

# The Arlington County Civic Federation Accessory Dwelling Resolution

2/5/08

Whereas Arlington has a shortage of affordable housing and Accessory Dwellings (ADs) can offer an affordable housing option;

Whereas the Housing Commission and the Elder Readiness Plan have proposed to allow some homeowners to include certain configurations of ADs on their property;

Whereas ADs provide additional flexibility to homeowners for family living arrangements, child care, elder care, and other service workers;

Whereas AD rental income could provide homeowners more economic flexibility in continuing to afford their homes; and

Whereas Arlington homeowners will want assurances that ADs will not change the character of single-family neighborhoods by increasing congestion, noise, or overcrowding, or by worsening parking;

1. Therefore be it RESOLVED that the Arlington County Civic Federation supports amending the Zoning Ordinance for single-family home properties to allow strictly limited and regulated **Interior/SemiDetached ADs** on single-family properties — not duplex properties — provided:
  - (A) There is a community-wide discussion about all aspects of this important proposal, including review and input by the public and by all relevant County Commissions; and
  - (B) There are critical protections of neighborhood character, which are legally and practically enforceable, including occupancy limits, owner-occupancy requirements, ongoing inspection authority, transparency of the permitting process, and limitations as to size, form, placement, and lot size as follows.<sup>1</sup>
    - The allowable occupancy for the entire property (main building with AD) is limited to 4 unrelated persons.
    - Both the homeowner and AD occupant(s) agree to the terms of the AD, including giving Code Enforcement timely access to make inspections when complaints are made.
    - The County Attorney determines that such occupancy limits and inspections can be legally enforced and provides guidance and options concerning what types of rules are enforceable and how they could be enforced.
    - Homeowner occupancy is required, with some limited exceptions for military reserve and guard called to active duty.
    - The main building with AD conforms to the current building code and all setback, height, and coverage requirements in the current Zoning Ordinance.

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<sup>1</sup> Underlining indicates revisions, deletions, or additions to the Housing Commission proposal.

- Properties that do not have the minimum lot area for the Zoning District are not eligible for ADs.
- Any renovations to a main building to provide an AD be required to maintain the home's single-family exterior character — for example, no exterior stairs to a second-story AD or construction of a second front door.
- The AD provides parking per the Housing Commission's recommendation — except that we do not support the use of driveway tandem parking to meet the parking requirement.
- The public is notified when the AD is permit is applied for and, when granted, the AD permit is recorded in the County's Real Estate database.
- The ordinance change is reviewed by the County Manager after approximately three years to determine what adjustments, if any need to be made.

And WHEREAS Arlington homeowners and home-workers will benefit from the ability to have care-givers and other home-workers by providing on-site housing with access to the family living quarters;

2. Therefore be it FURTHER RESOLVED that the Civic Federation recommends expanding the eligibility for **Family Suites** to allow occupancy by workers providing family support services, such as eldercare and daycare, thus expanding this section to be Family Support Suites.

And WHEREAS exterior ADs are significantly more likely than interior/semi-detached ADs to reduce the privacy that adjacent homeowners currently enjoy;

3. Therefore be it ALSO RESOLVED that the Civic Federation does not support allowing **Exterior ADs** at this time. However, if they are considered in the future, we recommend that in addition to the above requirements, exterior ADs be allowed only if:
  - Exterior AD permits are granted by the County Board using a public process that enables the Board to set additional use permit conditions for the Exterior AD; and
  - Exterior ADs are allowed only on larger lots that that have significant unbuilt space, which could be achieved by requiring:
    - That the exterior AD meet the setback requirements for the main building on the property, with no exceptions for ADs in garages that are within the setback area.
    - That the allowable footprint of the main building and the AD footprint (added together) be limited to the current maximum allowable main building footprint.