

**MONTGOMERY COUNTY HISTORIC PRESERVATION COMMISSION**  
**STAFF REPORT**

<b>Address:</b>	8313 Tomlinson Ave., Bethesda	<b>Meeting Date:</b>	03/08/17
<b>Applicant:</b>	Floyd Haynes	<b>Report Date:</b>	03/01/17
<b>Resource:</b>	Master Plan Site #35/18 <b>John &amp; Roberta Lynch House</b>	<b>Public Notice:</b>	02/22/17
<b>Review:</b>	HAWP	<b>Tax Credit:</b>	n/a
<b>Case Number:</b>	35/17-17A	<b>Staff:</b>	Dan Bruechert
<b>Proposal:</b>	Fence Installation		

---

**STAFF RECOMMENDATION:**

Staff recommends **approval** of this HAWP application.

**PROJECT DESCRIPTION**

**SIGNIFICANCE:** *Master Plan Site #35/18 – John & Roberta Lynch House*  
**STYLE:** Gothic/Greek Revival  
**DATE:** c.1877 with c. 1906 and 1987 and 2012 additions.

Excerpt from Places in the Past:

In 1887, John W. Lynch, a blacksmith, purchased three acres near his birthplace. He and his wife Roberta soon built this modest frame house. Typical of folk styling in this period, the house combines disparate architectural styles. The wide frieze and heavy cornice returns are late Greek Revival influence, while the steeply pitched center cross gable is a Gothic Revival variation. The Lynch blacksmith shop was located on the property. At one time earning extra money by boarding teachers who worked at an adjacent schoolhouse, the Lynch family lived here for over a century. Threatened by demolition in 1986, the house was moved 75 feet from Persimmon Tree Road to its Tomlinson Avenue site. Side and rear additions succeed a c.1906 rear addition.

**PROPOSAL:**

The applicant is proposing construct a 7' (seven foot) tall fence at the rear of the property boundary to replace the dilapidated plywood fence.

**APPLICABLE GUIDELINES:**

When reviewing alterations and new construction to a *Master Plan* site several documents are to be utilized as guidelines to assist the Commission in developing their decision. These documents include

*Montgomery County Code chapter 24A (Chapter 24A) and the Secretary of the Interior's Standards for Rehabilitation (Standards) and can be guided by the details in the Design Guidelines for Historic Sites and Districts in Montgomery County, Maryland (Design Guidelines). The pertinent information in these documents is outlined below.*

***Montgomery County Code; Chapter 24A***

- A HAWP permit should be issued if the Commission finds that:
  - (1) The proposal will not substantially alter the exterior features of a historic site or historic resource within a historic district.
  - (2) The proposal is compatible in character and nature with the historical archaeological, architectural or cultural features of the historic site or the historic district in which a historic resource is located and would not be detrimental thereto or to the achievement of the purposes of this chapter.
  - (5) The proposal is necessary in order that the owner of the subject property not be deprived of reasonable use of the property or suffer undue hardship; or

***Secretary of the Interior's Standards for Rehabilitation:***

6. Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.
10. New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

***Design Guidelines for Historic Sites and Districts in Montgomery County, Maryland***

## 12.0 FENCES & SITE WALLS

Fences and site walls may be appropriate for historic properties. A fence should have a relatively transparent character to allow views into yards, while a site wall should be low in height and step to follow a site's topography. Both fences and site walls should maintain the visual character of the historic setting.

Where historic fences and site walls survive, they should be preserved. The height and design of a replacement fence or wall should be in character with those used traditionally. A new fence or site wall may be appropriate, but it is important that it relate to the principal structure on the lot.

### Design Objective

A fence, gate or site wall should be in character with those used traditionally and relate to the principal structure on a lot.

#### 12.1 Preserve original fences, gates and site walls.

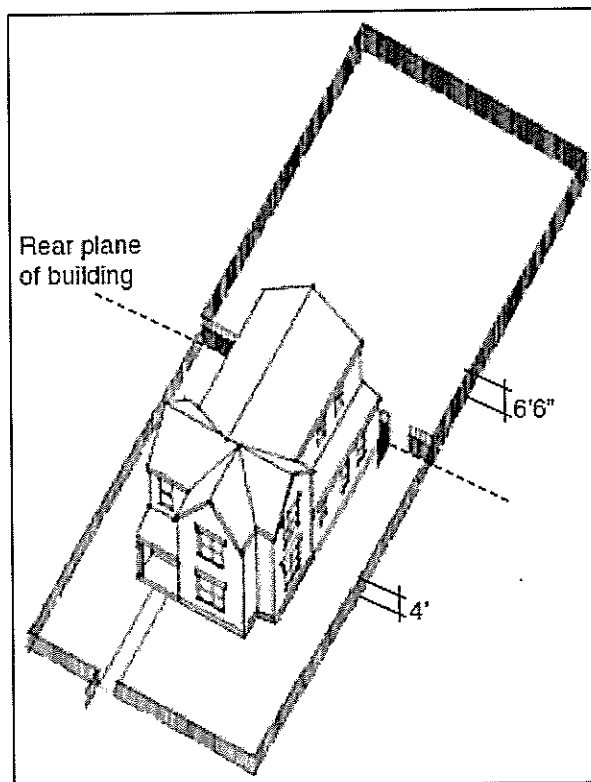
- Replace only those portions that are deteriorated. Any replacement materials should match the original in color, texture, size and finish.
- It is recommended that a historic wood fence or gate should be protected against the weather with paint or stain.
- Where no fence exists, keeping the yard open may be the best approach for a front yard.

#### 12.2 Where a new fence, gate or site wall is needed, it should be similar in character to those seen historically.

- A new fence or site wall that defines a front yard or a side yard on a corner lot is usually low to the ground.
- A new fence or gate should be "transparent" in nature, such as picket.
- Solid privacy fences, forward of the rear plane of a house, are discouraged.
- The design and materials of a new fence, gate or site wall should be similar to those used historically.
- Chain link, plastic, fiberglass, rebar, plywood and mesh "construction" fences are inappropriate.

#### 12.4 Side and rear yard fences, gates, and site walls behind the rear plane of the building should be no greater than 6'6" in height.

- Consider a gradual increase in fence height from the front side yard to rear side yard.



*Guidelines 12.3 & 12.4: A front yard fence should be less than 4' in height while rear and side yard fences (behind the rear plane of the building) should be 6'6" or less.*

## STAFF DISCUSSION

The current proposal is for the replacement of the fence at the rear property boundary that is in a significant state of disrepair. 8313 Tomlinson Ave. was moved from its historic location on Persimmon Tree Rd. to its current location on Tomlinson Ave. This move changed the setting of the house from its historic location, to a site that backs up to I-495. It is likely due to the traffic noise associated with the Beltway that led previous homeowners to install the 8' (eight foot) tall plywood fence at the rear of the property that is now falling down. The plywood fence is not consistent with historic materials that would have been employed and its removal will not impact the historic landscape or setting of the Lynch House, consistent

with Standards 6 and 10. A search of HPC records do not show a HAWP application or approval for the plywood fence.



The owner is proposing to install a 7' (seven foot) tall, board and batten, wood fence at the rear of the property line in the place of the non-historic plywood fence. While fences above 6' 6" (six feet, six inches) are rarely approved, staff supports the taller fence in this instance for several reasons. First, this fence will not be visible from any location that will obscure the historic resource. Because of the change in elevation from the Beltway and the densely-planted trees, cars driving past the resource are unable to see the Lynch House regardless of the fence. Second, as the Lynch House is an individual listed Master Plan site, the impact this fence has on surrounding properties need not be considered. However, because of the deep setback of the rear lots on Tomlinson Ave., this fence will not impact adjacent properties. Third, because multiple additions have been made to the rear of the Lynch house, the fence will not impact the historic core of the Lynch House. Because of these first three reasons the proposal will not have any impact on the historic resource consistent with 24A-8(b)(1). Finally, the unique placement of this house and added noise created from the beltway are sufficient justifications, in this instance, to allow a slightly taller fence to minimize the noise created by and the view of the Capital Beltway.

#### **STAFF RECOMMENDATION:**

Staff recommends that the Commission **approve** the HAWP application as being consistent with Chapter 24A-8 and the Secretary of the Interior's Standards for Rehabilitation.

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.



HISTORIC PRESERVATION COMMISSION  
301/563-3400

DPS - #8

# APPLICATION FOR HISTORIC AREA WORK PERMIT

Contact Email: yvettejoic@msn.com Contact Person: Yvette Gulinas  
Daytime Phone No.: 301-728-7123  
Tax Account No.: \_\_\_\_\_  
Name of Property Owner: Floyd Haynes Daytime Phone No.: 301-910-6132  
Address: 8313 TOMLINSON AVE, BETHESDA, MD 20817  
Street Number City State Zip Code  
Contractor: Builders Fence Company Phone No.: 703-820-0967  
Contractor Registration No.: \_\_\_\_\_  
Agent for Owner: Scott Rnete Daytime Phone No.: 301-252-1634

## LOCATION OF BUILDING/PREMISE

House Number: 8313 Street: TOMLINSON AVE  
Town/City: BETHESDA Nearest Cross Street: PERSIMMON TREE RD  
Lot: 4 Block: U Subdivision: CARDEROCK SPRINGS 142  
Liber: 1068 Folio: 115 Parcel: \_\_\_\_\_

## PART ONE: TYPE OF MAINTENANCE AND USE

### 1A. CHECK ALL APPLICABLE:

- ☒ Construct ☐ Extend ☐ Alter/Renovate  
☐ Move ☐ Install ☐ Wreck/Raze  
☐ Revision ☐ Repair ☐ Revocable

### CHECK ALL APPLICABLE:

- ☐ A/C ☐ Slab ☐ Room Addition ☐ Porch ☐ Deck ☐ Shed  
☐ Solar ☐ Fireplace ☐ Woodburning Stove ☐ Single Family  
☒ Fence/Wall (complete Section 4) ☐ Other: \_\_\_\_\_

1B. Construction cost estimate: \$ 4395

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

## PART TWO: COMPLETE FOR NEW CONSTRUCTION AND EXTEND/ADDITIONS

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

3A. Height 7 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/easement

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.

[Signature]  
Signature of owner or authorized agent

2-12-17  
Date

Approved: \_\_\_\_\_ For Chairperson, Historic Preservation Commission

Disapproved: \_\_\_\_\_ Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Application/Permit No.: \_\_\_\_\_ Date Filed: \_\_\_\_\_ Date Issued: \_\_\_\_\_

**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:

retaining wall at the back of property (back I-495 beltway) is constructed with 8' plywood wall approx 126' wide. currently due to heavy storm damage multiple plywood wall sections have fallen onto the property. The current condition of the wall is poor because the wall is falling apart.

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

Remove and haul plywood wall structure / fence  
Install 126' length of 7' high pressure treated 1'x4'x7' & 1'x6'x7' board and batten style fence with cap board on all 4x4x10' treated posts set in cement footers with black caps

**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 8 1/2" x 11" paper are preferred.

- Schematic construction plans**, with marked dimensions, indicating location, size and general type of walls, window 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 fixtures 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.

Mr Floyd Haynes  
8313 Tomlinson Ave  
Bethesda, MD 20817

**FENCE TO BE BUILT USING ALL PRESSURE TREATED SOUTHERN YELLOW  
PINE LUMBER IN A 7' HIGH BOARD & BATON STYLE IN SAME LOCATION AS  
EXISTING 8' HIGH PLYWOOD FENCE.**

**FENCE TO BE BUILT INSIDE OF PROPERTY LINE.**

**PLEASE LET ME KNOW IF YOU HAVE ANY ADDITIONAL QUESTIONS?**

**REGARDS,**

**SCOTT B. RUETE**

**BUILDERS FENCE COMPANY**

**301-252-1634**

**SCOTT@BUILDERSFENCECO.COM**



Treasurer, owners of the property shown and described herein, hereby adopt this plan of subdivision, establish the minimum building restriction lines, unless otherwise shown, dedicate the street to public use, establish a 10-foot wide public utility easement shown as 10' PUE and recorded in Liber 3334 of Folio 277 establish slope easements to feet wide along all streets as required by Montgomery County Ordinance 4-115. Slope easements granted herein shall be terminated after all required public improvements abutting said easements have been lawfully completed and have been accepted for maintenance by Montgomery County, Maryland.

There are no suits of action, leases, liens or trust on the property included in this plan of subdivision, except a certain note and deed of trust and the parties in interest thereto have herein indicated their assent to this plan.

Date: October 17, 1985

Sandy Spring Builders Inc.

Andrew R. Lee, President  
Richard M. Wendell, Secretary-Treasurer

We hereby assent to this plan of subdivision.

Witness: James L. Jones (Witness)  
Witness: Thomas M. Scott II (Witness)  
Witness: Charles N. Wheaton (Witness)  
Witness: James H. Wheaton (Witness)

**SURVEYOR'S CERTIFICATE**

I hereby certify that the plan shown herein is correct; that it is a subdivision of all of the land conveyed by Charles M. Jones to Sandy Spring Builders, Inc. by deed dated October 23, 1985 and recorded in Liber 3302 of Folio 343 among the Land Records of Montgomery County, Maryland. Iron pipes marked thus — and monuments marked thus — will be set where indicated. The total area of this plot is 147,249 square feet or 3.3804 acres of land of which 312 square feet or 0.0072 acre are dedicated to public use.

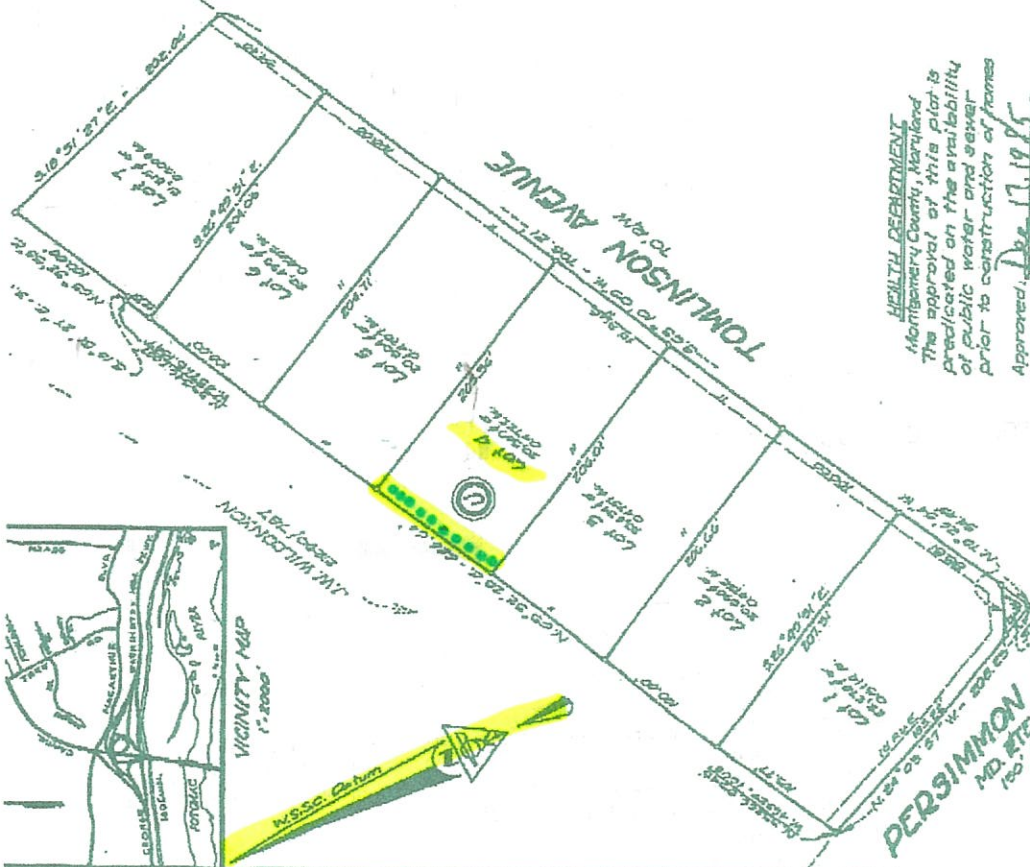
Date: October 17, 1985

Richard M. Wendell  
Reg. Land Surveyor, M.C. #3084  
Block "U"

**CARDEROCK SPRINGS**

7th ELECTION DISTRICT  
HOUTCHEN, COUNTY, MARYLAND  
Sect: 1-60 Date: October 1985

MANSON & DEN OUTER LTD



Approved: Donald L. Haynes  
Date: Dec 17, 1985  
County Health Officer

Note: Development of this property subject to the terms of an agreement recorded in the Land Records of Montgomery County in L. 6983-811

Note: Access to Persimmon Tree Road subject to SRA approval for only single family residence only all other lots to use Tomlinson Ave. Zoning R-200 Lots: 7



Mr Floyd Haynes  
8313 Tomlinson Ave  
Bethesda, MD 20817



# BUILDERS FENCE COMPANY

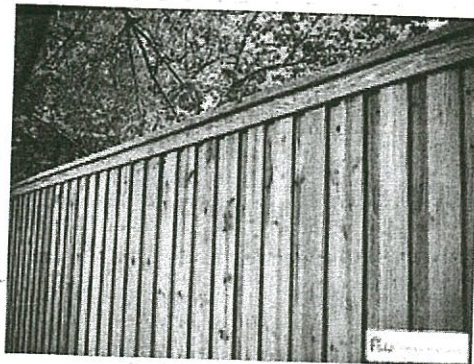
Builders Fence Company  
44330 Mercure Circle, Suite 140  
Dulles, VA 20166  
703-820-0967  
[www.buildersfenceco.com](http://www.buildersfenceco.com)  
[info@buildersfenceco.com](mailto:info@buildersfenceco.com)

Mr Floyd Haynes  
8313 Tomlinson Ave  
Bethesda, MD 20817

## JOB SKETCH

126' 7" high PT BOARD & BATTEN - CAP BOARD Fencing

126'



02/01/2017



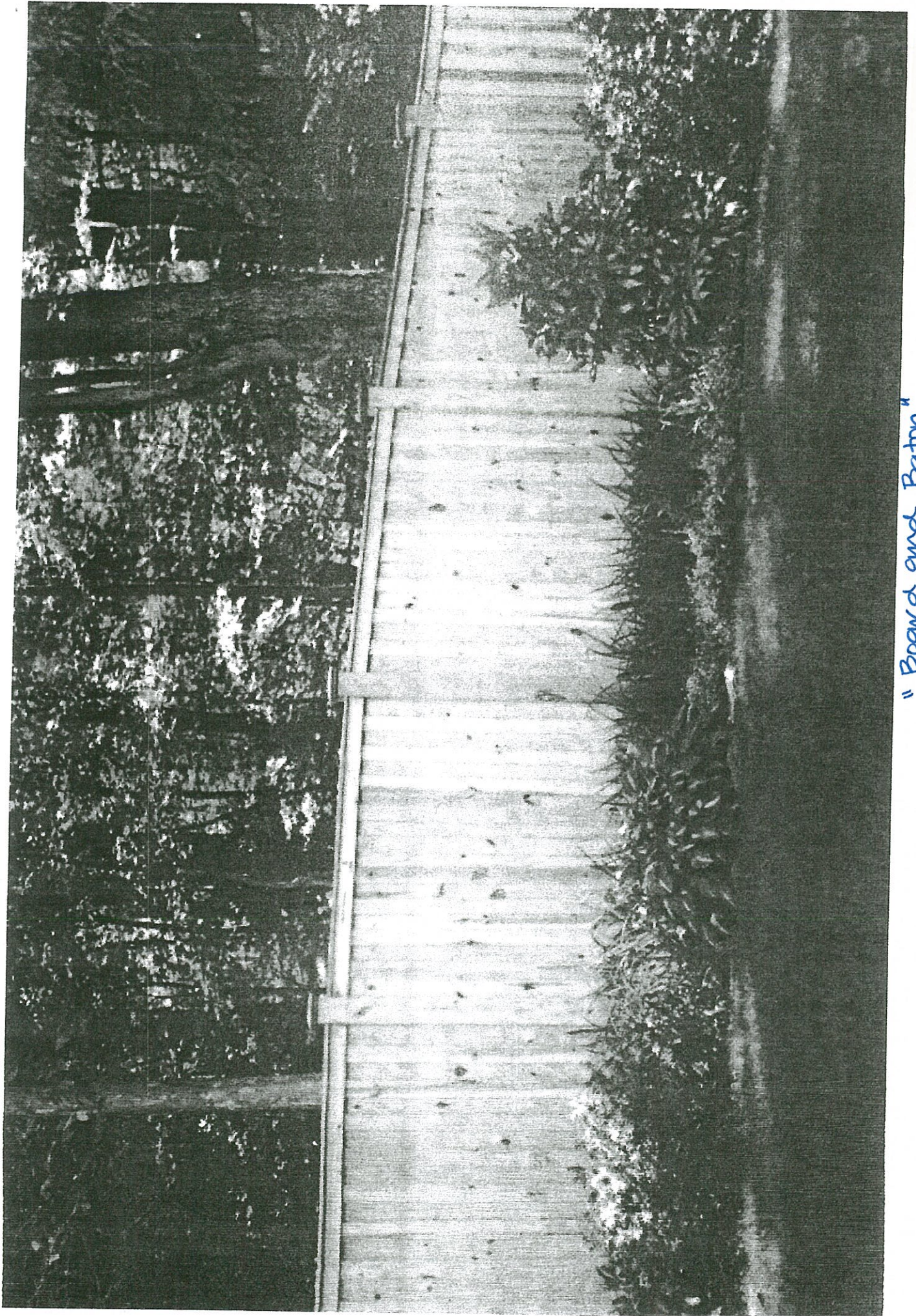


8' tall  
plywood  
Fence

open area  
from  
fallen  
plywood  
wall

Mr Floyd Haynes  
8313 Tomlinson Ave  
Bethesda, MD 20817





"Board and Batten"  
Fence to be built  
by contractor

Mr Floyd Haynes  
8313 Tomlinson Ave  
Bethesda, MD 20817



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

**Owner's mailing address**

Floyd Haynes  
8313 Tomlinson Ave  
Bethesda, Md 20817

**Owner's Agent's mailing address**

**Adjacent and confronting Property Owners mailing addresses**

Stefanie Klein  
8316 Tomlinson Ave  
Bethesda, Md 20817

Yuhua Kuang  
8309 Tomlinson Ave  
Bethesda, Md 20817  
**8309**

Leena Choi  
9732 Sorrel Ave  
Potomac, Md 20854  
(8317 Tomlinson Ave)