

25911 Frederick Road (Preliminary  
Consultation (Hyattstown HD)) 11/24/97

Angie  
Course 301-  
428.0050

I called & left  
a message  
12/24/97

300  
662-7958

*Friends of Historic Hyattstown  
26011 Frederick Road  
Hyattstown, Maryland 20871-9612*

May 25, 2000

Ms. Robin Ziek  
Historic Preservation Planner  
Montgomery County Department of Park & Planning  
8787 Georgia Avenue  
Silver Spring, Maryland 20910-3760

Dear Robin:

The Friends of Historic Hyattstown (FHH) has been involved in assuming ownership of the derelict house last occupied by Lillian Stone; the house is located at 25911 Frederick Road, on lot 10 in Hyattstown—a designated Montgomery County Historical District. Our intention has been to stabilize the house, with a long-term goal of returning the house to its original use as a private residence.

FHH has worked with Charles F. Strube, Lillian Stone's grandson, who appeared to be the sole owner of the house and property. Mr. Strube deeded the house and adjacent property to FHH, and we obtained funding to begin the restoration of the house. However, a title search has discovered that Mr. Strube is not the sole owner, but one of five heirs. We would like to request that you notify the following heirs of their responsibilities as owners of a house in an Historical District:

**Lillian Stone Weisberg**  
7627 Old Receiver Road  
Frederick, Maryland 21702

Lucille S. Stone (wife of **Robert W. Stone**, deceased)  
6908 24th Avenue  
Hyattsville, Maryland 20783

**Edwin G. Stone**  
910 Jansen Avenue  
Capitol Heights, Maryland 20743

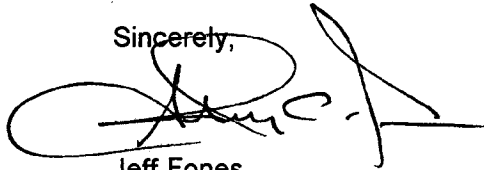
Clark Crowley (son of **Belle Stone Crowley**, deceased)  
Mr. Crowley is not competent. Robert W. Stone (deceased) and Edwin G. Stone (above) are trustees for Mr. Crowley until such time as he is competent to handle his own affairs.

Of course, we would like to encourage the heirs to deed their portions of the property to FHH so we can begin restoration.

We would like to suggest that we meet with you and the remaining heirs so that we can answer any questions about our plans for the property and offer them the opportunity to donate their interests in the property to FHH. Since the heirs live in area, we suggest that the meeting be held in Hyattstown during daylight hours so that we can examine the house if requested. If you or the heirs prefer to hold the meeting elsewhere, we will be happy to provide photographs of the house to demonstrate its condition.

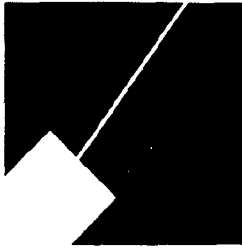
We would like to thank you for your help in restoring Hyattstown's "total impression" of "peacefulness and of another time." If I can provide any more information, please feel free to contact me at (301) 831-1148.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jeff Fones', with a large, stylized flourish extending to the left.

Jeff Fones  
President  
Friends of Historic Hyattstown

M-NCPPC



MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

8787 Georgia Avenue  
Silver Spring, Maryland 20910-3760

FAX TRANSMITTAL SHEET

Historic Preservation Section  
Department of Park & Planning

Telephone Number: (301) 563-3400

Fax Number: (301) 563-3412

TO: Bobby Bell FAX NUMBER: 240.777.3701

FROM: Robin Ziek

DATE: 6-1-00

NUMBER OF PAGES INCLUDING THIS TRANSMITTAL SHEET: 3

NOTE: Bobby - Here is the letter from the Friends of Hyattstown  
providing the names & addresses of the other 4 owners of the  
"Strube" House. Thanks for your attention to this - I would  
like you to mail them a "Notice of Violation" and suggest a meeting for  
all of us at the location of [anyone's] choice. Thank you - ASAP!  
Robin



DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

Douglas M. Duncan  
County Executive

Elizabeth B. Davison  
Director

September 25, 1998

Charles F. Strube  
c/o Frank Strube  
9550 Fingerboard Road  
Frederick, MD 21701

Location: 25911 Frederick Road

Dear Mr. Strube:

On December 31, 1997, this office issued a letter informing you that code enforcement actions would be suspended pending further notification to this office from the Historic Preservation Commission, hereafter referred to as H.P.C. The H.P.C. has recently asked this office to reactivate our case.

While your efforts to list this property for sale have been done in good faith and are appreciated, the fact remains that the dwelling continues to deteriorate and suffer from demolition by neglect.

As per the H.P.C. request to reactivate code enforcement actions, you are hereby ordered to comply with the conditions as indicated in our original notice and order to you dated August 6, 1997 (copy enclosed).

In addition to the list of violations in the original notice, you are also required to have a termite inspection and take the necessary corrective action to eliminate any infestation if found.

The deadline for compliance is November 2, 1998. Failure to comply may result in code enforcement actions against you.

If you have any questions, I can be reached at (301) 217-3738.

Sincerely,

Robert A. Bell, Jr.  
Code Enforcement Inspector

cc: H.P.C, Robin Ziek

S:\DHCD\REGSERV\CODEENF\Bell\strube1.wpd

VIA CERTIFIED AND REGULAR MAIL

Division of Housing and Code Enforcement

Code Enforcement	Moderately Priced	Housing Development	Landlord-Tenant Affairs
Single Family - 301/217-3750	Dwelling Unit	and Loan Programs	301/217-7373
Multi Family - 301/217-3725	301/217-3705	301/217-3700	



# SANDRA GALLAGHER

Office 301-681-0555 ☎ Pager 301-517-6925



To: Robin

FROM: Sandra

DATE: 2/2/98 TIME: \_\_\_\_\_

SUBJECT: Mr. Strube's Contract

NUMBER OF PAGES SENT ..... INCLUDING THIS COVER SHEET 4

COMMENTS: Nice Chatting with you!

Office: 681-0555



18141 Town Center Drive, Olney, MD 20832

Home: 774-0404





EXCLUSIVE RIGHT TO SELL LISTING CONTRACT FOR IMPROVED RESIDENTIAL PROPERTY

Tax Acct.# 29350 & 17727 Broker Code WEI 08 MRIS# MC 2381436

Thomas Map Coordinates: 76.3 E 3 ADC Map Coordinates: 219

TO: WEICHERT REALTORS BROKER. DATE: February 1, 1998

You are hereby authorized to enter the within property into the Metropolitan Regional Information System, Inc. ("MRIS") database and other multiple listing services and to disseminate information and data about the listing and sale of the property.

In consideration of the use of the service and facilities of your office and of your agreement to enter the within property into a multiple listing service, the Broker, hereinafter sometimes referred to as REALTOR, is hereby granted the exclusive right to sell my/our property, including built-in heating plant and air conditioning system, all plumbing and lighting fixtures, kitchen equipment including range, refrigerator, built-in dishwasher and disposal, all wall-to-wall carpeting, cornices, curtain rods and drapery rods, awnings, screens, storm doors and windows, venetian blinds, shades and indoor shutters, trees, shrubs and plants, all as now installed on the premises, known as (address) 2571 Greentree Road, Clarksville, MD 21221

Lot/Condominium Unit 04 & 05, Block (10 & 11), Parking Unit# N/A Subdivision/Condominium N/A, Montgomery County, Md. for a price of \$110,000 - \$110,000 - \$110,000 dollars (\$110,000), with a minimum deposit of \$5,000 dollars (\$5,000) or such lesser amount as Seller may accept.

Seller agrees to pay loan placement fees not to exceed 1.25 percent (1.25%) of the principal sum of the first trust to be obtained by Buyer, or any reasonable change in said fee at the time of settlement due to a change in the mortgage money market.

The property may be sold subject to an existing first deed of trust (with lender's consent, if required) having an unpaid balance of approximately UNKNOWN dollars (\$ UNKNOWN) or Seller will pay off said deed of trust at time of settlement. Minimum cash that can be accepted is \$66,000 dollars (\$66,000), and Seller will consider a second deed of trust bearing N/A percent (N/A%) annual interest for any balance due, same to be payable within N/A years in monthly payments of \$ N/A per thousand.

The term "sale" shall include any exchange or trade to which Seller consents, in which case REALTOR is permitted to receive compensation from both parties.

If during this listing period a sale is made at any price to any person to whom the property has been shown by BROKER, or by anyone else including the Seller, or if REALTOR or anyone else produces a Buyer ready, willing and able to purchase in accordance with the listing terms hereof or any modification thereof, Seller agrees to pay BROKER a brokerage fee of SIX percent (6%) of the sale price of \$ N/A (strike one). Seller authorizes Listing Broker to offer subagency cooperation and compensation in the sale of the property.

This fee shall be earned, due and payable when a Buyer is produced who is ready, willing and able to purchase on the terms herein provided, or on any modification thereof approved by the Seller. However, upon execution of a contract of sale, BROKER does agree to defer receipt of this fee until the settlement date as provided in the contract between the Seller and his Buyer solely as an accommodation to the Seller, and such deferral shall in no event be construed as a waiver of this earned fee which is due and payable whether or not settlement occurs.

This listing contract shall expire at midnight 1-1-1998 (date). This listing contract contains the entire terms of this agreement. The listing contract and listing information which are set forth above may be used as a basis for presenting the property to prospective Buyers and Seller warrants that the listing information is correct.

Deferred transportation related facility charges, if any, shall be paid by Seller and other outstanding charges/fees UNKNOWN dollars (\$ UNKNOWN) are to be paid in full by Seller at Settlement.

Property Condition Disclosure/Disclaimer completed: Yes No

\*Property conveys in as condition

This is the Listing Contract for Improved Residential Property Form recommended by the Montgomery County Association of REALTORS, Inc. This Form is the property of the Montgomery County Association of REALTORS, Inc. and is for use by REALTORS members only. Previous edition of this Form should be destroyed. ©1996 Montgomery County Association of REALTORS, Inc.

C. Francis Humber 06/96



EXCLUSIVE RIGHT TO SELL LISTING CONTRACT FOR IMPROVED RESIDENTIAL PROPERTY

It is expressly provided that only the numbered paragraphs which are checked and initialed by Seller shall be made a part of this Contract.

1.  Equal Housing Opportunity. Handout received.  Yes  No

Handwritten initials 'CSE' and a large plus sign.

2.  Homeowners Association. This property is part of a subdivision governed by a homeowners association. Seller shall promptly furnish REALTOR® a copy of the Declaration of Covenants, Conditions and Restrictions and any amendments thereto. Seller states that mandatory, current homeowners association dues are \$ \_\_\_\_\_ per month or \$ \_\_\_\_\_ per year. Name of HOA \_\_\_\_\_ Address of HOA \_\_\_\_\_ Phone # HOA \_\_\_\_\_

Large plus sign.

3.  Condominium. This property is a condominium. Seller shall promptly furnish to REALTOR® a copy of the Declaration, Bylaws and Condominium Plat. Seller states that current condominium assessments and fees are \$ \_\_\_\_\_ per month or \$ \_\_\_\_\_ per year. Name of Condo Association \_\_\_\_\_ Address of Condo Association \_\_\_\_\_ Phone # \_\_\_\_\_

Large plus sign.

4.  Cooperative. Seller's ownership and use of the Property is represented by shares of stock and proprietary lease, cooperative ownership contract or other documents. Seller shall promptly furnish to Broker a copy of cooperative records and documents as required by Maryland law. The present monthly assessment includes: (i) Blanket mortgage principal and interest payment approximate principal balance for the Unit is \$ \_\_\_\_\_ at \_\_\_\_\_ % for \_\_\_\_\_ years remaining. (ii) Operation and Maintenance payment, including real estate taxes: \$ \_\_\_\_\_. (iii) Special assessment payment, if any: (Describe purpose and duration \_\_\_\_\_) \$ \_\_\_\_\_. TOTAL MONTHLY ASSESSMENT: \$ \_\_\_\_\_

Large plus sign.

5.  Front-foot Benefit Charges/House Connection Fees. The most recent front-foot benefit and water and sewer house connection charges for this property are \_\_\_\_\_ dollars (\$ \_\_\_\_\_) per year. Copy of county tax bill is attached.

Large plus sign.

6.  Sewer and Water.  Public Water  Public Sewer  Well (one well)  Septic or Individual Sewage. If on septic and/or individual sewage, at time of settlement, Seller must provide certification that the system is in working order for normal use. If well, Seller must provide certification from State-Licensed laboratory that the well water is potable.

Handwritten initials 'CSE' and a large plus sign.

7.  Hazardous Materials. There are many hazardous materials including radon that could affect the sale of your property. Broker generally has no knowledge of these hazardous materials and does not have the technical expertise to advise you of their presence or to ascertain whether or not they are present. You or a prospective Buyer may desire to employ an expert to inspect your property for the presence of radon or other hazardous materials. Property has been tested for radon:  Yes  No. Date of Test \_\_\_\_\_. Test results or report are attached and shall be given to prospective Buyers.  Yes  No.

Large plus sign.

Items to Convey: N/A  
Items not to Convey: N/A

I/WE HEREBY ACKNOWLEDGE RECEIPT OF A COPY OF THIS LEGALLY BINDING CONTRACT AND AGREE TO BE BOUND BY ITS TERMS AND CONDITIONS AND WARRANT THAT I/WE HAVE THE AUTHORITY TO EXECUTE THIS CONTRACT. PROVISIONS SET FORTH ON PAGES 1 THROUGH 4 ARE INCLUDED HEREIN.

WEICHERT, REALTORS, Broker  Owner/Seller C. Starnes Date 2/1/98  
By Barbara Gallagher / Mary Koon Owner/Seller \_\_\_\_\_ Date \_\_\_\_\_

This is the Listing Contract for Improved Residential Property Form recommended by the Montgomery County Association of REALTORS®, Inc. This Form is the property of the Montgomery County Association of REALTORS®, Inc. and is for use by REALTORS® members only. Previous edition of this Form should be destroyed. ©1996 Montgomery County Association of REALTORS®, Inc.

**MARYLAND RESIDENTIAL PROPERTY DISCLAIMER STATEMENT**

**NOTICE TO OWNER:** Sign this statement only if you elect to sell the property without representation and warranties as to its condition, except as otherwise provided in the contract of sale; otherwise, complete and sign the RESIDENTIAL PROPERTY DISCLOSURE STATEMENT.

The undersigned owner(s) of the real property described above make no representations or warranties as to the condition of the real property or any improvements thereon, and the purchaser will be receiving the real property "as is," with all defects which may exist, except as otherwise provided in the real estate contract of sale. The owner(s) acknowledge having carefully examined this statement and further acknowledge that they have been informed of their rights and obligations under Section 10-702 of the Maryland Real Property Article.

*the Property is sold in As Is condition and*  
*FF 12 of the contract of sale does not apply.*  
X Owner \_\_\_\_\_ Date \_\_\_\_\_

Owner *C. J. ...* Date *2/1/98*

The purchaser(s) acknowledge receipt of a copy of this disclosure statement and further acknowledge that they have been informed of their rights and obligations under Section 10-702 of the Maryland Real Property Article.

Purchaser \_\_\_\_\_ Date \_\_\_\_\_

Purchaser \_\_\_\_\_ Date \_\_\_\_\_



Real Estate Agents

Ms. Brooke Fox, MPI member

(301) 681-0555

990-0457

Up. County!

Ms. Cynthia Moses, MPI member

301-881-1700

482-1592

→ M or T. call

Victor Peake

(301) 428-8100

1/5/98 Talked w/ Angie Conroy. She's returning calls of  
perspective buyers for her dad. I gave her  
Victor Peake's #.

1/6/98 He spoke w/ Mr. Strake + will go over this  
week-end to look over the property.

12/12

Victor Peak who re.  
did house next door  
very interested in  
pos. buying this  
house - Per

Talking to Lee Redcliffe. 1/8/98

= Exclusive right to sell... They will cooperate with the R.E. agent.

or seller can sell himself but pay fee to agent @ 7%.

4 month contract.

70,000 }  
75,000 }

Auction Dept.

advertise, etc...

→ Buyers fees put on to sale price





DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

Douglas M. Duncan  
*County Executive*

Elizabeth B. Davison  
*Director*

August 6, 1997

Charles F. Strube  
c/o Frank Strube  
9550 Fingerboard Road  
Frederick, MD 21701

Re: Survey No.: CR88-267  
Location: 25911 Frederick Road  
Date of Inspection: 8/1/97  
Inspected by: Robert A. Bell  
Historic Designation Date: 3/15/84

Dear Mr. Strube :

Our records show that you are the owner of the above referenced property which has been designated an historic site by the Maryland-National Capital Park and Planning Commission and is identified as Site Number 10/59 on the Master Plan for Historic Preservation. This property is protected by Chapter 24A of the "Montgomery County Code titled "Preservation of Historic Resources."

An inspection of the property revealed conditions which constitute Demolition by Neglect as defined in Chapter 24A and must be corrected to arrest further deterioration of this valuable historic resource. In Section 24A-9, "Demolition by Neglect" is the failure to provide ordinary and necessary maintenance and repair to an historic site or an historic resource within an Historic District, whether by negligence or willful neglect, purpose or design, by the owner or any party in possession of such a site, which results in any of the following conditions:

1. The deterioration of exterior features so as to create or permit a hazardous or unsafe condition to exist.
2. The deterioration of exterior walls, roofs, chimneys, windows, the lack of adequate waterproofing, or deterioration of interior features or foundations which will or could result in permanent damage, injury or loss of or to the exterior features.

**Division of Code Enforcement**

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51 Monroe Street, Room 905 • Rockville, Maryland 20850 • TDD 301/217-3679  
Multi-Family, 301/217-3725 • Single-Family, 301/217-3750

Charles F. Strube  
c/o Frank Strube  
August 6, 1997  
Page 2

This is a Notice and Order to correct Demolition by Neglect. Attached to this letter and identified as Addendum "A", consisting of one page, dated August 6, 1997, is a listing and explanation of the exact nature of the repairs, maintenance, and remedial action necessary to stabilize this structure and prevent further deterioration. All repairs must commence and be satisfactorily completed by October 5, 1997. This Addendum constitutes a part of this Notice and Order and is incorporated by reference.

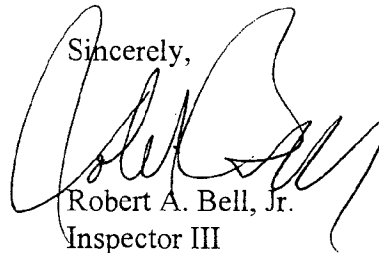
In the event the corrective action specified in this Notice and Order is not completed by October 5, 1997 the Director of the Department of Housing and Community Affairs will institute, perform and complete the necessary remedial work to prevent deterioration by neglect. The expenses incurred for such work, labor, and materials shall be a lien against the property, and draw interest at the highest legal rate; the amount to be amortized over a period of ten (10) years subject to a public sale if there is a default in payment.

Furthermore, failure to fully comply with this Notice and Order shall constitute a violation of Chapter 24A of the Montgomery County Code and subject you to a \$250 fine. Each day a violation continues to exist shall constitute a separate offense.

Should you wish to appeal the results of this Notice and Order, you must file within ten (10) days, a written request for a hearing before the Historic Preservation Commission, Maryland-National Capital Park and Planning Commission, 8787 Georgia Avenue, Silver Spring MD 20910.

Please feel free to telephone or visit our office if you have any questions regarding this Notice and Order. When you reply please use the above location. We will be happy to assist you in any way possible including referral to public or private agencies offering assistance.

Sincerely,



Robert A. Bell, Jr.  
Inspector III

CERTIFIED MAIL/REGULAR MAIL

cc: Historic Preservation Commission

RAB/ld/S:\DHCD\REGSERV\CODEENF\STRUBE.WPD

## ATTACHMENT 'A'

### List of Code Violations

25911 Frederick Road

August 6, 1997

1. Repair or replace all broken and missing slates on the main roof. Repair the areas of tin roofing on the main roof and porch roofs. Scrape and remove all loose rust and paint from the tin and repaint the tin roofing with a good quality tin roof paint to prevent further deterioration of the metal. These repairs must eliminate the entry of water into the dwelling.
2. Install gutters and downspouts on the dwelling in order to convey all rain water away from the dwelling to prevent further damage to the structure. Half round gutters and round downspouts must be used to match the age of the dwelling.
3. Repair and repoint the mortar joints on the three brick chimneys.
4. Remove the deteriorated and defective brick-tex siding and repair the original clapboard siding. The present brick-tex siding is water saturated and appears to be holding moisture in contact with the original wood siding causing the wood to decay.
5. Repair or replace in kind all deteriorated window sills and frames. Replace all missing window panes and replace in kind the missing and defective window sashes.
6. Remove all vine and overgrowth from the dwelling. This overgrowth holds moisture close to the dwelling and accelerates deterioration.
7. Repair all doors and windows to close and latch properly to eliminate the hazard of an open vacant dwelling and to prevent water from entering and damaging the dwelling.
8. Repair or replace in kind the deteriorated exterior wood trim.
9. Paint exterior trim, doors, windows and/or wood siding. Scrape and remove all loose and deteriorated paint before painting.
10. Repair or replace deteriorated, and/or insect damaged structural support beams sill boards and framing throughout the building. Structural repairs do require a building permit. You must contact the Montgomery County Department of Permitting Services, Permit Section, at 250 Hungerford Drive, 2nd Floor, Rockville, MD 20850, or call (301) 217-6370 to obtain required permits.
11. Repair or replace in kind the deteriorated porch roof.

NOTE: It appears most of the items listed are ordinary maintenance, however, for your information enclosed are information sheets on Historic Area Work Permits, definitions of "Ordinary Maintenance."

# County Property Owners

To encourage the restoration and preservation of privately-owned structures designated on the *Master Plan for Historic Preservation*, either individually or within a historic district, the Montgomery County Council passed legislation in 1984 providing for a tax credit against county real property taxes. The tax credit is 10% of documented expenses for exterior maintenance, restoration or preservation work. The work must be certified eligible by the HPC.

For preservation work completed in 1995, over \$64,000 in tax credits was received by the 63 eligible applicants. For work completed in 1996, the HPC office has received over 90 tax credit applications and is in the process of reviewing them. Increasing the number of property owners who take advantage of the tax credit program is a goal of the HPC's and the Commission has promoted the Historic Preservation Tax Credit Program through individual mailings to every *Master Plan for Historic Preservation* property owner.

Eligible work includes repairs, restoration or preservation of exterior features of designated structures. New construction and interior work are expenditures that are not eligible. Other ineligible work includes (for example) repaving driveways, replacing architectural features (such as windows), and repairing mechanical equipment.

application form, submit photocopies of receipts and/or canceled checks, and submit photographs of the project. The information must be postmarked by April 1 in the tax year for which tax credit application is made. Detailed information and applications can be obtained by calling the HPC at 301-495-4570.

In addition, the State of Maryland has enacted an 10% historic preservation tax credit to be applied against state income taxes. For more information on the state program, call JoEllen Freese at the Maryland Historical Trust, 410-514-7630.

## **Ordinary Maintenance: No HAWP Required**

Owners of historic properties are not required to obtain an Historic Area Work Permit if they are undertaking "ordinary maintenance" of their designated property. The Commission has adopted the following definition of ordinary maintenance:

Work on an historic site or an historic resource within a historic district which does not alter *in any way* the exterior features of the subject property, including the architectural style, design, and general arrangement of the exterior, *as well as* the nature, texture, details, and dimensions of building materials, windows, doors, siding, etc. This definition applies, whenever appropriate, to the appurtenances and environmental setting of an historic site or resource, as well as to the building, structure, or object itself.

Exterior painting is considered ordinary maintenance, as is repair of damaged architectural features. However, total replacement of features such as windows, doors, and wood siding is not ordinary maintenance and does require Historic Area Work Permit review. Ordinary maintenance work which meets the definition described above is eligible for the Historic Preservation Property Tax Credit.

## ationist

cial publication of the Montgomery County Historic  
787 Georgia Avenue, Silver Spring, MD 20910. Phone:  
erein do not necessarily reflect the official policies of the  
Historic Resources Preservation Ordinance (Chapter  
Code) the Commission is responsible for identification,  
or purposes of protection, preservation, continued use,  
d structures of historical, archeological, architectural, or  
members are appointed by the Montgomery County  
the Montgomery County Council.

### Commission

as AIA, Chair Martha R. Lanigan, Vice Chair  
enfeld Emily Eig David Handowicz  
oderberg Steven Spurlock Thomas L. Trumble  
reservation Coordinator Gwen Wright

on the mailing list and content information

# How to Obtain a Historic Area Work Permit

---

Before you can make exterior alterations to a property you own that's listed on the *Master Plan for Historic Preservation* or located in a *Master Plan* historic district, you need an approved Historic Area Work Permit (HAWP).

Even though it's the Historic Preservation Commission (HPC) which reviews HAWPs, you must file all applications for HAWPs and for County building permits with the Department of Permitting Services (DPS) in Rockville. There is no filing fee for HAWPs.

Please contact DPS directly at 217-6370 to receive a HAWP application in the mail.

The HPC is staffed by historic preservation planners at the Maryland-National Capital Park and Planning Commission in Silver Spring. For questions and information on filling out a HAWP application, the HAWP review process, dates of upcoming HPC meetings, and technical information on sound preservation techniques and maintenance of historic structures, please contact HPC staff:

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Historic Preservation  
Commission  
8787 Georgia Avenue,  
Silver Spring, MD 20910  
phone: 495-4570

---

1. Fill out the HAWP application form and all attachments. You must provide the names and mailing addresses of whoever owns property next to, behind and across from yours. You must also provide graphic information about your proposal, including:
  - Two sets of scaled plans and elevations on paper no larger than 11" x 17" showing what currently exists and what you propose. Mark the scale and dimensions on each page, because the drawings will be reduced, photocopied, and circulated on 8 1/2" x 11" paper.
  - Photographs showing the building or site from the street and the areas where the work is proposed. Please affix the photos to 8 1/2" x 11" paper and label them.
  - A site plan (a zoning plat or survey can be used) showing the existing footprint of the building with the area of proposed changes or additions denoted. Indicate location of proposed fences with a dotted line.
  - Additional information such as a tree survey, a grading plan, and material specifications may be required depending on your project. If you plan to remove a healthy tree greater than 6" in caliper, you must provide a tree survey, with proposed replacement plantings.
2. Return your completed HAWP application to DPS in Rockville. Do not send it to the HPC in Silver Spring. You will be notified by mail when your case is scheduled before the HPC. This usually takes place within one month of filing and, by law, must take place within 45 days. The HPC usually meets the second and fourth Wednesdays of each month. To be on a particular meeting agenda, you must file your HAWP application 3 weeks before that meeting. Notice of the public meeting is published in the *Montgomery Journal* and sent to your neighboring property owners. If you live in a historic district, the Local Advisory Panel (LAP) receives a copy of your application.
3. At the HPC meeting, you will be given time to discuss your project and answer questions about it. Other interested parties will also be offered an opportunity to testify. Staff will show slides of your property and make recommendations to the Commission. Comments, if any, from the LAP are also presented.
4. Following testimony and discussion, the HPC votes in public on your application, basing its decision on criteria in the County's Historic Preservation Ordinance, the Secretary of the Interior's Standards, and any applicable guidelines. The HPC has three options:
  - Approve your application and instruct DPS to issue the HAWP for the work as proposed.
  - Approve the application subject to certain conditions.
  - Deny the HAWP.If your HAWP is denied, the HPC will provide you with a written decision. You – or any aggrieved party – may appeal any HPC decision within 30 days to the Board of Appeals. Its decisions may be appealed to the Circuit Court.
5. In practice, the majority of HAWP applications are approved as submitted or with conditions. Following the HPC meeting, the signed, approved HAWP application is returned to DPS which then issues you a Historic Area Work Permit through the mail. At the same time, HPC staff mails you a copy of your signed HAWP application with each page of your plans stamped as approved. If the HPC's conditions of approval require changes to the plans, the approved HAWP is not returned to DPS until you submit a revised set of plans to HPC staff. When you go to DPS to get your building permit, you must take your HPC-stamped plans and HAWP. Your building permit plans must match the stamped HPC set.

---

## File HAWP Applications at:

Department of Permitting Services  
250 Hungerford Drive (Route 355) 2nd Floor  
Rockville, MD 20850  
– in the County government center in  
Rockville, across Hungerford Drive from the  
Rockville Metro station, at the intersection  
of Route 355 and Middle Lane

phone: 217-6370  
(for general information or to  
request a HAWP application)

public hours: 7:30 a.m. to 3:30 p.m.  
Monday-Friday

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

*The Secretary of the Interior is responsible for establishing standards for all national preservation programs under Departmental authority and for advising Federal agencies on the preservation of historic properties listed or eligible for listing in the National Register of Historic Places.*

*The Standards for Rehabilitation, a section of the Secretary's Standards for Historic Preservation Projects, address the most prevalent preservation treatment today: rehabilitation. Rehabilitation is defined as the process of returning a property to a state of utility, through repair or alteration, which makes possible an efficient contemporary use while preserving those portions and features of the property which are significant to its historic, architectural, and cultural values.*

The Standards that follow were originally published in 1977 and revised in 1990 as part of Department of the Interior regulations (36 CFR Part 67, Historic Preservation Certifications). They pertain to historic buildings of all materials, construction types, sizes, and occupancy and encompass the exterior and the interior of historic buildings. The Standards also encompass related landscape features and the building's site and environment as well as attached, adjacent or related new construction.

The Standards are to be applied to specific rehabilitation projects in a reasonable manner, taking into consideration economic and technical feasibility. The application of these Standards to rehabilitation projects is to be the same as under the previous version so that a project previously acceptable would continue to be acceptable under these Standards.

1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
2. 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.
3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.
6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
8. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
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.

# THE HISTORIC PRESERVATION TAX CREDIT

To encourage the restoration and preservation of privately-owned structures designated on the Master Plan for Historic Preservation, either individually or within a historic district, the Montgomery County Council in 1984 passed legislation providing for a tax credit against County real property taxes (Chapter 52, Article VI). The tax credit is 10% of documented expenses for exterior maintenance, restoration or preservation work. The work must be certified eligible by the HPC.

In summary, eligible work includes repairs, restoration, or preservation of exterior features of designated structures. Examples of eligible projects would include (but not be limited to) painting, repairing roofs or windows or replacing them in-kind, repairing architectural trim or ornament, uncovering and repairing original siding, repointing brick or stone foundations or chimneys, restoring a documented feature such as a dormer or porch that was previously altered or removed, and repairing and maintaining outbuildings such as barns and garages.

New construction and interior work are expenditures that are not eligible. Other ineligible work includes (for example) repaving driveways, replacing features (such as windows) with new features that are not identical in size and material, and repairing mechanical equipment.

## WORK ELIGIBLE FOR THE TAX CREDIT MUST MEET ALL OF THE FOLLOWING CRITERIA:

1. be certified by the HPC as contributing to the restoration or preservation of sites listed on the Master Plan for Historic Preservation in Montgomery County either individually or within a historic district;
2. be exterior work only;
3. be undertaken with a previously approved Historic Area Work Permit (HAWP) if alterations that require a HAWP are proposed; OR
4. be ordinary maintenance exceeding \$1,000 in expense; the work must be subsequently certified (at the time the tax credit application is reviewed by the HPC) as being consistent with the purposes of Chapter 24A, the County's historic preservation ordinance;
5. be performed by a licensed contractor.

## **THE TAX CREDIT IS NOT ALLOWABLE FOR:**

1. *new construction of a structure, or a new addition to a historic building;*
2. *interior work;*
3. *work requiring an approved HAWP that is completed without the approval of the HPC;*
4. *the value of labor unless performed by a licensed contractor.*

*The tax credit is allowed for the tax year immediately following the year in which the work or any distinct portion thereof is completed. The tax year is July 1 - June 30 and the application deadline is always April 1. In other words, tax credit applications are reviewed by the HPC in the spring of every year and the approved tax credit is applied to tax bills received by property owners that summer. Any unused portion of this tax credit may be carried forward for as many as five years. If the property is subsequently removed from the Master Plan for Historic Preservation, any unused portion of the tax credit would immediately lapse. A property not listed on the Master Plan for Historic Preservation at the time the work is undertaken is not eligible for the preservation tax credit.*

## **HOW TO APPLY FOR THE PRESERVATION TAX CREDIT:**

1. *For projects completed and paid for during the previous year, file the tax credit application form and attachments with the HPC. The address is printed on the application form. APPLICATIONS SHOULD BE POSTMARKED BY APRIL 1.*
2. *Complete both the Application Form and the Receipts Transmittal Form and return them with photocopies of documented receipts and clear, print photographs thoroughly showing the completed work. Please attach photographs to single sides of 8 1/2" x 11" paper, labeling the photographs on the front. Proof of payment must be shown by receipts marked "paid" or by copies of canceled checks.*

*The receipts must be itemized so that eligible exterior expenses are clearly marked and separated from any non-eligible expenses. If your receipt shows one price for a project that also included interior work or new construction, have your contractor break down the eligible expenditures. Expenditures must be clearly listed on the Receipts Transmittal Form and keyed to the copies of the receipts.*



# Application for Historic Preservation Tax Credit

Owner's Name \_\_\_\_\_

Owner's Mailing Address \_\_\_\_\_

Daytime Telephone Number \_\_\_\_\_

I. In accordance with Chapter 52, Article VI, of the Montgomery County Code, I request a credit to my County property taxes for the following work:

\_\_\_\_\_ Restoration and preservation work for an individually-designated historic site or historic resource within a historic district which was the subject of an approved Historic Area Work Permit (HAWP) and qualifies under Chapter 52, Article VI.

\_\_\_\_\_ Ordinary maintenance on a historic site or historic resource within a historic district where the amount expended exceeds \$1,000.

II. The property is listed on the *Master Plan for Historic Preservation* as:

Site Name or Historic District: \_\_\_\_\_

Address: \_\_\_\_\_

Property Tax Account Number: \_\_\_\_\_

HAWP Number (if applicable): \_\_\_\_\_

Building Permit Number (if applicable): \_\_\_\_\_

III. I have completed the Receipts Transmittal Form on the reverse and am forwarding all necessary receipts and photographs.

## How To Apply For The Historic Preservation Tax Credit

1. For projects completed and paid for during the previous year, file the tax credit application form and attachments with the HPC. The address is printed below. APPLICATIONS SHOULD BE POSTMARKED BY APRIL 1.

2. Complete both the Application Form and the Receipts Transmittal Form and return them together with documented receipts and clear, print photographs thoroughly showing the completed work. Please attach photographs to single sides of 8 1/2" x 11" paper,

labeling the photographs on the front. Proof of payment must be shown by receipts marked "paid" or by canceled checks.

The receipts must be itemized so that eligible exterior expenses are clearly marked and separated from any non-eligible expenses. If your receipt shows one price for a project that also included interior work or new construction, have your contractor break down the eligible expenditures. Expenditures must be clearly listed on the Receipts Transmittal Form and keyed to the copies of the receipts.

## Receipts Transmittal Form

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*Copies of all bills, vouchers and receipts must be attached to this transmittal, or your application will be incomplete and will not be processed.  
Itemize expenditures below, keying them to the receipts.*

Receipt No.	Name of Contractor/Supplier	Materials Used/Work Done	Amount
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
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_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

I hereby certify that the attachments hereto are receipts for actual expenditures made in connection with the restoration and preservation of the structure referred to above. I affirm that the facts and matters contained in this transmittal are true and correct to the best of my knowledge.

\_\_\_\_\_  
Owner/Applicant Date

**MONTGOMERY COUNTY CODE**  
**CHAPTER 24A**  
**PRESERVATION OF HISTORIC RESOURCES**

**Sec. 24A-1. Purpose**

It is the purpose of this chapter to provide for the identification, designation and regulation, for purposes of protection, preservation and continued use and enhancement of those sites, structures with their appurtenances and environmental settings, and districts of historical, archeological, architectural or cultural value in that portion of the county which is within the Maryland-Washington Regional District. Its further purpose is to preserve and enhance the quality of life in the county, safeguard the historical and cultural heritage of the county, strengthen the local economy, stabilize and improve property values in and around such historic areas, foster civic beauty, and to preserve such sites, structures and districts for the education, welfare, and continued utilization and pleasure of the citizens of the county, the state, and the United States of America.

**Sec. 24A-2. Definitions**

(a) For the purposes of this chapter the following words and phrases shall have the meanings respectively ascribed to them.

"Appurtenances and environmental setting". The entire parcel, as of the date on which the Historic Resource is designated on the Master Plan, and structures thereon, on which is located a historic resource, unless reduced by the District Council or the commission, and to which it relates physically and/or visually. Appurtenances and environmental settings shall include, but not be limited to, walkways and driveways (whether paved or not), vegetation (including trees, gardens, lawns), rocks, pasture, cropland and waterways.

"Board". The county board of appeals of Montgomery County, Maryland.

"Commission". The historic preservation commission of Montgomery County, Maryland as described hereinafter.

"Demolition by neglect". The failure to provide ordinary and necessary maintenance and repair to an historic site or an historic resource within an historic district, whether by negligence or willful neglect, purpose or design, by the owner or any party in possession of such a site, which results in any of the following conditions:

(a) The deterioration of exterior features so as to create or permit a hazardous or unsafe condition to exist.

(b) The deterioration of exterior walls, roofs, chimneys, windows, the lack of adequate waterproofing, or deterioration of interior features or foundations which will or could result in permanent damage, injury or loss of the exterior features.

"Director". The director of the department of environmental protection of Montgomery County, Maryland or his designee.

"Exterior features" The architectural style, design and general arrangement of the exterior of an historic resource, including the color, nature and texture of building materials, and the type or style of all windows, doors, light fixtures, signs or other similar items found on or related to the exterior of an historic resource.

"Historic District" A group of historic resources which are significant as a cohesive unit and contribute to the historical, architectural, archeological or cultural values within the Maryland-Washington Regional District and which has been so designated in the master plan for historic preservation.

"Historic resource" A district, site, building, structure or object, including its appurtenances and environmental setting, which is significant in national, state or local history, architecture, archeology or culture. This includes, but is not limited to, all properties on the "Locational Atlas and Index of Historic Sites in Montgomery County".

"Historic site" Any individual historic resource that is significant and contributes to the historical, architectural, archeological or cultural values within the Maryland-Washington Regional District and which has been so designated in the master plan for historic preservation.

"Permit" An historic area work permit issued by the director authorizing work on an historic site or an historic resource located within an historic district.

"Planning Board" The Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission.

Sec. 24A-3. Master Plan for historic preservation criteria for designation of historic sites or districts.

(a) As part of the general plan for the physical development of that portion of the county within the Maryland-Washington Regional District, there shall be prepared, adopted and approved a master plan for historic preservation which shall constitute an amendment to the general plan for the Maryland-Washington Regional District. Such plan shall designate historic sites and historic districts and describe their boundaries; it shall propose means for the integration of historic preservation into the planning process; and it shall suggest other measures to advance the goals of historic preservation.

(b) In considering historic resources for designation as historic sites or historic districts, the planning board shall apply the following criteria:

1. Historical and cultural significance. The historic resource:
  - a. Has character, interest, or value as part of the development, heritage or cultural characteristics of the county, state, or nation;
  - b. Is the site of a significant historic event;
  - c. Is identified with a person or a group of persons who influenced society; or
  - d. Exemplifies the cultural, economic, social, political or historic heritage of the county and its communities; or

2. Architectural and design significance. The historic resource:

- a. Embodies the distinctive characteristics of a type, period or method of construction;
- b. Represents the work of a master;
- c. Possesses high artistic values;
- d. Represents a significant and distinguishable entity whose components may lack individual distinction; or
- e. Represents an established and familiar visual feature of the neighborhood, community, or county due to its singular physical characteristic or landscape (ordinance No. 9-4 (1)).

Sec. 24A-4. Historic Preservation Commission - Generally

(a) Created. There is hereby created a commission to be known as the "historic preservation commission of Montgomery County, Maryland."

(b) Membership. The commission shall consist of 9 members appointed by the county executive with the confirmation of the county council. Each member must be a resident of the county. The 4 fields of history, architecture, preservation and urban design shall be represented by a minimum of 1 member qualified by special interest, knowledge or training. The remaining members of the commission shall, to the extent possible, be selected to represent the geographical, social, economic and cultural concerns of the residents of the county.

(c) Officers. The county executive shall appoint the chairman and vice-chairman of the commission, who shall serve at his pleasure, but such appointments occurring after the commission's first year of operation shall be made after due consideration has been given to the recommendation of the commission.

(d) Term. The terms of the members of the commission shall be for a three-year period and members shall continue to serve until their successors are appointed and qualified.

(e) Vacancy. Any vacancy in the membership of the commission caused by the expiration of a term by resignation or death, or by a superseding incapacity to discharge duties, by a removal for cause, or by any other cause creating such vacancy, shall be filled for a new term, or for the remainder of the term for which there is a vacancy as the case may be, in the same manner as provided herein for the nomination and appointment of the initial numbers of the commission.

(f) Removal for cause. A member may be removed for cause from the commission by the county executive.

(g) Compensation. The members of the commission shall serve without compensation but they may be reimbursed for actual expenses incurred in performance of their duties, provided such expenses are permitted by the budget and approved by the chief county administrative officer.

(h) Regulations. The commission must adopt, under method (2) of section 2A-15 of this Code, rules, guidelines and regulations that are necessary for the proper transaction of the business of the commission. This includes provisions governing contested cases before the Commission.

1. Meetings. The commission shall hold such regular meetings which, in its discretion, are necessary to discharge its duties. Such meetings shall be open to the public.

2. Staff. There may be appointed and assigned to the commission such employees, and the chief administrative officer shall make available to the commission, such services and facilities of the county as are necessary or appropriate for the proper performance of its duties, and the county attorney shall serve as counsel to the commission.

#### Sec. 24A-5. Same - Powers and Duties

The commission has the following powers and duties:

(a) To research historic resources and to recommend to the planning board that certain of them be designated as historic sites or historic districts on the master plan for historic preservation and, hence, be subject to the provisions of this chapter.

(b) To recommend to the Planning Board, as needed, any update to the inventory of historic resources which is contained in the "Locational Atlas and Index of Historic Sites in Montgomery County".

(c) To act upon applications for historic area work permits and other matters referred to it for action pursuant to the provisions of this chapter.

(d) To appoint members to local advisory panels to assist and advise the commission in the performance of its functions.

(e) To recommend programs and legislation to the council and the planning board to encourage historic preservation in the Maryland-Washington Regional District.

(f) To review any legislation and proposals affecting historic preservation, including preparation of master plans, and to make recommendations on such legislation and proposals to appropriate authorities.

(g) To serve as a clearinghouse for information on historic preservation for county government, individuals, citizens' associations, historical societies and local advisory committees; to provide information and educational materials for the public; to undertake activities to advance the goals of historic preservation in the county.

(h) To employ or hire consultants or other temporary personnel, consistent with county contract provisions, as deemed necessary to assist the commission in the accomplishment of its functions; such consultants or other personnel shall be compensated as may be provided for in the county budget.

(i) To administer any revolving funds or grant programs to assist in historic preservation.

(j) To advise the planning board, in the event of subdivision of land containing an historic resource, on the appurtenances and environmental setting necessary to preserve it.

(k) To delineate the extent of appurtenances and environmental setting associated with a historic site or resource.

#### Sec. 24A-6. Historic Area Work Permits - Generally

(a) **Required.** An historic area work permit for work on public or private property containing an historic resource must be issued pursuant to the provisions of this chapter before:

1. Constructing, reconstructing, moving, relocating, demolishing or in any manner modifying, changing or altering the exterior features of any historic site or any historic resource located within an historic district;
2. Performing any grading, excavating, construction, or substantially modifying, changing or altering the environmental setting of an historic site or an historic resource located within an historic district;
3. Erecting or causing to be erected any sign or advertisement (with the exception of those signs which temporarily advertise for sale an historic site or an historic resource located within an historic district, or which for a temporary period advertise a political viewpoint) on the exterior or on the environmental setting of any historic site or any historic resource located within an historic district.

(b) **Exceptions.** Nothing in this section shall be construed to require the issuance of an historic area work permit for any ordinary maintenance, repair of exterior features, any customary farming operations or any landscaping, which will have no material effect on [an] historic resource located within an historic district, of which such features are a part. For the purposes of clarification of this section, the commission shall develop and publish guidelines regarding what activities constitute ordinary maintenance and shall send a copy of these guidelines by registered mail to all owners of historic resources designated on the master plan.

#### (c) Disclosure Requirements

1. Applicants for permits to demolish or substantially alter the exterior features of any historic site, or historic resource located within an historic district, are required to disclose its identification as such in writing on any application there for.
2. Any person who shall undertake any work as stated in (a) of this section without first obtaining an historic area work permit shall be subject to the penalties established in section 24A-11.

(d) **Advice of Commission prior to application.** The commission shall adopt procedures to encourage owners of historic resources to seek the advice of the commission prior to filing an application for an historic area work permit, on the appurtenances and environmental setting appropriate to the resource, construction methods and materials, financial information concerning historic preservation, or any other matter under this chapter affecting the issuance of a permit.

24A-7. Same - Application procedures: Appeals.

(a) Applications. Applications for issuance of an historic area work permit shall be filed with the director. The application shall be in such form and contain such information as may be required to provide information as shall be necessary for the commission to evaluate and act upon such applications in accordance with the provisions of this chapter.

(b) Referral of Application. Upon the filing of a completed application, within 3 days the director shall forward the application and all attachments to the commission for its review.

(c) Public Appearance. Upon receipt of the application, the commission shall schedule a public appearance at a commission meeting at which time it will consider the application.

(d) Notice. After scheduling of a public appearance, the commission shall forward notice of the public appearance to those citizens or organizations which the commission feels may have an interest in the proceedings.

Upon being advised by the commission of the scheduling of a public appearance, the director shall forward the application and all attachments to the planning board for its review and comments which, if any, are to be made to the commission prior to the public appearance.

(e) Conduct of Commission Meeting. At the public appearance, the procedure will be informal and formal rules of evidence will not be applicable. Interested persons will be encouraged to comment and minutes of the proceedings will be kept.

(f) Action by the commission.

(1) Within 45 days after the filing of an application or, in the event the record is left open by the commission within 15 days after the close of the record, the commission shall make its decision public.

(2) The commission may instruct the director to:

a. Issue the permit; or

b. Issue the permit subject to such conditions as are necessary to insure conformity with the provisions and purposes of this chapter; or

c. Deny the permit.

(3) In the event of a denial of a permit, the applicant shall receive a written notification of the reasons for such denial.

(4) If, after a public appearance, the commission finds that denial of the permit applied for will result in the denial of reasonable use of the property, or impose undue hardship on the owner, and within a period of 120 days after said finding no economically feasible plan for the preservation of the structure has been demonstrated by those seeking preservation, the commission must then instruct the director to issue a permit with, if applicable, such reasonable conditions which will further the intent and purposes of this chapter.



(5) Failure of the commission to act on an application within the time periods provided in the provisions of this subsection shall require that the application be deemed granted. By his written consent, the applicant may extend the time period for commission action.

(g) Miscellaneous Provisions.

(1) The applicant for a permit shall have the responsibility of providing information sufficient to support the application and the burden of persuasion on all questions of fact which are to be determined by the commission. Properties subject to deeds of easement held by other historic preservation organizations shall submit proof of approval of exterior architectural review by the organization holding the easement.

(2) Any permit issued by the director may be subject to such conditions imposed by the commission as are reasonably necessary to assure that work in accordance with the permit shall proceed and be performed in a manner not injurious to those characteristics and qualities of the historic resource which are of historical, architectural, archeological or cultural value.

(3) In the event that there is a conflict between the permit and the requirements of the building code, the permit would control provided that all health and safety requirements are met.

(4) The director is responsible for the enforcement of this chapter.

(h) Appeal. In the event that any party is aggrieved by a decision of the commission, within 30 days from the date on which the commission's decision is made public, such party aggrieved may appeal to the Board of Appeals which will review the commission's decision de novo. The Board of Appeals has full and exclusive authority hear and decide all appeals taken from decisions of the Commission in the administration of this chapter. The Board of Appeals has the authority to affirm, modify or reverse the order or decision of the Commission.

(1) Appeals from decision of the County Board of Appeals shall be in accordance with Section 2-114 of this Code.

24A-8. Same - Criteria for issuance.

(a) The commission shall instruct the director to deny a permit if it finds, based on the evidence and information presented to or before the commission that the alteration for which the permit is sought would be inappropriate or inconsistent with, or detrimental to the preservation, enhancement or ultimate protection of the historic site, or historic resource within an historic district, and to the purposes of this chapter.

(b) The commission shall instruct the director to issue a permit, or issue a permit subject to such conditions as are found to be necessary to insure conformity with the purposes and requirements of this chapter, if it finds that:

1. The proposal will not substantially alter the exterior features of an historic site, or historic resource within an historic district; or

2. The proposal is compatible in character and nature with the historical, archeological, architectural or cultural features of the historic site, or the historic district in which an historic resource is located and would not be detrimental thereto or to the achievement of the purposes of this chapter; or
3. The proposal would enhance or aid in the protection, preservation and public or private utilization of the historic site, or historic resource located within an historic district, in a manner compatible with the historical, archeological, architectural or cultural value of the historic site or historic district in which an historic resource is located; or
4. The proposal is necessary in order that unsafe conditions or health hazards be remedied; or
5. The proposal is necessary in order that the owner of the subject property not be deprived of reasonable use of the property or suffer undue hardship; or
6. In balancing the interests of the public in preserving the historic site, or historic resource located within an historic district, with the interests of the public from the use and benefit of the alternative proposal, the general public welfare is better served by granting the permit.

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

(d) In the case of an application for work on an historic resource located within an historic district, the commission shall be lenient in its judgment of plans for structures of little historical or design significance or for plans involving new construction, unless such plans would seriously impair the historic or architectural value of surrounding historic resources or would impair the character of the historic district.

#### 24A-9. Demolition by Neglect.

In the event of a case of demolition by neglect of an historic resource on public or private property, the following provisions shall apply:

(a) If the historic resource has been designated on the Master Plan as an historic site, or an historic resource within an historic district, the director shall issue a written notice to all persons of record with any right, title or interest in the subject property, or person occupying said premises, of the conditions of deterioration and shall specify the minimum items of repair or maintenance necessary to correct or prevent further deterioration. The notice shall provide that corrective action shall commence within 30 days of the receipt of such notice and be completed within a reasonable time thereafter. The notice shall state that the owner of record of the subject property, or any person of record with any right, title or interest therein may within 10 days after the receipt of the notice, request a hearing on the necessity of the items and conditions contained in such notice.

In the event a public hearing is requested it shall be held by the commission upon 30 days written notice mailed to all persons of record with any right, title or interest in the subject property and to all citizens and organizations which the director feels may have an interest in the proceedings.

1. After a public hearing on the issue of necessity of improvements to prevent demolition by neglect, if the commission finds that such improvements are necessary, it shall instruct the director to issue a final notice to be mailed to the record owners and all parties of record with any right, title or interest in the subject property advising of the items of repair and maintenance necessary to correct or prevent further deterioration. The owners shall institute corrective action to comply with the final notice within 30 days of receipt of the revised notice.

2. In the event the corrective action specified in the final notice is not instituted within the time allotted, the director may institute, perform and complete the necessary remedial work to prevent deterioration by neglect and the expenses incurred by the director for such work, labor and materials shall be a lien against the property, and draw interest at the highest legal rate, the amount to be amortized over a period of 10 years subject to a public sale if there is a default in payment.

3. Failure to comply with the original or final notice shall constitute a violation of this chapter for each day that said violation continues and shall be punishable as set forth in Section 24A-11.

4. In the event that the commission finds that, notwithstanding the necessity for such improvements, action provided in paragraphs (1) and (2) of this subsection would impose a substantial hardship on any or all persons with any right, title or interest in the subject property, then the commission shall seek alternative methods to preserve the historic site, or historic resource located within an historic district. If none are confirmed within a reasonable time, the director shall not proceed in accordance with paragraphs (1) and (2).

(b) If the historic resource is listed in the "Locational Atlas and Index of Historic Sites in Montgomery County, Maryland," or the microfilmed addenda to said Atlas, published by the Maryland-National Capital Park and Planning Commission, the director shall advise the planning board which, after receiving the recommendation of the commission, shall conduct a public hearing to determine whether the historic resource will be designated as an historic site or historic district in the master plan for historic preservation.

1. Where the planning board determines that the historic resource will not be included in the master plan for historic preservation, no further action will be taken.

2. Where the planning board determines that the historic resource in all likelihood will be included in the master plan for historic preservation, the planning board shall initiate an amendment to the master plan for historic preservation pursuant to the provisions of Article 28 of the Annotated Code of Maryland.

(a) In the event that said amendment is adopted and the historic resource is placed on the master plan for historic preservation as an historic site, or an historic resource within an historic district, the director shall give written notice to all persons with any right, title, or interest in the subject property of the conditions of deterioration and shall specify the items of repair or maintenance necessary to stabilize the condition of the historic resource and prevent further deterioration.

(b) Such notice shall provide that such stabilization work shall commence

within 30 days of receipt of the notice and shall be completed within a reasonable time thereafter.

(c) In the event that stabilization action is not instituted within the time allotted, or not completed within a reasonable time thereafter, the director may institute, perform and complete the necessary stabilization work and the expenses incurred by the director for such work, labor or materials shall be a lien against the property, and draw interest at the highest legal rate, the amount to be amortized over a period of 10 years subject to a public sale if there is a default in payment.

#### 24A-10. Moratorium on Alteration or Demolition

(a) Application for Permits for Historic Resources on Locational Atlas. Any applicant for a permit to demolish or substantially alter the exterior features of any historic resource which is listed in the "Locational Atlas and Index of Historic Sites in Montgomery County, Maryland," or the microfilmed addenda to said atlas, published by the Maryland- National Capital Park and Planning Commission, but which is not designated as an historic site or historic district on the master plan for historic preservation shall be required to disclose said fact on the application.

(b) Referral to the Planning Board. Upon receipt of such application, the director shall promptly forward the same to the planning board to make a finding, after a public hearing, as to the significance of the historic resources and to determine whether in its opinion, after due consideration has been given to the recommendations of the commission, it will be designated as an historic site, or an historic resource within an historic district, listed in the master plan for historic preservation. The Planning Board's public hearing on an application to demolish or substantially alter any historic resource listed in the locational atlas satisfies the requirements of Section 33A-6 of the Code for a public hearing on a preliminary draft amendment to the Historic Preservation Master Plan if all notice requirements of that Section are met.

(c) Determination by the Planning Board.

(1) Where the planning board determines that the historic resource will not be included in the master plan for historic preservation, the director shall forthwith issue the permit.

(2) Where the planning board determines that the historic resource in all likelihood will be included in the master plan for historic preservation, the director shall withhold issuance of the permit once for a maximum period of 195 days from the date the application for demolition is filed. If, as a result of the master plan process, the property is designated an historic site or an historic resource within an historic district, the application shall be governed by the procedures established in Section 24A-7.

If after a public appearance as provided for in Section 24A-7, the commission determines that failure to grant the permit applied for will have the effect of denying the property owner of all reasonable use of his property or causing him to suffer undue hardship, then the commission must instruct the director to issue the permit subject to such conditions, if any, as are found to be necessary to insure conformity with the purposes and requirements of this chapter.

(d) Time Limits for Planning Board Action

(1) Within 60 days after the filing of an application, or within 15 days after the closing of the record following a public hearing, whichever occurs later, the planning board shall render its findings and determinations with respect to an application.

(2) Failure to adhere to the limits specified in Section 24A-10 shall cause the permit to issue by operation of law, except in the event of a finding and further proceedings as provided in subsection (C)(2) of this section.

Sec. 24A-11. Violations and penalties.

Any person who violates a provision of this chapter, or fails to comply with any of the requirements thereof, or disobeys or disregards a decision of the commission, or fails to abide by the conditions of a permit, shall be subject to punishment for a class A violation as set forth in section 1-19 of chapter 1 of the County Code. Each day a violation continues to exist shall constitute a separate offense. (Ord. No.9-4 - 1; 1983 L.M.C. ch.22, 28.)

Sec. 24A-12. Severability

The provisions of this chapter are severable and if any provision, clause, sentence, section, word or part thereof is held illegal, invalid or unconstitutional, or inapplicable to any person or circumstances, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, sections, words, or parts of the chapter or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this chapter would have been adopted if such illegal, invalid, or unconstitutional provision, clause, sentence, section, word or part had not been included therein, and if the person or circumstance to which the chapter or part thereof is inapplicable had been specifically exempted therefrom.

Sec. 24A-13. Historic Preservation Easement Program.

(a) There is a county easement program to preserve historic resources in Montgomery County. The commission must administer the program in accordance with this section.

(b) (1) An owner of an historic resource may offer the county a preservation easement to protect or conserve interior or exterior features of the historic resource and its environmental setting or appurtenances by making application to the commission.

(2) Upon receipt of an application, the commission must immediately forward the application for review and comment to:

(A) the planning board if the historic resource is located within the Maryland-Washington Regional District; and

(B) the appropriate agency of a municipality if the historic resource is located within a municipality.

Review and comment under this paragraph must be made within 45 days and should include an evaluation of the proposal using the criteria specified in this section as well as identification of competing or supporting land use priorities or other relevant factors

or issues. Recommendations may include proposed easement terms and conditions.

(3) The commission must review the application to determine if acceptance of the preservation easement would further the county's historic preservation goals. In making its determination, the commission should consider, among other relevant factors:

- (A) the relative significance of the historic structure;
- (B) the structural condition;
- (C) the owner's planned or completed preservation efforts;
- (D) the existing zoning and nature of the surrounding neighborhood; and
- (E) whether an easement will promote the long-term survival of the historic resource.

(c) If the historic resource is designated as an historic site in the county master plan for historic preservation, either as an individual site or located within an historic district, the county may acquire an easement upon positive recommendation of the commission and approval of the county executive. If the historic resource is not designated as an historic site in the master plan, the additional approval of the county council is required prior to any acceptance by the county. The commission must forward any comments received under subsection (b)(2) to the county executive and the county council, as appropriate.

(d) A preservation easement under this section should be granted in perpetuity and include appropriate terms and conditions that:

- (1) restrict changes and alterations;
- (2) require maintenance, repairs, and administration;
- (3) authorize public access;
- (4) provide a right of governmental inspection;
- (5) provide for a right of assignment to the Maryland Historical Trust or other appropriate agency or entity; and
- (6) establish enforcement remedies.

(e) The county may hold a preservation easement jointly with the Maryland Historical Trust.

(f) A preservation easement must be recorded by the grantor among the land records of the county at the grantor's cost. The grantor must notify the supervisor of assessments and the Office of the Public Tax Advocate of the recordation of the preservation easement.

(g) A preservation easement may be extinguished by judicial proceeding if an unexpected change in the conditions applicable to the property, such as casualty, make it impossible

or impractical to continue to use it for preservation purposes. The terms of an easement related to extinguishment should identify appropriate changes in condition, provide that the county share in any proceeds from a subsequent sale or exchange of the property after the easement is extinguished, and be in accordance with any applicable executive regulations. The sharing in proceeds may include the recapture of property taxes saved by the grantor or its successor in interest, either in part or in full, as a result of the easement.

(h) The commission may enter into a cooperative agreement with the Maryland Historical Trust or other appropriate agencies or entities for technical assistance in administering the historic easement program. This may include assistance in property evaluation, negotiation, and inspection.

(i) (1) The easement program authorized under this section is in addition to, and does not supersede or otherwise affect, any other county or municipal program or policy requiring the donation of a preservation easement as a condition of financial assistance. It must operate in conjunction with other county or municipal easement programs.

(2) The grant of an easement under this section does not eliminate or otherwise alter any county or municipal regulatory requirement applicable to the historic resource, including any requirement to obtain an historic area work permit.

(j) The county executive, with the advice of the commission, may adopt regulations under method (2) to administer the historic preservation easement.

To assist the County in its administration of the historic preservation easement program, the supervisor of assessments is requested to maintain records of both the assessment of the property as restricted under this program by easement and the assessment that would apply if the property was not subject to an easement.

Adopted July 24, 1979  
Cited Montgomery County 1984  
Revised 1987, 1989



DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

December 31, 1997

Douglas M. Duncan  
*County Executive*

Elizabeth B. Davison  
*Director*

Charles F. Strube  
c/o Frank Strube  
9550 Fingerboard Road  
Frederick, Maryland 21701

Re: 25911 Frederick Road

Dear Mr. Strube:

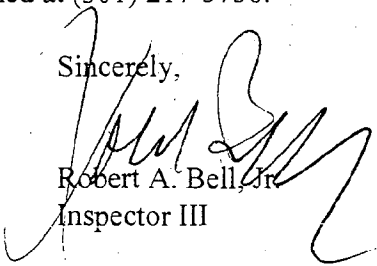
This office is in receipt of a letter to you dated December 18, 1997, (copy enclosed) sent to you from The Historic Preservation Commission, hereafter referred to as H.P.C.

The H.P.C. has offered you a six (6) month extension contingent upon your meeting certain conditions as outlined in their letter.

As a result of your demonstrated willingness to cooperate with the H.P.C. in order that you subsequently comply with my notice and order to you dated August 6, 1997, this office will suspend code enforcement actions against you pending further notification to this office from the H.P.C.

If you have any questions, I can be reached at (301) 217-3738.

Sincerely,

  
Robert A. Bell, Jr.  
Inspector III

Enclosure

cc: MNCPPC  
c/o Robin Ziek  
Historic Preservation  
8787 Georgia Avenue  
Silver Spring, Maryland 20910-3760

**CERTIFIED/REGULAR MAIL**

RAB:ldl:S:\DHCD\REGSERV\CODEENF\25911fre.wpd

Division of Code Enforcement

51 Monroe Street, Room 905 • Rockville, Maryland 20850 • TDD 301/217-3679  
Multi-Family, 301/217-3725 • Single-Family, 301/217-3750



M-NCPPC



MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

8787 Georgia Avenue  
Silver Spring, Maryland 20910-3760

December 18, 1997

Mr. C. Francis Strube  
8550 Fingerboard Road  
Frederick, MD 21704

Dear Mr. Strube:

I wanted to thank you for coming before the Historic Preservation Commission (HPC) on November 12, 1997, to discuss your property at **25911 Frederick Road in Hyattstown**. This Preliminary Consultation with the HPC was a first step to bringing the property into compliance with county codes.

In order to come fully into compliance with the law, you would have to undertake repairs as noted by Housing Code Enforcement staff in their notice letter to you dated August 6, 1997. At the HPC hearing on November 12th, you expressed an unwillingness to rehabilitate the structure, but did make a public offer to sell your property. The HPC noted that and felt that sale of the property would be a reasonable alternative.

At the November 12th hearing, you told the HPC that you hadn't advertised the property for sale as of that date. You said that you would put a "for sale" sign on the front of the house. However, the HPC felt that a serious effort to sell the house would involve listing the property with a realtor to reach a broad population. Staff was directed to assist you with this listing, and I have given your name to a local realtor with Long & Foster, Mr. Lee Radcliffe, who can be reached at (1-800) 221-6094. I have also talked with a realtor at Weichert Realty - Ms. Sandy Gallagher - who would be interested in talking with you about listing the property. She can be reached at (301) 681-0555 or (301) 517-6925.

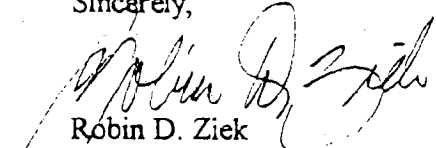
The HPC was concerned that you might have some difficulty selling the property during the winter months, as spring is typically the better time to sell real estate. The HPC was willing, therefore, to delay further actions so as to give you a reasonable time to sell the house, and thought it would be reasonable to speak with you again in about 6 months. That said, it would be important to list the property with a real estate agent as soon as possible to market the property.

I understand that this is well past the October 15, 1997 deadline which was noted in the Code Enforcement notice which you received last fall. However, it is my understanding that there may be an extension of that deadline if you are working with the HPC to arrive at a resolution of the problem. To that end, the HPC would support an extension if you can:

- 1) Please substantiate that the property has been listed for sale with a bone fide real estate agent, who will aggressively pursue sale of the property to someone who is willing to undertake the rehabilitation of the house.
- 2) Please secure the house against the elements and vandalism.

The HPC staff will be happy to talk with any perspective buyers to explain the parameters of the County's preservation ordinance. Please call this office if you have any questions, or if you need further assistance from staff at (301) 563-3408.

Sincerely,



Robin D. Ziek  
Historic Preservation Planner

cc: Robert Bell, Housing Code Enforcement  
Jeff Fones, Friends of Historic Hyattstown

M-NCPPC



MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

8787 Georgia Avenue  
Silver Spring, Maryland 20910-3760

December 18, 1997

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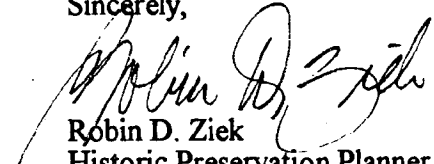
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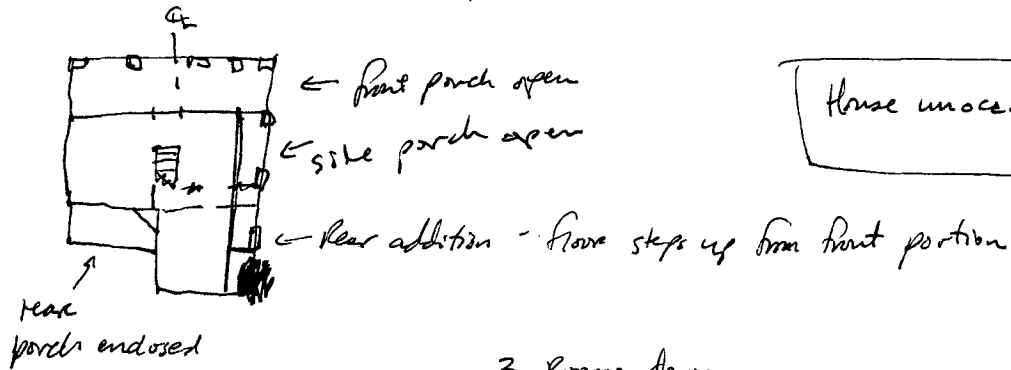


Robin D. Ziek  
Historic Preservation Planner

cc: Robert Bell, Housing Code Enforcement  
Jeff Fones, Friends of Historic Hyattstown

2-25-97  
center hall  
plan. side-wing porch  
Hyattstown

25911 Frederick Rd



House unoccupied since  
1980.

3 Rooms down

3 Room up

◦ Wood siding covered w/ <sup>rotted</sup> composition "shingle" siding.

◦ Roof on front portion: Slate

Roof on porch: Corrugated metal

Roof on rear portion: Standing seam metal

Gingerbread fascia board on front elevation

◦ Porch column bases gone - replaced w/ CMU.

◦ Foundation: Stone

- hole along south side - entry under house (very small "crawl" space)

floor joists appear to be <sup>rotted</sup> oak (2) hard to see.

Family member reports all are rotted, & sill is rotted.

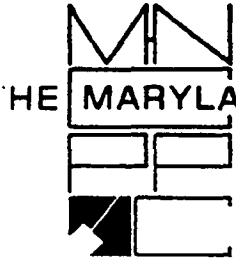
◦ Genealogy: His great-grandmother lived here, until 1980.

He lived next door (house torn down) as a child.

Family now lives in Urbana & Frederick.

STRUBIE

(Demo - By - Neglect)



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

**FAX TRANSMITTAL SHEET**

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

Telephone Number: (301) 495-4570

75-1307

TO: Bobby Beall

For Sale Signs

"By Owner"

-3140

FROM: Robin Zerk

up on Strube's

1317

DATE: Dec 3, 1997

Property

NUMBER OF PAGES INCLUDING THIS

12/8/97

NOTE:

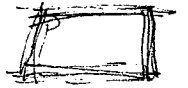
Please review this memo - Bobby Beall

less.

FAX back any changes to me. Do you agree with  
the extension until Feb. 1 or should we use another  
date? Any other conditions we should add in at  
this point? Thanks for your help with this -

Robin

F. Strube, Hyattstown House.



same Hardware

same Doors

Framing - diagonal board,  
foundations ~~bt~~ balloon framing  
post + beam.

Roof

Driveway/Access (easement relating to

site plan

History, dating

porch..

trim.

Late Federal

early Victorian

Stair kits, configuration, turnings.

Call Mike Dwyer

call real estate agents

Do cost estimate

Black Walnut in rear

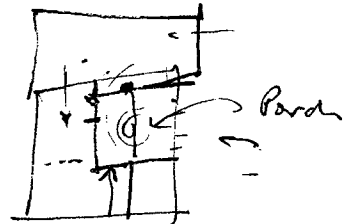
(Rockland?)

Call Boyd.

Talk Owen... Peg's House?

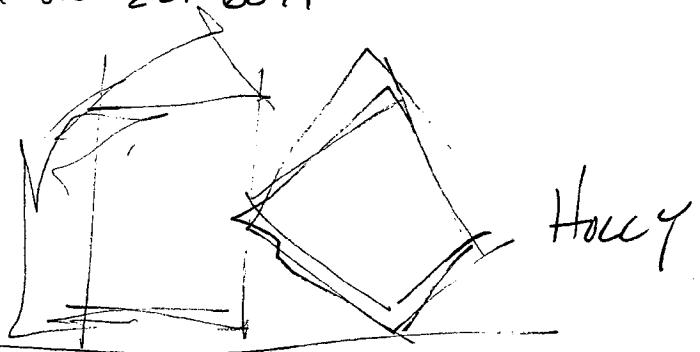
Call Peg.

Photographs...



Becked Random-width Flooring (which may have been wall boards..)  
same + reuse..

11/19/97. I called Lee Radcliffe about 1-800-221-6094  
listing Strube's properties.



December

Strube

Write a letter to him + indicate appropriate follow-up

Still in violation of Preservation ordinance

- deadline of Housing Code Enforcement -  
has satisfactorily completed  
by Oct. 5.

CC to Bobby Beall  
FAX # 301. 217. 3140

↑

findings

list property by with a  
real estate agent.

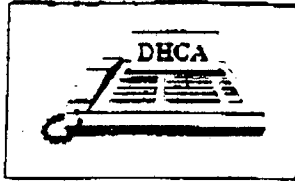
Call Mr. Strube

---

White. Corbin - Bobby Beall ...  
he'll set up

Jack Crosson or Hist. Tak





**Just the Fax!**

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

Douglas M. Duncan  
County Executive

TO: Name ROBIN ZIEK, H.P.C.  
 Fax No. 301 495-1307 Phone No. 301 495-1317

FROM: BOBBY BELL

DATE: 12-4-97 # of pages to follow: 1

Department of Housing and Community Affairs, Division of Code Enforcement  
51 Monroe Street Rockville, MD 20850  
Telephone: (301) 217-3725 FAX: (301) 217-3140

DRAFT

December 4, 1997

Mr. C. Francis Strube  
8550 Fingerboard Road  
Frederick, MD 21704

RE: 25911 Frederick Road, Hyattstown

Dear Mr. Strube:

I wanted to thank you for coming before the Historic Preservation Commission (HPC) on November 12, 1997, to discuss your property at 25911 Frederick Road in Hyattstown. This Preliminary Consultation with the HPC was a first step to bringing the property into compliance with the county codes.

Please note that you are still in violation of Chapter 24A of the Montgomery County Code, the Historic Preservation Ordinance, for the reasons cited by Housing Code Enforcement. In order to come fully into compliance with the law, you would have to undertake repairs as noted by Housing Code Enforcement. However, as you expressed an unwillingness to rehabilitate the structure, there are several steps which you could undertake immediately, which would be responsive to the HPC.

- 1) Please substantiate that the property has been listed for sale with a bone fide real estate agent, who will aggressively pursue sale of the property to someone who is willing to undertake the rehabilitation of the house.
- 2) Please secure the house against the elements and vandalism.

BELL

Evidence of listing the property for sale should be provided to Mr. Robert ~~Dunn~~ of Housing Code Enforcement, at 100 MARYLAND AVE, RM 260 Rockville, MD 20850 within the next two months, or by February 1, 1998. We understand that this is well past the October 15th deadline established by Housing Code Enforcement, but the HPC thought you would need some time to make some decisions about the property. Staff with the Historic Preservation Commission will be happy to talk with any perspective buyers to explain the parameters of the Historic Preservation Ordinance.

If you have any further questions, please do not hesitate to call me at (301) 495-4570.

CERTIFIED MAIL

Sincerely,

Robin D. Ziek  
Historic Preservation Planner

YOUR FAILURE TO COMPLY WITH THE REQUIREMENTS OF THIS NOTICE BY THE ESTABLISHED DEADLINE WILL RESULT IN

IN CODE ENFORCEMENT ACTION  
AGAINST YOU.



**Just the Fax!**

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

Douglas M. Duncan  
County Executive

TO: Name ROBIN ZIEK  
301-495-1307 Fax No.                      Phone No.                     

FROM: BOBBY BELL

DATE: 7.24.97 # of pages to follow: 7

Department of Housing and Community Affairs, Division of Code Enforcement  
51 Monroe Street Rockville, MD 20850  
Telephone: (301) 217-3725 FAX: (301) 217-3140

ROBIN PLEASE REVIEW THIS  
NOTICE AND ENVELOPES AND  
EDIT AS APPROPRIATE.

THANKS  
Bobby

attachments

Definition of Ordinary Maintenance  
How to obtain a HAWP  
Chapter 24A  
Sec. Standards  
Tax Credit info.

BOBBY BELL  
301-217.3738

Division of Code Enforcement



## DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

Douglas M. Duncan  
County Executive

May 5, 1997

Elizabeth B. Davison  
Director

Charles F. Strube  
c/o Frank Strube  
9550 Fingerboard Road  
Frederick, MD 21701

Re: Survey No.: CR88-267  
Location: 25911 Frederick Road  
Date of Inspection: 4/16/97  
Inspected by: Robert A. Bell  
Historic Designation Date: 3/15/84

Dear Mr. Strube :

Our records show that you are the owner of the above referenced property which has been designated an historic site by the Maryland-National Capital Park and Planning Commission and is identified as Site Number 10/59 on the Master Plan for Historic Preservation. This property is protected by Chapter 24A of the "Montgomery County Code titled "Preservation of Historic Resources."

An inspection of the property revealed conditions which constitute Demolition by Neglect as defined in Chapter 24A and must be corrected to arrest further deterioration of this valuable historic resource. In Section 24A-9, "Demolition by Neglect" is the failure to provide ordinary and necessary maintenance and repair to an historic site or an historic resource within an Historic District, whether by negligence or willful neglect, purpose or design, by the owner or any party in possession of such a site, which results in any of the following conditions:

1. The deterioration of exterior features so as to create or permit a hazardous or unsafe condition to exist.
2. The deterioration of exterior walls, roofs, chimneys, windows, the lack of adequate waterproofing, or deterioration of interior features or foundations which will or could result in permanent damage, injury or loss of or to the exterior features.

## Division of Code Enforcement

51 Monroe Street, Room 905 • Rockville, Maryland 20850 • TDD 301/217-3679  
Multi-Family, 301/217-3725 • Single-Family, 301/217-3750

Charles F. Strube  
c/o Frank Strube  
May 5, 1997  
Page two

This is a Notice and Order to correct Demolition by Neglect. Attached to this letter and identified as Addendum "A", consisting of one page, dated May 5, 1997, is a listing and explanation of the exact nature of the repairs, maintenance, and remedial action necessary to stabilize this structure and prevent further deterioration. All repairs must commence and be satisfactorily completed by June 5, 1997. This Addendum constitutes a part of this Notice and Order and is incorporated by reference.

*How much time does he have?*



In the event the corrective action specified in this Notice and Order is not completed by June 5, 1997 the Director of the Department of Housing and Community Affairs will institute, perform and complete the necessary remedial work to prevent deterioration by neglect. The expenses incurred for such work, labor, and materials shall be a lien against the property, and draw interest at the highest legal rate, the amount to be amortized over a period of ten (10) years subject to a public sale if there is a default in payment.



Furthermore, failure to fully comply with this Notice and Order shall constitute a violation of Chapter 24A of the Montgomery County Code and subject you to a \$250 fine. Each day a violation continues to exist shall constitute a separate offense.

Should you wish to appeal the results of this Notice and Order, you must file within ten (10) days, a written request for a hearing before the Historic Preservation Commission, Maryland-National Capital Park and Planning Commission, 8787 Georgia Avenue, Silver Spring MD 20910.

Please feel free to telephone or visit our office if you have any questions regarding this Notice and Order. When you reply please use the above location. We will be happy to assist you in any way possible including referral to public or private agencies offering assistance.

Sincerely,

Robert A. Bell, Jr.  
Inspector III

**CERTIFIED MAIL**

cc: Historic Preservation Commission

RAB/pam/S:\CODEENF\STRUBE.WPD

**ATTACHMENT 'A'  
LIST OF VIOLATIONS**

25911 Frederick Road

May 5, 1997

1. Repair or replace all broken and missing slates on the main roof. Repair the areas of tin roofing on the main roof and porch roofs. Scrape and remove all loose rust and paint from the tin and repaint the tin roofing with a good quality tin roof paint to prevent further deterioration of the metal. These repairs must eliminate the entry of water into the dwelling.

2. Install gutters and downspouts on the dwelling in order to convey all rain water away from the dwelling to prevent further damage to the structure. [Half round gutters and round downspouts must be used to match the age of the dwelling.] *← is that what is there now? We could go with the age profile too.*

3. Repair and repaint the mortar joints on the three brick chimneys. *are they currently painted?*

4. Remove the deteriorated and defective brick-tex siding and repair the original clapboard siding. The present brick-tex siding is water saturated and appears to be holding moisture in contact with the original wood siding causing the wood to decay. *Yes! Thank you.*

5. Repair or replace <sup>in kind</sup> all deteriorated window sills and frames. Replace ~~all~~ <sup>missing</sup> window panes and replace <sup>in kind</sup> the missing and defective window sashes.

6. Remove all vine and overgrowth from the dwelling. This overgrowth holds moisture close to the dwelling and accelerates deterioration.

7. Repair all doors and windows to close and latch properly to eliminate the hazard of an open vacant dwelling and to prevent water from entering and damaging the dwelling.

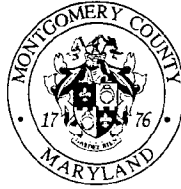
8. Repair or replace <sup>in kind</sup> the deteriorated exterior wood trim.

9. Paint exterior trim, doors, windows and/or wood siding. Scrape and remove all loose and deteriorated paint before painting.

10. Repair or replace deteriorated, and/or insect damaged structural support beams sill boards and framing throughout the building. Structural repairs do require a building permit. You must contact the Montgomery County Department of Permitting Services, Permit Section, at 250 Hungerford Drive, 2nd Floor, Rockville, MD 20850, or call (301) 217-6370 to obtain required permits.

11. Repair or replace <sup>in kind</sup> the deteriorated porch roof.

NOTE: It appears most of the items listed are ordinary maintenance, however, for your information enclosed are information sheets on Historic Area Work Permits, definitions of "Ordinary Maintenance" and ~~Substantial Alteration.~~



DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

Douglas M. Duncan  
*County Executive*

Elizabeth B. Davison  
*Director*

June 16, 2000

Harold and Lillian Stone Weisberg  
Robert W. and Lucille S. Stone  
Edwin G. and Thelma S. Stone  
Belle Stone and Colon L. Crolley

Re: 25911 Frederick Road  
Hyattstown

Dear Ladies and Gentlemen:

On August 6, 1997, a Notice of Demolition By Neglect was issued to Charles F. Strube (copy enclosed) who appeared to be the owner of record of the above-mentioned property. The notice outlined the repairs needed to bring this property into compliance with Montgomery County Code, Section 24A, entitled "Preservation of Historic Resources." Without the resources to do the repairs, Mr. Strube decided to donate and deed the property to the Friends of Historic Hyattstown, who in turn would restore the property.

A recent title examination has revealed that the current ownership is not clear. According to a deed recorded in the Land Records of Montgomery County, Maryland in 1965, and signed by all of you, the property was deeded to Lillian M. Stone as a life estate. This being the case, the property would revert back to you at her death. But then, in 1985, Ms. Stone signed a deed conveying the property to Charles Francis Strube. It was recorded without benefit of a title examination, without title insurance and without certification by an attorney. We believe that Mr. Strube may not have legal title and, therefore, cannot donate the property now that Lillian M. Stone has passed away, and that you are the legal owners, thus making you responsible for the upkeep and maintenance of the property at 25911 Frederick Road.

In order to resolve the ownership issue and to establish a plan for repairing the historic property, please contact me no later than Monday, June 26, 2000 to set up a meeting of all concerned. My direct phone number is 240-777-3737. The date, time and place of the meeting

**Division of Housing and Code Enforcement**

Code Enforcement  
FAX 240/777-3701

Moderately Priced  
Dwelling Unit  
FAX 240/777-3709

Housing Development  
and Loan Programs  
FAX 240/777-3691

Landlord-Tenant Affairs  
FAX 240/777-3691

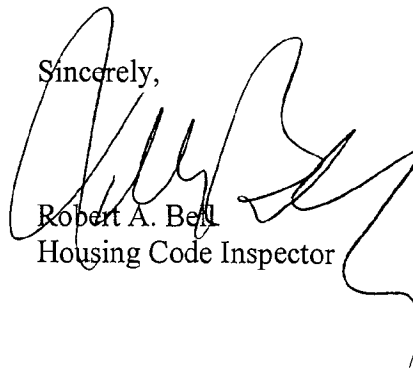


Harold and Lillian Stone Weisberg  
Robert W. and Lucille S. Stone  
Edwin G. and Thelma S. Stone  
Belle Stone and Colon L. Crolley  
June 16, 2000  
Page Two

should be set at your earliest convenience. Failure to meet on this matter within the next 30 days will result in our instituting the corrective action allowed under Chapter 24A of the Montgomery Code and as outlined in the enclosed Notice.

I look forward to hearing from you.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert A. Bell", is written over the typed name and title.

Robert A. Bell  
Housing Code Inspector

RAB:wlb

Enclosure

cc: Charles F. Strube  
Friends of Historic Hyattstown



DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

Douglas M. Duncan  
*County Executive*

Elizabeth B. Davison  
*Director*

August 6, 1997

Charles F. Strube  
c/o Frank Strube  
9550 Fingerboard Road  
Frederick, MD 21701

Re: Survey No.: CR88-267  
Location: 25911 Frederick Road  
Date of Inspection: 8/1/97  
Inspected by: Robert A. Bell  
Historic Designation Date: 3/15/84

Dear Mr. Strube :

Our records show that you are the owner of the above referenced property which has been designated an historic site by the Maryland-National Capital Park and Planning Commission and is identified as Site Number 10/59 on the Master Plan for Historic Preservation. This property is protected by Chapter 24A of the "Montgomery County Code titled "Preservation of Historic Resources."

An inspection of the property revealed conditions which constitute Demolition by Neglect as defined in Chapter 24A and must be corrected to arrest further deterioration of this valuable historic resource. In Section 24A-9, "Demolition by Neglect" is the failure to provide ordinary and necessary maintenance and repair to an historic site or an historic resource within an Historic District, whether by negligence or willful neglect, purpose or design, by the owner or any party in possession of such a site, which results in any of the following conditions:

1. The deterioration of exterior features so as to create or permit a hazardous or unsafe condition to exist.
2. The deterioration of exterior walls, roofs, chimneys, windows, the lack of adequate waterproofing, or deterioration of interior features or foundations which will or could result in permanent damage, injury or loss of or to the exterior features.

Division of Code Enforcement

Charles F. Strube  
c/o Frank Strube  
August 6, 1997  
Page 2

This is a Notice and Order to correct Demolition by Neglect. Attached to this letter and identified as Addendum "A", consisting of one page, dated August 6, 1997, is a listing and explanation of the exact nature of the repairs, maintenance, and remedial action necessary to stabilize this structure and prevent further deterioration. All repairs must commence and be satisfactorily completed by October 5, 1997. This Addendum constitutes a part of this Notice and Order and is incorporated by reference.

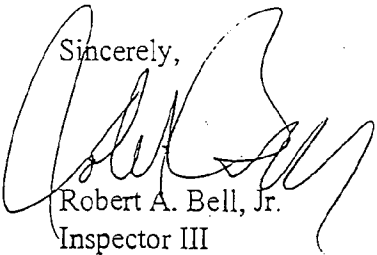
In the event the corrective action specified in this Notice and Order is not completed by October 5, 1997 the Director of the Department of Housing and Community Affairs will institute, perform and complete the necessary remedial work to prevent deterioration by neglect. The expenses incurred for such work, labor, and materials shall be a lien against the property, and draw interest at the highest legal rate; the amount to be amortized over a period of ten (10) years subject to a public sale if there is a default in payment.

Furthermore, failure to fully comply with this Notice and Order shall constitute a violation of Chapter 24A of the Montgomery County Code and subject you to a \$250 fine. Each day a violation continues to exist shall constitute a separate offense.

Should you wish to appeal the results of this Notice and Order, you must file within ten (10) days, a written request for a hearing before the Historic Preservation Commission, Maryland-National Capital Park and Planning Commission, 8787 Georgia Avenue, Silver Spring MD 20910.

Please feel free to telephone or visit our office if you have any questions regarding this Notice and Order. When you reply please use the above location. We will be happy to assist you in any way possible including referral to public or private agencies offering assistance.

Sincerely,



Robert A. Bell, Jr.  
Inspector III

CERTIFIED MAIL/REGULAR MAIL

cc: Historic Preservation Commission

RAB/ld/S:ADHCD\REGSERV\CODEENF\STRUBE.WPD

## ATTACHMENT 'A'

### List of Code Violations

25911 Frederick Road

August 6, 1997

1. Repair or replace all broken and missing slates on the main roof. Repair the areas of tin roofing on the main roof and porch roofs. Scrape and remove all loose rust and paint from the tin and repaint the tin roofing with a good quality tin roof paint to prevent further deterioration of the metal. These repairs must eliminate the entry of water into the dwelling.

2. Install gutters and downspouts on the dwelling in order to convey all rain water away from the dwelling to prevent further damage to the structure. Half round gutters and round downspouts must be used to match the age of the dwelling.

3. Repair and repoint the mortar joints on the three brick chimneys.

4. Remove the deteriorated and defective brick-tex siding and repair the original clapboard siding. The present brick-tex siding is water saturated and appears to be holding moisture in contact with the original wood siding causing the wood to decay.

5. Repair or replace in kind all deteriorated window sills and frames. Replace all missing window panes and replace in kind the missing and defective window sashes.

6. Remove all vine and overgrowth from the dwelling. This overgrowth holds moisture close to the dwelling and accelerates deterioration.

7. Repair all doors and windows to close and latch properly to eliminate the hazard of an open vacant dwelling and to prevent water from entering and damaging the dwelling.

8. Repair or replace in kind the deteriorated exterior wood trim.

9. Paint exterior trim, doors, windows and/or wood siding. Scrape and remove all loose and deteriorated paint before painting.

10. Repair or replace deteriorated, and/or insect damaged structural support beams sill boards and framing throughout the building. Structural repairs do require a building permit. You must contact the Montgomery County Department of Permitting Services, Permit Section, at 250 Hungerford Drive, 2nd Floor, Rockville, MD 20850, or call (301) 217-6370 to obtain required permits.

11. Repair or replace in kind the deteriorated porch roof.

NOTE: It appears most of the items listed are ordinary maintenance, however, for your information enclosed are information sheets on Historic Area Work Permits, definitions of "Ordinary Maintenance."

DEED

I.D. # 2-1-29350

THIS DEED, made this 11<sup>th</sup> day of December, in the year one thousand nine hundred and eighty-five; by and between Lillie M. Stone, party of the first part and Charles Francis Strube, party of the second part.

WITNESSETH, that in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, the said party of the first part does hereby grant and convey unto the said party of the second part all that parcel of ground lying and being in the Town of Hyattstown in Montgomery County, Maryland, and designated on the plat of said town as lots No. Ten (10) front and No. Sixty-four (64) back, being the same lots or parcels of land that was conveyed to Lillie M. Stone and recorded in Liber 3403, Folio 591 and Folio 592 on September 2, 1965 in the land records of Montgomery County. Payment Made \$15,000.00 by C. Francis Strube

TOGETHER with the buildings and improvements thereupon erected made or being and all and every the rights, alleys, ways, waters, privileges, appurtenances and advantages, to the same or otherwise or anywise appertaining. Title Insurer None

IN TESTIMONY WHEREOF, the said party of the first part has hereunto set her hand and seal the day and year first above written.

WITNESS:

*Norman A. Boudette* Lillie M. Stone

STATE OF MARYLAND, COUNTY OF FREDERICK, to wit:

I hereby certify that on this 11<sup>th</sup> day of December, 1985, before me, the subscriber, a Notary Public in and for the County and State aforesaid, personally appeared Lillie M. Stone, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument and acknowledged that she executed the same for the purposes therein contained, and in my presence signed and sealed the same.

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

*Norman A. Boudette*  
NOTARY PUBLIC

My Commission expires: July 12, 1986

AGRICULTURE TRANSFER TAX IN THE AMOUNT OF \$ Nil  
SIGNATURE *Charles Francis Strube*  
Send to Frank Strube  
8553 Fingerboard Rd  
Frederic, Md 21701

Notary Public for Montgomery County  
945  
018

FILED  
1985 FEB 14 AM 11:27  
MILLIE A. SHELTON  
CLERK'S OFFICE

1971 FEB 11

1971 FEB 11

I hereby certify that this instrument was prepared under the supervision of  
C. Francis Strube  
Court of Appeals C. Francis Strube

PRES. 14 1970  
2-1-29350  
All taxes on assessments certified to the Collector for Montgomery County and all taxes on assessments certified to the Finance Montgomery County, Md. This statement is for the purpose of permitting recalculation and is not assurance against further taxation even for prior periods, and does not guarantee satisfaction of outstanding tax debt.

37.50 TRANSFER TAX PAID  
MONTGOMERY COUNTY, MARYLAND  
[Signature]

Douglas D. Buring

Recorded Sept. 2nd, 1965-at-2:36 P. M.

## D E E D

THIS DEED, Made this 14th day of August, in the year one thousand nine hundred and sixty-five, by and between Lillian Stone Weisberg and Harold Weisberg, her husband; Robert W. Stone and Lucille S. Stone, his wife; Edwin G. Stone and Thelma S. Stone, his wife; and Belle Stone Crolley and Colon L. Crolley, her husband, parties of the first part, and Lillie M. Stone, party of the second part.

WITNESSETH, that in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration the said parties of the first part do hereby grant and convey unto the said party of the second part a life estate in and to the entire undivided interests of the said parties of the first part in all that parcel of ground lying and being in the Town of Hyattstown in Montgomery County, Maryland, and designated on the plat of said town as lots No. Ten (10) front and No. Sixty-four (64) back, being the same lots or parcels of land that was conveyed to the said Webster V. Burdette by Deed from Clifford L. Howard, Sheriff, in the case of George B. Birley and Sons vs. John T. Price, being No. 5 Judicials, January Term, 1913, of the Montgomery County Circuit Court, and recorded in Liber 234, Folio 283, in the land records of Montgomery County.

It being the same parcel of ground conveyed to the parties hereto by Webster V. Burdette, widower by Deed dated May 18, 1946 and recorded among the said land records on May 28, 1946 in Liber 1016 at Folio 450.

TOGETHER with the buildings and improvements thereupon erected, made or being and all and every the rights, alleys, ways, waters, privileges, appurtenances and advantages, to the same belonging, or anywise appertaining.

WITNESS the hands and seals of said grantors

TEST:

Norman G. Burdette  
Norman G. Burdette

Lillian Stone Weisberg (SEAL)  
LILLIAN STONE WEISBERG

Norman G. Burdette  
Norman G. Burdette

Harold Weisberg (SEAL)  
HAROLD WEISBERG

Norman G. Burdette  
Norman G. Burdette

Robert W. Stone (SEAL)  
ROBERT W. STONE

Norman G. Burdette  
Norman G. Burdette

Lucille S. Stone (SEAL)  
LUCILLE S. STONE

Norman G. Burdette  
Norman G. Burdette

Edwin G. Stone (SEAL)  
EDWIN G. STONE

Norman G. Burdette  
Norman G. Burdette

Thelma S. Stone (SEAL)  
THELMA S. STONE

Norman G. Burdette  
Norman G. Burdette

Belle Stone Crolley (SEAL)  
BELLE STONE CROLLEY

Norman G. Burdette  
Norman G. Burdette

Colon L. Crolley (SEAL)  
COLON L. CROLLEY

STATE OF MARYLAND, COUNTY OF MONTGOMERY, to wit:

I hereby certify that on this 14th day of August, 1965, before me, the subscriber, a Notary Public in and for the County and State aforesaid, personally appeared Lillian Stone Weisberg, Harold Weisberg, Robert W. Stone, Lucille S. Stone, Edwin G. Stone, Thelma S. Stone, Belle Stone Crolley and Colon L. Crolley

known to me (or satisfactorily proven) to be the persons whose names are subscribed to the within instrument and acknowledged that they executed the same for the purposes therein contained, and in my presence signed and sealed the same.

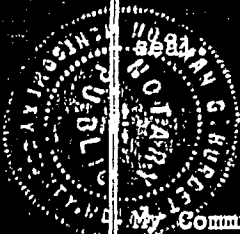
IN WITNESS WHEREOF, I hereunto set my hand and official

Norman G. Burdette  
NOTARY PUBLIC  
Norman G. Burdette

My Commission expires:

July 1st - 1967  
July 1, 1967

LAW OFFICES  
ER, MILLET & CANBY  
10 MONROE STREET  
BETHESDA, MARYLAND  
TELEPHONE 752-8212









**HISTORIC PRESERVATION COMMISSION STAFF REPORT**

11/12/97

Address: 25911 Frederick Road

Meeting Date: 10/22/97

Resource: Hyattstown Historic District

Review: **PRELIMINARY  
CONSULTATION**

Case Number: N/A

Tax Credit: Yes-w/Rehab.

Public Notice: 10/8/97

Report Date: 10/15/97

Applicant: C. Francis Strube

Staff: Robin D. Ziek

PROPOSAL: Demolition of existing house

RECOMMENDATIONS:  
**REHABILITATE**

**PROJECT DESCRIPTION**

RESOURCE: Primary Resource in Hyattstown Historic District

STYLE: Vernacular frame structure with modifications

DATE: c1810-1890

The subject property is known as the George Webster House, as identified in the 1976 outline of the town history prepared by M-NCPPC Historian Mike Dwyer. The Websters are listed as property owners in Hyattstown on the 1879 Hopkins' Atlas, and the name is associated with either this structure or the adjacent structure (torn down in the 1970's) south of first Alley. In 1976, the owner of the subject property was Mrs. Lillie Stone, the current owner's grandmother.

Mr. Strube purchased the house from his grandmother when she was elderly and moved out of the house. Upon her death (approximately 10 years ago), he considered rehabilitating the house and proceeded to "gut" the interior to accomplish that. Once the wall structure was exposed, and upon consultation with contractors, he decided that rehabilitation would be too costly because of extensive termite damage. Since then, the house has stood unoccupied and has been vandalized despite attempts to secure the house.

The subject property is a two-story frame structure fronting Frederick Road. The house sits high above the road but, at one time, Frederick Road itself ran at a higher elevation and the east side of the road here was not quite so set off. Access to the site was apparently via a steep driveway leading from First Alley, across the front of an adjacent property (the adjacent house is no longer standing) to the subject property (see Circle 13).

The front part of the house is a center hall plan, with two generous rooms on either side. The federal style front door with transom and sidelights leads into the stair hall, with a rear door beyond. At the back is a rear porch which has been enclosed. The front room to the right of the hall has been subdivided for the installation of an interior bathroom. There is a rear ell addition, which connects to the left front room through a doorway. The elevation of the floor level of the rear addition is one step higher than the front part of the house.

The front porch is full width and wraps around to the side door in the rear addition along the north side of the house. The front cornice has a decorative bargeboard, and the side gables project out from the plane of the house. The square boxed porch columns are now supported by

For Sale: @ 70,000 both lots!

1

concrete block, which probably replaced deteriorated wood plinths. The porch floor itself is poured concrete. The roof on the front portion of the house is slate. The porch and the rear addition both have standing seam metal roofs. The original siding is wood clapboard, although it is now covered with asphalt siding. There are several decrepit outbuildings, including one adjacent to the back door of the house.

The house is notable for its early age, as evidenced by the construction. The front portion of the house is braced-frame construction, with pegged joints. This type of construction was a 19th century development of the post-and-beam construction of the 17<sup>th</sup> and 18<sup>th</sup> centuries (in this country. Post-and-beam construction remained the common construction technique for barns into the 20th century.) With the development of the saw mill industry and better transportation networks, cheaper lumber was available in the early 19<sup>th</sup> century and the braced-frame structure was introduced. This structure relies on heavy corner posts, which are braced or triangulated for rigidity at the corners. Intermediate studs were then introduced to carry some of the load of the walls and structure, thereby spreading out the construction loads.

The rear ell, however, utilizes balloon framing, which is a later construction technique which appeared after 1830. In balloon framing, the corner posts are no longer necessary, and the structure is carried, from foundation to roof, by continuous studs. The thin studs are then effectively braced by nailing supports for the second floor directly on to these studs. This type of construction was used throughout the 19<sup>th</sup> century, and has been superseded today by a variant, platform construction, which is common today. (See Circle 14-17.)

The interior doors appear to be 19th century, and include both panel doors and at least one beaded board door. Long strap hinges were used on the side door for the rear ell, and random width beaded board was reused in the rear ell for the flooring at the second level. The original stair rail is on site, although the upper portion has fallen to the first floor. There are no fireplaces, but there are two central chimneys flanking the center hall - one for each of the rooms in the front part of the house. There is a third chimney at the back of the rear addition.

## **PROJECT PROPOSAL**

The applicant comes before the HPC in response to a possible citation of "demolition by neglect". He has no plans to rehabilitate the house and knows of no one in his family who is interested in attempting this work. At this point, he considers demolition the suitable choice.

The owner has consulted with a termite inspector who has provided a report substantiating structural damage due to termites and powder-post beetles. (See Circle 8-12.) In addition, the inspector mentioned that county regulation prevents ground treatment for termites because the well, which is the sole source for water for the house, is only 3' away from the structure. The house currently has a septic field, but the applicant is connecting to the new sewage treatment plant which WSSC is constructing this fall/winter.

**The HPC is asked to discuss the various options available to the owner, whether the house may reasonably be rehabilitated, or whether it should be demolished.**

## **STAFF COMMENTS**

The subject property is in poor condition due to a combination of factors including insects, weather, and lack of maintenance. Staff feels that it is important to distinguish between problems that stem from construction considerations and those which stem from lack of maintenance because

construction related problems may address broad concerns throughout the house, and maintenance problems may be only at certain locations. Staff examination of the structure on two separate occasions indicates the following:

Foundation: The structure is basically supported by log joists which span pier footings. This may be seen where the bathroom floor has failed, as well as at the SW corner of the house where the space between the ground and the house is the greatest. In places, the structure appears to be set on grade: the rear porch, and much of the rear addition. Areas in direct contact with the ground are particularly susceptible to insect and moisture damage. In fact, at the NE corner of the rear addition, the deteriorated sill is still apparent, and it appears that someone tried to correct this situation by pouring a concrete sill. The foundation along the north side of the house is obscured by the concrete porch floor.

Walls: The walls appear to be plumb despite the deterioration of the sill plate at various locations. Some of the studs are deteriorated at their base, but for the most part they appear to be solid. It is fortunate that all of the lumber is true dimensions. Deterioration of the wall structure is apparent beneath the east window opening in the second floor right front room. This is to be expected here as the window opening is totally unprotected here, and the wall is exposed to the weather. In other places where the windows are intact, such as the south window in this same second floor room, the interior window sill seems sound. All of the plaster has been removed except in the bathroom and the right front parlor. There are cracks in the plaster, but for the most part the plaster seems to be adhering fairly well to the wall system, indicating a fairly dry and relatively stable situation.

Floors: The floors appear to be strong, without any marked slopes. Even in the rear addition, the flooring feels solid. The flooring in the second story rear addition is beaded wall boards reused from another structure. (This can be seen from below on the first floor of the addition.)

Roof: The roof on the front portion of the house is slate and severely deteriorated. There was a well-known slate quarry in Hyattstown (on the opposite side of 270 just into Frederick County) which operated from the early 19th century into the early part of the 20th century. This quarry may have been the source for the roofing slate for this house. Staff did not look into the attic area to see the extent of roof damage or deterioration to the sheathing structure. Staff did not notice any dips in the roof, however, from the exterior. The metal roofing on the rear addition appears to be rusted, and the metal roofing on the front porch is completely deteriorated.

Chimneys: The chimneys have been rebuilt at some time in the recent past, and do not appear to be in very poor condition.

Siding: The siding has been covered with rolled asphalt siding for many years. However, the reverse side of the wood siding is exposed on the interior, as noted in the second floor left front room, and does not appear to be in poor condition. It is not uncommon to find that original wood siding is still in good condition after it has been covered up for many years. This is especially true if the house does not have any wall insulation, which can hold moisture and contribute to the decay of the wood. Such siding has been successfully restored and painted at many other locations.

Doors and Windows: Staff notes that the doors appear to be 19th century, and mostly in good condition. There is a variety of styles in the house, and this is part of the history of the development of this house. The windows are in varying condition. Staff notes that the rear addition had 3 unusual 3/6 windows which may have been reused from another location (perhaps the same site from which the beaded floor boards were salvaged?).

Grounds: All of the outbuildings are in very poor condition. They could be documented to some degree and then demolished.

Well: Staff recognizes a dilemma between the location of the existing well and the need to provide some soil treatment against termites. When the property is connected to the WSSC sewage treatment plant, there will be many more options for drilling a new well at a suitable location farther from the house. This should be considered in conjunction with rehabilitation plans.

Staff notes that the house is in poor condition. However, this is not an unusual situation, and many historic homes which were in very poor condition have been successfully rehabilitated. Most recently, the on-going restoration of the Davis House in Hyattstown, and the recently completed restoration of the Waters House in Germantown are good examples of what can be done with severely deteriorated houses. The major issue for the homeowner is the high cost of rehabilitation. Staff feels, however, that the cost factor must be weighed against the value of this structure as a primary historic resource in the historic district. Hyattstown is a well-preserved example of the linear rural towns in Montgomery County. Several historic structures have already been lost through time through demolition, fire, and by being moved. (See "Hyattstown, A Roadside Town Preserved," by Mary Charlotte Crook, The Montgomery County Story Vol. 29, May 1986.) Every remaining structure is part of that delicate line along Frederick Road.

The historic structure adjacent to the subject property was torn down in the 1970's and the vacant lot will be connected to the WSSC sewer line. Staff is concerned that the historic structures in Hyattstown should not be out-balanced by new construction (which has already taken place or which may occur in the future). The subject property has a prominent location at the south end of town. As a rehabilitated structure, the house would help define the character of the town as representative of the evolution of the town and the houses within the town through time.

In the rehabilitation of the house, staff would be supportive of the construction of a new addition at the rear of the structure which would provide an updated space for kitchen and bath facilities. The fact that the site is so high above the street offers a lot of flexibility to any future owner in terms of new construction at the rear.

In addition, staff notes that there are funding opportunities through various preservation programs, including a loan program and a grant program sponsored by the Maryland Historical Trust, as well as tax credit programs sponsored by the county, state and federal governments.

### **STAFF RECOMMENDATION**

Staff recommends that the HPC direct the applicant to consider other alternatives to demolition of the structure at this time. This may include listing the property for sale to attract a buyer who would be interested in the rehabilitation of this structure.

C. Francis & Ruth N. STRUBE  
8550 Fingerboard Road  
Frederick, MD 21704  
Phone 301/428-0050

September 28, 1997

Historic Preservation Commission  
Maryland-National Capital  
Park & Planning Commission  
8787 Georgia Avenue  
Silver Spring, MD 20910

To Whom It May Concern:

Per instructions in your notice regarding 25911 Frederick Road in Clarksburg, MD. I hereby request a preliminary consultation with the Commission to discuss the possibility of demolition of the existing structure on the above-referenced property.

The property in question belonged to my grandmother and was bought by a family member (myself) specifically for her peace-of-mind in 1985. The property sat as she left it until her death. A realtor offered to contract the sale of the property at that time. The property did not sell and was released by the realtor at which time we looked at the option of restoration. The walls were torn out to reveal exactly what we might be in for and it was revealed at that time that the house was structurally unsound and there was an enormous termite infestation. It was determined by a contractor to have no redeeming qualities and was irreparable.

The structure was boarded up and "No Trespassing" signs were put up. Even though this was done, I had to periodically resecure the house due to vandals.

I would like to resolve this situation as soon as possible as it has been dragging on and on.

Please advise me of a time when I may discuss with you the future of this property.

Sincerely,

C. Francis Strube

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C. Francis Strube  
8550 Fingerboard Road  
Frederick, Maryland 21704

October 8, 1997

Historic Preservation Commission  
Maryland-National Capital  
Park & Planning Commission  
8787 Georgia Avenue  
Silver Spring, MD 20901  
ATTN: Robin Ziek

Dear Ms. Ziek,

Per our previous phone conversation, please find below, the names and addresses of neighbors of our property at 25911 Frederick Road in Hyattstown:

1. C. M. Helliwell & M. J. Jones      Neighbor  
25925 Frederick Road  
Clarksburg, MD 20871
2. M. A. Rourke      Across Road  
25914 Frederick Road  
Clarksburg, MD 20871
3. Karen Kiebler      Across Road  
25908 Frederick Road  
Clarksburg, MD 20871
4. Rocco Campanaro      Business at Bottom of Hill  
25901 Frederick Road  
Clarksburg, MD 20871

Also, per request, I would like to relate to you the findings of the exterminator. It was found that there was very extensive structural damage to the house and that it could not legally be treated due to the close proximity of the well to the house. I am still awaiting the formal response from the exterminator and will forward the same upon arrival.

Attached to this letter is the report from the contractor, pictures and a copy of the request for initial consultation.

If I can be of any further assistance, please feel free to contact me at my home at 301/662-7958.

Sincerely,

C. Francis Strube

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**Mr. Frank Strube  
8550 Fingerboard Road  
Frederick, MD 21704**

**Dear Mr. Strube,**

**Per our phone conversation, I reinspected the structure on the property at 25911 Frederick Road in Hyattstown. As we discussed at my previous inspection, it is my opinion that the structure is so delapidated that it would be virtually impossible for any cost-effective restoration. There seems to be no redeeming qualities to work with.**

**If I can be of further assistance, please feel free to contact me at the above phone number.**

**Sincerely,**

**Bob Smith**

jlg

# Pest Control Service Agreement

1256

## MINUTEMAN EXTERMINATING & PEST MANAGEMENT, INC.

6909 Fox Chase Rd.  
NEW MARKET, MD 21774  
(301) 831-3063

CUSTOMER <i>Frank Strube</i>		SERVICE LOCATION	
STREET <i>&gt; 25911 Frederick Rd</i>			
CITY, STATE and ZIP <i>Hyatts Town md</i>		PERSON TO BE CONTACTED	SERVICE PHONE
PHONE	TYPE OF PROPERTY TO BE SERVICED		
DATE SERVICE BEGINS	EXPIRATION DATE	RENEWAL <input type="checkbox"/>	SERVICE TO BE PERFORMED <input type="checkbox"/> MONTHLY <input type="checkbox"/> QUARTERLY <input type="checkbox"/> OTHER

PESTS TO BE CONTROLLED:

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SPECIAL INSTRUCTIONS:

*Do not Recomed Treatment do To extent of structural  
Damage, And well Location.*

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TERMS AND CONDITIONS:

>

**SERVICE GUARANTEE:** We agree to apply chemicals to control above-named pests in accordance with terms and conditions of this Service Agreement. All labor and materials will be furnished to provide the most efficient pest control and maximum safety required by federal, state and city regulations.

**SERVICE RENEWAL:** This agreement shall be for an initial period of one year, and will renew itself annually unless either party cancels this agreement by giving thirty days written notice before any expiration date.

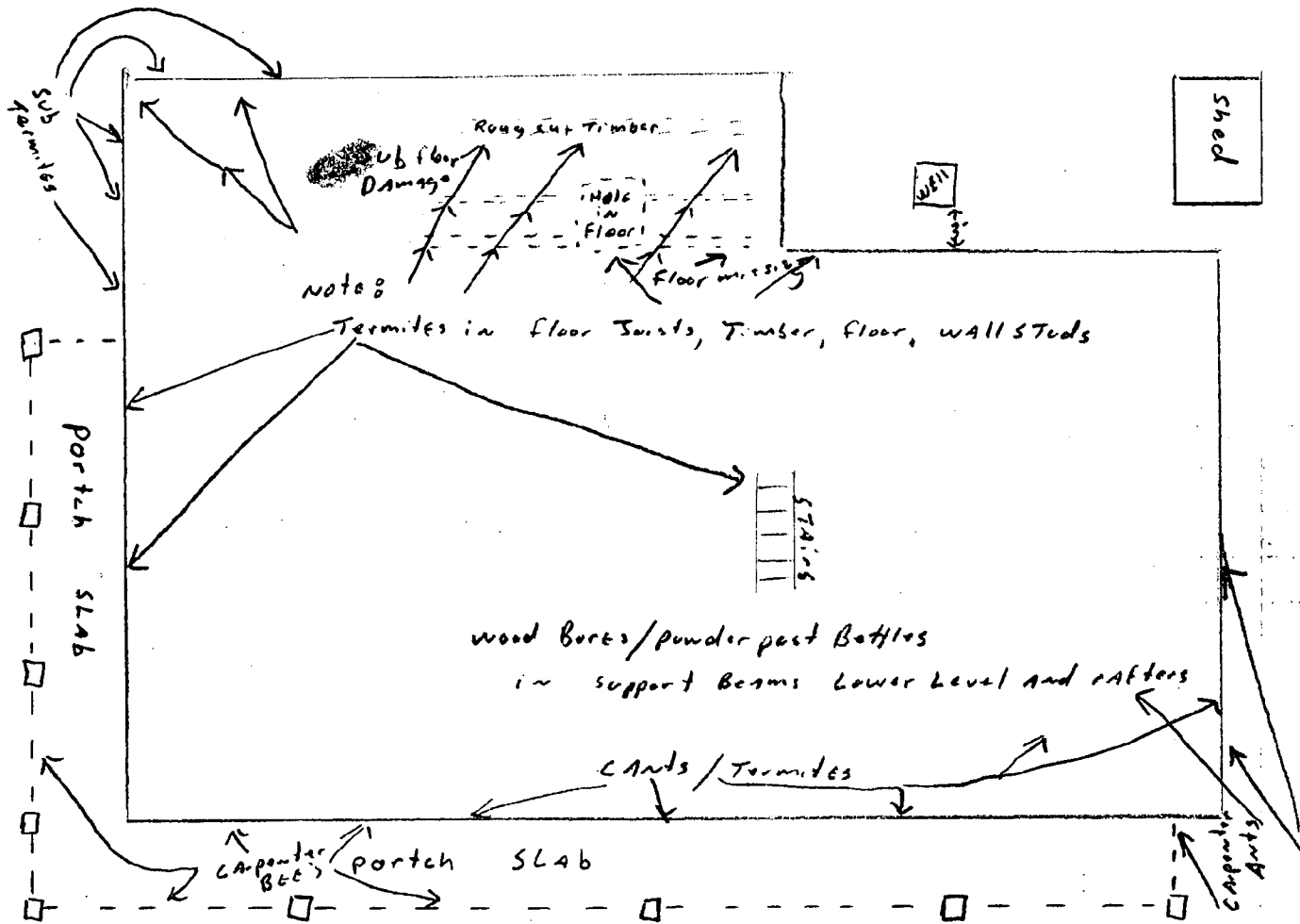
ANNUAL AGREEMENT CHARGE	\$ _____
INITIAL SERVICE CHARGE	\$ _____
MONTHLY/QUARTERLY PAYMENTS	\$ _____
_____	\$ _____

BY COMPANY	<i>[Signature]</i> (AUTHORIZED SIGNATURE)	DATE <i>10-3-97</i>
FOR CUSTOMER	_____	DATE _____

8

25911 Frederick Rd  
Hyattstown

9



(301) 831-3063

(301) 754-4927

**Minute-Man Exterminating  
And  
Pest Management, Inc.**

6909 Foxchase Road  
New Market, Maryland 21771

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Dear: Mr. Strube:

RE: 25911 Frederick Road, Hyattstown, MD.

Our Company did a wood destroying insect inspection on the property referenced above. Our findings during our inspection consisted of the following:

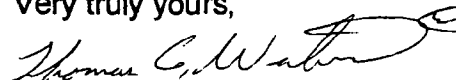
1. Wood boring insects and powder post beetles were found in the floor joists throughout the structure, in the main support beams, and as well as in the rafters. Some of the infestations could be treated with a wood treatment, Bora Care. However, the remaining infestations in the wood, in our opinion, are destroyed and not structurally sound. Unfortunately, a treatment alone will not solve the problem, the damaged wood will have to be replaced.

2. Subterranean Termites were found in the rough cut timber which supports the structure in its entirety. The damage in this area is beyond repair. The termites crossed the sill plate, entered the flooring and wall studs which left the structure unstable. Normally, if the structure was sound it could be lifted and reset on a block foundation for repairs and then treated. Furthermore, the well for the property is only three (3) feet away from the house, thus making a soil treatment impossible without contaminating the well. As you know, we talked of a possible tent fumigation which would destroy all living insects currently harboring in the structure. This type of treatment would not eliminate the termite colony in the soil outside the structure.

We are aware of the sentimental value of this home to you. In our professional opinion we do not believe a treatment would be cost efficient or effective due to the severity of the damage.

We are very proud to have you as one of our valued customers. If you should decide to remove this structure and build a new one we would be happy to assist in the advice in positioning of the new structure or a soil pretreatment. Please do not hesitate to call me if you need any further assistance.

Very truly yours,



Thomas C. Waters, IV  
President/Owner

**WOOD DESTROYING PEST INFORMATION  
EXISTING CONSTRUCTION**

1A. VA CASE NUMBER

2. DATE OF INSP.

1B. HUD/FHA CASE NUMBER

10-3-97

PRIVACY ACT INFORMATION - The information requested on this form will be used in evaluating the property for a VA or HUD insured loan. Although you are not required by law to provide this information, failure to provide it can result in rejection of the property as security for your loan. The information collected will not be disclosed outside VA or HUD except as permitted by law. VA or HUD are authorized to request this information by statute (38 U.S.C., 1810(b)(4) and 12 U.S.C., 1701 et seq.)

**READ THESE INSTRUCTIONS CAREFULLY BEFORE COMPLETING THIS FORM**

- The VA case number or HUD/FHA case number shall be inserted in Item 1 by the lender or the pest control company.
- When treatment is indicated in Item 8C, the insects treated will be named, the data on application method and chemicals used shall be entered in Item 10. Proper control measures may include issuance of warranty. Warranty information should also be entered below. Proper control measures are those which follow good acceptable industry practices.
- If visual evidence is found, the insects causing such evidence will be listed in Item 8A and damage resulting from such infestation will be noted in Item 8D.
- Areas that were inaccessible or obstructed (item 16) may include, but are not limited to, wall covering, fixed ceilings, floor coverings, furniture or stored articles. The Pest Control Operator (PCO) should list, in item 16, those obstructions or areas which inhibit the inspection.
- Item 8A may be checked when the PCO is not authorized to perform control measures or control measures cannot be performed due to conditions beyond control, e.g., obstructions, weather, etc.
- Information is included on the reverse of this report concerning conditions conducive to infestation from subterranean termites.

3A. NAME OF INSPECTION COMPANY <i>Minuteman Extermination &amp; Pest Management Inc.</i>		5A. NAME OF PROPERTY OWNER/SELLER <i>Frank S. Fuchs</i>
3B. ADDRESS OF INSPECTION COMPANY (Include ZIP Code) <i>6904 Furchase Rd New Market md 21774</i>		5B. ADDRESS OF PROPERTY <i>25911 Frederick Rd Hyattstown md</i>
3C. TELEPHONE NUMBER (Include Area Code) <i>301-831-3063</i>	4. PEST CONTROL OPERATOR LICENSE NUMBER <i>MDA Lic # 2329-6556</i>	5C. STRUCTURE(S) INSPECTED <i>Single Family House</i>

**FINDINGS**

6. WERE ANY AREAS OF THE PROPERTY OBSTRUCTED OR INACCESSIBLE? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (If "Yes" complete Item 16)	7. WARRANTY INFORMATION
8. BASED ON CAREFUL VISUAL INSPECTION OF THE READILY ACCESSIBLE AREAS OF THE PROPERTY (See Item 11A before completing):	
<input checked="" type="checkbox"/> A. Visible evidence of wood destroying insect infestation was observed. No control measures were performed. Evidence observed: <i>wood Borer, powder post Beetles, Carpenter Ants, Termites, Carpenter Bees</i>	
<input type="checkbox"/> B. No visible evidence of infestation from wood destroying insects was observed.	
<input type="checkbox"/> C. Visible evidence of infestation was noted; proper control measures were performed. Insects or infestation observed: (See 8D or Item 10.)	
<input checked="" type="checkbox"/> D. Visible damage due to <i>Item 8A</i> has been observed in the following areas: (including, but not limited to) <i>Sub floor Structure, structural Beams, ceiling Joists, Rafters, Wall Study, floor patch posts</i>	
<input type="checkbox"/> E. Visible evidence of previous treatment. (Explain in Item 10.)	

9. DAMAGE OBSERVED ABOVE, IF ANY: (Check One)	10. ADDITIONAL COMMENTS (If necessary, continue on reverse.) <i>SEE Attached Letter &amp; Dwg. Am</i>
<input type="checkbox"/> A. Will be/has been corrected by this company.	
<input type="checkbox"/> B. Will not be corrected by this company.	
<input checked="" type="checkbox"/> C. Recommend that damage be evaluated by a qualified building expert and repairs be made, if necessary.	

**11. STATEMENT OF PEST CONTROL OPERATOR**

- The inspection covered the readily accessible areas of the property, including attics and crawl spaces which permit entry. Special attention was given to those accessible areas which experience has shown to be particularly susceptible to attack by wood destroying insects. Probing and/or sounding of those areas and other visible accessible wood members showing evidence of infestation was performed. (See reverse side)
- The inspection did not include areas which were obstructed or inaccessible at the time of inspection. (See instruction number 4 above.)
- This is not a structural damage report. Neither is this warranty as to absence of wood destroying insects.

CONT. ON REVERSE

12A. AUTHORIZED COMPANY SIGNATURE IF OTHER THAN 12C.	12B. TITLE	12E. DATE <i>10-3-97</i>
12C. SIGNATURE OF INSPECTOR <i>Thomas C. Waters</i>	12D. TYPED OR PRINTED NAME <i>Thomas C. Waters</i>	

**STATEMENT OF PURCHASER AND SELLER**

I have read both front and reverse sides of this form and understand all information contained herein.

14A. SIGNATURE OF PURCHASERS	14B. SIGNATURE OF SELLERS	15. DATE

16. AREAS	OBSTRUCTIONS AND/OR INACCESSIBLE AREAS OBSERVED (BUT NOT LIMITED TO)
BASEMENT	<i>N/A</i>
CRAWL	<i>N/A</i>
MAIN LEVEL(S)	<i>1st 2nd 3rd Floor floor does not have access below. Visible damage with floor missing</i>
ATTIC	
EXTERIOR	<i>7A88A9B</i>
ATTACHED GARAGE/PORCH	

**COMMON OBSTRUCTIONS AND/OR INACCESSIBLE AREAS**

- JOISTS HIDDEN . . . (a) suspended ceiling (b) fixed ceiling (c) insulation (d) floor over joists (e) ducts
- WALL COVERINGS . . . (a) paneling (b) dry wall (c) plaster (d) tile (e) cabinets (f) shelving (g) wallpaper (h) insulation
- FLOOR COVERINGS . . . (a) tile (b) carpet (c) rugs (d) linoleum (e) built-ins
- PERSONAL POSSESSIONS . . . (a) stored material (b) boxes (c) pictures (d) clothing (e) furniture (f) appliances
- RAFTERS HIDDEN . . . (a) suspended ceiling (b) fixed ceiling (c) insulation
- RAISED FLOORING . . . (a) flooring elevated with sleepers beneath
- EXTERIOR . . . (a) dense shrubbery (b) siding (c) window well covers (d) planters (e) snow
- PORCH/PATIO/STOOP/DECK . . . (a) no access or entry beneath floor surface (b) debris
- ADD'L ITEMS . . . (a) standing water (b) debris (c) firewood (d) no access or entry (e) absence of safe or stable access (f) bathroom access panels

IMPORTANT  
THIS FORM IS INVALID UNLESS SIGNED BY SELLER AND PURCHASER AND UN-LESS PAYMENT IS MADE OR FUNDS ESCROWED. A LEGIBLE COPY SHOULD BE RETURNED WITH PAYMENT. THANK YOU.

## General Information on the Use of This Product

Not for use on plants being grown for sale or other commercial use, or for commercial seed production, or for research purposes. For use on plants intended for aesthetic purposes or climatic modification and being grown in interior plantscapes, ornamental gardens or parks, or lawns and grounds.

Choice of appropriate procedures should include consideration of such variable factors as the design of the structure, location of heating, ventilation, and air conditioning (HVAC) systems, water table, soil type, soil compaction, grade conditions, and location and type of domestic water supplies and utilities.

For advice concerning current control practices with relation to the specific local conditions, consult resources in structural pest control and state cooperative extension and regulatory agencies.

## SUBTERRANEAN TERMITE CONTROL

The use of this product prevents and controls termite infestations in and around structures and constructions.

The dilute insecticidal emulsion must be adequately dispersed in the soil to establish a barrier between the wood and the termites in the soil. As a good practice: 1) all non-essential wood and cellulose containing materials should be removed from around foundation walls, crawl spaces and porches; 2) eliminate termite access to moisture by repairing faulty plumbing and/or construction grade. Soil around untreated structural wood in contact with soil should be treated as described below.

To establish an effective insecticidal barrier with this product the service technician must be familiar with current termite control practices such as: trenching, rodding, sub-slab injection, coarse fan spraying of soil surfaces, crack and crevice (void) injection, excavated soil treatment, and brush or spray applications to infested or susceptible wood. These techniques must be correctly employed to prevent or control infestations by subterranean termites such as: *Coptotermes*, *Heterotermes*, *Reticulitermes* and *Zootermopsis*. The biology and behavior of the species involved should be considered by the service technician in determining which control practices to use to eliminate or prevent the termite infestation.

**Important:** Contamination of public and private water supplies must be avoided by following these precautions: Use anti-backflow equipment or procedures to prevent siphonage of insecticide into water supplies. Do not treat soil beneath structures that contain cisterns or wells. Do not treat soil that is water saturated or frozen. Consult state and local specifications for recommended distances of wells from treated areas, or if such regulations do not exist, refer to Federal Housing Administration Specifications (H.U.D.) for guidance.

**Note:** Crawlspace are to be considered inside of the structure.

**Critical Areas:** Critical areas include areas where the foundation is penetrated by utility services, cracks and expansion joints, bath traps and areas where cement constructions have been poured adjacent to the foundation such as stairs, patios, and slab additions.

**Application Rate:** Use a 0.5% emulsion for subterranean termites. For other pests on the label use specific listed rates.

**Mixing:** For the desired application rate, use the chart below to determine the amount of Dagnet FT for a given volume of finished emulsion:

Amount of Dagnet FT (Gallons except where noted)			
Emulsion Concentration	0.5%	1.0%*	2.0%*
Desired Gallons of Finished Emulsion			
1	1 1/2 fl. oz.	3 1/2 fl. oz.	6 3/4 fl. oz.
5	8 1/2 fl. oz.	16 3/4 fl. oz.	33 1/2 fl. oz.
10	16 1/2 fl. oz.	33 1/2 fl. oz.	66 3/4 fl. oz.
19	0.25	0.5	1
38	0.5	1	2
58	.75	1.5	3
96	1.25	2.5	5
192	2.5	5	10

Common units of measure:  
pint = 16 fluid ounces (oz.)  
gallon = 4 quarts = 8 pints = 128 fluid ounces (oz.)

For termite applications, only use these rates in conjunction with the application volume adjustments as listed in the section below or in the dam or underground service application sections.

**Application Volume:** To provide the greatest protection against termite infestation for both pre and post construction applications, it is important to apply as close to labeled volume and rate of finished emulsion as practical. To ensure thorough and complete coverage in different soil types, it may become necessary to adjust the volume being applied, provided there is a corresponding rate adjustment so that the amount of active ingredient applied to the soil remains the same. In situations such as clay-rich soils which will not accept large amounts of water, reduced

volumes of emulsion may be used which will deliver the appropriate concentration of termiticide to the soil. This may also apply to sensitive areas and/or applications where less volume may be desirable.

Where desirable for pre and post construction treatments, the volume of the 1.0% emulsion may be reduced by 1/2 the labeled volume or a 2.0% emulsion may be applied at 1/4 the labeled volume (see Volume Adjustment Chart). Volume adjustments at 2.0% are not recommended for subslab injection. See Volume Adjustment Chart below.

**Note:** When volume is reduced, the hole spacing for subslab injection and soil rodding may require similar adjustment to account for lower volume dispersal of the termiticide in the soil.

Volume Adjustment Chart			
Rate (% emulsion)	0.5%	1.0%	2.0%
Volume allowed			
Horizontal (gallons emulsion/10 ft <sup>2</sup> )	1.0 gallons	0.5 gallons	0.25 gallons*
Vertical (gallons emulsion/10 lin. ft.)	4.0 gallons	2.0 gallons	1.0 gallons*

\*Not recommended for subslab injection.

**After Treatment:** Securely plug all holes drilled in construction elements of living areas of home after application.

## Pre-Construction Subterranean Termite Treatment

Effective pre-construction subterranean termite control is achieved by the establishment of vertical and/or horizontal insecticidal barriers using 0.5% emulsion of Dagnet FT. To meet termite proofing requirements, follow the procedures in the latest edition of the Housing and Urban Development Minimum Property Standards (refer to U.S.D.A. Home and Garden Bulletin No. 64).

**Horizontal Barriers:** Create a horizontal barrier wherever treated soil will be covered, such as footing trenches, slab floors, carports, and the soil beneath stairs and crawlspaces.

To produce a horizontal insecticidal barrier, apply the emulsion at the rate of 1 gallon per 10 square feet to fill soil. If fill is washed gravel or other coarse material, apply at 1.5 gallons of emulsion per 10 square feet so that the emulsion will reach the soil beneath the fill. Applications shall be made by a low pressure spray (less than 50 p.s.i.) using a coarse spray nozzle. If slab will not be poured the same day as treatment, cover treated soil with a water-proof barrier such as polyethylene sheeting. This is not necessary if foundation walls have been installed around the treated soil.

**Vertical Barriers:** Vertical barriers should be established in areas such as around the base of foundations, plumbing, utility entrances, back-filled soil against foundation walls and other critical areas.

To produce a vertical barrier in soil, apply the emulsion at a rate of 4 gallons of emulsion per 10 linear feet per foot of depth. Distribute the treatment as evenly as possible.

- When rodding or trenching, it is important that emulsion reaches the top of the footing. Rod holes should be spaced to provide a continuous insecticidal barrier.
- Care should be taken to avoid soil wash-out around the footing.
- Trenches need not be wider than 6 inches. Emulsion should be mixed with the soil as it is being replaced in the trench.
- For a monolithic slab, an inside vertical barrier may not be required.

Hollow block voids may be treated at a rate of 2 gallons of emulsion per 10 linear feet so that the emulsion will reach the top of the footing.

## Post-Construction Subterranean Termite Treatment

Use a 0.5% emulsion for post-construction treatment. Post-construction soil applications shall be made by injection, rodding, and/or trenching or coarse fan spray with pressures not exceeding 25 p.s.i. at the nozzle. Care should be taken to avoid soil wash-out around the footing.

Do not apply emulsion until location of wells, radiant heat pipes, water and sewer lines and electrical conduits are known and identified. Caution must be taken to avoid puncturing and injection into these elements.

**Slabs:** Vertical barriers may be established by sub-slab injection within the structure and rodding and/or trenching outside at the rate of 4 gallons of emulsion per 10 linear feet per foot of depth. Special care must be taken to distribute the treatment evenly. Treatment should not extend below the bottom of the footing.

Treat along the outside of the foundation and where necessary beneath the slab on the inside of foundation walls. Treatment may also be required beneath the slab along both sides of interior footing-supported walls, one side of interior partitions and along all cracks and expansion joints. Horizontal barriers may be established where necessary by long-rodding or by grid pattern injection vertically through the slab.

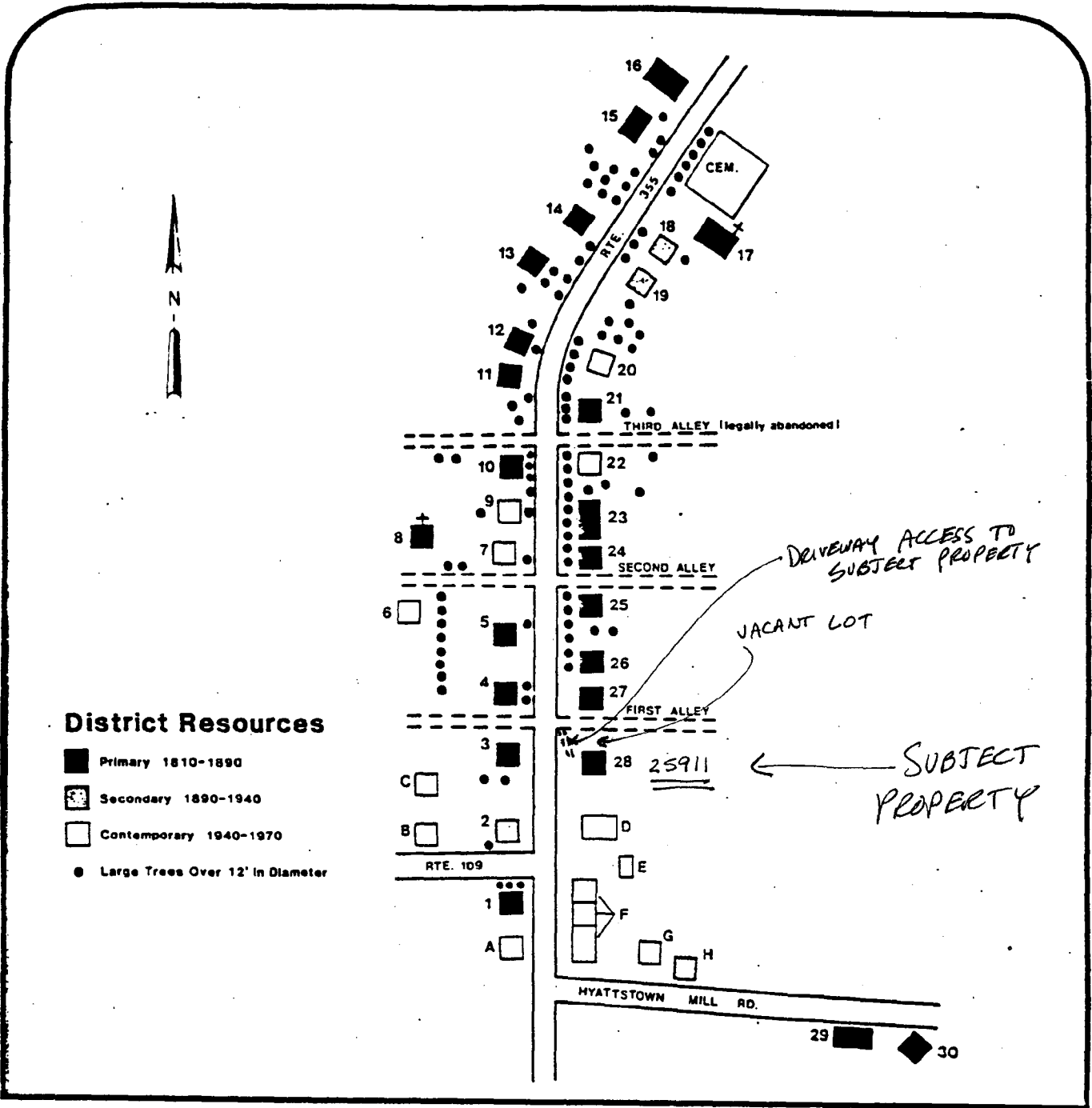
- Drill holes in the slab and/or foundation to allow for the application of a continuous insecticidal barrier.

Do not apply to ground app... disposition (a... velocity exceeds... Do not apply to... ers, permane... commercial fish... Rec

CROP  
Ornamentals  
(including in... orscapes,  
foliage and  
flowering  
plants, wax  
and herbar  
non-  
edible orn  
mentals &  
non-bear  
plants of  
species'

Conir

12



**HYATTSTOWN HISTORIC DISTRICT**

March 1987

**Fig. 2**

direct contact with damp earth, while masonry tends to be undercut by rainwater erosion of the soil beneath. For these reasons, most house walls are set upon foundations designed to protect them by raising them above the underlying soil. Simplest are wooden walls set upon wooden posts of some rot-resistant variety such as oak, cedar, or bois d'arc. (Sometimes the posts are, themselves, set directly on the ground surface, but more commonly with this and all other foundation systems, the soil is removed to a depth ranging from several inches to several feet and the base of the foundation is "buried" to provide firmer support.) Columns of brick or stone masonry known as masonry piers provide a similar supporting system for wooden walls, without the danger of rotting. On the other hand, failure of mortar joints can lead to equally serious problems that can be avoided by the use of monolithic piers, sometimes of metal but usually of concrete reinforced by steel rods.

The strong basal timbers of wooden walls can be supported by separated posts or piers; masonry walls, on the other hand, require continuous underlying support. In earlier masonry houses, soil has typically been excavated beneath the proposed wall and the first courses of stone or brick laid on the firm base of the trench. For additional stability, this underlying masonry wall is usually wider and of heavier materials than is the masonry of the overlying walls. When a basement is desired, some or all of the space between the exterior walls is excavated and the foundation walls constructed around the margins of the pit. Similar masonry wall foundations are also common beneath wooden walls, particularly in larger houses or in smaller houses requiring a basement. Foundation walls of masonry, like masonry piers, are subject to erosion and failure of the mortar joints and thus require periodic repair. This problem is avoided by monolithic concrete walls made of concrete beams poured in place and reinforced with internal steel rods. Such foundations first became common in the late 19th century; by the mid-20th century they had generally replaced wooden and masonry foundations beneath all types of wall construction. Note that in all the foundation systems mentioned so far, the internal floors and walls are supported by piers of wood, masonry, concrete, or metal even when the external walls have a continuous masonry or concrete foundation. One additional foundation system, developed in this century, eliminates these internal piers. In such concrete slab foundations, a relatively thin sheet of monolithic poured concrete underlies the entire house. This system completely eliminates floor framing and support at the first-floor level, and has become increasingly common since the 1950s.

\* WOODEN STRUCTURAL SYSTEMS—Most American houses (probably well over 90 percent) use pieces of wood to support the upper floors and roof. Simplest are walls of horizontal logs, either left round or hewn square, which serve to provide both structural support and, when the cracks between the logs are filled with clay or other materials, weather screening as well. The principal structural support of a log wall is provided by the notched corners, where adjacent logs are in close contact. Several systems of log corner notching have been developed to strengthen this crucial junction. Simplest to construct but least rigid is the saddle joint; progressively more rigid are square, V-notched, and half-dovetail joints; while complex full-dovetail joints provide the strongest structure of all (see also the treatment of log houses on pages 82-3).

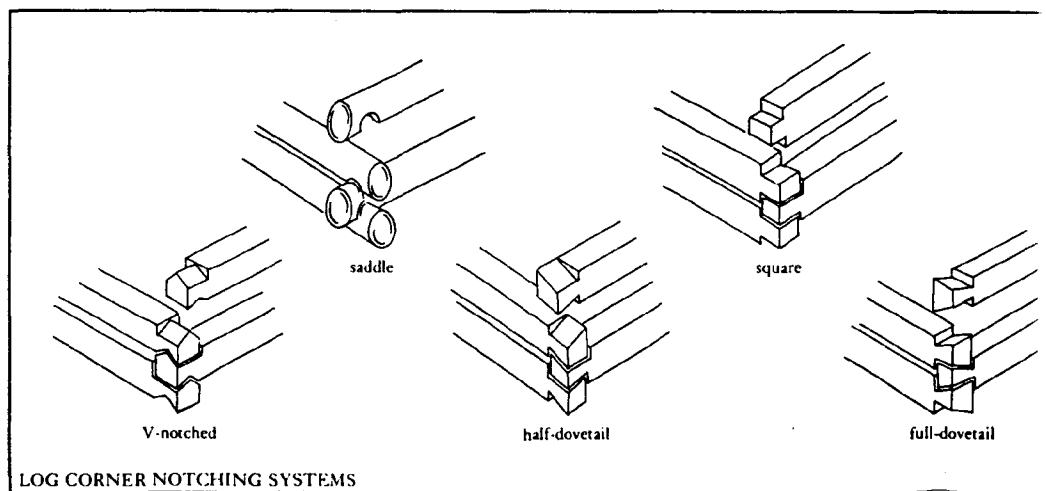
Far more common than horizontal log walls are those in which spaced vertical members provide structural support. Earliest is the Medieval post-and-girt system, imported



Structure: The Anatomy of American Houses

from England and France by the first colonists. In this system, upper loads are borne by heavy corner posts and widely spaced intervening posts; heavy cross timbers carry upper floors which are unsupported by the thin internal walls below. Typically, all structural joints in post-and-girt houses are laboriously hewn into interlocking shapes and held fast by wooden pegs. Post-and-girt houses dominated the English and French colonies and persisted until well after the American Revolution. In the early 19th century, however, the increasing abundance of commercially sawed lumber, together with the development of relatively inexpensive wire nails, led to a modification of the traditional post-and-girt system known as braced-frame construction. This system still employs heavy corner posts connected by heavy horizontal timbers, generally with hewn joints. But within this heavy skeleton, loads are carried not by widely spaced and equally massive intervening posts and cross members, but by light, closely spaced vertical studs nailed between the horizontal timbers. Internal walls constructed entirely of light studs also now become strong bearing walls which help support the floors and roof above. This system takes its name from diagonal corner braces used to give lateral stability to the wooden framework. Note, however, that such braces are by no means unique to the system, but are common in all types of wooden framing.

By the early 19th century, braced frames were replacing post-and-girt construction throughout the former English colonies of the Atlantic seaboard; in this region braced-frame houses persisted well into the 20th century. Westward migration from these states also made this a common mode of construction throughout the country during the 19th century. By the time of the Civil War, however, another still more simplified method of frame construction was coming to dominance in the rapidly developing midwestern states. This was the balloon-frame system, begun in Chicago in the 1830s. This system eliminated altogether the tedious hewn joints and massive timbers of braced-frame and post-and-girt construction, for balloon-frame houses are supported entirely by closely spaced two-inch boards of varying widths (two-by-two, two-by-four, two-by-six, two-by-twelve, etc.) joined only by nails. Corner posts and principal horizontal members are made of two or more two-inch boards nailed together. As in braced-frame houses, the principal supporting members are the closely spaced two-by-four or two-by-six vertical studs of both the exterior and key interior walls. This system allowed both cheaper and more rapid construction by eliminating the need for skilled hand-hewing of the principal



wall timbers. With slight modification it remains the dominant method of American house construction today. The most common modification, known as platform framing, relates primarily to the wall studs and flooring. In balloon-frame construction, the studs are continuous from foundation to roof and the floors are hung upon the studs. In platform framing the floors are constructed as independent units, like thin, flat platforms; the shorter wall studs are then erected upon these platforms to support the overlying platform or roof. This system is both simpler and more rigid than balloon framing, which it has largely replaced through this century.

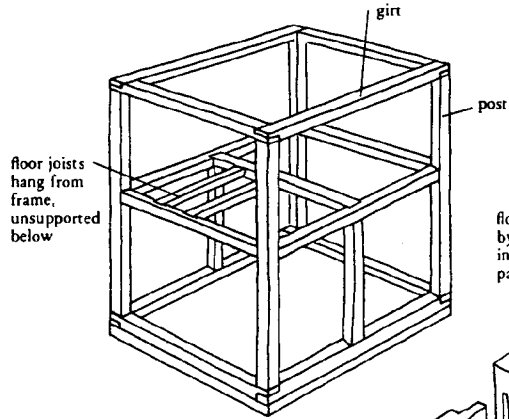
**MASONRY STRUCTURAL SYSTEMS**—Although wooden framing has always dominated American house construction, European immigrants to the New World brought with them an intimate knowledge of masonry techniques as well. Indeed, in colonial times, just as today, masonry houses far outnumbered those made of wood throughout most of western Europe. (For this reason first-time visitors from Europe are always surprised to find the United States to be a land of wooden houses). Although making up only a few percent of American houses, those with masonry walls show almost all variations of masonry building technique. Spanish colonists brought traditions of building in uncut stone and unfired adobe brick. The English, French, and Dutch had elaborate techniques of building with harder, fired brick and cut stone, as well as more modest folk traditions of building with sod (blocks of earth held together by grass roots) and uncut stone. These traditions tended to dominate certain regions during the colonial period; most persisted through the 19th century and a few survive even today. Within the last fifty years, 20th-century technology has added two more masonry materials to the traditional repertoire: hollow, fired clay tiles and hollow concrete blocks. These new materials are as strong as fired brick or stone, but are both lighter and cheaper. They have thus come to dominate 20th-century masonry construction, either alone or combined with an exterior layer of brick or stone to make composite masonry walls.

**OTHER STRUCTURAL SYSTEMS**—Only a very small fraction of one percent of American houses rely on structural systems other than wood or masonry. A few houses, mostly built in colonial times, used both wood and masonry in combination for structural walls.\* Typically, end-chimney bearing walls were of masonry, the other walls of post-and-girt frames. In another variation, favored in the French colonies, the first-floor walls were of masonry and the overlying floor was post-and-girt.

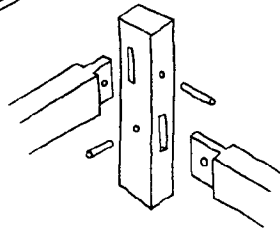
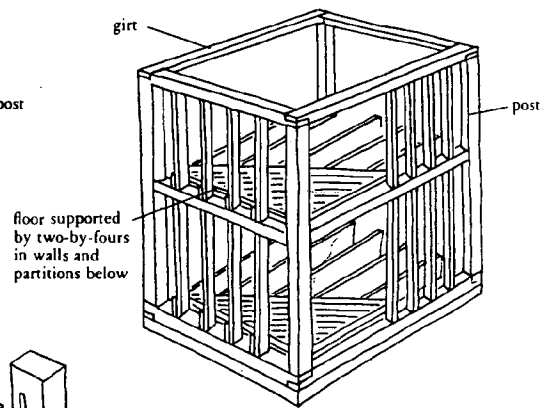
Wooden and masonry walls are both composite, that is, they are made up of many small units linked together to make a wall system. Walls can also be of massive or monolithic construction, where only one or, at most, a very few units make up the entire wall. The simplest such walls are made of earth, either mixed with water to make mud and then built up in layers, or pressed into layers while only slightly damp (rammed earth). Such walls are found in both European and Native American folk houses, but are rare in post-colonial America. Somewhat more common are monolithic walls of poured concrete, usually reinforced with iron or steel rods. Such walls can either be poured in place or pre-cast and then transported to the building site. They are common in 20th-century commercial buildings but are only rarely found in houses, most of which date from the late 19th and early 20th centuries.

\* Note that many houses have exterior wall *claddings* of both wood and masonry. Houses with true structural walls of both materials are, however, extremely rare.

**POST-AND-GIRT**  
heavy timber frame  
with hewn joints

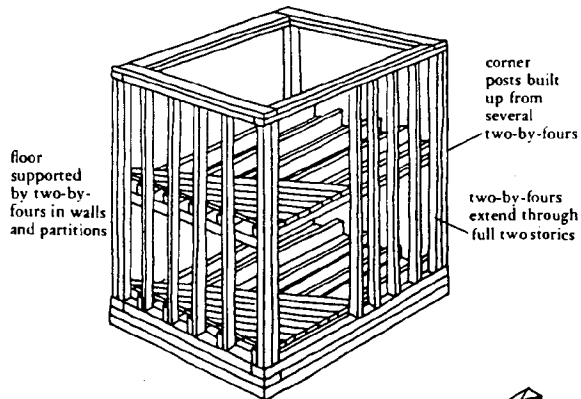


**BRACED FRAME**  
combination of heavy timber frame with hewn  
joints and two-by-fours for floor support

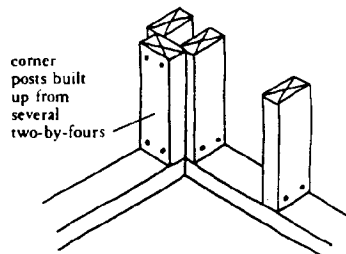
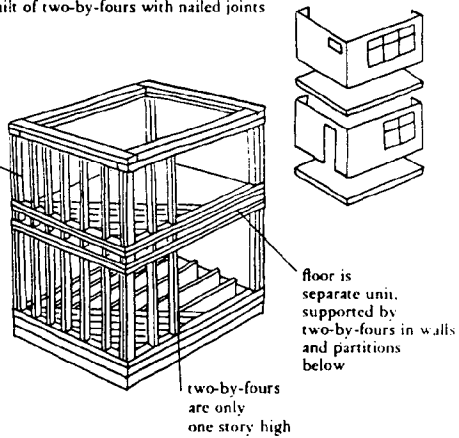


typical hewn-and-pegged joint

**BALLOON FRAME**  
built of two-by-fours with nailed joints



**PLATFORM FRAME**  
built of two-by-fours with nailed joints

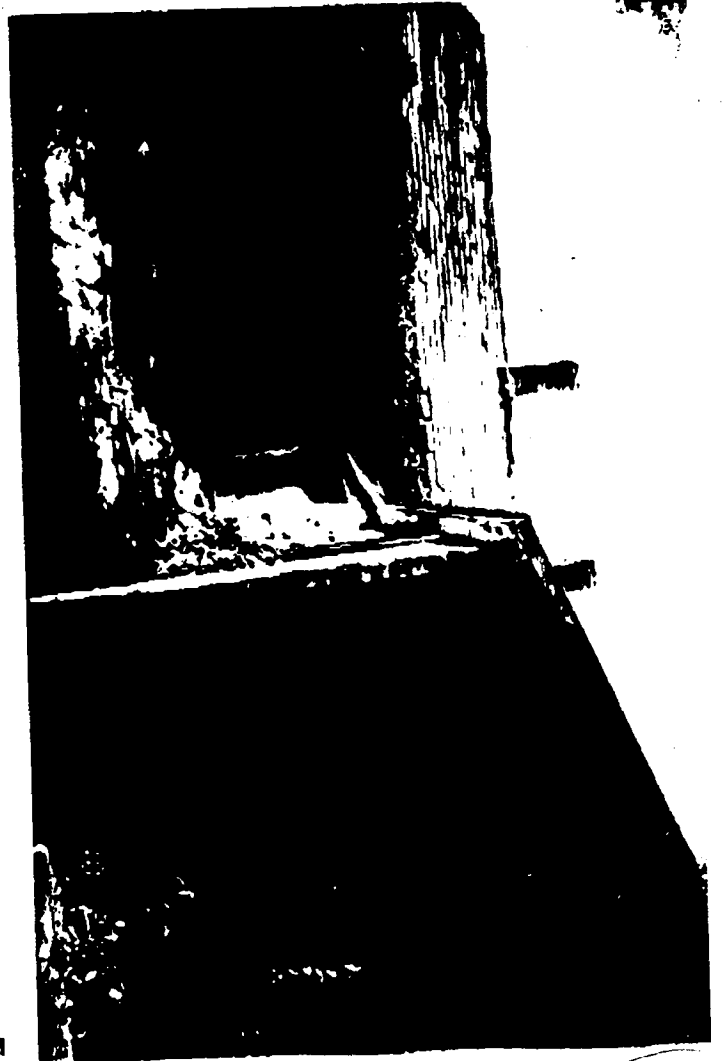
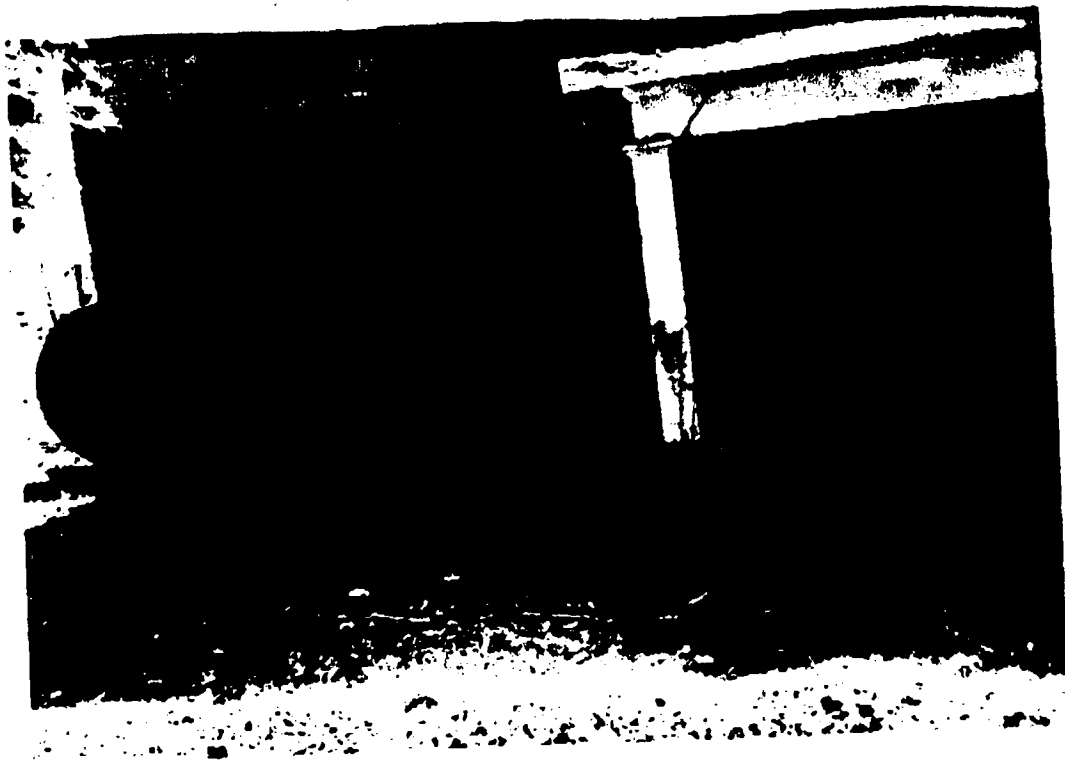


typical nailed joint

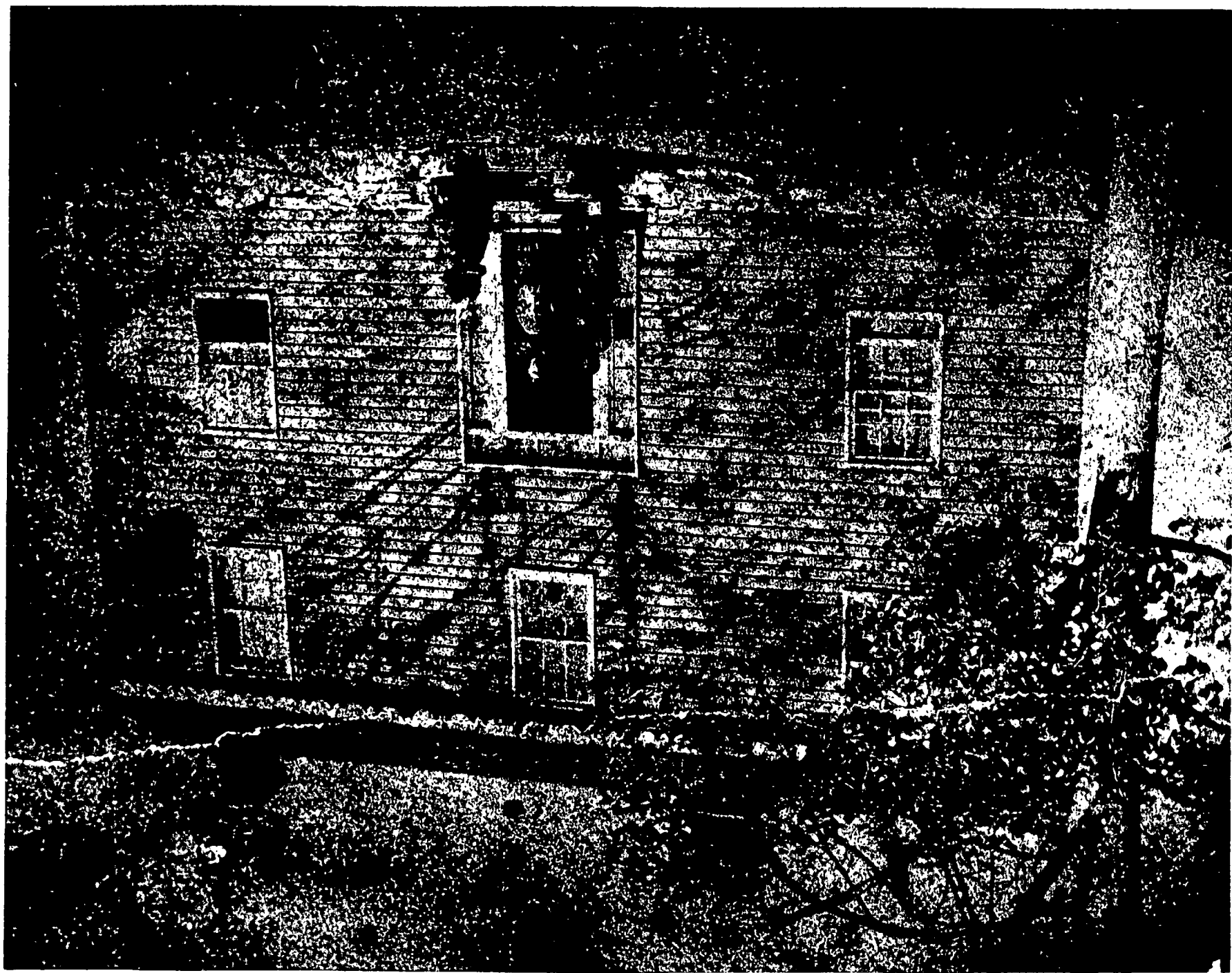
**WOOD-FRAMING SYSTEMS**



(18)



19



HISTORIC PHOTOGRAPH

**Friends Of Historic Hyattstown**

P.O. Box 467  
Hyattstown, Maryland 20871

November 12, 1997

Historic Preservation Commission  
8787 Georgia Avenue  
Silver Spring, Maryland 20910  
Attn: Gwen Marcus Wright

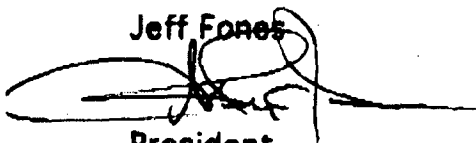
The Friends of Historic Hyattstown, Inc., support the Historic Preservation Commission's decision to require the restoration rather than demolition of the 'Strube' house located at 25911 Frederick Road in the Hyattstown Historic District.

We fully accept that in some cases a building may be in such state of deterioration there is no alternative other than demolition. However, we feel the decision to allow the house to deteriorate to it's current state has been the decision of the current owner.

It is our position that this property should either be restored by the present owner, with no allowance for further deterioration, or the property should be put up for sale to allow other parties to restore the property.

We understand the owner has had a difficult time with the current state of the sewer allowances in Hyattstown and that restoration is expensive and difficult. Yet a number of properties, ie. the Hyatt House, the Davis House, the Anderson House, The Linthicum House and the Wilkerson's home have all been restored or are currently being restored. We have several other properties that have laid dormant and unoccupied awaiting a resolution to our sewer dilemma. The solution to a property owner's neglect to maintain or restore a property in a historic district should not be the demolition of the property.

Jeff Fones



President

1. Realtors interested in holding listing
2. Advertise nationally
3. - Pursue well ~~the~~ done, that no one lives there...  
abandon well now?

4. Look to progress out the next 6 months.  
HDC final comment.





