

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

<b>Address:</b>	10221 Menlo Ave., Silver Spring	<b>Meeting Date:</b>	6/12/2019
<b>Resource:</b>	1870-1916 Capitol View Park Historic District	<b>Report Date:</b>	6/5/2019
<b>Applicant:</b>	10221 Menlo, LLC Jose Bautista, Agent	<b>Public Notice:</b>	5/29/2019
<b>Review:</b>	HAWP	<b>Tax Credit:</b>	n/a
<b>Case Number:</b>	31/07-19D	<b>Staff:</b>	Dan Bruechert
<b>Proposal:</b>	Building Demolition		

---

**STAFF RECOMMENDATION**

Staff recommends that the HPC approve the HAWP.

**PROPERTY DESCRIPTION**

**SIGNIFICANCE:** 1870-1916 construction in the Capitol View Park Historic District

**STYLE:** Vernacular/Colonial Revival

**DATE:** 1870-1916



*Figure 1: The 2015 aerial photograph of 10211 Menlo Ave. shows significant damage to the roof.*

## **PROPOSAL**

The applicant proposes to demolish the existing structure.

## **APPLICABLE GUIDELINES**

When reviewing alterations and new construction within the Capitol View Park Historic District several documents are to be utilized as guidelines to assist the Commission in developing their decision. These documents include the *Approved & Adopted Sector Plan for Capitol View & Vicinity (Sector Plan)*, *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.

### ***Approved & Adopted Sector Plan for Capitol View & Vicinity (Sector Plan)***

1. 1870-1916: Characterized by large lots and variety of setbacks, and architecturally encompassing the "Victorian" residential and revival styles and the early bungalow style popular during this period, these twenty-two houses are of a higher degree of architectural and historical significance than the other structures within the district.

### ***Montgomery County Code, Chapter 24A 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
- (4) The proposal is necessary in order that unsafe conditions or health hazards be remedied; or

### ***The Secretary of the Interior's Standards for Rehabilitation***

2. The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, space and spatial relationships that characterize a property will be avoided.
9. New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportions, and massing to protect the integrity of the property and its environment.
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.

## **STAFF DISCUSSION**

The subject property is located at the northern edge of the Capital View Park Historic District on Menlo Ave. The subject lot was platted in 1887 and based on Staff's observations at a site visit estimates that the house was constructed c.1910 with several later additions. The existing structure is a two-story, side gable, clapboard house with six-over-six windows. There is a later, rear-facing gable addition. The house has been vacant for several years and was struck by a falling tree many years ago. The exact date of this tree fall is unknown, however, based on property inspections of the property by DPS and aerial photographs, Staff can assert it was prior to the current owner's purchase (aerial photographs show that the damaged occurred sometime between 2008 and 2010). No repair or maintenance work appears to have been conducted after this damage and the house has degraded significantly. The Department of Housing and Community Affairs (DHCA) condemned this structure in August 2018 and is requiring demolition. A HAWP is required prior to the demolition of any structure within a historic district.

Staff was unable to conduct a full interior investigation of the house due to its degraded condition. In order to better evaluate the condition of the building, Staff directed the applicant to have the structure assessed by a licensed engineer (letter attached). The engineer determined that the "damage was so extensive that basically no structural frame was left of the house to evaluate;" and that the building "could collapse at any time and is a hazard to humans..." Based on Staff's observations in the field and the attached letter from the engineer, Staff finds that the applicant has met the burden of proof required to demolish a historic resource in a historic district in Montgomery County and Staff supports approval of the proposed demolition under 24A-8(b)(4).



*Figure 2: View of the subject property from December 1999.*

The district designation for the Capitol View Park Historic District states, “most... structures possess little distinction as architectural entities. When grouped together, however, these resources meet the criteria for district designation as a visual example of suburban development styles.” Staff finds the subject property is one of the structures that, even prior to the damage caused by the tree, possessed little architectural distinction. Though the house was constructed prior to 1916 and was designated as one of the properties “categorized by large lots and variety of setbacks, and architecturally encompassing the “Victorian” residential and revival styles and the early bungalow style popular during this period, these twenty-two houses are of a higher degree of architectural and historical significance than the other structures within the district,” the subject property is on a small lot and has little individual architectural significance. The subject property is a vernacular structure on a small lot at the northern border of the historic district boundaries, set back from Menlo Ave. Staff finds that the significance of the subject property was primarily for its contribution to the streetscape, not for its architectural or historical significance. Additionally, the National Register nomination for Capitol View Park includes a list of contributing properties determined eligible for listing. 10221 Menlo Ave. is not included on that list. No justification was provided for its exclusion from this list, but Staff finds it compelling that a 1999/2000 survey determined that the subject property did not contribute to the historic character of the surrounding district or had been so heavily modified that it no longer retained its architectural integrity.

Staff finds that demolition is appropriate under 24A-8(b)(4) due to the significant damage to the subject property and is also appropriate under Standard 2 as the building no longer retains historic character to preserve.

### **STAFF RECOMMENDATIONS**

Staff recommends that the HPC approve the HAWP as being consistent with Chapter 24A-8(b)(4); 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: Jose@JoseBautista.com Contact Person: Jose Bautista  
Tax Account No. 161300996542 Daytime Phone No.: 501 537 5856  
Name of Property Owner: 10221 Menlo LLC Daytime Phone No.: 301 537 5658  
Address: 148 CRYSTAL SPRING DR. ASHTON MD 20861  
Street Number City State Zip Code  
Contractor: The CREW Builders Inc. Phone No.: 770 956 2304  
Contractor Registration No.: 532 5867  
Agent for Owner: JOSE BAUTISTA Daytime Phone No.: 301 537 5658

## LOCATION OF BUILDING/PROJECT

House Number: 10221 Street: Menlo Ave  
Town/City: Silver Spring Nearest Cross Street: Loma St  
Lot: 1 Block: 18 Subdivision: CAPITOL View Park  
Liber: \_\_\_\_\_ Folio: \_\_\_\_\_ Parcel: \_\_\_\_\_

## PART ONE TYPE OF PERMIT ACTION AND USE

### 1A. CHECK ALL APPLICABLE:

- ☐ Construct ☐ Extend ☐ Alter/Revitalize  
☐ 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: \$ \_\_\_\_\_

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

## PART TWO COMPLETE FOR NEW CONSTRUCTION AND EXTENSION/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 \_\_\_\_\_ 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.

Jose Bautista  
Signature of owner or authorized agent

4/15/19  
Date

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**

**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:

Tear Down Existing Structure

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

Home has been hit by tree  
County is requiring Tear Down.  
Will Re build to code

**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. 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.
- 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 photographic prints 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 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.

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

**Owner's mailing address**

10221 Menlo LLC  
148 CRYSTAL Spring Dr.  
ASHTON MD 20861

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

JOSE BAUTISTA  
148 CRYSTAL Spring Dr.  
ASHTON MD 20861

**Adjacent and confronting Property Owners mailing addresses**

John & Patricia Monahan  
10219 Menlo Ave  
Silver Spring MD  
20910

Kevin & Andrea Daney  
10222 Leslie ST  
Silver Spring MD 20902

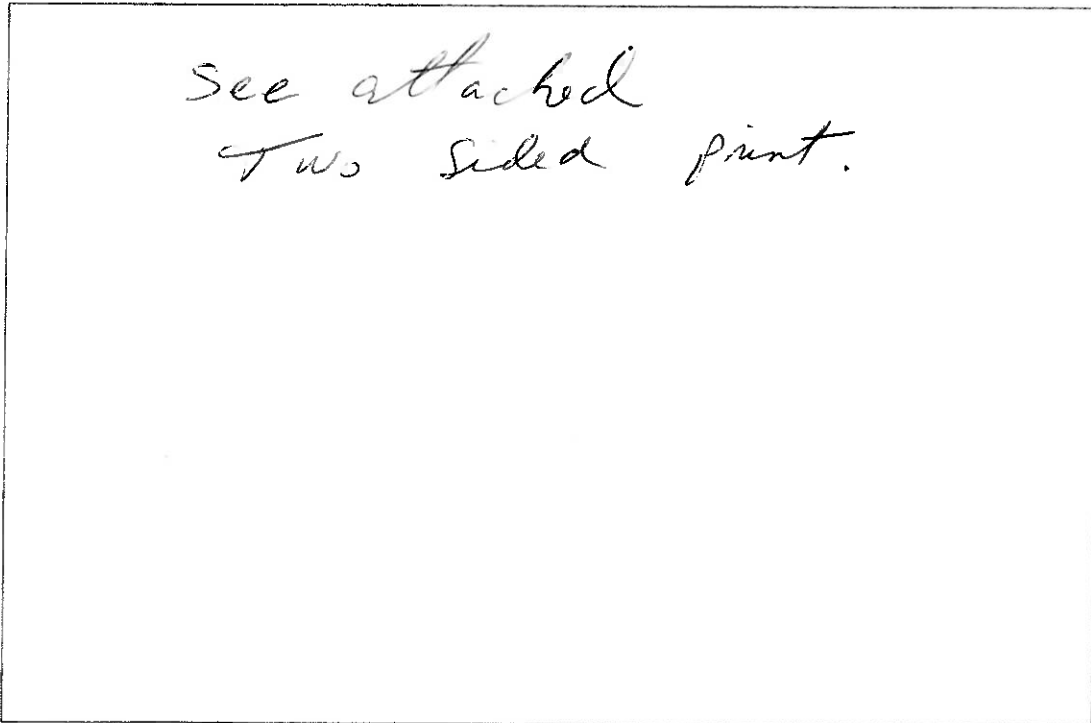
Maryland National Capital  
Park and Planning  
8787 Georgia Ave.  
Silver Spring MD

STERLING Custom Homes LLC  
10220 Menlo Ave  
Silver Spring MD 20910

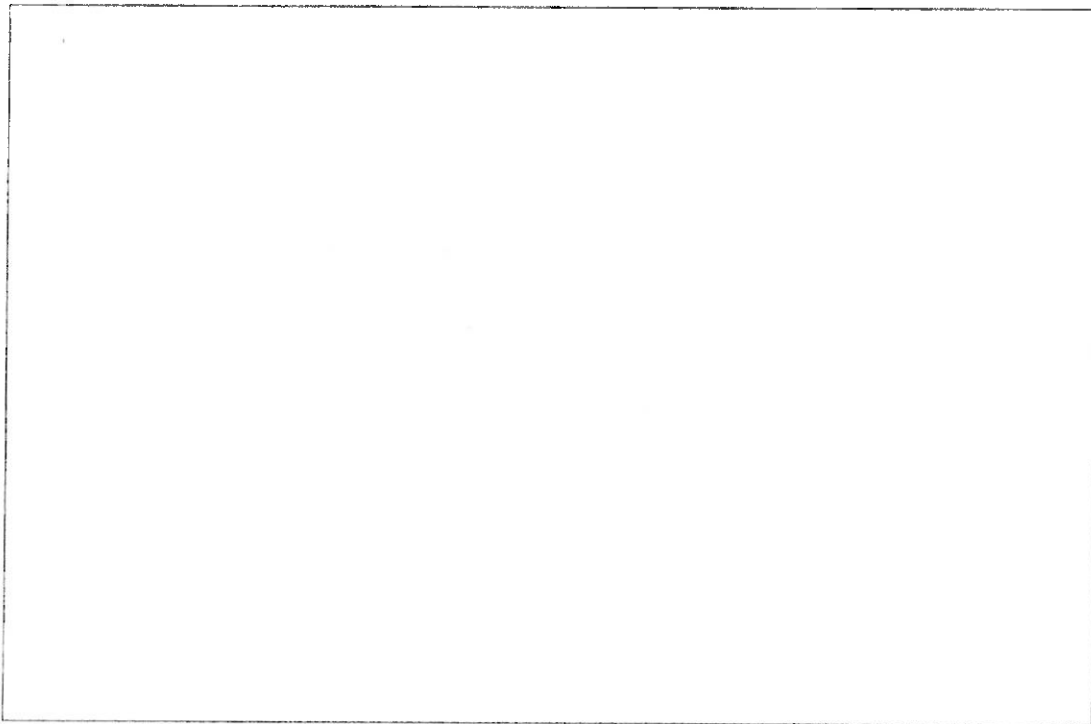
Richard & Margaret Kolm  
10219 Grant ave  
Silver Spring MD  
20910

Drew & Christine Dunn  
10217 Menlo Ave  
Silver Spring MD 20910

**Existing Property Condition Photographs** (duplicate as needed)



Detail: \_\_\_\_\_



Detail: \_\_\_\_\_

---

Applicant: \_\_\_\_\_

Page: \_\_

# HISTORIC AREA WORK PERMIT CHECKLIST OF APPLICATION REQUIREMENTS

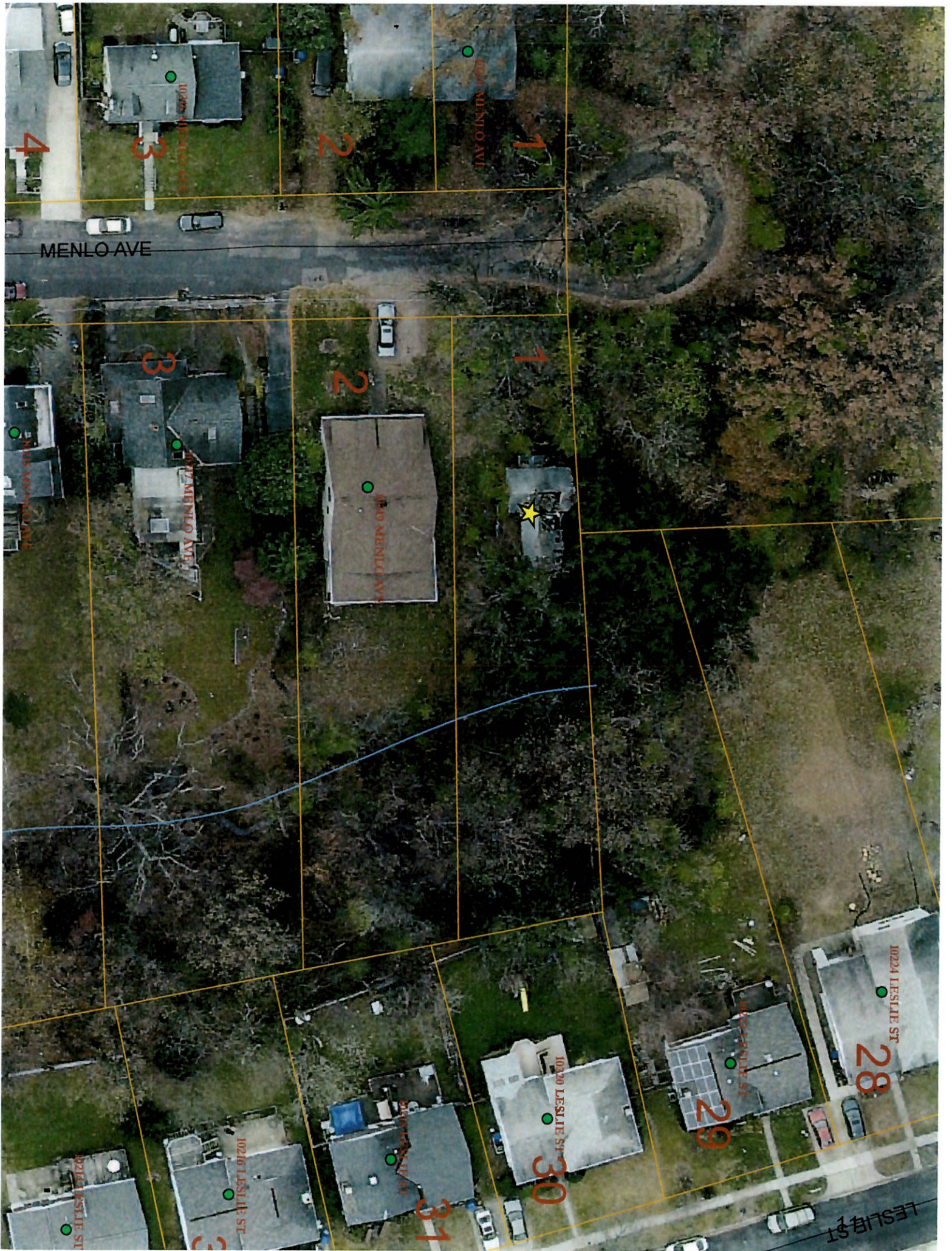
	Required Attachments						
Proposed Work	1. Written Description	2. Site Plan	3. Plans/ Elevations	4. Material Specifications	5. Photographs	6. Tree Survey	7. Property Owner Addresses
New Construction	*	*	*	*	*	*	*
Additions/ Alterations	*	*	*	*	*		*
Demolition	*	*			*		*
Deck/Porch	*	*	*	*	*		*
Fence/Wall	*	*	*	*	*	*	*
Driveway/ Parking Area	*	*		*	*	*	*
Major Landscaping/ Grading	*	*		*	*	*	*
Tree Removal	*	*		*	*	*	*
Siding/ Roof Changes	*	*	*	*	*		*
Window/ Door Changes	*	*	*	*	*		*
Masonry Repair/ Repoint	*	*	*	*	*		*
Signs	*	*	*	*	*		*

PLEASE SEE INSTRUCTIONS ON DPS' HAWP APPLICATION FOR FURTHER DETAILS REGARDING APPLICATION REQUIREMENTS.

NOTE: Historic Area Work Permits are not required for ordinary maintenance projects, such as painting, gutter repair, roof repair with duplicate materials, and window repairs. All replacement materials must match the original exactly and be of the same dimensions.

**ALL HAWPS MUST BE FILED AT DPS:  
255 ROCKVILLE PIKE,  
ROCKVILLE, MARYLAND, 20850.**






**STATE OF MARYLAND**  
***Department of Assessments and Taxation***

I, PAUL B. ANDERSON OF THE STATE DEPARTMENT OF ASSESSMENTS AND TAXATION OF THE STATE OF MARYLAND, DO HEREBY CERTIFY THAT THE DEPARTMENT, BY LAWS OF THE STATE, IS THE CUSTODIAN OF THE RECORDS OF THIS STATE RELATING TO LIMITED LIABILITY COMPANIES , OR THE RIGHTS OF LIMITED LIABILITY COMPANIES TO TRANSACT BUSINESS IN THIS STATE, AND THAT I AM THE PROPER OFFICER TO EXECUTE THIS CERTIFICATE.

I FURTHER CERTIFY THAT 10221 MENLO, LLC , REGISTERED DECEMBER 11, 2014, IS A LIMITED LIABILITY COMPANY EXISTING UNDER AND BY VIRTUE OF THE LAWS OF THE STATE OF MARYLAND, AND THAT THE LIMITED LIABILITY COMPANY IS AT THE TIME OF THIS CERTIFICATE IN GOOD STANDING TO TRANSACT BUSINESS.

IN WITNESS WHEREOF, I HAVE HEREUNTO SUBSCRIBED MY SIGNATURE AND AFFIXED THE SEAL OF THE STATE DEPARTMENT OF ASSESSMENTS AND TAXATION OF MARYLAND AT BALTIMORE ON THIS DECEMBER 11, 2014.



Paul B. Anderson  
Charter Administrator



301 West Preston Street, Baltimore, Maryland 21201  
Telephone Balto. Metro (410) 767-1344 / Outside Balto. Metro (888) 246-5941  
MRS (Maryland Relay Service) (800) 735-2258 TT/Voice  
Fax (410) 333-7097

0009285482

CRTGST

ARTICLES OF ORGANIZATION

THIS IS TO CERTIFY THAT:


FIRST: The undersigned, being at least eighteen years of age, and being authorized to execute and file these Articles, hereby forms a limited liability company pursuant to the laws of the State of Maryland.

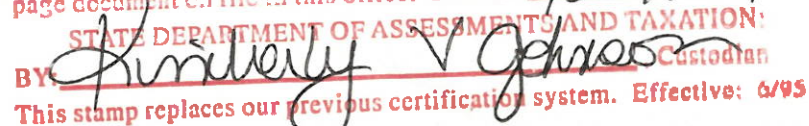
SECOND: The name of the limited liability company (herein the "Company") is 10221 Menlo, LLC. ✓

THIRD: The Company is formed to engage in the purchase, management, repair and sale of a certain parcel of real property known as 10221 Menlo Avenue, Silver Spring, MD 20910 any lawful business entered into in furtherance of the foregoing purposes, except the business of acting as an insurer.

FOURTH: The address of the Company's principal office in Maryland is 148 Crystal Spring Drive, Ashton, Maryland 20861; and the name and address of its resident agent is Jose Bautista, 148 Crystal Spring Drive, Ashton, Maryland 20861. ✓

IN WITNESS WHEREFORE, I have signed these Articles of Organization and acknowledge them to be my act on this 11th day of December, 2014.

  
Jose Bautista  
Organizer and Resident Agent

STATE OF MARYLAND  
I hereby certify that this is a true and complete copy of the 2  
page document on file in this office. DATED: 12-11-14  
STATE DEPARTMENT OF ASSESSMENTS AND TAXATION:  
BY:  Custodian  
This stamp replaces our previous certification system. Effective: 6/95



May 10, 2019

Mr. Jose Bautista  
10230 New Hampshire Avenue, Suite 200  
Silver Spring, Maryland 20903

Reference: House Structural Evaluation  
**10221 Menlo Avenue**  
Silver Spring, Maryland  
GDE Project No.: E19049

Dear Mr. Bautista;

As requested, Mohamad Abu-Kassem, P.E., Principal of Geo Design & Engineering, Inc. (GDE) arrived at the above-referenced address to provide structural evaluation of the existing home located on the property.

My field observation indicated that more than half of the existing home was completely damaged and collapsed years ago. Mr. Bautista indicated that the damage stemmed from a tree that fell on the house about 15 years ago. The damage was so extensive that basically no structural frame was left of the house to evaluate. Since no repair or any maintenance was followed, the house dilapidated further.

Based on my observations, it is my professional opinion that the house should be destroyed completely and immediately. It is actually very dangerous to be left in its current condition and could collapse any time and is a hazard to humans should anyone come in close contact to it, especially kids and/or animals. The owner could be liable for any damage to anyone or to animals should they get injured as a result of its collapse and should take immediate steps to destroy what is left of the house.

Should you have any questions or require additional information, please do not hesitate to contact us at your convenience

Respectfully submitted,  
**Geo Design & Engineering, Inc.**

*Mohamad Abu-Kassem*  
  
5-10-2019

Mohamad Abu-Kassem, P.E., Principal