERIE J. WINSTEAD, TRUSTEE
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JAMES R. LEE
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A VARIABLE WIDTH TEMPORARY CONSTRUCTION EASEMENT ON THE PROPERTY OF
MARIA L. VASQUEZ & VIRGILIO VASQUEZ
(D.B. 13000, PG. 2051) (PARCEL 10)

A VARIABLE WIDTH STREET RIGHT-OF-WAY DEDICATION & A VARIABLE WIDTH TEMPORARY CONSTRUCTION EASEMENT ON THE PROPERTY OF
ALVIN J. COSMO & ELISE L. COSMO
(D.B. 21154, PG. 1370) (PARCEL 11)

A VARIABLE WIDTH STREET RIGHT-OF-WAY DEDICATION, A 6' PERMANENT DRAINAGE EASEMENT & A VARIABLE WIDTH TEMPORARY CONSTRUCTION EASEMENT ON THE PROPERTY OF
TU-ANH N. NGUYEN
(D.B. 11264, PG. 641) (PARCEL 12)

TOWN OF HERNDON, FAIRFAX COUNTY, VIRGINIA
SCALE 1"= 50'

Job #: RK1807.01
Date: 06-28-2019
Sheet: 1 of 2
Drawn By: WFW
Checked By: AWH

PLAT #5

Rev. #	Rev. Date

Professional Seal

COMMONWEALTH OF VIRGINIA
Alison W. Hanson
Lic. No. 002617
LAND SURVEYOR
Sealed: 06-28-2019

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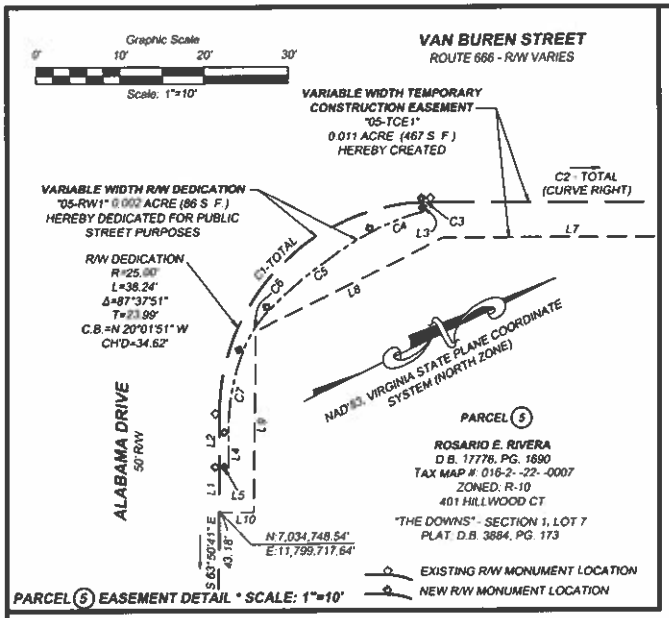
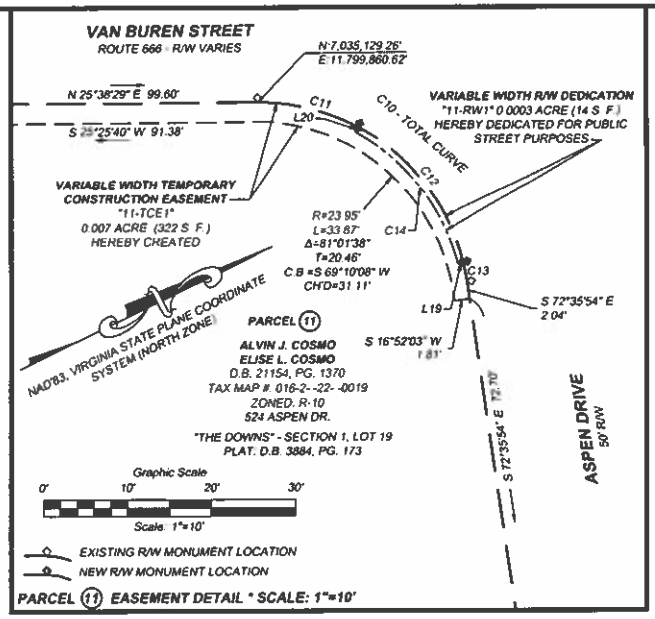
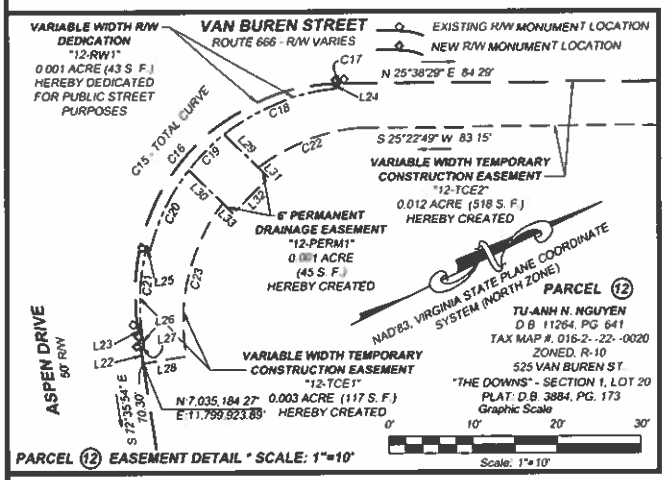
Richmond, VA 23236
804.330.3781 Office 804.659.5330 Fax
www.hbsurveying.com

Attachment
19-0-34







LINE	BEARING	DISTANCE
L1	N 63°50'41" W	5.50'
L2	N 63°50'41" W	6.36'
L3	S 73°55'48" E	1.09'
L4	S 64°21'10" E	4.14'
L5	S 26°16'03" W	1.10'
L6	S 62°10'48" E	3.88'
L7	S 25°47'20" W	78.30'
L8	S 00°24'37" E	24.91'
L9	S 63°21'56" E	21.59'
L10	S 26°16'03" W	4.09'
L11	S 38°45'10" E	4.18'
L12	N 25°38'29" E	9.72'
L13	S 72°22'47" E	3.79'
L14	N 24°49'37" E	20.20'
L15	S 72°22'13" E	5.23'
L16	S 08°18'26" W	5.39'
L17	S 19°41'58" W	9.02'
L18	S 68°57'50" W	7.28'
L19	S 06°42'26" W	0.62'
L20	N 36°05'51" W	0.69'
L21	S 72°35'54" E	5.11'
L22	N 72°35'54" W	1.99'
L23	N 72°35'54" W	2.71'
L24	S 70°49'27" E	0.60'
L25	S 41°29'32" W	0.50'
L26	S 73°20'29" E	1.16'
L27	S 17°24'06" W	0.41'
L28	S 16°47'36" W	3.23'
L29	S 70°32'54" W	3.70'
L30	N 70°32'54" E	5.66'
L31	N 70°32'54" E	1.73'
L32	S 19°27'06" E	8.00'
L33	S 70°32'54" W	1.78'

CURVE	RADIUS	ARC LENGTH	DELTA ANGLE	TANGENT	CHORD BEARING	CHORD LENGTH
C1	25.00'	39.24'	89°55'04"	24.96'	N 18°53'15" W	35.33'
C2	33473.64'	80.00'	00°08'13"	40.00'	N 26°00'04" E	80.00'
C3	25.00'	1.00'	2°17'13"	0.50'	N 24°35'41" E	1.00'
C4	24.00'	6.61'	15°46'38"	3.33'	S 05°12'16" W	6.59'
C5	51.33'	15.25'	17°01'07"	7.68'	S 11°11'28" E	15.19'
C6	14.50'	5.96'	23°32'14"	3.02'	S 31°28'08" E	5.91'
C7	26.50'	9.77'	21°06'55"	4.94'	S 53°47'43" E	9.71'
C8	33473.64'	124.00'	00°12'44"	62.00'	N 25°49'36" E	124.00'
C9	33473.64'	46.29'	00°04'45"	23.14'	N 25°50'47" E	46.29'
C10	25.00'	35.67'	81°45'37"	21.64'	N 66°31'18" E	32.72'
C11	25.00'	12.42'	28°28'14"	6.34'	N 39°52'37" E	12.30'
C12	25.00'	20.85'	47°47'00"	11.07'	S 76°00'14" W	20.25'
C13	25.00'	2.40'	5°30'27"	1.20'	S 75°21'05" E	2.40'
C14	25.00'	20.33'	46°35'08"	10.76'	S 71°53'00" W	19.77'
C15	25.00'	42.67'	98°14'23"	28.88'	N 23°28'42" W	37.80'
C16	25.00'	41.89'	96°00'14"	27.77'	N 24°35'46" W	37.16'
C17	25.00'	0.98'	2°14'09"	0.49'	N 24°31'25" E	0.98'
C18	25.50'	14.60'	32°48'45"	7.51'	S 03°42'40" W	14.40'
C19	25.50'	6.01'	13°30'46"	3.02'	N 19°27'06" W	6.00'
C20	25.50'	10.69'	24°00'45"	5.42'	S 38°12'51" E	10.61'
C21	26.00'	10.51'	23°09'14"	5.33'	S 61°45'52" E	10.44'
C22	22.88'	13.13'	32°51'59"	6.75'	S 04°53'13" W	12.95'
C23	22.88'	19.27'	48°15'19"	10.25'	S 50°44'22" E	18.71'

Sheet Status:
FINAL
Submittal Date:
06-28-2019

APPROVED BY
TOWN OF HERNDON, VIRGINIA

MAYOR DATE

ATTEST DATE

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TOWN OF HERNDON, FAIRFAX COUNTY, VIRGINIA
DETAILS THIS SHEET, SCALE 1"= 10'

Job #: RK1807.01
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Sheet: 2 of 2
Drawn By: WFW
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Attachment
19-034

TOWN OF HERNDON, VIRGINIA

RESOLUTION

SEPTEMBER 24, 2019

Resolution - to authorize an application to the Commonwealth Transportation Board for VDOT – Transportation Alternatives Set-Aside funding for federal fiscal years 2021 and 2022 and endorsement of the "Central Elden Walkability Improvements" project

WHEREAS, in accordance with the Commonwealth Transportation Board construction allocation procedures, it is necessary that a resolution be received from the sponsoring jurisdiction or agency requesting the Virginia Department of Transportation establish a Transportation Alternatives Set-Aside project to be administered by the Town of Herndon, Virginia; and

WHEREAS, in 2008 the Town Council adopted the 2030 Comprehensive Plan which guides the town to *facilitate alternative modes of transportation within the town* and *provide safe streets that are friendly to pedestrians and bicyclists* and *continue to integrate pedestrian and bicycle facilities with the street and transit network*; and

WHEREAS, the Town Council's adopted 2035 Vision Statement expresses that *Residents walk, cycle, drive, or use public transit to their jobs, restaurants, and cultural events* and *Through thoughtful planning, the town has a network of sidewalks, trails, streets and connections to public transportation that provides residents the opportunity for one-car or no-car living*; and

WHEREAS, the Town of Herndon Pedestrian and Bicycle Advisory Committee (PBAC) identified the Central Elden Walkability Improvements project as a top priority within the PBAC recommended draft Town of Herndon Pedestrian Plan; and

WHEREAS, the current conditions of the streetscape within the project area are unsafe, uncomfortable, inadequate, and non ADA-compliant; and

WHEREAS, the project area is within one block of two schools and the sidewalk to be improved is frequently used by school children; and

WHEREAS, the proposed improvements would enhance pedestrian service levels, provide an important connection between south Elden Street's commercial corridor and downtown Herndon, and create a safe walking environment for all users; and

WHEREAS, The Planning Commission held a public hearing on August 26, 2019, which resulted in approval and certification of a recommending resolution which has been transmitted to the Town Council; and

WHEREAS, The Town Council held a public hearing on September 24, 2019.

NOW, THEREFORE, BE IT RESOLVED, that the Town of Herndon, Virginia requests the Commonwealth Transportation Board to establish a project for the Central Elden Walkability Improvements project; and

BE IT FURTHER RESOLVED, that the Town of Herndon, Virginia hereby commits to provide a minimum 20 percent matching contribution for this project and any additional funds necessary to complete the project; and

BE IT FURTHER RESOLVED, that the Town of Herndon, Virginia hereby agrees to enter into a project administration agreement with the Virginia Department of Transportation and provide the necessary oversight to ensure the project is developed in accordance with all state and federal requirements for design, right of way acquisition, and construction of a federally funded transportation project; and

BE IT FURTHER RESOLVED, that the Town of Herndon, Virginia will be responsible for maintenance and operating costs of any improvement/facility constructed with Transportation Alternatives Set-Aside funds unless other arrangements have been made with the Department; and

BE IT FURTHER RESOLVED, that if the Town of Herndon, Virginia subsequently elects to cancel this project, the Town of Herndon, Virginia hereby agrees to reimburse the Virginia Department of Transportation for the total amount of costs expended by the Department through the date the Department is notified of such cancellation. The Town of Herndon, Virginia also agrees to repay any funds previously reimbursed that are later deemed ineligible by the Federal Highway Administration; and

BE IT FURTHER RESOLVED, that the Town of Herndon, Virginia hereby grants authority for the Town Manager to execute project agreements for any approved Transportation Alternatives Set-aside projects for Fiscal Year 2021-2022.

TOWN OF HERNDON, VIRGINIA

PLANNING COMMISSION

RESOLUTION

August 26, 2019

Resolution - Recommending authorization of an application to the Commonwealth Transportation Board for VDOT – Transportation Alternatives Set-Aside funding for federal fiscal years 2021 and 2022 and recommending endorsement of the "Central Elden Walkability Improvements Project"

WHEREAS, in 2008 the Town Council adopted the 2030 Comprehensive Plan which guides the town to *facilitate alternative modes of transportation within the town* and *provide safe streets that are friendly to pedestrians and bicyclists* and *continue to integrate pedestrian and bicycle facilities with the street and transit network*; and

WHEREAS, the Town Council's adopted 2035 Vision Statement expresses that *Residents walk, cycle, drive, or use public transit to their jobs, restaurants, and cultural events* and *Through thoughtful planning, the town has a network of sidewalks, trails, streets and connections to public transportation that provides residents the opportunity for one-car or no-car living*; and

WHEREAS, the Town of Herndon Pedestrian and Bicycle Advisory Committee (PBAC) identified the Central Elden Walkability Improvements Project as a top priority within the PBAC recommended draft Town of Herndon Pedestrian Plan; and

WHEREAS, the current conditions of the streetscape within the project area are unsafe, uncomfortable, inadequate, and non ADA-compliant; and

WHEREAS, the project area is within one block of two schools and the sidewalk to be improved is frequently used by school children; and

WHEREAS, the proposed improvements would enhance pedestrian service levels, provide an important connection between south Elden Street's commercial corridor and downtown Herndon, and create a safe walking environment for all users.

BE IT RESOLVED by the Planning Commission for the Town of Herndon that:

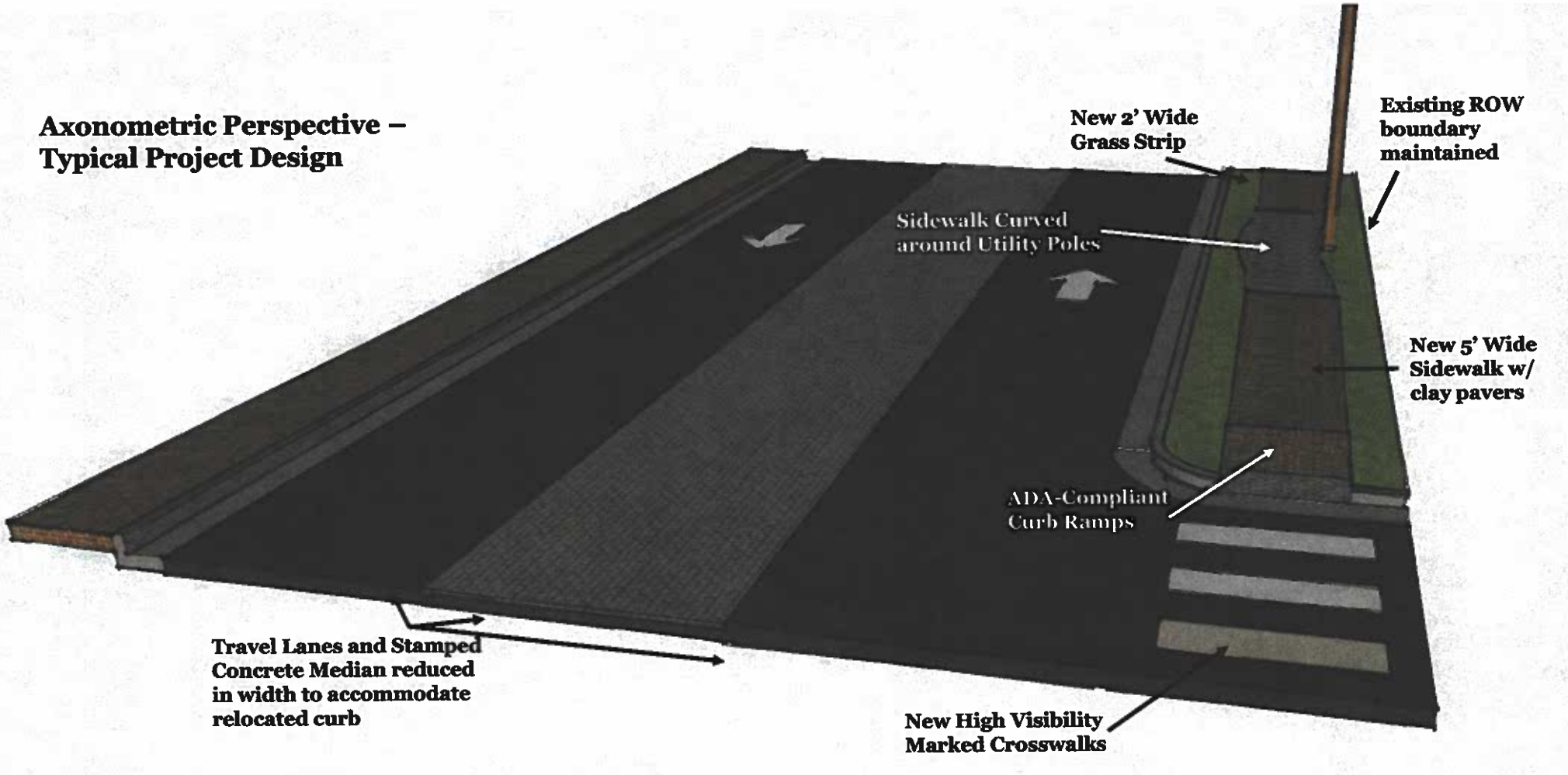
1. the Planning Commission hereby recommends the Town Council authorize the TA Set-Aside funding application in accordance with the Commonwealth Transportation Board construction allocation procedures; and

2. the Planning Commission hereby recommends the Town Council endorse the Central Elden Walkability Improvements Project.

Location Map

Attachment
19-G-59

Axonometric Perspective – Typical Project Design



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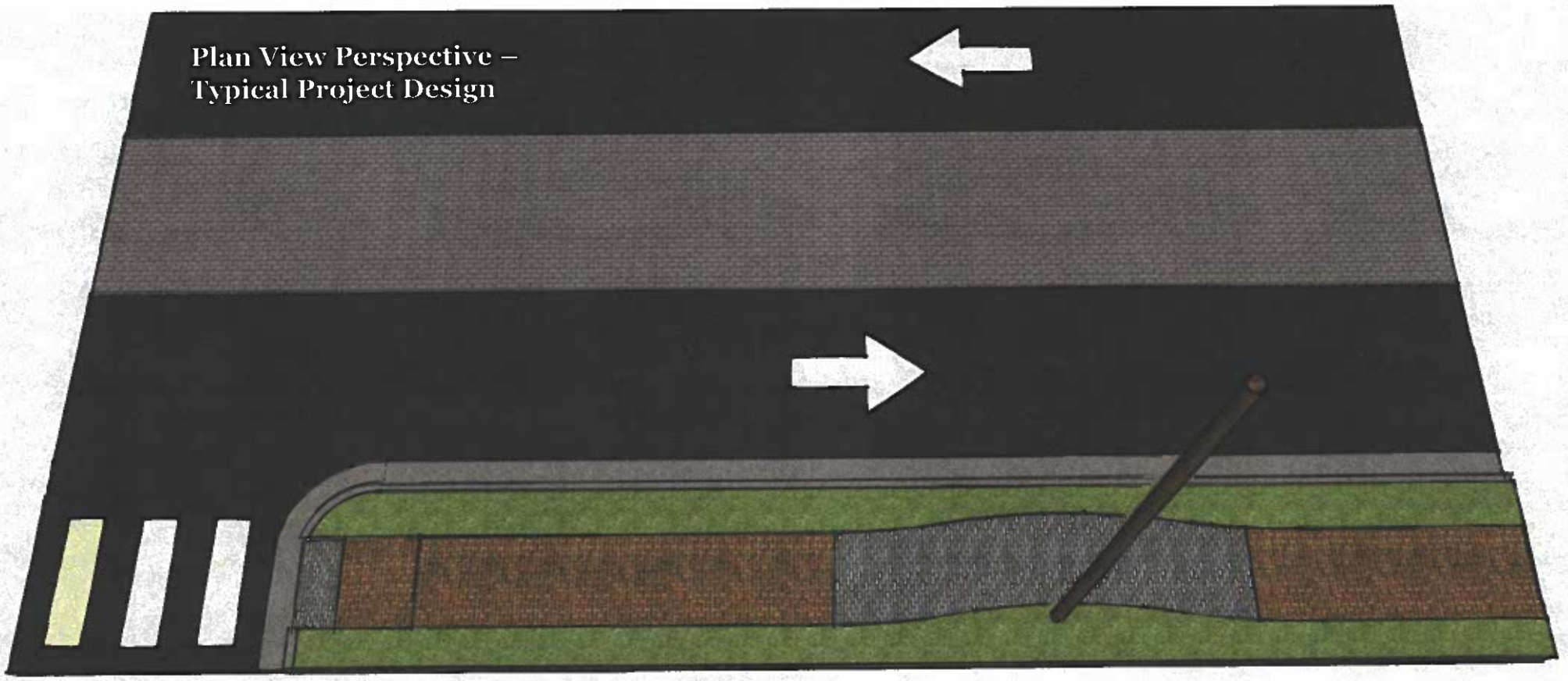
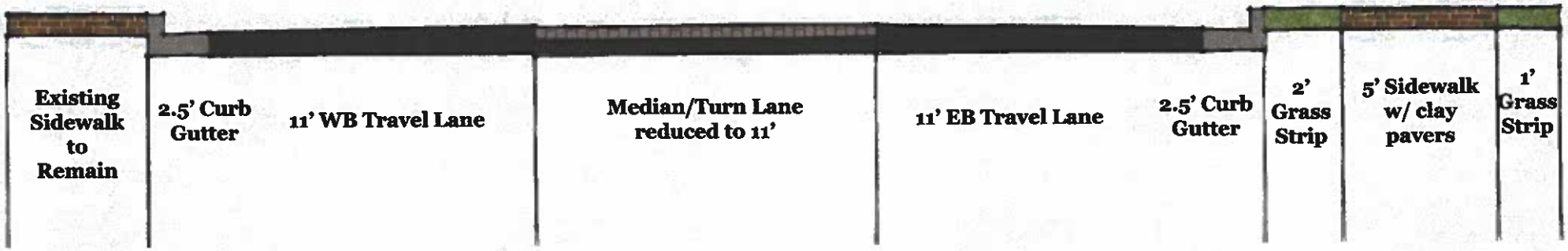
19-G-59



Attachment
19-G-59

Typical Street Section



Attachment
19-G-59

TOWN OF Herndon VIRGINIA

STAFF REPORT

Town Council
September 24, 2019

Title: APPEAL OF A HERITAGE PRESERVATION REVIEW BOARD DECISION, HPRB #19-29.

Staff Contact: David Stromberg, AICP, Zoning Administrator
david.stromberg@herndon-va.gov (703)787-7380

Elizabeth M. Gilleran, AICP, Director of Community Development
lisa.gilleran@herndon-va.gov (703) 787-7380

Summary Information:

Decision Appealed	An August 21, 2019 decision by the Heritage Preservation Review Board (HPRB). The HPRB approved a Certificate of Appropriateness (COA) to replace a stamped metal shingle roof with a standing seam metal roof. The appellant had requested replacement of the stamped metal shingles with architectural asphalt shingles.
Address	631 Oak Street
Fairfax County Tax Map #	0162 02 0101
Property Owner/Appellant	Ann Vayda Null
Zoning	R-10, Residential Single Family District HPO – Heritage Preservation Overlay District
Adjacent Zoning	North: R-10, Single Family Residential South: R-10, Single Family Residential East: PD-D (Planned Development-Downtown), Single Family Residential West: R-10, Single Family Residential
Building Status	Contributing Structure from the HPO's period of significance
Year Built	Circa 1910 - 1925

Background & Site Description:

The appellant submitted an HPRB application for a Certificate of Appropriateness to the Community Development department on July 15, 2019. The application narrative stated that the roof had been leaking to some degree since the purchase of the home in 1991. No images or other documentation were submitted to show the level of leakage or associated

damage, nor was any evidence submitted regarding the cost of replacement of the existing roof or any other alternative materials. The request was for a COA authorizing replacement of the existing stamped metal shingles with architectural asphalt shingles. A like-for-like replacement of new stamped metal shingles would not require a COA and could be approved administratively by staff.

A staff report (Exhibit 4) prepared for the August 7, 2019 HPRB work session evaluated the request and included a recommendation for the HPRB. The report indicated that this is an Arts & Crafts style house and a contributing structure within the Heritage District. The report evaluates the criteria identified in the Town of Herndon Heritage Preservation Handbook, Chapter 11, Rehabilitation Guidelines: Roof Area (Pages 66-68) and Section 78-60.3(f)(1) of the Zoning Ordinance. Town staff noted that the number of stamped metal shingle roofs are declining in the town and that the most appropriate replacement would be with new stamped metal shingles. Staff also noted that the HPRB has previously approved requests to replace stamped metal shingles with standing seam metal panels.

A staff memo (Exhibit 3) prepared for the August 21, 2019 HPRB public hearing further refined the staff recommendations. Staff reiterated that the architectural asphalt shingles proposed by the applicant are the least able to meet the Heritage Preservation Guidelines compared to some other alternatives. Not only is the asphalt a different material, but the pattern created is substantially different from the existing shingles. Staff again noted that stamped metal shingles are the only material that would fully meet the Secretary of the Interior's Standards for Rehabilitation, which is what the Guidelines are based on.

The staff memo provided two alternatives from either the existing stamped metal shingles or the proposed architectural asphalt shingles.

1. The first alternative was standing seam metal panels. The HPRB had approved other COAs in the Heritage District replacing stamped metal shingles with standing seam metal panels. The rationale being that both roof materials were widely available and regularly used when houses within the district were constructed.

2. The second alternative was decorative asphalt shingles. Although a different material from what is currently on the roof, decorative asphalt shingles are now produced in geometric patterns that mimic the scale and pattern of the existing stamped metal shingles. This differs from architectural asphalt which mimics the pattern and scale of a cedar shake or slate roof. Decorative asphalt shingles are similar in price and availability to the architectural style asphalt shingles.

These alternatives were presented to the appellant prior to both the work session and the public hearing but the appellant objected to the standing seam metal panels and did not give an indication of acceptance to the decorative asphalt shingles.

During the HPRB public hearing on August 21, 2019, the Board, after one failed motion and one failed amended motion, ultimately approved, on a vote of 5-1, HPRB #19-29 with the following two conditions:

1. The replacement material shall be changed to standing seam metal panels comprised of low-profile seams (one inch or less), thin seams that are hand crimped, snow guards, and eighteen-inch to twenty-inch panel widths; and

2. The applicant shall submit amended application materials; to include the standing seam metal panel roof specifications that meet the above conditions for staff review and approval prior to approval of the Certificate of Appropriateness.

An appeal of the HPRB's decision was filed with the Zoning Administrator on August 23, 2019. No grounds for the appeal were identified by the appellant at that time, nor have any grounds for the appeal been identified as the date of this report. This lack of presenting grounds for the appeal is preventing staff from being able to prepare and present a full and detailed analysis of this appeal. The appellant has failed to address in the original application or this appeal, how their proposed replacement of the stamped metal shingle roof with architectural asphalt shingles meets the requirements of Section 78-6.3(f) or the Heritage Preservation Handbook.

Staff Analysis:

During the review of this application staff repeatedly identified how a roof, to include the shape, material, and pattern, plays a critical role in the integrity of both the individual structure and the district as a whole. Staff noted that in previous applications, some roofs with stamped metal shingles have been replaced like-for-like with stamped metal shingles, some have been replaced with standing seam metal panels, and some have been replaced with asphalt shingles.

Using the provisions of Section 78-60.3(f)(1), *Alteration, restoration or reconstruction*, and Chapter 11 of the Heritage Preservation Handbook, staff identified like-for-like replacement of the stamped metal shingles as the most appropriate replacement and the proposed architectural asphalt shingles as the least appropriate replacement.

Typically, when there is a divergence between an applicant proposal and the most appropriate alteration, the staff will provide alternatives that might not be the best option, but still meet the Guidelines and the required provisions of the Heritage Preservation Overlay District. When an alternative is included in a motion, it should have the agreement of the applicant. Historically, if the applicant does not concur with the alternative that is on the table, then the HPRB either continues or denies the case, per Section 78-60.3(g)(4)(f).

The motion approved by the HPRB on August 21, 2019 was in accordance with Alternative 2; however, the appellant did not agree with that alternative at the public hearing.

Town Council Alternatives:

The following alternatives are available to the Town Council on its hearing of the Appeal of HPRB #19-29.

1. Affirm the decision of the HPRB.
    a. Standing seam metal roof would be the required replacement for the roof.

2. Reverse the decision of the HPRB upon a finding of evidence in the record that the HPRB decision was incorrect based on the review standards.
    a. Results in a denial of the application.

3. Modify the decision of the HPRB upon a finding of evidence in the record that the HPRB decision was incorrect based on the review standards.
    a. Modify to approve architectural asphalt shingles as submitted by the appellant.
    b. Modify to approve decorative asphalt shingles as recommended by staff.
    c. Modify as directed by the Town Council

4. Remand the matter back to the HPRB for further consideration of issues identified by the Town Council.

5. Continue the public hearing to a future meeting of the Town Council for further discussion.

Staff Recommendation:

Pending agreement with the appellant, staff recommends the Council act in accordance with **Alternative 3B.** This would modify the Certificate of Appropriateness to allow the roof to be replaced with decorative asphalt shingles.

The appellant has stated the current roof is in need of repair and additional time delays would cause damage to the internal structural members. The appellant has also stated there is no desire to use standing seam metal panels due to the expense.

From a staff perspective, the two alternatives, as proposed in the staff memo dated August 16, 2019, remain viable alternatives that meet the requirements of the Heritage district and the Guidelines; which state, *"A roof is one of the most defining elements of a structure since it serves as the 'cover' to protect the rest of the building from the elements." The guidelines further state that features and materials important in defining the overall character of a building such as roofing...should be retained. The guidelines also state that similar materials that match the original material in type or a substitute material that is physically compatible and conveys the same appearance should be used for replacement.*

Should the appellant object to the decorative asphalt shingles, staff believes another appropriate action by the Council would be to remand the case back to the HPRB due to the fact that the appellant did not agree to either alternative during the meeting. This would allow the appellant and the Board to further discuss the matter and explore new materials potentially coming to market soon.

Attachments:

1. Draft Resolution
2. Zoning Ordinance Section 78-60.3(g)(7)

Exhibits:

1. Appeal request
2. HPRB Notice of Action
3. HPRB Memo dated August 16, 2019
4. HPRB Staff Report dated August 2, 2019 with all attachments
5. HPRB August 21, 2019 meeting minutes
6. Public comments submitted to HPRB

Elizabeth M. Gilleran, AICP
Director of Community Development

David Stromberg, AICP
Zoning Administrator

TOWN OF HERNDON, VIRGINIA

RESOLUTION

SEPTEMBER 24, 2019

Resolution- Appeal of the Heritage Preservation Review Board's decision on Application HPRB #19-29, which approved, with conditions, a Certificate of Appropriateness to replace metal shingles with standing seam metal panels instead of architectural asphalt shingles as originally requested, on an existing single family house located at 631 Oak Street, Herndon, Virginia, Fairfax County Tax Map 0162-02-0101, property owner/Appellant: Ann Vayda Null.

WHEREAS, following the review and public hearing process on August 21, 2019, the Heritage Preservation Review Board approved an application for a Certificate of Appropriateness to replace the existing stamped metal shingle roof with a standing seam metal panel roof, instead of the architectural asphalt shingles originally requested in the application on the existing single family house located at 631 Oak Street; and

WHEREAS, on August 23, the property owner, Ann Vayda Null, appealed the decision of the Heritage Preservation Review Board on application HPRB #19-29, in accordance with the provisions of the Herndon Town Code, Chapter 78 (ZONING), Section 78-60.3(g)(7); and

WHEREAS, following public notice, the Herndon Town Council held a public hearing on the appeal of application HPRB #19-29 on September 24, 2019; and

WHEREAS, the Town Council has reviewed the appeal and has considered the same standards and criteria that were considered by the Heritage Preservation Review Board as required for considering an application for an alteration to an existing structure within Herndon's Heritage Preservation District; considered the record in the case; and comments and evidence submitted by the appellant, town staff, the Chairman of the HPRB, and other necessary persons.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Herndon, Virginia, hereby:

- **AFFIRMS** the decision of the HPRB on Application #19-29;
- **REVERSES** the decision of the HPRB on Application #19-29 upon a finding of evidence in the record that the HPRB decision was incorrect based on the review standards;

- **MODIFIES** the decision of the HPRB upon a finding of evidence in the record that the HPRB decision was incorrect based on the review of the standards in Section 78-60.3(f) as follows:

    - [ALTERNATIVE 3A]: Application HPRB #19-29 is hereby approved as submitted by the appellant approving the issuance of a Certificate of Appropriateness authorizing replacement of the existing stamped metal shingles with architectural asphalt shingles in substantial conformance with the application and supporting materials as submitted July 15, 2019.
        - Which said approval is based on the findings that _____ _____ _____ _____ _____ _____ _____ _____ _____;

    OR,

    - [ALTERNATIVE 3B, recommended by staff]: Application HPRB #19-29 is hereby approved with the following conditions: **1.** The replacement material shall be changed to decorative, geometric-patterned asphalt shingles, similar to the shingles included in the HPRB staff memo dated August 16, 2019; and **2.** The appellant shall submit amended application materials to include a decorative, geometric-patterned asphalt shingle similar to the shingles included in the HPRB staff memo dated August 16, 2019, for staff review and approval prior to approval of the Certificate of Appropriateness.
        - Which said approval is based on the findings that the replacement of stamped metal shingles with decorative, geometric-patterned asphalt shingles is evaluated as more appropriate based on the applicable guidelines of the Herndon Heritage Preservation Handbook than the proposed architectural asphalt shingles. The guidelines state that features and materials important in defining the overall character of a building such as roofing materials, color, and pattern, should be retained. The guidelines also state that similar materials that match the original material in type, or a substitute material that is physically compatible and conveys the same appearance should be used for replacement. While any

asphalt shingles would be considered a different material type that is not physically compatible with metal shingles, a decorative geometric-patterned asphalt shingles may convey a similar pattern, scale, texture, and collectively overall appearance to the existing roof; OR,

- [ALTERNATIVE 3C]: Application HPRB #19-29 is hereby approved with the following conditions:

  _____
  _____
  _____
  _____

  - Which said approval is based on the findings that: _____
    _____
    _____
    _____
    _____
    _____.

- **REMANDS** Application HPRB #19-29 back to the HPRB for further discussion specifically addressing:

  _____
  _____
  _____

This resolution by its terms shall be effective on and after the date of its adoption.

HERITAGE PRERVATION REVIEW BOARD STANDARDS FOR DESIGN REVIEW

Excerpts from the Town of Herndon Code of Ordinances Chapter 78 – Zoning, Article VI Overlay Districts

Sec. 78-60.3. - Heritage Preservation Overlay District (HP District).

(g) *Certificate of appropriateness (COA) in the heritage preservation overlay district* . The purpose of this section is to establish the procedures and standards for the review of certificates of appropriateness in the heritage preservation overlay district.

(7) *Appeal of COA decision to town council.* The applicant or any person aggrieved by the decision with a property interest in land abutting or across the street from property which is the subject of a final decision of the HPRB on a certificate of appropriateness, may appeal the decision to the town council, as follows.

a. An appeal shall be initiated by filing a written notice of appeal with the zoning administrator specifying the grounds for the appeal within 14 days of the final decision of the HPRB.

b. No action shall be taken until 15 days after the final decision of the HPRB on a certificate of appropriateness. If a written notice of appeal on a certificate of appropriateness is initiated pursuant to this section, any related certificate of appropriateness issued by the HPRB shall be rendered void.

c. The zoning administrator shall schedule a hearing on the matter at the earliest feasible town council meeting by which time notice can be provided consistent with the requirements of section 78-153.2(h), public notification.

d. At the hearing on the appeal, the appellant or the appellant's agent shall state the grounds for the appeal and identify any materials or evidence from the record to support the appeal. Town staff shall be given an opportunity to respond, as shall any other person(s) the council deems necessary and appropriate.

e. After the conclusion of the hearing, the town council may affirm, modify, or reverse the decision of the HPRB, in whole or in part, or may remand the case to the HPRB. The decision shall be based on the standards in section 78-60(f), development within the Historic Preservation Overlay District. The town council decision shall be subject to the following standards:

1. A decision shall not be reversed or modified unless there is evidence in the record that the decision of the HPRB is not correct, based on the review standards for a certificate of appropriateness.

2. In determining whether or not to remand a case to the HPRB, the town council shall be guided by the following factors: the completeness of the record; the appropriateness of further review by the HPRB of certain points or facts; and any amendments to the application after the decision of the HPRB. Town council recognizes that revisions to an application for the purpose of clarifying issues, or addressing concerns raised during the public hearing are positive and will not necessarily result in a remand, except that significant and substantive revisions to the application may serve as a basis for remand.

(8) *Appeal of town council decision to circuit court.* Any person jointly or severally aggrieved by a final decision of the town council pursuant to this section, or any taxpayer or any officer, department, board, or the town, may appeal the decision to the Circuit Court of Fairfax County pursuant to Code of Virginia § 15.2-2306. If appealed, a petition at law shall be filed setting

forth the alleged illegality of the action by the town council, provided that such petition shall be filed within 30 days after the final decision is rendered by the town council.

(9) *Submittal of new COA application after disapproval.* If the HPRB disapproves a certificate of appropriateness, the applicant may, at any time, submit a new application with new information addressing the written reasons for disapproval.

Stromberg, David

From: Ann V Null <annvnull@gmail.com>
Sent: Tuesday, August 27, 2019 6:34 AM
To: Stromberg, David
Cc: Garcia, Christopher
Subject: Re: Appeal of HPRP application # 2019-29

CAUTION: This email originated outside the Town of Herndon's email system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Mr Stromberg,

please reply to confirm receipt of this request, and the scheduling of my appeal.

Thank you

Ann Vayda Null

Sent from my iPad

On Aug 23, 2019, at 7:38 AM, Ann V Null <annvnull@gmail.com> wrote:

Mr. David Stromberg, Zoning Administrator
david.stromberg@herndon-va.gov
703-787-7380
777 Lynn Street
Herndon, VA 20170-4602

August 23, 2019

APPEAL of HPRB Application #2019-29
Roof Replacement - 631 Oak Street

Dear Mr. Stromberg,

In accordance with Section 78-60.3. - Heritage Preservation Overlay district (HP district), please consider this letter my appeal of HPRP #2019-29. Today, August 23rd, is well within the14-day timeframe.

Exhibit
19-G-60

Please reply to confirm receipt and to advise any further actions required or suggested of me.

Thank you,

Ann Vayda Null

AnnVNull@gmail.com
703.472.6742 text/cell
631 Oak Street

Sent from my iPad

TOWN OF Herndon VIRGINIA

Elizabeth M. Gilleran, AICP
Director of Community Development
T (703) 787-7380
F (703) 481-5280
community.development@herndon-va.gov

TOWN COUNCIL
Lisa C. Merkel, Mayor
Sheila A. Olem, Vice Mayor
Jennifer K. Baker
Cesar del Aguila
Pradip Dhakal
Signe Friedrichs
B.I. McKenna

August 23, 2019

Jason Sickels
205 Meeting House Station Sq. #205
Herndon, VA 20170

RE: APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS FOR AN ALTERATION TO AN EXISTING STRUCTURE, HPRB #19-29, to consider an application for a Certificate of Appropriateness for the replacement of the existing stamped metal shingle roof with a new architectural asphalt shingle roof on the single-family residential building at 631 Oak Street, Herndon, Virginia, located at the intersection of Florence Place and Oak Street, and further identified as Fairfax County Tax Map 0162-02-0101. The property is zoned R-10, Residential Single Family; and consists of 19,355 total square feet of land. Owner/Applicant: Ann Vayda Null. Applicant's Representative: Jason Sickels.

Dear Mr. Sickels:

This is to notify you that the Town of Herndon Heritage Preservation Review Board, at its public hearing of August 21, 2019, voted to **approve** HPRB #19-29 with the following conditions:

1. The replacement material shall be changed to standing seam metal panels, comprised of low-profile seams (one inch or less), thin seams that are hand crimped, snow guards, and eighteen-inch to twenty-inch panel widths; and

2. The applicant shall submit amended application materials; to include the standing seam metal panel roof specifications that meet the above conditions for staff review and approval prior to approval of the Certificate of Appropriateness.

If you should have any further questions concerning the Heritage Preservation Review Board approval, please contact me at (703) 787-7380.

Per Section 78-60.3(g)(7) Appeal of COA decision to the town council, the applicant or any person aggrieved by the decision with a property interest in land abutting or across the street from property which is the subject of a final decision of the HPRB on a certificate of appropriateness, may appeal the decision to the town council, by filing a written notice of appeal with the zoning administrator specifying the grounds for the appeal within **14 days** of the final decision of the HPRB. No action shall be taken until 15 days after the final decision of the HPRB on a certificate of appropriateness. If a written notice of appeal on a certificate of appropriateness is initiated pursuant to this section, action on the certificate of appropriateness shall be stayed pending the final decision by town council.

Respectfully,

Christopher J. Garcia, AICP
Community Design Planner

c: Ann Vayda Null
631 Oak Street
Herndon, VA 20170

TOWN OF Herndon VIRGINIA

HERITAGE PRESERVATION REVIEW BOARD

CERTIFICATE OF APPROPRIATENESS
AUGUST 21, 2019

At the public hearing held on August 21, 2019, the Heritage Preservation Review Board voted to approve HPRB #19-29, with the following conditions:

1. The replacement material shall be changed to standing seam metal panels, comprised of low-profile seams (one inch or less), thin seams that are hand crimped, snow guards, and eighteen-inch to twenty-inch panel widths; and

2. The applicant shall submit amended application materials; to include the standing seam metal panel roof specifications that meet the above conditions for staff review and approval prior to approval of the Certificate of Appropriateness.

TOWN OF Herndon VIRGINIA

MEMORANDUM

To: Chair Walker & Members of the Heritage Preservation Review Board

From: Christopher J. Garcia, AICP, Community Design Planner/Deputy Zoning Administrator, and
Bryce A. Perry, Deputy Director of Community Development

Date: August 16, 2019

Subject: HPRB#19-29—631 Oak Street, Roof Replacement

This memo serves as an addendum to the HRPB staff report, dated August 2, 2019. Since the August 7, 2019 work session, staff has conducted further research and analysis on the case as proposed and possible alternatives for the Board and applicant to consider.

Applicant's Proposed Architectural Asphalt Shingles

Staff continues to recommend against the use of architectural asphalt shingles as a suitable replacement for stamped metal shingles. That alteration would not be appropriate or satisfy the applicable guidelines because it replaces a character-defining decorative historic element of a contributing resource with a modern material that does not exhibit the same aesthetic and decorative quality of the original roof. Architectural asphalt shingles, in particular, are shaped to mimic the design of a shake or slate roof that has a variety of shingles sizes. This is the direct opposite of a metal shingle roof that has uniformity in the shape, size, and pattern of its shingles that creates lines that are vertically and horizontally aligned. Additionally, the proposed asphalt shingles would match shingles on the modern garage addition, which would reduce the differentiation between the original house and the addition. The Handbook guidelines for additions cite the importance of differentiating old from new to protect the character and integrity or the contributing resource.

As you know, the Board must consider and deliberate on the application as proposed in any motion, and should expressly discuss and state the reasons for its assessment of appropriateness.

Use of Stamped Metal Shingles

Only the replacement of the existing stamped metal shingles with new metal shingles would fully meet the applicable guidelines in the Town's Heritage Preservation Handbook (Handbook) and the applicable Secretary of Interior's Standards for Rehabilitation on which the Handbook guidelines are based. Replacement with new metal shingles represents best practice and several metal shingle options are available in the market. New metal shingles would maximize retention of the historic and architectural character of the house.

Use of Standing Seam Metal Panels

The Board has recently approved standing seam metal panels as an alternative to in-kind replacement of stamped metal shingles, with specific conditions. Those conditions are: low-profile seams (one inch or less), thin seams that are hand crimped, snow guards, and eighteen-inch to twenty-inch panel widths. The Board has viewed this option as

Exhibit
19-G-60

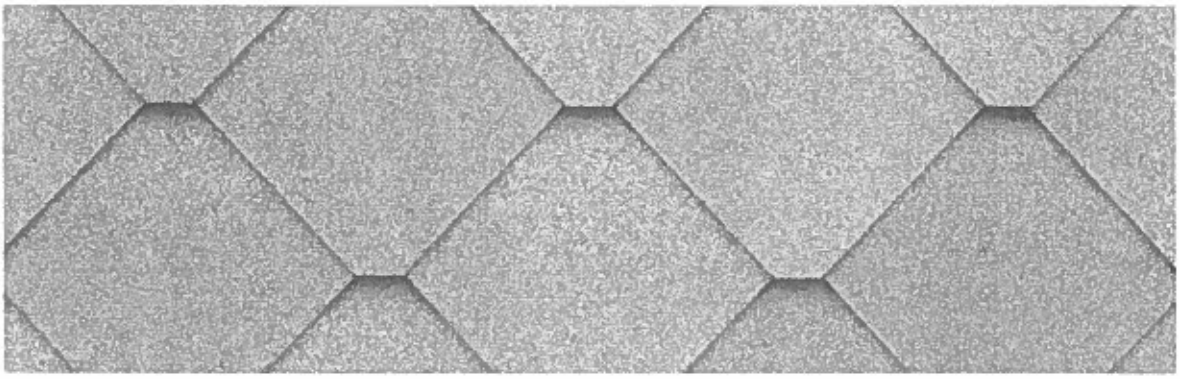
appropriate, in some cases, because the standing seam metal roofs were available and regularly used when the historic house, with the subject roof, was built and because the material is also metal and shares a smooth finish that resembles the finish of metal shingles when newly installed.

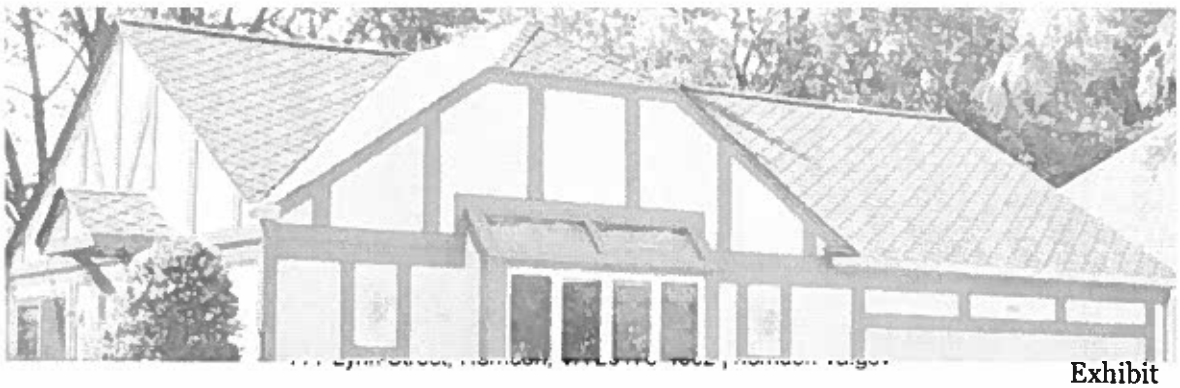
The use of standing seam metal panels to replace stamped metal shingles however should be evaluated case-by-case and may not always represent a suitable replacement option. The architectural style of the building, the size and primary cladding material of the building, the roof shape and roof pitch, and other roof details may all impact the appropriateness of using metal standing seam. In some cases, the use of standing seam metal panels may show too great a visual difference compared to stamped metal shingles. The visual difference usually results from the heavy vertical emphasis created by the seams and the repeated shadow lines they generate. Metal shingles have a more consistent field texture because the pattern is presented at a much smaller scale and there aren't any components creating heavy shadow lines.

Use of Decorative Asphalt Shingles

Staff continues to explore an alternative option for replacing stamped metal shingles with decorative, geometric-patterned, asphalt shingles. There are asphalt shingles now available in the market that present geometric patterns similar in scale and decorative quality to stamped metal shingles. Some of these options are highlighted in the images below. While considered a modern material, these shingles appear to offer a visual quality that resembles the existing stamped metal shingle roof. This resemblance is tied to the shared pattern scale, shared geometric pattern, and shared texture. Additionally, by using a decorative shingle that can be presented as a decorative element of the house, the roof can retain its role as a character-defining feature.

GAF Sienna Shingles
https://www.gaf.ca/Roofing/Residential/Products/Shingles/Designer/Sienna/Features





CERTAINTEED Carriage House Shingles
https://www.certainteed.com/residential-roofing/products/carriage-house/

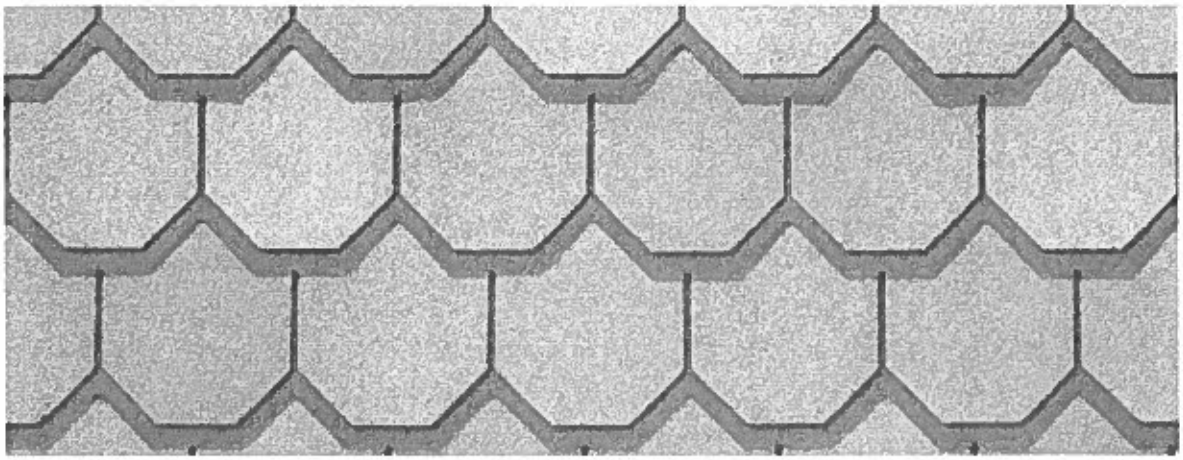


Exhibit
19-G-60

Motion Alternatives
Staff has three recommended alternatives for consideration. If the applicant is unwilling to consider any changes to the application as proposed, staff recommends a motion in accordance with alternative #1. If the applicant is willing to consider an alternative, staff recommends a motion in accordance with either alternative #2 or alternative #3, dependent on the Board's assessment of which replacement material is more suitable for the subject roof and house.

Alternative #1 – A motion to deny the application based on the proposed replacement material's inappropriateness.

The proposed architectural asphalt shingles' evaluation as inappropriate is based on the applicable guidelines of the Herndon Heritage Preservation Handbook. The guidelines state that features and materials important in defining the overall character of a building such as roofing materials, color, and pattern, should be retained. The guidelines also state that similar materials that match the original material in type, or a substitute material that is physically compatible and conveys the same appearance should be used for replacement. The proposed architectural asphalt shingles fail to retain the appearance of the existing roof and the character of the house by changing the roof's material, pattern, and design.

Alternative #2 – A motion to approve the application with the following conditions:

1. The replacement material shall be changed to standing seam metal panels comprised of low-profile seams (one inch or less), thin seams that are hand crimped, snow guards, and eighteen-inch to twenty-inch panel widths; and

2. The applicant shall submit amended application materials to include the standing seam metal panel roof specifications that meet the above conditions for staff review and approval prior to approval of the Certificate of Appropriateness.

Replacement of stamped metal shingles with metal standing seam panels is evaluated as more appropriate based on the applicable guidelines of the Herndon Heritage Preservation Handbook than the applicant's proposed architectural asphalt shingles. The guidelines state that features and materials important in defining the overall character of a building such as roofing materials, color, and pattern, should be retained. The guidelines also state that similar materials that match the original material in type, or a substitute material that is physically compatible and conveys the same appearance should be used for replacement. While a standing seam metal roof does not convey a similar pattern to the existing roof, it is comprised of the same material type (metal).

Alternative #3 – A motion to approve the application with the following conditions:

1. The replacement material shall be changed to decorative, geometric-patterned asphalt shingles, similar to the shingles included in the staff memo dated August 16, 2019; and

2. The applicant shall submit amended application materials to include a decorative, geometric-patterned asphalt shingle similar to the shingles included in the staff memo dated August 16, 2019, for staff review and approval prior to approval of the Certificate of Appropriateness.

Replacement of stamped metal shingles with decorative, geometric-patterned asphalt shingles is evaluated as more appropriate based on the applicable guidelines of the Herndon Heritage Preservation Handbook than the proposed architectural asphalt shingles. The guidelines state that features and materials important in defining the overall character of a building such as roofing materials, color, and pattern, should be retained. The guidelines also state that similar materials that match the original material in type, or a substitute material that is physically compatible and conveys the same appearance should be used for replacement. While any asphalt shingles would be considered a different material type that is not physically compatible with metal shingles, a decorative geometric-patterned asphalt shingles may convey a similar pattern, scale, texture, and collectively overall appearance to the existing roof.

Additional Comments

1. While not listed above as a staff recommendation, please note that staff continues to support replacement of stamped metal shingle roofs with new metal shingles as the best option for preserving the historic and architectural character of the house. If this option was pursued, a Certificate of Appropriateness and HPRB review would not be required.

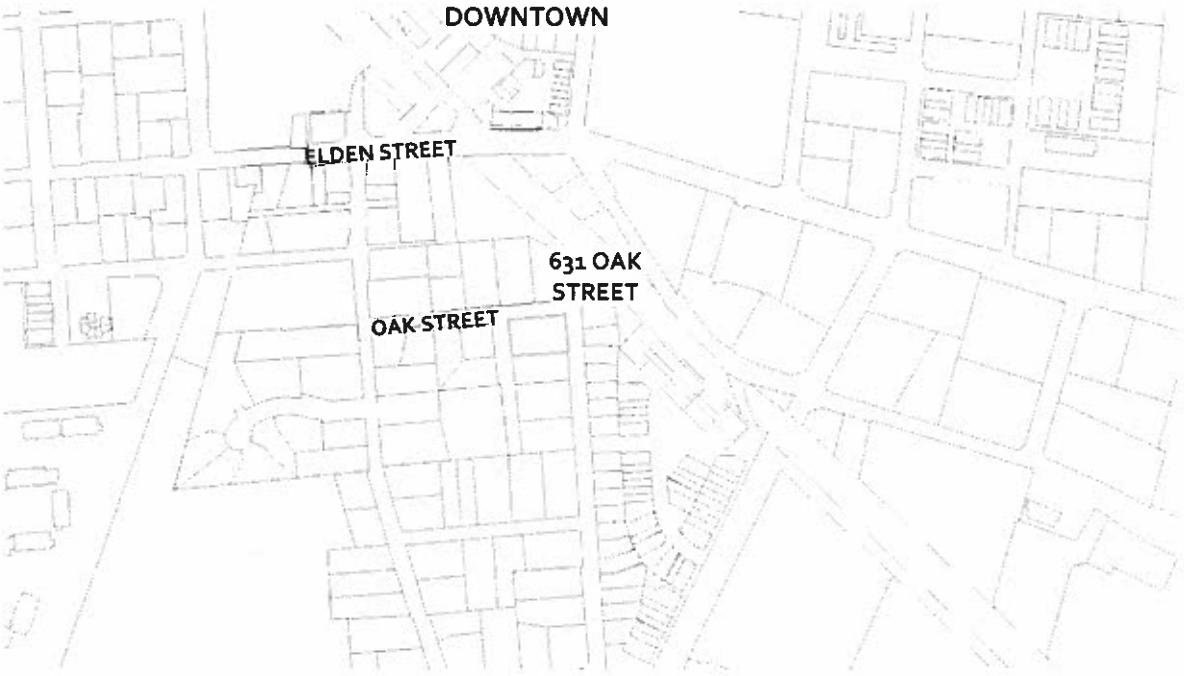
2. The Handbook states that the use of modern asphalt shingles as a replacement for a metal roof dramatically alters the historic building's overall appearance. This can be particularly true in Herndon in instances where a stamped metal shingle roof provides one of the few visually impactful decorative elements of a historic building, and thus can often be a major defining feature of the building's historic and architectural character and the character and integrity of the district. Since the Handbook was written however, advancements in roofing replacement material options, such as the asphalt shingles highlighted in this memo have occurred and may reduce the extent to which a historic building's appearance may be altered when changing from stamped metal shingles to decorative geometric-patterned shingles.

TOWN OF Herndon VIRGINIA

STAFF REPORT
Heritage Preservation Review Board
August 2, 2019

Case Number & Type: HPRB #19-29; Alterations
Case Summary: Replace an existing stamped metal shingle roof with a new architectural asphalt shingle roof on a single-family residential structure
Case Location: 631 Oak Street

Location Map



Property Information

Applicant/Owner:	Ann Vayda Null		
Agent:	Jason Sickels		
Business/Organization:	N/A		
Property Use:	Single Family Residential		
Zoning District:	R-10, Residential Single Family	**HPOD Designation:**	Contributing
Adjacent Zoning:	**North:** R-10, Residential Single Family **South:** R-10, Residential Single Family	**East:** PD-D, Planned Development - Downtown **West:** R-10, Residential Single Family	
Adjacent Property HPOD Designation:	**North:** Contributing /Non-contributing **South:** Non-contributing	**East:** Non-contributing **West:** Contributing	
Associated Cases:	N/A		
Building Type(s):	Single-family residential	**Date of Construction:**	Circa 1910

Exhibit
19-G-60

Architectural Style(s):	Arts & Crafts, Bungalow
Exterior Material(s):	Composite: masonry (brick) walls, wood porch, unusual modified hipped roof with exposed rafter tails and wood windows
Neighborhood Design Profile:	Semi-urban single family residential

Case Details

Case Description:

This application proposes to replace the existing stamped metal roof with new CertainTeed Landmark® Series architectural shingles in a *Moiré Black* color, similar to the existing painted metal shingle color. The proposed alterations would include replacement of flashing, wood substrate and/or structural members, if needed (Attachments #1, #2, and #3)

This residential structure is a common (to Northern Virginia historic areas) Arts and Crafts styled house with a unique application of a hipped roof form, exposed shaped rafter tails, and a hyphen connecting the main structure to a garage that is not original to the site. The structure is clad with painted brick. The stamped metal shingle is a feature found on numerous residential structures within the Herndon's Heritage Overlay District (HPOD) and the structure is a contributing structure to the HPOD (Attachment #4). The roof replacement would be confined to the stamped metal shingles on the primary dwelling and will not include any modifications to attached additions or porches or to the accessory structure on site. These additions/accessory structures are currently clad with asphalt shingle roof materials.

Case Background:

The Board has reviewed and approved multiple cases in the last 12 months that specifically relate to replacement of damaged or deteriorating exterior materials with new materials, or alternative materials, such as HPRB #18-12, 1005 Grant Street in which a stamped metal shingle roof was replaced with a new standing seam metal roof. In this current case, the applicant is replacing historical metal roof material with a common, modern asphalt shingle material and design that has been usually used to update old 3-tab asphalt shingles on residential structures within the HPOD.

Applicable Design Guidelines & Criteria:

- Town Zoning Ordinance Section 78-60.3. - Heritage Preservation Overlay District (HP District) (Attachment #5)
- Town of Herndon Heritage Preservation Handbook, Chapter 11 Rehabilitation Guidelines: Roof Area (Pages 66-68)

Staff Analysis

1. The Town of Herndon Heritage Preservation Handbook (Handbook), Chapter 5 Design Analysis, at the time of its last writing in 1989, indicates that metal shingle roofs are a notable architectural feature with approximately twenty-two percent of residential structures possessing metal shingle roofs. Staff has conducted recent field

research to further investigate the prevalence and decline of metal shingle roofs within the Town's Heritage Preservation Overlay District. While many of the historic metal shingle roofs remain, they have been steadily and increasingly replaced with other character-changing roofing materials. Staff expects this trend to continue and grow as many of these metal shingle roofs are over 100 years old and reaching the end of their lifespan. The gradual disappearance of a major component of the district's architectural and historic character requires careful attention. Herndon historic resources were often built with local materials without professional design assistance using more utilitarian forms and detail instead of high style designs. This makes metal shingles some of the few remaining decorative elements on many of the historic buildings in the district. Their continued removal will impact the character defining features of each building and the overall integrity of the Town's historic assets.

2. Roofs are addressed in Rehabilitation Guidelines: Building Elements, Chapter 11: Architectural Rehabilitation Design of Existing Buildings, in the Residential Building Rehabilitation Design Section (Pages 66 - 68).

   A roof is one of the most defining elements of a structure both visually and structurally as it serves the 'cover' the rest of the building from the elements. Chapter 11 in the Guidelines for Roof Areas notes that substitute materials may be used if the same kind of material is not technically or economically feasible.

   Based on staff evaluation of the application; the existing roof form and material are important features of this contributing structure, which has maintained much of its original historical character, though more modern additions and alterations have been allowed on the subject property. While there has been a trend of allowing standing seam metal roofs to replace metal shingle roofs within the HPOD, there have been instances in the HPOD where property owners have successfully replaced metal shingle roofs with new metal shingles. Some of these property owners have been successful at phasing replacement of the metal shingle roofs to alleviate the complexities of using this historical material type. Metal shingle roof materials are readily available products and have similar durability and longevities as standing seam metal. Thus, the Board should carefully consider whether the replacement of the metal with a completely different material impacts the integrity of the architecture of the Contributing structure and the district.

3. Section 78-60.3(f)(1) of the Zoning Ordinance requires the HPRB to consider specific criteria/standards when reviewing applications (Attachment #6). Based on the evaluation of each criteria, staff finds the following:

   The proposed replacement material is not consistent with the original design of the contributing structure on the property (See Attachment #8, HPRB Standards for Design Review (f)(1)(a) – (f)). The pressed metal shingle roofing material used on contributing residential structures is common within the Town's Heritage Preservation District, though diminishing with each approval for alternative materials.

Every building, inclusive of outbuildings, is important to the overall character of the district. The Town's Heritage Preservation Handbook (Chapter 5 Design Analysis and Chapter 11) clearly defines the architectural styles and roof materials/features, including metal shingles, that are prevalent in the HPOD. The National Parks Service, US Department of Interior preservation standards are clear concerning the treatment of historic properties/districts, specifically that *'Altering the roof and roofing materials which are important in defining the overall historic character of the building so that, as a result, the character is diminished...and changing the type or color of roofing materials' is not recommended*
(Source: https://www.nps.gov/tps/standards/treatment-guidelines-2017.pdf; Roofs, page 44).

While the guidance in both local and national standards is not meant to require strict adherence for all conditions, the proposed alteration does not conform to the cited recommendations and will further reduce the occurrence of the historically unique material and details found in many examples that currently exist in the Town's preservation district.

4. Staff review is largely founded on preservation best practice principles and design guidelines but also formed by professional expertise and experience. For this case, the most applicable guidelines found in the Handbook, combined with proper preservation standards, does not support the application as proposed. Staff, however, does acknowledge that inconsistent reviews and approvals at both the Board and staff levels have occurred over time regarding some similar cases. Despite a general understanding of the importance of retaining metal roof shingles to retain the HPOD's character defining features, standing seam metal roof panels have been defined as an appropriate substitute material in previous HPRB applications. In those other cases, the Board has cited this acceptance in material change due to standing seam metal roof use at the time of the historic building's original construction. Conversely, as mentioned above, several property owners have been successful in retaining this feature with like metal shingles replacements. In a few instances asphalt shingles have also been allowed.

   Town staff recommends further discussion of the following alternatives for the Board and applicant to consider:

   1. In-kind or new replacement of the existing pressed metal roof with like or similar metal shingle currently available or provided documentation that substantiates that this type of replacement is not feasible, and/or

   2. Require installation of a more historically appropriate standing seam metal roof with low-profile seams (one inch or less), thin seams that are hand crimped, snow guards, and eighteen-inch to twenty-inch panel widths, or

   3. Explore new designs for alternative, such as dimensional architectural shingles that may more closely mimic metal shingles other than what has been proposed.

Staff Recommendation:

Motion Alternatives:	1. Motion to deny the application. 2. Motion to approve the application as submitted. 3. Motion to approve with condition(s). 4. Motion for continuance of the public hearing to a date certain or the next HPRB Public Hearing for action to address a specified design issue or concern of the Board
Recommended Motion:	Motion for continuance of HPRB #19-29 to the September 18, 2019 Public Hearing, in accordance with Alternative #3, to address and determine: 1. Feasibility of in-kind replacement of the roof material with new stamped metal shingles currently available; 2. Appropriateness of a standing seam metal roof; and 3. Appropriateness of utilizing a more appropriate pattern of architectural / dimensional asphalt shingle pattern to more closely mimic the stamped metal shingle currently on the building

Report Attachments

1.	Aerial Image
2.	Applicant Letter
3.	Site Photos, Existing Conditions and Materials Information
4.	1987 Historic District Survey Form
5.	Town's Zoning Ordinance, Section 78-60.3.

Staff Contact

Name/Title:	**Christopher J. Garcia, Community Design Planner**
Phone/Email:	**(703)787-7380; christopher.garcia@herndon-va.gov**

Christopher J. Garcia
Community Design Planner

Elizabeth M. Gilleran
Director of Community Development

SITE LOCATION – AERIAL PHOTO

Imagery prepared by Town of Herndon
Department of Community Development
Image source: Google Earth © 2018

RECEIVED ON

JUL 15 2019

DEPARTMENT OF
COMMUNITY DEVELOPMENT

631 Oak Street
Herndon, VA 20170

June 15, 2019

Heritage Preservation Review Board, C/O Department of Community Development
777 Lynn Street
Herndon, VA 20170-4602

Regarding: Residential Roof Replacement at 631 Oak Street

Dear Chairman and Members of the Board,

Per item 1, page 3 of the Application for an Alteration to an Existing Structure, this letter describes the proposed alteration and lists all the materials.

The structures consist of:
the 2-story brick approx 100-year old home home with its failing approx. 100-year old metal shingle roof
a single-story wooden front porch with an approx. 10-year old standing seam metal roof
a single story enclosed (former rear porch) wooden laundry room with an approx. 10-year old architectural shingle roof
a single-story wood-framed, glass- enclosed breezeway with an approx. 10-year old architectural shingle roof
a 2-story wood-framed, cement-board clad garage with an approx. 10-year old architectural shingle roof

Background - since 1991 the homeowner has regularly invested in preserving the failing metal shingles (scraping, patching, painting) - - to no avail. The roof has always leaked, no matter how aggressive (and expensive) the homeowner's efforts.

The Proposed Alteration is to remove what little remains of the metal shingles with Charcoal Gray CertainTeed architectural shingle (to match the roofs of the laundry room, the breezeway, and the garage).

Materials:
Replacement wood, as needed
Moore Black CertainTeed architectural shingles
Flashings
Felt
Nails

Please feel free contact me with any questions or concerns regarding this application.

Thank you,
Ann Vayda Null
631 Oak Street
Herndon, VA 20170

Exhibit
19-G-60

FROM FLORENCE PLACE

Exhibit
19-G-60

FROM OAK ST (1)

Exhibit
19-G-60

FROM OAK ST (2)

Exhibit
19-G-60

FROM 750 FLORENCE PLACE

Exhibit
19-G-60

FROM PEARL ST SIDE

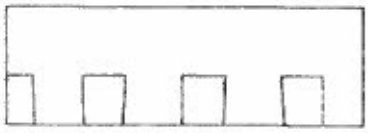
Exhibit
19-G-60

Technical Data Sheet

Landmark® Premium Shingles
Landmark® PRO/Architect 80 Shingles (NW Region only)
Landmark® PRO Shingles
Landmark® Shingles

CertainTeed
SAINT-GOBAIN

PRODUCT INFORMATION



Landmark shingles reflect the same high manufacturing standards and superior warranty protection as the rest of CertainTeed's line of roofing products. Landmark Premium (and Algae Resistant-AR), Landmark PRO (and AR) and Landmark (and AR) are built with the industry's toughest fiber glass mat base, and their strict dimensional tolerance assures consistency. Complex granule color blends and subtle shadow lines produce a distinctive color selection. Landmark is produced with the unique NailTrak® nailing feature. ***Please see the installation instruction section below for important information regarding NailTrak.***

In the Northwest Region Landmark PRO (AR) is double-branded as Landmark PRO/Architect 80 (AR).

Landmark algae-resistant (AR) shingles have the additional attribute of resisting the growth of algae especially in damp regions. AR shingles are not available in all regions

Colors: Please refer to the product brochure or CertainTeed website for the colors available in your region.

Limitations: Use on roofs with slopes greater than 2" per foot. Low-slope applications (2" to 4" per foot) require additional underlayment. In areas where icing along eaves can cause the back-up of water, apply CertainTeed WinterGuard® Waterproofing Shingle Underlayment, or its equivalent, according to application instructions provided with the product and on the shingle package.

Product Composition: Landmark Series shingles are composed of a fiber glass mat base. Ceramic-coated mineral granules are tightly embedded in carefully refined, water-resistant asphalt. Two pieces of the shingle are firmly laminated together in a special, tough asphaltic cement. All Landmark shingles have self-sealing adhesive strips.

Applicable Standards

ASTM D3018 Type I
ASTM D3462
ASTM E108 Class A Fire Resistance
ASTM D3161 Class F Wind Resistance
ASTM D7158 Class H Wind Resistance
UL 790 Class A Fire Resistance
ICC-ES ESR-1389 and ESR-3537
CSA Standard A123.5 (Regional)
Miami-Dade Product Control Approved
Florida Product Approval # FL5444
Meets TDI Windstorm Requirements

Technical Data:

	Landmark (and AR)	**Landmark PRO* (and AR)**	**Landmark Premium (and AR)**
Weight/Square (approx.)	222 / 238 lb **	250 / 270 lb **	300 lb
Dimensions (overall)	13 1/4" x 38 3/4"	13 1/4" x 38 3/4"	13 1/4" x 38 3/4"
Shingles/Square (approx.)	66	66	66
Weather Exposure	5 5/8"	5 5/8"	5 5/8"

*Includes Landmark PRO AR/Architect 80
**Dependent on manufacturing location

Exhibit
19-G-60

INSTALLATION

The following is a general summary of the installation methods. Detailed installation instructions are supplied on each bundle of Landmark shingles and must be followed. Separate application sheets may also be obtained from CertainTeed.

Roof Deck Requirements: Apply shingles to minimum 3/8" thick plywood, minimum 7/16" thick non-veneer (e.g. OSB), or minimum 1" thick (nominal) wood decks. The plywood or non-veneer decks must comply with the specifications of APA-The Engineered Wood Association.

Ventilation: Provisions for ventilation should meet or exceed current HUD Standards. To ensure adequate balance ventilation, use a combination of continuous ridge ventilation (using CertainTeed Ridge Vent products, or a comparable product with an external baffle) combined with soffit venting.

Valleys: Valley liner must be applied before shingles. The Closed-Cut valley application method is recommended, using CertainTeed WinterGuard Waterproofing Shingle Underlayment or its equivalent to line the valley prior to being fully covered by the shingles.

Underlayment:
On slopes 4" per foot or greater, CertainTeed recommends one layer of DiamondDeck® or RoofRunner™ Synthetic Underlayment, or Roofers' Select® High-Performance shingle underlayment, or shingle underlayment meeting ASTM D226, D4869 or ASTM D6757. Always ensure sufficient deck ventilation, and take particular care when DiamondDeck, RoofRunner, or other synthetic underlayment is installed. For UL fire rating, underlayment may be required. Corrosion-resistant drip edge is recommended and should be placed over the underlayment at the rake and beneath the underlayment at the eaves. Follow manufacturer's application instructions.

On low slopes (2" up to 4" per foot), apply one layer of CertainTeed's WinterGuard Waterproofing Shingle Underlayment (or equivalent meeting ASTM D1970) over the entire roof deck. Or, in areas not prone to snow or ice apply two layers of 36" wide felt shingle underlayment lapped 19", or two layers of CertainTeed's DiamondDeck, RoofRunner or other synthetic underlayment per the manufacturer's low slope application instructions. Shingle underlayment should meet ASTM D6757, ASTM D4869 or ASTM D226. Ensure sufficient deck ventilation when these types of underlayments are installed. Specific and more detailed installation instructions can be found on product packaging and in the CertainTeed Shingle Applicator's Manual.

Fastening (NailTrak):

Low & Standard Slopes: On low and standard slopes, four nails are required per shingle. There are three nail lines on NailTrak shingles. Position nails vertically between the upper and lower nailing-guide lines. It is acceptable to nail between either the middle and lower lines, or between the upper and middle lines. Nails must be of sufficient length to penetrate into the deck 3/4" or through the thickness of the decking, whichever is less. They are to be located 1" and 12" in from each side of the shingle (see instructions on product wraps). Nails are to be 11 or 12 gauge, corrosion-resistant roofing nails with 3/8" heads.

Steep Slopes: On slopes greater than 21" per foot, fasten each shingle with six nails and four spots of roofing cement placed under each shingle according to application instructions provided on the shingle package. Fasteners must penetrate the two-layer common bond area that is indicated by the middle and lower NailTrak lines, also illustrated on the shingle package.

Application: The recommended application method is the 'Five-Course, Diagonal Method' found on each bundle of shingles. In this method, shingle course offsets are 6" and 11". Instructions also may be obtained from CertainTeed. These shingles may be used for new construction or for reroofing over existing Metric-sized shingles.

Flashing: Use corrosion-resistant metal flashing.

Hips and Ridges: For capping hip and ridge apply CertainTeed Shadow Ridge®, Cedar Crest® or Mountain Ridge® shingles of a like color.

MAINTENANCE
These shingles do not require maintenance when installed according to manufacturer's application instructions. However, to protect the investment, any roof should be routinely inspected at least once a year. Older roofs should be looked at more frequently.

WARRANTY
Landmark Premium (and AR), Landmark PRO/Architect 80 AR, Landmark PRO (and AR), and Landmark (and AR) shingles carry a lifetime limited, transferable warranty to the consumer against manufacturing defects. In addition, Landmark Premium (and AR), Landmark Premium/Architect 80, Landmark PRO (and AR), and Landmark (and AR) carry 10-years of SureStart™ Protection. For specific warranty details and limitations, refer to the warranty itself (available from the local supplier, roofing contractor or on-line at www.certainteed.com).

FOR MORE INFORMATION
Sales Support Group: 800-233-8990
Web site: www.certainteed.com
See us at our on-line specification writing tool, CertaSpec®, at www.certainteed.com/certaspec.

CertainTeed Roofing
20 Moores Road
Malvern, PA 19355

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CertainTeed
SAINT-GOBAIN

Exhibit
19-G-60

The Trusted Classic

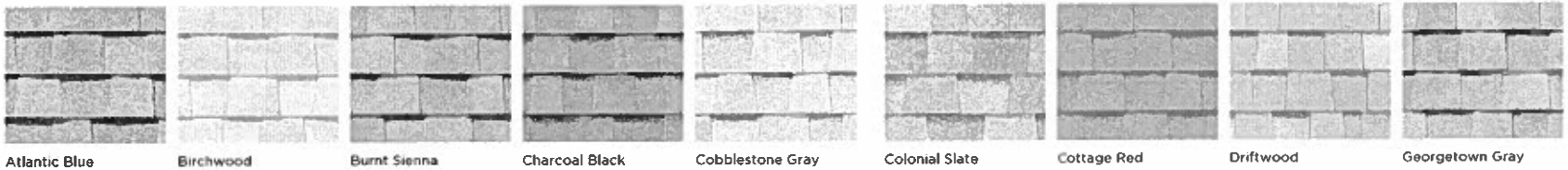
LANDMARK®

Owning a Landmark roof brings peace of mind. Landmark's heavy weight and exceptional reliability make it a 'Best Buy' by a leading Consumer Magazine.

BEST BUY
As ranked by a leading Consumer Magazine.

- Dual-layered for extra dimensionality and protection from the elements
- Offers the widest array of colors in the industry
- Independently certified as meeting the highest quality standards for roofing

LANDMARK COLOR PALETTE



Atlantic Blue | Birchwood | Burnt Sienna | Charcoal Black | Cobblestone Gray | Colonial Slate | Cottage Red | Driftwood | Georgetown Gray

Granite Gray | Heather Blend | Hunter Green | Moire Black | Pewterwood | Resawn Shake | Silver Birch | Weathered Wood

Exhibit
19- G-60

See page 11 for specifications and warranty details.

Strength with Style

LANDMARK® PREMIUM

- Dual-layer, high performance
- 300 lbs. per square
- Max Def color palette
- Industry-best lifetime limited warranty

LANDMARK® PRO

- Dual-layer, high performance
- 250 lbs. per square
- Max Def color palette
- Industry-best lifetime limited warranty

LANDMARK®

- Dual-layer durability
- 235 lbs. per square
- Industry-best lifetime limited warranty

LANDMARK PREMIUM

SPECIFICATIONS

- Two-piece laminated fiberglass-based construction
- Classic shades and dimensional appearance of natural wood or slate
- 300 lbs. per square

For U.S. building code compliance, see product specification sheets.

CertainTeed products are tested to ensure the highest quality and comply with the following industry standards:

Fire Resistance:
- UL Class A
- UL certified to meet ASTM D3018 Type 1

Wind Resistance:
- UL certified to meet ASTM D3018 Type 1
- ASTM D3161 Class F

Tear Resistance:
- UL certified to meet ASTM D3462
- CSA standard A123.5

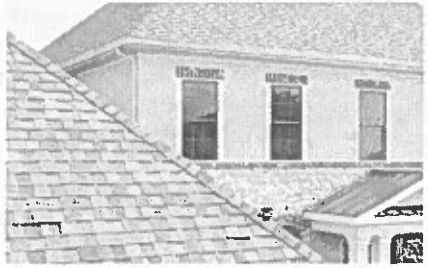
Wind Driven Rain Resistance:
- Miami-Dade Product Control Acceptance: Please reference www.certainteed.com to determine approved products by manufacturing location.

Quality Standards:
- ICC-ES-ESR-1389 & ESR-3537

WARRANTY

- Lifetime limited transferable warranty against manufacturing defects on residential applications
- 50-year limited transferable warranty against manufacturing defects on group-owned or commercial applications
- 15-year StreakFighter* algae-resistance warranty STREAKFighter
- 10-year SureStart™ protection
- 15-year 110 mph wind-resistance warranty
- Wind warranty upgrade to 130 mph available. CertainTeed starter and CertainTeed hip and ridge required

See actual warranty for specific details and limitations.



LANDMARK PRO

SPECIFICATIONS

- Two-piece laminated fiberglass-based construction
- Classic shades and dimensional appearance of natural wood or slate
- 250 lbs. per square

For U.S. building code compliance, see product specification sheets.

CertainTeed products are tested to ensure the highest quality and comply with the following industry standards:

Fire Resistance:
- UL Class A
- UL certified to meet ASTM D3018 Type 1

Wind Resistance:
- UL certified to meet ASTM D3018 Type 1
- ASTM D3161 Class F

Tear Resistance:
- UL certified to meet ASTM D3462
- CSA standard A123.5

Wind Driven Rain Resistance:
- Miami-Dade Product Control Acceptance: Please reference www.certainteed.com to determine approved products by manufacturing location.

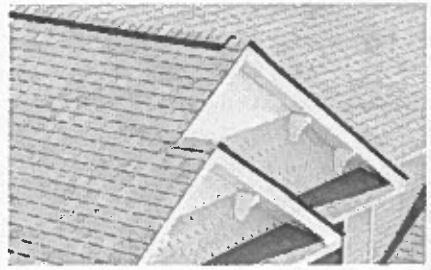
Quality Standards:
- ICC-ES-ESR-1389 & ESR-3537

Landmark Pro Silver Birch is an ENERGY STAR rated product and may qualify for a federal tax credit.

WARRANTY

- Lifetime limited transferable warranty against manufacturing defects on residential applications
- 50-year limited transferable warranty against manufacturing defects on group-owned or commercial applications
- 15-year StreakFighter* algae-resistance warranty STREAKFighter
- 10-year SureStart™ protection
- 15-year 110 mph wind-resistance warranty
- Wind warranty upgrade to 130 mph available. CertainTeed starter and CertainTeed hip and ridge required

See actual warranty for specific details and limitations.



LANDMARK

SPECIFICATIONS

- Two-piece laminated fiberglass-based construction
- Classic shades and dimensional appearance of natural wood or slate
- 235 lbs. per square

For U.S. building code compliance, see product specification sheets.

CertainTeed products are tested to ensure the highest quality and comply with the following industry standards:

Fire Resistance:
- UL Class A
- UL certified to meet ASTM D3018 Type 1

Wind Resistance:
- UL certified to meet ASTM D3018 Type 1
- ASTM D3161 Class F

Tear Resistance:
- UL certified to meet ASTM D3462
- CSA standard A123.5

Wind Driven Rain Resistance:
- Miami-Dade Product Control Acceptance: Please reference www.certainteed.com to determine approved products by manufacturing location.

Quality Standards:
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Landmark Silver Birch is an ENERGY STAR rated product and may qualify for a federal tax credit.

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- 10-year SureStart™ protection
- 15-year 110 mph wind-resistance warranty
- Wind warranty upgrade to 130 mph available. CertainTeed starter and CertainTeed hip and ridge required

See actual warranty for specific details and limitations.

Exhibit
19-G-60

Integrity Roof System™

Integrity is built from the bottom up. Layer-on-layer, only CertainTeed provides the peace of mind that comes with the best components performing together for peak efficiency.

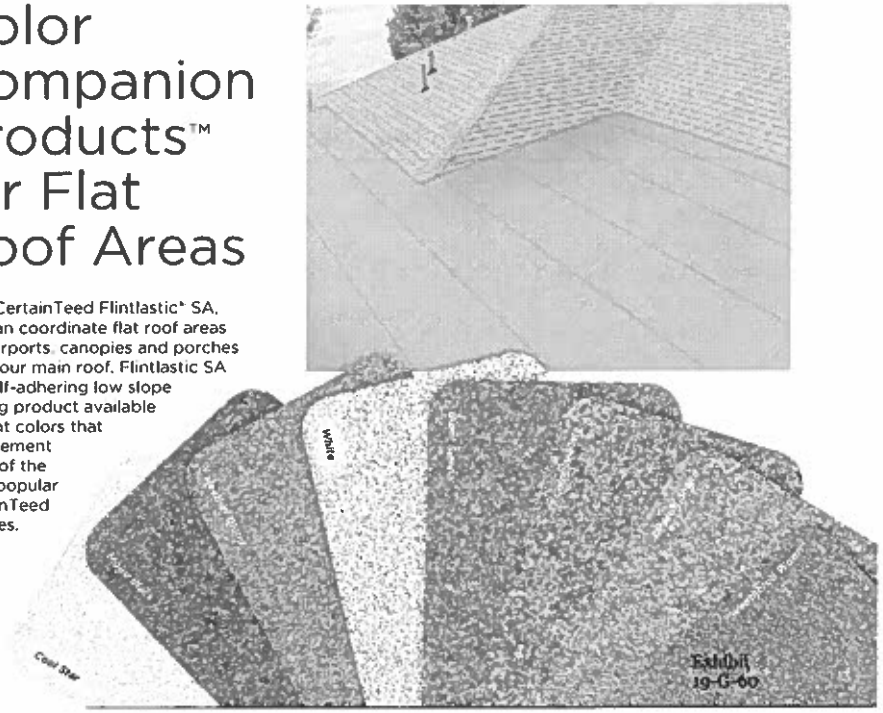
1. **Waterproof Underlayment**
   Waterproofing shingle underlayment prevents leaks from wind-driven rain and ice dams
2. **Water-Resistant Underlayment**
   High-performance underlayment provides a water-resistant layer over the roof deck and a secondary barrier against leaks
3. **Starter Shingles**
   Perfect starts every time and designed to work in tandem with the roof shingles above
4. **Roof Shingles**
   Choose the best, covered by the strongest warranty in the business
5. **Hip & Ridge Caps**
   Perfect finish for hip and ridge lines, complementing all CertainTeed shingles
6. **Roof Ventilation**
   Engineered for ideal roof ventilation especially when matched with CertainTeed Intake Vents

Add a Little Accent to Your Roof

The visually impactful choice for capping the hips and ridges of your roof, CertainTeed's Cedar Crest® accessory shingles will complement or match any shingle in the Landmark Series. For a low-profile hip and ridge look, CertainTeed also offers Shadow Ridge® accessory shingles.

Color Companion Products™ for Flat Roof Areas

With CertainTeed Flintlastic® SA, you can coordinate flat roof areas like carports, canopies and porches with your main roof. Flintlastic SA is a self-adhering low slope roofing product available in eight colors that complement some of the most popular CertainTeed shingles.



Trust Your Home to Landmark®

LANDMARK®

Q

High-**Quality**, Reliable Choice

+

Industry-Best **Warranty**

+

SINCE 1904

Century of **Trusted** Performance

=

PEACE OF MIND

BEST BUY

Exhibit 19-G-60

Attachment #4

File no. 235-190
Negative no(s). 909576

VIRGINIA
DIVISION OF HISTORIC LANDMARKS
HISTORIC DISTRICT/BRIEF SURVEY FORM

City Town Village Hamlet Herndon
Street address or route number 639 Oak St.
Historic name

County Fairfax
U.S.G.S. Quad Herndon
Common name

Present use residence
Original use residence

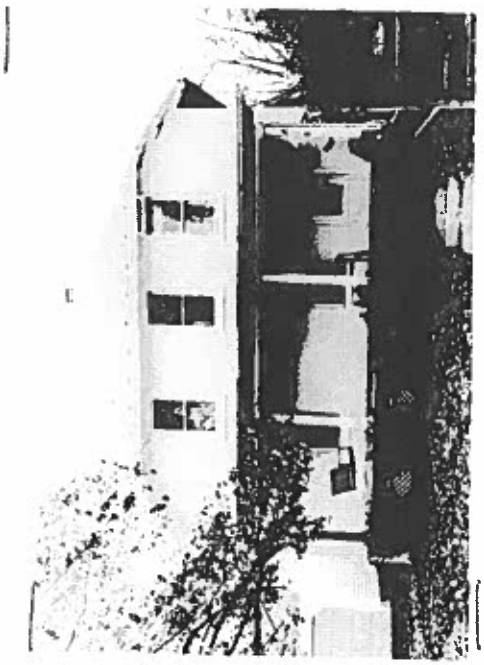
Building Style Bungalow, Arts & Crafts
Building Dates ca. 1910-1925

1. Construction Materials

- ☐ wood frame
- ☑ brick
  - bond: ☐ English ☐ Flemish ☐ ___-course American ☑ stretcher ☐ other ___
- ☐ stone
  - ☐ random rubble ☐ coursed rubble ☐ ashlar ☐ dressed ☐ rock-faced
- ☐ log
  - ☐ squared ☐ unsquared
  - notching: ☐ V-notch ☐ saddle ☐ square ☐ half dovetail ☐ full dovetail ☐ diamond
- ☐ concrete block
- ☐ terra cotta
- ☐ steel frame
- ☐ other

2. Cladding Material

- ☐ weatherboard
- ☐ vertical siding
- ☐ board & batten
- ☐ shingle: ☐ wood ☐ asbestos ☐ asphalt
- ☐ brick/tex
- ☐ other
- ☐ composition siding
- ☐ stucco
- ☐ aluminum or vinyl siding
- ☐ cast iron
- ☐ sheet metal
- ☐ enameled metal
- ☐ glass



3. Stories (number) 2
- ☐ low basement
- ☐ raised basement

4. Bays (number): front 3 side (church) ___
- ☐ symmetrical
- ☑ asymmetrical

5. Roof Type
- ☐ shed ☐ parapet?
- ☐ gable ☐ pediment? ☐ parapet? ☐ clipped end? ☐ cross gable? ☐ central front gable?
- ☐ hipped ☐ pyramidal?
- ☐ mansard
- ☐ false mansard
- ☐ gambrel
- ☐ flat ☐ parapet?
- ☐ roof not visible
- ☑ other Unusual modified hipped roof.

6. Roofing Material
- ☐ shingle ☐ composition (asphalt, asbestos, etc.) ☐ wood
- ☑ metal ☐ standing seam ☐ corrugated ☑ pressed tin (simulated slate)
- ☐ tile ☐ pantile ☐ flat ☐ glazed
- ☐ slate
- ☐ not visible

7. Dormers (number): front ___ side 2
- ☐ gable ☐ pediment?
- ☐ shed
- ☐ hipped

1 West and 1 East dormer

8. Primary Porch
- style shed roof
- stories 1
- levels 1 bays 3
- materials wood with metal posts.
- description and decorative details Doric columns. Plain cornice.

9. General supplementary description and decoration: Exposed, shaped rafters. 1/1 sash with stone sills. Odd hipped roof is cut away in front and rear for full size windows. Eyebrow side windows.

10. Major additions and alterations

Recent 2 car garage and glass hyphen joining wing to main block.

11. Outbuildings:

None

12. Landscape Features:

Mature trees and shrubs.

13. Significance: Reflects the influence of the English vernacular cottage style on the Arts and Crafts movement.

Polhill/Frazier

Exhibit 19-G2607

HERITAGE PRERVATION REVIEW BOARD STANDARDS FOR DESIGN REVIEW

Excerpts from the Town of Herndon Code of Ordinances Chapter 78 – Zoning, Article VI Overlay Districts

Sec. 78-60.3. - Heritage Preservation Overlay District (HP District).

(a) *Purpose and intent.* The heritage preservation overlay district (HP district) is intended to provide for the establishment of historic landmarks and preservation districts as a means of preserving the historical, cultural, and architectural heritage of the town and protecting designated historic resources and is adopted pursuant to the authority granted to localities by Virginia Code § 15.2-2306.

(b) *Applicability.* No building, structure, or sign located in the HP district shall be erected, reconstructed, altered, demolished, moved, expanded or restored except in accordance with the provisions of section 78-60.3(g), certificate of appropriateness in the heritage preservation overlay district.

(c) *District boundaries and maps.* The boundaries of the HP district shall be shown on the town's official zoning map and on the appropriate comprehensive plan maps after action by the planning commission and town council.....

(f) *Development within the heritage preservation overlay district.* Development located within a preservation district shall be completed in accordance with the Herndon Heritage Preservation Handbook, and the following standards:

(1) *Alteration, restoration or reconstruction.* A certificate of appropriateness for altering, restoring, or reconstruction of a building or structure shall be approved only after considering the following standards, as well as other appropriate matters:

a. Whether or not reasonable effort shall be made to alter the site, building, or structure, and its environment to the minimal extent practicable.

b. Whether or not alteration of the original distinguishing qualities or character of a site, building, or structure and its environment and the removal or alteration of any historic material or distinctive architectural features shall be avoided to the greatest extent practicable.

c. Whether all sites, buildings and structures shall be recognized as products of their own time, with alterations and reconstruction to existing buildings and structures to be consistent with the original style of such buildings and structures.

d. Whether or not distinctive stylistic features or examples of skilled craftsmanship that characterize a building or structure or site shall be retained and restored to the greatest extent practicable.

e. Whether or not deteriorated architectural features shall be repaired, rather than replaced, wherever reasonably possible, and, if replacement is necessary, whether or not new materials shall match the material being replaced in composition, design, color, texture and other visual qualities to the greatest extent practicable.

f. Whether or not repair or replacement of missing architectural features shall, to the greatest extent possible, be based on accurate duplications of the original features, substantiated by historic, physical, or pictorial evidence, rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.

g. Whether or not the surface cleaning of buildings and structures constituting historic landmarks shall be undertaken with the gentlest means practicable; provided, however, that

sandblasting and other cleaning methods that may damage the existing building materials shall not be approved.

h. Whether or not partial demolition of buildings or structures within preservation districts may be approved when one or more of the existing facades are retained for the purpose of integrating new construction into existing historic buildings or structures when such is appropriate and in accordance with the intent of this article. The town does not advocate this procedure, as it goes against the Secretary of the Interior's guidelines for rehabilitation and credits would not be allowed in such projects.

i. Whether or not, to the greatest extent practicable, every effort shall be made to protect and preserve archeological resources within or adjacent to the heritage preservation overlay district.

j. Whether or not contemporary design for alterations and additions to existing buildings and structures is compatible with the size, scale, color, material, and character of the building and structures within preservation districts, and whether or not such alterations and additions would destroy significant historical, architectural, or cultural material.

k. Whether or not the proposed additions or alterations to existing buildings and structures shall be done in such a manner that, if such additions or alterations were to be removed in the future, the essential form and integrity of the building or structure would be unimpaired. Whenever possible, new additions or alterations to existing buildings and structures shall be done in such a manner that, if such additions or alterations were to be removed in the future, the essential form and integrity of the building or structure would be unimpaired.

(2) *New construction.* A certificate of appropriateness for new construction of a building or structure may be approved only after considering the following standards, as well as other appropriate matters:

a. Whether or not the design will be architecturally compatible with the historic landmarks, buildings, and structures in the heritage preservation overlay district in terms of size, scale, color, material, and character.

b. No specific architectural style shall be adopted or imposed in the administration of this section.

(3) *Moving or relocating a building* . A certificate of appropriateness to move or relocate a building or structure may be approved only after considering the following, as well as other appropriate matters:

a. Whether or not the proposed relocation may have a detrimental effect on the structural soundness of the building or structure;

b. Whether or not the proposed relocation would have a negative or positive effect on other historic landmarks or on other sites, buildings or structures located within the heritage preservation overlay district;

c. Whether or not the proposed relocation would provide new surroundings that would be compatible with the architectural aspect of the building or structure;

d. Whether or not the proposed relocation is the only practicable means of saving the structure from demolition; and

e. Whether or not the building or structure will be relocated to another site within the corporate limits of the town or to another adjacent site that is subject to preservation control.

(4) *Demolition.* A certificate of appropriateness to demolish a building or structure may be approved, only after reviewing and considering the circumstances and conditions of the structure or building or the part proposed for demolition, and considering the following factors as well as all other appropriate matters:

a. Whether or not the building or structure is an historic landmark or is a building within the heritage preservation overlay district that contributes to the character of the heritage preservation overlay district;

b. Whether or not the building or structure is of such interest or significance that it would qualify as a national or state landmark building or structure listed on the National Register of Historic Places or the Virginia Landmarks Register;

c. Whether or not the building or structure is of such old or uncommon design, texture or scarce material that it could not be reproduced or could be reproduced only with great difficulty and expense;

d. Whether or not historic events occurred in the building or structure;

e. Whether or not the building or structure is structurally unsound and to what extent;

f. Whether or not a relocation of the building or structure or a portion thereof would be to any extent practicable as a preferable alternative to demolition;

g. Whether or not the proposed demolition could potentially adversely affect other historic landmarks located within a preservation district or adversely affect the character of a preservation district;

h. If a building is damaged by a fire or other natural hazard, the building inspector shall determine if a building is structurally sound and is in imminent danger to public safety and should be demolished;

i. The reason for demolishing the building or structure and whether or not any alternatives to demolition exist;

j. Whether or not there has been a professional, economic, and structural feasibility study for rehabilitating or reusing the structure and whether or not its findings support the proposed demolition.

TOWN OF Herndon VIRGINIA

This does not represent a verbatim transcript of the Heritage Preservation Review Board meeting. Visit www.herndon-va.gov "agendas & minutes" to view agendas and videos. Copies of videotapes of the public hearing meetings are available on request by contacting HCTV at 703-689-2323.

HERITAGE PRESERVATION REVIEW BOARD
Wednesday
August 21, 2019

The Heritage Preservation Review Board of the Town of Herndon, Virginia, met in public hearing on Wednesday, August 21, 2019 at 7:00 p.m. in the Herndon Council Chambers Building, 765 Lynn Street, Herndon, Virginia. In attendance were: Chairman Walker, Vice Chair Leslie Blaker-Glass and Board Members: Eric Boll, Mike McFarlane, Matthew Ossolinski and Hiren Shah. Board Member Eric Fielding was absent.

Others present during the meeting: Lesa Yeatts, Town Attorney; Lauri Sigler, Deputy Town Attorney; Christopher Garcia, Community Design Planner; David Stromberg, Zoning Administrator; Fermina Rochac, Community Inspector; and Erika Orellana, Clerk to Boards and Commissions.

Chairman Walker called the meeting to order at 7:00 p.m., six members present and with Chairman Walker presiding.

ANNOUNCEMENT

Chairman Walker introduced Lauri Sigler, Deputy Town Attorney.

1. **CALL TO ORDER**

Chairman Walker asked the Clerk to proceed with roll call.

2. **DETERMINATION OF QUORUM**

Chairman Walker stated that there were six members present, which constituted a quorum.

APPROVAL OF MINUTES

3. **Vote on July 3, 2019**
   Work Session Minutes

   On motion of Board Member McFarlane, seconded by Vice Chair Blaker-Glass, the minutes of the Wednesday, July 3, 2019 Work Session meeting were approved by a vote of 6-0, the vote was: Board Members Boll, McFarlane, Ossolinski, Shah, Vice Chair Blaker-Glass and Chairman Walker voting "Aye." Board Member Fielding was absent.

4. **Vote on July 17, 2019**
   Public Hearing Minutes

   On motion of Board Member Shah, seconded by Board Member Boll, the minutes of the Wednesday, July 17, 2019 Public Hearing meeting were approved by a vote of 6-0, the vote was: Board Members Boll, McFarlane, Ossolinski, Shah, Vice Chair Blaker-Glass and Chairman Walker voting "Aye." Board Member Fielding was absent.

5. **COMMENTS FROM THE BOARD MEMBERS**

   There were no comments from the Board Members.

6. **COMMENTS FROM THE STAFF**

   Mr. Garcia advised the Board of the monthly outlook for the meetings in September 2019. There will be one new HPRB case on the Board's September agenda.

7. **COMMENTS FROM THE AUDIENCE**

   There were no comments from the audience.

PUBLIC HEARINGS

8. **APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS FOR A DEMOLITION PERMIT, HPRB #19-27,** to consider an application for a Certificate of Appropriateness for the demolition of an existing accessory garage structure on the single-family residential property at 761 Grace Street, Herndon, Virginia, located at the intersection of Haley Place and Grace Street, and further identified as Fairfax County Tax Map 0162-0008B. The property is zoned R-10, Residential Single Family; and consists of 16,818 total square feet of land. Owners/Applicants: James M. Dodson and Martha-Helene Stapleton.

Certificates of Publication were filed from the Editor of the *Fairfax County Times Newspapers*, showing that notices of said public hearing had been duly advertised in the Friday, August 2, 2019 and August 9, 2019 issues.

Chairman Walker opened the public hearing and called on Christopher Garcia, Community Design Planner, for the staff report.

Mr. Garcia presented the staff report dated August 2, 2019 dated, which is on file in the Department of Community Development.

Staff recommended approval of HPRB #19-27 with the following conditions:

1. The interior and exterior of the buildings shall be documented prior to the commencement of demolition with the documentation provided to town staff before the demolition permit is issued;

2. Documentation shall include archival quality printed and electronic photographs that follow the Historic American Building Survey photography guidelines;

3. Photographs shall be in both color, as well as black and white, shall be printed in an 8" by 10" format, and shall show:

    a. Each exterior elevation;

    b. Each interior space;

    c. Close-ups of any character-defining material or detail;

    d. Perspective views from at least two corners;

    e. At least two environment views showing the setting and relation to nearby structures, roads, and landscaping; and

4. The proposed demolition shall be completed in substantial conformance with the application and supporting materials as submitted July 15, 2019.

Chairman Walker recognized Martha-Helene Stapleton, the applicant.

Mrs. Stapleton provided comments regarding the intent and need for the request for demolition of the subject building.

Chairman Walker called on the audience to come forward to provide their comments.

The following individual came forward and presented comments:

- Jim Leach provided comments in support of the proposed demolition

There was no discussion amongst the Board members on this item.

Following the public hearing, Vice Chair Blaker-Glass moved approval of HPRB #19-27 in accordance with the conditions recommended by staff. This motion was seconded by Board Member Boll.

Following brief comments, the question was called on the motion, which was carried by a vote of 6-0. The vote was: Board Members Boll, McFarlane, Ossolinski, Shah, Vice Chair Blaker-Glass and Chairman Walker voting "Aye." Board Member Fielding was absent.

9. **APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS FOR AN ALTERATION TO AN EXISTING STRUCTURE, HPRB #19-29,** to consider an application for a Certificate of Appropriateness for the replacement of the existing stamped metal shingle roof with a new architectural asphalt shingle roof on the single-family residential building at 631 Oak Street, Herndon, Virginia, located at the intersection of Florence Place and Oak Street, and further identified as Fairfax County Tax Map 0162-02-0101. The property is zoned R-10, Residential Single Family; and consists of 19,355 total square feet of land. Owner/Applicant: Ann Vayda Null. Applicant's Representative: Jason Sickels.

Certificates of Publication were filed from the Editor of the *Fairfax County Times Newspapers*, showing that notices of said public hearing had been duly advertised in the Friday, August 2, 2019 and August 9, 2019 issues.

Chairman Walker stated that there have been eleven comments received and entered into the record.

Chairman Walker opened the public hearing and called on Christopher Garcia, Community Design Planner, for the staff report.

Mr. Garcia presented the staff report dated August 2, 2019 and the staff memo dated August 16, 2019, which are on file in the Department of Community Development.

Staff recommended a continuance of HPRB #19-29 to determine an alternative solution if the applicant was amenable to one of the following:

1. Require installation of a more historically appropriate standing seam metal roof;

2. In-kind or new replacement of the existing pressed metal roof; or

3. Explore new designs for alternative, such as dimensional architectural shingles to closely mimic metal shingle texture.

Staff also stated that if the applicant was not amenable to exploring any of the proposed design alternatives, staff would recommend denial of HPRB #19-29 due to non-conformance with the Heritage Preservation Handbook design guidelines as noted in the staff report and updated memo provided to the Board.

The Board members had several questions for staff regarding the recommended alternatives and potential future roof material alternatives which were answered by Mr. Garcia.

Chairman Walker recognized Ann Vayda Null, the applicant and property owner.

Ms. Null provided comments regarding the intent and need for the request for replacement the roof on the subject building using the material selected in the application. There were questions for the applicant and a brief discussion amongst the Board members on this item with the applicant.

Chairman Walker called on the audience to come forward to provide their comments.

There were no comments from the audience.

Main Motion **(DIED FOR LACK OF SECOND)**

Board Member McFarlane moved **APPROVAL** of HPRB #19-29, so long as it is in substantial conformance with the materials submitted. This motion failed due to lack of a second.

Main Motion **(SUBSEQUENTLY APPROVED)**

Vice Chair Blaker-Glass moved **APPROVAL** of HPRB #19-29, with the following conditions:

1. The replacement material be changed to standing seam metal panels given the majority of in-kind replacements to date on Park Avenue, Nash Street and Elden Street consistent with the HPRB guidelines and Secretary of the Interior standards which the town follows, and comprised of low-profile seams (one inch or less), thin seams that are hand crimped, snow guards as appropriate, and eighteen-inch to twenty-inch panel widths consistent with the majority of in-kind replacements to date with the stamped metal shingles roofing for metal on metal; and

2. The applicant shall submit an amended application with materials to include the standing seam metal panel roof specifications. As the owner indicated in her August 8 letter, she had received a quote from a company she previously worked for with a standing seam metal solution.

This motion was seconded by Board Member Shah.

Amendment to Main Motion **(NOT ACCEPTED)**

Board Member Ossolinski offered an **AMENDMENT** that should the owner find that staff's source for a new type of metal shingle is a less expensive option than a standing seam, and staff agrees it is comparable as an acceptable replacement for an historical shingle in the guidelines, that the HPRB allow the proposal should it be an option that the owner prefer that option, with administrative approval by staff.

This was not accepted by the maker or seconder.

Vote on Main Motion **(APPROVED)**

Chairman Walker asked Vice Chair Blaker-Glass to confirm that the main motion stands as stated. The maker and seconder affirmed the main motion, as stated.

[For the purpose of clarity, the main motion as stated, follows:

- to **APPROVE** HPRB #19-29, with the following conditions:

  1. The replacement material shall be changed to standing seam metal panels comprised of low-profile seams (one inch or less), thin seams that are hand crimped, snow guards, and eighteen-inch to twenty-inch panel widths; and

  2. The applicant shall submit amended application materials to include the standing seam metal panel roof specifications that meet the above conditions for staff review and approval prior to approval of the Certificate of Appropriateness.]

Following brief comments, the question was called on the motion, which was carried by a vote of 5-1. The vote was: Board Members Boll, Ossolinski, Shah, Vice Chair Blaker-Glass and Chairman Walker voting "Aye." Board Member McFarlane voting "Nay." Board Member Fielding was absent.

10. **APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS FOR A WALL OR WINDOW SIGN, HPRB #19-31,** to consider an application for a Certificate of Appropriateness for the installation of a new business sign on the commercial building at 790 Station Street, Herndon, Virginia, located at the intersection of Station Street and Pine Street, and further identified as Fairfax County Tax Map 0162-02-0280. The property is zoned CC, Central Commercial; and consists of 6,539 total square feet of land. Owner/Applicant: Lynn Street Associates, LP. Applicant's Representative: Anthony Bashorun, Signarama.

Certificates of Publication were filed from the Editor of the *Fairfax County Times Newspapers*, showing that notices of said public hearing had been duly advertised in the Friday, August 2, 2019 and August 9, 2019 issues.

Chairman Walker opened the public hearing and called on Christopher Garcia, Community Design Planner, for the staff report.

Mr. Garcia presented the staff report dated August 2, 2019 dated, which is on file in the Department of Community Development.

Staff recommended approval of HPRB #19-31 with the following conditions:

1. The proposed sign shall be relocated and integrated with the other existing sign panels on the front elevation, facing Station Street;

2. Any holes in the exterior façade that may remain from reorienting/reorganizing the placement of the new and existing sign panels shall be filled/repaired prior to reinstallation of the sign panels on the front elevation;

3. All design modifications required as conditions of approval shall be submitted to staff for approval prior to issuance of a Certificate of Appropriateness and/or issuance of building permit; and

4. The proposed sign shall be installed in substantial conformance with updated supporting materials submitted on July 15, 2019, July 30, 2019, and any subsequent updates required.

Chairman Walker recognized the applicant.

The applicant was not present.

There were no comments from the audience.

There was no discussion amongst the Board members on this item.

Following the public hearing, Board Member Shah moved approval of HPRB #19-31 in accordance with the conditions recommended by staff. This motion was seconded by Vice Chair Blaker-Glass.

The question was called on the motion, which was carried by a vote of 6-0. The vote was: Board Members Boll, McFarlane, Ossolinski, Shah, Vice Chair Blaker-Glass and Chairman Walker voting "Aye." Board Member Fielding was absent.

ADJOURNMENT

There being no further business, the meeting adjourned at 8:18 p.m.

Robert B. Walker, Chairman
Heritage Preservation Review Board

Erika Orellana
Clerk to Boards and Commissions

Minutes approved by the Heritage Preservation Review Board:

From: Community Development
To: Garcia, Christopher
Cc: Okoniewski, Collin; Orellana, Erika; Jackson, Tammy
Subject: FW: application #19-29
Date: Wednesday, August 07, 2019 11:12:47 AM

Chris,

Received message on CD email re: support of application HPRB# 19-28 to keep for your correspondence.

Thank you,

Lisa Webster

Lisa Webster, Administrative Assistant
Community Development
703-787-7380
703-481-5280 (fax)
www.herndon-va.gov

TOWN OF Herndon VIRGINIA

From: Trudi Hays 2018 <lovetosing@verizon.net>
Sent: Tuesday, August 06, 2019 3:32 PM
To: Community Development <community.development@herndon-va.gov>
Subject: application #19-29

CAUTION: This email originated outside the Town of Herndon's email system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Town Council,

I would urge you to give homeowner Ann Null a favorable ruling concerning her roof/shingle situation so that she can get it completed before further damage is done. It is clear she has tried in good faith to work within all guidelines presented and I hope you can work with her as well so there is no unnecessary delay.

Gratefully,
Trudi Hays
1006 Merlins court
Herndon, VA

From: Town Clerk
To: Orellana, Erika
Cc: Okoniewski, Collin; Perry, Bryce
Subject: Ann Null's roof repair
Date: Wednesday, August 21, 2019 8:16:04 AM

-----Original Message-----
From: Scott and Sidney Leonard <scottsid@cox.net>
Sent: Wednesday, August 21, 2019 8:01 AM
To: Town Clerk <town.clerk@herndon-va.gov>
Subject: Ann Null's roof repair

CAUTION: This email originated outside the Town of Herndon's email system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Please let Ann repair her roof property so her house is not destroyed. This seems like a no brainer and should not even be an issue.

Sent from my iPhone
Sidney P Leonard
Herndon Community Center
Swim Instructor
703-517-8872

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Exhibit
19-G-60

From:	Town Clerk
To:	Orellana, Erika
Cc:	Okonlewski, Collin; Perry, Bryce
Subject:	FW: Application 2019-29
Date:	Wednesday, August 21, 2019 10:09:23 AM
Attachments:	Outlook-fordz4ik.png

From: Neal Beggan <nealbeggan@hotmail.com>
Sent: Wednesday, August 21, 2019 8:56 AM
To: Town Clerk <town.clerk@herndon-va.gov>
Cc: Stacey Beggan <staceybeggan@hotmail.com>
Subject: Application 2019-29

CAUTION: This email originated outside the Town of Herndon's email system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Heritage Preservation Review Board -

This e-mail on behalf of my wife, Stacey (cc:ed), and me is to acknowledge our support and approval of application 2019-29. Feel free to contact me with any questions. Thank you for your consideration.

-Neal Beggan
627 Spring St.
703-887-6509

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From: Wellershaus, Viki
To: Orellana, Erika
Cc: Okoniewski, Collin; Perry, Bryce
Subject: FW: Heritage Preservation Review Board Meeting Tonight re: Ann V Null Application 2019-29
Date: Wednesday, August 21, 2019 12:05:46 PM

From: Mary Burger <mary.b38@verizon.net>
Sent: Wednesday, August 21, 2019 11:22 AM
To: Town Clerk <town.clerk@herndon-va.gov>
Cc: 'Ann V Null' <annvnull@gmail.com>
Subject: Heritage Preservation Review Board Meeting Tonight re: Ann V Null Application 2019-29

CAUTION: This email originated outside the Town of Herndon's email system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I support Ann V Null's application for a new roof, and hope you too, can accept what she has proposed for redoing her roof top at her home on Oak Street. Ann and her now ex-husband purchased the house in the 90's., where she raised her two sons to be fine adults, now one is married and a parent too.

Ann, now owns the house alone and living on her Senior Fixed Income, major improvements are a definite hard-ship on one retired income, in today's world.
I hope you can see, "Guide Lines" set by the Heritage Preservation Review Board are to be guide lines only, not law. You can make your final decision as to whether you want to keep long standing Senior Citizens in their homes or force them to move to another state for lack of big money you require her to spend replacing her roof. Ann has always felt Herndon is a special place to live and one she hopes to retire in.

I was born and raised my entire 81 years in Herndon, a place I have always called my home and the best place to raise children. My ex-husband started the first Optimist Little League Football Team (60's), and he and my late uncle Haley Smith, started the first Optimist Little League Basketball Teams. Haley later started the first Soccer Teams. Thousands of young children in Herndon had a chance to play , grow, and develop into wonderful adults, that still live in Herndon.

Owning my home on 630 Wood Street (around the corner from Ann), if this were to happen to me, I would have to sell my home, if you refused a work with me too. We did not earn the wages and get the retirement you earn today. I am happy for you, but why penalize we seniors who help build Herndon into a stronger community for many years to come.

I can not attend tonight to help fight for Ann, so I rest my case and hope it will be a positive out-come for her.

Sincerely,
Mary S. Burger

Exhibit
19-G-60

From: Community Development
To: Garcia, Christopher; Perry, Bryce; Orellana, Erika
Subject: FW: Ann Nulls metal roof
Date: Monday, August 19, 2019 4:02:14 PM

Chris & Bryce,

This needs to be printed for the HPRB file. Will one of you acknowledge receipt of email? Let me know.

Thank you.

Tammy Jackson
Tammy Jackson, Office Assistant III
Community Development
703-787-7380
https://nam03.safelinks.protection.outlook.com/?url=www.herndon-va.gov&data=02%7C01%7Cerika.orellana%40herndon-va.gov%7C06feec2e23754df21e3608d724c01f70%7C81d03b99a7a64e3fbd44e05ee03196c7%7C0%7C0%7C637018417337910536&sdata=lOts%2F87D%2Bmj25Kp7szb82mvbIiJS25MY95byvu3jc0%3D&reserved=0

-----Original Message-----
From: Mary Carlson <marycarlson31@gmail.com>
Sent: Monday, August 19, 2019 3:11 PM
To: Community Development <community.development@herndon-va.gov>
Subject: Ann Nulls metal roof

CAUTION: This email originated outside the Town of Herndon's email system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I am writing to support her application for an asphalt roof.

Mary Carlson
635 Wood Street
Herndon, VA 20170

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Exhibit
19-G-60

From: Wellershaus, Viki
To: Perry, Bryce; Okoniewski, Collin; Orellana, Erika
Subject: Comments for the Record - HPRB #19-29 Oak Street roof
Date: Monday, August 19, 2019 8:23:02 AM

Good morning, below are comments to be entered into the record at the HPRB PH on Wednesday, August 21. Viki

HPRB #19-29
Owner/Applicant: Ann Vayda Null
Applicant's Representative: Jason Sickels.

From: webmaster@herndon-va.gov <webmaster@herndon-va.gov>
Sent: Monday, August 19, 2019 8:20 AM
To: Town Clerk <town.clerk@herndon-va.gov>
Subject: Oak Street roof, Wednesday vote

Message submitted from the <Town of Herndon, VA> website.

Site Visitor Name: Kim Phillips
Site Visitor Email: kimphillips123@gmail.com

As residents in the historic district, we would like to see the town council vote in favor of allowing the owner of the Oak Street house replace her roof with asphalt shingles.

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From: Town Clerk
To: Orellana, Erika
Cc: Okoniewski, Collin
Subject: FW: 631 Oak st - roof
Date: Tuesday, August 20, 2019 3:19:04 PM

-----Original Message-----
From: Jessi Ghanipour <jessighanipour@gmail.com>
Sent: Tuesday, August 20, 2019 2:28 PM
To: Town Clerk <town.clerk@herndon-va.gov>
Subject: 631 Oak st - roof

CAUTION: This email originated outside the Town of Herndon's email system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi,

We are the owners of 106 Pearl St and have been talking with Ann, the owner of 631 Oak St. We understand she would like to put a new roof with modern materials on her house. As neighbors in our community and Town of Herndon residents, we don't have an issue with her proposal.

I believe she is presenting in front of the preservation board this week, can you please forward our email to them.

Thanks,
Jessi and Parham Ghanipour
106 Pearl St

Sent from my iPhone 703-989-7871

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Exhibit
19-G-60

From: Town Clerk
To: Orellana, Erika
Cc: Okoniewski, Collin; Perry, Bryce
Subject: FW: HPRB #19-29 - Residential Roof Replacement at 631 Oak Street
Date: Wednesday, August 21, 2019 11:00:26 AM

From: trafficgods1 <trafficgods1@yahoo.com>
Sent: Wednesday, August 21, 2019 10:42 AM
To: Town Clerk <town.clerk@herndon-va.gov>
Subject: HPRB #19-29 - Residential Roof Replacement at 631 Oak Street

CAUTION: This email originated outside the Town of Herndon's email system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good morning,

I write this email to express my support for my good friend, Anne Vayda Null, who will seek permission from the Heritage Preservation Review Board for a watertight roof for her home at 631 Oak Street.

As a longtime resident of the town, I would much prefer a slightly more modern looking roof on an historic structure than risk significant water damage to that structure.

Jeffrey Mann
1221 Summerfield Dr.
Herndon, VA

Sent from my Verizon, Samsung Galaxy smartphone

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Exhibit
19-G-60

From: Town Clerk
To: Orellana, Erika
Cc: Okoniewski, Collin; Perry, Bryce
Subject: FW: Help getting approval of much-needed new roof
Date: Wednesday, August 21, 2019 10:08:30 AM

From: cary masonwalsh <denwalsh64@hotmail.com>
Sent: Wednesday, August 21, 2019 9:04 AM
To: Town Clerk <town.clerk@herndon-va.gov>
Subject: Help getting approval of much-needed new roof

CAUTION: This email originated outside the Town of Herndon's email system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear TOH board:
As 32 year residents of Herndon, we support Ann Null's proposal for roof variance.
Dennis M Walsh and Cary Mason
1007 Charlton Place
Herndon, Virginia 20170
703-481-0129

Sent from my iPad

Begin forwarded message:

> **From:** Ann V Null <annvnull@gmail.com>
> **Date:** August 21, 2019 at 7:51:15 AM EDT
> **To:** Ann Vayda Null <annvnull@gmail.com>
> **Subject: Help getting approval of much-needed new roof**
>
> Fellow residents of our hometown Herndon:
>
> Tonight I seek permission to finally get a watertight roof. If you feel so moved, please email the Heritage Preservation Review Board c/o town.clerk@herndon-va.gov in support of application 2019-29.
>
> Thank you!
>
> Here's the L...O...N...G version
>
> Heritage Preservation Review Board
> Public Hearing 2019.08.21
>
> HPRB #19-29 - Residential Roof Replacement at 631 Oak Street

Exhibit
19-G-60

Chairman, Members of the Board, and Staff,

Questions

I have asked of Staff that the Town Atorney issue an interpretation of the "consideration of expenses" wording.

I've also asked that the public record reflect how many among this board currently reside in a heritage structure and have chosen HPD's impositions for themselves.

Preservation is worthy

I am a long-term Herndon citizen who treasures our rich history; and I share the Board's preservation goal. I have been trying to preserve the pressed tin shingles since 1991 (more than 25 years). My former husband and I have repeatedly contracted historic restorationists to scrape, patch, and paint - an expensive and inconvenient process. And yet my roof continues to leak, damaging the wooden sub-structure and the ceiling plaster. I am newly the sole owner and sole decision-maker for a home (that I have long loved and nurtured). I raised my two sons in this home, and I am eager to raise my grandchildren here. This is not a case of a quick flip for profit. I'm a long-term, proud steward of a modest but contributing structure.

Saving history requires Accommodation

As you well know, two neighboring Heritage structures on Florence Place are no longer salvageable due to failed metal roofs. Allowing water-tight functional roofs is a critical act of preserving the heritage structures beneath them.

Esthetics

As noted on the historic landmark survey form, my roof is described as 'other' - "unusual modified hipped roof" ... "Odd hipped roof....." ...
NOT a traditional roof line that would lend itself well to replacement with standing seam.

My personal esthetics preclude standing seams with their pronounced striping appearance on the busy, steep angles of this unique roof.

Regarding the rounded, fish-scale style asphalt shingles (included in the Staff Report), the attached garage and breezeway have architectural shingles. Again, my taste precludes the esthetic busy-ness of additional roofing material as visual clutter.

Financial Hardship

This property needs a lot of work. Disproportionately directing all spending to the roof,

precludes preservation elsewhere in the structure. I am neither the Sultan of Brunei nor Mother Theresa. This Board is not college scholarship review board and should not base its decision on whether funding is from: "Tony the Shark", the sale of one of my kidneys, or from my modest retirement. This decision is about reasonable stewardship of finite resources.

Amend application?

As I offered to staff, would the Board consider covering the 'eyebrow' / dormer windows with standing seam to match the standing seam on the front porch, and adding snow guards?

Nuanced Discernment

The guidelines are printed in black and white with little need of interpretation. You have been selected and appointed to this Board for to introduce the human element.

Conclusion

The roof needs to be replaced before there is significant additional damage to the structure. The leaking is acute, time is of the essence; and I respectfully decline a continuance. This evening I urge your approval - with or without the proposed amendments.

Thank you
Sent from my iPad

CONFIDENTIALITY NOTE: The information transmitted, including attachments, is intended only for the person(s) or entity to which it is addressed and may contain confidential and/or privileged material. Any review, re-transmission, dissemination or other use of, or taking of any action in reliance upon this information by persons or entities other than the intended recipient is prohibited. If you received this in error, please contact the sender and destroy any copies of this information.

From: Wellershaus, Viki
To: Orellana, Erika
Cc: Okoniewski, Collin; Perry, Bryce
Subject: FW: Support HPRB #19-29 - Residential Roof Replacement at 631 Oak Street
Date: Wednesday, August 21, 2019 12:06:20 PM

-----Original Message-----
From: Dave von Hausen <dvonhausen@gmail.com>
Sent: Wednesday, August 21, 2019 11:12 AM
To: Town Clerk <town.clerk@herndon-va.gov>
Subject: Support HPRB #19-29 - Residential Roof Replacement at 631 Oak Street

CAUTION: This email originated outside the Town of Herndon's email system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Please support Ann V Null by giving her permission to get a watertight roof. Thank you. Dave von Hausen. 1316 April Way, Herndon, VA 20170.

CONFIDENTIALITY NOTE: The information transmitted, including attachments, is intended only for the person(s) or entity to which it is addressed and may contain confidential and/or privileged material. Any review, re-transmission, dissemination or other use of, or taking of any action in reliance upon this information by persons or entities other than the intended recipient is prohibited. If you received this in error, please contact the sender and destroy any copies of this information.

From:	Tim Morrow
To:	HPRB/ARB
Subject:	RE: HPRB #19-29 - Resident Comment for Architectural Review Board Meeting Wednesday, August 21, 2019
Date:	Monday, August 19, 2019 9:59:18 AM

CAUTION: This email originated outside the Town of Herndon's email system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

DATE: 19 August, 2019

TO: Herndon Preservation Review Board

RE: HPRB #19-29:
Resident Comment for Architectural Review Board Meeting Wednesday, August 21, 2019

APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS FOR AN ALTERATION TO AN EXISTING STRUCTURE

"to consider an application for a Certificate of Appropriateness for the replacement of the existing
stamped metal shingle roof with a new architectural asphalt shingle roof on the single-family residential building at 631 Oak Street."

Applicant: Ann Vayda Null

Comment:

As neighbors and neighborhood homeowners in the preservation area (also in R10), we believe that the applicant's request is entirely in keeping with the goals and aims of the Herndon Preservation Review Board's charter for preserving Herndon's character.

In keeping with the Review Board's stated goal of "assisting homeowners, not dictating to them,"[1] the homeowner's request to replace the dilapidated, patched, and yet still leaking metal roof with architectural shingles will not only help to keep the homeowner financially able to properly maintain her historic property (and thus stave off replacement by a commercial buyer with the funds to demolish and replace the existing home), it will actually improve the visual continuity of the home, which already has an attached garage with architectural shingles that look entirely appropriate for the home and the block in which the home stands.

We support the homeowner's application, and urge the Preservation Board to approve a Certificate of Appropriateness for this applicant.

Regards,

Charles (Tim) and Ellen (Ellie) Morrow
631 Spring Street
Herndon, VA 20170

[1] Page 2, Herndon Heritage Preservation Handbook

TOWN OF HERNDON, VIRGINIA

RESOLUTION

September 24, 2019

Resolution- to approve a temporary license agreement to use a designated public space in the alley adjacent to Jimmy's Old Town Tavern for outdoor seating for an event

BE IT RESOLVED by the Town Council for the Town of Herndon, Virginia that:

1. The Town Council approves a temporary license agreement dated September 24, 2019 between the Town of Herndon as licensor and JOTT, INC. d/b/a Jimmy's Old Town Tavern (Jimmy's) as licensee. The license allows Jimmy's to use designated alley public space adjacent to Jimmy's for outdoor seating during an event on October 6th of 2019. The license agreement may contain other terms agreed to by the Mayor and is on file in the office of the Town Attorney.

2 The Mayor is authorized to sign and deliver this license agreement and any other instrument to evidence or support the license agreement

3. This resolution shall be effective on and after the date of its adoption.

AGREEMENT

This Agreement ("Agreement") is made this 24th day of September 2019 by and between JOTT, INC. d/b/a Jimmy's Old Town Tavern ("Jimmy's) and the TOWN OF HERNDON, VIRGINIA, ("Town").

WHEREAS Jimmy's represents that they have a Temporary Use Permit to conduct an event in the Town of Herndon on October 6th of 2019 represented in "Exhibit 1" attached hereto ("Permit") and that Jimmy's would like to use the Town's property behind Jimmy's Old Town Tavern Restaurant as shown on the Permit and known as the "Alley";

WHEREAS the Town desires to permit the use of the Alley by Jimmy's on these dates as described in the Permit (on October 6th of 2019 only).

Now therefore the parties agree as follows:

1. The Town hereby grants Jimmy's authorization to temporarily use the Alley for purposes described in the Permit

2. Jimmy's shall comply with the terms of the Permit and all applicable town, state and federal laws and regulations obtaining and maintaining at all times any other permit(s) required under applicable law for this use.

3. The parties expressly agree and contract that there shall be no fee for the use of the Town property on this occasion only.

4. The permission to use the property granted by this agreement is nonexclusive in nature, and the Town reserves the right to make concurrent use of the Property.

5. Jimmy's hereby assumes all risk of damage by reason of its occupation of the Alley caused by any defects therein or activity occurring thereon, whether caused by the negligence of the Town, its officers, agents, or employees, or otherwise, and Jimmy's hereby agrees to hold harmless and indemnify the Town, its officers, agents and employees, from and against any such liability for such damage or injury to the extent permitted under the laws of the Commonwealth of Virginia.

6. Jimmy's shall secure, provide and maintain insurance to protect the Town of such type and in such amount as is described below naming the Town as an additional insured. This Agreement shall not take effect until evidence of insurance is provided to the Town and the Town gives Jimmy's written confirmation that the type and amount of insurance is accepted.

Insurance limits shall not be less than the following amounts:

Commercial General Liability – Combined single limit of at least $1,000,000 per occurrence and $2,000,000 general aggregate. Policy shall be endorsed to name the Town as an additional insured.

The insurance required hereunder shall be maintained in effect during the duration of this Agreement. Insurance Policy(s) shall contain a valid provision or endorsement that the policy may not be canceled, terminated, changed or modified without giving thirty (30) calendar days advance written notice thereof to the Town.

7. Termination: The Town may terminate this Agreement upon 24 hours notice to Jimmy's for cause.

8. This Agreement, having been executed in the Commonwealth of Virginia, the construction and performance thereof or any dispute shall be governed by the laws of Virginia. Venue shall be proper in the County of Fairfax, Virginia.

9. This Agreement contains the entire and only agreement between the parties and it supersedes and merges all pre-existing agreements. Any representations, understandings, promises and any conditions not expressly incorporated herein shall not be binding upon either party or their respective successors in interest.

JOTT, INC.

d/b/a Jimmy's Old Town Tavern

By James C. Cirrito
President

COMMONWEALTH OF VIRGINIA
COUNTY OF FAIRFAX

The foregoing instrument was acknowledged before me this 16th day of September 2019 by JAMES C. CIRRITO, President of JOTT, INC. d/b/a Jimmy's Old Town Tavern, a Virginia corporation, on its behalf.

SARAH WHEELER COMMONWEALTH OF VIRGINIA REGISTRATION NO 7771261 MY COMM EXPIRES 05/31/2022 NOTARY PUBLIC

Notary Public
My Commission Expires: 5/31/2022
Registration No.: 7771261

Attachment
19-G-61

ATTEST:

TOWN OF HERNDON, VIRGINIA

_____
Town Clerk

By _____
Lisa C. Merkel
Mayor

COMMONWEALTH OF VIRGINIA
COUNTY OF FAIRFAX

The foregoing instrument was acknowledged before me this ____ day of May, 2019 by LISA C. MERKEL, MAYOR of the TOWN OF HERNDON, VIRGINIA, a Virginia municipal corporation, on its behalf.

_____
Notary Public
My Commission Expires: _____
Registration No.:_____

APPROVED AS TO FORM:

_____
Lesa J. Yeatts
Town Attorney

TOWN OF HERNDON, VIRGINIA

RESOLUTION

September 24, 2019

Resolution- to approve a temporary license agreement for the use of the Town public parking lot designated as Fairfax County Tax Map # 0162-02-0301C1, located behind Mediterranean Breeze at 781 Station Street, for a Saturday Anniversary event for Mile 20 at Mediterranean Breeze. The property is zoned PD-D, Planned Development - Downtown, District

BE IT RESOLVED by the Town Council for the Town of Herndon that:

1. The Town Council approves a temporary license agreement dated September 24, 2019 between the Town of Herndon as licensor and TERYANNA, LLC. d/b/a Mile 20 at Mediterranean Breeze ("Mile 20") as licensee. The license allows Mile 20 to use a designated Town parking lot behind Mediterranean Breeze for an event on September 28th of 2019. The license agreement may contain other terms agreed to by the Mayor and is on file in the office of the Town Attorney.

2 The Mayor is authorized to sign and deliver this license agreement and any other instrument to evidence or support the license agreement

3. This resolution shall be effective on and after the date of its adoption.

AGREEMENT

This Agreement ("Agreement") is made this 24th day of September 2019 by and between TERYANNA, LLC. d/b/a Mile 20 at Mediterranean Breeze ("Mile 20") and the TOWN OF HERNDON, VIRGINIA, ("Town").

WHEREAS Mile 20 represents that they have a Temporary Use Permit to conduct an event in the Town of Herndon on September 28th of 2019 represented in "Exhibit 1" attached hereto ("Permit") and that Mile 20 would like to use the Town public parking lot designated as Fairfax County Tax Map # 0162-02-0301C1 located behind Mediterranean Breeze at 781 Station Street ("Parking Lot").

WHEREAS the Town desires to permit the use of the parking lot by Mile 20 on these dates as described in the Permit (on September 28th of 2019 only).

Now therefore the parties agree as follows:

1. The Town hereby grants Mile 20 authorization to temporarily use the parking lot for purposes described in the Permit

2. Mile 20 shall comply with the terms of the Permit and all applicable town, state and federal laws and regulations obtaining and maintaining at all times any other permit(s) required under applicable law for this use.

3. The parties expressly agree and contract that there shall be no fee for the use of the Town property on this occasion only.

4. The permission to use the property granted by this agreement is nonexclusive in nature, and the Town reserves the right to make concurrent use of the Property.

5. Mile 20 hereby assumes all risk of damage by reason of its occupation of the parking lot caused by any defects therein or activity occurring thereon, whether caused by the negligence of the Town, its officers, agents, or employees, or otherwise, and Mile 20 hereby agrees to hold harmless and indemnify the Town, its officers, agents and employees, from and against any such liability for such damage or injury to the extent permitted under the laws of the Commonwealth of Virginia.

6. Mile 20 shall secure, provide and maintain insurance to protect the Town of such type and in such amount as is described below naming the Town as an additional insured. This Agreement shall not take effect until evidence of insurance is provided to the Town and the Town gives Mile 20 written confirmation that the type and amount of insurance is accepted.

Insurance limits shall not be less than the following amounts:

Commercial General Liability – Combined single limit of at least $1,000,000 per occurrence and $2,000,000 general aggregate. Policy shall be endorsed to name the Town as an additional insured.

The insurance required hereunder shall be maintained in effect during the duration of this Agreement. Insurance Policy(s) shall contain a valid provision or endorsement that the policy may not be canceled, terminated, changed or modified without giving thirty (30) calendar days advance written notice thereof to the Town.

7. Termination: The Town may terminate this Agreement upon 24 hours notice to Mile 20 for cause.

8. This Agreement, having been executed in the Commonwealth of Virginia, the construction and performance thereof or any dispute shall be governed by the laws of Virginia. Venue shall be proper in the County of Fairfax, Virginia.

9. This Agreement contains the entire and only agreement between the parties and it supersedes and merges all pre-existing agreements. Any representations, understandings, promises and any conditions not expressly incorporated herein shall not be binding upon either party or their respective successors in interest.

TERYANNA, LLC.

d/b/a Mile 20 at Mediterranean Breeze

By: Phillip Orme
Phillip Orme
Title: owner

COMMONWEALTH OF VIRGINIA
COUNTY OF FAIRFAX

The foregoing instrument was acknowledged before me this 9th day of September 2019 by PHILLIP ORME, owner of TERYANNA, LLC d/b/a Mile 20 at Mediterranean Breeze, a Virginia limited liability corporation, on its behalf.

SARAH WHEELER COMMONWEALTH OF VIRGINIA NOTARY PUBLIC REGISTRATION NO 7771261 MY COMM EXPIRES 08/31/2022

Notary Public
My Commission Expires: 5/31/2022
Registration No.: 7771261

Attachment
19-G-62

ATTEST:

TOWN OF HERNDON, VIRGINIA

_____
Town Clerk

By _____
Lisa C. Merkel
Mayor

COMMONWEALTH OF VIRGINIA
COUNTY OF FAIRFAX

The foregoing instrument was acknowledged before me this ____ day of May, 2019 by LISA C. MERKEL, MAYOR of the TOWN OF HERNDON, VIRGINIA, a Virginia municipal corporation, on its behalf.

_____
Notary Public
My Commission Expires: _____
Registration No.: _____

APPROVED AS TO FORM:

_____
Lesa J. Yeatts
Town Attorney

Attachment
19-G-62

TOWN OF HERNDON, VIRGINIA

RESOLUTION

SEPTEMBER 24, 2019

Resolution- to accept the State of the Town Report, Fiscal Year 2019.

WHEREAS, pursuant to Chapter 4-2(d) of the Town of Herndon Charter, the Town Manager is required to prepare for publication and to submit to the Town Council each September at a regular meeting in September a concise, comprehensive report of the financial transactions and administrative activities of the Town government during the immediately preceding fiscal year; and

WHEREAS, following the Town's annual audit, a Comprehensive Annual Financial Audit report of the Town is presented to the Town Council in December; and

WHEREAS, the Town Manager has prepared a report of the administrative activities of the Town government titled *"Town of Herndon Annual Report FY 2019,"* including an Executive Summary; and

WHEREAS, a copy of the report is posted on the Town's Web site and is available to citizens at the Herndon Fortnightly Library and the Herndon Municipal Center.

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Herndon, Virginia, hereby accepts the *"Town of Herndon Annual Report FY 2019."*

TOWN OF HERNDON, VIRGINIA

RESOLUTION

September 24, 2019

Resolution- To Authorize an Application to the Virginia Department of Transportation (VDOT) for the Allocation of Revenue Sharing Funds.

WHEREAS, the Revenue Sharing Program provides additional funding to construct, improve or maintain the highway system; and

WHEREAS, the program is administered by the Virginia Department of Transportation in cooperation with the participating locality, under the authority of Section 33.1-23.05 of the Code of Virginia; and

WHEREAS, the Town of Herndon may directly apply for this program since it maintains its own streets; and

WHEREAS, the town must provide VDOT with a Revenue Sharing application and resolution, outlining its request to participate and support of the potential projects identified for possible funding by October 1, 2019; and

WHEREAS, the town staff desires to submit an application for an allocation of funds up to $650,000 through the Virginia Department of Transportation Fiscal Years 2021 - 22 Revenue Sharing Program; and

WHEREAS, the town must commit a minimum of fifty percent in matching funds, or $325,000 within the two fiscal years subsequent to allocation, along with a town/VDOT agreement prior to beginning a locally administered project; and

WHEREAS, these funds in the amount up to $650,000, are requested to fund the Pavement Overlay Program in the town.

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Herndon, Virginia hereby authorizes an application be submitted for the allocation of up to $650,000 through the Virginia Department of Transportation Revenue Sharing Program.