



Montgomery County Council

From the office of Councilmember Howard Denis

News Release

November 26, 2003

Contact: Ken Hartman 240-777-7965

DENIS STATEMENT ON HIS LEGISLATION TO ADDRESS “MANSIONIZATION” IN COUNTY

“Ever since becoming a member of the Montgomery County Council, I’ve listened to a steady stream of concerns about the way we apply height limitations for new homes. I have come to the conclusion that our zoning law lacks credibility in this area.

“It is a problem with a long history.

“Apparently the 35-foot height limit does not actually mean 35 feet. In some cases, builders can apply for what is called a ‘terrace height exception’ in which the height of new homes can be increased substantially above 35 feet. In other cases, builders can change the pitch of a roof, and get a home that is taller than 35 feet.

“Similarly, the 2 ½ story limit does not mean what it seems. Builders can alter the grade of a property to get a home that is actually 3 ½ stories tall.

“My predecessor on the Council, Betty Ann Krahnke, followed this problem closely. In fact, on one occasion she fought successfully to have the roof of a home that had been built too tall removed and rebuilt to comply with the height limit.

“In many cases, the exceptions to the height limit in our current law have lead to numerous complaints and some challenges to the Board of Appeals.

“This legislation:

- eliminates the terrace height exemption and instead uses a measurement that takes into account the slope of a property;

- eliminates the exception that allows steeply sloped roofs to be taller than 35 feet;
- defines how tall above ground a basement can be, before it is considered a story; and
- re-states the intent of our ordinance to place limits on both the height and number of stories of new homes.

“This legislation is intended to restore confidence in our communities that the way we measure height is based on simple and readily understandable criteria. It is needed to remove the loopholes in our current ordinance. It is also needed to make it easier for the County to enforce the height limits.

“The legislation is not an infringement on the right of homeowner to improve their homes. It does not change the height limit in the law. It does provide reasonable allowances for height to be adjusted to suit the slope of a property.

“I’d like to thank residents from the Garrett Park, Edgemoor, and Glen Cove/Green Acres neighborhoods who brought this matter to my attention and who provided input on its drafting.”

###