

37/3-94KK⁽²⁾ RETROACTIVE 7112 Cedar Ave

Takoma Park Historic District

NEW Fence
- used to be Low minimal
other

Sally Love neighbor

301
565 9146

7112 Cedar

Back yard
Chain link fence

Chain Link Fence

107 ~~1200~~
Tulip
Ave.

Add Sally Love
to mailing list
107 Tulip Ave.

or
357 2872

11/19/94

Have not been able to
reach Mr Fitch: no answering
machine — DB

11/28/94

Fence in front going to be done

Fence in rear - replacement?

Timber line type shingle architectural
35 yr shingle.

color match

APPEAL CHARGING ERROR

IN ADMINISTRATIVE RULING OR ACTION

Please note instructions on reverse side.

Attach additional sheets if required for answers.

Appeal is hereby made pursuant to Section 2-11 of the Montgomery County Code 1984, as amended, from the decision or other action of an official or agency of Montgomery County specified below which Appellant contends was erroneous.

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

Brief description of ruling or action from which this appeal is made (attach duplicate copy of ruling or document indicating such action): Denial of request to replace slate roof with fiberglass shingles

Date of that ruling or action: January 4, 1995

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

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

Error of fact, if any, involved in the ruling or action from which this appeal is made: The proposed roofing material is compatible with the design, color, texture, etc. of slate roof.

Error of law, if any, involved in the ruling or action from which this appeal is made: Requiring a prohibitively expensive slate roof would violate due process clause of 14th Amendment.

Question(s) of fact, if any, presented to the Board by this appeal: Whether proposed change is appropriate to, or consistent with, the site.

Question(s) of law, if any, presented to the Board by this appeal: Whether requiring a prohibitively expensive roof would violate due process clause of 14th Amendment.

Description of real property, if any, involved in this appeal: Lot of 6, 7 parts of 8 and 9 Block 7
Parcel _____, Subdivision Gilbert's, Street and Number 7112 Cedar Avenue
Town Takoma Park, Zone 20912

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

Statement of appellant's interest, i.e., manner in which appellant is aggrieved by the ruling or action complained of (as property owner or otherwise): Requiring a slate roof would be prohibitively expensive and is not necessary to preserve historic character of the house.

Further comments, if any: _____

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

Signature of Attorney

Address of Attorney

Telephone Number

Warren Anthony Fitch
Signature of Appellant(s)

7112 Cedar Avenue

Address of Appellant(s)
Takoma Park, MD 20912
(301) 585-27686 (H)
(202) 424-7695 (B)

Telephone Number

NOTICE OF CHANGE OF
DATE AND TIME OF HEARING

NOTICE OF CHANGE OF
DATE AND TIME OF HEARING

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-4261

APPEAL OF WARREN A. FITCH

Notice is hereby given that a public hearing will be held by the Board of Appeals for Montgomery County, Maryland, in the Stella B. Werner Council Office Building, 100 Maryland Avenue, Rockville, Maryland, in the Second Floor Davidson Memorial Hearing Room, on the 19th day of July, 1995, at 1:30 p.m., or as soon thereafter as this matter can be heard, on the application filed pursuant to Section 2-112 of the Montgomery County Code.

The appellant charges administrative error on the part of the Historic Preservation Commission in its denial of an Application for Historic Area Work Permit dated January 4, 1995, contending that Section 24A-8 of the Montgomery County Code was misinterpreted. In accordance with Chapter 2A, Administrative Procedures Act, a copy of the "charging document" (appeal) is attached to this notice.

The subject property is Lots 6 and 9, and Parts of 7 and 8, Block 7, Gilbert's Subdivision, located at 7112 Cedar Avenue, Takoma Park, Maryland in the R-60 Zone.

Notices of change of date and time of hearing forwarded this 18th day of April, 1995, to:

Warren A. Fitch
County Attorney
Alan Wright, Esquire, Senior Assistant County Attorney
Clifford Royalty, Assistant County Attorney
Director, Department of Environmental Protection
Walter Booth, Chairperson, Montgomery County
Historic Preservation Commission
Nancy Witherell, Historic Preservation Commission
Gwen Marcus, Historic Preservation Commission, Design,
Zoning and Preservation Division, M-NCPPC
Members, Board of Appeals
Contiguous and confronting property owners
Allied Civic Group
City of Takoma Park
Old Takoma Park Citizens Association
Silver Spring-Takoma Park Traffic Coalition
Takoma Park Community Action Forum

County Board of Appeals

By Tedi S. O'Sias
Tedi S. O'Sias
Executive Secretary to the Board

HISTORIC PRESERVATION COMMISSION

of

MONTGOMERY COUNTY

8787 Georgia Avenue
Silver Spring, Maryland 20910

301-495-4570

Case No.: 37/3-94KK (2) Received: December 6, 1994

Public Appearance: December 21, 1994

Before the Montgomery County Historic Preservation Commission

Application of Mr. & Mrs. Warren Fitch

DECISION AND OPINION OF THE COMMISSION

Decision of the Commission: DENY the applicants' proposal to replace an existing fiberglass and slate roof with fiberglass GAF Slateline shingles on the house at 7112 Cedar Avenue, Takoma Park - an Outstanding Resource in the Takoma Park Historic District.

Commission Motion: At the December 21, 1994, meeting of the Historic Preservation Commission (HPC), Commissioner Lanigan presented a motion to deny the Historic Area Work Permit application. Commissioner Trumble seconded the motion. Commissioners Brenneman, Kousoulas, Lanigan, Trumble and Clemmer voted in favor of the motion. Commissioner Bienenfeld opposed the motion. Commissioners Harris, Randall, and Booth were absent. The motion was passed, 5-1.

SUMMARY OF APPLICATION AND BACKGROUND OF 7112 CEDAR AVENUE

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

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

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

The following term is defined in the Approved and Adopted Amendment to the Master Plan for Historic Preservation in Montgomery County, Maryland for Takoma Park Historic District:

Outstanding Resource: A resource which is of outstanding significance due to its architectural and/or historical features. An outstanding resource may date from any historical period and may be representative of any architectural style. However, it must have special features, architectural details and/or historical associations that make the resource especially representative of an architectural style, it must be especially important to the history of the district, and/or it must be especially unique within the context of the district.

The house at 7112 Cedar Avenue is classified as an Outstanding Resource in the Takoma Park Historic District. Dating from 1888, it is one of the first houses built in Takoma Park. The house's designation as an Outstanding Resource is based upon its architectural significance as an important example of the Queen Anne Style. It is also significant as the residence of a former mayor of Takoma Park, Ben Davis.

The Approved and Adopted Amendment to the Master Plan for Historic Preservation in Montgomery County, Maryland for Takoma Park Historic District includes a set of Historic Preservation Review Guidelines. These guidelines address the level of review to be given to Outstanding Resources, and direct that the Secretary of the Interior's Standards should be used as a guide:

"These resources have the highest level of architectural and/or historical significance. While they will receive the most detailed level of design review, it is permissible to make sympathetic alterations, changes and additions to Outstanding Resources. As a set of guiding principles for design review of Outstanding Resources, the Historic Preservation Commission will utilize the Secretary of the Interior's 'Standards for Rehabilitation'. Specifically, some factors to be considered in reviewing HAWPs on Outstanding Resources: . . . preservation of original building materials and use of appropriate, compatible new material is encouraged."

On November 17, 1993, the Commission approved a Historic Area Work Permit (HAWP) for the applicants to construct a side addition/porch and to install an in-ground pool with an accompanying required 5' high wood fence. The Commission felt that these proposed changes were compatible and would not negatively affect the historic character of this Outstanding Resource.

In September, 1994, historic preservation staff viewed the property and observed that, in addition to implementing the approved construction, workers had proceeded to remove most of the historic slate roof on the house and were completing the installation of new fiberglass shingles. This roof replacement had not been reviewed by the Commission and no HAWP had been obtained for this work.

Staff notified DEP of the violation. Upon receiving the complaint, DEP issued a stop work order until a HAWP was filed and reviewed by the Commission.

The applicant subsequently applied for a HAWP which was reviewed on December 21, 1994. The applicant requested approval to replace the existing fiberglass shingles that had recently been installed without a HAWP, as well as the remaining slate roofing. The replacement material proposed by the applicants was a fiberglass GAF Slateline brand roofing material.

EVIDENCE IN THE RECORD

Copies of the applicants' HAWP application and a written report from the Historic Preservation Commission staff were distributed to the Commissioners on December 14, 1994. The application was considered by the Historic Preservation Commission at a public meeting on December 21, 1994.

Staffperson David Berg presented 35 mm slides to the Commission showing the applicants' house as well as details of the remaining slate portion of the roof and the recently installed fiberglass shingles. Slides showing workers in the process of installing the new roof were also presented.

Staff maintained that the texture and appearance of the historic slate roof is a defining characteristic of this significant Queen Anne resource. Staff pointed out that the recently installed replacement material represented a considerable change from the quality and appearance of the historic fabric. Staff presented a slide showing the contrast between the slate and fiberglass portions of the roof. Asphalt or fiberglass shingles, even those specifically designed to imitate slate, are not, in staff's opinion, an acceptable substitute for slate on an Outstanding Resource of this significance. They do not represent a comparable quality of materials and workmanship.

Staff cited the Secretary of Interior's Standard #2, which addresses the importance of maintaining the historic character of a structure by retaining historic materials:

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

Standard #6, which addresses the issue of replacing historic features, is also pertinent:

Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of

missing features shall be substantiated by documentary, physical, or pictorial evidence.

In addition, staff noted the Secretary of the Interior's Guidelines for Rehabilitating Historic Buildings which recommend that:

"repairing a roof by reinforcing the historic materials which comprise roof features. Repairs will also generally include the limited replacement in kind - or with a compatible substitute material - of those extensively deteriorated or missing parts of features when there are surviving prototypes such as cupola louvers, dentils, dormer roofing; or slates, tiles, or wood shingles on a main roof."

Staff further pointed out that, although the applicant contended that the historic slate roof was not reparable, staff could not address that issue. Since the roof had already been removed, there was no opportunity to make that judgement.

Staff felt that the use of fiberglass shingles is not compatible with an Outstanding Resource of this significance and is not consistent with the purposes of Chapter 24A, the Takoma Park Guidelines, nor the Secretary of Interior's Standards and Guidelines. Thus, staff recommended that the Commission deny the applicant's request to replace the existing roof with fiberglass or asphalt shingles.

Staff concluded that the applicant should replace the existing roof with a new slate roof or possibly a slate substitute (not fiberglass shingles). Staff pointed out that different types of slate are available and these vary in price. The applicant was encouraged to consult with staff for technical advice regarding slate roofs.

Mr. and Mrs. Warren Fitch testified on their own behalf. Mrs. Fitch stated that they had investigated the possibility of repairing the existing historic slate roof but were advised by experts in slate roofs that the slates were in an advanced state of decay, and the nails were disintegrating. She was advised that repair would cost approximately \$ 35,000. She was also advised that it would be cheaper, perhaps costing \$ 25,000 to install a new slate roof.

Mrs. Fitch stated that it was difficult to find a contractor that was even willing to give them an estimate on the project, and that they were only able to secure one bid on the project.

Concluding that replacing the roof with new slate would be too expensive, Mrs. Fitch said that they decided to have the roof replaced with fiberglass shingles. She further stated that they were very concerned about protecting the historic integrity of the house and therefore determined to save the most visible section of the slate, while replacing the remaining roof with fiberglass

shingles.

Commissioner Brenneman advised the applicants that slate was of such high quality that it would last 50 to 100 years, whereas fiberglass or asphalt would only last 20 to 30 years.

Commissioner Lanigan stated that she agreed with the staff report in that the asphalt or fiberglass substitute was not compatible for an Outstanding Resource of this significance. Commissioners Trumble and Brenneman agreed.

FINDINGS OF THE COMMISSION

The criteria which the Commission must utilize in evaluating Historic Area Work Permit applications are found in Section 24a-8(a), and 24a-8(b) of the Montgomery County Code, 1984, as amended.

Section 24a-8(a) provides that:

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

The Commission finds that:

1. As proposed in the application, the removal of the historic slate roofing material and its replacement with either asphalt or fiberglass shingles is inconsistent with the preservation of the historic resource because the slate is a defining architectural characteristic of this Outstanding Resource, and its removal impairs the historic and architectural character of the resource.

2. The proposal is inappropriate and detrimental to the preservation of the historic resource and is therefore inconsistent with the purposes of Chapter 24A of the Montgomery County Code, "Preservation of Historic Resources".

3. Although the applicants proceeded with the roof replacement contrary to the Historic Preservation Ordinance - which requires that any individual within a Master Plan historic district must obtain a Historic Area Work Permit (HAWP) prior to undertaking any exterior work other than ordinary maintenance - the Commission did not consider this issue in their deliberations. Had the applicants applied for a HAWP before initiating the roof replacement, the Commission's decision to deny the application would not have changed.

CONCLUSION

Based on the evidence in the record and the Commission's findings, as required by Section 24A-8(b) of the Montgomery County Code, 1984, as amended, the Commission denies the application of Mr. and Mrs. Warren Fitch to replace a slate roof with fiberglass shingles at 7112 Cedar Avenue.


In analyzing whether the criteria have been met, the Commission evaluates the evidence in the record in light of generally accepted principles of historic preservation, including the Historic Preservation Review Guidelines in the Approved and Adopted Amendment to the Master Plan for Historic Preservation for Takoma Park Historic District, as well as the Secretary of the Interior's Standards for Rehabilitation, adopted by the Commission on February 5, 1987. In particular, Standards #2 and #6 are found to be applicable:

Standard 2: The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.

Standard 6: Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.

Based on these facts and findings, and having heard and carefully considered all of the testimony and exhibits contained in the record, it is the decision of the Montgomery County Historic Preservation Commission that the proposal by Mr. and Mrs. Warren Fitch to replace a slate roof with fiberglass shingles at 7112 Cedar Avenue in Takoma Park is DENIED.

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



Walter Booth, Chairperson
Montgomery County Historic
Preservation Commission

1/4/95

Date

RE: PREVIOUS HAWP
FENCE (APPROVED 11/17/93)

OTHER HAWP WAS FOR
REAR AND SIDE ADDITION
(APPROVED 11/17/93)

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

March 27, 1995

Mr. and Mrs. Warren A. Fitch
7112 Cedar Avenue
Takoma Park, MD 20912

Dear Mr. and Mrs. Fitch:

Thank you for your letter of March 27th regarding revisions to your approved Historic Area Work Permit (HAWP) for fencing/landscaping at your property at 7112 Cedar Avenue in the Takoma Park Historic District (HPC Case No. 37/3-93MM).

Since visiting your property on March 19th, I have gone back and carefully reviewed the file for your previously approved HAWP. I am enclosing a copy of the approved HAWP with the associated drawings of what you had proposed to do.

The fencing scheme which we discussed on March 19th and which is explained in your letter is significantly different than the one that the Historic Preservation Commission (HPC) reviewed in 1993. In 1993, you were proposing to keep the existing wood fence at the front of the property and to add new 5' high wood lattice fences just in front of and behind the swimming pool. There was also to be a new 5' high wood lattice fence along the southern property line adjacent to the swimming pool. There was also going to be a new parking area for two cars, paved with "semi-porous" material, as well as installation of a brick patio and new flagstone pathways.

I feel that the fencing scheme explained in your March 27th letter, while different than the one reviewed by the HPC in 1993, is in keeping with the spirit of what was approved. Your current plans actually call for less total fencing, which will enhance the sense of open space that is characteristic of Takoma Park. The black chain link fencing at the rear of your property is not a type typically approved by the HPC. However, because it is at the rear of the property - well behind the rear facade of the historic house - and is in an area which is heavily landscaped, it is acceptable in this situation. This letter will serve as your approval for a revised HAWP to construct the fencing as described in your March 27th letter.

I would note that the HPC's 1993 approval did give you permission to construct a 5' high lattice fence along the southern property line, adjacent to the swimming pool. I understand that you will not be doing that at this time. However, you do have approval for such a fence and **will not** have to come back before the HPC.

I would appreciate it if you could give me a status report on whether you will be undertaking construction of the parking area, the patio, and the flagstone pathways which were approved in 1993. If you construct these paved areas at some point in the future and decide to change materials (for example, if you wish to use asphalt for the parking area instead of a "semi-porous" material), you would have to come back before the HPC.

Please remember that any additional exterior changes on the property, including changes in materials must be reviewed by the HPC before work is begun.

Please call me if you have any questions on this matter and good luck with your landscaping projects.

Sincerely,

A handwritten signature in cursive script that reads "Gwen L. Marcus".

Gwen L. Marcus
Historic Preservation
Coordinator

7112 Cedar Avenue
Takoma Park, MD 20912
March 27, 1995

Ms. Gwen Marcus
Maryland-National Capitol Park
& Planning Commission
8787 Georgia Avenue
Silver Spring, MD

Re: 7112 Cedar Avenue
Takoma Park, MD 20912

Dear Ms. Marcus:

We are writing to confirm our conversation, during your site visit on March 19, 1995, regarding revision of the historic preservation work permit concerning the fencing at our home at the above referenced address.

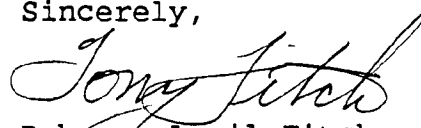
1. Along the front, eastern side of the property behind the azaleas and rhododendrons, between the corner of the front porch and the southern property line, the wire fence which was recently erroneously installed at a six-foot height will be removed and replaced with a five-foot high, wood, lattice-grid fence. The solid wood gate across the driveway will be five-to-six feet high. The approximately three-foot lattice section between the southern gate post and the southern property line will be six feet high, in order to accommodate the slope of the property at that point.

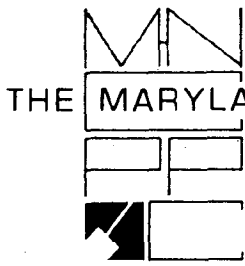
2. In the rear, western part of the property, on the slope behind the garage, the six-foot wire fence running from the northern property line to the southern property line will be reduced to five feet in height.

3. Along the northern property line, behind the garage, a portion of the six-foot high fence will be reduced to five feet in height, in order to accommodate the preferences of one of our neighbors who expressed concern about the height of the fence at that point. We have discussed this change with them and understand that this change represents a satisfactory response to their concerns.

Thank you for visiting with us in order to discuss the foregoing.

Sincerely,


Rebecca April Fitch
Warren Anthony Fitch



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

January 4, 1995

Mr. & Mrs. Warren Fitch
7112 Cedar Avenue
Takoma Park, MD 20912

Re: Historic Preservation
Commission decision
on Case # 37/3-94KK

Dear Mr. and Mrs. Fitch:

Enclosed is a copy of the Historic Preservation Commission's formal written decision regarding the denial of your Historic Area Work Permit application of December 21, 1994.

You have 30 days from the date of this letter to appeal the Commission's decision to the Board of Appeals. The Board would review the Commission's decision de novo. If you should have any questions about your case, please call me at (301) 495-4570.

Sincerely,

David C. Berg
Historic Preservation
Planner

Enclosures

cc: Mary Quattro
Loretta Shapero
Frank DeLange

HISTORIC PRESERVATION COMMISSION

of

MONTGOMERY COUNTY

**8787 Georgia Avenue
Silver Spring, Maryland 20910**

301-495-4570

Case No.: 37/3-94KK(2) Received: December 6, 1994

Public Appearance: December 21, 1994

Before the Montgomery County Historic Preservation Commission

Application of Mr. & Mrs. Warren Fitch

DECISION AND OPINION OF THE COMMISSION

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Commission Motion: At the December 21, 1994, meeting of the Historic Preservation Commission (HPC), Commissioner Lanigan presented a motion to deny the Historic Area Work Permit application. Commissioner Trumble seconded the motion. Commissioners Brenneman, Kousoulas, Lanigan, Trumble and Clemmer voted in favor of the motion. Commissioner Bienenfeld opposed the motion. Commissioners Harris, Randall, and Booth were absent. The motion was passed, 5-1.

SUMMARY OF APPLICATION AND BACKGROUND OF 7112 CEDAR AVENUE

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

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Staff notified DEP of the violation. Upon receiving the complaint, DEP issued a stop work order until a HAWP was filed and reviewed by the Commission.

The applicant subsequently applied for a HAWP which was reviewed on December 21, 1994. The applicant requested approval to replace the existing fiberglass shingles that had recently been installed without a HAWP, as well as the remaining slate roofing. The replacement material proposed by the applicants was a fiberglass GAF Slateline brand roofing material.

EVIDENCE IN THE RECORD

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Standard #6, which addresses the issue of replacing historic features, is also pertinent:

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missing features shall be substantiated by documentary, physical, or pictorial evidence.

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Staff further pointed out that, although the applicant contended that the historic slate roof was not reparable, staff could not address that issue. Since the roof had already been removed, there was no opportunity to make that judgement.

Staff felt that the use of fiberglass shingles is not compatible with an Outstanding Resource of this significance and is not consistent with the purposes of Chapter 24A, the Takoma Park Guidelines, nor the Secretary of Interior's Standards and Guidelines. Thus, staff recommended that the Commission deny the applicant's request to replace the existing roof with fiberglass or asphalt shingles.

Staff concluded that the applicant should replace the existing roof with a new slate roof or possibly a slate substitute (not fiberglass shingles). Staff pointed out that different types of slate are available and these vary in price. The applicant was encouraged to consult with staff for technical advice regarding slate roofs.

Mr. and Mrs. Warren Fitch testified on their own behalf. Mrs. Fitch stated that they had investigated the possibility of repairing the existing historic slate roof but were advised by experts in slate roofs that the slates were in an advanced state of decay, and the nails were disintegrating. She was advised that repair would cost approximately \$ 35,000. She was also advised that it would be cheaper, perhaps costing \$ 25,000 to install a new slate roof.

Mrs. Fitch stated that it was difficult to find a contractor that was even willing to give them an estimate on the project, and that they were only able to secure one bid on the project.

Concluding that replacing the roof with new slate would be too expensive, Mrs. Fitch said that they decided to have the roof replaced with fiberglass shingles. She further stated that they were very concerned about protecting the historic integrity of the house and therefore determined to save the most visible section of the slate, while replacing the remaining roof with fiberglass

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Commissioner Lanigan stated that she agreed with the staff report in that the asphalt or fiberglass substitute was not compatible for an Outstanding Resource of this significance. Commissioners Trumble and Brenneman agreed.

FINDINGS OF THE COMMISSION

The criteria which the Commission must utilize in evaluating Historic Area Work Permit applications are found in Section 24a-8(a), and 24a-8(b) of the Montgomery County Code, 1984, as amended.

Section 24a-8(a) provides that:

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

The Commission finds that:

1. As proposed in the application, the removal of the historic slate roofing material and its replacement with either asphalt or fiberglass shingles is inconsistent with the preservation of the historic resource because the slate is a defining architectural characteristic of this Outstanding Resource, and its removal impairs the historic and architectural character of the resource.
2. The proposal is inappropriate and detrimental to the preservation of the historic resource and is therefore inconsistent with the purposes of Chapter 24A of the Montgomery County Code, "Preservation of Historic Resources".
3. Although the applicants proceeded with the roof replacement contrary to the Historic Preservation Ordinance - which requires that any individual within a Master Plan historic district must obtain a Historic Area Work Permit (HAWP) prior to undertaking any exterior work other than ordinary maintenance - the Commission did not consider this issue in their deliberations. Had the applicants applied for a HAWP before initiating the roof replacement, the Commission's decision to deny the application would not have changed.

CONCLUSION

Based on the evidence in the record and the Commission's findings, as required by Section 24A-8(b) of the Montgomery County Code, 1984, as amended, the Commission denies the application of Mr. and Mrs. Warren Fitch to replace a slate roof with fiberglass shingles at 7112 Cedar Avenue.


In analyzing whether the criteria have been met, the Commission evaluates the evidence in the record in light of generally accepted principles of historic preservation, including the Historic Preservation Review Guidelines in the Approved and Adopted Amendment to the Master Plan for Historic Preservation for Takoma Park Historic District, as well as the Secretary of the Interior's Standards for Rehabilitation, adopted by the Commission on February 5, 1987. In particular, Standards #2 and #6 are found to be applicable:

Standard 2: The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.

Standard 6: Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.

Based on these facts and findings, and having heard and carefully considered all of the testimony and exhibits contained in the record, it is the decision of the Montgomery County Historic Preservation Commission that the proposal by Mr. and Mrs. Warren Fitch to replace a slate roof with fiberglass shingles at 7112 Cedar Avenue in Takoma Park is DENIED.

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



Walter Booth, Chairperson
Montgomery County Historic
Preservation Commission

1/4/95

Date

HISTORIC PRESERVATION COMMISSION

of

MONTGOMERY COUNTY

8787 Georgia Avenue
Silver Spring, Maryland 20910

301-495-4570

Case No.: 37/3-94KK (2) Received: December 6, 1994

Public Appearance: December 21, 1994

Before the Montgomery County Historic Preservation Commission

Application of Mr. & Mrs. Warren Fitch

DECISION AND OPINION OF THE COMMISSION

Decision of the Commission: DENY the applicants' proposal to replace an existing fiberglass and slate roof with fiberglass GAF Slateline shingles on the house at 7112 Cedar Avenue, Takoma Park - an Outstanding Resource in the Takoma Park Historic District.

Commission Motion: At the December 21, 1994, meeting of the Historic Preservation Commission (HPC), Commissioner Lanigan presented a motion to deny the Historic Area Work Permit application. Commissioner Trumble seconded the motion. Commissioners Brenneman, Kousoulas, Lanigan, Trumble and Clemmer voted in favor of the motion. Commissioner Bienenfeld opposed the motion. Commissioners Harris, Randall, and Booth were absent. The motion was passed, 5-1.

SUMMARY OF APPLICATION AND BACKGROUND OF 7112 CEDAR AVENUE

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

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

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

The following term is defined in the Approved and Adopted Amendment to the Master Plan for Historic Preservation in Montgomery County, Maryland for Takoma Park Historic District:

Outstanding Resource: A resource which is of outstanding significance due to its architectural and/or historical features. An outstanding resource may date from any historical period and may be representative of any architectural style. However, it must have special features, architectural details and/or historical associations that make the resource especially representative of an architectural style, it must be especially important to the history of the district, and/or it must be especially unique within the context of the district.

The house at 7112 Cedar Avenue is classified as an Outstanding Resource in the Takoma Park Historic District. Dating from 1888, it is one of the first houses built in Takoma Park. The house's designation as an Outstanding Resource is based upon its architectural significance as an important example of the Queen Anne Style. It is also significant as the residence of a former mayor of Takoma Park, Ben Davis.

The Approved and Adopted Amendment to the Master Plan for Historic Preservation in Montgomery County, Maryland for Takoma Park Historic District includes a set of Historic Preservation Review Guidelines. These guidelines address the level of review to be given to Outstanding Resources, and direct that the Secretary of the Interior's Standards should be used as a guide:

"These resources have the highest level of architectural and/or historical significance. While they will receive the most detailed level of design review, it is permissible to make sympathetic alterations, changes and additions to Outstanding Resources. As a set of guiding principles for design review of Outstanding Resources, the Historic Preservation Commission will utilize the Secretary of the Interior's 'Standards for Rehabilitation'. Specifically, some factors to be considered in reviewing HAWPs on Outstanding Resources: . . . preservation of original building materials and use of appropriate, compatible new material is encouraged."

On November 17, 1993, the Commission approved a Historic Area Work Permit (HAWP) for the applicants to construct a side addition/porch and to install an in-ground pool with an accompanying required 5' high wood fence. The Commission felt that these proposed changes were compatible and would not negatively affect the historic character of this Outstanding Resource.

In September, 1994, historic preservation staff viewed the property and observed that, in addition to implementing the approved construction, workers had proceeded to remove most of the historic slate roof on the house and were completing the installation of new fiberglass shingles. This roof replacement had not been reviewed by the Commission and no HAWP had been obtained for this work.

Staff notified DEP of the violation. Upon receiving the complaint, DEP issued a stop work order until a HAWP was filed and reviewed by the Commission.

The applicant subsequently applied for a HAWP which was reviewed on December 21, 1994. The applicant requested approval to replace the existing fiberglass shingles that had recently been installed without a HAWP, as well as the remaining slate roofing. The replacement material proposed by the applicants was a fiberglass GAF Slateline brand roofing material.

EVIDENCE IN THE RECORD

Copies of the applicants' HAWP application and a written report from the Historic Preservation Commission staff were distributed to the Commissioners on December 14, 1994. The application was considered by the Historic Preservation Commission at a public meeting on December 21, 1994.

Staffperson David Berg presented 35 mm slides to the Commission showing the applicants' house as well as details of the remaining slate portion of the roof and the recently installed fiberglass shingles. Slides showing workers in the process of installing the new roof were also presented.

Staff maintained that the texture and appearance of the historic slate roof is a defining characteristic of this significant Queen Anne resource. Staff pointed out that the recently installed replacement material represented a considerable change from the quality and appearance of the historic fabric. Staff presented a slide showing the contrast between the slate and fiberglass portions of the roof. Asphalt or fiberglass shingles, **even those specifically designed to imitate slate**, are not, in staff's opinion, an acceptable substitute for slate on an Outstanding Resource of this significance. They do not represent a comparable quality of materials and workmanship.

Staff cited the Secretary of Interior's Standard #2, which addresses the importance of maintaining the historic character of a structure by retaining historic materials:

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

Standard #6, which addresses the issue of replacing historic features, is also pertinent:

Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of

missing features shall be substantiated by documentary, physical, or pictorial evidence.

In addition, staff noted the Secretary of the Interior's Guidelines for Rehabilitating Historic Buildings which recommend that:

"repairing a roof by reinforcing the historic materials which comprise roof features. Repairs will also generally include the limited replacement in kind - or with a compatible substitute material - of those extensively deteriorated or missing parts of features when there are surviving prototypes such as cupola louvers, dentils, dormer roofing; or slates, tiles, or wood shingles on a main roof."

Staff further pointed out that, although the applicant contended that the historic slate roof was not reparable, staff could not address that issue. Since the roof had already been removed, there was no opportunity to make that judgement.

Staff felt that the use of fiberglass shingles is not compatible with an Outstanding Resource of this significance and is not consistent with the purposes of Chapter 24A, the Takoma Park Guidelines, nor the Secretary of Interior's Standards and Guidelines. Thus, staff recommended that the Commission deny the applicant's request to replace the existing roof with fiberglass or asphalt shingles.

Staff concluded that the applicant should replace the existing roof with a new slate roof or possibly a slate substitute (not fiberglass shingles). Staff pointed out that different types of slate are available and these vary in price. The applicant was encouraged to consult with staff for technical advice regarding slate roofs.

Mr. and Mrs. Warren Fitch testified on their own behalf. Mrs. Fitch stated that they had investigated the possibility of repairing the existing historic slate roof but were advised by experts in slate roofs that the slates were in an advanced state of decay, and the nails were disintegrating. She was advised that repair would cost approximately \$ 35,000. She was also advised that it would be cheaper, perhaps costing \$ 25,000 to install a new slate roof.

Mrs. Fitch stated that it was difficult to find a contractor that was even willing to give them an estimate on the project, and that they were only able to secure one bid on the project.

Concluding that replacing the roof with new slate would be too expensive, Mrs. Fitch said that they decided to have the roof replaced with fiberglass shingles. She further stated that they were very concerned about protecting the historic integrity of the house and therefore determined to save the most visible section of the slate, while replacing the remaining roof with fiberglass

shingles.

Commissioner Brenneman advised the applicants that slate was of such high quality that it would last 50 to 100 years, whereas fiberglass or asphalt would only last 20 to 30 years.

Commissioner Lanigan stated that she agreed with the staff report in that the asphalt or fiberglass substitute was not compatible for an Outstanding Resource of this significance. Commissioners Trumble and Brenneman agreed.

FINDINGS OF THE COMMISSION

The criteria which the Commission must utilize in evaluating Historic Area Work Permit applications are found in Section 24a-8(a), and 24a-8(b) of the Montgomery County Code, 1984, as amended.

Section 24a-8(a) provides that:

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

The Commission finds that:

1. As proposed in the application, the removal of the historic slate roofing material and its replacement with either asphalt or fiberglass shingles is inconsistent with the preservation of the historic resource because the slate is a defining architectural characteristic of this Outstanding Resource, and its removal impairs the historic and architectural character of the resource.
2. The proposal is inappropriate and detrimental to the preservation of the historic resource and is therefore inconsistent with the purposes of Chapter 24A of the Montgomery County Code, "Preservation of Historic Resources".
3. Although the applicants proceeded with the roof replacement contrary to the Historic Preservation Ordinance - which requires that any individual within a Master Plan historic district must obtain a Historic Area Work Permit (HAWP) prior to undertaking any exterior work other than ordinary maintenance - the Commission did not consider this issue in their deliberations. Had the applicants applied for a HAWP before initiating the roof replacement, the Commission's decision to deny the application would not have changed.

CONCLUSION

Based on the evidence in the record and the Commission's findings, as required by Section 24A-8(b) of the Montgomery County Code, 1984, as amended, the Commission denies the application of Mr. and Mrs. Warren Fitch to replace a slate roof with fiberglass shingles at 7112 Cedar Avenue.


In analyzing whether the criteria have been met, the Commission evaluates the evidence in the record in light of generally accepted principles of historic preservation, including the Historic Preservation Review Guidelines in the Approved and Adopted Amendment to the Master Plan for Historic Preservation for Takoma Park Historic District, as well as the Secretary of the Interior's Standards for Rehabilitation, adopted by the Commission on February 5, 1987. In particular, Standards #2 and #6 are found to be applicable:

Standard 2: The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.

Standard 6: Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.

Based on these facts and findings, and having heard and carefully considered all of the testimony and exhibits contained in the record, it is the decision of the Montgomery County Historic Preservation Commission that the proposal by Mr. and Mrs. Warren Fitch to replace a slate roof with fiberglass shingles at 7112 Cedar Avenue in Takoma Park is DENIED.

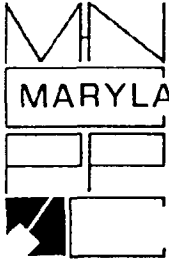
If any party is aggrieved by the decision of the Commission, pursuant to Section 24A-7(h) of the Montgomery County Code, an appeal may be filed within thirty (30) days with the Board of Appeals, which will review the Commission's decision de novo. The Board of Appeals has full and exclusive authority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



Walter Booth, Chairperson
Montgomery County Historic
Preservation Commission

Date

1/4/95



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

DATE: 12/22/94

MEMORANDUM

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

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

SUBJECT: Historic Area Work Permit

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

Approved Denied

Approved with Conditions: _____

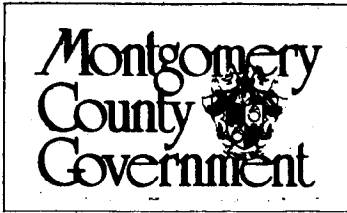
Denial

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

Applicant: _____

Address: _____

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



Historic Preservation Commission

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

APPLICATION FOR HISTORIC AREA WORK PERMIT

TAX ACCOUNT # _____

NAME OF PROPERTY OWNER MR. & MRS. WARREN FITCH TELEPHONE NO. (301) 985-2939
(Contract/Purchaser) (Include Area Code)

ADDRESS 7112 CEDAR AVE. TAKOMA PARK, MD. 20912
CITY STATE ZIP

CONTRACTOR _____ TELEPHONE NO. _____
CONTRACTOR REGISTRATION NUMBER _____

PLANS PREPARED BY _____ TELEPHONE NO. _____
(Include Area Code)

REGISTRATION NUMBER _____

LOCATION OF BUILDING/PREMISE

House Number 7112 Street CEDAR AVE.

Town/City TAKOMA PARK Election District 13

Nearest Cross Street _____

Lot 6 Block 7 Subdivision _____

Liber _____ Folio _____ Parcel _____

1A. TYPE OF PERMIT ACTION: (circle one)

Construct	Extend/Add	Alter/Renovate	Repair	Circle One: A/C	Slab	Room Addition
Wreck/Raze	Move	Revocable	Revision	Porch	Deck	Fireplace
				Fence/Wall (complete Section 4)	Shed	Solar
						Woodburning Stove
						Other <u>ROOFING SHINGLES</u>
						<u>(FIBERGLASS IN LIEU OF SLATE)</u>

1B. CONSTRUCTION COSTS ESTIMATE \$ _____

1C. IF THIS IS A REVISION OF A PREVIOUSLY APPROVED ACTIVE PERMIT SEE PERMIT # _____

1D. INDICATE NAME OF ELECTRIC UTILITY COMPANY _____

1E. IS THIS PROPERTY A HISTORICAL SITE? _____

PART TWO: COMPLETE FOR NEW CONSTRUCTION AND EXTEND/ADDITIONS

2A. TYPE OF SEWAGE DISPOSAL

01 () WSSC	02 () Septic	2B. TYPE OF WATER SUPPLY
03 () Other _____		01 () WSSC
		02 () Well
		03 () Other _____

PART THREE: COMPLETE ONLY FOR FENCE/RETAINING WALL

4A. HEIGHT _____ feet _____ inches

4B. Indicate whether the fence or retaining wall is to be constructed on one of the following locations:

- On party line/Property line _____
- Entirely on land of owner _____
- On public right of way/easement _____ (Revocable Letter Required).

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

Signature of owner or authorized agent (agent must have signature notarized on back) _____ Date 12/6/94

APPROVED _____ For Chairperson, Historic Preservation Commission

DISAPPROVED X Signature [Signature] Date 12/22/94

APPLICATION/PERMIT NO: 9412060063 FILING FEE: \$ _____

DATE FILED: _____ PERMIT FEE: \$ _____

DATE ISSUED: _____ BALANCE \$ _____

OWNERSHIP CODE: _____ RECEIPT NO: _____ FEE WAIVED: _____

SEE REVERSE SIDE FOR INSTRUCTIONS

HISTORIC PRESERVATION COMMISSION STAFF REPORT

Address: 7112 Cedar Avenue Meeting Date: 12/21/94
Resource: Takoma Park Historic District Review: HAWP/Alteration
Case Number: 37/3-94KK⁽²⁾ RETROACTIVE Tax Credit: No
Public Notice: 12/07/94 Report Date: 12/14/94
Applicant: Warren Fitch Staff: David Berg
PROPOSAL: Replace slate roof with RECOMMEND:
fiberglass shingles, DENY roof replacement
revise approved rear fence APPROVE fence revision

BACKGROUND

DATE: 1888

DESCRIPTION: 3 story Queen Anne dwelling

SIGNIFICANCE: Primary Resource

CHRONOLOGY:

On November 17, 1993, the Commission approved a HAWP for the applicant to construct a side porch and in-ground pool with accompanying required 5' high wood fence. The porch has been built and the swimming pool is currently being finished.

The applicant installed a 5' high black chain link fence instead of the HPC approved wood fence. In September of 1994, a neighbor alerted DEP's code compliance section of the violation. At about the same time, Staff noticed workers ripping off the slate roof of the structure without having obtained a HAWP. Staff notified DEP of the violation. Upon receiving these complaints, DEP issued a stop work order until these problems were corrected.

The applicant has since replaced most of the chain link fence with a wood fence, but now requests that the rear portion of the chain link fence be allowed to remain.

PROPOSAL:

The applicant requests retroactive approval for the following work:

- 1) Retain a portion of the chain link fence at the rear of the property in lieu of previously approved wood fence.
- 2) Remove the slate roof and replace it with fiberglass shingles.

35,000 For slate est. For repair
25,000 For new

Bangor Slate orig

①

STAFF DISCUSSION

The applicants house is a Primary Resource in the Takoma Park Historic District and is a important example of the Queen Anne Style. It is also historically significant as the residence of a former mayor of Takoma Park, Ben Davis.

ISSUES:

1) Compatibility of the installed fence:

Defer

A fence is required around any pool for safety code requirements. The fence must be five feet high and must not have a spacing of more than four inches. The applicant approved proposal was for a wooden fence meeting these specifications.

Following notification of a violation, the applicant proceeded to install a wooden fence at the sides and front of the property, replacing the previously installed chain link fence. Although the current fence design differs from that of the design approved by the Commission in 1993, Staff feels that it is compatible with the historic resource and should be allowed to remain.

The remaining black chain link fence is located entirely to the rear of the property and does not compromise the historic character of the resource. Furthermore, existing evidence suggests that the fence replaced an earlier chain link fence that was about 4' in height. Staff therefore feels that the applicant should be permitted to retain the fence as it now exists.

Two of the applicant's neighbors, David Johnson and Sally Love, have submitted objections to the chain link fence. This submission is included in the packet as circles number 9, 9a, 9b, and 9c. Their objections focus on the aesthetics and placement of the fence.

2) Compatibility of the roof replacement:

When Staff discovered the workers in the process of removing slate roofing from this Primary Resource, about 85% of the original slate roof had already been replaced with modern fiberglass shingles. The replacement represents a considerable change from the quality and appearance of the historic fabric.

The applicant now requests approval to replace the existing common fiberglass shingles and remaining slate roofing with a fiberglass GAF Slateline brand roofing material. This is not a slate substitute, but a fiberglass shingle intended to mimic the look of slate.

The applicant's house is an important resource in the Takoma Park Historic District and the texture and appearance of the slate roof is an defining characteristic of this Queen Anne resource. Asphalt or fiberglass shingles, even those specifically designed to imitate slate, are not, in Staff's opinion, an acceptable substitute for slate. These imitations also do not represent a comparable quality of materials and workmanship.

Staff further cites the Secretary of the Interior's Guidelines for Rehabilitating Historic Buildings which recommend:

"repairing a roof by reinforcing the historic materials which comprise roof features. Repairs will also generally include the limited replacement in kind - or with a compatible substitute material - of those extensively deteriorated or missing parts of features when there are surviving prototypes such as cupola louvers, dentils, dormer roofing; or slates, tiles, or wood shingles on a main roof."

Although the applicant contends that the slate roof was not repairable, Staff was not afforded the opportunity to make that judgement since the roof had already been removed.

It is Staff's conclusion that the use of fiberglass shingles is not compatible with the historic resource. The applicant should replace the existing roof in kind with a new slate roof or possibly a slate substitute (not fiberglass shingles). Staff would point out to the applicant that different types of slate are available and these vary in price. The applicant is encouraged to consult with staff for technical advice regarding slate roofs.

STAFF RECOMMENDATION

Staff recommends that the Commission take the following actions on the applicant's requests:

Posponed
clear plan

1) **APPROVE** the applicant's request to retain the wood and chain link fence as they now exist as being consistent with Chapter 24A-8(b)1:

The proposal will not substantially alter the exterior features of an historic site, or historic resource within an historic district;

14 days
will send
them written
denial decision

2) **DENY** the applicant's request to install fiberglass shingles in lieu of slate based upon the criterion set forth in Chapter 24A-8(a):

The commission shall instruct the director to deny a permit if it finds, based on the evidence and information presented to or before the commission that the alteration for which the permit is sought would be inappropriate or inconsistent with, or detrimental to the

preservation, enhancement or ultimate protection of the historic site, or historic resource within an historic district, and to the purposes of this chapter.

and Standards 2 and 6:

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

Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.

APPLICATION FOR HISTORIC AREA WORK PERMIT

TAX ACCOUNT # _____

NAME OF PROPERTY OWNER MR. & MRS. WARREN FITCH TELEPHONE NO. (301) 985-2939
 (Contract/Purchaser) (Include Area Code)

ADDRESS 7112 CEDAR AVE, TAKOMA PARK, MD. 20912
 CITY STATE ZIP

CONTRACTOR _____ TELEPHONE NO. _____

PLANS PREPARED BY _____ CONTRACTOR REGISTRATION NUMBER _____

TELEPHONE NO. _____
 (Include Area Code)

REGISTRATION NUMBER _____

LOCATION OF BUILDING/PREMISE

House Number 7112 Street CEDAR AVE.

Town/City TAKOMA PARK Election District 13

Nearest Cross Street _____

Lot 6 Block 7 in REINWOOD Subdivision

Liber _____ Folio _____ Parcel _____

1A. TYPE OF PERMIT ACTION: (circle one)

Construct	Extend/Add	Alter/Renovate	Repair	Circle One: A/C	Slab	Room Addition
Wreck/Raze	Move	Install	Revocable	Porch	Deck	Fireplace
			Revision	Fence/Well (complete Section 4)	Shed	Solar
						Woodburning Stove
						Other <u>ROOFING SHINGLES</u>

(FIBERGLASS IN lieu OF SLATE)

1B. CONSTRUCTION COSTS ESTIMATE \$ _____

1C. IF THIS IS A REVISION OF A PREVIOUSLY APPROVED ACTIVE PERMIT SEE PERMIT # _____

1D. INDICATE NAME OF ELECTRIC UTILITY COMPANY _____

1E. IS THIS PROPERTY A HISTORICAL SITE? _____

PART TWO: COMPLETE FOR NEW CONSTRUCTION AND EXTEND/ADDITIONS

2A. TYPE OF SEWAGE DISPOSAL

01 () WSSC	02 () Septic
03 () Other _____	

2B. TYPE OF WATER SUPPLY

01 () WSSC	02 () Well
03 () Other _____	

PART THREE: COMPLETE ONLY FOR FENCE/RETAINING WALL

4A. HEIGHT _____ feet _____ inches

4B. Indicate whether the fence or retaining wall is to be constructed on one of the following locations:

- On party line/Property line _____
- Entirely on land of owner _____
- On public right of way/easement _____ (Revocable Letter Required).

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

Signature of owner or authorized agent (agent must have signature notarized on back) _____ Date _____

APPROVED _____ For Chairperson, Historic Preservation Commission

DISAPPROVED _____ Signature _____ Date _____

APPLICATION/PERMIT NO: _____ FILING FEE: \$ _____

DATE FILED: _____ PERMIT FEE: \$ _____

DATE ISSUED: _____ BALANCE \$ _____

OWNERSHIP CODE: _____ RECEIPT NO: _____ FEE WAIVED: _____



SUPPLEMENTAL APPLICATION FOR HISTORIC AREA WORK PERMIT

REQUIRED ATTACHMENTS

1. WRITTEN DESCRIPTION OF PROJECT

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

#7112 Cedar Avenue in Takoma Park is a 3-story-plus-basement Queen Anne victorian-style single-family home, built in 1888. The house is situated on the north side of a deep double lot, and is surrounded by mature poplar and oak trees.

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

The proposed work consists of replacing the failing slate roof with a high-grade fiberglass shingle of matching color (medium gray). Given the complexity of the roof, its steep pitch and difficulty of access due to its height, the cost of replacing the slate is prohibitive.

2. Statement of Project Intent:

Short, written statement that describes:

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

The selected fiberglass shingle (GAF Slateline, slate gray blend color) is a good color match to the existing slate, and should be an effective visual substitute.

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

same as above

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

3. Project Plan:

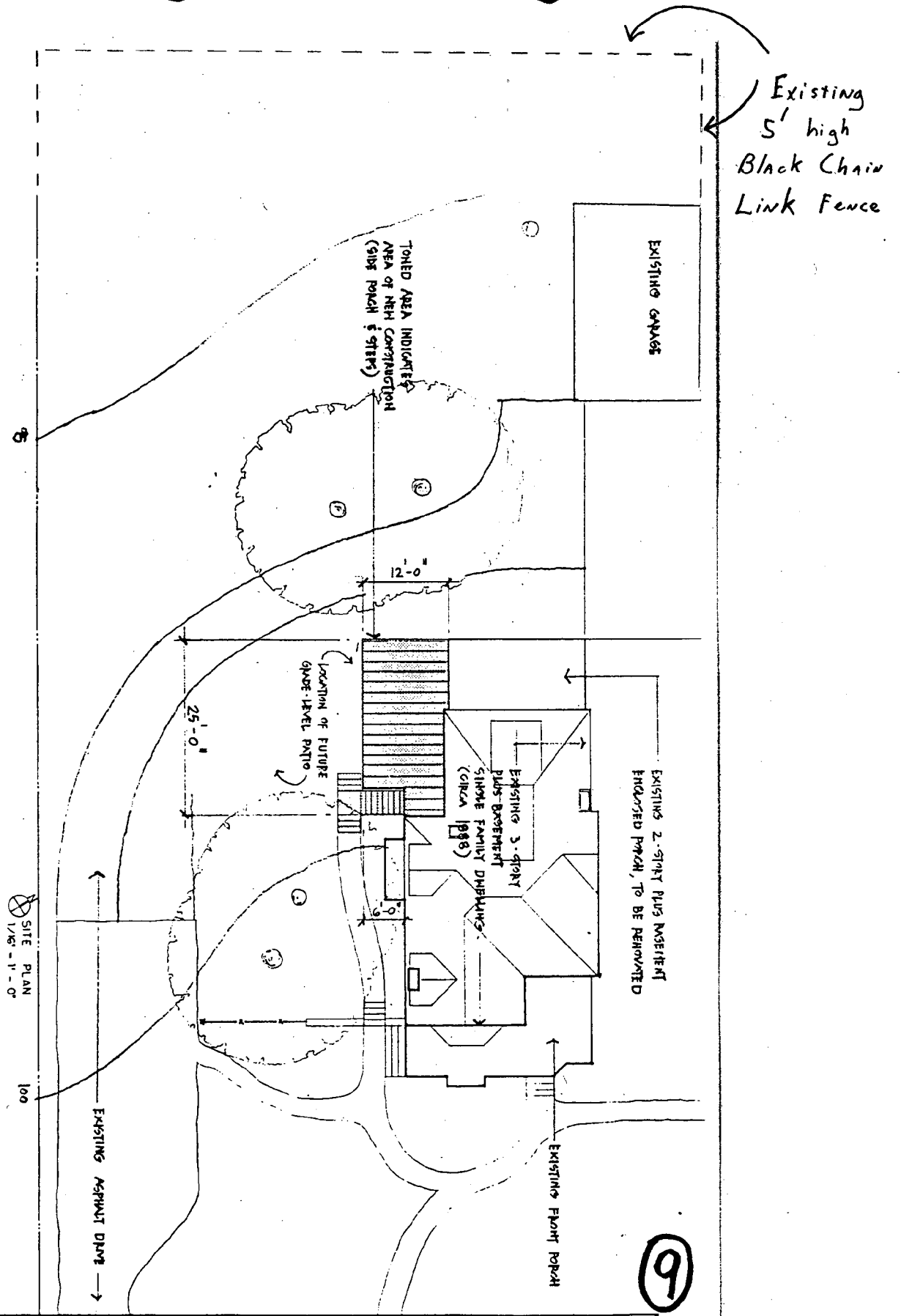
Site and environmental setting, drawn to scale (staff will advise on area required). Plan to include:

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

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

BOARD OF APPEALS FOR MONTGOMERY COUNTY, MARYLANDLIST OF ADJOINING AND CONFRONTING PROPERTY OWNERS
(Please see information on reverse side)

NAME	ADDRESS (Please add Zip Code)	LOT	BLOCK
Cynthia S. Weisburg- Broadie	7019 Eastern Ave. Takoma Park, MD 20912	P 1	7
Martin J. Carroll	3994 Bowen St. St. Louis, MO 63116	25	7
George & M L Darhanian	105 Tulip Ave. Takoma Park, MD 20912	16	7
David G Johnson	107 Tulip Ave. Takoma Park, MD 20912	17	7
Matthew T & S C Cottrell Resident	109 Tulip Ave. Takoma Park, MD 20912	18	7
Richard Mellman & Marianne Alweis	7116 Cedar Ave. Takoma Park, MD 20912	P 19	7
Peter A Feiden & Mary J Holin	7025 Eastern Ave. Takoma Park, MD 20912	P 3	7
Richard L & J M Bernardi	7111 Cedar Ave. Takoma Park, MD 20912	28	7
Ms. Lisa Schwartz City Planner City Of Takoma Park	7500 Maple Ave. Takoma Park, MD 20912	31 & 42	7
Lawrence E & J F Morgan	7108 Cedar Ave. Takoma Park, MD 20912	2	7



FITCH HOUSE
7112 Cedar Avenue
Takoma Park, MD 20912

SITE PLAN / ROOF PLAN
1/16" = 1' = 0"

VAN DUSEN TAKESUYE ARCHITECTS
1711 Connecticut Avenue, NW
Washington, DC 20009
202-332-3890
fax 202-667-9807

Note: We came the originally scheduled night but the hearing has been postponed until 12/21.

Here are our concerns:

The placement of a 6 foot chain link fence in the back yard of 7112 Cedar Ave. has altered the character of our two adjoining properties on Tulip Avenue.

While we understand the fence is required, we object to its placement. It runs along ~~the~~ ^{our} property lines, ~~and then~~ ^{residential} terminates at approximately the mid-point of our property, at which point it extends across their yard to the other side. As a consequence, the aesthetic ~~of~~ character of our backyard has been dramatically altered.

~~The~~ Placement of the back fence nearer the property line between 109 & 107 (our residence) Tulip Ave would substantially reduce the visual impact.

Although other neighbors were consulted about the extent & placement of the fence, we were unaware that a fence would be constructed until we saw the poles in place.

Dave Johnson

Sally Love

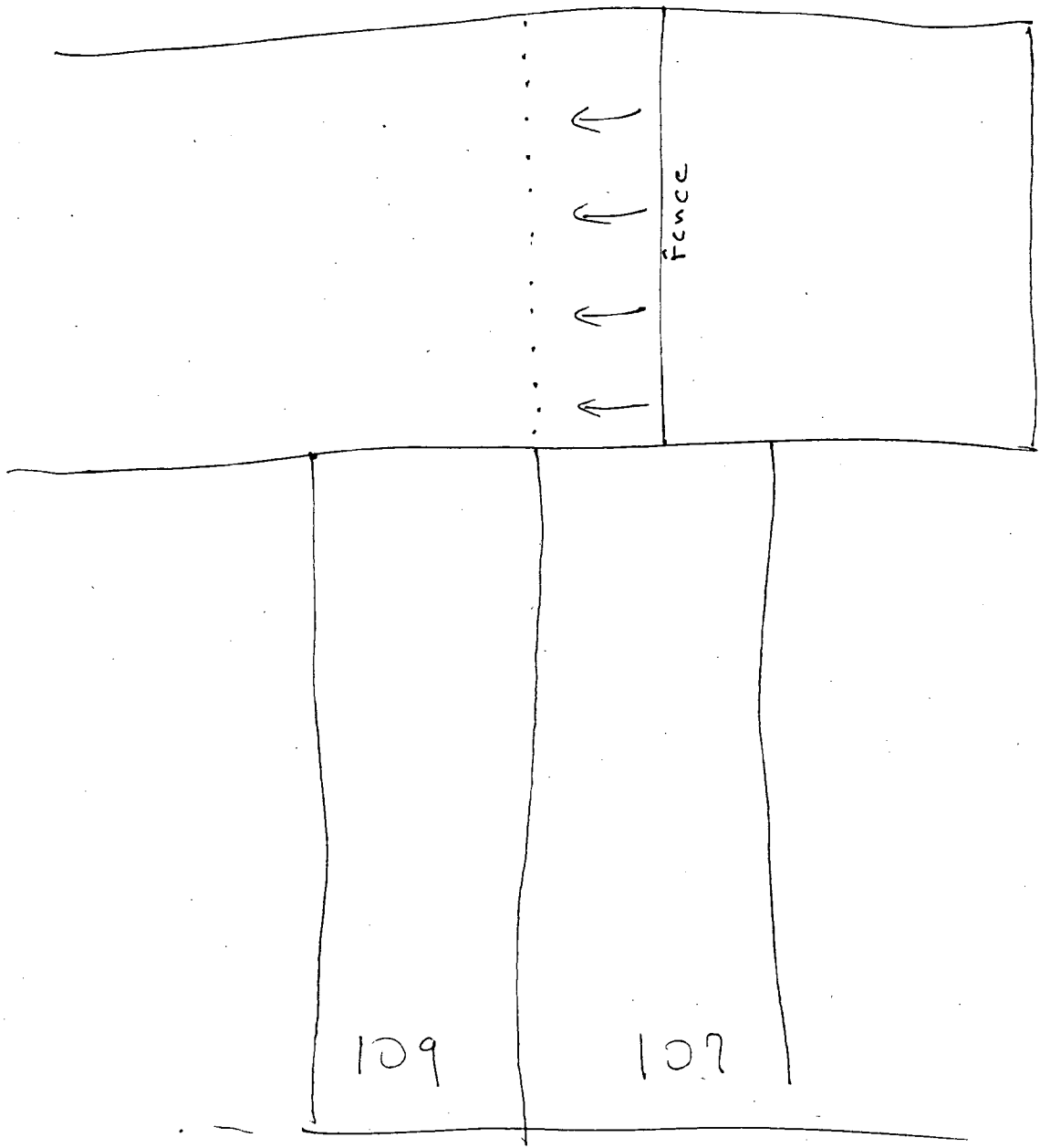
(301) 565-9146

202 257 2211

Thank you. D. David Johnson


9A

← Fitch property →



Tulip Av



Photos of Chain Link
Fence Presented by
Neighbors: David Johnson
Sally Love



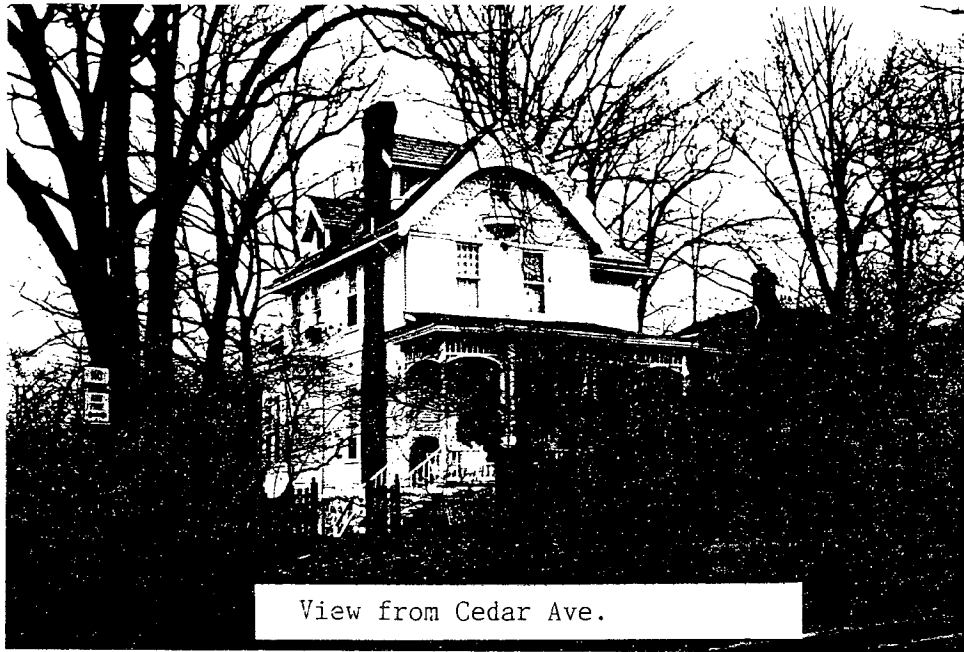
EAST ELEVATION

$\frac{1}{8}'' = 1'-0''$

FITCH RESIDENCE

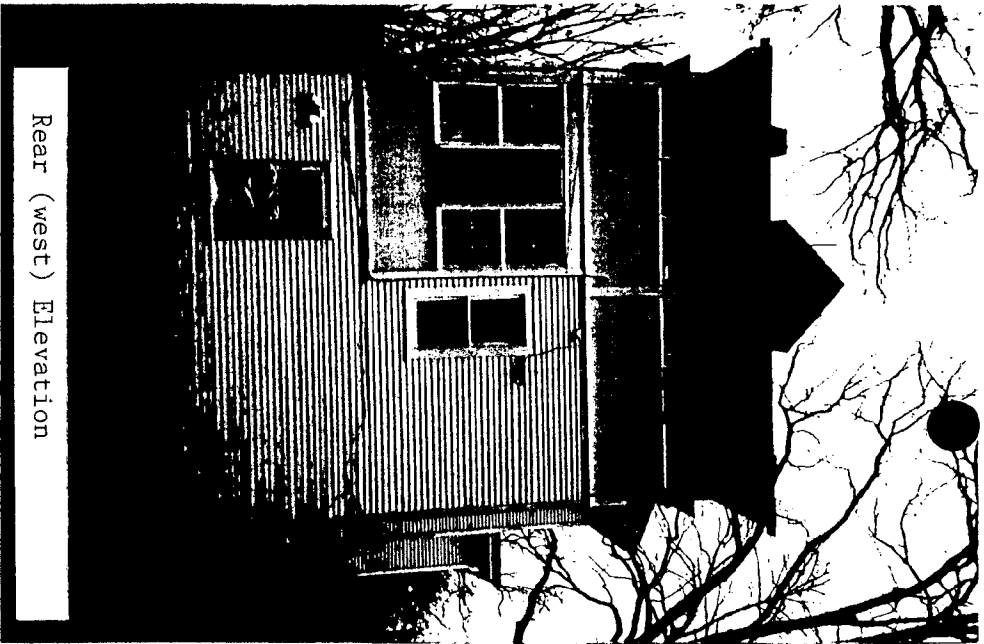
FRONT ELEVATION

10

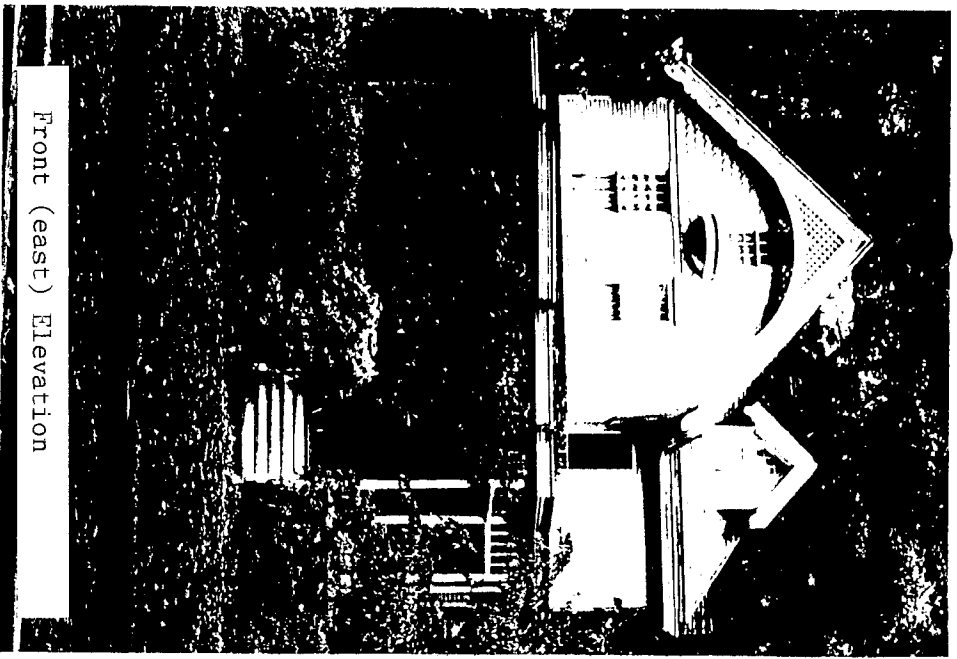


View from Cedar Ave.





Rear (west) Elevation



Front (east) Elevation



Rear portion of South Elevation
(location of proposed porch)



Partial Side (south) Elevation

HISTORIC PRESERVATION COMMISSION
SPEAKER'S FORM

If you wish to speak on an agenda item, please fill out this form and give it to a Historic Preservation staffperson sitting at the left end of the table in the front of the auditorium prior to consideration of that item. The Historic Preservation Commission welcomes public testimony on most agenda items.

Please print using ink, and provide your full name, complete address, and name of person/organization that you officially represent (yourself, an adjacent property owner, citizens association, government agency, etc.). This provides a complete record and assists with future notification on this case. This meeting is being recorded. For audio identification, please state your name and affiliation for the record the first time you speak on any item.

DATE: 12/7/94

AGENDA ITEM ON WHICH YOU WISH TO SPEAK: The J. Warren Fitch property at 712 Cedar Ave, Takoma Pk, - re: backyard fence

NAME: Dave Johnson / Sally Lane

COMPLETE MAILING ADDRESS: 107 Tulip Ave
Takoma Pk, Md 20912

REPRESENTING (INDIVIDUAL/ORGANIZATION): _____

The Montgomery County Historic Preservation Commission observes the following time guidelines for testimony at regular meetings and hearings:

- HAWP applicant's presentation.....7 minutes
- Comment by affected property owners on Master Plan designation.....5 minutes
- Comment by adjacent owners/ interested parties.....3 minutes
- Comment by citizens associations/ interested groups.....5 minutes
- Elected officials/gov't reps.....5 minutes

Note: We came the originally scheduled night but the hearing was seen postponed until 12/21.

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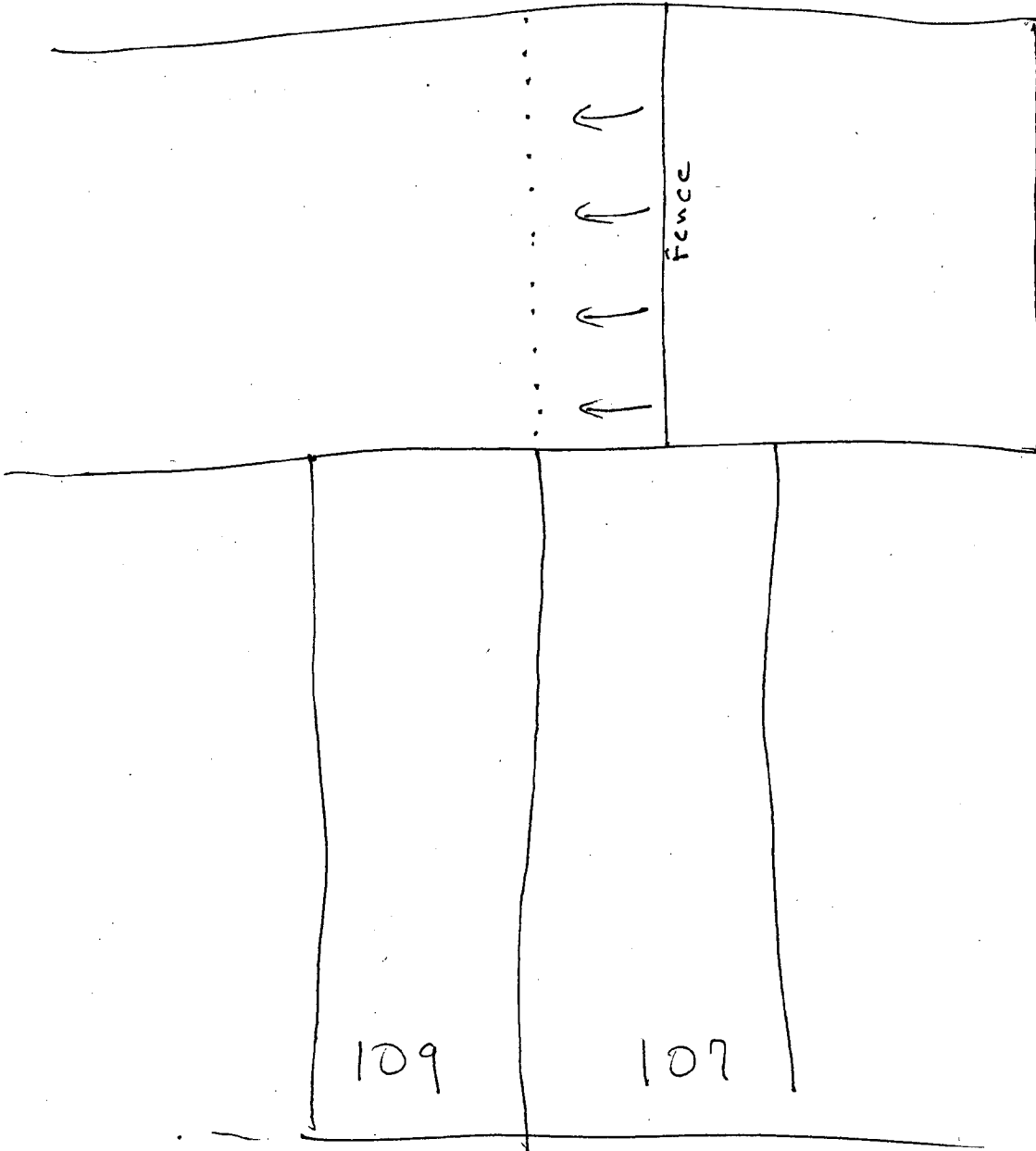
Dane Johnson

Sally Love

(301) 565-9146
wk (202) 357-2740

Thank you. D. David Johnson


← Fitch property →



Tulip Av

VI. OTHER BUSINESS

A. Commission Items

B. Staff Items

VII. ADJOURNMENT





7112 Cedar Ave
Takoma Park
Sept 94 Roof Removal