

22/30-92A 15715 Avery Road
Barnesley House

BOARD OF APPEALS
for
MONTGOMERY COUNTY

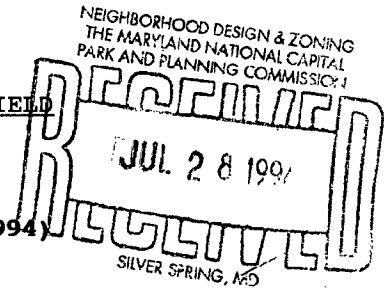
Stella B. Werner Council Office Building
100 Maryland Avenue
Rockville, Maryland 20850

Telephone
Area Code 301
217-6600

Case No. A-4051

APPEAL OF DR. WILLIAM G. AND JOAN BANFIELD
(Hearing held June 1, 1994)

OPINION OF THE BOARD
(Effective date of Opinion, July 14, 1994)



This is an appeal from the action of the Historic Preservation Commission (HPC) denying a Historic Area Work Permit (HAWP) for the premises located at 15715 Avery Road, in the RE-2 Zone. By a Decision and Opinion dated February 23, 1994, HPC denied a request by the appellants, Dr. William G. and Joan Banfield, to install vinyl siding on the garage attached to the Barnsley House, an individually designated site in the Master Plan for Historic Preservation.

There is no dispute as to the historic status or significance of the structures. The sole question is whether the siding on the garage should be wooden or vinyl.

THE MOTION TO DISMISS

HPC moved to dismiss the appeal, arguing that the parties had negotiated a Consent Agreement on July 21, 1991, and that Consent Agreement specified in paragraph No. 2 that the materials for the garage were to be as follows:

"[T]he materials of the garage will match the existing house with German clapboard siding and wood trim, double hung windows, metal roof and wooden shutters...." and that the Consent Agreement specified in paragraph No. 6 that this agreement was the "full and final settlement of Appeal No. A-3082".

HPC maintains that the Consent Agreement is an enforceable contract between the parties, supported by the consideration and that the Consent Agreement, as a resolution of previous Board of Appeals cases, operates as res judicata as to issues in that appeal, which clearly included the issue of what material was to be used as siding (Exhibit No. 11).

The appellants argue that the agreement did not specify any particular composition of the siding and that they did not know of the availability of vinyl at the time the agreement was signed. They learned of

the availability of suitable vinyl from their contractor. They stated that when they signed the agreement they assumed that the siding would be wood because they did not know any other kind was available.

The Board withheld ruling on the Motion to Dismiss until the conclusion of the case. The Board now rules that the Motion to Dismiss is DENIED.

Our denial is based on the fact that we, sitting de novo on this case (Montgomery County Code 24A-7(h)) view the Banfields' application for a HAWP as being in the nature of a request to modify the consent agreement because at the time of its signing they were not aware of the availability of vinyl. Thus, the question before us is not the validity or applicability of the consent order, but whether facts exist which would warrant an appeal to modify the consent order to permit vinyl.

The consent order, therefore, does not bar the hearing of this appeal.

The County also argued that the action of the HPC is not an appealable order. That argument cannot be sustained since the ordinance gives us jurisdiction to review "a decision of the Commission", and the HPC's document under review is clearly entitled "Decision and Opinion".

THE HEARING ON THE MERITS

Christopher Hitchens, Esq., appeared on behalf of the County and presented witnesses. Dr. and Mrs. Banfield appeared pro se.

Leonard Taylor, a registered architect and Chairman of the HPC at the time of the execution of the consent agreement, testified that the Banfield house is an example of a nineteenth century carpenter's gothic farmhouse with double-hung windows and steep gabled roof. Originally the HPC found the three car garage under consideration to be large and uncharacteristic. The Banfields wanted to connect the garage to the main building and the HPC wanted the two structures to be separate.

The consent agreement represented a compromise and, according to the witness, vinyl siding would undermine that compromise because it would detract from the characteristic of the premises.

He recognized that the HPC staff recommended vinyl siding, but, after all, it is the commission not the staff that has to make the final determination.

Walter Booth, the current HPC Chairman, testified that the consent agreement represented a compromise. The HPC expected German clapboard on the garage to match the existing house. Vinyl siding is inconsistent with preservation guidelines. Since the garage is connected to the main house, it should have the same outside finish. The texture of vinyl is significantly different from wood and it is an art to match the colors. The main building had wooden siding.

Joan Banfield testified that the contractor had told the appellants of the availability of vinyl and that Nancy Wetherill of the HPC Staff had told her that HPC permitted vinyl siding when the addition was not visible from the street and was sufficiently far away as to make it impossible to tell the difference. In this case trees shield the addition from the street.

She showed slides of several houses which had vinyl siding to demonstrate the visual appearance of such siding.

Mrs. Banfield stated that the cost of installing vinyl is about \$2000.00 less than installing wood clapboard and that the upkeep of wood is much more expensive. She recounted the substantial expenses which the Banfields had already incurred to comply with HPC requirements. While the Banfields may have the funds now to take care of the siding, they may not have them in the future.

DISCUSSION

The Board finds no reason to amend or modify the consent agreement. The evidence clearly shows that the main building has wooden siding and the garage is attached to that main building. Vinyl siding is different in appearance and texture from wooden siding. The evidence also shows that the vinyl siding idea is in the nature of an afterthought, the Banfields having been prepared to proceed with wooden siding until they learned from their contractor of the availability of vinyl, which is cheaper. This is hardly an "undue hardship" which would require the issuance of an HAWP pursuant to 24A-8(b)(5) of the Code. Given the difference between the two materials which would cover different parts of what is basically one building, and the lack of "undue hardship" (other than a \$2,000.00 cost of installation plus upkeep), we find that the consent agreement should not be modified to permit vinyl siding on the garage.

The decision of HPC not to issue an HAWP for vinyl siding on the garage is hereby **AFFIRMED**, and the administrative appeal is **DENIED**.

The Board adopted the following Resolution:

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

The foregoing Resolution was proposed by William S. Green and concurred in by Helen R. Strang, Allison Bryant and K. Lindsay Raufaste. Judith B. Heimann, Chairman, was necessarily absent and did not participate in the foregoing Resolution.

I do hereby certify that the foregoing
Opinion was officially entered in the
Opinion Book of the County Board of
Appeals the 14th day of July, 1994.



Tedi S. Osias
Executive Secretary 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 Procedure.

BOARD OF APPEALS
for
MONTGOMERY COUNTY

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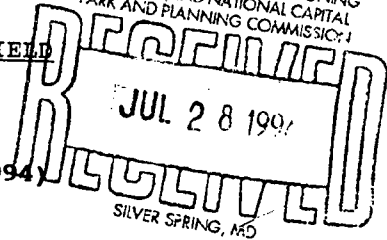
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Case No. A-4051

APPEAL OF DR. WILLIAM G. AND JOAN BANFIELD
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NEIGHBORHOOD DESIGN & ZONING
THE MARYLAND NATIONAL CAPITAL
PARK AND PLANNING COMMISSION



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Case No. A-4051

the availability of suitable vinyl from their contractor. They stated that when they signed the agreement they assumed that the siding would be wood because they did not know any other kind was available.

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Our denial is based on the fact that we, sitting de novo on this case (Montgomery County Code 24A-7(h)) view the Banfields' application for a HAWP as being in the nature of a request to modify the consent agreement because at the time of its signing they were not aware of the availability of vinyl. Thus, the question before us is not the validity or applicability of the consent order, but whether facts exist which would warrant an appeal to modify the consent order to permit vinyl.

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The decision of HPC not to issue an HAWP for vinyl siding on the garage is hereby AFFIRMED, and the administrative appeal is DENIED.

The Board adopted the following Resolution:

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The foregoing Resolution was proposed by William S. Green and concurred in by Helen R. Strang, Allison Bryant and K. Lindsay Raufaste. Judith B. Heimann, Chairman, was necessarily absent and did not participate in the foregoing Resolution.

I do hereby certify that the foregoing Opinion was officially entered in the Opinion Book of the County Board of Appeals the 14th day of July, 1994.



Tedi S. Osias
Executive Secretary 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 Procedure.

COUNTY BOARD OF APPEALS
FOR
MONTGOMERY COUNTY

Packet No. A-4051
Date Filed 3-30-94
Hearing Date 6-1-94 @ 2:30

NEIGHBORHOOD DESIGN & ZONING
THE MARYLAND NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

APPEALS
APR 4 1994
RECEIVED
SILVER SPRING, MD

APPEAL CHARGING ERROR
IN ADMINISTRATIVE RULING OR ACTION
PLEASE NOTE INSTRUCTIONS ON REVERSE SIDE.
ATTACH ADDITIONAL SHEETS IF REQUIRED FOR A NEW FILE

Appeal is hereby made pursuant to Section 2-112 of the Montgomery County Code 1984, as amended, from the decision or other action of an official or agency of Montgomery County specified below which Appellant contends was erroneous.

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

Brief description of ruling or action from which this appeal is made (Attach duplicate copy of ruling or document indicating such action): Denied permission to use vinyl rather than wood siding on new garage.

Date of that ruling or action: March 10, 1994

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

Number of section, and subsection if any, of the Montgomery County Code 1984, as amended, or citation of other statute, provision, which appellant contends was misinterpreted:

Error of fact, if any, involved in the ruling or action from which this appeal is made: Finding #3 of the Commission. Evidence will be presented that standing seam roof and vinyl siding are not incongruous.

Error of law, if any, involved in the ruling or action from which this appeal is made:

Question(s) of fact, if any, presented to the Board by this appeal:

Question(s) of law, if any, presented to the Board by this appeal:

Description of real property, if any, involved in this appeal: Lot _____, Block _____, Subdivision _____, Town _____, Street and Number 15715 Aveny Rd. Rockville, Zone Classification Farm 2 acre Parcel

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

Description of taxicab or other personal property, if any, involved in this appeal:

Statement of appellant's interest, i.e., manner in which appellant is aggrieved by the ruling or action complained of (as property owner or otherwise): No consideration has been given to costs. Wood siding costs three times more than vinyl siding. The vinyl siding is virtually maintenance free and lasts indefinitely. It looks good indefinitely and can be distinguished from wood siding only by touch.
Further comments, if any:

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

SIGNATURE OF ATTORNEY

PHONE NUMBER

William B. Banfield
SIGNATURE OF APPELLANT(S)

James S. Banfield
ADDRESS OF APPELLANT(S)

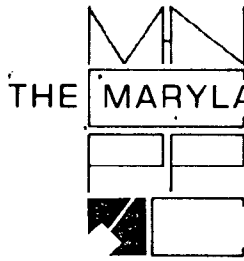
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TELEPHONE

BOARD OF APPEALS FOR MONTGOMERY COUNTY, MARYLAND

LIST OF ADJOINING AND CONFRONTING PROPERTY OWNERS
(Please see information on reverse side)

NAME	ADDRESS (Please add Zip Code)	LOT	BLOCK
Mrs. Esther Funder	5900 Lake Christopher Drive.		
Pres. Twin Lake Estates Homeowners Assn.	Rockville, 20855.		
Mr. & Mrs. Scott Brady	5917 Bethlehem Court.	Rockville 20855	
Mr. & Mrs. Stephen Bradicich	5913	"	"
Mr. & Mrs. Paul Hubanks	15801 Avery Rd.	"	"
Mr. & Mrs. Ron Herberg	5984 Serenity Lane	"	"
Mr. & Mrs. Wm. Rotolone	5930 Serenity Lane	"	"
Mr. & Mrs. Ted Woronka	5926 Serenity Lane	"	"
Mr. & Mrs. Gene Yacum	15701 Amelung Lane	"	"
Mr. Mrs. Don. Wortman	15609	"	"
Mr. Burnett	15605	"	"
Mr. Tom Brewster	15809	"	"
Pres. Needwood Lake Homeowners Assn.		"	"
Mr. & Mrs. James Curry	6000 Warm Springs Drive	"	"



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

8787 Georgia Avenue • Silver Spring, Maryland 20910-3760

March 10, 1994

Dr. and Mrs. William Banfield
15715 Avery Road
Rockville, MD 20855

Dear Dr. and Mrs. Banfield:

Enclosed is the Decision and Opinion of the Historic Preservation Commission with regard to your Historic Area Work Permit application for alterations to your garage at 15715 Avery Road, Rockville.

At the Commission's meeting on February 23, 1994, the Commission voted to deny your application. You were informed that if you wished to appeal the Commission's decision, you could do so within 30 days (from today's date). This information is stated in the last paragraph of the Decision. Please contact the Board of Appeals directly at 217-6600.

In addition, I am enclosing a copy of the County Ordinance, as well as your copy of the HAWP application form. The Department of Environmental Protection has been informed that your HAWP application was denied.

If you have any questions, please call me at 495-4570.

Sincerely,

Nancy Witherell
Historic Preservation
Planner

HISTORIC PRESERVATION COMMISSION

of

MONTGOMERY COUNTY

8787 Georgia Avenue
Silver Spring, Maryland 20910

301-495-4570

Case No.: 22/30-94A

Received: February 1, 1994

Public Appearance: February 23, 1994

Before the Montgomery County Historic Preservation Commission

Application of William G. Banfield

DECISION AND OPINION OF THE COMMISSION

Decision of the Commission: DENY the Applicant's proposal to install vinyl siding on the garage attached to the Barnesley House, 15715 Avery Road, Rockville, an individually designated site in the Master Plan for Historic Preservation.

Commission Motion: At the February 23, 1994, meeting of the Historic Preservation Commission (HPC), Commissioner Brenneman presented a motion to deny the Historic Area Work Permit application. Commissioner Clemmer seconded the motion. Commissioners Brenneman, Booth, Harris, Lanigan, Randall and Clemmer voted in favor of the motion. Commissioners Kousoulas, Handler, and Norkin were absent. The motion was passed, 6-0.

SUMMARY OF APPLICATION AND BACKGROUND OF BARNESLEY HOUSE

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

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

Historic site: Any individual historic resource that is significant and contributes to the historical, architectur-

al, archeological or cultural values within the Maryland-Washington Regional District and which has been so designated in the master plan for historic preservation.

The applicant applied for a Historic Area Work Permit (HAWP) to install vinyl siding on all facades of the two-bay garage and the linking breezeway from the house. The garage is under construction at present, a HAWP having been approved by the HPC at its December 19, 1990 meeting. The HAWP stipulated that the garage and breezeway be clad with wooden clapboard to match that on the house.

The Barnesley House is a mid-nineteenth-century Gothic Revival-style farmhouse designated in the Master Plan for Historic Preservation in 1985 for its significance as a good example of vernacular farmhouses that were once abundant in Montgomery County. The farmhouse's parcel consists of over eleven acres and conveys the open space characteristic of the original farm. The house sits on a high knoll at the end of a long driveway from Avery Road. The two-bay garage is to the left (north) side of the house and is attached to the house by a lower, recessed linking element that contains a staircase and passageway from the house to the garage.

EVIDENCE IN THE RECORD

The construction of the garage was the subject of a previous Board of Appeals hearing (Case No. A-3082), as the Historic Preservation Commission originally denied the application to construct the attached garage in August, 1990. The HPC subsequently approved a modified version of the garage and breezeway in December, 1990, after the Board of Appeals remanded the case to the HPC on October 31, 1990, in order to resolve the differences between the applicants and the Commission. On January 23, 1991, a consent agreement signed by the owners and the Historic Preservation Commission was sent to the Board of Appeals to resolve the matter officially. The agreement stipulated information about the dimensions of the proposed garage and breezeway and also stated:

The materials of the garage will match the existing house with German clapboard siding and wood trim, double hung windows, metal roof, and wooden shutters. The breezeway will incorporate the metal roof and siding, but with large windows installed on each side.

Copies of the Applicant's Historic Area Work Permit application for the installation of vinyl siding rather than wood clapboard on the garage and a written report from the Historic Preservation Commission staff were distributed to Commissioners on February 18, 1994. The application was considered by the Historic Preservation Commission at a public meeting on February 23, 1994.

Staffperson Nancy Witherell presented 35mm slides of the house and garage, showing the structure from several viewpoints. The

staff recommended that the application of vinyl be approved because the wall surface of the garage is less visible and significant from the front than the prominent gable roof surface, which, when completed, will be a standing seam metal roof to match that on the historic house. The staff also stated that the garage, a new structure, appears to be visually distinct from the historic house by reason of its large size and could not be confused for a historic structure.

The owners, Dr. and Mrs. Banfield, testified that they were proposing to use a high quality vinyl siding that would match the wooden clapboard in width and profile, and in color as nearly as possible. They intended to use wooden trim for all the window and door openings and on the corners. Further, the use of vinyl siding would decrease their maintenance costs, they stated, and by extension save the county money since their maintenance expenses are submitted for consideration of the county's Historic Preservation Property Tax Credit.

Commissioner Harris asked the applicants how closely the vinyl siding color could be matched to the paint color of the house. Commissioner Lanigan expressed strong reservations about changing the terms of the original consent agreement signed by the applicants. Commissioner Brenneman stated that he was concerned about the appearance of a structure that combined a modern-looking material (vinyl) with a historic-looking material (the standing seam metal roof).

FINDINGS OF THE COMMISSION

The criteria which the Commission must evaluate in determining the approval of a Historic Area Work Permit application are found in Section 24a-8(b) of the Montgomery County Code, 1984, as amended.

Section 24a-8(a) provides that:

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

The Commission finds that:

1. As proposed in the application, the installation of vinyl siding on the garage and breezeway is inconsistent with the preservation of the historic site because it would be very difficult to match the color of the vinyl siding to the paint color of the house and to maintain the color match during the life of the paint coat.

2. The vinyl siding is inconsistent with the signed consent agreement that signalled the conclusion of several months of negotiation between the owners and the HPC in 1990 and 1991. That original agreement should stand, since the materials for the garage were a negotiated and considered part of the consent agreement.

3. The appearance of vinyl siding, a new material, with a standing seam metal roof, a historic material, would look incongruous and weaken the intent of the stipulation that a standing seam metal roof to match that on the house be used on the garage.

The HPC has been consistent in stating that additions to wood-clad historic structures should also be clad with wood and not with vinyl, because the latter creates a visible difference in texture, in color, and sometimes in profile. It also is difficult to design an appropriate transition between the two materials. Although some distinction between new work and original work should be made, it is most desirable to achieve it through design (such as recessing walls or lowering roof ridges or simplifying window sash configurations), since compatibility of the new work with the historic house is a criterion of the ordinance (Chapter 24A) and of the Secretary of the Interior's Standards. The consent agreement signed by the owners and the HPC in 1991 reflects this philosophy very well, since the matter was resolved by adjusting the dimensions of the garage and the recessed position and openness of the breezeway, and not by making a distinction between old and new materials. In the agreement, the historic materials were to be duplicated for the new construction.

CONCLUSION

Based on the evidence in the record and the Commission's findings, as required by Section 24A-8(b) of the Montgomery County Code, 1984, as amended, the Commission denies the application of William G. Banfield to install vinyl siding on the garage and breezeway attached to the Barnesley House.

In analyzing whether the criteria have been met, the Commission evaluates the evidence in the record in light of generally accepted principles of historic preservation, including the Secretary of the Interior's Standards for Rehabilitation, adopted by the Commission on February 5, 1987. In particular, Standards #2 and #9 are found to be applicable:

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

New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic

integrity of the property and its environment.

Based on these facts and findings, and having heard and carefully considered all of the testimony and exhibits contained in the record, it is the decision of the Montgomery County Historic Preservation Commission that the proposal by William G. Banfield to install vinyl siding on the walls of the garage and breezeway of the Barnesley House is DENIED.

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

Albert B. Randall

Albert Randall, Chairperson
Montgomery County Historic
Preservation Commission

3/9/94

Date



Montgomery County Government

MEMORANDUM

TO: Judith Heimann, Chair
Board of Appeals

FROM: Leonard Taylor, Jr., Chair
Historic Preservation Commission

SUBJECT: Board of Appeals Case No. A-3082

DATE: January 23, 1991

A handwritten signature in cursive script, reading "Leonard Taylor, Jr.", written in black ink.

Attached please find a consent agreement between the Historic Preservation Commission and Mr. and Mrs. William Banfield in regard to Board of Appeals Case Number A-3082. We are pleased that the matter could be resolved in this way and hope that this agreement meets with the Board's approval.

Should you have any questions, please feel free to call me at 986-5222 or Laura McGrath, Historic Preservation staff, at 217-3625.

Attachment

2456E

Historic Preservation Commission

51 Monroe Street, Rockville, Maryland 20850-2419, 301/217-3625

CONSENT AGREEMENT

between

THE MONTGOMERY COUNTY HISTORIC PRESERVATION COMMISSION

and

DR. AND MRS. WILLIAM G. BANFIELD

in regard to Board of Appeals Case No. A-3082

BACKGROUND

On October 31, 1990, the Montgomery County Board of Appeals held a public hearing regarding the appeal of the decision of the Historic Preservation Commission (herein after referred to as the "Commission") to deny an application for an Historic Area Work Permit to construct a garage made by Dr. and Mrs. William G. Banfield (herein after referred to as the "Banfields"), at 15715 Avery Road, Rockville (HPC Case 22/30-90A). At that hearing the Board of Appeals requested that the Commission and the applicants work together to reach an acceptable resolution within 90 days. Subsequently, the applicants submitted revised plans for construction of a garage and met with the HPC at its December 19, 1990, meeting to discuss the revised plans. After some discussion, the Commission voted unanimously in favor of the revised proposal, noting that it does conform with the criteria of Montgomery County Code Chapter 24A, Section 8.

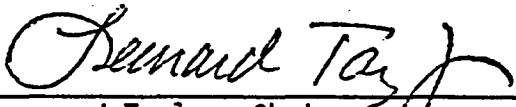
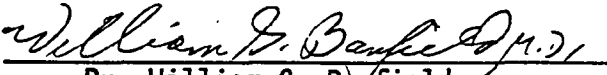
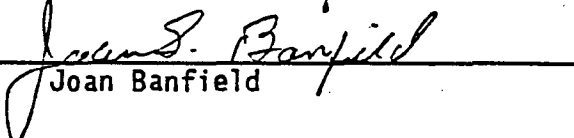
CONSENT AGREEMENT

Therefore, in an effort to resolve the above-referenced appeal, the Banfields and the Commission have agreed as follows:

1. The Banfields consent to replacing the plans submitted in Application #22/30-90A with the plans submitted to the Commission on December 10, 1990, which are attached to this agreement as Exhibit A. Further, the Banfields agree to be bound by representations made by them on December 19, 1990, at the Commission's discussion of the case and by other descriptive and supportive data submitted in the Banfields' original Historic Area Work Permit application.
2. The Banfields agree that the new structure will have the following elements: The garage will be a two-bay, two-story structure with a rear second-story dormer and will be attached to the existing house with an indented, enclosed breezeway with roof line approximately 3 1/2' below the garage roof line. The garage will measure 30' wide X 32' long, with a 7'

wide breezeway. The garage will be set back approximately 15' from the front of the house. The materials of the garage will match the existing house with German clapboard siding and wood trim, double hung windows, metal roof, and wooden shutters. The breezeway will incorporate the metal roof and siding, but with large windows installed on each side.

3. The Commission acknowledges that the revised plans conform with the criteria of Montgomery County Code Chapter 24A, Section 8.
4. The Banfields agree to request that the Board of Appeals dismiss Appeal No. A-3082.
5. The Commission agrees to recommend that the Director of the Department of Environmental Protection issue a Historic Area Work Permit for the project as proposed and described in this agreement and in Exhibit A.
6. The parties represent that this agreement is made in full and final settlement of Appeal No. A-3082.

 _____ Leonard Taylor, Chair Historic Preservation Commission	<u>1-9-91</u> Date
 _____ Dr. William G. Banfield	<u>1/21/91</u> Date
 _____ Joan Banfield	<u>1/21/91</u> Date

MONTGOMERY COUNTY
HISTORIC PRESERVATION COMMISSION
MEETING

Monday,
February 23, 1994

PRESENT:

ALBERT RANDALL, Chairman
WALTER BOOTH, Vice Chair
JOSEPH B. BRENNEMAN, Commissioner
ELLEN PRATT HARRIS, Commissioner
MARTHA LANIGAN, Commissioner
Gregg Clemmer, Commissioner

ALSO PRESENT:

Gwen Marcus, Historic Preservation Coordinator
Clare Lise Cavicchi, Staff
Patricia Parker, Staff
Nancy Witherell, Staff

JOHNSON & WARREN REPORTING
UPPER MARLBORO, MD 20772
(301) 952-0511

1 VOICE: Go right ahead.

2 MR. BOOTH: I would move that an Historic Area
3 Work Permit in Case Number 36/2-94A at 2200 Salisbury
4 Road in the Linden Historic District be approved as it's
5 consistent with the purposes of Chapter 24A-8(b)(1), and
6 the Secretary of Interior's Standards, with the following
7 conditions as proposed by staff:

8 That the proposed addition be simplified
9 subject to staff review; that a landscape plan be
10 submitted; and that the new chimney shall be faced in
11 brick, not wood.

12 CHAIRMAN RANDALL: Is there a second?

13 MS. HARRIS: I'll second.

14 CHAIRMAN RANDALL: Any discussion on the
15 motion?

16 (No response)

17 CHAIRMAN RANDALL: No discussion on the motion.
18 I close the public record. Those in favor please signify
19 by raising their hand.

20 (Vote taken)

21 CHAIRMAN RANDALL: The motion carries
22 unanimously. I thank you.

23 The next case is Case E. If we could have the
24 staff report, please?

25 MS. WITHERELL: This case concerns the

1 application of vinyl siding to a three-car garage that
2 was approved by the Historic Preservation Commission in
3 December of 1990, and is now finished construction. I'll
4 show you slides that I took just a few days ago, last
5 week.

6 The front, the long driveway, as you may
7 recall, to the house. This is the so-called breezeway or
8 link that was part of the agreement that was worked out
9 with the applicants. You notice that it's set back.

10 Here's the rear, the side of the house. That's
11 the breezeway in the center of the photo, and then the
12 garage along to the left. And here you're looking at the
13 house from the side. I'm sorry, the office camera is on
14 the fritz again.

15 Here's a view from the back. If you can orient
16 yourself now, you may be aware that there are later
17 additions at the back, including the kitchen. And that
18 little box on the second floor is a bathroom addition.
19 Then the part that you see under construction is the
20 breezeway. That roof slope is going to be changed. The
21 applicants are going to lower that roof slope. And then
22 to the right you see part of the garage.

23 The doors are in. They're just up in this
24 photo. And again from the front.

25 It's very rare that I would ever recommend in

1 favor of vinyl siding. And, in fact, the HPC has looked
2 at several cases for additions where the applicants have
3 asked for vinyl siding. In this case I believe there is
4 literally no material difference whether this garage is
5 built -- is clad with wood or with vinyl.

6 The sample that the applicants submitted with
7 the application I've talked to them about, and they've
8 come tonight with a Wolverine sample. And they've also
9 indicated they would trim with wood.

10 In this case, given the fact that the garage
11 looks very much like a separate type of structure rather
12 than an integral addition, such as might have been
13 proposed for a rear addition to the house; and since so
14 much of the garage section is composed of the roof
15 element, which will be standing seam to match the
16 historic house; and considering again that a good quality
17 vinyl with wood trim would be used, and that the garage
18 doors and pedestrian doors are metal, I've recommended in
19 favor of their application, which is in a way a revision
20 of their original HAWP. In this revision now they're
21 asking for vinyl instead of the original HAWP which
22 required cladding to match the existing.

23 The one condition I guess I would have, which I
24 didn't mention in the staff report, would be that the
25 vinyl should match in width and in profile the existing.

1 It's approximately about five inches.

2 CHAIRMAN RANDALL: Any questions of staff?

3 (No response)

4 CHAIRMAN RANDALL: If the applicants would
5 introduce themselves and please proceed?

6 MR. BANFIELD: William Banfield, joint owner.

7 MRS. BANFIELD: I'm Joan Banfield. I've got
8 these pieces of the new siding that Ms. Witherell
9 suggested that we bring. As you can see from the
10 pictures, the garage is well underway.

11 If we could have maybe that one that shows the
12 breezeway, I could --

13 MS. WITHERELL: From the other side?

14 MRS. BANFIELD: Well, either side. The other
15 side is better.

16 We have taken down that steep slope of roof
17 over the breezeway and made it now so that it is parallel
18 to the existing slope of the addition of the old house,
19 so that the amount of red roof that you will see on the
20 road, on the breezeway is considerably less. And with
21 the holly trees in front of it and the new trees around
22 the house, why, it will be almost invisible from the
23 road.

24 And that was one of the objections that the
25 Commission had been in -- what, '90 or '91, that they did

1 not want the garage to be attached to the house, because
2 back when the house was built you didn't attach garages
3 to the house. And we promised Mr. Leonard that we would
4 make it as inconspicuous as possible, which is what we've
5 done.

6 So, therefore, it seems to us that the garage
7 itself is sufficiently removed from the house, and also
8 the trim, which I -- I gave a little demonstration of all
9 the trim that goes around the house, so much around every
10 window and all around the front. You can see all the
11 white trim that is pretty well separated from the garage.

12 CHAIRMAN RANDALL: Commissioners?

13 MS. HARRIS: I have one question. We actually
14 have no purview over color, but I have to ask it anyway
15 because your house is a very distinctive nice gray. What
16 are you proposing as far as the vinyl siding?

17 MRS. BANFIELD: It will be gray, matching that
18 as closely as possible. Actually, we took off -- the
19 house was originally L-shaped and they filled in the
20 corner of the L with that one story addition where the
21 kitchen is now. We took off some of the side of --
22 inside of the kitchen and found, indeed, the old German
23 siding of the original house, which was built in what,
24 1899, I think, which was actually gray. When we moved to
25 the house it was white. And so we find we like the gray

1 better. So it will be gray, with white trim, very
2 similar to what the house is now.

3 MS. LANIGAN: Why are you requesting a change
4 from what was originally proposed?

5 MRS. BANFIELD: The only change is the vinyl,
6 which is much less upkeep as far as we're concerned. The
7 original house, the L-shaped part, the clapboards are
8 nailed right to the studs. And on the inside of the
9 studs it is lathe and plaster, and we need to paint that
10 house about every five years because the moisture goes
11 through, with no barrier between the house inside and the
12 outside. So the garage will be sufficient permanently,
13 we hope.

14 MR. BRENNEMAN: What roofing material was
15 approved?

16 MS. WITHERELL: The roof of the garage will be
17 a standing seam. It will be painted.

18 MR. BOOTH: Nancy, can we see a shot of the
19 addition?

20 MRS. BANFIELD: You can see the back of the
21 house. They added, subtracted ever since the house was
22 built. They put a back porch on it, they pulled apart
23 the back porch and put a wash room, and they moved
24 toilets inside. They put that little thing around the L-
25 shaped corner. The back of the house looks terrible.

1 CHAIRMAN RANDALL: Commissioners?

2 MR. CLEMMER: Just for my own clarification,
3 this was approved by the Commission that basically
4 doesn't have anybody on it now?

5 MRS. BANFIELD: Mr. Brenneman --

6 MR. BOOTH: He's the only one.

7 MRS. BANFIELD: -- at that time.

8 MR. BOOTH: Commissioner Clemmer, if I recall,
9 Commissioner Randall and I were on. I believe the
10 original HAWP was denied. It was a Board of Appeals
11 case. The Board of Appeals remanded it for further
12 negotiations and review, and this is a product of that.
13 If I'm incorrect --

14 MS. WITHERELL: That's correct. It occurred
15 sometime in 1990.

16 MR. CLEMMER: To the applicants, I'm reading
17 your letter. "Low maintenance for us means less cost to
18 the county." I guess you're talking about tax --

19 MRS. BANFIELD: That's right.

20 MR. CLEMMER: -- purposes?

21 MRS. BANFIELD: That's right. Now, the last
22 time we had the house painted it cost us \$10,000, which
23 cost the county a thousand dollars.

24 MS. MARCUS: For the property tax credit I
25 think is what --

1 MRS. BANFIELD: Property tax credit, yes.

2 MR. BRENNEMAN: And you would get tax credit on
3 this --

4 MS. WITHERELL: Not the first time that it's
5 put together. But after that, yes, when the house is --

6 MS. MARCUS: Yes. The addition, you don't get
7 the tax credit for building a new addition. And if vinyl
8 siding is put on that addition, they wouldn't be painting
9 the vinyl siding, so they wouldn't be getting a tax
10 credit for that. But if they had to repaint the main
11 house, they would still get a tax credit for that.

12 CHAIRMAN RANDALL: Let's step back. It was
13 apparently a negotiated agreement. That negotiated
14 agreement did include clapboard. So now there's some
15 apparent effort to change what was a negotiated
16 agreement. Let's put that aside.

17 The maintenance and so forth of the vinyl, of
18 course I understand your interest in that. I think our
19 focus is not so much on that, nor really can it be on
20 that, but the compatibility of that material with that
21 home.

22 This Commission has a pretty strong track
23 record, I think, of being very concerned and paying a lot
24 of attention to proposals to use vinyl in conjunction
25 with historic structures. So I think the issue that's

1 really before the Commission is if we were to depart from
2 what I think is a fairly uniform approach, and pretty
3 consistent in terms of compatibility of materials, it
4 should be done, if we were to do that, based upon a
5 conclusion that in this particular case we don't have the
6 same compatibility problem for whatever reason; or that
7 there is something that distinguishes this from other
8 cases.

9 And I think earlier this evening we had
10 individuals here talking about cases where porches had
11 been approved. And certainly we get into these
12 situations. And I guess the Commission -- the question I
13 would pose to the Commissioners is in this particular
14 case is, is it a material that would be incompatible with
15 the structure, or is this the kind of circumstance where
16 what has already been negotiated, if you will, really
17 wasn't in keeping so much with what the Commission had
18 perhaps approved without the kind of situation that
19 ultimately developed. Is it something, the character of
20 this whole situation, has been changed enough that it's a
21 lesser concern.

22 I think that that's what we need to quickly
23 grapple with in this particular issue. It seems to me
24 that with the nature of the change to that structure that
25 there has been a fairly significant change, and maybe

1 that argues for a different approach. I don't know that.
2 I toss it out, and I think it would be useful if we tried
3 to come to grips with it because we're going to have
4 another vinyl case in four weeks or six weeks. And I
5 think we have to have some consistency in reasoning.

6 MR. BRENNEMAN: I just think with a standing
7 seam roof, it just does not go with vinyl siding.

8 CHAIRMAN RANDALL: Yes. I understand, and I
9 know that's generally the Commission's position.

10 MR. BRENNEMAN: And it puts us in a very bad
11 position if it comes up again.

12 CHAIRMAN RANDALL: In other words, you don't
13 see a basis to distinguish this case from other cases
14 that would --

15 MR. BRENNEMAN: No, I don't. And this is a
16 case here where it will be insulated properly and
17 hopefully will last much longer. (Inaudible).

18 CHAIRMAN RANDALL: Commissioner Lanigan?

19 MS. LANIGAN: I guess my biggest problem with
20 the vinyl siding is the fact that it's a difficult case
21 to begin with in that it's a negotiated settlement and
22 was something that was agreed upon by another commission.

23 MR. BANFIELD: I don't think they agreed upon
24 any kind of siding.

25 MRS. BANFIELD: In the agreement it said German

1 siding. As far as I know it didn't say wooden German
2 siding, and this Dutch latte is supposed to be similar to
3 the German siding.

4 MS. WITHERELL: I don't have the case in front
5 of me now, but I did look through it again last week when
6 I was writing this and it did say clapboard, German latte
7 siding to match the existing house. So that would imply
8 wood clapboard to match the existing house.

9 CHAIRMAN RANDALL: Commissioner Booth, any
10 perspective?

11 MR. BOOTH: No.

12 CHAIRMAN RANDALL: Other Commissioners?

13 MS. HARRIS: I don't have any additional
14 comments.

15 CHAIRMAN RANDALL: Okay. Is there a motion in
16 that there does not appear to be further discussion?

17 (No response)

18 CHAIRMAN RANDALL: Commissioner Brenneman, are
19 you poised to make a motion?

20 MR. BRENNEMAN: I don't have it in front of me.

21 I would make a motion that we stand by the
22 original decision to use wood siding or wood clapboard.

23 CHAIRMAN RANDALL: So your motion would be that
24 the HAWP would be -- to use vinyl siding would be denied?
25 Okay. And the basis for that, I'm just asking as a point

1 of clarification, is that it would not be compatible?

2 MR. BRENNEMAN: It would not be compatible with
3 the house or this, the --

4 CHAIRMAN RANDALL: Okay. Is there a second?

5 MR. CLEMMER: Second.

6 CHAIRMAN RANDALL: There's a second. Any
7 discussion on the motion?

8 (No response)

9 CHAIRMAN RANDALL: No discussion on the motion.
10 I close the public record. Those in favor of the motion
11 please signify by raising your hand.

12 (Vote taken)

13 CHAIRMAN RANDALL: The motion carries
14 unanimously. You have a basis, as you know, if you wish
15 to appeal the denial of the HAWP to the Board of Appeals,
16 and that must be done within 45 days of the receipt of a
17 written decision from the Commission.

18 MS. MARCUS: Right. We will try to have at
19 your next meeting a written decision for you to look at
20 and approve. And then 45 days after it's issued -- I'm
21 sorry. Thirty days after it's issued is when the
22 opportunity for appeal at the Board of Appeals would be.

23 CHAIRMAN RANDALL: I'm sorry. Fifteen days on
24 the decision and 30 --

25 MS. MARCUS: No. You're going to have a

1 decision at your next meeting that the Commission will
2 vote on. Once that vote is taken the applicants will
3 have 30 days to appeal that decision. So you will have a
4 written decision to look at at your next meeting.

5 CHAIRMAN RANDALL: Thank you. The next case is
6 -- somewhere.

7 MS. PARKER: Preliminary consultation.

8 CHAIRMAN RANDALL: Okay. Is that where we are?
9 That would be Fertile Meadows? Is that the next one? I
10 can't find my agenda.

11 MS. PARKER: Yes, it is.

12 CHAIRMAN RANDALL: Okay. If we could have the
13 staff report, please?

14 MS. PARKER: Yes. This is an application to
15 obtain the Commission's recommendations on the full
16 restoration of Fertile Meadows, which is Master Plan Site
17 Number 1459; also, a new rear L-shaped addition; third,
18 Commission's recommendations on the addition of a dormer
19 window on the front facade; four, a proposal for new
20 landscaping; and, five, the rebuilding of a seriously
21 neglected out-building, a smoke house to its earlier
22 condition.

23 Fertile Meadows has recently changed hands. It
24 is now -- it's owners are Charles Small, Jr. and Chris
25 Leonard. It's a 1790 frame and brick house and it was



Historic Preservation Commission

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

APPLICATION FOR HISTORIC AREA WORK PERMIT

TAX ACCOUNT # 45474
 NAME OF PROPERTY OWNER Dr. & Mrs. W.G. Banfield TELEPHONE NO. 301-762-6771
 (Contract/Purchaser) (Include Area Code)
 ADDRESS 15715 Avery Rd. Rockville, Md. 20855
 CITY STATE ZIP
 CONTRACTOR _____ TELEPHONE NO. _____
 PLANS PREPARED BY Ronald E. Frisbie CONTRACTOR REGISTRATION NUMBER _____
 TELEPHONE NO. 714-496-8949
 (Include Area Code)
 REGISTRATION NUMBER _____

LOCATION OF BUILDING/PREMISE

House Number 15715 Street Avery Rd.
 Town/City Rockville, Md. Election District 4
 Nearest Cross Street Muncaster Mill Road
 Lot _____ Block _____ Subdivision 502
 Liber 2039 Folio 244 Parcel Boyd's Delay

- 1A. TYPE OF PERMIT ACTION: (circle one)
 Construct Extend/Add Alter/Renovate Repair
 Wreck/Raze Move Install Revocable Revision
 Circle One: A/C Slab Room Addition
 Porch Deck Fireplace Shed Solar Woodburning Stove
 Fence/Wall (complete Section 4) Other Move one door
Enlarge one window, Remove chimney.
- 1B. CONSTRUCTION COSTS ESTIMATE \$ 3500
- 1C. IF THIS IS A REVISION OF A PREVIOUSLY APPROVED ACTIVE PERMIT SEE PERMIT # _____
- 1D. INDICATE NAME OF ELECTRIC UTILITY COMPANY Pepeco
- 1E. IS THIS PROPERTY A HISTORICAL SITE? Yes MP # 22/30 Barnsley House

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

- 4A. HEIGHT _____ feet _____ inches
- 4B. Indicate whether the fence or retaining wall is to be constructed on one of the following locations:
 1. On party line/Property line _____
 2. Entirely on land of owner _____
 3. On public right of way/easement _____ (Revocable Letter Required).

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

Jean S. Banfield
 Signature of owner or authorized agent (agent must have signature notarized on back)

Sept 18, 1992

(2)

9/18/92

William G. Banfield
15715 Avery Road
Rockville MD
20855-1718

Mr. Burt Randall
Historic Preservation Commission

Dear Mr. Randall:

The Barnsley House is an old 2½ story "L" shaped frame house built probably in the late 19th century in the "Gothic Revival" style. When Mr. Barnsley's son was married and came home to help run the farm, the house was enlarged by filling in the inside angle of the "L" with a one story addition. Subsequently a porch was added to the one story structure, and, at an even later date, one end of the porch was enclosed to make a laundry room and the back door was moved to the center of the porch. This part of the house is visible only from the east.

We need to renovate the kitchen and join the two rooms of this section into one. To do so, we will need, first, to remove the chimney which serviced the old wood stoves. The chimney is in poor repair and never worked properly because its top was below the ridge pole of the main house. Second, we want to change the back door to open into the wash room or "mud room", and to enlarge the window over the sink (see plans). These changes can not be seen from either the west or the south sides of the house - the sides which are most evident from Avery road. In our opinion they would in no way alter the integrity of the house, and we hope that you will give us permission to make these changes.

Sincerely yours,

William G. Banfield
William G. Banfield

Joan S. Banfield
Joan S. Banfield

SUPPLEMENTAL APPLICATION FOR HISTORIC AREA WORK PERMIT
REQUIRED ATTACHMENTS

1. WRITTEN DESCRIPTION OF PROJECT

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

Gothic Revival Style

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

See attached

2. Statement of Project Intent:

Short, written statement that describes:

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

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

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

3. Project Plan:

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

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

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

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

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

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

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

1. Name _____
 Address _____
 City/Zip _____
2. Name _____
 Address _____
 City/Zip _____

6

3. Name _____
Address _____
City/Zip _____

4. Name _____
Address _____
City/Zip _____

5. Name _____
Address _____
City/Zip _____

6. Name _____
Address _____
City/Zip _____

7. Name _____
Address _____
City/Zip _____

8. Name _____
Address _____
City/Zip _____

1757E



Barnsley House East (back) view.

Wm. G. Barfield

15715 Avery Rd.

Rockville, Md. 20855

962.6771



Barnsley House EAST (back) view.

Wm. G. Barfield

15715 Avery Rd.

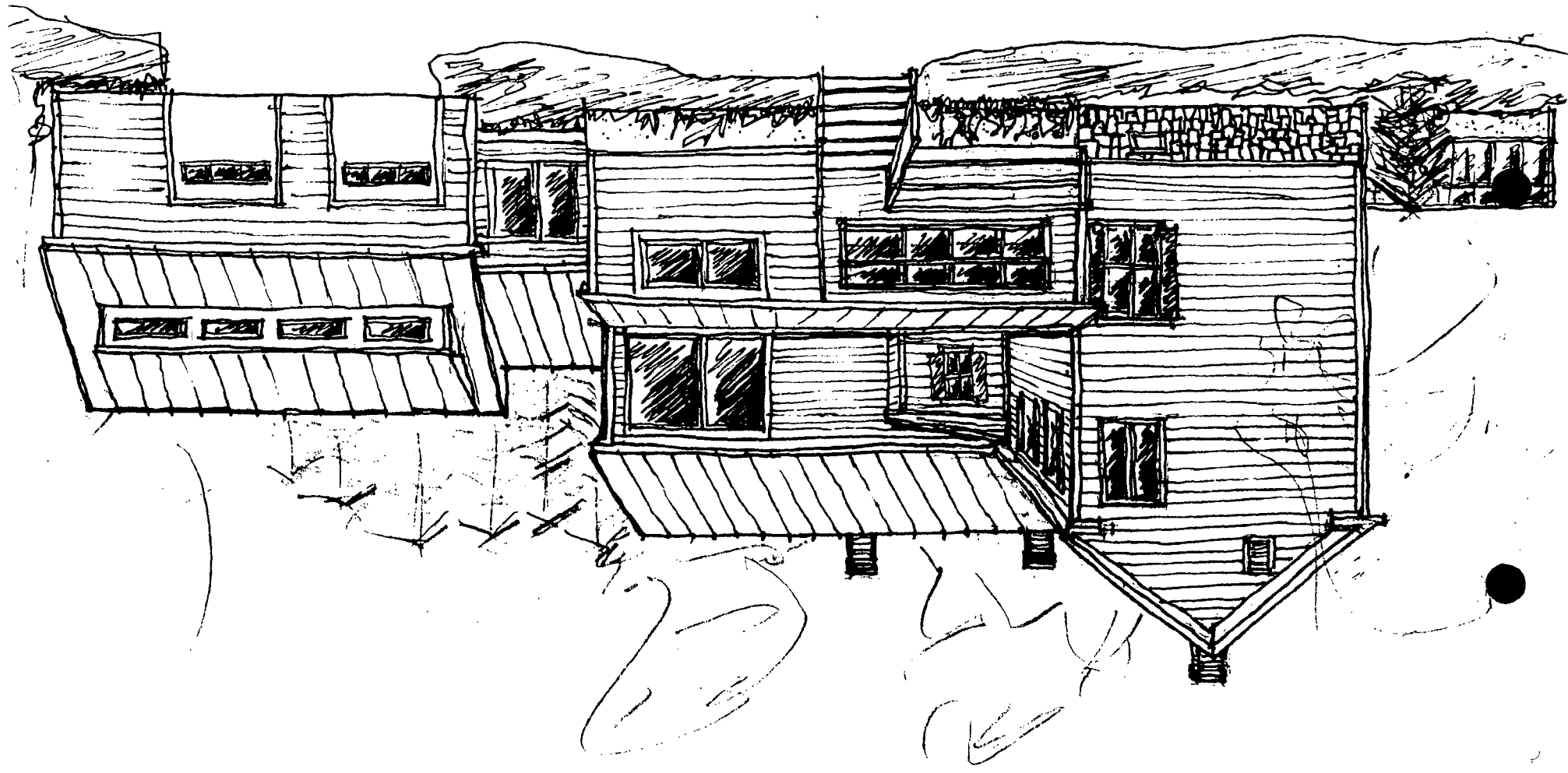
Rockville, Md. 20855

962.6971

BANFIELD RESIDENCE
15715 AVERY ROAD
ROCKVILLE, MD.
90855

Barnsley House

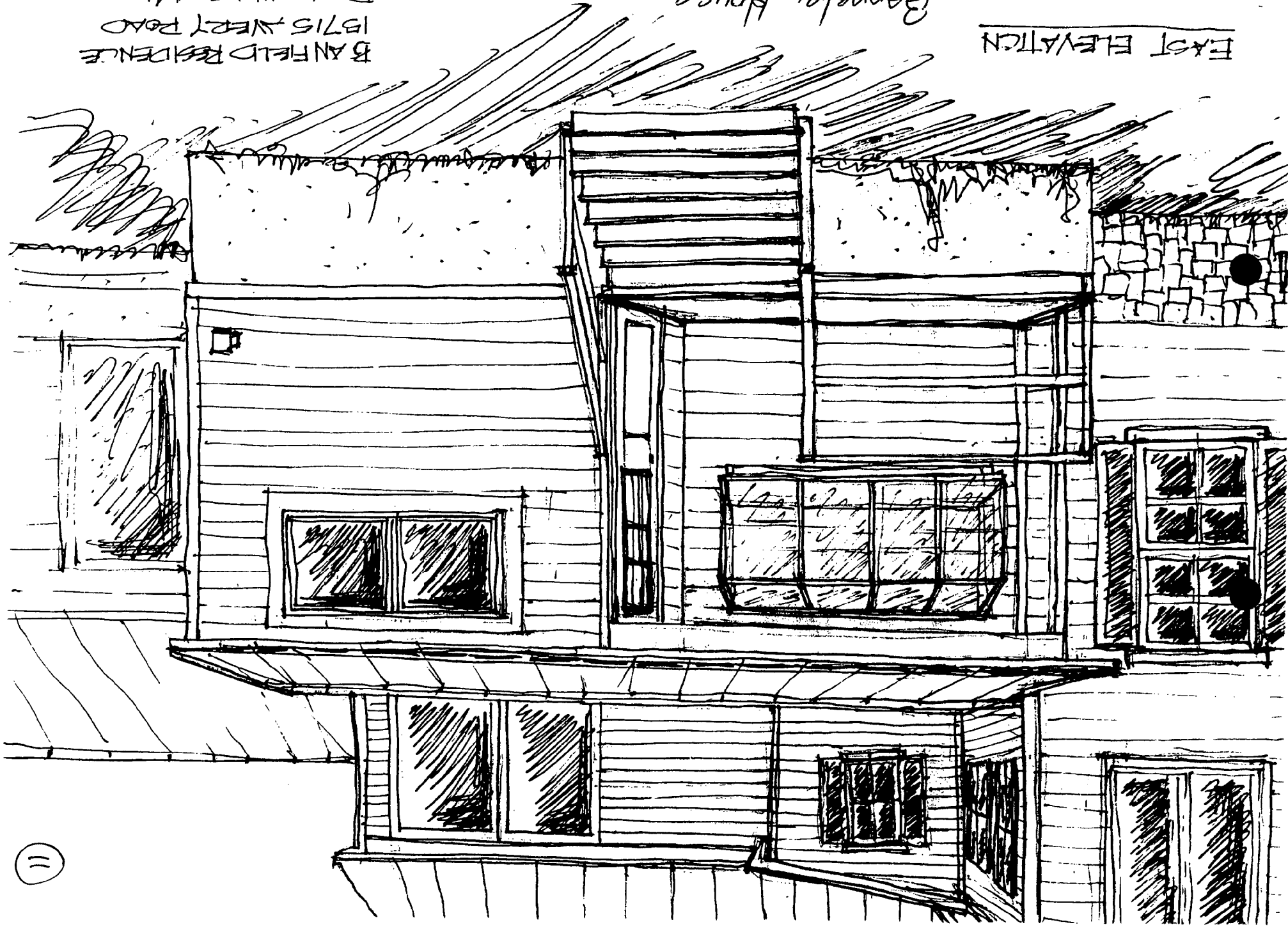
EAST ELEVATION



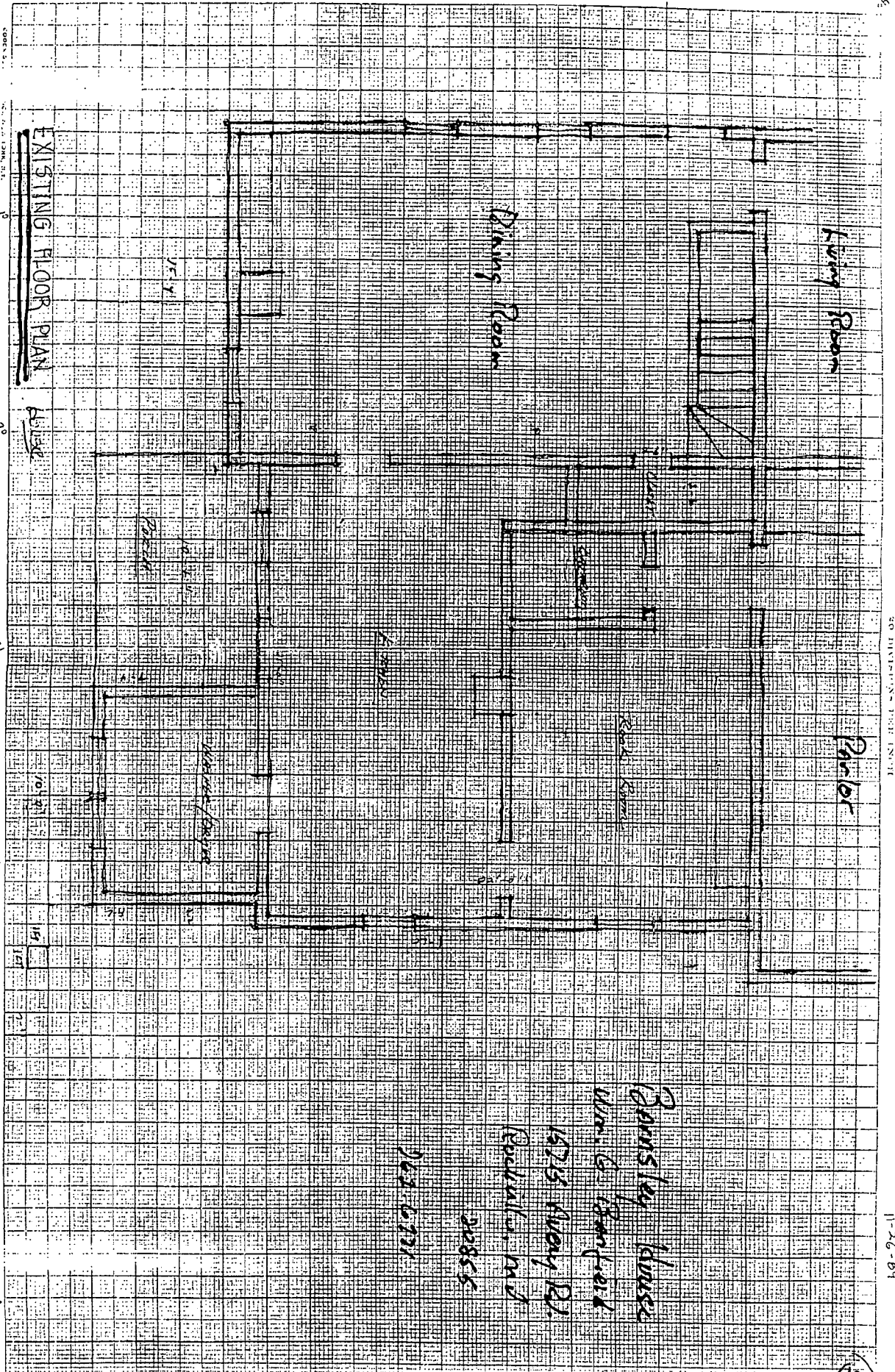
BANFIELD RESIDENCE
15715 WEST ROAD
ROCKVILLE, MD.
80855

Barnsley House

EAST ELEVATION



(1)



EXISTING FLOOR PLAN

15'0"

15'0"

15'0"

15'0"

15'0"

Kitchen

Dining Room

Parlor

SINK

SINK

STOVE

SINK

STOVE

Danmsley House
Wm. G. Danmsley

15215 Avery Rd.

Redondo m/s

20855

11-26-09

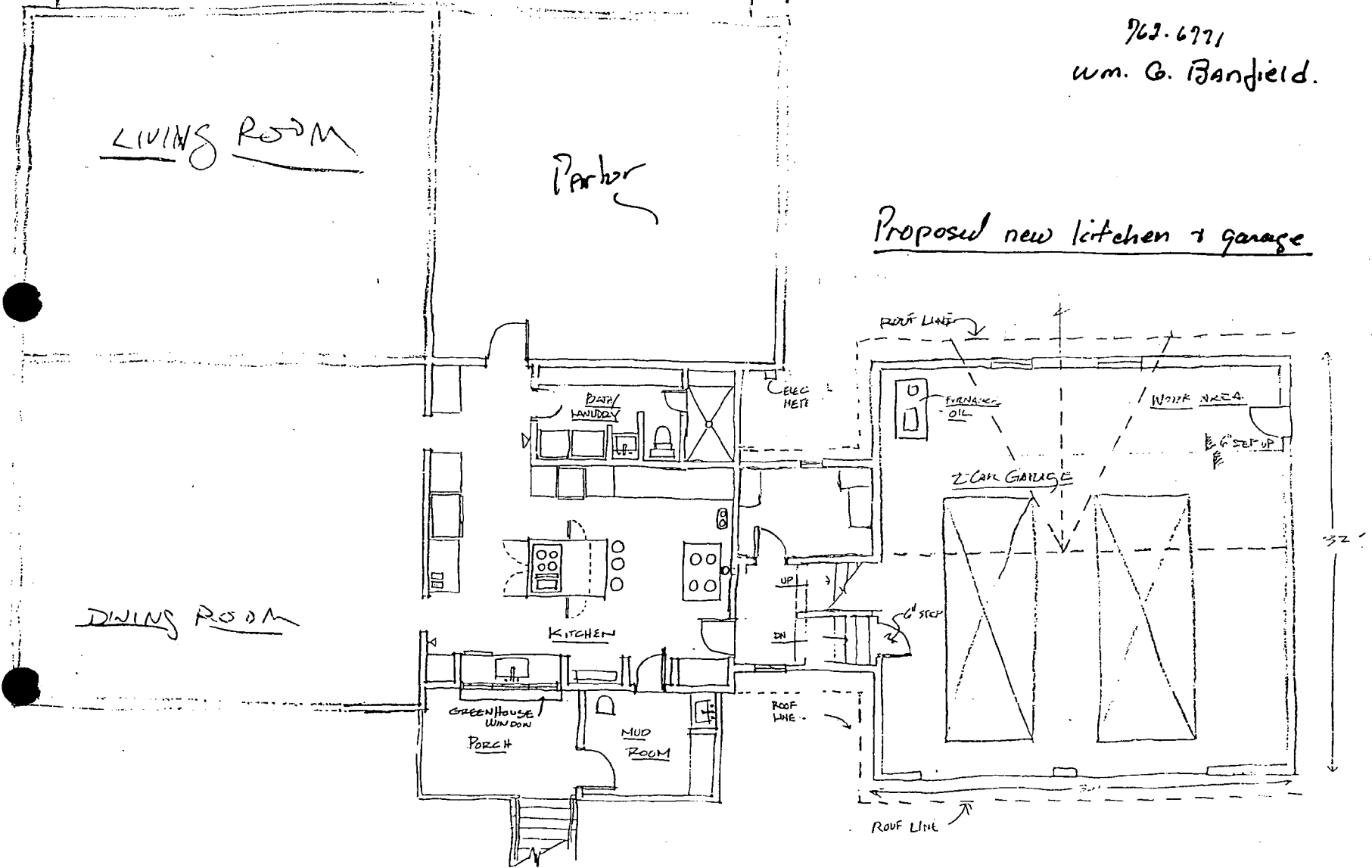
P572CH

Barnsley House

15715 Avery Rd
Rockville, Md. 20855

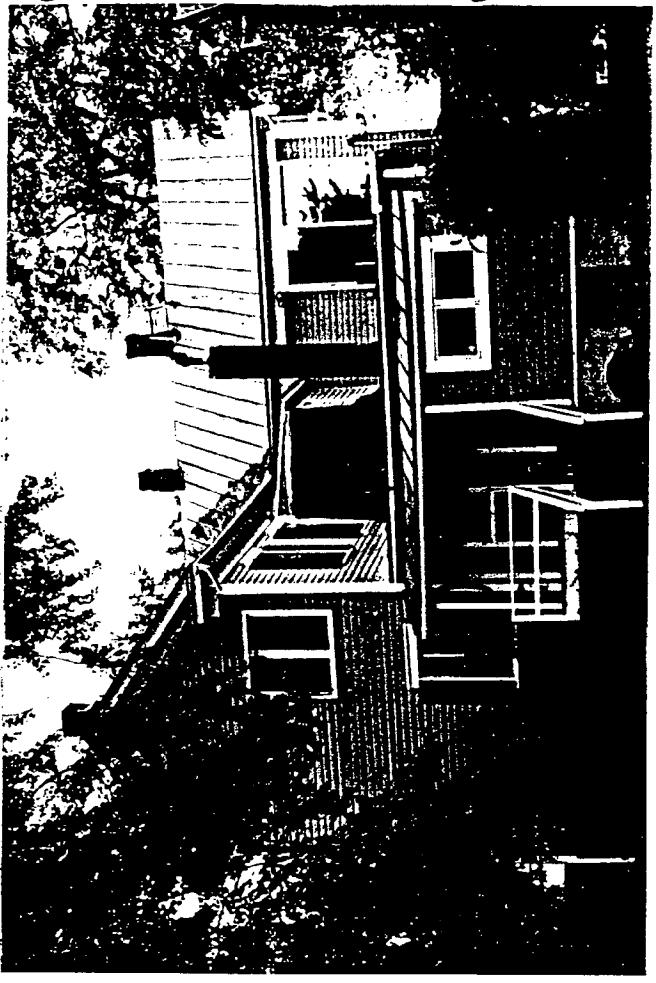
762-6771

Wm. G. Banfield.

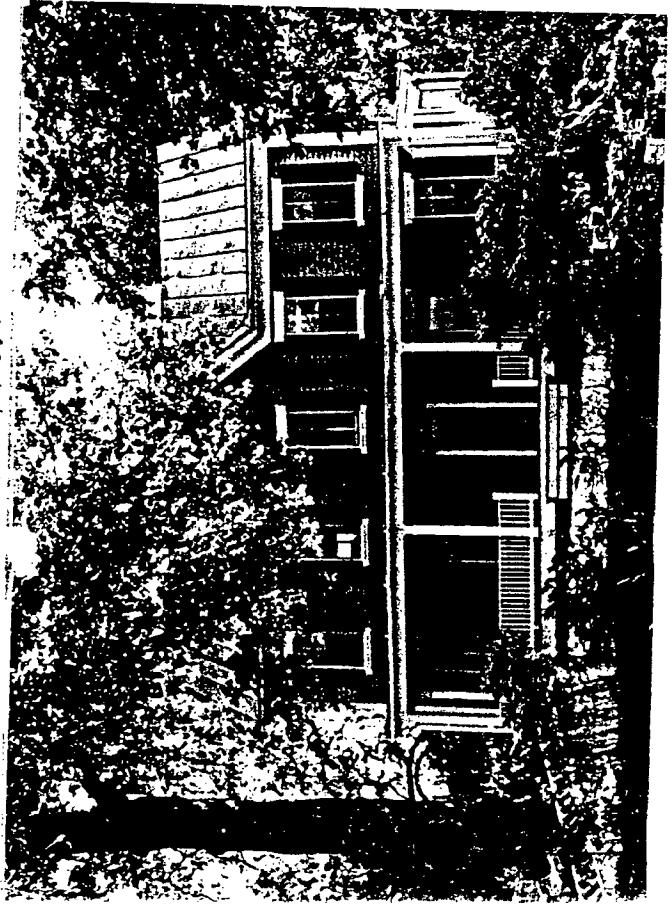


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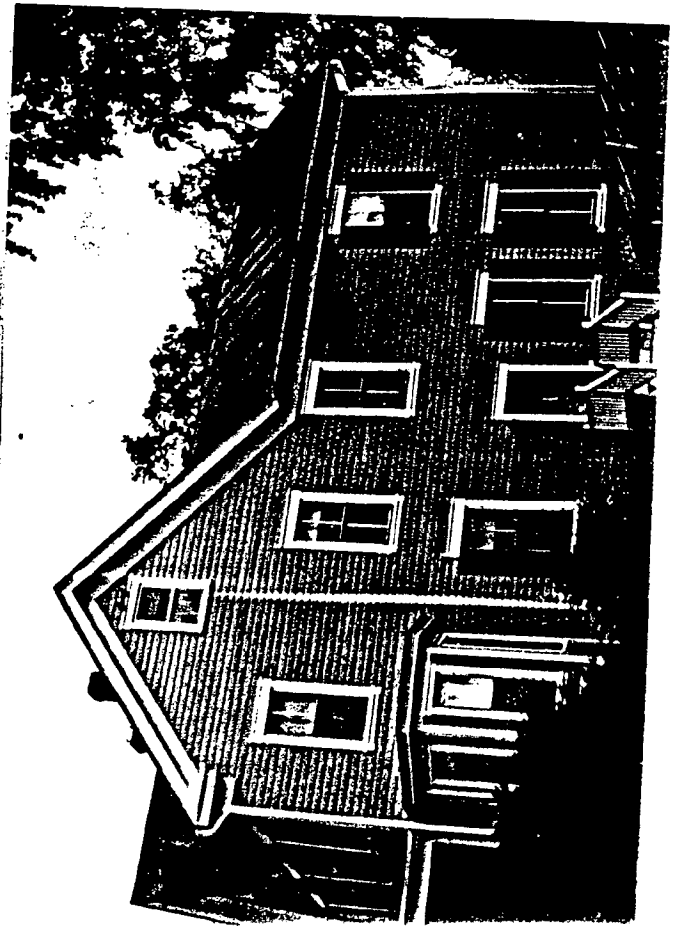
EAST ELEVATION



WEST ELEVATION



SOUTH ELEVATION



NORTH ELEVATION



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