

12

Prelim. Consult: 25912 Frederick

111

[Handwritten scribble]

DECLARATION OF RESTRICTIVE COVENANT

THIS DECLARATION OF RESTRICTIVE COVENANT is made this 5th day of December, 1994 by Rocco Campanaro and Janice F. Campanaro, hereinafter referred to a "Grantor;"

WHEREAS, the Grantor owns in fee simple real property located in Montgomery County, Maryland within the Hyattstown Historic District as set forth in the Master Plan for Historic Preservation for Montgomery County and described as Lots 99 and 100, Town of Hyattstown more particularly described in a deed duly recorded among the Land Records of Montgomery County, Maryland at Liber 5323, folio 297 and;

WHEREAS, Grantor applied for an Historic Area Work Permit to construct a single family dwelling on Lot 100; and

WHEREAS, Grantor appeared before the Historic Preservation Commission (the Commission) to testify regarding the permit application; and

WHEREAS, Grantor agreed to place a restrictive covenant on Lot 99 in order to address concerns raised by the Commission regarding the impact of the construction of the dwelling on Lot 100 upon Hyattstown Historic District.

NOW, THEREFORE, THIS DECLARATION OF COVENANT WITNESSETH, that the Grantor does hereby declare that the said Lot 99 is and shall be hereafter forever subject to a covenant and restriction to prevent the construction, erection or placement of any dwelling unit of any size, type or style on the property described as

94 DEC -7 A 8:57.3

FILED
MOLLY O. RUHL
CLERKS OFFICE
MONTGOMERY CO. MD

28

J

Lot 99, Town of Hyattstown as recorded among the Land Records of Montgomery County, Maryland in Liber lettered K at folio 197.

This covenant and restriction shall restrict Grantor, their successors, heirs and assigns in perpetuity and shall run with the land.

WITNESS OUR HANDS AND SEALS this 5th day of December, 1994.

Linda Ann McSpadden

ROCCO CAMPANARO (SEAL)
ROCCO CAMPANARO

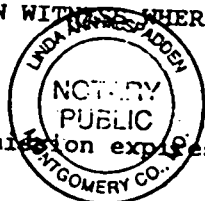
Linda Ann McSpadden

JANICE F. CAMPANARO (SEAL)
JANICE F. CAMPANARO

STATE OF MARYLAND,
COUNTY OF Montgomery, to wit:

ON THIS 5th day of December, 1994, before me the undersigned officer, personally appeared ROCCO CAMPANARO and JANICE F. CAMPANARO, who is known to me (or satisfactorily proven) to be the person whose names is subscribed to the within instrument, and acknowledged that he executed the same for the purpose therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.



Linda Ann McSpadden
NOTARY PUBLIC
LINDA ANN McSPADDEN

My commission expires: 12-21-97

I, the undersigned, hereby certify that I am an Attorney duly admitted to practice before the Court of Appeals of the State of Maryland, and that the within instrument was prepared under my supervision.

Patricia A. McKenzie
PATRICIA A. MCKENZIE

After recording return to:

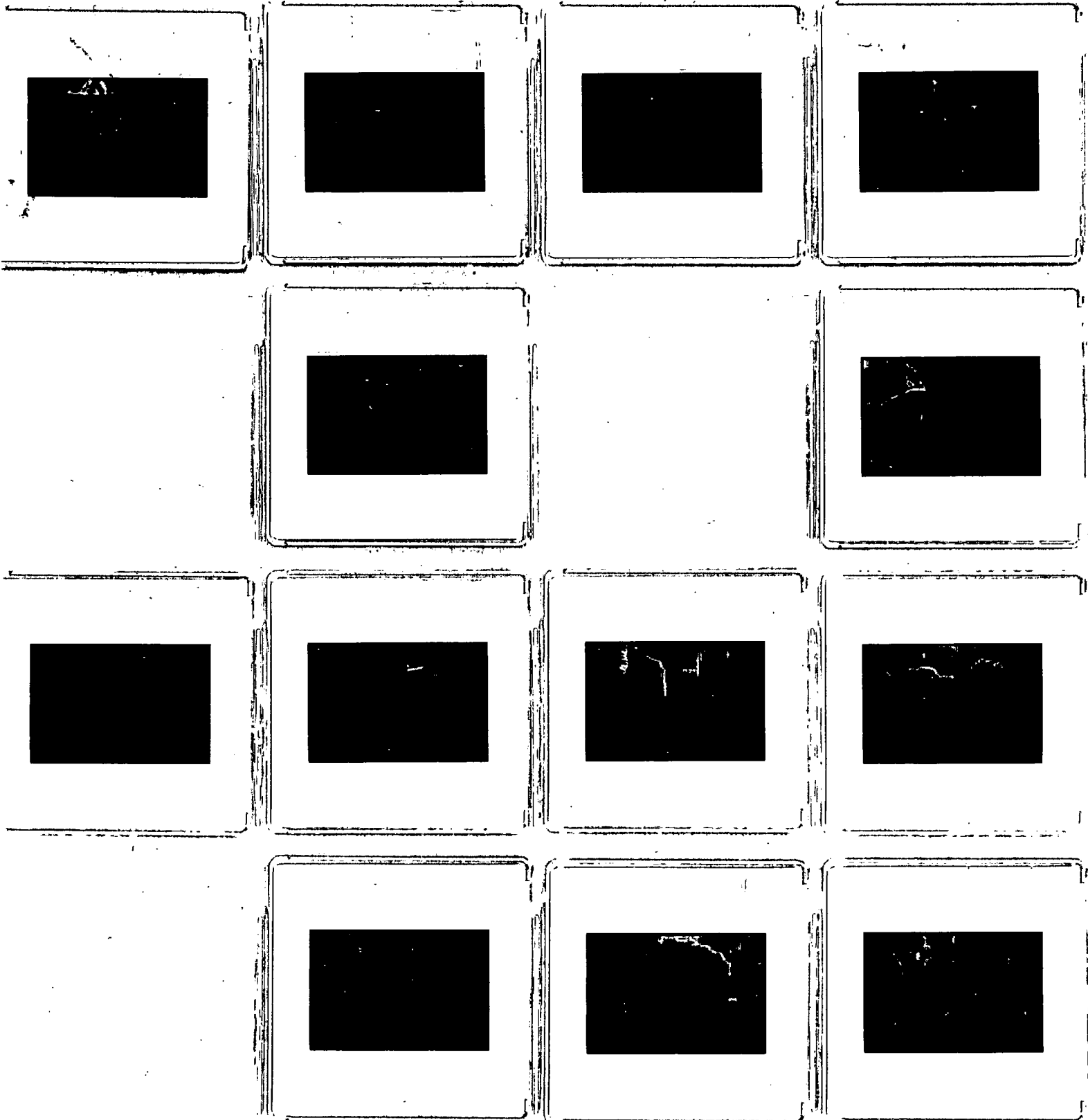
Patricia A. McKenzie, Esquire
P.O. Box 479
Damascus, Maryland 20872

Parcel ID No. 2-1-19817

29

K

LOT 2000 HYATTSVILLE HISTORIC DISTRICT



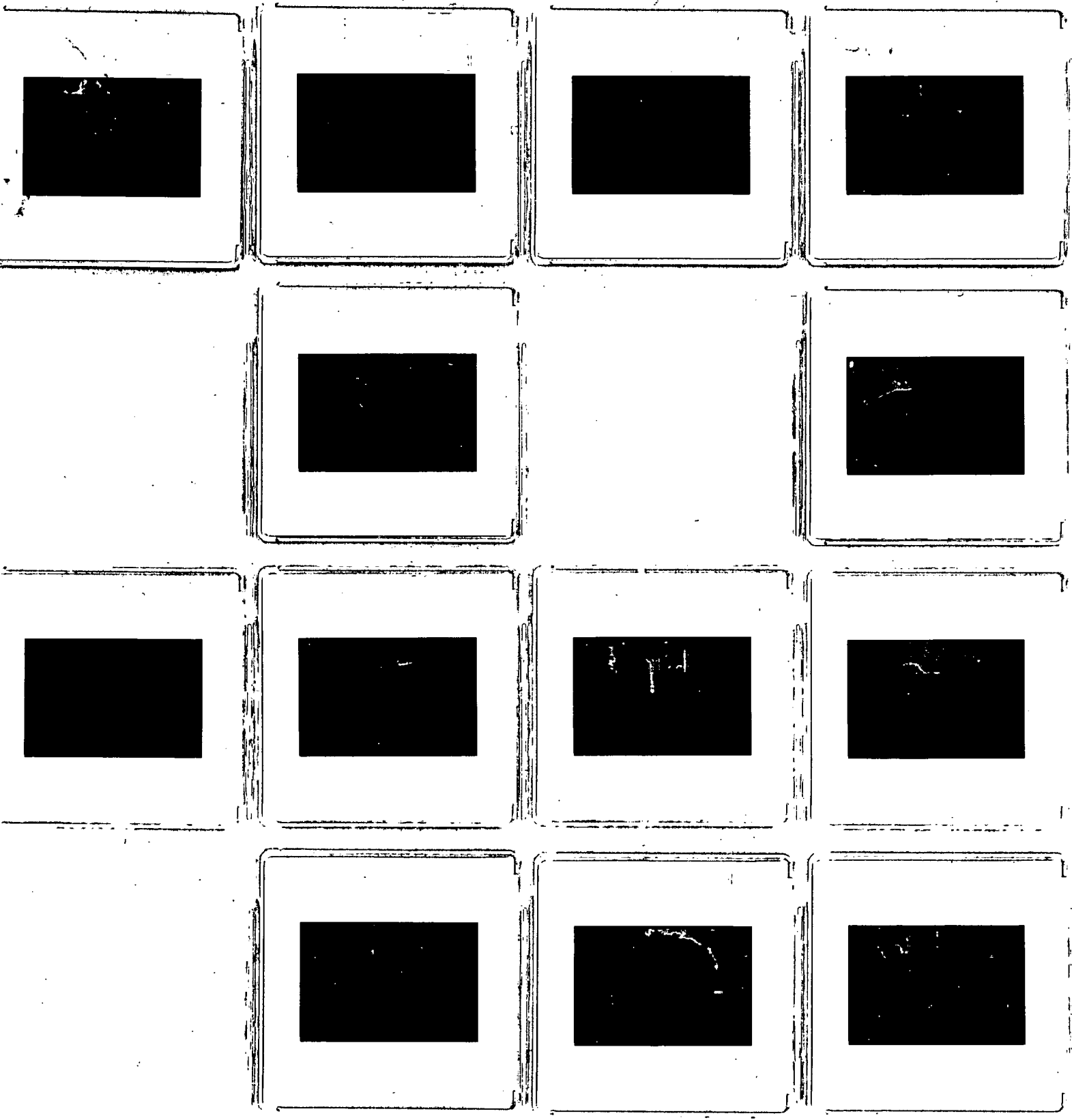
LOT 2 99 00 HAYKATOWN HICKORY DISTRICT

PrintFile
ARCHIVAL PRESERVERS

FILE NO.:

ASSIGNMENT:

DATE:



DATE:

LOTS 99 00 HYATTSVILLE HIG. SRIC DISTRICT

ASSIGNMENT:

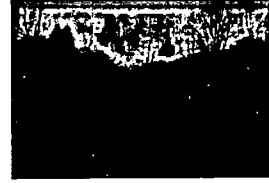
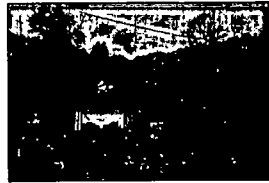
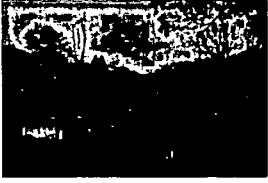
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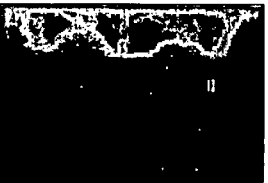


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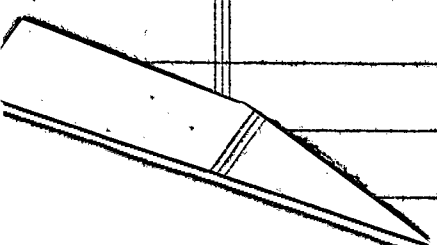
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ATTENDANCE FOR 7/20/00 HYATTSTOWN MEETING

- 1) MICHAEL NARU, HPT. PRES. COMMS. 301-503-3400
- 2) LAREN KEIBLER, RESIDENT 301-831-8767
- 3) Perry Kephart, HPC staff 301 563-3400
- 4) ED SCHMIDT ADJACENT PROPERTY OWNER 301-428-6055
- 5) JULIE GROSS-ADJACENT PROPERTY OWNER- W-301-208-8533
H-301-831-8392
- 6) Jeff Fones FHH 26011 Frederick Rd W 301-831-1148
H 301-831-1232
- 7) Don Burgess 26021 Frederick Rd W 301-975-2614
- 8)
- 9)
- 10)



ATTENDANCE FOR DISCO HAZARDOUS
MEETING

MINUTE MAN, HAZ. TRK. COMM. 2000
101-101

LAUREN K. JONES, PRESIDENT 201-831-1532

TRACY JOHNSON, HAZ. TRK. COMM. 201-263-2400

ED JOHNSON, ADJACENT PROPERTY OWNER 01-428-602

JULIE GROSS, ADJACENT PROPERTY OWNER - W-301-831-8333

W-301-831-8333

JEFF JONES, 5001 FREDERICK RD W 201-421-1443
H 201-531-1140

DON BURGESS, 5001 FREDERICK RD W 201-831-1532
H 201-831-1532

2000
10

→ Hyattstown

applicant - 6' sufficient

public ROW -

private drive
up to 5

→ access

fire + rescue - → split driveway

Larry Cole

① Driveway access + trans +
apply to DPWT

- DPS (DRIVE ^{way permit} -)

Michelle -

These are my notes from

the meeting we

had with

Ron Welke

from

transportation:

FLY I

ROB W

Hyattstown

5/24/00

Hooker Plan discourages ~~some~~ dev. of lots @ rear

County supports access to recorded lots

DWT @ County: Gail _____

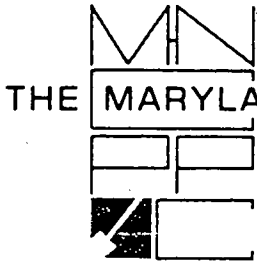
deals with abandonments.

Real Estate

Q: what are private drive / or public road requirements?

If no e-poles, and utilities; P.B. might be able to abandon them.

→ Double check with Jeff + Gregg Leck) County on widths of R.O.W. ^{tramp.} for alleys... if R.O.W. is 10!



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

TO: MS. JAMKON FAX NUMBER: 301-916-3181

FROM: MICHELE NARU

DATE: 02/02/01

NUMBER OF PAGES INCLUDING THIS TRANSMITTAL SHEET: 3

NOTE:

RESTRICTIVE COVENANT ON

LOT 99 IN HYATTSTOWN.

LIBER/FOLIO # --- PER YOUR REQUEST

LIBER K FOLIO 197

SEE PAGE 3

DECLARATION OF RESTRICTIVE COVENANT

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94 DEC -7 A 8:57 J

FILED
MOLLY O. RUHL
CLERKS OFFICE
MONTGOMERY CO. MD

22

J

LIBER/FOLIO

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Linda Ann McSpadden

Rocco Campanaro (SEAL)
ROCCO CAMPANARO

Linda Ann McSpadden

Janice F. Campanaro (SEAL)
JANICE F. CAMPANARO

STATE OF MARYLAND,
COUNTY OF Montgomery, to wit:

ON THIS 5th day of ~~Jan~~ ^{Dec} December, 1994, before me the undersigned officer, personally appeared ROCCO CAMPANARO and JANICE F. CAMPANARO, who is known to me (or satisfactorily proven) to be the person whose names is subscribed to the within instrument, and acknowledged that he executed the same for the purpose therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.



Linda Ann McSpadden
NOTARY PUBLIC
LINDA ANN McSPADDEN

I, the undersigned, hereby certify that I am an Attorney duly admitted to practice before the Court of Appeals of the State of Maryland, and that the within instrument was prepared under my supervision.

Patricia A. McKenzie
PATRICIA A. MCKENZIE

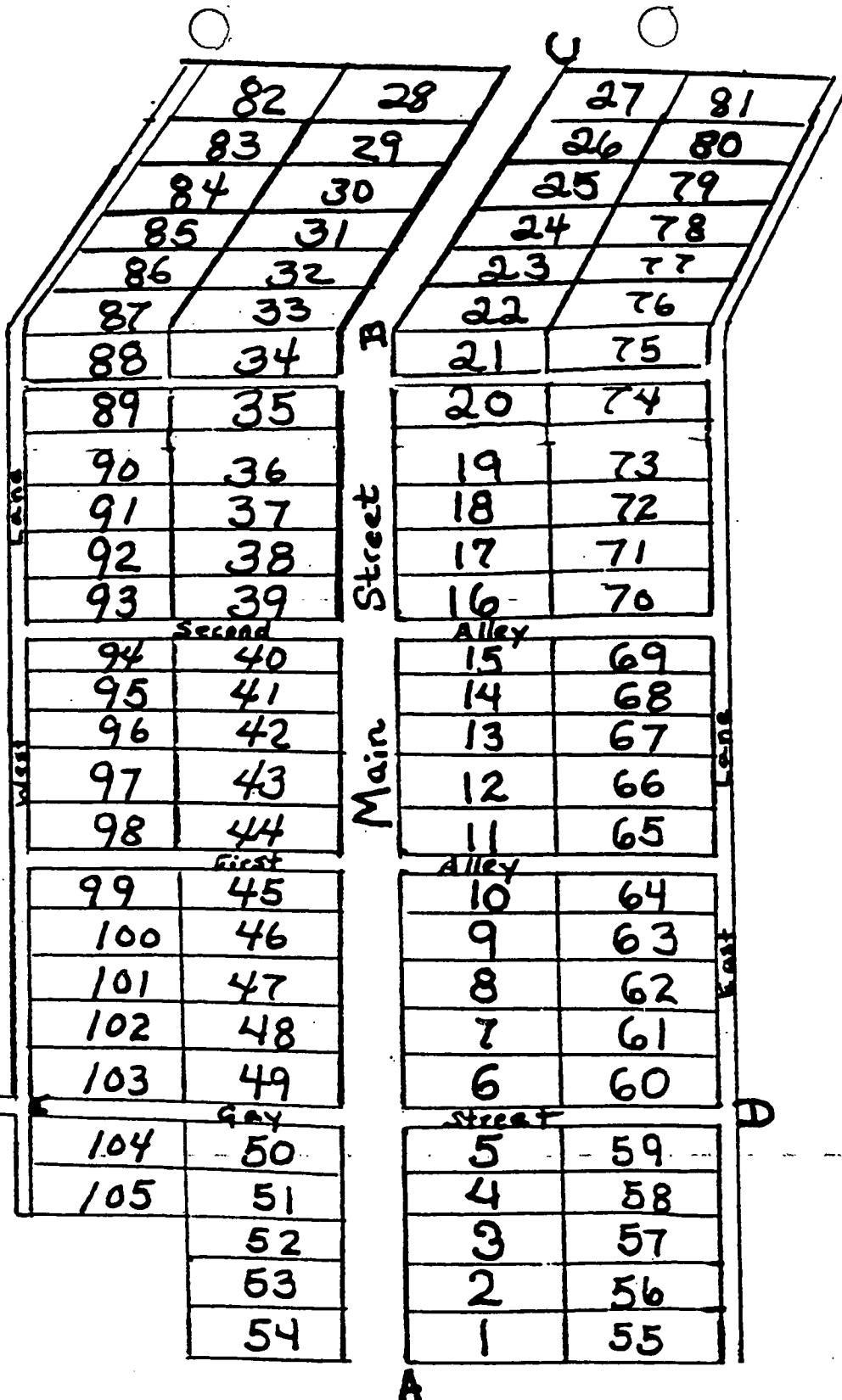
After recording return to:

Patricia A. McKenzie, Esquire
P.O. Box 479
Damascus, Maryland 20872

Parcel ID No. 2-1-19817

29

K



1798 Town Plat

Tabler, J
 Busey, Jr
 Christian
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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

TO: MS. JAMISON FAX NUMBER: 301-910-3181

FROM: MICHELE NARU

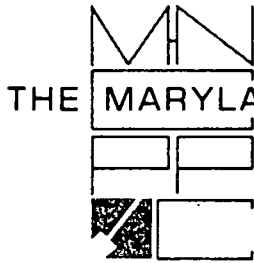
DATE: 02/02/01

NUMBER OF PAGES INCLUDING THIS TRANSMITTAL SHEET: 3

NOTE:

RESTRICTIVE COVENANT ON
LOT 99 IN HYATTS TOWN.
LIBER/FOLIO # --- PER YOUR REQUEST
LIBER K FOLIO 197

SEE PAGE 3



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

TO: Susan Jamison FAX NUMBER: 301-916-3181

FROM: Historic Preservation

DATE: 02/02/01

NUMBER OF PAGES INCLUDING THIS TRANSMITTAL SHEET: _____

NOTE:

Liber Folio of Restrictive
covenant is barely distinguishable
on our copies —
it appears to be as follows:

LIBER: 13125 FOLIO: 02?

↳ or 13123

↳ or 52, 92

Tax Map

COUNTY

LOTS 99 & 100

FREDERICK ROAD

3172 / 164
179.84 Ac.

Montmott Assc.
Ltd. Ptnshp.
8204/847
67.51 Ac.
P 250

G.V. & K.
Levin
2382 / 20
15.28 Ac.
P 100

M.N.C.P. & P.C.
3266 / 601
126.39 Ac.

HYATTSTOWN

OLD HUNDRED ROAD
Montgomery County
4806 / 138 P 464
14.12 Ac.
Bennett P 573 P 515
Creek

Montgomery County
5851 / 632
37.34 Ac.
P 777

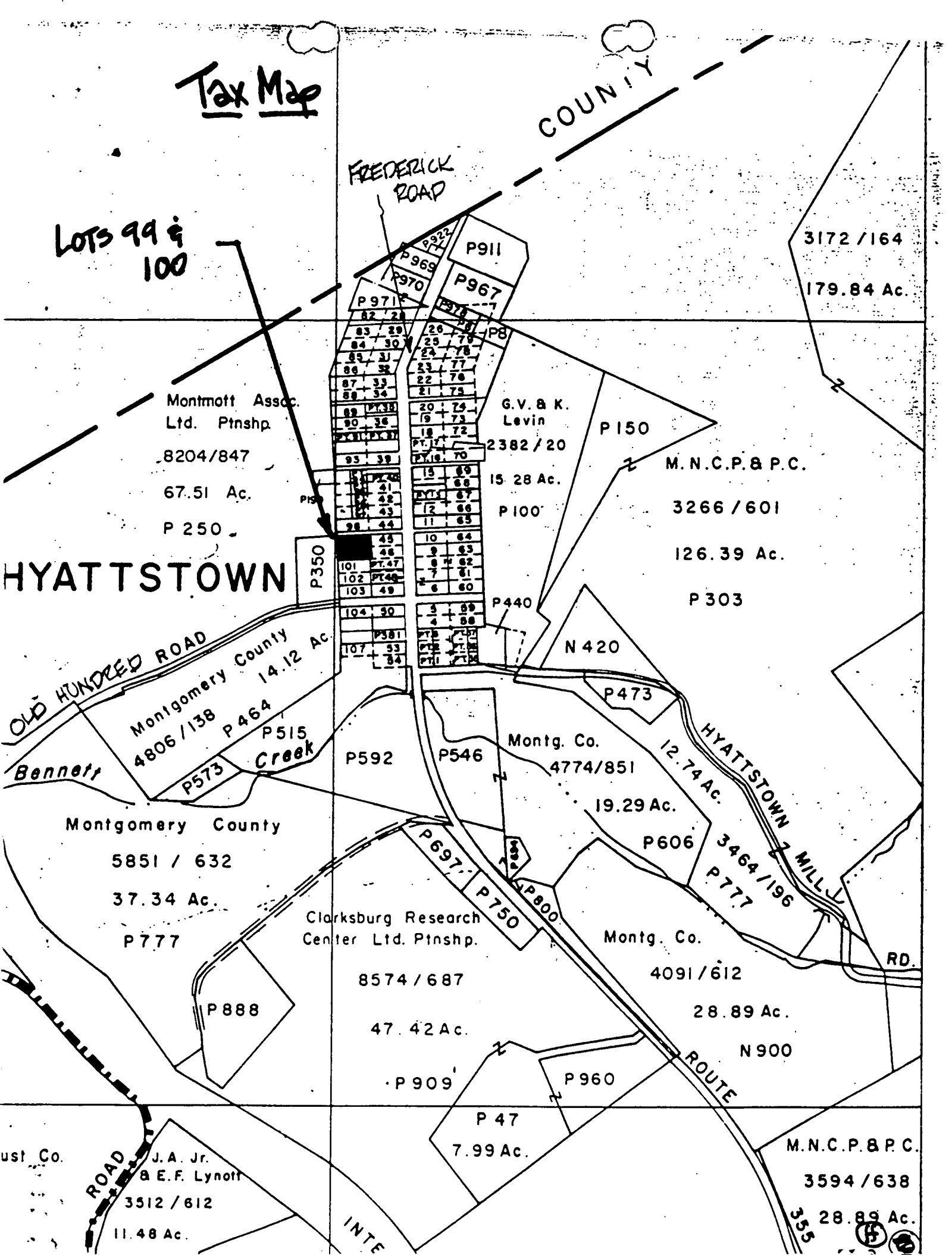
Clarksburg Research
Center Ltd. Ptnshp.
8574 / 687
47.42 Ac.
P 909

Montg. Co.
4774 / 851
19.29 Ac.

Montg. Co.
4091 / 612
28.89 Ac.
N 900

ust. Co.
J.A. Jr.
& E.F. Lynoff
3512 / 612
11.48 Ac.

M.N.C.P. & P.C.
3594 / 638
35.28.89 Ac.



SURVEYOR'S CERTIFICATE

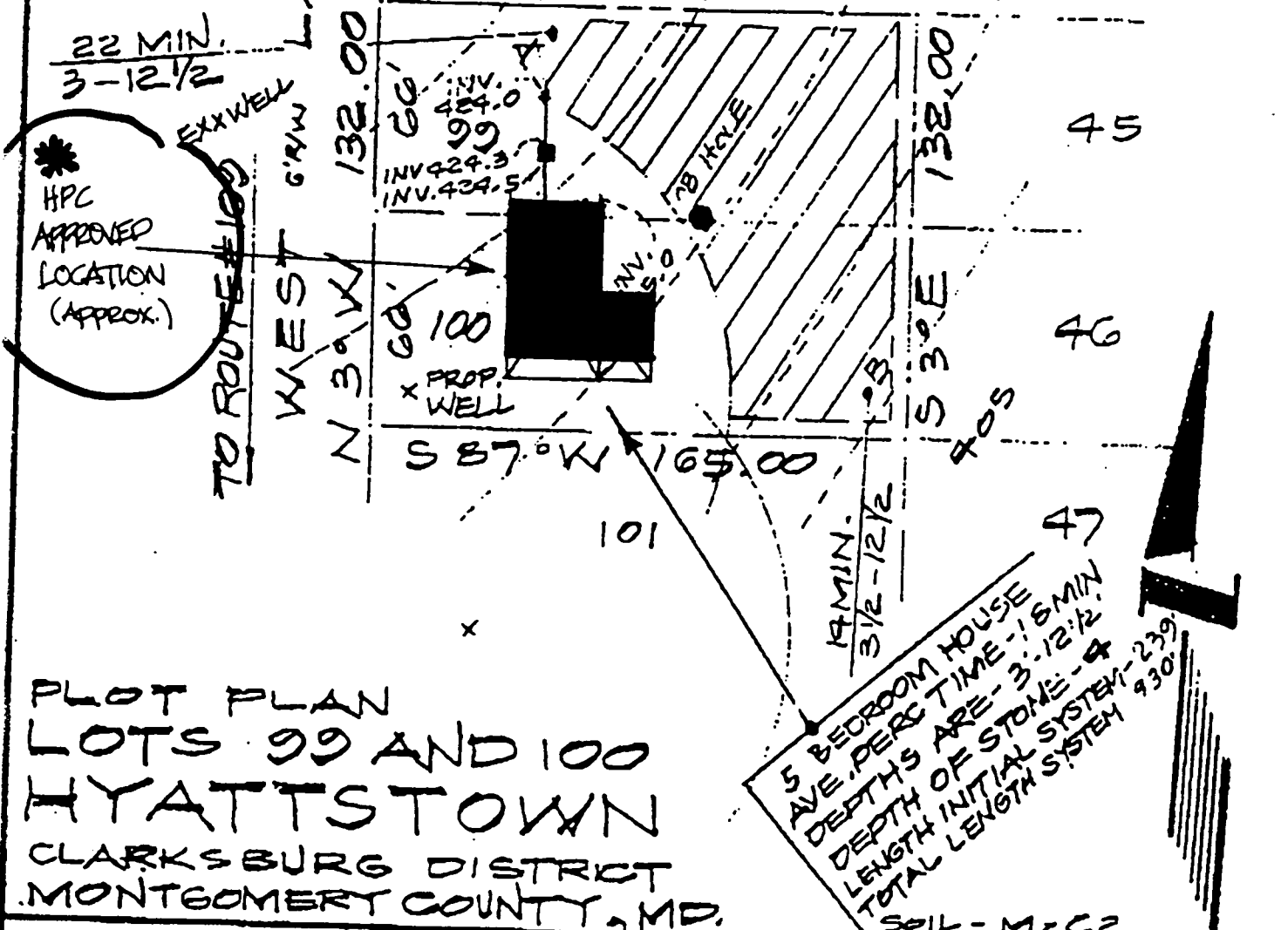
I hereby certify that the configuration on this preliminary plan is in accordance with the description of the following deed: a conveyance to **ROCCO & JANICE F. CAMPANARO** by deed recorded 5.21.79 in Liber 5323 Folio 297 which may be found among the Land Records of Montgomery County, Maryland.

10/17/81 *William L. Wirts*
WILLIAM L. WIRTS
R.P.L.S. MD. #10721

FIRST ALLEY
N 87° E 165.00'

WEST GAIN LANE
N 39° W 132.00'

HPC APPROVED LOCATION (APPROX.)



PLOT PLAN
LOTS 99 AND 100
HYATTSTOWN
CLARKSBURG DISTRICT
MONTGOMERY COUNTY, MD.

SURVEYOR'S CERTIFICATE

I hereby certify that the position of all existing improvements on the above described property have been carefully established by a transit survey and that unless otherwise shown, there are no encroachments. AND THAT ALL WELLS WITH 100 FEET OF THE PROPERTY HAVE BEEN SHOWN.

10/29/92 *William L. Wirts*
WILLIAM L. WIRTS - Registered Land Surveyor - Maryland No. 10721

Tri-County Surveys, Inc.

BOX 55 • DAMASCUS, MARYLAND 20750 (301) 263-3581
LAND PLANNING CONSULTANTS • SUBDIVISIONS • LOTS & BOUNDARIES

REFERENCE	Drawn by WLW	Checked by
Plat Book K	Date 10.17.81	Record No
Plat No. 197	Scale 1"=50'	79-226

NOTE: This drawing is not intended or represented to be a lot stake out survey; no lot corners were set; and is not to be used, or relied upon, for the establishment of any fence, building or other improvements. No responsibility is extended herein to future purchasers.

PROPOSAL:

The applicant is the contract purchaser for Lots 99 and 100 at 25912 Frederick Road in the Hyattstown Historic District. Each of these two lots is 10,890 s.f. in size.

The applicant proposes to construct a house measuring 40' wide by 28' deep on Lot 100. The house will be built to face Frederick Road (Circle 5). The proposed house is a 1-1/2 story, three bay, frame building with a side gable extended roof and full-width front porch (Circles 6-14). The footprint measures 1120 sq.ft. *not including the sq. ft. of the front and rear porches*. The house will be clad in beaded board Harti-plank or wood siding. The chimney will be stone faced. The windows will be wood, true-divided light and all wood doors and windows will be surrounded with wood trim and details. The roof will be sheathed in fiberglass shingles.

Staff notes that on November 2, 1994, the Commission approved the Campanaro house proposal (Circles 33-34). The house measured 32' wide by 28' deep and was a 1-1/2 story, three bay frame building with a side gable. The front elevation (which would face Frederick Road) was to consist of a pedimented entry portico and two dormer windows positioned on the roof slope. The rear elevation (which was to face West Lane) was to contain an extended roof with a full width porch. A large dormer window was to be constructed on the roof slope. The approved footprint of the Campanaro house was 896 sq. ft. *not including the sq. ft. of the front and rear porches*. The house was to be clad in wood siding with wood trim (4" min.) The windows were to be wood double-hung and trimmed and shuttered (except dormers.) The porch rails were to be traditional with pickets set in the top and bottom rail. The maximum picket spacing shall be 4" o.c.

Access to this lot will be on a 10' wide driveway commencing at Frederick Road and leading up the currently unpaved (County right-of-way) First Alley to the proposed property (Circle 5). The applicant has no preference to material for the driveway application.

Staff notes that on April 10, 1996, the Commission approved a HAWP proposal to construct a 10' wide asphalt driveway commencing at Frederick Road (Circles 38-39). As part of the conditions of approval, the driveway material was to be changed to gravel at the property line of Lot 99, and every consideration was to be taken to alleviate drainage problems on Lot 45 (Kiebler's Property) due to construction on the subject property.

Lot coverage for Lot 100 under this proposal is approximately 10 % (or more if porches are included.)

No buildings will be constructed on Lot 99 per the Restrictive Covenant placed on the property on December 5, 1994 by a previous owner.

STAFF DISCUSSION:

Historically, Hyattstown developed, and was designated, as a linear town along Frederick Road. There has been concern about being able to preserve this building pattern in the light of new development pressures. The back lots historically were utilized for important uses, which supported the residents along Frederick Road, such as small barns, sheds or small garden plots. Some small outbuildings remain in town, although many have deteriorated.

However, in considering the current proposal, staff turned to the *Vision of Hyattstown: A Long-Range Preservation Plan ("Vision Plan")* which was prepared in 1992 by Traceries and PMA Associates at the request of the HPC to provide guidance in their consideration of new proposals within the historic district. The new construction proposed by the applicant is consistent with the following recommended strategies for preserving the characteristics of the district, including:

1. Preservation or significant historic patterns or development.

These include maintaining the existing residential uses fronting Frederick Road. The applicant is proposing an 84' front yard set back, which is beyond the 25' to 40' front yard set back typical of the pattern for the existing historic houses fronting the road.

The proposed driveway, which is to commence at Frederick Road was originally used as an access for property owners to reach the garden plots and outbuildings they had on their back lots. (Circle 32, is a photo of First alley at the turn of the century.)

2. Maintaining the rural village quality in Hyattstown.

Staff is of the opinion that the proposed house design will not be intrusive to the Historic District, yet it will complement the existing house types.

3. Preserving and maintaining the trees, which contribute to the character or the Historic District.

While the proposed new construction will alter the appearance of this lot, the proposed house will be situated on the lot without disturbing any of the mature trees larger than 6" in diameter, which fall within the purview of the HPC:

STAFF RECOMMENDATION:

Proceed to HAWP.

Adjacent and Confronting Owners to 25912 Frederick Rd

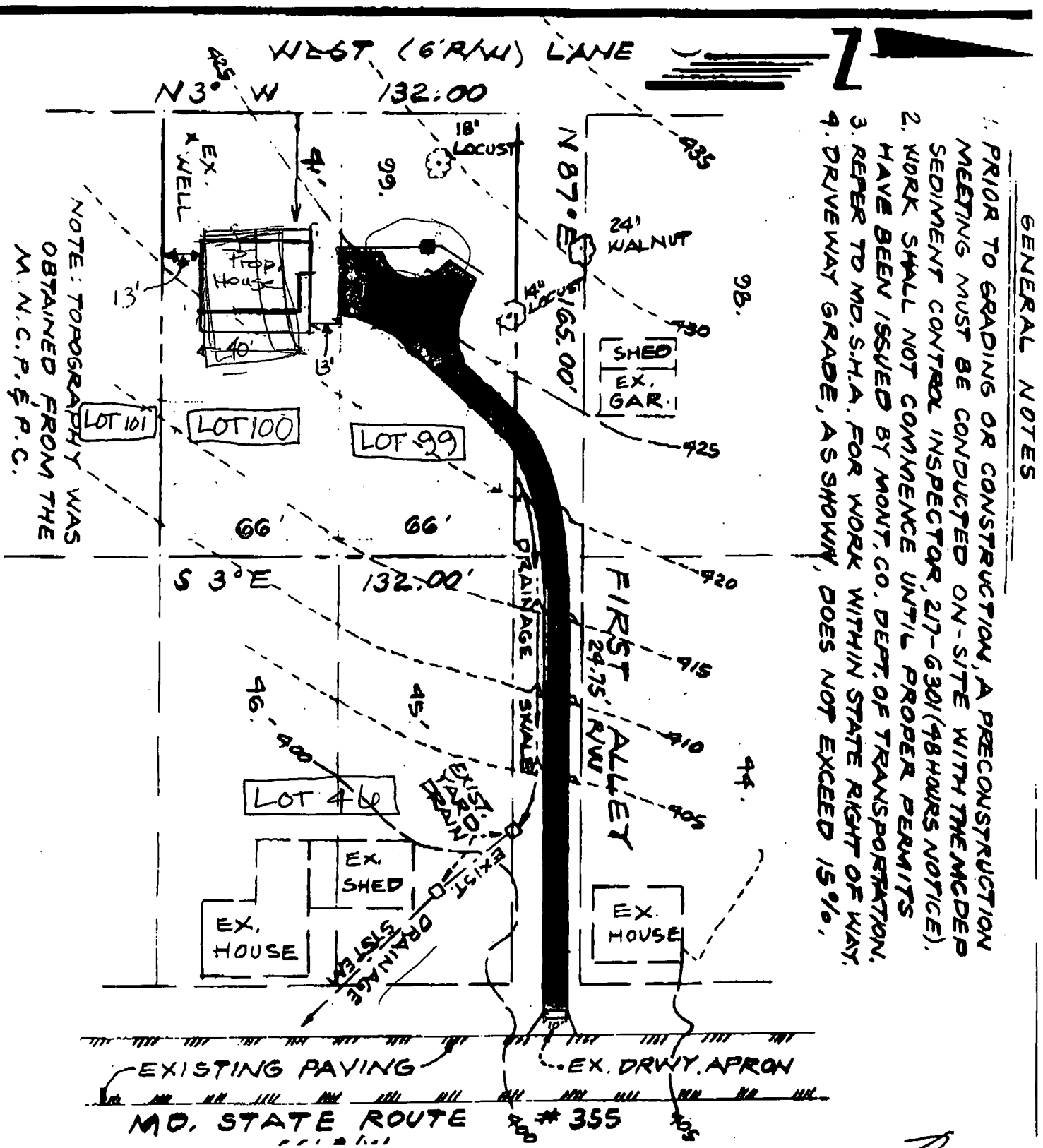
Julia and Jeff Gross
25820 Old Hundred Rd
Dickerson, MD 20842-9631

Edward Schmidt
25824 Old Hundred Rd
Dickerson, MD 20842-9631

Alan Leary
25904 Frederick Rd
Clarksburg, MD 20871-9609

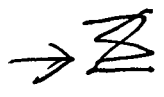
Karen Keibler
25908 Frederick Rd
Clarksburg, MD 20871-9609

GUTHRIE QUILL
25828 OLD HUNDRED RD
CLARKSBURG, MD 20871



- GENERAL NOTES**
1. PRIOR TO GRADING OR CONSTRUCTION, A PRECONSTRUCTION MEETING MUST BE CONDUCTED ON-SITE WITH THE MCDP SEDIMENT CONTROL INSPECTOR, 217-6301 (98 HOURS NOTICE).
 2. WORK SHALL NOT COMMENCE UNTIL PROPER PERMITS HAVE BEEN ISSUED BY MONT. CO. DEPT. OF TRANSPORTATION.
 3. REFER TO MD. S.H.A. FOR WORK WITHIN STATE RIGHT OF WAY.
 4. DRIVEWAY GRADE, AS SHOWN, DOES NOT EXCEED 15%.

NOTE: TOPOGRAPHY WAS OBTAINED FROM THE M. N. C. P. & P. C.



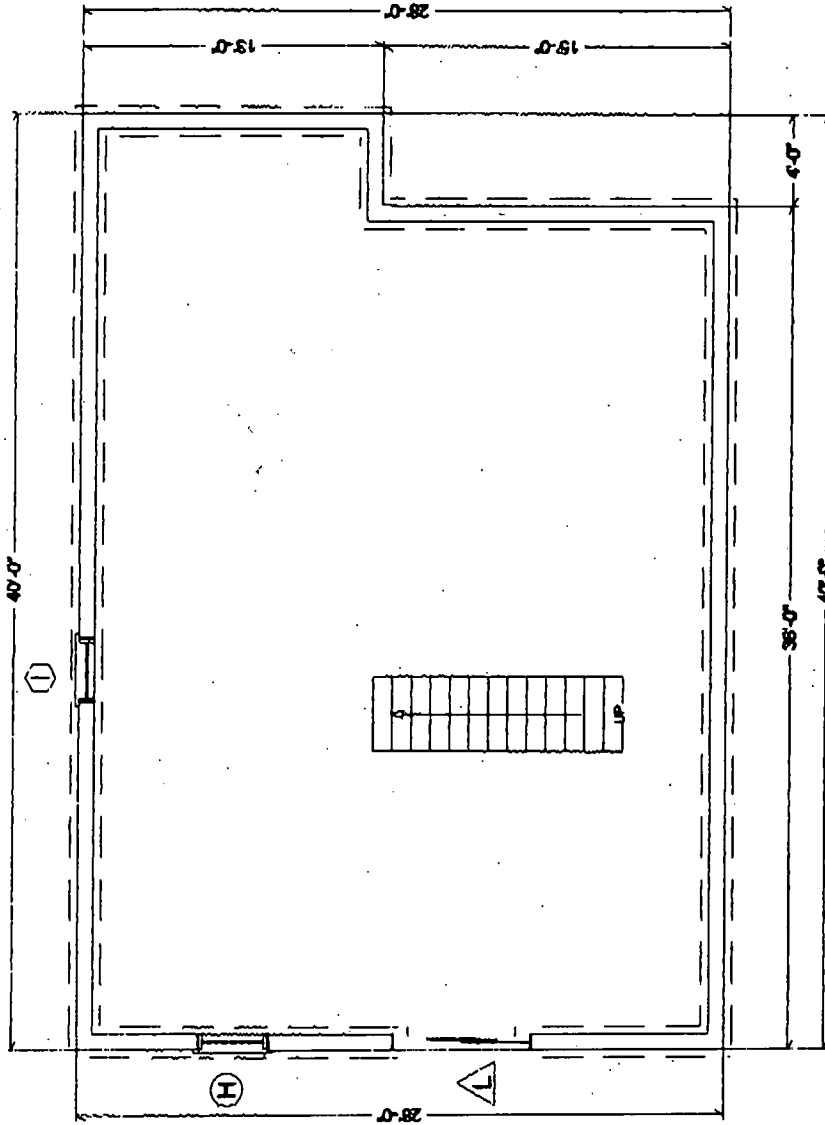
**Hyattstown
Lot 100**

**PROPOSED BASEMENT
ELEVATION**

**Zabriski
Residence**

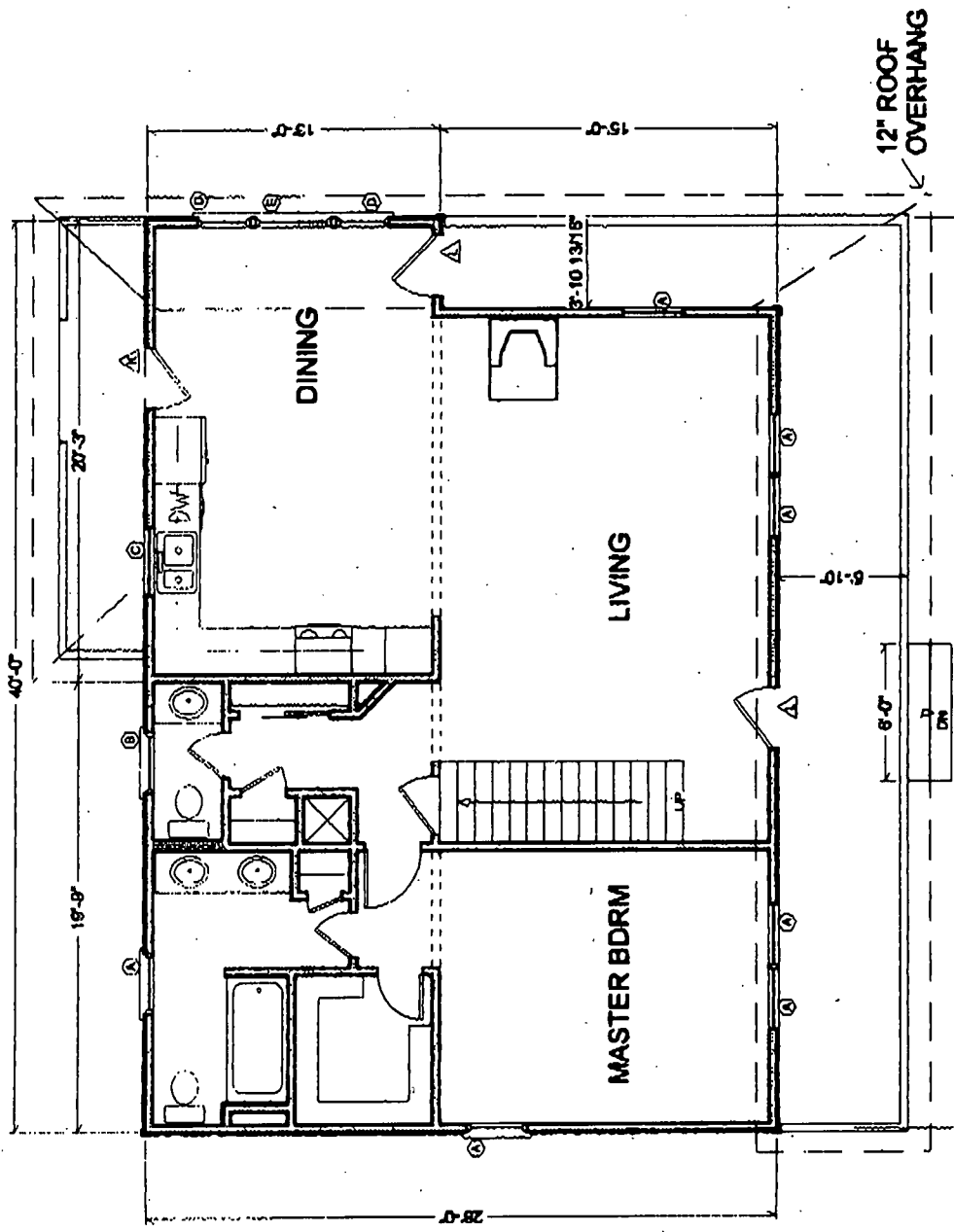
SEPT. 2, 2000

SHEET 1
OF 9 SHEETS



PROPOSED BASEMENT ELEVATION 1/8" = 1'

SHEET 2 OF 9 SHEETS	SEPT. 2, 2000	Zabriski Residence	PROPOSED FIRST FLOOR PLAN	Hyattstown Lot 100
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EAST SIDE OF HOUSE
 PROPOSED FIRST FLOOR PLAN
 1/8" = 1'

④

SHEET 3

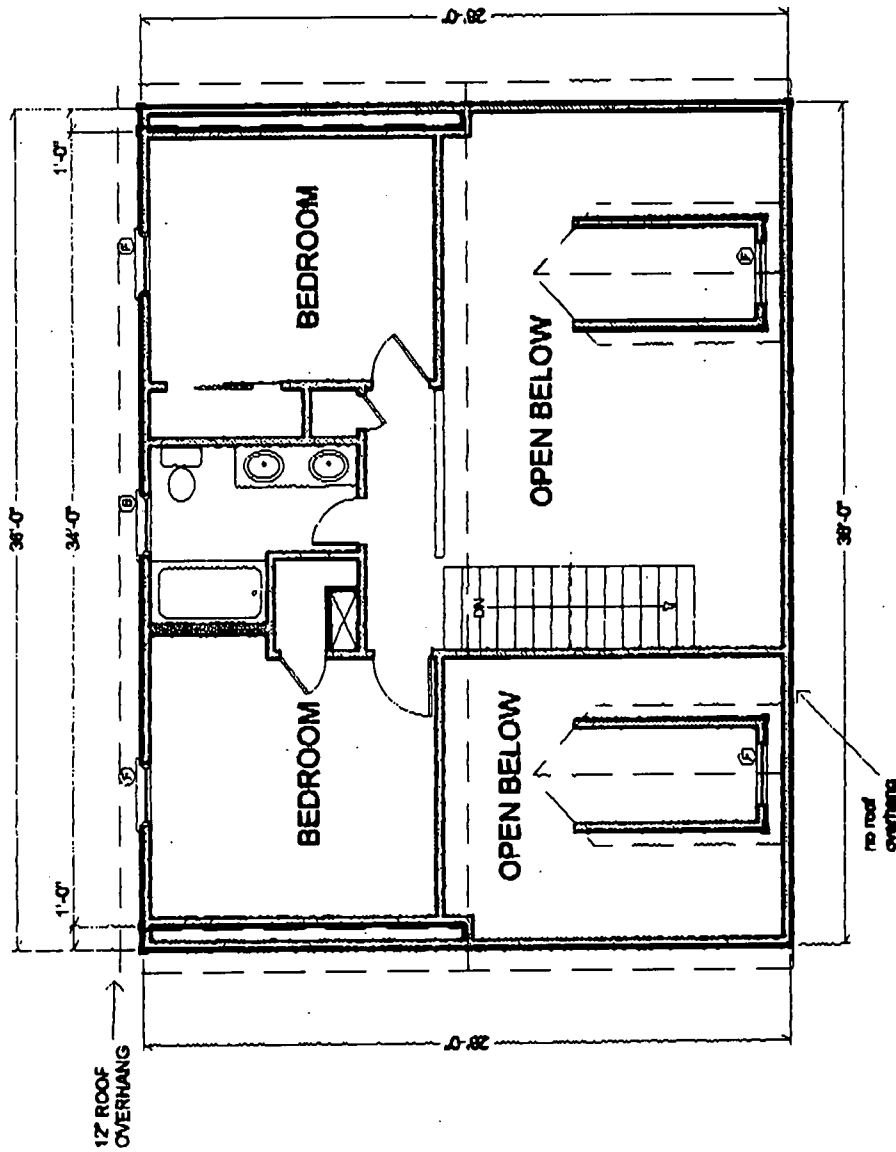
OF 9 SHEETS

SEPT. 2, 2000

Zabriski
Residence

PROPOSED SECOND
FLOOR PLAN

Hyattstown
Lot 100



PROPOSED SECOND FLOOR PLAN
1/8" = 1'

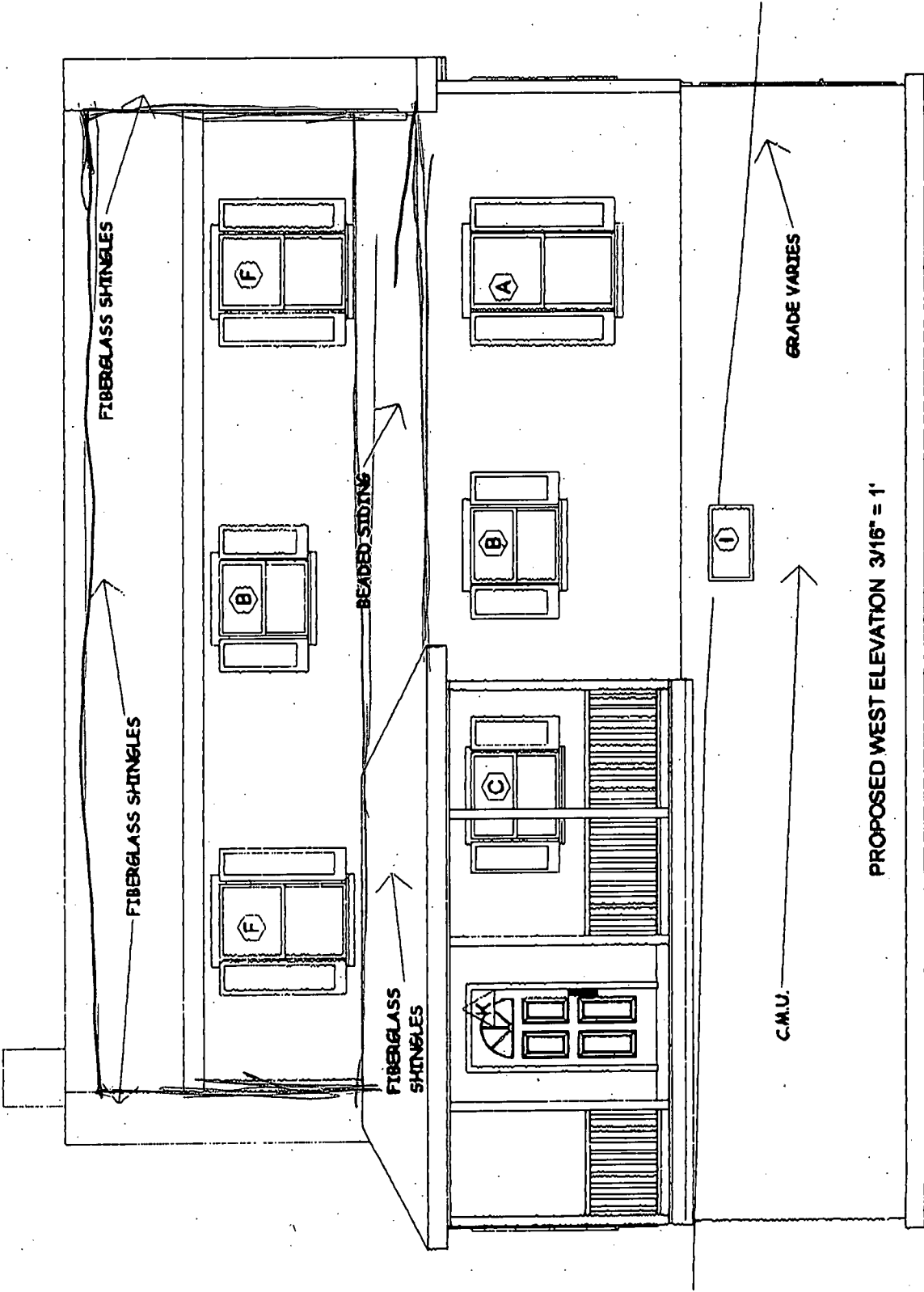


SHEET 5
OF 9 SHEETS

SEPT. 2, 2000

Zabriski
Residence

Hyattstown
Lot 100



DOOR SCHEDULE

MARK	SIZE	TYPE	QTY	DESCRIPTION	NOTES	MANUFACTURER
J	36x60	6'0" x 6'8" wooden sliding glass door	1	ext slider-glass	1" x 4" casing	Kolbe & Kolbe
K	32x60x1 3/4"	1 3/4" exterior prehung door unit	1	Surrise Panel	1" x 4" casing	Morgan
L	32x60x1 3/4"	1 3/4" exterior prehung door unit	2	9-Lite 2-Panel	1" x 4" casing	Morgan

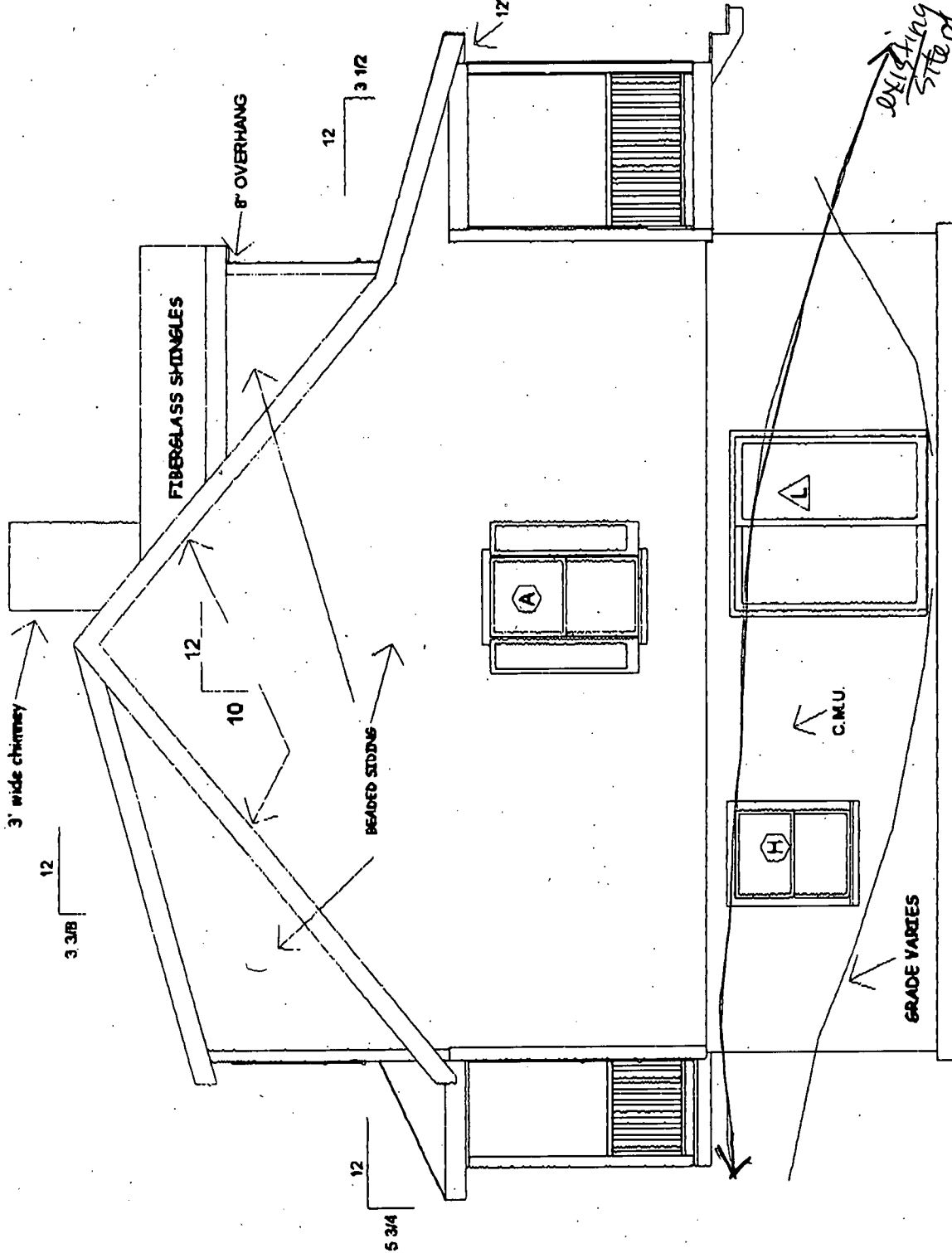
lw face 355

10

Hyattstown Lot 100

Zabriski Residence

SHEET 6
OF 9 SHEETS
SEPT. 2, 2000



face west

PROPOSED SOUTH ELEVATION
3/16" = 1'

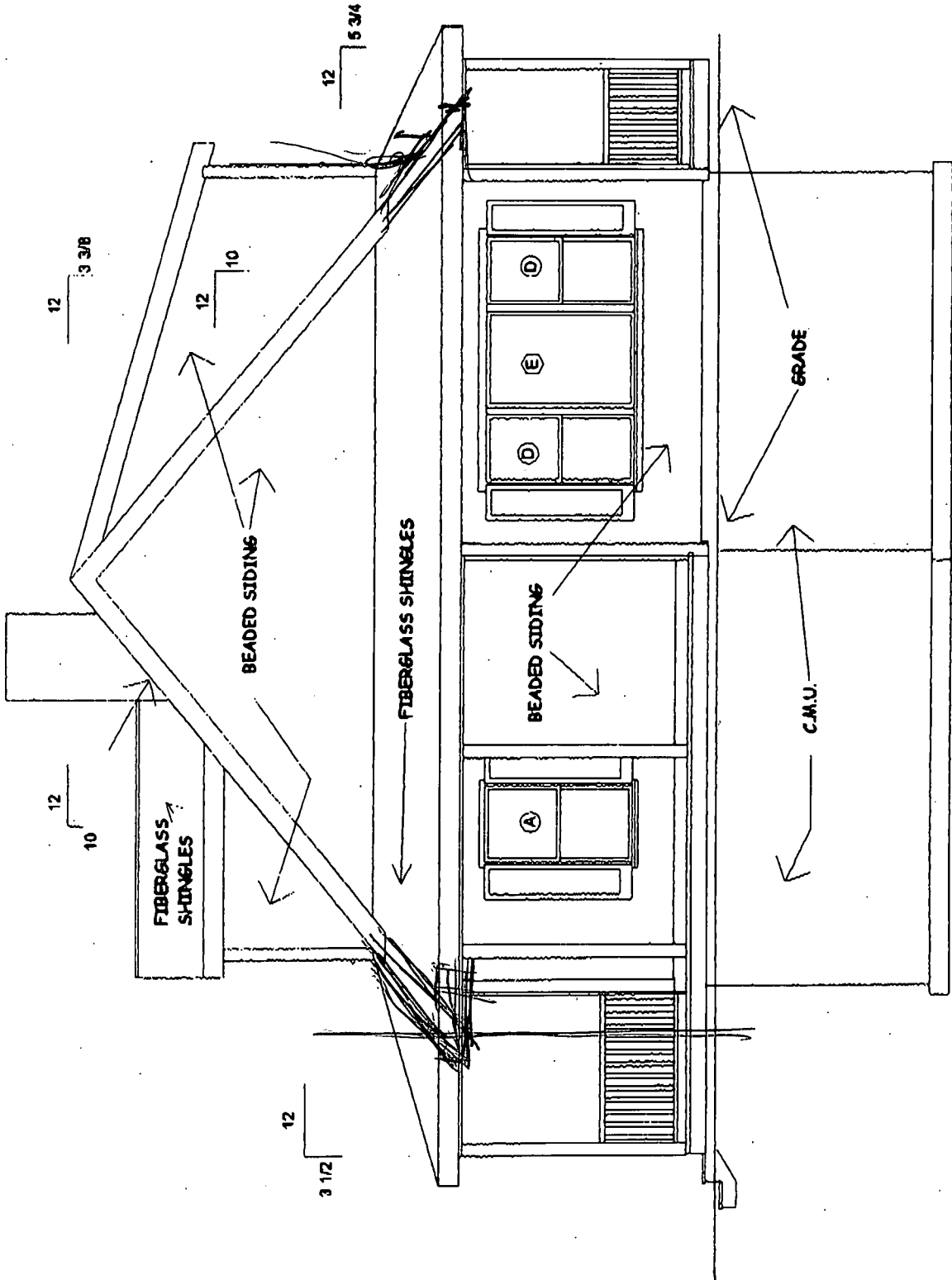


Hyattstown Lot 100

PROPOSED NORTH VIEW

Zabriski Residence

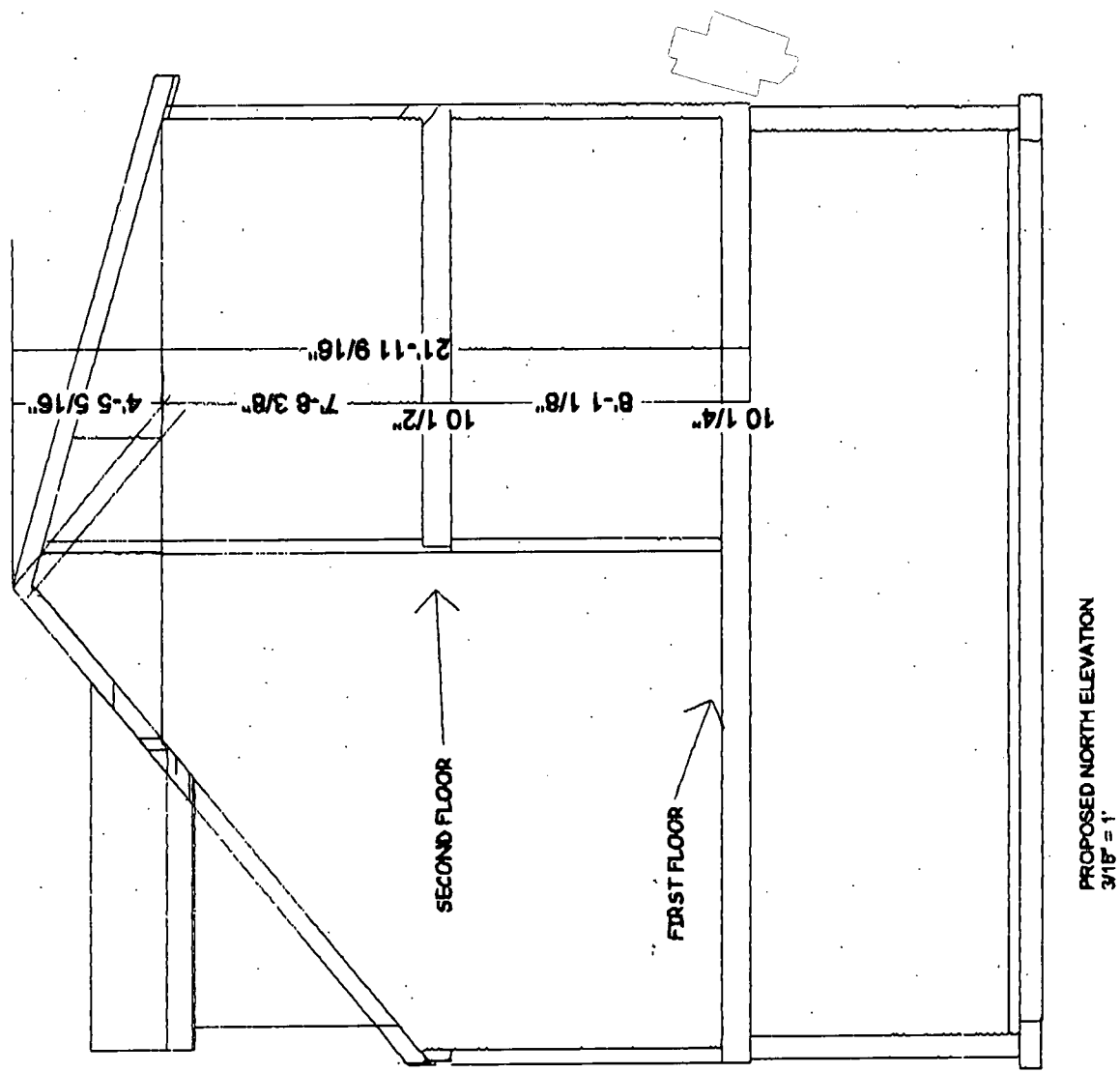
SHEET 7
OF 9 SHEETS
SEPT. 2, 2000



Flip so face 355

PROPOSED NORTH VIEW
3/16" = 1'

SHEET 9 OF 9 SHEETS	SEPT. 2, 2000	Zabriski Residence	PROPOSED NORTH ELEVATION	Hyattstown Lot 100
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SHEET 8 OF 9 SHEETS SEPT. 2, 2000	Zabriski Residence	CONSTRUCTIONS SPECIFICATIONS	Hyattstown Lot 100
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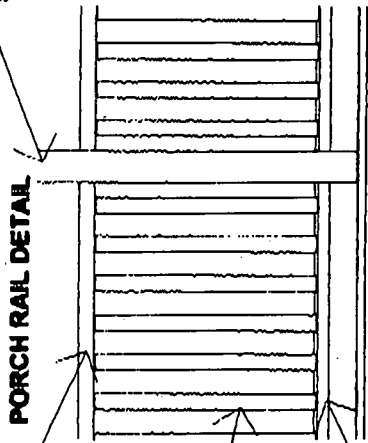
CONSTRUCTION SPECIFICATIONS AND NOTES

Windows and doors shall be trimmed with 1" x 4" wood trim

Outside corner boards will be 1" x 4"

Roof overhangs are 12", except at dog house type dormer which is 8" on three sides, and at the two sides of the full shed dormer which have no overhang.

5" x 5" square porch post, with simple bracketing



Wooden Top Rail #WM 8840, 1 1/2" x 3 5/8"

Wooden baluster WM-237, 1 1/4" x 1 1/4" at a max. of 5.25 O.C.

Bottom Porch Rail #WM-8841, 1 1/2" x 3 5/8"

Fireplace shall be a prefabricated metal zero clearance unit, installed in accord with the manufacturer's instructions, and shall be vented in a "Class A" chimney to the exterior of the house at the roof, at a height of 2' above the highest point within a 10' radius. The fireplace located exterior to the house shall be enclosed in a decorative cultured stone chimney.

Fascia boards will be wooden 1" x 8"

Rake boards will be 1" x 8"

Exterior siding will be James Hardie (Fiber Cement Siding) - HardiPlank Beaded Lap Siding (cedar mill texture) 8 1/4" wide, with a 6 3/4 exposure.

SHUTTERS will be placed as indicated on elevations, and will be wooden.

MINUTES FROM JULY 6TH MEETING

158

1 MR. ZABRISKI: Did he propose a garage?

2 MS. WRIGHT: No.

3 MR. ZABRISKI: That's what I wanted to know.

4 MS. WRIGHT: No. He always proposed a
5 driveway but he did not originally propose a garage.

6 MR. ZABRISKI: So, I'm trying to find out
7 while I am here and come to what you would recommend for
8 this piece of property? But, the second time you do need to
9 know when he came back a second time, he came back the
10 square footage on the property is actually 912 for the first
11 floor and then I think it was 496 opposed close to 912 and
12 468 for the second floor. Then when he came back a second
13 time he wanted to enclose all the porches and change the
14 first floor living area, well both first and second floor to
15 a house over 2,000 square feet. He wanted to enclose all
16 the porches and I guess there was a garage added at that
17 time too.

18 MS. WRIGHT: So, I think as a preliminary
19 consultation, the commission is being asked tonight is to
20 give informal guidance, not a final decision. But, would
21 you all consider increasing the footprint of the house to be
22 built on this property to somewhere in the range of 1,000 to
23 1,100 square feet? And, you are also being asked would you
24 ever consider allowing construction of a garage? And,
25 you've heard that's what Mr. Zabriski is looking for and

(15)

1 you've heard that that's what the community is objecting to
2 and they're saying if anything, stick to what you originally
3 approved in 1994.

4 MR. KOUSOULAS: Okay. Why don't we start on
5 the end.

6 MR. BRESLIN: Well, I've got a question. The
7 lot coverage of 15 to 16 percent is that on just the one lot
8 or is that on both lots?

9 MS. NARU: Right.

10 MS. WRIGHT: It's supposed to straddle it.

11 MR. KOUSOULAS: No, it cannot straddle.

12 MS. NARU: So, let's not get confused. Lot
13 99 has a covenant on it. So, basically, that lot is null
14 and void. We can't do anything with that. We are just
15 addressing Lot 100. All construction will be on Lot 100.
16 So, the calculations were based on the 10,890, I think,
17 square feet of that particular lot.

18 MR. BRESLIN: That's 100?

19 MS. NARU: Lot 100, correct.

20 MR. BRESLIN: But, the two lots together, you
21 know, --

22 MS. NARU: Are 20,000.

23 MR. BRESLIN: Are 7 or 8 percent.

24 MS. NARU: That is correct.

25 MR. ZABRISKI: Yes. And, so the house would

1 be proposed is what I want to do is push it 12 feet or 12
2 feet from the farthest would be on Lot 100. It would be
3 closest to Mr. Schmidt's property. It's got to stay on lot,
4 I believe, from the driveway it would be the farthest away
5 from Lot 100.

6 MS. NARU: You have a total of 20,000 square
7 feet to work that will be his lot, 10,000 of it is
8 buildable.

9 MR. BRESLIN: I think, in general, one thing
10 I agree with the previous HAWP is the orientation of the
11 house. I think the orientation facing 355 is inappropriate
12 for a back lot building.

13 MR. SCHMIDT: That was the finding of HPC.

14 MR. BRESLIN: So, I would agree with the
15 original finding that an orientation toward either the alley
16 or West Lane is more appropriate than 355.

17 MR. ZABRISKI: Are you saying towards First
18 Alley then would be appropriate too?

19 MR. BRESLIN: I think there would an argument
20 toward First Alley or toward West Lane. But, I think toward
21 355 is inappropriate. So, I would like to see the
22 orientation in one of those directions. I think the house
23 itself is relatively modest. It's larger but it's still
24 relatively modest and I think it's in keeping with a one
25 story with dormers as opposed to a 2-story or larger house.

1 So, the house seems to be appropriate in scale and
2 appropriate in size though modestly larger. And, the only
3 thing I'd be convinced about is the garage because that is
4 substantially increased over the last submission. So, I
5 would discuss that -- the house itself is appropriate size
6 which is appropriately oriented I'd have roughly no problem
7 with --

8 MS. WRIGHT: And, just by the house you mean
9 house plan No. 1.

10 MR. BRESLIN: House plan No. 1.

11 MS. WATKINS: I would go with all the
12 commissioners statements.

13 MS. EIG: I think I would probably -- be on a
14 commission and this was one of my very first cases. And, I
15 would agree. I think that the proposal No. 3 for this site
16 which faces West Lane meets the neighbors and is
17 historically. I also think that House No. 1 is an actually
18 more appropriate house than was originally proposed by Mr.
19 Campanero because I remember it was very difficult to get
20 him to especially state specifically what he was going to
21 build, what it was to be made of which is why there is such
22 detail. And, I think it's very important for us that this
23 be an attractive, appropriate modest house on the site.
24 And, it looks like that's the right direction from the house
25 plan No. 1 which is your preference.

1 MR. ZABRISKI: Yes. But could I just before
2 we get on to reason, I guess I thought that it should face
3 355 is that you would just see the front and the two
4 dormers, small dormers on the house. And, so for that
5 reason why I say that and I thought it would be more in
6 keeping with the gesture of the historic district is why I
7 bring this up at this time. I don't want to build something
8 that is not going to fit in a historic district and be odd.
9 And, I just feel that it would, and you know much better
10 than I do, and that's why I'm here because I don't want to.

11 MS. EIG: The reason that these lots exist is
12 because it was intended from the original 1794 plat was that
13 there were going to be more streets than are now. And, so
14 something that faces, having two houses that are in back of
15 one another facing is like you built behind it. It's got to
16 look like it's being built on another street.

17 MR. WRIGHT: When we dealt with the Campanero
18 case, the architectural challenge was that we asked Mr.
19 Campanero to build a house that had two front facades. And,
20 if you look at the design it basically, if you look at
21 either design it really, either one of those could be a
22 front facade. And, the idea was that you would probably
23 really want to focus on West Lane but you needed to have
24 some sort of something that didn't look like a back door
25 where you keep your garbage cans facing attractive Frederick

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1 Road. So, that was a major discussion during this Campanero
2 case was build a house that essentially has two front
3 facades.

4 MS. EIG: So, therefore, with that in mind
5 which I had forgotten but that is correct is that we would
6 be very interested in what the back of that house would look
7 because of people's whose back yards you're building it in.

8 MS. DEREGGI: This is the front and the side.

9 MS. EIG: You need to be able to have an
10 attractive view because you don't have a typical situation
11 here obviously. So, when you came back for a HAWP you
12 wouldn't come back with a design that would --

13 MR. ZABRISKI: Right. I don't want to have
14 to come back with something that people are saying what have
15 you got here when you change all this. That's why I prefer
16 to do this correctly the first time.

17 MS. WRIGHT: So, the concept of a house with
18 two facades is something that Commissioner Eig, you still
19 feel strongly about?

20 MS. EIG: I think two facades but attractive.
21 I think that's the point is that it doesn't look like it's
22 just a back door of a house. But rather, something that is
23 going to be an attractive view for the people whose houses
24 do face 355.

25 MR. ZABRISKI: I just, in my opinion I

1 thought, because I don't know, you know, it's like part of
2 the reason we are here. But, is that Route 355 was the main
3 concern for this house what you would see from 355. This
4 house would be approximately 120 feet away from the Keeblers
5 or so. But, it's some distance from their house and yet the
6 closest neighbor would be, behind would be the Gross'. But
7 yet, I thought the gesture of what it should look like the
8 main concern was really not from West Lane because nobody,
9 my neighbors will see that and I wanted. But, you're
10 stating that the front of the house should really look
11 somewhere that is not going to be used, as really a front
12 yard has to serve.

13 MS. EIG: If you look at Mr. Campanero's the
14 design was approved it had this long wide porch on it which
15 has a very nice and simple look to it that is attractive to
16 look at. And, you could read it as the front; you could
17 read it as the back. It's a modest house and that's a good
18 goal to the HAWP.

19 MR. ZABRISKI: So, you're saying that should
20 look which direction, towards 355 or West Lane?

21 MS. EIG: I believe that was headed to 355.

22 MR. KOUSOULAS: But, I think the house, the
23 version 1 that you are talking about now is meant to face
24 either West Lane or First.

25 MS. EIG: Right. That's part of the beauty

1 of it because that wide porch on the front. But, we don't
2 know what the back looks like. I think I would like to have
3 that wide porch maybe on the front and on the back.

4 MS. NARU: What about the issue thrown out
5 theoretically, having it turn 90 degrees and having it face
6 First Alley? What does the commission feel about that?
7 Having the elongated section which on this particular house
8 would be the wrap around porch facing 355 and having him
9 look out First.

10 MS. EIG: Well, it does have a little bump
11 out there that's the little entrance into the dining room.

12 MS. NARU: Right.

13 MS. EIG: I think you would have to see the
14 elevations of all four sides in order to make a decision on
15 that point.

16 MS. DERECCI: I'd like to pass for one more
17 clarification on the thinking behind this. Certainly, the
18 greatest amount of traffic and the view from most of the
19 people who go through Hyattstown -- 355, the historical
20 alleys that the only people that go on to those are the
21 people who are going to their houses. Is that not correct?

22 MS. NARU: Correct.

23 MS. DERECCI: The alleys. And, the reason
24 not to allow the facade on to 355 is to enforce the fact
25 that were alleys because most people will never see that

1 side of the house.

2 MS. NARU: My understanding is the reason why
3 is so it was not viewed as this is the front facade. This
4 house should be here in terms of the street scape of 355.
5 This is to be looked at as a back lot house that is somewhat
6 in a small community as this one is on West Lane. All these
7 houses face West Lane that are around there.

8 MS. WRIGHT: The other difficulty you have,
9 if you look at circle 6, is the back of the house is usually
10 never the pretty part of a house. It's where you keep your
11 garbage cans and so on and so forth. You put up a house on
12 Lot 100 and you have the --

13 MS. LESSER: 99.

14 MS. WRIGHT: No. It's Lot 100. If you put
15 the garbage can side of the house facing West Lane, it's in
16 the front yard of the house across West Lane. If you put
17 the garbage can side of the house facing Old Hundred Road,
18 it faces Old Hundred Road and it isn't a very pretty
19 appearance and it also affects that property downhill that
20 is on Frederick. So, that's why when we went through the
21 case originally the idea was really try not to have a back
22 door, garbage can side of the house. Try to have a house
23 that essentially has two facades so that it addresses the
24 structures that are to the immediate west and to the
25 immediate east and put your garbage cans on the side of the

(23)

1 house rather than in the front or back. So, it had
2 something to do with the compatibility with the existing
3 structures that are around there.

4 MS. DEREGGI: So, it could feasibly be that
5 his front would front on 355 as long as he kept his garbage
6 cans on the sides? From your argument right now it sits on
7 the side.

8 MS. WRIGHT: I think that again what does the
9 front of the house mean. I think what we said with the
10 Campanero case was we really need to have an architecturally
11 attractive facade facing West Lane for compatibility with
12 the houses across West Lane. And, we need an
13 architecturally attractive facade facing Frederick Road.

14 MS. DEREGGI: But, if that shouldn't be the
15 front of house because we don't want the front of the house
16 looking at somebody else's back yard from 355.

17 MR. SPURLOCK: The point is is that there
18 isn't really a proper front and back. It's attractive from
19 both sides.

20 MS. DEREGGI: I think these designs would
21 probably have the front and sides already look pretty.

22 MR. SPURLOCK: If this was the front and the
23 back, everybody would be happy.

24 MS. WRIGHT: These are conceptual designs
25 pulled out of a builder's book. They will need to be

1 customized to this particular lot based on your comments.

2 It was to get the discussion going.

3 MR. ZABRISKI: I do like this first one you
4 are looking at but that does have a full dormer. And, there
5 was discussion Mr. Campanero's house was approved and he
6 changed the back dormer and he went in for an application
7 for a full dormer in the back and the HPC, and you can
8 correct me if I am wrong, but they said a full dormer on the
9 back would be okay if he held it in 12 inches on each side.
10 And, I'm thinking in my mind the reason they said to hold it
11 in 12 inches is because the dormer was in the back of the
12 house and couldn't be seen from 355. So, that's why I am
13 asking you for clarification as far as the back of the house
14 is now as a dormer on the back would you want that to face
15 355?

16 MS. WRIGHT: I think that before we get into
17 more discussion about the architecture of the house, there
18 is a very basic issue which is the biggest concern of the
19 community that needs to be addressed, which is size. The
20 commission worked very, very hard in 1994 on the Campanero
21 case to approve a house of 896 square foot footprint. They
22 are now being asked to approve a house of 1,000 square
23 footage and a garage. And, we've had two commissioners,
24 Watkins and Breslin, said they're okay with that and
25 Commissioner Eig was talking more about the architecture.

25

1 How do you feel about size?

2 MS. EIG: A well-designed house of 100 square
3 feet more will not be a problem. A badly designed house
4 which is what Mr. Campanero, you know we are trying to avoid
5 at all costs, was a problem at almost any size. And, we
6 were trying to make it as one. We don't want to make it any
7 bigger than this but if a design like this, I mean, if you
8 can shave off some feet if you have to customize it anyway,
9 that's in your interest to do. It would be better but I
10 think that it's more important that it's well-designed and
11 that it's executed to be a benefit to the community.

12 MR. KOUSOULAS: Okay, Steve.

13 MR. SPURLOCK: I don't have any problem with
14 a little extra space but it does have to be designed. This
15 is a nice image, I think it's very attractive but it needs
16 to be designed in 360 degrees and I don't think the garage
17 would be appropriate.

18 MS. VELASQUEZ: I think that house plan No. 1
19 is much superior to what was originally there and I'm going
20 to go out -- again. When you look at it from 355, can I ask
21 for a clarification again, do you look across Campanero's
22 parking lot to see your lot?

23 MR. ZABRISKI: You can't see it from there,
24 the lot. Oh, yes ma'am, if you were in the shopping center
25 little area there, you came up three lots towards Frederick,

1 the town of Frederick and take a left and go up the hill
2 there. You'll see there is a barn there that is
3 approximately 20 feet tall and to the left of it, just
4 Sunday I put out some pieces of sticks, they're about 6 feet
5 tall, I tied orange ribbons on just trying to get an idea
6 which of you could see it from the street with the growth
7 that is there now and you cannot. You know, from 355. As
8 you're looking at the house that would be the right-hand
9 edge where those two like 6 foot tall pieces of wood with
10 orange ribbon on and then the house would sit to the left
11 from there. And, it may sit up the hill higher.

12 MS. DEREGGI: But, the side that you showed
13 us you were standing on 355 and looking across Campanero's
14 parking lot on.

15 MS. NARU: I was standing on 355 looking west
16 at Karen Keebler's property. On that bluff above is where
17 he is proposing to build.

18 MR. ZABRISKI: This sits back 165 feet
19 approximately I believe, her lot is probably the same depth
20 as this lot. Then this lot is 165 feet deep and it ends on
21 like a crest type thing. But, this is the only lot that's
22 got woods and high grass on it and a lot of overgrowth
23 bushes. So, it would be the third lot towards Frederick up
24 on the hill.

25 MS. WRIGHT: So Marilyn, to understand you,

1 you think that the design in No. 1 is fine. You just want
2 it to be more clarification but in terms of the rest of the
3 commissioners, you --

4 MS. DEREGGI: If it isn't visible from 355
5 then I feel strongly that that side of the house were
6 attractive.

7 MS. LESSER: I think the decision on the
8 previous HAWPs ought to be maintained. I would not though
9 have an objection to the house increasing by 100 square
10 feet. But, in terms of any other change that varies from
11 the HAWPs that were requested and denied, in part, I would
12 say we should stay with our original decision.

13 MS. VELASQUEZ: I'm agreeing with most of the
14 commission here. I have no objection it's going up to 1,000
15 feet since your neighbors are 1,000 to 1,161 square foot
16 footprints, I have no problem with that. I'm not convinced
17 about a garage. The sighting is pretty good. I think that
18 the concept plans for houses to me look very attractive and
19 very similar with what's there and actually nicer than some
20 of the ones that are already there. I just wish that you
21 and your neighbors could get together and get along so you
22 could use the west street and be neighbors. But, other than
23 that it's a good idea.

24 MR. SCHMIDT: It wasn't just the matter of
25 the neighbors deciding he couldn't use it. Like I said, SHA

29

lje

FOIHM FEU PERCAD 1-800-531-0989

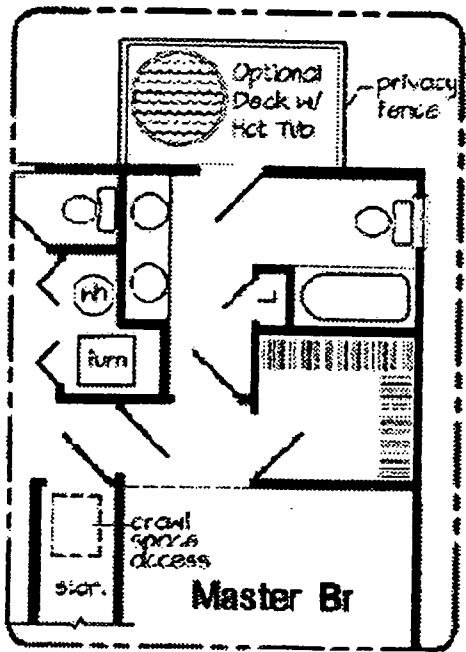
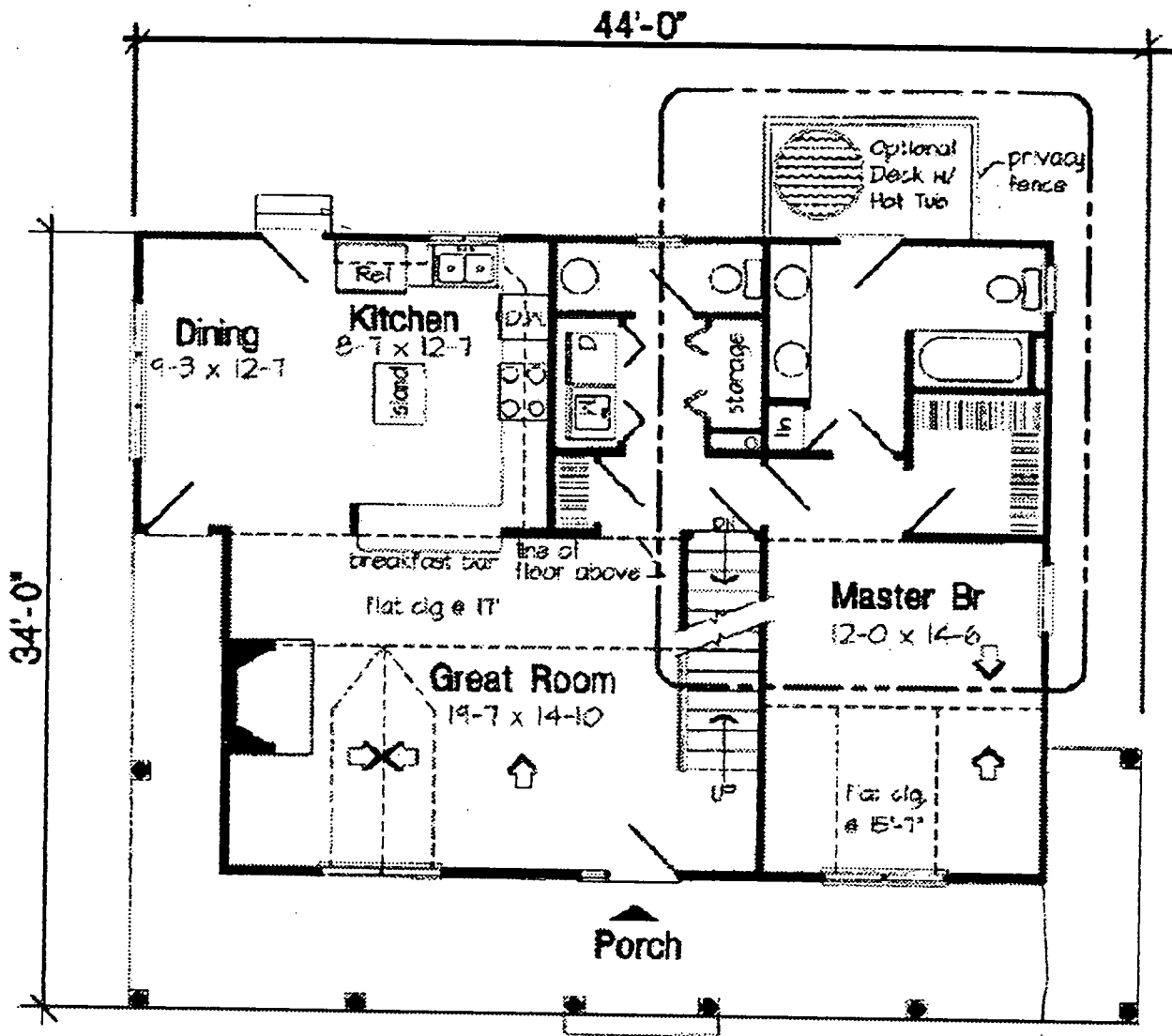


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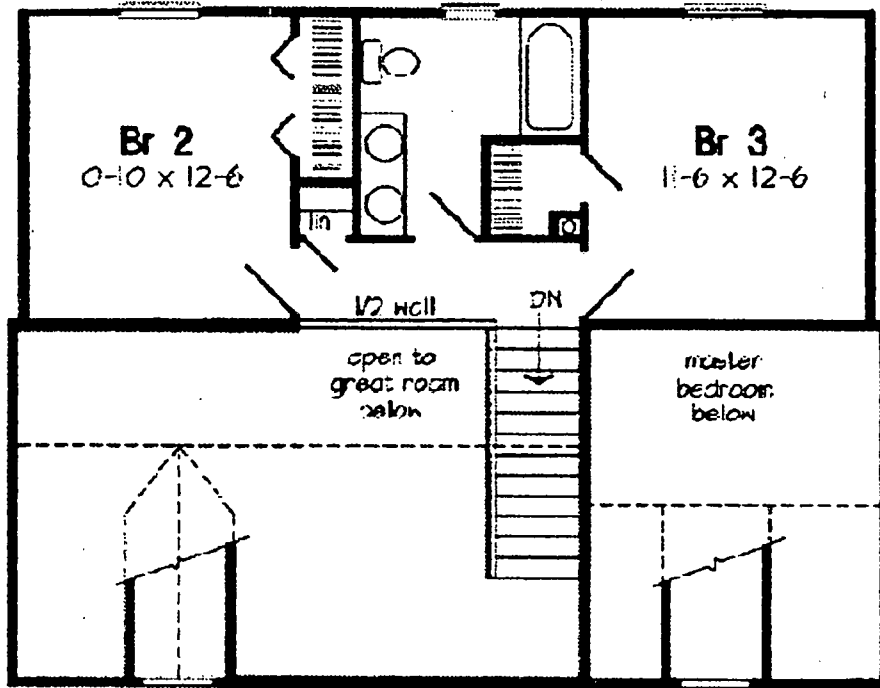
HOUSE PLAN # 1

FOOTPRINT

10085Q FT^{\pm} = NOT INCLUDING SQ. FT. OF PORCH
 1496 SQ. FT. = INCLUDING PORCH



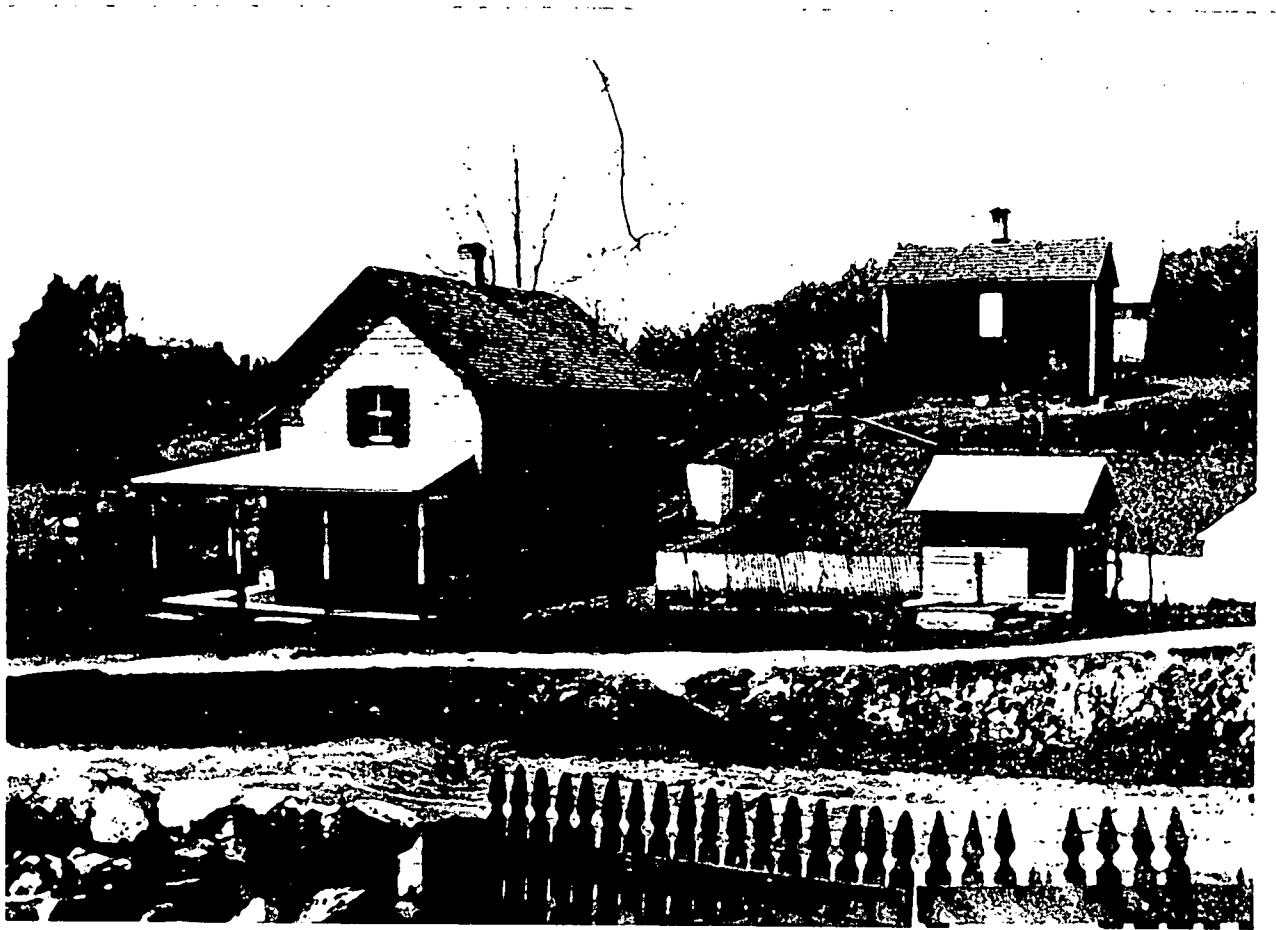
1560



2nd floor
499 sq ft.



11668



32

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

DATE: November 3, 1994

MEMORANDUM

TO: Robert Hubbard, Chief
Division of Development Services and Regulation
Department of Environmental Protection (DEP)

FROM: Gwen Marcus, Historic Preservation Coordinator
Design, Zoning, and Preservation Division
M-NCPPC

SUBJECT: Historic Area Work Permit

The Montgomery Historic Preservation Commission has reviewed the attached application for a Historic Area Work Permit. The application was:

Approved Denied

Approved with Conditions: _____

1. Wood siding and wood double-hung windows shall be used.
2. Wood trim (4" min.) shall be used around all windows and doors.
3. All windows not appearing in elevations shall be fully trimmed and shuttered. Shutters shall be 1/2 the width of the window opening.
4. Wood cornice trim is required; wood corner boards req'd and shall be min. 4" wide.
5. Porch rails shall be traditional with pickets set in top and bottom rail. Max. spacing = 4" o.c.

THE BUILDING PERMIT FOR THIS PROJECT SHALL BE ISSUED CONDITIONAL UPON ADHERANCE TO THE APPROVED HISTORIC AREA WORK PERMIT (HAWP).

Applicant: Rocco Campano

Property Address: lots 99 and 100 - Hyattstown, Md.

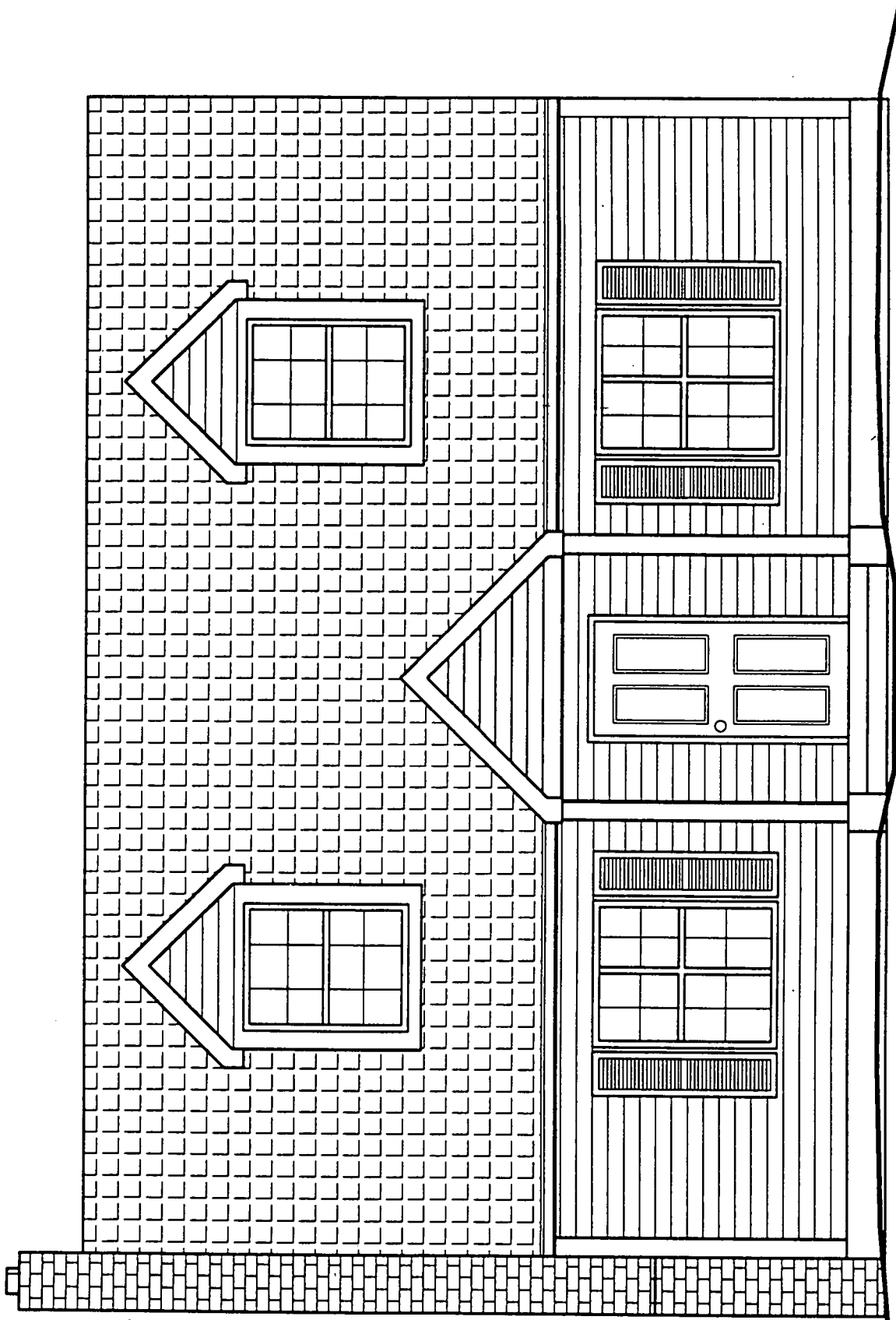
***THE APPLICANT MUST ARRANGE FOR A FIELD INSPECTION BY CALLING DEP/FIELD SERVICES (217-6240) FIVE DAYS PRIOR TO COMMENCEMENT OF WORK AND WITHIN TWO WEEKS FOLLOWING COMPLETION OF WORK.



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NEW FRONT ELEVATION



LifeDesign
 Interior & Exterior Design & Construction
 10000 1st Street, Suite 100, Hyattsville, MD 20785
 Phone: 410-771-1111

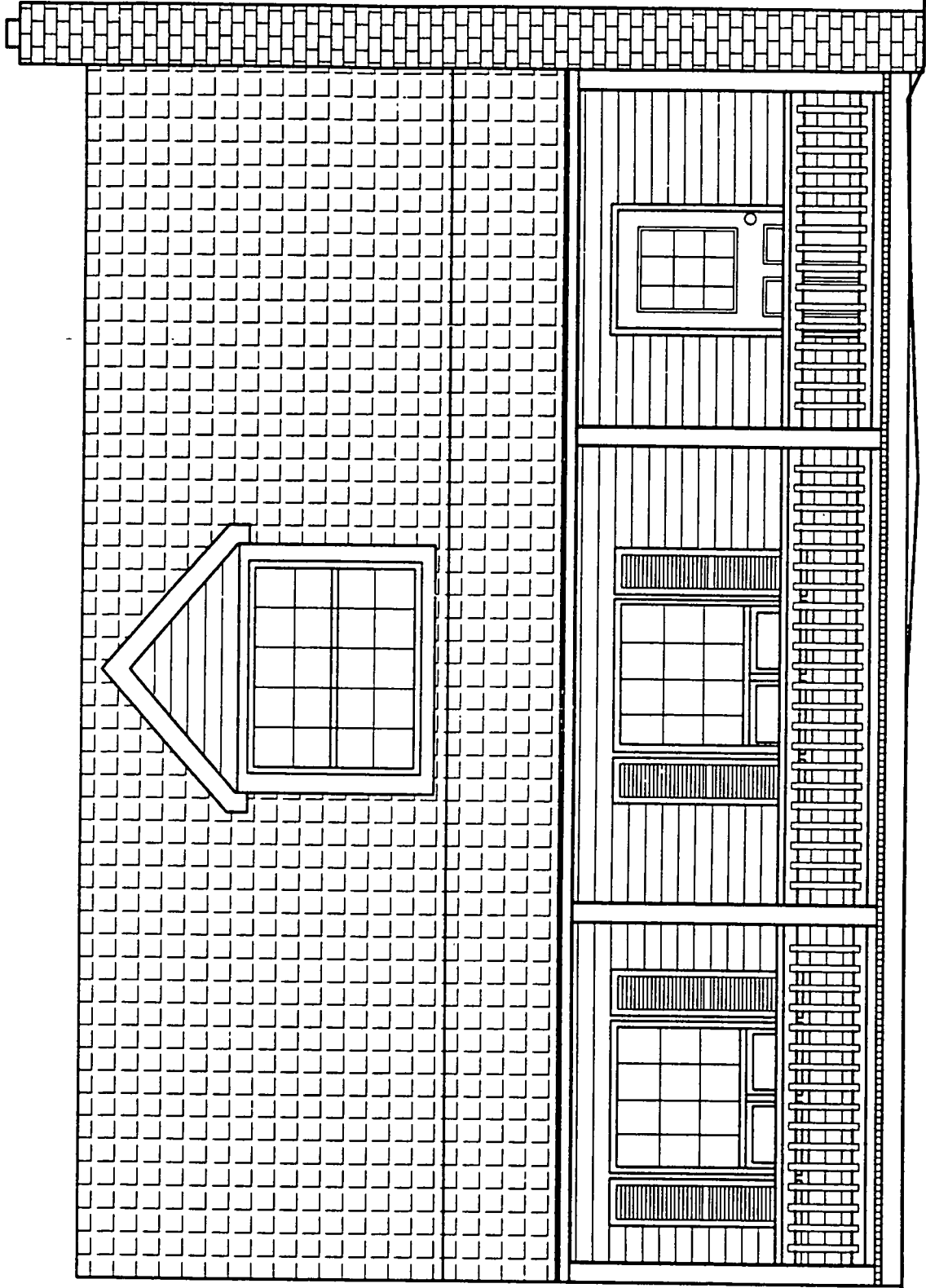
This Drawing
FRONT ELEVATION
 FOR
CAMPANARO

SCALE: 1/8" = 1'-0"
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PROJECT NO. 10F4
 CLIENT: CAMPANARO RESIDENCE
 ADDRESS: LOT 99
 LOCATION: HYATTSTOWN, MARYLAND

24

25



NEW REAR ELEVATION

25



LifeDesign
 Interior Design, Architect & Landscape
 Planning, Construction Management &
 Project Management Services

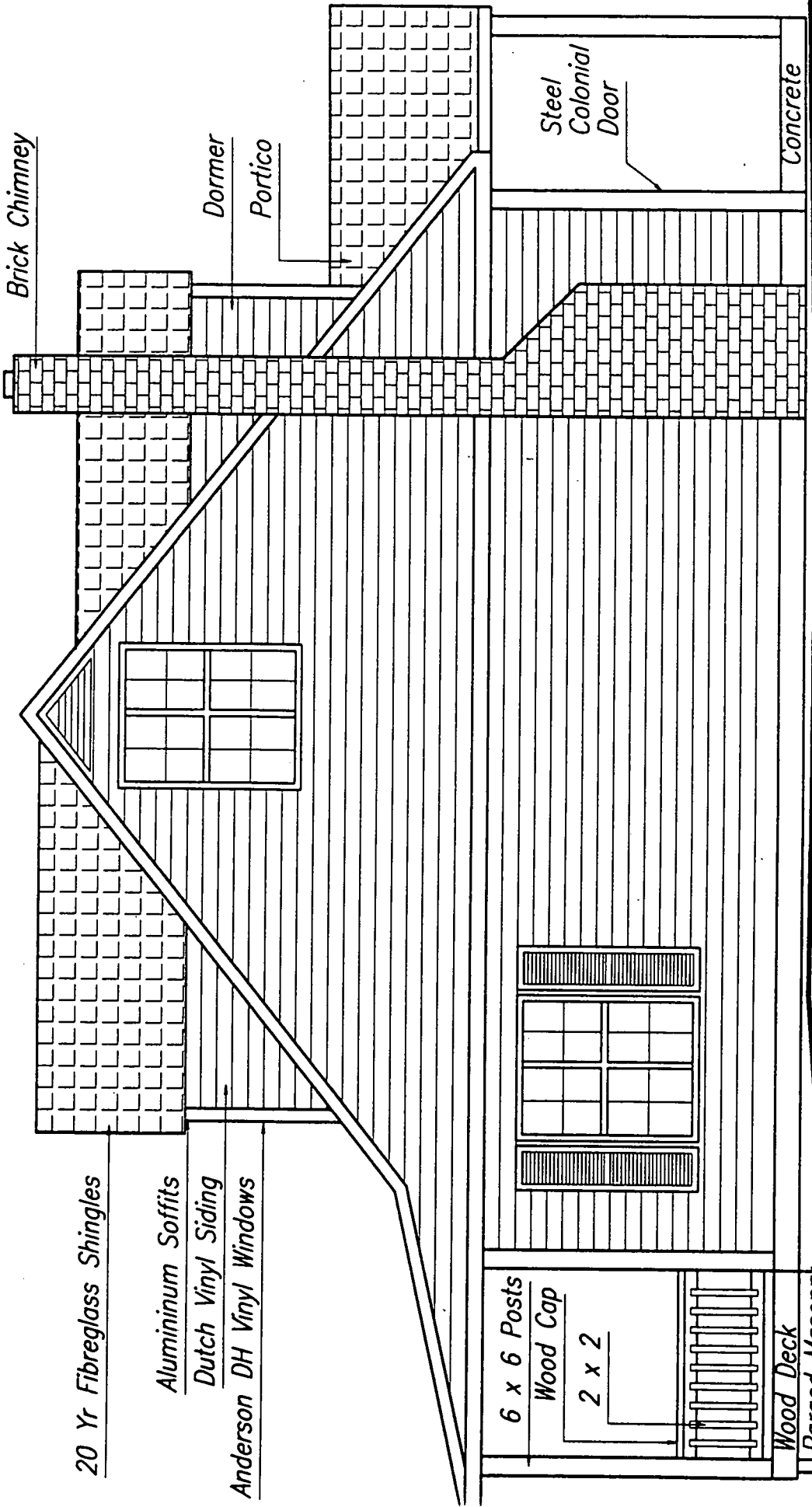
The Drawing
REAR ELEVATION
 SEE
CAMPANARO

SHEET TITLE
**CAMPANARO RESIDENCE
 LOT 99
 HYATSTOWN, MARYLAND**

SCALE
 1/2" = 1'-0"
 DATE
 1/25/99
 DRAWN BY
 M.A.P.
 CHECKED BY
 J.C.P.

Drawings No.

20



NEW LEFT ELEVATION

DRAWING NO. **4 OF 4**
 SCALE: 1/4" = 1'-0"
 DATE: 11/28/90

PROJECT: **CAMPANARO RESIDENCE**
 ADDRESS: **LOT 99**
 LOCATION: **HYATTSTOWN, MARYLAND**

THE DRAWING:
LEFT ELEVATION
 JOB: **CAMPANARO**

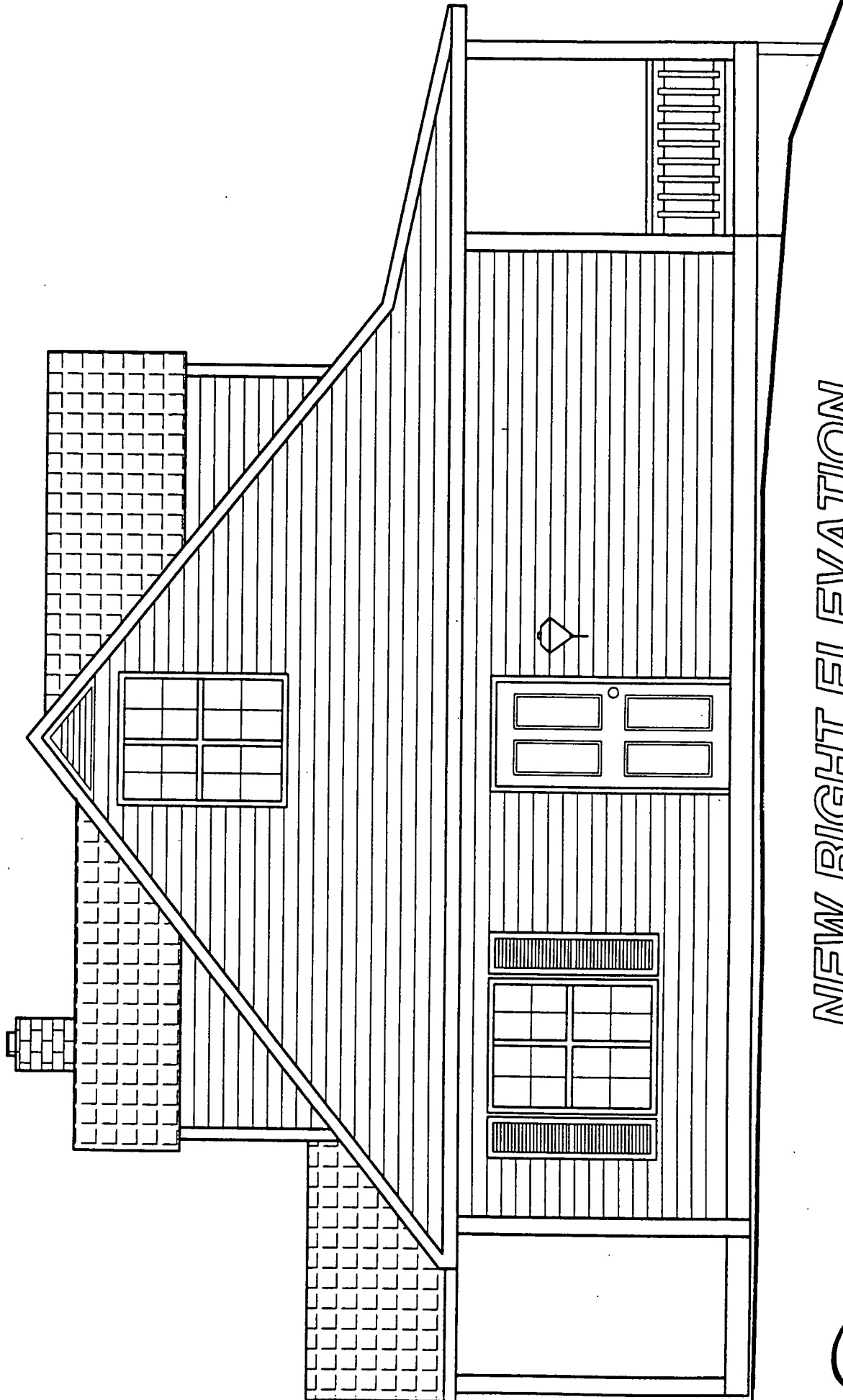
LifeDesign
 Interior Design, Architecture & Construction
 10000 Rte. 202, Suite 100, Hyattsville, MD 21041

20

27

10

0



NEW RIGHT ELEVATION

37



LifeDesign
 This drawing is a preliminary design and is not to be used for construction without the approval of the architect.

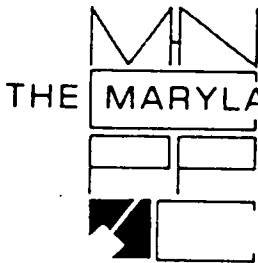
This Drawing:
RIGHT ELEVATION
 JOB: **CAMPANARO**

PROJECT TITLE
CAMPANARO RESIDENCE
LOT 99
HYATTSTOWN, MARYLAND

DATE: 11-1-07
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 PROJECT NO: [Number]

DATE: 11-1-07

3 OF 4



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

DATE: March 14, 1996

MEMORANDUM

TO: Robert Hubbard, Chief
Division of Development Services and Regulation
Department of Environmental Protection (DEP)

FROM: Gwen Marcus, Historic Preservation Coordinator
Design, Zoning, and Preservation Division
M-NCPPC

SUBJECT: Historic Area Work Permit

The Montgomery Historic Preservation Commission has reviewed the attached application for a Historic Area Work Permit. The application was:

Approved Denied
 Approved with Conditions:

- 1.) The new 10' wide asphalt driveway shall commence at Fallnik Road. At the property line the driveway material shall be gravel.
- 2.) Every consideration to alleviate drainage on lot 45 property shall be undertaken.

THE BUILDING PERMIT FOR THIS PROJECT SHALL BE ISSUED CONDITIONAL UPON ADHERANCE TO THE APPROVED HISTORIC AREA WORK PERMIT (HAWP).

Applicant: Rocco Campanero
Property Address: 25912 Fallnik Rd. (changed from 25822 Old Hundred Rd.)

***THE APPLICANT MUST ARRANGE FOR A FIELD INSPECTION BY CALLING DEP/FIELD SERVICES (217-6240) FIVE DAYS PRIOR TO COMMENCEMENT OF WORK AND WITHIN TWO WEEKS FOLLOWING COMPLETION OF WORK.

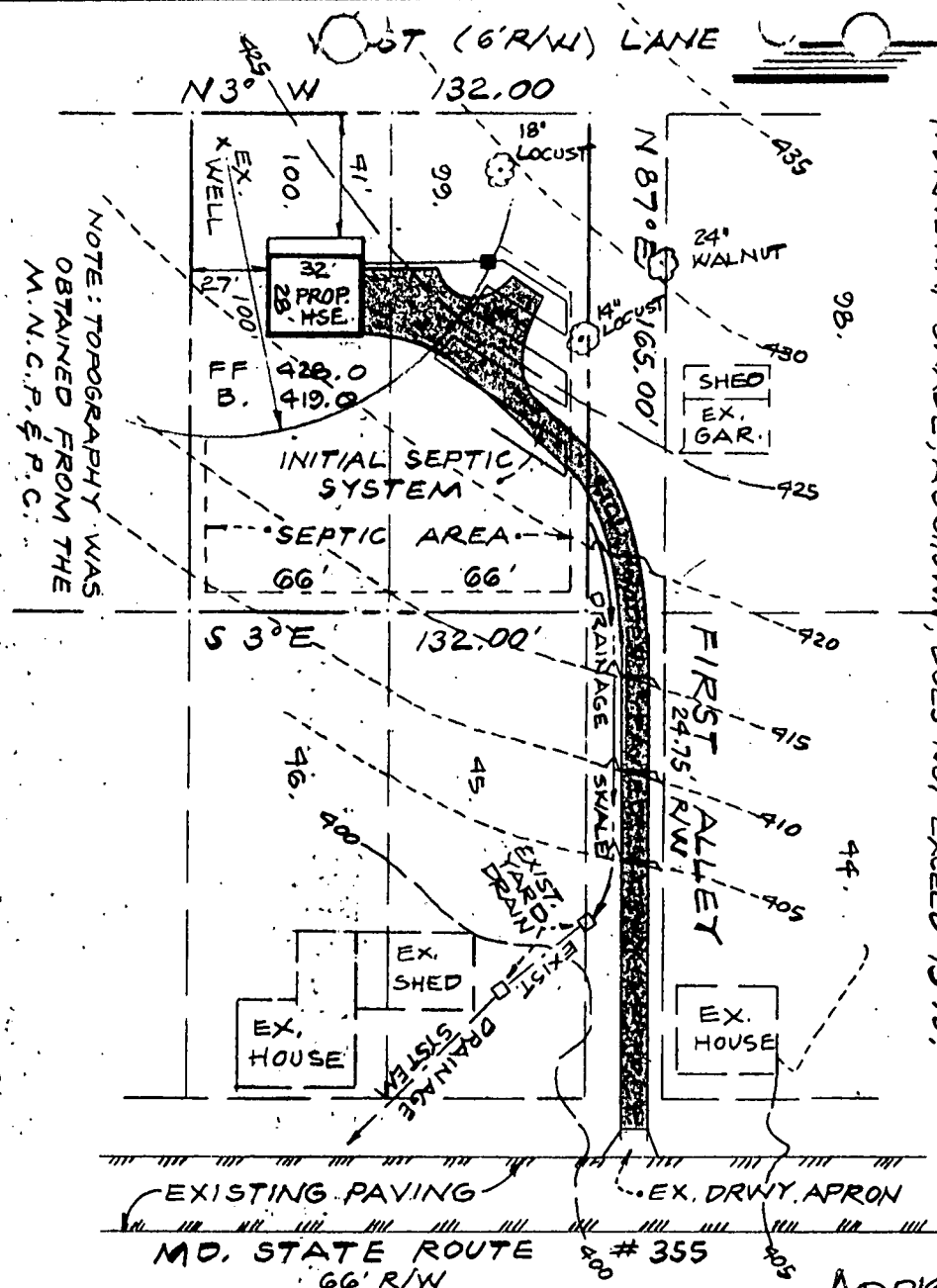
Mailing Address: P.O. Box 185
Clarksburg, MD. 20871

(39)

GENERAL NOTES

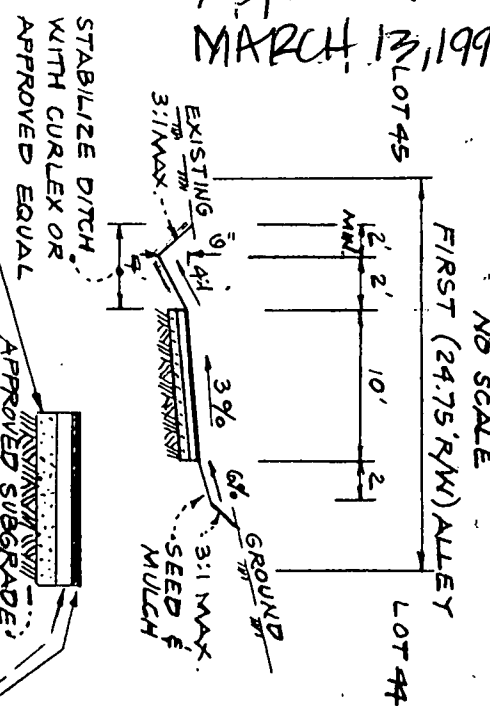
1. PRIOR TO GRADING OR CONSTRUCTION, A PRECONSTRUCTION MEETING MUST BE CONDUCTED ON-SITE WITH THE MCDER SEDIMENT CONTROL INSPECTOR, 217-6301 (48 HOURS NOTICE).
2. WORK SHALL NOT COMMENCE UNTIL PROPER PERMITS HAVE BEEN ISSUED BY MONT. CO. DEPT. OF TRANSPORTATION.
3. REFER TO MD. S.H.A. FOR WORK WITHIN STATE RIGHT OF WAY.
4. DRIVEWAY GRADE, AS SHOWN, DOES NOT EXCEED 15%.

NOTE: TOPOGRAPHY WAS OBTAINED FROM THE M.N.C.P. & P.C.



APPROVED
MARCH 13, 1996

TYPICAL DRIVEWAY SECTION



APPROVED SUBGRADE
1 1/2" BIT. CONC. BASE COURSE
2 1/2" BIT. CONC. BASE COURSE
3" STONE CRUSHED AGGREGATE
M.S.H.A. SPEC. # 2
DURING CONSTRUCTION
WITH A 1 1/2" SPEC. # 6 STONE
LEVELING COURSE JUST
PRIOR TO PAVING DRWY.
PAVING SECTION
NO SCALE

DRIVEWAY PLAN
LOTS 99 AND 100
HYATSTOWN
CLARKSBURG ELECTION DIST.
MONTGOMERY COUNTY, MARYLAND
TRI-COUNTY SURVEYS, INC.
P.O. BOX 55
DAMASCUS, MD. 20872
PHONE - 831-3655

Ms Michele Naru
The Maryland-National Capital Park and Planning Commission
8787 Georgia Avenue
Silver Spring, MD 20910-3760

Ms. Michele Naru,
Historic Preservation Commission Staff Member

Ms. Naru, please read:
From Karen Keibler, adjacent home owner, at 25908 Frederick Road, Clarksburg, MD

Commissioners, I am not able to attend tonight's session. I apologize. I am at a mid-term prep scheduled class meeting for a Computer Networking class I am taking at Montgomery College, Germantown. I need to have read this letter to the Commission. I have asked Ms. Michele Naru to read this letter. As a point of interest, in the Report Date 10/4/00 packet of information sent out, I do not see my statements from the past sessions in 1994. I do not know why they are not part of the document. I hope they lack of inclusion is an oversight on the part of the Commission. And I hope the current Commission has been made privy to them.

Commissioners,

I personally have no issues with building a house on the property whose mailing address is 25912 Frederick Road, Clarksburg, MD. I do have questions concerning what the applicant is intending to do, especially with the approved 896 square feet going to 1,000 square feet which apparently is being approved. But, I trust that the Commissioners will allow a house that is applicable to the area. I do propose that the house will completely be out of character, as the house sits on the top of a hill, a high hill. Without enough tall trees surrounding the house, the 1 ½ story house will look like the "King of the Hill," which is not really reflective of any structure in Hyattstown, not due to its design, but to its location on a high elevation.

My major concern has been with the driveway that will be needed to access the property. In the past years, I have had my dining room flooded by water that has come into my house due to rains on water-soaked land. I have had 4 feet of water in my basement. And that was without any new construction. We have had to sand bag the side yard and put a sub-pump in the basement. This is something that we have endured, and have been willing to endure. And I have for more than 30 years. However, with a new construction on the property above my house, I anticipate this will become a much bigger issue. I need to protect both my house and my well from any new water and sentiment damage. I do not know how to accomplish that with the new proposed construction. While the

Commission has recommended certain driveway coverings, it has not recommended any landscaping that would protect my investment. The property's driveway will disturb the soft ground of First Lane. Because it is soft, it can now handle much rain water and snow melt. However, as the ground becomes packed down and covered with a driveway, it will be able to absorb less and less water and snow.

If you would like to take a visit to Hyattstown, and I would encourage you to do so, I would show you the impact that the new construction, especially the driveway, would have on my property. The grade that the hill is on, will cause the new driveway to be excavated. Much land will need to be removed and put elsewhere, disturbing the lay of the land. I do not look forward to the first hard rain. Nor do I look forward to a driveway being relocated in my side yard. And I expect that to happen, if the new owner is not required to put up a retaining wall within the space of First Alley to keep the driveway within the bounds of First Alley or securely attach the driveway to the soft ground.

I request that prior to final approval of this building that a site engineer survey the existing property to determine the feasibility of the driveway so that I have no negative impact on my property. I request that this site engineer be acceptable to myself, the potential owner, and the Commission, if the Commission desires input.

Commissioners, I thank you for the ability to submit my needs to protect my property from negative impacts. I hope my request for the site engineer is part of your approval process prior to giving final approval for the new construction.

Sincerely,

Karen Keibler,
25908 Frederick Road
Clarksburg, MD. 20871

301-831-8767 (evening)
301-896-3340 (days)

Date: 10/11/2000
Sender: Karen Keibler <KKeibler@SuburbanHospital.org>
To: NaruM
Priority: Normal
Receipt requested

Subject: FW: addition - an assumption that seems to be made, and has
Michele, please add this to the e-mail from yesterday.

Thank you, Karen

Commissioners,

Perhaps there is an assumption being made by the Commission and the prospective owner of 25912 Frederick Road, Clarksburg, MD, concerning my property, the proposed driveway and its layout. The assumption: the underground drainage system located on my property is available to be tied into. That assumption is incorrect. I have never given permission to have anyone tie into that drainage system. I have never been asked by anyone if they could tie into that drainage system. And I do not intend to give my permission for anyone to tie into that drainage system.

The prospective property owners of 25912 Frederick Road need to look elsewhere to have their surface water from the proposed driveway directed. My underwater drainage system is not available to them for that runoff.

If further clarification of what I am willing to do and not do concerning the underground drainage system, please speak to Mr. Ed Schmidt. He is knowledgeable of my issues.

Sincerely,

Karen Keibler
25908 Frederick Road
Clarksburg, MD

Phone 301-896-3340 (days)
301-831-8767 (evenings)

October 10, 2000

Mrs. Michele Naru
Montgomery County Historic Preservation Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910

Re: Zabriski Petition for HAWP at 25912 Frederick Road, Hyattstown, Maryland
Lots 99 & 100 for New Construction

Dear Mrs. Naru:

A second preliminary consultation for the above petition is scheduled for October 11, 2000. With reference to that consultation I have reviewed the minutes from the July 26, 2000, meeting of the HPC staff and have the following concerns and comments that I would like the staff to address.

Listed below are statements from residents of Hyattstown concerning the opinions expressed in the July 26, 2000 minutes by HPC staff. Please consider that all of the issues addressed below have originated from contiguous property owners /Hyattstown residents that have resided in the historic district for twenty or more years.

The physical facts that should affect any structure permitted to be built on Lots 99 and 100 are;

1. The existing back lot homes are all single story structures with a maximum height of 19 feet.
2. The existing back lot houses have the roof ridge line running East/West.
3. The existing back lot houses have main entrances on the South and West.
4. All of the existing contiguous houses have a footprint of less than 896 square feet.
5. The existing back lot houses in the original historic survey have a top finish line of foundation very close to the natural grade of the land. No artificial grade has been created by back filling. A minimum of earth was disturbed to build these houses.
6. The existing back lot houses align on the West elevation that creates the West or front yard set backs.
7. The existing back lot house footprints are 7% or less of the quarter acre lot that they occupy.

Throughout the minutes of July 26, 2000, the staff refers to maintaining the rural village quality, preservation of historic patterns and small back lot construction. Yet in absolutely no instance does the proposed new construction adhere to the existing facts listed above.

From a construction stand point the following valid concerns are submitted to the HPC staff from the contiguous property owners;

1. There is no site elevation that shows the finished height of the foundation of the proposed structure in relation to the natural existing grade of the property. If rock is encountered, **as it will be**, exactly how high will this structure become ?
2. The Allegheny Power Company will provide the electrical service. A written report can be obtained that will explain how and from what source electrical service will be obtained for this site. HPC should require that this report be submitted with each request for construction. The tree loss disaster at the North end of town could have been avoided if an engineering site report was required from each entity providing any utility service. This should be obtained and submitted by each owner or builder requesting a HAWP for any historic site.
3. Exhibit (5), the subject site plan shows an existing yard drain and drainage system on the Keibler property. An alternative system must be engineered, approved and submitted for drainage and storm water management. The existing record owner of the property **will not** permit the use of his system.
4. A proposed walk-out basement is shown on the plans submitted. Until a final and binding decision is made as to exactly how a structure on this property will be sited a walkout basement can not be approved. As tentatively approved this aspect would be constructed within thirteen feet of the adjoining property line, how? The least offensive method would leave the South boundary property owner looking at a three-story elevation. A major water/drainage situation has to be addressed if a walkout is approved.
5. As with all past new construction petitions for HAWPS that were approved, the commission failed to demand documentation on the whole project, ie: driveways, utility access, maintenance of existing mature trees, landscaping, storm water management and the ultimate impact on existing properties prior to a HAWP being approved. We must prevent further destruction of our community by requiring the "complete construction development plan to be presented for review prior to a HAWP application being granted.

In conclusion the members of this commission need to physically visit the lots in question walk up First Alley to the site and meet with the existing property owners. The very least that the contiguous property owners should expect from the HPC staff and commission is that each member knows first hand how high the site is and where NORTH, EAST, SOUTH and WEST really are in relation to the proposed new construction. It is very evident in reading the minutes that this in not the case.

HPC staff should not allow them selves to make a decision based on misinformation or misunderstood physical characteristics when a site visit could alleviate questions that obviously exist and help to resolve differences of opinion on this proposal.

October 10, 2000
HPC/Zabriski Petition
Page 3:

The environment, privacy, property values and happiness of many people are going to be affected by the HPC staff recommendations. The HPC staff has a responsibility to work on the behalf of the historic community of Hyattstown, the long time residents of Hyattstown and **then for a petitioner for new construction in Hyattstown**. First do no harm!

Respectfully submitted,



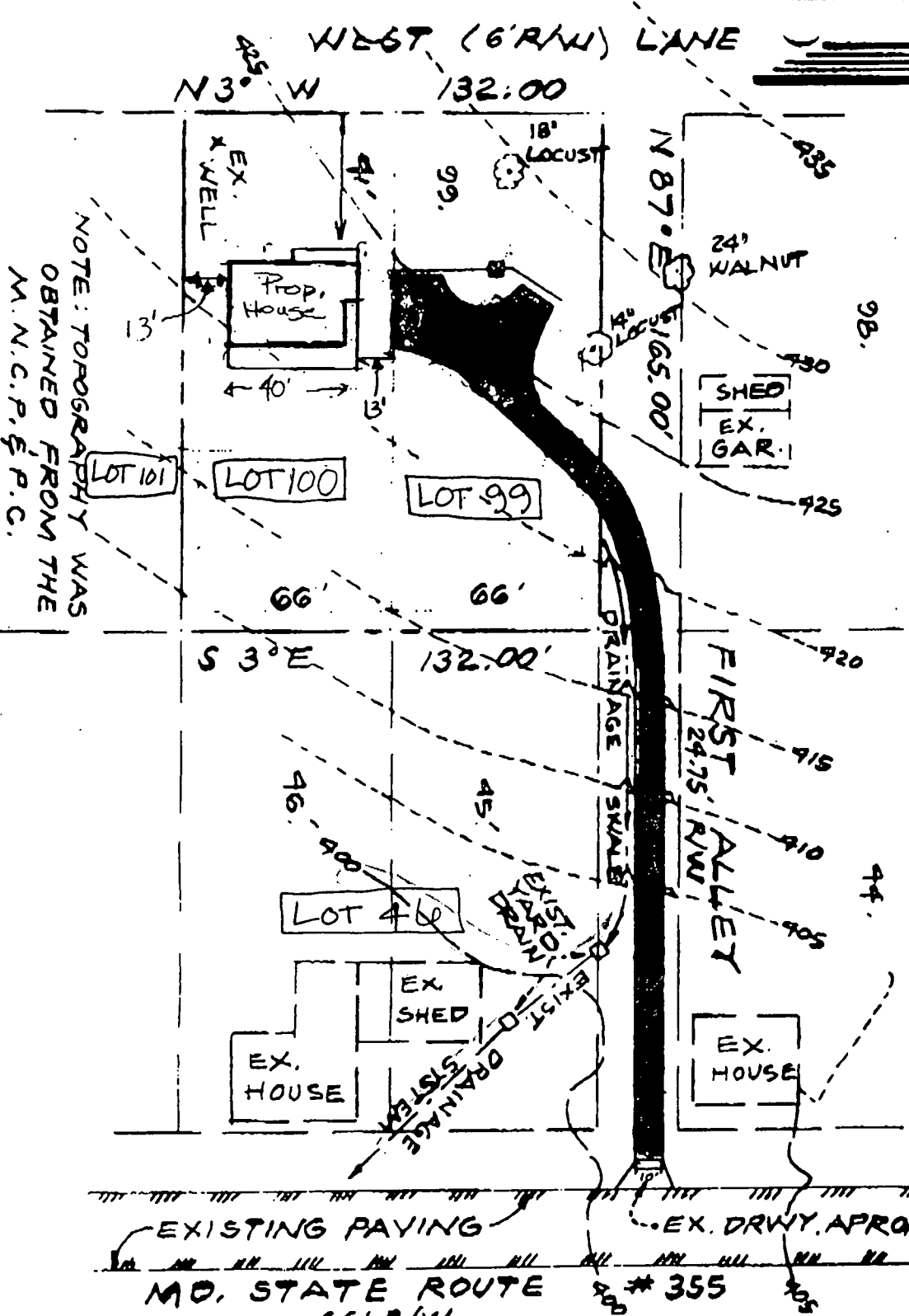
Jeffrey C. and Julia A. Gross

JAG/

cc: HPC File

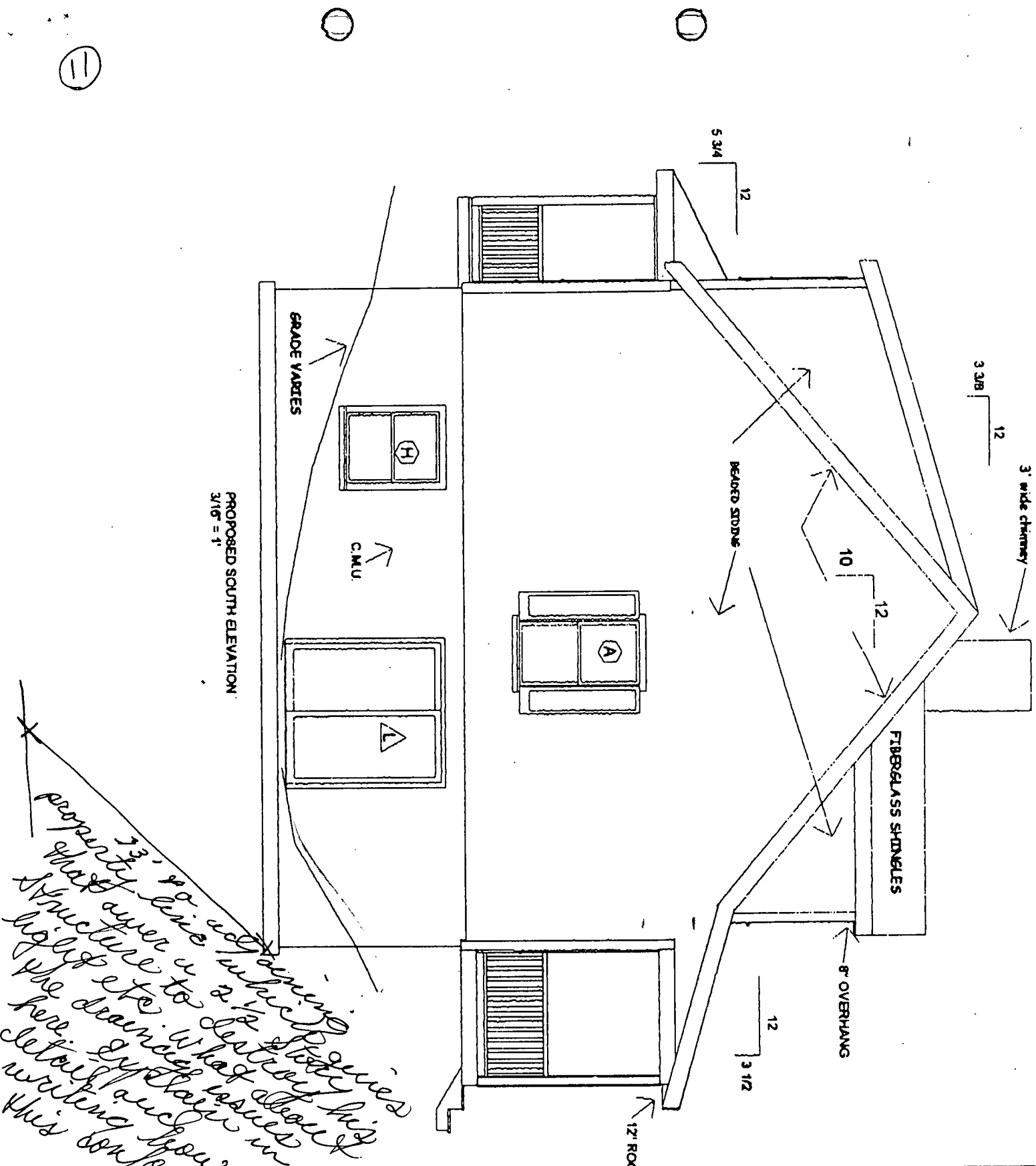
Doug Duncan, County Executive

Nancy Dacek, District Two Representative



NOTE: TOPOGRAPHY WAS OBTAINED FROM THE M.N.C.P. & P.C.

- GENERAL NOTES**
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 2. WORK SHALL NOT COMMENCE UNTIL PROPER PERMITS HAVE BEEN ISSUED BY MONT. CO. DEPT. OF TRANSPORTATION.
 3. REFER TO MD. S.H.A. FOR WORK WITHIN STATE RIGHT OF WAY.
 4. DRIVEWAY GRADE, AS SHOWN, DOES NOT EXCEED 15%.



PROPOSED SOUTH ELEVATION
3/16" = 1'

*33' to line including Porch
property what ever a 2 1/2' structure to what about
high etc. what ever results
the drawing and
here. Explain in
detail and how
writing how
this conform*

<p>Hyattstown Lot 100</p>	<p>Zabriski Residence</p>	<p>SEPT. 2, 2000</p>	<p>SHEET 6 OF 9 SHEETS</p>
--------------------------------------	--------------------------------------	----------------------	--------------------------------

ZARRISKY

- OVERGROWTH - & PLANT BUSHES -
- ~~STAIRCASE~~
- SCREENING -

HOW DOES THE COMMISSION FEEL ABOUT:

- DRIVEWAY
- WALKOUT BASEMENT?
- ORIENTATION OF HOUSE
- FACE WEST LANE

UNDERGROUND ELECTRICAL

- WOOD WINDOWS - $\frac{1}{1}$ INSTEAD OF TRUE DIVIDED LIGHTS.
- FACING ON FOUNDATION
- SETBACK REQUIREMENT 18' TOTAL (SIDE)

LW

- DRAINAGE - SITE PLAN
- ELEVATIONS
- RUNOFF ~~W~~ DRIVEWAY

THINGS NEEDED

- ~~TO DO~~ - LANDSCAPE PLAN.

- LETTER FROM ELECTRICAL SERVICE STATING HOW SERVICE IS TO BE PROVIDED.

ENGINEER FOR DRIVEWAY - REPORT

- DRAINAGE SYSTEM
- STORMWATER MGMT PLAN

- SITE PLANS FOR PROPOSED + EXISTING

- MASSING + ORIENTATION.

- DH - WEST LANE ~~FRONT~~
- SV - ~~FRONT~~
- LW - ~~WALK~~
- GK = ESSENCE OF FRONT FACING WEST.

HISTORIC PRESERVATION COMMISSION STAFF REPORT

Address: 25912 Frederick Rd, Hyattstown (Lots 99 and 100)	Meeting Date: 07/26/00
Applicant: Peter Zabriski	Report Date: 07/19/00
Resource: Hyattstown Historic District	Public Notice: 07/12/00
Review: Preliminary Consultation	Tax Credit: None
Case Number: Not Applicable	Staff: Michele Naru
PROPOSAL: New Construction	RECOMMEND: Proceed to Second Preliminary Consultation

BACKGROUND:

The review of proposals for new construction at 25912 Frederick Road has a long history. The following brief overview of that history is taken from a formal staff report in 1994.

At a meeting of the HPC on January 12, 1994, there was a preliminary consultation where the Historic Preservation Commission (HPC) offered comments to the applicant and property owner, Rocco Campanaro, on his proposal to construct a new house on Lots 99 and 100 and a 10' wide driveway off Old Hundred Road in Hyattstown. These lots were located behind lots fronting on Frederick Road, north of Old Hundred Road in the Hyattstown Historic District.

On February 23, 1994, the HPC began the formal review of a HAWP for this property. They discussed in detail issues of access and the appropriateness of building behind street front lots facing Frederick Road, as presented by the applicant's proposal. Staff referred the HPC to an earlier comprehensive study of Hyattstown, prepared by a consultant for M-NCPPC in August, 1992. The study focused on various character-defining features of the district which includes setbacks, rhythm and space between buildings, and geographic and landscape features. Staff stated that there is very little departure from the strict linear configuration of houses facing Frederick Road. Two HPC Commissioners were concerned about the establishment of a precedent of approving new buildings to be sited in the backyard of existing homes fronting on Frederick Road. Commissioners felt that the structure should make a gesture to the historic road.

Secondly, Commissioners felt that there was insufficient information available to determine if access off Old Hundred Road, as shown in the applicant's proposal, could be approved. The dedicated public road in this area was platted in 1802 (West Lane) and it was only six feet in width. Commissioners also expressed concerns about additional new construction in the future and felt that the house should straddle Lots 99 and 100 -which would require re-subdivision.

The Commissioners also discussed the character of the proposed structure, issues of compatibility raised by the design of the new house and the necessity for landscaping to buffer new construction from the historic road. The HPC suggested that the proposed structure should be modest in size and face Old Hundred Road (West Lane). The structure should be 1 1/2 stories

with an adequate tree buffer. The tree buffer would offer some mitigation to a muddled backyard-front yard relationship visible from Frederick Road. The HPC deferred action and further comment at that time and HPC staff was requested to work with the applicant to provide additional information to the Commission on the validity of the lot and issues of access.

On March 9, 1994, staff presented a report to the HPC discussing the unresolved issues and the HPC further commented on the proposal. In order for the project to receive HPC approval, the applicant would be required to submit a revised site plan, provide archeological information from the M-NCPPC Parks Department Archeologist on the nature of an existing foundation, and most importantly utilize wood trim, wood siding, and wood double-hung windows/doors and traditional porch rail details for a small structure, fairly devoid of ornamentation.

In lieu of re-subdivision to consolidate recorded lots, Mr. Campanaro decided to re-site the house only on Lot 100. The process of re-subdivision to consolidate lots requires filing and noticing of affected property owners. This sixty-day process establishes a record plat required for release of building permits. Re-subdivision to consolidate Lots 99 and 100 would have been required because the house, as shown in the proposal, occupied two lots. A structure cannot occupy more than one lot.

Mr. Campanaro decided to re-site the proposed house and not file for re-subdivision. In lieu of lot consolidation, Mr. Campanaro offered to provide a recorded covenant or deed restriction stating that Lot 99 would remain unimproved.

Then on April 27, 1994, the HPC completed the review of the Historic Area Work Permit for this property. The applicant had made all required revisions and a HA WP for new construction of a modest single family house 32' wide by 28' deep was approved for applicant, Rocco Campanaro. A 6' deep back porch, facing Frederick Road, with low railing across the width of the house would be built and a front porch, 8' wide by 5'6" deep facing Old Hundred Road (West Lane) would be constructed on the front facade. It would be an open porch without railing.

On December 5, 1994, Rocco Campanaro submitted a formal Declaration of Restrictive Covenant to the Montgomery County Clerks office for Lot 99.

On January 23, 1995, a new HAWP was filed by Rocco Campanaro to remove a tree on this property. This proposal was necessary to provide well facilities to service the previously approved new single-family house. The HPC approved the proposal with the condition that the tree should be removed without disturbance to the root systems of other adjacent tree specimens.

A year later, on January 29, 1996, the applicant, Rocco Campanaro, filed another HAWP application to construct a 12' wide gravel driveway in the area of First Alley. The Commission reviewed this proposal on March 13, 1996. At this meeting, the HPC requested additional information determining the exact location of the driveway and details of its construction. The

HPC also wanted expert testimony from the applicant's engineer to address the issue of the most appropriate surfacing material and adequate grading for the proposed driveway. At the applicant's request, this case was continued to provide sufficient time to secure the additional documentation requested.

The applicant provided all requested documentation and additional testimony from his engineer on April 10, 1996. At that meeting, the HPC approved a HAWP proposal to construct a 10' wide asphalt driveway commencing at Frederick Road. As part of the conditions of approval, at the property line the driveway material shall be gravel, and every consideration shall be undertaken to alleviate drainage problems on Lot 45 due to construction on the subject property.

At the April 24, 1999 meeting, the commission reviewed a Revision to the approved HAWP. This application proposed several revisions to the approved house design, including: an increase in floor area, an increase in overall building height, a reorientation of the house so that the front door would face Frederick Road instead of Old Hundred Road, a re-design of the second story dormers, re-design of the front and rear porches, a change from using wood siding to using a wood composite for siding, installation of a heat pump at the rear, raising the foundation one foot and installing basement windows with foundation plantings, deletion of the external chimney, adding side and back door porch roofs with simple bracketing, relocating windows and doors; changing the configuration of windows to 1/1 with screens, driveway installation, and adding roof overhang. The HPC denied this HAWP revision.

The proposal now before the HPC is from a new prospective purchaser who wishes to construct a new house and garage on the proposed site.

DESCRIPTION:

Hyattstown, founded by Jesse Hyatt, was originally platted in 1798 and is significant as one of the largest cohesive collections of relatively unaltered 19th century buildings in Montgomery County. The town, a rural village, was created to service the needs of travelers and nearby farm facilities. It is located along a single, tree-shaded street and is a fine example of linear development along a major artery, opened about 1750, to connect the tobacco port of Georgetown with the colonial City of Frederick. With the establishment of Washington as the nation's capital, Frederick Road continued as an important artery linking the westward expanding frontier to its new capital city.

Hyattstown appears today much as it did in the 19th century. Interspersed among modest homes are many structures essential to 19th century village life including a school, churches, shops, offices and a hotel. The majority of the homes in Hyattstown were erected close together on quarter-acre lots and very close to the roadside. The houses, mostly built between 1800 and 1900, are visually important features of Hyattstown's streetscape. The historic district is comprised of approximately 38.6 acres and about 30 structures. The lots and alleys are situated just as they were back in the 18th and 19th centuries. Included in the district in addition to residential uses are churches, a restaurant, a barber shop, and the volunteer fire department.

The proposed lots are situated between Route 109 and First Alley behind Lot 46, which faces Frederick Road (Circle 6). First Alley is a 16'6" wide public right-of-way created by a record plat for Hyattstown on March 22, 1802. The new house and garage would be located on a knoll overlooking Frederick Road.

PROPOSAL:

The applicant is the contract purchaser for Lots 99 and 100 at 25912 Frederick Road in the Hyattstown Historic District. Each of these two lots is 10,890 s.f. in size.

The applicant proposes to construct a house and small garage on Lot 100. The house will be built to face Frederick Road and the garage will be built to face West Lane or First Alley (Circles 8-10). There are three different proposals for the garage and driveway installation. The first proposal and the most desirable for the applicant, is to connect the new driveway to West lane, which is an existing paved surface (Circle 8). The second and third proposals for the driveway commence at Frederick Road and lead up the currently unpaved First Alley to the proposed property (Circles 9-10). The applicant has no preference to material for the driveway application.

The applicant is willing to discuss the use of gravel, asphalt or another surface alternative for the proposed pavement.

The houses proposed are 1-1/2 story, three bay, frame buildings with side gable extended roofs and full-width front porches (Circles 11-19). The footprints range from 1000 sq.ft. to 1161 sq. ft *not including the sq. ft. of the front porches*. The house will be clad in wood, siding. The chimney will be stone or brick faced. The windows will be wood, true-divided light and all wood doors and windows will be surrounded with wood trim and details.

The applicant also proposes to construct a garage on Lot 100 (Circle 20 and 21). The garage design was intended to give the appearance of an outbuilding or ancillary structure. The proposed garage is a two-bay, 23'W x 24'L front gable roof structure with a shed roof side addition ornamented with a ventilator in the gable end. The garage will also be of frame construction clad in wood. All windows, doors, trim and details will be wood.

Lot coverage for Lot 100 is approximately 14% to 15.7% (depending on design).

No buildings will be constructed on Lot 99 per the Restrictive Covenant placed on the property on December 5, 1994 by a previous owner.

STAFF DISCUSSION:

Historically, Hyattstown developed, and was designated, as a linear town along Frederick Road. There has been concern about being able to preserve this building pattern in the light of new development pressures. The back lots historically were utilized for important uses, which supported the residents along Frederick Road, such as small barns, sheds or small garden plots. Some small outbuildings remain in town, although many have deteriorated.

However, in considering the current proposal, staff turned to the *Vision of Hyattstown: A Long-Range Preservation Plan ("Vision Plan")* which was prepared in 1992 by Traceries and PMA Associates at the request of the HPC to provide guidance in their consideration of new proposals within the historic district. The project meets the development standards that are outlined in the *Vision Plan*, and would not disrupt the existing pattern of development, which defines the character of this rural village. The new construction proposed by the applicant is consistent with the recommended strategies for preserving the characteristics of the district, including :

1. Preservation or significant historic pat tens or development.

These include maintaining the existing residential uses fronting Frederick Road. The applicant is proposing a 41'+ front yard set back (depending on the site plan) which is consistent with the 25' to 40' front yard set back typical of the pattern for the existing historic houses fronting the road.

2. Maintaining the rural village quality in Hyattstown.

Staff is of the opinion that the proposed house design will not be intrusive to the Historic District, yet it will complement the existing house types.

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3. Preserving and maintaining the trees, which contribute to the character or the Historic District.

While the proposed new construction will alter the appearance of this lot, the proposed house will be situated on the lot without disturbing any of the mature trees larger than 6" in diameter, which fall within the purview of the HPC.

The HPC approved a house on Lot 100 in 1994. The approved house was a 1-1/2 story frame structure with an 896 sq.ft. footprint minus the sq. ft. of the front and rear porches. The house designs before the Commission today are between 1000 sq. ft. and 1161 sq. ft. in footprint. After reviewing the approved HAWP and revisions issued on March 9, 1994 and April 27, 1994 (Circles 22 and 23), staff feels that the house designs presented by the applicant generally comply with the conditions of this approved HAWP. Staff would encourage the applicant to reduce the height of the elevations and eliminate the wrap-around porch design on House Plan #1. Generally, staff feels that the three new house proposals are in-keeping with the overall character of the historic district and does not have a preference to either one of the designs. Staff does note that the applicant prefers house Design #1.

Staff is concerned with the proposed construction of a garage on Lot 100. The design of the garage is sympathetic to the character of the district---yet the garage does increase the percentage of lot coverage to between 14%-15.7%. Staff would encourage the Commission to generate dialog on this topic.

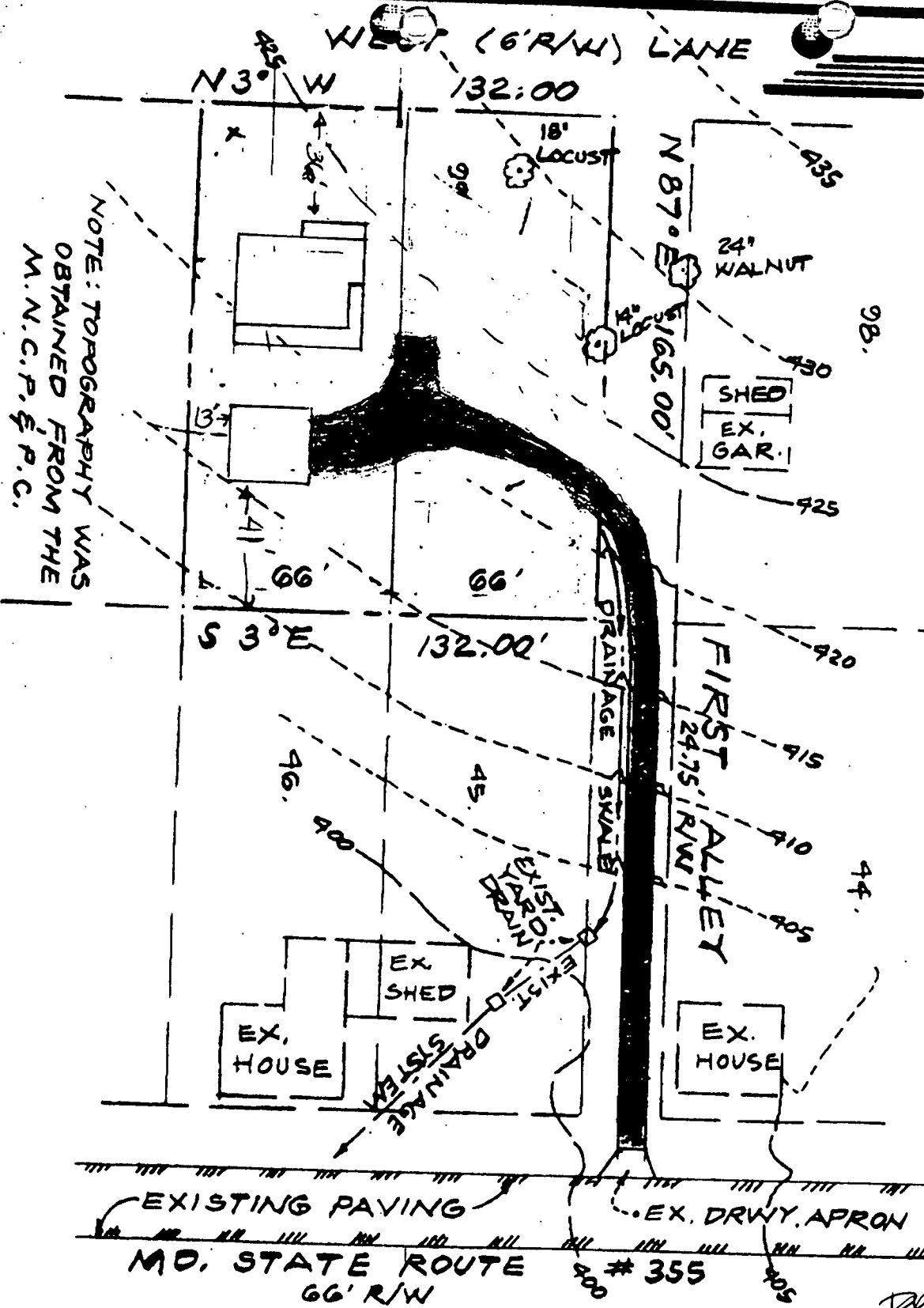
Finally, the applicant is submitting three different site plan proposals. The major difference in each of them is the location of the new driveway. Staff highly supports proposal #1 because of its minimal impact on the landscape and the environmental setting of the historic district. Staff would encourage the applicant to eliminate the portion of the design that encroaches on Lot 99. Staff would encourage the applicant to initiate a conversation with the neighbors that use and own this private lane. Staff would prefer the use of gravel for the driveway application but notes that West Lane is an asphalt drive and would not object if the applicant desired to continue the asphalt to his property.

STAFF RECOMMENDATION:

Proceed to Second Preliminary Consultation.

GENERAL NOTES

1. PRIOR TO GRADING OR CONSTRUCTION, A PRECONSTRUCTION MEETING MUST BE CONDUCTED ON-SITE WITH THE MCDER SEDIMENT CONTROL INSPECTOR, 217-6301 (48 HOURS NOTICE).
2. WORK SHALL NOT COMMENCE UNTIL PROPER PERMITS HAVE BEEN ISSUED BY MONT. CO. DEPT. OF TRANSPORTATION.
3. REFER TO MD. S.H.A. FOR WORK WITHIN STATE RIGHT OF WAY.
4. DRIVEWAY GRADE, AS SHOWN, DOES NOT EXCEED 15%.



NOTE: TOPOGRAPHY WAS OBTAINED FROM THE M.N.C.P. & P.C.

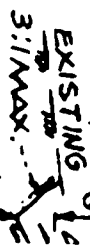
Project #3

② TYPICAL

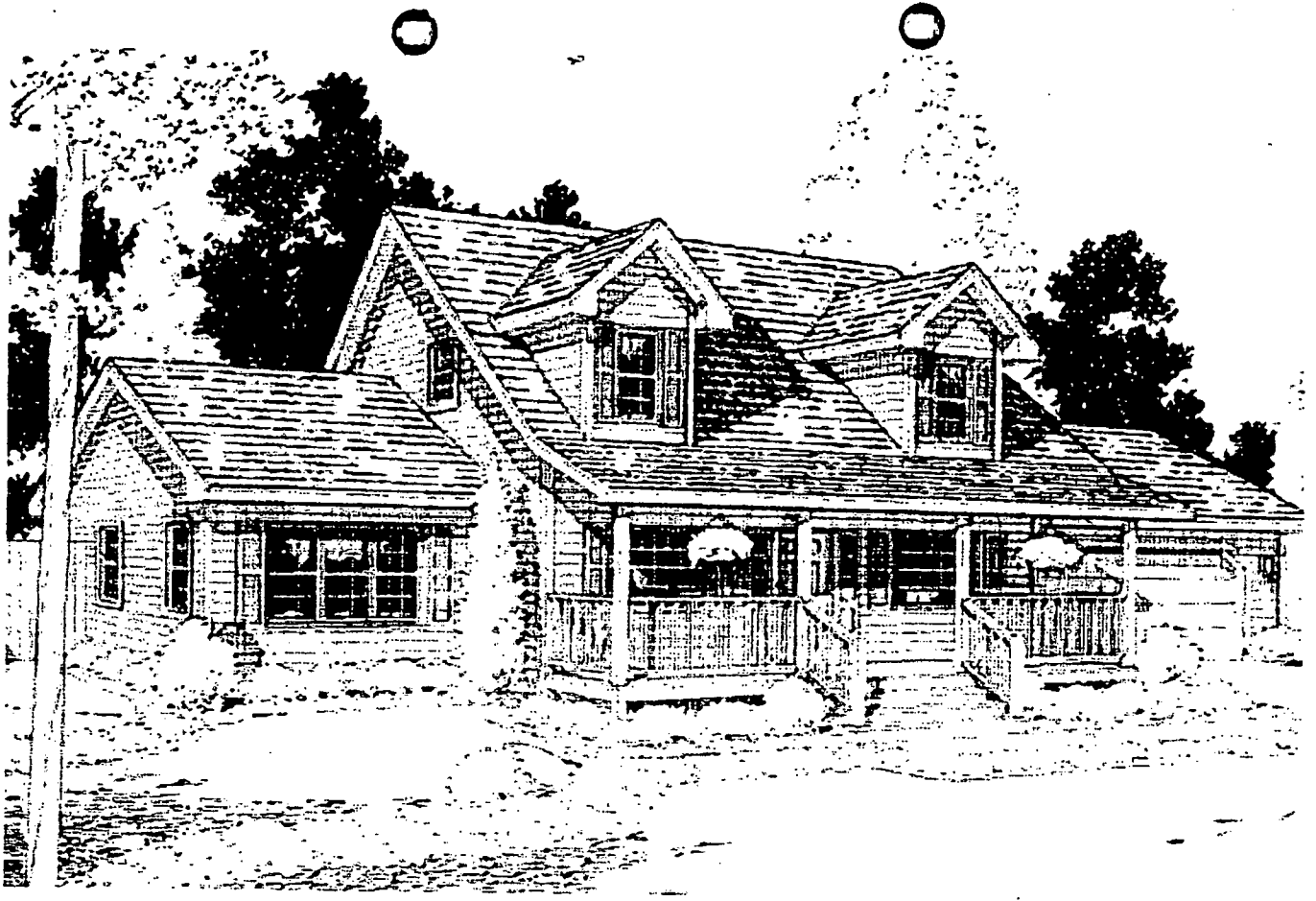
LOT 45

F/R

STABILIZE DITCH WITH CURLEX OR APPROVED EQUAL



DRIVEWAY
LOTS 99
HYATT
CLARKSBURG
MONTGOMERY
TRI-COUNTY
P.O. 1
DANASCI
PHONE



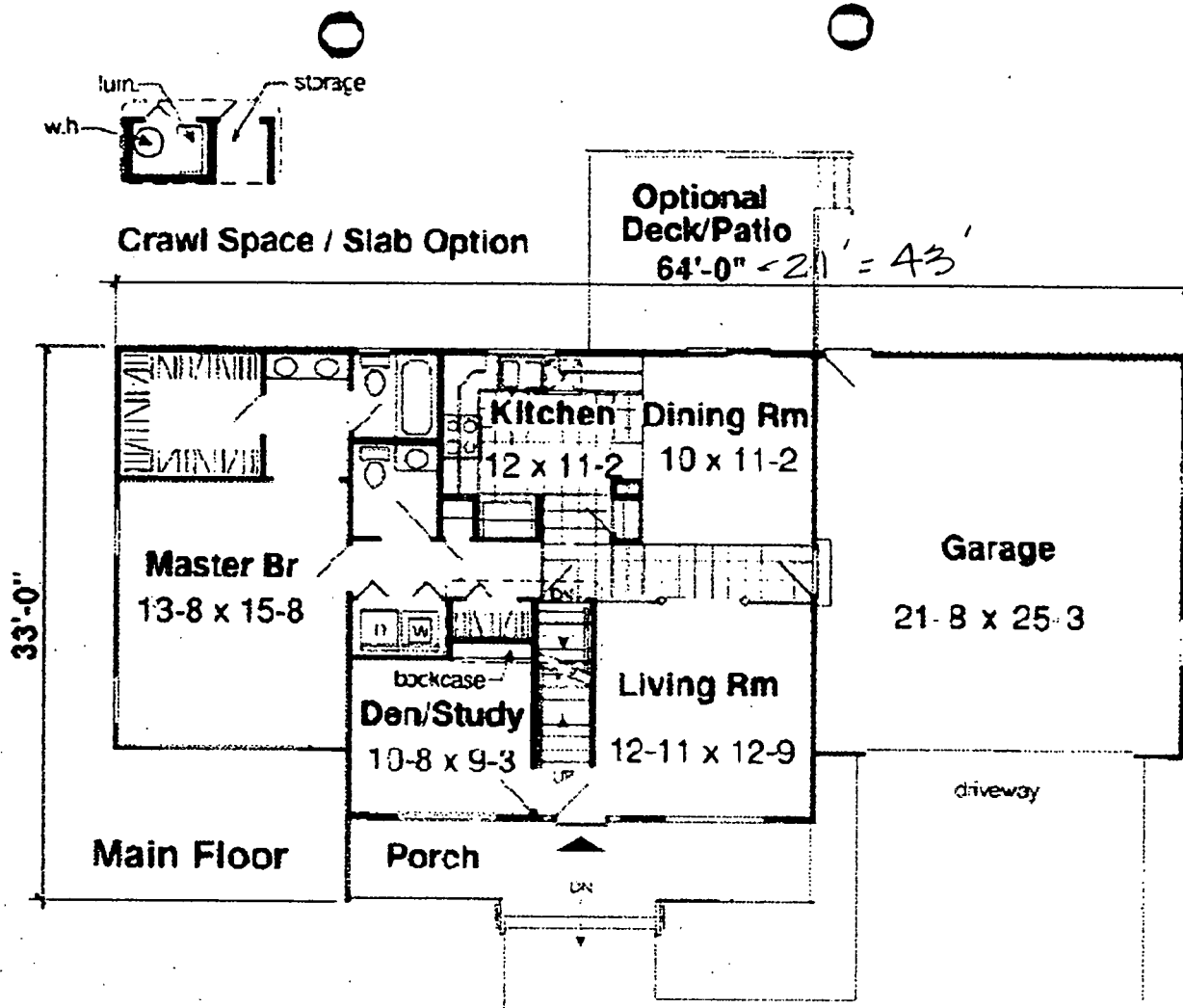
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HOUSE PLAN #2

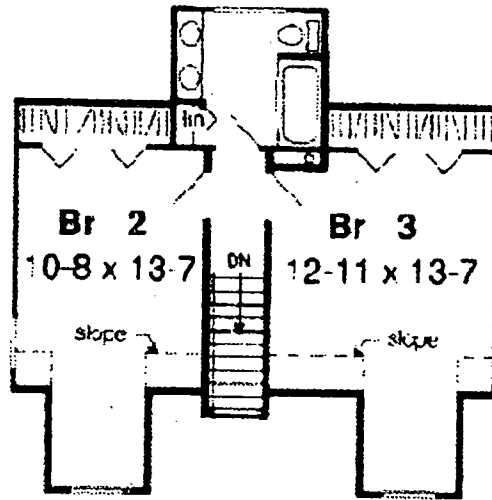
* THIS WOULD NOT HAVE THE ATTACHED GARAGE

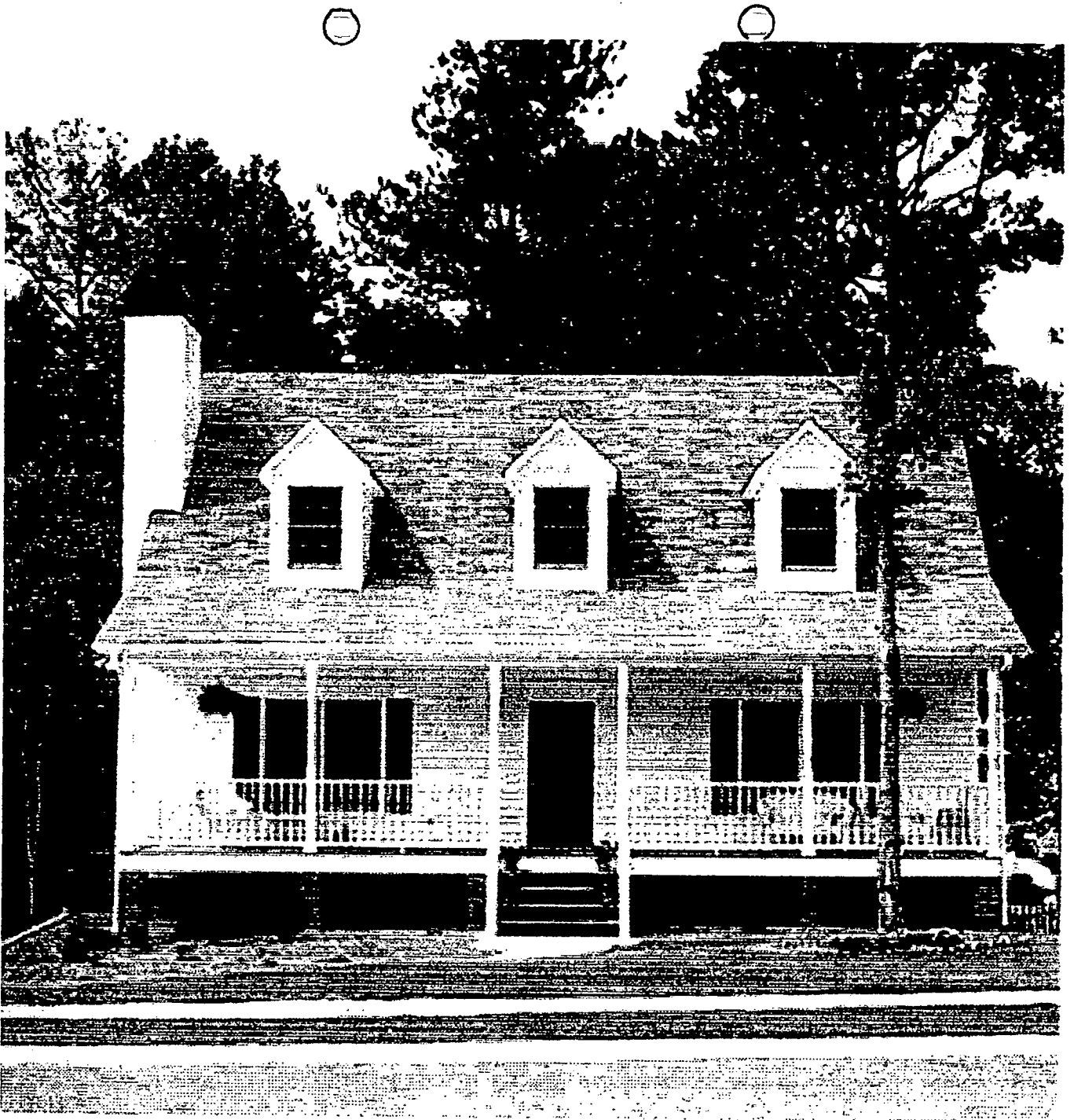
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	<u>1161 SQ FT</u>	WITHOUT PORCH
	<u>1419 SQ. FT</u>	TOTAL



1712



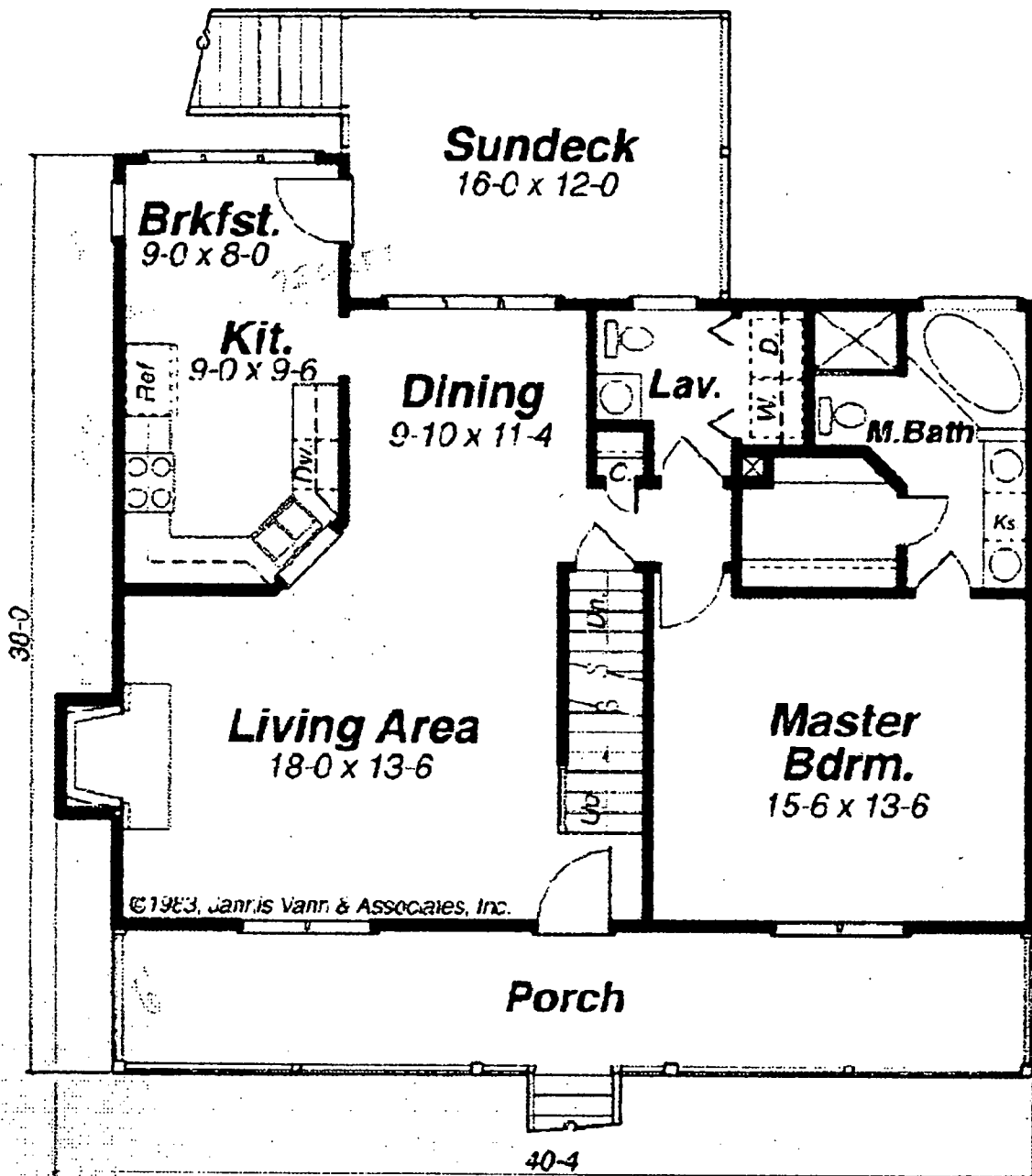


HOUSE PLAN #3

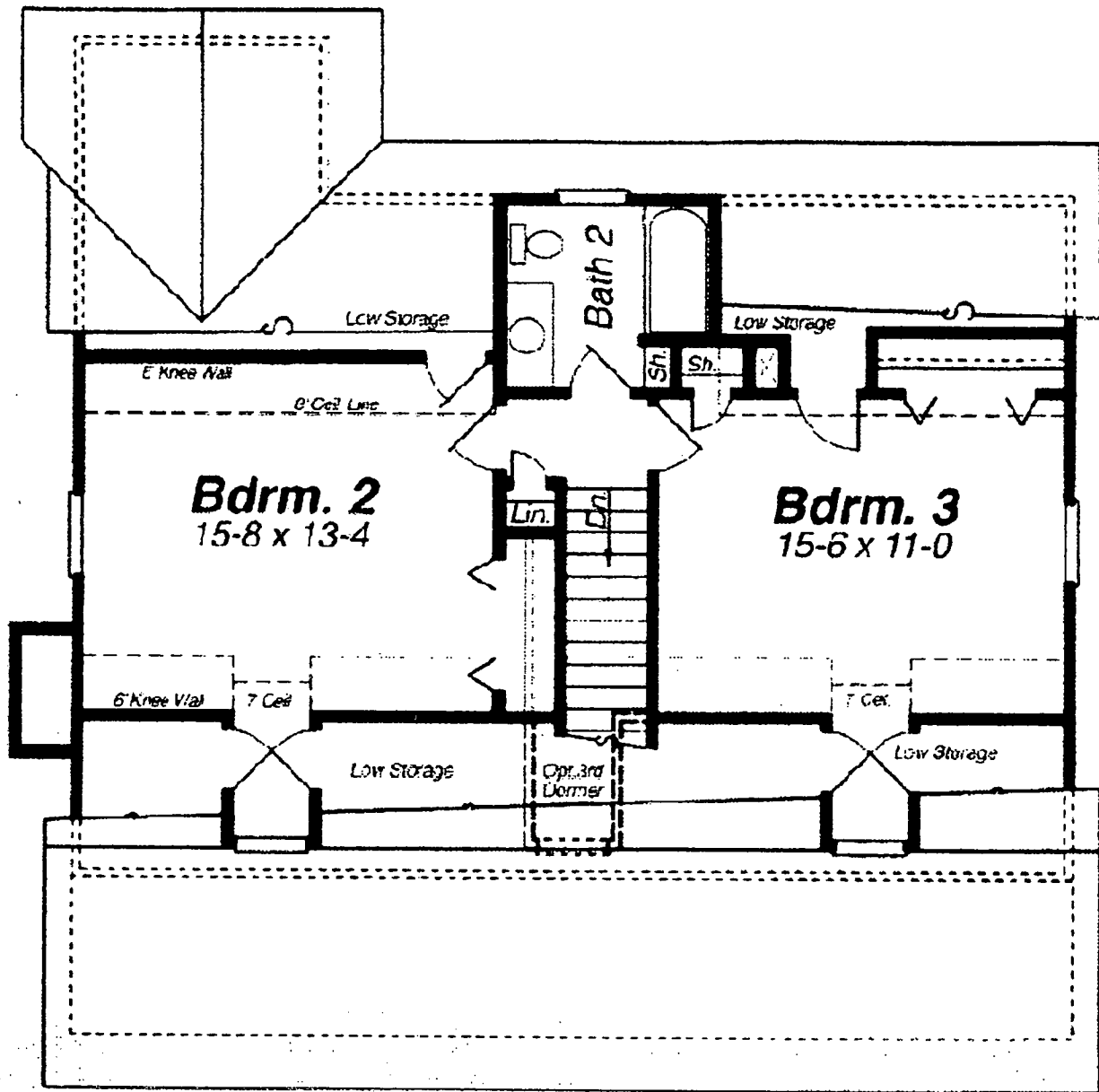
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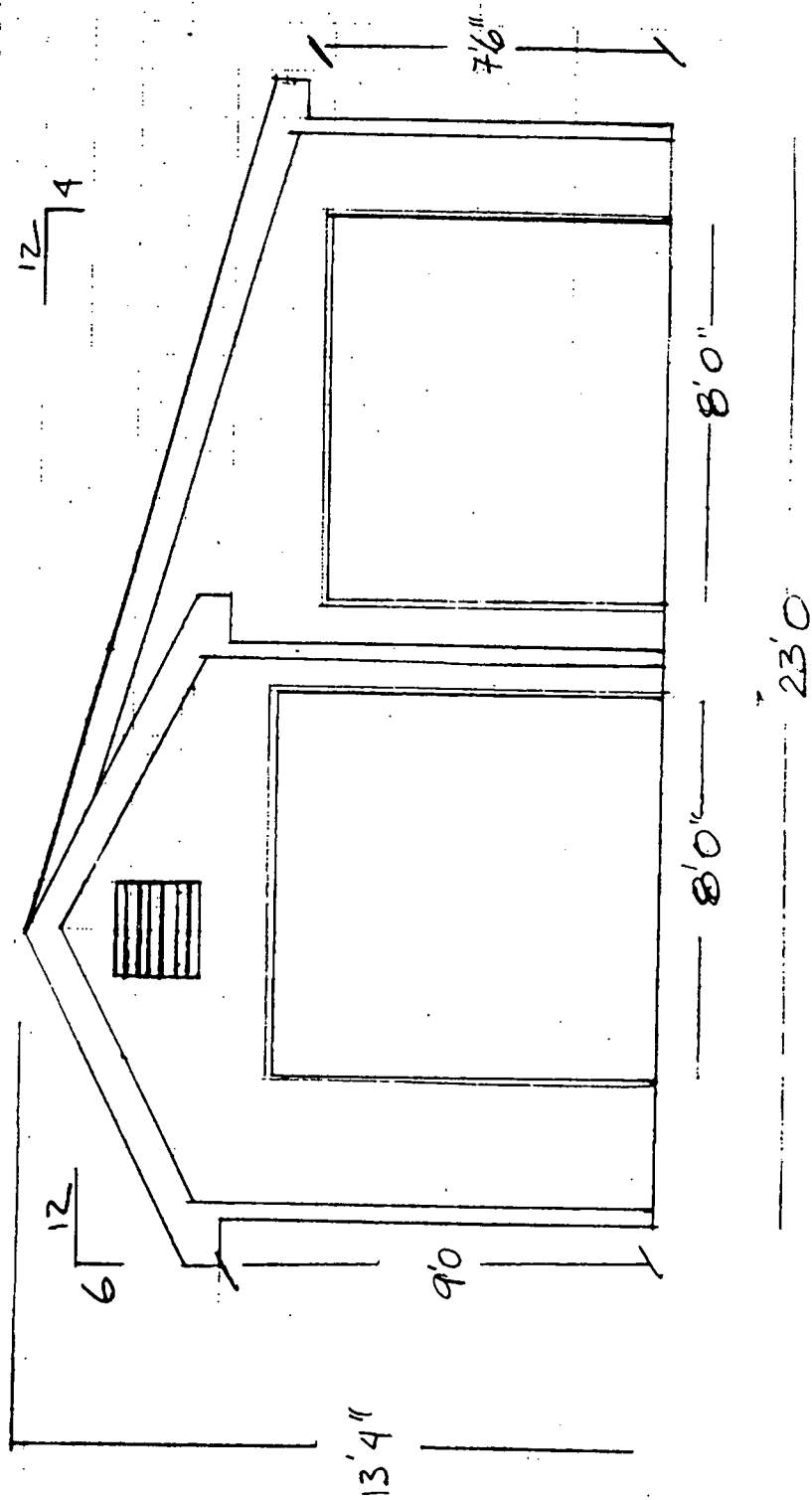
FOOTPRINT

{ 1000 SQ FT ± W/O PORCH
 { 1232 SQ FT ± W/PORCH

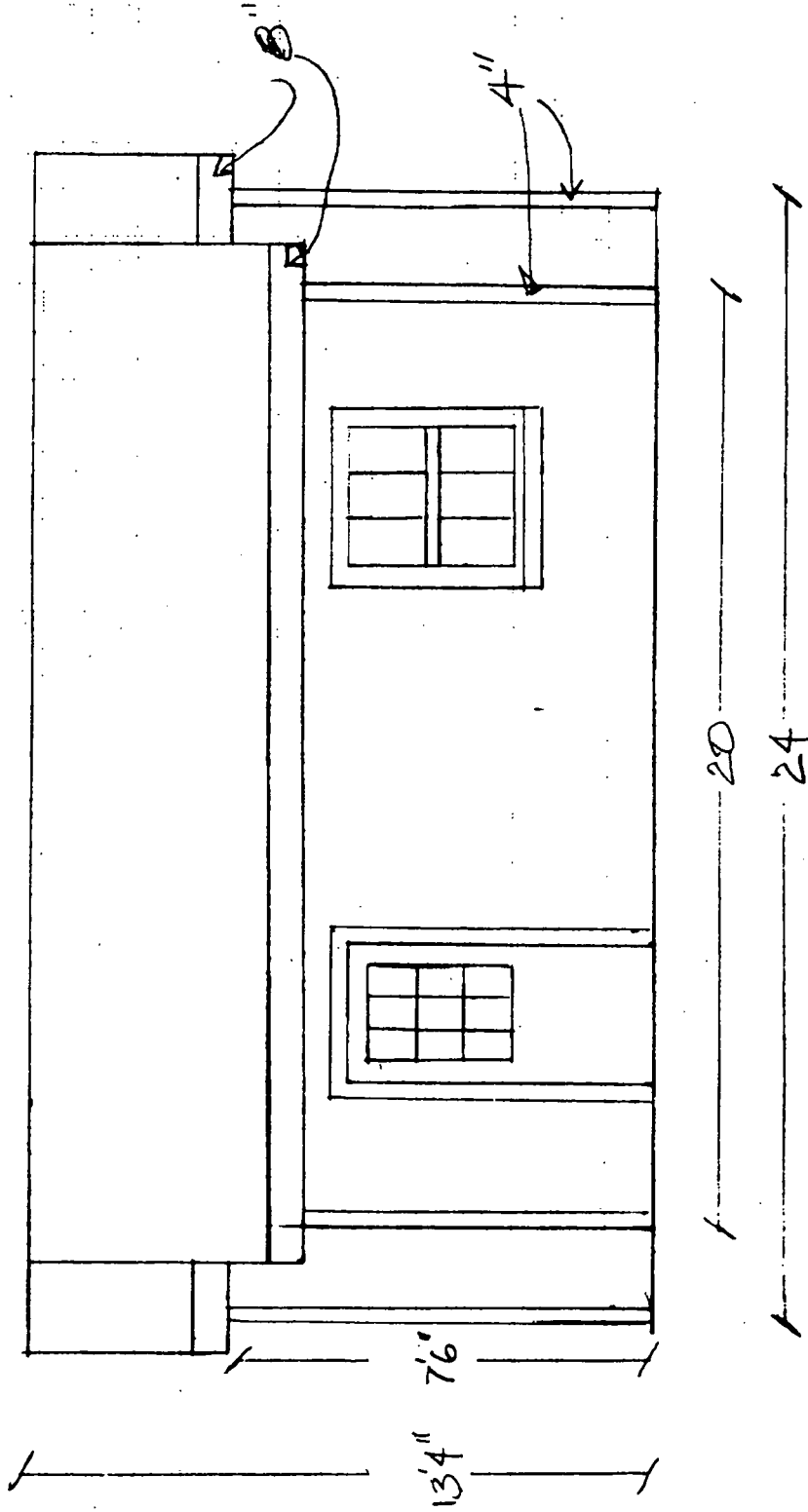


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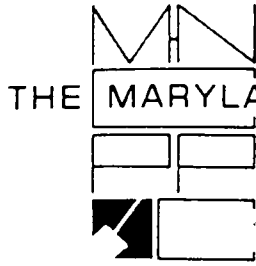




$\frac{1}{4}'' = 1'0''$
 25912 Frederick Rd
 Peter Zabafiski
 7/A/2000



$\frac{1}{4} = 1'0"$
 25912 Frederick Rd
 Peter Zabriski
 7/4/2000



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

8787 Georgia Avenue • Silver Spring, Maryland 20910-3760

May 5, 1994

Mr. Rocco Campanaro
14101 Lewisdale Road
Clarksburg, Maryland 20871

Dear Mr. Campanaro:

This letter follows the most recent meeting of the Historic Preservation Commission (HPC) on April 27, 1994. At that meeting, the Commissioners reviewed a revised application to construct a new single-family dwelling on Lots 99 and 100 in the Historic District of Hyattstown, Maryland.

As you know, the HPC approved a proposal concerning this property on March 9, 1994 with several conditions. One of these conditions was that the house straddle Lots 99 and 100. Subsequent to this meeting, you requested the HPC to re-visit the issue of siting.

Most recently, the HPC approved your revised HAWP to locate the new house entirely on Lot 100 because of County regulations which address the minimum square footage required for well and septic locations. All the other conditions for HAWP approval remain in place. These conditions are:

- o The applicant shall abandon and not use West Lane for access; the applicant shall utilize First Alley. Any plans for grading and construction of a driveway - especially in regard to tree removal and driveway materials must come back to the HPC as a separate Historic Area Work Permit.
- o Wood siding and wood double-hung windows shall be used.
- o Wood trim (4" min.) shall be used around all windows and doors.
- o All windows, not appearing in dormers shall be fully trimmed and shuttered. Shutters shall be 1/2 the width of the window opening.
- o Wood cornice trim is required.
- o Wood corner boards are required and shall be a minimum of 4" wide.
- o Porch rails shall be traditional with pickets set in top and bottom rail. Maximum picket spacing shall be 4" o.c.

Also, your revised application was approved with the added condition that a deed restriction or covenant for Lot 99 be prepared and submitted to HPC's counsel for review and approval. This document must be received by staff prior to submitting the approved application to DEP.

We await receipt of the draft document for HPC counsel review and approval before processing of your Historic Area Work Permit can be completed.

Sincerely,

Patricia E. Hayes Parker
Patricia E. Hayes Parker

cc: Robert Meier, Esq.
William L. Wirts