

31/6-93H CONTINUED 10310 Freeman Pl
Kensington Historic District



August 5, 1993

Ms. Nancy Witherell
Historic Preservation Commission
8787 Georgia Ave.
Silver Spring, MD 20902

Dear Nancy:

As per our conversation today concerning Town of Kensington Code for fence restrictions, currently the Town does not have a fence ordinance.

In March of this year Kensington adopted a new Town Code and this section was purposely left out due to controversy over enforcement of hedge heights (which was part of that section). Therefore, any testimony at an HPC hearing stating the Town has such a law is invalid.

Enclosed for your information is the part of the Code where the "fence" ordinance is blank.

Sincerely,

Pat Weikel
Town Administrator

cc. Mayor and Council

CODE OF ORDINANCES
OF THE
TOWN OF KENSINGTON
MONTGOMERY COUNTY, MARYLAND

Prepared by:

C. Douglas Baker
and
Jeanne E. Bilanin

Institute for Governmental Service
University of Maryland System
College Park, Maryland 20742

March 15, 1993

(c) In the event that such owner or occupant shall fail within five (5) days to comply with such notice, a Code Enforcement Officer may order that such dirt, sand, gravel, or other material be removed in conformity with said notice, and, in addition to any other penalty prescribed by law, the Council may order that the cost of same be charged against the property and collected as delinquent taxes are collected.

Section 3-104. Maintenance of Public Right-of-Way

(a) The owners or occupants of properties abutting any public way shall be responsible for maintaining the public right-of-way in front of or adjacent to said property between the public way and the private property line in a clean and safe condition. This shall include but not be limited to the removal of snow and ice from the sidewalk.

(b) The owner or occupant of any property in the Town of Kensington shall keep such property and the public right-of-way abutting the property free from rubbish or an unreasonable accumulation of growth or underbrush, weeds, briars or other nuisances and will keep the grass mowed within the right-of-way.

(c) The owner or occupant of any property in the Town shall keep the property and the public right-of-way between the public way and the private property line free of any trees, bushes, hedges, vines, leaves, weeds, underbrush, loose earth, or any other materials which obstruct the vision of motorists traveling on any public street, alley road, or other public way so as to constitute a traffic hazard.

(d) Whenever a Code Enforcement Officer shall observe a violation of this Section, he or she shall immediately notify such owner or occupant to remove said rubbish or underbrush, or other nuisance, or to cut or trim said weeds, trees, briars or grass in conformance with the provisions of this Section.

(e) In the event that said owner or occupant shall fail within ten (10) days to comply with such notice, a Code Enforcement Officer may order that such rubbish or underbrush or other nuisance be removed or the weeds, briars or grass be cut or trimmed in conformity with said notice and, in addition to any other penalties prescribed by law, the Council may order that the cost of same be charged against the property and collected as delinquent taxes are collected.

Section 3-105. Fences and Hedges

(RESERVED)

Section 3-106. Barbed-Wire Fences

(a) No barbed-wire fencing shall be used along any street, alley, road, other public way, or property line, in or adjacent to any residential area.



MEMORANDUM

TO: Robert Hubbard, Acting Chief
Division of Development Services and Regulation
Department of Environmental Protection

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

SUBJECT: Historic Area Work Permit

DATE: 8.19.93

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

+ Approved _____ Denied

_____ Approved with Conditions: _____

The Building Permit for this project should be issued conditional upon adherence to the approved Historic Area Work Permit.

Applicant: Timmerman

Address: 10310 Fremont Place, Kensington



Historic Preservation Commission

51 Monroe Street, Suite 1001, Rockville, Maryland 20850
217-3625

APPLICATION FOR HISTORIC AREA WORK PERMIT

TAX ACCOUNT # _____

NAME OF PROPERTY OWNER Kenneth & Christina Timmerman TELEPHONE NO. (301) 946-2918
(Contract/Purchaser) (Include Area Code)

ADDRESS 16310 Freeman Place, Kensington, MD STATE MD ZIP _____
CITY _____

CONTRACTOR _____ TELEPHONE NO. _____

PLANS PREPARED BY _____ TELEPHONE NO. _____
(Include Area Code)

CONTRACTOR REGISTRATION NUMBER _____

REGISTRATION NUMBER _____

LOCATION OF BUILDING/PREMISE

House Number 16310 Street Freeman Place

Town/City Kensington Election District _____

Nearest Cross Street Wagner Street

Lot 11 Block 5 Subdivision R 15 Detached

Liber _____ Folio _____ Parcel Plot Book 131 Plot 15184

1A. TYPE OF PERMIT ACTION: (circle one)

<input checked="" type="checkbox"/> Construct	<input type="checkbox"/> Extend/Add	<input type="checkbox"/> Alter/Renovate	<input type="checkbox"/> Repair	Circle One: A/C	Slab	Room Addition
<input type="checkbox"/> Wreck/Raze	<input type="checkbox"/> Move	<input type="checkbox"/> Install	<input type="checkbox"/> Revocable	<input checked="" type="checkbox"/> Porch	<input type="checkbox"/> Deck	<input type="checkbox"/> Fireplace
			<input type="checkbox"/> Revision	<input checked="" type="checkbox"/> Fence/Wall (complete Section 4)	<input type="checkbox"/> Shed	<input type="checkbox"/> Solar
						<input type="checkbox"/> Woodburning Stove

1B. CONSTRUCTION COSTS ESTIMATE \$ 3,500

1C. IF THIS IS A REVISION OF A PREVIOUSLY APPROVED ACTIVE PERMIT SEE PERMIT # _____

1D. INDICATE NAME OF ELECTRIC UTILITY COMPANY _____

1E. IS THIS PROPERTY A HISTORICAL SITE? _____

PART TWO: COMPLETE FOR NEW CONSTRUCTION AND EXTEND/ADDITIONS

2A. TYPE OF SEWAGE DISPOSAL

01 <input checked="" type="checkbox"/> WSSC	02 <input type="checkbox"/> Septic
03 <input type="checkbox"/> Other _____	

2B. TYPE OF WATER SUPPLY

01 <input checked="" type="checkbox"/> WSSC	02 <input type="checkbox"/> Well
03 <input type="checkbox"/> Other _____	

PART THREE: COMPLETE ONLY FOR FENCE/RETAINING WALL

4A. HEIGHT 3 feet 6 inches

4B. Indicate whether the fence or retaining wall is to be constructed on one of the following locations:

- On party line/Property line _____
- Entirely on land of owner _____
- On public right of way/easement _____ (Revocable Letter Required).

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

Kenneth R. Timmerman Signature of owner or authorized agent (agent must have signature notarized on back)

July 16, 1993 Date

APPROVED X For Chairperson, Historic Preservation Commission

DISAPPROVED _____ Signature Albert B. Randall Date 8.10.93

APPLICATION/PERMIT NO: _____ FILING FEE: \$ _____

DATE FILED: _____ PERMIT FEE: \$ _____

DATE ISSUED: _____ BALANCE \$ _____

OWNERSHIP CODE: _____ RECEIPT NO: _____ FEE WAIVED: _____

SEE REVERSE SIDE FOR INSTRUCTIONS

HISTORIC PRESERVATION COMMISSION STAFF REPORT

Address: 10310 Freeman Place Meeting Date: 8/18/93
Resource: Kensington Historic District Review: HAWP/Alteration
Case Number: 31/6-93H CONTINUED Tax Credit: No
Public Notice: 8/4/93 Report Date: 8/11/93
Applicant: K. and C. Timmerman Staff: Nancy Witherell
PROPOSAL: Install fence and parking pad RECOMMEND: Approve

The application concerns the installation of a 42" wooden picket fence to enclose the property. The new fence would match a picket fence that already exists at the rear and south sides of the yard. The applicants also propose a brick-paved parking pad measuring 12' by 25' at the northwest corner of the lot, entered from Warner Street. No driveway currently exists; a concrete apron would also need to be constructed following approval from the Town of Kensington.

The area around the parking pad would be re-landscaped and a small Spruce tree (less than 6" in caliper) removed. According to the applicant, three or four bushes under 30" in height would be removed for the parking pad. The fence would run along the inside edge of the parking pad, as shown on the attached site plan. The fence would continue along the sidewalk, to the outside of the hedge. None of the shrubbery, other than that described near the proposed parking pad, would be removed.

STAFF DISCUSSION

According to the Town of Kensington, there is no town ordinance restricting fences on private property. While fences were not originally used in neighborhoods built in this time period, they have come to be seen by many owners--due to cars, children, and pets--as necessary features of late 20th-century neighborhood living. The staff supports this position. There are wooden fences in various styles and configurations in the historic district already and the staff would suggest that the installation of such a fence is consistent with the style of the late 19th-century and early 20th-century houses in the neighborhood. A fence is a reversible alteration, should the present or future owners decide it is no longer necessary.

The parking pad is also an generally-accepted accommodation for present-day use of a historic house, provided it is placed and constructed appropriately. There are many parking pads and driveways in the historic district, and the proposed parking pad would be well-landscaped.

STAFF RECOMMENDATION

The staff recommends that the Commission find the proposal consistent with the purposes of Chapter 24A, particularly 24A-8(b)1:

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

and with Standard #2:

The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.



Historic Preservation Commission

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PLANS PREPARED BY _____ CONTRACTOR REGISTRATION NUMBER _____

TELEPHONE NO. _____ (Include Area Code)

REGISTRATION NUMBER _____

LOCATION OF BUILDING/PREMISE

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Town/City Kensington Election District _____

Nearest Cross Street Warner Street

Lot 4 Block 5 Subdivision R.B. Detrick

Liber _____ Folio _____ Parcel Plat Brook 131 Plat 15184

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				<input checked="" type="checkbox"/> Fence/Wall (complete Section 4)	<input checked="" type="checkbox"/> Other	<u>Driveway</u>
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						<input type="checkbox"/> Solar
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I hereby certify that I have the authority to make the foregoing application, that the application is correct, and that the construction will comply with plans approved by all agencies listed and I hereby acknowledge and accept this to be a condition for the issuance of this permit.

Kenneth R. Timmerman

July 16 1993

SUPPLEMENTAL APPLICATION FOR HISTORIC AREA WORK PERMIT
REQUIRED ATTACHMENTS

1. WRITTEN DESCRIPTION OF PROJECT

- a. Description of existing structure(s) and environmental setting, including their historical features and significance:

This four-square home was constructed in 1895 and sits on a corner lot at the extreme northern limit of the historic district.

- b. General description of project and its impact on the historic resource(s), the environmental setting, and, where applicable, the historic district:

The project will add a white picket fence 42" around the property where no fencing currently exists, to prevent our infant children from running out into the street and into the parking garage just across the driveway will run straight in from Warner Street to the rear of the house and is added as a convenience. Currently we must walk approximately 60 feet in from Freeman Place. 12'x25', brick

(2)

2. Statement of Project Intent:

Short, written statement that describes:

- a. the proposed design of the new work, in terms of scale, massing, materials, details, and landscaping:

brick) The picket fence will fit flush with existing landscaping. The ~~grass~~ driveway will be landscaped on both sides with existing shrubs, and will require removing a small (about 12' high) spruce tree. [less than 6" in caliper].

- b. the relationship of this design to the existing resource(s):

The picket fence and drive will add harmony and authenticity to the overall structure. The brick drive will meet up and match with existing brick walkways and patio area.

- c. the way in which the proposed work conforms to the specific requirements of the Ordinance (Chapter 24A):

Conforms in character materials, and detail to the surrounding neighborhood.

3. Project Plan:

Site and environmental setting, drawn to scale (staff will advise on area required). Plan to include:

- a. the scale, north arrow, and date;
- b. dimensions and heights of all existing and proposed structures;
- c. brief description and age of all structures (e.g., 2 story, frame house c.1900);
- d. grading at no less than 5' contours (contour maps can be obtained from the Maryland-National Capital Park and Planning Commission, 8787 Georgia Avenue, Silver Spring; telephone 495-4610); and
- e. site features such as walks, drives, fences, ponds, streams, trash dumpsters, mechanical equipment, and landscaping.

4. Tree Survey: If applicable, tree survey indicating location, caliper and species of all trees within project area which are 6" in caliper or larger (including those to be removed).

5. Design Features: Schematic construction plans drawn to scale at 1/8" = 1'-0", or 1/4" = 1'-0", indicating location, size and general type of walls, window and door openings, roof profiles, and other fixed features of both the existing resource(s) and the proposed work.
6. Facades: Elevation drawings, drawn to scale at 1/8" = 1'0", or 1/4" = 1'0", clearly indicating proposed work in relation to existing construction and, when appropriate, context. All materials and fixtures proposed for exterior must be noted on the elevations drawings. An existing and a proposed elevation drawing of each facade affected by the proposed work is required.
7. Materials Specifications: General description of materials and manufactured items proposed for incorporation in the work of the project.
8. Photos of Resources: Clearly labeled color photographic prints of each facade of existing resource, including details of the affected portions. All labels should be placed on the front of photographs.
9. Photos of Context: Clearly labeled color photographic prints of the resource as viewed from the public right-of-way and from adjoining properties, and of the adjoining and facing properties.

Color renderings and models are encouraged, but not generally required.

Applicant shall submit 2 copies of all materials in a format no larger than 8 1/2" x 14"; black and white photocopies of color photos are acceptable with the submission of one original photo.

10. Addresses of Adjacent Property Owners. For all projects, provide an accurate list of adjacent and confronting property owners (not tenants), including names, addresses, and zip codes. This list should include the owners of all lots or parcels which adjoin the parcel in question, as well as the owner(s) of lot(s) or parcel(s) which lie directly across the street/highway from the parcel in question. If you need assistance obtaining this information, call the Department of Assessments and Taxation, at 279-1355.

1. Name Glenn S. Whitiver
 Address 3906 Warner St.
 City/Zip Kensington, MD 20895
2. Name Helen Beatty
 Address 10314 Freeman Place
 City/Zip Kensington, MD 20895

3. Name James F. Kelley & Elizabeth Markley
Address 3824 Warner St.
City/Zip Kensington, MD 20895

4. Name Stanley S. Joseph
Address 3911 Warner St.
City/Zip Kensington, MD 20895

5. Name Rolling Properties, Inc
Address 3913 Warner St.
City/Zip Kensington, MD 20895

6. Name Robert Acoss Jr.
Address 3915 Warner St.
City/Zip Kensington, MD 20895

7. Name _____
Address _____
City/Zip _____

8. Name _____
Address _____
City/Zip _____

1757E

Addition of picket fence to adjoin existing fence and brick driveway at rear of house.

WARNER STREET



Note: This property does not lie within the limits of a flood hazard area as delineated on the maps of the national flood insurance program.

CAPITOL SURVEYS

NOTE: This drawing is not intended to establish property lines or the existence of corner markers guaranteed. All information shown hereon taken from the records of the county or city in which the property is located.

HOUSE LOCATION
 LOT 11 BLOCK 5
 R.B. DETRICKS SUBDIVISION
 KENSINGTON
 MONTGOMERY COUNTY, MARYLAND
 Recorded in Plat Book 131 Plat 15184 Scale 1" = 30'

I hereby certify that the position of all of the existing improvements on the above described property have been established by a transit tape measurement and that unless otherwise shown there are no visible encroachments.

LOUIS COHEN
 Registered Land Surveyor
 Maryland No. 1961

DATE: FEB. 19, 1986

CASE: 191-86

FILE: 21243

Aug. 5, 1993

To: Nancy Witherall
HPC Staff

From: Kenneth R. Timmerman
House Foreign Affairs Subcommittee on International Security

Re: Driveway and fence permit

This is to clarify an apparent confusion regarding the removal of shrubbery for the addition of a white picket fence and brick driveway to our house at 10310 Freeman Place, Kensington, MD.

The only shrubs needing to be removed in order to install the fence and driveway are in the Northwest corner of the property, and consist of one (1) spruce tree approximately 5" in caliper, and three or four bushes less than 30" in height.

Both the tree and the shrubs to be removed figure on the photographs submitted to the commission by Little + Architects for the addition (page 10).

Elsewhere along the Warner Street side of the property, there is ample room between shrubbery roots and the public sidewalk to install the fence, so that the shrubs will be behind the fence.

There are no shrubs along the Freeman Place side of the house.

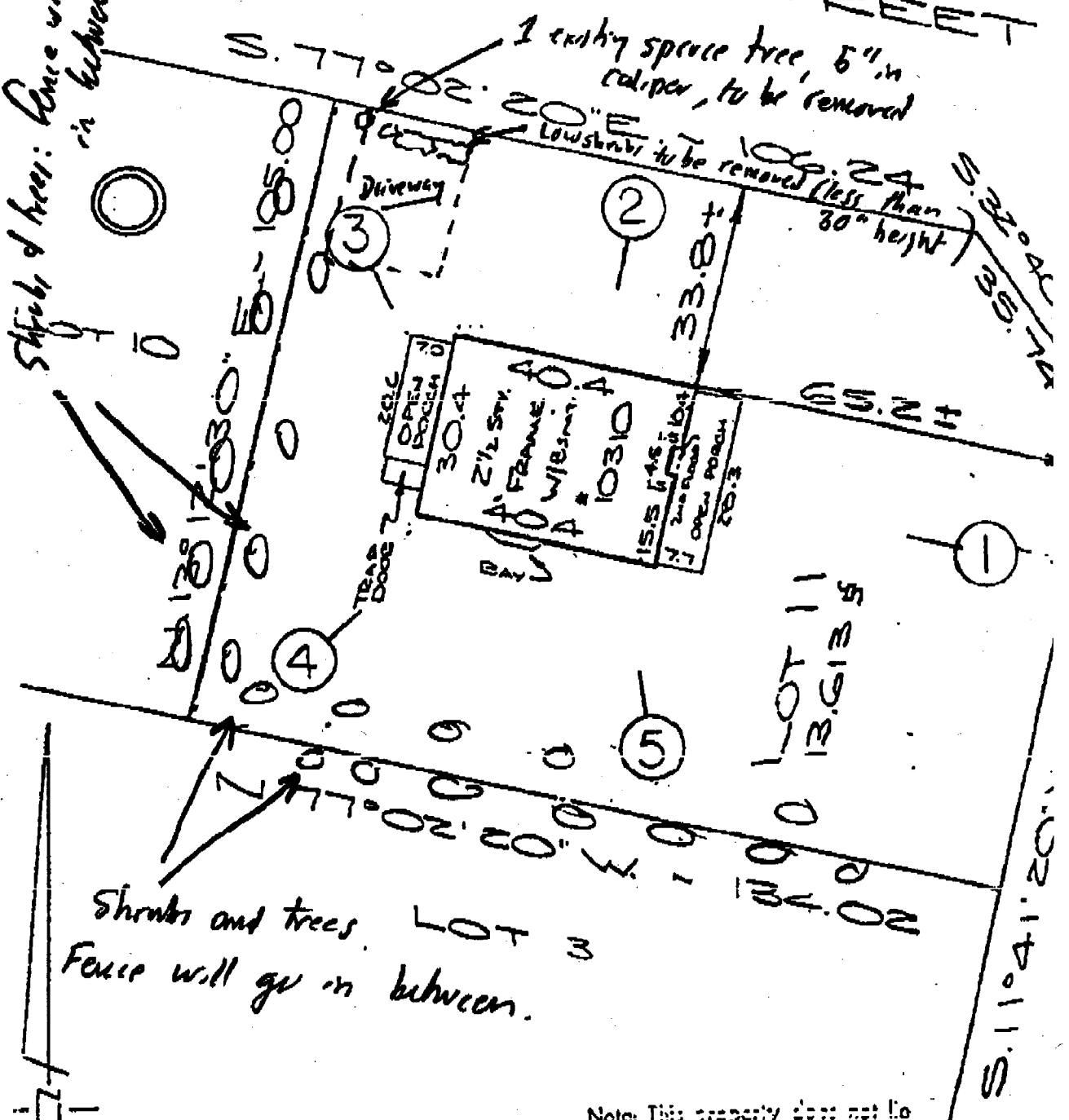
Low shrubs and trees dot both sides of the property line with our two immediate neighbors. None of these shrubs will be impacted, since there is ample space between them to install the fence along the property line between existing trees and shrubs.

I would like to remind you that the landscaping plan of this house was designed over the past five years by the previous owner, and does not constitute a historical resource. Period photographs show that there was no landscaping around the original house.



WARNER STREET

Species of trees: fence will go in between



Shrubs and trees. LOT 3
Fence will go in between.

Note: This property does not lie within the limits of a flood hazard area as delineated on the maps of the national flood insurance...

TIMMERMAN RESIDENCE
10310 FREEMAN PLACE

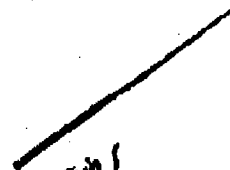
LITTLE + ARCHITECTS

3504 Farragut Avenue
Kensington
Maryland 20895
301 949 8800

5" spacer to be removed



All this remains



3. NORTHWEST CORNER - WEST ELEVATION

48
9



August 5, 1993

Ms. Nancy Witherell
Historic Preservation Commission
8787 Georgia Ave.
Silver Spring, MD 20902

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11

**THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION
8787 GEORGIA AVENUE
SILVER SPRING, MARYLAND 20907**