

**RA District Two-Family Dwellings Additions and Expansions ZOA  
ZOCO Comments/Questions and Responses**

Are there any non-conforming two-family dwellings in the R-5, -6, -8, -10, and -20 districts?

Approximately 220 two-family dwellings are located in R-5 districts and 100 located in R-6 districts. In both districts two-family dwellings are currently permitted as a special exception in specific locations (e.g. transitional sites, adjacent to C, M, RA districts, adjacent to principal roads or minor arterials). Very few, unconfirmed number of two-family dwellings are located in R-8, R-10, or R-20 since they have never been a permitted use in these districts.

The Zoning Ordinance Amendment Work Plan outlines future studies to evaluate potential for additional amendments to enable expansions to other nonconforming dwellings, including two-family dwellings located in R districts other than R2-7 (R-5, R-6, R-8, R-10, R-20, R10-T, and R15-30T). This includes Missing Middle Housing Study Implementation and subsequent phases of HCD work. R districts with two-family dwellings need additional study to review/determine the appropriate land use vision for these areas, if/how existing zoning tools support that land use vision and/or how new tools could be added to the Zoning Ordinance to support that new land use vision.

What are the impacts from this change on the ongoing Plan Lee Highway project?

There are a very limited number of RA districts with two-family dwellings in the Plan Lee Highway planning area. Two-family dwellings located in these districts would be permitted the flexibility to be added on to/expanded by-right. Recommendations stemming from the Plan Lee Highway project could provide additional tools for reinvestment in RA districts with two-family dwellings.

Are ADUs otherwise permitted on these non-conforming lots? If so, does this have any impact on those lots (and those in the R districts were the change is already in effect)?

Accessory dwellings are not permitted in RA districts.

Do the goals of these proposed changes work with the Columbia Pike Neighborhoods FBC?

Proposed changes will not preclude the ability to develop multi-family housing in areas envisioned for higher residential density. It is difficult to speculate when redevelopment according to the Plan vision would be realized. Adding new flexibility for additions and expansions provides an option for reinvestment until such a time that redevelopment according to the Plan vision is feasible.

Staff attended the March Columbia Pike Civic Association Presidents' Breakfast and no issues were raised.

In a by-right (building permit only) approval situation, what is the process by which property owners would notify their neighbor of an addition process in which temporary access would be needed during construction? Has there been any history of complaints? What is process for resolution if there are concerns raised?

It is incumbent on property owners to request access from their neighbors for temporary access during construction. This is typically done via informal request. There is no formal record of complaints regarding need for temporary access, as property owners are expected to understand the implications of need for temporary access for a variety of reasons, given the shared lot line nature of their properties. Two-family dwellings in the R2-7 zoning district were granted this by-right permission to add on to and/or expand their dwellings and no issues have been raised with County staff since that Zoning Ordinance amendment.

How can we assess cumulative on one or more properties? One change seems quite reasonable; many may be overwhelming especially given the proximity of neighbors of properties in semi-detached areas (close together) What if any process is there for a design review?

Additions and expansions permitted by-right are not subject to design review unless located in a local historic district. All additions and expansions must still conform to the height and setback requirements of the respective zoning districts. Before determining that hardship is not demonstrated by virtue of nonconforming status, thus ending the practice of approving additions and expansions as a variance, the Board of Zoning Appeals commonly approved additions and expansions for two-family dwellings. As a result, many two-family dwellings in Arlington already have additions and expansions. This proposed Zoning Ordinance amendment would be granting the flexibility to enable these additions and expansions as a by-right use, comparable with the flexibility already granted for two-family dwellings in the R2-7 zoning district and one-family dwellings in the R-5, R-6, R-8, R-10, and R-20 zoning districts.

How will we consider any requests that are in the pipeline? And how will we facilitate going forward assuming this amendment is approved? How will we notify the community? Will we offer any technical assistance? Or models of potential changes?

Any application will be reviewed and advertised under the Zoning Ordinance that is in effect at the time the application is made. The County cannot hold an application waiting for changes to be made, nor can the County review an application under anything but the current Zoning Ordinance. The Zoning Division provides regular updates at monthly contractor meetings. The community will also be notified via updates to the Zoning Studies webpage and other Community Planning, Housing, and Development communication updates.

How will we be informed of community, contractor issues raised at community informational meetings regarding the proposed amendments?

The staff report will be updated to include summaries of feedback received through additional community outreach.

Is there potential for more flexibility regarding setbacks to protect canopy trees?

Addressing zoning district dimensional standards is outside the scope of this Zoning Ordinance study. Applicants may request a use permit from the Board of Zoning Appeals to modify setbacks.