



MINUTES OF THE BOARD OF ZONING APPEALS
Tuesday, December 19, 2023
25 West Market Street
Council Chamber

MEMBERS PRESENT: Vice Chair Susan Moffett, Martha Mason Semmes, Gregory Gutierrez, and Tom Marshall

MEMBERS ABSENT: Chairman Peter Vanderloo

STAFF: Senior Management Analyst Betsy Arnett, Zoning Administrator Michael Watkins

Call to Order and Roll Call

Vice Chair Moffett called the meeting to order at 7:01pm. Attendance was noted by roll call and a quorum of four voting members was deemed present.

BZA Disclosures

None

Public Hearings

None

Zoning Ordinance Rewrite Presentation

Ms. Arnett provided an update of the Zoning Ordinance rewrite process, commenting on the status of the project and projected timelines for further updates with the Board. Further, she discussed the timeline for this rewrite, noting the tentative goal of having an adopted Zoning Ordinance by the end of fiscal year 2025.

Members of the Board asked questions regarding the updates and the current status of the project. It was again noted that the Board is very interested in being engaged throughout the review process.

Unfinished Business

None

New Business

None

Adjournment

On a motion by Ms. Semmes, seconded by Mr. Marshall, the meeting was adjourned at 8:00pm by a 4-0-1 vote (Chairman Vanderloo absent).



Susan Moffett, Vice Chair



Ashleigh Goedeke, Zoning Analyst

[silence] [background conversation]

Ms. Betsy Arnett: Good evening and thank you for having me. My name is Betsy Arnett. I am the Senior Management Analyst in the Town Manager's Office, and I am the project manager for the zoning ordinance rewrite. As I frequently tell people, I am not the subject matter expert for this project, I am the logistical person. I'm the one who keeps everything on track. In October, our consultants were here, and they made a presentation to a joint meeting of the town council and the planning commission.

I am here to essentially make that same presentation to you. I probably won't be as eloquent or as detailed as our consultants, but you'll get the general idea of what they covered. The basic purpose of this is that the first two deliverables of this project we have received, and you have hard copies of those. The first is the code audit, or they called it a critique. This is their third-party assessment of our current zoning ordinance, and they've made a bunch of recommendations in here.

The important point that I want to make about this is that we may not agree with their recommendations. This is their third-party assessment, and so this report will not change. Because the recommendation is in here, does not necessarily mean that we're going to follow that recommendation. The second piece that you have is the annotated outline. This is essentially a crosswalk showing the new structure organization of the proposed zoning ordinance as they intend to lay it out.

Then the right-hand column is what they're proposing, where it exists in our current zoning ordinance. You can see where things end up. This will change as we go through the process as things evolve and we decide where things need to go. This is the current one that we have right now, but there will be updated versions of this available as we go through. Agenda tonight, I want to go over the project timeline once again with you, and then I'm going to very briefly hit the highlights of the-- yes, sir.

Mr. Gregory Gutierrez: [unintelligible 00:10:31] screen up a little bit.

Ms. Arnett: So you don't have to twist your neck.

Vice Chair Susan Moffett: [laughs] Either way. Not good for Mr. Gutierrez.

[pause 00:10:54]

[background conversation]

Ms. Arnett: This evening I'm going to go over the project timeline, and then I'm going to hit the highlights of the code audit just to give you a flavor of what's in the report, but you have the full report to peruse at your leisure. Then I'll touch on the annotated outline and then we'll discuss the next steps with this project. First of all, our timeline. It's a four-phase project. Phase 1 is complete. We've done stakeholder interviews. We have the annotated outline, we have the audit or critique. We're in the

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midst of Phase 2, which is the actual drafting of the ordinance. Staff is in the process.

We have received the first two draft articles, and staff is in the process of reviewing those. Before the end of the year, we'll get Articles 3 and 4 and we'll be reviewing those. For the next year, almost, we'll be in the process of getting draft articles, reviewing them, and working with the consultant to refine those. Through that process we will also be giving briefings to-- the consultant will come, we'll do briefings to the planning commission. We will have two open-door public meetings where the public can come in and look at the ordinance. Then I'll be back to give you a briefing as well as the council and the BAR as we receive these articles in chunks.

That takes us through September of next year. Then Phase 3 is the public review of the draft ordinance. It will be online for 60 days that members of the public can go in and take a look at it. Then we will start the public hearing process of having public hearings before the Planning Commission, a series of work sessions with the Planning Commission until they're happy with it. Then they will, of course, recommend adoption to the council. Then we'll go through that process again with the council. A public hearing series of workshops, a final public hearing, and then with the intention that in the summer of 25, we will adopt the new zoning ordinance.

This is a look at just Phase 2's timeline because we actually have some pretty firm dates here. As I mentioned, we're reviewing Articles 1 and 2. Later this month, actually by the end of this week, we should get Articles 3 and 4 and we'll be reviewing those through the next month. The consultants will be here on February 14th and 15th. They will be here to brief the planning commission on Articles 1 through 4, and we will also hold two open-door public meetings. One will be in the evening at Ida Lee, and one will be here in the morning in the lower level of Town Hall. That's an opportunity for the public to come in.

You, of course, are welcome to come as well and talk to the consultants and see the draft articles, and see the direction they're taking. Once we've done that, then as I mentioned, I will be back to brief you as well as the council and the BAR on articles 1 through 4, give you an opportunity to look at it a little more in depth. Then we will start reviewing the draft articles 5 through 9, so the rest of the ordinance. Then in June, dates are not set yet, but we'll go through the same process that we're going to go through on February 14th and 15th. We'll have a couple of open-door public meetings.

The consultants will brief the planning commission on the second half of the ordinance. Then we'll repeat that where I will come and give that same presentation to you. You have an opportunity to review and comment and provide us with feedback. Any questions about that? That's just Phase 2. Then, as I mentioned previously, Phase 3 is the whole public hearing process with the planning commission and then the council.

Mr. Tom Marshall: I have question.

Ms. Arnett: Yes, sir.

Mr. Marshall: Will the BZA be impacted by any of those dates, particularly other than just going for our own information purposes?

Ms. Arnett: I will be back. I will make a presentation to you at a BZA meeting, but you are also welcome to attend the planning commission meeting, the town council meeting, come to the open-door public meetings on your own time. We'll make sure that the staff is here to present to you specifically and give you an opportunity to provide feedback.

Mr. Marshall: Thank you.

Ms. Arnett: The code audit. There's some overarching ideas that have come out of this code audit. The first is-- and this is actually what really precipitated the rewrite of the zoning ordinance, and that was the adoption of the Legacy Leesburg Town Plan. Now we need to bring the regulation, the ordinance, in line with the policy document, the town plan. This is just one example. There are other examples in the code audit, but this is just one example of a goal in Legacy Leesburg that we want to enhance our existing neighborhoods. We also want to provide a diverse range of housing options, not just single-family homes.

How do we address that in the zoning ordinance? Their recommendations are that we include different types of single-family housing as allowed uses within the various single-family residential districts. There will be a lot of illustratives in the zoning ordinance to illustrate what we mean by that. This is one example. Here's another example of a graphic that would be in the zoning ordinance where we talk about allowing different types of housing to be on the same block or in the same zoning district. The zoning districts. We want to rework our zoning districts to reflect the character areas that are in the town plan and their recommendation is that we focus more on design and form as opposed to land use.

What does it look like? What does it feel like? Building heights, and street widths, and those sorts of things. We heard in our feedback sessions, in our focus groups, a lot about overlapping districts that the overlays and the small area plans and the underlying based zoning that there's a lot of conflicts. We want to clean that up. We also want to update our districts and make sure that any obsolete districts are removed and merge any districts that are virtually identical.

They are recommending that we consolidate the following districts that R-E and R-1 would be consolidated into a single district. That R-2 and R-4 be consolidated. That R-6 and R-8 be consolidated, R-16, R-22, and B-4 would all be consolidated in single district. B-2, B-3, the PRC, and the PRN those would be-- they consolidating, I think, that's about 10 or 11 districts into-- I guess that's 13 districts into six districts there. No changes except for the airport districts. Changes to special purpose districts, like Crescent District and Gateway, and the overlays. This consolidation would result in easier administration of these districts as well as reduce the need to rezone.

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Within the zoning districts I already mentioned that there'll be a lot of illustratives, a lot of graphics and photos and illustrations to visualize what we are looking for in terms of development in these various districts. Then a lot of tables for each district that would show building placement height and other measurements that then are key to those illustrations. As far as the organization, we have a lot of obsolete uses listed, and there are a lot of modern uses that aren't listed. Within our current zoning ordinance, we have a use table within each district section, but then we also have a consolidated use table.

What they're recommending is that we don't have that duplication, so that there's one table for everybody to refer to. As well as having use categories, and then in the text expand upon what specific uses are in the use category and so it's to simplify the tables. Here's an example of a use category and what all falls into that. I'm sure as the zoning administrator would agree, updating our uses. We've got new uses that obviously weren't ever even thought of when we wrote the current zoning ordinance, like vape shops and axe-throwing lounges and that sort of thing.

Mr. Marshall: Golf.

Ms. Arnett: Sorry.

Vice Chair Moffett: Indoor golf.

Ms. Arnett: Right. One of the things that really stood out to the consultants was the need to improve our development standards around amenities. This is a big thing in Legacy Leesburg about developing the character of the town, maintaining the character of the town. Yet there was also a lot of feedback from our stakeholders about open space. The open space requirements and how do they meet those requirements and also manage to get the density that is allowed. One of the things that we want focus on is making sure that the amenities that are required by the development standards fit the character of the area.

We have this urban core that maybe the amenities are different than the amenities required in the suburban areas of town. Here's some examples that the urban amenities might be more hardscape and more communal use, and the suburban areas are more green space. Lot of discussion on affordable dwelling units in that it's not possible to achieve the densities that are potentially allowed based on all of the other requirements like open space and so forth. We want to focus on allowing smaller lot sizes and those sorts of things that would help a developer achieve those densities that are envisioned in both the Legacy Leesburg and in the ordinance.

Throughout the ordinance, one of the recommendations is there are things that need to be taken out of the ordinance and put in the design and construction standards manual. Not just for landscaping but also for parking, parking stall dimensions. That's all-engineering standards. For the zoning ordinance, it's how many parking spaces do you have. Not what size are they? Landscaping is one of those items that came up a lot with the stakeholder interviews. One of the things that they recommended is

removing the planting lists and placing that in the DCSM, so it becomes part of the site plan and not part of a rezoning application.

Be consistent with the Virginia State Code and potentially increasing the required tree canopy in the suburban areas but decreasing it in the urban areas. Again, this is some other ideas for the landscaping and screening requirements in urban areas using hardscape amenities as opposed to landscaping, screening the parking area. One of their recommendations is to allow more-- to spell out their requirements for certain modifications rather than having to go to the BAR, it's more of a checklist. If you meet this then you get this modification, so that it's more administrative review and it's less onerous on the applicants.

Parking requirements. This has been a big topic around the country about getting rid of parking maximums or parking minimums requiring parking. We're getting a lot of conflicting feedback from folks, from developers, as well as all our stakeholder group, there are people representing the outlets and various shopping centers. In general, they want to provide as much parking as they think they need, and so we're working to find that balance between-- obviously, the outlets want to have as much parking as they can get so that they can get more people in there.

We've gotten a lot of different feedback on this and there are a lot of different approaches, whether it's here's the maximum or you can have more if you do certain things like provide more landscaping. Those sorts of things. We'll be taking a hard look at various options for addressing parking issues. Another thing that they have recommended is including a sustainability index with potentially incentives that you get. Increased density or something if you do sustainable things. One of the interesting things that came out of our stakeholder interviews was the idea of--

Most of the things that a developer would do for sustainability would be things that would benefit them like a green roof and so forth. What are the sustainability things that would benefit the community? Create a green space or those sorts of things. This is one of those things that we're going to have to look at more carefully as we go through the process of how would this work and would it work. Would a developer really want these incentives in order to get certain benefits? What would be the incentives, density, a higher height, less parking, whatever?

It's something that we haven't done before and it is a recommendation from the consultants. Within the Historic District, just in general, you can read all of these, I'm not going to read them to you. The idea is that our current zoning ordinance is very suburban in nature, and the zoning ordinance needs to reflect that the Historic District is urban in nature. With zero lot lines, and parking reductions, and reducing minimum lot sizes to reflect the existing development and those sorts of things. Accessory structures, being able to place them behind buildings like garages on a site behind a main structure, and so forth.

These are recommendations regarding the Historic District and updating those two zoning districts. The Gateway District, there is a lot of confusion. This was one of

another topic that we got a lot of feedback from our stakeholders on. There's a lot of confusion about what standards apply where because there is the base zoning, and then there's the Gateway District, and then there's the old H-2, and so there's a lot of confusion. One of the things that we will be taking a good hard look at is, how do we make this easier to achieve, what it is, what are we trying to achieve in the Gateway District, and how do we get there.

How do we make it easy to get there. How do we make it objective and not people guessing as to what it is that we're trying to do. Some of the things that they recommended is simplifying the certificate of appropriateness process. Increasing the opportunities for administrative review rather than having to go to the BAR, and identifying which structures this applies to and which it doesn't. The Crescent District, of course, we're in the process of updating the Crescent District Master Plan, and that will feed into an update of the standards, the zoning.

Obviously, we don't know exactly what's going to come out of that master plan update, but some of the topics that may come up, again, parking, permitted uses, the amenities required, consider allowing zero-lot lines for residential buildings. There are a lot of changes that could come through as a result of the Crescent District Master Plan update. This is just a general summary of their recommendations. You want to go through and make sure that we've removed all the inconsistencies. We want to simplify the organizations so there are fewer districts.

Remove layers of districts where we can, update the list of uses. Increase the number of by-right and minor special exception uses so that there are fewer legislative applications and more development can be approved administratively, which would reduce development timelines and development costs. Give town staff more authority as the council and the planning commission are comfortable with to make decisions. One of the things that they have recommended is creating-- we have by-right uses and then we have special exception uses.

One of the things that they're recommending is that we create a mid-way between that is limited uses, where the requirements are very clearly spelled out. If you meet all of these then it can be approved administratively. Obviously, the council and the planning commission still have a great deal of control because they will be the ones who approve those requirements to meet the limited uses. Broaden the ability to modify setbacks in all the districts. That was something we heard very clearly from our stakeholders. Obviously, we want to make sure that our zoning ordinance is in compliance with the state code.

These are some of the things that have had recent changes, and we want to make sure that we're up to date and in compliance with all of these things. Potential streamlining. Again, that was a big thing we heard from our stakeholders, was the length of the development process in the town. We want to be looking for ways to streamline the process, whether it's decreasing the level of detail required. One thing that really did come up is that the third bullet is, right now, there is no way to just amend proffers without going through a full rezoning.

We're looking at the possibility of a modified or a simplified process. If somebody wants to come in and just amend their proffers, they don't have to resubmit a whole concept plan as part of that. Then, again, consolidating the modification process. I already mentioned the minor special exceptions and limited uses. These are just some other opportunities for clarifying the process, simplifying the process for applicants. General organization. As I mentioned when I was here earlier and gave you an update on this or introduced you to this project is that, we will have an online platform for the zoning ordinance.

This is a screenshot of another organization. This is the Town of Harrisburg, North Carolina's. You can see as you're looking at it, you see the organization of it. You see all the articles on the left menu at all times that always stays up, so you know where you are. We are going to have a library of documents on our site. Actually, the town plan's already up there, but we'll have the zoning ordinance. We're planning to have the subdivision and land development regulations on the same platform as well as design and construction standard manual.

All of those, and they'll all be cross-linked. If you could click on one link, it'll take you to whatever document you're looking at. Some of the features of this, as I mentioned, the table of contents is always available. It's a website. It's not a PDF on a website. It is a website. You can export it to a PDF if you'd like to, but it is a website. There'd be a table structure, lots of graphics, popups that you mouse over something, you get a definition, a lot of cross-linking to other documents, and to other sections of the document as well.

The annotated outline, I know I blew through that really quickly. You do have the whole document that you can go through at your leisure and provide us with feedback as you wish. The annotated outline, again, the way that they've organized this is that it front-loads the stuff that the average homeowner, the citizen, would be interested in, in terms of what can I do on my property. What is my property's zone? What uses are permitted? What can I build? Then further back in the document is the technical stuff.

Again, they are working on really streamlining the document and really articulating standards and being very specific about requirements and making it easy to read. Plain language, plain English, hyperlinking the definitions and cross-references, so that we're sure that a definition always means the same thing. A word always means the same thing throughout the document. This is their basic proposed. Actually, I should have taken that appendix off because the plant list is going to go to the DCSM. This is their basic recommendation of how it will be organized.

We have received draft Articles 1 and 2 and are going through those. The staff is reviewing those. We'll be getting Articles 3 and 4 here by the end of the week and start reviewing those. Next steps, four draft Articles 1 through 4. Let me reiterate that we're having two open-door public meetings, one on February 14th at 6:30. That will be at Ida Lee Rec Center. Then on February 15th at 10:00 AM, that will be here in the lower level of this building.

Then that evening, the consultants will be here for the planning commission. Then sometime in March and April, I will be back to give the same presentation to you about Articles 1 through 4. That'll be your opportunities to get a first look at those articles and give us your comments and feedback. That concludes my presentation. Happy to entertain any questions that you may have. Yes, sir.

Mr. Marshall: I'm trying to grasp all the information provided, but did I understand one thing that we were encouraging more by-right? Why would we encourage more by-right if that means people can do whatever they want to to their property, in my estimation?

Ms. Arnett: Well, so it wouldn't be that they can do whatever they want, but we want to-- for example, one thing that it currently requires a special exception is a vet clinic.

Mr. Marshall: A what?

Ms. Arnett: A veterinary clinic. You meet the standards, they always get approved. Why are we making people go through that process? Why not just set the standards for that use, and then it becomes a by-right use. As long as you meet the standards, then you get approved. Then that saves a tremendous amount of time, both for the applicant as well as staff, and the planning commission, and the council.

That's the idea. We're not just throwing open the doors and saying, "Oh, do whatever you want." We're taking a good hard look at what are the uses that currently require special exception, but we could put very specific standards in the ordinance. Historically, they've always gotten approved. We've never denied it. Why not just make it either a by-right use or a limited use?

Mr. Marshall: Can I say [unintelligible 00:40:08].

Vice Chair Moffett: Sure, sure.

Mr. Marshall: Another thing I'm interested in, I thought I heard you say that we're going to look at some of our ordinances or some of our regulations and perhaps adjusting them in favor of some goals that we have. As far as how development will take place, like tree canopy, whatever it is that you're trying to decide that is important for our Leesburg. Is that true?

Ms. Arnett: Yes. We have established policy in the town plan. The new town plan has established policy, and we want to make sure that our zoning ordinance allows us to implement that policy. Allows us to achieve the vision that is set out in the town plan. We want to make sure that our zoning ordinances aren't preventing us from getting where the community has said it wants to be.

Mr. Marshall: Can I give you just a little thing? Having been on the school board for a number of years, I've always looked at Loudoun County High School, so my district is one of the very smaller schools we have. Of course, when I saw that housing development, white farm or whatever it's called-

Ms. Arnett: White Oak.

Mr. Marshall: -I was shocked that they got that so close to that school. My question is this, I had worked at Madison High School in Vienna, Virginia. It's in the Town of Vienna, which is also kind of compressed. What they had to do was they had to add a third story to Madison High School. I was thinking, could we add a third story to Loudoun County High School?" I had heard, "Oh, no because there are height restrictions." That building is going to be probably continuing to be renovated, is what I'm trying to say because we're never going to tear it down.

It's an original situation like Park View High School. What I'm saying, if the school's system came said, "We could build a third floor," not totally, and that would, for instance, they might put the library there, the cafeteria, or something there. That would be able to create more classrooms at the first two levels in doing something like that. Is that something that could possibly go before the town in the future?

Ms. Arnett: I suppose it's a possibility to look at the height restrictions within that zoning district, whatever that is, this is probably R-1.

Mr. Watkins: 4.

Ms. Arnett: R-4.

Mr. Watkins: Yes.

Ms. Arnett: Yes. That's definitely something that could be considered. It would be up to the town council as to whether they would-

Mr. Marshall: That would be an example of something that might be. You want to keep the school but it has got to be workable too. We're going to be able to put people in. All right. Thank you.

Ms. Arnett: You're welcome. Other questions?

Vice Chair Moffett: No.

Mr. Gutierrez: You mentioned zero-lot-lines a couple of times, and then you mentioned also for residential. Could you just expand on the definition of zero-lot-lines for residential?

Ms. Arnett: It would be that you can build right up to your lot line. That there's no setback.

Mr. Gutierrez: No setback at all.

Ms. Arnett: Right. Think about the Historic District and buildings that are-- there are a lot of commercial buildings in the Historic District that are built on a zero-lot-line. Could we allow a residential building that is a multi-family building, or a duplex, or a

quadplex to have a zero-lot line as well? It allows a developer to maximize the available space on a lot. It would be obviously very context dependent as to where you allow that and where you don't. You wouldn't want to allow it in the more suburban districts.

Vice Chair Moffett: For instance, near the trail of those new condos with a beautiful coffee shop, those, you step right out of the condos onto the sidewalk. That would be an example of zero-lot line.

Ms. Arnett: Right. You're talking about King Street Station?

Vice Chair Moffett: Yes.

Mr. Gutierrez: That's not zero lot line though at King Street Station. That's setback from the--

Vice Chair Moffett: It's not the main street, but I'm-

Ms. Arnett: Yes, because it's a condo. Actually, there's quite a bit of a setback.

Vice Chair Moffett: That's true.

Ms. Arnett: That's the feel of it.

Vice Chair Moffett: There are little tiny homes downtown where you step out your front door and you're on the sidewalk.

Ms. Arnett: Yes. If that, what is actually, I guess, a parking court, if that were a public street, that would be the feel of a zero-lot line.

Ms. Semmes: I would have a lot to say but I think it's a little premature. I'll leave it at that.

Mr. Gutierrez: More to come.

Ms. Semmes: Lots more to come.

Ms. Arnett: Yes, there's a lot more to come.

Ms. Semmes: Just in terms of zero lot line, typically when you're talking about zero lot line in terms of a residential unit, you're talking about the side lot line, the side line. In some developments they'll actually only do the zero-lot line on one side because you want people to get back. It doesn't become townhouses, but it does allow more flexibility in the design if they can go to one side.

Ms. Arnett: Get a bigger side yard. You don't have to have little tiny strips on either side. You get a bigger side yard on one side.

Ms. Semmes: It really is context sensitive. It doesn't in some cases allow you to get to some of the sustainability issues. Allows perhaps some more opportunity for use of solar if you have the right orientation of the development or something like that.

Ms. Arnett: Again, a lot more to come. We haven't seen the actual ordinance itself yet. You'll have an opportunity to review it. You'll have an opportunity to provide us with your feedback. It's a long process.

Ms. Semmes: I would say understanding a lot of the input that you got when you were going through the original process of the town plan and whatever. Some of the issues that people felt with the current development review process being cumbersome or whatever, I understand the desire to reduce the number of special exceptions. The special exception process what draws it out is the legislative process where you have the public hearings and recommendation at the planning commission level, and then also at the council level. That is a very expensive process to go through. Not just time, because time is money.

I do think that you do have to find that balance because what the special exception provides the opportunity to do is look at the context. Every special exception is going to have hopefully a set of standards that goes along with whatever that use is. That's a good thing. Those standards may not be enough for a particular use in a particular area like a veterinary clinic. Well, fortunately, wherever you permit veterinary clinics, wherever we permit them in Leesburg probably the context is okay because maybe it's a more commercial area. You don't allow those in a residential district. There is a balance.

Your consultants and your staff have the experience with these applications to understand where it makes sense to get rid of the special exception process because it's overly cumbersome, but where it makes sense to keep it. Yes, it is a balance, and it's the devils in the details too of those standards and trying to get those right. It sounds like a wonderful effort. Great that you guys are plowing on through it. I was working temporarily in Purcellville when they were going through the critique that they had gotten of their ordinance and then plowing through that. It can be tough, tough sledding.

Ms. Arnett: Yes, it's tough to hear that your baby's ugly. Again, I want to emphasize that the critique is a third-party assessment and there are recommendations in here that we may not necessarily agree with that may not necessarily work here for us. Don't think that every recommendation that's in here is something that we're going to go, "Oh, yes, we need to do that."

Ms. Semmes: Because they just don't know Leesburg. They're coming in from somewhere else. They just don't know the community. Consultants can be great to come in and do a critique like this because they have no political agenda or anything like that. They're just going to say it like it is. On the other hand, they don't know the community like our staff does and like the people on the planning commission and the council. It's bound to be some disconnects.

Mr. Marshall: The politics too.

Ms. Arnett: Absolutely. Well, thank you very much for your attention.

Ms. Semmes: Thank you.

Vice Chair Moffett: Thank you.

Mr. Marshall: Thank you so much for your presentation.

Ms. Semmes: Thank you for giving us this. It's really helpful to know what you're doing.

Ms. Arnett: We really do want to make sure that you are involved because these end up in front of you. We really want to make sure that we hear your feedback on this process. Thank you.

Ms. Semmes: Go tree canopy.

Ms. Arnett: All right. Thank you.

Ms. Semmes: All right. Thank you, Betsy.

Mr. Marshall: [unintelligible 00:49:42]

Vice Chair Moffett: I don't know her slide show. Would that be-- Mr. Marshall or somebody if that's the way--

Ms. Semmes: Sure.

Mr. Marshall: Yes, I'd like to have that so I can-- A copy of this slide show?

Mr. Watkins: We can send it to you.

Ms. Semmes: That'd be good. Our holiday reading. [laughter]

Mr. Watkins: Look for it in your town email here this week.

Mr. Marshall: What?

Mr. Watkins: Look for it in your town email.

Mr. Marshall: I'll have to.

Ms. Semmes: Which means you have to remember to look at your town email.

Vice Chair Moffett: Yes. I had to bring mine up yesterday and I couldn't remember how to get-- I had to call Billy. [laughs]

Ms. Semmes: Right. Exactly. How do I get it?

Vice Chair Moffett: My son works for the town, so he's able to remind me how to get into the web.

Mr. Marshall: I need to get mine.

Vice Chair Moffett: They were very helpful to me over in technical services or whatever, actually. Went in person with my laptop, and they showed me everything.

Mr. Marshall: Oh, that's a good idea.

Vice Chair Moffett: Yes. You can definitely get some help.

Mr. Marshall: All right.

Ms. Semmes: Thanks, Betsy.

Mr. Marshall: I have to get my son to help me.

Vice Chair Moffett: It's a-

Ms. Semmes: I was doing great until my laptop decided I had to have a new version of Outlook, so it loaded my personal Gmail and my Town of Hamilton just fine account. My Town of Round Hill one, no. I just thought about Leesburg, I'm like, "Oh, I better go see if I can find that."

Vice Chair Moffett: When I could the problem I have when I first go in, and I'd forgotten what to bring up my Loudoun County public schools because I still sub there. If you go in through Microsoft, and then I realized I needed to go in the Edge browser. It helped when I went in through the Edge browser, it went to the correct Outlook.

Mr. Gutierrez: [unintelligible 00:51:15]

Ms. Semmes: You can always get it on the web, but it's so nice to have it all consolidated so I have all of my darn email accounts in one place.

Mr. Watkins: Yes.

Vice Chair Moffett: That's good. Well, that was wonderful, Ms. Arnett.

Ms. Semmes: What are you feeling about it so far?

Mr. Watkins: So far so good. The draft language that we've been able to review it's really early. Preliminary analysis is that we're again trying to implement those goals and policies that we established in the town plan. The current town plan was a little bit different because we've switched to more character-based planning, so very contextual-based. Your zoning ordinances, what is the implementation measures

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that you take to get to that character? We're at that point in our development. Where do we want to stay suburban, a traditional based, or do we want to start incorporating more modern zoning techniques getting to the more discretionary built-in allowances in the code? It'll be a unique experience and I think it's going to be positive for the town.

Ms. Semmes: Well, and did I hear Betsy talking about more mixed density and within the single-family districts than you've had in the past? That's what Arlington just went through and now Alexandria.

Mr. Watkins: Yes. I don't know if we're going to be as bold as some of the more urban jurisdictions are. I think a lot of discussion about housing stock and affordability was done through this process. Removing some of the barriers so that we're not building these gargantuan single-family homes. We've got opportunities for different sizes and configurations is what you all and others, the stakeholders will discuss as we develop the new ordinance.

Ms. Semmes: What are your regulations for accessory dwellings now?

Mr. Watkins: For accessory dwellings, the big impediment here is a 10,000-square-foot lot.

Ms. Semmes: Oh, you have to have a 10,000-square-foot lot to be able to do one. Now, it can be detached though.

Mr. Watkins: Yes, ma'am. It can be detached.

Ms. Semmes: Who can live in it if you can live in the main house?

Mr. Watkins: There are no restrictions.

Ms. Semmes: It doesn't have to be the homeowner in the main house.

Mr. Watkins: No.

Ms. Semmes: It could be two rentals. Now?

Mr. Watkins: Yes.

Ms. Semmes: You're not getting many built?

Mr. Watkins: A handful.

Ms. Semmes: Because of the lot size requirement.

Mr. Watkins: Yes.

Mr. Marshall: What?

Ms. Semmes: Do you know what an accessory dwelling unit is? It's basically, you could have your backyard, you could have a garage, and over the garage you could put an apartment.

Mr. Marshall: Like a [unintelligible 00:53:54].

Ms. Semmes: Yes, you could put a little tiny house in your backyard. In Purcellville, they require that the owner has to live in the main house with the thought being that they're going to take care of whoever lives in the accessory dwelling unit, it's not going to become an issue. Because we're in an urban area, so they get to be close to each other, so you have potential issues of noise or whatever. It's just more people living in close proximity to each other. They have had some built, but probably not as many as they would if they did that. Then, are you putting on top of that your short-term rental regulations?

Mr. Watkins: Again, there's no residency requirement for that as well.

Ms. Semmes: Does anybody have to be within a certain number of minutes to be able to-- a manager or somebody like that?

Mr. Watkins: We have an authorized agent who is supposed to be available. It's not hours, it's a greater length of time.

Ms. Semmes: Yes. Within so many minutes or something like that.

Ms. Watkins: It's pretty liberal.

Ms. Semmes: Yes. You haven't had any issues?

Mr. Watkins: Issues? I'd really want to go into our enforcement efforts in the public meeting. I think for the most part you're going to have concerned persons, not only the property owner but the neighbors too. We've had a couple of instances where perceived nuisances really didn't come about but that's just it. It was the perception of there being a nuisance.

Ms. Semmes: Right. That's always a difficult thing. I'm only telling this to Mike because I have to do this on the other side. I'm a zoning administrator. You know what you hear, but it is, it's always a balancing act. It's always trying to find the balance. The thing about short-term housing and short-term rentals is they can actually hurt your affordable housing supply. Because you'll have a company come in and buy a bunch of condos and rent them out, and then they're not available for like our teachers to rent or our children or whatever. That needs to get looked at. Now, is there a policy in your sub-zoning ordinance? Is that part of the zoning ordinance, the short-term rentals or is it in your code somewhere?

Mr. Watkins: We called it a homestay, but it's basically the short-term rental.

Ms. Semmes: Yes. I know I've looked at it because I had to do something in Hillsborough too. Anyway, Mike knows I could talk to him for hours about this. Just a few things.

Vice Chair Moffet: There is so much to think about.

Ms. Semmes: There is a lot to think about.

Vice Chair Moffet: It's just a huge undertaking.

Ms. Semmes: It is, it is, but I'm glad you started. Is this Lincoln Digs, that company?

Ms. Watkins: Yes.

Ms. Semmes: I'm not dating myself. [laughter] Okay, cool?

Vice Chair Moffet: It's good. All right.

Mr. Watkins: Chair Moffett, there's nothing else on the agenda for this evening.

Vice Chair Moffet: No new business.

Mr. Watkins: No new business. We will meet again in January. The bylaws do require that you meet at least twice a year. We've identified January and I believe now it's October are your two business meetings. In January what you'll do is approve the calendar. You'll also elect officers. Then it sounds like Betsy will be back, my guess is April or May. We'll see how the agenda and the process flushes out. In terms of getting you some feedback that we hear from stakeholders in our other public outreach venues, give us some time for her to consolidate the feedback and bring it back to you.

My guess is that we'll be back before you, maybe April, May. As far as active appeals of administrative decisions or variances, there's one or two things that are kind of percolating out there. I think you'll see a variance maybe the spring and the nature of the variances, one, it's not going to be very confrontational or questionable. It's going to deal with some dimensional standards that exist in the downtown. So, an existing constraint that requires this type of a review and approval. Nothing major cooking which is-

Ms. Semmes: It's a good thing.

Mr. Watkins: -good things, exactly.

Ms. Semmes: You guys are doing a good job.

Vice Chair Moffet: I know.

Ms. Semmes: If we don't have any cases, that's a good thing.

Mr. Watkins: Yes.

Vice Chair Moffet: Keeping everybody happy. [laughs]

Mr. Marshall: Again, which meeting is the third Tuesday?

Ms. Watkins: The 16th, January 16th.

Mr. Marshall: Okay, good.

Mr. Watkins: Yes.

Vice Chair Moffet: I'll put that on my calendar.

Ms. Semmes: Yes, I'm just putting it on mine as well.

Vice Chair Moffet: Yes, that's the place to put it. All right. Do I have a motion to adjourn this meeting?

Ms. Semmes: So, moved.

Vice Chair Moffet: A second?

Mr. Marshall: Second.

Vice Chair Moffet: All in favor?

Mr. Gutierrez: Aye.

Mr. Marshall: Aye.

Ms. Semmes: Aye.

Vice Chair Moffet: Motion passed. [crosstalk]

Mr. Gutierrez: Thank you, Mike.

Ms. Semmes: Thank you. Happy Holidays, everybody. Merry Christmas and all that.

[END OF AUDIO]