

F3106 Lee Street  
Capitol View Park H.D.  
2010 HAMP  
31/7

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

<b>Address:</b>	3106 Lee Street, Silver Spring	<b>Meeting Date:</b>	2/10/2010
<b>Resource:</b>	Noncontributing ("Nominal") Resource Capitol View Park Historic District	<b>Report Date:</b>	2/3/2010
<b>Applicant:</b>	Wendy L. Simon	<b>Public Notice:</b>	1/27/2010
<b>Review:</b>	HAWP	<b>Tax Credit:</b>	None
<b>Case Number:</b>	31/07-10A	<b>Staff:</b>	Scott Whipple
<b>Proposal:</b>	Replacement of four basement-level windows		

**STAFF RECOMMENDATION**

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

**PROPERTY DESCRIPTION**

**SIGNIFICANCE:** Non-Contributing ("Nominal") Resource, Capitol View Park Historic District  
**STYLE:** Cape Code  
**DATE:** 1938

**PROPOSAL**

The applicant is proposing to replace four basement-level six-light paired wooden casement windows with double-hung, one-over-one sash windows, fabricated in vinyl and sized to fit the window openings. Two windows are located on the south (rear) elevation, under a deck; one window is located on the west elevation, near the rear of the house; and one window is located approximately at the center of the east elevation.

**APPLICABLE GUIDELINES**

When reviewing projects within the Capitol View Park Historic District, the Commission is required, as outlined in the *Historic Preservation Commission Rules, Guidelines, and Procedures (Regulation No. 27-97)* Section 1.5, to use the following as a basis for developing their decision:

1. the criteria in Section 24A-8 of *Montgomery County Code (Chapter 24A)*;
2. the *Secretary of the Interior's Standards and Guidelines for Rehabilitation (Standards)*; and
3. pertinent guidance in the *Approved and Adopted Sector Plan: Capitol View & Vicinity, July 1982 (Plan)*.

Where the guidance in the Plan is inconsistent with the review criteria in Chapter 24A or the Standards, **Plan guidance shall take precedence.** The pertinent information in these documents is outlined below.

**Montgomery County Code, Section 24A-8 Criteria for issuance**

- (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; 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.
- (c) It is not the intent of this chapter to limit new construction, alteration or repairs to any 1 period or architectural style.
- (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.

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

- #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 proportion, and massing to protect the integrity of the property and its environment.

**Capitol View & Vicinity Sector Plan:**

“[Nominal Resources] of themselves are of no architectural or historical significance, but through their contiguity to the significant resources have some interest to the historic district.”

## STAFF DISCUSSION

The subject resource is noncontributing, categorized in the Master Plan as a "Nominal" resource within the historic district due to its date of construction outside of the district's period of significance. The adjacent resource to west (3108 Lee Street) is a contributing resource, dating to the district's second (later) period of significance; the adjacent resource to the east (3104) is a Nominal resource. Staff recognizes that the applicant proposes a change in window materials and configuration, but notes the HPC's practice in the review of basement level windows – and in particular those windows not readily visible from the public right-of-way – is to exercise considerable latitude in formulating a decision. Staff notes further the Plan's recognition that, for the purposes of historic designation, Nominal resources are found to possess no architectural or historical significance. Chapter 24A-8(d) dictates that "the commission shall be lenient in its judgment of plans for structures of little historical or design significance ... unless such plans would seriously impair the historic or architectural value of surrounding historic resources or would impair the character of the historic district."

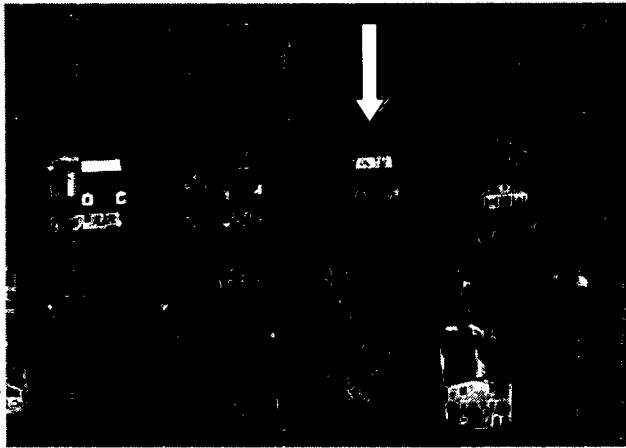
Staff finds that while the replacement of these windows would involve the removal of original building fabric, the foundation level windows in question are not character defining features. The loss of these windows in a Nominal resource, and the installation of the proposed windows in locations of no -- or perhaps limited -- visibility will not impair the character of surrounding historic resources or the character of the historic district.

## STAFF RECOMMENDATION

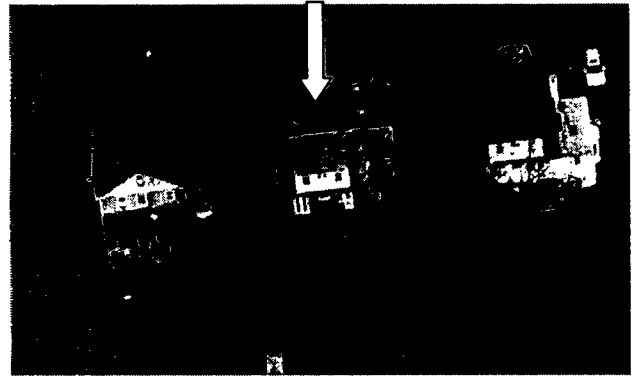
Staff recommends that the Commission **approve** the HAWP application as being consistent with Chapter 24A-8(d), the Secretary of the Interior's Standard #9, and guidance in the Plan;

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;

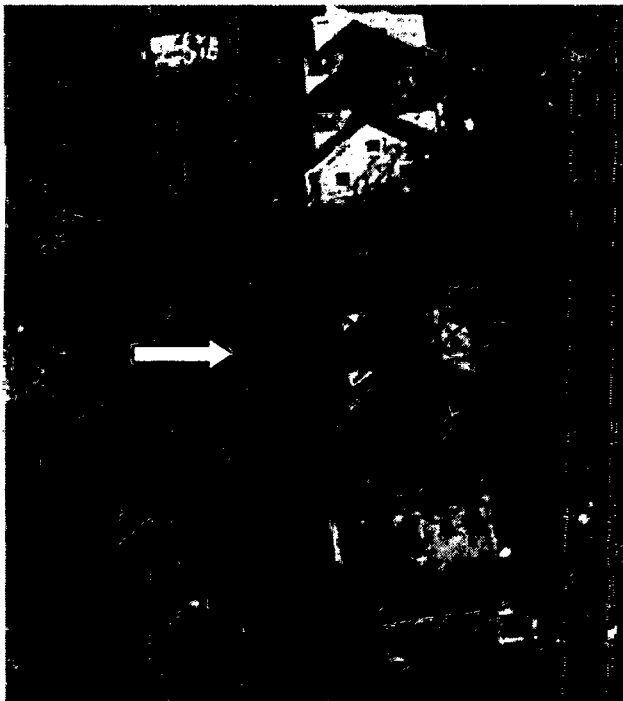
and with the general condition that the applicant shall notify the Historic Preservation Staff if they propose to make **any** alterations to the approved plans. Once the work is completed the applicant will contact the staff person assigned to this application at 301.563.3400 or [scott.whipple@montgomeryplanning.org](mailto:scott.whipple@montgomeryplanning.org) to schedule a follow-up site visit.



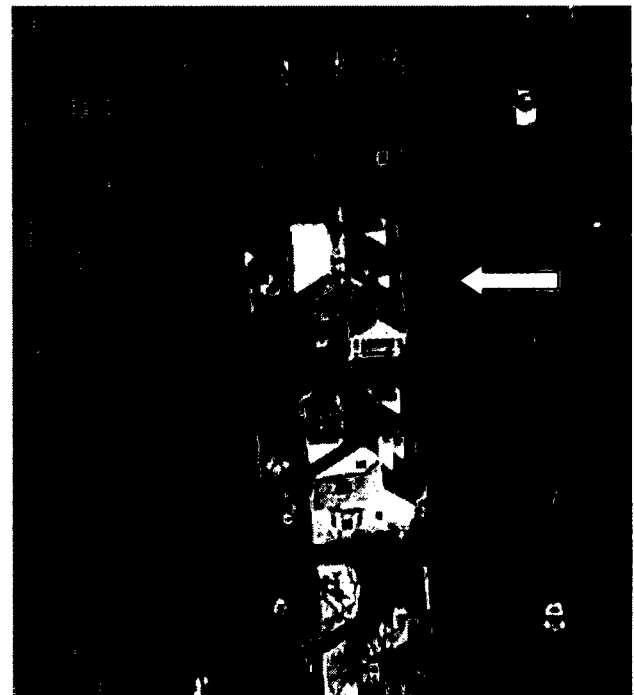
North elevation



South elevation



West elevation



East elevation



RETURN TO: DEPARTMENT OF PERMITTING SERVICES  
255 ROCKVILLE PIKE, 2nd FLOOR, ROCKVILLE, MD 20850  
240/777-6370

DPS - #8

HISTORIC PRESERVATION COMMISSION  
301/563-3400

# APPLICATION FOR HISTORIC AREA WORK PERMIT

Contact Person: Robby Dorian  
Daytime Phone No.: 301 560 1412

Tax Account No.: \_\_\_\_\_  
Name of Property Owner: WENDY L. SIMON Daytime Phone No.: 301-562-9299  
Address: 3106 LEE STREET SILVER SPRING MD 20910  
Street Number City Street Zip Code  
Contractor: Thompson Creek Phone No.: 301 560 1412  
Contractor Registration No.: MATC #125294  
Agent for Owner: \_\_\_\_\_ Daytime Phone No.: \_\_\_\_\_

**LOCATION OF BUILDING/PREMISE**

House Number: 3106 Street: LEE STREET  
Town/City: SILVER SPRING Nearest Cross Street: CAPITAL VIEW AVE  
Lot: 19 Block: 23 Subdivision: 005 CAPITAL VIEW PARK  
Liber: 9350 Folio: 865 Parcel: \_\_\_\_\_

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

1A. CHECK ALL APPLICABLE:

- Construct  Extend  Alter/Renovate  
 Move  Install  Wreck/Raze  
 Revision  Repair  Revocable

CHECK ALL APPLICABLE:

- AC  Slab  Room Addition  Porch  Deck  Shed  
 Solar  Fireplace  Woodburning Stove  Single Family  
 Fence/Wall (complete Section 4)  Other: Replacement windows

1B. Construction cost estimate: \$ 2,410

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

(energy efficient)  
(windows to be installed)

**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]  
Signature of owner or authorized agent

12/21/09  
Date

Approved: \_\_\_\_\_ For Chairperson, Historic Preservation Commission

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

Application/Permit No.: 528626 Date Filed: \_\_\_\_\_ Date Issued: \_\_\_\_\_



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

**1. WRITTEN DESCRIPTION OF PROJECT**

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

Modern glass original single pane windows (4) / ~~to be replaced~~  
to be replaced / house built in 1938

- b. General description of project and its effect on the historic resource(s), the environmental setting, and, where applicable, the historic district:

Basement windows only - 2 at ground level on  
side of home and 2 under deck in rear of  
home, none of which are viewable from the  
street

**2. SITE PLAN**

Site and environmental setting, drawn to scale. You may use your plat. Your site plan must include:

- 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.

**3. PLANS AND ELEVATIONS**

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.

- 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.

**4. MATERIALS SPECIFICATIONS**

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.

**5. PHOTOGRAPHS**

- a. Clearly labeled photographic prints of each facade of existing resource, including details of the affected portions. All labels should be placed on the front of photographs.
- b. Clearly label 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.

**6. TREE SURVEY**

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.

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

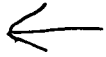
For **ALL** projects, provide an accurate list of adjacent and confronting property owners (not tenants), including names, addresses, and zip codes. This list should include the owners of all lots or parcels which adjoin the parcel in question, as well as the owner(s) of lot(s) or parcel(s) which lie 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).

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.

⑥

Existing Property Condition Photographs (duplicate as needed)

NO VIEW FROM STREET



TOP



VIEW FROM ADJACENT PROPERTY @ 3108 LEE STREET

BOTTOM

SAME FOR 3104 LEE STREET



Detail: SIDE OF HOUSE BASEMENT WINDOW / SINGLE PANE 1 of 2 TO BE REPLACED



TOP

BOTTOM



Detail: BACK OF HOUSE UNDER DECK / SINGLE PANE 1 of 2 NO VIEW FROM ADJACENT PROPERTY TO BE REPLACED

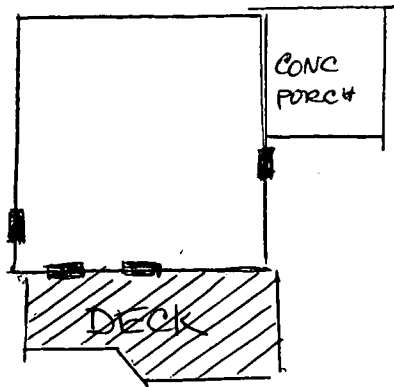
Applicant: WENDY L. SIMON



Site Plan

12/10/09

LEE STREET



NORTH

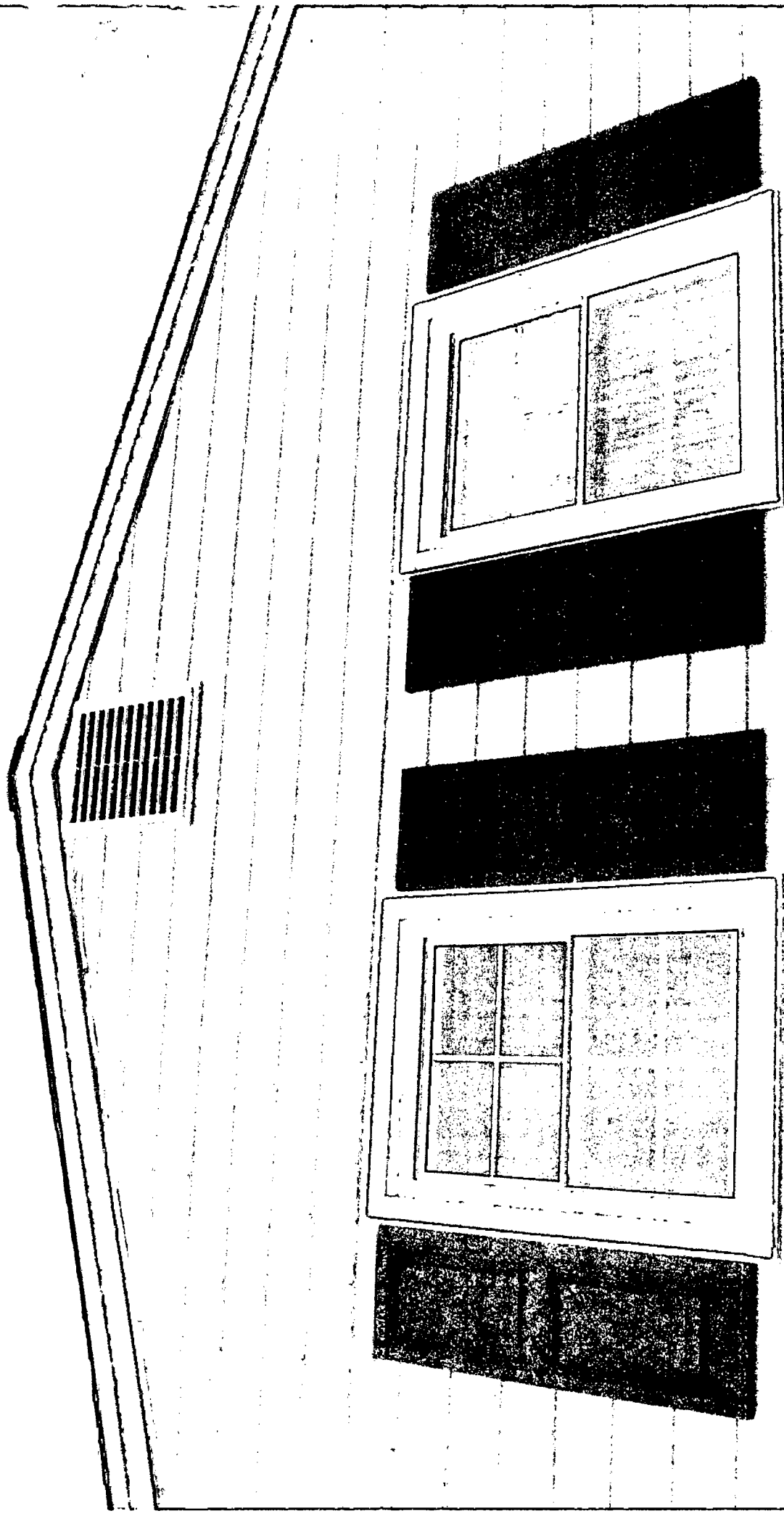


 = basement windows to be replaced

Applicant  
WENDY L. SIMON

Page 2.

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THAMISON CREEK ENERGY EFFICIENT / DOUBLE HUNG  
REPLACEMENT WINDOWS (with/without blinds)



RYAN + SHARON WATTS  
3104 LEE STREET  
SILVER SPRWG, MD. 20910

LYNDA TANNER  
3108 LEE STREET  
SILVER SPRWG, MD. 20910

JOHN + BECKY PENOVICH  
3109 LEE STREET  
SILVER SPRWG, MD., 20910

RITCHIE  
3107 LEE STREET  
SILVER SPRWG, MD. 20910

\* 3102 LEE STREET AND 3104 LEE STREET  
HAD SIMILAR REPLACEMENT WINDOWS APPROVED +  
INSTALLED WITHIN THE LAST 5± YEARS.



## HISTORIC PRESERVATION COMMISSION

Isiah Leggett  
County Executive

David Rotenstein  
Chairperson

Date: 2/9/10

### MEMORANDUM

TO: Carla Reid, Director  
Department of Permitting Services

FROM: Scott Whipple *SW*  
Supervisor  
Historic Preservation Section-Planning Department  
Maryland-National Capital Park & Planning Commission

SUBJECT: Historic Area Work Permit #528626—window replacement

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The Montgomery County Historic Preservation Commission (HPC) has reviewed the attached application for a Historic Area Work Permit (HAWP) and this application was approved by the HPC.

THE BUILDING PERMIT FOR THIS PROJECT SHALL BE ISSUED CONDITIONAL UPON ADHERENCE TO THE ABOVE APPROVED HAWP CONDITIONS AND MAY REQUIRE APPROVAL BY DPS OR ANOTHER LOCAL OFFICE BEFORE WORK CAN BEGIN.

Applicant: Wendy L. Simon  
Address: 3106 Lee Street, Silver Spring

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. Once the work is completed the applicant will contact the staff person assigned to this application at 301-563-3400 to schedule a follow-up site visit.

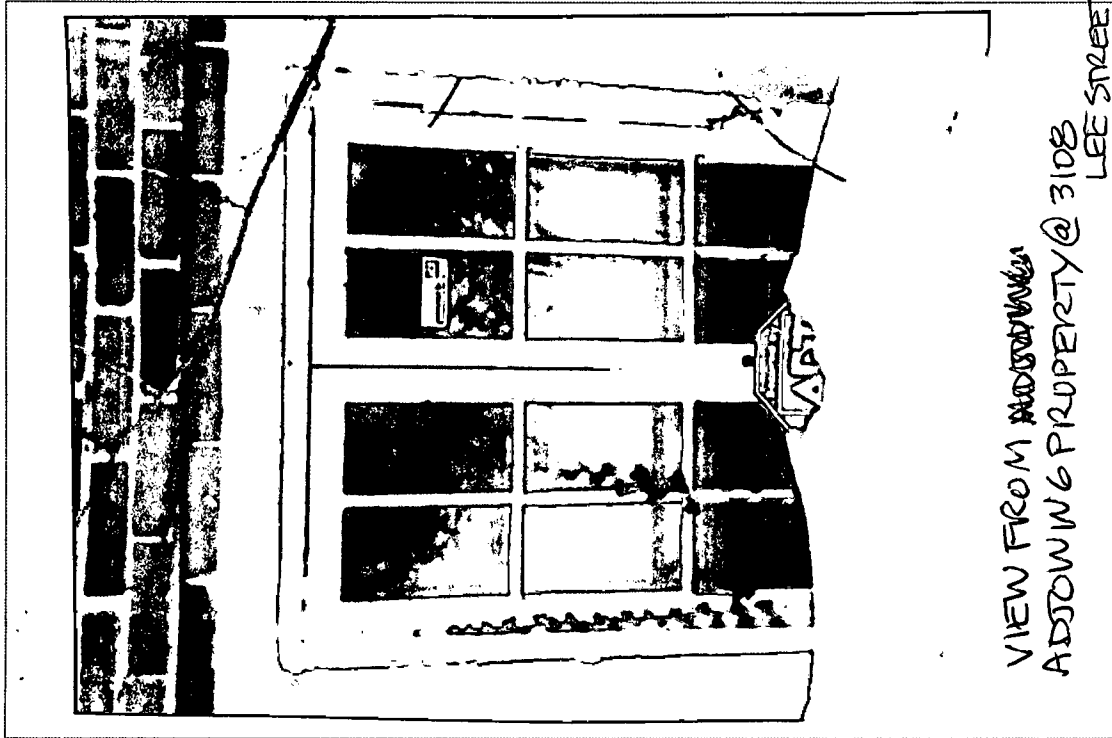


Existing Property Condition Photographs (duplicate as needed)

NO VIEW FROM STREET



TOP



VIEW FROM ADJOURNING  
ADJOWING PROPERTY @ 3108  
LEE STREET

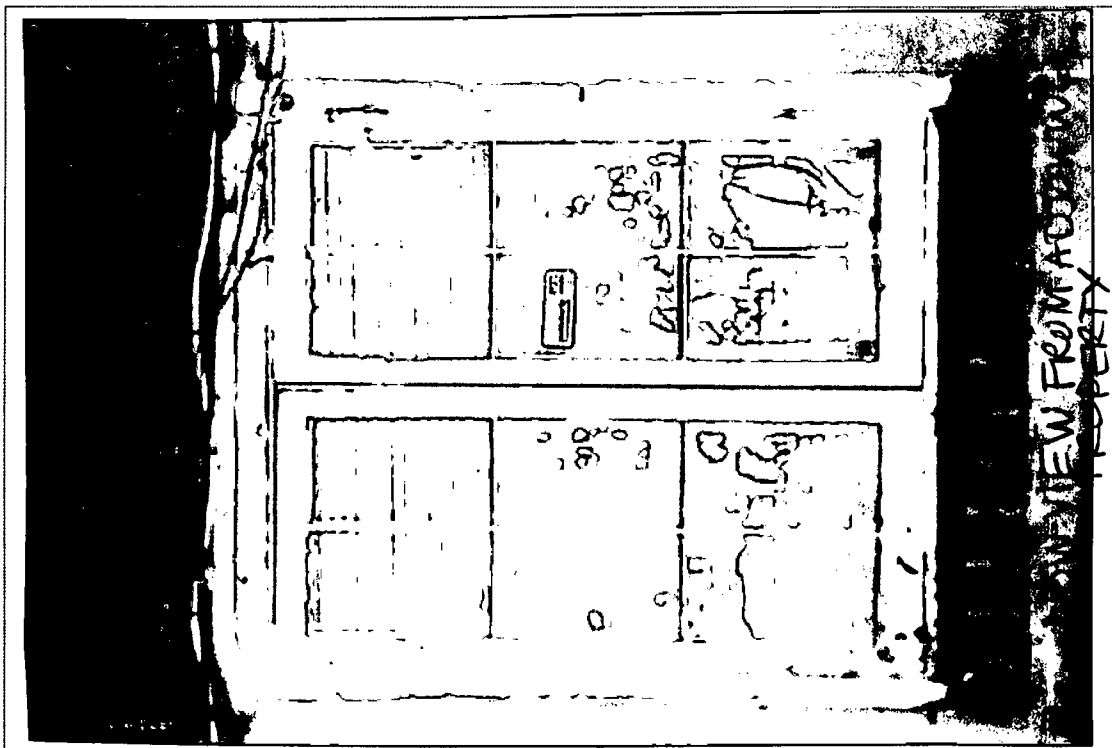
BOTTOM  
SAME FOR  
3104 LEE  
STREET



Detail: SIDE OF HOUSE BASEMENT WINDOW / SINGLE PANE 1 of 2

TO BE  
REPLACED

TOP



NO VIEW FROM ADJOWING  
PROPERTY

BOTTOM



Detail: BACK OF HOUSE UNDER DECK / SINGLE PANE 1 of 2

NO VIEW FROM ADJOWING PROPERTY TO BE REPLACED