



Minutes of the Public Hearing
January 23, 2024, 7:30 p.m.
Held online by ZOOM Videoconference
Approved February 12, 2024

Public Hearing

Ordinance 2023-08, Amending the Washington Grove Zoning Ordinance to Expand Housing Opportunities and Update Vehicle Parking Requirements

Mayor John Compton called the Public Hearing to order at 7:35 p.m., a quorum of the Town Council being present (Christine Dibble, Rob Gilmore, Eva Patrone, Barbara Raimondo, Peter Nagrod, Mary Warfield).

He gave a brief review of the proposed amendments to the Ordinances, noting some things that would change, some that would not change, and some potential concerns. Testimony and discussion between residents and Town Councilors were free-flowing.

Town Councilor Christine Dibble asked about permit requirements for parking spaces.

John McClelland expressed concerns about language covering the number of “cuts” (driveways) onto Town property and permit requirements. *Planning Commission Chair Georgette Cole* explained that residents are already required to obtain permits for new access to Town roads.

Town Councilor Mary Warfield thought there should be a process for properties with limited parking.

Marilynn Frey was concerned about enforcement of both existing and proposed ordinances. She told a story about a neighbor in violation of the number of cars allowed for over 10 years with no enforcement.

Mimi Bolotin asked about the licensing of ADUs required by Montgomery County. She questioned whether use of an ADU by relatives of the live-in owners would be subject to permit fees.

Mayor Compton reported that written testimony from the Historic Preservation Commission (HPC) and the Racial and Social Equity Committee (RASEC) had been received. He asked HPC Chair Bob Booher to summarize the HPC’s two proposed changes to the draft Accessory Dwelling Unit legislation.

HPC Chair Bob Booher explained a primary concern of the HPC was preventing out-of-scale structures and they proposed reducing the allowed floor area of new ADU construction to

800 sq ft. *HPC Commissioner David Stopak* explained that allowing the Planning Commission to attach conditions when approving ADU construction was consistent with the broader authority allowed the Planning Commission when approving subdivisions. *Paula Puglisi* questioned why the PC needed broader authority to attach conditions. There was a discussion about maintaining historic character.

RASEC Chair Paula Puglisi went on to read RASEC'S position that the definition of a household for all purposes be simplified to allow any number of people to constitute a household. RASEC also believes that limiting two-bedroom ADUs to no more than two adults over 18 years of age is unnecessarily restrictive (by illustration, what of a couple with a disabled child?).

PC Chair Georgette Cole explained that the Planning Commission should not be the body that decides how to define things like "household" and the nature of a dynamic ordinance.

John McClelland was given the understanding by the County that the definition of a household in the County Accessory Dwelling Unit regulations was developed to distinguish ADUs from multi-family dwelling units.

Craig and Mary Lou English explained how their ADU plans (shown to the Town Council last month) would provide income to help them remain in the Grove, and they would be happy to be a "test case" for an attached ADU. There was a brief mention about the recent Montgomery County assessments and rising taxes.

John McClelland stated that there should be a clear distinction between a detached ADU and an attached ADU. He felt that detached ADUs could create undesirable impacts on energy use and the like, but he fully supports allowing an ADU attached to the main structure. He raised the following questions:

- Are ADUs going to be permitted in the Commercial Corner?
- How will the Town handle existing ADUs that are in violation of the 800 sq. ft. limit?
- How will enforcement be done?

Councilor Rob Gilmore has concerns about getting broad public. Residents have talked to him about their concerns, but some also said they were unwilling to voice their concerns because of the fear of negative reactions. Mayor Compton shared his concern, but noted this Hearing was not the time or venue for that discussion. Rob agreed.

Joan Mahaffey asked what the setbacks on her garage would be if she turned it into an ADU. She wondered how many properties are eligible for ADU status. *David Stopak* directed Joan to Article VII, Section 9 of the Town code. He also felt there was need for safeguards against the impact of ADUs on neighboring properties, specifically in the RR-2 Zone.

Mayor Compton offered his opinion that the rate of ADU permitting in the Grove is likely to be slow, as experienced by Montgomery County in the five years since the County first

allowed ADUs won't be much. Perhaps the Council should consider allowing ADUs now, but require a review of the results in five years as an opportunity to adjust or rescind further permitting.

John McClelland expressed his concerns about the Town's past difficulties with enforcement, citing the living space above the garage at 103 Brown Street.

Bob Booher stated the Task Force (TF) created by the State of Maryland appears to be crafting recommendations for an ordinance to address ADUs wherever local governments haven't acted, and we shouldn't allow ourselves to be preempted. He noted that the State TF is considering requiring owner occupancy of one of the two units on a property, whereas the proposed Town ordinance does not. He also questioned whether an inconsistency exists in the ordinance between the allowed lot coverage overall and allowed coverage by a detached ADU.

Councilor Barbara Raimondo suggested the Town Council may choose to put together a small group to review the proposed changes after the February Town Council meeting.

No further testimony was heard.

Mayor Compton stated the Public Hearing record will remain open until after the February meeting when the Council is expected to take up discussion of this Ordinance

The meeting was adjourned at 8:50 pm.

_____/s/
Kathryn L. Lehman
Town Clerk