

(<sup>r</sup>S  
Appearance)

19

APRIL 23, 1997

HPC MINUTES

5

1 it's being approved on an expedited basis because of a  
2 very excellent and comprehensive preliminary report --  
3 preliminary consultation.

4 MR. HONDOWICZ: Second.

5 CHAIRMAN KOUSOULAS: I'll close the public  
6 record.

7 All those in favor of the motion, raise your  
8 right hand?

9 The motion passes unanimously.

10 The next case is Case A, for new construction  
11 in Kensington. Can we have a staff report?

12 (Pause.)

13 MS. ZIEK: The applicant is the Ellison  
14 Corporation; Carey Hoobler is their agent. Coming in for  
15 a proposal to demolish an existing garage, and construct  
16 a new house and garage on Baltimore Street in Kensington.

17 The project has been reviewed from several  
18 different aspects, and the major aspect has been the  
19 potential aspect that this new -- this new construction  
20 would have on this particular part of the Kensington  
21 Historic District, which is the first one.

22 And then the second, of course, would be the  
23 consideration of demolition of an existing historic  
24 structure, as well.

25 Lot 25 -- I have some slides, and perhaps it

1 would be easier to start with that, and just show you all  
2 a general sense of the particular block that we're  
3 talking about.

4           Okay, this is a view looking at this particular  
5 portion of Baltimore Street, with Connecticut Avenue is  
6 to my -- behind us, looking down. And the subject  
7 property is on your left.

8           This is a view -- let me see -- the subject  
9 parcel that we're talking about is associated at this  
10 point with this house, and this house sits in the middle  
11 of a -- on a lot with two flanking side lots. This is  
12 one of the flanking side lots here. So there's quite a  
13 distance between houses on this side of the subject  
14 property.

15           And this is the existing house, and this is the  
16 proposed building site.

17           This again is the -- the house looking across  
18 the proposed building site. The driveway is on that lot.  
19 This is the house. It's an altered farmhouse dating --  
20 well, dating to -- in the -- around 1890's, and then  
21 altered again in the early part of the 20th century. It  
22 has the front porch missing.

23           And this is the existing primary resource. And  
24 this is a view looking towards what is the proposed  
25 construction site, and this is the existing garage, or

1 auto house.

2 And the other thing I wanted the Commission to  
3 note is, again, the space between the existing primary  
4 resources on this street.

5 This is a view looking from Baltimore onto the  
6 proposed construction site, with the garage which is  
7 proposed for demolition and the existing house, the  
8 primary resource.

9 And this is a photograph standing back on the  
10 lot itself, looking out towards Baltimore, giving you  
11 again a sense of the space on either side of this, and  
12 also a sense of environment of the -- of the block.

13 Here's a picture of the little garage. It is  
14 in poor condition. It has not had any maintenance work.  
15 You'd think this is a case of deferred maintenance that  
16 we're seeing. It is in rather poor condition.  
17 Originally, it had the lapped siding, and then -- which  
18 would be consistent with the primary resource, and then  
19 at the point where wood shingles were applied on the  
20 primary resource, I'm guessing they were applied on the  
21 auto house to make matched set.

22 This is just a detail. And this is just a  
23 detail to show that, indeed, it is in rather poor  
24 condition; but, again, due to deferred maintenance.

25 These are original garage doors, they're on

1 rollers.

2           And I just wanted to show sort of a series of  
3 garages on the block; there's still a few here.

4           And then I wanted to show a series of slides  
5 showing, in a sense, the overall environmental setting  
6 for this particular block. And I think that the  
7 overriding characteristic is one of spaciousness, and  
8 elaborate development of side yards and gardens; all  
9 consistent with the Victorian garden suburb which was one  
10 of the philosophical bases for the development of  
11 Kensington.

12           I think you can see here again, it's the  
13 general spacing we see between houses that allows for the  
14 development of these -- this garden setting. Okay.

15           And, just again showing you the generous  
16 spacing between houses. Loads of mature trees, hedges,  
17 boxwood, azaleas.

18           This particular house, I'm showing -- I'll show  
19 you again -- is actually only on one lot. But it shares,  
20 because of its neighbors, it has a generous environmental  
21 setting.

22           And this house also is the same thing. When  
23 the houses are built on the single lots, there is a  
24 reduction, in the sense that there is room for the house,  
25 and maybe a driveway. But in these particular cases,

1 those house share the generous side yards of their  
2 neighbors.

3 In this case, I want to show you the  
4 particulars of the house; new construction at the  
5 Connecticut -- towards Connecticut Avenue -- excuse me --  
6 3913, that was built. I simply use it as an example of  
7 what happens when the rhythm of the street is  
8 interrupted. And instead of having a house -- side yard  
9 house, we have house, house, house, with the resulting --  
10 and certainly, it's still lovely, but there is a reduced  
11 -- there is a reduced garden setting. This is another  
12 view of that series, with a different rhythm that's  
13 there.

14 And this is another older house that was  
15 originally on more than one lot, and where the house is  
16 -- doesn't feel like it is only on one lot, because it's  
17 able to share in the generous side yard of its neighbor.

18 The house at 3920, which is the primary  
19 resource, which would be adjacent to the proposed  
20 building site, as I said, is a primary resource in the  
21 historic district. And the little auto house is part of  
22 that, and is a primary resource as well.

23 The concerns that staff have, has to do with  
24 the encroachment on the environmental district.

25 Of course, the proposed demolition of the small

1 auto house, and the general incompatibility of the  
2 proposed development with the existing patterns of  
3 development, basically, this addresses the loss of open  
4 space, the proposed percentage of property coverage,  
5 which is another way of looking at this loss of open  
6 space, and also the interruption of the existing rhythm  
7 of construction to open space.

8 And this is in nonconformance with the actual  
9 development pattern in this particular part of the  
10 historic district.

11 The report, my report, of course goes into some  
12 detail about various aspects, but I think one of the  
13 primary concerns is that the proposed development will  
14 utilize a single lot for construction that is 47 percent  
15 of the average property size of primary resources in the  
16 district. So, the proposal from that perspective does  
17 not complement the overall building pattern.

18 And that the proposed coverage of the property,  
19 which includes the house and garage, is almost three  
20 times the average property coverage for primary  
21 resources; again, addressing this loss of open space and  
22 the garden setting of the historic district and the  
23 encroachment on the setting for the -- on this immediate  
24 block, and on the primary resources on either side of  
25 this proposed building lot.



1 I would just mention again that the garage is  
2 also a historic structure within the historic district.  
3 The Kensington, which began as a railroad suburb -- well,  
4 it has an earlier history, I include that on page one,  
5 but -- developed very much due to the trolley and the  
6 metropolitan branch of the B&O Railroad; also developed  
7 again with another building spur when the automobile  
8 became readily available to the population. And we saw  
9 this in suburban growth throughout the County.

10 So these auto houses were all built. They are  
11 small structures to accommodate the small size of the  
12 original automobiles, and they are indicative of part of  
13 the history of our County.

14 I'm available to answer questions. I just want  
15 to note that the Kensington Local Advisory Panel met to  
16 discuss this, and they sent me in a report which says  
17 that they believe a proposal would be detrimental to the  
18 integrity of the Kensington Historic District, and they  
19 support the staff recommendation to deny this Historic  
20 Area Work Permit. And I will enter their memo into the  
21 record.

22 I'll be happy to answer any questions.

23 CHAIRMAN KOUSOULAS: Thank you for the report.  
24 Are there any questions?

25 MR. HONDOWICZ: I'm just curious, with

1 reference on circle-6 of the staff report. The last --  
2 second-to-last paragraph, at the end it says, and I'm  
3 quoting now:

4 In essence, including this demolition request  
5 would be viewed as sanctioning demolition by neglect, end  
6 quote.

7 I'm wondering, is that -- you're just using  
8 practical term here, or is this -- you know -- a formal  
9 term, demolition by neglect? What I'm getting towards  
10 is, if we have something that is detrimental in terms of  
11 someone letting -- so it might encourage us to approve  
12 demolition, isn't there some action we can take separate  
13 from this to deal with that issue?

14 MS. ZIEK: Yes, there is. We have a process  
15 whereby we utilize the County Services -- through the  
16 Department of Permitting Services, we can have a -- the  
17 demolition by neglect cited. The owner can be cited on a  
18 daily basis until the situation is corrected.

19 MR. HONDOWICZ: Is that something --

20 MS. ZIEK: And that's --

21 MR. HONDOWICZ: Is that something that staff  
22 does on its own, or does it have to come before the  
23 Commission?

24 MS. ZIEK: No, that doesn't have to come before  
25 the Commission at all. Actually, -- and there is a

1 hotline, and anybody can call that hotline. And at that  
2 point, the Department of Permitting Services staff will  
3 have to go and investigate; and they work with us closely  
4 to -- you know -- they investigate all sorts of things.  
5 And this is one of the things that they are called in to  
6 investigate.

7 MR. HONDOWICZ: Okay, then the logical question  
8 from that is, assuming we deny this permit, is something  
9 then going to happen regarding the garage, in terms of  
10 siting them? Would that be something logical? I'm not  
11 asking for a formal commitment, I'm just trying to get an  
12 idea.

13 MS. ZIEK: I think that -- that there is a  
14 condition here that has been on-going that has not been  
15 corrected. And I know that in the past, we try to work  
16 with people before we bring in the guns, and so at a  
17 certain point we have to make that decision. And I'm  
18 sure that we would look to the Commission for any  
19 guidance on this.

20 MR. HONDOWICZ: Okay, that's fine, thank you.

21 MR. TRUMBLE: I have a question for you. Last  
22 session we discussed an infill issue in Kensington as  
23 well, as you may recall.

24 MS. ZIEK: Garrett Park.

25 MR. TRUMBLE: It was -- I'm sorry -- Garrett

1 Park, that's right. What were the -- sizes of the two  
2 houses, do you recall? That was a twenty percent,  
3 twenty-one percent, do you remember?

4 MS. ZIEK: Yes, the -- the thing -- yes, it  
5 was. Garrett Park has its own overlay zone and its own,  
6 very specific guidelines for construction and maintenance  
7 within that district. And I think that that's totally  
8 consistent with our approach, which is that each district  
9 has a unique character. And we try to work within the  
10 framework of the existing historic district to maintain  
11 what is wonderful and special about the specifics of the  
12 district.

13 MR. TRUMBLE: Are there any -- is there any  
14 comparable set of guidelines?

15 MS. ZIEK: The comparable set of guidelines for  
16 Kensington is the planning study that was done, the  
17 vision of Kensington. And it has provided us with  
18 numbers for comparability. It has -- I think it provides  
19 us very specific guidance; and we have used it.

20 MR. TRUMBLE: It was cited in the report, but I  
21 may have skipped over the -- okay. The average coverage  
22 is what? It's 15 percent, is that what it is?

23 MS. ZIEK: That is for the entire district.  
24 And that includes -- you know -- primary resources,  
25 secondary resources, and non-contributing. The -- that's

1 why we tried to focus on the average property coverage  
2 for primary resources; because again, we're dealing with  
3 specifics. Within, there are general specifics for  
4 Kensington.

5 But then within Kensington, there are areas of  
6 development, of course, because not everything happened  
7 at one. And so, we also try to look at the specifics of  
8 the block. Because one's experience is limited, in a  
9 sense. You know, when you're on a street, you may  
10 remember another street, but the experience is where you  
11 are right then and there, and that is -- also provides us  
12 some guidance.

13 It's nine percent, just to reiterate. For  
14 property coverage for primary resources, is nine percent.

15 CHAIRMAN KOUSOULAS: Any other questions?

16 (No response.)

17 CHAIRMAN KOUSOULAS: Is the applicant here,  
18 ready to come up?

19 (Pause.)

20 MR. HOOBLER: Ready as I'll ever be, I guess.

21 CHAIRMAN KOUSOULAS: We can pass that around.

22 MR. HOOBLER: My name is Carey Hoobler.

23 CHAIRMAN KOUSOULAS: Would you like to respond  
24 to the report? This is -- I have a feeling that you'll  
25 probably be coming back to respond to a lot of testimony

1 here. So if you just want to briefly respond to some of  
2 the key issues?

3 MR. HOOBLER: Sure. If I can try.

4 Let me just ask a question, if I might, at the  
5 beginning. Are we discussing the house at this point, or  
6 are we discussing the issue of infill? I can address  
7 either, and I'm prepared to.

8 CHAIRMAN KOUSOULAS: Well, you can't really  
9 separate the two. We're really talking about this house  
10 on this lot.

11 MR. HOOBLER: Well, let me then just quickly,  
12 I'll try to begin with the house that's proposed, and  
13 then I'll try to deal with the issue of infill.

14 The house that's proposed, I believe, is  
15 similar in scale and massing to some of the existing  
16 houses types that are in the neighborhood. Contrary to  
17 the staff report, it is only about three feet taller than  
18 3920. 3920 is listed at 26 and 6 inches, and it's  
19 actually 28 and 9 inches.

20 I would estimate, however, I have not measured,  
21 but I believe that you would find it shorter than 3924,  
22 which sits to the west.

23 The house is narrower and has less up-front  
24 mass than either 3920 or 3924; certainly 3924. It's less  
25 bulky, and although it is correctly listed as having a

1 1,716 square foot footprint, 412 of those square foot are  
2 in porches. So 24 percent of the footprint is actually  
3 in porches. And that's just the first floor porches.

4 With the porches considered, then, it has  
5 basically the same or even a smaller footprint than  
6 what's listed for 3920, and way smaller than 3924.

7 I believe that the house should be reversed,  
8 and I believe you see that in the -- in the two pages  
9 you've got there that are loose, showing a site plan. It  
10 was just handed out. On that -- yes, that's it. It's  
11 got the two black lines. That's because I'm a Xerox  
12 master person.

13 I think that the house should be reversed,  
14 placing the wrapping porch towards 3920, and the brick  
15 chimney elevation against the house that's a little more  
16 monolithic at 3924.

17 I also think that we ought to use the existing  
18 apron, as shown on that modified site plan that's marked  
19 reverse A, and extend the drive to the rear of the  
20 property, and then side load the proposed garage; which,  
21 after looking at the staff report, I think should be  
22 reduced to 20 by 20, and you'll see some of the logic of  
23 that as I proceed.

24 As for the existing garage, my understanding is  
25 that it's -- it was not necessarily built with the house.

1 And if you find that the condition or the contribution  
2 warrant, we can certainly moving it. I'm not -- I'm not  
3 sold on the idea it has to be demolished. It is in poor  
4 shape. And I would have to say it's been in poor shape  
5 for a number of years. It's not an issue of missing its  
6 last painting.

7 I believe basically that the house that I'm  
8 offering has a massing and scale that's consistent for  
9 the kind of house type that was originally intended to go  
10 on the 50-foot-wide lots that Mr. Warner subdivided in  
11 1890. I think the house that's there is a decent house;  
12 I'm certainly willing to massage it or alter it, if  
13 there's some benefit to that. It is similar to a house  
14 that several years ago this Board approved for another  
15 site for, also, another typical Kensington lot that's a  
16 narrow lot.

17 I think the house has sort of got good bones  
18 about it and can be worked with.

19 As for the issue of infill construction, I  
20 understand the concern about infill. I realize that  
21 there are two sides to this, and I do appreciate the  
22 other side, if you will. I'd like to try to present  
23 another side, as well.

24 Everyone obviously likes open spaces and a  
25 garden setting, and I do not want to impair the integrity



1 different than the historical context. Also its use  
2 here, I think, establishes a context of evaluation that  
3 may not really be spelled out in the Master Plan, and  
4 although I'm sure it's a help, it is not part of the  
5 Master Plan, and it is also an item that is not old. So  
6 it doesn't really have a historic context, if you will.

7 I believe it takes a snapshot of 1940 or 1950.  
8 I think it colorizes the history a little bit from a 1990  
9 perspective, and not an 1890 perspective.

10 However, if you'll look at the other sheet that  
11 you've got up there, if we use that vision of Kensington,  
12 that lot coverage, quote, pattern, unquote, table, if you  
13 look on the far right of that, you'll see that the  
14 proposed house on lot 25 can meet or exceed what's on  
15 that table. In fact, it's only on the -- it's in all  
16 categories except for one, it only gets two out of three  
17 instead of three out of three.

18 And also, if we did build a house on lot 25,  
19 then the house at 3920, with its remaining lot which it  
20 also straddles a little bit, its adjacent lot, would have  
21 a coverage of only about 12 percent, which is still  
22 within sort of the norms of things.

23 In conclusion, I think it's historically  
24 consistent that there be infill here on a duly recorded  
25 lot from the 1890 Brander Warner subdivision. I don't

1 of the Master Plan. But I think that there are some --  
2 there's a sort of a line of thinking that hold the -- the  
3 lots as sort of primary over the actual primary resources  
4 themselves.

5 And I think as one looks, the history of this  
6 subdivision was in 1890. Brander Warner created his  
7 Victorian Garden suburb with 50-foot-wide lots called a  
8 Kensington Park. These were 55-foot-wide town lots; it  
9 was a town for 1890-type Victorian living. It was not a  
10 sort of a '50's sprawling suburb intend for houses that  
11 rambled and ranched.

12 These were each, themselves, garden lots.  
13 People were coming out of a district. The lots were much  
14 smaller, the city was much more congested. He was  
15 advertising a 50 by whatever depth these particular lots  
16 were, garden, Victorian lot. Even the staff report  
17 refers to these lots as ample sized lots, and also  
18 describes them as designed in the Victorian manner; on  
19 page one of your staff report.

20 The adjacent lots were purchased by people for  
21 open space, or for a nest egg. And the historic pattern  
22 development here has been one, with the exception of the  
23 first few houses, has been one of infill. Hence, you  
24 have Victorians from the earliest times, and then you  
25 have Colonial Revival houses going from the turn of the

1 century into the '30's, as well.

2 So it has been infill. This was not a tracked  
3 house subdivision. These were custom houses built for  
4 people on these lots.

5 The bulk of the staff report refers to division  
6 of Kensington. From my perspective, it seems to be sort  
7 of a statistical euthanizer for development, but I  
8 understand where it's coming from.

9 I would say that some of the illustrations that  
10 -- in it that are used in the staff report do not  
11 accurately depict what the footprints of some of the  
12 houses are, or their locations on the lots. It also  
13 tends to show the recorded lot lines in a subservient  
14 fashion to the ownership lines, using dotted for the  
15 recorded lines and solid for the ownership lines. And  
16 that seems to blur the distinction, I think, between  
17 recorded lots and ownership lines.

18 I'm getting done --

19 The vision of Kensington does not compare the  
20 actual lot to lots; it's not an apples to apples kind of  
21 thing. It's showing single lots that are the  
22 contributing lots, versus the primary houses sitting on  
23 multiple lots. That makes it sort of hard to compare  
24 with that.

25 Also its idea of garden setting, I think, is

1 believe that it was ever sanctioned, suggested or even  
2 contemplated by the County Council that the creation of  
3 the historic district would deny someone the use of their  
4 lot, either as open space or as a nest egg, or for use  
5 for a new house.

6 Thanks.

7 CHAIRMAN KOUSOULAS: Thank you. I think at  
8 this point, before we get into too many questions, we  
9 should hear from -- we have a lot of speakers. I think  
10 I'm going to take people -- three people at a time, just  
11 to keep it moving briskly.

12 Jeannie Ahern?

13 MS. AHERN: I deferred.

14 CHAIRMAN KOUSOULAS: Okay. John Lossing?  
15 Julie O'Malley? And Walter Schmitt?

16 Okay. Would you like to speak first? And say  
17 your name into the mike, so we can get it on the tape.

18 MR. LOSSING: I thank the Commission for the  
19 opportunity to speak and give testimony on this case. By  
20 way of introduction, I'm Dr. John Lossing. I own the  
21 house next to the subject property lot, 25. By way of  
22 further introduction, I function as the secretary of the  
23 Kensington LIC from 1988 to 1990, and while on that  
24 assignment, I was also the tree person for the Kensington  
25 LIC. It was my assignment to go out and review LIC

1 applications with regard to applications on trees.

2 The thing that has drawn my attention to the  
3 application was the following statement, quote:

4 The lot is generally void of trees or any  
5 landscaping. I invite the attention of the Commission to  
6 examine the lot and discover the -- in the place that the  
7 proposed garage would be built, there are actually five  
8 walnut trees, they're black walnuts. The two large ones  
9 are seven and nine inches in diameter, and then there are  
10 three others that are about four or five inches in  
11 diameter.

12 The second thing, which is the main thrust of  
13 my testimony tonight, has to do with a specimen redbud  
14 tree, and I show a picture of it. You already saw that  
15 on a slide. That's the view looking to the south, and  
16 this is a view looking to the east.

17 It's a beautiful, beautiful tree. It's a very,  
18 very old tree. And I discovered that it is the largest  
19 redbud tree in the Kensington Historic District, and I  
20 have given you -- circulating a report that chronicles  
21 all the trees in the district.

22 I have it a score eight, and a score of eight  
23 out of eight. In my little report, I explain how to  
24 score redbuds. I had to make up a redbud score. And  
25 it's much larger than any other redbud in the Town of

1 Kensington.

2           Furthermore, it's larger than any redbud tree  
3 anyplace in Rock Creek Park from Kensington south all the  
4 way to the Kennedy Center, which is my daily commute, and  
5 I checked that out. And my report chronicles every  
6 redbud tree in Rock Creek Park mile by mile, and you  
7 don't have addresses, but you have the mileage marks.

8           Furthermore, it's larger than any redbud tree  
9 in the Garrett Park area. And finally, it's larger than  
10 any redbud tree all the way south to the -- the Chevy  
11 Chase Circle.

12           The only comparable redbud tree that exists  
13 that I was able to find by driving around a lot are two  
14 redbud trees on the grounds of the Chevy Chase Country  
15 Club, which I give a six on a scale of eight. And the  
16 redbud tree subject that would have to be impacted by  
17 this development is about four times bigger than any  
18 other redbud tree in the Town of Kensington.

19           Lest you think that there's just redbud trees  
20 all over the place, I discovered that this is not the  
21 case. And this is the ideal season, just this week, to  
22 check these out, because they're real obvious.

23           In the Town of Kensington, there are only seven  
24 redbud trees. Throughout Rock Creek Park, there are only  
25 fifteen redbud trees, and there are four redbud trees in

1 Garrett Park Historic District, and then there are only  
2 four redbud trees between Kensington and Chevy Chase  
3 Circle.

4           There are not as many redbuds as you might  
5 think, and there -- this is not to be confused with some  
6 of these other pink trees that are blooming at this time  
7 of year that are another -- another species of tree.

8           The redbud in question, by way of description,  
9 is -- it appears to me to be straddling a lot to a  
10 certain extent between 3922 Baltimore house and lot 25.  
11 I invite the Commission to check the survey. I believe  
12 it may be an oversight by the developer that it is not on  
13 the lot, and he may think that because my fence is two  
14 feet off the property line. But if you measure off the  
15 true property line, it seems that it's about half and  
16 half.

17           It arises from a single trunk that's level with  
18 the ground that's 36 inches across, which is a big trunk.  
19 And then it actually has eight sub-trunks, which is like  
20 a little thicket of trees you'll see in the picture. And  
21 these eight sub-trunks have branches, or trunks, whatever  
22 you want to call them, 20 inches, 13 inches, 12 inches,  
23 10 inches, 9 inches, 8 inches, 7 inches, and 3 inches.  
24 And then it branches further into finally 13 branches at  
25 the 48-inch mark.

1           The -- I invite the Commission to deliberate  
2 whether or not the proposed development would injure the  
3 tree. Surely if a driveway went back there, and  
4 especially a garage back there, something would have to  
5 be amputated, perhaps half the trunk. I don't know what  
6 it would do to the roots. The dripline of the tree, as  
7 you will see in the photograph, extends literally halfway  
8 across the back yard.

9           I'm not a redbud expert, but surely a forester,  
10 horticulturist, would be able to tell what might happen  
11 to this. It happens that the strongest, healthiest part  
12 of the tree is this part that overhangs the middle of the  
13 lot, and the dripline under that, my understanding is,  
14 would be the source of its nutrients.

15           And I think that will complete my testimony,  
16 with the possible exception of a reference to the  
17 historic vista and the -- the horticultural vista.

18           This tree, as you see, is visible from all over  
19 the place, including the back street. And to block it  
20 with a house, you wouldn't be able to see that tree. To  
21 the extent that this is the largest specimen redbud tree  
22 in the Town of Kensington, I would invite and urge the  
23 Commission to save this historic vista; definitely to  
24 save the survival of this tree, and to ascertain also the  
25 safety and survivability of the five black walnut trees



1 that would be impacted by the development of the garage.

2 Thank you very much.

3 CHAIRMAN KOUSOULAS: Could you pass the  
4 photocopies over?

5 MR. LOSSING: Should I step down?

6 CHAIRMAN KOUSOULAS: No, have a seat. There  
7 may be some questions.

8 MS. O'MALLEY: I'm Julie O'Malley, and I'm  
9 speaking tonight for the Kensington Historical Society  
10 Preservation Committee. And I've written a letter in  
11 support of the staff report. I think there's been an  
12 excellent job here of background study of the Town of  
13 Kensington.

14 Our committee concurs that the height lot  
15 coverage of the new structure would substantially  
16 overshadow the primary resource to the east, and would  
17 drastically disrupt the pattern of the streetscape while  
18 destroying the specific environmental settings of the  
19 adjoining primary resources.

20 The Kensington Historic District was designated  
21 with specific mention of the scale of the homes,  
22 setbacks, and construction materials, as well as the  
23 inherent design in the pattern of development. The small  
24 size of our districts makes each individual project  
25 become crucial in maintaining the district. We

1 appreciate your efforts to continue to review these  
2 applications with the utmost care.

3 CHAIRMAN KOUSOULAS: Thank you.

4 MR. SCHMITT: My name is Walter Schmitt. I  
5 live at 3913 Baltimore Street. I have never had to  
6 follow with as fine a dissertation as you've made on  
7 redwood trees.

8 I would like to speak basically on basic  
9 freedoms. If you own a piece of property, you should  
10 have the right to determine the use of your property.  
11 This is a basic freedom that we all learned when we went  
12 to grade school, my gosh.

13 If it's a legal lot in Montgomery County, it  
14 should be permitted for that owner to utilize that lot as  
15 they see fit. Not necessarily to put up something  
16 garish, or out of -- you know -- out of context within  
17 the community.

18 I've seen the plans for the proposed house. I  
19 would have no objection to the proposed house.

20 I would question one -- one part of the staff  
21 report, dealing with the -- with the garage. We have  
22 situations on Baltimore Street where people have rehab'd  
23 their houses, and don't finish it. And I would ask this  
24 board, this council, if you would make a distinction  
25 between the presence of this garage and rehab situations

1 that are not completed; where we, as neighbors, have to  
2 stare continuously at portions of the house that  
3 supposedly was to have been completed in the rehab  
4 situation.

5 I would wonder if you would say, well, this --  
6 this part works, but this part, no, we're not going to  
7 look at it. I think before you make a decision on the  
8 garage, that you look at that issue as well.

9 My main point is just, if you own property, you  
10 should enjoy the freedom of owning that property. Thank  
11 you.

12 CHAIRMAN KOUSOULAS: Okay, thank you. Are  
13 there any questions of these speakers?

14 (No response.)

15 CHAIRMAN KOUSOULAS: Okay. Thank you for your  
16 testimony.

17 MS. EIG: I just have a simple question. The  
18 -- we were given a Xerox that shows the proposed design  
19 flipped. And is this -- the applicant is -- can the  
20 applicant apply for a flipped design? I mean, this is --

21 CHAIRMAN KOUSOULAS: I think that's the --

22 MS. EIG: -- I mean, this is a technicality --

23 MS. WRIGHT: The applicant is proposing to  
24 alter his Historic Area Work Permit here at the meeting  
25 this evening. You all need to decide if you will accept

1 an altered Historic Area Work Permit that you are  
2 reviewing just this evening. We've had this case come up  
3 on other issues, and I know it is always difficult when  
4 you receive something the night of the meeting.

5 It's really your choice as to whether to accept  
6 this revision or say that it needs to really -- that you  
7 need time to review that particular aspect of it. But  
8 what I understand is that the applicant is proposing a  
9 revision to his application.

10 MS. EIG: And that also affects that the driver  
11 would be on their -- reverse side of their lot, and  
12 therefore the redbud -- the redbud would have been  
13 required to be cut down?

14 MS. WRIGHT: Since this information was just  
15 presented this evening, it was not sent out to the owner,  
16 adjacent owner -- adjacent and confronting owners, or the  
17 LAP. And so, they did not have a chance to comment on  
18 that, because it was not what they receive to review.

19 MS. EIG: All right, because there was no  
20 mention of an application to cut down the tree in the  
21 original HAWP that we were -- had received, though it is  
22 36 inches in diameter and, as such, does require.

23 But this -- I guess we need just some clarity  
24 from the applicant as to what he is, in fact, applying  
25 for.

1           CHAIRMAN KOUSOULAS: Mr. Schmitt, just, you  
2 know, you asked sort of an open-ended question there.  
3 And I didn't mean not to answer it, or have anyone on the  
4 Commission not answer it now. It'll probably come up  
5 several times as we get into the discussion of this. But  
6 just so we can proceed we the rest of the testimony,  
7 since it'll probably recur.

8           Three more speakers: Helen Wilkes; John  
9 O'Neill; and Jack McCrory?

10           (Pause.)

11           MS. WILKES: I am Helen Wilkes. I am a  
12 resident, an adjacent property owner, to the subject  
13 property. I am also a registered architect, and I'm  
14 president of the Kensington Land Trust, which exists for  
15 the purpose of educating people in the historic district  
16 of Kensington as to the importance of open space to the  
17 town setting.

18           We were urged to start this organization by the  
19 Maryland Historical Trust, representatives of Maryland  
20 Historic Trust, Maryland Environmental Trust, and the --  
21 as a way to help fight the problem of infill in  
22 Kensington, and the loss of green space. And we also  
23 provide the interested property owner with mechanisms and  
24 ways to preserve their open space, in a pro-active way.

25           However, tonight I'm speaking as a resident,

1 and an adjacent property owner. There have been many  
2 excellent points made, and I, too, support the denial of  
3 this Historic Area Work Permit.

4 I want to make a couple of additional points.  
5 One is that there is no typical lot in Kensington  
6 because, as you've all observed, the layout of Kensington  
7 with the curved, linear lots, and many of the lots are  
8 50-foot lots in fact.

9 But I would sort of categorize them as three  
10 types of lots. There are the lots that have -- many  
11 would agree are buildable lots, although many of us see  
12 the green spaces a paramount aspect of the historic  
13 district. There are those lots which, if they are  
14 infilled, don't necessarily change the rhythm of the  
15 existing streetscape. They don't impinge on the  
16 environmental setting in a way that some others might.

17 And an example of that might be the pie-shaped  
18 lots which fan out so that there is -- they are  
19 relatively more spacious. And so, they are in fact more  
20 in keeping with the environmental setting that most of  
21 the houses in Kensington and the historic district enjoy.

22 Then there's another type of lot which is more  
23 controversial, which I would characterize as those 50-  
24 foot lots which are rectangular, regular rectangular  
25 lots, that occur in areas of the historic district where

1 there is a pattern of many of the houses being one house  
2 per 50-foot lot. And those houses share a certain  
3 conformity in terms of setback and massing. And they  
4 tend to be smaller than the houses which have resided  
5 since they were built on two or three lots.

6 And that is the third type of lot, or property,  
7 about which I'd like to speak. And it seems to me that  
8 tonight we are discussing an application which is in this  
9 third category.

10 The type of property which, it is clear, a line  
11 has been crossed. It is clear that a change to the  
12 environmental setting of the existing historic resource  
13 would be extremely detrimental to the historic district,  
14 where the setting has been changed in such a drastic way  
15 that the erosion of the historic district has occurred in  
16 a mammoth step. And the damage would truly by  
17 irreversible.

18 And so, I urge you all to consider this  
19 application in light of that.

20 And the other point I would like to make is  
21 that the maps that have been used, the National Park and  
22 Planning maps, I have noticed because I have been  
23 studying them -- the importance of the garage, or auto  
24 house, as a secondary building for the primary resources  
25 on houses, in my observation, have -- that were built in

1 the early days on two or three lots, or four, they all  
2 had auto garages, it seems. It's very typical.

3 And many of those auto garages don't show up on  
4 the map that you have used, and I'd be happy to provide  
5 -- you know -- some of those on a corrected map, if that  
6 were ever of use to you. But I suspect that the  
7 topographic maps that have been used and overlaid on the  
8 tax maps, or however the Park and Planning put them  
9 together, many of those auto houses were hidden because  
10 of -- they were aerial views. The trees simply hid the  
11 houses, and those houses then did not appear when they  
12 were -- the maps were drawn.

13 But, in fact, in the surrounding area, there  
14 are many examples of that. And so, that relationship is  
15 very historic, and is very relevant to the historic  
16 district.

17 These are the only two points that I think  
18 needed to be made.

19 CHAIRMAN KOUSOULAS: Thank you.

20 MR. O'NEILL: My name is John O'Neill. I  
21 reside at 3915 Prospect Street, and my back yard abuts  
22 the back yard of the property in question. Mrs. Wilkes  
23 is my neighbor.

24 And to give you an idea of the spaciousness of  
25 some of the houses including ours, there are five lots in



1 which the Wilkes and the -- houses sit, which are part of  
2 the garden setting, and we at least try to keep it, with  
3 the number of kids we have running around, a fairly  
4 attractive garden setting.

5 This is the second time around for an  
6 application for an infill house on this particular lot,  
7 and since I've been living in the Kensington Historical  
8 District, it's the third time around for an infill house  
9 in our particular Kensington Park neighborhood.

10 When I purchased our house in 1986, on two and  
11 a half lots, I noted that that might be a source of  
12 potential income in the future, not then being aware of  
13 all of the ins and outs of the historic preservation  
14 district. And my real estate agent was honest enough to  
15 say, don't count on it, because it was -- and explained  
16 to me what a historic preservation district was.

17 By 1989, it became pretty clear, as there were  
18 a number of hearings which many of the neighbors  
19 participated in with respect to an infill lot on Prospect  
20 Street where that application was repeatedly, and a year  
21 or so ago was denied on this lot as well.

22 Consequently, when the present property owner  
23 bought that property, it was fairly clear, as my real  
24 estate agent had told me, is that you were not going to  
25 develop infill lots in the Kensington Historic District.

1 And that address the point that Mr. Smith made, is that  
2 when you go in to purchase a piece of property  
3 understanding what the rules are, you're not being denied  
4 any freedom. It's the same thing, we have many  
5 restrictions on how we develop property in this country,  
6 from wetlands rules to zoning to, in this case, the  
7 historic preservation district.

8           There are community values which are protected,  
9 and which as a community understand. And most of the  
10 people in this neighborhood understood those values, or  
11 at least were in notice of them, when they bought their  
12 houses.

13           The turnover -- I was one of the first in 1986  
14 to buy a house which was rapidly in a turnover sort of --  
15 as some people who were older bought smaller houses and  
16 younger people moved in with children.

17           So I think it's fair to say that anybody who  
18 bought this property, and certainly the present property  
19 owner, who indeed had a seven-year covenant not to  
20 develop that lot as part of the title when she purchased  
21 the house, understood that it was unlikely that that lot  
22 could be developed under the -- under the restrictions,  
23 indeed the law, under historic preservation district.

24           I think that with respect to -- and Helen says  
25 much more eloquently and expertly than I could ever -- as

1 to what impact it would have, we support the staff's  
2 recommendation; it makes all the sense in the world. And  
3 particularly, if you were to look at that vista next to  
4 Dr. Lossing's house, which is a very large historic  
5 resource, and the impact it would have on it would be  
6 extraordinarily negative, not only for that resource but  
7 for the rest of the neighborhood.

8 Thank you very much.

9 CHAIRMAN KOUSOULAS: Thank you.

10 MR. McCrory: Good evening. I'm Jack McCrory,  
11 I live directly across the street from lot 25. I would  
12 look directly up that driveway into the old garage.

13 In my personal opinion, and that of my wife as  
14 well, the garage does not represent a particularly  
15 valuable historical resource. We would prefer to look  
16 across there and see an attractive house. I agree with  
17 comments made tonight to the effect that lot 25 is a  
18 buildable lot. It's subdivided into a plat of record, a  
19 lot of record. And, as I see it, the focus that this  
20 Commission should be taking is to use your aesthetic  
21 judgment to approve or disapprove the house based on  
22 compatibility with other primary resources in the  
23 neighborhood.

24 I think it's an error, in my opinion, to make  
25 it --- to make it -- to focus on whether lot 25 is a

1 buildable lot. In reference tonight to rules concerning  
2 infill -- and one other comment that I would -- that I  
3 would like to make is that from what I see it's not  
4 rules, but what amounts to a written policy.

5 I would very much prefer to see a  
6 straightforward approach, or either there was a new  
7 infill policy in writing, clearly spelled out; or the  
8 other alternative that it was recognized that lots of  
9 record are, in fact, buildable lots, and that the  
10 aesthetic judgment to be made is whether the house  
11 proposed is compatible with the primary resource.

12 I would have no objection to the house that's  
13 being proposed. I think it would be a positive addition  
14 to the neighborhood. Thank you.

15 CHAIRMAN KOUSOULAS: Thank you.

16 (Pause.)

17 MS. EIG: Could you just clarify for us the  
18 comment -- I'm sorry, to the second speaker -- regarding  
19 the covenant that you referenced? Some covenant  
20 postponing building, or not building?

21 MR. O'NEILL: There -- as I understand it from  
22 Mrs. Brown, who is the former owner, and she told me and  
23 I didn't review the title, so I can't say it for a fact,  
24 but it is certainly commonly held. And the last time we  
25 had a meeting in this room with respect to an infill,

1 someone actually got up who -- who represented Mrs. Brown  
2 and described the seven-year covenant not to build a  
3 house, which was in the -- in the transfer of the deed at  
4 the time.

5           That seven years may or -- may be up now for  
6 all I know. But I make the point to make it clear that  
7 there's no issue of someone not being on notice that it  
8 was unlikely that this lot would ever be developed,  
9 because at that time, they had -- we had already, after  
10 many hearings, gone through a denial of an infill house  
11 right up the street. And certainly this lot was no more  
12 buildable than that lot, because it would have detracted  
13 significantly from the rhythm of the streetscape and the  
14 massing of the properties.

15           So I make the point not to say whether or not  
16 that covenant is enforceable any longer; it may or may  
17 not be, I don't know. But it makes the point that this  
18 is not somebody who's taken by surprise at the  
19 developments that this Commission has consistently, since  
20 I've lived in that neighborhood, saw that a large house  
21 on a small infill lot next to large, primary resources,  
22 is inconsistent with the purpose behind the Kensington  
23 Historic Preservation District.

24           And I think that, therefore, no one should be  
25 shocked that somehow the property value is being

1 diminished. In fact, it's the other way around. If you  
2 buy into this particular area understanding that is what  
3 the -- the value of the land is, because of the values  
4 that are being preserved by being a lot in the Kensington  
5 Historic Preservation District, you therefore have  
6 certain rights to expect that that is going to be  
7 maintained. Because that's what the statute says, and  
8 that's what the regulations say.

9           And so, if Mrs. Wilkes and others who are  
10 architects and experts in this area, as the staff, go  
11 through this process and say this is inconsistent, then  
12 you should feel pretty comfortable that you're not going  
13 to see that built. If it is built, then your rights are  
14 being taken away.

15           That was the point I was trying to make.

16           CHAIRMAN KOUSOULAS: Well, yeah. I think in  
17 practice in the past, this Commission hasn't really gone  
18 into whether a lot is buildable or not. We have treated  
19 every open lot in Kensington as potentially buildable.  
20 But also keeping in mind that the character of the  
21 neighborhood is such, and the character of the open space  
22 is such, that those conditions may place so many controls  
23 and restrictions on any potential development as to make  
24 it infeasible.

25           But we have not ever treated a specific lot as

1 unbuildable.

2 MR. O'NEILL: I think that's right. I think at  
3 one point staff was asked the question -- maybe it was  
4 the last time around on this particular lot -- as whether  
5 there was any house that would be acceptable. And I  
6 think the answer was there might well be a carriage house  
7 on the back part of the lot which didn't take up a lot of  
8 the space, would not adversely affect the rhythm of the  
9 streetscape, or adversely affect the garden setting  
10 environment in which the primary resources are located.

11 But that, of course, is not before you. You  
12 are not, as I understand it, there to advise somebody as  
13 to what can be built; you're -- as I understand it --  
14 will look at case-by-case, application by application,  
15 and determine whether or not it meets the criteria in  
16 which you are empaneled to make decisions.

17 I think consistently that you -- after a while  
18 you understand from the precedents what is or is not  
19 going to be acceptable. That's what precedents are all  
20 about, and I think by now people ought to have a pretty  
21 good idea that you're not going to put a large house on  
22 one of these small lots between two large primary  
23 resources in the Kensington Historic District.

24 CHAIRMAN KOUSOULAS: Yeah, well that -- that  
25 typically hasn't happened yet. But we need to move

1 along, and --

2 MS. ZIEK: Excuse me, Commissioner. The owner  
3 of 3920, Mrs. Ahern, who's the owner of the primary  
4 resource which sits in the middle of these lots, has  
5 asked me to provide you with a letter that basically just  
6 clarifies that whole history of the purchase of the lot  
7 with a covenant on it. And I will provide that to you,  
8 but just to read it into the record, one, it is more than  
9 the seven years, so the covenant is done.

10 But there was a covenant placed on that lot  
11 that originally the owner had stipulated as five years,  
12 and Mrs. Ahern, in her contract to Miss Brown who owned  
13 the property, offered to increase that two years, so that  
14 the covenant that actually was signed was seven years.  
15 And that was done, and that time period is over. There  
16 is some additional history in terms of Mrs. Ahern  
17 approaching Miss Brown to then reduce the time of the  
18 covenant. And that was done, as well, but I think in a  
19 sense, the time period is over.

20 But I will give this -- this is a -- to the  
21 record.

22 MS. WRIGHT: We can make copies of it and pass  
23 it out to the Commission members.

24 One other thing I just wanted to say in  
25 response to one question, or point that was raised, was



1 about -- you know -- the Commission sort of having  
2 unstated policies. I want to reinforce that, at least  
3 from a staff perspective, a lot of our recommendations,  
4 in fact all of our recommendations, are grounded in  
5 existing plans and documents. And many, many times in  
6 this staff report, a document which is referenced is the  
7 1992 long-range vision plan for Kensington, which this  
8 Commission had -- had done. And that plan is really the  
9 basis for discussion about where in Kensington may be  
10 appropriate, or may be less appropriate, scale.

11 It's not sort of just an arbitrary case-by-case  
12 discussion. There is a planning document that is  
13 available to any member of the public to look at, and  
14 that many people in Kensington, I know, have copies of.  
15 And that is what this Commission has used. It's not been  
16 a sort of unstated policy; it is based on a planning  
17 document.

18 MS. SODERBERG: Wouldn't it be simpler, as the  
19 gentleman on my left indicated, to make that into an  
20 ordinance? Is that possible, to just set -- make it into  
21 a law, or a County ordinance that --

22 MS. WRIGHT: That's something the Commission  
23 could look at. In general, everything including our  
24 designation has been done as a plan, rather than as an  
25 ordinance. Historic designation in this County is done

1 by a planning change rather than a zoning change. And  
2 so, almost everything we do is done in the form of a  
3 plan. The only ordinance we have is our -- sort of  
4 enabling legislation.

5 But that's certainly something that could be  
6 discussed at a future meeting.

7 MS. SODERBERG: Yes. It seems like it would  
8 make things a lot simpler, and then someone who wanted to  
9 build infill would have to apply for rezoning. And it  
10 would be something that, perhaps since there does seem to  
11 be support in Kensington for this plan, that it could be  
12 done on a referendum basis.

13 MR. TRUMBLE: Is the 1992 plan, vision of  
14 Kensington, a part of the Master Plan for Kensington?

15 MS. WRIGHT: No, it is a subsequent -- the  
16 Master Plan designating the Kensington district was done  
17 in 1986. Six years later, this Commission created and  
18 paid for and developed, with a consultant firm,  
19 Traceries, this additional long-range vision plan.  
20 Similar to on Hawkins Lane, the district was designated  
21 and then development guidelines were created subsequent  
22 to the actual designation.

23 MR. TRUMBLE: Well, the guidelines for Hawkins  
24 Lane actually are included in the Master Plan. They were  
25 specifically --

1 MS. WRIGHT: Were they noted in the Master  
2 Plan?

3 MR. TRUMBLE: Yes, exactly. Because I wanted  
4 to ensure that -- that those guidelines would be  
5 included.

6 Which -- I'm gathering, then, that the vision  
7 Kensington doesn't carry any force of law. It may be  
8 guidance, but it doesn't carry any particular force with  
9 it?

10 MS. WRIGHT: That's correct. It is a plan; it  
11 is not a law, it is not an ordinance, that's correct.

12 MS. SODERBERG: Why couldn't it be put as an  
13 amendment to the Kensington Master Plan.

14 MS. WRIGHT: It certainly could.

15 MS. SODERBERG: Developers put amendments on  
16 master plans all the time; why couldn't we?

17 MS. WRIGHT: All of that is possible, and  
18 probably should be something that the Commission  
19 discusses with the Kensington LAP as a project. Because  
20 it would require re-amending the Master Plan for  
21 preservation to include the long-range vision plan, and  
22 that's certainly a possible thing to do.

23 MR. TRUMBLE: Is there anything that was  
24 proposed by the developer which is contrary to the Master  
25 Plan that governs Kensington?

1 MS. WRIGHT: Yes. The Master Plan -- at least  
2 from a staff perspective, the Master Plan that governs  
3 Kensington, the Master Plan that created the district  
4 made reference to one of the defining features of that  
5 district, is its garden setting, its open space, its  
6 scale of buildings.

7 What the 1992 vision -- long-range vision plan  
8 does is takes what was a short, fairly simple nomination  
9 document -- or, I should say designation document, and  
10 tries to fill that in; sort of create the detail that  
11 that original 1986 designation document didn't. So the  
12 1992 plan is an extrapolation of the 1986 designation.

13 And I think what Robin has done in her staff  
14 report is -- has cited specific sections from the 1986  
15 designation document that also are of concern with this  
16 particular application.

17 MR. SPURLOCK: Could I -- excuse me -- clarify  
18 one other point about the covenant that came up before?  
19 I'm a little confused. Who's the -- did the current  
20 owner of the property purchase the property with that  
21 covenant, or was that subsequently sold to someone else?

22 MS. ZIEK: No, the current owner of the  
23 property purchased the three lots, with the house on the  
24 center lot, with the covenant and negotiated essentially  
25 with the seller of the property that the covenant would

1 be for seven years, a no-build covenant. Subsequently,  
2 there was some more negotiation with the current owner  
3 and the previous owner to reduce the time period. And  
4 agreement was reached for that reduction of the no-build  
5 covenant.

6 My sense is that there was an agreement on the  
7 no-build option. There was also an agreement on reducing  
8 the time period for the no-build option. But, in fact,  
9 the entire seven years is over, and it's a moot point.  
10 But, of course, there are the details. I mean, it --  
11 there has been a lot of history there.

12 MR. SPURLOCK: But the current owner is  
13 attempting to subdivide, or to sell off the property?

14 MS. ZIEK: The current owner is Mrs. Ahern, and  
15 she is attempting to sell one of her lots.

16 MR. McCRORY: Subdivide would be a misnomer  
17 there. It's already subdivided.

18 MR. SPURLOCK: I'm sorry.

19 MR. TRUMBLE: Could we go back just very  
20 briefly to the question of the '86 Master Plan, which I  
21 see cited here several times. But what specific aspects  
22 of the current plan are in opposition to that --

23 Could you perhaps just underscore those?

24 MS. ZIEK: Sure. I would say that the --  
25 circle-2: Once designated on the Master Plan for

1 historic preservation -- I'm quoting -- any substantial  
2 changes to the exterior of a resource or its  
3 environmental setting must be reviewed by the Historic  
4 Preservation Commission and a Historic Area Work Permit  
5 issued.

6 And the ordinance also empowers the County, the  
7 DEP, and the Historic Preservation Commission -- I'm  
8 sorry, there was a typo there -- to prevent the  
9 demolition of historic buildings through neglect.

10 In the sense that it's -- there are the two  
11 things mentioned, being the -- that the Commission has --  
12 is charged with the protection of the resources and the  
13 environmental setting, and that is part of the ordinance.  
14 And also charged with preventing demolition by neglect of  
15 historic structures.

16 MR. TRUMBLE: Okay, so that -- well, the one  
17 clearly is a process issue, which given that the plan has  
18 come before the historic area -- has come before us, we  
19 are reviewing it.

20 And the other regarding demolition by neglect  
21 -- has a demolition by neglect citation been issued  
22 regarding the garage?

23 MS. ZIEK: No, it has not.

24 MR. TRUMBLE: Is there a reason why it hasn't?

25 MS. ZIEK: As I said, in the -- earlier, the

1 only reason would be that it hasn't been called in.  
2 Somebody could do it. Anybody in the public could do it,  
3 anybody on the staff could do it, any of the  
4 Commissioners could.

5 MS. WRIGHT: Yeah, generally staff does not go  
6 and drive the highways and byways of our historic  
7 districts looking for demolition by neglect cases. We  
8 generally react to phone calls received by our office  
9 about properties that citizens are concerned about, and  
10 then we go out and make an inspection. But we've never  
11 received a call on this -- on this garage.

12 MR. TRUMBLE: So would I be correct, then, in  
13 saying that the two part of the Master Plan that are  
14 active here, in terms of this particular request, are the  
15 issue of bringing it before the HPC, and the issue of  
16 demolition by neglect?

17 MS. ZIEK: The issue of the reduction of the  
18 environmental setting in the district.

19 MR. TRUMBLE: Where is that?

20 MS. WRIGHT: Could I just do one point of  
21 clarification? You said the portions of the Master Plan.  
22 We're talking about the portions of the ordinance,  
23 Chapter 24A of the County Code. The sections that Robin  
24 just read are the ordinance, not the Master Plan.

25 MR. TRUMBLE: What about the Master Plan? Is

1 there -- I guess my question still remains. Is there  
2 anything that was proposed this evening which runs  
3 counter to the Master Plan?

4 MS. WRIGHT: Yes, if you look at the top of  
5 circle-2. In 1986, when the County adopted the Master  
6 Plan, the language in that defines what is significant  
7 about the district. And it talks about -- that first  
8 indented paragraph about:

9 The houses share a uniformity of scale,  
10 setbacks and construction materials that contribute to  
11 the cohesiveness of the district's streetscapes. This  
12 uniformity coupled with the dominant design inherent in  
13 Warner's original plan of subdivision conveys a strong  
14 sense of both time of place, that of a Victorian garden  
15 suburb.

16 What staff has interpreted that language to  
17 mean, because it is a description of the district of what  
18 makes the district historic, is that the things that are  
19 important about the district are its sense as a Victorian  
20 garden suburb, the cohesiveness of streetscapes, the  
21 issues of scale, setback and materials that create those  
22 cohesiveness -- that sense of cohesiveness. And I think  
23 what the staff report gets to further along,  
24 specifically, are how this particular application would  
25 disrupt that cohesiveness in terms of its scale,



1 setbacks, and the overall effect of a Victorian garden  
2 suburb.

3 Kensington did not have design guidelines  
4 written into its ordinance, so we are left -- I'm sorry  
5 -- written into its Master Plan designation. So we are  
6 left with essentially interpreting a narrative document  
7 about what's important about the district; plus, using  
8 documents like the 1992 vision plan done subsequent to  
9 the designation.

10 MS. ZIEK: I would also elaborate that on  
11 circle-7, Chapter 24A-8(a) is cited, which is the  
12 enabling legislation for the historic preservation law in  
13 the County. And it says:

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

22 CHAIRMAN KOUSOULAS: Okay, I think we need to  
23 move along. We shouldn't get too side-tracked about the  
24 question of the legality of the lot as a buildable lot.  
25 I think we should focus on the setting and the proposal,

1 and the answer will come to us.

2 Barbara Wagner, Judy Hanks, and Lawrence Ott.

3 MS. WAGNER: Hi, my name is Barbara Wagner, and  
4 I'm the chair of the Local Advisory Panel. I'm also a  
5 former Commissioner.

6 And just to go back one step, I wanted to  
7 clarify that the vision of Kensington report was  
8 requested by the Commission while I was on the Commission  
9 because we didn't have objective characteristics of the  
10 garden setting of the district. The whole purpose was to  
11 lend an objective description so that we could compare  
12 what would be detrimental, and what wouldn't be  
13 detrimental.

14 So it was to be used as a tool. Kensington was  
15 one of the very first historic districts designated. We  
16 didn't understand the need for guidelines in the Master  
17 Plan. We've had to grow as we've understood historic  
18 preservation.

19 So that, the visions of Kensington was designed  
20 to help us elucidate what would be detrimental to the  
21 environmental setting so that people wouldn't just come  
22 before the Commission and say, we believe it's  
23 detrimental.

24 We can now point to the fact that houses only  
25 occupy nine percent of the lot, most of the primary

1 resources in Kensington, and we can say that this one  
2 would occupy far more than that. Therefore, it's not  
3 characteristic of the building type.

4 And we can know what the average distance  
5 between houses is. And we can say, this average distance  
6 is not the same as the rest of this area of the district.

7 So it's given us objective measures, and we can  
8 then see that the environmental setting would be impinged  
9 upon.

10 And really, the integrity of the district would  
11 be impinged upon significantly. Because Kensington was  
12 designated so early, there were a number of infill  
13 projects before Kensington fully understood how that was  
14 damaging to our environmental setting. So, we are really  
15 -- we have a tenuous district at this point. We have had  
16 correspondence with the Maryland Historical Trust on  
17 other projects, where they have said that this district,  
18 the integrity, is in jeopardy.

19 And so, we want to retain our garden setting,  
20 and I just wanted you to know that the LAP voted  
21 unanimously and enthusiastically to support the report.  
22 We're glad to know that there's a number that you call  
23 for demolition by neglect. I don't think that the  
24 general public is aware that there is a number that  
25 people call.

1                   We'll be happy to look around and use that  
2 number, and we've urged the Commission to help us with  
3 demolition by neglect in the district. Thank you.

4                   CHAIRMAN KOUSOULAS: Thanks.

5                   MS. HANKS-HENN: Hi, I'm Judy Hanks-Henn. I'm  
6 a property owner in historic Kensington. I also have a  
7 master's from Harvard in urban design.

8                   I think this is interesting about guidelines or  
9 no guidelines, and you all are left right now  
10 interpreting a description. From my point of view, and  
11 it was discussed, I know, at Harvard, the idea of  
12 guidelines as an accrued tool, and actually we found it  
13 better to lean on the intent, and have the intent clear.  
14 So I'm actually supportive of the idea of a description,  
15 and you have to think about it. You don't be robotic and  
16 say does it fall in or not fall in the guideline. It  
17 makes, to me, a more thoughtful decision. And that's  
18 just an aside.

19                   I would like to -- I say I think the planning  
20 did an excellent analysis report on the open space  
21 concept of garden suburbs development, as the paramount  
22 issue in Kensington. There was a comment by the  
23 developer that this is a duly recorded lot, and it would  
24 be great to get in the mind of the developer, Brainard  
25 Warner, at the turn of the century, and find out why he

1 subdivided Kensington into these 50-foot lots. And it's  
2 been a real mystery in my mind. I wish he had a diary.  
3 I wish we could find it and we could understand why he  
4 did this 50-foot lot break-up.

5 I think Brainard Warner did not envisions  
6 tracked mansions in Kensington. You look at his own  
7 home; it's the Circle Manor Nursing Home, it's on a large  
8 oval. You notice, he broke it up into a lot of 50-foot-  
9 track lots. And I just think that's something for  
10 thought. I think the development of these large homes on  
11 three- and four-foot (sic.) lots are not haphazard, that  
12 they're actually quite purposeful.

13 Thank you.

14 MR. OTT: My name is Lawrence Ott, and I live  
15 at 3911 Prospect Street. And my property is diagonally  
16 adjacent to the overall property owned by the individual  
17 who wishes to sell off this property and build this new  
18 house. So I have in my back yard the back of my house --  
19 overlooks the property of the open property.

20 And I've lived in that house for 19 years, and  
21 the house is 100 years old; it was build in 1897, the  
22 house which I live in.

23 It's interesting that my house is built  
24 straddling two lots, and it's one of the few houses  
25 that's built that way. But it shows that when those

1 houses were built, most of the houses, whether they were  
2 built straddling a lot or on a separate lot, were built  
3 with the idea of having large space on both sides of the  
4 home.

5           And that's the way my house exists, and that's  
6 the way houses on Prospect Street directly behind this,  
7 and again on Baltimore Street, exist to this day. And in  
8 fact, it's one of the few areas left in old town  
9 Kensington which is still as it was in the period of the  
10 1890's. And with the changes that've been taking place  
11 over the last 20 years since I've lived there, this is  
12 gradually disappearing.

13           And I wanted to say that the house that exists  
14 on the property now which is going to be built -- next to  
15 the house that's going to be built is, in fact, a  
16 beautiful old Victorian house that has gradually lost  
17 some of its charm through the years. And this has  
18 continued through the last 20 years in many ways. And I  
19 would like to see it maintained and be rebuilt back to  
20 the house that it was, and to maintain that charm and  
21 that personality of the period.

22           And so, from that point of view, I'm opposed to  
23 the building of the house on the vacant lot, and hope  
24 that we're able to keep it and to maintain this historic  
25 district which, with the changes fast coming from

1 Washington, these districts are very quickly disappearing  
2 from out reality, and from the future of our children.

3 Thank you very much.

4 CHAIRMAN KOUSOULAS: Thank you. Is there  
5 anybody else that wishes to speak?

6 (Response inaudible.)

7 CHAIRMAN KOUSOULAS: Would you like to come up?  
8 Had you -- I thought you filled out a form, but I think  
9 you lost it. It was -- I had a big stack, so I  
10 apologize.

11 MR. RITZMANN: Hope I'm -- not last -- but I'm  
12 not least. Chairman Kousoulas and fellow Commissioners  
13 an staff, I'm Bob Ritzmann, a member of the council of  
14 the Town of Kensington, at 3710 Mitchell Street,  
15 Kensington, Maryland.

16 Last Monday, April 21st, the Mayor and Town  
17 Council met in a special session, discussed the  
18 application before you, and authorized me to represent  
19 them at this hearing.

20 We believe that you staff has prepared an  
21 excellent report on this application. We strongly  
22 support the report and its recommendation that this  
23 Historic Area Work Permit be denied.

24 The Kensington Historic District is the  
25 keystone of our town, and the property in question is an

1 important primary resource in presenting our Victorian  
2 garden setting, a key element of this historic district.

3  
4 To permit elimination of the side lot of this  
5 historic house by demolition of the side driveway and  
6 auto house, and construction of a residence which  
7 substantially exceeds the lot coverage of properties in  
8 this area, would have a major, deleterious impact on this  
9 section of the Kensington Historic District. We very  
10 much support preservation of the integrity of our  
11 historic district.

12 You are, I know, familiar with the  
13 revitalization effort underway in the commercial area of  
14 our historic district. This rather extensive effort,  
15 being done in cooperation with the Montgomery County  
16 Department of Housing and Community Affairs, is a  
17 demonstration of our interest in preserving Kensington  
18 and its historic setting.

19 To permit erosion of our historic garden  
20 setting by granting this Historic Area Work Permit would  
21 seriously detract from restoring the community setting of  
22 the early 1890's that our residents, merchants and  
23 visitors wish to enjoy today.

24 We are also concerned with the subject -- with  
25 the neglect of the auto house. If allowed to continue,



1 it will self-demolish, an event we do not wish to happen.  
2 The auto house is complementary, and part of the  
3 significance of the property. We believe stabilization  
4 of the auto house should be done with some priority in  
5 order to protect its integrity.

6 To conclude, the Town of Kensington, Mayor and  
7 Council supports and concurs with your staff report and  
8 its recommendation of denial of the Historic Area Work  
9 Permit.

10 Thank you.

11 CHAIRMAN KOUSOULAS: Thank you. Mr. Hoobler,  
12 would you like to come back up?

13 MR. HOOBLER: Do I have to?

14 CHAIRMAN KOUSOULAS: Yeah.

15 (Laughter.)

16 MS. AHERN: Would it be possible for the owner  
17 to rectify one point of his information?

18 CHAIRMAN KOUSOULAS: Sure.

19 MS. AHERN: This address --

20 CHAIRMAN KOUSOULAS: We need to get you on the  
21 mike.

22 MS. AHERN: I thought I could avoid it. This  
23 addresses the fact that -- I'm Jeannie Ahern, the owner  
24 of the property, and I'm attempting to sell to Mr.  
25 Hoobler for development of lot 25.

1           This is, I believe, is to correct the  
2           misunderstanding that when I bought this property, I  
3           should have known or would have known that I could not  
4           subdivide it.

5           Number one, I didn't -- my agent, who's me, I'm  
6           ashamed to say, did not inform me anything about the  
7           restrictions on the -- in the historic district. Number  
8           two, the request for the infill in 1989 was after I had  
9           contracted for the property, so I certainly was not aware  
10          of that. Actually, it was one of the first pieces of  
11          mail we got when we moved in.

12          And I guess I was really led, in some ways, to  
13          believe that there would be a possibility, if it ever  
14          became necessary to sell off this lot, that the covenant  
15          sort of was an implication to me that this might be a  
16          possibility in the future.

17          And I would just like to clear up that issue.

18          MR. TRUMBLE: Let me ask you a question,  
19          because this issue comes up from time to time.

20          I have purchased three houses in Montgomery  
21          County. And each time I've purchased the house, although  
22          I hate to be that compulsive, I've actually read all the  
23          fine print when you go through it. And one of the things  
24          that suggests is -- in fact, I think I signed a piece of  
25          paper saying I've consulted the Master Plan regarding my

1 house.

2 And if the historic district in Kensington was  
3 established in '86, and you purchased in '89 as you just  
4 said, then presumably you signed a piece of paper that  
5 said, I'd looked at the Master Plan, both as the owner  
6 and as the real estate agent.

7 MS. AHERN: I believe that that part of the  
8 contract was after I bought it in 1989.

9 MR. TRUMBLE: But if the '86 Master Plan  
10 existed, and as you've seen this evening, at least part  
11 of that Master Plan, or one of the issues in that Master  
12 Plan has to do with the existence of open spaces, and you  
13 knew that you were buying more than one buildable lot,  
14 presumably you knew what your property looked like, all I  
15 would suggest is that as in the case of any other  
16 homeowner, it would be well -- you would be well advised  
17 to look at that Master Plan and perhaps ask pertinent  
18 questions and plan accordingly so that you wouldn't be  
19 caught in this sort of a surprise.

20 MS. AHERN: I probably have to say I give much  
21 better advice to my clients than I use for myself. I  
22 would probably have been very careful that one of my  
23 clients did that. But that little box that's now in the  
24 contract was not there in 1989, so it wasn't brought to  
25 my mind in that way. It's a good point.

1 Any other questions?

2 (No response.)

3 CHAIRMAN KOUSOULAS: Okay, thank you.

4 Okay, who would like to begin?

5 MR. HONDOWICZ: This all comes down to me to  
6 two issues; the specifics of the lot coverage, and the  
7 future of the garage, if there is one. And I want to  
8 make clear for the record that I -- I've only been on the  
9 Commission for, I guess, it's just been around a month  
10 now. And my stated policy is that I am not inherently  
11 opposed to infill construction, per say. I don't think  
12 that's a wise approach.

13 The issue to me is the particulars of infill  
14 construction. If the particular proposal doesn't make  
15 sense, then I'm not in favor of it. If the particular  
16 proposal is reasonable, then I'm going to support it. So  
17 that's where I come from. So there's no question that --  
18 not every -- this Commission has individual people who  
19 think individually, and we're not monolithic.

20 First of all, you mentioned about moving the  
21 garage earlier. And it was nice to hear that, but I'm  
22 wondering, first of all, is that possible given the  
23 condition of the garage, and if so, where would you move  
24 it to?

25 MR. HOOBLER: I'd be happy to look at staff and

1 anybody else you would suggest to look at the garage. It  
2 is a little rough. I mean, staff has alluded to it. The  
3 issue of who has been neglecting it, I think, is a very  
4 long issue going back probably at least two owners.

5 MR. HONDOWICZ: Well, let me also be clear.  
6 I'm not interested in -- when I asked earlier about  
7 demolition by neglect, that was just to clarify things  
8 for me. I'm not interested in placing blame right now.

9 MR. HOOBLER: Sure.

10 MR. HONDOWICZ: I'm wondering what will happen  
11 with the garage. Because if we're going to -- if the  
12 issue is, do we just get rid of it or not get rid of it,  
13 then that's a pretty clear issue for me.

14 MR. HOOBLER: Okay.

15 MR. HONDOWICZ: But if it's an issue somewhere  
16 in the middle, then I'd like to know where that middle  
17 is.

18 MR. HOOBLER: Well, I would be -- I mean, I'd  
19 be happy to entertain the suggestion of moving it. I  
20 would assume, since it has similarity to the house, the  
21 primary resource at 3920, that it would be moved onto  
22 that property, if that's all right with the owner. But I  
23 don't -- I don't see a problem with trying that. But the  
24 condition is such that I believe it's just going to have  
25 to be a good effort, and I'm willing to do that.

1           MR. HONDOWICZ: Okay. So you're saying you're  
2 willing to try it, but you would want the option to  
3 proceed with your proposal regardless of whether or not  
4 that -- that transplanting of the building is successful  
5 or not, is that what you're telling me?

6           MR. HOBLER: I'm sorry, I didn't understand.

7           MR. HONDOWICZ: See, what I'm saying is if you  
8 can demonstrate to me that you can move the garage in a  
9 way that would not be detrimental to the district, then  
10 as far as that issue is concerned, it would be solved for  
11 me.

12           But if you're saying that we're willing to try  
13 it, but if it doesn't work we still want to build, then  
14 the issue is solved for me to the detriment of what you  
15 want.

16           So I'm looking for something a little more  
17 definitive than what you're prepared to give me here, it  
18 seems.

19           MR. HOBLER: Well, I --

20           MR. HONDOWICZ: I'm not saying that you have to  
21 tell me exact point, but I want to have some sort of  
22 assurance that if I make a motion later on that says X, Y  
23 and Z, that you're not trying to find some flexibility in  
24 that. Because I won't be too flexible.

25           MR. HOBLER: Sure. Sure, I understand what

1 you're saying. It is in rough shape. It's going to take  
2 some work, whatever gets done with it. It probably could  
3 be taken down in pieces and then re-erected. I mean, I'm  
4 sure we can -- we can certainly make it look better than  
5 what she is now.

6 MR. HONDOWICZ: Okay. Then let me quickly ask  
7 about lot coverage, so I can defer to my colleagues and  
8 not monopolize the time.

9 You stated earlier in your comments, and it  
10 seemed to me to get the general point, that you feel  
11 there's a difference in what the actual lot coverage is,  
12 the entire size. The whole scope of the project, you  
13 believe is lot -- relatively smaller than what staff  
14 believes it is.

15 Now, I don't want to find myself -- I'm  
16 prepared to if it's necessary -- but I don't want to get  
17 in a position of trying to decide who is accurate and who  
18 isn't. So if you can try and in a little more  
19 straightforward language try to explain specifically,  
20 number one, what is the overall layout, the footprint and  
21 lot coverage and all this, number one. And number two,  
22 to what degree you're willing to reduce it.

23 Because let me make clear that even if it is to  
24 the dimensions that you made in your statement, that's  
25 still far too big, as far as I'm concerned. If you want

1 to build something on that lot and get my support, it  
2 needs -- you need to show flexibility not just to move  
3 the garage, but to make your proposal a lot smaller than  
4 you're currently suggesting.

5 MR. HOOBLER: Well, there's a couple of things.  
6 I hear what you're saying. There's a couple things. One  
7 is, is that what I'm proposing on that reverse A that you  
8 have in front of you, which is the poorly Xeroxed site  
9 plan, I think address a couple of issues. One is, just  
10 to -- an aside, the redbud, that puts the driveway on the  
11 far side away from the redbud. So that's really sort of  
12 -- I don't think an issue in terms of the safety of that  
13 tree. And quite frankly, because the tree does sit sort  
14 of in the side yards, it's going to be visible still from  
15 the street, and also from the adjacent owner that  
16 expressed the concern about it.

17 On that plan you're looking at, though, I am  
18 suggesting, in order to reduce the total lot coverage, a  
19 reduction in the size of the garage itself, from the 24  
20 by 24 to a 20 by 20. Then also, I have included in the  
21 1,716 square foot of the house, I've included that in the  
22 total coverage. And if we do that, we come up with 24-  
23 1/2 percent, which is within the vision of Kensington  
24 guidelines, which is that other sheet that you have.

25 And basically, we meet all of the guidelines



1       except for one of the primary resource guidelines.  But  
2       otherwise, we meet or exceed all of those guidelines  
3       except for the primary resource.  And quite frankly, I'm  
4       not building a primary resource.  I'm -- you know --  
5       building a new house.  So it's not a primary resource.  
6       So --

7               MR. HONDOWICZ:  But you're still talking about,  
8       even though it would be under the 25 percent maximum lot  
9       that I see here --

10              MR. HOOBLER:  Yes.

11              MR. HONDOWICZ:  -- you're still talking about a  
12       dramatic -- dramatically larger lot coverage than is the  
13       average.  And let me emphasize here that I, too, am not  
14       going to get caught up in -- is it over the line or under  
15       the line.

16              MR. HOOBLER:  Right.

17              MR. HONDOWICZ:  Because this is not a court and  
18       I'm not an attorney, and that's why I decided not to go  
19       to law school.

20              So -- you know -- try to justify to me why it  
21       has to be as big as that.

22              MR. HOOBLER:  Okay.  On a case-by-case basis,  
23       this particular house, although it has a 1,700 square  
24       foot coverage on its footprint, almost a quarter of that,  
25       24 percent of that, is in porches on that first floor.

1 That makes a tremendous difference of how it feels.

2 Also, the way the house's mass is set up in  
3 such a way, if you look at the drawings of the house,  
4 that it's not a big, monolithic monster. It's -- you  
5 know -- It's got sort of the right kind of style to fit  
6 there.

7 I think those are important considerations  
8 here.

9 MR. HONDOWICZ: Okay --

10 MR. HOOBLER: And I think the other thing I  
11 just might add is, it's easy sometime to see, oh gee,  
12 let's just make this thing smaller. But when you do that  
13 sometimes, you really -- sometimes you can lose. You may  
14 end up with a smaller house that sort of meets some  
15 yardstick that you put up for it, but that doesn't mean  
16 that it flows right. And I think that the design that's  
17 here is a -- is a fairly decent design, and I think it  
18 works well.

19 MR. HONDOWICZ: Well, let me put it this way.  
20 What was the underlying rationale behind this design?  
21 What ultimately were you trying to accomplish besides, of  
22 course, making something that would sell and do well for  
23 you? What was the -- the underlying thought that went  
24 through your mind when you decided to design the house in  
25 the way that you have it before us this evening, based on

1 the -- and I'm willing to consider the flip. I don't  
2 care if it just came today, that doesn't bother me.

3 MR. HOOBLER: I think the interest is in making  
4 something that looks good, something that I won't be  
5 embarrassed about later when I have to go by it.

6 MR. HONDOWICZ: In the context of the -- of  
7 what would work in the district --

8 MR. HOOBLER: Sure.

9 MR. HONDOWICZ: -- or just in the house, per  
10 say?

11 MR. HOOBLER: Oh, I think it all works  
12 together. I mean, this is the -- I think this is the  
13 right style of house to fit in this neighborhood. This  
14 neighborhood has a wide selection, really, of houses,  
15 even though it's -- in the Master Plan, it talks about a  
16 lot of similarity. Actually here, it's pretty different.

17 Next door, for instance, is a huge house.

18 MR. HONDOWICZ: Right, I've driven through  
19 there this afternoon, so I know what you're talking  
20 about.

21 MR. HOOBLER: Yeah, I mean it just -- I've got  
22 three or four pictures trying to catch sort of a side  
23 elevation of this house. And then, of course, across the  
24 street you have a house that's much simpler and much  
25 plainer and much smaller. And so, you have a lot of

1 that.

2 There's a lot of variation here, and I think  
3 that what I've got is a good compromise for that. And  
4 I'm -- I think it's a good compromise.

5 MR. HONDOWICZ: Okay, that answers my question,  
6 and I thank the Commission for their indulgence.

7 MS. SODERBERG: I have a question about the  
8 proposed garage that you say you have reduced the size of  
9 to 20 by 20. Is it still a two-car garage, then?

10 MR. HOOBLER: Yes, it would be.

11 MS. SODERBERG: And the garage, as well as the  
12 house, was planned in accordance with the rest of the  
13 district, to fit in with the rest of the district?

14 MR. HOOBLER: Well, for instance, the house  
15 next door to the west has a four-car garage. And then,  
16 of course, the garage that we're -- or the auto house as  
17 we're describing it here on 3920, is a one-car. So I --  
18 I mean, I would say that's within the average.

19 MS. SODERBERG: So, the four-car garage was  
20 built when?

21 MR. HOOBLER: I don't know the answer to that.  
22 It looks like it was similar construction to some of the  
23 addition that's on that house, using an awful lot of  
24 glass. So, when it happened, I don't know. I -- staff  
25 might be able to speculate.

1 MS. SODERBERG: Well, it's -- I think it's kind  
2 of obvious that if a four-car garage would've been built  
3 in the 20th century, probably well into the 20th century.  
4 But especially compared with the small auto houses that  
5 -- that are typical of the lots, the houses in  
6 Kensington.

7 I, too, am concerned about the existing the  
8 auto house, and I consider that the -- the house -- and I  
9 suppose this would really be a question for staff. The  
10 house itself at 29 -- the house that this is originally a  
11 part of, 3920, has -- obviously the auto house, since  
12 it's covered with the same siding, was built as a part of  
13 this house; that is, the owner who built this built it as  
14 a part of his home, even though it's separate from the  
15 house itself.

16 If the house at 3920 Baltimore Street is  
17 considered a primary resource, is the auto house  
18 considered part of that primary resource even though it  
19 is on a separate lot?

20 MS. ZIEK: We basically consider -- you know --  
21 the primary resource is the house and its setting and its  
22 outbuildings. And there is a judgment made there. For  
23 example, there is a relatively new shed on that property  
24 as well, which actually I didn't even talk about.  
25 Because it's obviously not a historic structure. This

1 auto house is a historic structure, and staff would  
2 consider a primary resource as part of the environmental  
3 setting with the residence.

4 MS. SODERBERG: So that, actually demolition of  
5 this auto house is -- is concern here. Thank you.

6 MR. SPURLOCK: I'd like to talk -- address the  
7 size of the house a little further. I don't have  
8 drawings of the other adjacent houses, but based on the  
9 information that I have, the house you're proposing seems  
10 to be considerably larger than the house at 3920.

11 It also seems to be -- it has the appearance,  
12 because of the gable facing the street, of a three-story  
13 house. Whereas a lot of the other houses, it's been my  
14 observation, the gable turned parallel to the street have  
15 more the appearance of two-story houses.

16 Is there some reason -- I mean, you really are,  
17 in my impression, trying to build a very large house on  
18 what is a tight lot. Is there some -- is there some idea  
19 that you might review this and look for something that's  
20 considerably smaller in size? Or do you have to have a  
21 certain amount of size to --

22 MR. HOOBLER: Well, I think what's here is --  
23 is -- you know -- justified with some of the other costs  
24 that are involved for me with the lot. But I -- I am a  
25 little wary of trying to lop off a floor, or something

1 like that. I don't -- I understand your point and your  
2 concern, but I would be -- I would be -- I'd be hesitant  
3 to want to reduce the house too much, and then sort of  
4 have it look a little squat between the two houses that  
5 are there.

6 The house on the right is quite large, and the  
7 house on the left-hand side at 3920 presents itself by  
8 the -- I've got a picture of it I can see from here and  
9 I'm sure you've seen. But it presents itself, I think, a  
10 little bit wider and broader than the house that I have.

11 MR. SPURLOCK: I had one question for staff.  
12 The -- is there any precedent for relocating an historic  
13 resource, i.e., the garage, to another location? Does  
14 that compromise its integrity, or?

15 MS. ZIEK: Well, the Standards for -- you know  
16 -- the Secretary of the Interior's Standard, which the  
17 Commission has adopted, addresses moving -- moved  
18 resources. And also, the National Register Standards  
19 address moved resources. It's -- and it's not taken  
20 lightly.

21 The things that are considered would be whether  
22 the new context -- or basically would match the original  
23 context, so that in the moving, the structure hasn't lost  
24 its environmental setting. And that would be certainly  
25 something that would have to be judged -- evaluated.

1 MS. WRIGHT: Yeah, moving resources is  
2 generally considered a last resort, and in fact,  
3 properties on the National Register that are moved, and  
4 I'm talking about outbuildings so much as individually  
5 designated national resources -- but National Register  
6 buildings can be de-listed, taken off the National  
7 Register, because they have been moved.

8 So it's something is not done lightly.  
9 However, this Commission has approved moving of some  
10 buildings, generally not for construction of a house.  
11 But at times, some buildings have been removed because a  
12 road was coming through or there was some other project  
13 that would require demolition of the entire building  
14 unless the building was moved. Usually, something like a  
15 road project.

16 And those cases have come up, and the  
17 Commission has approved relocation of buildings on that  
18 basis.

19 MS. BIENENFELD: Well, I want to just address  
20 the issue more directly, and say that I agree with staff  
21 report. And I don't think that Kensington should really  
22 have infill. I mean, the historic district, even though  
23 there is this issue of the fact that there were two  
24 periods of construction and one was as the Victorian  
25 garden with the large lots, versus the later



1 construction, it's still -- it still is very clear that  
2 what they're emphasizing is this Victorian period.

3 And so, I think to have any kind of infilling  
4 would set a precedent that would really change the nature  
5 of the historic district.

6 And I wanted to address Mr. McCrory's concern  
7 about -- which we discussed a little bit about the  
8 unwritten versus the written policy. I think that's  
9 something that maybe the LAP should pursue, because he's  
10 right. If we do have this unwritten policy which I think  
11 the Commission usually does --

12 MS. WRIGHT: It is written.

13 MS. BIENENFELD: It is written?

14 MS. WRIGHT: It's not a law, like an ordinance.  
15 The vision plan is written, it's a 70-page document.

16 MS. BIENENFELD: Okay.

17 MS. WRIGHT: And it is very clearly written  
18 where in the district new -- infill might be appropriate  
19 and where it might not be appropriate. But as was  
20 discussed earlier, it's not a law; it is a plan rather  
21 than a law.

22 MS. BIENENFELD: Okay. Well, in any case,  
23 something that may be pursued. And then also address  
24 what Mr. Schmitt was concerned about, that if you own  
25 property, you should have the right to do what you prefer

1 and handle the property has you wish.

2 But clearly, when you live in a community, and  
3 this is a -- this historic district, as a neighbor you're  
4 negotiating with the community quite a bit. You can't  
5 none of us can -- you know -- store old tires in our back  
6 yard; we cannot build unsafe structures. And when you  
7 live in a community, as I said, you just are aware of  
8 issues that are of concern to that particular community.

9 So, those are my comments.

10 MS. LANIGAN: I'd like to say that I agree  
11 wholeheartedly with the staff report. I think it's a  
12 very excellent job, and I think there's an enormous  
13 amount of documentation and support for the staff  
14 position. And it also received a lot of support from the  
15 community. And I think it's a very excellent job.

16 And it's time that we did start enforcing the  
17 main -- the main idea behind this historic district,  
18 which is the garden-like setting of the district. The  
19 district will absolutely be lost unless that starts to  
20 happen.

21 MS. EIG: I will concur with my fellow  
22 Commissioners who support the staff report. I  
23 particularly turn your attention to the statement on  
24 circle-2 which refers to the National Register Bulletin  
25 #15 on applying the National Register criteria for

1 evaluation, discussing the definition of integrity of  
2 historic districts, and the implications of new  
3 construction.

4 This is not an issue of whether something is  
5 buildable; rather, what will the effect of the building  
6 be. And the quote from that bulletin is:

7 For a district to retain integrity as a whole,  
8 the majority of components that make up the district's  
9 historic character must possess integrity even if they  
10 are individually undistinguished. In addition, the  
11 relationship among the district's components must be  
12 substantially unchanged since the period of significance.

13 There is a tough test for the creation of  
14 historic districts and the designation, and it is our  
15 responsibility to maintain the integrity of that through  
16 our decisions. And I believe that because of the lot  
17 that would be allowed and the size of the house that  
18 would meet the criteria for similar properties -- and not  
19 being a -- you know -- number person in terms of one --  
20 you know -- over, under the line, but rather there's --  
21 it is not possible for a house with -- I mean, for a lot  
22 the dimensions that are in front of us, for a house to be  
23 appropriate to the historic district under those -- under  
24 the parameters of that lot.

25 And further, the issue of environmental setting

1 is something that is extremely important. It's important  
2 to Maryland State law, it's important to Montgomery  
3 County ordinance, as well. We -- defining environmental  
4 settings, the concept of lot lines and ownerships that  
5 Mr. Hoobler discussed earlier are not the main criteria.  
6 It is, rather, what creates the environmental setting?  
7 What has been historically associated with the property?

8 And in this case, the introduction of a house  
9 in this place would destroy the historic environmental  
10 setting that is of this property.

11 And so, I wholeheartedly support the staff  
12 report.

CHAIRMAN KOUSOULAS: Tom?

13 MR. TRUMBLE: I think there are a variety of  
14 reasons for why historic districts are created. In  
15 general, when we talk about historic districts, we talk  
16 about them in terms of the appropriate County ordinances,  
17 and we talk about the historical cultural, or  
18 architectural, historical events of significance that may  
19 or may not have occurred in a particular area. And our  
20 decision generally has to do with trying to preserve  
21 that.

22 Not included in 24A, however, I think, is an  
23 equally important issue about historic districts. And  
24 that has to do with the expectations of the people who  
25 live there. A reason why people buy in to the historic

1 district notion, as reason why they are willing to accept  
2 an additional level of review, an opportunity to appear  
3 before us on the odd Wednesday, and all that that  
4 implies, is because they'd like to have some notion about  
5 what's going to happen in the neighborhoods.

6 If I buy here, if I stay here, if I invest  
7 here, what's my neighborhood going to look like? Are the  
8 -- are the characteristics that attracted me to  
9 Kensington or Hawkins Lane or Takoma Park or Chevy Chase,  
10 going to more or less remain intact during the period of  
11 time that I live here?

12 What I've heard this evening is a series of  
13 expectations about the neighborhood in which you would  
14 like to build a house. It's interesting, because we've  
15 considered infill in Kensington before and we've not had  
16 this kind of outpouring. We've looked at a lot, for  
17 example, on the other side of Connecticut Avenue adjacent  
18 to a day care center, and other than the interested owner  
19 and perhaps a neighbor or two, nobody shows up for that  
20 one. It suggests to me that there's a different set of  
21 expectations about one side of Connecticut Avenue as  
22 opposed to another.

23 What troubles me is that none of these  
24 expectations are very well laid out in anything that we  
25 might call regulations in this County. And that's what

1 leads, I think, to ill will. That's what I think leads  
2 to bitterness or disagreements about the value of  
3 historic districts. That's what leads people in other  
4 communities for considering historic district to doubt  
5 the wisdom of the process.

6 If the set of vision statements that were  
7 written in 1992 are of value, then I would strongly  
8 suggest that, at a minimum, the town council adopt them.  
9 Have a full and open discussion, address the concerns of  
10 your citizens who say if I bought the property I ought to  
11 be able to do what I jolly well feel about it, and if  
12 I've got a buildable lot, I should be able to build on a  
13 buildable lot. And in general, you should be able to  
14 build a buildable lot, and as a matter of fact, the  
15 historic regulations specifically says we cannot deny you  
16 the use -- the economic -- the fair economic use of your  
17 property. I mean, that is an assumption within the law.

18 And so, when a neighbor, or more than one  
19 neighbor comes and says -- you know -- I'm a little  
20 concerned about the fact that this person can't build on  
21 a legitimate lot, I have sympathy with that.

22 On the other hand, I must tell you that the  
23 fact that we've had a series of people come in from a  
24 variety of different parts of that neighborhood and say,  
25 look, these were our expectations. And they were

1 relatively consistent and unanimous in those  
2 expectations. And I have to side with them, because they  
3 have an economic stake in that neighborhood.

4 If this were another neighborhood, my suspicion  
5 is you could build on that lot. And I think we have  
6 approved a variety of infill projects that would dazzle  
7 you, if you saw their diversity. You can get away with  
8 an awful lot of things. But in this particular  
9 neighborhood, I think there's a big problem. And the  
10 problem is that there are expectations about what should  
11 and should not be done there. Those

12 expectations are more or less protected by the County  
13 law. I would feel a lot better if the -- if the  
14 Kensington folks would stand up in incorporate them;  
15 stand up in front of everybody and say, this is what we  
16 believe and this is why we believe it. So that everybody  
17 has a sense of what can and cannot be done.

18 If those expectations weren't there, Mr.  
19 Hoobler, I would be inclined to vote with you, because I  
20 have seen a variety of infill projects, some of which are  
21 less aesthetically appealing than yours, to be frank  
22 about it. But I'm not prepared to go against the  
23 expectations of that neighborhood and of that district.  
24 And I would hope that they would then extend each other  
25 and the rest of us a favor of coming up with a more

1 consistent and legally binding set of guidelines, so that  
2 we would all be better off in the future.

3 CHAIRMAN KOUSOULAS: Yes?

4 MS. WILKES: May I come forward?

5 CHAIRMAN KOUSOULAS: Sure.

6 MS. WILKES: I just wanted to quickly make a  
7 point that hasn't been made tonight. In Kensington, just  
8 a few houses up the street, in the last several months a  
9 house that sits on one and half of the pie-shaped lots  
10 with no buildable lots, sold for \$650,000. I think we  
11 are at a point in Kensington where perhaps the value of  
12 open space in the appurtenances and environmental setting  
13 has caught up. The only reasonable economic use,  
14 therefore, of a sideyard lot cannot be said to build --  
15 to be as a buildable lot.

16 I believe that -- I mean, I'm not a realtor,  
17 I'm not an appraiser, I'm not really qualified to say  
18 this. But I think that it is worth considering that the  
19 value of the sideyard lot to that house as a sideyard lot  
20 may be enough for the owner to realize a considerable  
21 profit if and when that owner decides to sell the house  
22 with the land to someone who appreciates the sideyard lot  
23 as part of the appurtenances and environmental setting.

24 That's the point.

25 CHAIRMAN KOUSOULAS: Thank you. The economic



1 return of the lot may not be really the central idea of  
2 the court's thinking on that issue. But I think what's  
3 important here, and I agree with Commissioner Trumble's  
4 thoughts on a buildable lot as an abstract idea, I think  
5 there are certain rights that a property owner has with  
6 that lot, that probably exceed most of the rights of  
7 community expectations. And unfortunately, we have this  
8 confusion there.

9 But, then again, those rights have all sort of  
10 controls on them, zoning being the most obvious one. So,  
11 as we heard earlier, you're not allowed to do whatever  
12 you want to with the -- your own property. There are  
13 already plenty of controls besides what we may also place  
14 on them.

15 But what I want to distinguish here, and I  
16 think we're confusing -- or we're kind of treating the  
17 open space separately from the houses in a very critical  
18 way. We follow the Secretary's Standards for  
19 Rehabilitation, and quite often people think, when they  
20 really don't know about preservation, they say, oh,  
21 you're going to basically freeze the houses; you're not  
22 going to let anything happen.

23 We have to say no. We will allow change to  
24 occur. We're basically following standards of  
25 rehabilitation which allow houses to be modified

1 somewhat. There are strict controls in certain parts of  
2 the house, more freedom in other parts of the house.  
3 Certain controls on certain kinds of features, certain  
4 kinds of materials and other things you can do.

5 We're not really trying to freeze-dry an  
6 historic resource, that's not what we do.

7 When we talk about individual lots scattered  
8 throughout a neighborhood, all of a sudden it seems as  
9 if, well, any reduction in that open space is a violation  
10 of the protection that the historic area enjoys. And the  
11 protection that the historic homes enjoy is not that --  
12 is not as absolute as the way sometimes the protection  
13 that the open space enjoys is phrased. And I would say  
14 that open space to Kensington is very, very good, just  
15 like a character of a house is very, very good.

16 Some degree of that open space may disappear  
17 over time, just like some degree of the character of a  
18 house may change a bit over time, because of decisions  
19 that we make or commissions like us make.

20 So, not every square inch of open space has to  
21 be protected -- or, I mean, it is protected, but has to  
22 remain open forever, if we're going to treat it the way  
23 we treat the houses. But it is important the  
24 neighborhood, and when you look at this particular case,  
25 this particular house -- and I really don't go by lot

1 coverage and those things. Those are important, but lot  
2 coverage really starts isolating a lot from other lots,  
3 and you can treat them very abstractly.

4 But when you look at this lot in the  
5 streetscape of Kensington, this is about one of the most  
6 important open-space lots there is, in terms of the  
7 rhythm of open space, in terms of the location of this  
8 lot in relation to other house. This is a very, very  
9 tricky one to build on. And the loss of this lot, unless  
10 it's done very, very carefully, would harm the overall  
11 impression of the open space in Kensington, which is  
12 important, much more than another lot. I won't name any  
13 one in particular, but there are other lots which we  
14 could obviously build on, and we have in the past. And  
15 the open space of Kensington isn't harmed much at all.

16 So I think we need to be careful about how we  
17 think about open space in Kensington. It can change over  
18 time, a bit, it probably will. But in this case, I think  
19 what you could do on this lot is extremely limited. And  
20 then the question of the garage, and moving that to  
21 accommodate the footprint of this house is another whole  
22 question.

23 I like the discussion of the redbuds. I've got  
24 about five in my back yard, but they're about two inches  
25 caliper. You know, that we could work on.

1           There are a number of little issues on this  
2 lot, but the major one, I think, is the disposition of  
3 this lot as open space in the overall street pattern. So  
4 I would have to agree with -- in principle with basically  
5 you've heard here tonight.

6           And if anybody else has anything to say, or to  
7 make a motion?

8           MR. HONDOWICZ: I would like to -- I have some  
9 questions of the councilman from Kensington, if you can  
10 come up?

11           (Pause.)

12           MR. HONDOWICZ: I guess, Councilman, I'm really  
13 just interested in your reaction to some things you just  
14 heard, because I know I, in the past five minutes as  
15 we've gone Commissioner to Commissioner, have been  
16 changing my mind about every 30 seconds. So maybe you  
17 can help me.

18           First of all, regarding what Commissioner  
19 Trumble said sort of leads me to ask you more  
20 specifically, because the way just general County  
21 government in relationship to city government operates  
22 here in Maryland, even though I've been here three years,  
23 and have been very involved, is a lot different from what  
24 it was like in New Jersey. And so, I want to make sure I  
25 understand what authority you have relative to the

1 County, and so forth.

2 Do you have any sort of historic preservation  
3 ordinance in Kensington? What type authority do you  
4 have? Is incorporating something like the Commissioner  
5 just said an option that's ever been considered, or is it  
6 a possible option at all, and so forth?

7 MR. RITZMANN: We do not have a separate  
8 historic preservation ordinance in the Town of  
9 Kensington. It's something that -- you know -- this is a  
10 new idea we've heard tonight. I'm not aware that it's  
11 ever come up in any of our meetings.

12 But rather, we allow -- we rely on the County.  
13 We have passed our zoning ordinance -- our zoning power  
14 to the County, so we rely on the County to do both our  
15 zoning  
16 and --

17 MR. HONDOWICZ: Oh, I see.

18 MR. RITZMANN: -- in this aspect, we look to  
19 the Historic Preservation Commission --

20 MR. HONDOWICZ: Now, in terms of the County  
21 having the zone -- that's sort of what I was thinking  
22 about, because I live just outside the city limits of  
23 Gaithersburg. I know Gaithersburg -- things occur in  
24 Gaithersburg that couldn't occur in some other place and  
25 still have town government and so forth.

1                   Does this -- the zoning authority lying with  
2 the County, is that something that the -- that the town  
3 willingly gives to the County, or is that your --

4                   MS. WRIGHT: Maybe --

5                   MR. RITZMANN: Yes, in --

6                   MS. WRIGHT: Maybe I can help on this. In the  
7 1920's, a regional district was created, and only seven  
8 municipalities in Montgomery County were outside of that  
9 regional district. I don't know the history on why those  
10 seven municipalities were outside and others were inside,  
11 but the basic rule is that except for those seven,  
12 including Gaithersburg and Rockville, all the other  
13 municipalities like Chevy Chase and Kensington and  
14 Garrett Park and others, are under County planning and  
15 zoning authority, and don't have the legal authority to  
16 create their own preservation law.

17                   MR. HONDOWICZ: That's what I was trying to get  
18 at.

19                   MS. WRIGHT: I mean, certainly they could adopt  
20 -- you know -- as a standard, something like the vision  
21 plan. But it would also not be a legally binding kind of  
22 adoption, because planning and zoning powers reside with  
23 the County government in Kensington, although we worked  
24 closely with the elected officials there.

25                   MR. HONDOWICZ: Okay. I have only one other

1 question, then. This is more towards the specifics --

2 MR. RITZMANN: Let me add to that.

3 MR. HONDOWICZ: Sure.

4 MR. RITZMANN: That Kensington is, and it's  
5 governing body, is relatively small. We don't have the  
6 money or the resources to have an expertise zoning staff  
7 or planning staff. And therefore, we believe the County  
8 has been much more capable of doing that.

9 MR. HONDOWICZ: And that's fine. I -- before I  
10 asked a more specific question about that. I just wanted  
11 to make sure I understood where everyone's coming from in  
12 terms of the law.

13 You mentioned that your decision of the town on  
14 this case came after a special session of the town  
15 council, that's correct?

16 MR. RITZMANN: Right.

17 MR. HONDOWICZ: Okay. What I'm wondering, and  
18 you may've already covering this in your testimony, but  
19 everything sort of gets lost in the wash, and so I want  
20 to make sure I understand.

21 In terms of the discussion that led up to the  
22 decision that you made, was there any mention about the  
23 open space in general in Kensington Historic District in  
24 terms of -- just don't think it's appropriate at all for  
25 infill, or the size and context? I'm trying to get more

1 of an idea of what led to the position that the town is  
2 taking.

3 MR. RITZMANN: There wasn't a specific  
4 discussion, a lengthy discussion, on this case. But we  
5 have considered this many times in past cases. So when  
6 the council discussed this we said -- you know -- this  
7 looks just like some past decisions we've made.

8 MR. HONDOWICZ: So it came in the context of  
9 something else?

10 MR. RITZMANN: We very quick -- we very quickly  
11 agreed with the staff report, in their analysis.

12 MR. HONDOWICZ: Okay. All I'd like to say at  
13 this point, Mr. Chairman, is I'm going to yield in case  
14 anyone else has anything to say. But before a motion is  
15 made, I want to make a final statement on how I'm going  
16 to vote.

17 But I don't want to presume to do that now if  
18 someone else wants to say something. So let me hold back  
19 for a second, and see if someone wants to react to what I  
20 just asked.

21 MR. TRUMBLE: I will just make the point that  
22 the Town of Kensington, I would assume, has considerably  
23 more resources than Hawkins Lane ever did, and they came  
24 up with a series of guidelines which they then got  
25 incorporated into the Master Plan.



1 I believe that the issue is one of  
2 expectations. And I think that in fairness to everyone  
3 in Kensington, including those who were coming in to make  
4 investments in your town and buy property, that the  
5 expectations of the community should be made as -- as  
6 straightforward as possible. Whether or not that  
7 ultimately is codified as law is discussion for another  
8 time.

9 But if in fact you agree with the vision  
10 statement, or with some of set of guidelines, then I  
11 would certainly think that the town council could endorse  
12 them in the form of some sort of resolution, make sure  
13 that real estate agents and homeowners who are active in  
14 your neighborhoods are aware of them, publicize them,  
15 have them available as readily as you did the -- your  
16 pictorial history of your town, the hardware store, et  
17 cetera.

18 Because developers are going to build as big a  
19 building as they possibly can. Mr. Hoobler is absolutely  
20 no different than any other developer who comes before  
21 us. He has a series of economic expectations. And given  
22 the land cost, he wants to build in neighborhoods like  
23 yours, because they're attractive. And he wants to build  
24 big structures there.

25 If you have a different vision for your town,

1 and you have a working majority of people who agree with  
2 that vision, then I think it's to your advantage to make  
3 that vision as widely known as possible.

4 MR. RITZMANN: I might say, the council has  
5 reviewed and has had copies of this vision, and we just  
6 said we think it's an excellent report. We didn't think  
7 to carry it further to -- to do something more concrete  
8 than adopting as a resolution. But in general, the  
9 council thinks this is an excellent report. We've  
10 considered it your report, and we have no reason to  
11 disagree.

12 MR. TRUMBLE: You hear that we think it's  
13 yours, we ought to just declare ownership.

14 MR. RITZMANN: Sure.

15 (Laughter.)

16 MS. LANIGAN: I think it's time we moved on,  
17 and I'm ready to make a motion. If you want to make a  
18 closing statement, go ahead.

19 MR. HONDOWICZ: Yeah, it'll just take me a  
20 couple seconds, thank you.

21 This is probably the first real hard vote that  
22 I've had in the couple days that I've been on -- months I  
23 -- seems like days -- that I've been on the Commission.  
24 And since everyone else seemed, for the most parts,  
25 instead of go ahead and ask questions were ready to make

1 their positions clear, let me now take that opportunity.

2

3 And I want to just preface what I'm saying by  
4 stating my appreciation for everyone in the audience and  
5 on the staff, not just for taking -- the audience taking  
6 the time to testify, but for everyone on the committee  
7 and staff indulging me, as I sometimes ramble on.

8 But it's really important to me to try and --  
9 obviously as it is to everyone, to make the right  
10 decision -- but for whatever reason.

11 This case has not been as simple to me as  
12 others, this body. I think I have no doubt that everyone  
13 on this Commission, I can state this from what I've  
14 observed in the past month that I've been a member, is  
15 definitely interested in following the intent of the  
16 ordinance under which we operate, which means striking a  
17 balance between the property owner and the general  
18 community. And I really want to emphasize that, because  
19 sometimes that gets lost in the wash in a lot of the  
20 hearings that I've heard in the past month that I've been  
21 a member.

22 I went to this site earlier this afternoon, and  
23 after -- when I first read the staff report, it seemed to  
24 me this makes sense, I'm going to vote to oppose it.

25 After being down at the property, then it

1 seemed to me, well, I don't know if it's -- it sort of  
2 looks dense. Then as I'm thinking about it, I realize a  
3 lot of it has to do with vegetation like that -- sort of  
4 -- in the first place. And then we went back and forth  
5 about the garage.

6 And so, I guess what I'm trying to emphasize is  
7 that not only wasn't this easy for me, but I just -- the  
8 idea of sort of -- even if it's not part of a clear  
9 statement saying that you just shouldn't be building  
10 here, sort of rubs me the wrong way. But at the same  
11 time, it is true that open space is certainly important  
12 to that area.

13 And when I think about what I saw this  
14 afternoon in a different light, after hearing everyone's  
15 testimony today, it seems to me that at this property  
16 site where the open space to me really does stand out, it  
17 doesn't stand out because it's an exception to the rule,  
18 but rather the greater density that I seemed to observe  
19 just off-hand is more the exception, and that's where we  
20 get into the problems of the historic district being in  
21 danger and so forth.

22 I had the opportunity to spend a lot of time in  
23 Kensington during the last campaign, working for a  
24 resident of that town who was a candidate for Congress.  
25 And so I had the opportunity to appreciate that area very

1 much. And so, I guess what I'm trying to say in a  
2 roundabout way is, while I very much regret having to  
3 oppose this permit, I just don't see -- I've been trying  
4 to find a way out, but I can't.

5 And so, I'm going to reluctantly vote in favor  
6 of denial. But I want to make clear that that's a really  
7 very reluctant decision for me. I understand that  
8 cutting down the size of a project is not always as  
9 simple as it seems. There economic costs involved, and I  
10 don't consider a proposal to build at any one time to be  
11 inherently malicious. But just -- after all that I've  
12 heard, and trusting judgments from other and my own best  
13 guess, I just can't find a way to support this. And so,  
14 I'll be voting against any permit.

15 CHAIRMAN KOUSOULAS: Is there a motion?

16 MS. SODERBERG: May I just say -- I have one  
17 brief question, and that is about the existing garage.

18 Is it possible, if we vote to deny this  
19 application, to include the citation of demolition by  
20 neglect for the garage?

21 MS. ZIEK: This Commission does not make  
22 citations. We can report a demolition, but we do not  
23 issue the citations.

24 MS. LANIGAN: I'd like to make a motion. Case  
25 Number 31/6-97D, 3922 Baltimore Street, Kensington

1 Historical District. That the application for a Historic  
2 Area Work Permit be denied based on the reasons given in  
3 the staff report.

4 MS. SODERBERG: Second that motion.

5 CHAIRMAN KOUSOULAS: Is there any discussion?

6 (No response.)

7 CHAIRMAN KOUSOULAS: I'll close the public  
8 record.

9 All those in favor of the motion, raise your  
10 right hand. All those opposed -- none.

11 The motion passes unanimously.

12 MR. HOOBLER: Thank you.

13 MS. WRIGHT: And is -- as is the case with all  
14 denials, a written denial will be issued within 15 days  
15 from the date of this meeting, and any party aggrieved of  
16 that decision can appeal to the Board of Appeals within  
17 30 days from the date of getting the denial decision.

18 MR. HOOBLER: Thanks.

19 CHAIRMAN KOUSOULAS: Okay, the next case is  
20 Case D, for shed demolition in Takoma Park, and some  
21 siting work. MS. ZIEK: The application at 7230  
22 Spruce Avenue has been amended formally, through a letter  
23 dated April 16th, withdrawing the proposal for anything  
24 further than anything further than the removal of the  
25 aluminum siding.