

31/6 3929 Prospect St.
31/6-90E

HPC Ex 3

CHEN, WALSH & TECLER
ATTORNEYS AT LAW

200A MONROE STREET
SUITE 300

ROCKVILLE, MARYLAND 20850

(301) 279-9500
FAX: (301) 294-5195

* ALSO ADMITTED IN THE
DISTRICT OF COLUMBIA

JOHN BURGESS WALSH, JR.
WILLIAM JAMES CHEN, JR.*
KENNETH B. TECLER*
JOHN F. MCCABE, JR.*

May 23, 1990

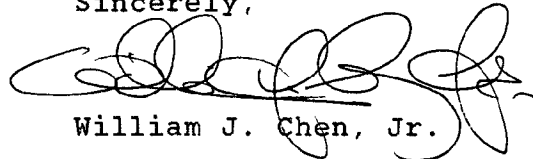
Historic Preservation Commission
of Montgomery County
51 Monroe Street, Tenth Floor
Rockville, Maryland 20850

Re: Application of Frank P. and
Margaret C. Murray,
3929 Prospect Street, Kensington,
HPC Case No. 31/6-90E

Dear Commissioners:

This letter is in reply to the telephone call I received recently from the Commission's attorney, Eddie Lattner. In that regard, by this letter the applicants in the above-referenced proceeding, Frank P. and Margaret C. Murray, consent to an extension of time to June 22, 1990, for the issuance of the Commission's opinion and decision in the above-referenced Historic Area Work Permit proceedings.

Sincerely,



William J. Chen, Jr.

WJC:csr

cc: Frank P. Murray
John O'Neill, Esq.
Edward B. Lattner, Esq.
Jared Cooper

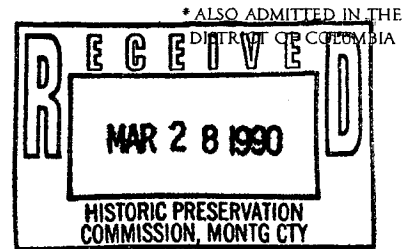
CHEN, WALSH & TECLER

ATTORNEYS AT LAW

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JOHN BURGESS WALSH, JR.
WILLIAM JAMES CHEN, JR.*
KENNETH B. TECLER.*
JOHN F. MCCABE, JR.*

(301) 279-9500
FAX: (301) 294-5195



March 28, 1990

Historic Preservation Commission
of Montgomery County
51 Monroe Street, Tenth Floor
Rockville, Maryland 20850

Attention: Jared Cooper

Re: Application of Frank P. and
Margaret C. Murray,
3929 Prospect Street, Kensington,
HPC Case No. 31/6-90E

Dear Mr. Cooper:

This letter is to follow up my telephone discussions of this date with you and Mr. Edward Lattner of the County Attorney's Office. In accordance with those discussions this letter is to request a postponement of the hearing scheduled tonight on the above-referenced application. I understand that this matter can be rescheduled for Wednesday, April 25, 1990, at the earliest, and, accordingly, it is requested that the application be rescheduled for hearing on that new date.

Naturally, if you have any questions or concerns with regard to this matter please do not hesitate to call me.

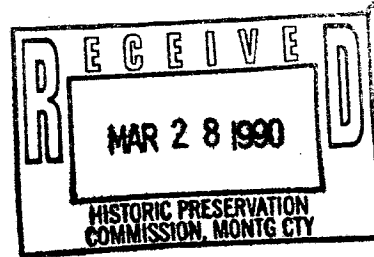
Sincerely,

William J. Chen, Jr.

WJC:csr

cc: Frank P. Murray
Edward B. Lattner, Esq.
Jane Allen, Esq.

dist mty 3/28



March 26, 1990

Chairman and Members
Montgomery County Historic
Preservation Commission
Suite 1001
51 Monroe Street
Rockville, Maryland 20850

Dear Sirs:


We understand that you are considering an application by Frank P. and Margaret C. Murray for an Historic Area Work Permit at 3929 Prospect Street in Kensington. In 1988, we wrote to you expressing our concern and that of our citizens about a similar situation -- the proposed development at 10234 Carroll Place. We also wrote to you in 1989 to express concerns about proposed development of the side lots at 3927 Prospect Street. We would like to reiterate our previous position concerns expressed in those letters.

The citizens of Kensington are deeply concerned about the threat to the unique historic character of the Town posed by inappropriate development. We believe that the "historic resource" the HPC is charged to preserve in Kensington includes open space and environmental setting as well as the existing structures themselves.

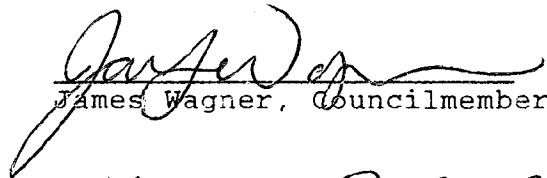
We are concerned about these cases in particular because of their potential to establish a precedent for inappropriate development in Kensington, development that could overwhelm and obliterate Kensington's historic character and its National Register status. We hope that your decision will instead support the preservation of the historic district.

Sincerely,

Charles F. Stuart
Mayor
Town of Kensington



Jack Jones, Councilmember



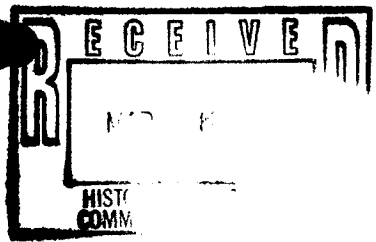
James Wagner, Councilmember



Anne Korff, Councilmember



Thomas Schruben, Councilmember



3/22/90

From: Acting chairman Kensington Local
Advisory Panel - MR. Shulman

To: Historic Preservation Commission,
Montgomery County

Re: Application for HAWP, 3929 Prospect St.

1. The overall footprint of the new proposal is essentially the same as previously and is too large compared to other houses on Prospect St.
2. Percentage of lot occupied by proposed house compared to existing house has no meaning because existing house is currently on 3 lots.
3. Open space between houses in this area on Prospect St. is more than 50 feet. In order to conform, the proposed structure should be at least 10 feet narrower.
4. Facade of proposed structure recedes stepwise from front lot line whereas existing facades maintain a consistent distance from street frontage.
5. The structure height of 42 feet for the proposed house is an unusually high elevation for the area, and combined with the straight gable roof would present an excessively massive obstruction to the streetscape and open space.

This critique represents the unanimous opinion of the Kensington LAP.

MR. Shulman





Montgomery County Government

MEMORANDUM

TO: Ray Shulman, Chairman
Kensington Local Advisory Panel

FROM: Jared B. Cooper, ^{JBC}Historic Preservation Specialist
Department of Housing and Community Development
Division of Community Planning and Development

DATE: 3/19, 1990

SUBJECT: Historic Area Work Permit Application

The attached application by Frank P. Murray for an Historic Area Work Permit at 3929 Prospect St. is being forwarded for review and comment by the Local Advisory Panel. If the Panel would like written comments to be included in the Historic Preservation Commission's pre-meeting packet, they should be received at our office by no later than Wednesday, Mar. 21 at 5:00 p.m. Otherwise, verbal and/or written comments may be presented at the Commission meeting scheduled for Mar. 28, 1990.

JBC:av
1549E
1/90

Historic Preservation Commission

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

#3116
case file

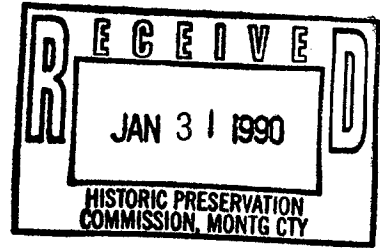
MURRAY AND SONS

Builders

6422 WESTERN AVENUE

CHEVY CHASE, MARYLAND 20815

PHONE (301) 951-7011



January 29, 1990

Historic Preservation Commission
Chairman: Mr. Jeff Miskin
51 Monroe Street
Rockville, Md 20850-2419

Dear Mr. Miskin,

I am requesting to meet with Mr. Leonard Taylor of the Montgomery County Historic Preservation Commission to discuss the plans with my architect concerning the property at Prospect Street, Kensington.

Also, I would like to meet with you concerning the trees on the lot.

Hoping to hear from you soon.

Sincerely,

A handwritten signature in cursive script that reads "Frank P. Murray".

Frank P. Murray

FPM/jc
cc. Mr. Jared Cooper

Reply 2/15/90
am

MARYLAND
HISTORICAL



TRUST

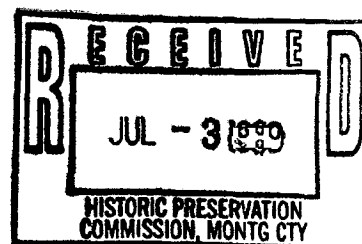
William Donald Schaefer
Governor

Jacqueline H. Rogers
Secretary, DHCD

June 29, 1989

Mr. Steven Karr, Chairman
Montgomery County Historic
Preservation Commission
Suite 1001
51 Monroe Street
Rockville, Maryland 20850

Re: Lots 13 and 15
Prospect Street
Kensington, Maryland
Kensington Historic District



Dear Mr. Karr:

re. routed to Jeff - aw

The Maryland Historical Trust, the State's lead agency for historic preservation, has been contacted by Helen and Sandy Wilkes, 3923 Prospect Street, Kensington, Maryland. Mr. and Mrs. Wilkes have requested our agency to provide comments to the Montgomery County Historic Preservation Commission on the proposed development of the above referenced properties located in the Kensington Historic District. We understand that information on the issue will be presented at the Commission's meeting on July 6, 1989.

Because this situation is similar to one previously commented on by this office regarding proposed development on Carroll Place, in the Kensington Historic District, our comments will have much the same tone.

As on Carroll Place, Prospect Street contains Queen Anne and Foursquare houses with large yards and lawns set back from the street in a wooded, open setting. There is uniformity among the houses, a quality of openness and a rhythm to the streetscape, and a defined sense of time and place.

In our opinion, the real issue is not the appropriateness of the design of the proposed infill construction, but whether or not any infill construction is appropriate. It appears that new construction on the two lots in question would have some degree of adverse effect on the qualities from which the district derives its historic significance. The setting of the houses located at 3923 and 3927 Prospect Street would be altered by the proximity of new buildings on either side of them and the historic streetscape of large wooded lots and the sense of time and place conveyed by this district would be changed by the introduction of greater density.

Maryland

Mr. Stephen Karr
June 29, 1989
Page 2

As was expressed before, the Kensington Historic District previously has experienced some development that is incompatible with the characteristics that qualified the district for listing in the National Register. However, that development has not been of sufficient magnitude to jeopardize continued listing. We are not in a position to judge whether the proposed development would alter that situation, but a significant trend in its direction certainly would. We would continue to encourage efforts to secure the donation of historic preservation easements within the district to Montgomery County or the Maryland Historical Trust.

We hope that our comments will be useful to the Commission and, should you have any question, please do not hesitate to call me at 974-3644.

Sincerely,



Michael K. Day
Administrator
Local Government Preservation Programs
Office of Management and Planning

MKD:jk

cc: Mr. Jared B. Cooper ✓
Ms. Mary Anne Kephart
Ms. Roberta Hahn

7-23-89

Historic Preservation Commission
Local Advisory Committee

Dear Sir Or Modorn

I wish to present my views on a subject which I understand is now before you, that of the proposed development of a property located at 3927 Prospect St Kensington Md. First a little history, I am the sole descendant of the original builder, my grandfather, Dorney C. Armstrong who moved to Kensington in the 1870's 1st writing a house further down Prospect St near Connecticut Ave where my father BRADFORD Armstrong was born. When purchasing the three lots located at the top of the hill at 3927.

I have photographs of that barren hill top, all from land then in 1883 - not a tree in sight.

My father grew up in the house as did I, having moved there during the war living with my grandparents Blouch & Dorney Armstrong. With

In passing of the older generations, my father BRADFORD and his wife DELPHINE, Amstrong took over the property and rented the house for many years, most recently to the wonderful de Boinville family who still reside in Kensington.

I should discuss here and mention that for many years the Amstrongs owned virtually the top of Prospect St. For my Great Grandfather William returning from the Civil War bought a large piece of land to the North of 3927 and my Great Uncle Hugh built on the downhill side - building so close to the property line in fact that there was a long standing family feud on the subject.

To return to the subject, I was the fourth Amstrong to own the property but deciding to live on the West Coast I was forced into the sad prospect of selling. I soon came to realize that much of the interest in the house sale came from developers and real estate speculators and resolved that I would not be the one to sell my Grandfather's house down the river.

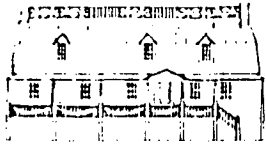
I turned down all offers presented by developers and tried to locate a buyer intending to maintain

as their residence. I located ~~several~~ a person, as
so I thought, in Richard Turner who assured me
that ^{he had} ~~had~~ no intention of developing and wished
to maintain the house and its' lots as a family residence.
I sold it to Mr. Turner on that basis, having turned
down what would have been more lucrative
arrangements from builders and developers.

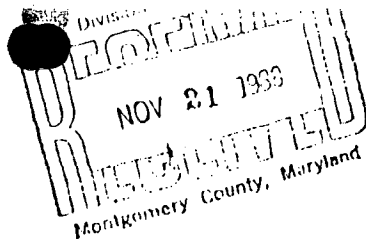
Now, after all this, I understand my grandfather's
property is being considered for building and subdividing.
I wish to be placed with the commission that this not
be permitted to happen - please keep this small slice of
turn of the Century America out of the hands of
developers. Why, with all the available ^{and} easily
developable property around the county would
they need to pick this one historically unique
corner?

Sincerely,
John B. Anderson

MARYLAND
HISTORICAL



TRUST



William Donald Schaefer
Governor

Jacqueline H. Rogers
Secretary, DHCD

November 17, 1988

Mr. Steven Karr, Chairman
Montgomery County Historic
Preservation Commission
51 Monroe Street
Rockville, Maryland 20850

Dear Mr. Karr:

The Maryland Historical Trust, the State's lead agency for historic preservation, has been contacted by a group of Kensington residents representing the Carroll Place Preservation Committee. These residents have requested our agency to provide comments to the Montgomery County Historic Preservation Commission on the proposed development by Avery-Flaherty on Carroll Place in the Kensington Historic District. We understand that information on the issue will be presented at the Commission's meeting on Thursday, November 17.

While the Trust has examined information provided to us by the Committee, we cannot ascertain the completeness of the data provided to us. In particular, we have not had the opportunity to review detailed final architectural and site plans for the proposed new construction. As the case before you appears complex, and demands thoughtful analysis over a longer period, our office cannot offer an informed opinion at this time on the design details of the proposed development.

We do, however, have a sufficient understanding of the concept of the development to be able to assess its general effect within the context of the district listing on the National Register of Historic Places.

As we understand the proposed development, houses would be built on either side of 10234 Carroll Place, a Queen Anne house which is one of only a few buildings identified as "individually significant," either historically or architecturally, in the National Register nomination for the Kensington Historic District. The house is prominently located on Carroll Place, across from the Noyes Library and the park surrounding the house of Brainard Warner, the original developer of Kensington. The large property at 10234 Carroll Place is visually prominent on the approach to the area from Connecticut Avenue.

In this location, there are Queen Anne and Foursquare houses with large yards and lawns set back from the street in a wooded, open setting. There is uniformity among the houses, a quality of openness and a rhythm to the streetscape, and a defined sense of time and place. These are the factors which were cited as the basis for significance in the National Register nomination for the district:

Maryland

Department of Housing and Community Development
45 Calvert Street, Room 416, Annapolis, Maryland 21401 (301) 974-3644

Steven Karr
November 17, 1988
Page 2

The district is significant primarily for the collection of late 19th and early 20th century houses which stand in a turn-of-the-century garden-like setting of curving streets, tall trees, and mature shrubbery. The houses, which exhibit the influence of Queen Anne, Shingle, Eastlake, and Colonial Revival styles, have a uniformity of scale, design, and construction materials, that combine with their juxtaposition and placement upon the gently sloping terrain to create a significant urban neighborhood which still retains much of its early 20th century environment.

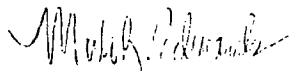
It appears that any new construction on the two lots in question would have some degree of adverse effect on the qualities from which the district derives its historic significance. The setting of the house at 10234 Carroll Place, with its large yard and extensive shrubbery, would be altered by the proximity of new buildings on either side. The historic streetscape of large wooded lots and the sense of time and place conveyed by this district would be changed by the introduction of greater density.

The Kensington Historic District previously has experienced some development that is incompatible with the characteristics that qualified the district for listing in the National Register. However, that development has not been of sufficient magnitude to jeopardize continued listing. We are not in a position to judge whether the proposed development would alter that situation, but a significant trend in its direction certainly would.

In addition to the careful review afforded by your Commission, we encourage continued efforts to secure the donation of historic preservation easements within the district to Montgomery County or the Maryland Historical Trust.

We hope that our comments will be useful to the Commission in your important deliberations.

Sincerely,



Mark R. Edwards
Chief Programs Administrator-
Deputy State Historic Preservation Officer

MRE/nmc

cc: Ms. Patricia McPherson
Ms. Mary Ann Kephart
Ms. Roberta Hahn
Ms. Eileen McGuckian



Montgomery County Government

Historic Preservation Commission
51 Monroe Street
Rockville, Maryland 20850

Project



Garage

Lot 14

Block 11

Kensington Park

28 100 001 81



28 10 19 82

Lot 15
Block 11
Kensington Park



28 10/10/10

Lot 13
Block 11
Kensington Park



Rear

Lot 14

Block 14

Kensington Park

2-11-1103 82



East

7810184
Lot 14

Block H

Kennington Park



East Side

Lot 14

Block 11

Kensington Park



Front

Lot 14

Block 11

Kensington Park



Nest

Lot 14

Block 11

Kensington Park

1 00 82V



Side lights

02 22+00 NNBH 002

Victoria

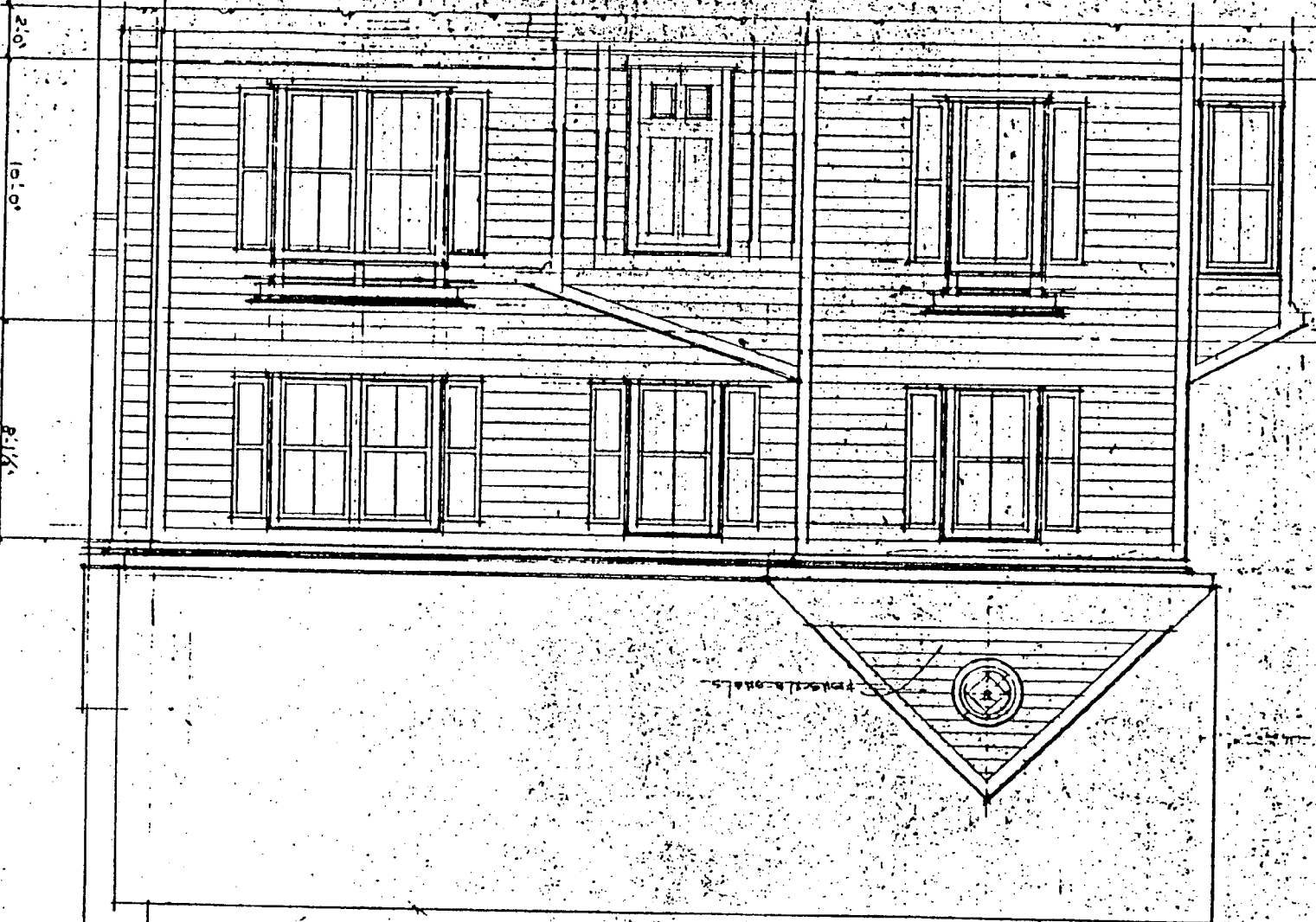
1 & 2 proposed

ELEVATIONS - ALTERNATIVE "A"

11820 FARLAWN DRIVE, ROCKVILL, MD. 20852
(301) 881-6855

NOTES:
1. 2" x 4" STUDS
2. 1/2" x 1/2" SHIMS
3. 1/2" x 1/2" SHIMS
4. 1/2" x 1/2" SHIMS

FRONT



20'-0"

10'-0"

FRONT

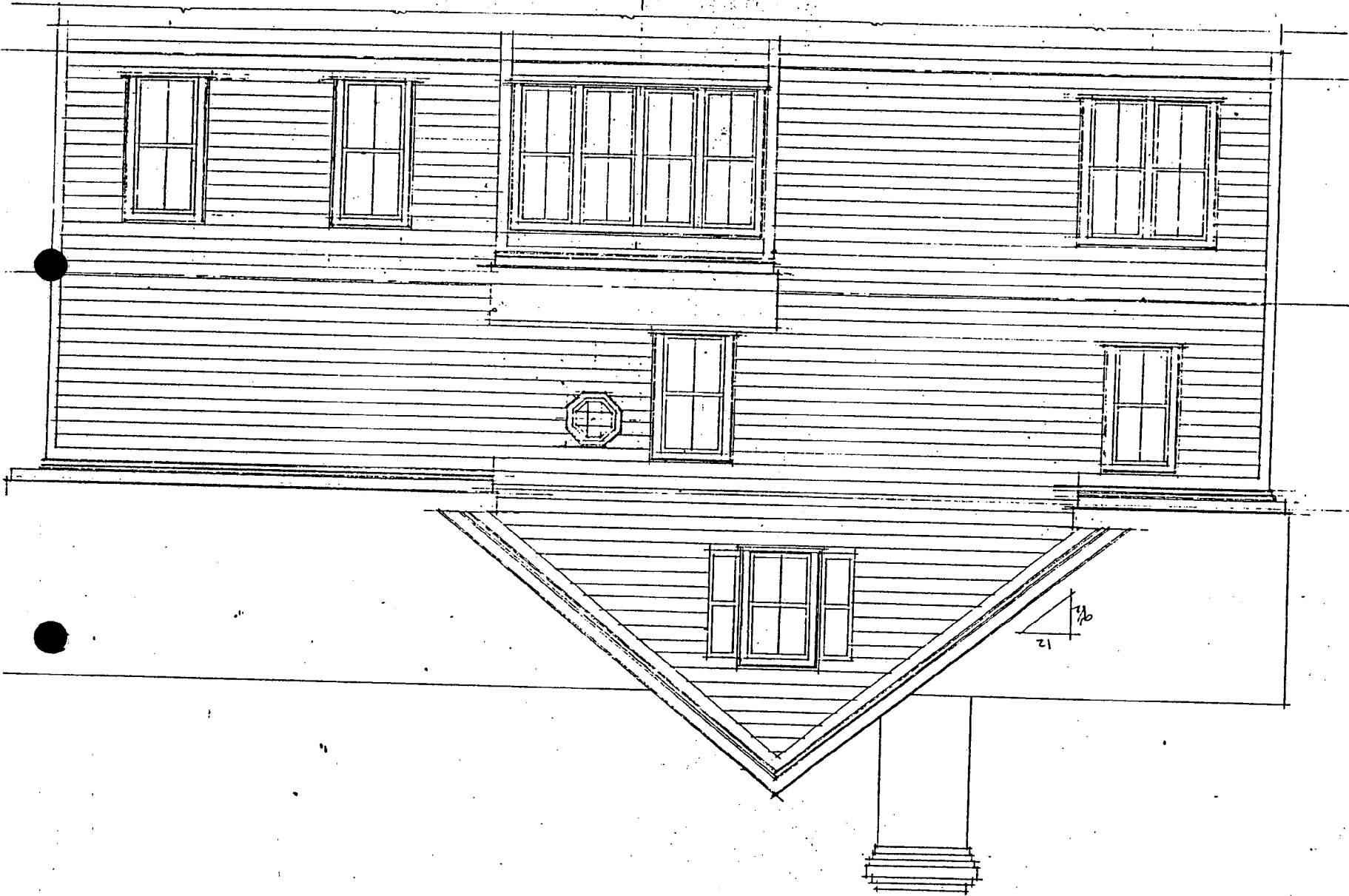




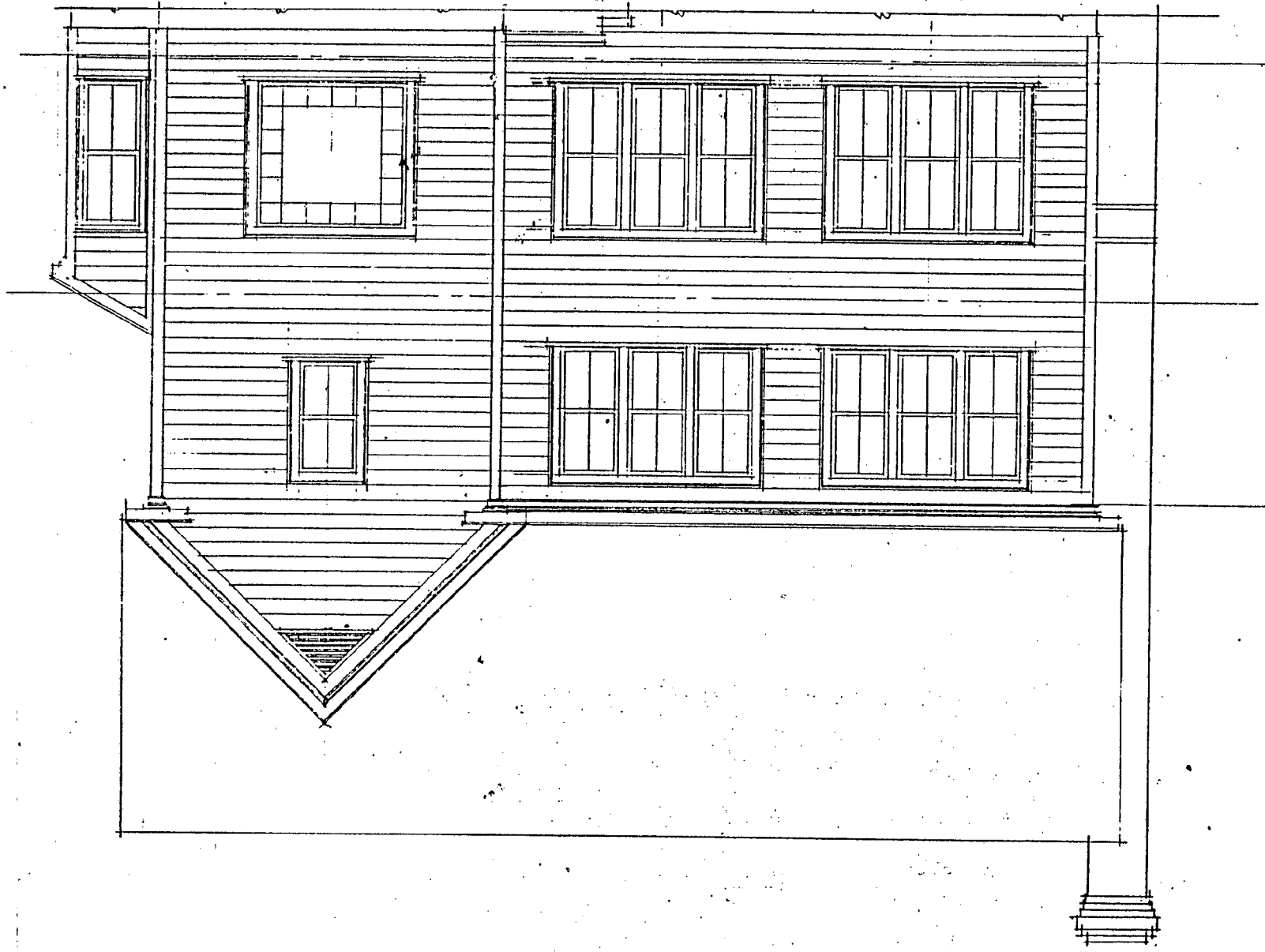
RIGHT SIDE

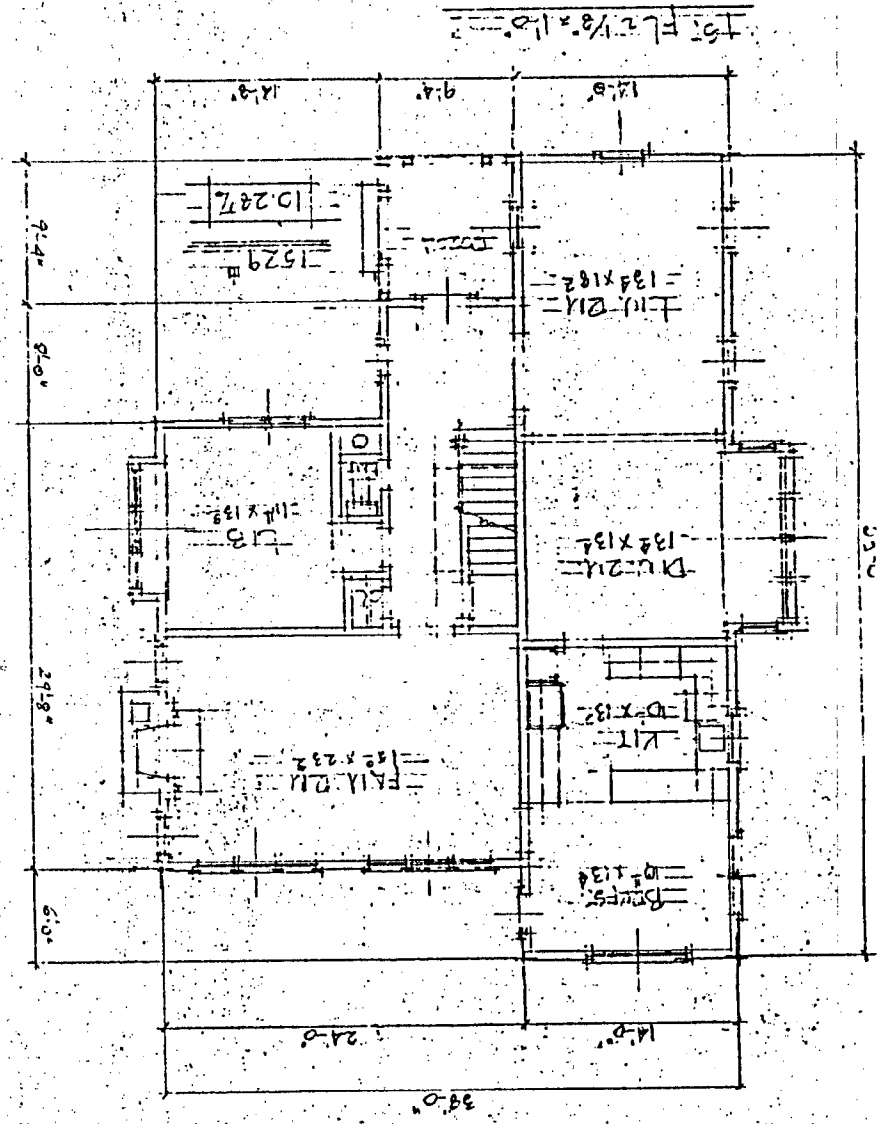
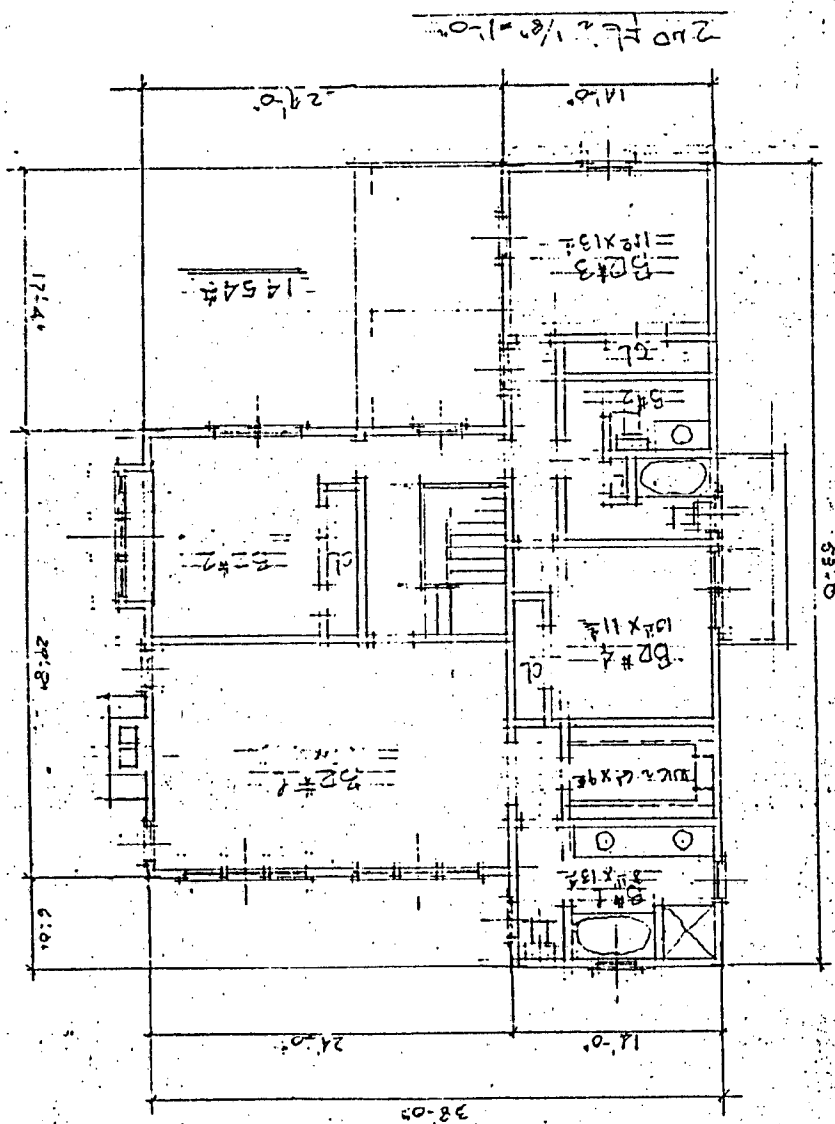
MICHAEL B. PATTERSON
ARCHITECT
11820 PARKLAWN DRIVE, ROCKVILLE, MD. 20852
(301) 681-6885

Left side



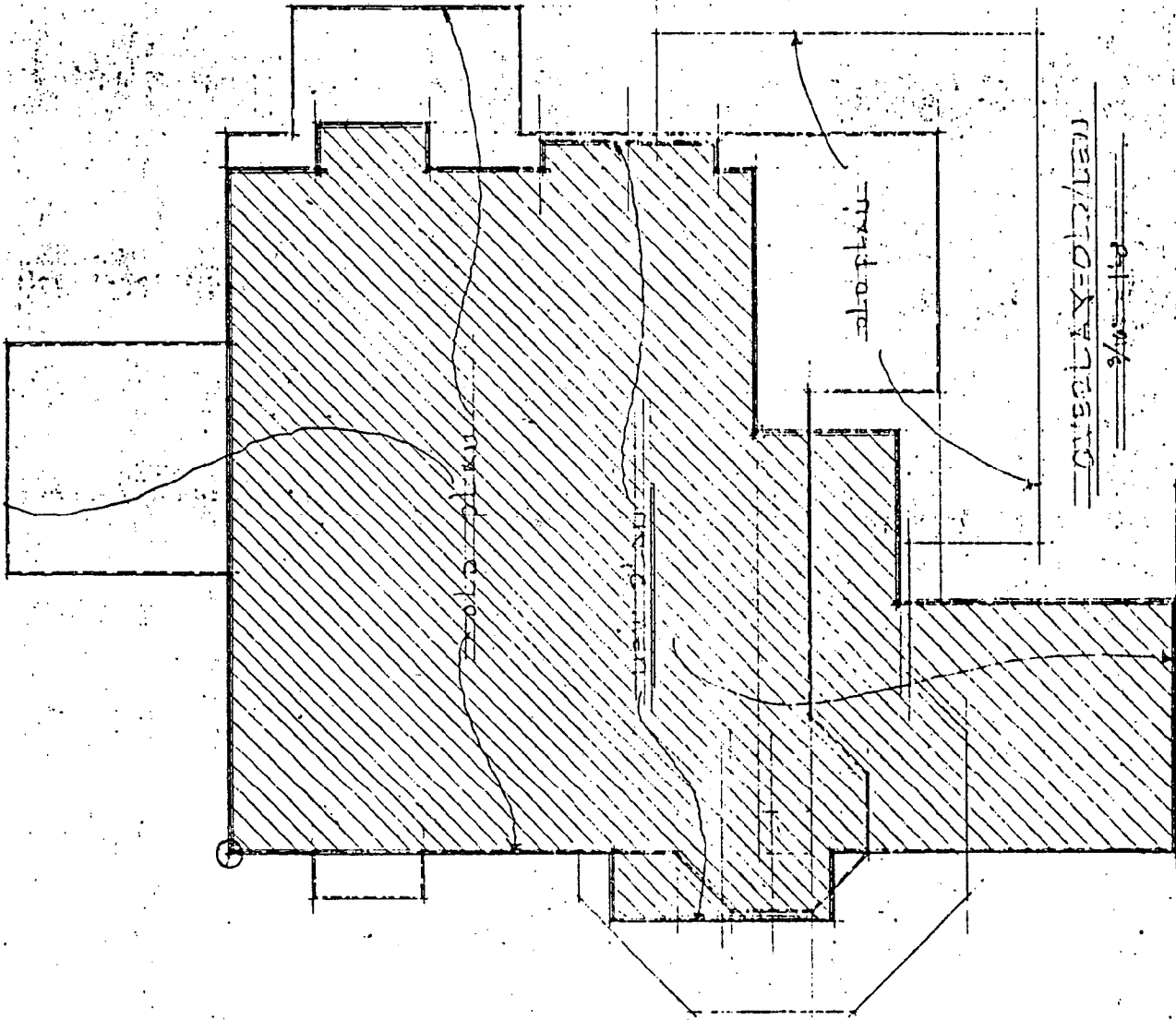
REAR





ELEVATIONS - ALTERNATIVE "B"

EXCERPTS FROM APPLICANT'S PRELIMINARY PROPOSAL - JANUARY 1990



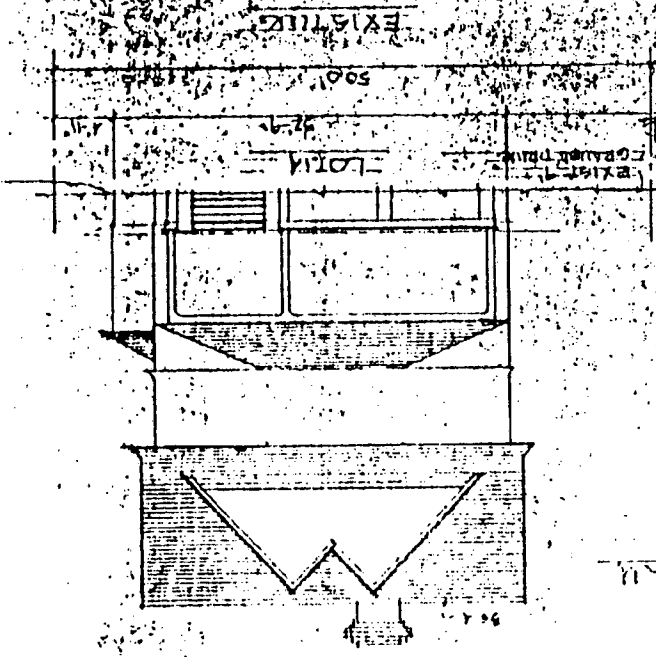
1/2" = 1" (Scale)

Part No. 101

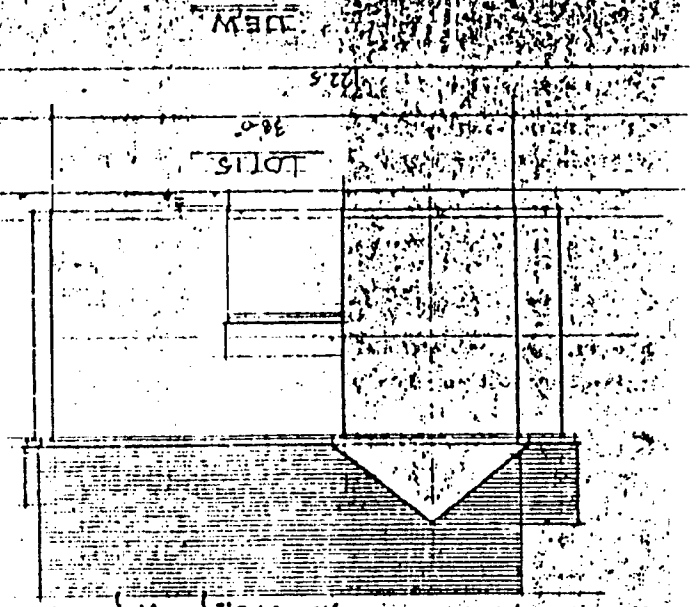
Material

1/2" x 1/2" x 1/2"

1/2" x 1/2" x 1/2"



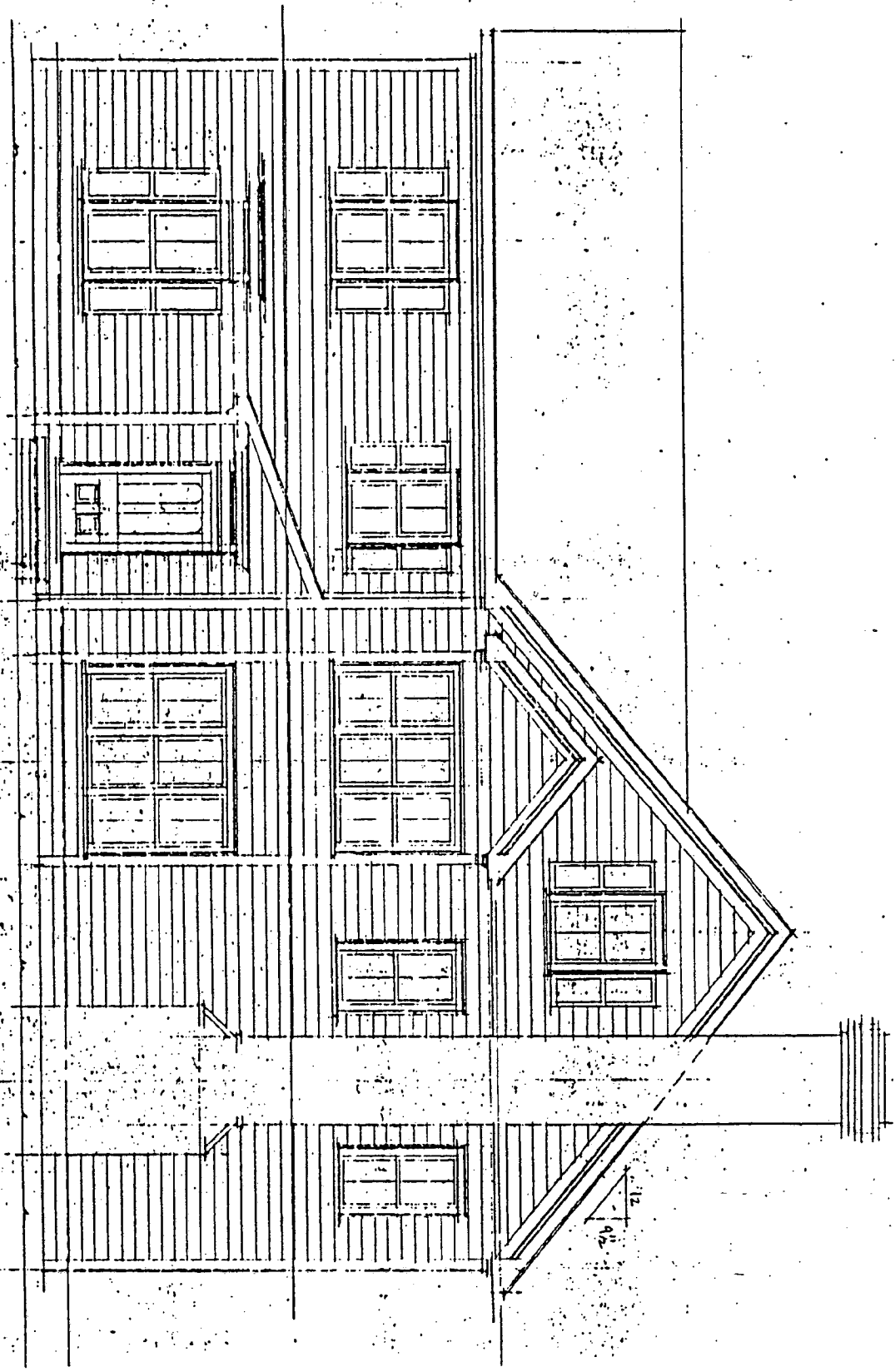
MASSING DIAGRAM



$10/12 = 24-7/8$
 $1/2 = 23-1/2$
 $2/4 = 21-1/2$

RIGHT SIDE

MICHAEL B. PATTERSON

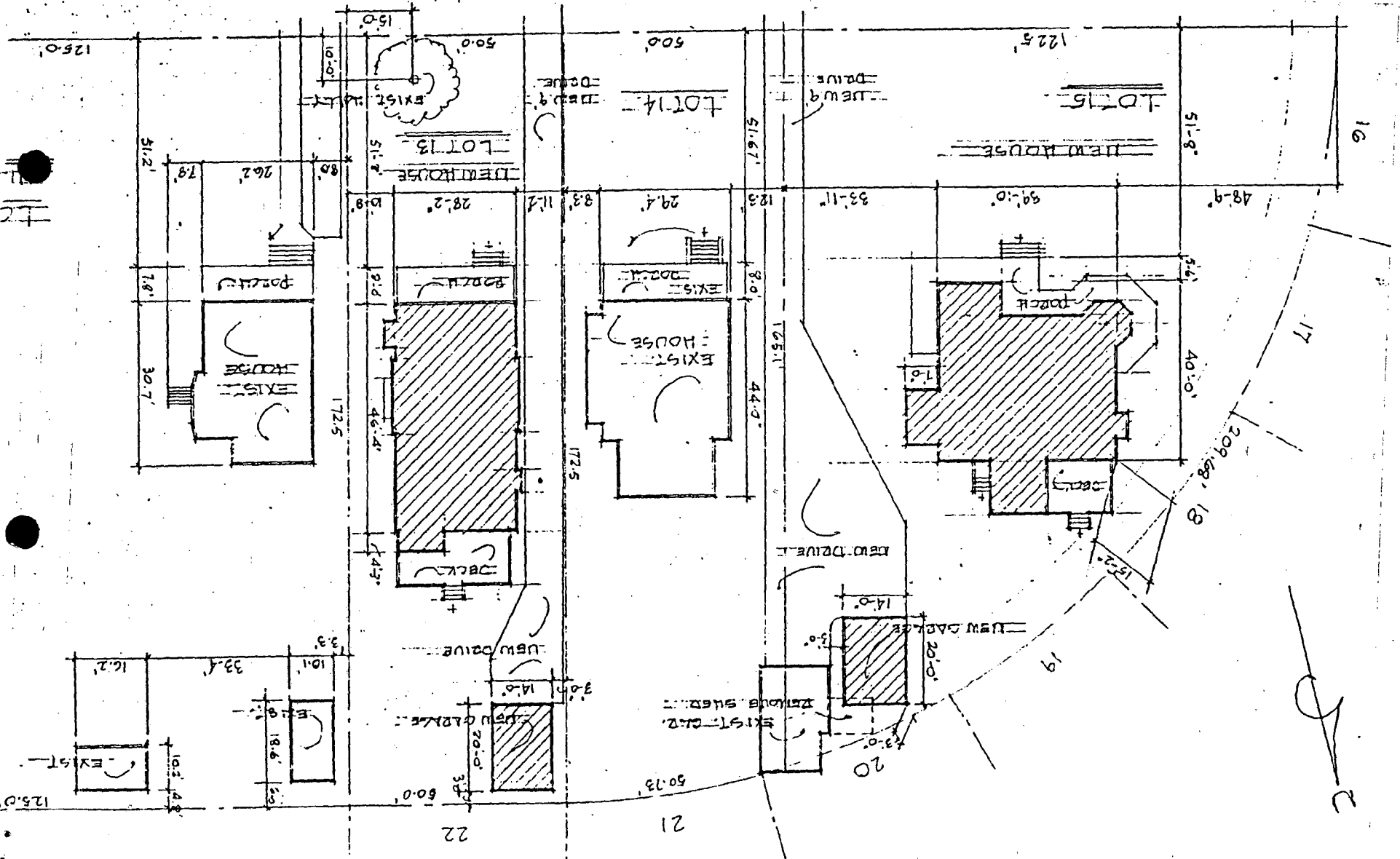


EXCERPTS FROM APPLICANT'S ORIGINAL PROPOSAL - MARCH, 1989

FRANK PLAN
LOTS 13, 14, 15
RESTRICTION

LOT PLAN

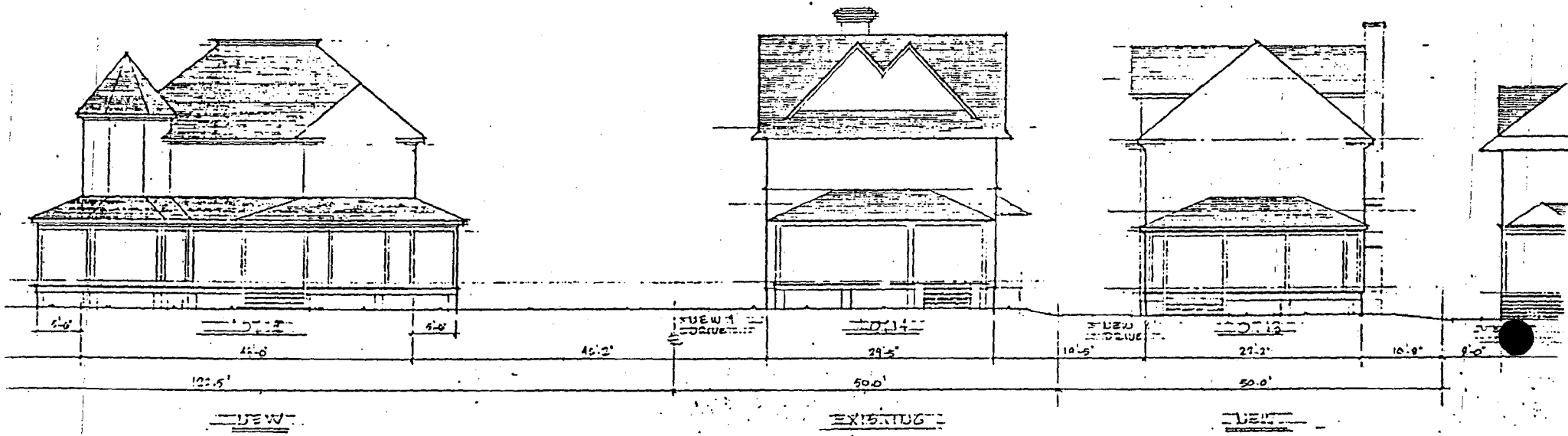
PROSPECT ST.

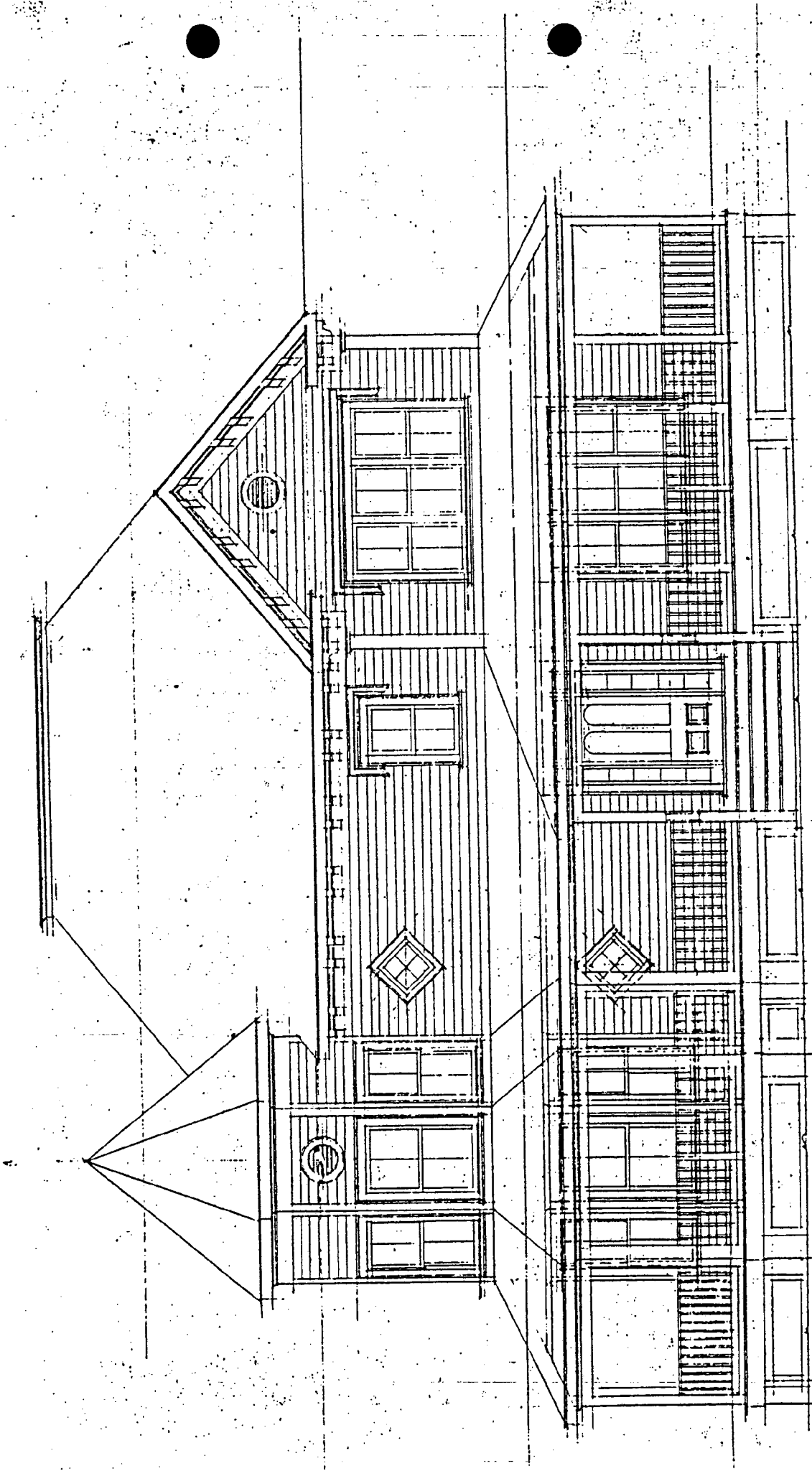


TRUSS - 25' x 12' x 12'
TRUSS - 12' x 12' x 12'
TRUSS - 12' x 12' x 12'

MICHAEL B. PATTERSON
ARCHITECT
11820 PARKLAWN DRIVE, ROCKVILLE, MD 20852
(301) 881-8855

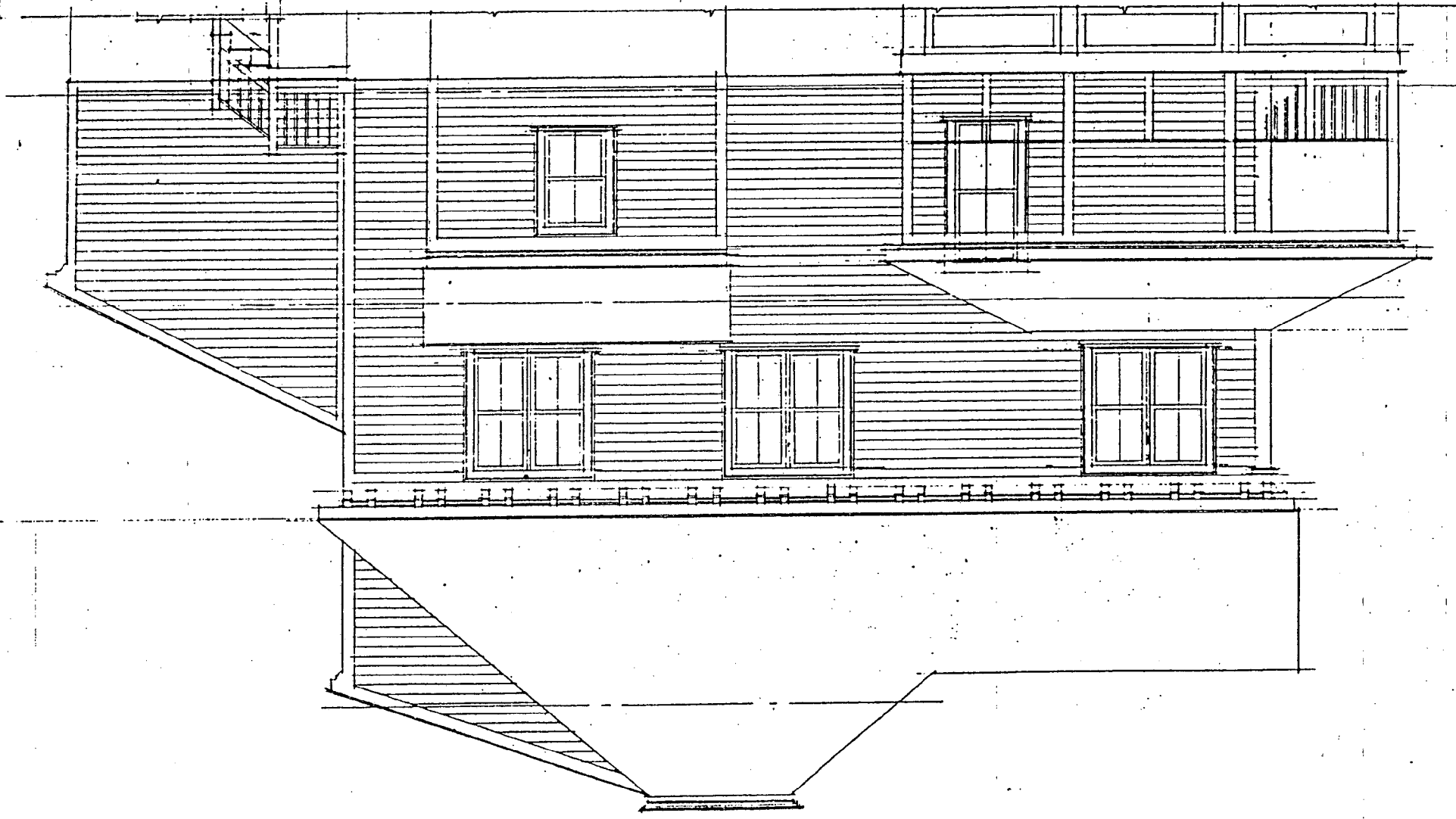
25 MAY 89





front

RIGHT SIDE



The Concept of the Carriage House

Throughout the "Battle for Carroll Place" there has been much talk about a "carriage house-type" building as an appropriate design for infill development. It seemed worthwhile to undertake some research into the history, use and frequency of carriage houses in historic Kensington.

Definitions:

Fore-runner of the automobile garage, with downstairs space for horse/s and carriage/s and the like, and upstairs space for hay storage, tackle and perhaps accommodation for a groom or other staff. Probably built at a distance from the main house for aesthetic reasons and to be close to a back alley for access.

Apart from doctors and tradespeople and those in isolated areas, probably only the "gentry" would have kept private carriages (note the term "carriage trade" in the dictionary used to refer to up-market customers)

Kensington:

Edith Saul says that very few families "kept horses" because of the easy accessibility of excellent public transportation-trolley, train etc. For the doctor who lived in the Rather's house, a buggy was essential and a back alley gave him access to Fawcett Street. The family who lived in the Sharp's house wintered in the District and probably took their carriages and horses with them. Edith could come up with some more research along these lines. The carriage house, however, is not a typical Kensington feature.

Survey:

In the immediate Carroll Place area, there are only 3 true carriage houses (4 if the "transitional" small carriage house at the Morris's

is included), 2 have regular single-car garages, probably built more recently than the houses and 7 have no subsidiary structure at all. If the survey extends just a little further to include Kensington Parkway and the rest of the historic district east of Connecticut Ave and south of the railroad, 34 more houses would be added, none of which has a carriage house and only 8 of which even have garages or sheds. There is only 1 carriage house (on Baltimore Street) in the remaining parts of the historic district.

Thus, there are no more than 5 carriage houses in the entire area (or 3.6% of the houses)

It is significant that, in this age of the automobile, only about a third of the old houses even have garages and of the 60 or so houses remaining with "buildable" side lots, 42 still have not built so much as a shed!

Social history note:

Edith Saul reports that, because of the very close proximity of Ken-Gar, at the time a poor black neighborhood, few or none of the large houses in Kensington had live-in servants. In other parts of the country, at that time, the carriage house structures would have often been used to provide staff quarters.

(It's ironic that the Sharps were denied permission to use their carriage house for this purpose because only one family can live on a property. Yet we constantly hear that these parcels are in fact several properties!)

PROPERTY OWNER	# LOTS	PROPERTY AREA - SQ. FT.	HOUSE AREA - SQ. FT.	CARRIAGE HSE. AREA SQ. FT.	DISTANCE OF CARRIAGE HSE FROM HSE / FT.	LOT COVERAGE OF HSE. %	LOT COVERAGE CARRIAGE HSE. %	RATIO OF CARRIAGE HSE. TO HSE.	COMMENTS
CIRCLE MANOR	18	2170,000		1500 (50 x 30)	114		.88%		Very Close to Size and height of proposed house
SHARP 10226 Carroll Place	4	244,700		840	42		1.9%		Horses, carriages kept. Taken to D.C. in winter. Possibly staff quarters
RATHER 70308 Montgomery	3	30,000		610	77		2.0%		Former Doctor's Residence Horses & Buggies kept. Access lane to Fauccett
MORRIS 10225 Montgomery	3	22,500	2,017 incl. porch	380	52	8.9%	1.7%	18.8%	"Transition" - Hay 1st & 2nd Room Upsh No cupoles
CAPRON 10304 Montgomery	3	28,750							garage only
SHULMAN 10221 Montgomery	3	22,500							garage only
Mc PHERSON 10213 Montgomery	3	22,500							never kept horses
KENNEDY 10303 Montgomery	2	22,500							"
BRANGER 10400 Montgomery	3	30,000							"
WICKENHEISER 10302 Fauccett	2	15,000							"
KING 10300 Fauccett	2	15,000							"
JONES' Property 10234 Carroll Place	3	26,422	1778 incl. porch			7.0% 21% of 1,0416			"

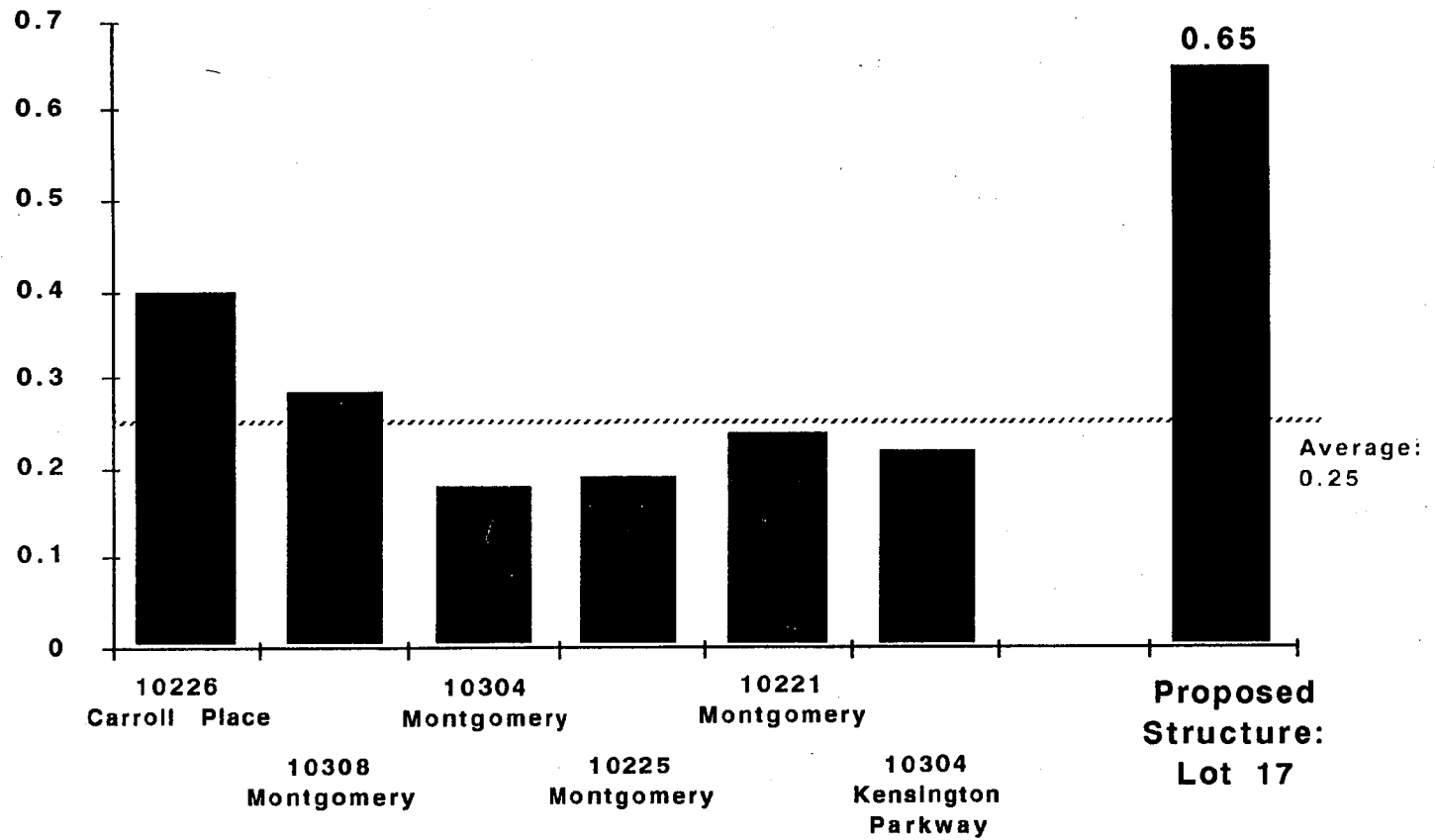
ANALYSIS OF LOTS IN VICINITY OF PROPOSED DEVELOPMENT OPP. 4

PROPERTY #	AREA OF PROPERTY	AREA OF HOUSE	COVERAGE OF LOT	AREA OF SECONDARY STRUCTURE	COVERAGE OF SECONDARY STRUCTURE	LOT RATIO OF HOUSE TO SECONDARY STRUCTURE	DISTANCE	COMMENTS
CIRCLE MANOR 18	2170/000 193,000	HOUSE 2698 → 1.6 PORCHES 1810 TOTAL 4508	2.7	1500	.88	33	114	Secondary structure more like farm outbuilding - barn/stable. Very close in footprint, height, missing a design to proposed house on lot it.
SHARP 10826 Carroll Pl 4 + 24,700	HOUSE 1420 PORCHES 648 TOTAL	840	1.9	42	Historically - horses, carriages taken to D.C. in winter, possibly staff quarters upstairs, possibly carriage house in stories high. House almost same length as neighbor house on lot it.	85	Former doctored entrance, horses & bays kept for practice. Lane access to Howard Ave. irregularly. 1 1/2 stories	
RATNER 10308 Hawthornely 2 1/3 23,400	2061	8.96	2.6	595	2.8	85	Former doctored entrance, horses & bays kept for practice. Lane access to Howard Ave. irregularly. 1 1/2 stories	
CAPRON 0304 Hawthornely 3 28,367	HOUSE 989 → 3.5 PORCH 300 TOTAL 1289	4.5	1.3	380	3.5	38.4	29.4	Single car garage
CAPRON 0304 Hawthornely 3 28,367	HOUSE 1774.4 → 6.3 PORCH 300 TOTAL 2074.4 → 7.3	6.3	1.3	380	6.3	21.4	18.3	Single car garage
MORRIS 0225 Hawthornely 3 22,500	HOUSE 1317 PORCH 700 TOTAL 2017	5.8	1.7	380	5.8	28.8	18.8	Transitional carriage house. Small room & bay loft upstairs. Folding doors across the front more typical of a garage.

SHULMAN 10221 MONTGOMERY	3	22,500	HOUSE PORCH TOTAL	1110 432 1543	4.9 6.9	375	1.7	33.8 24.3		Garage
Mc PHERSON 10213 MONTGOMERY	3	22,500	HOUSE PORCHES TOTAL	 —						Horses were never kept because of proximity to public transportation
GRANGER 10400 MONTGOMERY	2 $\frac{2}{3}$	26,600	HOUSE PORCHES TOTAL	1180 446 1626	4.4 6.1					"
KENNEDY 10303 MONTGOMERY	2	22,500	HOUSE PORCHES TOTAL	 —						Built in garage
WICKENHEISER 10302 FAWCETT	2	15,000	HOUSE PORCHES TOTAL	960 460 1420	6.4 9.4					Horses never kept No secondary structure
KING 10300 FAWCETT	2	15,000	HOUSE PORCH TOTAL	1171 390 1561	7.8 10.4					"
KELLY KENSINGTON PENNY	2	15,990	HOUSE PORCHES TOTAL	1180 446 1626	7.4 10.2	360	2.3	30.5 22.1	≈ 35	Garage
KOONTZ KENSINGTON PENNY	2	15,000	HOUSE PORCH TOTAL	900 476 1376	6.0 9.1					Horses never kept No secondary structure

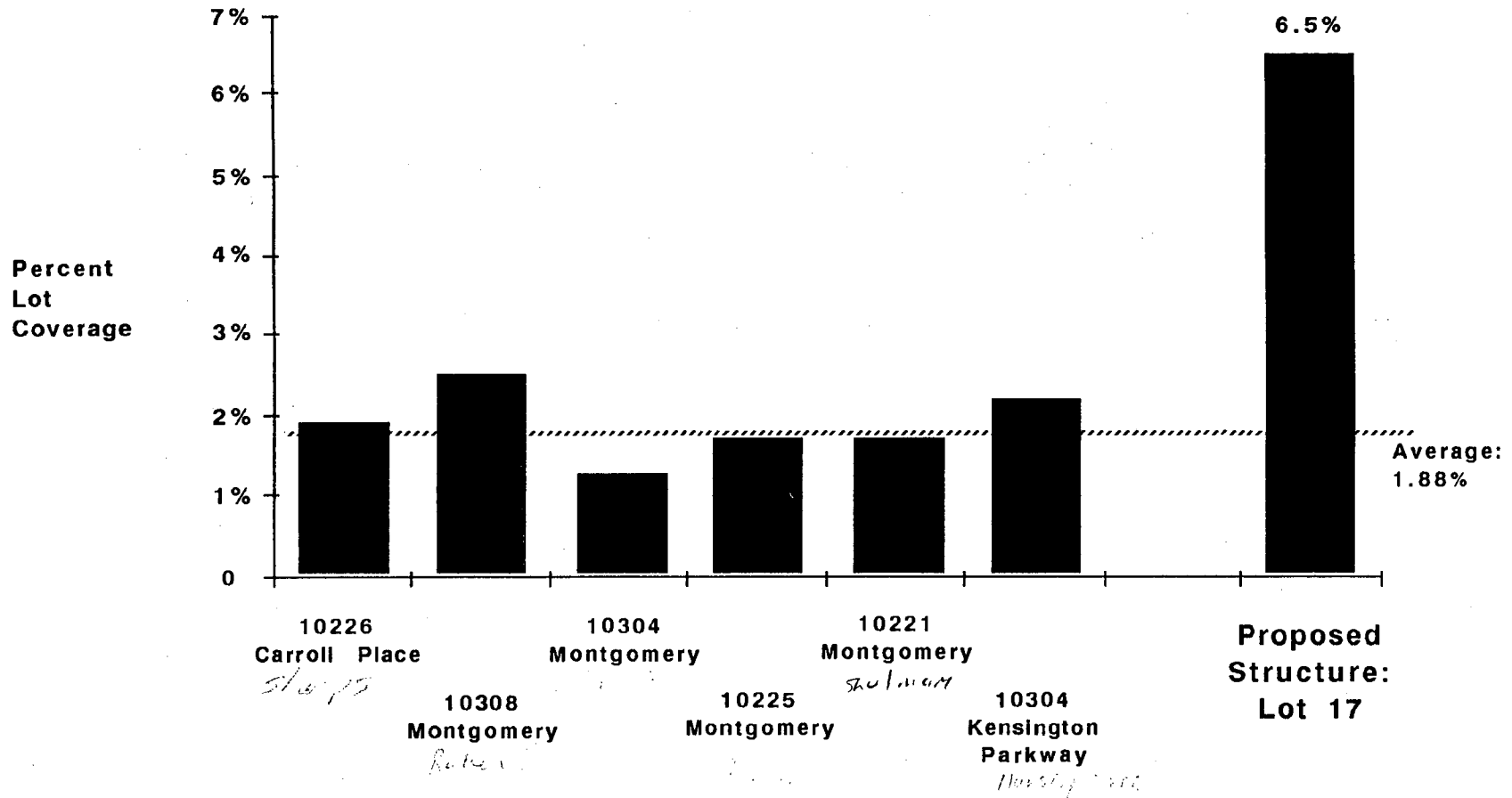
<p>"JONES" 0234 CARROLL PL ORIGINAL 3-LOT PARCEL</p>	3	26,124	HOUSE 919 PORCH 850 TOTAL 1778 ~1720	3.5 6.8					
<p>HANKS - HENN 0234 CARROLL PL LOT 16</p>	1	8538	HOUSE 919 PORCH 859 800 TOTAL 1719	10.8 20.8		17,288			
<p>FLAHERTY LOT 17 PROPOSED "CARRIAGE HOUSE"</p>	1	8750	1122	12.8				32	
<p>AVERY - FLAHERTY LOT 15 PROPOSED HOUSE</p>	1	8836	1320 128 1278	14.8					

ANALYSIS OF PRIMARY/SECONDARY STRUCTURES
Ratio of Secondary Structure Footprints
to
Primary Structure Footprints (including porches)



ANALYSIS OF OUTBUILDING LOT COVERAGE

Ratio of Secondary Structure Footprints to Total Lot Size

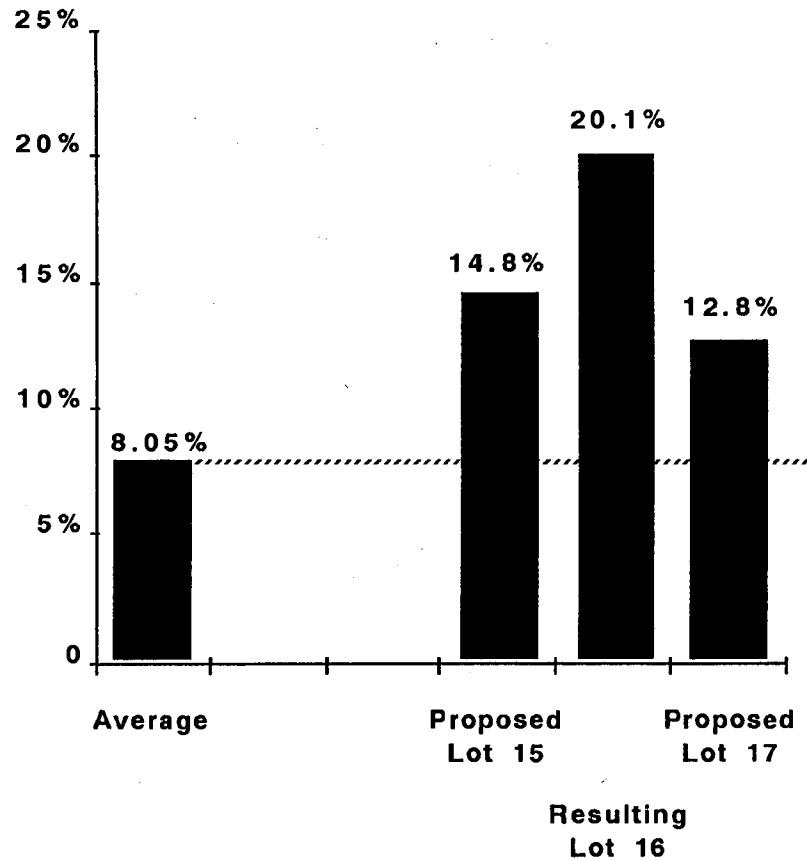


(NOTE: Lot 17 figure is ratio of proposed structure footprint to sum of Lots 16 and 17)

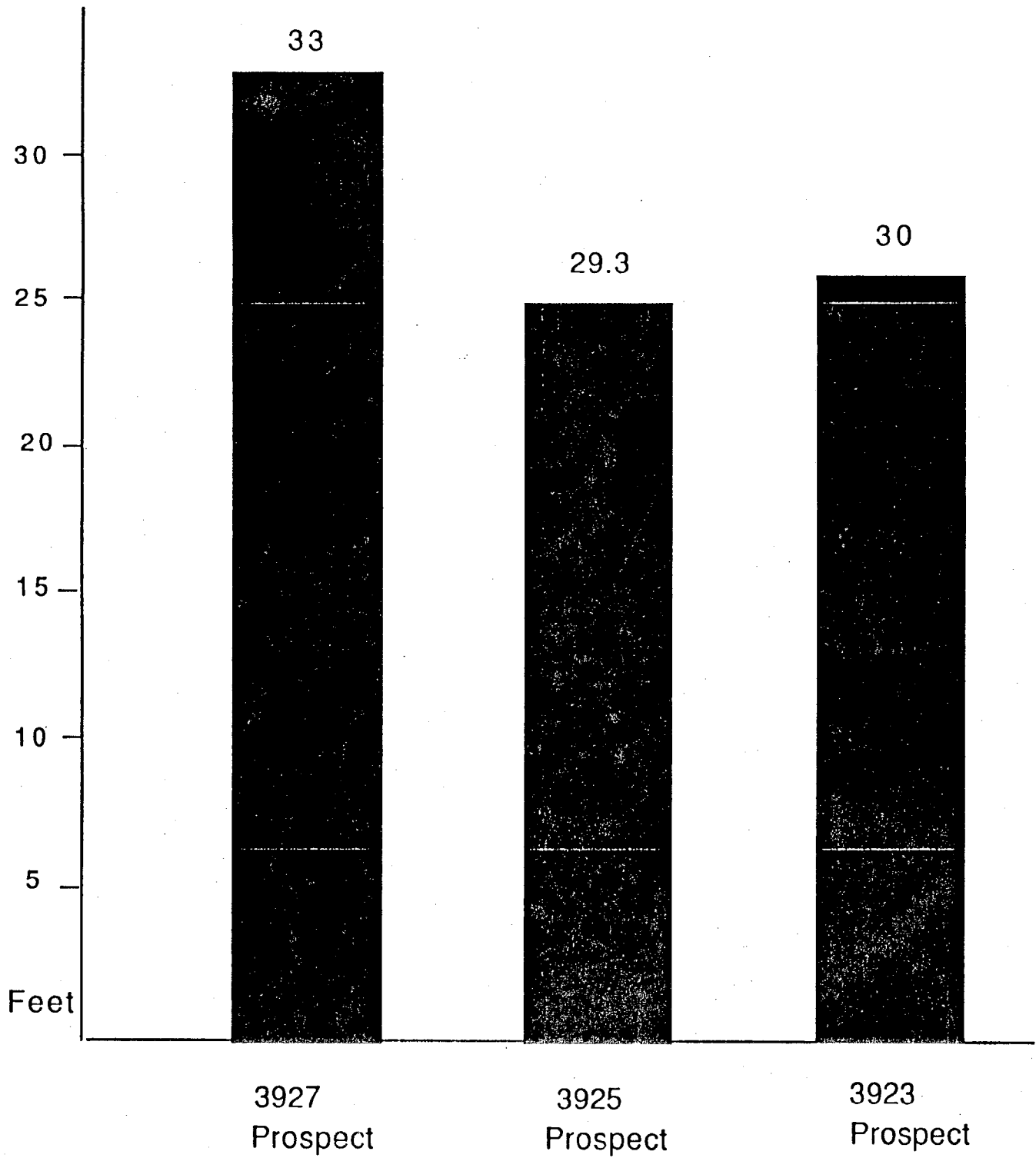
ANALYSIS OF LOT COVERAGE
Ratio of House Footprints to Total Lot Size
(including porches)

Average Consists Of:

- 10226 Carroll Place
- 10234 Carroll Place
- 10221 Montgomery
- 10225 Montgomery
- 10304 Montgomery
- 10308 Montgomery
- 10400 Montgomery
- 10300 Fawcett
- 10302 Fawcett
- 10200 Kensington Parkway
- 10304 Kensington Parkway

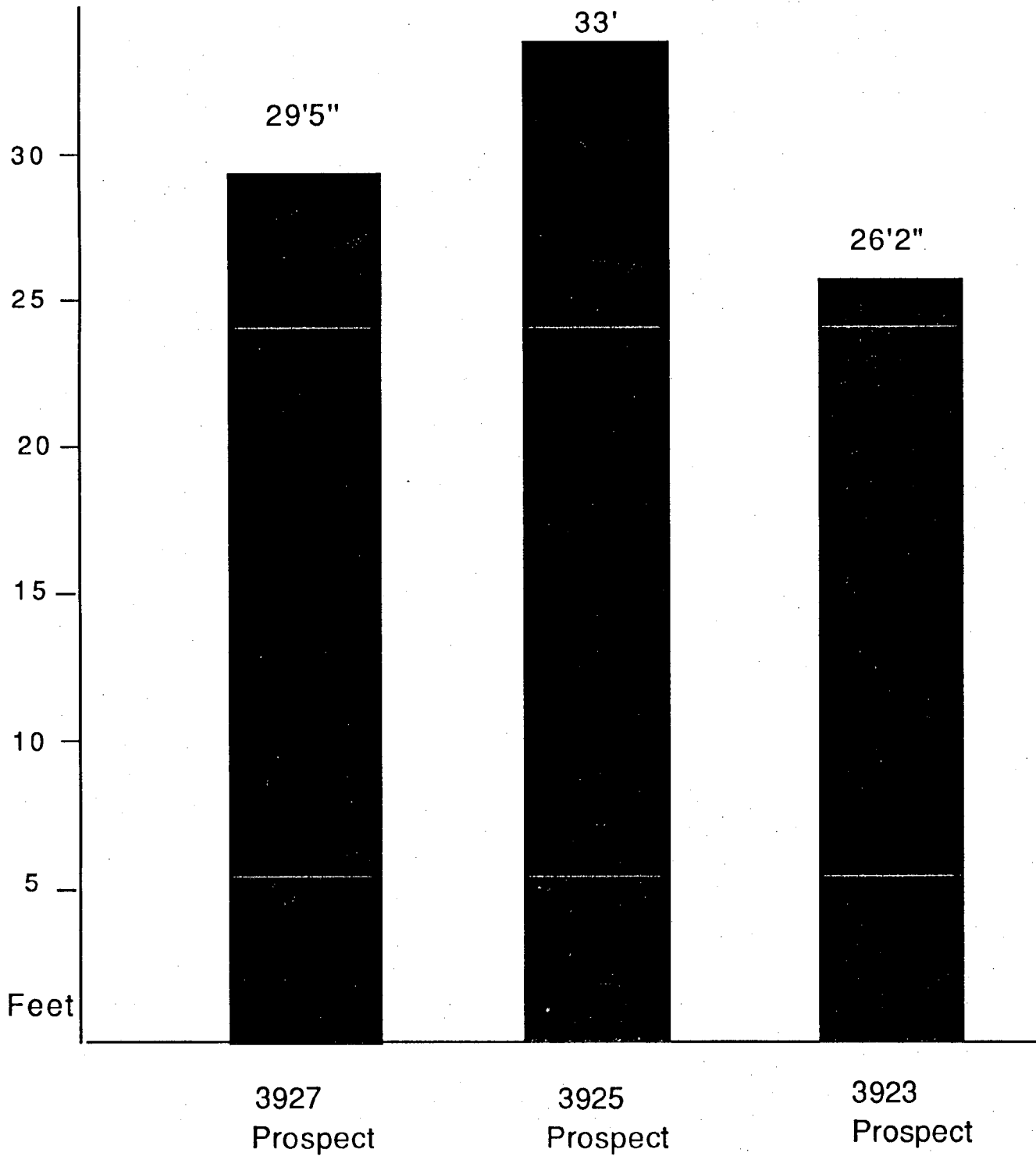


3925 Prospect Proposal - Nov 1991



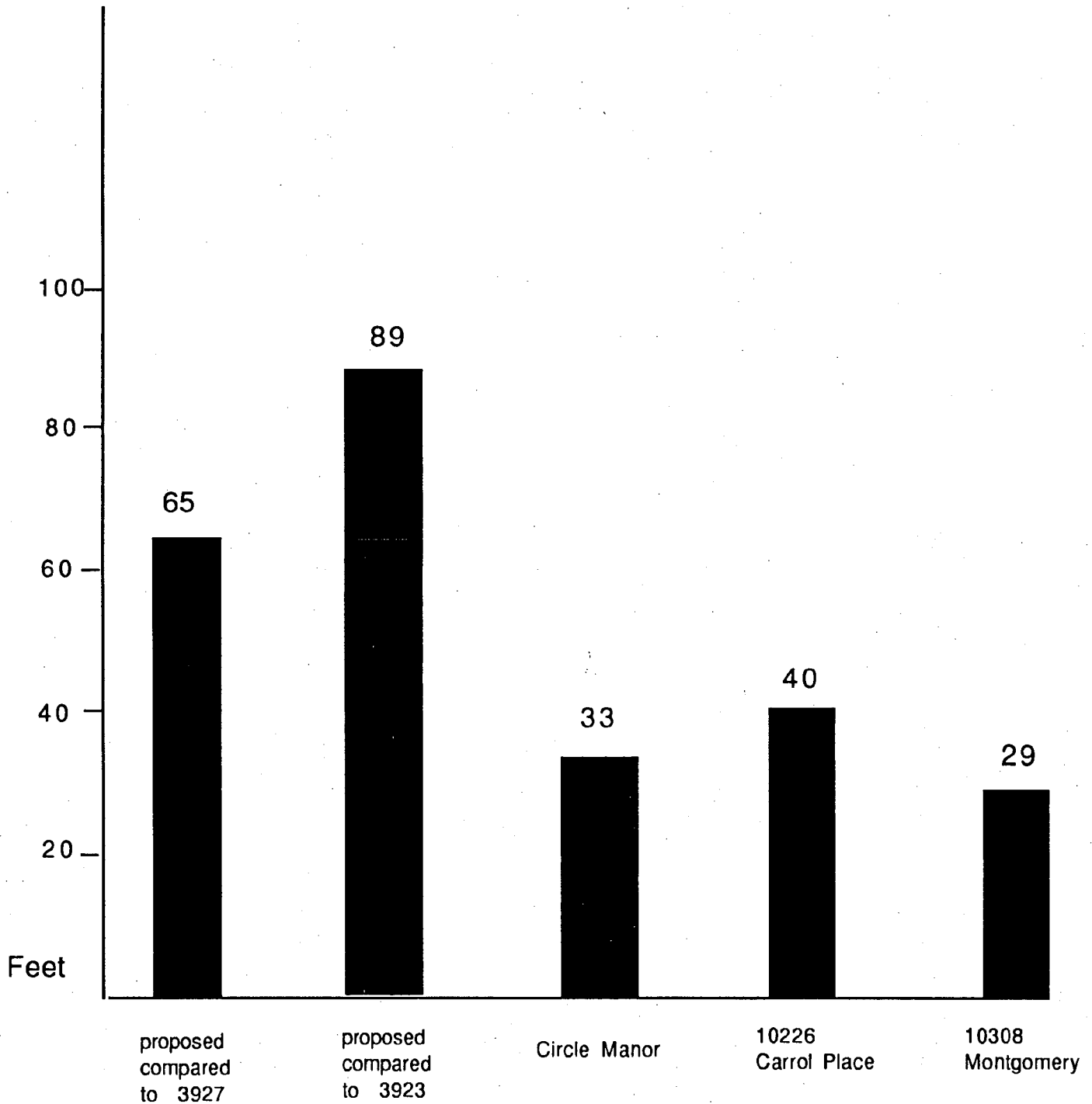
Height of buildings
excluding cupola and chimneys

3925 Prospect Proposal - Nov 1991



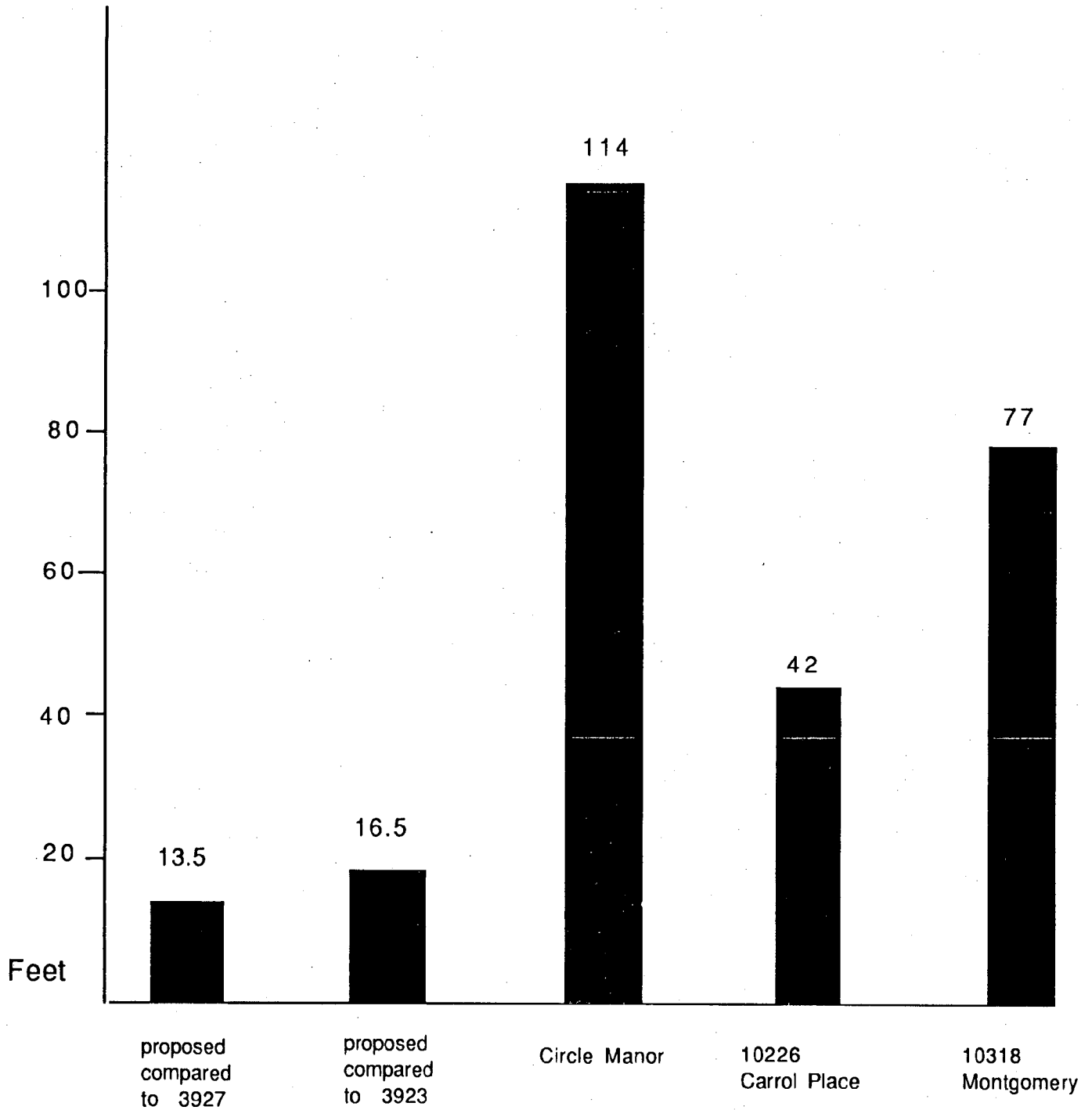
Width of buildings at roofline

3925 Prospect Proposal - Nov 1991



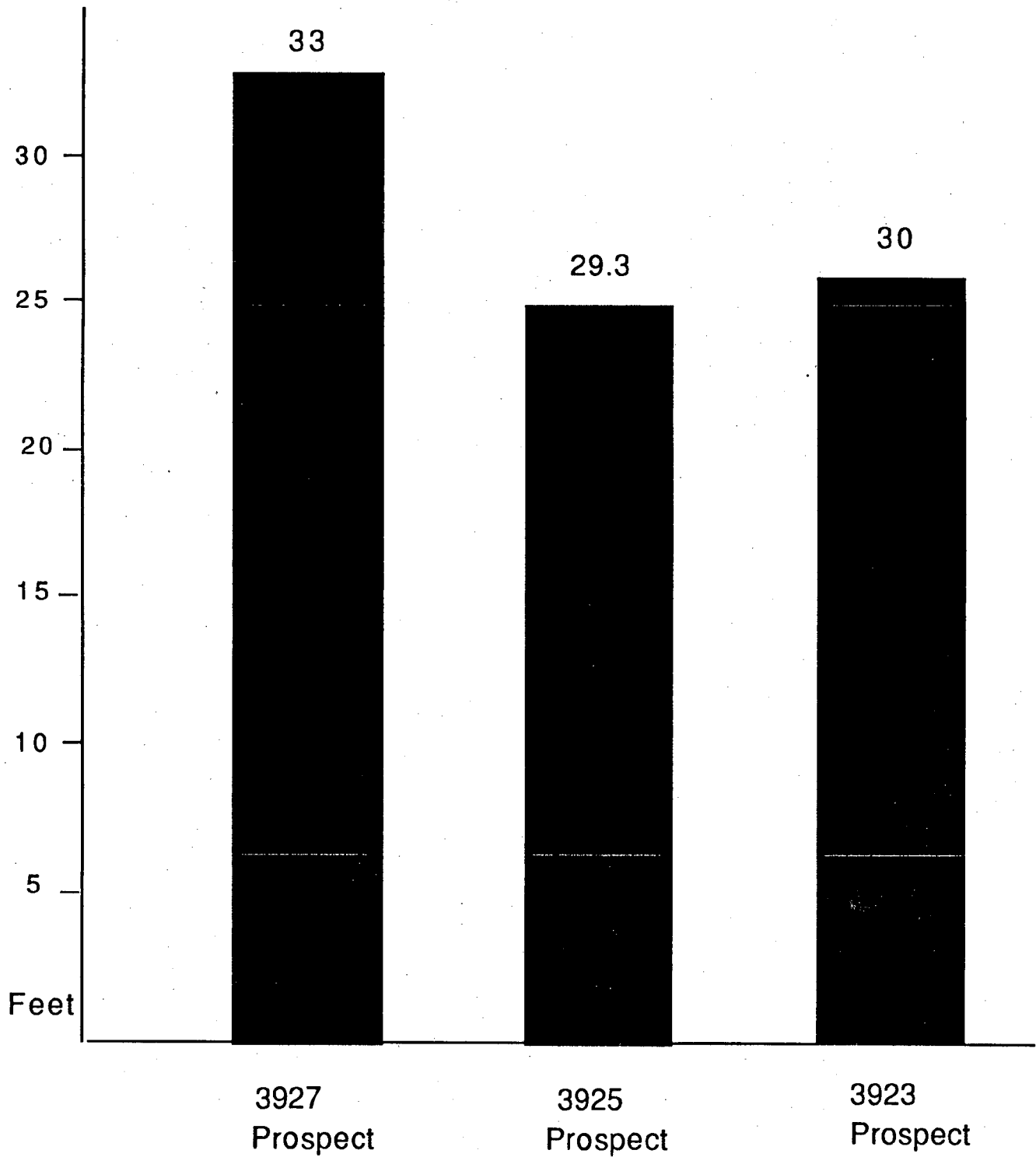
Footprint Percentage:
secondary to primary structures

3925 Prospect Proposal - Nov 1991



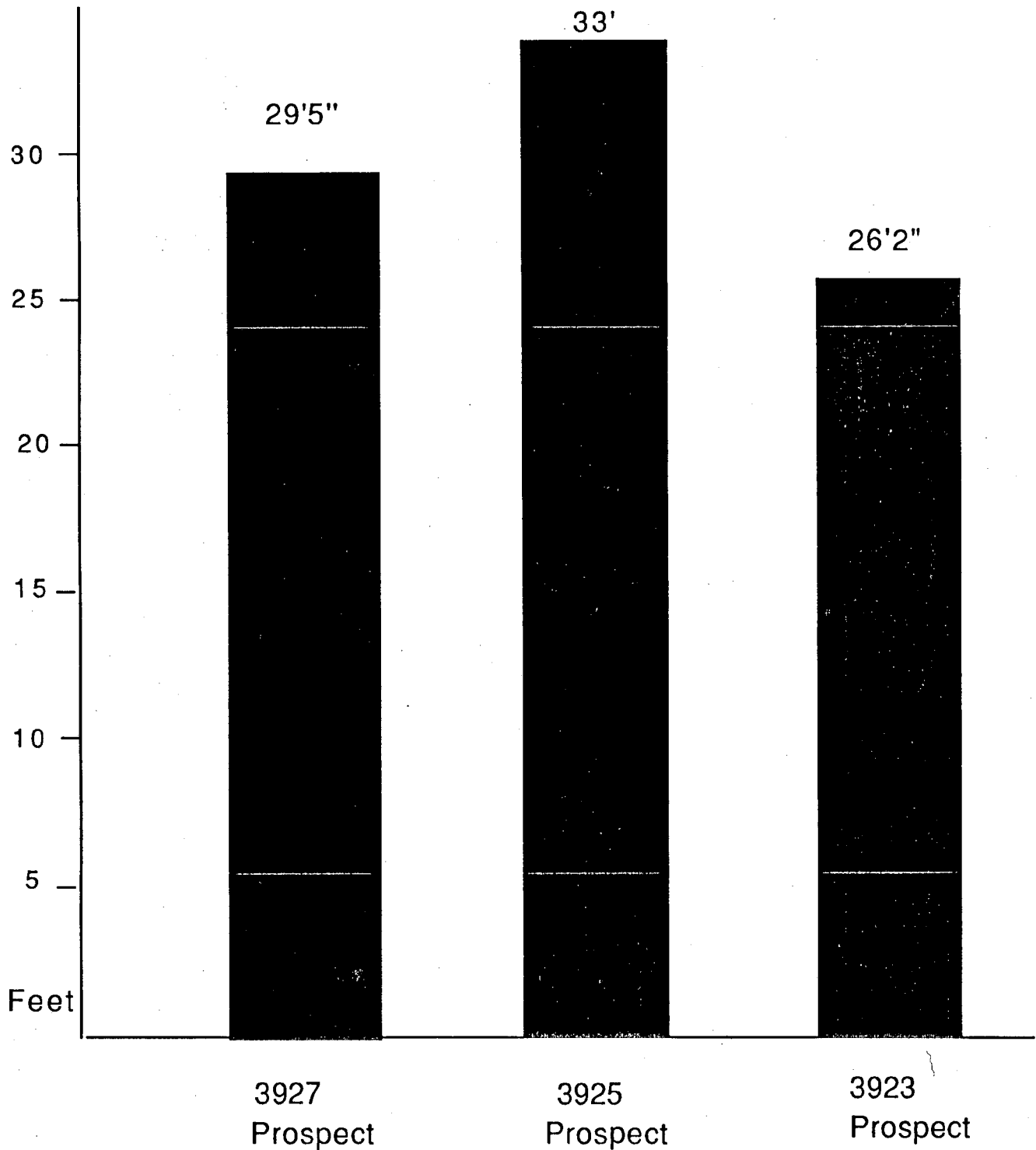
Distance of
secondary to primary structures

3925 Prospect Proposal - Nov 1991



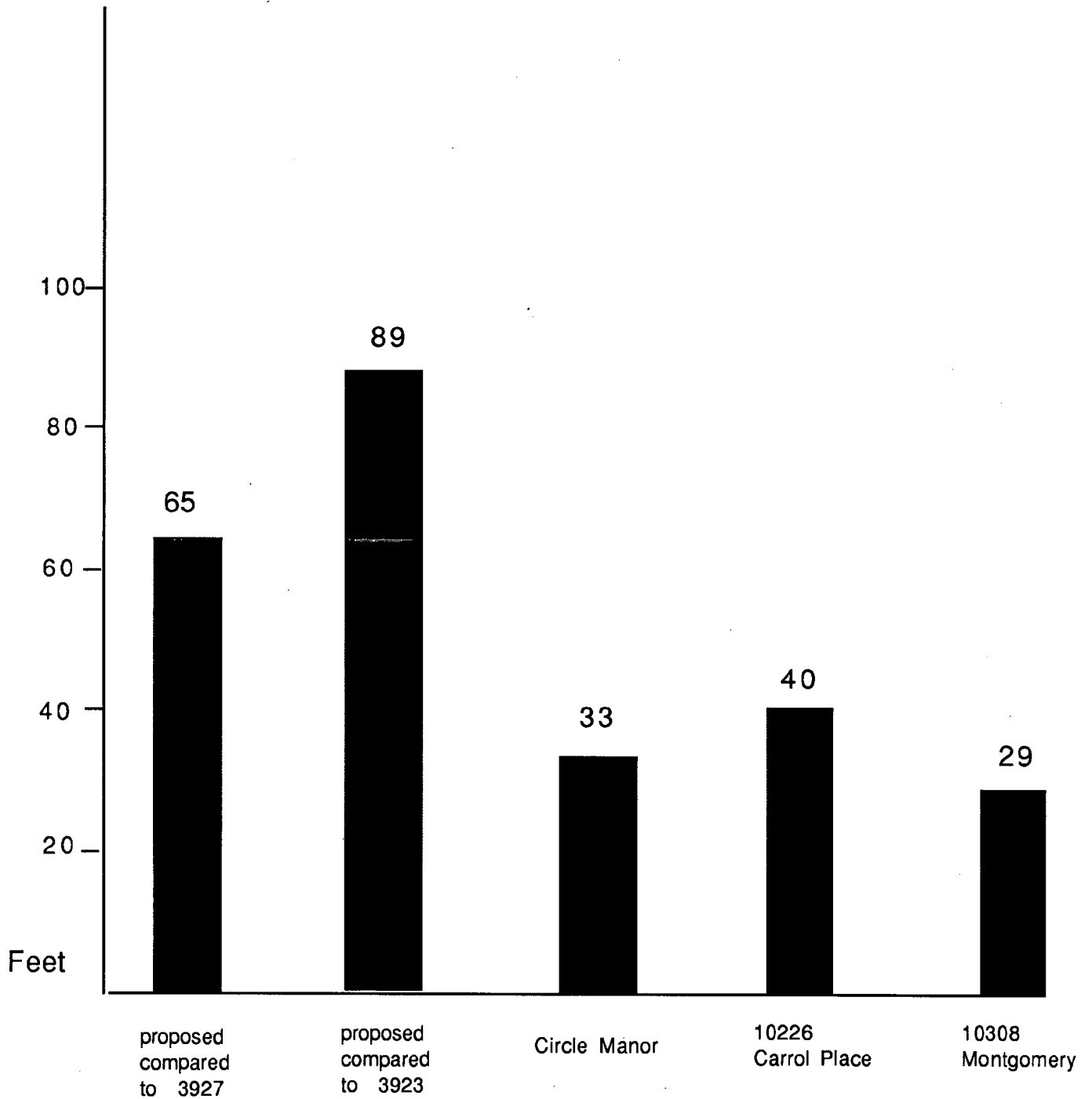
Height of buildings
excluding cupola and chimneys

3925 Prospect Proposal - Nov 1991



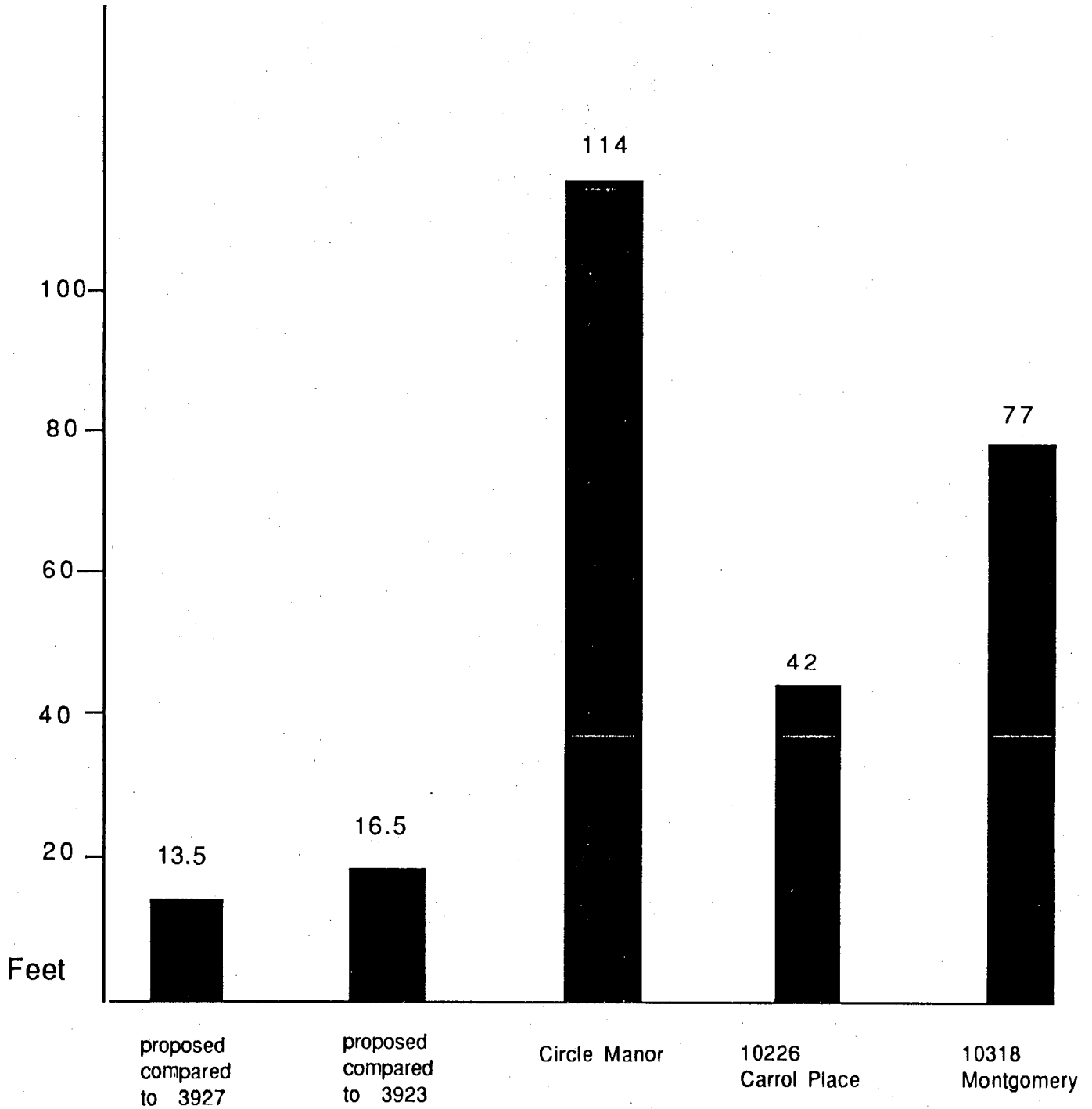
Width of buildings at roofline

3925 Prospect Proposal - Nov 1991



Footprint Percentage:
secondary to primary structures

3925 Prospect Proposal - Nov 1991



Distance of
secondary to primary structures

HISTORIC PRESERVATION COMMISSION STAFF REPORT

PREPARED BY: Jared B. Cooper

DATE: December 22, 1989

CASE NUMBER: N/A

TYPE OF REVIEW: Preliminary Consultation

SITE/DISTRICT NAME: Kensington

PROPERTY ADDRESS: 3929 Prospect Street
Kensington, MD

DISCUSSION: The applicant, Frank P. Murray, has requested a preliminary consultation with the Commission regarding a proposal to construct a new residence at 3929 Prospect Street in the Kensington Historic District. A proposal by the same applicant to construct a new residence at the same address was the subject of HPC Case No. 31/6-89K, which was denied by the Commission earlier this year. As you will recall, the reasons for denial of the original application were as follows (see attached excerpt of findings for more details):

1. Proposed structure was overscaled in terms of height and square footage.
2. The lot coverage ratio (house to lot) was too high.
3. The proposed width was too great, and the setback line was positioned such that a "building wall" was created.
4. As proposed, there would have been a great deal of destruction of vegetation.
5. The proposed fence was inappropriate.
6. The proposed asphalt driveway was inappropriate.
7. The addition of a garage resulted in two garages on one lot.

Since the denial of the applicant's original proposal, staff has met twice with the applicant as well as his attorney and architect. The goal of these meetings was to bring any new proposal(s) for construction at 3929 Prospect Street into better conformance with earlier findings. To assist the applicant in developing a revised proposal, staff offered the following general recommendations, using the original proposal and findings as a reference:

1. Reduce height and footprint, and change massing in order to impose less on streetcape.
2. Reduce house to lot ratio to no more than 9%.
3. Reduce width and examine the possibility of alternate setback line(s).
4. Place and size structure so that a minimum of mature vegetation is destroyed.
5. Eliminate fence.
6. Install narrow gravel or stone driveway, instead of asphalt.
7. Eliminate garage.

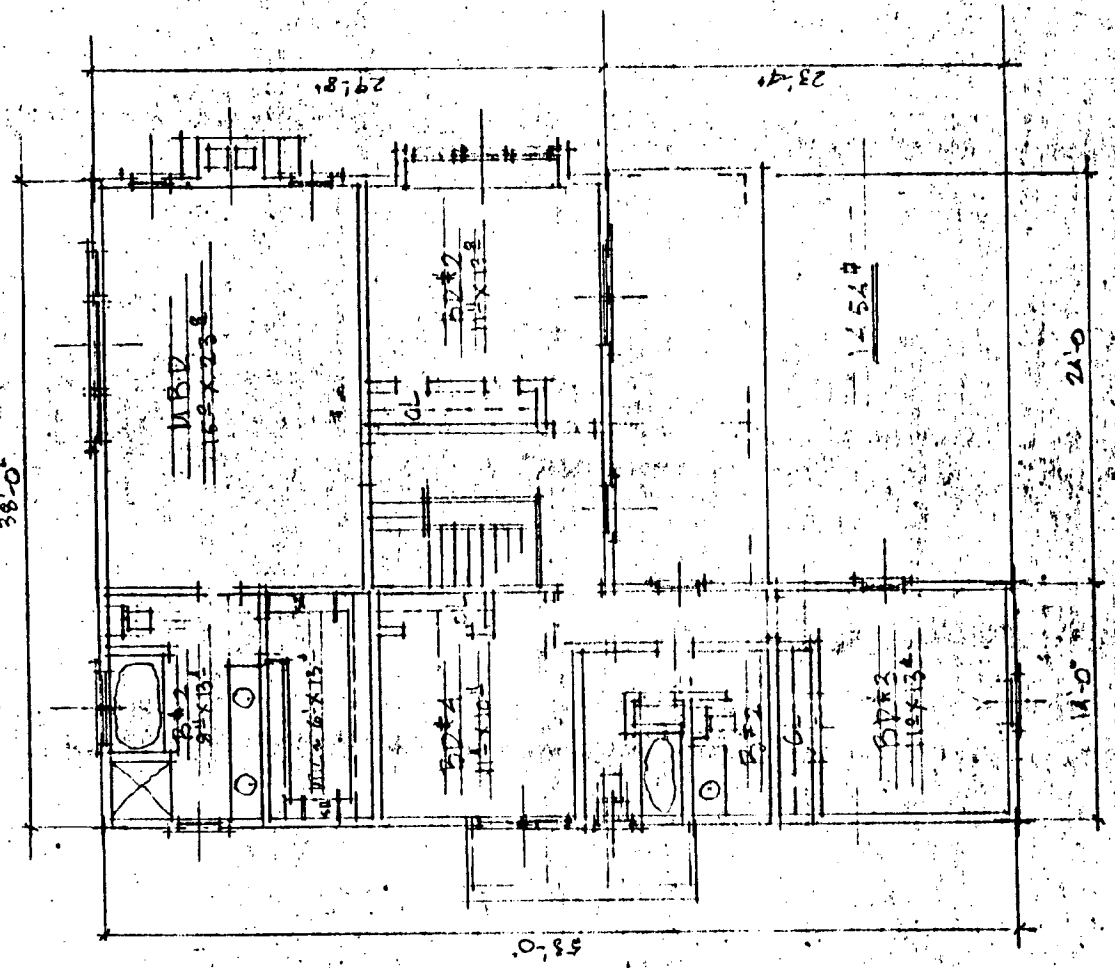
In the new proposal, the applicant has:

1. Reduced the height from 35' to 33' 3" - 34' 6" (depending on roof pitch).
2. Reduced footprint from 1594 s.f. plus porches to 1529 s.f.
3. Reconfigured the massing, including removal of large porches.
4. Reduced lot coverage ratio from 14.91% (with porch) or 11.39% (w/o porch) to 10.28%.
5. Reduced overall width (including porch) from 54' to 43'.
6. Moved setback line forward (alternatively, the applicant has indicated willingness to move the setback line slightly back from original).
7. Indicated that no more vegetation will be destroyed by new proposal, although it is not clear whether less will be destroyed.
8. Eliminated the fence.
9. Used gravel or stone for driveway.
10. Not eliminated the garage, but sold Lot 14 (existing structure) with an easement for the existing garage, so that there will be one garage per residence.

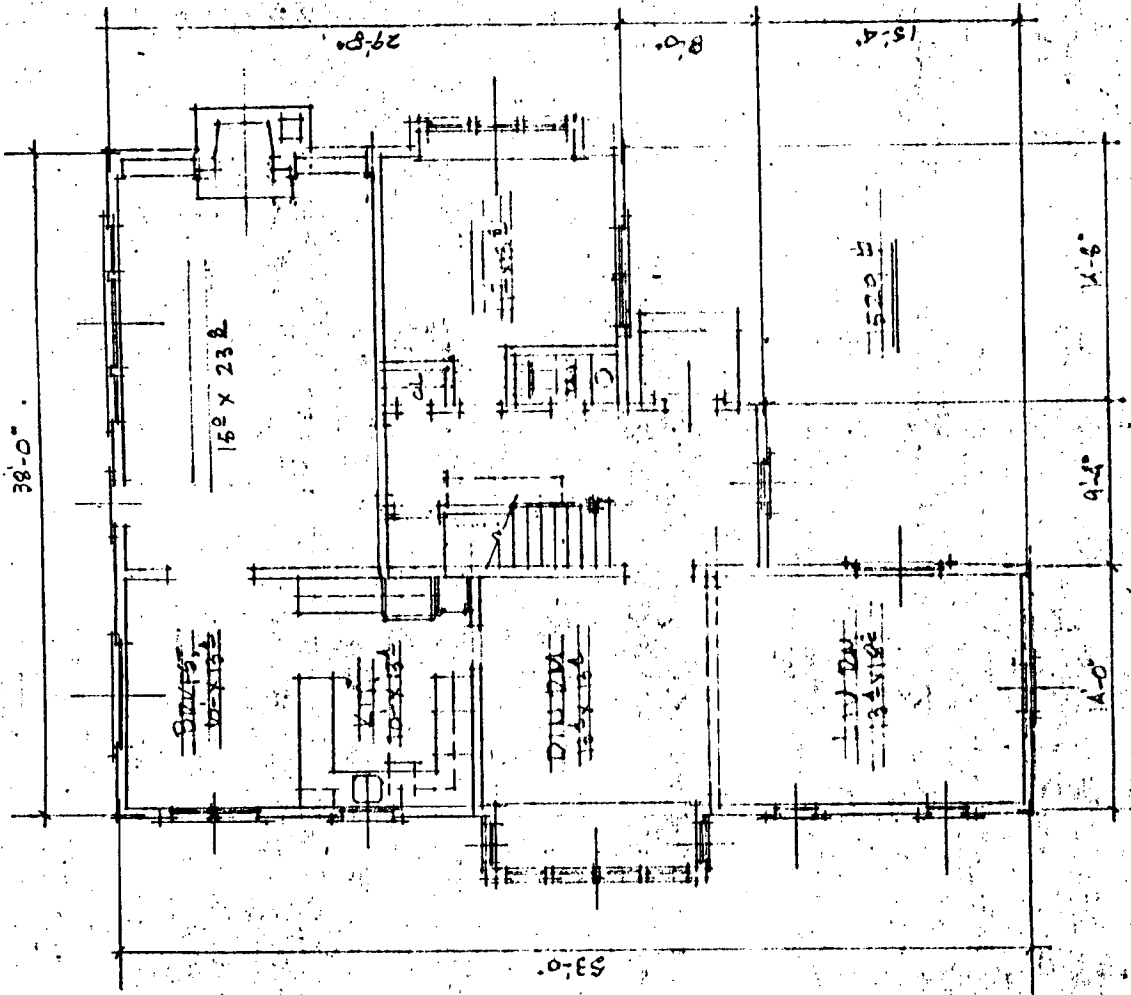
These changes may not be adequate in every instance, although staff believes that they, as a whole, represent a reasonably good effort to respond to earlier findings.

ATTACHMENTS

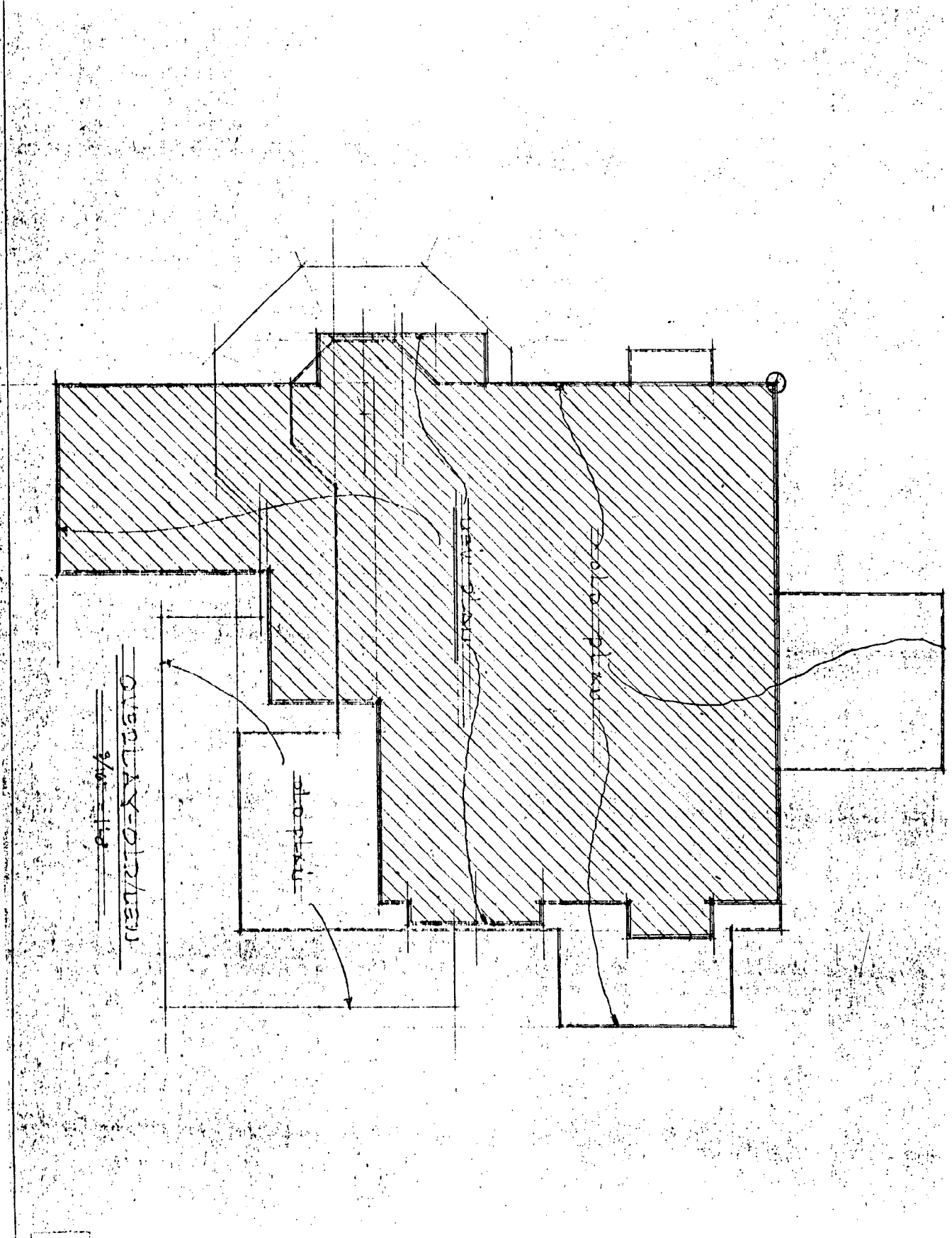
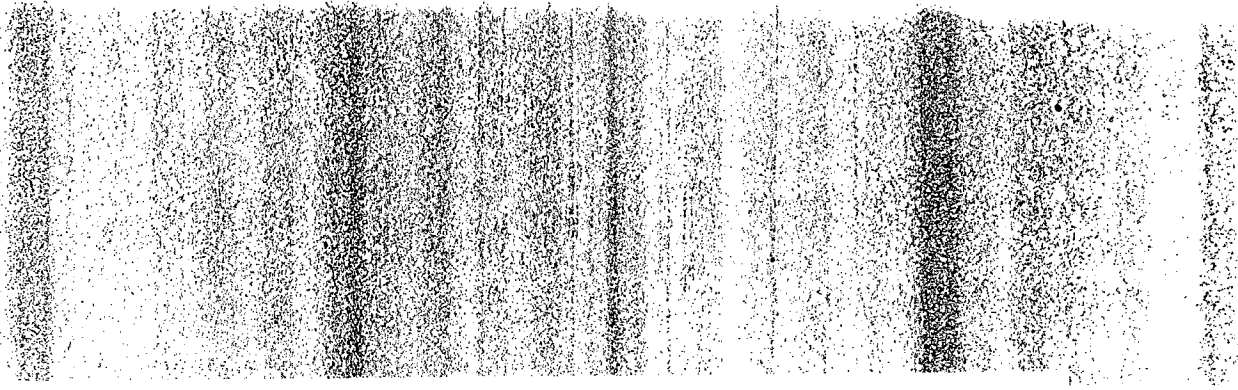
1. Applicant's Preliminary Revised Proposal.
2. Excerpts from Commission Findings on Original Proposal.
3. Excerpts from Applicants Original Proposal.

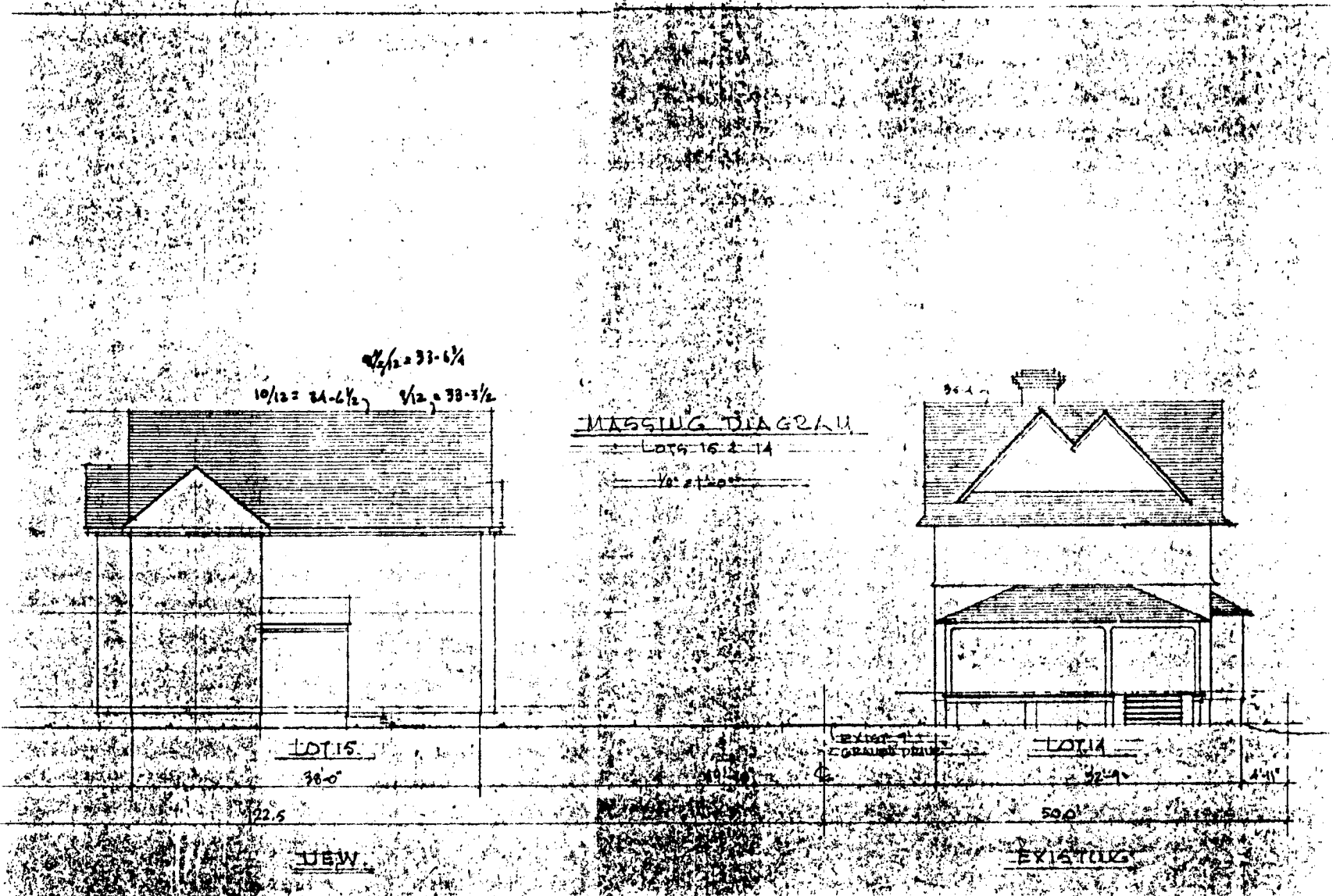


2'0" x 1'0" = 1'0"

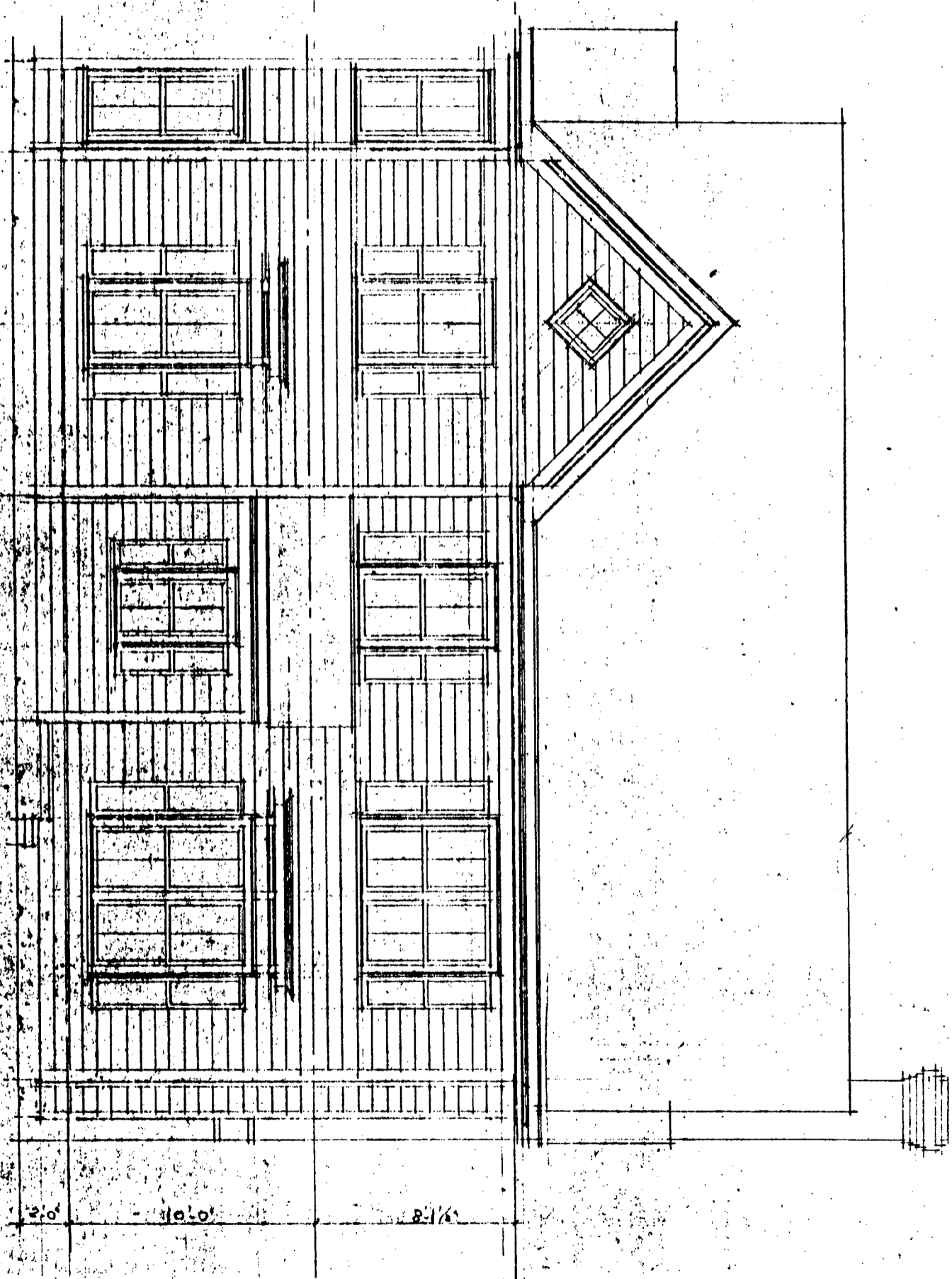


1'0" x 1'0" = 1'0"





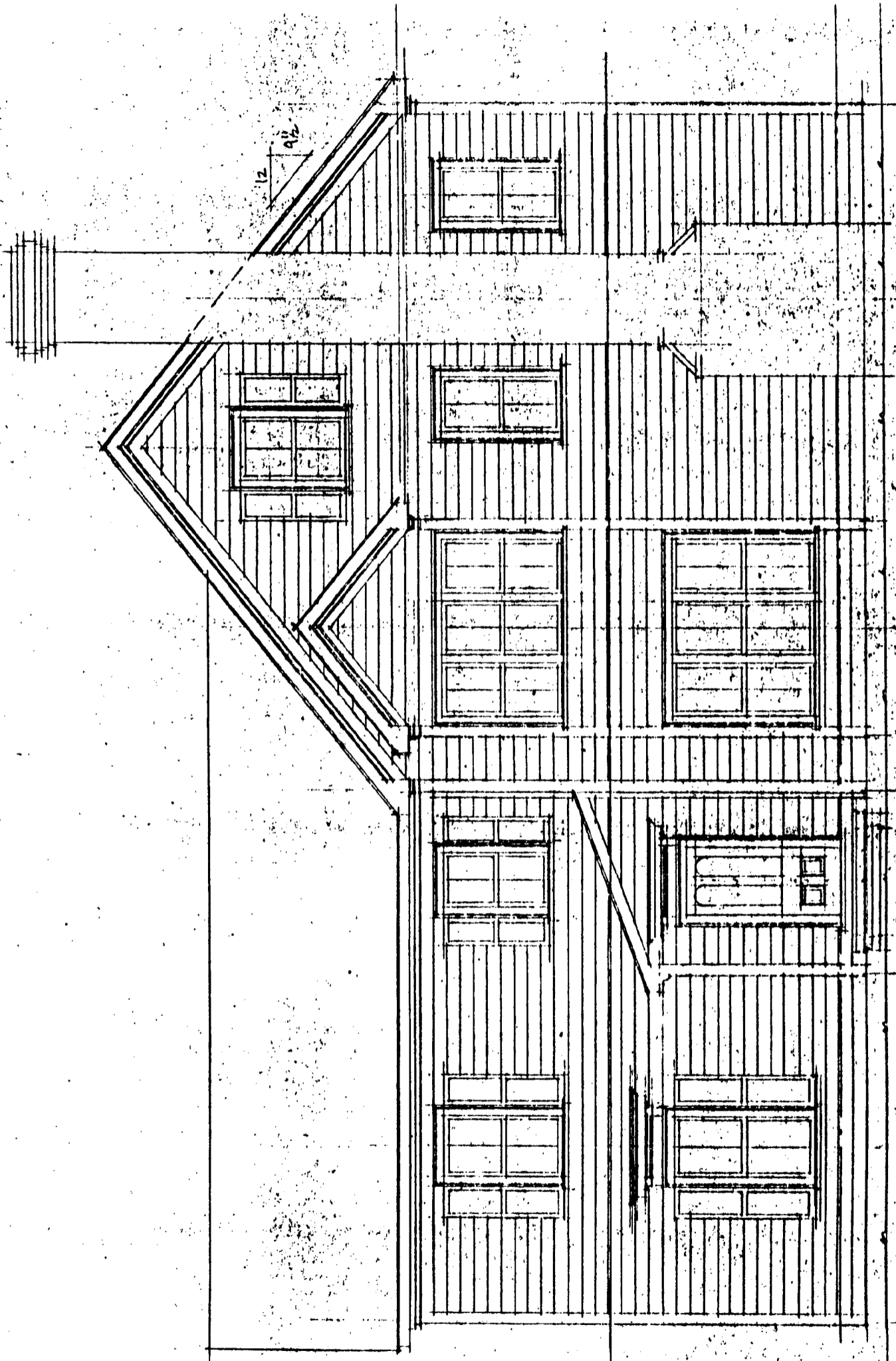
MICHAEL B. PATTERSON



FOOT

NOTE:
 1. see drawings - 7 exp
 2. see drawings -
 materials & finishes
 UNUSABLE

3'0" 16'0" 8'1/4"



RIGHT SIDE

MICHAEL B. PATTERSON

which to base a recusal. In this regard, the Commission notes that Commissioner Wagner has previously obtained the opinion of the Chairman of the Montgomery County Ethics Commission expressing the same view (copy attached). Second, Commissioner Wagner's questions were simply the result of her active participation in the hearings. Some Commissioners are more vocal than others. Commissioner Wagner's questions were prompted by curiosity, not pre-judgment.

FINDINGS

The Kensington Master Plan Amendment details the findings of historical and architectural significance that resulted in the placement of the historic district on the Master Plan.

The town of Kensington began as a small crossroads settlement along the Bladensburg Turnpike, an early market road between the County's major north/south route, Old Georgetown Road, and the port of Bladensburg on the Anacostia River in Prince George's County. When the B&O Railroad was built in 1873, the crossroads settlement became known as Knowles Station, named after the major land holding family in the area.

By 1890, Knowles Station had developed into a village of several hundred people, most of whom were living north of the railroad. In that year, Washington financier, Brainard H. Warner, purchased and subdivided property to the south and southwest of the railroad, naming the area Kensington Park after the famous London suburb. The subdivision was designed in the Victorian manner with ample sized lots and a curvilinear street pattern.

Warner established his own summer residence and invited his friends to join him in this park-like setting away from the heat and congestion of Washington. It is this concentration of Victorian period, residential structures located in the center of the town which constitutes the core of the historic district.

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

time and place, that of a Victorian garden suburb. (Emphasis Added.)

The proposals will effect all the historic resources located on the north side of Prospect Street, four of which are indicated as primary resources in the historic district, according to the Master Plan. Primary historic resources are those properties which contribute to the historicity of the district and which possess architectural and/or historical significance. The extant structures in this area, 3927 and 3923 Prospect Street were both constructed circa 1904 in the Victorian manner by the Armstrong brothers, Harry and Hugh. The houses exhibit typical features of the Queen Anne architectural substyle, including ample front porches, steeply-pitched roofs, and asymmetrically-arranged gables. The Harry Armstrong resource at 3927 Prospect is further distinguished by an unusual twin gable at the attic level. They are situated in an area which has survived as one of the most intact and unaltered streetscapes in the Kensington Historic District. With few intrusions, the north side of Prospect Street can be characterized as a "Victorian garden setting," with mature picturesque trees, gracious, informal yards, and large well-spaced residences constructed near the turn of the century. It is this Victorian garden setting that earned Kensington its placement on the Master Plan for Historic Preservation, as well as the United States Department of the Interior, National Park Service National Register of Historic Places.

The Commission finds that the proposed structure for Lot 15 is overscaled for the historic district in general and the existing streetscape of Prospect Street in particular. If built as proposed, its height and square footage would make it not only much larger than the adjoining house at 3927 (Lot 14) Prospect Street but also much larger than other houses in the vicinity. Its height and square footage are not compatible with and would substantially alter the character and nature of this section of the historic district. As a result, the characteristic uniformity and cohesiveness of the streetscape noted in the Master Plan would be seriously impaired.

Thus, the Commission finds that any structure with the height, square footage and massing as that proposed for Lot 15 would seriously impair the extant streetscape along the north side of Prospect Street. As shown in Exhibit L, there are presently only five structures located on the north side of Prospect Street, four of which are historic. Each sits within a large tree-covered property. The existing streetscape alternates rhythmically between residential structures and these spacious yards. This existing rhythm on Prospect Street (particularly on the north side) would be significantly altered and virtually destroyed with the introduction of a structure onto Lot 15 with the height, square footage and massing that has been proposed in this application.

The percent coverage of the proposed house to its site, which has traditionally served as the open space, and environmental setting for the house at 3927 Prospect Street which is an identified historic resource, is such that the resulting relationship of house to "yard" would be significantly different from the existing relationship of houses to "yards" in this area of the historic district and is therefore incompatible with the character of the district. Development which will result in coverage of no more than nine percent of Lot 15 would be more in keeping with the scale of the historical environmental settings of the district, as shown by Ms. Wilkes in Exhibit 17-D.

The placement of the house on the site, which is an identified historic resource, disrupts the existing rhythm of house to yard on this streetscape and is therefore inappropriate to and incompatible with the character and nature of this section of the historic district. The width of the proposed house and its placement with respect to the front property line is such that it would create a new rhythm of houses to yards, significantly

altering the traditional relationship that still exists in this part of the historic district. In effect, the proposal would create a pronounced building "wall" along the street, thereby creating an urban setting incompatible with the historical Victorian garden setting of the district and the character of the district.

The proposed construction would also directly impact the natural environment. The Commission finds that the proposed construction would destroy much of the mature vegetation on Lot 15, dramatically altering the existing sylvan setting of the historic resource at 3927 Prospect Street (Lot 14). (Exhibit Z) This vegetation is an important component of the "Victorian garden" setting which was referenced in the Master Plan.

The Commission finds that the proposed fence is inappropriate. Fenced yards are more of a town/village environment than "classic" garden suburb. The design of the proposed fence is one traditionally found in an agricultural/farming setting. While front yard fences are not commonplace with the historic district, where they do exist their design is generally a small-scale picket fence. The Commission finds that the proposal would substantially alter the garden-like environmental setting of the adjoining property, 3927 Prospect Street, which is an identified primary resource in the District and, therefore, is inconsistent with the purpose of the ordinance.

Finally, the Commission finds the proposed paved driveway is inappropriate to and will impair the environmental setting of 3927 Prospect Street, an identified primary resource in the historic district. Such a large expanse of solid material would disfigure the sylvan setting; the existing gravel driveway should be retained, as it is less obtrusive. Finally, the Commission finds that the location of two garages on one property is inappropriate to the historic district. Typically, houses in the historic district have either one garage or none at all.

The applicant has suggested, though not directly argued, that if his application is not favorably acted upon, he will be deprived of reasonable use of the property or suffer undue hardship under Section 24A-8(b)(5). This argument must be rejected. The applicant has failed to prove that the denial of this single proposal will result in a "taking" of his property under the Fifth Amendment to the United States Constitution.

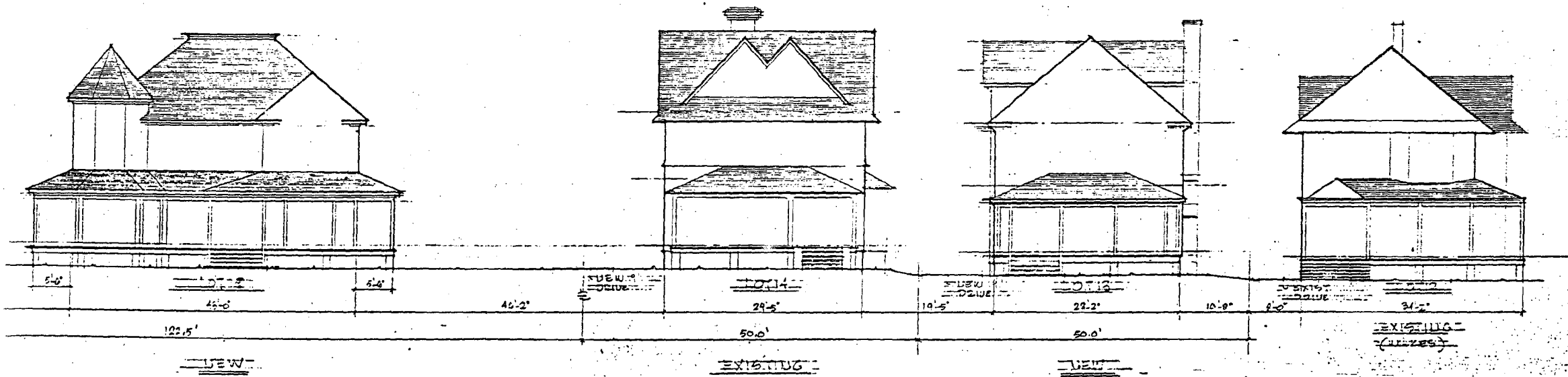
First, the Commission notes that applicant bears the burden of proof on this and all other questions of fact, Section 24A-7(g)(1). Second, the Commission's decision does not deny the applicant all reasonable use of the property. We have simply determined that this particular proposal is incompatible in character and nature with the surrounding resources and the historic district and would seriously impair the architectural value of the surrounding resources, as well as the character of the historic district as a whole. The applicant is free to return to the Commission to discuss possible alternatives for the development of this lot, Section 24A-6(d).

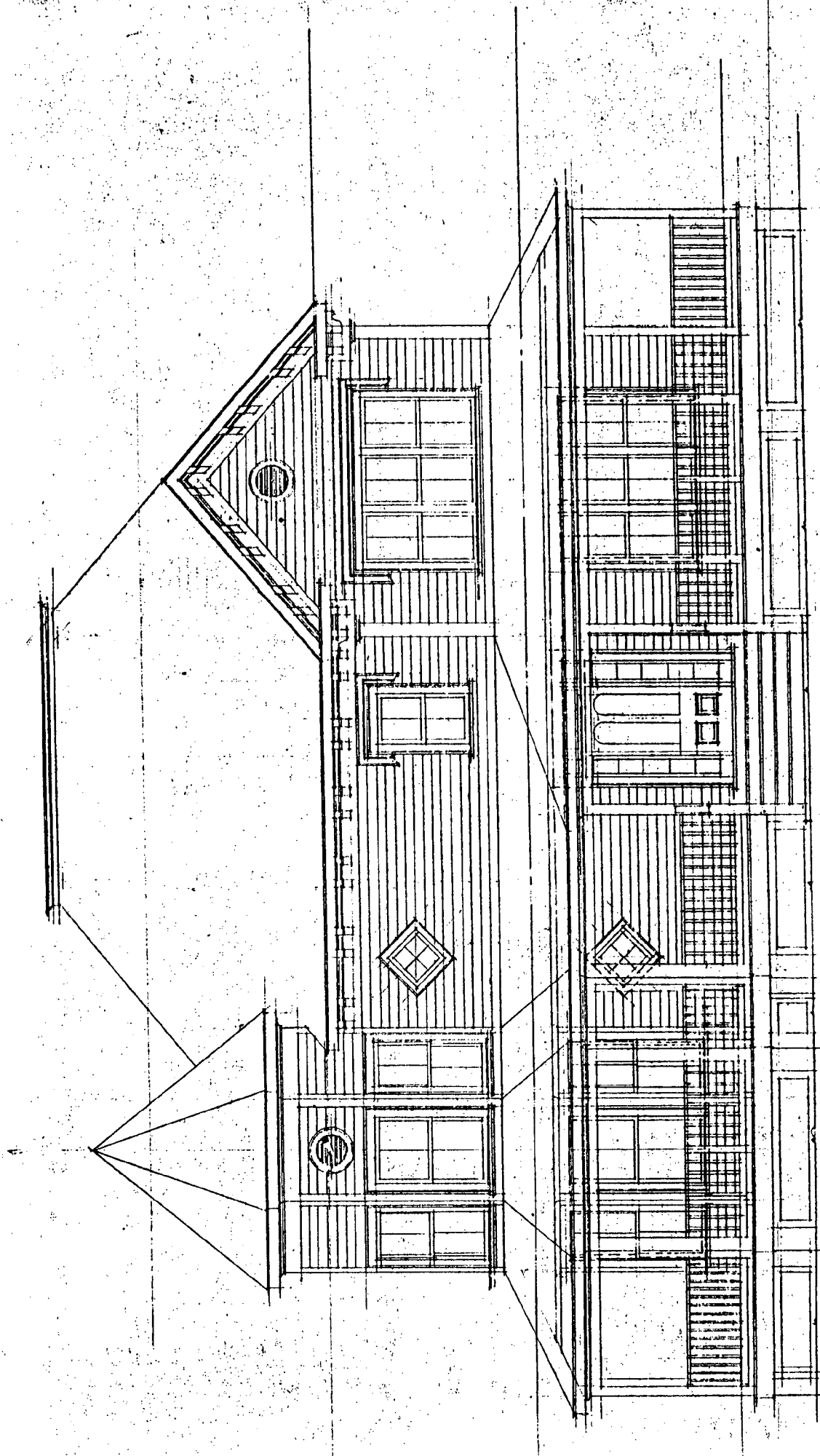
Finally, the applicant has not provided any evidence that the denial of this application will cause him to suffer undue economic hardship. The applicant's attorney stated that Mr. Murray was losing \$6,600 a month, but this figure has been neither explained nor documented. The applicant asserts that Lot 13 and Lot 15 are each worth \$200,000. The applicant further states that "[t]he cost of lots 13 and 15 dictate that a certain level and quality of house be built on them." (Exhibit N9(a)). In support of the \$200,000 figure, the applicant has produced a letter from a real estate broker. (Exhibit N(b)). The letter, however, was not the result of an appraisal conducted in accordance with traditionally accepted appraisal techniques but, rather, merely represents the letter writer's "feeling" as to the fair market value of Lots 13 and 15. The applicant also presented the testimony of Paul V. Flaherty, Jr., a past Historic Area Work Permit

EMBORAY - COSTE 18-11-11
PAGES 6 AND 10-12-11
11-10-11

MICHAEL B. PATTERSON
ARCHITECT
11820 PARKLAWN DRIVE, ROCKVILLE, MD. 20852
(301) 881-8855

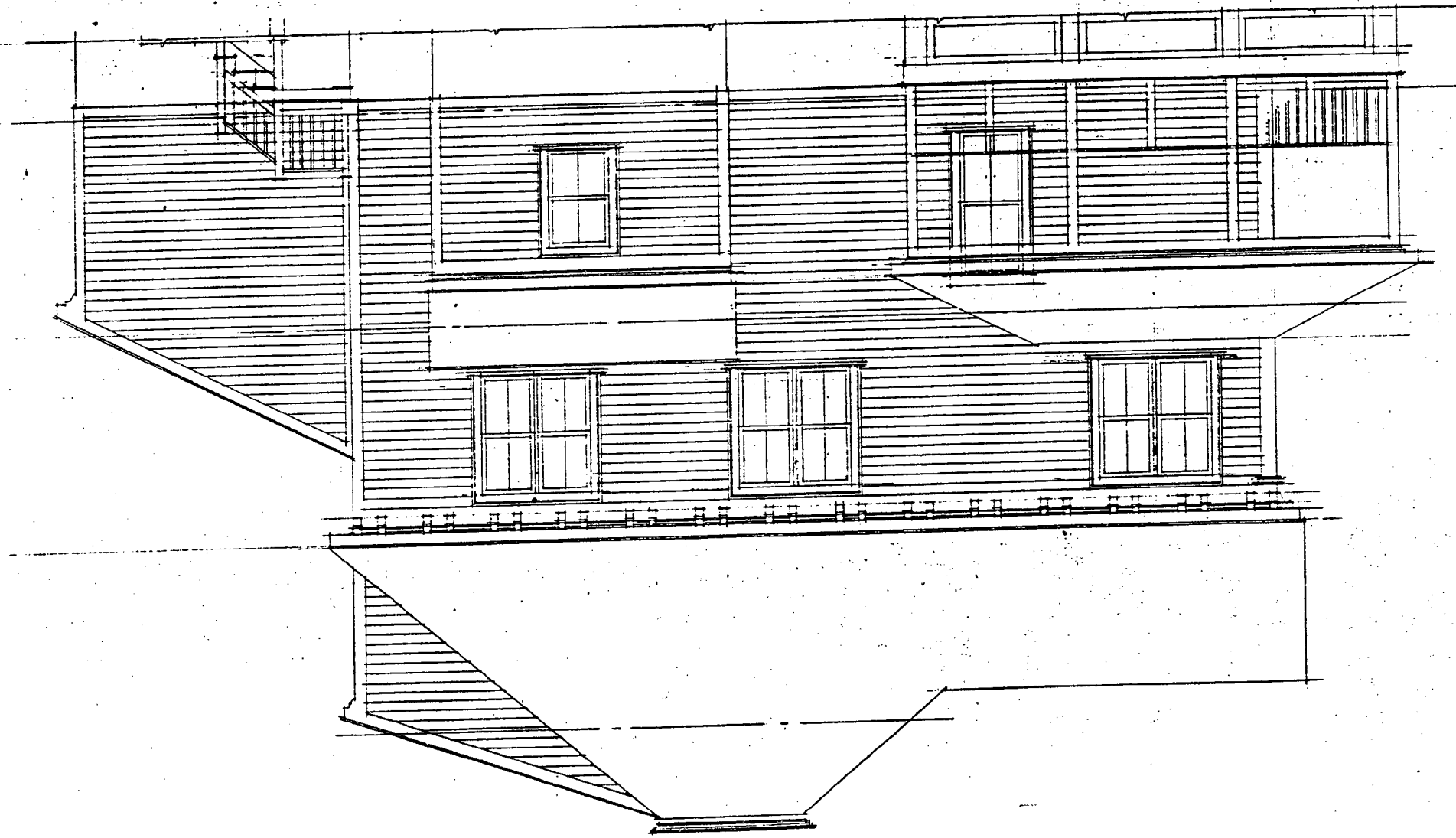
25 MAY '89





- PLOU -

RIGHT SIDE



Steve Hash
3944 Baltimore Street
Kensington, Maryland 20895

Spealman
3940 Baltimore Street
Kensington, Maryland 20895

Anne & Karl Lemp
3934 Baltimore Street
Kensington, Maryland 20895

Cohn
3932 Prospect Street
Kensington, Maryland 20895

Resident
3942 Baltimore Street
Kensington, Maryland 20895

Henry Jarvinen
3947 Washington Street
Kensington, MD
20895

Frank P. and Margaret C. Murray
6422 Western Avenue
Chevy Chase, MD 20815

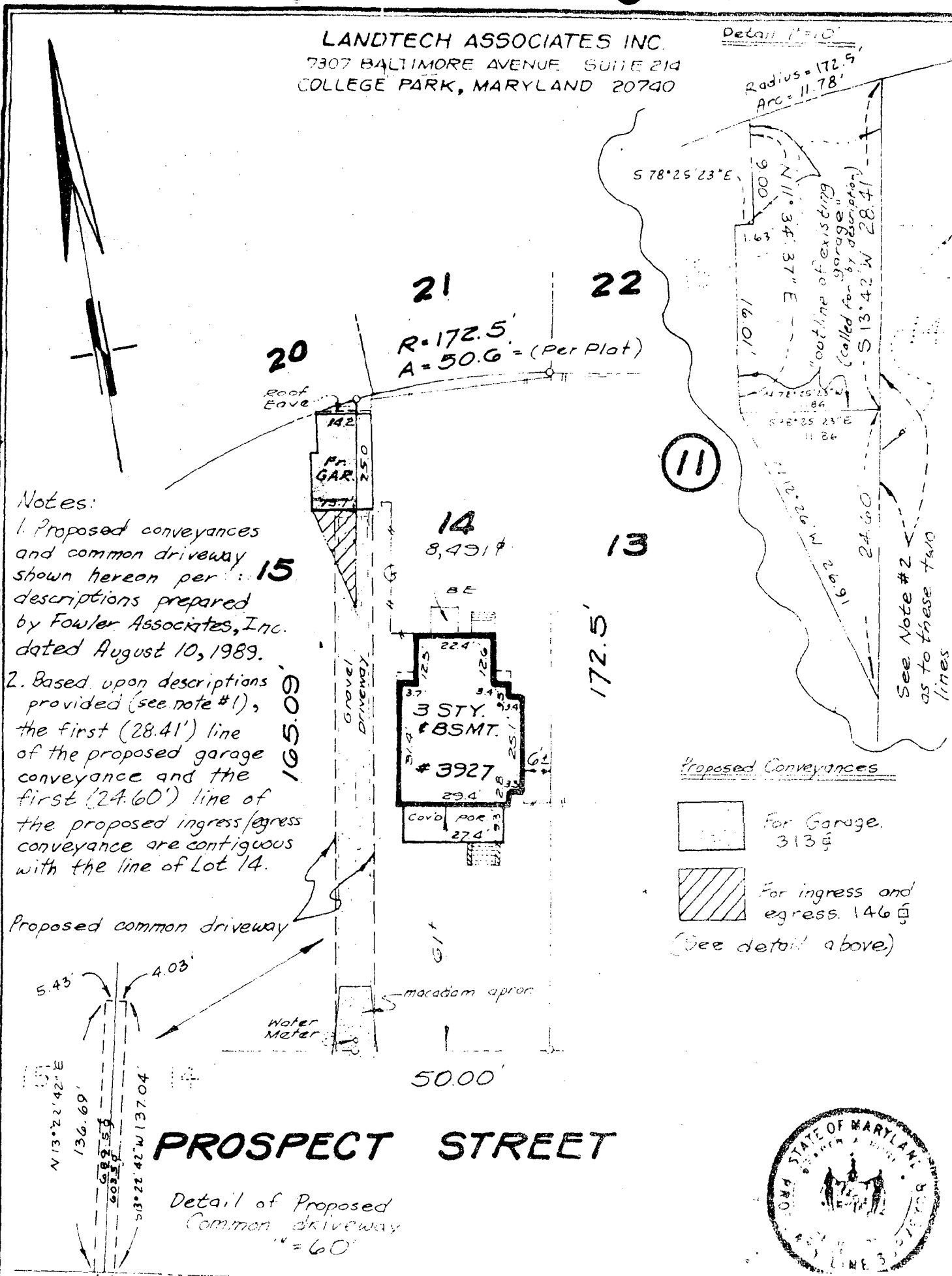
William J. Chen, Jr.
Chen, Walsh & Tecler
200A Monroe Street - Suite 300
Rockville, Maryland 20850

Hon. Charles F. Stuart
Mayor of Kensington
3710 Mitchell Street
Kensington, Maryland 20895

Ms. Jane Allan
Venable, Baetjer & Howard
1 Church Street
Suite 500
Rockville, Maryland 20850

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

Detail 1"=10'





Notes:

- Proposed conveyances and common driveway shown hereon per descriptions prepared by Fowler Associates, Inc. dated August 10, 1989.
- Based upon descriptions provided (see note #1), the first (28.41') line of the proposed garage conveyance and the first (24.60') line of the proposed ingress/egress conveyance are contiguous with the line of Lot 14.

Proposed common driveway

Proposed Conveyances

-  For Garage. 313 sq
-  For ingress and egress. 146 sq

(See detail above)

PROSPECT STREET

Detail of Proposed Common driveway
" = 60'



Before The Montgomery County Historic Preservation Commission
Application of Frank P. Murray

Before the Historic Preservation Commission (the "Commission") is the application of Frank P. Murray (the "applicant") for an Historic Area Work Permit (HAWP) for new construction at 3929 Prospect Street, (lot 15, Block 11), Kensington Park Subdivision, Kensington, Maryland.

Procedural History

Before filing an HAWP application, the applicant sought the advice of the Commission, pursuant to § 24A-6(d) of the Montgomery County Code (1984), as amended. That advice was rendered at a preliminary consultation on January 4, 1990. The Commission received the HAWP application on March 7, 1990 (HPC Exhibit 2), and scheduled it for a public appearance at its March 28, 1990, meeting. At the request of William Chen, Esquire, attorney for the applicant, the Commission postponed the public appearance until its April 25, 1990, meeting. In the interim, the Kensington Local Advisory Panel (LAP) reviewed the application and voted to disapprove it because of the incompatibility of the proposal's footprint, height, and spacing with other historic resources on Prospect Street.

A public hearing on the applicant's plans was held by this Commission on April 25, 1990, and, with the approval of all parties, was continued to May 23, 1990, to accommodate the opposition's expert witnesses. The applicant appeared, represented by counsel, and presented several witnesses and exhibits for the Commission's consideration. The Kensington Historical Society, represented by counsel, presented several expert witnesses along with several exhibits in opposition to the application. Additionally, the Kensington LAP, a councilman of the Town of Kensington, the president of the Kensington Historical Society, and many Kensington residents appeared in opposition to the application. At the conclusion of the May 23rd hearing, the record was closed. By his written consent, the applicant extended the time period for Commission action upon the application until June 22, 1990, (HPC Exhibit 3). § 24A-7(f)(5).

Commission Decision

Having heard and considered all of the testimony and exhibits found in the record, it is the decision of the Commission to approve with conditions, as enumerated below, the application by Frank P. Murray for an HAWP for new construction at 3929 Prospect Street, pursuant to § 24A-8(b)(1) and (d). Commissioners Booth, Brenneman, Miskin, Randall, and Taylor voted to adopt this decision as the decision of the Commission. Commissioners Cantelon, Hartman and Wagner dissented. Commissioner King neither participated in the deliberations nor voted on this decision.

Murray Findings/Lot 15

Conditions

1. It is very important that the park-like setting of this side of Prospect Street be maintained. As further discussed below, this District's park-like setting is one of the key features that earned its placement on the Master Plan for Historic Preservation. The property must be landscaped in a fashion that reinforces the existing park-like ambience. Proper landscaping can, moreover, help to down play the size and bulk of the proposal. To support the preservation of the Historic District's park-like garden setting, the applicant must submit a formal landscape plan in the form of an HAWP application for Commission review and approval. The HAWP application must be filed with the Department of Environmental Protection at the same time that the applicant files a Building Permit application for the proposed construction. The landscape plan shall delineate all landscape features, including walks, drives, walls, fences, trees, shrubs and other plantings.
2. To mitigate the effects of construction on existing vegetation on and adjacent to the property, the applicant must implement a tree preservation program prior to and during the construction process to preserve the vegetation identified on Applicant's Exhibits A and C. The plan shall be prepared by a qualified arborist and submitted to the Commission as part of the HAWP application described in Condition # 1.
3. To mitigate the effects of construction on the surrounding historic resources, the applicant must implement an approved construction staging plan. The plan shall demonstrate that construction activity will not harm the adjacent historic resources by indicating the areas that construction equipment will access the site, the areas on the site where construction materials will be stored, and the areas on the site where dirt will be stockpiled. The plan shall be submitted to the Commission as part of the HAWP application described in Condition # 1.
4. The applicant shall, by transmittal of this document, formally advise any person or entity purchasing lot 15 that this is an extremely sensitive property in an area of the Kensington Historic District which characterizes the Victorian garden setting that earned Kensington its placement on the Master Plan for Historic Preservation, as well as the National Register of Historic Places. Because of its sensitive location, the Commission is concerned about the potential impact of any future development on the immediate area of the district and the adjoining primary resources. Any HAWP application will be critically reviewed with respect to its impact on this setting. The applicant shall, at the time of transmittal of this document to the potential purchaser, certify that fact in writing to the Commission.

Background

It is the purpose of Chapter 24A of the Montgomery County Code, "Historic Resources Preservation," to provide 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, archaeological, 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 such 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 § 24A-2:

Historic district: A group of historic resources which are significant as a cohesive unit and contribute to the historical, architectural, archaeological 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, archaeology or culture. This includes, but is not limited to, all properties on the "Locational Atlas and Index of Historic Sites in Montgomery County."

Appurtenances and environmental setting: The entire parcel, as of the date on which the historic resource is designated on the master plan, and structures thereon, on which is located an historic resource, unless reduced by the District Council or the commission, and to which it relates physically and/or visually. Appurtenances and environmental settings shall include, but not be limited to, walkways and driveways (whether paved or not), vegetation (including trees, gardens, lawns), rocks, pasture, cropland and waterways.

On July 7, 1986, the Montgomery County Council, sitting as the District Council, approved a resolution designating the Kensington Historic District (#31/6), as an amendment to the Master Plan for Historic Preservation. The amendment was adopted by the Maryland-National Capital Park and Planning Commission (M-NCPPC), effective July 8, 1986.

It is the responsibility of the Montgomery County Historic Preservation Commission to preserve designated historic districts and historic sites in the county by means provided in the Historic Preservation Ordinance. One of the primary methods of fulfilling this responsibility is through the historic area work permit process.

It is the responsibility of an applicant for an historic area work permit to provide "information sufficient to support the application and the burden of persuasion on all questions of fact which are to be determined by the Commission." § 24A-7(g)(1). The plan submitted must meet at least one of the criteria set forth in § 24A-8(b).

The Kensington Master Plan Amendment states:

According to [Section III of the Commission's Guidelines for Historic Districts,] a Historic District as identified, and if approved for inclusion in the County's Master Plan for Historic Preservation, shall consist of the entire area represented by all of the historic resources with their appurtenances and environmental setting. Non-historic properties within the boundaries of the Historic District are also subject to regulation, as they are considered appurtenances and part of the environmental setting of the historic resources of the District.(Emphasis in original)

In regard to the properties identified as secondary resources -- that is visually contributing but non-historic structures or vacant land within the Kensington District -- the Ordinance requires the Preservation Commission to be lenient in its judgment of plans for contemporary structures or for plans involving new construction unless such plans would seriously impair the historic or architectural value of surrounding resources or impair the character of the District.
(Emphasis added.)

The new construction proposed for lot 15 is located on the north side of Prospect Street. The Kensington Master Plan Amendment reveals that four of the five improved lots on the north side of Prospect Street are designated as primary resources: 3927 (lot 14), 3923 (lot 12), 3915 (lot 8), and 3911 (lot 6). Thus, the north side of Prospect Street is a primary resource area within the district.

Evidence

The following exhibits and testimony were presented at the public appearances:

Preservation Specialist Jared B. Cooper presented the staff report (HPC Exhibit 4) and recommendation to the Commission. He recommended that the HAWP application be approved without any conditions. Mr. Cooper stated that, in

his professional opinion, the proposed construction would not substantially alter this area of the historic district. He further indicated that the proposal would be compatible in character and nature with the historical and architectural features of the Kensington Historic District, and would not be detrimental thereto. Thus, Mr. Cooper recommended that the HAWP application be granted under the criteria set out in Sections 24A-8 (b)(1) and (2).

Dr. Ray Shulman, acting chair of the Kensington LAP, presented the results of its analysis. He stated that the panel found that the proposed overall footprint was too large compared to other houses on Prospect Street. He noted that to be compatible with the existing open space between houses in this area, the proposed structure should be at least 10 feet narrower. Finally, the LAP found that the proposed height of 42 feet, an unusually high elevation for the area, combined with the straight gable roof, would present an excessively massive intrusion on the streetscape and open space. Dr. Shulman stated that, in light of these facts, the LAP voted unanimously to recommend denial of the application.

Mr. Chen testified that Mr. Michael Patterson, the applicant's architect, modified the proposal after the Commission reviewed the preliminary proposal in January, 1990. He noted that in the current proposal the house is set back in order to more closely match the existing building line on Prospect Street. He indicated that the house is located on the property so that the front wall of the projecting ell aligns with the front porches of the existing historic houses on lots 12 and 14. Mr. Chen explained that the design of the house features a narrow projecting bay in front of the main mass of the house. The elevations indicate that the gable end of this bay that faces the street is capped by a pent eave. This organization was developed to reduce the apparent mass of the house as viewed from the street. He stated that the structure was 33 1/2 feet in height, not 42 feet as estimated by the LAP. In addition, he stated that the proposed total lot coverage is 10.28% which, he opined, was reasonable and in keeping with the average on the north side of Prospect Street.

Mr. Chen presented Applicant's Exhibit A, a landscaping plan showing 52 pieces of vegetation to be added to lot 15. He then described the trees to be removed from lot 15, including a seven-inch caliper wild cherry and a six-inch caliper mulberry from the west side of the lot; two sassafras, one dead and one six inches in caliper; a six to eight inch caliper wild cherry; two dogwoods, one six inches in caliper and one just over eight inches in caliper; and a 12 1/2 inch caliper hemlock on the front. He added that, on the right front, seven dogwoods would be removed. He stated that 15 pieces of vegetation would be removed. However, according to Mr. Chen, none of the vegetation to be removed is of specimen quality.

Mr. Chen indicated that the proposal contains one detached single car garage, located next to the existing detached single car garage on lot 14, the adjacent improved lot. Although the application shows the existing garage straddling the lot line between lots 14 and 15, Mr. Chen stated that a lot line adjustment transferred the existing garage and its land to lot 14, alone. He did not have a drawing of the legal description since it was deeded by metes and bounds. He pointed out that an existing easement will permit the

owner of lot 15 to share the driveway on lot 14. He added that no fencing is proposed. Mr. Chen concluded that the project as proposed in the application would not do "violence to the streetscape on the north side of Prospect."

Mr. Jack Jones, speaking as a Councilman for the Town of Kensington, conveyed the concerns of the citizens, the Mayor, and the Town Council, that inappropriate development threatened the historic character of Kensington. He stated that "it is important . . . (to) keep the flavor of what Kensington was envisioned to be, a planned community with open green space," and urged that the lot remain as open space. In response to questions from the Commission, Mr. Jones stated that the town is not specifically doing anything to retain the open space, but that he would suggest to the Town of Kensington that it encourage legislation. Jim Wagner, another Councilmember from Kensington, added that previously the town used open space grants to acquire lots that had previously been home sites. Mr. Jones agreed with Mr. Murray's assessment of the town's position: any further development would be incompatible with the historic district.

Ms. Judy Hanks-Henn, a citizen of Kensington, offered two points. As a registered landscape architect in the State of Maryland, she stated that rather than limit the undulating plantings to the front, a true Victorian garden setting would have plantings of a larger size and undulating character around the totality of the lot. She concluded that the size of the footprint of the house as presented in the application prevented that landscaping arrangement. Her second point dealt with the spacing between the houses. She cautioned that each time a house is added to a large setting, the garden setting is threatened.

Many other witnesses appeared for the opposition presenting both written and verbal testimony. Among the witnesses were the president of the Kensington Historical Society, several adjoining property owners, and many neighborhood residents. Additionally, Mr. John O'Neill, representing the Kensington Historical Society, read a letter from the Maryland Historical Trust dated June 29, 1989, into the record (Opposition's Exhibit E). The letter stated that "the real issue is not the appropriateness of the design of the proposed infill construction, but whether or not any infill construction is appropriate".

Two licensed architects, Helen Wilkes and Don Little, presented many exhibits (Opposition's Exhibits A through H) in support of their testimony for the opposition. Ms. Wilkes testified that the north side of Prospect Street stands as one of the few unspoiled examples of the suburban garden park streetscape envisioned by Brainard Warner in his design of the master plan for the Town of Kensington Park. The historic district of Kensington is characterized by its large lots, uniformity of scale, cohesiveness of streetscapes, park-like setting, and a strong sense of time and place (Opposition's Exhibits A and B). She stated that there are presently five houses on 14 platted lots on the north side of Prospect Street. She noted that if all the lots were developed, the ratio of new houses to historic houses would be nine to four (Opposition's Exhibit C).

Ms. Wilkes presented her analysis of the proposal for lot 15. She opined that

the footprint of the proposal is significantly larger than the other historic resources on the north side of Prospect Street. She suggested that the proposed structure is neither Victorian nor Colonial. She added that it has a two-story mass extending into the "porch zone" (the average distance from the street which is occupied by front porches), and thus is inconsistent with the streetscape.

She addressed the impact of the proposal on the appurtenances and environmental setting on the lot 14 resource, noting that many large trees and most small trees would have to be removed. She suggested that four historic resources will be directly impacted. She added that the proposed house would visually dominate the resource on lot 14 because it is eight feet wider than the resource on lot 14.

Ms. Wilkes, and others who testified in opposition to the HAWP application, noted that, historically, many of the houses in the Kensington Historic District were conveyed along with one or more side lots which served as garden settings for the houses. Lots 13, 14, and 15 had historically been conveyed as a single unit. For that reason, Ms. Wilkes referred to the "yard" of the existing house on lot 14 as encompassing the square footage of its neighboring lots 13 and 15. According to Ms. Wilkes, each house on the north side of Prospect has an average street frontage of 125 feet. Lot 15 has a street frontage of 122.5 feet, and lots 13 and 14 each have street frontages of 50 feet. She stated that the proposed building on lot 15 would reduce the street frontage of lot 14's "yard" to 100 feet. Ms. Wilkes added that the minimum distance between houses on the north side of Prospect Street is 45.75 feet. With the development on lot 15, there will be only 42 feet between the house on lot 14 and the proposed house on lot 15. She testified that the average house footprint in the area is 8.6 percent of its "yard", and that the proposed house on lot 15 would result in a footprint of 10.28 percent of lot 15. Ms. Wilkes concluded that the proposal would negatively impact the historic district and referred to Opposition's Exhibit H, stating that the family of the builder intended to keep the estate intact.

Mr. Little reiterated that the north side of Prospect Street is one of the purest examples of the setting which created the designation of the historic district. He presented evidence that, in his opinion, the proposed construction did not defer to the existing structure on lot 14 in terms of size, scale or architectural detail and was therefore unacceptable.

In rebuttal, Mr. Chen called Ms. Molly Knowles and Mr. Patterson. Ms. Knowles explained the landscape plan for lot 15 and stated that none of the trees to be retained would be damaged by the construction.

Mr. Patterson provided testimony regarding the houses on the north side of Prospect Street. He stated that lot 15, the site of the proposed construction, is 14,879 square feet. The proposed structure is 1529 square feet. The footprint of the proposed house is 10.28% of the entire lot. The street frontage of lot 15 is 122.5 feet.

Lot 14, the adjacent improved lot, is 8491 square feet, according to Mr. Patterson. He testified that he obtained the square footage of that lot and

the others from the State Tax Assessor's office. Mr. Patterson further testified that, based on drawings signed by the home's previous owner, the existing house is 1492 square feet. The footprint of the house on lot 14 is 17.6% of the entire lot. The street frontage of lot 14 is 50 feet.

He stated that the "yard" for the existing house on lot 12 (the Wilkes house), consisting of lots 12, 11, and one-half of lot 10, is 21,562 1/2 square feet. The house on lot 12 is 962 square feet. Thus, the house footprint is 4.46% of the "yard." The "yard" for the existing house straddling lots 8 and 9 (the O'Neill house), consisting of lots 8, 9 and one-half of lot 10, is also 21,562 1/2 square feet. The house straddling lots 8 and 9 is 2,310 square feet. Thus, the house footprint is 10.71% of the "yard."

Mr. Patterson revealed that the "yard" for the existing house straddling lots 6 and 7, consisting of lots 6 and 7, is 17,250 square feet. The existing house straddling lots 6 and 7 is 1728 square feet. Thus, the house footprint is 10.02% of the "yard." Finally, lot 5 is 8,625 square feet. (The "yard" for the house on lot 5 consists solely of lot 5.) The house on that lot is 1,200 square feet. Thus, the house footprint is 13.91% of that lot.

Upon cross-examination, Mr. Patterson stated that the "yard" for the existing house on lot 14, consisting of lots 13, 14, and 15, is approximately 32,000 square feet. (The actual figure is 31,995 square feet.) Since the existing house on lot 14 is 1,492 square feet, the house footprint is 4.7% of the "yard."

Findings

The Kensington Master Plan Amendment details the findings of historical and architectural significance that resulted in the placement of the historic district on the Master Plan.

The town of Kensington began as a small crossroads settlement along the Bladensburg Turnpike, an early market road between the County's major north/south route, Old Georgetown Road, and the port of Bladensburg on the Anacostia River in Prince George's County. When the B&O Railroad was built in 1873, the crossroads settlement became known as Knowles Station, named after the major land holding family in the area.

By 1890, Knowles Station had developed into a village of several hundred people, most of whom were living north of the railroad. In that year, Washington financier, Brainard H. Warner, purchased and subdivided property to the south and southwest of the railroad, naming the area Kensington Park after the famous London suburb. The subdivision was designed in the Victorian manner with ample sized lots and a

curvilinear street pattern.

Warner established his own summer residence and invited his friends to join him in this park-like setting away from the heat and congestion of Washington. It is this concentration of Victorian period, residential structures located in the center of the town which constitutes the core of the historic district.

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

The proposal is situated in an area which has survived as one of the most intact and unaltered streetscapes in the Kensington Historic District. With few intrusions, the north side of Prospect Street can be characterized as a "Victorian garden setting," with mature picturesque trees, gracious, informal yards, and large well-spaced residences constructed near the turn of the century. It is this Victorian garden setting that earned Kensington its placement on the Master Plan for Historic Preservation, as well as the National Register of Historic Places.

In reviewing this application, the Commission finds that the proposal will not impact the Kensington Historic District in a manner which might threaten its value as a National Register Historic District, or as a Montgomery County Master Plan Historic District. The Commission also finds that the proposal does not enhance or improve the district. As noted, the approval is based on Section 24A-8(b)(1), in that the proposal will not substantially alter the exterior features of an historic site or historic resource within an historic district, and 24A-8(d), which directs the Commission to be lenient regarding plans "involving new construction, unless such plans would seriously impair the historic or architectural value of surrounding historic resources or would impair the character of the Historic District".

The Commission finds:

1. Although undistinguished in artistic character, the proposed house is not incompatible in overall size, materials, and style as compared to houses in this area of the Historic District.

As demonstrated by the testimony of the applicant and the opposition, the houses along Prospect Street vary in size. Footprints on the north side of Prospect Street range from 962 square feet (the Wilkes house) to 2310 square feet (the O'Neill house). Thus, the footprint of the proposed house (1529 square feet) falls within this range.

According to the information included with the architectural drawings submitted by the applicant, the exterior of the proposed house would be constructed of wood siding and shingles with true divided-light wood framed windows. These are materials common to many of the historic houses in the Kensington Historic District. The composition shingle roof is also an appropriate material.

The Master Plan states that the houses in the district exhibit a "variety of architectural styles popular during the Victorian period....". The proposed house, according to the applicant's architect, is rendered in the "Neo-Victorian" style. This statement is supported by the testimony of Helen Wilkes, architect, who spoke for the opposition, and described the house as a hybrid of Colonial and Victorian elements. The Commission finds that the proposed design, which draws from several traditional approaches to residential architecture, is neither historicism, nor does it represent the latest trend. Thus, due to its lack of distinction, the proposal defers to the adjoining primary resources.

2. The front setback of the proposed structure is consistent with the existing pattern of development. The applicant testified that the front wall of the projecting ell is situated 51'8" from the street. The adjacent existing houses along the north side of Prospect Street are situated an approximate average of 50 feet back from the front property line. This is a location that the Commission encouraged the applicant to consider.

The opposition testified that the proposal includes construction within a "setback zone" normally occupied by porches on the north side of Prospect Street. The Commission finds that this pattern referred to by the opposition is not the only pattern in this part of the historic district. As can be seen in Opposition's Exhibit D, there are other houses in this part of the Historic District that exhibit relatively solid building masses in this "porch zone".

3. The proposed relationship of house to "yard" and house/yard rhythm, is not significantly different from traditional patterns occurring along Prospect Street. Thus, the development will not radically alter the established streetscape in this area of the Historic District.

According to the evidence presented, the size of Lot 15 is 14, 879 square feet. As such, it is the largest recorded lot on the north side of Prospect Street. Lot 15 has 122.5 feet of frontage along Prospect Street, making it one of the greatest frontages in this portion of the district. The Commission finds that the footprint of the proposal, whether measured as house to "yard" or house to lot, is not inordinately different from the existing footprints on the north side of Prospect Street.

If the footprint is considered in terms of house to lot, the evidence reveals that the footprint of the house on lot 5 is 13.91% of lot 5, the footprint of the house on lot 14 is 17.6% of lot 14, and the footprint of the proposal for lot 15 would be 10.28% of lot 15. This is hardly an incompatible footprint in this area of the District. If the footprint is considered in terms of house to "yard", a similar conclusion is reached. The footprint on lot 5 is 13.91% of the "yard", the footprint on lots 6 and 7 is 10.02% of the "yard", the footprint on lots 8, 9, and one-half of lot 10 is 10.71% of the "yard", and the footprint on lots 11, 12, and one-half of lot 10 is 4.46% of the "yard". If the proposal is built on lot 15, its "yard" will consist of lot 15 alone (since there is an existing structure on lot 14) and its footprint will be 10.28% of the "yard". Finally, the footprint of lots 13 and 14 will be 8.7% of the "yard".

4. As indicated in the record, the property was formerly an open side yard for the house on Lot 14, and has little existing vegetation of specimen quality. Thus, the Commission finds that the proposed development will not destroy significant mature vegetation.

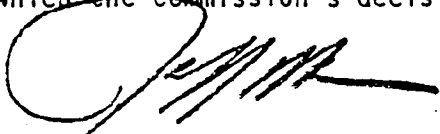
5. The proposed development would reduce open space, but that such reduction would not severely compromise the park-like garden setting. Lot 15, which served as a side yard for lot 14, contributes to the park-like setting of Kensington by virtue of its presence as landscaped open space. However, no evidence was presented that would indicate that this particular parcel of open space is important in the context of the overall town plan. In fact, based on the development pattern observed in the district, and as described in testimony before the Commission, it is the corner properties on the curved streets and the oval in the core area of the Kensington Historic District that constitute the important open spaces, as well as the sites for some of the more important figural Victorian-style residences. As stated in the Kensington Master Plan Amendment: "It is this concentration of Victorian period, residential structures located in the center of the town which constitutes the core of the historic district."

Denser development, with frontally oriented buildings, occurs along the straight portions of the streets. This proposal will add another house to a straight linear (as opposed to curved) streetscape. The Commission finds that, when properly landscaped as required by the conditions of approval, the streetscape will not be negatively impacted.

6. The argument offered by the opposition, which indicated that the proposed development would "tip the balance" between historic and non-contributing resources, thus threatening the integrity of the Historic District, while of concern to the Commission, has not been proven.

Based on the evidence presented, it cannot be determined how many other new houses could ultimately be built in this portion of the District. Nor was it demonstrated that, should such new houses be built, it would result in destruction of the District's overall character.

Pursuant to § 24A-7(h) of the Montgomery County Code (1984), as amended, any party aggrieved by the Commission's decision may file an appeal with the Board of Appeals for Montgomery County, Maryland, within 30 days from the date on which the Commission's decision is made public.



Jeffrey Miskin, Chairperson
Montgomery County Historic Preservation Commission

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f

MONTGOMERY COUNTY HISTORIC PRESERVATION COMMISSION

LOCAL ADVISORY COMMITTEE REVIEW FORM

EXTERIOR ALTERATIONS

I. Location of property.

a. Located within the KENSINGTON historic district.

b. This is a Master Plan Atlas historic district (circle one).

c. Address of Property: 3915 PROSPECT ST.
KENSINGTON, MD.

d. Property owner's name, address and phone number:
JOHN & VIVIAN G. O'NEILL
4608 WOODFIELD RD. KENSINGTON MD
(h) 949-4332 (w) _____

e. Is this property a contributing resource within the historic district? Yes No _____

f. On a map of the district locate this property and any adjacent historic resources. Will this work impact other contributing historic resources? Yes No _____

II. Description of work proposed

a. Briefly describe proposed work:
REPAIR FIRE DAMAGE, DORMERS @ FRONT,
NEW PORCH, FAMILY ROOM @ REAR -
"RESTORE HOUSE TO FORMER COLONIAL REVIVAL CHARACTER"

b. Is this work on the front, rear, or side of the structure?

c. Is the work visible from the street? YES

d. What are the materials to be used? SAME AS EXISTING -
WOOD TRIM, WOOD SHINGLE SIDING, FIREGLASS SHINGLE ROOFING,
WOOD FRAME WINDOWS

e. Are these materials compatible with existing materials? How? If not, why? YES, SAME

III. Recommendation of the Local Advisory Committee

a. Approval of Work

1. Which criteria found in the Ordinance for Historic Preservation (Sec. 24A-8-b of the Montgomery County Code) does this work meet?

1), 2)

2. What conditions, if any, must be met in order for the proposed work to meet the above criteria? (example: the proposed windows should be double hung to conform with existing windows)

REMOVE LOW SLOPE GABLE @ FRONT PORCH STEPS

b. Disapproval of Work

1. On what grounds is disapproval recommended? Refer to Sec. 24A-8.

2. How could this proposal be altered so as to be approved?

IV. Additional comments

ALSO APPROVED CLAPBOARD SIDING IF OWNER ELECTS TO REMOVE EXISTING WOOD SHINGLE SIDING

Date on which application received: 11.30.87

Date of LAC meeting at which application was reviewed: 12.7.87

Form completed by: Donald H. Little Title: CHAIRMAN

Member of: KENSINGTON LAC

Date: 12.9.87

MEMORANDUM

TO: Historic Preservation Commission

FROM: Alison Vawter

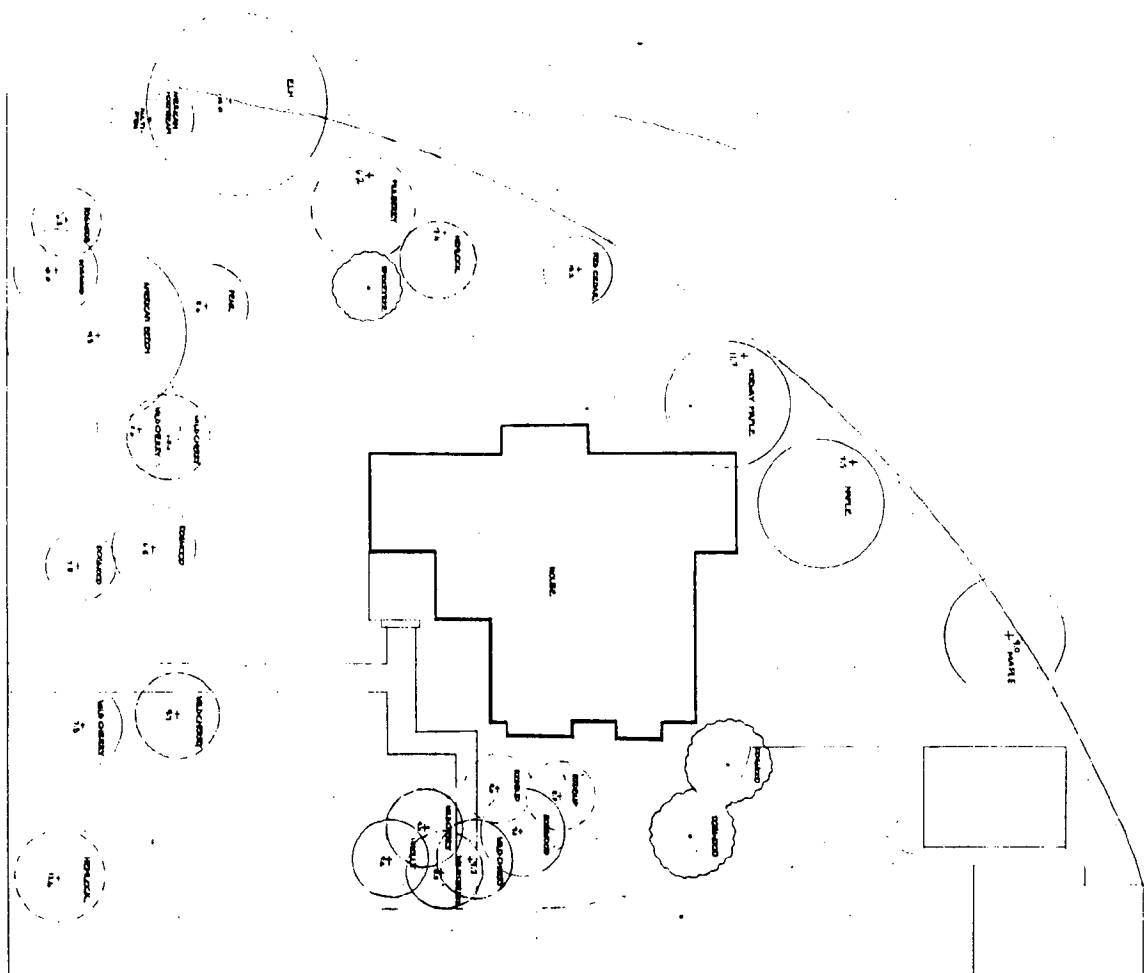
DATE: May 16, 1990

SUBJECT: Additional Submissions: Frank P. Murray/Kensington Neighbors, Re: HPC Case No. 31/6-90E

Attached please find the following pieces of information submitted by parties of record in the above-referenced case:

1. Tree Survey "Overlay" of 3929 Prospect Street (Murray)
2. Letter from Bill Chen, dated March 28, 1990 (date is in error) (Murray), detailing the following:
 - a. invoice for Gypsy Moth Treatment on lot (Murray);
 - b. house location survey for Lot 14. (Murray)
3. Summary of Testimony to be presented May 23 (Helen Wilkes and Don Little)
4. Map Diagram of Proposed Development (Wilkes)
5. Letter Dated November 17, 1990 (Maryland Historical Trust)
6. Letter Dated April 23, 1989 (Armstrong)

1840E



FRANK P. MURRAY & ASSOCIATES

PROSPECT STREET
KENSINGTON, MARYLAND

TREE PLAN

KEHOE LANDSCAPING
LLP SPM



MEMBER LANDSCAPE CONTRACTORS ASSOCIATION

CHEN, WALSH & TECLER

ATTORNEYS AT LAW

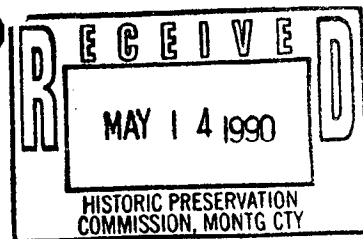
200A MONROE STREET

SUITE 300

ROCKVILLE, MARYLAND 20850

(301) 279-9500

FAX: (301) 294-5195



*ALSO ADMITTED IN THE DISTRICT OF COLUMBIA

JOHN BURGESS WALSH, JR.
WILLIAM JAMES CHEN, JR.*
KENNETH B. TECLER.*
JOHN F. MCCABE, JR.*

March 28, 1990

Historic Preservation Commission
of Montgomery County
51 Monroe Street, Tenth Floor
Rockville, Maryland 20850

Attention: Jared Cooper

Re: Application of Frank P. and
Margaret C. Murray,
3929 Prospect Street, Kensington,
HPC Case No. 31/6-90E

Dear Mr. Cooper:

In accordance with the instructions of the Historic Preservation Commission, I enclose herewith the following documents for submission into the administrative record on the above-referenced Historic Area Work Permit Application. The documents are:

- (1) An invoice dated May 4, 1989, to Murray & Sons, Inc. from Tree Masters Pest Management Systems; and
- (2) A house location survey for Lot 14, Block 11, Kensington Park Subdivision.

In addition to the two foregoing documents, Molly Murray is submitting directly to your office the landscape plan for Lot 15, Block 11, Kensington Park Subdivision with an "overlay". That plan illustrates existing vegetation on Lot 15 with, I understand, a diameter of six inches or greater at breast height. The plan also identifies vegetation proposed to be removed, and proposed new vegetation.

Naturally, if you or the Commission have any questions or concerns with regard any of the foregoing please do not hesitate to call me.

Sincerely,

A handwritten signature in cursive script, appearing to read "William J. Chen, Jr.", written over a horizontal line.

William J. Chen, Jr.

WJC:csr

Enclosures

cc: John O'Neill, Esq.

EXHIBITS

Kensington Historical Society (Opposition)

- A. Streetscape, North Side of Prospect Street (Graphic)
- B. Streetscape, South Side of Prospect Street (Graphic)
- C. Existing Green Space, Prospect Street (Graphic)
- D. Potential Development, Prospect Street (Graphic)
- E. Letter Dated 6/29/89 - Maryland Historical Trust
- F. Endangered Trees, Trees to be Remove, Proposed Plantings, etc. (Graphic)
- G. Impact of Construction on a 50 Foot Lot (also submitted as an Avery-Flaherty Exhibit) (Graphic)
- H. Letter Dated 4/23/89 - John Armstrong
- I. Map Diagram, Proposed Development (Graphic)
- J. INADMISSABLE - NOT SUBMITTED
- K. INADMISSABLE - NOT SUBMITTED
- L. Analysis of Lot Coverage (House Footprints to Yard Size) (Graphic)
- M. Street Frontage (Graphic)
- N. Lots Per House (Graphic)
- O. Partial Streetscape, Prospect Street (Graphic)

Applicant

- A. Underlay - Tree Plan (Graphic)
- B. LAP Review Form, Dated 11-30-87
- C. Tree Plan - Overlay (Graphic)
- D. Receipt for Gypsy Moth Treatment
- E. House Location Survey, Lot 14

HPC

- 1A Transcript Dated 4/25/90
- 1B Transcript Dated 5/23/90
- 2. HAWP Application
- 3. Letter Dated 5/23/90 - William J. Chen, Jr.
- 4. Staff Report Dated 3/21/90 - Jared B. Cooper

1905E

BEFORE THE HISTORIC PRESERVATION COMMISSION
MONTGOMERY COUNTY, MARYLAND

IN RE APPLICATION OF)	
FRANK P. MURRAY FOR AN)	
HISTORIC AREA WORK PERMIT)	HPC Case No. 31/6-90E
AT 3929 PROSPECT STREET)	
KENSINGTON, MARYLAND)	

MOTION FOR SCHEDULING OPPOSITION EXPERT WITNESSES

1. The Kensington Historical Society and certain adjacent landowners and citizens in the Historic Preservation District of Kensington oppose the subject application. Charles C. Wilkes and John H. O'Neill, Jr. have been retained to represent the Kensington Historical Society and certain of the adjacent landowners. We will appear at the hearing scheduled for April 25, 1990, before the Commission.

2. The Kensington Historical Society and certain adjacent landowners intend to introduce into evidence the testimony of two expert witnesses. One of the expert witnesses, Mr. Don Little, is unable to attend the April 25, 1990, hearing because of a previous commitment in serving as a member of the jury on historical preservation awards. The other expert witness is Mrs. Helen Wilkes, who is ill with bronchitis and her ability to attend the hearing on April 25, 1990, is today uncertain.

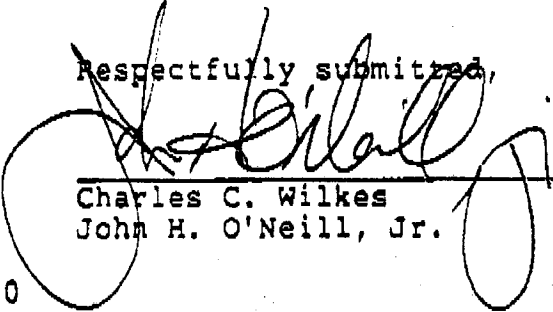
3. In light of the foregoing, the Kensington Historical Society and certain adjacent landowners move the Commission to schedule the testimony of these two expert witnesses at the May

23, 1990, Commission meeting. We are informed in conversations with County Attorney, Eddie Lattner, that the agenda for the May 9, 1990 Commission meeting is full and that the May 23, 1990 Commission meeting is the first available meeting where this testimony could be heard.

4. Mr. Bill Chen, Attorney for Applicant Frank P. Murray, has authorized me to state that Applicant has no objection to the rescheduling of Mr. Little's testimony until May 23, 1990.

5. Counsel for the Kensington Historical Society and certain adjacent landowners have been in contact with County Attorney Lattner and Mr. Chen concerning this conflict when it was brought to our attention last week. County Attorney Lattner advised that we should put this request in writing. We also note for the record that last month we had agreed to a deferral of the hearing on Mr. Murray's application that had previously been scheduled for the end of March, at Applicant's request. We intend to raise this matter as a preliminary motion at the April 25, 1990, hearing.

Respectfully submitted,



Charles C. Wilkes
John H. O'Neill, Jr.

Dated: April 24, 1990

cc: Eddie Lattner, Esquire
William Chen, Esquire

SUMMARY OF TESTIMONY RE: PROPOSED DEVELOPMENT AT
3929 PROSPECT STREET, KENSINGTON, MD

Helen Crettier Wilkes, A.I.A.

Donald Little, A.I.A.

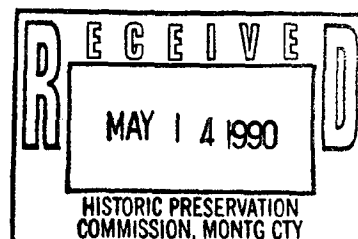
I. North side of Prospect Street stands as one of the few unspoiled examples of the suburban garden park streetscape envisioned by Brainard Warner in his design of the Master Plan for the town of Kensington Park. The Historic District of Kensington is characterized by:

- A. Large lots
- B. Uniformity of scale
- C. Cohesiveness of streetscapes
- D. Park-like setting
- E. A strong sense of time and place

It is these characteristics which have brought Kensington recognition as an area worthy of Historic District status. (Exhibits A, B)

II. Analysis

- A. Large lots
 - 1. Frontages for existing four Historic Resources (from east to west): 222.5', 125', 125', 100' (as originally built)
 - 2. Presently, 5 houses on north side of Prospect Street to 14 platted lots
 - 3. If all remaining lots on north side were approved for development, ratio of new homes to Historic Resources would be 9:4 (Exhibit C.)
 - 4. Balance may be threatened such that Historic District status may be jeopardized, as pointed out by Md. Historic Trust (Exhibit D.)
- B. Uniformity of scale
- C. Cohesiveness of streetscape
 - 1. Uniform setbacks (50' on north side, 25' on south side)
 - 2. Front porches
 - 3. Irregular massing
- D. Park-like setting
 - 1. Produced by large spacing between houses and large front and back yards
 - 2. Each of four Historic Resources on north side sits in landscape as in a suburban garden park
 - 3. Significant mature landscaping has been preserved on each lot, enhancing park-like characteristic
 - 4. Proposed development would result in destruction of substantial amount of mature landscaping



- E. Strong sense of time and place
 - 1. Each historic estate on north side has been preserved for most part in its original state
 - 2. Additions and alterations to historic houses has not altered significantly above listed characteristics

III. Lot 15 - Analysis

A. Scale

- 1. House proposed is significantly larger than Historic Resources along north side of Prospect St.
- 2. Formal arrangement is hybrid that is neither Victorian nor Colonial (types represented in the existing streetscape)
- 3. Two-story mass projects into existing "porch zone" and exaggerates scale of house
- 4. Roof massing exaggerates scale of house
- 5. Porch/ frontality

B. Changes to "appurtenances and environmental setting"

- 1. Many large trees and most small trees would have to be removed
- 2. Unclear whether other trees would be damaged (Exhibit F.)
- 3. Since lot adjoins so many lots belonging to historic estates, at least 4 Historic Resources would be affected directly (Exhibit G.)
- 4. House proposed is more than 8' wider than Historic Resource on Lot 14 and would dominate it visually

C. Changes to streetscape

1. Rhythm

- a. Relationship of open space to built is such that open spaces dominate overwhelmingly on north side
- b. On denser south side, relationship for Historic Resources is minimum 1:1.25; on north side, minimum is 1:2
- c. Proposed development produces ratio of 1:2.2 and changes ratio for Historic Resource on lot 14 from 1:7.6 to 1:3.4 (if lot 13 remains unbuilt) or 1:1.7 (for Lot 14 alone)
- d. L-shaped plan provides abrupt ending to rhythm of facades on street

2. Frontages

- a. Estate frontages, north side, go from (east to west):
Existing: 222.5', 125', 125', 100'
Proposed: 122.5', 50', 50', 125', 125', 100'
- b. Open space between houses
 - 1. Presently:
 - 64' between lot 14 house (Sherman-Presser house) and lot 12 house (Wilkes house)
 - 140' between lot 12 house and lot 9 house (O'Neill house)
 - 45.75' between lot 9 house and house to east

2. Proposed:
-42.0' between lot 14 house and lot 15 house
- D. Lot coverage
 1. Proposed coverage of 10.28% substantially greater than H.P.C.'s recommended number of 9% and even more so than average coverage for Historic Resources on north side of 7.1%
 2. Footprint of house should be such that house defers to Historic Resources, in keeping with Historic Preservation Ordinance

IV. Summary

- A. Potential negative impact on Historic District status as cited in Md. Historic Trust letter is a crucial point of consideration
- B. Issue of primary versus secondary resources
- C. Family of builder always intended to keep estate intact (Exhibit H.)
- D. Proposed construction would be inappropriate, inconsistent with and detrimental to preservation, enhancement, and protection of Historic District as set forth in M.C. Historic Preservation Ordinance

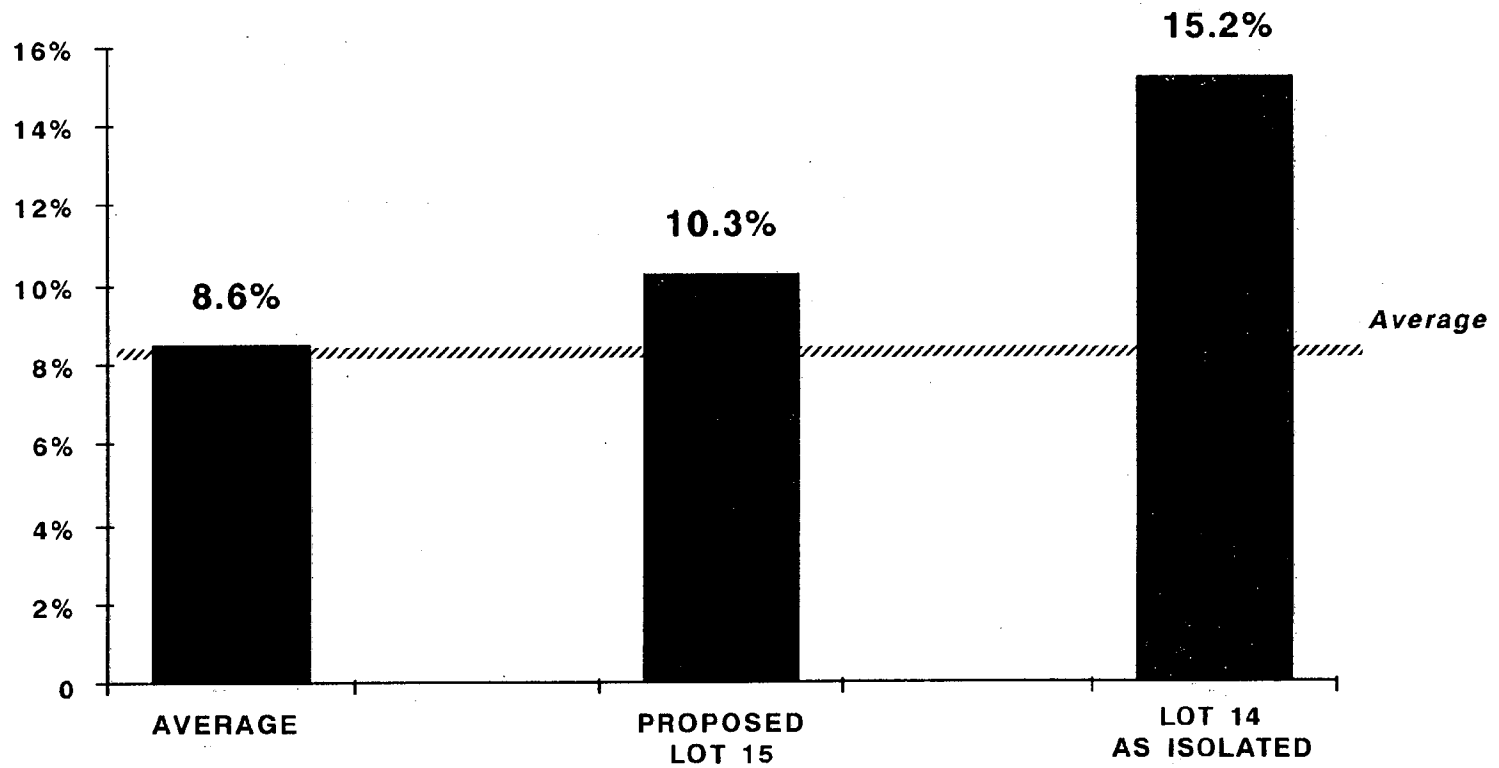
Exhibits

- A. Photo panorama, North side
- B. Photo panorama, South side
- C. Diagram, Existing unbuilt lots versus potential development
- D. Letter, Md. Historic Trust
- E. Site Plan/ Photos, Vegetation to be destroyed
- F. Photos, Effect of excavation on vegetation
- G. Board: Historic Resources affected directly by proposed development
- H. Letter, John B. Armstrong

Attachments

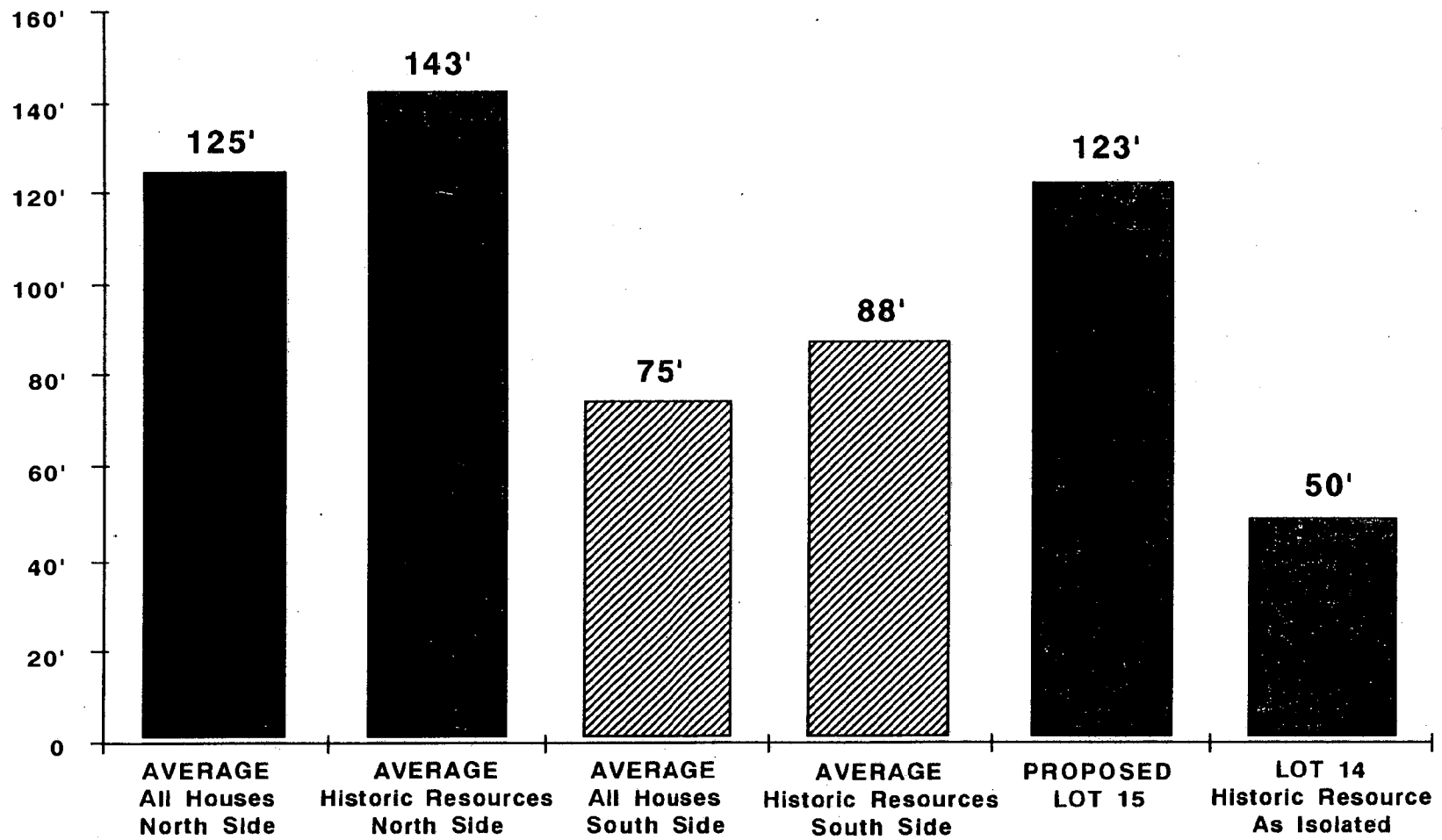
- A. Map diagram, Proposed Development
- B. Exhibit D
- C. Exhibit H

ANALYSIS OF LOT COVERAGE
Ratio of House Footprints to Lot Size
(excluding porches)



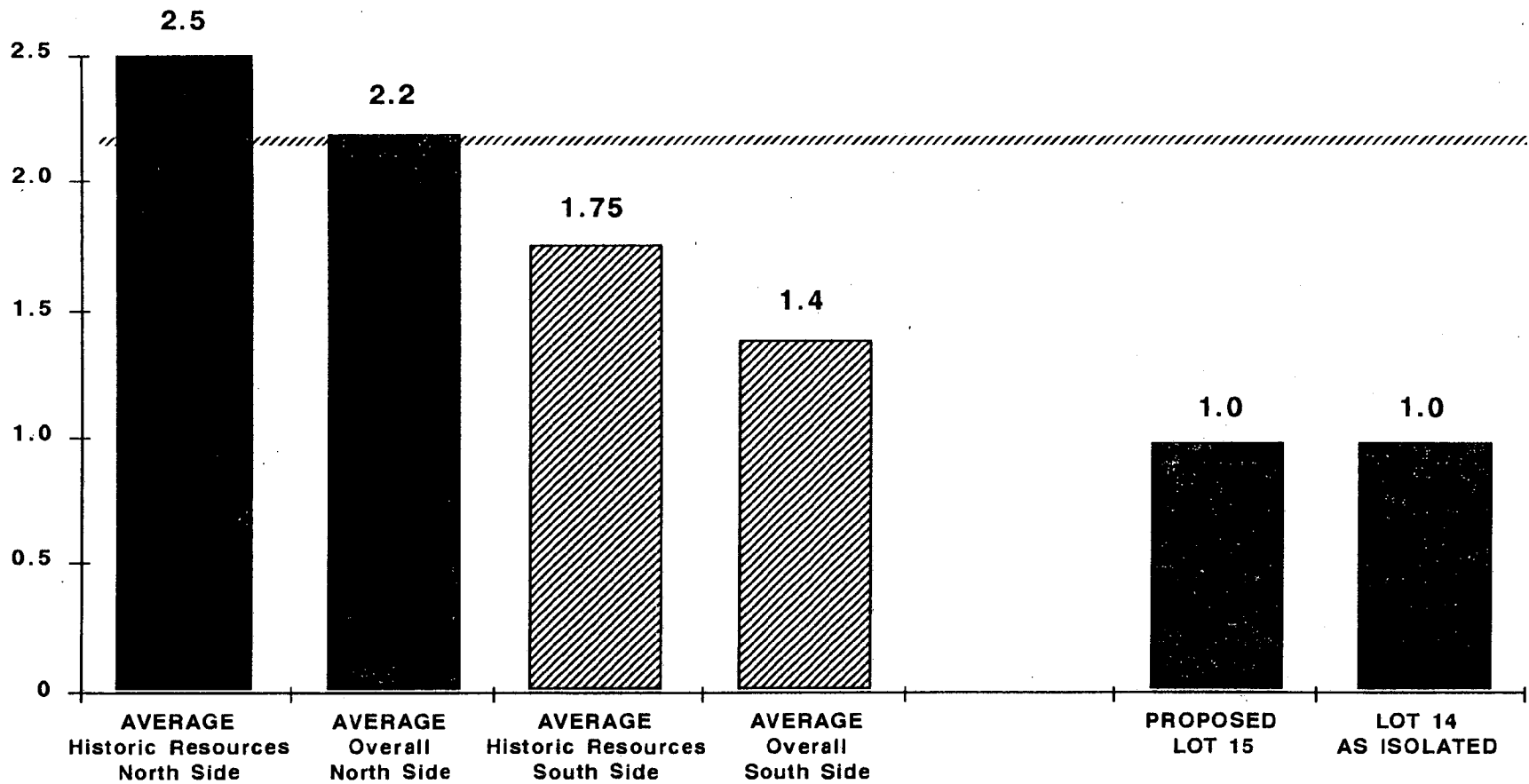
K.H.S. EXL

STREET FRONTAGE



R.H.S. EX M

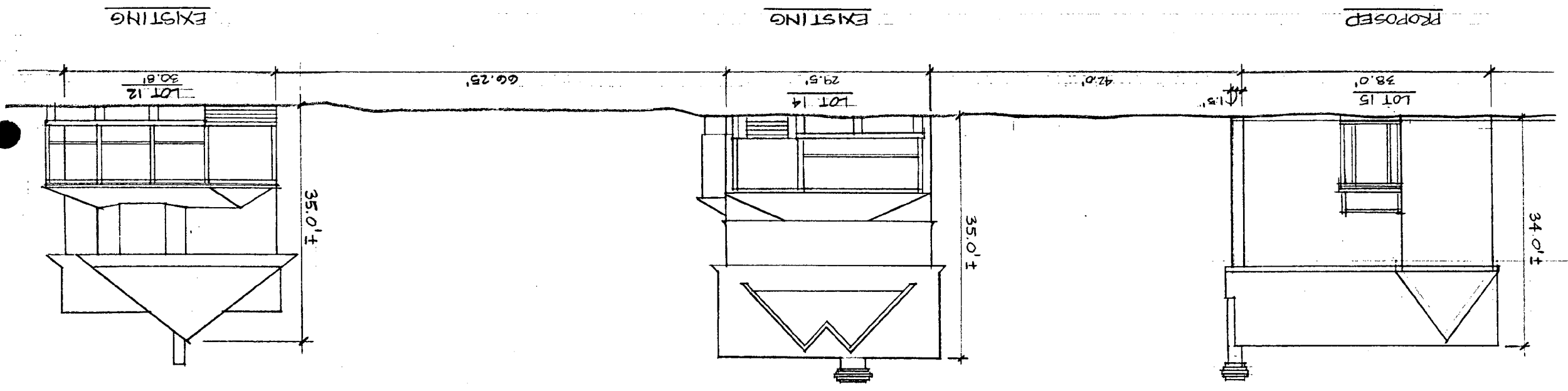
LOTS PER HOUSE



R.F.S. EX. 11

15-11-5-17-31

PARTIAL STREETSCAPE, PROSPECT STREET



7. **PHOTOGRAPHS.** For all projects, include clear color or black and white photographs. For additions, alterations, porches, or decks, attach photographs of all existing elevations. For new construction, attach photographs of the proposed site, as well as neighboring structures. For other projects, such as fences, drives, tree removal, etc., attach photographs of the affected area.
8. **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 M/M Presser
 Address 3927 Prospect St.
 City/Zip Kensington, MD. 20895
2. Name M/M Barnes
 Address 3948 Baltimore St.
 City/Zip Kensington, MD 20895
3. Name M/M Sullivan
 Address 3928 Prospect St.
 City/Zip Kensington, MD. 20895
4. Name M/M Weisman
 Address 3926 Prospect St.
 City/Zip Kensington, MD 20895
5. Name M/M Long
 Address 3924 Prospect St.
 City/Zip Kensington, MD. 20895

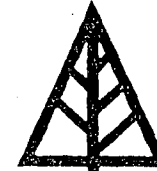
1517E

JB NUMBER: 89-92182T7

INVOICE

Invoice No.	2021
Customer No.	MURR01
Job No.	89-92182T7
Date of Invoice	05/04/89
Work Completed	04/25/89

Your Check No.	_____
Amount Paid	\$ _____



TREEMASTERS.

PEST MANAGEMENT SYSTEMS

P.O. Box 6320 Washington, D. C. 20015

Telephone (301) 530-3500

Murray & Sons, Inc. 6422 Western Avenue Chevy Chase, MD 20815

*** Please write the JOB NUMBER (89-92182T7) on your check! Thank you. ***

PAYMENT DUE WITHIN 10 DAYS

Type of Work: TENT CATERPILLAR CONTROL

PR. 5/31/89

Description:

FIVE (5) CHERRY TREES TO LEFT OF DRIVEWAY:

3927 Prospect Street
Kensington

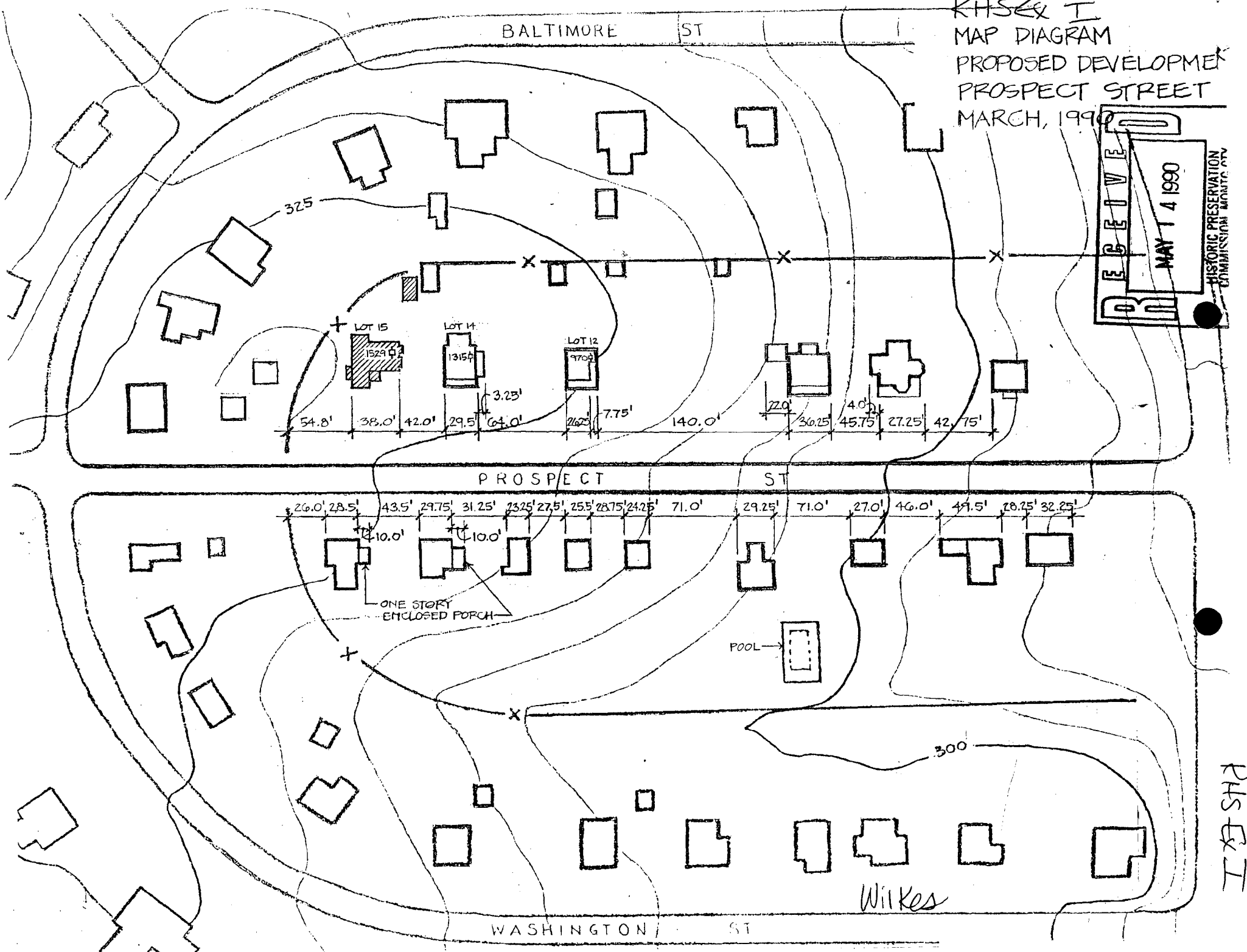
Amount	100.00
Prepayment	0.00
TOTAL DUE	100.00

Please return pink copy with your payment for proper credit. Thank you.

Applicant Ex D

KHS&I
 MAP DIAGRAM
 PROPOSED DEVELOPMENT
 PROSPECT STREET
 MARCH, 1990

RECEIVED
 MAY 14 1990
 HISTORIC PRESERVATION
 COMMISSION MINNAPOLIS, MN



KHS&I



Montgomery County Government

Historic Preservation Commission
51 Monroe Street
Rockville, Maryland 20850



same
houses



3948 Washington



1813

~~3944~~ 3944

Baltimore



3924

3924

Prospect



5512 11 17 01

3926
Prospect



5513 W. 4th Street

3922
Prospect



7811 N.W. —

3923

Prospect