

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

**Address:** 9819 Capitol View Ave., Silver Spring **Meeting Date:** 6/12/2024  
**Resource:** 1870-1916 **Report Date:** 6/5/2024  
**Capitol View Park Historic District**  
**Applicant:** Bruce Cohen **Public Notice:** 5/28/2024  
**Review:** HAWP **Tax Credit:** n/a  
**Permit Number:** 1070209 and 1070207 RETROACTIVE **Staff:** Dan Bruechert  
**Proposal:** After the fact Hardscape Alteration and Siding Replacement

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**STAFF RECOMMENDATION**

Staff recommends the Historic Preservation Commission (HPC) **approve** the HAWP application.

**PROPERTY DESCRIPTION**

**SIGNIFICANCE:** 1870-1916 construction in the Capitol View Park Historic District  
**STYLE:** Vernacular/Queen Anne  
**DATE:** c.1912



*Figure 1: The subject house is setback significantly from Capitol View Ave.*

## **PROPOSAL**

The applicant seeks retroactive approval for hardscaping alterations and selective siding replacement.

## **APPLICABLE GUIDELINES**

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.

### ***Approved & Adopted Sector Plan for Capitol View & Vicinity (Sector Plan)***

1. 1870-1916: Characterized by large lots and variety of setbacks, and architecturally encompassing the "Victorian" residential and revival styles and the early bungalow style popular during this period, these twenty-two houses are of a higher degree of architectural and historical significance than the other structures within the district.

### ***Montgomery County Code, Chapter 24A Historic Resources Preservation***

(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 insure 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
- (4) The proposal is necessary in order that unsafe conditions or health hazards be remedied; or

(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)

### ***The Secretary of the Interior's Standards for Rehabilitation***

2. The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, space and spatial relationships that characterize a property will be avoided.
9. New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportions, and massing to protect the integrity of the property and its environment.
10. New additions and adjacent or related new construction will 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 comprised of three lots along Capitol View Ave. The front-gable house has clapboard siding, with a full-width front porch, with some fish scale siding. A recent site visit by the Department of Permitting Services identified several work items that had been completed without a Historic Area Work Permit. The applicant has agreed to demolish an accessory structure, but now seeks retroactive approval for constructing a textured concrete retaining wall and new siding on the dormers. As with all HAWPs seeking retroactive approval, the HPC is to review the work as though it had not been undertaken.



*Figure 2: Detail of the subject property.*

### **Hardscape Alterations**

Surrounding a tree on the property, the applicant constructed a textured concrete block wall, approximately 35" (thirty-five inches) tall. The retaining wall was installed to protect a twin-trunk tree from erosion.

Staff finds the proposed retaining wall not have a significant impact on the character of the site or the district. This is because the wall is not visible from the public right-of-way, because only a small portion of the wall is visible from up the hill, and because the concrete blocks have a texture that is not overly formal. Staff recommends the HPC approve the retaining wall under 24A-8(b)(2) and (d); and Standards 2, 9, and 10.



*Figure 3: The retaining wall, as viewed from the front of the house.*

### **Siding Replacement**

Staff file photos show the shed dormers were sided in wood clapboards, with the end clapboards installed to match the pitch of the gable roof. The applicant relayed to Staff that he added the dormers to the house in the mid-1970s, before the Capitol View Park Historic District was established. Staff records and aerial photographs do not contradict this. The applicant proposes to replace the wood clapboards with fiber cement clapboards, with the new clapboards installed parallel to the ground. The other wood siding on the house has been retained.



*Figure 4: HP file photograph of the subject property before the siding replacement.*

Staff finds that, as the dormers are not historic features, a substitute material is acceptable. The HPC typically allows fiber cement siding in building additions and new construction in the Capitol View Park Historic District. As a non-historic feature, Staff finds its replacement siding should be evaluated in an analogous manner. Staff finds the fiber cement siding does not significantly detract from the character of the resource, and because the house is not at all visible from the public right-of-way, will not impact the district as a whole. Staff recommends the HPC approve the dormers' fiber cement siding under 24A-8(b)(2) and (d) and Standards 2, 9, and 10.



*Figure 5: Current image showing the house and its dormers with replacement siding.*

## **STAFF RECOMMENDATIONS**

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 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](mailto: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# 1070207 DATE ASSIGNED

APPLICANT:

Name: Bruce Cohen Address: 9819 Capitol View Ave Daytime Phone: 301-816-9394

E-mail: bruce.b.cohen@gmail.com City: Silver Spring Zip: 20910 Tax Account No.: 00995161

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? X Yes/District Name Capitol View Park

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:

- Checklist of work types: New Construction, Addition, Demolition, Grading/Excavation, Deck/Porch, Fence, Hardscape/Landscape, Roof, Shed/Garage/Accessory Structure, Solar, Tree removal/planting, Window/Door, 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.

Bruce B. Cohen Signature of owner or authorized agent Date 05/09/2024 7

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

<p><b>Owner's mailing address</b>          Bruce B. Cohen          9819 Capitol View Avenue          Silver Spring MD 20910</p>	<p><b>Owner's Agent's mailing address</b></p>
<p align="center"><b>Adjacent and confronting Property Owners mailing addresses</b></p>	
<p>Duncan &amp; Elizabeth Tebow          9811 Capitol View Avenue          Silver Spring MD 20910</p>	<p>Greg Becker &amp; Nanda Ruiz-Becker          9816 Capitol View Avenue          Silver Spring MD 20910</p>
<p>Mindy Hourl          9816 Capitol View Avenue          Silver Spring MD 20910</p>	<p>Bryan &amp; Robyn Badman          9822 Capitol View Avenue          Silver Spring MD 20910</p>
<p>Robert &amp; Sherry Zuckerman          9903 Leafy Avenue          Silver Spring MD 20910</p>	<p>2801 Beechbank Road Silver Spring MD 20910</p>



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

115-year-old bungalow, built as a summer home and later modified by raising the roof and adding dormers, surrounded by Capitol View Open Space Urban Park, approximately 100 yards from closest neighbor.

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

Replacement of detriorated clapboards with (visually identical) fiber-cement board on the four sides of the two dormers.

Work Item 1: Clapboard replacement on sides of dormers

Description of Current Condition:  
Work completed.

Proposed Work:  
Retroactive permit submission.

Work Item 2: \_\_\_\_\_

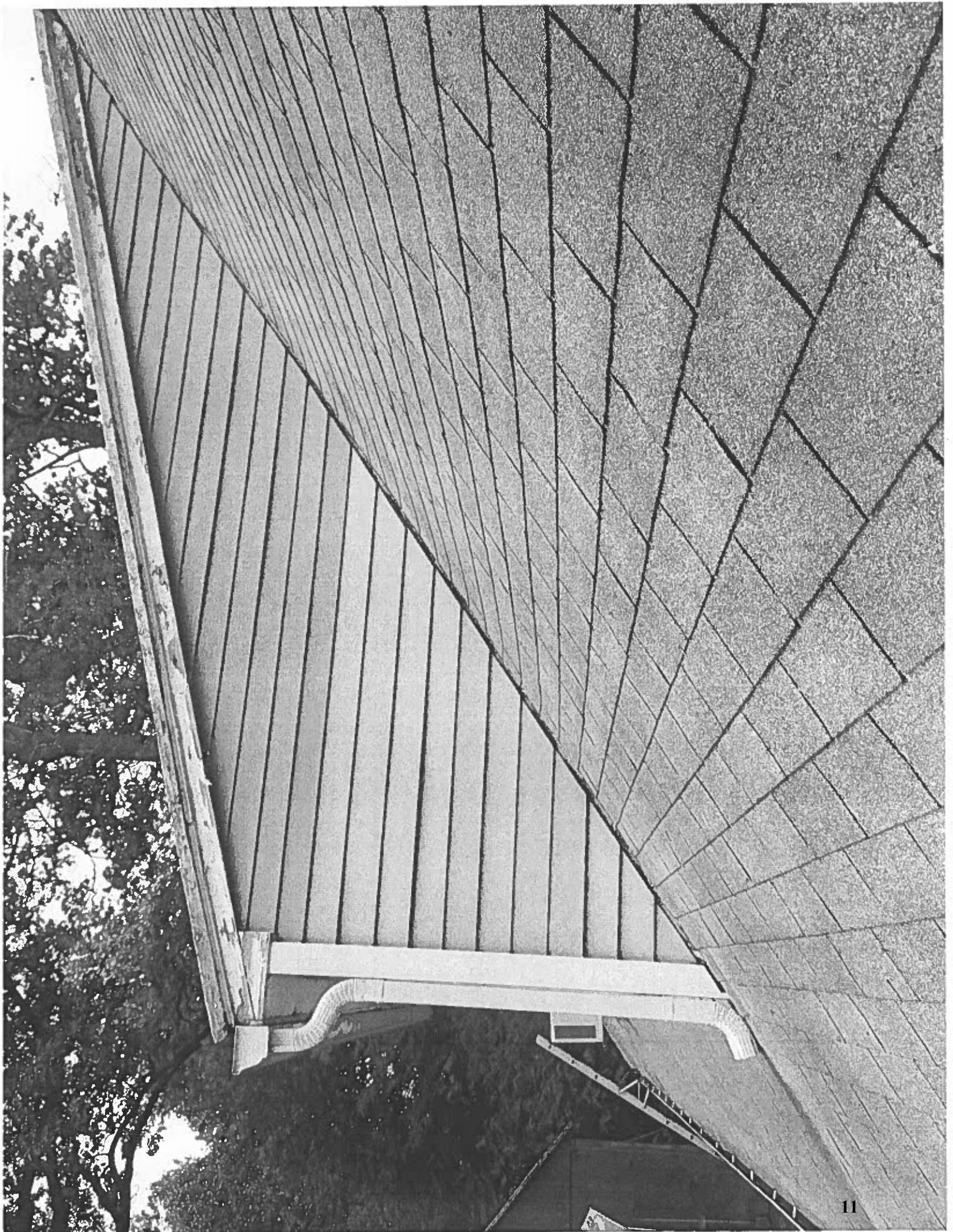
Description of Current Condition:

Proposed Work:

Work Item 3: \_\_\_\_\_

Description of Current Condition:

Proposed Work:





APPLICATION FOR HISTORIC AREA WORK PERMIT HISTORIC PRESERVATION COMMISSION 301.563.3400

FOR STAFF ONLY: HAWP# 1070209 DATE ASSIGNED

APPLICANT:

Name: Bruce Cohen Address: 9819 Capitol View Ave Daytime Phone: 301-816-9394

E-mail: bruce.b.cohen@gmail.com City: Silver Spring Zip: 20910 Tax Account No.: 00995150

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? X 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:

- Checklist of work types: New Construction, Addition, Demolition, Grading/Excavation, Deck/Porch, Fence, Hardscape/Landscape, Roof, Shed/Garage/Accessory Structure, Solar, Tree removal/planting, Window/Door, 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.

Bruce B. Cohen [Signature]

05/09/2024

Signature of owner or authorized agent

Date

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

<p><b>Owner's mailing address</b>                  Bruce B. Cohen                  9819 Capitol View Avenue                  Silver Spring MD 20910</p>	<p><b>Owner's Agent's mailing address</b></p>
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<p>Robert &amp; Sherry Zuckerman                  9903 Leafy Avenue                  Silver Spring MD 20910</p>	

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

Vacant lot adjacent to a 115-year-old bungalow, built as a summer home, surrounded by Capitol View Open Space Urban Park, approximately 100 yards from closest neighbor.

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

Completion of a retaining wall (35 inches in height including wall caps) to protect a nearby tree, with landscaping materials by Allan Block

Work Item 1: Retaining wall to protect a tree

Description of Current Condition:  
Work completed.

Proposed Work:  
Retroactive permit submission.

Work Item 2: \_\_\_\_\_

Description of Current Condition:

Proposed Work:

Work Item 3: \_\_\_\_\_

Description of Current Condition:

Proposed Work:





