

**ON FEBRUARY 26, 2019 THE KHCA EXECUTIVE COMMITTEE SUBMITTED THE FOLLOWING COMMENTS
TO THE MONTGOMERY COUNTY PLANNING BOARD**

Accessory Dwelling Units – Proposed Zoning Text Amendment 19-01

These comments are submitted on behalf of the Kensington Heights Civic Association (KHCA), a nonpartisan group comprised of approximately 1,000 homes in the Wheaton area surrounding the Westfield Wheaton Mall on the south and west sides. Most of the area related to the KHCA is currently zoned R-60 (with a few small areas zoned for town-houses and one apartment complex). The R-60 area has 6,000 minimum lot sizes and most homes are of that general size although there are a few larger lots.

The proposed Zoning Text Amendment (ZTA) 19-01 is the fourth legislative amendment dealing with the issue of Accessory Dwelling Units (ADUs) in the last seven years. Prior to 2012, all ADUs were required to be approved through the Special Exception process. Since that time, the County has allowed for their use on an ever-more expedited basis and with ever-fewer standards being imposed on their approval.

In 2012, the Council approved a ZTA for ADUs -- after considerable discussion and public input -- that was intended to sensitively tailor the allowance of such units to the type of neighborhood in which they would be introduced, the size of the unit, and the use of a detached versus an attached or included structure to the existing building. Requirements were also included for parking availability, for maximum size of the structure, and for a minimum distance between the units to avoid undue proliferation in particular areas. Initially, approval of an ADU required use of the special exception process (now a “conditional” use) or some types were prohibited entirely such as the creation of a detached unit on a lot size of less than one acre.

In 2015, the Council made minor changes to the requirements. Then, only last fall the Council removed the conditional use limitation for attached ADUs and allowed the Hearing Examiner to grant waivers for the parking and separation requirements. Now, however, less than six months later, the Council is being asked to consider yet another ZTA with dramatically greater changes. Detached units are now allowed in every zone, ADUs are treated as a limited use in *all* zones, the limits on size are removed along with the separation limits and a number of other changes are also proposed.

It is our understanding that all of this is being done in the name of increasing the availability of such units in order to increase and diversify the housing stock in Montgomery County and to make it more affordable. We fully understand that such units may be of value to those looking to house elderly parents, or a college student, or a nanny or just seeking to obtain additional rental income. However, we believe there are real concerns about what can happen to a neighborhood that could become substantially denser than was planned for in the original zoning or that neighbors have become accustomed to.

We are not at all sure that these changes are necessary to allow homeowners to create such a unit without being unduly burdened. The current process has substantive and procedural requirements. Because only last fall the Council considerably loosened the procedural requirements, it seems the better part of wisdom to give those changes time to become effective and, in turn, assess their impact before immediately moving on to a much more substantive set of changes. Any construction that takes

place under new rules will undoubtedly be grandfathered in, so it is important not to go too far too fast with decisions that cannot be reversed.

Furthermore, in light of the relative ease in creating such a unit within an existing home without being overly noticeable, we are far from convinced that all such units have actually been reported to and permitted by the County. Further, we think there has been relatively little public outreach or education to the County residents about the availability of such options if they are interested (or the need for approval before one proceeds). We believe such measures should be undertaken first and given time to work before more far-reaching changes are enacted.

In short, our position currently is one of caution and step-wise consideration. We do not categorically reject the creation of ADUs, but we do not blindly assume that they will be beneficial in all instances. Accordingly, we suggest the County move carefully in this regard and take the time to review and assess the results of prior legislative actions before making additional changes. On that basis, we do not view ZTA 19-01 as warranted at this point.

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