MONTGOMERY COUNTY HISTORIC PRESERVATION COMMISSION STAFF REPORT

Address: 3927 Prospect St., Kensington Meeting Date: 9/06/2023

Resource: Primary One Resource **Report Date:** 8/30/2023

Kensington Historic District

Applicant: Marshall Presser **Public Notice:** 8/23/2023

Review: HAWP Staff: Dan Bruechert

Case No: 1025925 Tax Credit: n/a

PROPOSAL: Porch Decking Replacement (RETROACTIVE)

STAFF RECOMMENDATION

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

ARCHITECTURAL DESCRIPTION

SIGNIFICANCE: Primary One Resource within the Kensington Historic District

STYLE: Colonial Revival/Queen Anne/Shingle

DATE: 1903



Figure 1: The subject property is located on the western side of the Kensington Historic District.

PROPOSAL

The applicant proposes to replace the porch decking on the subject property. This work has been completed and is to be reviewed as though the work is being proposed.

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.

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

The district is architecturally significant as a collection of late 19th and early 20th 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: 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

- (a) The commission shall instruct the director to deny a permit if it finds, based on the evidence and information presented to or before the commission that the alteration for which the permit is sought would be inappropriate, inconsistent with or detrimental to the preservation, enhancement or ultimate protection of the historic site or historic resource within an historic district, and to the purposes of this chapter.
- (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 *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.
- 6. Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.
- 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 a two-story Colonial Revival-style house, with a side gable roof, and a full-width front porch. The applicant proposes to replace the wood front porch decking with Timbertech PVC decking in Slate Gray. The applicant does not propose any changes to the existing stairs or railing. The work proposed in this HAWP has been completed and the applicant seeks retroactive approval, though, in instances where the HPC is reviewing work that has already been completed, they are to evaluate the proposal as though no work has been undertaken. The work came to Staff's attention as part of a tax credit application submitted by the property owner. Staff flagged the work as requiring a HAWP. Staff finds the substitute material is incompatible with the character of the resource and is not an acceptable substitute for wood and recommends the HPC deny the HAWP for the reasons discussed below.

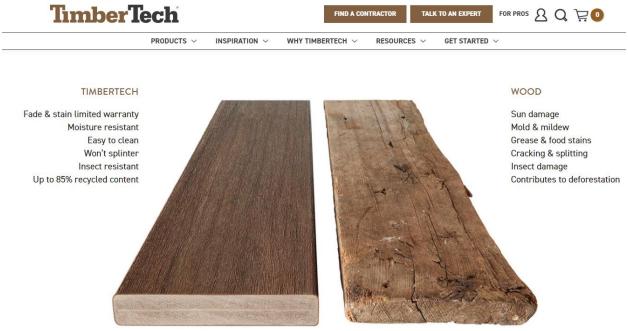


Figure 2: Screenshot of the TimberTech website (note the image shows a deck board, not a T & G porch board).

Before the replacement, the porch decking was painted tongue and groove wood flooring showing signs of decay and some mold growth. As the HPC has discussed at some length recently, much of the wood commercially available today is not as durable as the wood available even a few decades ago. Trees grown for lumber are selected for their ability to grow quickly and straight, which results in lumber that is less dense and has decreased durability.

Staff recognizes the condition of the front porch decking had deteriorated significantly and that its condition was beyond repair; replacement of the decking is a viable solution.

The next question is what material or materials are appropriate for this application. The typical requirement for front porch replacements to Primary One resources in the Kensington Historic District is that they be replaced in kind. This requirement comes from the finding that front porches are character-defining features for the resources and Standard 6 states, "... Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture and, where possible, materials." In this instance, wood is the appropriate material. The HPC tends to avoid prescriptive solutions by specifying a species of wood, only that the material be wood and finish is as

¹ More detailed information about Timbertech is available at the product website here: https://www.timbertech.com/products/decking-overview/pvc/.

close to the historic finish as possible. This work would also qualify for the County and State historic rehabilitation tax credits of 25% and 20% respectively.²

Staff finds that there are steps a property owner can take to extend the life of porch decking. First, while Staff is unaware of the species of the existing porch, a more durable wood species can be selected. The National Park Service compiled a list of wood species that could be utilized in Preservation Brief #45 – Preserving Historic Wood Porches.³ While the availability of some of the wood species may be out of date, it does provide some background into other options in the marketplace. Second, the wood can be prepped to protect the wood from the elements. Applying primer on all six sides of the porch decking before painting can create a barrier that will help to protect the wood from water and ultraviolet light damage. Finally, the applicant can incorporate an inspection of the porch decking as part of the house's cyclical maintenance. Finding areas of wood rot or worn paint before they have an opportunity to spread will help the material last longer.

Regarding the replacement material, Staff additionally finds that Timbertech is not a compatible substitute for wood. While Timbertech decking has appropriate dimensions to match historic wood porch decking, Staff finds the appearance and physical characteristics do not match wood. Staff finds Timbertech's attempt to look like wood fails because the finish is too shiny, the stamped faux wood grain (which provides traction) is too deep and does not look like wood, and the mottled appearance provides some color variation, but does not look natural. Additionally, Staff finds Timbertech is not as dense as wood and feels, for lack of a better term, plasticy.

Evaluating the proposal under Chapter 24A of County Code, Staff finds the proposal to change the wood porch decking to Timbertech is an inappropriate substitute material and recommends the HPC deny the HAWP under 24A-8(a). Staff finds that the proposed porch replacement will substantially alter the exterior features of a historic resource, contra 24A-8(b)(1). Staff additionally finds the proposed material is not a compatible substitute for wood decking, contra 24A-8(b)(2). Staff does not find the proposed work will provide additional protection for the site (24A-8(b)(3)) nor that the existing condition is unsafe or a health hazard as generally understood (24A-8(b)(4)). Staff finds that property owners will not be deprived of reasonable use or suffer "undue hardship" of their property (24A-8(b)(5)) if the HAWP is not approved. Staff does not find that in applying a balancing test, the public is better served by granting the permit, per 24A-8(b)(6). Finally, Staff does not find that the subject property, as a Primary One Resource, does not satisfy the requirement of a resource "of little historical or design significance or for plans involving new construction," so Staff finds 24A-8(d) does not apply to this HAWP. For these reasons, Staff finds the HPC should deny the HAWP as outlined in Chapter 24A-8(a).

² Note that the County tax credit is credited against property taxes while the State tax credit is credited against State income taxes.

³ The full text of the Preservation Briefs is available here: https://www.nps.gov/orgs/1739/upload/preservation-brief-45-wood-porches.pdf.





Figure 3: Detail images of TimberTech porch flooring in Slate Gray.

Further evaluating the proposal under the *Vision of Kensington*, Staff finds further justification for the denial of the HAWP. "Porches" are specifically called out in the section on "Character-Defining Features" of the district (*Vision*, pg. 16). Porches are a dominant architectural feature in this district; the shape, size, configuration, and material detailing of these porches create a high level of visual interest and contribute to the overall rhythm and harmony of the streetscape. Wood is called out as the dominant and preferred building material in the district (*Vision*, pg. 26). Further, the preservation of the architectural character of resources within the identified "Historic Residential Core" is called out in the *Vision* (pg. 58). Rehabilitation of character-defining elements is the preferred treatment recommended throughout the *Vision* as well as in the HPC's *Rules of Procedure*, and the Secretary of the Interior Standards.



Figure 4: Front elevation, as viewed from Prospect St.



Figure 5: View of the porch from the subject property's driveway

If the HPC finds, contrary to Staff's recommendation, that the proposed material is appropriate in this instance Staff recommends two conditions be added to an approval. First, Staff recommends the HPC deny the applicant's tax credit application for the portion of the credit associated with the front porch removal and replacement, as the work is not a repair or replacement in-kind of an existing feature but rather constitutes the installation of a non-historic material. Staff's second recommended condition is that the HPC include a finding any future porch decking replacement needs to apply for a HAWP and consideration of a new TimberTech deck will not be reviewed as an in-kind replacement.

STAFF RECOMMENDATION

Staff recommends that the Commission <u>deny</u> the HAWP application under the Criteria for Issuance in Chapter 24A-8(a), having found that the proposal would be inappropriate, inconsistent with, and detrimental to the preservation, enhancement, and ultimate protection of the historic resource and is incompatible in character with the historic resource and the purposes of Chapter 24A, and the *Vision of Kensington*;

and with the Secretary of the Interior's Standards for Rehabilitation #2, #6, and #9.



APPLICATION FOR HISTORIC AREA WORK PERMIT HISTORIC PRESERVATION COMMISSION 301.563.3400

HAWP#_ DATE ASSIGNED____

FOR STAFF ONLY:

APPLICANT:

Name:	E-mail: _	
Address:	City:	Zip:
Daytime Phone:	Tax Acco	ount No.:
AGENT/CONTACT (if applicab	le):	
Name:	E-mail: _	
Address:	City:	Zip:
Daytime Phone:	Contract	tor Registration No.:
LOCATION OF BUILDING/PRE	MISE: MIHP # of Historic Property	у
Is there an Historic Preservation map of the easement, and docu	n/Land Trust/Environmental Ease umentation from the Easement H	dual Site Nameement on the Property? If YES, include a colder supporting this application. s Required as part of this Application?
Building Number:	Street:	
Town/City:	Nearest Cross Street:	
Lot: Block:	Subdivision: F	Parcel:
for proposed work are submode accepted for review. Checonstruction Addition Demolition Grading/Excavation I hereby certify that I have the and accurate and that the cons	itted with this application. Inc k all that apply: Deck/Porch Fence Hardscape/Landscape Roof authority to make the foregoing a struction will comply with plans re	verify that all supporting items complete Applications will not Shed/Garage/Accessory Structure Solar Tree removal/planting Window/Door Other: application, that the application is corrected eviewed and approved by all necessary ition for the issuance of this permit.

HAWP APPLICATION: MAILING ADDRESSES FOR NOTIFING [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 structure 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:



DEPARTMENT OF PERMITTING SERVICES

Marc Elrich
County Executive

Rabbiah Sabbakhan *Director*

HISTORIC AREA WORK PERMIT APPLICATION

Application Date: 3/27/2023

Application No: 1025925 AP Type: HISTORIC Customer No: 1460931

Comments

In order to preserve the porch and hence maintain one of the older houses in the Kensington Historic District, we have used a synthetic material that has the appearance of wood and will not rot out over time.

Affidavit Acknowledgement

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

Primary Applicant Information

Address 3927 PROSPECT ST

KENSINGTON, MD 20895

Homeowner Presser (Primary)

Historic Area Work Permit Details

Work RESREP

Type RESRE

Scope of The front porch of the property has been repaired many times over the more than 30 years we have lived in the house. Not only do the floor boards rot Work out due to water damage, but the underlying support structure is in need of repair.













