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BOARD OF ZONING APPEALS
Meeting Minutes
Thursday, March 23, 2023

The Board of Zoning Appeals (BZA) of the Town of Herndon, Virginia, met in regular meeting on March 23, 2023, at 7:00 p.m. in the Herndon Municipal Building, Second Floor Large Conference Room, 777 Lynn Street, Herndon, Virginia. In attendance were: Chair Yung Kim, Vice Chair Cari Lyn Pierce, and Board Members Stephen Mundt, and Stevan Porter.

Board Member Stephanie Frye was absent.

Others present during the meeting were: Lesa Yeatts, Town Attorney; David Stromberg, Zoning Administrator; and Aaron Zoellick, Clerk of Boards and Commissions.

1. Call to Order

Chair Kim called the meeting to order at 7:02 p.m., with four members present which constituted a quorum and Chair Kim presiding.

2. Approval of Minutes

- a. January 26, 2023, Board of Zoning Appeals Meeting
- b. February 23, 2023, Board of Zoning Appeals Meeting, *CANCELLED*

On motion by Board Member Mundt, seconded by Board Member Porter, the minutes from the January 26, 2023, Board of Zoning Appeals meeting were approved by a 4-0 vote. The vote was: Board Members Mundt, Porter, Vice Chair Pierce, and Chair Kim voting “Aye.”

3. Comments

a. Comments from the Board Members

Chair Kim recognized Board Members for comments.

Board Member Porter stated that himself and Board Members Frye and Mundt were enrolled in the 44th Certified Board of Zoning Appeals Program through Virginia Commonwealth University.

b. Comments from the Staff Members

Chair Kim recognized staff members for comment.

Mr. Stromberg encouraged Board Members and members of the public to participate in the Transit-Related Growth Area survey.

c. Comments from Citizens

Chair Kim recognized members of the public for comment.

No comments were offered.

**March 23, 2023
Regular Meeting**

4. New Business

- a. **Discussion**, amendments to Town Code restricting similar applications from being resubmitted within one year of each other.

Chair Kim recognized Mr. Stromberg for the staff report.

Mr. Stromberg presented the staff memo dated March 23, 2023, which is on file in the Department of Community Development. Staff is seeking the board members' input on a possible Zoning Ordinance Text Amendment (ZOTA).

Chair Kim asked the Board Members if there were any questions for Mr. Stromberg.

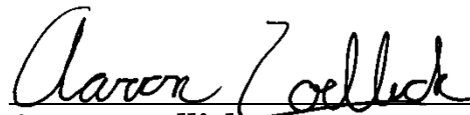
Board Members offered questions and comments regarding the appeals process for BZA decisions, the meaning and purpose of "substantially different" language as used in the current Virginia code, the desire to limit exact same re-applications in a given time period, the frequency of recurring applications, the Board's authority to add conditions and approve less than an applicant requests, various time limits on submitting exact same or substantially different applications, the Planning Commission's and Town Council's role in adopting any proposed ZOTA.

Mr. Stromberg and Ms. Yeatts responded to the Board Members' questions and comments.

The board agreed that they could not reach a consensus on whether the zoning ordinance should be amended to restrict similar applications from being resubmitted within one year.

5. Adjournment

There being no further business, and without objection, the March 23, 2023, Board of Zoning Appeals regular meeting was adjourned at 7:37 p.m. on the motion of Board Member Mundt, and seconded by Board Member Porter.



Aaron Zoellick
Clerk of Boards and Commissions

Minutes approved by the Board of Zoning Appeals: April 27, 2023