

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

<b>Address:</b>	10245 Capitol View Ave., Silver Spring	<b>Meeting Date:</b>	5/26/2021
<b>Resource:</b>	1870 - 1916 Capitol View Park Historic District	<b>Report Date:</b>	5/19/2021
<b>Applicant:</b>	Scott Kabat	<b>Public Notice:</b>	5/12/2021
<b>Review:</b>	HAWP	<b>Tax Credit:</b>	No
<b>Case No.:</b>	<b>Pending</b>	<b>Staff:</b>	Dan Bruechert
<b>PROPOSAL:</b>	Accessory Structure Demolition, Accessory Dwelling Unit Construction, and Porch Demolition		

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**STAFF RECOMMENDATION**

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

**ARCHITECTURAL DESCRIPTION**

**SIGNIFICANCE:** 1870 – 1916 Resource in the Capitol View Historic District  
**STYLE:** Colonial Revival  
**DATE:** 1893



*Figure 1: 10245 Capitol View Avenue.*

## **PROPOSAL**

The applicant proposes to expand an existing deck, construct a rear patio, and install an accessory structure.

## **APPLICABLE GUIDELINES**

### ***Capitol View Park Historic District***

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.

### ***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 the 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 *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 shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
- 10. New additions and adjacent or related new construction shall 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 three work items in this HAWP: an extension of the existing rear deck, construction of a rear patio, and the installation of a new accessory storage building. Staff finds the three

elements will have a minimal impact on the character of the historic site and surrounding district.

The first item proposed is an extension of the existing rear deck. The proposed extension measures 9' × 4' (nine feet by four feet) and includes a set of wooden stairs. The design and materials match the existing deck. Staff finds this element, constructed off of the rear corner of a non-historic addition will not have a significant impact on the character of the site or district and recommends approval under 24A-8(b)(1) and (d) and Standards 2, 9, and 10.

The second item proposed is the construction of a stamped concrete patio at the rear of the house. The area currently has a small flagstone section immediately to the rear of a basement level door. The proposed patio measured 16' × 16' (sixteen feet square) and will not be at all visible from the right-of-way. Staff finds the proposed patio will not have an impact on the historic character of the site and district and recommends approval under 24A-8(b)(1).

The final item proposed under this HAWP is a storage shed. The shed measures 12' × 8' and has a metal roof and T1-11 siding (see below). The proposed shed is located along the right property line.



Figure 2: Rendering of the proposed shed.

Typically, accessory buildings are required to be placed behind the house, so they don't detract from the character of the site and/or district. There is a conservation easement at the rear of this property, so installing the shed behind the house is not feasible.



Figure 3: Map showing the approximate location of the conservation easement on the property.

While Staff does not want to make a habit of recommending approval of accessory buildings in the side yard of properties in historic districts, this is an instance where it appears to be appropriate. The lot to the east is undeveloped and based on the boundary of the conservation easement appears to be unbuildable. The shed will not detract from a sense of openness that is typical in the more suburban historic districts, and it will be far enough away from the house that the shed's appearance will not detract from the historic character. The applicant also selected the design of the proposed shed for its metal roof to tie the accessory structure to the historic porch roofing.

Staff finds design and materials of the shed are appropriate for the site and district. Staff additionally finds that the location of the shed is driven by a lack of other options and, finding that the preferred location is infeasible, the proposed location is acceptable. Staff recommends the HPC approve the shed under 24A-8(b)(1),(2) and (d), and Standards 2, 9, and 10.

### **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 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](mailto:dan.bruechert@montgomeryplanning.org) to schedule a follow-up site visit.





APPLICATION FOR  
HISTORIC AREA WORK PERMIT  
HISTORIC PRESERVATION COMMISSION  
301.563.3400

FOR STAFF ONLY:

HAWP# \_\_\_\_\_

DATE ASSIGNED \_\_\_\_\_

**APPLICANT:**

Name: Scott Kabat

E-mail: thekabats5@yahoo.com

Address: 10245 Capitol View Ave.

City: Silver Spring Zip: 20910

Daytime Phone: 301-946-7713

Tax Account No.: 03534831

**AGENT/CONTACT (if applicable):**

Name: Not Applicable

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

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

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

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

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

**LOCATION OF BUILDING/PREMISE:** MIHP # of Historic Property 31-7-14

Is the Property Located within an Historic District? X Yes/District Name Capitol View  
   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: \_\_\_\_\_ Street: \_\_\_\_\_

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

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

**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:**

☐ New Construction

☒ Deck/Porch

☒ Shed/Garage/Accessory Structure

☐ Addition

☐ Fence

☐ Solar

☐ Demolition

☒ Hardscape/Landscape

☐ Tree removal/planting

☐ Grading/Excavation

☐ Roof

☐ Window/Door

☐ 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

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

**Owner's mailing address**

Scott Kabat  
10245 Capitol View Ave.  
Silver Spring, MD 20910

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

same

**Adjacent and confronting Property Owners mailing addresses**

10241 Capitol View Ave.  
Silver Spring, MD 20910



10212 Kensington LLC  
3024 44th Street, NW  
Washington, DC 20016

Ms. Delores M. Howard  
10236 Capitol View Ave  
Silver Spring, MD 20910

Mr. Erick Henson  
10238 Capitol View Ave.  
Silver Spring, MD 20910

Mr. Encarnacio Marques  
10240 Capitol View Ave.  
Silver Spring, MD 20910

Mr. Frank Koehler  
10301 Metropolitan Ave.  
Kensington, MD 20895

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

Capitol View is a community developed along B&O Railroad. The house itself was one of the original structures built in 1893 after the subdivision was first platted in 1887. The original construction was a colonial revival framed farm house and it still looks much as it did then today. It originally was a large two and a half story square framed house that sat on approximately 1.5 acres of land and included a shed and other outbuildings. The house was completely refurbished in approximately 2006 with work including building out the basement (formally a unfinished cellar) as well as adding a living room in the rear of the house. Currently the house sits on 1/2 acre of land with a forest easement to the back that keeps the rear forest intact.

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

Work proposed includes three separate items: 1) a small extension of the rear facing wood deck with new stairs to the ground to provide access to the lawn area of the house from the main building level, 2) a new shed for storage of materials for care of the building grounds (there is no unfinished space or storage in the building itself.), and 3) the creation of an outdoor patio area within a portion of the space in the back of the house. All work is planned for the side and rear of the property.

Work Item 1: Deck Addition

Description of Current Condition:

An existing deck triangular in size approximately 11'x11' exists on the site.

Proposed Work:

An approximate 9'x4' addition is proposed for the new deck. The new deck will be freestanding without gravity support by the existing deck. New stairs will be added for access to the yard. Railings and surface to be close matches in appearance and material to the existing deck.

Work Item 2: Shed

Description of Current Condition:

None

Proposed Work:

An 8x12 shed is proposed per the attached site plan.

Work Item 3: Patio/Sun Shade

Description of Current Condition:

The existing condition in the back corner of the fenced area is grass.

Proposed Work:

An approximately 16'x16' stamped concrete patio is proposed in this area. A sand colored sun shade is proposed near this area to protect against afternoon sun.



# CONSUMER INFORMATION NOTES:

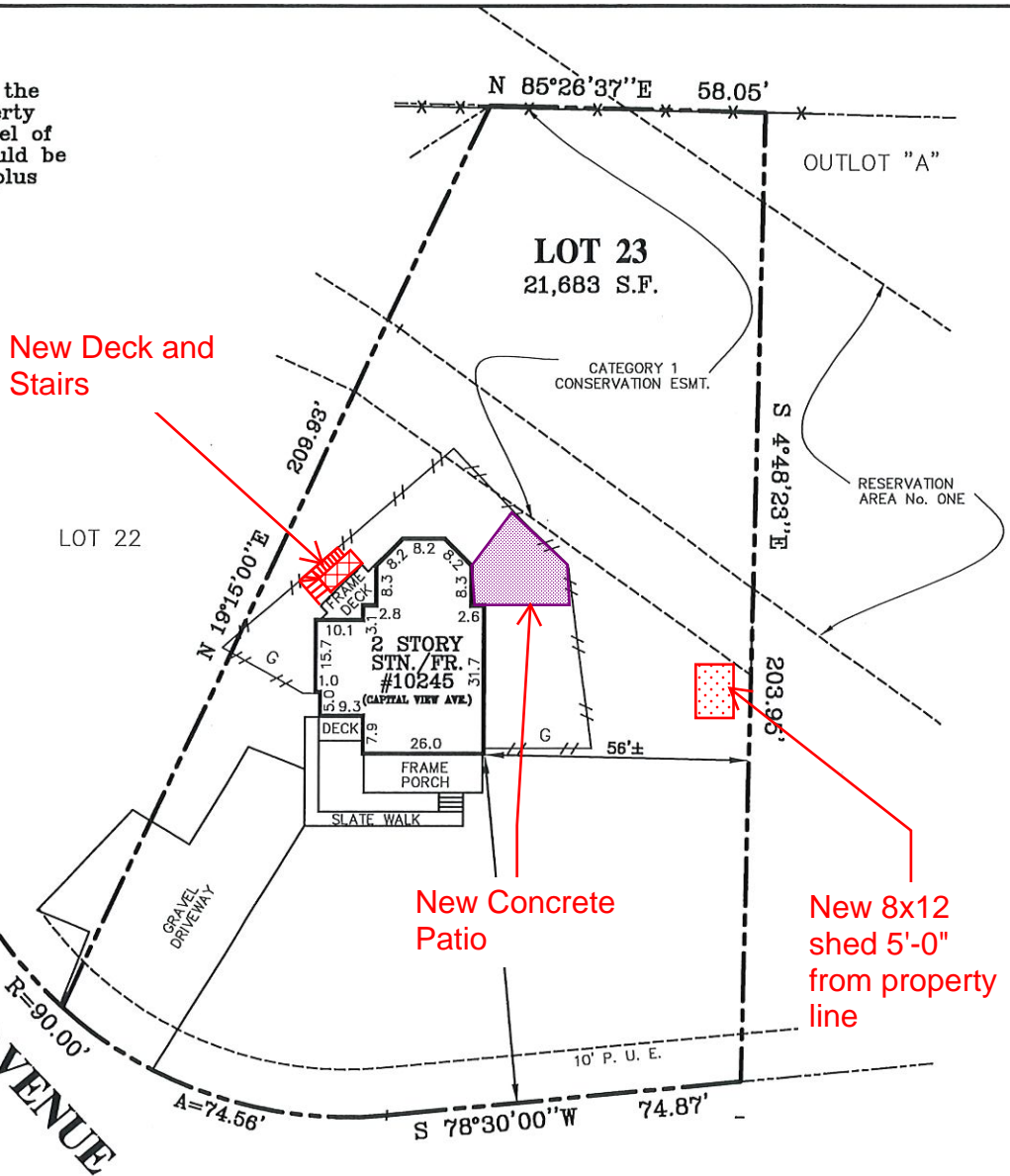
1. This plan is a benefit to a consumer insofar as it is required by a lender or a title insurance company or its agent in connection with contemplated transfer, financing or re-financing.
2. This plan is not to be relied upon for the establishment or location of fences, garages, buildings, or other 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 2 feet.
2. Fences have been located by approximate methods.



**METROPOLITAN AVENUE**  
(MD ROUTE 192)  
(VARIABLE R/W PER PLAT)



**CAPITAL VIEW AVENUE**  
(VARIABLE R/W PER PLAT)

LOCATION DRAWING  
LOTS 23, BLOCK 2  
CAPITAL VIEW PARK  
MONTGOMERY COUNTY, MARYLAND

SURVEYOR'S CERTIFICATE	REFERENCES	<div data-bbox="906 1728 1036 1854"> </div> <div data-bbox="1084 1738 1477 1890"> <b>SNIDER &amp; ASSOCIATES</b>                      LAND SURVEYORS                      19544 Amaranth Drive                      Germantown, Maryland 20874                      301/948-5100 Fax 301/948-1286                      WWW.SNIDERSURVEYS.COM                 </div>	
"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."	PLAT BK. PLAT NO. 23397	DATE OF LOCATIONS WALL CHECK: HSE. LOC.: 5-06-19	SCALE: 1" = 40' DRAWN BY: P.Y./K.W.L. JOB NO.: 07-2020
<div data-bbox="66 1885 558 2009">                      MARYLAND PROPERTY LINE SURVEYOR REG. NO. 587                      Expires: 04-02-2021                 </div>	LIBER FOLIO		







