

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

<b>Address:</b>	26130 Frederick Road, Clarksburg	<b>Meeting Date:</b>	6/8/2022
<b>Resource:</b>	Primary (1810-1890) Resource (Hyattstown Historic District)	<b>Report Date:</b>	6/1/2022
<b>Applicant:</b>	Ronnie Kingsley (David Delgado, Agent)	<b>Public Notice:</b>	5/25/2022
<b>Review:</b>	HAWP	<b>Tax Credit:</b>	N/A
<b>Permit Number:</b>	992285	<b>Staff:</b>	Michael Kyne
<b>PROPOSAL:</b> Construction of a pavilion			

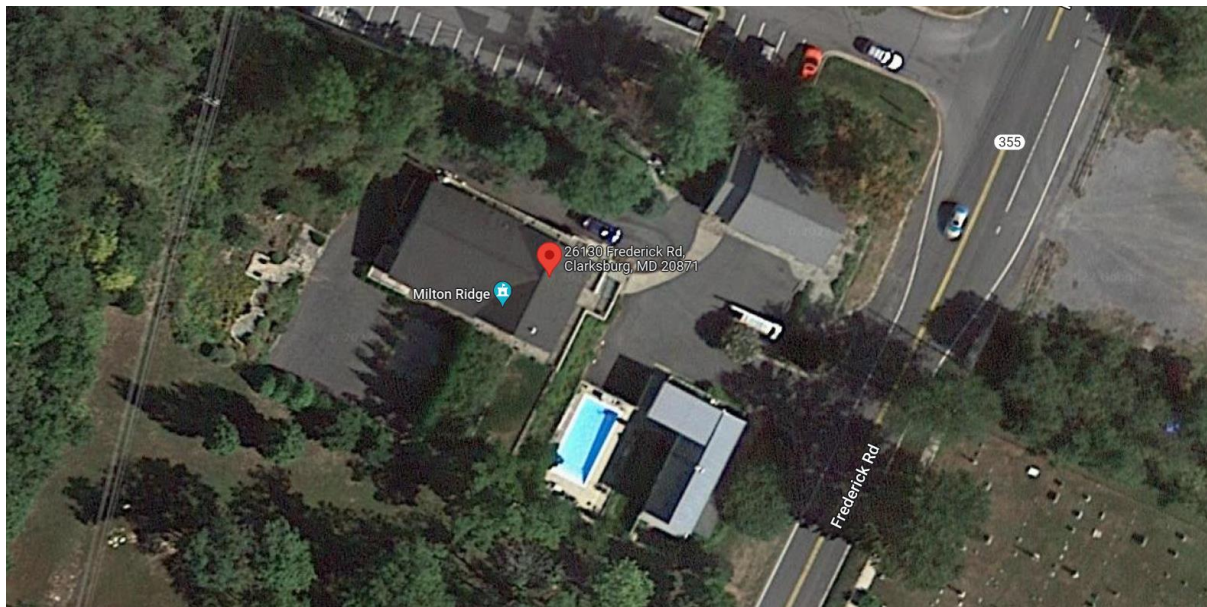
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**STAFF RECOMMENDATION:**

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

**ARCHITECTURAL DESCRIPTION**

**SIGNIFICANCE:** Primary (1810-1890) Resource within the Hyattstown Historic District  
**DATE:** c. 1810



*Fig. 1: Subject property at the west side of Frederick Road.*

**PROPOSAL:**

The applicant proposes to construct a 40' x 20' pavilion at the rear of the subject property.

**APPLICABLE GUIDELINES:**

When reviewing alterations and new construction within the Hyattstown Historic District, several documents are to be utilized as guidelines to assist the Commission in developing their decision. These documents include *Montgomery County Code Chapter 24A (Chapter 24A)*, the *Vision of Hyattstown: A Long-Range Preservation Plan (Vision)*, 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
  - (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 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 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.
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 subject property is located at the northern end of the Hyattstown Historic District near the Frederick County line. The property contains the c. 1810 house and a 1960s ancillary structure/event space to the rear. The early 19<sup>th</sup> century Gothic Revival-style church to the north was merged with the subject property via a minor subdivision c. 2005. There is a paved driveway/parking area between the three buildings.



***Fig. 2: Property layout, with proposed pavilion location marked by the red X.***

The applicant proposes to construct a 40' x 20' pavilion on an existing concrete patio at the south side (left, as viewed from the public right-of-way of Frederick Road) of the 1960s ancillary structure/event space. The proposed pavilion will be constructed from wood, and it will have a field turned standing seam metal roof.

The proposed pavilion will be located behind the c. 1810 house, and it will be minimally visible, at best, from the public right-of-way. The primary visibility will be between the church and historic house, when approaching the subject property from the north. However, staff visited the subject property and found that this visibility will be very limited from the street and both sidewalks (east and west side of Frederick Road).



***Fig. 3: Best possible view of the proposed pavilion (photograph taken from an elevated position on the east side of Frederick Road), which will be located beyond the red X (behind the white railing and tree line).***





*Fig. 4: Looking directly at the subject property driveway (ancillary structure/event space in the background) from an elevated position on the east side of Frederick Road.*



**Fig. 5: Looking directly at the historic house from the east side of Frederick Road.**

Staff fully supports the applicant's proposal. The proposed new pavilion will not remove or alter character defining materials, features, or spaces of the subject property and/or surrounding streetscape, in accordance with *Standards #2 and #9*. Per *Standard #10*, the proposed pavilion could be removed in the future, leaving the essential form and integrity of the historic property and its environment unimpaired.

After full and fair consideration of the applicant's submission, staff finds the proposal to be consistent with the Criteria for Issuance in Chapter 24A-8(b), (1), (2), and (d), and with the *Secretary of the Interior's Standards for Rehabilitation #2, #9, and #10*, as outlined above

#### **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 [michael.kyne@montgomeryplanning.org](mailto:michael.kyne@montgomeryplanning.org) to schedule a follow-up site visit.





FOR STAFF ONLY:  
HAWP# 992285  
DATE ASSIGNED \_\_\_\_\_

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

**APPLICANT:**

Name: Ronnie Kingsley  
Address: 26130 Frederick Rd.  
Daytime Phone: 240 257 2560

E-mail: ronnie@miltonridge.com  
City: Clarksburg Zip: 20871  
Tax Account No.: 034848

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

Name: David Delgado  
Address: 13907 chatterly pl  
Daytime Phone: 301-523-3034

E-mail: david@drdstudio.com  
City: germantown Zip: 20874  
Contractor Registration No.: 1293157

**LOCATION OF BUILDING/PREMISE:** MIHP # of Historic Property M: 10-59

Is the Property Located within an Historic District? Yes/District Name Historic Hyattstown Church  
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:**

- |   |  |   |
|---|--|---|
| <input type="checkbox"/> New Construction   | <input type="checkbox"/> Deck/Porch          | <input checked="" type="checkbox"/> Shed/Garage/Accessory Structure |
| <input type="checkbox"/> Addition           | <input 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 checked="" type="checkbox"/> Other: <u>Pavilion</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.

David Delgado

5/04/2022

Signature of owner or authorized agent

Date

Adjacent and Confronting Properties:

Clarksburg, MD 20871

26121 Frederick Road

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 property is occupied by a church, wedding venue, suites building and gardens and patio

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

40'x20' Pavilion Addition on existing concrete patio.

Work Item 1: <u>new pavilion</u>	
Description of Current Condition: existing concrete patio	Proposed Work: new pavilion
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	*	*	*	*	*	*	*
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: 5/4/2022

Application No: 992285  
AP Type: HISTORIC  
Customer No: 1434657

## 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

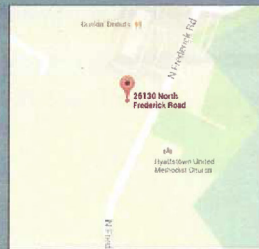
Address 26130 FREDERICK RD  
CLARKSBURG, MD 20871  
Othercontact Optimum Construction (Primary)

## Historic Area Work Permit Details

Work Type ADD  
Scope of Work pavilion addition

ORDERED BY:

**VILLAGE**  
SETTLEMENTS, INC.  
PARKER, HOLLMAN,  
SIMON, HAHN & DELISI, LLC  
Attorneys at Law  
301.590.9300  
www.villagesettlements.com



PROPERTY ADDRESS: 26130 N. FREDERICK ROAD CLARKSBURG, MARYLAND 20871

SURVEY NUMBER: 1607.3114

FIELD WORK DATE: 7/22/2016

REVISION HISTORY: (REV.2 7/25/2016) (REV.1 7/22/2016)

16073114  
LOCATION DRAWING  
LOT 1, HISTORIC HYATTSTOWN CHURCH  
MONTGOMERY COUNTY, MARYLAND  
07-22-2016 SCALE 1"=40'



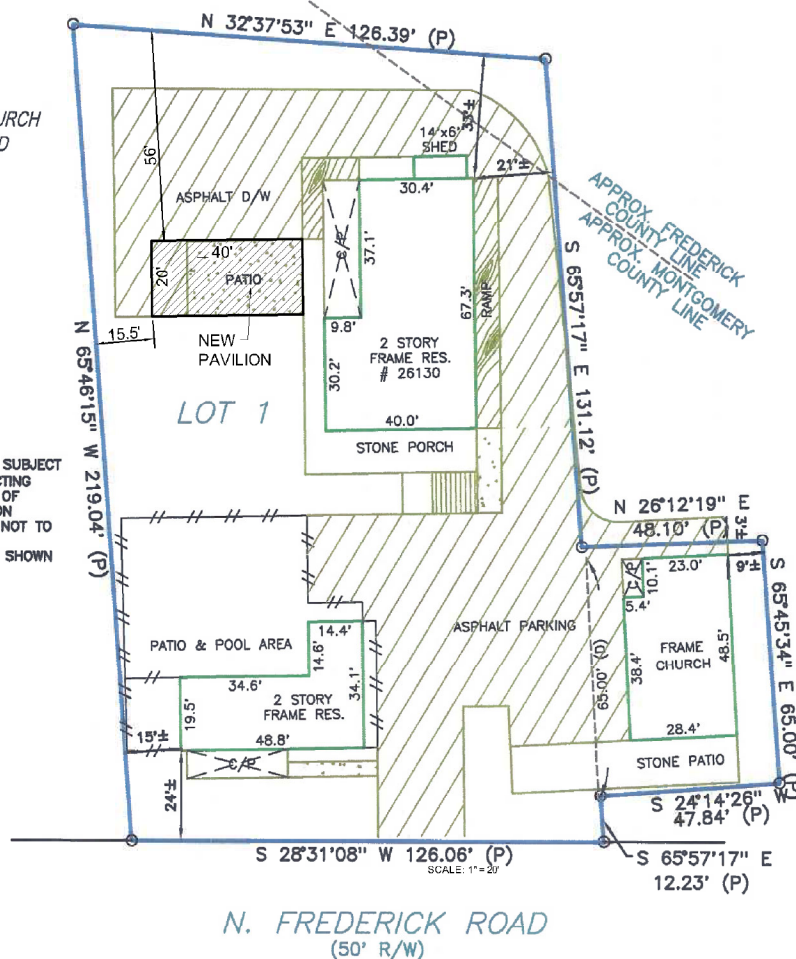
BASED ON A FIELD INSPECTION OF THE SUBJECT PROPERTY, A LACK OF AND/OR CONFLICTING MONUMENTATION WAS FOUND. LOCATION OF IMPROVEMENTS AS SHOWN ARE BASED ON APPARENT OCCUPATION LINES AND ARE NOT TO BE RELIED UPON. TO DETERMINE THE EXACT LOCATION OF SHOWN IMPROVEMENTS A BOUNDARY SURVEY IS REQUIRED.

**PLEASE NOTE**

This House Location Drawing is for informational purposes only. Per Maryland State Code it may not be relied upon to determine property boundaries and may not be used for building permits or construction.



EXPIRES 1-15-2017



N. FREDERICK ROAD  
(50' R/W)



GRAPHIC SCALE (In Feet)

1 inch = 40' ft.

ACCURACY=3±

**POINTS OF INTEREST:**

1. ASPHALT DRIVE APPEARS TO EXTEND OVER PROPERTY LINE

CLIENT NUMBER: 67415-16L

DATE: 7/22/2016

BUYER: Kingsley Estates, LLC

SELLER: LAWRENCE W. RUGGERI AND TRACY L. RUGGERI

CERTIFIED TO:  
KINGSLEY ESTATES, LLC; VILLAGE SETTLEMENTS INC

A LICENSEE EITHER PERSONALLY PREPARED THIS DRAWING OR WAS IN RESPONSIBLE CHARGE OVER ITS PREPARATION AND THE SURVEYING WORK REFLECTED IN IT. ALL IN COMPLIANCE WITH REQUIREMENTS SET FORTH IN REGULATION, 12 OF CHAPTER 09.13.06 OF THE CODE OF MARYLAND ANNOTATED REGULATIONS.

POWERED BY:

**surveystars**

www.surveystars.com

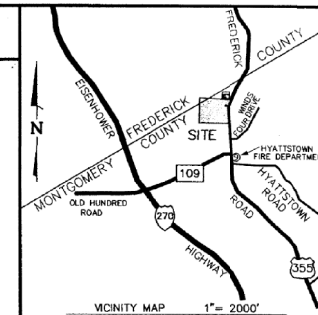
**EXACTA**  
MARYLAND SURVEYORS

LB# 21535  
www.exactaMD.com

P 443.692.6523 • F 443.692.6524 • 16800 Bald Eagle School Rd. • Brandywine, MD 20613

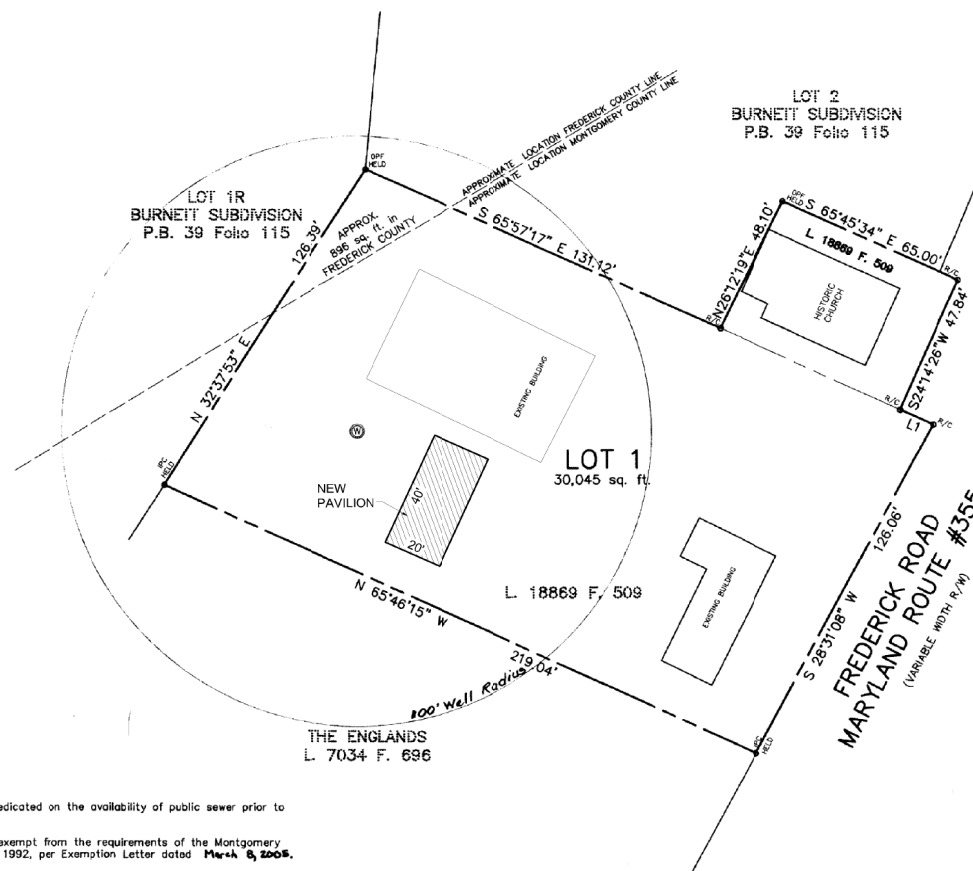
THIS IS A TWO PAGE DOCUMENT. THE ADVICE FOUND ON THE AFFIXED PAGE (PAGE 2 OF 2) IS AN INTEGRAL PART OF THE PLAT.

PLAT No. 23173



TAX MAP No. DX

LINE	BEARING	DISTANCE
L1	S 65°57'17" E	12.23'



# SURVEYOR'S CERTIFICATE

We hereby certify that the plot shown hereon is correct; that it is a subdivision of all of the land conveyed by Tracey Louise Reynolds to Lawrence W. Ruggeri and Tracy L. Ruggeri by deed dated February 28, 2001 and recorded among the Land Records of Montgomery County, Maryland, in Liber 18869 at Folio 509. We hereby certify that, once engaged as described in the owner's certification hereon, all monuments and all property markers and other boundary markers will be set as delineated hereon in accordance with the provisions of Section 50-24(e) of the Montgomery County Code; there is no street dedication by this plat. The total area included on this plat is 30,045 square feet or 0.68974 of an acre of land.

5/10/05  
Date

*Douglas H. Riggs III*  
Macris, Hendricks & Glascock, P.A.  
By: Douglas H. Riggs, III  
Professional Land Surveyor  
Md. Reg. No. 10712

# OWNER'S CERTIFICATE

Lawrence W. Ruggeri and Tracy L. Ruggeri, owners of the property shown hereon, hereby adopt this plat of subdivision; As owners of this subdivision, we, our successors and assigns, will cause all property corner markers and any other required monumentation, to be set by a registered Maryland Land Surveyor, in accordance with Section 50-24(e)(2) of the Montgomery County Code.

There are no suits, liens, leases, mortgages or trusts, affecting the property included in this plat of subdivision, except a certain deed of trust and the parties in interest thereto have affixed their signatures hereon indicating their assent to the plat of subdivision.

5/10/05  
Date  
*Lawrence W. Ruggeri*  
Lawrence W. Ruggeri  
*Tracy L. Ruggeri*  
Tracy L. Ruggeri

We hereby assent to this plat of subdivision.  
National City Mortgage

5/10/05  
Date  
*Crystal A. Carter*  
Crystal A. Carter  
*Crystal A. Carter-Rhodes*  
Crystal A. Carter-Rhodes

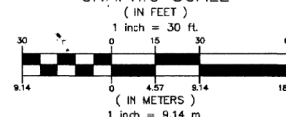
FILED

JUN - 7 2005

Clerk of the Circuit Court  
Montgomery County, Md.

SUBDIVISION RECORD PLAT  
LOT 1  
HISTORIC  
HYATTSTOWN CHURCH  
ELECTION DISTRICT No. 2  
MONTGOMERY COUNTY, MARYLAND  
SCALE: 1" = 30' APRIL, 2005

GRAPHIC SCALE



## Notes:

- This property is zoned R200.
- The approval of this plat is predicated on the availability of public sewer prior to the construction of buildings.
- The property shown hereon is exempt from the requirements of the Montgomery County Forest Conservation Law of 1992, per Exemption Letter dated **March 8, 2005**.
- Unless expressly contemplated by the plan as approved, all terms, conditions, agreements, limitations, and requirements associated with any preliminary plan, site plan, project plan, or other plan, allowing development of this property, approved by the Montgomery County Planning Board are intended to survive and not be extinguished by the recordation of this plat. The official public files for any such plan are maintained by the Planning Board and available for public review during normal business hours.
- This plat conforms with the requirements of Section 50-35A of the Montgomery County Subdivision Regulations, being Chapter 50 of the County Code. This plat involves a Church as provided for in Section 50-35A (a)(7).
- This Plat is not intended to show every matter affecting or restricting the ownership and use of the property. This Plat is not intended to replace an examination of title or to depict or note all matters affecting title.

## PLAT TABULATION

Number of Lots	= 1
Area of Lots	= 30,045 sq. ft.
Area of Street	= 0 sq. ft.
Dedication	= 30,045 square feet
Total Area	= 30,045 square feet or 0.68974 of an acre

FOR PRIVATE WELL AND PUBLIC SEWER ONLY *Minor 7 205145*

THE MARYLAND-NATIONAL CAPITAL PARK & PLANNING COMMISSION  
MONTGOMERY COUNTY PLANNING BOARD

APPROVED: *March 17, 2005*

*Deirdre P. Farag*  
CHAIRMAN  
*Dorothy S. Knapp*  
SECRETARY-TREASURER

M.N.C.P. & P.C. RECORD FILE No. 625-48

MONTGOMERY COUNTY, MARYLAND  
DEPARTMENT OF PERMITTING SERVICES

APPROVED: *May 19, 2005*

*John May*  
DIRECTOR

DATE: \_\_\_\_\_  
Plat No.: \_\_\_\_\_

**MHG** Macris, Hendricks & Glascock, P.A.  
Engineers • Planners  
Landscape Architects • Surveyors  
9220 Wightman Road, Suite 120  
Montgomery Village, Maryland  
20886-1279  
Phone 301.670.0840  
Fax 301.948.0663  
www.mhga.com

MDP SSC 1249-20502  
P108098  
625-48

02.170.12



**OPTIMUM  
CONSTRUCTION**  
REMODELING • NEW CONSTRUCTION

11620 REDLAND RD  
ROCKVILLE, MD 20855  
240-422-9990

[illegible]

DMO1



**1** **EXISTING FIRST FLOOR PLAN**  
SCALE: 1/4" = 1'-0"



PROFESSIONAL CERTIFICATION. I HEREBY CERTIFY THAT  
THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME,  
AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER  
UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE  
NO. 45463 EXPIRATION DATE: 06-24-2022

BUILDING  
PERMIT

PAYLION ADDITION

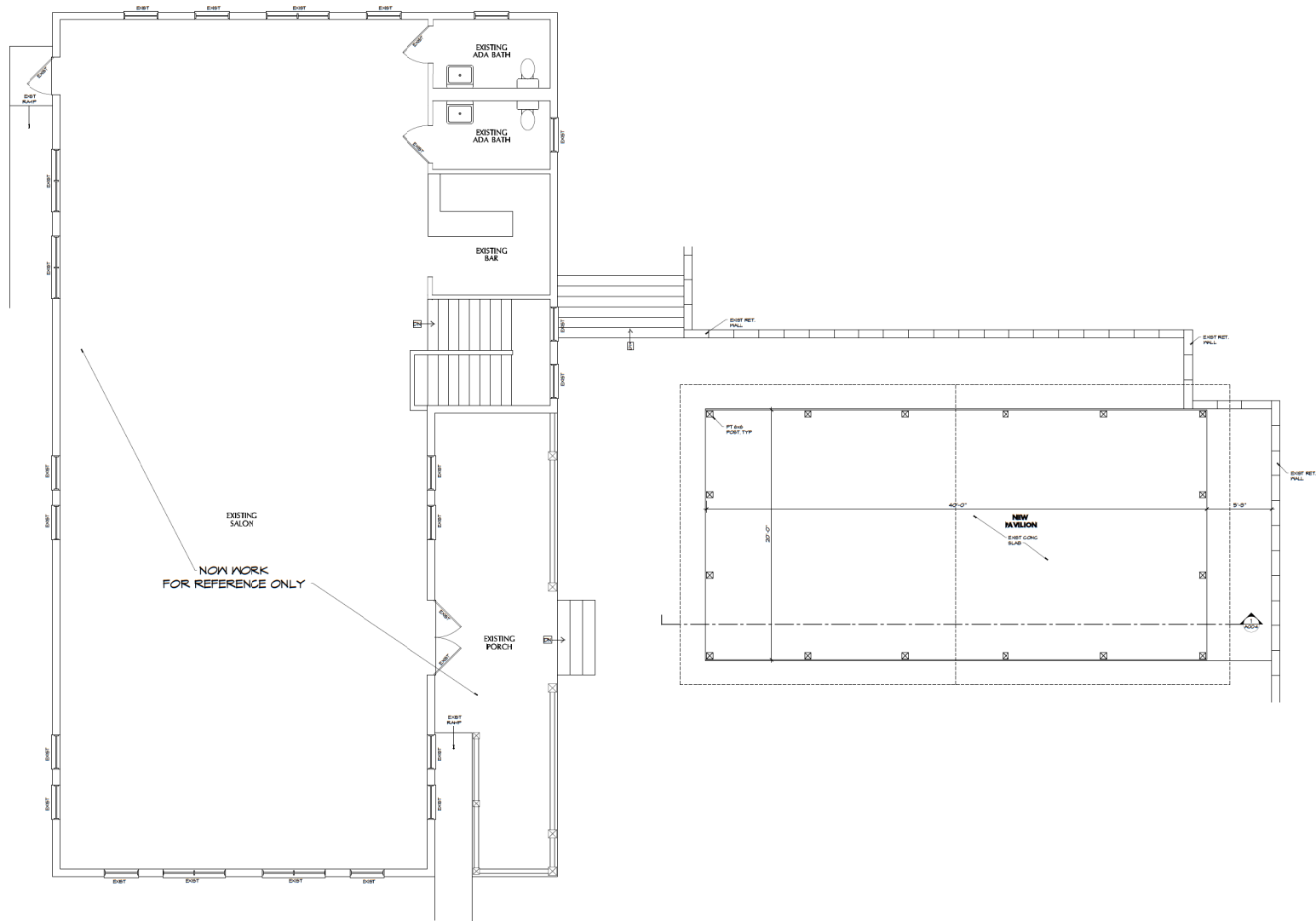
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REGION	PROJECT #
SHEET NO.	22-0000
DATE	DATE
01-01-2020	01-01-2020

PROJECT TITLE

**PROPOSED  
FIRST FLOOR  
PLAN**

A001



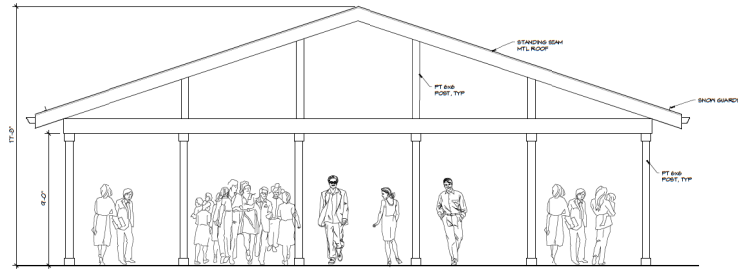
1 **PROPOSED FIRST FLOOR PLAN**  
SCALE 1/4" = 1'-0"



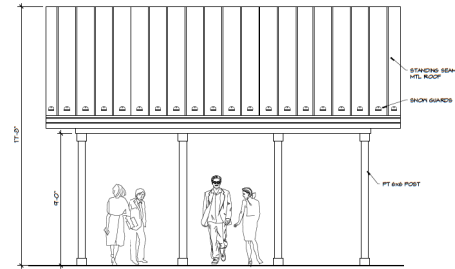
PROFESSIONAL CERTIFICATION. I HEREBY CERTIFY THAT  
THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME,  
AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER  
UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE  
NO. 45463 EXPIRATION DATE: 06-24-2022



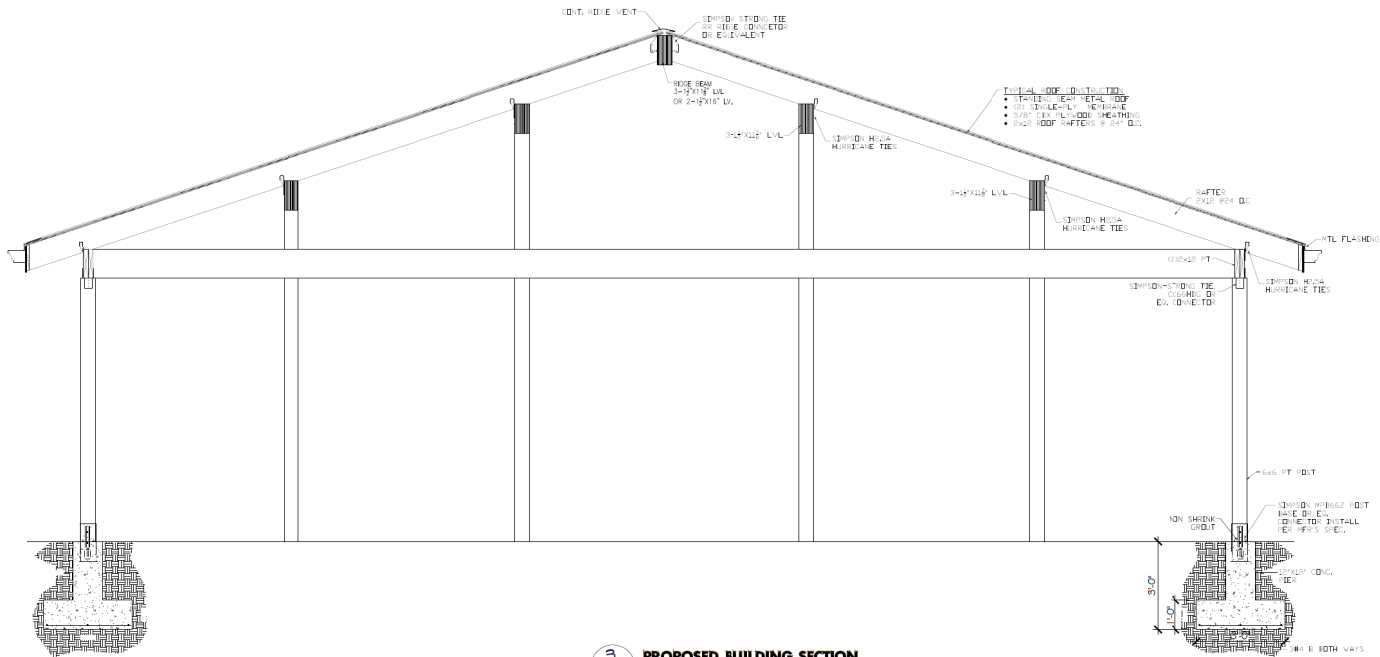
FOR MOGO USE ONLY



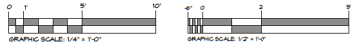
**1 PROPOSED FRONT ELEVATION**  
SCALE: 1/4" = 1'-0"



**2 PROPOSED SIDE ELEVATION**  
SCALE: 1/4" = 1'-0"



**3 PROPOSED BUILDING SECTION**  
SCALE: 1/2" = 1'-0"



PROFESSIONAL CERTIFICATION, I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE NO. 45469 EXPIRATION DATE: 06-24-2022











# Staff's Site Visit Photos

















































































































































LAURIENZ  
BRICK OVEN C...

C/F  
CARROLL  
MOTOR FUEL  
Diesel

DUNKIN'  
DONUTS  
baskinBRobbins

































