

Residents hopeful new zoning guidelines will preserve neighborhoods

But some say more are needed to solve other frequent code violations

by Mimi Liu and Nesa Nourmohammadi | Staff Writers

While only time might tell if a new county code designed to clean up neighborhoods accomplishes that goal, some Montgomery County home and business owners already feel optimistic about its chances of succeeding.

The Montgomery County Council on Oct. 26 voted 6-3 in favor of a zoning text amendment that restricts the encroachment and expansion of home businesses within residential neighborhoods, limits paving front yards and limits heavy commercial vehicles in residential zones.

It also prohibits excessive parking on front lawns and requires home business owners to prove they live in the residence from which their business is operated, according to a statement from the county.

The amendment, which goes into effect April 24 of next year, follows complaints from residents about how infrequently the county enforces zoning codes in their communities. Residents of Aspen Hill and other communities around the county have long complained that houses and yards are allowed to fall in disrepair with little intervention from the county.

Montgomery County spokesman Patrick K. Lacefield said that during fiscal 2010 the county received 307 phone calls from people complaining about home businesses.

The majority of those complaints were of commercial vehicles on residential property and other home business violations, according to Donna Bigler in the county public information office.

Information on what neighborhoods were targeted in those complaints was not available by Tuesday afternoon.

There are 249 registered home businesses in the county, Lacefield said.

A home business is required to register with the county's Department of Economic Development if it employs at least one non-resident employee and receives up to 20 vehicle visits per week, but no more than five per day, excluding deliveries.

Kim Persaud, president of Wheaton Regional Park Neighborhood Association, said several home businesses in her area have caused problems for neighbors.

Persaud is also a member of the Georgia Avenue Coalition, a group formed last year among neighborhood associations along Georgia Avenue that attempted to raise awareness of code violations in the county.

The coalition worked with the Aspen Hill Civic Association to push for the passage of last week's zoning text amendment on home businesses.

"It's not an isolated incident, it's a community-wide problem," Persaud said. "It's important for residents of Montgomery County to understand that once all our property values go down, somebody has to pick up the slack, and the impact is felt by everyone."

Alexandra Minckler, president of the Aspen Hill Civic Association, said members of the civic group are happy about the results, but believe the zoning text amendment is only one of several laws related to code enforcement that need to be passed.

"It's a very good first step to show that there's a continuing interest in maintaining communities and expressing the needs of the residents," Minckler said.

Aspen Hill resident and home business owner Sharon Dean said she supports the new zoning text amendment.

"We've been supporting this for over three years and we are absolutely thrilled," Dean said. "Our neighborhoods were eroding, and we needed help in making them safer and more attractive, and to protect our property values."

Dean has been running a home-based business liquidating estates for 23 years and says the text amendment will not affect her sales.

"I know it's not going to hurt my business and I think my neighborhood is going to be more beautiful," she said.

County Councilwoman Nancy Navarro of Colesville (D-Dist. 4) said an earlier version of the zoning text amendment featured a proposal that called for a limit on the number of unrelated individuals living together in a single home, something she considered "overreaching and unacceptable."

"It's a problem when you look at it historically," she said. "You had bigger and extended family living together under one roof for years, but now it's a problem?"

The success to implementing the new amendment might rest in a \$25,000 public information project to educate the community on the zoning text amendment and the change it will entail.

Navarro said the success of the public information campaign depends on County Executive Isiah Leggett (D), who is responsible for its implementation.

"These changes don't happen overnight," Navarro said. "It will take a while for people to understand [the zoning text amendment]."

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According to the county's Department of Housing and Community Affairs and Department of Permitting Services, residents can report possible code violations such as illegal uses/activities and occupancy limits, storing inoperable and unlicensed vehicles on residential property, deteriorated property, public nuisance and signs not permitted in a residential zone.

When a complaint is filed with the Department of Permitting Services, department staff will visit the residence to witness the alleged violation. If officials decide that a homeowner is in violation of county code, a Notice of Violation is issued, outlining the offense, how it can be rectified and how long the homeowner has to act, said Department of Permitting Services zoning manager Susan Scala-Demby.

A civil citation is issued if the homeowner ignores the notice and continues violating county code. With the civil citation comes a fine of up to \$500 is issued and a notice ordering the violator to appear before a judge in District Court.