

Rule clarifying “appropriate uses accessory thereto” clause in Covenant One as it applies to allowable home-based businesses in Lake Barcroft:

Adopted: 1/11/17

Notwithstanding the provisions of Covenant Two, certain forms of business-related activity will be considered uses that are “accessory to the use of the land for a single family residence” under Covenant One.

These are uses that have been permitted by Fairfax County under Fairfax Zoning Ordinance Article 10 as “Home Occupations”, “Home Professional Offices” or as “Home-Based Day Care providers”. All uses are subject to the restrictions defined in the Fairfax County Zoning Ordinance “Home Occupation Permit Limitations”.

1. “Home Occupations” include offices for artisans, cleaning services, computer services, authors, and home crafters. No clients or customers are permitted with a home occupation. The one exception to this standard is a school of special education (i.e., piano or dance instructor) in which a limited number of students is permitted in the home.
2. “Home Professional Offices” include the offices, studios, and occupational rooms located within a single family detached residence of licensed or certified physicians; physical therapists; psychiatrists or psychologists; engineers; architects; real estate agents, appraisers or brokers; insurance agents and other professionals who see clients are allowed as home professional offices. A home professional office requires a public hearing and the approval of a special permit by the Board of Zoning Appeals.
3. “Home-Based Day Care providers.” Care for up to seven (7) children is permitted in a single family detached home. (Provider's own children do not count.) One non-resident assistant is permitted. Additional children up to a maximum of twelve (12) and/or additional non-resident assistants may be allowed with Special Permit approval from the Board of Zoning Appeals. To be a family child care provider, you are legally required

by law to have a Fairfax County child care permit or a Virginia state family day care home license; the operator of the home child care facility must live in the dwelling; there shall be no signs or other exterior evidence of the use other than play areas; and the use is subject to the regulations of Chapter 30 of the Fairfax County Code or Title 63.2, Chapter 17 of the Code of Virginia, whichever is applicable.

All allowable home-based business uses within Lake Barcroft, including those that might be allowed pursuant to county statute, state law or judicial decision, shall be subject to the following time, place, and manner restrictions:

1. No accessory use will be permitted without the property owner, or leaseholder, being present on the property at all times during which customers or clients are visiting the property.
2. No accessory use activity shall take place prior to 7:00 AM or after 9:00 PM in the evening.
3. No signage is permitted.

Definitions:

1. Business: A Business is defined as any commercial activity that generates sufficient revenues to require Business Professional Occupational License by Fairfax County.
2. Leaseholder: A Leaseholder is someone who has signed a lease with the Lake Barcroft Property owner for the purpose of residing in the property for a period of 3 months or longer.

HOME OCCUPATION PERMIT LIMITATIONS

All Home Occupations shall be subject to the following limitations per Article 10 of the Zoning Ordinance:

1. A home occupation must be conducted by the home occupation permit applicant within the dwelling which is the primary residence of the applicant or in an accessory building thereto which is normally associated with a residential use and shall be clearly subordinate to the principal use of the lot as a dwelling.
2. Except for articles produced on the premises, no stock in trade shall be stored, displayed or sold on the premises.
3. There shall be no exterior evidence that the property is used in any way other than for a dwelling.
4. No mechanical or electrical equipment shall be employed other than machinery or equipment customarily found in the home, associated with a hobby or avocation not conducted for gain or profit, or customary for a small office.
5. No outside display or storage of goods, equipment or materials used in connection with the home occupation shall be permitted.
6. The home occupation permit applicant and other persons who use the dwelling as their primary residence may be involved in the home occupation use. In addition, one (1) nonresident person, whether paid or not for their services, may be involved in the home occupation use on the property provided that there is only one (1) such person on the property and the hours of such attendance shall be limited to 8:00 AM to 5:00 PM, Monday through Friday.
7. Only one commercial vehicle shall be permitted per dwelling unit, subject to the following provisions:
 - A. No solid waste collection vehicle, tractor and/or trailer of a tractor-trailer truck, dump truck, construction equipment, cement-mixer truck, wrecker with a gross weight of 12,000 pounds or more, or similar such vehicles or equipment shall be parked in any R district.
 - B. Any commercial vehicle parked in an R district shall be owned and/or operated only by the occupant of the dwelling unit at which it is parked.
8. The dwelling in which the home occupation is being conducted shall be open for inspection to County personnel during reasonable hours.
9. A permit for a home occupation is valid for only the original applicant and is not transferable to any resident, address or any other occupation. Upon termination of the applicant's residency, the home occupation permit shall become null and void.
10. No signs shall be permitted.
11. There shall be no customers or clients except for schools of special education, whose class size shall not exceed more than four (4) pupils at any given time and not more than eight (8) pupils in any one day.
12. A maximum of two (2) rooms may be let for hire to a maximum of two (2) persons, neither of whom is a transient.
13. If there are any changes proposed in the dwelling or in the plumbing or the electrical system, appropriate permits will be required. Approval of this permit or of any other permit does not relieve the Applicant from compliance with the provisions of any applicable ordinances of Fairfax County or the Commonwealth of Virginia.
14. A permit for a home occupation shall be revocable by the Zoning Administrator because of the failure of the owner or operator of the use covered by the permit to observe all requirements of the permit and the Zoning Ordinance.

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