

**HISTORIC PRESERVATION COMMISSION OF MONTGOMERY COUNTY**

**2425 REEDIE DRIVE, 13th FLOOR**

**WHEATON, MD 20902**

**301.563.3400**

**HAWP Permit Number:** 1066313

**Received:** April 11, 2024

**Public Appearance:** May 8, 2024  
Before the Montgomery County Historic Preservation Commission

Historic Area Work Permit Application of Mr. Russell and Mrs. Karen Pittman  
7124 Carroll Avenue, Takoma Park  
Takoma Park Historic District (#37/03)

**DECISION AND ORDER**

The above-captioned case having come before the Historic Preservation Commission of Montgomery County Maryland (“Commission”) pursuant to Chapter 24A of the Montgomery County Code (“County Code”), and the Commission having ordered the testimony and evidence of record, it is therefore, this 9th day of May 2024, found, determined, and ordered as follows:

**Decision of the Commission:** DENY the Applicant’s proposal to construct a 4’ (four-foot) tall vinyl picket fence to enclose the front and side yard of the subject property.

**Commission Motion:** At the May 8, 2024 meeting of the Historic Preservation Commission, Commissioner Burdett made the motion to deny the proposed retroactive Historic Area Work Permit application to install a 4’ (four-foot) tall vinyl picket fence, based on the staff report and findings as presented. Commissioner Pelletier seconded the motion. Commissioners Burditt, Pelletier, Galway, Dominianni, and Nasar voted in favor of the motion. Commissioner Hains abstained. The motion to deny the HAWP passed 5 – 0 – 1.

**BACKGROUND**

On February 7, 2024, the Historic Preservation Commission received a Historic Area Work Permit application to replace the shingle roof and install solar panels at the subject property. Historic Preservation staff (“Staff”) conducted a site visit as part of the Staff review at Mr. and Mrs. Pittman’s (“Applicant”) house at 7124 Carroll Avenue, Takoma Park (“subject property”). During this site visit, Staff identified that a fence had been constructed at the subject property without a Historic Area Work Permit (“HAWP”) and directed the applicant to submit the required application materials.

Staff received a complete HAWP application on April 11, 2024, seeking retroactive approval for installing the 4' (four-foot) tall vinyl picket fence. Staff member, Dan Bruechert, completed a review of the applicant and generated a Staff Report and recommendation to the Historic Preservation Commission. The Historic Preservation Commission ("HPC") received the Staff Report on May 1, 2024. Pursuant to Chapter 24A of the County Code, the HPC held a public hearing on May 8, 2024, to consider the application. At the May 8, 2024 HPC meeting, Staff presented the report, along with photographs, and recommended action regarding the applicant's proposal. Staff recommended that the HAWP application be denied. The applicants' representative, Timothy Pittman, attended the meeting to represent the application. The applicants attended the hearing but did not participate. The HPC denied the HAWP application.

### **FINDINGS OF FACT**

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

1. 7124 Carroll Avenue, Takoma Park is categorized as an 'Outstanding Resource' within the Takoma Park Historic District, a district listed on the Master Plan for Historic Preservation, which was designated on the Master Plan for Historic Preservation in Montgomery County in August 1992.
2. On April 11, 2024, Timothy Pittman, on behalf of Karen and Russell Pittman, submitted a HAWP application to install a 4' (four-foot) tall vinyl picket fence to enclose the front and side yards at the subject property.
3. A written staff report was prepared for this case and sent to the Commission and posted on the HPC website on May 1, 2024.
4. On May 8, 2024, the Commission held a hearing on the application, considering all materials included in the record, and all materials included or referenced in the staff report.
5. At the May 8, 2024 HPC meeting, staff person, Dan Bruechert, presented the staff report, along with photographs, exhibits, and recommended actions regarding the applicant's proposal.
6. The Applicants were represented by Timothy Pittman, the Applicants' son, to testify in support of the application.
7. Consistent with section 1.5 of the regulations, the Commission is guided in their review of Historic Area Work Permits by section 24A-8 of the County Code, the Approved and Adopted Amendment to the Master Plan for Historic Preservation to establish the Takoma Park Historic District (collectively the "Amendment" and "Design Guidelines"), and the Secretary of the Interior's Standards and Guidelines for Rehabilitation ("Standards").
8. Section 28A-8 requires the Commission to deny an application if the Commission finds that the proposal is "inappropriate, inconsistent with or detrimental to the preservation, enhancement or ultimate protection of the historic site or historic resource within an historic district, and to the purpose of this chapter," (County Code Section 28A-8(a)) unless the commission finds that the proposal is necessary in order that:
  - a. "The proposal will not substantially alter the exterior features of a historic site or historic resource within an historic district" (28A-8(b)(1)); or
  - b. The proposal is compatible in character and nature with the historical, archaeological, architectural or cultural features of the historic site or the historic district in which an historic resource is located and would not be detrimental thereto or to the achievement of the purposes of this chapter (28A-8(b)(2)); or

- c. The proposal would enhance or aid in the protection, preservation and public or private utilization of the historic site or historic resource located within an historic district in a manner compatible with the historical, archaeological, architectural or cultural value of the historic site or historic district in which an historic resource is located (28A-8(b)(3)); or
  - d. The proposal is necessary in order that unsafe conditions or health hazards be remedied (28A-8(b)(4)); or
  - e. The proposal is necessary in order that the owner of the subject property not be deprived of reasonable use of the property or suffer undue hardship (28A-8(b)(5)); or
  - f. In balancing the interest of the public in preserving the historic site or historic resource located within an historic district, with the interest of the public from the use and benefit of the alternative proposal, the general public welfare is better served by granting the permit (24A-8(b)(6)); or
  - g. The resource is of “little historical or design significance” and requires the HPC to be lenient in its judgment (24A-8(d)).
9. The Standards dictate that the historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
  10. The Standards dictate that new additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
  11. The staff report prepared for the May 8, 2024 hearing recommended denial of the application, consistent with section 24A-8(a), and for failing to meet the objectives of the Standards, and Amendment and its Design Guidelines.
  12. The staff report found that porches in front yards of properties in the Takoma Park Historic District need to satisfy three criteria; 1) that the fence be constructed using traditional building materials, 2) that the fence have an open picket design, and 3) that the fence be no taller than 48” (forty-eight inches or four feet).
  13. The staff report found that the fence satisfied the height and design criteria, but found that the vinyl material is incompatible with the character of the site and surrounding district.
  14. The staff report found that the Commission has consistently determined that wood, iron, and stone fences and site walls are the appropriate materials for fences and reflects the historic characteristics of the resource and surrounding district.
  15. Staff’s research found no examples where the Commission approved a Historic Area Work Permit for a vinyl fence in the Takoma Park Historic District.
  16. The staff report found that, per preservation best practices, vinyl fences are an incompatible material because of their shiny finish and their inability to weather and develop a patina over time.
  17. The staff report found that the National Park Service developed a framework to consider the use of substitute materials and that under this framework, a traditional wood picket fence is the appropriate material for this application, and the vinyl fence contravened Standards 2 and 9.
  18. The staff report found that the proposal is inappropriate, inconsistent with, and detrimental to the preservation, enhancement, and ultimate protection of the historic resource within the historic district, per Chapter 24A-8(a).

19. In reaching its finding, the Commission considered the staff report, the Applicants' testimony, and the criteria for evaluation established in section 1.5 of the Historic Preservation Commission Rules, Guidelines, and Procedures (Regulation No. 27-97).

### **CONCLUSIONS OF LAW**

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

1. Under Chapter 24A-6 of the Montgomery County Code, the owner of the subject property (7124 Carroll Avenue, Takoma Park) is required to obtain a Historic Area Work Permit pursuant to the provision of this chapter before modifying, in any manner, the exterior features or environmental setting of the subject property.
2. Chapter 24A of the Montgomery County Code and Historic Preservation Commission Rules, Guidelines, and Procedures (Regulation No. 27-97) ("Regulations") establish the process by which a property owner shall seek approval for proposed work in the designated historic districts and the criteria The Commission uses in the review of Historic Area Work Permits.
3. Section 1.5(a) of the Regulations establishes that "[t]he Commission shall be guided in their review of Historic Area Work Permit applications by: (1) the criteria in Section 24A-8; (2) The Secretary of the Interior's Standards and Guidelines for Rehabilitation; (3) Pertinent guidance in the applicable master plans...; (4) pertinent guidance in historic site or historic district-specific studies."
4. The proposal under consideration is not consistent with the guideline that states, "plans for all alterations should be compatible with the resource's original design; additions, specifically should be sympathetic to existing architectural character, including massing, height, setbacks, and materials."
5. The proposal under consideration is not consistent with the guideline that states, "preservation of original building materials and use of appropriate, compatible new materials is encouraged."
6. The proposal is not compatible in either character or nature with the architectural features of the historic resource and its approval would be detrimental to the surrounding district, per 24A-8(b)(2).
7. The staff report prepared for the May 8, 2024 hearing recommended denial of the application, consistent with Section 24A-8(a) and in accordance with the Standards.
8. Finding no basis for approval on the criterion in section 24A-8(b) or 24A-8(d), and finding subject to section 24A-8(a) that the proposed work items are "inappropriate, inconsistent with or detrimental to the preservation, enhancement or ultimate protection of the historic site or resource within an historic district, and the purpose of this chapter," the Commission voted (5—0—1) to deny Historic Area Work Permit #1066313, supporting the reasoning in the staff report, with Commissioners Sutton, Doman, and Radu being absent.

### **ORDER**

The Historic Area Work Permit application submitted by Mr. Russell Pittman and Mrs. Karen Pittman to install a 4' (four-foot) tall vinyl picket fence at 7124 Carroll Avenue, Takoma Park is denied.

If any party is aggrieved by the decision of the Commission, pursuant to Section 24A-7(h) of the

Montgomery County Code, an appeal may be filed within thirty (30) days with the Board of Appeals, which will review the Commission's decision *de novo*. The Board of Appeals has full and exclusive authority to hear and decide all appeals taken from the decision of the Commission. The Board of Appeals has the authority to affirm, modify, or reverse the order or decision of the Commission.



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Robert K. Sutton, Chairman  
Montgomery County Historic Preservation Commission

May 9, 2024  
Date

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

<b>Address:</b>	7124 Carroll Ave., Takoma Park	<b>Meeting Date:</b>	5/8/2024
<b>Resource:</b>	Outstanding Resource <b>Takoma Park Historic District</b>	<b>Report Date:</b>	5/1/2024
<b>Applicant:</b>	Karen & Russell Pittman	<b>Public Notice:</b>	4/24/2024
<b>Review:</b>	HAWP	<b>Tax Credit:</b>	no
<b>Case Number:</b>	1066313 RETROACTIVE	<b>Staff:</b>	Dan Bruechert
<b>Proposal:</b>	Fence Installation		

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**RECOMMENDATION**

Staff recommends the HPC **deny** the HAWP application.

**PROPERTY DESCRIPTION**

**SIGNIFICANCE:** Outstanding Resource to the Takoma Park Historic District  
**STYLE:** Craftsman  
**DATE:** c.1925



*Figure 1: The subject property fronts Carroll Ave. and has a wide setback to the properties to the north and south.*

## **PROPOSAL**

The applicant proposes to construct a 4' (four-foot) tall vinyl picket fence to enclose the front of the property.

## **APPLICABLE GUIDELINES**

The Historic Preservation Office and Historic Preservation Commission (HPC) consult several documents when reviewing alterations and new construction within the Takoma Park Historic District. These documents include the historic preservation review guidelines in the approved and adopted amendment for the *Takoma Park Historic District (Guidelines)*, *Montgomery County Code Chapter 24A (Chapter 24A)*, and the *Secretary of the Interior's Standards for Rehabilitation (Standards)*.

### ***Takoma Park Historic District Guidelines***

There are two broad planning and design concepts which apply to all categories. These are:

- The design review emphasis will be restricted to changes that are all visible from the public right-of-way, irrespective of landscaping or vegetation (it is expected that the majority of new additions will be reviewed for their impact on the overall district), and
- The importance of assuring that additions and other changes to existing structures act to reinforce and continue existing streetscape, landscape, and building patterns rather than to impair the character of the historic district.

Outstanding Resources have the highest level of architectural and/or historical significance. While they will receive the most detailed level of design review, it is permissible to make sympathetic alterations, changes and additions. The guiding principles to be utilized by the Historic Preservation Commission are the *Secretary of the Interior's Standards for Rehabilitation*

Specifically, some of the factors to be considered in reviewing HAWPs on Outstanding Resources:

Plans for all alterations should be compatible with the resource's original design; additions, specifically, should be sympathetic to existing architectural character, including massing, height, setback, and materials;

Emphasize placement of major additions to the rear of existing structures so that they are less visible from the public right-of-way;

While additions should be compatible, they are not required to be replicative of earlier architectural styles;

Preservation of original and distinctive architectural features, such as porches, dormers, decorative details, shutters, etc. is encouraged;

Preservation of original windows and doors, particularly those with specific architectural importance, and of original size and shape of openings is encouraged;

Preservation of original building materials and use of appropriate, compatible new materials is

encourages;

All changes and additions should respect existing environmental settings, landscaping, and patterns of open space.

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

The following guidance which pertains to this project are as follows:

- (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 ensure 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;
- (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.)

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

The Secretary of the Interior defines rehabilitation as “the act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features, which convey its historical, cultural, or architectural values.” The applicable *Standards* are as follows:

- 2. The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces and spatial relationships that characterize a property will be avoided.
- 9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
- 10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.



## **STAFF DISCUSSION**

The subject property is a one-and-a-half-story tall stucco-sided Craftsman house with a three-tab shingle roof with a cross-gable roof form. The house is designated as an ‘Outstanding Resource’ within the Takoma Park Historic District for its architectural details. The applicant seeks approval for a 4’ (four-foot) tall, vinyl, picket fence to enclose the yard of the subject property. The fence has been installed and the applicant is seeking retroactive approval. As with all HAWPs reviewed for work that has already been completed, the Staff Report and HPC review must be completed as if the work was proposed.

The applicant proposes to construct a 4’ (four-foot) tall fence that encloses the front and a portion of the side yard. The fence has narrow pickets and is constructed out of vinyl.

### **Background**

Staff identified this fence while conducting a site visit at the subject property on February 7, 2024 for a separate HAWP application for rooftop solar panels. After a review of permit records and utilizing the images from Google StreetView (below), Staff concluded that the fence had been installed without a HAWP. On February 15, 2024, Staff sent a letter to the subject property identifying the unpermitted work and laying out the permitting requirements. Staff then reached out to the Department of Permitting Services (DPS) for a Notice of Violation, which includes instructions for remedying the violation. After communication with DPS and our office, the applicant submitted this HAWP application.

### **Analysis**

The subject property is located on Carroll Ave., a main thoroughfare in the Takoma Park Historic District. Many of the houses have retaining walls and/or fences that create a barrier between the street and a property’s front yard. Some of these fences do not comply with the HPC’s standard requirements because they pre-date the creation of the historic district. Typically, fences in the front yards of properties in the Takoma Park Historic District need to be:

- Constructed using a traditional material (i.e., wood, iron, and in limited cases stone);
- Have an open picket design; and
- Be no taller than 48” (forty-eight inches).

These identified characteristics ensure the fence is a compatible feature within the Takoma Park Historic District’s largely open, park-like setting.

Vinyl fences are not typically allowed in the Takoma Park Historic District, or any historic district in Montgomery County for that matter, because of the material’s characteristics. The vinyl used to construct fences is too shiny to be consistent with the finish of a painted wood fence (which is the material it is attempting to replicate). Additionally, vinyl fences never age and develop a patina. While that may be a desirable trait for an applicant, Staff finds the objectives in the *Design Guidelines* are to ensure that new construction and alterations in the Takoma Park Historic District are compatible with the setting and development of the surrounding area. Staff’s review of previously approved HAWP did not uncover a single instance of a vinyl fence that has been approved by the HPC.

The National Park Service developed a general framework to evaluate the need for substitute materials. That framework asks to consider the technical and economical feasibility of using traditional materials including;

- The unavailability of historic materials,
- The unavailability of skilled artisans or historic craft techniques,
- Inadequate durability of the original materials,
- The replacement of a secondary feature; construction of a new addition,
- The reconstruction of a missing feature;

- Code-required performance; and
- For enhanced resilience and sustainability.

Staff finds in each of these criteria, a traditional wood fence would perform as well as the vinyl fence proposed in this HAWP; and that using a substitute material – which vinyl is – is not appropriate. Staff recognizes that a wood fence will require intermittent painting or staining, however, that additional maintenance does not constitute an undue burden on the applicants.

Even though Staff finds the proposed fence is compatible in size, style, and location; Staff nonetheless finds the fence is incompatible with the character of the district due to its material. Staff recommends the HPC deny the HAWP under 24A-8(a) as being incompatible with the character of the District and for violating Standards 2 and 9.



*Figure 2: Photo from the February 2024 site visit.*



*Figure 3: November 2021 image from Google Streetview.*

**STAFF RECOMMENDATION**

Staff recommends the HPC **deny** the HAWP under 24A-8(a) and that the proposed work is inappropriate, inconsistent with, and detrimental to the preservation, enhancement, and ultimate protection of the historic resource and is incompatible in character with the historic resource and the purposes of Chapter 24A, and the *Takoma Park Historic District Design Guidelines*;

and with the *Secretary of the Interior's Standards for Rehabilitation* #2, #6, and #9.



APPLICATION FOR HISTORIC AREA WORK PERMIT
HISTORIC PRESERVATION COMMISSION
301.563.3400

FOR STAFF ONLY:
HAWP#
DATE ASSIGNED

APPLICANT:

Name:
Address:
Daytime Phone:
E-mail:
City:
Zip:
Tax Account No.:

AGENT/CONTACT (if applicable):

Name:
Address:
Daytime Phone:
E-mail:
City:
Zip:
Contractor Registration No.:

LOCATION OF BUILDING/PREMISE: MIHP # of Historic Property

Is the Property Located within an Historic District? Yes/District Name
No/Individual Site Name

Is there an Historic Preservation/Land Trust/Environmental Easement on the Property? If YES, include a map of the easement, and documentation from the Easement Holder supporting this application.

Are other Planning and/or Hearing Examiner Approvals /Reviews Required as part of this Application? (Conditional Use, Variance, Record Plat, etc.?) If YES, include information on these reviews as supplemental information.

Building Number: Street:

Town/City: Nearest Cross Street:

Lot: Block: Subdivision: Parcel:

TYPE OF WORK PROPOSED: See the checklist on Page 4 to verify that all supporting items for proposed work are submitted with this application. Incomplete Applications will not be accepted for review. Check all that apply:

- New Construction
Addition
Demolition
Grading/Excavation
Deck/Porch
Fence
Hardscape/Landscape
Roof
Shed/Garage/Accessory Structure
Solar
Tree removal/planting
Window/Door
Other:

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

Handwritten signature

Signature of owner or authorized agent

Date

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

<b>Owner's mailing address</b>	<b>Owner's Agent's mailing address</b>
<b>Adjacent and confronting Property Owners mailing addresses</b>	

**Description of Property:** Please describe the building and surrounding environment. Include information on significant structures, landscape features, or other significant features of the property:

**Description of Work Proposed:** Please give an overview of the work to be undertaken:

Work Item 1: _____	
Description of Current Condition:	Proposed Work:

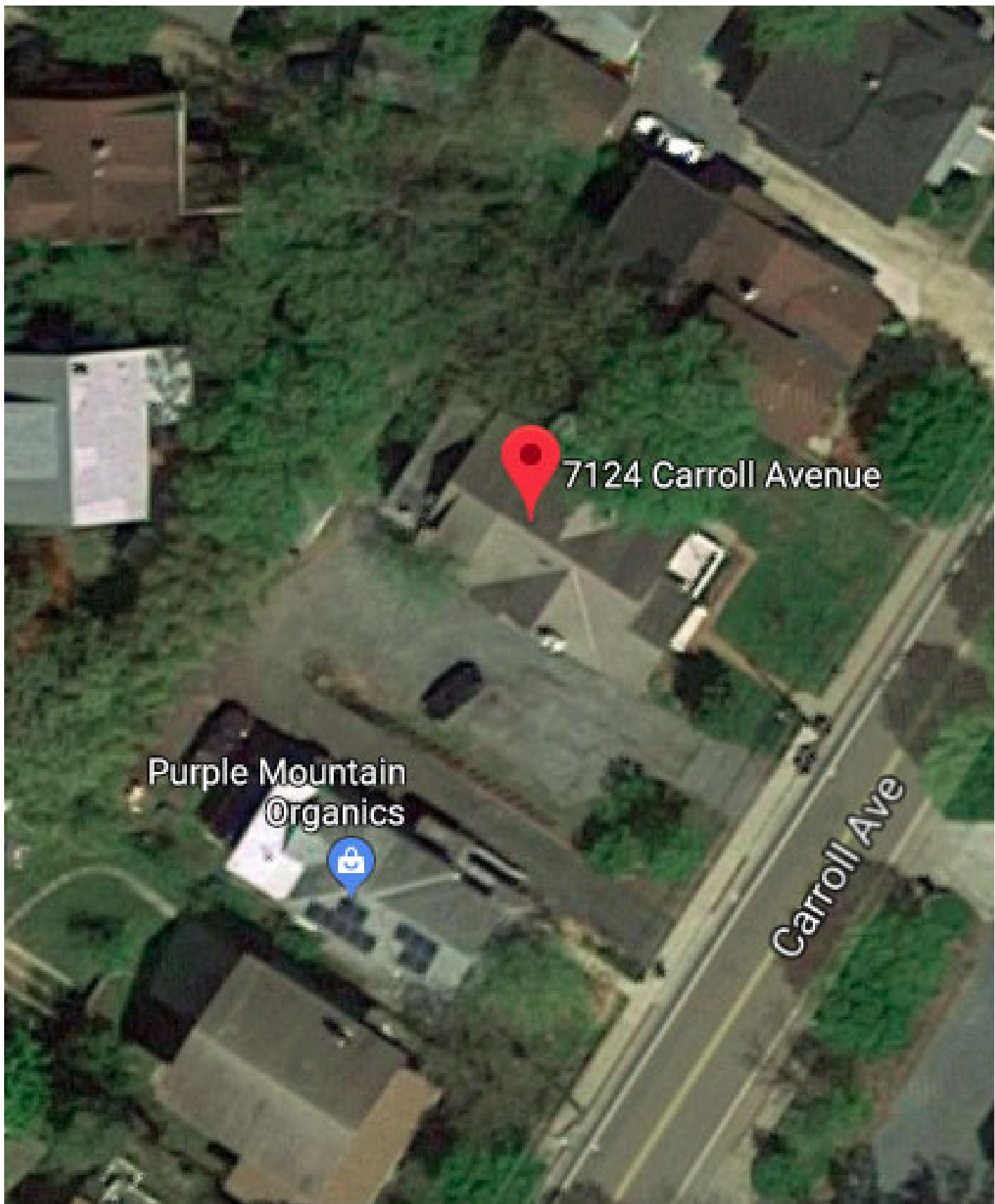
Work Item 2: _____	
Description of Current Condition:	Proposed Work:

Work Item 3: _____	
Description of Current Condition:	Proposed Work:

**HISTORIC AREA WORK PERMIT  
CHECKLIST OF  
APPLICATION REQUIREMENTS**

	Required Attachments						
Proposed Work	I. Written Description	2. Site Plan	3. Plans/ Elevations	4. Material Specifications	5. Photographs	6. Tree Survey	7. Property Owner Addresses
New Construction	*	*	*	*	*	*	*
Additions/ Alterations	*	*	*	*	*	*	*
Demolition	*	*	*		*		*
Deck/Porch	*	*	*	*	*	*	*
Fence/Wall	*	*	*	*	*	*	*
Driveway/ Parking Area	*	*		*	*	*	*
Grading/Excavation/ Landscaping	*	*		*	*	*	*
Tree Removal	*	*		*	*	*	*
Siding/ Roof Changes	*	*	*	*	*		*
Window/ Door Changes	*	*	*	*	*		*
Masonry Repair/ Repoint	*	*	*	*	*		*
Signs	*	*	*	*	*		*





7124 CARROLL AVENUE, AERIAL VIEW

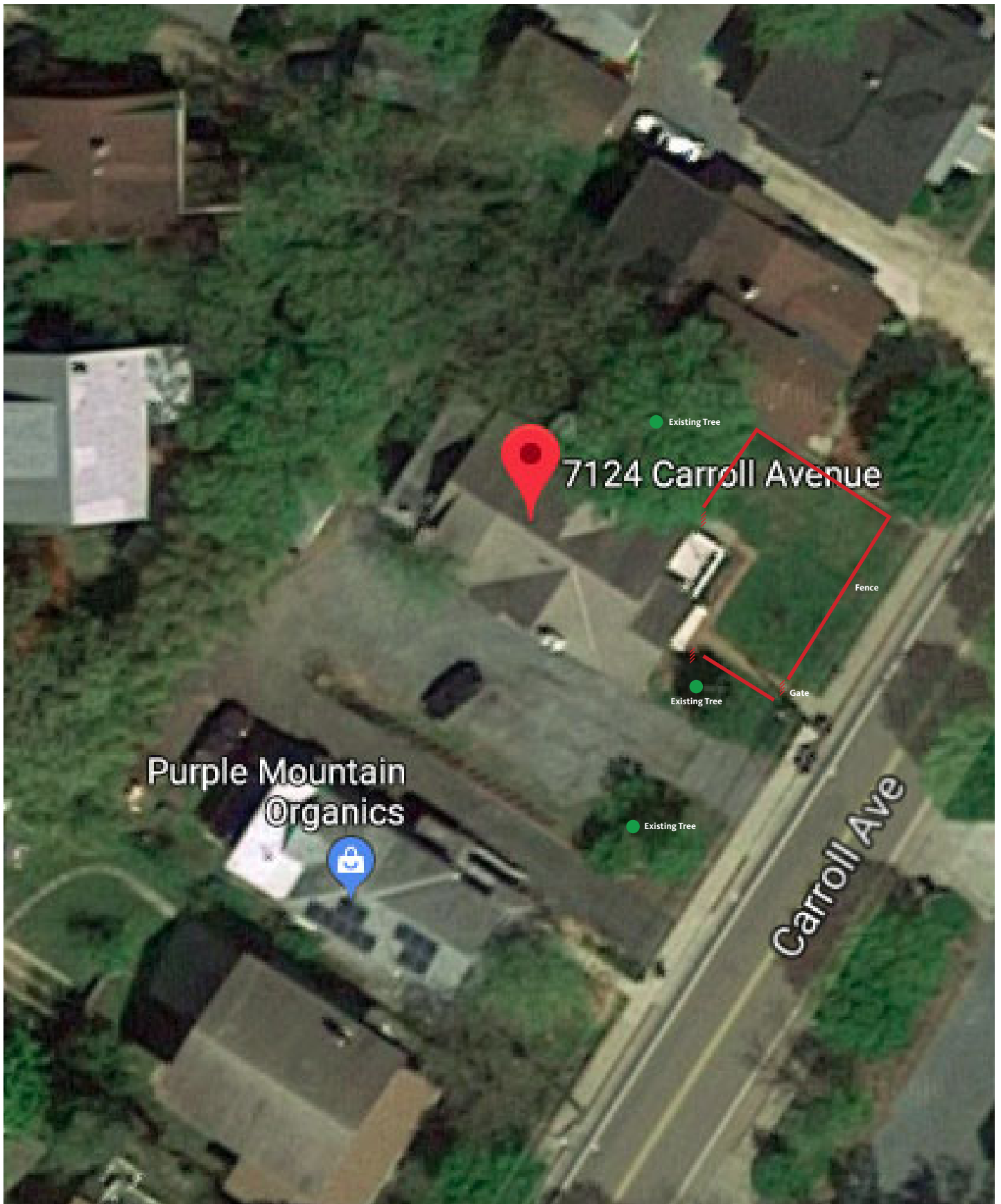


7124



7124





7124 CARROLL, FENCE AND TREE LOCATION PLAN







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 <b>Data Search</b>	 <b>Design Consultation</b>
 <b>Request Records</b>	 <b>Property Complaint</b>

[russellpittman3@gmail.com](mailto:russellpittman3@gmail.com) | [Main Page](#) | [Update Contact](#) | [Change Password](#) | [Log Off](#)

**Your HAWP Permit application has been created successfully!**

The permit application number is **1066313**.

Please write down this number for future reference.



You will be notified by email when the permit is ready to be issued.




**We value your feedback regarding our online application process! Please take a moment to complete a brief survey**

***DO NOT PROCEED UNTIL PERMIT IS ISSUED.***

***\* You MUST complete the HAWP form below. Incomplete forms will not be considered by the Historic Preservation Commission***  
**Link to fillable PDF HAWP form.**

***\*Your completed HAWP form and any supporting documents must be emailed to [HAWP@montgomeryplanning.org](mailto:HAWP@montgomeryplanning.org).***

**VISITING DPS?**  2425 Reddie Drive, 7th Floor, Wheaton, MD 20902 |  Parking & Directions |

 Accessibility |  7:30am - 4pm, Mon- Fri |  240-777-0311





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