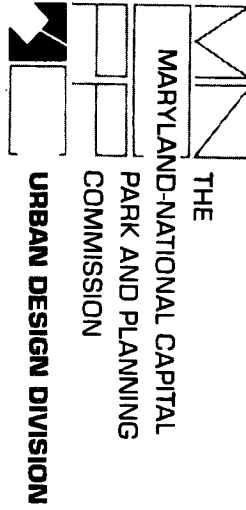


31/6-prelim lot 13, Prospect Street
Kinsington Historic District (3925)

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

Lot 13, Pissard St.
Dunsmuir

8787 Georgia Avenue • Silver Spring, Maryland 20910-3760



Lot 13, Prospect Street
Kensington
These photos taken 5/93
for Cape May Locks

MONTGOMERY COUNTY HISTORIC PRESERVATION COMMISSION

M I N U T E S

January 15, 1992

Present

Joseph Brenneman
Walter Booth
Gregg Clemmer
George Kousoulas
Kenneth Norkin
Albert Randall
Barbara Wagner

Guests

Thomas Bucci
James Cooper
Don Little
Molly Murray
Carl Pergler
Marshall Presser
John Robinson
Edward Rall
N. Raphael Shulman
Amie & John St. Angelo
Helen Wilkes

Absent

Ellen Pratt Harris
Martha Lanigan

Staff

Gwen Marcus
Rose McGuire
Mary Ann Rolland
Nancy Witherell

Counsel

Christopher Hitchens

I. HPC WORKSESSION - 7:00 p.m. in Spring Street Conference Room

The HPC Commissioners and staff met for a closed worksession which started at 7:00 p.m. and concluded at 7:40 p.m. Following the worksession, the regular meeting of the Historic Preservation Commission was convened at 7:45 p.m., Chairperson Barbara Wagner presiding.

II. HISTORIC AREA WORK PERMITS

- A. Stephen and Alesia Peterson at 10216 Kensington Parkway, Kensington (HPC Case No. 31/6-92A) (Kensington Historic District)

The Chairperson opened the public record on this case and confirmed with staff that the case was duly advertised. The subject property is an 1892 Victorian house in the Kensington Historic District. According to the staff report prepared by Nancy Witherell, the applicant's proposal is to execute two of the four items listed on the Historic Area Work Permit application: removal of a dead spruce tree and installation of storm doors over the existing French doors on the side elevation of the house. The other two items, which have been postponed by the applicant, will be presented to HPC at a later date, following additional research and consultation with staff.

The Chairperson announced that she has HPC recommended expedited review and approval of this case. She asked if there was anyone in the audience who wanted to speak against the Historic Area Work Permit application. There being no objection from the audience or Commissioners, the Chairperson called for a motion. Commissioner Randall moved that the Historic Area Work Permit application of Stephen and Alesia Peterson of the Kensington Historic District be approved based on Historic Preservation Ordinance criteria 24-A-8(b)(2), and Standard 9 of the Secretary of the Interior's Standards for Rehabilitation. Commissioner Norkin seconded the motion. The Chairperson closed the public record and called for a vote on the motion for expedited review and approval of the application. Following the vote, the motion passed unanimously.

I. PRELIMINARY CONSULTATION

- A. Molly Murray for construction of a new house on Lot 13 on Prospect Street, Kensington (Kensington Historic District)

The Chairperson opened the public record on this preliminary consultation. Nancy Witherell presented the slides, staff report and recommendations. As background, the applicant appeared before the HPC on November 20, 1991. The applicant's revised proposal is an attempt to address the comments which the HPC, the Kensington LAP, the Kensington Historical Society, the Mayor of Kensington, neighbors and interested parties put forth at that meeting. Ms. Witherell stated that she prepared a January 8, 1992 staff report that summarizes those comments. In that report, Ms. Witherell notes that staff finds the revised proposal generally consistent with the character of the Kensington Historic District. The report recommends that the applicant provide the following information when applying for an Historic Area Work Permit: (1) a report from an arborist regarding the effects of potential construction activity and excavation on the site, particularly vegetation and trees; (2) a detailed tree survey and landscape plan; (3) information on the potential storage of construction material on the site; and (4) detailed information on proposed building materials and design elements as well as proposed vegetation.

The Chairperson invited the applicant, Molly Murray, to come forth and speak. Ms. Murray stated that based on the last meeting that she and her architect, Mr. Tom Bucci, attended in November, 1991, they have revised the original plan for the proposed house. The plan has been scaled down from the original plan and has been substantially changed. In addition, Ms. Murray stated that she and Mr. Bucci have tried to address all of the points that the Commissioners raised at the last meeting, and they have a model of the proposed house to present to the Commissioners at tonight's meeting to further clarify the plan. Further, stated Ms. Murray, she and Mr. Bucci want to discuss openly with the Commission any questions or comments the Commissioners might have for Mr. Bucci.

Following inquires by the Chairperson, Commissioners Norkin, Kousoulas, and Booth, about the proposed structure's dimensions, the effect of the roof overhang in relation to how the width of the house reads, the position of the windows, and the total height of the proposed structure, including the chimney, Mr. Bucci clarified that the overall dimension of the proposed structure, in depth from the Prospect Street elevation towards the rear of the lot, is 39 1/4 feet measuring from the edge of the porch; the front bay window extends another 2 3/4 feet. The width of the proposed structure is 19 1/2 feet. The roof overhang is 16 inches. In addition, Mr. Bucci concurred with Commissioner Norkin's observation that the structure could be read as being a 22 or 23 foot wide structure, which is about 10 feet narrower than the previous design. Mr. Bucci further clarified that the revised application in the Commission's packet is not the current design of the proposed house; the model presented to the Commissioner's at tonight's meeting is the current design of the proposed house. There are a few changes in the position of the windows, but there are no dimensional changes in the current plans. The current plan proposes using horizontal siding surface material instead of the board and batten surface material which was originally proposed. With respect to the total height of the structure, Mr. Bucci stated that the total height of the structure at its highest point, which is the chimney, is approximately 28 feet, nine inches.

The Chairperson expressed that she was not sure that the Commissioners were able to get a sense of the full view of the proposed structure as it would relate to the two existing adjoining structures which the proposed house would be situated between. She suggested to Ms. Murray and Mr. Bucci that the proposal would be much more meaningful as a model if they were to present models of the two adjoining structures and bring the models forward when they appear before the Commission for an historic area work permit application. Mr. Bucci responded that he is not sure that the Chairperson's suggestion is reasonable or practical; the models are quite expensive. If the Prospect Street drawings that were previously submitted to the Commission are not sufficient, he will prepare other drawings of the adjoining houses. Further, he stated that he does not believe that presentation of models before the Commission is ordinarily part of the regular proceedings.

Commissioner Booth noted that from the side elevation of the model, it appears that four levels of windows exist. Mr. Bucci ex-

plained that there are actually three levels of windows: a loft space and attic storage area is provided for in the upper bedroom.

There being no further inquiry from the Commissioners, the Chairperson invited individuals in the audience to speak regarding the applicant's proposal to construct a new house in the Kensington Historic District.

PUBLIC TESTIMONY

Mr. Edward Rall, who resides nearby the proposed structure, stated that he finds the proposed structure to be a slightly bizarre addition to the Victorian community where it is proposed to be built. In particular, he noted that the light wells and level of the mixture of windows seem inappropriate for the design of the house. In addition, he stated that he was told that the structure is a 1 1/2 story building, but as he understand it, above the first floor is a bedroom, and above the bedroom is a loft; he does not know whether the loft is part of the bedroom or whether it is another room. Further, he expressed that in the absence of models showing the adjacent structures, it is impossible to see how the proposed structure will fit in with the ambiance of the community. In addition, Mr. Rall questioned whether the proposed structure would stabilize and improve the property values in the community, which is one of the purposes of historic preservation as stated in the Ordinance.

Mr. John Robinson, Vice President of the Kensington Historical Society expressed that the Society and entire community are concerned about the infill development in the location of the proposed house. Their concern is that the historical character of Kensington is quite fragile; it relies very much on the environmental setting and balance between open space and the structures, as well as the structures themselves. Designing a building for the small lot that will not have an adverse impact on adjoining resources is a challenge, even more so because of the HPC's earlier decision to allow the building of a house on the other side of the Presser/Sherman house. He noted that the HPC has a difficult decision in this case, deciding to balance the rights of the property owner with the rights of the community. In conclusion, Mr. Robinson stated that he hopes the Commission will give due consideration to the aesthetic interests of the community involved in the application and give them the protection that the community deserves and desires.

Mr. Ray Shulman, a Kensington resident, speaking as a representative for the Local Advisory Panel of Kensington, stated that the latest proposal has been modified in the direction proposed by the HPC and LAP at the November 20 meeting. However, the new house does not reflect the size of a secondary or accessory building in the historic Kensington area. The footprint and elevation of the new house is only slightly smaller than the existing primary historic resources, to which it should defer. The proposed building appears to be at least 2 stories high, and should instead appear no larger than 1 1/2 stories, similar to a bungalow. The suggestion that it be no larger than a bungalow was made in the November 20 LAP report. The current proposal places a house that is too large to fit between the existing struc-

tures, somewhat further back on the lot. It is hard to understand how this placement will decrease the apparent size to the extent shown in the perspective drawing. Therefore, a model of the relative placement and size of the three houses and existing major foliage would be much more revealing and accurate. Anything allowed to disrupt the historic integrity of this area should be as inconspicuous as possible and certainly need not be larger than a liveable bungalow that might pass visually as a secondary structure.

Helen Wilkes, who resides nearby the proposed house, presented for the Commission's review photographs of lot 13 and a map of Prospect, Baltimore, and Washington Streets in Kensington. Ms. Wilkes stated she sketched on the map the location of the proposed house. She noted that a few people had commented that the applicant's model does not present a comprehensive view of the proposed house's setting in relation to the two existing adjacent structures and the environmental setting; hence, her material is submitted in an effort to aide the visual perception of the proposed house and neighborhood. In addition, Ms. Wilkes stated that, in her opinion, the proposal still presents a significant disruption of the environmental setting of lot 13 and the neighborhood, and the proposed house does not read as a secondary structure. In addition, she stated that the issue of precedence in the Kensington Historic District needs to be examined carefully; if a dangerous precedent is established, it could jeopardizes the integrity of the entire historic district, not merely the adjacent and surrounding properties in this case. Ms. Wilkes noted that past HPC approval of a house on lot 15 has caused dramatic change to the setting of the house on lot 14, and has caused a considerable amount of anxiety in the community. The approval of any of the homes proposed thus far for lot 13 would cause serious and irreversible damage to the entire district. In conclusion, Ms. Wilkes urged the Commissioners to consider that the community is concerned with where the line is crossed with respect to the character of the community.

Mr. Don Little, an architect who resides in Kensington, gave an oral presentation on the history of the proposal submissions for lot 13 and general comments on the community. He pointed out that the streetscape and the whole town of Kensington is largely a function of the zoning ordinance. The basic criteria that has led to house size, shape, lot setback, and the rhythm of the streets in Kensington should be seriously considered, particularly with respect to the applicant's proposal. He elaborated that the current design for the proposed house is that of a primary structure; there are details that make it look like a single family home, not a secondary building. However, the proposed house is in the location of a secondary structure. The community is left with a dilemma: is the community to think that the building, if it is going to look like a primary house, should have a uniform setback with the other primary houses, or should the community except an argument that somehow, in order to squeeze proposed house in between the two adjacent primary structures, it should be set back and made smaller and smaller. In conclusion, Mr. Little stated that consideration should be given as to whether the proposed structure will contribute to or create detriment to the existing historical environment of the community. If this premise is considered, one would have to the conclude that the current proposal is a detriment not only

to the adjoining resources, but to the pattern of streetscape and the continuity of the community.

Mr. Marshall Presser, who resides nearby the proposed house, also gave an oral presentation of the history of submissions for the proposed house on lot 13. He stated that, in an effort to preserve the open space, streetscape, and garden-like setting of the neighborhood, he and other neighbors made monetary offers to the Murray family to purchase lot 13; all of the offers were refused. He is still trying to find other creative uses for lot 13, such as a two car garage. In addition, he stated that at the November 20 meeting, he was considerably concerned with talk and implication regarding a taking on lot 13. He clarified that he and certain neighbors are not saying that nothing can be built on the lot, but if a taking issue is expressed in terms of the economic hardship to the owners, it should be remembered that a reasonable economic use of the land today is not what a reasonable economic value of the land was three years ago. He elaborated that the Murray family purchased, as a package deal, 3 lots and have made a considerable profit, especially in the construction and sale of the house on lot 15. There has been no serious economic hardship with the package taken as a whole. In addition, the community is concerned that the Commissioners may decide on the proposal on the basis of tonight's evidence without looking seriously enough at the arborist report and the effect on vegetation that is to remain. The report will be available in about one week. The arborist indicated concern about the fate of several existing trees, including boxwoods and Holly trees. He noted that the applicant's plans do not show that a large Holly tree and telephone pole are located in the place where the applicant's driveway is proposed to be located. In conclusion, Mr. Presser stated that if a house is approved for construction, the approval will be construed as an invitation to infill developers that infill lots in historic districts are up for grabs and that historic preservation is declining in Montgomery County.

Mr. James Cooper, who resides nearby in the community of the proposed house, stated that at one of the meetings concerning this lot, the original arborist hired by the Murrays is on record as having said that any foundation wider than 12-13 feet would destroy the tree line between lot 12 and lot 13. Currently, the width of the proposed house is 19 feet. Also, at previous HPC meetings, it was stated that this section of Prospect, where the proposed house would be located is one of the reasons why the area was designated an historic area in the first place. Mr. Cooper implored the Commissioners to read the records and report of the original arborist hired by the Murrays in which the consultant stated that a structure as large as the Murrays currently propose to build would result in destruction of the tree line, especially the existing 60 foot trees that separate lot 12 from lot 13.

Carl Pergler, who resides nearby in the community of the proposed house, stated that he lives in an 1887 Victorian cottage. He moved into the neighborhood because of its historicity and ambience. For almost three years, he and other interested parties have joined together to fight off inappropriate development in that area. In addition, Mr. Pergler expressed that in his opinion, the testimony pre-

sented by other residents of the neighborhood is very reasonable. The HPC should be aware of the neighborhood's emotion concerning this proposal. The applicant's proposal is a continuation of an unscrupulous effort to plunder an historic neighborhood for personal profit. There has been no economic hardship to the owners/applicants; they have made a profit, will make a profit, or have been offered a profit. Further, he stated that the applicant's ongoing proposal is an attempt to wear down the neighborhood and neighbors. In conclusion, Mr. Pergler asked the Commissioners to consider not only the facts presented at the hearing concerning the proposed structure's width, etc., but also the affect of the proposal on the neighbors who have bought into the ambience of the neighborhood and have watched it assaulted in the course of over three years.

END OF PUBLIC TESTIMONY

Commissioner Randall stated that public testimony regarding the proposed house had been informative. Addressing the applicant's architect, Mr. Bucci, he stated that there have been expressions of concern from members of the community that the proposed structure portrays a primary residence, rather than an accessory building or secondary building. He asked Mr. Bucci what type of structure does he seek to replicate, and why would that structure be compatible with the setting? Mr. Bucci explained that placing the proposed structure back into the rear of the lot is a major change in the position of the structure and has been discussed, from the beginning, as a requisite for a secondary structure. In addition, he explained that the width of the proposed house is 19 1/2 feet wide. Though some of the neighbors seem to think that the house is wide, viewed from the street, it is a narrow house by comparison with the rest of the buildings on the street. The proposed structure is removed from the buildings by being set back and smaller in width. Hence, it is a secondary structure. Mr. Bucci elaborated further that the design of the proposed house is intended to look like a smaller scaled bungalow, but not an exact imitation of a bungalow. The house is also patterned after typical houses in the neighborhood, for example, the overhanging roof, projecting bays and the recessed porch, which are elements from Kensington houses.

Commissioner Brenneman commented that, earlier, there had been some mention about confusion for the applicant as to the requested design and setting of the proposed house. Commissioner Brenneman expressed that he could understand why there is confusion at this point; initially, HPC asked the applicants to build a smaller house, and move the house to the back of the lot. Now, some people are suggesting that maybe the house should even be 12 feet wide. The proposed structure either has to be something that can be used as a house, or cannot be used as a house. Overall, the proposed house has been designed in response to recommendations from the HPC and community; the applicants have conformed to those recommendations.

The Chairperson commented that, in her opinion, part of the confusion regarding the proposed house is that the lot was not designed to have a house built on it; historically, it was a side yard; it reads like a side yard; the rhythm of the street says it is a side

yard. However, according to the zoning ordinance, the lot is buildable. HPC strives to protect environmental settings, and now has to rule on approval a plan for a house that it not supposed to be there. Further, she expressed that the Historic Preservation Ordinance is in direct conflict with the zoning ordinance in Montgomery County: Kensington Historic District was defined as being of significance because of its ample lots and beautiful homes, many of which sit in the middle of lot lines. A developer has purchased a property that consists of three lots, and proposes to build another house on lot 13, and HPC must make a judgment because, according to County law, the lot on which the proposed house would be built is a buildable lot.

The Chairperson and Ms. Murray expressed differing views on the original developer's intent regarding minimum and maximum lot size when the community was plotted in the 1890's.

Commissioner Randall stated that he is approaching the proposal presuming that, at least theoretically, the lot is buildable according to County law. He is trying to visualize what structure appropriately fits on the lot and whether the structure will have a negative impact on somebody's back yard or side yard. In addition, Commissioner Randall stated that some people in the community have complained as to why is a structure that looks like the proposed structure is set back on the lot.

Mr. Little commented that the application before the Commission is, in essence, an application to build a house on a flaglot; the configuration is typical of a flaglot infill where single family homes are placed in the rear yards of adjacent single family houses. Commissioner Brenneman stated that the proposal is only configured as such because HPC asked the applicants to move the proposed house back, therefore it has become a type of flaglot. In addition, he expressed that the across Prospect Street there are 50 foot lots with houses built on each lot. Further, Commissioner Brenneman stated that he has always been sympathetic to the lower part of Kensington where there is a prevailing garden-like setting; however in the neighborhood where the house is proposed to be built, the houses are built close together. HPC is looking at a different picture in the area of the proposed house, than the lower part of Kensington.

The Chairperson expressed that, in her opinion, the area around Prospect Street and Baltimore Street is very much a part of the central district of Kensington and is every bit as much a garden-like setting as the area in the lower part of Kensington.

Ms. Murray stated that having the house set back as the Commission asked creates a huge garden setting in the front. The lot will be landscaped and existing trees will be maintained; the neighborhood will not lose its garden setting. The Chairperson commented that the rhythm of the neighborhood, including the rhythm that existed when Kensington was designated an historic district, will be lost if the proposed house is built on lot 13.

Helen Wilkes commented that the issue of discussion concerning the proposed house is not one of style and the making of a pretty

house. The massing, the scale, the footprint and the impact on the environmental setting are not affected by the style of the house; if the massing, scale, and proportion of the house are not right, and if destruction to the environmental setting is present, it does not matter what the house looks like. Though many people could argue about what a pretty house looks like, the real issue is one of numbers. Numbers will enable the applicant, HPC and community to know what will fit in the neighborhood. Confusion will result if the discussion is reduced to the style of the proposed house.

Commissioner Booth stated that he'd like to make a few comments regarding the proposal: HPC must keep in mind the purpose of this meeting is to provide a preliminary consultation to the applicant, who is present to hear suggestions and comments. He commended the people of Kensington for their concern with respect to the proposal. In addition, he expressed that the applicant's confusion is understandable; she has received mixed messages from both the HPC and community. Commissioner Booth stated that as he recalls, the people of the community did ask for the house to be set back. The applicant did set the house back and made other design changes to the proposal as requested by HPC and the community. However, a problem still exists with the proposal from the community and HPC perspective. The problem is that there exists an innate conflict: the lot is a buildable lot according to the County zoning ordinance and, according to the U.S. Constitution, one cannot be deprived of the right to build on a buildable lot. The Historic Preservation Ordinance as it relates to the Kensington Historic District states that space exists between the houses, and a certain rhythm is established. Further, Commissioner Booth expressed that he does not have a resolution or answer to the problem: it all boils down to the Historic Preservation Ordinance and the County zoning laws.

Ms. Murray asked each individual Commissioner for their comments and recommendations on how to proceed. Ms. Murray stated that at the last preliminary consultation meeting, she was left with some idea of how to proceed next; a smaller house, set back on the lot was recommended and, since that meeting, the plans have been revised as recommended.

The Chairperson urged Ms. Murray to continue to negotiate with the Pressers, and try to find a common ground.

Commissioner Clemmer commented that he does not think that the intention was to ever build a building on lot 13 in that garden community. Further, he expressed to Ms. Murray that having listened to what her neighbors have said, it is unfortunate that the issue of the proposed house has become that of a personal nature. The County is charged to protect its resources, which it does well. When controversial matters come before the Commission, the HPC has to consider everybody's opinion.

Commissioner Kousoulas expressed that he is reluctant to comment further about the design and setting of the proposed house; to do so could cause the applicant to become even more confused. There has been good testimony tonight. In considering that testimony, perhaps

the house should be aligned with the other houses. The zoning rules support that setback. On the other hand, somebody else will probably argue that the proposed house should be set back farther. At this point, as he understands it, the real issue is whether there will or will not be a house on lot 13. There is a conflict between the zoning for this neighborhood and the other issues that have been presented; the lot is a buildable lot; however, the Historic Preservation Ordinance contradicts its buildability. In terms of the house itself, the design is acceptable; however, the number of stories of the house is a bit too much. According to the applicant's site plan, it appears that if the house were brought to the front set back line, more trees could be saved.

Commissioner Norkin expressed that, from what he has observed regarding the neighbor's testimony, even if the applicant were to come back for another consultation with the proposed house designed in a specific style, width, design, appearance, etc., the issue of the proposed building on lot 13 would still be controversial; and eventually, the neighbors would have to admit that they do not want anything built on the lot. Commissioner Norkin noted that several citizens have come forward and admitted that they just do not want anything built on lot 13; he appreciates that kind of frankness, it helps the HPC to understand and deal with the issue more expediently. Further, Commissioner Norkin stated that he is not prepared tonight to make any other comments on the nature of the design of the proposed house. He suggested that the citizens who are opposed to any construction should be prepared to come forward at any future meetings to discuss the issue on that basis. He concluded by saying that ultimately, it would make the HPC's job a lot easier if Ms. Murray were to relieve herself of the property.

Commissioner Randall expressed that everybody seems to have a slightly different position with respect to the proposed house, and he can understand the applicant's confusion as such. His sense of the proposal is somewhat similar to the view expressed by Mr. Little: it is probably not appropriate to have another structure like and at the back of the existing structures; if one does place a structure in the rear, it should appear to have a reason for being there, other than the fact that you are replicating on a smaller scale what is in the front. He noted that whether or not his comments are useful is not easy to measure, as he is not quite sure where others stand on the issue.

Commissioner Booth stated that the comments he made earlier about his observation of the proposal have already been expressed. He added that unfortunately the situation is such that nothing that the applicant will ever build on the lot will please the neighborhood; nothing that the applicant will ever build on this lot will please some members of the HPC, so he does not have any advice to offer in that respect. The lot is legally a buildable lot. Some people have testified that perhaps the house should be smaller than 19 1/2 feet. In his opinion, a 19 1/2 foot house is quite small. In addition, Commissioner Booth stated that he believes that the applicant has made a reasonable effort to try and please everybody. Essentially, if the

applicant wants to build on the lot, she just has to come before the Commission and citizens and give it her best shot. Concurring with the Chairperson's remark, he urged Ms. Murray and the neighbors to keep talking and try to reach an agreement.

Commissioner Brenneman expressed that he believes it is time to stop playing games with the proposal; the reality of the situation is to either build a house or do not build a house. He encouraged the applicant to bring a proposal/model of a house before the HPC that she wants to build, then once and for all the matter should be ended. This proposal has come before the Commission for the past 3 years. In addition, Commissioner Brenneman stated that he does not think an agreement will be reached that every one will be happy with. His concern is that the situation with the proposal creates a bad image for the HPC; it implies that new homes cannot be built in historic districts. In other historic districts, for example, Takoma Park, Garrett Park, and Somerset, new homes are being built; they are just a part of the changing neighborhood with homes that represent different periods of time in history.

Ms. Murray informed the HPC about her current plans with respect to lot 15, which has been approved for new construction by the HPC. She has been talking with the Pressers in connection with trying to sell lot 15 to prospective buyers. Lot 15 has been approved for a house with a foot print of approximately 1540 square feet. Lot 15 will be coming before the Commission in about two weeks for a revision of that plan. The revised plan entails a smaller foot print. The proposed roof massing has also been reduced. Ms. Murray expressed that she believes that the Commission and neighborhood will be pleased with the reduction in size. Mr. Presser made a suggestion which she thinks is a good idea: the people who are going to buy the house on lot 15, if it is approved, may buy Mr. Presser's driveway and his garage for their exclusive use; and then he could buy lot 13 and put in a garage, possibly with an apartment above it, and a driveway. Mr. Presser has stated that he may or may not proceed with his idea. In the meantime, she cannot waste any more time, and would like to move forward.

IV. SUBDIVISIONS

A. #7-91051 Gunners Lake Village (Impacts Master Plan Site 19/11, the Waring/Crawford Farm)

The Chairperson initiated discussion about this subdivision application. Mary Ann Rolland presented the slides, staff report and recommendations. This subdivision proposes dividing the 1.7 acre environmental setting for the designated historic site, the Waring/Crawford Farm, into two lots: the historic resource will exist on a 34,175 square foot parcel and a new lot will be created which will be 30,000 square feet. Both lots will share the same driveway. Ms. Rolland elaborated that the original approach to the Waring/Crawford house was from the old Waring Station Road, which has been abandoned. When the surrounding land was subdivided by the developer, a new road called Forest Brooke Road was built, which created a new

HISTORIC PRESERVATION COMMISSION STAFF REPORT

PREPARED BY: Nancy Witherell

DATE: January 8, 1992

CASE NUMBER: N/A

TYPE OF REVIEW: Preliminary
Consultation

SITE/DISTRICT NAME: Kensington

ADDRESS: Lot 13, Prospect Street

TAX CREDIT ELIGIBLE: No

STAFF DISCUSSION

The applicants, the Murray family, appeared before the Historic Preservation Commission on November 20, 1991, for a preliminary consultation on proposed new construction on Lot 13 on Prospect Street in the Kensington Historic District. At that meeting, many substantive and thoughtful comments were made by the applicant, the Kensington Local Advisory Panel, a representative of the Mayor of Kensington, the Kensington Historical Society, and neighbors and other interested parties. Following this testimony, each Commission member made comments and recommendations on the record.

The speakers included those who believed that nothing should be built on this lot because any construction would adversely alter the historic character of streetscape and the open space, and those who believed that the applicant had made a first step toward a design that might be acceptable for this site.

The recommendations of the Kensington LAP were summarized in the last paragraph of its written testimony:

We recommend that additional consideration be given to reducing the overall scale of the proposed structure, through reductions in both height and width, with the intent of achieving the "accessory building" feel required to minimize the negative impact of new construction on the character of the Historic District. Further, we recommend that the applicant consider rethinking the proposed asphalt driveway, and develop a detailed construction staging plan to gauge and ensure the retention of the maximum possible amount of vegetation.

The Mayor of Kensington and the Kensington Historical Society spoke against any construction on this site, citing the need to preserve the garden-like character of the streetscape. Interested parties spoke on both sides of the issue.

Three commissioners spoke against construction on this site as being inconsistent with the character of the open space comprised of lots left vacant since the original platting of Kensington. The historic district designation describes the garden-like character of the neighborhood and the generous

rhythm of house-to-open space found in many blocks, including the north side of Prospect Street.

Five commission members made recommendations on how the design could be improved so that it could be found to be consistent with the character of the historic district. These recommendations echoed those of the Kensington LAP and included lowering the height of the house to 1 1/2 to 2 stories, reducing the size of the footprint, making it less vertical in massing, removing the porch, getting away from the carriage house analogy, rotating the structure so that the narrow end faces the street, possibly moving the front door to the street elevation, and designing the house to look more like a bungalow. Recommendations also included removing the garage and choosing a different site and material for the driveway.

The staff finds that the applicants have responded commendably to the recommendations of the Commission members. The preliminary plans now before the Commission propose a house much improved in massing, design, and siting. A comparison of the previous and present Prospect Street elevation studies illustrates the beneficial effect of reducing the height and rotating the plan so that the narrow end is toward the street. The two-story porch found by most Commission members to be too formal has been removed in favor of a modest inset entranceway on the front facade. The new roof profile presented to the street has the gable forms typical of late Queen Anne-style houses (as seen in the two adjacent houses) and also the two-planed gable face typical of 1 1/2-story houses in informal styles such as the bungalowoid.

In style, the house remains a contemporary reading of a vernacular building--board-and-batten walls and a metal standing seam roof are contemplated, with sash and casement windows irregularly placed on all facades. The brick chimney has been moved to the ridge beam of the roof. The footprint has been reduced by approximately 60 square feet. The staff previously recommended a reduction of about 100 square feet. Commission members also recommended reducing the size by eliminating the porch (110 square feet of 841 square feet). The new house is 788 square feet (or 748 square feet, as shown on the plan, excluding the porch). The house would be smaller than 20' by 40'. The narrow width of the house allows for 15' to 16' side yards; the setback from the building line has decreased by several feet as a result of the projection of the front bay.

The garage has been removed from the plans, as has the long driveway extending to the rear of the lot. Instead, a gravel driveway--a parking pad--is proposed for the front right corner of the lot, parallel to the driveway of the adjacent house on Lot 12 but separated from it by a mature tree.

STAFF RECOMMENDATION

The staff finds the proposal generally to be consistent with the character of the Kensington Historic District because of the deep setback, small footprint and massing of the house, and retention of mature trees and foliage on the lot. The staff recommends that the applicant provide the following information when applying for a Historic Area Work Permit: a report from an arborist addressing concerns raised by Commission members and others over the effects of potential construction activity and excavation on the site, particularly to the boxwoods and the mature trees; a detailed tree survey and landscape plan;

information on the potential storage of construction materials on the site, as recommended by the Kensington LAP; and detailed information on proposed building materials and design elements, as well as possible vegetation to be introduced to the site.

SENT TO LAP: 1/3/92

LAP COMMENTS RECEIVED: None

SENT TO APPLICANT: 1/8/92

ATTACHMENTS:

1. Plans and photographs
2. Plans and staff report of November 20 meeting
3. Kensington LAP report of November 20 meeting

Thomas J. Jurek
 ARCHITECT
 20137 4th St
 Kensington, MD

10-31-91

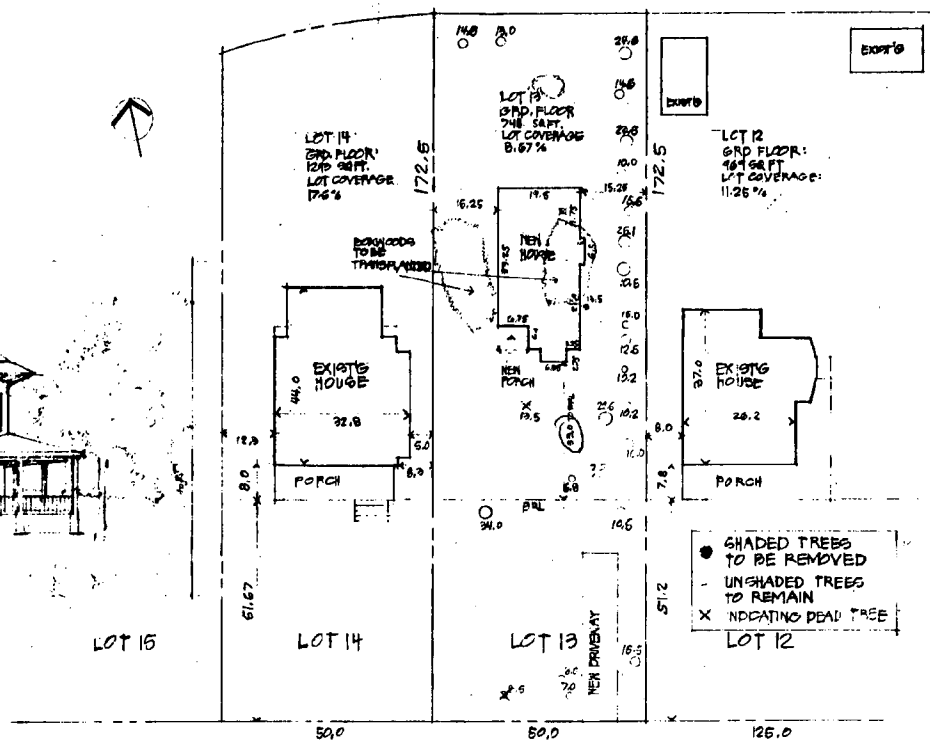
MURRAY AND ASSOC.
 PROPOSAL FOR LOT 13 PROSPECT ST
 KENNINGTON, MD

SITE PLAN
 PROSPECT ST. ELEVATION

1/8" = 1'



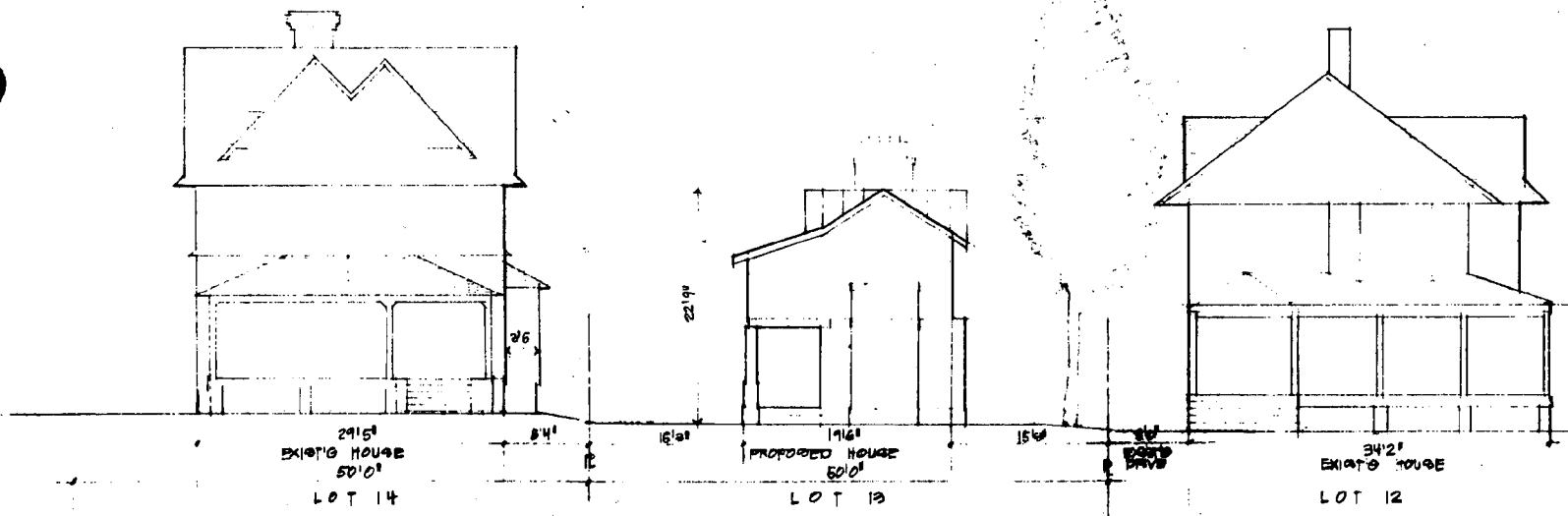
VIEW FROM PROSPECT STREET



SITE PLAN
 1" = 20'

PROSPECT STREET

PROSPECT ST. ELEVATION STUDY
 1/8" = 1'

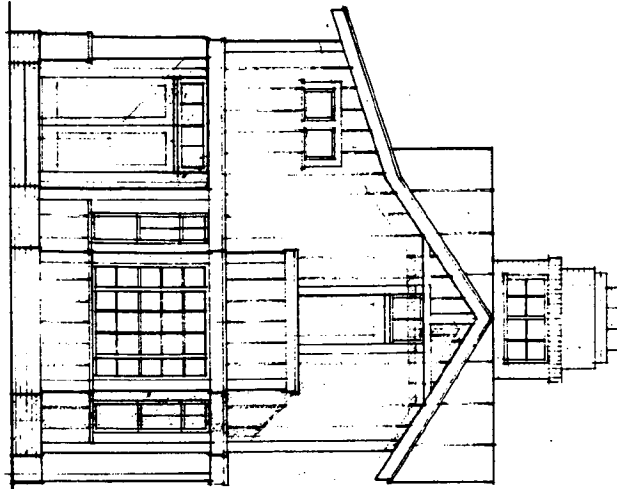


29'6"
 EXISTING HOUSE
 50'0"
 LOT 14

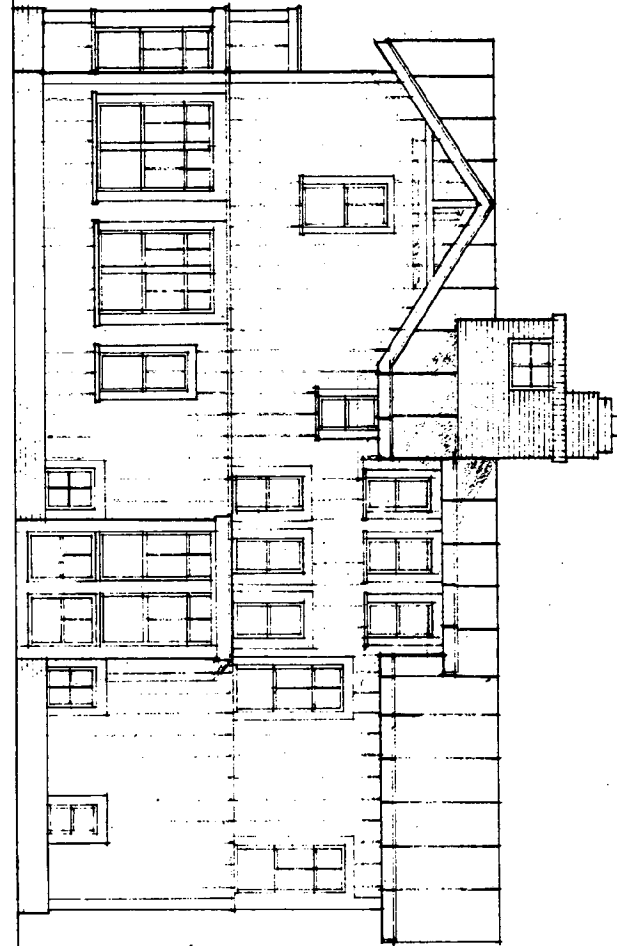
22'9"
 PROPOSED HOUSE
 50'0"
 LOT 13

34'2"
 EXISTING HOUSE
 50'0"
 LOT 12

1 SOUTH ELEVATION
1/4" = 1'-0"



2 EAST ELEVATION
1/4" = 1'-0"



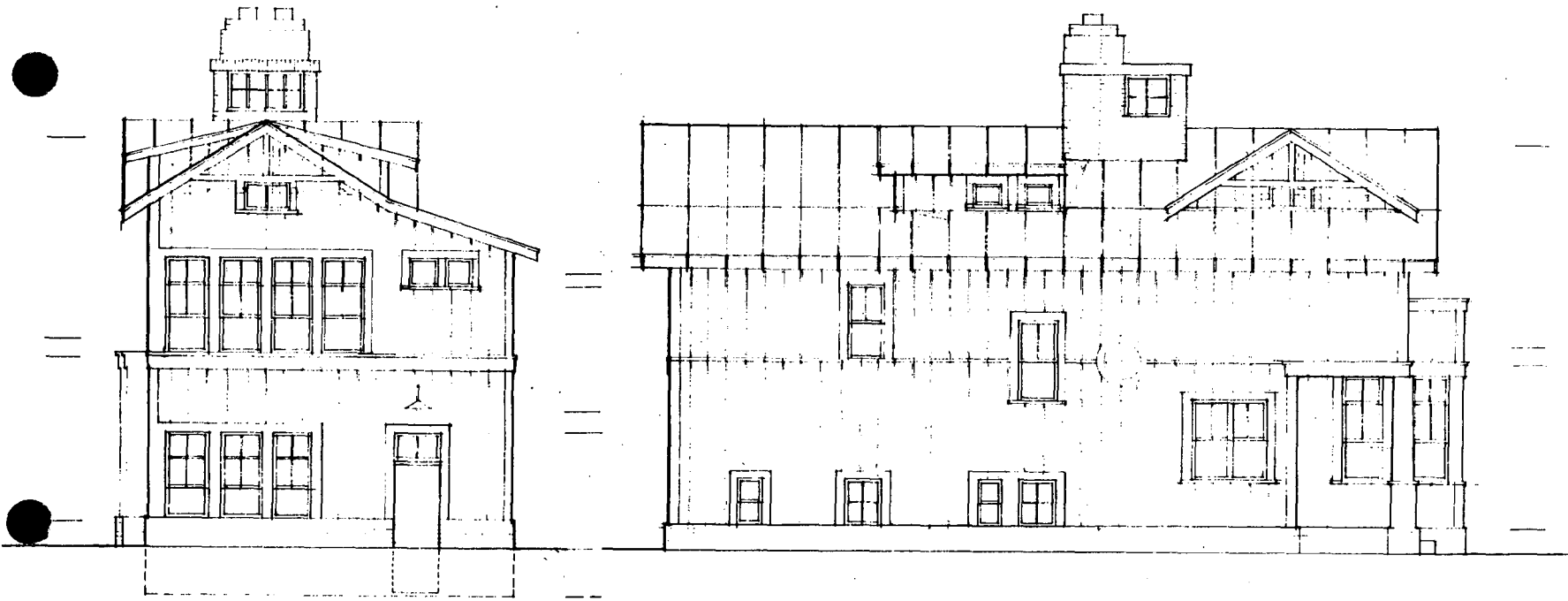
Thomas John Reed
All work done as an
Architect
(202) 247-2000

12-27-91

MURRAY & ASSOCS.
PROPOSAL FOR LOT 19, PROSPECT ST.
KENSINGTON, MD

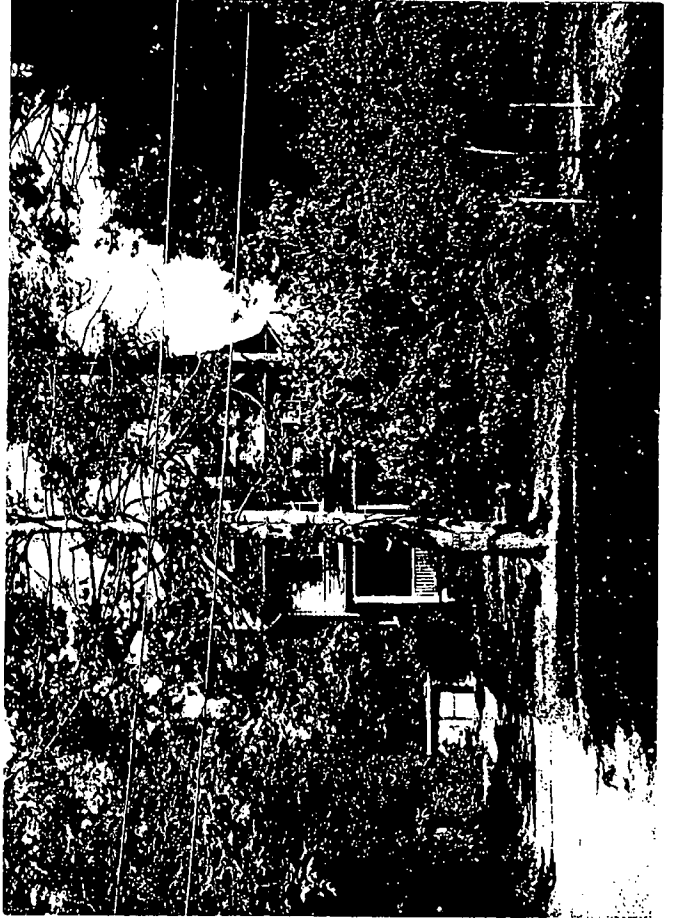
ELEVATIONS

3/15



1 NORTH ELEVATION
1/4" = 1'-0"

2 WEST ELEVATION
1/4" = 1'-0"





LOCAL KENSINGTON HISTORIC DISTRICT

Primary Resources:

1880-1910
(Revival Styles)

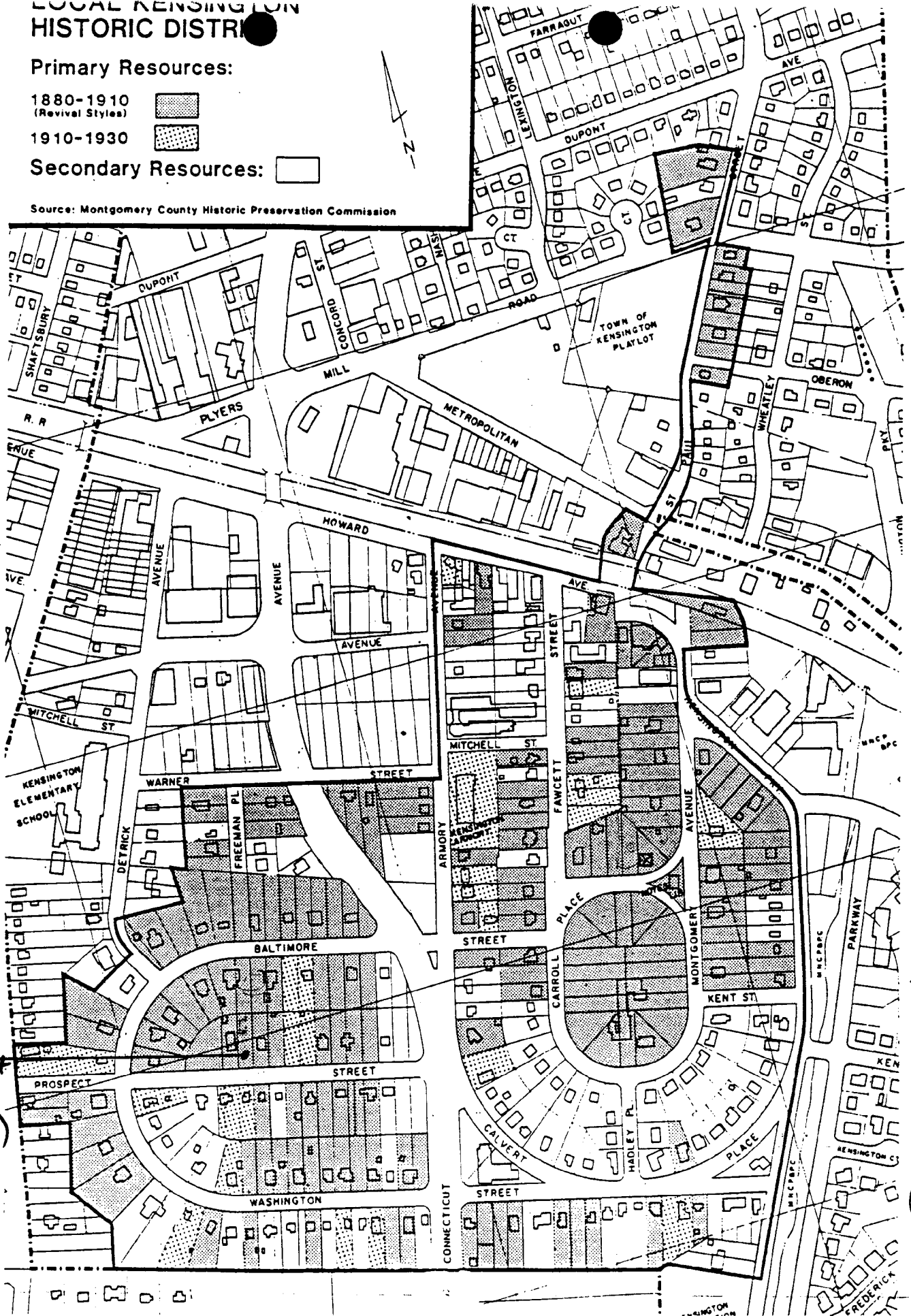


1910-1930



Secondary Resources: 

Source: Montgomery County Historic Preservation Commission



HISTORIC PRESERVATION COMMISSION STAFF REPORT

PREPARED BY: Nancy Witherell

DATE: November 13, 1991

CASE NUMBER: N/A

TYPE OF REVIEW: Preliminary
Consultation

SITE/DISTRICT NAME: Kensington

PROPERTY ADDRESS: Lot 13,
Prospect Street

TAX CREDIT ELIGIBLE: N/A

DISCUSSION:

A proposal for construction on this lot by the current applicant (the Murray family) was reviewed and denied by the Commission in 1989. On May 22, 1991, a potential purchaser of this lot came before the HPC for a preliminary consultation, although no HAWP was filed by this potential purchaser. The owners of this lot have now requested a preliminary consultation with the Commission on a revised proposal for new construction on Lot 13 at 3925 Prospect Street. Copies of the 1989 denial decision and the May, 1991 staff report on this property are attached.

The lot is located in the Kensington Historic District. It measures 50' x 172' and is situated between two primary contributing historic structures built in 1904 in the Queen Anne style. The north side of the street is characterized by large houses with porches, and open side yards in a park-like setting. In this instance, the apparent side yard between the adjacent houses on Lot 14 (to the west) and Lot 12 (to the east) is the subject buildable lot. The south side of the street is characterized by smaller, more closely built houses, in some instances of a later date.

The Commission denied the 1989 proposal for new construction on Lot 13 because the scale, massing, and footprint of the new house would have adversely affected the rhythm and scale of the streetscape, as well as the wooded, garden-like quality of the lot.

At the May, 1991 meeting on a proposed house for this lot, the staff recommended as a possible alternative to the neo-Victorian house proposed by the potential purchaser a small house designed as a "background" building. The house would be set back substantially from the building line and would read as an accessory building, such as a carriage house to the Queen Anne-style houses on either side. The Chairperson responded by telling the applicant that the Commission had not found that no structure could be built on the lot, but that the 1989 decision should be studied closely.

The owner's current proposal is designed to respond to those comments. It is set back 38 feet behind the building line (the front line of the porches of the adjacent houses). It's footprint is 730 square feet (841 square feet including the porch). The dimensions of the proposed house are 27.2 feet across the front facade, and 30.7 feet from front to rear, although a portion of the rear section of the house is reduced in width to 18.6 feet. The width of the proposed facade is similar to that of the adjacent houses; the depth and height are much reduced.

The footprint of the house would occupy 8.46% of the lot, less than the lot coverage of the adjacent houses and slightly less than the average lot coverage for the north side of Prospect Street as stated in testimony in opposition to the construction during the 1989 deliberations.

The house is designed in a style reminiscent of a carriage house: board and batten siding, a standing seam roof, a cupola on the roof ridge, and dormers and a fenestration pattern meant to reflect the character of an ancillary building. The rear section, of brick, is designed with an articulated chimney but is otherwise meant to be a subsidiary element of the new house. This rear section would not be visible from public view.

The house is sited to avoid the removal of the row of trees along the property line to the east (Lot 12). The porch would have a shallow foundation so as to minimize the possibility of damage to the tree roots. The property owner should elaborate on the proposed method for protection of the trees. However, the removal of several trees on the site is anticipated, including two in the area of the proposed porch that measure 13.5" and 15" in caliper. In addition, many of the smaller trees and bushes at the front of the lot would be removed for the construction phase and should be replaced following completion of the house. The boxwoods on the proposed site of the house would be transplanted elsewhere on the site.

The applicant proposes a separate garage, approached by an asphalt driveway, to be constructed at the rear of the lot, behind the house. Although not drawn on these preliminary plans, it would be designed to appear as much as possible as a garden structure. The footprint of the proposed garage is an additional 200 square feet.

STAFF RECOMMENDATION:

Staff commends the applicant for responding to the suggested alternative scheme proposed by staff during the May, 1991 meeting. However, given the small size of the lot, staff remains concerned with the size of the footprint of the proposed house, believing a smaller house would be more compatible with the setting, the adjacent houses, and the architectural and streetscape character of the Kensington Historic District. The house on Lot 14 is only five feet from the side property line; the house on Lot 12 is eight feet from the side property line. The proposed 38-foot setback of the new house is designed to minimize the close proximity of the house on Lot 14; nevertheless the new driveway would emphasize that proximity. Staff recommends that the applicant again revise the design with an eye toward further reducing the size of the footprint by approximately 100 square feet. Staff proposes that the reduction in footprint come from the width rather than the depth of the proposed house.

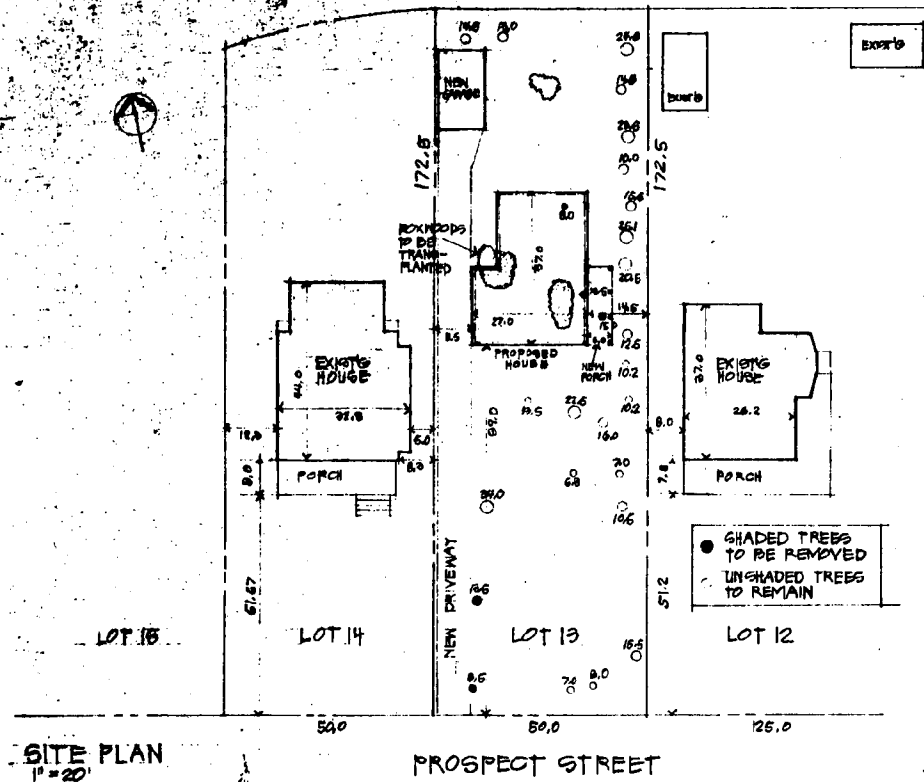
Staff finds the placement of the house on the site to be well considered. Set back ninety feet from the sidewalk, the house would not appear intrusive from the street and would not, in staff's judgment, adversely affect the environmental and architectural character of the Kensington Historic District. The house would be sited appropriately among the large trees on the lot. Staff recommends that the applicant consider alternatives to the garage; the construction of a more open structure for parking would contribute to the reduction of massing and lot coverage on this lot.

SENT TO LAP: November 4 and 13, 1991
SENT TO APPLICANT: November 13, 1991

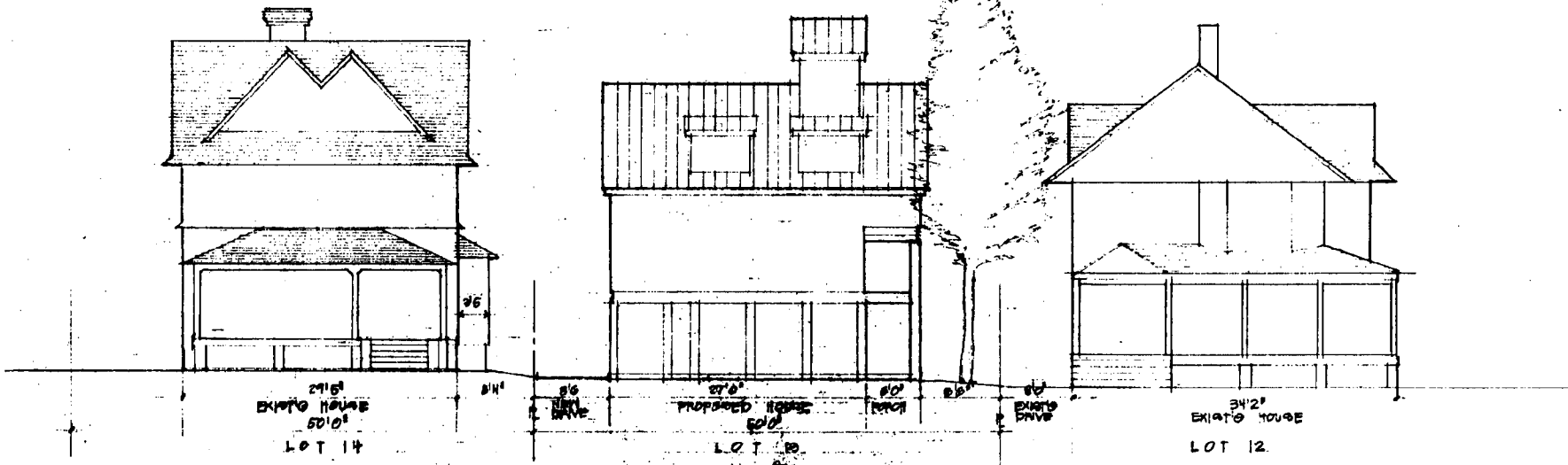
LAP COMMENTS RECEIVED: No

ATTACHMENTS:

1. Proposed elevations and site plan
2. Photographs
3. May 1991 staff report
4. 1989 Commission decision



PROSPECT ST. ELEVATION STUDY
1/8" = 1'0"

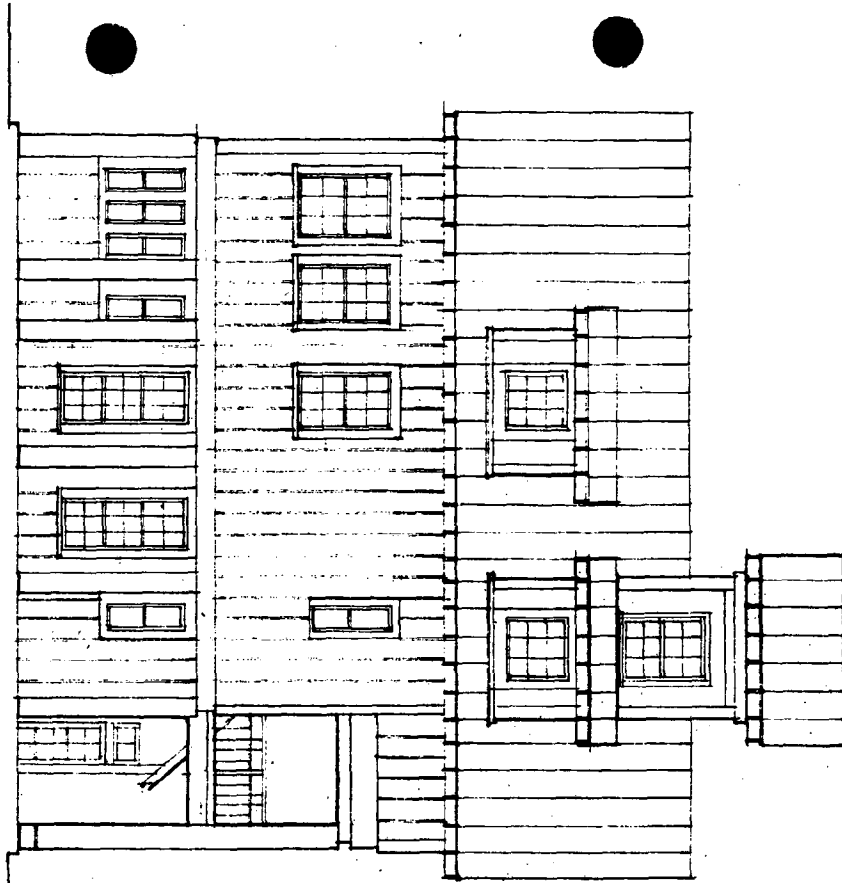


10/21/91

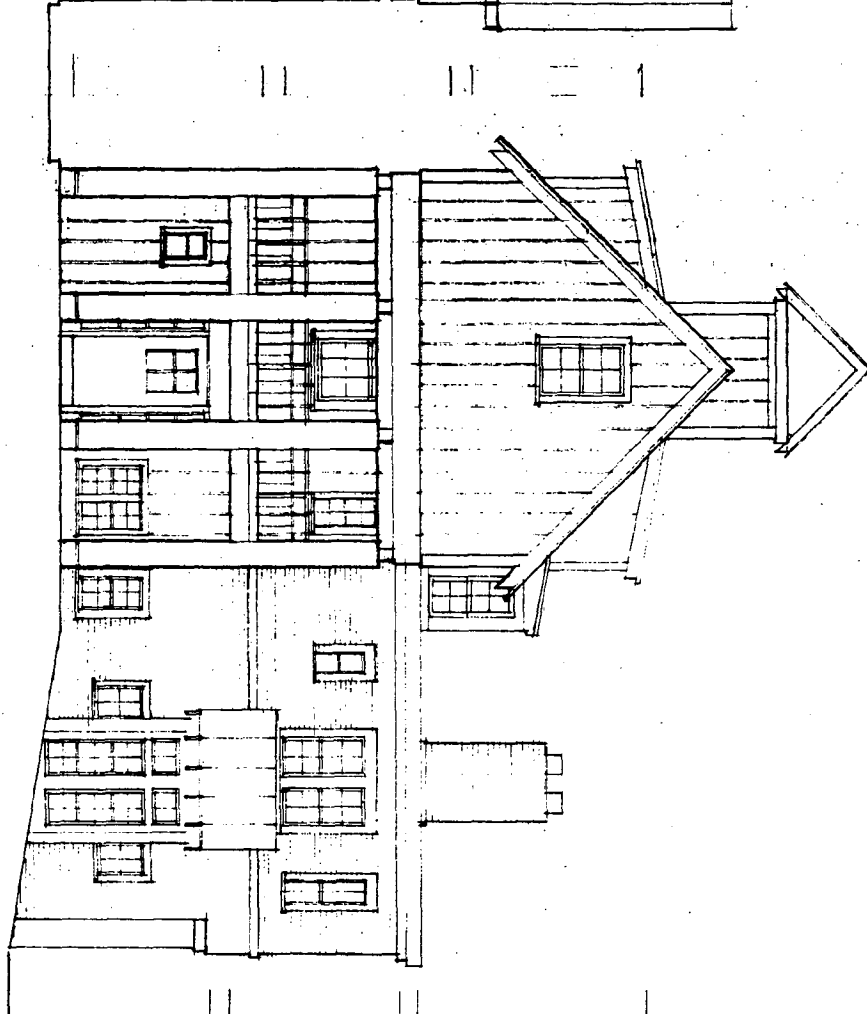
THOMAS BUGGI
201 911 91 4E WASH, DC 20003
202 547 6080 202 543 2069 FAX

PROPOSAL FOR LOT 13 PROSPECT ST.
KENSINGTON, MD
MURRAY AND ASSOC.

SOUTH ELEVATION (PROSPECT ST.)
1/4" = 110'



EAST ELEVATION
1/4" = 110'

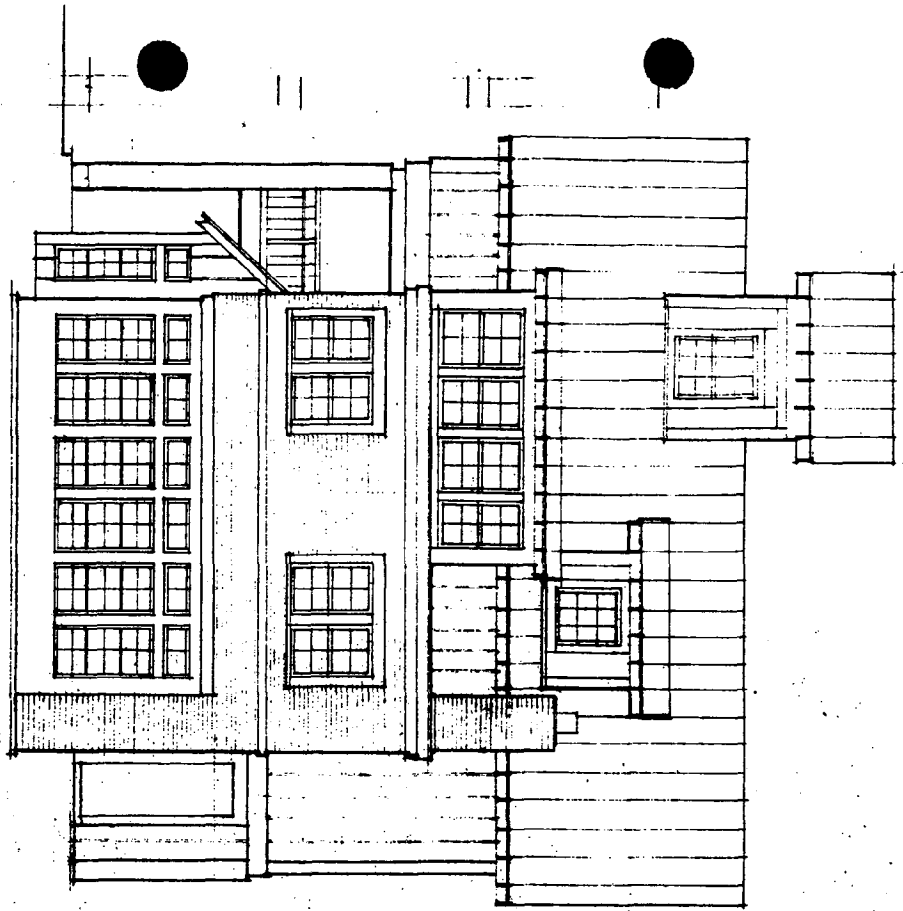


PROPOSAL FOR LOT 13 PROSPECT ST.
KENNINGTON, MD.
MURRAY AND ASSOC.

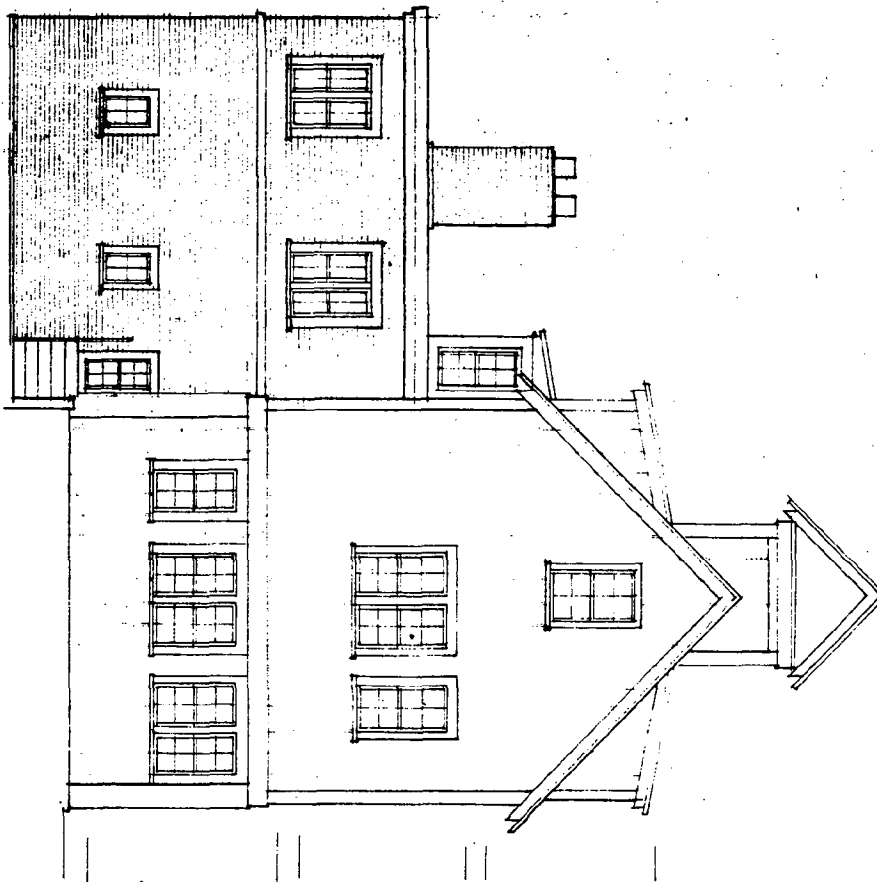
THOMAS BUCCI
301 9TH ST SE, WASH, DC 20003
202 547 6080 202 543 3069 FAX

10.21.91

NORTH ELEVATION
1/4" = 10'



WEST ELEVATION
1/4" = 10'



PROPOSAL FOR LOT 13 PROSPECT ST.
KENSINGTON, MD
MURRAY AND ASSOC.

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10.31.91

**Comments of the Kensington Local Advisory Panel
before the
HISTORIC PRESERVATION COMMISSION
regarding
Prospect Street, Lot 13, Kensington**

November 20, 1991

The Kensington Local Advisory Panel appreciates the opportunity to comment on the preliminary proposal for new construction on Lot 13, Prospect Street. We would like to begin with a general observation, and then proceed to specific comments regarding the proposal.

As the Commission is well aware from its prior work, there are a substantial number of such lots within the Kensington Historic District. The LAP believes that each and every such lot is important, and is confident that the Commission will address any proposals for change - be it new construction or otherwise - with a careful and considered examination within the bounds of the Historic Preservation ordinance.

While every lot is important, however, the LAP would also submit that some lots - as a result of location, historical importance, or some other similar characteristic - warrant an especially close scrutiny. The LAP believes that Lot 13 is such a lot for the following two reasons:

- First, the lot itself is situated immediately between two primary resources. Any alteration in Lot 13 has the potential for a significant degree of impact upon these important structures and their associated settings.
- Second, proposals for Lot 13 must be viewed in a broader context. New construction has already been approved for Lot 15. The LAP believes that we now must be aware of the risk that new construction on Prospect Street, however appropriate in each individual instance, might overwhelm the historic character in the aggregate. That balance is in jeopardy.

Given the preliminary nature of this hearing, we have attempted to limit our more specific comments to those that we believe will assist the applicant and the Commission in moving toward a potential application for an Historic Area Work Permit.

Previous statements and findings by the Commission have suggested that the construction of a "background" or "accessory" building might be appropriate for Lot 13, and the LAP would like to recognize the applicant's responsiveness in moving toward such a proposal. In the opinion of the LAP, however, there are still several elements of the current proposal that would need further refinement before it would qualify as such an accessory structure.

The first such element is the overall scale of the proposed structure. From the street, both of the adjacent primary resources read as essentially two-and-a-half to three story structures, and one would expect that any structure that is expected to defer to these resources would read much smaller. Instead, it is our opinion that the proposed structure also reads as essentially a two-and-a-half to three story structure, and that the additional setback - while commendable in its own right - will not offset this impression. As an alternative, the LAP suggests that a one-and-a-half or two story structure would be more appropriate as an accessory building, and could perhaps echo (in size at least) the one-and-a-half story bungalow located immediately across Prospect Street.

A similar situation exists with the width of the proposed structure. While the width is roughly equal to or somewhat less than the adjacent primary resources, depending on how you read the porch, it is still significantly larger than one would expect from an accessory building.

The size of the proposed structure also impacts the overall density and general streetscape rhythm in the area. With respect to density, as measured by house-to-yard ratios, the LAP has not been able to duplicate all of the numbers presented by the applicant, in part due to differences in definition. Rather than quibble over specific numbers, however, we would like to reiterate a statement made by staff in their report, and we quote: "The footprint of the house would occupy...slightly less than the average lot coverage for the North Side of Prospect Street." It is our opinion that, as an accessory building, such coverage should be substantially less than that of primary structures in the area - not just slightly less.

At its present size, the proposed structure also does not adequately address the Commission's prior findings regarding the disruption of the streetscape rhythm and blockage of sylvan vistas. Again, the increased setback helps mitigate such negative impact, but the overall size - both height and width - conveys a substantial presence. The inclusion of the east-facing porch is a step in the right direction as far as transparency goes, but even this element is somewhat offset by the existence of a full second story porch and third-floor roof line, decreasing the intended "see-through" quality.

In addition, the LAP questions the appropriateness of a porch from a stylistic standpoint. We are currently unaware of any other accessory structures in the Historic District that have such a porch element. We also find the proposed materials usage to be fairly unusual, specifically the combination of wood and brick and what we read from the plans to be a metal roof. At this stage, however, we believe that such considerations are secondary to the issue of overall size.

With respect to siting, we have twice alluded to the proposed setback, and would like to explicitly acknowledge the applicant's responsiveness in this area. This siting, in addition to somewhat reducing the visual impact of the structure upon the surrounding area, would have the benefit of resulting in greater amounts of vegetation located in front of the house relative to previous proposals. More of a park-like quality would be maintained, and the screening provided by this vegetation might help reinforce the "accessory" nature of the proposed structure.

The LAP does have some concerns about the ability of the vegetation to survive construction, and about the impact of the driveway on vegetation both in the path of, and adjacent to, the drive.

It has been our experience that construction on 50-foot lots, especially lots bounded on both sides by existing homes and yards, impacts almost every square foot of the lot through storage of excavated earth and materials, through trespass of construction machinery, or through actual construction. We applaud the applicant's stated intention to preserve the degree of existing vegetation indicated on the submission, but we would encourage the Commission to request additional information about construction sequencing and methodology to ascertain the actual risk to existing vegetation.

Of particular concern is the triple-trunked hemlock located in the front yard, immediately adjacent to the proposed driveway. Preserving this tall tree, as intended by the applicant, would do much to screen the new construction and perhaps provide somewhat of an offsetting focal to any new building. Given its location, however, it is highly susceptible not only to construction damage, but also to subsequent damage resulting from the close proximity of an asphalt drive. In addition to a construction plan, the LAP recommends that the applicant consider the substitution of a low-impact gravel drive, or perhaps no driveway at all. While substitution of a low-impact gravel drive would not decrease the overall impact of a driveway on lot coverage and amount of vegetation to be removed, it would help increase the chances that near-by vegetation would survive long-term.

In summary, the LAP believes that the applicant has made definite steps in the right direction, but has further to go. As we mentioned before, this is a particularly sensitive lot and as such requires careful examination. We recommend that additional consideration be given to reducing the overall scale of the proposed structure, through reductions in both height and width, with the intent of achieving the "accessory building" feel required to minimize the negative impact of new construction on the character of the Historic District. Further, we recommend that the applicant consider rethinking the proposed asphalt driveway, and develop a detailed construction staging plan to gauge and ensure the retention of the maximum possible amount of vegetation.