



Town of Vienna

Meeting Minutes

Town Council Meeting

Charles A. Robinson Jr.
Town Hall
127 Center Street South
Vienna VA, 22180

Monday, September 27, 2021

8:00 PM

Charles A. Robinson, Jr. Town Hall, 127
Center Street, South

1. Resolution

- A. [21-2579](#) Resolution for Continuity of Government

Mayor Linda Colbert called the meeting to order and read into the record the Continuity of Government. The Resolution was approved through voice vote.

2. Invocation: Mercury T. Payton, Town Manager

Mayor Colbert recognized Mercury T. Payton, Town Manager who provided the evening's invocation.

3. Pledge of Allegiance to the Flag of the United States of America

4. Roll Call

Present: 7 - Council Member Chuck Anderson, Council Member Ray Brill Jr., Council Member Nisha Patel, Council Member Steve Potter, Council Member Ed Somers, Council Member Howard J. Springsteen and Mayor Linda Colbert

5. Acceptance of the Minutes:

- A. [21-2583](#) Acceptance of the Regular Council Meeting Minutes of September 13, 2021

The regular council meeting minutes of September 13, 2021 were tabled until the meeting of October 11, 2021.

6. Receipt of petitions and communications from the Public that are not on the Agenda. (Limited to 3 minutes per issue and no formal action can be taken this evening)

There were no communications from the public.

7. Reports/Presentations

- A. [21-2530](#) Presentation on Results of Public Engagement Efforts on Potential Updates to the Zoning Code for Lot Coverage and Porch Projections into the Front Yard

Mayor Colbert recognized Cindy Petkac, Director, Planning and Zoning. Director Petkac called on Kelley O'Brien, Principal Planner, to provide a brief refresher on Code Create and status of the project.

Two specific Zoning Code items, Lot Coverage and Porch Projections into the Front Yard, were identified for community feedback. Three options were presented along with visuals of proposed front porch projection. A total of eight events were held to

elicit public input. The final opinion poll remains open and can be accessed through the Town website.

8. Closed Session Report

It was moved that the members of the Vienna Town Council be polled to affirm that a Closed Session was held on September 15, 2021 virtually, via ZOOM, and in-person, in accordance with Virginia Code, Section 2.2-3711.A.(1), and the Town of Vienna's Continuity of Government ordinance, for discussion or consideration of personnel matters, specifically the interviewing of individuals for consideration of appointment and/or reappointment to Town Boards and Commissions.

It was further moved that the Certification Resolution be adopted in accordance with State Statutes, and that the Town Clerk is authorized to execute the Certification Resolution.

And it was further moved that the Closed Session be continued to Monday, October 11, 2021 at 7:00 PM in accordance with Virginia Code, Section 2.2-3711.A.(1), and the Town of Vienna's Continuity of Government ordinance, for discussion or consideration of personnel matters; specifically, the interviewing of individuals for consideration of appointment or reappointment to Town Boards or Commissions.

Motion, Council Member Somers. Second, Council Member Springsteen. Motion carried unanimously.

It was further moved to reappoint Bob Leggett to the Town Business Liaison Committee for a two-year term. Said term shall be retroactively effective from August 23, 2021-August 23, 2023.

It was moved to reappoint Mike Cheselka to the Board of Architectural Review for a two-year term. Said term shall be retroactively effective from July 31, 2021- July 23, 2023.

It was moved to reappoint Teresa Bauchman to the Windover Heights Board of Review for a two-year term. Said term shall be retroactively effective from September 15, 2021- September 15, 2023.

It was moved to reappoint Brian Land to the Bicycle/Pedestrian Advisory Committee for two-year term. Said term shall be effective from October 1, 2021- October 1, 2023.

It was moved to reappoint Lu Elizabeth Cousins to the Vienna Public Arts Committee for a two-year term. Said term shall be effective from October 1, 2021- October 1, 2023.

It was moved to reappoint Paul Layer to the Board of Architectural Review for a two-year term. Said term shall be effective from October 4, 2021- October 4, 2023.

Motion, Council Member Somers; second Council Member Patel. Motion carried unanimously.

It was moved to appoint the following members of Council to local committees for fiscal year 2021-2022:

Northern Virginia Regional Commission - Mayor Linda Colbert;

Town Employment Retirement Committee - Council Member Nisha Patel;

Representative to the Fairfax County Board of Supervisors - Council Member Steve

Potter;
Representative to the Hunter Mill Land Use Committee - Council Member Chuck Anderson;
Representative to the Northern Virginia Park Authority - Parks and Recreation;
Representative to the Hunter Mill Budget Committee - Council Member Ed Somers;
Liaison to the Fairfax County Park Authority - Council Member Howard Springsteen;
Representative to Northern Virginia Transportation Authority – Council Member Ed Somers;
Representative to PCAC for Northern Virginia Transportation Authority– Mayor Linda Colbert;
Hunter Mill District Transportation Advisory Council – Council Member Howard Springsteen; Council Member Steve Potter;
Greater Tysons Citizen Committee – Mayor Linda Colbert; Council Member Ray Brill;
Fairfax County Economic Advisory Commission – Council Member Steve Potter;
Mayor Pro Temp for Fiscal Year 2021-2022 – Council Member Steve Potter;
Tysons Partnership – Mayor Linda Colbert;
Charter Committee – Mayor Linda Colbert (Chair); Town Manager Mercury Payton;
Town Attorney Steve Briglia; Vienna Town Council Members.

Motion, Council Member Somers; second Council Member Nisha Patel. Motion carried unanimously.

A motion was made by Council Member Ed Somers, seconded by Council Member Howard J. Springsteen, that this was approved. The motion carried by the following vote:

Aye: 7 - Council Member Anderson, Council Member Brill, Council Member Patel, Council Member Potter, Council Member Somers, Council Member Springsteen and Mayor Colbert

9. Public Hearing

- A. [21-2531](#) Public Hearing for preliminary receipt of public input on proposed amendments to Chapter 18 - Zoning related to lot coverage and porch projections into the front yard.

Mayor Colbert called the Public Hearing to order at 8:33 PM. Town Clerk, Melanie Clark called roll. All Council were present.

Public statements follow:

Todd Landry, 441 Aubrey St., NW indicated that he enjoys the ability to sit on their back deck. The opportunity to do so bug free would be nice. He therefore supports Option 2, which would allow for the addition of screening.

Rob Fisher, 131 Church St. representing the builder community. On behalf of the builder's community in Vienna, he would like to thank Council for addressing this particular issue out of the greater Code Create project because it is pertinent to Vienna homeowners, both existing and new residents. As opposed to speaking in favor of a particular option he believes what's most important for the building community is that a change is made. Currently, in the RS10 district builders are unable to achieve outdoor living space for a typical four bed, three and a half bath single family detached home when applying current guidelines. The idea of swapping the driveway for the deck works very well as the average deck runs about 320 sq. ft., while most driveways run around 400- 450 sq. ft. Addressing Option 3, Mr. Fisher pointed out that the reduction of building coverage to 22% is concerning. While builders are excited about the opportunity to add outdoor living space, they

are not looking at this as an opportunity to build larger homes. Builders have adjusted to the current rules and regulations, and are able to build largely what they want/what is wanted by their clients. Builders view this as an opportunity for existing clients to convert their deck to screened in porch. Reducing the footprint to 22% would be difficult.

Mr. Fisher explained that the builder community has been working with Town Staff to draft a fourth option for consideration that will make the issue of lot coverage more intuitive. Clients who desire a custom build understand the concept of lot coverage, however buyers who purchase a completed home do not. The idea of the deck as not part of the house is not intuitive. By revising the definition of what is included in lot coverage will make it understandable to both new and existing homeowners. In closing he encouraged the continued evaluation of responses to the opinion poll.

Mayor Colbert reported receipt of emails from Laurie D'Rocco, Mary McCullough, and Susan Stillman.

Patti Hanley, 333 West St., NW, indicated that as a part of the builder's community she wanted to stress that builders do follow the rules, but it is important that those rules be clear and concise. If the Code is not easy to understand, it is difficult to comply. She emphasized that despite appearances, builders are small businesses. With long timelines from inception to completion, it would be helpful if a transition period could be built into the adoption of the Code.

Jordan Rice, 112 Pleasant St., NW, echoed points made by other builders. The changes under discussion would not change the streetscape of the Town, with the exception of the front porch encroachment. Any storm water impact would be addressed as required by changes in lot coverage. Setbacks would remain a necessary requirement that builders must abide by.

Jennifer Kody, 631 Tazewell Rd., NW emphasized that she is not opposed to change, but does have concerns with the proposed updates. Referencing lot coverage, the change from 25% to 35% appears significant and on-the-surface would overwhelmingly benefit the builder community. There is no real justification for giving an additional 10% to new builds, and getting nothing in return for residents (except more expensive homes). She hopes that Council will approve Option 3 with limitations on the additional 10% and also ask for something in return.

Irene Guertin, 122 Melody Lane, SW, is a homeowner who worked with a builder on their current residence. The builder did not relay any information to her regarding lot coverage during the design phase of the project. At the last moment it became necessary to regrade their backyard to satisfy a new regulation that became effective in 2016. This change eliminated much of the usable portion of the back yard. To compensate, they elected to build a screened porch only to discover that the home was built to the maximum 25% lot coverage. While understanding the volatility of the issue with residents, she would like to see an approved option to allow at the least an additional 5% coverage.

John O'Keefe, 106 Melody Lane, SE, supports the previous comments and emphasized that the issue not only impacts new builds, but also new purchase of existing homes. It is important to keep in mind the need for flexibility and the difficulty that second owners face when making changes to fit their needs as a family. Supporting either Option 2 or Option 3, he notes that Option 2 is much easier to understand and

probably more fair. For families doing more outdoors, the ability to have covered space that can be insulated from bugs, etc. is very valuable and should be treated the same as a patio. This alternative allows homeowners, both current and future, flexibility.

Chris Walker, 601 Meadow Lane, SW, identified himself as a homeowner who wishes to demystify the issue under discussion. This is not a proposal that would benefit the builder community as much as it is an opportunity to allow flexibility for the homeowner. It is important to retain this perspective as the goal is to allow for more outdoor living space, not to expand the home footprint. As screened porches are most always in the rear yard, these additions will likely not be visible from the street. Further, the proposed options will make it easier for homeowners and builders alike to understand the code and will provide for living opportunities that are more relevant to today's homeowner.

Penny Oszak, 221 Nutley St., NW reminded Council that it was well over a year ago when clarifying and simplifying the Code was first presented to the public. Residents were told that nothing would change. Obviously, something has changed and now both lot coverage and setbacks are under consideration for rewrite. While builders have stated they do not wish to build larger homes, "we know they will build to maximum lot coverage". To suggest that screened porches will be in the back of the home is incorrect, as under this code, a side car porch can be screened. Ms. Ozark stressed her support for Option 1 as she doesn't see the need for change. Referencing the issue of porch encroachment, she questioned if there were options presented for this issue and where to find information regarding this proposed change.

Mayor Colbert reminded everyone that this information was presented earlier in the meeting but could also be found on the Town website under Code Create.

Robert McCahill, 429 Center St., N. indicated that he is a long time resident of Vienna and loves the Town. He supports the proposed front porch encroachment as it will increase the overall sense of community with neighbor engaging neighbor. Regarding lot coverage, he supports, as did former Mayor Linda D'Rocco, Option 1, no change. Having read public comment, he realizes the difficulty of the issue but believes 25% has served Vienna well. It separates Vienna from neighboring communities that allow for higher residential densities. Should Council select one of the other two options he would recommend a percentage lower than the proposed 5% due to the associated storm water issues. He also believes that 35% coverage is excessive and recommends Council exercise caution.

Patrick Olhurst, 618 Upham Place, NW, is owner and operator of Cloud Nine Homes with an office in Vienna. Having built approximately 55 homes in the Town, he is speaking in favor of Option 2, Option 3 or builder proposed Option 4. Noting that his company has never built speculative homes, he restricts his business to custom homes only. With great concern about streetscape, he does not choose to build larger and larger homes. Currently in RS10 zones, it is difficult to fit standard rooms into a new home design. While most clients would like a covered porch, they are unwilling to sacrifice rooms on the inside to allow for space on the outside. He concluded with a statement in support of other comments regarding setbacks and storm water.

With no additional speakers Council Member Potter made a motion to close the public hearing.

Motion: Council Member Potter; second, Council Member Somers. Motion carried unanimously.

Mayor Colbert reminded all present that a conference session will follow this meeting to further discuss this item and to determine what will be forwarded to the Planning Commission. Council expressed concern that voting to forward as an Agenda Item might be premature and suggested waiting until after the conference session. Council was reminded that revision was an option despite forwarding to the Planning Commission.

A motion was made to set an agenda item for the Oct. 11, 2021 meeting for Council to refer to the Planning Commission for consideration proposed amendments to Chapter 18 - Zoning for lot coverage and porch projections into the front yard, and to set a public hearing.

Motion, Council Member Patel; second Council Member Somers. Motion carried unanimously.

A motion was made by Council Member Patel, seconded by Council Member Anderson, that the Action Item be approved. The motion carried by the following vote:

Aye: 7 - Council Member Anderson, Council Member Brill, Council Member Patel, Council Member Potter, Council Member Somers, Council Member Springsteen and Mayor Colbert

10. Regular Business

A. [21-2568](#) Request approval to amend the Resolution of the Town Business Liaison Committee.

Mayor Colbert called on Natalie Monkou, Manager, Economic Development, to present the Item for consideration.

It was moved to approve the amendments to the Town Business Liaison Committee Resolution as submitted.

Motion, Council Member Springsteen; second Council Member Potter. Motion carried unanimously.

A motion was made by Council Member Springsteen, seconded by Council Member Potter, that the Action Item be approved. The motion carried by the following vote:

Aye: 7 - Council Member Anderson, Council Member Brill, Council Member Patel, Council Member Potter, Council Member Somers, Council Member Springsteen and Mayor Colbert

B. [21-2578](#) Request to adopt 2022 Town Council meeting schedule and include the schedule in the 2022 Town calendar.

Mayor Colbert called on Karen Thayer, Public Information Officer, to present the Item for consideration.

It was moved to adopt the 2022 Town Council meeting calendar as presented.

Motion, Council Member Anderson; second, Council Member Potter. Motion carried unanimously.

A motion was made by Council Member Anderson, seconded by Council Member Potter, that the Action Item be approved. The motion carried by the following vote:

Aye: 7 - Council Member Anderson, Council Member Brill, Council Member Patel, Council Member Potter, Council Member Somers, Council Member Springsteen and Mayor Colbert

11. Meeting Adjournment

Mayor called for a motion to adjourn. Motion, Council Member Anderson; second, Council Member Potter. Meeting adjourned at 9:20 PM.

11. Meeting Adjournment

Aye: 7 - Council Member Anderson, Council Member Brill, Council Member Patel, Council Member Potter, Council Member Somers, Council Member Springsteen and Mayor Colbert

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.