

Board Of Appeals Case #A-4261

7112 Cedar Avenue, Takoma Park H. D.

David Beer

(202) 331-7775
x294

(202) 293-6224

TONY FITCH

(202) 424-7695

5' HIGH

WOOD FENCE

(301) 585-2786

Kousoulas
656-2642

Roofing
Explet - Herbert
Fishman HB Fishman + Co

POB 97
S. Nings
CT

Bryan Blundell
Dell Corporation

P.O.B. 1462

Rockville, MD.

20849-1462

279-
2612

BOARD OF APPEALS
for
MONTGOMERY COUNTY

Stella B. Werner Council Office Building
100 Maryland Avenue
Rockville, Maryland 20850

Telephone
Area Code 301
217-6600

Case No. A-4261

APPEAL OF WARREN A. FITCH
(Hearing held July 19, 1995)

OPINION OF THE BOARD
(Effective date of Opinion, October 20, 1995)

In Case No. A-4261, the appellant charges administrative error on the part of the Historic Preservation Commission in its denial of an application for Historic Area Work Permit, dated January 4, 1995, contending that Section 24A-8 of the Montgomery County Code was misinterpreted.

The subject property are Lots No. 6 and No. 9 and Parts of Lots No. 7 and No. 8, Block 7, Gilbert's Subdivision, located at 7112 Ceder Avenue, Takoma Park, Maryland, in the R-60 Zone.

Decision of the Board: Administrative Appeal DENIED

Clifford L. Royalty, Esquire, Associate County Attorney, appeared on behalf of the Historic Preservation Commission (HPC). He called as witnesses David Berg, who, at the time of the permit denial, was a planner for the HPC, and George Kousoulas, a commissioner with HPC.

Warren A. Fitch appeared on his own behalf and called the following witnesses, his wife, Rebecca Fitch, and Benjamin A. Van Dusen, an architect.

BACKGROUND

The subject property is 7112 Ceder Avenue, Takoma Park, Maryland. The home is located in an historic district and is designated as an outstanding resource. This means it has the highest level of architecture and historical significance. The home is a Queen Anne design, built in 1888 with the original slate roof still installed. The property was purchased by the appellant in 1979.

TESTIMONY AT THE HEARING

David Berg stated that at the time of permit denial he was a historic preservation planner for the Montgomery County Planning Commission. His duties were to review Historic Area Work Permit (HAWP) applications and to inspect the property by making a site visit and to make sure the application was consistent with Chapter 24A of the Montgomery County Code and the Master Plan. After this was done he would make a written and oral report at the HPC meetings.

Mr. Berg stated that in November 1993, the property was given an approved HAWP for additions to the house; a pool and a fence. In September 1994, when making a site visit to review another HAWP in the area, he saw workers tearing the slate roof off the petitioner's home and replacing it with an asphalt-type shingle roof. Mr. Berg stated that about 85% of the slate roof had been replaced. He then advised Mr. Fitch to apply for a retroactive HAWP for the replacement of the roof.

Mr. Fitch, according to Mr. Berg's testimony, did apply for a retroactive HAWP for the roof. Mr. Berg then visited 7112 Cedar Avenue, Takoma Park, Maryland, to officially review the new roof and make recommendations to the HPC. After this review he determined that the appearance of asphalt shingle on this roof was not in character with the house. According to Mr. Berg, the asbestos shingles are about one-eighth the thickness of a piece of roofing slate. He then presented this finding to the Commission and recommended denial of the HAWP. The HPC vote was to deny the HAWP and the Fitches were notified officially by a written decision.

George Kousoulas, Commissioner with the HPC, testified that he was present at the hearing when the decision was rendered. He stated the retroactive HAWP was denied because the Commission felt that fiberglass asphalt shingles on the roof were not in keeping with the historicity of the resource according to Chapter 24A and the Secretary of Interior's guidelines. Mr. Kousoulas described the difference between asphalt and slate roofing. He testified that the manufacturers of asphalt are endeavoring to make the asphalt look more like slate by impregnating the fabric so it looks like a very rough piece of sandpaper. It has very little sheen according to Mr. Kousoulas and the slate has the clefing of a sedimentary rock, which slate is. When slate is under dry conditions it will have a sheen where the sun hits it. He stated that it has a very different sheen from asphalt and the edge of each is very different. Slate, he explained, has natural variations and across an entire roof the variations are multiplied. Also there is a mottling of the color and there is a more ragged edge on the slate. He stated there are several ways that manufacturers have strived to give asphalt roofing a more slate-like appearance but they do not really come across looking like slate.

Using the Secretary's standards, HPC wants to see repair rather than replacement. If something needs to be replaced, the same material should be used, unless that is no longer available, according to Mr. Kousoulas' testimony.

Mr. Fitch introduced his first witness, Mr. Benjamin Van Dusen. Mr. Van Dusen was the architect retained by Mr. Fitch for the remodeling of 7112 Cedar Avenue, Takoma Park, Maryland.

Mr. Van Dusen explained his involvement in renovations to the interior, enclosing an old porch and other interior work. Also a swimming pool was added to the back yard. As the work progressed in the interior, Mr. Van Dusen stated he discussed the need of roof repair with the Fitches because of the effect of a roof that was not water-tight on the renovated interior. He testified that alternatives to slate were considered because the slate bids were astronomical. The roof eave line caused the high price. In many cases it is 35' above ground. Replacing the roof with slate required massive scaffolding.

In answer to questions from the Board he stated he did not suggest to the Fitches that they needed to apply for an HAWP. He said that subject never came up. Mr. Van Dusen stated he would have preferred them to use slate but the cost played a major role in the final renovation of the house.

Mrs. Rebecca Fitch, wife of petitioner, was next to testify. She stated that it was her responsibility to find someone to fix the roof and it was a great concern because they were sustaining water damage. In the past they had the roof repaired several times according to her testimony. She testified that several contractors gave estimates. The first one told her there was no way to save the existing slate on the roof. The slate was over 100 years old and the nails were wearing. According to Mrs. Fitch, her primary concern was to stop the water damage to preserve her house. The first estimate was to replace with shingles and do repairs at a cost of over \$14,000. Then, someone gave her an estimate of \$25,000 to replace the roof with slate.

Mrs. Fitch stated that over the years they had repaired the guttering twice and repaired the roof several times at a great deal of expense. Mrs. Fitch said the exterior of the house also had to be painted before winter so she made the decision to get the exterior work, roof replacement, gutter repair and painting done immediately using the asphalt material, basically because of cost.

Mr. Fitch entered several pictures of the roof into the record. He contended that the color of the asphalt roofing is "quite close" to the color of the natural slate roof.

CONCLUSION OF THE BOARD OF APPEALS

The subject house is designated as an outstanding resource in the Master Plan, making it subject to the highest detailed level of design review. The Secretary of Interior's Standards, which are incorporated in the Master Plan, states that the historic character of a property must be retained and preserved. The removal of historic materials or alterations of features and spaces that characterize a property must be avoided. The Standards also require "identifying, retaining and preserving roofs and their functional and decorative features" that are important to defining the overall historic character of the building. This includes the roof's shape, such as hipped, gambrel and mansard; decorative features such as cupolas, cresting, chimneys and weathervanes; and roofing material such as slate, wood, clay tile and metal as well as its size, color and patterning.

The Board has examined the photographs and studied the record and the oral testimony given by all witnesses at the hearing and has made a site visit. Taking everything into account, the Board determined that roof material of this Historic Resource was of major importance to maintaining its historic value and, therefore, we uphold the decision of the HPC and deny the appeal.

The Board adopted the following Resolution:

BE IT RESOLVED by the Board of Appeals for Montgomery County, Maryland, that the opinion stated above be adopted as the Resolution required by law as its decision on the above entitled Appeal.

On a motion by K. Lindsay Raufaste, seconded by Helen Strang, with Judith Heimann, Chairman, in agreement, the Board adopted the foregoing Resolution. Allison Bryant and William Green were necessarily absent and did not participate in the foregoing Resolution.

I do hereby certify that the foregoing Opinion was officially entered in the Opinion Book of the County Board of Appeals this 20th day of October, 1995.



Tedi S. Osias

Executive Secretary to the Board

NOTE: Any decision by the County Board of Appeals may, within (30) days after the decision is rendered, be appealed by any person aggrieved by the decision of the Board and a party to the proceeding before it, to the Circuit Court for Montgomery County in accordance with the Maryland Rules of Procedures.

BOARD OF APPEALS
for
MONTGOMERY COUNTY

Stella B. Werner Council Office Building Telephone
100 Maryland Avenue Area Code 301
Rockville, Maryland 20850 217-6600

Case No. A-4261

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(Hearing held July 19, 1995)

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CONCLUSION OF THE BOARD OF APPEALS

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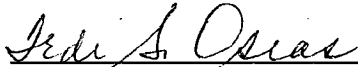
The Board has examined the photographs and studied the record and the oral testimony given by all witnesses at the hearing and has made a site visit. Taking everything into account, the Board determined that roof material of this Historic Resource was of major importance to maintaining its historic value and, therefore, we uphold the decision of the HPC and deny the appeal.

The Board adopted the following Resolution:

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I do hereby certify that the foregoing Opinion was officially entered in the Opinion Book of the County Board of Appeals this 20th day of October, 1995.



Tedi S. Osias

Executive Secretary to the Board

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to do

research for Coetta affirmative actions approved by courts that will help on Bradley

- pull together info on Fitch

- witnesses (Gwen, David, George Kousoulas^(?), Walter Booth[?], roofing expert, DEP neighbor)
(Stan Garber)

- documents: decisions
✓ ~~1~~ previous BOA that are pertinent

✓ ~~2~~ T.P. guidelines

✓ ~~3~~ Sec. Standards

✓ ~~4~~ 24A

✓ ~~5~~ resolution of adopting Sec. Standards

~~6~~ sample of fake slate

✓ ~~7~~ transcripts

✓ ~~8~~ HANP application

✓ ~~9~~ staff reports

44 ✓ ~~10~~ Avery-Flaherty decisions

- call Walter Booth re: Higgins discussion

✓ ~~11~~ slides

Slides for Fitch Case:

1. Front facade of 7112 Cedar at the time the Takoma Park Historic District was designated (1992) - this shows the original slate roof
2. Workmen replacing the roof at 7112 Cedar in October, 1994 - no Historic Area Work Permit
3. Detail of resulting roof as it currently exists - front gable (perpendicular to street) is asphalt shingle, with the old slate on the portion of roof with front dormer (which faces the street)
4. Detail of resulting roof as it currently exists - portion of roof with front dormer (which faces the street) in original slate, with side of roof in asphalt shingle
5. Front facade as it currently exists
6. Side/rear facade as it currently exists

NOTICE OF CHANGE OF
DATE AND TIME OF HEARING

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217-6600

Case No. A-4261

APPEAL OF WARREN A. FITCH

Notice is hereby given that a public hearing will be held by the Board of Appeals for Montgomery County, Maryland, in the Stella B. Werner Council Office Building, 100 Maryland Avenue, Rockville, Maryland, in the Second Floor Davidson Memorial Hearing Room, on the 19th day of July, 1995, at 1:30 p.m., or as soon thereafter as this matter can be heard, on the application filed pursuant to Section 2-112 of the Montgomery County Code.

The appellant charges administrative error on the part of the Historic Preservation Commission in its denial of an Application for Historic Area Work Permit dated January 4, 1995, contending that Section 24A-8 of the Montgomery County Code was misinterpreted. In accordance with Chapter 2A, Administrative Procedures Act, a copy of the "charging document" (appeal) is attached to this notice.

The subject property is Lots 6 and 9, and Parts of 7 and 8, Block 7, Gilbert's Subdivision, located at 7112 Cedar Avenue, Takoma Park, Maryland in the R-60 Zone.

Notices of change of date and time of hearing forwarded this 18th day of April, 1995, to:

Warren A. Fitch
County Attorney
Alan Wright, Esquire, Senior Assistant County Attorney
Clifford Royalty, Assistant County Attorney
Director, Department of Environmental Protection
Walter Booth, Chairperson, Montgomery County
Historic Preservation Commission
Nancy Witherell, Historic Preservation Commission
Gwen Marcus, Historic Preservation Commission, Design,
Zoning and Preservation Division, M-NCPPC
Members, Board of Appeals
Contiguous and confronting property owners
Allied Civic Group
City of Takoma Park
Old Takoma Park Citizens Association
Silver Spring-Takoma Park Traffic Coalition
Takoma Park Community Action Forum

County Board of Appeals

By Tedi S. O'sias
Tedi S. O'sias
Executive Secretary to the Board

**APPEAL CHARGING ERROR
IN ADMINISTRATIVE RULING OR ACTION**
Please note instructions on reverse side.
Attach additional sheets if required for answers.

Appeal is hereby made pursuant to Section 2-11 of the Montgomery County Code 1984, as amended, from the decision or other action of an official or agency of Montgomery County specified below which Appellant contends was erroneous.

Official or agency from whose ruling or action this appeal is made: Historic Preservation Commission

Brief description of ruling or action from which this appeal is made (attach duplicate copy of ruling or document indicating such action): Denial of request to replace slate roof with fiberglass shingles

Date of that ruling or action: January 4, 1995

Brief description of what, in appellant's view, the ruling or action should have been: Request should have been granted.

Number of section, and subsection if any, of the Montgomery County Code 1984, as amended, or citation or other statutory provision, which appellant contends was misinterpreted: Section 24a-8

Error of fact, if any, involved in the ruling or action from which this appeal is made: The proposed roofing material is compatible with the design, color, texture, etc. of slate roof.

Error of law, if any, involved in the ruling or action from which this appeal is made: Requiring a prohibitively expensive slate roof would violate due process clause of 14th Amendment.

Question(s) of fact, if any, presented to the Board by this appeal: Whether proposed change is appropriate to, or consistent with, the site.

Question(s) of law, if any, presented to the Board by this appeal: Whether requiring a prohibitively expensive roof would violate due process clause of 14th Amendment.

Description of real property, if any, involved in this appeal: Lot 6, 7, parts of 8 and 9 Block 7
Parcel _____, Subdivision Gilbert's, Street and Number 7112 Cedar Avenue
Town Takoma Park, Zone 20912

Appellant's present legal interest in above property, if any: Owner (including joint ownership). _____ Lessee. _____ Contract to lease or rent. _____ Contract to purchase. _____ Other (describe)

Statement of appellant's interest, i.e., manner in which appellant is aggrieved by the ruling or action complained of (as property owner or otherwise): Requiring a slate roof would be prohibitively expensive and is not necessary to preserve historic character of the house.

Further comments, if any: _____

I hereby affirm that all of the statements and information contained in or filed with this appeal are true and correct.

Signature of Attorney

Address of Attorney

Telephone Number

Warren Anthony Fitch
Signature of Appellant(s)

7112 Cedar Avenue
Address of Appellant(s)
Takoma Park, MD 20912
(301) 585-27686 (H)
(202) 424-7695 (B)

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NOTICE OF CHANGE OF TIME OF HEARING

Notice is hereby given that a public hearing will be held by the Board of Appeals for Montgomery County, Maryland, in the Stella B. Werner Council Office Building, 100 Maryland Avenue, Rockville, Maryland, in the Second Floor Davidson Memorial Hearing Room, on the 12th day of April, 1995, at 1:30 p.m., or as soon thereafter as this matter can be heard, on the application filed pursuant to Section 2-112 of the Montgomery County Code.

The appellant charges administrative error on the part of the Historic Preservation Commission in its denial of an Application for Historic Area Work Permit dated January 4, 1995, contending that Section 24A-8 of the Montgomery County Code was misinterpreted. In accordance with Chapter 2A, Administrative Procedures Act, a copy of the "charging document" (appeal) is attached to this notice.

The subject property is Lots 6 and 9, and Parts of 7 and 8, Block 7, Gilbert's Subdivision, located at 7112 Cedar Avenue, Takoma Park, Maryland in the R-60 Zone.

Notices of change of time of hearing forwarded this 31st day of March, 1995, to:

Warren A. Fitch
County Attorney
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Clifford Royalty, Assistant County Attorney
Director, Department of Environmental Protection
Walter Booth, Chairperson, Montgomery County
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Nancy Witherell, Historic Preservation Commission
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HISTORIC PRESERVATION COMMISSION

of

MONTGOMERY COUNTY

**8787 Georgia Avenue
Silver Spring, Maryland 20910**

301-495-4570

Case No.: 37/3-94KK Received: December 6, 1994

Public Appearance: December 21, 1994

Before the Montgomery County Historic Preservation Commission

Application of Mr. & Mrs. Warren Fitch

DECISION AND OPINION OF THE COMMISSION

Decision of the Commission: DENY the applicants' proposal to replace an existing fiberglass and slate roof with fiberglass GAF Slateline shingles on the house at 7112 Cedar Avenue, Takoma Park - an Outstanding Resource in the Takoma Park Historic District.

Commission Motion: At the December 21, 1994, meeting of the Historic Preservation Commission (HPC), Commissioner Lanigan presented a motion to deny the Historic Area Work Permit application. Commissioner Trumble seconded the motion. Commissioners Brenneman, Kousoulas, Lanigan, Trumble and Clemmer voted in favor of the motion. Commissioner Bienenfeld opposed the motion. Commissioners Harris, Randall, and Booth were absent. The motion was passed, 5-1.

SUMMARY OF APPLICATION AND BACKGROUND OF 7112 CEDAR AVENUE

The following terms are defined in Section 24A-2 of the Code:

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

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

The following term is defined in the Approved and Adopted Amendment to the Master Plan for Historic Preservation in Montgomery County, Maryland for Takoma Park Historic District:

Outstanding Resource: A resource which is of outstanding significance due to its architectural and/or historical features. An outstanding resource may date from any historical period and may be representative of any architectural style. However, it must have special features, architectural details and/or historical associations that make the resource especially representative of an architectural style, it must be especially important to the history of the district, and/or it must be especially unique within the context of the district.

The house at 7112 Cedar Avenue is classified as an Outstanding Resource in the Takoma Park Historic District. Dating from 1888, it is one of the first houses built in Takoma Park. The house's designation as an Outstanding Resource is based upon its architectural significance as an important example of the Queen Anne Style. It is also significant as the residence of a former mayor of Takoma Park, Ben Davis.

The Approved and Adopted Amendment to the Master Plan for Historic Preservation in Montgomery County, Maryland for Takoma Park Historic District includes a set of Historic Preservation Review Guidelines. These guidelines address the level of review to be given to Outstanding Resources, and direct that the Secretary of the Interior's Standards should be used as a guide:

"These resources have the highest level of architectural and/or historical significance. While they will receive the most detailed level of design review, it is permissible to make sympathetic alterations, changes and additions to Outstanding Resources. As a set of guiding principles for design review of Outstanding Resources, the Historic Preservation Commission will utilize the Secretary of the Interior's 'Standards for Rehabilitation'. Specifically, some factors to be considered in reviewing HAWPs on Outstanding Resources: . . . preservation of original building materials and use of appropriate, compatible new material is encouraged."

On November 17, 1993, the Commission approved a Historic Area Work Permit (HAWP) for the applicants to construct a side addition/porch and to install an in-ground pool with an accompanying required 5' high wood fence. The Commission felt that these proposed changes were compatible and would not negatively affect the historic character of this Outstanding Resource.

In September, 1994, historic preservation staff viewed the property and observed that, in addition to implementing the approved construction, workers had proceeded to remove most of the historic slate roof on the house and were completing the installation of new fiberglass shingles. This roof replacement had not been reviewed by the Commission and no HAWP had been obtained for this work.

Staff notified DEP of the violation. Upon receiving the complaint, DEP issued a stop work order until a HAWP was filed and reviewed by the Commission.

The applicant subsequently applied for a HAWP which was reviewed on December 21, 1994. The applicant requested approval to replace the existing fiberglass shingles that had recently been installed without a HAWP, as well as the remaining slate roofing. The replacement material proposed by the applicants was a fiberglass GAF Slateline brand roofing material.

EVIDENCE IN THE RECORD

Copies of the applicants' HAWP application and a written report from the Historic Preservation Commission staff were distributed to the Commissioners on December 14, 1994. The application was considered by the Historic Preservation Commission at a public meeting on December 21, 1994.

Staffperson David Berg presented 35 mm slides to the Commission showing the applicants' house as well as details of the remaining slate portion of the roof and the recently installed fiberglass shingles. Slides showing workers in the process of installing the new roof were also presented.

Staff maintained that the texture and appearance of the historic slate roof is a defining characteristic of this significant Queen Anne resource. Staff pointed out that the recently installed replacement material represented a considerable change from the quality and appearance of the historic fabric. Staff presented a slide showing the contrast between the slate and fiberglass portions of the roof. Asphalt or fiberglass shingles, even those specifically designed to imitate slate, are not, in staff's opinion, an acceptable substitute for slate on an Outstanding Resource of this significance. They do not represent a comparable quality of materials and workmanship.

Staff cited the Secretary of Interior's Standard #2, which addresses the importance of maintaining the historic character of a structure by retaining historic materials:

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.

Standard #6, which addresses the issue of replacing historic features, is also pertinent:

Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of

missing features shall be substantiated by documentary, physical, or pictorial evidence.

In addition, staff noted the Secretary of the Interior's Guidelines for Rehabilitating Historic Buildings which recommend that:

"repairing a roof by reinforcing the historic materials which comprise roof features. Repairs will also generally include the limited replacement in kind - or with a compatible substitute material - of those extensively deteriorated or missing parts of features when there are surviving prototypes such as cupola louvers, dentils, dormer roofing; or slates, tiles, or wood shingles on a main roof."

Staff further pointed out that, although the applicant contended that the historic slate roof was not reparable, staff could not address that issue. Since the roof had already been removed, there was no opportunity to make that judgement.

Staff felt that the use of fiberglass shingles is not compatible with an Outstanding Resource of this significance and is not consistent with the purposes of Chapter 24A, the Takoma Park Guidelines, nor the Secretary of Interior's Standards and Guidelines. Thus, staff recommended that the Commission deny the applicant's request to replace the existing roof with fiberglass or asphalt shingles.

Staff concluded that the applicant should replace the existing roof with a new slate roof or possibly a slate substitute (not fiberglass shingles). Staff pointed out that different types of slate are available and these vary in price. The applicant was encouraged to consult with staff for technical advice regarding slate roofs.

Mr. and Mrs. Warren Fitch testified on their own behalf. Mrs. Fitch stated that they had investigated the possibility of repairing the existing historic slate roof but were advised by experts in slate roofs that the slates were in an advanced state of decay, and the nails were disintegrating. She was advised that repair would cost approximately \$ 35,000. She was also advised that it would be cheaper, perhaps costing \$ 25,000 to install a new slate roof.

Mrs. Fitch stated that it was difficult to find a contractor that was even willing to give them an estimate on the project, and that they were only able to secure one bid on the project.

Concluding that replacing the roof with new slate would be too expensive, Mrs. Fitch said that they decided to have the roof replaced with fiberglass shingles. She further stated that they were very concerned about protecting the historic integrity of the house and therefore determined to save the most visible section of the slate, while replacing the remaining roof with fiberglass

shingles.

Commissioner Brenneman advised the applicants that slate was of such high quality that it would last 50 to 100 years, whereas fiberglass or asphalt would only last 20 to 30 years.

Commissioner Lanigan stated that she agreed with the staff report in that the asphalt or fiberglass substitute was not compatible for an Outstanding Resource of this significance. Commissioners Trumble and Brenneman agreed.

FINDINGS OF THE COMMISSION

The criteria which the Commission must utilize in evaluating Historic Area Work Permit applications are found in Section 24a-8(a), and 24a-8(b) of the Montgomery County Code, 1984, as amended.

Section 24a-8(a) provides that:

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

The Commission finds that:

1. As proposed in the application, the removal of the historic slate roofing material and its replacement with either asphalt or fiberglass shingles is inconsistent with the preservation of the historic resource because the slate is a defining architectural characteristic of this Outstanding Resource, and its removal impairs the historic and architectural character of the resource.
2. The proposal is inappropriate and detrimental to the preservation of the historic resource and is therefore inconsistent with the purposes of Chapter 24A of the Montgomery County Code, "Preservation of Historic Resources".
3. Although the applicants proceeded with the roof replacement contrary to the Historic Preservation Ordinance - which requires that any individual within a Master Plan historic district must obtain a Historic Area Work Permit (HAWP) prior to undertaking any exterior work other than ordinary maintenance - the Commission did not consider this issue in their deliberations. Had the applicants applied for a HAWP before initiating the roof replacement, the Commission's decision to deny the application would not have changed.

CONCLUSION

Based on the evidence in the record and the Commission's findings, as required by Section 24A-8(b) of the Montgomery County Code, 1984, as amended, the Commission denies the application of Mr. and Mrs. Warren Fitch to replace a slate roof with fiberglass shingles at 7112 Cedar Avenue.


In analyzing whether the criteria have been met, the Commission evaluates the evidence in the record in light of generally accepted principles of historic preservation, including the Historic Preservation Review Guidelines in the Approved and Adopted Amendment to the Master Plan for Historic Preservation for Takoma Park Historic District, as well as the Secretary of the Interior's Standards for Rehabilitation, adopted by the Commission on February 5, 1987. In particular, Standards #2 and #6 are found to be applicable:

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.

Standard 6: Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.

Based on these facts and findings, and having heard and carefully considered all of the testimony and exhibits contained in the record, it is the decision of the Montgomery County Historic Preservation Commission that the proposal by Mr. and Mrs. Warren Fitch to replace a slate roof with fiberglass shingles at 7112 Cedar Avenue in Takoma Park is DENIED.

If any party is aggrieved by the decision of the Commission, pursuant to Section 24A-7(h) of the Montgomery County Code, an appeal may be filed within thirty (30) days with the Board of Appeals, which will review the Commission's decision de novo. The Board of Appeals has full and exclusive authority to hear and decide all appeals taken from decisions of the Commission. The Board of Appeals has the authority to affirm, modify, or reverse the order or decision of the Commission.



Walter Booth, Chairperson
Montgomery County Historic
Preservation Commission

Date 1/4/95