HISTORIC PRESERVATION COMMISSION STAFF REPORT

Address: 6935 Laurel Ave., Takoma Park  
Meeting Date: 11/15/17

Resource: Outstanding Resource  
Report Date: 11/08/17

Takoma Park Historic District

Review: HAWP  
Public Notice: 11/01/17

Case Number: 37/03-17YY - RETROACTIVE  
Tax Credit: None

Applicant: Urciolo Properties, LLC  
Staff: Dan Bruechert

Proposal: Fence replacement

STAFF RECOMMENDATION:

Staff recommends that the HPC approve with two (2) conditions the HAWP application.

1. The existing chain link fence on the property boundary must be removed.
2. The wood fence must be finished on the side facing the adjacent property in addition to the interior of the lot.

PROJECT DESCRIPTION

SIGNIFICANCE: Outstanding Resource to the Takoma Park Historic District
STYLE: Spanish Colonial - Commercial
DATE: c.1910s

The subject property was at one point a buildable lot fronting Eastern Ave. In 2008, this parcel was combined with the property at 6935 Laurel and re-zoned as commercial (NR-0.75 H-50). The lot is undeveloped with some juvenile trees and grass. A large retaining wall is on the northern end of the lot. The southern boundary of the site contains the fence that is the subject of this HAWP.
Figure 1: The subject lot fronts Eastern Ave. (identified with a dot).

**BACKGROUND**
This HAWP was originally reviewed in July 2015 for review by the HPC. The application materials did not sufficiently identify all adjoining and confronting neighbors. After consultation with Staff’s legal counsel, Staff has determined that the previous review is null and void due to the defects in the application. When the initial HAWP was submitted the fence had already been installed. This HAWP is for retroactive work and should be reviewed as though it was not constructed.

Figure 2: The subject fence looking southeast.

**PROPOSAL**
The applicant seeks approval for the installation of a privacy fence along the southern border of the subject property. The fence is approximately 36” (thirty-six inches) tall at the front and steps up to a height of between 55” (fifty-five inches) and 73” (seventy-three inches) above grade on the inside of the lot.
Several locations along the fence have been filled with soil. The applicant indicated that filling occurred to improve drainage on the site and to reduce stormwater flow from entering onto the neighboring property. This has, however, raised the grade on the site so that the fence is several inches taller on the neighboring property. From the neighboring property the fence is as tall as 82” (eighty-two inches) in some locations.

**APPLICABLE GUIDELINES:**

When reviewing alterations and additions for new construction within the Takoma Park Historic District, decisions are guided by the *Takoma Park Historic District Design Guidelines* (Design Guidelines) and *Montgomery County Code Chapter 24A* (Chapter 24A).

*Takoma Park Historic District Design Guidelines*
There are two very general, broad planning and design concepts which apply to all categories. These are:

The design review emphasis will be restricted to changes that are at all visible from the public right-of-way, irrespective of landscaping or vegetation (it is expected that the majority of new additions will be reviewed for their impact on the overall district), and,

The importance of assuring that additions and other changes to existing structures act to reinforce and continue existing streetscape, landscape, and building patterns rather than to impair the character of the district.

Alterations to features that are not visible from the public right-of-way should be allowed as a matter of course.

Contributing Resources should receive a more lenient review than those structures that have been classified as Outstanding. This design review should emphasize the importance of the resource to the overall streetscape and its compatibility with existing patterns rather than focusing on a close scrutiny of architectural detailing. In general, however, changes to Contributing Resources should respect the predominant architectural style of the resource. As stated above, the design review emphasis will be restricted to changes that are at all visible from the public right-of-way, irrespective of landscaping or vegetation.

Some of the factors to be considered in reviewing HAWPs on Contributing Resources include:

All exterior alterations, including those to architectural features and details, should be generally consistent with the predominant architectural style and period of the resource and should preserve the predominant architectural features of the resource; exact replication of existing details and features is, however, not required.

All changes and additions should respect existing environmental settings, landscaping, and patterns of open space.

Montgomery County Code; Chapter 24A-8(b)

(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

3. The proposal is necessary in order that unsafe conditions or health hazards be remedied.

STAFF DISCUSSION
Prior to the installation of the fence, a chain link fence runs along the property boundary. The proposed fence is placed inside the south property boundary of the subject property and the chain link fence remains. The new wood fence is approximately 36" (thirty-six inches) in height at the
front and rises to a height of between 55” (fifty-five inches) and 73” (seventy-three inches) as the lot slopes away from Eastern Ave. [Staff has consistently taken measurements from the interior of the property at grade level when measuring fences]. The fence is board on board construction, with the finished side facing into the interior of the lot. In addition to the fence construction, the applicant added dirt along the fence to improve drainage. This raised the ground level at this location, so that the fence measures several inches taller on the back side to a maximum height of 82” (eighty-two inches). The unfinished side faces the neighboring property.

![Figure 5: Panorama showing the fall lot from the northeast corner.](image)

Typical guidelines for fencing within the Takoma Park Historic District are that fences should not exceed 60” (sixty inches) in the rear of the property and should not exceed 48” (forty-eight inches) in front of the rear wall plan. The fence at the subject property fails both typical requirements. However, Staff believes that there are two mitigating factors that make the configuration of the current fence acceptable. First, the applicant has constructed the fence on a vacant lot, so the rear wall test would have to be applied to the neighboring house. Second, the negative slope of this lot is significant and even though this fence exceeds the guidance by slightly more than one foot, its visual impact from the public right-of-way is not excessive. While Staff is disappointed that we were not able to work with the applicant prior to its installation, Staff would have supported the approval of a fence in excess of 60” (sixty inches) on this site because of its topography.

Staff feels that the design of the fence, coupled with the fact that this is an undeveloped lot, maintains the sense of open space, per the Design Guidelines. Staff additionally feels that the materials and design are consistent with the surrounding district. The two areas of concern are its height, discussed above, and the fact that the ‘finished’ side faces inward and the ‘un-finished’ side faces the neighboring property. Staff feels approval of this fence should be conditional on the ‘unfinished’ side of the fence facing the neighboring property be given the same level of finish. It is a typical requirement that where a fence has two treatments, the higher level of finish faces away from the subject property. Staff also recommends that the applicant be required to remove the existing chain link fence. It currently makes it difficult to all but impossible for the neighbor to effectively care for the narrow strip of green space between the new wooden fence and the chain link fence. Staff recommends approval with the above conditions.
STAFF RECOMMENDATION:

Staff recommends that the Commission approve with two (2) conditions the HAWP application:

1. The existing chain link fence on the property boundary must be removed.
2. The wood fence must be finished on the side facing the adjacent property in addition to the interior of the lot.

as being consistent with Chapter 24A-8 and the Takoma Park Historic District Design Guidelines; 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.
APPLICATION FOR
HISTORIC AREA WORK PERMIT

Contact Name: John Uncio | Contact Person: Uncio Properties LLC

Daytime Phone: 812 602 5469 | Daytime Phone: 812 704 4442

Address: 6935 Laurel Ave | TR Pk, MD | 70812

Contractor:

Contractor Registration No:

Agent for Owner:

Daytime Phone No:

LOCATION OF STRUCTURE

House Number: 6935 Laurel Ave (front) Street: Laurel Ave (Par)

Town/City: Takoma Park | Nearest Cross Street: Eastern/Laurel

Lot: 53 | Block: A | Subdivision: Gilbert + Wood

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

1. WRITTEN DESCRIPTION OF PROJECT
   a. General description of project and its effect on the historic resource(s), the environmental setting, and, where applicable, the historic district:
   
   **EXISTING ANCHOR FENCE IS**
   **DETERIO RATING - WILD GROWTH**
   **OF VINES AND POISON IVY ABOUN D**
   **AREA CLEANED AND GRADED**

2. SITE PLAN
   Site and environmental setting, drawn to scale. You may use your plot. Your site plan must include:
   a. the scale, north arrow, and date;
   b. dimensions of all existing and proposed structures; and
   c. 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.
   a. Standard 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 structure(s) and the proposed work.
   b. 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
   a. Clearly labeled photographs of each facade of existing resource, including details of the affected portions. All labels should be placed on the front of photographs.
   b. 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 diameter of any tree 18" 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 interest that dimension.

7. ADDRESSES OF ADJACENT AND CONFRONTING PROPERTY OWNERS
   For all projects, provide an accurate list of adjacent and confronting property owners, 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/property from the parcel in question.

PLEASE PRINT IN BLUE OR BLACK INK OR TYPE THE INFORMATION ON THE FOLLOWING PAGE.
PLEASE STAY WITHIN THE GUIDES OF THE TEMPLATE, AS THIS WILL BE PHOTOCOPIED DIRECTLY ONTO MAILING LABELS.
6' Pine Pressure Treated Board Fence
1" x 4"
6' PRESSURE TREATED
PINE 1"X4" BOARD FENCE
<table>
<thead>
<tr>
<th>Owner's mailing address</th>
<th>Owner's Agent's mailing address</th>
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<tbody>
<tr>
<td>Urciolo Properties, LLC 6935 Laurel Avenue Takoma Pr, MD 20912</td>
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<th>Adjacent and confronting Property Owners mailing addresses</th>
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<tr>
<td>RE 7000 Carroll Ave</td>
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<tr>
<td>KC Associates, LLC c/o Barac Co 6901 4th Street, NW Washington, DC 20012</td>
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<tr>
<td>Takoma Westmoreland LLC 11161 New Hampshire Ave - Ste 200 Silver Spring, MD 20904</td>
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<tr>
<td>Re: 6939 Eastern Avenue</td>
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<tr>
<td>Cheryl Gardner PO Box 44568 Takoma Park, MD 20016</td>
</tr>
<tr>
<td>Potomac Conf Corp-7th Day Adv 6810 Eastern Avenue, NW Washington, DC 20012</td>
</tr>
</tbody>
</table>
The HPC Staff has asked me to re-submit my HPC application due to two issues.

The First issue was that the address on the application was incorrect. The application was filed under 6925 Laurel Avenue which is the correct address for the property. Prior to 2007 the property was comprised of 5 tax bills. Lot 9, 49,P50,51 & 52 however in 2007 the lots were consolidated at the request of Montgomery County, the new lot became Lot 53 for the entire property. So the address of 6935 Laurel Avenue was correct.

The Second issue was that I had indicated in the original application that the existing chain link fence was deteriorating and tree roots and vines had intertwined in the fence. I had the new board fence installed in front of the existing chain link because of the extensive tree roots. The HPC assumed that I was taking down the old chain link fence. Normally the chain link fence would have been removed, even though my survey Plat shows the fence totally within my property boundary. Also, the adjacent neighbor used that section of the chain link fence to enclose her yard. The neighbor raises chickens and I thought that removing the fence would cause a problem. I can remove the chain lin fence, however I would like to leave a few poles to show my property line.

Lastly, when talking with Dan Bruchertxat HPC he stated that the next door neighbor was not aware of the HPC hearing. When I received the Staff report in the mail which recommended approval of the fence, I called Scott Wipple to ask if I need to attend the hearing that evening. He stated that my neighbor might attend and that the Commissioners would like the applicant present in case questions were raised. Since I could not attend that evening I sent my property manager, Zoe Stern, to attend. When there was no objections she then left the meeting.
June 12, 2017

Mr. William Kirwan  
Historic Preservation Commission  
8787 Georgia Avenue  
Silver Spring, MD 20910

RE: 6935 Laurel Avenue

Dear Mr. Kirwan,

The Takoma Park Façade Advisory Board met on July 11, 2017, to review the design proposal for 6935 Laurel Avenue, Takoma Park, Maryland. The proposal is to be considered by the Historic Preservation Commission.

John Urciololo presented an application to install a wooden fence along the back side of the subject property, separating the property from the adjacent parcel. The existing metal fence is deteriorating and is overgrown with vines and ivy. The new fence is a 6 foot tall and constructed from pine board.

The proposed work includes:
- Cleaning and grading the existing fence, removing overgrown vegetation;
- Installation of a 6 foot, pine board fence separating the subject property from the adjacent parcel along the southeastern boundary

The Takoma Park Façade Advisory Board passed the following resolution:

The Board voted to approve the proposal as presented.

Thank you for the ongoing efforts of the Commission to preserve the unique architectural character of our historic business district. If you have any questions regarding the Board’s action, please call me at 301-891-7213.

Sincerely,

Daniel Sonenklar  
Planner, Department of Housing and Community Development
August 3, 2017

Greg Knichols  
Site Plan Enforcement Services  
Department of Permitting Services  
255 Maryland Avenue  
Rockville, Maryland

RE: 6935 Laurel Avenue, Takoma Park, Maryland 20912

Dear Mr. Nichols,

The application for a fence permit for 6935 Laurel Avenue, Takoma Park, has been reviewed and approved by Takoma Park staff and the Takoma Park Façade Advisory Board, as conveyed to the Montgomery County Historic Preservation Commission in correspondence dated July 11, 2017.

The City recognizes that the site of the fence is on a slope, and that the allowed height of 6-1/2 feet is measured from the applicant's property. Other examples of fences on slopes exist in the historic district commercial area and are acceptable. All requirements for the City have been met; please release the permit to the applicant.

Thank you for the ongoing efforts to preserve the character of our historic business district. If you have any questions, please call me at 301-891-7205.

Sincerely,

Rosalind Grigsby  
Community Development Manager