

HISTORIC PRESERVATION COMMISSION STAFF REPORT

Address:	6935 Laurel Ave., Takoma Park	Meeting Date:	11/15/17
Resource:	Outstanding Resource Takoma Park Historic District	Report Date:	11/08/17
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.

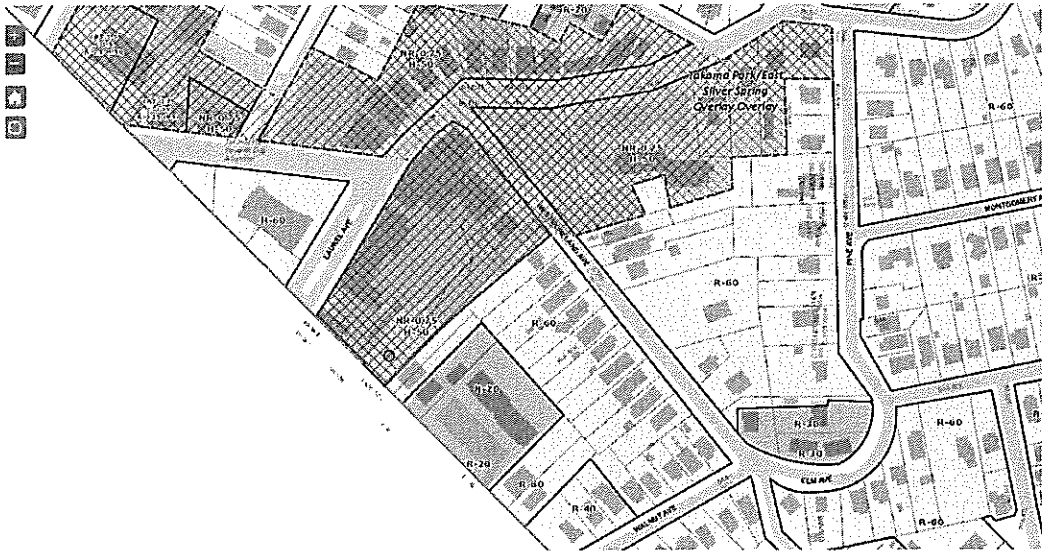


Figure 1: The subject lot faces Eastern Ave. (identified with a dot).

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.

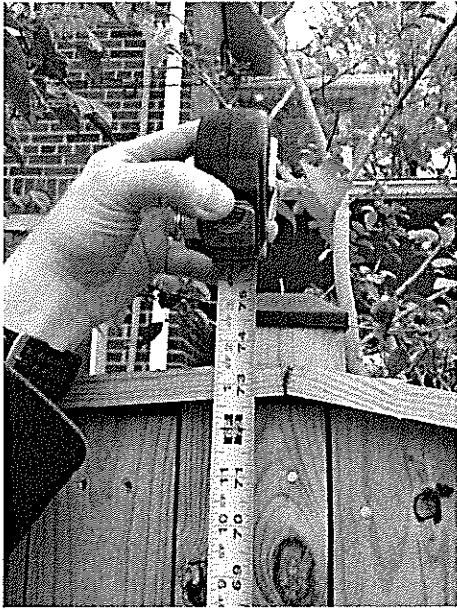


Figure 3: Height from subject property looking out.

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.

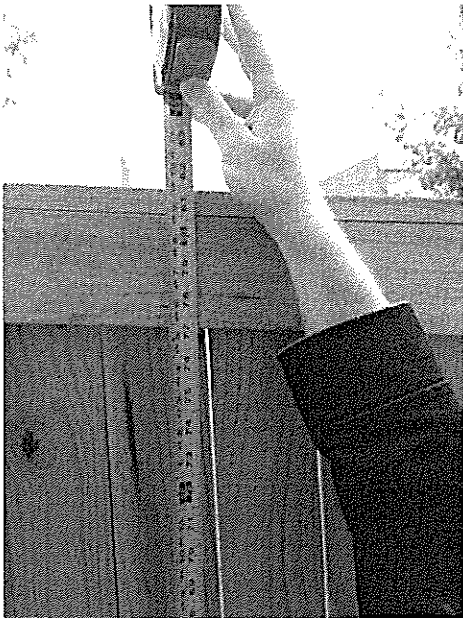


Figure 4: Height of fence from neighboring property.

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).

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
- (4) 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.

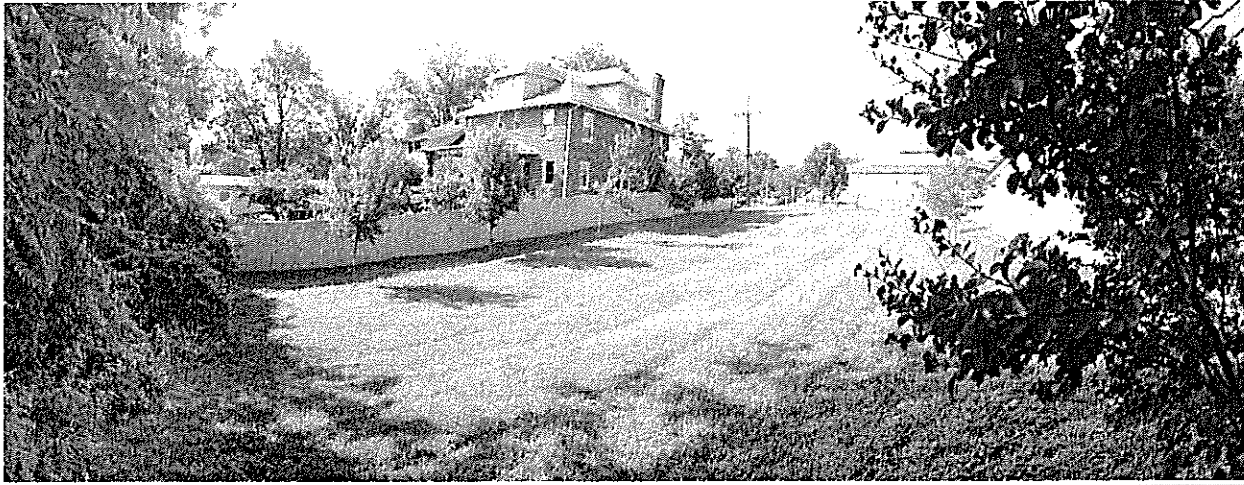


Figure 5: Panorama showing the full lot from the northeast corner.

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 'un-finished' 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.

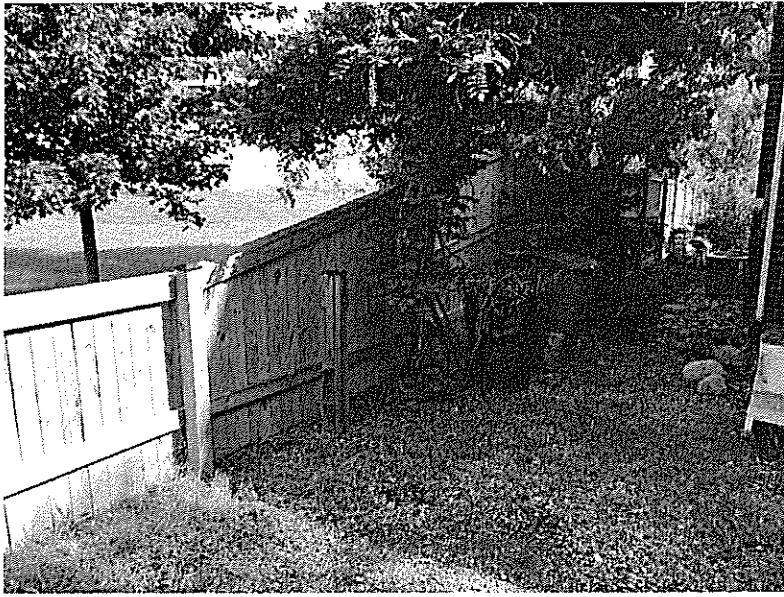


Figure 6: View of the fence from the south side of the fence showing the 'unfinished' treatment.

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.



DPS - #8

HISTORIC PRESERVATION COMMISSION
301/563-3400

APPLICATION FOR HISTORIC AREA WORK PERMIT

Contact Email: JURCIULO@COMCAST.NET Contact Person: John Urciolo
 Daytime Phone No.: 301 602 5469
 Tax Account No.: _____
 Name of Property Owner: Urciolo Properties LLC Daytime Phone No.: 301 270 4442
 Address: 6935 Laurel Ave TR PK, MD 20912
Street Number City State Zip Code
 Contractor: _____ Phone No.: _____
 Contractor Registration No.: _____
 Agent for Owner: _____ Daytime Phone No.: _____

LOCATION OF PROPOSED PERMITS
 House Number: 6935 Laurel Ave (Rear) Street: Laurel Ave (Rear)
 Town/City: TALCOMA PARK Nearest Cross Street: EASTERN / LAUREL
 Lot: 53 Block: A Subdivision: GILBERT + WOOD
 Liber: _____ Folio: _____ Parcel: _____

PART ONE: TYPE OF PERMIT ACTION 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: \$ 4,400

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

PART TWO: COMPLETE FOR NEW CONSTRUCTION AND EXTENSIONS

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 6 feet _____ 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 of owner or authorized agent: _____ Date: 2/3/17

Approved: _____ For Chairperson, Historic Preservation Commission
 Disapproved: _____ Signature: _____ Date: _____
 Application/Permit No.: _____ Date Filed: _____ Date Issued: _____

Edt 6/21/99

SEE REVERSE SIDE FOR INSTRUCTIONS

805467

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**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:

INSTALL A 6 FOOT PINE BOARD
FENCE ALONG EASTERN PROPERTY
BOUNDARY - FENCE INSIDE
OWNER'S PROPERTY

b. 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
DETERIORATING - WILD GROWTH
OF VINES AND POISON IVY ABOUND
AREA CLEANED AND GRADED

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.

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

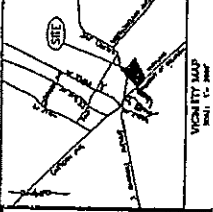
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MADDOX
Engineers & Surveyors, Inc.
 3001 Three Oaks Boulevard, Suite 300A, Bethesda, MD 20814
 (301) 738-9300

**SITE GRADING,
 SEDIMENT & EROSION
 CONTROL PLAN**

GILBERT & WOOD
 LOT 83, BLOCK A
 ELECTION DISTRICT NO. 11
 MONTGOMERY COUNTY, MARYLAND
 B.F. O'BRIEN'S ADDITION TO
 YACHTS PARK

DATE: 08/20/2014	PROJECT: B.F. O'BRIEN'S ADDITION TO YACHTS PARK
SCALE: AS SHOWN	DATE: 08/20/2014
DRAWN BY: [Name]	CHECKED BY: [Name]
PROJECT NO. [Number]	SHEET NO. [Number]



GENERAL NOTES:
 1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE MARYLAND DEPARTMENT OF TRANSPORTATION (MDOT) STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION, AND THE MARYLAND DEPARTMENT OF ENVIRONMENTAL AND NATURAL RESOURCES (MDE) REGULATIONS FOR EROSION CONTROL.
 2. THE PROPOSED EROSION CONTROL MEASURES SHALL BE INSTALLED AND MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD.
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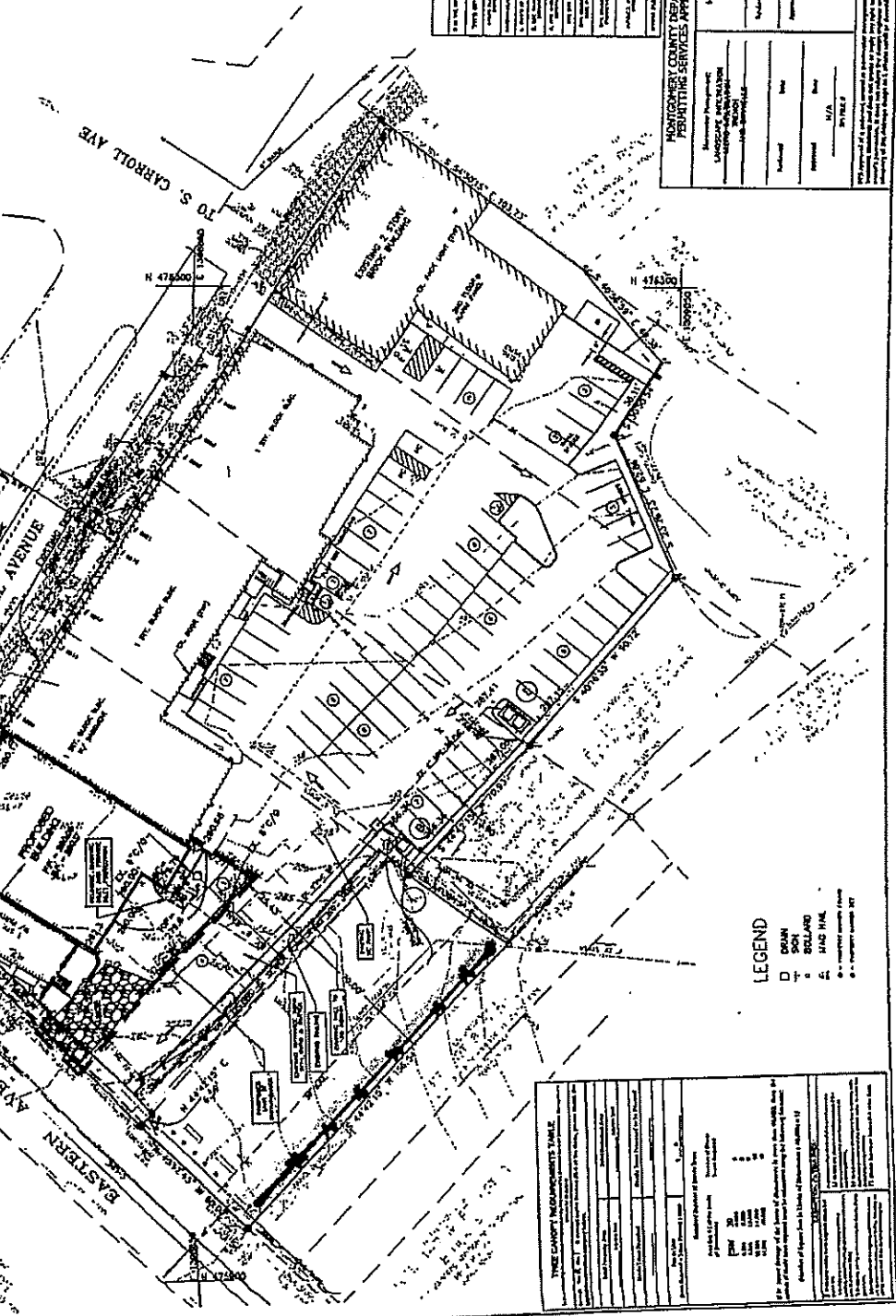
LEGEND

- SOIL WORKING TEST
- EXISTING CONTOUR
- PROPOSED CONTOUR
- LIMIT OF DISTURBANCE
- PROPOSED STABILIZED CONSTRUCTION ENTRANCE

RELATED REQUIRED PERMITS

Permit Type	Agency	Status	Comments
Grading	Montgomery County	Obtained	
Erosion Control	Montgomery County	Obtained	
Water Pollution	Montgomery County	Obtained	
Stormwater	Montgomery County	Obtained	
Other			

FIELD CHECKS BY REGISTERED ENGINEERS BY MARYLAND INSPECTORS:
 DATE: []
 TIME: []



PERMITS REQUIRED FOR PERMITTING SERVICES PROVIDED FOR THIS PROJECT:

Permit Type	Agency	Status	Comments
Grading	Montgomery County	Obtained	
Erosion Control	Montgomery County	Obtained	
Water Pollution	Montgomery County	Obtained	
Stormwater	Montgomery County	Obtained	
Other			

LEGEND

- D DRAIN
- S SON
- S SOLLAND
- F FENCE
- T TAIL
- W W
- W W

PERMITS REQUIRED FOR PERMITTING SERVICES PROVIDED FOR THIS PROJECT:

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Other			



6' PINE PRESSURE
TREATED BOARD FENCE
1" x 4"

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6' PRESSURE TREATED
PINE 1" X 4" BOARD FENCE

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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
Adjacent and confronting Property Owners mailing addresses	
RE 7000 Carroll Ave KC Associates, LLC c/o Barac Co 6901 4 th Street, NW Washington, DC 20012	RE: 7001 Carroll Avenue Takoma Westmoreland LLC 11161 New Hampshire Ave - Ste 200 Silver Spring, MD 20904
Re: 6939 Eastern Avenue Cheryl Gardner PO Box 44568 Takoma Park, MD 20016	RE: 6951 Carroll Avenue Potomac Conf Corp-7th Day Adv 6810 Eastern Avenue, NW Washington, DC 20012

From John Urciolo
Sept. 25, 2017

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 link fence, however I would like to leave a few poles to show my property line.

Lastly, when talking with Dan Bruechertxat 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.

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City of Takoma Park

Housing & Community Development

Telephone: (301) 891-7119
Fax: (301) 270-4568



7500 Maple Avenue
Takoma Park, MD 20912

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 Urciolo 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

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City of Takoma Park

**Housing & Community
Development**

Telephone: (301) 891-7119
Fax: (301) 270-4568



7500 Maple Avenue
Takoma Park, MD 20912

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,

A handwritten signature in cursive script, appearing to read "Rosalind Grigsby".

Rosalind Grigsby
Community Development Manager

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