

In order to issue an accessory dwelling permit the following must occur:

1. The **FORMS** listed below must be completed:
  - A. Accessory Dwelling Permit Application with Check List
  - B. Accessory Dwelling Record/Covenant
  - C. Affidavit of Compliance
2. The following **DOCUMENTS** must be provided:
  - A. Floor Plan of existing dwelling and proposed accessory dwelling
  - B. Certified Plat to Scale (Showing Addition etc.)
3. **APPROVAL OF ZONING ADMINISTRATOR:** Bring all the above completed forms and documents for initial review by the Zoning Staff. If all is in order, it will be forwarded to the Zoning Administrator for approval and signing the Covenant so that it may be recorded.
4. **RECORDATION OF ALL DOCUMENTS INCLUDING FLOOR PLAN** at the Court House/Land Records. A copy of the receipt of recordation must be submitted to the Zoning Office prior to issuance of accessory dwelling permit.
5. If applicable, a **PARKING STUDY** must be performed by the County and the County must find that adequate on-street parking is available for the Accessory Dwelling.
6. A **BUILDING PERMIT** application must be filed with applicable architectural drawings.
7. An **ACCESSORY DWELLING PERMIT** application may be acted upon at the same time as the building permit.
8. A **CERTIFICATE OF OCCUPANCY** application will be needed prior to occupancy of the new unit. A zoning inspector will inspect the property, inside and out, to ensure compliance with the Accessory Dwelling provisions of the Ordinance. A copy of the recorded covenant, as supplied by the Clerk to the Court must be submitted (this is different from the receipt.) Additionally a brief questionnaire must be completed.

After the Certificate of Occupancy is issued, the property owner must submit an **AFFADAVIT** *annually* attesting to continued compliance with the zoning ordinance. This AFFADAVIT must also be filed if there is a change in occupancy. Additionally, a zoning inspector must be allowed access to the premises on at least an annual basis.

## Accessory Dwelling Approval Process

The following provides a step-by-step summary of the Accessory Dwelling (AD) approval process. The information below is not intended to substitute for the [zoning regulations \(see Section 12.8.1\)](#)

1. Requirements for Proposed AD:
  - a. Zoning: ADs may be added to single family detached homes in R-Districts (R-20, 10, 8, 6, 5, 10T, 15-30T, and 2-7). Look up your address in [Real Estate Assessments](#) if you are unsure of your zoning district.
  - b. A single lot may have either a Family/caregiver suite or an AD, but not both.
  - c. The lot on which the AD is located must have a minimum width of 50 feet.

- d. All coverage requirements must be met, including any required or proposed off-street parking spaces for the AD.
  - e. Any modifications to the existing dwelling on the lot must meet all zoning requirements for the zoning district.
  - f. The AD may not have a separate entrance on the same side of the house as the main dwelling.
  - g. On a corner lot, the AD entrance may not be visible from the street.
  - h. No visible exterior stairs may be used to access a second floor AD.
2. You must be a resident homeowner to file an application for an accessory dwelling (AD). Your application must include:
    - a. A floor plan of the proposed accessory dwelling and its relationship to the main dwelling. The AD may not be larger than the lesser of 750 square feet or 50% of the main dwelling. See size worksheet and scale requirements. If the space requires any construction, it is best if this floor plan is part of the construction drawings necessary to achieve a building permit.
    - b. A certified plat of the lot and structure in question.
  3. Zoning staff will determine if the lot meets the minimum area and width requirements for the district in which the AD is proposed.
  4. Zoning staff will review the property plat and proposed AD and will:
    - a. Determine if the proposed modifications meet zoning requirements for the zoning district.
    - b. Calculate lot coverage to determine if the lot can accommodate an accessory dwelling and any required off-street parking for an accessory dwelling.
    - c. Verify that the proposed AD is an independent unit with its own kitchen and bath.
  5. The Department of Environmental Services conducts a parking survey to determine if an off-street parking space would be required to be created. For information on the how long parking surveys take and any associated fees, contact Environmental Services Customer Support at 703-228-3629.
    - a. If the results of the parking survey indicate the block is less than 65% parked, an AD may be added without a parking requirement.
    - b. If the survey indicates the block is more than 65% parked, at least one existing off-street parking space must be created or maintained. Off-street parking spaces created must be created within the coverage requirements for the district in which the lot is located. If there are already two existing off-street parking spaces, both spaces must be maintained.
    - c. In areas with zoned permit parking:
      - i. The accessory dwelling occupant will be allowed one Flex Pass if the block is less than 65% parked (plus one book of visitor passes).
      - ii. If the block is more than 65% parked, the owner must make available, either a parking permit or Flex Pass, and one book of visitor passes, to the AD tenant from the standard allotment for a single family lot.
  6. The resident homeowner must sign and file an affidavit of compliance with the office of the Zoning Administrator.
  7. The Zoning Administrator issues the accessory dwelling permit. This permit will allow an accessory dwelling to be occupied on your lot following approval of all required building permits, inspections and issuance of the Certificate of Occupancy. [Please allow approximately 4 weeks for processing of the permit]
  8. The resident homeowner must record an accessory dwelling covenant with the Land Records Division of the Clerk of Circuit Court.
  9. The Building Official (or other appropriate staff) issues building and other required permits.
  10. The accessory dwelling is created and inspected.
  11. The Building Official and Zoning Administrator issue the Certificate of Occupancy.
  12. The Department of Real Estate Assessment updates the County's real estate database records to indicate the presence of the accessory dwelling on the lot.
  13. The resident homeowner must update the affidavit of compliance with name(s) of tenants of the accessory dwelling, both annually and when tenants change.



# Application For Accessory Dwelling Permit

(please print)

Name of Property Owner(s): \_\_\_\_\_

Street Address: \_\_\_\_\_ RPC#: \_\_\_\_\_

Zoning District: \_\_\_\_\_ (note: use permitted only in R-20, 10, 8, 6, 5, 10T, 15-30T, 2-7)

The above referenced property owner(s) wish to establish an accessory dwelling on the above referenced property. The Property Owner has demonstrated (check all that apply):

Lot width is at least 50 feet     Modifications to a nonconforming structure complies with ZO

Lot is a corner lot     Entrance to AD is not visible from the street.

Entrances to each unit are on different sides of the house.

Entrance to AD is at the  basement level  first floor level  above the first floor.

The dwelling does/will not contain a family/caregiver suite.     The existing dwelling is a one family home.

Total floor area of all dwelling units (home + apartment) is \_\_\_\_\_.

Total floor area of accessory dwelling (apartment) is \_\_\_\_\_.

Meeting with Zoning Administrator or Deputy Zoning Administrator occurred on: \_\_\_\_\_

Parking is provided:  Only on the street     On the lot. Total number of spaces: \_\_\_\_\_

(note: on-street parking requires a parking study to be performed by DES. Off street parking spaces must meet requirements of Section 14.3)

Owner has/will have occupied property at least one year prior to approval of the Accessory Dwelling permit.

Checklist and related documents completed as applicable and attached.

Date: \_\_\_\_\_ (Signature of owner or owner's agent)

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Staff use only:

Approved     Denied by: \_\_\_\_\_ Date: \_\_\_\_\_

In year issued, AD Permit # 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 (circle)



# Accessory Dwelling Record

**LOCATION** \_\_\_\_\_

**APPLICANT** \_\_\_\_\_  
(Owner/ of Property)

**ZONING DISTRICT** \_\_\_\_\_

**PLAN REVIEW CRITERIA**

Certified Plat filed with Zoning Administrator \_\_\_\_\_

Accessory Dwelling is independent dwelling unit with kitchen and bath \_\_\_\_\_

GFA not more than the lesser of 750 square feet or 50 percent of GFA \_\_\_\_\_

of main dwelling \_\_\_\_\_

Entrances meet following \_\_\_\_\_

    Accessory Dwelling entrance on different side from main entrance \_\_\_\_\_

    On corner lot, AD entrance not visible from street \_\_\_\_\_

    No exterior stairs to entry above \_\_\_\_\_

Lot conforms to zoning regulations \_\_\_\_\_

**PARKING SURVEY**

Site has at least 1 parking space if block is more than 65% parked. \_\_\_\_\_  
(Must be confirmed by DES)

**COVENANT**

Format accepted \_\_\_\_\_

Date recorded (date of receipt) \_\_\_\_\_

Date recorded copy submitted \_\_\_\_\_

**ADDRESS** - same as principle dwelling \_\_\_\_\_

**CERTIFICATE OF OCCUPANCY**

-Issued by Inspection Services Division and the Zoning Division \_\_\_\_\_

**AFFIDAVIT OF COMPLIANCE** – To be submitted annually \_\_\_\_\_

**DATE APPROVED** by Zoning Administrator \_\_\_\_\_

**ACCESSORY DWELLING PERMIT ISSUED** \_\_\_\_\_

**Expires (1 year later)** \_\_\_\_\_



## Declaration of Covenants

THIS DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS is made this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_ by and between \_\_\_\_\_ hereinafter known as "Declarant" and ARLINGTON COUNTY, VIRGINIA, by and through Arlova Vonhm, it's Zoning Administrator.

WHEREAS, the Declarant is the sole owner of certain real property located at \_\_\_\_\_ in Arlington County, Virginia known as: Lot \_\_\_\_\_, Block \_\_\_\_\_, Subdivision \_\_\_\_\_ as the same is duly dedicated, platted, and recorded in Deed Book \_\_\_\_\_ at Page \_\_\_\_\_, among the land records of Arlington County, Virginia.

WHEREAS, the Declarant desires to construct on aforesaid property an accessory dwelling as defined in the Arlington County Zoning Ordinance,

WHEREAS, in order to construct and use said accessory dwelling on the aforesaid property, it is necessary to comply with certain zoning requirements and amendments thereto relating to accessory dwelling adopted by the Arlington County Board on July 19, 2008 as Section 12.8.1 of the Zoning Ordinance.

NOW THEREFORE, Declarant, for and in consideration of the premises and the covenants contained herein does hereby agree to construct said accessory dwelling, to be used, held, transferred, sold, conveyed and occupied subject to the covenants, restrictions, and conditions hereinafter set forth, which are for the purpose of protecting the value and desirability of the premises and the character of the surrounding neighborhood and which covenants, restrictions, and conditions shall run with the real property and be binding on all parties having any right, title, or interest in the described property or any part thereof, their successors and assigns, and shall inure to the benefit of each owner thereof.

## Article I

The Accessory Dwelling to be constructed on the above premises shall consist of not more than 750 square feet and shall be designed, arranged, used, and occupied by not more than two (2) persons.

## Article II

In constructing and using this accessory dwelling, in order to meet zoning requirements for all accessory dwelling in all "R" Districts, not including "RA" Districts, subject to approval by the Zoning Administrator, the Declarant hereby covenants that the following conditions will be binding on the declarant, his successors, and assigns:

- (1) Only one (1) accessory dwelling shall be permitted on the property.
- (2) The gross floor area of the accessory dwelling shall not exceed seven hundred and fifty (750) square feet, or fifty (50) percent of the gross floor area of the main dwelling, whichever less.
- (3) A valid Certificate of Occupancy shall be effective for the accessory dwelling.
- (4) Parking required for the accessory dwelling shall remain in existence.
- (5) A floor plan of the accessory dwelling that identifies its relationship to the rest of the dwelling shall be filed with the Zoning Administrator.
- (6) No more than two (2) persons will occupy the Accessory Dwelling..
- (7) The owner of the property will permit annual inspections of the accessory dwelling and the main dwellings by the County.
- (8) The Owner will advise all tenants of the accessory dwelling annual inspection requirement and of their obligation to cooperate with the Zoning Administrator in ensuring compliance with all applicable Zoning requirements.
- (9) The accessory dwelling shall not have its entrance on the same side of the main dwelling as the main entrance of the main dwelling and no accessory dwelling on a corner lot have an entrance on a side of a main dwelling that faces the street.
- (10) There shall only be one (1) address for the property.

- (11) The Owner of the property will occupy a dwelling on the property.
  
- (12) The Owner of the property will file with the Zoning Administrator on or before the anniversary date of the issuance of the occupancy permit of each year, an affidavit of compliance with Zoning Ordinance requirements for Accessory Dwellings.

IN, WITNESS WHEREOF the following signatures and seals:

\_\_\_\_\_

\_\_\_\_\_

STATE OF VIRGINIA  
COUNTY OF ARLINGTON

Subscribed and sworn before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

Notary\_\_\_\_\_

My Commission expires \_\_\_\_\_

APPROVED:

\_\_\_\_\_

Arlova Vonhm, Zoning Administrator  
Arlington County, Virginia



## **Affidavit of Compliance with Zoning Ordinance Requirements for Accessory Dwelling Units**

I, \_\_\_\_\_, make this affidavit in order to comply with Section 12.8.1 of the Arlington County Zoning Ordinance. Under penalty of perjury, I swear that the following statements are true and correct.

I am the owner of the property known as \_\_\_\_\_ (street address of the "Property"). My ownership is shown among the land records of the Clerk of the Court of Arlington County at Deed Book \_\_\_\_\_, page \_\_\_\_\_. The Property is improved with a single family house. The single family house contains an Accessory Dwelling Unit ("ADU") which complies in all respects with the requirements of the Arlington County Zoning Ordinance ("ACZO"), including by way of illustration and not limitation, the following:

- a. No more than two (2) persons do now, or will at any time, occupy the accessory dwelling unit;
- b. I occupy, as my full-time residence, one of the dwelling units on the Property. For at least a year prior to \_\_\_\_\_ (date) when the ADU was first approved, I occupied the dwelling on the Property.
- c. I hereby agree to permit the Arlington County Zoning Administrator or his or her designee to make annual inspections of the ADU to ensure compliance with the ACZO.
- d. I hereby agree to cooperate with the Zoning Administrator and his or her designee to ensure compliance with the ACZO.



e. I have advised all tenants residing in the ADU of the annual inspection requirement and of their obligation to cooperate with the Zoning Administrator to ensure compliance with the ACZO.

f. I hereby certify that no accessory use is being conducted in the ADU, except home occupations as permitted and regulated in Section 12.8.7 of the ACZO.

g. I hereby certify that I have made no alterations in the physical structure located on the Property or the parking located on the Property, nor have I changed the use of the Property in any material way since the last Affidavit of Compliance with Zoning Ordinance Requirements for Accessory Dwelling Units, which I executed.

h. I hereby certify that if a new tenant will occupy any ADU on the Property, or if I make any structural modification to the ADU, I will execute, within ten calendar days of such change, a new Affidavit of Compliance with Zoning Ordinance Requirements for Accessory Dwelling Units.

i. The Property and all structures thereon, including the ADU, comply with all requirements of the ACZO.

I make this affidavit on this \_\_\_ day of \_\_\_, \_\_\_\_\_

\_\_\_\_\_  
Signature of Owner

\_\_\_\_\_  
Printed Name of Owner

STATE OF VIRGINIA  
COUNTY OF ARLINGTON

Subscribed and sworn before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

Notary\_\_\_\_\_

My Commission expires \_\_\_\_\_

**Pre-Certificate of Occupancy Data for ACCESSORY DWELLINGS**

Address of property: \_\_\_\_\_

RPC #: \_\_\_\_\_

Occupancy data:

- Number of residents in original dwelling \_\_\_\_\_
- Number of years residents have lived in original dwelling \_\_\_\_\_
- Number of residents in accessory dwelling \_\_\_\_\_
- Amount of rent to be charged for accessory dwelling: \$ \_\_\_\_\_
- Age of owner(s) \_\_\_\_\_
- Name of Civic Association: \_\_\_\_\_

I certify that the information contained herein is true to the best of my knowledge and belief:

\_\_\_\_\_  
Signature of property owner

\_\_\_\_\_  
Printed name of property owner

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For staff use only:

Physical data:

- GFA of main dwelling \_\_\_\_\_
- GFA of accessory dwelling \_\_\_\_\_
- Year main dwelling built per assessment records \_\_\_\_\_
- Location of accessory dwelling within the main dwelling (check one)
  - addition at \_\_\_\_\_ of main dwelling
  - located in basement
  - located on first floor
  - Located above first floor
  - Zoning Inspection including parking