

Planning Commission Meeting
October 9, 2014
Verbatim Excerpt

SE 2014-HM-024 – MARY BETH SWICORD D/B/A FIRST MARKS ART STUDIO

After Close of the Public Hearing

Parliamentarian Hart: I will close the public hearing and recognize Commissioner de la Fe.

Commissioner de la Fe: Thank you very much, Mr. Chairman. And I want to thank everyone that came. And with respect to Mr. Ishee and the Rivers – this came to the Reston Planning and Zoning Committee and this is the first we have heard about this at that – you know – they were not at that committee meeting. The violations were discussed and development conditions were developed to make sure that the concerns that had been raised, both from the violations and the staff, could be met through the development conditions. And I think we have done that. I agree with Commissioner Hedetniemi on the solution that – although it's not a development – the solution that the school has come up with of having five or six cars all wait there and then having to back out at the same time. I'm not sure that that is the wisest thing, but I don't think a development – the development condition says that the discharge and pickup must occur in the driveway. Whether they all have to wait or not, that's something that has been set by policy. And I'm not sure that that is the safest way to do it, but that is not in the development conditions. I would like to ask the applicant's representative whether the development conditions that have been developed – whether you are in agreement with them.

Patrick Via, Applicants Agent, Rees Broome PC: The answer is we preferred to have the method of drop-off as has always occurred, which is just – the folks can pull in if they want, but they're authorized to drop the kids off in front of the driveway. But we have negotiated this and we accept that as written.

Commissioner de la Fe: Okay, the other thing is – and I want to make sure that it's on the record – there appears to be some history here of violations. And I want to impress on the applicant that these development conditions, as have been pointed out, must be lived up to and that any violations could lead to the denial – you know, and the discontinuance of the Special Exception.

Mr. Via: We understand and Ms. Swicord certainly understands. And just for the record, the 1998 violation that was questioned earlier – that had to do with a transfer from Loudoun County. She had five months in order to – to make the change – the location of it. The Fairfax County representative did not realize that she had previously had a business in Loudoun County so that one happened in 98. Since 98, nothing occurred until 2013. But again, she's aware of it. She will abide by these conditions. We've talked a lot about them and how important it is. And I guarantee that she is going to work hard to make sure they're abided by.

Commissioner de la Fe: Thank you. And once again, Mr. Chairman, I request that the applicant confirm for the record their agreement to the proposed development conditions dated September 23rd, 2014.

Mr. Via: We agree.

Commissioner de la Fe: Okay. Thank you very much. Mr. Chairman, this application came to the Reston Planning and Zoning and they approved it almost unanimously. The one vote against it is because the individual always votes against home occupations and doesn't believe that residences should be used for business. And that – but you know – otherwise, everyone agreed that this application should be approved and I agree. Therefore, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SE 2014-HM-024, SUBJECT TO CONDITIONS DATED SEPTEMBER 23RD, 2014.

Commissioner Lawrence: Second.

Parliamentarian Hart: Seconded by Commissioner Lawrence. Is there any discussion? Seeing none, we'll move to a vote. All in favor of the motion, as articulated by Commissioner de la Fe, please say aye.

Commissioners: Aye.

Parliamentarian Hart: Those opposed? The Chair votes aye, the motion carries.

Commissioner de la Fe: And, Mr. Chairman, I move – FURTHER MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A WAIVER OF THE TRANSITIONAL SCREENING AND BARRIER REQUIREMENTS AND A REDUCTION IN THE PARKING REQUIREMENT TO PERMIT 8 SPACES INSTEAD OF 10.

Commissioner Lawrence: Second.

Parliamentarian Hart: Seconded by Commissioner Lawrence. Is there any discussion? Seeing none, we'll move to a vote. All in favor, please say aye.

Commissioners: Aye.

Parliamentarian Hart: Those opposed? The Chair votes aye, the motion carries.

Commissioner de la Fe: Thank you very much to everyone.

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(Each motion carried by a vote of 8-0. Commissioners Flanagan, Migliaccio, Murphy, and Sargeant were absent from the meeting.)

JLC