



County of Fairfax, Virginia

MEMORANDUM

DATE: June 30, 2020

TO: Board of Supervisors

FROM: Leslie B. Johnson, Zoning Administrator *Leslie B. Johnson*
Barbara Byron, Director, Department of Planning and Development

SUBJECT: zMOD Survey Results – Accessory Living Units and Home-Based Businesses

As part of the Zoning Ordinance Modernization (zMOD) project, staff and Clarion Associates have conducted in-person and virtual presentations highlighting proposed changes from the current Ordinance provisions to solicit feedback. In addition to these efforts, staff conducted surveys on two accessory uses that have been of interest to residents – accessory living units (the new proposed name for accessory dwelling units) and home-based businesses. Each survey was accompanied by a short companion video that also described the proposed changes. The survey period was April 9, 2020 through May 31, 2020, and they were advertised on a variety of online platforms, including the Fairfax County website, zMOD website, zMOD and Proposed Zoning Ordinance Amendment listservs, Fairfax County Zoning Facebook, and certain District Supervisor’s newsletters. A summary of the responses on each topic is included below.

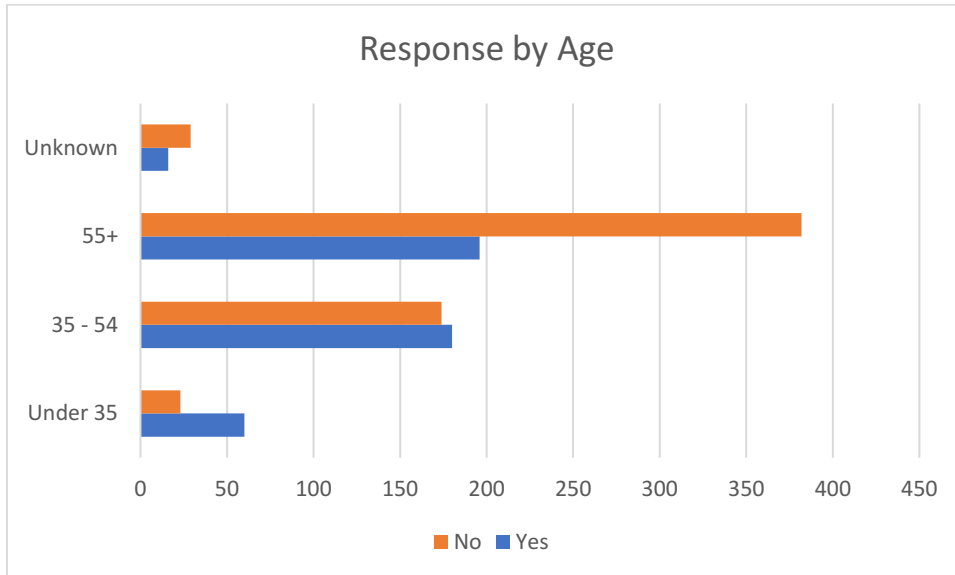
Accessory Dwelling Units – New Proposed Name: Accessory Living Units Survey Responses

1. Do you support establishing a single maximum size?

In order to make the regulations clear, predictable and equitable, we are considering establishing a single maximum size for an accessory dwelling unit of 1,200 square feet. This would replace the existing maximum size limit of 35% of the gross floor area of the principal dwelling.

Do you support this change?

	Age				Total	Percent
	- 34	35 - 54	55+	Unknown		
Yes	60	180	196	16	452	42.6%
No	23	174	382	29	608	57.4%
Total	83	354	578	45	1060	



2. Is 1,200 square feet the right size?

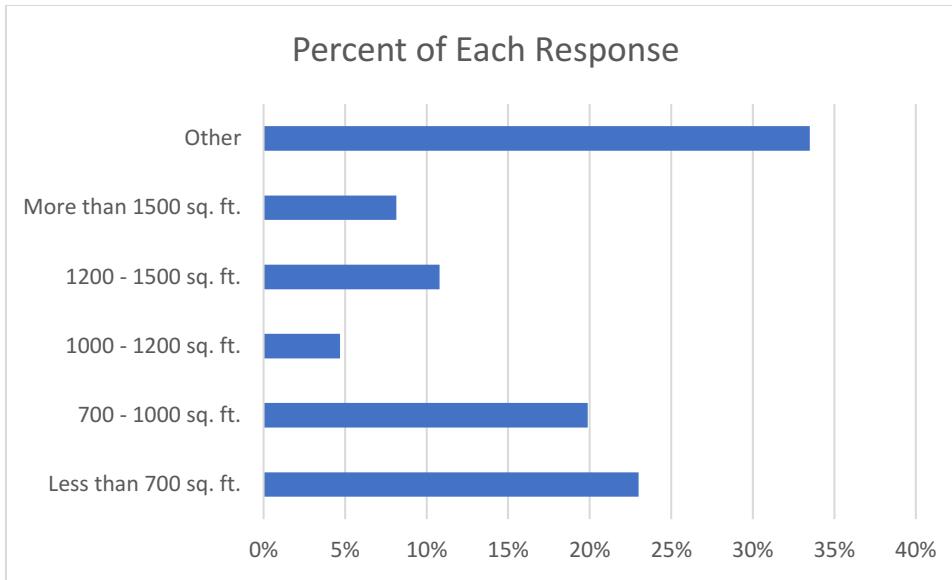
Is 1,200 square feet an appropriate size, keeping in mind that an accessory dwelling unit is limited to two bedrooms?

	Total	Percent
Yes	432	42.7%
No	580	57.3%
Total	1012	

3. If not, what size would you recommend?

A total of 639 responses were entered for this question and the percent of each response is shown below.





Of the 214 responses to “Other,” many respondents expressed that they do not support accessory dwelling units at all. Some of the other responses included:

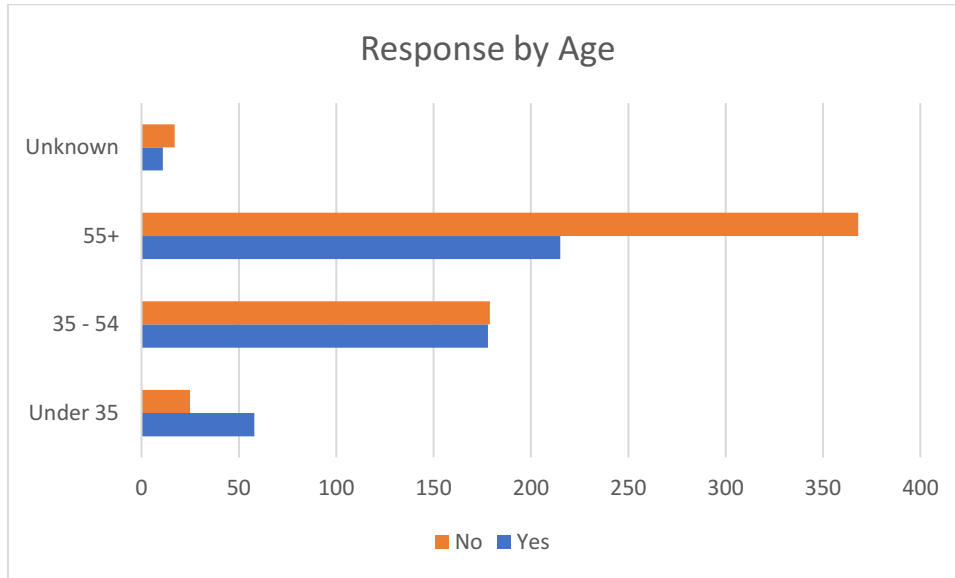
- Keep the current maximum of 35%
- Establish a maximum of 35% or 1,200 sq. ft., whichever is less
- Set a maximum percentage (not specified) of the dwelling or 1,000 sq. ft., whichever is less
- Other recommended maximum sizes included:
 - 4,000 sq. ft.
 - 2,000 sq. ft.
 - 800 sq. ft.
 - 500 to 800 SF
 - Less than 400 SF
- Allow only one bedroom
- Do not restrict the size
- The size should be determined by the BZA

4. Do you support an administrative process for interior units?

For accessory dwelling units that are within the principal dwelling, we are proposing to streamline the process by replacing the special permit process (which requires a public hearing before the Board of Zoning Appeals) with an administrative permit review process when applicants meet a series of standards, including the maximum of two bedrooms, two occupants, that it only be with a single-family detached dwelling, and other requirements. Detached accessory dwelling units would still require a special permit. Do you support this change?



	Age				Total	Percent
	- 35	35 - 54	55+	Unknown		
Yes	58	178	215	11	462	44.0%
No	25	179	368	17	589	56.0%
Total	83	357	583	28	1051	



5. If not, are there any situations where you would support an administrative review?

Of the 401 respondents who filled in this blank, most replied that there are no situations where they would support an administrative permit process, while some commented that they would support an administrative review in all instances. The situations where some said they would support an administrative review included:

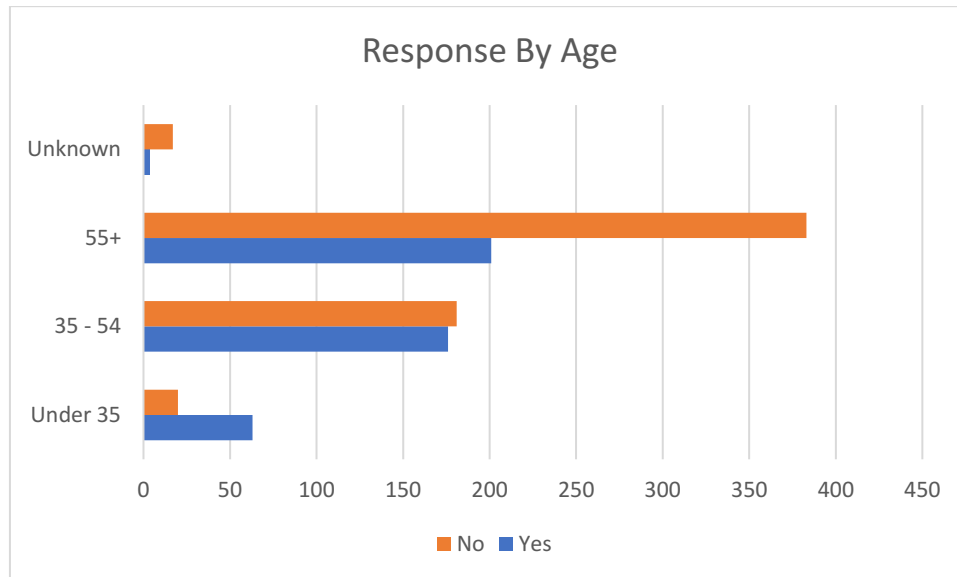
- For elderly or disabled only
- For one bedroom
- For family members
- With enforcement to only 1-2 adults, no kids
- If the number within the neighborhood is limited and parking is provided for 2 cars
- If close to Metro
- With a severe medical condition
- Lot size ½ acre or more



6. Do you support removing the age/disability requirement?

Currently, an accessory dwelling unit requires someone living on the property (either in the principal dwelling or in the accessory dwelling unit) to be either 55 years of age or older or to be disabled. Current occupancy limits for a dwelling permit a family plus two roomers or boarders by right, although separate kitchen facilities for roomers or boarders are not permitted. With approval of an accessory dwelling unit, the two additional people are allowed to have a separate kitchen if the standards are met. Do you support removing the requirement for someone to be either 55 years of age or older or disabled?

	Age				Total	Percent
	- 35	35 - 54	55+	Unknown		
Yes	63	176	201	4	444	42.5%
No	20	181	383	17	601	57.5%
Total	83	357	584	21	1045	



Emails:

The survey also asked that additional comments be sent to the zMOD email, and some of the emails received since release of the survey are from individuals who completed the survey, but some are from those who did not. Between April 10 and June 30, we received 64 emails regarding accessory dwelling units. Of those, 44 (69 percent) indicated support for the proposed revisions, and 18 (28 percent) expressed concerns or opposition to the proposed revisions. Two emails were received that supported the administrative approval change but did not support the removal of the age/disability standard.

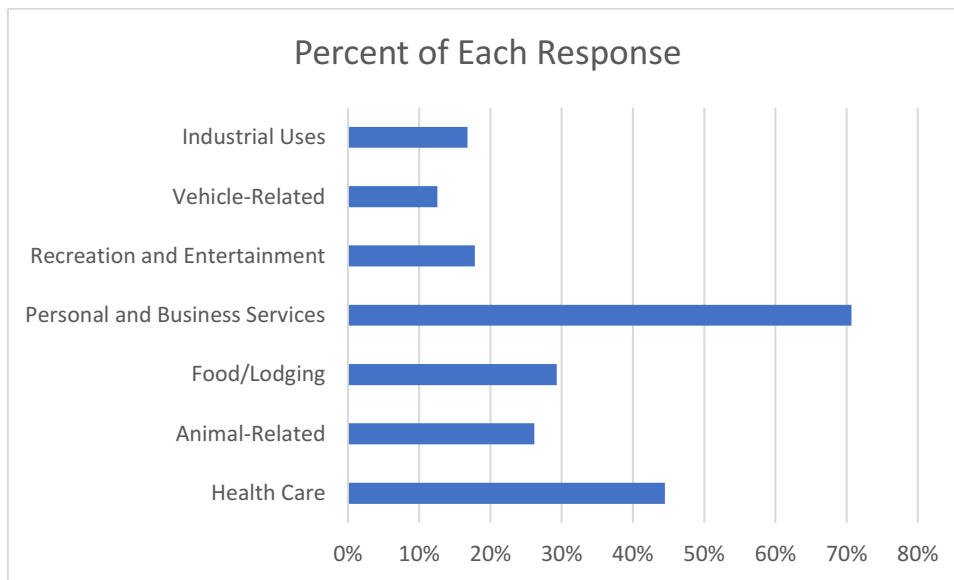


Home-Based Businesses - Survey Responses

1. Should any of the use classifications/categories proposed to be prohibited instead be allowed?

The proposed changes list certain use classifications and categories that would not be permitted as a home-based business. All other uses would be permitted. To see which uses are included in each classification or category and their associated definitions, as well as the uses that would be permitted, visit our zMOD draft online. Below is the proposed list of use classifications and categories that would be prohibited as home-based businesses. Are there certain prohibited groups that you think should be allowed? Check any that you think should be permitted.

A total of 191 responses were entered for this question and the percent of each response is shown below.



2. Are there other uses that should be prohibited? (fill in the blank)

Many of the 166 people who answered this question responded that home-based businesses should not be allowed. Other popular responses were Airbnb (short-term lodging), group homes, dog training, and home daycare.

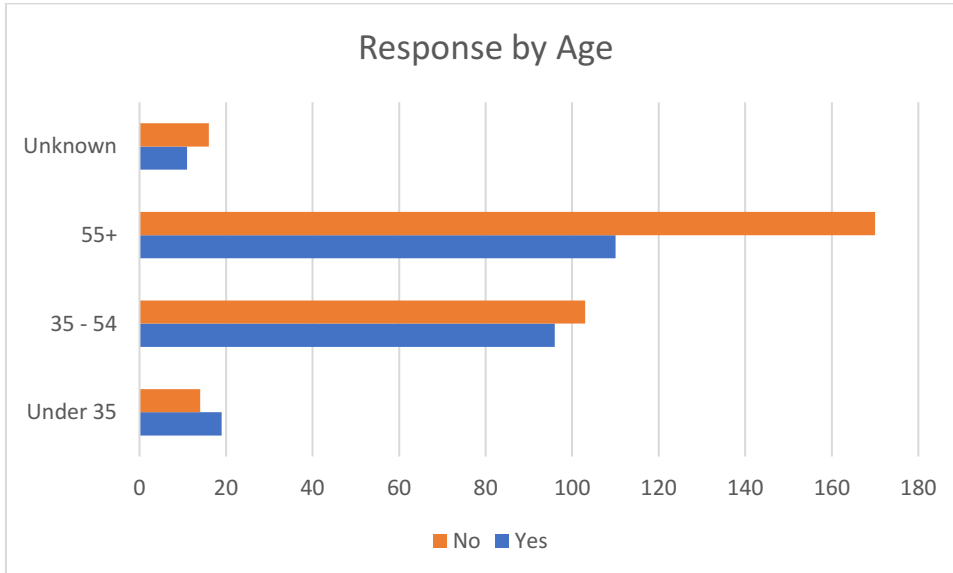


Customers

The proposal under consideration would treat all permitted home-based business uses the same. This is different from today’s approach that only allows certain uses to have customers or clients. The proposal recommends allowing up to four customers at one time and eight customers in a day for single-family detached units; for single-family attached, stacked townhouses, and multifamily units, the proposal recommends allowing up to two customers at one time and eight customers in a day.

3. Do you support the number of customers for single-family detached dwellings?

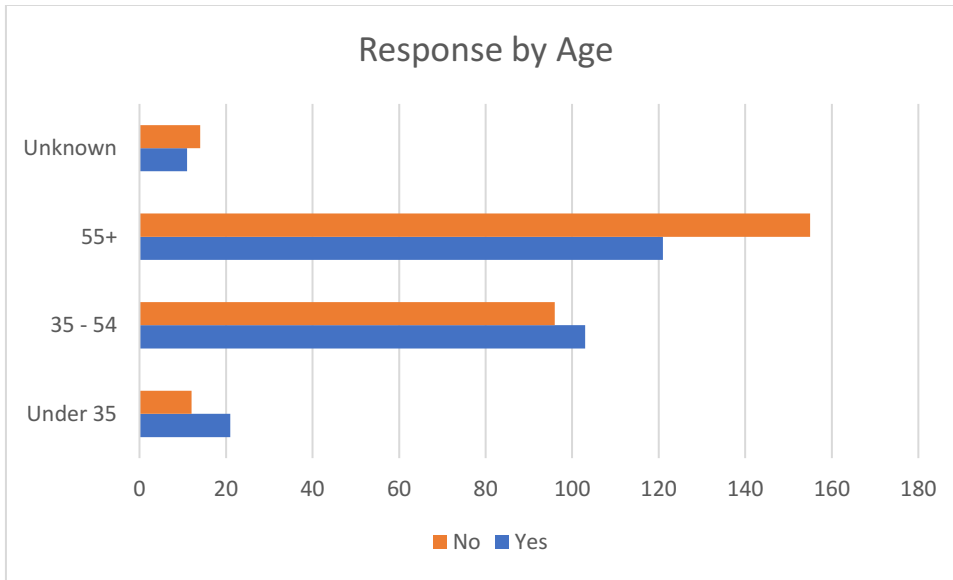
	Age				Total	Percent
	- 35	35 - 54	55+	Unknown		
Yes	19	96	110	11	236	43.8%
No	14	103	170	16	303	56.2%
Total	33	199	280	27	539	



4. Do you support the number of customers for all other units?

	Age				Total	Percent
	- 35	35 - 54	55+	Unknown		
Yes	21	103	121	11	256	48.0%
No	12	96	155	14	277	52.0%
Total	33	199	276	25	533	





5. If no, what numbers do you recommend?

Of the 291 responses, many indicated that they did not want any customers. Some recommended a maximum of two at a time in all types of units. Some respondents raised concerns about equity between unit types.

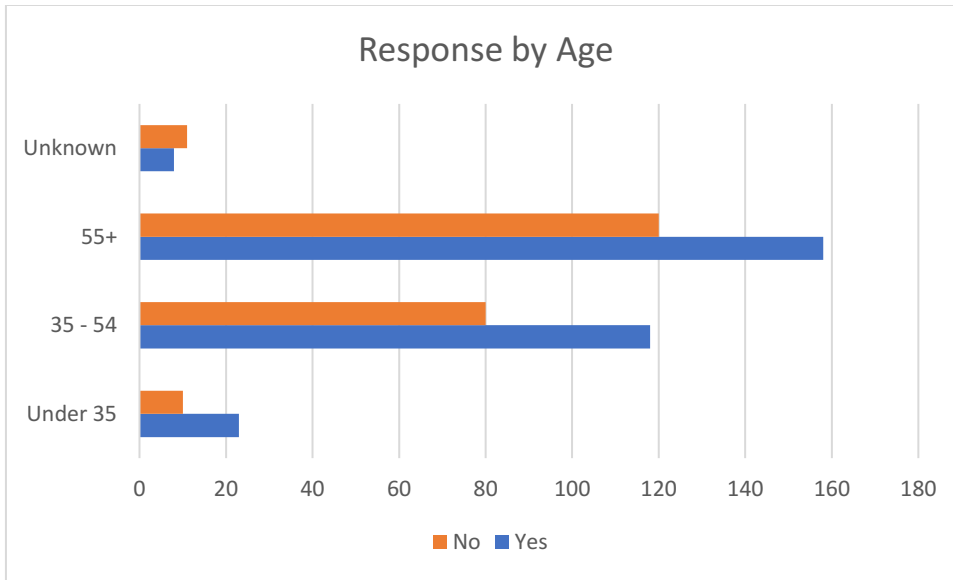
Employees

Under the current regulations, certain home businesses are permitted up to six non-resident employees, while others such as barbershops and beauty salons are not permitted to have any employees. The new home-based business regulations are proposing to allow one non-resident employee in a single-family detached unit, but no non-resident employees would be permitted in all other unit types.

6. Do you support allowing one non-resident employee for single-family detached units?

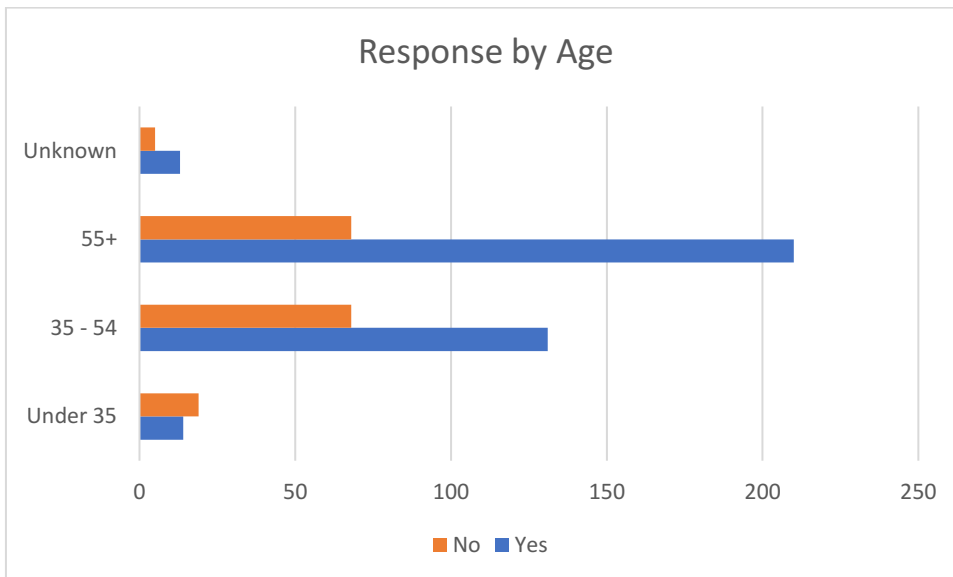
	Age				Total	Percent
	- 35	35 - 54	55+	Unknown		
Yes	23	118	158	8	307	58.1%
No	10	80	120	11	221	41.9%
Total	33	198	278	19	528	





7. Do you support prohibiting non-resident employees for all other units?

	Age				Total	Percent
	- 35	35 - 54	55+	Unknown		
Yes	14	131	210	13	368	69.7%
No	19	68	68	5	160	30.3%
Total	33	199	278	18	528	

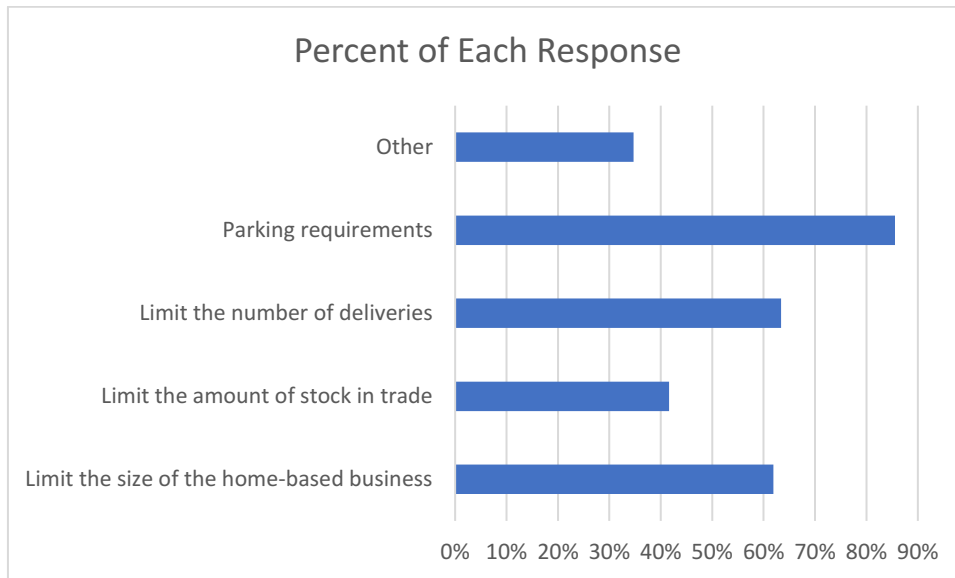


8. If no, what numbers do you recommend for the different unit types?

There were 187 responses to this question and the recommendations ranged from no employees to a maximum of two employees for all types of units.

**9. Are there any other ways you think home-based businesses should be regulated?
Check all that apply.**

A total of 478 people responded to this question. The percent of each response is shown below.



Of the 166 responses to “Other,” many respondents expressed concerns about traffic and parking. Some of the other responses noted concerns about noise, hours of operation (recommending 9 a.m. to 5 p.m.), trash, chemicals, and odors.

Emails:

The survey also asked that additional comments be sent to the zMOD email, and some of the emails received since release of the survey are from individuals who completed the survey, but some are from those who did not. Between April 10 and June 30, we received 15 emails regarding home-based businesses. Of those, eight (53 percent) indicated support for the proposed revisions, and five (33 percent) expressed concerns or opposition to the proposed revisions. Two emails supported the prohibited list of uses but did not support the number of customers and wanted additional regulations on the use.



We will be happy to discuss these survey results at the upcoming Land Use Policy Committee meeting on July 21, 2020.

cc: Bryan J. Hill, County Executive
Rachel Flynn, Deputy County Executive
Jill Cooper, Director, Clerk Services

