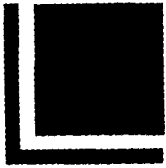


4722 Dorset Ave., Somerset (35/36-94D)
Board of Appeals Case No. A-4445



LAURENCE
CAFRTZ
BUILDERS



Custom Construction with
Personalized Service

LAURENCE M. CAFRTZ, CR
PRESIDENT

4329 Warren Street, NW
Washington, DC 20016
202-237-5200 PHONE
202-237-5137 FAX
301-406-9239 PAGER

12/23/97 potential Ringland
buyer
Stuart Zuckerman
Zuckerman Bros. Inc.
2 Wise Circle
Suite 560
Ch Ch 20815
(202) 237-7022

719-8113
~~Robert
Carol Clayton
(202) 663-6650~~
MICHAEL BAKER

HAWP filed 10/24/94
SCHEDULED 12/7/94
1ST REQUEST 11/21/94
2ND REQUEST 12/28/94
3RD REQUEST 2/1/95
4TH REQUEST 2/29/95
FINAL REQUEST 7/27/95
HPC mtg 9/13/95

6/13/95
Realtor w/ buyer
who wants to redo
the house:
Candy Lucia 983-0060
Long + Foster N228

12/15
9:15
Lwen -
Please call Tony
Clark
202-944-5149
(next door neighbor)
A.

8/24/98
Kathryn Weidner
for
Woodstein & Kolmetz
(nep for contract buyer)

November 1, 1999

Joseph Lipscomb
Laura Will

657-0161

VIA FACSIMILE: 301-986-0332

c/o Harry W. Lerch, Esq.
Lerch, Early & Brewer, Chtd.
3 Metro Center, Suite 380
Bethesda, Maryland 20814

Re: Ringland/Wiley House, 4722 Dorset Avenue, Somerset

Dear Mr. Lerch:

You have advised me that Susan Ringland has entered into a contract for the sale of her property, subject to a feasibility study with several conditions, and that the prospective purchasers hope to restore and add to the existing house. The parties have raised a concern about possibly being cited for demolition by neglect, and have included a condition in their contract regarding this. They have requested reassurance on this point that they can rely upon as a part of the feasibility study.

~~I am pleased to confirm that if the purchasers move promptly after settlement to prepare their plans, to file and pursue their Historic Area Work Permit Application, and to move forward to implement the approved plans without unreasonable delay, the Historic Preservation Commission would take no action to initiate citations for demolition by neglect in this matter.~~

I understand that the parties will rely on this letter in moving forward under the contract.

Thank you for bringing this to my attention and giving me the opportunity to give you this clarification.

Sincerely,

MEMORANDUM

November 15, 1999

To: George Kousoulas (via fax 202-462-7234)
From: Harry W. Lerch (301-657-0161, fax 301-986-0332)
Re: Ringland Wiley House (4722 Dorset Avenue, Somerset)

As I told you in our confidential telephone conference on Friday, Susan Ringland has now entered into a contract for the sale of her property, subject to a feasibility study with several conditions.

The prospective purchasers, a very nice young couple, have told us that they hope to restore and add to the existing house, and that their architect has already spoken to HPC staff.

The parties are concerned about possibly being cited for demolition by neglect, and have included a condition in their contract requiring that I obtain reassurance from you on this point. I told them that if they move promptly after settlement to prepare plans, file their Historic Area Work Permit Application, and move forward without unreasonable delay that there should be no problem.

In our conversation on Friday, I understood you to agree. If you could confirm this with a brief letter to me along the lines of the attached draft, it will enable us to satisfy this contract contingency.

Please call me if you see a need for changes in the suggested language or have any questions.

Thank you very much for your continued cooperation.

10/13

Gwen -

Please call ^{Jim} ~~George~~
Kell at 301-652-2484

re: 4722 Dorset.

(George Koussoulas
recommended he
talk with you?)

(architect) A.

LERCH, EARLY & BREWER
CHARTERED

LAW OFFICES

SUITE 380
3 BETHESDA METRO CENTER
BETHESDA, MARYLAND 20814-5367

TELEPHONE: (301) 986-1300
FACSIMILE: (301) 986-0332

August 26, 1999

HARRY W. LERCH
RONALD L. EARLY
ROBERT G. BREWER, JR.
ERIC M. CORE
GEORGE F. PAXTON
MARTIN J. HUTT
STANLEY J. REED
CINDI E. COHEN*
PAUL J. DI PIAZZA
R. DENNIS OSTERMAN*
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FREDERICK, MD 21701

ALL MEMBERS OF MD & DC BARS
EXCEPT AS OTHERWISE NOTED

*ALSO MEMBER VA BAR
**MEMBER MD BAR ONLY
OCA, MBA, NOT BAR MEMBER

HENRY F. LERCH
1950-1986

WILTON H. WALLACE
1950-1959

WRITER'S DIRECT DIAL NUMBER:
(301)

657-0161

Ms. Susan Turnbull, Chair
Montgomery County Board of Appeals
Stella Werner Council Office Building
Rockville, Md. 20850

Re: Appeal # A-4445 (Deborah Susan Ringland)


Dear Ms. Turnbull and Board Members:

The purpose of this letter is to update you briefly regarding the status of this matter. We are continuing to work on final details with several prospective purchasers, who have offered contracts with various types of contingencies. Although the negotiations are sensitive and confidential, we expect them to be concluded in the next few weeks, at which time it is expected that a final contract will be ratified.

Discussions have been delayed by summer vacations and out-of-town trips by several prospective buyers, and by the complexity of some of the proposals, but are continuing actively.

In conclusion, we again request that the case remain in its present status for the time being. I hope to be able to report back to you on a prospective sale on or before October 1, 1999. Thank you very much.

Very truly yours,


Harry W. Lerch

cc: Mayor Walter Behr
Historic Preservation Commission
Christopher Hitchens, Esq.

BOARD OF APPEALS
for
MONTGOMERY COUNTY

Stella B. Werner Council Office Building
100 Maryland Avenue
Rockville, Maryland 20850
(240) 777-6600

Case No. A-4445

APPEAL OF DEBORAH SUSAN RINGLAND

RESOLUTION TO DISMISS APPEAL
(Resolution adopted March 14, 2000)
Effective date of Resolution: April 6, 2000

The Board received a letter dated February 28, 2000, from Harry W. Lerch, appellant's attorney, which states, in part:


"I am pleased to advise you that I have been authorized to dismiss the above referenced case, which is now set for hearing on April 5th, 2000.

The Board considered the request and found that the request is in accordance with the Montgomery County Zoning Ordinance and the Board's Rules of Procedure. Therefore,

BE IT RESOLVED by the Board of Appeals for Montgomery County, Maryland, that pursuant to a written request, Case No. A-4445, Appeal of Deborah Susan Ringland, shall be, and hereby is dismissed.

The foregoing Resolution was proposed by Louise L. Mayer, and concurred in by Angelo M. Caputo, Donna L. Barron, and Donald H. Spence, Jr., Chairman. Mindy Pittell Hurwitz was necessarily absent and did not participate in the foregoing Resolution.

Entered in the Opinion Book
of the Board of Appeals for
Montgomery County, Maryland,
this 6th day of April, 2000.


Donald H. Spence, Jr.
Chairman of the Board

Doc# A-4445
Date filed 10/26/95
Hearing Date 2/28/96
Hearing Time 1:30pm

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

Appeal is hereby made pursuant to Section 2-112 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 (de novo appeal under Chapter 24A, Section 7(h)).

Brief description of ruling or action from which this appeal is made (attach duplicate copy of ruling or document indicating such action): Denial of Historic Area Work Permit to allow demolition of existing structure on property.

Date of that ruling or action: September 27, 1995.

Brief description of what, in appellant's view, the ruling or action should have been: Historic Area Work Permit to allow demolition should have been granted.

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

Error of fact, if any, involved in the ruling or action from which this appeal is made: HPC erred in finding: that the structure did not constitute a health or safety hazard; that structure could be restored without economic hardship; that balancing the interests of the owners with the interests of the public, that the interests of the owner reasonably could not be accommodated.

Error of law, if any, involved in the ruling or action from which this appeal is made: Incorrect applicable provisions of Chapter 24A, Section 8.

Question(s) of fact, if any, presented to the Board by this appeal: Was failure of HPC to approve Historic Area Work Permit appropriate under the circumstances of this case?

Question(s) of law, if any, presented to the Board by this appeal: Were provisions of Chapter 24A, Section 8 correctly applied in this case?

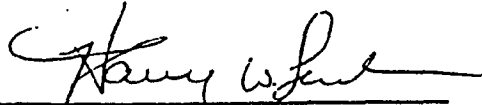
Description of real property, if any, involved in this appeal: Lot: 4, Block: 5, Somerset Heights Subdivision; Plat Book 1, Plat 30; Street and Number: 4722 Dorset Avenue; Town: Somerset; Zone: R-60.

Appellant's present legal interest in above property, if any: Owner.

Statement of appellant's interest, i.e., manner in which applicant is aggrieved by the ruling or action complained of (as property owner or otherwise): As owner, clearly established in the hearing before the HPC, and will establish to the Board of Appeals, the renovation of the house is not economically feasible; it will result in a property with a value less than if the structure is demolished; the structure cannot be renovated and leased in any way that would produce a positive cash flow; the existing structure was substantially destroyed by a fire in 1978, 12 years before its designation. The interests of the public and of the owner will be better served by demolition and replacement, rather than by requiring renovation.

Further comments, if any: Appellant expects to present testimony from the appellant, from an historic architect, from a structural engineer, from a fire reconstruction specialist, from an expert on termites and wood boring insects, and from a real estate expert (appraiser). Appellant respectfully requests that this case be referred to the Administrative Hearing Examiner for a full hearing and recommendation to the Board of Appeals.

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



Signature of Attorney

Harry W. Lerch

3 Metro Center (380)

Address of Attorney

Bethesda Md. 20814

Deborah Susan Kingland *pro*

Signature of Appellant(s)

Deborah Susan Kingland

6801 West Ave.

Address of Appellant(s)

Cherry Chase Md. 20815

LERCH, EARLY & BREWER
CHARTERED

LAW OFFICES

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TELEPHONE: (301) 986-1300
FACSIMILE: (301) 986-0332

February 28, 2000

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GEORGE F. PAXTON
MARTIN J. HUTT
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1950-1959

WRITER'S DIRECT DIAL NUMBER:

(301) 657-0161

Mr. Donald Spence, Chair
Montgomery County Board of Appeals
Stella Werner Council Office Building
Rockville, Md. 20850

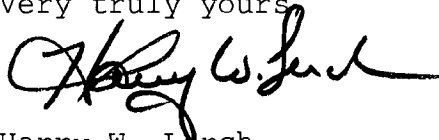
Re: **Appeal of Deborah Susan Ringland**
Bd of Apps Case #A-4445, filed 10/26/95;
4722 Dorset Ave, Somerset

Dear Mr. Spence and Board Members:

I am pleased to advise you that I have been authorized to dismiss the above referenced case, which is now set for hearing on April 5th, 2000.

I would also like to particularly thank you, Tedi and the other members your staff for the patience and many courtesies you have extended to me during the long pendency of this matter.

Very truly yours,



Harry W. Lerch

cc: Office of the County Attorney
✓Historic Preservation Commission
Town of Somerset
Deborah Susan Ringland

BOARD OF APPEALS
for
MONTGOMERY COUNTY

Stella B. Werner Council Office Building
100 Maryland Avenue
Rockville, Maryland 20850
240-777-6600

Case No. A-4445

APPEAL OF DEBORAH SUSAN RINGLAND

NOTICE OF NEW HEARING DATE

The Board, upon review of the record in Case No. A-4445, Appeal of Deborah Susan Ringland, decided at its worksession on November 9, 1999, to set the case for hearing. Accordingly, notice is hereby given that a public hearing will be held by the Board of Appeals for Montgomery County, Maryland, in the Stella B. Werner Council Office Building, 100 Maryland Avenue, Rockville, Maryland, in the Second Floor Davidson Memorial Hearing Room, on Wednesday, the 5th day of April, 2000, at 1:30 p.m., or as soon thereafter as this matter can be heard, on the application filed pursuant to Section 2-112 of the Montgomery County Code.

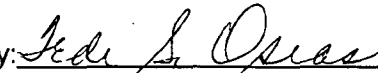
Case No. A-4445 is the administrative appeal charging error on the part of the Historic Preservation Commission in its denial of an Historic Area Work Permit dated September 28, 1995, contending that Chapter 24A, Section 8 of the Montgomery County Code was misinterpreted. In accordance with Chapter 2A, Administrative Procedures Act, a copy of the "charging document" (appeal) is attached to this notice.

The subject property is Lot 4, Block 5, Somerest Heights Subdivision, located at 4722 Dorset Avenue, Somerset, Maryland, in the R-60 Zone.

Notice of new hearing date to all parties entitled to notice this 29th day of November, 1999.

Deborah Susan Ringland
Harry W. Lerch, Esquire
County Attorney
Clifford Royalty, Assistant County Attorney
Director, Department of Environmental Protection
Chairman, Montgomery County Historic Preservation Commission
Gwen Wright, Historic Preservation Commission, M-NCPPC
Members, Board of Appeals
Bethesda Coalition
Citizens Coordinating Committee of Friendship Heights
Spanish Speaking People of Bethesda
Somerset Citizens Association
Town of Somerset

County Board of Appeals

by: 
Tedi S. Osias
Executive Secretary to the Board

Doc No. A-4445
Date filed 10/26/95
Hearing Date 2/28/96
Hearing Time 1:30pm

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

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Brief description of ruling or action from which this appeal is made (attach duplicate copy of ruling or document indicating such action): Denial of Historic Area Work Permit to allow demolition of existing structure on property.

Date of that ruling or action: September 27, 1995.

Brief description of what, in appellant's view, the ruling or action should have been: Historic Area Work Permit to allow demolition should have been granted.

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

Error of fact, if any, involved in the ruling or action from which this appeal is made: HPC erred in finding: that the structure did not constitute a health or safety hazard; that structure could be restored without economic hardship; that balancing the interests of the owners with the interests of the public, that the interests of the owner reasonably could not be accommodated.

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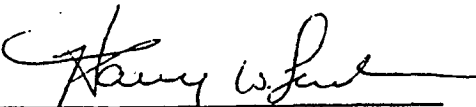
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Statement of appellant's interest, i.e., manner in which applicant is aggrieved by the ruling or action complained of (as property owner or otherwise): As owner, clearly established in the hearing before the HPC, and will establish to the Board of Appeals, the renovation of the house is not economically feasible; it will result in a property with a value less than if the structure is demolished; the structure cannot be renovated and leased in any way that would produce a positive cash flow; the existing structure was substantially destroyed by a fire in 1978, 12 years before its designation. The interests of the public and of the owner will be better served by demolition and replacement, rather than by requiring renovation.

Further comments, if any: Appellant expects to present testimony from the appellant, from an historic architect, from a structural engineer, from a fire reconstruction specialist, from an expert on termites and wood boring insects, and from a real estate expert (appraiser). Appellant respectfully requests that this case be referred to the Administrative Hearing Examiner for a full hearing and recommendation to the Board of Appeals.

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



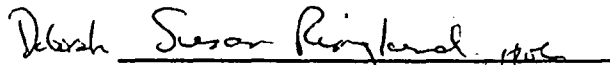
Signature of Attorney

Harry W. Lerche

3 Metro Center (380)

Address of Attorney

Bethesda Md. 20814



Signature of Appellant(s)

Deborah Susan Ringland

6801 West Ave.

Address of Appellant(s)

Cherry Chase Md. 20815

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

FAX TRANSMITTAL SHEET

**Historic Preservation Section
Department of Park & Planning**

Telephone Number: (301) 563-3400

Fax Number: (301) 563-3412

TO: Harry Lerch FAX NUMBER: _____

FROM: Steven Wright

DATE: 12/2/99

NUMBER OF PAGES INCLUDING THIS TRANSMITTAL SHEET: 2

NOTE:



Montgomery County Government

December 2, 1999

Harry Lerch
Lerch, Early and Brewer
Three Metro Center
Suite 380
Bethesda, Maryland 20814

Dear Mr. Lerch:

You have advised me that Susan Ringland has entered into a contract for the sale of her property at 4722 Dorset Avenue in Somerset, subject to a feasibility study with several conditions, and that the prospective purchasers hope to restore and add to the existing house. The parties have raised a concern about possibly being cited for demolition by neglect, and have included a condition in their contract regarding this. They have requested reassurance on this point that they can rely upon as part of the feasibility study.

I am pleased to confirm that, if the purchasers move promptly after settlement to prepare their plans, to file and pursue their Historic Area Work Permit Application, and to move forward to implement the approved plans without unreasonable delay, the Historic Preservation Commission would take no action to initiate citations for demolition by neglect in this matter.

I understand that the parties will rely on this letter in moving forward under the contract.

Thank you for bringing this to my attention and giving me the opportunity to give you this clarification.

Sincerely,

A handwritten signature in black ink, appearing to read "George Kousoulas", written over a light blue horizontal line.

George Kousoulas
Chair, HPC

Historic Preservation Commission

8787 Georgia Avenue, Silver Spring, MD 20910
(301) 563-3400

LAST TRANSACTION REPORT FOR HP FAX-700 SERIES VERSION: 01.02

FAX NAME: HIST PRES / HUM RES
FAX NUMBER: 301 563 3412

DATE: 02-DEC-99
TIME: 11:17

<u>DATE</u>	<u>TIME</u>	<u>REMOTE FAX NAME AND NUMBER</u>	<u>DURATION</u>	<u>PG</u>	<u>RESULT</u>	<u>DIAGNOSTIC</u>
02-DEC	11:16 S	93019860332	0:00:50	2	OK	663840100100

S=FAX SENT
I=POLL IN(FAX RECEIVED)
O=POLLED OUT(FAX SENT)

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TO PRINT MANUALLY, PRESS THE REPORT/SPACE BUTTON, THEN PRESS ENTER.

Copy for 4/13
HPC filled
~~* return to Quen~~

LERCH, EARLY & BREWER
CHARTERED

LAW OFFICES

SUITE 380
3 BETHESDA METRO CENTER
BETHESDA, MARYLAND 20814-5367

TELEPHONE: (301) 986-1300
FACSIMILE: (301) 986-0332

April 9, 1999

HARRY W. LERCH
RONALD L. EARLY
ROBERT G. BREWER, JR.
ERIC M. CORE
GEORGE F. PAXTON
MARTIN J. HUTT
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CCPA, MBA, NOT BAR MEMBER

HENRY F. LERCH
1950-1986

WILTON H. WALLACE
1950-1959

WRITER'S DIRECT DIAL NUMBER:

(301)
657-0161

Ms. Susan Turnbull, Chair
Montgomery County Board of Appeals
Stella Werner Council Office Building
Rockville, Md. 20850

Re: Appeal # A-4445 (Deborah Susan Ringland)

Dear Ms. Turnbull and Board Members:

I am writing in response to your recent inquiry regarding this case. I am pleased to advise you that Susan Ringland has received a half dozen proposed purchase contracts for the property. Each is at or above her asking price, so it seems extremely probable that she will accept one in the near future, and the property can then move forward towards redevelopment in the hands of a new owner.

The likelihood that I indicated in my last letter (i.e., that the proposed contracts would probably contain contingencies on use, development, subdivision, etc.) has turned out to be the case. All of the proposals do contain contingencies, and all require a study period, usually in the range of sixty days. We have responded to the proposed contingencies, and hope to make them more uniform so that the proposed contracts can be evaluated in a fair and meaningful manner.

At the conclusion of my last letter I advised you that "We respectfully submit that the orderly way to proceed is to allow Ms. Ringland to find the purchaser, execute a contract, and then let the purchaser present his or her plans to the HPC. If the plans include demolition, we would proceed with the pending appeal. If not, we would dismiss it." We are substantially closer to this reality, although we do not yet know the specific plans of any prospective purchaser.

LERCH, EARLY & BREWER, CHARTERED

Mrs. Susan Turnbull, Chair
April 9, 1999
Page 2 of 2

To keep things moving, however, if the Board wishes, it could schedule a date for a hearing on this matter. We would be happy to work with you to select the date, but feel that it should not be set any sooner than for sometime in the next four to five months. This would allow a brief period of time for final negotiation and ratification of a contract, the running of the study period, a brief period for preparation of conceptual plans by the purchaser, submission of the plans to the HPC and HPC review, and then the hearing before you if one is required. Timing of this scenario would be extremely tight and might well require further extensions. Anything less would clearly be unrealistic.

Again, we are pleased to be able to report progress to you. While we regret that this is proceeding at such a slow pace, the issues are critical to Miss Ringland, who is doing her utmost to achieve this sale, and who firmly believes that the sale and redevelopment would have been achieved years ago but for the historic designation placed on the property twelve years after it burned.

In conclusion, we request that the case remain in its present indefinite continuance status for the next several months. Alternatively, if you feel that a hearing date must be set, we request that it be set for a mutually agreeable date no less than five months from now.

Thank you very much.

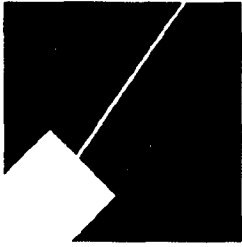
Very truly yours,



Harry W. Lerch

cc: Mayor Walter Behr
Historic Preservation Commission
Christopher Hitchens, Esq.

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

FAX TRANSMITTAL SHEET

**Historic Preservation Section
Department of Park & Planning**

Telephone Number: (301) 563-3400

Fax Number: (301) 563-3412

TO: Harry Lerch FAX NUMBER: _____

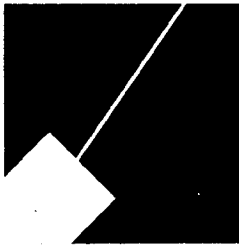
FROM: Gwen Wright

DATE: 11/24/99

NUMBER OF PAGES INCLUDING THIS TRANSMITTAL SHEET: 2

NOTE:

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

November 24, 1999.

Harry Lerch
Lerch, Early and Brewer
Three Metro Center
Suite 380
Bethesda, Maryland 20814

Dear Mr. Lerch:

In response to your telephone inquiry earlier this week, I can confirm that this office is not aware of any monetary fines that have been levied by Montgomery County against the Ringland property at 4722 Dorset Avenue in the Town of Somerset.

As you may remember, over five years ago this property was cited for demolition-by-neglect under Chapter 24A-9 of the Montgomery County Code. This citation required the owner to undertake certain stabilization work on the property within a specified period of time. I believe that the owner filed an appeal of this citation in District Court, and that the County and the owner agreed to a joint continuance of the District Court matters while the owner worked out a plan for dealing with the property. Ultimately, on October 24, 1994, the owner chose to file a request for demolition of the property with the Montgomery County Historic Preservation Commission.

After several continuances, the Historic Preservation Commission reviewed the application for demolition and denied it on September 13, 1995. The owner appealed this decision to the Montgomery County Board of Appeals. This appeal is currently subject to an indefinite continuance granted by the Board.

The Historic Preservation Commission is anxious to work with the current owner or any future owner on plans which will allow for the preservation of this very historic house. I do not believe that it is the intention of the Commission to pursue demolition-by-neglect actions on this property if a realistic plan can be developed and implemented for the preservation of 4722 Dorset Avenue.

Please call me if you have any questions on this matter.

Sincerely,

A handwritten signature in cursive script that reads "Gwen Wright".

Gwen Wright

Historic Preservation Coordinator

LAST TRANSACTION REPORT FOR HP FAX-700 SERIES VERSION: 01.02

FAX NAME: HIST PRES / HUM RES
FAX NUMBER: 301 563 3412

DATE: 24-NOV-99
TIME: 16:08

<u>DATE</u>	<u>TIME</u>	<u>REMOTE FAX NAME AND NUMBER</u>	<u>DURATION</u>	<u>PG</u>	<u>RESULT</u>	<u>DIAGNOSTIC</u>
24-NOV	16:07 S	93019860332	0:00:55	2	OK	663840100100

S=FAX SENT
I=POLL IN(FAX RECEIVED)
O=POLLED OUT(FAX SENT)

TO PRINT THIS REPORT AUTOMATICALLY, SELECT AUTOMATIC REPORTS IN THE SETTINGS MENU.
TO PRINT MANUALLY, PRESS THE REPORT/SPACE BUTTON, THEN PRESS ENTER.

Reingland

GA

GIBSON & ASSOCIATES

BUILDERS/DEVELOPERS

3/9/99 - CONTRACT ON

JAMES GIBSON
President

RINGLAND

5185 MACARTHUR BLVD., N.W., SUITE 210
WASHINGTON, D.C. 20016

(202) 364-1555

(202) 843-7007 PAGER

(202) 364-3404 FAX

Eric and John Murtagh

Licensed in MD & DC

301•652•8971 home/voice mail

800•677•0888

301•656•6479 fax



6708 Wisconsin Avenue

Suite 360

Bethesda • MD • 20814

301•656•8686



Eric and John Murtagh



The Heavy Hitters in Real Estate

James M. Boughton and Lesley A. Simmons
4723 Cumberland Avenue
Cherry Chase MD 20815
October 7, 1997

Honorable Marilyn Praisner
President, Montgomery County Council
Stella Warner Council Office Building
Rockville MD 20850

Dear Mrs. Praisner:

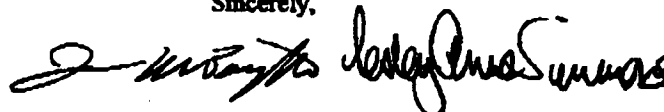
You will recently have received a letter from Mr. Walter J. Behr, the Mayor of the Town of Somerset, in support of the request of Ms. Susan Ringland to remove her house from the Somerset Historic District. I would ask you and the Council to consider another viewpoint as well. Mr. Behr writes on behalf of the four members of the Town Council who voted to support Ms. Ringland's petition. As neither the Mayor nor any member of the Town Council resides in the Historic District, it is not surprising that those of us who do live here might hold different views on this issue, notwithstanding the highest respect that we have for them and the job that they do.

The Mayor's letter asserts that this petition involves only "simple economics." In our view, much more is involved, namely the integrity of the Historic District in which we have invested and in which we live. The "ghastly" condition of the house at 4722 Dorset Avenue resulted, as the Mayor's letter rightly states, both from a fire in 1978 and from nearly two decades of neglect. The town's own history, published in 1981, noted that "current plans are to restore the house." Why should a homeowner be rewarded with special treatment and consideration for neglecting an historic property? Another house in this District was damaged disastrously by fire last year, and the owners responded by restoring it as quickly and thoroughly as possible. That response, from our perspective, provides a standard by which the issue at hand can be fairly judged.

The Mayor's letter characterizes the house at 4722 Dorset as "at its best a modest, undistinguished structure." If so, then most of the Victorian homes in the Somerset Historic District could be tarred with the same brush. That house was the first one built in Somerset, in 1881, and it is of a size, style, and construction similar to the other homes built during the next twenty years (including ours), and which constitute the core of today's Historic District.

We urge the County Council not to overturn the decision of the Historic Planning Commission that the house can and should be restored and maintained as a Victorian home in the Somerset Historic District.

Sincerely,



James M. Boughton and Lesley A. Simmons

cc: Mr. Behr
Historic Planning Commission

2/4
3:05
Mike Kelly
re: Ringland house

202-739-8430

(he's the friend of
Jorie Clark who is
interested in purchasing
& restoring house)

D.

2/13/99

Tori Clark

202 - 739 - 0202 W
✓ 301 - 913 - 9260 H

Re: Ringland property:

She lives adjacent to
house and has a friend
who wants to purchase
and restore the house!

A.

BOARD OF APPEALS
for
MONTGOMERY COUNTY

Stella B. Werner Council Office Building
100 Maryland Avenue
Rockville, Maryland 20850
(301) 217-6600

Case No. A-4445

APPEAL OF DEBORAH SUSAN RINGLAND

NOTICE OF INDEFINITE CONTINUANCE

The Board, upon review of a letter dated August 28, 1998, from Harry W. Lerch, petitioner's attorney, concurs with his request for an indefinite continuance of the above-referenced case. Petitioner will notify the Board in writing to request the Board to schedule the case for public hearing or to take other action.

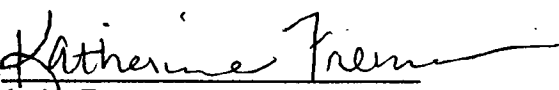
Case No. A-4445 is the application filed for an administrative appeal charging administrative error on the part of the Historic Preservation Commission in its denial of an Historic Area Work Permit dated September 28, 1995, contending that Chapter 24A, Section 8 of the Montgomery County Code was misinterpreted. In accordance with Chapter 2A, Administrative Procedures Act, a copy of the "charging document" (appeal) is attached to this notice

The subject property is Lot 4, Block 5, Somerest Heights Subdivision, located at 4722 Dorset Avenue, Somerset, Maryland, in the R-60 Zone.

Notice of indefinite continuance mailed to all parties entitled to notice this 22nd day of October, 1998.

Deborah Susan Ringland
Harry W. Lerch, Esquire
County Attorney
Katherine Hart, Esquire, Senior Assistant County Attorney
Christopher Hitchens, Esquire, Assistant County Attorney
Director, Department of Environmental Protection
George Kousoulas, Chairperson, Montgomery County
Historic Preservation Commission
Gwen Wright, Historic Preservation Commission, M-NCPPC
Members, Board of Appeals
Bethesda Coalition
Citizens Coordinating Committee of Friendship Heights
Spanish Speaking People of Bethesda
Somerset Citizens Association
Town of Somerset

County Board of Appeals

by 
Katherine Freeman
Acting Executive Secretary to the Board

BOARD OF APPEALS
For
MONTGOMERY COUNTY

REGARDING SPECIAL EXCEPTION AND VARIANCE CASES

A copy of the applicant's complete submission has been referred to the Montgomery County Planning Board for review and recommendation. For further information about the hearing which may be scheduled in special exception cases, please call (301) 495-4595.

The file containing the applicant's submission for a special exception or a variance may be reviewed and copied in the Board's office.

The Montgomery County Zoning Ordinance is available for reference in the reference section of the Montgomery County Libraries, the Office of the Montgomery County Board of Appeals, the Department of Permitting Services and the Montgomery County Planning Board.

For information about purchasing a copy of the Montgomery County Zoning Ordinance, contact the Office of the County Attorney, 101 Monroe Street, Third Floor, Rockville, MD 20850 (301-217-2600).

Groups and organizations, whether or not they are represented by counsel, and citizens represented by counsel, who wish to testify at the hearing, must file two (2) copies of their statement at least ten (10) days before the scheduled hearing date, indicating what they expect to prove, the names of witnesses, the estimated time for presentation of their case, and such other materials as may be required. The statement must be accompanied by copies of documentary evidence and resumes and summaries of the testimony of expert witnesses. An individual may testify on his or her own behalf without prior notice either in favor of, or in opposition, to the special exception or variance. **(No prior filing of an opposition statement is required in cases heard on less than thirty (30) days notice.)** See the Board's Rules of Procedure, available at the Office of the Board of Appeals, or request a copy of the Board's brochure.

NOTE: The applicant's file may be examined in Room 217, Stella B. Werner Council Office Building, 100 Maryland Avenue, Rockville, **prior to the day of the hearing**, from 8:30 a.m. to 4:30 p.m., Monday through Friday.

BOARD OF APPEALS
for
MONTGOMERY COUNTY

Stella B. Werner Council Office Building
100 Maryland Avenue
Rockville, Maryland 20850
(301) 217-6600

Case No. A-4445

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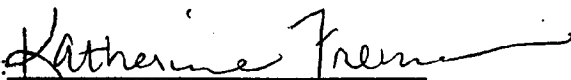
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County Attorney
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George Kousoulas, Chairperson, Montgomery County
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Members, Board of Appeals
Bethesda Coalition
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Somerset Citizens Association
Town of Somerset

County Board of Appeals

by: 
Katherine Freeman
Acting Executive Secretary to the Board

**BOARD OF APPEALS
For
MONTGOMERY COUNTY**

REGARDING SPECIAL EXCEPTION AND VARIANCE CASES

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Mary -
I called
Christopher Fitchum
to ask if he will
continue with PWS
or Sherry Colezoe.

Robin

Talk to George. I
left Owen a message.

LERCH, EARLY & BREWER
CHARTERED

LAW OFFICES

SUITE 380
3 BETHESDA METRO CENTER
BETHESDA, MARYLAND 20814-5367

TELEPHONE: (301) 986-1300
FACSIMILE: (301) 986-0332

August 6, 1998

HARRY W. LERCH
RONALD L. EARLY
ROBERT G. BREWER, JR.
ERIC M. CORE
GEORGE F. PAXTON
MARTIN J. HUTT
STANLEY J. REED
CINDI E. COHEN*
PAUL J. DI PIAZZA
R. DENNIS OSTERMAN*
RICHARD G. VERNON
JAMES L. BAER
CYNTHIA M. BAR
JOHN C. JOYCE
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PAUL E. ALPUCHE, JR.
TAMARA A. STONER**
LISA A. VANSTONT
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J. BRADFORD McCULLOUGH
DOROTHY W. LORENZ
CHARLES T. HATHWAY

EXECUTIVE DIRECTOR
PETER T. MICHAELS ◊

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WASHINGTON, D.C. 20036
(202) 331-7120

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9302 LEE HIGHWAY
SUITE 1100
FAIRFAX, VIRGINIA 22031
(703) 273-5911

ALL MEMBERS OF MD & DC BARS
EXCEPT AS OTHERWISE NOTED

*ALSO MEMBER VA BAR
**MEMBER MD BAR ONLY
†MEMBER DC AND WV BAR ONLY
‡CPA, MBA, NOT BAR MEMBER

HENRY F. LERCH 1950-1986 WILTON H. WALLACE 1950-1959

WRITER'S DIRECT DIAL NUMBER:
(301)

657-0161

Ms. Susan Turnbull, Chair
Montgomery County Board of Appeals
Stella Werner Council Office Building
Rockville, Md. 20850

Re: Deborah Susan Ringland, Appeal Number #A-4445

Dear Mrs. Turnbull and Board Members:

On February 11 you continued this case at our request for six months (until August 11). At that time, in my letter requesting the continuance, I told you that Ms. Ringland intended to actively market her property and hoped to have a contract within the next few months.

I am pleased to advise you that she has now received, and is in active negotiations regarding, at least two proposed contracts (subject to HPC contingencies) for the purchase of her property. She has also received several serious inquiries from other prospective purchasers. As soon as any of the proposed contracts are finalized and executed, then it would be up to the purchaser to step into Ms. Ringland's rights, or join with her, in this appeal, and/or to seek an Historic Area Work Permit.

The purpose of this letter is to request that this case be continued to allow the contract negotiations to be concluded and to allow the prospective purchaser to pursue Historic Work Permit approval. At the conclusion of such application, we would expect either to return to you, or to dismiss the appeal.

Ms. Ringland has asked me to provide you with the following background information, which may be of assistance in your consideration of her request for a continuance.

Ms. Susan Turnbull
August 6, 1998
Page 2 of 3

As the owner of the property, and after extensive consultations with credentialled experts in the fields of fire restoration, civil engineering, structural engineering and architecture, she firmly believes that the house should be demolished, and wishes to pursue the demolition permit if none of the contracts are finalized. She also believes that she has unnecessarily suffered severe economic hardship due to the historic designation and the other unique circumstances of this case. Countless purchasers have walked away from the property because of it's designation and condition and their inability to determine what would be required if they purchased it.

As you may recall from the record, the house burned, and was substantially destroyed, in December, 1978. This was approximately twelve years prior to its designation as "historic" in 1990. It has been unoccupied since the fire. The property has been carried on the county tax records as "unimproved" (as if there was no house at all) since January, 1979.

Ms. Ringland feels, in light of the 1978 fire, that it should never even have been considered for Master Plan status in 1990. Furthermore, we have been advised that more than thirty houses (of the original eighty) in Somerset were proposed for designation in 1989-90, and ultimately removed during the designation process. At the time these considerations were taking place, the property was owned by Ms. Ringland's mother, who was ninety-six years of age, and had been confined in Sibley Hospital for over seven months. Had the proposal been known to the family, and a defense mounted, Ms. Ringland firmly believes that the property never would have been designated. Further, she feels that it was an oversight that the property wasn't removed from the Atlas (she feels that the original inventory item was totally inaccurate and the damage was labeled as kitchen fire only). She has been advised that the Town of Somerset would have agreed to the removal from such designation.

Virtually all of the building's components are available from commercial lumber yards today, and the exterior structure could easily be replicated (as opposed to the much more expensive process of restoration). The Historic Preservation Ordinance only deals with building exteriors. It is far more

Ms. Susan Turnbull
August 6, 1998
Page 3 of 3

feasible and intelligent to replicate the original structure than to restore the structurally failing, insect ridden, fire ravaged, unsafe and undersized building which severely violates modern building and fire safety codes.

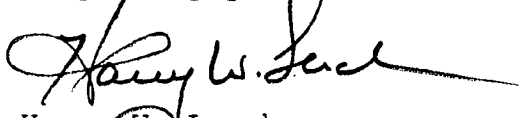
By way of explanation, the house was designed and constructed in accordance with "balloon architecture", a popular form of design prior to the Great Chicago Fire. It involves no fire stops between floors, and violates modern fire safety standards. Ms. Ringland feels that the cost to bring it up to modern code requirements is simply exorbitant and ridiculous, as compared to replicating it in a manner which would be indistinguishable when viewed from the street.

As you know, the Town of Somerset is strongly supporting the petition for demolition. Town Council members as well as virtually all of the neighbors wish the building to be demolished and the property redeveloped.

The fact that the proposed purchase contracts are contingent upon obtaining HPC approval in a sixty or ninety day period means that the contracts would not become fully binding until such approval was achieved to the satisfaction of the purchaser. Of course, should either of the two pending sales contracts be executed and the HPC contingencies satisfied, the purchasers would then be in further contact with you in the place of Ms. Ringland. We feel that these factors dictate a further continuance of at least six months.

Thank you for your consideration of this request.

Very truly yours,



Harry W. Lerch

Ccs: Christopher E. Hitchens, Esq.
George Kousoulas, AIA, Chairman HPC
Mrs. Gwen Marcus Wright, HPC Staff
Mayor Walter Behr, Town of Somerset



OFFICE OF THE COUNTY ATTORNEY

Douglas M. Duncan
County Executive

Charles W. Thompson, Jr.
County Attorney

TELECOPIER TRANSMITTAL

DATE: 9. 1. 98
TO: Gwen Wright
TELECOPIER PHONE NO.: 301-563-3412
FROM: C. Hitchcock
OPERATOR'S NAME: _____
RETURN TRANSMITTAL TO: _____

Cover Sheet Plus: (6) pages

DESCRIPTION/COMMENTS/SPECIAL INSTRUCTIONS:

Gwen: Here's my letter to the Board and
Harry's response.
My letter was faxed to Perry on August 13th.
[Signature]

CONFIDENTIALITY NOTICE

This transmission contains confidential information belonging to the sender, which may be legally privileged information. The information is intended only for the use of the individual or entity named above. If you are not the intended recipient, or an employee or agent responsible for delivering the transmission to the intended recipient, you are hereby notified that any disclosure, copying, distribution, or the taking of any action in reliance on the contents of the facsimile documents is strictly prohibited. If you have received this transmission in error, please immediately notify the sender by telephone.



OFFICE OF THE COUNTY ATTORNEY

Douglas M. Duncan
County Executive

Charles W. Thompson, Jr.
County Attorney

August 13, 1998

Ms. Susan Turnbull, Chair
Montgomery County Board of Appeals
Stella Werner Council Office Building
Rockville, MD 20850

Re: Appeal #A-4445 (Deborah Ringland)

Dear Ms. Turnbull :

I am writing to request that the Board set Ms. Ringland's appeal for hearing as soon as possible, and deny the request for further a continuance submitted by her on August 6, 1998.

A review of the file in this matter will quickly reveal a pattern of delay and manipulation of both the Historic Preservation Commission and the Board by Ms. Ringland. These delays allow the continuing deterioration of a property that has been designated by the County Council on the Historic Preservation Master Plan. When the Board took the highly unusual step on its own of deferring any action on this matter at all for 90 days last November, despite the fact that Ms. Ringland failed to appear or send a representative for a scheduled hearing, it was clear that the Board expected a response by Ms. Ringland that would move this matter forward, either by going forward with the appeal or withdrawing it. Instead the Board continued the case for six more months on the premise that a sale was imminent. Now, six months later, the Board is asked to continue to let the property deteriorate on the same vague premise that a sale is imminent.

While Ms. Ringland continues to assure the Board that she is actively evaluating offers, the Commission staff have been contacted by two separate buyers who have apparently made offers and are willing to accept the property with the restrictions accompanying its historic designation. Therefore, the County asks the Board to reject Ms. Ringland's request to further delay this matter on the basis that more time is needed to identify buyers.

Much of Ms. Ringland's August 6, 1998 letter is devoted to criticizing the Council's decision to place this property on the Master Plan. The County asks the Board to recognize that Ms. Ringland's continued delay in this matter appears to be motivated more by an attempt to have the property removed from the Master Plan than to sell the property. The Council's decision to designate the property is not the issue before the Board. The only issue in this appeal

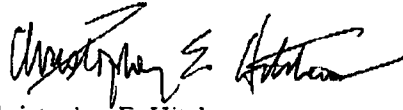
Susan Turnbull
August 13, 1998
Page 2

is whether Ms. Ringland should be granted a demolition permit in accordance with the provisions of Chapter 24A.

Please set this matter for hearing on the appeal. The granting of these continuances contributes to the deterioration of the property and allows Ms. Ringland to benefit from her own delay. The requests for continuances submitted by Ms. Ringland are serving as the forum for her to argue inappropriate issues before the Board. This matter deserves a full hearing before the Board on standards set forth in Chapter 24A.

Very truly yours,

CHARLES W. THOMPSON, JR.
COUNTY ATTORNEY



Christopher E. Hitchens
Assistant County Attorney

cc: Harry Lerch
Historic Preservation Commission
CEH:

IAGA\HITCHC\00291\CEH.WPD

LERCH, EARLY & BREWER
CHARTERED

LAW OFFICES

SUITE 380
3 BETHESDA METRO CENTER
BETHESDA, MARYLAND 20814-5367

TELEPHONE: (301) 986-1300
FACSIMILE: (301) 986-0332

August 28, 1998

HARRY W. LERCH
RONALD L. EARLY
ROBERT G. BREWER, JR.
ERIC M. CORE
GEORGE F. PAXTON
MARTIN J. HUTT
STANLEY J. REED
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*ALSO MEMBER VA BAR
*MEMBER MD BAR ONLY
*MEMBER DC AND WV BAR ONLY
*CPA, MBA, NOT BAR MEMBER

HENRY F. LERCH WILTON M. WALLACE
1950-1986 1980-1988

WRITER'S DIRECT DIAL NUMBER:
(301)

XXXXXX

657-0161

Ms. Susan Turnbull, Chair
Montgomery County Board of Appeals
Stella Werner Council Office Building
Rockville, Md. 20850

Re: Appeal # A-4445 (Deborah Susan Ringland)

Dear Ms. Turnbull:

We have received the letter to you from Assistant County Attorney Christopher Hitchens. One of the problems may be that the HPC processes are simply not set up to deal with a situation like this, where a substantially damaged and vacant house was designated as historic many years after it had burned, and where the owner seeks only to sell it to provide income for her retirement years. Further, we can find no judicial precedent for requiring the restoration of a house which was substantially destroyed by fire many years before it was designated as historic and inherited by its present owner.

While I have no desire to reduce this matter to a battle of correspondence between myself and Mr. Hitchens, there are a number of allegations in his letter which require a brief response.

The letter alleges "a pattern of delay and manipulation of both the Historic Preservation Commission and the Board by Ms. Ringland." If the County Attorney has any evidence of manipulation he should present it. The greatest victim of the delay has been Susan Ringland. While this case has been pending she has had to face the death of several close friends and relatives, she has had other fiduciary responsibilities which

LERCH, EARLY & BREWER, CHARTERED

Ms. Susan Turnbull, Chair
August 28, 1998
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have taken substantial time, and she has been working to sell the property against substantial difficulties. She is literally living on borrowed money, and needs to achieve the full fair market value in the sale of this property.

He states that "these delays allow the continuing deterioration of [the] property. . ." To the best of our knowledge he has not inspected the property regarding "continuing deterioration." The front unburned portion of the property is secured. In its report the staff observed that it is in the same condition that it was at the time it was designated, thereby indicating no continuing deterioration.

He states that Ms. Ringland "failed to appear or send a representative for a scheduled hearing last November." As you will undoubtedly recall, I was present at your meeting of November 19, 1997.

He states that [in February] "the Board continued the case for six more months on the premise that a sale was imminent." (emphasis added) Quite to the contrary, no premise was raised that a sale was imminent. In fact, my February 2 letter to you, which is a part of your file, specifically stated "that Ms. Ringland has advised me that she is planning to place the Dorset Avenue property on the market in the near future." Furthermore, I stated:

"The issues involved in the prospective sale are significant and complex. Issues involve historic preservation review, subdivision, municipal requirements, and a myriad of business and developmental issues. While we would hope that the contract will be non-contingent, it is likely that it will include one or more contingencies based on subdivision, HPC review, or other matters. The contingencies could involve several more months to satisfy.

"In fact, it is even possible that buyers (and/or Ms. Ringland) may wish to pursue the demolition permit which is the subject Appeal #A-4445.

"For this reason, and to create the greatest possible likelihood of achieving a prompt and reasonable sale of the

LERCH, EARLY & BREWER, CHARTERED

Ms. Susan Turnbull, Chair
August 28, 1998
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property, we respectfully request that you grant a six month continuance of any further action in this case."

In the third paragraph, the County Attorney's letter states that "the Commission staff have been contacted by two separate buyers who have apparently made offers and are willing to accept the property with the restrictions accompanying its historic designation." While I understand that there are several prospective purchasers in negotiations with Ms. Ringland, it is not at all clear that they are willing to accept the property with the restrictions as alleged. Other problems are raised by this issue which will be addressed should a hearing become necessary.

In the last paragraph the County Attorney again makes the unsubstantiated statement that "The granting of these continuances contributes to the deterioration of the property and allows Ms. Ringland to benefit from her own delay." As pointed out above, there is no finding of deterioration. In fact, the staff finding was to the contrary. And as to the allegation that she benefits from her own delay, please be assured that Ms. Ringland has received only endless heartache and expense from this entire matter. She simply seeks to sell her property, which is essentially her only significant asset. Some prospective buyers will buy only if the house is demolished, others wish to add to it, others wish to relocate it to a new foundation. Some wish to resubdivide the property into two lots, others three lots, and some wish to keep it as one large lot. There are endless possibilities and alternatives. Faced with an absolute need to sell the property, it makes little sense to go through a substantial hearing on one specific scenario when a buyer might want something entirely different.

If the County Attorney wants to go through the hearing on the demolition permit, with the significantly possible result that demolition will be granted, we can accommodate him. But it seems to be a futile and unnecessary expense for both Ms. Ringland and the County when no one knows which alternative an ultimate purchaser might choose.

LERCH, EARLY & BREWER, CHARTERED

Ms. Susan Turnbull, Chair
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Page 4 of 4

We respectfully submit that the orderly way to proceed is to allow Ms. Ringland to find the purchaser, execute a contract, and then let the purchaser present his or plans to the HPC. If the plans include demolition, we would proceed with the pending appeal. If not, we would dismiss it.

Respectfully yours,



Harry W. Lerch

Cc: Christopher Hitchens, Esq.
Mayor Walter Behr
George Kousoulas, AIA



OFFICE OF THE COUNTY ATTORNEY

Douglas M. Duncan
County Executive

Charles W. Thompson, Jr.
County Attorney

August 13, 1998

Ms. Susan Turnbull, Chair
Montgomery County Board of Appeals
Stella Werner Council Office Building
Rockville, MD 20850

Re: Appeal #A-4445 (Deborah Ringland)

Dear Ms. Turnbull :

I am writing to request that the Board set Ms. Ringland's appeal for hearing as soon as possible, and deny the request for further a continuance submitted by her on August 6, 1998.

A review of the file in this matter will quickly reveal a pattern of delay and manipulation of both the Historic Preservation Commission and the Board by Ms. Ringland. These delays allow the continuing deterioration of a property that has been designated by the County Council on the Historic Preservation Master Plan. When the Board took the highly unusual step on its own of deferring any action on this matter at all for 90 days last November, despite the fact that Ms. Ringland failed to appear or send a representative for a scheduled hearing, it was clear that the Board expected a response by Ms. Ringland that would move this matter forward, either by going forward with the appeal or withdrawing it. Instead the Board continued the case for six more months on the premise that a sale was imminent. Now, six months later, the Board is asked to continue to let the property deteriorate on the same vague premise that a sale is imminent.

While Ms. Ringland continues to assure the Board that she is actively evaluating offers, the Commission staff have been contacted by two separate buyers who have apparently made offers and are willing to accept the property with the restrictions accompanying its historic designation. Therefore, the County asks the Board to reject Ms. Ringland's request to further delay this matter on the basis that more time is needed to identify buyers.

Much of Ms. Ringland's August 6, 1998 letter is devoted to criticizing the Council's decision to place this property on the Master Plan. The County asks the Board to recognize that Ms. Ringland's continued delay in this matter appears to be motivated more by an attempt to have the property removed from the Master Plan than to sell the property. The Council's decision to designate the property is not the issue before the Board. The only issue in this appeal

Susan Turnbull
August 13, 1998
Page 2

is whether Ms. Ringland should be granted a demolition permit in accordance with the provisions of Chapter 24A.

Please set this matter for hearing on the appeal. The granting of these continuances contributes to the deterioration of the property and allows Ms. Ringland to benefit from her own delay. The requests for continuances submitted by Ms. Ringland are serving as the forum for her to argue inappropriate issues before the Board. This matter deserves a full hearing before the Board on standards set forth in Chapter 24A.

Very truly yours,

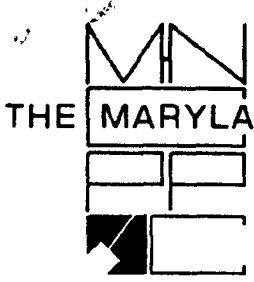
CHARLES W. THOMPSON, JR.
COUNTY ATTORNEY



Christopher E. Hitchens
Assistant County Attorney

cc: Harry Lerch
Historic Preservation Commission
CEH:

LAGNHITCHC\0029\CEH.WPD



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

FAX TRANSMITTAL SHEET

**Historic Preservation Section
Department of Park & Planning**

Telephone Number: (301) 495-4570

Fax Number: (301) 495-1307

TO: Harry Lerch FAX NUMBER: _____

FROM: Gwen Wright PHONE NUMBER: _____

DATE: 7/28/97


NUMBER OF PAGES INCLUDING THIS TRANSMITTAL SHEET: 8

NOTE:

Frank Bell

July 28, 1997

MEMORANDUM

TO: Harry Lerch
FROM: Gwen Wright 
SUBJECT: Ringland Consent Agreement

I apologize in the delay we've experienced in getting our comments back to you on the most recent (July 18, 1997) version of the Ringland Consent Agreement. Christopher Hitchens, George Kousoulas, and I finally were able to talk today and have come together with some specific comments and changes.

The version of the agreement being FAXed along with this memo includes our changes. Existing language from your July 18th draft to be deleted is in italics and is bracketed. New language to be inserted is underlined and in boldface.

I think that we have agreed that it is a useful goal to have the Consent Agreement accurately reflect the discussion/guidance from the April 10, 1996 Preliminary Consultation. Christopher, George, and I felt uncomfortable including any design guidance which had not been agreed to at the consultation. Therefore, I went back to your March 25, 1996 submission for the Preliminary Consultation and - as much as possible - tried to phrase the language in the lettered paragraphs of the Consent Agreement to be consistent with your original submission. I have included your March 25, 1996 submission for your reference.

One change from your original submission is to remove references to the idea of replicative designs for the two new houses - the majority of Commissioners discouraged this idea at the Preliminary Consultation. In addition, I left out the part about 4000 square feet for each new house. In the minutes of the Preliminary Consultation, it seems that the majority of Commissioners acknowledged that the new houses would be substantial in size, but felt that 4000 square feet was too big.

We are in agreement in terms of the six month time frame for the Consent Agreement and the three lot subdivision noted in paragraph "G".

Please let us know when we can set up a conference call to finalize the wording of this Consent Agreement and get it signed. We should try to accomplish this sometime this week - both because it needs to be done before the Somerset Town Council meeting on August 4th and because Christopher Hitchens will be going on leave for several weeks starting on August 4th. Let me know what would be a convenient time for a conference call.

Thank you again for your patience with us in getting our comments back to you.

CONSENT AGREEMENT

This Consent Agreement, entered into this ____ day of July, 1997, between DEBORAH SUSAN RINGLAND ("Ms. Ringland"), Montgomery County, Maryland (the "County") and the Town of Somerset (the "Town").

WHEREAS, Ms. Ringland applied for a permit to demolish her house at 4722 Dorset Avenue in the Town of Somerset (the "Property"), this permit was recommended for approval by the Town of Somerset (the "Town"), it was disapproved by the Historic Preservation Commission for Montgomery County ("HPC"); Ms. Ringland appealed the HPC's decision to the Board of Appeals for Montgomery County as Case No. A-4445; and

WHEREAS, Case No. A-4445 was continued indefinitely to allow Ms. Ringland additional time to develop alternative plans for developing the property, no additional plans were developed, and a hearing was scheduled for July 16, 1997; and

WHEREAS, at a preliminary consultation before the HPC on April 10, 1996, a proposal by Ms. Ringland for relocation/renovation of portions of the house at 4722 Dorset Avenue and construction of two additional houses was discussed and given a favorable response; and

WHEREAS, the parties wish to facilitate the plan to relocate [*and salvage*]/**renovate** the front portion of the **historic** house [*and replicate the remainder*] and build additional houses and resolve this matter without the need for further proceedings before the Board of Appeals in Case No. A-4445.

NOW, THEREFORE, the parties agree as follows:

1. The parties agree to request that the Board of Appeals continue Case No. A-4445 to a date no sooner than six months following the date of this Agreement.
2. The County agrees not to take any actions to enforce the demolition by neglect provisions of Chapter 24A of the Montgomery County Code pending resolution of Case No. A-4445.
3. [*Appellant Ringland agrees to begin good faith efforts to restore the house in accordance with the provisions of this Order or to sell the property to an independent party who will do so as summarized below.*] **Ms. Ringland agrees for herself and her successors to undertake good faith efforts to submit a Historic Area Work Permit which reflects the discussion/guidance of April 10, 1996, summarized below.** However, it is understood that once Ms. Ringland is no longer the owner of the property [*i.e., has accepted the contract for the sale of the house*] she has no further responsibilities or commitment to the terms of this agreement. **This agreement is intended by the parties to bind successors to Ms. Ringland.**

[A. *Preservation and restoration of the north exterior wall of the existing house; preservation and restoration to the back of the front porch of the front portions of the east and west walls of the Ringland house;*]

A. Retention of those portions of the existing front and side walls of the historic house that are undamaged;

[B. *Removal and replacement of the front porch in the same location, with the same details and with similar materials; the front steps may be located either in the original location or in the existing location;*]

B. The existing front porch may be removed and replaced with a new front porch constructed of new materials which would be milled to have the same appearance as the existing porch (including the curve at the western end). The front steps may be located either in the original location or in the existing location;

C. Fire damaged and unsalvageable architectural elements such as the windows may be replaced as long as the new elements substantially replicate the originals (allowing for installation of double-paned glass);

[D. *Aside from the above conditions, the Ringland house, its basement and its roof may be replaced and reconstructed provided that elements of the basement and roof readily visible from the street be reconstructed to retain their present appearance as seem from the street;*]

D. The external appearance of the house as seen from the street would be the same as at present (the front, the undamaged portions of the sides and the roof will be maintained). The foundation and basement may be rebuilt/replaced, but the foundation walls would be faced with fieldstone to maintain the same appearance that now exists.

E. The portion of the Ringland house which is to be [restored] **renovated** may be moved from its existing location to another location within the boundaries of the lot as it now exists provided that the orientation of the house does not change and that the new location is approximately the same distance from the street;

F. The Ringland house may be enlarged and expanded provided that such enlargement and expansion take place only to the rear (south) of the portion of the house which is being retained and [reconstructed] **renovated;**

G. The HPC will recommend that the Montgomery County Planning Board approve the resubdivision of the Ringland lot into three (3) lots as long as

the moved portion of the house is retained **and renovated** on one of the lots (preferable the western most or center lot), and there will be design review of the [*three*] **two** new houses;

H. The Town of Somerset will recommend approval of resubdivision and HAWPs in accordance with the terms set forth above; and

[I. *The HPC and the Town of Somerset will approve applications for HAWPs for restoration and enlargement of the Ringland house as stated above and for the construction of two (2) additional single-family residential homes on the property, provided that the proposed HAWPs meet the requirements of the Montgomery County Historical Preservation Ordinance and the total living area of each of the three houses may be up to 4,000 square feet.*]

I. Two new houses, in addition to the Ringland House, may be constructed on the resubdivided lots. Each new house must be reviewed through the Historic Area Work Permit process and must be sensitive in architecture and placement to the existing house. The design of the new houses need not be replicative, but should be compatible with character of the Somerset Historic District. The size and massing of the new houses should not overwhelm the Ringland House and should be compatible with the size of other houses in the Somerset Historic District. Each house may have a detached garage and separate driveway.

4. The parties acknowledge that the HPC and the Town cannot take action on an HAWP that has not yet been filed; however, it is customary for the HPC to approve HAWP applications which follow the guidance provided in the preliminary consultation. **The parties further acknowledge that this agreement does not constitute, and shall not be construed to be, approval of a HAWP for work on the Property.**
5. If Ms. Ringland or a successor does not submit an HAWP application, including the features outlined above, before the continued date for hearing Board of Appeals Case No. A-4445, the County, at its discretion may not consent to a further continuance.
6. Ms. Ringland agrees to withdraw HAWP No. ____ for demolition of the property and her appeal No. A-4445 in the Board of Appeals [*upon*] **within fifteen (15) days of** either her acceptance of a bona fide contract for the transfer of the property or approval of an HAWP including the concepts set forth above. A contract which is contingent on approval of an HAWP for demolition shall not be a bona fide contract for the purpose of this Agreement.

[Upon compliance with each of the above terms, this case shall be dismissed upon request of any party after fifteen (15) days notice to all other parties and failure by them to object. Upon failure of any party to comply with the above enumerated terms, any of the parties may petition the Board of Appeals for prompt hearing and action for the enforcement by the Board of the terms of this Order.]

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CONSENT AGREEMENT

This Consent Agreement, entered into this ___ day of July, 1997, between DEBORAH SUSAN RINGLAND ("Ms. Ringland"), Montgomery County, Maryland (the "County") and the Town of Somerset (the "Town").

WHEREAS, Ms. Ringland applied for a permit to demolish her house at 4722 Dorset Avenue in the Town of Somerset (the "Property"), this permit was recommended for approval by the Town of Somerset (the "Town"), it was disapproved by the Historic Preservation Commission for Montgomery County ("HPC"); Ms. Ringland appealed the HPC's decision to the Board of Appeals for Montgomery County as Case No. A-4445; and

WHEREAS, Case No. A-4445 was continued indefinitely to allow Ms. Ringland additional time to develop alternative plans for developing the property, no additional plans were developed, and a hearing was scheduled for July 16, 1997; and

WHEREAS, at a preliminary consultation before the HPC on April 10, 1996, a proposal by Ms. Ringland for relocation/renovation of portions of the house at 4722 Dorset Avenue and construction of two additional houses was discussed and given a favorable response; and

WHEREAS, ^{RENOVATE} the parties wish to facilitate ^{HISTORIC} the plan to relocate/and salvage the front portion of the house and replicate the remainder and build additional houses and resolve this matter without the need for further proceedings before the Board of Appeals in Case No. A-4445.

NOW, THEREFORE, the parties agree as follows:

1. The parties agree to request that the Board of Appeals continue Case No. A-4445 to a date no sooner than six months following the date of this Agreement.
2. The County agrees not to take any actions to enforce the demolition by neglect provisions of Chapter 24A of the Montgomery County Code pending resolution of Case No. A-4445.
3. ^{OUR PARAGRAPH SUBSTITUTES.} ~~Appellant~~ Ringland agrees to begin good faith efforts to restore the house in accordance with the

~~provisions of this Order or to sell the property to an independent party who will do so as summarized below. However, it is understood that once Ms. Ringland is no longer the owner of the property (i.e., has accepted the contract for the sale of the house) she has no further responsibilities or commitment to the terms of this agreement; however, this agreement is intended by the parties to bind~~

Successors to Ms. Ringland

a. Preservation and restoration of the north exterior wall of the existing house; preservation and restoration to the back of the front porch of the front portions of the east and west walls of the Ringland house;

b. Removal and replacement of the front porch in the same location, with the same details and with similar materials; the front steps may be located either in the original location or in the existing location;

c. Fire damaged and unsalvageable architectural elements such as the windows may be replaced as long as the new elements substantially replicate the originals (allowing for installation of double-paned glass);

d. Aside from the above conditions, the Ringland house, its basement and its roof may be replaced and reconstructed provided that elements of the basement and roof readily visible from the street be reconstructed to retain their present appearance as seen from the street;

e. The portion of the Ringland house which is to be restored may be moved from its existing location to another location within the boundaries of the lot as it now exists provided that the orientation of the house does not change and that the new location is approximately the same distance from the street;

f. The Ringland house may be enlarged and expanded provided that such enlargement and expansion take place only to the rear (south) of the portion of the house which is being retained and reconstructed;

g. The HPC will recommend that the Montgomery County Planning Board approve the resubdivision of the Ringland lot into three (3) lots as long as the moved portion of the house is retained *and removed* on one of the lots (preferably the western most or center lot), and there will be design review of the three new houses;

TWO

*3/25/96
Amqape*

h. The Town of Somerset will recommend approval of resubdivision and HAWPs in accordance with the terms set forth above; and

i. The HPC and the Town of Somerset will approve applications for HAWPs for restoration and enlargement of the Ringland house as stated above and for the construction of two (2) additional single-family residential homes on the property, provided that the proposed HAWPs meet the requirements of the Montgomery County Historical Preservation Ordinance and the total living area of each of the three houses may be up to 4,000 square feet.

4. The parties acknowledge that the HPC and the Town cannot take action on an HAWP that has not yet been filed; however, it is customary for the HPC to approve HAWP applications which follow the guidance provided in the preliminary consultation. *add rest of our paragraph*

5. If Ms. Ringland or a successor does not submit an HAWP application, including the features outlined above, before the continued date for hearing Board of Appeals Case No. A-4445, the County, at its discretion may not consent to a further continuance.

6. Ms. Ringland agrees to withdraw HAWP No. _____ for demolition of the property and her appeal No. A-4445 in the Board of Appeals upon either her acceptance of a bona fide contract for the transfer of the property or approval of an HAWP including the concepts set forth above. A contract which is contingent on approval of an HAWP for demolition shall not be a bona fide contract for the purpose of this Agreement.

15 days →

Upon compliance with each of the above terms, this case shall be dismissed upon request of any party after fifteen (15) days notice to all other parties and failure by them to object. Upon failure of any ^{of the} parties to comply with the above enumerated terms, any of the parties may petition the Board of Appeals for prompt hearing and action for the enforcement by the Board of the terms of this Order.

Law Offices
LERCH, EARLY & BREWER
 Suite 380
 Three Bethesda Metro Center
 Bethesda, Maryland 20814-5367
 Telephone: (301) 986-1300
 Telecopier: (301) 986-0332

Telecopier Cover Letter

Date: July 18, 1997 Time: 4:31PM

Client: 48134.001

Please deliver the following pages to:

Name: Ms. Gwen Marcus

Telecopier Number: 301 495-1307

Sender:

Name: Harry Lerch

Telephone: 301-657-0161

Message:

We are transmitting 5 pages including this cover sheet. If all pages are not transmitted properly, please call Cheri Markey at (301) 657-0174.

THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL TO WHOM IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. If the reader of this message is not the intended recipient or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone (collect), and return the original message to us at the above address via U.S. Postal Service. Thank you.

LERCH, EARLY & BREWER CHARTERED

LAW OFFICES

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FACSIMILE: (301) 986-0332

July 18, 1997

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ALL MEMBERS OF MD & DC BARS
EXCEPT AS OTHERWISE NOTED

*ALSO MEMBER VA BAR
**MEMBER MD BAR ONLY
CCPA, MBA, NOT BAR MEMBER

HENRY F. LERCH 1980-1988 WILTON H. WALLACE 1980-1988

WRITER'S DIRECT DIAL NUMBER:
(301)

HARRY W. LERCH	RICHARD N. RUPPRECHT
RONALD L. EARLY	CHARLES T. HATHWAY
ROBERT G. BREWER, JR.	PAUL E. ALPUCHE, JR.
ERIC M. CORE	TAMARA A. STONER**
GEORGE F. PAXTON	ANDREA L. CIOTA
MARTIN J. MUTT	SHERYL D. HANLEY**
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CINDI E. COHEN*	
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JEFFREY VAN GRACK	
SUSAN BERRY BLOOMFIELD	

Gwen Marcus
Historic Preservation Commission
8787 Georgia Avenue
Silver Spring, MD 20910

Christopher Hitchens
Assistant County Attorney
Executive Office Building
101 Monroe Street, 10th floor
Rockville, MD 20850

Dear Gwen and Christopher:


Enclosed is a copy of the agreement with a few revisions which we have added.

We have provided for a six month continuance rather than four month to minimize pressure of an instant sale. We also attempted to include the best versions of your paragraph and our paragraph dealing with historic area work permits. We also attempted to make the language a little bit more specific regarding the side walls to be retained.

I hope the changes will be satisfactory and look forward to discussing them with you after you have had a chance to review them. Finally, Susan asked me to confirm that her recent correspondence to the County Council is separate and apart from this agreement and not controlled by it.

I look forward to hearing from you.

Very truly yours,


Harry W. Lerch

cc: Mr. George Kousoulas
(301) 656-2642
Enclosure

CONSENT AGREEMENT

This Consent Agreement, entered into this ___ day of July, 1997, between DEBORAH SUSAN RINGLAND ("Ms. Ringland"), Montgomery County, Maryland (the "County") and the Town of Somerset (the "Town").

WHEREAS, Ms. Ringland applied for a permit to demolish her house at 4722 Dorset Avenue in the Town of Somerset (the "Property"), this permit was recommended for approval by the Town of Somerset (the "Town"), it was disapproved by the Historic Preservation Commission for Montgomery County ("HPC"); Ms. Ringland appealed the HPC's decision to the Board of Appeals for Montgomery County as Case No. A-4445; and

WHEREAS, Case No. A-4445 was continued indefinitely to allow Ms. Ringland additional time to develop alternative plans for developing the property, no additional plans were developed, and a hearing was scheduled for July 16, 1997; and

WHEREAS, at a preliminary consultation before the HPC on April 10, 1996, a proposal by Ms. Ringland for relocation/renovation of portions of the house at 4722 Dorset Avenue and construction of two additional houses was discussed and given a favorable response; and

WHEREAS, the parties wish to facilitate the plan to relocate and salvage the front portion of the house and replicate the remainder and build additional houses and resolve this matter without the need for further proceedings before the Board of Appeals in Case No. A-4445.

NOW, THEREFORE, the parties agree as follows:

1. The parties agree to request that the Board of Appeals continue Case No. A-4445 to a date no sooner than six months following the date of this Agreement.
2. The County agrees not to take any actions to enforce the demolition by neglect provisions of Chapter 24A of the Montgomery County Code pending resolution of Case No. A-4445.
3. Appellant Ringland agrees to begin good faith efforts to restore the house in accordance with the

provisions of this Order or to sell the property to an independent party who will do so as summarized below. However, it is understood that once Ms. Ringland is no longer the owner of the property (i.e., has accepted the contract for the sale of the house) she has no further responsibilities or commitment to the terms of this agreement.

a. Preservation and restoration of the north exterior wall of the existing house; preservation and restoration to the back of the front porch of the front portions of the east and west walls of the Ringland house;

b. Removal and replacement of the front porch in the same location, with the same details and with similar materials; the front steps may be located either in the original location or in the existing location;

c. Fire damaged and unsalvageable architectural elements such as the windows may be replaced as long as the new elements substantially replicate the originals (allowing for installation of double-paned glass);

d. Aside from the above conditions, the Ringland house, its basement and its roof may be replaced and reconstructed provided that elements of the basement and roof readily visible from the street be reconstructed to retain their present appearance as seen from the street;

e. The portion of the Ringland house which is to be restored may be moved from its existing location to another location within the boundaries of the lot as it now exists provided that the orientation of the house does not change and that the new location is approximately the same distance from the street;

f. The Ringland house may be enlarged and expanded provided that such enlargement and expansion take place only to the rear (south) of the portion of the house which is being retained and reconstructed;

g. The HPC will recommend that the Montgomery County Planning Board approve the resubdivision of the Ringland lot into three (3) lots as long as the moved portion of the house is retained on one of the lots (preferably the western most or center lot), and there will be design review of the ~~three~~ new houses;

h. The Town of Somerset will recommend approval of resubdivision and HAWPs in accordance with the terms set forth above; and

i. The HPC and the Town of Somerset will approve applications for HAWPs for restoration and enlargement of the Ringland house as stated above and for the construction of two (2) additional single-family residential homes on the property, provided that the proposed HAWPs meet the requirements of the Montgomery County Historical Preservation Ordinance and the total living area of each of the three houses may be up to 4,000 square feet.

4. The parties acknowledge that the HPC and the Town cannot take action on an HAWP that has not yet been filed; however, it is customary for the HPC to approve HAWP applications which follow the guidance provided in the preliminary consultation.

5. If Ms. Ringland or a successor does not submit an HAWP application, including the features outlined above, before the continued date for hearing Board of Appeals Case No. A-4445, the County, at its discretion may not consent to a further continuance.

6. Ms. Ringland agrees to withdraw HAWP No. _____ for demolition of the property and her appeal No. A-4445 in the Board of Appeals upon either her acceptance of a bona fide contract for the transfer of the property or approval of an HAWP including the concepts set forth above. A contract which is contingent on approval of an HAWP for demolition shall not be a bona fide contract for the purpose of this Agreement.

Upon compliance with each of the above terms, this case shall be dismissed upon request of any party after fifteen (15) days notice to all other parties and failure by them to object. Upon failure of any party to comply with the above enumerated terms, any of the parties may petition the Board of Appeals for prompt hearing and action for the enforcement by the Board of the terms of this Order.

CONSENT AGREEMENT

This Consent Agreement, entered into this ____ day of July, 1997, between DEBORAH SUSAN RINGLAND ("Ms. Ringland"), Montgomery County, Maryland (the "County") and the Town of Somerset (the "Town").

WHEREAS, Ms. Ringland applied for a permit to demolish her house at 4722 Dorset Avenue in the Town of Somerset (the "Property"), this permit was recommended for approval by the Town of Somerset (the "Town"), it was disapproved by the Historic Preservation Commission for Montgomery County ("HPC"); Ms. Ringland appealed the HPC's decision to the Board of Appeals for Montgomery County as Case No. A-4445; and

WHEREAS, Case No. A-4445 was continued indefinitely to allow Ms. Ringland additional time to develop alternative plans for developing the property, no additional plans were developed, and a hearing was scheduled for July 16, 1997; and

WHEREAS, at a preliminary consultation before the HPC on April 10, 1996, a proposal by Ms. Ringland for relocation/renovation of portions of the house at 4722 Dorset Avenue and construction of two additional houses was discussed and given a favorable response; and

WHEREAS, the parties wish to facilitate the plan to relocate and salvage the front portion of the house and replicate the remainder and build additional houses and resolve this matter without the need for further proceedings before the Board of Appeals in Case No. A-4445.

NOW, THEREFORE, the parties agree as follows:

1. The parties agree to request that the Board of Appeals continue Case No. A-4445 to a date no sooner than six months following the date of this Agreement.
2. The County agrees not to take any actions to enforce the demolition by neglect provisions of Chapter 24A of the Montgomery County Code pending resolution of Case No. A-4445.
3. Appellant Ringland agrees to begin good faith efforts to restore the house in accordance with the provisions of this Order or to sell the property to an independent party who will do so as summarized below. However, it is understood that once Ms. Ringland is no longer the owner of the property (i.e., has accepted the contract for the sale of the house) she has no further responsibilities or commitment to the terms of this agreement.
 - A. Preservation and restoration of the north exterior wall of the existing house; preservation and restoration to the back of the front porch of the front portions of the east and west walls of the Ringland house;

- B. Removal and replacement of the front porch in the same location, with the same details and with similar original location or in the existing location;
 - C. Fire damaged and unsalvageable architectural elements such as the windows may be replaced as long as the new elements substantially replicate the originals (allowing for installation of double-paned glass);
 - D. Aside from the above conditions, the Ringland house, its basement and its roof may be replaced and reconstructed provided that elements of the basement and roof readily visible from the street be reconstructed to retain their present appearance as seem from the street;
 - E. The portion of the Ringland house which is to be restored may be moved from its existing location to another location within the boundaries of the lot as it now exists provided that the orientation of the house does not change and that the new location is approximately the same distance from the street;
 - F. The Ringland house may be enlarged and expanded provided that such enlargement and expansion take place only to the rear (south) of the portion of the house which is being retained and reconstructed;
 - G. The HPC will recommend that the Montgomery County Planning Board approve the resubdivision of the Ringland lot into three (3) lots as long as the moved portion of the house is retained on one of the lots (preferable the western most or center lot), and there will be design review of the three new houses;
 - H. The Town of Somerset will recommend approval of resubdivision and HAWPs in accordance with the terms set forth above; and
 - I. The HPC and the Town of Somerset will approve applications for HAWPs for restoration and enlargement of the Ringland house as stated above and for the construction of two (2) additional single-family residential homes on the property, provided that the proposed HAWPs meet the requirements of the Montgomery County Historical Preservation Ordinance and the total living area of each of the three houses may be up to 4,000 square feet.
4. The parties acknowledge that the HPC and the Town cannot take action on an HAWP that has not yet been filed; however, it is customary for the HPC to approve HAWP applications which follow the guidance provided in the preliminary consultation.
5. If Ms. Ringland or a successor does not submit an HAWP application, including the features outlined above, before the continued date for hearing Board of

Appeals Case No. A-4445, the County, at its discretion may not consent to a further continuance.

6. Ms. Ringland agrees to withdraw HAWP No. _____ for demolition of the property and her appeal No. A-4445 in the Board of Appeals upon either her acceptance of a bona fide contract for the transfer of the property or approval of an HAWP including the concepts set forth above. A contract which is contingent on approval of an HAWP for demolition shall not be a bona fide contract for the purpose of this Agreement.

Upon compliance with each of the above terms, this case shall be dismissed upon request of any party after fifteen (15) days notice to all other parties and failure by them to object. Upon failure of any party to comply with the above enumerated terms, any of the parties may petition the Board of Appeals for prompt hearing and action for the enforcement by the Board of the terms of this Order.

h:\wp\ringcon.wpd

CONSENT AGREEMENT

This Consent Agreement, entered into this ____ day of July, 1997 between Deborah Susan Ringland (Ms. Ringland), Montgomery County, Maryland (the County), and the Town of Somerset (the Town).

WHEREAS Ms. Ringland applied for a permit to demolish a house at 4722 Dorset Avenue in the Town of Somerset (the property), was denied approval of the permit application by the Historic Preservation Commission for Montgomery County (HPC), and appealed the HPC's decision to the Board of Appeals for Montgomery County as case number A-4445; and

WHEREAS case number A-4445 was continued indefinitely to allow Ms. Ringland additional time to develop alternative plans for developing the property, no additional plans were developed, and a hearing was scheduled for July 16, 1997; and

WHEREAS at a Preliminary Consultation before the HPC on April 10, 1996 a proposal by Ms. Ringland for relocation/renovation of the historic house at 4722 Dorset Avenue and construction of two additional was discussed and given a favorable response; and

WHEREAS the parties wish to facilitate the plan to relocate/renovate the historic house and build additional houses and resolve this matter without the need for further proceedings before the Board of Appeals in case number A-4445.

NOW THEREFORE, the parties agree as follows:

1. The parties agree to request that the Board of Appeals continue case #A-4445 to a date no sooner than four months following the date of this agreement. *This time may be extended if extenuating circumstances can be demonstrated.*

2. The County agrees not to take any actions to enforce the demolition-by-neglect provisions of Chapter 24A of the Montgomery County Code pending resolution of case #A-4445.

3. Ms. Ringland agrees for herself and her successors, to undertake good faith efforts to submit a Historic Area Work Permit which reflects the discussion/guidance of April 10, 1996, summarized below.

- a. As much of the fabric of the historic house should be saved as is practical. This includes the front (north) and side (east and west) walls which are not unsalvageable due to the fire.
- b. Removal and replacement of the front porch.... (per #4 on Lerch draft)
- c. Fire damaged and unsalvageable architectural elements, such as the windows,

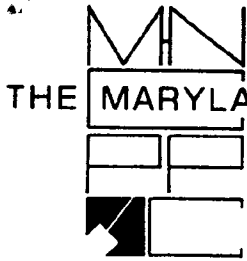
may be considered for replacement as long as the new elements substantially replicate the originals (allowing for installation of double-paned glass).

- d. (#5 on Lerch draft)
 - e. (#6 on Lerch draft)
 - f. (#7 on Lerch draft)
 - g. The subdivision of the existing parcel into three separate lots may be approved, as long as the historic house is retained on one of the lots (preferably the westernmost one, closest to the existing location of the house) and there will be design review of the new houses built.
 - h. The construction of two new houses may be approved, as long the design, size, massing, and style of the new houses is compatible with the historic house and the overall streetscape of the Somerset Historic District.
4. (#10 per Lerch draft)

5. The parties acknowledge that the HPC cannot take action on a HAWP that has not yet been filed; however it is customary for the HPC to approve HAWP applications which follow the guidance provided in a Preliminary Consultation. The parties further acknowledge that this agreement does not constitute and shall not be construed to be, approval of a HAWP for work on the property.

6. If Ms. Ringland or a successor does not submit a HAWP application including the features outlined in paragraph 3 above, before the continued date for hearing Board of Appeals case A-4445, the County may not agree to any further continuances.

7. Ms. Ringland agrees to withdraw HAWP # _____ for demolition of the property and her appeal #A-4445 in the Board of Appeals, upon either her acceptance of a bona fide contract for the transfer of the property or approval of a HAWP including the concepts set forth in paragraph 3. A contract which is contingent on approval of a HAWP shall not be a bona fide contract for the purposes of this agreement.



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

FAX TRANSMITTAL SHEET

**Historic Preservation Section
Department of Park & Planning**

Telephone Number: (301) 495-4570

Fax Number: (301) 495-1307

TO: George Kousoulas FAX NUMBER: (301) 656-2642

FROM: Given Wright PHONE NUMBER: _____

DATE: _____

NUMBER OF PAGES INCLUDING THIS TRANSMITTAL SHEET: 3

NOTE: Comments A.S.A.P. - we want to
get final draft to Cerch today. Given

CONSENT AGREEMENT

This Consent Agreement, entered into this ____ day of July, 1997, between DEBORAH SUSAN RINGLAND ("Ms. Ringland"), Montgomery County, Maryland (the "County") and the Town of Somerset (the "Town").

WHEREAS, Ms. Ringland applied for a permit to demolish her house at 4722 Dorset Avenue in the Town of Somerset (the "Property"), this permit was recommended for approval by the Town of Somerset (the "Town"), it was disapproved by the Historic Preservation Commission for Montgomery County ("HPC"); Ms. Ringland appealed the HPC's decision to the Board of Appeals for Montgomery County as Case No. A-4445; and

WHEREAS, Case No. A-4445 was continued indefinitely to allow Ms. Ringland additional time to develop alternative plans for developing the property, no additional plans were developed, and a hearing was scheduled for July 16, 1997; and

WHEREAS, at a preliminary consultation before the HPC on April 10, 1996, a proposal by Ms. Ringland for relocation/renovation of portions of the house at 4722 Dorset Avenue and construction of two additional houses was discussed and given a favorable response; and

WHEREAS, the parties wish to facilitate the plan to relocate[and salvage]/renovate the front portion of the historic house [and replicate the remainder] and build additional houses and resolve this matter without the need for further proceedings before the Board of Appeals in Case No. A-4445.

NOW, THEREFORE, the parties agree as follows:

1. The parties agree to request that the Board of Appeals continue Case No. A-4445 to a date no sooner than six months following the date of this Agreement.
2. The County agrees not to take any actions to enforce the demolition by neglect provisions of Chapter 24A of the Montgomery County Code pending resolution of Case No. A-4445.
3. [Appellant Ringland agrees to begin good faith efforts to restore the house in accordance with the provisions of this Order or to sell the property to an independent party who will do so as summarized below.] **Ms. Ringland agrees for herself and her successors to undertake good faith efforts to submit a Historic Area Work Permit which reflects the discussion/guidance of April 10, 1996, summarized below.** However, it is understood that once Ms. Ringland is no longer the owner of the property [(i.e., has accepted the contract for the sale of the house)] she has no further responsibilities or commitment to the terms of this agreement. ~~However,~~ **This agreement is intended by the parties to bind successors to Ms. Ringland.**

- [A. Preservation and restoration of the north exterior wall of the existing house; preservation and restoration to the back of the front porch of the front portions of the east and west walls of the Ringland house;]
- A. Retention of those portions of the existing front and side walls of the historic house that are undamaged;**
- [B. Removal and replacement of the front porch in the same location, with the same details and with similar materials; the front steps may be located either in the original location or in the existing location;]
- B. The existing front porch may be removed and replaced with a new front porch constructed of new materials which would be milled to have the same appearance as the existing porch (including the curve at the western end). The front steps may be located either in the original location or in the existing location;**
- C. Fire damaged and unsalvageable architectural elements such as the windows may be replaced as long as the new elements substantially replicate the originals (allowing for installation of double-paned glass);
- [D. Aside from the above conditions, the Ringland house, its basement and its roof may be replaced and reconstructed provided that elements of the basement and roof readily visible from the street be reconstructed to retain their present appearance as seem from the street;]
- D. The external appearance of the house as seen from the street would *be* the same as at present (the front, the undamaged portions of the sides and the roof will be maintained). The foundation and basement may be rebuilt/replaced, but the foundation walls would be faced with fieldstone to maintain the same appearance that now exists.**
- E. The portion of the Ringland house which is to be [restored] **renovated** may be moved from its existing location to another location within the boundaries of the lot as it now exists provided that the orientation of the house does not change and that the new location is approximately the same distance from the street;
- F. The Ringland house may be enlarged and expanded provided that such enlargement and expansion take place only to the rear (south) of the portion of the house which is being retained and [reconstructed] **renovated**;
- G. The HPC will recommend that the Montgomery County Planning Board approve the resubdivision of the Ringland lot into three (3) lots as long as

the moved portion of the house is retained **and renovated** on one of the lots (preferable the western most or center lot), and there will be design review of the [three] **two** new houses;

- H. The Town of Somerset will recommend approval of resubdivision and HAWPs in accordance with the terms set forth above; and
 - [I. The HPC and the Town of Somerset will approve applications for HAWPs for restoration and enlargement of the Ringland house as stated above and for the construction of two (2) additional single-family residential homes on the property, provided that the proposed HAWPs meet the requirements of the Montgomery County Historical Preservation Ordinance and the total living area of each of the three houses may be up to 4,000 square feet.]
 - I. Two new houses, in addition to the Ringland House, may be constructed on the resubdivided lots. Each new house must be reviewed through the Historic Area Work Permit process and must be sensitive in architecture and placement to the existing house. The design of the new houses need not be replicative, but should be compatible with character of the Somerset Historic District. The size and massing of the new houses should not overwhelm the Ringland House and should be compatible with the size of other houses in the Somerset Historic District. Each house may have a detached garage and separate driveway.**
4. The parties acknowledge that the HPC and the Town cannot take action on an HAWP that has not yet been filed; however, it is customary for the HPC to approve HAWP applications which follow the guidance provided in the preliminary consultation. **The parties further acknowledge that this agreement does not constitute, and shall not be construed to be, approval of a HAWP for work on the Property.**
 5. If Ms. Ringland or a successor does not submit an HAWP application, including the features outlined above, before the continued date for hearing Board of Appeals Case No. A-4445, the County, at its discretion may not consent to a further continuance.
 6. Ms. Ringland agrees to withdraw HAWP No. _____ for demolition of the property and her appeal No. A-4445 in the Board of Appeals [upon] **within fifteen (15) days of** either her acceptance of a bona fide contract for the transfer of the property or approval of an HAWP including the concepts set forth above. A contract which is contingent on approval of an HAWP for demolition shall not be a bona fide contract for the purpose of this Agreement.

[Upon compliance with each of the above terms, this case shall be dismissed upon request

of any party after fifteen (15) days notice to all other parties and failure by them to object.] Upon failure of any [party] of the parties to comply with the above enumerated terms, any of the parties may petition the Board of Appeals for prompt hearing and action for the enforcement by the Board of the terms of this Order.]

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CONSENT AGREEMENT

Upon consideration of the submissions of the parties, Deborah Susan Ringland, the Montgomery County Historic Preservation Commission (HPC), and the Town of Somerset, all parties agree to enter into the following consent agreement:

Whereas a Preliminary Consultation was held before the HPC on April 10, 1996, in which a proposal by the property owner (Ringland) for relocation/renovation of the historic house at 4722 Dorset Avenue and construction of two additional two houses was discussed and given a favorable response; and

Whereas the parties wish to facilitate the plan to relocate/renovate the historic house and build additional houses; therefore...

It is agreed that all action on Board of Appeals Case #A-4445, as well as all Demolition-By-Neglect enforcement action, shall be postponed for a period of four months to allow plans to relocate/renovate the historic house and build additional houses to be further developed. Within that four month period (which begins from the date this agreement is signed), the property owner or her successor will undertake good faith efforts to submit a final Historic Area Work Permit which reflects the discussion/guidance of April 10, 1996 (summarized below) and with the approval of such a permit will withdraw the previous HAWP for demolition and the subsequent Board of Appeals case.

The guidance provided by the HPC at the Preliminary Consultation on April 10, 1996 was as follows:

1. As much of the fabric of the historic house should be saved as is practical. This includes the front (north) and side (east and west) walls which are not unsalvageable due to the fire.
2. Removal and replacement of the front porch.... (per #4 on Lerch draft)
3. Fire damaged and unsalvageable architectural elements, such as the windows, may be considered for replacement as long as the new elements substantially replicate the originals (allowing for installation of double-paned glass).
4. (#5 on Lerch draft)
5. (#6 on Lerch draft)
6. (#7 on Lerch draft)
7. The subdivision of the existing parcel into three separate lots is acceptable, as long as the historic house is retained on one of lots (preferably the westernmost

*submitted at
the direction
of*

*active client +
systematic
circumstances
give 2-4
months*

one, closest to the existing location of the house) and there will be design review of the new houses built.

8. The construction of two new houses will be given favorable considerations as long the design, size, massing, and style of the new houses is compatible with the historic house and the overall streetscape of the Somerset Historic District.
9. (#10 per Lerch draft)

Although the HPC cannot take action on a HAWP that has not yet been filed, it is customary for the HPC to readily approve HAWP applications which follow the guidance provided in a Preliminary Consultation. It is likely that this practice would be applicable in the case of a HAWP filed for 4722 Dorset Avenue.

Prelim. Consult.

4/10/96

BOARD OF APPEALS

FOR

MONTGOMERY COUNTY

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

Case No. A-4445

ORDER CONSENT AGREEMENT

Upon consideration of the submissions of the parties, Deborah Susan Ringland, the Montgomery County Historic Preservation Commission (H.P.C.), and the Town of Somerset, and the agreement by all parties to the terms of this Consent Order, it is Ordered by the Board of Appeals that, upon appropriate application for an Historic Area Work Permit (HAWP) to Ringland or her successor for the existing Ringland House located at 4722 Dorset Avenue, Chevy Chase, Md., (Lot 4, Block 5, Somerset Heights), the HAWP will be approved by the H.P.C. if it includes the following:

- (1) Preservation and restoration of the North exterior wall of the existing Ringland House;
- (2) Preservation and restoration of the front ___ feet of the east wall of the Ringland House;
- (3) Preservation and restoration of the front ___ feet of the west wall of the Ringland House;
- (4) Removal and replacement of the front porch in the same location, with the same details and with similar materials; the front steps may be located either in the original location or in the existing location;

Handwritten note:
Werner
Ringland

- (5) Aside from the above conditions, the Ringland House, its basement and its roof may be replaced and reconstructed, provided that elements of the basement and roof readily visible from the street be reconstructed to retain their present appearance as seen from the street;
- (6) The portion of the Ringland House which is to be restored may be moved from its existing location to another location within the boundaries of the lot as it now exists provided that the orientation of the house does not change and that the new location is approximately the same distance from the street;
- (7) The Ringland house may be enlarged and expanded, provided that such enlargement and expansion take place only to the rear (south) of the portion of the house which is being retained and reconstructed;
- (8) The H.P.C. will recommend that the Montgomery County Planning Board approve the resubdivision of the Ringland lot into three (3) lots, of approximately equal size (i.e., within 5% in size of each other);
- (9) The H.P.C. will approve HAWPs for restoration and enlargement of the Ringland House, as stated in numbers 1-7, and for the construction of two (2) additional single family residential homes on the property, provided that the proposed HAWPs meet the requirements of the Montgomery County Historic Preservation Ordinance, (Title ____, Section ____ Montgomery County Code) the total living area of each of the three houses may be up to 4,000 square feet;
- (10) The Town of Somerset will recommend approval of resubdivision and HAWPs in accordance with the terms set forth above;
- (11) Appellant Ringland agrees to begin good faith efforts to restore the house in accordance with the provisions of this order or to sell the property to an independent party who will do so; if Ringland complies with this agreement, the

H.P.C. and the County agree to withhold any action to pursue "demolition by neglect" prosecution against Ringland, and to dismiss any such action upon sale or restoration of the Ringland House.

Upon compliance with each of the above terms, this case shall be dismissed upon request of any party after 15 days notice to all other parties and failure by them to object. Upon failure of any party to comply with the above enumerated terms, any of the parties may petition the Board of Appeals for prompt hearing and action for the enforcement by the Board of the terms of this Order.

Dated: July __, 1997

Law Offices

LERCH, EARLY & BREWER, CHARTERED
3 Bethesda Metro Center
Suite 380
Bethesda, Maryland 20814-5367
Telephone: 301-986-1300
Telecopier: 301-986-0332

DATE: 7/1/97

TO: Gwan Marcus

FAX NO. 301-495-1307

PHONE NO.

FROM: Harry Lerch

SENDER'S DIRECT PHONE NO.

CLIENT NO.

We are submitting 4 pages including this cover sheet. If all pages are not transmitted properly, please call sender at 301-986-1300. Thank you.

MESSAGE:

THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL TO WHOM IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT OR AGENT RESPONSIBLE FOR DELIVERING THE MESSAGE TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE (COLLECT), AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA U.S. POSTAL SERVICE. THANK YOU.

LERCH, EARLY & BREWER

CHARTERED

LAW OFFICES

**SUITE 300
3 BETHESDA METRO CENTER
BETHESDA, MARYLAND 20814-6387**

**TELEPHONE: (301) 986-1300
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**HARRY W. LERCH
RONALD L. EARLY
ROBERT S. BREWER, JR.
ERIC H. CORE
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MARTIN J. MUTT
STANLEY J. REED
CINDI E. COHEN*
PAUL J. DI PIAZZA
R. DENNIS ESTERMAN*
RICHARD S. VERNON
JAMES L. BAER
CYNTHIA M. BAR
JOHN C. JOYCE
THOMAS A. LEARNER*
LAURI EFF CLARY*
JOHN R. METZ
SIGRID C. HAINES
JEFFREY VAN BRACK
SUSAN BERRY BLOOMFIELD**

**RICHARD N. RUPRECHT
CHARLES T. MATHEWY
PAUL E. ALPUCHE, JR.
TAMARA A. STONER**
ANDREA L. CIOTA
SHERYL D. HANLEY**

OF COUNSEL
CHARLES L. WILMS
CONSTANCE S. LONGE
ROBERT L. GALOSCHIN
ELIZABETH J. WEISSBERG
J. BRADFORD McCULLOUGH

EXECUTIVE DIRECTOR
PETER T. MICHAELS P**

**WASHINGTON, D.C. OFFICE
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8308 LEE HIGHWAY
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FAIRFAX, VIRGINIA 22031
(703) 273-8011

ALL MEMBERS OF MD & DC BARS
EXCEPT AS OTHERWISE NOTED

*ALSO MEMBER IN BAR
**MEMBER IN BAR ONLY
DCBA, WVA, NOT BAR MEMBER

HENRY F. LERCH WILSON N. WALLACE
1988-1992 1988-1993

WRITER'S DIRECT DIAL NUMBER:
(301)**

July 1, 1997

657-0161

Via Fax (301) 217-2118
Christopher Hitchens
Assistant County Attorney
101 Monroe Street
Rockville, MD 20850

Dear Chris:

Attached is the rough preliminary consent order draft that I told you about in our conversation. I look forward to discussing it with you after you and Gwen have reviewed it.

Very truly yours,

Harry W. Lerch
Harry W. Lerch

1-14-98
11:40 a.m.

Ted Beverly
Realtor

O: 202-364-1700
H: 301-986-1214

He's the listing agent for house adjacent to Ringland property. Please update him on status of Ringland.

she

*Called
1/14/98
RMM*



Montgomery County Government

September 29, 1997

The Honorable Marilyn J. Praisner
President, Montgomery County Council
100 Maryland Avenue
Rockville, MD 20850

Dear Mrs. Praisner:

As Chair of the Montgomery County Historic Preservation Commission (HPC), I would like to respond to the recent letter from the Town of Somerset concerning the Ringland House at 4722 Dorset Avenue in Somerset.

While the HPC shares the Town of Somerset's frustration about the deteriorated condition of the historic house, the Commission is extremely concerned that the action requested by the Town - removal from the Master Plan for Historic Preservation - jeopardizes the very real progress made in recent months to reach a solution that benefits Ms. Ringland, the interests of historic preservation, and the Town of Somerset.

The HPC and Ms. Ringland - through her attorney Harry Lerch - have been working diligently to plan an appropriate subdivision of the property which would include renovation and enlargement of the historic house, as well as the construction of two new, compatible houses. We are close to this goal. In a recent conversation with Mr. Lerch, he informed me that there are as many as ten interested buyers preparing final offers on the property.

While both the HPC and the Town of Somerset have been disappointed that this issue has not been resolved sooner, I am hopeful that the hard work of all parties is about to pay off. In light of this progress, I respectfully submit that it is unwise and unnecessary to initiate the unprecedented action of removing this property from the Master Plan for Historic Preservation at this time.

Sincerely,

A handwritten signature in black ink, appearing to read "George Kousoulas".

George Kousoulas
Chair, HPC

cc: Walter Behr, Mayor of Somerset
Town Council of Somerset
Susan Ringland
Harry Lerch, Esquire
Douglas M. Duncan, County Executive
Jean Arthur, Legislative Analyst

Historic Preservation Commission

Gwen
Marcus
Wright

495-1307

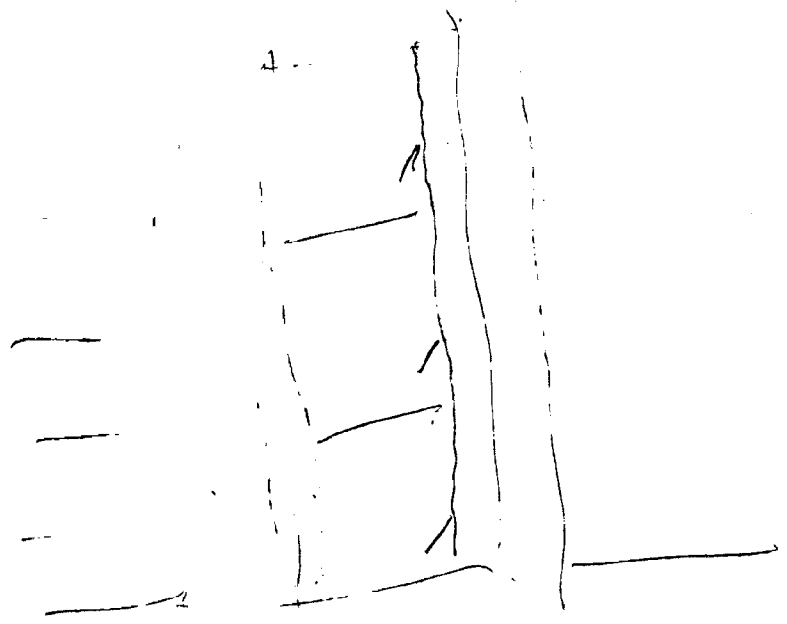
I would like to respond to the recent letter from the Town of Somerset concerning the house of Susan Ringland. The Historic Preservation Commission is concerned that the action requested by the town jeopardizes the very real progress made in recent months to reach a solution that benefits Mrs. Ringland, the interests of Historic Preservation, and Somerset.

The HPC, Mrs. Ringland, and her attorney, Harry Lerch, have been working diligently to plan an appropriate subdivision of the property and find a builder willing to renovate/enlarge the historic residence and build two new houses. We are close to this goal. Mr. Lerch has informed me that there are as many as ten interested buyers preparing final offers.

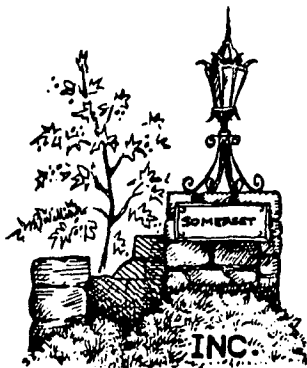
I am hopeful that the hard work of all parties is about to pay off. In light of this progress, I respectfully submit that it is unwise and unnecessary to remove the home from the Master Plan at this time.

From

George K.

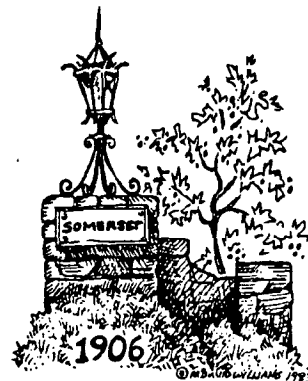


HPi copies
made



TOWN OF SOMERSET

4510 Cumberland Avenue
Chevy Chase, MD 20815
(301) 657-3211



Walter J. Behr
mayor

Thomas W. Carter
clerk - treasurer

September 11, 1997

Honorable Marilyn Praisner
President, Montgomery County Council
Stella Werner Council Office Building
Rockville, Maryland 20850

Re: Request to Remove Ringland House
From Somerset Historic District

Dear Mrs. Praisner:

The Council of the Town of Somerset voted unanimously on September 8 to support Susan Ringland's request that her house at 4722 Dorset Avenue, in Somerset, be removed from the Master Plan for Historic Preservation. At the same time, the Town Council voted in favor of keeping the lot -- but not the house -- in the Somerset Historic District.

Almost half of the house was severely damaged by fire almost 19 years ago, and what is left of it has badly deteriorated in the interim. Because of the terrible condition of the structure, the Town Council -- sitting as the Local Advisory Panel of the Historic Preservation Commission -- voted two years ago to recommend to the HPC that it permit the owner to demolish the house. Despite that recommendation, the HPC denied Ms. Ringland's request. To cut to the quick, her current request of the County Council would, in effect, nullify the decision of the HPC, which the owner and Town feel was utterly unrealistic in light of the repulsive remnant of what was at its best a modest, undistinguished structure.

What it comes down to is simple economics. The property is not marketable at a fair price if the derelict structure has to be restored. On the other hand, if the house can be razed, we believe the property could be sold with little further delay and the eyesore finally eliminated from our main street.

A Montgomery County Maryland Municipality

We specifically desire the lot to remain in the Somerset Historic District so that plans for any new houses will have to be approved by the HPC for compatability with existing houses in the neighborhood.

I urge Councilmembers to visit the site. Once they have seen the ghastly remains, I cannot believe they would require that it be restored. We beg of you to start the process of amending the Master Plan for Historic Preservation as soon as possible so that the property can finally be converted from repulsive and useless to beautiful and useful.

Sincerely,



Walter J. Behr
Mayor

CC: Susan Ringland
Harry Lerch, Esquire
County Executive
✓Historic Preservation Commission
Town Councilmembers
Jean Arthur (Montgomery County Council staff)

Law Offices
LERCH, EARLY & BREWER
 Suite 380
 Three Bethesda Metro Center
 Bethesda, Maryland 20814-5367
 Telephone: (301) 986-1300
 Telecopier: (301) 986-0332

Telecopier Cover Letter

Date: July 7, 1997 Time: 4:43PM

Client: 48134.001

Please deliver the following pages to:

Name: Ms. Gwen Marcus

Telecopier Number: 301 495-1307

Sender:

Name: Harry Lerch

Telephone: 301-657-0161

Message:

We are transmitting 3 pages including this cover sheet. If all pages are not transmitted properly, please call Cheri Markey at (301) 657-0174.

THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL TO WHOM IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. If the reader of this message is not the intended recipient or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone (collect), and return the original message to us at the above address via U.S. Postal Service. Thank you.

LERCH, EARLY & BREWER CHARTERED

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BETHESDA, MARYLAND 20814-8367

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PAUL J. DI PIAZZA
R. DENNIS OSTERMAN*
RICHARD G. VERNON
JAMES L. BAER
CYNTHIA M. BAR
JOHN C. JOYCE
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LAURI EFF CLEARLY*
JOHN R. METZ
SIGRID C. MAINES
JEFFREY VAN GRACK
SUSAN BERRY BLOOMFIELD

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CHARLES T. HATHWAY
PAUL E. ALPUCHE, JR.
TAMARA A. STONER**
ANDREA L. CIOTA
SHERYL D. HANLEY**

OF COUNSEL
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ROBERT L. GALOSCHIN
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J. BRADFORD McCULLOUGH

EXECUTIVE DIRECTOR
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9302 LEE HIGHWAY
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FAIRFAX, VIRGINIA 22031
(703) 273-8811

ALL MEMBERS OF MD & DC BARS
EXCEPT AS OTHERWISE NOTED

*ALSO MEMBER VA BAR
**MEMBER MD BAR ONLY
ODPA, MBA, NOT BAR MEMBER
HENRY F. LERCH 1980-1988
WILTON H. WALLACE 1980-1989

WRITER'S DIRECT DIAL NUMBER:
(301)

July 7, 1997

657-0161

Honorable Marilyn Praisner
President, Montgomery County Council
Stella Werner Council Office Building
Rockville, Maryland 20850

Re: Request to Remove Ringland Property from
Master Plan for Historic Preservation

Dear Mrs. Praisner:

I am writing on behalf of Deborah Susan Ringland, the owner of property located at 4722 Dorset Avenue in Somerset (Lot 4, Block 5, Somerset Heights). The property has been designated as an historic site as a part of the Somerset Historic District. The purpose of this letter is to request that the house be removed from the Master Plan (or "undesigned", or whatever the proper terminology may be).

This property suffered a substantial fire in December 1978. It has stood abandoned and vacant since that time. It was designated historic, as a part of the Somerset historic district, in 1990. The county tax records have shown the property as unimproved since 1979. The owner respectfully submits that the designation was unreasonable, improper, that it was done without regard to required rules which, at the time, did not exist, that the designation unconstitutionally deprives her of her rights to use the property in an economically reasonable way, and that the designation, on its face, was patently unreasonable and contrary to the purposes of the historic preservation laws of Montgomery County.

At the time of the fire, it was owned by Dr. and Mrs. Ringland. When the Montgomery County Atlas of Historic Sites was prepared and adopted, the property was, at least in part, outside of the proposed Somerset Historic District. Dr. Ringland passed away in the mid-1980s at age 99. Mrs. Ringland passed away in July, 1990, at age 99, after spending a year in the hospital. Their

LAW OFFICES

LERCH, EARLY & BREWER, CHARTERED

daughter, Miss Deborah Susan Ringland then became the owner of the property.

The consideration and adoption of the Somerset Historic District in 1989 and 1990 by the HPC, MCPB and County Council coincided with Mrs. Ringland's last illness. The Ringland family was totally unaware of any master plan consideration. Because of this lack of knowledge, and because of Mrs. Ringland's illness and the care they had to give her, they did not participate in your considerations, nor make you aware that it had been a burned out hulk for the previous twelve years.

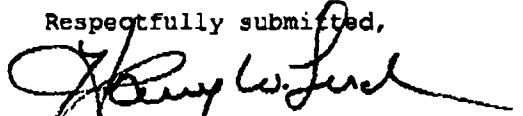
While the house is purported to be the oldest house in Somerset, built by Dr. Wylie, it was not occupied by him or any of the founders, but simply rented out for many years.

We have been advised by professional builders that all of the exterior elements of the house are commercially available in lumber yards today and the front portion of the house could be replicated as a part of a new home at a cost which would bear a reasonable relationship to the finished value of the new home. On the other hand, the cost of restoring the burned out building, which has been exposed to the weather and elements for nearly twenty years, would be utterly disproportional and unreasonable in its relationship to the market value of the finished, restored home.

Furthermore, the property was designed during the period when the Historic Preservation Commission was acting without appropriate rules, and the designation was therefore void.

For all the reasons set forth above, Miss Ringland earnestly and sincerely urges you to remove the house from the Master Plan, or to initiate appropriate proceedings for such removal.

Respectfully submitted,



Harry W. Larch
Attorney for
Deborah Susan Ringland

Cc: Montgomery County Historic Preservation Commission
Montgomery County Planning Board
Mayor Walter Behr, Town of Somerset
Christopher Hitchens, Assistant County Attorney

LERCH, EARLY & BREWER
CHARTERED

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*ALSO MEMBER VA BAR
**MEMBER MD BAR ONLY
◊CPA, MBA, NOT BAR MEMBER

HENRY F. LERCH
1950-1986

WILTON H. WALLACE
1950-1959

WRITER'S DIRECT DIAL NUMBER:
(301)

July 7, 1997

657-0161

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President, Montgomery County Council
Stella Werner Council Office Building
Rockville, Maryland 20850

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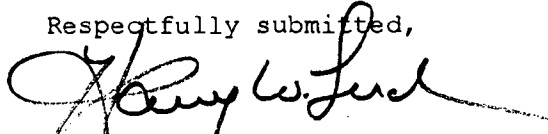
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Respectfully submitted,



Harry W. Lerch
Attorney for
Deborah Susan Ringland

Cc: Montgomery County Historic Preservation Commission
Montgomery County Planning Board
Mayor Walter Behr, Town of Somerset
Christopher Hitchens, Assistant County Attorney

Robin - This is info
that may be ultimately
valuable in the Ringland
Case. Please keep in
the file on Ringland.
Gwen

LAW OFFICES

MILLER, MILLER & CANBY

CHARTERED

200-B MONROE STREET
ROCKVILLE, MARYLAND 20850

(301) 762-5212
FAX (301) 762-6044

129-13 WEST PATRICK STREET
FREDERICK, MARYLAND 21701

(301) 696-1380
(301) 831-4338 WASHINGTON
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JAMES R. MILLER, JR.*
WILLIAM M. CANBY*
ROBERT L. BURCHETT
PATRICK C. McKEEVER*
JAMES L. THOMPSON
LEWIS R. SCHUMANN
JODY S. KLINE
ELLEN S. WALKER
DIANE M. POOLE
JOSEPH P. SUNTUM
SUSAN W. CARTER
BRUCE N. DEAN
GLENN M. ANDERSON
*OF COUNSEL

AGENDA DATE: March 9, 1995
AGENDA ITEM #: Not Available

March 3, 1995

Montgomery County Planning Board
8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

Re: Pre-Preliminary Plan No. 7-95016 (Resubdivision),
"Somerset Heights,"
Application of Howard and Lola Byron

Dear Chairman Hussmann and Members of the Planning Board:

Mr. and Mrs. Howard Byron look forward to presenting to you on March 9 the unusual facts and circumstances relating to their proposal to **replat** a remainder of part of Lot 10, Block 5, in the "Somerset Heights" subdivision.

The Applicants realize that the word "subdivision" is a term of art. However, in this instance, the word truly is a misnomer for the action that the Byrons are requesting. That is, their proposal is that they be allowed to replat the residue of a previously platted lot which has been considered a separate piece of property since 1927. In reviewing the Development Review Division's recommendations for this pre-preliminary plan proposal, the Applicants request that the Board consider the following unique facts:

1. The subject property was platted by a plat recorded in 1899 (Exhibit A attached). The plat included 97 lots in 5 blocks in the "Somerset Heights" subdivision. (The original Lot 10 is highlighted in yellow).

2. As of 1912, a Mr. DeSweinitz owned Lots 7 through 14 in Block 5 (as per the records of the town of Somerset).

3. In 1924, Lots 10, 11, 12 and 14, Block 5, were acquired by Mary and William Page (See Exhibit B, deed recorded October 7, 1924).

4. Subsequently, later in the 1920s, Lots 9 through 14 were resurveyed and were "partitioned" into smaller parcels of land. Lots 9 through 14 were broken up and conveyed by deed with metes and bounds description without replatting. The resulting lot ownership pattern is shown on a current tax plate map attached as Exhibit C. (Subject property highlighted in yellow).

5. The property known as "Part of Lot 10" was created by deed recorded in 1927. (Exhibit D, attached). On May 27, 1927, title to "Part Lot 10" (being the "...west sixty-five (65) feet front by the full depth thereof of Lot Numbered Ten (10)...") was conveyed to Mr. and Mrs. William Tuckerman. The Applicants' investigations have shown that the purpose of the Tuckermans' purchase of "Part of Lot 10" was to build a residence on the parcel of ground. As explained in Alvin McNish's letter (Exhibit E, attached), personal problems prohibited the Tuckermans from ever building on their lot.

6. In August, 1955, the Tuckermans conveyed "Part Lot 10" to Alvin and Vivian McNish who, since 1933, had owned and lived in the house on the adjacent parcel known as "Part Lot 10/Part Lot 12." (See deed, Exhibit F and McNish letter, Exhibit E).

7. Over the past 70 years, six of the lots owned by Mr. DeSweinitz, known as Lots 9 through 14, have been "partitioned" by metes and bounds transfers from six platted lots into 9 separate parcels, each with their own tax account number. Eight of the nine parcels have been built upon. Only the subject property--"Part of Lot 10"--remains vacant and unbuild upon.

In reviewing the factual history of this neighborhood up to this point in time, the following facts should be noted:

- A. The original 1899 design of lots and development pattern have been substantially altered by deed conveyances and by construction across platted lot lines.
- B. "Part of Lot 10" was created 68 years ago and has since that date been treated as a separate parcel in a separate chain of title from the remainder of Lot 10.
- C. "Part Lot 10" was created to be used for a single-family detached residence.
- D. Only the subject property remains vacant after the "partitioning" by Mr. DeSweinitz and his successors in title.

The Planning Board's function in this case is to determine if Part Lot 10 complies with the "resubdivision" criteria of Section 50-29(b)(2). While the criteria of Section 50-29 may technically be applicable in this instance, "resubdivision" does not accurately describe the result that the Byrons are trying to accomplish. The Byrons do not seek permission to "carve up" their property so that it will support more than one dwelling unit; in this instance, they only seek permission to replat a remainder of a previously platted lot that has existed in this form since 1927. Nevertheless, the following "resubdivision" analysis is provided for the Board's consideration.

* * * *

DESCRIPTION OF SUBJECT PROPERTY

In comparing the Byrons' proposed lot with original and resubdivided lots within the "neighborhood," the Board should consider the following facts about the subject property:

Shape:	Rectangle
Width:	65 Feet
Depth:	178.5 feet
Area:	11602 square feet

NEIGHBORHOOD

The "neighborhood" selected by the Applicant for purposes of the Board's review of this question is shown outlined in the bold line on Exhibit C, attached. The boundaries of the neighborhood are:

South: The first tier of lots in Block A that confront the subject property across Essex Avenue. Although these lots were platted at a later time (1947) than the original "Somerset Heights" plat, nevertheless, they do contribute to the character of Essex Avenue and are "influenced" by this "resubdivision" request.

East: The first tier of lots east of Warwick Place in Block 9 which confront Block 5. These lots were selected for the same reasons as were the lots in Block A to the south.

North: Cumberland Avenue between Warwick Place and the western end of the Historic District (between Lots 28 and 19, Block 2) on Cumberland. The lots and blocks on both sides of Dorset Avenue were included in the analysis neighborhood because Dorset is the "spine" or "main street" of the Town.

West: The western end of the Historic District within Block 4 extended north and south to intersect Cumberland and Essex.

RESUBDIVISION ACTIVITY

Within the defined neighborhood, there has been substantial resubdivision activity. The activity is summarized as follows:

<u>YEAR</u>	<u>1899 BLOCK</u>	<u>ORIGINAL LOTS</u>	<u>NEW LOTS</u>	<u>EXHIBIT</u>
1934	2	4	7	<u>G</u>
1960	3	2	4	<u>H</u>
1964	3	2	3	<u>I</u>
1979	2	4 plus parts of 4 other lots	7 (including a pipestem on Lot 35)	<u>J</u>

RESUBDIVISION ANALYSIS

In the attached chart, the Byrons have set forth all the relevant figures related to the lots and blocks within the Applicant's defined neighborhood. Of special importance are the statistical characteristics of the resubdivided lots relative to the features of the Byrons' proposed lot:

<u>Feature</u>	<u>Resubdivided Lots</u>	<u>Proposed Byron Lot</u>
Frontage	70.00 feet*	65 feet
Depth	129.63 feet	178.5 feet
Area	10749 square feet	11602 square feet

(*9 of the 19 resubdivided lots have not more than 65 feet of frontage)

Also relevant are the characteristics of the lots confronting the subject property to the south across Essex Avenue. These lots have a width of 70 feet, a typical depth of 125 feet and an area of approximately 8750 square feet, all of which are compatible with, but generally less than, the comparable figures for the Byrons' lot. Also, from a design perspective, these houses all hold a 25-foot front yard setback, whereas the proposed Byron home (and immediate neighbors) have 45-foot front yard setbacks.

PRECEDENT

For the past three months, the Byrons have been working with the Town of Somerset to allay its concerns about the platting of "Part of Lot 10" acting as a precedent for future resubdivision activity within the Town. Research has concluded that there are only eight privately owned vacant lots in the entire Town. The only lot within the Applicant's proposed "Neighborhood" which appears to be susceptible to resubdivision is the Ringland lot (Lot 4, Block 5) which contains the partially burned out shell of a former residence. If a resubdivision request was received for this property, the most persuasive comparable would not be the Byrons' request but, rather, the resubdivision across Dorset Avenue (Lots 15, 16 and 17, Block 3) which would appear to justify resubdivision into two lots. This resubdivision is also a better example because it is located in the Somerset Historic District as is Lot 4, Block 5.

In voting to support the Byrons' request to replat their property, the Town of Somerset was persuaded by the following arguments which substantially reduce the importance of this replatting for precedential purposes:

1. The subject request is not an application to create two or more lots out of an already buildable lot. The Byrons only want to build their residence on the residue of a previously platted lot.
2. The property has existed in its current form, since 1927, more than 68 years ago.
3. The lot to be created is currently designated by its own tax account number.
4. The lot was created for purposes of construction of a residence.
5. The property is vacant. This is not a situation where an existing residence will be razed to allow construction of one or more new houses.
6. The subject property is not located in the Somerset Historic District where development activity will be subjected to close scrutiny by the Historic District Commission and where greater sensitivity to redevelopment is more appropriate.
7. Resubdivision activity within the Town has resulted in lots comparable in characteristics to replatted "Part of Lot 10."
8. Approval of this application should have a limited influence on future resubdivision applications because of the unique factors associated with this proposal.

The Byrons have voluntarily elected to go through the replatting process even though they are aware that there is a legal question about the necessity of doing so. (See Section 59-B-5.1, of the Montgomery County Zoning Ordinance). The Byrons have cooperated and collaborated with the Town of Somerset to satisfy the concerns of that governmental body. They now ask that the Planning Board approve their request to replat their property so that they can build their new home.

Montgomery County Planning Board
March 3, 1995
Page 7

Thank you for your consideration of these comments.

Sincerely yours,

MILLER, MILLER & CANBY

JODY KLINE

Jody S. Kline

JSK:dmb

Enclosures

cc (w/enclosures): Mr. Joe Davis
Patty Goldberg, Esquire
Mr. and Mrs. Howard Byron
Mr. Dick Witmer
Norman Knopf, Esquire

EXAMINED,
Mailed to Grant
Commercial Natl Bank,
Wash. D.C. 12-11-24

At the request of William Tyler Page and Mary Anna Page the following deed was recorded October 7th A.D. 1924 at 11:00 o'clock A.M. to wit:-

This deed, made this fifteenth day of July in the year one thousand nine hundred and twenty four by and between Potomac Heights Land Company, a corporation, organized and existing under the laws of the state of North Carolina (pursuant to an by authority of a resolution of its Board of Directors) party of the first part, and William Tyler Page and Mary Anna Page his wife, joint tenants of Montgomery County, Maryland, parties of the second part.

Witnesseth, that for and in consideration of the sum of ten (\$10.00) dollars, the said party of the first part does grant unto the said party of the second part, in fee simple, the following described land and premises situate in Montgomery County, Maryland and known and distinguished as lots numbered ten (10) twelve (12) thirteen (13) and fourteen (14) in block numbered five (5) in the subdivision known as Somerset Heights, according to plat numbered 30 recorded in plat book number 1 in the office of the clerk of the Circuit Court of Montgomery County Maryland.

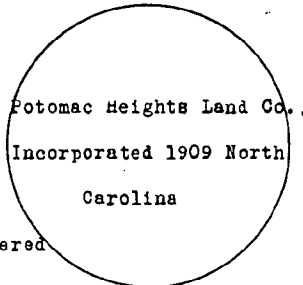
Together with all and singular the ways, easements, rights, privileges and appurtenances to the same belonging or in anywise appertaining and all the estate, right, title interest and claim either at law or in equity or, in equity of otherwise however of the said party of the first, part, of, in, to, or out of the said land and premises, subject to all covenants of record.

And the said party of the first part covenants that it will warrant specially the property hereby conveyed, and that it will execute such further assurances of said land as may be requisite or necessary.

In testimony whereof, the said Potomac Heights Land Company hath on the fifteenth day of July A.D. 1924, caused these presents to be signed by J.D. Dorsett its president attested by W.F. Jackson its secretary and its corporate seal to be hereunto affixed.

Attest:

W.F. Jackson
Secretary



Potomac Heights Land Company
By: J.D. Dorsett
President

Signed sealed and delivered

in the presence of-

A. R. Valera

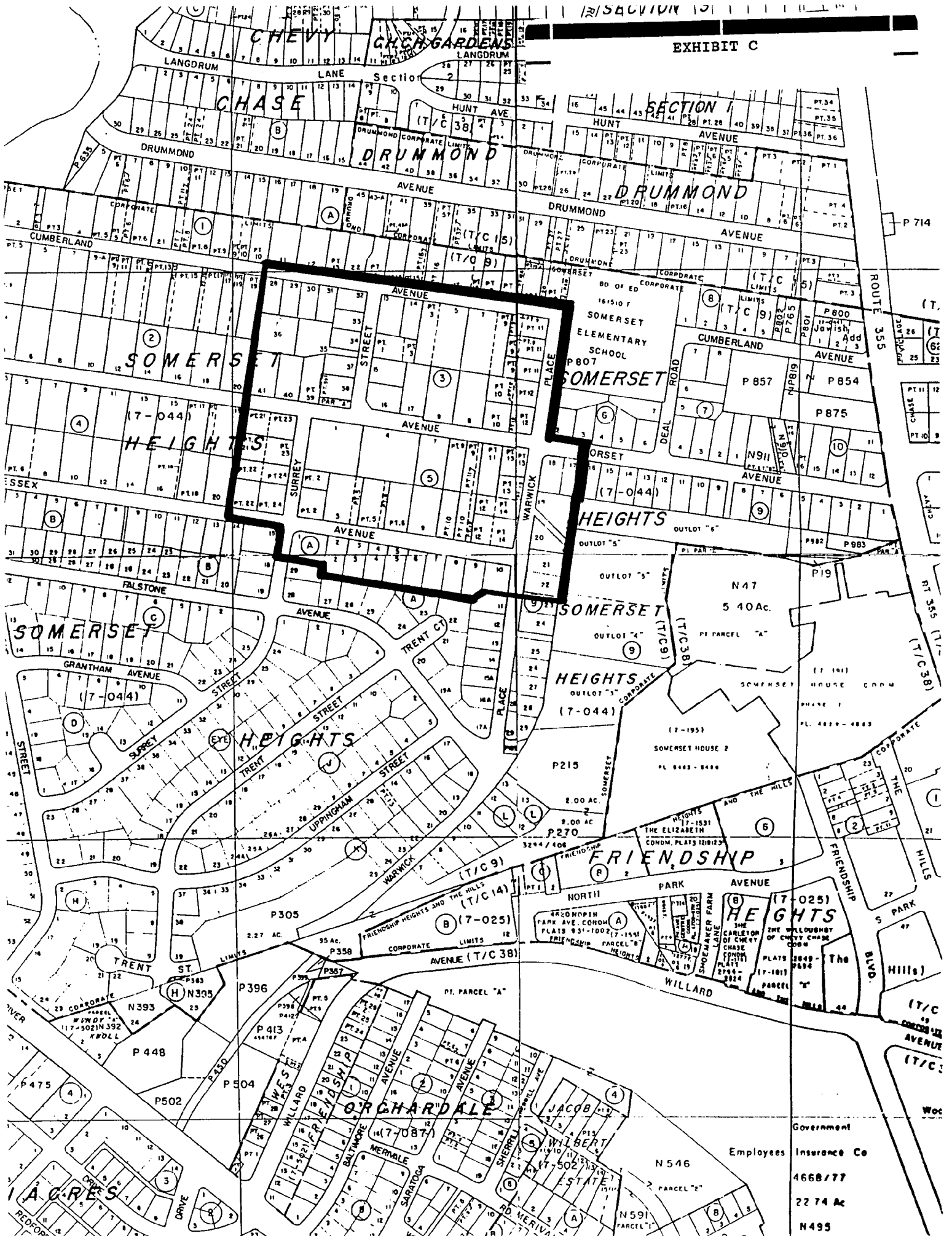
(Internal Revenue \$1.00)

District of Columbia,

City of Washington, ss:-

I Alexander B. Valera, notary public in and for the District of Columbia

EXHIBIT C



Government
 Employees Insurance Co
 4668/77
 2274 Ac
 N495

Jessie M. Hunter
Notary Public
Montgomery
County, Md.

EXAMINED

Mailed to:

Suburban Title Investment
Corp., S.W. Bldg., Wash. D.C.

At the request of Louis B. Tuckerman and Una V. Tuckerman the
following Deed was recorded May 27th, A.D. 1927, at 4:40 O'clock
P.M. to wit:-

7-12-27

This Deed Made this 25th day of May in the year of our Lord
one thousand nine hundred and twenty-seven, by and between William Tyler Page and
Mary Anna Page, his wife, of Montgomery County, State of Maryland, parties of the
first part, and Louis B. Tuckerman and Una V. Tuckerman, his wife, of the same place,
parties of the second part:

Witnesseth, that in consideration of the sum of Ten dollars
(\$10.00), current money, and other valuable considerations, William Tyler Page and
Mary Anna Page, parties of the first part, do grant and convey unto Louis B. Tucker-
man and Una V. Tuckerman, parties of the second part, their heirs and assigns, in fee
simple, as tenants by the entirety, all that certain piece or parcel of ground situate,
lying and being in Montgomery County, in the State of Maryland, being part of the
same land which the parties of the first part (William Tyler Page and Mary Anna Page)
obtained from the Potomac Heights Land Company by deed dated July 15, 1924 and record-
ed in the Land Records of Montgomery County, Maryland, in Liber No. 363, at folio 122,
and being described as follows, to wit:

The West sixty-five (65) feet front by the full depth thereof of
Lot numbered Ten (10) in Block numbered Five (5) in a subdivision known as "Somerset
Heights", as per plat of said subdivision recorded in Plat Book No. 1, plat 30, one of
the Land Records for said Montgomery County.

Together with the building and improvements thereupon erected,
made or being; and all and every, the rights, alleys, ways, waters, privileges, appur-
tenances and advantages to the same belonging or in anywise appertaining.

To have and to hold the said piece or parcel of ground and pre-
mises above described or mentioned, and hereby intended to be conveyed, together
with the rights, privileges, appurtenances and advantages thereto belonging or apper-
taining unto and to the only proper use, benefit and behoof forever of the said
Louis B. Tuckerman and Una V. Tuckerman, parties of the second part herein, their heirs
and assigns in fee simple.

And the said parties of the first part covenant that they will
warrant specially and generally the property hereby conveyed; that they are seized
of the land hereby conveyed; that they have a right to convey said land; that the
said parties of the second part shall quietly enjoy said land; that they have done
no act to encumber said land; and that they will execute such further assurances of

**5309 Manorfield Road
Rockville, Maryland 20853
301-460-9556**

November 21, 1994

Mr. Howard Byron
2702 Beechmont Lane
Silver Spring, MD 20906

Dear Mr. Byron:

This is in response to your inquiry regarding what I recall about Tuckerman's lot. It was my understanding that lots 7 through 14 once belonged to DeSweinitz.

Sometime before 1923 these lots were re-surveyed and subdivided into smaller lots, their new boundaries being marked by iron pipe.

In 1923 the house on that new lot, address formerly 311 Essex Avenue, now 4711 Essex Avenue was built by a builder for his daughter. As a result of the Depression of 1929, the mortgage holder foreclosed and we, the McNish family, moved in in September 1933.

That lot 65 foot front of lot 10 bordered by lot 8 was known as Tuckerman's lot. Dr. Tuckerman, a scientist at the Bureau of Standards, had purchased the lot at the time of the survey as a building lot for a house.

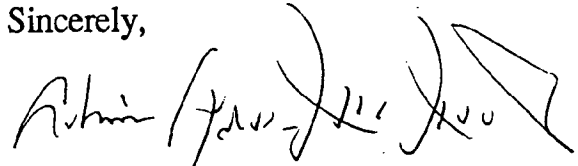
His plans were interrupted by the illness of his wife following the birth of their son Bryant. This illness from which she never recovered required her to be institutionalized. Their house plans were unfortunately permanently put on hold.

I and the neighborhood children used to play baseball on Tuckerman's lot. As a teenager I had the job of cutting the brush there. Both the late Dr. Tuckerman and his son Dr. Bryant Tuckerman, who was some years older than I, were known to me. In fact, Dr. Bryant Tuckerman and his wife used to communicate with my parents over the years until their deterioration in 1988.

In the early fifties about property tax time, Dr. Tuckerman, Sr., made his desire to sell the lot known. My father made an offer of \$6,000 which was accepted.

This led to a confrontation between my mother and father which she won, having her name included on the property title of 4711 Essex Avenue and placed on the title of Tuckerman's lot.

Sincerely,

A handwritten signature in cursive script, appearing to read "Alvin Geo. McNish". The signature is written in dark ink and is positioned above the printed name.

Alvin Geo. McNish

RECORDED
1955-AT-1126 P. M.
2104 JUL 23 1955

APR 11 1955

THIS DEED made this 26th day of AUGUST 1955 by and between LOUIS B. TOCKERMAN also known as Louis Bryant Tockerman, individually and as trustee for the benefit of the Venable Tockermans, both companies, and parties of the first part and HILLIAM H. MEMISH, his wife, parties of the second part

WITNESSETH that in consideration of the sum of ten dollars and other valuable consideration receipt of which is hereby acknowledged, said parties of the first part do grant, convey, sell, assign, release, quitclaim, warrant, and otherwise convey unto said parties of the second part of or in and to the following described land, to-wit: **LOT TEN (10)** in Block FIVE (5) in a subdivision known as "SUMMER HEIGHTS" as per plat of said subdivision recorded in Plat Book 1, Plat 30, one of the Land Records for Montgomery County, Maryland.



TOGETHER WITH the buildings and improvements thereon erected, made or being; and all and every the rights, alleys, ways, easements, appurtenances and advantages in the same belonging or in any wise appertaining.

TO HAVE AND TO HOLD, said land and premises above described or mentioned and hereby intended to be conveyed, together with the rights, privileges, appurtenances and advantages thereunto belonging or appertaining unto said parties of the second part, their heirs and lawful forever of said parties of the second part and their heirs forever.

AND said parties of the first part covenant that they will warrant specially the property hereby conveyed that they are seized of the land hereby conveyed; that they have a right to convey said land; that said parties of the second part shall quietly enjoy said land; and that they will execute such further assurances of said land as may be required.

IN WITNESS WHEREOF I have signed my official seal this 26th day of AUGUST 1955 before me and did acknowledge the foregoing deed to me.

LOUIS B. TOCKERMAN, individually and as trustee for the Venable Tockermans

HILLIAM H. MEMISH

Handwritten signature of Louis B. Tockerman
LOUIS B. TOCKERMAN
and as trustee for the Venable Tockermans

Handwritten signature of Hilliam H. Memish
HILLIAM H. MEMISH
Notary Public

STATE OF MARYLAND
COUNTY OF MONTGOMERY

I HEREBY CERTIFY that on this 26th day of AUGUST 1955 before me, a notary public in and for the State and County aforesaid, personally appeared

LOUIS B. TOCKERMAN, individually and as trustee for the Venable Tockermans

and did acknowledge the foregoing deed to me.

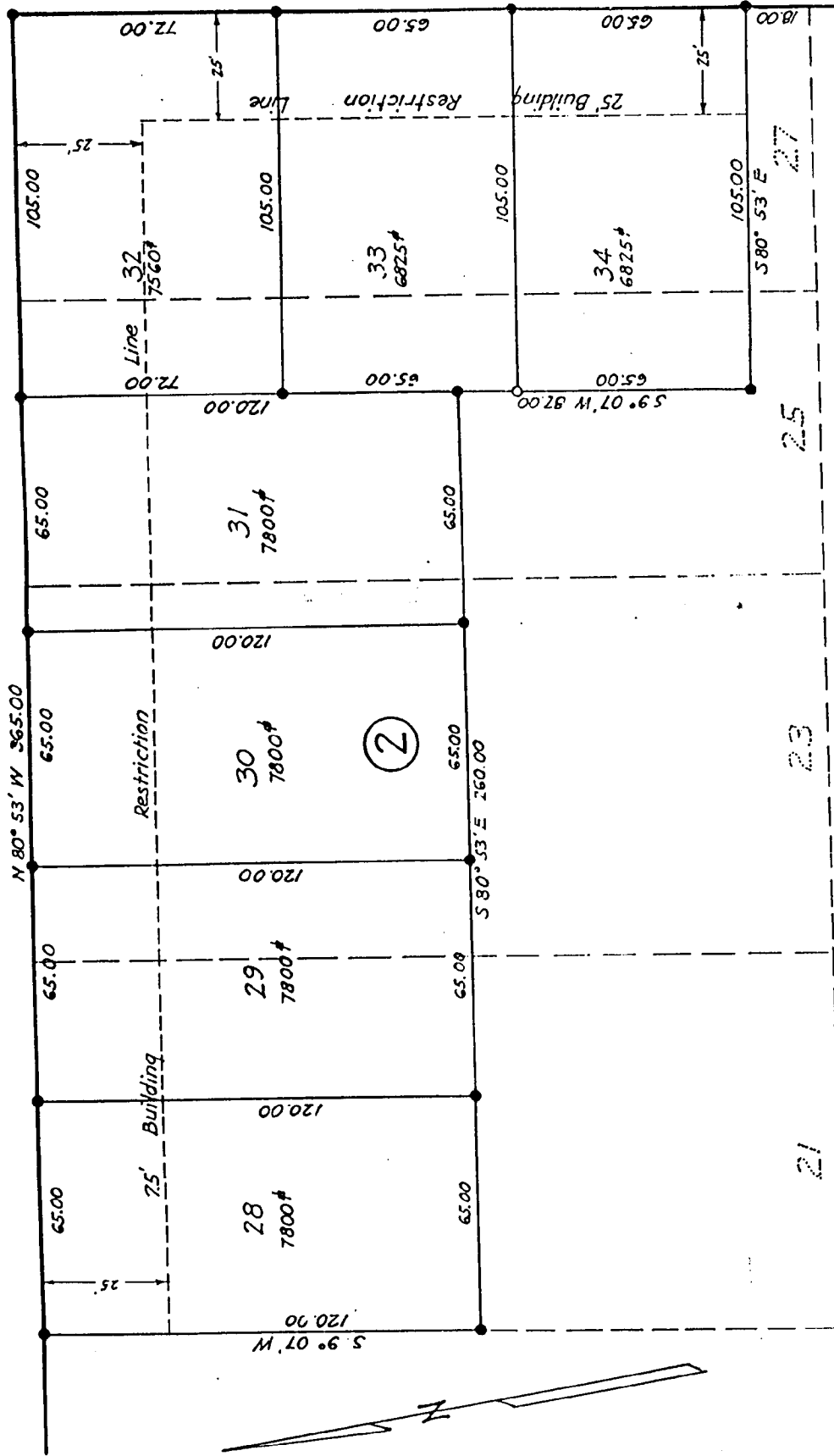
IN WITNESS WHEREOF I have signed my official seal this 26th day of AUGUST 1955



Handwritten signature of Mary C. Heenan
MARY C. HEENAN
Notary Public

My commission expires: May 6, 1957

CUMBERLAND AVENUE



50'

OWNER'S DEDICATION

We, Sidney S. Jaffe, his wife, owners of the property described in the Engineer's Certificate hereby adopt the plan of subdivision shown hereon; And establish the minimum building restriction lines as shown hereon.

Sidney S. Jaffe
SIDNEY S. JAFFE
Bella Jaffe
BELLA JAFFE

Sydney S. Stephenson
WITNESS
Sydney S. Stephenson
WITNESS

SEPTEMBER 4, 1934

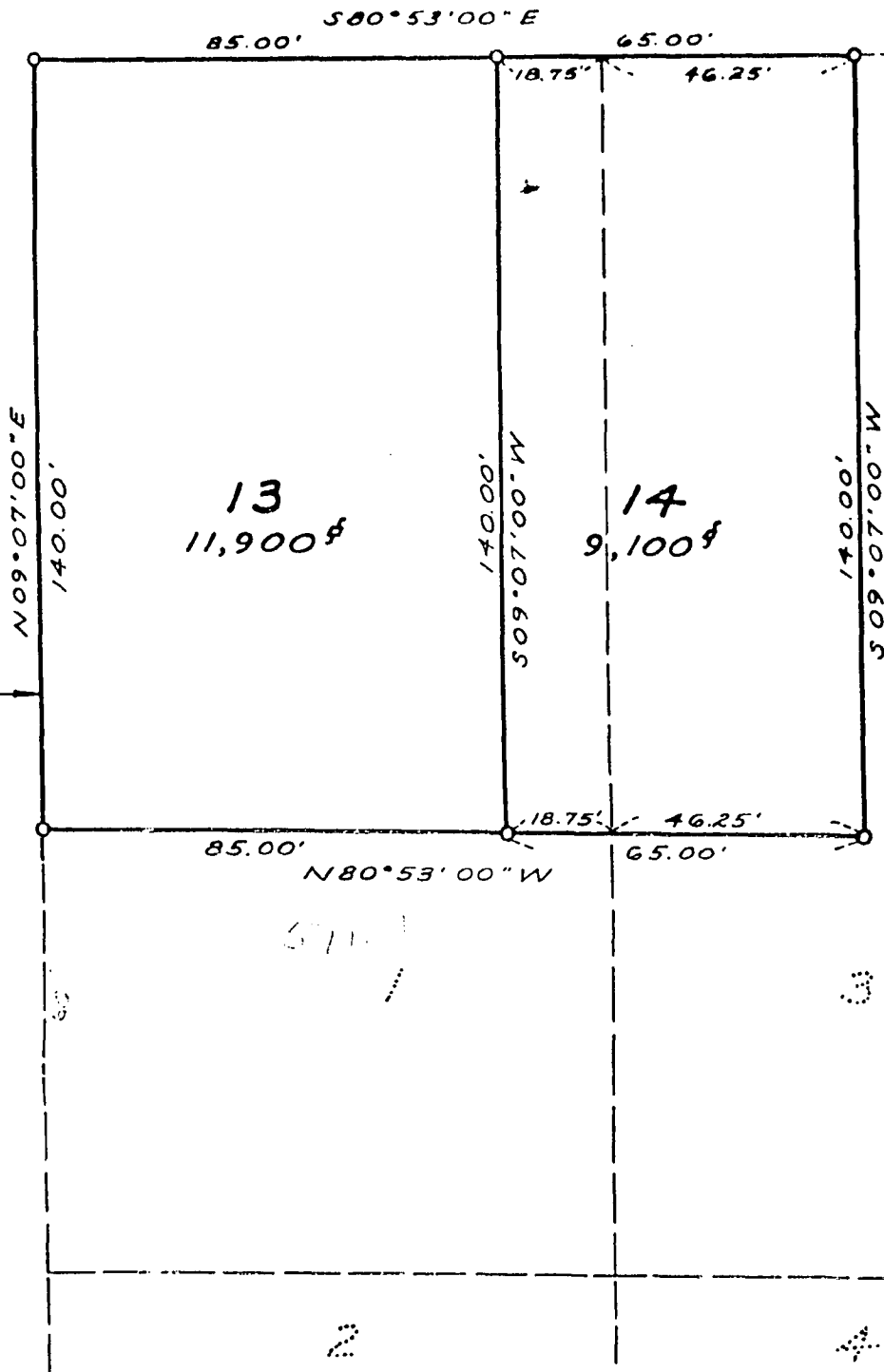
ENGINEER'S CERTIFICATE

I hereby certify that the plat hereon delineated is correct; That it is a subdivision of parts of Lots 21, 23, 25 and 27, of Block 2, Somerset Heights, recorded among the land records of Montgomery County, Maryland in plat book No. 1, plot No. 30, which lots were conveyed to Sidney S. Jaffe by Lillie Dunn Crampton, widow of Charles A. Crampton by deed dated April 1, 1918, and recorded among the aforementioned land records in liiar 270 at folio 239;

0-27-24

CUMBERLAND AVENUE

SURREY STREET



B-3

RECORDED:	6-1-6
PLAT BOOK:	66
PLAT NO:	5952

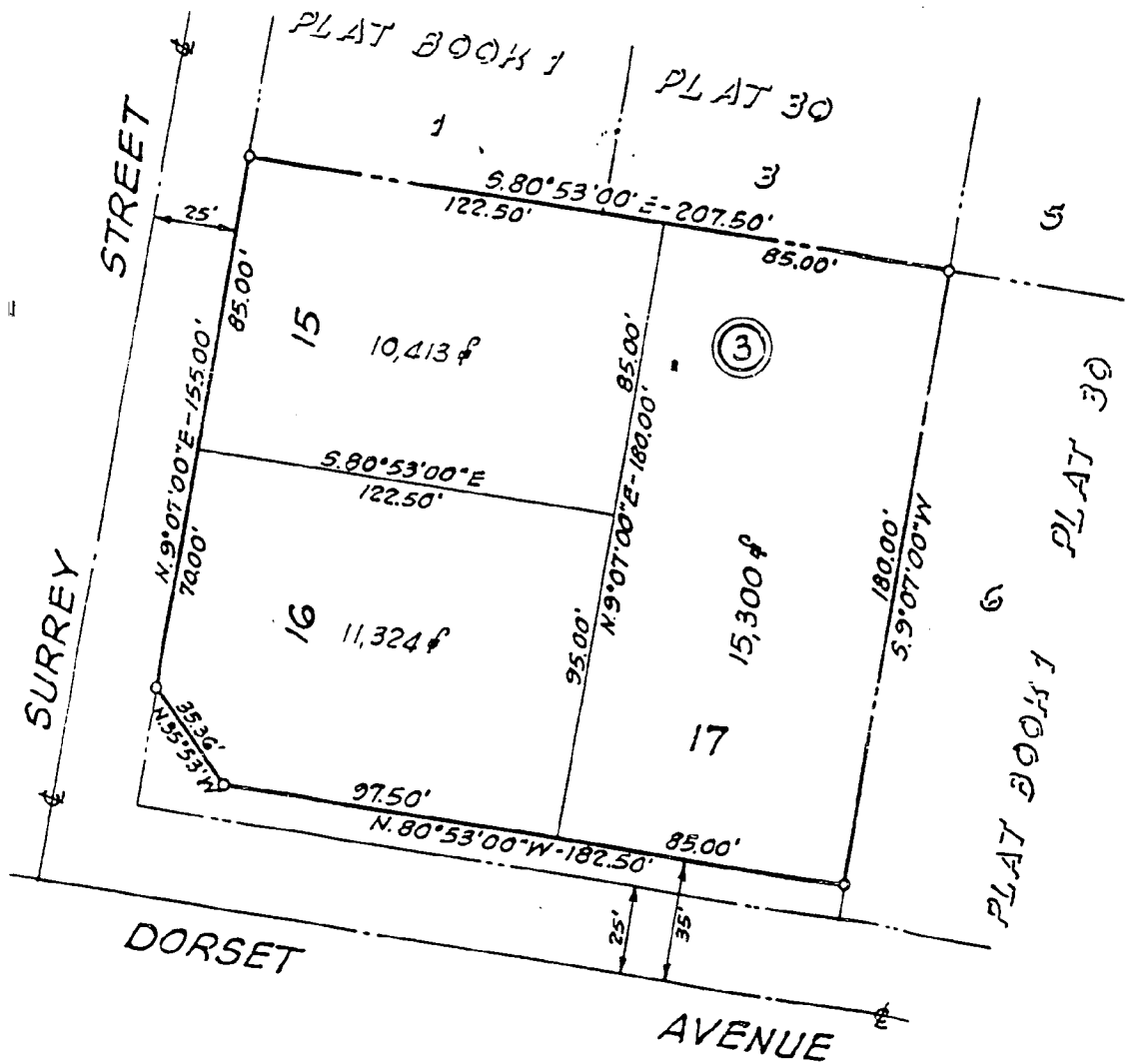
LOTS 13 & 14 - BLOCK B-3

A RESUBDIVISION OF PARTS OF LOTS 1 & 3

SOMERSET HEIGHTS

MONTGOMERY COUNTY, MARYLAND

se
s)
records
d all
sold
based)



OWNERS DEDICATION

We, Dean A. Rathbun and Helen H. Rathbun, his wife, owners of the property shown and described hereon, hereby adopt this plan of subdivision, establish the minimum building restriction lines and dedicate the street to public use.

Date: Aug 1, 1964

<u>Harold M. Braden</u> WITNESS	<u>Dean A. Rathbun</u> DEAN A. RATHBUN
<u>as to both</u> WITNESS	<u>Helen H. Rathbun</u> HELEN H. RATHBUN

We assent to this plan of subdivision.

Date: August 27, 1964 SUBURBAN TRUST COMPANY

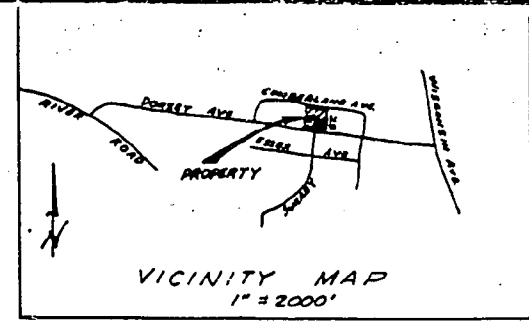
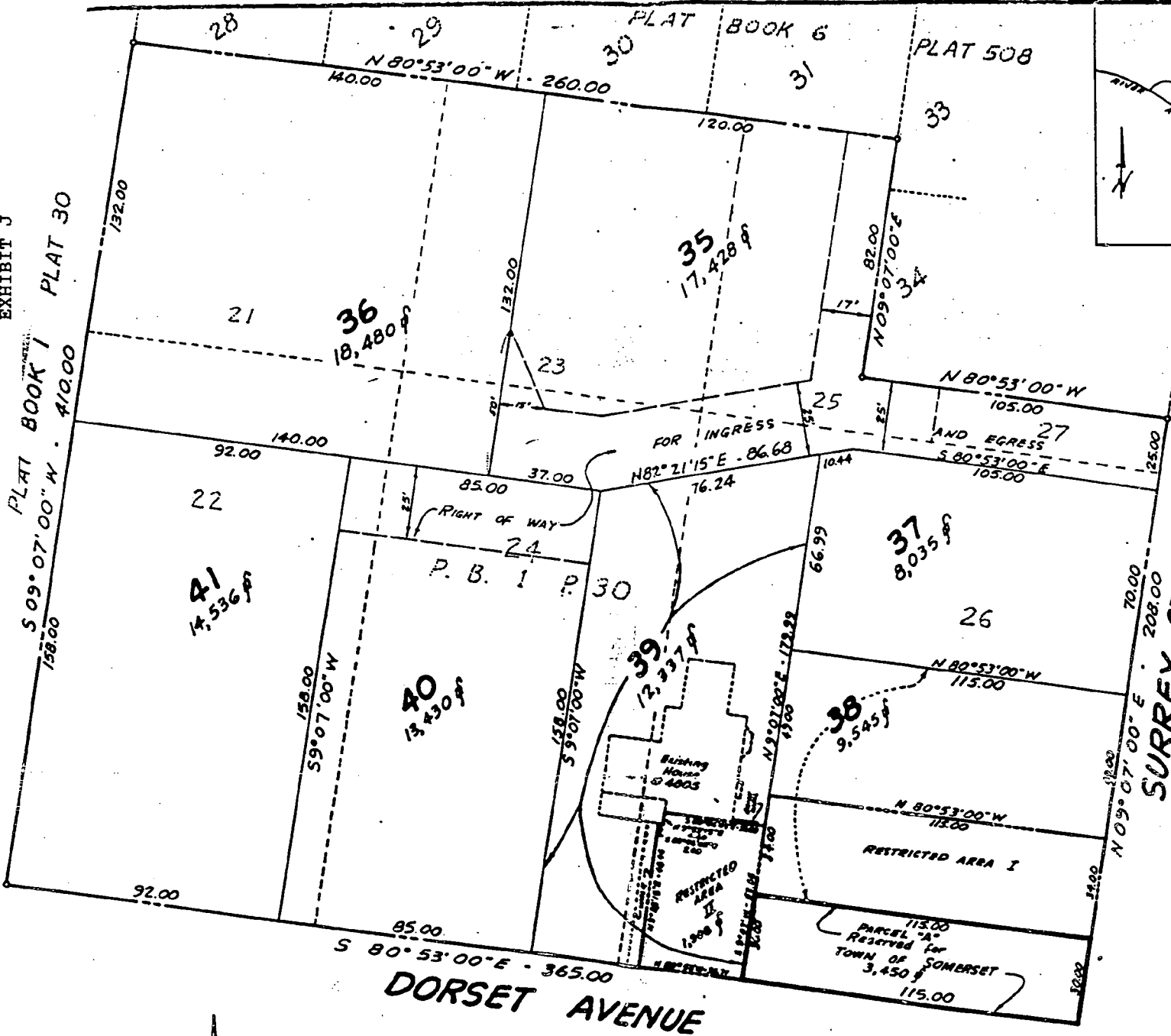
Attest: Thomas J. ... By: John C. ...
TRUST OFFICER SENIOR VICE PRESIDENT

ENGINEERS CERTIFICATE

I hereby certify that the plan shown hereon is correct; that it is a subdivision of all the land

EXHIBIT I

PLAT BOOK 1 PLAT 30
 S 09° 07' 00" W · 410.00



SURVEYOR'S CERTIFICATION

I HEREBY CERTIFY THAT THE PLAN SHOWN HEREON IS CORRECT; THAT IT IS A SUBDIVISION OF THE LAND ACQUIRED BY OLGA ERNESTINE MAULE UNDER THE WILL OF BELLA LADDON JAFFE, ADMINISTRATION #812,257, WILL REFERENCE VNB 127-605; AND THE LAND ACQUIRED BY ETHEL BERKMAN JAFFE UNDER THE WILL OF VICTOR NEVITT JAFFE, ADMINISTRATION #815,741, WILL REFERENCE VNB 129-285; AND ALSO A RE-SUBDIVISION OF PART OF LOTS 21, 23, 25, AND 27 AND ALL OF LOTS 22, 24, AND 26, BLOCK 2, "SOMERSET HEIGHTS" AS SHOWN ON A PLAT THEREOF RECORDED AMONG THE LAND RECORDS OF MONTGOMERY COUNTY, MARYLAND IN PLAT BOOK 1, PLAT 30; AND THAT IRON PIPES MARKED THIS ARE IN PLACE WHERE SHOWN HEREON. THE TOTAL AREA INCLUDED IN THIS PLAN OF SUBDIVISION IS 97,241 SQUARE FEET.

DATE: June 20, 1979

James F. Shuman
 JAMES F. SHUMAN
 PROF. LAND SURVEYOR #3984



DORSET AVENUE

SURREY STREET

OWNERS DECLARATION

WE, OLGA ERNESTINE MAULE AND ETHEL BERKMAN JAFFE, OWNERS OF THE PROPERTY SHOWN AND DESCRIBED HEREON, HERE-

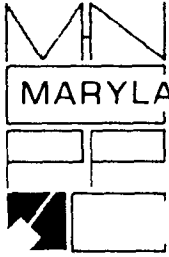
NOTE: PARCEL "A", RESTRICTED AREA I, AND RESTRICTED AREA II SHOWN HEREON ARE DESCRIBED IN A DECLARATION OF EASEMENTS ESTABLISHED BY OLGA ERNESTINE MAULE AND ETHEL BERKMAN JAFFE AND RECORDED.

4722 Dorsett Ave.

Somerset H.O.

10/26/94 - Demo By neglect update.

S. Ringland property



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

DATE: 9/28/95

MEMORANDUM

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

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

SUBJECT: Historic Area Work Permit

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

_____ Approved

_____ Denied

_____ Approved with Conditions: _____

_____ SEE ATTACHED DENIAL DECISION

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

Applicant: D.S. RINGLAND

Address: 4722 DORSET AVENUE

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



Historic Preservation Commission

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

APPLICATION FOR HISTORIC AREA WORK PERMIT

TAX ACCOUNT # NA / 538078 OWNER:
 NAME OF PROPERTY OWNER RINGLAND, D.S. TELEPHONE NO. (301) 652-4498
(Contract/Purchaser) N/A (Include Area Code)
 ADDRESS 6801 WEST AVENUE CHEVY CHASE MD. 20815
CITY STATE ZIP
 CONTRACTOR NA TELEPHONE NO. NA
 CONTRACTOR REGISTRATION NUMBER _____
 PLANS PREPARED BY NA TELEPHONE NO. NA
(Include Area Code)
 REGISTRATION NUMBER NA

LOCATION OF BUILDING/PREMISE
 House Number 4722 Street DORSET AVENUE
 Town/City SOMERSET, CHEVY CHASE Election District 7 / 900.44
 Nearest Cross Street SURREY STREET
 Lot 4 Block 5 Subdivision SOMERSET HEIGHTS
 Liber. 5364 Folio 632 Parcel ACCOUNT # 538078

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 _____
 1B. CONSTRUCTION COSTS ESTIMATE \$ NA (DEMOLITION)
 1C. IF THIS IS A REVISION OF A PREVIOUSLY APPROVED ACTIVE PERMIT SEE PERMIT # NA
 1D. INDICATE NAME OF ELECTRIC UTILITY COMPANY PEPCO
 1E. IS THIS PROPERTY A HISTORICAL SITE? YES

PART TWO: COMPLETE FOR NEW CONSTRUCTION AND EXTEND/ADDITIONS NA
 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 NA
 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~~ ^{demolition} 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.

Deborah Susan Ringland October 24, 1994
 Signature of owner or authorized agent (agent must have signature notarized on back) Date

APPROVED _____ For Chairperson, Historic Preservation Commission
 DISAPPROVED Signature [Signature] Date 9/13/95

APPLICATION/PERMIT NO: 9411030062 FILING FEE: \$ _____
 DATE FILED: _____ PERMIT FEE: \$ _____
 DATE ISSUED: _____ BALANCE \$ _____
 OWNERSHIP CODE: _____ RECEIPT NO: _____ FEE WAIVED: _____

SEE REVERSE SIDE FOR INSTRUCTIONS

HISTORIC PRESERVATION COMMISSION

of

MONTGOMERY COUNTY

8787 Georgia Avenue
Silver Spring, Maryland 20850

301-495-4570

Case No. 35/36-94D Filed: October 24, 1994

Public Appearance: September 13, 1995

Before the Montgomery County Historic Preservation Commission

Application of Deborah Susan Ringland
at 4722 Dorset Avenue, Somerset

DECISION AND OPINION OF THE COMMISSION

Decision of the Commission: DENY the requested Historic Area
Work Permit to demolish the house
at 4722 Dorset Avenue, Somerset

Commission Motion: At the September 13, 1995, meeting of the Historic Preservation
Commission (HPC), Commissioner Trumble presented a motion to
deny the requested Historic Area Work Permit to demolish the house at
4722 Dorset Avenue, Somerset. Commissioner Jordan seconded the
motion. Commissioners Clemmer, Jordan, Kousoulas, Lanigan,
Randall, Soderberg, and Trumble voted in favor of the motion.
Commissioners Booth and Bienenfeld were absent. The motion was
passed, seven in favor - zero opposed.

BACKGROUND

Historic Preservation Ordinance

Chapter 24A of the Montgomery County Code, entitled "Preservation of Historic
Resources," establishes the framework for historic preservation in the County. It provides
for:

the identification, designation, and regulation, for purposes of protection, preservation, and continued use and enhancement of those sites, structures with their appurtenances and environmental settings, and districts of historical, archeological, architectural, or cultural value in that portion of Montgomery County within the Maryland-Washington Regional District. Its further purpose is to preserve and enhance the quality of life in the County, safeguard the historical and cultural heritage of the County, strengthen the local economy, stabilize and improve property values in and around historic areas, foster civic beauty, and to preserve such sites, structures, and districts for the education, welfare, and continued utilization and pleasure of the citizens of the County, the State of Maryland, and the United States of America.

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

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

Historic resource: A district, site, building, structure or object, including its appurtenances and environmental setting, which is significant in national, state or local history, architecture, archeology or culture. This includes, but is not limited to, all properties on the "Locational Atlas and Index of Historic Sites in Montgomery County".

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.

Sections 24A-7(f)(4) and 24A-8(b)(5) of the Historic Preservation Ordinance relate to the issues of reasonable use and undue hardship. Specifically Section 24A-8(b)(5) provides that:

(b) The commission shall instruct the director to issue a permit, or issue a permit subject to such conditions as are found to be necessary to insure conformity with the purposes and requirements of this chapter, if it finds that:

5. The proposal is necessary in order that the owner of the subject property not be deprived of reasonable use of the property or suffer undue hardship.

Sections 24A-8(a) states that:

(a) The commission shall instruct the director to deny a permit if it finds, based on the evidence and information presented to or before the commission that the alteration

for which the permit is sought would be inappropriate or inconsistent with, or detrimental to the preservation, enhancement or ultimate protection of the historic site, or historic resource within an historic district, and to the purposes of this chapter.

It should be noted that the provisions in the Montgomery County Code which provide relief to property owners in cases where the failure to issue a Historic Area Work Permit would deprive the owner of all "reasonable use of the property" or would cause "undue hardship" derive from constitutional protections against the taking of property without just compensation (and are similar to those found in other jurisdictions with historic preservation ordinances).

Master Plan for Historic Preservation

The applicant has applied for an Historic Area Work Permit to demolish a historic resource - 4722 Dorset Avenue - in the Somerset Historic District, which has been designated on the Master Plan for Historic Preservation as Site #35/36.

The Somerset Historic District was identified on the Locational Atlas and Index of Historic Sites in Montgomery County, Maryland in 1976. The Somerset Historic District was designated as an historic site on the Master Plan for Historic Preservation by the Montgomery County Council, sitting as the District Council on March 29, 1990. This amendment was adopted by the Maryland-National Capital Park and Planning Commission nunc pro tunc on May 9, 1990.

The Master Plan for Historic Preservation characterizes the historic significance of the Somerset Historic District as follows:

The earliest portion of the Town of Somerset was founded in the late 19th Century as a trolley suburb. This area is significant as one of the first trolley suburbs in Montgomery County and is representative of the beginnings of suburbanization.

Somerset was developed in 1890 by the Somerset Heights Colony Company. This group purchased approximately 50 acres of farmland with the goal of creating a clean, safe, residential community--far enough away from the dangers and dirt of the city, but close enough to commute to work by trolley.

Five the original partners of the Somerset Heights Colony Company were associated with the U.S. Department of Agriculture. By 1895, four of these five men had built large homes for themselves within the new community. Three of these houses are still standing.

The Master Plan also cites the architectural significance of the District:

House which were built in Somerset during its primary period of architectural importance (1890 to 1915) represent a wide variety of Victorian styles: Carpenter Gothic, Queen Anne, and Italianate. In addition, these are some good examples of the Bungalow style. As a group, the early houses in Somerset represent one of the best concentrated collections of Victorian residential architecture in the County.

The Master Plan cites the house at 4722 Dorset Avenue as one of the contributing historic resources within the District. The Master Plan states:

A map of the boundaries of the Somerset Historic District is included at the end of this amendment. Important contributing resources built before 1915 are noted on this map.

Additional research on the history of 4722 Dorset Avenue which was prepared by historic preservation staff and presented to the Commission on September 13, 1995 includes:

Built by Harvey Wiley around 1891, the house was probably the first of the original five houses built in Somerset (only three of the five remain standing today). The house is a Victorian era structure having elements of the Queen Anne style. It is a 2 1/2 story frame house with a central hipped roof. It has a mitered bay with a conical roof and wrap around porch on the North Elevation. The house is sided with beaded board siding and has fishscale shingles on the gable ends.

Dr. Wiley was one of five men from the Department of Agriculture who co-founded the town of Somerset in 1890 through their purchase of 50 acres of land. Harvey Wiley was Chief of the Bureau of Chemistry at the Department of Agriculture and was known as the "Father of the Pure Food and Drug Act". Because of the significant role that he played in this effort, Dr. Wiley has been honored by having his visage placed on a commemorative stamp. Wiley built the house in hopes of luring his parents from Indiana to live with him. Unsuccessful, he instead sold the house in 1904 to Perry and Mabel Michener. The Micheners in turn sold the property to the Ringlands in 1938.

Arthur Cuming Ringland (1882-1981) was a distinguished long time resident of Somerset. In 1945, he helped originate the concept of the private volunteer organization that became CARE. Mr. Ringland became known as "the father of CARE" and was honored by the United Nations for his efforts.

Chronology of Actions on 4722 Dorset Avenue

In January of 1989, the Division of Code Enforcement of the Department of Housing and Community Development issued a Condemnation Notice on the property. Code Enforcement reinspected and cited the property for violations creating a public nuisance (Chapter 26, Montgomery County Code) on June 28, 1990 and again on March 8, 1991. These notices

also advised the owner, Ms. Ringland, of violations for "Demolition by Neglect" under Chapter 24A. In 1991, the applicant boarded up the majority of the window and door openings of the structure and removed many of the vines from the lot, but provided no permanent roof protection to the fire damaged area. No additional repairs or stabilization work has been done since then.

On February 8, 1994, Code Enforcement sent Ms. Ringland another letter specifically citing her for violations of Chapter 24A (Demolition by Neglect), and Chapter 26 of the Montgomery County Code. This notice required the applicant to correct these violations by May 1, 1994.

On November 11, 1994 Staff received an application for a Historic Area Work Permit from Ms. Ringland to demolish her house. The submission included a letter from one architect and one structural engineer.

On Thursday, November 17, and Saturday, November 19, 1994 HPC staff and Commissioners had the opportunity to visit the site. With the assistance of Ms. Ringland's representatives, the structure was examined from attic to basement.

After November of 1994, the applicant (via her attorney) requested multiple continuances on this case so as to get additional information and expert opinions. The HPC agreed to each of the continuances, although the house has continued to be exposed to the elements and in a state of "demolition-by-neglect" during this period.

On September 1, 1995, the applicant's attorney met with staff at the house. The purpose of this meeting was to hear the findings and opinion of Joseph M. Hadley of Spars, Inc. - a fire restoration specialist who had been hired by the applicant to assess the house. Mr. Hadley pointed out the fire damage that had been viewed previously by staff and Commission members. It was staff's opinion that the house was in substantially the same condition that it had been in when the staff and Commission visited the site in November, 1994.

On September 7, 1995, the Town Council of the Town of Somerset met in their role as the Local Advisory Panel to the HPC. After hearing a presentation by the applicant's representatives and by historic preservation staff, the Council voted 4 to 1 to recommend to the HPC that they approve the application for demolition.

The HPC heard the Historic Area Work Permit case on September 13, 1995.

SUMMARY OF APPLICANT'S ASSERTIONS

There were several "Professional Opinion Letters" attached to the applicant's Historic Area Work Permit application. In addition, several consultants and representatives spoke on behalf of the applicant at the September 13th meeting. The following assertions were made:

- o Although the land is clearly within the Somerset Historic District, there is some question as to whether the house was ever intended to be a part of the District.
- o Considering the interests of the public in preserving the character of the neighborhood, the general welfare is better served by permitting the demolition of the existing structure and the construction of one or more replacement houses.
- o It would be impractical to attempt to reconstruct the structure and return the building to the original Victorian style, because it would be necessary to dismantle the structure down to the foundation, label the various members, replace all of the deteriorated structural elements and then reconstruct the building with the very few salvageable original architectural members.
- o Over 50% of the house's structure has been razed and is now missing due to the fire. The balance of the remaining structural elements have been affected either by the fire, water applied by firefighters putting out the fire, termites or wood rot.
- o Since more than 50% of the house is destroyed, any renovation would require that the entire structure be brought up to the current construction codes and this would necessitate changes to the interior staircase, the basement ceiling height, and the front porch handrailings.
- o There are wood borers in the attic, carpenter ants through-out the home, and active termites in the basement, crawl space and first floor. This necessitates demolition.
- o Denying the demolition request would result in an undue financial hardship on the owner.

EVIDENCE IN THE RECORD

Historical Significance

A letter from Andrew H. Diem, architect, which was attached to the application for an Historic Area Work Permit to demolish the structure at 4722 Dorset Avenue in Somerset, states that "...it is not fully clear that the County Council intended to designate the fire damaged structure, as opposed to the land, as a part of the Somerset Historic District." In essence, the applicant's representatives have contended that the historically important aspect of this property is the large, unsubdivided lot (37,350 square feet in size), and that the primary goal should be preserving the character of the neighborhood, rather than the specific house in question.

Historic preservation staff addressed this issue in both the written staff report (dated September 6, 1995) and the oral report presented on September 13th. Arguments regarding the significance of the house at 4722 Dorset are unjustified at this point. The property was

evaluated as part of the designation of the Somerset Historic District that took place in 1990. At that time, the Montgomery County Council not only approved its inclusion in the designated district, but also approved its designation on a map of the district as an "important contributing resource built before 1915". The designation amendment notes that "Houses which were built in Somerset during its primary period of architectural importance (1890 to 1915) represent a wide variety of Victorian styles: Carpenter Gothic, Queen Anne, and Italianate...As a group, the early houses in Somerset represent one of the best concentrated collections of Victorian residential architecture in the County." In addition, the amendment specifically refers to the fact that three of the four original houses in Somerset are still standing - 4722 Dorset is one of these houses.

In addition, the concept that historic preservation involves the maintenance of large tracts of open space, without a significant effort to keep the structures historically associated with the land, is not consistent with accepted preservation practices. Although the setting in which a building (such as 4722 Dorset Avenue) is located is very important, the building itself is the primary artifact.

Architectural Integrity

In terms of architectural integrity, the applicant has presented letters from Andrew H. Diem, architect, and Howard J. Rosenberg, P.E., stating that over 50% of the house's structure has been "razed". This assertion was repeated in Mr. Diem's testimony before the HPC on September 13th, when he estimated that 51% of the square footage area has been destroyed and 58% of the linear footage of the exterior facade has been destroyed. Additional written and oral testimony from Joseph M. Hadley of SPARS, Inc. noted primarily structural concerns - problems with the foundation of the structure - particularly in the rear kitchen addition where the 1978 fire was centered - and concerns about the balloon frame structure.

In the staff report and in oral testimony, staff detailed its analysis and professional opinion on the integrity of the structure, and concluded the following:

- A. Fire damage to the rear of the structure, specifically the first floor rear kitchen and second floor rear bedroom (the area shown in the application to be about 22.0' x 10.6') is extensive enough that **this part of the structure is, in staff's opinion, beyond salvage and should be demolished.**
- B. The rear roof rafters of the structure's hip roof over the rear kitchen/bedroom section are burned to a point that they must be replaced.
- C. **The remainder of the house, although blackened by smoke and in disrepair, is not, in staff's opinion beyond restoration.** Staff observation is that at least 75% of the exterior fabric of the structure is intact. The great majority of the framing members are sound and the majority of the roof rafters, although blackened, remain structurally sound.

- D. The majority of the stone foundation is intact, not showing any indication of sagging or bowing and still retains most of its mortar. There is some heavy mortar damage to the sides of the house nearer to the rear of the structure, but this damage is not beyond repair and repointing. This mortar erosion is probably a result of the water used to fight the fire. Inspection of the basement indicated that the damage had not infiltrated the foundation to the point of structural failure and can be remedied.**

Historic preservation staff felt that, except for the areas noted above, the majority of structure is completely salvageable. The point was also made that the building is in remarkably good structural condition, given that it has been vacant for over 16 years and little maintenance work has been done during that period.

Additional testimony was presented at the September 13th meeting by a citizen and former member of the HPC, Joe Brenneman. Mr. Brenneman detailed his experience in renovating 9 or 10 very deteriorated historic structures in Montgomery County. He then stated that, in his opinion, 2/3 of the original structure at 4722 Dorset Avenue is intact and could be renovated - he did not agree with the applicant's assertion of "more than 50%" destroyed. He noted that many of the architectural details on the exterior structure were still in place and that the missing pieces could be replicated to match. He felt that the rear section of the house was damaged beyond repair. However, Mr. Brenneman noted that it would be likely that anyone renovating this house would want to add a rear addition to provide more living space, and that the rear section would need to be removed in any case to build such an addition.

Technical Feasibility of Repair/Renovation Costs

In his letter with the Historic Area Work Permit application, Mr. Diem asserted that it would be impractical to attempt to reconstruct the structure at 4722 Dorset Avenue and return the building to the original Victorian style, because it would be necessary to dismantle the structure down to the foundation, label the various members, replace all of the deteriorated structural elements and then reconstruct the building with the very few salvageable original architectural members.

Mr. Rosenberg stated in his letter, "Inasmuch as there is so little structural elements left which I consider reusable, it is my opinion that the most reasonable course of action to take is to completely demolish the existing structure."

Douglas W. Wade III, of American Pest Control, wrote, "In my opinion, the house is not worth saving and as a company I would not take on the responsibility of treatment or any guarantee [sic]."

Mr. Hadley did not suggest that the structure at 4722 Dorset Avenue would need to be razed and completely rebuilt, or that it was beyond renovation. However, he did discuss specific

problems with the foundation of the structure - particularly in the rear kitchen addition where the 1978 fire was centered - and expressed concerns about the balloon frame structure. Mr. Hadley suggested that the deterioration of the back wall of the house (where the fire was centered) could have affected the overall balloon frame structure. He stated that, "...it [the house] could very easily have shifted. I don't believe that we know that and this is just an issue that I'm raising because I do have some concern whether we can - reconstruction as to whether or not these areas would have to be addressed." Mr. Hadley also raised concerns about asbestos content of insulation, lead paint, lead pipes, and extent of insect infestation. He wrote, however, "It is impossible to determine the impact these items will have on this project at this time."

Mr. Hadley presented an estimate of \$323,861 to fully restore 4722 Dorset Avenue, including the rear, fire-damaged section. In responding to questions from Commissioners, Mr. Hadley clarified that his estimate was for exact restoration - including duplicating interior moldings and doors, use of real plaster walls, etc. If the house was renovated, rather than restored, with typical interior treatments such as drywall and stock doors, the estimated cost may be reduced by about 1/3 - for an approximate total of \$213,750.

Historic preservation staff thoroughly inspected the house at 4722 Dorset Avenue on two occasions (November, 1994 and September, 1995). Based on these inspections, staff presented an opinion on the feasibility of renovation at the September 13th meeting. Staff stated that, "...70 to 75% of the house is, in our opinion, intact and not beyond renovation." Staff showed 35mm slides and explained their evaluation of the structure, including testing of structural wall and foundation members. Staff found that the majority of these members appeared to be intact, even after being probed with a sharp knife. In addition, the foundation walls, except under the back portion of the structure, is very solid and needs only some repointing. There is some termite infestation, most clearly in the foundation beams. However, in staff's opinion, this is typical of neglected historic structures and the damage is not at a point where this is a basis for demolition.

Staff did state that the back section of the house, which was the kitchen with a bedroom above, is not salvageable and should be removed.

Mr. Brenneman testified that he had inspected the structure when he was on the Commission (in November, 1994). It was his opinion, as a contractor, that the house at 4722 Dorset Avenue was technically feasible to renovate. He stated that approximately 1/3 of the house is gone and 66% is still there. He emphasized that he had successfully renovated houses in worse condition and that evidence of termite infestation was not at all unusual for a house of this age. He stated that much of the siding was salvageable and a number of the architectural features, such as three of the porch posts were still usable.

Mr. Brenneman stated that his renovation projects with houses in a similar state of deterioration had cost \$50 to \$60 per square foot. He estimated that renovation of this house, including a new addition, would cost \$150,000 to \$160,000.

Economic Viability/Reasonable Use/Undue Hardship

Mr. Diem has written "...the only practical solution would be the demolition of the existing structure 'in order that unsafe conditions or health hazards be remedied'...this is due to the unacceptability of reconstruction of a non-code complying structure, and the undue financial hardship this replication would place upon the owner." Mr. Diem has asserted that since more than 50% of the house is destroyed, any reconstruction would require bringing the entire house up to current building codes - this would require changes to the interior staircase, the basement ceiling height, and the front porch handrails.

In addition, Donna Evers, president of Evers and Company Real Estate, testified at the September 13th hearing on behalf of the applicant. She asserted that the denial of demolition and the requirement of replication or renovation would cause the owner to suffer undue hardship. She stated that the State tax assessment values for houses of a size comparable to 4722 Dorset Avenue, located in Somerset, were between \$130,000 and \$160,000 (not including the value of the land). Renovation costs of \$325,000 would make this an infeasible project, given the values of other similar houses. She felt the value of the land was greater with the house removed.

In responding the questions from Commissioners, Ms. Evers stated that it was hard to state the value of the entire 37,350 square foot lot because "nothing like it has come available. I think if this were - let's say it were two separate lots, it could be anywhere from \$400,000 something like that a piece..." Ms. Evers also stated that maximum value of a house and lot in Somerset was "...safely somewhere around a million - a million plus".

Ms. Evers stated that "Everyone who has been interested in the property was not interested in the house. And when we tried to talk them into being interested in the remaining hulk of the house to work with, they would only want it at a substantial reduction because no one wanted to mess around with it."

Mr. Lerch testified on September 13th that the lot "...could be divided into three 12,000 square foot lots. The zoning requires six. Somerset wants 70 feet in frontage if it can get it and it's not quite 70 feet in frontage, but the Town has said it would support three lots." He also explained that there is no debt on the property and that there had been no insurance payment after the 1978 fire.

Mr. Brenneman noted in his testimony that he had bought, renovated and resold a number of historic houses in Montgomery County, several of which were part of a tract of land which was subdivided, and that he had always made a profit. These houses were in very bad shape and required significant renovations - completely rebuilding walls due to termite infestation, etc. He felt this house could be very successfully renovated, especially with a new rear addition that would increase the square footage of the existing structure.

Investment Expectations

Evidence in the record indicates that the house at 4722 Dorset Avenue has been allowed to deteriorate for a number of years - since the fire in 1978. The inspections by the Housing Code Enforcement staff identified a number of necessary stabilization and repair activities. Of these necessary activities, the owner has undertaken only boarding up of the window and door openings, and placement of plastic sheeting over the holes in the back section of the structure. This plastic sheeting deteriorated and the house has continued to be exposed to the elements. The vegetation on the property is heavily overgrown and has not been cut back significantly.

In responding the questions from Commissioners on September 13th, Mr. Hadley stated, "...the house is restorable. It depends on how much money you want to spend." HPC Commissioners asked specific questions about how much the renovation of this house would have cost in 1978 and how much of the current estimate is the result of 16 years of deterioration. Mr. Hadley stated, "...it would of been less money in 1978 to do it. Probably as far as the deterioration issue is concerned, I would say that we're only dealing with maybe - as a rough guess - 15% of the total reconstruction costs." Commission members specifically asked if the difference had accrued in the last 16-17 years and Mr. Hadley responded affirmatively.

FINDINGS

1. The Commission finds that the house at 4722 Dorset Street is clearly included as a contributing resource in the Somerset Historic District, and that the determination was made in 1990 that the house is architecturally and historically significant enough to warrant protection under the County's Historic Preservation Ordinance.
2. The Commission finds that the historic significance of the house and its historical associations with the heritage of Somerset - one of Montgomery County's most important early Victorian suburbs - have not been diminished since it was designated on the Master Plan for Historic Preservation as a contributing resource in the Somerset Historic District.
3. The Commission finds that features that contribute to the architectural significance and integrity of the house and that caused it to be designated as a contributing resource in the Somerset Historic District remain.
4. The Commission finds that preservation of open space alone, with demolition of the historic buildings in the open space, does not constitute "...the preservation, enhancement or ultimate protection of the historic site, or historic resource within an historic district".
5. The Commission finds that demolition of 4722 Dorset Avenue would have a pronounced negative impact on the Somerset Historic District and would diminish the district's overall integrity as a historic site in the County.

6. Based on the evidence presented by historic preservation staff and by Joe Brenneman, and from observations made at site visits to the property, the Commission finds that the house is technically feasible to renovate.

7. Based on the evidence presented by historic preservation staff and by Joe Brenneman, the Commission finds that a majority of the original building fabric is intact and usable. Thus, the house can be renovated without taking it completely apart and rebuilding it. The final product in this case can be a renovated house, not a replication.

8. The Commission finds that preservation of the house at 4722 Dorset Avenue would not be economically infeasible and would not create an undue hardship for the owner. This finding is based on:

- 1.) Harry Lerch's testimony that the 37,350 square foot lot could be subdivided into three 12,000 square foot lots;
- 2.) Donna Ever's testimony that lots in Somerset have a market value of approximately \$400,000 and the maximum value of a house on a lot is approximately \$1 million; and
- 3.) the renovation estimates provided by the Joe Hadley and by Joe Brenneman.

This testimony demonstrates that investing even \$325,000 into the "restoration" of 4722 Dorset Avenue on a 12,000 square foot lot would result in a fully livable historic property valued at approximately \$725,000 - well under the maximum for the surrounding area. In addition, the development of the two additional lots with new houses would result in a substantial profit - this cannot be viewed as an economic or undue hardship.

9. The Commission finds that the applicant's neglect of 4722 Dorset Avenue and the immediate environs has resulted in a situation which has offered little protection for the historic resource. This neglect has also resulted in a situation in which the exterior features of the structure have been permitted to deteriorate and the immediate environs have become overgrown.

In sum, based on a review of the evidence received, a site inspection of 4722 Dorset Avenue, and the record as a whole, the Commission finds that demolition of the house at 4722 Dorset Avenue in Somersert would be inappropriate and inconsistent and detrimental to the preservation, enhancement and ultimate protection of the Somerst Historic District (Master Plan Site #35/36) and to the purposes of the Historic Preservation Ordinance (Chapter 24A of the Montgomery County Code). The applicant has failed to demonstrate that the denial of a demolition permit will deny him a reasonable use of his property or cause him undue hardship. The application for a demolition permit is, therefore, 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 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.

George Kousoulas
George Kousoulas, Acting Chairperson
Montgomery County Historic Preservation
Commission

September 28, 1995
Date

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-4445

APPEAL OF DEBORAH SUSAN RINGLAND

NOTICE OF NEW HEARING DATE

On April 9, 1997, the Board received a letter from George Kousoulas, Chairperson, Historic Preservation Commission, which requests that the Board set this case in for hearing "so that the issues raised by this matter can be addressed."

On April 14, 1997, the Board received a letter from Harry W. Lerch, appellant's attorney, which concurs with Mr. Kousoulas' request and states that it would be appropriate to set the matter for hearing. Therefore,

Notice is hereby given that a public hearing will be held by the Board of Appeals for Montgomery County, Maryland, in the Stella B. Werner Council Office Building, 100 Maryland Avenue, Rockville, Maryland, in the Second Floor Davidson Memorial Hearing Room, on Wednesday, the 16th day of July, 1997, at 1:30 p.m., or as soon thereafter as this matter can be heard, on the application filed pursuant to Section 2-112 of the Montgomery County Code.

The appellant charges administrative error on the part of the Historic Preservation Commission in its denial of an Historic Area Work Permit dated September 28, 1995, contending that Chapter 24A, Section 8 of the Montgomery County Code was misinterpreted. In accordance with Chapter 2A, Administrative Procedures Act, a copy of the "charging document" (appeal) is attached to this notice.

The subject property is Lot 4, Block 5, Somerest Heights Subdivision, located at 4722 Dorset Avenue, Somerset, Maryland, in the R-60 Zone.

Notices of new hearing date forwarded this 29th day of April, 1997, to:

Deborah Susan Ringland
Harry W. Lerch, Esquire
County Attorney
Katherine Hart, Senior Assistant County Attorney
Loretta Shapero, Assistant County Attorney
Director, Department of Environmental Protection
George Kousoulas, Chairperson, Montgomery County
Historic Preservation Commission
Gwen Marcus, Historic Preservation Commission, M-NCPPC
Members, Board of Appeals

Bethesda Coalition
Citizens Coordinating Committee of Friendship Heights
Spanish Speaking People of Bethesda
Somerset Citizens Association
Town of Somerset

County Board of Appeals

by: Tedi S. Osias
Tedi S. Osias
Executive Secretary to the Board

Form 3 BOARD OF APPEALS
FOR
MONTGOMERY COUNTY, MARYLAND
(301) 217-6600

Docket No. A-4445
Date Filed 10/26/95
Hearing Date 2/28/96
Hearing Time 1:30pm

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

Appeal is hereby made pursuant to Section 2-112 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 (de novo appeal under Chapter 24A, Section 7(h)).

Brief description of ruling or action from which this appeal is made (attach duplicate copy of ruling or document indicating such action): Denial of Historic Area Work Permit to allow demolition of existing structure on property.

Date of that ruling or action: September 27, 1995.

Brief description of what, in appellant's view, the ruling or action should have been: Historic Area Work Permit to allow demolition should have been granted.

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

Error of fact, if any, involved in the ruling or action from which this appeal is made: HPC erred in finding: that the structure did not constitute a health or safety hazard; that structure could be restored without economic hardship; that balancing the interests of the owners with the interests of the public, that the interests of the owner reasonably could not be accommodated.

Error of law, if any, involved in the ruling or action from which this appeal is made: Incorrect applicable provisions of Chapter 24A, Section 8.

Question(s) of fact, if any, presented to the Board by this appeal: Was failure of HPC to approve Historic Area Work Permit appropriate under the circumstances of this case?

Question(s) of law, if any, presented to the Board by this appeal: Were provisions of Chapter 24A, Section 8 correctly applied in this case?

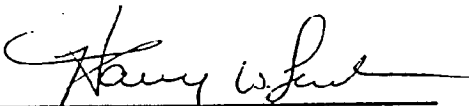
Description of real property, if any, involved in this appeal: Lot: 4, Block: 5, Somerset Heights Subdivision; Plat Book 1, Plat 30; Street and Number: 4722 Dorset Avenue; Town: Somerset; Zone: R-60.

Appellant's present legal interest in above property, if any: Owner.

Statement of appellant's interest, i.e., manner in which applicant is aggrieved by the ruling or action complained of (as property owner or otherwise): As owner, clearly established in the hearing before the HPC, and will establish to the Board of Appeals, the renovation of the house is not economically feasible; it will result in a property with a value less than if the structure is demolished; the structure cannot be renovated and leased in any way that would produce a positive cash flow; the existing structure was substantially destroyed by a fire in 1978, 12 years before its designation. The interests of the public and of the owner will be better served by demolition and replacement, rather than by requiring renovation.

Further comments, if any: Appellant expects to present testimony from the appellant, from an historic architect, from a structural engineer, from a fire reconstruction specialist, from an expert on termites and wood boring insects, and from a real estate expert (appraiser). Appellant respectfully requests that this case be referred to the Administrative Hearing Examiner for a full hearing and recommendation to the Board of Appeals.

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



Signature of Attorney
Harry W. Lerch
3 Metro Center (380)

Address of Attorney
Bethesda Md. 20814

Deborah Susan Ringland ^{plus}

Signature of Appellant(s)
Deborah Susan Ringland
6801 West Ave.

Address of Appellant(s)
Cherry Chase Md. 20815

LERCH, EARLY & BREWER
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November 17, 1997

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MARTIN J. HUFF
STANLEY J. REED
CINDI E. COHEN*
PAUL J. DI PIAZZA
R. DENNIS OSTERMAN*
RICHARD G. VERNON
JAMES L. BAER
CYNTHIA M. BAR
JOHN C. JOYCE
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JOHN R. METZ
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ALL MEMBERS OF MD & DC BARS
EXCEPT AS OTHERWISE NOTED

*ALSO MEMBER VA BAR
**MEMBER MD BAR ONLY
CCPA, MBA, NOT BAR MEMBER

HENRY F. LERCH 1980-1988 WILTON H. WALLACE 1980-1988

WRITER'S DIRECT DIAL NUMBER:
(301)
657-0161

Ms. Susan Turnbull, Chairperson
Montgomery County Board of Appeals
100 Maryland Avenue
Rockville, MD 20850

Re: Appeal of Deborah Susan Ringland Case No. A-4445

Dear Ms. Turnbull:

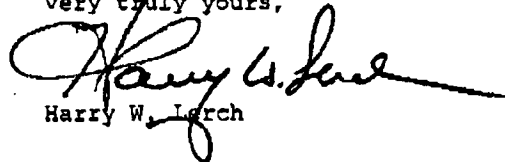
Regretfully, due to a lack of instruction or communication from my client since mid-September, I have been unable to prepare for this hearing and find that I am required to withdraw as counsel in the above case. I have advised Ms. Ringland of her right to conduct the appeal on her own behalf or to retain new counsel.

The hearing is scheduled for 1:30 p.m. on November 19th apparently after the Norwood School hearing.

For the Board's information, subsequent to the Historic Preservation Commission's denial of the demolition permit (the source of this appeal), I did make an "informal submission" of a development plan to the H.P.C., which the H.P.C. responded to in a favorable manner. The plan called for the reconstruction of the house in a different location on the lot, with the retention of the front façade (and replacement of the porch), and the construction of up to two new houses on the property. It was an informal review, and would, of course, be subject to formal Historic Area Work Permit review and approval before building permits could be issued. Resubdivision would also be subject to review by the Town of Somerset and the H.P.C., and approval by the Montgomery County Planning Board.

The latest position conveyed to me by Ms. Susan Ringland in September was a desire that the house be removed from the Master Plan for Historic Preservation since it burned in 1978 and was not designated until 1990 at the time her mother was dying. She inherited the house after her mother's death and was unaware of the proposal.

Very truly yours,


Harry W. Lerch

LAW OFFICES

LERCH, EARLY & BREWER, CHARTERED

cc: Ms. Deborah Susan Ringland, Appellant
Christopher Hitchens, Esq., Assistant County Attorney
Mayor Walter Behr, Town of Somerset
George Kousoulas, Chair, Historic Preservation Commission
Ms. Gwen Marcus Wright, Staff, H.P.C.

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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-4445

APPEAL OF DEBORAH SUSAN RINGLAND

NOTICE OF NEW HEARING DATE

Notice is hereby given that a public hearing will be held by the Board of Appeals for Montgomery County, Maryland, in the Stella B. Werner Council Office Building, 100 Maryland Avenue, Rockville, Maryland, in the Second Floor Davidson Memorial Hearing Room, on Wednesday, the 19th day of November, 1997, at 1:30 p.m., or as soon thereafter as this matter can be heard, on the application filed pursuant to Section 2-112 of the Montgomery County Code.

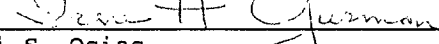
The appellant charges administrative error on the part of the Historic Preservation Commission in its denial of an Historic Area Work Permit dated September 28, 1995, contending that Chapter 24A, Section 8 of the Montgomery County Code was misinterpreted. In accordance with Chapter 2A, Administrative Procedures Act, a copy of the "charging document" (appeal) is attached to this notice.

The subject property is Lot 4, Block 5, Somerest Heights Subdivision, located at 4722 Dorset Avenue, Somerset, Maryland, in the R-60 Zone.

Notices of new hearing date forwarded this 21st day of July, 1997, to:

Deborah Susan Ringland
Harry W. Lerch, Esquire
County Attorney
Katherine Hart, Esquire, Senior Assistant County Attorney
Christopher Hitchens, Esquire, Assistant County Attorney
Director, Department of Environmental Protection
George Kousoulas, Chairperson, Montgomery County
Historic Preservation Commission
Gwen Wright, Historic Preservation Commission, M-NCPPC
Members, Board of Appeals
Bethesda Coalition
Citizens Coordinating Committee of Friendship Heights
Spanish Speaking People of Bethesda
Somerset Citizens Association
Town of Somerset

County Board of Appeals

by: 
Tedi S. Osias
Executive Secretary to the Board

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

Appeal is hereby made pursuant to Section 2-112 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 (de novo appeal under Chapter 24A, Section 7(h)).

Brief description of ruling or action from which this appeal is made (attach duplicate copy of ruling or document indicating such action): Denial of Historic Area Work Permit to allow demolition of existing structure on property.

Date of that ruling or action: September 27, 1995.

Brief description of what, in appellant's view, the ruling or action should have been: Historic Area Work Permit to allow demolition should have been granted.

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

Error of fact, if any, involved in the ruling or action from which this appeal is made: HPC erred in finding: that the structure did not constitute a health or safety hazard; that structure could be restored without economic hardship; that balancing the interests of the owners with the interests of the public, that the interests of the owner reasonably could not be accommodated.

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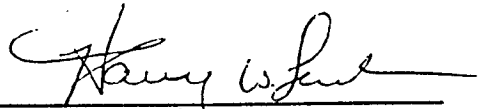
Description of real property, if any, involved in this appeal: Lot: 4, Block: 5; Somerset Heights Subdivision: Plat Book 1, Plat 30; Street and Number: 4722 Dorset Avenue; Town: Somerset; Zone: R-60.

Appellant's present legal interest in above property, if any: Owner.

Statement of appellant's interest, i.e., manner in which applicant is aggrieved by the ruling or action complained of (as property owner or otherwise): As owner, clearly established in the hearing before the HPC, and will establish to the Board of Appeals, the renovation of the house is not economically feasible; it will result in a property with a value less than if the structure is demolished; the structure cannot be renovated and leased in any way that would produce a positive cash flow; the existing structure was substantially destroyed by a fire in 1978, 12 years before its designation. The interests of the public and of the owner will be better served by demolition and replacement, rather than by requiring renovation.

Further comments, if any: Appellant expects to present testimony from the appellant, from an historic architect, from a structural engineer, from a fire reconstruction specialist, from an expert on termites and wood boring insects, and from a real estate expert (appraiser). Appellant respectfully requests that this case be referred to the Administrative Hearing Examiner for a full hearing and recommendation to the Board of Appeals.

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



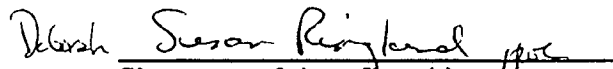
Signature of Attorney

Harry W. Lerche

3 Metro Center (380)

Address of Attorney

Bethesda Md. 20814



Signature of Appellant(s)

Deborah Susan Ringland

6801 West Ave.

Address of Appellant(s)

Cherry Chase Md. 20815

with
EXHIBIT #

3. of
each

BEFORE THE COUNTY BOARD OF APPEALS
FOR MONTGOMERY COUNTY

APPEAL OF

*

*

Case No. A-4445

DEBORAH SUSAN RINGLAND

*

PRE-HEARING SUBMISSION

Montgomery County, Maryland, submits the following information pursuant to the Administrative Procedures Act, Section 2A-7(a), Montgomery County Code (1994), as amended, in the proceeding before the Board of Appeals scheduled for April 2, 1996 at 2:00 p.m.

A. DESCRIPTION OF CASE

On September 13, 1995 the Historic Preservation Commission issued a decision denying the Historic Area Work Permit application of Susan Ringland, Appellant, to demolish the house located at 4722 Dorset Avenue, Somerset, Maryland. Appellant has appealed the denial of her Historic Area Work Permit application.

B. SUPPORTING DOCUMENTS

1. Announcement regarding Demolition Request on Ringland Property
2. October 19, 1994 Memorandum from Gwen Marcus to Montgomery County Historic Preservation Commission regarding Ringland Property
3. November 21, 1994 Letter from Harry W. Lerch to David Berg
4. December 27, 1994 Memorandum from David Berg regarding Staff Report on Ringland Property
5. December 28, 1994 Memorandum from Susan Ringland to the Mayor and Town Council of Somerset
6. December 28, 1994 Letter from Harry W. Lerch to Gwen Marcus

7. February 1, 1995 Telecopier Letter from Harry W. Lerch to Gwen Marcus
8. March 29, 1995 Letter from Harry W. Lerch to Gwen Marcus
9. July 27, 1995 Letter from Harry W. Lerch to the Montgomery County Historic Preservation Commission
10. August 4, 1995 Memorandum from Gwen Marcus regarding Historic Area Work Permit application for 4722 Dorset Avenue, Somerset
11. Historic Preservation Commission Staff Report regarding 472²/_A Dorset Avenue
12. Transcript of part of September 13, 1995 Historic Preservation Commission meeting
13. September 20, 1995 Letter from Harry W. Lerch to Gwen Marcus
14. September 28, 1995 Decision of the Montgomery County Historic Preservation Commission and Transmittal Memorandum to Robert Hubbard
15. Montgomery County Council Resolution No. 11936 regarding Amendment to the Approved and Adopted Master Plan for Historic Preservation in Montgomery County, Maryland re: Bethesda Chevy Chase Resources
16. June 28, 1990 Letter from John B. Lewis to Susan Ringland
17. March 8, 1991 Letter from Steven E. Borkoski to Arthur C. Ringland c/o Susan Ringland
18. February 8, 1994 Letter from Melvin E. Tull to Deborah Susan Ringland
19. Chapter 24A of the Montgomery County Code (1994), as amended
20. Slides and photographs of 4722 Dorset Avenue, Somerset
 - ✓ (21) ~~10/31/95~~ letter from Brennan to Ringland re: estimate
 - 3/19/96 Lerch request for indefinite continuance
 - ✓ (24) 4/16/96 letter from Lerch to Marcus
 - ✓ (25) 7/26/96 letter from Konsoulas to Lerch
 - ✓ (26) 9/3/96 letter from Lerch to Marcus
 - ✓ (27) 12/5/96 letter from Konsoulas to Ringland
 - 4/7/97 letter from Konsoulas to Susan Turnbull
 - ✓ (28) 4/3/96 staff report for Prelim. Consult.
 - ✓ (29) minutes from 4/10/96 APC mtg. / Prelim. Consult.

C. WITNESSES

✓ Jim Shemro
Shemro Engineering Associates
4823 Fairmont avenue
Bethesda, MD 20814
(301) 718-8113

Mr. Shemro will testify regarding the condition and structural integrity of the house at 4722 Dorset Avenue, Somerset.

✓ Joe Brenneman
1128 Tanley Road
Silver Spring, MD 20904
(301) 622-2882

Mr. Brenneman will testify regarding renovation and repair of the house at 4722 Dorset Avenue, Somerset, including but not limited to its technical feasibility and estimated associated costs.

✓ Dean Brenneman
100 Forest Avenue
Rockville, MD 20850
(301) 340-7444

Mr. Brenneman will testify regarding renovation and repair of the house at 4722 Dorset Avenue, Somerset, including but not limited to its technical feasibility and estimated associated costs.

✓ ~~Marjorie Reed
9207 Fernwood Road
Bethesda, MD 20817
(301) 365-9455~~

~~Ms. Reed will testify regarding valuation and appraisal of the house at 4722 Dorset Avenue, Somerset.~~

✓ Andrea Ferster
1400 16th Street, N.W., Suite 300
Washington, D.C. 20036
(202) 797-5427

Ms. Ferster will testify regarding legal issues and Appellant's claim of economic hardship.

✓ Gwen ~~Marcus~~ WRIGHT
Staff Coordinator, Historic Preservation Commission
8787 Georgia Avenue
Silver Spring, MD 20910
(301) 495-4570

Ms. Marcus will testify regarding review and denial of the application for a Historic Area Work Permit to demolish the house at 4722 Dorset Avenue, Somerset.

✓ Melvin Tull
Chief, Code Enforcement Division
Montgomery County Department of Housing and Community Development
51 Monroe Street
Rockville, MD 20850
(301) 217-3725

Mr. Tull will testify regarding the condition of the Ringland property and the County's efforts to have the property maintained and repaired in compliance with applicable law.

✓ ~~Eugene Hawley
Inspector
Montgomery County Department of Housing and Community Development
51 Monroe Street
Rockville, MD 20850
(301) 217-3725~~

Mr. Hawley will testify regarding the condition of the Ringland property and the County's efforts to have the property maintained and repaired in compliance with applicable law.

HPC Commissioner
8787 Georgia Avenue
Silver Spring, MD 20910
(301) 495-4570

A Commissioner from the Historic Preservation will testify regarding review and denial of the application for a Historic Area Work Permit to demolish the house at 4722 Dorset Avenue, Somerset.

~~Ellen Janelle
Remax Realtors
4825 Bethesda Avenue
Bethesda, MD 20814
(301) 652-0400~~

Ms. Janelle will testify regarding the real estate market in the area where the Ringland house is located, including but not limited to the sales prices and values of property.

D. REQUEST FOR SUMMONS AND SUBPOENAS

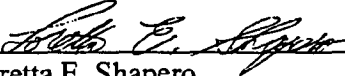
None.

E. ESTIMATE OF TIME

The County estimates that its portion of the case will take approximately two (2) hours.

Respectfully submitted,

CHARLES W. THOMPSON, JR.
COUNTY ATTORNEY



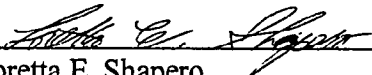
Loretta E. Shapero
Assistant County Attorney

101 Monroe Street, Third Floor
Rockville, Maryland 20850
(301) 217-2600

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on this 13th day of March, 1996, a copy of the foregoing
Pre-Hearing Submission was mailed postage prepaid, first class, to:

Harry W. Lerch, Esquire
3 Metro Center (380)
Bethesda, Maryland 20814



Loretta E. Shapero
Assistant County Attorney

94.00950/LES/stk
I:\RS\SHAPEL\00247LES.WPD

BEFORE THE COUNTY BOARD OF APPEALS
FOR MONTGOMERY COUNTY

APPEAL OF *
* Case No. A-4445
DEBORAH SUSAN RINGLAND *

SUPPLEMENT TO PRE-HEARING SUBMISSION

Montgomery County, Maryland, submits the following supplemental information to the Pre-hearing Submission filed in this matter on March 13, 1996, pursuant to the Administrative Procedures Act, Section 2A-7(a), Montgomery County Code (1994), as amended. This matter is scheduled for a hearing before the Board of Appeals on July 16, 1997 at 1:30 p.m.

B. SUPPORTING DOCUMENTS

In addition to the documents listed in the County's March 13, 1996 Pre-hearing Submission, the County submits the following documents.

21. October 31, 1995 letter from Joe Brenneman to Susan Ringland regarding estimates for rehabilitation
22. April 3, 1996 HPC Staff report for preliminary consultation on 4722 Dorset Avenue
23. Minutes from the April¹⁰, 1996 HPC meeting
24. April 16, 19~~96~~⁹⁷ letter from Harry Lerch to Gwen Marcus summarizing the Preliminary Consultation
25. July 26, 1996 letter from George Kousoulas to Harry Lerch
26. September 3, 1996 letter from Harry Lerch to Gwen Marcus
27. December 5, 1966 letter from George Kousoulas to Susan Ringland

C. WITNESSES

The following witnesses identified in the March 13, 1996 Pre-hearing Submission are withdrawn.

Marjorie Reed

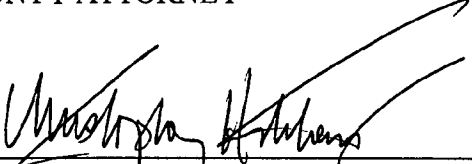
Eugene Hawley

The County reserves the right to call additional witnesses, unidentified at this time, as may be necessary to address issues that arise at the hearing.

All other information in the March 13, 1996 Pre-hearing Submission remains unchanged.

Respectfully submitted,

CHARLES W. THOMPSON, JR.
COUNTY ATTORNEY



Christopher Hitchens
Assistant County Attorney

101 Monroe Street, Third Floor
Rockville, Maryland 20850
(301) 217-2600

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on this 26th day of June, 1997, a copy of the foregoing

Supplement to Pre-Hearing Submission was mailed postage prepaid, first class, to:

Harry W. Lerch, Esquire
3 Metro Center (380)
Bethesda, Maryland 20814



Christopher Hitchens
Assistant County Attorney

94.00950/LES/stk
A:\00215CEH.WPD

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-4445

APPEAL OF DEBORAH SUSAN RINGLAND

NOTICE OF NEW HEARING DATE

On April 9, 1997, the Board received a letter from George Kousoulas, Chairperson, Historic Preservation Commission, which requests that the Board set this case in for hearing "so that the issues raised by this matter can be addressed."

On April 14, 1997, the Board received a letter from Harry W. Lerch, appellant's attorney, which concurs with Mr. Kousoulas' request and states that it would be appropriate to set the matter for hearing. Therefore,

Notice is hereby given that a public hearing will be held by the Board of Appeals for Montgomery County, Maryland, in the Stella B. Werner Council Office Building, 100 Maryland Avenue, Rockville, Maryland, in the Second Floor Davidson Memorial Hearing Room, on Wednesday, the 16th day of July, 1997, at 1:30 p.m., or as soon thereafter as this matter can be heard, on the application filed pursuant to Section 2-112 of the Montgomery County Code.

The appellant charges administrative error on the part of the Historic Preservation Commission in its denial of an Historic Area Work Permit dated September 28, 1995, contending that Chapter 24A, Section 8 of the Montgomery County Code was misinterpreted. In accordance with Chapter 2A, Administrative Procedures Act, a copy of the "charging document" (appeal) is attached to this notice.

The subject property is Lot 4, Block 5, Somerest Heights Subdivision, located at 4722 Dorset Avenue, Somerset, Maryland, in the R-60 Zone.

Notices of new hearing date forwarded this 29th day of April, 1997, to:

Deborah Susan Ringland
Harry W. Lerch, Esquire
County Attorney
Katherine Hart, Senior Assistant County Attorney
Loretta Shapero, Assistant County Attorney
Director, Department of Environmental Protection
George Kousoulas, Chairperson, Montgomery County
Historic Preservation Commission
Gwen Marcus, Historic Preservation Commission, M-NCPPC
Members, Board of Appeals

Bethesda Coalition
Citizens Coordinating Committee of Friendship Heights
Spanish Speaking People of Bethesda
Somerset Citizens Association
Town of Somerset

County Board of Appeals

by: Tedi S. Osias
Tedi S. Osias
Executive Secretary to the Board

Form 3 BOARD OF APPEALS
FOR
MONTGOMERY COUNTY, MARYLAND
(301) 217-6600

Docket No. A-4445
Date Filed 10/26/95
Hearing Date 2/28/96
Hearing Time 1:30pm

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

Appeal is hereby made pursuant to Section 2-112 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 (de novo appeal under Chapter 24A, Section 7(h)).

Brief description of ruling or action from which this appeal is made (attach duplicate copy of ruling or document indicating such action): Denial of Historic Area Work Permit to allow demolition of existing structure on property.

Date of that ruling or action: September 27, 1995.

Brief description of what, in appellant's view, the ruling or action should have been: Historic Area Work Permit to allow demolition should have been granted.

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

Error of fact, if any, involved in the ruling or action from which this appeal is made: HPC erred in finding: that the structure did not constitute a health or safety hazard; that structure could be restored without economic hardship; that balancing the interests of the owners with the interests of the public, that the interests of the owner reasonably could not be accommodated.

Error of law, if any, involved in the ruling or action from which this appeal is made: Incorrect applicable provisions of Chapter 24A, Section 8.

Question(s) of fact, if any, presented to the Board by this appeal: Was failure of HPC to approve Historic Area Work Permit appropriate under the circumstances of this case?

Question(s) of law, if any, presented to the Board by this appeal: Were provisions of Chapter 24A, Section 8 correctly applied in this case?

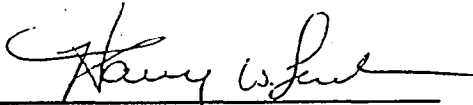
Description of real property, if any, involved in this appeal: Lot: 4, Block: 5, Somerset Heights Subdivision; Plat Book 1, Plat 30; Street and Number: 4722 Dorset Avenue; Town: Somerset; Zone: R-60.

Appellant's present legal interest in above property, if any: Owner.

Statement of appellant's interest, i.e., manner in which applicant is aggrieved by the ruling or action complained of (as property owner or otherwise): As owner, clearly established in the hearing before the HPC, and will establish to the Board of Appeals, the renovation of the house is not economically feasible; it will result in a property with a value less than if the structure is demolished; the structure cannot be renovated and leased in any way that would produce a positive cash flow; the existing structure was substantially destroyed by a fire in 1978, 12 years before its designation. The interests of the public and of the owner will be better served by demolition and replacement, rather than by requiring renovation.

Further comments, if any: Appellant expects to present testimony from the appellant, from an historic architect, from a structural engineer, from a fire reconstruction specialist, from an expert on termites and wood boring insects, and from a real estate expert (appraiser). Appellant respectfully requests that this case be referred to the Administrative Hearing Examiner for a full hearing and recommendation to the Board of Appeals.

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



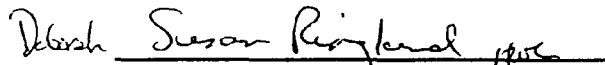
Signature of Attorney

Harry W. Lorch

3 Metro Center (380)

Address of Attorney

Bethesda Md. 20814



Signature of Appellant(s)

Deborah Susan Ringland

6801 West Ave.

Address of Appellant(s)

Cherry Chase Md. 20815

04/15/97 12:13 301 996 0332

LERCH, EARLY etal

002/002

LERCH, EARLY & BREWER CHARTERED

LAW OFFICES

SUITE 380
3000 COUNTRY CLUB CENTER
BETHESDA, MARYLAND 20814-5367

TELEPHONE: (301) 996-1300
FACSIMILE: (301) 996-0332

April 11, 1997

HARRY W. LERCH	RICHARD N. RUPNIGHT
RONALD J. EARLY	CHARLES F. HATHWAY
ROBERT G. BREWSTER, JR.	PAUL G. ALBUQUE, JR.
ERIC W. COFF	TAMARA A. STONER
BEORILL F. DAVIS	REBECCAH DICKINSON
MARTIN J. RUTT	SHERYL J. HANLEY
STANLEY J. HEER	
DAVID C. COHEN	OF COUNSEL
PAUL D. DIAMON	CHARLES J. WELLES
R. DENNIS OSTERMAN	CONSTANCE B. DAVIS
RICHARD G. VERNON	ROBERT J. BALISCHIN
JAMES L. BALD	F. JABETH J. WEISBERG
CYNTHIA M. BAR	
JOHN C. JOYNT	EXECUTIVE DIRECTOR
THOMAS A. LEHNER	PETER T. MICHAELIS
LAURIE EFF. CLEARY	
JOHN R. HETZ	
SIGRID C. HAINES	
JEREMY VAN GRACK	
SUSAN HARRY BLOCHFIELD	

WASHINGTON, D.C. OFFICE
1800 M STREET, N.W.
SUITE 600
WASHINGTON, D.C. 20006
(202) 331-7120

VIRGINIA OFFICE
4306 OLD HINDROPT
SUITE 1100
FAIRFAX, VIRGINIA 22031
(703) 273-8811

ALL MEMBERS OF MD & DC BARS
EXCEPT AS OTHERWISE NOTED

ALSO MEMBER - A BAR
MEMBER - MD BAR ONLY
MEMBER - DC & VA BAR ONLY
MEMBER - DC BAR ONLY
DCBA, MBA, NOT BAR MEMBER

HENRY A. LERCH WILSON H. WALLACE
1980-900 1980-999

WRITER'S DIRECT DIAL NUMBER:
(301)

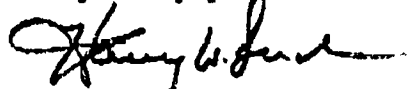
Mrs. Tedi Osais
Executive Secretary to the Board
Stella Werner Council Office Building
100 Maryland Avenue
Rockville, Maryland 20815

Dear Tedi:

I am writing to follow-up on your call to me of this morning.

I have not had an opportunity to discuss this matter with my client, Deborah Susan Ringland. In the interim, however, in light of the request from the Historic Preservation Commission, I believe it will be appropriate to set the matter for hearing.

Very truly yours,


Harry W. Lerch

HWL/cm

1:ADEPTVEMDWF1811:OSSAIS.LF

cc: George Kousoulas



Montgomery County Government

April 7, 1997

Susan Turnbull, Chairperson
Montgomery County Board of Appeals
100 Maryland Avenue
Rockville, MD 20850

Dear Chairperson Turnbull:

I am writing to request that the Board of Appeals schedule a hearing on Case No. A-4445, Appeal of Deborah Susan Ringland, as soon as possible.

A brief background on this long-standing issue may be in order. On October 26, 1995, Deborah Susan Ringland filed an appeal of the Historic Preservation Commission's denial of a Historic Area Work Permit to demolish a historically-designated structure at 4722 Dorset Avenue in the Somerset Historic District. This case was originally scheduled to be heard by the Board on February 28, 1996 and was then rescheduled to April 2, 1996.

However, on March 19, 1996, Ms. Ringland's attorney - Harry Lerch - requested an indefinite continuance of the hearing. The continuance was granted on March 25, 1996, with the of purpose allowing the Historic Preservation Commission and the owner to pursue options for selling the property and saving the historic house. To that end, the Commission held a preliminary consultation on April 10, 1996, with a potential buyer who had developed plans to save the historic house and build two new houses on the property. The Commission greeted this proposal by the potential buyer positively and anticipated a full Historic Area Work Permit application on the project after the sales transaction was complete.

However, since that time - and with repeated requests in writing to Ms. Ringland for more information on the progress of the project - no additional action has taken place. Since a resolution has not been achieved, I believe that the public interest and the goals of Chapter 24A will be best served by setting this case for a hearing before the Board so that the issues raised by this matter can be addressed.

Sincerely,

A handwritten signature in black ink, appearing to read "George Kousoulas", written over a horizontal line.

George Kousoulas
Chairperson

cc: Harry Lerch
Deborah Susan Ringland
Walter Behr

Historic Preservation Commission

8787 Georgia Ave., Silver Spring, MD 20910
(301)495-4570



Montgomery County Government

April 7, 1997

Susan Turnbull, Chairperson
Montgomery County Board of Appeals
100 Maryland Avenue
Rockville, MD 20850

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Sincerely,

A handwritten signature in black ink, appearing to read "George Kousoulas", written over the word "Sincerely,".

George Kousoulas
Chairperson

cc: Harry Lerch
Deborah Susan Ringland
Walter Behr

Historic Preservation Commission

8787 Georgia Ave., Silver Spring, MD 20910
(301)495-4570



Montgomery County Government

April 7, 1997

Susan Turnbull, Chairperson
Montgomery County Board of Appeals
100 Maryland Avenue
Rockville, MD 20850

Dear Chairperson Turnbull:

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However, on March 19, 1996, Ms. Ringland's attorney - Harry Lerch - requested an indefinite continuance of the hearing. The continuance was granted on March 25, 1996, with the of purpose allowing the Historic Preservation Commission and the owner to pursue options for selling the property and saving the historic house. To that end, the Commission held a preliminary consultation on April 10, 1996, with a potential buyer who had developed plans to save the historic house and build two new houses on the property. The Commission greeted this proposal by the potential buyer positively and anticipated a full Historic Area Work Permit application on the project after the sales transaction was complete.

However, since that time - and with repeated requests in writing to Ms. Ringland for more information on the progress of the project - no additional action has taken place. Since a resolution has not been achieved, I believe that the public interest and the goals of Chapter 24A will be best served by setting this case for a hearing before the Board so that the issues raised by this matter can be addressed.

Sincerely,

A handwritten signature in black ink, appearing to read "George Kousoulas".

George Kousoulas
Chairperson

cc: Harry Lerch
Deborah Susan Ringland
Walter Behr

Historic Preservation Commission

8787 Georgia Ave., Silver Spring, MD 20910
(301)495-4570

Susan Turnbull, Chairman
Board of Appeals
for Montgomery County
100 Maryland Avenue
Rockville, MD 20850

Re: Docketing of Case No A-4445
Appeal of Deborah Susan Ringland

Dear Chairman Turnbull:

I am writing to request that the Board schedule a hearing of the above referenced matter as soon as possible.

Ms. Ringland has appealed the Historic Preservation Commission's denial of a permit to demolish a house at 4722 Dorset Avenue in the town of Somerset. The current status of the appeal is that the Board granted an indefinite continuance of the case on March 25, 1996. At that time, the County concurred with Ms. Ringland in a request for an indefinite concurrence in the hope that the Historic Preservation Commission's concerns could be resolved compatibly with Ms. Ringland's interests, without the necessity of a hearing.

To date such a resolution has not been achieved. I believe that the public interest and the goals of Chapter 24A will therefore be best served by setting this case in for a hearing before the Board so that the issues raised by this matter can be addressed.

Sincerely,

George Kousoulas, Chairman
Historic Preservation Commission

cc: Harry Lerch, Esquire



Transmittal Cover Sheet

**MONTGOMERY COUNTY
DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION
DIRECTOR'S OFFICE
101 MONROE STREET, 10TH FLOOR
ROCKVILLE, MARYLAND 20850
TEL: (301) 217-2170 FAX: (301) 217-2118**

Date: 3. 12. 97

TO:

Name: GIVEN MARCUS WRIGHT

Company/Division/Office: _____

Telephone No. _____ FAX No. 495 1307

FROM:

Name: C. Hitchon

Division/Office: _____

Telephone Number: _____

Total Number of Pages (Including Cover Sheet): 2

MESSAGE:

Do you still need this letter?



Montgomery County Government

December 5, 1996

Miss Susan Ringland
6801 West Avenue
Chevy Chase, MD 20815

Dear Miss Ringland:

As you may know, I recently became the Chairman of the Montgomery County Historic Preservation Commission. As a commissioner I became aware of all the good that your family, particularly your father Arthur and your brother Peter, have done for our country. I understand that your father was a great humanitarian, and that he was one of the founders of the CARE program which was undertaken by the United States and the United Nations after World War II. I also came to understand that you are a lifetime resident of Montgomery County and longtime community supporter.

Your attorney, Mr. Lerch, has advised us that after your parents' home suffered its fire in December of 1978, you devoted most of your time to caring for your parents and working on the house. Your father passed away in the early 1980's, and your mother on July 4, 1990. Mr. Lerch advises me that she was in Sibley Hospital for a year or more prior to her death, and that you may have been unaware of the 1989-90 proposal to designate their home as a historic resource on the Montgomery County Master Plan. You do understand, however, that it was the first home to be built in Somerset, and therefore has substantial historic significance. Also, as the home of your father, the property takes on even greater significance.

I wanted you to know that the Historic Preservation Commission was pleased to receive your informal submission last April, proposing two new homes and the restoration (and relocation) of your parents' fire damaged home. The Commission seeks to support you in achieving a reasonable return for the sale of your property, while, at the same time, creating a redevelopment compatible with the Somerset community and the historic preservation ordinance.

I would welcome the opportunity to meet with you in the next week or two for an informal lunch or meeting to discuss how we could best work together to achieve our mutual objectives. Hopefully Mr. Lerch could be a part of that meeting. Would you please call me (or ask Mr. Lerch to call me) to arrange a time and place to get together.

Historic Preservation Commission

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

8787 Georgia Avenue, Silver Spring, MD 20910 (301)495-4570

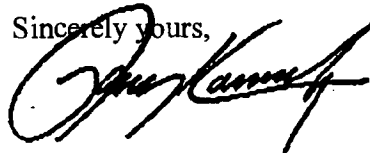
Miss Susan Ringland

December 5, 1996

Page 2

You and your family have been such an important part of our county's and nation's heritage that I feel a special commitment to work with you to achieve our mutual objectives if at all possible. Your family has earned a unique place in Montgomery County's history and deserves to be recognized and remembered by all of us in the best possible way. Working together, I believe that we can achieve this objective. Please write to me at the Historic Preservation Commission or call me directly at 656-1508. I look forward to hearing from you at your earliest convenience.

Sincerely yours,

A handwritten signature in black ink, appearing to read "George Kousoulas", written in a cursive style.

George Kousoulas

cc: Gwen Marcus Wright
Harry W. Lerch, Esq.
Walter Behr, Town of Somerset

G:\preserve\ringland.ltr

LERCH, EARLY & BREWER
CHARTERED

LAW OFFICES

SUITE 380
3 BETHESDA METRO CENTER
BETHESDA, MARYLAND 20814-5367

TELEPHONE: (301) 986-1300
FACSIMILE: (301) 986-0332

September 3, 1996

HARRY W. LERCH
RONALD L. EARLY
ROBERT G. BREWER, JR.
ERIC M. CORE
GEORGE F. PAXTON
MARTIN J. HUTT
STANLEY J. REED
CINDI E. COHEN*
PAUL J. DI PIAZZA
R. DENNIS OSTERMAN*
RICHARD G. VERNON
JAMES L. BAER
CYNTHIA M. BAR
JOHN C. JOYCE
THOMAS A. LERNER*
LAURI EFF CLEARY*
JOHN R. METZ
SIGRID C. HAINES
JEFFREY VAN GRACK

RICHARD N. RUPRECHT
SUSAN BERRY BLOOMFIELD
CHARLES T. HATHWAY
PAUL E. ALPUCHE, JR.†
TAMARA A. STONER**
ANDREA L. CIOTA**
SHERYL D. HANLEY**

OF COUNSEL

CHARLES L. WILKES
CONSTANCE B. LOHSE
ROBERT L. SALOSCHIN
ELIZABETH J. WEISBERG

EXECUTIVE DIRECTOR
PETER T. MICHAELS ◊

WASHINGTON, D.C. OFFICE
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WASHINGTON, D.C. 20036
(202) 331-7120

VIRGINIA OFFICE
9302 LEE HIGHWAY
SUITE 1100
FAIRFAX, VIRGINIA 22031
(703) 273-5911

ALL MEMBERS OF MD & DC BARS
EXCEPT AS OTHERWISE NOTED

*ALSO MEMBER VA BAR
**MEMBER MD BAR ONLY
***MEMBER MD & VA BAR ONLY
†MEMBER DC BAR ONLY
◊CPA, MBA, NOT BAR MEMBER

HENRY F. LERCH
1950-1986

WILTON H. WALLACE
1950-1959

WRITER'S DIRECT DIAL NUMBER:
(301)

Mrs. Gwen Marcus Wright
Historic Preservation Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910

Re: Ringland House (4722 Dorset Ave, Somerset)

Dear Gwen:

I am writing you in response to the recent note from George Kousoulas, as I assume that the Commission may be in recess.

Susan Ringland has advised me that she has been extremely tied up and involved in wrapping up a D.C. estate matter, in which she is the Personal Representative. Her fiduciary duties to the probate court have required her full attention and time for the past several months.

As the D.C. matter winds down, she expects to be able to return her attention to the Dorset Avenue house and complete its sale to a purchaser who will restore it in accordance with our discussions with the Commission.

We appreciate the patience of the Commission and the Town, and hope to have some solid progress for you in the near future.

Very truly yours,



Harry W. Lerch



Montgomery County Government

July 26, 1996

Harry Lerch
Lerch, Early and Brewer
3 Metro Center, Suite 380
Bethesda, MD 20814

Dear Mr. Lerch:

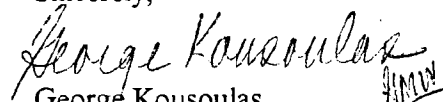
On April 10, 1996, the Historic Preservation Commission (HPC) held a preliminary consultation on a proposal to move/renovate the Ringland House at 4722 Dorset Avenue in Somerset and to build two new houses on the property. It was the Commission's understanding from this preliminary consultation that the owner was ready to sell the property to a party interested in pursuing this project. The general reaction of the HPC was that the proposal presented had merit and, with some changes, could be a good solution to the long-standing issue of preserving the Ringland House.

The Commission would like to be updated on the status of this transaction. As you know, the historic house has been cited for demolition-by-neglect, and those citations are pending in District Court. In addition, a Historic Area Work Permit to demolish the house was requested and was denied by the HPC, and an appeal of this denial is pending at the Board of Appeals. All of these actions have taken approximately two years and during that time the structure has continued to deteriorate.

It is very important for the Commission to know whether the plan to sell the house to an individual committed to moving/renovating it is still a viable possibility or if the owner has abandoned this idea. The HPC feels it is essential to move forward on efforts to save the Ringland House before another winter passes.

Please let me know as soon as possible what the owner's intent is on this property so that the HPC can plan accordingly. You may write to me directly at the address listed or call our staff coordinator, Gwen Marcus Wright, at 495-4570.

Sincerely,


George Kousoulas
Chairperson, HPC

cc: Walter Behr, Town of Somerset

Historic Preservation Commission

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

8787 Georgia Avenue, Silver Spring 20910 (301)495-4570

LERCH, EARLY & BREWER
CHARTERED

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April 16, 1996

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HENRY F. LERCH
1980-1988
WILTON H. WALLACE
1980-1989

WRITER'S DIRECT DIAL NUMBER:
(301)

VIA FAX 495-1317
Ms. Gwen Marcus
Historic Preservation Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910

Re: Ringland House (4722 Dorset Ave, Somerset)

Dear Gwen:

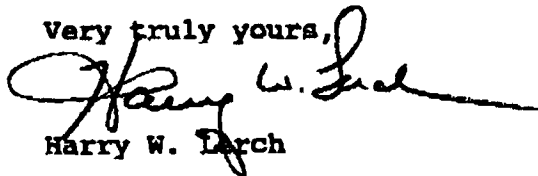
Thank you for your kind words and assistance at the recent HPC meeting. After the meeting, at Susan's request, I prepared a little chart summarizing my notes of each Commissioner's remarks on each of the three points suggested by the Chair.

I gave a copy to John Westbrook, who shared it with George Kousoulas. George thought that it represented an accurate summary. In the hope that it may be useful to you, I enclose a copy. If you see any glaring errors or mistakes on my part, please let me know.

I thought the table would be helpful since there was no formal motion or vote. Of course, if a transcript of the discussion is typed up, that would be helpful also. I would appreciate receiving a copy.

We will be in touch with you as we move forward with our planning and design efforts.

Very truly yours,



Harry W. Lerch

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HPC Meeting 4/10/96

<u>Commissioner</u>	<u>Moving & enlarging Ringland house</u>	<u>3 lots vs 2</u>	<u>new houses architectural style/size</u>
Holt Jordan	moving ok, I prefer western lot, don't want to endanger house middle lot could be ok	3 lots ok	don't want to see true replication, use historic houses as guides for massing
Susan Soderberg	ok to move; 4000 feet too big for enlarged Ringland house; prefers 3000 sf max.	prefer 2 if economically possible; otherwise 3 if it has to be	Don't think replication is good; likes drawing as presented. "I approve the design." Most important, each is different
Thomas Trumble	very pleased house will be saved. Move, addition, ok Thanks us	happy to support 3 lots	no opinion regarding style; hope they will be different, fresh. 4000 will be difficult to accomodate. May need some moderation.
Greg Clemmer	concerned about moving; best to restore where it is.	Prefers 2 (doesn't say he'd oppose 3)	fears 4000 foot size will "loom over" and "dwarf" Ringland. Prefers to see on larger lots
Emily Eig (new commissioner)	seems to accept move and addition (expresses no opposition)	prefers 2, but expresses no opposition to 3	concerned that 4000 may be large; a contemporary house could be quite exciting (style open)

George Kousoulas	It is great that we have reached this point. Move ok Ringland house can hide a substantial addition	3 lots ok	Architecture more up to you. I wouldn't go for replication. "If you squint at drawing you see what you can do."
Thomas Trumble	seems to accept, expresses no opposition	expresses no opposition to 3 lots	big houses that overwhelm the Ringland house may cause a problem; if you come back with 4000, the bulk should be well hidden
Marjorie Reed (new commissioner)	Pleased house is being saved; expresses no opposition to move or add'n	2 vs 3; prefers 2, but accepts 3 if required by the economics	concerned about size; clarifies that 4000 is "maximum, not average size."
Martha Lanigan Vice Chair	Expresses no opposition to move or addn; happy that something is being done rather than demolition; thinks 3000 should be max size of enlarged house	no opposition to 3 lots	new houses can be 4000; no expression of preference for architectural style

Original

HISTORIC PRESERVATION COMMISSION

of

MONTGOMERY COUNTY

8787 Georgia Avenue
Silver Spring, Maryland 20850

301-495-4570

Case No. 35/36-94D Filed: October 24, 1994

Public Appearance: September 13, 1995

Before the Montgomery County Historic Preservation Commission

Application of Deborah Susan Ringland
at 4722 Dorset Avenue, Somerset

DECISION AND OPINION OF THE COMMISSION

Decision of the Commission: DENY the requested Historic Area
Work Permit to demolish the house
at 4722 Dorset Avenue, Somerset

Commission Motion: At the September 13, 1995, meeting of the Historic Preservation
Commission (HPC), Commissioner Trumble presented a motion to
deny the requested Historic Area Work Permit to demolish the house at
4722 Dorset Avenue, Somerset. Commissioner Jordan seconded the
motion. Commissioners Clemmer, Jordan, Kousoulas, Lanigan,
Randall, Soderberg, and Trumble voted in favor of the motion.
Commissioners Booth and Bienenfeld were absent. The motion was
passed, seven in favor - zero opposed.

BACKGROUND

Historic Preservation Ordinance

Chapter 24A of the Montgomery County Code, entitled "Preservation of Historic
Resources," establishes the framework for historic preservation in the County. It provides
for:

the identification, designation, and regulation, for purposes of protection, preservation, and continued use and enhancement of those sites, structures with their appurtenances and environmental settings, and districts of historical, archeological, architectural, or cultural value in that portion of Montgomery County within the Maryland-Washington Regional District. Its further purpose is to preserve and enhance the quality of life in the County, safeguard the historical and cultural heritage of the County, strengthen the local economy, stabilize and improve property values in and around historic areas, foster civic beauty, and to preserve such sites, structures, and districts for the education, welfare, and continued utilization and pleasure of the citizens of the County, the State of Maryland, and the United States of America.

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

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

Historic resource: A district, site, building, structure or object, including its appurtenances and environmental setting, which is significant in national, state or local history, architecture, archeology or culture. This includes, but is not limited to, all properties on the "Locational Atlas and Index of Historic Sites in Montgomery County".

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.

Sections 24A-7(f)(4) and 24A-8(b)(5) of the Historic Preservation Ordinance relate to the issues of reasonable use and undue hardship. Specifically Section 24A-8(b)(5) provides that:

(b) The commission shall instruct the director to issue a permit, or issue a permit subject to such conditions as are found to be necessary to insure conformity with the purposes and requirements of this chapter, if it finds that:

5. The proposal is necessary in order that the owner of the subject property not be deprived of reasonable use of the property or suffer undue hardship.

Sections 24A-8(a) states that:

(a) The commission shall instruct the director to deny a permit if it finds, based on the evidence and information presented to or before the commission that the alteration

for which the permit is sought would be inappropriate or inconsistent with, or detrimental to the preservation, enhancement or ultimate protection of the historic site, or historic resource within an historic district, and to the purposes of this chapter.

It should be noted that the provisions in the Montgomery County Code which provide relief to property owners in cases where the failure to issue a Historic Area Work Permit would deprive the owner of all "reasonable use of the property" or would cause "undue hardship" derive from constitutional protections against the taking of property without just compensation (and are similar to those found in other jurisdictions with historic preservation ordinances).

Master Plan for Historic Preservation

The applicant has applied for an Historic Area Work Permit to demolish a historic resource - 4722 Dorset Avenue - in the Somerset Historic District, which has been designated on the Master Plan for Historic Preservation as Site #35/36.

The Somerset Historic District was identified on the Locational Atlas and Index of Historic Sites in Montgomery County, Maryland in 1976. The Somerset Historic District was designated as an historic site on the Master Plan for Historic Preservation by the Montgomery County Council, sitting as the District Council on March 29, 1990. This amendment was adopted by the Maryland-National Capital Park and Planning Commission nunc pro tunc on May 9, 1990.

The Master Plan for Historic Preservation characterizes the historic significance of the Somerset Historic District as follows:

The earliest portion of the Town of Somerset was founded in the late 19th Century as a trolley suburb. This area is significant as one of the first trolley suburbs in Montgomery County and is representative of the beginnings of suburbanization.

Somerset was developed in 1890 by the Somerset Heights Colony Company. This group purchased approximately 50 acres of farmland with the goal of creating a clean, safe, residential community--far enough away from the dangers and dirt of the city, but close enough to commute to work by trolley.

Five the original partners of the Somerset Heights Colony Company were associated with the U.S. Department of Agriculture. By 1895, four of these five men had built large homes for themselves within the new community. Three of these houses are still standing.

The Master Plan also cites the architectural significance of the District:

House which were built in Somerset during its primary period of architectural importance (1890 to 1915) represent a wide variety of Victorian styles: Carpenter Gothic, Queen Anne, and Italianate. In addition, these are some good examples of the Bungalow style. As a group, the early houses in Somerset represent one of the best concentrated collections of Victorian residential architecture in the County.

The Master Plan cites the house at 4722 Dorset Avenue as one of the contributing historic resources within the District. The Master Plan states:

A map of the boundaries of the Somerset Historic District is included at the end of this amendment. Important contributing resources built before 1915 are noted on this map.

Additional research on the history of 4722 Dorset Avenue which was prepared by historic preservation staff and presented to the Commission on September 13, 1995 includes:

Built by Harvey Wiley around 1891, the house was probably the first of the original five houses built in Somerset (only three of the five remain standing today). The house is a Victorian era structure having elements of the Queen Anne style. It is a 2 1/2 story frame house with a central hipped roof. It has a mitered bay with a conical roof and wrap around porch on the North Elevation. The house is sided with beaded board siding and has fishscale shingles on the gable ends.

Dr. Wiley was one of five men from the Department of Agriculture who co-founded the town of Somerset in 1890 through their purchase of 50 acres of land. Harvey Wiley was Chief of the Bureau of Chemistry at the Department of Agriculture and was known as the "Father of the Pure Food and Drug Act". Because of the significant role that he played in this effort, Dr. Wiley has been honored by having his visage placed on a commemorative stamp. Wiley built the house in hopes of luring his parents from Indiana to live with him. Unsuccessful, he instead sold the house in 1904 to Perry and Mabel Michener. The Micheners in turn sold the property to the Ringlands in 1938.

Arthur Cuming Ringland (1882-1981) was a distinguished long time resident of Somerset. In 1945, he helped originate the concept of the private volunteer organization that became CARE. Mr. Ringland became known as "the father of CARE" and was honored by the United Nations for his efforts.

Chronology of Actions on 4722 Dorset Avenue

In January of 1989, the Division of Code Enforcement of the Department of Housing and Community Development issued a Condemnation Notice on the property. Code Enforcement reinspected and cited the property for violations creating a public nuisance (Chapter 26, Montgomery County Code) on June 28, 1990 and again on March 8, 1991. These notices

also advised the owner, Ms. Ringland, of violations for "Demolition by Neglect" under Chapter 24A. In 1991, the applicant boarded up the majority of the window and door openings of the structure and removed many of the vines from the lot, but provided no permanent roof protection to the fire damaged area. No additional repairs or stabilization work has been done since then.

On February 8, 1994, Code Enforcement sent Ms. Ringland another letter specifically citing her for violations of Chapter 24A (Demolition by Neglect), and Chapter 26 of the Montgomery County Code. This notice required the applicant to correct these violations by May 1, 1994.

On November 11, 1994 Staff received an application for a Historic Area Work Permit from Ms. Ringland to demolish her house. The submission included a letter from one architect and one structural engineer.

On Thursday, November 17, and Saturday, November 19, 1994 HPC staff and Commissioners had the opportunity to visit the site. With the assistance of Ms. Ringland's representatives, the structure was examined from attic to basement.

After November of 1994, the applicant (via her attorney) requested multiple continuances on this case so as to get additional information and expert opinions. The HPC agreed to each of the continuances, although the house has continued to be exposed to the elements and in a state of "demolition-by-neglect" during this period.

On September 1, 1995, the applicant's attorney met with staff at the house. The purpose of this meeting was to hear the findings and opinion of Joseph M. Hadley of Spars, Inc. - a fire restoration specialist who had been hired by the applicant to assess the house. Mr. Hadley pointed out the fire damage that had been viewed previously by staff and Commission members. It was staff's opinion that the house was in substantially the same condition that it had been in when the staff and Commission visited the site in November, 1994.

On September 7, 1995, the Town Council of the Town of Somerset met in their role as the Local Advisory Panel to the HPC. After hearing a presentation by the applicant's representatives and by historic preservation staff, the Council voted 4 to 1 to recommend to the HPC that they approve the application for demolition.

The HPC heard the Historic Area Work Permit case on September 13, 1995.

SUMMARY OF APPLICANT'S ASSERTIONS

There were several "Professional Opinion Letters" attached to the applicant's Historic Area Work Permit application. In addition, several consultants and representatives spoke on behalf of the applicant at the September 13th meeting. The following assertions were made:

- o Although the land is clearly within the Somerset Historic District, there is some question as to whether the house was ever intended to be a part of the District.
- o Considering the interests of the public in preserving the character of the neighborhood, the general welfare is better served by permitting the demolition of the existing structure and the construction of one or more replacement houses.
- o It would be impractical to attempt to reconstruct the structure and return the building to the original Victorian style, because it would be necessary to dismantle the structure down to the foundation, label the various members, replace all of the deteriorated structural elements and then reconstruct the building with the very few salvageable original architectural members.
- o Over 50% of the house's structure has been razed and is now missing due to the fire. The balance of the remaining structural elements have been affected either by the fire, water applied by firefighters putting out the fire, termites or wood rot.
- o Since more than 50% of the house is destroyed, any renovation would require that the entire structure be brought up to the current construction codes and this would necessitate changes to the interior staircase, the basement ceiling height, and the front porch handrailings.
- o There are wood borers in the attic, carpenter ants through-out the home, and active termites in the basement, crawl space and first floor. This necessitates demolition.
- o Denying the demolition request would result in an undue financial hardship on the owner.

EVIDENCE IN THE RECORD

Historical Significance

A letter from Andrew H. Diem, architect, which was attached to the application for an Historic Area Work Permit to demolish the structure at 4722 Dorset Avenue in Somerset, states that "...it is not fully clear that the County Council intended to designate the fire damaged structure, as opposed to the land, as a part of the Somerset Historic District." In essence, the applicant's representatives have contended that the historically important aspect of this property is the large, unsubdivided lot (37,350 square feet in size), and that the primary goal should be preserving the character of the neighborhood, rather than the specific house in question.

Historic preservation staff addressed this issue in both the written staff report (dated September 6, 1995) and the oral report presented on September 13th. Arguments regarding the significance of the house at 4722 Dorset are unjustified at this point. The property was

evaluated as part of the designation of the Somerset Historic District that took place in 1990. At that time, the Montgomery County Council not only approved its inclusion in the designated district, but also approved its designation on a map of the district as an "important contributing resource built before 1915". The designation amendment notes that "Houses which were built in Somerset during its primary period of architectural importance (1890 to 1915) represent a wide variety of Victorian styles: Carpenter Gothic, Queen Anne, and Italianate...As a group, the early houses in Somerset represent one of the best concentrated collections of Victorian residential architecture in the County." In addition, the amendment specifically refers to the fact that three of the four original houses in Somerset are still standing - 4722 Dorset is one of these houses.

In addition, the concept that historic preservation involves the maintenance of large tracts of open space, without a significant effort to keep the structures historically associated with the land, is not consistent with accepted preservation practices. Although the setting in which a building (such as 4722 Dorset Avenue) is located is very important, the building itself is the primary artifact.

Architectural Integrity

In terms of architectural integrity, the applicant has presented letters from Andrew H. Diem, architect, and Howard J. Rosenberg, P.E., stating that over 50% of the house's structure has been "razed". This assertion was repeated in Mr. Diem's testimony before the HPC on September 13th, when he estimated that 51% of the square footage area has been destroyed and 58% of the linear footage of the exterior facade has been destroyed. Additional written and oral testimony from Joseph M. Hadley of SPARS, Inc. noted primarily structural concerns - problems with the foundation of the structure - particularly in the rear kitchen addition where the 1978 fire was centered - and concerns about the balloon frame structure.

In the staff report and in oral testimony, staff detailed its analysis and professional opinion on the integrity of the structure, and concluded the following:

- A. Fire damage to the rear of the structure, specifically the first floor rear kitchen and second floor rear bedroom (the area shown in the application to be about 22.0' x 10.6') is extensive enough that **this part of the structure is, in staff's opinion, beyond salvage and should be demolished.**
- B. The rear roof rafters of the structure's hip roof over the rear kitchen/bedroom section are burned to a point that they must be replaced.
- C. **The remainder of the house, although blackened by smoke and in disrepair, is not, in staff's opinion beyond restoration.** Staff observation is that at least 75% of the exterior fabric of the structure is intact. The great majority of the framing members are sound and the majority of the roof rafters, although blackened, remain structurally sound.

- D. The majority of the stone foundation is intact, not showing any indication of sagging or bowing and still retains most of its mortar.** There is some heavy mortar damage to the sides of the house nearer to the rear of the structure, but this damage is not beyond repair and repointing. This mortar erosion is probably a result of the water used to fight the fire. Inspection of the basement indicated that the damage had not infiltrated the foundation to the point of structural failure and can be remedied.

Historic preservation staff felt that, except for the areas noted above, the majority of structure is completely salvageable. The point was also made that the building is in remarkably good structural condition, given that it has been vacant for over 16 years and little maintenance work has been done during that period.

Additional testimony was presented at the September 13th meeting by a citizen and former member of the HPC, Joe Brenneman. Mr. Brenneman detailed his experience in renovating 9 or 10 very deteriorated historic structures in Montgomery County. He then stated that, in his opinion, 2/3 of the original structure at 4722 Dorset Avenue is intact and could be renovated - he did not agree with the applicant's assertion of "more than 50%" destroyed. He noted that many of the architectural details on the exterior structure were still in place and that the missing pieces could be replicated to match. He felt that the rear section of the house was damaged beyond repair. However, Mr. Brenneman noted that it would be likely that anyone renovating this house would want to add a rear addition to provide more living space, and that the rear section would need to be removed in any case to build such an addition.

Technical Feasibility of Repair/Renovation Costs

In his letter with the Historic Area Work Permit application, Mr. Diem asserted that it would be impractical to attempt to reconstruct the structure at 4722 Dorset Avenue and return the building to the original Victorian style, because it would be necessary to dismantle the structure down to the foundation, label the various members, replace all of the deteriorated structural elements and then reconstruct the building with the very few salvageable original architectural members.

Mr. Rosenberg stated in his letter, "Inasmuch as there is so little structural elements left which I consider reusable, it is my opinion that the most reasonable course of action to take is to completely demolish the existing structure."

Douglas W. Wade III, of American Pest Control, wrote, "In my opinion, the house is not worth saving and as a company I would not take on the responsibility of treatment or any guarantee [sic]."

Mr. Hadley did not suggest that the structure at 4722 Dorset Avenue would need to be razed and completely rebuilt, or that it was beyond renovation. However, he did discuss specific

problems with the foundation of the structure - particularly in the rear kitchen addition where the 1978 fire was centered - and expressed concerns about the balloon frame structure. Mr. Hadley suggested that the deterioration of the back wall of the house (where the fire was centered) could have affected the overall balloon frame structure. He stated that, "...it [the house] could very easily have shifted. I don't believe that we know that and this is just an issue that I'm raising because I do have some concern whether we can - reconstruction as to whether or not these areas would have to be addressed." Mr. Hadley also raised concerns about asbestos content of insulation, lead paint, lead pipes, and extent of insect infestation. He wrote, however, "It is impossible to determine the impact these items will have on this project at this time."

Mr. Hadley presented an estimate of \$323,861 to fully restore 4722 Dorset Avenue, including the rear, fire-damaged section. In responding to questions from Commissioners, Mr. Hadley clarified that his estimate was for exact restoration - including duplicating interior moldings and doors, use of real plaster walls, etc. If the house was renovated, rather than restored, with typical interior treatments such as drywall and stock doors, the estimated cost may be reduced by about 1/3 - for an approximate total of \$213,750.

Historic preservation staff thoroughly inspected the house at 4722 Dorset Avenue on two occasions (November, 1994 and September, 1995). Based on these inspections, staff presented an opinion on the feasibility of renovation at the September 13th meeting. Staff stated that, "...70 to 75% of the house is, in our opinion, intact and not beyond renovation." Staff showed 35mm slides and explained their evaluation of the structure, including testing of structural wall and foundation members. Staff found that the majority of these members appeared to be intact, even after being probed with a sharp knife. In addition, the foundation walls, except under the back portion of the structure, is very solid and needs only some repointing. There is some termite infestation, most clearly in the foundation beams. However, in staff's opinion, this is typical of neglected historic structures and the damage is not at a point where this is a basis for demolition.

Staff did state that the back section of the house, which was the kitchen with a bedroom above, is not salvageable and should be removed.

Mr. Brenneman testified that he had inspected the structure when he was on the Commission (in November, 1994). It was his opinion, as a contractor, that the house at 4722 Dorset Avenue was technically feasible to renovate. He stated that approximately 1/3 of the house is gone and 66% is still there. He emphasized that he had successfully renovated houses in worse condition and that evidence of termite infestation was not at all unusual for a house of this age. He stated that much of the siding was salvageable and a number of the architectural features, such as three of the porch posts were still usable.

Mr. Brenneman stated that his renovation projects with houses in a similar state of deterioration had cost \$50 to \$60 per square foot. He estimated that renovation of this house, including a new addition, would cost \$150,000 to \$160,000.

Economic Viability/Reasonable Use/Undue Hardship

Mr. Diem has written "...the only practical solution would be the demolition of the existing structure 'in order that unsafe conditions or health hazards be remedied'...this is due to the unacceptability of reconstruction of a non-code complying structure, and the undue financial hardship this replication would place upon the owner." Mr. Diem has asserted that since more than 50% of the house is destroyed, any reconstruction would require bringing the entire house up to current building codes - this would require changes to the interior staircase, the basement ceiling height, and the front porch handrails.

In addition, Donna Evers, president of Evers and Company Real Estate, testified at the September 13th hearing on behalf of the applicant. She asserted that the denial of demolition and the requirement of replication or renovation would cause the owner to suffer undue hardship. She stated that the State tax assessment values for houses of a size comparable to 4722 Dorset Avenue, located in Somerset, were between \$130,000 and \$160,000 (not including the value of the land). Renovation costs of \$325,000 would make this an infeasible project, given the values of other similar houses. She felt the value of the land was greater with the house removed.

In responding the questions from Commissioners, Ms. Evers stated that it was hard to state the value of the entire 37,350 square foot lot because "nothing like it has come available. I think if this were - let's say it were two separate lots, it could be anywhere from \$400,000 something like that a piece..." Ms. Evers also stated that maximum value of a house and lot in Somerset was "...safely somewhere around a million - a million plus".

Ms. Evers stated that "Everyone who has been interested in the property was not interested in the house. And when we tried to talk them into being interested in the remaining hulk of the house to work with, they would only want it at a substantial reduction because no one wanted to mess around with it."

Mr. Lerch testified on September 13th that the lot "...could be divided into three 12,000 square foot lots. The zoning requires six. Somerset wants 70 feet in frontage if it can get it and it's not quite 70 feet in frontage, but the Town has said it would support three lots." He also explained that there is no debt on the property and that there had been no insurance payment after the 1978 fire.

Mr. Brenneman noted in his testimony that he had bought, renovated and resold a number of historic houses in Montgomery County, several of which were part of a tract of land which was subdivided, and that he had always made a profit. These houses were in very bad shape and required significant renovations - completely rebuilding walls due to termite infestation, etc. He felt this house could be very successfully renovated, especially with a new rear addition that would increase the square footage of the existing structure.

Investment Expectations

Evidence in the record indicates that the house at 4722 Dorset Avenue has been allowed to deteriorate for a number of years - since the fire in 1978. The inspections by the Housing Code Enforcement staff identified a number of necessary stabilization and repair activities. Of these necessary activities, the owner has undertaken only boarding up of the window and door openings, and placement of plastic sheeting over the holes in the back section of the structure. This plastic sheeting deteriorated and the house has continued to be exposed to the elements. The vegetation on the property is heavily overgrown and has not been cut back significantly.

In responding to the questions from Commissioners on September 13th, Mr. Hadley stated, "...the house is restorable. It depends on how much money you want to spend." HPC Commissioners asked specific questions about how much the renovation of this house would have cost in 1978 and how much of the current estimate is the result of 16 years of deterioration. Mr. Hadley stated, "...it would have been less money in 1978 to do it. Probably as far as the deterioration issue is concerned, I would say that we're only dealing with maybe - as a rough guess - 15% of the total reconstruction costs." Commission members specifically asked if the difference had accrued in the last 16-17 years and Mr. Hadley responded affirmatively.

FINDINGS

1. The Commission finds that the house at 4722 Dorset Street is clearly included as a contributing resource in the Somerset Historic District, and that the determination was made in 1990 that the house is architecturally and historically significant enough to warrant protection under the County's Historic Preservation Ordinance.
2. The Commission finds that the historic significance of the house and its historical associations with the heritage of Somerset - one of Montgomery County's most important early Victorian suburbs - have not been diminished since it was designated on the Master Plan for Historic Preservation as a contributing resource in the Somerset Historic District.
3. The Commission finds that features that contribute to the architectural significance and integrity of the house and that caused it to be designated as a contributing resource in the Somerset Historic District remain.
4. The Commission finds that preservation of open space alone, with demolition of the historic buildings in the open space, does not constitute "...the preservation, enhancement or ultimate protection of the historic site, or historic resource within an historic district".
5. The Commission finds that demolition of 4722 Dorset Avenue would have a pronounced negative impact on the Somerset Historic District and would diminish the district's overall integrity as a historic site in the County.

6. Based on the evidence presented by historic preservation staff and by Joe Brenneman, and from observations made at site visits to the property, the Commission finds that the house is technically feasible to renovate.

7. Based on the evidence presented by historic preservation staff and by Joe Brenneman, the Commission finds that a majority of the original building fabric is intact and usable. Thus, the house can be renovated without taking it completely apart and rebuilding it. The final product in this case can be a renovated house, not a replication.

8. The Commission finds that preservation of the house at 4722 Dorset Avenue would not be economically infeasible and would not create an undue hardship for the owner. This finding is based on:

- 1.) Harry Lerch's testimony that the 37,350 square foot lot could be subdivided into three 12,000 square foot lots;
- 2.) Donna Ever's testimony that lots in Somerset have a market value of approximately \$400,000 and the maximum value of a house on a lot is approximately \$1 million; and
- 3.) the renovation estimates provided by the Joe Hadley and by Joe Brenneman.

This testimony demonstrates that investing even \$325,000 into the "restoration" of 4722 Dorset Avenue on a 12,000 square foot lot would result in a fully livable historic property valued at approximately \$725,000 - well under the maximum for the surrounding area. In addition, the development of the two additional lots with new houses would result in a substantial profit - this cannot be viewed as an economic or undue hardship.

9. The Commission finds that the applicant's neglect of 4722 Dorset Avenue and the immediate environs has resulted in a situation which has offered little protection for the historic resource. This neglect has also resulted in a situation in which the exterior features of the structure have been permitted to deteriorate and the immediate environs have become overgrown.

In sum, based on a review of the evidence received, a site inspection of 4722 Dorset Avenue, and the record as a whole, the Commission finds that demolition of the house at 4722 Dorset Avenue in Somerset would be inappropriate and inconsistent and detrimental to the preservation, enhancement and ultimate protection of the Somerset Historic District (Master Plan Site #35/36) and to the purposes of the Historic Preservation Ordinance (Chapter 24A of the Montgomery County Code). The applicant has failed to demonstrate that the denial of a demolition permit will deny him a reasonable use of his property or cause him undue hardship. The application for a demolition permit is, therefore, 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 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.

George Kousoulas
George Kousoulas, Acting Chairperson
Montgomery County Historic Preservation
Commission

September 28, 1995
Date

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-4445

APPEAL OF DEBORAH SUSAN RINGLAND

NOTICE OF INDEFINITE CONTINUANCE OF HEARING

The Board, upon review of a letter dated March 19, 1996, from Harry W. Lerch, petitioner's attorney, concurs with his request for an indefinite continuance of the above-referenced hearing. Therefore, the hearing scheduled for the 2nd day of April, 1996, at 2:00 p.m., shall be, and hereby is cancelled. Petitioner will notify the Board in writing to request the Board to schedule the case for public hearing or to take other action.

The appellant charges administrative error on the part of the Historic Preservation Commission in its denial of an Historic Area Work Permit dated September 28, 1995, contending that Chapter 24A, Section 8 of the Montgomery County Code was misinterpreted. In accordance with Chapter 2A, Administrative Procedures Act, a copy of the "charging document" (appeal) is attached to this notice.

The subject property is Lot 4, Block 5, Somerest Heights Subdivision, located at 4722 Dorset Avenue, Somerset, Maryland, in the R-60 'Zone.'

Notices of indefinite continuance forwarded this 25th day of March, 1996, to:

Deborah Susan Ringland
Harry W. Lerch, Esquire
County Attorney
Alan M. Wright, Senior Assistant County Attorney
Loretta Shapero, Assistant County Attorney
Director, Department of Environmental Protection
George Kousoulas, Acting Chairperson, Montgomery County
Historic Preservation Commission
Gwen Marcus, Historic Preservation Commission, M-NCPPC
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Spanish Speaking People of Bethesda
Somerset Citizens Association
Town of Somerset

County Board of Appeals

by: Tedi S. Osias
Tedi S. Osias
Executive Secretary to the Board

Form 3 BOARD OF APPEALS
FOR
MONTGOMERY COUNTY, MARYLAND
(301) 217-6600

Docket No. A-4445
Date Filed 10/26/95
Hearing Date 2/28/96
Hearing Time 1:30pm

**APPEAL CHARGING ERROR
IN ADMINISTRATIVE RULING OR ACTION**

Please note instructions on reverse side.
Attach additional sheets if required for answers.

Appeal is hereby made pursuant to Section 2-112 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 (de novo appeal under Chapter 24A, Section 7(h)).

Brief description of ruling or action from which this appeal is made (attach duplicate copy of ruling or document indicating such action): Denial of Historic Area Work Permit to allow demolition of existing structure on property.

Date of that ruling or action: September 27, 1995.

Brief description of what, in appellant's view, the ruling or action should have been: Historic Area Work Permit to allow demolition should have been granted.

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

Error of fact, if any, involved in the ruling or action from which this appeal is made: HPC erred in finding: that the structure did not constitute a health or safety hazard; that structure could be restored without economic hardship; that balancing the interests of the owners with the interests of the public, that the interests of the owner reasonably could not be accommodated.

Error of law, if any, involved in the ruling or action from which this appeal is made: Incorrect applicable provisions of Chapter 24A, Section 8.

Question(s) of fact, if any, presented to the Board by this appeal: Was failure of HPC to approve Historic Area Work Permit appropriate under the circumstances of this case?

Question(s) of law, if any, presented to the Board by this appeal: Were provisions of Chapter 24A, Section 3, correctly applied in this case?

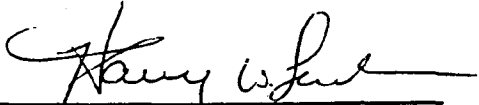
Description of real property, if any, involved in this appeal: Lot: 4, Block: 5, Somerset Heights Subdivision: Plat Book 1, Plat 30; Street and Number: 4722 Dorset Avenue; Town: Somerset; Zone: R-60.

Appellant's present legal interest in above property, if any: Owner.

Statement of appellant's interest, i.e., manner in which applicant is aggrieved by the ruling or action complained of (as property owner or otherwise): As owner, clearly established in the hearing before the HPC, and will establish to the Board of Appeals, the renovation of the house is not economically feasible; it will result in a property with a value less than if the structure is demolished; the structure cannot be renovated and leased in any way that would produce a positive cash flow; the existing structure was substantially destroyed by a fire in 1978, 12 years before its designation. The interests of the public and of the owner will be better served by demolition and replacement, rather than by requiring renovation.

Further comments, if any: Appellant expects to present testimony from the appellant, from an historic architect, from a structural engineer, from a fire reconstruction specialist, from an expert on termites and wood boring insects, and from a real estate expert (appraiser). Appellant respectfully requests that this case be referred to the Administrative Hearing Examiner for a full hearing and recommendation to the Board of Appeals.

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



Signature of Attorney

Harry W. Lerche

3 Metro Center (380)

Address of Attorney

Bethesda Md. 20814



Signature of Appellant(s)

Deborah Susan Ringland

6801 West Ave.

Address of Appellant(s)

Cherry Chase Md. 20815

BOARD OF APPEALS
for
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by: Tedi S. Osias
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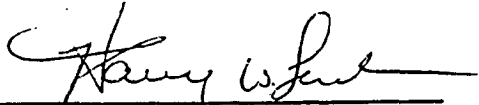
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I hereby affirm that all of the statements and information contained in or filed with this appeal are true and correct.



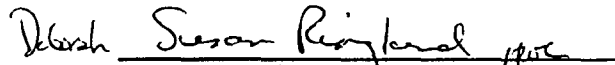
Signature of Attorney

Harry W. Lerch

3 Metro Center (380)

Address of Attorney

Bethesda Md. 20814



Signature of Appellant(s)

Deborah Susan Ringland

6801 West Ave.

Address of Appellant(s)

Cherry Chase Md. 20815

BEFORE THE COUNTY BOARD OF APPEALS
FOR MONTGOMERY COUNTY

APPEAL OF

*

*

Case No. A-4445

DEBORAH SUSAN RINGLAND

*

PRE-HEARING SUBMISSION

Montgomery County, Maryland, submits the following information pursuant to the Administrative Procedures Act, Section 2A-7(a), Montgomery County Code (1994), as amended, in the proceeding before the Board of Appeals scheduled for April 2, 1996 at 2:00 p.m.

A. DESCRIPTION OF CASE

On September 13, 1995 the Historic Preservation Commission issued a decision denying the Historic Area Work Permit application of Susan Ringland, Appellant, to demolish the house located at 4722 Dorset Avenue, Somerset, Maryland. Appellant has appealed the denial of her Historic Area Work Permit application.

B. SUPPORTING DOCUMENTS

1. Announcement regarding Demolition Request on Ringland Property
2. October 19, 1994 Memorandum from Gwen Marcus to Montgomery County Historic Preservation Commission regarding Ringland Property
3. November 21, 1994 Letter from Harry W. Lerch to David Berg
4. December 27, 1994 Memorandum from David Berg regarding Staff Report on Ringland Property
5. December 28, 1994 Memorandum from Susan Ringland to the Mayor and Town Council of Somerset
6. December 28, 1994 Letter from Harry W. Lerch to Gwen Marcus

7. February 1, 1995 Telecopier Letter from Harry W. Lerch to Gwen Marcus
8. March 29, 1995 Letter from Harry W. Lerch to Gwen Marcus
9. July 27, 1995 Letter from Harry W. Lerch to the Montgomery County Historic Preservation Commission
10. August 4, 1995 Memorandum from Gwen Marcus regarding Historic Area Work Permit application for 4722 Dorset Avenue, Somerset
11. Historic Preservation Commission Staff Report regarding 472 Dorset Avenue
12. Transcript of part of September 13, 1995 Historic Preservation Commission meeting
13. September 20, 1995 Letter from Harry W. Lerch to Gwen Marcus
14. September 28, 1995 Decision of the Montgomery County Historic Preservation Commission and Transmittal Memorandum to Robert Hubbard
15. Montgomery County Council Resolution No. 11936 regarding Amendment to the Approved and Adopted Master Plan for Historic Preservation in Montgomery County, Maryland re: Bethesda Chevy Chase Resources
16. June 28, 1990 Letter from John B. Lewis to Susan Ringland
17. March 8, 1991 Letter from Steven E. Borkoski to Arthur C. Ringland c/o Susan Ringland
18. February 8, 1994 Letter from Melvin E. Tull to Deborah Susan Ringland
19. Chapter 24A of the Montgomery County Code (1994), as amended
20. Slides and photographs of 4722 Dorset Avenue, Somerset

C. WITNESSES

✓ Jim Shemro
Shemro Engineering Associates
4823 Fairmont avenue
Bethesda, MD 20814
(301) 718-8113

Mr. Shemro will testify regarding the condition and structural integrity of the house at 4722 Dorset Avenue, Somerset.

✓ Joe Brenneman
1128 Tanley Road
Silver Spring, MD 20904
(301) 622-2882

Mr. Brenneman will testify regarding renovation and repair of the house at 4722 Dorset Avenue, Somerset, including but not limited to its technical feasibility and estimated associated costs.

✓ Dean Brenneman
100 Forest Avenue
Rockville, MD 20850
(301) 340-7444

Mr. Brenneman will testify regarding renovation and repair of the house at 4722 Dorset Avenue, Somerset, including but not limited to its technical feasibility and estimated associated costs.

✓ Marjorie Reed
9207 Fernwood Road
Bethesda, MD 20817
(301) 365-9455

Ms. Reed will testify regarding valuation and appraisal of the house at 4722 Dorset Avenue, Somerset.

✓ Andrea Ferster
1400 16th Street, N.W., Suite 300
Washington, D.C. 20036
(202) 797-5427

Ms. Ferster will testify regarding legal issues and Appellant's claim of economic hardship.

✓ Gwen Marcus
Staff Coordinator, Historic Preservation Commission
8787 Georgia Avenue
Silver Spring, MD 20910
(301) 495-4570

Ms. Marcus will testify regarding review and denial of the application for a Historic Area Work Permit to demolish the house at 4722 Dorset Avenue, Somerset.

✓ Melvin Tull
Chief, Code Enforcement Division
Montgomery County Department of Housing and Community Development
51 Monroe Street
Rockville, MD 20850
(301) 217-3725

Mr. Tull will testify regarding the condition of the Ringland property and the County's efforts to have the property maintained and repaired in compliance with applicable law.

✓ Eugene Hawley
Inspector
Montgomery County Department of Housing and Community Development
51 Monroe Street
Rockville, MD 20850
(301) 217-3725

Mr. Hawley will testify regarding the condition of the Ringland property and the County's efforts to have the property maintained and repaired in compliance with applicable law.

HPC Commissioner
8787 Georgia Avenue
Silver Spring, MD 20910
(301) 495-4570

A Commissioner from the Historic Preservation will testify regarding review and denial of the application for a Historic Area Work Permit to demolish the house at 4722 Dorset Avenue, Somerset.

Ellen Janelle
Remax Realtors
4825 Bethesda Avenue
Bethesda, MD 20814
(301) 652-0400

Ms. Janelle will testify regarding the real estate market in the area where the Ringland house is located, including but not limited to the sales prices and values of property.

D. REQUEST FOR SUMMONS AND SUBPOENAS

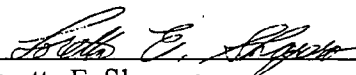
None.

E. ESTIMATE OF TIME

The County estimates that its portion of the case will take approximately two (2) hours.

Respectfully submitted,

CHARLES W. THOMPSON, JR.
COUNTY ATTORNEY



Loretta E. Shapero
Assistant County Attorney

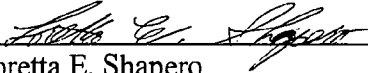
101 Monroe Street, Third Floor
Rockville, Maryland 20850
(301) 217-2600

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on this 13th day of March, 1996, a copy of the foregoing

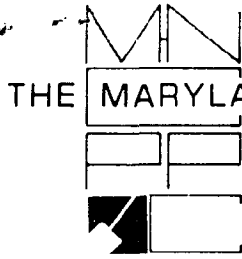
Pre-Hearing Submission was mailed postage prepaid, first class, to:

Harry W. Lerch, Esquire
3 Metro Center (380)
Bethesda, Maryland 20814



Loretta E. Shapero
Assistant County Attorney

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

FAX TRANSMITTAL SHEET

*9:10 AM
M*

Design, Zoning, & Preservation Division
(301)495-4570 (Telephone)

(301)495-1307 (Fax Number)

TO: Loretta Shapers FAX NUMBER: 217-266.2
(County Attorney Office)
FROM: Swen Marcus PHONE NUMBER: 495-4570

DATE: 3/7/96

NUMBER OF PAGES INCLUDING THIS TRANSMITTAL SHEET: 2

NOTE:

Loretta:

These are the witnesses for the Ringland Case:

Jim Shemro (*Structural Engineer*)
Shemro Engineering Associates
4823 Fairmont Avenue
Bethesda, MD 20814
(301) 718-8113

HPC Commissioner (*To be determined*)
8787 Georgia Avenue
Silver Spring, MD 20910
(301)495-4570

Joe Brenneman (*Renovation Contractor*)
1128 Tanley Road
Silver Spring, MD 20904
(301)622-2882

Ellen Janelle (*Realtor*)
Remax Realtors
4825 Bethesda Avenue
Bethesda, MD 20814
(301)652-0400

Dean Brenneman (*Architect*)
100 Forest Avenue
Rockville, MD 20850
(301)340-7444

Marjorie Reed (*Real Estate Appraiser*)
9207 Fernwood Road
Bethesda, MD 20817
(301)365-9455

Andrea Ferster (*Attorney*)
1400 16th Street N.W.
Suite 300
Washington, D.C. 20036
(202)797-5427

Gwen Marcus (*HPC staff*)
M-NCPPC
8787 Georgia Avenue
Silver Spring, MD 20910
(301)495-4570

Melvin Tull (*Code Enforcement staff*)
DHCD
51 Monroe Street
Rockville, MD 20850
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BOARD OF APPEALS
for
MONTGOMERY COUNTY

Stella B. Werner Council Office Building
100 Maryland Avenue
Rockville, Maryland 20850
(301)217-6600

Case No. A-4445

APPEAL OF DEBORAH SUSAN RINGLAND



NOTICE OF CHANGE OF DATE AND TIME OF HEARING

Notice is hereby given that a public hearing will be held by the Board of Appeals for Montgomery County, Maryland, in the Stella B. Werner Council Office Building, 100 Maryland Avenue, Rockville, Maryland, in the Second Floor Davidson Memorial Hearing Room, on Tuesday, the 2nd day of April, 1996, at 2:00 p.m., or as soon thereafter as this matter can be heard, on the application filed pursuant to Section 2-112 of the Montgomery County Code.

The appellant charges administrative error on the part of the Historic Preservation Commission in its denial of an Historic Area Work Permit dated September 28, 1995, contending that Chapter 24A, Section 8 of the Montgomery County Code was misinterpreted. In accordance with Chapter 2A, Administrative Procedures Act, a copy of the "charging document" (appeal) is attached to this notice.

The subject property is Lot 4, Block 5, Somerest Heights Subdivision, located at 4722 Dorset Avenue, Somerset, Maryland, in the R-60 Zone.

Notices of change of date and time of hearing forwarded this 12th day of February, 1996, to:

Deborah Susan Ringland
Harry W. Lerch, Esquire
County Attorney
Alan M. Wright, Senior Assistant County Attorney
Loretta Shapero, Assistant County Attorney
Director, Department of Environmental Protection
George Kousoulas, Acting Chairperson, Montgomery County
Historic Preservation Commission
Gwen Marcus, Historic Preservation Commission, M-NCPPC
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County Board of Appeals

by: Tedi S. Osias
Tedi S. Osias
Executive Secretary to the Board

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MONTGOMERY COUNTY, MARYLAND
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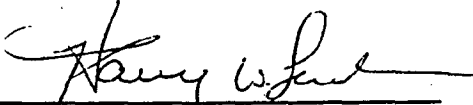
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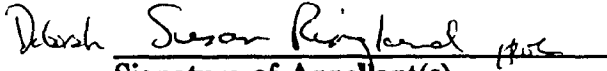
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3 Metro Center (380)
Address of Attorney
Bethesda Md. 20814


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Deborah Susan Kingland
6801 West Ave.
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The appellant charges administrative error on the part of the Historic Preservation Commission in its denial of an Historic Area Work Permit dated September 28, 1995, contending that Chapter 24A, Section 8 of the Montgomery County Code was misinterpreted. In accordance with Chapter 2A, Administrative Procedures Act, a copy of the "charging document" (appeal) is attached to this notice.

The subject property is Lot 4, Block 5, Somerest Heights Subdivision, located at 4722 Dorset Avenue, Somerset, Maryland, in the R-60 Zone.

Notices of change of date and time of hearing forwarded this 12th day of February, 1996, to:

Deborah Susan Ringland
Harry W. Lersch, Esquire
County Attorney
Alan M. Wright, Senior Assistant County Attorney
Loretta Shapero, Assistant County Attorney
Director, Department of Environmental Protection
George Kousoulas, Acting Chairperson, Montgomery County
Historic Preservation Commission
Gwen Marcus, Historic Preservation Commission, M-NCPPC
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Bethesda Coalition
Citizens Coordinating Committee of Friendship Heights
Spanish Speaking People of Bethesda
Somerset Citizens Association
Town of Somerset

County Board of Appeals

by: Jedi S. Osias
Tedi S. Osias
Executive Secretary to the Board

Form 3 BOARD OF APPEALS
FOR
MONTGOMERY COUNTY, MARYLAND
(301) 217-6600

Docket No. A-4445
Date Filed 10/26/95
Hearing Date 2/28/96
Hearing Time 1:30pm

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

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Date of that ruling or action: September 27, 1995.

Brief description of what, in appellant's view, the ruling or action should have been: Historic Area Work Permit to allow demolition should have been granted.

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

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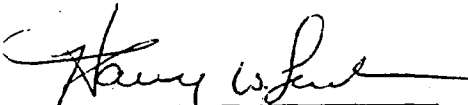
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I hereby affirm that all of the statements and information contained in or filed with this appeal are true and correct.



Signature of Attorney

Harry W. Lerch

3 Metro Center (380)

Address of Attorney

Bethesda Md. 20814



Signature of Appellant(s)

Deborah Susan Kingland

6801 West Ave.

Address of Appellant(s)

Cherry Chase Md. 20815

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BOARD OF APPEALS
for
MONTGOMERY COUNTY

Stella B. Werner Council Office Building
100 Maryland Avenue
Rockville, Maryland 20850
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Case No. A-4445

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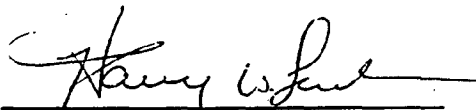
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Signature of Attorney

Harry W. Lerche

3 Metro Center (380)

Address of Attorney

Bethesda Md. 20814



Signature of Appellant(s)

Deborah Susan Ringland

6801 West Ave.

Address of Appellant(s)

Cherry Chase Md. 20815



OFFICE OF THE COUNTY ATTORNEY

Douglas M. Duncan
County Executive

Charles W. Thompson, Jr.
County Attorney

February 5, 1996

Hand-delivered

Ms. Helen Strang, Chair
Board of Appeals for Montgomery County
100 Maryland Avenue
Rockville, MD 20850

Re: Appeal of Deborah Susan Ringland
Case No. A-4445

Dear Madame Chair:

This letter respectfully requests that the hearing in the above-referenced matter, scheduled for February 28, 1996 at 1:30 p.m. be continued until the next available date. Ms. Gwen Marcus, Historic Preservation Planner, has recently learned that she is not available to attend the hearing on that date.

I have spoken with Harry Lerch, who represents the appellant, Ms. Ringland, and he consents to this request for continuance. The County anticipates that a full day will be needed for this hearing. The County, with the consent of Ms. Ringland, therefore respectfully requests that the Board continue the hearing currently scheduled for February 29, 1996.

Very truly yours,

CHARLES W. THOMPSON, JR.
COUNTY ATTORNEY

Loretta E. Shapero
Assistant County Attorney

cc: Harry Lerch, Esquire (via fax and mail)
Ms. Gwen Marcus

95.04768
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Director, Department of Environmental Protection
George Kousoulas, Acting Chairperson, Montgomery County
Historic Preservation Commission
Gwen Marcus, Historic Preservation Commission, M-NCPPC
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County Board of Appeals

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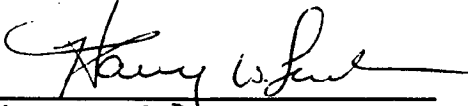
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Signature of Attorney
Harry W. Lerch
3 Metro Center (380)

Address of Attorney
Bethesda Md. 20814

Deborah Susan Ringland

Signature of Appellant(s)
Deborah Susan Ringland
6801 West Ave.

Address of Appellant(s)
Cherry Chase Md. 20815

Joe's
estimate
on
Kingland

October 31, 1995

Attn: Ms. Susan Ringland
6801 West Avenue
Chevy Chase, Md 20815-5203

Re: Ringland Property
Dorset Avenue
Chevy Chase, MD

Dear Ms. Ringland,

This will be an informal proposal to repair damage to the house caused by a major fire and to renovate the entire house to bring it up to Montgomery County Building Codes Standards to again make the house liveable and be able to secure an Occupancy Permit for same.

SCOPE OF WORK

- 1). Foundation and footing repair as needed.
- 2). Total demolition of rear of house where fire has made the structure beyond repair.
- 3). Total removal of existing plaster throughout house and to be replaced with drywall. This will also allow the house to be properly insulated. Before insulation, this would allow for all new electrical, plumbing, HVAC and telephone wiring.
- 4). All existing mechanical systems would be removed; therefore all electrical, plumbing, heating and air conditioning would be new.
- 5). All new kitchen appliances and new cabinets (wood), dishwasher, range, refrigerator, garbage disposal and floor covering.
- 6). Baths will receive ceramic floors and walls as needed. All new fixtures (toilet, tub, vanity or pedestal sink). Style and make of items under 5 & 6 would be selected and listed in final contract.
- 7). New hardwood floors where existing ones are damaged by fire and water. New and existing floors to be sanded and finished.
- 8). Interior and exterior to be painted and new wood siding to match existing where fire damage has occurred. Front porch and steps to be repaired as needed to meet code, plus small porch on east side of house.
- 9). Total new roof of asphalt shingles and patching of any damaged wood on existing roof.
- 10). Fireplace will be made workable and to meet Montgomery County Codes.

TOTAL PRICE - - - \$190,000.00

- 110). I would recommend a twenty by twenty-four addition to rear of house which would allow for large kitchen and family room on first floor and a master bedroom and bath on second floor.

TOTAL COST FOR EXTRA ADDITION - - - \$92,000.00

Continued to Page 2

I realize this is very general information, but I feel we could stay within this range. I hope this is helpful and am sure you realize before we make a firm commitment, we would have plans and specifications prepared.



Joseph B. Breneman

LERCH, EARLY & BREWER
CHARTERED

LAW OFFICES

SUITE 380

3 BETHESDA METRO CENTER
BETHESDA, MARYLAND 20814-6387

TELEPHONE: (301) 986-1300

FACSIMILE: (301) 986-0332

HARRY W. LERCH
RONALD L. EARLY
ROBERT G. BREWER, JR.
ERIC M. CORE
GEORGE F. PAXTON
MARTIN J. HUTT
STANLEY J. REED
CINDI E. COHEN*
PAUL J. DI PIAZZA
R. DENNIS GSTERMAN*
RICHARD G. VERNON
JAMES L. BAER
CYNTHIA M. BAR
JOHN C. JOYCE
THOMAS A. LERNER*
LAURI EFF CLEARY*
JOHN R. METZ
SIGRID C. HAINES
JEFFREY VAN GRACK

RICHARD N. RUPRECHT
SUSAN BERRY BLOODFIELD
CHARLES T. HATHWAY
ROLAND M. SCHREBLER***
TAMARA A. STONER**

OF COUNSEL

CHARLES L. WILKES
CONSTANCE B. LOHSE
ROBERT L. SALOSCHIN
ELIZABETH J. WEISBERG

EXECUTIVE DIRECTOR
PETER T. MICHAELS D

WASHINGTON, D.C. OFFICE
1900 M STREET, N.W.,
SUITE 800
WASHINGTON, D.C. 20036
(202) 331-7120

VIRGINIA OFFICE
9302 LEE HIGHWAY
SUITE 1100
FAIRFAX, VIRGINIA 22031
(703) 273-5911

ALL MEMBERS OF MD & DC BARS
EXCEPT AS OTHERWISE NOTED

*ALSO MEMBER VA BAR

**MEMBER MD BAR ONLY

***MEMBER MD & VA BAR

CCPA, MBA, NOT BAR MEMBER

HENRY F. LERCH
1880-1888

WILTON H. WALLACE
1865-1888

WRITER'S DIRECT DIAL NUMBER:
(301)

September 20, 1995

Ms. Gwen Marcus
Historic Preservation Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910

Dear Gwen:

I have spoken with Susan Ringland at great length. She would like to get estimates from Joe Brenneman to renovate the house in accordance with the testimony he presented to the HPC on Wednesday night. Susan has spoken with Joe and he has agreed to come to the house with his partner to do an analysis.

I know that you usually do not get into such details between property owner and renovator, but as Joe is "one of your own" as it were and understands historic preservation, we value your input and wanted to keep you advised of what was happening.

Joe testified specifically on the public record with regard to his costs for such renovations (i.e., \$40-\$60 per square foot). Susan is more than willing to retain him to do a complete renovation of the house at his top number (not to exceed \$60.00 per foot), plus a reasonable profit percentage (say 10%). Susan would like to receive a firm proposal from Joe to do this. Payment would have come from proceeds of sale unless an acceptable means of financing the project could be found through a construction loan or similar financing device.

The house, of course, would probably be expanded in accordance with many of your past suggestions. Susan would work with Joe on this, and we assume that this would require a new HAWP after plans are prepared. You earlier offered that if the house were restored, you would endorse three lots. Susan would like to obtain your support and HPC approval as soon as possible for a three-lot subdivision, which would include renovation, a possible slight relocation, and modest expansion of the existing house. This is, of course, assuming Joe agrees to do this at the prices he quoted

LAW OFFICES

LERCH, EARLY & BREWER, CHARTERED

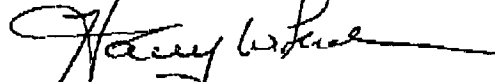
Ms. Gwen Marcus
September 20, 1995
Page -2-

to the HPC and with the understanding that his plans would meet the approval of the HPC and other County agencies.

We will be happy to discuss this with you at your earliest convenience. If this approach seems reasonable to you (and we hope that it will since it seems to us to be what you have advocated for so long), you could stop (or defer) work on any resolution of denial. As soon as it becomes clear that we can move forward on this new approach, Susan could simply withdraw the application for a demolition permit, thereby waiving and ending any further review or appeal rights on the current application, and further eliminating the need for a formal resolution.

Susan sincerely wishes to find an avenue to move forward, and hopes that this approach will meet with your active support. Please give me a call to discuss these ideas.

Very truly yours,



Harry W. Lerch

Law offices
Lerch, Early & Brewer, Chartered
Suite 380
Three Bethesda Metro Center
Bethesda, Maryland 20814-5367
Telephone: (301) 986-1300
Telecopy: (301) 986-0332

Telecopier Cover Letter

Date: September 20, 1995

Time: 12:05 pm

Client #: 48134.001

Please deliver the following pages to:

Name: Gwen Marcus
Telecopier Number: 495-1307

Sender:

Name: Harry W. Lerch
Direct Dial #: (301) 657-0161

We are transmitting 3 pages including this cover sheet.

Message:

If all pages are not transmitted properly, please call Lerch, Early & Brewer at 301/986-1300

Thank You

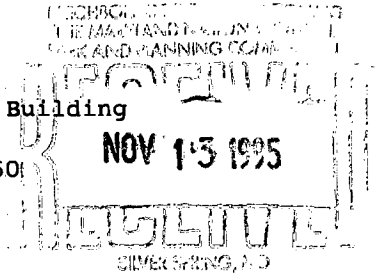
THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL TO WHOM IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT OR AGENT RESPONSIBLE FOR DELIVERING THE MESSAGE TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE (COLLECT) AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA U.S. POSTAL SERVICE.

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Question(s) of fact, if any, presented to the Board by this appeal: Was failure of HPC to approve Historic Area Work Permit appropriate under the circumstances of this case?

Question(s) of law, if any, presented to the Board by this appeal: Were provisions of Chapter 24A, Section 8, correctly applied in this case?

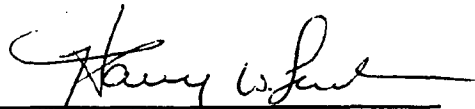
Description of real property, if any, involved in this appeal: Lot: 4, Block: 5, Somerset Heights Subdivision: Plat Book 1, Plat 30; Street and Number: 4722 Dorset Avenue; Town: Somerset; Zone: R-60.

Appellant's present legal interest in above property, if any: Owner.

Statement of appellant's interest, i.e., manner in which applicant is aggrieved by the ruling or action complained of (as property owner or otherwise): As owner, clearly established in the hearing before the HPC, and will establish to the Board of Appeals, the renovation of the house is not economically feasible; it will result in a property with a value less than if the structure is demolished; the structure cannot be renovated and leased in any way that would produce a positive cash flow; the existing structure was substantially destroyed by a fire in 1978, 12 years before its designation. The interests of the public and of the owner will be better served by demolition and replacement, rather than by requiring renovation.

Further comments, if any: Appellant expects to present testimony from the appellant, from an historic architect, from a structural engineer, from a fire reconstruction specialist, from an expert on termites and wood boring insects, and from a real estate expert (appraiser). Appellant respectfully requests that this case be referred to the Administrative Hearing Examiner for a full hearing and recommendation to the Board of Appeals.

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

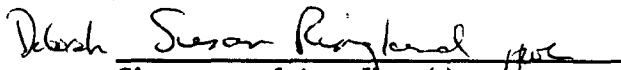


Signature of Attorney

Harry W. Lorch
3 Metro Center (380)

Address of Attorney

Bethesda Md. 20814



Signature of Appellant(s)

Deborah Susan Ringland
6801 West Ave.

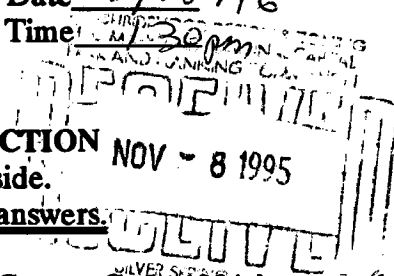
Address of Appellant(s)

Cherry Chase Md. 20815

**Form 3 BOARD OF APPEALS
FOR
MONTGOMERY COUNTY, MARYLAND
(301) 217-6600**

Docket No. A-4445
Date Filed 10/26/95
Hearing Date 2/28/96
Hearing Time 10:30 AM

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



Appeal is hereby made pursuant to Section 2-112 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 (de novo appeal under Chapter 24A, Section 7(h)).

Brief description of ruling or action from which this appeal is made (attach duplicate copy of ruling or document indicating such action): Denial of Historic Area Work Permit to allow demolition of existing structure on property.

Date of that ruling or action: September 27, 1995.

Brief description of what, in appellant's view, the ruling or action should have been: Historic Area Work Permit to allow demolition should have been granted.

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

Error of fact, if any, involved in the ruling or action from which this appeal is made: HPC erred in finding: that the structure did not constitute a health or safety hazard; that structure could be restored without economic hardship; that balancing the interests of the owners with the interests of the public, that the interests of the owner reasonably could not be accommodated.

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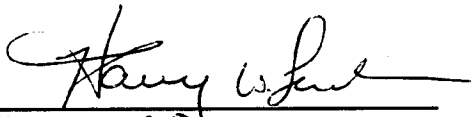
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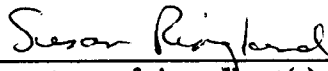
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I hereby affirm that all of the statements and information contained in or filed with this appeal are true and correct.



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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
Maletzky, Lucy R.	4728 Dorset Avenue Chevy Chase, MD 20815	1	5
Ringland, Valentina	4727 Essex Avenue Chevy Chase, MD 20815	B, Pt 5 Pt 5, Pt 6	5
Drfield, Beatrice E.	4715 Essex Avenue Chevy Chase, MD 20815	8	5
Wik, Narieman A. Trustee	4718 Dorset Avenue Chevy Chase, MD 20815	7	5
Herman, George, Jr. & D.K. Herman	4719 Dorset Avenue Chevy Chase, MD 20815	6	3
Brown, Jonathan & G.P. Brown	4721 Dorset Avenue Chevy Chase, MD 20815	17	3
son, Earl & Colson	4725 Dorset Avenue Chevy Chase, MD 20815	16	3

1 make a motion?

2 MR. TRUMBLE: I'll make the motion. It doesn't
3 seem to be a huge rush in that direction.

4 (Laughter)

5 MR. TRUMBLE: I recommend that we approve a
6 Historic Area Work Permit in the case of Number 37/3-95BB
7 and I recommend that the Historic Area Work Permit be issued
8 only with Condition Number 2, the applicant arrange for
9 field inspections and that we permit him to -- we not
10 require that he slightly indent the side walls.

11 ACTING CHAIRMAN KOUSOULAS: Is there a second?

12 MS. SODERBERG: I second the motion.

13 ACTING CHAIRMAN KOUSOULAS: There being a motion
14 and a second, is there any discussion? There being none, I
15 close the public record. Can I have a show of hands? All
16 those in favor? All those opposed? The motion passes five
17 to two.

18 MS. MARCUS: And again for the tape, the
19 Commissioners voting in opposition were Commissioners
20 Randall and Clemmer.

21 ACTING CHAIRMAN KOUSOULAS: That brings us to Case
22 H for ██████████. Can we have a Staff Report?

23 MS. MARCUS: Yes. This property is one that -- at
24 least I know one of the Commissioners here tonight has
25 visited and which Staff has visited several times. It is a

1 house in the Somerset Historic District which is recognized
2 as one of the oldest houses in that historic district. It
3 was built by Harvey Wiley around 1891. Mr. Wiley was one of
4 the founders of the Town of Kensington.

5 He was also an employee of the Department of
6 Agriculture who was Chief of the Bureau of Chemistry and
7 he's known as the "Father of the Pure Food and Drug Act," an
8 action which eventually resulted in the Federal Agency we
9 now know as the FDA. He was a notable personage, not only
10 because of the work that he did which he was recognized on a
11 commemorative US postal stamp for, but also more importantly
12 because he was one of the five individuals who founded "
13 Somerset.

14 So he certainly had some interest on a larger
15 historical level, but I think from a local community level
16 he is very important because of founding the community. The
17 house was not ever lived in by Mr. Wiley. He built it for
18 his parents who did not live in it. He owned it for a
19 number of years as rental property and then ultimately sold
20 it.

21 And it eventually came into the ownership of the
22 Ringland Family. The Ringland's bought this property in
23 1938 and it is still in the ownership of Deborah Susan
24 Ringland. The house experienced a major fire in 1978. It
25 has not been occupied since that time. It is very

1 deteriorated.

2 It has been cited under our "Demolition by
3 Neglect" provision of our law which is one of the reasons, I
4 think, that we're probably here this evening. The owner was
5 asked to do stabilization work to the property. As you all
6 know under demolition by neglect, we cannot require total
7 renovation of a property. But what can be required is
8 weather proofing and stabilization.

9 The Department of Housing and Community
10 Development did send a Notice of Violation to the owner and
11 asked to have the stabilization work done. Although the
12 house is boarded up and the owner has done that it is still
13 open to the elements in the back and overgrown with vines.
14 It has not been painted in many years and it is a state of
15 "Demolition by Neglect."

16 The owner applied approximately a year ago for a
17 Demolition Permit and at the owner's -- or applicant's
18 request, there have been a series of postponements of this
19 hearing. There was a site visit last fall with a number of
20 Commissioners in attendance. However, after that site visit
21 the item has been postponed numerous times. It's now before
22 you and maybe this would be a good time to go ahead and show
23 some slides of the property just to give you an overview or
24 reminder of what the property looks like.

25 This is the house -- we actually have pictures at

1 two times of year. It is a little more overgrown here than
2 you'll see in the following picture. This is the front of
3 the house with the front porch. The house, like many of the
4 period in Somerset is a house which is Victorian with Queen
5 Anne elements. It does have the front bay. You'll see, as
6 we go around the house, sort of fishscale shingles on
7 certain portions of the house.

8 It is not an elaborate -- as I'd call them sort of
9 "painted lady." It is more typical of the kinds of
10 Victorian houses that we see in Montgomery County which in
11 the 1890's was a fairly rural area, at least portions of it,
12 and the houses are a more perhaps vernacular Queen Anne.
13 This was on the day of the tour of the property and it's a
14 little less overgrown at that point.

15 You can again see the front of the house and the
16 wrap around porch. This is the side of the house. We're
17 now, as if you were in front of the house -- we're going to
18 walk around the house starting at the right and we're going
19 to walk all the way around.

20 The front portion of the house is what you're
21 seeing here. As you can see, although the siding is
22 weathered because it has not been painted in many years, it
23 is essentially intact. Some of the turned post on the front
24 porch are still intact -- others are not. The house, in
25 this front section appears to be fairly solid. The walls do

1 not appear to be bulging. Do not appear to be leaning.
2 They appear to be fairly sound.

3 Continuing around, you now come to the back
4 section of the house. Again, we're still on the side
5 though. And this back section is where you begin to see the
6 fire damage to your right. This was the kitchen area where
7 the 1978 fire took place. And as you can see from this back
8 section, the fire was devastating to that rear wing of the
9 house. And it is essentially, to Staff's mind, gone --
10 irreparable.

11 And Staff has said that -- to the applicant and to
12 this Commission that they would support a request to remove
13 that back wing of the house because it does appear to be
14 irreparable. This is another view of again that back
15 corner. And you'll see a bay -- a second story cantilever
16 bay that sticks out to the right. That's the other area and
17 probably the only area that extends into the main block of
18 the house that Staff feels is perhaps is irreparable.

19 It's referenced in the Staff Report. And that
20 area would need to be substantially rebuilt and perhaps it
21 would be appropriate to remove. Although as you can see
22 from another view of that same cantilever bay, as we're now
23 moving around the side of the house, the back half of it is
24 damaged, the front half is in relatively intact condition.

25 Continuing around again, you see the cantilever

1 bay to the left and we're now looking at the -- again,
2 around to the front porch of the house and you can see the
3 turned post. A few shots of the inside of the house
4 although we don't regulate the interior of historic
5 properties. I'm showing these slides so as to give you a
6 sense of what the structural condition of the house may be
7 on in the interior.

8 This is the entry wall with a staircase. Another
9 view of the staircase which seems to be very solid and very
10 intact. This is what a room in the house typically looks
11 like -- a lot of the plaster has come off the walls. The
12 wallpaper is hanging off the walls. But with those elements
13 removed except in the back section where the fire occurred,
14 there doesn't appear to be real structural damage.

15 Certainly the interior of the house would have to
16 be stripped down probably to the wall studs and it would
17 have to be a total interior renovation. Those are not
18 uncommon in historic properties. Another view of a room.
19 Again, just to give you an idea of the interior condition.

20 View of another room. Again, the windows all seem
21 to be quite square. They don't appear to be sagging. They
22 don't appear to be falling out of their frames. Now this is
23 getting into the back section where the fire damage is and
24 where the building is open to the elements. The building
25 has experienced damage from the fire but it also has

1 experienced damage because it's been open to the elements
2 and every rain storm continues to do damage to the property.

3 This is a view of the foundation of the property
4 taken from the basement of the house, and this is in the
5 front section. It is a stone foundation. It probably was
6 repointed at some point with portland cement which was not
7 an appropriate mortar material. In all likelihood, that
8 mortar would need to be, at some point, dug out an
9 appropriate mortar put in.

10 But it's not -- the foundation is not failing. It
11 is not exhibiting major cracks except in one back corner of
12 the fire damaged section of the property. And that clearly
13 is an area where probably the entire back wing including
14 that damaged foundation would need to be removed.

15 This is a view of the floor -- again looking from
16 the basement up. There is terminate damage in some of the
17 beams of the house and the sills. That's unfortunate, but
18 again not untypical of historic renovations. Most
19 properties that have been around for a 100 years or more
20 have had terminate damage.

21 That's the end of the slides. It is Staff's
22 estimation that the house -- the majority of the house is
23 salvageable. The back section which was the kitchen and a
24 second floor rear bedroom is not salvageable and probably
25 should be removed. The roof structure in that area is also

1 not salvageable and really that whole back section should be
2 removed.

3 However, the remainder of the house and Staff
4 estimates that to be probably in the range of 70 to 75
5 percent of the house, is in our opinion intact and not
6 beyond renovation. The foundation. The walls. Some of the
7 walls have been exposed on the inside to show -- the wall
8 studs, Staff inspected those. Stuck a knife into them to
9 see if the wall studs continued to be solid or if there was
10 terminate damage -- that were water damage that made them
11 soft.

12 They appeared to be extremely solid. It is a
13 major project to undertake. It is certainly not a house
14 that is in good condition. But it is Staff's opinion that
15 given that it has not been maintained since 1978 -- 1979,
16 has been open to the elements, that it is -- actually it's
17 surprisingly good condition given that situation. That it
18 is salvageable. It can be renovated. It still maintains it
19 essential historic and architectural features and character.

20 Those have not been destroyed or damaged by the
21 fire. And that the request for total demolition of the
22 house should be denied. Just a couple of technical points.
23 The Commission, a number of years ago, did review a request
24 to demolish the existing garage on the property and that
25 Historic Area Work Permit was approved, however the garage

1 has never been demolished, it is still there.

2 The other point I would make is that there have
3 been some issues raised about whether this property was one
4 that was clearly acknowledged as a house that was part of
5 the historic designation and that perhaps the County Council
6 in voting to designate this district thought they were just
7 voting to designate the lot -- the property.

8 From one who was there during the designation
9 process and from one who actually wrote the text in the
10 Master Plan Amendment designating this property, I can say
11 that this property was clearly one of the ones that was,
12 included in slides and in the verbal description of the
13 Somerset Historic District, and was one of the reasons that
14 Somerset was designated.

15 There are only three houses that still remain that
16 were built by original founders of the community. This is
17 one of them. And that point was made to the County Council.
18 It was very clearly defined as a Contributing Resource. I'd
19 like to sort of lay that issue to rest.

20 The designation of this property by the County
21 Council was a conscious decision and the property is under
22 the jurisdiction of the Historic Preservation Ordinance.
23 With that I think I'll close unless there are specific
24 questions that the HPC would like to ask.

25 ACTING CHAIRMAN KOUSOULAS: There being no

1 questions, would the applicant like to come up to the table?

2 MR. LERCH: Thank you Chairman Kousoulas. For the
3 record, I'm Harry Lerch -- L-e-r-c-h. I'm an attorney with
4 the firm of Lerch, Early and Brewer in Bethesda. Who seem
5 to be back before you tonight. This case has been a long
6 time in coming before the Board and we apologize for that,
7 but it's been a very very difficult case.

8 In fact, I know of very few cases in which the
9 applicant has gone through more grief and hardship than this
10 one and it's a very very sad case. No one would want to
11 restore and maintain this house more than Susan Ringland if
12 it were possible.

13 In fact, the reason it stood there so long is she
14 has been laboriously sitting in the house many days -- day
15 after day removing -- trying to remove and save family
16 materials that were in the burned out house. I noted on my
17 sheet we would request 17 minutes anyway if we could. If we
18 go over, I hope you'll be patient there's a lot to present.

19 I should give you a little bit more of the
20 background if I possibly could. Susan Ringland asked me to
21 send you her regrets for not being able to be here tonight.
22 Her brother, Peter, who was present at the tour -- if you
23 remember Mr. Trumble last year who guided us through --
24 passed away last Tuesday after a bout with cancer for the
25 entire past year.

1 And his memorial service with full military honors
2 is going to be at Arlington Cemetery tomorrow morning and
3 Susan just could not make it tonight. She's dealing with
4 family and everyone else. Peter Ringland's house and
5 Peter's son's house -- the two houses are the immediate
6 abutting houses to the rear.

7 So the two family members are immediate neighbors.
8 On that subject I should say that the neighbors as far as we
9 know are in support of this application. We're not aware of
10 any neighbors that are in opposition although there may be
11 some that are here tonight that I'm not aware of. Last,
12 Thursday night at a special meeting -- special only because
13 they had to put the different day other than Labor Day, the
14 Town Council of Somerset voted four to one to recommend
15 demolition to you.

16 So the Town, in a fairly unique vote I think, has
17 recommended demolition. The history, as Gwen told you, was
18 that on December 12, 1978 the house faced a major major
19 fire. At that time, the residents of the house were Mr. and
20 Mrs. Ringland. Mr. Ringland was 90. Mrs. Ringland was in
21 her 80's. He lived a few more years. They were not injured
22 in the fire, but they never moved back.

23 Susan, the daughter, took care of Mr. Ringland
24 until he died in the mid-80's and then Mrs. Ringland senior,
25 the mother, died at age 99 on July 4, 1990 nearly a year

1 after the house was designated. Susan then inherited full
2 title. She did not own it before it was designated as an
3 owner with control.

4 Her mother was in Sibley Hospital for the entire
5 year before she died with the exception of one week and
6 Susan was in the hospital with her caring for her. They
7 were unaware that the property was proposed for designation
8 and this has been one of the problems.

9 But the house had burned down 12 years before that
10 designation. As Gwen said, it was never occupied by Dr.
11 Wiley. And any replacement that will take place here and
12 this is nearly a 40,000 square foot lot. It's the largest
13 lot in all of Somerset. Any replacement, we'll have to get,
14 of course, a Historic Area Work Permit.

15 With that I'd like to introduce our two experts
16 who are at the table and then I have a few legal points I'd
17 like to run through at the end. But Joe Hadley is an expert
18 in fire re-construction. He's at my left, your right.
19 Andrew Diem is our architect.

20 Mr. Hadley was recommended to Mrs. Ringland by the
21 Montgomery County Office of Consumer Affairs as a person
22 they use a great deal and he's turned out to be an excellent
23 expert. If you'd like to discuss your findings and your
24 discussion of the house and you background very briefly.

25 MR. HADLEY: Yes. My name is Joe Hadley. I am a

1 Estimator/Project Manager for a fire restoration specialty
2 company called Spars Incorporated. I have been involved in
3 that specialty for 27 years. The first 15 years I was lead
4 Carpenter and Project Manager from Job Site Supervisor on
5 many restoration projects.

6 Historical restoration has become something of
7 interest to me in the last 3 years. I've been involved in a
8 number of projects initially through a fire in historical
9 areas in which we had to duplicate areas of buildings that
10 had been destroyed. There was a specific project down in
11 Washington, D.C. on M Street in Northwest that I was
12 involved in where the entire roof burned off, as a Project
13 Manager.

14 I have just this year been involved in two
15 historic projects one of which is the Magruder House on 450
16 and Kenilworth Avenue right at that junction in Prince
17 George's County. And the other one was a carriage house for
18 Waverly Mansion which is in Howard County. So I do have
19 some hands on experience in doing historical restoration.

20 I was asked specifically to take a look at this
21 house and to determine what it would cost to restore the
22 existing structure to a serviceable area. In using the
23 methods of estimating that I use which is a estimating
24 package on computer called "Clear Scope" I came up with an
25 estimate of \$325,000 roughly to restore it as I see it.

1 There are some issues that I haven't addressed in
2 the estimate and I'll get to those in a minute. But I'm
3 talking about the things that I saw which were very visible.
4 For example, the rubble foundation, which Gwen mentioned, in
5 the back underneath of the addition is very compromised. As
6 a matter of fact, it has bowed in approximately 4 to 6 inches
7 in the area where the massive destruction is and that is --
8 actually is non-usable.

9 The area underneath of the bay window which is in
10 the dining room area, that was shown in one of the slides by
11 the way, as a rubble foundation where you saw the mortar
12 that was missing and that there was actual defacement of
13 stone due to moisture, that is underneath the dining room
14 and that area also is very badly compromised.

15 That is, you know, the place to start. The floor
16 joist in the dining room -- if you're facing the dining room
17 from the entry foyer, if you remember the picture -- there
18 was a picture in there where there was a bay with the three
19 windows in it and there was burn on the back corner. The
20 floor joist all the way across that room have significant
21 terminate infestation, and also rot.

22 And if you noticed in this house when you did your
23 inspection, it's a 4 inch fur flooring tongue and groove and
24 there's no subfloor underneath of it. All of that fur
25 flooring on the first floor in the back, half of the

1 existing house -- not talking about the burned out addition
2 now, is very badly buckled from water damage and moisture.

3 And those floor joist were inspected by a
4 terminate inspector and I'm sure they're going to introduce
5 that letter from him as having active infestations. So
6 those floor joists will need to be replaced. This is the
7 second floor. This is the area of burn. This is the first
8 floor. This is the area of burn. But this is the dining
9 room and these are the floor joist that I'm alluding to
10 right there.

11 And this area which I call the study in my
12 proposal, this rear wall here is badly deteriorated and
13 weathered exposed also and the first floor -- four floor
14 joists coming into that area are also insect -- eaten
15 through and rotted to the point where it's non-structural.

16 And the same thing is true with the ceiling joist
17 in that same area because it was directly below a bathroom.
18 Whether it's -- you know, the bathroom was an initial
19 problem and it just was not addressed, I can't tell you.
20 I'm saying that the floor joist there are compromised.

21 Because of the type of construction, which is
22 balloon construction, the concept of balloon construction as
23 I understand it and I'm not an architect is that the stud
24 stands straight out from the foundation all the way from the
25 roofline. One of the strengths of this is that the entire

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1 house works together to give each individual component
2 strength that it would not have by itself.

3 The floor joist run from left to right instead of
4 from front to back. The back wall is destroyed. There are
5 wall studs on the first four wall studs on the right hand
6 side and the entire bay area on the left hand side that are
7 compromised by fire -- okay, and by insect infestation.

8 The entire rear slope of the hip of the main house
9 and the first two rafters on the right slope of the hip
10 which are jack rafters and hip rafter are all burnt. Now,
11 my concern about this is that because the structural
12 integrity of these areas is gone and that the rest of the
13 structure has not been able to stay in position through this
14 whole period of time.

15 The fact that the back of the house is exposed and
16 with wind coming in acting as a balloon, it could very
17 easily have shifted. I don't believe that we know that and
18 this is just an issue that I'm raising because I do have
19 some concern whether we can -- reconstruction as to whether
20 or not those areas would have to be addressed.

21 The remainder of the rubble foundation is almost
22 impossible to determine at this time, as far as its
23 condition is concerned. And also some of the other -- the
24 front porch, all the floor joist in the front porch -- not
25 all of them, excuse me -- where the bearing points are where

1 there are bricks piers those areas have dropped which has
2 caused the entire structure of the porch to drop.

3 So that basically is also going to need to be
4 replaced. There are only 3 posts which can be reused out of
5 the 11 post on the front porch. The rest of them of will
6 have been to be made. The sheathing roofing section of the
7 front porch is all rotted. It's going to have to be
8 replaced.

9 The ceiling which was beaded ceiling is badly
10 deteriorated. It's going to have to be replaced. So
11 basically, the way I see it is that we're talking less than
12 50 percent of the structure is intact at this point of the
13 actual living space. Okay.

14 By the living space, I'm saying the room areas and
15 I'm not talking closets and all the rest of that, everybody
16 determines how that is differently, but talking about the
17 bathrooms, the bedrooms, the main areas -- you know, the
18 hallways, those areas are less than 50 percent in my
19 opinion.

20 In terms of the exterior walls -- maybe perhaps
21 using the exhibit. This is the area of the extended bay. I
22 would say probably from here around through this area and
23 possibly to about here.

24 MR. LERCH: And you're indicating an area of
25 perhaps 30 percent of the exterior?

1 MR. HADLEY: Probably. So it would not have to be
2 addressed in one way or another.

3 MR. LERCH: And you have some pictures here you
4 might pass. I think they're marked pretty clearly.

5 MR. HADLEY: You might give the Commission your
6 conclusion then.

7 MR. LERCH: If someone asked you or said they'd
8 give you a check for \$325,000 to do the renovation, as a
9 professional would you do it for that price?

10 MR. HADLEY: No, not at this point. Because there
11 are too many questions that I have as far as the integrity
12 of the rest of the structure that I don't know how to
13 address until some certain types of demolition are done.

14 MR. LERCH: So the 325 is a reasonable, minimum
15 but it would be very possibly considerably more?

16 MR. HADLEY: Yes. It could be considerably more.

17 MR. LERCH: And the total square footage of the
18 house about 17,000?

19 MR. HADLEY: Yes.

20 MR. LERCH: That works out to something well over
21 \$200 a foot?

22 MR. HADLEY: Yeah.

23 MR. LERCH: In earlier meetings, Staff had told me
24 they thought that this could be renovated for less than \$100
25 a foot and that was the basis for the Staff's conclusion the

1 reasonably of renovation. Mr. Diem, could you comment
2 or add without duplicating if you would please. Give a
3 brief background on yourself and then discuss your findings.

4 MR. DIEM: My name is Andrew Diem. I'm the
5 Architectural Consultant for this project. I passed out a
6 copy of the report, the one that's on grey paper, not that
7 we feel the issues is grey, it's very black and white in our
8 minds. The grey report is just merely to call your
9 attention to this among all the papers you all have.

10 At first I'd like to say that I love old
11 buildings. Two years ago my office, of which I am the
12 principal, won the architectural award for the Lamark's
13 Commission of the City of New York for the facade renovation
14 of a Brownstone in lower Manhattan. So I'm not unfamiliar
15 with historic preservation projects.

16 I have, in the years of 20 some years of practice,
17 I have renovated both projects for clients as well as
18 projects that I had direct ownership in of buildings in
19 historic areas. I still own property in the historic area
20 in the District of Columbia today. I served not only as the
21 owner but I was also the construction manager on that
22 project.

23 I have, as the slogan goes the kids use today,
24 I've been there, I've done it, and I've got the tee shirts
25 to prove it. The concept of this project, as Staff has

1 mentioned as a Queen Anne front, yes there are elements very
2 much so in the building that have Queen Anne qualities. The
3 fishscale architecture on the gable ends are very
4 traditional with the bays.

5 However, the west side and the rear of the
6 building is extremely simple. There is very very little of
7 a particular Queen Anne vernacular that's exhibited. It's
8 if you will, a Queen Anne front and a Maryanne behind. The
9 concept that Mr. Hadley spoke of of the structural system in
10 balloon framing acting as a total element is very very much
11 in place.

12 We have a system that depends upon the entire
13 integrity such as an egg shell to work together. When the
14 roof rafters became burnt, the stabilizing forces that were
15 transmitting -- these rafters transmitted the load from the
16 snow and the wind universally around to all of the perimeter
17 walls. When those roof rafters were deteriorated through
18 the fire, it created an unusual force that allowed thrusting
19 to occur in a force that was not originally planned by the
20 owner or builder or architect of this property.

21 I think that there is damage done that we will not
22 know until we get into the building. It's been my
23 experience that you see a lot and can be determined extreme
24 amount of problems in historic renovations once you remove
25 the plaster and get into the actual demolition. The degree

1 of the infestation of the terminates is, in my opinion, a
2 serious issue.

3 On the most recent visit to the site about two
4 weeks ago, we took in the section of the front of the
5 building where Mr. Hadley mentioned the walls appear to be
6 in stable condition. He took plaster and lath off of those
7 walls and we found underneath that plaster, we found
8 insulation which I'm not a chemist but I would -- or an
9 engineer of the environmental nature, but I wager that it is
10 loaded with asbestos since it was the type of installation
11 that was prevalent many many years ago.

12 Aside from that environmental issue, we found
13 underneath the insulation what's referred to as Red Resin
14 Paper. This essentially -- it was an element of insulation
15 that was used at the turn of the century for buildings in an
16 effort to keep wind from blowing through the building. It
17 was also a minor form of waterproofing.

18 As the nature implies, they use Resin from the sap
19 of the pine tree impregnated between two pieces of brown
20 paper. If you will, it looks like a grocery shopping bag.
21 The problem with that is the Resin's are really very juicy
22 material for the bugs. They love to eat that.

23 So we found spots when we removed the insulation
24 where you could see pockets where the Resin Paper that
25 hadn't been exposed to anyone's view for -- well, when since

1 they put insulation in, it was deteriorated. You can
2 actually see where the rough outline had been eaten up.

3 The report that we produced goes on to speak of
4 Mr. Howard Rosenberg, a structural engineer, who states that
5 over 50 percent of the house's structure has been raised and
6 is now missing due to the fire. In regard to the exact
7 square footage, it's my calculations the gross square
8 footage of the building is 1,713.70.

9 The damage from the square footage point of the
10 rooms that the Staff has referred to amounts to 866.76
11 square feet. The arithmetic calculates to 51 percent of the
12 structure on a square footage area has been destroyed. The
13 next issue I took under the structural engineer's point of
14 the linear footage of the exterior perimeter of the
15 structure. In other words, I just measured how many linear
16 feet exist on the entire outside.

17 They're 124-feet 6 inches. Now based on what Mr.
18 Hadley said about the possibility of keeping roughly the
19 front facade and 10-feet back on both the east -- this being
20 the east and this side being the west facade back that
21 amounts to 52.6 linear feet of the 124.6. The arithmetic
22 amounts to 42 percent of the area is left and that means 58
23 percent -- all of this amounts to 58 percent present of the
24 entire linear footage of just the exterior facade plus the
25 roof.

1 The terminate -- we will, I believe, introduce a
2 report dealing with the issue of terminates but there's
3 terminate infestation on the sill plate. The sill plate is
4 the portion as the foundation comes above ground, there is a
5 piece of wood generally continuous composed of several
6 smaller pieces that runs around on the top of this stone
7 foundation.

8 This is the basis for which the house is built
9 upon -- the wood frame. That has been eaten away in several
10 locations by terminates. We believe very strongly that
11 since the Resin Paper show signs of terminate and/or other
12 wood infestating insects, that the siting may be in places
13 deteriorated worse than it appears from the exterior. We
14 also feel that some more of the studs -- granted the Staff
15 looked at studs in one particular location, but we feel and
16 I'm using my past experience, that there is much more damage
17 than is apparent.

18 There's a rule of thumb in construction that if
19 more than 50 percent of a structure is damaged due to some
20 circumstance, it is usually more feasible to demolish the
21 remaining portion and to rebuild again.

22 One of the things that leaves this -- or leaves us
23 to believe this principal is relevant is the philosophy that
24 when a building has been destroyed more than 50 percent of
25 the accessed evaluation of the property exclusive of the

1 land -- in other words, whatever the tax assessment for the
2 house is if more than 50 percent of that value has been
3 destroyed -- or in other words, it will cost more than 50
4 percent to put in, then you have to bring the entire
5 building up to code.

6 Now it's my understanding that this building has
7 been written off, in other words, has zero value on the part
8 of the tax assessor.

9 MR. LERCH: The tax assessor says it has zero
10 value. It says it's an unimproved property.

11 MR. DIEM: So even that, if you were to go out to
12 improve this building or renovate, you would have to bring
13 it up to the current building code which we use in effect to
14 date. That building code has such qualifications as
15 stairways must be 36 inches clear span wide. In other
16 words, from handrail to wall, it must be 3-foot wide.

17 ACTING CHAIRMAN KOUSOULAS: Let me interrupt for
18 second. Since we are going on quite a bit longer than the
19 16 minutes maybe the Commissioners might want to have some
20 questions --

21 MR. LERCH: Mr. Diem's report is complete. Now,
22 Donna Evers is here and has some very brief evaluation
23 materials as a real estate expert. And I have a few legal
24 points that I'd conclude with but I think that -- maybe if
25 Ms. Evers could just give you a very brief run through.

1 ACTING CHAIRMAN KOUSOULAS: Sure.

2 MR. LERCH: And I can point out -- I think we meet
3 most of the points under the Historic Area Work Permit. I
4 can run through them very quickly. And the purposes of the
5 ordinance, I'd be very happy to run through.

6 MS. EVERS: Good evening. I'm Donna Evers. I'm
7 the President of Evers and Company Real Estate. I'm a
8 license real estate broker in Maryland, D.C. and Virginia.
9 I've been involved in real estate for 20 years. My area of
10 particular specialty and expertise is Somerset and
11 particularly the older homes.

12 In my professional opinion, you should clearly
13 grant the Historic Area Work Permit to allow demolition
14 based on Section 24A(8), Subsection 5 "that it this the
15 proposal is necessary in order that the owner of the subject
16 property not be deprived of reasonable use of the property
17 or suffer undue hardship."

18 Or based on Subsection -- based on Subsection 6,
19 "in balancing the interest of the public and preserving the
20 Historic Site or Historic Resource located within an
21 historic district with the interest of the public from the
22 use and benefit of the alternative proposal, the general
23 public welfare is better served by granting the permit."

24 Regarding Subsection 5, "the denial of demolition
25 and the requirement of replication or renovation, would

1 clearly cause the owner to suffer undue hardship." Most of
2 the occupied homes in Somerset which are similar in size to
3 the Ringland house -- that is about 1700 square feet are
4 assessed by the State as having a fair market value for the
5 house between \$130,000 to \$160,000, and I have all the data
6 and the list on the assessments here.

7 I emphasize that for the sake of comparison I'm
8 only speaking of the assessment of the improvement separate
9 from the land. To require the owner to spend to more than
10 \$325,000 for exterior renovation replication and end up with
11 a structure which a part from the land, would have an
12 assessed value between \$130,000 and \$150,000. This is
13 clearly an unreasonable hardship on the owner.

14 Regardless and aside from the value of the land,
15 after you have paid \$325,000 you have basically created very
16 little value. In addition to the value of the land and to
17 look at it from another point of view, the value of the land
18 by itself is worth more than the value of the land with that
19 remaining hulk of a shell of the house on it. Thank you.

20 ACTING CHAIRMAN KOUSOULAS: Thank you. Might I
21 suggest a procedure. We could go to questions and then you
22 might want to wrap up with your legal points to the case.

23 MR. LERCH: I would be very happy to, but I'd like
24 to let you move along.

25 ACTING CHAIRMAN KOUSOULAS: Yeah. And I think we

1 should maybe take a very quick 5 minute break since the
2 questions might be kind of lengthy. So, if we could just
3 take a real quick short five minutes.

4 (Off the Record)

5 (Back on the Record)

6 ACTING CHAIRMAN KOUSOULAS: We have one speaker in
7 the audience that would like to address this issue. So if I
8 could have the applicant step back for a moment. Joe
9 Brennerman, could you come up?

10 MR. BRENNERMAN: Good evening. My name is Joe
11 Brennerman. I've been in construction in Montgomery County
12 since 1949 although I hate to admit that many years. I
13 started my own business in 1957 have always worked
14 construction here in Montgomery County. About 15 years ago
15 I got interested in renovations of historic homes.

16 We started a firm, Classic Homes, Inc., and we've
17 done I guess nine or ten renovations of older homes, most of
18 them being -- well all of them in historic districts or
19 most of them being Master Plan sites. We've always looked
20 for homes that are in pretty bad condition, usually it's a
21 place where a builder wants to subdivide and the home is a
22 historic designation, so they can't tear it down.

23 And we have found by the home being in pretty bad
24 condition, you can buy it cheap enough that you could put
25 the money in it and still make a profit out of the house. I

1 know there's not -- as far as the inside of the house goes,
2 it's not under your jurisdiction. But most of these homes
3 we have found need to be gutted anyway. The plaster is in
4 bad shape.

5 You want to insulate the home properly. You want
6 to put in all new systems, air conditioning, that sort of
7 thing. So you don't try to really save anything as far as
8 plaster walls and all. And you do a proper job by exposing
9 everything and working the inside from that point. I
10 inspected this home when I was on the Commission with Staff
11 and two inspectors from Montgomery County.

12 And if you remember David Berg that worked here on
13 Staff had experience in renovations. We examined it very
14 thoroughly. Everything they've said tonight is pretty much
15 true as far as -- and Gwen highlighted a lot. The front
16 foundation walls and the sides are in good condition.
17 They're stone walls. The back is gone. I mean, there's no
18 question about that as far as the back of the structure.

19 But here's a house in a district that is what
20 Chevy Chase and Somerset is all about is this type home.
21 You have quite a few around like that and this being one of
22 the older ones and a great example of a Victorian home.
23 There's probably 60 -- I'd say maybe a third is gone, but
24 there's enough there that you can replicate everything.

25 The materials are available today, it's not a

1 matter of going out and have to machine things or buy
2 special lumbers. The back -- and I started say in Somerset
3 is an area where you'd probably want a larger home people
4 putting that kind of money into a home today. So it's
5 really begging for an addition on the back where you'd
6 probably have a larger kitchen and a family room and
7 upstairs a master bedroom that sort of thing.

8 It would fit very nicely on the back of the house.
9 The front of the house still very original. Very solid.
10 After 15 years, I'm surprised as big as the opening is the
11 elements that it's as structurally sound as it appears to
12 be, and I think everyone in that tour of that day agreed
13 with that. It's well worth saving.

14 As I started to say, some of the homes we did were
15 in much worse condition than this home and we've put new
16 walls and we've had terminate damage and I guess have gone
17 the route with all of them. If you have any questions or
18 anything, I would be happy to try answer some of them.

19 MR. TRUMBLE: I'd just like to ask your
20 professional opinion for a couple of things. We have a
21 letter here that was presented to us by GMR -- I guess it's
22 an architectural -- architectural planning and engineering
23 firm. And in the bottom paragraph of the first page, it
24 says "over 50 percent of the house's structure has been
25 raised and is now missing due to the fire." Is that -- was

1 that your observation that 50 percent was gone?

2 MR. BRENNERMAN: No. I think -- and I think Gwen
3 Marcus testified it's -- I would think maybe a third of the
4 home is gone. So, you know 66 percent is still there.

5 MR. TRUMBLE: What about the insect infestations,
6 did you observe them?

7 MR. BRENNERMAN: There is some. Yes. There's
8 probably some powderpost beetle and there's some terminate
9 damage. But this is not unusual in old homes especially
10 homes that have been open to the elements where you're
11 getting moisture and all that.

12 MR. TRUMBLE: There was another statement and I'm
13 sorry I can't put my hand on it right at the moment, but to
14 the general affect that you'd basically have to take the
15 building down to the foundation and start over, would that
16 be your professional opinion?

17 MR. BRENNERMAN: No. Definitely not. It's very
18 strong structurally on the two-thirds of the house in the
19 front part and the two sides. It's the back where fire
20 damage and the roof. And I know in the slides it looks very
21 bad and it is, I mean, it needs to be taken down from the
22 back part.

23 MR. TRUMBLE: Do you have anyway of parsing out --
24 and this maybe a difficult -- I appreciate, it is a
25 difficult question -- the extent to which the damage is

1 simply leaving the building open to the elements certainly
2 since 1978, but in addition since 1990 when the building was
3 first designated. Do you have any sense of what that's
4 contributed to the laws?

5 MR. BRENNERMAN: From my standpoint, not too much.
6 I mean, the back is open. The roof is leaking. But that's
7 the part that has to be rebuilt anyway. The front, yes, the
8 plaster being open to the elements is ruined and that sort
9 of thing, but that's the sort of thing you strip down anyway
10 and throw away. You don't go in and try to repair something
11 like that.

12 So it's -- as I said if it's in bad condition,
13 these are the things you're getting rid of to start with.
14 The siding is still in good shape. It hasn't been painted
15 in a number of years, but on the other hand, this is less
16 stripping and all because a lot of the paint has weathered
17 off. So, it certainly can be save.

18 The porch you have three posts I think on the
19 front porch, but you can still buy post that are very much
20 like it or you can them milled or turned and go back to the
21 original. At least you have three there that shows what the
22 originals were. It's a wood porch so naturally there's
23 repairs to do to this, but it certainly is repairable.

24 MR. TRUMBLE: Just one last question. An estimate
25 has been made I believe of \$325,000 to restore it, what

1 would be -- what's your assessment? What's your
2 professional opinion of that estimate?

3 MR. BRENNERMAN: We've always done the homes or I
4 have, with subcontractors and all that and not paying
5 ourself any salary. And based on that and of which I've
6 testified before, most of these homes have been 35 to 4000
7 square feet. This is 1700 square feet, but we've always
8 kept our costs and some of them have been extensive
9 renovations.

10 But without profit or labor for ourself but paying
11 -- I mean just bricks and mortar costs the subcontractors in
12 materials, we've kept our cost to \$50 or \$60 per square foot
13 at the highest, we've done some as low as \$40. And these
14 homes are, I think, very good homes. We've won awards and
15 all that for them.

16 I can cite several that -- you know, we've put new
17 kitchens in. We put new baths. I certainly wouldn't think
18 this home would exceed with the addition and everything over
19 \$150,000 or \$160,000.

20 MR. TRUMBLE: I think in just pointing out that
21 the excellence of your work was recently recognized by
22 Montgomery Preservation, Inc. So, certainly the kinds of
23 restoration that you've done have always been top quality.
24 Thank you.

25 MR. RANDALL: Just a couple of -- a couple of

1 questions Joe. Have you ever renovated -- that's probably a
2 better term than restored -- a house that's in this bad or
3 worst condition than this one?

4 MR. BRENNERMAN: Kensman Farm would be a good
5 example over in Four Corners -- Four Corners that is a late
6 1700's house. We had to remove a total back wall because of
7 terminate infestation. The house was in very bad shape. It
8 had been open, vandalism had occurred and all that. And you
9 can go over today and look at the house and it's an
10 outstanding home.

11 Several others -- Rock Land in Olney. You've
12 probably seen pictures of that. I know there was one
13 featured on the front of the Gazette some years back before
14 we did it and it was in pretty sad shape. And you go up and
15 look at it today, and it's a beautiful old home in the
16 \$500,000 to \$600,000 price range.

17 We just did Oak Grove back on Gold Mine Road.
18 Here again, that was a \$450,000 or \$460,000 home after it
19 was renovated, and it was in very bad shape. It had been
20 used as a -- a roofer was using it as a warehouse for some
21 number of years.

22 MR. RANDALL: You have found then that with homes
23 that were in as bad or worse condition than this that once
24 you've gone in and done the work that you were still able to
25 make a profit?

1 MR. BRENNERMAN: Yes. We've always, thank god,
2 made a profit.

3 MR. RANDALL: Last question since there seems to
4 be a fairly general agreement that the rear of the structure
5 is probably past saving -- I don't know, I didn't measure
6 out the remaining larger portion of the house, but I would
7 presume that the house would go from 1700 square feet
8 probably down to 1100 square feet or something along that
9 line.

10 If the Commission were to find that the house --
11 the structure that is, without the rear needed to be
12 preserved and that's all that would remain of the historic
13 fabric, that I presume, without adding an addition would
14 reduce the cost even by -- about a third or perhaps a
15 quarter anyway of what it would cost to renovate this
16 structure if you only dealt with the front portion of the
17 house and didn't worry about putting another addition back
18 on there?

19 MR. BRENNERMAN: If you added an addition, I mean
20 you still have to rebuild what's there and take down -- if
21 you just want to go to the original foundation, you'd have
22 to rebuild the foundation. It is gone back there also. So
23 really to add that much more square footage, naturally it
24 would cost more money, but it's -- you still have to do a
25 lot of work to put it back where it is so you may as well

1 expand -- may as well expand the house I would feel.

2 MR. RANDALL: Okay. Thank you.

3 ACTING CHAIRMAN KOUSOULAS: Any other questions of
4 Mr. Brennerman? Okay. Thank you very much.

5 MR. LERCH: Mr. Kousoulas, can I ask if you if you
6 could ask him one question if it's possible. We might have
7 the decision to everything if Joe is willing to purchase the
8 house then we got a happy room in here. Are you interested?

9 MR. BRENNERMAN: Do you want to make a deal here
10 tonight or what?

11 (Laughter)

12 MR. LERCH: I mean -- are you able to even say
13 what it would be worth in terms of all of these other houses
14 you've bought?

15 MS. MARCUS: I think -- I want to interject here.
16 I think unless the Commission wants to give Mr. Lerch the
17 opportunity to ask rebuttal questions, that the questions
18 really have to come from the Commission for Mr. Brennerman
19 to answer.

20 MR. LERCH: That's why I asked --

21 MS. MARCUS: But, you asked the question. The
22 Chairman didn't ask.

23 MR. LERCH: I asked the Chairman if he could ask
24 the question and Mr. Brennerman started answer it so.

25 MS. MARCUS: And, how does the Chairman feel?

1 ACTING CHAIRMAN KOUSOULAS: Well, I don't know. I
2 think it probably puts Mr. Brennerman in a funny position --

3 MR. BRENNERMAN: No. I can say that normally when
4 you buy these properties which they said tonight, the house
5 has no value on the tax roles at this point. That is
6 usually the case. You can't borrow money on the house from
7 the bank because it's not habitable. But -- so we try to
8 price it whatever the land is worth is what the house is
9 worth. In this case, it could probably be subdivided into a
10 another lot and divide this one lot would be what that model
11 is worth and value. The house would have no value.

12 MR. RANDALL: Since you opened up that area, let
13 me ask one last question. When you bought these homes at
14 relative land value plus a little bit more, with what you
15 have put into them, would you have been able to sell that
16 same property at the end if it weren't the renovation -- for
17 the same price, if it weren't the renovation of an historic
18 structure and you only took your \$50 to \$60 a square foot to
19 put new construction on that same property?

20 MR. BRENNERMAN: What you're saying I guess is
21 could you build a new house for the same price on that
22 property?

23 MR. RANDALL: And if so, is it likely, based on
24 your experience in an historic district or in a historic
25 setting to be able to generate the kind of revenue and

1 profit that you would be -- that you've experienced?

2 MR. BRENNERMAN: I think in most cases a house
3 that has this damage or some of them that we have done, it
4 would have been cheaper to have nothing there and build a
5 new home. But we're preservationist and that's the reason
6 we do this sort of thing, it's a love for old homes and like
7 to see them restored.

8 And so the market we have found it's not competing
9 with the 50,000 homes that might be sitting around in the
10 area for sale. You have a special market for it and there
11 is a demand for old historic homes. We've never had a
12 problem selling them. All of them have been renovated and
13 sold within the two year period and normally the renovation
14 takes a year a year-and-a-half because we do it as a side
15 line for the business and the homes sell very quickly then.

16 MR. RANDALL: Okay. Thanks.

17 ACTING CHAIRMAN KOUSOULAS: Thank you. Would the
18 applicant like to come back and we can go right into the
19 Commissioners questions. And could you also lower the plan,
20 it's difficult to see over -- thanks. Any Commissioners
21 like to start? I guess I have one question to kind of to
22 pursue the last line of inquiry of Ms. Evers. What's the
23 value of the lot as a lot at this point?

24 MS. EVERS: The value of the entire piece of land
25 -- it would be a little bit hard to say because nothing like

1 it has come available. I think if this were -- let's say if
2 were two separate lots, it could be anywhere from \$400,000
3 something like that a piece possibly -- to really give you
4 that because we believe that -- those are the only
5 comparables exist --

6 ACTING CHAIRMAN KOUSOULAS: To build a house on --
7 I mean, buy the lot, then you build a house and then what
8 would you sell the new house on the lot for?

9 MS. EVERS: Well that would depend on what house
10 you put --

11 ACTING CHAIRMAN KOUSOULAS: Sure. But what do you
12 think you could get away with in Somerset an \$800,000 house?

13 MS. EVERS: Maximum value -- safely somewhere
14 around a million -- a million plus.

15 ACTING CHAIRMAN KOUSOULAS: Okay.

16 MR. LERCH: Mrs. Ringland is approaching 70-years-
17 old and has no assets other than the home she lives in which
18 is nearby. She's not going to build. She will not even
19 demolish. That's one thing we can tell you that could be a
20 condition. Her only -- this house has been sitting there
21 and she has been trying to sell it for -- ever since it came
22 into her hands.

23 Her desire in applying for the permit was to be
24 able to tell prospective purchasers that they could demolish
25 it and it was a requirement that every purchaser has applied

1 to her has told her they needed. Now whether or not the
2 demolition would be -- the final approval would be in
3 conjunction with the approval of a new permit, a Historic
4 Area Work Permit for replacement building, other things of
5 that possibility.

6 All of that would be in the realm of possibility.
7 And under the ordinance, you clearly have the authority to
8 attach conditions if you wish.

9 MS. MARCUS: Mr. Lerch are you saying that every
10 person who submitted a contract on this house has wanted to
11 demolish the historic house?

12 MR. LERCH: I have not seen -- I have not seen all
13 of the --

14 MS. MARCUS: Maybe Mrs. Evers can say that.

15 MR. EVERS: Everyone who has been interested in
16 the property was not interested in the house. And when we
17 tried to talk them into being interested in the remaining
18 hulk of the house to work with, they would only want it at a
19 substantial reduction because no one wanted to mess around
20 with it.

21 ACTING CHAIRMAN KOUSOULAS: Is there any debt on
22 the property?

23 MR. LERCH: There is no debt. There was no
24 insurance proceeds either. It's free and clear, but there
25 was no proceeds to do any renovation.

1 ACTING CHAIRMAN KOUSOULAS: I guess that's what
2 I'm trying to understand. If the lot is -- let's say it's
3 worth \$300,000 -- \$400,000 --

4 MR. LERCH: The lot -- well the lot could be --
5 just to be clear so there's no misunderstanding, the lot is
6 38,000 square feet. It could be divided into three 12,000
7 square foot lots. The zoning requires six. Somerset wants
8 70-feet in frontage if it can get it and it's not quite 70-
9 feet in frontage, but the Town has said it would support
10 three lots.

11 But basically, if the house were gone because they
12 would like to see the house gone because it's a jungle.
13 It's an eye sore and it's everything that the Historic
14 Preservation Ordinance says shouldn't happen is what's
15 happening there today. The end result may be that the house
16 gets retained, but we're trying to move things forward that
17 have been on an absolute standstill for five years and we
18 look at the Gibson house in Clarksburg and see even a longer
19 history there.

20 But this house burned nearly 18 years ago and it's
21 far worse. We're looking for solutions and real permanent
22 solutions. And as I said in my very first comments, no one
23 would rather -- no one wants to see it preserved more than
24 Susan. If Joe Brennerman can buy it for the value of the
25 land, I don't know what that is but we can work it out.

1 If it's one of three lots, then we have two more
2 lots we can sell, this would be an ideal situation. We'd
3 love to see that moved forward.

4 MR. CLEMMER: Mr. Lerch you've twice said that
5 Mrs. Ringland would like to have this house preserved. I've
6 got a lot of questions. Why wasn't this done in 1978? Why
7 wasn't this house insured if they loved it so much?

8 MR. LERCH: The house apparently was insured at an
9 amount that didn't meet the Maryland requirements for
10 insurance. They put an insurance policy on when they got a
11 very -- they got a mortgage in 1938, the mortgage was paid
12 off and the insurance amount never changed from the amount
13 of the mortgage.

14 MR. CLEMMER: So they just took the insurance
15 money and did something else with it.

16 MR. LERCH: Apparently there was no insurance as I
17 understand it.

18 MR. HADLEY: Can I address that --

19 MR. CLEMMER: No insurance on this house that they
20 loved? That's interesting.

21 MR. LERCH: That was her parents. That was her
22 parents who --

23 MR. CLEMMER: Understand.

24 MR. LERCH: -- owned and lived in the house.

25 MR. CLEMMER: They went promptly into the nursing

1 home right after the fire I guess.

2 MR. LERCH: Almost is my understanding. Joe had a

3 --

4 MR. HADLEY: As far as the insurance question --
5 the technical question you were asking. As a contractor,
6 believe me that's one of my major concerns because many of
7 the structures which catch fire especially the older homes
8 are underinsured.

9 There is an 80 percent co-insurance clause which
10 is every insurance policy which says that if your house is
11 not insured by the insurance carrier up to 80 percent of the
12 replacement value of the house, then they can take maximum
13 depreciation on what the costs are to repair the house.

14 And it would -- there would be -- let's say the
15 costs were \$78,000 and they had \$38,000 insurance on the
16 house, there would be no payout. Okay. Because less than
17 50 percent of the house was destroyed by fire.

18 MR. CLEMMER: In 1978 in you opinion, would this
19 house had been restorable? Certainly not for \$300,000 now.

20 MR. HADLEY: Not for \$300,000 then, no.

21 MR. CLEMMER: But structurally. Take away the
22 wind damage and the terminate damage and the accrual of time
23 of all these other things. I know I'm asking you for a
24 reach, but do your best.

25 MR. HADLEY: My best sense is that it would be --

1 the house is restorable. It depends on how much money you
 2 want to spend. And that would have been the case only it
 3 would of been less money in 1978 to do it. Probably as far
 4 as the deterioration issue is concerned, I would say that
 5 we're only dealing with maybe -- as a rough guess -- 15
 6 percent of the total reconstruction costs.

7 MR. CLEMMER: In 1978?

8 MR. HADLEY: Yeah.

9 MR. CLEMMER: But the difference is accrued in the
 10 last 17 -- 18 years?

11 MR. HADLEY: Yeah.

12 MR. LERCH: For the record, the house at that time
 13 of the fire and before -- in 1989 when I think the
 14 designation occurred was not in the originally designated
 15 district on the atlas, but then the district lines were
 16 redrawn for the Master Plan and it is in the Master Plan
 17 district for the entire 38,000 square feet.

18 And we have no doubt that the -- that new houses
 19 whether they're one or two or three that would be built
 20 here, clearly will be Victorian and of the same period and
 21 appropriate street frontage, street appearance, et cetera.
 22 They'll maintain the integrity of the historic district very
 23 well and the Historic Area Work Permits which you'll have to
 24 review can assure that. We've wrestled long and hard with
 25 it.

1 MR. RANDALL: Let me ask a question. In terms of
2 the cost -- the \$325,000 costs that be generated, is that
3 basically for, and I believe you used that term earlier,
4 restoration?

5 MR. HADLEY: Yes. So in other words what I'm
6 doing is duplicating and that also includes, for example,
7 there are three 7-foot doors on the interior of the house
8 which you cannot purchase at any lumber yard which would
9 have to be built by a mill, that are included in that costs.

10 MR. RANDALL: I can understand that there might be
11 somethings that would require it, but often times some --
12 particularly since this Commission doesn't have the control
13 over the interior of a structure -- when people buy an old
14 home they keep the exterior true, but renovate as opposed to
15 restoring the interior.

16 And we heard Mr. Brennerman's estimate of what it
17 cost them to renovate and I've seen some of his work and it
18 has been award winning -- at \$50 to \$60 a square foot has
19 been kind of their experience as compared to -- I think
20 about \$191 a square foot that you'd indicated.

21 How much would you be having that costs or would
22 it be a third of that costs. What are we talking about for
23 back of the envelope calculation for a renovation rather
24 than a pure restoration?

25 MR. HADLEY: My concern, and I need to address

1 this before I can really answer your question, but my
2 concern is the structural integrity of the building
3 concerning the fact that some of the floor joists are
4 deteriorated and some of the exterior walls especially in
5 the dining room and the room above which increases the floor
6 space in my opinion to 50 percent of it that is of the
7 structure that is impacted.

8 I would say that I could only reduce the costs by
9 30 percent at the maximum.

10 MR. LERCH: Because in his report I don't know
11 that it was pointed out and specifically emphasized but the
12 main joists underneath is --

13 MR. HADLEY: Yeah. That's one thing that I
14 neglected to mention. There is a center barring beam which
15 runs from front to back in this house which has four steel
16 columns that come up and support it. At the point where
17 there is support on the steel columns, there is
18 deterioration in that beam. And that beam would have to be
19 replaced. So you have a significant amount of shoring et
20 cetera that has to be done also.

21 MR. LERCH: And the poles are through the floor
22 you say?

23 MR. HADLEY: And the poles have been driven
24 through the old -- it's real thin set concrete. They've
25 been driven through that.

1 MR. LERCH: And that beam is eaten by terminates

2 --

3 MR. HADLEY: Yes.

4 MR. LERCH: -- which has caused the failure. So
5 the house, it's not the only one in the County but it would
6 have to be lifted et cetera.

7 MR. HADLEY: If you noticed the one slide there
8 that where it showed the back, there was kind of a sway back
9 in the roofline, that goes all the way from the basement up.

10 MR. RANDALL: So you say by about a third then is
11 what the cost --

12 MR. HADLEY: If you went to drywall as opposed to
13 plaster and went to stock doors as opposed to -- yes.

14 MR. RANDALL: Okay. Yeah. Because I see that in
15 looking at this we are talking plaster and so forth and
16 there some rosettes and things. And all those are nice and
17 they can add to the value of a house, but in terms of
18 whether or not something can -- sustains economic value in
19 itself that's a different question.

20 And we have found at least on the Commission in
21 many cases the exterior being brought back to life in a
22 restored way and the interior, all of people get in and the
23 first thing they do is gut it or play around with the inside
24 anyway. They may not even like the arrangement. So, that
25 would be by a third now. Since there seems to be kind of

1 generalized agreement that the addition is gone anyway, you
2 wouldn't be restoring the addition, that would be new
3 construction.

4 MR. LERCH: That wasn't an addition, that was the
5 rear originally. That's the kitchen.

6 MR. RANDALL: Okay. Okay, that's all part of the
7 -- that's not an "L" coming off of there, I didn't --

8 MS. MARCUS: In all likelihood it was built at
9 the same time as the rest of the house.

10 MR. RANDALL: Okay. But is it an "L" or is part
11 of the main block?

12 MS. MARCUS: Well, you can see from the drawings,
13 it's an extension off the main block that's indented on both
14 sides. It's the area I highlighted in red, so it's not
15 really an "L" and it's not really part of the main block,
16 it's an extension off the back.

17 MR. RANDALL: Okay. Then -- right, it's not an
18 "L", I agree but it's something that's gone and if -- is the
19 house theoretically restorable, fixable without the addition
20 on the rear and maintaining the front block of the house?

21 MS. MARCUS: Are you asking Staff?

22 MR. RANDALL: Yes.

23 MS. MARCUS: I would think certainly from a
24 technical standpoint you could remove that addition and just
25 work within the footprint of the remaining house. It would

1 be a small house though, but you technically could do that.
2 It would be, in my judgment, more likely for someone to
3 remove the back section and build a new addition and put all
4 their kitchen and bathrooms in there.

5 MR. RANDALL: I understand that you'd probably
6 want to do that, but if the Commission agreed to the
7 demolition of the rear structure, and we couldn't be
8 insistent that it be replaced probably unless it were a
9 condition of that.

10 And I'm just looking at what seems to be the more
11 viable part and if one didn't rebuild the rear, if we agreed
12 that the rear could be demolished, then it would be choice
13 of the applicant or others and that would reduce by some
14 additional quantity on top of that one-third overall cost,
15 the cost of bringing that structure back to life.

16 So, we might even be down to -- who knows maybe
17 \$150,000 instead of \$325,000 if that's what you're talking
18 about. I see you're nodding your head and that sounds --

19 MR. HADLEY: I understand where you're coming
20 from. There's a certain fixed costs which have to do with
21 putting and installing a kitchen as an example. There are
22 certain fixed costs which have to do with the installation
23 of a bathroom. I mean you don't do a bathroom for less than
24 \$4,000. You don't do a kitchen for less \$12,000.

25 Okay, if those fixed costs are already there and

1 both of those are impacted in the area which is already
2 destroyed, so that's something you would have to add to the
3 front. So it's really hard to say what are the exact
4 numbers?

5 MR. RANDALL: Right. But again, we're talking
6 some reasonably substantial reduction.

7 MR. LERCH: The rear wing is exactly one quarter
8 of the footage of the house. So you take the house from
9 1700 down to about 1375 --

10 MR. RANDALL: Okay. Thank you.

11 MR. LERCH: -- would be a very small house to
12 spend that much money on.

13 ACTING CHAIRMAN KOUSOULAS: Yeah, we need to move
14 along. Are there any other questions -- comments? Does
15 anybody have a motion?

16 MR. RANDALL: Let me just ask a question of the
17 other Commissioners. Is there any Commissioner -- if the
18 Commission were to vote to deny the application, is there
19 any Commissioner that believes that the rear portion of the
20 house must be or should be saved? I haven't heard any
21 evidence that suggest that it would be.

22 I just wanted to clarify that if we had a motion
23 that presumably it would permit the demolition of the rear
24 portion of the structure so that we'd only be dealing with
25 the main body of the house that would be where the

1 difference of you might be between us and the applicant.

2 MS. LANIGAN: I think if you're discussing a
3 portion that might be demolished you need to be very careful
4 on how that's defined and I don't think that's the -- I
5 think it sort of clouds the issue at this point.

6 MR. RANDALL: Okay.

7 MS. MARCUS: The application is for total
8 demolition. The application is not for a demolition of a
9 portion of the house.

10 MR. LERCH: That is -- that's the recommendation
11 of the Town of Somerset also.

12 MR. TRUMBLE: It seems to me that -- were we to
13 deny the request to demolish the house and were this thing
14 to go into a favorable direction, that clearly these kinds
15 of structural issues would be considered in any additional
16 plans that came forward to renovate/restore the house.

17 I think that the Commission would be -- I think
18 our track record is that we would be reasonable in looking
19 at those kind of issues if in fact there are parts of the
20 house that simply have to be taken down. But it does seem
21 to me that we need to remember that two-thirds of the time
22 that's involved here, the house was under no protection, and
23 it was not demolished.

24 I must ask -- I get this story there was sort of a
25 financial problem here and yet I must ask from 1978 to 1990,

1 what was going on --

2 MR. LERCH: The fire --

3 MR. TRUMBLE: -- let me just finish. I also think
4 it's fair to say that the fact that individuals didn't carry
5 sufficient fire protection is not really the issue. There
6 maybe an interesting rule for those of us that need to renew
7 our fire protection from time to time, but I'm not sure
8 that's particularly the issue at hand.

9 I think that Commissioner Clemmer raised some good
10 questions about what was going on in the period 1978 to 1990
11 and why a protection wasn't covered -- the house wasn't
12 covered. But those are issues that don't directly pertain
13 at this point. This is an Outstanding Resource in the
14 County. It's one which clearly the owner walked away from.
15 Much of the damage is a function of that walking away.

16 I think we need to focus on the question of
17 whether or not we're prepared to protect that Resource. And
18 perhaps at a later time when plans come forward, we can try
19 to work out some reasonableness in terms of what exactly has
20 to be renovated and restored. But I'd like to say -- I'd
21 like to focus the motion now on whether or not we intend to
22 issue a "Demolition by Neglect."

23 MR. LERCH: Could I say on the record the Staff
24 Report says there's been no significant demolition since the
25 property was designated. That's a finding of your Staff.

1 Ms. Ringland inherited it a year after it was designated on
2 the Master Plan. It was not on the Historic Atlas. So, I
3 don't think that a "Demolition by Neglect" case is going to
4 go very far, but I'm prepared to try it in the District
5 Court or as far as I need to.

6 There's a very very clear case in Baltimore City
7 where a man bought a house without knowing of certain
8 requirements and the fine against him was dismissed by the
9 Court of Appeals. So, if we need to go that way, we will.
10 But that house is going to stand there destroying the heart
11 of Somerset for years and years to come. And it's not -- I
12 say that out of sadness.

13 I was a judge for the Historic Montgomery prizes
14 that you talked about earlier for several years and I have
15 deep deep -- you can tell I'm a trustee of the Historical
16 Society and I would like to see this if I could, but -- we
17 need to work together and the answer is not going to come
18 from denying the Demolition Permit.

19 What the right answer is, we need hopefully to
20 work together on, but we've tried for -- I've been involved
21 for a year-and-half, Donna has been involved longer than
22 that and Susan Ringland has been involved for five years
23 trying to find somebody who would come in and bring the plan
24 that you specifically were talking about.

25 If Joe Brennerman will do it, we'll be back next

1 month with his plan. And when I heard Joe, I was encouraged
 2 and I hope that can happened. I think Donna can work on the
 3 other lots and the Town of Somerset can too. That's the
 4 direction we need to go if that's what you're saying.

5 ACTING CHAIRMAN KOUSOULAS: Mr. Lerch you wanted
 6 to wrap up with some legal comments, if you could do it
 7 briefly or if you think that everything has been covered.

8 MR. LERCH: Well, I -- I think most everything has
 9 been covered, but I do think -- I would point out that
 10 "B" under Section 8 your Historic Area Work Permit "B" 1, 2,
 11 4, 5 and 6 which are all alternatives. They are all
 12 connected by "or's."

13 Any finding that if this application meets any of
 14 those five standards, i.e. "not substantially altering
 15 exterior features" which we think it wouldn't with a
 16 replacement -- where the replacement would be compatible
 17 with the nature of the historic district. That it's
 18 necessary to -- "that unsafe conditions and health hazards
 19 be remedied."

20 We didn't mention rats and rodents and the lead
 21 paint coming off the walls and the lead pipes and the
 22 asbestos, but they're all there. Or five, "the proposal is
 23 necessary that the owner not be deprived of reasonable use
 24 or suffer undue hardship." Now, the "reasonable use" and
 25 "undue hardship" are two different tests, and we submit

1 "undue hardship" as clearly here.

2 And finally, "balancing the interest of the public
3 with the owner." And 24(A)-1 talks about what the purposes
4 of the Preservation Ordinance are, "including protecting,
5 preserving the continued use and enhancement of sites" --
6 and enhancement and this is the farthest from enhancement
7 that we've gone in the County probably. "To preserve and
8 enhance the quality of life in the County. To strengthen
9 the local economy. Stabilize and improve property values in
10 and around historic areas."

11 This situation is the exact opposite in the
12 detriment of property values. I have much more which I'll
13 spare you. In any event, we're really here looking for
14 solutions and we'd like to work with you in that direction.
15 I think a shear or flat denial isn't going to take us
16 anywhere in that direction. So, I place ourselves at your
17 mercy with that comment.

18 ACTING CHAIRMAN KOUSOULAS: Let me as the
19 Commission. I see two directions. One, a motion tonight or
20 two, since this is a very complicated one, deferring that
21 decision until our next meeting.

22 MS. LANIGAN: I think we should vote on it
23 tonight.

24 MR. TRUMBLE: I'm not sure. What would we do then
25 in the next two weeks. What would be your proposal?

1 MR. RANDALL: I think we got both sides of the
2 issue tonight and I think that was important that we have
3 both perspectives so I think we probably have ample
4 information to proceed.

5 ACTING CHAIRMAN KOUSOULAS: Okay. Is there any
6 motion?

7 MR. TRUMBLE: Do I get paid by the motion?

8 (Laughter)

9 MR. TRUMBLE: I just wanted to check on that, it
10 hadn't shown up on my last paycheck. I move -- I make a
11 motion that we deny a permit -- a Historic Area Work Permit
12 to demolish the property at 4722 Dorset Avenue in Case
13 Number 35/36-94D.

14 ACTING CHAIRMAN KOUSOULAS: Is there a second?

15 MR. JORDAN: I'll second it.

16 ACTING CHAIRMAN KOUSOULAS: There being a motion
17 and a second, is there any discussion? There being none, I
18 close the public record --

19 MS. MARCUS: Let me add one thing which is
20 typically in cases like this. If the motion to deny is what
21 the majority votes for, we would issue a actual denial
22 decision with a set of findings based on the record of this
23 meeting. That would be issued within 15 days from the date
24 of this meeting and the Commission could, if they wished,
25 take a look at it at their next meeting just in worksession

1 to make sure it reflects the points they wish to make.

2 But the appeal date would then not start until the
3 actual decision was made public. Just to get that into the
4 record.

5 ACTING CHAIRMAN KOUSOULAS: -- Okay. Close the
6 record. May I have a show of hands, all those in favor?
7 The motion is denied unanimously or passes unanimously the
8 motion to deny passes.

9 MS. MARCUS: So we will prepare a formal decision
10 with findings which will be issued within fifteen days after
11 the date of this hearing and we will make that public. And
12 as the law states, after that decision is made there are 30
13 days in which to appeal that decision to the Montgomery
14 County Board of Appeals.

15 MR. LERCH: Thank you.

16 ACTING CHAIRMAN KOUSOULAS: Thank you. Our next
17 and last Historic Area Work Permit is Case I for alteration
18 at 3806 Washington Street in Kensington. Can we have Staff
19 Report?

20 MS. MARCUS: Given the lateness of the hour, I'd
21 like to make just a very brief Staff Report and show a few
22 slides. This is a case that I think the Commission is
23 familiar with. It is a property that was a new construction
24 project in Kensington that was approved.

25 It was originally approved back in February of

HISTORIC PRESERVATION COMMISSION

of

MONTGOMERY COUNTY

8787 Georgia Avenue
Silver Spring, Maryland 20850

301-495-4570

Case No. 35/36-94D Filed: October 24, 1994

Public Appearance: September 13, 1995

Before the Montgomery County Historic Preservation Commission

Application of Deborah Susan Ringland
at 4722 Dorset Avenue, Somerset

DECISION AND OPINION OF THE COMMISSION

Decision of the Commission: DENY the requested Historic Area
Work Permit to demolish the house
at 4722 Dorset Avenue, Somerset

Commission Motion: At the September 13, 1995, meeting of the Historic Preservation
Commission (HPC), Commissioner Trumble presented a motion to
deny the requested Historic Area Work Permit to demolish the house at
4722 Dorset Avenue, Somerset. Commissioner Jordan seconded the
motion. Commissioners Clemmer, Jordan, Kousoulas, Lanigan,
Randall, Soderberg, and Trumble voted in favor of the motion.
Commissioners Booth and Bienenfeld were absent. The motion was
passed, seven in favor - zero opposed.

BACKGROUND

Historic Preservation Ordinance

Chapter 24A of the Montgomery County Code, entitled "Preservation of Historic
Resources," establishes the framework for historic preservation in the County. It provides
for:

the identification, designation, and regulation, for purposes of protection, preservation, and continued use and enhancement of those sites, structures with their appurtenances and environmental settings, and districts of historical, archeological, architectural, or cultural value in that portion of Montgomery County within the Maryland-Washington Regional District. Its further purpose is to preserve and enhance the quality of life in the County, safeguard the historical and cultural heritage of the County, strengthen the local economy, stabilize and improve property values in and around historic areas, foster civic beauty, and to preserve such sites, structures, and districts for the education, welfare, and continued utilization and pleasure of the citizens of the County, the State of Maryland, and the United States of America.

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

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

Historic resource: A district, site, building, structure or object, including its appurtenances and environmental setting, which is significant in national, state or local history, architecture, archeology or culture. This includes, but is not limited to, all properties on the "Locational Atlas and Index of Historic Sites in Montgomery County".

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.

Sections 24A-7(f)(4) and 24A-8(b)(5) of the Historic Preservation Ordinance relate to the issues of reasonable use and undue hardship. Specifically Section 24A-8(b)(5) provides that:

(b) The commission shall instruct the director to issue a permit, or issue a permit subject to such conditions as are found to be necessary to insure conformity with the purposes and requirements of this chapter, if it finds that:

5. The proposal is necessary in order that the owner of the subject property not be deprived of reasonable use of the property or suffer undue hardship.

Sections 24A-8(a) states that:

(a) The commission shall instruct the director to deny a permit if it finds, based on the evidence and information presented to or before the commission that the alteration

for which the permit is sought would be inappropriate or inconsistent with, or detrimental to the preservation, enhancement or ultimate protection of the historic site, or historic resource within an historic district, and to the purposes of this chapter.

It should be noted that the provisions in the Montgomery County Code which provide relief to property owners in cases where the failure to issue a Historic Area Work Permit would deprive the owner of all "reasonable use of the property" or would cause "undue hardship" derive from constitutional protections against the taking of property without just compensation (and are similar to those found in other jurisdictions with historic preservation ordinances).

Master Plan for Historic Preservation

The applicant has applied for an Historic Area Work Permit to demolish a historic resource - 4722 Dorset Avenue - in the Somerset Historic District, which has been designated on the Master Plan for Historic Preservation as Site #35/36.

The Somerset Historic District was identified on the Locational Atlas and Index of Historic Sites in Montgomery County, Maryland in 1976. The Somerset Historic District was designated as an historic site on the Master Plan for Historic Preservation by the Montgomery County Council, sitting as the District Council on March 29, 1990. This amendment was adopted by the Maryland-National Capital Park and Planning Commission nunc pro tunc on May 9, 1990.

The Master Plan for Historic Preservation characterizes the historic significance of the Somerset Historic District as follows:

The earliest portion of the Town of Somerset was founded in the late 19th Century as a trolley suburb. This area is significant as one of the first trolley suburbs in Montgomery County and is representative of the beginnings of suburbanization.

Somerset was developed in 1890 by the Somerset Heights Colony Company. This group purchased approximately 50 acres of farmland with the goal of creating a clean, safe, residential community--far enough away from the dangers and dirt of the city, but close enough to commute to work by trolley.

Five the original partners of the Somerset Heights Colony Company were associated with the U.S. Department of Agriculture. By 1895, four of these five men had built large homes for themselves within the new community. Three of these houses are still standing.

The Master Plan also cites the architectural significance of the District:

House which were built in Somerset during its primary period of architectural importance (1890 to 1915) represent a wide variety of Victorian styles: Carpenter Gothic, Queen Anne, and Italianate. In addition, these are some good examples of the Bungalow style. As a group, the early houses in Somerset represent one of the best concentrated collections of Victorian residential architecture in the County.

The Master Plan cites the house at 4722 Dorset Avenue as one of the contributing historic resources within the District. The Master Plan states:

A map of the boundaries of the Somerset Historic District is included at the end of this amendment. Important contributing resources built before 1915 are noted on this map.

Additional research on the history of 4722 Dorset Avenue which was prepared by historic preservation staff and presented to the Commission on September 13, 1995 includes:

Built by Harvey Wiley around 1891, the house was probably the first of the original five houses built in Somerset (only three of the five remain standing today). The house is a Victorian era structure having elements of the Queen Anne style. It is a 2 1/2 story frame house with a central hipped roof. It has a mitered bay with a conical roof and wrap around porch on the North Elevation. The house is sided with beaded board siding and has fishscale shingles on the gable ends.

Dr. Wiley was one of five men from the Department of Agriculture who co-founded the town of Somerset in 1890 through their purchase of 50 acres of land. Harvey Wiley was Chief of the Bureau of Chemistry at the Department of Agriculture and was known as the "Father of the Pure Food and Drug Act". Because of the significant role that he played in this effort, Dr. Wiley has been honored by having his visage placed on a commemorative stamp. Wiley built the house in hopes of luring his parents from Indiana to live with him. Unsuccessful, he instead sold the house in 1904 to Perry and Mabel Michener. The Micheners in turn sold the property to the Ringlands in 1938.

Arthur Cuming Ringland (1882-1981) was a distinguished long time resident of Somerset. In 1945, he helped originate the concept of the private volunteer organization that became CARE. Mr. Ringland became known as "the father of CARE" and was honored by the United Nations for his efforts.

Chronology of Actions on 4722 Dorset Avenue

In January of 1989, the Division of Code Enforcement of the Department of Housing and Community Development issued a Condemnation Notice on the property. Code Enforcement reinspected and cited the property for violations creating a public nuisance (Chapter 26, Montgomery County Code) on June 28, 1990 and again on March 8, 1991. These notices

also advised the owner, Ms. Ringland, of violations for "Demolition by Neglect" under Chapter 24A. In 1991, the applicant boarded up the majority of the window and door openings of the structure and removed many of the vines from the lot, but provided no permanent roof protection to the fire damaged area. No additional repairs or stabilization work has been done since then.

On February 8, 1994, Code Enforcement sent Ms. Ringland another letter specifically citing her for violations of Chapter 24A (Demolition by Neglect), and Chapter 26 of the Montgomery County Code. This notice required the applicant to correct these violations by May 1, 1994.

On November 11, 1994 Staff received an application for a Historic Area Work Permit from Ms. Ringland to demolish her house. The submission included a letter from one architect and one structural engineer.

On Thursday, November 17, and Saturday, November 19, 1994 HPC staff and Commissioners had the opportunity to visit the site. With the assistance of Ms. Ringland's representatives, the structure was examined from attic to basement.

After November of 1994, the applicant (via her attorney) requested multiple continuances on this case so as to get additional information and expert opinions. The HPC agreed to each of the continuances, although the house has continued to be exposed to the elements and in a state of "demolition-by-neglect" during this period.

On September 1, 1995, the applicant's attorney met with staff at the house. The purpose of this meeting was to hear the findings and opinion of Joseph M. Hadley of Spars, Inc. - a fire restoration specialist who had been hired by the applicant to assess the house. Mr. Hadley pointed out the fire damage that had been viewed previously by staff and Commission members. It was staff's opinion that the house was in substantially the same condition that it had been in when the staff and Commission visited the site in November, 1994.

On September 7, 1995, the Town Council of the Town of Somerset met in their role as the Local Advisory Panel to the HPC. After hearing a presentation by the applicant's representatives and by historic preservation staff, the Council voted 4 to 1 to recommend to the HPC that they approve the application for demolition.

The HPC heard the Historic Area Work Permit case on September 13, 1995.

SUMMARY OF APPLICANT'S ASSERTIONS

There were several "Professional Opinion Letters" attached to the applicant's Historic Area Work Permit application. In addition, several consultants and representatives spoke on behalf of the applicant at the September 13th meeting. The following assertions were made:

- o Although the land is clearly within the Somerset Historic District, there is some question as to whether the house was ever intended to be a part of the District.
- o Considering the interests of the public in preserving the character of the neighborhood, the general welfare is better served by permitting the demolition of the existing structure and the construction of one or more replacement houses.
- o It would be impractical to attempt to reconstruct the structure and return the building to the original Victorian style, because it would be necessary to dismantle the structure down to the foundation, label the various members, replace all of the deteriorated structural elements and then reconstruct the building with the very few salvageable original architectural members.
- o Over 50% of the house's structure has been razed and is now missing due to the fire. The balance of the remaining structural elements have been affected either by the fire, water applied by firefighters putting out the fire, termites or wood rot.
- o Since more than 50% of the house is destroyed, any renovation would require that the entire structure be brought up to the current construction codes and this would necessitate changes to the interior staircase, the basement ceiling height, and the front porch handrailings.
- o There are wood borers in the attic, carpenter ants through-out the home, and active termites in the basement, crawl space and first floor. This necessitates demolition.
- o Denying the demolition request would result in an undue financial hardship on the owner.

EVIDENCE IN THE RECORD

Historical Significance

A letter from Andrew H. Diem, architect, which was attached to the application for an Historic Area Work Permit to demolish the structure at 4722 Dorset Avenue in Somerset, states that "...it is not fully clear that the County Council intended to designate the fire damaged structure, as opposed to the land, as a part of the Somerset Historic District." In essence, the applicant's representatives have contended that the historically important aspect of this property is the large, unsubdivided lot (37,350 square feet in size), and that the primary goal should be preserving the character of the neighborhood, rather than the specific house in question.

Historic preservation staff addressed this issue in both the written staff report (dated September 6, 1995) and the oral report presented on September 13th. Arguments regarding the significance of the house at 4722 Dorset are unjustified at this point. The property was

evaluated as part of the designation of the Somerset Historic District that took place in 1990. At that time, the Montgomery County Council not only approved its inclusion in the designated district, but also approved its designation on a map of the district as an "important contributing resource built before 1915". The designation amendment notes that "Houses which were built in Somerset during its primary period of architectural importance (1890 to 1915) represent a wide variety of Victorian styles: Carpenter Gothic, Queen Anne, and Italianate...As a group, the early houses in Somerset represent one of the best concentrated collections of Victorian residential architecture in the County." In addition, the amendment specifically refers to the fact that three of the four original houses in Somerset are still standing - 4722 Dorset is one of these houses.

In addition, the concept that historic preservation involves the maintenance of large tracts of open space, without a significant effort to keep the structures historically associated with the land, is not consistent with accepted preservation practices. Although the setting in which a building (such as 4722 Dorset Avenue) is located is very important, the building itself is the primary artifact.

Architectural Integrity

In terms of architectural integrity, the applicant has presented letters from Andrew H. Diem, architect, and Howard J. Rosenberg, P.E., stating that over 50% of the house's structure has been "razed". This assertion was repeated in Mr. Diem's testimony before the HPC on September 13th, when he estimated that 51% of the square footage area has been destroyed and 58% of the linear footage of the exterior facade has been destroyed. Additional written and oral testimony from Joseph M. Hadley of SPARS, Inc. noted primarily structural concerns - problems with the foundation of the structure - particularly in the rear kitchen addition where the 1978 fire was centered - and concerns about the balloon frame structure.

In the staff report and in oral testimony, staff detailed its analysis and professional opinion on the integrity of the structure, and concluded the following:

- A. Fire damage to the rear of the structure, specifically the first floor rear kitchen and second floor rear bedroom (the area shown in the application to be about 22.0' x 10.6') is extensive enough that this part of the structure is, in staff's opinion, beyond salvage and should be demolished.
- B. The rear roof rafters of the structure's hip roof over the rear kitchen/bedroom section are burned to a point that they must be replaced.
- C. The remainder of the house, although blackened by smoke and in disrepair, is not, in staff's opinion beyond restoration. Staff observation is that at least 75% of the exterior fabric of the structure is intact. The great majority of the framing members are sound and the majority of the roof rafters, although blackened, remain structurally sound.

- D. The majority of the stone foundation is intact, not showing any indication of sagging or bowing and still retains most of its mortar. There is some heavy mortar damage to the sides of the house nearer to the rear of the structure, but this damage is not beyond repair and repointing. This mortar erosion is probably a result of the water used to fight the fire. Inspection of the basement indicated that the damage had not infiltrated the foundation to the point of structural failure and can be remedied.**

Historic preservation staff felt that, except for the areas noted above, the majority of structure is completely salvageable. The point was also made that the building is in remarkably good structural condition, given that it has been vacant for over 16 years and little maintenance work has been done during that period.

Additional testimony was presented at the September 13th meeting by a citizen and former member of the HPC, Joe Brenneman. Mr. Brenneman detailed his experience in renovating 9 or 10 very deteriorated historic structures in Montgomery County. He then stated that, in his opinion, 2/3 of the original structure at 4722 Dorset Avenue is intact and could be renovated - he did not agree with the applicant's assertion of "more than 50%" destroyed. He noted that many of the architectural details on the exterior structure were still in place and that the missing pieces could be replicated to match. He felt that the rear section of the house was damaged beyond repair. However, Mr. Brenneman noted that it would be likely that anyone renovating this house would want to add a rear addition to provide more living space, and that the rear section would need to be removed in any case to build such an addition.

Technical Feasibility of Repair/Renovation Costs

In his letter with the Historic Area Work Permit application, Mr. Diem asserted that it would be impractical to attempt to reconstruct the structure at 4722 Dorset Avenue and return the building to the original Victorian style, because it would be necessary to dismantle the structure down to the foundation, label the various members, replace all of the deteriorated structural elements and then reconstruct the building with the very few salvageable original architectural members.

Mr. Rosenberg stated in his letter, "Inasmuch as there is so little structural elements left which I consider reusable, it is my opinion that the most reasonable course of action to take is to completely demolish the existing structure."

Douglas W. Wade III, of American Pest Control, wrote, "In my opinion, the house is not worth saving and as a company I would not take on the responsibility of treatment or any gaurantee [sic]."

Mr. Hadley did not suggest that the structure at 4722 Dorset Avenue would need to be razed and completely rebuilt, or that it was beyond renovation. However, he did discuss specific

problems with the foundation of the structure - particularly in the rear kitchen addition where the 1978 fire was centered - and expressed concerns about the balloon frame structure. Mr. Hadley suggested that the deterioration of the back wall of the house (where the fire was centered) could have affected the overall balloon frame structure. He stated that, "...it [the house] could very easily have shifted. I don't believe that we know that and this is just an issue that I'm raising because I do have some concern whether we can - reconstruction as to whether or not these areas would have to be addressed." Mr. Hadley also raised concerns about asbestos content of insulation, lead paint, lead pipes, and extent of insect infestation. He wrote, however, "It is impossible to determine the impact these items will have on this project at this time."

Mr. Hadley presented an estimate of \$323,861 to fully restore 4722 Dorset Avenue, including the rear, fire-damaged section. In responding to questions from Commissioners, Mr. Hadley clarified that his estimate was for exact restoration - including duplicating interior moldings and doors, use of real plaster walls, etc. If the house was renovated, rather than restored, with typical interior treatments such as drywall and stock doors, the estimated cost may be reduced by about 1/3 - for an approximate total of \$213,750.

Historic preservation staff thoroughly inspected the house at 4722 Dorset Avenue on two occasions (November, 1994 and September, 1995). Based on these inspections, staff presented an opinion on the feasibility of renovation at the September 13th meeting. Staff stated that, "...70 to 75% of the house is, in our opinion, intact and not beyond renovation." Staff showed 35mm slides and explained their evaluation of the structure, including testing of structural wall and foundation members. Staff found that the majority of these members appeared to be intact, even after being probed with a sharp knife. In addition, the foundation walls, except under the back portion of the structure, is very solid and needs only some repointing. There is some termite infestation, most clearly in the foundation beams. However, in staff's opinion, this is typical of neglected historic structures and the damage is not at a point where this is a basis for demolition.

Staff did state that the back section of the house, which was the kitchen with a bedroom above, is not salvageable and should be removed.

Mr. Brenneman testified that he had inspected the structure when he was on the Commission (in November, 1994). It was his opinion, as a contractor, that the house at 4722 Dorset Avenue was technically feasible to renovate. He stated that approximately 1/3 of the house is gone and 66% is still there. He emphasized that he had successfully renovated houses in worse condition and that evidence of termite infestation was not at all unusual for a house of this age. He stated that much of the siding was salvageable and a number of the architectural features, such as three of the porch posts were still usable.

Mr. Brenneman stated that his renovation projects with houses in a similar state of deterioration had cost \$50 to \$60 per square foot. He estimated that renovation of this house, including a new addition, would cost \$150,000 to \$160,000.

Economic Viability/Reasonable Use/Undue Hardship

Mr. Diem has written "...the only practical solution would be the demolition of the existing structure 'in order that unsafe conditions or health hazards be remedied'...this is due to the unacceptability of reconstruction of a non-code complying structure, and the undue financial hardship this replication would place upon the owner." Mr. Diem has asserted that since more than 50% of the house is destroyed, any reconstruction would require bringing the entire house up to current building codes - this would require changes to the interior staircase, the basement ceiling height, and the front porch handrails.

In addition, Donna Evers, president of Evers and Company Real Estate, testified at the September 13th hearing on behalf of the applicant. She asserted that the denial of demolition and the requirement of replication or renovation would cause the owner to suffer undue hardship. She stated that the State tax assessment values for houses of a size comparable to 4722 Dorset Avenue, located in Somerset, were between \$130,000 and \$160,000 (not including the value of the land). Renovation costs of \$325,000 would make this an infeasible project, given the values of other similar houses. She felt the value of the land was greater with the house removed.

In responding the questions from Commissioners, Ms. Evers stated that it was hard to state the value of the entire 37,350 square foot lot because "nothing like it has come available. I think if this were - let's say it were two separate lots, it could be anywhere from \$400,000 something like that a piece..." Ms. Evers also stated that maximum value of a house and lot in Somerset was "...safely somewhere around a million - a million plus".

Ms. Evers stated that "Everyone who has been interested in the property was not interested in the house. And when we tried to talk them into being interested in the remaining hulk of the house to work with, they would only want it at a substantial reduction because no one wanted to mess around with it."

Mr. Lerch testified on September 13th that the lot "...could be divided into three 12,000 square foot lots. The zoning requires six. Somerset wants 70 feet in frontage if it can get it and it's not quite 70 feet in frontage, but the Town has said it would support three lots." He also explained that there is no debt on the property and that there had been no insurance payment after the 1978 fire.

Mr. Brenneman noted in his testimony that he had bought, renovated and resold a number of historic houses in Montgomery County, several of which were part of a tract of land which was subdivided, and that he had always made a profit. These houses were in very bad shape and required significant renovations - completely rebuilding walls due to termite infestation, etc. He felt this house could be very successfully renovated, especially with a new rear addition that would increase the square footage of the existing structure.

Investment Expectations

Evidence in the record indicates that the house at 4722 Dorset Avenue has been allowed to deteriorate for a number of years - since the fire in 1978. The inspections by the Housing Code Enforcement staff identified a number of necessary stabilization and repair activities. Of these necessary activities, the owner has undertaken only boarding up of the window and door openings, and placement of plastic sheeting over the holes in the back section of the structure. This plastic sheeting deteriorated and the house has continued to be exposed to the elements. The vegetation on the property is heavily overgrown and has not been cut back significantly.

In responding the questions from Commissioners on September 13th, Mr. Hadley stated, "...the house is restorable. It depends on how much money you want to spend." HPC Commissioners asked specific questions about how much the renovation of this house would have cost in 1978 and how much of the current estimate is the result of 16 years of deterioration. Mr. Hadley stated, "...it would of been less money in 1978 to do it. Probably as far as the deterioration issue is concerned, I would say that we're only dealing with maybe - as a rough guess - 15% of the total reconstruction costs." Commission members specifically asked if the difference had accrued in the last 16-17 years and Mr. Hadley responded affirmatively.

FINDINGS

1. The Commission finds that the house at 4722 Dorset Street is clearly included as a contributing resource in the Somerset Historic District, and that the determination was made in 1990 that the house is architecturally and historically significant enough to warrant protection under the County's Historic Preservation Ordinance.
2. The Commission finds that the historic significance of the house and its historical associations with the heritage of Somerset - one of Montgomery County's most important early Victorian suburbs - have not been diminished since it was designated on the Master Plan for Historic Preservation as a contributing resource in the Somerset Historic District.
3. The Commission finds that features that contribute to the architectural significance and integrity of the house and that caused it to be designated as a contributing resource in the Somerset Historic District remain.
4. The Commission finds that preservation of open space alone, with demolition of the historic buildings in the open space, does not constitute "...the preservation, enhancement or ultimate protection of the historic site, or historic resource within an historic district".
5. The Commission finds that demolition of 4722 Dorset Avenue would have a pronounced negative impact on the Somerset Historic District and would diminish the district's overall integrity as a historic site in the County.

6. Based on the evidence presented by historic preservation staff and by Joe Brenneman, and from observations made at site visits to the property, the Commission finds that the house is technically feasible to renovate.

7. Based on the evidence presented by historic preservation staff and by Joe Brenneman, the Commission finds that a majority of the original building fabric is intact and usable. Thus, the house can be renovated without taking it completely apart and rebuilding it. The final product in this case can be a renovated house, not a replication.

8. The Commission finds that preservation of the house at 4722 Dorset Avenue would not be economically infeasible and would not create an undue hardship for the owner. This finding is based on:

- 1.) Harry Lerch's testimony that the 37,350 square foot lot could be subdivided into three 12,000 square foot lots;
- 2.) Donna Ever's testimony that lots in Somerset have a market value of approximately \$400,000 and the maximum value of a house on a lot is approximately \$1 million; and
- 3.) the renovation estimates provided by the Joe Hadley and by Joe Brenneman.

This testimony demonstrates that investing even \$325,000 into the "restoration" of 4722 Dorset Avenue on a 12,000 square foot lot would result in a fully livable historic property valued at approximately \$725,000 - well under the maximum for the surrounding area. In addition, the development of the two additional lots with new houses would result in a substantial profit - this cannot be viewed as an economic or undue hardship.

9. The Commission finds that the applicant's neglect of 4722 Dorset Avenue and the immediate environs has resulted in a situation which has offered little protection for the historic resource. This neglect has also resulted in a situation in which the exterior features of the structure have been permitted to deteriorate and the immediate environs have become overgrown.

In sum, based on a review of the evidence received, a site inspection of 4722 Dorset Avenue, and the record as a whole, the Commission finds that demolition of the house at 4722 Dorset Avenue in Somerset would be inappropriate and inconsistent and detrimental to the preservation, enhancement and ultimate protection of the Somerset Historic District (Master Plan Site #35/36) and to the purposes of the Historic Preservation Ordinance (Chapter 24A of the Montgomery County Code). The applicant has failed to demonstrate that the denial of a demolition permit will deny him a reasonable use of his property or cause him undue hardship. The application for a demolition permit is, therefore, 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 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.

George Kousoulas
George Kousoulas, Acting Chairperson
Montgomery County Historic Preservation
Commission

September 28, 1995
Date

HISTORIC PRESERVATION COMMISSION STAFF REPORT

Address: 4722 Dorset Avenue

Meeting Date: 9/13/95

Resource: Somerset Historic District

Review: HAWP/DEMOLITION

Case Number: 35/36-94D

Tax Credit: No

Public Notice: 8/30/95

Report Date: 9/6/94

Applicant: Deborah Susan Ringland

Staff: Gwen Marcus

PROPOSAL: Demolish ca. 1890 residence

RECOMMEND: **DENIAL**

BACKGROUND

The house at 4722 Dorset Avenue is one of the most important properties in the Somerset Historic District both for its architectural and historical significance. Built by Harvey Wiley around 1891, the house was probably the first of the original five houses built in Somerset (only three of the five remain standing today). The house is a Victorian era structure having elements of the Queen Anne style. It is a 2 1/2 story frame house with a central hipped roof. It has a mitered bay with a conical roof and wrap around porch on the North Elevation. The house is sided with beaded board siding and has fishscale shingles on the gable ends.

Dr. Wiley was one of five men from the Department of Agriculture who co-founded the town of Somerset in 1890 through their purchase of 50 acres of land. Harvey Wiley was Chief of the Bureau of Chemistry at the Department of Agriculture and was known as the "Father of the Pure Food and Drug Act". Because of the significant role that he played in this effort, Dr. Wiley has been honored by having his visage placed on a commemorative stamp. Wiley built the house in hopes of luring his parents from Indiana to live with him. Unsuccessful, he instead sold the house in 1904 to Perry and Mabel Michener. The Micheners in turn sold the property to the Ringlands in 1938.

Arthur Cuming Ringland (1882-1981) was a distinguished long time resident of Somerset. In 1945, he helped originate the concept of the private volunteer organization that became CARE. Mr. Ringland became known as "the father of CARE" and was honored by the United Nations for his efforts.

The Ringland family remained at 4722 Dorset until December of 1978, when a kitchen fire damaged the rear of the house, causing the family to move. From the time of the fire until the present, the property has been vacant.

CHRONOLOGY

In January of 1989, the Division of Code Enforcement of the Department of Housing and Community Development issued a Condemnation Notice on the property. Code Enforcement reinspected and cited the property for violations creating a public nuisance (Chapter 26, Montgomery County Code) on June 28, 1990 and again on March 8, 1991. These notices also advised the owner, Ms. Ringland, of violations for "Demolition by Neglect" under Chapter 24A. In 1991, the applicant boarded up the majority of the window and door openings of the structure and removed many of the vines from the lot, but provided no permanent roof protection to the fire damaged area. No additional repairs or stabilization work has been done since then.

On February 8, 1994, Code Enforcement sent Ms. Ringland another letter specifically citing her for violations of Chapter 24A (Demolition by Neglect), and Chapter 26 of the Montgomery County Code. This notice required the applicant to correct these violations by May 1, 1994.

On November 11, 1994 Staff received an application for a Historic Area Work Permit from Ms. Ringland to demolish her house. The submission included a letter from one architect and one structural engineer (attached).

On Thursday, November 17, and Saturday, November 19, 1994 HPC staff and Commissioners had the opportunity to visit the site. With the assistance of Ms. Ringland's representatives, the structure was examined from attic to basement.

Since November of 1994, the applicant (via her attorney) has requested multiple continuances on this case so as to get additional information and expert opinions. The HPC has agreed to each of the continuances, although the house has continued to be exposed to the elements and in a state of "demolition-by-neglect" during this period.

On September 1, 1995, the applicant's attorney met with staff at the house. The purpose of this meeting was to hear the findings and opinion of Joseph M. Hadley of Spars, Inc. - a fire restoration specialist who had been hired by the applicant to assess the house. Mr. Hadley pointed out the fire damage that had been viewed previously by staff and Commission members. He also expressed concerns about termite infestation and the need to repaint/stabilize parts of the stone foundation. Mr. Hadley also noted that the overall structural integrity of the balloon frame construction may have been compromised over time due to the lack of structural support at the rear of the house where the main fire damage is located.

It was staff's opinion that the house was in substantially the same condition that it had been in when the staff and Commission visited the site in November, 1994. Although the foundation does need to be repointed (particularly because an earlier repointing job used a mortar that was too hard for the stone), it does appear to be basically sound. Staff did see evidence of termite damage in one portion of the burned back section of the house, in the center foundation beam, and in the paper that is between the walls studs and exterior siding. However, neither the majority of wall studs that could be inspected nor the exterior siding appear to exhibit signs of termite damage. Staff suggested that the applicant may want to get a report from a termite inspector and present that at the HPC hearing. In general, the level of termite of damage seems

typical of most older houses that need renovation and - in fact - surprisingly limited given the lack of maintenance that this particular house has experienced. Finally, the front or main portion of the house still appears, in staff's opinion, to exhibit a high level of stability and staff could not concur that the balloon frame structure of the house has been irrevocably compromised.

Given the recent inspection of the property, staff feels that an earlier staff report (prepared in large part by ex-staffmember David Berg in preparation for a February hearing on this case which never happened) is still valid. The remainder of this report covers the points which had been made in the earlier report.

STAFF DISCUSSION

Staff will address each of the applicant's arguments for demolition separately:

1) **Architectural significance of the structure:**

Ms. Ringland's architect has argued that the structure is not architecturally significant since it is a "very simple wood frame" house "and does not represent the work of any master and definitely does not exhibit any high artistic values" - essentially citing criteria 2b and c of Chapter 24A-3(b).

Arguments regarding the significance of the house at 4722 Dorset are unjustified at this point. The property was evaluated as part of the designation of the Somerset Historic District that took place in 1990. At that time, the Montgomery County Council not only approved its inclusion in the designated district, but also approved its designation on a map of the district as an "important contributing resource built before 1915". The designation amendment notes that "Houses which were built in Somerset during its primary period of architectural importance (1890 to 1915) represent a wide variety of Victorian styles: Carpenter Gothic, Queen Anne, and Italianate...As a group, the early houses in Somerset represent one of the best concentrated collections of Victorian residential architecture in the County."

In essence, the determination has already been made that 4722 Dorset Avenue is architecturally and historically significant, and that it should be protected under the County's Historic Preservation Ordinance.

Although additional justification is not necessary, staff would note that 4722 Dorset is both historically and architecturally significant under several of the criteria, specifically, the house:

- 1c Is identified with a person or a group of persons who influenced society;
- 1d Exemplifies the cultural, economic, social, political or historic heritage of the county and its communities;
- 2a Embodies the distinctive characteristics of a type, period or method of construction;

2d Represents a significant and distinguishable entity whose components may lack individual distinction;

Staff feels that any argument that the house is not architecturally or historically significant under the criteria set forth in Chapter 24A is without merit since the historic building satisfies several of the criteria.

The architect also mentioned alterations that have taken place on the interior of the structure. Interior alterations, however, are performed on many Master Plan structures since the HPC only regulates the exteriors of those structures. **These interior alterations do not diminish the status as a Master Plan Site.**

2) **Extent of fire damage:**

The most important issue before the HPC is whether or not the structure has been damaged by the fire extensively enough to be considered beyond restoration. The structural engineer hired by Ms. Ringland reported that "over 50% of the house's structure" had been destroyed by the fire and that very little of the structure was salvageable for reuse. In addition, The architect's report stated that the stone foundation may have to be completely rebuilt due to the heat and water damage created by the effort to extinguish the 1978 fire.

Staff has carefully examined the damage to the building resulting from the fire and has concluded the following:

- A. Fire damage to the rear of the structure, specifically the first floor rear kitchen and second floor rear bedroom (the area shown in the application to be about 22.0' x 10.6') is extensive enough that **this part of the structure is, in staff's opinion, beyond salvage and should be demolished.**
- B. The rear roof rafters of the structure's hip roof over the rear kitchen/bedroom section are burned to a point that they must be replaced.
- C. **The remainder of the house, although blackened by smoke and in disrepair, is not, in Staff's opinion beyond restoration.** Staff observation is that at least 75% of the exterior fabric of the structure is intact. The great majority of the framing members are sound and the majority of the roof rafters, although blackened, remain structurally sound.
- D. **The majority of the stone foundation is intact, not showing any indication of sagging or bowing and still retains most of its mortar.** There is some heavy mortar damage to the sides of the house nearer to the rear of the structure, but this damage is not beyond repair and repointing. This mortar erosion is probably a result of the water used to fight the fire. Inspection of the basement indicated that the damage had not infiltrated the foundation to the point of structural failure and can be remedied.

Staff feels that, except for the areas noted above, the majority of structure is completely salvageable. In fact, the building is in remarkably good structural condition, given that it has been vacant for over 15 years and little maintenance work has been done during that period.

3) **Extent of other deterioration:**

Given that the house has not been maintained since at least 1979, it is obviously in need of a great deal of maintenance. Staff concludes, however, that the house is restorable and still maintains its essential historic and architectural features and character.

STAFF RECOMMENDATION

Staff recommends that the Commission deny the applicants request to demolish the dwelling at 4722 Dorset Avenue. Staffs recommendation is consistent with the purposes of Chapter 24A-8(a):

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

and with Standard 2:

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

In the event that the applicant comes to the Commission with an application to restore the house, Staff would recommend that the Commission look favorably upon the demolition of the rear kitchen area of the structure as part of that restoration.

FIGURE 6

SOMERSET HISTORIC DISTRICT 35/36





Historic Preservation Commission

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

APPLICATION FOR HISTORIC AREA WORK PERMIT

TAX ACCOUNT # NR / 538078 ^{OWNER:}

NAME OF PROPERTY OWNER RINGLAND, D.S. TELEPHONE NO. (301) 652-4498
(Contract/Purchaser) N/A (Include Area Code)

ADDRESS 6801 WEST AVENUE CHEVY CHASE M.D. 20815
CITY STATE ZIP

CONTRACTOR NR TELEPHONE NO. NR
CONTRACTOR REGISTRATION NUMBER _____

PLANS PREPARED BY NR TELEPHONE NO. NR
(Include Area Code)

REGISTRATION NUMBER NR

LOCATION OF BUILDING/PREMISE

House Number 4722 Street DORSET AVENUE

Town/City SOMERSET, CHEVY CHASE Election District 7 / sub. 44

Nearest Cross Street SURREY STREET

Lot 4 Block 5 Subdivision SOMERSET HEIGHTS

Liber. 5364 Folio 632 Parcel ACCOUNT # 538078

- 1A. TYPE OF PERMIT ACTION: (circle one)
- | | | | | | | | | | | |
|--|-------------------------------------|---|------------------------------------|--|--|--|------------------------------------|-------------------------------|--------------------------------|--|
| <input checked="" type="checkbox"/> Construct | <input type="checkbox"/> Extend/Add | <input type="checkbox"/> Alter/Renovate | <input type="checkbox"/> Repair | Circle One: <input type="checkbox"/> A/C | <input type="checkbox"/> Slab | <input type="checkbox"/> Room Addition | | | | |
| <input checked="" type="checkbox"/> Wreck/Raze | <input type="checkbox"/> Move | <input type="checkbox"/> Install | <input type="checkbox"/> Revocable | <input type="checkbox"/> Revision | <input type="checkbox"/> Fence/Wall (complete Section 4) | <input type="checkbox"/> Other _____ | | | | |
| | | | | | <input type="checkbox"/> Porch | <input type="checkbox"/> Deck | <input type="checkbox"/> Fireplace | <input type="checkbox"/> Shed | <input type="checkbox"/> Solar | <input type="checkbox"/> Woodburning Stove |
- 1B. CONSTRUCTION COSTS ESTIMATE \$ NR (DEMOLITION)
- 1C. IF THIS IS A REVISION OF A PREVIOUSLY APPROVED ACTIVE PERMIT SEE PERMIT # NR
- 1D. INDICATE NAME OF ELECTRIC UTILITY COMPANY PEPCO
- 1E. IS THIS PROPERTY A HISTORICAL SITE? YES

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 NR
- 4B. 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 _____ (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~~ ^{demolition} will comply with plans approved by all agencies listed and I hereby acknowledge and accept this to be a condition for the issuance of this permit.

Signature of owner or authorized agent (agent must have signature notarized on back) Deborah Susan Ringland Date October 24, 1994

APPROVED _____ For Chairperson, Historic Preservation Commission



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

DESCRIPTION OF PROPOSED WORK: (including composition, color and texture of materials to be used:)

DEMOLITION OF BUILDING

(If more space is needed, attach additional sheets on plain or lined paper to this application)

ATTACH TO THIS APPLICATION (2) COPIES OF: SUCH SITE PLANS (lot dimensions, building location with dimensions, drives, walks, fences, patios, etc. proposed or existing) and/or ARCHITECTURAL DRAWINGS (floor plans, elevations, etc.), PHOTOGRAPHS OF THE AREA AFFECTED, as are necessary to fully describe the proposed work.

MAIL OR DELIVER THE APPLICATION AND ALL REQUIRED DOCUMENTS TO THE:
HISTORIC PRESERVATION COMMISSION
51 MONROE STREET, SUITE 1001
ROCKVILLE, MARYLAND 20850

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:

BURNED HOUSE (SEE PROFESSIONAL OPINION LETTERS AS
PREVIOUSLY RECEIVED ; COPIES ATTACHED)

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

DEMOLITION OF HOUSE AND GARAGE

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:

DEMOLITION OF HOUSE AND GARAGE

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

NA

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

NA

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 WALETZKY, DR. LUCY R.
 Address 4728 DORSET AVENUE - SOMERSET
 City/Zip CHEVY CHASE, M.D. 20815
2. Name COLSON, M./M. EARL, M.
 Address 4725 DORSET AVENUE - SOMERSET
 City/Zip CHEVY CHASE, M.D. 20815

3. Name BROWN, M./M. JONATHAN C.
Address 4721 DORSET AVENUE - SOMERSET
City/Zip CHEVY CHASE, MD. 20815
4. Name HARMAN, M./M. GEORGE
Address 4719 DORSET AVENUE - SOMERSET
City/Zip CHEVY CHASE, MD. 20815
5. Name NIK, DR. NARIEMAN
Address 4718 DORSET AVENUE - SOMERSET
City/Zip CHEVY CHASE, MD. 20815
6. Name OREFIELD, MRS. MATTHIAS N.
Address 4715 ESSEX AVENUE - SOMERSET
City/Zip CHEVY CHASE, MD. 20815
7. Name RINGLAND, M./M. MICHAEL G.G. (OWNED BY. P. RINGLAND
SEE # 8. below)
Address 4721 ESSEX AVENUE - SOMERSET
City/Zip CHEVY CHASE, MD. 20815
8. Name RINGLAND, M./M. PETER
Address 4727 ESSEX AVENUE - SOMERSET
City/Zip CHEVY CHASE, MD. 20815

1757E

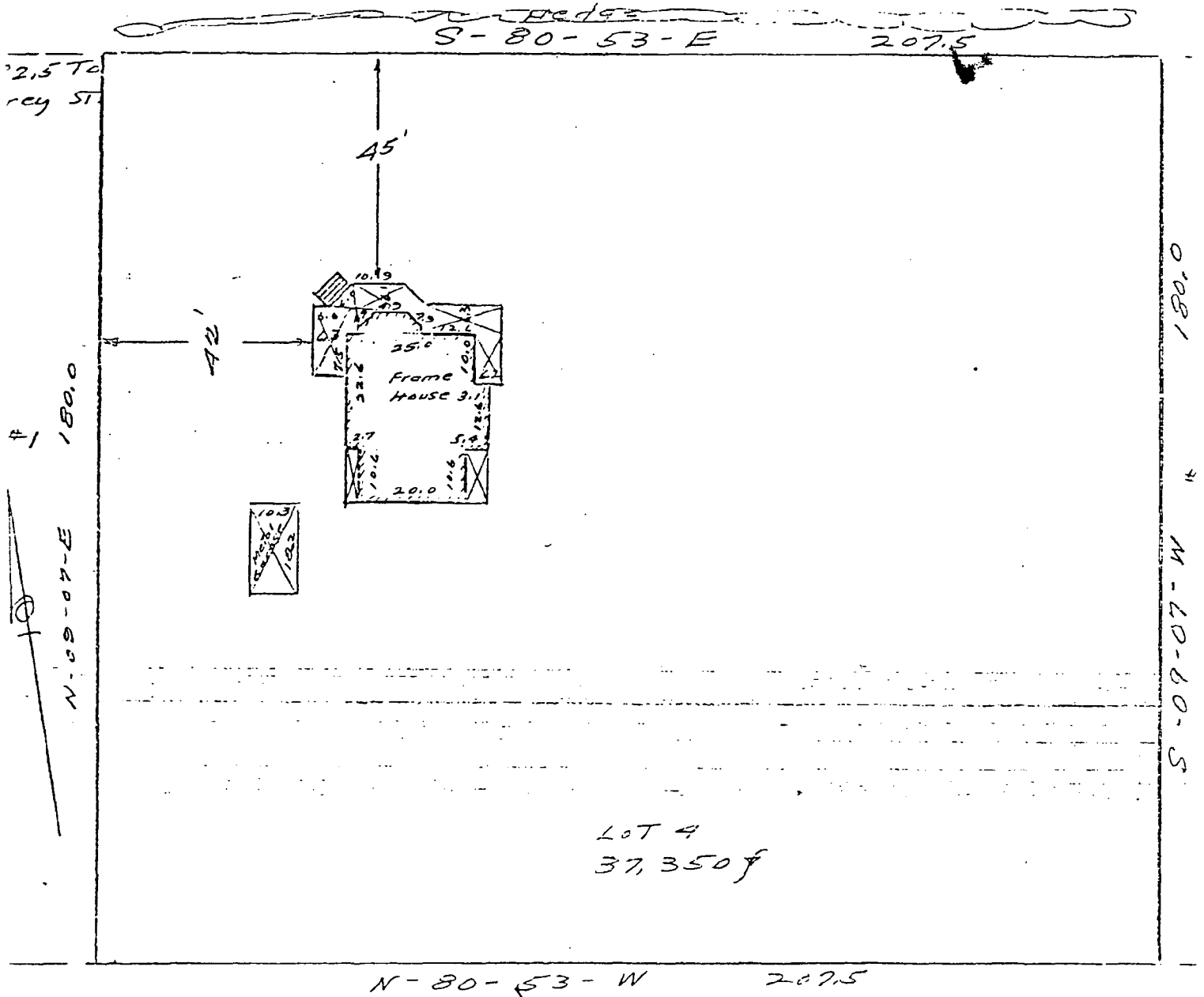
TOPOGRAPHIC
ENGINEERS

Surveyor & Topographer

BETHESDA, MARYLAND

House location Plat
4722 Dorset Avenue
Lot 4 Block 5
Somerset Heights,
Montgomery Co., Md.
Plat Book 1 at 30
Scale: 1" = 30'
September 17, 1950

Dorset Avenue

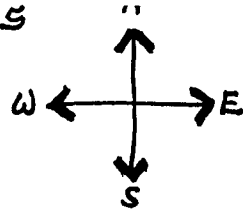


HEREBY CERTIFY THAT I HAVE CAREFULLY SURVEYED THE ABOVE PROPERTY BY TRANSIT-TAPE SURVEY,
LOCATED IMPROVEMENTS THEREON, AND HAVE FOUND IT TO BE AS SHOWN ON THIS PLAT AND THAT
THERE ARE NO ENCROACHMENTS EITHER WAY ACROSS PROPERTY LINES EXCEPT AS SHOWN ON SAID PLAT.
MD. REG. NO. 1890 - VA. REG. NO. 441 FRANK E. LANE, REGISTERED SURVEYOR

13

G. B. Lane

7122 DORSET AVENUE, SOMERSET, CHEVY CHASE, M.D. 20815



- Original 1st Floor had:

Front & Back Porches @ with Fireplace;
Dining Room; Kitchen; Pantry; 2 1/2
Stony Front Entrance Hall with Coat
Closet under the Stairs.

- Post-World War:

Kitchen and Pantry made into 1 Room
with 2 added large Picture windows;
Stairs to Basement turned around;
Back Porch removed; new Porch added
on West (q.v.)

- Original 2nd Floor had:

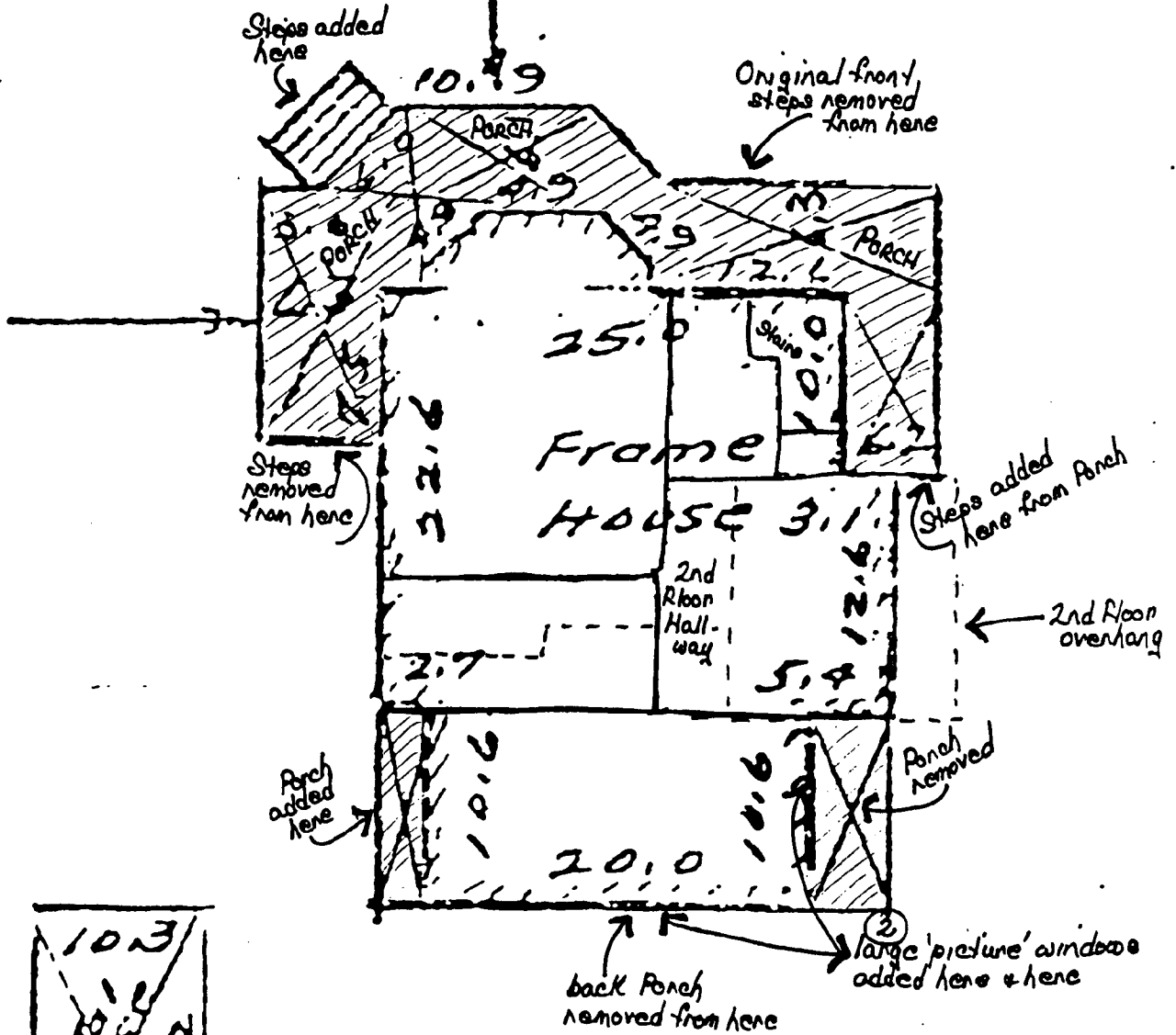
4 Bedrooms and 1 Bath; Center Hallway;
Stairs to Attic.

- Post-World War:

Bedroom, Bathroom and Attic Stairs made
into 1 Bedroom; Bedroom made into 2
Baths; Pull-down Stairs to Attic from Hall.
(New Floor Plan: 3 Bedrooms; 2 Baths)

45'

42'



Galvanized
Tin Garage
1920s



Legend: Solid Lines rough guess-work
1st Floor plan; Dotted Lines ditto 2nd Floor
plus 1st Floor lines;
Striped areas are Porches

October 14, 1994

Ms. Deborah Susan Ringland
6801 West Avenue
Chevy Chase, Maryland 20815

Re: 4722 Dorset Avenue, Somerset, Chevy Chase, Maryland

Dear Ms. Ringland:

Based on your request for a site review to explore the feasibility to restore the structure located at 4722 Dorset Avenue in Somerset, Maryland the following observations are noted.

The structure is a very simple wood frame, single family residence constructed in the last decade of the nineteenth century in the Carpenter Victorian style. The building is located on one side of a parcel of land approximately 37,350 square feet in size. The building does not represent the work of any master and the structure definitely does not exhibit any high artistic values.

The house was designed as a modified four square plan with a rear appendage. The stair serving the second floor is in the entry hall, with the adjacent large parlor on the front and the small parlor behind on the side of the house. The dining room is behind the entry hall adjacent to the small side parlor. The kitchen was located behind the dining room and the small parlor. Upstairs there is a central hall with one bedroom over the front parlor, one bedroom over the dining room and another bedroom was located over the kitchen with two baths over the small parlor.

In the late 1930's, the house underwent significant interior alterations resulting in a "modernization" through the removal of extensive amounts of the original Victorian embellishments. The fireplace mantels and over mantels were replaced and a large plate glass mirror installed above the front parlor fireplace, the newel posts and related entry hall items were drastically modified in the attempt to bring the house in line with the then fashionable stream lined Art Deco style.

You informed me that after the Second World War, substantial remodeling was done to the interior of the house. On the first floor across the rear, the original kitchen and pantry were combined into a family room, a window, exterior door and the original back porch were removed, and two large, out of character, modern plate glass "picture windows" were installed, substantially altering the rear exterior fenestration of the building. A new smaller porch was created on the side accessible through a door created from the former pantry window. The stairs to the partial basement from the original pantry were repositioned. The original screened porch adjacent to the dining room was removed.

You also informed me that the renovations at that time to the second floor of the house, above the family room, involved reconfiguring two rear bedrooms and the attic stairs into one large bedroom and a "pull down" type attic stair in the hallway. The small bedroom above the small parlor was converted into two bathrooms designed in the style prevalent at the time. The original four bedroom, one bath residence was then a three bedroom two bath structure.

Deborah Susan Ringland
October 14, 1994

In December 1978 the building suffered vast architectural and structural ravage from a kitchen fire and the related smoke, water and firemen's damage. The widespread majority of the damage to the building was as a result of the fire and the fireman's force, including the tremendous amount of water used to squelch the extensive fire. The fire originated in the kitchen area then spread to the bedroom above consuming the rear of the house. The fire then engulfed the attic spaces and the bedroom above the dining room. Holes were cut in the roof to vent the structure and an immense quantity of water was dumped on the house in an effort to cease the fire. The extensive damage that was not done by fire and smoke most certainly was done by the water used to quench the fire.

It is understood that after the fire, your parents gave the property and what was left of the family home to you in July 1979. It is also understood that there was no fire insurance settlement nor payment made to either your parents nor you after the fire. Efforts were undertaken by you to make the building secure from the weather and vandals. It was impossible to secure the roof above the rear of the building since the structural roof rafter members disintegrated in the fire and there was nothing to support any weatherproof protection. Any work on that area of the building was extremely dangerous since the fire had made that portion unsafe. The efforts to protect other areas were ineffective due to the extensive fire and related damage and the labor of vandals who removed much of the remaining period details. Relating to your request to now secure the house from the elements of the weather, I find that it is totally impractical, given the frailty of the existing structure, and any efforts to that end would be a complete waste of money.

The residence today is in such a state that it would be impractical to attempt to reconstruct the structure and return the building to the original Victorian style. To try to do so would be beyond reality. The total rear of the building was burnt beyond any practical effort to save. The deterioration of the remaining interior resulted from the firemen's efforts to stop the fire, causing such extensive damage that it would most certainly be necessary to dismantle the structure down to the foundation, label the various members, replace all of the deteriorated structural elements and then reconstruct the building with the very few salvageable original architectural members and new extensive custom made elements to match the deteriorated or missing pieces. Given the extent of this scope of work, the entire reconstructed structure would have to be brought into line with the current building and life safety codes. The very stone foundation the building rests upon many have to be totally rebuilt due to the damage the mortar suffered as a result of the heat from the fire and the water used to extinguish the inferno.

The most practical approach would be the demolition of the existing structure due to the health hazards and extremely unsafe conditions. Attempting to renovate the residence in the current severe condition of deterioration would cause undue financial hardship and deprive you of a reasonable use of the property. Considering the interests of the public in preserving the character of the neighborhood, the general welfare is better served by permitting the demolition of the existing structure and the construction of one or more replacement houses. These residences should be designed in keeping with the architectural character of Somerset.

Very truly yours,



Andrew H. Diem
Registered Architect
#94462

GMR^{LLC}

A R C H I T E C T S

P L A N N E R S

E N G I N E E R S

ELLIOTT GRILIN, R.A.
DILYA Y. MACEYRAE, A.I.A.
RICHARD J. ROSENBERG, P.E.

October 10, 1994

Ms. Deborah Susan Ringland
6801 West Avenue
Chevy Chase, Maryland 20815

RE: 4722 Dorset Avenue, Somerset
Chevy Chase, Maryland
GMR, Ltd. Comm. No.: 94099

Dear Ms. Ringland:

Pursuant to your request, I visited the above referenced residence on September 24, 1994 and met with Mr. Andrew Diem, Architect, and you. The purpose of my visit was to familiarize myself with the property and observe the current condition of the building. The following is my report.

EXISTING CONDITIONS

The building is a two story Victorian style structure with a partial basement and there is also a small attic. I was told that the building was built during the latter part of the 19th century and has undergone several alterations since then. In December, 1979 a severe fire occurred and the majority of the house toward the rear was destroyed.

The structure is wood frame with ordinary full-thick wood joists mostly 2 x 10's and 2 x 12's and full-thick wood 2 x 4 studs on the interior and exterior. The walls and ceilings typically are plaster on wood lath. Flooring consists of diagonal sheathing. On the day of my visit, the remaining windows and entry doors were covered with plywood or plastic sheeting to keep out the weather and/or vandals. The house has been unoccupied since the fire.

I toured the interior of the house as well as the exterior. Over 50% of the house's structure has been razed and is now missing due to the fire. The balance of the remaining structural elements have been affected either by the fire, water applied by firefighters putting out the fire, termites or wood rot. There is very little left of the structure I consider salvageable for re-use.

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October 10, 1994

RE: 4722 Dorset Avenue, Somerset
Chevy Chase, Maryland
GMR, Ltd. Comm. No.: 94099

Page Two

RECOMMENDATIONS

Inasmuch as there is so little structural elements left which I consider reusable, it is my opinion that the most reasonable course of action to take is to completely demolish the existing structure. There is just too much devastation from the effects of the fire and in my judgement it would be economically unfeasible to attempt to restore this building.

Very truly yours,

Howard J. Rosenberg, P.E.
Executive Vice President
GMR, Ltd.

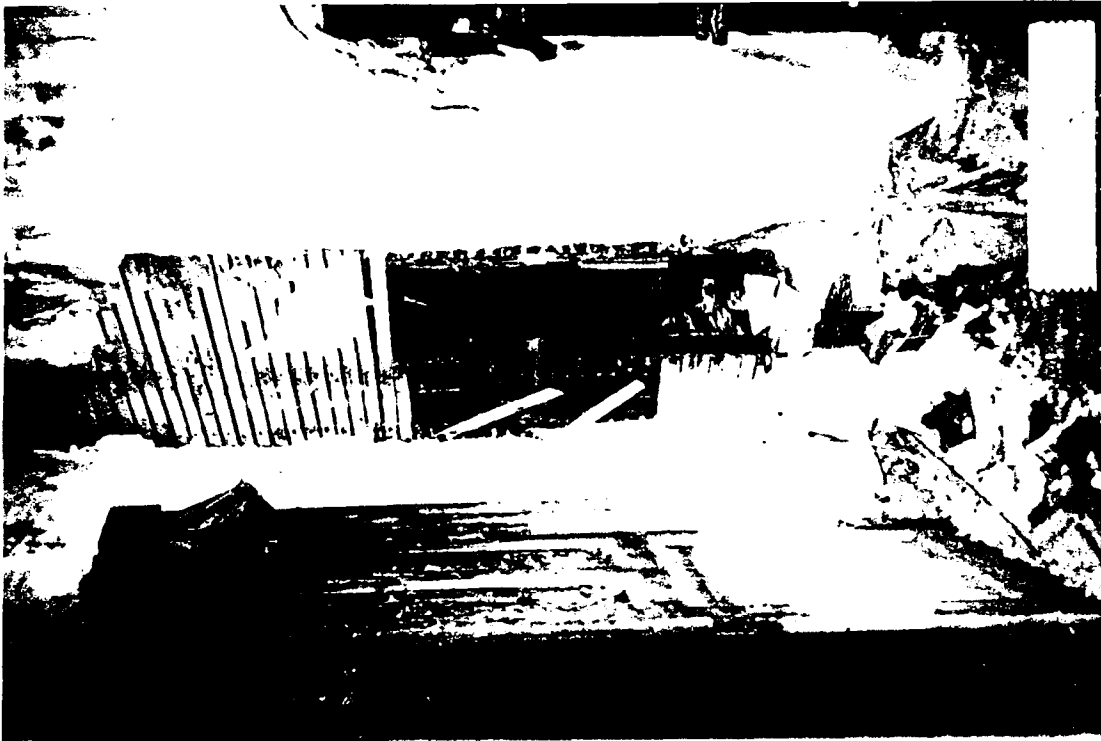
HJR/tlw

PHOTOS AVAILABLE IN PHOTOS P. 1 OF 4
(MORE PHOTOS AVAILABLE)



1972-73 Season - 10/15/72

(20)

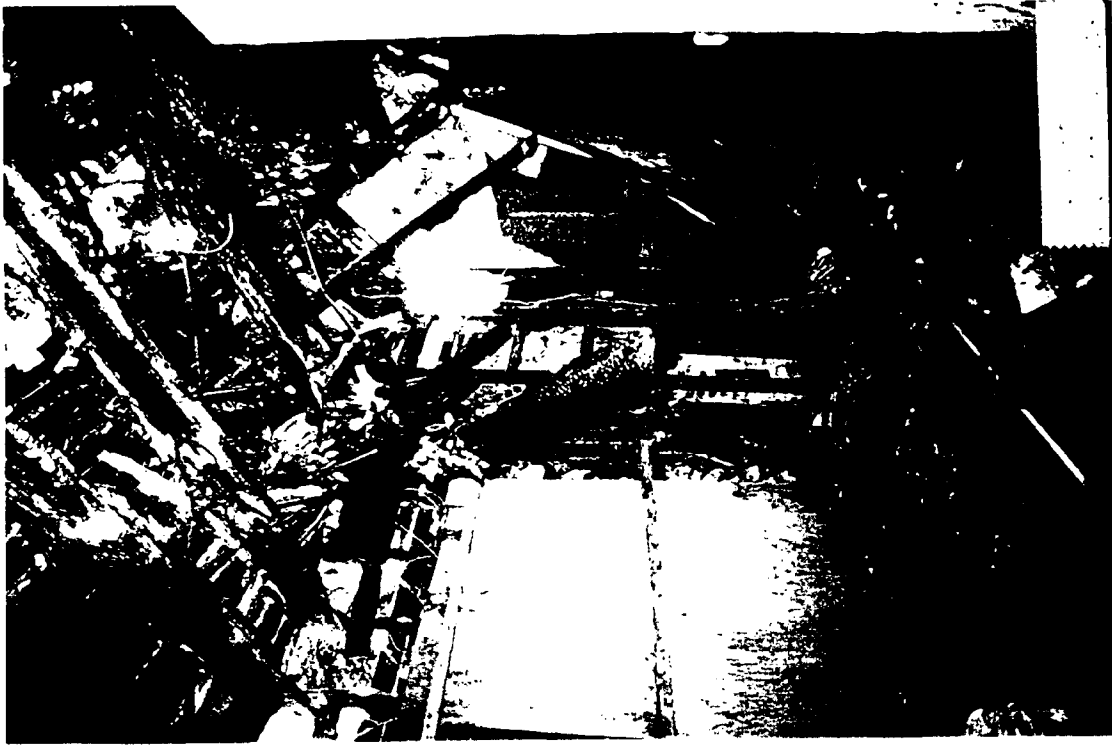


THE LARGEST AVIATION UNIT P. 3 OF 7

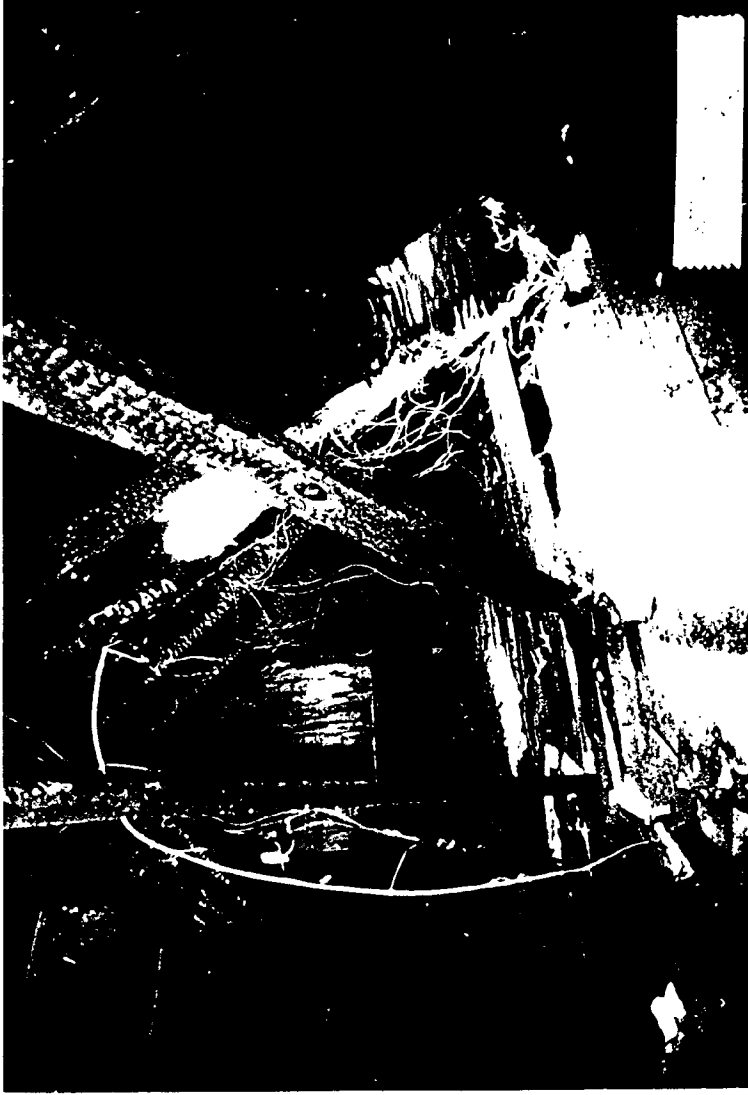


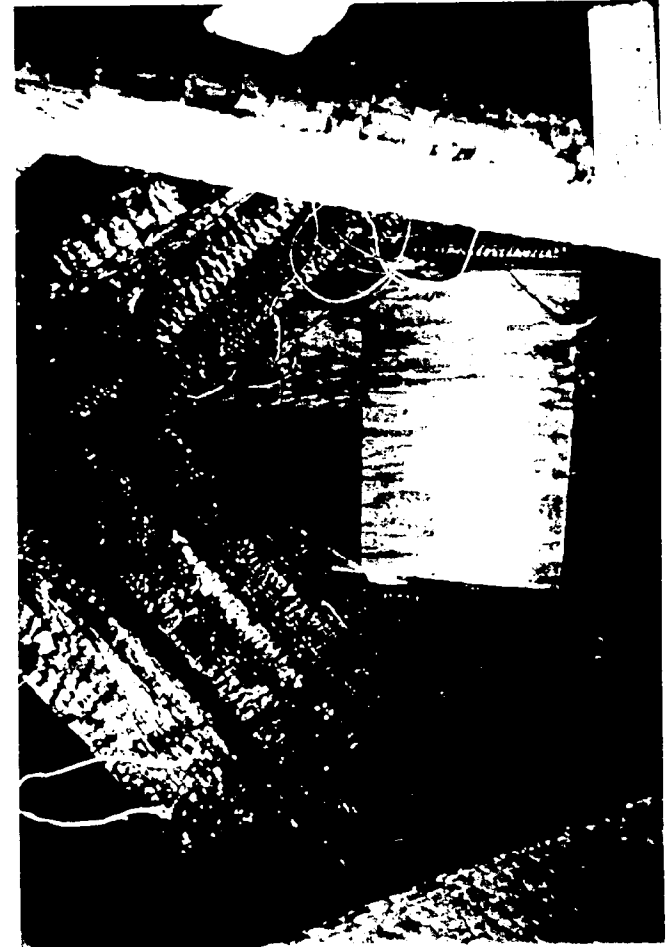
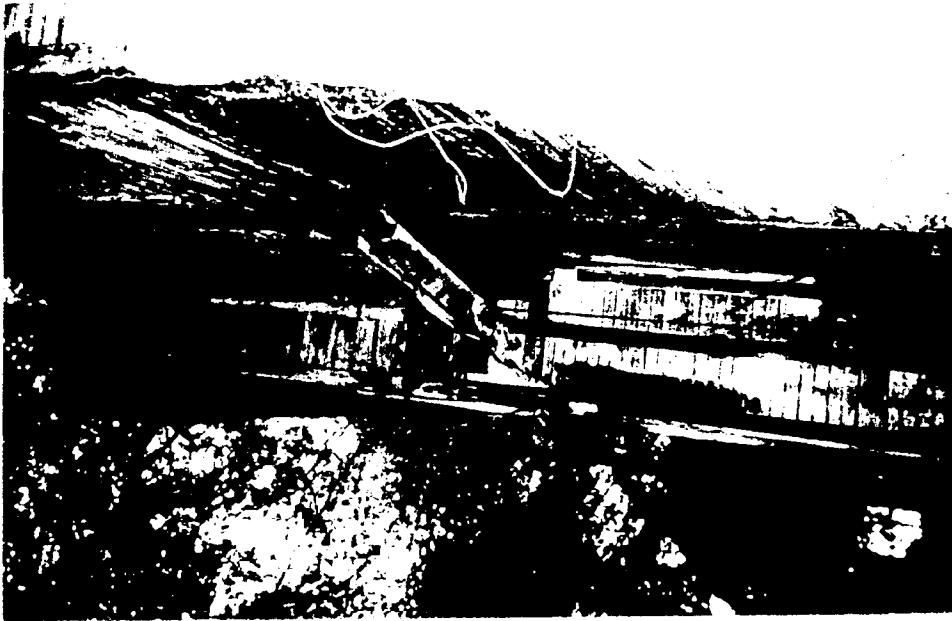
4122 NORSET AVENUE PHOTOS p. 4 OF 7





4710 W. GERRARD AVE. E. - FACTS p. 6 of 7







American Pest Control, Inc.

"Simply the best, for over 34 years!"

Corporate Office
2455 Hudson Street
P.O. Box 309
Annapolis, Maryland 21404



September 7, 1995

TO WHOM IT MAY CONCERN:

I was at the house located at 4722 Dorset Avenue, Chevy Chase, Maryland on September 6, 1995. I did a complete inspection and I found wood borers in the attic, carpenter ants throughout the home and a great deal of moisture damage. In the basement, crawl space and first floor there are active termites, and damage to support beams, and subflooring. There are also termites around the outside perimeter of the home.

In my opinion, the house is not worth saving and as a company I would not take on the responsibility of treatment or any gaurantee. I have been in the Pest Control Industry since 1984 and I am licensed by the State of Maryland.

Sincerely,

Douglas W Wade III
Sales Manager
Rockville Office
American Pest Control, Inc.

Eastern Shore Office
419 Thompson Creek Road
Stevensville, Maryland 21666

Montgomery/Prince George's Office
401 North Stonestreet Avenue
Rockville, Maryland 20850



SPARS, INC.

Fire and Smoke Restoration Specialists
General Contractor

4506 St. Barnabas Rd., Suite 203
Marlow Heights, MD 20748

TEL: (301) 423-8080
FAX: (301) 899-0841

September 6, 1995

HAND DELIVERED

Deborah Susan Ringland
6801 West Avenue
Chevy Chase, Maryland 20815

Re: Property located at:
4722 Dorset Avenue
Chevy Chase, MD 20815

Dear Ms. Ringland:

Per your request, I visited the above referenced property for the purpose of preparing a proposal to restore this house to it's original condition. At first glance the project appears to be fairly simple and straight forward. On closer inspection however, there are some very substantial issues that need to be addressed. I am writing this letter to draw your attention to those issues. Some of them I have tried to address in the attached proposal, but some will require further testing or technical support.

Based on my 27 years of restoration experience, of which the first 15 was as a carpenter, and projects which I have acted as project manager and estimator. I have some serious concerns about not only the financial feasibility of the project, but there are some very real practical concerns at this time.

The first concern I have is the fact that the house is built on a rubble foundation and there are several areas that appear to be unusable. The main areas of concern are under the fire ravaged kitchen addition. In the rear wall area below the window on the left rear, the foundation appears to be bowed in at least 4 to 6 inches at the frost line. That corner appears to be severely deteriorated below grade. On the right side wall of the Kitchen, below the entry door area there used to be a basement window. The wall from this point into and around the corner of the main house is also deteriorated. The final area of concern to me at this time, is the bow window area on the left side of the structure. There is a considerable amount of evidence of erosion of the rock due to water. The integrity of a rubble foundation depends on controlling the moisture content of the surrounding soils and the equal distribution of downward pressure of the weight of the structure. Both of those conditions were radically changed by the fire and the process of putting it out. It is probable that large sections of these areas will need to be rebuilt.

Deborah Susan Ringland
Page - 2.
September 6, 1995

My second major concern is the balloon frame construction of the remaining existing structure. The main support beam for the center bearing wall has evidence of insect infestation, and the supports are deteriorated. This beam will probably need to be at least reinforced in the crawl space. It is likely that the insect infestation extends into this bearing wall. Yet I believe the larger issue as the gable roof over the side dormer and a section of the right slope & hip rafter are fire damaged. A structure which is constructed in this manner relies on the integrity of the whole for it's strength. It is my opinion that there is now some deflection in the framing of this structure throughout. It is possible that the entire structure will need to be braced and shored.

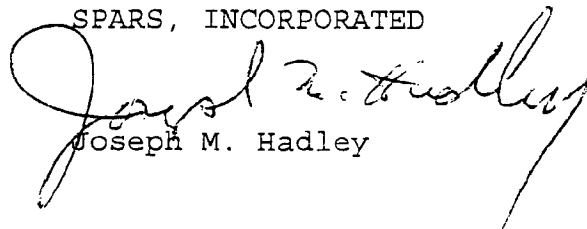
The final issue I would like to raise, are my concerns about the asbestos content of the insulation; lead in the trim paint, and water service; and the extent of the insect infestation. It is impossible to determine the impact these items will have on this project at this time. It will be necessary to determine the scope of these items before final cost of reconstruction can be determined.

For a house in this locality of only approximately 1,450 square feet of usable living space, there are a significant number of potentially difficult problems to address, and high associated costs to these issues. It is not possible to even set a reliable budget for these items at this time.

Thank you for considering SPARS, Inc. in this matter.

Sincerely,

SPARS, INCORPORATED



Joseph M. Hadley

JMH:caj

Enclosures

Project: Deborah Susan Ringland
 4722 Dorset Ave.
 Chevy Chase, Md. 20815

SPARS Inc
 4506 St. Barnabas Rd. # 203
 Marlow Heights, Md. 20748
 (301) 423-8080

Phone: 301 652-4498

Structure repair due to fire

=====
 Specifications

Basement area L= 19.0 S= 10.0 H= 6.5
 Middle section 27'x8.5'x6.5'
 Stairway 7'x2.5'x7'

- | | | |
|---|--------|----|
| 1. Replace foundation wall under kitchen | 273.00 | sf |
| 2. Replace wood single sash windows | 5.00 | ea |
| 3. Replace beam under dining & kitchen area | 26.00 | lf |
| 4. Replace metal lally-columns | 5.00 | ea |
| 5. Replace wood fold down door, exterior | 1.00 | ea |
| 6. Point remaining rubble foundation wall | 92.00 | lf |
| 7. Rebuild stairs & landing | 1.00 | ea |
| 8. Paint replace windows | 5.00 | ea |
| 9. Paint door unit | 2.00 | ea |
| 10. Replace ceiling insulation | 440.50 | sf |
| 11. Restore access door to crawl space | 3.00 | hr |
| 12. Paint access door to crawl space | 1.00 | ea |
| 13. Sand & finish steps & landing | 1.00 | ea |

Kitchen L= 10.0 S= 10.0 H= 9.5
 Offset 9'x7'x9.5'

- | | | |
|--|--------|----|
| 1. Replace 2x4 wall framing | 820.93 | bf |
| 2. Replace floor\ceiling joist | 705.40 | bf |
| 3. Replace wood double hung window | 3.00 | ea |
| 4. Replace wall insulation | 456.00 | sf |
| 5. Replace plaster ceiling & stairwell | 213.00 | sf |
| 6. Replace 8" Washington style knotty pine panelling all walls | 551.00 | sf |
| 7. Replace 3/4" subfloor | 163.00 | sf |
| 8. Replace 5/8" underlayment | 163.00 | sf |
| 9. Replace exterior door unit | 1.00 | ea |
| 10. Replace 7' custom interior door unit | 1.00 | ea |
| 11. Replace linoleum floor or equal | 21.33 | sy |
| 12. Replace 4 1/4 " trim windows | 3.00 | ea |
| 13. Replace 4 1/4 " trim doors | 2.00 | ea |
| 14. Replace crown mold | 58.00 | lf |
| 15. Replace 8" 3pc base mold | 58.00 | lf |
| 16. Replace rosette & plinth blocks | 9.00 | pr |
| 17. Replace wall & base cabinets as existed | 27.00 | lf |
| 18. Replace Kitchen appliances | 1.00 | ea |
| 19. Replace formica top | 17.00 | lf |
| 20. Paint walls & ceiling | 714.00 | sf |
| 21. Paint trimmed openings | 6.00 | ea |

=====

Dining Room	L=	14.6	S=	11.2	H=	9.5
1. Replace 2x4 wall framing						617.97 bf
2. Replace floor\ceiling joist						467.60 bf
3. Replace wood double hung window						2.00 ea
4. Replace wall insulation						351.50 sf
5. Replace plaster ceiling & walls						653.72 sf
6. Replace 3/4" subfloor						163.52 sf
7. Replace 7' custom interior door unit						1.00 ea
8. Replace 4" fir wood strip floor, finished						163.52 sf
9. Replace 4 1/4 " trim windows						2.00 ea
10. Replace 4 1/4 " trim doors						4.00 ea
11. Replace crown mold						51.60 lf
12. Replace 8" 3pc base mold						51.60 lf
13. Replace rosette & plinth blocks						10.00 pr
14. Paint walls & ceiling						653.72 sf
15. Paint trimmed openings						6.00 ea
16. Replace exterior door unit						1.00 ea

Study	L=	12.0	S=	8.5	H=	9.5
1. Replace 2x4 wall framing						466.94 bf
2. Replace floor\ceiling joist						320.65 bf
3. Replace wood double hung window						2.00 ea
4. Replace wall insulation						161.71 sf
5. Replace plaster ceiling & walls						491.85 sf
6. Replace 3/4" subfloor						102.13 sf
7. Replace 7' custom interior door unit						1.00 ea
8. Replace 4" fir wood strip floor, finished						102.13 sf
9. Replace 4 1/4 " trim windows						1.00 ea
10. Replace 4 1/4 " trim doors						1.00 ea
11. Replace crown mold						41.02 lf
12. Replace 8" 3pc base mold						41.02 lf
13. Replace rosette & plinth blocks						3.00 pr
14. Paint walls & ceiling						491.85 sf
15. Paint trimmed openings						2.00 ea
16. Replace wall shelving, finished						80.86 sf

Living room	L=	17.5	S=	12.0	H=	9.5
1. Restore & reglaze wood window						4.00 ea
2. Replace wall insulation						394.44 sf
3. Replace plaster ceiling & walls						771.12 sf
4. Replace 3/4" subfloor						73.58 sf
5. Replace 4" fir wood strip floor, finished						210.24 sf
6. Remove strip & prep door & rehang						1.00 ea
7. Replace crown mold						59.04 lf
8. Replace 8" 3pc base mold						59.04 lf

Living room (CONTINUED)

9. Paint walls & ceiling	771.12 sf
10. Paint trimmed openings	6.00 ea
11. Replace wall shelving, finished	166.44 sf
12. Remove strip & reinstall trim openings	6.00 ea

Entry foyer & stairway L= 11.0 S= 9.5 H= 20.0
Includes under stair closet 2.5'x4'x6'

1. Replace ceiling insulation	104.63 sf
2. Restore & reglaze wood window	2.00 ea
3. Replace wall insulation	656.48 sf
4. Replace plaster ceiling & walls	981.11 sf
5. Replace 4" fir wood strip floor, finished	104.63 sf
6. Remove strip & prep door & rehang	2.00 ea
7. Replace crown mold	49.02 lf
8. Replace 8" 3pc base mold	49.02 lf
9. Paint walls & ceiling	981.11 sf
10. Paint trimmed openings	6.00 ea
11. Strip & refinish pickets & railing	21.00 lf
12. Remove strip & reinstall trim openings	6.00 ea

2nd Floor Hall L= 21.0 S= 3.5 H= 9.5

1. Replace 2x4 wall framing	471.15 bf
2. Replace ceiling joist	86.85 bf
3. Replace ceiling insulation	73.50 sf
4. Replace plaster ceiling & walls	539.98 sf
5. Replace 3/4" subfloor	73.50 sf
6. Replace 4" fir wood strip floor, finished	73.50 sf
7. Replace 4 1/4 " trim doors	4.00 ea
8. Replace crown mold	49.00 lf
9. Replace 8" 3pc base mold	49.00 lf
10. Replace rosette & plinth blocks	8.00 pr
11. Paint walls & ceiling	539.98 sf
12. Paint trimmed openings	5.00 ea
13. Replace attic access door	1.00 ea

Master Bedroom & closet L= 17.5 S= 10.9 H= 9.5
Walk-in closet 5'x4.5'x9.5'

1. Replace ceiling joist	86.40 bf
2. Replace ceiling insulation	213.97 sf
3. Restore & reglaze wood window	5.00 ea
4. Replace wall insulation	554.61 sf
5. Replace plaster ceiling & walls	934.93 sf
6. Replace 3/4" subfloor	79.94 sf
7. Replace 4" fir wood strip floor, finished	213.97 sf

Master Bedroom (CONTINUED)

8. Remove strip & prep door & rehang	2.00 ea
9. Replace crown mold	75.89 lf
10. Replace 8" 3pc base mold	75.89 lf
11. Paint walls & ceiling	934.93 sf
12. Paint trimmed openings	8.00 ea
13. Remove strip & reinstall trim openings	9.00 ea

Master Bathroom L= 10.9 S= 3.2 H= 9.5

1. Replace floor\ceiling joist, rear	187.04 bf
2. Replace ceiling joist	98.71 bf
3. Replace ceiling insulation	35.00 sf
4. Replace wall insulation	61.01 sf
5. Replace plaster ceiling & walls	303.11 sf
6. Replace 3/4" subfloor	35.00 sf
7. Replace 5/8" underlayment	35.00 sf
8. Replace linoleum floor or equal	4.60 sy
9. Replace 4" fir wood strip floor, finished	35.00 sf
10. Remove strip & prep door & rehang	1.00 ea
11. Replace 8" 3pc base mold	28.22 lf
12. Paint walls & ceiling	303.11 sf
13. Paint trimmed openings	2.00 ea
14. Replace ceramic wall tile shower	109.00 sf
15. Replace bath accessories	1.00 ea

Hall Bathroom L= 10.9 S= 7.0 H= 9.5

1. Replace 2x4 wall framing	387.68 bf
2. Replace ceiling joist	120.30 bf
3. Replace ceiling insulation	76.30 sf
4. Replace wood double hung window	1.00 ea
5. Replace wall insulation	133.00 sf
6. Replace plaster ceiling & walls	416.40 sf
7. Replace 3/4" subfloor	76.30 sf
8. Replace 5/8" underlayment	76.30 sf
9. Replace linoleum floor or equal	9.70 sy
10. Replace 4 1/4 " trim windows	1.00 ea
11. Replace 4 1/4 " trim doors	1.00 ea
12. Remove strip & prep door & rehang	1.00 ea
13. Replace 8" 3pc base mold	35.80 lf
14. Replace rosette & plinth blocks	3.00 pr
15. Paint walls & ceiling	416.40 sf
16. Paint trimmed openings	3.00 ea
17. Replace ceramic wall tile tub area	68.00 sf
18. Replace bath accessories	1.00 ea

Left Bedroom & closet
Closet 2.5'x4.5'x7'

L= 14.0 S= 11.3 H= 9.5

1. Replace 2x4 wall framing	594.60	bf
2. Replace ceiling joist	210.42	bf
3. Replace ceiling insulation	169.09	sf
4. Replace wood double hung window	4.00	ea
5. Replace wall insulation	445.13	sf
6. Replace plaster ceiling & walls	747.22	sf
7. Replace 3/4" subfloor	169.09	sf
8. Replace 7' custom interior door unit	1.00	ea
9. Replace transom unit	1.00	ea
10. Replace 4" fir wood strip floor, finished	169.09	sf
11. Replace 4 1/4 " trim windows	5.00	ea
12. Replace 4 1/4 " trim doors	3.00	ea
13. Remove strip & prep door & rehang	2.00	ea
14. Replace crown mold	64.54	lf
15. Replace 8" 3pc base mold	64.54	lf
16. Replace rosette & plinth blocks	8.00	pr
17. Paint walls & ceiling	747.22	sf
18. Paint trimmed openings	7.00	ea

Rear Bedroom

L= 19.0 S= 12.0 H= 9.5

1. Replace 2x4 wall framing	742.50	bf
2. Replace ceiling joist	400.80	bf
3. Replace ceiling insulation	228.00	sf
4. Replace wood double hung window	4.00	ea
5. Replace wall insulation	408.50	sf
6. Replace plaster ceiling & walls	817.00	sf
7. Replace 3/4" subfloor	228.00	sf
8. Replace 7' custom interior door unit	1.00	ea
9. Replace transom unit	1.00	ea
10. Replace 4" fir wood strip floor, finished	228.00	sf
11. Replace 4 1/4 " trim windows	4.00	ea
12. Replace 4 1/4 " trim doors	1.00	ea
13. Replace crown mold	62.00	lf
14. Replace 8" 3pc base mold	62.00	lf
15. Replace rosette & plinth blocks	6.00	pr
16. Paint walls & ceiling	817.00	sf
17. Paint trimmed openings	5.00	ea

Exterior Front of House

L= 26.5 S= 24.0

1. Strip wood siding, & prep for finish	636.00	sf
2. Replace porch floor framing as necessary	263.25	sf
3. Replace porch flooring	386.10	sf
4. Repl porch roof rafter & joist as need	154.40	sf
5. Repl porch roof sheathing	579.00	sf
6. Repl porch roof shingles	6.50	sq

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Exterior Front of House (CONTINUED)

7. Repl porch roof flashing	59.00 lf
8. Repl porch 1/2 round gutter	76.00 lf
9. Repl porch soffit & fascia	72.00 lf
10. Replace beaded ceiling	636.00 sf
11. Replace turned posts	12.00 ea
12. Replace railing & pickets	69.00 lf
13. Replace 2 stair units	2.00 ea
14. Paint all flat surfaces	1908.00 sf
15. Replace custom window shutters	21.00 pr
16. Paint trimmed openings & railings	15.00 ea

Exterior Right, main house L= 22.5 S= 24.0

1. Remove, strip & reinstall siding	540.00 sf
2. Replace damaged wall sheathing	324.00 sf
3. Paint all flat surfaces	810.00 sf
4. Paint trimmed openings & railings	8.00 ea

Exterior rear, main house L= 8.1 S= 24.0
Exposed area

1. Replace damaged wall sheathing	194.94 sf
2. Replace milled wood siding to match	194.94 sf
3. Paint all flat surfaces	292.41 sf
4. Paint trimmed openings & railings	4.00 ea

Exterior Left, main house L= 25.6 S= 24.0
2nd floor cantilevered bay area & gable added

1. Remove, strip & reinstall siding	758.40 sf
2. Replace damaged wall sheathing	512.64 sf
3. Paint all flat surfaces	1372.80 sf
4. Paint trimmed openings & railings	10.00 ea
5. Repair, replace decorative trims & moldings upper gable & window	1.00 ea

Exterior Rear addition L= 20.0 S= 10.7 H= 24.0
Gable added Right rear porch 10.5'x4'
Left rear porch 10.5'x6'

1. Replace damaged wall sheathing	319.00 sf
2. Replace milled wood siding to match	1029.60 sf
3. Replace porch complete, right side	38.00 sf
4. Replace porch complete, left side	65.00 sf
5. Paint all flat surfaces	586.50 sf
6. Paint all flat surfaces	1593.60 sf
7. Paint trimmed openings & railings	14.00 ea

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Attic area (living space) L= 21.0 S= 10.0 H= 7.5
 Offset 8'x8'x7.5'

1. Replace 4" wood strip floor unfin.	221.50 sf
2. Replace gable window unit	1.00 ea
3. Replace Knee wall frame & finish	57.00 lf
4. Replace insulation, living space	860.49 sf

Roof, Main house L= 101.0 S= 17.0
 Includes Main hip roof, side gable dormer roof
 round roof over front bay

1. Replace rafters rear 1/2 roof	1262.56 bf
2. Replace 3/4" roof sheathing	1717.00 sf
3. Replace roof shingles standard	18.00 sq
4. Replace 1/2 round gal gutter	101.00 lf
5. Flash chimney & pipes	1.00 ea

Roof, rear addition (gable) L= 24.0 S= 14.0

1. Replace rafters	514.36 bf
2. Replace 3/4" roof sheathing	672.00 sf
3. Replace roof shingles standard	6.00 sq
4. Replace 1/2 round gal gutter	28.00 lf
5. Flash chimney & pipes	1.00 ea

General Conditions

1. Tear out replaced items in scope	120.00 hr
2. Debris removal, job related	5.00 ea
3. Electric: Rewire house & service	1.00 ea
4. Electric: Fixtures as existed	1.00 ea
5. Plumbing: New waste & vents complete copper supply complete, replace damaged fixtures, restore 1 tub & 2 sinks, new trims and faucets	1.00 ea
6. HVAC: New fuel oil furnace, ducts, tank & grilles (Heat only)	1.00 ea
7. Testing for hazardous materials	1.00 ea
8. Supervision	1.00 ea
9. Architects drawings & permit by others	

TOTAL \$323,861.34

ID: Q1 1
Project: Deborah Susan Ringland
4722 Dorset Ave.
Chevy Chase, Md. 20815
Phone: 301 652-4498

09/01/95 page 1
SPARS Inc
4506 St. Barnabas Rd. # 203
Marlow Heights, Md. 20748
(301) 423-8080

Structure repair due to fire

Summary

Demolition	9720.00
Lumber & millwork	77318.75
Insulation	5298.96
Brick & masonry	1978.00
Concrete & masonry	3822.00
Metal doors & windows	17571.00
Drywall & plaster	27477.76
Painting & decorating	6788.10
Prepare surface for finish	9478.24
Resilient floors	1371.76
Wood floors	10375.63
Ceramic tile	2389.50
Roofing & sheet metal	8219.85
Siding	9000.37
Hardware	882.50
Kitchen & bath units	4169.45
Electrical wiring & fixtures	12750.00
Plumbing	15800.00
Heating & air conditioning	10780.00
Debris removal & disposal	3225.00
Permits & inspections	
Supervision on site	13400.00
Appliance repair & test	4200.00
Overhead & profit	67844.47
	=====
	323861.34

**REPORT on 4722 Dorset Avenue
Somerset, Chevy Chase, Maryland**

To: The Montgomery County Historic Preservation Commission
From: Andrew H. Diem Architect
Re: 4722 Dorset Avenue, Somerset, Chevy Chase, Maryland
Date: September 7, 1995

This report is submitted in response to the report of the Maryland-National Capital Park and Planning Commission Historic Preservation Planning Staff Report of December 27, 1994 regarding the structure located at 4722 Dorset Avenue in Somerset, Maryland.

SUITABILITY FOR DESIGNATION

We understand that the property (at least the land) has been designated as a part of the Somerset District, and that nothing is pending to remove the property from the Master Plan. I observe, however, that in spite of the property description, it is not fully clear that the County Council intended to designate the fire damaged structure, as opposed to the land, as a part of the Somerset Historic District.

In my report of October 14, 1994, I state "The structure is a very simple wood frame" house and "does not represent the work of any master and definitely does not exhibit any high artistic values". I question the validity of the inclusion of such a bromidic house in the designated Somerset Historic District as the District was established in 1990. The Staff Report notes the house as "having elements of the Queen Ann style." The few exterior elements of the Queen Ann style it exhibits, in my professional opinion, are offset by the "Marry Ann" rear and west facades. In summary, disregarding the fire damage, the architectural qualities are, in my opinion, questionable at the very least.

The Staff Report in paragraph 1c states that the property may be identified with a person or a group of persons who influenced society. While the building was built by Mr. Wiley, it was never used by him other than as a rental property. As with Mr. Ringland's connection with the property, any relationship between these gentlemen and history can be fully recognized by the designation of the land, as opposed to the burnt out hulk standing upon it.

In summary, although the land is clearly within the District, there is some question as to whether the burnt out house was ever intended to be a part of the District.

THE STRUCTURE

Paragraph 2A of the Staff Report states "Fire damage to the rear of the structure, specifically the first floor rear kitchen and second floor rear bedroom is extensive enough that this part of the structure is, in staff's opinion, beyond salvage and should be demolished." Of course, as will be noted by observation, the attic and roof above this part of the building are completely burnt through and the floors and ceilings have collapsed into the basement.

These areas have been open to rain, wind snow and all types of weather since the fire in December of 1978, nearly 18 years ago. The resultant damage from this exposure will be discussed below.

4722 Dorset Avenue, Somerset, Chevy Chase, Maryland
September 7, 1995

Paragraph 2B of the Report notes "The cantilevered bay on the east side of the house, towards the rear, has also been severely damaged by fire. Additional damage has occurred because the windows of the room are not boarded and rain/snow has entered the building over the years."

Structural System Burnt

Although the Report fails to note it, the roof is burnt through in places above the second floor bedroom associated with this bay. The Staff Report also fails to note that both the floor joists of this bay bedroom and also the floor joists of the dining room below are extensively burnt through. It is my understanding that the two east bay windows and the north window have been boarded up since the fire. The two south windows could not be boarded up due to the extensive destruction of the framing by the fire; instead, they have repeatedly been covered with plastic sheathing.

In the next paragraph 2C the Staff reports "The remainder of the house, although blackened by smoke and in disrepair, is not, in staff's opinion beyond a reasonable expectation of restoration. Staff observation is that at least 75% of the exterior fabric of the structure is intact. The greater majority of the framing members are sound and the majority of the roof rafters, although some are blackened, remain structurally sound."

Structural Engineer

Both the structural engineer Mr. Howard Rosenberg and this writer in our extensive professional opinion based on review of numerous other similar situations, emphatically state (as earlier stated in Mr. Rosenberg's letter of October 10, 1994) that "Over 50% of the house's structure has been raised and is now missing due to the fire."

Deterioration of the Framing System

The damage cannot be measured simply by what can be visually observed from the outside, as was apparently done by the Staff in its cursory review. The destruction of the structure consists of several layers of construction. The outside exterior siding is the least affected. Working inward, the building (red rosin) paper and structural framing create vastly different problems.

The extent of the deterioration of the structural framing is due to the problem with the building's "balloon framing". This was a carpentry style of construction popular at the time. Its major problem was that it did not provide for fire blocking at the floor separations of a building. When a fire broke out in one area of the framing it would spread vertically since the stud cavities acted as mini chimneys. When this inherent problem became apparent, balloon framing fell into disuse and was replaced by platform construction, the technique used today.

Extensive deterioration of the exposed sill plate and the vertical studs in the south west corner of the small rear parlor is indicative of the extent of the structural problems this building is experiencing. A professional termite inspector has reviewed the structure and states that there is active termite infestation both inside and around the building.

A critical point which appears to have been totally missed by the Staff in its report is that the fasteners (nails, etc.) holding the siding to the structure are rusted. This creates holes which provides multiple routes for insect entry and infestation. The red rosin paper under the siding has deteriorated and is infested with insects. This is indicative of the extent to which the balloon

4722 Dorset Avenue, Somerset, Chevy Chase, Maryland
September 7, 1995

frame structural system of this house has deteriorated.

Rule of Thumb

The "rule of thumb" in construction holds that if a structure is more than 50% damaged it is often more feasible to demolish the remaining portion and start over with a new structure. Often times there are hidden problems that only become apparent once work is open and exposed for observation.

Foundation

The paragraph 2D. states "The majority of the stone foundation is intact, not showing any indication of sagging or bowing and still retains most of its mortar. There is some heavy mortar damage to the sides of the house nearer to the rear of the structure, but this damage is not beyond repair and repointing."

The foundation is in fact a "rubble stone" type, popular at the turn of the century using stones with minimal surface mortar, which depends upon the weight of the building above to keep it place. When the structure above is removed, as is the case of the burnt out rear portion, the equilibrium of the system is lost and the foundation will return to rubble. This deterioration is worsened by the freeze and thaw cycle of the rain and snow that has caused the mortar of the foundation to fail.

The Staff report goes on to state "the majority of structure is completely salvageable." and goes on to note "staff feels that the majority of the structure is reasonably restorable."

A critical item the Staff Report fails to consider is the burnt roof rafter system. In order to achieve a stable structural system, all of the roof supporting members must act together in a sympathetic arrangement. When members are removed through a fire, the forces are no longer in equilibrium and the forces distort the remaining structural system. In other words, the forces from the roof loads are distorting the remaining wall members putting added weight on a deteriorating system.

NON CODE COMPILING

The Staff report also fails to deal with the issue that if a major renovation of a building (defined by standards as constituting more than 50% of the tax assessment of the structure only, not inclusive of the land) is undertaken, then the entire structure must be brought up to the current construction codes. Under the current building codes, the stairways must all be a minimum of 36 inches wide, (current interior front stair is between 29 1/4 " and 31 1/2 " wide, current internal rear stair is 28 1/4" wide) the minimum ceiling height required is 7'-6" (current basement ceiling height is 6'-6"), the headroom less than the required minimum of 6'-8" and the front porch guardrails are 28 1/2" high (current code requires 36 inches minimum).

CURRENT BUILDING STANDARDS

The current standard insulating value for exterior walls is R-19 (the current insulation probably contains asbestos and must be removed, providing no insulation value) and fire separation and blocking is required throughout (blocking and separation is currently missing in the balloon frame system). The presence of asbestos is noted in the wall insulation, the pipe covering and the floor tiles. The paint on the wood siding, trim, and windows is lead based. Dealing with this poses an environmental problem. The current building standards require that these materials

4722 Dorset Avenue, Somerset, Chevy Chase, Maryland
September 7, 1995

must be removed from a building undergoing a major renovation.

The house contains lead plumbing pipes. This is not permitted under the current building codes. The house has "knob and post" antique electrical wiring. This was one of the earliest forms of electrical wiring distribution and is not permitted by the National Electrical code which is in effect in Montgomery County today. The source of the fire was electrical in nature, indicating a problem with the wiring system.

All of the plaster would have to be removed from the entire interior of the house, then all of the insulation removed, the entire electrical system replaced and the plumbing system removed in order to install the new replacement components to bring the system up to the current code.

CONCLUSION

With all of these constraints, it is the professional opinion of this writer the building would have to be dismantled down to the foundation, which would immediately become a futile gesture, since the resulting effort would thereby become nothing more than a replication, as opposed to a restoration. But following through with what would happen, next the salvageable parts would be labeled, then the house reconstructed with an acceptable new structural frame and the reinstallation of the salvageable period architectural components. The fire charred and smoke laden members would have to be replaced to remove any potential health hazards. This effort at what would ultimately turn out to be only a replication is truly out of the realm of economic credibility.

Even if the structure could be rebuild in its present footprint at an exorbitant cost, the house would be a small, poorly-layed out, rather mediocre building not commensurate with the value of the land or the cost of its reconstruction. At the very most, it would be a replication rather than a restoration.

In summary, in my professional opinion, the only practical solution would be the demolition of the existing structure "in order that unsafe conditions or health hazards be remedied" [Montgomery County Code Section 24A-8 (b) (4)]. This is due to the unacceptability of reconstruction of a non-code complying structure, and the undue financial hardship this replication would place upon the owner. One or more replacement houses in suitable character with the Somerset area seems to be the solution to this problem. "In balancing the interests of the public in preserving the historic site or historic resource located within an historic district, with the interests of the public from the use and benefit of the alternative proposal, the general public welfare is better served by granting the permit." [Montgomery County Code Section 24A-8 (6)].

Very truly yours,



Andrew H. Diem
Registered Architect

ring

RESUME OF ANDREW H. DIEM

5230 Loughboro Road, North West
Washington, District of Columbia 20016
202-364-8115 FAX 202-364-6412

Bachelor of Architecture Degree from The Catholic University of America 1973.
Received the Alpha Rho Chi Medal for Leadership, Service and Merit 1973.

Diploma from the Ecole Des Beaux-Arts, Fontainebleau, France.

Post graduate work, Harvard University, Cambridge, Massachusetts.

Registered Architect:

District of Columbia 1977.
State of Maryland 1978.
Commonwealth of Virginia 1979.

Established own architectural firm in 1977.

Experience in the design, building construction management and renovation of both interior and exterior architectural projects for residential and commercial use.

Technical experience in surveying existing conditions, material and systems failure analysis, materials conservation, value engineering and cost effective repair methodology, construction specifications and drawings for new and repair stabilization and restoration projects.

Construction Industry Arbitrator since 1985 for the American Arbitration Association. Since 1991, an Arbitrator for Large, Complex Construction Cases involving more than Ten Million Dollars of claims.

Qualified as an Expert Witness in the Superior Court of the District of Columbia on Architecture and Construction (1977, 1980, 1988).

Teaching experience at The Catholic University of America, The Graduate School of the Department of Agriculture, and Mount Vernon College.

Board Service:

Past member of the Board of Governors of the Arts Club of Washington, D.C.
Past Board Member of The Greater Washington Executives Association.
Current member of the Board of Advisors of Catholic University of America's School of Architecture.
Current President of the Metro Chapter BCA.

Published Projects:

Washington Star: Home Life June 3, 1979.
Washington Post: Washington Home June 6, 1985.
Remodeling Magazine: September 1985.
Washington Post: Washington Home March 10, 1988.
Fine Homebuilding: "Arbitration" Article 1989.
Home Office Computing: National Best Home Office Design July 1993.

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A critical item the Staff Report fails to consider is the burnt roof rafter system. In order to achieve a stable structural system, all of the roof supporting members must act together in a sympathetic arrangement. When members are removed through a fire, the forces are no longer in equilibrium and the forces distort the remaining structural system. In other words, the forces from the roof loads are distorting the remaining wall members putting added weight on a deteriorating system.

NON CODE COMPILING

The Staff report also fails to deal with the issue that if a major renovation of a building (defined by standards as constituting more than 50% of the tax assessment of the structure only, not inclusive of the land) is undertaken, then the entire structure must be brought up to the current construction codes. Under the current building codes, the stairways must all be a minimum of 36 inches wide, (current interior front stair is between 29 1/4 " and 31 1/2 " wide, current internal rear stair is 28 1/4" wide) the minimum ceiling height required is 7'-6" (current basement ceiling height is 6'-6"), the headroom less than the required minimum of 6'-8" and the front porch guardrails are 28 1/2" high (current code requires 36 inches minimum).

CURRENT BUILDING STANDARDS

The current standard insulating value for exterior walls is R-19 (the current insulation probably contains asbestos and must be removed, providing no insulation value) and fire separation and blocking is required throughout (blocking and separation is currently missing in the balloon frame system). The presence of asbestos is noted in the wall insulation, the pipe covering and the floor tiles. The paint on the wood siding, trim, and windows is lead based. Dealing with this poses an environmental problem. The current building standards require that these materials

4722 Dorset Avenue, Somerset, Chevy Chase, Maryland
September 7, 1995

must be removed from a building undergoing a major renovation.

The house contains lead plumbing pipes. This is not permitted under the current building codes. The house has "knob and post" antique electrical wiring. This was one of the earliest forms of electrical wiring distribution and is not permitted by the National Electrical code which is in effect in Montgomery County today. The source of the fire was electrical in nature, indicating a problem with the wiring system.

All of the plaster would have to be removed from the entire interior of the house, then all of the insulation removed, the entire electrical system replaced and the plumbing system removed in order to install the new replacement components to bring the system up to the current code.

CONCLUSION

With all of these constraints, it is the professional opinion of this writer the building would have to be dismantled down to the foundation, which would immediately become a futile gesture, since the resulting effort would thereby become nothing more than a replication, as opposed to a restoration. But following through with what would happen, next the salvageable parts would be labeled, then the house reconstructed with an acceptable new structural frame and the reinstallation of the salvageable period architectural components. The fire charred and smoke laden members would have to be replaced to remove any potential health hazards. This effort at what would ultimately turn out to be only a replication is truly out of the realm of economic credibility.

Even if the structure could be rebuild in its present footprint at an exorbitant cost, the house would be a small, poorly-layed out, rather mediocre building not commensurate with the value of the land or the cost of its reconstruction. At the very most, it would be a replication rather than a restoration.

In summary, in my professional opinion, the only practical solution would be the demolition of the existing structure "in order that unsafe conditions or health hazards be remedied" [Montgomery County Code Section 24A-8 (b) (4)]. This is due to the unacceptability of reconstruction of a non-code complying structure, and the undue financial hardship this replication would place upon the owner. One or more replacement houses in suitable character with the Somerset area seems to be the solution to this problem. "In balancing the interests of the public in preserving the historic site or historic resource located within an historic district, with the interests of the public from the use and benefit of the alternative proposal, the general public welfare is better served by granting the permit." [Montgomery County Code Section 24A-8 (6)].

Very truly yours,



Andrew H. Dlem
Registered Architect

ring

RESUME OF ANDREW H. DIEM

5230 Loughboro Road, North West
Washington, District of Columbia 20016
202-364-8115 FAX 202-364-6412

Bachelor of Architecture Degree from The Catholic University of America 1973.
Received the Alpha Rho Chi Medal for Leadership, Service and Merit 1973.

Diploma from the Ecole Des Beaux-Arts, Fontainebleau, France.

Post graduate work, Harvard University, Cambridge, Massachusetts.

Registered Architect:

District of Columbia 1977.
State of Maryland 1978.
Commonwealth of Virginia 1979.

Established own architectural firm in 1977.

Experience in the design, building construction management and renovation of both interior and exterior architectural projects for residential and commercial use.

Technical experience in surveying existing conditions, material and systems failure analysis, materials conservation, value engineering and cost effective repair methodology, construction specifications and drawings for new and repair stabilization and restoration projects.

Construction Industry Arbitrator since 1985 for the American Arbitration Association. Since 1991, an Arbitrator for Large, Complex Construction Cases involving more than Ten Million Dollars of claims.

Qualified as an Expert Witness in the Superior Court of the District of Columbia on Architecture and Construction (1977, 1980, 1988).

Teaching experience at The Catholic University of America, The Graduate School of the Department of Agriculture, and Mount Vernon College.

Board Service:

Past member of the Board of Governors of the Arts Club of Washington, D.C.
Past Board Member of The Greater Washington Executives Association.
Current member of the Board of Advisors of Catholic University of America's School of Architecture.
Current President of the Metro Chapter BCA.

Published Projects:

Washington Star: Home Life June 3, 1979.
Washington Post: Washington Home June 6, 1985.
Remodeling Magazine: September 1985.
Washington Post: Washington Home March 10, 1988.
Fine Homebuilding: "Arbitration" Article 1989.
Home Office Computing: National Best Home Office Design July 1993.



SPARS, INC.

Fire and Smoke Restoration Specialists
General Contractor

4506 St. Barnabas Rd., Suite 203
Marlow Heights, MD 20748

TEL: (301) 423-8080

FAX: (301) 899-0841

September 6, 1995

HAND DELIVERED

Deborah Susan Ringland
6801 West Avenue
Chevy Chase, Maryland 20815

Re: Property located at:
4722 Dorset Avenue
Chevy Chase, MD 20815

Dear Ms. Ringland:

Per your request, I visited the above referenced property for the purpose of preparing a proposal to restore this house to it's original condition. At first glance the project appears to be fairly simple and straight forward. On closer inspection however, there are some very substantial issues that need to be addressed. I am writing this letter to draw your attention to those issues. Some of them I have tried to address in the attached proposal, but some will require further testing or technical support.

Based on my 27 years of restoration experience, of which the first 15 was as a carpenter, and projects which I have acted as project manager and estimator. I have some serious concerns about not only the financial feasibility of the project, but there are some very real practical concerns at this time.

The first concern I have is the fact that the house is built on a rubble foundation and there are several areas that appear to be unusable. The main areas of concern are under the fire ravaged kitchen addition. In the rear wall area below the window on the left rear, the foundation appears to be bowed in at least 4 to 6 inches at the frost line. That corner appears to be severely deteriorated below grade. On the right side wall of the Kitchen, below the entry door area there used to be a basement window. The wall from this point into and around the corner of the main house is also deteriorated. The final area of concern to me at this time, is the bow window area on the left side of the structure. There is a considerable amount of evidence of erosion of the rock due to water. The integrity of a rubble foundation depends on controlling the moisture content of the surrounding soils and the equal distribution of downward pressure of the weight of the structure. Both of those conditions were radically changed by the fire and the process of putting it out. It is probable that large sections of these areas will need to be rebuilt.

Deborah Susan Ringland
Page - 2.
September 6, 1995

My second major concern is the balloon frame construction of the remaining existing structure. The main support beam for the center bearing wall has evidence of insect infestation, and the supports are deteriorated. This beam will probably need to be at least reinforced in the crawl space. It is likely that the insect infestation extends into this bearing wall. Yet I believe the larger issue as the gable roof over the side dormer and a section of the right slope & hip rafter are fire damaged. A structure which is constructed in this manner relies on the integrity of the whole for it's strength. It is my opinion that there is now some deflection in the framing of this structure throughout. It is possible that the entire structure will need to be braced and shored.

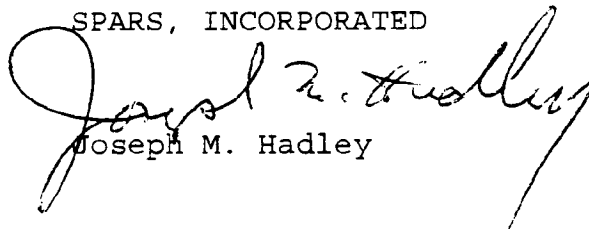
The final issue I would like to raise, are my concerns about the asbestos content of the insulation; lead in the trim paint, and water service; and the extent of the insect infestation. It is impossible to determine the impact these items will have on this project at this time. It will be necessary to determine the scope of these items before final cost of reconstruction can be determined.

For a house in this locality of only approximately 1,450 square feet of usable living space, there are a significant number of potentially difficult problems to address, and high associated costs to these issues. It is not possible to even set a reliable budget for these items at this time.

Thank you for considering SPARS, Inc. in this matter.

Sincerely,

SPARS, INCORPORATED



Joseph M. Hadley

JMH:caj

Enclosures

Project: Deborah Susan Ringland
4722 Dorset Ave.
Chevy Chase, Md. 20815

SPARS Inc
4506 St. Barnabas Rd. # 203
Marlow Heights, Md. 20748
(301) 423-8080

Phone: 301 652-4498

Structure repair due to fire

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Specifications

Basement area L= 19.0 S= 10.0 H= 6.5
Middle section 27'x8.5'x6.5'
Stairway 7'x2.5'x7'

1. Replace foundation wall under kitchen	273.00	sf
2. Replace wood single sash windows	5.00	ea
3. Replace beam under dining & kitchen area	26.00	lf
4. Replace metal lally-columns	5.00	ea
5. Replace wood fold down door, exterior	1.00	ea
6. Point remaining rubble foundation wall	92.00	lf
7. Rebuild stairs & landing	1.00	ea
8. Paint replace windows	5.00	ea
9. Paint door unit	2.00	ea
10. Replace ceiling insulation	440.50	sf
11. Restore access door to crawl space	3.00	hr
12. Paint access door to crawl space	1.00	ea
13. Sand & finish steps & landing	1.00	ea

Kitchen L= 10.0 S= 10.0 H= 9.5
Offset 9'x7'x9.5'

1. Replace 2x4 wall framing	820.93	bf
2. Replace floor\ceiling joist	705.40	bf
3. Replace wood double hung window	3.00	ea
4. Replace wall insulation	456.00	sf
5. Replace plaster ceiling & stairwell	213.00	sf
6. Replace 8" Washington style knotty pine panelling all walls	551.00	sf
7. Replace 3/4" subfloor	163.00	sf
8. Replace 5/8" underlayment	163.00	sf
9. Replace exterior door unit	1.00	ea
10. Replace 7' custom interior door unit	1.00	ea
11. Replace linoleum floor or equal	21.33	sy
12. Replace 4 1/4 " trim windows	3.00	ea
13. Replace 4 1/4 " trim doors	2.00	ea
14. Replace crown mold	58.00	lf
15. Replace 8" 3pc base mold	58.00	lf
16. Replace rosette & plinth blocks	9.00	pr
17. Replace wall & base cabinets as existed	27.00	lf
18. Replace Kitchen appliances	1.00	ea
19. Replace formica top	17.00	lf
20. Paint walls & ceiling	714.00	sf
21. Paint trimmed openings	6.00	ea

Dining Room

L= 14.6 S= 11.2 H= 9.5

1. Replace 2x4 wall framing	617.97	bf
2. Replace floor\ceiling joist	467.60	bf
3. Replace wood double hung window	2.00	ea
4. Replace wall insulation	351.50	sf
5. Replace plaster ceiling & walls	653.72	sf
6. Replace 3/4" subfloor	163.52	sf
7. Replace 7' custom interior door unit	1.00	ea
8. Replace 4" fir wood strip floor, finished	163.52	sf
9. Replace 4 1/4 " trim windows	2.00	ea
10. Replace 4 1/4 " trim doors	4.00	ea
11. Replace crown mold	51.60	lf
12. Replace 8" 3pc base mold	51.60	lf
13. Replace rosette & plinth blocks	10.00	pr
14. Paint walls & ceiling	653.72	sf
15. Paint trimmed openings	6.00	ea
16. Replace exterior door unit	1.00	ea

Study

L= 12.0 S= 8.5 H= 9.5

1. Replace 2x4 wall framing	466.94	bf
2. Replace floor\ceiling joist	320.65	bf
3. Replace wood double hung window	2.00	ea
4. Replace wall insulation	161.71	sf
5. Replace plaster ceiling & walls	491.85	sf
6. Replace 3/4" subfloor	102.13	sf
7. Replace 7' custom interior door unit	1.00	ea
8. Replace 4" fir wood strip floor, finished	102.13	sf
9. Replace 4 1/4 " trim windows	1.00	ea
10. Replace 4 1/4 " trim doors	1.00	ea
11. Replace crown mold	41.02	lf
12. Replace 8" 3pc base mold	41.02	lf
13. Replace rosette & plinth blocks	3.00	pr
14. Paint walls & ceiling	491.85	sf
15. Paint trimmed openings	2.00	ea
16. Replace wall shelving, finished	80.86	sf

Living room

L= 17.5 S= 12.0 H= 9.5

1. Restore & reglaze wood window	4.00	ea
2. Replace wall insulation	394.44	sf
3. Replace plaster ceiling & walls	771.12	sf
4. Replace 3/4" subfloor	73.58	sf
5. Replace 4" fir wood strip floor, finished	210.24	sf
6. Remove strip & prep door & rehang	1.00	ea
7. Replace crown mold	59.04	lf
8. Replace 8" 3pc base mold	59.04	lf

Living room (CONTINUED)

9. Paint walls & ceiling	771.12 sf
10. Paint trimmed openings	6.00 ea
11. Replace wall shelving, finished	166.44 sf
12. Remove strip & reinstall trim openings	6.00 ea

Entry foyer & stairway L= 11.0 S= 9.5 H= 20.0
Includes under stair closet 2.5'x4'x6'

1. Replace ceiling insulation	104.63 sf
2. Restore & reglaze wood window	2.00 ea
3. Replace wall insulation	656.48 sf
4. Replace plaster ceiling & walls	981.11 sf
5. Replace 4" fir wood strip floor, finished	104.63 sf
6. Remove strip & prep door & rehang	2.00 ea
7. Replace crown mold	49.02 lf
8. Replace 8" 3pc base mold	49.02 lf
9. Paint walls & ceiling	981.11 sf
10. Paint trimmed openings	6.00 ea
11. Strip & refinish pickets & railing	21.00 lf
12. Remove strip & reinstall trim openings	6.00 ea

2nd Floor Hall L= 21.0 S= 3.5 H= 9.5

1. Replace 2x4 wall framing	471.15 bf
2. Replace ceiling joist	86.85 bf
3. Replace ceiling insulation	73.50 sf
4. Replace plaster ceiling & walls	539.98 sf
5. Replace 3/4" subfloor	73.50 sf
6. Replace 4" fir wood strip floor, finished	73.50 sf
7. Replace 4 1/4 " trim doors	4.00 ea
8. Replace crown mold	49.00 lf
9. Replace 8" 3pc base mold	49.00 lf
10. Replace rosette & plinth blocks	8.00 pr
11. Paint walls & ceiling	539.98 sf
12. Paint trimmed openings	5.00 ea
13. Replace attic access door	1.00 ea

Master Bedroom & closet L= 17.5 S= 10.9 H= 9.5
Walk-in closet 5'x4.5'x9.5'

1. Replace ceiling joist	86.40 bf
2. Replace ceiling insulation	213.97 sf
3. Restore & reglaze wood window	5.00 ea
4. Replace wall insulation	554.61 sf
5. Replace plaster ceiling & walls	934.93 sf
6. Replace 3/4" subfloor	79.94 sf
7. Replace 4" fir wood strip floor, finished	213.97 sf

Master Bedroom(CONTINUED)

8. Remove strip & prep door & rehang	2.00 ea
9. Replace crown mold	75.89 lf
10. Replace 8" 3pc base mold	75.89 lf
11. Paint walls & ceiling	934.93 sf
12. Paint trimmed openings	8.00 ea
13. Remove strip & reinstall trim openings	9.00 ea

Master Bathroom L= 10.9 S= 3.2 H= 9.5

1. Replace floor\ceiling joist, rear	187.04 bf
2. Replace ceiling joist	98.71 bf
3. Replace ceiling insulation	35.00 sf
4. Replace wall insulation	61.01 sf
5. Replace plaster ceiling & walls	303.11 sf
6. Replace 3/4" subfloor	35.00 sf
7. Replace 5/8" underlayment	35.00 sf
8. Replace linoleum floor or equal	4.60 sy
9. Replace 4" fir wood strip floor, finished	35.00 sf
10. Remove strip & prep door & rehang	1.00 ea
11. Replace 8" 3pc base mold	28.22 lf
12. Paint walls & ceiling	303.11 sf
13. Paint trimmed openings	2.00 ea
14. Replace ceramic wall tile shower	109.00 sf
15. Replace bath accessories	1.00 ea

Hall Bathroom L= 10.9 S= 7.0 H= 9.5

1. Replace 2x4 wall framing	387.68 bf
2. Replace ceiling joist	120.30 bf
3. Replace ceiling insulation	76.30 sf
4. Replace wood double hung window	1.00 ea
5. Replace wall insulation	133.00 sf
6. Replace plaster ceiling & walls	416.40 sf
7. Replace 3/4" subfloor	76.30 sf
8. Replace 5/8" underlayment	76.30 sf
9. Replace linoleum floor or equal	9.70 sy
10. Replace 4 1/4 " trim windows	1.00 ea
11. Replace 4 1/4 " trim doors	1.00 ea
12. Remove strip & prep door & rehang	1.00 ea
13. Replace 8" 3pc base mold	35.80 lf
14. Replace rosette & plinth blocks	3.00 pr
15. Paint walls & ceiling	416.40 sf
16. Paint trimmed openings	3.00 ea
17. Replace ceramic wall tile tub area	68.00 sf
18. Replace bath accessories	1.00 ea

Left Bedroom & closet L= 14.0 S= 11.3 H= 9.5
Closet 2.5'x4.5'x7'

1. Replace 2x4 wall framing	594.60	bf
2. Replace ceiling joist	210.42	bf
3. Replace ceiling insulation	169.09	sf
4. Replace wood double hung window	4.00	ea
5. Replace wall insulation	445.13	sf
6. Replace plaster ceiling & walls	747.22	sf
7. Replace 3/4" subfloor	169.09	sf
8. Replace 7' custom interior door unit	1.00	ea
9. Replace transom unit	1.00	ea
10. Replace 4" fir wood strip floor, finished	169.09	sf
11. Replace 4 1/4 " trim windows	5.00	ea
12. Replace 4 1/4 " trim doors	3.00	ea
13. Remove strip & prep door & rehang	2.00	ea
14. Replace crown mold	64.54	lf
15. Replace 8" 3pc base mold	64.54	lf
16. Replace rosette & plinth blocks	8.00	pr
17. Paint walls & ceiling	747.22	sf
18. Paint trimmed openings	7.00	ea

Rear Bedroom L= 19.0 S= 12.0 H= 9.5

1. Replace 2x4 wall framing	742.50	bf
2. Replace ceiling joist	400.80	bf
3. Replace ceiling insulation	228.00	sf
4. Replace wood double hung window	4.00	ea
5. Replace wall insulation	408.50	sf
6. Replace plaster ceiling & walls	817.00	sf
7. Replace 3/4" subfloor	228.00	sf
8. Replace 7' custom interior door unit	1.00	ea
9. Replace transom unit	1.00	ea
10. Replace 4" fir wood strip floor, finished	228.00	sf
11. Replace 4 1/4 " trim windows	4.00	ea
12. Replace 4 1/4 " trim doors	1.00	ea
13. Replace crown mold	62.00	lf
14. Replace 8" 3pc base mold	62.00	lf
15. Replace rosette & plinth blocks	6.00	pr
16. Paint walls & ceiling	817.00	sf
17. Paint trimmed openings	5.00	ea

Exterior Front of House L= 26.5 S= 24.0

1. Strip wood siding, & prep for finish	636.00	sf
2. Replace porch floor framing as necessary	263.25	sf
3. Replace porch flooring	386.10	sf
4. Repl porch roof rafter & joist as need	154.40	sf
5. Repl porch roof sheathing	579.00	sf
6. Repl porch roof shingles	6.50	sq

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Exterior Front of House (CONTINUED)

7. Repl porch roof flashing	59.00 lf
8. Repl porch 1/2 round gutter	76.00 lf
9. Repl porch soffit & fascia	72.00 lf
10. Replace beaded ceiling	636.00 sf
11. Replace turned posts	12.00 ea
12. Replace railing & pickets	69.00 lf
13. Replace 2 stair units	2.00 ea
14. Paint all flat surfaces	1908.00 sf
15. Replace custom window shutters	21.00 pr
16. Paint trimmed openings & railings	15.00 ea

Exterior Right, main house L= 22.5 S= 24.0

1. Remove, strip & reinstall siding	540.00 sf
2. Replace damaged wall sheathing	324.00 sf
3. Paint all flat surfaces	810.00 sf
4. Paint trimmed openings & railings	8.00 ea

Exterior rear, main house L= 8.1 S= 24.0
Exposed area

1. Replace damaged wall sheathing	194.94 sf
2. Replace milled wood siding to match	194.94 sf
3. Paint all flat surfaces	292.41 sf
4. Paint trimmed openings & railings	4.00 ea

Exterior Left, main house L= 25.6 S= 24.0
2nd floor cantilevered bay area & gable added

1. Remove, strip & reinstall siding	758.40 sf
2. Replace damaged wall sheathing	512.64 sf
3. Paint all flat surfaces	1372.80 sf
4. Paint trimmed openings & railings	10.00 ea
5. Repair, replace decorative trims & moldings upper gable & window	1.00 ea

Exterior Rear addition L= 20.0 S= 10.7 H= 24.0
Gable added Right rear porch 10.5'x4'
Left rear porch 10.5'x6'

1. Replace damaged wall sheathing	319.00 sf
2. Replace milled wood siding to match	1029.60 sf
3. Replace porch complete, right side	38.00 sf
4. Replace porch complete, left side	65.00 sf
5. Paint all flat surfaces	586.50 sf
6. Paint all flat surfaces	1593.60 sf
7. Paint trimmed openings & railings	14.00 ea

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Attic area (living space) L= 21.0 S= 10.0 H= 7.5
Offset 8'x8'x7.5'

- | | |
|---------------------------------------|-----------|
| 1. Replace 4" wood strip floor unfin. | 221.50 sf |
| 2. Replace gable window unit | 1.00 ea |
| 3. Replace Knee wall frame & finish | 57.00 lf |
| 4. Replace insulation, living space | 860.49 sf |

Roof, Main house L= 101.0 S= 17.0
Includes Main hip roof, side gable dormer roof
round roof over front bay

- | | |
|-----------------------------------|------------|
| 1. Replace rafters rear 1/2 roof | 1262.56 bf |
| 2. Replace 3/4" roof sheathing | 1717.00 sf |
| 3. Replace roof shingles standard | 18.00 sq |
| 4. Replace 1/2 round gal gutter | 101.00 lf |
| 5. Flash chimney & pipes | 1.00 ea |

Roof, rear addition (gable) L= 24.0 S= 14.0

- | | |
|-----------------------------------|-----------|
| 1. Replace rafters | 514.36 bf |
| 2. Replace 3/4" roof sheathing | 672.00 sf |
| 3. Replace roof shingles standard | 6.00 sq |
| 4. Replace 1/2 round gal gutter | 28.00 lf |
| 5. Flash chimney & pipes | 1.00 ea |

General Conditions

- | | |
|---|-----------|
| 1. Tear out replaced items in scope | 120.00 hr |
| 2. Debris removal, job related | 5.00 ea |
| 3. Electric: Rewire house & service | 1.00 ea |
| 4. Electric: Fixtures as existed | 1.00 ea |
| 5. Plumbing: New waste & vents complete
copper supply complete, replace damaged
fixtures, restore 1 tub & 2 sinks, new
trims and faucets | 1.00 ea |
| 6. HVAC: New fuel oil furnace, ducts, tank
& grilles (Heat only) | 1.00 ea |
| 7. Testing for hazardous materials | 1.00 ea |
| 8. Supervision | 1.00 ea |
| 9. Architects drawings & permit by others | |

TOTAL \$323,861.34

ID: Q1 1
Project: Deborah Susan Ringland
4722 Dorset Ave.
Chevy Chase, Md. 20815

Phone: 301 652-4498

09/01/95 page 1
SPARS Inc
4506 St. Barnabas Rd. # 203
Marlow Heights, Md. 20748
(301) 423-8080

Structure repair due to fire

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Summary

Demolition	9720.00
Lumber & millwork	77318.75
Insulation	5298.96
Brick & masonry	1978.00
Concrete & masonry	3822.00
Metal doors & windows	17571.00
Drywall & plaster	27477.76
Painting & decorating	6788.10
Prepare surface for finish	9478.24
Resilient floors	1371.76
Wood floors	10375.63
Ceramic tile	2389.50
Roofing & sheet metal	8219.85
Siding	9000.37
Hardware	882.50
Kitchen & bath units	4169.45
Electrical wiring & fixtures	12750.00
Plumbing	15800.00
Heating & air conditioning	10780.00
Debris removal & disposal	3225.00
Permits & inspections	
Supervision on site	13400.00
Appliance repair & test	4200.00
Overhead & profit	67844.47
	=====
	323861.34

**REPORT on 4722 Dorset Avenue
Somerset, Chevy Chase, Maryland**

To: The Montgomery County Historic Preservation Commission
From: Andrew H. Diem Architect
Re: 4722 Dorset Avenue, Somerset, Chevy Chase, Maryland
Date: September 13, 1995

This report is submitted in response to the report of the Maryland-National Capital Park and Planning Commission Historic Preservation Planning Staff Report of December 27, 1994 regarding the structure located at 4722 Dorset Avenue in Somerset, Maryland.

SUITABILITY FOR DESIGNATION

We understand that the property (at least the land) has been designated as a part of the Somerset District, and that nothing is pending to remove the property from the Master Plan. I observe, however, that in spite of the property description, it is not fully clear that the County Council intended to designate the fire damaged structure, as opposed to the land, as a part of the Somerset Historic District.

In my report of October 14, 1994, I state "The structure is a very simple wood frame" house and "does not represent the work of any master and definitely does not exhibit any high artistic values". I question the validity of the inclusion of such a bromidic house in the designated Somerset Historic District as the District was established in 1990. The Staff Report notes the house as "having elements of the Queen Ann style." The few exterior elements of the Queen Ann style it exhibits, in my professional opinion, are offset by the "Marry Ann" rear and west facades. In summary, disregarding the fire damage, the architectural qualities are, in my opinion, questionable at the very least.

The Staff Report in paragraph 1c states that the property may be identified with a person or a group of persons who influenced society. While the building was built by Mr. Wiley, it was never used by him other than as a rental property. As with Mr. Ringland's connection with the property, any relationship between these gentlemen and history can be fully recognized by the designation of the land, as opposed to the burnt out hulk standing upon it.

In summary, although the land is clearly within the District, there is some question as to whether the burnt out house was ever intended to be a part of the District.

THE STRUCTURE

Paragraph 2A of the Staff Report states "Fire damage to the rear of the structure, specifically the first floor rear kitchen and second floor rear bedroom is extensive enough that this part of the structure is, in staff's opinion, beyond salvage and should be demolished." Of course, as will be noted by observation, the attic and roof above this part of the building are completely burnt through and the floors and ceilings have collapsed into the basement.

These areas have been open to rain, wind snow and all types of weather since the fire on December 12, 1978, nearly 17 years ago. The resultant damage from this exposure will be discussed below.

4722 Dorset Avenue, Somerset, Chevy Chase, Maryland
September 13, 1995

Paragraph 2B of the Report notes "The cantilevered bay on the east side of the house, towards the rear, has also been severely damaged by fire. Additional damage has occurred because the windows of the room are not boarded and rain/snow has entered the building over the years."

Structural System Burnt

Although the Report fails to note it, the roof is burnt through in places above the second floor bedroom associated with this bay. The Staff Report also fails to note that both the floor joists of this bay bedroom and also the floor joists of the dining room below are extensively burnt through. It is my understanding that the two east bay windows and the north window have been boarded up since the fire. The two south windows could not be boarded up due to the extensive destruction of the framing by the fire; instead, they have repeatedly been covered with plastic sheathing.

In the next paragraph 2C the Staff reports "The remainder of the house, although blackened by smoke and in disrepair, is not, in staff's opinion beyond a reasonable expectation of restoration. Staff observation is that at least 75% of the exterior fabric of the structure is intact. The greater majority of the framing members are sound and the majority of the roof rafters, although some are blackened, remain structurally sound."

Structural Engineer

Both the structural engineer Mr. Howard Rosenberg and this writer in our extensive professional opinion based on review of numerous other similar situations, emphatically affirm (as earlier stated in Mr. Rosenberg's letter of October 10, 1994) that "Over 50% of the house's structure has been raised and is now missing due to the fire." The building area (exclusive of the porches) contains 1713.70 gross square feet. The fire damage on the first and second floors amount to 866.76 square feet, therefore 51% of the structure from a square footage of floor area is destroyed.

The total linear perimeter walls of the house compose 124'-6". Assuming for a moment that the front wall and ten feet back on each side of the building can be saved (we do not believe that this is feasible), this amounts to 52'-6" of linear wall. This amounts to 42% of the total wall area, less that the 50% figure.

Deterioration of the Framing System

The damage cannot be measured simply by what can be visually observed from the outside, as was apparently done by the Staff in its cursory review. The destruction of the structure consists of several layers of construction. The outside exterior siding is the least affected. Working inward, the building (red rosin) paper and structural framing create vastly different problems.

The extent of the deterioration of the structural framing is due to the problem with the building's "balloon framing". This was a carpentry style of construction popular at the time. It's major problem was that it did not provide for fire blocking at the floor separations of a building. When a fire broke out in one area of the framing it would spread vertically since the stud cavities acted as mini chimneys. When this inherent problem became apparent, balloon framing fell into disuse and was replaced by platform construction, the technique used today.

Extensive deterioration of the exposed sill plate and the vertical studs in the south west corner of

4722 Dorset Avenue, Somerset, Chevy Chase, Maryland
September 13, 1995

the small rear parlor is indicative of the extent of the structural problems this building is experiencing. A professional termite inspector has reviewed the structure and states that there is active termite infestation both inside and around the building.

A critical point which appears to have been totally missed by the Staff in its report is that the fasteners (nails, etc.) holding the siding to the structure are rusted. This creates holes which provides multiple routes for insect entry and infestation. The red rosin paper under the siding has deteriorated and is infested with insects. This is indicative of the extent to which the balloon frame structural system of this house has deteriorated.

Rule of Thumb

The "rule of thumb" in construction holds that if a structure is more than 50% damaged it is often more feasible to demolish the remaining portion and start over with a new structure. Often times there are hidden problems that only become apparent once work is open and exposed for observation.

Foundation

The paragraph 2D. states "The majority of the stone foundation is intact, not showing any indication of sagging or bowing and still retains most of its mortar. There is some heavy mortar damage to the sides of the house nearer to the rear of the structure, but this damage is not beyond repair and repointing."

The foundation is in fact a "rubble stone" type, popular at the turn of the century using stones with minimal surface mortar, which depends upon the weight of the building above to keep it place. When the structure above is removed, as is the case of the burnt out rear portion, the equilibrium of the system is lost and the foundation will return to rubble. This deterioration is worsened by the freeze and thaw cycle of the rain and snow that has caused the mortar of the foundation to fail.

The Staff report goes on to state "the majority of structure is completely salvageable." and goes on to note "staff feels that the majority of the structure is reasonably restorable."

A critical item the Staff Report fails to consider is the burnt roof rafter system. In order to achieve a stable structural system, all of the roof supporting members must act together in a sympathetic arrangement. When members are removed through a fire, the forces are no longer in equilibrium and the forces distort the remaining structural system. In other words, the forces from the roof loads are distorting the remaining wall members putting added weight on a deteriorating system.

NON CODE COMPILING

The Staff report also fails to deal with the issue that if a major renovation of a building (defined by standards as constituting more than 50% of the tax assessment of the land exclusive structure only - which has no basis value) is undertaken, then the entire structure must be brought up to the current construction codes. Under the current building codes, the stairways must all be a minimum of 36 inches wide, (current interior front stair is between 29 1/4 " and 31 1/2 " wide, current internal rear stair is 28 1/4" wide) the minimum ceiling height required is 7'-6" (current basement ceiling height is 6'-6"), the headroom less than the required minimum of 6'-8" and the front porch guardrails are 28 1/2" high (current code requires 36 inches minimum).

4722 Dorset Avenue, Somerset, Chevy Chase, Maryland
September 13, 1995

CURRENT BUILDING STANDARDS

The current standard insulating value for exterior walls is R-19 (the current insulation probably contains asbestos and must be removed, providing no insulation value) and fire separation and blocking is required throughout (blocking and separation is currently missing in the balloon frame system). The presence of asbestos is noted in the wall insulation, the heating duct coverings and the floor tiles. The paint on the wood siding, trim, and windows is lead based. Dealing with this poses an environmental problem. The current building standards require that these materials must be removed from a building undergoing a major renovation.

The house contains lead plumbing pipes. This is not permitted under the current building codes. The house has "knob and post" antique electrical wiring. This was one of the earliest forms of electrical wiring distribution and is not permitted by the National Electrical code which is in effect in Montgomery County today. The source of the fire was electrical in nature, indicating a problem with the wiring system.

All of the plaster would have to be removed from the entire interior of the house, then all of the insulation removed, the entire electrical system replaced and the plumbing system removed in order to install the new replacement components to bring the system up to the current code.

CONCLUSION

With all of these constraints, it is the professional opinion of this writer the building would have to be dismantled down to the foundation, which would immediately become a futile gesture, since the resulting effort would thereby become nothing more than a replication, as opposed to a restoration. But following through with what would happen, next the salvageable parts would be labeled, then the house reconstructed with an acceptable new structural frame and the reinstallation of the salvageable period architectural components. The fire charred and smoke laden members would have to be replaced to remove any potential health hazards. This effort at what would ultimately turn out to be only a replication is truly out of the realm of economic credibility.

Even if the structure could be rebuild in its present footprint at an exorbitant cost, the house would be a small, poorly-layed out, rather mediocre building not commensurate with the value of the land or the cost of its reconstruction. At the very most, it would be a replication rather than a restoration.

In summary, in my professional opinion, the only practical solution would be the demolition of the existing structure "in order that unsafe conditions or health hazards be remedied" [Montgomery County Code Section 24A-8 (b) (4)]. This is due to the unacceptability of reconstruction of a non-code complying structure, and the undue financial hardship this replication would place upon the owner. One or more replacement houses in suitable character with the Somerset area seems to be the solution to this problem. "In balancing the interests of the public in preserving the historic site or historic resource located within an historic district, with the interests of the public from the use and benefit of the alternative proposal, the general public welfare is better served by granting the permit." [Montgomery County Code Section 24A-8 (6)].

Very truly yours,

4722 Dorset Avenue, Somerset, Chevy Chase, Maryland
September 13, 1985

A handwritten signature in black ink, appearing to read 'Andrew H. Diem', written in a cursive style.

Andrew H. Diem
Registered Architect

ring

RESUME OF ANDREW H. DIEM

5230 Loughboro Road, North West
Washington, District of Columbia 20016
202-364-8115 FAX 202-364-6412

Bachelor of Architecture Degree from The Catholic University of America 1973.
Received the Alpha Rho Chi Medal for Leadership, Service and Merit 1973.

Diploma from the Ecole Des Beaux-Arts, Fontainebleau, France.

Post graduate work, Harvard University, Cambridge, Massachusetts.

Registered Architect:

District of Columbia 1977.
State of Maryland 1978.
Commonwealth of Virginia 1979.

Established own architectural firm in 1977.

Experience in the design, building construction management and renovation of both interior and exterior architectural projects for residential and commercial use.

Technical experience in surveying existing conditions, material and systems failure analysis, materials conservation, value engineering and cost effective repair methodology, construction specifications and drawings for new and repair stabilization and restoration projects.

Construction Industry Arbitrator since 1985 for the American Arbitration Association. Since 1991, an Arbitrator for Large, Complex Construction Cases involving more than Ten Million Dollars of claims.

Qualified as an Expert Witness in the Superior Court of the District of Columbia on Architecture and Construction (1977, 1980, 1988).

Teaching experience at The Catholic University of America, The Graduate School of the Department of Agriculture, and Mount Vernon College.

Board Service:

Past member of the Board of Governors of the Arts Club of Washington, D.C.
Past Board Member of The Greater Washington Executives Association.
Current member of the Board of Advisors of Catholic University of America's School of Architecture.
Current President of the Metro Chapter BCA.

Published Projects:

Washington Star: Home Life June 3, 1979.
Washington Post: Washington Home June 6, 1985.
Remodeling Magazine: September 1985.
Washington Post: Washington Home March 10, 1988.
Fine Homebuilding: "Arbitration" Article 1989.
Home Office Computing: National Best Home Office Design July 1993.

Gwen Marcus
Historic Preservation Commission
MNCPRC
8787 Georgia Ave
Silver Spring



MEMORANDUM

From: Mel Tull Date: 11-15-93

To: <u>Gwen</u>	Date Out	Initials
_____	_____	_____
_____	_____	_____
_____	_____	_____

Re: 4722 Target

- | | |
|--|---|
| <input type="checkbox"/> For your information | <input type="checkbox"/> For your comments |
| <input type="checkbox"/> For your approval | <input type="checkbox"/> Please handle |
| <input type="checkbox"/> For your signature | <input type="checkbox"/> Recommend we discuss |
| <input type="checkbox"/> Prepare reply for signature | <input type="checkbox"/> As requested |
| of _____ | <input type="checkbox"/> Please file |

Comments:

I found these interior photos in the file. Only 3 years old. Probably still representative.



6-19-90
2 Fl rear

4722 Dorset



6-19-90

4722 Dorset

Stairway



6-19-90 4722 Dorset
1 fl rear water + fire damage



6-19-90

4722 Dorset

1 fl LR

6-19-90
4722 Dorset
2nd fl bedroom
phone hangs from hole in ceiling





6-19-90

H722.Dorset

1A LA ent



6-19-90 4722 Poreset
1 fl rear



Montgomery County Government

August 8, 1994

Victor Brescia, Director
Montgomery County Department of Housing
and Community Development
51 Monroe Street, Suite 1009
Rockville, MD 20850

Dear Mr. Brescia:

As the newly-appointed Chair of the Montgomery County Historic Preservation Commission, I would like to continue the close working relationship with DHCD which was established at our May 5, 1994 meeting. In particular, I would like to continue working with DHCD on the enforcement of the demolition-by-neglect provision of the Historic Preservation Ordinance (Chapter 24A, Section 24A-9 of the Montgomery County Code).

First, let me thank you for your efforts on a number of properties which we have previously brought to your attention:

- o I understand that the Ringland property at 4722 Dorset Avenue in Somerset has been issued several citations and is now scheduled to go to trial on September 27th.
- o I also understand that the Bradley's property at 23341 Frederick Road has undergone a small amount of clean up due to your office's enforcement efforts. The Commission hopes that more stabilization work can occur at this important early commercial building.
- o The Mullen property at 23362 Frederick Road in Clarksburg continues to be a problem, but further action on this structure will have to await the outcome of the owner's legal appeals.

There are additional designated historic sites about which the Historic Preservation Commission is very concerned and which should be inspected by your enforcement staff. These endangered historic sites include:

- o The White-Carlin Farm (Master Plan Site #18/12) at 920 Old Bucklodge Road in Boyds. This structure is owned by Rockville Crushed Stone. During a recent site visit, the house, which has been vacant for a year or two, was completely open, including the front door. In addition, the barn on the property is virtually collapsed.

Historic Preservation Commission

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

8787 Georgia Avenue, Silver Spring, MD 20910

- o The Joseph C. White House (Master Plan Site #18/14) at 17210 Moore Road in Boyds (the house faces Bucklodge Road and is across from 19001 Bucklodge). Our files show this property being owned by William Rickman. Although the house appears to be boarded up, the Commission is concerned about ongoing deterioration due to termite infestation and water infiltration.
- o The house at 8827 Hawkins Lane is a contributing resource in the Hawkins Lane Historic District (Master Plan Site #35/54). It has been vacant for many years and, although it doesn't look extremely bad from the street, it is rapidly deteriorating. To fully understand the extent of this deterioration, it is important for the inspector to walk fully around the structure. The owner is Sherry Berg of Dallas, Texas.
- o The old schoolhouse in the Brookeville Historic District (Master Plan Site #23/65) is at the end of North Street. It is owned by Dr. James Howard of Washington, D.C. Although Dr. Howard currently has the property listed for sale, the Commission is concerned that the structure is not secure - with doors and windows open to the elements and to vandalism.
- o Finally, the Historic Preservation Commission continues to be concerned about the Silver Theatre building in Silver Spring. This recently-designated historic site is planned for restoration and reuse as part of the overall revitalization of the Silver Spring CBD. However, the roof is currently leaking in several places and the building is deteriorating. We ask that you initiate efforts to get the roof repaired and to get the building stabilized so that it will be viable for restoration as the area revitalization proceeds.

In conclusion, I again thank you and your staff for your efforts towards saving historic properties which are endangered by demolition-by-neglect, especially those described above. We look forward to a productive working relationship with DHCD. If you have any questions, please call our staff coordinator, Gwen Marcus, at 495-4570 or myself, at 913-0070.

Sincerely,



Walter Booth
Chairperson, HPC

cc: William H. Hussmann, Planning Board Chair
Robert W. Marriott, Jr., Planning Director
Christopher Hitchens, County Attorney's Office
Melvin Tull, Housing Code Enforcement, DHCD

LERCH, EARLY & BREWER
CHARTERED

LAW OFFICES

SUITE 380
3 BETHESDA METRO CENTER
BETHESDA, MARYLAND 20814-5367
TELEPHONE: (301) 986-1300

TELECOPIER: (301) 986-0332

TTY/TDD (301) 652-9354

HARRY W. LERCH
RONALD L. EARLY
ROBERT G. BREWER, JR.
ERIC M. CORE
GEORGE F. PAXTON
MARTIN J. HUTT
STANLEY J. REED
CINDI E. COHEN*
PAUL J. DI PIAZZA
R. DENNIS OSTERMAN*
RICHARD G. VERNON
JAMES L. BAER
CYNTHIA M. BAR
JOHN C. JOYCE
THOMAS A. LERNER*
LAURI EFF CLEARY*
JOHN R. METZ

RICHARD N. RUPRECHT
LOUIS S. BONANNI
SIGRID C. HAINES
SUSAN BERRY BLOOMFIELD
MARK B. ANTONVICH
CHARLES T. HATHWAY
DAVID F. BELTRAMI ◊

OF COUNSEL
CHARLES L. WILKES
CONSTANCE B. LOHSE
ROBERT L. SALOSCHIN

EXECUTIVE DIRECTOR
RICHARD V. LITTLEFIELD**

WASHINGTON, D.C. OFFICE
1920 L STREET, N.W.
SUITE 500
WASHINGTON, D.C. 20036-5004
(202) 293-5494

VIRGINIA OFFICE
9302 LEE HIGHWAY
SUITE 1100
FAIRFAX, VIRGINIA 22031
(703) 273-5911

ALL MEMBERS OF MD & DC BARS
EXCEPT AS OTHERWISE NOTED

*ALSO MEMBER VA BAR
◊MEMBER DC & PA BAR ONLY
**NOT BAR MEMBER

HENRY F. LERCH 1950-1988 WILTON H. WALLACE 1950-1959

WRITER'S DIRECT DIAL NUMBER:
(301)

HAND DELIVERY

July 26, 1994

Division of Revenue
101 Monroe Street
Rockville, Maryland 20850

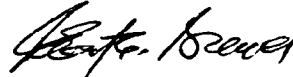
Re: Civil Citation Nos. 986385P1 and 986386P2
Citation Issuance Date: July 12, 1994
By Eugene F. Hawley
Trial Date: September 27, 1994
4722 Dorset Avenue, Chevy Chase, Maryland

To whom it may concern:

Please be advised that our firm represents Deborah Susan Ringland as counsel in the referenced matter. This letter constitutes an election on behalf of our client to stand trial on the scheduled date of September 27, 1994.

For reference, copies of the tickets are attached. Please advise us if there are any changes in the scheduled trial date. Thank you very much.

Very truly yours,



Robert G. Brewer, Jr.

RGB, Jr;sr
Enclosures

cc: Ms. Deborah Susan Ringland
Mr. Eugene F. Hawley
Mr. Melvin E. Tull
Ms. Gwen Marcus ✓



Montgomery County Government

February 8, 1994

Deborah Susan Ringland
6801 West Avenue
Chevy Chase, MD 20815

Re: 4722 Dorset Avenue
Somerset Historic District

Dear Ms. Ringland:

The house at 4722 Dorset Avenue is damaged by fire and deteriorated from lack of maintenance and repair. This is an order to correct violations under two chapters of the Montgomery County Code, 1984, as amended. First, the Housing & Property Maintenance Standards, Chapter 26, requires the owner of a house or other property to maintain it in good condition. Second, The Historic Resources Preservation Act, Chapter 24A, requires the owner of a historic property to repair and maintain it to avoid demolition by neglect. In notices dated June 28, 1990 and March 8, 1991 you were advised of these requirements. Since then the house at 4722 Dorset Avenue has continued to suffer deterioration and neglect.

The temporary measures taken in 1991 are not adequate for the long term. Vines were removed, and plywood was nailed over windows and openings, but the destroyed roof remained open and unprotected. The condition of those repairs has been reevaluated because, after three more years, the house has not been restored to useful condition and remains a public nuisance. Therefore, this is an order to repair the structural and exterior components of the house with full protection against decay and deterioration.

Violations are listed in Addendum "A". Corrective action must commence by March 14, 1994. Failure to correct the violations by May 1, 1994 will result in the issuance of civil citations (tickets) with fines of up to \$500.00 per day for each violation.

You have a right to appeal this order. Each code provides a separate appeal process. Neither appeal process or decision preempts the other. If you wish to appeal you should follow both tracks. Regarding violation number 1, demolition by neglect, within ten days of receipt of this notice and order, the owner of record or any person of record with any right, title or interest in the property, may request a hearing on the necessity of the items and conditions listed as necessary to correct or prevent further deterioration. Any request for a hearing on demolition by neglect should be filed with the Historic Preservation Commission, Maryland-National Capital Park & Planning Commission, 8787 Georgia Avenue, Silver Spring, MD 20910-3760.

Department of Housing and Community Development, Division of Code Enforcement

51 Monroe Street, Room 905, Rockville, Maryland 20850
Multi-Family: 301/217-3725, Single-Family: 301/217-3750

Deborah Susan Ringland
February 8, 1994
Page Two

Regarding violations two through fourteen, Housing & Property Maintenance Standards, you may file, within ten days, a petition requesting a hearing before the Housing Board of Review. The petition must clearly state the grounds for appeal. A \$10.00 hearing fee, payable to Montgomery County, must be filed with the petition. The petition and fee should be sent to the Housing Board of Review, Department of Housing & Community Development, 51 Monroe Street, Room 905, Rockville, MD 20850.

If you have any questions concerning this notice and order, please call me at 217-3725. If you wish to discuss the historic aspects of the house and how to restore it, I hope you will call Ms. Gwen Marcus, Historic Preservation Coordinator, at 301-495-4570. If you intend to correct the violations but cannot meet the deadline, contact this office as soon as possible to propose a schedule and substantiate the need for a reasonable extension of the deadline. Your prompt cooperation will be appreciated.

Sincerely,



Melvin E. Full
Division Chief

MET:cmk:18271

ADDENDUM "A"
February 8, 1994

4722 Dorset Avenue, Somerset Historic District

1. The house is in a Master Plan Historic District designated by the Montgomery County Council. Chapter 24A of the Montgomery County Code, 1984, as amended, titled "Preservation of Historic Resources" applies to the house and other buildings on the property. Chapter 24A defines "Demolition by Neglect" as the failure to provide ordinary and necessary maintenance and repair to an historic site or which results in any of the following conditions:
 - (a) the deterioration of exterior features so as to create or permit a hazardous or unsafe condition to exist.
 - (b) the deterioration of exterior walls, roofs, chimneys, windows, the lack of adequate waterproofing, or deterioration of interior features or foundations which will or could result in permanent damage, injury or loss of or to the exterior features.

You must remove the plywood, tin and plastic sheeting and replace missing and rotted sections of the roofs and walls with materials that match the original; doors and windows must be restored with unbroken glass and painted wood frames or be covered by 3/4" thick exterior grade plywood cut to fit the inside dimension and fastened with 1 1/2 inch screws placed every 6 inches and painted to match the trim; paint all exterior wood (siding, window frames, doors, porches, steps, etc.) to protect against weathering (most of the wood has been exposed for too long and will require special oil treatment before it can be painted); replace the gutters and downspouts; replace the missing porch columns and rails, and repair the porch floor and ceiling; rebuild the brick chimney; the shutters stored under the front porch must be stored inside in a dry location; and replace the wooden front porch steps.

2. Repair and repaint the front steps, porch floor and porch ceiling, replacing broken, rotted and missing sections. Violation of Chapter 26.
3. Repair the porch roof to be sound and free of leaks. Violation of Chapter 26.
4. Replace the missing porch columns, rails and balusters, and the handrails for the front steps. Violation of Chapter 26.
5. Replace broken or missing windows and window glass and repair loose, cracked glazing. Violation of Chapter 26.
6. Replace the gutter and downspout system. Violation of Chapter 26.
7. Replace the roof, including replacement of the missing roof and replacement of damaged and missing roof rafters. Violation of Chapter 26.

Addendum "A"
Page Two
February 8, 1994

4722 Dorset Avenue, Somerset Historic District

8. Replace missing, burned, rotted, decayed, damaged wall studs, floor joists, beams, wood siding, windows, doors, fascia, trim, gutter boards, and soffet boards. Violation of Chapter 26.
9. Paint all exterior wood to protect against decay and water seepage. Violation of Chapter 26.
10. Remove trash and debris from the grounds. Violation of Chapter 26.
11. Mow the grass and weeds, and trim the shrubbery and trees. Violation of Chapter 26.
12. Remove the collapsed rear/side yard shed including the debris inside it. Violation of Chapter 26.
13. Remove and replace the collapsed and missing fence at the front of the lot. Violation of Chapter 26.
14. Rebuild the brick chimneys. Violation of chapter 26.



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

October 18, 1993

Victor R. Brescia
Director
Department of Housing and Community Development
51 Monroe Street
Rockville, MD 20850

Dear Vic:

I am writing in regard to a deteriorated residential property located within the Town of Somerset and within the designated Somerset Historic District (4722 Dorset Avenue). Walter Behr, the Mayor of Somerset, contacted me several months ago regarding the neglect of this house (see attached letter). We have spoken several times since I received this letter, and he continues to be very anxious for some sort of enforcement action to be taken.

As we have discussed, the memorandum of agreement between DHCD, DEP, and the HPC regarding enforcement of the demolition-by-neglect provision of the Historic Preservation Ordinance has expired. Thus, DHCD is under no formal agreement to handle demolition-by-neglect complaints.

However, I understand that you discussed this issue with Bob Marriott, Planning Director at M-NCPPC, and agreed that DHCD would be able to assist with demolition-by-neglect cases in a very limited capacity (i.e. helping with the one or two cases which might come up per year).

Therefore, I would like to ask DHCD's assistance with the property at 4722 Dorset Avenue. It is important to require the owner of this property to stabilize it as quickly as possible, as it is continuing to deteriorate at a rapid pace.

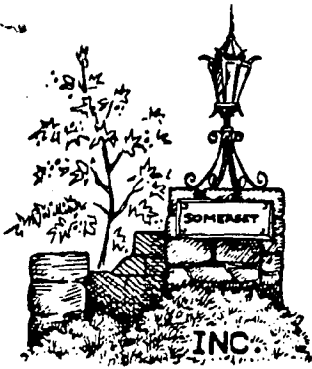
Please contact me if you would like to discuss this matter in greater detail. My phone number is 495-4570. And thank you in advance for your cooperation and assistance.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Gwen'.

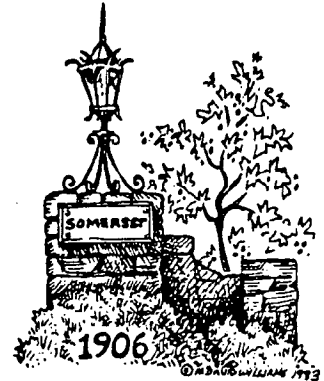
Gwen L. Marcus
Historic Preservation
Coordinator

cc: Walter Behr, Town of Somerset



TOWN OF SOMERSET

4510 Cumberland Avenue
Chevy Chase, MD. 20815
(301) 657-3211



Walter J. Behr
mayor

Jean C. Newins
clerk - treasurer

July 22, 1993

Ms. Gwen Marcus
Historic Preservation Coordinator
Maryland National Capital Park and
Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910

Re: 4722 Dorset Avenue

Dear Gwen:

This is to confirm our telephone conversation last week about the deplorable condition of subject property in the Somerset Historic District and to request that you ask the Montgomery County government to take appropriate action to halt the demolition by neglect which we have observed ever since a fire ravaged the house approximately 14 years ago.

Because part of the house has no roof and several window openings are uncovered, the house is at the mercy of the elements. If a County inspector ventures inside, I urge extreme caution because the structure appears ready to collapse.

As I mentioned to you, the property is listed in the tax records in the name of Arthur C. Ringland et al, 6801 West Avenue, Chevy Chase 20815. Arthur and his wife, Dorothy, are deceased. The property is listed in the land records at Liber 5364, Folio 631, which show the owner as their daughter, Susan Ringland. We are reasonably certain she still resides at the West Avenue address.

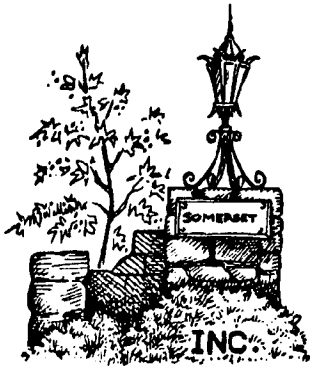
The Town of Somerset and, particularly, residents in the immediate vicinity of this property would greatly appreciate anything that can be done by the Historic Preservation Commission, the Department of Environmental Protection or the Department of Housing and Community Development to end the long neglect of this property.

Sincerely,

Walter J. Behr

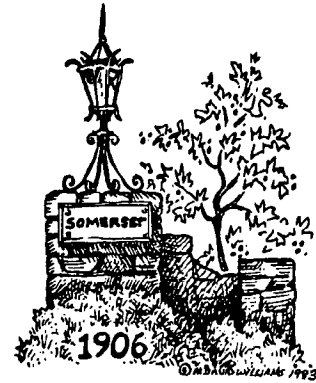
Walter J. Behr

A Montgomery County Maryland Municipality



TOWN OF SOMERSET

4510 Cumberland Avenue
Chevy Chase, MD. 20815
(301) 657-3211



Walter J. Behr
mayor

Jean C. Newins
clerk - treasurer
Ms. Gwen Marcus
Historic Preservation Coordinator
Maryland National Capital Park and
Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910

July 22, 1993

Re: 4722 Dorset Avenue

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The Town of Somerset and, particularly, residents in the immediate vicinity of this property would greatly appreciate anything that can be done by the Historic Preservation Commission, the Department of Environmental Protection or the Department of Housing and Community Development to end the long neglect of this property.

Sincerely,

Walter J. Behr

Walter J. Behr

A Montgomery County Maryland Municipality



Montgomery County Government

March 8, 1991

Arthur C. Ringland
c/o Susan Ringland
6801 West Avenue
Chevy Chase, MD 20815

Survey Number: PN-89-0006
Date of Inspection: 03/07/91
Occupant: Vacant

Dear Ms. Ringland:

This Department conducts inspections to determine compliance with the Housing and Building Maintenance Standards, Chapter 26 of the Montgomery County Code, 1984, as amended. An inspection of your property at 4722 Dorset Avenue revealed 25 violation(s) that is listed in Addendum "A". The Montgomery County Code requires that all violations be properly corrected. You must correct this violation(s) by 04/25/91 unless a separate deadline is set in the addendum for a specific violation. A reinspection has been scheduled for that date to verify compliance.

You have the right to appeal this notice, by filing, within 10 days, a petition requesting a hearing before the Housing Board of Review. The petition must clearly state the grounds for the appeal. A \$10.00 hearing fee, payable to Montgomery County, must be filed with the petition. The petition and fee should be sent to the Housing Board of Review, Department of Housing and Community Development, 51 Monroe Street, Room 905, Rockville, Maryland 20850.

If you are an owner occupant and low income, you may be eligible for a home improvement loan to assist with the cost of correcting housing code violations. If you are interested in this loan program, call 217-3700.

If you have any questions concerning this notice, please call me at 217-3750. If you intend to make this correction(s), but cannot meet the deadline, contact this office as soon as possible to propose a schedule and provide substantiation for the need of a reasonable extension of the deadline. Your prompt cooperation in complying with the Housing and Building Maintenance Standards will be appreciated.

Sincerely,

Steven E. Borkoski
Steven E. Borkoski
Inspector

SEHCET

Department of Housing and Community Development, Division of Code Enforcement

51 Monroe Street, Room 905, Rockville, Maryland 20850
Multi-Family: 301/217-3725, Single-Family: 301/217-3750

ADDENDUM "A"
LIST OF VIOLATIONS

4722 Dorset Avenue

03/08/91

- 1) Your property is identified on the Locational Atlas and Index of Historic Sites or is a Master Plan Historic Site or in an historic district designated by the Montgomery County Council. Chapter 24A of the Montgomery County Code, 1984, as amended titled "Preservation of Historic Resources" applies to this site. Chapter 24A defines "Demolition by Neglect" as the failure to provide ordinary necessary exterior maintenance and repair to preserve the historic site.

Failure to correct the exterior repairs cited in this notice will constitute a separate violation of Chapter 24A if the property continues to deteriorate after the deadline and subject you to additional enforcement action. If your plans for repairs involve any alteration beyond replacing like for like materials contact the Department of Environmental Protection at 301-738-3110 for information on Historic Area Work Permits and building permits that may be required.

- 2) Repair the deteriorated porch roof. The roof must be free of all deteriorated wood and must be structurally sound and free of leaks. Montgomery County Code 1984, Section 26-8(a).
- 3) Repair the deteriorated porch floor to provide structural soundness. Montgomery County Code 1984, Section 26-8(a & c).
- 4) Repair the deteriorated porch rails to provide structural soundness. Montgomery County Code 1984, Section 26-8(a & c).
- 5) Repair the deteriorated porch support columns to provide structural soundness. Montgomery County Code 1984, Section 26-8(a & c).
- 6) Repair the deteriorated porch ceiling to provide structural soundness. Montgomery County Code 1984, Section 26-8(a & c).
- 7) Replace the missing, broken or cracked window glass. Montgomery County Code 1984, Section 26-8(b).
- 8) Repair or replace the deteriorated, loose, or leaking components of the gutter and downspout system and remove any obstructions as necessary to provide a system that will properly conduct storm water away from the structure. Montgomery County Code 1984, Section 26-8(f).
- 9) Repair or replace the deteriorated area of the wood siding. The replacement siding must closely match the original and must be properly installed in order to provide a weathertight exterior surface. Montgomery County Code 1984, Section 26-8(a).
- 10) Repair or replace the deteriorated wood steps. All repairs must be made in a workmanlike manner and all replacement wood must be decay resistant. Montgomery County Code 1984, Section 26-8(c).

ADDENDUM "A"
LIST OF VIOLATIONS

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- 11) Install handrails for all steps of three or more risers. Handrails must be installed to eliminate a falling hazard. Handrails must be located between thirty (30) and thirty-four (34) inches above the stair treads and must be capable of resisting a two hundred pound force applied. Open sides of stairs with a rise of more than thirty (30) inches above the floor or grade below must have intermediate rails (balusters) or ornamental closures which will not allow passage of an object four (4) inches or more in diameter. Montgomery County Code 1984, Section 26-8(c).
- 12) Reglaze or reputty the windows in order to prevent water from entering the dwelling. Montgomery County Code 1984, Section 26-8(b).
- 13) Paint exterior trim, doors, windows and/or wood siding. Scrape and remove all loose and deteriorated paint before painting. Montgomery County Code 1984, Section 26-8(g & h).
- 14) Repair or replace the deteriorated gable trim. All trim must be maintained in a sound condition, free from rotting or splitting. Montgomery County Code 1984, Section 26-8(g).
- 15) Repair or replace the deteriorated gutter boards and/or soffit boards. Montgomery County Code 1984, Section 26-8(f).
- 16) Remove the trash and debris from the grounds. Montgomery County Code 1984, Section 26-10(b).
- 17) Repair or replace the deteriorated garage. Each exposed surface of this structure must be maintained in a sound state of repair and be painted or provided with a protective covering sufficient to prevent deterioration. Montgomery County Code 1984, Section 26-10(j).
- 18) Repair the damaged walls and ceilings to provide a surface free of cracks, holes, loose plaster and flaking or peeling paint. Restore finishes to match surrounding areas after repairs are complete. Montgomery County Code 1984, Section 26-8 (a & h).
- 19) Repair the hole in the floor in order to restore the original surface. Montgomery County Code 1984, Section 26-8(a).
- 20) Repair or replace the deteriorated posts in order to restore structural integrity to the dwelling. All structural support members must be maintained to be capable of safely bearing all designed loads imposed. Structural repair work also requires a County Building Permit. Contact the Division of Construction Codes at 738-3110 for a building permit. Montgomery County Code 1984, Section 26-8(a).

ADDENDUM "A"
LIST OF VIOLATIONS

-3-

- 21) Repair or replace the deteriorated beams in order to restore structural integrity to the dwelling. All structural support members must be maintained to be capable of safely bearing all designed loads imposed. Structural repair work also requires a County Building Permit. Contact the Division of Construction Codes at 738-3110 for a building permit. Montgomery County Code 1984, Section 26-8(a).
- 22) Repair or replace the deteriorated roof rafters in order to restore structural integrity to the dwelling. All structural support members must be maintained to be capable of safely bearing all designed loads imposed. Structural repair work also requires a County Building Permit. Contact the Division of Construction Codes at 738-3110 for a building permit. Montgomery County Code 1984, Section 26-8(a).
- 23) Repair or replace the deteriorated floor joists in order to restore structural integrity to the dwelling. All structural support members must be maintained to be capable of safely bearing all designed loads imposed. Structural repair work also requires a County Building Permit. Contact the Division of Construction Codes at 738-3110 for a building permit. Montgomery County Code 1984, Section 26-8(a).
- 24) Repair or replace the deteriorated wall studs in order to restore structural integrity to the dwelling. All structural support members must be maintained to be capable of safely bearing all designed loads imposed. Structural repair work also requires a County Building Permit. Contact the Division of Construction Codes at 738-3110 for a building permit. Montgomery County Code 1984, Section 26-8(a).
- 25) Remove the vines that are growing up the sides of the house to prevent any damage from the vines or their roots. Montgomery County Code 1984, Section 26-10(i).

SE:ls/8655r & 8656r



Montgomery County Government

June 28, 1990

Susan Ringland
6801 West Avenue
Chevy Chase, MD 20815

Re: 4722 Dorset Avenue
Inspection date: 6-19-90

Dear Ms. Ringland:

This correspondence confirms my inspection of your vacant fire damaged dwelling as referenced above. The interior inspection revealed that the floors were littered with books, papers, clothing and beverage containers. The walls and ceilings had numerous holes. The attic rafters were burned partially and weakened. Water was leaking into the rear rooms. Areas of the ceilings and walls were wet indicating decay is continuing. There was a clear pathway from a hole in the fence at the front of the property to the boarded front door indicating that many persons attempt to enter the dwelling. The board over the front door was secured by two bolts that were easily and quickly removed by your employee for our access. The property was overgrown with vines, weeds, and poison ivy. Large dead trees were blown over on the property and one tree had fallen on and destroyed the separate garage.

Section 26-1 of the Montgomery County Code 1984 as amended defines a public nuisance in part as any dwelling and its premises that is severely deteriorated, dilapidated, structurally unsafe or fire damaged and is attractive to children. Section 26-10(1) requires every owner to eliminate any condition which creates a public nuisance. Section 26-10(i) requires every owner to maintain shrubbery, trees, vines, hedges and other vegetation including dead trees and branches so they do not constitute a danger to the public health or safety.

You must eliminate this public nuisance by correcting the following:

- A. Grounds (deadline August 30, 1990)
1. Remove all dead trees and branches.
 2. Cut all tall weeds and destroy all poison ivy.

Department of Housing and Community Development, Division of Code Enforcement

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June 28, 1990
Page 2 of 3

3. Repair the hole in the front fence and fence the remaining perimeter of the property if the house is to remain in present condition.

B. Structure (deadline September 30, 1990)

1. Repair or remove deteriorated garage.
2. Secure the dwelling against unauthorized entry (present board up is not sufficiently secured). Monitor dwelling and property to make sure it is secured at all times.

C. Restoration or Demolition of condemned fire damaged dwelling
(deadline September 30, 1990)

1. Submit a statement from a structural engineer confirming safety and structural soundness of the dwelling if you intend to renovate the dwelling.
2. Obtain a demolition permit before demolishing the dwelling if you don't intend to restore it to a habitable condition.

The dwelling is located within the Somerset Master Plan Historic District and is protected by section 24A-9 of the Montgomery County Code 1984, as amended titled "Preservation of Historic Resources - Demolition by Neglect." According to this section it is unlawful to allow a master plan historic site to deteriorate by natural causes, and all the exterior surfaces must be maintained in a weather tight condition and in good repair and only materials similar to the original construction may be used for any repairs.

I have discussed this matter with Mr. Jared Cooper, the Historic Preservation Specialist with the Historic Preservation Commission. You may want to contact him at 217-3620 in order to determine to what extent historic preservation constraints will affect your plans for the property.

Please be advised that the Montgomery County Code requires that all conditions listed in A - C be properly corrected. The violations cited are based on the housing requirements set forth in Chapter 26 of the Laws of Montgomery County 1984, as amended, known as the Housing and Building Maintenance Standards. Section 26-20, Penalty for violations of Chapter; injunctive, etc., relief, establishes violations of Chapter 26 as Class A violations subject to criminal and/or civil penalties. Each violation is subject to a civil fine of \$25 to \$250. In addition, Section 26-20 provides that each day that a violation continues can constitute a separate offense.

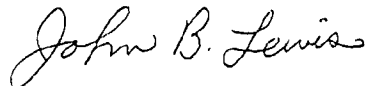
Susan Ringland
June 28, 1990
Page 3 of 3

Should you wish to appeal the results of this notice, you must file within 10 days, a petition requesting a hearing before the Housing Board of Review. The petition must clearly state the grounds for the Appeal. In addition, a \$10.00 hearing fee, made payable to Montgomery County must be filed with the petition. The petition and fee should be sent to the Housing Board of Review, Department of Housing and Community Development, 51 Monroe Street, Room 905, Rockville, Maryland 20850.

Contact me at your earliest convenience if you desire to propose an acceptable alternative schedule for compliance that addresses all of the above areas of compliance. Extensions of these deadlines may be granted if compliance is underway.

Your prompt cooperation in having the dwelling resecured following our recent conversation was appreciated. If you have questions concerning this notice don't hesitate to contact me at 217-3750.

Sincerely,



John B. Lewis
Field Supervisor

JBL:tlb:7129r

cc: Walter J. Behr, Mayor
Town of Somerset

To: Gwen Marcus
From: Walter J. Behr



Montgomery County Government

January 10, 1989

Arthur C. Ringland
6801 West Avenue
Chevy Chase, MD 20815

Survey Number: PN-89-0006
Date of Inspection: 12-12-88
Inspected by: Gregory S. Williams
Location: 4722 Dorset Avenue
Owner: Arthur C. Ringland
Occupant: VACANT

CONDEMNATION NOTICE

Dear Mr. Ringland:

An inspection of your vacant dwelling was conducted as referenced above. The following defective housing conditions were observed:

1. Major fire damage to the structure.
2. No utilities.

Due to the seriousness of these conditions, the house is condemned, and is placarded as unfit for human habitation according to Section 26-12 of the Montgomery County Code 1984 as amended. The condemnation will only be removed when the defective conditions have been corrected and the code violations are eliminated and no one is permitted to occupy a condemned house before the condemnation is removed.

Be advised that Section 26-18 of the Montgomery County Code 1984 as amended requires the repair or removal of all condemned dwellings. If you do not intend to restore and repair the house, you must obtain a razing permit and demolish the house, remove all debris and fill in all excavations to restore a safe level condition on your property.

Illegal occupancy of a condemned dwelling is a serious violation. The civil penalty for permitting illegal occupancy of a condemned dwelling is a \$250.00 fine per day. Civil citations (tickets) will be issued to violators.

Department of Housing and Community Development, Division of Code Enforcement

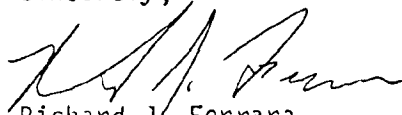
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Arthur C. Ringland
January 10, 1989
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Should you wish to appeal the results of this notice and order, you must file within ten (10) days, a petition requesting a hearing before the Housing Board of Review. The petition must clearly state the grounds for the Appeal. In addition, a \$10.00 hearing fee, payable to Montgomery County, must be filed with the petition. The petition and fee should be sent to the Housing Board of Review, Department of Housing and Community Development, 51 Monroe Street, Room 905, Rockville, Maryland 20850.

Please contact Mr. John Lewis, Field Supervisor, at 217-3750 and inform him of your plans concerning the disposition of this dwelling. If there are any questions concerning this notice, please feel free to contact Mr. Lewis at the phone number mentioned above.

Sincerely,



Richard J. Ferrara
Director

RJF:mmr:4270r
CERTIFIED

cc Chief, Division of Fire Protection