

MONTGOMERY COUNTY HISTORIC PRESERVATION COMMISSION

Address:	9919 Sutherland Rd., Silver Spring	Meeting Date:	10/9/2024
Resource:	Contributing Resource Polychrome Historic District	Report Date:	10/02/2024
Applicant:	Megen Wulf	Public Notice:	9/25/2024
Review:	HAWP	Tax Credit:	n/a
Case No.:	1086318	Staff:	Dan Bruechert
Proposal:	Fence Removal and Installation		

RECOMMENDATION

Staff recommends the HPC **approve with one (1) condition** the HAWP application with final approval authority delegated to staff:

1. The fence to the left of the house at the front can be no taller than the existing site wall.

PROPERTY DESCRIPTION

SIGNIFICANCE: Contributing Resource to the Polychrome Park Historic District
STYLE: Art Deco
DATE: 1935



Figure 1: The subject property is the furthest south of the three two-story Polychrome houses.

From Places from the Past: “Master craftsman John Joseph Earley (1881-1945) built the five single-family dwellings that comprise the Polychrome Historic District in 1934- 5. These unique houses are outstanding examples of the Art Deco style and reflect Earley’s artistry and craftsmanship. Earley developed and patented a process whereby conventional wood frames were clad with prefabricated mosaic concrete panels. The concrete was stripped to expose brilliantly colored aggregate particles, creating an effect similar to impressionist or pointillist painting. In addition to their striking, richly ornamented appearance, these houses represent a relatively rare example of precast concrete panel construction in single-family housing for the time period. Earley’s patented structural system led to widespread use of precast architectural concrete as a major exterior cladding material. The legacy of the Polychrome houses can be seen in thousands of curtain-wall buildings nationwide. In 1996, the historic district was listed on the National Register of Historic Places.

The Polychrome houses are located on contiguous lots with adjoining back yards in a middle-class suburban neighborhood in Silver Spring. Polychrome I was the prototype house; 1 I.B designed in collaboration with Washington architect J. R. Kennedy, and completed in 1934. Located on Colesville Road, Polychrome I (shown below) is a one-story dwelling, with a detached garage. Its immediate neighbor Polychrome II, is also one story yet has an attached garage. The houses on Sutherland Road are two stories tall with attached carports.”

PROPOSAL

The applicant proposes to remove the existing stockade fence and install sections of fencing in the rear of the property.

APPLICABLE GUIDELINES

Proposed alterations to buildings in the Polychrome Historic District are reviewed under Montgomery County Code Chapter 24A (Chapter 24A) and the *Secretary of the Interior’s Standards for Rehabilitation*. Rehabilitation is defined 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.

Montgomery County Code, Chapter 24A Historic Resources Preservation

(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;
- (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 interest of the public in preserving the historic site or historic resource located within an historic district, with the interest of the public from the use and benefit of the alternative proposal, the general public welfare is better served by granting the permit.

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 a two-story Polychrome house. Enclosing the rear of the house is a 6' (six foot) tall wood stockade fence. The applicant proposes to remove the existing stockade fence. The applicant proposes to install 56' (fifty-six linear feet) of 6' 6" (six foot, six inch tall) horizontal solid board fencing. The new fence will be selectively installed at the rear property line and in line with the front wall plane, including two gates.

Staff finds the existing stockade fence is not historic and does not contribute to the historic character of the district and its removal should be approved as a matter of course.

Staff finds the proposed fence is an appropriate material and that its solid design is largely compatible with the character of the site and surrounding district.

The fence at the rear will not be visible from the public right-of-way, and Staff recommends its approval under 24A-8(b)(2) and (d), and Standards 2 and 9.

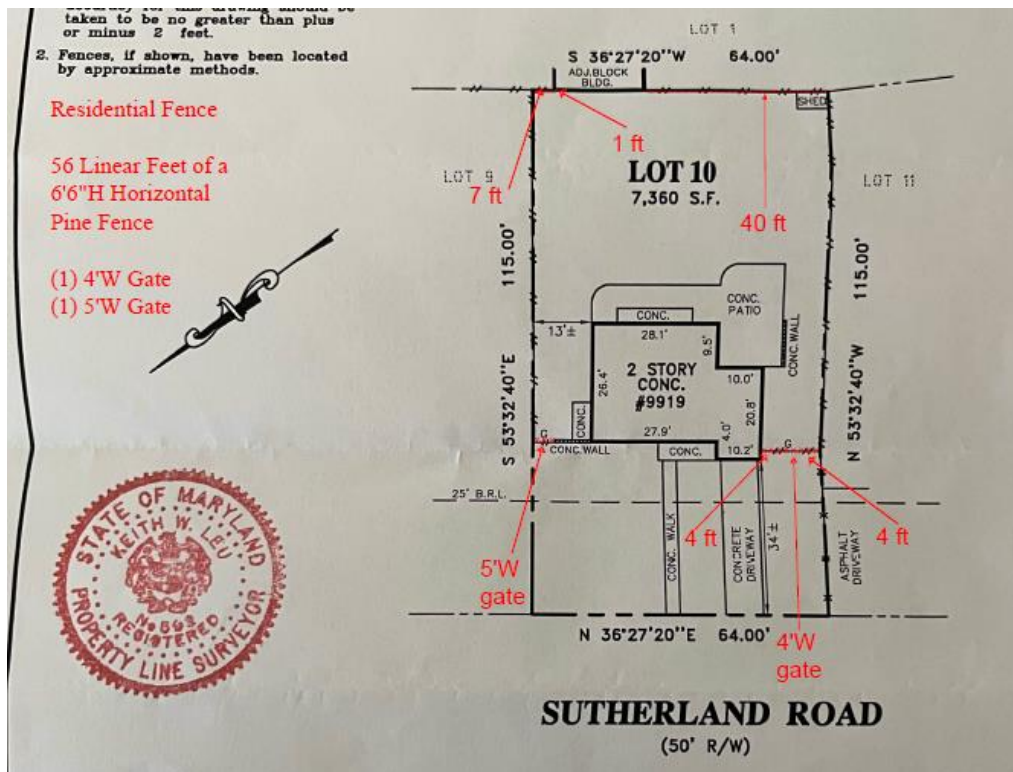


Figure 2: Site plan showing the location of the proposed fencing.

The fencing at the front of the property includes a 5' (five-foot wide) gate to the left of the house and a 4' (four-foot wide) fence between the garage and property line to the right of the house. Fences in these areas are also proposed to be 6' 6" (six feet, six inches tall).

Fences in front of the rear wall plane in most historic districts in Montgomery County are typically limited to no taller than 48" (forty-eight inches) to retain the sense of openness that is characteristic of the district. While all five of the houses in the Polychrome Historic Districts were constructed with adjoining rear yards, in the intervening years all of the houses have installed some fencing to the rear. As shown in Figure 3, below, the existing property shows a tall fence to the right of the house and a solid fence to the left of the house. Also visible to the left of the subject property is another 6' (six-foot-tall) fence at 9923 Sutherland. While Staff finds that a 6' 6" (six foot, six inch) fence would be appropriate to the right of the subject property, Staff finds it would be inappropriate to install a fence taller than the historic site wall on the left side of the house. A fence taller than the site wall would visually detract from this historic landscape feature that was part of the Earley design. Staff recommends the HPC add a condition to the approval of this HAWP that the fence on the left side of the house be no taller than the historic site wall. This condition would be consistent with the condition of the fence installed at 9925 Sutherland Rd. (see Fig. 4, below). With the condition, Staff finds the proposed fence is consistent with 24A-8(b)(2) and (d); and Standards 2 and 9.



Figure 3: To the left of the house there is an original site wall.



Figure 4: 2022 photo of 9923 Sutherland with new fencing no taller than the site wall.

STAFF RECOMMENDATIONS

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

1. The fence to the left of the house at the front can be no taller than the existing site wall; 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 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 contact the staff person assigned to this application at 301-563-3400 or 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#
DATE ASSIGNED

APPLICANT:

Name: E-mail:
Address: City: Zip:
Daytime Phone: Tax Account No.:

AGENT/CONTACT (if applicable):

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

LOCATION OF BUILDING/PREMISE: MIHP # of Historic Property

Is the Property Located within an Historic District? Yes/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.

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:

- 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 Date 7

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

Owner's mailing address	Owner's Agent's mailing address
Adjacent and confronting Property Owners mailing addresses	

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

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

Work Item 1: _____	
Description of Current Condition:	Proposed Work:

Work Item 2: _____	
Description of Current Condition:	Proposed Work:

Work Item 3: _____	
Description of Current Condition:	Proposed Work:

**HISTORIC AREA WORK PERMIT
CHECKLIST OF
APPLICATION REQUIREMENTS**

	Required Attachments						
Proposed Work	I. Written Description	2. Site Plan	3. Plans/Elevations	4. Material Specifications	5. Photographs	6. Tree Survey	7. Property Owner Addresses
New Construction	*	*	*	*	*	*	*
Additions/Alterations	*	*	*	*	*	*	*
Demolition	*	*	*		*		*
Deck/Porch	*	*	*	*	*	*	*
Fence/Wall	*	*	*	*	*	*	*
Driveway/Parking Area	*	*		*	*	*	*
Grading/Excavation/Landscaping	*	*		*	*	*	*
Tree Removal	*	*		*	*	*	*
Siding/ Roof Changes	*	*	*	*	*		*
Window/ Door Changes	*	*	*	*	*		*
Masonry Repair/ Repoint	*	*	*	*	*		*
Signs	*	*	*	*	*		*

CONSUMER INFORMATION NOTES:

1. This plan is a benefit to a consumer insofar as it is required by a lender or a title insurance company or its agent in connection with contemplated transfer, financing or re-financing.
2. This plan is not to be relied upon for the establishment or location of fences, garages, buildings, or other existing or future improvements.
3. This plan does not provide for the accurate identification of property boundary lines, but such identification may not be required for the transfer of title or securing financing or re-financing.
4. Building line and/or Flood Zone information is taken from available sources and is subject to interpretation of originator.
5. No Title Report furnished.

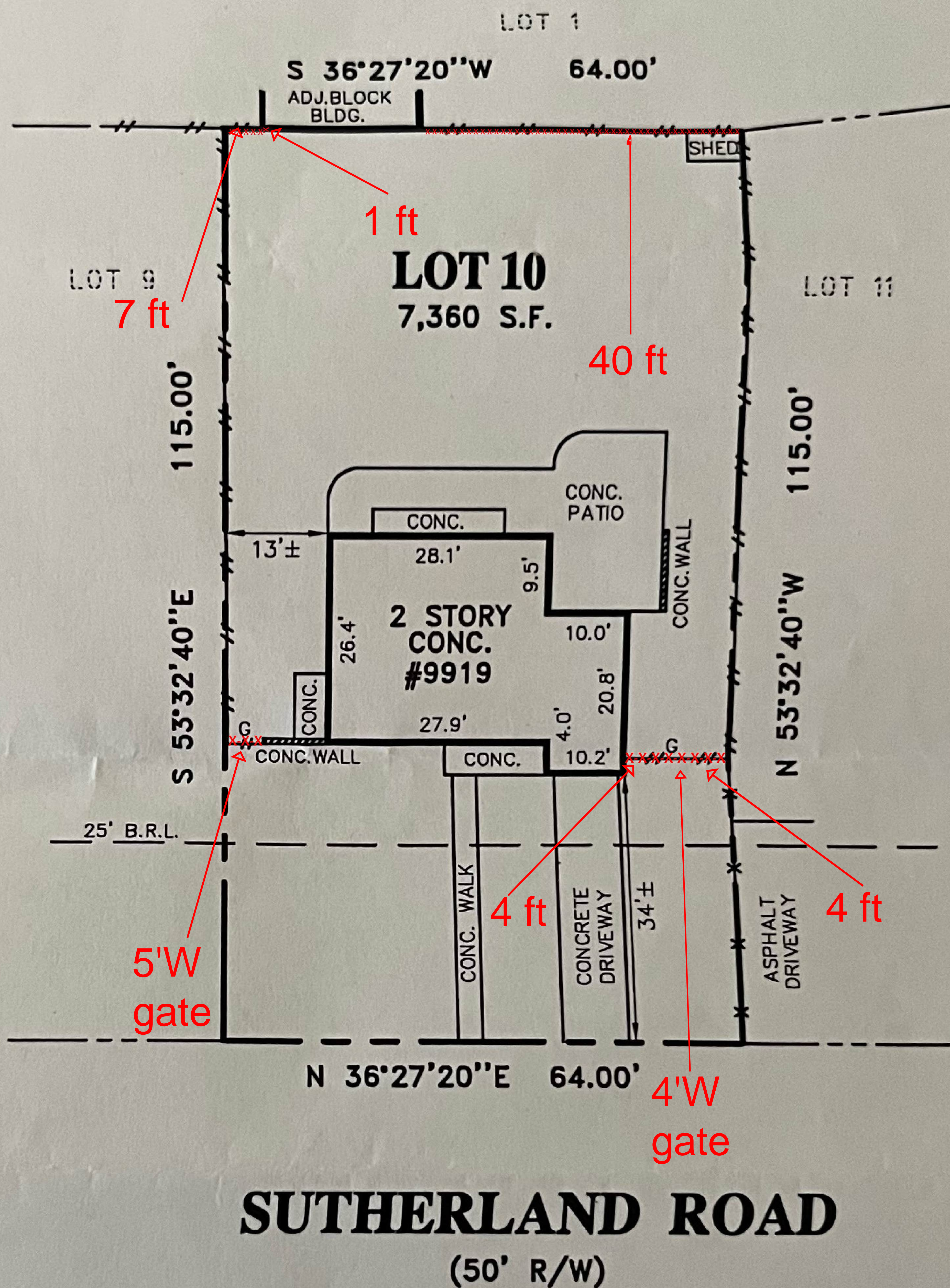
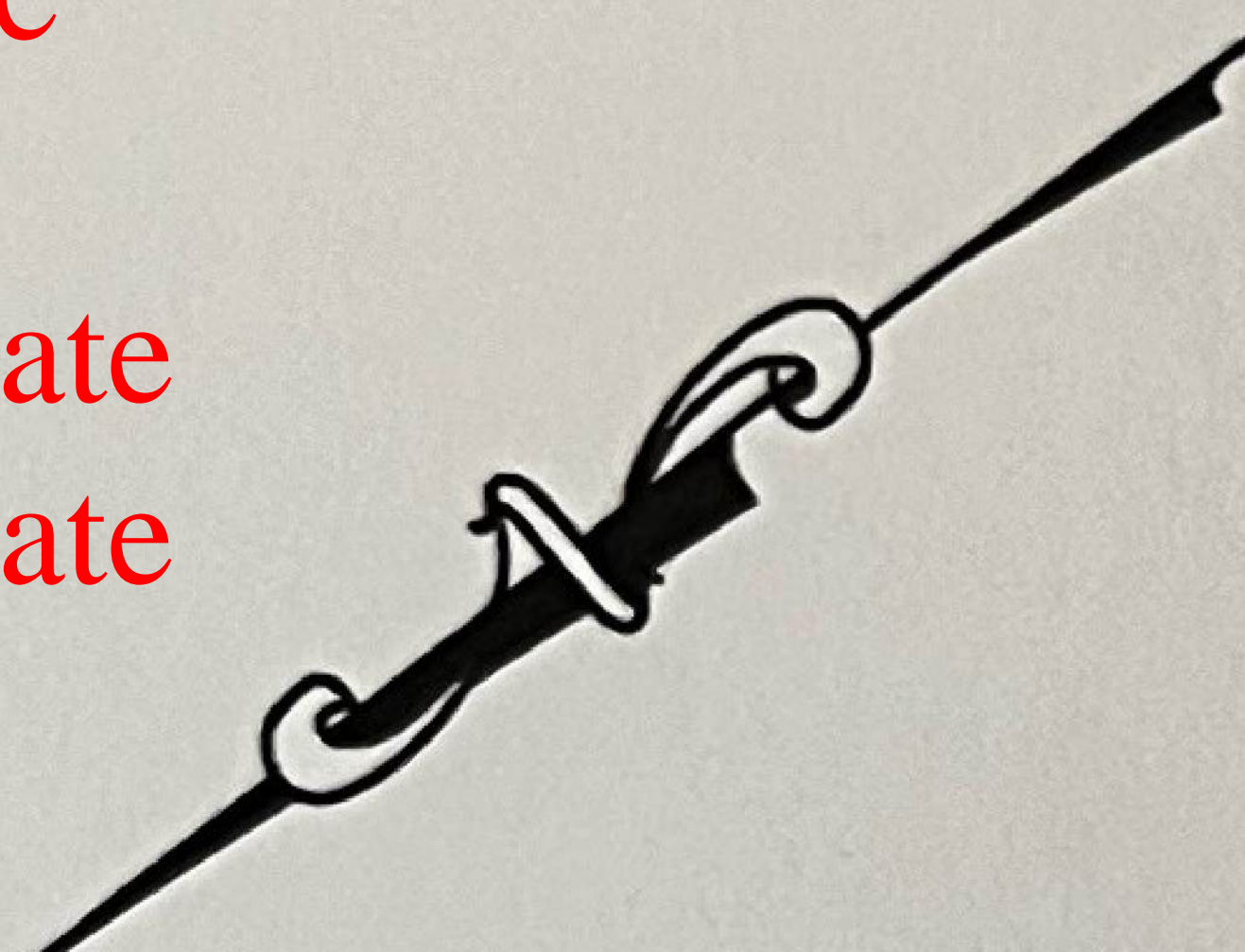
Notes:

1. Setback distances as shown to the principal structure from property lines are approximate. The level of accuracy for this drawing should be taken to be no greater than plus or minus 2 feet.
2. Fences, if shown, have been located by approximate methods.


Residential Fence

56 Linear Feet of a
6'6"H Horizontal
Pine Fence

- (1) 4'W Gate
- (1) 5'W Gate



LOCATION DRAWING
LOT 10, BLOCK A
SECTION TWO
FAIRWAY
MONTGOMERY COUNTY, MARYLAND

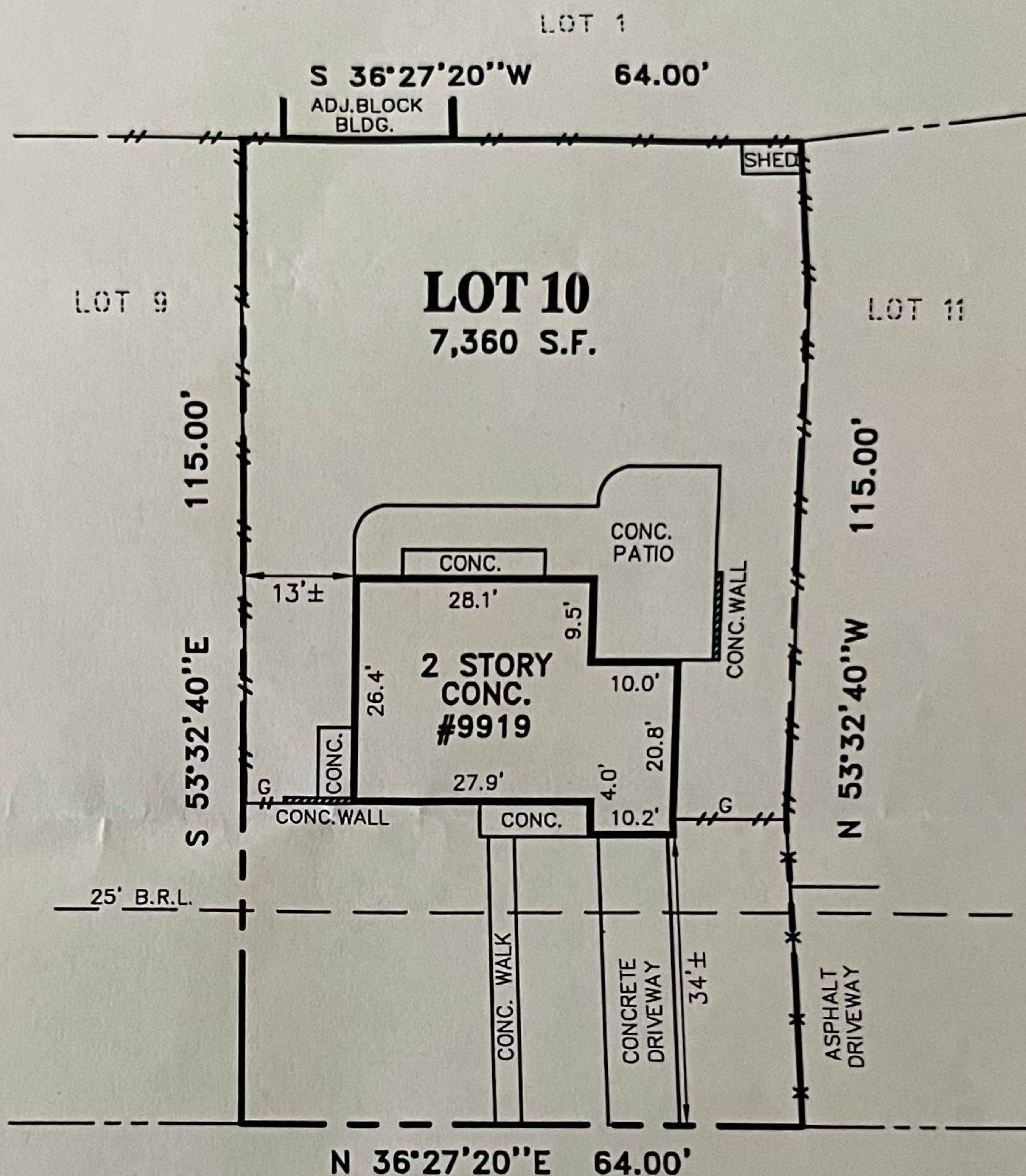
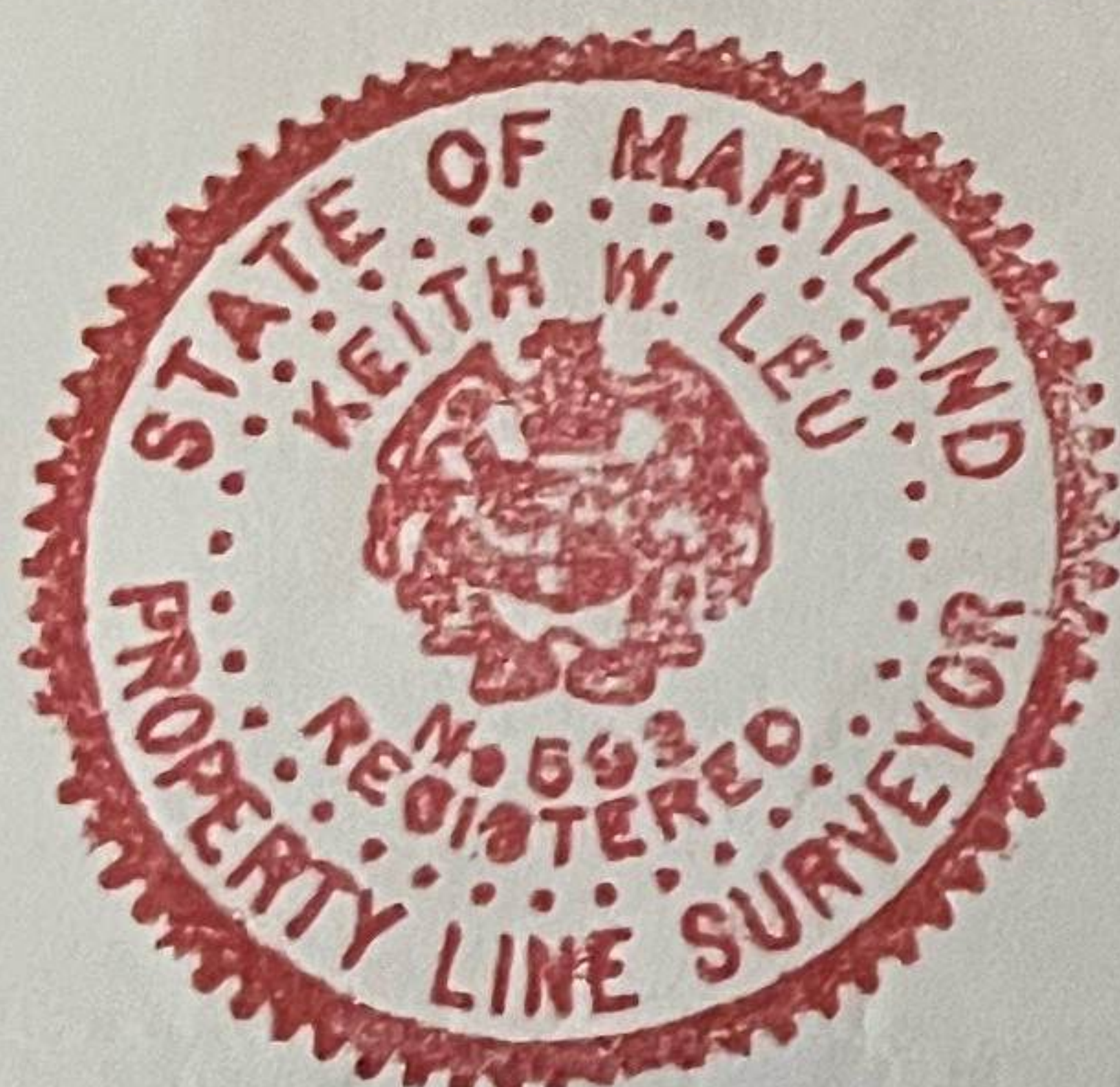
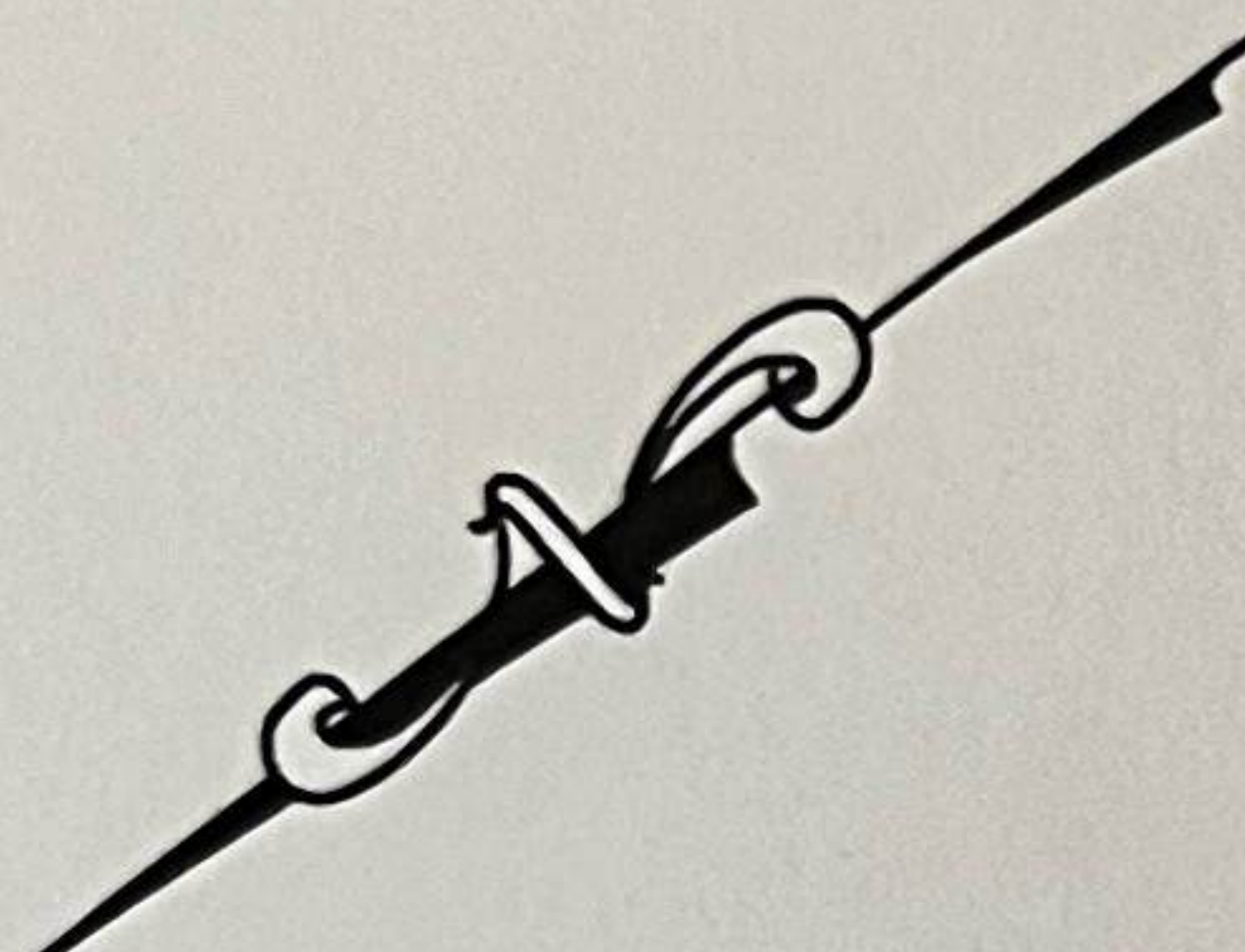
<p>SURVEYOR'S CERTIFICATE</p> <p>"THE INFORMATION SHOWN HEREON HAS BEEN BASED UPON THE RESULTS OF A FIELD INSPECTION PURSUANT TO THE DEED OR PLAT OF RECORD. EXISTING STRUCTURES SHOWN HAVE BEEN FIELD LOCATED BASED UPON MEASUREMENTS FROM PROPERTY MARKERS FOUND OR FROM EVIDENCE OF LINES OF APPARENT OCCUPATION."</p> <p><i>Keith W. Leu</i></p> <p>MARYLAND PROPERTY LINE SURVEYOR REG. NO. 592 Expires: 04-07-2023</p>	<p>REFERENCES</p> <p>PLAT BK. 9</p> <p>PLAT NO. 657</p>	 <p>SNIDER & ASSOCIATES LAND SURVEYORS 19544 Amaranth Drive Germantown, Maryland 20874 301/948-5100 Fax 301/948-1286 WWW.SNIDERSURVEYS.COM</p>
	<p>LIBER</p> <p>FOLIO</p>	

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SUTHERLAND ROAD
(50' R/W)

**LOCATION DRAWING
LOT 10, BLOCK A
SECTION TWO
FAIRWAY**

MONTGOMERY COUNTY, MARYLAND

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	<p>LIBER</p> <p>FOLIO</p>	



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Albert P.



"This is the third fence I have had built at this house - and the best experience I have had by far."



Josh and Darla G.



"I can't say enough amazing things about this fence company! If you're shopping around, go with them, worth every single penny especially because of how much they care about you as a client! Thank you Superior Fence!"



Marc R.



"This is a special company. Their competence, friendliness and integrity runs deep, from the answering service right down to the installation crew. They talked straight and didn't over-promise, but actually delivered above my expectations. I would recommend them before any other fence company!"



Antonio S.



"Superior Fence and Rail exceeded my expectations in every way possible. I was particularly impressed with the quality of the fence material and the level of workmanship. I wouldn't hesitate to recommend Superior Fence and Rail to anyone looking for high-quality fencing solutions. Five stars all around!"



Monica J.



"I recently installed a vinyl fence on my property and couldn't be happier. This product truly exceeded my expectations in terms of quality and value. I am thrilled with the result and highly recommend it to anyone needing a durable, long-lasting fence."



Thomas D.



"I am floored! I have a weird shaped yard! The company beat everyone else's price and delivered on quality. They were not on time!!! They were early! They finished quickly, they left my yard clean as a whistle! I am so happy!"



Wayne S.



"The finished product was beautiful, and very favorably commented on by our friends. We would gladly recommend Superior Fence & Rail to those considering similar projects. VERY WELL DONE!"



Julie G.



"Working with Superior Fence & Rail was a fantastic experience from beginning to end. They worked quickly and efficiently to give me an absolutely gorgeous fence that I am so pleased with!! Highly recommend!!"

SUPERIOR DEFINED

- ✓ Licensed VA Class A Contractor
- ✓ Licensed MD Home Improvement Contractor
- ✓ A+ BBB Rating
- ✓ 5.0 Star Rating on Google, Yelp, Birdeye
- ✓ \$3M Insurance Coverage per Project
- ✓ 23 Years in Business
- ✓ 24-Hr Call Center
- ✓ THE Best Guarantee in the Industry

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If you have ANY structural issues within 3 years of your installation, we will fix it – NO questions asked!



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- ① **Cap and Trim boards** for all Stockade and Board-on-Board Fences
- ② **TripleShield Lumber:** Kiln-Dried, Pressure-Treated, Pre-Stained, and Pre-Sealed Lumber – **Up to 25% Savings**
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- ④ 9-ft Post Length – **20%+ DEEPER** than competitors
- ⑤ **Premium High Security Gate Hardware** to Protect What You Love
- ⑥ Stronger 6x6 Gate Posts
- ⑦ 3 Galvanized Rust-Resistant Nails per Rail for **50% MORE Stability** than competitors
- ⑧ Premium Cedar Gate Frames for Exceptional Longevity

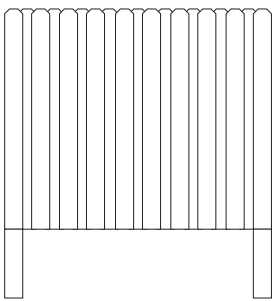


WOOD FENCE

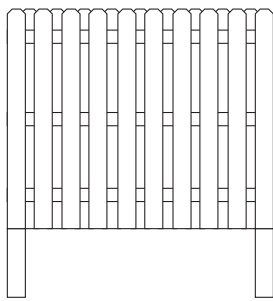
THE SUPERIOR ADVANTAGE

Why choose Superior Fence & Rail for your project? It's simple: our quality cannot be beat! We use only professional-grade lumber for your wood fence, including heavy-duty Pressure-Treated Pine and premium Cedar lumber. Pressure-Treated Pine comes with a minimum fifteen-year warranty against termite damage and rot. Where available, we use high quality Cedar that is rated to last up to 20 years. We stick-build your wood fence from scratch on site, and we set every post in concrete to prevent shifting or leaning. Each board is secured one by one using hot-dipped galvanized ring shank nails that won't rust or pull apart. This allows for a custom construction that is much stronger than pre-built panels. In other words: your wood fence is built to last!

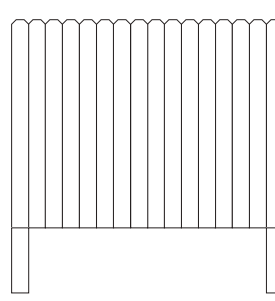
WOOD FENCE STYLES



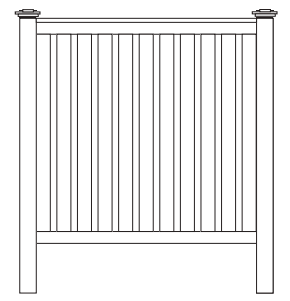
*Crockett
Board-on-Board*



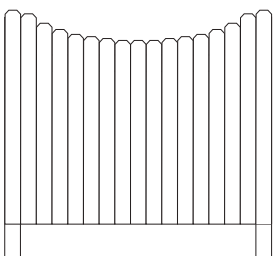
*McIntosh
Shadowbox*



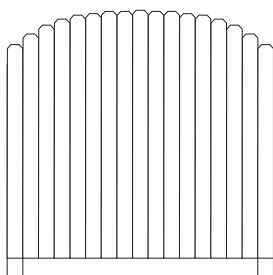
*Duncan
Side-by-Side*



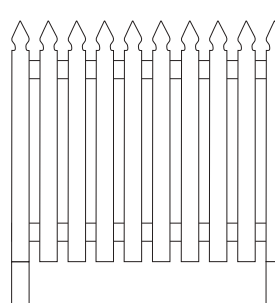
*Manhasset
Cap and Trim*



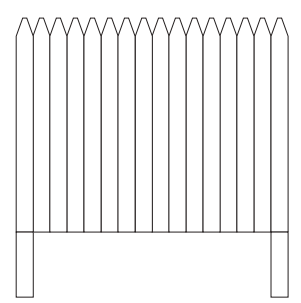
Dip Picket



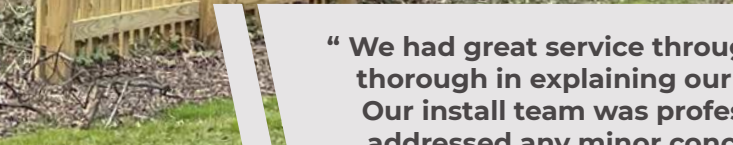
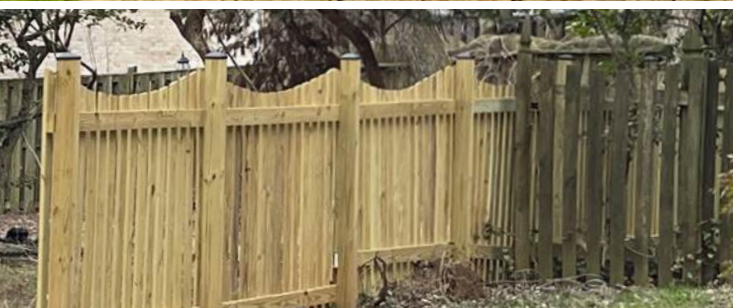
*Scalloped
Picket*



*French Gothic
Picket*



*Rustic
Stockade*



Wood Fence Specification

We use heavy duty lumber to build your wood fence. The specification we use is derived from the Miami-Dade wind code. In other words, we build your wood fence to the highest possible building standard. Our specification includes:

- 1x6 or 1x4 pickets
- 2x4 rails
- 4x6 gate hinge posts
- 4x4 posts



Construction

Our highly trained, experienced installers build your fence to precise standards. We don't cut corners when it comes to making sure your fence will stand the test of time.



Cost Saving Options

We will work with you to come up the fencing solution that best fits your budget and needs. We also offer financing options to make your dollars stretch even further!



The Superior Guarantee

At Superior Fence & Rail, we pride ourselves not only on our high-quality fencing products but also on our top-notch customer service. We promise to offer Virginia and Maryland clients the best fence design and building experience around. Our fencing facilities are equipped to serve you efficiently, with large quantities of fencing stock on-hand to expedite your project.

“ We had great service throughout our experience with Superior Fence. Sales was thorough in explaining our fencing options and helped make our decision easy. Our install team was professional and responsive. They answered all questions and addressed any minor concerns that came up, making sure we were happy with our end product. We have no doubt this is a long lasting quality wood fence.”

–Kathleen S. ★★★★★



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HISTORIC
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DEPARTMENT OF PERMITTING SERVICES

Marc Elrich
County Executive

Rabbiah Sabbakhan
Director

HISTORIC AREA WORK PERMIT APPLICATION

Application Date: 9/12/2024

Application No: 1086318
AP Type: HISTORIC
Customer No: 1473717

Affidavit Acknowledgement

The Contractor is the Primary applicant authorized by the property owner
This application does not violate any covenants and deed restrictions

Primary Applicant Information

Address 9919 SUTHERLAND RD
SILVER SPRING, MD 20901
Othercontact Superior Fence and Rail (Primary)

Historic Area Work Permit Details

Work Type CONST

Scope of Work We will replace the existing fence with a 6'6"H Horizontal pine fence and (1) 4'W gate and (1) 5'W gate.