

MONTGOMERY COUNTY HISTORIC PRESERVATION COMMISSION
STAFF REPORT

Address:	10302 Fawcett St., Kensington	Meeting Date:	5/10/2023
Resource:	Primary One Resource Kensington Historic District	Report Date:	5/3/2023
Applicant:	Jessica Chertow	Public Notice:	4/26/2023
Review:	HAWP	Staff:	Dan Bruechert
Case No:	1027503	Tax Credit:	n/a
PROPOSAL:	Fence Installation		

STAFF RECOMMENDATION

Staff recommends the HPC **approve** HAWP application **with one (1) condition**:

1. The 6’ (six foot) tall privacy fence may not extend forward of the historic rear wall plan on the right (north) property boundary. Any fence installed in this location may not be taller than 4’ (four feet) with an open picket design. Wood and iron are acceptable materials for the fence in this location. Revised plans showing this condition has been met shall be submitted to staff for review and approval.

ARCHITECTURAL DESCRIPTION

SIGNIFICANCE: Primary One Resource within the Kensington Historic District
STYLE: Colonial Revival
DATE: c.1905

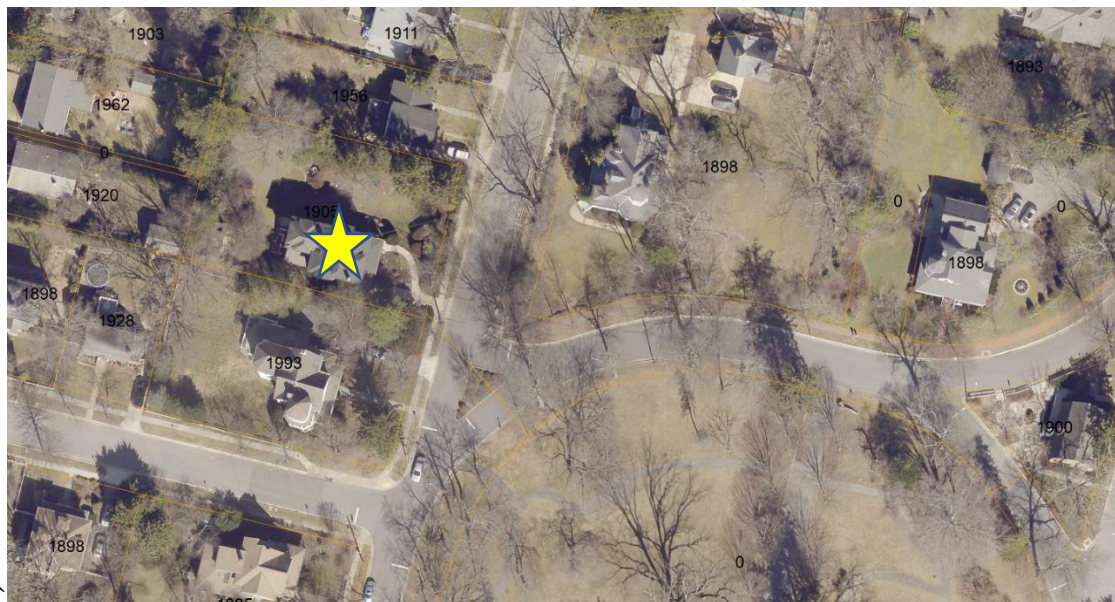


Figure 1: 10302 Fawcett St. is adjacent to Warner Circle.

PROPOSAL

The applicant proposes to install two types of fencing at the subject property.

APPLICABLE GUIDELINES***Kensington Historic District 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 *Approved & Adopted Amendment to the Master Plan for Historic Preservation: Kensington Historic District, Atlas #31/6 (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.

Vision of Kensington: A Long-Range Preservation Plan

The HPC formally adopted the planning study, *Vision of Kensington: A Long-Range Preservation Plan*, and is directed by the Executive Regulations, which were approved by the County Council, to use this plan when considering changes and alterations to the Kensington Historic District. The goal of this preservation plan "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 21st century." (page 1). The plan provides a specific physical description of the district as it is; 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.

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 is an American Foursquare house with Colonial Revival details constructed on a double lot. The applicant proposes installing two types of fencing at the subject property. The first is a 6' (six foot) tall cedar privacy fence that will enclose the rear yard and extends along the northern (right) property boundary. The second type of fence is a 4' (four foot) tall wrought iron fence that will enclose the right side of the front yard.

Staff finds that the HPC has generally permitted wood privacy fences up to 6' (six feet) tall to enclose rear yards in the Kensington Historic District. The HPC determined that this type of fence can be installed without detracting from the district's characteristic "garden suburb" development pattern. However, the HPC has also limited those fences to areas in back of the rear wall plane of the historic house. Tall solid fences forward of this location can create a visual barrier vis-a-vis the surrounding district and are generally not allowed. Fences forward of the historic rear wall plane are generally limited to no taller than 4' (four feet), need to have an open picket design, and must be constructed out of traditional materials (i.e. wood, iron, etc.).

Staff finds that the proposed fence enclosing the rear yard will not detract from the character of the site or the surrounding district. However, there is a section of privacy fence that extends along the north property line into the front yard (See Fig. 2, below). Staff does not support extending the proposed fence in this location. Staff recommends the HPC add a condition to the approval of this HAWP that a wood fence in this location should either be lowered to no taller than 48" (forty-eight inches) and have an open picket design, or this fence should be an extension of the iron fence discussed below. Staff recognizes that the house to the north has a shorter front setback than the subject property; however, Staff does not find the neighboring house's placement is a sufficient justification to install a privacy fence in the proposed location.

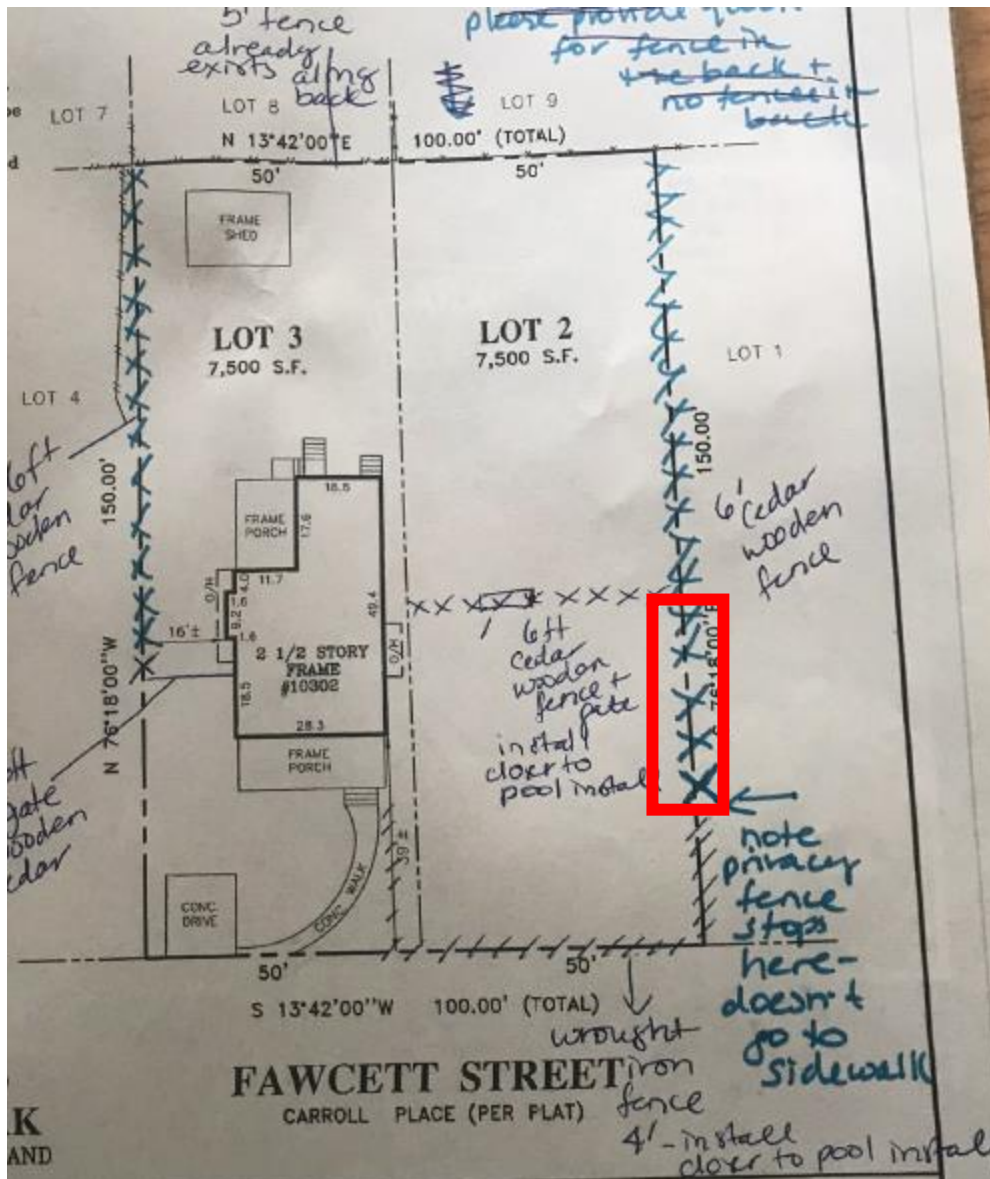


Figure 2: Site plan showing the location of the proposed fencing. The fence subject to Staff's recommended condition is outlined in red.

The second fence proposed is a 4' (four-foot) tall iron fence with fleur-de-lis topping the pickets. The iron fence will enclose the right (north) half of the front yard (see Fig. 2, above). Staff finds that while the majority of front yards in the Kensington Historic District are open and unfenced, the proposed fence has an open character that will not detract from the character of the site and surrounding district and Staff recommends the HPC approve the proposed picket fence. Staff notes that the proposed picket fence is identified as "Phase 2." The applicant's proposal to complete the project in multiple phases does not impact Staff's analysis or recommendation; Staff reminds the HPC that HAWP approvals do not expire. Should the HPC concur with Staff's recommendation to approve the HAWP with the identified condition, the applicant will not be required to install both phases of the project in any specific order or may elect to forgo one of the two phases.

STAFF RECOMMENDATION

Staff recommends that the Commission **approve** the HAWP application **with one (1) condition**;

1. The 6' (six foot) tall privacy fence may not extend forward of the historic rear wall plan on the

right (north) property boundary. Any fence installed in this location may not be taller than 4' (four feet) with an open picket design. Wood and iron are acceptable materials for the fence in this location. Revised plans showing this condition has been met shall be submitted to staff for review and approval.;

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 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# _____
DATE ASSIGNED _____

APPLICANT:

Name: _____ E-mail: _____
Address: _____ City: _____ Zip: _____
Daytime Phone: _____ Tax Account No.: _____

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 _____
 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 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 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.

Signature of owner or authorized agent

Date

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

Owner's mailing address	Owner's Agent's mailing address
Adjacent and confronting Property Owners mailing addresses	

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

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

Work Item 1: _____	
Description of Current Condition:	Proposed Work:

Work Item 2: _____	
Description of Current Condition:	Proposed Work:

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

HAWP 1027503

Jessica and Daniel Chertow

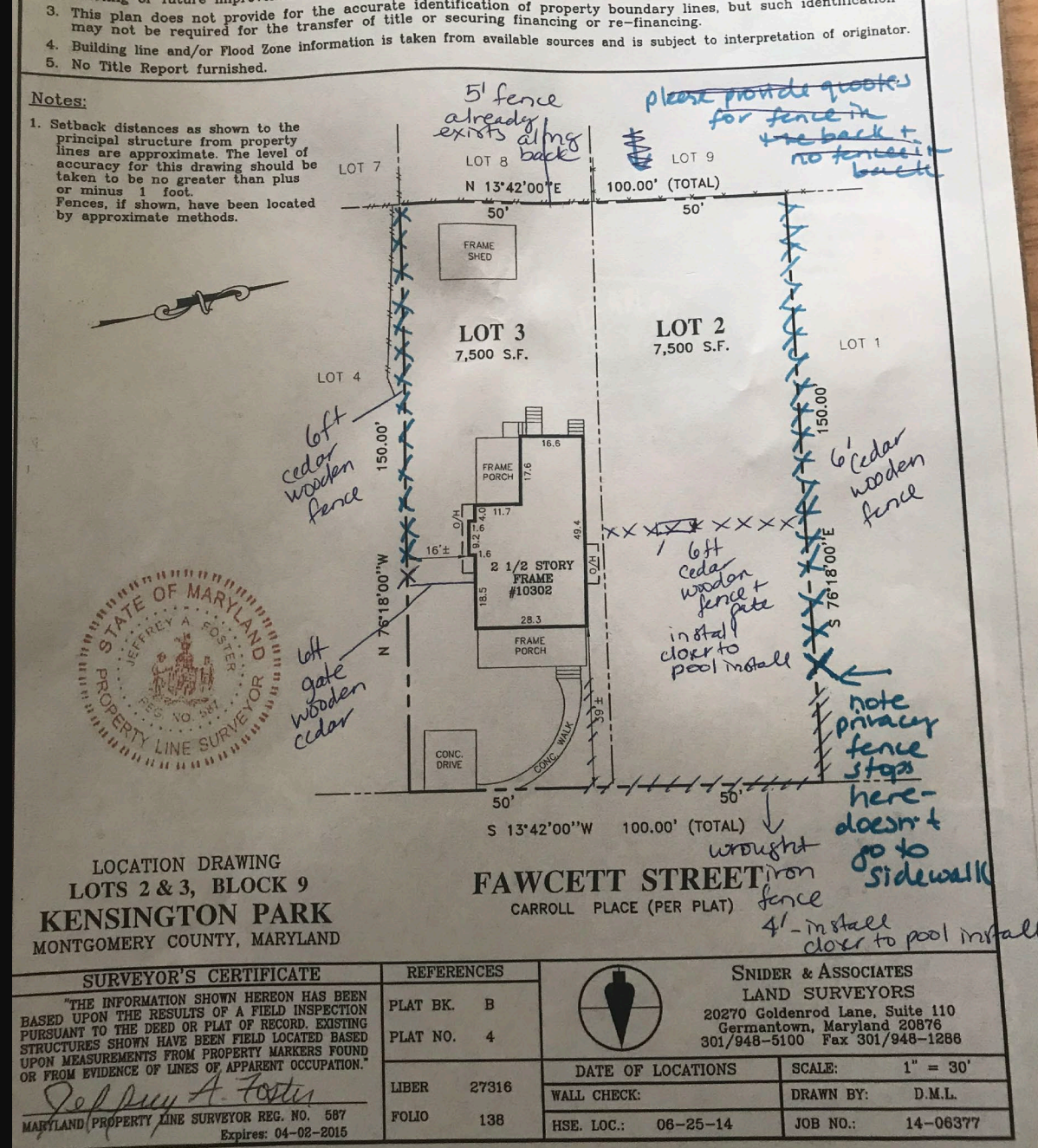
10302 Fawcett Street, Kensington, MD 20895

Proposal to install privacy fencing on property in preparation for a pool

10302 Fawcett Plat

- Proposal:

- Phase 1: Install 6ft cedar privacy fence along both sides of the property (marked on plat with blue x's).
- One evergreen bush would need to be removed in the far right corner on Lot 2. A gate will be installed on lot 3 and will connect the side fence to the house.
- Phase 2: As we get closer to installing a pool- add see through 4ft wrought iron fence to front of the property and add 6ft wooden fence and gate to the middle of lot 2 connecting the side fence to the house and enclosing entirely the back sections of lot 2 and 3 where the pool will go.





Company and Fence

- Mid- Atlantic Deck and Fence Co (410-544-1987)
- www.midatlanticdeckandfence.com
- 6ft, cedar

Phase 1: Lot 2- Placement of Side Fence

Red box indicates a portion of placement of side fence on Lot 3.



Phase 1: Lot 3- Placement of Fence and Gate

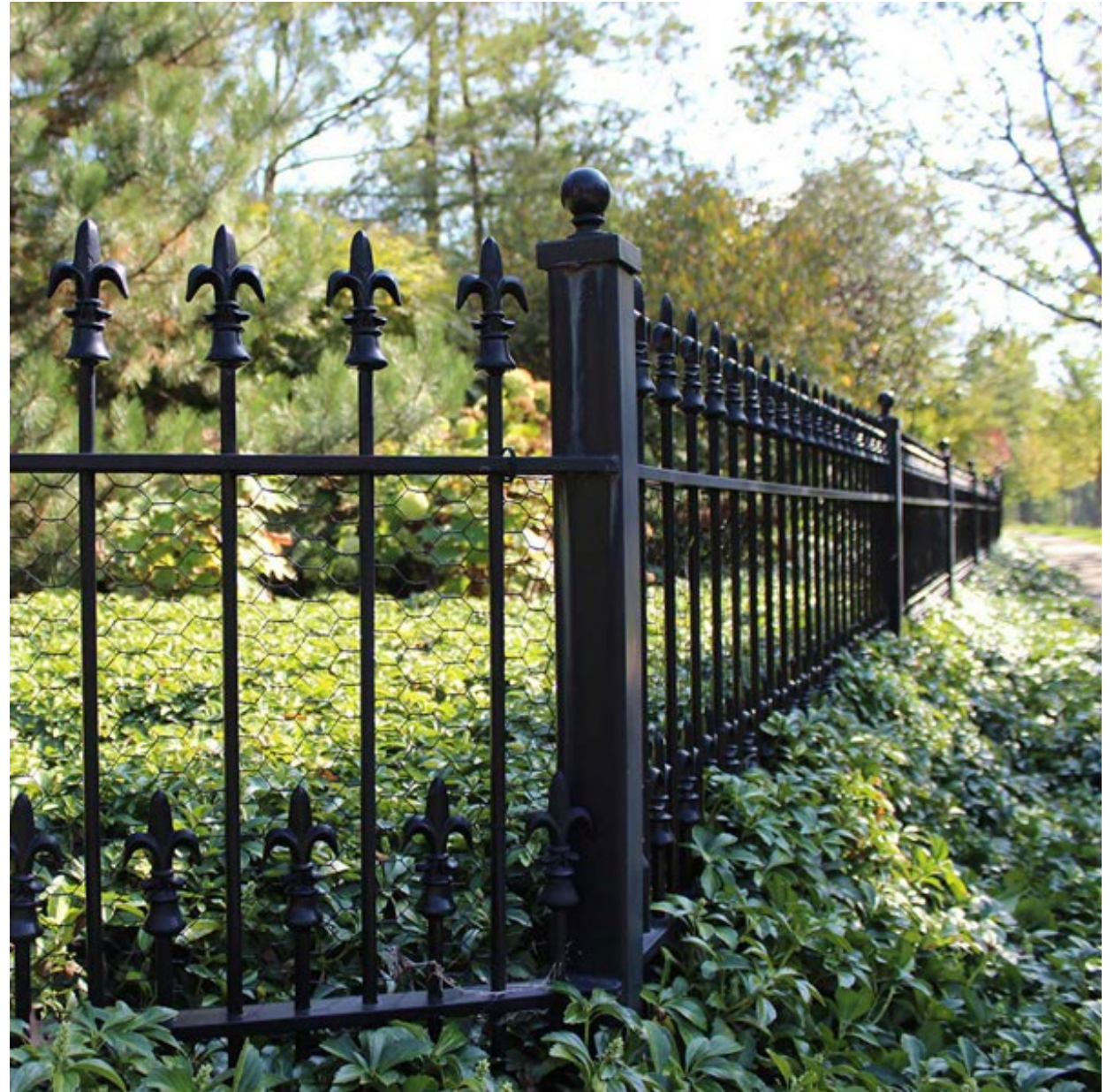
Red arrow indicates where fence and gate will be placed.





Gate

Phase 2: 4ft
Wrought Iron
Fence for
Front of
Property





DEPARTMENT OF PERMITTING SERVICES

Marc Elrich
County Executive

Rabbiah Sabbakhan
Director

HISTORIC AREA WORK PERMIT APPLICATION

Application Date: 4/11/2023

Application No: 1027503
AP Type: HISTORIC
Customer No: 1462089

Affidavit Acknowledgement

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

Primary Applicant Information

Location 10302 Fawcett ST 10302 Fawcett St Kensington, MD 20895
Homeowner Chertow (Primary)

Historic Area Work Permit Details

Work Type ADD

Scope We would like to add a 6ft wooden fence on both sides of the property. The reason we are requesting a 6ft fence is because we plan on adding a pool in the coming years and a pool requires the 6ft height. At this time we do not plan on adding a fence along the front and back of the property. A fence already exists along the back of the property.