

2nd Dental
(3rd Appearance)

**MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
MONTGOMERY COUNTY HISTORICAL PRESERVATION COMMISSION**

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A hearing in the above-entitled matter was held on
February 25, 1998, commencing at 7:52 p.m., in the MRO
Auditorium, 8787 Georgia Avenue, Silver Spring, Maryland,
before:

**GEORGE KOUSOULAS, CHAIRPERSON
MARTHA LANIGAN, VICE-CHAIRPERSON
EMILY HOTALING EIG
DAVID HONDOWICZ
SUSAN SODERBERG
STEVEN SPURLOCK**

COPY

PROCEEDINGS

1 MR. KOUSOULAS: Good evening, and welcome to the
2 February 25th meeting of the Montgomery County Historic
3 Preservation Commission. My name is George Kousoulas, and
4 I'm the Chairman. Before we begin, I'd like to welcome our
5 acting coordinator. Mary Gardner has joined us this week.
6 And also have our Commission and staff introduce themselves,
7 beginning on my left.

8 MS. SODERBERG: Susan Soderberg, Germantown.

9 MS. LANIGAN: Martha Lanigan, Silver Spring.

10 MR. SPURLOCK: Steven Spurlock, Silver Spring.

11 MR. HONDOWICZ: David Hondowicz, Gaithersburg.

12 MS. EIG: Emily Eig, Chevy Chase.

13 MR. HITCHINS: Christopher Hitchins. I'm an
14 Assistant County Attorney for Montgomery County.

15 MS. GARDNER: Mary Gardner, Interim Coordinator of
16 the Commission.

17 MS. KEPHART: Perry Kephart, Historic Preservation
18 Planner.

19 MS. ZIEK: Robin Ziek, Historic Preservation
20 Planner.

21 MR. KOUSOULAS: The first item on the agenda is the
22 Historic Area Work Permits. Have these been duly advertised?

23 MS. ZIEK: Yes, they have. They were advertised in
24 the Montgomery County Journal on the 4th of February, 1998.

1 MR. KOUSOULAS: Okay. The first and only case is
2 Case A. Can we have a staff report?

3 MS. ZIEK: Yes. This project is an application
4 which has been changing since we first saw it back in April.
5 It's an application for the construction of a new house on a
6 side lot in the Kensington Historic District on a prime
7 street in the District.

8 The Commission has seen this, the applicant, the
9 Ellison Corporation, has come to the Commission on two other
10 occasions. And I've included copies of those staff reports
11 as attachments to today's staff report. Basically, to try to
12 conserve paper. The project has changed. The issues, of
13 course, remain the same. And the material which we draw on
14 continues to remain the same.

15 So, I have included all that as background material
16 just to, again, reinforce and provide sort of the background
17 and the progression of the project as you have been seeing it
18 develop. The project as presented today is an application as
19 a contract purchaser with the property owner to develop a
20 side lot, Lot 25, on Baltimore Street, which is a side lot to
21 the primary residence of the owner, Mrs. Jeannie Ahearn.

22 The property owner isn't here, and hasn't really
23 participated in these proceedings. The applicant, as the
24 contract purchaser, is speaking on behalf of himself to
25 develop this lot.

1 In conjunction with Lot 25, as you will recall, is
2 already being used as the side lot to the property at 3920
3 Baltimore Street. There's an existing garage and driveway on
4 the property. And that garage is an original auto house, and
5 it is not in very good condition.

6 As part of this proposal, the applicant proposes to
7 move the garage approximately 16 feet forward on the lot so
8 that it will still utilize the existing driveway and build
9 the single-family residence to the rear of the lot.

10 The applicant also proposes the construction of a
11 two-car garage which would be essentially a light
12 construction feature, would have a roof, and they're
13 proposing the use of latticework instead of substantial
14 walls. But the structure is still a 20 by 20 structure that
15 was proposed to be sited at the front of the lot.

16 I think it would be useful, of course, to refer to
17 Circle 16. Well, let's say, Circles 15, 16 and 17, which are
18 site plans which will be helpful in terms of understanding
19 what the proposal is.

20 Circle 15 is the existing site plan for this
21 particular property with the house 3920 Baltimore sited on,
22 99 percent of it is on Lot 26, and a small portion of a side
23 porch extends into Lot 27 which is to the east. Lot 25 has
24 the garage and the asphalt drive.

25 And Lot 16 shows the proposal that the HPC is being

1 asked to consider tonight with the auto arbor, or this two-
2 car garage which would be sited within two feet, essentially,
3 of the property line, and essentially shoulder to shoulder to
4 the existing dwelling at 3920 Baltimore Street with the
5 existing garage sited forward on the lot as I explained
6 before. And then the proposed new house at the rear of the
7 property.

8 Circle 17 is an enlarged version of the site plan,
9 specifically, only Lot 25 showing the relationship of the
10 three, well, the two new components and the moved garage
11 which would be the third component. And you would have to
12 refer back to 16 to get an understanding of the relationship
13 to the house on Lot 26. And then, of course, there is the
14 rest of the street.

15 Baltimore Street is one of the more intact streets
16 in the Kensington Historic District. The overwhelming
17 majority of the structures there are primary resources. The
18 development pattern that has come on Baltimore is illustrated
19 in Circles 29 through 32 where you can see the essential
20 pattern of individuals having purchased multiple lots and
21 siting their substantial structures in the middle of these
22 multiple lots.

23 The aggregate property has consistently been
24 generous, providing generous side yards and generous garden
25 space, which is consistent with the reason why Kensington has

1 been designated as both a National Register Historic District
2 and designated as a District in the County's Master Plan.

3 I've provided some of that description in Circles 3
4 and 4 which discuss the basic reason why Kensington is here,
5 and the fact that the County has been designated because the
6 houses share a uniformity in scale, setbacks and construction
7 materials that contribute to the cohesiveness of District
8 streetscape. And all of this conveys a strong sense of both
9 time and place, that of the Victorian garden suburb.

10 The amendment takes into account the fact that
11 there has been in-fill within these historic periods with the
12 Queen Anne shingle-style on the east like the late 19th
13 Century, early 20th Century, and then the Colonial Revival
14 coming in in the first half of the 20th Century as an in-fill
15 pattern. But on Baltimore Street, the overall pattern is
16 remarkably intact, reinforcing this garden suburb.

17 The particular proposal is for a single-family
18 residence that would be, excuse me, this is described on
19 Circle 4. A single-family residence with a footprint of
20 1,143 square feet. The figure was provided to me by the
21 applicant. The actual footprint is included on Circle 18.
22 It's a footprint that has a lot of jogs in the wall and a lot
23 of variety in terms of planes.

24 But in terms of there's no floorplans, and it's I
25 simply can't tel you anything more about the house as a

1 habitable space.

2 Elevations have been provided to us on Circles 19,
3 20, 21 and 22 which show openings and the height of the
4 proposed building at 26.5 inches -- 26 feet, 2 and a half
5 inches height. And the building is proposed to be made with
6 wood siding and wood windows that are simulated divided
7 light. The materials, a summary of the overall project is
8 provided on Circle 5.

9 Staff has really noted quite a progression in terms
10 of this project. It has come to us from the very first time
11 we saw something by this applicant to this point. The
12 proposal has evolved as the applicant has understood or
13 gotten a greater understanding of what the issues were in
14 terms of a historic district, the issues having to do with
15 siting, massing, scale, size, open space, and finally, in
16 design.

17 The applicant initially had proposed demolishing
18 the garage. In this proposal, the applicant is proposing to
19 restore the garage. Staff feels that that's quite a big step
20 and certainly an improvement in terms of preserving an
21 original structure in a historic district.

22 The applicant is proposing a two-car garage in the
23 front of the site. Staff basically feels that that would be
24 unacceptable, and so we won't really focus on that anymore in
25 my report.

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1 The basic house as proposed shows also quite a
2 change from what we previously have seen, and the applicant
3 has responded to the HPC comments to a large degree in terms
4 of siting and how the house, in terms of its design, would
5 address the street, which is to pull back on a very strong
6 fronting of the street.

7 This is accomplished through the lack of any clear-
8 cut style or association with a readable style which we saw
9 in the last preliminary consultation where one of the
10 proposals was kind of a knock-down bungalow style.

11 The proposal today doesn't have any immediately
12 legible or associated style. It doesn't have a front porch.
13 It's not even possible at this point to know where the front
14 door is. And I just simply refer you to, let's see, the --
15 no, the front door is not really indicated in this proposal
16 at all.

17 On the north elevation, I'm sorry, on Circle 17
18 where the site plan has been developed to the point where
19 there is a little path leading to a front door and the little
20 sign showing you that that's the front door. So, there is
21 some indication about that. And some indication of the
22 openings as they would relate to the yard.

23 The staff is concerned, however, that the proposal
24 is still very large. And this is going to be a combination
25 of, one, the overall footprint which at over 1,110 square

1 feet is still a substantial new house. This is also a
2 combination of the fact that there will be a full second
3 story and a full basement, and so those figures are just
4 simply multiplied across the board.

5 The staff notes that the original house associated
6 with this property is only 1,400 square feet. It has a
7 second story. But it has an irregular massing. It would be
8 the rear L and it has one story additions at the rear. And
9 so that the overall massing and the overall sense of the
10 size, it's quite possible that essentially the new house will
11 still be larger or a very close approximation of the original
12 house on this property site.

13 The other issue has to do with the height, which at
14 over 26 feet taking into account the change in the
15 topography, and I have a slide to show you a little bit about
16 that, that there is a very good chance that this house will
17 actually be higher, as high or higher than the original house
18 on the site.

19 And again, the whole discussion has really hinged
20 on the idea that any new construction on this street where
21 you have the existing development plan that a subsidiary
22 structure would be appropriate on this site rather than a
23 primary structure. And since staff is still concerned that
24 the proposal is still within the realm of a primary resource
25 in terms of its massing and its size.

1 And finally, I'd like to review the proposed
2 recommendations in the Vision of Kensington which the HPC
3 commissioned in 1992 to provide some more guidance and some
4 sort of numbers. Again, as recommendations it doesn't have
5 the force of law. But as a well-reasoned and well-supported
6 study, it provides everybody, both the public and the HPC and
7 the Government, the same place to start in terms of
8 evaluating any new proposals within a resource such as the
9 Historic District in Kensington.

10 And I've included them, but on Circle 7 and 8 I
11 have simply juxtaposed the recommendations, the three
12 recommendations for development in this particular portion of
13 Kensington with the proposal.

14 And just to review, the recommendation says that
15 single-family dwellings in this part of Kensington should be
16 developed on a minimum of two lots, or 15,000 square feet.
17 And the applicant proposes to use one lot with 8,625 square
18 feet.

19 The second recommendation is that there should be a
20 maximum lot coverage of 10 percent. And this proposal taken
21 on the one lot proposes a 20.5 percent coverage.

22 And the third recommendation deals with front yard
23 and side yard setbacks. The front yard setback should be 35
24 feet minimum, and the side yard setback should be 25 feet
25 minimum.

1 Assuming that you have two building lots that have
2 50 foot road frontage, you could still have side setbacks of
3 25 feet on either side and still have 50 feet within that
4 property to position a house in such a way that it would
5 conform with the general pattern of development on Baltimore
6 Street.

7 This proposal, the minimum front side yard setback
8 is 50 feet, which is the arbor, auto arbor as proposed. I
9 mean, the front yard setback is consistent. But the side
10 yard setbacks are not consistent. The proposed side yard
11 setback is 10 feet on one side and two feet on the other
12 side.

13 Again, staff feels that the basic concern of the
14 potential loss of integrity for the Historic District through
15 the loss of important character-defining features of this
16 District, such as the open space, is the primary issue.

17 The staff notes that the applicant has made
18 substantial changes going in what I might consider the right
19 direction. But that the proposal does not comply yet in
20 terms of fitting in in terms of the integrity of the Historic
21 District.

22 I'd like to show some slides of the area and the
23 project. This is the house, 3920, on the existing property.
24 It's on a center lot of three lots. It's on Lot 26. This is
25 the house, again, just to show a little bit about how its

1 massing, it's a Victorian house built around 1880 with
2 several additions as you can tell. The rear L is original to
3 the house, but then the one-story additions, of course, are
4 later.

5 We're standing here on Baltimore looking across Lot
6 25, which is the lot in question being proposed for new
7 development. And this is looking south on Lot 25 towards the
8 garage down the existing driveway. And the existing garage,
9 and looking over towards the west to the neighbor's property.

10

11 And another just the garage. It sits in the lot, I
12 think you can start to get a sense of the slope of the land
13 here. The land slopes from the west towards the east towards
14 the main house. There are original garage doors in this
15 structure. It's pretty special.

16 And this is a view of the property looking from
17 Baltimore back. There's a Redbud, a mature Redbud which is a
18 specimen tree and a valued asset in the community. This
19 picture I think shows you pretty well the slope of the land
20 and the concern anybody would have in terms of new
21 construction and how the drainage would be changed and might
22 effect adversely the original resource.

23 I could pass on some anecdotal information with
24 some other new construction we've had. We see that there are
25 problems with new construction if the drainage is not really

1 paid particular attention to.

2 This is a view standing on the lot looking down
3 towards Baltimore. You can see a generous spacing between
4 the buildings. And all adding to the garden quality of
5 Kensington. And this is a view looking to the west across
6 Lot 26 into Lot 25 where the garage is. The original garage
7 would be moved forward approximately to where the location of
8 that automobile is.

9 I want to just briefly hit on some of the issues
10 that we're dealing with. One has to do with in terms of the
11 environmental setting of the entire District, the spacing,
12 the way the houses address the street strongly, they're with
13 the front porches and close to the streets, relatively close
14 to the streets and with a generous spacing between the
15 buildings which allowed things like a garden to develop. And
16 as you can see in these photographs, these are all on
17 Baltimore Street.

18 And there are structures behind the primary
19 residences. These are all subsidiary structures. This is a
20 greenhouse that has been reused at this site. Actually,
21 being used for parking. This is an original garage at the
22 back, of course, the back of a site. Another garage.

23 The idea of the rhythm of this street is very
24 important. Again, looking towards the subject property this
25 is standing towards Connecticut Avenue, and this is the

1 house, 3920 Baltimore Street. This would be the east side
2 yard, and then the west side yard is across.

3 But you can see that with the generous spacing of
4 the houses that you can see through. There's long vistas.
5 There's long vistas to gardens and there's vistas to back
6 streets, other streets, you know, the back yards on adjacent
7 streets.

8 And this is an example on Baltimore of really how
9 you can disrupt that pattern. And a new house was built on
10 Baltimore Street pretty much just after the Historic District
11 was put into place. And you can see with the spacing as
12 close as it is to the historic resources, while this
13 structure, you know, is modest there isn't any way that it
14 could help but to disrupt the garden landscape of the
15 District.

16 And just again to review, you can see the generous
17 spacing of the houses, the generous side yards, the house,
18 the generous side yards, there's a very clear pattern on
19 Baltimore Street about that.

20 Now, this is a property that we're all familiar
21 with in Kensington on Washington Street which is a street
22 that developed very differently from Baltimore Street. And
23 the Vision of Kensington had analyzed this as being part of a
24 peripheral residential core, residential area.

25 And this is seen on Circle 24, the map that was

1 provided in the analysis of the Vision of Kensington, which
2 shows that Baltimore Street is in the historic residential
3 core and there are certain recommendations for that as
4 provided on Circle 25 for new development.

5 But that development in this peripheral residential
6 area is different. And so the recommendations are different.
7 And the clearest difference is that it is recommended on
8 Washington Street that development be allowed for single
9 family houses on a one lot only.

10 And the Commission certainly struggled with this
11 particular property, the middle parcel here. But it was very
12 clear that everybody agreed that a new house fit the rhythm
13 in this particular case. You could just go up the street,
14 every lot has a house on it. And this would have been the
15 anomaly. Whereas, on Baltimore Street, the anomaly is if
16 there's a house adjacent to another house without an
17 intervening lot.

18 I just wanted to go through a few other sites sort
19 of in the County. This is Takoma Park, and it's not in an
20 historic district. But I just wanted to try to give some
21 sort of a three-dimensional understanding to some of the
22 issues, such as, if you set a house back on a lot you still
23 have a house on that lot at the back of the lot. And you
24 know, the question is how it fits in to the district is
25 certainly a concern which gets into the idea of massing and

1 scale.

2 One thing that this is also another example of
3 doing such a thing where this is in Takoma Park again. A
4 single-family house was sited well back on the lot. And in
5 fact, the other adjacent properties, the house sits up at the
6 street with a garage in a relationship that we're seeing more
7 commonly. But it does provide an opportunity for the garden
8 landscape up at the front of the street.

9 So, just to give you a sense of how that can be
10 done. It has been done in the County.

11 And this is another example. This is in Garrett
12 Park. I just wanted to show sort of a relationship between
13 again the primary resource on the street and its adjacent
14 open side yard. In fact, on this property there is a large
15 carriage house. It's a subsidiary structure at the rear of
16 the yard. And yet, because it's at the rear of the yard
17 there is indeed the sense of a generous garden around the
18 primary resource.

19 I also wanted to address the issue of size, that
20 there are numerous small houses throughout our County. This
21 happens to be in Takoma Park again. And I thought this was
22 interesting because you have a relatively small house towards
23 the front of the yard with a very small rental property, it's
24 a one-bedroom house. I used to know people who lived there.
25 And a small garage even further back on the lot.

1 So that the concept of having subsidiary buildings
2 around the County can be illustrated. This is in the
3 Historic District in Takoma Park. It's a small studio
4 building. You get a sense of the size of it. It's
5 approximately 20 by 20. And it fits very nicely as a piece
6 of architecture in the District.

7 And again, size, these are houses in Takoma Park
8 that are 12 by 30. So, 360 square feet. And you know,
9 people live there comfortably as their primary residences.
10 And this is a house on Prospect Street in Kensington which is
11 about 680 square feet. And it's a one and a half story
12 bungalow.

13 And it's just the idea of scale to remind everybody
14 that, you know, these drawings will ultimately end up with a
15 building with full dimension with -- and that staff believes
16 that actually the footprint as proposed at over 1,000 square
17 feet is still too large for this site.

18 I would like to just show a project that the
19 Commission has worked very hard on in Garrett Park which is a
20 new house. It's the first new house to go up in Garrett Park
21 where the expectation of new development was written right
22 into the amendments. And that house has approximately 1,100
23 square feet, and it's the primary residence that fronts the
24 street.

25 And just to go back to Kensington, this is our site

1 with the primary residence that sits in its garden landscape.
2 I'll be happy to answer any questions, and I know that the
3 applicant is here and that there are people from Kensington
4 who also would like to speak.

5 MR. KOUSOULAS: Are there any questions of staff?
6 Mr. Hoobler, would you like to come up?

7 MR. HOOBLER: My name is Cary Hoobler. I asked
8 Robin if I could just point out a couple of things on a
9 couple of the slides real quick. This slide was the last one
10 you saw, and I just want you to note, I'm going to shadow my
11 finger here on this Holly here, because you'll see it on some
12 of the stuff that you're receiving now, and I'll be referring
13 to it later.

14 There's the Holly again there on the right. And
15 that's the -- this is the Redbud back here. And when we
16 started talking about it, this pointing here is basically
17 where the beginning of my present proposal will start, really
18 just passed or just at the back of this house. So, it will
19 be sitting back in here. And it actually sort of runs --
20 pardon my -- but it will run like this and then sort of
21 around the Redbud. Hi.

22 MR. KOUSOULAS: Would you like to respond to the
23 staff report, or --

24 MR. HOOBLER: If I might. And if you would be
25 willing to maybe follow along with me on what you have in

1 front of you. Let me just, in a brief way of opening, say
2 that I have tried hard, and I think if we look at some things
3 here I'm hopeful that we can make this work.

4 We are really trying though to meet, as I think I
5 brought up the first time that we met in April, two very
6 different perspectives about this District. And I really
7 believe and some stuff that I'll show you a little bit later
8 that there is a marked difference between the way we view it
9 in 1990 and the way it was viewed in 1890.

10 We have made some major modifications. We are
11 trying to sort of meet what you would like in 1990. Let me,
12 if I could, you have two handouts with you. One is sort of
13 full of pictures that are labeled A-1, A-2, etc.

14 And you also have just an outline of some points.
15 You are very familiar with the first three. As for the
16 Master Plan, what it provides. Number two, the amendment
17 that made it a District, why it was doing that. And then the
18 Vision of Kensington, as well.

19 Item No. 4 I'd like to just sort of review with
20 you, and that is is that, and that I went back and researched
21 the deeds. And what I was hoping for is that if I went up
22 and down the street that I would find an example of a lot
23 that had been sold separately or sold off as opposed to the
24 groupings that we've been talking about.

25 What I found was it that that indeed was the case,

1 and the lot that was the example, the first one I turned to
2 was the lot I was buying. And that is because Lots 26 and 27
3 were sold by Warner, himself, in 1899 for a total price of
4 3,500 including the house currently at 3920 and the Lot 25
5 was not part of that sale.

6 Lot 25 was sold by Warner in 1903 to a different
7 owner than 3920 for \$500. The original deed of sale for Lot
8 25 contains a covenant recorded by Warner where he states
9 that certain offensive uses and structures are prohibited
10 from being constructed on the property. But also providing
11 for covenanting that a substantial house of stone, brick or
12 wood frame construction would be built on the lot with a
13 value not less than \$2,500.

14 I think that demonstrates that at least for Warner
15 that he intended a single-family home to be built next door
16 to 3920 on Lot 25, and that he considered that an amplicized
17 lot. And I think it's clear from that intent that the
18 historical setting includes construction of a more
19 traditional single-family home on a single lot with normal
20 setbacks.

21 My point is is that I believe that that's a very
22 valid thing. I understand it's different opinions. I feel
23 some solace in that Mr. Warner I think had a similar opinion
24 than I do. But what I'm trying to do here tonight is come up
25 with a compromise.

1 Item No. 5, if you'll look at your A-1 in the sort
2 of the packet of pictures, I'd just like to say we really
3 have tried to follow directions provided by your staff and by
4 you. And as you look at A-1, 2, A-3, A-4, and A-5, you'll
5 see that consistently we've tried to reduce, reduce, reduce
6 in terms of height, in terms of how much coverage. And that
7 we have a total reduction of like 40 percent from where we
8 started.

9 MS. SODERBERG: Excuse me. Could you point out
10 where the height is? You said you reduced the height? I
11 don't see it on here.

12 MR. HOUBLER: Well, it is not on what you're
13 seeing, but we have reduced the height. Robin gave you the
14 two previous proposals. And the first proposal was 32 feet
15 from finished floor to the ridge.

16 Also, just sort of an aside, is I actually measured
17 the height from the ridge of 3920 down to the first floor
18 level. And that measure 28 feet, 9 inches, not 26 feet, 6
19 inches. So, it's misinformation in the staff report. It's
20 really two feet, three inches taller than I think what you
21 have been considering. Pardon me, I'm dry mouthed. Yes.

22 MS. SODERBERG: Also, I wanted to ask, you said you
23 reduced the size and you only gave us the footprint, not the
24 total size.

25 MR. HOUBLER: I thought the staff had been, that

1 you had been using footprint as the criteria, and that's what
2 I saw in the Vision of Kensington, as well. I mean, well,
3 for instance, Proposal A was well over 3,000 square foot
4 house. This is about 2,200 and some.

5 MR. SPURLOCK: Can I ask one just to clarify this?
6 On the proposal in question currently --

7 MR. HOOBLER: Yes.

8 MR. SPURLOCK: -- the footprint drawing shows a
9 number of -- that would be Circle 18 in the current proposal
10 --

11 MR. HOOBLER: Yes.

12 MR. SPURLOCK: -- which shows a number of recesses
13 on different sides. But when I look at the elevations, it
14 appears that those are recesses only on the first floor.

15 MR. HOOBLER: That is correct.

16 MR. SPURLOCK: The upper floor, then, is larger.

17 MR. HOOBLER: That is correct.

18 MR. SPURLOCK: The footprint's larger than the
19 first floor.

20 MR. HOOBLER: That's correct.

21 MR. SPURLOCK: Okay.

22 MS. SODERBERG: And I could not find any indication
23 of what the footprint of the second floor, or what the square
24 footage of the second floor was in any of the information
25 that you've given us. Could you just tell me what the total

1 square footage of the proposed house is?

2 MR. HOOBLER: To be honest with you, I don't have
3 it off the top of my head. I do believe that it's under
4 2,300. But I do not have that for you right now.

5 MR. SPURLOCK: Can I ask the staff a question
6 before we go further, just to clarify? Is lot coverage
7 normally a function of the whole structure projected down to
8 the ground? Or is it just where it meets the ground?
9 Because we're dealing with two different sets of numbers.

10 MS. ZIEK: Right. I think just typically, you
11 know, you cut the floorplan about four feet above ground, and
12 it's at the first floor level. And this is a subtlety that I
13 actually hadn't considered.

14 MR. HOOBLER: Item B, the staff direction was to
15 site the structure to the rear of the property to maintain a
16 subsidiary relationship to 3920. If you look at your figure
17 B-1, we've marked that we've set the house back now 94 feet,
18 6 inches from the street, which is about double of where we
19 started.

20 I might also note that the distance that the house
21 is from the house at 3920 is actually 31 feet.

22 And I think the staff has recognized that, that
23 report said that applicant is proposing to site the new
24 structure to the rear of Lot 25 at a location that is
25 suitable for a subsidiary structure in the Historic District.

1 The proposed new structure would appear to defer to the
2 primary structure at this location, as well as to the other
3 primary historic resources on the street.

4 Item C, the staff report direction was to maintain
5 the open space important to the integrity of the Historic
6 District. And if you look at C-1, I think you'll -- it's
7 labeled maintaining building separation.

8 We've done two things, of course. We've set the
9 house behind the house at 3920. And what that allows is for
10 the side yard between 3920 and 3924 between those two houses
11 we're not adding anything. We're leaving that open. The
12 attempt is to maintain that rhythm that appears on the
13 street.

14 We've also, if you look at the house as sort of
15 being, I know it's got a lot of jogs in it. We were trying
16 to sort of make it look like something that no one could
17 figure out what it was and maybe we've succeeded. But to try
18 to make it look like an old maybe barn or something that had
19 been sort of filled in or redone.

20 It looks sort of like an upside down L, if you
21 will. In that L, in that sort of the nook of the L, that's
22 where that Redbud sits. So, we've tried to work around that
23 Redbud.

24 Item D, the staff report direction was that the
25 proposed house should not have a strong relationship to the

1 street. I think we've achieved that. We really don't have a
2 distinct style, per se. One might be at a little bit of a
3 loss to find the front door. And we only present a 22-foot
4 wide front to the street. So, we're back not quite 100 feet.
5 We're only 22 feet wide at that distance.

6 And staff in their report said that there is no
7 distinctive addressing of the street which one would expect
8 in a house of equal standing to the primary resource. And
9 the lack of any distinct style is also viewed by staff as a
10 positive response to the HPC comments to design a subsidiary
11 structure for the site.

12 The original garage remains in its approximate
13 location. It does a couple things. One is the garage, and
14 on one of the pictures here I'm not going to bore you with,
15 but you could see a Mulberry tree literally growing up and
16 pushing in to the garage. That's sort of why it's getting
17 off kilter there on its foundation.

18 Also, there's a fair amount of grade that has come
19 over from the lot next door between the two lots. I don't
20 know if it's come over the years of people just putting their
21 leaves and stuff or throwing the rocks when they do their
22 gardening. But it's really the grade up against the siding
23 of the garage, it's probably at about a foot and a half. All
24 that's sort of pushing it over.

25 So, my proposal is to bring it forward where it

1 would meet with the macadam which it does not now, get it
2 away from the Mulberry tree. And from the dirt that is right
3 in there in that area.

4 And it, of course, would also provide some
5 screening of the structure that we have because the structure
6 would sit behind it, and a little bit sort of inside it, if
7 you will.

8 Item No. 6, as I look at some of the additional
9 staff concerns in this current report, the staff concern No.
10 E says the mere size of the proposed structure will overwhelm
11 all of the good intentions. The proposed house is a full
12 two-story structure with a substantial footprint which will
13 be multiplied by two or three to provide a substantial
14 structure in a subsidiary location. No amount of vegetative
15 screening will hide the sheer bulk of the proposed house from
16 public view.

17 And I have one that's called E-1. And it may be a
18 little homespun, but basically what I tried to do is if a
19 typical person driving down the street, when you look at the
20 side yard what do you see or when do you see it.

21 I pointed out that Holly earlier in the slide so
22 that it would be sort of present in your mind. One, it's a
23 Holly, so it's always green. Secondly, it's a pretty good
24 sized Holly. It's double-trunked. One of the trunks is
25 actually on my lot. The other truck is on Jeannie's lot.

1 You really only have about a 61 degree angle where
2 you would be able to see the house as you go down the street
3 to catch any really sort of glimpse of it when you're in
4 front of it. That's because we're pretty far back.

5 That's also because of really the size of the
6 houses that are in front of us. 3920 is 34 feet and some
7 change wide at the front. And 3924 is 48 feet wide at the
8 front. And they're both pretty tall houses. I have another
9 picture I'll show you in a few minutes that really -- this
10 house really sort of is in the background.

11 On E-3, if I can get you to turn the page, I've
12 sort of left out E-2. E-2 is that little piece of yellow
13 paper that's on your packet. And it's a little sticky for
14 you. And what it's for is to show that that covers the house
15 that I'm proposing.

16 If you take that sticky and put it on over to the
17 accessory structure which is sort of attached and behind to
18 3924 to the right, you will see that that covers that. And
19 it amply covers what we're proposing to do as an accessory
20 structure behind 3920 without being connected to the house.

21 I do think I made an error on noting what the total
22 square footage of the house is, which is the last paragraph
23 on the page. I was sort of trying to run to catch up with
24 things. I was responding to the staff report which I
25 received Monday, no fault of anybody's, just I'm not real

1 quick.

2 At this point, I'm not sure if I'm in order or not,
3 because you can tell I'm not real comfortable with this, but
4 I'd like to show you -- there's E-2 right here. Okay. What
5 I've done, it's accurate. It may be a little homespun.

6 But what we did is we set up a story pole. We
7 literally put together a stick to measure from where the
8 house would touch the ground including the foundation that
9 would be above that, including the bandboard where the joists
10 are, and then including the height itself to the top of the
11 ridge.

12 Now, on this house, we have 26, two and a half. We
13 have -- which is the ridge height to the first floor joists,
14 I mean, to the first floor level. We then have the joists
15 that we added in. We then, we took the point back on the
16 lot, the highest point of the lot where the footprint of the
17 house would be. That would be where the foundation would
18 touch that highest point. We took that point and translated
19 the difference to where the front would be. So, we added to
20 compensate for the slope.

21 So, what we did was we came up with a number that
22 it would give, that gives an accurate picture of the height
23 of the ridge at the front.

24 Now, what I've done as well is I took a series of
25 photographs. Two of them are joined in the middle, and

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1 that's from the same point. I just sort of rotated a little
2 bit. You can see I sort of sneezed or something when putting
3 them together, but --

4 Now, I gave staff a copy of these photographs
5 showing the story pole in it which is now covered up by the
6 little house cut-out which has been reduced to the scale to
7 fit that. And then what I've done as well is you have the
8 sort of the house next door on each side sort of showing
9 where the height of the ridge is with those houses compared
10 to where I am. So, I think we really have made this
11 subsidiary to what's going on.

12 If I can have you look at Item F, and that is the
13 staff concern that the proposed construction of the auto
14 arbor adjacent to the primary structure would constitute an
15 encroachment on the environmental setting of both the primary
16 resource and the Historic District and nullify all the
17 efforts to place the proposed new construction to the back of
18 Lot 25.

19 I thought I was potentially doing a good thing in
20 that it was going to be really sort of less of a garage, more
21 of a carport. It was to be open and light. And it was to
22 provide the sense of sort of a garden kind of structure.

23 Now, I was rude and didn't introduce Paul DiPiazza,
24 who is willing to buy this house. And I talked with him
25 after receiving the staff report. And if it's an issue,

1 which it is, then it's gone. I mean, it's not necessary.
2 Mr. DiPiazza is more concerned about the house for his family
3 than he is for housing his autos.

4 I think we're -- yeah, that's on F-2 if anybody can
5 make sense of my sort of stuff. And on F-2, what I'm trying
6 to show, F-1 is showing it with the auto arbor or carport.
7 And then F-2 is showing it without.

8 We already showed, which you have in your staff
9 packets but I guess you can see it a little bit again on F-2,
10 we had shown already a sort of a garden area in the front
11 that was set up for, basically I'd plant azaleas as a base,
12 and the DiPiazza's would put in perennials to sort of start
13 going from it.

14 But basically, to give -- right now, this yard has
15 a couple of decent trees that are really sort of on the sides
16 of it. But it really doesn't have a garden, per se. I mean,
17 not even a vegetable garden. And so this would be the start
18 of that kind of thing. It would be down in the front where
19 it could be seen by everybody. Could be sort of given
20 ownership if you will in appearance to the two houses on
21 either side, as well as everybody else.

22 And also would provide some screening for the
23 DiPiazza's from the street, since one of the things that
24 they've given up in this proposal is is that they're only 30
25 feet from the rear line which, you know, for kids playing and

1 stuff is a little restrictive. So, this way they're going to
2 sort of work a front yard and a back yard.

3 Item G, this is hard. This is sort of the -- these
4 are some of the statistics that I don't know how anybody can
5 sort of beat and build a house that would fit for a family.
6 I mean, you may be able to build a house for an individual
7 with sort of the restraints that are set up with some of the
8 Vision of Kensington stuff.

9 And I mean, my brother lived in a teeny little
10 house kind of thing, but he didn't -- I don't think he paid
11 his rent. So, I don't, you know, I don't think that's a
12 viable option. But I think that we've tried to address some
13 of that. And I think if you look at the G-1, that would --
14 I've labeled that apparent footprint. And that's because
15 really from the street that's what you see.

16 I mean, I know the footprint is bigger than some
17 people would like. But in terms of what one really sees,
18 what catches one's eye, there's not that much there. That's
19 dimensioned at 22 by 28. That's actually less than what the
20 10 percent coverage would be. I'm not saying it's perfect to
21 meet every -- make everybody happy, but I think it goes a
22 long way.

23 I think also if you were to look at what we have
24 labeled as the G-2, and honest, I'm getting to the end here.
25 At G-2, which is the last of those pages, on the top it says

1 lot coverage by recorded lot. At the bottom, it says lot
2 coverage by the View of Kensington.

3 If as you look across the top you see some
4 percentages. Lot 26, you see that labeled above Lot 26? Is
5 3920. The coverage that's existing, actually for the house
6 on that lot is 16.1. If you add in the shed that's back
7 there, it -- the shed actually brings it up to 17.3.

8 If you look at Lot 25, I figured out on the staff
9 report. I got rid of the auto arbor. We're looking at 15.9
10 percent including the existing garage that was already there
11 that we're going to fix up.

12 If you look at Lot 24, if you counted just what
13 structure is on Lot 24, it's 37.5 percent. Which is way
14 exceeds let alone a Vision of Kensington. It wouldn't be
15 allowed by regular zoning today.

16 The part of that kind of greenhouse thing that's
17 kind of cool there that's in the back is 12.5 percent
18 coverage on that lot. And but if you go to the bottom, if
19 you combined all the coverages, in other words, if you lumped
20 together the three lots, 27, 26 and 25, all of the structures
21 that are proposed to be on there -- we've lost the auto arbor
22 now, right, but I mean, we're with the existing garage, we're
23 with the house that I propose, we're with the existing house
24 at 3920, the amount of coverage is 10.7.

25 If we lump together, which has been the pattern

1 that's in this Vision of Kensington is lumping it together.
2 If we lump together the other two lots, 24 and 23 next door,
3 that coverage there is 25 percent. So even with the things
4 that I'm adding, I'm less than half of what's next door.

5 Now, let me just make an aside. I may be a little
6 off. I measure things for a living. I did run a tape
7 alongside this house at 3924. I did not go on the man's
8 property. But I made judgments based on where this -- where
9 his secondary structure there on the back, how far it was
10 from the fence line on the neighbor. I pulled a tape along
11 the front of his house down by the sidewalk. And I pulled a
12 tape along the side of the house all the way back, which was
13 well over 100 feet of house connection.

14 So, the numbers that I've got in here I believe are
15 fairly accurate. But even if they're off a little bit, I
16 think it gives a good sense of what's here.

17 Let me just say one last thing. And that is just
18 to refer you again to the very first item on the first page,
19 and that is is that the Master Plan for Historic Preservation
20 provides this. In quoting from it it says, the challenge is
21 to weave protection of this heritage into the County's
22 planning program so as to maximize community support for
23 preservation and minimize infringement on private property
24 rights.

25 This is not an easy thing that -- and I

1 Chair of the Local Advisory Panel, but I'm not speaking for
2 the Local Advisory Panel because they didn't meet on this
3 application. When we received the application for review, it
4 was incomplete.

5 We'd also thoroughly reviewed the Historic
6 Preservation Commission rules, guidelines and procedures last
7 November. And we had commented at that time that the
8 application before our review in November had been filed a
9 day after the deadline. And we were assured that the
10 Commission tries to work with applicants for slight
11 variations.

12 Well, this is not a slight variation. The
13 application was very incomplete, did not meet the definition
14 of a complete application. But yet, it was gone ahead and
15 advertised. And it very specifically defines that those
16 judged to be complete based upon the submission requirements
17 specified by the Commission and listed on the application
18 will be promptly forwarded to the Commission.

19 In our packet that we received on the 20th, it was
20 a complete application. It even has a letter dated February
21 the 11th, saying that glad to have a phone call to say that
22 there were questions on the application. Then, on the 16th,
23 he submits the missing information. And it's quite
24 significant. It is the layout on the property that's Circle
25 17. Would have been hard to review this application without

1 that.

2 So, the LAP did not review it. So, we can't
3 provide comments. I listened to the staff report with great
4 interest. I believe that it was an excellent staff report.
5 I would take you back to another document that there's been a
6 lot of thought put into, and that's the Visions of
7 Kensington. I was on the Commission when we commissioned the
8 Visions of Kensington report.

9 It's been adopted by the Town of Kensington. It's
10 been adopted by the Commission. It is the only planning
11 advice that we have. So, I think we need to go by the
12 Commission rules, guidelines and procedures. And we need to
13 follow the Visions of Kensington.

14 So, I would urge you to consider very strongly that
15 the development recommendations for this area of Kensington
16 should be respected. It needs a minimum of two lots. It
17 needs a maximum coverage of 10 percent. And it needs the
18 minimum front and side yard setbacks.

19 And to address the applicant's comments that he
20 wants to build a house for a family. And therefore, he can't
21 stay within the guidelines of an 850 square foot house. The
22 house one block over on Prospect Street that was shown is
23 approximately 900 square feet, and it is a house for a
24 family. The family's been very happily living there for
25 probably 15 years.

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1 There are a number of houses scattered throughout
2 the County. I owned two in Garrett Park. One was 850 square
3 feet, and it's a single story. And the other is about 920
4 square feet, and it's a single-story in the front and a
5 double-story in the back. They both are lived in by
6 families. And we haven't had any difficulty selling them.

7 I just think that staying within the 10 percent is
8 very important in this area. But I also believe that the
9 Commission does itself a disservice by adopting formal rules
10 and not following them.

11 MR. KOUSOULAS: Okay. Barry Peoples and Julie
12 O'Malley.

13 MS. O'MALLEY: I'm Julie O'Malley. I live on
14 Frederick Avenue in Kensington. And I'm writing for the
15 Preservation Committee of the Kensington Historical Society.
16 I submitted a letter that has been passed around. Basically,
17 my points are these.

18 When Mr. Hoobler brought in his preliminary plans
19 in November the staff very thoroughly examined the goals of
20 the Vision of Kensington for development guidelines in this
21 area located in the historical residential core of the
22 District. Property coverage figures give us the definite
23 total of nine percent in this area, and his is twice that.

24 The staff feels the mass and height of the building
25 will still overwhelm the primary resource, and we agree.

1 One of the committee members thought the side gable
2 design in the November B submission gave less height to the
3 building visually as well as actually. I believe that was
4 listed as 22 and a half feet. Well, this current one is 26
5 feet.

6 We also note that there are no homes in the
7 Historic District with garages in the front yard. In fact,
8 in the immediate quadrant there are 62 homes, and only 25
9 have detached garages. So everyone doesn't need a garage.
10 Several of those garages can't even be reached by cars.

11 The new house on Washington Street continues to
12 remind us of the drainage problems which can arise with too
13 high a percentage of lot coverage. And you also remember the
14 30-foot Magnolia tree that died shortly after construction of
15 the house ten feet away from it, and the installation of the
16 driveway.

17 While placing the house more to the rear of the lot
18 and adding plantings does improve the present application, it
19 still does not address all the issues and the recommendations
20 made at the preliminary consultation. In fact, the house
21 itself is taller and more massive than before.

22 We have stressed the importance of studying the
23 Vision of Kensington and following the recommendations made
24 in the last hearing. And we agree with the staff that this
25 application cannot be approved.

1 MR. PEOPLES: My name is Barry Peoples. I'm
2 presently President of the Kensington Historical Society.
3 And first, I would like to also encourage, one, thank the
4 staff for an excellent report. Two, thank the Commission for
5 doing an excellent job on this case in the past. Three,
6 also, ideally for us to call community meetings we do need a
7 three-week timeframe to have a complete application for -- to
8 give you good feedback from the community. And when at all
9 possible, if would adhere by that in the future.

10 What I find very interesting is that this applicant
11 is taking -- wants to build a home in an historic district,
12 however, does not want to abide by the historic district
13 guidelines. And yet, if he says, okay, let's ignore their
14 historic district guidelines like 10 percent, it's property
15 coverage. It's not lot coverage, it's property coverage.

16 That this lot in any other part of Montgomery
17 County would not be buildable. In any other part of
18 Montgomery County, it takes a 60-foot lot. In Kensington, it
19 is a buildable lot at 50 feet. However, it has -- it should
20 abide by the guidelines. The community has bought and
21 maintains and improves homes in this area because we want to
22 live in an historic district.

23 If this gentleman wants to build a home and does
24 not want to abide by historic district guidelines, there are
25 plenty of other lots to be built around the County and in

1 other areas.

2 There are many rules that we all have to abide by,
3 like stopping at a stop sign. It's not kind of stopping at a
4 stop sign. It's like taxation. If I come to a commission, a
5 government commission and say, well, I don't want to pay any
6 of my taxes. Next time I come I say, okay, I want to pay 75
7 percent of my taxes. The next time I come I'm going to say I
8 want to pay 50 percent of my taxes, only. Why aren't you
9 compromising? I've met you halfway. Why aren't you meeting
10 me halfway?

11 There are rules and regulations, including zoning
12 regulations as well as including historic districts that once
13 again the community applauds you on the staff and the
14 Commission for holding to the guidelines.

15 And that if any builder wants to build within the
16 historic district, that's fine. But they should adhere and
17 abide by the existing rules. Not come in with absurd
18 proposals, compromise to just semi-absurd proposals, and say
19 why isn't Commission compromising. I really think that's an
20 unfair statement on the individual's part.

21 And that the real point here is not whether the
22 gentleman can build or not build. It's that he wants to
23 break all the rules to maximize his profit at the expense of
24 the community, and I think that's entirely unfair.

25 MR. KOUSOULAS: Thank you. Helen Wilkes and Jack

1 McCrory and John Lossing.

2 MR. MCCRORY: Jack McCrory will pass.

3 MR. KOUSOULAS: Okay.

4 MS. WILKES: Good evening. I'm Helen Wilkes. I'm
5 a neighbor at 3923 Prospect Street to this applicant. As a
6 neighbor, I believe, I still believe, I've stated this
7 before, I believe in my heart of hearts that this is not one
8 of the lots in Kensington that ought to be built as in terms
9 of its detriment to the green space.

10 I know that there's been some time spent
11 quantifying why that's so, and there are statistics before
12 you. And as an architect, I know that it would be
13 detrimental to the historic district to build the applicant's
14 proposal that is before you in terms of the damage it would
15 do because of its massing, the disruption to the rhythm of
16 the streetscape, the disruption to the historic pattern of
17 development that exists, has existed there for all these
18 years.

19 And I might add, regarding Mr. Hoobler's point
20 regarding Mr. Warner's intention for that single lot. Mr.
21 Warner was, after all, a businessman and a speculator. And a
22 smart one, at that. And he did use those lots as currency,
23 as it were. He would have loved to have sold every single
24 lot as, perhaps.

25 And yet, we'll never know the answer to that, and

1 yet, he built his own house on this central oval with 19 so-
2 called buildable lots around it, clearly not with the
3 intention of building those lots because his own, the house
4 that he built inhabits the oval. And it's clearly intended
5 to have all the green space around it.

6 So, one can speculate as to what his intentions and
7 motives were, but I think that basically for him to have
8 wanted, have stated that, you know, as a selling point that a
9 2,500 square foot house is an attractive thing, feature for
10 that lot would be understandable. And yet, the historic
11 pattern of development was not that, especially along
12 Baltimore Street.

13 It was in some areas of Kensington, yes. There
14 were 50-foot lots built. And they were not built with 2,500
15 square foot houses. For example, the Weissman house on
16 Prospect Street which has been mentioned here before, the 900
17 square foot house which has been inhabited by a family and
18 families before them quite comfortably.

19 Another example of a house that's smaller than
20 2,500 square feet is the house that I live in at 3923
21 Prospect Street which has an approximately 950 square foot
22 footprint. And it was built on two lots, although it
23 inhabits one lot with the other lot falling away to the side.
24 It was a 950 square foot footprint with about 400 square feet
25 of porch, a wrap-around porch added to that. So the

1 footprint is actually larger.

2 But it's about 22, 2,300 square feet of space. And
3 my family of five plus one babysitter, a live-in babysitter
4 have lived there for almost nine years. It will be nine
5 years on Saturday. Which is all to say that families can and
6 do live in smaller houses than a builder would like to build.
7 And that a builder has a buyer is in no way a justification
8 for building a house that is much larger than the historic
9 district merits or needs.

10 And to boot, one which would be disruptive to the
11 historic district which it purports to want to be part of.
12 And I'd be very willing to take Mr. DiPiazza and his wife,
13 family, and Mr. Hoobler if he'd like to come along, on a
14 walking tour of the historic district and show them what
15 happens, what is the historic district historic pattern of
16 development. Why would this piece be detrimental.

17 I dare say that if Mr. DiPiazza lives in Kensington
18 in the historic district he may want to know why people are
19 upset about the house that he would like to live in, and the
20 disruption that it would do to that historic fabric.

21 I would also like to say, as a founding member and
22 the President of the Kensington Land Trust that it is still
23 my hope that we can perhaps take an easement on this
24 property, ultimately. And the Land Trust has retained an
25 attorney, a land use attorney, and we are working toward the

1 goal of getting to our first easement. And it would be
2 lovely if it were on this property, it really would.

3 But I am willing to sit down, as stated before,
4 before this Commission with Mr. Hoobler or Mrs. Ahearn and
5 talk about creative ways to save this property so that they
6 can be heroes to our community and the community can go on
7 thriving as an intact historic district. Thank you.

8 DR. LOSSING: I'm Dr. Lossing. I live in the house
9 next door to the west which on the diagram was the one with
10 the porch. I'm the guy, I heard tonight that my Mulberry
11 tree is attacking his garage.

12 MR. HOOBLER: It looks like.

13 DR. LOSSING: There's another slide that shows the
14 garage. Yeah, see the garage. Mr. Hoobler said that he
15 measures things for a living. I do, too. I'm a neurologist
16 downtown. So, I went out there yesterday with a spear level
17 and put it on that garage.

18 And it turns out that the garage actually is
19 tilting to the right to the west three inches off plumb at
20 eight feet. And the reason is there's wear rot down that
21 back corner. And it is true that there's sort of a fight
22 going on between his garage and my Mulberry tree. But it's
23 his garage that's attacking my Mulberry tree. And it just
24 happens that my Mulberry tree is winning.

25 So, can you show that other slide of the back of

1 the garage? And there's another one. There's the Mulberry
 2 tree over on the back. See, it's holding that garage up.
 3 There it is. Anybody can see that that garage is tilted.
 4 And where I put the spear level is right down there. And
 5 that's three inches west. So, the garage is trying to get
 6 out of this embarrassing situation by migrating west.

7 I invite Mr. Hoobler, if he wants to cut that
 8 branch off it's fine with me. It may be his half of the
 9 tree. But it might -- the garage might fall down, and you
 10 have to be prepared to protect the garage.

11 The other issue has to do in the submission that
 12 there is a displacement of soils to bow the west side of the
 13 garage. The garage is two foot off the property line, so
 14 that soil is on his property. And he's welcome to come on to
 15 my property. I can take the fence down for him. If he wants
 16 to excavate that and bow that garage back.

17 I'm sure if he put a pneumatic pusher inside, you
 18 could push that back. I think it would be okay. It would be
 19 an experiment and I'd be happy to see what happened. But I'd
 20 say if you cut that branch off prepare to jump back.

21 Mr. Hoobler measures things for a living, and he
 22 represented to the Commission that my Mulberry tree was
 23 attacking his garage and displacing it to the east. That's
 24 not true. It's the other way around. So, you have to think
 25 about the validity of all the other represented measurements.

1 Now, I want to give Mr. Hoobler credit for the
2 depiction of what he's trying to accomplish which is he's
3 trying to get a tromp l'oeuil approach to make that house
4 nestled in between the other historic houses look far away
5 and small. And the first thing I'd represent that if he were
6 to build it in Georgetown it would look smaller yet. Because
7 it would be a long way away.

8 He thinks that by putting the house 93 feet off the
9 front that it's going to look smaller. And sure enough it
10 has a smaller aspect ratio. It looks smaller. The problem
11 is that as he pushes it further and further back, and
12 remember that the back is the big part of the house, it looks
13 bigger and bigger from the south. And the south is Prospect
14 Street, and Prospect Street is part of the Historic District,
15 too. And that is also a big area of an open space.

16 And not only is that vista back there an important
17 open space with trees and so on, but by shoving that house
18 way back to the back, the size of it, it's going to overwhelm
19 the houses on either side plus the houses that you see
20 looking through from Prospect Street that are on Baltimore
21 Street, such as Mrs. Ahearn's house and even my house might
22 look small by perspective because this is something like 40,
23 35 feet back of mine.

24 Depending on whether or not the Commission and the
25 staff would think it's important how things look when you

1 look through from Prospect, you have to take that into
2 account. And I don't think there's a story stick approach to
3 that in his representation today.

4 The other thing is the height. The height of the
5 house overall is about 30 feet, 28 and a half and two and a
6 half inches, but prospect street is quite a bit lower than
7 Baltimore Street for some reason. It's just the way the hill
8 is. And where the Prospect Street is compared to this
9 property it's probably 12, 14 feet below that hill.

10 The reason my house has the pump in the garage and
11 used to have the water tower is it was the top of the hill.
12 So, that further makes this house that is about 30 feet high
13 look higher from the Prospect Street vantage point. So,
14 stuck back and high as it would, it would really stick up.
15 It would look like the Mormon Temple stuck in the corner.

16 And I invite the staff before they go further with
17 this to do that analysis which is a rhythm and spacing
18 analysis of how this house which would actually sort of front
19 on Prospect Street would look. And I think that it would
20 spoil the rhythm of Prospect Street.

21 It's an interesting idea, but it just doesn't work.
22 With regard to the historic issues about Brainerd Warner, I'd
23 love to see that. It ought to be part of our historic
24 society documents. Because it's a fascinating document, and
25 to comply with a historic sentiment I'm willing to offer Mr.

1 Hoobler \$500 for that lot tonight. Does that make you feel
2 any better?

3 MR. HOOBLER: You're the first one that's actually
4 come up with a number.

5 DR. LOSSING: So, anyway, that's my idea. And then
6 I'm also happy to meet any Member of the Commission with a
7 spear level and show you how that thing is looming. Thanks.

8 MR. KOUSOULAS: Thank you. Mr. DiPiazza, would you
9 like to speak separately?

10 MR. DIPIAZZA: No.

11 MR. KOUSOULAS: You've got -- okay. Did you want
12 to come back up? Let me speak briefly on saying that the
13 package was deficient when it was received, and all that. My
14 understanding is that our Ordinance and our guidelines ask
15 for a form, a plat and drawings.

16 MS. ZIEK: Adjacent neighbors, it's on Circle 11 on
17 the back of the application is the requirements. Plans and
18 elevations, site plan, general description, anyway
19 photographs, materials, specifications, true survey. The law
20 stipulates that the HPC can ask for further information as
21 necessary to satisfy, you know, your needs for information.
22 But Circle 11 is the back of the application that everybody
23 receives telling them what they need to bring in.

24 MR. KOUSOULAS: And probably the main item that was
25 really left out was this Circle 17, that is the -- what's

1 showing up on Circle 16, all that material.

2 (Indiscernible from audience.)

3 MR. HONDOWICZ: I think they're going to have to
4 get on a mic. if we're going to have some back and forth.

5 MR. WAGNER: Hi, I'm Jim Wagner. Also a member of
6 the Town of Kensington. This is from memory, but I believe
7 the dimensions were added subsequent to the original
8 application. I think Circle 17 was totally added. Nineteen
9 originally had the height but it didn't have the height above
10 the soil.

11 Same with 20, 20 didn't have the dimension at the
12 top where it says two feet, zero. The south elevation had no
13 dimensions, that's Circle 21. The Circle 22 now has the note
14 to the skylights. The exterior basement steps weren't
15 indicated in the original. The dimensions there, minimum I
16 guess that says eight inches. The specifications of the
17 skylight.

18 As a matter of fact, Circle 22 says revised
19 2/16/98. I think that's the ones that come to my mind.

20 MR. KOUSOULAS: Thanks.

21 MR. WAGNER: You're welcome. Well, though there
22 are clearly are a bunch of most of the numerical descriptions
23 and some notation missing from the packet, the original
24 packet, it also seems to be substantially like other packets
25 the Commission receives.

1 And I think the Commission should decide whether
2 there's enough information before the hearing to judge this
3 application or not. So, we'll go ahead. Because it seems
4 that this was substantially complete. So, we'll go ahead on
5 that.

6 As far as the other point about whether we should
7 stick to numbers, it was brought up that the zoning and
8 things like this, or taxation, that you can't pay 75 percent
9 of your taxes and that sort of thing. In most cases like
10 zoning and building ordinances there's usually a provision
11 for variances or waivers to get around that strict numerical
12 guideline.

13 Our code isn't anything like that. The guidelines
14 are guidelines. I think we need to look at the figures like
15 10 percent as a benchmark. 10.2 percent might not be too
16 much, 13 might be way too much, who knows. But I think it's
17 more of a benchmark rather than a strict dividing line.

18 MR. PEOPLES: But I would take you all the way back
19 to our Declaration of Independence and some of the other
20 original documentation for this country which talks about not
21 just the letter of the law, but of the spirit of the law.
22 And I think the spirit of the law with the historic district,
23 you know, as obviously you are, probably you and
24 Commissioners are all experts in this area, and I think we
25 all agree it's talking about protecting the garden

1 environment, protecting the rhythm.

2 MR. KOUSOULAS: I would agree with you 100 percent.
3 I mean, that's why particularly with the Preservation
4 Ordinance the spirit of the law becomes so important, because
5 the guidelines have a degree of flexibility compared to
6 things like zoning ordinances where -- and so I'd agree with
7 you 100 percent, that we need to look at the spirit of what's
8 intended with the --

9 MR. PEOPLES: Right.

10 MR. KOUSOULAS: -- open space.

11 MR. PEOPLES: As well as, you know, I'd also like
12 to go on record as I had called Mrs. Ahearn personally to see
13 if she would be interested in looking at other proposals.
14 She deferred me to Mr. Hoobler, and Mr. Hoobler, I even went
15 to the Executive Committee of the Kensington Historical
16 Society, got approval for funding for us to pay for an
17 appraisal of the open lot to look at some alternatives for
18 Mrs. Ahearn. And she deferred me to Mr. Hoobler, and Mr.
19 Hoobler was not willing to allow us to do -- on to the
20 property to do an appraisal.

21 So, if somebody is really interested in finding a
22 good alternative, it doesn't seem like the spirit is really
23 there of compromise that Mr. Hoobler keeps talking and
24 referring to.

25 MR. KOUSOULAS: Well, I think the spirit you're

1 talking about is how this Commission looks at the Ordinance.
2 I mean, how the applicant chooses to approach this project is
3 his business entirely.

4 MR. PEOPLES: Thank you.

5 MR. KOUSOULAS: Mr. Hoobler.

6 MR. HOOBLER: This is the same stuff. I mean, you
7 know, just again, I've never been invited to any of these
8 meetings of these different organizations. The comment about
9 the width of the lots, I mean, there are lots in Brook Haven,
10 Takoma Park, Cabin John, that are 40 foot wide. You know, I
11 mean, we're dealing with 50-foot wide lots here because this
12 is what's here and this is what's legal. And that's what we
13 have here.

14 MR. KOUSOULAS: Okay. Well, why don't we see what
15 comments and questions that are from the Commission?

16 MS. LANIGAN: I'll start. I'd like to say that I
17 think I've been at most of the meetings where this project
18 has been discussed. I think staff has very thoroughly
19 pointed out the deficiencies in the application. I remember
20 at the last meeting I believe that I said that I would not be
21 comfortable voting for any footprint of a building larger
22 than 800 square feet. The staff has been consistent in their
23 recommendations.

24 This is the third time that this has been back, and
25 it's changed slightly. But it is not there yet. I have

1 listened to your comments on each point that the staff made,
2 and I evaluated that. And all I can say is it's not there
3 yet, and I totally agree with the staff report at this point.

4 MS. SODERBERG: I agree. I just wanted to point
5 out that although you have said that each time that you've
6 reduced the size of the house, I've been figuring this out,
7 and this time according -- you have reduced it from B -- I
8 mean, Proposal A, the footprint by about 33 square feet.

9 But you've probably added, we don't know what the
10 square footage of the second story it, from looking at the
11 drawings, we still don't have a clear idea of what the total
12 square footage of the house is, that is, what the bulk is of
13 the whole house. And from the information that you have
14 given us, it doesn't look to me like you've actually reduced
15 the size.

16 MR. HOOBLER: Could you refer me to a page in the
17 previous two proposals that -- I'm confused about the 33
18 square feet that you mentioned.

19 MS. SODERBERG: Certainly. In the November
20 proposal, on --

21 MS. ZIEK: That would be Attachment 2.

22 MS. SODERBERG: Proposal A is 15 --

23 MR. HOOBLER: What page? Four? Thank you.

24 MS. SODERBERG: I'm -- yeah.

25 MS. ZIEK: Circle 13?

1 MS. SODERBERG: Yes, Circle 13 of the November
2 application shows that Proposal A is 1,536 square feet.

3 MR. HOOBLER: That's for the house alone.

4 MS. SODERBERG: Right.

5 MR. HOOBLER: Right. And our footprint right now
6 is 1,100 and something. So, that's not 33 feet different.

7 MS. SODERBERG: Okay.

8 MR. HOOBLER: It's 300 and something.

9 MS. SODERBERG: I'm sorry. On that, 300. But it
10 still, the fact that I don't have any idea of what the bulk
11 is of the house, what it's going to -- and I don't have any
12 clear idea of what the house is going to look like.

13 MR. HOOBLER: You mean from the elevations?

14 MS. SODERBERG: Um-hmm.

15 MR. SPURLOCK: Could I jump in?

16 MS. SODERBERG: Go ahead.

17 MR. SPURLOCK: I think some of the speakers from
18 the community have brought up a very valid point that the
19 streets are lower on either side of the property. And I
20 think considering the indentations on your footprint, Circle
21 18, are really only on the first floor.

22 MR. HOOBLER: That's correct.

23 MR. SPURLOCK: On the second floor, I can calculate
24 it by about 110 square feet of space. I think from the
25 streetscape, the house is really going to appear to be more

1 like 1,250 square feet as opposed to 1,143 which the report
2 says.

3 And I think, looking back at this Attachment 2 on
4 Page 12, the original house not counting the front porch
5 which is not really enclosed space was 1,312 square feet.
6 So, the net difference --

7 MR. HOOBLER: On --

8 MR. SPURLOCK: That's Circle 12 on Attachment 2.

9 MR. HOOBLER: Okay. I'm sorry --

10 MR. SPURLOCK: Make the --

11 MR. HOOBLER: -- say that again?

12 MR. SPURLOCK: Well, the two proposals for enclosed
13 house footprint were approximately 1,312 or 1,330 depending
14 on which design proposal we're considering. So, the apparent
15 footprint or the apparent bulk of the house has really not
16 been substantially reduced as I read this.

17 But I guess I don't -- and I think the Chairman
18 made a very good point. I mean, we're not here to calculate
19 down to the hundredth degree or hundredth decimal point about
20 square footages. And I think the intent and the spirit of
21 what we're looking at is most critical. And I think that I
22 would like to commend the staff on an excellent report.

23 And I think I would agree with them that the house
24 still, the apparent bulk of the house is still larger than
25 what the guidelines would recommend. And I do think that

1 those guidelines were developed with a lot of thought and a
2 lot of study. And I think that the house, as currently
3 proposed, is still larger than it should be.

4 MR. HONDOWICZ: I would start with a question.
5 Your application calls for moving the existing garage forward
6 from where it's current located, right?

7 MR. HOOBLER: Yes.

8 MR. HONDOWICZ: If you instead of moving it forward
9 took the garage and put it as far back on the property as
10 possible, that probably based on how you're designing the
11 house would not work, per se, but if you then proceeded to
12 cut the rear of the house enough to accommodate the garage do
13 you have any rough idea how much footage we're talking about?

14 MR. HOOBLER: I think the garage could fit on the
15 rear without having to cut the house.

16 MR. HONDOWICZ: Okay.

17 MR. HOOBLER: It's a 30-foot rear yard.

18 MR. HONDOWICZ: Okay. First of all, on the merits,
19 let me just tell everyone where I am with that at this point.
20 I think the applicant and the community have both made some
21 very good presentations.

22 I would add, as I think I've made a point in all
23 previous hearings dealing with this property, that I do not
24 consider a no build option a responsible approach that I
25 could take as a member of this Commission. That's not the

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1 issue, fortunately. But I just want to make that clear on
2 the record. I don't think that's defensible under the
3 ordinance.

4 I also feel that what we have before us is a
5 dramatic improvement, does show a progression from earlier
6 proposals. But I also believe that the spirit of the Vision
7 of Kensington is something that's fairly clear.

8 However, what I hope we look to a little bit more
9 is a possibility of trying to modify what we have here
10 towards something that we could agree to tonight. I don't
11 think it's really that far off, personally.

12 For example, I was glad that you mentioned getting
13 rid of the auto arbor because before the community responded
14 and I was just based on just what you said, I was thinking
15 that, you know, without that then maybe the rest of the
16 project would be viable. So, clearly that is something I
17 think everyone recognizes should go.

18 Second, in terms of where the garage would be place
19 based on the application, I think both addressing the
20 suggestion that Commissioner Spurlock made regarding zoning
21 issues and appearances relative to historical integrity,
22 having the garage to the rear is probably more appropriate
23 than the garage forward.

24 Not having a garage at all is also not an option,
25 because we're talking a garage that's already there that's

1 part of the historic structure. So, I mean, the issue of you
2 don't need a garage is something that's also not viable.

3 And I also well take the point in terms of the
4 front perspective of the house it probably is not as visual,
5 not as imposing as one might think. But then again, the
6 community made a good point that you're also talking about
7 the rear of the structure as well.

8 And a very good point made by the community in
9 regards to the little bit of history you uncovered is we are
10 talking about the integrity of the entire district. Whatever
11 might be the history of this particular lot, it's certainly
12 not -- what you were mentioning is not consistent with what
13 the history of the community is as a whole. The district, as
14 a whole is, so that's sort of a moot point.

15 I would wonder and, you know, we get into a game of
16 numbers here. And I'm not to the point of suggesting
17 anything specific, but I would wonder if removing the auto
18 arbor, putting the garage in the rear and limiting the height
19 of the structure to no more than one and a half stories, of
20 not just plain one story might not be consistent with the
21 historical integrity of the district.

22 Now, that might not be something that you consider
23 viable based on your needs. But that is something that I
24 think is worth exploring from the standpoint of trying to
25 come up with something that could pass muster. And that's

1 just a suggestion. I'm not saying that's something I would
2 automatically agree to. It's just something I throw out for
3 my colleagues.

4 MS. EIG: I would certainly agree with my
5 colleagues that this is too large. I think that I would
6 agree with Commissioner Lanigan and Commissioner Spurlock
7 particularly in commenting on the design and bulk of the
8 house.

9 I am particularly concerned about the effect of the
10 house being pushed back as it is, because of the effect on
11 Prospect Street. We've heard a lot of discussion of the
12 effect on the house being pushed back. But we haven't seen
13 what it would look like. And that's an important aspect.
14 Because as the community points out, Prospect Street is also
15 part of the historic district.

16 Clearly, I believe clearly that this is too large a
17 structure for the site. And I don't think I have anything
18 more that I can add that would help this evening.

19 MR. KOUSOULAS: The analysis on both sides bring up
20 a lot of interesting points. The, what is here, G-2 is an
21 interesting diagram because it basically shows that you could
22 plop your house behind 3920 butted up to it and you'd have an
23 addition that would be well within the recommendations in the
24 Vision.

25 So, I think that it shows the problem of sticking

1 to numbers precisely. Because it's not just a matter of 10
2 percent, it's where the 10 percent gets located. I could
3 imagine that you could probably go up to 15 percent lot
4 coverage on those three lots if it was butted up to the back
5 of 3920. That's a possibility. But the 10.7, the way it's
6 spread around the site is something else entirely.

7 The other issue is the one of the intent of the
8 original owner of the lot. It's been brought up a number of
9 times before in these Kensington cases that the intent of
10 these lots was really not as subdivided, buildable lots but
11 as increments of land.

12 Well, that's always been used as an argument that
13 these increments of land were never all intended to be built
14 on. I don't think that's ever really been the position of
15 the majority of this Commission at any time. And so, in this
16 case though I think it's interesting that in fact this guy
17 actually may have been hoping somebody would build a nice
18 brick home of substantial values in that time next door to
19 the 3920.

20 It doesn't really matter because it never mattered
21 before in these cases. I don't think we were ever looking at
22 the lots in that way. We've tried to focus on whether the
23 house that's proposed makes sense in the gap that's existing
24 there today. And the gap has relevance to the entire
25 district.

1 My biggest concern is to what extent does this
2 house that you've got here, where does it vanish to before it
3 becomes acceptable. And how far does it shrink down before
4 it is no longer a house. And that's the thing I'm wrestling
5 with.

6 I probably agree a bit more with Commissioner
7 Hondowicz that I would like to push and tug this thing to see
8 if there's a place to get it to. I'm not prepared to sort of
9 dismiss the application outright, but I can't approve the
10 thing that's sitting there now.

11 MR. HOOBLER: Can I make a comment? There is a
12 push and a tug with this. It's hard to get sort of squeezed
13 one way and not want to try to go the other way. No one here
14 tonight that testified about all the wonderful houses that
15 are, you know, under 1,000 square feet lives in a house that
16 has a footprint that's, you know, under 1,000 and that kind
17 of thing.

18 I mean, the houses are more substantial than that.
19 I mean, some of the houses have porches that are three or --
20 300 square feet probably readily. So, the first proposal
21 that I actually brought here, it was a house that was very
22 vertical. It had a lot of porches and the porches were
23 counted in on the square footage. But it was -- I tried to
24 avoid just sort of a box.

25 And it's push and pull where we are on the lot,

1 too. I mean, I started out in front. And then I get pushed
2 back a little bit to the middle. And now I've pushed back to
3 the back and now I'm -- it needs to push another way.

4 The Proposal B which was the time we met in
5 November was a house that was the shortest by far. But it --
6 you guys felt that it was too strong, kind of a statement
7 that that kind of house, the facade that it had. I don't
8 know if there's a different way to just sort of dress that
9 kind of house. But the square footage that was on the ground
10 was larger than this, but the house was much shorter.

11 I mean, I -- granted it may be up -- that this is
12 sort of where the top of the hill is back here at the back of
13 the lot. But that is a fairly long way from both sides to
14 see. And the lots over on that part of Prospect Street do
15 have a lot of vegetation and actually some gardens, as such.
16 So, you know, maybe something that was like a bungalow in
17 height might -- you know, might, you know, help with this.

18 But you know, I tried that. I'm -- anyway, I'm
19 rambling.

20 MS. SODERBERG: I just wanted to say something that
21 hasn't been pointed out before. As you say, you have put a
22 lot of effort into this and tried to go along with what we
23 wished. But as a matter of fact, if you had read the
24 Kensington guidelines before you submitted the first proposal
25 if you had given us something that went with those guidelines

1 from the beginning then we could have worked with it.

2 What we've had is something that was twice as big
3 in their first proposal as it was supposed to be. And then
4 we're trying to whittle that down so it comes within the
5 guidelines and fits into the community. And I think that you
6 can certainly build a house that takes up only 10 percent of
7 the space on the plot. And have a very livable house with
8 only a 1,800 square foot footprint. I mean, I'm sorry, a 800
9 square foot footprint.

10 DR. LOSSING: May I respond to a historical -- this
11 is the right place to talk about history, at HPC. I'm the
12 owner of the house next door. I thought that was fascinating
13 that you found the documents about what Warner had in mind
14 for that.

15 My understanding of the several parcels, we bought
16 that house from the daughter of the man that built the house
17 in 1901. So we heard all the stories.

18 When you look at the site diagrams, and you have
19 ours on there, too, you notice that our house is eccentric on
20 two lots. It's shoved way over next to the subject lot,
21 instead of being centered. The reason is that Frank Chapman
22 was going to buy this lot, and he paid 500 each for those two
23 lots. The house cost \$10,000 in 1901. And he was going to
24 buy that lot.

25 And then something happened. He couldn't swing it.

1 But his house was already half built. It fell through. An
2 that's why up through the '50's the coal shoot is always from
3 your driveway. So, whenever they came to deliver coal to our
4 house, they had to go up your drive because that's where the
5 coal shoot was. He had always anticipated that's where the -
6 - he would own that lot. So, that's --

7 Then, the other historic thing you said nobody here
8 lives in a little house. Our retirement house actually is in
9 Pennsylvania. And it's 900 square foot total upstairs, and
10 that's no footprint, that's upstairs and downstairs. It's a
11 antebellum stone farmhouse. We like it.

12 We have two children. It's plenty big enough for
13 two. But I want you to know that that house in the previous
14 generation that 11 children were raised out of that house.
15 Plus, 5,000 guinea hens around it. So, that's -- there's
16 proof that you can live in a small house, and we still do.

17 MR. HOOBLER: My mom had a goat that lived in her
18 house in Europe but -- and just a point of information. I
19 used to live on Hawkins Lane. I know what it's like to live
20 in a small house. However, on the birth of our third child
21 it was time to go. So, anyway.

22 MS. EIG: I would like to comment about the issue
23 of the form of the house, is that we haven't said, I think
24 that it's a -- the design that has been put forward has gone
25 a very long way to try to make this look like an accessory

1 you're saying it's a full floor or about 120 percent, the
2 second floor to first floor ratio, it looks like the house is
3 at least 33 percent smaller than it was.

4 But it still doesn't seem to be small enough. I
5 guess my question to the Commission and to the applicant at
6 this point would be can you realistically go any smaller to
7 the point that it's worth the Commission looking into this?
8 I mean, the Commission seems to be saying that it's not small
9 enough yet.

10 MR. HOBLER: The only thing I can think of -- Paul
11 and I sort of tried to massage what was going on inside the
12 house to fit for his family's needs. And this proposal was
13 born out of a meeting, George, that you were at and staff was
14 at. And we tried to sort of come up with something that
15 didn't look like a house, that didn't look big, that, you
16 know, was just sort of something that didn't, you know, sort
17 of want to address the street.

18 Initially, on the -- this house right now is sort
19 of an L shaped. And there -- it's got a gable on the front
20 and then it's got a gable on that L. It did not have a gable
21 on the L initially coming out of that meeting. But I was
22 concerned that it didn't sort of work out the roof line
23 enough to get the space inside to work with decent ceiling
24 heights. And so that's the reason why it changed to a gable.

25 If -- I guess if you were to look at the -- I've

1 got so many of these I don't know where to -- if you were to
2 look at Circle 20 on the current package from staff, if there
3 would be -- and this would be something I'd have to work out
4 with Paul, but if there would be a way to make that into some
5 sort of shed dormer situation, then as you look at Circle 21
6 from the rear, I think you would read as a one and a half
7 story.

8 And I think if you look at the front elevation, I
9 think it would help it read smaller as well. But I really --
10 to -- with this particular plan in front of you, we really
11 sort of have tried to massage the square footage. I know it
12 doesn't appeal to everybody, but --

13 MR. HONDOWICZ: I have two questions here. First
14 of all, on Circle 19 of the current staff report, got a lot
15 of paper in front of us, to the left side of that drawing,
16 I'm seeing two representations I believe of height. And I
17 get the impression that when it says max. 24 inches down on
18 the bottom that that is -- what is that covering in terms --
19 in other words, is the elevation 26, 2 and a half, or do you
20 have to add that to the 24 to account for the slope of the
21 ground? Or does -- what does those dimensions on Circle 19
22 represent?

23 MR. HOBLER: Okay. When I was trying to show you
24 in the photographs where the story pole had been used and
25 then the little house had been scaled to fit that, the 26, 2

1 and a half is used as the top of the ridge to the first floor
2 level.

3 MR. HONDOWICZ: Okay.

4 MR. HOOBLER: That was the method on the first
5 application that staff --

6 MS. ZIEK: Maybe I can clear this up just a little
7 bit. Part of the problem is that with new house construction
8 one is always concerned about how the house will actually sit
9 on the lot.

10 MR. HONDOWICZ: Right.

11 MS. ZIEK: And that very much has to do with the
12 elevation and the finished elevation related to finished
13 grade. The applicant hasn't done a full grading plan and
14 hasn't, of course, because he doesn't know if he can go ahead
15 with the project.

16 And so, we thought that if we gave a relative
17 finished elevation --

18 MR. HONDOWICZ: Um-hmm.

19 MS. ZIEK: -- that that would give you some
20 assurance that some of the other things that have happened in
21 other projects wasn't going to happen here. In other words,
22 there will literally be three steps to those double doors
23 because the grade will be, as you approve it if you approved
24 it, you know, a maximum of 24 inches. But that's where this
25 comes in.

1 So, the height of the building total would be the
2 height from finished first floor to the ridge plus that 24
3 inches if you were reading the elevation at that corner. And
4 if you were reading it at the opposite corner where it says a
5 minimum of eight inches, we don't know what the max. or what
6 it would be, it would be the 26 feet, 2 and a half inches
7 plus the eight inches.

8 MR. HOBLER: Let me add a caveat to that, though,
9 which I mentioned when I brought that picture around. And
10 that is is that I've included two other things in the picture
11 that you saw. One is is that you actually have the band, you
12 have the floor joists themselves. And that as you see the --
13 if you look on that Circle 19, you see the 26, 2 and a half.
14 You come down the line, then you see a little space, and then
15 you see the maximum of 24 inches shown to that. That's the
16 band. That was taken into account when I did that story
17 pole.

18 Also, what was taken into account with that story
19 pole is the fact that the grade is higher. It's about
20 probably changes about three feet from that back corner to
21 the front of the house here. So, what we did is we held it
22 down at eight inches there in the back. And then allowed for
23 that in the front.

24 So, there is some grading that gets brought up to
25 the front. But how that house was held up in that picture

1 accounts for that. So, the ridge height that you see is the
2 ridge height that it will be.

3 MR. HONDOWICZ: Okay. The other question I have
4 regards to Circle 5, near the top of the page it refers to
5 the footprint. And let's for a moment, we can scratch the
6 auto arbor, I think, and the garage is still part of the
7 issue. I'd like to just focus on the house because I -- you
8 can't really do much with the garage in terms of footprint.

9 Could you -- this may have already been stated but
10 since things can get lost in all the shuffle of discussion
11 and papers, could either the applicant and/or staff tell me
12 again what does this number represent? Does it account for
13 the entire proposal or just for -- is there an additional
14 footprint from the top level relative to the bottom?

15 I just want to get more of an idea of, you know, I
16 think we're going to be working off of this number if we talk
17 about trying to cut the size down. And before we do that, I
18 want to understand clearly what that number represents.

19 MS. ZIEK: You're on Circle 5?

20 MR. HONDOWICZ: Yes.

21 MS. ZIEK: Then you're looking at the footprint
22 portion?

23 MR. HONDOWICZ: Yes. Yes.

24 MS. ZIEK: The footprint would be literally
25 measured where the house touches the ground, or if there was

1 a cut line if you cut the section through the house right,
2 say, four feet above the ground level, that's sort of a
3 convention. But it doesn't take into account any variation
4 on the second floor.

5 One of the things that we haven't seen are
6 floorplans. And you may say that you need floorplans to
7 understand this structure, and you would be within your right
8 to do that.

9 MR. HONDOWICZ: Okay. So, I would just add briefly
10 in passing before I yield to any of my colleagues who want to
11 comment that I think based on what staff just said that this
12 makes the case stronger that if the applicant wants to have a
13 chance, and it's only a chance, of getting something by the
14 Commission today I think clearly cutting down from two
15 stories is something that's going to be necessary.

16 MS. LANIGAN: I think we've sort of exhausted all
17 of our remedies here, and I'd like to make a motion. I move
18 that in Case No. 31/6-98A, 3922 Baltimore Street, Kensington
19 Historic District, that the Historic Area Work Permit before
20 us be denied based on the reasons given in the staff report.

21 MS. SODERBERG: I'll second that.

22 MR. KOUSOULAS: I'll close the public record. Is
23 there any discussion on the motion?

24 MR. HONDOWICZ: Mr. Chairman, I thoroughly respect
25 the point made both in the last comments and in the actual

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1 motion by our Vice-Chair, but I personally do not feel that
2 we have thoroughly exhausted the options here. We may have
3 gone to that point, but I think at this point the motion
4 would be premature.

5 So, based on that, if we proceed with this motion
6 at this time, for those reasons and not necessarily because I
7 disagree with the rationale of the staff report, I would vote
8 against a motion.

9 MR. KOUSOULAS: I think we have a valid motion and
10 a second, so we can proceed. Any other questions? All those
11 in favor of the motion, raise your right hand. All those
12 opposed. The motion passes, 5-1. Commissioner Hondowicz
13 opposed.

14 MR. HOUBLER: Thank you.

15 MS. ZIEK: I'd like to note that there will be a
16 formal denial. The opinion of the Commission will be sent
17 out. We have stipulated 14 days from the -- 15 days which
18 that will go out to you. You certainly can appeal this
19 decision. You have 30 days from the time that you receive
20 the written opinion of the HPC. And that's all.

21 MR. KOUSOULAS: Okay. Thank you for your time,
22 everyone. The next item on the agenda is the approval of the
23 minutes. If anyone has any corrections, please give them to
24 staff. Other business, Commission items? Staff items?

25 MR. HONDOWICZ: Oh, I'm sorry. If no one else has