

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

<b>Address:</b>	7304 Maple Avenue, Takoma Park	<b>Meeting Date:</b>	12/4/2024
<b>Resource:</b>	Contributing Resource <b>Takoma Park Historic District</b>	<b>Report Date:</b>	11/27/2024
<b>Applicant:</b>	Haluk Ergun & Lucy Mikulak	<b>Public Notice:</b>	11/20/2024
<b>Review:</b>	HAWP	<b>Tax Credit:</b>	n/a
<b>Permit No.:</b>	1091493	<b>Staff:</b>	Dan Bruechert
<b>Proposal:</b>	Fence Installation		

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**STAFF RECOMMENDATION**

Staff recommends the HPC **approve** the HAWP application.

**ARCHITECTURAL DESCRIPTION**

**SIGNIFICANCE:** Contributing Resource within the Takoma Park Historic District  
**STYLE:** Colonial Revival  
**DATE:** 1923



*Figure 1: The subject property is located in the middle of its block on Maple Ave.*

**PROPOSAL**

The applicant proposes to remove the existing fence in the backyard and install a new fence.

**APPLICABLE GUIDELINES**

When reviewing alterations and additions for new construction to Contributing Resources within the Takoma Park Historic District, decisions are guided by the Takoma Park Historic District Design Guidelines (*Design Guidelines*) and Montgomery County Code Chapter 24A (*Chapter 24A*) and the Secretary of the Interior's Standards for Rehabilitation (*The Standards*).

***Takoma Park Historic District Design Guidelines***

There are two very general, broad planning and design concepts which apply to all categories. These are:

The design review emphasis will be restricted to changes that are at all visible from the public right-of-way, irrespective of landscaping or vegetation (it is expected that the majority of new additions will be reviewed for their impact on the overall district), and,

The importance of assuring that additions and other changes to existing structures act to reinforce and continue existing streetscape, landscape, and building patterns rather than to impair the character of the district.

Contributing Resources should receive a more lenient review than those structures that have been classified as Outstanding. This design review should emphasize the importance of the resource to the overall streetscape and its compatibility with existing patterns rather than focusing on a close scrutiny of architectural detailing. In general, however, changes to Contributing Resources should respect the predominant architectural style of the resource. As stated above, the design review emphasis will be restricted to changes that are *at all visible from the public right-of-way*, irrespective of landscaping or vegetation.

Alterations to features that are not visible from the public right-of-way should be allowed as a matter of course,

All changes and additions should respect existing environmental settings, landscaping, and patterns of open space.

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

(b) The commission shall instruct the director to issue a permit, or issue a permit subject to such conditions as are found to be necessary to insure conformity with the purposes and requirements of this chapter, if it finds that:

- (1) The proposal will not substantially alter the exterior features of an historic site or historic resource within an historic district; or
- (2) The proposal is compatible in character and nature with the historical, archeological, architectural or cultural features of the historic site or the historic district in which an historic resource is located and would not be detrimental thereto or to the achievement of the purposes of this chapter; or
- (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.

(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***

- 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 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 American Foursquare house with clapboard siding, a hipped roof, and a non-historic addition at the rear. The lot slopes significantly away from street level so the basement walks out at grade at the rear. Partially enclosing the rear yard, there is an old wire metal fence of varying height. The applicant proposes to remove the existing fence and install an 8’ (eight-foot) tall deer fence in the rear of the property. Staff finds that the proposed work will have a minimal impact on the character of the district and recommends the HPC approve the HAWP.

**Existing Metal Fence**

At the rear of the property, there is a metal wire fence supported by metal posts. The fence type pre-dates chain-link, but has a similar appearance and dimensions. The existing fence is minimally visible from the public right-of-way.





*Figure 2: The existing metal fence.*

Staff finds the existing fence is not a significant historical landscape feature and its removal will have little-to-no impact on the character of the site or surrounding district and Staff recommends the HPC approve its removal under the *Design Guidelines*; 24A-8(b)(1), (2), and (d); and *Standard 2*.

### **Deer Fence**

In place of the existing fence, the applicant proposes to install an 8' (eight-foot) tall deer fence. The fence is comprised of a wire mesh, supported by 4" (four-inch) metal posts. Only the area above the proposed gates on either side of the house will have a finished top; the rest of the fence is open. The fence will enclose the entire rear yard and extend to the existing house's rear wall plane.



*Figure 3: Right side of the existing house showing the drop in grade (the existing fence is circled in yellow).*

Generally, deer fences are not favored in most historic districts, because their height is found to detract from the character of the overall streetscape. The HPC has approved HAWPs for deer fences where their placement or the lot configuration would substantially limit their visual impact on the surrounding historic district. Staff finds this is one of those instances where a deer fence is appropriate. Because the topography of the subject lot drops so steeply away from street level, Staff finds an 8' (eight-foot) tall deer fence will not significantly detract from the character of the site or surrounding district. Based on Staff's observations at a recent site visit, Staff determined the proposed fence will be lower than the water table at the rear corner of the building (shown in *Figure 3*, above). At the front wall plane, the water table is only 2' (two feet) above grade. Additionally, Staff finds the deer fence has a largely see-through appearance due to its mesh fencing, open top, and narrow metal posts.

Typically, applicants are required to submit a tree survey with the HAWP application materials for fence installations. In this instance, Staff did not find a tree survey was warranted as Staff did not observe any trees that would be impacted by the proposal at its site visit, and the posts will be installed in the location of an existing fence.

For these reasons, Staff recommends the HPC approve the deer fence under the *Design Guidelines*, 24A-8(b)(2) and (d); and *Standards* 2, 9, and 10. Absent the drop in grade, Staff would recommend any fence installed in the location proposed be limited to no more than 6' (six feet) in height, but would allow for a solid privacy fence.

### **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 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;

and with the general condition that the applicant shall present an electronic set of drawings, if applicable, to Historic Preservation Commission (HPC) staff for review and stamping prior to submission for the Montgomery County Department of Permitting Services (DPS) building permits;

and with the general condition that final project design details, not specifically delineated by the Commission, shall be approved by HPC staff or brought back to the Commission as a revised HAWP application at staff's discretion;

and with the general condition that the applicant shall notify the Historic Preservation Staff if they propose to make **any alterations** to the approved plans. Once the work is completed the applicant will contact the staff person assigned to this application at 301-563-3400 or [dan.bruechert@montgomeryplanning.org](mailto:dan.bruechert@montgomeryplanning.org) to schedule a follow-up site visit.



APPLICATION FOR HISTORIC AREA WORK PERMIT
HISTORIC PRESERVATION COMMISSION
301.563.3400

FOR STAFF ONLY:
HAWP#
DATE ASSIGNED

APPLICANT:

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

AGENT/CONTACT (if applicable):

Name:
Address:
Daytime Phone:
E-mail:
City:
Zip:
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:

- 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

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>	



APPLICATION # 1091493 CUSTOMER # 1494754

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 PROPERTY IS IN A RESIDENTIAL AREA. THE BUILDING IS A PRIVATE SINGLE FAMILY HOME WITH A DECK ON THE BACK. IT HAS A LARGE BACK YARD AND A SMALLER FRONT YARD. BOTH ARE FILLED WITH SHRUBS AND TREES.

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

THE WORK TO BE DONE IS A BACK YARD 8<sup>FT</sup> TALL DEER-FENCE. THE FENCE WILL BE BUILT FROM THE 2 BACK CORNERS OF THE HOUSE ALONG THE SIDES AND THE BACK PROPERTY LINES. THUS, IT WILL BE SURROUNDING THE BACK YARD AGAINST DEER. THERE WILL BE A GATE ON EACH SIDE OF THE HOUSE AT THE BACK. THE GATE ON THE SOUTH SIDE OF THE HOUSE WILL BE 3<sup>FT</sup> WIDE AND THE NORTH SIDE OF THE HOUSE WILL BE 4<sup>FT</sup> WIDE. THE MATERIAL OF THE FENCE AND THE GATES WILL BE 14 GAUGE GALVANIZED STEEL, BLACK PVC COATED, WELDED WIRE 2" x 4" MESH.

PLEASE SEE ATTACHED PLAN.



Work Item 1: APPLICATION #1091493 CUSTOMER #1494754

Description of Current Condition: <sup>METAL</sup>  
THERE IS AN OLD EXISTING FENCE  
(APPROXIMATELY 3' to 4' TALL) ALONG  
THE SOUTH SIDE AND BACK OF  
THE YARD. THERE USED TO BE A  
SIMILAR FENCE ON THE NORTH  
SIDE AND ALONG THE BACK  
CORNERS OF THE HOUSE BUT  
THEY ARE NOW GONE.

Proposed Work:  
TO REPLACE THE OLD FENCE  
AND THE ORIGINAL MISSING  
FENCE WITH AN 8 FT TALL  
DEER-FENCE AS STATED IN  
THE "DESCRIPTION OF PROPOSED  
WORK" SECTION.  
  
PLEASE SEE ATTACHED PLAN

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

Description of Current Condition:

Proposed Work:

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

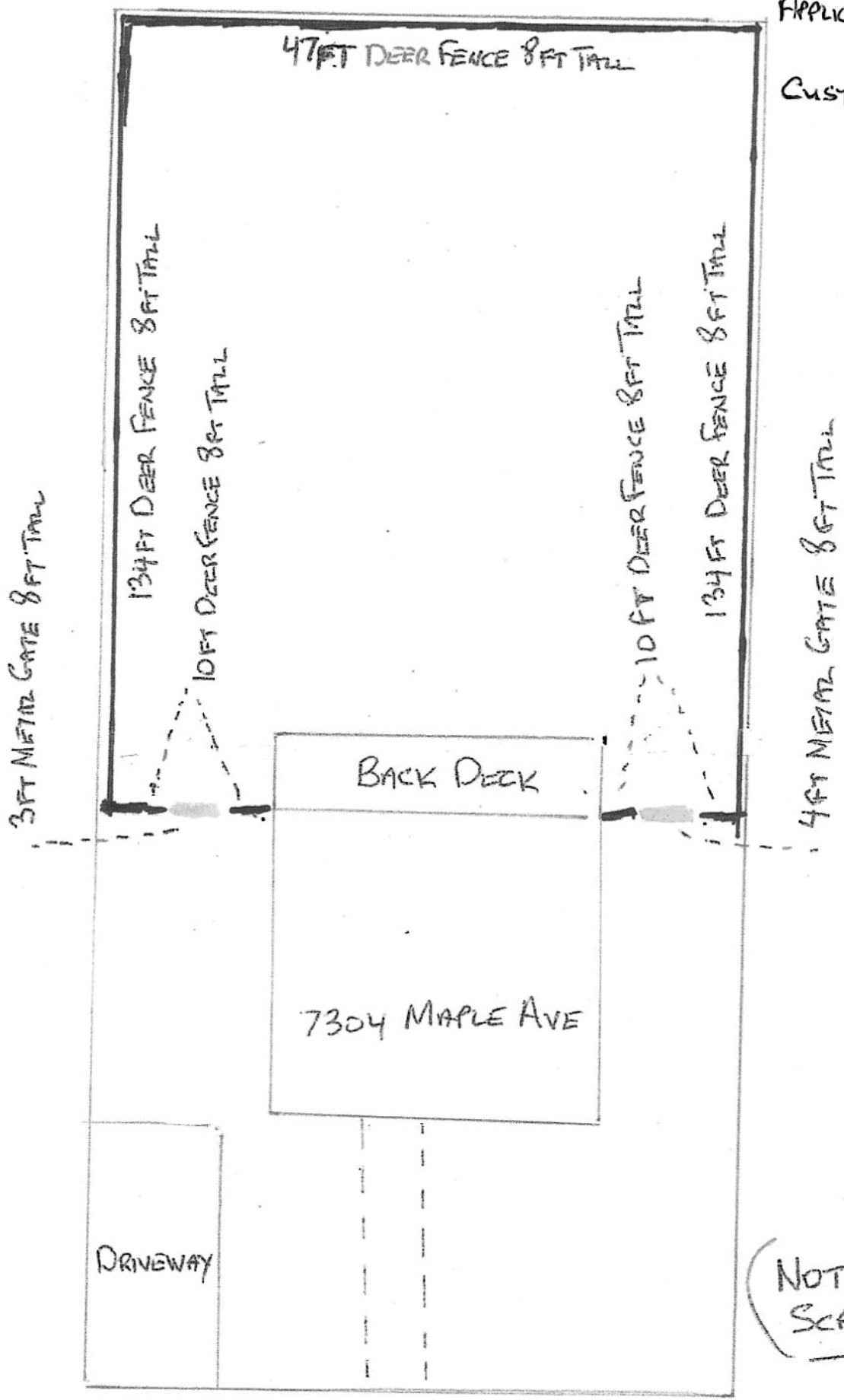
Description of Current Condition:

Proposed Work:

335 LINEAL FT DEER FENCE  
8 FT TALL

3 FT GATE  
4 FT GATE

APPLICATION #  
1091493  
CUSTOMER #  
1494754



MAPLE AVENUE



Proposed 8 ft fence style and gate





Existing fence on property.





# City of Takoma Park

Housing and Community Development Department

Main Office 301-891-7119  
Fax 301-270-4568  
www.takomaparkmd.gov



7500 Maple Avenue  
Takoma Park, MD 20912

## MUNICIPALITY LETTER

October 31, 2024

APPLICATION#  
1091493  
CUSTOMER #  
1494754

To: Haluk Ergun  
7304 Maple Avenue, Takoma Park, MD 20912  
halukergun@aol.com

301-379-1912

To: Department of Permitting Services  
2425 Reedy Drive, 7<sup>th</sup> floor  
Wheaton, Maryland 20902

From: Planning and Development Services Division

### THIS IS NOT A PERMIT – For Informational Purposes Only

VALID FOR ONE YEAR FROM DATE OF ISSUE

The property owner is responsible for obtaining all required permits from Montgomery County and the City of Takoma Park. If this property is in the **Takoma Park Historic District**, it is subject to Montgomery County Historic Preservation requirements.

Representative Name: Haluk Ergun

halukergun@aol.com

3013791912

Location of Project: 7304 Maple Avenue, Takoma Park MD 20912

Proposed Scope of Work: Back yard 8 ft tall deer-fence made of 14 gauge galvanized steel, black PVC coated, welded wire 2"x 4" mesh. The fence is from the 2 back corners of the house along the sides and back property lines.

The purpose of this municipality letter is to inform you that the City of Takoma Park has regulations and city permit requirements that may apply to your project. This municipality letter serves as notification that, in addition to all Montgomery County requirements, you are required to comply with all City permitting requirements, including:

- Tree Impact Assessment/Tree Protection Plan \*
- Stormwater management
- City Right of Way

AS PER CITY URBAN FOREST MANAGER  
MARTY FRYE (301-891-7612)  
FENCES ARE EXEMPT FROM TREE IMPACT  
ASSESSMENT.

Failure to comply with these requirements could result in the issuance of a Stop Work Order and other administrative actions within the provisions of the law. Details of Takoma Park's permit requirements are attached on page 2.

The issuance of this letter does not indicate approval of the project nor does it authorize the property owner to proceed with the project. The City retains the right to review and comment on project plans during the Montgomery County review process.

# City Of Takoma Park

APPLICATION # 1091493  
CUSTOMER # 1494754

The City of Takoma Park permits for the following issues:

## Tree Impact Assessment/Tree Protection Plan/Tree Removal Application:

Construction activities that occur within 50 feet of any urban forest tree (7 and 5/8" in trunk diameter or greater), located on the project property or on an adjacent property, may require a Tree Impact Assessment and possibly a Tree Protection Plan Permit. Make sure to submit a request for a Tree Impact Assessment and schedule a site visit with the City's Urban Forest Manager if any urban forest tree is in the vicinity of proposed construction activities. See the Tree Permits section of the City website for the specific conditions in which a Tree Impact Assessment is required. Depending on the Urban Forest Manager's conclusion following the Tree Impact Assessment, you may need to prepare a full Tree Protection Plan and apply for a Tree Protection Plan Permit as well. Separately, the removal of any urban forest tree will require a Tree Removal Permit application. The tree ordinance is detailed in the City Code, section 12.12. For permit information check: <https://takomaparkmd.gov/services/permits/tree-permits>. The City's Urban Forest Manager can be reached at 301-891-7612 or [urbanforestmanager@takomaparkmd.gov](mailto:urbanforestmanager@takomaparkmd.gov).

\* FENCES ARE EXEMPT FROM TREE IMPACT ASSESSMENTS.

## Stormwater Management:

If you plan to develop or redevelop property, you may be required to provide appropriate stormwater management measures to control or manage runoff, as detailed in City Code section 16.04. All commercial or institutional development in the city must apply for a Stormwater Management Permit regardless of the size of the land disturbance. Additions or modifications to existing detached single-family residential properties do not require a Stormwater Management permit if the project does not disturb more than 5,000 square feet of land area. For more information visit: <https://takomaparkmd.gov/government/public-works/stormwater-management-program/>. The City Engineer should be contacted to determine if a City permit is required. The City Engineer can be reached at 301-891-7620.

## City Right of Way:

- To place a **construction dumpster or storage container** temporarily on a City right of way (usually an adjacent road), you will need to obtain a permit. A permit is not required if the dumpster is placed in a privately-owned driveway or parking lot.
- If you plan to install a new **driveway apron**, or enlarge or replace an existing driveway apron, you need a Driveway Apron Permit.
- If you plan to construct a **fence** in the City right of way, you need to request a Fence Agreement. If approved, the Agreement will be recorded in the Land Records of Montgomery County.

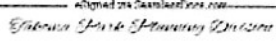
For more information and applications for City permits, see: <https://takomaparkmd.gov/services/permits/> or contact the Department of Public Works at 301-891-7633.

Failure to comply with the City's permitting requirements could result in the issuance of a Stop Work Order and other administrative actions within the provisions of the law.

  
Haluk Ergun  
Rep. 5056505022713e3c86979a7ee9477c6

Haluk Ergun

10-25-2024

  
Takoma Park Planning Director  
Rep. 10f084123e088a394876210c85048eb5

10-31-2024



DEPARTMENT OF PERMITTING SERVICES

Marc Elrich  
County Executive

Rabbiah Sabbakhan  
Director

# HISTORIC AREA WORK PERMIT APPLICATION

Application Date: 10/25/2024

Application No: 1091493  
AP Type: HISTORIC  
Customer No: 1494754

## Comments

The material of the deer-fence: 14 gauge galvanized steel, black PVC coated, welded wire 2"x 4" mesh. The height of the deer-fence will be 8 ft. There will be a gate on each side of the house at the back. The gates will be made of the same material as the fence.

## Affidavit Acknowledgement

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

## Primary Applicant Information

Address 7304 MAPLE AVE  
TAKOMA PARK, MD 20912

Homeowner Ergun (Primary)

## Historic Area Work Permit Details

Work Type CONST

Scope of Work Back yard deer-fence, from the 2 back corners of the house along the side & back property lines.