

# **Sully District Council of Citizens Associations**



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# **Fairfax County Federation of Citizens Associations**



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## **Joint Sully District Land Use and Transportation Committee and the Fairfax County Federation of Citizens Associations testimony to the Fairfax County Board of Supervisors on the ZMOD2 (Zoning Ordinance Modernization Project)**

**9 May 2023**

Good afternoon Chairman McKay and the Board.

My name is Jeffrey Parnes and I reside at 3153 Ramesses Ct in Oak Hill, VA. I speak today on behalf of both the Joint Sully District Land Use and Transportation Committee and the Fairfax County Federation of Citizens Associations.

Neither of the organizations for which I am speaking would object to a straight-forward modernization of the county's existing Zoning Ordinance. But what we have before us today is not such a straight-forward modernization, but a comingling of changes and ideas not previously found in the Ordinance. Many of these are worthy concepts and deserve to be incorporated into the Ordinance, pending detailed review and citizen input. But as it is said, the devil is in the details.

Our organizations have voiced their concerns previously and provided you with statements to that effect. Today I will just present highlights of our concerns.

We objected to the manner in which the original ZMOD ordinance was adopted and our concerns were ultimately affirmed by the Virginia Supreme Court.

We restate our opposition to any action by the Board that fails to protect residential neighborhoods from development impacts proposed by ZMOD and

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Agritourism, including negative impacts on neighborhood traffic, congestion, excessive noise, environmental impacts, and other detrimental effects.

We restate our opposition to ZMOD abolishing the public hearing process for accessory apartments in family dwellings. Citizens should be 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 from those uses, through development conditions and suggested modifications to any application.

We restate our opposition to the abolition of the over 55/disabled criteria for accessory apartments in family dwellings. Opening up the accessory apartments to all tenants on all single family lots creates a de facto increase in density and generates unmanageable impacts on parking and infrastructure resulting in an effective density increase which is inconsistent with long standing objectives of the Comprehensive Plan to respect and protect stable residential neighborhoods. We also support retaining the over 55/disabled criteria.

We restate our opposition to ZMOD allowing 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. Basements or cellars with separate entrances effectively create stacked duplex dwelling units. Teardowns with new larger ALUs on the lower level might be designed to take advantage of this loophole, changing the character of stable neighborhoods.

We restate our opposition to any action by the Board which fails to protect the Occoquan Watershed, including the aquifer and wells used for drinking water, or fails to protect the natural communities, including flora and fauna, threatened species, and contiguous wildlife habitat.

We restate our opposition to ZMOD abolishing the public hearing process for home businesses such as beauty parlors and barbershops. We again oppose allowing those uses in homes served by well water and septic drain fields.

We restate our opposition to ZMOD allowing up to two home businesses on every residential lot, including beauty parlors, barbershops, tailoring, repair shops, online sales, home food production, and other uses.

We restate our opposition to ZMOD allowing unlimited delivery traffic, with no limitation on the frequency of delivery vehicles or number of trips, for the home businesses on every residential lot, including online sales and home food production.

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We restate our opposition to ZMOD allowing home-based businesses to obtain administrative permits for “special events” of up to 21 days. A public hearing, with notice to neighbors and an opportunity to comment, should be essential, before “special events” are authorized in a home business.

We restate our opposition to the unrealistic and unenforceable caps on both the occupancy of accessory apartments and numbers of customers visiting the home businesses and to an enforcement methodology with principal reliance on citizen monitoring and complaints for apartment occupancy or home business customer limitations, rather than relying on Fairfax County professional inspectors for enforcement. The suggested caps must rely on the honor system, and are insufficient to protect neighbors.

We restate our requests that the signage for home businesses on single-family lots be minimized. The proposed 12-square-foot limitation, coupled with the multiple yard signs allowed on any single-family lot for the home businesses, will cause visual clutter and detract from the residential character of neighborhoods.

We restate our opposition to ZMOD allowing food trucks in residential districts through administrative approval. To minimize impacts on neighborhoods, additional standards for maximum number of days, number of trucks, location and distance relative to residential properties should be included.

We restate our opposition to ZMOD allowing by-right an unlimited number of enclosed freestanding accessory structures on a residential lot.

We restate our opposition to ZMOD increasing the height of freestanding accessory structures on a residential lot to 25 feet. These changes are out of character with residential neighborhoods, and any such changes must require notice to the neighbors, and a case-by-case review with an opportunity for comment.

We strongly oppose ZMOD making data centers by right in certain zoning districts. Data centers have enormous impacts on the environment and infrastructure, including electrical consumption, water usage, noise, pollution from diesel generators, impervious surface, and other potential impacts on the community. Data center uses must require a careful case by case review, with notice to neighbors and a meaningful public hearing, so that citizens may participate, and meaningful development conditions can be imposed, to mitigate impacts from the use, if it is to be allowed.

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For the reasons previously stated we restate our opposition to the Agritourism provisions incorporated in ZMOD. We oppose busting the Occoquan Downzoning to allow a new by right commercial use, with parking lots, on side roads in the R-C and R-E districts. Any such use must require notice to neighbors and a meaningful public hearing, and imposition of development conditions to mitigate impacts on the environment and the community.

Both the Joint Sully District Land Use and Transportation Committee and the Fairfax County Federation of Citizens Associations respectfully ask the Board not to adopt ZMOD at this time. We ask that county residents be allowed significant additional opportunity to discuss the amendments collectively and ask questions regarding the likely impacts, with meaningful interaction between the county and the public, and sufficient time to propose constructive suggestions.

Thank you again for the opportunity to speak.

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Note that this document is posted both at:

[http://www.sullydistrict.org/testimony/20230509\\_JSDFLU&TC\\_TestimonyZMOD2\(BOS\).pdf](http://www.sullydistrict.org/testimony/20230509_JSDFLU&TC_TestimonyZMOD2(BOS).pdf)

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