

September 9, 2022

Members, Montgomery County Council
Stella B. Werner Council Office Building
100 Maryland Avenue
Rockville, MD 20850

Re: Support for ZTA 22-09

Dear Members of the County Council:

I write on behalf of Silver Spring homeowners David Vandivier and Almila Ozdek in support of ZTA 22-09, which will be on the Council's public hearing agenda on September 13, 2022. Mr. Vandivier and Ms. Ozdek recently built an in-ground swimming pool in their backyard and would like to install a pool enclosure of the type shown in the photos below, which would allow them to use the pool year-round instead of just during warm-weather months.



Example Pool Enclosure in Closed Position



Example Pool Enclosure in Closed Position

This ZTA would increase the permitted square footage for an accessory structure on residential property to allow the installation of an above-ground pool enclosure for year-round swimming. This can be a valuable aging-in-place strategy, and can be very helpful for individuals who use swimming as a form of therapy or as their main form of physical exercise.

The ZTA places appropriate limits on the square footage of a pool enclosure and other accessory structures to avoid adverse impacts on neighbors from too many structures on any one lot. In addition, it

September 9, 2022

Page 2


does not exempt a pool enclosure from being counted as part of the lot's building coverage limit. As a result, a homeowner who wants to install a pool cover will have to make other choices that keep lot coverage within established limits. Standard accessory structure setback requirements would apply as well, ensuring appropriate placement of the pool and pool enclosure. The ZTA also sets a height limit and specifies that a pool enclosure must be translucent or transparent, all of which will keep pool enclosures at a scale and of a type that will create minimal visual intrusion for neighbors.

My clients would like to suggest one change to the ZTA: to increase the maximum permitted height to eight feet instead of seven feet. The manufacturers of popular models of pool enclosures generally build them with a maximum height at the peak of the structure between seven feet six inches and seven feet ten inches, so an eight-foot height limit would be more in keeping with products available for this purpose.

We urge the Council to give favorable consideration to this ZTA.

Sincerely yours,

BREGMAN, BERBERT, SCHWARTZ & GILDAY, LLC

By: 
Françoise M. Carrier

cc: David Vandivier