

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

<b>Address:</b>	10001 Menlo Ave., Silver Spring	<b>Meeting Date:</b>	10/13/2021
<b>Resource:</b>	Post-1935 Resource (non-contributing) <b>Capitol View Park Historic District</b>	<b>Report Date:</b>	10/6/2021
<b>Applicant:</b>	Anthony Eames	<b>Public Notice:</b>	9/29/2021
<b>Review:</b>	HAWP	<b>Tax Credit:</b>	No
<b>Case No.:</b>	966990	<b>Staff:</b>	Dan Bruechert
<b>PROPOSAL:</b>	Fence Installation		

**STAFF RECOMMENDATION**

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

**ARCHITECTURAL DESCRIPTION**

**SIGNIFICANCE:** Post 1935 (non-contributing) Resource to the Capitol View Historic District  
**STYLE:** Colonial Revival  
**DATE:** 1945



*Figure 1: 10001 Menlo Ave., Silver Spring.*

## **PROPOSAL**

The applicant proposes to install fencing to enclose a portion of the subject property.

## **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
  - (4) The proposal is necessary in order that unsafe conditions or health hazards be remedied; 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 to install two types of wood fences at the subject property. At the front of the house, which faces the intersection of Menlo and Leafy Aves., the applicant proposes to install 276’ (two hundred seventy-six linear feet) of 4’ (four-foot-tall) gothic picket fence. The pickets will be 1” × 4” × 4’

(one inch, by four inches, by four feet tall). At the rear of the property, along Leafy Ave., the applicant proposes to install 77' (seventy-seven linear feet) of 6' (six-foot-tall) solid board fence. The posts will all be set in concrete.

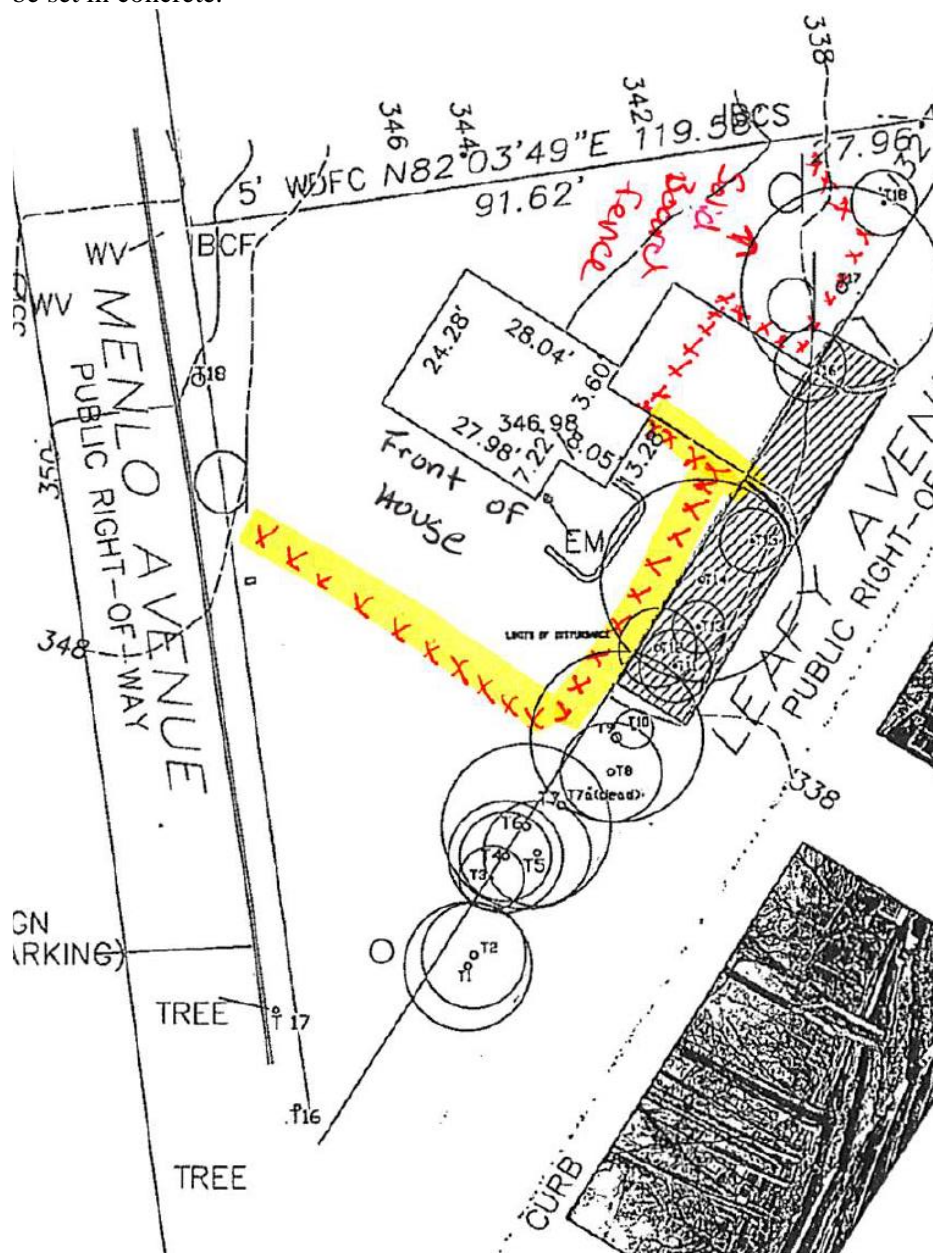


Figure 2: The highlighted fence is a 4' picket, and red 'x' at the rear are a 6' solid board fence.

Staff finds that the lower picket fence is consistent with the HPC's typical requirement that fences in front of the historic rear wall plane be lower than 48" (forty-eight inches) and have an open picket character to preserve the character of the streetscape and recommends approval under 24A-8(b)(1).

Because of the unique triangular shape of the subject property, the taller solid board fence requires further examination. As stated above, the reason for the lower, open picket design is to preserve the open character of the streetscape. This allows most interior lots on traditional blocks to install taller, solid fences at the rear to create additional privacy without impacting the district's character. Staff finds that the solid board fence will not disrupt the open character of the surrounding district. It is important to note that no houses front the west side of Leafy Ave. The houses to the north of the subject property front



Menlo Ave. and run the entire width of the block, with access from the rear at Leafy Ave. This significantly changes the character and settlement pattern of this block, so the west side of Leafy lacks the formal setback found elsewhere in the district. Staff finds that photographs of this block do not effectively demonstrate the character of the district and recommend the Commissioners conduct a site visit or utilize Google Street View for a more thorough understanding of the character of this section of the district.<sup>1</sup>

Staff notes that DPS will be the final arbiter for determining if the Leafy Ave. side of the property is also considered the 'front' for zoning purposes. If that side of the property is determined to be the front, other limitations on the fence height and placement may be required.



Figure 3: Map of the subject property showing the boundaries of the Capitol View Historic District.

### **STAFF RECOMMENDATION**

Staff recommends that the Commission **approve** the HAWP application under the Criteria for Issuance in Chapter 24A-8(b)(1) 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

<sup>1</sup> The Google Street View of the block of Leafy Ave. is available here: [https://www.google.com/maps/place/10001+Menlo+Ave,+Silver+Spring,+MD+20910/@39.0193975,-77.0583649,3a,75y,353.37h,73.67t/data=!3m6!1e1!3m4!1sfqgFMFmr\\_8jOL4nt4M\\_hyg!2e0!7i16384!8i8192!4m5!3m4!1s0x89b7ced7b103a851:0x203ce0301dc1f906!8m2!3d39.0196048!4d-77.0583973](https://www.google.com/maps/place/10001+Menlo+Ave,+Silver+Spring,+MD+20910/@39.0193975,-77.0583649,3a,75y,353.37h,73.67t/data=!3m6!1e1!3m4!1sfqgFMFmr_8jOL4nt4M_hyg!2e0!7i16384!8i8192!4m5!3m4!1s0x89b7ced7b103a851:0x203ce0301dc1f906!8m2!3d39.0196048!4d-77.0583973). The subject property is directly in front of the landing page.

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# 966990  
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.

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

**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:

Work Item 1: _____	
Description of Current Condition:	Proposed Work:

Work Item 2: _____	
Description of Current Condition:	Proposed Work:

Work Item 3: _____	
Description of Current Condition:	Proposed Work:



Adjacent and Confronting Properties:

Silver Spring, MD 20910

10005 Menlo Avenue

9905 Capitol View Avenue

9907 Capitol View Avenue

9909 Capitol View Avenue

9911 Capital View Avenue

10000 Brunswick Avenue

# 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	*	*	*	*	*	*	*
Driveway/ Parking Area	*	*		*	*	*	*
Grading/Excavation/ Landscaping	*	*		*	*	*	*
Tree Removal	*	*		*	*	*	*
Siding/ Roof Changes	*	*	*	*	*		*
Window/ Door Changes	*	*	*	*	*		*
Masonry Repair/ Repoint	*	*	*	*	*		*
Signs	*	*	*	*	*		*



DEPARTMENT OF PERMITTING SERVICES

Marc Elrich  
*County Executive*

Mitra Pedoeem  
*Director*

# HISTORIC AREA WORK PERMIT APPLICATION

Application Date: 9/14/2021

Application No: 966990  
AP Type: HISTORIC  
Customer No: 1322032

## Comments

Line posts will be 4"x4" pressure treated pine set in concrete 30"-36" with with a gothic cut top. Gate posts will be 6"x6" pressure treated pine set in concrete 30"-36" with gothic cut top.

## Affidavit Acknowledgement

The Contractor is the Primary applicant authorized by the property owner  
This application does not violate any covenants and deed restrictions

## Primary Applicant Information

Address 10001 MENLO AVE  
SILVER SPRING, MD 20910  
Othercontact Calco Fence and Deck (Primary)

## Historic Area Work Permit Details

Work  
Type CONST

Scope of Work Install approximately 77 linear feet of 6' high cedar solid board fencing in backyard of house, boards will be 1"x6"x6'. In front of house install approximately 276 linear feet of 4' high cedar dogeared picket fence using 1"x4"x4' boards.

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

Primary structure built 1945, Above grade living area is 1,536 SF, Finished Basement area 500 SF, Property land area is 8,041 SF, county use 111, Stories 2, Exterior - Frame. Three bedroom three full baths.

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

Install approximately 77 linear feet of 6' high cedar solid board fencing in backyard of house, boards will be 1"x6"x6' boards. In front of house install approximately 276 linear feet of 4' high cedar picket fence using 1"x4"x4' gothic cut boards. Line posts will be 4"x4" pressure treated pine set in concrete 30"-36". Gate posts will be 6"x6" pressure treated pine set in 30"-36". Posts will have a gothic cut top.



APPLICATION FOR  
HISTORIC AREA WORK PERMIT  
HISTORIC PRESERVATION COMMISSION  
301.563.3400

FOR STAFF ONLY:

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

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

**APPLICANT:**

Name: Anthony Eames

Address: 10001 Menlo Ave.

Daytime Phone: 773-810-9576

E-mail: aeames75@gmail.com

City: Silver Spring Zip: 20910

Tax Account No.: 00995684

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

Name: Jeff Aronson - Calco Fence

Address: 4224 Ijamsville Rd

Daytime Phone: 301-349-5540

E-mail: calcofencemd@gmail.com

City: Ijamsville Zip: 21754

Contractor Registration No.: 134235

**LOCATION OF BUILDING/PREMISE:** MIHP # of Historic Property 31-07

Is the Property Located within an Historic District? Yes/District Name Capital View 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: \_\_\_\_\_ Street: 10001 Menlo Ave.

Town/City: Silver Spring Nearest Cross Street: Leafy Ave.

Lot: 12 Block: 33 Subdivision: 0005 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.

Jeff Aronson  
Signature of owner or authorized agent

9/17/21  
Date



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

<b>Owner's mailing address</b> Anthony Eames 10001 Menlo Ave. Silver Spring, MD 20910	<b>Owner's Agent's mailing address</b> Calco Fence & Deck 4224 Tjamsville Rd, Ste B Tjamsville, MD 21754
<b>Adjacent and confronting Property Owners mailing addresses</b>	
Ally & Tom 10005 Menlo Ave. Silver Spring, MD 20910	

Work Item 1: <u>Fencing</u>	
Description of Current Condition: Currently no fence exists on property.	Proposed Work: Install 77 linear feet of 6' high cedar solid board fencing in back yard using 1"x6"x6' boards. In front of house, install 2765 linear feet of 4' high cedar picket fencing using 1"x4"x4' boards. Line posts will be 4"x4" set in concrete 30"-36" with gothic cut top. Gate posts will be 6"x6" set in concrete 30"-36" with gothic cut top.

Work Item 2: <u>N/A</u>	
Description of Current Condition:	Proposed Work:

Work Item 3: <u>N/A</u>	
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	*	*	*	*	*	*	*
Driveway/Parking Area	*	*		*	*	*	*
Grading/Excavation/Landscaping	*	*		*	*	*	*
Tree Removal	*	*		*	*	*	*
Siding/ Roof Changes	*	*	*	*	*		*
Window/ Door Changes	*	*	*	*	*		*
Masonry Repair/ Repoint	*	*	*	*	*		*
Signs	*	*	*	*	*		*

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AYLI - Calco Fencing Company, LLC  
dba **Calco Fence & Deck**  
4224 Ijamsville Road, Suite B  
Ijamsville, MD 21754

*"Set Yourself Apart"*

301-349-5540 • Fax: 301-279-7129

Email: calcofence@gmail.com

http://www.calcofence.com

MHIC #134235 • VAHIC#2705086714

DC #420214000075

Responsible Party: Anthony Eames Job Address: Same Date: 08/30/2021  
Address: 10001 Menlo Ave. Tel.: (H) 773-810-9576 (W) \_\_\_\_\_  
City, State, ZIP: Silver Spring, Md. 20910 Cell \_\_\_\_\_ Email aeames75@gmail.com

Customer is responsible for: TRIMMING OR REMOVING TREES OR BUSHES [ ] CALCO to trim trees and bushes as needed.

Existing Fence: [ ] None [ ] Clear & Haul Materials: [ ] Pr. Trtd. ☒ Cedar [ ] Other: \_\_\_\_\_ Existing Dogs: [ ] Yes ☒ No

Split Rail: [ ] 3 Hole (48") [ ] 4 Hole (60") Wire: [ ] 14 ga. galv. [ ] Black [ ] Green Inv. Pet Fence: [ ] Yes ☒ No

We propose, subject to acceptance, to sell and to install on your property the materials per the specifications described below: Outdoor Lighting: [ ] Yes ☒ No

Purchase and install all materials needed to create the following: Sprinkler System: [ ] Yes ☒ No

Install approximaely 77 linear ft. of 6 ft. high cedar solid board fencing.  
Boards will be 1x6x6 with 1x4x8 cap board.

Install one 4 ft. wide x 6 ft. high solid board gate.

Install approximaely 276 linear ft. of 4 Ft. high cedar dogeared picket fence using 1"x4"x4"

Install one 4 ft. wide x 4 ft. high cedar picket gate.

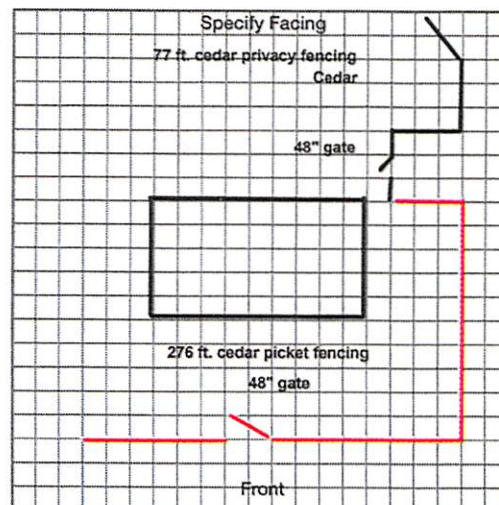
NOTE: All gate post anchored in concrete.

Line posts will be 4"x 4" pressure treated pine set in concrete 30" - 36" with a gothic cut top.

Gate posts will be 6"x 6" Pressure treated pine set in concrete 30" - 36" with a gothic cut top.

Gate hardware will be black hinges with a thumb latch.

All resulting debris will be removed from the site.



Total Contract \$ 10,485.00 *PD 9/3/21*

Deposit \$ 3495.00 (Due at Signing)

2nd Payment \$ 3495.00 (Due at Start)  
(Please Pay Foreman)

Final Payment \$ 3495.00 (Due at Completion)  
(Please Pay Foreman)

Permit \$ included (Not Included on Contract)

Posts: ☒ Gothic [ ] Col. Gothic Caps: \_\_\_\_\_ Pickets: [ ] Plain ☒ Gothic [ ] Col. Gothic Fence Top: ☒ Straight  
Runners: [ ] two ☒ three [ ] 2x4 [ ] mounted TECO brackets [ ] Concave (Dip) [ ] Convex (Oval)  
Gates: ☒ Solid Board ☒ Picket [ ] Split Rail [ ] Aluminum [ ] Steel [ ] Vinyl Height: ☒ 4' [ ] 5' ☒ 6'  
Single Width: [ ] 36" [ ] 42" ☒ 48" [ ] 60" Double Width: [ ] 6' [ ] 8' [ ] 10' Latches: ☒ Thumb [ ] Gravity [ ] Pool Latch Gate Top: ☒ Straight  
[ ] Concave (Dip) [ ] Convex (Oval)

Name on Charge Card: \_\_\_\_\_ Acct. # \_\_\_\_\_ Exp. Date: \_\_\_\_\_ CWV Code: \_\_\_\_\_

CC Charges will be charged 3% Transaction Fee

CALCO FENCE & DECK: *Verified by PDFfiller*  
*John Robinson*

Estimator's Phone # 240-380-5252

Calco License # 134235

Responsible Party: *[Signature]*

Date of Acceptance: \_\_\_\_\_

*To mail in contract: please sign white original copy and mail to CALCO FENCE with deposit; retain yellow duplicate copy for your records.*  
*This proposal is good for 30 days, incorporates the terms and conditions overleaf and is not binding on CALCO FENCE until accepted at the CALCO office.*

Attempt to Permit: [ ] Customer ☒ CALCO Additional Fee Customer to Provide ☒ Plat [ ] HOA Approval [ ] Survey ☒ Calco will contact M&E Utility



[illegible]

1-18. Leafy Av. Kensington			
	Trunk Diameter	common name	Critical Root Zone
T1	13"	Tulip poplar	19.5'
T2	11"	Tulip poplar	16.5'
T3	6.5"	Tulip poplar	10'
T4	11.8"	Tulip poplar	17.7'
T5	11"	Tulip poplar	16.5'
T6	13.7"	Tulip poplar	22.5'
T7	Dead		
T7a	Dead		
T8	10.6"	Tulip poplar	15.8'
T9	17.5"	Tulip poplar	26.3'
T10	4.5"	Tulip poplar	6.3'



HAWP App # 966990  
10001 Menlo Ave.  
Silver Spring, MD 20910



Example solid board fence. Posts to have  
gothic cut tops



HAWP App. # 966990

10001 Menlo Ave.  
Silver Spring, MD 20910



Example gothic cut 4' high picket fence

HAWP App # 966990

10001 Menlo Ave.

Silver Spring, MD 20910



Gothic cut posts example





Front side  
App # 966990





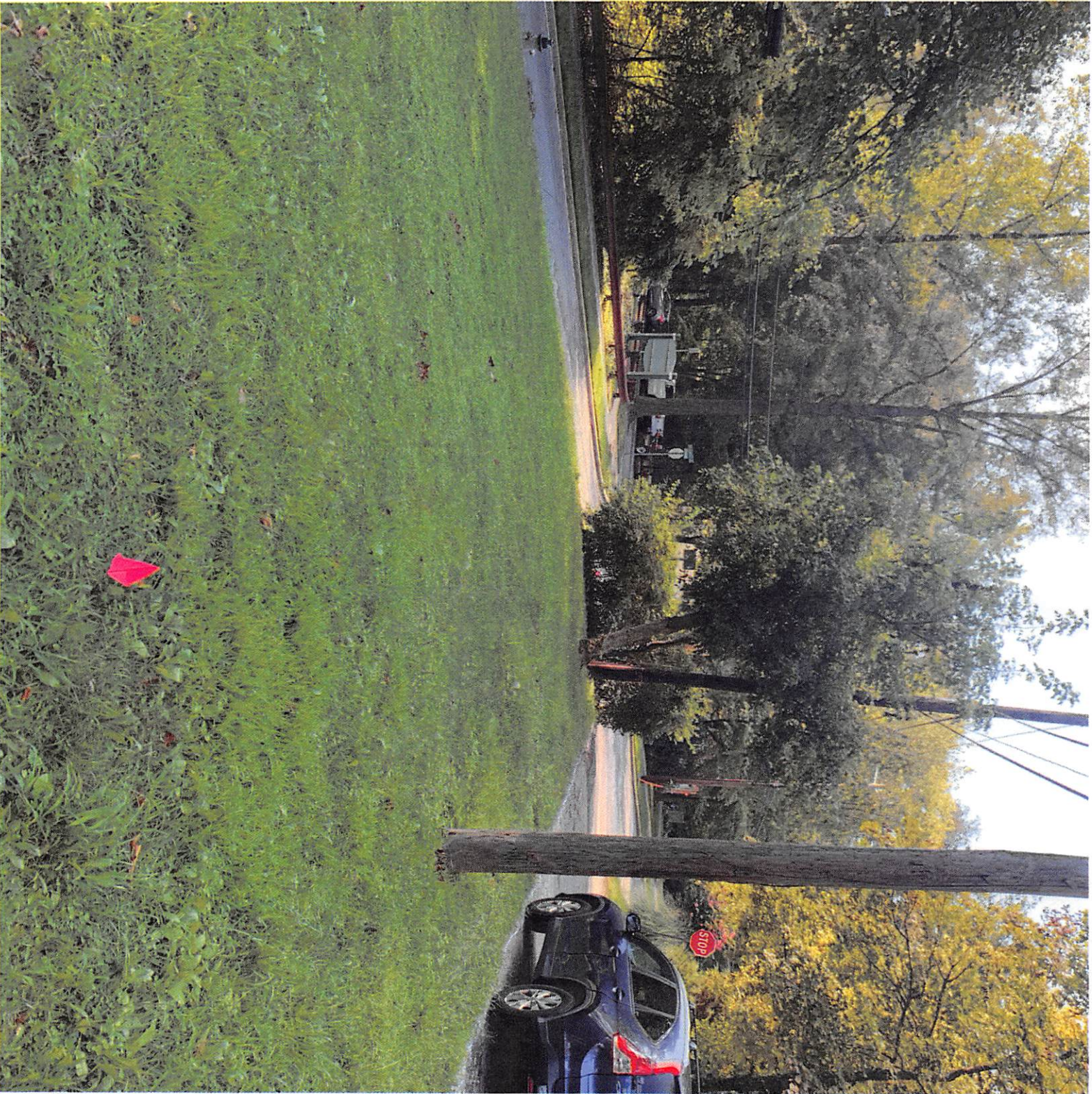
Backyard  
App # 966938





side yard  
App # 966990





Front yard  
App # 966 990  
25