

PZ-2009-01 OR AWH-2009-01: PROPOSED CHANGE IN PROCEDURES FOR APPLYING FOR AN ACCESSORY DWELLING UNIT

1. WHEREAS housing costs in Fairfax County are among the highest in the nation, thus making it difficult for many people who work in the County to live within the County; and
 2. WHEREAS the Fairfax County Board of Supervisors has established in the Comprehensive Plan a county-wide objective to provide the opportunity for all who live and work in Fairfax County to purchase or rent appropriate housing within Fairfax County and within their means; and
 3. WHEREAS the Comprehensive Plan states as a specific objective “Encourage the creation of Accessory Dwelling Units as a means of increasing the supply and distribution of affordable housing” (Policy Plan, Housing, Objective 2 d); and
 4. WHEREAS the Board of Supervisors’ adopted policy, in Appendix 5 to the Fairfax County Zoning Ordinance, provides guidance on establishing Accessory Dwelling Units, in part, as a means of creating additional affordable housing; and
 5. WHEREAS the Fairfax County Zoning Ordinance states the standards for establishing an Accessory Dwelling Unit, such standards requiring that (1) the Accessory Dwelling Units be located within the structure of a single family detached dwelling unit, unless the lot is two acres or larger, (2) have a gross floor area not to exceed 35% of the principal dwelling unit (sum of total horizontal floors including basement but not cellar), (3) contain no more than two bedrooms, (4) have permanent provisions for living, sleeping, eating, cooking and sanitation as well as adequate parking, (5) limit allowable occupancy to no more than two persons not necessarily related by blood or marriage and (6) that one unit be owner-occupied and that one unit be occupied by an elderly and/or disabled person; and
 6. WHEREAS authorization for an Accessory Dwelling Unit in Fairfax County is obtained by application for a special permit from the Board of Zoning Appeals (BZA), a detailed and lengthy procedure that includes a public hearing; and
 7. WHEREAS the County’s application process and Zoning Ordinance’s limits on who may occupy an Accessory Dwelling Unit severely limit the opportunity to use Accessory Dwelling Units to provide additional low-cost housing; and
 8. WHEREAS Fairfax County would encourage applications for Accessory Dwelling Units by amending procedures by: (1) limiting this modified application procedure to Accessory Dwelling Units that are confined within the envelope of the single family detached dwelling unit to minimize change to outward appearance of the unit, (2) allowing applicants who meet County Zoning Ordinance criteria for Accessory Dwelling Units to receive permits by-right, (3) having a gross floor area up to 35% of the principal dwelling but a moderate size not to exceed 850 sq. ft. (4) requiring any additional parking to be on site, (5) allowing occupancy for up to two persons without further qualification, (6) prohibiting Accessory Dwelling Unit entrances to be on the same side as the single family dwelling unit principal entrance;
- A) NOW THEREFORE BE IT RESOLVED that the Board of Supervisors direct the Department of Planning and Zoning to amend the Zoning Ordinance to encourage applications for Accessory Dwelling Units in single family detached dwellings by streamlining procedure for processing applications, that creation of an Accessory Dwelling Unit be by-right for all applicants who meet all statutory and regulatory standards

and conditions, that the approval be an administrative process, with approvals limited to 100 units per year (roughly one accessory dwelling unit per 1,000 single family homes per year); and that occupancy requirements be changed to allow a maximum of two persons without further qualification, so long as the dwelling owner occupy either the Accessory Dwelling Unit or the primary dwelling unit; and

B) BE IT FURTHER RESOLVED that implementing such changes to the Zoning Ordinance be a Priority 1 Zoning Ordinance Amendment to expedite and increase the number of Affordable Housing Units available within Fairfax County.