

RZ 2015-HM-010 – CHRISTOPHER W. AND MARY J. WARNER

Decision Only During Commission Matters
(Public Hearing held on February 17, 2016)

Commissioner de la Fe: Thank you very much, Mr. Chairman. The public hearing for RZ 2015-HM-010, in the name of Christopher W. and Mary J. Warner was held on February 17th, 2016. At that time, there were a number of folks that appeared – some in support – some opposed. And the – I would say that the major issue was how many additional housing – houses would be built, based on this rezoning, whether one or two. We are being asked to provide two additional houses. The third house would be the one that the Warners live in and they would remain there. The configuration of the two new houses presented a great deal of angst among the neighbors, particularly the ones across the street, in that they felt that the houses would be stacked one on top of the other and they – as one – more than one person said it would create a more urban feel to their neighborhood. I, frankly, don't think that these two additional houses would create, what I would consider, an urban feel, but that is their belief. The other major issue had to do with the modification being requested as being a very significant modification to the front lot line to permit a – Lot 3 to have a minimum width of 10 feet along Clarks Crossing Road. The issue of lot shape factor was brought up and I believe staff has – they have issued two addenda to this report, one dated March 9th and one dated February 10th. But I believe that the issue of shape factor has been adequately resolved. The houses have been moved so that, in effect, they're not straight – lined up straight. There have been a number of other changes with the addition of plantings and a number of other things. And staff has recommended approval for this. I – the public hearing for this case was deferred. First, it was partly – it was partly weather, but it was also to permit the Hunter Mill Land Use Committee to make a recommendation. They – after the public hearing, they – before – rather before the public hearing, they did not have a quorum to make a recommendation. I deferred the decision until tonight so that they could make a recommendation one way or another at their meeting last night. Their meeting last night was also cancelled because they did not have a quorum. I don't believe that it is fair or equitable to the applicant to continue to defer decision for a case to await a recommendation of the Land Use Committee when I can't guarantee that they will have a quorum at their next meeting. And they – whatever we decide tonight, the Land Use Committee can look at it again before it goes to the Board of Supervisors with our recommendation. I realize that – that there is a great deal of concern amongst some of the neighbors about the – particularly the severity of the lot width modification. However, I – after looking at a number of possible reconfigurations, I believe that this – this modification permits the best way to save as many trees as possible and to reduce the impervious surface that would be required in some of those models – as well as the fact that, even in those models, there would probably have to be waivers and modifications of the lot width – not as severe as this one, but – you know, they would be required for modifications. I believe that the applicants have a right to develop their land. The staff has recommend approval and, although I do not have a recommendation and there is no recommendation from the Land Use Committee – since I can't guarantee that they will have a quorum at their next meeting, I have decided that I agree with staff with the recommendation and will move on this case without the Land Use Committee recommendation. I know that this is something that I – I'm not sure that I have ever done it before, although I may have. I've been in the Commission a long, long time. But I really don't think it's fair – I mean, in effect, the Land Use Committee has had – I

think you have – the applicant has appeared at least three times and the Land Use Committee has had an opportunity to consider this at least four times. And they just have not been able to come up with a quorum for this, but it has been presented. So I just don't think it is fair to continue to defer this case. So Mr. Chairman, I – as I said – I believe that, in this case – let me look at my – RZ 2015-HM-010, in the name of Christopher Warner and Mary J. Warner – I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF RZ H – 2015-HM-010 AND THE GENERALIZED DEVELOPMENT PLAN, SUBJECT TO THE EXECUTION OF PROFFERED CONDITIONS CONSISTENT WITH THOSE DATED, I BELIEVE IT'S JANUARY 29TH, 2016 [sic].

Secretary Hart: The motion has been made by Commissioner de la Fe. Is there a second?

Commissioner Sargeant: Second.

Laura Arseneau, Zoning Evaluation Division, Department of Planning and Zoning: Mr. Hart? It should – the development condition should be – I'm sorry, proffer should be March 7th, 2016.

Commissioner de la Fe: MARCH 7TH, 2016.

Secretary Hart: Is there a second of the motion?

Commissioner Sargeant: Second.

Secretary Hart: Second by Commissioner Sargeant. Is there any discussion? Commissioner Lawrence.

Commissioner Lawrence: Mr. Chairman, thank you. I cannot support this motion. Let me say why. The existence of the new home on the property means that it turns its back on the new houses. The necessity for access for a third house on the property ends us up, no matter what we do, with a situation in which there isn't a convivial grouping of the houses. If you look at the patterns of groupings around this property on other sites, you see such groupings in clusters that are there. The applicant sent in a memo showing why a suggested seconded design for the thing wouldn't work. I agree they wouldn't work. I don't think the first design would work. I don't think it fits into the fabric of the community. Therefore, I cannot support the motion. Thank you.

Commissioner Hart: Further discussion on the motion? Seeing none, we'll move to a vote. All those in favor of the motion, as articulated by Commissioner de la Fe, please say aye.

Commissioners: Aye.

Secretary Hart: Those opposed?

Commissioners Flanagan, Keys-Gamarra, Lawrence, and Strandlie: No.

Secretary Hart: A division. All right. Commissioner Ulfelder?

Commissioner Ulfelder: Aye.

Secretary Hart: Commissioner Hurley?

Commissioner Hurley: Aye.

Secretary Hart: Commissioner Migliaccio?

Commissioner Migliaccio: Aye.

Secretary Hart: Commissioner Sargeant?

Commissioner Sargeant: Aye.

Secretary Hart: Commissioner de la Fe?

Commissioner de la Fe: Aye.

Secretary Hart: Commissioner Lawrence?

Commissioner Lawrence: No.

Secretary Hart: Commissioner Flanagan?

Commissioner Flanagan: No.

Secretary Hart: Commissioner Hedetniemi?

Commissioner Hedetniemi: Aye.

Secretary Hart: Commissioner Strandlie?

Commissioner Strandlie: No.

Secretary Hart: Commissioner Keys-Gamarra?

Commissioner Keys-Gamarra: No.

Secretary Hart: Someone count.

Commissioner de la Fe: Four to Seven.

Secretary Hart: Seven to four?

Commissioner de la Fe: Six.

Secretary Hart: All right. Chair votes aye, motion carries. Commissioner de la Fe?

Commissioner de la Fe: Okay, thank you very much. Mr. Chairman, I MOVE APPROVAL OF A MODIFICATION OF SECTION 9-610 OF THE ZONING ORDINANCE TO PERMIT THE WIDTH OF LOT 3 TO BE A MINIMUM OF 10 FEET WIDE.

Secretary Hart: Is there a second?

Commissioner Ulfelder: Second.

Secretary Hart: Commissioner – the motion’s seconded by Commissioner Ulfelder. Discussion on that motion? Seeing none, we’ll move to a vote. All those in favor of the motion, as articulated by Commissioner de la Fe, please say aye.

Commissioners: Aye.

Secretary Hart: Those opposed?

Commissioners Flanagan, Keys-Gamarra, Lawrence, and Strandlie: No.

Secretary Hart: I’ll assume it’s the same division. That motion carries.

Commissioner de la Fe: Thank you very much. I am sorry that I could not wait for the Land Use Committee to render a decision, but I think it would not be fair to do so. Thank you.

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(Each motion carried by a vote of 7-4. Commissioners Flanagan, Keys-Gamarra, Lawrence, and Strandlie voted in opposition. Commissioner Murphy was absent from the meeting.)

JLC