

# Montgomery Postpones Vote On Height Limits

## *New Proposal Would Restrict Houses in Southern County*

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After two years of hearings, amendments and debate, the Montgomery County Council is still at loggerheads over how to curb the proliferation of "McMansions" that dwarf surrounding homes in established neighborhoods.

Citing a technicality, the council yesterday postponed a vote on a measure to change the way residential building heights are calculated and to reduce the maximum height from 35 to 30 feet. The proposal, first introduced by council member Howard A. Denis (R-Potomac-Bethesda) in 2003, is designed to eliminate loopholes and ambiguities in county regulations that allow builders to exceed the 35-foot cap.

But Denis's plan has gone through several revisions. This summer a council committee eliminated the 30-foot restriction from the proposal. Yesterday, Denis reintroduced the measure to set the maximum height of houses to 30 feet in southern Montgomery, where housing is more dense.

"The current height limit is not a height limit at all," Denis said. "Neither is the amended bill."

There is some consensus among council members. As a general rule, the height of a house is measured from the street, but council members want to require that measurements be made from the point at which the house meets the ground to the midpoint of the roof, which they consider a more accurate calculation.

The loophole that most concerns members gives

# Vote to Restrict Height Limits Postponed

HEIGHT, *From B1*

homeowners credit for terraces, graded land leading up to a flat area on which a house is built. Under current regulations, if a house sits on a terrace, the height of the terrace is subtracted from the height of the house. Council members have heard complaints about builders constructing basements and covering them with dirt to make them look like terraces.

The measure being considered by the council would amend the county zoning code and would apply to replacement houses, renovations and houses in new subdivisions that are adjacent to existing houses. Houses constructed with a building permit issued before the amendment would take effect probably would be grandfathered in, council members said.

Opponents of the bill include builders and developers, who say they are responding to consumer demand for bigger, grander-looking homes with high ceilings. But neighbors of these new houses say that they block sunlight, create flooding problems from excessive storm runoff and just plain look terrible.

Others say Denis's bill would do little to combat so-called McMansionization, the subject of intensified debate since hundreds of houses in Clarksburg Town Center were found last week to be in violation of height and setback restrictions.

"To be perfectly frank, the perception of a house being out of character with a neighborhood is not going to be addressed by this proposal," said council member Steven A. Silverman (D-At Large), chairman of the three-member Planning, Housing and Economic Development Committee, which amended Denis's original proposal. "It would only be addressed by a proposal to reduce size. All you're going to get with this proposal is slightly shorter, bulky houses that will still dwarf neighboring homes."

The council failed in 1998 to approve a more far-reaching proposal that would have limited both the height and bulk of houses. In recent years, Denis has taken up the cause, trying to rein in the practice of homeowners tearing down or remodeling existing houses and replacing them with larger structures that are out of character with their neighborhoods.

The council will take up the issue again in September, when it plans to have a public hearing on the 30-foot height restriction. A county attorney advised the council not to vote on Denis's proposal because it had not been properly advertised to the public before an earlier public hearing.

There are indications that Denis is picking up support on the council.

"I think people are genuinely interested in" his proposal, said council member Michael Knapp (D-Upcounty). "There was more openness to having a discussion on it than I had expected."

Added council member Marilyn Praisner (D-Eastern County): "I do not intend to genuflect on the holy grail of ceiling height."