

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

<b>Address:</b>	9904 & 9906 Capitol View Ave., Silver Spring	<b>Meeting Date:</b>	9/9/2020
<b>Resource:</b>	1917-1935 Capitol View Park Historic District	<b>Report Date:</b>	9/2/2020
<b>Applicant:</b>	Andrewa Hidalgo and Kim Mazzarella	<b>Public Notice:</b>	8/26/2020
<b>Review:</b>	HAWP	<b>Tax Credit:</b>	n/a
<b>Case Number:</b>	31/07-20E	<b>Staff:</b>	Dan Bruechert
<b>PROPOSAL:</b>	Fence Installation		

**STAFF RECOMMENDATION**

☒ Approve  
☐ Approve with conditions

**ARCHITECTURAL DESCRIPTION**

**SIGNIFICANCE:** Period II (1917-1935) Resource to the Capitol View Park Historic District  
**STYLE:** Craftsman and Colonial Revival  
**DATE:** 1926 and 1932



*Fig. 1: 9904 and 9906 Capitol View Avenue*

## **PROPOSAL**

The applicants propose to remove the existing chain link fence enclosing the rear of the properties and install a 6' (six foot) tall wood, solid board fences. Due to the change in grade and the proximity of the houses along Capitol View Ave., the fences will only be minimally visible.

## **APPLICABLE GUIDELINES**

### **Policy On Use of Expedited Staff Reports for Simple HAWP Cases**

IV. The Expedited Staff Report format may be used on the following type of cases:

2. Modifications to a property, which do not significantly alter its visual character.
10. Construction of fences that are compatible with historic site or district in terms of material, height, location, and design. Requests for fences higher than 48" to be located in the front yard of a property will not be reviewed using an Expedited Staff Report.

### **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 ensure 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
- (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 Interior's Standards for Rehabilitation***

The Secretary of the Interior defines rehabilitation as "the act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features, which convey its historical, cultural, or architectural values." The relevant *Standards* are as follows:

2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall 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 RECOMMENDATION**

Staff recommends that the Commission **approve** the HAWP application under the Criteria for Issuance in

Chapter 24A-8(b)(1), (2), and (d), having found that the proposal will not substantially alter the exterior features of the historic resources 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](mailto:dan.bruechert@montgomeryplanning.org) to schedule a follow-up site visit.



FOR STAFF ONLY:  
HAWP# 923745  
DATE ASSIGNED \_\_\_\_\_

# APPLICATION FOR HISTORIC AREA WORK PERMIT

HISTORIC PRESERVATION COMMISSION  
301.563.3400

## APPLICANT:

Name: \_\_\_\_\_

E-mail: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ Zip: \_\_\_\_\_

Daytime Phone: \_\_\_\_\_

Tax Account No.: \_\_\_\_\_

## AGENT/CONTACT (if applicable):

Name: \_\_\_\_\_

E-mail: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ Zip: \_\_\_\_\_

Daytime Phone: \_\_\_\_\_

Contractor Registration No.: \_\_\_\_\_

**LOCATION OF BUILDING/PREMISE:** MIHP # of Historic Property \_\_\_\_\_

Is the Property Located within an Historic District? ☐ Yes/District Name \_\_\_\_\_

☐ No/Individual Site Name \_\_\_\_\_

Is there an Historic Preservation/Land Trust/Environmental Easement on the Property? If YES, include a map of the easement, and documentation from the Easement Holder supporting this application. No

Are other Planning and/or Hearing Examiner Approvals /Reviews Required as part of this Application? (Conditional Use, Variance, Record Plat, etc.?) If YES, include information on these reviews as supplemental information. No

Building Number: \_\_\_\_\_ Street: \_\_\_\_\_

Town/City: \_\_\_\_\_ Nearest Cross Street: \_\_\_\_\_

Lot: \_\_\_\_\_ Block: \_\_\_\_\_ Subdivision: \_\_\_\_\_ Parcel: \_\_\_\_\_

Lot 9, Block 31, (no liber/folio in deed)  
Lot 8, Block 31, Liber 4290, Folio 892

**TYPE OF WORK PROPOSED: See the checklist on Page 4 to verify that all supporting items for proposed work are submitted with this application. Incomplete Applications will not be accepted for review. Check all that apply:**

- |   |  |  |
|---|--|--|
| <input type="checkbox"/> New Construction   | <input type="checkbox"/> Deck/Porch          | <input type="checkbox"/> Shed/Garage/Accessory Structure |
| <input type="checkbox"/> Addition           | <input type="checkbox"/> Fence               | <input type="checkbox"/> Solar                           |
| <input type="checkbox"/> Demolition         | <input type="checkbox"/> Hardscape/Landscape | <input type="checkbox"/> Tree removal/planting           |
| <input type="checkbox"/> Grading/Excavation | <input type="checkbox"/> Roof                | <input type="checkbox"/> Window/Door                     |
|   |  | <input type="checkbox"/> Other: _____                    |

I hereby certify that I have the authority to make the foregoing application, that the application is correct and accurate and that the construction will comply with plans reviewed and approved by all necessary agencies and hereby acknowledge and accept this to be a condition for the issuance of this permit.

\_\_\_\_\_  
Signature of owner or authorized agent

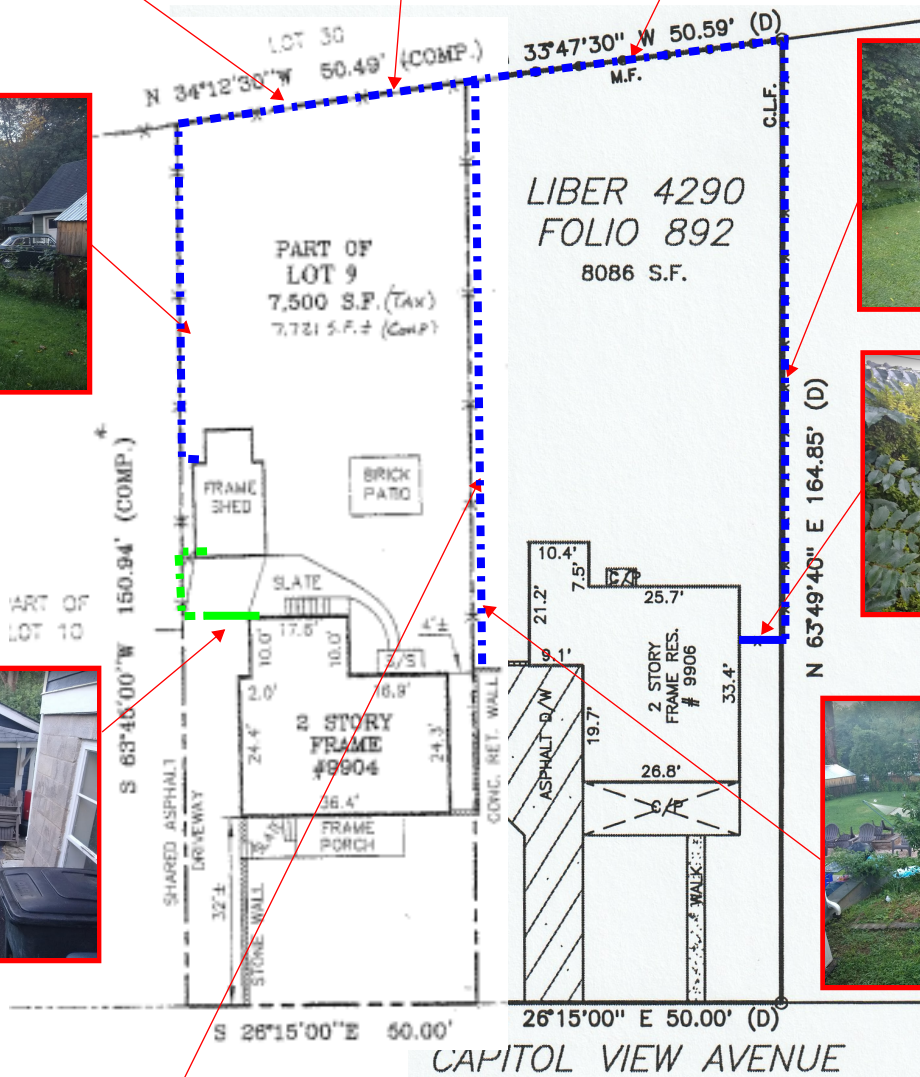
\_\_\_\_\_  
Date









**Description of Property:** Please describe the building and surrounding environment. Include information on significant structures, landscape features, or other significant features of the property:

**Description of Work Proposed:** Please give an overview of the work to be undertaken:

EXHIBIT A



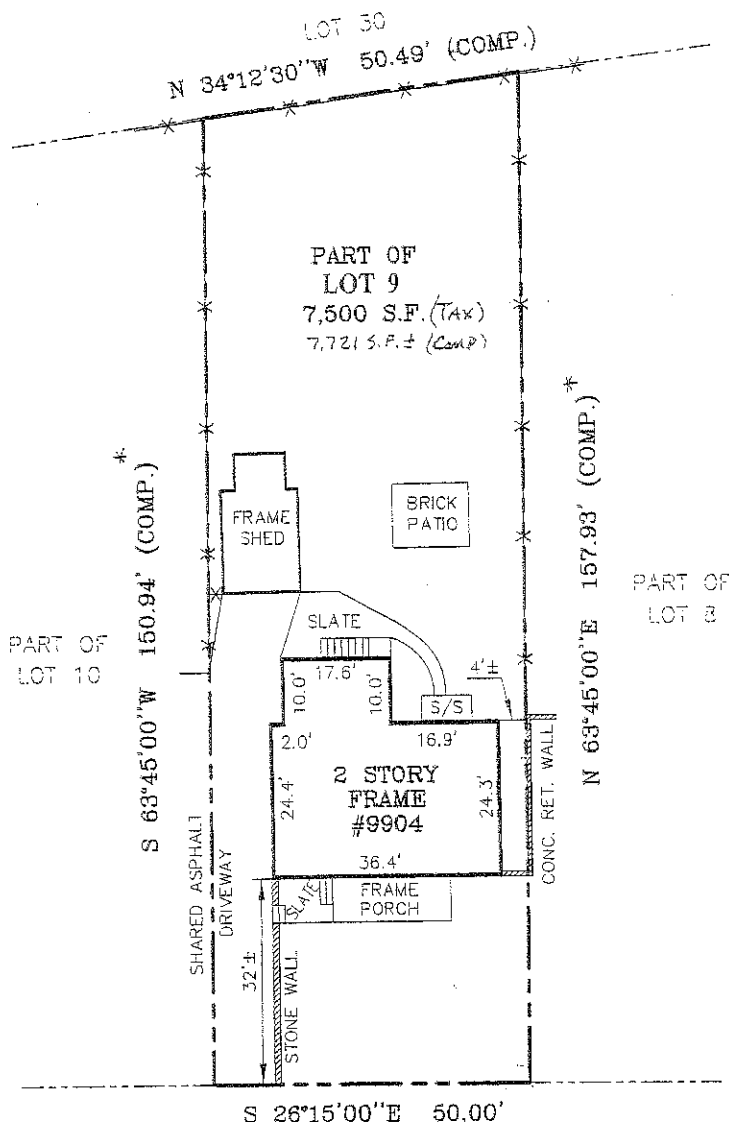
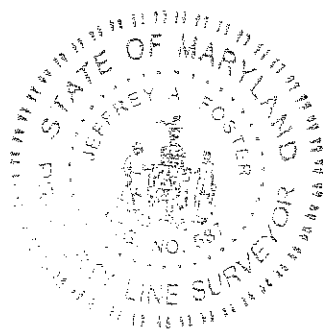
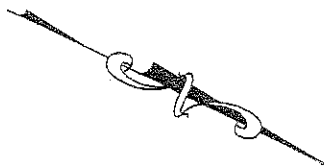
KEY	
	4' tall Western Red Cedar Flat Top Spaced Picket
	(2) 4'x4' Western Red Cedar Flat Top Spaced Picket
	6' tall Western Red Cedar Solid Board
	(1) 6' tall Western Red Cedar Solid Board Gate
	
	6

# CONSUMER INFORMATION NOTES:

1. This plan is a benefit to a consumer 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.
2. This plan is not to be relied upon for the establishment or location of fences, garages, buildings, or other existing or future improvements.
3. This plan does not provide for the accurate identification of property boundary lines, but such identification may not be required for the transfer of title or securing financing or re-financing.
4. Building line and/or Flood Zone information is taken from available sources and is subject to interpretation of originator.
5. No Title Report furnished.

## Notes:

1. Setback distances as shown to the principal structure from property lines are approximate. The level of accuracy for this drawing should be taken to be no greater than plus or minus 3 feet. No property corners confirmed.
2. Fences, if shown, have been located by approximate methods.
3. \* DENOTES SIDE DIMENSIONS BASED ON PROPERTY MARKERS.



LOCATION DRAWING  
PART LOT 9, BLOCK 31  
**CAPITOL VIEW PARK**  
MONTGOMERY COUNTY, MARYLAND

**CAPITOL VIEW AVENUE**

*[Handwritten signature]*

## SURVEYOR'S CERTIFICATE

"THE INFORMATION SHOWN HEREON HAS BEEN BASED UPON THE RESULTS OF A FIELD INSPECTION PURSUANT TO THE DEED OR PLAT OF RECORD. EXISTING STRUCTURES SHOWN HAVE BEEN FIELD LOCATED BASED UPON MEASUREMENTS FROM PROPERTY MARKERS FOUND OR FROM EVIDENCE OF LINES OF APPARENT OCCUPATION."

*Jeffrey A. Foster*  
MARYLAND PROPERTY LINE SURVEYOR REG. NO. 587  
EXPIRES: 04-02-2015

## REFERENCES

PLAT BK. A  
PLAT NO. 9  
LIBER 35447  
FOLIO 157



## SNIDER & ASSOCIATES LAND SURVEYORS

20270 Goldenrod Lane, Suite 110  
Germantown, Maryland 20876  
301/948-5100 Fax 301/948-1286

DATE OF LOCATIONS

SCALE: 1" = 30'

WALL CHECK:

DRAWN BY: E.H.

HSE. LOC.: 4-18-13

JOB NO.: 13-01521



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f: 301.670.2827  
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189 Kentlands Blvd, Suite 205 | Gaithersburg, MD 20878



PROPERTY ADDRESS: 9906 CAPITOL VIEW AVENUE SILVER SPRING, MARYLAND 20910

SURVEY NUMBER: MD1603.1915

FIELD WORK DATE: 3/16/2016

REVISION HISTORY: (REV.0 3/17/2016)

MD1603.1915  
LOCATION DRAWING  
9906 CAPITOL VIEW AVENUE  
MONTGOMERY COUNTY, MARYLAND  
03-17-2016 SCALE 1"=30'



GRAPHIC SCALE (In Feet)  
1 inch = 30' ft.

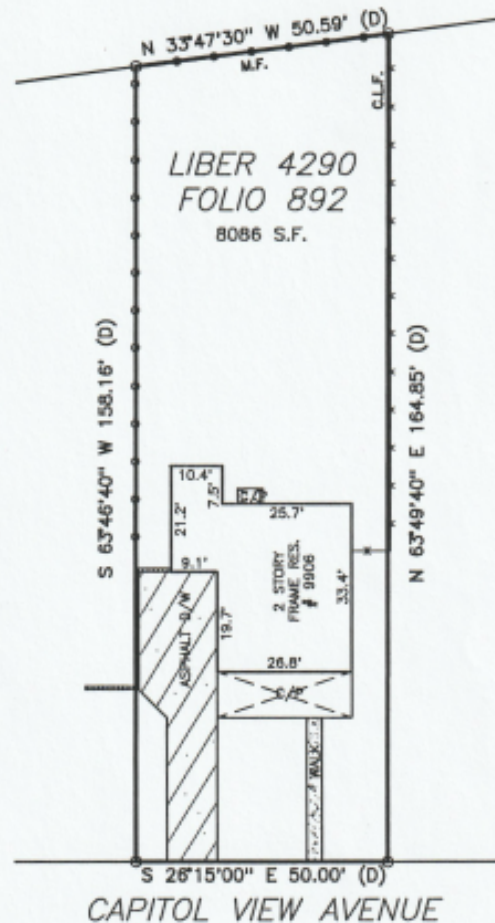
ACCURACY=3'

#### PLEASE NOTE

This House Location Drawing is for informational purposes only. Per Maryland State Code it may not be relied upon to determine property boundaries and may not be used for building permits or construction.



*William J. H. S.*  
EXPIRES 1-15-2017



POINTS OF INTEREST:  
NONE VISIBLE

CLIENT NUMBER: 169099GBG

DATE: 3/17/2016

BUYER: Mary C. Mazzarella and Julio Mazzarella,

SELLER: ARTHUR H. RODE

CERTIFIED TO:

MARY C. MAZZARELLA AND JULIO MAZZARELLA, ; RGS TITLE, LLC; FIRST

**Philip Piantone**



www.philippiantone.lnfre.com  
c: 301.919.1700  
o: 301.548.9700



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

<b>Owner's mailing address</b>  <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> Andrea Hidalgo  9904 Capitol View Ave  Silver Spring, MD  20910 </div> <div style="width: 45%;"> Kim Mazarella  9906 Capitol View Ave  Silver Spring, MD  20910 </div> </div>	<b>Owner's Agent's mailing address</b>  
<b>Adjacent and confronting Property Owners mailing addresses</b>	
David Blaufarb 9902 Capitol View Avenue Silver Spring, MD 20910	9908 Capitol View Avenue Silver Spring, MD 20910
9834 Capitol View Avenue Silver Spring, MD 20910	Heather Thompson 9907 Capitol View Avenue Silver Spring, MD 20910
Beth Street 9905 Capitol View Avenue Silver Spring, MD 20910	



DEPARTMENT OF PERMITTING SERVICES

Marc Elrich  
County Executive

Mitra Pedoeem  
Director

# HISTORIC AREA WORK PERMIT APPLICATION

Application Date: 8/17/2020

Application No: 923745  
AP Type: HISTORIC  
Customer No: 1382657

## Comments

This is a joint HAWP submission for fencing with homeowners of 9904 & 9906 Capitol View Ave, similar to HAWP Case 31/07-18D for fencing at 9905 & 9907 Capitol View Avenue. Andrea Hidalgo (primary applicant) owns 9904 and Kim Mazzarella 9906 Capitol View Avenue.

## Affidavit Acknowledgement

The Homeowner is the Primary applicant  
This application does not violate any covenants and deed restrictions

## Primary Applicant Information

Location	9904 Capitol View Avenue AVE Silver Spring, MD 20910
Homeowner	Hidalgo (Primary)
Othercontact	Mazzarella

## Historic Area Work Permit Details

Work  
Type CONST

Scope The applicants propose to remove the existing chain link fence between 9904 and 9906 Capitol View Avenue, as well as chain link fence between of adjoining properties 9834, 9902, and 9908 Capitol View Avenue. The applicants will install 6' high Western Red Cedar Solid Board fencing. (1) 6' high, 4' Work wide gate will be installed at the north side of 9906. At the bottom of 9904 driveway 24 lf of 4' high fencing and (2) 4' x 4' gates will be installed.