



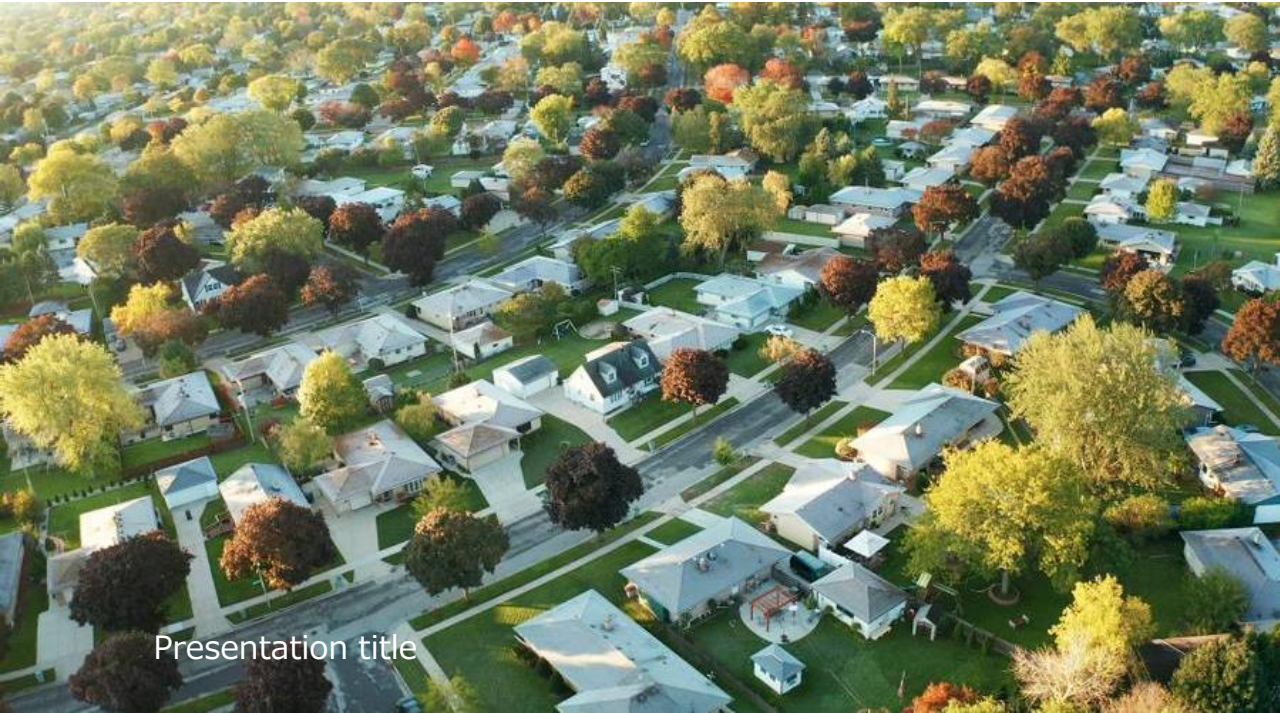
# Detached Accessory Dwelling Units in Falls Church City

EUGENE T. PEREZ



# Agenda

- **Current Falls Church City Statute**
- **What would an ADU (or AD) Look Like?**
- **Pros & Cons**
- **Arlington Co. (VA) Statute: Considerations; Implementation**





# Current Falls Church City Statute



## Current Falls Church City Statute

- **In F.C. city, an ADU has to be attached (within single-family home with a special use permit; basement or an addition). See Part II (“Code of Ordinances”, Chapter 48, section 2(C) (<https://www.fallschurchva.gov/DocumentCenter/View/1296/City-Code-Chapter-48-Article-I-In-General-Section-482---Definition>))**
- **The city does not allow for detached ADU.**

**What Would an ACU  
Look Like?**





## Arlington County's conclusion:

### **“Accessory Dwelling Unit”**

- According to ACZO Article 18, an accessory dwelling is “a complete independent dwelling unit, with kitchen and bath, designed, arranged, used or intended for occupancy by not more than three persons for living purposes.”





## Other Jurisdictions (from: [AD-Community-Forum-Presentation-5-13-17.pdf \(arlingtonva.us\)](#))



AD above a garage in Mt. Pleasant, SC  
1 bedroom, 1 bath



Backyard Bungalow AD in Santa Cruz, CA  
1 bedroom, 1 bath, 500 sq. ft.

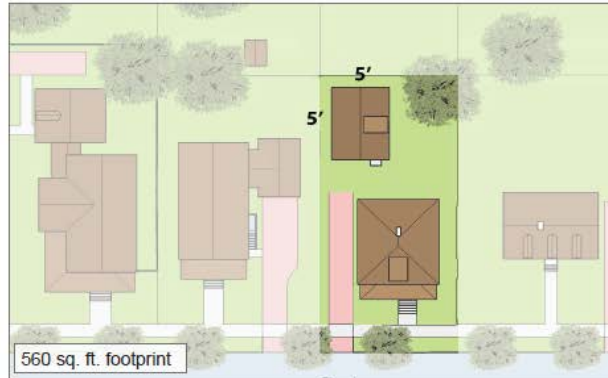
# Other Jurisdictions (from: [AD-Community-Forum-Presentation-5-13-17.pdf \(arlingtonva.us\)](#))





# From: [Detached-Accessory-Dwellings-ZOA-ZOCO-Memo-with-Attachments-A-C-final.pdf](https://arlingtonva.s3.amazonaws.com) (arlingtonva.s3.amazonaws.com)

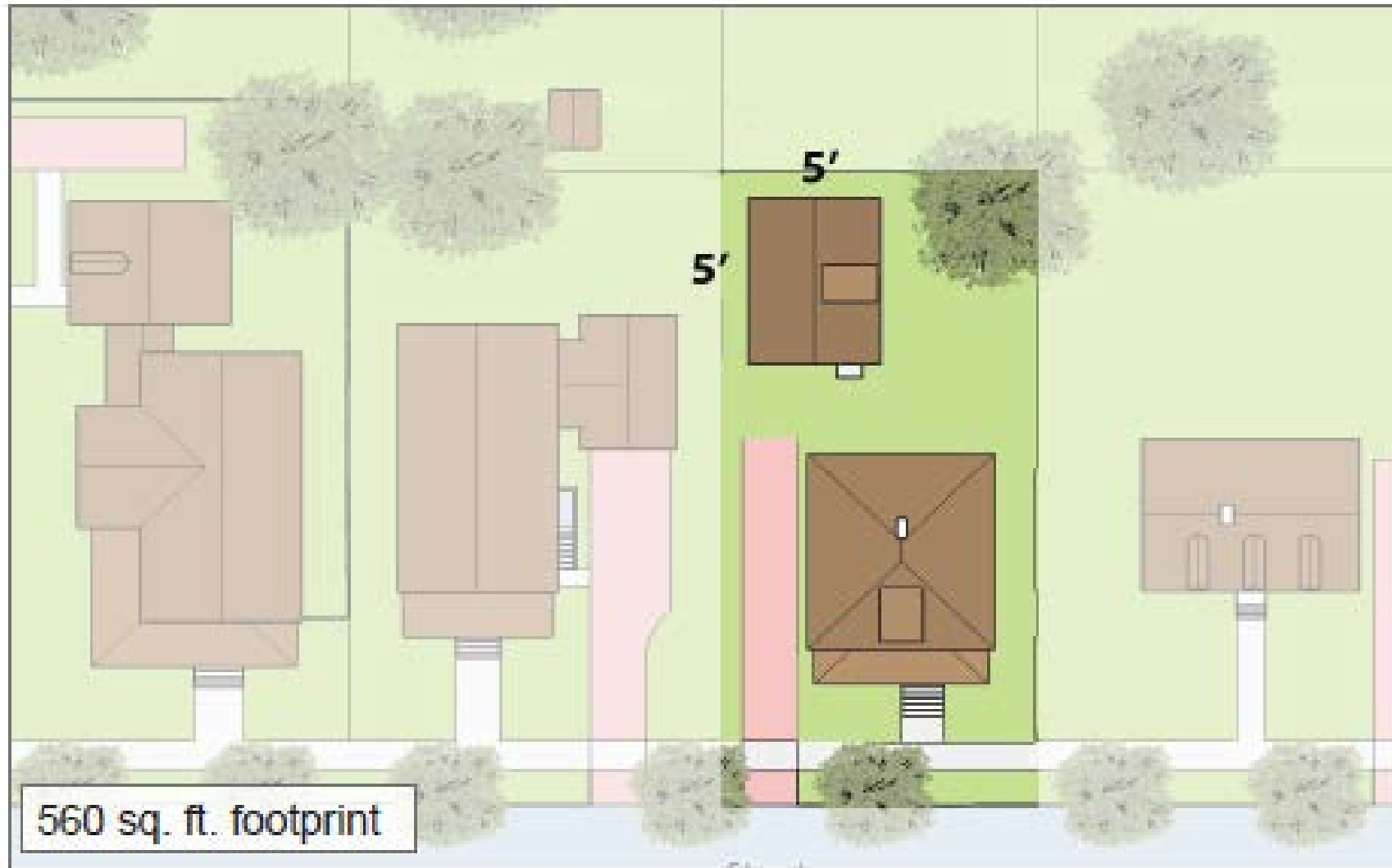
## Attachment B - Five-Foot Setback Option Images



Notes: Based on the standards for accessory dwellings adopted 11/27/2017, the accessory dwelling models shown possess: (1) a building height that does not exceed 25 ft. nor 1½ stories; (2) a building footprint of either 560 sq. ft. (R-5 and R-6 zoning districts only) or 650 sq. ft. (all other R zoning districts); and (3) a minimum of 8 ft. of separation between accessory dwelling and main dwelling. While the lot conforms with minimum lot size and width, the main dwelling shown is not maximized for building footprint or area.



From: [Detached-Accessory-Dwellings-ZOA-ZOCO-Memo-with-Attachments-A-C-final.pdf \(arlingtonva.s3.amazonaws.com\)](#)



From: [Detached-Accessory-Dwellings-ZOA-ZOCO-Memo-with-Attachments-A-C-final.pdf \(arlingtonva.s3.amazonaws.com\)](#)



560 sq. ft. footprint



From: [Detached-Accessory-Dwellings-ZOA-ZOCO-Memo-with-Attachments-A-C-final.pdf \(arlingtonva.s3.amazonaws.com\)](#)



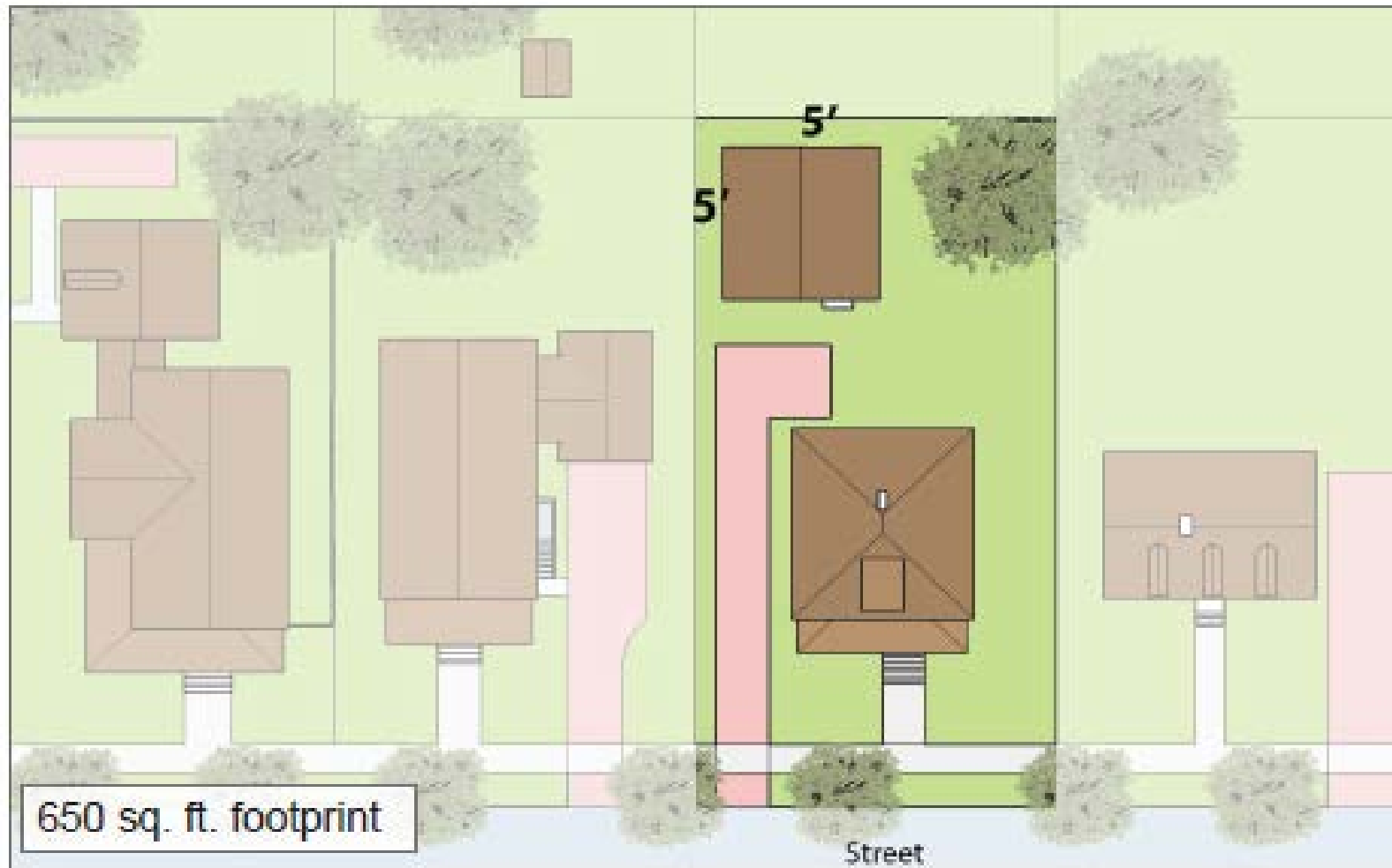
560 sq. ft. footprint

From: [Detached-Accessory-Dwellings-ZOA-ZOCO-Memo-with-Attachments-A-C-final.pdf \(arlingtonva.s3.amazonaws.com\)](#)



560 sq. ft. footprint

From: [Detached-Accessory-Dwellings-ZOA-ZOCO-Memo-with-Attachments-A-C-final.pdf \(arlingtonva.s3.amazonaws.com\)](#)





From: [Detached-Accessory-Dwellings-ZOA-ZOCO-Memo-with-Attachments-A-C-final.pdf \(arlingtonva.s3.amazonaws.com\)](#)



650 sq. ft. footprint

From: [Detached-Accessory-Dwellings-ZOA-ZOCO-Memo-with-Attachments-A-C-final.pdf \(arlingtonva.s3.amazonaws.com\)](#)



650 sq. ft. footprint

From: [Detached-Accessory-Dwellings-ZOA-ZOCO-Memo-with-Attachments-A-C-final.pdf \(arlingtonva.s3.amazonaws.com\)](#)



650 sq. ft. footprint




Other Jurisdictions (from: [AD-Community-Forum-Presentation-5-13-17.pdf \(arlingtonva.us\)](#))



## Other Jurisdictions (from: [AD-Community-Forum-Presentation-5-13-17.pdf \(arlingtonva.us\)](#))

- Communities across the country have ADs, with names like “granny flat” and “in-law suites”
- Many jurisdictions, both locally and nationally, are reexamining their regulations or have greater flexibility:
  - Allowing for larger accessory dwellings
  - Allowing for greater occupancy
  - Allowing detached accessory dwellings



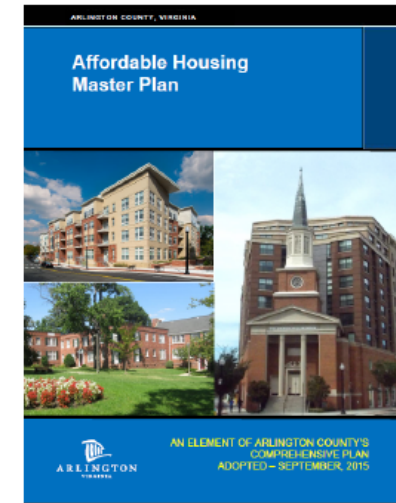
# Why would a Falls Church resident want an ADU?

AFFORDABLE HOUSING



# Affordable Housing (from: [AD-Community-Forum-Presentation-5-13-17.pdf \(arlingtonva.us\)](#))

- Identified ADs as an existing tool to:
  - Provide an adequate supply of housing
  - Help older adults age in place
  - Provide a typically lower-priced housing alternative
  - Enable homeowners to receive additional income
- Recommended review of ordinance to encourage greater use
- Board directive during adoption was to look into adjustments over the next two years



# Accessory Dwelling Units in Falls Church City

- **Falls Church is not a big city, and real estate is limited**
  - ❑ How many Founders Row can we build?
- **Can limit to 1 per residential lot and size of ADU (maybe none where lot is maximized due to size of house)**
- **Can limit occupancy maximum, such as 3 (Arlington Co.)**
- **Design should be emphasized, especially since an ADU affects character of the neighborhood and in consideration of neighbors (such as where windows and doors would go, height, etc.)**
- **Prevent contractors and third parties from building by requiring home occupancy**

# Revenue from/No. of Accessory Dwelling Units – Arlington Co. FOIA Request submitted 12/02/2022

On 12/8/2022 2:36:13 PM, Arlington County FOIA Center wrote:

**Subject:** [Records Center] County Records Request :: C001615-120222

**Body:**RE: County Records Request of December 02, 2022, Reference # C001615-120222

Dear Eugene Perez,

Arlington County received a public records request from you on December 02, 2022. Your request mentioned:

**I believe on Nov. 27, 2017, the Arlington Co. Board adopted standards that permitted accessory dwellings within existing detached accessory buildings, but not for newly-built detached accessory dwellings. I desire the number of applications for those newly-built detached dwellings please.**

**That is, I am requesting the number of permit applications for newly built detached accessory dwelling units that have been filed since the new ordinance for Arlington County (Zoning Ordinance Section 12.9.2) was passed (May 18, 2019) or when it took effect on July 1, 2019.**

**And if possible, the number of permits granted (e.g., percentage or actual number).**

Thanks,

**Eugene Perez.**

Arlington County has reviewed its files and has located responsive records to your request. Please log in to the FOIA Center at the following link to retrieve the responsive records.

[County Records Request - C001615-120222](#)

For questions or additional information, please reply to this email.

Sincerely,

Rachel Healy, FOIA Officer

Arlington County - Office of the County Attorney

2100 Clarendon Blvd., Suite 403 Arlington, VA 22201

(C) 703.843.0687 (T) 703.228.3100

## **Revenue from/No. of Accessory Dwelling Units – FOIA Request Answered by Arlington Co. 12/08/2022 (Ref. C001615-120222)**

- **148 ADU applications submitted (for detached structures) (see next slide for population of Arlington Co.)**
- **79 accepted**
- **14 under review**
- **9 revisions required**
- **2 void; 1 denied**
- **Remaining are “submitted,” “accepted,” or “awaiting documents”**

## Revenue from Accessory Dwelling Units – FOIA Request Answered by Arlington Co. 12/08/2022 (Ref. C001615-120222)

- **Arlington Co. population ~ 236K**  
(<https://www.census.gov/quickfacts/arlingtoncountyvirginia>)
- **Falls Church city population ~ 14K**  
(<https://data.census.gov/profile?g=0600000US5161093531>)
  - ❑ **6,172 total housing units**
  - ❑ **5,630 families and living arrangements**
  - ❑ **18 years and over – 75.5%**
  - ❑ **65 years and over – 13.2% (65-74 – 8.7%) (75-84 – 3.0%) (85 years and over – 1.4%)**



# Pros & Cons of ADUs



# From: [AD-Foum-5-13-17-Comments.pdf \(arlingtonva.us\)](#)

## Pros

- Increased tax revenue to city
- Working (post-pandemic) from home allows a separate, quieter office space.
- Allows for retirement
- Good as in-law suite (to some a con) or “granny flat”.
- Owner demand
- Visibility with good design

## Cons

- Challenge on smaller lots, setback, and spillover
- Visibility
- More people, more parking
- 3 occupants (Arlington Co.) is not enough or too many
- What is a reasonable size? 560 sq ft (Arlington Co.) can be too small.
- Increased taxes, cost to owner

## Pros

- Having an owner occupancy requirement discourages investors from creating multiple rental units for profit
- Living in a neighborhood rather than a condo/apartment
- Help mitigate “missing middle”
- Allowing 3 tenants – likely third person is a minor; allowing family occupancy

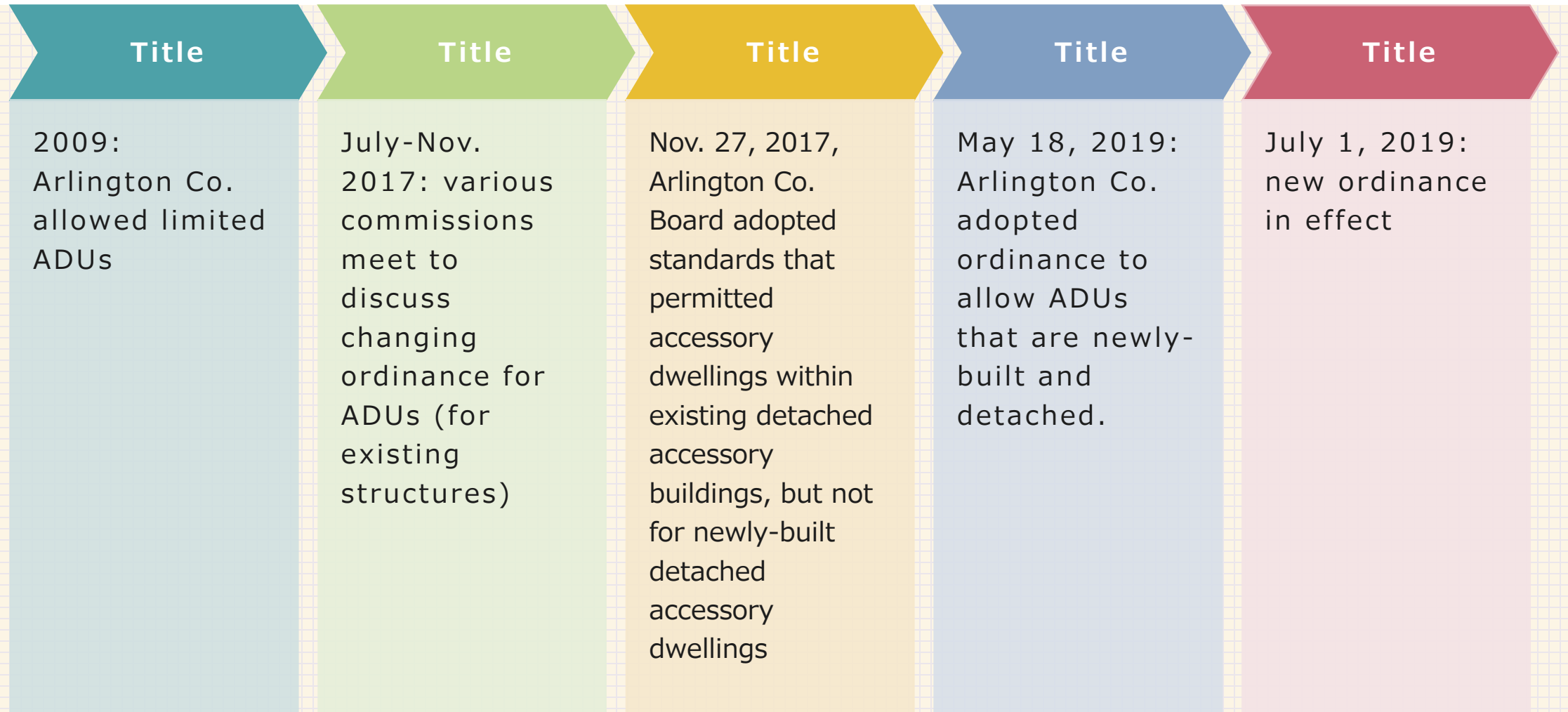
## Cons

- Increased impervious surfaces
- School crowding
- Loss of tree canopy, or preventing more canopy and landscaping
- Character of neighborhood; neighbor’s point of view
- Permitting service/contractor use would increase traffic and parking

# What Does Arlington Co. Do?



# From: [Accessory Dwelling Regulations Update – Official Website of Arlington County Virginia Government \(arlingtonva.us\)](#)





## §12.9.2 Accessory Dwellings

- An accessory dwelling shall not be permitted on a lot with a family/caregiver suite.
  - §18.2: *Family/caregiver suite*. Not more than two rooms plus a bathroom and "efficiency" kitchen in a dwelling that are designed, arranged, used or intended for occupancy by either not more than two persons who are related by blood or marriage to the principal occupant of the dwelling or no more than two persons who may be unrelated to the principal occupant of the dwelling, at least one of whom provides care for one or more children of the principal occupant of the dwelling or care for or assistance to one or more elder(s) or person(s) with disabilities who are occupant(s) of the main dwelling.
- No more than 1 ADU per lot.
- No more than 3 persons shall occupy the accessory dwelling.
- No more than 560 square feet in R-5 and R-6 districts (see [https://gis.arlingtonva.us/Maps/Standard\\_Maps/Planning\\_Maps/Zoning\\_Map.pdf](https://gis.arlingtonva.us/Maps/Standard_Maps/Planning_Maps/Zoning_Map.pdf)) (see <https://arlingtonva.s3.amazonaws.com/wp-content/uploads/sites/38/2019/10/ACZO.pdf> for "R-5" definition, p. 58/421), and 650 square feet in any other district.

## **§12.9.2 Accessory Dwellings**

- **The nearest wall of the accessory building shall not be located closer than 25 feet from any street or officially designated street right-of-way line.**
  - **On interior lots, the nearest wall of the accessory building shall not be located closer than five feet to a side or rear lot line.**
  - **On corner lots, the nearest wall of the accessory building shall not be located closer than five feet to any side lot line, and the nearest edge of the eave of the accessory building shall not be located closer than 10 feet to any rear lot line.**
- **Detached accessory buildings approved after May 18, 2019, containing accessory dwellings shall exceed neither 25 feet nor 1½ stories in height.**
- **No accessory dwelling within a main dwelling with an entrance above the first floor shall have exterior stairs to that entrance on the side of the lot fronting a street.**
- **Must meet building codes (e.g., fire egress; etc.).**

## **§12.9.2 Accessory Dwellings**

- **The owner of the main dwelling must occupy either the main dwelling or the accessory dwelling as his/her primary residence; provided however, if the owner of the main dwelling does not occupy one of the dwelling units as his/her primary residence, the entire property may be occupied by no more than one family.**
- **The owner shall permit annual inspections of the accessory dwelling by the zoning administrator or his/her designee upon reasonable notice to ensure compliance.**
- **Accessory uses shall not be allowed in the accessory dwelling except home occupations, including accessory homestay.**
- **Failure to comply with the conditions in this §12.9.2 will result in revocation of an accessory dwelling permit by the zoning administrator.**
- **Changes (underlining as additions and strike thrus as deletions) to previous ordinance: [Detached-Accessory-Dwellings-ZOA-Text-2019-03-11.pdf \(arlingtonva.s3.amazonaws.com\)](#)**

# Summary

- ❖ Allowing homeowners to have detached accessory dwelling units has many benefits, including:
  - Allows extra office space, a dwelling for retired couple (empty nesters) or elderly to stay in place, in-laws, adult children, or other visitors
  - Increased tax revenue for the city (that has limited real estate)
  - Increased housing - - renting to a couple or small family provides extra owner income and lower rent for couple/small family
  - Owners can move into ADU & renting primary home as extra income
- ❖ Many other jurisdictions nationally and locally (Arlington Co.) are allowing them







# Thank you

EUGENE T. PEREZ | EUGENETPEREZ@GMAIL.COM | RESIDENT OF 22046  
SINCE 2003



# Sources

<https://www.fallschurchva.gov/DocumentCenter/View/1296/City-Code-Chapter-48-Article-I-In-General-Section-482---Definition>

[https://www.fallschurchva.gov/DocumentCenter/View/15337/Backyard-Homes-PPT\\_6-2-2021\\_Final?bidId=aczo\\_effective\\_04.23.2022.pdf](https://www.fallschurchva.gov/DocumentCenter/View/15337/Backyard-Homes-PPT_6-2-2021_Final?bidId=aczo_effective_04.23.2022.pdf) (arlingtonva.us)

[Accessory Dwelling Regulations Update – Official Website of Arlington County Virginia Government](#) (arlingtonva.us)

[Detached-Accessory-Dwellings-ZOA-Text-2019-03-11.pdf](#) (arlingtonva.s3.amazonaws.com)

[Zoning\\_Map.pdf](#) (arlingtonva.us)

Arlington Co. FOIA request (12/08/2022) (Case No. C001615-120222)

[PowerPoint Presentation](#) (fallschurchva.gov)

<https://data.census.gov/profile?g=0600000US5161093531>

<https://www.census.gov/quickfacts/arlingtoncountyvirginia>