

37/3-96PP) 7301 Maple Avenue
(Takoma Park Historic District)

g: / umbrough
~~g: / denial~~
g: / 1218E

1) W. thidraun
awaiting pix & adj -

2) check w/

Gwen.

10/5/92 Plat shows
a gravel drive ~~that~~
is now paved -

No HAWP on file -

Do I mention this?

(They ^(op) did the paving)

q: Yhp1218E

get mark behind
this - (support

of TP if we go
into ~~off~~)

get him to check w/

Susan & or

husband Schwartz

in planning



Nov. 19, 96

Are neighbors 7219 mapk.

There lower back side yard.



11-9-94

- Front of the house 7301 Maple

Yellow house is 7305

HISTORIC PRESERVATION COMMISSION

of

MONTGOMERY COUNTY

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

301-495-4570

Case No: 37/13-96PP Received November 27, 1996

Public Appearance: December 18, 1996

Before the Montgomery County Historic Preservation Commission

Application of Pat and Tom Rumbaugh
7301 Maple Avenue, Takoma Park

DECISION AND OPINION OF THE COMMISSION

Decision of the Commission: DENY the Applicant's proposal to move an existing garage 20 feet, cut down a 60" caliper oak tree, and construct a clay/hydro tennis court with a ten foot black nylon netting fence.

Commission Motion: At the December 18, 1996 meeting of the Historic Preservation Commission, Commissioner Trumble presented a motion to deny the application to build a tennis court, including moving an existing garage 20 feet, cutting down an oak tree, leveling the ground from the rear elevation of the lot forward to create a level surface 120' long by 60' wide, building a stone retaining wall and steps and construction of a clay/hydro tennis court 72' x 36' in dimension. Commissioner Lanigan seconded the motion. Commissioners Kousoulas, Lanigan and Trumble voted in favor of the motion. Commissioners Eig, Reed, and Clemmer abstained. Commissioners Soderberg, Jordan, and Bienenfeld were absent. The motion was passed 3-0-3.

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 a 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.

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 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.

On November 27, 1996, Pat and Tom Rumbaugh completed an application for a Historic Area Work Permit (HAWP) to build a tennis court at 7301 Maple Avenue in Takoma Park. The proposed construction included moving an existing garage 20 feet forward, cutting down a healthy 60" caliper oak tree, grading the rear 120 feet of the property and constructing a 72' x 36' clay/hydro tennis court on a leveled site 120' x 60'. The court area would be surrounded by a 10' high black nylon net fence strung on 6" x 6" wooden corner posts with 4" x 6" wooden line posts set every 30 feet with top and bottom cable.

7301 Maple Avenue is designated as an outstanding resource in the Takoma Park Historic District designated on the Master Plan in 1993. The designation lists the residence as:

- Circa 1915-1920s Dutch Colonial noted for its architectural significance.
- Having a matching jerkinhead garage.

Next door to 7301 Maple Avenue, adjacent to the garage, is another outstanding resource (7305 Maple Avenue). Behind are two other outstanding resources (7300 Willow and 7306 Willow). The other adjacent or nearby houses (7300 Maple, 7219 Maple, 7302 Willow, 7304 Willow) are contributing resources. A late 19th century carriage house belonging to the neighbor at 7219 Maple is located only a few feet from the property line, adjacent to the site of the proposed tennis court.

Houses in the neighborhood--on the street (Maple Avenue) and on the street behind (Willow Avenue)--are closely grouped on the front of long narrow sites with small lawns in front of the

houses and large trees, lawns, and landscaping to the rear. The applicant's lot measures 254 feet long by 75 feet wide.

The topography of Maple Avenue is such that the houses on the applicant's side are lined up on a high ridge with the ground falling at a gentle, but substantial grade to the back of the property line where the land levels off. The houses on Willow Avenue, behind Maple, are on nearly level lots, significantly downhill from the houses on Maple.

EVIDENCE IN THE RECORD:

A written staff recommendation on this case was prepared and sent to the Commission on December 11, 1996. At the December 18, 1996, HPC meeting, staff person Perry Kephart showed 35MM slides of the site and presented an oral report on the staff recommendation. Staff recommended denial of the proposed tennis court construction, as it was not consistent with the historic character of the Takoma Park Historic District.

Staff's specific concerns about the proposed tennis court construction that constituted reasons for denial were:

1. The substantial grading required to level the site imposes a substantial change in the character of the landscape. Both the extensive earthmoving and the court itself directly affect the viewshed of a number of both outstanding and contributing resources. Also, an important issue that requires more information is that there may be a potential negative effect on the stormwater runoff system in the neighborhood and on the plantings of the adjacent and nearby properties. The tennis court is proposed to be built right up to the property line on the rear and northern property lines. The extent of the effect is unknown, and potentially extremely problematic.
2. The destruction of a large and healthy 60" caliper Oak tree is counter to the principles of good stewardship. The applicant has not yet applied to the City of Takoma Park for permission to cut down the tree; however, Mark Busciano, the City Forester, has reported to staff that both he and a licensed arborist, Mike Gerson of Branches Tree Experts, have inspected and tested the tree and found it healthy. Mr. Busciano has stated that approving removal of this tree under Takoma Park's tree ordinance will be problematic. The tree is not endangering any nearby historic resources, nor is it crowding out more important plantings. No justification, in staff's opinion, can be found for its removal. Cutting down this large and healthy oak tree would severely impair the environmental setting.
3. The proximity of the proposed tennis court to the historic carriage house in the neighboring yard will negatively impact the setting of this unusual outbuilding. The carriage house has been restored by the owner and has been brought into adaptive use as an office and guest house. Staff feels that installation of the tennis court and a 10' high

fence only 15-20' from the wall of the carriage house will have a major detrimental impact on the setting of the carriage house.

4. The relocation of the garage would be, in staff's opinion, an inappropriate preservation decision. Moving a large two-car, 1 1/2 story garage closer to the street frontage of the two outstanding resources at 7301 and 7305 Maple Avenue will adversely impact the Maple Avenue historic streetscape. More information is needed on the date of construction of the garage before a final judgement can be made; in general, however, historic buildings should only be moved as a last resort. Additionally, the movement of a building is inevitably hard on its structural integrity, imposing unwarranted wear and tear.

5. Finally, although a tennis court is not technically a structure, it will have a significant visual impact on the open space in the neighborhood. The Takoma Park Historic District Guidelines for outstanding resources state "...all changes and additions should respect existing environmental settings, landscaping, and patterns of open space..."

Staff also pointed out that one of the broad planning and design concepts which the Takoma Park Guidelines state should apply to all properties is the district is "...the importance of assuring that additions and other changes to existing structures act to reinforce and continue existing streetscape, landscape, and building patterns rather than to impair the character of the historic district..."

With 10' high fencing, the proposed tennis court would be visible not only from other back yards, but also from Maple and/or Willow Avenues. Takoma Park is characterized by houses at the front of lots, facing the street, with long, somewhat narrow back yards creating a central green area mid-block, between streets. This central open space is an important element of the historic building pattern of Takoma Park. The tennis court, occupying 38% of the lot, would disrupt this pattern.

The applicant, Pat Rumbaugh, came forward to testify. She explained to the Commission her many years of involvement in playing and teaching tennis, her passion for the game, and her strong interest in having a court at her home where she could teach for 10-20 hours each week. She also described for the commission the extensive work that she and her husband have done restoring the house and garden. She said that she had discussed the project with her neighbors who, she felt, supported the project. She added that she expected there to be substantial use of the court by the community; that it was her expectation that she would be able to teach the children in the neighborhood.

Mrs. Rumbaugh said that she did not have specific information on the grading for the project, such as the exact amount of dirt to be moved, as that was something her contractor, Ben Reynolds of Tennis, Inc., would know. She was reluctant to cut down the oak tree, but knew that it was necessary for there to be sufficient room for the tennis court. She felt that the black nylon net fence would be substantially invisible; that it had been selected with that in mind, as had the

natural wood posts. Mrs. Rumbaugh did not feel that moving the garage would sufficiently change the character of the historic house as to be a problem. They had made extensive repairs to the garage and were concerned that it be kept intact, but the contractor had indicated that it would need to be moved to accommodate the court site.

Three letters from neighbors were included in the hearing. One, dated December 18, 1996, was from Karen A. Orlansky and Ian D. Spatz who live behind the proposed site at 7304 Willow Avenue, Takoma Park. Ms. Orlansky and Mr. Spatz stated that, "While we have a great deal of respect for the applicant's wishes, we feel compelled to agree with the staff recommendation that the proposal would have a significant adverse impact on the historic character of our part of the historic district." They explained that the lots from Willow and Maple combine to form a "...largely uninterrupted swath of open space on the slope between the streets. While the lots have some fencing and different ownership, the topography creates a feeling of openness much like a park. This viewshed is integral to the character of our neighborhood and contributes much to the historic feel of the district." They went on to say, "the proposed tennis court would pose an apparently unmitigatable intrusion into this park-like slope. We estimate that the court's retaining wall and proposed ten foot fence would together create a 13 to 15 foot visual barrier across nearly all of our rear property line. The height of the top of the fence would be approximately the same level as the peak of our roof on Willow Avenue. This barrier would be clearly visible from our house, from all parts of our yard, as well as from the house and yards of our neighboring properties. From what we understand, it seems that the tennis court would also be visible from the street, and especially apparent during the winter months."

A letter, dated December 18, 1996, from Daniel E. Loeb, who with his wife Winifred I. Neunzig lives at 7306 Willow Avenue, Takoma Park, was also included in the proceedings. Their property is adjacent to the rear of 7301 Maple Avenue and shares a corner with the proposed site. Mr. Loeb stated that he shared the concerns expressed in the Orlansky/Spatz letter regarding the "...appropriateness of the tennis court in the Takoma Park Historic District and the impact it would have on open space, the views, and the feel of the neighborhood." Mr. Loeb expressed concern that "...construction will destroy or threaten large trees and other vegetation that are essential components of the Historic District and to the character of Takoma Park." Mr. Loeb also stated that, "Drainage and sub-surface flow, which is a significant concern in the neighborhood, may be adversely affected by removal of the lawn and vegetation at 3701 (sic) Maple Avenue and associated excavation and grading; and ...the adverse impact on the park-like nature of the Historic District, along with the unsightly nature of the barrier, future lighting and associated noise, clearly will have an adverse impact on property values of all adjacent properties." His letter closes by saying, "Like the Orlansky/Spatz family, I am loath to interfere with the plans and dreams of a neighbor, but in this case these plans appear to be at odds with the fundamental purposes of the Historic District and the goals and interests of the neighborhood as a whole."

A third letter, also dated December 18, 1996, from Lynne E. Bradley, who lives next door to the applicant at 7305 Maple Avenue, Takoma Park, was also included in the record of the hearing.

Ms. Bradley states, "It is with personal regret that I write in opposition to the construction of a tennis court proposed at 7301 Maple Ave. by our new next door neighbors, Pat and Tom Rumbaugh." Ms. Bradley goes on to say, "One major concern I have is about the amount and type of excavation and its impact on water flow and drainage. This is a very large percentage of the lot to be dug out and covered by the court surface; this will inevitably have a major impact on the visual topography as well as the drainage features of our adjoining properties. The disturbance of tree root systems that could potentially damage a mature holly tree on the edge of our property is also a concern...Further, the length and height of the proposed fencing, even with the offer to try to use as inconspicuous a material as possible, would be a major intrusion into the vista and feel of our backyard and out of character with the open, arbor-like historic nature of these properties. The proposed siting of the tennis court is extremely close to our property rather than in the middle of the 7301 lot, further imposing on our property which is an 'outstanding' example of Queen Anne architecture...The intended use of this tennis court will also generate much noise, even with the clay surface, which further takes away from the historic character of the neighborhood. Moving the garage is of some concern, but may have less impact than some of these other issues."

Commissioner Trumble opened the discussion by the Commission by stating that any one of the five reasons for denial listed in the staff report might or might not in itself be enough to deny approval of the application, but in this case there were cumulatively five strikes against approval of the tennis court construction. In covering each reason, he pointed out that the grading constituted a substantial change in the appearance of the landscape as well as creating unknown potential problems with the watershed. He concurred with staff's opinion that there was no justification for cutting down a large, healthy tree. He pointed out that although the neighbor may not have spoken up in opposition to the proximity of the tennis court to the historic carriage house, it was the responsibility of the Commission to speak out if a historic resource was being negatively affected. As with his opinion regarding the tree, the Commissioner did not feel that moving the garage could be justified, and was, in fact, going to create problems for a historic resource, by moving it, where none previously existed. Finally, he could not support a project which would have a negative visual impact in an area of the historic district which had so many outstanding and contributing resources all in one place.

Other Commissioners spoke in support of Commissioner Trumble's viewpoint and reiterated that the project as a whole was not consistent with the historic character of the district.

Mrs. Rumbaugh pointed out that a court had apparently existed on another site in Takoma Park, although it was no longer extant. It was pointed out that the court in question had been on a considerably larger lot with substantially different topography.

Commissioner Clemmer raised the question whether a cement practice wall would have to be included on the court.

Mrs. Rumbaugh responded that she would like to build a cement practice wall behind the

proposed new site for the garage, but had not included the wall in the present plans. Mrs. Rumbaugh also pointed out that she did not think the court would affect the viewshed from Maple Avenue and did not think the surface would be visible from Willow Avenue.

Commissioner Clemmer noted that he was troubled by aspects of the application, but would abstain from voting because of familial connections to professional tennis.

Commissioner Eig expressed concern that the absence of a grading plan made it difficult to fully assess the impact of the proposed tennis court.

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.

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 generally accepted principles of historic preservation, including the Secretary of the Interior's Standards for Rehabilitation and Guidelines, adopted by the Commission on February 5, 1987. In particular Standards #1, #2, and #10 are applicable in this case:

Standard 1: A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.

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 10: New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

Based on this, the Commission finds that:

1. 7301 Maple Avenue is an outstanding resource in the Takoma Park Historic District with the garage specifically mentioned as part of the resource. For this reason it is essential to preserve the historic character, including the environmental setting, of this resource and maintain its integrity. As an outstanding resource in a historic district, the property requires the highest level of design review.
2. The destruction of a large, healthy oak tree would impair the environmental setting of this outstanding resource in the Takoma Park Historic District.
3. The substantial grading required to level the site imposes a substantial change in the character of the landscape, and negatively impairs the environmental setting.
4. The relocation of the garage would be counter to good preservation practices as it requires a major change in a resource specifically noted in the designation of the Takoma Park Historic District, and adversely impacts two outstanding resources and changes the streetscape.
5. Although a tennis court is not technically a structure, it will have a significant negative visual impact on the open space in the neighborhood. The Takoma Park Historic District Guidelines for outstanding resources state "...all changes and additions should respect existing environmental settings, landscaping, and patterns of open space..."
6. All the proposals, together and separately, constitute changes and additions that significantly impair the existing architectural features, environmental settings, landscaping, and patterns of open space that contribute to the historic character of this outstanding resource and the Takoma Park Historic District as a whole.

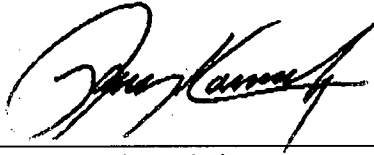
CONCLUSION:

The Commission was guided in its decision by Chapter 24A 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 Pat and Tom Rumbaugh for a Historic Area Work Permit (HAWP) to build a tennis court at 7301 Maple Avenue, Takoma Park in the Takoma Park Historic District. The proposed construction included moving a historic garage, cutting down a 60" caliper oak tree, grading the rear 120' of the property, and constructing a clay/hydro tennis court surrounded by a 10" black nylon net fence.

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

January 2, 1997

Date

Pat Rumbaugh -

- Passion^{for} interest ~~for~~ in tennis.
- Have done substantial work fixing up house
- Neighbors know of interest in bldg + c.
- lots of community involvement

1) grading - don't have specific info on exact amt of dirt to be moved
Bar Reynolds - Tennis Inc.

2) red oak

3) juco.

4) garage.

5)

1112 Cedar Avenue was a ^{grass} tennis court.

Cement Wall - where?

- Maple Avenue - not visible from street
- surface not visible from willow.


THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
8787 Georgia Avenue • Silver Spring, Maryland 20910-3760

DATE: _____

MEMORANDUM

TO: Robert Hubbard, Chief
Division of Development Services and Regulation
Department of Environmental Protection (DEP)

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

SUBJECT: Historic Area Work Permit

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

_____ Approved _____ Denied

_____ Approved with Conditions: _____

THE BUILDING PERMIT FOR THIS PROJECT SHALL BE ISSUED CONDITIONAL UPON ADHERANCE TO THE APPROVED HISTORIC AREA WORK PERMIT(HAWP).

Applicant: _____

Address: _____

***THE APPLICANT MUST ARRANGE FOR A FIELD INSPECTION BY CALLING DEP/FIELD SERVICES (217-6240) FIVE DAYS PRIOR TO COMMENCEMENT OF WORK AND WITHIN TWO WEEKS FOLLOWING COMPLETION OF WORK.

TT - too many obj in 1 case

EE - need more info on where it is sit'd v.

the house - $\frac{1}{2}$ houses on willow - more sites shown

OK - let the neighbors stay out of it

ML - support TT.

GC - Pools anywhere -

OKW - very large lot on cedar.

3 - 0 - 3

TT

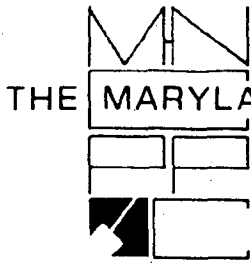
OK

ML

MR

GC

EE



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
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HISTORIC PRESERVATION COMMISSION

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Three letters from neighbors were included in the hearing. One, dated December 18, 1996, was from Karen A. Orlansky and Ian D. Spatz who live behind the proposed site at 7304 Willow Avenue, Takoma Park. Ms. Orlansky and Mr. Spatz stated that, "While we have a great deal of respect for the applicant's wishes, we feel compelled to agree with the staff recommendation that the proposal would have a significant adverse impact on the historic character of our part of the historic district." They explained that the lots from Willow and Maple combine to form a "...largely uninterrupted swath of open space on the slope between the streets. While the lots have some fencing and different ownership, the topography creates a feeling of openness much like a park. This viewshed is integral to the character of our neighborhood and contributes much to the historic feel of the district." They went on to say, "the proposed tennis court would pose an apparently unmitigatable intrusion into this park-like slope. We estimate that the court's retaining wall and proposed ten foot fence would together create a 13 to 15 foot visual barrier across nearly all of our rear property line. The height of the top of the fence would be approximately the same level as the peak of our roof on Willow Avenue. This barrier would be clearly visible from our house, from all parts of our yard, as well as from the house and yards of our neighboring properties. From what we understand, it seems that the tennis court would also be visible from the street, and especially apparent during the winter months."

A letter, dated December 18, 1996, from Daniel E. Loeb, who with his wife Winifred I. Neunzig lives at 7306 Willow Avenue, Takoma Park, was also included in the proceedings. Their property is adjacent to the rear of 7301 Maple Avenue and shares a corner with the proposed site. Mr. Loeb stated that he shared the concerns expressed in the Orlansky/Spatz letter regarding the "...appropriateness of the tennis court in the Takoma Park Historic District and the impact it would have on open space, the views, and the feel of the neighborhood." Mr. Loeb expressed concern that "...construction will destroy or threaten large trees and other vegetation that are essential components of the Historic District and to the character of Takoma Park." Mr. Loeb also stated that, "Drainage and sub-surface flow, which is a significant concern in the neighborhood, may be adversely affected by removal of the lawn and vegetation at 3701 (sic) Maple Avenue and associated excavation and grading; and ...the adverse impact on the park-like nature of the Historic District, along with the unsightly nature of the barrier, future lighting and associated noise, clearly will have an adverse impact on property values of all adjacent properties." His letter closes by saying, "Like the Orlansky/Spatz family, I am loath to interfere with the plans and dreams of a neighbor, but in this case these plans appear to be at odds with the fundamental purposes of the Historic District and the goals and interests of the neighborhood as a whole."

A third letter, also dated December 18, 1996, from Lynne E. Bradley, who lives next door to the applicant at 7305 Maple Avenue, Takoma Park, was also included in the record of the hearing.

Ms. Bradley states, "It is with personal regret that I write in opposition to the construction of a tennis court proposed at 7301 Maple Ave. by our new next door neighbors, Pat and Tom Rumbaugh." Ms. Bradley goes on to say, "One major concern I have is about the amount and type of excavation and its impact on water flow and drainage. This is a very large percentage of the lot to be dug out and covered by the court surface; this will inevitably have a major impact on the visual topography as well as the drainage features of our adjoining properties. The disturbance of tree root systems that could potentially damage a mature holly tree on the edge of our property is also a concern...Further, the length and height of the proposed fencing, even with the offer to try to use as inconspicuous a material as possible, would be a major intrusion into the vista and feel of our backyard and out of character with the open, arbor-like historic nature of these properties. The proposed siting of the tennis court is extremely close to our property rather than in the middle of the 7301 lot, further imposing on our property which is an 'outstanding' example of Queen Anne architecture...The intended use of this tennis court will also generate much noise, even with the clay surface, which further takes away from the historic character of the neighborhood. Moving the garage is of some concern, but may have less impact than some of these other issues."

Commissioner Trumble opened the discussion by the Commission by stating that any one of the five reasons for denial listed in the staff report might or might not in itself be enough to deny approval of the application, but in this case there were cumulatively five strikes against approval of the tennis court construction. In covering each reason, he pointed out that the grading constituted a substantial change in the appearance of the landscape as well as creating unknown potential problems with the watershed. He concurred with staff's opinion that there was no justification for cutting down a large, healthy tree. He pointed out that although the neighbor may not have spoken up in opposition to the proximity of the tennis court to the historic carriage house, it was the responsibility of the Commission to speak out if a historic resource was being negatively affected. As with his opinion regarding the tree, the Commissioner did not feel that moving the garage could be justified, and was, in fact, going to create problems for a historic resource, by moving it, where none previously existed. Finally, he could not support a project which would have a negative visual impact in an area of the historic district which had so many outstanding and contributing resources all in one place.

Other Commissioners spoke in support of Commissioner Trumble's viewpoint and reiterated that the project as a whole was not consistent with the historic character of the district.

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Mrs. Rumbaugh responded that she would like to build a cement practice wall behind the

proposed new site for the garage, but had not included the wall in the present plans. Mrs. Rumbaugh also pointed out that she did not think the court would affect the viewshed from Maple Avenue and did not think the surface would be visible from Willow Avenue.

Commissioner Clemmer noted that he was troubled by aspects of the application, but would abstain from voting because of familial connections to professional tennis.

Commissioner Eig expressed concern that the absence of a grading plan made it difficult to fully assess the impact of the proposed tennis court.

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.

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 generally accepted principles of historic preservation, including the Secretary of the Interior's Standards for Rehabilitation and Guidelines, adopted by the Commission on February 5, 1987. In particular Standards #1, #2, and #10 are applicable in this case:

Standard 1: A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.

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 10: New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

Based on this, the Commission finds that:

1. 7301 Maple Avenue is an outstanding resource in the Takoma Park Historic District with the garage specifically mentioned as part of the resource. For this reason it is essential to preserve the historic character, including the environmental setting, of this resource and maintain its integrity. As an outstanding resource in a historic district, the property requires the highest level of design review.
2. The destruction of a large, healthy oak tree would impair the environmental setting of this outstanding resource in the Takoma Park Historic District.
3. The substantial grading required to level the site imposes a substantial change in the character of the landscape, and negatively impairs the environmental setting.
4. The relocation of the garage would be counter to good preservation practices as it requires a major change in a resource specifically noted in the designation of the Takoma Park Historic District, and adversely impacts two outstanding resources and changes the streetscape.
5. Although a tennis court is not technically a structure, it will have a significant negative visual impact on the open space in the neighborhood. The Takoma Park Historic District Guidelines for outstanding resources state "...all changes and additions should respect existing environmental settings, landscaping, and patterns of open space..."
6. All the proposals, together and separately, constitute changes and additions that significantly impair the existing architectural features, environmental settings, landscaping, and patterns of open space that contribute to the historic character of this outstanding resource and the Takoma Park Historic District as a whole.

CONCLUSION:

The Commission was guided in its decision by Chapter 24A 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 Pat and Tom Rumbaugh for a Historic Area Work Permit (HAWP) to build a tennis court at 7301 Maple Avenue, Takoma Park in the Takoma Park Historic District. The proposed construction included moving a historic garage, cutting down a 60" caliper oak tree, grading the rear 120' of the property, and constructing a clay/hydro tennis court surrounded by a 10" black nylon net fence.

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

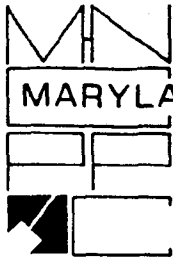
and exclusive authority to hear and decide all appeals taken from the decision of the Commission. The Board of Appeals has the authority to affirm, modify, or reverse the order or decision of the Commission.



George Kousoulas, Chairperson
Montgomery County
Historic Preservation Commission

January 2, 1997

Date



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
8787 Georgia Avenue • Silver Spring, Maryland 20910-3760

DATE: 12-18-96

MEMORANDUM

TO: Robert Hubbard, Chief
Division of Development Services and Regulation
Department of Environmental Protection (DEP)

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

SUBJECT: Historic Area Work Permit

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

 Approved **X** Denied
 Approved with Conditions: _____

THE BUILDING PERMIT FOR THIS PROJECT SHALL BE ISSUED CONDITIONAL UPON ADHERANCE TO THE APPROVED HISTORIC AREA WORK PERMIT(HAWP).

Applicant: Pat & Tom Rumbaugh

Address: 7301 Maple Ave. Takoma Park

***THE APPLICANT MUST ARRANGE FOR A FIELD INSPECTION BY CALLING DEP/FIELD SERVICES (217-6240) FIVE DAYS PRIOR TO COMMENCEMENT OF WORK AND WITHIN TWO WEEKS FOLLOWING COMPLETION OF WORK.

HISTORIC PRESERVATION COMMISSION

of

MONTGOMERY COUNTY

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

301-495-4570

Case No: 37/13-96PP Received November 27, 1996

Public Appearance: December 18, 1996

Before the Montgomery County Historic Preservation Commission

Application of Pat and Tom Rumbaugh
7301 Maple Avenue, Takoma Park

DECISION AND OPINION OF THE COMMISSION

Decision of the Commission: DENY the Applicant's proposal to move an existing garage 20 feet, cut down a 60" caliper oak tree, and construct a clay/hydro tennis court with a ten foot black nylon netting fence.

Commission Motion: At the December 18, 1996 meeting of the Historic Preservation Commission, Commissioner Trumble presented a motion to deny the application to build a tennis court, including moving an existing garage 20 feet, cutting down an oak tree, leveling the ground from the rear elevation of the lot forward to create a level surface 120' long by 60' wide, building a stone retaining wall and steps and construction of a clay/hydro tennis court 72' x 36' in dimension. Commissioner Lanigan seconded the motion. Commissioners Kousoulas, Lanigan and Trumble voted in favor of the motion. Commissioners Eig, Reed, and Clemmer abstained. Commissioners Soderberg, Jordan, and Bienenfeld were absent. The motion was passed 3-0-3.

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 a 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.

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 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.

On November 27, 1996, Pat and Tom Rumbaugh completed an application for a Historic Area Work Permit (HAWP) to build a tennis court at 7301 Maple Avenue in Takoma Park. The proposed construction included moving an existing garage 20 feet forward, cutting down a healthy 60" caliper oak tree, grading the rear 120 feet of the property and constructing a 72' x 36' clay/hydro tennis court on a leveled site 120' x 60'. The court area would be surrounded by a 10' high black nylon net fence strung on 6" x 6" wooden corner posts with 4" x 6" wooden line posts set every 30 feet with top and bottom cable.

7301 Maple Avenue is designated as an outstanding resource in the Takoma Park Historic District designated on the Master Plan in 1993. The designation lists the residence as:

- Circa 1915-1920s Dutch Colonial noted for its architectural significance.
- Having a matching jerkinhead garage.

Next door to 7301 Maple Avenue, adjacent to the garage, is another outstanding resource (7305 Maple Avenue). Behind are two other outstanding resources (7300 Willow and 7306 Willow). The other adjacent or nearby houses (7300 Maple, 7219 Maple, 7302 Willow, 7304 Willow) are contributing resources. A late 19th century carriage house belonging to the neighbor at 7219 Maple is located only a few feet from the property line, adjacent to the site of the proposed tennis court.

Houses in the neighborhood--on the street (Maple Avenue) and on the street behind (Willow Avenue)--are closely grouped on the front of long narrow sites with small lawns in front of the

houses and large trees, lawns, and landscaping to the rear. The applicant's lot measures 254 feet long by 75 feet wide.

The topography of Maple Avenue is such that the houses on the applicant's side are lined up on a high ridge with the ground falling at a gentle, but substantial grade to the back of the property line where the land levels off. The houses on Willow Avenue, behind Maple, are on nearly level lots, significantly downhill from the houses on Maple.

EVIDENCE IN THE RECORD:

A written staff recommendation on this case was prepared and sent to the Commission on December 11, 1996. At the December 18, 1996, HPC meeting, staff person Perry Kephart showed 35MM slides of the site and presented an oral report on the staff recommendation. Staff recommended denial of the proposed tennis court construction, as it was not consistent with the historic character of the Takoma Park Historic District.

Staff's specific concerns about the proposed tennis court construction that constituted reasons for denial were:

1. The substantial grading required to level the site imposes a substantial change in the character of the landscape. Both the extensive earthmoving and the court itself directly affect the viewshed of a number of both outstanding and contributing resources. Also, an important issue that requires more information is that there may be a potential negative effect on the stormwater runoff system in the neighborhood and on the plantings of the adjacent and nearby properties. The tennis court is proposed to be built right up to the property line on the rear and northern property lines. The extent of the effect is unknown, and potentially extremely problematic.
2. The destruction of a large and healthy 60" caliper Oak tree is counter to the principles of good stewardship. The applicant has not yet applied to the City of Takoma Park for permission to cut down the tree; however, Mark Busciano, the City Forester, has reported to staff that both he and a licensed arborist, Mike Gerson of Branches Tree Experts, have inspected and tested the tree and found it healthy. Mr. Busciano has stated that approving removal of this tree under Takoma Park's tree ordinance will be problematic. The tree is not endangering any nearby historic resources, nor is it crowding out more important plantings. No justification, in staff's opinion, can be found for its removal. Cutting down this large and healthy oak tree would severely impair the environmental setting.
3. The proximity of the proposed tennis court to the historic carriage house in the neighboring yard will negatively impact the setting of this unusual outbuilding. The carriage house has been restored by the owner and has been brought into adaptive use as an office and guest house. Staff feels that installation of the tennis court and a 10' high

fence only 15-20' from the wall of the carriage house will have a major detrimental impact on the setting of the carriage house.

4. The relocation of the garage would be, in staff's opinion, an inappropriate preservation decision. Moving a large two-car, 1 1/2 story garage closer to the street frontage of the two outstanding resources at 7301 and 7305 Maple Avenue will adversely impact the Maple Avenue historic streetscape. More information is needed on the date of construction of the garage before a final judgement can be made; in general, however, historic buildings should only be moved as a last resort. Additionally, the movement of a building is inevitably hard on its structural integrity, imposing unwarranted wear and tear.

5. Finally, although a tennis court is not technically a structure, it will have a significant visual impact on the open space in the neighborhood. The Takoma Park Historic District Guidelines for outstanding resources state "...all changes and additions should respect existing environmental settings, landscaping, and patterns of open space..."

Staff also pointed out that one of the broad planning and design concepts which the Takoma Park Guidelines state should apply to all properties is the district is "...the importance of assuring that additions and other changes to existing structures act to reinforce and continue existing streetscape, landscape, and building patterns rather than to impair the character of the historic district..."

With 10' high fencing, the proposed tennis court would be visible not only from other back yards, but also from Maple and/or Willow Avenues. Takoma Park is characterized by houses at the front of lots, facing the street, with long, somewhat narrow back yards creating a central green area mid-block, between streets. This central open space is an important element of the historic building pattern of Takoma Park. The tennis court, occupying 38% of the lot, would disrupt this pattern.

The applicant, Pat Rumbaugh, came forward to testify. She explained to the Commission her many years of involvement in playing and teaching tennis, her passion for the game, and her strong interest in having a court at her home where she could teach for 10-20 hours each week. She also described for the commission the extensive work that she and her husband have done restoring the house and garden. She said that she had discussed the project with her neighbors who, she felt, supported the project. She added that she expected there to be substantial use of the court by the community; that it was her expectation that she would be able to teach the children in the neighborhood.

Mrs. Rumbaugh said that she did not have specific information on the grading for the project, such as the exact amount of dirt to be moved, as that was something her contractor, Ben Reynolds of Tennis, Inc., would know. She was reluctant to cut down the oak tree, but knew that it was necessary for there to be sufficient room for the tennis court. She felt that the black nylon net fence would be substantially invisible; that it had been selected with that in mind, as had the

natural wood posts. Mrs. Rumbaugh did not feel that moving the garage would sufficiently change the character of the historic house as to be a problem. They had made extensive repairs to the garage and were concerned that it be kept intact, but the contractor had indicated that it would need to be moved to accommodate the court site.

Three letters from neighbors were included in the hearing. One, dated December 18, 1996, was from Karen A. Orlansky and Ian D. Spatz who live behind the proposed site at 7304 Willow Avenue, Takoma Park. Ms. Orlansky and Mr. Spatz stated that, "While we have a great deal of respect for the applicant's wishes, we feel compelled to agree with the staff recommendation that the proposal would have a significant adverse impact on the historic character of our part of the historic district." They explained that the lots from Willow and Maple combine to form a "...largely uninterrupted swath of open space on the slope between the streets. While the lots have some fencing and different ownership, the topography creates a feeling of openness much like a park. This viewshed is integral to the character of our neighborhood and contributes much to the historic feel of the district." They went on to say, "the proposed tennis court would pose an apparently unmitigatable intrusion into this park-like slope. We estimate that the court's retaining wall and proposed ten foot fence would together create a 13 to 15 foot visual barrier across nearly all of our rear property line. The height of the top of the fence would be approximately the same level as the peak of our roof on Willow Avenue. This barrier would be clearly visible from our house, from all parts of our yard, as well as from the house and yards of our neighboring properties. From what we understand, it seems that the tennis court would also be visible from the street, and especially apparent during the winter months."

A letter, dated December 18, 1996, from Daniel E. Loeb, who with his wife Winifred I. Neunzig lives at 7306 Willow Avenue, Takoma Park, was also included in the proceedings. Their property is adjacent to the rear of 7301 Maple Avenue and shares a corner with the proposed site. Mr. Loeb stated that he shared the concerns expressed in the Orlansky/Spatz letter regarding the "...appropriateness of the tennis court in the Takoma Park Historic District and the impact it would have on open space, the views, and the feel of the neighborhood." Mr. Loeb expressed concern that "...construction will destroy or threaten large trees and other vegetation that are essential components of the Historic District and to the character of Takoma Park." Mr. Loeb also stated that, "Drainage and sub-surface flow, which is a significant concern in the neighborhood, may be adversely affected by removal of the lawn and vegetation at 3701 (sic) Maple Avenue and associated excavation and grading; and ...the adverse impact on the park-like nature of the Historic District, along with the unsightly nature of the barrier, future lighting and associated noise, clearly will have an adverse impact on property values of all adjacent properties." His letter closes by saying, "Like the Orlansky/Spatz family, I am loath to interfere with the plans and dreams of a neighbor, but in this case these plans appear to be at odds with the fundamental purposes of the Historic District and the goals and interests of the neighborhood as a whole."

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Commissioner Trumble opened the discussion by the Commission by stating that any one of the five reasons for denial listed in the staff report might or might not in itself be enough to deny approval of the application, but in this case there were cumulatively five strikes against approval of the tennis court construction. In covering each reason, he pointed out that the grading constituted a substantial change in the appearance of the landscape as well as creating unknown potential problems with the watershed. He concurred with staff's opinion that there was no justification for cutting down a large, healthy tree. He pointed out that although the neighbor may not have spoken up in opposition to the proximity of the tennis court to the historic carriage house, it was the responsibility of the Commission to speak out if a historic resource was being negatively affected. As with his opinion regarding the tree, the Commissioner did not feel that moving the garage could be justified, and was, in fact, going to create problems for a historic resource, by moving it, where none previously existed. Finally, he could not support a project which would have a negative visual impact in an area of the historic district which had so many outstanding and contributing resources all in one place.

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Standard 10: New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

Based on this, the Commission finds that:

1. 7301 Maple Avenue is an outstanding resource in the Takoma Park Historic District with the garage specifically mentioned as part of the resource. For this reason it is essential to preserve the historic character, including the environmental setting, of this resource and maintain its integrity. As an outstanding resource in a historic district, the property requires the highest level of design review.
2. The destruction of a large, healthy oak tree would impair the environmental setting of this outstanding resource in the Takoma Park Historic District.
3. The substantial grading required to level the site imposes a substantial change in the character of the landscape, and negatively impairs the environmental setting.
4. The relocation of the garage would be counter to good preservation practices as it requires a major change in a resource specifically noted in the designation of the Takoma Park Historic District, and adversely impacts two outstanding resources and changes the streetscape.
5. Although a tennis court is not technically a structure, it will have a significant negative visual impact on the open space in the neighborhood. The Takoma Park Historic District Guidelines for outstanding resources state "...all changes and additions should respect existing environmental settings, landscaping, and patterns of open space..."
6. All the proposals, together and separately, constitute changes and additions that significantly impair the existing architectural features, environmental settings, landscaping, and patterns of open space that contribute to the historic character of this outstanding resource and the Takoma Park Historic District as a whole.

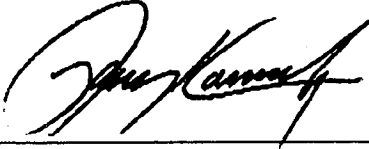
CONCLUSION:

The Commission was guided in its decision by Chapter 24A 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 Pat and Tom Rumbaugh for a Historic Area Work Permit (HAWP) to build a tennis court at 7301 Maple Avenue, Takoma Park in the Takoma Park Historic District. The proposed construction included moving a historic garage, cutting down a 60" caliper oak tree, grading the rear 120' of the property, and constructing a clay/hydro tennis court surrounded by a 10" black nylon net fence.

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George Kousoulas, Chairperson
Montgomery County
Historic Preservation Commission

January 2, 1997

Date



RETURN TO: Department of Environmental Protection
Division of Development Services and Regulation
250 Hungerford Drive, Rockville, Maryland 20850
(301) 217-6370

Historic Preservation Commission (301) 495-4570

APPLICATION FOR HISTORIC AREA WORK PERMIT

CONTACT PERSON Pat Rumbaugh
DAYTIME TELEPHONE NO. (301) 891-3829

TAX ACCOUNT # _____
NAME OF PROPERTY OWNER Pat Rumbaugh DAYTIME TELEPHONE NO. (301) 891-3829
ADDRESS 7301 Maple Ave. Takoma Park MD 20912
CITY STATE ZIP CODE

CONTRACTOR _____ TELEPHONE NO. () _____
CONTRACTOR REGISTRATION NUMBER _____
AGENT FOR OWNER _____ DAYTIME TELEPHONE NO. () _____

LOCATION OF BUILDING/PREMISE
HOUSE NUMBER 7301 Maple STREET Maple Ave.
TOWN/CITY Takoma Park NEAREST CROSS STREET Tulip
LOT 25,26 BLOCK 3 SUBDIVISION _____
LIBER _____ FOLIO _____ PARCEL _____

PART ONE: TYPE OF PERMIT ACTION AND USE

- 1A. CIRCLE ALL APPLICABLE: CIRCLE ALL APPLICABLE: A/C Slab Room Addition
- Construct Extend Alter/Renovate Repair Move Porch Deck Fireplace Shed Solar Woodburning Stove
- Wreck/Raze Install Revocable Revision Fence/Wall (complete Section 4) Single Family Other Tennis Court
- 1B. CONSTRUCTION COST ESTIMATE \$ _____
- 1C. IF THIS IS A REVISION OF A PREVIOUSLY APPROVED ACTIVE PERMIT SEE PERMIT # _____

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 10 feet 0 inches Back of court and back 1/4 sides
- 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.

Pat Rumbaugh
Signature of owner or authorized agent 11-27-96
Date Oct 27 1996

APPROVED _____ For Chairperson, Historic Preservation Commission
DISAPPROVED Signature [Signature] Date 1/2/97

Karen A. Orlansky and Ian D. Spatz
7304 Willow Avenue
Takoma Park, Maryland 20912

December 16, 1996

Mr. George Konsoulas
Chairman, Montgomery County Historic Preservation Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910

RE: HPC Agenda, December 18, 1996, HPC Case No. 37/3-96PP: Historic Area Work Permit Application of Pat and Tom Rumbaugh for tennis court construction at 7301 Maple Avenue, Takoma Park

Dear Mr. Chairman and Members of the Commission:

We are writing with respect to the above referenced Case and ask that you incorporate this letter into the record for the hearing. We are the owners of 7304 Willow Avenue, the property that abuts the rear of the lot of 7301 Maple Avenue. Our property is also in the Takoma Park Historic District.

Following receipt of your notice of this hearing, we contacted Pat Rumbaugh who shared with us the content of her application as well as the staff recommendation. Although the application lacks many specifics, including renderings and topographic plans, that could clarify the exact potential impact of the proposed construction, we nevertheless feel that we have sufficient information on the general concept to comment. We also doubt that additional details would change the nature of our views. While we have a great deal of respect for the applicant's wishes, we feel compelled to agree with the staff recommendation that the proposal would have a significant adverse impact on the historic character of our part of the historic district.

Our rear yard, like all the others on Willow Avenue, forms the lower part of a wooded hill that connects with the upper portion of the slope that form the rear yards of Maple Avenue. The deep lots on Maple, combined with the nearly uniform front of the lot location of the homes on both Maple and Willow, create a largely uninterrupted swath of open space on the slope between the streets. While the lots have some fencing and different ownership, the topography creates a feeling of openness much like a park. This viewshed is integral to the character of our neighborhood and contributes much to the historic feel of the district.

The proposed tennis court would pose an apparently unmitigatable intrusion into this park-like slope. We estimate that the court's retaining wall and proposed ten foot fence would together create a 13 to 15 foot visual barrier across nearly all of our rear property line. The height of the top of the fence would be approximately the same level as

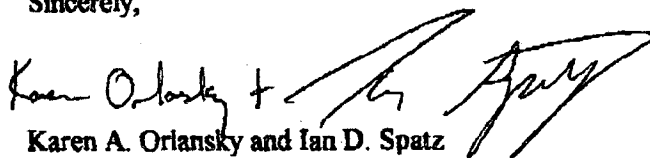
- 2 -

the peak of our roof on Willow Avenue. This barrier would be clearly visible from our house, from all parts of our yard, as well as from the house and yards of our neighboring properties. From what we understand, it seems that the tennis court would also be visible from the street, and especially apparent during the winter months.

The current view from our yard and home extends all the way to the homes on Maple Avenue. That view and the sense of distance it creates would be lost following the proposed construction. In addition, the lengthwise fencing of the court would create a visual barrier across at least half of the lot looking from the backyards of Maple Avenue and would create a similar barrier looking across many of the rear yards of this side of Willow Avenue.

At the time we worked to create the Takoma Park Historic District, we contemplated a flexible process that would respect the legitimate needs of our neighbors to add on to their homes and not be subject to the strictest controls over the details of changes to less significant structures. However, we also wanted to ensure that the Historic District preserved the patterns of construction and open space that are the hallmark of our tree-filled city. The proposal before you does not appear to be consistent with the core goals of our Historic District. Of course, it is always difficult to oppose the plans of a neighbor. Yet, in this case, we believe we must since these plans appear to conflict with our neighborhood's shared goals.

Sincerely,


Karen A. Orlansky and Ian D. Spatz

**Daniel E. Loeb and Winifred I. Neunzig
7306 Willow Avenue
Takoma Park, Maryland 20912**

December 18, 1996

BY TELECOPY AND FIRST-CLASS MAIL

Mr. George Konsoulas
Chairman, Montgomery County Historic Preservation Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910

**RE: HPC Agenda, December 18, 1996, HPC Case No. 37/3-96PP: Historic Area
Work Permit Application of Pat and Tom Rambaugh for tennis court
construction at 7301 Maple Avenue, Takoma Park**

Dear Mr. Chairman and Members of the Commission:

I am writing with respect to the above-referenced Case and ask that you incorporate this letter into the record for the hearing. Together with my spouse, Winifred Neunzig, I am the owner of 7306 Willow Avenue, the property immediately adjacent (to the northeast) to the rear of the lot of 7301 Maple Avenue. Our property shares a corner with the property at 7301 Maple.

I did not receive a notice of this hearing which, to me, appears to have been an oversight given the proximity of my property to the property which is the subject of this hearing.

In any event, I have discussed with my neighbors, Karen Orlansky and Ian Spatz, the Rumbaugh's plans for a tennis court taking up virtually all of the backyard at 7301 Maple Avenue. I share the concerns expressed in their letter to you dated December 16, 1996 regarding appropriateness of a tennis court in the Takoma Park Historic District and the impact it would have on open space, the views, and the feel of the neighborhood.

Like the Orlansky/Spatz property, the barrier, which is a part of the tennis court plans, would be clearly visible from the rear of our house. This is particularly disturbing to me because, just three years ago, we put on a significant addition to our home, incorporating virtually uninterrupted glass across both levels in the rear, specifically to take advantage of the uninterrupted light and park-like views we now have. The barrier and grading associated with the planned tennis court would be an unsightly impediment to these attributes which are fundamental to this section of the Takoma Park Historic District.

Mr. George Konsoulas
December 18, 1996
Page 2

I am also concerned that construction will destroy or threaten large trees and other vegetation that are essential components of the Historic District and to the character of Takoma Park. Too many trees have been lost already to ill-advised curb, sewer and road construction.

Finally, given the apparent "sketchiness" of the homeowner's plans for the tennis court, I also have concerns about the following:

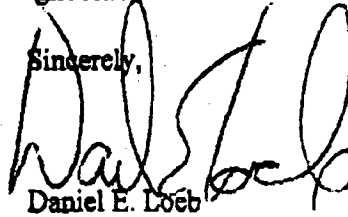
1. Will lights to put up, now or later? If so, they would have a tremendous adverse impact on the evening tranquility of the neighborhood;
2. I assume that the court will be in regular (as opposed to occasional) use, which raises serious concerns about constant and annoying noise associated with the game of tennis. This is particularly a concern during the summer months when I and my neighbors enjoy the peacefulness of our backyards late into the evening;
3. I have heard that the homeowners may have plans to offer tennis lessons on the proposed court, which only accentuates the concerns set out in Nos. 1 and 2 above;
4. Drainage and sub-surface water flow, which is a significant concern in the neighborhood, may be adversely affected by removal of the lawn and vegetation at 3701 Maple Avenue and associated excavation and grading; and
5. The adverse impact on the park-like nature of the Historic District, along with the unsightly nature of the barrier, future lighting and associated noise, clearly will have an adverse impact on property values of all adjacent properties.

While these concerns may not be within the purview of the Commission they should be considered -- both by you and homeowner -- in determining whether the project is consistent: (i) with the character of the Historic District; and (ii) with the goals and wishes of the homeowner's fellow neighbors.

Mr. George Konsoulas
December 18, 1996
Page 3

Like the Orlansky/Spatz family, I am loath to interfere with the plans and dreams of a neighbor, but in this case these plans appear to be at odds with the fundamental purposes of the Historic District and the goals and interests of the neighborhood as a whole.

Sincerely,

A handwritten signature in black ink, appearing to read "Daniel E. Loeb", written in a cursive style.

Daniel E. Loeb

7305 Maple Ave.
Takoma Park, Md. 20912

December 18, 1996

LETTER BY FAX

Mr. George Kousoulas, Chair
Montgomery County Historic Preservation Commission
8787 Georgia Ave.
Silver Spring, Md. 20910-3760

RE: HPC Case No 37/3-96PP

Dear Mr. Kousoulas:

It is with personal regret that I write in opposition to the construction of a tennis court proposed at 7301 Maple Ave. by our new next door neighbors, Pat and Tom Rumbaugh. We only moved into 7305 Maple in early August and the Rumbaughs have been friendly, model neighbors. In our discussions about the proposed tennis court Ms. Rumbaugh has been nothing but pleasant and honest.

We wish we could support their efforts because it appears that Pat Rumbaugh truly loves the game of tennis and has nothing but well-intentioned reasons for wanting to construct this tennis facility. However, in reviewing the proposal there are a number of questions that are raised which, in the final analysis, make me reluctantly oppose construction of the tennis court.

First, I would like to point out that we appreciate that Ms. Rumbaugh has attempted to respond to many of our concerns by offering to use less conspicuous fencing materials, agreeing not to light the court, and other features that could lessen the negatives of this proposal. We appreciate her responsiveness.

However, it is also difficult to determine the final impact of the proposal because there are no detailed landscape or engineering plans to review. I understand why investing in detailed construction plans is not financially feasible without prior initial approval, yet at the same time it limits how accurately any of us can determine the tennis court's final appearance, structure and impact on the neighborhood.

One major concern I have is about the amount and type of excavation and its impact on water flow and drainage. This is a very large percentage of the lot to be dug out and covered by the court surface; this will inevitably have a major impact on the visual topography as well as the drainage features of our adjoining properties. The disturbance of tree root systems that could potentially damage a mature holly tree on the edge of our property is also a concern.

continued.....

Further, the length and height of the proposed fencing, even with the offer to try to use as inconspicuous a material as possible, would be a major intrusion into the vista and feel of our backyard and out of character with the open, arbor-like historic nature of these properties. The proposed siting of the tennis court is extremely close to our property rather than in the middle of the 7301 lot, further imposing on our property which is an "outstanding" example of Queen Anne architecture.

The intended use of this tennis court will also generate much noise, even with the clay surface, which further takes away from the historic character of the neighborhood. Moving the garage is of some concern but may have less impact than some of these other issues.

Should the MCHPC decide in favor of this proposal, we ask for the following requirements:

- a) a covenant that conveys with the property ~~never~~ allowing lighting for after sunset use of the court;
- b) a covenant that conveys with the property that the court not be used before 9am on weekends;
- c) a covenant that conveys that the court be smaller and sited in the middle of the 7301 property and required to be constructed and permanently maintained with the quieter clay surface - noisier surfaces would never be allowed;
- d) grading and water drainage be further studied;
- e) and fencing not be above the allowed 6.5 feet.

We stand ready to work with our neighbors and the MCHPC should you go forward with approval of this proposal, although I would prefer denial.

Sincerely,

Lynne E. Bradley
Lynne E. Bradley

III-E.

HISTORIC PRESERVATION COMMISSION
SPEAKER'S FORM

If you wish to speak on an agenda item, please fill out this form and give it to a Historic Preservation staffperson sitting at the left end of the table in the front of the auditorium prior to consideration of that item. The Historic Preservation Commission welcomes public testimony on most agenda items.

Please print using ink, and provide your full name, complete address, and name of person/organization that you officially represent (yourself; an adjacent property owner, citizens association, government agency, etc.). This provides a complete record and assists with future notification on this case. This meeting is being recorded. For audio identification, please state your name and affiliation for the record the first time you speak on any item.

DATE: Jan. 18, 1996

AGENDA ITEM ON WHICH YOU WISH TO SPEAK: 37/3-96 VV

NAME: Pat Rumbaugh

COMPLETE MAILING ADDRESS: 7301 Maple Ave.
Takoma Park, MD 20912

REPRESENTING (INDIVIDUAL/ORGANIZATION): Pat & Tom Rumbaugh

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.....5 minutes
- Comment by adjacent owners/
interested parties.....3 minutes
- Comment by citizens associations/
interested groups.....5 minutes
- Elected officials/gov't reps.....5 minutes

HISTORIC PRESERVATION COMMISSION STAFF REPORT

Address: 7301 Maple Avenue
Resource: Takoma Park Historic District
Case Number: 37/3-96PP
Public Notice: 12/04/96
Applicant: Pat & Tom Rumbaugh
PROPOSAL: Move garage, cut down tree,
construct tennis court

Meeting Date: 12/18/96
HAWP: Tennis Court
Tax Credit: No
Report Date: 12/11/96
Staff: Perry Kephart
RECOMMEND: Deny

DATE OF CONSTRUCTION: Circa 1915.

SIGNIFICANCE: Outstanding Resource in Takoma Park Historic District.

ARCHITECTURAL DESCRIPTION:

Two-story, three bay, hipped side gable Dutch Colonial residence with a second story shed roof dormer on the front and rear facades. The house has double and triple banks of 6/6 and 4/4 windows and an exterior brick chimney on the right side. There is a Craftsman-style canopy over the front door. The facing is stucco, the roof is slate with intact snow guards along the front of the dormer roofs.

Behind the house to the left is a matching story and a half, hipped side-gable 2-car garage with a paved driveway. The garage is 20' square and has two banked 12 light casement windows in the side walls on the upper and lower levels. The garage is specifically mentioned in the designation of the Takoma Park Historic District, although its date of construction is not known. The backyard is enclosed by a four foot high chain link fence.

BACKGROUND

The applicant is a professional tennis instructor who wishes to install a tennis court on her property. The family has lived at this location for a number of years and would greatly prefer to install a court at this site, if at all possible.

The property is an outstanding resource in the Takoma Park Historic District as are 7305 Maple (Queen Anne ca. 1886) next door, 7300 Willow (Bungalow ca. 1910), and 7306 Willow (Tudor Revival ca. 1910) behind. The other adjacent or nearby houses (7300 Maple, 7219 Maple, 7302 Willow, 7304 Willow) are contributing resources.

Houses in the neighborhood--on the street and on the street behind the lot (Willow Avenue)--are closely grouped on the front of long narrow sites with small lawns in front of the houses and large trees, lawns, landscaping and underbrush to the rear. The applicant's lot measures 254 feet long by 75 feet wide. Applicant has discussed the construction of the court with all of the adjacent neighbors, none have voiced an objection to the placement of the court in the back of half of the lot which is contiguous to or visible from at least seven properties.

The topography of Maple Avenue is such that houses on the applicant's side are lined up on a high ridge with the ground falling at a gentle, but substantial grade to the back of the property line where the land levels off. The houses on Willow Avenue, behind Maple, are on nearly level lots, but significantly downhill from the houses on Maple.

A late 19th century carriage house belonging to the neighbor at 7219 Maple is located at the right rear of that property only a few feet away from the property line. According to the applicant, the neighbor is aware of the applicant's plans for the tennis court.

With regard to the trees on the lot, there are three large trees near the house which are not affected by the proposal. On the specific site of the proposed court are a large maple and oak and two small trees that must be removed to accommodate the tennis court.

PROPOSAL

Applicant proposes to:

1. Move the existing garage 20 feet forward to allow sufficient room for the proposed excavation.
2. Cut down a large, healthy, double-stemmed Oak tree (___" in caliper) and a diseased 14" caliper Norway Maple (permission has been granted by the City of Takoma Park to cut down the diseased Maple tree) on the site of the proposed tennis court. Cut down a smaller tree (less than 6" caliper, not requiring a HAWP) that is in the critical root zone of a neighboring magnolia, relocate another small tree to a neighbor's yard.
3. Grade the rear 120 feet (approximately 1/2 the length of the lot) of the property to bring it level.
4. Construct a clay tennis court 72' long by 36' wide. This would be placed on a leveled site 120' x 60' in order to have sufficient playing room outside the boundaries of the court itself. The site would be surrounded by a 10' high fence of black nylon netting strung on 6x6 wooden corner posts and 4x6 wooden line posts set every 30 feet with a top and bottom cable. An opening is proposed, without a gate, in the front right side of the enclosure. The clay court with hydro court underneath is specifically designed to minimize court noise.
5. Build a stone retaining wall and steps from the grade of the remaining back yard down to the court. The steps would be used as seating at court side. Plans for the retaining wall and steps have not been included in this application.

STAFF DISCUSSION

The property, as an outstanding resource in a historic district, is in a category that is subject to the most detailed level of design review. With this in mind, staff has sought to examine both the positive and negative aspects of the proposed tennis court construction.

On the positive side, staff commends the applicant on the proposed use of wood posts and the avoidance of metal wherever possible in order to allow the court to recede into its woodland setting. Also commendable is the proposed use of black netting which minimizes the visibility of the high fencing required for a tennis court. The applicant also proposes the use of a clay surface, which is less impermeable than paving (though more so than lawn), and is designed to minimize noise.

Also in keeping with the setting is the proposed use of a stone retaining wall and steps for access and seating. Should the court be approved, the wall and steps should be the subject of another HAWP.

Staff appreciates that no lighting is mentioned in the proposal. Staff feels that if the court is approved, denial of night lighting should be a condition of approval.

However, of serious concern to the staff are the following issues:

1. The substantial grading required to level the site imposes a substantial change in the character of the landscape. Both the extensive earthmoving and the court itself directly affect the viewshed of a number of both outstanding and contributing resources. Also, an important issue that requires more information is that there may be a potential negative effect on the stormwater runoff system in the neighborhood and on the plantings of the adjacent and nearby properties. The tennis court is proposed to be built right up to the property line on the rear and northern property lines. The extent of the effect is unknown, and potentially extremely problematic.
2. The destruction of a large and healthy 10" caliper Oak tree is counter to the principles of good stewardship. The applicant has not yet applied to the City of Takoma Park for permission to cut down the tree; however, Mark Busciano, the City Forester, has reported to staff that both he and a licensed arborist, Mike Guercin of Branches Tree Experts, have inspected and tested the tree and found it healthy. Mr. Busciano has stated that approving removal of this tree under Takoma Park's tree ordinance will be problematic. The tree is not endangering any nearby historic resources, nor is it crowding out more important plantings. No justification, in staff's opinion, can be found for its removal.
3. The proximity of the proposed tennis court to the historic carriage house in the neighboring yard will negatively impact the setting of this unusual outbuilding. The carriage house has been restored by the owner and has been brought into adaptive use as an office and guest house. Staff feels that installation of the tennis court and a 10' high fence only 15-20' from the wall of the carriage house will have a major detrimental impact on the setting of the carriage house.
4. The relocation of the garage may be, in staff's opinion, an inappropriate preservation decision. More information is needed on the date of construction of the building before a final judgement can be made. In general, however, buildings should only be moved as a last resort. Additionally, the movement of a building is inevitably hard on its structural integrity, imposing unwarranted wear and tear.
5. Finally, although a tennis court is not technically a structure, it will have a significant visual impact on the open space in the neighborhood. The Takoma Park Historic District Guidelines for Outstanding Resources state:

...all changes and additions should respect existing environmental settings, landscaping, and patterns of open space...

In addition, one of the broad planning and design concepts which the Takoma Park Guidelines state should apply to all properties is the district is:

...the importance of assuring that additions and other changes to existing structures act to reinforce and continue existing streetscape, landscape, and building patterns rather than to impair the character of the historic district...

With 10' high fencing, the tennis court will be visible not only from other back yards, but possibly also from Maple and/or Willow. Takoma Park is characterized by houses at the front of lots, facing the street, with long and somewhat narrow back yards creating a central green area mid-block, between streets. This central open space is an important element of the historic building pattern of Takoma Park. The tennis court - which will occupy 38% of the lot - will disrupt this pattern.

Staff is of the opinion that the proposal, despite the best efforts of the applicant, is of a highly visible and potentially detrimental nature for the Takoma Park Historic District. It must be considered to negatively impact and to impair the character of the historic district. This is due both to the necessity to substantially alter too much of the setting of an existing historic resource itself in order to bring the project to completion, and to the intrusion of the proposed structure on the viewshed and setting of nearby historic resources.

STAFF RECOMMENDATION

Staff recommends that the Commission deny the proposal based on Chapter 24A-8(a):

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.

and with the Secretary of the Interior's Standards for Rehabilitation #1, #2 and #10:

A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.

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 and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

APPLICATION FOR HISTORIC AREA WORK PERMIT

CONTACT PERSON Pat Rumbaugh
DAYTIME TELEPHONE NO. (301) 891-3829

TAX ACCOUNT # _____
NAME OF PROPERTY OWNER Pat & Tom Rumbaugh DAYTIME TELEPHONE NO. (301) 891-3829
ADDRESS 7301 Maple Ave. Takoma Park MD 20912
CITY STATE ZIP CODE
CONTRACTOR _____ TELEPHONE NO. () _____
CONTRACTOR REGISTRATION NUMBER _____

AGENT FOR OWNER _____ DAYTIME TELEPHONE NO. () _____

LOCATION OF BUILDING/PREMISE
HOUSE NUMBER 7301 Maple STREET Maple Ave.
TOWN/CITY Takoma Park NEAREST CROSS STREET Tulip
LOT 25, 26 BLOCK 3 SUBDIVISION _____
LIBER _____ FOLIO _____ PARCEL _____

PART ONE: TYPE OF PERMIT ACTION AND USE

1A. CIRCLE ALL APPLICABLE: CIRCLE ALL APPLICABLE: A/C Slab Room Addition
Construct Extend Alter/Renovate Repair Move Porch Deck Fireplace Shed Solar Woodburning Stove
Wreck/Raze Install Revocable Revision Fence/Wall (complete Section 4) Single Family Other Tennis Court
1B. CONSTRUCTION COST ESTIMATE \$ _____
1C. IF THIS IS A REVISION OF A PREVIOUSLY APPROVED ACTIVE PERMIT SEE PERMIT # _____

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 10 feet 0 inches Back of court and back 1/4 sides
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.
Pat Rumbaugh 11-27-96
Signature of owner or authorized agent Date

APPROVED _____ For Chairperson, Historic Preservation Commission
DISAPPROVED _____ Signature _____ Date _____

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:

Large backyard with two trees, swing set, garden.

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

A clay tennis court that would be used by the owner's family, friends and neighbors. Owner is a lifetime tennis player, coach and teacher.

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.

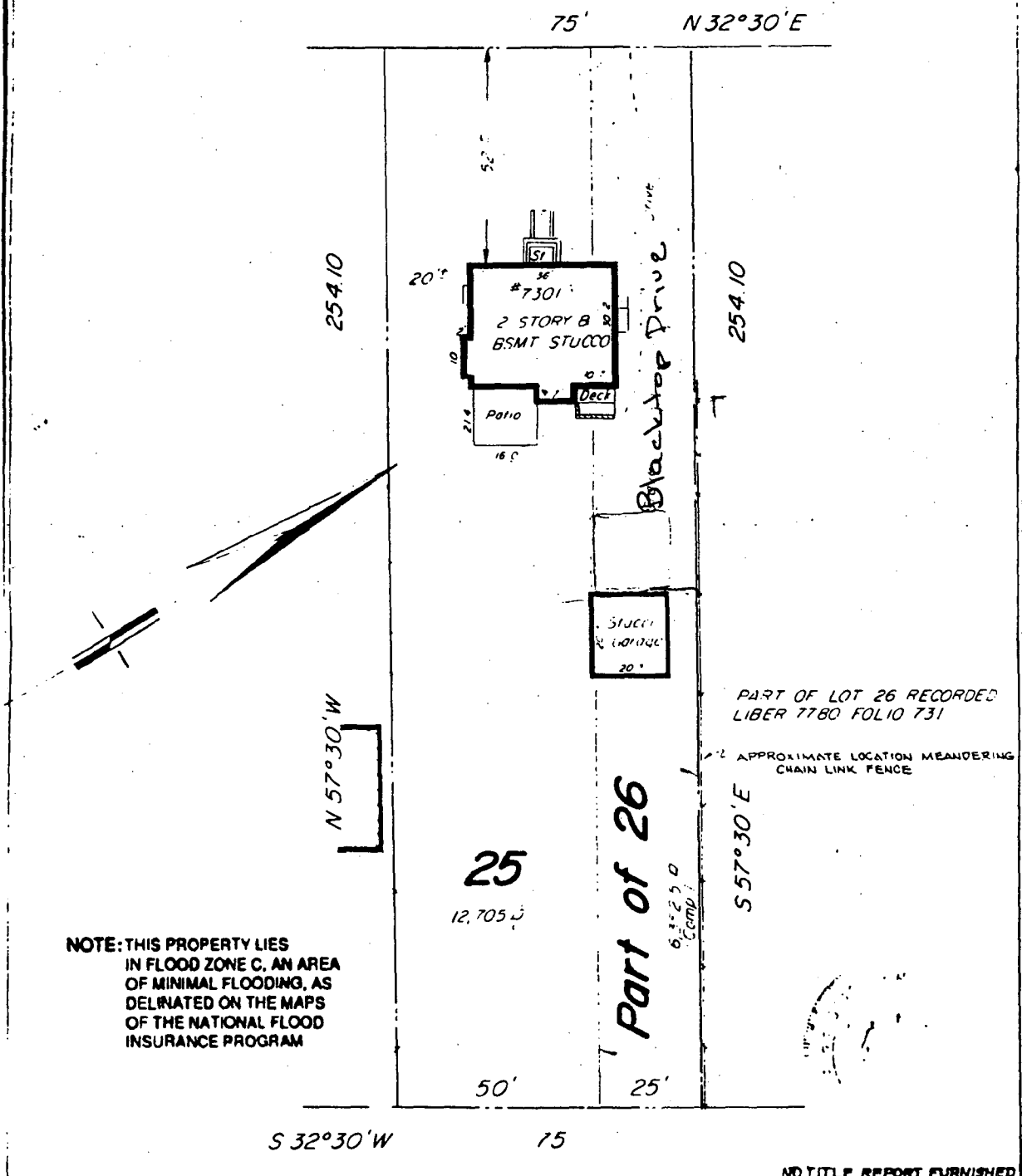
5. PHOTOGRAPHS

- 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

6

MAPLE AVENUE



NOTE: THIS PROPERTY LIES IN FLOOD ZONE C, AN AREA OF MINIMAL FLOODING, AS DELINEATED ON THE MAPS OF THE NATIONAL FLOOD INSURANCE PROGRAM

PART OF LOT 26 RECORDED LIBER 7780 FOLIO 731

APPROXIMATE LOCATION MEANDERING CHAIN LINK FENCE

LOCATION SURVEY OF 7301 MAPLE AVENUE Montgomery County, Maryland B.F. Gilbert's Addition to TAKOMA PARK	LOT 25, 26	BLOCK: 3
	PLAT BOOK: A	PLAT NO: 3
	DATE: August 5, 1992	SCALE: 1" = 30'
	CASE NO: 92-152	FILE NO: NT 92062
	NO TITLE REPORT FURNISHED	

CERTIFICATION: I hereby certify that the position of all the existing visible improvements on the above described property has been carefully established in relation to the apparent title lines and that, unless otherwise shown, there are no visible encroachments. This is not a property line survey and should not be used for the location of fences or any other improvements.

Plans for a Tennis Court

7301 Maple Avenue, Takoma Park, Maryland 20912

301-891-3829

Residents- Pat and Tom Rumbaugh

A tennis court is 72 feet in length and 36 feet in width. It is recommended that you have minimum 110 feet to maximum 120 feet in length and 55 to 60 feet in width to have a full size court with the necessary play area outside the court itself.

Location of the court. The court would boarder our back property that is adjacent to the back property of 7302 and 7304 Willow Ave. Takoma Park, MD. It would also run the length of the court adjacent to 7303 Maple Ave. which is our neighbors back side property. Our garage would be in front of the court and our house would sit 70 feet in front of the court. You would not be able to see the court from the street.

Trees to be removed. We have two small trees that we will have moved, one will go to a neighbors yard and another will be planted elsewhere. Two of the trees are large, but one is diseased and hollow and the other is in average condition. We are asking your approval to cut down these two trees.

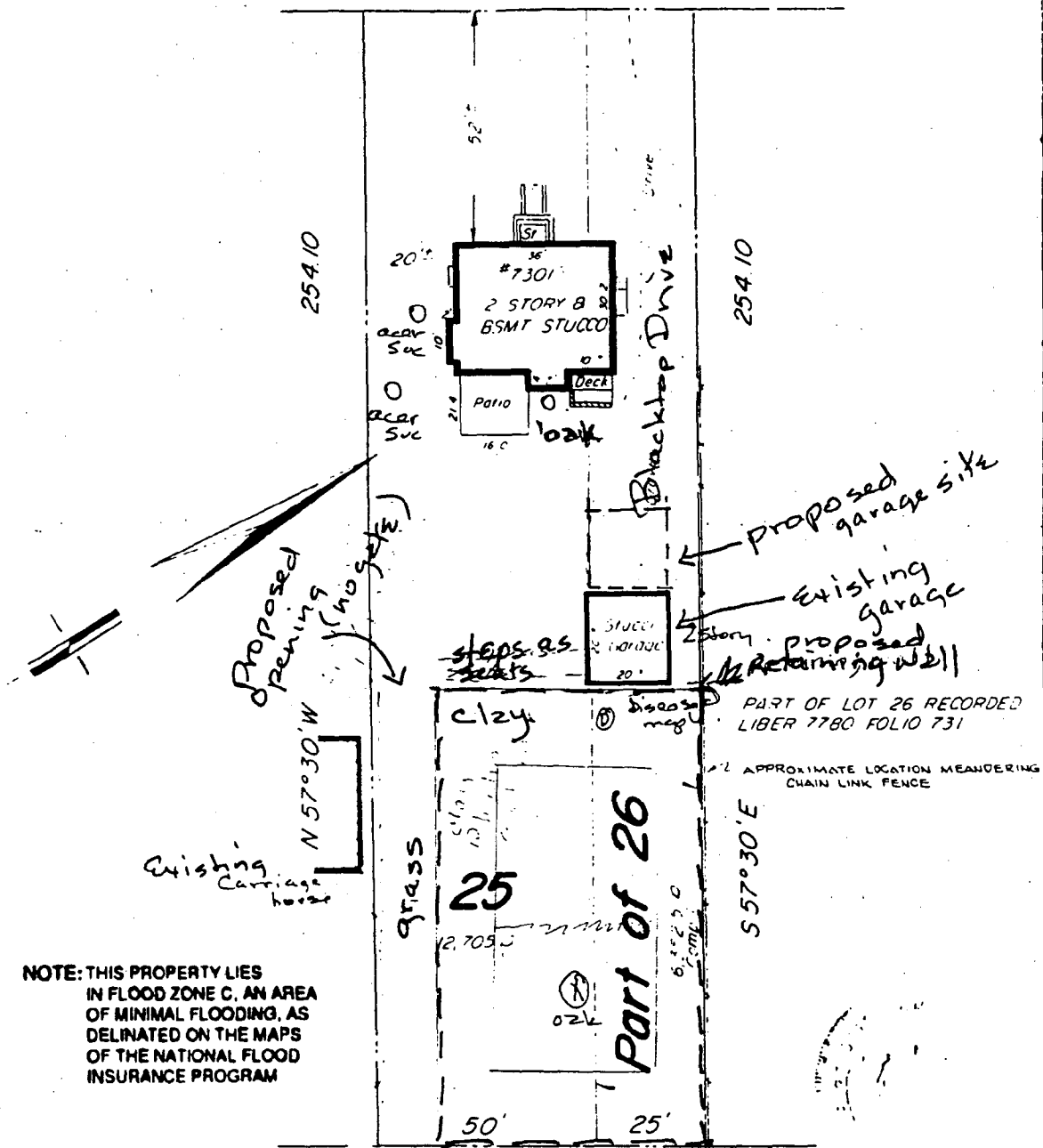
Excavation for the court. We will need a retaining wall and what we are planning is that we will have a wall directly behind the garage that will hardly be seen by anyone outside of our yard.

Fencing. We already have four feet fencing all around our back and side yard. We will need to put ten feet fencing along the back and part of the side, but we are willing to put in wood fencing that is conducive to the neighborhood.

Surface of the court. We are planning on putting in a clay tennis court. There is less noise [bounce of the ball on a clay tennis court].

MAPLE AVENUE

75' N32°30'E



NOTE: THIS PROPERTY LIES IN FLOOD ZONE C, AN AREA OF MINIMAL FLOODING, AS DELINEATED ON THE MAPS OF THE NATIONAL FLOOD INSURANCE PROGRAM

PART OF LOT 26 RECORDED LIBER 7780 FOLIO 731

APPROXIMATE LOCATION MEANDERING CHAIN LINK FENCE

LOCATION SURVEY OF 7301 MAPLE AVENUE Montgomery County, Maryland SUBDIVISION B.F. Gilbert's Addition to TAKOMA PARK	LOT 25, 26	BLOCK: 3
	PLAT BOOK: A	PLAT NO: 3
	DATE: August 5, 1992	SCALE: 1" = 30'
	CASE NO: 92-152	FILE NO: NT 92062
	NO TITLE REPORT FURNISHED	

CERTIFICATION: I hereby certify that the position of all the existing visible improvements on the above described property has been carefully established in relation to the apparent title lines and that, unless otherwise shown, there are no visible encroachments. This is not a property line survey and should not be used for the erection of fences or any other improvements. (a)

7300
Gravelly

Tulip



Maple Ave.



Phil. Ave.

7219
Welsh -
Titlebaum

7301
Rumbaugh

7305
Bradley -
Hemphill

7302
Morgan

7304
Orlansky -
Spatz

Willow Ave.

me at your convenience.

Yesterday our phone stopped working, I think because of the wind. Anyway they are supposed to fix it Friday morning.

Perry thanks for all your help and patience.

Sincerely,

Pat Rumbaugh

301-891-3829

City of Takoma Park, Maryland

OFFICE OF THE DIRECTOR
PUBLIC WORKS DEPARTMENT
TEL: (301) 285-0333



MUNICIPAL BUILDING
7500 MAPLE AVENUE
TAKOMA PARK, MD 20912

Perry Kephart
M-NCPPC
Historic Preservation Commission
8787 Georgia Avenue
Silver Spring, MD 20910

November 04, 1996

Dear Perry:

There is a tree located in the Takoma Park Historic Preservation District which is a hazard and should be removed. I have granted the resident a City of Takoma Park permit wavier to remove the tree; she/he is now awaiting permission from your office to complete the work. Specific information is as follows:

Property owner: Pat Zumbach

Address: 7301 Maple Avenue

Phone number: 301-891-3829

Tree type: Norway Maple

Diameter at 4.5' above ground level: 14"

Condition: Dem re - severe decline -

Reason for removal: hazard - Top branches falling - decline will continue

Please send or fax confirmation for removal to my office so I can process the necessary paperwork for this job. Thank you for your cooperation.

Sincerely,

Mark Busciano
City Forester/Parks Supervisor

Phone: 585-8333 x314
Fax: 585-2405

7301 Maple Ave

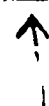


Front facade



201,
7301
Maple
Ave

↑
Side facade.



(15)

(16)

Rear facade - 7301 Maple Ave
w/ 3 large trees not affected
by construction

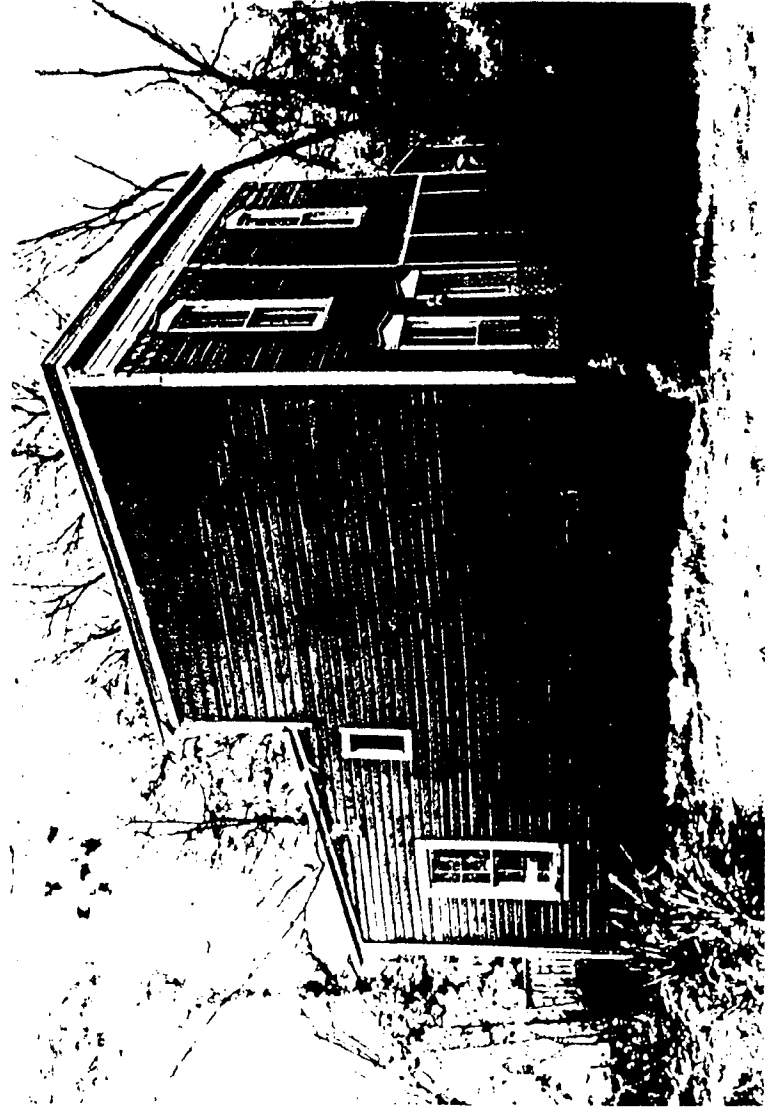


Garage - Rear & Left facade



7301 Maple Ave

7301 Maple Avenue



Carrizal House
7219 Maple Avenue.



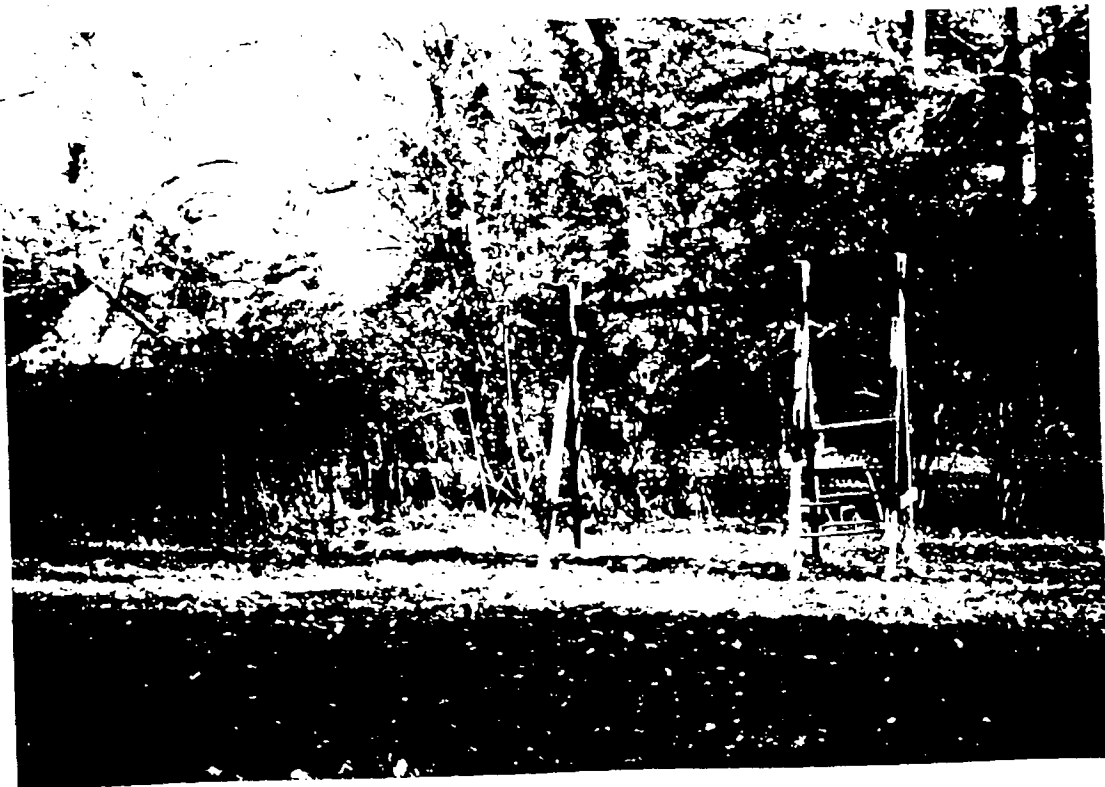
↑ Tennis Court Site ↑

↑ Carrizal House (17)

7301 Maple Avenue



Rear corner of lot showing
oak tree to be removed



Rear fence (lot line)

730 Maple Avenue



305
aple

Garage - front ↑

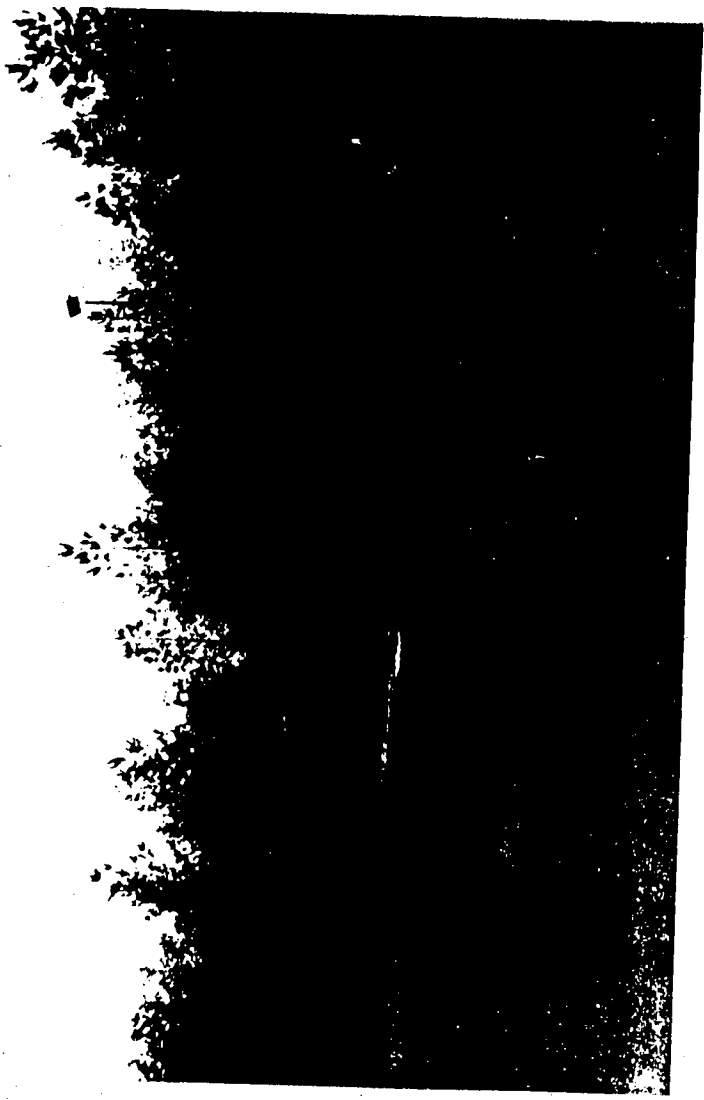
House - left side



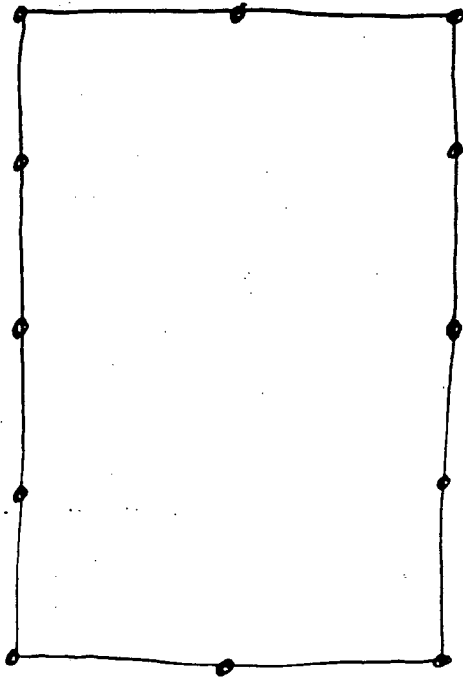
Rear facade - Garage & left side
of lot

(19)

(20)

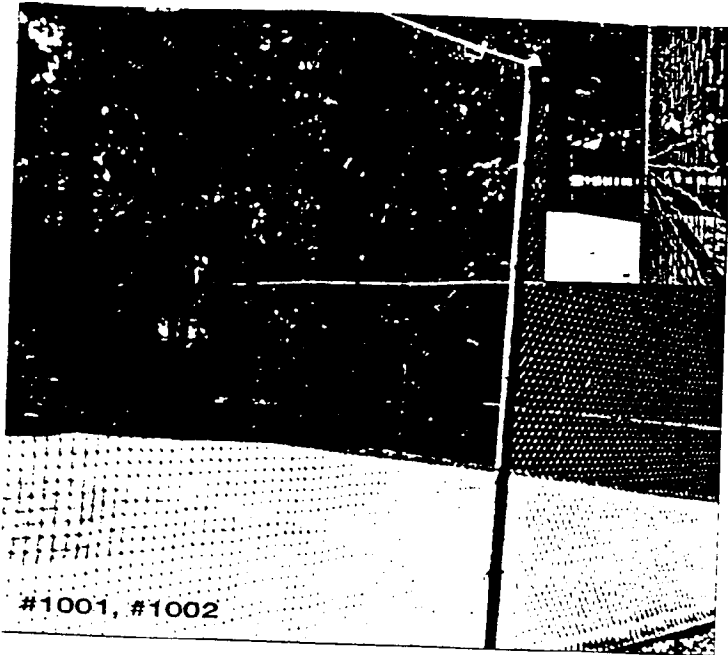


Tennis Court Plan



Wooden Posts: 6x6 corners and 4x6 line post
set every 30' Top cable
and Bottom cable

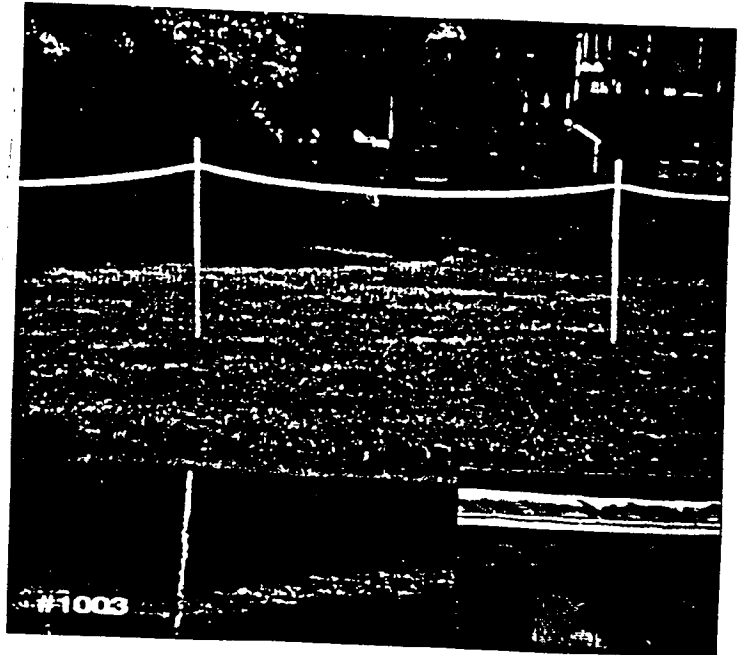
Fabric Nylon Black



#1001, #1002

#1001 - 60 #1002 - 120
FABRIC FENCING

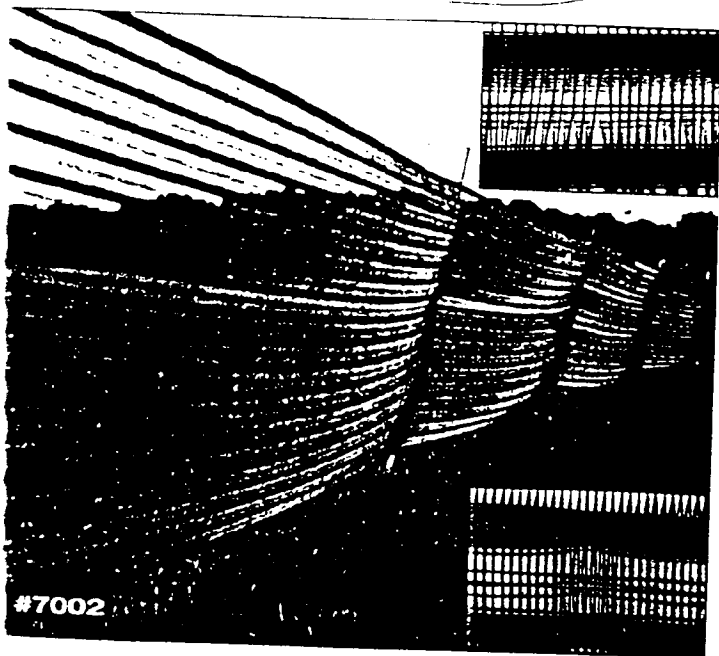
Great alternative to expensive chain-link fencing. Made of 100% UV resistant polyethylene with a heavy-duty vinyl coating for extra tear and puncture resistance. Available in Blue, Green, Orange, Red, Yellow, and White. Comes in rolls of 60' or 120'. Available in other lengths on special order. Green



#1003

#1003
CROWD CONTROL

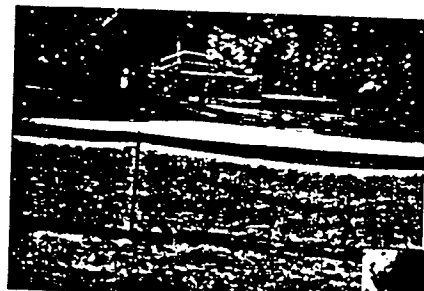
Effective crowd control for all types of events. Heavy-duty crowd control fence with a heavy-duty vinyl top rail and maximum strength. Available in rolls of 60' or 120'. Available in other lengths on special order. Green



#7002

#7002
JIK FENCE

Heat-finished vinyl-coated polyester fencing is ideal for crowd control, course location and boundary marking. Comes in rolls of 150' x 46". Blue, Green or Red.



#7015

#7015
FENCE ALL - KNITTED FENCING

Available in 150' or 120' rolls. Heavy-duty crowd control fence constructed of heavy knitted UV-stabilized polyethylene. Economical and reusable. Comes in rolls of 150' x 46". Green or Orange.

7.2

7300
Gravelly

Tulip



Maple Ave.



Phil. Ave.

7219
Welsh-
Titlbbaum

7301
Rumbaugh

7305
Bradley-
Hemphill

7302
Morgan

7304
Orlansky -
Spatz

Willow Ave

City of Takoma Park, Maryland

OFFICE OF THE DIRECTOR
PUBLIC WORKS DEPARTMENT
TEL: (301) 585-8333



MUNICIPAL BUILDING
7500 MAPLE AVENUE
TAKOMA PARK, MD 20912

Perry Kephart
M-NCPPC, HPC
8787 Georgia Avenue
Silver Spring, MD 20910

December 09, 1996

Dear Perry:

Regarding the double-stemmed oak tree in the backyard of 7301 Maple Avenue, I have the following comments and observations.


I did not inspect the tree thoroughly this summer, but I did see it when I was inspecting another tree in Pat Rumbaugh's backyard. The tree appeared structurally sound, and of good health and vigor. Furthermore, I did not notice any fungus or insect problems. My only recommendation is that the tree could be cabled (between the two main stems), but this is not necessary at this point.

In addition, I spoke with Mike Guercin from Branches Tree Experts. Mr. Guercin is a Licensed Tree Expert. Mike conveyed the following information to me over the phone today at 3:45 pm, and he indicated to me that I could include his comments and observations in this letter to you.

Mike took an increment core of the tree last Thursday. The core did not lead him to believe the tree was unhealthy or in danger of dying. Mike's only comment was that the tree was double-stemmed which is not the most desirable form for a landscape specimen, but that it was of good vigor and health.

I hope this information is of some help. If you wish to contact Mr. Guercin directly, you can reach him at 589-5997.

Sincerely,


Mark Busciano
City Forester/Parks Supervisor
(301) 585-8333 x314

Post-it® Fax Note	7671	Date	12/9	# of pages	1
To	Perry Kephart	From	Mark Busciano		
Co./Dept.	HPC	Co.	Takoma Park PW		
Phone #		Phone #	585-8333 x314		
Fax #	495-1307	Fax #			

Daniel E. Loeb and Winifred I. Neunzig
7306 Willow Avenue
Takoma Park, Maryland 20912

December 18, 1996

BY TELECOPY AND FIRST-CLASS MAIL

Mr. George Konsoulas
Chairman, Montgomery County Historic Preservation Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910

**RE: HPC Agenda, December 18, 1996, HPC Case No. 37/3-96PP: Historic Area
Work Permit Application of Pat and Tom Rambaugh for tennis court
construction at 7301 Maple Avenue, Takoma Park**

Dear Mr. Chairman and Members of the Commission:

I am writing with respect to the above-referenced Case and ask that you incorporate this letter into the record for the hearing. Together with my spouse, Winifred Neunzig, I am the owner of 7306 Willow Avenue, the property immediately adjacent (to the northeast) to the rear of the lot of 7301 Maple Avenue. Our property shares a corner with the property at 7301 Maple.

I did not receive a notice of this hearing which, to me, appears to have been an oversight given the proximity of my property to the property which is the subject of this hearing.

In any event, I have discussed with my neighbors, Karen Orlansky and Ian Spatz, the Rumbaugh's plans for a tennis court taking up virtually all of the backyard at 7301 Maple Avenue. I share the concerns expressed in their letter to you dated December 16, 1996 regarding appropriateness of a tennis court in the Takoma Park Historic District and the impact it would have on open space, the views, and the feel of the neighborhood.

Like the Orlansky/Spatz property, the barrier, which is a part of the tennis court plans, would be clearly visible from the rear of our house. This is particularly disturbing to me because, just three years ago, we put on a significant addition to our home, incorporating virtually uninterrupted glass across both levels in the rear, specifically to take advantage of the uninterrupted light and park-like views we now have. The barrier and grading associated with the planned tennis court would be an unsightly impediment to these attributes which are fundamental to this section of the Takoma Park Historic District.

Mr. George Konsoulas
December 18, 1996
Page 2

I am also concerned that construction will destroy or threaten large trees and other vegetation that are essential components of the Historic District and to the character of Takoma Park. Too many trees have been lost already to ill-advised curb, sewer and road construction.

Finally, given the apparent "sketchiness" of the homeowner's plans for the tennis court, I also have concerns about the following:

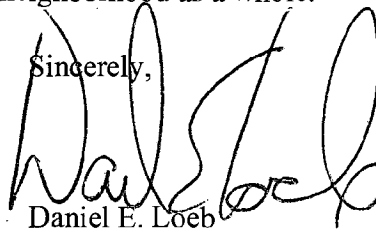
1. Will lights to put up, now or later? If so, they would have a tremendous adverse impact on the evening tranquillity of the neighborhood;
2. I assume that the court will be in regular (as opposed to occasional) use, which raises serious concerns about constant and annoying noise associated with the game of tennis. This is particularly a concern during the summer months when I and my neighbors enjoy the peacefulness of our backyards late into the evening;
3. I have heard that the homeowners may have plans to offer tennis lessons on the proposed court, which only accentuates the concerns set out in Nos. 1 and 2 above;
4. Drainage and sub-surface water flow, which is a significant concern in the neighborhood, may be adversely affected by removal of the lawn and vegetation at 3701 Maple Avenue and associated excavation and grading; and
5. The adverse impact on the park-like nature of the Historic District, along with the unsightly nature of the barrier, future lighting and associated noise, clearly will have an adverse impact on property values of all adjacent properties.

While these concerns may not be within the purview of the Commission they should be considered -- both by you and homeowner -- in determining whether the project is consistent: (i) with the character of the Historic District; and (ii) with the goals and wishes of the homeowner's fellow neighbors.

Mr. George Konsoulas
December 18, 1996
Page 3

Like the Orlansky/Spatz family, I am loath to interfere with the plans and dreams of a neighbor, but in this case these plans appear to be at odds with the fundamental purposes of the Historic District and the goals and interests of the neighborhood as a whole.

Sincerely,

A handwritten signature in black ink, appearing to read "Daniel E. Loeb". The signature is fluid and cursive, with the first name being the most prominent.

Daniel E. Loeb

Wed. Nov. 27, 96

Toe Perry Kept
From Fat Rumbough

Yesterday I finally received pictures of the fence netting and a sample of the netting for the court fence. I am sorry this has taken so long. Tennis Court, Inc. was suppose to get this to me a month ago.

Enclosed are the following:

- pictures of the yard
- addresses of all the adjacent neighbors
- court fence netting sample and pictures.

The only new development is that we will need to move the garage about 20 feet. I was not happy to discover this, but other wise the length around the court will be to short.

Please, feel free to call
(over)

me at your convenience.

Yesterday our phone stopped working, I think because of the wind. Anyway they are supposed to fix it Friday morning.

Perry thanks for all your help and patience.

Sincerely,
Pat Rumbaugh

301-891-3829

City of Takoma Park, Maryland

OFFICE OF THE DIRECTOR
PUBLIC WORKS DEPARTMENT
TEL: (301) 585-8333



MUNICIPAL BUILDING
7500 MAPLE AVENUE
TAKOMA PARK, MD 20912

Perry Kephart
M-NCPPC, HPC
8787 Georgia Avenue
Silver Spring, MD 20910

December 09, 1996

Dear Perry:

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In addition, I spoke with Mike Guercin from Branches Tree Experts. Mr. Guercin is a Licensed Tree Expert. Mike conveyed the following information to me over the phone today at 3:45 pm, and he indicated to me that I could include his comments and observations in this letter to you.

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I hope this information is of some help. If you wish to contact Mr. Guercin directly, you can reach him at 589-5997.

Sincerely,

Mark Busciano
City Forester/Parks Supervisor
(301) 585-8333 x314

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To	Perry Kephart	From	Mark Busciano		
Co./Dept.	HPC	Co.	Takoma Park PW		
Phone #		Phone #	301-585-8333 x314		
Fax #	495-1307	Fax #			

City of Takoma Park, Maryland

OFFICE OF THE DIRECTOR
PUBLIC WORKS DEPARTMENT
TEL: (301) 585-6333



MUNICIPAL BUILDING
7500 MAPLE AVENUE
TAKOMA PARK, MD 20912

November 04, 1996

Perry Kephart
M-NCPPC
Historic Preservation Commission
8787 Georgia Avenue
Silver Spring, MD 20910

Dear Perry:

There is a tree located in the Takoma Park Historic Preservation District which is a hazard and should be removed. I have granted the resident a City of Takoma Park permit wavier to remove the tree; she/he is now awaiting permission from your office to complete the work. Specific information is as follows:

Property owner: *Pat Rumbaugh*

Address: *7301 Maple Avenue*

Phone number: *301-891-3829*

Tree type: *Norway Maple*

Diameter at 4.5' above ground level: *14"*

Condition: *Dem. re - severe decline -*

Reason for removal: *Wound - Tree branches falling - decline will continue*

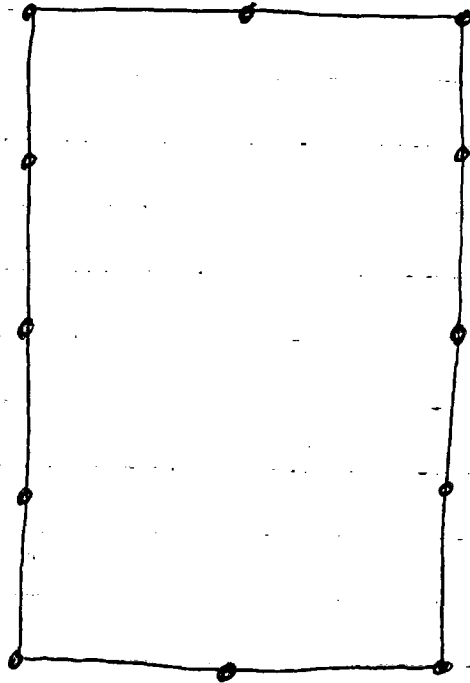
Please send or fax confirmation for removal to my office so I can process the necessary paperwork for this job. Thank you for your cooperation.

Sincerely,

Mark Busciano
City Forester/Parks Supervisor

Phone: 585-8333 x314
Fax: 585-2405

Tennis Court Plan



wooden Post: 6x6 corners and 4x6 line post
set every 30' Top cable
and Bottom cable

Fabric Nylon Black

Plans for a Tennis Court

7301 Maple Avenue, Takoma Park, Maryland 20912

301-891-3829

Residents- Pat and Tom Rumbaugh

A tennis court is 72 feet in length and 36 feet in width. It is recommended that you have minimum 110 feet to maximum 120 feet in length and 55 to 60 feet in width to have a full size court with the necessary play area outside the court itself.

Location of the court. The court would boarder our back property that is adjacent to the back property of 7302 and 7304 Willow Ave. Takoma Park, MD. It would also run the length of the court adjacent to 7303 Maple Ave. which is our neighbors back side property. Our garage would be in front of the court and our house would sit 70 feet in front of the court. You would not be able to see the court from the street.

Trees to be removed. We have two small trees that we will have moved, one will go to a neighbors yard and another will be planted elsewhere. Two of the trees are large, but one is diseased and hollow and the other is in average condition. We are asking your approval to cut down these two trees.

Excavation for the court. We will need a retaining wall and what we are planning is that we will have a wall directly behind the garage that will hardly be seen by anyone outside of our yard.

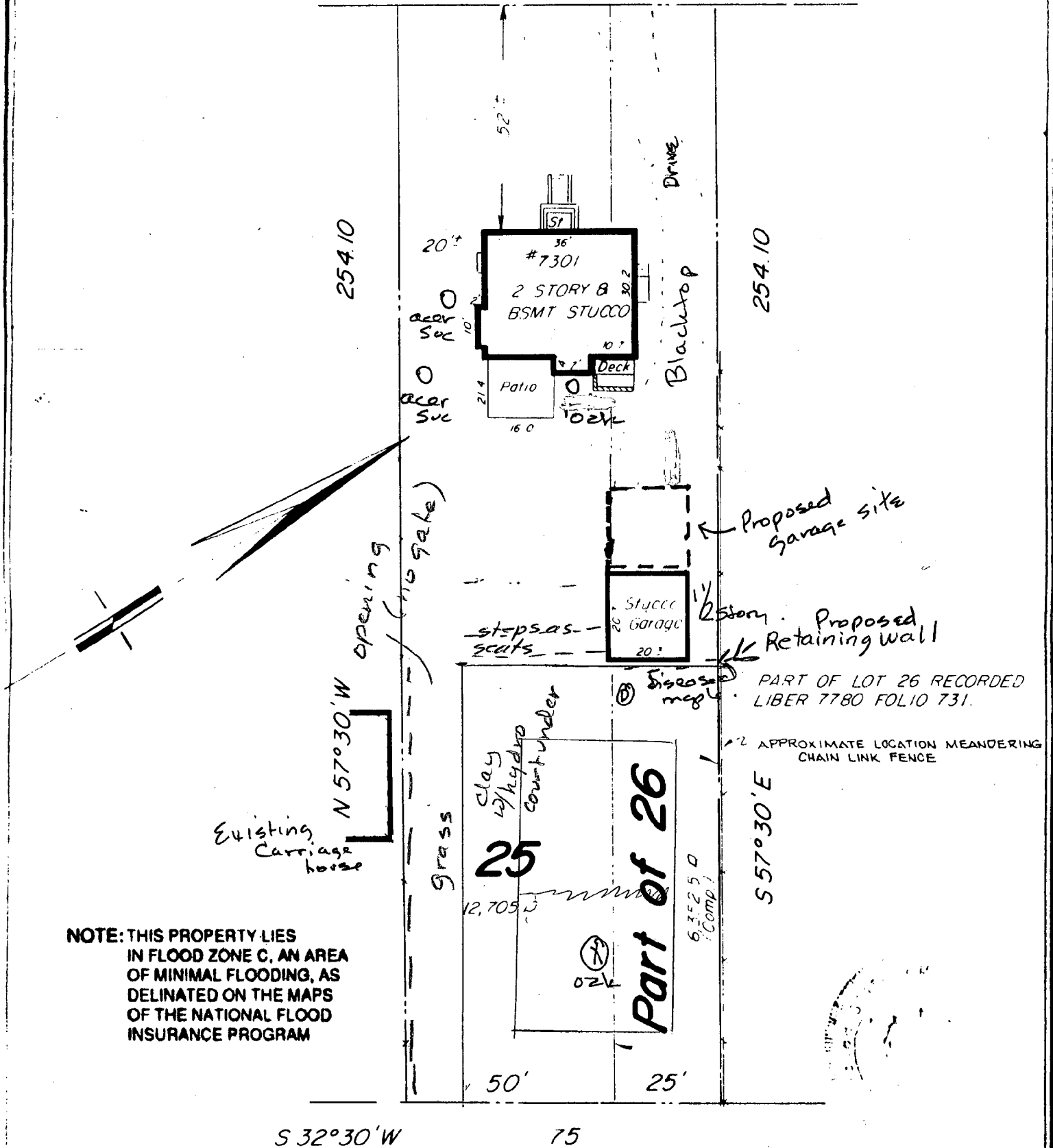
Fencing. We already have four feet fencing all around our back and side yard. We will need to put ten feet fencing along the back and part of the side, but we are willing to put in wood fencing that is conducive to the neighborhood.

Surface of the court. We are planning on putting in a clay tennis court. There is less noise [bounce of the ball on a clay tennis court].

LANDTECH ASSOCIATES, INC.
 7307 BALTIMORE AVENUE SUITE 214
 COLLEGE PARK, MARYLAND 20740

MAPLE AVENUE

75' N 32° 30' E



NOTE: THIS PROPERTY LIES IN FLOOD ZONE C, AN AREA OF MINIMAL FLOODING, AS DELINEATED ON THE MAPS OF THE NATIONAL FLOOD INSURANCE PROGRAM

LOCATION SURVEY OF
 7301 MAPLE AVENUE
 Montgomery County, Maryland
 SUBDIVISION
 B.F. Gilbert's Addition to
TAKOMA PARK

LOT 25, 26
 PLAT BOOK: A
 DATE: August 5, 1992
 CASE NO: 92-152

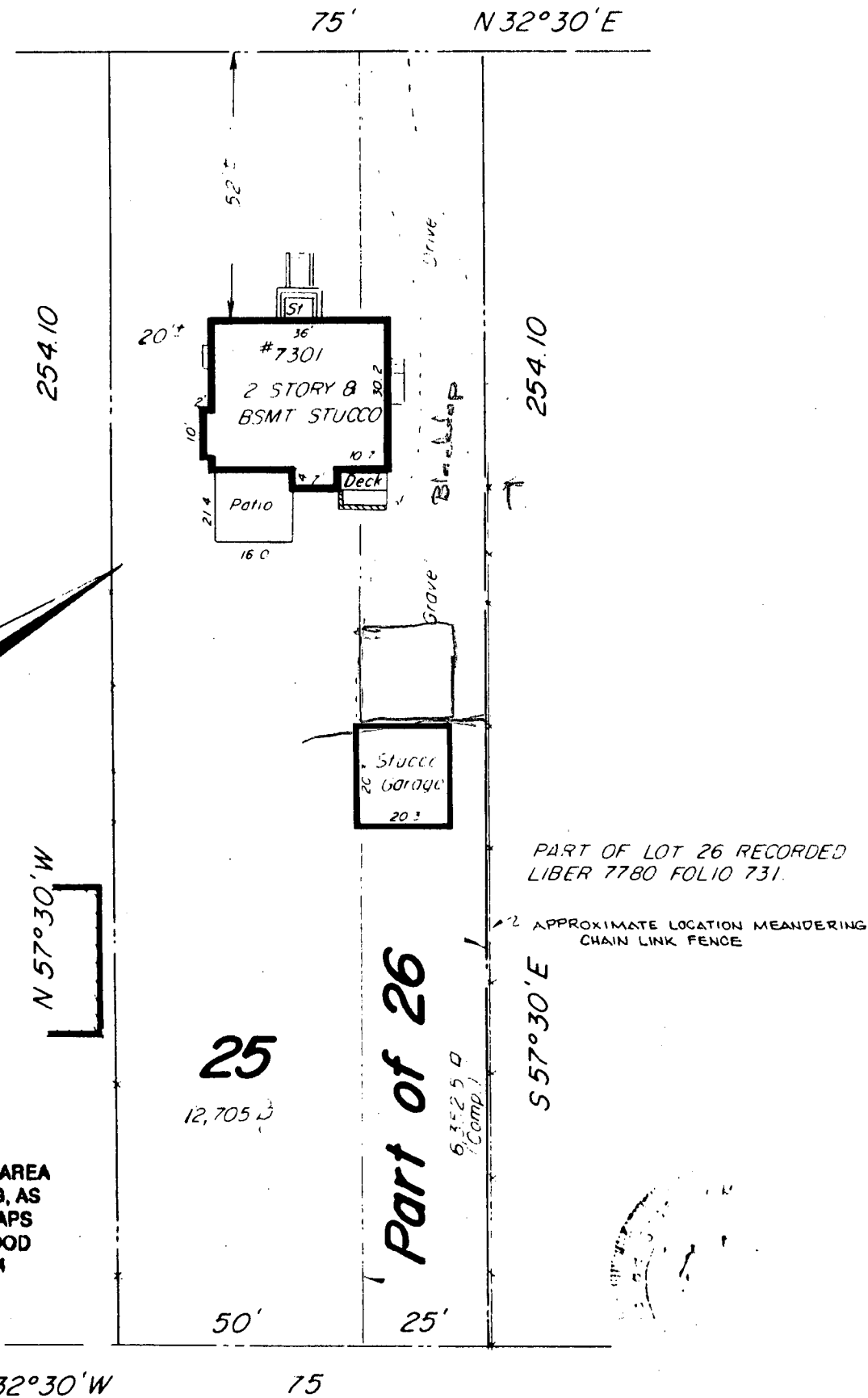
NO TITLE REPORT FURNISHED
 BLOCK: 3
 PLAT NO: 3
 SCALE: 1" = 30'
 FILE NO: NT 92062

CERTIFICATION: I hereby certify that the position of all the existing visible improvements on the above described property has been carefully established in relation to the apparent title lines and that, unless otherwise shown, there are no visible encroachments. This is not a property line survey and should not be used for the erection of fences or any other improvements.

Handwritten signature and date

LANDTECH ASSOCIATES, INC.
 7307 BALTIMORE AVENUE SUITE 214
 COLLEGE PARK, MARYLAND 20740

MAPLE AVENUE



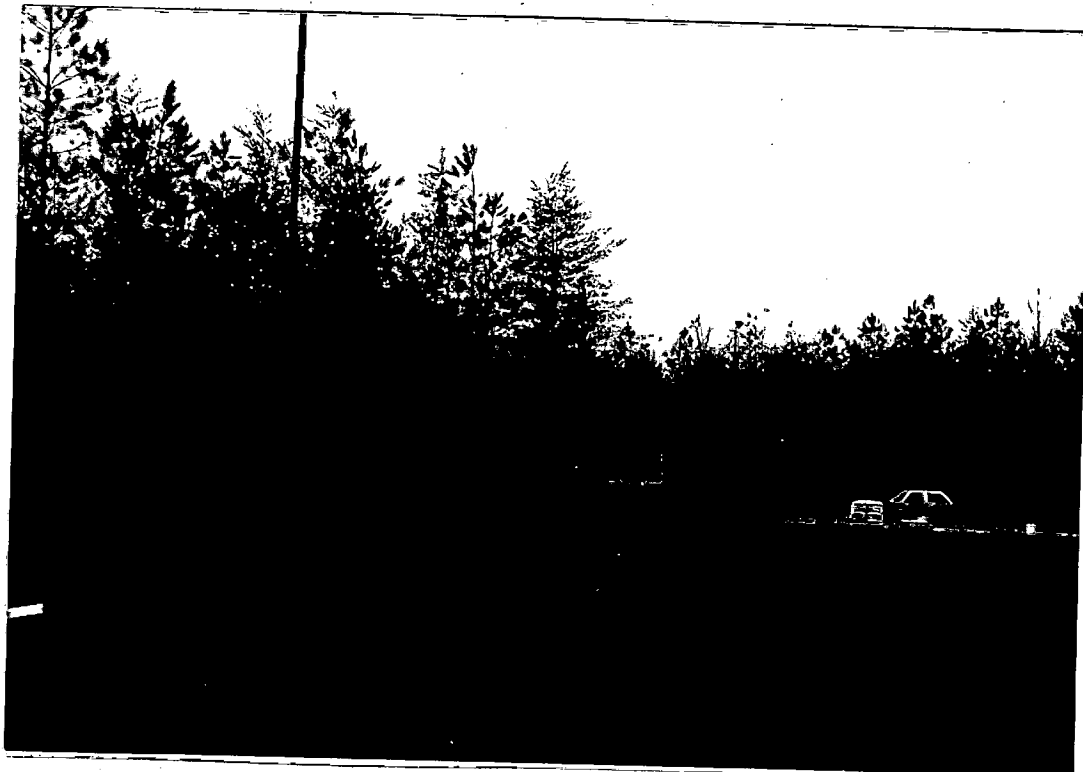
NOTE: THIS PROPERTY LIES IN FLOOD ZONE C, AN AREA OF MINIMAL FLOODING, AS DELINATED ON THE MAPS OF THE NATIONAL FLOOD INSURANCE PROGRAM

LOCATION SURVEY OF 7301 MAPLE AVENUE Montgomery County, Maryland SUBDIVISION B.F. Gilbert's Addition to TAKOMA PARK	LOT: 25, 26	BLOCK: 3
	PLAT BOOK: A	PLAT NO: 3
DATE: August 5, 1992	SCALE: 1" = 30'	
CASE NO: 92-152	FILE NO: NT 92062	

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Sample fencing for tennis court



7301 Maple Avenue



7305
Maple

Garage - Front ↑ House - left side



Rear facade - Garage & left side
of lot

MONTGOMERY COUNTY HISTORIC PRESERVATION COMMISSION

495-4570

WEDNESDAY
December 18, 1996

MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
MRO AUDITORIUM
8787 GEORGIA AVENUE
SILVER SPRING, MARYLAND 20910

PLEASE NOTE: THE HPC AGENDA IS SUBJECT TO CHANGE ANYTIME AFTER PRINTING OR DURING THE COMMISSION MEETING. PLEASE CONTACT THE HISTORIC PRESERVATION COMMISSION AT THE NUMBER ABOVE TO OBTAIN CURRENT INFORMATION. IF YOUR APPLICATION IS INCLUDED ON THIS AGENDA, YOU OR YOUR REPRESENTATIVE ARE EXPECTED TO ATTEND.

I. HPC WORKSESSION - 7:00 p.m. in Third Floor Conference Room

II. PRESENTATION - 7:30 p.m. in the Auditorium

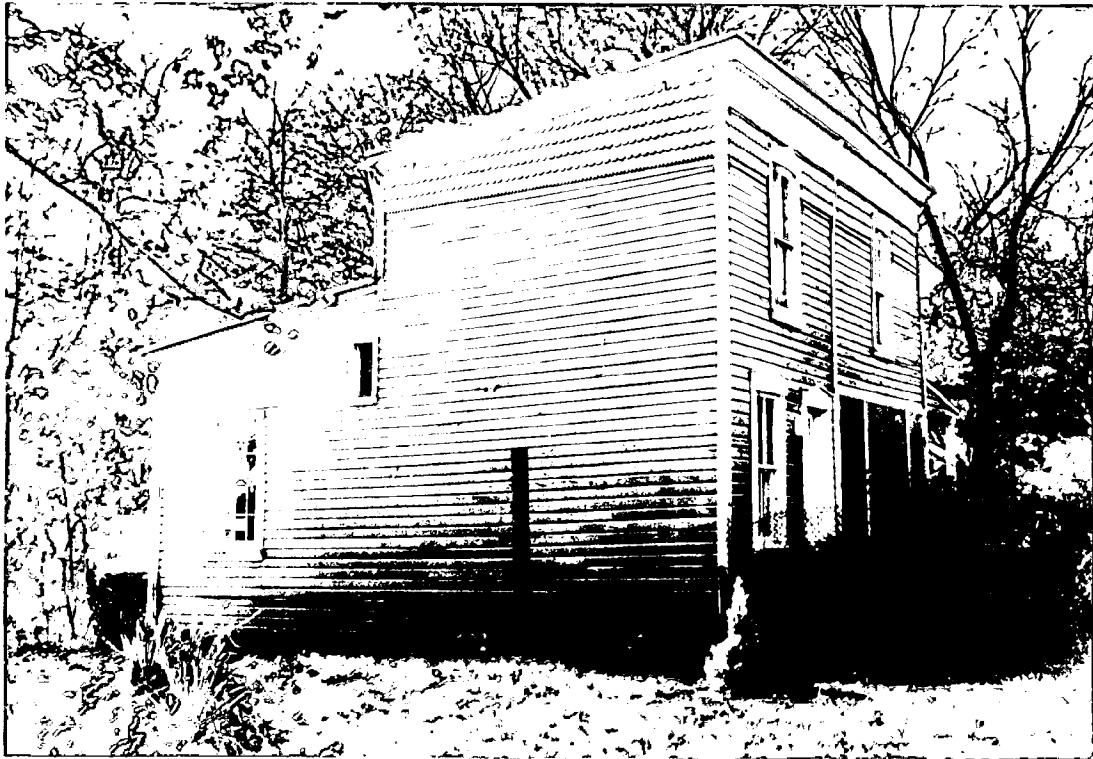
Gail Rothrock, Member of the Board of the Maryland Association of Historic District Commissions, and Historic Preservation Coordinator in Prince George's County.

III. HISTORIC AREA WORK PERMITS - 8:00 p.m. in the Auditorium

- A. George Myers, Architect, for addition at 10314 Fawcett Street, Kensington (HPC Case No. 31/6-96P) (Kensington Historic District).
- B. Carleton and Cynthia Conant, for shed/playhouse at 10309 Armory Avenue, Kensington (HPC Case No. 31/6-96Q) (Kensington Historic District).
- C. Mary L. and Elmer A. Gardner, for new springhouse door at 318 Market Street, Brookeville (HPC Case No. 23/65-96G) (Brookeville Historic District).
- D. Douglas Cardin and Fred Silbernogel, for window replacement at 7108 Cedar Avenue, Takoma Park (HPC Case No. 37/3-96VV) (Takoma Park Historic District).
- E. Pat and Tom Rumbaugh, for tennis court construction at 7301 Maple Avenue, Takoma Park (HPC Case No 37/3-96PP **POSTPONED**) (Takoma Park Historic District).

(OVER)

7301 Maple Avenue



Carriage House
7219 Maple Avenue.



↑ Tennis Court site ↑

↑
Carriage House

DRAFT

MONTGOMERY COUNTY HISTORIC PRESERVATION COMMISSION
495-4570

WEDNESDAY
December 18, 1996

MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
MRO AUDITORIUM
8787 GEORGIA AVENUE
SILVER SPRING, MARYLAND 20910

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D. Cardin?

E. Rumbaugh?

IV. PRELIMINARY CONSULTATION

?? A. Scott Allen, AIA, for alterations and additions at 11231 River View Drive, Potomac (Marwood, Master Plan Site #29/6-1).

(OVER)

Subdivision ?

7301 Maple Avenue



Rear corner of lot showing
oak tree to be removed



Rear fence (lot line)

V. MINUTES

A. November 13, 1996

DRAFT

VI. OTHER BUSINESS

A. Commission Items

B. Staff Items

VII. ADJOURNMENT

7301 Maple Avenue



Garage - Rear & Left Facade



Rear facade - 7301 Maple Ave
w/ 3 large trees not affected
by construction

7301 Maple Avenue



Front facade

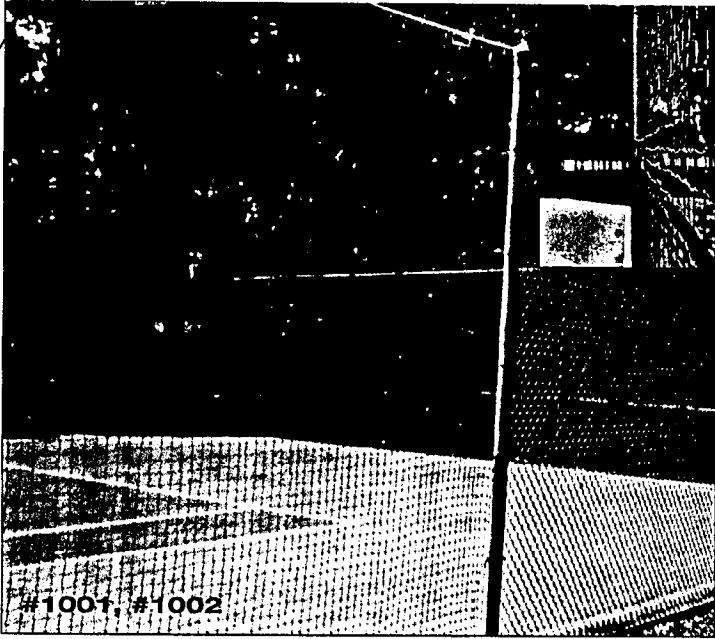


Rear,
7301
Maple
Ave

Side facade.
(7305 Maple Ave)

Side facade - Garage
7301 Maple

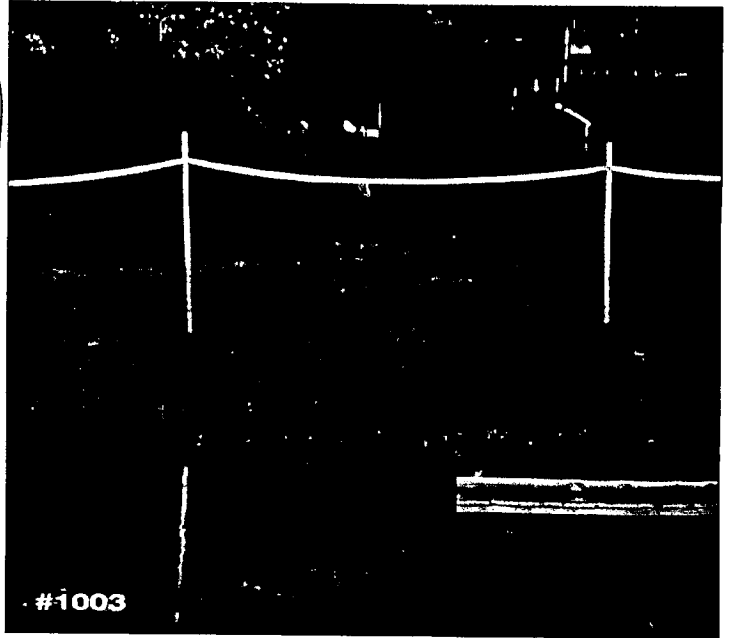
15



#1001 - 60', #1002 - 120'

FABRIC FENCING

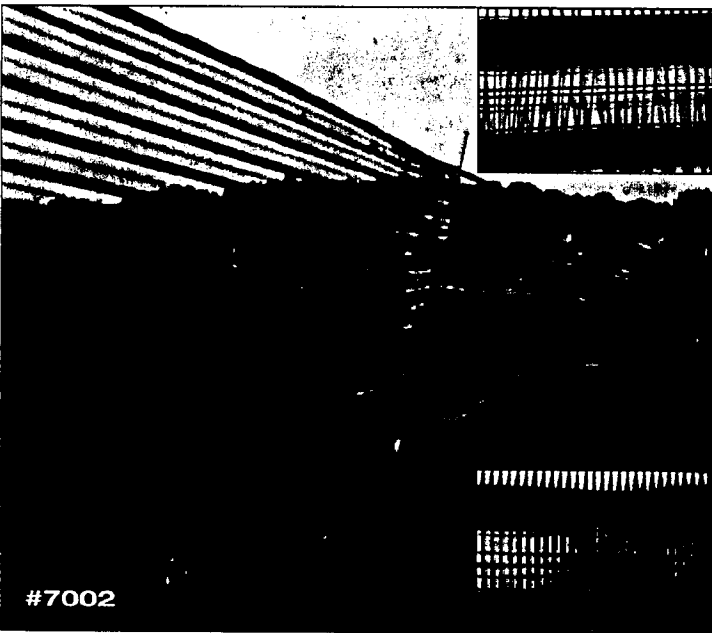
The ideal alternative to expensive chainlink fencing. Made of durable 1-3/4" polyethylene netting (unbound), it's perfect for private tennis courts because it's aesthetically pleasing. Easy to attach to metal or wood poles. 10'H. Comes in lengths of 60' or 120'. Also available in other lengths on special order. Green.



#1003

CROWD CONTROL

Effective and inexpensive crowd control, especially during sporting events. Heavy-duty green polyethylene twisted cord combines unobtrusive appearance with maximum strength. Crowd control netting is bound on top with yellow vinyl coated tape. 4', 5' or 6' heights and length up to 300'.



#7002

QUIK FENCE

Strong, heat-finished vinyl-coated polyester fencing is ideal for crowd control, course delineation and boundary marking. Comes in rolls of 150' x 46". Blue, Green or Red.



#7015

FENCE ALL - KNITTED FENCING

Will not rust, rot or mildew. Lightweight for easy handling and storage, constructed of flexible, knitted, UV stabilized polyethylene. Economical and reusable. Comes in rolls of 150' x 46", Green or Orange.

Neighbors of 7301 Maple Ave.

Leonic
① Virginia Gracely and Rich Gracely
7300 Maple Ave.
Takoma Park, MD 20912

② Richard E. Morgan
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