

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

<b>Address:</b>	3932 Washington Street, Kensington	<b>Meeting Date:</b>	7/27/2022
<b>Resource:</b>	Primary One Resource <b>Kensington Historic District</b>	<b>Report Date:</b>	7/20/2022
<b>Applicant:</b>	Dejan Bujak	<b>Public Notice:</b>	7/13/2022
<b>Review:</b>	HAWP	<b>Tax Credit:</b>	N/A
<b>Permit Number:</b>	998984	<b>Staff:</b>	Michael Kyne
<b>Proposal:</b>	Swimming pool and fencing		

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**STAFF RECOMMENDATION**

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

**ARCHITECTURAL DESCRIPTION**

**SIGNIFICANCE:** PrimaryOne Resource to the Kensington Historic District  
**STYLE:** Colonial Revival (Altered)  
**DATE:** c. 1898



*Fig. 1: Subject property.*

**PROPOSAL**

The applicant proposes to construct a swimming pool and fencing at the subject property.

## **APPLICABLE GUIDELINES**

When reviewing alterations and new construction within the Kensington Historic District several documents are to be utilized as guidelines to assist the Commission in developing their decision. These documents include the *Amendment to the Master Plan for Historic Preservation: Kensington Historic District (Amendment)*, *Vision of Kensington: A Long-Range Preservation Plan (Vision)*, *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.

### ***Master Plan Amendment***

The *Amendment* notes that:

The district is architecturally significant as a collection of late 19<sup>th</sup> and early 20<sup>th</sup> century houses that exhibit a variety of architectural styles popular during the Victorian period including Queen Anne, Shingle, Eastlake, and Colonial Revival. The houses share a uniformity of scale, setbacks, and construction materials that contribute to the cohesiveness of the district's streetscapes. This uniformity, coupled with the dominant design inherent in Warner's original plan of subdivision, conveys a strong sense of both time and place, that of a Victorian garden suburb.

### ***Vision of Kensington***

In accordance with Section 1.5 of the Historic Preservation Rules, Guidelines, and Procedures (Regulation No. 27-97), the Commission in developing its decision when reviewing a Historic Area Work Permit application for an undertaking involving a resource within the Kensington Historic District may use the *Vision* to determine the appropriateness of a proposal. The goal of the *Vision* "was to establish a sound database of information from which to produce a document that would serve the HPC, M-NCPPC, their staff, and the community in wrestling with the protection of historic districts amidst the pressures of life in the 21<sup>st</sup> century."

In addition, the *Vision* provides a specific physical description of the district as it was at the time of the study (August, 1992), an analysis of character-defining features of the district, a discussion of the challenges facing the district, and a discussion of proposed strategies for maintaining the character of the district, while allowing for appropriate growth and change.

The *Vision* identifies the following, as those features that help define the character of Kensington's built environment:

- Building Setbacks: Residential and Commercial Patterns
- Rhythm and Spacing between Buildings
- Geographic and Landscape Features
- Scale and Building Height
- Directional Expression of Buildings
- Roof Forms and Materials
- Porches
- Dominant Building Material
- Outbuildings
- Integrity of Form, Building Condition, and Threats
- Architectural Style

Regarding Geographic and Landscape Features, the *Vision* states:

The houses to the east and west of Connecticut Avenue sited along the curvilinear streets comprise the district's most historic structures. Many of these structures are placed in the middle of two lots, with large open-space to either side of the structures. These settings are picturesque with landscaped gardens composed of shrubs and flowers. Mature trees dot the environment. The gardens encompass the historic resource and characterize the residential evolution in this section of the district, and consequently have become intrinsic character defining features. Other residential development in the district, featuring houses sited centrally on a single lot, have similar front yards to earlier resources, but smaller side yards. Landscaping is on a smaller scale, with modest parcels devoted to plantings and gardens.

***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 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 c. 1898 Colonial Revival-style Primary One Resource within the Kensington Historic District. Originally, the resource was a 1 ½-story house (northmost/frontmost section), with a small two-story block to the southwest (rear/right, as viewed from the public right-of-way of Washington Street). The house has experienced substantial alterations, including a series of additions at the southeast (rear/left) side.

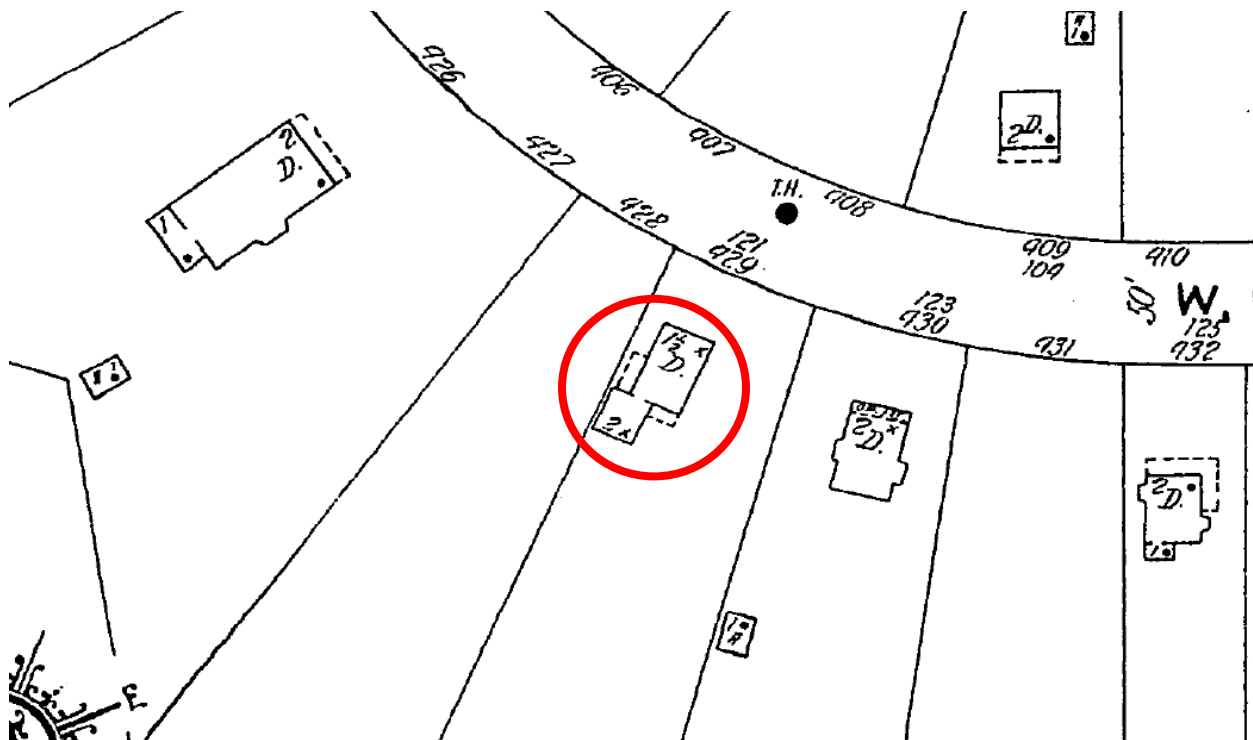
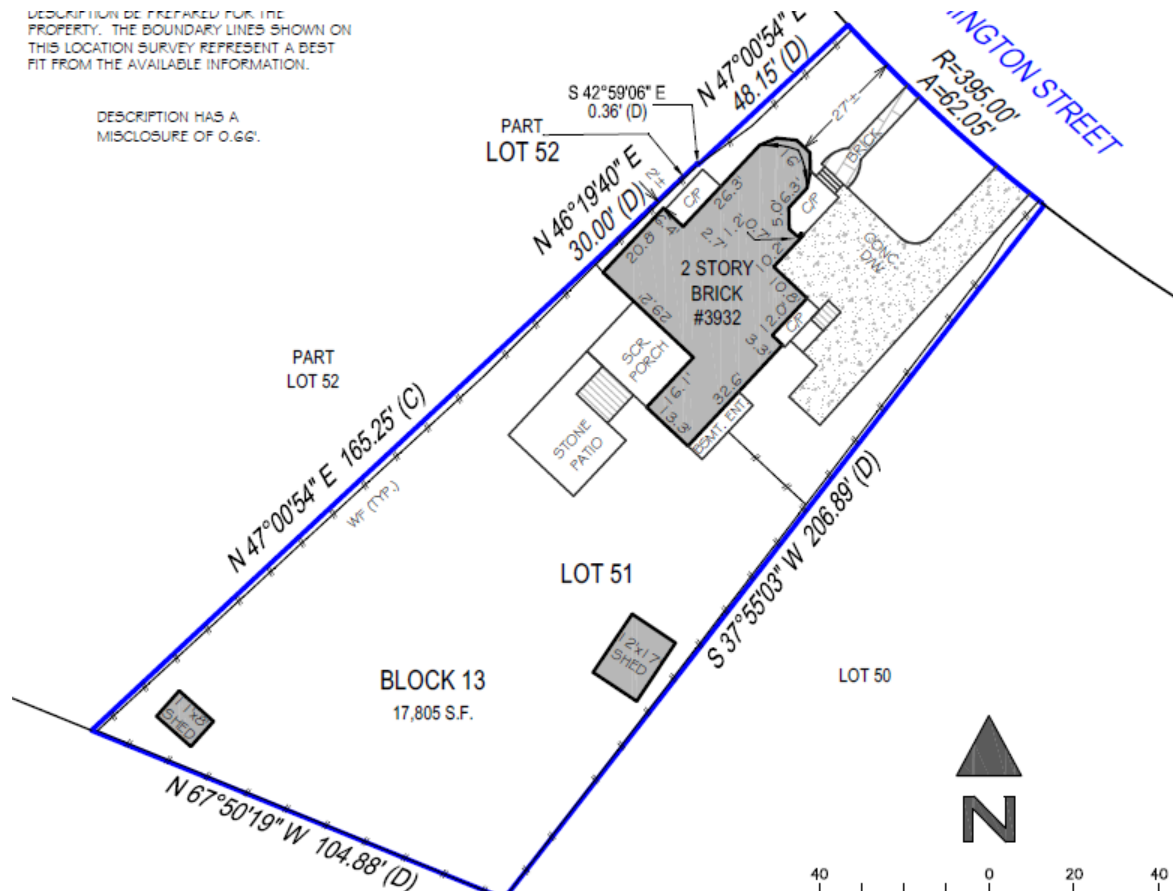


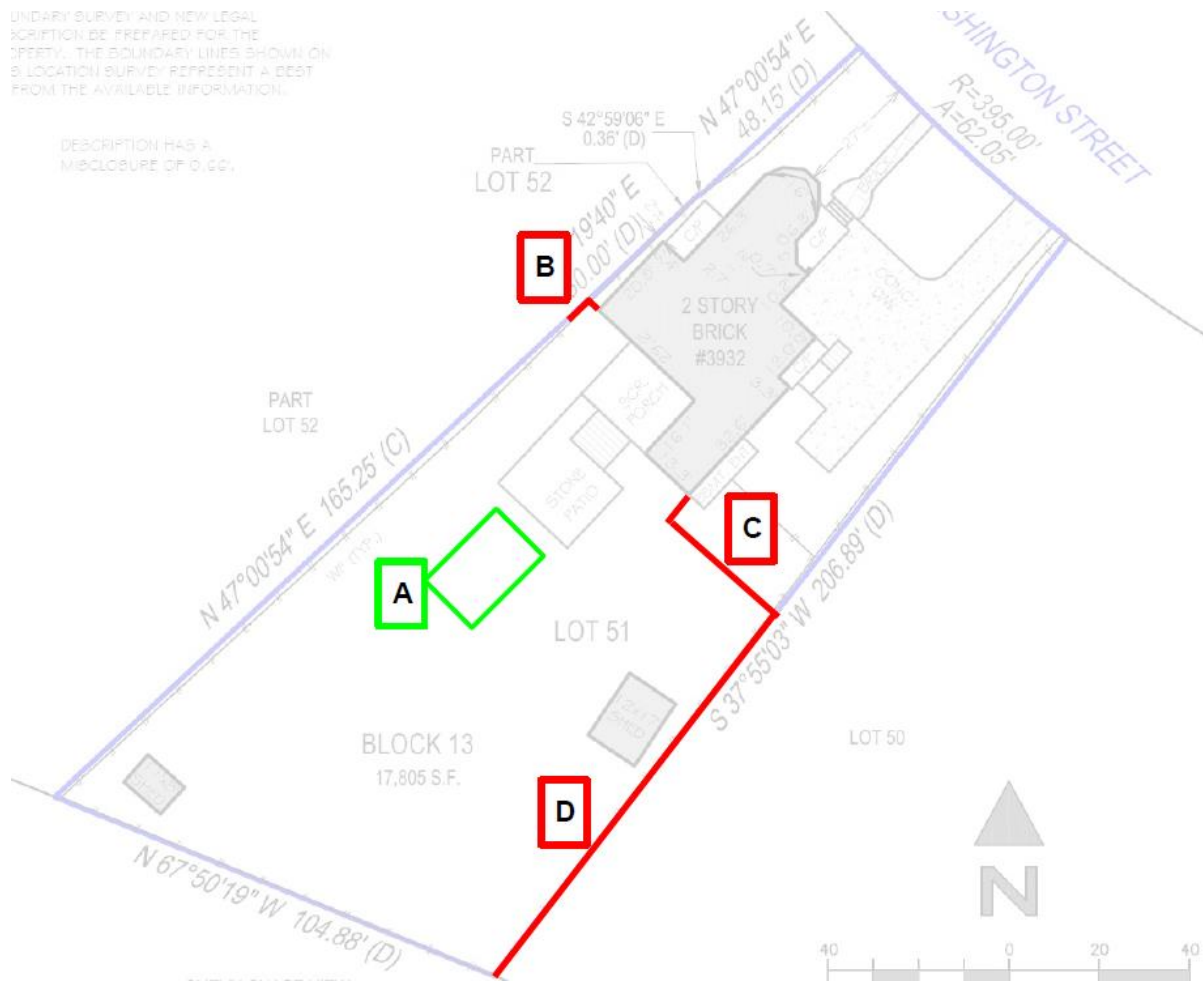
Fig. 2: 1924 Sanborn Fire Insurance Map, with the subject property house circled in red.





**Fig. 3: Current site plan.**

The applicant proposes to construct an 18' x 32' inground swimming pool at the rear of the subject property. There are currently sections of 6' tall wooden fencing at the rear of the property, and the applicant proposes to install additional 6' tall wooden fencing to match the existing and completely enclose the rear yard. This will satisfy the County's swimming pool safety code, which requires swimming pools to be protected by a 5' tall barrier.



**Fig. 4: Proposed site plan, with the proposed swimming pool location indicated in green (area A), and the proposed fencing locations indicated in red (areas B, C, and D).**

Staff fully supports the applicant's proposal. The proposed swimming pool is located at the rear, entirely behind the house, and it will not be visible from the public right-of-way. The proposed fencing is behind the rear plane of the historic sections of the house, and is compatible with the subject property and surrounding streetscape, in terms of height, material, and design. Accordingly, staff finds that the proposal will not remove or alter character-defining features of the subject property or surrounding streetscape, per *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), (2) & (d), having found the proposal is consistent with the *Amendment to the Master Plan for Historic Preservation: Kensington Historic District*, the *Vision of Kensington: A Long-Range Preservation Plan*, and the *Secretary of the Interior's Standards for Rehabilitation #2 and #9*, 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) & (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, is consistent with the *Vision of Kensington*, 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 the 3 electronic permit sets 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# 998984  
DATE ASSIGNED \_\_\_\_\_

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

**APPLICANT:**

Name: Dejan Bujak  
Address: 3932 Washington St  
Daytime Phone: 20895

E-mail: DejanBujak@gmail.com  
City: Kensington Zip: 20895  
Tax Account No.: 01025858

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

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Daytime Phone: \_\_\_\_\_

E-mail: \_\_\_\_\_  
City: \_\_\_\_\_ Zip: \_\_\_\_\_  
Contractor Registration No.: \_\_\_\_\_

**LOCATION OF BUILDING/PREMISE:** MIHP # of Historic Property M: 31-6

Is the Property Located within an Historic District? Yes/District Name Kensington Historic District  
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: 3932 Street: Washington St  
Town/City: Kensington Nearest Cross Street: Prospect St  
Lot: 51 Block: 13 Subdivision: 0015 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 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 checked="" type="checkbox"/> Other: <u>In-ground pool</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.

Dejan Bujak

07/05/2022

Signature of owner or authorized agent

Date

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

<b>Owner's mailing address</b> Dejan Bujak 3932 Washington St Kensington, MD 20895	<b>Owner's Agent's mailing address</b>
<b>Adjacent and confronting Property Owners mailing addresses</b>	
JOHNSON TIMOTHY 3936 WASHINGTON ST KENSINGTON MD 20895-3933	SCHWABE JOHN 3930 WASHINGTON ST KENSINGTON MD 20895
ALBRIGHT DAVID 4009 CLEVELAND ST KENSINGTON MD 20895-3806	HENRY SNYDER 4005 CLEVELAND ST 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:

The property is "pizza" shaped with a lot of space in the back. Right now it has 6' fence on the 3 sides of the property and 4' on the left side. The lot is flat. Historic house was built in 1894. We put addition to the house about 10 years ago.

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

Would like to install in-ground pool (18'x36') behind our stone back patio.

Code for the pool asks for at least 5' fence around it, so we'd like to install new 6' fence:

- left side of the property (behind the historic part of the house)
- across the "driveway" to the garage (behind the historic part of the house)
- small corner on the right side of the house (behind the historic part of the house)

Please see attached plans and pictures.

Work Item 1: <u>In-ground pool</u>	
Description of Current Condition: Flat grass lawn.	Proposed Work: Install in-ground 18'x36' pool.

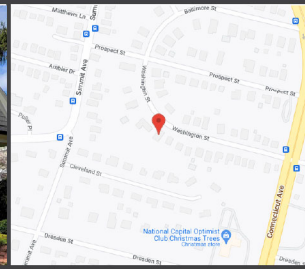
Work Item 2: <u>Fence</u>	
Description of Current Condition: 4' fence on the left side of the property.	Proposed Work: Install 6' fence on the left side of the property, across the driveway and small corner on the right side of the house.

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





www.exactaland.com | office: 443.819.3994



PROPERTY ADDRESS: 3932 WASHINGTON STREET, KENSINGTON, MARYLAND 20895

SURVEY NUMBER: 2203.5397

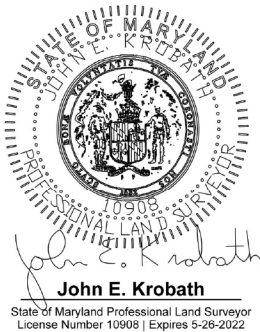
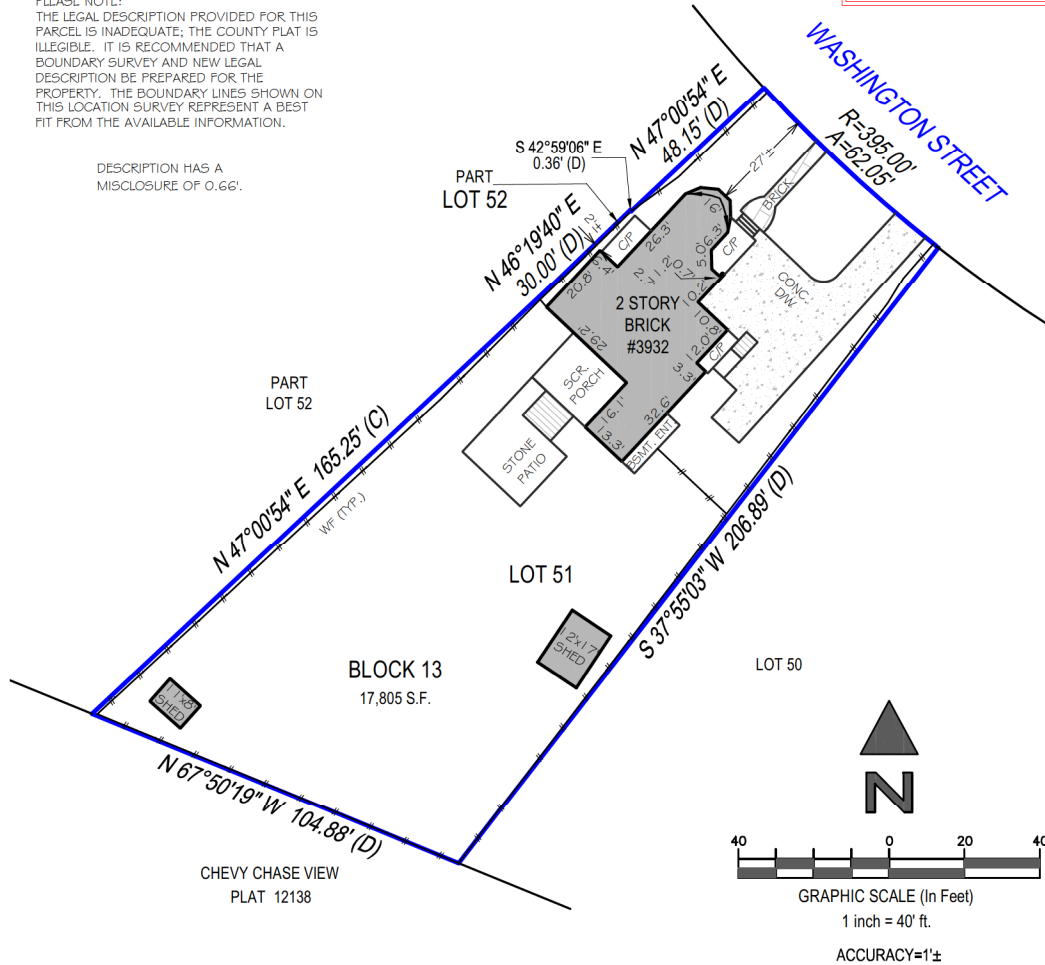
2203.5397  
LOCATION DRAWING  
MONTGOMERY COUNTY

PLEASE NOTE:  
THE LEGAL DESCRIPTION PROVIDED FOR THIS  
PARCEL IS INADEQUATE; THE COUNTY PLAT IS  
ILLEGIBLE. IT IS RECOMMENDED THAT A  
BOUNDARY SURVEY AND NEW LEGAL  
DESCRIPTION BE PREPARED FOR THE  
PROPERTY. THE BOUNDARY LINES SHOWN ON  
THIS LOCATION SURVEY REPRESENT A BEST  
FIT FROM THE AVAILABLE INFORMATION.

DESCRIPTION HAS A  
MISCLOSURE OF 0.66'.

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.



SURVEYORS CERTIFICATION:

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.

POINTS OF INTEREST:

NONE VISIBLE



Exacta Land Surveyors, LLC  
LBN 21535  
office: 443.819.3994  
1220 E. Churchville Rd, Suite 100 | Bel Air, MD 21014



DATE SIGNED: 03/28/22

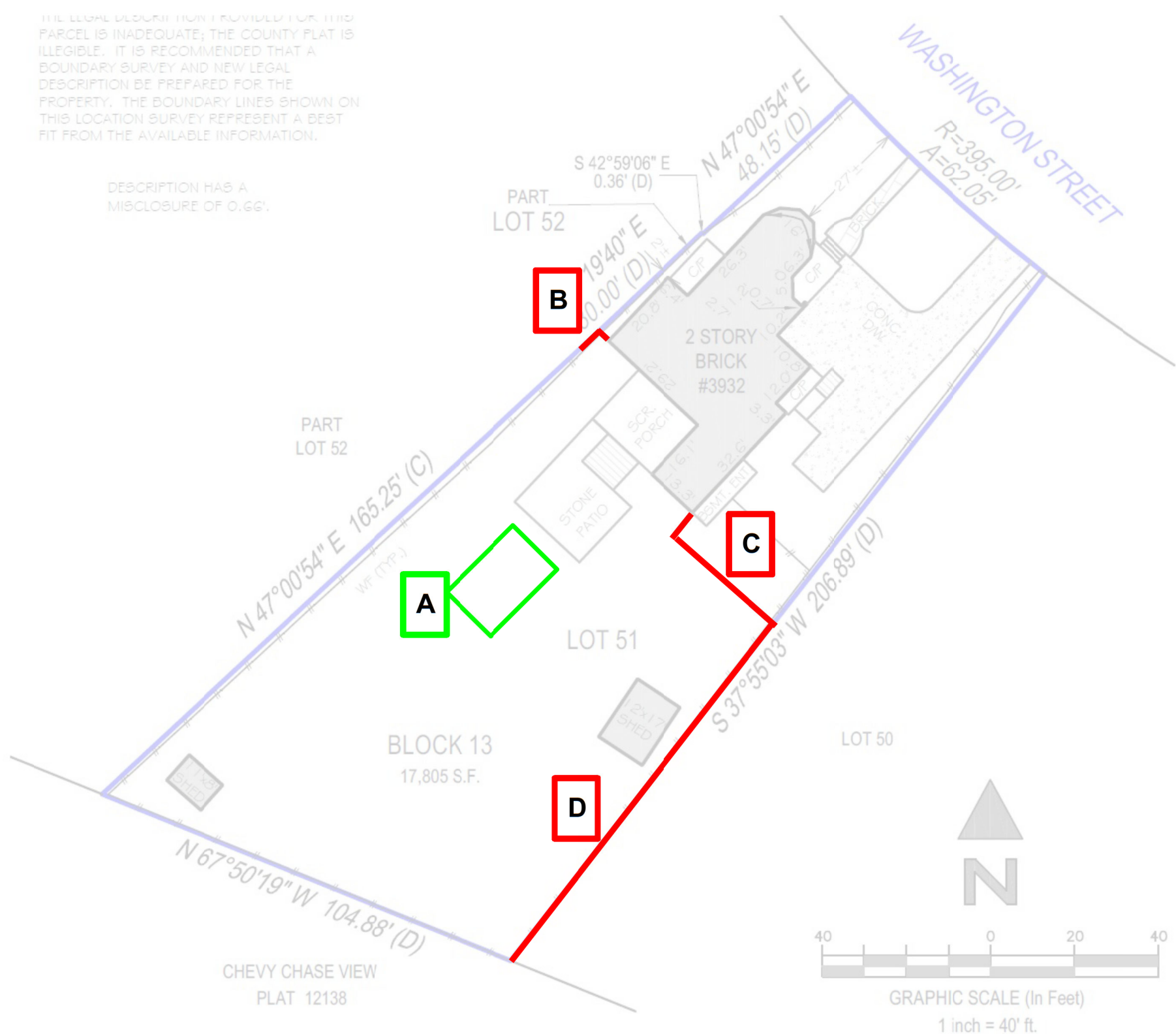
FIELD WORK DATE: 3/28/2022

REVISION DATE(S): (REV.0 3/28/2022)

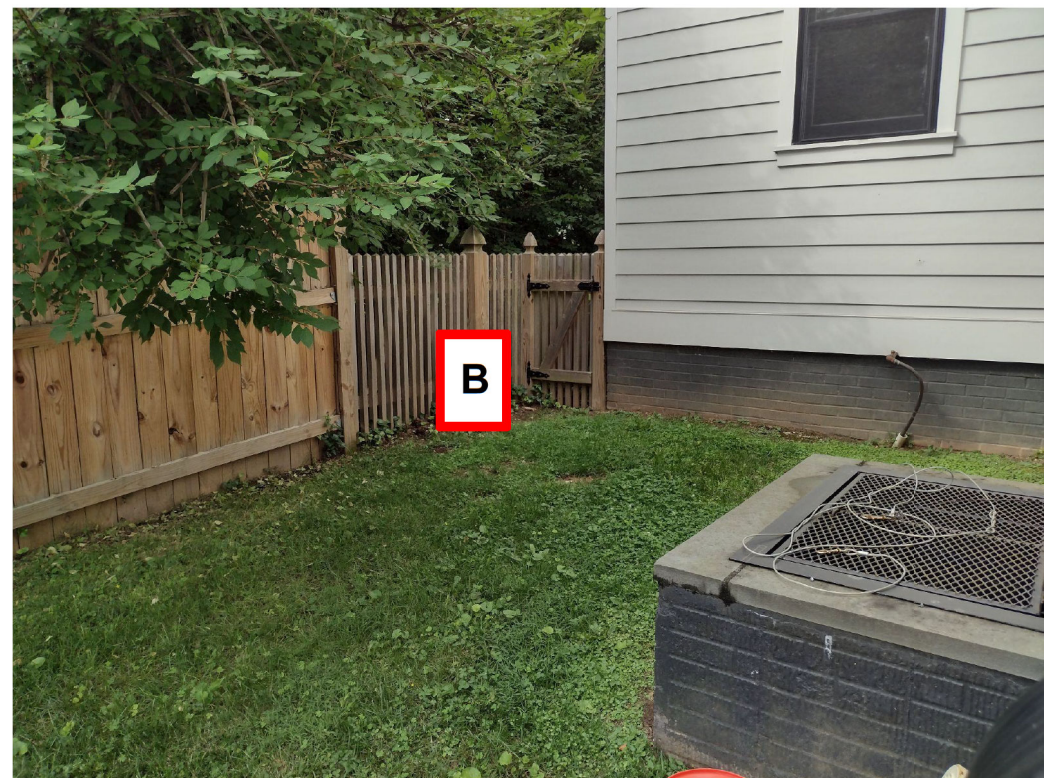
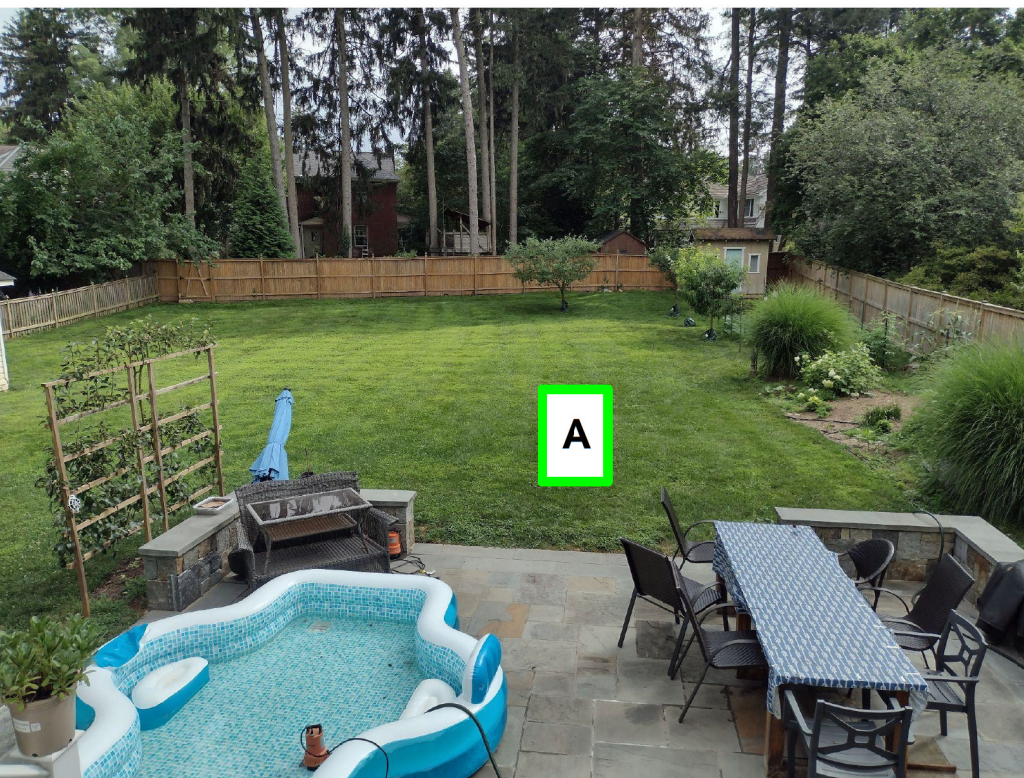
SEE PAGE 2 OF 2 FOR LEGAL DESCRIPTION  
PAGE 1 OF 2 - NOT VALID WITHOUT ALL PAGES

THE LEGAL DESCRIPTION PROVIDED FOR THIS PARCEL IS INADEQUATE; THE COUNTY PLAT IS ILLEGIBLE. IT IS RECOMMENDED THAT A BOUNDARY SURVEY AND NEW LEGAL DESCRIPTION BE PREPARED FOR THE PROPERTY. THE BOUNDARY LINES SHOWN ON THIS LOCATION SURVEY REPRESENT A BEST FIT FROM THE AVAILABLE INFORMATION.

DESCRIPTION HAS A MISCLOSURE OF 0.66'.







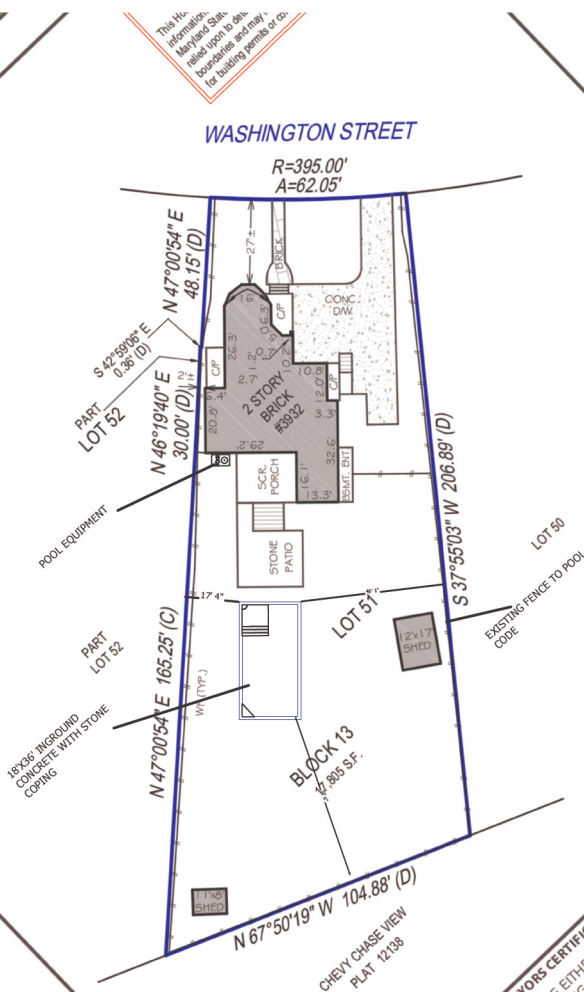




PROPERTY ADDRESS: 375  
2203 5397  
LOCATION DRAWING  
MONTGOMERY COUNTY

PLEASE NOTE: THE LEGAL DESCRIPTION PROVIDED FOR THIS PARCEL IS INCOMPLETE. IT IS RECOMMENDED THAT A BOUNDARY SURVEY AND NEW LEGAL DESCRIPTION BE OBTAINED FOR THIS PROPERTY. THE BOUNDARY LINES OF THIS LOCATION SURVEY REPRESENT A BEST FIT FROM THE AVAILABLE INFORMATION.

DESCRIPTION HAS A  
ENCLOSURE OF 0.66G.

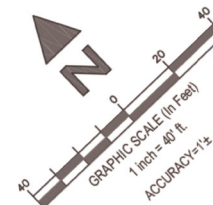


**SURVEYORS CERTIFICATION:**  
LICENSEE EITHER PERSON  
DRAWING OR WAS  
OVER ITS WORK

**SURVEYORS CERTIFICATION:**  
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.



  
 Robert J. Bath  
 Surveyor



POINTS OF INTEREST:  
NONE VISIBLE



**SurveySTARS**

SurveySTX

SEE PAGE 2 OF 2 FOR LEGAL DESCRIPTION  
PAGE 1 OF 2 - NOT VALID WITHOUT ALL PAGES

Scale:  $1/40'' = 1 \text{ ft}$



**New 6' fence to match existing 6' fence**





DEPARTMENT OF PERMITTING SERVICES

Marc Elrich  
*County Executive*

Mitra Pedoeem  
*Director*

# HISTORIC AREA WORK PERMIT APPLICATION

Application Date: 7/5/2022

Application No: 998984  
AP Type: HISTORIC  
Customer No: 1440629

## Affidavit Acknowledgement

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

## Primary Applicant Information

Address 3932 WASHINGTON ST  
KENSINGTON, MD 20895

Homeowner Bujak (Primary)

## Historic Area Work Permit Details

Work Type ADD

Scope of Work Build in-ground 18'x36' pool and 6' fence.