

MONTGOMERY COUNTY HISTORIC PRESERVATION COMMISSION
STAFF REPORT

Address:	7407 Baltimore Ave., Takoma Park	Meeting Date:	5/26/2021
Resource:	Outstanding Resource Takoma Park Historic District	Report Date:	5/19/2021
Applicant:	Laura Steinberg	Public Notice:	5/12/2021
Review:	HAWP	Tax Credit:	n/a
Permit No.:	950233	Staff:	Dan Bruechert
Proposal:	Deer Fence		

STAFF RECOMMENDATION

Staff recommends the HPC **approve** the HAWP.

ARCHITECTURAL DESCRIPTION

SIGNIFICANCE: Outstanding Resource to the Takoma Park Historic District
STYLE: Craftsman
DATE: c.1910



Figure 1: 7407 Baltimore Ave.

PROPOSAL

The applicant proposes to construct a deer fence in the side and rear yard of their property.

APPLICABLE GUIDELINES

When reviewing alterations and new construction within the Takoma Park Historic District several documents are to be utilized as guidelines to assist the Commission in developing their decision. These documents include the historic preservation review guidelines in the approved and adopted amendment for the *Takoma Park Historic District (Guidelines)*, *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.

Takoma Park Historic District Guidelines

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.

Outstanding Resources have the highest level of architectural and/or historical significance. While they will receive the most detailed level of design review, it is permissible to make sympathetic alterations, changes and additions. The guiding principles to be utilized by the Historic Preservation Commission are the *Secretary of the Interior's Standards for Rehabilitation*

Specifically, some of the factors to be considered in reviewing HAWPs on Outstanding Resources:

Plans for all alterations should be compatible with the resource's original design; additions, specifically, should be sympathetic to existing architectural character, including massing, height, setback, and materials

Preservation of original building materials and use of appropriate, compatible new materials is encourages

All changes and additions should respect existing environmental settings, landscaping, and patterns of open space

Montgomery County Code; Chapter 24A-8

- (a) 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 the Interior's Standards for Rehabilitation:

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 DISCUSSION

The applicant proposes to construct a deer fence in their side yard and at the rear of the property. The side and rear yards of the property are wooded and left in a relatively natural state. The proposed fence will be 8' (eight feet) tall and will be supported by 2" (two-inch) posts with a 1 3/8" (one and three-eighths inch) top rail.

The subject property is constructed on a double lot, with the house placed to the north. There is a detached one-bay garage to the south of the house. The applicant proposes installing the fence to the rear (east) of the detached garage and at the rear of their lot. Due to the topography of the site, neither section of fencing will be visible from the public right-of-way.

In this instance, the primary factor in Staff's evaluation is that the proposed fence will not be visible from the public right-of-way, not its efficacy as a mitigation measure for deer. For this reason alone, Staff finds a less rigorous review is required under the *Design Guidelines*. The *Guidelines* further state that the HPC should be guided by the principles identified in the Standards. Staff finds that the largely transparent design of the proposed fence, located behind the house, in an area not visible from the right-of-way, will preserve the character of the property and surrounding district (per Standard 2). Additionally, even though the fence supports will be placed in concrete, they can be removed at a future date without impacting the integrity of the property and its environment. For these reasons, Staff supports approval of this HAWP.

Staff is concerned by the proliferation of deer fences proposed in the more urban/suburban historic districts within Montgomery County. Considering this proposal's impact on the surrounding district was paramount. In the end, the fence's limited public visibility, coupled with the design's open character that would preserve neighboring properties' views, were sufficient justifications. Staff wishes to reiterate that this decision in no way establishes precedent and only applies to the unique circumstances at the subject property.

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), and the *Takoma Park Historic District Guidelines*, 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 an electronic set 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.



FOR STAFF ONLY:
HAWP# 950233
DATE ASSIGNED _____

**APPLICATION FOR
HISTORIC AREA WORK PERMIT**
HISTORIC PRESERVATION COMMISSION
301.563.3400

APPLICANT:

Name: Laura Steinberg

E-mail: laura@steinberg.com

Address: 7407 Baltimore Avenue

City: Takoma Park Zip: 20912

Daytime Phone: 301-758-2495

Tax Account No.: (a) 01079543 (b) 01079565

AGENT/CONTACT (if applicable):

Name: _____

E-mail: _____

Address: _____

City: _____ Zip: _____

Daytime Phone: _____

Contractor Registration No.: _____

LOCATION OF BUILDING/PREMISE: MIHP # of Historic Property 37/03

Is the Property Located within an Historic District? x Yes/District Name Takoma Park
____ 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.

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.

Building Number: 7407 Street: Baltimore Avenue

Town/City: Takoma Park Nearest Cross Street: Albany

Lot: (a) P1 (b) 3 Block: (a)82 (b)79 Subdivision: 0025 Parcel: 0000

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 checked="" 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

Laura Steinberg

Date
5/3/21

5

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

Owner's mailing address 7407 Baltimore Avenue Takoma Park MD 20912	Owner's Agent's mailing address
Adjacent and confronting Property Owners mailing addresses	
David Wiley 7403 Baltimore Avenue Takoma Park MD 20912	Alison Shelton 7400 Baltimore Avenue Takoma Park MD 20912

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

The house at 7407 Baltimore Avenue is a 1923 Sears Roebuck kit house in a high level of preservation.
The property consists of 2 full lots and parts of 2 lots.
The house sits on Lot 4 and has a woodland garden in the rear yard.
Lot 3 and both partial lots are wooded.

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

Installation of approximately 207 linear feet of black 8 ft high Elk and Large Animal Poly Vinyl Deer Fencing.
Per county requirement, the open mesh allows a clear view through the fence. All terminal posts will be 2 inch 16-gauge and all line posts will be 1 5/8 inch 16-gauge. All top rail will be 1 3/8 inches. All posts will be set 24 inches in ground.
All fencing will be in wooded areas. See attached photos.

Work Item 1: Fence Installation

Description of Current Condition:
Unfenced wooded areas

Proposed Work:
Deer Fence

Work Item 2: _____

Description of Current Condition:

Proposed Work:

Work Item 3: _____

Description of Current Condition:

Proposed Work:

HISTORIC AREA WORK PERMIT CHECKLIST OF APPLICATION REQUIREMENTS

	Required Attachments						
Proposed Work	I. 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	*	*	n/a per RB email *	*	*	n/a per RB email *	*
Driveway/ Parking Area	*	*		*	*	*	*
Grading/Excavation/ Landscaping	*	*		*	*	*	*
Tree Removal	*	*		*	*	*	*
Siding/ Roof Changes	*	*	*	*	*		*
Window/ Door Changes	*	*	*	*	*		*
Masonry Repair/ Repoint	*	*	*	*	*		*
Signs	*	*	*	*	*		*

RECOUNTING SURVEY, HATFIELD
Building Location Plot
1000 1/2 x 1/2 Block 71
Caring Park, South of Trust Company
East of Lot 111 and 1
VATSIKIN ST. BATHING TRAIL
TOWNSHIP, YORK

Scale: 1" = 30'

Surveyor's Certificate

We hereby certify that we have carefully examined the property shown hereon in accordance with record description, that all of the existing buildings have been located by a transit-tape survey, that lot corners have not been set by this survey unless otherwise shown.

Date: June 22, 1935

Plot Books 2 and 3
Plot Nos. 142 and 202

Recertified September 11, 1992

Frey, Sheehan, Dinker & Assn., Inc.
3486 Potomac Consultants
Phone 595-3110

By *James F. Sheehan*
James F. Sheehan
Professional Land Surveyor
Md. No. 2984



BALTIMORE AVENUE



This is a true and correct copy of the original survey as shown to the Department of Planning and Urban Development, Federal District Administration.

NANTUCKET COUNTY, MASSACHUSETTS
Including Location Plat
Lots 1 and 4 Block 99
Takoma Park Home & Trust Company
Part of Lots 1 and 2
YAFSAIR PL. BALDWIN TRAIL
TAKOMA PARK

Scale: 1" = 30'
Surveyor's Certificate

We hereby certify that we have carefully examined the property shown hereon in accordance with record description, that all of the existing buildings have been located by a transit-tape survey, that lot corners have not been set by this survey unless otherwise shown.
Date: June 22, 1985

Plat Books 2 and 3
Plat Nos. 142 and 202

Recertified September 11, 1992

Frey, Sheehan, Sinker & Assn., Inc.
3486 Planning Consultants
Phone 588-3110

By *James F. Sheehan*
James F. Sheehan
Professional Land Surveyor
Ms. No. 2984



**Note: Numbers
reference locations
shown in photos.**




This is a true and correct copy based on the original survey and is distributed to the Department of Planning and Urban Development, Federal Highway Administration.






2

A photograph of a garden scene. A red ribbon is stretched diagonally across the upper half of the image. In the center, there is a grey circular label with a red border containing the text "3(a)". The background is filled with lush green trees and bushes. The foreground is covered in dark brown mulch and some green plants.

3(a)

A photograph of a forest interior. A red survey line is stretched across the scene, starting from a tree on the left and extending towards the right. The ground is covered with dense green vegetation, including tall grasses and various shrubs. In the background, there are more trees and a dense canopy. A circular label with the text "3 (b)" is overlaid on the image, positioned near the center. The label has a grey background and a red border.

3 (b)