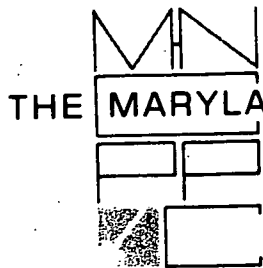


Master Plan Site # 23/103 John D. Berry House  
17201 Palomino Court, Olney



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION  
8787 Georgia Avenue • Silver Spring, Maryland 20910-3760

**FAX TRANSMITTAL SHEET**

**Historic Preservation Office  
Department of Park & Planning**

Telephone Number: (301) 563-3400

Fax Number: ~~(301)-563-3412~~

*Fax # does not work*

TO: \_\_\_\_\_ FAX NUMBER: 301 869 4320

FROM: Kevin Manarella

DATE: 7-7-08

NUMBER OF PAGES INCLUDING THIS TRANSMITTAL SHEET: 4

NOTE:

Approval letter for 17201 Palomino Ct  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
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\_\_\_\_\_  
\_\_\_\_\_



## HISTORIC PRESERVATION COMMISSION


Isiah Leggett  
County Executive

Jef Fuller  
Chairperson

Date: May 11, 2007

### MEMORANDUM

TO: Reggie Jetter, Acting Director  
Department of Permitting Services

FROM: Josh Silver, Planner   
Historic Preservation Section  
Maryland-National Capital Park & Planning Commission

SUBJECT: Historic Area Work Permit #450671, chicken coop demolition

---

The Montgomery County Historic Preservation Commission (HPC) has reviewed the attached application for a Historic Area Work Permit (HAWP). This application was **Approved** at the May 09, 2007 meeting.

The HPC staff has reviewed and stamped the attached HAWP and supporting materials.

**THE PERMIT FOR THIS PROJECT SHALL BE ISSUED UPON APPROVAL BY DPS OR ANOTHER LOCAL OFFICE BEFORE WORK CAN BEGIN.**

Applicant: Theophile Saba

Address: 17201 Palomino Ct, Olney

This HAWP approval is subject to the general condition that the applicant will obtain all other applicable Montgomery County or local government agency permits. After the issuance of these permits, the applicant must contact this Historic Preservation Office if any changes to the approved plan are made.



**HISTORIC PRESERVATION COMMISSION**  
**301/563-3400**  
**APPLICATION FOR**  
**HISTORIC AREA WORK PERMIT**



DPS - #8

**CONTACT PERSON:** Elaine Koch  
 Daytime Phone No.: 301-840-9320

**NAME OF PROPERTY OWNER:** Theophile Sobr  
 Daytime Phone No.: 301-947-4321

**ADDRESS:** 17201 Palomina Ct, DNEY, MD 20832  
 Street Number: 17201 Palomina Ct  
 City: DNEY  
 State: MD  
 Zip Code: 20832

**CONTRACTOR:** TRB  
 Phone No.:  
 Contractor Registration No.:

**AGENT FOR OWNER:**  
 Daytime Phone No.:

**LOCATION OF BUILDING/PREMISE**

House Number: 17201 Palomina Ct  
 Street: DNEY  
 Town/City: DNEY  
 Block: B  
 Subdivision: DORSET VILLAGE  
 Lot: 28  
 Folio: 1133 807  
 Parcel:

**PART ONE: TYPE OF PERMIT ACTION AND USE**

1A. CHECK ALL APPLICABLE:

Construct  Extend  Alter/Renovate  Wreck/Raze  Move  Install  Single Family  Woodburning Stove  A/C  Stab  Room Addition  Porch  Deck  Shed

1B. Construction cost estimate: \$ 5,000 - 7,000

1C. If this is a revision of a previously approved active permit, see Permit #

**PART TWO: COMPLETE FOR NEW CONSTRUCTION AND EXTEND/ADDITIONS**

2A. Type of sewage disposal: 01  WSSC 02  Septic 03  Other:

2B. Type of water supply: 01  WSSC 02  Well 03  Other:

**PART THREE: COMPLETE ONLY FOR FENCE/RETAINING WALL**

3A. Height \_\_\_\_\_ feet \_\_\_\_\_ inches

3B. Indicate whether the fence or retaining wall is to be constructed on one of the following locations:  
 On party line/property line  
 Entirely on land of owner  
 On public right of way/easement

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

Signature of owner or authorized agent: \_\_\_\_\_  
 Date: 4/17/07

Approved: \_\_\_\_\_  
 Signature: \_\_\_\_\_  
 Date: 5/11/07  
 For Chairperson, Historic Preservation Commission

Disapproved: \_\_\_\_\_  
 Signature: \_\_\_\_\_  
 Date: \_\_\_\_\_

Application/Permit No.: \_\_\_\_\_  
 Date Filed: \_\_\_\_\_  
 Date Issued: \_\_\_\_\_

**SEE REVERSE SIDE FOR INSTRUCTIONS**

Edt 6/21/99

PLEASE PRINT (IN BLUE OR BLACK INK) OR TYPE THIS INFORMATION ON THE FOLLOWING PAGE.  
PLEASE STAY WITHIN THE GUIDES OF THE TEMPLATE, AS THIS WILL BE PHOTOCOPIED DIRECTLY ONTO MAILING LABELS.

For All projects, provide an accurate list of adjacent and adjoining property owners (not tenants), including names, addresses, and zip codes. This list should include the owners of all lots or parcels which adjoin the parcel in question, as well as the owner(s) of lots or parcels which lie directly across the street/highway from the parcel in question. You can obtain this information from the Department of Assessments and Taxation, 51 Monroe Street, Rockville, (301/279-1355).

**7. ADDRESSES OF ADJACENT AND ADJOINING PROPERTY OWNERS**

If you are proposing construction adjacent to or within the dripline of any tree 6" or larger in diameter (at approximately 4 feet above the ground), you must file an accurate tree survey identifying the size, location, and species of each tree of at least that dimension.

**6. TREE SURVEY**

- a. Clearly labeled photographic prints of each facade of existing resources, including details of the affected portions. All labels should be placed on the front of photographs.
- b. Clearly labeled photographic prints of the resource as viewed from the public right-of-way and of the adjoining properties. All labels should be placed on the front of photographs.

**5. PHOTOGRAPHS**

General description of materials and manufactured items proposed for incorporation in the work of the project. This information may be included on your design drawings.

**4. MATERIALS SPECIFICATIONS**

- a. Schematic construction plans, with marked dimensions, indicating location, size and general type of walls, window and door openings, and other fixed features of both the existing resource(s) and the proposed work.
  - b. Elevations (facades), with marked dimensions, clearly indicating proposed work in relation to existing construction and, when appropriate, context. All materials and fixtures proposed for the exterior must be noted on the elevations drawings. An existing and a proposed elevation drawing of each facade affected by the proposed work is required.
- You must submit 2 copies of plans and elevations in a format no larger than 11" x 17". Plans on 8 1/2" x 11" paper are preferred.

**3. PLANS AND ELEVATIONS**

- a. the scale, north arrow, and date;
  - b. dimensions of all existing and proposed structures; and
  - c. site features such as walkways, driveways, fences, ponds, streams, trash dumpsters, mechanical equipment, and landscaping.
- Site and environmental setting, drawn to scale. You may use your plat. Your site plan must include:

**2. SITE PLAN**

- b. General description of project and its effect on the historic resource(s), the environmental setting, and, where applicable, the historic district.
- Removal of chicken coop that is not structurally sound and unsafe. Removal will enhance setting. As is structure is a major factor why property has not sold.

Historic house with outbuilding to include, side chicken coop and block building, cut buildings are in the back of house at the rear of the property.

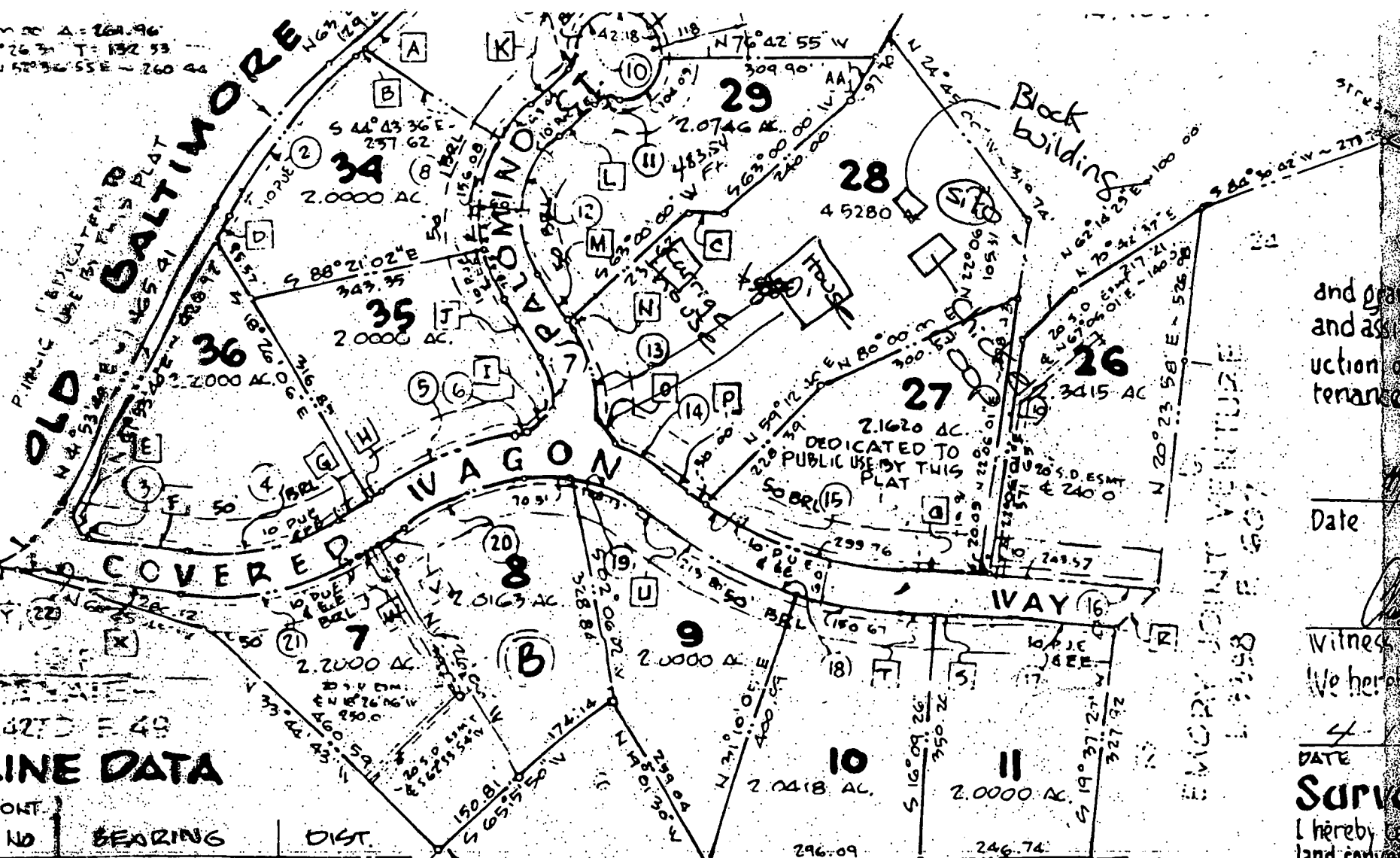
**1. WRITTEN DESCRIPTION OF PROJECT**

a. Description of existing structures(s) and environmental setting, including their historical features and significance.

**THE FOLLOWING ITEMS MUST BE COMPLETED AND THE REQUIRED DOCUMENTS MUST ACCOMPANY THIS APPLICATION.**

Δ = 169.96  
 Δ = 21° 26' 31" T = 132.53  
 Δ = 252° 55' 55" E = 260.44

CH 1 N 24° 11' 06" E 50.11  
 CH 2 N 44° 34' 20" E 50.11  
 CH 3 N 44° 34' 20" E 50.11  
 CH 4 N 44° 34' 20" E 50.11



### LINE DATA

(CONT.)

NO	BEARING	DIST.
1	N 20° 33' 22" W	69.72
2	N 20° 33' 22" W	18.09
3	N 20° 54' 57" W	45.81
4	S 40° 41' 44" E	43.67
5	S 73° 50' 34" E	42.37
6	S 60° 36' 16" W	79.01
7	S 73° 50' 34" E	38.08
8	S 73° 50' 34" E	42.37
9	S 40° 41' 44" E	43.67

### CURVE DATA

NO	RAD.	ARC	Δ	TAN	CHORD
1	315.00	149.56	27° 12' 13"	76.22	N 49° 44' 04" E ~ 148.16
2	752.24	281.51	21° 26' 31"	142.42	N 52° 32' 55" E ~ 279.87
3	120.00	10.61	05° 04' 04"	7.31	N 66° 42' 28" W ~ 10.61
4	250.00	21.40	05° 04' 04"	113.93	S 83° 50' 18" W ~ 21.40
5	580.00	214.21	21° 09' 41"	108.34	S 82° 08' 45" W ~ 219.00
6	279.74	22.48	04° 56' 13"	11.24	N 84° 58' 18" W ~ 22.47
7	120.00	76.14	36° 21' 22"	39.40	S 72° 22' 41" E ~ 74.87
8	205.23	298.97	23° 33' 37"	183.16	S 21° 13' 27" W ~ 275.17
9	25.00	21.68	49° 40' 47"	11.57	S 38° 09' 51" W ~ 21.00
10	60.00	292.55	279° 21' 35"	150.92	N 26° 59' 45" W ~ 77.69
11	25.00	21.68	49° 40' 47"	11.57	N 97° 50' 20" E ~ 21.00

and grant  
and assign  
action of  
tenants

Date

Witness  
We hereby

DATE

Survey

I hereby  
land convey  
the land  
iron pipe  
placed as

Date

John D. Barry House, 23/103  
17201 Palomino Court, Olney



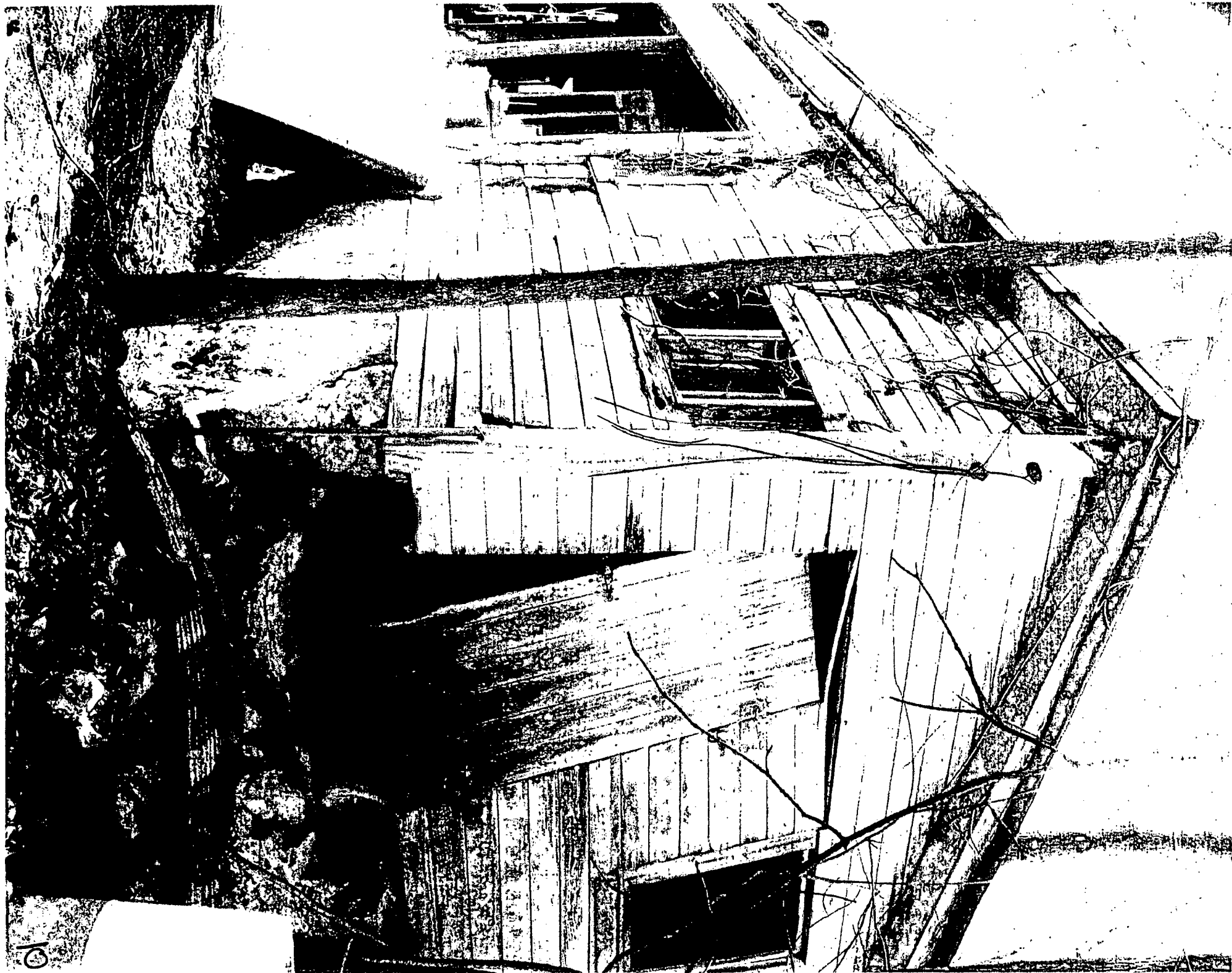
John D. Berry House 23/103  
172d Palomino Court, Greer  
Chicken Coop



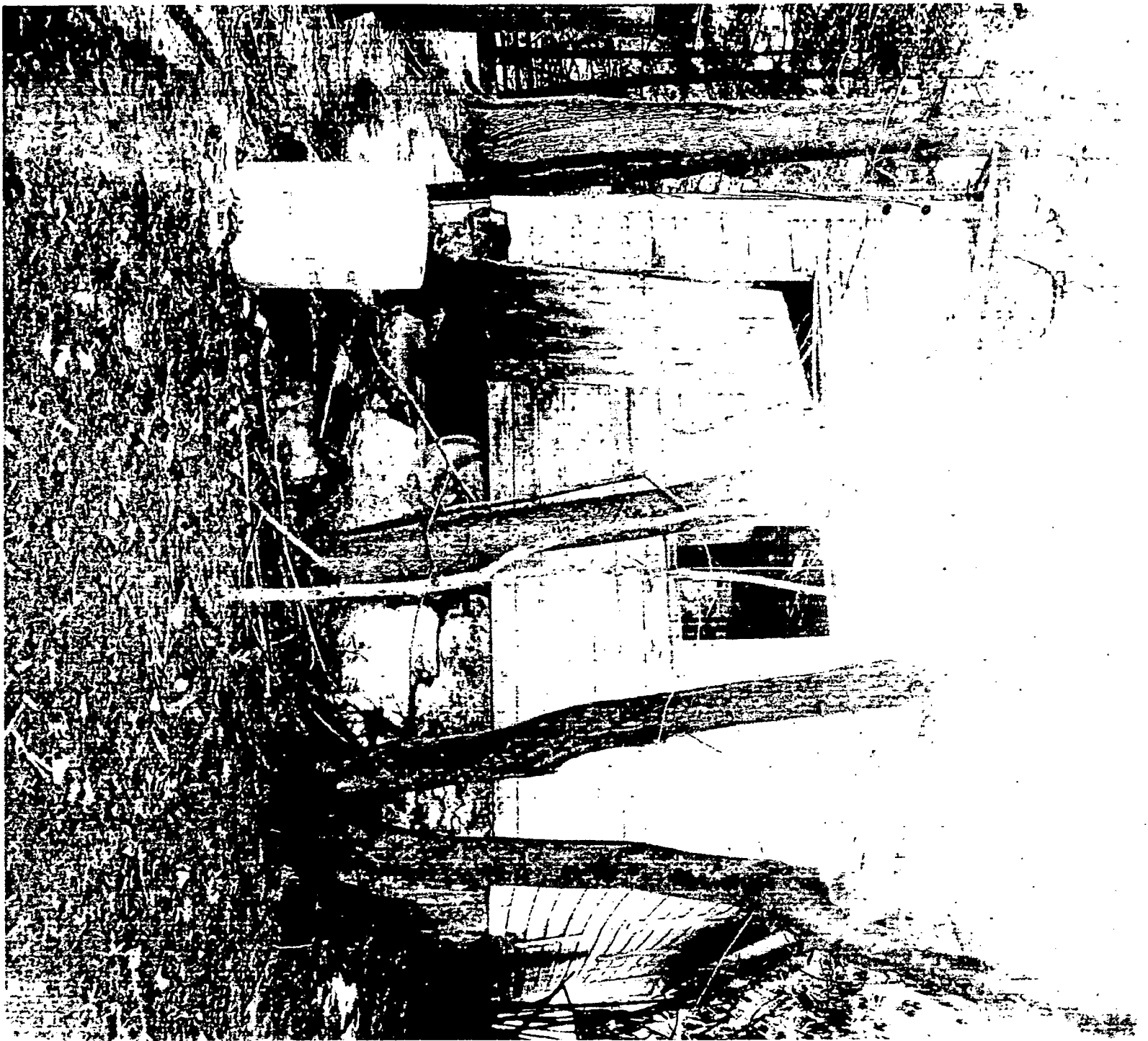


John D. Berry House 3/103  
17201 Palomino Court, Olney  
Chicken Coop



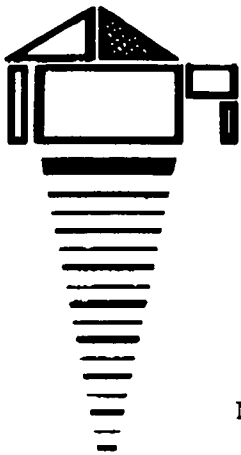






**HAWP APPLICATION: MAILING ADDRESSES FOR NOTIFYING**  
 [Owner, Owner's Agent, Adjacent and Confronting Property Owners]

<p><b>Owner's mailing address</b>                  17201 Palomino Ct                  Olney, MD 20832</p>	<p><b>Owner's Agent's mailing address</b></p>
<p align="center"><b>Adjacent and confronting Property Owners mailing addresses</b></p>	
<p>James Webb                  2901 Covered Wagon Way                  Olney, MD 20832</p>	<p>James Mullen                  2813 Covered Wagon Way                  Olney, MD 20832</p>
<p>William Regnault                  18313 Queen Elizabeth Dr                  Olney, MD 20832                  (mailing address)</p>	<p>W. Regnault                  17207 Palomino Ct                  Olney, MD 20832</p>



# The Carls Group, LLC.

1329 GRESHAM ROAD  
OFFICE (301) 384-1166  
CELL PHONE (240) 508-8289

SILVER SPRING, MARYLAND 20904  
RESIDENCE (301) 384-1650

MARCH 8, 2007

ELAINE KOCH  
17201 PALOMINO COURT  
OLNEY, MARYLAND

TO WHOM IT MAY CONCERN:

I HAVE INSPECTED THE HOUSE LOCATED AT 17201 PALOMINO COURT IN OLNEY, MARYLAND. TO ACKNOWLEDGE THE "CHICKEN COOP" IN THE REAR OF THE PROPERTY IS STRUCTUALLY NOT SOUND AND SHOULD BE REMOVED IMMEDIATELY. THE BUILDING, AS IT STANDS NOW, IS DANGEROUS FOR ANY INDIVIDUAL ON THE PROPERTY AND SHOULD BE REMOVED.

SHOULD YOU HAVE ANY ADDITIONAL QUESTIONS REGARDING THIS MATTER, PLEASE FEEL FREE TO CONTACT ME AT ANY OF THE ABOVE NUMBERS.

SINCERELY,

THE CARLS GROUP LLC.

PHILLIP G. CARLS  
PRESIDENT/INSPECTOR

PGC/gac

September 30, 1991

Mr. and Mrs. Theophile Saba  
17201 Palomino Court  
Olney, MD 20832

Dear Mr. and Mrs. Saba,

Thank you for showing me around your home - the John D. Berry House, Master Plan Site #23/103 - on September 20th. We went over a variety of planned projects on the property and I wanted to confirm some of the issues we discussed in a letter.

My understanding of issues which we discussed is as follows:

1. Removal of two trees on the property which are clearly dead will not need review through the Historic Area Work Permit process. The trees in question are both pines: one is located adjacent to the circular drive between the fountain and the stone carriage house, the other is located to the right of the front entry drive to the property.
2. Addition of small architectural lighting elements to highlight the house and trees will not need review through the Historic Area Work Permit process.
3. Work to repair and maintain the fountain will not need review through the Historic Area Work Permit process as long as all repairs are made with materials that are identical to those already in the fountain and will not change the overall appearance of the fountain.
4. Addition of a gazebo on the property would need to be reviewed through the Historic Area Work Permit process. Staff does not feel that this would be a controversial proposal, depending on the siting and size of the proposed gazebo.
5. Enclosure of a second floor porch on the rear of the house would need to be reviewed through the Historic Area Work Permit process. Staff does not feel that this would be a controversial proposal, depending on the exact nature of the enclosure.
6. New fencing around the garden would need to be reviewed through the Historic Area Work Permit process. Staff does not feel that this would be a controversial proposal.

7. Addition of stone pillars at the front entry to the property would need review through the Historic Area Work Permit process. Staff does not feel that this would be a controversial proposal.
8. I checked the language in the designation of the John D. Berry House and the outbuildings are specifically mentioned - a copy of the designation is attached. Therefore, all changes to outbuildings on the property, including demolition proposals, would need to be reviewed through the Historic Area Work Permit process. The only exception to this would be repairs and maintenance activities that will not change the overall exterior appearance of the outbuildings - for example, renovation of the barn to maintain its structure integrity and using similar materials would not need Historic Area Work Permit review.

As we discussed, review through the Historic Area Work Permit process does not mean that you can't make changes or demolish any of the outbuildings, it just means that your plans need to be reviewed by the Historic Preservation Commission. Staff feels that the Commission's main interest will be in the outbuildings that date from the 19th century or very early 20th century - including, in all likelihood, the barn and silo, the smokehouse, and the stone carriage house. However, work and/or demolition proposals for all outbuildings must be brought to the Historic Preservation Commission through the Historic Area Work Permit process.

9. We also discussed the County's tax credit for historic properties and I left you with some literature on this program. Please feel free to call me if you need more information on tax credits.

In conclusion, thank you again for showing me around your house - it is a fine historic property and you are clearly doing an excellent job of renovating and maintaining it. Please do not hesitate to call me if you have any questions on any of the issues described above or on any other historic preservation matter.

Sincerely,



Gwen L. Marcus  
Historic Preservation  
Coordinator

GLM/rm  
saba



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

<b>Address:</b>	17201 Palomino Ct, Olney	<b>Meeting Date:</b>	5/9/2007
<b>Resource:</b>	<i>Master Plan Site #23/103</i> <b>John D. Berry House</b>	<b>Report Date:</b>	5/2/2007
<b>Applicant:</b>	Theophile Saba (Elaine Koch, Agent)	<b>Public Notice:</b>	4/25/2007
<b>Review:</b>	HAWP	<b>Tax Credit:</b>	None
<b>Case Number:</b>	23/103-07A	<b>Staff:</b>	Josh Silver

**PROPOSAL:** Chicken coop demolition

**RECOMMENDATION:** Approve

**ARCHITECTURAL DESCRIPTION**

**SIGNIFICANCE:** Individually Designated *Master Plan Site #23/103*  
**STYLE:** Rural Vernacular  
**DATE:** 1863 (*with later additions*)

The **John D. Berry House** (*Master Plan Site #23/103*), is situated on a 4.52-acre parcel, and includes four extant outbuildings: carriage house, silo, concrete block equipment building, and chicken coop. The subject property also has evidence of a field stone foundation from a frame bank barn, which is no longer standing. The adjacent building lot (Lot 29) includes a small wooden structure, which was currently used as a playhouse by the property owner's daughter. Although this structure is located on the adjacent lot, staff understands this building was originally associated with the subject property before it was subdivided.

The following was excerpted from the *Maryland Historical Trust, Inventory Form*.

The main house is a 7-bay by 5-bay, 2-1/2 story frame house, facing southwest. Built on fieldstone foundations, this house has northwest, southwest, southeast, and northeast wings. The house has white aluminum siding [the property currently is covered with cement fiber siding, it is unclear if installation was done with a HAWP]; however, the southwest wing has white butt shingling. On the southwest elevation of the northwest wing, there is a shed roof with two chamfered wooden posts. The southwest door is wooden paneled. It is flanked by four light sidelights and surmounted by a three light transom. On the southwest elevation of the southeast wing there is a screened porch with a shed roof. There are two pairs of French doors opening onto this porch from the house. On the northeast wing, northwest elevation, there is a screened sleeping porch at the second level. At the northeast end of the northeast wing, there is a screened porch with a shed roof. The northeast door is wooden paneled.

The northeast wing has 6/6 double hung windows at the first level and 3/3 eyebrow windows at the second level. The remaining windows are 2/2 double hung and flanked by black wooden louvered shutters [the

current windows are all simulated-divided light 2/2 double hung, vinyl windows. It was unclear if window installation was done with a HAWP]. There are two shed roof dormers on the southwest elevation of the southeast wing, and one shed roofed dormer on the northeast elevation of the same wing. The southeast wing has a gambrel roof; the other wings have gable roofs. All have red raised seam metal covering. The northeast and southwest wings have interior chimneys.

### **HISTORIC CONTEXT**

The following was excerpted from *Places from the Past: The Tradition of Gardez Bien in Montgomery County, Maryland*.

“John D. Berry was the grandson of Richard Berry who first acquired property locally in the late 1700s, and by 1807 owned nearly 1,000 acres. The core of this frame farmhouse was built by John D. Berry in 1863. The present house has four distinct sections, one of which may be of log construction. By 1884, John D. Berry built the bank barn and stone carriage house. According to insurance records, the farmstead was augmented by the smokehouse, built between 1884 and 1888.” The farmhouse was occupied by John D. Berry until 1906 when he sold the land and house to George E. Cook ending many years of Berry ownership.

### **PROPOSAL:**

The applicant proposes to remove a chicken coop from the subject property.

### **APPLICABLE GUIDELINES:**

#### ***Montgomery County Code; Chapter 24A***

- A HAWP permit should be issued if the Commission finds that:
  1. The proposal will not substantially alter the exterior features of a historic site or historic resource within a historic district.
  2. 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 a historic resource is located and would not be detrimental thereto or to the achievement of the purposes of this chapter.

#### ***Secretary of the Interior's Standards for Rehabilitation***

3. Each property will be recognized as a physical record of its time, place and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.
4. Changes to a property that has acquired historic significance in their own right will be retained and preserved.

## STAFF DISCUSSION

Staff recognizes both the architectural style of the existing resources and environmental setting of the subject property as being significant features for interpreting the history of the site. Staff would like to emphasize the existing frame bank barn foundation and silo; both significant features contributing to the historicity of the period will not be removed. Although staff is encouraged the applicant wishes to maintain these historic features, staff would like to note the removal of the frame bank barn was **not** reviewed through the HAWP process. While the removal date of the frame bank barn is not clear, a letter dated September 30, 1991 from historic preservation staff to the current property owner noted all changes to outbuildings on the property, including demolition proposals, would need to be reviewed through the Historic Area Work Permit process. (See: Page 16, No. 8).

Of the remaining outbuildings: the silo, carriage house, concrete equipment building, and chicken coop; the chicken coop is in the state of most disrepair. Although the chicken coop is not beyond the possibility of being rehabilitated, staff believes rehabilitation would require a considerable expense to return the building to a functional space. Based on staff site visits it has been determined the chicken coop was built in the later part of the early-20<sup>th</sup> century, which is outside of the period of significance as defined when John D. Berry owned the property (1863-1906). The structural condition of the chicken coop was documented by a building inspector in March 2007 as structurally **not** sound. It was recommended the building be removed immediately. (See page: 14).

In general, staff is supportive of the applicant's proposal to remove the chicken coop from the subject property, however would like to emphasize the owner **must** apply for a HAWP before proceeding with any future projects involving the removal of any outbuildings, or alterations to the exterior of farmhouse or changes to the landscape, including the removal of trees.

Staff is recommending that the HPC approve this HAWP application for the removal of a chicken coop located on the property of *Master Plan Site #23/103 John D. Berry House*.

## STAFF RECOMMENDATION:

Staff recommends that the Commission **approve** the HAWP application as being consistent with Chapter 24A-8(b)(1) & (2);

and with the *Secretary of the Interior's Standards for Rehabilitation*;

and with the general condition that the applicant shall present the **3 permit sets 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 the applicant shall notify the Historic Preservation Staff if they propose to make **any alterations** to the approved plans.