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BOARD OF ZONING APPEALS
Thursday
January 23, 2020

The Board of Zoning Appeals of the Town of Herndon, Virginia, met in public hearing on January 23, 2020 at 7:00 p.m. in the Herndon Council Chambers Building, 765 Lynn Street, Herndon, Virginia. In attendance were: Chairman Kim, Vice Chair Jay Donahue and Board Members: Clark Hedrick, Cari Lyn Pierce and Jeffrey Sevila. Board Member Clark Hedrick arrived at 7:18 p.m.

Others present during the meeting: Lauri Sigler, Deputy Town Attorney; David Stromberg, Zoning Administrator; Fermina Rochac, Deputy Community Inspector and Erika Orellana, Clerk to the Board of Zoning Appeals.

Chairman Kim called the meeting to order at 7:00 p.m., with four members present and Chairman Kim presiding.

1. DETERMINATION OF QUORUM

For the record, the clerk called the roll, four members present, which constituted a quorum.

2. NEW BUSINESS

2020 Election of Officers

Election of Chairman for the Board of Zoning Appeals for the 2020 term.

Board Member Sevila moved to nominate Yung Kim for the position of Chairman of the Board of Zoning Appeals for the 2020 term. Motion seconded by Vice Chair Donahue.

There were no other nominations, so the nominations were closed. The vote carried unanimously, 4-0 the vote was: Board Members Pierce, Sevila, Vice Chair Donahue and Chairman Kim voting "Aye." Board Member Hedrick was not present for the vote.

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Mr. Yung Kim was elected Chairman of the Board of Zoning Appeals for the 2020 term.

Election of Vice Chair for the Board of Zoning Appeals for the 2020 term.

Board Member Sevilla moved to nominate Jay Donahue for the position of Vice Chair of the Board of Zoning Appeals for the 2020 term. Motion seconded by Board Member Pierce.

There were no other nominations, so the nominations were closed. The vote carried unanimously, 4-0. The vote was: Board Members Pierce, Sevilla, Vice Chair Donahue and Chairman Kim voting "Aye." Board Member Hedrick was not present for the vote.

Mr. Jay Donahue was elected Vice Chair of the Board of Zoning Appeals for the 2020 term.

3. APPROVAL OF MINUTES

**November 21, 2019
Public Hearing**

On motion of Vice Chair Donahue, seconded by Board Member Pierce, the minutes of the Thursday, November 21, 2019 public hearing were approved by a vote of 3-0-1. The vote was: Board Members Pierce, Sevilla and Vice Chair Donahue voting "Aye." Chairman Kim abstained. Board Member Hedrick was not present for the vote.

4. COMMENTS FROM THE BOARD MEMBERS

There were no comments from the Board Members.

5. COMMENTS FROM THE STAFF

David Stromberg, Zoning Administrator, informed the Board that the town has set up email addresses for the Board to use. Mr. Stromberg stated all future dispatches and items related to the BZA will go through the town's email addresses and on Friday, January 24, 2020, Ms. Orellana will be sending an email with instructions to activate the email addresses.

6. COMMENTS FROM THE AUDIENCE

There were no comments from the Audience.

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PUBLIC HEARING

7. **BZA #19-04 – APPLICATION FOR AN APPEAL OF A ZONING ADMINISTRATORS DECISION.** Descriptive Summary: An appeal of the Zoning Administrator’s decision issued on November 18, 2019 (ZE19-00300), where a notice of violation was issued for the conversion of a portion of the garage to a storage room, which is not permitted pursuant to Section 78-50.6 of the Town of Herndon Zoning Ordinance and the proffered conditions of Zoning Map Amendment ZMA #05-102, approved on September 13, 2005. The subject property is located at 113 Anthem Avenue and is zoned PD-D, Planned Development – Downtown. Fairfax County Tax Map Number: 0162 45 0016. Property owner and appellant: Maria del Mar Tarres Campa.

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 January 10 and January 17, 2020 issues.

Chairman Kim announced that additional comments had been received via email after the dispatch was sent out on Friday, January 17th and the comments have been entered into the record by the clerk.

Chairman Kim opened the public hearing.

Chairman Kim asked the clerk to give the oath to David Stromberg, Zoning Administrator, and Fermina Rochac, Deputy Community Inspector. Both Mr. Stromberg and Ms. Rochac were sworn in.

Chairman Kim recognized Mr. Stromberg to present the staff report and asked if there were any preliminary matters to be reviewed first. Mr. Stromberg stated that there were no preliminary matters and proceed with his presentation.

Mr. Stromberg presented the staff report dated January 23, 2020, which is on file in the Department of Community Development.

Fermina Rochac, Deputy Community Inspector, provided testimony to the Board explaining what she had witnessed on October 23, 2019 at 113 Anthem Avenue.

The staff recommendation is to Affirm the Zoning Administrator’s decision and uphold the Notice of Violation ZE19-00300.

Chairman Kim asked the Board Members if there were any questions for Mr. Stromberg. Vice Chair Donahue asked Mr. Stromberg for clarification that the property has a two-car garage and if the storage items in the space invade into the space of the two car garage. Mr. Stromberg confirmed that the storage items does invade the space of the two-car garage.

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Chairman Kim asked Lauri Sigler, Deputy Town Attorney if she had any questions for Mr. Stromberg. Ms. Sigler indicated that she did not have any questions for Mr. Stromberg.

Chairman Kim asked the Board Members if there were any questions for Ms. Rochac. There were no questions by the Board Members for Ms. Rochac.

Chairman Kim asked Ms. Sigler if there were any questions for Ms. Rochac. There were no questions by Ms. Sigler for Ms. Rochac.

Chairman Kim asked the clerk to give the oath to the appellant, Maria del Mar Tarres Campa. Ms. del Mar Tarres Campa was sworn in.

Ms. del Mar Tarres Campa, appellant, presented her case for appeal.

Chairman Kim asked the Board Members if there were any questions for the appellant.

Vice Chair Donahue asked appellant if she would dispute that the storage items invade into one of the garage parking spaces. The appellant stated that she would not dispute that statement.

Ms. Sigler asked Chairman Kim to announce for the record that Board Member Hedrick did arrive and is present for the meeting. Chairman Kim made the announcement for record.

Chairman Kim called for comments from the audience.

The following individuals provided comments:

- Marcia Bouchard
- Tom Whalen

Chairman Kim invited the appellant to provide rebuttal. Ms. del Mar Tarres Campa then provided her rebuttal to the Board.

Chairman Kim invited the Zoning Administrator to provide rebuttal. Mr. Stromberg provided his rebuttal to the Board.

Chairman Kim closed the public hearing and moved to Board level for discussion.

On motion of Vice Chair Donahue, seconded by Board Member Sevilla and carried by a vote of 5-0, the Board moved to **AFFIRM** the Zoning Administrator's decision and uphold the Notice of Violation ZE19-00300. The vote was: Board Members Hedrick, Pierce, Sevilla, Vice Chair Donahue and Chairman Kim voting "Aye."

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ADJOURNMENT

There being no further business, the meeting adjourned at 7:39 p.m.



**Yung Kim, Chairman
Board of Zoning Appeals**



**Erika Orellana
Clerk to the Board of Zoning Appeals**

Minutes approved by the Board of Zoning Appeals: August 27, 2020