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PLANNING COMMISSION
Monday
September 27, 2021

The Planning Commission met in public session on Monday, September 27, 2021, at 7:00 p.m. in the Herndon Council Chambers Building, 765 Lynn Street, Herndon, Virginia. In attendance were: Chairman Michael Romeo, Vice Chair George Burke and Commissioners Jay Donahue, Paul LeReche, Mike McFarlane, Kevin Moses and Meron Yohannes.

Others present during the meeting: Lesa Yeatts, Town Attorney; Elizabeth Gilleran, Director of Community Development; David Stromberg, Zoning Administrator and Erika Orellana, Clerk of Boards and Commissions.

Chairman Romeo called the meeting to order at 7:00 p.m., seven Commissioners present, and with Chairman Romeo presiding.

1. **DETERMINATION OF QUORUM**

For the record, Ms. Orellana, Clerk to Boards and Commissions, called the roll, with seven members present, which constituted a quorum.

2. **APPROVAL OF AGENDA**

On the motion of Vice Chair Burke, seconded by Commissioner McFarlane and carried by a vote of 7-0, the agenda for the September 27, 2021 public hearing meeting was approved. The vote was: Commissioners Donahue, LeReche, McFarlane, Moses, Yohannes, Vice Chair Burke and Chairman Romeo voting "Aye."

3. **APPROVAL OF MINUTES**

Vote on August 9 2021
Work Session Minutes

On the motion of Commissioner LeReche, seconded by Vice Chair Burke and carried by a vote of 7-0, the minutes for the August 9, 2021 work session were approved. The vote

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was: Commissioners Donahue, LeReche, McFarlane, Moses, Yohannes, Vice Chair Burke and Chairman Romeo voting “Aye.”

**Vote on August 23, 2021
Public Hearing Minutes**

On the motion of Commissioner Donahue, seconded by Vice Chair Burke and carried by a vote of 7-0, the minutes for the August 23, 2021 public hearing were approved. The vote was: Commissioners Donahue, LeReche, McFarlane, Moses, Yohannes, Vice Chair Burke and Chairman Romeo voting “Aye.”

4. COMMENTS FROM THE STAFF

There were no comments from the staff.

5. COMMENTS FROM THE COMMISSIONERS

There were no comments from the Commissioners.

6. COMMENTS FROM THE AUDIENCE

There were no comments from the audience.

PUBLIC HEARING

- 7. ZONING ORDINANCE TEXT AMENDMENT, ZOTA #21-03**, to revise regulations governing accessory dwelling units. This zoning ordinance text amendment is being considered pursuant to Virginia Code §§ 15.2-2204, 15.2-2285, 15.2-2286, and an Initiating Resolution adopted by the Town Council on June 8, 2021. Notice is hereby given to consider zoning text amendments to establish new, and clarify, revise, and/or delete, existing regulations and definitions in order to amend the regulation of accessory dwelling units. The proposed amendments under consideration include, without limitation: Chapter 78 (ZONING), Article VII (Use Regulations), Article VIII (Accessory Uses) and other articles as deemed necessary to revise the regulations. ***(Continued from the August 23, 2021 Planning Commission Public Hearing.)***

Note: This item was continued from the August 23, 2021 Planning Commission Public Hearing.

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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, September 10, 2021 and September 17, 2021 issues.

Comments were received for this item ZOTA #21-03 and entered into the record by the Clerk.

Chairman Romeo opened the public hearing and called on David Stromberg, Zoning Administrator, for the staff memo and updates.

Mr. Stromberg presented the staff memos dated September 8, 2021 and September 23, 2021, which are on file in the Department of Community Development.

Mr. Stromberg provided the following updates:

- Lot/building coverage
 - The zoning ordinance limits the maximum cumulative footprint of all structures on a residential lot to 25 percent of the area of the lot. This maximum limit applies to the principal structure and any accessory structures. There are no provisions in the draft amendment that exempt an attached or detached accessory dwelling unit from this existing requirement.
 - For example, if an existing lot is already at this maximum limit, either through a large principal structure or multiple detached accessory structures, an attached or detached accessory dwelling unit could not be approved even if the specific criteria for an accessory dwelling unit are met.
- Impervious surface coverage
 - The zoning ordinance limits the maximum coverage of all impervious surfaces on a residential lot to 50 percent. The maximum limit applies to anything impervious and there are no provisions in the draft amendment that exempt an attached or detached accessory dwelling unit from this requirement.
- Planned development districts
 - More recent residential communities that have been developed through a proffered rezoning are governed by their respective proffers and a Generalized Development Plan (GDP). Changes to a GDP would require a proffer condition amendment that goes through the public hearing process.
- Historic District Overlay
 - There are no provisions in the draft amendment that would exempt an attached or detached accessory dwelling unit from the requirements of the Historic District Overlay if the subject property is located within the district.

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Staff recommended approval of ZOTA #21-03, in accordance with the ordinance provided with the staff memo.

Chairman Romeo asked if the Commissioners had questions for Mr. Stromberg. Commissioner McFarlane asked for clarification for the definition of “family” in the zoning ordinance. Mr. Stromberg explained the definition of “family”. Commissioner LeReche asked for clarification on the lot improvement aspect. Mr. Stromberg explained the different thresholds and submission requirements for a Building Location Survey and a Single Lot Development Plan. Commissioner Donahue asked if the owner of the home sold the property, would it effect the people living in the accessory dwelling units. Mr. Stromberg explained that if a new owner moved into the home it would not impact the people living in the accessory dwelling unit. Vice Chair Burke asked if there was lot building coverage restriction language in the ordinance. Mr. Stromberg Answered in the affirmative.

Chairman Romeo asked for comments from the audience. There were no comments by the audience.

Main Motion

SUBSTITUTED

Following the public hearing, Chairman Romeo moved **approval** of ZOTA#21-03 in accordance with the proposed ordinance as submitted by staff. Seconded by Commissioner LeReche.

There was a discussion on the motion. Commissioner Donahue provided his comments and his concerns regarding the residential expansion. Commissioner LeReche provided his comments regarding the setbacks on the property and requested to amend the motion.

Lesya Yeatts, Town Attorney, stated that a “substitute motion” can be provided.

Substitute Motion

PASSED

Following the discussion by the Commissioners. Commissioner LeReche provided a substitute motion to approve the proposed ordinance and moved **approval** of ZOTA#21-03 with an additional requirement of a 10-foot setback on other adjoining structures on the same property. Seconded by Commissioner Donahue.

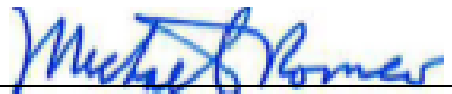
Following brief comments by the Commissioners, where Commissioner Yohannes stated she supports the original motion and not the substitute motion, the question was called on the substitute motion, which carried by a vote of 6-1, The vote was: Commissioners Donahue, LeReche, McFarlane, Moses, Vice Chair Burke and Chairman Romeo voting “Aye.” Commissioner Yohannes voting “Nay.”

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ADJOURNMENT

There being no further business, the meeting adjourned at 7:50 p.m.

On the motion of Vice Chair Burke seconded by Commissioner Donahue and carried by a vote of 7-0, the September 27, 2021 Planning Commission Public Hearing was adjourned. The vote was: Commissioners Donahue, LeReche, McFarlane, Moses, Yohannes, Vice Chair Burke and Chairman Romeo voting "Aye."



**Michael Romeo, Chairman
Planning Commission**



**Erika Orellana
Clerk of Boards and Commissions**

Minutes approved by the Planning Commission: October 25, 2021