

Zoning Study to Permit Interior Structural and Limited Exterior Alterations in Nonconforming Multifamily and Townhouse Dwellings

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ARLINGTON
VIRGINIA



Purpose

- Staff is recommending a zoning ordinance amendment to enable interior structural alterations and limited additions for creation of window wells for basement egress, exterior stairs, ramps, and decks in nonconforming townhouses and multifamily buildings in “RA” and R2-7 districts
- Over the past two years, there has been an increase in number of variance requests
- There were 24 applications for variances in Fairlington from 2023 through May 2024
- It is appropriate to consider amendments to the ACZO when variance requests are not unique and are heard frequently

Examples



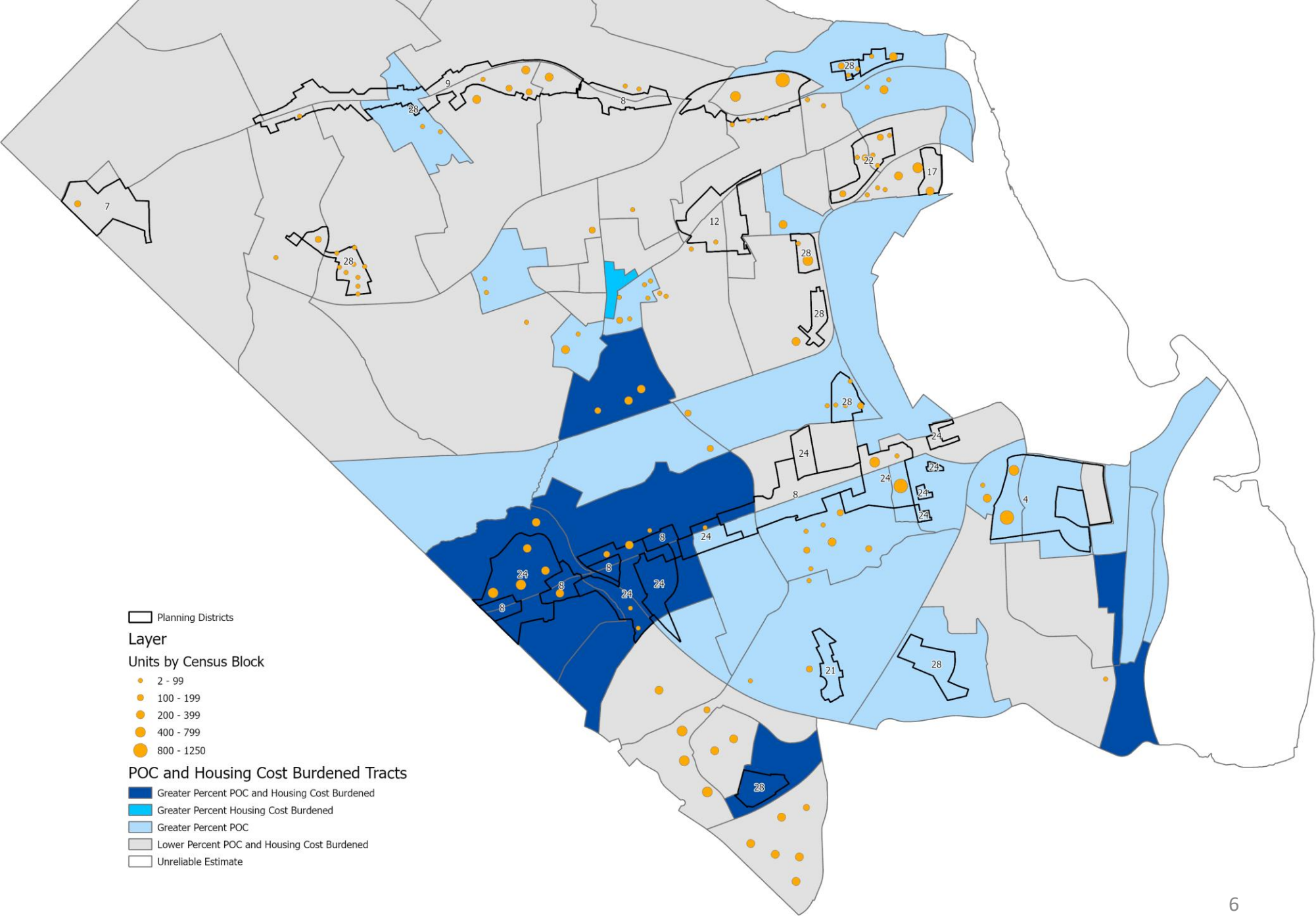
Background

- ACZO requires that nonconforming buildings and structures be brought into conformance before structural interior alterations, building additions, and expansion may be permitted
- This conflicts with goals for preservation of older buildings that may have cultural or historic value or provide lower-cost living options
- ACZO provides flexibility for nonconforming one- and two-family dwellings and EHO uses, but not townhouse or multifamily properties
- The only paths forward are through a County Board use permit, a FBC use permit, or a variance from the BZA

By-Right Townhouse and Multi-Family Units by Zoning District

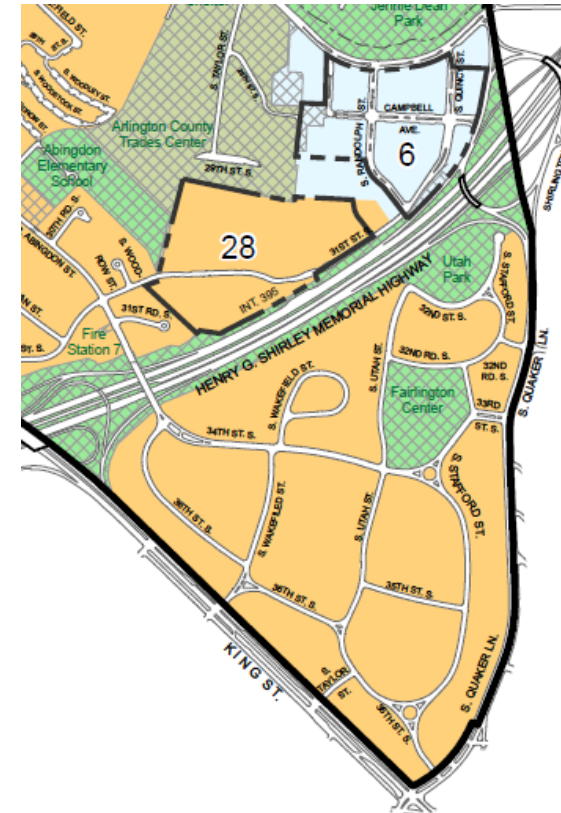
Zoning District	CAF Units	MARK Units (Up to 80% AMI)	Non-MARK Units (Over 80% AMI)	Condo Units	Townhomes	Total
R2-7	0	42	42	74	273	431
RA14-26	1,525	1,495	285	6,385	481	10,171
RA6-15	360	6,856	1,449	2,229	71	10,965
RA7-16	0	0	0	166	45	211
RA8-18	1,090	3,816	1,158	2,071	752	8,887
Total	2,975	12,209	2,934	10,925	1,622	30,665

By-Right Townhouse and Multi-Family Units by Planning District, Percent POC, and Percent Housing Cost Burdened



Planning District Policy Considerations

- 57% of these units are located in planning districts
- Different planning policies and zoning regulations:
 - Limited planning guidance and no special zoning tools for preservation of existing multifamily and townhouse units
 - Plan goals and policies primarily focused on new construction
 - HCD areas that encourage the retention and renovation of existing rental affordable housing units
 - Detailed policies and implementation strategies to realize affordability and other Plan goals



Racial Equity Considerations

- 51% of these dwellings are located in census tracts with a greater percent of persons of color than the County average of 41%
- 17% are located in census tracts with a greater percent of households that are considered cost burdened, meaning that more than 30 percent of their monthly income on average is spent on housing costs, than the County average of 37%
- These dwellings make up 26% of CAFs and 55% of MARKs County-wide

Who Benefits and Who Is Burdened?

- Homeowners benefit from increased flexibility to invest in their properties, build wealth, and accommodate household needs
- Renters, especially those with fewer financial resources, could be burdened by risk of increased rental rates and displacement, but could benefit from improved living conditions
- These risks exist currently under the status quo
- The MRS will also consider policies for reinvestment and affordability



Proposed ACZO Amendments

- §16.2.3.B
 - Notwithstanding any provision to the contrary in this Ordinance, existing nonconforming one- and two-family dwellings, **and** nonconforming accessory buildings and structures located in the R and RA districts **and existing nonconforming townhouses and multifamily dwellings in the R2-7 and RA districts** shall be permitted to make interior repairs and alterations, whether structural or non-structural, provided the repair or alteration is wholly contained within the existing exterior walls of the dwelling, building or structure.

Zoning Ordinance

Arlington County, Virginia



Proposed ACZO Amendments

Zoning Ordinance

Arlington County, Virginia

- §16.2.4.E.3
 - The provisions of §16.2.4.A do not apply to existing nonconforming townhouse or multifamily dwellings, located in the R2-7, RA14-26, RA8-18, RA7-16, or RA6-15 districts, only for the purposes of adding or expanding window wells, areaways, decks, ramps, and steps, provided such addition or expansion conforms to all the regulations of the district in which it is located.



Conclusion

- A zoning ordinance amendment is appropriate to enable interior structural alterations and limited additions for creation of window wells for basement egress, areaways, exterior stairs, ramps, and decks in nonconforming townhouses and multifamily buildings in “RA” districts and the R2-7 district
- Exterior structural alterations, which include replacing doors and windows, that perpetuate a nonconformity would still require a BZA variance
- Allows for consistency with one- and two-family dwellings and EHOs
- Provides flexibility for improvements that would benefit existing and new residents

Anticipated Schedule

- July 16 - ZOCO
- July 18 - Lunch and Learn
- July through August – Online Feedback Form Available
- September 2024 – Housing Commission and Tenant Landlord Commission Briefings, County Board Request to Advertise
- October 2024 – Planning Commission and County Board Final Consideration and Recommendation