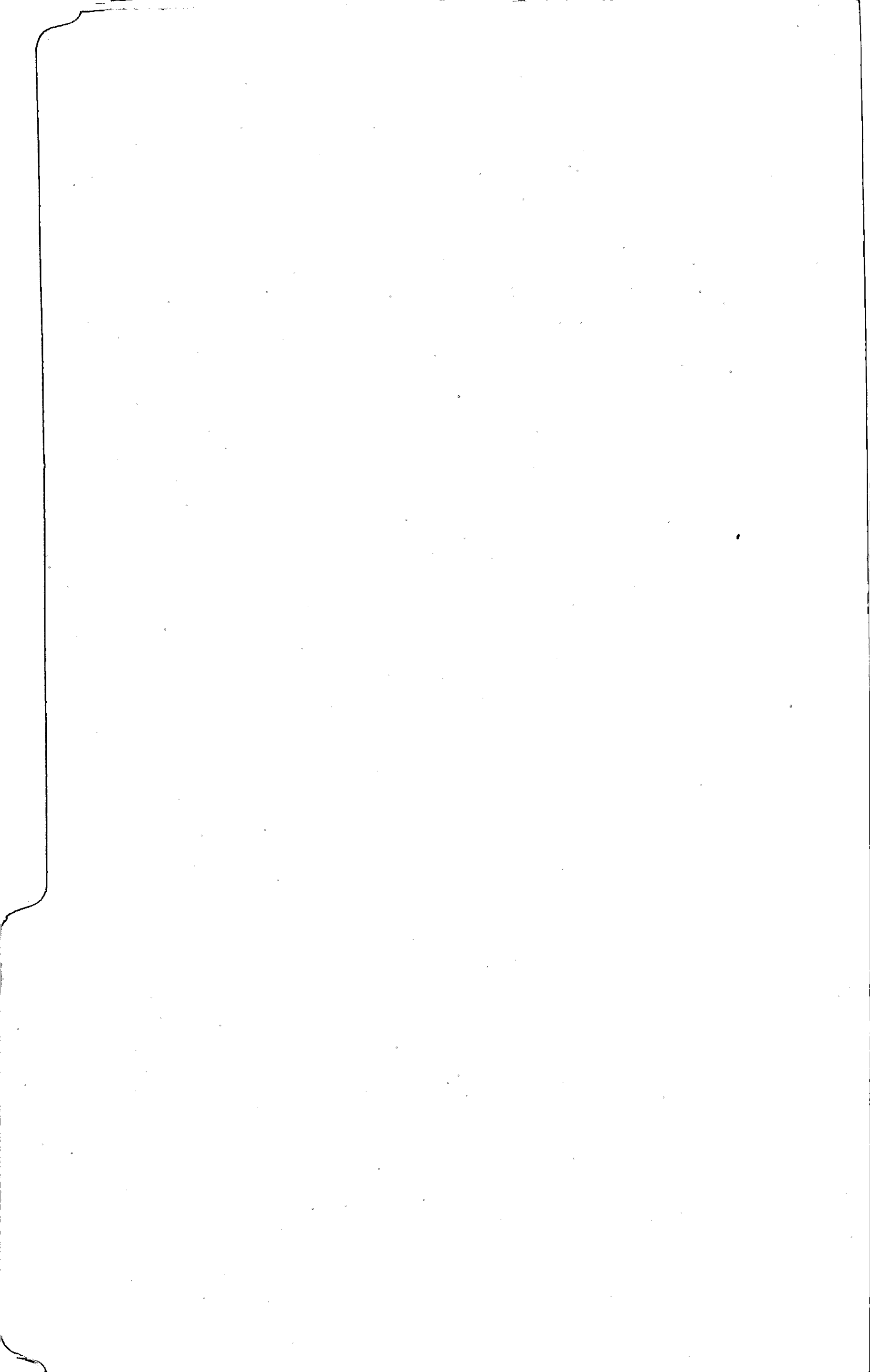


3922 Washington  
Washington W. D.

2011 HAWP





## HISTORIC PRESERVATION COMMISSION

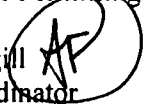
Isiah Leggett  
County Executive

Leslie Miles  
Chairperson

Date: 7/12/12

### MEMORANDUM

TO: Diane Schwartz Jones, Director  
Department of Permitting Services

FROM: Anne Fothergill   
Planner Coordinator  
Historic Preservation Section-Planning Department  
Maryland-National Capital Park & Planning Commission

SUBJECT: Historic Area Work Permit #580199—driveway alterations

---

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 on July 11, 2012.

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: Peter Kenny  
Address: 3922 Washington Street, Kensington

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.





HISTORIC PRESERVATION COMMISSION  
301/563-3400

# APPLICATION FOR HISTORIC AREA WORK PERMIT

Contact Email: Peter\_Kenny@mc.com Contact Person: Peter Kenny  
 Daytime Phone No.: 202 841 0838  
 Tax Account No.: \_\_\_\_\_  
 Name of Property Owner: Peter J. Kenny Daytime Phone No.: 202 841 0838  
 Address: 3922 WASHINGTON ST KENSINGTON MD 20895  
Street Number City State Zip Code  
 Contractor: TRIPLE - A PAVING Phone No.: 301-601-1568  
 Contractor Registration No.: MHIC # 67243  
 Agent for Owner: \_\_\_\_\_ Daytime Phone No.: \_\_\_\_\_

**LOCATION OF BUILDING/PREMISE**

House Number: 3922 Street: WASHINGTON ST  
 Town/City: KENSINGTON Nearest Cross Street: CONN AVE  
 Lot: 70 Block: 13 Subdivision: KENSINGTON PARK  
 Liber: 1250 Folio: 53 Parcel: \_\_\_\_\_

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

1A. CHECK ALL APPLICABLE: ASPHALT DRIVEWAY

<input checked="" type="checkbox"/> Construct	<input type="checkbox"/> Extend	<input checked="" type="checkbox"/> Alter/Renovate	<input type="checkbox"/> A/C	<input type="checkbox"/> Slab	<input type="checkbox"/> Room Addition	<input type="checkbox"/> Porch	<input type="checkbox"/> Deck	<input type="checkbox"/> Shed
<input type="checkbox"/> Move	<input type="checkbox"/> Install	<input type="checkbox"/> Wreck/Raze	<input type="checkbox"/> Solar	<input type="checkbox"/> Fireplace	<input type="checkbox"/> Woodburning Stove	<input type="checkbox"/> Single Family		
<input type="checkbox"/> Revision	<input type="checkbox"/> Repair	<input type="checkbox"/> Revocable	<input type="checkbox"/> Fence/Wall (complete Section 4)		<input type="checkbox"/> Other: _____			

1B. Construction cost estimate: \$ 3,800.-

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] \_\_\_\_\_ Date: 9-19-11  
Signature of owner or authorized agent Date

Approved: [Signature] \_\_\_\_\_ Date: \_\_\_\_\_  
Historic Preservation Commission  
 Disapproved: \_\_\_\_\_ Signature: \_\_\_\_\_ Date: 7/12/12  
 Application/Permit No.: 580199 Date Filed: 9/21/11 Date Issued: \_\_\_\_\_

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

1. **WRITTEN DESCRIPTION OF PROJECT** DRIVEWAY TO BE CONSIDERED FOR ASPHALT.

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

CURRENT DRIVEWAY IS STONE / CRUSHED STONE .  
NO HISTORICAL SIGNIFICANCE  
NO STRUCTURE MOVED / CHANGED

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

AREA OF DRIVEWAY CURRENTLY FOR 3922 WASHINGTON ST  
KINGSLINGTON MD TO BE GRADED & PREPARED FOR  
ASPHALT PAVING. WE ARE NOT EXPANDING THE  
CURRENT FOOTPRINT. NO STRUCTURES MOVED OR CHANGED .

chip + seal -  
use existing  
gravel

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.

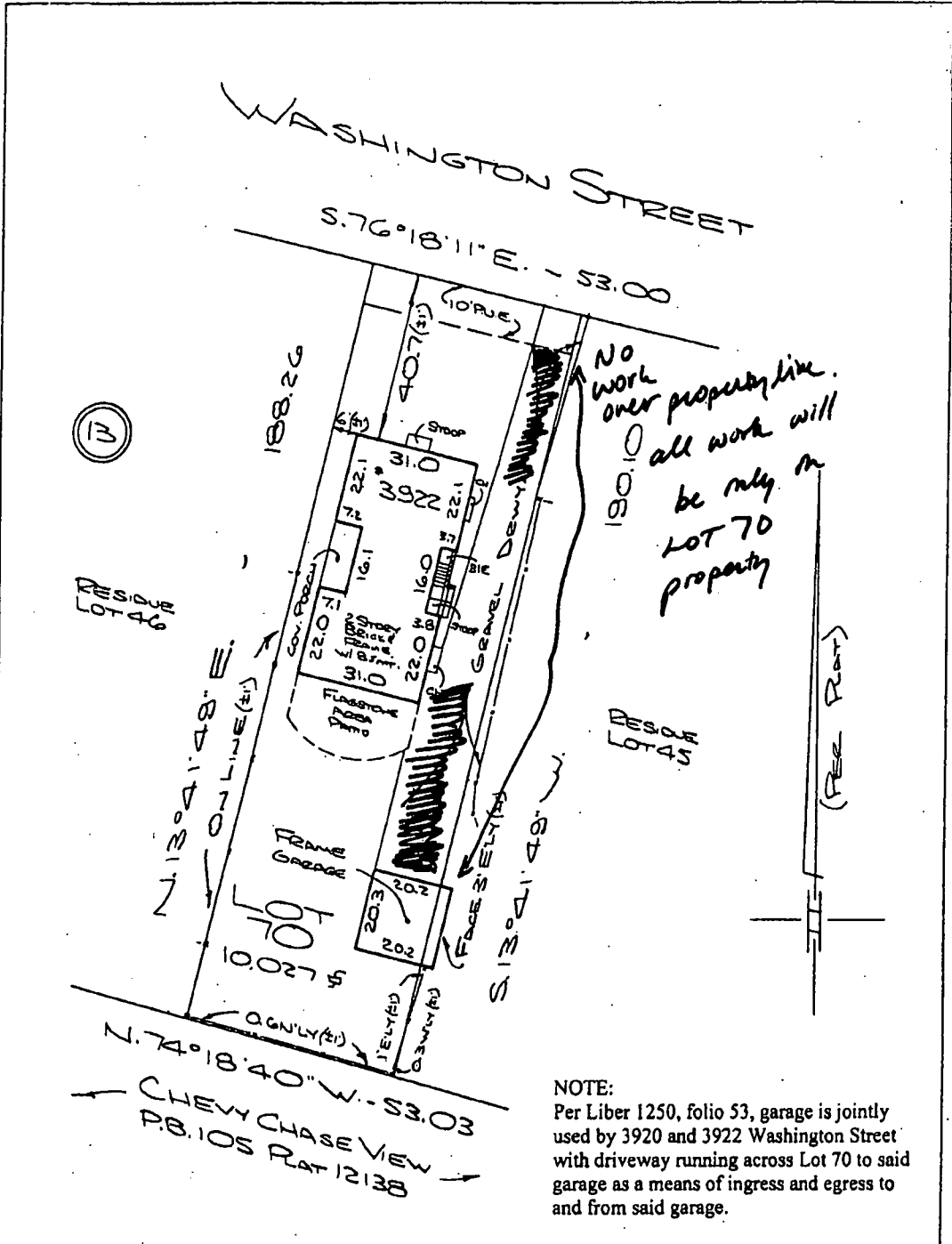
6. **TREE SURVEY**

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.



NOTE:  
Per Liber 1250, folio 53, garage is jointly used by 3920 and 3922 Washington Street with driveway running across Lot 70 to said garage as a means of ingress and egress to and from said garage.

Capitol Surveys, Inc.  
10762 Rhode Island Avenue  
Beltsville, Maryland 20705  
Phone 301-931-1350

NOTES: Plat is of benefit to a consumer only insofar as it is required by a lender or a title insurance company or its agent in connection with contemplated transfer, financing or re-financing; the plat is not to be relied upon for the establishment or location of fences, garages, buildings, or other existing or future improvements; and the plat does not provide for the accurate identification of property boundaries. For such identification may not be required for the transfer of title or securing financing.

APPROVED  
Montgomery County  
Historic Preservation Commission  
*[Signature]*

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

<b>Address:</b>	3922 Washington Street, Kensington	<b>Meeting Date:</b>	7/11/12
<b>Resource:</b>	Secondary Resource Kensington Historic District	<b>Report Date:</b>	7/4/12
<b>Applicant:</b>	Peter Kenny	<b>Public Notice:</b>	6/27/12
<b>Review:</b>	HAWP	<b>Tax Credit:</b>	None
<b>Case Numbers:</b>	31/6-11N CONTINUED	<b>Staff:</b>	Anne Fothergill
<b>Proposal:</b>	Alterations to driveway		

---

**STAFF RECOMMENDATION**

- Approval  
 Approval with conditions

**PROPERTY DESCRIPTION**

**SIGNIFICANCE:** Secondary Resource within the Kensington Historic District  
**STYLE:** Colonial Revival  
**DATE:** 1939

**BACKGROUND**

The applicants came to the HPC in October 2011 but at that time a question was raised about a possible easement on the property allowing the neighbor use of the driveway and possible property right. The County Attorney who represents the HPC has reviewed the application and the documentation provided and has determined that the applicant can proceed with this Historic Area Work Permit application.

**PROPOSAL**

The applicant is proposing to pave the existing gravel/crushed stone driveway with the same dimensions and using the stone in a chip and seal pavement. All of the proposed work will be confined to the applicant's property and will not go over the property line in any location.

**APPLICABLE GUIDELINES**

The Montgomery County design guidelines state "Decomposed granite, pea gravel, exposed aggregate concrete, gravel or chip and seal are appropriate paving materials."

**Montgomery County Code; Chapter 24A-8**

- (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. (Ord. No. 9-4, § 1; Ord. No. 11-59.)

**STAFF RECOMMENDATION**

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

and with the general condition that the applicant shall present the **3 permit sets of drawings 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 [anne.fothergill@mncppc-mc.org](mailto:anne.fothergill@mncppc-mc.org) to schedule a follow-up site visit.





HISTORIC PRESERVATION COMMISSION  
301/563-3400

# APPLICATION FOR HISTORIC AREA WORK PERMIT

Contact Email: Peter\_Kenny@ML.com Contact Person: Peter Kenny  
 Daytime Phone No.: 202 841 0838  
 Tax Account No.: \_\_\_\_\_  
 Name of Property Owner: Peter J. Kenny Daytime Phone No.: 202 841 0838  
 Address: 3922 WASHINGTON ST KENSINGTON MD 20895  
Street Number City State Zip Code  
 Contractor: TRIPLE - A PAVING Phone No.: 301-601-1568  
 Contractor Registration No.: MHIC # 67243  
 Agent for Owner: \_\_\_\_\_ Daytime Phone No.: \_\_\_\_\_

**LOCATION OF BUILDING/PREMISE**

House Number: 3922 Street: WASHINGTON ST  
 Town/City: KENSINGTON Nearest Cross Street: CONN AVE  
 Lot: 70 Block: 13 Subdivision: KENSINGTON PARK  
 Liber: 1250 Folio: 53 Parcel: \_\_\_\_\_

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

1A. CHECK ALL APPLICABLE: ASPHALT DRIVEWAY CHECK ALL APPLICABLE:  
 Construct  Extend  Alter/Renovate  A/C  Slab  Room Addition  Porch  Deck  Shed  
 Move  Install  Wreck/Raze  Solar  Fireplace  Woodburning Stove  Single Family  
 Revision  Repair  Revocable  Fence/Wall (complete Section 4)  Other: \_\_\_\_\_  
 1B. Construction cost estimate: \$ 3,800.-  
 1C. If this is a revision of a previously approved active permit, see Permit # \_\_\_\_\_

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

2A. Type of sewage disposal: 01  WSSC 02  Septic 03  Other: \_\_\_\_\_  
 2B. Type of water supply: 01  WSSC 02  Well 03  Other: \_\_\_\_\_

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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] 9-19-11  
 Signature of owner or authorized agent Date

Approved: \_\_\_\_\_ For Chairperson, Historic Preservation Commission  
 Disapproved: \_\_\_\_\_ Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
 Application/Permit No.: 580199 Date Filed: 9/21/11 Date Issued: \_\_\_\_\_

**THE FOLLOWING ITEMS MUST BE COMPLETED AND THE  
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CURRENT DRIVEWAY IS STONE / CRUSHED STONE.

NO HISTORICAL SIGNIFICANCE

NO STRUCTURE MOVED / CHANGED

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

AREA OF DRIVEWAY CURRENTLY FOR 3922 WASHINGTON ST  
KONNIGHTON MD TO BE GRADED & PREPARED FOR  
ASPHALT PAVING. WE ARE NOT EXPANDING THE  
CURRENT FOOTPRINT. NO STRUCTURES MOVED OR CHANGED.

cmp + seal  
use existing  
gravel

2. **SITE PLAN**

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

- the scale, north arrow, and date;
- dimensions of all existing and proposed structures; and
- site features such as walkways, driveways, fences, ponds, streams, trash dumpsters, mechanical equipment, and landscaping.

3. **PLANS AND ELEVATIONS**

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6. **TREE SURVEY**

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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.

**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
3922 WASHINGTON ST KENSINGTON MD	N/A
Adjacent and confronting Property Owners mailing addresses	
MR. MILSTEAD AND MRS. SUCHART 3920 WASHINGTON ST. KENSINGTON MD, 20895	STEPHEN AND MICHELLE STRACHAN 3924 WASHINGTON ST. KENSINGTON MD
Paul & Deborah Eckert 3923 WASHINGTON ST. KENSINGTON MD 20895	



3921 WASHINGTON ST

← ASPHALT CURRENTLY



3918 WASHINGTON ST

ASPHALT & CONCRETE →

Detail: \_\_\_\_\_

percent \_\_\_\_\_

(7)

Existing Property Condition Photographs (duplicate as needed)



EXISTING PROPERTY HAS CRUSHED STONE  
DRIVEWAY.

Detail: \_\_\_\_\_

Applicant: \_\_\_\_\_

*Peter Kenney*

Page: \_\_\_\_\_

2



3924 WASHINGTON ST.  
← (ADJACENT PROPERTY)  
CURRENTLY HAVE ASPHALT  
DRIVEWAY

3926 WASHINGTON ST  
ASPHALT CURRENTLY →



3928 WASHINGTON ST

← ASPHALT CURRENTLY



3923 WASHINGTON ST

CONCRETE 3/4 ASPHALT CURRENTLY



3922 Washington



(c) Copyright 2008, Pictometry International



THIS DEED made this 30<sup>th</sup> day of April, in the year 1949, by WILLIAM ONCKEN, JR. and MARGARET KALLINA ONCKEN, his wife, hereinafter called the parties of the first part, and RICHARD F. GREEN and EDITH H. GREEN, his wife, hereinafter called the parties of the second part.

WHEREAS the parties of the first part are the owners of the westerly 28 feet front on Washington Street of Lot 45 in Block 13 by the full depth thereof, and the easterly 25 feet front on Washington Street of Lot 46 in Block 13 by the full depth thereof, in the subdivision known as "Kensington Park" as per plat thereof recorded among the Land Records of the County of Montgomery, State of Maryland in Plat Book B plat 4, and

WHEREAS the said land owned by the parties of the first part is improved by a garage and a certain driveway running from said Washington Street to said garage, and

WHEREAS the parties of the second part are the owners of Lots 43, 44 and the east 22 feet front of Lot 45 in Block 13 by the full depth thereof in said Kensington Park, which land adjoins the land of the parties of the first part.

NOW, THEREFORE, IN CONSIDERATION of the sum of ten dollars, receipt of which is hereby acknowledged, the parties of the first part, for themselves, their heirs and assigns do grant and convey unto the parties of the second part, their heirs and assigns, the right to use, jointly with the parties of the first part, their heirs and assigns, the garage located on the aforesaid land of the parties of the first part, and the right to use, jointly with the parties of the first part, their heirs and assigns, the said driveway, as now located, running from Washington Street across the land of the parties of the first part to said garage as a means of ingress and egress to and from said garage.

AND the parties of the first and second parts agree that they will each pay one-half of the cost of necessary maintenance and repairs to said garage and driveway.

1250-54

The parties of the first part covenant to execute such further assurances as may be necessary.

WITNESS our hands and seals:

Test: Bertha Clum  
Bertha Clum

William Oncken, Jr. (SEAL)  
William Oncken, Jr.

Margaret Kallina Oncken (SEAL)  
Margaret Kallina Oncken

Bertha Clum  
Bertha Clum

Richard F. Green (SEAL)  
Richard F. Green

Edith H. Green (SEAL)  
Edith H. Green

STATE OF MARYLAND, MONTGOMERY COUNTY, to wit:

I hereby certify that on this 30<sup>th</sup> day of April, in the year 1949, before the subscriber, a Notary Public of the State and County aforesaid, personally appeared William Oncken, Jr., and Margaret Kallina Oncken, his wife, and acknowledged the foregoing deed to be their act.

As witness my hand and Notarial Seal.

Bertha Clum  
Bertha Clum Notary Public

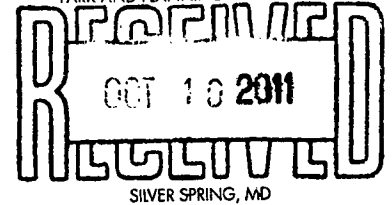
STATE OF MARYLAND, MONTGOMERY COUNTY, to wit:

I hereby certify that on this 30<sup>th</sup> day of April, in the year 1949, before the subscriber, a Notary Public of the State and County aforesaid, personally appeared Richard F. Green and Edith H. Green, his wife, and acknowledged the foregoing deed to be their act.

As witness my hand and Notarial Seal.

Bertha Clum  
Bertha Clum Notary Public

Recorded May 2nd, 1949-at-3:13 P.M.



SUCHART D. MILSTED  
3920 Washington Street,  
Kensington, MD 20895  
October 10, 2011

MEMORANDUM FOR: Montgomery County Historical Preservation Commission,  
National Capital Park & Planning Commission

SUBJECT: Peter Kenny Application for Alteration to Driveway at 3922 Washington  
Street, Kensington, MD (HPC Case # 31/06-11N) (Kensington Historical  
District)

Reference the Commission Staff's Memorandum dated October 6, 2011, requesting  
comments on the subject application, my comments are as follows;

The Kenny residence adjoins my house at the address in the letterhead above. We share a  
driveway and garage inside Mr. Kenny's property line by virtue of a deeded easement.  
The driveway is presently surfaced with gravel, and has been for the more than 30 years  
that I have lived in my home. I hereby request the Commission to consider the following  
issues before permitting an asphalt resurfacing of the driveway, as proposed by Mr.  
Kenny:

1. There is a large pine tree on my property, probably 100 years old, which abuts the  
driveway. Half of its root circumference is underneath the existing gravel surface of the  
driveway. An asphalt resurfacing will deprive the tree of much of its established water  
supply. This could lead to the destabilization and ultimate death of this irreplaceable tree.
2. Hard surfacing the driveway will divert additional water into my side yard and onward  
down hill into neighbor's yards. The driveway receives excess storm water from the curb  
and gutter system on Washington Street, likely coming from several houses up the street.  
It also receives storm water coursing into Mr. Kenny's back yard from upstream  
neighbors. This water already creates a nuisance flow into my backyard and onward to  
the yards of downstream neighbors. The present gravel surface of the driveway offers  
mitigating absorption of this overflow water during heavy rains. Asphaltting the driveway  
will not permit any absorption and will cause overflow of additional water into my yard,  
as well as raising the risk of overflow water destructively reaching the outside of the  
more than 100 years old brick foundation of my house. If the grade of the driveway is  
improper, overflow water could also flood our common use garage.

Please take these adverse consequences for my property into consideration in evaluating  
Mr. Kenny's request for a paving permit. Issuance of a permit, if that is the  
Commission's decision, should only be with conditions that deal effectively with the  
concerns I have listed above. Thank you for your careful and considerate attention to this  
matter.

Sincerely,

*Suchart D. Milsted*

STUART D. MILLER  
3922 Washington Street  
Kennington, MD 20892  
October 10, 2011

MEMORANDUM FOR: Montgomery County Historical Preservation Commission  
Paternal Capital Park & Planning Commission

SUBJECT: Peter Kerry Application for Alteration to Driveway at 3922 Washington  
Street, Kennington, MD (HPC Case # 3100 111) (Kennington Historical  
District)

Reference the Commission Staff's Memorandum dated October 6, 2011, requesting  
comments on the subject application, my comments are as follows:

The Kerry residence at this house and the address in the letterhead above. We share a  
driveway and garage inside the Kerry's property line of a leased easement.  
The driveway is currently surfaced with gravel and has been for the more than 30 years  
that I have lived in my home. I hereby request the Commission to consider the following  
issues before permitting an asphalt resurfacing of the driveway, as proposed by Mr.  
Kerry:

1. There is a large pipe on my property, probably 100 years old, which runs the  
driveway. Half of its root circumference is underneath the existing gravel surface of the  
driveway. An asphalt resurfacing will deprive the tree of much of its established water  
supply. This could lead to the destabilization and ultimate death of this irreplaceable tree.
2. Hard surfacing the driveway will drive additional water into my side yard and onward  
down hill into neighbor's yards. The driveway receives excess storm water from the curb  
and gutter system on Washington Street, likely coming from several houses on the street.  
It also receives storm water coming into Mr. Kerry's back yard from upstream  
neighbor. This water already creates a nuisance flow into my backyard and onward to  
the yard of downstream neighbors. The present gravel surface of the driveway often  
mitigates absorption of this overflow water during heavy rains. Asphalting the driveway  
will not permit any absorption and will cause overflow of additional water into my yard,  
as well as raising the risk of overflow water eventually reaching the outside of the  
more than 100 year old brick foundation of my house. If the grade of the driveway is  
improved, overflow water could also reach our common use garage.

Please take these adverse consequences for my property into consideration in evaluating  
Mr. Kerry's request for a paving permit. If that is the  
Commission's decision, should only be with conditions that deal effectively with the  
concerns I have listed above. Thank you for your careful and considerate attention to this  
matter.

Sincerely,

from the applicant:

Title search has not returned any further documents--- interestingly enough, the title information does not even reference any deed or easement for the driveway. The only party that had this letter was the neighbor (a copy has been provided to HPC already).

THIS DEED made this 30th day of April, in the year 1949, by WILLIAM ONCKEN, JR. and MARGARET KALLINA ONCKEN, his wife, hereinafter called the parties of the first part, and RICHARD F. GREEN and EDITH H. GREEN, his wife, hereinafter called the parties of the second part.

WHEREAS the parties of the first part are the owners of the westerly 28 feet front on Washington Street of Lot 45 in Block 13 by the full depth thereof, and the easterly 25 feet front on Washington Street of Lot 46 in Block 13 by the full depth thereof, in the subdivision known as "Kensington Park" as per plat thereof recorded among the Land Records of the County of Montgomery, State of Maryland in Plat Book B plat 4, and

WHEREAS the said land owned by the parties of the first part is improved by a garage and a certain driveway running from said Washington Street to said garage, and

WHEREAS the parties of the second part are the owners of Lots 43, 44 and the east 22 feet front of Lot 45 in Block 13 by the full depth thereof in said Kensington Park, which land adjoins the land of the parties of the first part.

NOW, THEREFORE, IN CONSIDERATION of the sum of ten dollars, receipt of which is hereby acknowledged, the parties of the first part, for themselves, their heirs and assigns do grant and convey unto the parties of the second part, their heirs and assigns, the right to use, jointly with the parties of the first part, their heirs and assigns, the garage located on the aforesaid land of the parties of the first part, and the right to use, jointly with the parties of the first part, their heirs and assigns, the said driveway, as now located, running from Washington Street across the land of the parties of the first part to said garage as a means of ingress and egress to and from said garage.

AND the parties of the first and second parts agree that they will each pay one-half of the cost of necessary maintenance and repairs to said garage and driveway.

1250-54

The parties of the first part covenant to execute such further assurances as may be necessary.

WITNESS our hands and seals.

Test: Bertha Clum  
Bertha Clum

William Oncken, Jr. (SEAL)  
William Oncken, Jr.

Margaret Kallina Oncken (SEAL)  
Margaret Kallina Oncken

Bertha Clum  
Bertha Clum

Richard F. Green (SEAL)  
Richard F. Green

Edith H. Green (SEAL)  
Edith H. Green

STATE OF MARYLAND, MONTGOMERY COUNTY, to wit:

I hereby certify that on this 30th day of April, in the year 1949, before the subscriber, a Notary Public of the State and County aforesaid, personally appeared William Oncken, Jr., and Margaret Kallina Oncken, his wife, and acknowledged the foregoing deed to be their act.

As witness my hand and Notarial Seal.

Bertha Clum  
Bertha Clum  
Notary Public

STATE OF MARYLAND, MONTGOMERY COUNTY, to wit:

I hereby certify that on this 30th day of April, in the year 1949, before the subscriber, a Notary Public of the State and County aforesaid, personally appeared Richard F. Green and Edith H. Green, his wife, and acknowledged the foregoing deed to be their act.

As witness my hand and Notarial Seal.

Bertha Clum  
Bertha Clum  
Notary Public

Recorded May 2nd, 1949-at-3:13 P.M.



HISTORIC PRESERVATION COMMISSION  
301/563-3400

# APPLICATION FOR HISTORIC AREA WORK PERMIT

Contact Email: Peter\_Kenny@ml.com Contact Person: Peter Kenny  
 Daytime Phone No.: 202 841 0838  
 Tax Account No.: \_\_\_\_\_  
 Name of Property Owner: Peter J. Kenny Daytime Phone No.: 202 841 0838  
 Address: 3922 WASHINGTON ST KENSINGTON MD 20895  
Street Number City State Zip Code  
 Contractor: TRIPLE - A PAVING Phone No.: 301-601-1568  
 Contractor Registration No.: MHIC # 67243  
 Agent for Owner: \_\_\_\_\_ Daytime Phone No.: \_\_\_\_\_

**LOCATION OF BUILDING/PREMISE**

House Number: 3922 Street: WASHINGTON ST  
 Town/City: KENSINGTON Nearest Cross Street: CONN AVE  
 Lot: 70 Block: 13 Subdivision: KENSINGTON PARK  
 Liber: 1250 Folio: 53 Parcel: \_\_\_\_\_

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

1A. CHECK ALL APPLICABLE: ASPHALT DRIVEWAY

<input checked="" type="checkbox"/> Construct	<input type="checkbox"/> Extend	<input checked="" type="checkbox"/> Alter/Renovate	<input type="checkbox"/> A/C	<input type="checkbox"/> Slab	<input type="checkbox"/> Room Addition	<input type="checkbox"/> Porch	<input type="checkbox"/> Deck	<input type="checkbox"/> Shed
<input type="checkbox"/> Move	<input type="checkbox"/> Install	<input type="checkbox"/> Wreck/Raze	<input type="checkbox"/> Solar	<input type="checkbox"/> Fireplace	<input type="checkbox"/> Woodburning Stove	<input type="checkbox"/> Single Family		
<input type="checkbox"/> Revision	<input type="checkbox"/> Repair	<input type="checkbox"/> Revocable	<input type="checkbox"/> Fence/Wall (complete Section 4)		<input type="checkbox"/> Other: _____			

1B. Construction cost estimate: \$ 3,800.-

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] \_\_\_\_\_ Date: 9-19-11  
Signature of owner or authorized agent Date

Approved: \_\_\_\_\_ For Chairperson, Historic Preservation Commission  
 Disapproved: \_\_\_\_\_ Signature: [Signature] Date: 7/12/12  
 Application/Permit No.: 580199 Date Issued: \_\_\_\_\_



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

1. **WRITTEN DESCRIPTION OF PROJECT** DRIVEWAY TO BE CONSIDERED FOR ASPHALT.

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

CURRENT DRIVEWAY IS STONE / CRUSHED STONE .  
\_\_\_\_\_  
NO HISTORICAL SIGNIFICANCE  
NO STRUCTURE MOVED / CHANGED  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

AREA OF DRIVEWAY CURRENTLY FOR 3922 WASHINGTON ST  
KONNIGHTON MD TO BE GRADED & PREPARED FOR  
ASPHALT PAVING. WE ARE NOT EXPANDING THE  
CURRENT FOOTPRINT. NO STRUCTURES MOVED OR CHANGED .  
\_\_\_\_\_  
\_\_\_\_\_

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 effected 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**

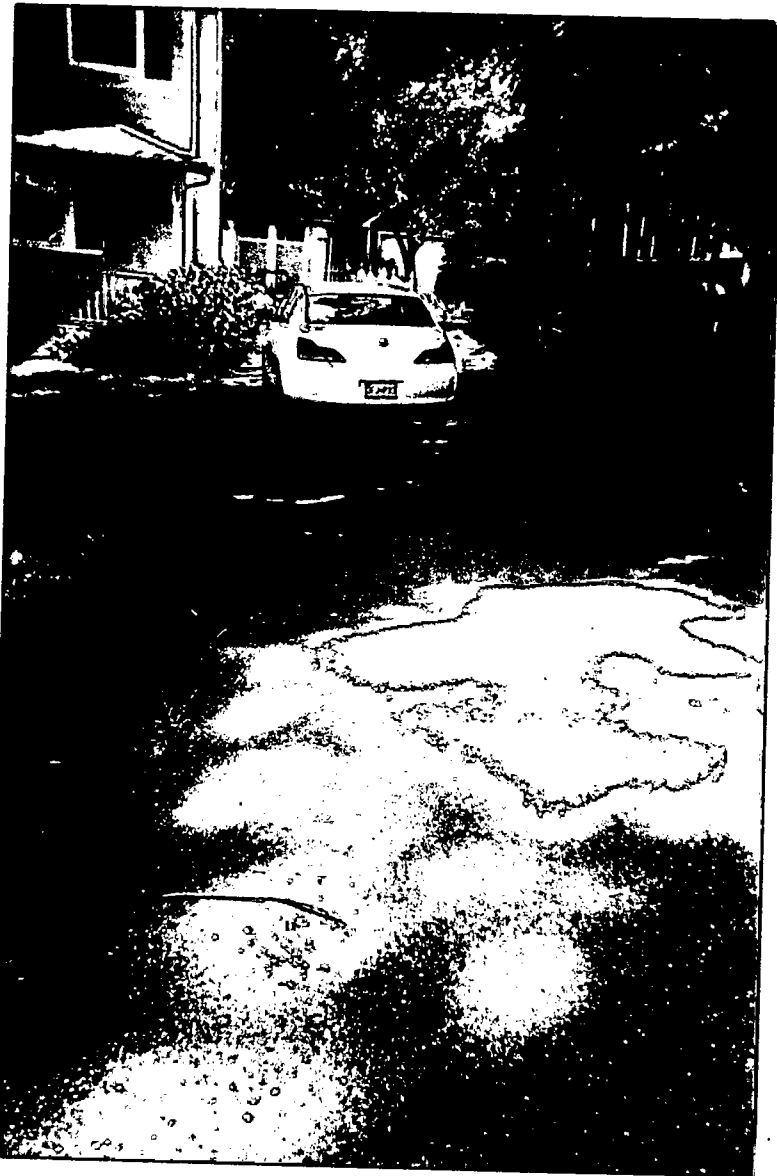
If you are proposing construction adjacent to or within the dripline of any tree 6" or larger in diameter (at approximately 4 feet above the ground), you must file an accurate tree survey identifying the size, location, and species of each tree of at least that dimension.

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).

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

<p>Owner's mailing address</p> <p>3922 WASHINGTON ST          KENSINGTON MD</p>	<p>Owner's Agent's mailing address</p> <p>N/A</p>
<p align="center">Adjacent and confronting Property Owners mailing addresses</p>	
<p>MR. MILSTEAD AND MRS. SUCHART          3920 WASHINGTON ST.          KENSINGTON MD, 20895</p>	<p>STEPHEN AND MICHELLE STRACHAN          3924 WASHINGTON ST.          KENSINGTON MD</p>
<p>Paul &amp; Deborah Schert          3923 WASHINGTON ST.          KENSINGTON MD 20895</p>	



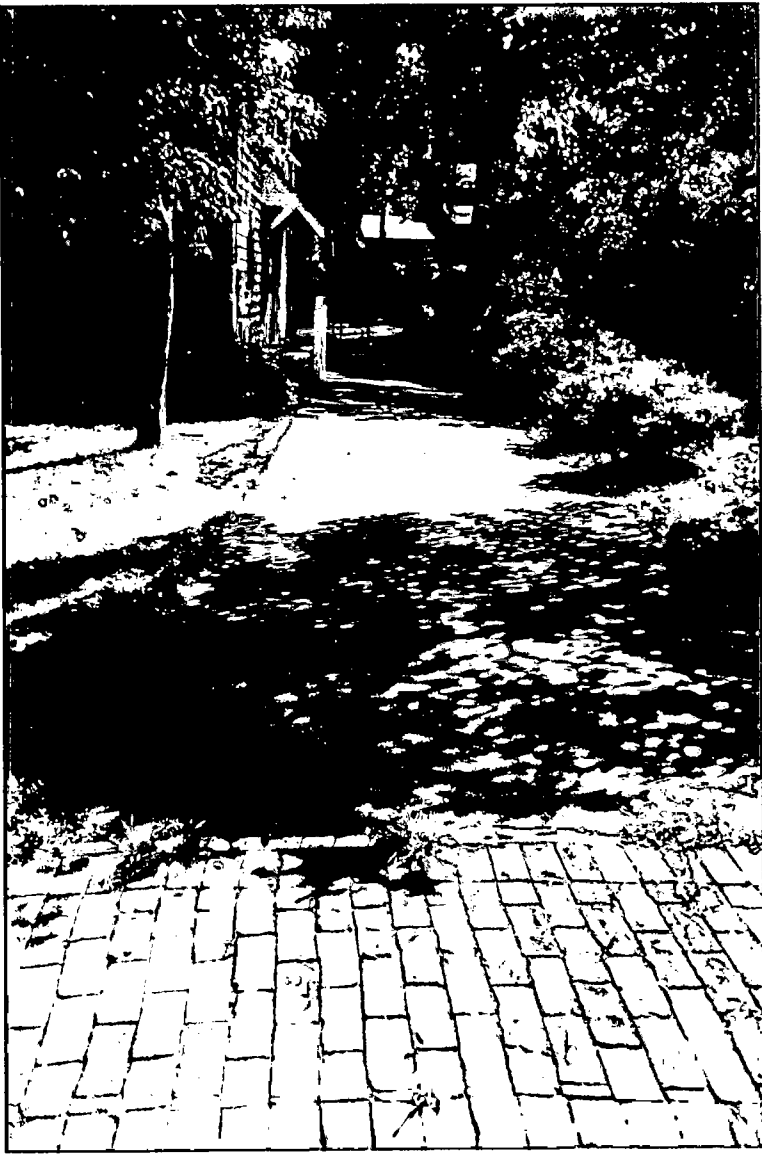
3924 WASHINGTON ST.  
← (ADJACENT PROPERTY)  
CURRENTLY HAVE ASPHALT  
DRIVEWAY

3926 WASHINGTON ST  
ASPHALT CURRENTLY →



3928 WASHINGTON ST

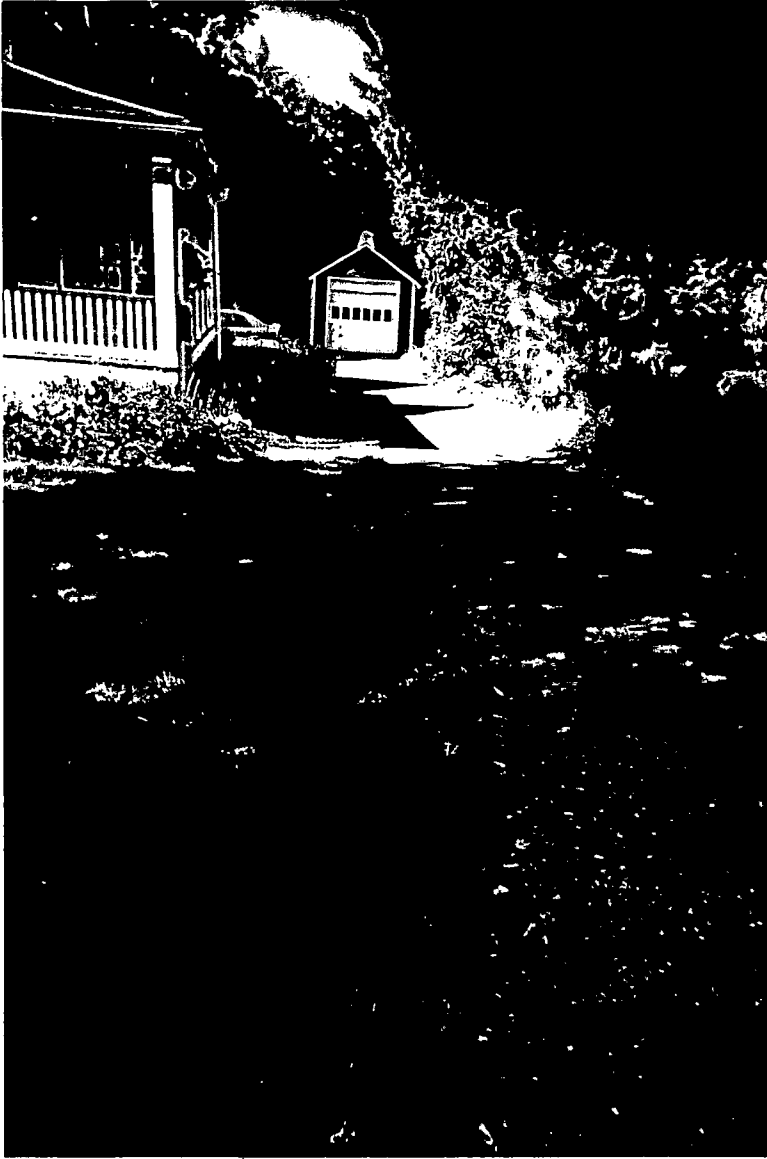
← ASPHALT CURRENTLY



3923 WASHINGTON ST

CONCRETE 3/4 ASPHALT CURRENTLY





3921 WASHINGTON ST

← ASPHALT CURRENTLY



3918 WASHINGTON ST

ASPHALT & CONCRETE →

Detail: \_\_\_\_\_

Applicant: \_\_\_\_\_

Existing Property Condition Photographs (duplicate as needed)



EXISTING PROPERTY HAS CRUSHED STONE DRIVEWAY.

Detail: \_\_\_\_\_

Applicant Peter Kenney

**TOWN OF KENSINGTON**  
**BUILDING PERMIT AND SIGN PERMIT APPLICATION**

Revised 03-23-2011

To: The Montgomery County Department of Permitting Services. Please be advised that this applicant has applied for a Town Permit and paid the appropriate fee(s) to the Town of Kensington & is aware they need to finalize their Town Permit, after your approval.

PERMIT # \_\_\_\_\_  
FEE PAID \$ 75.00  
ISSUED 8/11/11

By Matthew J. Haffer

**Applicant to complete**

**LOCATION OF BUILDING/PREMISES OR SIGN:**

HOUSE# 3922 STREET WASHINGTON

LOT \_\_\_\_\_ BLOCK \_\_\_\_\_ SUBDIVISION \_\_\_\_\_

**OWNER:**

NAME PETER KENNY TELEPHONE # 301.929.9708

ADDRESS 3922 WASHINGTON ST KENSINGTON MD 20898

**CONTRACTOR:**

NAME TRIPLE-A PAVING TELEPHONE # 301.601.1568

ADDRESS 23900 HAWKINS CREAMERY ROAD

MONT. CO. LIC # 67243

**TYPE OF PROPOSED WORK: (Check all that apply)**

NEW BUILDING  ADDITION  RETAINING WALL  GARAGE  FENCE

ALTERATION & REPAIR  SHED  RAZE BUILDING  AWNING

OTHER (specify) ASPHALT DRIVEWAY

SIGN Type \_\_\_\_\_ Type of Business \_\_\_\_\_ Name of Business \_\_\_\_\_

**Filing Requirements**

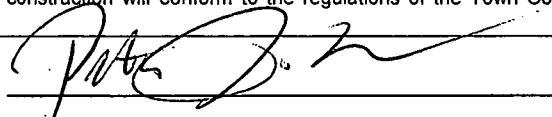
- Completed Building Permit and/or Sign Permit Application and payment of filing fees.
- A recent house, sign, or building location survey showing all existing and proposed structures.
- Construction plans and specifications. During erection, alteration or repair of any building or structure, the owner or contractor shall place guards or barriers 5 feet out from the dripline of all trees on site and in the public right of way.
- A copy of the stamped, approved Montgomery County permit & drawings (if required) will be necessary to receive final Town approval. These drawings will remain on file at the Town of Kensington.
- Copy of plans that show location of dumpster, portable sanitation facility, delivery zone and parking area.
- The filing fees for the Town of Kensington Building and Sign Permits have been established in accordance with the Town Code.

*The Building Inspector (for building permits) or Code Enforcement Officer (for sign permits) will review the application and accompanying documents and, under most circumstances, will act on the building or sign permit within 5 to 10 working days.*

*In the event the Montgomery County building permit is suspended, revoked or lapsed, the Town permit is automatically suspended, revoked or lapsed.*

*No signs advertising the contractor, architect or other service provider associated with the permitted project shall be posted on the site.*

I hereby certify that I have the authority to make the foregoing application, that the application is correct, that I have read and understood all requirements and that the construction will conform to the regulations of the Town Code, and the Montgomery County Zoning Code on the above property.

Applicant Signature: 

Date: 7/25/11

Historic Area Work Permit required?  Yes  No

Licensed, Bonded & Insured

# TRIPLE-A Paving and Seal Coating

All Work Guaranteed  
MHIC #67243

(301) 601-1568 • (301) 368-3781

Fax: (301) 253-3178

23900 Hawkins Creamery Court • Gaithersburg, Maryland 20882

Submitted to \_\_\_\_\_ Phone \_\_\_\_\_ Date 7-10-11  
Street \_\_\_\_\_ Job Name \_\_\_\_\_  
City, State and Zip \_\_\_\_\_ Job Location \_\_\_\_\_

We hereby submit specifications and estimates for

Resurfacing of  Driveway  Parking Lot  Approach  Approx \_\_\_\_\_ Sq. Feet

- All Existing  Asphalt  Cement will be edged and cleaned of all debris
- Weed killer will be applied to all vegetation.
- Loose and broken asphalt will be removed as needed.
- Approx. \_\_\_\_\_ Sq. feet of failure area to be removed.
- \_\_\_\_\_ inches of new base to be installed.
- A prime coat will be applied to existing surface for bonding of new asphalt.
- All holes and low areas will be patched with asphalt, wedged in and rolled to prepare job for resurfacing.
- All existing areas will then be resurfaced with \_\_\_\_\_ inch(es) of machine laid asphalt grade \_\_\_\_\_ topping. This will then be rolled for compaction.

### Complete Installment

- Parking Lot  Driveway  Patio  Walkway Approx 2000 Sq. Feet
- Area will be Graded  Excavated  Prepared
- Using existing base job will be graded, compacted and prepared for paving.
- \_\_\_\_\_ inches of  Shellrock  C-R-6  Binder base will be installed, graded, and compacted.
- Weed Killer will be applied to vegetation
- Area will then be paved with 3/4" inches of machine laid asphalt and be rolled for compaction. Asphalt will be laid in 2 courses grade 2 1/2" asphalt.

\* All work, labor and services set forth above shall be guaranteed for a period of ONE years.\*  
As the customer you have a right to cancel this contract within 72 hours after signing. It must be done within 10 days after cancellation in writing to the contractor. If canceled anytime after 72 hours and contractor does not receive a cancellation notice then contractor has the right to receive up to 33% of the contracts price for liquidated damages.

\*Owner MONICA STANLEY

We hereby propose to furnish material and labor -- complete in accordance with above specifications, for the sum of

Total Price \_\_\_\_\_ DOLLARS (\$ 3500.00 )  
 Total Deposit \_\_\_\_\_ DOLLARS (\$ 1200.00 )  
 Balance on completion \_\_\_\_\_ DOLLARS (\$ 2300.00 )

\*Not responsible for impressions due to driving on asphalt to soon. Not responsible for under-growth. If asphalt is Seal Coated by another company then Triple-A, Guarantee is VOIDED.  
(Seal Coating is an additional cost)

AUTHORIZED SIGNATURE \_\_\_\_\_

NOTE: THIS CONTRACT MAY BE WITHDRAWN BY US IF NOT ACCEPTED WITHIN \_\_\_\_\_ DAYS

\*NOTICE: Make checks payable to MONICA STANLEY\*

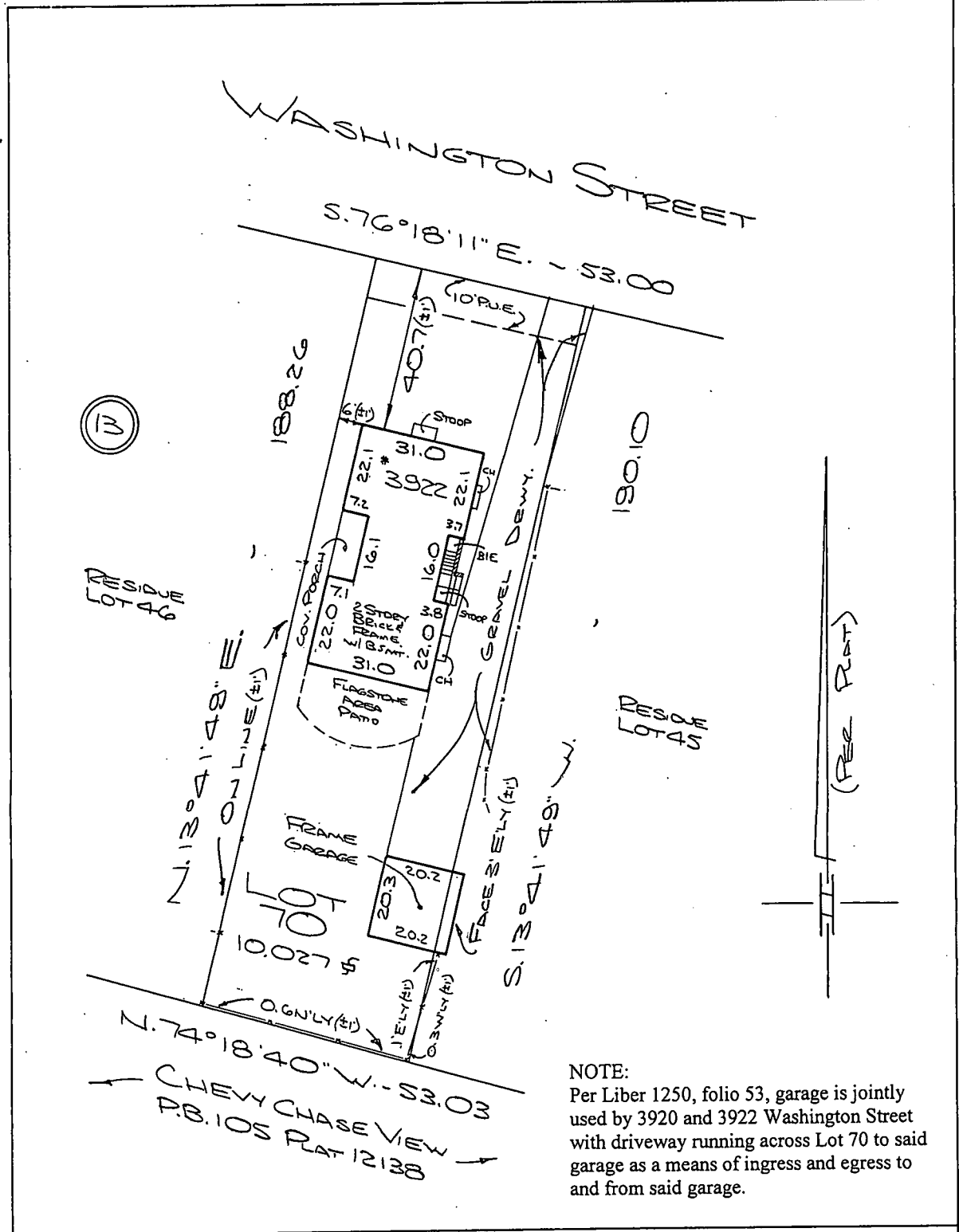
ACCEPTANCE OF CONTRACT. The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

SIGNATURE \_\_\_\_\_

DATE OF ACCEPTANCE 7/10/11

SIGNATURE \_\_\_\_\_





NOTE:  
 Per Liber 1250, folio 53, garage is jointly used by 3920 and 3922 Washington Street with driveway running across Lot 70 to said garage as a means of ingress and egress to and from said garage.

**Capitol Surveys, Inc.**  
 10762 Rhode Island Avenue  
 Beltsville, Maryland 20705  
 Phone 301-931-1350  
 Fax 301-931-1352

NOTES: Plat is of benefit to a consumer only insofar as it is required by a lender or a title insurance company or its agent in connection with contemplated transfer, financing or re-financing; the plat is not to be relied upon for the establishment or location of fences, garages, buildings, or other existing or future improvements; and the plat does not provide for the accurate identification of property boundary lines, but such identification may not be required for the transfer of title or securing financing or refinancing.

**LOCATION DRAWING**  
 LOT 70                      BLOCK 13

**KENSINGTON PARK**

MONTGOMERY COUNTY, MARYLAND

Recorded in Plat Book **195**      Plat **21245**      Scale **1" = 30'**

CASE: **614-08**      FILE: **88267**

DATE: **JUNE 5, 2008**

I hereby certify this location drawing was prepared by me or under my direction in accordance with the minimum standards of practice for the State of Maryland and is correct to the best of my belief of what can be visually and accessibly observed.

*Edward L. Lopez, Jr.*  
 Edward L. Lopez, Jr.  
 Maryland Property Line Surveyor No. 522

## Fothergill, Anne

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**From:** Fothergill, Anne  
**Sent:** Wednesday, June 27, 2012 2:01 PM  
**To:** Kenny, Peter (Washington, DC) (peter\_kenny@ml.com)  
**Subject:** a few things  
**Attachments:** please mark up this one.PDF; with my notes.PDF; 3922 Washington transcript.docx

hi Mr. Kenny,

Attached is the transcript—please review it and send me an email response to the questions the HPC was asking about the neighbor's use/easement and what you have found out in your title search. They are going to want an update.

Also, please use the attached plat and mark up exactly where the driveway work will be and where it will not be—clearly showing that it will not be over your property line. You will see on the other attachment (my notes) I have shown the two problem areas where things could cross the property lines (one by the garage and one sliver of driveway closer to the street where it crosses the line). Please make it clear and send it back.

I will read through the rest of the file and let you know if the County Attorney advised we get anything else from you.

Thanks,  
Anne

Anne Fothergill  
Planner Coordinator  
M-NCPPC  
Montgomery County Planning Department  
Functional Planning and Policy Division  
Historic Preservation Section  
8787 Georgia Avenue, Suite 206  
Silver Spring, MD 20910  
(301) 563-3400 phone  
(301) 563-3412 fax  
[anne.fothergill@montgomeryplanning.org](mailto:anne.fothergill@montgomeryplanning.org)  
[www.montgomeryplanning.org/historic](http://www.montgomeryplanning.org/historic)

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

<b>Address:</b>	3922 Washington Street, Kensington	<b>Meeting Date:</b>	10/12/11
<b>Resource:</b>	Secondary Resource Kensington Historic District	<b>Report Date:</b>	10/5/11
<b>Applicant:</b>	Peter Kenny	<b>Public Notice:</b>	9/28/11
<b>Review:</b>	HAWP	<b>Tax Credit:</b>	None
<b>Case Numbers:</b>	31/6-11N	<b>Staff:</b>	Anne Fothergill
<b>Proposal:</b>	Alterations to driveway		

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**STAFF RECOMMENDATION**

- Approval  
 Approval with conditions

**PROPERTY DESCRIPTION**

**SIGNIFICANCE:** Secondary Resource within the Kensington Historic District  
**STYLE:** Colonial Revival  
**DATE:** 1939

**PROPOSAL**

The applicant is proposing to pave the existing gravel/crushed stone driveway with the same dimensions and using the stone in a chip and seal pavement.

**APPLICABLE GUIDELINES**

The Montgomery County design guidelines state "Decomposed granite, pea gravel, exposed aggregate concrete, gravel or chip and seal are appropriate paving materials."

**Montgomery County Code; Chapter 24A-8**

- (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. (Ord. No. 9-4, § 1; Ord. No. 11-59.)

### **STAFF RECOMMENDATION**

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

and with the general condition that the applicant shall present the **3 permit sets of drawings 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 [anne.fothergill@mncppc-mc.org](mailto:anne.fothergill@mncppc-mc.org) to schedule a follow-up site visit.





