

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

<b>Address:</b>	309 Market Street, Brookeville	<b>Meeting Date:</b>	10/09/2024
<b>Resource:</b>	Primary Resource (19 <sup>th</sup> Century) <b>Brookeville Historic District</b>	<b>Report Date:</b>	10/02/2024
<b>Applicant:</b>	Matthew Keller, Building Solutions LLC	<b>Public Notice:</b>	9/25/2024
<b>Review:</b>	Historic Area Work Permit	<b>Tax Credit:</b>	No
<b>Permit Number:</b>	1075954	<b>Staff:</b>	Rebecca Ballo
<b>PROPOSAL:</b>	Demolition of shed, stone wall, and tree removal		

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**STAFF RECOMMENDATION**

Staff recommends that the Commission **approve with one condition** the HAWP application with final approval authority delegated to staff:

1. The stones from the wall may be deconstructed and stacked, but should not be removed from the property. Future plans for new construction on the property must reuse the stones as part of the new construction.



***Figure 1: The subject property at 309 Market Street is indicated with a yellow star. The red cross hatch indicates the Brookeville Historic District boundaries.***

**PROPERTY DESCRIPTION**

SIGNIFICANCE: Primary Resource (19<sup>th</sup> Century) within the Brookeville Historic District  
 STYLE: Vernacular  
 DATE: c.1900

The deep narrow lot at 309 Market Street is on the north side of the road just near a steep curve in the street. The lot measures approximately 10,000 square feet. While the lot itself is relatively flat, Market Street slopes steeply downgrade as it moves westward away from the property. The lot is improved with a stone foundation wall near to Market Street and a one-and-a-half story frame outbuilding/shed located on the rear of the property. The rest of the lot is covered with a grass lawn with several mature trees near to the rear property line.

**APPLICABLE GUIDELINES**

When reviewing alterations and new construction within the Brookeville Historic District several documents are to be utilized as guidelines to assist the Commission in developing their decision. These documents include the Brookeville Historic District Master Plan Amendment (*Amendment*), Montgomery County Code Chapter 24A-8 (*Chapter 24A-8*), and the Secretary of the Interior’s Standards for Rehabilitation (*Standards*). The pertinent information in these documents is outlined below.

***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;
 (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.

**BACKGROUND**

The property was designated as a Primary Resource when the Historic District was created in 1986. The



district amendment does not mention or describe the subject outbuilding at the rear of the property, but instead describes a principal dwelling that is no longer extant. That house which is described in the district designation suffered major fire damage c. 2005 and was declared a hazard by the County. The building was demolished after 2009, but staff was unable to locate a HAWP for the demolition. The Historic Preservation Office and the Town of Brookeville were involved in efforts to remediate the blight and danger posed by the property after the fire damage and while it was vacant.



***Figure 2: Streetview image of the main historic house prior to its demolition from Market Street. The outbuilding is visible to the far right behind the tree. (Google streetview from 2007)***



*Figure 3: Streetview image after the demolition of the main house from Market Street. The stone foundation remains extant. The shed is visible to the far right. (Google streetview from 2012)*

## **PROPOSAL**

The applicant seeks to demolish the outbuilding/shed in the rear of the property, demolish the stone foundation wall in the front of the property, and remove the large tree next to the outbuilding.

The stone wall is the only remaining extant feature of the demolished 19<sup>th</sup> century main house. The applicant is proposing to deconstruct the wall and remove it entirely from the site. The wall is variable in height from eighteen inches to approximately 36" above grade. Portions appear to be dry stacked, but this is likely due to the original lime mortar completely deteriorating in places. The remaining mortar is a lime mix with later patches presumably of a portland cement mix in small locations. The stones themselves are irregularly shaped sandstone and granite, typical of the piedmont region. The applicant states that the wall is structurally failing and requests its removal from the property.





*Figure 4: Extant basement foundation walls viewed from Market Street. (Historic Preservation Office, June 2024)*



*Figure 5: Extant basement foundation walls viewed from the interior of the property looking towards Market Street. (Applicant photo)*

The large tree adjacent to the outbuilding is in an advanced state of decay. At the time of site visit staff observed that the the trunk is encased in porcelain berry and a large cavity at chest height was filled with



an active hornets nest. The porcelain berry extends upwards at least 20' into the canopy. There was also evidence of extensive rot from the base of the tree high into the canopy.



*Figure 6: The trunk of the tree proposed for removal. (Historic Preservation Office, June 2024)*

The outbuilding at the rear of the property is also proposed for removal. The one-and-a-half-story frame building rests on a concrete foundation and is clad in board and batten wood siding. The building telescopes to the rear in two distinct parts, with wood frame windows and doors, and a brick chimney flue at the rear. While the building appears to have been constructed in phases, these seem to have been done in relatively quick succession, and it is not possible to tell which portion came first. However, the concrete foundation appears to be consistent under each building section, and the exterior building materials and interior framing members that are visible all point to an early twentieth century period of construction. The framing members that are visible show machine cuts in the wood and joinery with modern nails. No peg construction or hewn construction was visible. The wood double-hung and fixed



sash windows and doors likewise are typical of late 19<sup>th</sup> century, early 20<sup>th</sup> century frame domestic construction, and could well have been salvaged from another property. It is unknown if the building was ever continuously occupied as the interior appears to have never been finished with plaster, drywall, or even paperboard wall materials. It appears this has either always, or for several decades been used as a storage or outbuilding. The large opening at the front suggests this could have been adapted for automobile storage at one time. It is unlikely to have been used for animals as there are not enough windows for ventilation, no stall or pen dividers, or other evidence suggesting such a use. It could have been used to store carriages or other small farm equipment or machinery, but this is speculative and perhaps unlikely given this property is in town and not adjacent to any large farming property.

A blight order was issued against the property in May 2024 and this notice is included in the applicant's package. The applicant has presented evidence from professionals that are skilled in historic building rehabilitation that the frame sill and portions of the walls have extensive termite damage.



*Figure 7: Front view of the outbuilding proposed for removal. (Historic Preservation Office, 2024)*



*Figure 8: Rear view of the outbuilding proposed for removal. (Historic Preservation Office, 2024)*

### **STAFF DISCUSSION**

Staff supports demolition of the outbuilding, removal of the tree, and demolition of the stone wall with one condition.

The tree appears to be in an advanced state of deterioration and decay. Its removal should be approved as a matter of course.

The outbuilding is also in an advanced state of deterioration having already been the subject of an abatement order from Montgomery County. While remediation of an abatement order does not automatically mean that an historic property must be demolished, staff believes that rehabilitation of this outbuilding is neither feasible nor warranted. The primary historic resource on the property, the principal dwelling, has already been removed. The outbuilding was not mentioned in the historic district designation. The outbuilding appears to be an early 20<sup>th</sup> century building, constructed with a variety of materials to serve as a storage building or workshop. While the chimneys demonstrate the building was heated at one point, and may have been occupied, there are no other signs that the building was continuously meant to be a habitable dwelling in its own right. While certainly old, it does not contribute to the historic, 18<sup>th</sup>-19<sup>th</sup> century character of this rural village historic district. In accordance with Chapter 24A-8(b)(1), the expanded deck will not substantially alter the exterior features of the historic resource within the Brookeville Historic District. Staff finds that per Chapter 24A-8(b)(2), the proposal is compatible in character and nature with the historical and architectural features of the historic district. All visible framing members are in such advanced decay, staff does not recommend salvaging any of the materials.

The extant stone foundation wall is all that remains of the 19<sup>th</sup> century dwelling that had been described in the district designation. While the mortar has failed, the stones themselves remain as the last historic building material on site. These materials could be reused as part of new construction or elsewhere on site. Staff is recommending a condition that the stones be deconstructed, stacked on site, and used as part of any new building construction. That new construction will be the subject of a new HAWP application, and staff and the HPC can work with that applicant to determine an appropriate location for the stone. This condition would bring the proposal in conformance with *Standard 2* which states that ‘the removal



of historic materials or alteration of features and spaces that characterize a property shall be avoided’.

It is noted that no grading is proposed or approved with this application. Typically, the HPC would require archaeological investigations for ground disturbing activities in an historic area dating to the 18<sup>th</sup> century; however, staff is not recommending a condition for investigations at this time. Future construction and grading activities should include conditions for archaeological investigations.

**STAFF RECOMMENDATION**

Staff recommends that the Commission **approve with one condition** the HAWP application with final approval delegated to staff:

1. The stones from the wall may be deconstructed and stacked, but should not be removed from the property. Future plans for new construction on the property must reuse the stones as part of the new construction.

the HAWP application under the Criteria for Issuance in Chapter 24A-8(b)(1) and (2), having found that the proposal will not substantially alter the exterior features of the historic resource and is compatible in character with the purposes of Chapter 24A;

and with the *Secretary of the Interior’s Standards for Rehabilitation # 2*;

and with the general condition that the applicant shall present an electronic set of drawings, if applicable, to 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 HPC as a revised HAWP application at staff’s discretion;

and with the general condition that the applicant shall notify the HPC 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 301-563-3404 or [rebeccah.ballo@montgomeryplanning.org](mailto:rebeccah.ballo@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# 1075954  
DATE ASSIGNED \_\_\_\_\_

**APPLICANT:**

Name: Matthew Keller (Building Solutions) E-mail: building.solutions.11c@yahoo.com  
Address: 8111 Harford Rd City: Parkville Zip: MD 21234  
Daytime Phone: 410 459 2764 Tax Account No.: 88-3859171

**AGENT/CONTACT (if applicable):**

Name: \_\_\_\_\_ E-mail: \_\_\_\_\_  
Address: \_\_\_\_\_ City: \_\_\_\_\_ Zip: \_\_\_\_\_  
Daytime Phone: \_\_\_\_\_ Contractor Registration No.: \_\_\_\_\_

**LOCATION OF BUILDING/PREMISE:** MIHP # of Historic Property 23/65

Is the Property Located within an Historic District? Yes/District Name Brookeville HD  
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: 309 Street: Market Street  
Town/City: Brookeville Nearest Cross Street: \_\_\_\_\_  
Lot: \_\_\_\_\_ Block: \_\_\_\_\_ Subdivision: \_\_\_\_\_ Parcel: \_\_\_\_\_

**TYPE OF WORK PROPOSED: See the checklist on Page 4 to verify that all supporting items for proposed work are submitted with this application. Incomplete Applications will not be accepted for review. Check all that apply:**

- |  |  |  |
|--|--|--|
| <input type="checkbox"/> New Construction      | <input type="checkbox"/> Deck/Porch          | <input type="checkbox"/> Shed/Garage/Accessory Structure |
| <input type="checkbox"/> Addition              | <input type="checkbox"/> Fence               | <input type="checkbox"/> Solar                           |
| <input checked="" type="checkbox"/> Demolition | <input type="checkbox"/> Hardscape/Landscape | <input type="checkbox"/> Tree removal/planting           |
| <input type="checkbox"/> Grading/Excavation    | <input type="checkbox"/> Roof                | <input type="checkbox"/> Window/Door                     |
|  |  | <input type="checkbox"/> Other: _____                    |

I hereby certify that I have the authority to make the foregoing application, that the application is correct and accurate and that the construction will comply with plans reviewed and approved by all necessary agencies and hereby acknowledge and accept this to be a condition for the issuance of this permit.

\_\_\_\_\_  
Signature of owner or authorized agent

7-25-11  
Date

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

<b>Owner's mailing address</b>	<b>Owner's Agent's mailing address</b>
<b>Adjacent and confronting Property Owners mailing addresses</b>	



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

The lot is vacant.

There is a failing structure (shed) that needs to be torn down.

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

Remove and take down failing shed (35x12)

Remove stone retaining wall (30 linear ft)

Haul away all materials / debris

\* we are NOT rebuilding. \*

Work Item 1: Shed

Description of Current Condition:  
35x12 ~~in~~ Dimension  
In bad condition, currently falling down

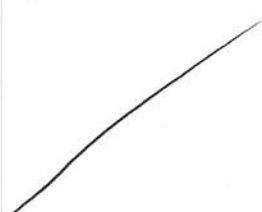
Proposed Work:  
Completely remove  
NOT re building


Work Item 2: Stone retaining wall

Description of Current Condition:  
30 linear foot stone wall

Proposed Work:  
Completely remove  
NOT re building

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

Description of Current Condition:  


Proposed Work:  




DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

Marc Elrich  
County Executive

May 7, 2024

Scott Bruton  
Director

FNA DZ LLC  
201 W LAKE STREET  
CHICAGO, IL 60606

PROPERTY: 309 MARKET ST  
CASE NUMBER: 184422

DEAR Sir &/or Madam FNA DZ LLC:

You are hereby notified that your property referenced above has become a visual blight, and therefore constitutes a public nuisance, as defined in Section 26-2 of the Montgomery County Code (the 'Code').

Pursuant to Section 26-9(a)(12) of the Code, you must bring your property into compliance within 10 days of this notice by removing all conditions which contribute to or are creating a visual blight in a manner that will prevent the conditions from reoccurring.

The Director of the Department of Housing and Community Affairs ('DHCA') has determined that immediate action is required to bring your property into compliance in order to protect adjacent properties, as well as the public's health and safety.

For that reason, failure to comply with this notice of violation will result in the County entering your property pursuant to Sections 26-15(a) and (b) of the Code as needed throughout the growing season to remove all conditions creating the visual blight. You will be billed for the entire cost of all removals, and this debt will be collected in any way legally available for the collection of debts owed to the County.

If you have brought the property into compliance, or wish to discuss this matter, please call me at the number below. Your cooperation in complying with this notice is greatly appreciated

Sincerely,

Ivey Quarles  
Housing Code Inspector III  
(240) 777-3738  
Ivey.Quarles@montgomerycountymd.gov

Enclosure(s)

Division of Community Development

Code Enforcement    Common Ownership Communities    Landlord-Tenant Affairs

1401 Rockville Pike, 4th Floor • Rockville, Maryland 20852 • 240-777-0311 • 240-777-3701 FAX • www.montgomerycountymd.gov/dhca





**ADDENDUM**

Case Number: 184422

Property: 309 MARKET ST

Location	Item	Condition	Action	ID
Exterior	Tree/ Tree Limbs/ Shrubbery	General Condition	Remove dead tree - standing	660118
26-9(b)(5)   Severity: High   Comments: This applies to all standing dead trees on your premises. (CITATION ISSUED).				
Exterior	Accessory Structure	General Condition	Repair or replace or remove	660119
26-9(a)(1)   Severity: Medium   Comments: Attached Storage Shed—Demolish/remove dilapidated storage structure with damaged to walls/siding, windows, gutters, and roof that is attached to rear of existing shed. Also, please note this dilapidated structure has been enclosed within a chain link fence area to eliminate unauthorized casual entry. (CITATION ISSUED).				
Exterior	Retaining Wall	General Condition	Repair/Replace	660155
26-9(a)(1)   Severity: Medium   Comments: The damaged walls remaining of fire damaged house and garage. (CITATION ISSUED).				
Exterior	Yard	Grass and Weeds	Cut within 10 days and maintain	664679
26-9(b)(5)   Severity: Medium   Comments: <b>New item:</b> Per County Violation Notice posted on 5/6/24, cut/trim/maintain overgrown grass, weeds, and yard throughout the remainder of this growing season. 10-day correction required by 5/16/24.				
Exterior	Shed	General Condition	Repair or replace or remove	660117
26-9(a)(1)   Severity: Low   Comments: Repair, replace, or remove the original shed structure with damaged to siding, doors, roof, gutters, and windows. Then, clean or power wash to removed excessive algae and peeling/flaking; then scrape, seal, and repaint entire structure--walls, doors, windows, and trim work. (CITATION ISSUED).				
Exterior	Solid Waste	General Condition	Remove and maintain grounds	660120
26-9(a)(8)   Severity: Low   Comments: This includes but is not limited to pieces of lumber, sheets of plywood, rusted metal cart, wheelbarrow, pile of brush, and any other miscellaneous debris on grounds of this premises. (CITATION ISSUED).				

**Important notice:**

The Montgomery County Code establishes minimum requirements for building and maintenance standards that contain clear and specific provisions. All repairs, maintenance work, alterations or installations shall be executed in a workmanlike manner and in compliance with all applicable codes. In addition, it is the responsibility of the property owner (or agent) to obtain any required permits through the Montgomery County Department of Permitting Services and/or the Montgomery County Historic Preservation Commission where applicable.

Visit <https://www.montgomerycountymd.gov/DPS/divisions/residential/index.html> for more details regarding required permits. For more information about the Housing Code Enforcement process, visit <https://www.montgomerycountymd.gov/DHCA/community/code/index.html>.



# NOTICE OF VIOLATION / SEVERE CONDITIONS

Case Number: 184422 Date: 5/6/24  
Owner's Name: FNA DZ LLC Premise Address: 309 MARKET STREET  
Owner's Address: 201 W. LAKE STREET City / State / Zip: BROOKVILLE, MD 20833  
City / State / Zip: CHICAGO, IL 60606

For Montgomery County, Maryland, the undersigned issuer, being duly sworn upon his/her oath, states that on the 6th Day of MAY, 2024 an inspection of the above referenced property shows the following severe violation(s) of Chapter 26 of the Montgomery County Code, which affect neighboring properties, the health or safety of the occupants, or the public and therefore, pursuant to Section 26-15, require(s) immediate action:

SECTION 26-9 Remove all Solid Waste To Include: \_\_\_\_\_

SECTION 26-9 \* Cut All Weeds and Generalized Plant Growth: CUT/TREM/MAINTAIN OVERGROWN YARD GRASS WEEDS ON YOUR LOT. LOT MUST BE MAINTAINED THROUGHOUT THE REMAINDER OF THIS GROWING SEASON.

SECTION 26-13 Must Secure Structure from Unauthorized Entry: \_\_\_\_\_

Other Violations: 26-9 (5) PREVIOUSLY CITED VIOLATIONS PER 4/2/24 VIOLATION LETTER WILL HAVE CITATIONS ISSUED.

The owner/occupant is hereby put on notice to correct the noted violations within 10  days / hours, or be subject to a fine of \$ 500- for the first day and \$ 500- for each day thereafter the violation exists.

Further, if the violations have not been corrected by the date indicated, the County may enter the property and eliminate the unsafe and severe conditions by removing all solid waste, cutting all weeds and generalized plant growth, securing the structure, or otherwise eliminating the unsafe severe conditions. You will be billed for any costs associated with abating the unsafe and severe conditions and the costs shall constitute a debt owed the County and may be placed on the tax bill as a lien on the property and collected as ordinary taxes are collected, or collected as any other debt in accordance with Chapter 26-15(c).

Signature of Issuing Officer / Phone Number: [Signature] (240) 777-3738

ID Number: TVEY MAR/ES

Signature of Recipient: NOTICE POSTED 5/6/24

Printed Name of Recipient: NOTICE POSTED 5/6/24

**Signing this Notice is NOT an admission of guilt.**

September 17, 2024

To Whom It May Concern:

Building Solutions LLC, MHIC #103284 -01

RE: 309 Market St. Baltimore, MD 21212



## SHED/ TREE INSPECTION

The structure is found to be completely deteriorated. Many sections have already collapsed, others are on the verge of collapsing. We found a lot of rot due to weather and water leaking for so many years. There is extensive termite and insect damage to the wood. The sill plate (board the structure sits on) is completely deteriorated and can give in completely. Many rafters have collapsed along with structural framing due to insects and water damage.

It's our opinion as a structural framing company that not only would it be cost prohibited, due to the fact 70- 80% of the structure shows signs of damage. It would be very hazardous as the building cannot be shored properly. There is a large sink hole on the left side of the structure that the county has put a fence around. Its origins are unknown.

On the front left corner there is a large tree pushing against the structure. It could very well be holding the structure in its place. The tree is completely rotten and appears as if it may fall at any time.

There is an old foundation wall which was likely part of the razing permit years ago, it's failing extensively. The mortar is beyond its useful life. The wall is tilting, and individual stones are falling out.

We conclude the structure, the wall, and tree should all be removed, and not salvageable.

Please feel free to reach Mick Maroney at 443-695-7005 should you have any questions.

Building Solutions LLC

















































B & B  
REFUSE,  
911-424-1427