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Montgomery Votes to Scale Back Size of New Homes

Legislation Is Designed To Fight 'Mansionization'

By [Ann E. Marimow](#) and [Miranda S. Spivack](#)
Washington Post Staff Writers
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The Montgomery County Council signed off on legislation yesterday aimed at shrinking the size of new homes to combat "mansionization" that has pitted neighbor against neighbor in many of the region's older communities.

The measure, approved 8 to 1, will apply to about 106,000 properties in neighborhoods that were planned before 1978, primarily inside the Capital Beltway. It will scale back the size of construction that replaces homes that are torn down and tighten height limits in some communities.

Council member [Roger Berliner](#) (D-Potomac-Bethesda), the chief sponsor, called the legislation a "meaningful but measured response" to the problem of oversized houses that dwarf homes in a neighborhood and affect privacy, sunshine and property values.

Berliner said it will "permit the more graceful transformation of our older neighborhoods while preserving the ability of homeowners to build large, beautiful homes."

The zoning legislation, which does not require the signature of County Executive [Isiah Leggett](#) (D), will not apply to the construction of single-story homes or to small-scale additions and renovations.

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The guidelines reduce the size of homes by about 14 percent on small lots and by 20 percent on half-acre lots. Owners will still be able to build homes as big as 4,500 square feet on lots as large as 6,000 square feet. In some parts of the county, height limits will drop from 50 feet to 35 or 45 feet, depending on lot size. Heights are already limited to about 35 feet in denser, residential neighborhoods. Not counted in these calculations would be bay windows, open porches, chimneys and detached garages.

The measure will take effect in 140 days, applying to building permits filed

after April 28.

Council member [Michael Knapp](#) (D-Upcounty), who cast the dissenting vote yesterday, said he is concerned about the potential effect on constituents in his area, where mansionization is not a pressing issue. He questioned the timing of the legislation in light of the bad economy and the housing market.


The average home sale price in Montgomery dropped 11 percent in the first quarter of fiscal 2009, and the value of new homes for the first nine months of the year was the lowest since

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"Right now, we have builders who are laying people off," Knapp said. "All this does is potentially stymie more building."

The measure expands on legislation the council passed three year ago, written by Berliner's predecessor, [Howard Denis](#) (R), that limited the height of new single-family homes. It follows similar efforts in [Arlington County](#) and in older communities nationwide.

Pressure on lawmakers to place limits on construction of larger houses began to intensify about a decade ago. That is when builders began to realize there was substantial money to be made if they tore down older houses in close-in neighborhoods and built larger, luxury residences on land whose value was rising as traffic was worsening. Buyers wanted updated houses closer to jobs, restaurants and shopping. In some parts of Bethesda, entire blocks were cleared out by builders who snapped up houses as they came on the market, tore them down and built bigger homes.

[Raquel Montenegro](#), who represents the [Maryland-National Capital Building Industry Association](#), said the legislation could limit options for property owners.

Council member [George Leventhal](#) (D-At Large) spoke directly to residents who might be concerned about the effect on property rights, saying, "I assure you, you are still going to be able to build plenty big homes."

That is what worries [Jim Humphrey](#), who heads the land use committee for the Montgomery County Civic Federation. After the vote yesterday, he said the legislation has loopholes that might loosen restrictions on home construction.

Humphrey said that county law had always included a detached garage in the calculation of the size of the house but that the new law excludes it, allowing the garage to cover more of the lot. "My primary concern is that we are heading in the opposite direction of where we expected the legislation to be going," he said.

Len Simon, a member of the Montgomery in-fill development task force and president of the Edgemoor community association, said he hopes the legislation "will end up with smaller houses in older neighborhoods that fit in better." The measure, he said, "is a change in the approach that got us to an incrementally better place."

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