

MONTGOMERY COUNTY HISTORIC PRESERVATION COMMISSION
STAFF REPORT

Address:	10012 Capitol View Ave., Silver Spring	Meeting Date:	10/12/2022
Resource:	1870 - 1916 Capitol View Park Historic District	Report Date:	10/5/2022
Applicant:	Eric Eicher	Public Notice:	9/28/2022
Review:	HAWP	Staff:	Dan Bruechert
Case No.:	1006956	Tax Credit:	n/a
Proposal:	Fence Installation		

STAFF RECOMMENDATION

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

ARCHITECTURAL DESCRIPTION

SIGNIFICANCE: 1870 – 1916 Resource in the Capitol View Historic District
STYLE: 1888
DATE: Queen Anne

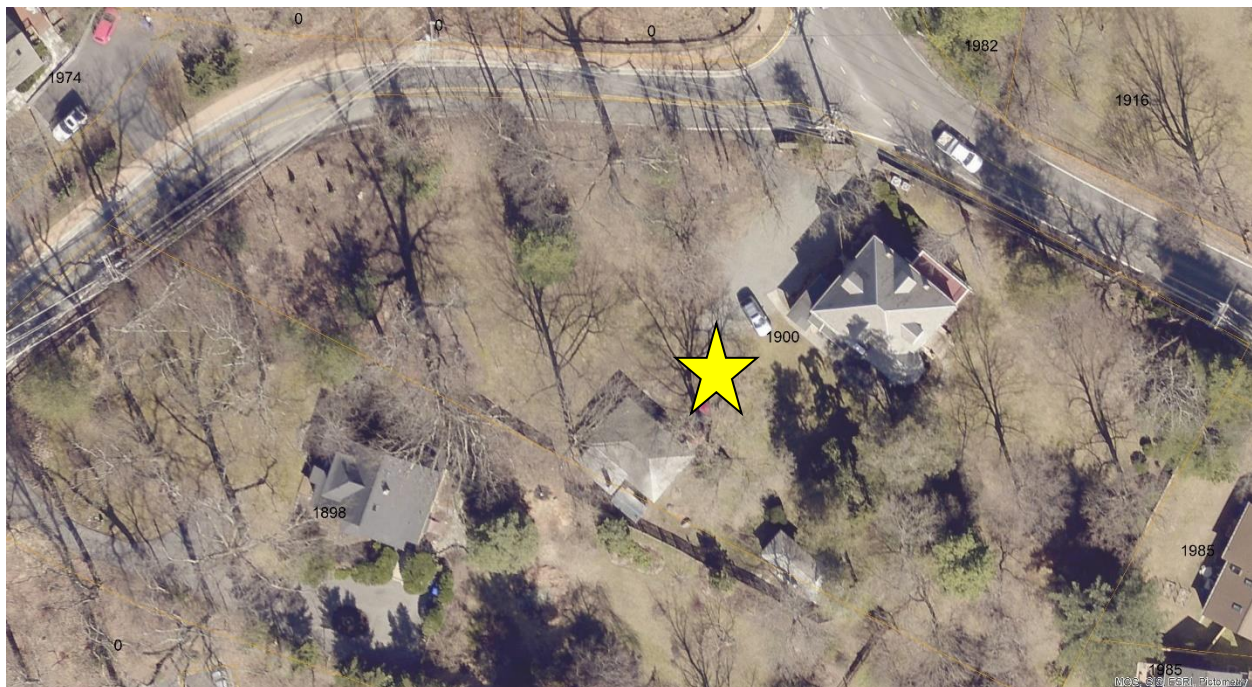


Figure 1: The subject property is located at the intersection of Capitol View Ave. and Stoneybrook Dr.

PROPOSAL

The applicant proposes to construct a fence along the public right-of-way.

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.

Spatial Resources: Spatial resources are unimproved parcels of land which visually and aesthetically contribute to the setting of the historic district, and which can be regarded as extensions of the environmental settings of the significant historic resources.

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
 - (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
- (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 is located at the intersection of Capitol View Ave. and Stoneybrook Dr. There is a section of stone wall along Capitol View Ave. The applicant proposes enclosing the front of the property with a wood paddock style fence along both Capitol View Ave. and Stoneybrook. The proposed fence will be painted wood with 4' (four foot) tall horizontal board fence with 5' (five foot tall) posts with pyramidal tops.

Staff finds the proposed wood fence is a compatible material with the surrounding district and its horizontal board design has a mostly open character which is also desirable in the historic district. The HPC typically limits fences in front of historic houses to no more than 48" (forty-eight inches). Staff recognizes that the proposed posts exceed that height, but believes that restriction is intended to limit the visual impact the fence will have on the sense of openness found throughout the district. Because the overwhelming majority of this fence is limited to 4', Staff finds the proposed fence will preserve the sense of openness in the district and recommends the HPC approve the HAWP.

STAFF RECOMMENDATION

Staff recommends that the Commission **approve** the HAWP application under the Criteria for Issuance in Chapter 24A-8(b)(2), and (d), having found that the proposal 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 dan.bruechert@montgomeryplanning.org to schedule a follow-up site visit.



FOR STAFF ONLY:
HAWP# 1006956
DATE ASSIGNED _____

APPLICATION FOR HISTORIC AREA WORK PERMIT

HISTORIC PRESERVATION COMMISSION
301.563.3400

APPLICANT:

Name: Eric Eicher
Address: 10012 Capitol View Ave.
Daytime Phone: 240-305-0989

E-mail: ericeicher76@gmail.com
City: Silver Spring Zip: 20910
Tax Account No.: 01874235

AGENT/CONTACT (if applicable):

Name: _____
Address: _____
Daytime Phone: _____

E-mail: _____
City: _____ Zip: _____
Contractor Registration No.: _____

LOCATION OF BUILDING/PREMISE: MIHP # of Historic Property 31/07

Is the Property Located within an Historic District? ☒ Yes/District Name Capitol 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: _____

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 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 checked="" 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>Move driveway</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.

Signature of owner or authorized agent

Date

Sept. 15, 2022

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

Owner's mailing address 10012 Capitol View Ave. Silver Spring, MD 20910	Owner's Agent's mailing address
Adjacent and confronting Property Owners mailing addresses	
Melissa Colbert 10013 Stonebrook Dr. Kensington, MD 20895	10046 Pratt Place Silver Spring, MD 20910
10044 Pratt Place Silver Spring, MD 20910	10112 Stoneybrook Drive Silver Spring, MD 20912
10106 Day Avenue Silver Spring, MD 20910	10108 Day Avenue Silver Spring, MD 20910

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

1888 stone and shingle 3-story house with an additional hobby house and garage. Also located on the property is a stone/cement pond and a stone wall around a portion of the property.

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

Install a paddock style fence running from the driveway on Stoneybrook Dr. to the end of the property line down Stoneybrook Dr. and along Capitol View Ave connecting to the existing stone wall and ending at the property line. The fence will consist of 6"x6" pressure treated pine posts approximately 5' tall spaced at 8' intervals. The rails will cedar (2"x6"x8') and will be spaced evenly on the posts with the top rail at approx. 4' height.

Work Item 1: - - - - -

Description of Current Condition:

There is no current fence in this area and it is primarily weeds along and some landscaping along the side of the road.

Proposed Work:

Install a paddock style fence running from the driveway on Stoneybrook Dr. to the end of the property line down Stoneybrook Dr. and along Capitol View Ave connecting to the existing stone wall and ending at the property line. The fence will consist of 6"x6" pressure treated pine posts approximately 5' tall spaced at 8' intervals. The rails will be cedar (2"x6"x8') and will be spaced evenly on the posts with the top rail at approx. 4' height.

Work Item 2: - - - - -

Description of Current Condition:

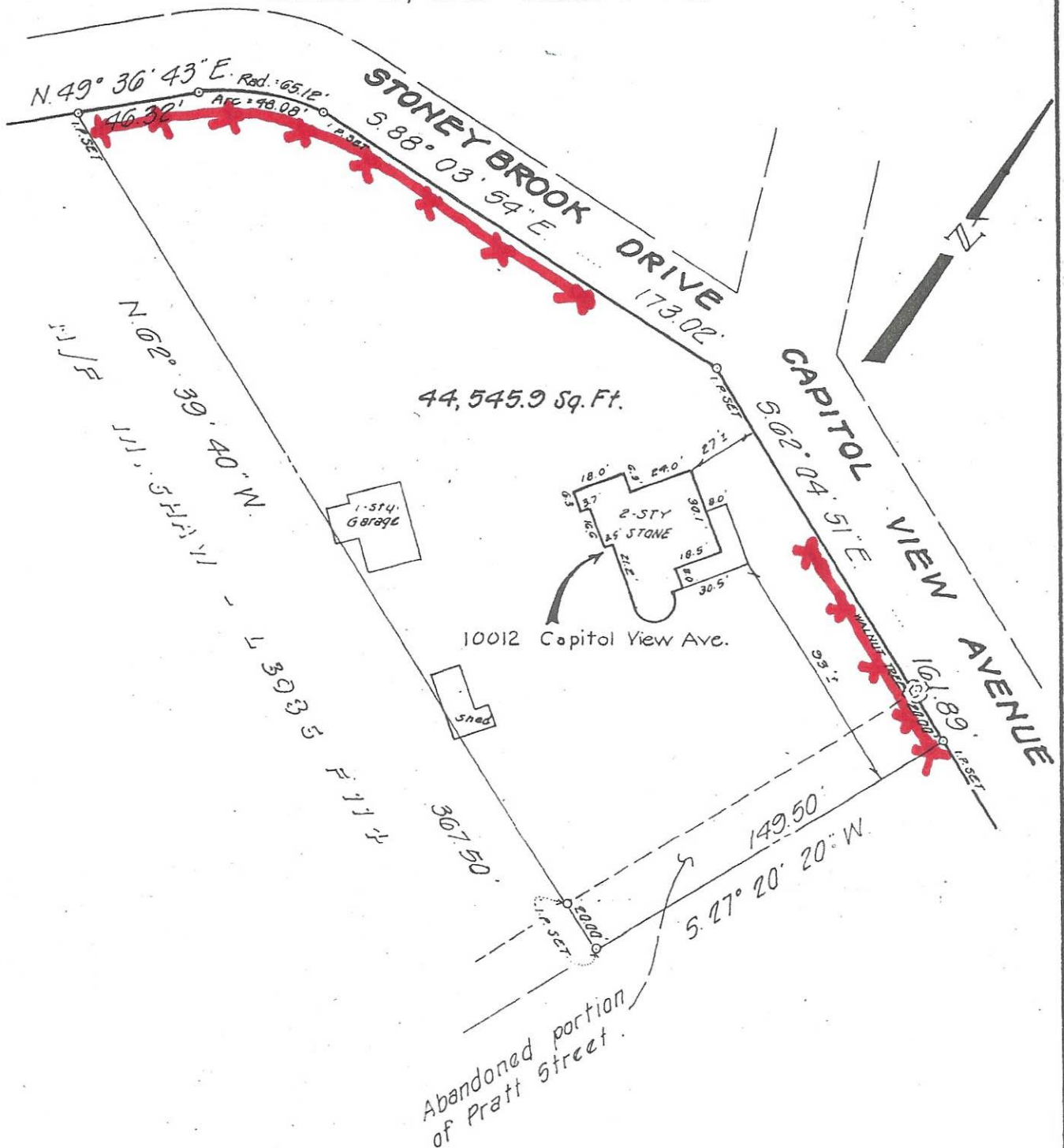
Proposed Work:

Work Item 3: _____

Description of Current Condition:

Proposed Work:

Plat of Survey
Part of Block 28
CAPITOL VIEW PARK
13th Election District
Montgomery County, Maryland
October 12, 1978 Scale: 1" = 50'

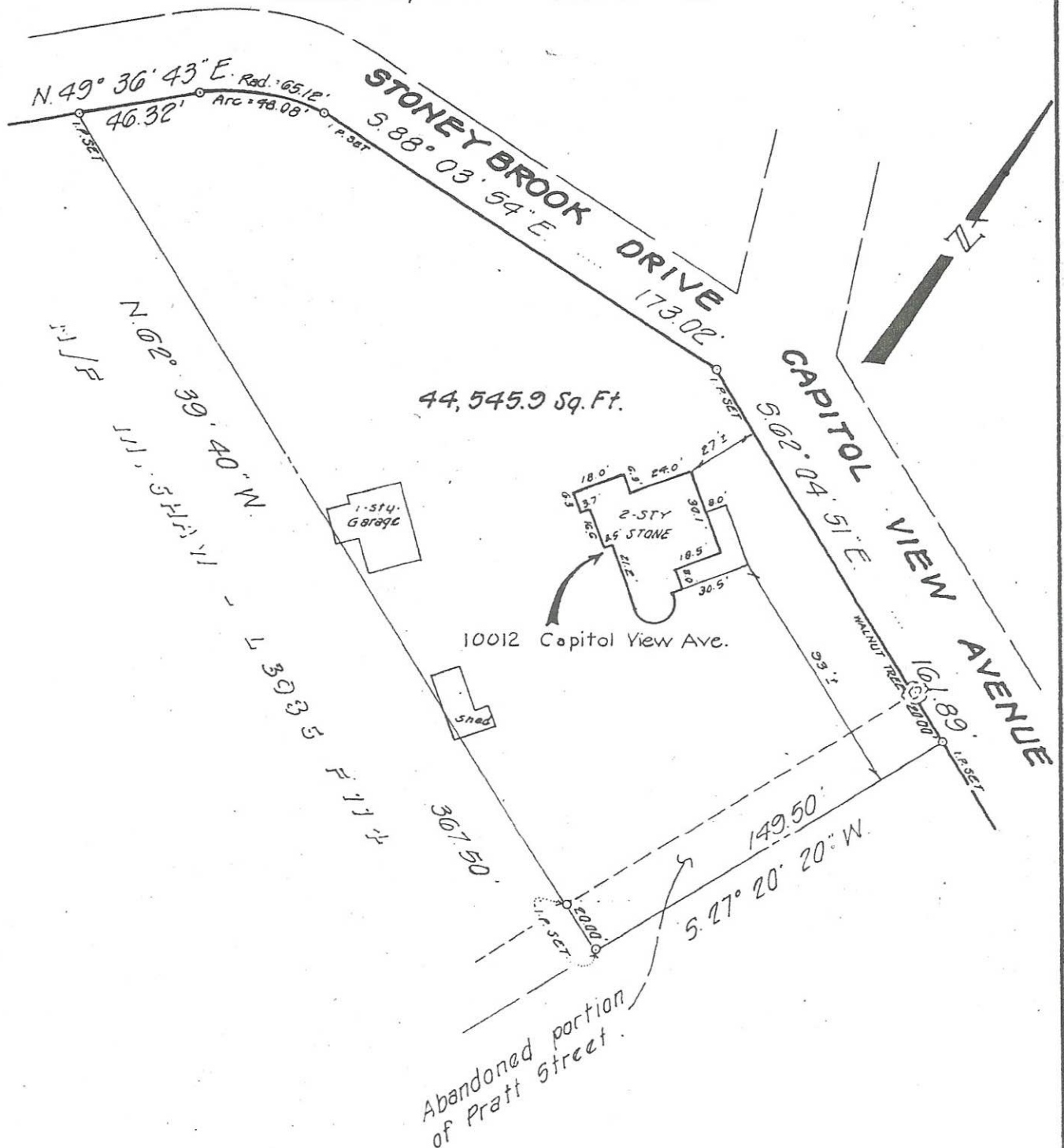


I hereby certify that the plan shown hereon is correct, and that the buildings have been located by actual measurement.

S. Ruffin Maddox, Jr.
S. Ruffin Maddox, Jr.
P.L.S. Md. No. 8324

MADDOX & ASSOCIATES, INC.
ENGINEERS SURVEYORS PLANNERS

Plat of Survey
Part of Block 28
CAPITOL VIEW PARK
13th Election District
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October 12, 1978 Scale: 1" = 50'



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MADDOX & ASSOCIATES, INC.
ENGINEERS SURVEYORS PLANNERS

Fence Composition, Length, etc.

- We will install approximately 250 linear ft of three rail fence with long gothic posts as pictured:
- All the posts are to be pressure treated 6x6's and are to be set in 30-36 inches of secured dry pack cement
- We are to use 2x6x8 horizontal rails and the same top rail as in picture:
- All rails to be cedar and posts to be pressure treated pine
- Posts need to be custom milled to shape and routed where 2x6's will attach into each post





Stanzybrook Dr.



Capitol View Ave.