

The Mount Vernon Council of Citizens Associations, Inc.

P.O. Box 203, Mount Vernon, VA 22121-9998 **http://www.mvcca.org**

Dear Chairman McKay and Members of the Board, October 1, 2026

I am attaching an MVCCA Resolution to reaffirm our position on Accessory Living Units. As the resolution recommends, a major focus on development of housing near Metro stations is needed to address the county's housing shortfall. As the attached resolution recognizes, the proposed changes will reduce the burden on the county to administer this program but will have undesirable and avoidable adverse impacts on communities, which include increased flooding, parking shortages and undermining our tree canopy goals.

We thank you for your consideration

Katherine Ward

Katherine Ward
MVCCA CoChair

Attached Resolution
ALU's

CC: Casey Judge and Carmon Bishop

Mount Vernon Council of Citizens' Associations
(MVCCA) Resolution on the Proposed Ordinance Amendment
(MVCCA, E&R 2026-02)

Whereas, the Environment and Recreation Committee (E&R) of the MVCCA reviews and comments on County environmental and recreation programs.
Whereas, the County is in the process of proposing an Amendment to the Accessory Living Units ALU ordinance (see: https://www.fairfaxcounty.gov/planning-development/zoning-ordinance/amendments/accessory-living-units).
Whereas, an ALU provides an accessory dwelling that can be either interior or attached to the principal dwelling unit.
Whereas, the current ordinance (see: https://online.encodeplus.com/regs/fairfaxcounty-va/doc-viewer.aspx#secid-2872) for ALUs includes a number of requirements, including those listed below:
1. An accessory living unit is permitted only in association with a single-family detached dwelling unit, and no more than one accessory living unit is permitted on a single-family lot.
2. An accessory living unit must be wholly contained within the structure of a single-family detached dwelling unit and must have direct access to the principal dwelling through an interior space that is finished, temperature-controlled, and fully enclosed.
3. Any new external entrance proposed for an accessory living unit must be located on the side or rear of the dwelling. Any proposed garage or carport must be located directly adjacent to any existing garage or carport, and the associated driveway and curb cut must be the same as that which serves the principal dwelling.
4. Either the accessory living unit or the principal dwelling unit must be owner-occupied.
5. There are also other restrictions on ALUs that address size, bedrooms, parking, occupants, and compliance with building requirements.
6. A permit is required, and a special permit will be required if certain thresholds are not met.
Whereas, the MVCCA recognizes that the County has a housing shortage.
Whereas, County policies encourage higher residential density with shopping, entertainment, and active transportation in Suburban Village Centers (e.g., walking, biking) near current or planned major transportation infrastructure, such as a Metro station.
Whereas, parts of the Mount Vernon District are already experiencing significant flooding due to infill and inadequate stormwater management facilities, which will be further worsened by climate change.
Whereas, the survey conducted to inform this ALU ordinance update shows overall support for ALUs, there was significant concern for parking, neighborhood character, construction impacts, stormwater/tree loss, enforcement, investor use, and whether detached ALUs become second houses rather than subordinate units.
Whereas, County-sponsored research shows that increasing impervious surface will not only make it harder to meet tree canopy goals, but the addition of ALUs, especially separate buildings, will create more pressure on parking and water quality.

Whereas, revisions to the ALU provisions are expected to create flexibility in the arrangement and use of a secondary dwelling unit and revisions to the types of arrangements and minimum lot size that would be eligible to apply for an administrative or special permit to facilitate submission and review of applications.
Whereas, Virginia law has not been designed to address the conflict between maintaining the character of a community and infill, so should the county allow ALUs on properties that are less than two acres, then this action will place a new burden on homeowner associations, who will need to either impose fines that are inadequate to address ALU violations of HOA rules or take the violator to court, which would likely cost at least hundreds of thousands of dollars.
Whereas, if the County is seeking less oversight and enforcement and fewer permit conditions, then the ordinance should be designed to prohibit impacts that might otherwise be addressed in enforceable restrictions that are monitored.
Therefore, be it resolved that the MVCCA asks the Fairfax County Board of Supervisors to consider the following:
1. The ALU ordinance should retain requirements 1 through 6 listed earlier in this resolution. The current requirements for ALUs are important to maintain the character of communities, support the county tree canopy goal, reduce flooding, and reduce impacts to water quality. Applications to accommodate relatives in an ALU within the primary dwelling with little to no increase in the building footprint should be allowed, but ALUs intended to provide a revenue stream for the property owner should be strongly discouraged or denied.
2. Focus on the placement of new housing along major transportation corridors, such as Metro, as opposed to infill. While development near Metro stations will sometimes require developers to purchase existing housing to create much more housing, planned development near Metro stations is far better for the environment than unplanned ALUs.
3. If plans cannot be made to offset and mitigate the impact of ALUs, the ALUs should not be allowed. The County should have an approval process that requires increasing levels of justification and review by County staff and community input as the environmental and other impacts increase. The addition of separate ALUs on smaller lots should be strongly discouraged, and HOA approval should be required if there is a registered HOA with the Virginia Department of Professional and Occupational Regulation. ALUs should be limited to provide an option for relatives, with modest enlargements to the primary residence.
4. As a part of the permitting process, the applicant should provide a notice of approval from the HOA before granting a permit if there is a registered HOA.
5. If the County is going to make it easier to build ALUs on single-family lots that are less than two acres, then there should be clear permitting conditions addressing the number of people, size of structure, owner occupancy, and other conditions that are monitored and enforced.
6. If the application does not meet the above criteria, a special permit with community input and environmental review should be required, and the project should be shown to have mitigated impacts or the ALU should be denied.

Approved b the MVCCA General Council