



Town of Vienna

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Meeting Minutes - Final Windover Heights Board of Review

Tuesday, December 3, 2024

7:30 PM

Charles Robinson Jr. Town Hall, 127 Center
St. South

The Windover Heights Board of Review met in regular session at 7:30 PM on Tuesday, December 3, 2024, in the Council Chambers, Town Hall, 127 Center Street, South, Vienna, Virginia. Chairwoman Theresa Bachmann, Craig Burns, Julie Kylo, Stephen Kenney, and John O'Keefe were present. Also in attendance, and representing town staff, were Town Zoning Administrator, Andrea West, Town Engineer, John Sergent, and Clerk to the Board, Jennifer Murphy.

Roll Call

All members were present.

Approval of the Minutes:

The meeting minutes were accepted into the record.

WHBR - September 10, 2024 Meeting Minutes

Regular Business

[WHRB24-011](#) Request for a recommendation by the Windover Heights Board of Review (WHBR) to Town Council regarding the necessity of Public Improvements adjacent to the property located at 348 Windover Avenue NW, per Town Code Sec. 18-237.2., Docket No. PF-#1516610-WHBR, in the RS-16, single-unit+ detached residential zoning district; filed by Davis Chau, project engineer with GeoEnv Engineers, and property owner.

Town Zoning Administrator, Andrea West provided staff's report, stating that the board is considering public improvements due to redevelopment of an existing lot at 348 Windover Avenue NW. Town Code, Sec. 18-402 states that all new single-family construction requires frontage improvements. There is also the long-standing code section within the Windover Heights Section of the code, §18-237.2., enacted prior to current frontage requirements, indicating that any proposed public improvements within the Windover Heights Historic District be reviewed with recommendation to Vienna Town Council.

Staff is not proposing any right of way frontage improvements for the subject location. Several sections of town code language, including §18-237.2, are scheduled for review with the Town Council. A public hearing on the proposed updates is scheduled with the Planning Commission for December 11, 2024. Once reviewed, the Planning Commission will provide their recommendation to the Town Council. Until changes are adopted by the Mayor and Town Council, requirements

indicated under §18-237.2 remain in effect. Town Engineer John Sergent is present to speak to any drainage or right of way requirements, including curb and gutter items relating to new single-family construction.

Chairwoman Bachmann asked staff to summarize proposed changes to the code. Ms. West stated that her recommendation, as Zoning Administrator, was to exempt properties within the Windover Heights overlay district from street frontage improvement requirements, as it applies to other redevelopment projects. There had been some discussion of a long-term plan for the district, but there are currently no further details. Further discussion followed regarding past recommendation language.

Concluding discussion, the applicant was invited forward to present.

Davis Chau, project engineer with GeoEnv Engineers, and property owner was present representing the application. Mr. Davis does a lot of work on redevelopment projects in the town. He was originally introduced to the Windover Heights district when working on plans for 288 Windover Avenue NW. He supports retaining the neighborhood's character to not construct sidewalks.

Board member discussion included:

- DPW staff has no evaluation for ROW (right of way) width if the requirement for frontage improvement is waived.
- Whether to include historic cedar trees in town ROW for maintenance purposes. Discussion determined that the historic cedar trees are situated across the street from the project site.
- Obtaining cross section approval for the neighborhood that is controlled and maintained by the town to retain the neighborhood's historic esthetic.
- The large tree shown on the proposed plan is situated in the middle of the lot and marked for removal. When asked, the applicant provided that the tree may possibly be retained.
- Whether the applicant/developer will reside at the property once constructed.
- Per DPW staff, there are no current stormwater issues. The applicant is not proposing to change any drainage divides. All pre and post development will be very similar. The volume of water should remain the same.

Concluding discussion, Chairwoman Bachmann invited public comment.

James Berkenbaugh, residing at 346 Windover Ave NW, supported option 3, for no improvements. He spoke to the Board back in March and wanted to re-state his comments that the historic district is more than just the old homes. It is the character of its tree-lined, winding streets, which could be improved. He supported homeowners allowing trees to be planted and maintained on private property and asked for an update on broader infrastructure discussions. Ms. West responded that nothing has been presented or developed. Chairwoman Bachmann explained that the first action is to get the exemption for the neighborhood, which is currently in process.

Mr. Berkenbaugh explained that he is a direct neighbor of the subject property. The boundary survey shows a chain link fence extending from 348 Windover Ave NW, approximately 2 ft beyond his property line at 346 Windover Avenue NW. He will discuss options for removing the fence with the owner and town staff members. Concluding his comments, Mr. Berkenbaugh was seated.

Carol Layer, residing at 317 Windover Ave NW, asked the board to act in the interest of the neighborhood and recommend exemption from town code requirements for sidewalk, curb, and gutter, as discussed during review of improvements for 288 Windover Ave NW. At that meeting an overwhelming number of neighborhood community members came forward to prevent the degradation of the neighborhood's unique character requesting an exemption from the Vienna code section. Reiterating those objections, she stated, sidewalk, curb, and gutter will obliterate the historic nature of the neighborhood that the town itself designated as historic due to the vary conditions that currently exist. Secondly, town code requirements will result in the destruction of over 150 mature trees, some of which date to the late 19th century. Thirdly, the installation of sidewalk, curb, and gutter will degrade the living experience for all homeowners on Windover Avenue. Especially those whose homes pre-date current code requirements for setback and right of way. This includes her home, which sits closer to the public street. Any street widening or sidewalk installation will bring pedestrian and vehicular traffic extremely, and unacceptably, close to her home.

During those prior meetings they were presented with numerous options and visual representations for application of VDOT and current code standards to Windover Avenue NW. All options were rejected for being incompatible with the district. She asked the board vote to recommend the exemption for 348 Windover Ave NW from any requirements leading to the installation of sidewalks, curb and gutter, or street widening, including the placement of funds in Escrow for future installation. She asked that they also recommend codification of a permanent exemption to any requirements for all Windover Heights historic properties. Concluding her comments, Mrs. Layer was seated.

Gardner Hutchins, residing at 311 Windover Avenue NW, is located three houses down and across the street from the subject property. He reiterated his original comments submitted during review of 288 Windover Avenue NW, that no public improvements be performed for properties within the Windover Heights Historic District and that they keep things as they are. He stated that other neighborhood members are not present due to availability and meeting notification. However, public sentiment within the neighborhood remains the same. Concluding his comments, Mr. Hutchins was seated.

Chairwoman Bachman stated that staff received six (6) emails in support for a waiver. She was aware of a number of neighbors interested in attending the meeting to express the same sentiments as stated during review of 288 Windover Ave NW. It was made clear to her during those previous discussions that the original motivation for creating Windover Heights Historic District was to prevent sidewalk installation. Moving forward there is a lot of work to be done in consideration for keeping their streets safe, preserving other elements that keep the community safe while being mindful of existing stormwater issues as part of ongoing coordination among town boards and town requirements. The first step is to get the exemption codified.

Paul Layer, residing at 317 Windover Avenue NW, submitted written comments that were similar to the comments provided for 288 Windover Avenue NW, for no sidewalks, no VDOT curb and gutter, and no widening of the road. In reference to any future plans for the neighborhood, he supported looking at updated ways for dealing with stormwater like vegetative swales that are more commensurate with the area. Additionally, he asked that the Board acknowledge that the publication; This was Vienna be deemed the only authoritative book or literature that shows

extensively what the historic district looked like. He was not aware of any other reference, which should be recorded as an authoritative document. He further requested that they eliminate any references to contemporary codes that focus on securing and strengthening the historic district. The staff report references uniform sidewalk design and escrow. Anything relating to escrow and/or ROW requirements should be clarified for Windover Heights. A number of surrounding property surveys shows a mixture of Cedar trees located on both private and town owned property. He does not support any taking of private property for ROW purposes but does support that the Cedar trees be maintained. Similar to the discussion for 288 Windover Ave NW, which was as necessary per individual review related to a Windover Heights review that is then forwarded to Town Council. He stated that it should be part of a condition to plant trees on private property. Along his street the only property situated differently is the property addressed at 288 Windover Avenue NW. Being original to the creation of the Windover Heights subdivision, the property was never subdivided and therefore has no right of way. Concluding his comments, Mr. Layer thanked the board, stating that he is pleased with the direction of discussions and was seated.

There being no further public comments, review discussion continued with the builder regarding whether onsite trees would be retained. Staff advised that the application will still need to come back for formal aesthetic review once staff has reviewed the site plan for overall code compliance. There being no further discussion a motion was in order.

Mr. Burns motioned that a recommendation be made to Town Council regarding the necessity of Public Improvements adjacent to the property located at 348 Windover Avenue NW, per Town Code Sec. 18-237.2., Docket No. PF-1516610-WHBR, for no public improvements including frontage improvements or that sidewalks be constructed on this property at this time, with the condition that the existing trees along the street frontage be preserved pending evaluation by the town arborist.

*Motion: Burns
Second: O'Keefe
Carried: 5-0*

Meeting Adjournment

There being no further discussion, the meeting was adjourned at 8:28 pm.

*Respectfully submitted,
Jennifer Murphy
Clerk to the Board*

THE TOWN OF VIENNA IS COMMITTED TO FULL COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT STANDARDS. TRANSLATION SERVICES, ASSISTANCE OR ACCOMMODATION REQUESTS FROM PERSONS WITH DISABILITIES ARE TO BE REQUESTED NOT LESS THAN 3 WORKING DAYS BEFORE THE DAY OF THE EVENT. PLEASE CALL (703) 255-6304, OR 711 VIRGINIA RELAY SERVICE FOR THE HEARING IMPAIRED.