

**TOWN OF HERNDON, VIRGINIA
PLANNING COMMISSION PUBLIC HEARING AGENDA
OCTOBER 25, 2021
HERNDON COUNCIL CHAMBERS BUILDING
765 LYNN STREET
7:00 P.M.**

CALL TO ORDER

1. Roll Call

APPROVAL OF AGENDA

APPROVAL OF MINUTES

2. September 13, 2021, Planning Commission Work Session Draft Minutes
3. September 27, 2021, Planning Commission Public Hearing Draft Minutes

COMMENTS

4. Comments from the Staff Members
5. Comments from the Commissioners
6. Comments from the Audience

PUBLIC HEARINGS

7. **SPECIAL EXCEPTION - SE #21-04, 148 Herndon Mill Circle**, to consider a special exception to permit an accessory dwelling unit through addition of a secondary kitchen within the first floor of the attached primary dwelling structure. The property is zoned RTC, Residential Townhouse Cluster. The property is designated in the Herndon 2030 Comprehensive Plan as "Neighborhood Conservation". The property is located on the east side of Herndon Mill Circle, approximately 700 feet from its intersection with Jonquil Lane, and is approximately 2,000 square feet in land area. Fairfax County Tax Map Number: 0171-27-0074. Applicants/Owners: Tara M. Woodruff and Daniel W. Dukes.
8. **SPECIAL EXCEPTION – SE #21-05, 299 Herndon Parkway, Suite 108, Fancy Lashes and Beyond, LLC**, to consider a special exception to permit a personal service use consisting of cosmetics and aesthetic services. The property is zoned CO, Commercial Office. The property is designated in the Herndon 2030 Comprehensive Plan as "Business Corridor Use". The property is located within the Herndon Park Condominium office building and is located at the northeast corner of the intersection Herndon Parkway and Elden Street. The property consists of approximately 966 square feet of floor area within a multi-unit building. Fairfax County Tax Map Reference Number: 0171-13-0108. Applicant: Fancy Lashes and Beyond, LLC. Owners: Tommy Nguyen and Phuong Le Tran.

ADJOURNMENT



MEMORANDUM

To: Chairman Romeo & Members of the Planning Commission

From: Christopher J. Garcia, AICP, Development Program Planner 

Date: October 20, 2021

Subject: SE #21-04, 148 Herndon Mill Circle, Accessory Dwelling Unit

This memorandum serves as an addendum to the staff report dated October 18, 2021, and provided for the work session. During the work session commission members discussed and requested clarification of the potential for conditioning the approval to include allowing the special exception to “run with the land” such that should the current owners dispose of the property in the future, the secondary kitchen would not be require removal or demolition by the property owner prior to any future sale of the property.

After additional review and consideration, the Town’s Zoning Administrator has determined that the resolution can be modified to allow the improvements to remain even in the event that ZOTA #21-03 is not adopted by the town council. Staff has modified the draft resolution and all other recommended conditions of approval have remained as presented at the Planning Commission Work Session on October 18, 2021.

Staff Recommendation

The staff recommendation to the Planning Commission is for approval of Special Exception SE #21-04 with the revised conditions of approval contained within Attachment #1.

Attachment:

1. Revised Draft Planning Commission Resolution

TOWN OF HERNDON, VIRGINIA

PLANNING COMMISSION

RESOLUTION

OCTOBER 25, 2021

Resolution- to consider Special Exception Application SE #21-04, to permit an accessory dwelling unit through addition of a secondary kitchen within the first floor of the attached primary dwelling structure in a Residential Townhouse Cluster, RTC, zoning district.

WHEREAS, the applicant, Daniel Dukes, has submitted a request for a special exception to permit an accessory dwelling unit through addition of a secondary kitchen within the first floor of the attached primary dwelling structure at 148 Herndon Mill Circle and identified as Fairfax County Tax Map #0171-27-0074; and

WHEREAS, the Planning Commission has reviewed this application and has held a public hearing in accordance with the provisions of §15.2-2204 of the State Code; and

WHEREAS, the Planning Commission has found that the application, SE #21-04 with conditions, meets the purpose and intent of the Zoning Ordinance, in particular, Sections 78-80.4 and 78-155.3; and

WHEREAS, the property and associated accessory dwelling unit shall be regulated under any future amendments to Section 78-80.4 and is not limited in perpetuity to the language in effect on the date of this resolution; and

WHEREAS, if granted, the uses permitted under the special exception are pursuant to the Zoning Ordinance and this resolution; and

WHEREAS, if granted, the special exception may expire pursuant to Sections 78-155.3(f)(3) or Section 78-155.3(g) of the Zoning Ordinance; and

WHEREAS, if granted, the special exception may be amended pursuant to Section 78-155.3(j) of the Zoning Ordinance; and

WHEREAS, if granted, special exception may be revoked pursuant to Section 78-155.3(h) of the Zoning Ordinance.

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

Recommends approval of Special Exception Application SE #21-04, that shall run with the land and not be voided or extinguished from a change in ownership in accordance with the conditions set forth below to achieve compliance with the standards found in Sections 78-80.4 and 78-155.3;

1. The accessory dwelling unit shall be constructed and utilized in substantial conformance with the original application and updated first floor plan received on October 12, 2021;
2. The site shall maintain a minimum of three standard vehicle parking spaces measuring 8.5' by 18'. Use of garage or driveway space for any use other than parking shall not be considered maintaining a space.