

MONTGOMERY COUNTY HISTORIC PRESERVATION COMMISSION
STAFF REPORT

Address:	13 North Street, Brookeville	Meeting Date:	12/1/2021
Resource:	Secondary (Post 1940) Resource (Brookeville Historic District)	Report Date:	11/24/2021
Applicant:	Mark Davis	Public Notice:	11/17/2021
Review:	HAWP	Tax Credit:	N/A
Case Number:	972472	Staff:	Michael Kyne
PROPOSAL:	Construction of in ground pool, associated hardscaping, tree removal		

STAFF RECOMMENDATION:

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

ARCHITECTURAL DESCRIPTION:

SIGNIFICANCE: Secondary (Post 1940) Resource within the Brookeville Historic District
DATE: 1997

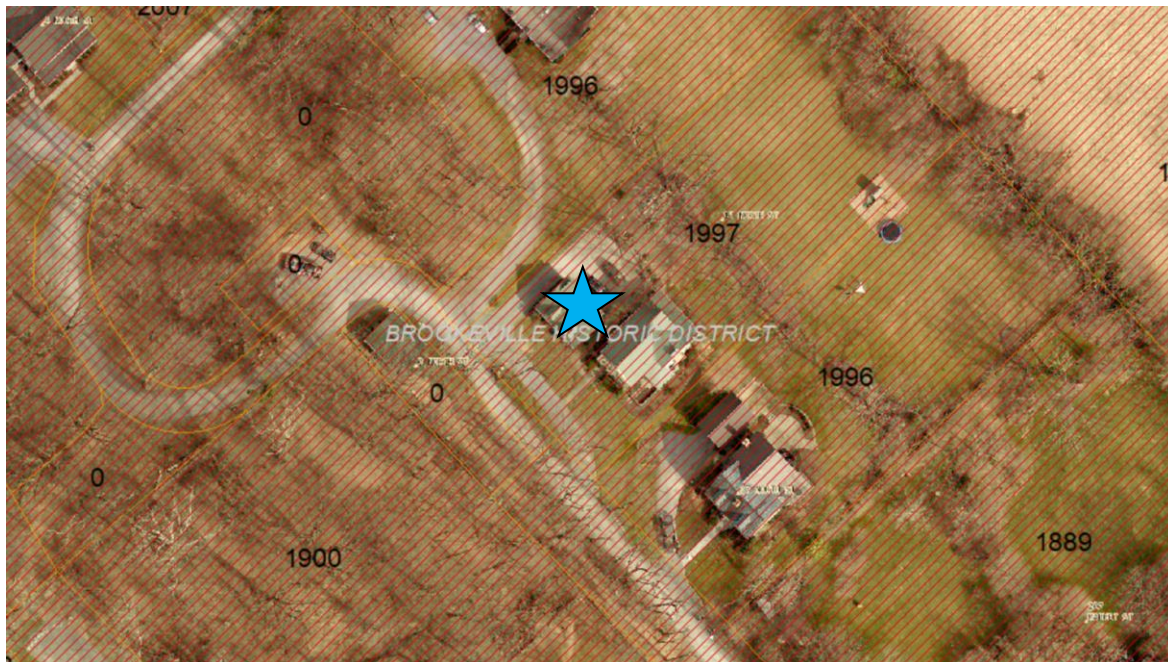


Fig. 1: Subject property, as indicated by the blue star.

PROPOSAL:

The applicant proposes construction of an in ground pool, associated hardscaping, and tree removal at the subject property.

APPLICABLE GUIDELINES

When reviewing alterations and new construction within the Brookeville Historic District several documents are to be utilized as guidelines to assist the Commission in developing their decision. These documents include the *Brookeville Historic District Master Plan Amendment*, the *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.

Brookeville Historic District Master Plan Amendment

The *Brookeville Historic District Master Plan Amendment* (#23/65) identifies Primary Resources, Secondary Resources, and Spatial Resources. The subject property is identified as a Secondary Resource.

Sec. 24A-8. Same-Criteria for issuance.

- (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
 - (3) The proposal would enhance or aid in the protection, preservation and public or private utilization of the historic site or historic resource located within an historic district in a manner compatible with the historical, archeological, architectural or cultural value of the historic site or historic district in which an historic resource is located; or
 - (4) The proposal is necessary in order that unsafe conditions or health hazards be remedied; or
 - (5) The proposal is necessary in order that the owner of the subject property not be deprived of reasonable use of the property or suffer undue hardship; or
 - (6) In balancing the interests of the public in preserving the historic site or historic resource located within an historic district, with the interests of the public from the use and benefit of the alternative proposal, the general public welfare is better served by granting the permit.
- (c) It is not the intent of this chapter to limit new construction, alteration or repairs to any 1 period or architectural style.
- (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 applicable *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.

STAFF DISCUSSION

The subject property is a Secondary (Post 1940) Resource within the Brookeville Historic District, which was constructed in 1997. There is an existing addition at the east (right, as viewed from the public right-of-way of North Street) side of the house, which was constructed in 2016.

The applicant proposes the following work items at the subject property:

- Re-grade the sloped rear yard.
- Install a 16’ x 35’ in ground pool with auto cover at the rear.
- Construct a patio terrace with stone stairs and terraced retaining walls at the rear.
- Install a spa/hot tub on the proposed patio terrace.
- Construct a boulder retaining wall at the northeast (rear/right) side of the property.
- Install a steppingstone path at the east (right) side of the property.
- Remove three trees (two walnut trees and one poplar tree) to the northeast (rear/right) and plant new flowering and evergreen trees at the property.
- New landscaping, including seasonal shrubs and perennial beds.

Staff supports the applicant’s proposal. The proposed alterations are primarily at grade and/or at the rear of the subject property, where they will be minimally visible from the public right-of-way, at best. Additionally, the proposed alterations are generally compatible with the architectural style and features of the subject property. The proposed alterations will not remove or alter character-defining features or historic materials at the subject property, and they will not detract from the surrounding streetscape, in accordance with *Standards* #2 and #9.

After full and fair consideration of the applicant’s submission, staff finds the proposal as being consistent with the Criteria for Issuance in Chapter 24A-8(b) 1 and 2 and (d), having found the proposal is consistent with the *Secretary of the Interior’s Standards for Rehabilitation* #2 and #9 outlined above.

STAFF RECOMMENDATION

Staff recommends that the Commission **approve** the HAWP application under the Criteria for Issuance in *Chapter 24A-8(b), (1) and (2), (c) 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 and #9.

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 michael.kyne@montgomeryplanning.org to schedule a follow-up site visit.



FOR STAFF ONLY:
HAWP# 972472
DATE ASSIGNED _____

APPLICATION FOR HISTORIC AREA WORK PERMIT

HISTORIC PRESERVATION COMMISSION
301.563.3400

APPLICANT:

Name: Mark A. Davis

E-mail: madexc@gmail.com

Address: 13 North Street

City: Brookeville Zip: 20833

Daytime Phone: (202)355-3744

Tax Account No.: 212-17-3816

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 Brookeville
☐ 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: 13 Street: North Street

Town/City: Brookeville Nearest Cross Street: Market Street & North Street

Lot: 03 Block: A 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:

- | | | |
|--|---|---|
| <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 checked="" type="checkbox"/> Hardscape/Landscape | <input checked="" type="checkbox"/> Tree removal/planting |
| <input checked="" type="checkbox"/> Grading/Excavation | <input type="checkbox"/> Roof | <input type="checkbox"/> Window/Door |
| | | <input checked="" type="checkbox"/> Other: <u>In-Ground Pool Construction</u> |

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.

Mark A. Davis
Signature of owner or authorized agent

10/27/21

Date

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

Owner's mailing address Mark and Nathalie Davis 13 North Street Brookeville, MD 20833	Owner's Agent's mailing address
Adjacent and confronting Property Owners mailing addresses	
Mark and Suzanne Friis (Property next door) 17 North Street Brookeville, MD 20833	Fred Teal and Teresa Meeks (Property next door) 9 North Street Brookeville, MD 20833
Brian and Allison Moffett (Neighbor) 1 North Street Brookeville, MD 20833	Bill and Patience Gaskill (Neighbor) 2 North Street Brookeville, MD 20833
Matt and Teresa Pollock (Neighbor) 4 North St. Brookeville, MD 20833	211 Market Street Brookeville, MD 20833

205 Market Street
 Brookeville, MD 20833

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

13 North St. is a single-family home (built in 1997) located on Lot 3 off of North St. The home is located across the street from the historic Brookeville Schoolhouse. While facing the front of the house from North St., there is a detached carriage house/garage located on the left of the main house with a gravel driveway leading to a large brick-paver parking area adjacent to main home and garage. To the right side of the home is an addition (completed in 2016) with French doors leading to a fenced in (stone wall with redwood pickets on top) patio area with pavers. The house is a stucco exterior with green standing seam metal roof. The existing and patio/porches are composed of masonry with flagstone/bluestone facia. The back yard is currently sloped with a round flagstone patio and plant/tree beds.

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

The proposed work is to regrade and re-landscape the back yard and install a 16' x 35' in-ground pool and hot tub. The installation of hardscapes will include: a patio terrace that will be tied in under the existing porch and extend out to the pool; retaining walls/terracing of the adjacent hill to address erosion and water run off as well as facilitate the installation of steps to the existing round flagstone patio, and the installation of a Boulder retaining wall adjacent to the 17 North Street Property. Landscape upgrades will include the removal of two Walnut and One Poplar tree, the installation of a natural hedge bed to the rear of the pool, seasonal shrub and perennial beds to the 17 North Street Side of the Pool, the planting of at least 5 new flowering trees and evergreen trees, and the planting of ground cover to the 9 North Street Side of the Pool. The pool will be buildt with a code compliant Auto Cover that will be in lieu of the installation of a pool fence. Patio and retaining wall facia materials will be selected to match existing walls and patios found at the home.

Work Item 1: Remove three Trees and Excavate for Pool/Grading

Description of Current Condition:

Remove two Walnut Trees and One Poplar Tree. Note the Poplar Tree is on the 17 North Street side of Property Line however, permission was granted by the owner (Friis') to remove it.

Proposed Work:

Excavate to allow for a 16' x 35' Pool. Plant a new hedge beds and trees to replace removed trees.

Work Item 2: Construct Patio's, Stairs and Retaining Walls

Description of Current Condition:

There is a gravel patio located under the existing porch. The back yard is also grass with a plant bed (mulch) with 3 trees (to be removed see above) directly behind the porch and a mulch bed to the right side (9 North St. Side) on the steep hill that has erosion problems. Cut into this hill is an existing round stone fire pit/patio with stone retaining walls. This will remain.

Proposed Work:

Install matching stone base for existing gravel patio under the porch (labeled "Upper Patio Terrace" on drawings). Install 3 steps down to the next level "Patio Terrace." The existing sloped much hill will have two Terraced Retaining walls built with seasonal shrub & perennial beds planted. Adjacent to this terraced walls will be stone stairs that lead to existing paver stone parking area/driveway and existing fire pit/patio. From the patio terrace, three more steps will lead to a third patio bordered by a stone retaining wall/seat wall that will be pool level adjacent to shallow end of pool. To the right side (17 North St.) of pool, a new boulder retaining wall will be constructed. All wall/surfaces will match existing.

Work Item 3: Install Pool and Spa/Hot Tub & Landscape

Description of Current Condition:

See Above.

Proposed Work:

A 16x35' pool will be constructed at +407.67' elevation with a 1ft. retaining wall adjacent to the newly buildt patio terrace and contain 3 spillways for decorative feature. The pool will contain a code compliant auto cover for safety and maintenance. The coping, and finishing materials will be selected to match existing home features and include lighting. A stand alone spa/hot tub (non-permanent) will be installed on the patio terrace adjacent to terraced retaining wall. Landscape design will include replacing removed trees with new flowering and evergeen trees along with all new seasonal shrub & perennial beds planted around the pool and walls.

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/Exc avation/Land scaing	*	*		*	*	*	*
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: 10/29/2021

Application No: 972472
AP Type: HISTORIC
Customer No: 1374129

Comments

Install a backyard in-ground pool, spa and associated hardscapes, retaining walls, and steps. All wall and patio surfaces will be selected to match existing wall and patio surfaces (i.e. bluestone/flagstone).

Affidavit Acknowledgement

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

Primary Applicant Information

Address 13 NORTH ST
BROOKEVILLE, MD 20833

Homeowner Davis (Primary)

Historic Area Work Permit Details

Work Type CONST

Scope of Work This HAWP application is requested to construct a backyard in-ground pool and install associated hardscape/landscape features.

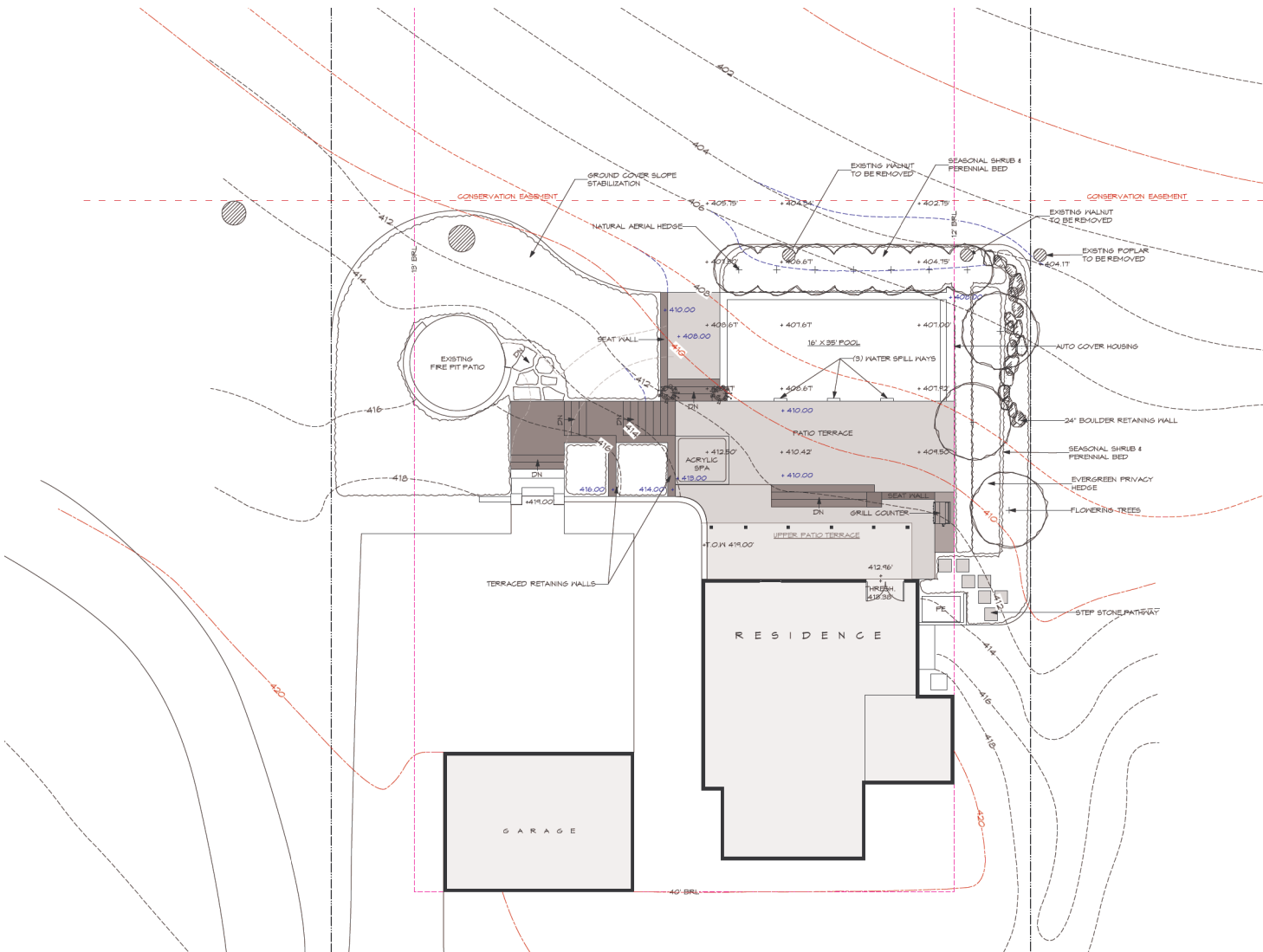


**PRELIMINARY SITE PLAN
CONCEPT - 1**

DAVIS RESIDENCE
13 NORTH STREET
BROOKVILLE, MARYLAND 20833

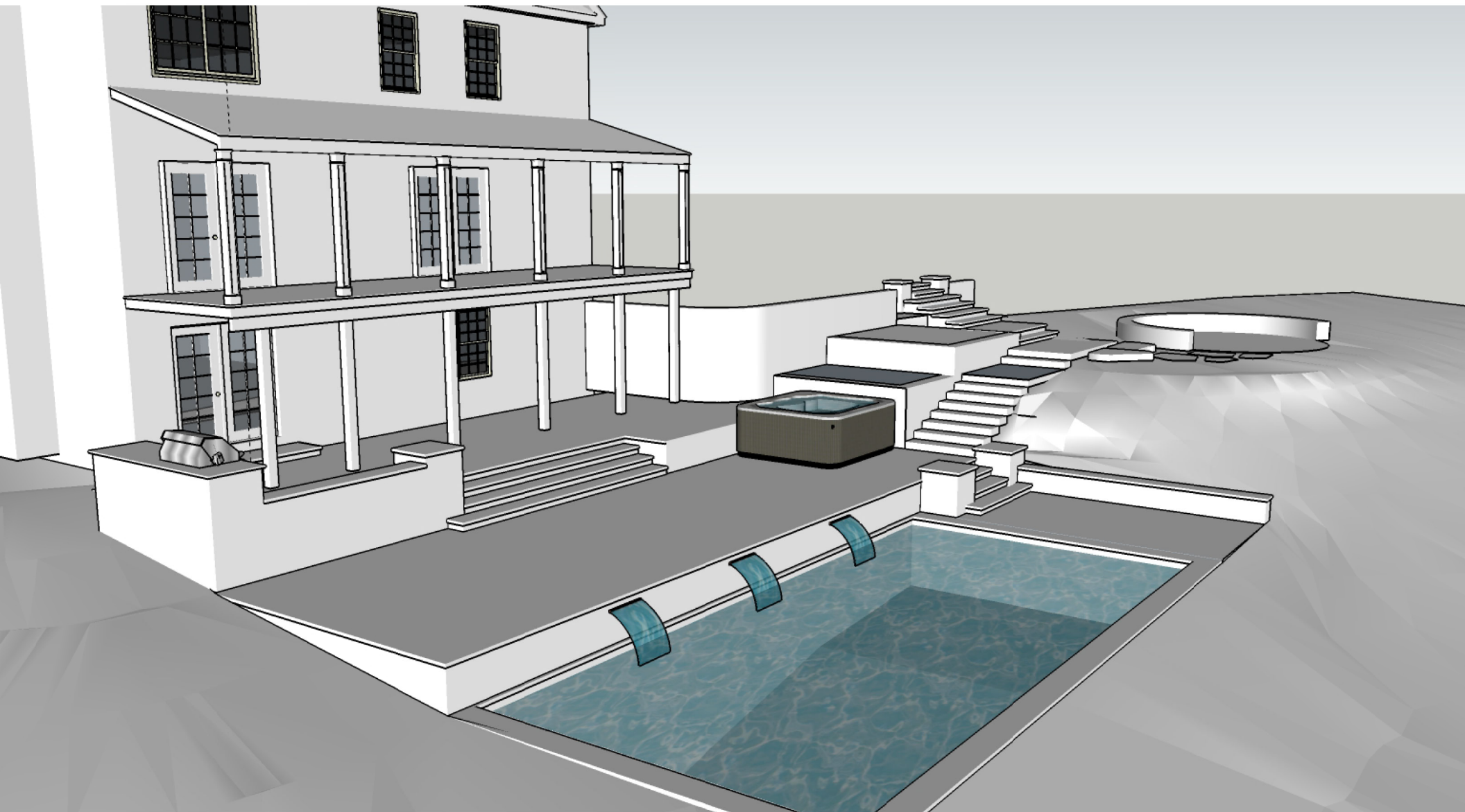
SCALE: AS NOTED
DATE: 10-24-2021
DRAWN BY: RTD
REVISION DATE:

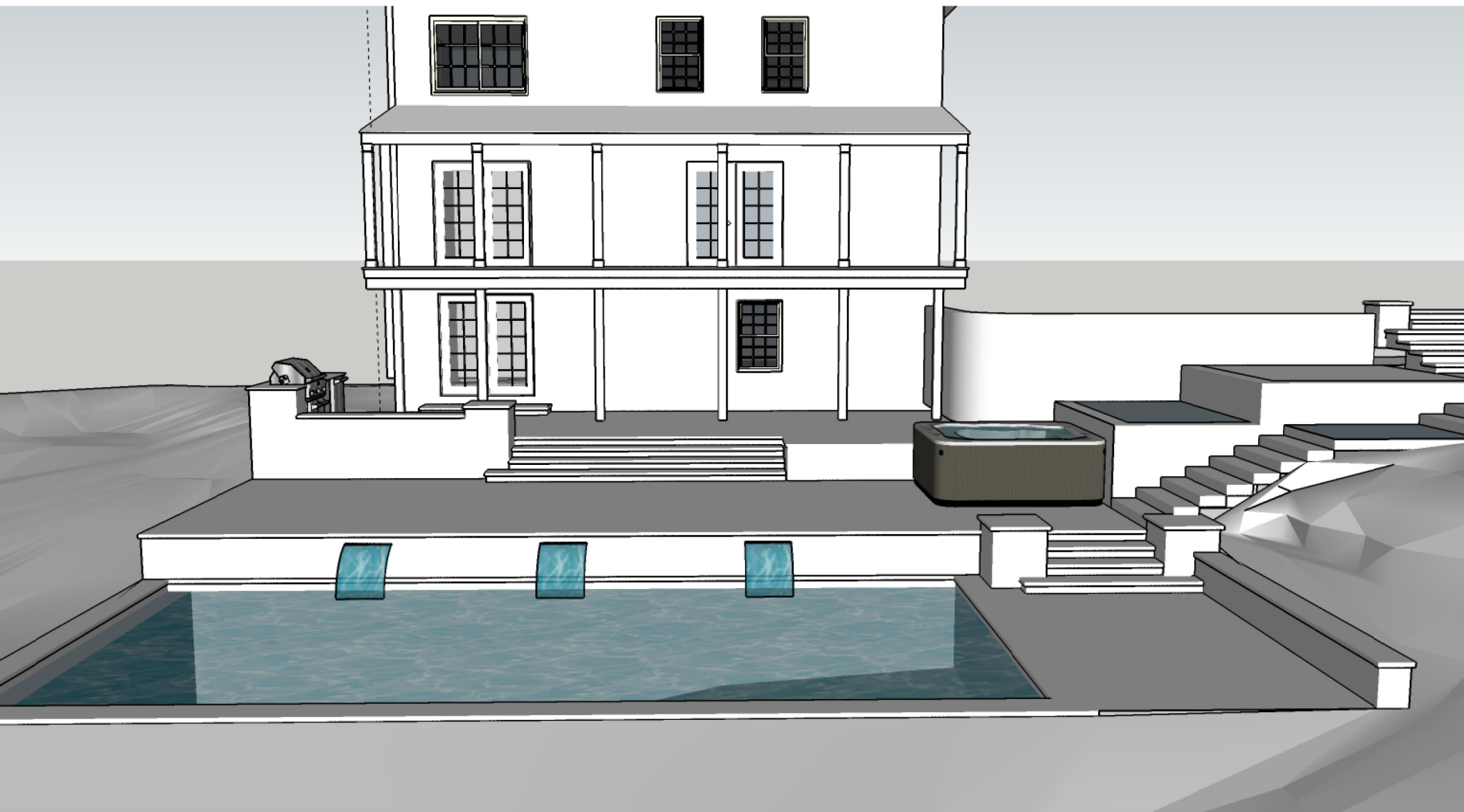
SHEET: SP-1.0

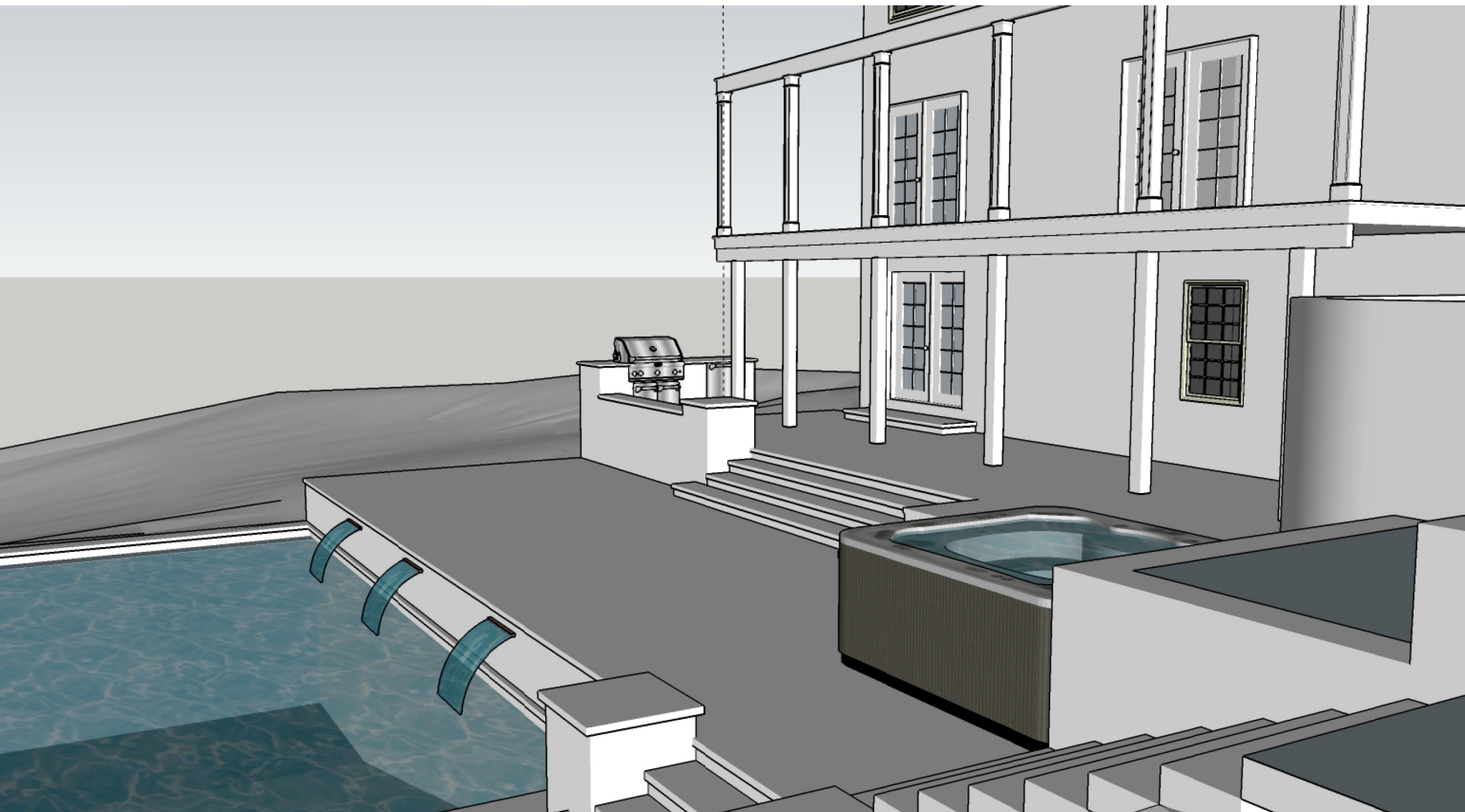


1 PRELIMINARY SITE PLAN
SCALE: 1/8" = 1'-0"





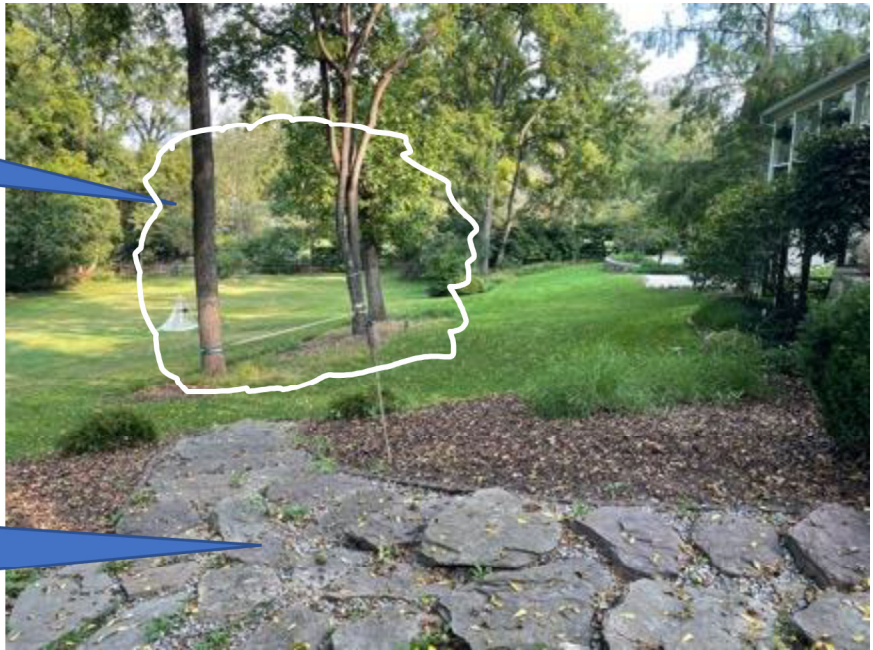




Existing Pictures

3 Trees to be removed and replaced

Stones to be replaced with steps and recycled on Boulder Wall



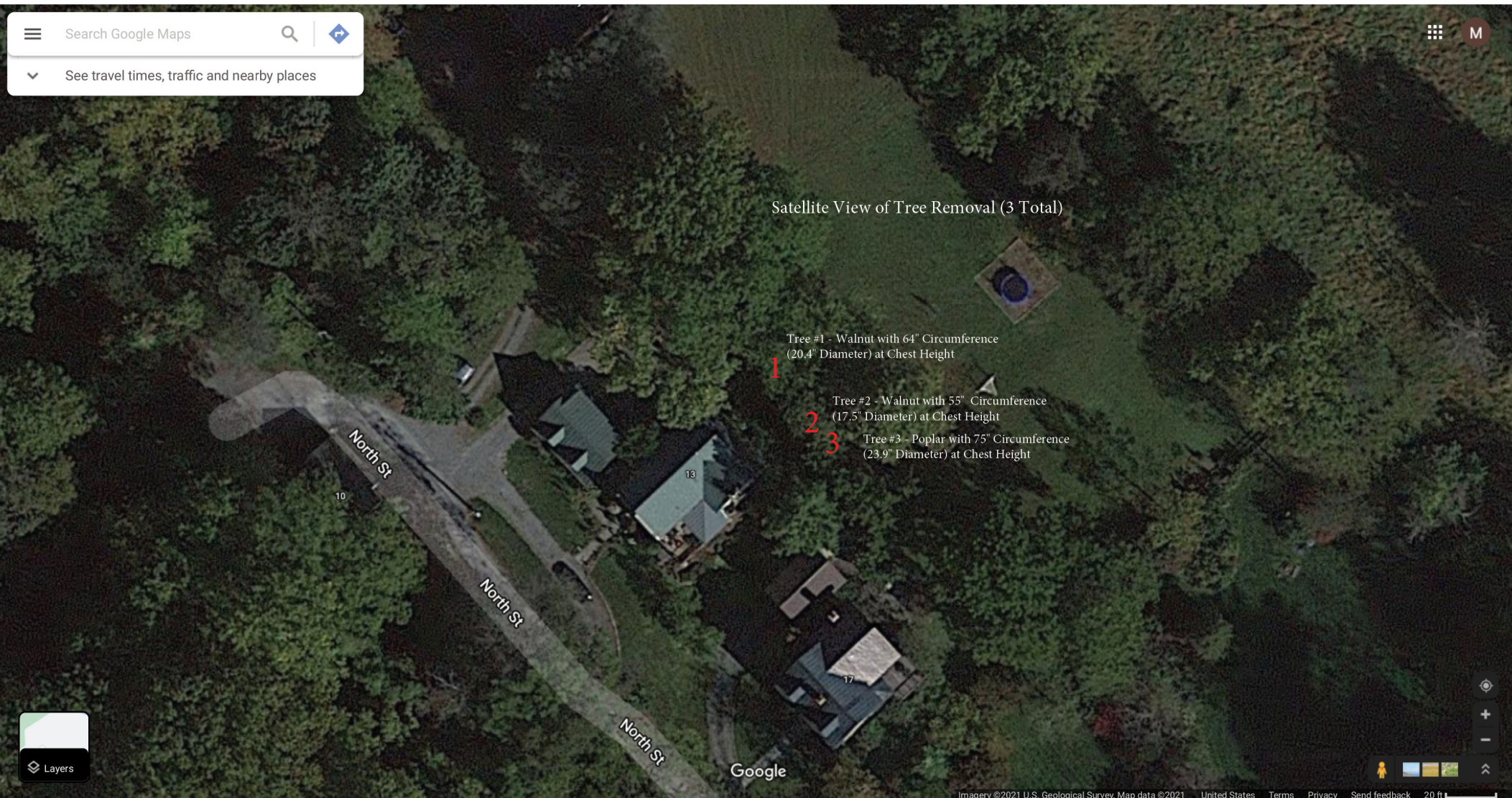
Sloped bed to be terraced and replanted





Existing Fire
Pit/Patio to remain





Satellite View of Tree Removal (3 Total)

1 Tree #1 - Walnut with 64" Circumference
(20.4" Diameter) at Chest Height

2 Tree #2 - Walnut with 55" Circumference
(17.5" Diameter) at Chest Height

3 Tree #3 - Poplar with 75" Circumference
(23.9" Diameter) at Chest Height