**TOWN OF HERNDON, VIRGINIA**
**PLANNING COMMISSION VIRTUAL PUBLIC HEARING AGENDA**
**DECEMBER 14, 2020**
**HERNDON COUNCIL CHAMBERS BUILDING**
**765 LYNN STREET**
**7:00 P.M.**

**CALL TO ORDER**

1. Roll Call

**APPROVAL OF AGENDA**

**APPROVAL OF MINUTES**

2. November 9, 2020 Work Session Minutes Draft Minutes

3. November 16, 2020 Public Hearing Draft Minutes

**COMMENTS**

4. Comments from the Staff Members

5. Comments from the Commissioners

**NEW BUSINESS**

6. Proposed Changes to the 2021 Planning Commission Meeting Schedule

**PUBLIC HEARINGS**

7. **APPLICATION FOR A SPECIAL EXCEPTION – SE #20-04, 459 Herndon Parkway, units 7 & 8, Christ Fellowship Church,** to consider a special exception to permit a religious institution with a capacity of 300 or fewer persons. Fairfax County Tax Map Reference Numbers: 0164-22-0007 and 0164-22-0008A. Applicant: George Churchwell. Property Owner: HLI Group LLC. Prospective Purchaser: Walter Hamilton, III, Christ Fellowship Church. *(Continued from the November 16, 2020 Planning Commission public hearing.)*

8. **APPLICATION FOR A SPECIAL EXCEPTION - SE #20-03, 763 Dranesville Road,** to consider a special exception to permit an accessory dwelling unit as an accessory structure associated with a single-family residence in an R-15, Residential Single Family District. Fairfax County Tax Map Number: 0104 03110006A. Applicant: Thomas J. O'Neil, O'Neil Architects, Inc. Owners: Leland D Ewers, Mary Jo Ewers.

**ADJOURNMENT**

TOWN OF Herndon VIRGINIA

# MEMORANDUM

**To:** **Chair Romeo & Members of the Planning Commission**

**From:** **Michael Wallick, AICP, Transportation Planner** MW

**Date:** **December 3, 2020**

**Subject:** **SE#20-04, Christ Fellowship Church, 459 Herndon Parkway**

---

The applicant has requested a continuation of SE #20-04 to the January 25, 2021 Planning Commission public hearing. Since the November 16, 2020 Planning Commission public hearing, the applicant has informed staff that the Parkway Crossing Condominium Unit Owners Association Board of Directors held a meeting on September 29, 2020 and voted to approve initiation of a study to explore the prospects and process for amending the condominium by-laws to relax the use and parking rate restrictions on first floor condominium units.

The applicant has also informed staff that a meeting between the applicant, the buyer of Suites 7 and 8, and the attorney who represents the Parkway Crossing Condominium Association is to take place on December 10, 2020. The purpose of the meeting is to reach a resolution on the use and parking rate restrictions that is acceptable to all parties. Additionally, the next Condominium Unit Owners Association Board of Directors meeting will be held on December 15, 2020, and the agenda will consider changes to the use and parking rate restriction by-laws for first floor condominium owners. Based upon the outcome of the December 10, 2020 meeting and December 15, 2020 Board of Directors meeting, the applicant believes that the issues pertaining to use and parking will be resolved in time for the January 25, 2021 Planning Commission public hearing.

**Staff Analysis**

Staff believes that no action on this case should be taken until the applicant and the condo association have resolved the parking conflict and are able to provide to the town a shared verification of how it has been resolved. For those reasons, staff is recommending a continuation of the special exception.

TOWN OF Herndon VIRGINIA

# MEMORANDUM

**To:** **Chair Romeo & Members of the Planning Commission**

**From:** **Michael Wallick, AICP, Transportation Planner** MW

**Date:** **December 10, 2020**

**Subject:** **SE#20-03, 763 Dranesville Road**

---

A summary of how height is defined is shown below based on questions from commissioners at the December 7, 2020 work session. Section 78-80.3 of the Town of Herndon Zoning Ordinance requires that the "height of an accessory structure shall not exceed the lesser of the height of the principal structure on the site, or 15 feet". The applicant shows that the "average roof height", located on the "Proposed Plans & Elevations, dated October 6, 2020", is 14.99'. Section 78-180 of the Town of Herndon Zoning Ordinance defines building height as "the mean height level between the highest ridge and its highest associated eaves for gable, hip and gambrel roofs". Per the Town of Herndon Zoning Ordinance definition, the proposed accessory dwelling unit's building height is 13'9.5" and not 14.99'.

After the work session, the applicant requested to modify the existing proposal in this case. The existing proposal includes a bathtub and spout, but not a showerhead. The proposed accessory dwelling unit bathroom is located in the front dormer. In order to fit a showerhead above the bathtub, the applicant has expressed a desire to increase the height of the roof from the existing proposal. The ceiling height at the centerline of the bathtub is 6'3". The minimum allowable ceiling height for a showerhead to be installed per Virginia Residential Code R305.1 is 6'8". The applicant believes that by raising the height of the proposed accessory dwelling unit's roof or the dormer, a showerhead can be accommodated, while still meeting the maximum 15' height requirement for accessory structures. The applicant has stated there will be no increase in square footage as a result of this change. Furthermore, the maximum square footage is limited to 535 square feet per condition 6.

Minor changes to the design and elevations of the proposed accessory dwelling unit are allowed and governed by condition 11, "certificate of appropriateness". While the Planning Commission is responsible for reviewing the special exception for land use impacts, the final design of the proposed accessory dwelling unit is within the purview of the Historic District Review Board (HDRB), provided it still complies with all zoning ordinance requirements and the attached conditions, including condition 1, substantial conformance.

## Staff Analysis

The proposed changes, as described by the applicant, are minor in nature and will not require changes to the proposed staff conditions. Revised plan sheets have not yet been submitted to the town, but in the event the applicant submits revised materials for the Town Council that are substantially different from those before the Planning Commission, the staff recommendation for the Town Council would be to refer this case back to the Planning Commission for further discussion.

The staff recommendation to the Planning Commission remains approval with the proposed conditions.