

MONTGOMERY COUNTY HISTORIC PRESERVATION COMMISSION
STAFF REPORT

Address:	10013 Stoneybrook Dr., Silver Spring	Meeting Date:	8/17/2022
Resource:	1870 – 1916 Resource Capitol View Park Historic District	Report Date:	8/10/2022
Applicant:	Melissa Colbert	Public Notice:	8/3/2022
Review:	HAWP	Tax Credit:	No
Case No.:	PENDING	Staff:	Dan Bruechert
PROPOSAL: Fence removal, fence installation, construction of accessory building/gazebo			

STAFF RECOMMENDATION

Staff recommends the HPC **approve with two (2) conditions** the HAWP;

1. The approval of this HAWP does not extend to the installation of any solar panels. Solar panels may be submitted as part of a HAWP amendment for review and approval as plans are developed.
2. Details for a permeable flagstone path are not sufficient to determine its appropriateness. Once plans for the path are finalized, they need to be submitted to Staff for review and approval.

ARCHITECTURAL DESCRIPTION

SIGNIFICANCE: 1870-1916 - Resource in the Capitol View Historic District
STYLE: Queen Anne
DATE: 1898

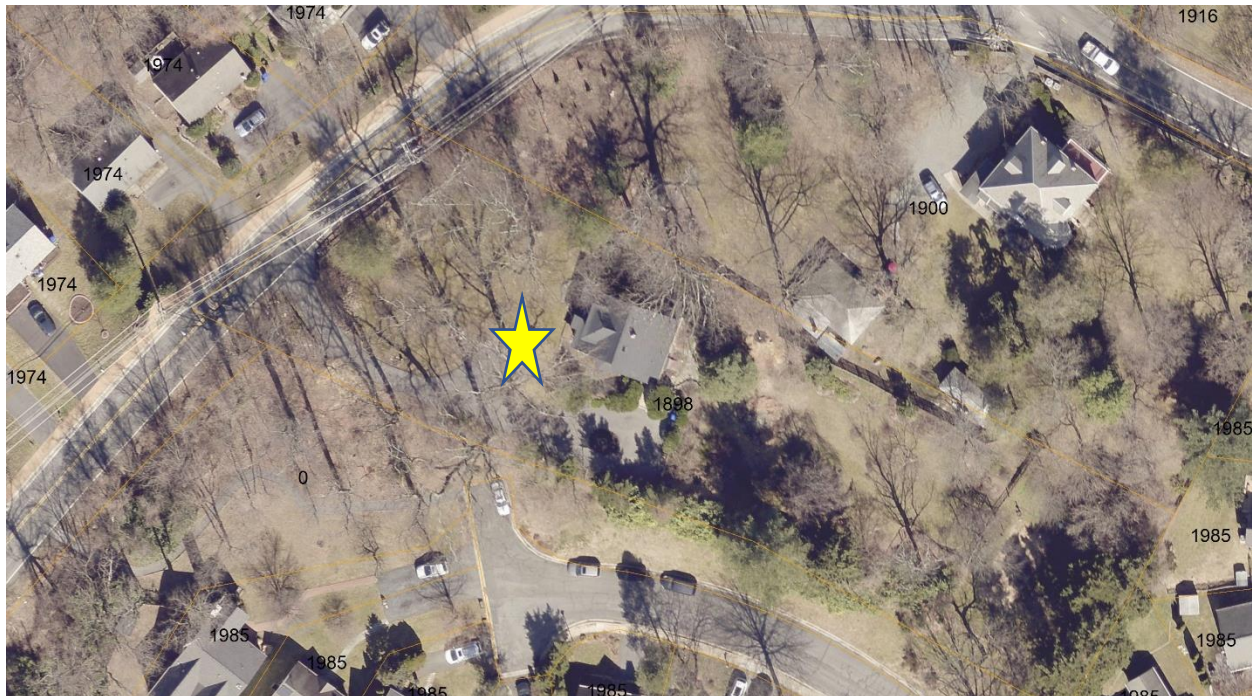


Figure 1: The subject property is located near the edge of the historic district and is identified in the Master Plan Amendment as the Shaw House.

PROPOSAL

The applicant identifies five work items:

1. Removing the existing dog pen fencing;
2. Level out a section of the grade at the rear;
3. Install a fence along the rear of the lot;
4. Install a prefab wood gazebo; and
5. Plant shrubs (new plantings do not require a HAWP)

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
- (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 subject property sits in the middle of a large lot, bordered on the west by Stoneybrook Dr. and to the south by Pratt Pl. The work proposed for this HAWP consists of landscape and hardscaping in the rear yard including, removing an existing fence, re-grading a portion of the rear yard, installing new fencing, and installing a gazebo. Staff finds the proposed work will not substantially impact the character of the house or surrounding district and recommends the HPC approve the HAWP with two conditions.

Fence Removal and Re-grading

In the southwest corner of the rear of the yard, there is a fenced enclosure with overgrown vegetation. The applicant proposes to demolish this fence and re-grade the area to make a level platform.

The existing fence does not contribute to the historic character of the property and Staff finds its removal should be approved as a matter of course. Additionally, re-grading the area around the existing dog enclosure will not substantially impact the rolling character of the district as a whole and Staff recommends the HPC approve this work under 24A-8(b)(2) and (d).

New Fencing

In place of the dog enclosure, the applicant proposes to install approximately 45' (forty-five linear feet) of 6' (six feet tall) shadow box fencing with a lattice top including a rear gate. Additionally, the applicant proposes to extend the existing split rail fence an additional 40' (forty linear feet). The fence is approximately 25' (twenty-five feet) from Pratt Pl. behind a line of trees and shrubs.

Staff finds the proposed fencing design and materials are compatible with the character of the house and surrounding district. Additionally, the placement of the fence will not detract from the streetscape and Staff recommends the HPC approve the new fencing under 24A-8(b)(2) and (d) and Standard 2.

Gazebo Construction

The applicant proposes to install a prefabricated 12' (twelve foot) wide octagonal, screened-in, cedar gazebo in the southwest corner of the rear lot. The gazebo is just under 14' (fourteen feet) tall.

Staff finds the proposed gazebo's materials and design are compatible with the character of the district. Additionally, the prefabricated gazebo may be easily removed in the future without permanently altering the physical characteristics of the district. Staff recommends the HPC approve the gazebo under 24A-8(b)(2) and (d) and Standards 2 and 10.

Staff notes that the application materials state that no electricity is planned for the gazebo, but if it is later determined necessary, electricity will be provided by solar power. Because solar panels were not included in this application, Staff finds that it is not appropriate to pre-approve this work. Staff recommends the HPC include a condition for approval that the HAWP does not extend to solar panels and if the applicant would like to propose them in the future, an amendment to this HAWP needs to be submitted. Depending on the extent and placement of these panels, they may be approvable at the Staff-level or may require an HPC review.

Finally, the applicant indicates that a flagstone path to the gazebo is being contemplated, but did not include materials or locations for that path. Approval of that work is not covered by this HAWP, however, an appropriately designed rear path is a category of work that can be approved at the Staff-level, and Staff encourages the applicant to submit that proposal to Staff as it is developed.

STAFF RECOMMENDATION

Staff recommends that the Commission **approve** the HAWP application with two conditions:

1. The approval of this HAWP does not extend to the installation of any solar panels. Solar panels may be submitted as part of a HAWP amendment for review and approval as plans are developed.
2. Details for a permeable flagstone path are not sufficient to determine its appropriateness. Once plans for the path are finalized, they need to be submitted to Staff for review and approval; under the Criteria for Issuance in Chapter 24A-8(b)(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 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 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# 1003027
DATE ASSIGNED _____

APPLICANT:

Name: MELISSA R COLBERT

E-mail: melissa.colbert@hwp.com

Address: 10012 STONEYBROOK DR

City: SILVER SPRING Zip: 20910

Daytime Phone: 301-221-2520

Tax Account No.: 00996815

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 CAPITOL VIEW PARCELS 30
☐ 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 checked="" type="checkbox"/> Fence | <input type="checkbox"/> Solar |
| <input checked="" type="checkbox"/> Demolition | <input checked="" type="checkbox"/> Hardscape/Landscape | <input checked="" 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.

M. Colbert

Signature of owner or authorized agent

Date

HAWP APPLICATION

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Mailing Address for Notifying

(Owner, Owner's Agent, Adjacent and Confronting Property Owners)

Owner's Mailing Address:	Owner's Agent's Mailing Address
Melissa R. Colbert 10013 Stoneybrook Dr. Silver Spring, MD 20910	
Adjacent and confronting Property Owners mailing addresses	
Eric and Cynthia Eicher 10012 Capitol View Ave Silver Spring, MD 20910	Betsy Flagg Head of Pratt Place HOA 10005 Pratt Place Silver Spring, MD 20910

10018 Pratt Place
Silver Spring, MD 20910

10112 Stoneybrook Drive
Silver Spring, MND 20910

10108 Stoneybrook Drive
Silver Spring, MD 20910

10044 Pratt Place
Silver Spring, MD 20910

10110 Stoneybrook Drive
Silver Spring, MD 20910

Description of Property

The property sits on an elongated, approximately 1-acre lot in the Capitol View Park Historic District (Parcel 30). Built in either 1896 or 1898 (ambiguous), the property consists of a 2-1/2 story clapboard-faced house built in an eclectic style, primarily craftsman, but with singular features such as a curved roof and two semi-circular bays. Access to the property is from Stoneybrook Drive on the northwest. The Pratt Place development parallels the property on the southwest side.

The square footage on the first floor is approximately 1,155 sq ft. There is also a small 291 sq. ft. stable on the property. The house sits approximately 100 feet back from the frontage on Stoneybrook Drive. The majority of the land is behind the house and is not visible from either Stoneybrook Drive, Pratt Place, or the adjacent property at 10012 Capitol View Avenue.

There are a number of mature trees and perennial beds located throughout the property as well as an approximately 20'x60' vegetable garden at the rear of the plot. There is an approximately 30'x30' fenced area on the southwest side that was used as a dog pen in the past. This area was until recently overgrown with invasive vines and bamboo. They have now been removed as part of taking down a dead choke cherry tree that was in the center of the area. The fencing around the dog pen area is in very bad shape. The dog pen area is at an elevation of approximately four feet above Pratt Place.

There is three bar split rail fencing with wire mesh around the rear and southwest portion of the property up to but not including the vegetable garden which is protected by deer fencing. There is 6' shadowbox fencing between the rear of the house up to the vegetable garden along the northeast side.

Description of Work Proposed

- 1) Remove old dog pen fencing and vegetable debris.
- 2) Grade the area to create an adequate slope for erecting a gazebo.
- 3) Install shadowbox fencing topped with lattice along the side of the dog pen area that parallels Pratt Place, with a small dogleg that contains a gate and connects with the deer fencing around the vegetable garden
- 4) Install a prefabricated 12'x12' wooden fully-screened gazebo in the middle of the 30x30 area. Any power needed for lights or a ceiling fan will be solar-powered and will not require electrical work. There will be no plumbing.
- 5) Plant low-maintenance shrubs and perennials around the gazebo possibly including a flagstone path.

Work Item 1: Clean up Dog Pen Area

Description of Current Condition: Falling down fence; vegetation debris; dirt slopes at a significant uneven angle towards Pratt Place.

Proposed Work: Remove existing debris, old fencing; grade area to create an area for the installation of the gazebo. Install underground metal barricade to prevent bamboo from invading area.

Work Item 2: Fencing

Description of Current Condition: After the existing fence is removed, the area will be open. In addition to adding privacy, I will need to block deer.

Proposed Work: Install new shadowbox/lattice fence on 1+ sides. Include a gate on the dogleg. There is an area approximately 3.5 feet wide from the fence to the property line and an additional 5 feet where the proposed gate would be, so exiting from the area will not impinge on Pratt Station property.

Work Item 3: Gazebo

Description of Current Condition: Area is now cleared and fence installed.

Proposed Work: Install a pre-fabricated 12x12 wooden octagonal gazebo kit in the center of the cleared area:

- 1) Create a permeable base of bluestone, gravel, or sand to support it with 4x4 pressure treated sleepers.
- 2) Have professional installers put up the gazebo.

Work Item 4: Landscaping

Description of Current Condition: Gazebo and fence are installed, but area is otherwise empty.

Proposed Work: Working with a landscape architect, move existing shrubs and perennials from existing gardens to the area, minimizing if not obviating any need for grass. Working with landscape architect, install permeable flagstone paths set in sand.

Other Information

Property Survey from 2002 (the latest)

Inset of Proposed Changes to Dog Pen Area

Photographs of Existing Site

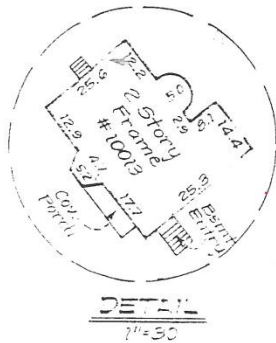
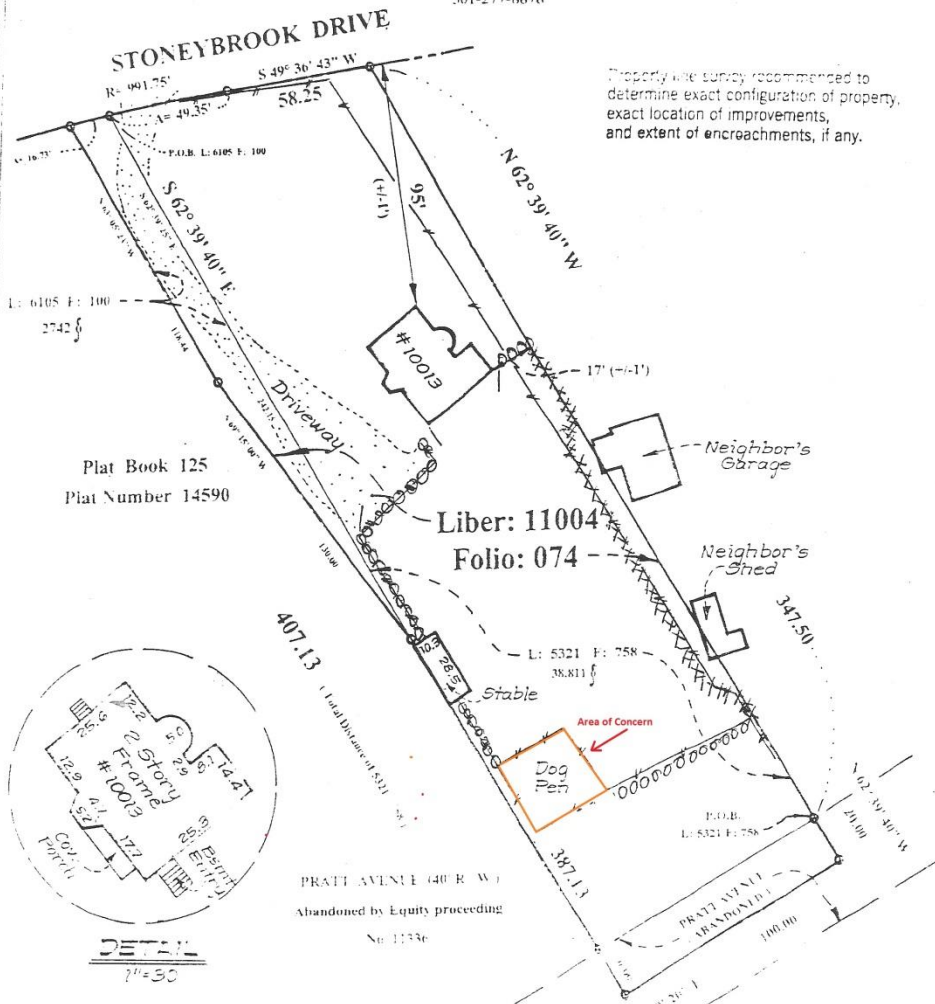
Proposed Shadowbox Fencing

Proposed Gazebo

Landtech Associates, Inc.

7307 Baltimore Avenue Suite 214
College Park, MD 20740
301-277-8878

Property was surveyed recommended to
determine exact configuration of property,
exact location of improvements,
and extent of encroachments, if any.



XXXX = 6 FT. HIGH
WYNGATE

00000 = 4 FT. HIGH
"THREE-RAIL"

Location Drawing of:
#10013 Stoneybrook Drive
**COLBERT
PROPERTY**
Montgomery Co., MD

APPROVED
Montgomery County
Historic Preservation Commission

TAX PARCEL: 30
TAX MAP: HP-562
DATE: 01-19-99 SCALE: 1"=50'
CASE NUMBER: 98-8198
FILE NUMBER: MP-99003

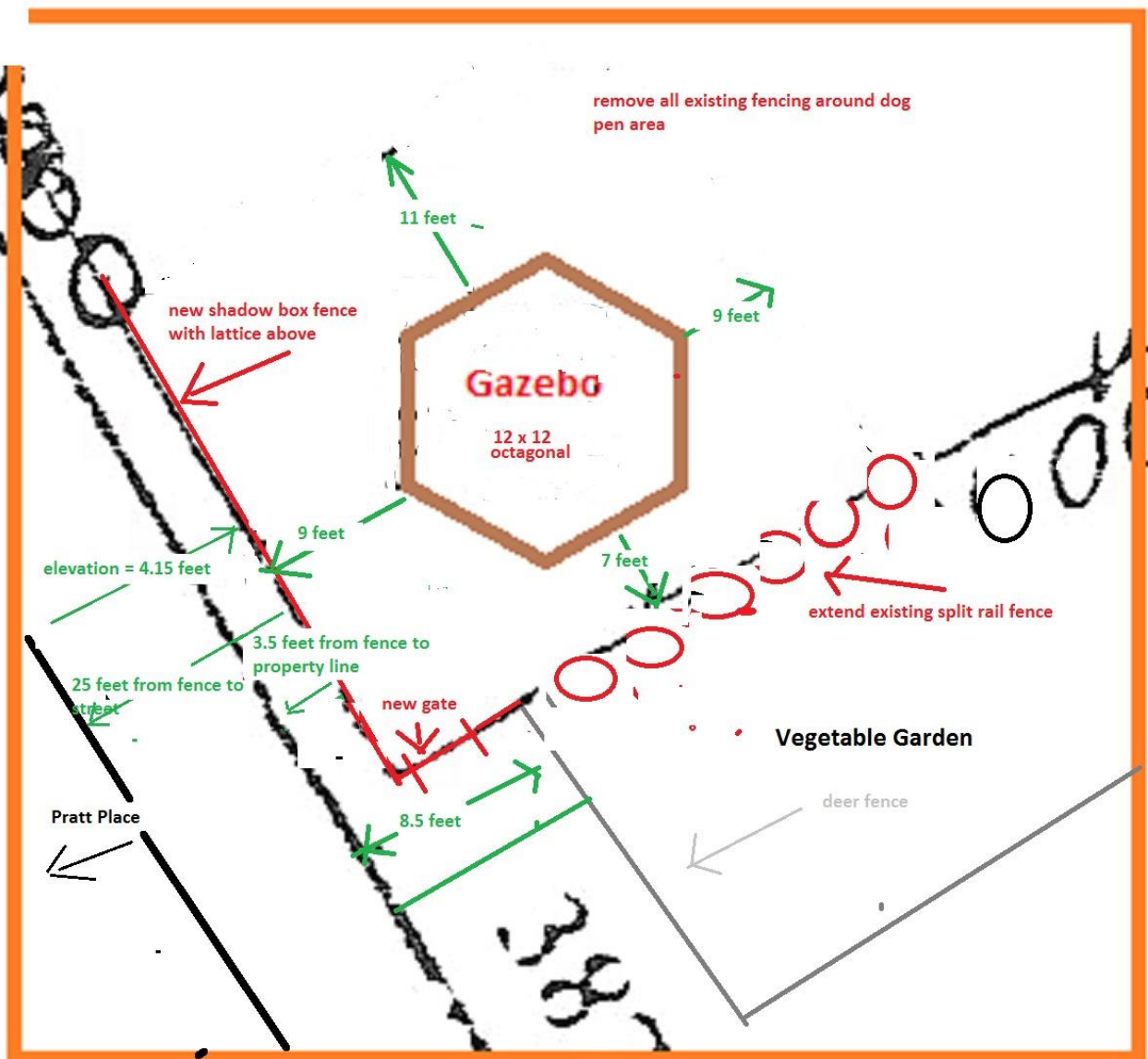
NOTES:

1. The plat is of benefit to a consumer only insofar as it is required by a lender or a title insurance company or its agent in connection with contemplated transfer, financing or re-financing.
2. The plat is not to be relied upon for the establishment or location of fences, garages, buildings, or other existing or future improvements.
3. The plat does not provide for the accurate identification of property boundary lines, but such identification may not be required for the transfer of title or securing financing or re-financing.

CERTIFICATION: I hereby certify that the position of the significant visible improvements on the above described property has been carefully established in compliance with the "Minimum Standards of Practice" for the State of Maryland.

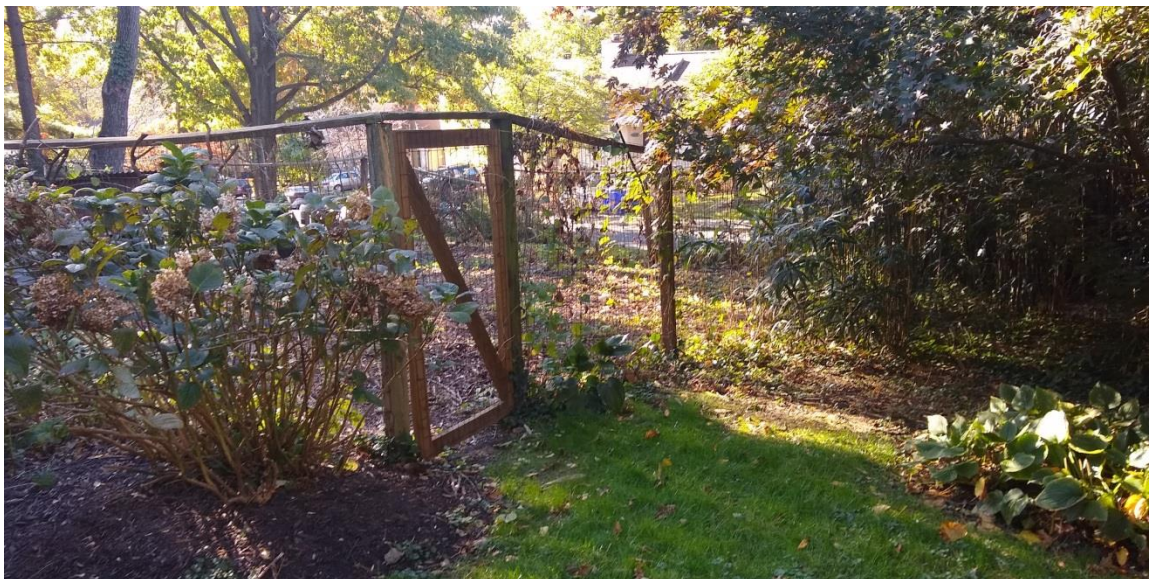
GRADEN A. ROGERS — PROP. L.S. MD. LIC. NO. 119

Inset of Proposed Changes to Dog Pen Area



Pictures of Dog Pen Area
From Inside Property

Figures 1-2: From Inside Property



Figures 3-5: From Pratt Place

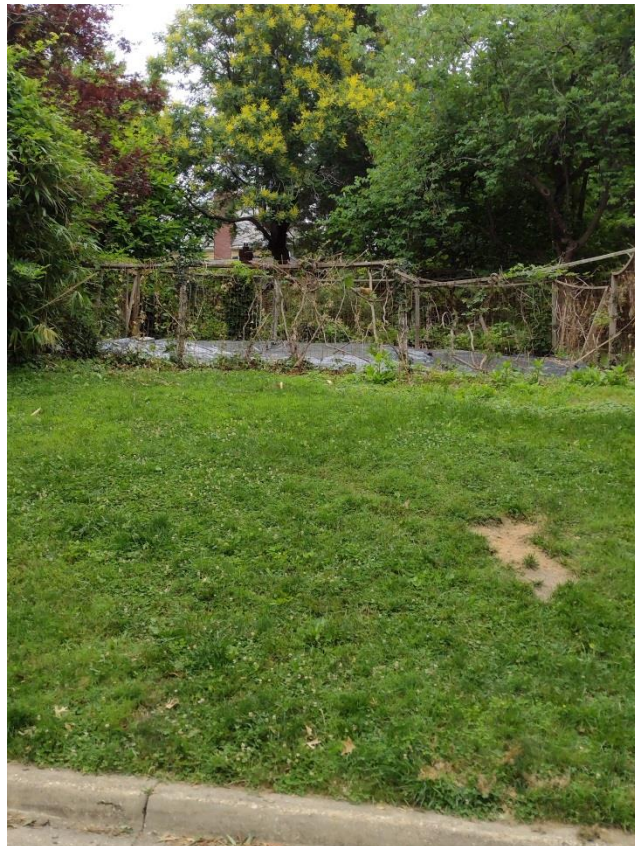




Figure 6: from 10012 Capitol View (Eicher Property)



Proposed Shadowbox Fencing





Overview (Manufacturer's Description)

The large, 12' cedar octagon gazebo creates a beautiful and elegant meeting space for entertaining friends and family, or simply to relax in your backyard. The classic design and decorative cupola is easily incorporated into any garden or backyard so that you can enjoy your outdoor space with shade or protection from the weather.

The "Screen Kit" option is a must if bugs keep you from enjoying your backyard! It includes heavy-duty landscape fabric for the floor, framed screens for each wall and for the cupola, as well as a beautiful screen door! All necessary hardware is included with this option.

The gazebo is designed to be durable and able to withstand all kinds of weather conditions. The posts, rafters, and joists use carriage bolts for added strength and the gazebo comes with wind and snow load roof rafter brackets for added stability and strength. Assembly takes roughly 2 days depending on how many helpers you have. This gazebo ships unstained and accepts a wide range of finishes to help you create a personalized look.

Features & Benefits:

- Durable, rot-resistant Western red cedar construction
- Sturdy 3 1/2" x 3 1/2" post and rafter construction
- Post, rafter and joists are carriage bolted
- Wind and snow load roof rafter brackets
- Cedar lap sided ceiling
- Pre-singled cedar roof
- Attractive cedar cupola
- 5/4" cedar deck floor
- Includes all necessary hardware
- Easy to follow, step by step instructions
- Made in Canada

Assembly:

Basic site preparation and assembly is required and takes 2 days with a helper, depending on your skill level. The area should be levelled and a foundation is strongly recommended (patio stones, wooden beam, or concrete slab foundations). All hardware is included and minimal tools are needed. The gazebo comes with illustrated step-by-step instructions.

This cedar gazebo naturally weathers to a light grey color. We strongly recommend staining or painting the shed to extend its lifespan. Western red cedar wood accepts a wide range of finishes to help you customize the appearance of shed. Unlike pressure treated lumber, there are no toxic chemical preservatives used in its manufacturing.

Shipping & Delivery:

Please Note: The 12' cedar gazebo ships on a pallet via standard motor freight. The freight carrier will call in advance to schedule delivery. You may need two people present to unload freight from the delivering freight carrier vehicle. Your shipment will be unloaded curbside.

The standard kit ships on two pallets, 88"w x 52"d x 34"h and 96"w x 48"d x 21"h. The total shipment weight is 1880lbs.

The screen kit ships on two pallets, 92"w x 48"d x 23"h and 88"w x 52"d x 57"h. The total shipment weight is 2110lbs.

Please note, these items are made to order, and are not eligible to be returned or cancelled once they have shipped. If you have any questions, please reach out before your purchase.

Specifications:

Material: Cedar

Shipping Weight: 1880 lbs.

Shipping Boxes: Ships on two pallets

Assembly Time: 2 days

Origin: Made in Canada

Warranty: 1 Year Manufacturer's Warranty

Lead Time: Ships within 5-7 Business Days

Gazebo Specifications

