



BOARD OF ZONING APPEALS REGULAR MEETING AGENDA

Town Council Chambers Building
765 Lynn Street, Herndon, VA 20170

Thursday, December 18, 2025 | 7:00 PM

1. Call to Order

2. Approval of Minutes

- a. October 23, 2025, Board of Zoning Appeals Regular Meeting Minutes

3. Comments

- a. Comments from the Staff Members
- b. Comments from the Board Members
- c. Comments from Citizens

Members of the public may, for one 3-minute period, provide public comments, requests, consent or general item comments, and comments on matters not included on the agenda.

4. Public Hearing

- a. BZA #25-007, 106 Monroe Hill Court, to seek a variance from Section 78-30.2(g), to allow an accessory structure within the 35-foot setback, and to seek a variance from Section 78-115.2(i), to allow a 6-foot tall fence within the required 35-foot setback.

5. Adjournment



**Board of Zoning Appeals
Regular Meeting
Agenda Item 2.a.**

Agenda Item: October 23, 2025, Board of Zoning Appeals Regular Meeting Minutes

Meeting Date: December 18, 2025

Category: Approval of Minutes

Prepared by: Aaron Zoellick, Clerk of Boards and Commissions

Description:

This is a request to approve the October 23, 2025, Board of Zoning Appeals regular meeting minutes.

Background:

N/A

Fiscal Impact:

N/A

Staff Recommendation/Next Steps:

Recommend approval, as requested.

Attachments:

1. 10.23.2025 Board of Zoning Appeals Regular Meeting Minutes

HERNDON BOARD OF ZONING APPEALS
Regular Meeting Minutes
Thursday, October 23, 2025

1. Call to Order

Chair Pierce called the October 23, 2025, Board of Zoning Appeals regular meeting to order at 7:01 p.m. in the Town of Herndon Council Chambers Building, 765 Lynn Street, Herndon, Virginia. In attendance were: Board Members Barry Clendenin, Frank Donadio, Stephanie Frye, Vice Chair Stevan Porter, and Chair Cari Lyn Pierce.

Staff present during the meeting: Lauri Sigler, Deputy Town Attorney; Amanda Kertz, Town Clerk; David Stromberg, Zoning Administrator; James Gillie, Community Inspector; Becky Skillin, Deputy Town Clerk, and Aaron Zoellick, Clerk of Boards and Commissions.

Chair Pierce confirmed that there was a quorum with five members present.

2. Approval of Minutes

a. August 28, 2025, Board of Zoning Appeals Meeting

Board Member Frye motioned to approve the August 28, 2025, Board of Zoning Appeals regular meeting minutes. Motion seconded by Board Member Clendenin. The question was called on the motion, which was approved by a 5 - 0 roll call vote. Board Members Clendenin, Donadio, Frye, Vice Chair Porter, and Chair Pierce voted "Aye."

3. Comments

a. Comments from the Staff Members

Ms. Sigler provided the Board Members with an explanation of the closed meeting on the agenda.

b. Comments from the Board Members

No comments were offered.

c. Comments from Citizens

No comments were offered.

4. Public Hearing

Certifications of Publications from the Editor of the Fairfax County Times Newspapers were filed, showing that notices of the following public hearing item were duly advertised in the October 3 and October 10, 2025, issues.

a. BOARD OF ZONING APPEALS, BZA #25-006, 106 Monroe Hill Court – Appeal of a Zoning Administrator’s Decision. An appeal of Notice of Violation ZE25-00056, issued on August 26, 2025, where a violation was issued for the installation of an accessory structure without an approved Certificate of Appropriateness and within a required setback.

Chair Pierce opened the public hearing and instructed the clerk to administer the oath to Mr. Stromberg and Mr. Gillie. Mr. Zoellick administered the oath to Mr. Stromberg and Mr. Gillie.

Mr. Stromberg delivered the staff presentation dated October 23, 2025, which is on file with the Department of Community Development. Mr. Stromberg stated that this is an appeal of Notice of Violation ZE25-00056. Staff is recommending the Board affirm Notice of Violation ZE25-00056 in its entirety.

There was a discussion between the Board Members and staff on this item, including: (1) whether the HDRB meeting occurred; (2) clarification on whether the corner lot determination affected the decision; (3) what would be required of the homeowner if the violation is affirmed; (4) clarification if a request for a variance was filed; (5) whether the current location of the structure is the same location in which staff told the appellant a variance would be needed; (6) clarification that there are other places on the lot that the structure can be placed without a variance; (7) does the amount of access to the public road change staff’s analysis; (8) whether the Board’s review standard is different because this is an appeal; (9) what is the closest distance from the structure to the street; (10) clarification on how property conditions affect the violation; and (11) whether any of the other accessory structures in the cul-de-sac in violation.

Chair Pierce asked if the Town Attorney had any questions for the Zoning Administrator or the Community Inspector.

No additional questions were offered.

Chair Pierce invited the appellant to provide comment.

Mr. Zoellick administered the oath to Ms. Patricia Kelly.

Ms. Kelly provided comments, including the process she undertook to find the structure and her interaction with town staff in the process.

There was a discussion among the Board Members and the appellant on this item, including: (1) clarification on what happened to the process for the Certificate of Appropriateness; (2) clarification on whether the structure is permanently attached to the ground; and (3) clarification on whether there is electricity to the structure.

Chair Pierce invited comments from the public.

Mr. Bryant Smith, 104 Monroe Hill Ct, asked a question clarifying the measurement for the setback. Mr. Stromberg responded.

Chair Pierce stated that the board did receive one comment from the public prior to the meeting. That comment has been entered into the record.

Chair Pierce closed the public hearing and moved to the board level for discussion and possible motion.

Board Member Frye asked if anyone knew how far the structure was from the edge of the sidewalk. The appellant stated that the structure is 8 feet from the sidewalk.

Vice Chair Porter thanked people for coming out to the meeting. Vice Chair Porter stated that he drove by the structure and believes it is a nice structure. But the board does operate in a quasi-judicial function and has to apply the ordinance as written.

Mr. Donadio sought clarification on the location of the accessory structure and the possibility of bringing it into compliance. Mr. Stromberg responded.

Ms. Sigler brought a point of order that there is no microphone on the appellant and was unsure if the Chair was entertaining questions of the appellant.

Mr. Clendenin sought clarification on previous instances of residents completing work without prior approval. Mr. Stromberg responded.

Chair Pierce sought clarification on the setback. Mr. Stromberg responded.

Chair Pierce stated that she is sympathetic to the appellant but will vote to support the decision by the Zoning Administrator.

Vice Chair Porter motioned to affirm the Zoning Administrator's decision Notice of Violation ZE25-00056 in its entirety. Motion seconded by Board Member Clendenin. The question was called on the motion which was approved by a 5 - 0 roll call vote. Board Members Clendenin, Donadio, Frye, Vice Chair Porter, and Chair Pierce voted "Aye."

5. New Business

a. **Resolution to establish the Board of Zoning Appeals meeting schedule for January 1, 2026, to December 31, 2026**

Chair Pierce called on Ms. Sigler for the staff presentation.

Ms. Sigler provided a summary of the Board of Zoning Appeals meeting schedule for January 1, 2026, to December 31, 2026. Staff recommended approval of the schedule as presented.

Board Member Clendenin motioned to approve the Board of Zoning Appeals meeting schedule for January 1, 2026, to December 31, 2026. Motion seconded by Board Member Frye. The question was called on the motion which was carried by a 5 - 0 roll call vote. Board Members Clendenin, Donadio, Frye, Vice Chair Porter, and Chair Pierce voted "Aye."

6. Closed Meeting

a. **A closed meeting pursuant to the Code of Virginia Section 2.2-3711(A)(19) for a briefing on facility security.**

Chair Pierce stated that the Board of Zoning Appeals needed to go into a closed meeting. The closed meeting was held in the Council Chambers in the Herndon Council Chambers Building, 765 Lynn Street, Herndon, Virginia.

Board Member Frye motioned that the Board of Zoning Appeals convene in a closed meeting to discuss the following as permitted by the Code of Virginia Section 2.2-3711(A)(19), for a briefing on facility security. Motion seconded by Vice Chair Porter. The question was called on the motion which was carried by a 5 - 0 roll call vote. Board Members Clendenin, Donadio, Frye, Vice Chair Porter, and Chair Pierce voted "Aye."

The Board of Zoning Appeals went into closed meeting at 7:46 p.m.

Board Member Clendenin motioned to come out of the closed meeting. Motion seconded by Board Member Frye. The question was called on the motion which was carried by a 5 - 0 roll call vote. Board Members Clendenin, Donadio, Frye, Vice Chair Porter, and Chair Pierce voted "Aye."

The Board of Zoning Appeals came out of the closed meeting at 8:54 p.m.

Vice Chair Porter motioned to certify that, to the best of each member's knowledge, that only public business matters lawfully exempted from open meeting

requirements by the Code of Virginia were discussed in the closed meeting to which this certification resolution applies, and only such public business matters as we identified in the motion convening the closed meeting were heard, discussed, or considered by the Board of Zoning Appeals. Motion seconded by Board Member Frye. The question was called on the motion which was carried by a 5 - 0 roll call vote. Board Members Clendenin, Donadio, Frye, Vice Chair Porter, and Chair Pierce voted "Aye."

7. Adjournment

There being no further business, and without objection, the October 23, 2025, Board of Zoning Appeals regular meeting was adjourned at 9:00 p.m.

Agenda Item: BZA #25-007, 106 Monroe Hill Court, to seek a variance from Section 78-30.2(g), to allow an accessory structure within the 35-foot setback, and to seek a variance from Section 78-115.2(i), to allow a 6-foot tall fence within the required 35-foot setback.

Meeting Date: December 18, 2025

Category: Public Hearing

Prepared by: David Stromberg, Zoning Administrator

Description:

The applicant is seeking two variances. Variance A is to allow an existing accessory structure (greenhouse) that is 10.2 feet by 16.2 feet (approximately 165 square feet) to remain within the 35-foot setback. The distance from the right-of-way varies from nine feet to 13 feet due to the curvature of the cul-de-sac.

Variance B is to allow a six-foot fence within the 35-foot setback. A six-foot fence is allowed by-right along the property line shared with Lot 2. The applicant would like to connect the fence to the side of the greenhouse closer to the house to allow entry to the greenhouse from the fenced area.

All proposed improvements on this lot will be governed by the provisions of the Historic Preservation Overlay.

Background:

The property is part of the subdivision entitled Monroe Hill (TP #04-34), that was approved in 2005. The approval included 11 buildable lots and one outlot for stormwater management. Lot 3 is the subject of this variance application. The existing house predates this subdivision and was moved to its current location on Lot 3 as part of the development of Monroe Hill.

The 11,624 square-foot lot is separated from Monroe Street by Outlot A, which is owned by the Homeowners' Association and used for stormwater management. The architectural front façade of the house faces Monroe Street, although the lot is not adjacent to Monroe Street. The south side of the lot follows the curvature of Monroe Hill Court and the east side of the lot follows the curvature of the cul-de-sac. The north side of the lot abuts Lot 2 (104 Monroe Hill Court). There is an elevation change of approximately 8 feet from the east side of the lot to the west side of the lot.

Fiscal Impact:

N/A

Staff Recommendation/Next Steps:

The shape of Lot 3 created by the curvature of Monroe Hill Court and the cul-de-sac, combined with the front façade of the house being separated from Monroe Street by Outlot A, creates irregularly shaped setbacks and yards that are inconsistent from what one observes from the public right-of-way. Staff therefore recommends approval of variance A and B in accordance with the four conditions in the attached resolution.

Attachments:

- 1. Staff Report
- 2. Resolution for Approval
- 3. Resolution for Denial
- 4. Variance Application
- 5. Applicant Narrative
- 6. Lot Drawing with Greenhouse and Shed
- 7. Existing Accessory Structure (greenhouse)
- 8. Kelly - View East from MidYard - NOV 10
- 9. Kelly - View North of Gas Line - NOV 10
- 10. Kelly - North Yard Hill - NOV 10
- 11. Kelly Variance - Plat - NOV 10
- 12. Legal Ad

Location Map:



Background & Site Description:

Site Description

The property is part of the subdivision entitled Monroe Hill (TP #04-34), that was approved in 2005. The approval included 11 buildable lots and one outlot for stormwater management. Lot 3 is the subject of this variance application. The existing house predates this subdivision and was moved to its current location on Lot 3 as part of the development of Monroe Hill.

The 11,624 square-foot lot is separated from Monroe Street by Outlot A, which is owned by the Homeowners' Association and used for stormwater management. The architectural front façade of the house faces Monroe Street, although the lot is not adjacent to Monroe Street. The south side of the lot follows the curvature of Monroe Hill Court and the east side of the lot follows the curvature of the cul-de-sac. The north side of the lot abuts Lot 2 (104 Monroe Hill Court). There is an elevation change of approximately 8 feet from the east side of the lot to the west side of the lot.

The property is located within the Historic Preservation Overlay zoning district. This application is only regarding the location of the greenhouse. If this variance is approved,

the application will still need to obtain a Certificate of Appropriateness from the Historic District Review Board.

Case Details & Proposal:

The applicant initially contacted the Community Development Department in June 2025 with questions relating to the approval process for installing a greenhouse in the Historic District Overlay. The greenhouse is approximately 165 square feet (10.2' x 16.2') and is located between 9 and 13 feet from the property line at the sidewalk. The applicant is requesting to allow this accessory structure to remain in its current location.

During a meeting on November 4, 2025, the applicant indicated a desire to install a six-foot privacy fence. A portion of the fence that is proposed to connect to the greenhouse is only permissible with the approval of a variance; otherwise, it would need to be limited to a maximum of four feet in height.

Staff Analysis:

Applicable Zoning Ordinance Provisions

Section 78-180. Definitions

Setback. The minimum distance by which any building or structure must be separated from the front lot line or **any lot line adjoining a street.**

Section 78-30.2(g): R-10 Dimensional Standards

Setback, Minimum (feet)	35', may be reduced in HP overlay district; 25' on pipestem lot
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Section 78-115.2(i)

- (i) Height and location standards for walls and fences in residential districts. All fences and walls in residential districts shall conform to the following height and standards.
 - (1) Fences and walls up to four feet may locate in any required setback or yard. Fences or walls up to and including four feet in height may be located within any required setback or yard, except as further restricted by section 78-21(e), Visibility clearance.

(2) Fences and walls up to seven feet may locate in a required rear or side yards, with limitations. Fences and walls up to and including seven feet in height may be located within a required rear yard or required side yard. However, fences and walls in excess of four feet in height shall not extend forward of the architectural front of the principal structure or be located between any portion of the architectural front of the principal structure and the required front setback except as permitted by section 78-115.2(j), perimeter fences and walls for residential development.

Variance Request A – to allow the existing accessory structure (greenhouse) to remain in its current position, approximately 9 feet to 13 feet from the edge of the property line.

Criteria from Section 78-155.4(d)(1) – Variances	Meets or Does not Meet	Why the application meets or does not meet the criteria of Section 78-155.4(d)(1)
Strict application of the terms of the ordinance would unreasonably restrict the utilization of the property or that the granting of the variance would alleviate a hardship due to a physical condition relating to the property or improvements thereon.	Meets	The shape of Lot 3 created by the curvature of Monroe Hill Court and the cul-de-sac, combined with the front façade of the house being separated from Monroe Street by Outlot A, creates irregularly shaped setbacks and yards that are inconsistent from what one observes from the public right-of-way. This property also has a grade change of approximately 8 feet, limiting the locations for an accessory structure without performing significant grading. Granting this variance would alleviate the hardship based on these physical conditions.
The property was acquired in good faith and any hardship was not created by the applicant for the variance.	Partially Meets	The property was acquired in good faith. The applicant installed the shed in this location without the necessary approvals, but has worked closely with staff and has submitted all other permits that will be required, pending the approval of this variance.
The granting of the variance will not be of substantial detriment	Meets	During the appeal (BZA #25-006) held on October 23, 2025, regarding this

to adjacent property and nearby properties.		property, two adjacent neighbors spoke in support of allowing the greenhouse to remain in its current location.
The condition or situation of the property is not of so general or recurring nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the ordinance.	Meets	The situation is unique to this lot due to the unusual shape that resulted from the subdivision.
The granting of the variance does not result in a use that is not otherwise permitted on such property or a change in the zoning classification of the property	Meets	If granted, this variance would not alter the permitted uses or permitted intensity of the R-10 zoning district.
The relief or remedy sought by the variance application is not available through a special exception process or the process for modification of a zoning ordinance	Meets	Modifications are restricted to PD, Planned Development, districts and the property is zoned R-10.

Variance Request B – to allow a six-foot fence within the required setback.

Criteria from Section 78-155.4(d)(1) – Variances	Meets or Does not Meet	Why the application meets or does not meet the criteria of Section 78-155.4(d)(1)
Strict application of the terms of the ordinance would unreasonably restrict the utilization of the property or that the granting of the variance would alleviate a hardship due to a physical condition relating to the property or improvements thereon.	Meets	The shape of Lot 3 created by the curvature of Monroe Hill Court and the cul-de-sac, combined with the front façade of the house being separated from Monroe Street by Outlot A, creates irregularly shaped setbacks and yards that are inconsistent from what one observes from the public right-of-way. Granting this variance would alleviate

		the hardship based on the physical shape of the lot.
The property was acquired in good faith and any hardship was not created by the applicant for the variance.	Meets	The property was acquired in good faith and the applicant has not installed the fence.
The granting of the variance will not be of substantial detriment to adjacent property and nearby properties.	Meets	The granting of this variance provides relief similar to what can be provided under the provisions of administrative adjustments for fences.
The condition or situation of the property is not of so general or recurring nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the ordinance.	Meets	The situation is unique to this lot due to the unusual shape that resulted from the subdivision.
The granting of the variance does not result in a use that is not otherwise permitted on such property or a change in the zoning classification of the property	Meets	If granted, this variance would not alter the permitted uses or permitted intensity of the R-10 zoning district.
The relief or remedy sought by the variance application is not available through a special exception process or the process for modification of a zoning ordinance	Meets	Modifications are restricted to PD, Planned Development, districts and the property is zoned R-10.

Board of Zoning Appeals Alternatives:

The following alternatives are available to the Board of Zoning Appeals for its decision on BZA #25-007.

1. Approve variance request(s) A / B upon the finding that the application meets the criteria of Section 78-155.4(d)(1).
2. Approve variance request(s) A / B with the staff recommended conditions based upon the finding that the application meets the criteria of Section 78-155.4(d)(1).
3. Deny variance request A / B.

4. Continue the application to January 22, 2025.

Staff Recommendation:

The variance should be approved based on the ability to meet all six criteria of Section 78-155.4(d)(1).

If the Board votes to approve the variance request, staff recommends the following conditions:

1. If the accessory structure (greenhouse) is removed, it may be replaced, provided the structure does not exceed 10.2 feet by 16.2 feet and is no closer than 9 feet to the property line.
2. Any lights in the greenhouse shall not be aimed at or produce glare towards adjacent properties, and no light shall spill over the property line.
3. The accessory structure (greenhouse) shall not be used for living space and no toilet shall be installed.
4. The 6-foot fence within the 35-foot setback is limited to the area shown in application BZA #25-007, connecting from the house to the greenhouse, and then to the property line.

**TOWN OF HERNDON, VIRGINIA
BOARD OF ZONING APPEALS**

RESOLUTION

DECEMBER 18, 2025

Resolution – to grant Variance Application BZA #25-007, 106 Monroe Hill Court for [one, two] variances in order to: 1) seek a variance from Section 78-30.2(g), R-10 Dimensional Standards, to allow a detached accessory structure to remain within the required 35-foot setback, and 2) to seek a variance from Section 78-115.2(i), to allow a 6-foot tall fence within the required 35-foot setback.

RECITALS

The applicant and property owner, Patricia Kelly, has submitted an application for two variances to allow for an existing 10.2-foot by 16.2-foot accessory structure to remain between 9 and 13 feet from the property line and for a 6-foot-tall fence to be located within the required 35-foot setback.

The Board of Zoning Appeals has reviewed this application and has held a public hearing in accordance with the provisions of §15.2-2204 of the State Code on December 18, 2025, and reviewed the application against the criteria of Section 78-155.4(d)(1).

THEREFORE, BE IT RESOLVED, by the Board of Zoning Appeals of the Town of Herndon, Virginia, that:

1. The Board **grants** the requested variance **[1, 2]** based on the findings set out below and identified in the staff report:

The strict application of the ordinance would unreasonably restrict the utilization of the property; and

OR

Granting the variance would alleviate an undue hardship due to a physical condition relating to the property or improvements thereon; and

- a. The Board further finds that all of the following apply:
 - i. The property interest for which the variance is being requested was acquired in good faith and any hardship was not created by the applicant for the variance; and

- ii. The granting of the variance will not be of substantial detriment to adjacent property and nearby properties in the proximity of that geographical area; and
- iii. The condition or situation of the property concerned is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the ordinance; and
- iv. The granting of the variance does not result in a use that is not otherwise permitted on such property or a change in the zoning classification of the property; and
- v. The relief or remedy sought by the variance application is not available through a special exception process or the process for modification of a zoning ordinance at the time of the filing of the variance application;

2. The board imposes the following conditions on the granting of the variance:

- 1. If the accessory structure (greenhouse) is removed, it may be replaced, provided the structure does not exceed 10.2 feet by 16.2 feet and is no closer than 9 feet to the property line.
- 2. Any lights in the greenhouse shall not be aimed at or produce glare towards adjacent properties, and no light shall spill over the property line.
- 3. The accessory structure (greenhouse) shall not be used for living space and no toilet shall be installed.
- 4. The 6-foot fence within the 35-foot setback is limited to the area shown in application BZA #25-007, connecting from the house to the greenhouse, and then to the property line.

In favor: _____

Against: _____

Attest: _____

 Recording Secretary

Date: _____

**TOWN OF HERNDON, VIRGINIA
BOARD OF ZONING APPEALS**

RESOLUTION

DECEMBER 18, 2025

Resolution – to deny Variance Application BZA #25-007, 106 Monroe Hill Court for [one, two] variances in order to: 1) seek a variance from Section 78-30.2(g), R-10 Dimensional Standards, to allow a detached accessory structure to remain within the required 35-foot setback, and 2) to seek a variance from Section 78-115.2(i), to allow a 6-foot tall fence within the required 35-foot setback.

RECITALS

The applicant and property owner, Patricia Kelly, has submitted an application for two variances to allow for an existing 10.2-foot by 16.2-foot accessory structure to remain between 9 and 13 feet from the property line and for a 6-foot tall fence to be located within the required 35-foot setback.

The Board of Zoning Appeals has reviewed this application and has held a public hearing in accordance with the provisions of §15.2-2204 of the State Code on December 18, 2025, and reviewed the application against the criteria of Section 78-155.4(d)(1).

THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the Town of Herndon, Virginia, that:

1. The Board **denies** the requested variance [**1, 2**] based on the findings set out below and identified in the staff report:

The strict application of the ordinance does not unreasonably restrict the utilization of the property; and

OR

Granting the variance does not alleviate an undue hardship due to a physical condition relating to the property or improvements thereon; and

- a. The Board further finds that not all of the following apply:
 - i. The property interest for which the variance is being requested was acquired in good faith and any hardship was not created by the applicant for the variance; and

- ii. The granting of the variance will not be of substantial detriment to adjacent property and nearby properties in the proximity of that geographical area; and
- iii. The condition or situation of the property concerned is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the ordinance; and
- iv. The granting of the variance does not result in a use that is not otherwise permitted on such property or a change in the zoning classification of the property; and
- v. The relief or remedy sought by the variance application is not available through a special exception process or the process for modification of a zoning ordinance at the time of the filing of the variance application;

In favor: _____

Against: _____

Attest: _____

 Recording Secretary

Date: _____

Board of Zoning Appeals
Application for Variance

Instructions: Complete this form and submit to community.development@herndon-va.gov. Typed signatures will be accepted. Please see the reverse side for application submission requirements.

The undersigned hereby applies for a Variance under the provisions of § 78-155.4 of the Herndon Town Code. The undersigned certifies that all information in this application is true and correct and that the requirements of this application have been read and are understood.

Variance Information

Request for a Variance from Town Code
Section:

Variance will permit:

Address of Subject Property:

Lot Area: SF

Are any site alterations or any alterations to the building's exterior or interior planned or underway in connection with this use (or were any alterations done)? If yes, please describe below.

Applicant Information

Applicant Name and Title/Role:

Mailing Address:

Phone: Email:

Signature of Applicant: *Patricia Kelly* Date:

Property Owner Information

Property Owner:

Mailing Address:

Phone: Email:

Signature of Property Owner: *Patricia Kelly* Date:

Intake Notes—Office Use Only

Application Received By:	Date:	Fee Paid:
Case Number:	Zoning District:	Tax Map Number:

APPLICATION REQUIREMENTS

To be Submitted with this Application

- Name and title of all Co-Applicants (Property Owner(s), Contract Purchasers, and Agents Authorized to Act on Behalf of the Property Owner) with respective mailing addresses, telephone numbers, and e-mail addresses
- A letter signed by the owner or owner's agent consenting to the application for the variance (if applicable)
- A statement of support demonstrating that:
 - Owing to special circumstances or conditions beyond the property owner's control (such as exceptional topographical conditions, narrowness, shallowness, or the shape of a specific parcel of land), the strict application of the terms of the Zoning Ordinance would result in unnecessary or unreasonable hardship;
 - Such need would not be shared generally by other properties;
 - The deviation would not be contrary to the public interest or intent of the Zoning Ordinance;
 - the application does not involve a change in use from those permitted in Article IV of the Zoning Ordinance;
- A copy of the Site Plan or Plat of the property, drawn to scale, showing all existing buildings including accessory buildings and any proposed structure or alteration. Requests for variances to height, setbacks or other architectural provisions must be accompanied with a dimensional drawing showing the features desired (electronically if available)
- Copies of any other drawings, pictures, plans and information that might assist the Board in making its decision (electronically if available)
- Application fee in accordance with the fee schedule on our forms and fees page or TABLE 78-152.2(b)(3): FEES FOR DEVELOPMENT APPLICATIONS in the Town Code
- A receipt or other documentation indicating that taxes have been paid on lands subject to the application (may be obtained when application is filed); and
- If a pre-application conference took place, a statement indicating the date and time a pre-application conference was held with the Town, as well as a list of participants in the conference.

Patricia P Kelly

106 Monroe Hill Ct
Herndon, VA 20170
pattipkelly@gmail.com

November 10, 2025

Town of Herndon

Board of Zoning Appeals
Department of Community Development
Herndon, VA 20170

Please accept the following statement for a zoning variance to allow our shed to remain in the setback area and a 6-foot privacy fence to wrap around the back yard.

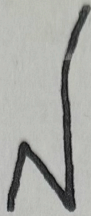
- Significant changes in elevation across the length of our property, the narrowness of our lot, the placement of our utilities, as well as the main neighborhood gas distribution line, and the siting and unusual shape of our house, combine to mean that a strict interpretation of the zoning ordinance would result in unreasonable hardship.
 - Our property is unique. It was moved from its original site at the Town of Herndon's request back in 2013. It aligns with 2 other homes with the formal front door facing west and the back door facing east.
 - The cul-de-sac curves around for a virtual 360-degree view of the property, with no privacy, and imposing our activities on our neighbors.
 - The 35' setback from the south sidewalk narrowed the north yard significantly.
 - The elevation changes run along the entire north yard. The slope begins about 18' into the yard at the west end and fades to about 6' at the east end.
 - The elevation deltas are 40" at the west side to 28" on the east, relative to the lot line.
 - The neighborhood gas distribution line runs along the entire property's north line, some 4' to 5' within the lot, severely limiting an appropriate level base.
 - Our home's gas distribution line bisects the largest flat space in the north yard, again eliminating placement options there.
- This need is not shared generally by other properties in the cul-de-sac.
 - It is the only property with the main neighborhood gas distribution line running through the entire length of the property.
 - It is the only property with an elevation change running the length of the property.
 - It is one of only three properties sited with our front doors facing west and our access to our back doors, patios, garages, and drives facing east to the cul-de-sac.
 - All other properties have conventional back yards.
- The shed will be used for storage and gardening, which are common home uses and not contrary to the public interest or the intent of the Zoning Ordinance.

Respectfully,

Patti Kelly

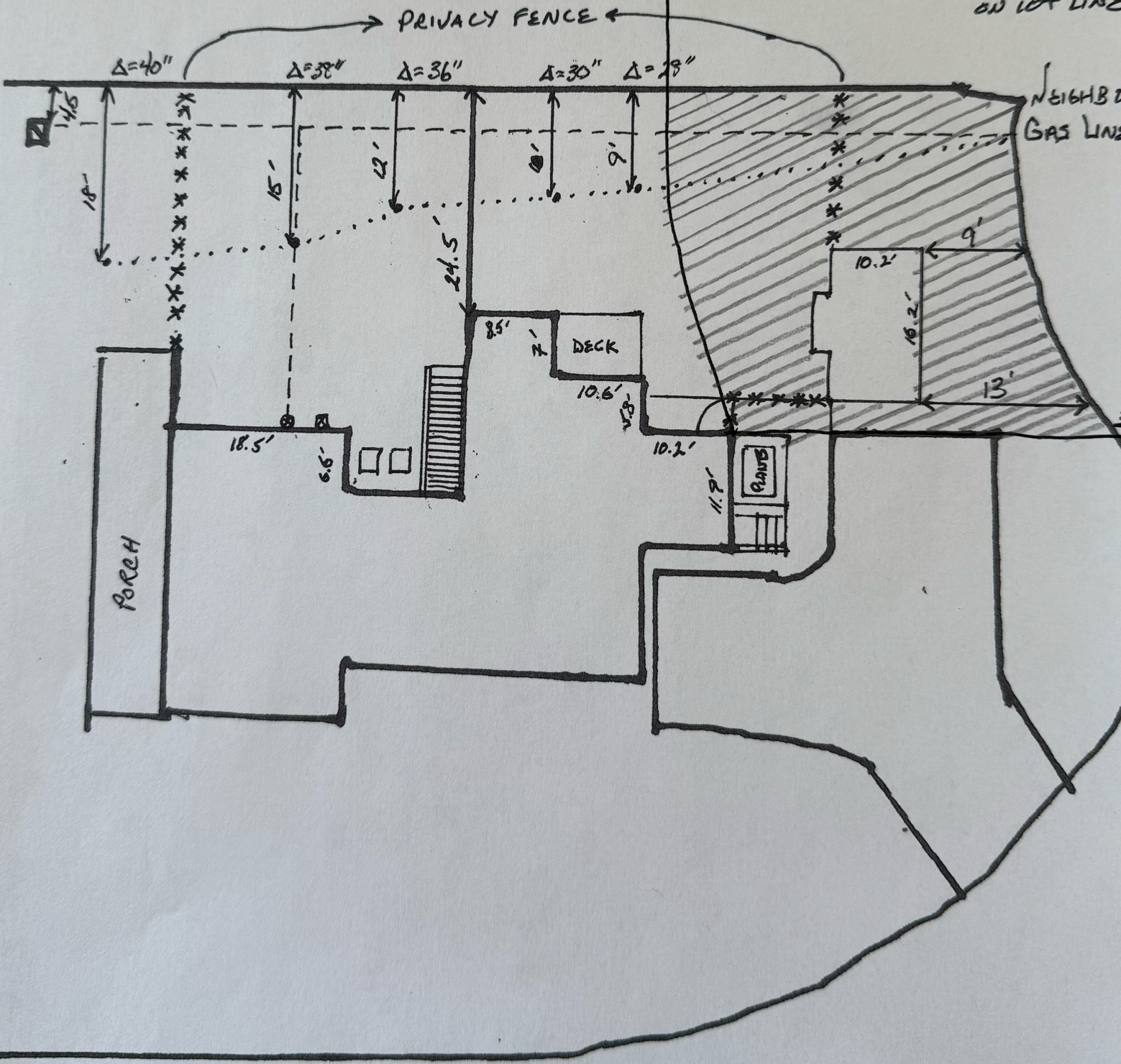
See screenshots below





35' SETBACK

--- GAS LINES
..... ELEVATION HIGH
*** PRIVACY FENCE ON LOT LINE











**Town of Herndon, Virginia
Notice of Public Hearing**

Notice is hereby given that the **Board of Zoning Appeals (BZA)** of the Town of Herndon, Virginia, will hold a public hearing on Thursday, December 18, 2025, at 7:00 p.m. in the Herndon Council Chambers Building, located at 765 Lynn Street, Herndon on the following item:

BOARD OF ZONING APPEALS, BZA #25-007, 106 Monroe Hill Court, to seek a variance from section 78-30.2(g), R-10 Dimensional standards, to allow a detached accessory structure within the required 35-foot setback, and to section 78-115.2(i), Height and location standards for walls and fences in residential districts, to allow a 6-foot tall fence within the required 35-foot setback. The 11,624 square-foot lot is located at 106 Monroe Hill Court, east of its intersection with Monroe Street. The property is zoned R-10, Single Family Residential. Fairfax County Tax Map Number 0104 44 0003. Appellant and property owner: Patricia Kelly.

The public is encouraged to participate in the town’s public hearing process. Individuals having an interest in the above item are invited to attend the public hearing and state their opinions and may also submit comments to bza@herndon-va.gov.

The proposed item is available for examination by the public at the 2nd floor counter of the Herndon Municipal Center, 777 Lynn Street, Herndon, during normal business hours (Monday – Friday) and available for review by the public on the town’s website www.herndon-va.gov.

The Town of Herndon supports the Americans with Disabilities Act by making reasonable accommodations for persons with disabilities so that they may participate in services, programs, or activities, offered by the town. Please call (703) 435-6804 to arrange for any accommodation that may be necessary to allow participation.

Amanda Morrow Kertz, Town Clerk

Note to Publisher:

Publish on November 28/December 5, 2025