

Virginia Run Community Association Resolution
ZMOD (Zoning Ordinance Modernization Project)

January 14, 2021

WHEREAS the Virginia Run Community Association represents 1406 homes in the western portion of Sully Magisterial District in Fairfax County, and is the largest single homeowner's association in Fairfax County's residential conservation (R-C) zoning district, in the downzoned Occoquan watershed, surrounded by environmentally sensitive parkland, including globally rare forest; and

WHEREAS the Virginia Run Community Association actively participates in community activities, and strongly supports citizen and neighborhood engagement in amendments to Fairfax County zoning ordinances and the land use approval process, as well as robust citizen participation in governmental public hearings before significant decisions, as well as the principles of governmental transparency and accountability; and

WHEREAS the Virginia Run Community Association supports protection of residential neighborhoods from development impacts, including traffic, stormwater, noise, and other detrimental effects, as well as protecting natural communities, including threatened species, and preserving contiguous wildlife habitat; and

WHEREAS the Virginia Run Community Association recognizes the paramount importance of the rights and privileges of local homeowner's associations to defend the individual homeowners' investment and Community resources, environmental features, and wildlife habitat conservation, as expressed in the adopted Fairfax County Comprehensive Plan; and

WHEREAS the Virginia Run Community Association actively participates in the Sully District Council of Citizen Associations (SDCCA) and the Western Fairfax County Citizens Association (WFCCA), and fully and without question supports their **SDCCA/WFCCA Joint Committee Resolution of December 21, 2020** regarding ZMOD; and

WHEREAS the Virginia Run Community Association shares common objectives with other homeowners' associations in the residential conservation [R-C] zoning district in Fairfax County, and elsewhere; and the WFCCA includes other member communities and individual residents within the R-C zoning district, and nearby, in the western corner of Fairfax County, with similar shared concerns; and

WHEREAS the Virginia Run Community Association recognizes that in 1982, Fairfax County protected the Occoquan Downzoning, through its adopted Comprehensive Plan and zoning ordinance, protecting the residential conservation [R-C] zoned areas, from impervious surface, site disturbance and other impacts of development, to safeguard water quality for the Occoquan Reservoir and the environment in the watershed, as well as historic and cultural resources; and

WHEREAS the Fairfax County Board of Supervisors, after public outreach, has authorized for advertising a draft rewrite of the Fairfax County Zoning Ordinance, known as ZMOD (Zoning Ordinance Modernization Project), with public hearings scheduled for January 28, 2021 with the Fairfax County Planning Commission, and March 9, 2021 with the BOS; and

WHEREAS representatives of the Virginia Run Community Association have carefully reviewed the ZMOD proposal on multiple occasions, including discussions with County staff, and now wish to communicate its position on certain aspects of ZMOD to the decisionmakers; now therefore

GENERAL RESOLUTION

BE IT RESOLVED that the Virginia Run Community Association **opposes any future attempts by the Fairfax County Board of Supervisors to hold further hearings on the ZMOD** that do not include public, fair, and open discussions with representatives from interested homeowners and civic associations regarding the impacts to the associations and their residents, while adhering to full transparency and accountability for all county actions regarding ZMOD.

BE IT RESOLVED that the Virginia Run Community Association **opposes any future attempts by the Fairfax County Board of Supervisors that do not support the**

protection of residential neighborhoods from development impacts proposed by ZMOD, that negatively impact neighborhood traffic, permit unwanted non-resident congestion, excessive noise, and other detrimental effects to established residential communities.

BE IT RESOLVED that the Virginia Run Community Association **opposes any future attempts by the Fairfax County Board of Supervisors that do not protect those communities, associations, and residential neighborhoods’ aquifer and wells** used for drinking water, and protect the natural communities, including flora and fauna, and threatened species, while preserving contiguous wildlife habitat.

BE IT RESOLVED that the Virginia Run Community Association **opposes the principal reliance on citizen monitoring of offenses/infractions** under the zoning ordinance, rather than relying upon Fairfax County professional inspectors and monitoring capabilities for unrealistic and unenforceable zoning codes.

BE IT FURTHER RESOLVED that this resolution be communicated to the Fairfax County Board of Supervisors, Fairfax County Planning Commission, Fairfax County Board of Zoning Appeals, Fairfax County Federation of Citizens Associations, as well as to fellow citizens’ associations, homeowners’ and civic associations and environmental advocacy groups, and the Environmental Quality Advisory Council (EQAC).

ACCESSORY DWELLING UNITS (ADU)

1A. BE IT RESOLVED that the Virginia Run Community Association ***opposes the ZMOD option to abolish the public hearing process for accessory apartments in single family dwellings.*** (See p. 355 of proposed amendment.) The Virginia Run Community Association supports the option to retain the current public hearing process. Homeowners are entitled to notice and an opportunity to be heard regarding proposed accessory apartments in their neighborhood, and mitigation of impacts on the neighbors and the local infrastructure, including the environment, from those uses, through development conditions and suggested modifications to any application. The abolition of public hearings, replaced by a streamlined administrative process, short-circuits citizen engagement.

1B. BE IT FURTHER RESOLVED that the Virginia Run Community Association ***opposes the ZMOD option to abolish the over 55/disabled criteria for accessory apartments in single family dwellings.*** (See p. 356 of proposed amendment.) Opening the accessory apartments to all tenants on all single family lots causes a de facto increase in density and generates unmanageable impacts on parking and infrastructure. The resulting increase in effective density is inconsistent with long standing objectives of the Comprehensive Plan to respect and protect stable residential neighborhoods and the environment.

1C. BE IT FURTHER RESOLVED that the Virginia Run Community Association ***opposes the ZMOD option that would allow the maximum size limitation of an accessory apartment to be exceeded if the ALU is proposed to fully utilize the floor area in a basement or cellar.*** (See p. 356 of proposed amendment.) Basements or cellars with separate entrances effectively create stacked duplex dwelling units. Teardowns with new larger ALUs might be designed to take advantage of this loophole, changing the character of stable single-family neighborhoods.

HOME BUSINESSES

2A. BE IT FURTHER RESOLVED that the Virginia Run Community Association ***opposes the ZMOD proposal to abolish the public hearing process for home businesses such as beauty parlors and barbershops.*** (See p. 363 of proposed amendment.) The Virginia Run Community Association also ***opposes allowing those uses in homes served by well water and septic drain fields.*** The Virginia Run Community Association requests the Board of Supervisors to direct staff to study the potential environmental impacts on private wells, water quality and the food chain from allowing contaminants of emerging concern (CECs) from nonresidential uses on septic, to be released into the groundwater, without mitigation. Staff has failed to identify any safe threshold levels for chemicals such as dyes, bleaches, straighteners, or other toxic substances from these businesses, and how limits on the use of those chemicals would be monitored and enforced.

2B. BE IT FURTHER RESOLVED that the Virginia Run Community Association ***opposes the ZMOD proposal to allow up to two home businesses on***

every single-family lot, including beauty parlors, barbershops, tailoring, repair shops, online sales, home food production, and other uses. Combined with the abolition of the citizen protections regarding accessory apartments, this additional commercialization and intensification changes the character of single-family residential neighborhoods, and the additional traffic and commotion creates unmitigated impacts and annoyance for adjacent neighbors.

2C. BE IT FURTHER RESOLVED that the Virginia Run Community Association **opposes the ZMOD proposal to allow unlimited delivery traffic, with no limitation on the frequency of delivery vehicles or number of trips, for the home businesses on every single-family lot, including online sales and home food production.** The unacceptable ZMOD proposal to instead limit only the size of delivery vehicles, and ignoring the frequency or number of trips, is inadequate to mitigate the obvious impacts on neighbors, including traffic volume and annoyance.

2D. BE IT FURTHER RESOLVED that the Virginia Run Community Association **opposes the proposal to allow home-based businesses to obtain administrative permits for “special events” of up to 21 days.** (See pp. 383-84 of proposed amendment.) The vague standards or limitations on these vague “special events,” such as size of crowds, numbers of vehicles, limitations on amplified music or loudspeakers, are inadequate to mitigate the disruptive impacts on residential neighborhoods. A public hearing, with notice to neighbors and an opportunity to comment, is essential, before “special events” are authorized in a home business.

ENFORCEMENT

3. BE IT FURTHER RESOLVED that the Virginia Run Community Association **opposes the unrealistic and unenforceable caps on both the occupancy of accessory apartments** (See p. 356 of proposed amendment), **and numbers of customers visiting the home businesses.** (See p. 364-65 of proposed amendment.) Absent additional recordkeeping and monitoring, and proactive inspections, these ineffective caps must rely on the honor system, and are insufficient to protect the neighbors.

SIGNAGE

4. BE IT FURTHER RESOLVED that the Virginia Run Community Association requests that ***the signage for home businesses on single family lots be minimized.*** (See p. 536 of proposed amendment.) The proposed 12 square foot limitation, coupled with the multiple yard signs allowed on any single-family lot for the home businesses, is excessive, will cause visual clutter and detract from the residential character of single-family neighborhoods.

FOOD TRUCKS

5. BE IT FURTHER RESOLVED that the Virginia Run Community Association ***opposes the ZMOD proposal to allow food trucks in residential districts through administrative approval.*** (See pp. 376-78 of proposed amendment.) Additional standards delineating the maximum number of days, number of trucks, location, and distance relative to residential properties should be included, to minimize impacts on neighborhoods.

ACCESSORY STRUCTURE LIMITATIONS

6. BE IT FURTHER RESOLVED that the Virginia Run Community Association ***opposes the ZMOD proposal to allow by-right an unlimited number of enclosed freestanding accessory structures on a residential lot, with a combined enclosed area of up to 50 percent of the gross floor area of the principal structure.*** The Virginia Run Community Association also *opposes the proposed increase in the height of freestanding accessory structures on a residential lot to 25 feet, as excessive.* (See p. 349 of proposed amendment.) These changes are out of character with residential neighborhoods. Any such changes should require notice to the neighbors, and a case-by-case review with an opportunity for comment.