

MONTGOMERY COUNTY HISTORIC PRESERVATION COMMISSION
STAFF REPORT

| | | | |
|-------------------------------------|--|-----------------------|--------------|
| Address: | 7103 Cedar Avenue, Takoma Park | Meeting Date: | 6/11/2025 |
| Resource: | Outstanding Resource Takoma Park Historic District | Report Date: | 6/4/2025 |
| Applicant: | Elliot Schwartz | Public Notice: | 5/28/2025 |
| Review: | HAWP | Tax Credit: | No |
| Permit Number: | 1117840 | Staff: | Devon Murtha |
| PROPOSAL: Fence installation | | | |

STAFF RECOMMENDATION

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

1. The applicant must provide details regarding the materials and depths of the footings for the fence posts.



Figure 1: The subject property at 7103 Cedar Avenue in the Takoma Park Historic District is indicated with a star. The red cross hatch is the district.

PROPERTY DESCRIPTION

SIGNIFICANCE: Outstanding Resource within the Takoma Park Historic District
STYLE: Second Empire (Duplex)
DATE: 1907

The subject property is an Outstanding Resource located within the Takoma Park Historic District. It is a Semi-Detached house executed in the Second Empire style, set back approximately 30' from the sidewalk.



Figure2: View of subject property from Cedar Avenue.

PROPOSAL

The applicant is proposing to install a combination 6' tall board fence and an 8' foot tall plastic mesh deer fence on the rear (east) boundary of the property and an 8' tall plastic mesh deer fence and gate perpendicular to the property (*Figure 2*). The fences will be supported by metal poles, and will feature a design similar to the fence installed on the adjoining double house property at 7105 Cedar Avenue (*Figure 3*). The applicant is working in tandem with the applicant at 7101 Cedar Avenue to enclose their adjacent yards.

The applicant is proposing install both 6' wood board fence and 8' plastic mesh deer fence along the rear (east) boundary of the property line. This boundary is currently delineated by a 6' tall lattice fence in poor condition. Additionally, the applicant is proposing to remove the existing 3' tall chain link fence and gates on the left (north) side of the house and replace these with 8' tall deer fencing and gates (*Figure 3*).



Figure 2: View of lattice fence along rear property line.



Figure 3: View of 3' chain link fence from rear yard.

APPLICABLE GUIDELINES

The Historic Preservation Office and Historic Preservation Commission (HPC) consult several documents when reviewing alterations and new construction within the Takoma Park Historic District. These documents include the historic preservation review guidelines in the approved and adopted amendment for the *Takoma Park Historic District (Guidelines)*, *Montgomery County Code Chapter 24A (Chapter 24A)*, and the *Secretary of the Interior's Standards for Rehabilitation (Standards)*. The pertinent information in these three documents is outlined below.

Takoma Park Historic District Guidelines

There are two broad planning and design concepts that apply to all categories. These are:

- The design review emphasis will be restricted to changes that are 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/g 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 historic district.

Outstanding Resources have the highest level of architectural and/or historical significance. While they will receive the most detailed level of design review, it is permissible to make sympathetic alterations, changes and additions. As a set of guiding principles for design review of Outstanding Resources, the Historic Preservation Commission will utilize the Secretary of the Interior's "Standards for Rehabilitation".

Specifically, some of the factors to be considered in reviewing HAWPs on Outstanding Resources:

- Plans for all alterations should be compatible with the resource's original design; additions, specifically, should be sympathetic to existing architectural character, including massing, height, setback, and materials;
- Emphasize placement of major additions to the rear of existing structures so that they are less visible from the public right-of-way;
- While additions should be compatible, they are not required to be replicative of earlier architectural styles;
- Preservation of original and distinctive architectural features, such as porches, dormers, decorative details, shutters, etc. is encouraged;
- Preservation of original windows and doors, particularly those with specific architectural importance, and of original size and shape of openings is encouraged;
- All changes and additions should respect existing environmental settings, landscaping, and patterns of open space

Montgomery County Code Chapter 24A-8

The following guidance that pertains to this project are as follows:

- (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;
- (d) In the case of an application for work on an historic resource located within an historic district, the commission shall be lenient in its judgment of plans for structures of little historical or design significance or for plans involving new construction, unless such plans would seriously impair the historic or architectural value of surrounding historic resources or would impair the character of the historic district. (Ord. No. 9-4, § 1; Ord. No. 11-59.)

Secretary of the Interior's Standards for Rehabilitation

The Secretary of the Interior defines rehabilitation as “the act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features, which convey its historical, cultural, or architectural values.” The applicable *Standards* are as follows:

- 2. The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces and spatial relationships that characterize a property will be avoided.
- 9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
- 10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

STAFF DISCUSSION

Staff supports the installation of both the 6’ board fence and 8’ tall deer at the subject property. Staff reviewed the proposal with the leniency afforded in Chapter 24A-8(d) in mind. The section of fence along the rear (east) property line is minimally visible from the right-of-way, which maintain the open character of the district per the *Guidelines*, and the character of historic property and its environment per the *Standards*. The section of fence proposed to be installed in front of the rear wall plane, in the current location of the chain link fence and gate, is visible from the right-of-way, but is set back substantially.

Staff is supportive of the proposed 6’ board fencing in the rear of the property and finds this to be both an improvement and in keeping with the *Guidelines*. Fences measuring 6’ tall in rear yards are routinely administratively approved by Staff. Staff is also supportive of the 8’ deer fencing proposed to be installed parallel to this fence. Although the deer fencing is two (2) feet taller than the fences generally approved in Takoma Park, Staff finds that the additional height will not seriously impair the historic or architectural value of the surrounding historic resources or impair the character of the district. Mesh deer fencing with metal poles is largely transparent and visually unobtrusive. Staff notes that this height conforms to the best practices for deer exclusion outlined by the Maryland Department of Natural Resources.¹ Staff notes the applicants concern that deer would be able to jump over a 6’ board fence, due to the raised topography immediately behind (to the east) of the subject property.

¹ For more information about best deer fence practices, see https://dnr.maryland.gov/wildlife/pages/hunt_trap/ddmtexclude.aspx#:~:text=Eight%2Dfoot%20and%20taller%20fences,avoid%20contact%20with%20the%20fence.

Staff is supportive of the 8' deer fence and gate proposed to replace the existing chain link fence. Although the location is in front of the rear wall plane, it is substantially set back, and aligns with the rear wall plane of the adjacent house at 7101 Cedar Avenue. The two applicants are working together to install one visually cohesive fence.

Staff finds that the HPC has approved deer fencing in the district. In 2024, the HPC retroactively approved an 8' tall deer fence at 7105 Cedar Avenue.² The fence was identical in height and was installed in front of the rear wall plane (*Figure 5*), and is adjacent to the current property. Staff notes that this property is the other half of the double house connected to the subject property and shares nearly identical site conditions. The proposed fence at 7103 Cedar Avenue has a deeper setback than the approved fence at 7105 Cedar Avenue.



Figure 4: View of deer fence installed at 7105 Cedar Avenue (left, 2024) and comparison of fence setback (right)

The HPC has also approved an 8-foot tall deer fence in the side and rear yard at 7407 Baltimore Street in 2021 and at 7403 Baltimore Street in 2024.³

Staff is concerned by the proliferation of deer fences proposed in the more urban/suburban historic districts within Montgomery County. In this particular case, Staff finds that the deer fence is appropriate due to the limited public visibility and location. The deep setback combined with the particular topography of this lot, Staff finds that the deep setback of the fence location combined with the particular topography of this lot enables the proposal to respect the existing environmental settings, landscaping, and patterns of open space that the *Guidelines* stipulate for Outstanding Resources. Staff reiterates that this decision in no way establishes precedent and only applies to the unique circumstances at the subject

² See approval here: https://mcatlas.org/tiles6/06_HistoricPreservation_PhotoArchives/HAWP/HPC%202024-07-10/7105%20Cedar%20Avenue,%20Takoma%20Park%20-%20201071932%20-%20Approval-compressed.pdf.

³ The approved plans for HAWP # 950233 are available here: https://mcatlas.org/tiles/06_HistoricPreservation_PhotoArchives/HAWP/5-26-2021/7407%20Baltimore%20Ave.,%20Takoma%20Park%20-%2020950233%20-%20Approval.pdf. The approved plans for 1053854 are available here: https://mcatlas.org/tiles6/06_HistoricPreservation_PhotoArchives/HAWP/1-10-2024/7403%20Baltimore%20Ave.,%20Takoma%20Park%20-%20201053854%20-%20Approval.pdf

property.

After full and fair consideration of the applicant's submission, staff finds the proposals, as modified by the conditions, consistent with the Criteria for Issuance in Chapter 24A-8, having found the proposal is consistent with *Standards #2, 9, and 10* and the *Takoma Park Historic District Guidelines*.

STAFF RECOMMENDATION

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

1. The applicant must provide details regarding the materials and depths of the footings for the fence posts.

the HAWP application under the Criteria for Issuance in Chapter 24A-8(b)(1) and (2), and Chapter 24A-8(d) and the *Takoma Park Historic District* 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, 9, and 10*;

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 301-563-3400 or devon.murtha@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:

- | | | |
|---|--|--|
| <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 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

Date

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:

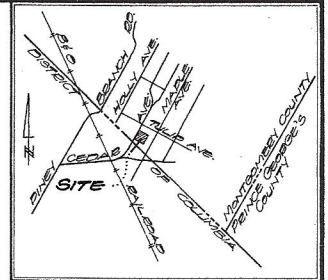
Proposed Work:

HISTORIC AREA WORK PERMIT CHECKLIST OF APPLICATION REQUIREMENTS

| | Required Attachments | | | | | | |
|------------------------------------|------------------------|--------------|-------------------------|----------------------------|----------------|----------------|-----------------------------|
| Proposed Work | 1. 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 | * | * | * | * | * | | * |

PLAT No. 12507

CEDAR AVENUE



VICINITY MAP
SCALE: 1" = 2000'

SURVEYOR'S CERTIFICATE

I hereby certify that the plat shown hereon is correct; that it is a resubdivision of Lot 20 and part of Lot 23, in Block 4 of a plat of subdivision entitled "B.F. Gilbert's Addition To Takoma Park" recorded among the Land Records of Montgomery County, Maryland in Plat Book "A" as Plat No. 3, that it is a resubdivision of the lands of the City of Takoma Park, Maryland obtained by deed from Robert R. Levick and Arthur Pinous, dated September 8, 1977 and recorded among the aforesaid Land Records in Liber 5014 at Folio 48; and that iron pipes shown thus -o- have been installed where indicated.

JUNE 4, 1979
Date

Richard H. Keir
RICHARD H. KEIR
Registered Land Surveyor
Maryland No. 4930

OWNER'S DEDICATION

The City of Takoma Park, Maryland, owner of the property described and shown hereon, hereby adopt this plan of subdivision, establish the minimum building restriction lines and establish a slope easement as shown hereon. The slope easement shown hereon shall be extinguished when the road abutting said slope easement has been accepted for maintenance by the appropriate public agencies.

There are no leases, liens, trusts, actions at law or mortgages on the property included in this plan of subdivision.

JUNE 7, 1979
Date

TAKOMA PARK, MARYLAND
A Body Corporate and Politic

Attest *M. Sybil Pustil*
SYBIL PUSTIL, City Clerk

Herb Gilsdorf
HERB GILSDORF, City Administrator

**LOTS 38 AND 39, BLOCK 4
B.F. GILBERT'S ADDITION TO
TAKOMA PARK**

BEING A RESUBDIVISION OF
LOT 20 AND PART OF LOT 23,
BLOCK 4, IN B.F. GILBERT'S
ADDITION TO TAKOMA PARK
ELECTION DISTRICT NR 13
TAKOMA PARK, MARYLAND
SCALE: 1" = 25' JUNE, 1979

KIDDE CONSULTANTS, INC.
1325 PICCADILLO DRIVE
ROCKVILLE, MARYLAND 20850
(301) 946-4660

FILED
JUN 19 1979

PLASTIC MESH
DEER FENCE/GATE
HERE

REPLACE
EXISTING FENCE
HERE

VERTICAL WOOD
BOARD + PLASTIC MESH
DEER FENCE
HERE

This plat conforms with Chapter 25A
of the Montgomery County Code.

FOR PUBLIC WATER AND SEWER SYSTEMS ONLY

MARYLAND NATIONAL CAPITAL PARK & PLANNING COMMISSION
MONTGOMERY COUNTY PLANNING BOARD

APPROVED JUNE 14, 1979

J. G. Catton
CHAIRMAN

A. Edward Nemer
SECRETARY - TREASURER

M.N.C.P. & P.C. RECORD FILE NO. 532-76

RECORDED:
PLAT BOOK:
PLAT NO:

7801317014080.60

11-79-121

532-76









