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PLANNING COMMISSION

Monday

August 23, 2021

The Planning Commission met in public session on Monday, August 23, 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 to Boards and Commissions.

Chairman Romeo called the meeting to order at 7:00 p.m., seven Commissioners present, and with Chairman Romeo presiding. Chairman Romeo announced that it was the first public hearing in person in 16 months.

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 Moses and carried by a vote of 7-0, the agenda for the August 23, 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 July 12, 2021 Work Session Minutes

On the motion of Commissioner Donahue, seconded by Vice Chair Burke and carried by a vote of 7-0, the minutes for the July 12, 2021 work session were approved. The vote was: Commissioners Donahue, LeReche, McFarlane, Moses, Yohannes, Vice Chair Burke and Chairman Romeo voting "Aye."

**August 23, 2021
(public hearing)**

**Vote on July 26, 2021
Public Hearing Minutes**

On the motion of Commissioner Moses, seconded by Commissioner Yohannes and carried by a vote of 7-0, the minutes for the July 26, 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

Chairman Romeo deferred this item to the end of the meeting because Ms. Gilleran was monitoring the door to allow members of the public into the building.

5. COMMENTS FROM THE PLANNING COMMISSIONERS

Commissioner Donahue mentioned that the caboose is open during the Farmers Market and it is generating a lot of interest from the public.

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 July 26, 2021 Planning Commission Public Hearing.)**

Note: This item was continued from the July 26, 2021 Planning Commission Public Hearing.

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, July 9, 2021 and July 16, 2021 issues.

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

**August 23, 2021
(public hearing)**

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 August 6, 2021 and August 18, 2021, which are on file in the Department of Community Development.

Mr. Stromberg provided the following updates:

1. Location. The language has been revised to require a minimum 10-foot setback from the side and rear property line and new language has been added that will accommodate existing structures. For example, a detached garage that is 2 feet from the side and rear property line may be converted to an accessory dwelling unit (or have the ADU built above the garage) as long as the garage existed before the date of adoption of ZOTA #21-03. Lines 172-175
2. Occupancy. The language has been revised to explicitly state that if the owner of the property no longer resides in either the principal or accessory dwelling unit, then the entire property is limited to the definition of a family. Lines 196-198.
3. Utilities. The language has been deleted in this draft. Public Works staff relies on the Town Code and Virginia Building Code when regulating utility connections. Including this language in the zoning ordinance might create unintentional conflicts between ordinances. Lines 215-216.

Staff recommended continuance of ZOTA #21-03 to the September 27, 2021 public hearing.

Chairman Romeo asked if the Commissioners had questions for Mr. Stromberg. Commissioner LeReche asked what happens when someone sells the property or doesn't live in the main house. Vice Chair Burke asked for clarification for the amount of people that are allowed to live in the accessory dwelling unit. Chairman Romeo asked if the language prohibiting outside stairs was implemented in the current draft. Mr. Stromberg provided responses.

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

Following the public hearing, Vice Chair Burke moved **CONTINUANCE** of ZOTA#21-03 to the September 27, 2021 Planning Commission public hearing. Seconded by Commissioner Donahue.

Commissioners requested staff provide an update of the current format of the language and an explanation of how the zoning ordinance text amendment complies with the "Neighborhood Conservation" land use section of the Community Plan.

**August 23, 2021
(public hearing)**

Following a brief discussion by the Commissioners, the question was called on the motion, which carried by a vote of 7-0, The vote was: Commissioners Donahue, LeReche, McFarlane, Moses, Yohannes, Vice Chair Burke and Chairman Romeo voting "Aye."

Following the public hearing Chairman Romeo asked Ms. Gilleran for any comments from staff. Ms. Gilleran stated that there were no comments to provide from staff.

ADJOURNMENT

There being no further business, the meeting adjourned at 7:22 p.m.

On the motion of Commissioner LeReche seconded by Vice Chair Burke and carried by a vote of 7-0, the August 23, 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 to Boards and Commissions**

Minutes approved by the Planning Commission: September 27, 2021