

MONTGOMERY COUNTY HISTORIC PRESERVATION COMMISSION
STAFF REPORT

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

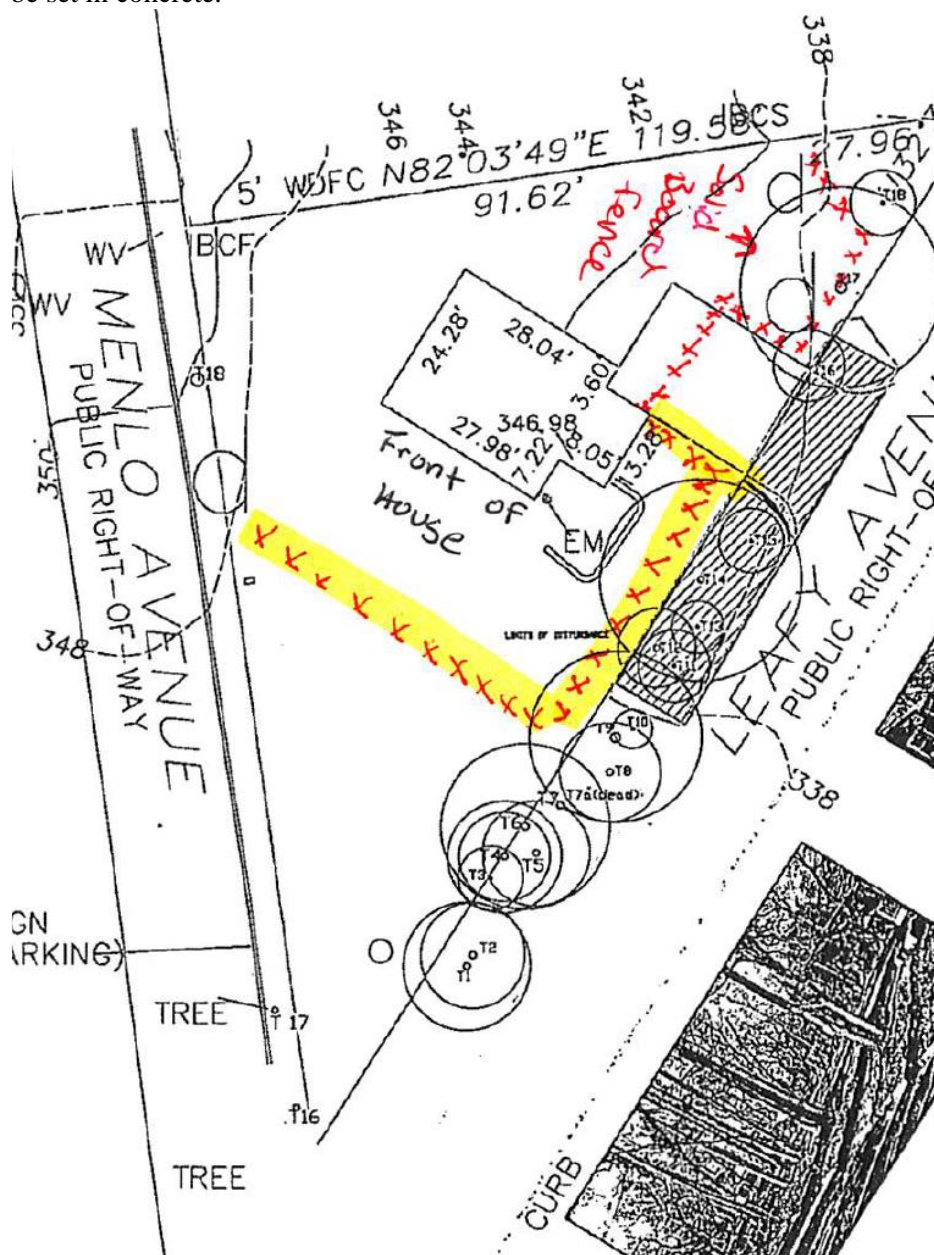


Figure 2: The highlighted fence is a 4' picket, and red 'x' at the rear are a 6' solid board fence.

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.¹

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

¹ 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. 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 to schedule a follow-up site visit.



APPLICATION FOR HISTORIC AREA WORK PERMIT
HISTORIC PRESERVATION COMMISSION
301.563.3400

FOR STAFF ONLY:
HAWP# 966990
DATE ASSIGNED

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, Addition, Demolition, Grading/Excavation, Deck/Porch, Fence, Hardscape/Landscape, Roof, Shed/Garage/Accessory Structure, Solar, Tree removal/planting, 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 Pedoem
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:

- Checklist of work types: New Construction, Addition, Demolition, Grading/Excavation, Deck/Porch, Fence, Hardscape/Landscape, Roof, Shed/Garage/Accessory Structure, Solar, Tree removal/planting, 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 9/17/21

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

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

<p>Ally & Tom 10005 Menlo Ave. Silver Spring, MD 20910</p>	

Work Item 1: Fencing

<p>Description of Current Condition: Currently no fence exists on property.</p>	<p>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.</p>
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Work Item 2: N/A

<p>Description of Current Condition:</p>	<p>Proposed Work:</p>
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Work Item 3: N/A

<p>Description of Current Condition:</p>	<p>Proposed Work:</p>
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HAWP App # 966990

10001 Menlo Ave.

Silver Spring, MD 20910



Gothic cut posts example



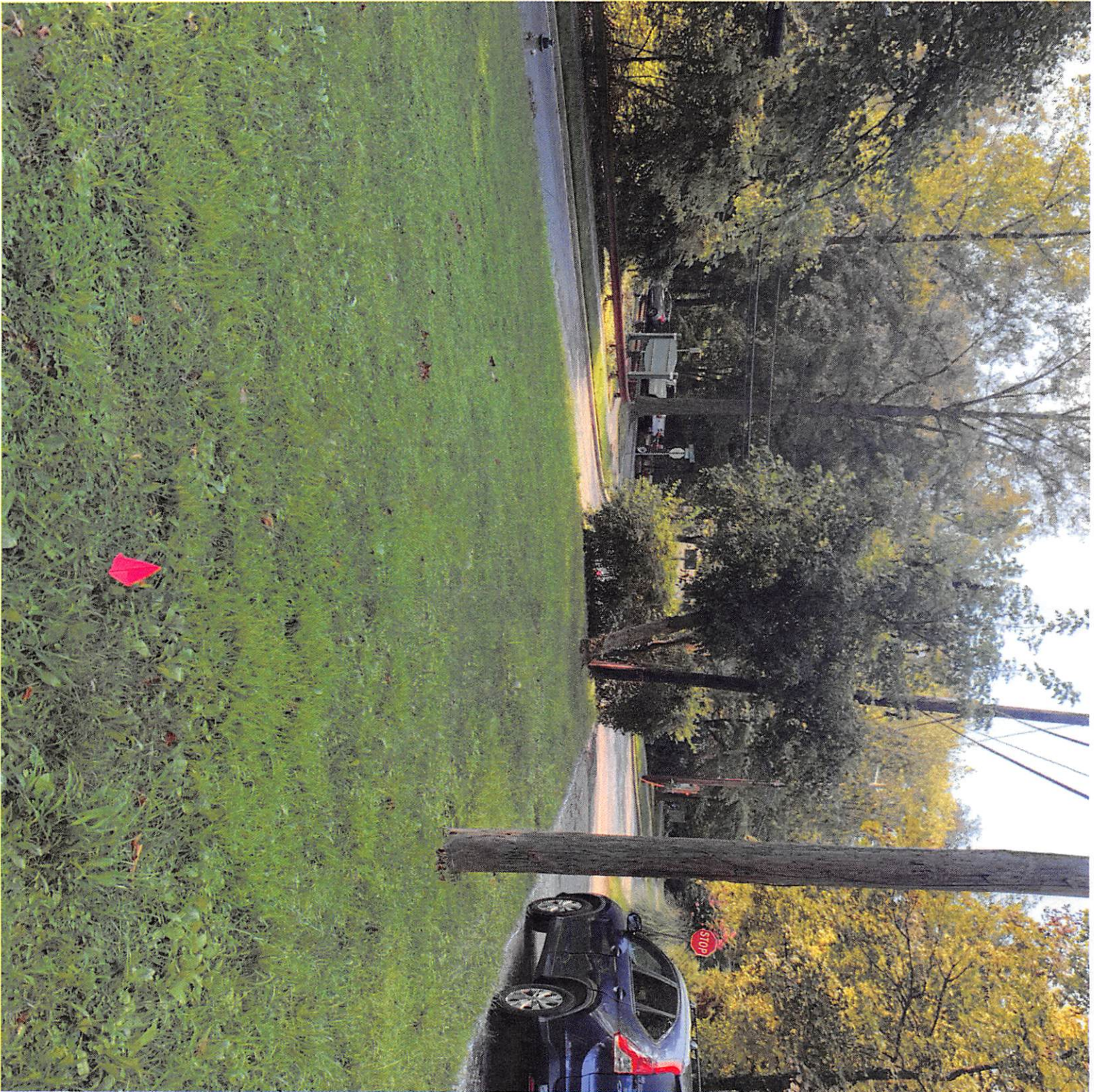
Front Side
App # 966990



Backyard
App # 96699D



Side yard
App # 966990



Front yard
App # 966 990