

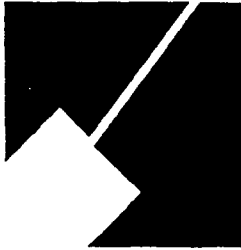
37/3-99JJ 14 Montgomery Avenue

(Takoma Park HD)--RETROACTIVE REV. R

37/3-99JJ 14 Montgomery Ave.

(Takoma Park HD)

M-NCPPC



MONTGOMERY COUNTY DEPARTMENT OF PARK & PLANNING

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

Date: 5/12/00

MEMORANDUM

TO: Robert Hubbard, Director
Department of Permitting Services

FROM: *PDZ* Gwen Wright, Coordinator
Historic Preservation

SUBJECT: Historic Area Work Permit

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

 Approved

Approved with Conditions: 1. Install Fullview Model # 1702

and HPC Staff will review and stamp the construction drawings prior to the applicant's applying for a building permit with DPS; and

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

Applicant: M. B. Bosley

Address: 311 Montgomery St, Laurel, MD 20707

and subject to the general condition that, after issuance of the Montgomery County Department of Permitting Services (DPS) permit, the applicant arrange for a field inspection by calling the Montgomery County DPS Field Services Office at 240-777-6210 prior to commencement of work and not more than two weeks following completion of work.

Re: 14 Montgomery Avenue, Takoma Park H.D.

M-NCPPC



MONTGOMERY COUNTY DEPARTMENT OF PARK & PLANNING

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

Date: 5/12/00

MEMORANDUM

TO: Historic Area Work Permit Applicants

FROM: *GW* Gwen Wright, Coordinator
Historic Preservation Section

SUBJECT: Historic Area Work Permit Application - Approval of Application/Release of
Other Required Permits

Enclosed is a copy of your Historic Area Work Permit application, approved by the Historic Preservation Commission at its recent meeting, and a transmittal memorandum stating conditions (if any) of approval.

You may now apply for a county building permit from the Department of Permitting Services (DPS) at 255 Rockville Pike, second floor, in Rockville. Please note that although your work has been approved by the Historic Preservation Commission, it must also be approved by DPS before work can begin.

GW When you file for your building permit at DPS, you must take with you the enclosed forms, as well as the Historic Area Work Permit that will be mailed to you directly from DPS. These forms are proof that the Historic Preservation Commission has reviewed your project. For further information about filing procedures or materials for your county building permit review, please call DPS at 240-777-6370.

If your project changes in any way from the approved plans, either before you apply for your building permit or even after the work has begun, please contact the Historic Preservation Commission staff at 301-563-3400.

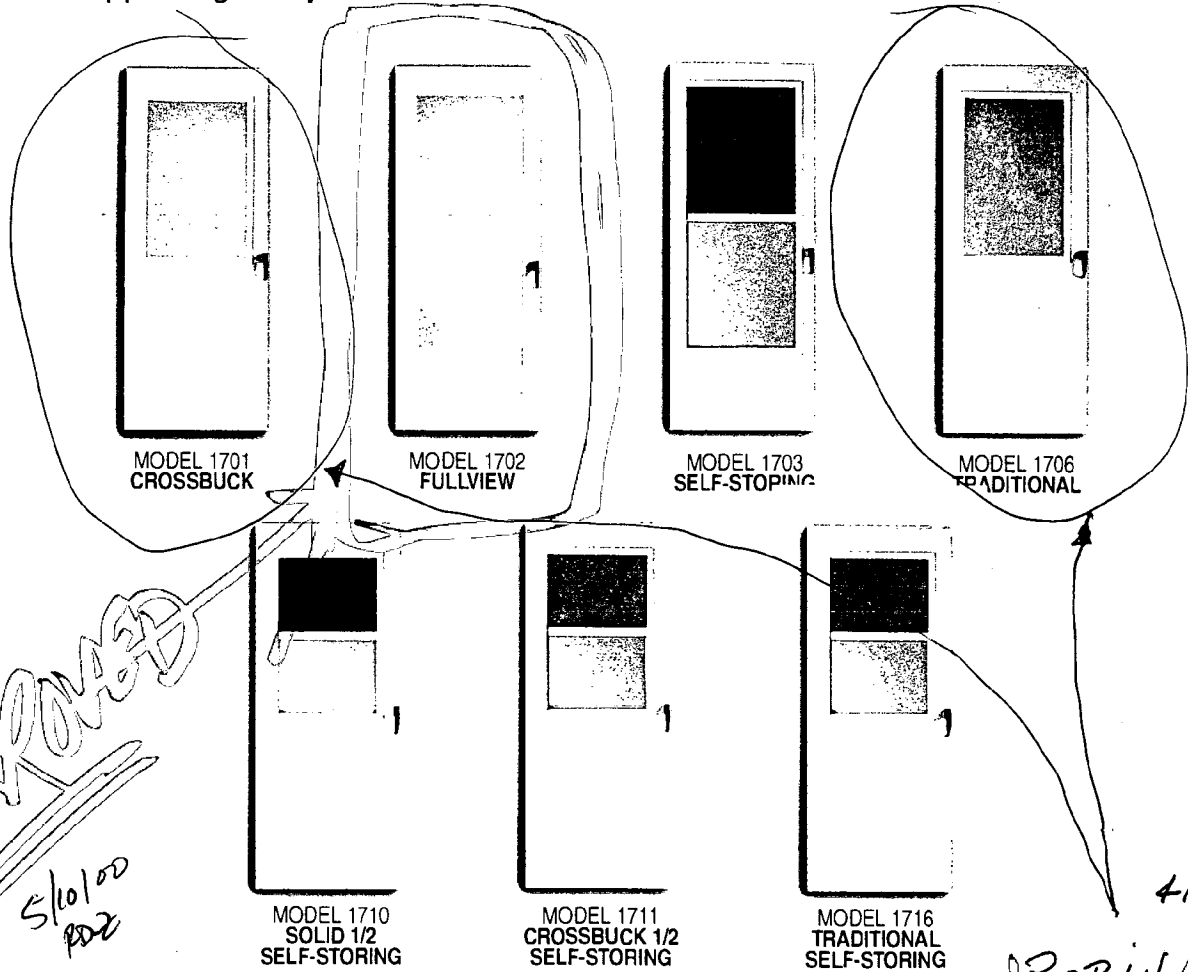
Please also note that you must arrange for a field inspection for conformance with your approved HAWP plans. Please inform DPS/Field Services at 240-777-6210 of your anticipated work schedule.

Thank you very much for your patience and good luck with your project!

c:\hawpapr.wpd

Fully Featured For Added Value

- Sturdy Pneumatic Closer And Sweep For Smooth Operation And Tight Seal
- Tempered Safety Glass For Added Security And Peace Of Mind
- Maintenance Free Finish That Takes Care Of Itself
- Screen Included On All Doors
- Embossed Designs On Crossbuck And Traditional Doors Provide An Appealing Entry Door Look



APPROVED
5/10/00
R02

4/11/00

ROBIN

WHICH EVER OF THESE TWO YOU PREFER

M.B. Baslef

APPROVED
Montgomery County
Historic Preservation Commission

[Signature]

1700 Futura Series Hardware



Entire Series Has Our Quality Push Button Hardware Package

All Doors Shown are Available in White or Bronze

(5)



HISTORIC PRESERVATION COMMISSION STAFF REPORT

Address: 14 Montgomery Avenue Meeting Date: 5/10/00
 Applicant: M. B. Bosley Report Date: 5/3/00
 Resource: Takoma Park Historic District Public Notice: 4/26/99
 Review: HAWP Tax Credit: Yes
 Case Number: 37/3-99JJ **REVISION** Staff: Robin D. Ziek

PROPOSAL: Install new storm door

STAFF RECOMMENDATION: Approve with condition:

1. The applicant install the Fullview model (#1702)

PROJECT DESCRIPTION

RESOURCE: Contributing Resource in the historic district
 STYLE: Bungalow
 DATE: ca. 1910-20s

This 1-1/2 story frame bungalow sits high above the street. It has a cross-gable roof with large dormers on the front and back and a full-width front porch. The owner rents the property and has been undertaking some needed repairs and maintenance.

PROPOSAL

The applicant proposes to remove an existing storm door at the front entrance, and install a new aluminum storm door (with a "woodcore" foundation). The applicant proposes to install either a model with the lower panel in a "crossbuck" pattern, or with the "traditional" pattern with the two raised panels. Both of these models would have a half-light above, and metal below.

STAFF DISCUSSION

Staff notes that a wooden storm door would be more in-keeping with the age of the building and compatible with the district. While the proposed 1/2-light designs draw on historic woodwork motifs, either design would obscure the wooden front door and essentially replace the

front door with a view of the new metal door. Staff feels that the full-light model would clearly be read as a new element, and would also do the least in terms of hiding the front door.

STAFF RECOMMENDATION

Staff recommends, **with the following conditions**, the Commission find this proposal consistent with the purposes of Chapter 24A-8(b)2:

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

and with *Secretary of the Interior's Standards for Rehabilitation #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.

CONDITIONS:

1. The new storm door will be Model 1702, the Fullview.

and subject to the general condition that, after issuance of the Montgomery County Department of Permitting Services (DPS) permit, the applicant arrange for a field inspection by calling the DPS Field Services Office at (240) 777-6240 prior to commencement of work and not more than two weeks following completion of work.

M. B. BOSLEY
311 MONTGOMERY ST.
LAUREL, MD. 20707

4/11/00

ROBIN ZIEK

HISTORIC PRESERVATION PLANNER RE: 14 MONTG. AVE.

PARK & PLANNING COMM.

TOKOMA PARK

8787 GEORGIA AVE.

SILVER SPRING, MD. 20910

DEAR ROBIN:

ATTACHED IS THE SOLID WOOD CORE STORM/
SCREEN DOOR I WISH TO INSTALL AT THE
ABOVE ADDRESS, TO REPLACE THE DAMAGED
ALUM STORM DOOR.

I HAVE NOTED THAT I WILL INSTALL
EITHER THE 1701 OR THE 1706 MODEL WHICH
EVER YOU PREFER.

PLEASE CALL ME AT 301-953-2500

THANK YOU
M. B. Bosley

3

37/3-a955 Revision

7. ADJACENT AND CONFRONTING PROPERTY OWNERS:

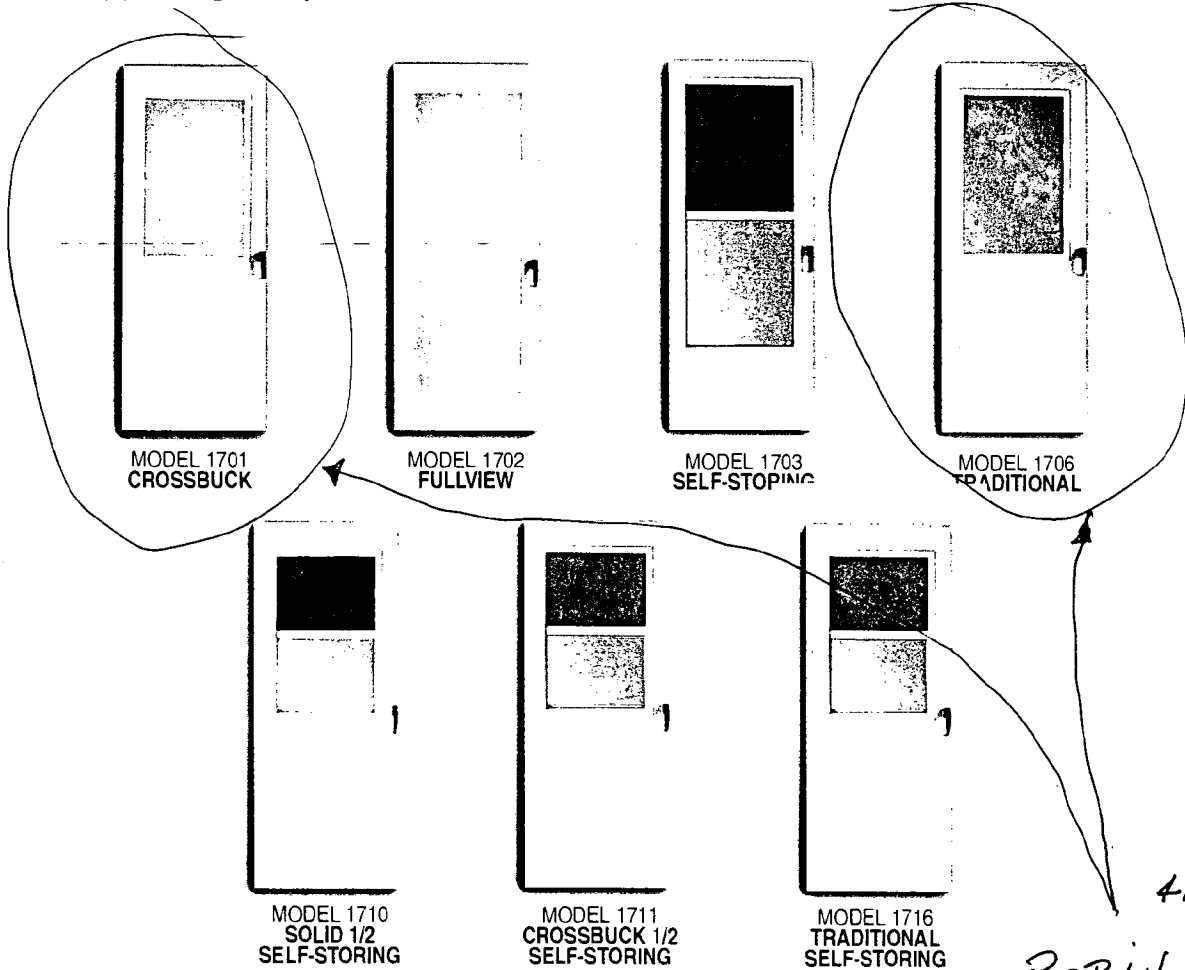
A. SUSAN & PAUL MILLER
12 MONTGOMERY AVE.
301-270 6324

B DEAN GRAYBILL
16 MONTGOMERY AVE
301-270-5813

C. JOHN T COLLINS
13 MONTGOMERY AVE.

Fully Featured For Added Value

- Sturdy Pneumatic Closer And Sweep For Smooth Operation And Tight Seal
- Tempered Safety Glass For Added Security And Peace Of Mind
- Maintenance Free Finish That Takes Care Of Itself
- Screen Included On All Doors
- Embossed Designs On Crossbuck And Traditional Doors Provide An Appealing Entry Door Look



4/11/00

ROBIN

1700 Futura Series Hardware

WHICH EVER
OF THESE TWO
YOU PREFER

M.B. Basler



Entire Series
Has Our
Quality Push
Button
Hardware
Package

All Doors Shown are Available in White or Bronze

5



THE 1700 SERIES

Futura Storm/Screen Door

FIVE YEAR
WARRANTY

Our Futura
Woodcore Door
Is Built To Last
And Look Great.



- High Impact Resistant Woodcore Adds Superior Insulation And Heavy Duty Performance
- Durable Metal Covering Provides Exceptional Protection And Strength
- Reversible Hinge For Right Or Left Mounting
- Continuous Steel Rod Hinge System Provides Superior "No Sag" Performance
- Convenient Snap-In Retainer Strips Securely Hold The Glass Or Screen
- Metal Hinges

6



(7) (35)



MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION8787 Georgia Avenue
Silver Spring, Maryland 20910-3760Date: Dec. 20, 1999MEMORANDUM

TO: Robert Hubbard, Director
Department of Permitting Services

FROM: AW Gwen Wright, Coordinator
Historic Preservation

SUBJECT: Historic Area Work Permit

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

 Approved Denied

X Approved with Conditions: (1) Vinyl siding may be retained on the rear, and side elevations. (2) Vinyl siding will BE REMOVED FROM THE front elevation, including the soffits. (3) Vinyl Sash will NOT be installed at the site. (4) Aluminum wrapped fascia under the front gutter may be installed; (5) All exposed wood will be painted.

and HPC Staff will review and stamp the construction drawings prior to the applicant's applying for a building permit with DPS; and

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

Applicant: M. B. Bosley

Address: 311 Montgomery Street, Laurel, MD. 20707

and subject to the general condition that, after issuance of the Montgomery County Department of Permitting Services (DPS) permit, the applicant arrange for a field inspection by calling the DPS Field Services Office at (301)217-6240 prior to commencement of work and not more than two weeks following completion of work.

Re: 14 Montgomery St.
Takoma Park Historic District



RETURN TO: DEPARTMENT OF PERMITTING SERVICES
250 HUNGERFORD DRIVE, 2nd FLOOR, ROCKVILLE MD 20850
301/217-6370

DPS - #8

HISTORIC PRESERVATION COMMISSION
301/563-3400

APPLICATION FOR
HISTORIC AREA WORK PERMIT

Contact Person: M.B. BOSLEY
Daytime Phone No.: 301-953-2500

Tax Account No.:
Name of Property Owner: M.B. BOSLEY Daytime Phone No.: 301-953-2500
Address: 311 MONTGOMERY STREET LAUREL Md. 20707
Street Number City Street Zip Code
Contractor: Phone No.:
Contractor Registration No.:
Agent for Owner: Daytime Phone No.:

LOCATION OF BUILDING/PREMISE

House Number: 14 MONTGOMERY Street: MONTGOMERY AVENUE
Town/City: TOKOMA PARK Nearest Cross Street: PINE STREET
Lot: 7 Block: 18 Subdivision: B.F. GILBERTS ADDITION TO TOKOMA PARK
Liber: Folio: Parcel:

PART ONE: TYPE OF PERMIT ACTION AND USE

1A. CHECK ALL APPLICABLE:

- Construct Extend Alter/Renovate
Move Install Wreck/Raze
Revision Repair Revocable

CHECK ALL APPLICABLE:

- AC Slab Room Addition Porch Deck Shed
Solar Fireplace Woodburning Stove Single Family
Fence/Wall (complete Section 4) Other: SIDING

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 EXTENS/ADDITIONS

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

PART THREE: COMPLETE ONLY FOR FENCE/RETAINING WALL

3A. Height feet inches
3B. Indicate whether the fence or retaining wall is to be constructed on one of the following locations:
On party line/property line Entirely on land of owner On public right of way/easement

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

M.B. Bosley Signature of owner or authorized agent
11/23/99 Date

Approved: [Signature] Chairperson, Historic Preservation Commission
Disapproved: Signature: Date: 12/15/99
Application/Permit No.: Date Filed: Date Issued:

Retrospective
3713-9955

M-NCPPC



MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

MEMORANDUM

DATE: Dec 20, 1999
TO: Local Advisory Panel/Town Government
FROM: Historic Preservation Section, M-NCPPC
Robin D. Ziek, Historic Preservation Planner
Perry Kephart, Historic Preservation Planner
Michele Naru, Historic Preservation Planner
SUBJECT: Historic Area Work Permit Application - HPC Decision

Takoma Park

Attn: Ted Kowaluk

The Historic Preservation Commission reviewed this project on Dec. 15, 1999.
A copy of the HPC decision is enclosed for your information.

Thank you for providing your comments to the HPC. Community involvement is a key component of historic preservation in Montgomery County. If you have any questions, please do not hesitate to call this office at (301) 563-3400.

M-NCPPC



MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

Date: Dec. 20, 1999

MEMORANDUM

TO: Historic Area Work Permit Applicants

FROM: *GW* Gwen Wright, Coordinator
Historic Preservation Section

SUBJECT: Historic Area Work Permit Application - Approval of Application/Release of
Other Required Permits

Enclosed is a copy of your Historic Area Work Permit application, approved by the Historic Preservation Commission at its recent meeting, and a transmittal memorandum stating conditions (if any) of approval.

You may now apply for a county building permit from the Department of Permitting Services (DPS) at 250 Hungerford Drive, second floor, in Rockville. Please note that although your work has been approved by the Historic Preservation Commission, it must also be approved by DPS before work can begin.

If you need a permit,
When you file for your building permit at DPS, you must take with you the enclosed forms, as well as the Historic Area Work Permit that will be mailed to you directly from DPS. These forms are proof that the Historic Preservation Commission has reviewed your project. For further information about filing procedures or materials for your county building permit review, please call DPS at 301-217-6370.

If your project changes in any way from the approved plans, either before you apply for your building permit or even after the work has begun, please contact the Historic Preservation Commission staff at 301-563-3400.

Please also note that you must arrange for a field inspection for conformance with your approved HAWP plans. Please inform DPS/Field Services at 301-217-6240 of your anticipated work schedule.

Thank you very much for your patience and good luck with your project!

HISTORIC PRESERVATION COMMISSION STAFF REPORT

Address: 14 Montgomery Avenue Meeting Date: 12/15/99
 Applicant: Mr. M. B. Bosley Report Date: 12/8/99
 Resource: Takoma Park Historic District Public Notice: 12/1/99
 Review: HAWP Tax Credit: Partial
 Case Number: 37/3-99JJ (RETROACTIVE) Staff: Robin Ziek

PROPOSAL: New windows, vinyl siding

RECOMMEND: Approve with Conditions + write letter to Mayor + Administration about this -

PROJECT DESCRIPTION

RESOURCE: Contributing Resource in the Takoma Park Historic District
STYLE: Bungalow
DATE: ca. 1910-20's

This 1-1/2 story bungalow is currently a rental unit which comes under the City of Takoma Park's housing code. It has a cross-gable roof with large dormers front and back. The front dormer has three metal replacement sash, but all of the other windows are wood. A previous owner installed formstone over the original siding at the first floor level. The second story gable ends had exposed painted wood shingles until the recent application of vinyl siding. The wood shingle siding is still apparent on the rear dormer.

At their last inspection, the City inspector noted many violations. This included the damage and disrepair of the front porch, shingle damage and disrepair on the sides and rear, and excessive peeling paint on the porch and exterior of the house. The City inspector directed the applicant to cure the peeling paint condition by covering it up with vinyl siding. The applicant proceeded to install the vinyl siding, and was subsequently stopped in the middle of the installation when the City realized that the applicant had failed to get the HAWP. Staff has met with City staff and the applicant on site to discuss ways to correct this situation.

PROPOSAL

Proposed work includes the reconstruction of the brick porch supports, the replacement of the porch columns with 4x4 posts and wrapping them with aluminum, the replacement of the porch railing, replacement of porch roof, installation of a wood board porch ceiling (to be painted), painting all existing window and door frames and trim, installation of a white aluminum fascia at the porch under the proposed installation of a gutter and downspouts. Vinyl siding has been installed

*Emily says let the City pay for the vinyl removal -
 George says we should let the owner get on
 Emily feels strongly that the City faces the responsibility.*

①

over 90% of the sides and rear elevations, and 50% completed on the front elevation. The applicant would like to replace the metal sash in the front dormer with vinyl replacement sash.

STAFF DISCUSSION

Much of the work which has been undertaken is maintenance and does not require HPC approval. The work which should be reviewed by the HPC includes the following: the replacement of the porch posts and railing, the proposed replacement of the existing front metal windows with vinyl replacement windows, the installation of vinyl siding at the 2nd story level, installation of gutter and downspouts and the wrapped aluminum fascia at the front porch.

With regard to the porch columns and railing, staff notes that the new railing has inset pickets with a top and bottom rail and the applicant intends to paint it. The aluminum wrap should be removed from the porch posts. The posts could be boxed in with 1x6 boards to provide a sturdier appearance and finish them off in a manner more typical of the bungalow style. The finished posts should be painted to be consistent with the railing and the house.

Staff has discussed the option of removal of the metal windows and replacement with wood sash, as this would be a compatible material with the individual house and the district. The applicant is reluctant to replace the metal sash with anything except for vinyl, which is not a suitable replacement material for the sash. The applicant indicates that he will clean up and paint the existing metal windows if he can't install vinyl sash, and staff feels that this is suitable.

The proposed use of vinyl siding is problematic in the historic district, where the Guidelines note that "artificial siding on areas visible from the public right-of-way is discouraged where such materials would replace or damage original building materials that are in good condition. (p. 16)" The project is complicated, however, by the mis-information given to the applicant by City staff.

The applicant proposes to remove the vinyl siding from the front dormer, but retain the vinyl on the rear dormer, on the gable ends and on the soffits. Staff notes that the Takoma Park *Guidelines* state that changes that are not visible from the public right-of-way should be approved by the HPC. In this case, the rear dormer is not visible from Montgomery Avenue, and the HPC could approve the installation of vinyl siding at this location as per the *Guidelines* (p. 15).

Based on an examination of the wood shingles at the rear, they appear to be in moderate to good condition. Those shingles which are protected by the eaves are in good condition, while those shingles which are adjacent to a faulty downspout are in only fair condition. The applicant's proposal to remove the vinyl siding from the front dormer would certainly comply with the *Guidelines*, as the front dormer is readily visible from the street. Staff notes that the gable ends are less obtrusive on the street because the lots are relatively small and the houses are close together on this street which is exceptionally narrow.

In the future, some owner will surely remove the formstone from the first floor. At that point, the original siding could be restored and the vinyl siding removed. Staff is concerned that any approval of vinyl siding at this property could be used to suggest that vinyl siding would also

be appropriate on the first floor level as well should the formstone be removed, which it isn't. One hopes that, while the current owner takes steps to assure that the resource remains viable in the community for now, the next owner will take the steps to restore the house to its original appearance.

Staff notes that the current owner could take advantage of the tax credit programs at the county, state and federal level. Each one would apply and are designed to assist with the upkeep of historic properties such as this one. The applicant will, in a sense, be testing the feasibility of restoration of the wood shingle siding when he removes the vinyl from the front elevation.

STAFF RECOMMENDATION

Staff recommends, **with the following conditions**, the Commission find this proposal consistent with the purposes of Chapter 24A-8(b)2:

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

and with *Secretary of the Interior's Standards for Rehabilitation #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.

CONDITIONS:

1. The vinyl siding may be retained on the rear and side elevations, including the soffits.
2. The vinyl will be removed from the front elevation, including the soffits.
3. Vinyl sash will not be installed in the front dormer.
4. The aluminum wrapped fascia under the front gutter may be installed.
5. All the exposed wood on the house will be painted.

and subject to the general condition that, after issuance of the Montgomery County Department of Permitting Services (DPS) permit, the applicant arrange for a field inspection by calling the DPS Field Services Office at (240) 777-6240 prior to commencement of work and not more than two weeks following completion of work.

APPLICATION FOR HISTORIC AREA WORK PERMIT

Contact Person: M. B. BOSLEY

Daytime Phone No.: 301-953-2500

Tax Account No.: _____

Name of Property Owner: M. B. BOSLEY Daytime Phone No.: 301-953-2500

Address: 311 MONTGOMERY STREET LAUREL MD 20707
Street Number City Street Zip Code

Contractor: _____ Phone No.: _____

Contractor Registration No.: _____

Agent for Owner: _____ Daytime Phone No.: _____

LOCATION OF BUILDING/PREMISE

House Number: 14 MONTGOMERY Street: MONTGOMERY AVENUE

Town/City: TOKOMA PARK Nearest Cross Street: PINE STREET

Lot: 7 Block: 18 Subdivision: B.F. GILBERTS ADDITION TO TOKOMA PARK

Liber: _____ Folio: _____ Parcel: _____

PART ONE: TYPE OF PERMIT ACTION AND USE

1A. CHECK ALL APPLICABLE:

- Construct Extend Alter/Renovate
 Move Install Wreck/Raze
 Revision Repair Revocable

CHECK ALL APPLICABLE:

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

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 _____ feet _____ inches

3B. Indicate whether the fence or retaining wall is to be constructed on one of the following locations:

- On party line/property line Entirely on land of owner On public right of way/easement

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

M. B. Bosley
Signature of owner or authorized agent

11/23/99

Date

4

7. ADJACENT AND CONFRONTING PROPERTY OWNERS:

A. SUSAN & PAUL MILLER
12 MONTGOMERY AVE.
301-270 6324

B DEAN GRAYBILL
16 MONTGOMERY AVE
301-270-5813

C. JOHN T COLLINS
13 MONTGOMERY AVE.

1. EXISTING HOUSE CONSTRUCTION WAS FORM STONE FOR THE FIRST FLOOR. 2ND FLOOR WAS WOOD SHINGLE, FRONT OPEN PORCH WITH WOOD FLOORING.

THE CITY OF TOKOMA PARK REQUESTED:

- A. CORRECTIONS TO DAMAGE & DISREPAIR OF FRONT PORCH
- B. SHINGLE DAMAGE & DISREPAIR ON HOUSE EXTERIOR SIDES & REAR
- C. CORRECTIONS TO EXCESSIVE PEELING PAINTS ON PORCH & EXTERIOR OF HOUSE

THE CITY APPROVED THE FOLLOWING ~~SO~~ REPAIRS & CORRECTIONS:

- A. REMOVAL OF TOP SECTION (ROOF AREA) AND REPLACEMENT IN KIND
- B. REPLACEMENT OF RAILING IN KIND.
- C. JACKING OF PORCH DECK TO LEVEL POSITION & CORRECTION TO BOTTOM MASONRY COLUMNS
- D. PUTTING VINYL SIDING OVER WOOD SHINGLES TO CORRECT POOR CONDITION & EXCESSIVE PAINT PEELING
- E. PUTTING VINYL SOFFIT UNDER ROOF OVERHANGS TO COVER EXCESSIVE PEELING PAINTS

CONSTRUCTION COMPLETED AS OF THIS DATE:

- A. FRONT PORCH ROOF AREA REPLACED IN KIND
- B. REPLACEMENT OF PORCH RAILING IN KIND.

(6)

- C. JACKED UP PORCH DECK TO LEVEL POSITION,
REPAIRS TO DAMAGE BOARDS & REPAINTED DECK,
REPAIRED & CORRECTION TO EXISTING MASONRY
COLUMNS UNDER PORCH DECK.
- D. PAINTED ALL EXISTING WINDOW & DOOR FRAMES
& TRIM.
- E. VINYL SIDING & VINYL SOFFITS ~~ON~~ ON
90% OF HOUSE SIDES & REAR ELEVATIONS,
50% ON FRONT ELEVATION.

MY REQUEST TO COMPLETE THIS HOUSE:

- A. COMPLETE FRONT ELEVATION BY THESE ITEMS
OF CONSTRUCTION TO KEEP HISTORIC APPEARANCE
1. REMOVAL OF FRONT VINYL SIDING AND
REPAIR & REPAINT EXISTING WOOD TRIM
& WOOD SHINGLES
 2. COVER ROOF CEILING OF PORCH WITH
WOOD BOARD (SAMPLE ATTACHED) PAINT WHITE
 3. REMOVE ALUM FROM PORCH COLUMNS
& BOX WITH 1" BOARD WITH TRIM AT TOPS
& BOTTOM TO RESEMBLE OLD TYPE COLUMNS
& PAINT WHITE
 4. PUT WHITE FACIA (ALUM) & PLACE WHITE
ALUM. GUTTERS & DOWN SPOUTS ON
PORCH FRONT
- B. FINISH SIDE & REAR ELEVATIONS WITH
VINYL SIDING & VINYL SOFFITS THEREBY
NOT DESTROYING WORK COMPLETED TO DATE. (7)

2. REPAIR OR REPLACE EXISTING DAMAGED ALUM GUTTERS & DOWN SPOUTS ON SIDE & REAR ELEVATIONS.

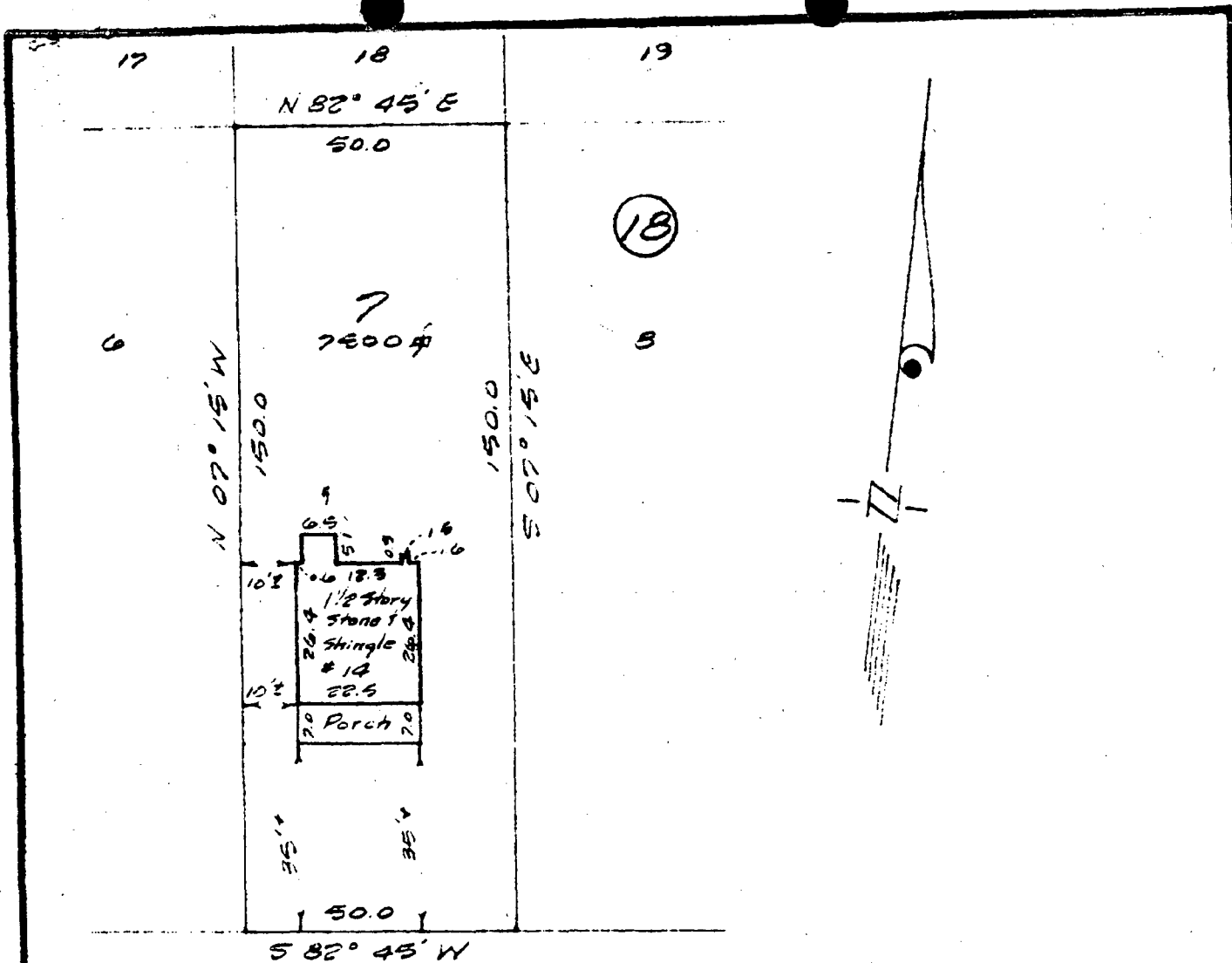
3. PAINT & REPAIR ANGLE BRACES HOLDING ROOF OVER HANGS.

3. IF I CANNOT REPLACE OLD METAL WINDOWS ON UPSTAIRS FRONT (WHICH I HAVE PURCHASED) WITH VINYL 6/6 WINDOWS I WILL LEAVE AS IS. OTHER WINDOWS IN HOUSE EXCEPT UPSTAIRS FRONT ARE WOOD DOUBLE HUNG.

STREET CONDITIONS

HOUSES ON EACH SIDE OF MY HOUSE & ACROSS THE STREET HAVE BEEN MODIFIED AND HAVE EITHER ALUM OR VINYL SIDING CONSTRUCTION.

IN FACT MY HOUSE WAS ~~MODIFIED~~ MODIFIED BY HAVING FORM STONE PLACED ON THE FIRST FLOOR 35+ YEARS AGO.



MONTGOMERY AVENUE

HOUSE LOCATION
 LOT 7, BLOCK 18
 B.F. GILBERT'S ADDITION TO
 "TAKOMA PARK"
 MONTGOMERY COUNTY, MD.

CERTIFICATION

I HEREBY CERTIFY THAT THE POSITION OF ALL THE EXISTING IMPROVEMENTS ON THE ABOVE DESCRIBED PROPERTY HAS BEEN CAREFULLY ESTABLISHED BY A TRANSIT-TAPE SURVEY AND THAT UNLESS OTHERWISE SHOWN, THERE ARE NO ENCROACHMENTS.

W. Stanley Machen
 W. STANLEY MACHEN, REGISTERED
 LAND SURVEYOR, MARYLAND #2847

OFFICE OF
 W. STANLEY MACHEN
 REGISTERED LAND SURVEYOR
 4328 FARRAGUT STREET
 HYATTSVILLE, MARYLAND

UNION 4-3113 Scale: 1" = 30'

PLAT REFERENCE: A-2	DATE: 12.5.1960	FILE NO.: C-15060
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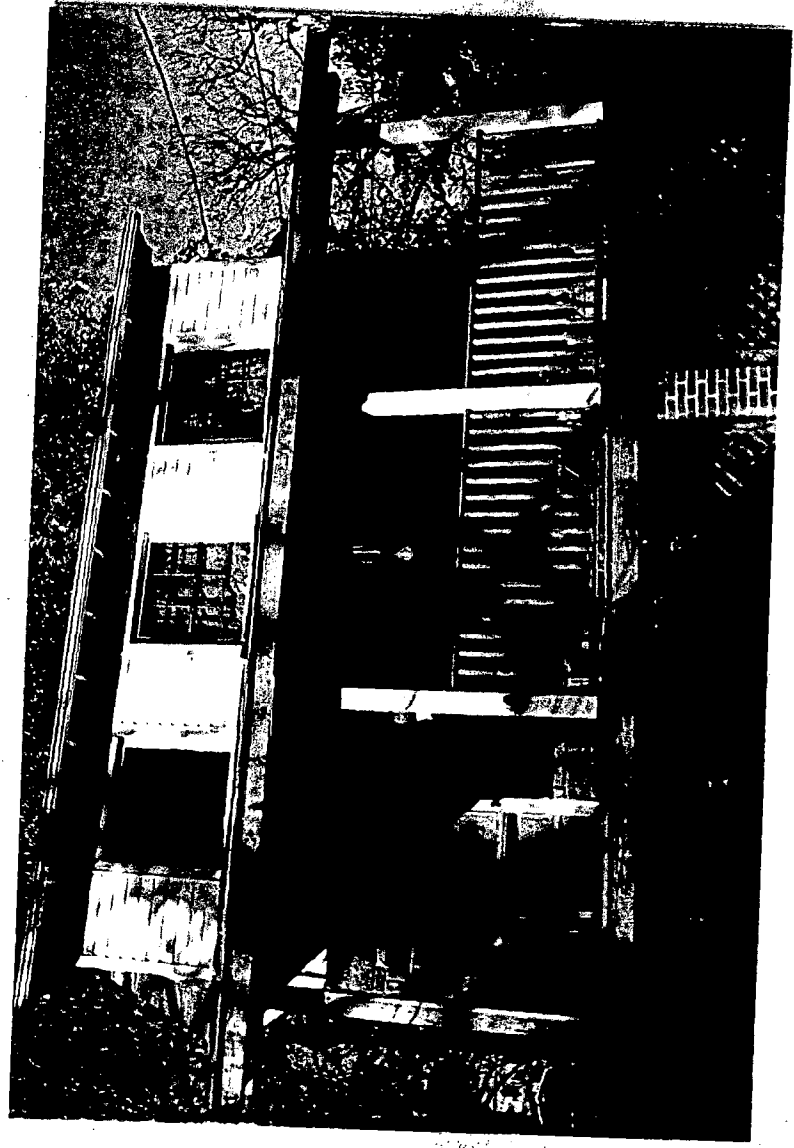
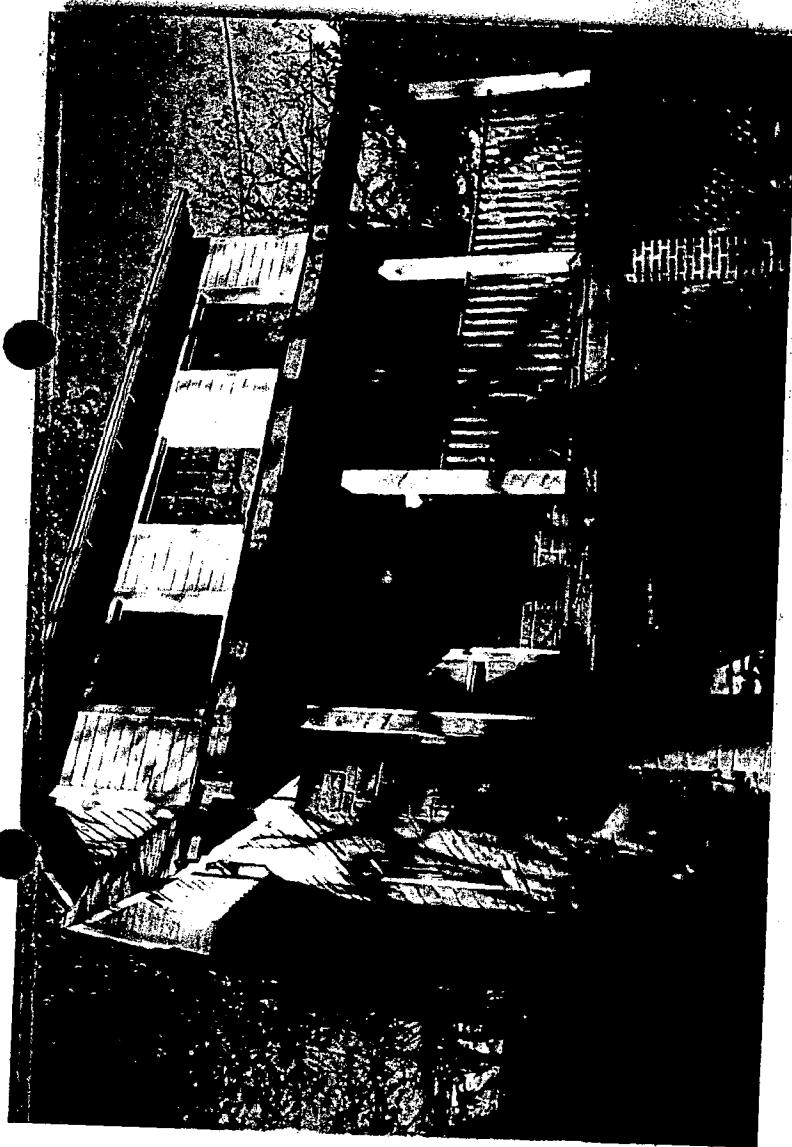
N&G #7400

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Covenants and restrictions recorded June 26, 1886 in Liber JA-2, folio 366, among the Land Records of Montgomery County, Maryland.

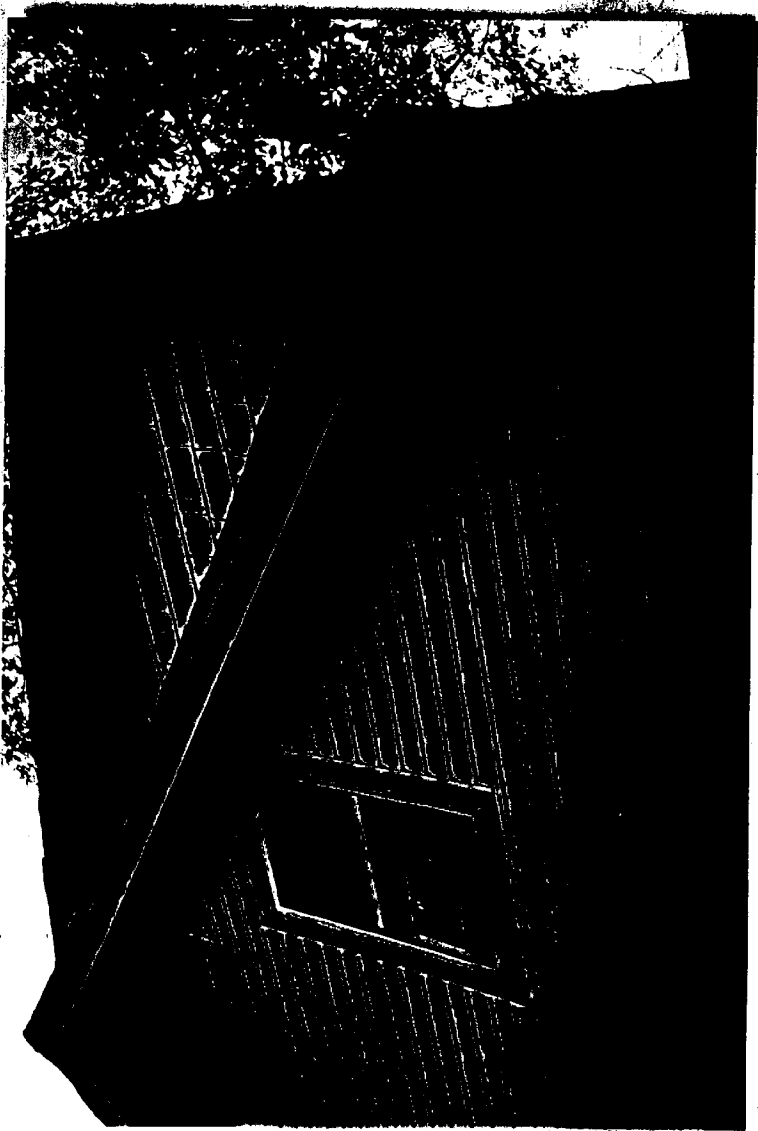
All buildings hereafter erected upon the premises herein conveyed shall be distant not less than 30 feet from the street or avenue line; that no malt or spirituous liquors shall be manufactured or sold on the premises; that no business shall be carried on that could in any wise endanger the health of the community and that no nuisance shall be committed or permitted thereon.

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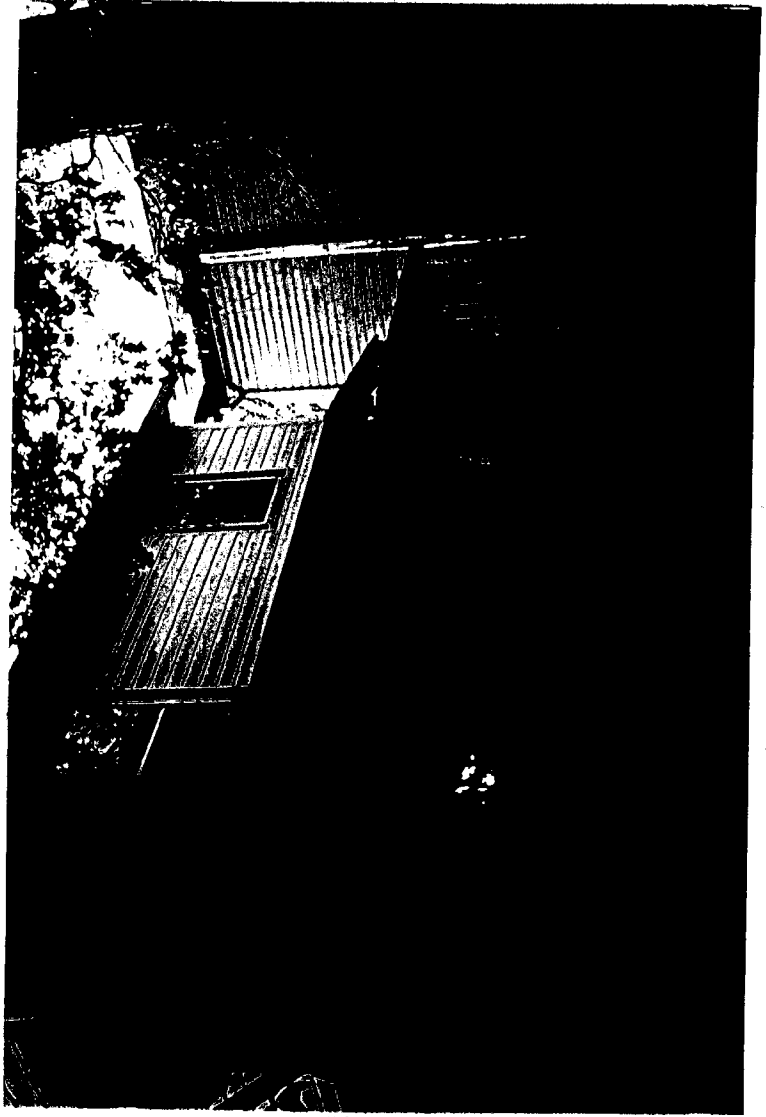








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14 Montgomery
Mr. Bozley

























BOARD OF APPEALS
for
MONTGOMERY COUNTY

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Case No. A-3939

APPEAL OF THOMAS E. HARDY
BY SANDRA L. MANAHAN
(Hearing held February 2, 1994)

OPINION OF THE BOARD
(Effective date of Opinion, April 21, 1994)

In this case the Board is faced with the conflict between the requirement of the law and the right of an innocent citizen to rely on the advice of a public official. Because we decide this appeal de novo, that is as if no official action had yet been taken, we specifically do not decide that the Historic Preservation Commission (HPC) is estopped from applying the law. Since we sit in the place of HPC in this case, we decide that a Historic Area Work Permit (HAWP) should be issued to the appellant to complete her work.

The record of the past several years will demonstrate this Board's sympathetic treatment of the HPC whenever possible. In this case, however, we find that the unusual circumstances of this case warrant the course of action which we are taking. In no way should our decision in this case be considered a precedent for flaunting the HPC or weakening its efforts to preserve the heritage of our community.

Decision of the Board: Appeal GRANTED

THE REGULATORY CONTEXT

Pursuant to Section 24-A-7(h) of the Montgomery County Code, this Board has "full and exclusive authority to hear and decide all appeals taken from any decisions of the [Historic Preservation] Commission". This Board "has the authority to affirm, modify or reverse the order or decision of the Commission". This same section of the code provides that this Board "will review the Commission's decision de novo".

Because most facts are undisputed, it will do little good to discuss at length the powers of the Commission or the historic status of the property in question.

It will suffice to state that the property in question, 66 Walnut Avenue, Takoma Park (Lot A, Block 23, Gilbert and Wood Subdivision) is located in the Takoma Park Historic District and is a "contributing historical resource" (as defined) in that district.

The present appellants had applied to HPC for a HAWP to install vinyl siding on the subject property on July 1, 1993, (County Exhibit 3). After an analysis by its Staff and after a hearing, HPC denied the application (County Exhibit 11). It is this denial which is before us for review.

The sole question before us is not whether the HPC was right or wrong in denying the HAWP, but whether the HAWP should be issued in the first place. Based on the record compiled before us (including the proceedings before the HPC) we conclude that a HAWP should be issued and reverse the denial of that permit.

THE EVIDENCE AT THE HEARING

Karen-Ann Broe, Esq., County Attorney, appeared on behalf of the HPC and presented witnesses. Sandra Manahan, one of the appellants, appeared pro se.

Gwen Marcus, the Historic Preservation coordinator for the Planning Commission, testified that public notice was given of the designation of Takoma Park as a historic district, and that three hearings were held before this designation. Advertisements were placed in the legal notices section of the newspaper and notices were sent to all premise addresses within the district. There was also extensive newspaper publicity about this action.

There were two different mailings. In 1989 the mailings were sent to the tax owner's address and in 1992, to the premise address.

The witness testified that the "Guidelines for Contributing Resources" provided that "Artificial siding on areas visible from the public right-of-way is discouraged, where such material would replace or damage original building materials that are in good condition" (T. 24).

Pat Parker, a preservation planner for the Planning Commission presented an extensive slide show demonstrating "a conceptual relationship of the house with other houses that are immediately adjacent to it" (T. 32). The slides also demonstrated the changes from the wood trim, especially in the areas of the door jambs and window jambs.

The installation of the vinyl siding is "virtually complete" with only one side "which still has some siding to be installed (T. 34). Because of the build-out required for the installation of the vinyl siding, that siding comes forward on the wood trim. The existing clapboard cannot be considered to be in deteriorated or irreparable condition. The house next to the subject property is covered with vinyl siding (T. 38).

The appellant's contractor has offered to build out the window frames with vinyl siding to eliminate the sunken appearance which HPC found too objectionable, but that was turned down because it would be in furtherance of an alteration that is not deemed permissible (T. 47).

The witness testified that permitting the appellant to use vinyl siding would be inequitable to the neighbors who incurred considerable expenses to comply with HPC requirements only to see someone get away with not observing these requirements. It would also be unfair to those who were concerned with the overall effect of this action on the district and neighborhood in which they lived (T. 52).

Abel Costello, Code Enforcement Supervisor for the City of Takoma Park, testified that the house on the subject property has been a licensed rental unit for the past several years. A 1993 inspection indicated that there was a large amount of peeling paint on the outside, and a small amount of peeling paint in a room inside.

Dean Breniman, an architect and a member of the Rockville Historic District Commission, testified based on his experience with installing artificial siding on residential properties. He stated that he recommends using historically accurate materials on historic buildings. "We never put vinyl siding on our existing historic building" (T.66).

The Department of the Interior Standards recommend that deteriorated architectural features be repaired, not replaced, whenever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture and other visual qualities (T.67). According to the witness, only as a last resort should the building be resurfaced with a vinyl siding (T. 68).

The original wood siding was never painted to pronounce its grain, but was sanded to a uniform texture. On the other hand, the wood grain expressed in the vinyl siding is "just sort of a modern fake appearance that is entirely uncharacteristic of the original material" (T. 69).

The witness thought that the proposal to build out window frames was inappropriate because it obscured the original material. The witness testified that taking the siding off the house would not cause significant damage to the existing siding. It would cost approximately \$1500.00 to remove the siding.

Sandra Manahan, one of the appellants, testified that her father lives in a 24-hour care facility in Adelphi and that the income from the subject property helps to maintain him there. She stated that she did not know that she needed a Historic area work permit to install the siding. She admitted that she knew five years ago that there were plans for a historic designation for the area.

She stated that her family also owns the adjacent property at 64 Walnut Street.

The record contains a copy of a letter written by Travis Aldous, Code Enforcement Officer for the City of Takoma Park, dated July 14, 1993, addressed to the appellant Manahan. The letter recounts the conversation between Mr. Aldous and the appellant which took place on January 20, 1993, during the course of an inspection of the premises. In its pertinent portion, the letter to Miss Manahan states "You also mentioned putting up siding rather than paint and I stated that this was an agreeable solution. As I understand it part of the reasons for the siding as opposed to the paint was that it would be a more permanent solution and not be as costly as having to paint and keep touching up every several years. Also, since this is an older house there was the possible problem of lead paint contamination, another reason for using siding rather than paint." (County Exhibit 13)

The record also contains the testimony of Mr. Hall, the appellant's contractor who stated that after he had been alerted to the problem, he called "Takoma Public Works and three people there were unaware of the need for any permit". At no point did Mr. Aldous even mention the historic status of the property, and no claim is made that he did. Mr. Aldous did not testify in this case.

The record contains several letters from owners of neighboring properties supporting, to various degrees, the appellant's position, based generally on the unusual equities of this case.

The record also contains a statement from Mr. Thomas F. Forhan opposing the grant of the appeal. Mr. Forhan recounts his own experience of spending a considerable amount of money to put himself in compliance with HPC requirements and urges the denial of the appeal because it will create an inequitable situation with respect to myself and the other property owners" who have fully complied with HPC. Mr. Forhan also states his concern that this will set a dangerous precedent for future non-compliance by others.

DISCUSSION BY THE BOARD

As we set out in our discussion of the evidence, it is not disputed that the representative of the building inspector of the City of Takoma Park encouraged the appellant to use vinyl siding on the house. It is equally undisputed that the HPC had not authorized the city building inspector to represent it, and we cannot impute to HPC the actions for someone whom it has not authorized to act on its behalf. Thus, the question of estoppel does not enter into our consideration. Nevertheless, we had before us a witness, the appellant, who testified that she did not know that the house was subject to the HPC control and that she relied on the city building inspector's advice in starting this project. Her testimony was truthful, and we so find. Moreover, HPC did not even seriously try to question her veracity. It is true that HPC went through all of the required notifications and we do not question the adequacy and completeness of the notice. Were it not for the comments from the city building inspector and the appellant's good faith reliance on it, we would have no difficulty in affirming HPC

We are very much aware of the concerns of the neighbors, particularly those who went to great expense to comply with HPC, as to the precedential effect of granting the appeal.

Since we hear this case de novo, we look to the ordinance for guidance as to what we should do, standing in the shoes of HPC, we find that the ordinance commands leniency (see e.g. 24A-8(b)(6) and 24A-8(d)). These provisions are in addition to the "undue hardship" provisions of 24A-8(b)(5).

We conclude that when a citizen in good faith relies on the advice of a public official, the equities must shift in favor of the citizen. To do otherwise would tear into the fabric of our society in which members of the public daily place their reliance on the words of those clothed with authority.

We specifically avoid invoking estoppel against HPC for reasons stated. This is purely a case akin to the theory of detrimental reliance so often used to protect those who placed their trust in the words of others.

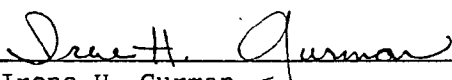
In the final analysis we cannot expect the average citizen to have a greater degree of knowledge regarding licensing matters than is possessed by a public official who is the "Code Enforcement Officer" for the City of Takoma Park. If Mr. Aldous did not know that a HAWP was required for this property, then Miss Manahan cannot be expected to have that knowledge. It would require proof of actual notification to Miss Manahan prior to commencement of the work to overcome our presupposition.

We therefore reverse the HPC's denial of a HAWP to complete the project. We specifically take the position regarding the proffered modification by the appellant's contractor. We will leave it to the HPC to determine whether such modification will help or hinder the laudable purpose of the Commission.

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

The foregoing Resolution was proposed by William S. Green and concurred in by Judith B. Heimann, Chairman, Helen R. Strang, Allison Bryant and K. Lindsay Raufaste.

I do hereby certify that the foregoing Opinion was officially entered in the Opinion Book of the County Board of Appeals this 21st day of April, 1994.


Irene H. Gurman
Clerk to the Board

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