

MONTGOMERY COUNTY HISTORIC PRESERVATION COMMISSION
STAFF REPORT

Address:	3936 Washington St., Kensington	Meeting Date:	8/14/2019
Resource:	Secondary Resource (non-contributing) Kensington Historic District	Report Date:	8/7/2019
Applicant:	Timothy Johnson	Public Notice:	7/31/2019
Review:	HAWP	Tax Credit:	n/a
Case Number:	31/06-19K	Staff:	Dan Bruechert
PROPOSAL:	Fence Replacement		

STAFF RECOMMENDATION:

Staff recommends the HPC **approve** the Historic Area Work Permit.

ARCHITECTURAL DESCRIPTION

SIGNIFICANCE: Secondary (non-contributing) Resource to the Kensington Historic District
STYLE: Eclectic/Craftsman
DATE: 1958



Figure 1: 3936 Washington St. is a very large lot. The boundaries of the Historic District terminate at the rear of the property.



Figure 2: Front elevation and right (west) side of the subject property.

PROPOSAL

The applicant proposes to replace the fencing on the property and add a deer fence at the rear.

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.

Montgomery County Code; Chapter 24A-8

- (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
- (c) It is not the intent of this chapter to limit new construction, alteration or repairs to any 1 period or architectural style.
- (d) In the case of an application for work on an historic resource located within an historic district, the commission shall be lenient in its judgment of plans for structures of little historical or design significance or for plans involving new construction, unless such plans would seriously impair the historic or architectural value of surrounding historic resources or would impair the character of the historic district. (Ord. No. 9-4, § 1; Ord. No. 11-59.)

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 applicant proposes to remove the existing fencing in the rear yard and install:

- 80 (eighty) linear feet of 4' (four foot) tall wood picket fence,
- 363 (three hundred sixty-three) linear feet of 6' (six foot) high board fence; and,
- 105 (one hundred and five) linear feet of 7' 6" (seven-foot, six inch) high deer fencing.

All of this fencing is to the rear of the rear wall plane and will not impact the surrounding district when viewed from the public right of way.

Existing Fencing

The fencing at the rear of the subject property is a mix of chain link, board on board, and two different picket fence designs. All of the existing fencing is used to enclose the rear yard and there is no fencing in front of the rear wall plane. The applicant proposes removing all of this fencing. As none of the fencing is historic, Staff recommends approval of the removal of the existing fencing.

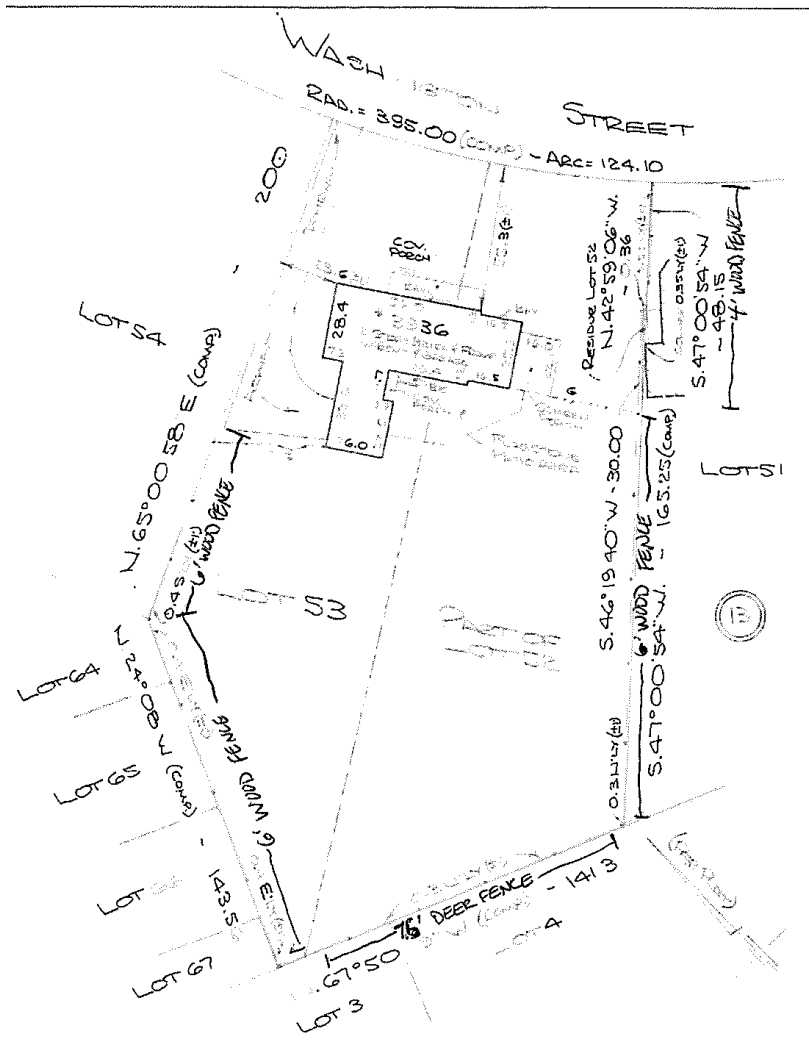


Figure 3: The subject property with the proposed fencing.

Proposed Fencing

First, the applicant proposes installing 80 (eighty) linear feet of 4' (four foot) tall wood picket fence with a 30" (thirty inch) gate. This fence will be installed along the eastern property boundary from the public right-of-way to the rear wall plane of the existing house where there is an existing picket fence. Because the proposed picket fence matches the location, material, and design of the existing fence, this is a replacement in-kind which does not require HPC approval. Staff includes a discussion of this fence because it is within the identified scope of proposed work in the HAWP application.

Second, the applicant proposes to install 363 (three hundred sixty-three) linear feet of a 6' (six foot) wood board fence. Figure 4, below, shows a photograph of the type of board fencing proposed. Along the eastern property boundary, the board fence will start at the rear wall plane and continue to the rear corner of the lot. Along the west property boundary, the fence will align with the rear wall plane of the rear addition and continue to the rear of the lot. Staff finds that the proposed flat board fencing is an appropriate height and material for the house and surrounding district and recommends approval under 24A-8(b)(2).



Figure 4: example of the proposed flat board fence.

The third type of fencing is one that has only recently been reviewed by the HPC: deer fencing. The applicant proposes to install 105 (one hundred and five) linear feet of 7' 6" (seven-foot, six inch) tall deer fencing. This fencing will be installed along the southern property boundary. The deer fence will be constructed of vertical metal post supporting a 2" (two inch) plastic mesh, as shown in Figure 5, below.

Staff would not generally support a deer fence in a location that was visible from the public right-of-way. Based on Staff's observations at a site visit and review of aerial photographs, Staff does not believe the proposed deer fence will be visible from the right-of-way. First, much of the view of the fence would be blocked by the existing house, so it will not be visible from the surrounding district. Second, due to the distance of almost 250' (two hundred and fifty feet) from the public right-of-way at the Washington St. sidewalk, Staff finds the proposed deer fence will not be visible because of distance. Third, Staff finds that the materials proposed are consistent with the surrounding district and could easily be removed in the future with no impact on historic resources (Standards 9 and 10). Finally, Staff finds that the proposed deer fence may be partially visible from Cleveland St. to the rear, however, that location is outside the boundaries of the historic district, and therefore will have no visual impact on the Kensington Historic District. Staff supports the approval of the deer fence under 24A-8(b)(2).

Date Received in DPS
Mail Log # 411327

JUL 23 2019

Assigned To: Ever



HISTORIC PRESERVATION COMMISSION
301/563-3400

DPS - #8

APPLICATION FOR HISTORIC AREA WORK PERMIT

Contact Email: tim.johnson2@gmail Contact Person: Tim Johnson
Daytime Phone No.: 928-606-5136
Tax Account No.: 13-01026090
Name of Property Owner: Timothy Johnson Daytime Phone No.: 928-606-5136
Address: 3936 Washington St Kensington MD 20895
Street Number City State Zip Code
Contractor: Tri County Fence & Decks Phone No.: 301-916-2205
Contractor Registration No.: MHIC # 102033
Agent for Owner: Bruce Riley Daytime Phone No.: 301-916-2205

LOCATION OF BUILDING/PREMISE

House Number: 3936 Street: Washington St
Town/City: Kensington Nearest Cross Street: Prospect St.
Lot: 53 Block: 13 Subdivision: 00-15 - Kensington Park
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: \$ 13,320

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 6'4" 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

06/23/2019
Date

Approved: _____ For Chairperson, Historic Preservation Commission

Disapproved: _____ Signature: _____ Date: _____

Application/Permit No.: _____ Date Filed: _____ Date Issued: _____

Edit 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:

Remain 443 LF of existing wood and chainlink fence.
Install all new 363 linear feet of 6' high pressure treated
1x6 Flat Board Fence and 105 LF of 7.5' high deer fence
and 80 LF of 4' high cedar 2x2 monument top picket
fence with a 30" wide gate

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

See above

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.

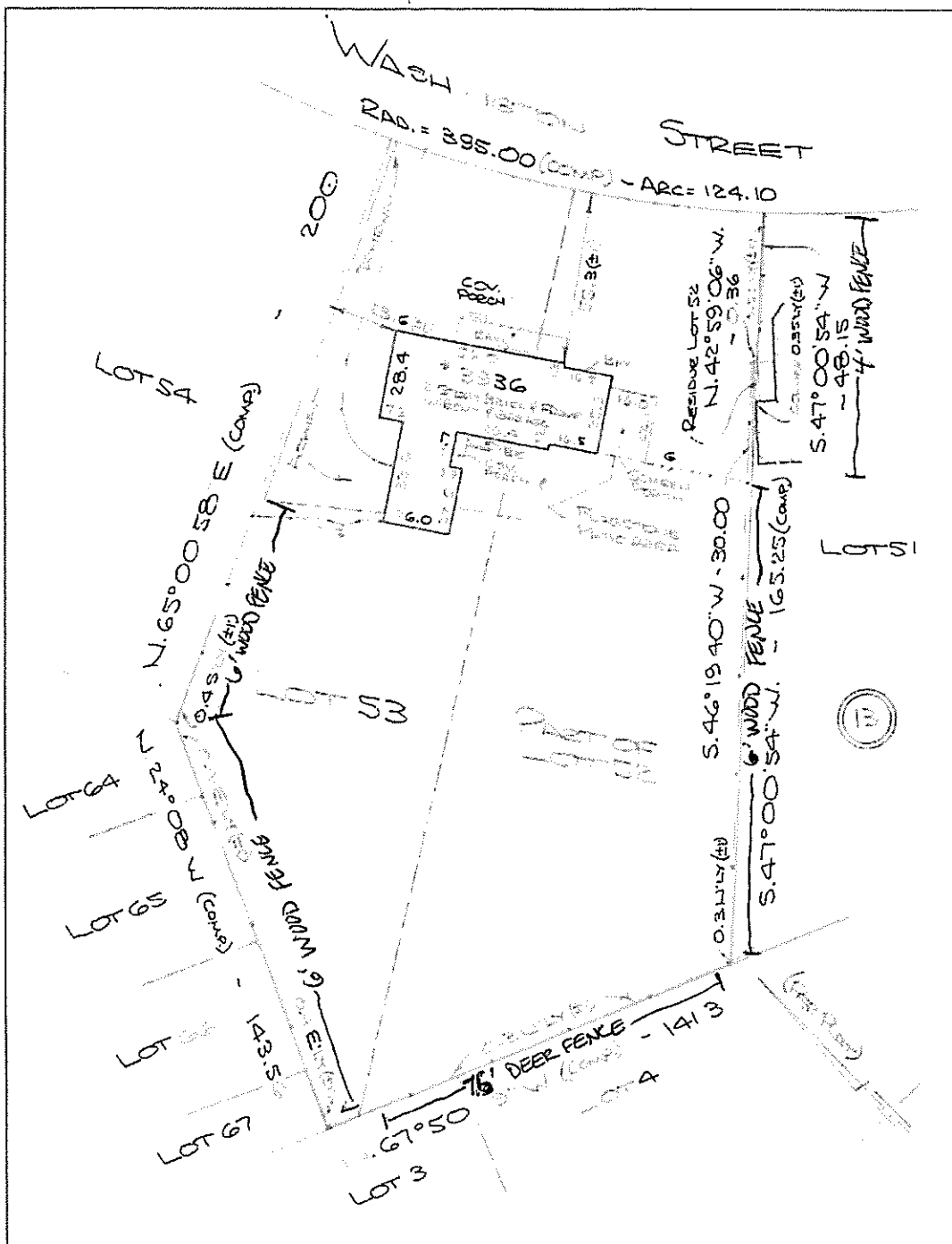
7. ADDRESSES OF ADJACENT AND CONFRONTING PROPERTY OWNERS

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.

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

Owner's mailing address Tim Johnson 3936 Washington St. Kensington, MD 20895	Owner's Agent's mailing address Bruce Riley Tri-County Fence + Decks 24520 Frederick Rd. Clarksburg, MD 20871
Adjacent and confronting Property Owners mailing addresses	
Dejan Bujak 3932 Washington St Kensington, MD 20895	Carola Alvarez 3940 Washington St Kensington, MD 20895
Bill Coleman 10209 Summit Ave Kensington, MD 20895	Elaine Denning 10207 Summit Ave Kensington, MD 20895
Resident at 4013 Cleveland St Kensington, MD 20895	



Capitol Surveys, Inc.

10762 Rhode Island Avenue
 Beltsville, Maryland 20705
 Phone 301-931-1350
 Fax 301-931-1352

NOTES: Plat is of benefit to a consumer only 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. the plat is not to be relied upon for the establishment or location of fences, garages, buildings, or other existing or future improvements, and the plat does not provide for the accurate identification of property boundary lines, but such identification may not be required for the transfer of title and securing financing or refinancing.

LOCATION DRAWING
 LOT 53 & BLOCK 13
 PART OF LOT 52

KENSINGTON PARK
 MONTGOMERY COUNTY, MARYLAND

Recorded in Plat Book 8 Plat 4 Scale 1" = 40'

CASE: 1110-18 FILE: 107673

DATE: JUNE 28, 2018

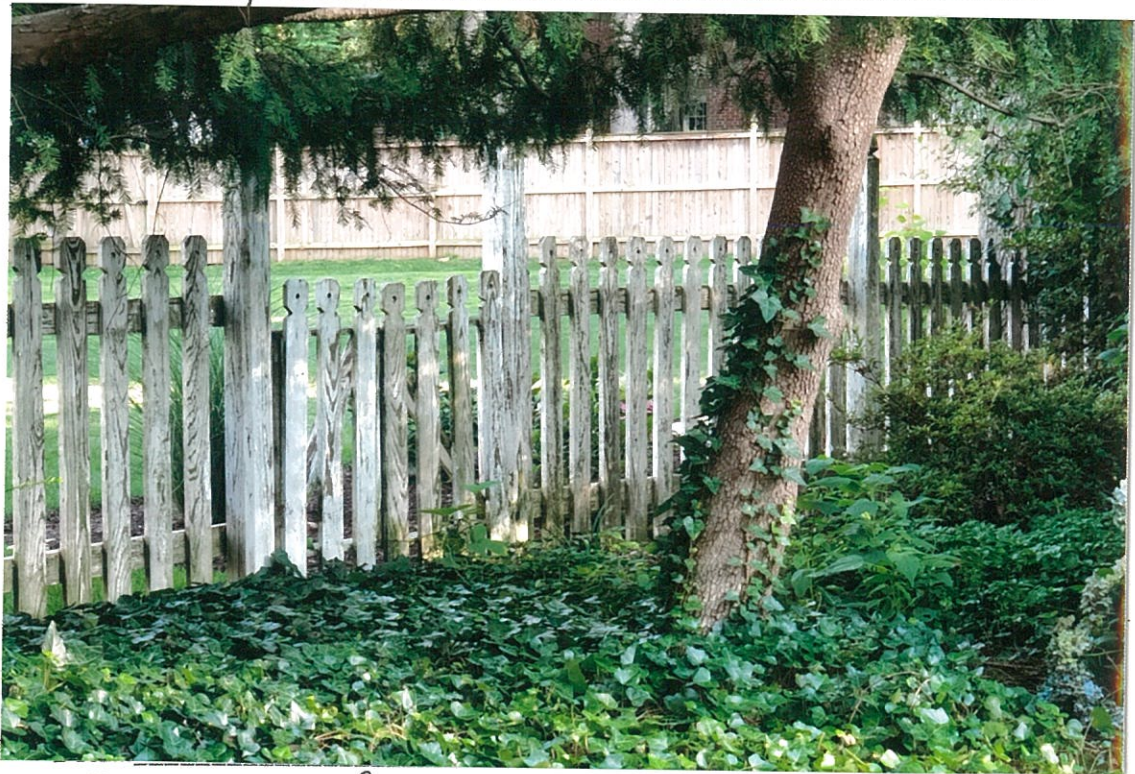
I hereby certify this location drawing was prepared in accordance with the minimum standards of practice for the State of Maryland and is correct to the best of my belief of what can be visually and accessibly observed.

Edward L. Lopez Jr.
 Edward L. Lopez Jr.
 Maryland Property Line Surveyor No. 522
 License Current Through February 13, 2017

Exist



Detail: Existing wooden fence on Eastern border



Existing wooden fence on Eastern border

Applicant: Tim Johnson

Page:



Detail: Existing chain-link fence on Eastern border



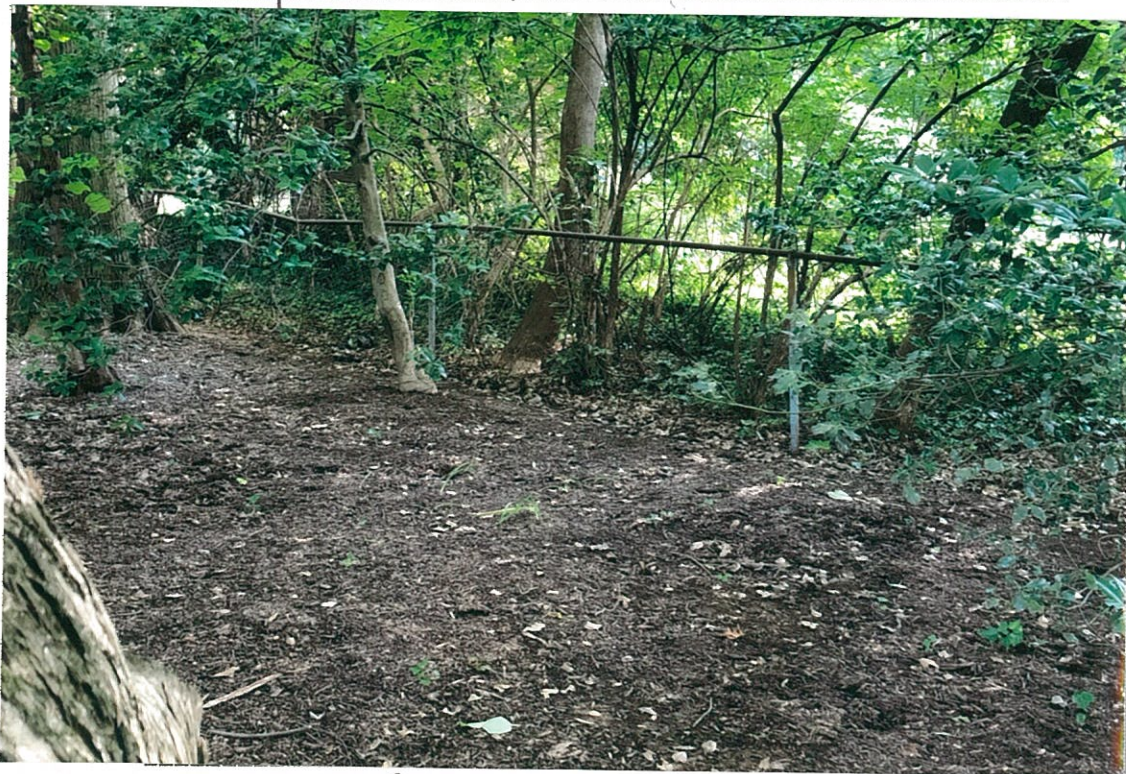
Existing wooden fence on Southern border

Applicant: Tim Johnson

Page:



Detail: Existing chain-link fence on Western border

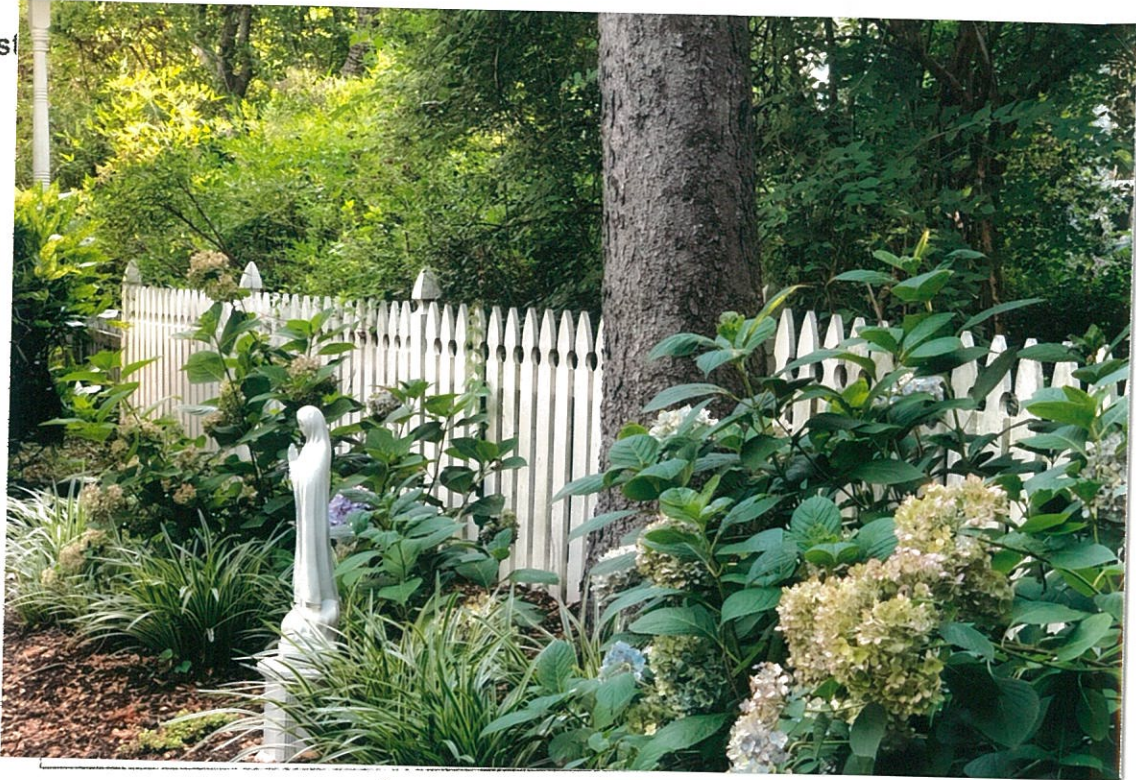


Existing chain-link fence on Western border

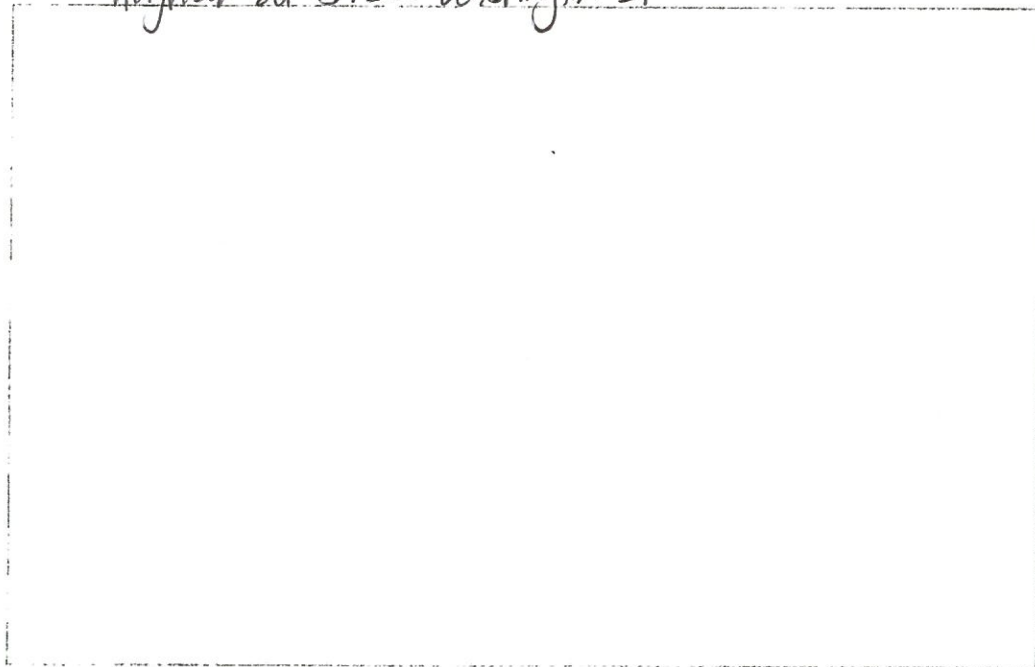
Applicant: Tim Johnson

Page:

Exist



Detail: Existing wooden fence on Eastern border as seen from
neighbor at 3932 Washington St



Detail: _____

Applicant: Tom Johnson

Page: _____



Figure 5: Example of an installed deer fence.

Staff finds that the proposed fencing is compatible in character with the house and surrounding district and that the deer fence will not impact the district as it will not be visible from the public right-of-way.

STAFF RECOMMENDATION

Staff recommends that the Commission **approve** the HAWP application under the Criteria for Issuance in Chapter 24A-8(b)(2), (c), and (d) having found that the proposal will not substantially alter the exterior features of the historic resource and is compatible in character with the district and the purposes of *Chapter 24A*;

and with the *Secretary of the Interior's Standards for Rehabilitation* #2, #9, and #10.

and with the general condition that the applicant shall present the **3 permit sets of drawings, if applicable, to Historic Preservation Commission (HPC) staff for review and stamping** prior to submission for the Montgomery County Department of Permitting Services (DPS) building permits;

and with the general condition that final project design details, not specifically delineated by the Commission, shall be approved by HPC staff or brought back to the Commission as a revised HAWP application at staff's discretion;

and with the general condition that the applicant shall notify the Historic Preservation Staff if they propose to make **any alterations** to the approved plans. Once the work is completed the applicant will contact the staff person assigned to this application at 301-563-3400 or dan.bruechert@montgomeryplanning.org to schedule a follow-up site visit.