



April 30, 2012

To: Montgomery County Planning Board
c/o Planning Board Chair Carrier (MCP-Chair@mncppc-mc.org)

From: Montgomery County Civic Federation
via Jim Humphrey, Chair, MCCF Planning and Land Use Committee
(email - theelms518@earthlink.net)

Subject: MCCF Comments to Planning Board on Proposed Accessory Apartment ZTA--
Item #3 on Board's agenda for May 3, 2012

The delegates to the Montgomery County Civic Federation have adopted a position supporting retention of the current approval process for all accessory apartments as Special Exceptions granted by the Board of Appeals. This allows an opportunity for neighbors and other community members to weigh in on possible negative impacts from undue concentration of units in the area, address issues regarding compatibility with the character of the neighborhood, and speak to anticipated impact on on-street parking.

The proposed ZTA would change current law to allow by right an attached accessory apartment with floor area up to 800 square feet in the "small lot" R-60, R-90 and Rural Neighborhood Cluster (RNC) Zones. Large attached accessory units (800-1200 sq. ft.) would remain allowed by Special Exception in these zones. And detached accessory apartments would be allowed by Special Exception in these zones, but the floor area could not exceed 800 square feet.

The proposed ZTA would also allow by right an attached accessory apartment with floor area up to 1200 square in the "large lot" residential zones--RE-1, RE-2, RE-2C, R-150, R-200 and RMH-200--and in many of the agricultural zones (Rural, RC, LDRC and RDT Zones). And it would allow a detached accessory apartment with a floor area up to 1200 square feet by right in the RE-1, RE-2 and RE-2C Zones (but they would remain allowed by Special Exception in R-150, R-200 and RMH-200 Zones, we think).

MCCF asserts the proposed standards are too complicated, and contain confusing multiple cross references to other sections of the Code. This is not what anyone wants to see in a new shorter, easier-to-understand zoning ordinance. We suggest that if the problem is that the Special Exception process is burdensome (too time consuming and costly), as Technical staff asserts in their packet, then the Special Exception process should be changed and the application fee reduced. Thank you.