

MONTGOMERY COUNTY HISTORIC PRESERVATION COMMISSION
STAFF REPORT

Address:	10406 Fawcett Street, Kensington	Meeting Date:	8/14/2024
Resource:	Secondary Resource Kensington Historic District	Report Date:	8/7/2024
Applicant:	James Simpson (Builders Fence Company, Agent)	Public Notice:	7/31/2024
Review:	Retroactive HAWP	Tax Credit:	No
Case No.:	1078655	Staff:	Laura DiPasquale
Proposal:	Retroactive fence installation		

STAFF RECOMMENDATION

Staff recommends the HPC **approve** the HAWP application with final approval delegated to staff.

ARCHITECTURAL DESCRIPTION

SIGNIFICANCE: Secondary Resource to the Kensington Historic District
STYLE: Colonial Revival
DATE: c. 1930



Figure 1: Location of 10406 Fawcett Street (shown with a yellow star) within the Kensington Historic District (hatched and outlined in red).

The subject property at 10406 Fawcett Street features a Colonial Revival, two-story, side-gable house located mid-block on Fawcett Avenue near Kensington’s commercial area along Howard Avenue. The house is set back from the street with a front yard lined by a hedge. A driveway shared with the adjacent property at 10410 Fawcett Street, under the same ownership, leads to a detached garage at the rear of the parcel.



Figure 2: 2022 Google Streetview of 10406 Fawcett Street and the adjacent properties. The previous and proposed fence location is not visible behind the tree and bushes on the left of the photograph.

PROPOSAL

The applicant requests retroactive approval of the relocation and replacement of a three-foot, wood (cedar), picket fence installed on the side yard of the property.



Figure 3: The newly-installed fence, August 2024 (Historic Preservation Office).

APPLICABLE 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

According to the Guidelines, a Historic District as identified...shall consist of the entire area represented by all of the historic resources with their appurtenances and environmental setting. Non-historic properties within the boundaries of the Historic District are also subject to regulation, as they are considered appurtenances and part of the environmental setting of the historic resources of the District.

In regard to the properties identified as secondary resources--that is visually contributing, but non-historic structures or vacant land within the Kensington District--the Ordinance requires the Preservation Commission to be lenient in its judgment of plans for contemporary structures or for plans involving new construction unless such plans would seriously impair the historic or architectural value of surrounding resources or impair the character of the district.

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 as noted on Page 1 "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." 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 read 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

Background

In 1995, the HPC approved the installation of a picket and privacy fence. The three-foot tall picket fence (*Figure 3*) ran parallel to Fawcett Avenue and extended approximately 13’ from the southwest corner of the sun porch to the southern property line. The picket fence abutted the privacy fence that enclosed the rear yard.¹ The applicant seeks retroactive approval for the recent replacement of the 13’ section of picket fence. The new picket fence is set approximately 18 feet to the west (towards the rear wall plane) than the fence installed in 1995 (*Figure 4*).



Figure 4: 2022 Google Streetview image of the 1995 fence that was replaced. As evident in the image, this portion of the fence was falling down.

¹ HAWP Case Number 31/6-95K, approval of fence installation:
https://mcatlas.org/tiles/06_HistoricPreservation_PhotoArchives/Padlock/HAR60640004/Box023/31-6-95K_Kensington%20Historic%20District_10406%20Fawcett%20St_11-16-1995.pdf



Figure 5: Location of previous fence installed in 1995 (in yellow) and new fence installed in 2024 (in red).

Analysis

Staff finds that the replacement and relocation of the three-foot tall, wood picket fence meets the applicable guidelines and recommends approval. The proposal does not adversely affect the historic resource or the surrounding historic district, is compatible with the character defining features of Kensington, and is not detrimental thereto the purposes of Chapter 23A of the Montgomery County Code, Section 8(b). In fact, the new wood picket fence is more compatible than the previous fence due to its location at the rear of the side porch. This increased setback provides greater visibility of the front, side and rear yards in a district characterized by its garden-like setting. No trees appear to have been impacted by the fence relocation. Furthermore, the completed work does not remove any historic materials, alter features or spaces that characterize the property, and is compatible in size, scale, and materials. If removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired. Therefore, the proposal satisfies *Standards* #2, #9, and #10.

STAFF RECOMMENDATION

Staff recommends that the Commission **approve** the HAWP application under the Criteria for Issuance in Chapter 24A-8(b), (1), (2), and (d), having found that the proposal, is consistent with the *Vision of Kensington*, and therefore 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 301-495-2167 or laura.dipasquale@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# 1076855
DATE ASSIGNED

APPLICANT:

Name: James Simpson
Address: 10406 Fawcett St
Daytime Phone: 301-996-4976

E-mail: simpson4976@gmail.com
City: Kensington Zip: 20895
Tax Account No.: 01024694

AGENT/CONTACT (if applicable):

Name: Builders Fence Company
Address: 44330 Mercure Circle, Suite 174
Daytime Phone: 703-820-0967

E-mail: shelly@buildersfenceco.com
City: Sterling, VA Zip: 20166
Contractor Registration No.: 127411

LOCATION OF BUILDING/PREMISE: MIHP # of Historic Property

Is the Property Located within an Historic District? X Yes/District Name Wood & Pauls
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: 10406 Street: Fawcett St
Town/City: Kensington Nearest Cross Street:
Lot: 9 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.

Signature of owner or authorized agent (handwritten signature) Date 07/16/2024

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

Owner's mailing address 10406 Fawcett Dr Kensington, MD 20895	Owner's Agent's mailing address 44330 Mercure Circle, Suite 174 Sterling, VA 20166
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:

replacing existing wooden fence

1061896

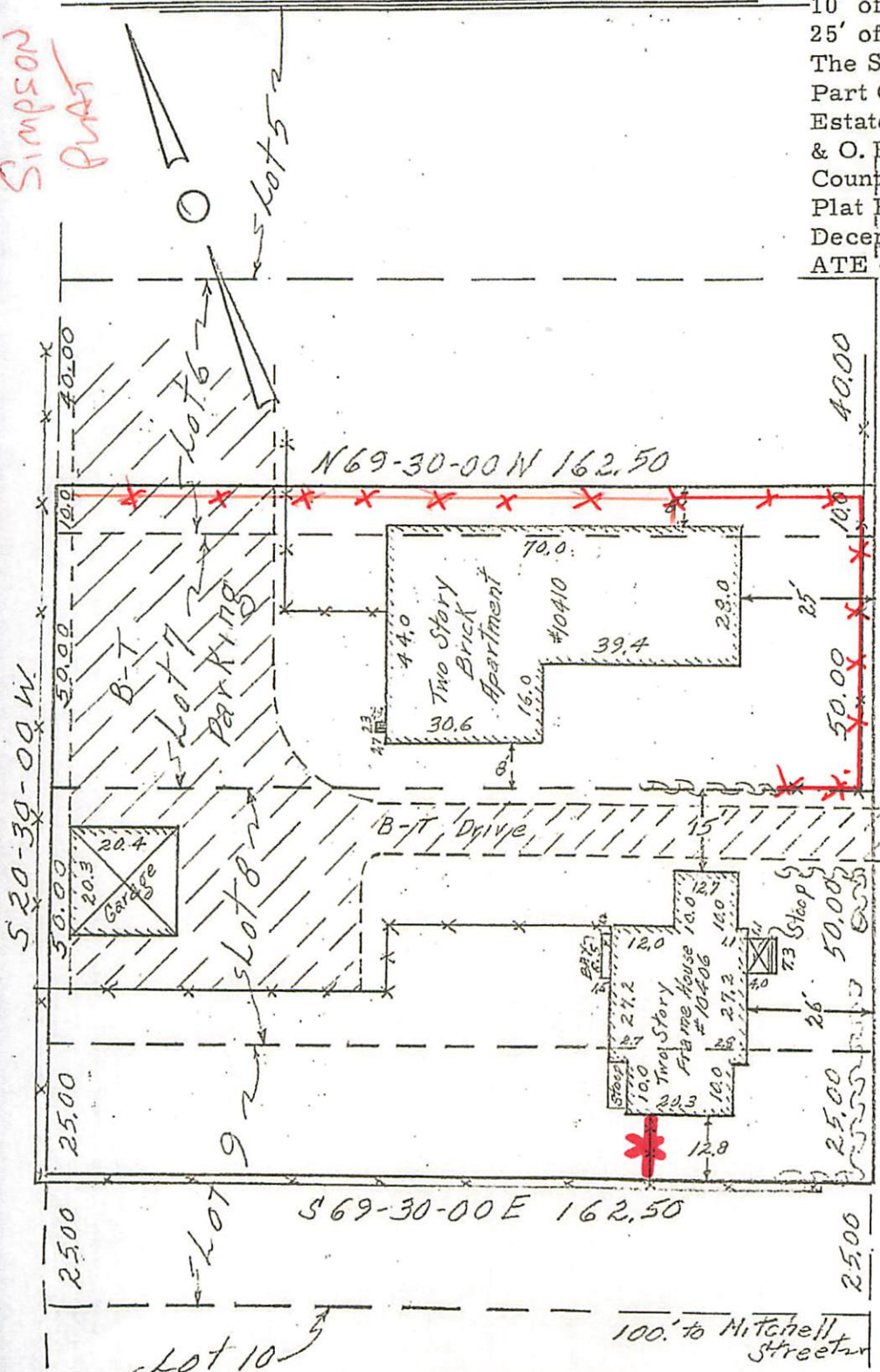
AMERICAN
TOPOGRAPHIC
ENGINEERS

Surveyors & Topographers

47109

PLAT OF SURVEY
10406 & 10410 Fawcett Street
10' of Lot 6, All of Lots 7&8,
25' of Lot 9
The Subdivision Of Lot 20 And
Part Of The Partition Of Knowles
Estate At Knowles Station M. B. B.
& O. R. R. In Montgomery
County, Maryland
Plat Book A @ Plat 5
December 7, 1981-Scale: 1"=30'
ATE 47109 K. W. Simpson

SIMPSON
PLAT



N 20-30-00 E
Fawcett Street (Now)
Fawcett Avenue (Plat)

I HEREBY CERTIFY THAT I HAVE CAREFULLY SURVEYED THE ABOVE PROPERTY BY TRANSIT-TAPE SURVEY,
LOCATED IMPROVEMENTS THEREON, AND HAVE FOUND IT TO BE AS SHOWN ON THIS PLAT AND THAT
THERE ARE NO ENCROACHMENTS EITHER WAY ACROSS PROPERTY LINES EXCEPT AS SHOWN ON SAID PLAT
MD. REG. NO. 1690 VA. REG. NO. 441 FRANK B. LANE, REGISTERED SURVEYOR

Frank B. Lane

Town of Kensington
3710 Mitchell Street
Kensington, MD 20895
301-949-2424 (Office) 301-949-4925 (Fax)
Town@tok.md.gov



Attention Department of Permitting Services (DPS)
TOWN OF KENSINGTON APPLICATION

Please be advised that the following applicant has applied for a Fence, Wall or Retaining Wall Permit with the Town of Kensington, and they must send all approved County Permits to the Town to complete the Permitting process.

APPLICATION #	<u>20240016</u>	HAS BEEN RELEASED	
THE OWNER	<u>James M. Simpson</u>		AT
SITE ADDRESS	<u>10406 Fawcett Street</u>		
HAVING PAID	<u>\$35.00</u>		
PROJECT	<u>Fence</u>		
DATED	<u>02/23/2024</u>	<u><i>Matthew J. Apple</i></u>	

The Staff signature only releases the permit for DPS review and does not represent an approval of the permit application by the Town. All County permits must be submitted before Town review and approval.

****This form does not represent an approved Town of Kensington Permit, and serves only as notification to Montgomery County****

Town of Kensington
3710 Mitchell Street
Kensington, MD 20895
301-949-2424 (Office) 301-949-4925 (Fax)
Town@tok.md.gov



Attention Department of Permitting Services (DPS)
TOWN OF KENSINGTON APPLICATION

Please be advised that the following applicant has applied for a Fence, Wall or Retaining Wall Permit with the Town of Kensington, and they must send all approved County Permits to the Town to complete the Permitting process.

APPLICATION #	<u>20240016</u>	HAS BEEN RELEASED	
THE OWNER	<u>James M. Simpson</u>		AT
SITE ADDRESS	<u>10406 Fawcett Street</u>		
HAVING PAID	<u>\$35.00</u>		
PROJECT	<u>Fence</u>		
DATED	<u>02/23/2024</u>	<u><i>Matthew J. Appa</i></u>	

The Staff signature only releases the permit for DPS review and does not represent an approval of the permit application by the Town. All County permits must be submitted before Town review and approval.

****This form does not represent an approved Town of Kensington Permit, and serves only as notification to Montgomery County****