# MONTGOMERY COUNTY HISTORIC PRESERVATION COMMISSION STAFF REPORT

Address: 10939 Montrose Avenue, Garrett Park Meeting Date: 9/4/2024

**Resource:** Non-Contributing/Out of Period **Report Date:** 8/28/2024

**Garrett Park Historic District** 

**Applicant:** Andrea Rose **Public Notice:** 8/21/2024

Review: HAWP Tax Credit: No

Permit Number: 1080905 Staff: Chris Berger

**Proposal:** Fence installation.

#### **STAFF RECOMMENDATION**

Staff recommends the Historic Preservation Commission (HPC) <u>approve</u> the Historic Area Work Permit (HAWP) application.



Figure 1: The subject property is indicated with a yellow star. The Garrett Park Historic District boundaries are marked in red.

#### **PROPERTY DESCRIPTION**

SIGNIFICANCE: Non-Contributing/Out-of-Period Resource in the Garrett Park Historic District

DATE: circa 1993 STYLE: Vernacular

The irregularly shaped property measures 0.26 of an acre. The property slopes down from the right of way to the rear of the property.



Figure 2: The subject property as seen from the right of way. The applicant proposes to install 6-foot tall fence segments in the side yards.

#### **BACKGROUND**

In 2014, the HPC approved the 6-foot tall open board-on-board fence segments in the side and rear yards of the subject property as part of HAWP #690412 (#37/13-14B) with one condition:

1. No fence shall be constructed forward of the rear wall plane of the building (main house).

The approval letter and staff report for the HAWP are included as Attachment 1.

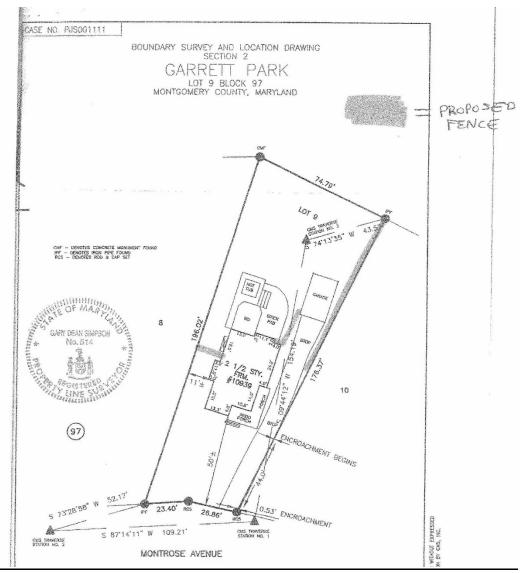


Figure 2: The HPC approved three fence segments in 2014 as part of HAWP #690412. Only the segment between the house and garage has been constructed.

#### **PROPOSAL**

The applicant wrote the following:

This application seeks to renew and revise the previously approved fence Historic Area Work Permit #690412.

The Permit applies to three fence segments. Since 2014, only one portion of the fence (between the house and the garage) has been constructed. At this time, permission is requested to construct the remaining two portions of the fence. For both of these sections, the application remains the same with two exceptions - (1) The design will be board and batten with a square trellis topper instead of open-board-on-board, and (2) It is requested that the condition imposed in the permit approval (prohibiting construction of a fence

forward of the rear plane of the main house) be revised to permit construction within 15 feet of the rear plane of the main house.

The new drawing provided with this application shows a fence structure that was and remains located on the neighboring property at 10937 Montrose Avenue that was not considered during the original approval process. It is located immediately adjacent to the property line, is 8 feet tall and 18 feet long with a trellis that encroaches over the property line at the top, and extends approximately 15 feet past the rear plane of the subject house at 10939 Montrose Avenue. It is in very delapidated condition with mold, algae, broken boards and extensive holes made by carpenter bee infestation. The fence design in the original application planned to begin the main stretch of the subject fence at the same point as this existing (taller and encroaching) fence on the neighboring property.

The removal of the condition is needed to help provide for a uniform and tidy appearance of the new fence from the view of the subject property. Because there existed and continues to exist a large fence forward of the rear plane of the house immediately on the other side of the property line, the condition that was imposed created an arbitrary and unreasonable limit on the homeowner's ability to enjoy and improve the property and should be modified as requested, or completely removed.

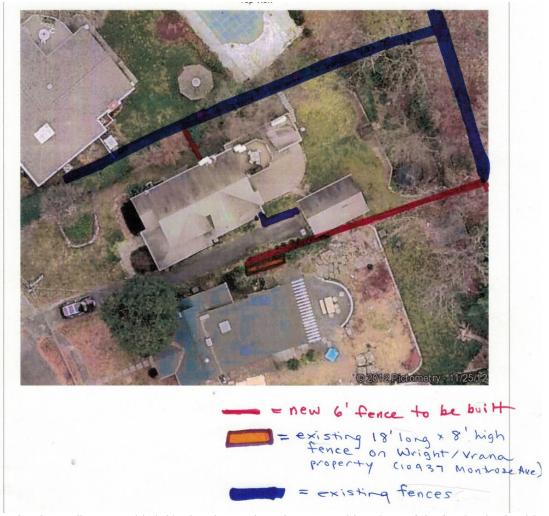


Figure 3: The applicant provided this site plan to show the proposed locations of the fencing in the side yards.

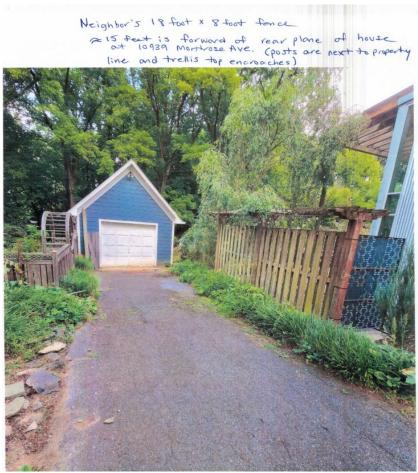


Figure 4: The applicant notes the presence of the neighbor's 8-foot tall trellis in the side yard at the property line where they seek to install a fence.



Figure 5: The applicant proposes to install a 6-foot tall board and batten fence with trellis on top in the side yards.

#### APPLICABLE GUIDELINES

When reviewing alterations and new construction within the Garrett Park Historic District several documents are to be utilized as guidelines to assist the Commission in developing their decision. These documents include the *Comprehensive Amendment to the North Bethesda-Garrett Park Master Plan* (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.

#### Comprehensive Amendment to the North Bethesda-Garrett Park Master Plan (1992)

Non-Contributing or Out-of-Period Resource: A resource which is an intrusion in the district because of its lack of architectural and historical significance and/or because of major alterations that have eliminated most of the resource's original architectural integrity. Or a resource that is a newer building, which possibly contributes to the overall streetscape, but is out of the districts primary historical and architectural context.

#### **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 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
- (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 Interior's Standards for Rehabilitation

- 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 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 proportion, and massing to protect the integrity of the property and its environment.

#### **STAFF DISCUSSION**

Staff supports the proposed fencing. Per Chapter 24A-8(d), the HPC is to 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. Staff also reminds that the subject property is a Non-Contributing or Out-of-Period Resource.

The HPC's longstanding standard is to limit fence heights to 4 feet tall when they extend beyond the rear wall plane of the building's original footprint. This standard seeks to maintain the openness between houses in historic neighborhoods with the position that fences taller than 4-feet located in side yards create visual barriers between properties and can obscure architecturally significant or notable features of the historic house(s). Staff regularly administratively approves 6-foot tall fences in rear yards and fences less than 4-feet tall in side yards.

For the subject property, staff finds the request meets Chapter 24A-8(b)(1), because the proposed fencing will not substantially alter the exterior features of the resource within the historic district. The fence segments on both sides of the residence will be set back approximately 85 feet from the right of the way and align with the rear yards of both the adjacent property to the north at 10941 Montrose Avenue, a Contributing Resource, and the Outstanding Resource to the south at 10937 Montrose Avenue. Moreover, the terrain slopes away from the right of way, so the fence segments will be very difficult to see from the public view. The vegetation will further obscure the proposed fencing. The proposed fencing will have a trellis on top to provide openness.



Figure 6: The side property line of the subject property with 10937 Montrose Avenue. The red arrows indicate the limit of the proposed fencing.



Figure 7: The side property line of the subject property with 10937 Montrose Avenue as seen from the front yard. The lot slopes downward from the right of way. A red arrow indicates the proposed limit of the fence in the side yard.



Figure 8: The side property line of the subject property with 10937 Montrose Avenue looking toward the right of way. The red arrow indicates the limit of the proposed fence in the side yard.

The fencing also meets Chapter 24A-8(b)(2), because it is compatible in character and nature with the architectural features of the historic district where wood fences of a similar height toward the rear yard are common. As noted by the applicant, the adjacent property at 10937 Montrose Avenue has a 6-foot tall open board on board fence with trellis on top at the side property line where the applicant proposes to install a 6-foot tall fence.

In conformance with the relevant *Standards*, the historic character of the property will be retained and preserved by the fence's construction, and the exterior alteration will not destroy historic materials characterize the property and the new work is differentiated from the old.

#### **STAFF RECOMMENDATION**

Staff recommends that the Commission <u>approve</u> the HAWP application 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 and 9;

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 <u>contact</u> <u>Rebeccah Ballo</u> at 301-563-3404 or <u>rebeccah.ballo@montgomeryplanning.org</u> to schedule a follow-up site visit.



#### HISTORIC PRESERVATION COMMISSION

Isiah Leggett County Executive William Kirwan

Date: November 13, 2014

#### **MEMORANDUM**

TO: Diane Schwartz Jones

Department of Permitting Services

FROM: Matt Bowling, Senior Planner

Historic Preservation Office

Maryland-National Capital Park & Planning Commission

SUBJECT: Historic Area Work Permit #690412: Fence installation at 10939 Montrose Avenue

The Montgomery County Historic Preservation Commission (HPC) has reviewed the attached application for a Historic Area Work Permit (HAWP). This application was <u>APPROVED</u> at the November 12, 2014 Historic Preservation Commission meeting with the following **ONE** (1) condition:

1. No fence shall be constructed forward of the rear plane of the building (main house).

The HPC staff has reviewed and stamped the attached plans for the installation of a fence at 10939 Montrose Avenue, the condition of the HAWP approval has been satisfied.

THE BUILDING PERMIT FOR THIS PROJECT SHALL BE ISSUED CONDITIONAL UPON ADHERENCE TO THE ABOVE APPROVED HAWP CONDITIONS AND MAY REQUIRE APPROVAL BY DPS OR ANOTHER LOCAL OFFICE BEFORE WORK CAN BEGIN.

Applicant: Andrea Rose, Property Owner

Address: 10939 Montrose Avenue, Garrett Park

This HAWP approval is subject to the general condition that the applicant will obtain all other applicable Montgomery County or local government agency permits. After the issuance of these permits, the applicant must contact this Historic Preservation Office if any changes to the approved plan are made. Once work is complete the applicant will contact Matt Bowling at 301.563.3408 or <a href="matt.bowling@montgomeryplanning.org">matt.bowling@montgomeryplanning.org</a> to schedule a follow-up site visit.



# MONTGOMERY COUNTY HISTORIC PRESERVATION COMMISSION STAFF REPORT

Address: 10939 Montrose Avenue, Takoma Park Meeting Date: 11/12/2014

**Resource:** Non-Contributing Resource, Circa 1993 **Report Date:** 10/28/2014

Garrett Park Historic District
Public Notice: 10/29/2014

Applicant: Andrea Rose, Property Owner

Tax Credit: Not Eligible

Review: HAWP
Staff: Matt Bowling

**Case Number:** 37/13-14B

**PROPOSAL:** Fence installation at 10939 Montrose Avenue.

#### STAFF RECOMMENDATION:

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

1. No fence shall be constructed forward of the rear plane of the building (main house).

#### **ARCHITECTURAL DESCRIPTION**

SIGNIFICANCE: Non-Contributing Resource within the Garrett Park Historic District

STYLE/FORM: Neoelectic/Neo-Victorian, Single-Family Detached

DATE: Circa 1993

#### **PROPOSAL**

The applicants are proposing the following work item:

1. Property is partially fenced (on two sides). Applicant seeks to complete fencing. Fencing on rear, side-yard will be six (6) feet in height and constructed of wood (open-board-on-board) with metal hardware, set with concrete footers.

Fencing facing the street will be five (5) feet in height and constructed of wood. A gate will be installed near the northeastern corner. Another gate, with decorative arbor, will be installed on the portion of the fence located in-between the garage and the main house.

#### **APPLICABLE GUIDELINES**

#### 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 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
  - (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 one 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:

#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**

Based on the information included in the record, staff makes the following findings of fact:

- The subject property is a Non-Contributing Resource in the Garrett Park Historic District, constructed circa 1993.
- The proposed work does not conflict with the *Garrett Park Historic District Design Guidelines, Chapter 24A*, or the *Secretary of the Interior's Standards for Rehabilitation*.
- The proposed work is generally in-keeping with the character of the Garrett Park Historic District, will not substantially alter the character defining features of the historic district, and could be removed in the future without bringing harm to the integrity of the historic district as a whole.

#### **STAFF RECOMMENDATION**

Staff recommends that the Commission **approve** the Historic Area Work Permit Application under the Criteria for Issuance in Chapter 24A-8 §§ (b)(1) and (b)(2), having found the proposed work is consistent with:

- 1. Chapter 24A-8 of the Montgomery County Code;
- 2. The Garrett Park Historic District Design Guidelines; and
- 3. The Secretary of the Interior's Standards for Rehabilitation;

Finding that the proposed work will not substantially alter the exterior features of the historic resource or its environmental setting and will not result in adverse effect to the overall consistency of the existing streetscape, landscape, or built environment within the Garrett Park Historic District.

And with the general condition that the applicant shall present **three (3) permit sets 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 the applicant shall notify HPC staff if they propose to make **any alterations** to the approved plans. Once the work is completed the applicant will contact the Matt Bowling at 301-563-3400 or matt.bowling@mongtomeryplanning.org to schedule a follow-up site visit.





DPS - ##

# APPLICATION FOR HISTORIC AREA WORK PERMIT

contact mail: 105esearch @ gma	Contact Person: Andrea Rose
COSTAGE ESSELLI: 103C3CC. C. C. C. Office	Daytime Phone No.: 202, 669, 4327
Tex Account No.: 04-00057528	
Name of Property Owner: Andrea D. Ro	5e Deytime Phone No.: 202 - 669 ,4327
Address: POBOX14, 10939 Montrose	Aye. Garrett Park, MD 20896
	Phone No.:
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☐ Revision ☐ Repair ☐ Revocable.	# (Fonce) Well (complete Section 4) Other:
8. Construction cost estimate: \$ 3,000 · @	- communities and control of the con
C. If this at a revision of a previously approved active permit, see Pen	
District of the Charlest Household in Control (Notice)	
4	
-	Well 03 Chart:
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A. Height (a feet C inches	
3. Indicate whether the fence or retaining walk is to be constructed of	
** On party line/property line Definition of on land of on Portfolk	when   On public right of every/essement
teraby cartify that I have the authority to make the foregoing applicat	tion, that the application is correct, and that the construction will comply with plans
proved by all agencies listed and I hereby acknowledge and accept	this to be a condition for the issuance of this permit.
Dans Place	10/A/11
Square of owner or sufficient agent	
	For Chairperson, Historic Preservation Commission
approved: Signature:	
piceben/Permut No.: 490910	Date Filed: Cots Issued:

SEE REVERSE SIDE FOR INSTRUCTIONS

### THE FOLLOWING ITEMS MUST BE COMPLETED AND THE REQUIRED DOCUMENTS MUST ACCOMPANY THIS APPLICATION.

#### 1. WRITTEN DESCRIPTION OF PROJECT

a. Description of existing structure(s) and environmental setting, including their historical features and significance:
The existing structure is a 1993-built house
and garage located in a suburban residential
area. The back yard is currently denced on
- 2 sides only.
There is no historical significance and where are
no historical Jeatures. The house word wilt in 1993
an a lot what previously was part at the
have next dow, which is a historic house.
, , , , , , , , , , , , , , , , , , , ,
b. General description of project and its effect on the historic resource(s), the environmental setting, and, where applicable, the historic district:
the project is to install a fence on the remaining
Side of the back yard in order to enclose the
COOK WOOD TO LEE
The fence will enhance the appearance of the
environmental cathon Materia
Height ill be sould
Height will be six feet. The partial of the fence site and garage will include an
sind include an
Site and environmental setting, drawn to scale. You may use your plat. Your site plan must include: OYal - > haped arbor.
a. the scale, north arrow, and date;
b. dimensions of all existing and proposed structures; and
<ul> <li>site features such as walkways, driveways, fences, ponds, streams, trash dumpsters, mechanical equipment, and landscaping.</li> </ul>
PLANS AND FI EVATIONS

#### 3

2.

You must submit 2 copies of plans and elevations in a format no larger than 11" x 17". Plans on 8 1/2" x 11" paper are preferred.

- a. Schematic construction plans, with marked dimensions, indicating location, size and general type of walls, window and door openings, and other fixed features of both the existing resource(s) and the proposed work.
- b. Elevations (facades), with marked dimensions, clearly indicating proposed work in relation to existing construction and, when appropriate, context. All materials and fixtures proposed for the exterior must be noted on the elevations drawings. An axisting and a proposed elevation drawing of each facade affected by the proposed work is required.

# 4. MATERIALS SPECIFICATIONS - CEDAR WOOD + METAL HAROWARE

General description of materials and manufactured items proposed for incorporation in the work of the project. This information may be included on your design drawings. - CONCRETE TO SET POSTS

#### 5. PHOTOGRAPHS

- a. Clearly labeled photographic prints of each facade of existing resource, including details of the affected portions. All labels should be placed on the
- b. Clearly label photographic prints of the resource as viewed from the public right-of-way and of the adjoining properties. All labels should be placed on

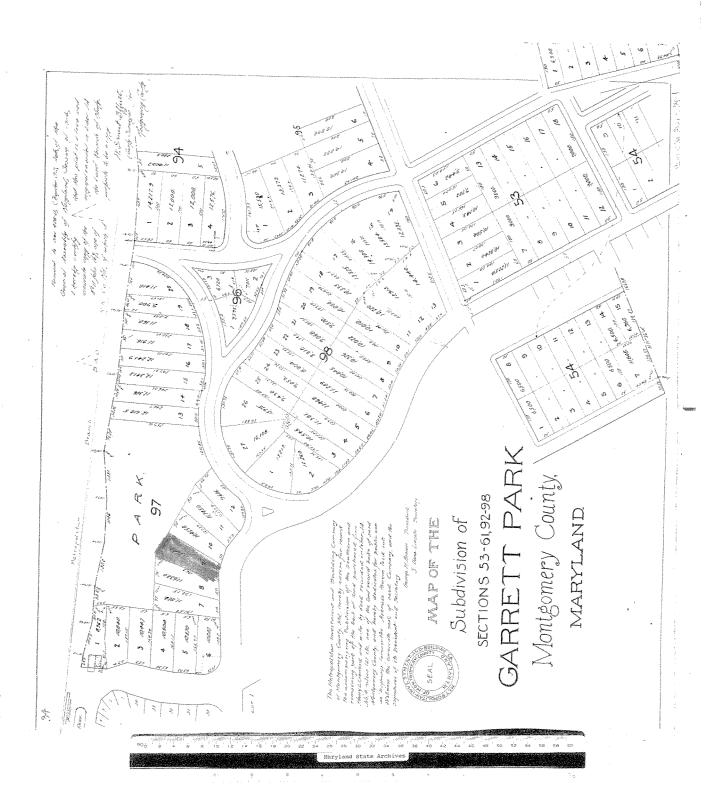
#### 6. TREE SURVEY

If you are proposing construction adjacent to or within the dripline of any tree 6" or larger in diameter (at approximately 4 feet above the ground), you must file an accurate tree survey identifying the size, location, and species of each tree of at least that dimension.

## 7. ADDRESSES OF ADJACENT AND CONFRONTING PROPERTY OWNERS

For ALL projects, provide an accurate list of adjacent and confronting property owners (not tenants), including names, addresses, and zip codes. This list should include the owners of all lots or parcels which adjoin the parcel in question, as well as the owner(s) of lot(s) or parcel(s) which lie directly across the street/highway from the parcel in question.

# 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 Andrea O. Rose P.O. Box 14 NIA Gamett Park, MD 20896 Adjacent and confronting Property Owners mailing addresses Ann Atlee Bennett and Kathy Chamberlin P.O. BOX 134 Ro. Box 112 Garrett Pork, MD Garrett Park, MO 20896 20896 Chris Wright & Victoria Vrana P.O. Box 473 Garrett Park, MO



### Attachment 1 CASE NO. PJS001111 BOUNDARY SURVEY AND LOCATION DRAWING SECTION 2 GARRETT PARK LOT 9 BLOCK 97 MONTGOMERY COUNTY, MARYLAND PROPOSED FENCE CMF 74'13'35" W 43. CMF - DENOTES CONCRETE MONUMENT FOUND IPF - DENOTES IRON PIPE FOUND RCS - DENOTES ROD & CAP SET HOT GARY DEAN SIMPSON No. 514 8 GARY DEAN SIMPSON 1/2 STY. 10939 j > 11'± 09'44'12" 10 ENCROACHMENT BEGINS S 73'28'58" W 0.53' ENCROACHMENT 23.40 26.86 NO REPRODUCTION WITHOUT EXPRESSED WRITTEN PERMISSION BY CMS, INC. 109.21 S 87'14'11" W CMS TRAVERSE STATION NO. 2 MONTROSE AVENUE THE PROPERTY SHOWN HEREON IS LOCATED IN ZONE C (AREA OF MINIMAL FLOODING) ACCORDING TO NATIONAL FLOOD INSURANCE PROGRAM F.LR.M. MAP COMMUNITY PANEL NO. 240049 0175 C AS REVISED 08/01/64 PROPERTY ADDRESS: 10939 MONTROSE AVENUE ÿ CERTIFICATE REFERENCES I HEREBY DECLARE THAT THE POSITION OF ALL THE VISIBLE EXISTING IMPROVEMENTS SHOWN ON THE ABOVE DESCRIBED PROPERTY HAVE BEEN LETHOUSS. LETHOUSZHED-BY PROPER FIELD METHOUS. PLAT BK. A CMS CENTRAL MARYLAND SURVEYORS, INC. PLAT NO. 27 Copyright 2813 PATUXENT RIVER ROAD, DAVIDSONVILLE, MD. 21035 PHONE (410) 798-9700 FAX (410) 798-7905 DATES: LIBER SCALE: 1"=30 WALL CHECK: DRAWN BY: ASO/MLC GARY DEAN SAUSSON MARYAND Property Line Serveyor No. 514 FOLIO HSE. LOC.: 11-17-00 BOUNDARY: 07-30-01 0 JOB NO.: 2560-00

NOTES: 1) B.R.L. information, if shown was obtained from existing record plot or was provided to CMS, and is not guaranteed by CMS, Inc.
2) Flood Zone information is subject to the interpretation of the originator.
3) CMS, Inc. does not cartify to unshown or unrecorded encroachments or overlaps.

4) Level of occuracy 1±.

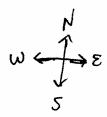
**Images** 

The following aerial images show different angles of this structure for your reference.

EXISTING FENCE



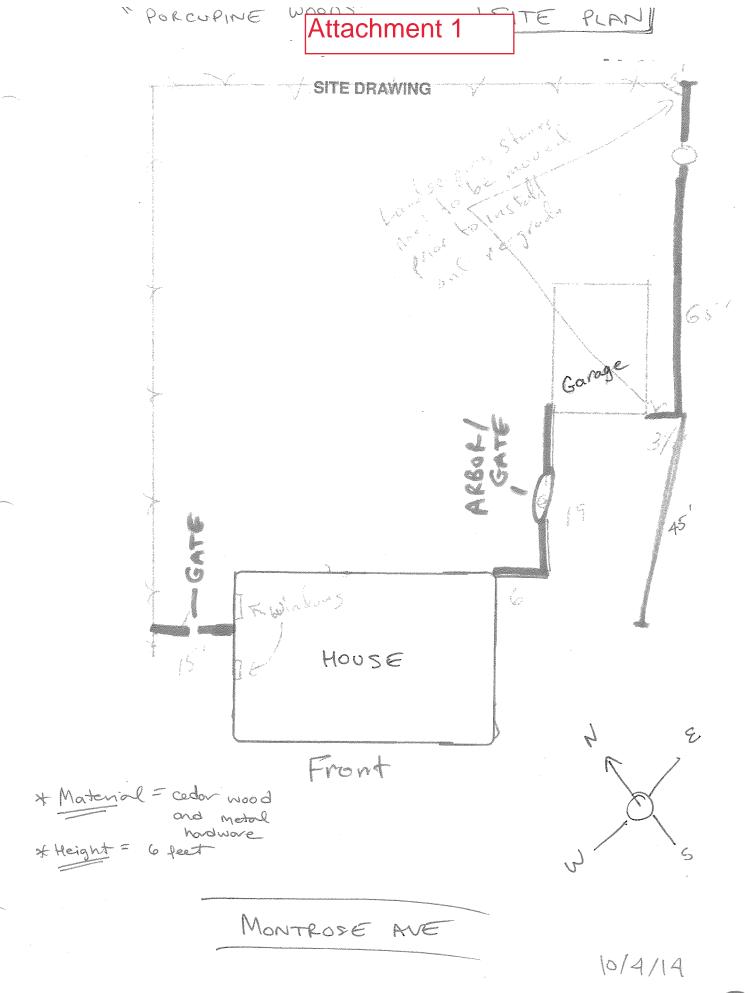
PROPOSED NEW FENCE





Report: 8226139

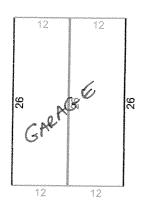
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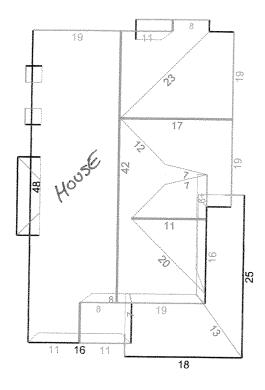


 $(1\phi)$ 

### **Length Diagram**

EXISTING STRUCTURES







<u>Note</u>: This diagram contains segment lengths (rounded to the nearest whole number) over 5 feet. In some cases, segment labels have been removed for readability. Plus signs preface some numbers to avoid confusion when rotated (e.g. +6 and +9).



Report: 8226139

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#### North Side



South Side

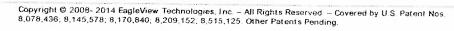




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#### East Side



West Side





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DESIGN FOR

GATE / ARBOR

IN FENCE

BETWEEN HOUSE

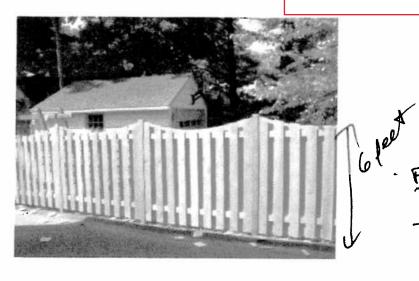
AND GARAGE

(FENCE PANELS

TO MATCH PRIOR)

. CEDAR

. 5 FEET + ARBOR



FENCE PANEL DESIGN FOR PORTION OF FENCE AT PROPERTY LINE

, CEDAR



## APPLICATION FOR HISTORIC AREA WORK PERMIT

DATE ASSIGNED

HAWP# 1080905

FOR STAFF ONLY:

HISTORIC PRESERVATION COMMISSION 301.563.3400

### APPLICANT: E-mail: rosesearch@gmail.com City: Garrett Park Zip: 20896 Name: Andrea Rose 10939 Montrose Avenue PO Box 14 Daytime Phone: 202-669-4327 Tax Account No.: 00057528 AGENT/CONTACT (if applicable): E-mail: Name: Contractor Registration No.: Daytime Phone: \_\_\_\_\_ LOCATION OF BUILDING/PREMISE: MIHP # of Historic Property Garrett Park Is the Property Located within an Historic District? XYes/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. 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 Shed/Garage/Accessory Structure be accepted for review. Check all that apply: Solar Deck/Porch New Construction Tree removal/planting Fence Addition Hardscape/Landscape Window/Door Demolition Roof Other: Grading/Excavation 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.

08/04/2024

Andrea Rose

## 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
Andrea Rose	
PO Box 14	
Garrett Park, MD 20896	
Adjacent and confron	nting Property Owners mailing addresses
Ann Atlee	
PO Box 134	
Garrett Park, MD 20896	
Chris Wright and Victoria Vrana	
PO Box 473 Garrett Park, MD 20896	
Garrett Fark, MD 20090	
Bennett and Kathy Chamberlin	
PO Box 112 Garrett Park, MD 20896	
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Please see Memorandum dated 11/13/2024 approving Historic Area Work Permit # 690412.

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

This application seeks to renew and revise the previously approved fence Historic Area Work Permit # 690412. Please see Memorandum dated 11/13/2014 (copy attached) and new drawing and photos.

The Permit applies to three fence segments. Since 2014, only one portion of the fence (between the house and the garage) has been constructed. At this time, permission is requested to construct the remaining two portions of the fence. For both of these sections, the application remains the same with two exceptions - (1) The design will be board and batten with a square trellis topper instead of open-board-on-board, and (2) It is requested that the condition imposed in the permit approval (prohibiting construction of a fence forward of the rear plane of the main house) be revised to permit construction within 15 feet of the rear plane of the main house.

The new drawing provided with this application shows a fence structure that was and remains located on the neighboring property at 10937 Montrose Avenue that was not considered during the original approval process. It is located immediately adjacent to the property line, is 8 feet tall and 18 feet long with a trellis that encroaches over the property line at the top, and extends approximately 15 feet past the rear plane of the subject house at 10939 Montrose Avenue. It is in very delapidated condition with mold, algae, broken boards and extensive holes made by carpenter bee infestation. The fence design in the original application planned to begin the main stretch of the subject fence at the same point as this existing (taller and encroaching) fence on the neighboring property.

The removal of the condition is needed to help provide for a uniform and tidy appearance of the new fence from the view of the subject property. Because there existed and continues to exist a large fence forward of the rear plane of the house immediately on the other side of the property line, the condition that was imposed created an arbitrary and unreasonable limit on the homeowner's ability to enjoy and improve the property and should be modified as requested, or completely removed.

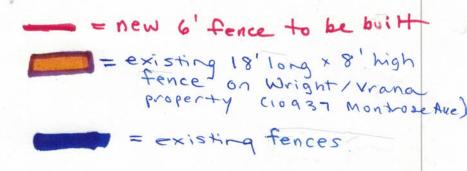
Work Item 1: Fence		
Description of Current Condition: Please see Memorandum dated 11/13/2024 approving Historic Area Work Permit # 690412.	Proposed Work: Build remaining fence sections.	
Work Item 2:	Proposed Work:	
Work Item 3:		
Description of Current Condition:	Proposed Work:	

#### **Images**

The following aerial images show different angles of this structure for your reference.

Top View





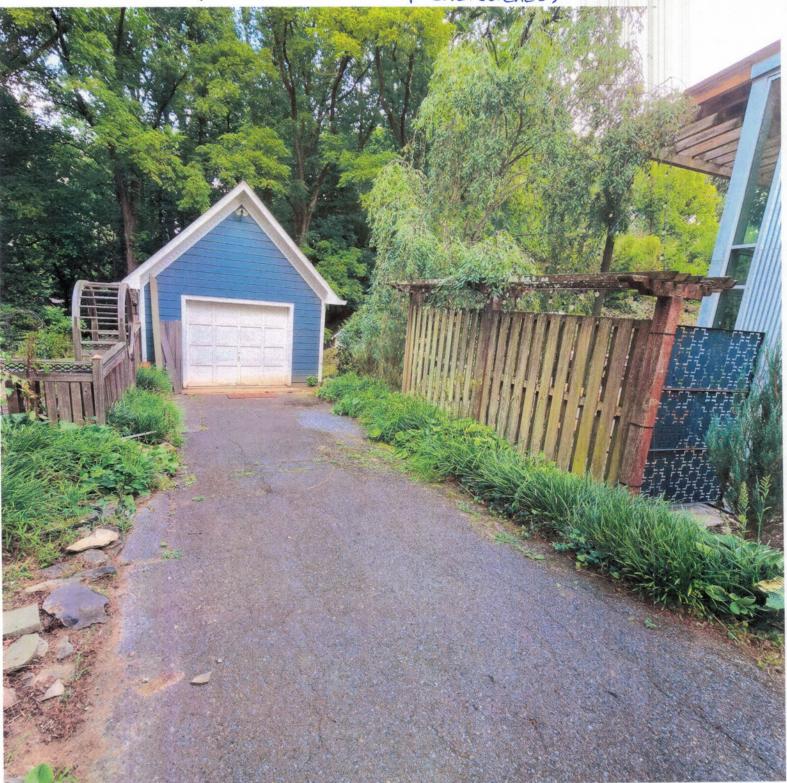


Report: 8226139

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Neighbor's 18 foot x 8 foot fence

at 10939 Montrose Ave. (posts are next to property line and trellis top encroaches)







From: Andrea Rose
To: HAWP

Subject: Fwd: Historic Area Work Permit 1080905 - Created

Date: Sunday, August 4, 2024 10:28:25 PM
Attachments: Historic Area Work Permit 1080905.pdf

2024 8.4 Fence Plat .pdf 2024 8.4 HAWP Fence .pdf

10937 Montrose Ave. Fence Photos .pdf

2014 11.13 MoCo HPC Approval Memo (Fence).pdf

**[EXTERNAL EMAIL]** Exercise caution when opening attachments, clicking links, or responding.

Hello. Attached please find materials related to HAWP Application 1080905.

This relates to prior Building Permit # 694697 and prior HAWP # 690412.

Please let me know if you have any questions or need any additional information.

Best regards, Andrea Rose 10939 Montrose Avenue Garrett Park, MD 20896 Cell 202-669-4327



2014 10.28 Staff Report MoCo HPC (Fence

HAWP).pdf

----- Forwarded message -----

From: < <u>DPS-NoReply@app.montgomerycountymd.gov</u>>

Date: Sun, Aug 4, 2024 at 6:42 PM

Subject: Historic Area Work Permit 1080905 - Created

To: <<u>rosesearch@gmail.com</u>>

Historic Area Work Permit 1080905 - Created

Info: This is a newly created (by Customer) permit.

Createdby: <u>rosesearch@gmail.com</u>

Createdon: 8/4/2024

- \* You MUST complete the HAWP form below. Incomplete forms will not be considered by the Historic Preservation Commission <u>Link to fillable PDF HAWP form</u>.
- \*Your completed HAWP form and any supporting documents must be emailed to HAWP@montgomeryplanning.org.



#### DEPARTMENT OF PERMITTING SERVICES

Marc Elrich
County Executive

Rabbiah Sabbakhan Director

### HISTORIC AREA WORK PERMIT APPLICATION

Application Date: 8/4/2024

Application No: 1080905

AP Type: HISTORIC Customer No: 1413046

#### Affidavit Acknowledgement

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

#### **Primary Applicant Information**

Address 10939 MONTROSE AVE GARRETT PARK, MD 20896

Homeowner Rose (Primary)

#### **Historic Area Work Permit Details**

Work Type CONST

This application seeks to reopen and revise Permit Number 694697 (Fence) which was approved 11/20/2014. Only one out of three segments of fence has Scope been built to date (the section between main house and garage). Now seeking to build remaining two sections with minor change in design and requesting of that the condition prohibiting construction forward of the rear plane of the main house be removed because there was and is an existing 8'x18' foot fence Work on the other side of the property line that crosses approximately 15' past the rear plane of the house that was not considered at the time of the original application.

















#### Town of Garrett Park Historic Preservation Committee

#### **Statement on 10939 Montrose**

August 21, 2024

### **To: Montgomery County Historic Preservation Office**

Submitted via mcp-historic@mncppc-mc.org

#### Regarding: HAWP #1080905 for 10939 Montrose Avenue, Garrett Park

The owner of the property at 10939 Montrose Avenue in Garrett Park seeks a Historic Area Work Permit (HAWP) that would reopen and revise in part Permit Number 694697 (original HAWP 690412), approved 11/20/2014 (Permit). The property is a non-contributing/out-of-period resource within the Garrett Park Historic District (Atlas #30/13; pp. 214-218 of the North Bethesda/Garrett Park Master Plan <a href="http://montgomeryplanning.org/wp-content/uploads/2016/09/NorthBethesda-GarrettParkMasterPlan1992ocr300.pdf">http://montgomeryplanning.org/wp-content/uploads/2016/09/NorthBethesda-GarrettParkMasterPlan1992ocr300.pdf</a>). The Garrett Park Historic Preservation Committee (GPHPC) has reviewed the applicant's supporting documents and held a public meeting on August 20, 2024, to consider the application. The Committee has no objection to granting the requested new HAWP.

The applicant-owner advises that, having built one fence segment under this Permit, they now wish to proceed to build the last two permitted segments of fencing. The Permit, however, was granted with a condition precluding construction forward of the rear plane of the main house. The applicant wishes to construct the remaining segment with this condition removed because – as was not considered when the condition was imposed in the original Permit – there is an existing 8'x18' foot fence on the adjacent property at 10937 Montrose that extends approximately 15' forward of the rear plane of the applicant's house.

The existence of the neighbor's fence beyond the rear plane of the applicant's house effectively renders the original Permit condition ineffective from a visual standpoint. Given the existence of the neighboring fence, the condition serves no apparent historic preservation purpose.

The requested revision would cancel the condition of the original Permit to allow the applicant to extend their fence only to the extent that it would be parallel and immediately adjacent to the neighbor's fence. The applicant's proposed fence design would be two feet lower than the neighbor's fence. The requested HAWP would not be materially different from or incompatible with the previously approved and existing fencing.

The Committee further notes that the applicant's home is a non-contributing resource within the Garrett Park Historic District, whereas the neighboring house (which already has a fence forward of the rear plane of the house) is designated an outstanding resource.

For these reasons, the Committee has no objection to granting the requested HAWP.

If you have any questions, please do not hesitate to contact me, or Todd Eisenstadt, Garrett Park Councilmember, who is the liaison with our Committee.

On behalf of the Committee,

Nancy Walz, Chair Garrett Park Historic Preservation Committee

nancywalz@gmail.com counciltodd@garrettparkmd.gov