

MONTGOMERY COUNTY HISTORIC PRESERVATION COMMISSION
STAFF REPORT

Address:	3908 Baltimore St., Kensington	Meeting Date:	1/9/2018
Resource:	Outstanding (Primary One) Resource Kensington Historic District	Report Date:	1/2/2019
Applicant:	Jeff and Katherine Buss	Public Notice:	12/26/2018
Review:	HAWP	Tax Credit:	n/a
Case Number:	31/06-19A	Staff:	Dan Bruechert
PROPOSAL:	Fence Replacement and Retaining Wall Construction		

RECOMMENDATION

Staff recommends that the Historic Preservation Commission **approve** the HAWP application.

ARCHITECTURAL DESCRIPTION

SIGNIFICANCE: Outstanding (Primary One) Resource to the Kensington Historic District

STYLE: Queen Anne

DATE: c.1898

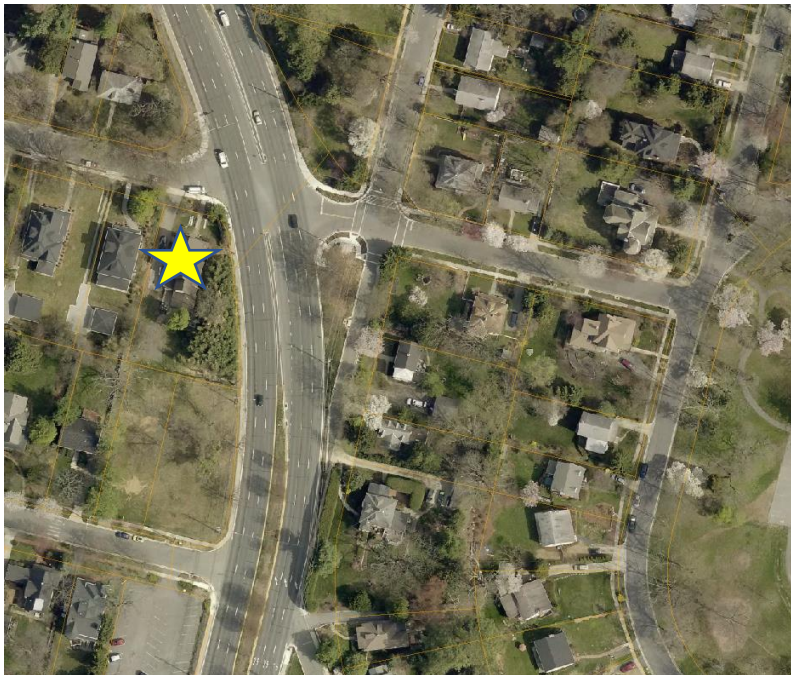


Figure 1: The subject property is located at the southwest corner of Baltimore St. and Connecticut Ave. in Kensington.

The subject property is at the southwest corner of the intersection of Baltimore St. and Connecticut Ave. It is a two-story Queen Anne house with a front gable roof and a wrap-around porch. The lot drops off significantly to the east as it gets closer to Connecticut Ave.

PROPOSAL

The applicant proposes to replace the existing fence and retaining wall along Connecticut Ave. in the southeast corner of the lot. Most of the fencing and retaining wall were removed prior to submission of this HAWP. The new fence will be a wood, 6' (six foot) tall alternating board-on-board fence matching the design and materials of the extant fence.

APPLICABLE GUIDELINES***Kensington Historic District Guidelines***

When reviewing alterations and new construction within the Kensington Historic District several documents are to be utilized as guidelines to assist the Commission in developing their decision. These documents include the *Approved & Adopted Amendment to the Master Plan for Historic Preservation: Kensington Historic District, Atlas #31/6 (Amendment)*, *Vision of Kensington: A Long-Range Preservation Plan (Vision)*, *Montgomery County Code Chapter 24A (Chapter 24A)*, and the *Secretary of the Interior's Standards for Rehabilitation (Standards)*. The pertinent information in these documents is outlined below.

Chapter 24A-8 Historic Resources Preservation

- (b) The commission shall instruct the director to issue a permit, or issue a permit subject to such conditions as are found to be necessary to insure conformity with the purposes and requirements of this chapter, if it finds that:
 - (1) The proposal will not substantially alter the exterior features of an historic site or historic resource within an historic district; or
 - (2) The proposal is compatible in character and nature with the historical, archeological, architectural or cultural features of the historic site or the historic district in which an historic resource is located and would not be detrimental thereto or to the achievement of the purposes of this chapter; or

Secretary of the Interior's Standards for Rehabilitation

- 2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.

STAFF DISCUSSION

The applicant proposes to construct a site/retaining wall on the eastern property boundary and a 6' (six foot) tall fence to the east of the house. Staff finds that these elements will not have a significant impact on the subject property or surrounding district and supports approval.

Prior to the demolition work, which was underway when this HAWP was submitted, there was a terraced retaining wall along the eastern property boundary near Connecticut Ave. This wall was constructed out of railroad ties which have degraded significantly. Near the house there was an 8' (eight foot) tall alternating board on board fence. Both of these non-historic features have been largely removed. Staff finds that neither of these features were historic or added to the historic character of the surrounding district and supports their removal. An evaluation of other photos from before the demolition was begun only show the expansive bamboo plantings which obscure details of both the retaining wall and fence.

The applicant proposes to construct a stone retaining wall that will be approximately 3' (three

feet) tall along Connecticut Ave. This will run immediately adjacent to the sidewalk along the street. The stone selected for the retaining wall will be a grey mix that was selected, in part, because the HPC determined that it was an appropriate material for the site wall at 3619 Baltimore St. in Kensington. Staff finds that this material is appropriate for the site and for the historic district and supports its approval under 24A-8(b)(1) and (2).

Closer to the house the applicant proposes to construct a 6' (six foot) tall, alternating board on board fence to the east of the house that will run from the rear property boundary to within 25' (twenty-five feet) of Baltimore Street. This fence contravenes the HPC's standard fence requirements that fences in front of the rear wall plan can be no more than 4' (four feet tall). Staff finds that in this instance; however, a fence this tall is acceptable. The primary concern regarding fences in excess of 4' is that the visual division between properties detracts from the visual relationship between the houses and the patterns of the historic district. When 3908 Baltimore St. was constructed, Connecticut Ave. was a two-lane road (as shown in the Sanborn below).

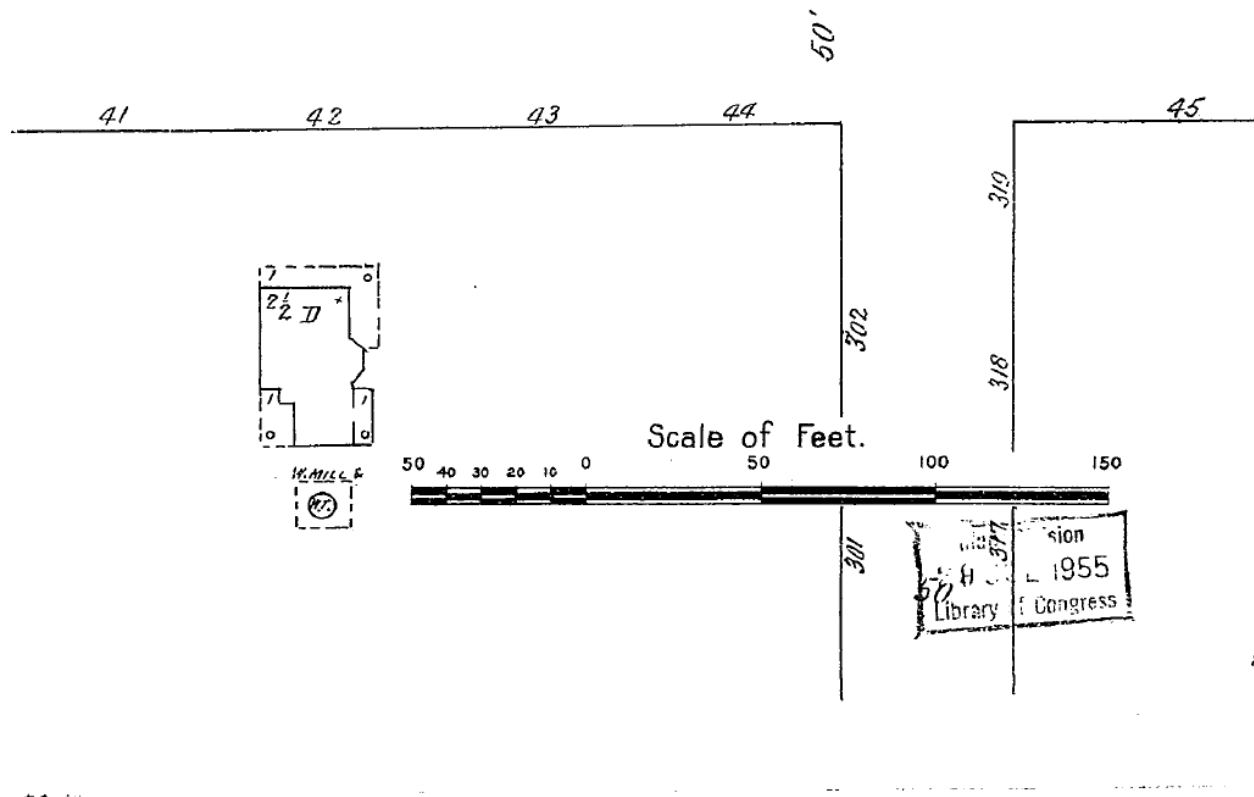


Figure 2: 1904 Sanborn map of Kensington showing the distance from 3908 Baltimore St. (the east-west street) to Connecticut Ave. (the north/south road to the right).

Today Connecticut Ave. is six lanes wide. This change has both increased traffic passing the subject property and has also significantly altered the relationship of the properties within the Kensington Historic district that are adjacent to it. The house at 3908 Baltimore St. no longer has a relationship to the houses to the east, across Connecticut Ave. Staff finds that a fence this high will not disrupt the relationship between houses within the historic district, nor will it

adversely impact the character of the house itself. Therefore, Staff recommends approval under 24A-8(b)(1).

It should be noted that the Town of Kensington has reviewed this proposal and granted a variance (submitted with the application) for the fence height. The Town cited the high levels of ambient noise from Connecticut Ave., and the shape of the lot in their justification for the fence variance and identified this proposal as not detrimental to neighboring properties.

STAFF RECOMMENDATIONS

Staff recommends that the Commission **approve** the HAWP application; and with the general condition applicable to all Historic Area Work Permits that **the applicant will present 3 permit sets of drawings to HPC staff for review and stamping prior to submission for permits (if applicable)**. After issuance of the Montgomery County Department of Permitting Services (DPS) permit, the applicant will arrange for a field inspection by calling the DPS Field Services Office at 240-777-6370 prior to commencement of work and not more than two weeks following completion of work.

Handwritten notes in blue ink:
 7/21/18
 7/21/18



DPS - 88

HISTORIC PRESERVATION COMMISSION
301/563-3400

APPLICATION FOR HISTORIC AREA WORK PERMIT

Contact Email: jdbusse@aol.com Contact Person: Jeff Buss
 Daytime Phone No.: 3012751935
 Fax Account No.: 0180 3511
 Name of Property Owner: JEFF & KATHI BUSS Daytime Phone No.: 3012751935
 Address: 3908 BALTHAMORE ST KENSINGTON MD 20895
Street Number City State Zip Code
 Contractor: N/A Phone No.: _____
 Contractor Registration No.: NA
 Agent for Owner: NA Daytime Phone No.: _____

LOCATION OF PROPOSED WORK

House Number: 3908 BAPT Street: BALTHAMORE ST
 Town/City: KENSINGTON Nearest Cross Street: CONNECTICUT
 Lot: 3132133 Block: 11 Subdivision: KENSINGTON PARK
 Liber: 27262 Folio: 274 Parcel: _____

PART ONE: TYPE OF PERMIT ACTION AND USE

1A. CHECK ALL APPLICABLE

<input checked="" type="checkbox"/> Construct	<input type="checkbox"/> Extend	<input checked="" type="checkbox"/> Alter/Recreate	<input type="checkbox"/> AC	<input type="checkbox"/> Slab	<input type="checkbox"/> Room Addition	<input type="checkbox"/> Porch	<input type="checkbox"/> Deck	<input type="checkbox"/> Shed
<input type="checkbox"/> Move	<input type="checkbox"/> Install	<input type="checkbox"/> Wreck/Raze	<input type="checkbox"/> Solar	<input type="checkbox"/> Fireplace	<input type="checkbox"/> Woodburning Stove	<input type="checkbox"/> Single Family		
<input type="checkbox"/> Revision	<input type="checkbox"/> Repair	<input type="checkbox"/> Revocable	<input checked="" type="checkbox"/> Fence/Wall (complete Section 4)		<input type="checkbox"/> Other: _____			

1B. Construction cost estimate: \$ 10,000

1C. If this is a revision of a previously approved active permit, see Permit # _____

PART TWO: COMPLETE ONLY FOR CONSTRUCTION AND SITE/LANDSCAPE

2A. Type of sewage disposal: 01 WSSC 02 Septic 03 Other: _____
 2B. Type of water supply: 01 WSSC 02 Well 03 Other: _____

PART THREE: COMPLETE ONLY FOR FENCE/RETAINING WALL

Handwritten notes in blue ink:
 FENCE
 RETAINING WALL

3A. Height 6 feet 0 inches
 3B. Indicate whether the fence or retaining wall is to be constructed on one of the following locations:
 On party line/property line Entirely on land of owner On public right of way/roadway

I hereby certify that I have the authority to make the foregoing application, that the application is correct, and that the construction will comply with plans approved by all agencies listed and I hereby acknowledge and accept this to be a condition for the issuance of this permit.

3 FT 0 inches

Signature of owner or authorized agent: jdbusse Date: _____
 Approved: _____ For Chairperson, Historic Preservation Commission
 Disapproved: _____ Signature: _____ Date: _____
 Application/Permit No.: _____ Date Filed: _____ Date Issued: _____

SEE REVERSE SIDE FOR INSTRUCTIONS

**THE FOLLOWING ITEMS MUST BE COMPLETED AND THE
REQUIRED DOCUMENTS MUST ACCOMPANY THIS APPLICATION.**

1. WRITTEN DESCRIPTION OF PROJECT

a. Description of existing structure(s) and environmental setting, including their historical features and significance:

#1 RECONSTRUCTION OF A BROTTEN FENCE THAT I TOOK
DOWN - 6" O"

#2 REPAIR & EXTENSION OF RETAINING WALL ALONG
CONNECTICUT

b. General description of project and its effect on the historic resource(s), the environmental setting, and, where applicable, the historic district:

NO HISTORICAL SIGNIFICANCE WHATSOEVER
- OVER 6 FEET HALL BEEN PUT UP FROM
WHAT I COULD TELL
- RETAINING WALL ALONG CONNECTICUT AVE. TO
BLOCK SOUND AND RETAIN WALL FROM HEAVY NON-
HISTORIC HEAVY TRAFFIC

2. SITE PLAN

Site and environmental setting, drawn to scale. You may use your plot. Your site plan must include:

- the scale, north arrow, and date;
- dimensions of all existing and proposed structures; and
- site features such as walkways, driveways, fences, ponds, streams, trash dumpsters, mechanical equipment, and landscaping.

3. PLANS AND ELEVATIONS

You must submit 2 copies of plans and elevations in a format no larger than 11" x 17". Plans on 1/2" x 11" paper are preferred.

- Schematic construction plans, with marked dimensions, indicating location, size and general type of walls, windows and door openings, and other fixed features of both the existing resource(s) and the proposed work.
- Elevations (facades), with marked dimensions, clearly indicating proposed work in relation to existing construction and, when appropriate, context. All materials and features proposed for the exterior must be noted on the elevations drawings. An existing and a proposed elevation drawing of each facade affected by the proposed work is required.

4. MATERIALS SPECIFICATIONS

General description of materials and manufactured items proposed for incorporation in the work of the project. This information may be included on your design drawings.

5. PHOTOGRAPHS

- Clearly labeled photographic prints of each facade of existing resource, including details of the affected portions. All labels should be placed on the front of photographs.
- Clearly label photographic prints of the resource as viewed from the public right-of-way and of the adjoining properties. All labels should be placed on the front of photographs.

6. TREE SURVEY

If you are proposing construction adjacent to or within the dripline of any tree 6" or larger in diameter (at approximately 4 feet above the ground), you must file an accurate tree survey identifying the size, location, and species of each tree of at least that dimension.

7. ADDRESSES OF ADJACENT AND CONFRONTING PROPERTY OWNERS

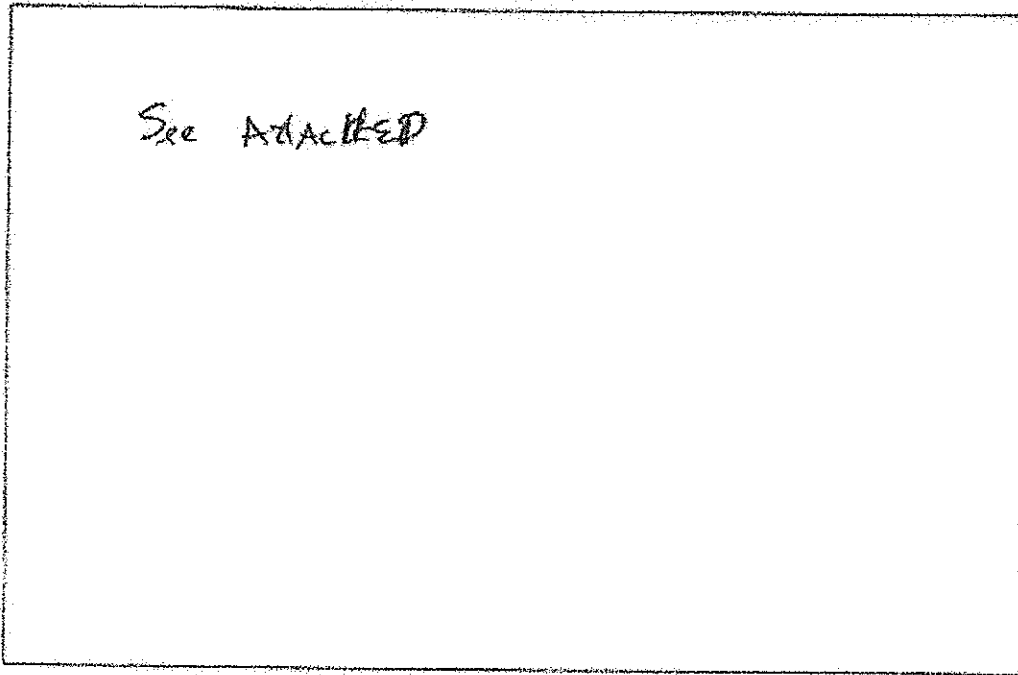
For ALL projects, provide an accurate list of adjacent and confronting property owners (not tenants), including names, addresses, and zip codes. This list should include the owners of all lots or parcels which adjoin the parcel in question, as well as the owner(s) of lot(s) or parcel(s) which lie directly across the street/highway from the parcel in question.

PLEASE PRINT (IN BLUE OR BLACK INK) OR TYPE THIS INFORMATION ON THE FOLLOWING PAGE.
PLEASE STAY WITHIN THE BOUNDS OF THE TEMPLATE, AS THIS WILL BE PHOTOCOPIED DIRECTLY ONTO MAILING LABELS.

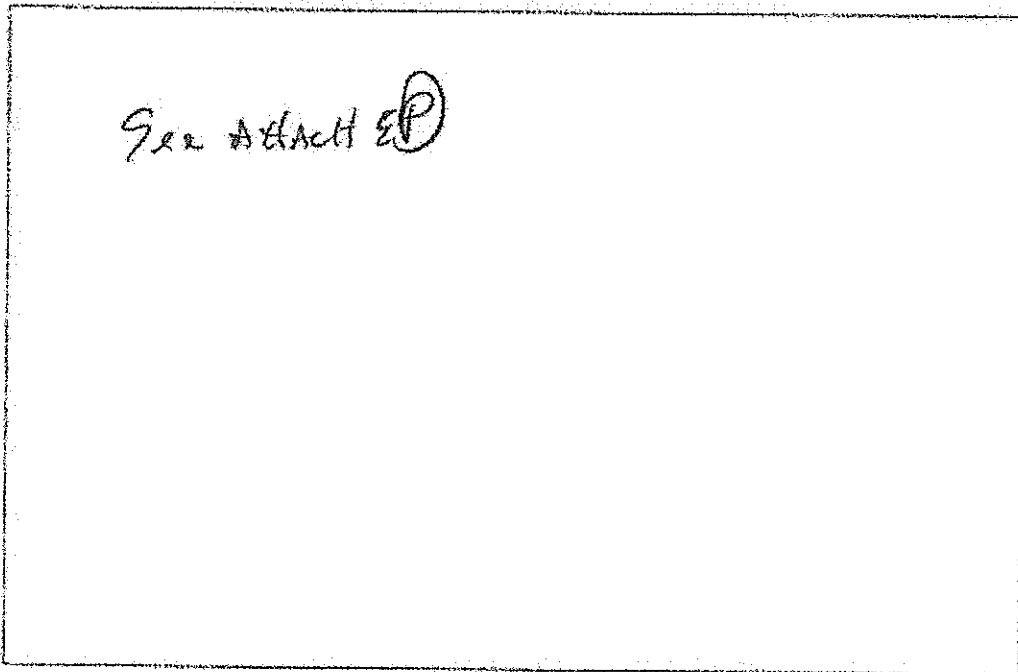
HAWP APPLICATION: MAILING ADDRESSES FOR NOTIFYING
[Owner, Owner's Agent, Adjacent and Confronting Property Owners]

Owner's mailing address	Owner's Agent's mailing address
3908 BATT-MORE ST KENSINGTON MD 20895	
Adjacent and confronting Property Owners mailing addresses	
3912 BATTIMORE ST KENSINGTON MD 20895	3905 PROSPECT ST KENSINGTON MD 20895

Existing Property Condition Photographs (duplicate as needed)



Detail: _____



Detail: _____

Applicant: J. B. S.

Page: _____

Site Plan

MATERIALS

#1 FENCE WOOD - WHITE PAINT
OR
PLAIN
(we haven't decided)

RETAINING WALL - GREY STONE
3' H

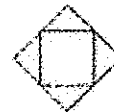


Shade portion to indicate North

Applicant: SEE ATTACH
JK

Page: _____

Site Plan



Shade portion to indicate North

Applicant: SEE ATTACHED
B

Page: _____

CONSUMER INFORMATION NOTES:

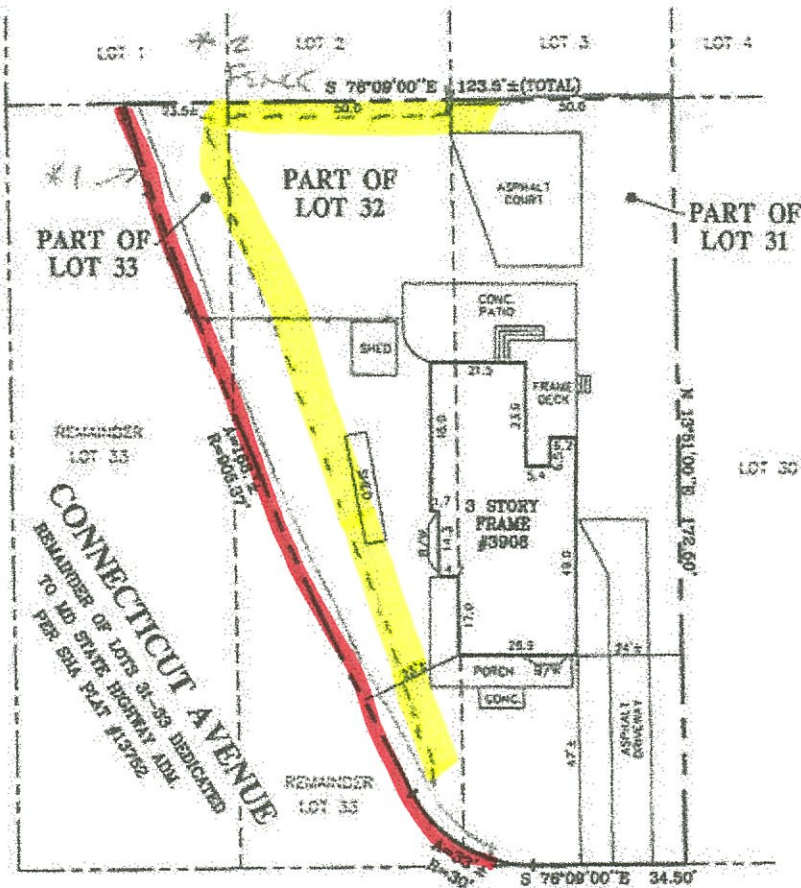
1. This plan is a benefit to a consumer insofar as it is required by a lender or a title insurance company or its agent in connection with contemplated transfer, financing or re-financing.
2. This plan is not to be relied upon for the establishment or location of fences, garages, buildings, or other existing or future improvements.
3. This plan does not provide for the accurate identification of property boundary lines, but such identification may not be required for the transfer of title or securing financing or re-financing.
4. Building line and/or Flood Zone information is taken from available sources and is subject to interpretation of originator.
5. No Title Report furnished.

*1 REMAINING WALL #1 191'
 *2 FENCE



Notes:


1. Flood zone "X" per H.U.D. panel No. 0365D.
2. Setback distances as shown to the principal structure from property lines are approximate. The level of accuracy for this drawing should be taken to be no greater than plus or minus 2 feet to lines as shown. Fences, if shown, have been located by approximate methods.
3. Total area: 16,479 s.f. per tax records.
4. Dedication area has been computed by approximate methods and is subject to confirmation/revision by a more complete (boundary) survey.

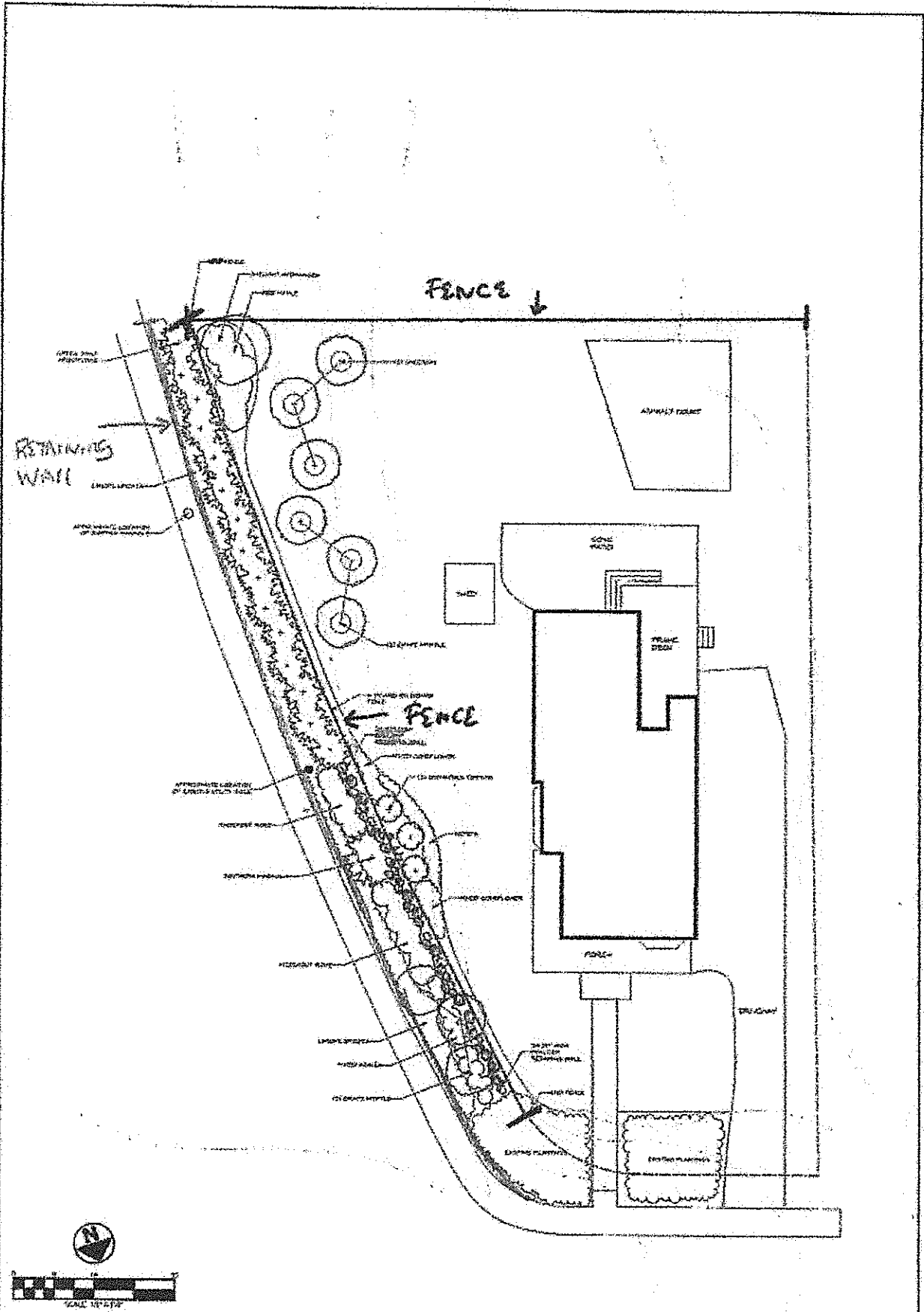


**LOCATION DRAWING
 LOTS 31, 32 & 33, BLOCK 11
 KENSINGTON PARK
 MONTGOMERY COUNTY, MARYLAND**



BALTIMORE STREET

SURVEYOR'S CERTIFICATE		REFERENCES		 <p>SNIDER & ASSOCIATES LAND SURVEYORS 20270 Goldenrod Lane, Suite 110 Germantown, Maryland 20878 301/948-5100 Fax 301/948-1288</p>	
"THE INFORMATION SHOWN HERON HAS BEEN BASED UPON THE RESULTS OF A FIELD INSPECTION PURSUANT TO THE DEED OR PLAT OF RECORD. EXISTING STRUCTURES SHOWN HAVE BEEN FIELD LOCATED BASED UPON MEASUREMENTS FROM PROPERTY MARKERS FOUND OR FROM EVIDENCE OF LINES OF APPARENT OCCUPATION." <i>Jeffrey A. Foster 587</i> MARYLAND PROPERTY LINE SURVEYOR REG. NO. 587		PLAT BK: B PLAT NO. 4 LIBER 27262 FOLIO 274	DATE OF LOCATIONS WALL CHECK: HSE. LOC.: 2-17-11		



<p>McHALE LANDSCAPE DESIGN, LLC 3400 W. BELT RD. KENSINGTON, MD 20895 TEL: 301-441-1111 WWW.MCHALELANDSCAPEDESIGN.COM</p>	<p>PROJECT: BUSS RESIDENCE 3008 BALTIMORE ST. KENSINGTON, MD 20895</p>	<p>PROJECT TITLE: HIGHWAY BUFFER PLAN</p>	<p>DATE: AUGUST 2012 DRAWN BY: JAC CHECKED BY: JAC SCALE: AS SHOWN</p>	<p>NOT BARRIERS BY: JAC DATE: 8/1/12</p> <p>A100</p>
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Project 1: Replace fence on top of the hill - View of 8' failing fence during removal that we are requesting permission to replace. It will be replaced by a 6' fence - already approved by the Town of Kensington.



Below is a picture of the current fence that was built for the newly constructed property behind us on Prospect St. Same design and of like materials as our old fence that was removed. We plan to stay with this design and like-materials.





SEARCH OUR SITE



301 927-8300 | 888 927-8303

home locations products design center total wall solutions specials tool truck

Building & Veneer Stone

Building & Veneer Stone

< RETURN

Boulders & Steppers

Wall & Field Stone

Flagstone & Slate

Treads, Hearths & Caps

Specialty Cuts

Travertine

Granite Cobble

Saw Cut Natural Stone

Dove Grey

Geography: United States

Geology: Limestone

Dimensions:

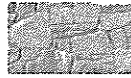
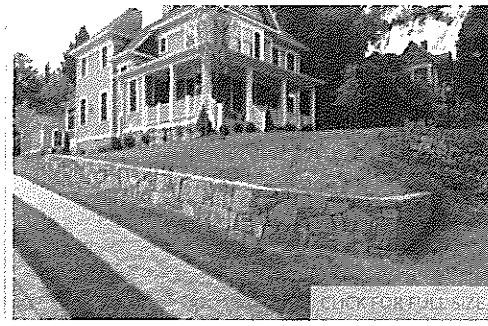
Building Stone: 2" to 4" thick with a face range from 4" to 18" and veneer: 3/4" to 2" thick with a face range from 6" to 24"

Description:

An elegant, mixed gray-green stone with warm, rich black & tan tones for a smooth, subtle finish.

Coverage's:

Building Stone: 30-40 square feet per ton
Thin Veneer: 140-170 square feet per ton



- THIS IS THE HOUSE 2 UP FROM US - 3916 BALTIMORE ST
- WE PLAN TO USE SIMILAR MATERIAL FOR OUR RETAINING WALL.
- DOVE GREY STONE FROM MARYLAND



ERNEST MAIER INC.
Bladensburg, MD
T: 301-927-8300
4700 Annapolis Road
Bladensburg, MD 20710
emcoblock.com

ERNEST MAIER INC.
Gaithersburg, MD
T: 800-627-8775
14 Chestnut Street
Gaithersburg, MD 20877
emcoblock.com

ERNEST MAIER INC.
Baltimore, MD
T: 800-627-8775
95 Stahl Point Road
Glen Burnie, MD 21226
bayreadymix.com

GOMOLJAK BLOCK
Annapolis, MD
T: 410-263-6744
1841 McGuckian Street
Annapolis, Maryland 21401
emcoblock.com

BAY READY MIX OF MD
Annapolis Junction, MD
T: 240-568-0000
11035 Guilford Rd
Annapolis Junction, MD 20701
bayreadymix.com

ERNEST MAIER Inc.

RESOLUTION No. R-09-2018

**A RESOLUTION OF THE TOWN OF KENSINGTON COUNCIL GRANTING A
FENCE VARIANCE FOR 3908 BALTIMORE STREET**

WHEREAS, an application for a fence variance has been filed by the owners, Jeffrey and Kathleen Buss (“Applicants”), for the certain real property located at 3908 Baltimore Street (“Property”); and

WHEREAS, the purpose of the variance is to allow the construction of a six (6) foot fence within the front plane of the property, which would exceed the Town’s four (4’) foot requirement of Section 5-109(b) of the Town Code; and

WHEREAS, the proposed fence is to be located within the front plane of the property where a six (6) foot fence was removed in 2017 for preparation of grading and landscaping improvements to the property; and

WHEREAS, the Town Council may grant a petition for a variance upon a hearing when the Council finds that:

1. *Strict application of the Town regulations would result in peculiar and unusual practical difficulties to, or exceptional or undue hardship upon, the owner of the property;*
2. *The variance is the minimum reasonable necessary to overcome any exceptional conditions; and*
3. *The variance can be granted without substantial impairment of the intent, purpose, and integrity of this article.*

WHEREAS, the Mayor and Council held a hearing on the variance request on May 14, 2018 at a public meeting, after due notice to the public and the adjacent neighbors.

NOW, THEREFORE, BE IT RESOLVED that the Council of the Town of Kensington, based on the testimony presented at the hearing on May 14, 2018 and evidence submitted, , adopts the following findings of fact and conclusions of law:

Findings of Fact:

1. Applicants are the owners of 3908 Baltimore Street in Kensington, Maryland, which is zoned single family residential.
2. The Applicants’ Property is adjacent to Connecticut Avenue, which is a busy highway, with a good deal of ambient noise from vehicles.
3. The Property is a corner property with an irregular, non-rectangular shape which locates the house closer to the street.

4. Previously, the State Highway Administration (“SHA”) constructed a sidewalk on Connecticut Avenue in this vicinity, and installed a retaining wall.
5. The Applicants’ Property was already improved with a retaining wall, a 6-foot high fence, and a stand of bamboo, all designed to buffer the sound from Connecticut Avenue, when the sidewalk was installed.
6. The Applicants decided to regrade the Property, rebuild the retaining wall to match the wall installed by SHA, and rebuild the fence. The fence was taken down as part of this plan.
7. Between the time that the fence was removed and the Applicants applied for a Town permit to replace it, the Council amended Section 5-109(b) of the Town Code, limiting front yard fences to 4 feet in height.
8. The Applicants are requesting that they be allowed to reinstall the fence as part of the buffer from Connecticut Avenue.

Conclusions of Law:

1. The shape of the lot, and the proximity to Connecticut Avenue, are specific situations or conditions that are peculiar to the Property and justify the variance. The proximity of the Property to Connecticut Avenue, along with the unusual shape of the Property, which requires the house to be located closer to Connecticut Avenue, have created a unique situation which will require a retaining wall, vegetation, and the proposed six (6’) fence to help abate traffic noise and allow the Applicants the enjoyment of their yard
2. The requested variance is the minimum necessary to overcome the exceptional conditions of the property.
3. The requested variance is not detrimental to neighboring properties or the community as a whole, and the variance can be granted without substantial impairment of the intent, purpose, and integrity of this article. The fence merely replaces a fence that was present for many years.

BE IT FURTHER RESOLVED by the Town Council that the Owner’s variance request for the placement of a six (6’) fence within the Connecticut Avenue facing front plane of the property located at 3908 Baltimore Street is hereby granted.

ADOPTED by the Town Council of the Town of Kensington on this 14th day of May 2018, and to be effective immediately.



Tracey C. Furman, Mayor

THIS IS TO CERTIFY that the foregoing Resolution was adopted by the Town Council in public meeting assembled on the 14th day of May, 2018.



Susan Engels, Clerk- Treasurer