

37/3-95 C 7417 Baltimore Avenue  
Takoma Park Historic District

BOARD OF APPEALS  
for  
MONTGOMERY COUNTY

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

Telephone  
Area Code 301  
217-6600

Case No. A-4331

PETITION OF WILLIAM D. CALLOWAY, SR.  
(Hearing held June 28, 1995; Record closed July 28, 1995)

OPINION OF THE BOARD  
(Effective date of Opinion, August 16, 1995)

This proceeding is a petition pursuant to Section 59-A-4.11(b) of the Zoning Ordinance (Chap. 59, Mont. Co. Code 1984, as amended) for a variance from Section 59-C-1.323(a). The petitioner proposes to construct a two-story addition. In his original request, the petitioner sought a variance of sixteen (16) feet from the required front lot line (Cleveland Avenue) setback of twenty-five (25) feet.

At the hearing it was determined that the petitioner requires a larger amount of variance than originally requested due to an established front building line. Neither the location nor the size of the petitioner's proposed construction has changed. As revised, the proposed construction of a two-story addition requires a 34.25' variance as it is within nine (9) feet of the established front building line (Cleveland Avenue). The required setback is 43.25' in accordance with Section 59-C-1.323(a).

The subject property is Lot 5, Block 80, Takoma Park Loan and Trust Subdivision, located at 7417 Baltimore Avenue, Takoma Park, Maryland in the R-60 Zone (Tax Account No. 1062986).

Decision of the Board: Requested variance granted.

As a preliminary matter, the Chairman stated that, at the Board's request, the Department of Environmental Protection, Land Use Compliance Section, reviewed the petitioner's site plan and determined that an error had been made in the amount of variance required when it denied the petitioner's building permit. They issued a corrected building permit denial. Neither the size nor location of the proposed addition has changed. Therefore the Board determined that it could go forward with the hearing. The Chairman stated that at the conclusion of the hearing, a new notice would be mailed to all parties entitled to notice. Because this is only a technical correction to the original notice of hearing, the record will be held open for 30 days, until July 28, 1995, for citizen comment.

Petitioner William Calloway appeared at the hearing with his mother. He testified that the subject property is a long and narrow irregularly shaped corner lot which has large setback requirements from two streets. The improvements on the property are a prairie style home which contains only one bedroom and a detached garage, both constructed in 1910. His mother has

lived in the dwelling since 1976 and no new construction has taken place. He and his three sons have now come to live with his mother and propose to create bedrooms and living space for the expanded family. He stated that he proposes to construct a two-story addition, 24' x 28', which would extend into the Cleveland Avenue established front building line by 34.25' (as depicted in Exhibit No. 4). The proposed addition would be architecturally integrated with the existing house. Materials to be utilized would harmonize with those of the existing home.

As Mr. Calloway described his lot, it is 68' wide at the front and 40' wide along the rear lot line where the detached garage is located. The dwelling is sited 29' from the Baltimore Avenue front lot line and 7' from the side lot line. From the end of the dwelling, there is almost 80' to the rear lot line. The dwelling is located parallel to the curve of Cleveland Avenue. The proposed two-story addition would be located behind the dwelling and would be 3' in width less than the existing dwelling so that only the original 1910 home would be visible from Baltimore Avenue. Mr. Calloway further stated that he has been working with the Historic Preservation Commission (HPC) to find the appropriate style and size of the proposed addition. This design has been approved by HPC (Exhibit No. 17).

The applicant was of the opinion that the proposed addition would increase the utility and value of the residence, and, coincidentally, would benefit neighboring home values.

Correspondence in support of granting the requested variance was received from Gwen L. Marcus, Historic Preservation Commission (HPC) Coordinator. The letter states, in part: "... although this is a large addition, the HPC was convinced that it was architecturally compatible with the existing house and with the community. They also felt that it was not oversized for the lot and that it did maintain an adequate and appropriate rear yard space. ... design solutions - other than adding onto the rear - for altering this existing one-story bungalow were problematic from the HPC's perspective. ... (Exhibit No. 17)."

#### OPPOSITION

Arthur McMurdy and William MacRostie appeared at the hearing in opposition to the requested variance. A letter signed by several neighbors was also received into the record. Mr. McMurdy stated that when HPC approved the petitioner's plans, they were unaware of his need for a variance. The proposed addition will be closer to the street than the existing dwelling because of the curve of Cleveland Avenue. In conclusion, Mr. McMurdy stated that the proposed addition should be in line with the existing garage and he did not feel that Mr. Calloway is asking for the minimum variance required.

Mr. MacRostie stated that he lives diagonally across the street from the subject property and that he would be visually impacted by the proposed addition. It will be a two story addition added to a one-story home. It will impact the present view that he has down the street.

In response, Mr. Calloway stated that the proposed addition will be compatible with the neighbors' homes. The dwelling is 25' wide and the addition will only be 22' in width, three feet narrower than the dwelling. Mr. Calloway stated that even though Cleveland Avenue is curved, the new addition will not be closer to Cleveland Avenue than the rear of the present dwelling because the addition will be set in three feet. Mr. Calloway explained that the proposed addition cannot be constructed to the side of the existing dwelling because the dwelling is sited only 7' from the side lot line. Because the lot is only a little over 40' wide behind the existing dwelling, a variance would be required for any proposed addition. The required setback from Cleveland Avenue is 43.25', therefore no construction could take place without obtaining a variance because the lot is narrower than the required setback. In conclusion, Mr. Calloway reiterated that due to the shape of the lot and the siting of the existing dwelling, there is no other place for the addition to be constructed. Finally, the garage presently has a dirt floor and will eventually be replaced.

At the conclusion of the hearing, the Chairman stated that a new notice which sets out the correct amount of variance required by the petitioner would be sent and that the record would remain open for 30 days for comment.

#### FINDINGS OF THE BOARD

Based on the binding testimony and evidence of record, the Board finds that the variance request can be granted. The Board may grant variances if it is persuaded by a preponderance of the evidence that all four of the required criteria have been met:

(a) By reason of exceptional narrowness, shallowness, shape, topographical conditions, or other extraordinary situations or conditions peculiar to a specific parcel of property, the strict application of these regulations would result in peculiar or unusual practical difficulties to, or exceptional or undue hardship upon, the owner of such property.

The Board finds that the subject property has unique conditions peculiar to it which would cause undue hardship to the owner of the property if the variance is not granted. It is a long, narrow, irregularly shaped corner lot which has large front lot line setback requirements on two sides. The widest part of the property, 68', is along the Baltimore Avenue front lot line and the narrowest portion, 40', is at the rear lot line. Cleveland Avenue is curved along the portion adjacent to the subject property. Along Cleveland Avenue there is an established front building line which creates a larger setback requirement than usually required in the R-60 Zone. The existing dwelling, constructed in 1910, is sited parallel to and approximately nine feet from the Cleveland Avenue front lot line. Because the lot is narrower than the established building line, no addition could be constructed without obtaining a variance. Thus, the Board finds that the petitioner has satisfied this requirement.

(b) Such variance is the minimum reasonably necessary to overcome the aforesaid exceptional conditions.

As stated above, the property has unique factors which restrict the buildable area of the lot and create difficulties in the siting of any new construction without obtaining a variance. The requested variance is the minimum necessary to enable petitioner to construct the proposed addition directly behind and in line with the existing dwelling, as presented to this Board. The petitioner, in constructing the addition, is not coming closer to Cleveland Avenue than the existing dwelling. The Board finds that there was sufficient evidence that petitioner could not redesign the proposed addition so that no variance would be required because the lot is narrower than the required setback of 43.25'. The Board also finds that the petitioner could not redesign the proposed addition so that a smaller variance would be required. The Board finds that the dimensions of the proposed addition, 24' x 28', which will contain bedrooms and living space for the expanded family, are reasonable. Therefore, the Board finds that petitioner has met this requirement.

(c) Such variance can be granted without substantial impairment to the intent, purpose and integrity of the general plan or any duly adopted and approved area master plan affecting the subject property.

It is uncontroverted that the grant of the variance will not impair the Master Plan.

(d) Such variance will not be detrimental to the use and enjoyment of adjoining or neighboring properties.

Testimony was received against the grant of the variance from neighbors. The Board finds that the proposed addition will not be detrimental. The plans have been approved by the Historic Preservation Commission who found that it would be compatible with both the existing house and with the community, that it was not oversized and that it maintained an adequate rear yard space. Further, as explained, the addition will not be closer to the street than the existing dwelling because it will be set back three feet farther than the existing dwelling along Cleveland Avenue.

The Board finds that petitioner has met the burden of meeting all four of the criteria, therefore the requested variance must be granted.

Accordingly, the requested variance, as amended, of 34.25' from the 43.25' from the required established front building line (Cleveland Avenue) for the proposed two story addition is granted subject to the following conditions:

1. Applicant must be bound by all testimony and evidence in the record.
2. Construction must be completed according to plans entered in the record as Exhibit Nos. 4 and 5(a)-(h).

The Board adopted the following Resolution:

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

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

I do hereby certify that the foregoing Opinion was officially entered in the Opinion Book of the County Board of Appeals this 16th day of August, 1995.

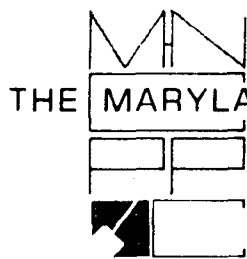


Tedi S. Osias  
Executive Secretary to the Board

NOTE: See Section 59-A-4.53 of the Zoning Ordinance regarding the twelve-month period within which the variance granted by the Board must be exercised.

The Board shall cause a copy of this Opinion to be recorded among the Land Records of Montgomery County.

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



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

June 23, 1995

Judith Heimann  
Chairperson  
Montgomery County Board of Appeals  
100 Maryland Avenue  
Rockville, MD 20850

Dear Mrs. Heimann:

I am writing to you in support of a variance request made by William Calloway for a property at 7417 Baltimore Avenue in Takoma Park. I will be out of town on June 28th, when this case is considered, but wanted the Board of Appeals to have full information about the Historic Preservation Commission's review and approval of an addition to Mr. Calloway's house at 7417 Baltimore Avenue.

Mr. Calloway's approved Historic Area Work Permit allows for a substantial addition to an existing, small, one-story bungalow in the Takoma Park Historic District. Although this is a large addition, the HPC was convinced that it was architecturally compatible with the existing house and with the community. They also felt that it was not oversized for the lot and that it did maintain an adequate and appropriate rear yard space. Finally, the HPC was convinced that the Calloway family needed this addition in order to realistically use their home as a residence.

As background information, I should note that the issue of approving major additions on small houses was a major topic during the designation of the Takoma Park Historic District. The City Council and the community felt very strongly about the need to be lenient in approving major additions that would allow existing families in Takoma Park - many of which are growing families - to stay in their houses and in their neighborhoods. This goal was felt to be of equal or greater importance than strict historic preservation of buildings.

The Takoma Park community provided a great deal of input into "Historic Preservation Review Guidelines" that are a part of the amendment which created the historic district. These guidelines were crafted to give the HPC guidance in how to deal with proposals for large additions to small structures and how to balance preservation goals with community goals.

Mr. Calloway first came before the HPC on September 28, 1994 for a "Preliminary Consultation" on making a significant addition to his house. The Preliminary Consultation

process allows potential applicants to informally present design concepts to the HPC before officially completing and filing a Historic Area Work Permit application.

Mr. Calloway's first design concept included converting the existing one-story Prairie-style bungalow to a full two-story house with a full two-story rear addition. The HPC advised Mr. Calloway that the Takoma Park Historic Preservation Review Guidelines state:

Major addition should, where feasible, be placed to rear of existing structures so that they are less visible from the public right-of-way...

Second story additions or expansions should be generally consistent with the predominant architectural style and period of the resource...

The HPC advised Mr. Calloway to look at alterations to his proposed design that would be sympathetic to the architectural style of the existing house - Prairie style - and that would be set back from the front section of the structure so that some portion of the original house would continue to be visible along the streetscape.

After the Preliminary Consultation, historic preservation planning staff worked with Mr. Calloway to find an architect who could give him some assistance in coming up with an appropriate design. Mr. Calloway did get architectural assistance and made major revisions to his building plans.

On January 25, 1995, the HPC reviewed a Historic Area Work Permit application which Mr. Calloway had filed for a revised addition. One neighbor testified before the HPC and expressed concern about the size of the addition, as well as its visibility. After hearing from Mr. Calloway, the interested neighbor, and staff, the HPC voted to approve the application for the addition. For the Board's information, I have enclosed the transcripts from both the September, 1994 and January, 1995 meetings on this case.

The HPC was not aware at the time that they approved this application that Mr. Calloway would need a variance. The HPC - citing the Takoma Park Historic Preservation Review Guidelines - encouraged Mr. Calloway to add on to rear of his house and felt this was the appropriate location for new construction from an historic preservation perspective. The HPC felt it was important for the proposed addition to basically follow the lines of the existing house, with a small indentation to differentiate the old section from the new section.

Mr. Calloway's current request for a variance to allow an addition to rear of his house is compatible with the HPC's review of his project. In fact, design solutions - other than adding onto the rear - for altering this existing one-story bungalow were problematic from the HPC's perspective.

As background, it should also be noted that the HPC has approved a wide variety of Historic Area Work Permits in the area immediately surrounding Mr. Calloway's house:

7407 Baltimore Avenue.....Side projecting bay addition

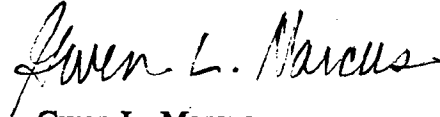
7410 Baltimore Avenue.....New two-story house on vacant lot



7422 Baltimore Avenue.....1 1/2-story rear addition/corner lot  
12 Cleveland Avenue.....1 1/2-story side and rear addition  
13 Cleveland Avenue.....Large 2nd floor dormers and rear skylights  
14 Cleveland Avenue.....Two-story side addition

I hope this information is useful to the Board. I will return to the office on July 17th,  
if you have any further questions.

Sincerely,



Gwen L. Marcus  
Historic Preservation Coordinator

Mr. William D. Calloway, Sr.  
Notary Public / Will Service

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7417 Baltimore Avenue Takoma Park, Maryland 20912 301-588-5679 or Page 202-788-0959

Dear, Property Owners, Residents, Neighbor, and Friend's

Of the Takoma Park Historic District. It is time that we as the " COMMUNITY " come together with our concerns, and opinion about a matter that will determine whether Mr. Calloway Sr, my Mother Dorothy Calloway, and my Five children will live inside of our own home. We have been living at 7417 Baltimore Avenue in Takoma Park Maryland since 1976. At which time our house was a one, and a half bedroom without a dining room to this Prairie style home that was built in 1910. In 1980 I joined the United States Marine Corps, and stayed with the United States Marine Corps Reserve's in 1984, I am legally still with the Reserves but will be honorably discharged due to a medical injury in 1992. In 1986 I was married, and moved to Silver Spring. I was divorced in 1989, at which time Mr. Calloway and my Mother Dorothy Calloway started to figure out how we were going to build our house. So in 1993 I moved back home with my three sons, and went right straight to work, because this house was built in 1910 the basement is less than " 6 Feet " tall in the high places and this is where Mr. Calloway, and my three sons live at. My Mother lives up stairs in the dining room. This basement is cracked up, and the floor leaks water real bad when it rains or snows so the first thing that I have to do is put in a sump pump system in our house which included digging a four foot trench around the interior basement, and a six foot trench for the bucket to set it in. " SIMPLY HARD WORK " at the same time I had to do

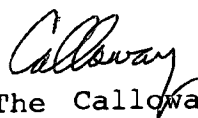
the interior drain system because there was a tree root growing in the main drain system, and it had to be cut out by a professional plumber every (9) months. I have also replaced the interior hot and cold water pipes because they had just about closed themselves up with know water pressure, so I replaced it with copper pipes. Now let me say that if I had to hire a contractor to do all of that work it could have cost me over \$ 16,000.00 dollars, but because I was able to do most of it myself I spent a little over \$ 3,000.00 dollars. Now the next thing that I needed to do was try to sale myself a drawing of the architectural addition for my proposal to the Historic Preservation Commission, and its Staff. So back in September of 1994 I started, and on the 21st day of September I had my Preliminary Consultation meeting with the Historic Preservation Commission, and its Staff. My original proposal was for a full second story addition but the Commissioner asked me to revise the design to reflect the horizontal emphasis of the Prairie Style house that was build in 1910. So I Dramatically revised the proposal to meet both the Commission's concerns, and the Takoma Park Guidelines for Contributing Resources needs. At the meeting it was only (1) one of my Neighbor that had something to say, and that was Mrs. Kathy Dorman her, and her husband William live behind my garage at number 13 Celeveland Avenue in Takoma Park. She had (2) concerns the first concern of her was that the addition was going to be to big. But I found out that they tried to get some work done to there home, and like I had to revise my original proposal to meet the Commission, and the Takoma Park Guidelines for Contributing Resources needs. I did that but the Dorman desided not to. Her second concern was beleive it or not the cost of this addition, well I am saying northing about that because I dont have a kind neighbor response to the question.

The other neighbor that was at the meeting just come to see because he didn't say anything. He's name is Mr. William G. MacRostie and he live at number 14 Cleveland Avenue in Takoma Park diagonally across from me. Now my last stage is to get a premit from the zoning department for a variance. I filed a Petition for a Variance Under the Zoning Ordinance on the 18th day of May of this year. At the Board of Appeals to say that I am applying for a variance from the setback requirements for several major reasons: first of all my house was built in 1910, and this was before zoning laws were enacted and it should not apply to me because it does not conform to the current standards; the second reason is my house was built on a very narrow cornered lot because at the rear of my existing house the lot is 40 feet wide by 85 feet long; and my third reason for the variance is to build an addition to the rear or front or the side of my house would be **Impossible** without a variance because of the current law would require a 25 foot setback on one side, and a 8 foot setback on the other side, so out of 40 feet of lot in my own back-yard I would only have 7 feet for any addition. Without a variance it will be again **Impossible** for me to add a rear addition to my house, and it is very important to my family to build this addition. My house was build in 1910 and is basically a one bedroom house. I live with my three sons in the basement as well as my elderly Mother Mrs. Dorothy L. Calloway who live in the dinning room. We are bursting at the seams and must add on to the house a.s.a.p. because getting the Historic Preservation approval I have also applied for a loan, and have received the loan, as well I have obtained a contractor that is already to begin on the addition. My house is within the Takoma Park Historic District, and after spending almost \$ 2,000.00 dollars in architectural fees and working with the Historic Preservation Commission, and its Staff at

The Maryland-National Capital Park and Planning Commission at 8787 Georgia Avenue in Silver Spring Maryland. They reviewed my design and approved it as being compatible with the architecture of the neighborhood. I have ask the Board of Appeals to grant me the 16 feet variance from the side-yard setback requirement based on 59-G3.1. My reason is because of the narrowness, shallowness, shape, and the topographical conditions of this 85 year old house. I have to also add to the fact that Mrs. Kathy Dorman the neighbor that live behined my garage put a letter in my mail-box to wish the **CALLOWAY FAMILY A HAPPY CONGRATULATION ON GETTING MY HISTORIC AREA WORK PERMIT APPLICATION APPROVAL.**

P.S. I would like to say to all of the Property Owners, the Residents, the Neighbor, and to the Friends of the Takoma Park Historic District, because I have already Dramatically revised my addition to meet the concerns of the T.P.H.P.C. and the T.P.G.for C.R. that anyone who feel that this Prairie Style home should'nt be inlarged for the family that live in it is showing a sign of prejudiceness, a sign of selfiness, and is a embarrassment to the rest of the T.P.H.C., and should be a shame of themselfs, and in the very near future try to be a good neighbor.

I will now like to invite anyone who would like to visit my home to do so but by **APPOINTMENT ONLY** I would also ask if anyone would like to write to or come to the Board of Appeals for Montgomery County at 100 Maryland Avenue room 217 in Rockville, Maryland. 20850 the meeting will be on the 28th day of June 1995, and the time will be at 0930 hours.

  
Sincerely The Calloway's

**Notary Public / Will Service**

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7417 Baltimore Avenue  
Takoma Park, MD 20912

**CONFIDENTIAL**

To the Property Owners, and Residents  
Mrs & Mr William C. & E.S. Hyatt  
or Mr. & Mrs Fred B. Moonves  
# 5 Cleveland Avenue  
Takoma Park, Maryland. 20912-4102

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**Mr. William D. Calloway, Sr.  
Notary Public / Will Service**

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7417 Baltimore Avenue  
Takoma Park, MD 20912

**CONFIDENTIAL**

To the Property Owners, and Residents  
Mr. & Mrs Arthur F. & E. S. Mc Murdie  
# 12 Cleveland Avenue  
Takoma Park, Maryland. 20912-4102

**Mr. William D. Calloway, Sr.**  
**Notary Public / Will Service**

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7417 Baltimore Avenue  
Takoma Park, MD 20912

**CONFIDENTIAL**

To the Property Owners, and Residents  
Mr. & Mrs William B. & Kathy Dorman  
# 13 Cleveland Avenue  
Takoma Park, Maryland. 20912-4102

**Mr. William D. Calloway, Sr.**  
**Notary Public / Will Service**

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7417 Baltimore Avenue  
Takoma Park, MD 20912

**CONFIDENTIAL**

To the Property Owners, and Residents  
Mr. & Mrs William G. Mac Rostie  
or Mr. & Mrs Carol O. Blitzer  
# 14 Cleveland Avenue  
Takoma Park, Maryland. 20912-4102

RECEIVED  
6/17/93

Mr. William D. Calloway, Sr.  
Notary Public / Will Service

CONFIDENTIAL

7417 Baltimore Avenue Takoma Park, Maryland 20912 301-588-5679 or Page 202-788-0959

Dear, Property Owners, and Residents. Of # 5 Celeveland Ave  
Of the Takoma Park Historic District. For those of you  
that dont know me I am William David Calloway Sr. I am the home  
owner of 7417 Baltimore Avenue hear in Takoma Park. Back in  
August of 1989 me, and my mother Dorothy L. Calloway started  
to figure out how we was going to build hour house. At which  
time I was divorce, and working for the General Service Admin-  
istration as a Police Officer. I new that my income was not  
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ready to retire form the Federal Government. Now other then  
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most of them have. I also know that we are in a acquit position  
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There is something that as a parent really move me, and that  
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the basement is less then 6 feet tall, and this is where me  
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12/13-

1) 2nd story dh, not count

2) 1st fire hood smell

3)

Art:

11/27/96

- windows on 1st level  
are not per design  
or mod - rear set too  
small

( " " 2nd level  
dh instead of casement)

(no work going on &  
construction/raw walls,  
etc unsightly)

Post-it™ Fax Note		7671	Date	12/18/96	# of pages	6
To	Wm Calloway		From	P. Kephart		
Co./Dept.			Co.	HPC		
Phone #			Phone #	495-4520		
Fax #	5887930		Fax #			

Post-it™ Fax Note	7671	Date	6/20	# of pages ▶	7
To	Jane Clark	From	P Kephart		
Co./Dept.	FYI	Co.	HPC		
Phone #		Phone #			
Fax #	585-3919	Fax #	495-1307		

1/21

4504 - June

150

Kisa Sanhuis - check on same day

Doug Timerson - 926 7100

Sherry Nesbitt - nte - 565 0128

Garage Worthington web

FEB 12

ICC by Friday

HMID staff

Randy

Full ripped roof not functional

- no drainage

- siding not strong enough

Calloway

from neighbors' perspective, dim board will look like siding

Randy - garage blocks view

Deck - deck is entirely visible - garage does not block it.

glitter lot of compromise in this

approval -

design is not difficult to



Build.

AM Cost should not be considered as this whole aspect of the project is a cost add on

Kathy - seconds the staff report.

Calloway - not much to be seen on Cleveland Ave - only 6 houses & it is in the rear.

House is old & needs work - want to work w/ neighbors

~~BE~~ inter that gap

PL - / 2nd story <sup>deck</sup> ~~perhaps~~ balcony  
on 2nd also is a rear lot.  
dim board &  
maintenance problem.

ML - support staff - a lot of concessions made & should stand ground.

PL - understood

GL - wanted to see more refined drawing - didn't ~~include~~ mean it would be approved.

-TT - original concern that Mrs C be allowed  
to get family in a larger space -  
Have met the needs you had to  
acc. family.  
but we ~~go~~ take care of exterior  
decisions & go ahead w/  
Mrs K original ~~design~~ design.

RL - just wanted to accommodate Mrs C.  
kitchen window, & to have deck.

BB - agree w/TT - remember who'd

ML - care of ~~2~~ <sup>rev.</sup> HAWP denied -

TT 2nd

S-O 1 refusal



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

December 18, 1996

William Calloway  
7417 Baltimore Street  
Takoma Park, MD 20912

Dear Mr. Calloway:

This letter is to summarize the points covered at the meeting this morning between you, Randy Lowers (your builder), Gwen Marcus Wright and myself. Working from the blueprints, the following was agreed upon:

1) ~~E~~<sup>W</sup> **ast Facade** (front side, facing Baltimore Street):

No changes are requested or approved in the plans for this side. There are to be two pairs of casement windows to be installed on the far left and far right sides of the new second story facade with a chimney block in between. As we discussed regarding most of the windows on the second story, you are to contact me or Gwen Marcus Wright and let us know if you will be removing the incorrectly installed double-hung windows on the second story and replacing them with the casement windows as indicated on the approved blueprint, or if you will be submitting a formal Historic Area Work Permit revision requesting approval to use double-hung windows. If you choose to remove the incorrect windows and replace them, this must be done within six weeks (which I understand is how long they will take to order).

2) **South Facade** (side wall, facing Cleveland Avenue):

On the **first story**, the two pairs of double-hung 2' x 3' windows that are in place on the right end of the wall (four windows total) will remain. A 2' x 2', single light window will be installed as indicated on the approved blueprints. It will be installed to the left of the new 2' x 3' windows as shown in the approved drawings.

On the **second story**, a 16" x 32" window with a single light will be used where a horizontal, two light window is shown. The window will be placed high up on the wall, under the eaves, as is shown in the approved drawing. As with (1) above, the double-hung windows must be replaced with casements unless a revised HAWP is obtained.

3) ~~W~~<sup>E</sup> **est Facade** (rear elevation):

The **first floor** doors are correct. The window in between them has been eliminated. The deck will be built as shown in the approved plans.

William Calloway  
December 18, 1996  
Page 2

The **second story** windows and a door are to be installed as shown in the attached sketch. It is understood that the changes from the blueprint plans are to provide access to the previously approved addition of a rear balcony. There will be a 2' x 3' casement window and single panel glass door paired on the far left. A pair of 2' x 3' casement windows are to be installed on the far right. This will result in two sets of paired openings; one on the far left, one on the far right.

4) **North Facade** (facing the next door neighbor's house):

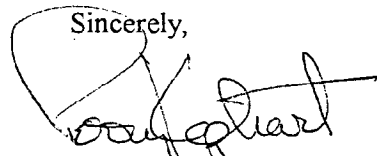
On the **first floor**, two 2' x 4' double-hung paired window as shown on the approved blueprint are to be installed as indicated on the far left end of the new addition facade. It is understood that they will be longer than those on the South Facade, but slightly shorter than the windows on the original house. One 16" x 23" window with a single light will be installed to the right of the new paired window. This window will replace the 2' x 2' window shown on the approved plans. The rest of this floor's facade will remain as is.

On the **second story**, the center (bathroom) window is to be 16" by 32", set, as on the South Facade, horizontally under the eaves. There will be one 2' x 3' casement window to the far left of this facade and another one to the far right of the facade.

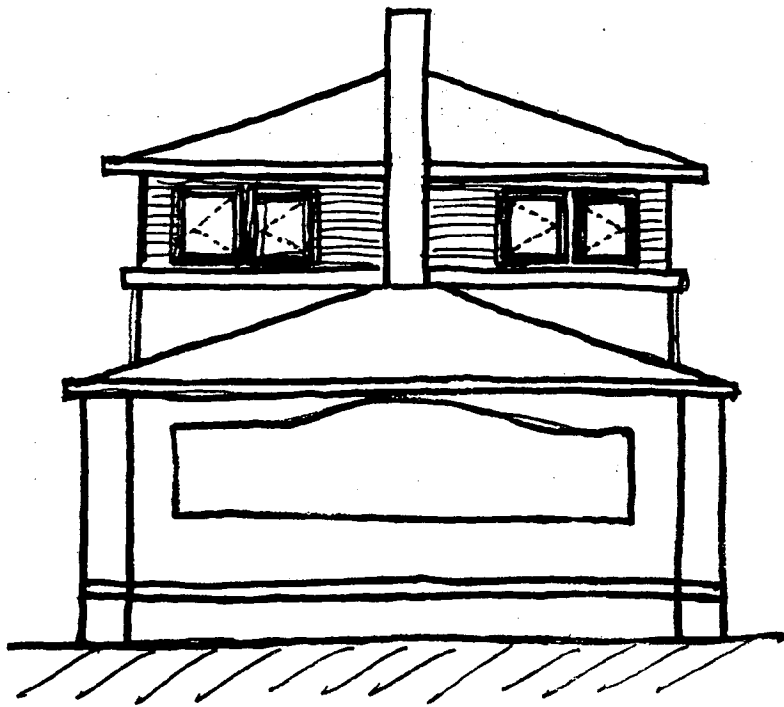
In summary, these are the only changes currently approved. If you decide that you wish to make any other changes at all - including but not limited to retaining the double-hung windows on the second story - you will need to submit a request to revise your approved Historic Area Work Permit. This revision request would be reviewed by the Historic Preservation Commission at a regularly scheduled meeting.

Please give me a call if you have any questions, or if I can be of further assistance.

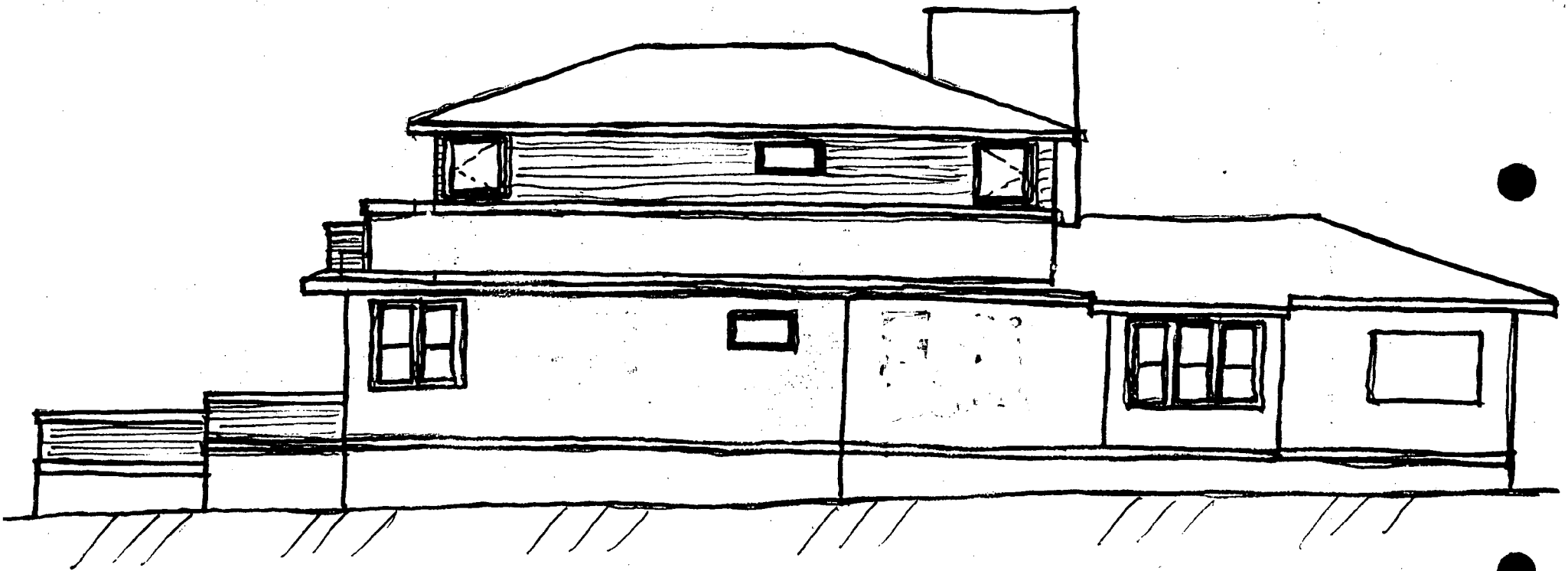
Sincerely,



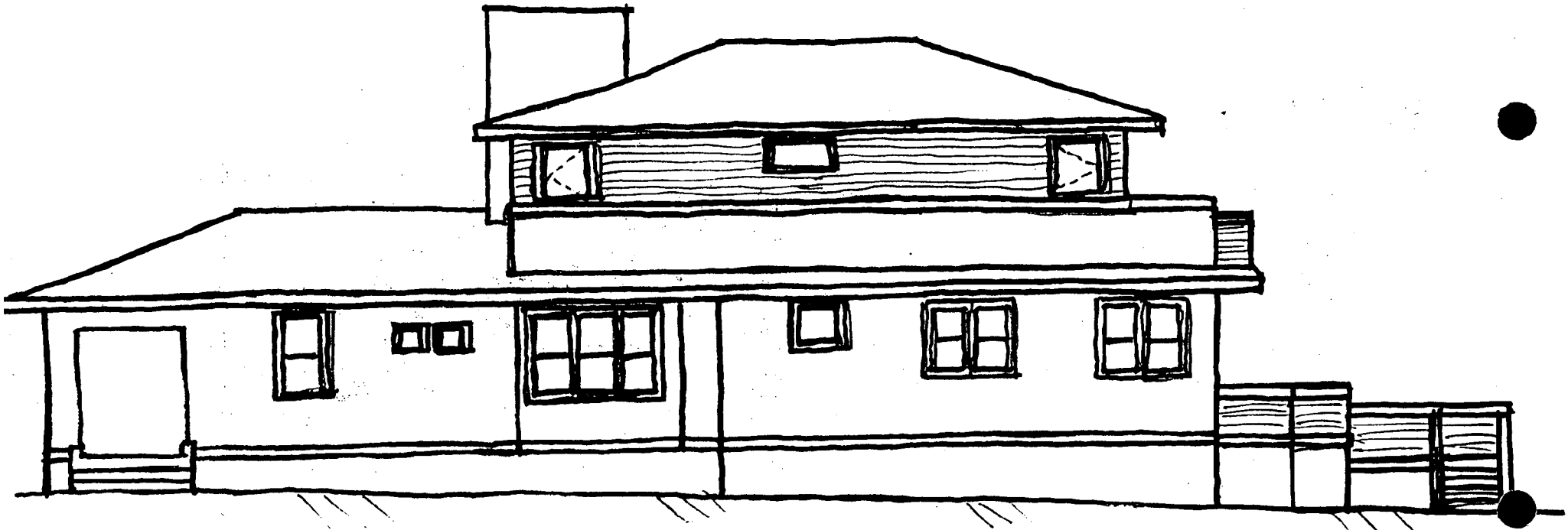
Perry Kaphart  
Historic Preservation Planner



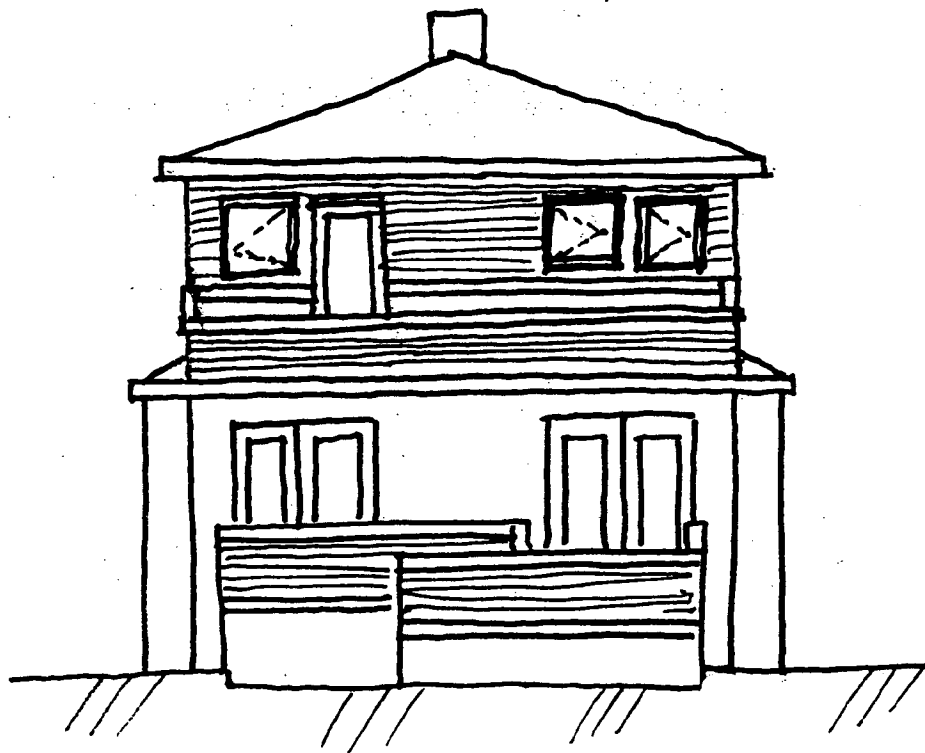
12/18/96 FRONT FACADE  
NOT TO SCALE



12/18/96 SIDE FACADE (FACING NEIGHBOR)  
NOT TO SCALE



12/18/96 SIDE FACADE (FACING CLEVELAND)  
NOT TO SCALE



12/10/96 REAR FACADE  
NOT TO SCALE



13 Cleveland Avenue  
Takoma Park MD 20912  
December 11, 1996

Ms. Gwen Marcus Wright  
Historic Preservation Coordinator  
M-NCPPC  
8787 Georgia Avenue  
Silver Spring MD 20910-3760

Dear Ms. Wright:

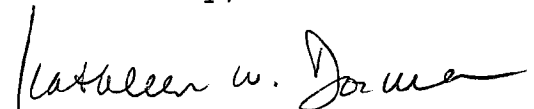
I appreciate your detailed letter of November 22 responding to mine of November 3. I'm glad to hear that your office is monitoring this project (7417 Baltimore Avenue) on a regular basis.

I also appreciate your recognition that the Calloway's "relatively large and visible change" needed to be presented to the commission. Given the mass of this project and testimony against it at the hearing, I find it hard to understand the commission's decision to approve the rear balcony without public notice. Throughout this process, the commission has not seemed to comprehend that this is a corner lot and that this addition is fully visible from the street.

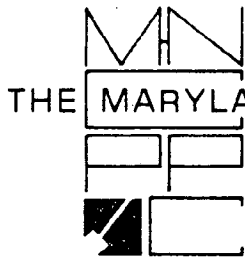
As far as the HPC not wanting to delay in-progress construction for perhaps a month to allow a hearing, I would like to emphasize that this addition will stand for at least 75-100 years, a span that makes a month's delay insignificant. But I also need to point out that there has been almost nothing done on this project since mid-July. After seven months, it was not closed in, and it still lacks siding. Other than adding windows and doors, the only work that has been done since mid-July has been to tear off the already-built rear trim to build the balcony in question. At this pace, the house alterations would not be finished before cold weather set in whether or not there was a hearing.

Thank you again for your response. I am glad you share my concern that this project be built as approved. I will contact Perry Kephart if I have further questions.

Yours truly,



Kathleen W. Dorman



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

November 22, 1996

Kathleen W. Dorman  
13 Cleveland Avenue  
Takoma Park, MD 20912-4123

Dear Ms. Dorman,

I received your letter of November 3, 1996 expressing your concerns regarding the alterations to the plans for the addition to 7417 Baltimore Avenue, Takoma Park. I understand your concerns and want to try to address each of them.

First, in terms of the process for approving this change, I understand that you are concerned that an additional public hearing was not held before the Historic Preservation Commission (HPC) so that neighbors could comment on the change. In late August, while out inspecting the construction site, I was approached by Mrs. Calloway about her desire to have a porch/balcony in the rear. I explained that any revision to the approved plan would need to be requested in writing. Mrs. Calloway did send me a letter requesting the change (see attached). Although it is not unusual for changes to come up during the construction process which can typically be approved at a staff level, I was concerned that this was a relatively large and visible change. Therefore, I felt it was necessary to confer with the HPC as to whether they wanted to review this change in a public hearing format or whether they wanted to delegate approval to staff. On September 10th, I brought this issue up to the full HPC at a worksession, and it was their decision to allow staff to work through the issue with the Calloway family, their architect, and their builder so as to permit the construction of the rear porch/balcony.

I did not personally make the decision to forego an additional public hearing; however, I can certainly understand your concern about this course of action. It was not a clear-cut case of a change that could be approved at staff level and I needed to rely on the judgement of the HPC. My sense is that the HPC allowed staff level approval of this change because it was at the rear of the structure and because they felt that the porch/balcony could be designed in a way that would not ruin the overall design intent of the addition. Also, this project has been subject to many delays - the Historic Area Work Permit was originally filed in January, 1995 - and the HPC was sensitive to not wanting to delay in-progress construction for perhaps another month while a hearing could be scheduled and neighbors notified. I think the HPC, the neighbors, and particularly the Calloways, all agree that it is important that the house alterations be finished before cold weather sets in. Both they and the neighbors would like to see the inevitable building site clutter cleaned up.

2

You were also concerned with the design of the porch/balcony. I am enclosing sketches of what the revised balcony is to look like. The balcony is to have a 40 1/2" high stucco railing on each side extending out four feet to a 36" high railing of horizontal siding which extends two feet on each side and across the rear. The goal of this railing detail is to tie the balcony into the two-level decks on the first floor and preserve the horizontal Prairie style of the addition without adding bulk that would overwhelm the original resource. The goal of maintaining horizontal elements on the rear facade is very important and, hopefully, can be achieved with this detailing.

Finally, you expressed concern about the monitoring of this project. As you know, there is no inspection/enforcement staff specifically assigned to historic preservation. Existing planners do as much as possible to monitor projects - especially large projects like this - but cannot be out to check on a daily basis. We do need and appreciate input from neighbors on ongoing projects in their community so as to stay aware of any unapproved changes.

In this case, we have made a number of site inspections and have regularly reminded Mr. Calloway and his builder that any and all changes must be reviewed with staff and potentially the HPC. We are currently checking the project approximately once per week - many of these inspections are being done by Perry Kephart of the historic preservation staff. If you have further questions or concerns, you can contact either Perry or myself.

I understand that the deterioration of the garage, the RV, the clutter in the yard are all concerns and we have communicated with Mr. Calloway about some of these issues - although they are not truly historic preservation issues. He has indicated that he hopes to deal with the garage after the current construction job is finished. Any plan to change the garage - including demolishing and/or rebuilding it - will come before the HPC as a HAWP and you will be notified.

I will send you information on all additional changes to the Calloway project - if there are any. Please call either Perry or me at 495-4570 if you want to discuss this case further.

Sincerely,

*Gwen Marcus Wright*

Gwen Marcus Wright

Historic Preservation Coordinator

~~cc: William Calloway~~

November 3, 1996

Ms. Gwen Marcus  
Design, Zoning, and Preservation Division  
M-NCPPC  
8787 Georgia Avenue  
Silver Spring MD 20910-3760

Dear Ms. Marcus:

I called you on October 22 concerning the addition at 7417 Baltimore Avenue (case #37/3-95C). Instead of building a hipped roof between the first and second floors at the rear of the house, as shown on the plans approved by the commission, Mr. Calloway is building a balcony extending the full width of the house.

When you returned my call the next day you informed my husband that you approved this alteration in the plans. I would like to inform you of my concerns on the basis of both design and procedure.

This addition is massive with respect to the existing house, the size of the lot, and neighboring houses. You are aware that it required a 34-foot zoning variance. The horizontal elements in the design are essential to temper the mass. Removing the hip roof at the rear of the house eliminates this mass-tempering function from not only the rear of the house but from the sides as well where the side overhangs will come to an abrupt dead end at the balcony.

I am dismayed that such a major revision that substantially alters the design should have been approved without formal approval by the commission and without notification of contiguous property owners. What was the purpose of the earlier public hearing and notices to neighbors if you then approve major revisions without offering an opportunity for public comment?

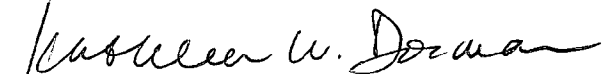
When I asked at the hearing what mechanism would ensure that Mr. Calloway built according to the approved plans, I was told that you relied on neighbors to point out deviations. While this seems an abdication of your responsibilities, I was willing to assume this role. This is impossible, however, without knowing what you've approved.

With a rusting RV in the back yard, a garage (designated by you as a historic resource) with peeling paint and missing windowpanes that is being allowed to disintegrate, numerous garbage cans and miscellaneous discarded items by the back fence, this property is an eyesore that is depressing the property values of surrounding properties. My main concern is that the addition will

be built without regard to plans both in terms of design and materials used and will become an eyesore that will be permanent in nature.

In conclusion, I would appreciate your monitoring the construction of this addition to see that it conforms to the plans as approved. I would also appreciate your sending me a copy of the revised elevations incorporating all revisions approved since the commission formally approved the addition and your informing me of any further major revisions in the plans.

Yours truly,



Kathleen W. Dorman  
13 Cleveland Ave.  
Takoma Park MD 20912-4123  
#585-0453

Randy the builder:

10/28 & Bill

~~Have to~~

agreed to stay

w/ 24x24  $\frac{1}{2}$

2 level deck

or  
50 thru HPC

OK <sup>etc</sup>  
Window has to

~~to~~ HPC -

2) as does diemuey

3) any other changes.

got a good deal  
the 1st time. . .

October 24, 1996

MEMORANDUM

Site visit to William Calloway House, 7417 Baltimore Street, Takoma Park:

1) **Upper story deck in rear** - this was built across the full width of the house instead of being placed inside the side and rear roof of the 1st floor. Builder had not seen designs from G. Kousoulas, so had proceeded on his own. George faxed a sketch of a stucco and horizontal railing configuration for the deck as an alternative to the design discussed by the HPC. The upper deck will now match the lower deck.

2) **Kitchen window** - 24x24 window proposed for the south elevation is not available except by custom order. Also, Mrs. Calloway, Sr. would like a bigger window above her sink. Builder has a 30x36 two panel sliding window which could be used. Alternative is to use another pair of 24/38 windows to match the other two pairs already installed in the south elevation. Builder will call with exact dimensions of sliding window so staff can decide.

no ok

3) **Bathroom window, north elevation** - 24x24 not available. Builder has provided 16x32 used horizontally.

not available →

so will stay w/ 24x24

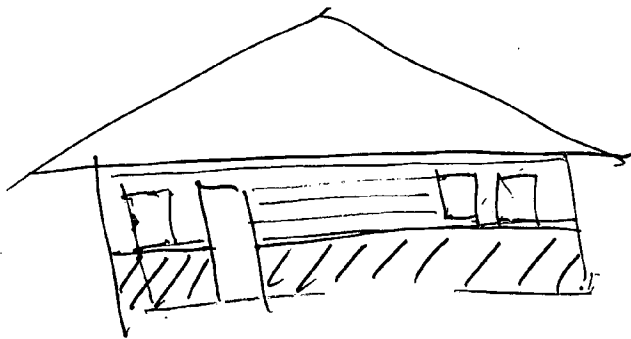
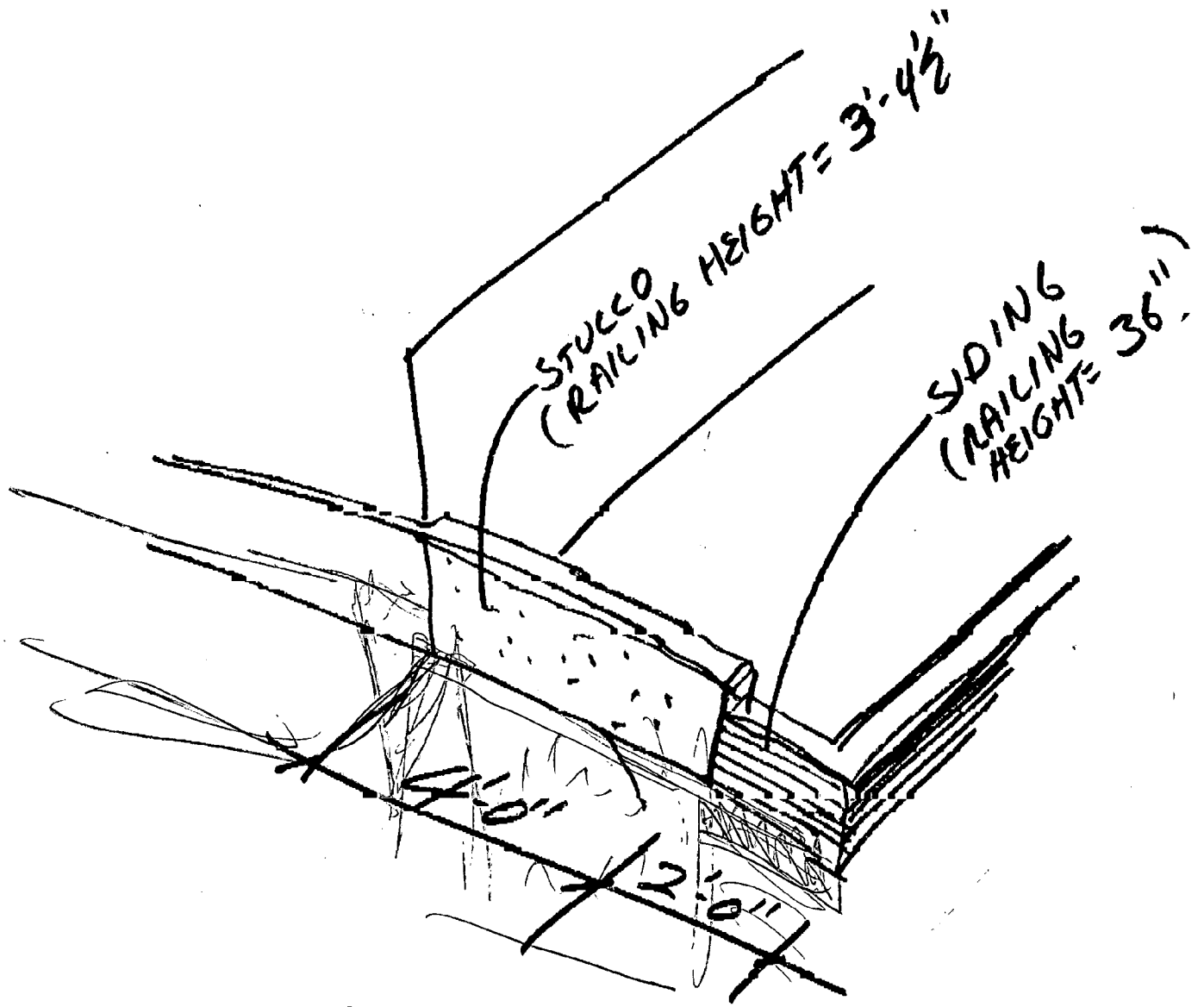
4) **Chimney** - builder questioned constructing a "fake" chimney. Told him they needed to check with the HPC if they wanted to change design.

5) **Windows on 2nd floor, west elevation** - One window now must be a door to access the upper deck. Builder wanted to move door and one window from pair on right so all openings across facade would be evenly spaced and to allow better interior space in master bedroom. I said to stay with the two sets of paired openings at each side of facade unless they wanted to come to HPC for design change.

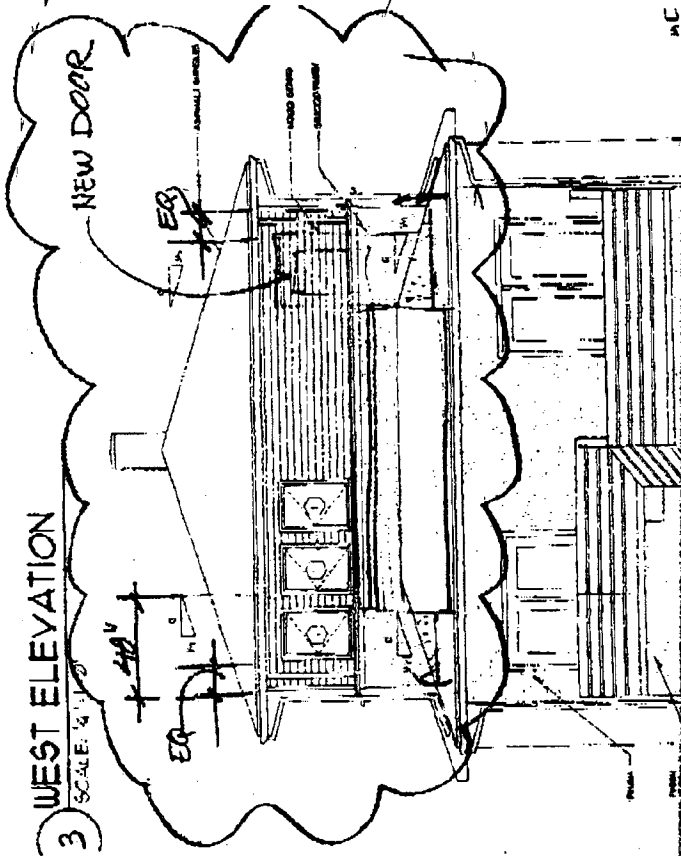
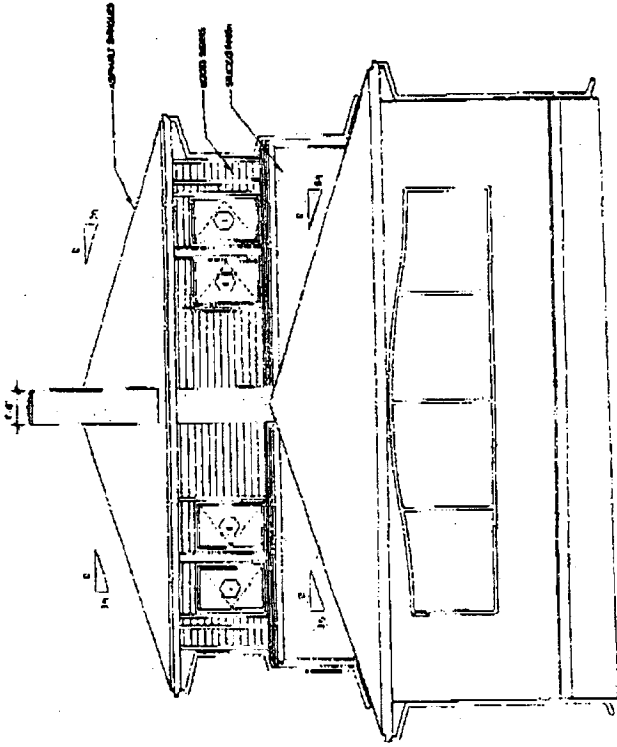
6) **Basement door** - Asked whether it should be six panel or flush as they wanted to use stock steel door. I agreed to using flush.

10/28 7/ Builder (Randy) said they wanted level 1st floor deck - I said to take it to the HPC  
So elev 3 pr 3' \$ 12x2  
No 1st \$ 2nd  
12/12 1) 2x3 dh in 1st floor now. 16x32  
B - ok for 2x2  
2) No 2 DH @ end to be 4' long ✓  
3) casement windows on 2nd floor  
w - no changes rear - see drawings balcony + w \$ \$





AL

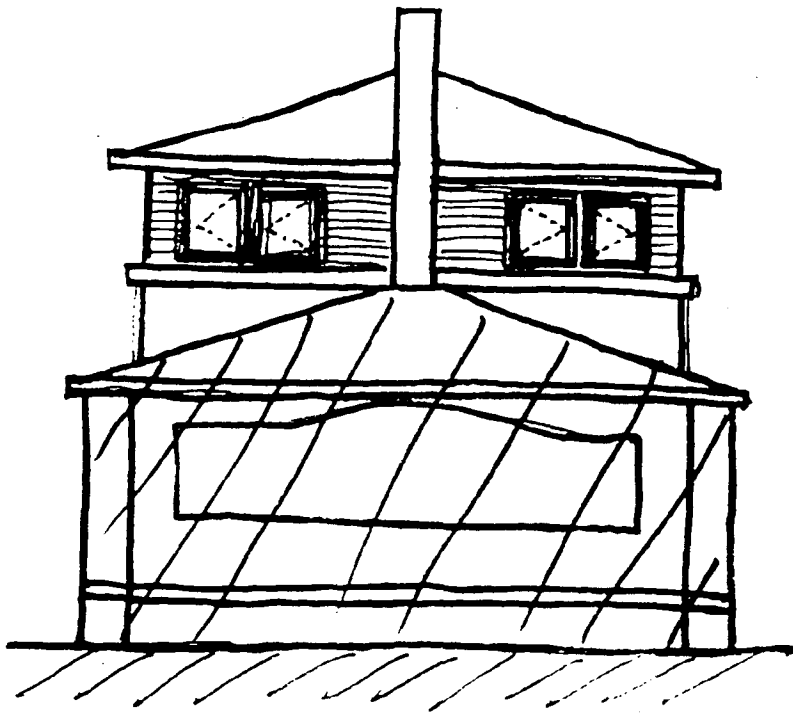


WEST ELEVATION

3

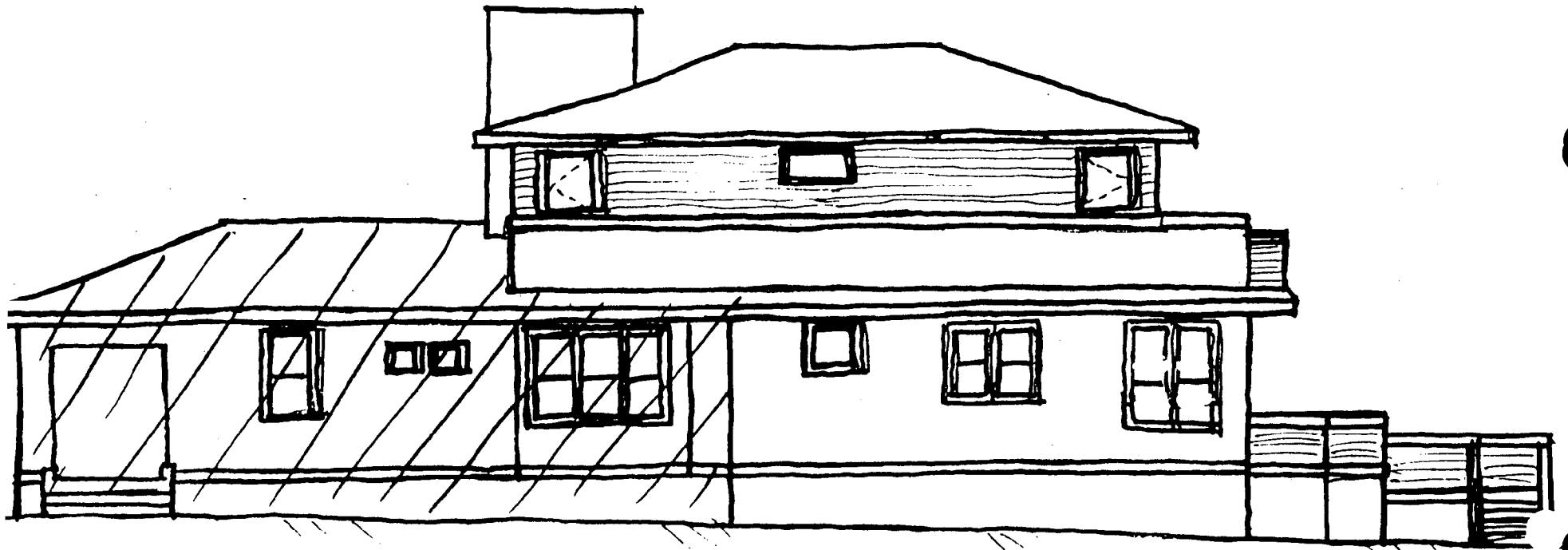
SCALE: 1/4" = 1'-0"

□ □  
□ □



12/18/96 FRONT FACADE  
NOT TO SCALE  
Approved to date

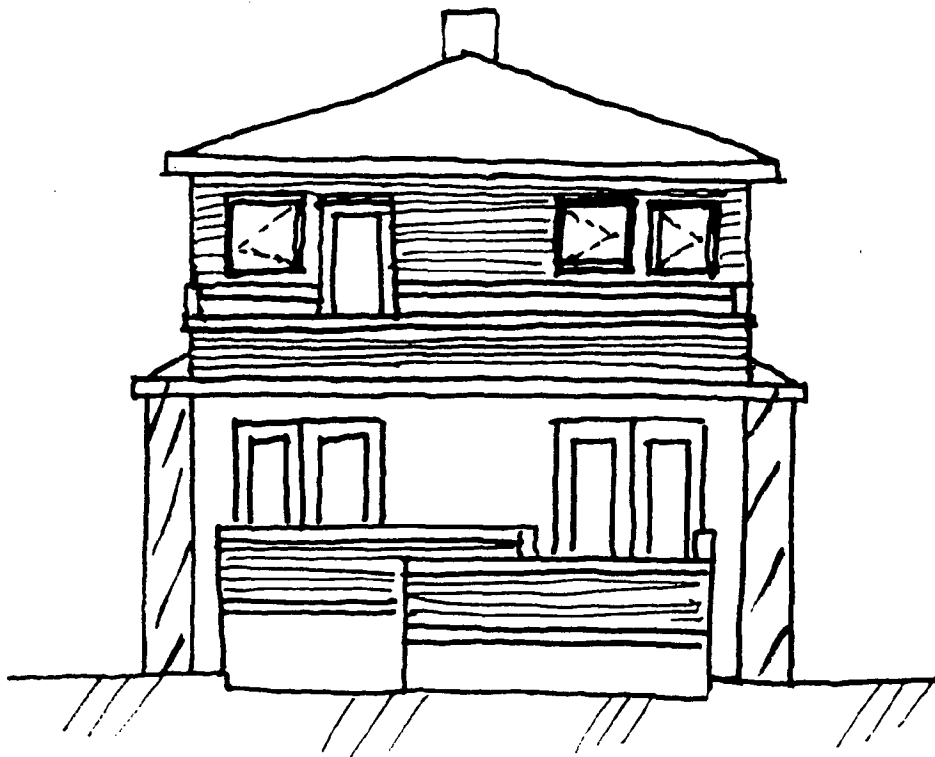
- original



12/18/96 SIDE FACADE (FACING CLEVELAND)  
NOT TO SCALE

Approved to Date  
(except 2nd Floor balcony)

- original
- new addition

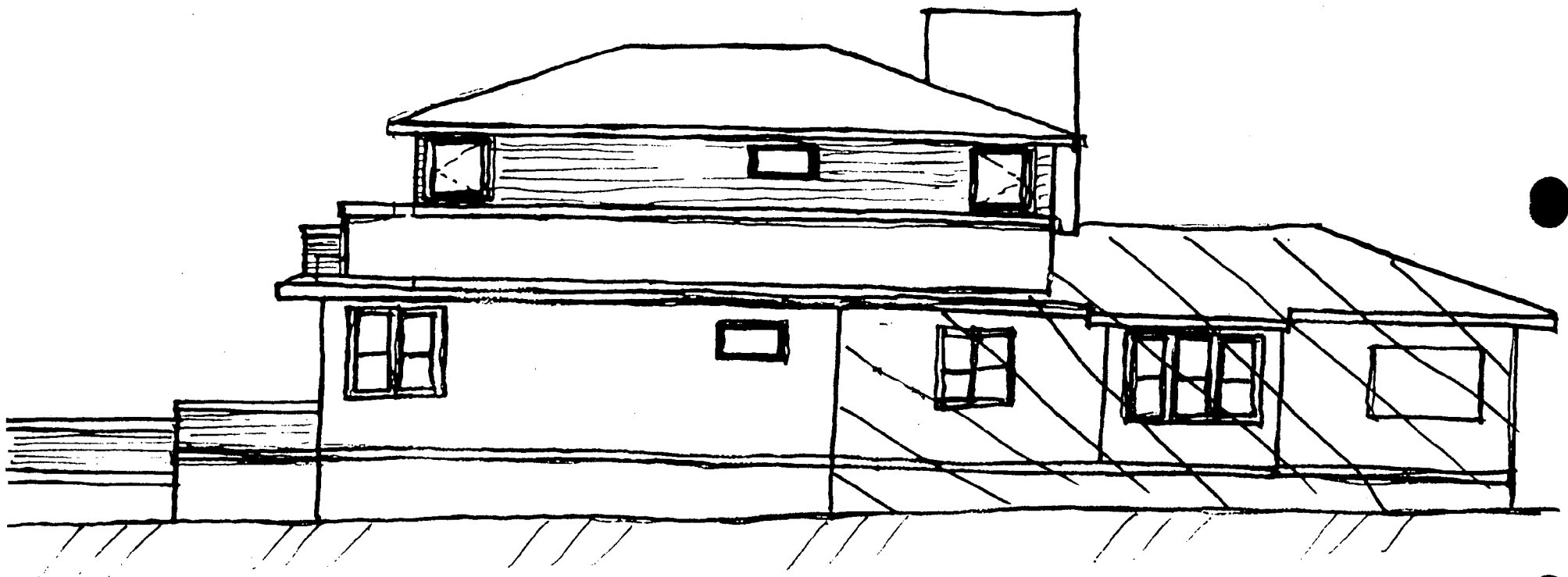


12/10/96 REAR FACADE

NOT TO SCALE

Approved to Date  
(except 2nd floor balcony)

original



12/18/96 SIDE FACADE (FACING NEIGHBOR)  
NOT TO SCALE  
Approved to Detr  
(except 2nd flr balcony)

▣ - original  
▨ - new addition

August 29-96  
1417 Baltimore ave  
Sakona PK. Md.  
20912

Historic Preservation Commission  
8787 Georgia Avenue  
Silver Spring, Md. 20910

To Gwen Marcus Wright

Dear Commission

We are the Calloway  
family at 1417 Baltimore ave  
Sakona PK. Md. William  
and Mrs Calloway are requesting  
that this change be made,  
a little patio across the  
house up stairs, there where  
the top don't come ~~always~~  
always the out. The contract  
said it would be prior to  
do it now, before he seal it  
over.

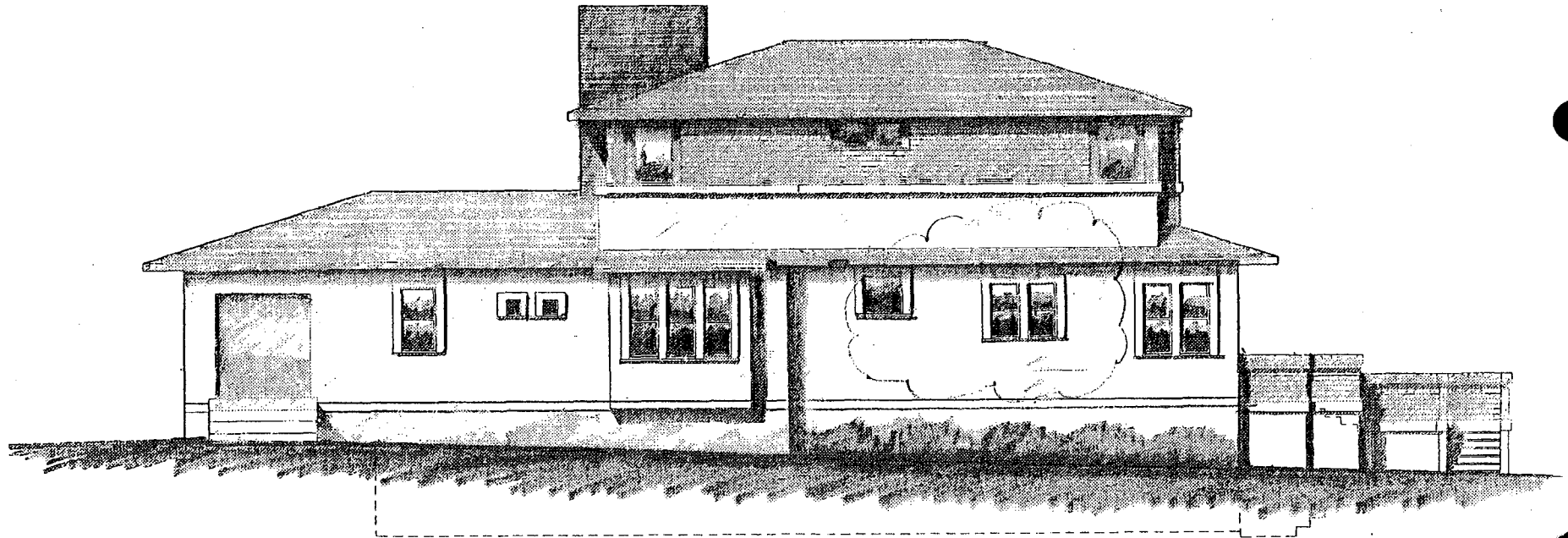
2

up Mrs Wright saw it she  
will know what Jim talking  
about, we will thank  
you very much

Sincerely yours  
William & Dorothy Calloway



Scale: 1" = 10'



PROPOSED SOUTH ELEVATION

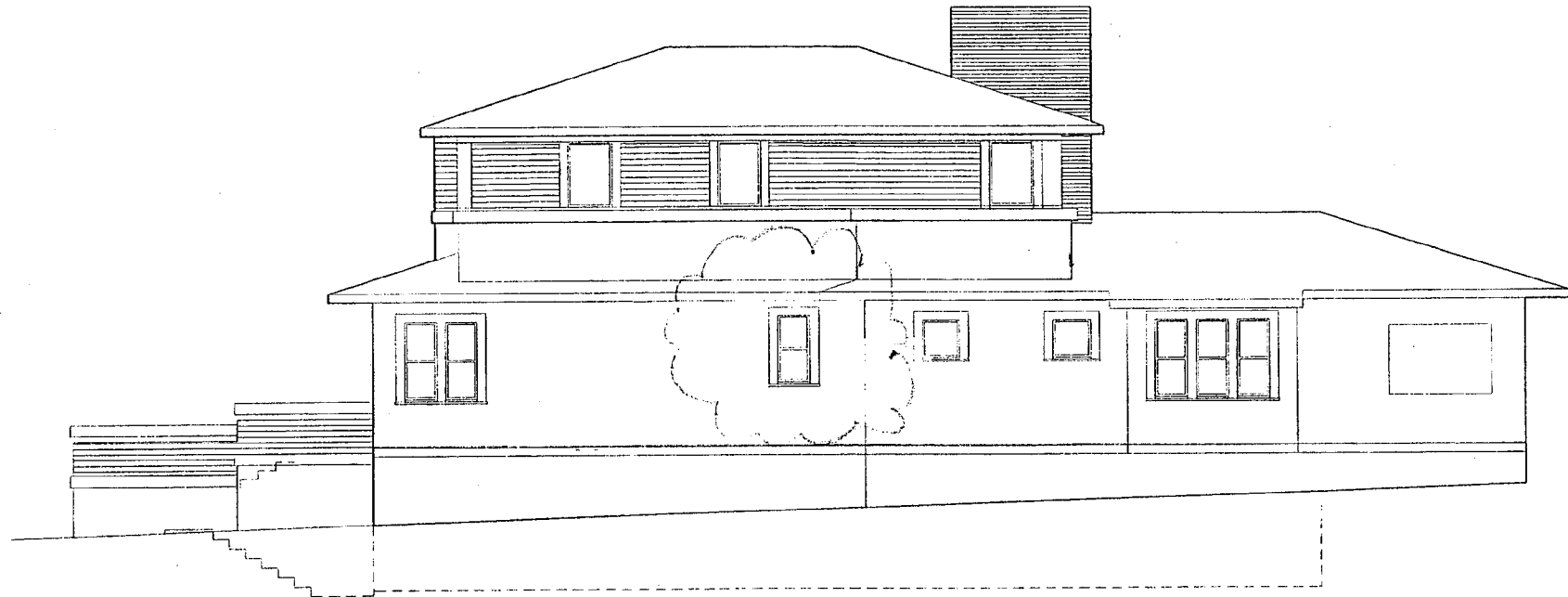
APPROVED  
Montgomery County  
Historic Preservation Commission

*Allen L. Marcus*  
8/14/95

CALLOWAY RESIDENCE  
December 29, 1994  
REVISED AUGUST 14, 1995

Takoma Park, Maryland

Scale: 1" = 10'

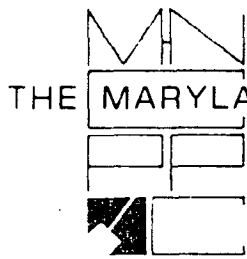


PROPOSED NORTH ELEVATION

APPROVED  
Montgomery County  
Historic Preservation Commission  
*James L. Marcus*  
8/14/95

CALLOWAY RESIDENCE  
December 29, 1994  
REVISED AUGUST 14, 1995

Takoma Park, Maryland



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

August 14, 1995

William Calloway  
7417 Baltimore Street  
Takoma Park, MD 20912

Dear Mr. Calloway:

This letter serves as your approval for two minor revisions to your approval Historic Area Work Permit for an addition at 7417 Baltimore Street.

On the south elevation, there are two windows in the new addition which will be shorter than originally proposed. On the north elevation, one window in the new addition will be shifted to the west.

As these are minor changes, I am able to approve them on a staff level. All the other aspects of your projects which were reviewed and approved by the Historic Preservation Commission should remain unchanged.

Sincerely,

Gwen L. Marcus  
Historic Preservation Coordinator

HAWP APPLICATION ADDRESSES OF ADJACENT & CONFRONTING PROPERTY OWNERS

Faith

~~EVAN~~ VAN LUNEN

7413

~~St. Ave~~ Balt.

Mr. + Mrs. Warner

7419 Baltimore Avenue

Takoma Park, MD 20912

Brad Dorman

13 Cleveland Avenue

Takoma Park, MD 20912

Faith Van Lunen

7413 Baltimore Avenue

Takoma Park, MD 20912

Frank Kuge

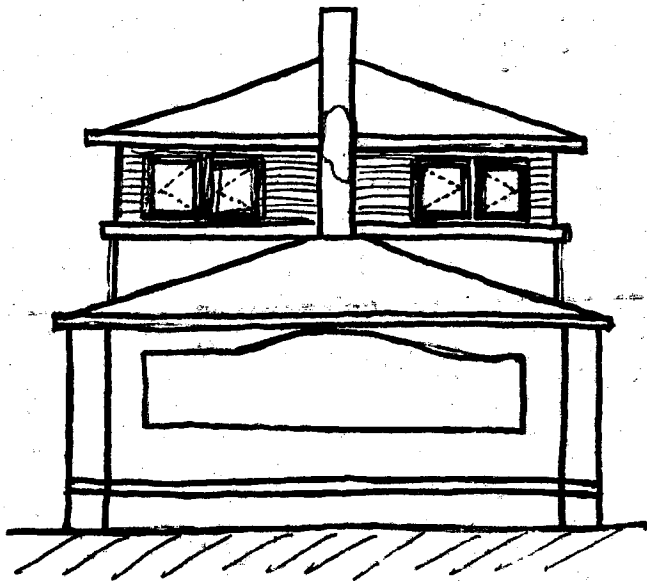
7416 Baltimore Avenue

Takoma Park, MD 20912

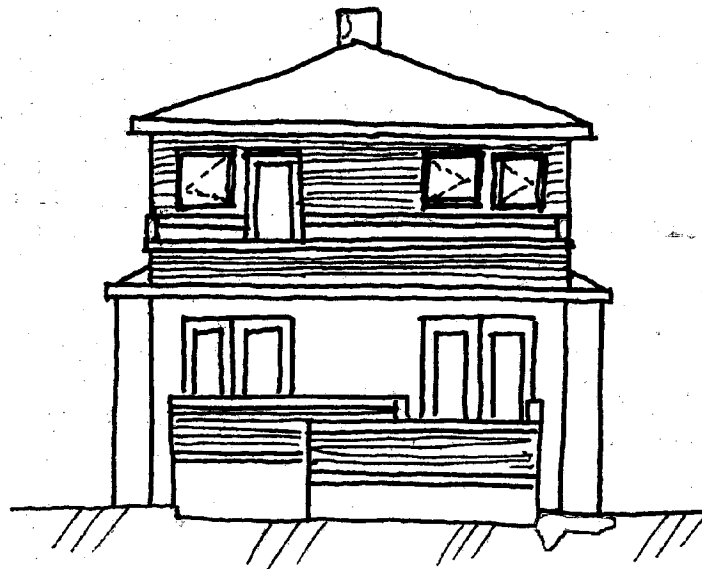
Art McMurdie

12 Cleveland Avenue

Takoma Park



12/18/96 FRONT FACADE  
NOT TO SCALE

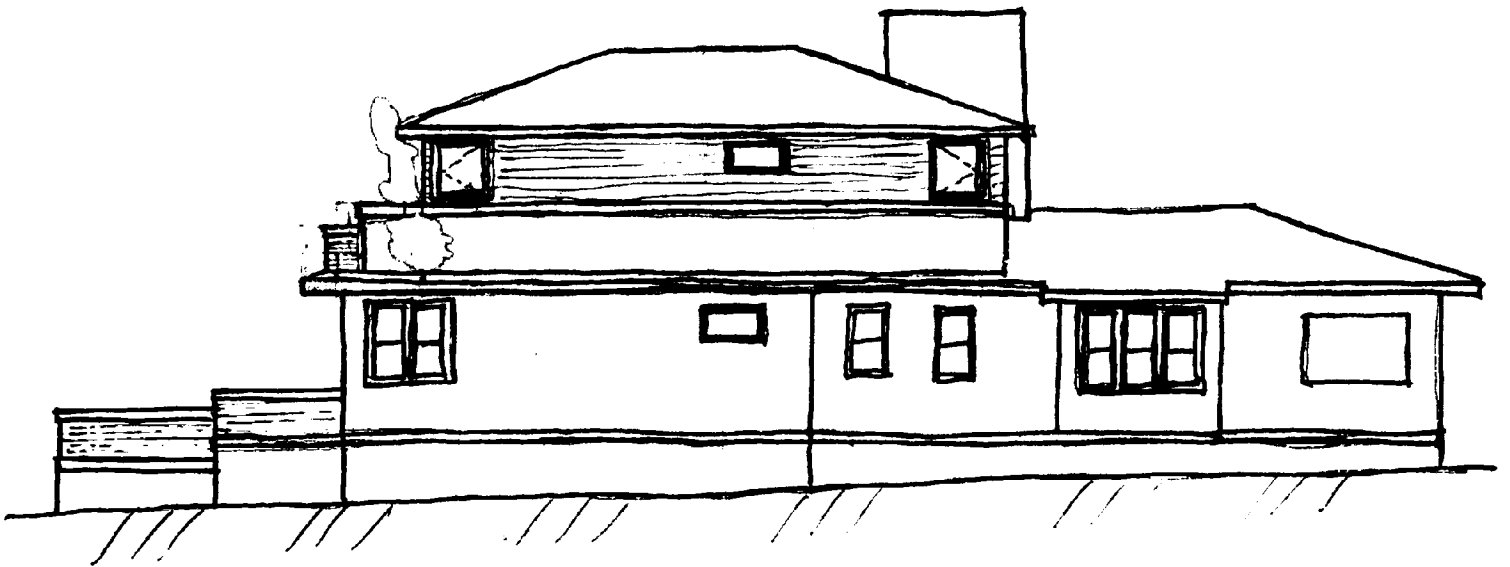


12/10/96 REAR FACADE  
NOT TO SCALE





12/10/96 SIDE FACADE (FACING CLEVELAND)  
NOT TO SCALE



12/18/96 SIDE FACADE (FACING NEIGHBOR)  
NOT TO SCALE



Mr. William D. Calloway, Sr.  
Notary Public / Will Service

7417 Baltimore Avenue Takoma Park, Maryland 20912 301-588-5679 or Page 202-788-0959

The Maryland - National Capital  
Park and Planning Commission

for Mrs Perry Kephert

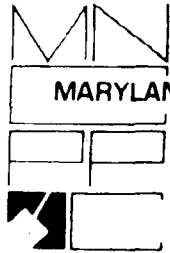
1 of 5

Thank you

William D Calloway Sr

11/8/96

8787 Georgia Avenue • Silver Spring, Maryland 20910-3760



THE  
MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING  
COMMISSION

Kathleen W. Dorman  
13 Cleveland Avenue  
Takoma park, MD 20912-4123