

March 23, 2021

Supervisor Foust,

As you consider your upcoming vote on zMOD, please understand that the Franklin Area Citizens Association (FACA) board voted to endorse the MCA Resolution and position ([link](#)).

We appreciate and support the staff's efforts to re-organize and streamline the county's 40-year old zoning ordinance. However, we saw soon after zMOD began that this proposal would *also* include modifications to the zoning ordinance – many well beyond zMOD's initial advertised scope and purpose.

Most of the proposed modifications seem sensible and reasonable, as indicated in the MCA resolution we endorse. But several material modifications would fundamentally alter the way permits are granted for uses that are fundamentally out of character with our residential neighborhoods.

1. in-home apartments (Accessory Living Units)

Our concern is this: Every home could create and rent an in-house apartment for multiple unrelated individuals, adding burdens on parking spaces, local roads, schools and parks.

We therefore oppose removing the current requirement for ALUs, where someone on the property be at least 55 years old have a disability.

And we oppose *removing the size limit* for in-home apartments in walk-out basements, which effectively creates a large duplex unit.

Please maintain this in-home apartment use via Special Permit, with advance notice to neighbors and the opportunity to comment.

2. in-home businesses.

We oppose the proposal to allow home-based operation of a commercial business, with just an Administrative Permit.

We are also opposed to by-right placement of a *permanent* 4' by 3' sign in the yard – where that sign is for commercial purposes, not a personal exercise of free expression on cultural or electoral issues.

We are alarmed that a home-based biz could get just an Administrative permit to host 21 days of special events with commercial purpose – *with food trucks, too*.

Please maintain BZA authority and process for a special permit, incl advance notice and opportunity for neighbor comment.

3. Sheds

We oppose the Proposal to allow by-right multiple **Accessory Storage Structures on residential lots**. The allowance for sheds comprising 50 percent of the home's floor area is *far too much*.

We oppose a by-right increase in the height of **Freestanding Accessory Structures** to 25 feet; the maximum by-right height should be 15 feet on lots up to 36,000 square feet. BZA can always approve a Special Permit for an increase in height, but that would include advance notice and opportunity for neighbor comment.

In some Fairfax neighborhoods, these activities might be restricted by HOA covenants. While the zMOD proposal defers to HOA covenants, this is of no comfort in Franklin Park and Franklin Forest, where we do not have HOAs. We have a Citizens Association where we come together to protect and advance the quality of our neighborhood experience.

For our neighborhoods, it's critical that these 3 new uses should be granted *only via Special Permits* (as it is today), with advance notice to neighbors and the opportunity to comment before permits are given.

It's easy to predict how homeowners and voters will react once they begin to experience the consequences of this zMOD proposal – if adopted.

1. Homeowners will be **Surprised** when, without notice or comment, a neighbor rents-out their basement to an unrelated family.
2. Homeowners will be **Frustrated** to learn the County expanded the zMOD objectives to accommodate social policy objectives (multi-family housing and home-based businesses)
3. Homeowners may grow **resentful and distrustful** that zMOD was adopted during COVID – when citizens are unable to attend in-person meetings, or to visit your offices to reveal how deeply troubled we are by aspects of this proposal you've heard about tonight.

You can and should want to avoid that kind of citizen Surprise, Frustration, Resentment, and Distrust -- by revising the zMOD proposal, as outlined in the MCA resolution.

Thank you,
Steve DelBianco
Vice President, Franklin Area Citizens Association
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