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**PLANNING COMMISSION
Work Session
August 9, 2021**

The Planning Commission of the Town of Herndon, Virginia, met in work session on Monday, August 9, 2021 at 7:00 p.m. in the Herndon Municipal Center, in the Large Conference Room, located on the 2nd floor, Herndon, Virginia. In attendance were: Chairman Romeo, Vice Chair George Burke and Commissioners: Jay Donahue, Mike McFarlane, Kevin Moses and Meron Yohannes. Commissioner Paul LeReche was absent.

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 & Commissions.

1. DETERMINATION OF QUORUM

Chairman Romeo stated that there were six members present, which constituted a quorum. Chairman Romeo stated that it was the first in person meeting in 16 months.

ANNOUNCEMENT

Chairman Romeo stated that Commissioner LeReche would not be present at the meeting that evening.

PUBLIC HEARING

- 2. 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. Comments were received and entered into the record by the Clerk.]

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Chairman Romeo opened the work session and called on David Stromberg, Zoning Administrator, for the staff memo.

David Stromberg, Zoning Administrator, presented staff memo dated August 6, 2021 for this item, ZOTA #21-03, to revise the regulations for accessory dwelling units.

Mr. Stromberg provided a summary of updates and outstanding discussion on the following nine points:

1. “Tiny houses”. The existing language already prohibits mobile homes, recreational vehicles, and travel trailers for use as an accessory dwelling unit. The draft adds manufactured homes (line 152) which includes any structure subject to the Housing and Urban Development Manufactured Home Construction and Safety Standards (aka HUD Code).
2. Accessory food preparation areas. Comments sent to the commission by a member of the public stated that the number of wet bars should not be restricted. Staff maintains that limiting the number of wet bars in a structure will provide a valuable enforcement tool for illegal or de-facto boarding houses.
3. Size limit. The language has been revised so that the maximum size of a detached accessory dwelling unit is 900 square feet. This is the minimum size to prevent any potential conflicts with Section 78-170.6(c) (Residential Occupancy), which requires at least 300 square feet per occupant.
4. Location. The language has been revised to require a minimum 5-foot setback from the side and rear property line instead of the 10-foot setback. This is based on feedback from the commission and submitted comments.
5. Porches. The language has been revised to specify that porches do not count towards the maximum allowable area unless they are climate controlled.
6. Encroachments. Language has been added to specify which features of a detached accessory dwelling are allowed to encroach into the setback 5-foot setback. The identified features are limited to architectural components and ground level patios.
7. Occupancy requirements. The language has been revised to be “three persons” instead of “two adults” for simplicity.
8. Parking. The language has been updated to require one additional off-street parking space regardless of distance from the Herndon Metro Station. Staff recommends revisiting this requirement at a future date when there is additional information available regarding how the opening of the Herndon Metro Station has impacted available parking on residential town streets.

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9. Utilities. Staff is requesting additional information from Public Works and may further revise this language depending on their feedback.

Commissioners provided their feedback on the nine points and provided additional feedback for staff. The majority of the discussion focused on maximum size limits and minimum setbacks for accessory dwelling units. Mr. Stromberg provided responses to clarify the Commissioners questions.

DISCUSSION

3. **ITEMS OF INTEREST**

Ms. Gilleran announced that Community Development has hired a new planner and will be present for the September 2021 Planning Commission meetings.

4. **COMMENTS FROM THE STAFF**

There were no comments from the staff.

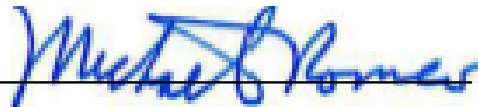
5. **COMMENTS FROM THE COMMISSIONERS**

Commissioners asked staff for updates on the Downtown Comstock project and the Lerner project next to the metro. Ms. Gilleran updated the Commissioners with status of the projects.

ADJOURNMENT

On the motion of Commissioner Donahue seconded by Vice Chair Burke and carried by a vote of 6-0, the August 9, 2021 Planning Commission work session was adjourned. The vote was: Commissioners Donahue, McFarlane, Moses, Yohannes, Vice Chair Burke and Chairman Romeo voting "Aye." Commissioner LeReche was absent.

There being no further business, the meeting adjourned at 8:41 p.m.



**Michael Romeo, Chairman
Planning Commission**



**Erika Orellana
Clerk of Boards & Commissions**

Minutes approved by the Planning Commission: September 27, 2021