

31/6-00Q 3802 Washington Street
Kensington Historic District

HISTORIC PRESERVATION COMMISSION
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**HISTORIC PRESERVATION COMMISSION
SPEAKER'S FORM**

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DATE: Dec. 20, 2000

AGENDA ITEM ON WHICH YOU WISH TO SPEAK: 3802 Washington St,
Kensington Item D

NAME: Julie O'Malley

COMPLETE MAILING ADDRESS: 10019 Frederick Ave
Kensington 20895

REPRESENTING (INDIVIDUAL/ORGANIZATION): Kensington Historical
Society, Preservation Committee

The Montgomery County Historic Preservation Commission observes the following time guidelines for testimony at regular meetings and hearings:

- HAWP applicant's presentation.....7 minutes
- Comment by affected property owners on Master Plan designation.....3 minutes
- Comment by adjacent owners/interested parties.....3 minutes
- Comment by citizens association/interested groups.....5 minutes
- Comment by elected officials/government representatives.....7 minutes

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DATE: Dec 20, 2000

AGENDA ITEM ON WHICH YOU WISH TO SPEAK: III D

NAME: Lynn Ruffaste

COMPLETE MAILING ADDRESS: 3710 Mitchell St
Kensington MD 20895

REPRESENTING (INDIVIDUAL/ORGANIZATION): Town of Kensington

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DATE: 12/20/00

AGENDA ITEM ON WHICH YOU WISH TO SPEAK: 31/6-00Q 380r Washington St

NAME: Jim Engel

COMPLETE MAILING ADDRESS: 10220 Carroll Pl. Kensington Md 20895

REPRESENTING (INDIVIDUAL/ORGANIZATION): Kensington LAP

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DATE: 12/20/00

AGENDA ITEM ON WHICH YOU WISH TO SPEAK: #1

NAME: Barry Peoples

COMPLETE MAILING ADDRESS: 10030 Kew. Pkwy
Kew. MD 20895

REPRESENTING (INDIVIDUAL/ORGANIZATION): Kensington Historical District (Pres)

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DATE: 12/20/00

AGENDA ITEM ON WHICH YOU WISH TO SPEAK: WASHINGTON ST., KENS,

NAME: HELEN WILKES

COMPLETE MAILING ADDRESS: 3923 PROSPECT ST., KENS, 20895

REPRESENTING (INDIVIDUAL/ORGANIZATION): SELF

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DATE: 12/20/00

AGENDA ITEM ON WHICH YOU WISH TO SPEAK: 3-D

NAME: ANDREA MURTHA

COMPLETE MAILING ADDRESS: 3802 WASHINGTON ST, KENSINGTON, MD
20895

REPRESENTING (INDIVIDUAL/ORGANIZATION): Self

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DATE: 12-20-2000

AGENDA ITEM ON WHICH YOU WISH TO SPEAK: IID

NAME: MARY ANN JARSKI

COMPLETE MAILING ADDRESS: 2105 Powder Mill Rd

Silver Spring MD 20903

REPRESENTING (INDIVIDUAL/ORGANIZATION): Andie + Chris Martha

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DATE: 12/20/00

AGENDA ITEM ON WHICH YOU WISH TO SPEAK: 3-D

NAME: CHRIS MURTHA

COMPLETE MAILING ADDRESS: 3802 WASHINGTON ST, KENSINGTON
MD 20895

REPRESENTING (INDIVIDUAL/ORGANIZATION): Self

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DATE: Dec 20, 2000

AGENDA ITEM ON WHICH YOU WISH TO SPEAK: III D

NAME: LISA SHERPOL

COMPLETE MAILING ADDRESS: 10610 ST PAUL ST KENSINGTON

REPRESENTING (INDIVIDUAL/ORGANIZATION): LISA SHERPOL

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DATE: 12/20/20

AGENDA ITEM ON WHICH YOU WISH TO SPEAK: _____

NAME: Steve Krupinski

COMPLETE MAILING ADDRESS: 3800 Washington St
Kensington MD 20895

REPRESENTING (INDIVIDUAL/ORGANIZATION): _____

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FRONT VIEW

10941023721-02
2151 1999



BACKYARD PATIO

10941023721-02
2151 2000



VIEW FROM 3800 WASHINGTON
(RED CAR IN NEIGHBOR'S DRIVE)



09816317897-02 0304 7643
COPIES & ENLARGEMENTS CALL 800-421-1030



VIEW FROM ACROSS STREET (RED CAR
IN NEIGHBOR'S DRIVEWAY)

10941023721-02
2151 1998



THE CONCRETE ALONG THIS SIDE
STILL NEEDS TO BE CUT AWAY BY
1 FOOT TO 18" LEAVING 31 SPACES
AT COMPLETION



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COPIES & ENLARGEMENTS CALL 800-421-1030

HISTORIC PRESERVATION COMMISSION

of

MONTGOMERY COUNTY

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

301-563-3400

Case No. 31/6-00Q (Retroactive) Received November 30, 2000

Public Appearance December 20, 2000

Before the Montgomery County Historic Preservation Commission

Application of Andie and Chris Murtha
3802 Washington Street, Kensington

DECISION AND OPINION OF THE COMMISSION

Decision of the Commission: DENY the Applicant's proposal to enlarge the size of their driveway and to install a sidewalk and rear patio.

Commission Motion: At the December 20, 2000 meeting of the Historic Preservation Commission, Commissioner Spurlock presented a motion to deny a proposed Retroactive Historic Area Work Permit application to enlarge the size of their driveway and to install a sidewalk and rear patio. Commissioner Harbit seconded the motion. Commissioners Velasquez, Harbit, Spurlock, DeReggi, Kousoulas, Eig, Watkins and Breslin voted in favor of the motion. Commissioner Lesser was absent. The motion passed 8-0.

BACKGROUND:

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

Appurtenances and environmental setting: The entire parcel, as of the date on which the historic resource is designated on the master plan, and structures thereon, on which is

located an historic resource, unless reduced by the District Council or the commission, and to which it relates physically and/or visually. Appurtenances and environmental settings shall include, but not be limited to, walkways and driveways (whether paved or not), vegetation (including trees, gardens, lawns), rocks, pasture, cropland and waterways.

Commission: The historic preservation commission of Montgomery County, Maryland.

Director: The director of the department of permitting services of Montgomery County, Maryland or his designee.

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

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

Historic resource: A district, site, building, structure or object, including its appurtenances and environmental setting, which is significant in national, state or local history, architecture, archeology or culture.

Retroactive: Work completed before being considered by the Commission.

On November 30, 2000 Andie and Chris Murtha completed a retroactive application for Historic Area Work Permit (HAWP) to enlarge the size of their driveway and to install a sidewalk and rear patio.

The driveway, sidewalk and patio work was installed prior to November 30th and before being reviewed by the Commission.

3802 Washington Street is a Non-Contributing Resource within the Kensington Historic District designated on the Master Plan For Historic Preservation In Montgomery County in 1986.

The adjacent house, 3804 Washington Street is a Primary Resource within the Kensington Historic District.

EVIDENCE IN THE RECORD:

A written staff recommendation on this case was prepared and sent to the Commission on December 13, 2000. At the December 20, 2000 HPC meeting, staff person, Michele Naru, showed 35MM slides of the site and presented an oral report on the staff recommendation. Staff

recommended the driveway enlargement and the sidewalk and patio installation be approved with conditions.

Staff's specific conditions were 1) remove the previously installed front parking pad and 2) reduce the driveway width to a measurement of 66' long and 11' wide. The staff's specific concerns were:

1. The increase in the size of the driveway negatively impacts the environmental setting of the historic district.
2. The massive amount of lot coverage the front parking pad utilizes would be out of character with the historic "garden setting" of the Kensington Historic District as a whole.
3. The increased pavement would expand the lot existing lot coverage of 16% to over 30%.

The applicants, Andie and Chris Murtha, attended the meeting.

Chris Murtha testified that the existing driveway was not large enough in the opinion of his family for the accessibility for his wheelchair bound family member who they are anticipating will be moving into their home. He felt that the addition of the front parking pad, sidewalk and rear patio is essential in order to accommodate the needs of this family member. Mr. Murtha acknowledged that representatives from the Town of Kensington and other organizations are concerned with the dangerous precedent the driveway would create. He asked that his project not be viewed as a precedent, yet as an exception and felt that this exception was worthy of the Commission's leniency.

Jim Engel, Chairman of the Kensington Local Advisory Panel (LAP), testified on behalf of the Kensington LAP. He stated that there was unanimous consent to the recommendations staff provided in their report. He also acknowledged that he was not aware of the situation of the wheelchair access until that evening. He indicated that he spoke to the applicant a couple weeks prior to the meeting and the applicant did not indicate that the need for this surface was for wheelchair access. Mr. Engel also expressed concern of the precedent this project would have on the historic district.

Mary Ann Jarski, Andie Murtha's mother, explained that the family wishes that the Commission approve the proposal. She and her family want her 96-yr old mother to be cared for in the home of her granddaughter, Andie Murtha.

Lisa Sherper, resident of the Town of Kensington - not in the Historic District, testified that she does not feel that the proposal reflects poorly on the Town. She feels that it, as well as the recent renovations, add value and appeal to the neighborhood.

Lisa Sherper read a letter from Andrea Gell, also a resident of the Town of Kensington, which

stated that she felt that the driveway was not a detraction or contradiction to the historic Victorian garden character of Kensington.

Barry Peoples, President of the Kensington Historical Society, presented a letter to the Commission from Mary Buckingham, a neighbor of the Murtha's. In her letter, Ms. Buckingham, talks about preserving as much of the green space as possible. She mentions that she feels that the parking pad is an eyesore and she feels will lower the values of the homes around it – which includes hers.

Barry Peoples goes on to testify that his concern is that “if the Commission would approve this parking pad, that anybody could come along, pave over whatever part of their gardens they wanted and turn them into looking more like a commercial district.” He also stated that his mother-in-law lives with him and is also in a wheelchair. Mr. Peoples expresses that “if you have a driveway and if you have a sidewalk and you add a ramp to the rear of the house that is not visible, the whole house and property is accessible.”

Julie O'Malley, Chair of the Preservation Committee of the Kensington Historical Society testified that this proposal exceeds the recommended allowance for lot coverage as specified in the Vision of Kensington – a document approved and adopted by the County Council as guidelines to assist the Commission in its recommendations for the Kensington Historic District. Ms. O'Malley's concern was also for the mature holly tree in the front yard. She indicated that the front parking pad covers a great part of the root system. Her concerns are to the level of damage to the tree's root system due to the parking pad installation.

Helen Wilkes, architect, resident of Kensington and President of the Kensington Land Trust, issued her concerns about the precedent established by this front parking pad. She states that “the location of a solid parking pad like that is a fairly urban move and what distinguishes Kensington...is the garden setting: the appearance of green space around – surrounding the house which has already, been compromised by the density of houses set on 50' lots, and of course, in this case, the house has already, by expanding, consumed more of that surrounding green space.” She also indicated that she is sympathetic to the physical needs of this family, but believes that this is not the only or best solution.

Lynn Roefast, Mayor of the Town of Kensington, testified that the “Town Council voted unanimously to oppose the retroactive HAWP Case No. 31/61-00Q and to request the Commission to require the applicants of 3802 Washington Street to restore the property to its original configuration.” She also stated that the Town Council felt that to permit this parking pad to remain would be detrimental to not only Washington Street, but also to the entire historic district. She also noted that the recommendation for denial is unanimous from the Town of Kensington, the Local Advisory Panel and the Kensington Historical Society – all united in the goal to preserve the historic district of Kensington.

Chris Murtha testified that he was unaware they were required to submit a HAWP application for this driveway, patio and sidewalk installation. Mr. Murtha also stated that he felt the drawing that staff generated was inaccurate.

Staff clarified that the measurements were taken on-site.

Mr. Krupinski, an adjacent homeowner at 3800 Washington Street, testified that his concerns were with regard to the standing water in his backyard. He stated that since the installation of these surfaces he has been experiencing standing water and he is concerned about its' affects to his own property.

Commissioner Watkins questioned the applicant with regard to the location of the handicapped ramp. The applicants indicated that the ramp was to be sited at the front of the house. The applicants feel that due to the amount of steps at the rear (6) to the (4) steps at the front of the house, the ramp would be more accommodating in the front.

Commissioner Spurlock indicated that he would not vote to permit a handicapped ramp to be constructed on the front of the house and indicated that he would encourage a rear ramp that would utilize the sidewalk. He pointed out that this option would negate the need for a turnaround space in the front of the property.

Commissioner Harbit was concerned that this retroactive proposal had not been well thought out. He felt the applicant had not figured out exactly what they needed with regard to ramping and parking prior to putting it in.

Commissioner DeReggi also expressed concerns with the parking pad in front of the house.

Commissioner Velasquez's concerns were with regard to the precedent of this project. She noted that the Commission has to look at the project with regard to its impact on the Historic District's streetscape. She expressed that the historic streetscape is the total environment and not just one yard. She felt that there are other ways the applicants could accomplish what they needed without the Commission approving something that she felt was such a dangerous precedent.

Commissioner Kousoulas indicated that the size of the front parking pad was not needed to accommodate a wheelchair bound individual. The width of commercial parking spaces is 13' to allow for the handicapped vehicle, room for entering and exiting the vehicle and additional space for adjacent parked cars. He pointed out that this additional space for parked cars is not needed in a residential scenario and felt that the 11' width staff presented as a solution was adequate.

Commissioner Spurlock made the motion to deny the Historic Area Work Permit for Case 31/600Q. Commissioner Harbit seconded the motion. Commissioners Velasquez, Harbit, Spurlock, DeReggi, Kousoulas, Eig, Watkins and Breslin voted in favor of the motion. Commissioner Lesser was absent. The motion passed 8-0.

The commission did agree that they would hear a new HAWP application with regard to this project if the applicant submitted a new application to the Department of Permitting Services within six weeks from the decision date of December 20, 2000.

CRITERIA FOR APPROVAL AND FINDINGS OF THE COMMISSION:

The criteria which the Commission must evaluate in determining whether to deny a Historic Area Work Permit application are found in Section 24A-8(a) 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.

Section 24A-6(a)2 provides that:

Performing any grading, excavating, construction or substantially modifying, changing or altering the environmental setting of a historic site or a historic resource located within a historic district.

Section 24A-6(c)2 provides that:

Any person who shall undertake any work as stated in subsection (a) of this section without first obtaining a historic area work permit shall be subject to the penalties established in section 24A-11.

Section 24A-11 provides that:

Any person who violates a provision of this chapter, or fails to comply with any of the requirements thereof, or disobeys or disregards a decision of the Commission, or fails to abide by the conditions of a permit, shall be subject to punishment for a class A violation as set forth in section 1-19 of chapter 1 of the County Code. Each day a violation continues to exist shall constitute a separate offense. (Ord. No. 9-4, 1; 1983 L.M.C., ch. 22 28; Ord. No. 11-59.)

In analyzing whether the criteria for issuance of a Historic Area Work Permit have been met, the Commission also evaluates the evidence in the record in light of the Amendment to the Approved and Adopted Master Plan for Historic Preservation in Montgomery County, Maryland - Kensington Historic District.

The Commission also evaluates the evidence in light of generally accepted principles of historic preservation, including the Secretary of the Interior's Standards for Rehabilitation and

Guidelines, adopted in the Commission's Executive Regulations on November 4, 1997. In particular Standards #2, and #9 are applicable in this case:

- Standard 2: The historic character of a property will be retained and preserved. The removal of distinctive materials or alterations of features, spaces, and spatial relationships that characterize a property will be avoided.

- Standard 9: New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.

Based on this, the Commission finds that:

1. The driveway pad, sidewalk and rear patio impacts negatively to the historic "garden setting" of the Kensington Historic District. For this reason it is essential to preserve the historic character of the District and thus maintain its integrity.

3. The proposal for the enlargement of the driveway and the installation of the sidewalk and rear patio constitutes changes that specifically impair the existing environmental settings, streetscape and patterns of open space that contribute to the historic character of the Kensington Historic District as a whole.

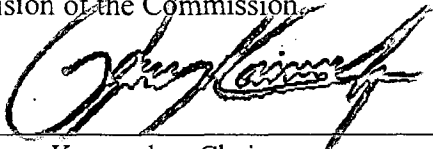
CONCLUSION:

The Commission was guided in its decision by Chapter 24A, by the Amendment to the Approved and Adopted Master Plan for Historic Preservation in Montgomery County, Maryland, - Kensington Historic District, and by the Secretary of the Interior's Standards for Rehabilitation.

Based on the evidence in the record and the Commission's findings, as required by Section 24A-8(a) of the Montgomery County Code, 1984, as amended, the Commission must **deny** the application of Andie and Chris Murtha for a Retroactive Historic Area Work Permit (HAWP) to enlarge their driveway and install a sidewalk and rear patio at 3802 Washington Street in the Kensington Historic District. The changes for which this application was made are in violation of Section 24A-11.

If any party is aggrieved by the decision of the Commission, pursuant to Section 24A-70(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 the decision of the Commission. The Board of Appeals has the authority to affirm, modify, or reverse the order or decision of the Commission.



George Kousoulas, Chairperson
Montgomery County
Historic Preservation Commission

Jan 4, 2001

Date



RETURN TO: DEPARTMENT OF PERMITTING SERVICES
255 ROCKVILLE PIKE, 2nd FLOOR, ROCKVILLE, MD 20850
240/777-6370

DPS - #8

HISTORIC PRESERVATION COMMISSION
301/563-3400

APPLICATION FOR
HISTORIC AREA WORK PERMIT

Contact Person: Andie Murtha
Daytime Phone No.: 301-929-0501

Tax Account No.: _____
Name of Property Owner: Andie & Chns Murtha Daytime Phone No.: 301-929-0501
Address: 3802 Washington St Keensington MD 20895
Street Number City State Zip Code
Contractor: _____ Phone No.: _____
Contractor Registration No.: _____
Agent for Owner: _____ Daytime Phone No.: _____

LOCATION OF BUILDING/PREMISE

House Number: Same as above Street: _____
Town/City: _____ Nearest Cross Street: _____
Lot: _____ Block: _____ Subdivision: _____
Liber: _____ Folio: _____ Parcel: _____

PART ONE: TYPE OF PERMIT ACTION AND USE

1A. CHECK ALL APPLICABLE: Construct Extend Alter/Renovate A/C Slab Room Addition Porch Deck Shed
 Move Install Wreck/Raze Solar Fireplace Woodburning Stove Single Family
 Revision Repair Revocable Fence/Wall (complete Section 4) Other: Driveway
1B. Construction cost estimate: \$ \$10,000 or less slightly
1C. If this is a revision of a previously approved active permit, see Permit # Yes Permit # 205302

PART TWO: COMPLETE FOR NEW CONSTRUCTION AND EXTEND/ADDITIONS

2A. Type of sewage disposal: 01 WSSC 02 Septic 03 Other: _____
2B. Type of water supply: 01 WSSC 02 Well 03 Other: _____

PART THREE: COMPLETE ONLY FOR FENCE/RETAINING WALL

3A. Height _____ feet _____ inches
3B. 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

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.

[Signature] _____ 11-29-00
Signature of owner or authorized agent Date

Approved: _____
Disapproved: X Signature: [Signature] Date: _____
Application/Permit No.: 235930 Date Filed: 11/30/00 Date Issued: _____
For Chairperson, Historic Preservation Commission

31/6.00 (Retno)

**THE FOLLOWING ITEMS MUST BE COMPLETED AND THE
REQUIRED DOCUMENTS MUST ACCOMPANY THIS APPLICATION.**

1. WRITTEN DESCRIPTION OF PROJECT

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

crumbing driveway, patio & various
chunks of concrete around property,
no historical significance known

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

reposition and enlarge driveway to front yard,
replace path with same materials, and replace
previous patio with same materials in a
different site in back yard

2. SITE PLAN

Site and environmental setting, drawn to scale. You may use your plat. Your site plan must include:

- the scale, north arrow, and date;
- dimensions of all existing and proposed structures; and
- site features such as walkways, driveways, fences, ponds, streams, trash dumpsters, mechanical equipment, and landscaping.

3. PLANS AND ELEVATIONS

You must submit 2 copies of plans and elevations in a format no larger than 11" x 17". Plans on 8 1/2" x 11" paper are preferred.

- Schematic construction plans**, with marked dimensions, indicating location, size and general type of walls, window and door openings, and other fixed features of both the existing resource(s) and the proposed work.
- Elevations (facades), with marked dimensions, clearly indicating proposed work in relation to existing construction and, when appropriate, context. All materials and fixtures proposed for the 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.

4. MATERIALS SPECIFICATIONS

General description of materials and manufactured items proposed for incorporation in the work of the project. This information may be included on your design drawings.

5. PHOTOGRAPHS

- Clearly labeled photographic prints of each facade of existing resource, including details of the affected portions. All labels should be placed on the front of photographs.
- Clearly label photographic prints of the resource as viewed from the public right-of-way and of the adjoining properties. All labels should be placed on the front of photographs.

6. TREE SURVEY

If you are proposing construction adjacent to or within the dripline of any tree 6" or larger in diameter (at approximately 4 feet above the ground), you must file an accurate tree survey identifying the size, location, and species of each tree of at least that dimension.

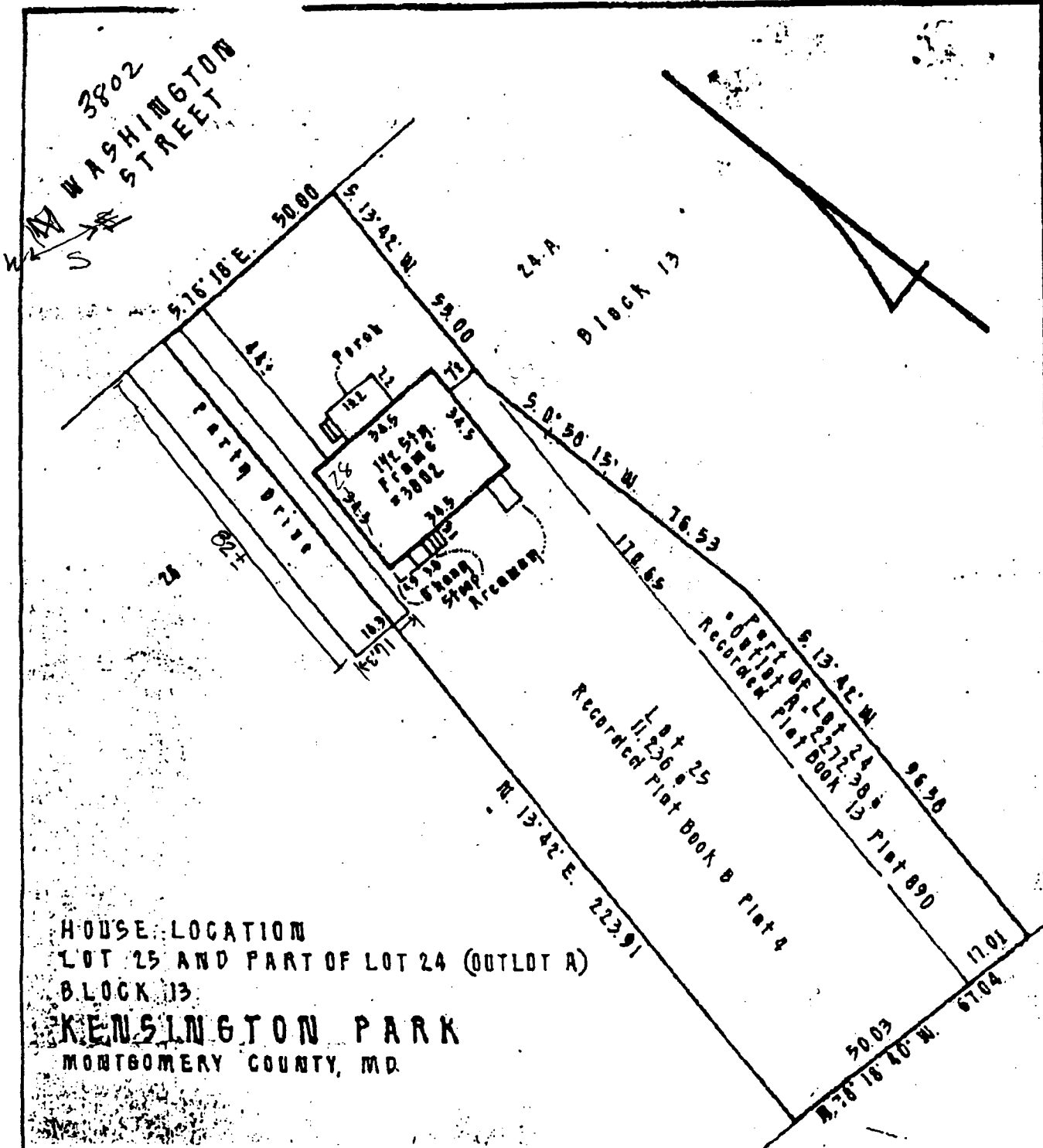
7. ADDRESSES OF ADJACENT AND CONFRONTING PROPERTY OWNERS

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. You can obtain this information from the Department of Assessments and Taxation, 51 Monroe Street, Rockville, (301/279-1355).

PLEASE PRINT (IN BLUE OR BLACK INK) OR TYPE THIS INFORMATION ON THE FOLLOWING PAGE.
PLEASE STAY WITHIN THE GUIDES OF THE TEMPLATE, AS THIS WILL BE PHOTOCOPIED DIRECTLY INTO MAILING LABELS.

NOTE: This

is not to be used for determining property lines. Proper corner Markings Not guaranteed by this survey



HOUSE LOCATION
 LOT 25 AND PART OF LOT 24 (OUTLOT A)
 BLOCK 13
 KENSINGTON PARK
 MONTGOMERY COUNTY, MD.

SURVEYOR'S CERTIFICATE I HEREBY CERTIFY THAT THE PORTION OF ALL THE EXISTING IMPROVEMENTS ON THE ABOVE DESCRIBED PROPERTY HAS BEEN CAREFULLY ESTABLISHED BY A TRANSIT-TAPE SURVEY. <i>Jefferson D. Lawrence</i> JEFFERSON D. LAWRENCE REGISTERED LAND SURVEYOR MARYLAND #3116	REFERENCES PLAT NO. Sec PLAT NO. Above	ANDJON ASSOCIATES PROFESSIONAL LAND SURVEYORS 431 N. FREDERICK AVENUE SUITE 204 GAITHERSBURG, MARYLAND 20878 (301) 940-9910	
	LINE FOLIO	DATE OF SURVEY WALL CHECK MET. LOC. 8-21-79 BOUNDARY:	SCALE 1" = 30' DRAWN BY: JOB NO. 1056 19

(24)

(7)

EXISTING (OLD)

→ 50 →

↑ 50 ↑

stairs to basement approx 8x5

path to front door from drive approx

Party Drive
Approx 8'2" x 17' 13 1/2"
My part - 697 sq

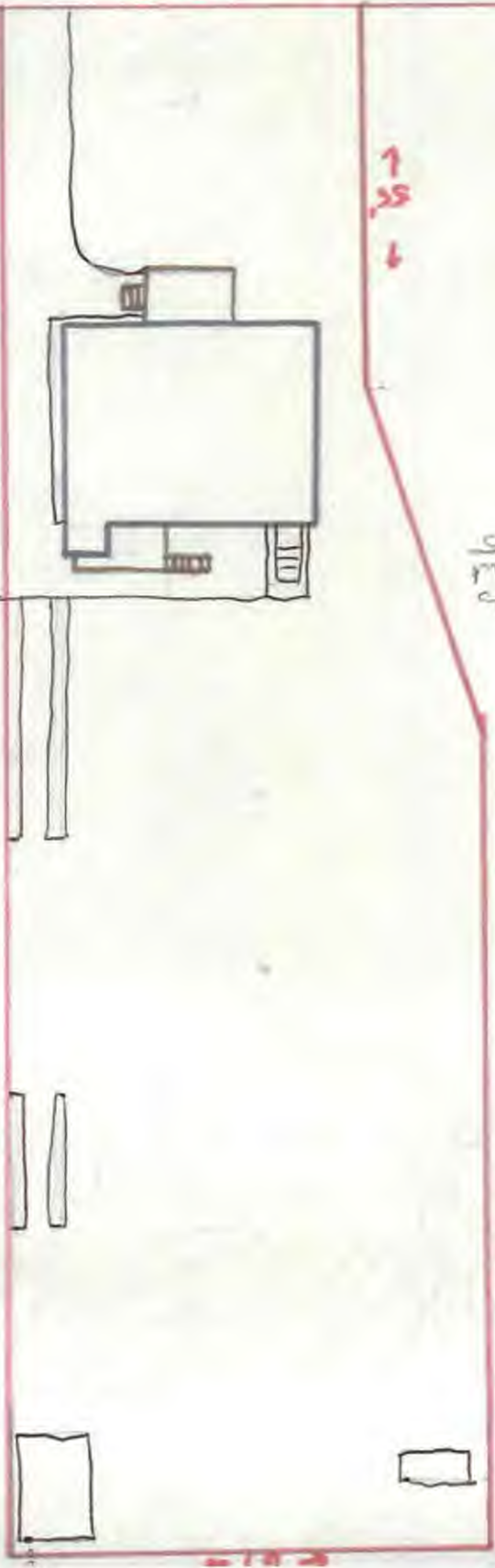
path partially covered w/ flagstone approx 8 x 12

- one set
DAVE TRAKS
inconsistent to back of yard

- concrete 12x8' 224

concrete 30x60

↑ 47 ↑



ne driveway and patio

↑
97
↓

← 67 →

↑
224
↓

Patio 15'x12'
6'x9' curbs for garden

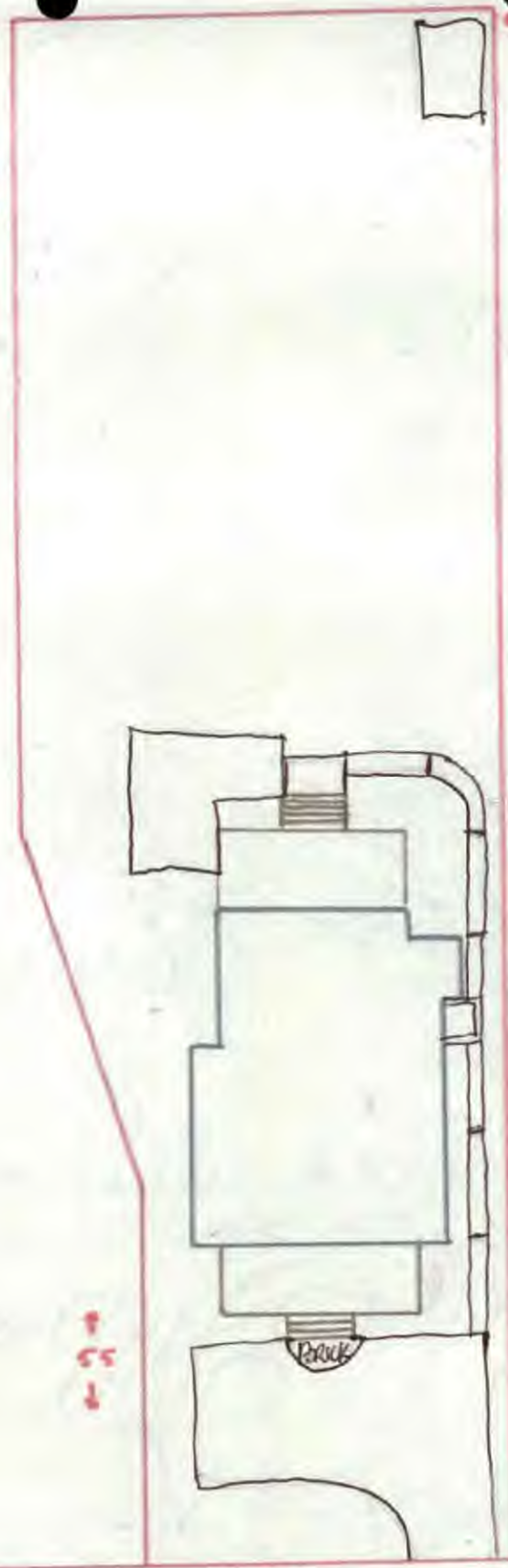
3 foot wide path
to backyard w/ brick
inset approx every
9 feet

↑
55
↓

Driveway approx
20x38 or 760 sq
Brick inset approx.
5x9

← 50 →

PROPOSED



HISTORIC PRESERVATION COMMISSION STAFF REPORT**Address:** 3802 Washington Street, Kensington **Meeting Date:** 12/20/00**Resource:** Kensington Historic District **Report Date:** 12/13/00**Review:** HAWP **Public Notice:** 12/06/00**Case Number:** 31/6-00Q **RETROACTIVE** **Tax Credit:** None**Applicant:** Andie and Chris Murtha **Staff:** Michele Naru**PROPOSAL:** Driveway, Sidewalk and Patio Installation **RECOMMEND:** Approval w/cond.

Staff recommends the Commission approve this HAWP with the following conditions:

1. The applicants shall eliminate the existing front parking pad.
2. The applicants may install a single car driveway along the west side of the house. The driveway will commence at Washington Street and will project north with a maximum length of 66'. The width of the driveway will not exceed 11'.

PROJECT DESCRIPTION**SIGNIFICANCE:** Non-Contributing Resource in the Kensington Historic District.**STYLE:** Cape Cod renovated into a Craftsman Revival house**DATE:** Circa 1950, 1999 additions

This 1-1/2-story, three-bay frame dwelling is located in the Kensington Historic District. This originally Cape Cod style house was substantially altered in 1999 with Commission approval to include a significant addition to the rear of the house as well as a large, front facing gable addition to the front facade. The house presently stands as a Craftsman Revival. The present lot size is 13,508 sf. The footprint of the present house is approximately 2,172 s.f.; making the existing percentage of lot coverage 16% - house only).

Washington Street on the east side of Connecticut Avenue is in the Peripheral Residential Area of the Historic District, as defined in the 1992 "Vision of Kensington" long range preservation plan. This particular lot is made up of Lot 25 and part of Lot 24 (Outlot A). Lot 25 is 50' across and 225' long. Outlot A is approximately 17' across and 170' long. There is a significant amount of infill construction on this street and the houses vary in size, massing and material. The adjacent house to the east is a non-contributing resource. The adjacent house to the west is a primary historic resource.

When the applicants originally purchased this house in 1996, their driveway was a shared space that occupied 8.5' (width) of their property and approx. 12' on the adjacent owners at 3804 Washington Street (See Circle 21.) Sometime after 1996, the applicants (without a HAWP) divided the driveway into two separate driveways and widened their driveway to the approximate dimensions of 80' + long by 16' + wide which ran along the west side of the house (See Circle 22.) The current retroactive driveway application is the second driveway modification that the current owners have completed without a HAWP.

PROPOSAL:

The applicant proposes to (Circle 0):

1. Install a 1,269 sq ft "L" shaped, concrete, front parking pad with a brick landing at the porch stairs.
2. Install a 89' + long x 3' wide concrete and brick sidewalk along the west and rear sides of the house. The sidewalk ends at the rear porch.
3. Install a 21' + x 22'+ concrete patio at the rear of the house.

STAFF INFORMATION

The Kensington Historic District was established in July, 1986 when the County Council adopted an Amendment to the *Montgomery County Master Plan for Historic Preservation*. Critical elements, or character-defining features, of the district which were identified by the Planning Board and the County Council at the time of designation include: 1) large lots, 2) uniformity of scale, 3) **cohesiveness of streetscapes** and 4) **park-like setting**. As stated in the Amendment,

"The district is architecturally significant as a collection of late 19th and early 20th century houses exhibiting a variety of architectural styles popular during the Victorian period including Queen Anne, Shingle, Eastlake and Colonial Revival. **The houses share a uniformity of scale, set backs and construction materials that contribute to the cohesiveness of the district's streetscapes. This uniformity, coupled with the dominant design inherent in Warner's original plan of subdivision, conveys a strong sense of both time and place, that of a Victorian garden suburb.**"

It is clear from this information that a major reason for designation of the Kensington Historic District was that it has a high level of integrity. The Town of Kensington is noted for its "garden setting" environment, which was patterned after the "City Beautiful" movement in this country in the late 19th century. **This unique style of landscape planning was an important part of why this district was designated as Historic.**

In addition, the HPC formally adopted the planning study, *Vision of Kensington: A Long-Range Preservation Plan (Vision/Plan)*, and is directed by the Executive Regulations which were approved by the County Council to use this plan when considering changes and alterations to the Kensington Historic District.

The *Vision/Plan* makes direct references to the importance of cohesiveness of the District's streetscapes. Washington Street is noted as a "Peripheral Area" in this document. The guidelines for the Peripheral Areas are a maximum lot coverage of 15% and a minimum front yard setback of 35'. The guidelines also emphasize the compatibility of new construction, alterations and additions within the framework of later architectural styles, and smaller scale of construction which is characteristic for this area. Kensington is a modest size district and, as such, erosion of even the peripheral areas will be detrimental to the district as a whole.

STAFF DISCUSSION

This application for a HAWP is coming to the Commission retroactively. Staff notes that several of these problems could have been extinguished if the applicant would have followed the law and applied for this permit prior to installing the proposed pavement.

The HPC considers alterations to Non-Contributing Resources to their impact on the overall streetscape and environmental setting of the historic district. Although the house is not a contributing resource the property does contribute to the landscape of the historic district.

The proposal before the HPC has been broken down into three parts.

1. Install a 1,269 sq ft "L" shaped, concrete, front parking pad with a brick landing at the porch stairs.
2. Install a 89' + long x 3' wide (267 sq ft) concrete and brick sidewalk along the west and rear sides of the house. The sidewalk ends at the rear porch.
3. Install a 21' + x 22'+ (462 sq ft) concrete patio at the rear of the house.

Staff's objections to this proposal are as follows:

1. The installation of approximately 1,998 sq ft of paving onto an already "maxed-out" lot with an existing lot coverage of 16%. This proposal will expand the lot coverage to over 30%. The recommended lot coverage in the *Vision/Plan* of Kensington is 15%.
2. The introduction of paving in this green space, directly contradicts the "garden setting," that gives the town it's integrity as a unique late 19th century "City Beautiful" suburb.

Staff is asking the Commission to look at this project as if it is not a retroactive case. If this was coming before you as a normal HAWP what parts of this project, if any would you have approved.

Staff generally feels that the major impact of this proposal to the environmental setting is the front driveway. The new addition approved by the HPC last year, has in staff's opinion, already stretched the limits of maintaining the cohesiveness of the setbacks since it does slightly project farther into the front yard than the rest of the buildings on this side of the street. This front driveway also eliminates most of the green space in the front of this property. When one is

looking down the front yards from the top of the street, this concrete “pad” is the object that your eye clearly is drawn to. Staff will also note that 3806 Washington Street is a primary resource. Staff is recommending that the applicant be required to remove the front parking pad in its entirety and install a modest one-car wide 11' wide by 66' long driveway (726 sq. ft) along the west side of the house (Circle **20**.)

Staff does not object to the sidewalk along the west elevation or the concrete patio that has been installed in the rear but does note that these features in addition to staff's proposed driveway would increase the lot coverage to over 26%.

The Kensington Historical Society and the Mayor of the Town of Kensington has responded to this HAWP application and their letters are included in this packet.

STAFF RECOMMENDATION

Staff recommends that the Commission approve with conditions the HAWP application as being consistent with Chapter 24A-8(b)2:

The proposal is compatible in character and nature with the historical, archeological, architectural or cultural features of the historic site or the historic district in which an historic resource is located and would not be detrimental thereto or to the achievement of the purposes of this chapter,

and with the Secretary of the Interior Guidelines #2 and #9:

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.

New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spacial relationships that characterize the property. The new work shall be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.

CONDITIONS:

1. The applicants will eliminate the existing front parking pad.
2. The applicants may install a single car driveway along the west side of the house. The driveway will commence at Washington Street and will project north with a maximum length of 66'. The width of the driveway will not exceed 11'.

with the general condition applicable to all Historic Area Work Permits that the applicant will present 3 permit sets of drawings to HPC staff for review and stamping prior to submission for permits. After issuance of the Montgomery County Department of Permitting Services (DPS) permit, the applicant will arrange for a field inspection by calling the DPS Field Services Office at

240-777-6370 or online at www.permits.emontgomery.org prior to commencement of work and
not more than two weeks following completion of work.

APPLICATION FOR HISTORIC AREA WORK PERMIT

Contact Person: Andie Murtha
Daytime Phone No.: 301-929-0501

Tax Account No.: _____
Name of Property Owner: Andie & Chns Murtha Daytime Phone No.: 301-929-0501
Address: 3802 Washington St Kensington MD 20895
Street Number City State Zip Code
Contractor: _____ Phone No.: _____
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LOCATION OF BUILDING/PREMISE

House Number: Same as above Street: _____
Town/City: _____ Nearest Cross Street: _____
Lot: _____ Block: _____ Subdivision: _____
Liber: _____ Folio: _____ Parcel: _____

PART ONE: TYPE OF PERMIT ACTION AND USE

1A. CHECK ALL APPLICABLE: Construct Extend Alter/Renovate
 Move Install Wreck/Raze
 Revision Repair Revocable

CHECK ALL APPLICABLE:
 A/C Slab Room Addition Porch Deck Shed
 Solar Fireplace Woodburning Stove Single Family
 Fence/Wall (complete Section 4) Other: Driveway

1B. Construction cost estimate: \$ \$10,000 or less slightly

1C. If this is a revision of a previously approved active permit, see Permit # Yes Permit # 205302

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2A. Type of sewage disposal: 01 WSSC 02 Septic 03 Other: _____
2B. Type of water supply: 01 WSSC 02 Well 03 Other: _____

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3A. Height _____ feet _____ inches
3B. 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

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.

[Signature]
Signature of owner or authorized agent

11-29-00
Date

Approved: _____ For Chairperson, Historic Preservation Commission
Dis. prepared: _____ Signature: _____ Date: _____

6

**THE FOLLOWING ITEMS MUST BE COMPLETED AND THE
REQUIRED DOCUMENTS MUST ACCOMPANY THIS APPLICATION.**

1. WRITTEN DESCRIPTION OF PROJECT

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

crumbing driveway; patio = various
chunks of concrete around property;
no historical significance known

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

reposition and enlarge driveway to front yard,
~~reposition and enlarge driveway to front yard,~~
replace path with same materials, ~~and~~ replace
previous patio with same materials (in a
different site in back yard

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6. TREE SURVEY

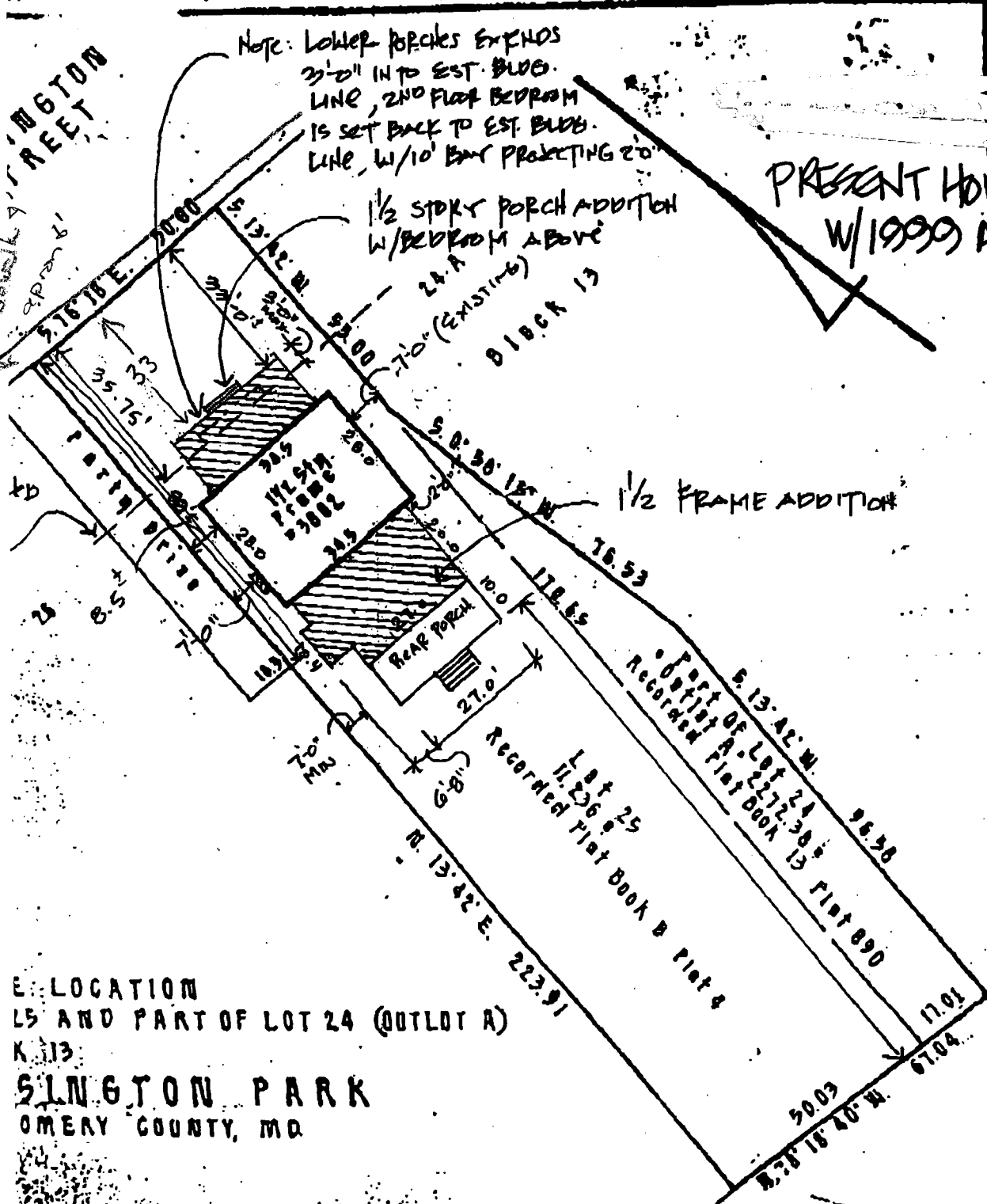
17 - not to be used for determining property lines. Proper, correct bearings and distances guaranteed by this survey

Note: Lower porches extends
 2'-0" INTO EST. BLDG.
 LINE, 2ND FLOOR BEDROOM
 IS SET BACK TO EST. BLDG.
 LINE, W/10' BMT PROJECTING 2'-0"

1/2 STORY PORCH ADDITION
 W/BEDROOM ABOVE

PRESENT HOUSE
 W/1999 ADDITIONS

SINGTON
 REET



LOCATION
 15 AND PART OF LOT 24 (OUTLOT A)
 K 13
 SINGTON PARK
 OMERY COUNTY, MD

DEED'S CERTIFICATE BEYOND THAT THE POSITION OF ALL THE POINTS ON THE ABOVE DESCRIBED BEEN CAREFULLY ESTABLISHED BY A SURVEY. <i>[Signature]</i> ANDJON D LAWRENCE LAND SURVEYOR MARYLAND 04116	REFERENCES PLAT NO. 500 PLAT NO. ABOVE	ANDJON ASSOCIATES PROFESSIONAL LAND SURVEYORS 431 N. FREDERICK AVENUE SUITE 204 GAITHERSBURG, MARYLAND 20878 (301) 940-9910	
	LEGAL W/10' BMT PROJECTING 2'-0"	DATE OF SURVEY WALL CORNER THE 15th 11-11-19	SCALE: 1" = 30' DRAWN BY:

9

The
 concrete
 1947
 1-22
 4-11
 1-23
 3-22
 4-11
 4-11
 Cost
 5 5
 1000
 51 space
 1/2 location



View From across street -
 (red car in neighbors driveway)



BACK SIDE PORCH



View from 3350 W. 1st St
 (red car in neighbors driveway)





SHARED DRIVEWAY APPLICATION W/3804
1996

C



APRIL 1996
APRIL 1996



**LOCAL ADVISORY PANEL
KENSINGTON HISTORIC DISTRICT**

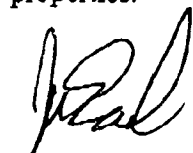
December 15, 2000

Michele Naru, Historic Preservation Planner
Maryland-National Capital Park and Planning Commission
Historic Preservation Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910

RE: HAWP Case 31/6-00Q RETROACTIVE
3802 Washington Street

LAP members discussed the above referenced case from the perspective of its impact on the "Victorian Garden" character of the Kensington Historic District, as further described in the *Visions of Kensington* document. We unanimously take the position that the front yard concrete pad be removed and the yard restored to a landscaped appearance. The existing pad covers far too much open space and is a detriment to both the garden character of the Historic District and the extensive and carefully executed renovation of the house itself. LAP members agreed that the existing pad upset the rhythm of the street scape on Washington Street. We believe that if HPC does approve a parking pad for the subject property, its size should be limited to the minimum width necessary to hold one average sized automobile. A parking pad of any larger width would, along with the parking pad on the property immediately to the west of the subject, create too much impermeable hard scape.

With regard to the back yard patio, LAP was concerned that the combined lot coverage of the renovated house, the patio, and the smaller parking pad described above would be excessive relative to the other structures in the Historic District. There was concern that this fact would set a dangerous precedent in future HAWP cases in which applicants would use the lot coverage in this case to justify large additions and paved areas. If a patio is approved in this case, however, it is LAP's preference that it be constructed of more permeable materials such as crushed stone and pavers. This would hopefully minimize the potential visual impact, if any, on the adjacent properties.



Jim Engel
LAP Chairman
Kensington Historic District



December 12, 2000

George Kousoulas
Chairman, Montgomery County
Historic Preservation Commission
8787 Georgia Avenue
Silver Spring, Maryland

Re: HPC Case No. 31/6-00 Q
3802 Washington Street

Dear Chairman Kousoulas and Members of the Board:

At the Town Meeting on December 11, 2000, the Council voted unanimously, with the Mayor concurring, to oppose the retroactive Historic Area Work Permit and request that the Historic Preservation Commission requires that the greenspace be restored to its original configuration.

The paving of greenspace, in this case the front and back yards, directly contradicts the garden suburban setting that gives the Historic District of Kensington its distinction. In fact, the front paved parking pad, has a distinctly "urban" impact, abruptly disturbing the landscaped pattern on Washington Street.

The adopted "Vision of Kensington" makes direct references to the importance of cohesiveness of the District's streetscapes. To allow such a disruption is to weaken the integrity of this document as well as "Major Priorities for Year 2000 and Beyond", Town of Kensington Resolution 99-01 (specifically paragraph 4)(enclosed).

We regret that the applicants moved forward without the Commission's approval, however, this was at their risk, as they were well aware of the permitting process, and should not be a factor in the Commission's decision.

Thank you for considering our position on this matter.

Sincerely,

Kitty L. Raufaste
Mayor

Town of Kensington Resolution 99-3
Major Priorities for Year 2000 and Beyond

Whereas, the Town government is committed to enhancing the "quality of life" in Kensington in the 21st century;

Whereas, "quality of life" issues include **community spirit and pride** whereby we build a stronger sense of community by continuing to promote community events, renovating Town Hall into a community center, and continuing to conduct open and participatory municipal government;

Whereas, "quality of life" issues affect both our **residential and commercial** communities which collectively make up and contribute to our Town, and that the success of each sector is interdependent;

Whereas, "quality of life" issues include the **revitalization and beautification** of our Town whereby residential and commercial public spaces are improved and properly maintained, parks and recreational areas are properly cared for, and trees, open spaces, and Kensington's historical features are celebrated and preserved;

Whereas, "quality of life" issues include maintaining a **safe** community, whereby pedestrians (children, seniors, persons with disabilities) can move securely and freely through our residential and commercial areas, properties are properly maintained, and traffic restrictions and Town Codes are enforced;

Whereas, major municipal projects, goals and objectives can span many years from time of inception to final completion, recognizing that Mayors and Councils change over time; therefore be it

Resolved, that this Mayor and Council, eleven days prior to the beginning of a new century hereby adopt the following "Major Priorities for Year 2000 and Beyond" for reference by future Mayors and Councils so as to keep long-term projects moving and make today's visions become tomorrow's reality:

Community Revitalization and Beautification

- Antique Row Phases II and III
- Metropolitan Avenue corridor
- Gateway, quadrant, and boundary signs

Community Spirit and Pride

- Renovation of Town Hall/Community Center:
Final design, funding, and construction
- All Town residents within same school cluster
- Park maintenance, landscaping, and pedestrian trails
- Tree maintenance and planting program

over...

Community Safety

Pedestrian crossing over/under railroad tracks

State Highway Projects:

Washington Street/Connecticut Avenue pedestrian signal
Plyers Mill Road and Metropolitan Ave. traffic control improvements
Knowles Avenue widening between Cedar and Detrick

Montgomery County DPW&T Projects:

Summit Avenue from Knowles to CSX bridge (alternate route)

Success of Community - Residential and Commercial Sectors

Storm Drainage System:

Transfer ownership, maintenance, and storm water review to Montgomery County
Maintain notice/approval rights for projects within Town limits

Planning and Zoning:

MD - National Capital Park and Planning Commission sector plan
Concrete plant site re-use
Connecticut Avenue corridor improvements

Town Charter/Code:

Property maintenance ordinance
Signage ordinance
Lighting ordinance
Graffiti ordinance
Various Charter/Code revisions

Code Enforcement:

Noise/dumpsters
Deferred property maintenance
Trash
Weeds
Abandoned vehicles
Parking
Signage
Lighting

Infrastructure:

Street repairs
Sidewalk and crosswalk improvements
Signage replacement

[This Resolution was adopted unanimously by the Council and Mayor on December 20, 1999]

KENSINGTON HISTORICAL SOCIETY, INC.
PO BOX 453
KENSINGTON, MD 20895

December 11, 2000

Historic Preservation Commission
Maryland-National Capital Park and Planning Commission
1109 Spring St. 801
Silver Spring, Maryland 20910

Dear Commissioners and Staff:

I am writing in reference to Case 31/6-00Q, Retroactive Application for 3802 Washington Street, Kensington. I am the Chair of the Preservation Committee for the Kensington Historical Society. We are always disappointed when a retroactive application comes in for Kensington as we are constantly trying to make sure that everyone in the Historic District is aware that a permit is needed for construction on their property. It is all the more surprising since the applicant recently had a permit approved for an extensive addition to their home.

A concrete driveway which almost totally covers the front yard of a home in a Historic District is almost inconceivable. It would surely have been refused a permit had the procedures been followed properly. A parking area of this sort is very much out of place in a Historic District which draws part of its designation from the fact that it was a valuable example of "a Victorian Garden suburb". Washington Street is described as a "Peripheral Area" in the *Vision of Kensington* document. Guidelines for this area include Strategy 2.1 recommending a maximum lot coverage of 15 percent and a minimum front yard setback of 35 feet. Strategy 2.2 recommends emphasizing compatibility of new construction, alterations and additions within the framework of later architectural styles, and smaller scale of construction which is characteristic for this area. It should be noted that the property next to 3802 is a Primary Resource. Kensington is a very small District and, as such, erosion of even the peripheral areas do serious damage to the District as a whole. Please remember the "Victorian Garden" description. If the percentage of lot coverage was the maximum after the addition was approved in 1999, then the additional patio and enlarged drive are not appropriate.

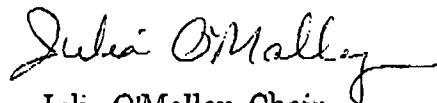
3802 Washington Street, p.2

In 1986 Kensington was designated as a Historic District with the following description: "The district is architecturally significant as a collection of late 19th and early 20th Century houses exhibiting a variety of architectural styles popular during the Victorian period including Queen Anne, Shingle, Eastlake and Colonial Revival. The houses share a uniformity of scale, set backs and construction materials that contribute to the cohesiveness of the district's streetscapes. This uniformity, coupled with the dominant design inherent in Warner's original plan of subdivision, conveys a strong sense of both time and place, that of a Victorian garden suburb."

Regarding resources identified as secondary, the Ordinance requires the Preservation Commission to be lenient. . . unless such plans would seriously impair the historic architectural value of surrounding resources or impair the character of the District.

A retroactive application cannot be granted on an emotional or a personal basis. There are clear steps to take and guidelines to follow. As one of our committee members states: "An unspoken rule for historic principles is the test question: Would such a proposal by all residents in the neighborhood be acceptable?" If the resident at 3802 Washington Street is permitted to cover their front yard with concrete and use it as a parking lot, then would all the neighbors be permitted to do so if they wished? Little, if any, of the District's historic character would remain on Washington Street in such a case. Clearly the answer for this application should be a denial.

Sincerely,



Julia O'Malley, Chair
Preservation Committee, KHS

cc: Mayor and Council, Town of Kensington

H E L E N C R E T T I E R W I L K E S

FILE

November 13, 2000

Montgomery County Historic Preservation Commission
8787 Georgia Avenue
Silver Spring, MD 20910

Dear Members of the Historic Preservation Commission:

I am writing in reference to two different matters being considered by the Commission. I write as a resident of the Historic District who is a residential architect and the President of the Kensington Land Trust. I believe the two cases are related in their impact on the historic garden setting of Kensington, and I believe that it is important that the Commission consider the impact of these proposed interventions on this historic landscape. At first glance, the actions of these property owners might seem to have a relatively minor impact on the properties they affect and on the historic district. But I would maintain that they disregard and undermine essential features of the Kensington Historic District. It has become apparent that we must be increasingly vigilant in Kensington as essential landscape characteristics are being obliterated, at worst, and obscured, at best.

The paving over of the greater portion of the front yard at 3802 Washington Street—work already performed, without a HAWP—is especially detrimental in its impact, both for the immediate physical and aesthetic effect on the landscape as well as for the damaging precedent established by the paving over of a disproportionate quantity of landscape around a home within the Historic District. Although the house on this property is not a primary resource, the property is nonetheless a contributing portion of the whole landscape that constitutes the Historic District. There are real physical problems that result from the paving over of the front yard, including the fact that about half of the drip line of the single mature front yard tree is covered over—which is likely to result in the decline of that tree. As precedent as well as aesthetically, the covering over of most of a front yard to create a parking pad/ play pad is inappropriate and very detrimental to the historic garden landscape of Kensington. It is an intervention that changes the fundamental character of the landscape as well as the streetscape reading of the house. It is important to note that many houses in historic Kensington do not have off-street parking, and that the preservation of landscape has taken precedence over the building of driveways and garages in several previous cases in the Historic District.

The other case being considered, at 3708 Washington Street, involves installing a six foot high lattice fence on the property line between the house and its neighbor to the west. With each hard edge that is introduced into the landscape, the rolling landscape character of Kensington is altered. Therefore, it is desirable that the necessity that some property owners have to install fences be tempered by minimizing their impact. Visual porosity is important, as is minimizing the height. Fences can enclose without obscuring view; but in this case, it is clear that the intent is to obscure view. It would be preferable that plantings be used to do this instead, since the introduction of a hard, high edge as a side yard fence between houses is, in my opinion, detrimental to the historic landscape.

It is important that the Historic Preservation Commission keep in mind, in its deliberations on projects in Kensington, that the rolling garden landscape is a primary and essential element of the Historic District. The garden park aesthetic dictates that houses are set as objects into the landscape—quite the opposite of the hard urban edge presented by buildings lined up in close proximity to one another, where the frontal relationship of the houses to the street is primary. Please help us to preserve the many pieces of this heritage that are being whittled away by well-intentioned but underinformed property owners.

Sincerely,



Helen Crettier Wilkes

10610 Saint Paul Street
Kensington, MD 20895
November 27, 2000

To The Historic Preservation Society,

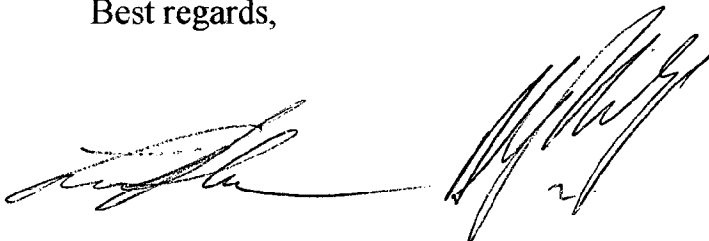
This letter refers to the recent addition of a driveway and patio to the Murtha residence at 3802 Washington Street in Kensington. We have seen the new driveway and patio and feel that this enhancement does not, in any way, reflect poorly on the town. In fact, we think the recent renovations of this house add value and appeal to our neighborhood.

Prior to the renovation, this house had no historical or architectural significance. We also understand that this section of Washington Street is considered a non-contributing resource and should be regarded in this way.

We have lived in Kensington for just over two years. We were attracted to the neighborhood primarily because of the strong sense of community that exists here. We are aware there are certain properties in the town that have historic significance and need to be preserved. However, there is another important aspect that is also vital to preserve. Our community. There are a number of growing families here and most of the homes in Kensington are small. Yet our residents are reluctant to leave and seek larger homes elsewhere. There has been a growing trend to renovate these smaller homes, so families can remain among their friends and neighbors. This is very positive, because it ensures that our community remains stable, while at the same time the houses of Kensington are being improved.

We are asking that you show lenience in your decision and reinforce the friendly, neighborly spirit that encapsulates the true nature of our town.

Best regards,

Two handwritten signatures in black ink. The first signature on the left is cursive and appears to be 'Lisa Sherper'. The second signature on the right is also cursive and appears to be 'Alasdair Philip'.

Lisa Sherper and Alasdair Philip

November 29, 2000

To the Historic Preservation Commission of Montgomery County:

It is my understanding that my neighbor, Andie Murtha is requesting approval for her parking court. I have no opposition to it.

I would also like to make you aware that parking on our street is difficult at all times of the week, including weekends.

Sincerely,

A handwritten signature in black ink, appearing to read "Mary Jo Mullin", with a long, sweeping flourish extending to the right.

Mary Jo Mullin
3820 Washington Street

Montgomery County Historic Preservation Commission

Dear Commissioners:

My name is Mary Buckingham. I live in the Town of Kensington, at 10100 Hadley Place, at the corner of Hadley and Washington Street. Due to a prior commitment, I will not be attending the Wednesday, December 20, 2000 meeting of the Montgomery County Historic Preservation Commission. I do not wish my absence this evening to be viewed as a lack of interest and/or concern regarding one of the permitting issues scheduled for discussion. I refer to Item C listed on the evenings Agenda under Historic Area Work Permit - Andie & Chris Murtha, for driveway, patio installation at 3802 Washington Street, Kensington (HPC Case No. 31/6-00Q, **RETROACTIVE**). (Kensington Historic District).

I have been a resident of the Kensington community for 30 years. In that time I have raised my family, met many wonderful people and seen many positive changes in my neighborhood and in the Town. Until now, I have felt no need to voice a complaint regarding changes in my immediate neighborhood or in the Town. So it is with regret that I feel I must voice my total dissatisfaction with regard to the recent installation of the patios' at 3802 Washington Place. As I mentioned at the beginning of my statement, my house is located at the corner of Hadley Place and Washington Street. The front of my house faces on Hadley Place, however, my sunroom and my dining room look out onto Washington Street, directly across from the property in question.

When I received notice of the Murtha's renovation plans including renderings of the additions and changes, I was very pleased and excited for them and also, for the neighborhood. And, once the project was completed and the dumpster removed from the front yard, one could only be impressed and delighted. Clearly, both the architect and builder had done their jobs well. All that was needed now was for Andie to work her gardening/landscaping magic. Unfortunately, my enthusiasm was short lived. I can't tell you how stunned I was when I returned from work some weeks later to see that over half of their front yard was now covered with a concrete parking pad. For me to continue expressing my disappointment and anger over this issue will not solve anything, so I would simply like to point out a few of the main concerns I have regarding this issue.

1. This choice is clearly not in keeping with the feel of our garden historic district, which the Town and the Kensington Historical Society work so faithfully to maintain by preserving as much green space as possible.
2. This choice is clearly an eyesore, which impacts the beauty as well as the value of the surrounding homes.
3. This choice makes one wonder - what if others in the neighborhood decided to do the same. I would not like such a choice to set a precedent.
4. And, last but definitely not least, I am concerned about how this choice has impacted my neighbors, the Krupinski's, who live next door to the Murtha's. They are experiencing runoff from the both pads, which has turned parts of their property into a swamp. This has the potential for creating many

serious problems, such as soil erosion and foundation problems. I worked for a builder for 20 years and I know what a nightmare water problems can be for homeowners.

In closing, I would like to thank you for your time and attention regarding this issue and to say that it is my firm hope that you will consider seriously my concerns and those of my neighbors and that you will decide to remove the front and rear pads.

Sincerely,



Mary W. Buckingham
Concerned Resident

Cc: Barry Peoples, President, Kensington Historical Society
Leanne Pfautz, Member, Kensington Town Council

10200 Kensington Parkway
Kensington, Maryland 20895
December 15, 2000

The Historic Preservation Commission
1109 Spring Street, Suite 801
Silver Spring, Maryland 20910

Dear Sir/Madam:

I was very unhappy to see that our neighbors living at 3802 Washington Street in Kensington completely paved over much of their front and rear yards. This is not at all in keeping with the garden aspects of our historic district which so many of us work hard to enhance and protect.

I am strongly opposed to these homeowners receiving retroactive approval for this. Such retroactive approval would undermine everything our historic district is about, and it would be extremely unfair to all those who abide by the rules and guidelines.

Very truly yours,



Elizabeth B. Koontz



Good evening, for the record my name is Lynn Raufaste, Mayor of the Town of Kensington. I am here tonight to testify on behalf of the Town. You have in your packet a letter from me stating the Town council voted unanimously to oppose the retroactive HAWP case No. 31/6-00Q and to request the HPC to require the applicants of 3802 Washington St. to restore the property to its original configuration.

It is unfortunate that the owners expanded their driveway without the required HAWP but we believe to permit this parking pad to remain would be detrimental to not only Washington St. but the entire historic district. Each street in the historic district is contributing to the over all garden community that we are trying to preserve.

A street with the majority of lots only 50 ft. wide needs even more protection than a street with several lots per home. On a 50 ft. wide lot the foot print of the house covers so much of the property that the loss of green space from an oversized parking area is a larger impact to the streetscape. We believe if this parking pad were permitted to remain it would seriously impair our historic district. We believe a front yard covered in concrete is unacceptable anywhere in our Town but even more detrimental in the historic district.

One of the two letters in support from a Washington St. resident states "Parking on our street is difficult at all times of the week, including weekends." This statement is a fact. However if you set a precedent by granting this retroactive HAWP how will you deny any future applications for paving the front yard in the historic district?

In closing I bring your attention to the fact that the recommendation for denial is unanimous from the Town of Kensington, Local Advisory Panel, and Kensington Historical Society. All of us are united in our goal to preserve the historic district of Kensington.