

HISTORIC PRESERVATION COMMISSION OF MONTGOMERY COUNTY

2425 REEDIE DRIVE, 13th FLOOR

WHEATON, MD 20902

301.563.3400

HAWP Permit Number: 990754

Received: April 21, 2022

Public Appearance: May 18, 2022
Before the Montgomery County Historic Preservation Commission

Historic Area Work Permit Application of Mr. Steven Gudelsky
16101 Oak Hill Road, Silver Spring
Master Plan Site #15/52, *Edgewood II*

DECISION AND ORDER

The above captioned case having come before the Historic Preservation Commission of Montgomery County Maryland (“Commission”) pursuant to Chapter 24A of the Montgomery County Code (“County Code”), and the Commission having ordered the testimony and evidence of record, it is therefore, this 25th day of May, 2022, found, determined, and ordered as follows:

Decision of the Commission: DENY the Applicant’s proposal to replace the existing wood porch flooring on both the south (original dwelling) and west (north addition) porches with Azek porch flooring.

Commission Motion: At the May 18, 2022 meeting of the Historic Preservation Commission, Commissioner Burditt made the motion to deny the proposed Historic Area Work Permit application to replace the existing wood porch flooring on both the south (original dwelling) and west (north addition) porches with Azek porch flooring, based on the staff report and findings as presented. Commissioner Hains seconded the motion. Commissioners Sutton, Burditt, Hains, Clements, and Radu voted in favor of the motion. The motion passed unanimously.

BACKGROUND

On April 21, 2022, Mr. Steven Gudelsky (“Applicant”) submitted an application for a Historic Area Work Permit (HAWP) to replace the existing wood porch flooring on both the south (original dwelling) and west (north addition) porches with Azek porch flooring. A written staff report was prepared for this case and sent to the Commission on May 11, 2022. Pursuant to Chapter 24A of the County Code, the Commission held a public hearing on May 18, 2022 to consider the application. At the May 18, 2022 Historic Preservation Commission (HPC) meeting, staff person, Michael

Kyne, presented the staff report, along with photographs, exhibits, and recommended treatments regarding the applicant's proposal. Staff recommended that the proposal be denied. The Applicant, along with Mr. Barry Gudelsky and Ms. Lisa Barry, attended the meeting to represent the application. The Commission denied the application.

FINDINGS OF FACT

Based on the evidence of record, the Commission makes the following finding of facts:

1. 16101 Oak Hill Road, Silver Spring is an individually listed Master Plan Site, which was designated to the Master Plan for Historic Preservation in Montgomery County in 1981 and found eligible for the National Register of Historic Places in 1996.
2. On April 21, 2022, Mr. Steven Gudelsky submitted a HAWP application to replace the existing wood porch flooring on both the south (original dwelling) and west (north addition) porches with Azek porch flooring.
3. A written staff report was prepared for this case and sent to the Commission on May 11, 2022.
4. On May 18, 2022, the Commission held a hearing on the application, considering all materials included in the record, and all materials included or referenced in the staff report.
5. At the May 18, 2022 HPC meeting, staff person, Michael Kyne, presented the staff report, along with photographs, exhibits, and recommended treatments regarding the applicant's proposal.
6. The Applicant, along with Mr. Barry Gudelsky and Ms. Lisa Barry, attended the meeting to testify in support the application
7. Consistent with section 1.5 of the regulations, the Commission is guided in their review of Historic Area Work Permits by section 24A-8 of the County Code and the Secretary of the Interior's Standards and Guidelines for Rehabilitation ("Standards").
8. Section 28A-8 requires the Commission to deny an application if the Commission finds that the proposal is "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," (County Code Section 28A-8(a)) unless the commission finds that the proposal is necessary in order that:
 - a. "The proposal will not substantially alter the exterior features of an historic site or historic resource within an historic district" (28A-8(b)(1)); or
 - b. The proposal is compatible in character and nature with the historical, archaeological, 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 (28A-8(b)(2)); or
 - c. 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, archaeological, architectural or cultural value of the historic site or historic district in which an historic resource is located (28A-8(b)(3)); or
 - d. The proposal is necessary in order that unsafe conditions or health hazards be remedied (28A-8(b)(4)); or
 - e. 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 (28A-8(b)(5)); or

- f. 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 (24A-8(b)(6)).
9. The Standards dictate that 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.
10. The Standards dictate that deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.
11. The Standards dictate that 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.
12. The staff report prepared for the May 18, 2022 hearing recommended denial of the application, consistent with section 24A-8(a) and for failing to meet the objectives of the Standards.
13. The staff report found that both porches that were proposed to be altered are significant, with the south porch located on the original primary elevation, and the west porch being experienced as the current front of the building.
14. The staff report found that both porches are character-defining features of the property, in terms of design and material.
15. The staff report found that while the application indicated that the existing porch flooring is not original material, having been previously replaced, it is traditional material, which is appropriate and in-keeping with the character and date(s) of construction of the historic house.
16. The staff report found that the Commission has previously determined that Azek does not accurately reflect the characteristics or appearance of wood, and they have found it an inappropriate and incompatible material, especially where it would replace traditional materials on features at the front of an individually significant historic building.
17. The staff report found that, per preservation best practices, original and/or traditional materials on historic features should only be replaced with substitute materials in cases where the original/traditional materials are no longer available; otherwise, the historic character and material integrity of the property will be impaired.
18. The staff report found that the proposal is inappropriate, inconsistent with, and detrimental to the preservation, enhancement, and ultimate protection of the historic resource within historic district, per Chapter 24A-8(a).
19. In reaching its finding, the Commission considered the staff report and the criteria for evaluation established in section 1.5 of the Historic Preservation Commission Rules, Guidelines, and Procedures (Regulation No. 27-97) (“Regulations”).

CONCLUSIONS OF LAW

Accordingly, based upon full and fair consideration of the evidence, the Commission concludes

that:

1. Under Chapter 24A-6 of the Montgomery County Code, the owners of the subject property (16101 Oak Hill Road, Silver Spring, Master Plan Site #15/52, *Edgewood II*) are required to obtain a Historic Area Work Permit pursuant to the provision of this chapter before modifying, in any manner, the exterior features or environmental setting of the subject property.
2. Chapter 24A of the Montgomery County Code and Historic Preservation Commission Rules, Guidelines, and Procedures (Regulation No. 27-97) establish the process by which a property owner shall seek approval for proposed work at an historic site and within the designated historic districts and the criteria The Commission uses in the review of Historic Area Work Permits.
3. Section 1.5(a) of the Regulations establishes that “[t]he Commission shall be guided in their review of Historic Area Work Permit applications by: (1) the criteria in Section 24A-8; (2) the Secretary of the Interior’s Standards and Guidelines for Rehabilitation; (3) pertinent guidance in the applicable master plans...; (4) pertinent guidance in historic site or historic district-specific studies.”
4. The proposal under consideration would substantially alter the exterior features of the historic resource located at 16101 Oak Hill Road, Silver Spring, contrary to 24A-8(b)(1).
5. The proposal is not compatible in either character or nature with the architectural features of the historic site and its approval would be detrimental to the surrounding district, per 24A-8(b)(2).
6. The Commission determined that the proposal under consideration would not aid in the protection or preservation of the historic resource. The Commission determined that the proposal was inconsistent with the criteria in 24A-8(b)(3).
7. The staff report prepared for the May 18, 2022 hearing recommended denial of the application, consistent with section 24A-8(a) and in accordance with the Standards.
8. Finding no basis for approval on the criterion in section 24A-8(b), and finding subject to section 24A-8(a) that the proposed work items are “inappropriate, inconsistent with or detrimental to the preservation, enhancement or ultimate protection of the historic site or resource within an historic district, and the purpose of this chapter,” the Commission voted unanimously (5-0) to deny Historic Area Work Permit #990754, supporting the reasoning in the staff report, with Commissioners Barnes, Doman, Pelletier, and Naser being absent.

ORDER

The Historic Area Work Permit application submitted by Mr. Steven Gudelsky to replace the existing wood porch flooring on both the south (original dwelling) and west (north addition) porches with Azek porch flooring at 16101 Oak Hill Road, Silver Spring is denied.

If any party is aggrieved by the decision of the Commission, pursuant to Section 24A-7(h) of the Montgomery County Code, an appeal may be filed within thirty (30) days with the Board of Appeals, which will review the Commission’s decision *de novo*. The Board of Appeals has full and exclusive authority to hear and decide all appeals taken from the decision of the Commission. The Board of Appeals has the authority to affirm, modify, or reverse the order or decision of the Commission.



 Robert K. Sutton, Chairman
 Montgomery County Historic Preservation Commission

5/25/2022

 Date