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 Bruechter

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.
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
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.
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).
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 consisted 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 he 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).
APPLICATION FOR HISTORIC AREA WORK PERMIT

Contact Email: tim.johnson2@gmail.com
Contact Person: Tim Johnson
Daytime Phone No.: 928-606-5136

Tax Account No.: 13-01026099
Name of Property Owner: Timothy Johnson
Daytime Phone No.: 928-606-5136
Address: 3936 Washington St. Kensington MD 20895
Street Number: 3936
City: Kensington
Zip Code: 20895

Contractor: Tri County Fence & Decks
Phone No.: 301-916-2205
Contractor Registration No.: MHC # 102033

Agent for Owner: Bruce Pety
Daytime Phone No.: 301-916-2205

LOCATION OF BUILDING/STRUCTURE

House Number: 3936
Street: Washington St
Town/City: Kensington
Nearest Cross Street: Proctor St.
Lot: 53
Block: 13
Subdivision: 00-15 - Kensington Park

PARTONE: TYPE OF PERMIT, ACTION, AND USE

1A. CHECK ALL APPLICABLE
☐ Construct ☐ Extend ☐ Alter/Remodel ☐ AC ☐ Slab ☐ Room Addition ☐ Porch ☐ Deck ☐ Shed
☐ Move ☐ Install ☐ Roof/Roof ☐ Solar ☐ Fireplace ☐ Woodburning Stove ☐ Single Family
☐ Revision ☐ Repair ☐ Renovate ⚡ Fence/Wall (complete Section 4) ☐ Other: 13,320

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 EXTENSIVE 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 property line/property line ☐ Entirely on land of owner ☐ On public right of way/assessment

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]
06/23/2019
Date

Approved: ____________________________ For Chairperson, Historic Preservation Commission
Disapproved: ____________________________

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) & environmental setting, including their historical features & significance:
      Remove 44 3/8 Lr of existing wood and chainlink fence
      Install all new 363 lin ft of 6' high pressure treated
      1x4 flat board fence & 105 Lr of 7'5" high deer fence
      and 80 Lr of 4' high chain 2x2 monument hip picket
      fence with 30" wide gate

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

2. SITE PLAN
   Site & environmental setting, drawn to scale. You may use your plat. Your site plan must include:
   a. the scale, north arrow & data;
   b. dimensions of all existing & proposed structures;
   c. site features such as walkways, driveways, fences, ponds, streams, trash dumpsters, mechanical equipment & landscaping.

3. PLANS AND ELEVATIONS
   You must submit 2 copies of plans & 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 of walls, window & door openings, & other fixed features of both the existing resource(s) & the proposed work.
   b. Elevations (facade), with marked dimensions, clearly indicating proposed work in relation to existing construction & when appropriate, contour.
      All materials & fixtures proposed for the exterior must be noted on the elevations drawings. An existing & a proposed elevation drawing of each
      facade affected by the proposed work is required.

4. MATERIALS SPECIFICATIONS
   General description of materials & 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 & 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, & 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 & confronting property owners (not tenants), including names, addresses, & 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 INTO MAILING LABELS.
# HAWP APPLICATION: MAILING ADDRESSES FOR NOTIFYING
[Owner, Owner's Agent, Adjacent and Confronting Property Owners]

<table>
<thead>
<tr>
<th>Owner's mailing address</th>
<th>Owner's Agent's mailing address</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tim Johnson</td>
<td>Bruce Riley</td>
</tr>
<tr>
<td>3936 Washington St.</td>
<td>Tri-Level/Plants/Decks</td>
</tr>
<tr>
<td>Kensington, MD 20895</td>
<td>24520 Frederick Rd.</td>
</tr>
<tr>
<td></td>
<td>Clarksburg, MD 20871</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Adjacent and confronting Property Owners mailing addresses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dejan Bujak</td>
</tr>
<tr>
<td>3932 Washington St</td>
</tr>
<tr>
<td>Kensington, MD 20895</td>
</tr>
</tbody>
</table>

| Bill Coleman                                            | Elaine Denning                  |
| 10209 Summit Ave                                        | 10207 Summit Ave               |
| Kensington, MD 20895                                    | Kensington, MD 20895           |

<table>
<thead>
<tr>
<th>Resident at</th>
</tr>
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<tbody>
<tr>
<td>4013 Cleveland St</td>
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<tr>
<td>Kensington, MD 20895</td>
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</tbody>
</table>
NOTES: Plat is of benefit to a consumer only to the extent as it is required by a lender or a title insurance company or its agent in connection with contemplated transfer, financing or refinancing, the plat is not to be relied upon for the establishment of 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 land and securing financing or refinancing.

LOCATION DRAWING
LOT 53 4
PART OF LOT 52
KENSINGTON PARK
MONTGOMERY COUNTY, MARYLAND

SCALE 1" = 40

CASE 11018
FILE 107679
DATE JUNE 28, 2018

Edward L. Lopez Jr.
Maryland Property Line Surveyor No. 822
License Current Through February 13, 2019
Detail: Existing wooden fence on Eastern border

Existing wooden fence on Eastern border

Applicant: Tim Johnson
Detail: Existing chain-link fence on western border.

Existing chain-link fence on western border.

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

Applicant: [Signatures]
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.