

TOWN OF HERNDON, VIRGINIA
ARCHITECTURAL REVIEW BOARD PUBLIC HEARING AGENDA
FEBRUARY 16, 2022
HERNDON COUNCIL CHAMBERS BUILDING
765 LYNN STREET
7:30 P.M.

CALL TO ORDER

1. Roll Call
2. Determination of Quorum

APPROVAL OF MINUTES

3. January 5, 2022, Work Session Draft Minutes
4. January 19, 2022, Public Hearing Draft Minutes

COMMENTS

5. Comments from the Board Members
6. Comments from the Staff Members
7. Comments from the Audience

PUBLIC HEARING

8. **APPLICATION FOR SIGNAGE, ARB #22-002**, to consider an application for three exterior wall signs located at 1062 Elden Street, Herndon Virginia and further identified as Fairfax County Tax Map 0161 02 0026A. The site is located within the Dulles Park Shopping center on the west side of Elden Street and is situated approximately 520 feet south of the intersection of Elden Street and Sterling Road. This property is zoned as CS, Commercial Services District, and consists of 351,915 square feet of land. Owner: Dulles Park Shopping Center LLC TR. Applicant/Agent: Betsy Marino, Service Neon Sign.

NEW BUSINESS

9. Resolution, to approve amendment to the by-laws for the Architectural Review Board (ARB).

ADJOURNMENT



MEMORANDUM

To: Chair Blaker-Glass & Members of the Architectural Review Board

From: Tamsin Himes, Lead Planner/Design and Development ~~77~~

Date: January 28, 2022

Subject: ARB #22-002 1062 Elden Street, Herndon Virginia

Staff Comments:

The above noted case was an application for permanent wall signage at 1062 Elden Street. The application was submitted for ARB review and was officially put on the Board's agenda for the February 2nd Work Session but was withdrawn by the applicant after the legal ads were published. The applicant has put the project on hold indefinitely and will re-apply if they wish to continue in the future. This case is being officially closed out by town staff.

Title: Resolution - to amend Article IV, Sections (a) and (b) of the By-laws of the Town of Herndon the Architectural Review Board

Staff Contact: Tamsin Himes
Lead Planner, Design and
Development
tamsin.himes@herndon-va.gov
(571) 612-0537

Summary Information:

The current By-laws of the Architectural Review Board (ARB) of the Town of Herndon, Virginia, were approved and adopted November 19, 2018. The current version of the By-laws does not specifically address the procedure to follow when a meeting of the Board is unnecessary due to lack of applications for consideration. Staff and the Town Attorney recommend an amendment to Article IV, Section (a) of the By-laws so that it is clear that the Chair of the ARB can declare in writing that the conduct of a regular meeting is continued to the next regular meeting day.

Additionally, Article IV, Sections (a) and (b) of the current By-laws still make reference to the "Heritage Preservation Review Board". On November 17, 2020 the Herndon Town Council approved Ordinance 20-O-61, for a Zoning Ordinance Text Amendment ZOTA #20-01, that amended multiple sections of Chapter 78 (ZONING) of the Herndon Town Code relating to the Heritage Preservation Overlay district and the Heritage Preservation Review Board. Foremost, the ZOTA changed the name of the Heritage Preservation Overlay district to the Historic District Overlay, and changed the name of the Heritage Preservation Review Board to the Historic District Review Board.

The By-laws for this board must now be amended to reflect the situation where it is unnecessary for the ARB to meet due to lack of applications for consideration and to change the reference to the Heritage Preservation Review Board to the Historic District Review Board.

No other revisions are being proposed by staff at this time.

Staff Analysis

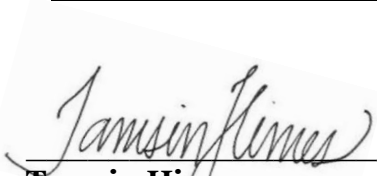
Pursuant to Article IX. of the current By-laws, a proposal for a modification to the By-laws must be submitted to the Board at a regular meeting and then scheduled for consideration and action at the next regular meeting. The revisions to the By-laws are being presented to the Board at this regular meeting for review and discussion and this item will also be placed on the agenda for the February 16, 2022, regular meeting/public hearing for consideration of the revisions and a final vote.

A redline version of the proposed changes to the bylaws is attached hereto as Attachment #1, and a final version the bylaws is attached hereto as Attachment #2 for the Board’s review and consideration. The proposed by-laws can be adopted with an ARB resolution, which is also attached hereto as Attachment #3.

Staff Recommendation:	Staff recommends approval of the Resolution - to amend Article IV, Sections (a) and (b) of the By-laws of the Town of Herndon the Architectural Review Board attached to the staff report.
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Report Attachments

1.	Redline draft of revised ARB by-laws
2.	Final revised ARB by-laws
3.	Resolution to approve the revised by-laws



Tamsin Himes
Lead Planner/Design and Development



Bryce A. Perry
Deputy Director of Community Development

**Town of Herndon, Virginia
Architectural Review Board**

By-Laws

Introduction

This Architectural Review Board is established pursuant to §7.4:1 of the Charter of the Town of Herndon, Chapter 58 of the Herndon Town Code and §78-150.5 of the Herndon Town Code.

**ARTICLE I.
BOARD MEMBERS**

- a. COMPOSITION/QUALIFICATIONS OF MEMBERS. The Architectural Review Board (“ARB”) shall consist of FIVE (5) members, appointed by the Town Council, at least one of which shall be an architect registered in Virginia and at least one shall be a member of the Virginia State Bar. All members of the board shall be residents of the Town except one architect member who may or may be a resident of the Town. In the event the one architect member shall not be a resident of the Town, the appointment shall be for a period of one year.
- b. TERM. The term of the members of the ARB shall be for three (3) years except that in the event the one architect member shall not be a resident of the Town, the term shall be for a period of one year.
- c. RESIGNATION. Any member who resigns from the ARB prior to the end of their term shall do so in writing to the chair. The effective date of such resignation shall be the date of the letter to the chair unless another date is stated within the letter of resignation.

[Date By-laws approved and adopted]

- d. VACANCIES. Vacancies occurring for reasons other than expiration of terms shall be filled for the period of the unexpired term by appointment by the Town Council for the unexpired term only. Any member is eligible for reappointment.
- e. REMOVAL. Any member may be removed by the Town Council for malfeasance, misfeasance or nonfeasance in office
- f. COMPENSATION. All members of the ARB shall receive monthly compensation in an amount approved by the Town Council.

ARTICLE II.
ELECTION AND DUTIES OF OFFICERS OF THE ARB

- a. ELECTION OF CHAIR/VICE-CHAIR. The ARB shall annually at its first public hearing in January, elect from its appointed members a Chair and a Vice Chair whose terms shall be for one year or until a successor takes office. If the office of Chair becomes vacant, the Vice Chair automatically becomes Chair and the office of Vice Chair becomes vacant. The ARB shall then, after a new member has been appointed elect from its appointed members a new Vice Chair. If the office of Chair becomes vacant at a time when there is no Vice Chair, the ARB shall elect from its current members both a Chair and a Vice Chair.
- b. DUTIES OF CHAIR. The Chair shall preside over all hearings and meetings of the ARB, with the same powers and duties as the other members, with vote but no veto power. He shall be the official head of the ARB and shall perform such other duties not inconsistent with his office including being informed of any official communication and reporting about such to the ARB at the next regular ARB meeting.
- c. DUTIES OF VICE-CHAIR. The Vice-Chair shall act in the absence or inability of the Chair to act, serve as aide to the Chair and represent the Chair upon request.

[Date By-laws approved and adopted]

d. CHAIR PRO TEM. In the absence of both the Chairman and Vice-Chairmen, the ARB shall elect by a majority vote a Chair Pro Tem, who shall preside over the meeting and shall act as Chair.

ARTICLE III. DESIGNATION AND DUTIES OF STAFF

The Community Development Director or his designee shall serve as the professional staff to the ARB. The duties of such staff shall include the preparation and presentation of applications before the ARB, preparation of draft minutes, preparation and compilation of a written record of the official actions of the ARB (minutes) which shall be posted on the Town's website and filed in the office of the Community Development Department at 777 Lynn Street and preparation of official correspondence to and from the ARB as directed by the Chair.

ARTICLE IV. MEETINGS

a. REGULAR MEETINGS. The ARB shall meet in regular session on the third Wednesday of each month at 7:30 p.m. or immediately following the ~~Heritage Preservation~~ **Historic District** Review Board meeting, whichever occurs first at 765 Lynn Street, Herndon, Virginia. In the event such date falls on a legal holiday, the meeting shall be held on the fourth Wednesday of the month unless otherwise provided by resolution of the ARB. The ARB may also meet at such other times or places within the boundaries of the Town of Herndon that the ARB designates by duly adopted resolution.

Should the conduct of a regular meeting be **unnecessary due to a lack of applications for consideration or** impossible due to the inability to obtain a quorum, or due to weather or other conditions such that it is hazardous for members to attend the regular meeting, as declared in writing by the chair, the regular meeting

[Date By-laws approved and adopted]

shall be continued to the next regular meeting day at 7:30 p.m. at 765 Lynn Street, Herndon, Virginia. The press shall be notified as promptly as possible. All hearings and other matters previously advertised shall be conducted at the continued meeting and no further advertisement is required.

b. REGULAR WORK SESSIONS AND SPECIAL MEETINGS. The ARB shall meet in regular work session on the first Wednesday of each month at 7:30 p.m. or immediately following the ~~Heritage Preservation~~ **Historic District** Review Board meeting, whichever occurs first at 765 Lynn Street, Herndon, Virginia. In the event such date falls on a legal holiday, the meeting shall be held on the second Wednesday unless otherwise provided by the resolution of the ARB. Special meetings or additional work sessions of the ARB may be called when necessary by the Chair and notice shall be provided at least five business days in advance to members, the public and the press.

c. PUBLIC HEARINGS. Public hearings are open to the public and citizens are encouraged to speak. Members of the ARB are not expected to respond to general questions. Response to questions shall be made at the discretion of the Chair.

Notice of public hearing shall be provided in accordance with Code of Virginia and the Herndon Town Code and may be supplemented with additional notices as deemed appropriate by the ARB or staff.

Sign-in forms, if deemed necessary by the Chair, shall be completed by persons desiring to speak, listing printed name, phone number, and address of the person desiring to speak, and application number of the issue to be addressed.

Members of the public or their representatives desiring to address the ARB shall proceed to the appointed place, clearly state their names and addresses, and shall be subject to the following time limitations: 10 minutes total for the applicant and any of the applicant's representatives; 3 minutes per individual for all others. The Chair may, at personal discretion, allow additional time for speakers.

[Date By-laws approved and adopted]

Members of the ARB shall limit their comments to ensure public participation without ARB interference. At the completion of each presentation, members of the ARB shall have an opportunity to ask questions or clarify points made during the speaker's presentation.

(d) ORDER OF PUBLIC HEARING

- Presentation by staff summarizing the item.
- Presentation by the applicant.
- Testimony of citizens desiring to speak.
- Concluding comments by the applicant, if the Chair determines such are necessary; questions by ARB members.
- Concluding comments by staff, if the Chair determines such are necessary; questions by ARB members.
- Public hearing closed by the Chair.
- Motion
- Discussion by ARB members.
- Vote (roll call vote if deemed necessary by the Chair)

(e) ELECTRONIC PARTICIPATION IN MEETINGS. A member of the ARB may participate in a meeting that is not a public hearing from a remote location only pursuant to the requirements set forth in Sec. 2-4 of the Code of the Town of Herndon.

ARTICLE V.

CONDUCT OF THE MEMBERS OF THE ARCHITECTURAL REVIEW BOARD

Section 2-5 of the Code of the Town of Herndon, “Code of Ethics for the Members of the Town Council and Council Appointed Board and Commission Members” is hereby incorporated by reference and members of the ARB shall so govern their actions.

ARTICLE VI. CONDUCT OF PERSONS

APPEARING BEFORE THE ARCHITECTURAL REVIEW BOARD

[Date By-laws approved and adopted]

During all public hearings and other regular meetings of the ARB, the public may be present, and a specific time shall be reserved for receipt of public comments. At other times, the public shall remain silent unless specifically invited by a member of the ARB and permitted by the Chair to provide comment.

Comments should be addressed to the item before the ARB. If a comment is irrelevant, inflammatory, or prejudicial, the Chair may instruct the members to "disregard" the comment, which nevertheless remains in the public record.

ARTICLE VII. VOTING AND TRANSACTION OF BUSINESS

a. **PARLIAMENTARY AUTHORITY.** Parliamentary procedure at ARB meetings shall be governed by the most recent edition of Robert's Rules of Order, newly revised, as applicable to boards, except to the extent set out otherwise in these bylaws or the Code of Virginia. The Town Attorney is Parliamentarian of the ARB.

b. **QUORUM.** A quorum shall consist of three members of the ARB and no action of the ARB shall be valid unless authorized by a majority vote of those present and voting. Unless otherwise specified by the Chair, actions shall be by oral vote with the vote of each member recorded in the minutes.

c. **SUSPENSION OF THE RULES.** No rule of the ARB shall be suspended without the concurrence of three-fourths of the members present and such suspension shall be limited to the meeting then in progress.

d. **AGENDA.** The activities at any regular meeting of the ARB shall be in accordance with a formal agenda. Such agenda shall be distributed to the ARB And made available to the public prior to each meeting.

e. **ORDER OF BUSINESS (Regular Meeting).** At regular meetings of the ARB,

[Date By-laws approved and adopted]

business shall be conducted in the following manner:

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- Staff comment period
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- Adjournment

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g. **AMENDMENTS TO AGENDA.** Agendas may be amended and/or items added or deleted from the agenda by majority concurrence of the members.

ARTICLE VIII. SEPARABILITY

Should any article of the ARB bylaws be found to be void, the remaining articles shall remain in effect.

[Date By-laws approved and adopted]

ARTICLE IX. MODIFICATION OF BYLAWS

Modification of these bylaws shall be approved by the ARB in regular session. Proposals for modification shall be submitted to the ARB at a regular meeting and shall be scheduled for consideration and action at the next regular meeting. An affirmative vote of two-thirds of the entire ARB shall be required to modify the bylaws.

Approved and adopted this _____ day of _____, 2022.

Leslie Blaker-Glass, Chair
Historic District Review Board

Attest:

Erika Orellana
Clerk of Boards and Commissions

[Date By-laws approved and adopted]

**Town of Herndon, Virginia
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By-Laws

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Approved and adopted this _____ day of _____, 2022.

Leslie Blaker-Glass, Chair
Historic District Review Board

Attest:

Erika Orellana
Clerk of Boards and Commissions

[Date By-laws approved and adopted]

TOWN OF HERNDON, VIRGINIA

RESOLUTION

FEBRUARY 16, 2022

Resolution – to amend Article IV, Sections (a) and (b) of the By-laws of the Town of Herndon Architectural Review Board

WHEREAS, The Architectural Review Board of the Town of Herndon desires to amend its By-laws to provide for cancelation of regular meetings when no applications have been received for consideration; and

WHEREAS, The Architectural Review Board of the Town of Herndon desires to amend its By-laws to delete any reference to “Heritage Preservation” Review Board and replace it with “Historic District” Review Board.

NOW, THEREFORE BE IT RESOLVED by the Architectural Review Board for the Town of Herndon, Virginia, that:

1. The By-laws shall be amended as follows:

ARTICLE IV. MEETINGS

a. REGULAR MEETINGS. The ARB shall meet in regular session on the third Wednesday of each month at 7:30 p.m. or immediately following the ~~Heritage Preservation~~ **Historic District** Review Board meeting, whichever occurs first at 765 Lynn Street, Herndon, Virginia. In the event such date falls on a legal holiday, the meeting shall be held on the fourth Wednesday of the month unless otherwise provided by resolution of the ARB. The ARB may also meet at such other times or places within the boundaries of the Town of Herndon that the ARB designates by duly adopted resolution.

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possible. All hearings and other matters previously advertised shall be conducted at the continued meeting and no further advertisement is required.

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2. This Resolution shall be effective on and after February 16, 2022.