

#37/3-93W 66 Walnut Avenue
Takoma Park H.D.

Thomas Hardy / Sandra Manahan
66 Walnut Avenue
Tek. PK. Dist. District

Case # 37/3-93W
HRC 2/14/93



71

MIS 22-03 HINNM 641



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1121 22-01 HLNHN B41



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MIS 22-02 N11MN 843



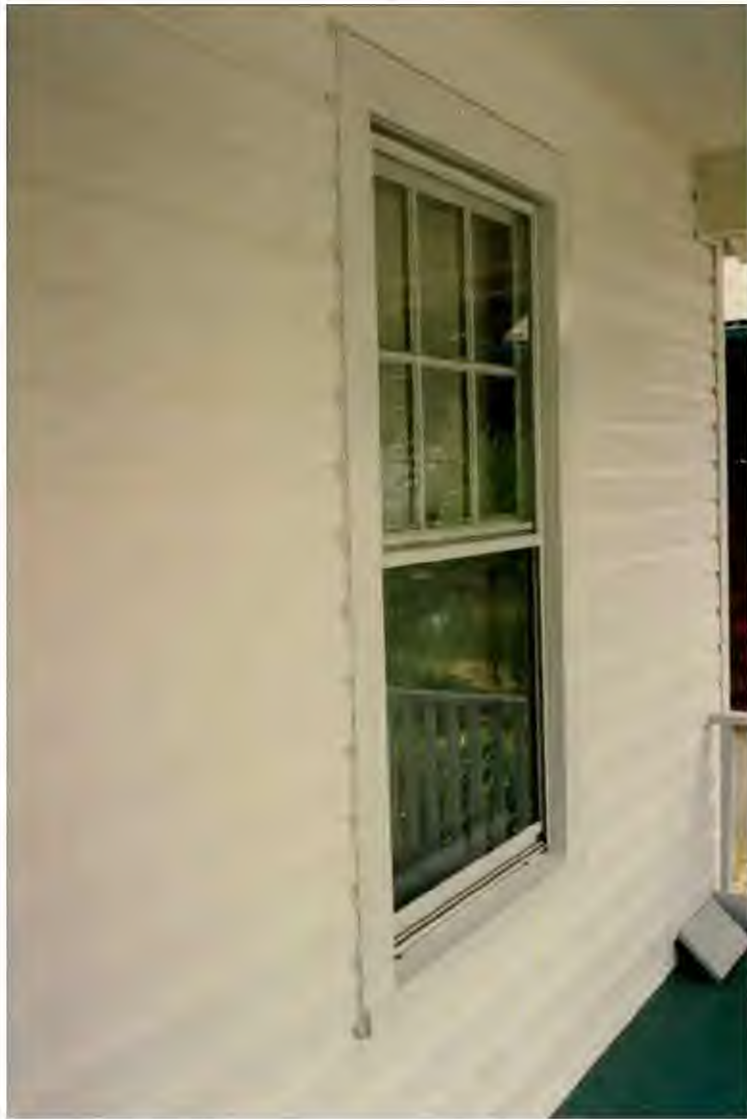
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MIS 22-01 (MINNEN BAI)

(2)

Walnut contractor:

John Hall
 9913 Rhode Island Avenue
 College Park, MD. 20740
 (301) 270-4186

~~And: HAMP representative~~

T.P. announcement w/ map of district
 HRC structure

Learn on "how to get a HAMP"
 hands on 7/14/93

66 Walnut Avenue:

also
 (Says)

Thomas E. Hardy
 % Susan Mannheim
 8603 Pinta Street
 Clinton, MD. 20735

And: Anne as above minus HAMP representative

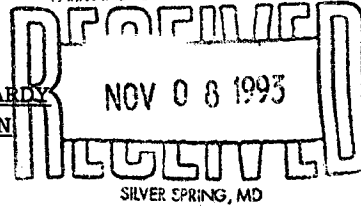
BOARD OF APPEALS
for
MONTGOMERY COUNTY

Stella B. Werner Council Office Building Telephone
100 Maryland Avenue Area Code 301
Rockville, Maryland 20850 217-6600

NEIGHBORHOOD DESIGN & ZONING
THE MARYLAND NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

Case No. A-3939

APPEAL OF THOMAS E. HARDY
BY SANDRA L. MANAHAN



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 January, 1994, at 2:30 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 the issuance of a Decision and Opinion dated July 28, 1993, contending that the denial of the application to install vinyl siding 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 in the Gilbert and Wood Subdivision, Block A, Lot 23, located at 66 Walnut Avenue, Takoma Park, Maryland.

Notices forwarded this 2nd day of November, 1993, to:

- Thomas E. Hardy c/o Sandra L. Manahan
- Joyce Stern, Esquire, County Attorney
- Alan Wright, Esquire, Senior Assistant County Attorney
- Karen-Ann Broe, Assistant County Attorney
- Albert B. Randall, Chairperson, Montgomery County
Historic Preservation Commission
- Gwen Marcus, Historic Preservation Commission
Design, Zoning and Preservation Division, M-NCPPC
City of Takoma Park
- Members, Board of Appeals
- Contiguous and confronting property owners
- Takoma Park Community Action Forum
- Allied Civic Group

County Board of Appeals

By Irene H. Gurman
Irene H. Gurman
Clerk to the Board

COUNTY BOARD OF APPEALS
FOR
MONTGOMERY COUNTY

Docket No. A-3839
Date Filed 8-27-93
Hearing Date 11-10-93 @ 2:30

APPEAL CHARGING ERROR
IN ADMINISTRATIVE RULING OR ACTION

PLEASE NOTE INSTRUCTIONS ON REVERSE SIDE.
ATTACH ADDITIONAL SHEETS IF REQUIRED FOR ANSWERS.

Appeal is hereby made pursuant to Section 2-112 of the Montgomery County Code 1984, as amended, from the decision or other action of an official or agency of Montgomery County specified below which Appellant contends was erroneous.

Official or agency from whose ruling or action this appeal is made: Montgomery County 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): Denied application to apply vinyl siding (which was done inadvertently before the ruling).

Date of that ruling or action: July 28, 1993

Brief description of what, in appellant's view, the ruling or action should have been: To allow vinyl siding to remain on structure.

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

Error of fact, if any, involved in the ruling or action from which this appeal is made: _____

Error of law, if any, involved in the ruling or action from which this appeal is made: _____

Question(s) of fact, if any, presented to the Board by this appeal: _____

Question(s) of law, if any, presented to the Board by this appeal: _____

Description of real property, if any, involved in this appeal: Lot 23, Block A,
Subdivision Gilbert and Good, Town Takoma Park, Street and Number 66 Walnut Avenue,
Zone Classification R-40

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) Sandra L. Manahan, Power of Attorney for Thomas E. Hardy, owner

Description of taxicab or other personal property, if any, involved in this appeal: _____

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): It would be an extreme hardship to remove the vinyl siding, repair board siding (possibly treat for lead), burn off old paint and paint.

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

PHONE NUMBER

Sandra L. Manahan
Sandra L. Manahan
Power of Attorney
for Thomas E. Hardy
SIGNATURE OF APPELLANT(S)
8603 Pinta Street
Clinton, Md. 20735
ADDRESS OF APPELLANT(S)
301-868-6236
TELEPHONE #1

Post-It™ brand fax transmittal memo 7671 # of pages 2

To Alan Wright	From Pat Parker
Co. County Attorney's Off.	Co. MNCPPC
Dept. Montgomery Co.	Phone # 495.4780
Fax # 217.2662	Fax # 495.1307

BOARD OF APPEALS
for
MONTGOMERY COUNTY

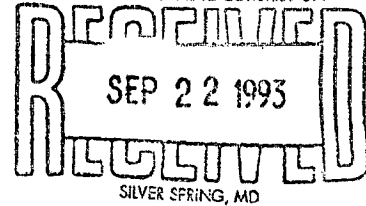
Stella B. Werner Council Office Building
100 Maryland Avenue
Rockville, Maryland 20850

Telephone
Area Code 301
217-6600

NEIGHBORHOOD DESIGN & ZONING
THE MARYLAND NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

Case No. A-3939

APPEAL OF THOMAS E. HARDY
BY SANDRA L. MANAHAN



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 10th day of November, 1993, at 2:30 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.

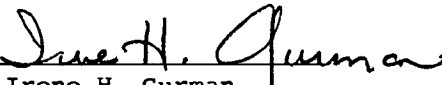
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The subject property is in the Gilbert and Wood Subdivision, Block A, Lot 23, located at 66 Walnut Avenue, Takoma Park, Maryland.

Notices forwarded this 9th day of September, 1993, to:

Thomas E. Hardy c/o Sandra L. Manahan
Joyce Stern, Esquire, County Attorney
Alan Wright, Esquire, Senior Assistant County Attorney
Albert B. Randall, Chairperson, Montgomery County
Historic Preservation Commission
Gwen Marcus, Historic Preservation Commission,
Design, Zoning and Preservation Division, M-NCPPC
City of Takoma Park
Members, Board of Appeals
Contiguous and confronting property owners
Takoma Park Community Action Forum
Allied Civic Group

County Board of Appeals

By 
Irene H. Gurman
Clerk to the Board

COUNTY BOARD OF APPEALS
FOR
MONTGOMERY COUNTY

Docket No. A-3839
Date Filed 8-27-93
Hearing Date 11-10-93 @ 9:30

APPEAL CHARGING ERROR
IN ADMINISTRATIVE RULING OR ACTION
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Error of law, if any, involved in the ruling or action from which this appeal is made:

Question(s) of fact, if any, presented to the Board by this appeal:

Question(s) of law, if any, presented to the Board by this appeal:

Description of real property, if any, involved in this appeal: Lot 23, Block A
Subdivision Gilbert and Wood, Town Takoma Park, Street and Number 66 Walnut Avenue
Zone Classification R-40

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) Sandra L. Manahan, Power of Attorney for Thomas E. Hardy, owner

Description of taxicab or other personal property, if any, involved in this appeal:

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): It would be an extreme hardship to remove the vinyl siding repair board siding (possibly treat for lead), burn off old paint and paint.

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

PHONE NUMBER

Sandra L. Manahan
Power of Attorney
for Thomas E. Hardy
SIGNATURE OF APPELLANT(S)
8603 Pinta Street
Clinton, Md 20735
ADDRESS OF APPELLANT(S)
301-868-6236
TELEPHONE #1

COUNTY BOARD OF APPEALS
FOR
MONTGOMERY COUNTY

Docket No. A-3839
Date Filed 8-27-93
Hearing Date 11-10-93 @ 9:30

APPEAL CHARGING ERROR
IN ADMINISTRATIVE RULING OR ACTION

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Description of real property, if any, involved in this appeal: Lot 23, Block A,
Subdivision Gilbert and Wood, Town Takoma Park, Street and Number 66 Walnut Avenue,
Zone Classification R-40

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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

PHONE NUMBER

Sandra L. Manahan
Sandra L. Manahan
Power of Attorney
for Thomas E. Hardy
SIGNATURE OF APPELLANT(S)
8603 Platan Street
Clinton, Md. 20735
ADDRESS OF APPELLANT(S)
301-868-6236

Verification Report

Date: Sep 30

Time: 03:22PM

2 pages sent to:

92172662

Transmission time: 00:01:21

Result: Transmission OK



Montgomery County Government

June 7, 1994

Beverly Habada
City Administrator
City of Takoma Park
7500 Maple Avenue
Takoma Park, MD 20912

Dear Ms. Habada:

I am writing to transmit the Montgomery County Board of Appeals' decision on a historic preservation case in Takoma Park.

I first brought this case to your attention in a letter last July. The case involved the application of artificial siding on a contributing resource within the Takoma Park Historic District, located at 66 Walnut Avenue. The siding job was undertaken without an approved Historic Area Work Permit and was virtually complete before the contractor could be contacted to stop work.

A major issue that was brought up in this case, both before the Historic Preservation Commission and the Board of Appeals, was the fact that a City of Takoma Park staffperson had told the property owner that artificial siding was an acceptable method of correcting housing code deficiencies on this structure. The owner produced a letter, signed by Travis Aldous of your staff, confirming that such a conversation had taken place.

Although the Historic Preservation Commission denied the retroactive application for artificial siding on this property, their decision was overturned by the Board of Appeals. The main justification that the Board of Appeals gave for their decision was that the owner had relied in good faith on the advice of a public official (Travis Aldous) in making the decision to install artificial siding.

Since my last correspondence with you on this matter, historic preservation staff have met with City of Takoma Park inspectors and building code officials to make sure that they have accurate information on the designated historic district and its regulations. It is very important that all City of Takoma Park staff who provide information to the public are aware of the historic district and its regulations. We would be glad to do additional training sessions with any City of Takoma Park staff who you feel should have information on the district. Please call us at any time and let us know when you would like to schedule new training sessions or update sessions with your staff.

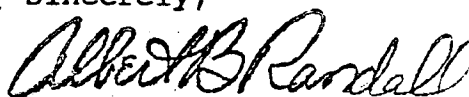
Historic Preservation Commission

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

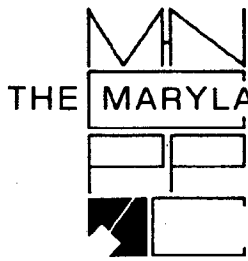
8787 Georgia Avenue Silver Spring MD 20910

The Historic Preservation Commission is very disappointed about the outcome of the case at 66 Walnut, and wants very much to avoid having similar situations come up in the future. Please work with us to provide accurate and complete information to both the citizens of Takoma Park and the City staff who work with them.

Sincerely,

A handwritten signature in cursive script that reads "Albert B. Randall". The signature is written in dark ink and is positioned above the typed name.

Albert B. Randall
Chair, HPC



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

8787 Georgia Avenue • Silver Spring, Maryland 20910-3760

July 29, 1993

Mr. Thomas E. Hardy
c/o Ms. Sandra Manahan
8603 Pinta Street
Clinton, MD 20735

Dear Mr. Hardy and Ms. Manahan:

Enclosed is the Decision and Opinion of the Historic Preservation Commission with regard to your Historic Area Work Permit application for alterations to the property at 66 Walnut Avenue, Takoma Park, a contributing structure in the Takoma Park Historic District.

At the Commission's meeting on July 14, 1992, the Commission voted to deny your application. You were informed that if you wished to appeal the Commission's decision, you could do so within 30 days of the date of the decision (July 28, 1993). This information is stated in the last paragraph of the Decision. In addition, I am enclosing a copy of the County Ordinance, as well as your copy of the HAWP application form. The Department of Environmental Protection has been informed that your HAWP application was denied.

If you have any questions, please call Nancy Witherell at 495-4570.

Sincerely,

Gwen Marcus
Historic Preservation
Coordinator

HISTORIC PRESERVATION COMMISSION

of

MONTGOMERY COUNTY

8787 Georgia Avenue
Silver Spring, Maryland 20910

301-495-4570

Case no.: 37/3-93W

Received: July 1, 1993

Public Appearance: July 14, 1993

Before the Montgomery County Historic Preservation Commission

Application of Thomas Hardy and Sandra Manahan
66 Walnut Avenue, Takoma Park

DECISION AND OPINION OF THE COMMISSION

Decision of the Commission: DENY the applicant's proposal to install vinyl siding.

Commission Motion: At the July 14, 1993, meeting of the Historic Preservation Commission, Commissioner Harris presented a motion to deny the application of vinyl siding on 66 Walnut Avenue. Commissioner Lanigan seconded the motion. Commissioners Brenneman, Booth, Harris, Kousoulas, Lanigan and Chairman Randall voted in favor of the motion. The motion was passed 6-0. Commissioners Norkin, Handler and Clemmer were absent.

SUMMARY OF APPLICATION AND BACKGROUND OF 66 WALNUT AVENUE

The following terms are defined in Section 24A-2 of the Montgomery County 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.

On July 1, 1993, Thomas Hardy and Sandra Manahan (applicant) applied for a Historic Area Work Permit (HAWP), retroactively, to apply vinyl siding to all sides of 66 Walnut Avenue, a Craftsman-style house designated a contributing resource in the Takoma Park Historic District. At the time of the application, the work was virtually complete and was not reviewed by the Historic Preservation Commission (HPC) prior to initiation of the project.

A statement of historic and architectural significance of the Takoma Park Historic District, as incorporated in the Master Plan amendment adopted August 1, 1992, is as follows:

Takoma Park is historically significant as both an early railroad suburb and a streetcar community. It was one of the earliest railroad suburbs of Washington - second after Linden was established in 1873. The community was given new lifeblood in the early-20th century with the opening of streetcar lines, which led to the development of new subdivisions in Takoma Park.

Before 1883, the area that became Takoma Park was used for farming and vacation homes for Washingtonians. A few houses from this period still exist...In 1883, Benjamin Franklin Gilbert, a Washington real estate promoter, purchased a 90-acre farm for the establishment of Takoma Park. Gilbert promoted the healthy quality of Takoma Park's natural environment -- fresh water, trees, and a high elevation to escape the malaria-ridden District of Columbia. These natural features continue to define and enhance the community today...

The appearance today of much of the Takoma Park historic district is formed by the large numbers of dwellings constructed from 1900 into the 1920s. The houses built in Takoma Park during this period reveal changing American tastes in house design from the elaborate ornamentation of the late 19th century dwellings to more practical, simplified designs. Many of these early twentieth century houses reflect the aesthetics of the Arts and Crafts Movement which emphasized the inherent nature of the building materials and structural elements for ornamentation. Similarly, they reflect a social trend towards a more informal, unpretentious style of living. Residences put up in the American Four Square, Craftsman, Bungalow, and Colonial Revival designs continued the pattern of suburban development previously established - detached,

wood frame single-family residences with uniform setbacks from the streets, though at a smaller scale. Entire streetscapes of these houses, particularly the Bungalow and Craftsman designs, are found along Park, Philadelphia, Sycamore, Westmoreland, and Willow Avenues.

Two-story Craftsman houses in the district are simple in design and broad in proportion, with wide eaves, exposed rafter ends and knee bracing and low-pitched gabled porches supported by heavy piers. The overall proportions are broad and include grouped windows. Interest in the nature of materials is revealed in the exposed brick or stone chimneys, foundations, and piers. Wall surface materials are plain shingled, stucco, and clapboard.

EVIDENCE IN THE RECORD

Copies of the applicant's Historic Area Work Permit application and a written report from the Historic Preservation Commission staff were distributed to Commissioners on July 8, 1993.

HPC staffperson Patricia Parker presented 35mm slides of the property and testified that the application was for installation of vinyl siding on a contributing historic resource in the Takoma Park Historic District. The work was virtually completed.

The staff recommended that the application of vinyl siding to this structure be found inconsistent with the purposes of Chapter 24A, which asserts as a public benefit the protection of the historic and architectural character of historic houses and designated neighborhoods.

John Hall, the contractor who installed the vinyl siding, appeared with the applicant. He testified that the applicant was about to be cited by the City of Takoma Park due to badly peeling paint on the exterior. The applicant was informed by Travis Aldous, a Code Enforcement Officer for the City of Takoma Park, that vinyl siding was an agreeable solution. The contractor, on behalf of the applicant, Sandra Manahan, submitted a letter from Travis Aldous for the record.

John Hall also submitted a letter from Roy Shields, President of Takoma Sales and Service, supporting the installation of the vinyl siding because of the lead paint on the house and the cost of its removal - which was estimated at \$12,000 to \$15,000, the difficulty of repainting the wood clapboard due to the nailholes caused by the installation of the vinyl siding, and the excellence of the vinyl siding. John Hall further stated that the existing wood siding was deteriorating and could not be repaired.

Mr. Hall also suggested the possibility of removing the J-channels from around the windows and building the window frame

out so that it sticks past the siding. He presented photos of a sample window on which this procedure had been done.

Steven Morse, a neighbor residing at 57 Walnut Avenue, stated that he had originally opposed the historic district designation; however, now that it was in place, the rules of law need to be applied fairly and equitably to all owners.

Tom Forhan, a neighbor residing at 60 Walnut Avenue, stated that he had spoken with John Hall's workmen just as the work was commencing, and they insisted that they had all necessary permits. He also explained that he had recently come before the Commission for a Historic Area Work Permit and was encouraged to remove the artificial siding on his house in order to restore the appearance of the original clapboard underneath. It was his understanding that the historic district designation would reverse the trend to install artificial siding.

In addition, Mr. Forhan stated that he felt the resource was materially changed by the vinyl siding - not only due to the J-channels, but also because the siding covered shingles and because of the fake wood appearance of the siding. Finally, he questioned whether the original wood clapboard was actually deteriorated and the costs estimated by the applicant for removal of the siding and repairing the wood clapboard.

Sharon Cohen, a neighbor at 65 Walnut Street, also stated that she had come before the Commission for a Historic Area Work Permit. She stated that the owner of the property was a good landlord in the neighborhood but that the historic preservation review should be applied consistently throughout the historic district.

Sandra Manahan, the applicant, stressed the impact of the Commission's decision should it follow the staff recommendation for denial. The property belongs to her father, Thomas Hardy, and he is elderly and without the income or means to make corrective repair. She acted with assurances from Takoma Park officials that the installation of vinyl siding was proper.

Commissioner Harris stated that the use of vinyl siding is not generally recommended in historic districts because it covers original historic fabric. She further stated that consistency in the Commission's decision must be maintained, and that this situation could have been avoided had the applicant filed a Historic Area Work Permit prior to commencement of work.

Commissioner Booth noted that the HPC was not questioning that the applicant had acted in good faith; however, it is very important for the Commission to be consistent with previous decisions.

CRITERIA FOR APPROVAL AND FINDINGS OF THE COMMISSION

The criteria which the Commission must evaluate in determining whether to deny a Historic Area Work Permit application are found in Section 24a-8(a) 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.

In analyzing whether the criteria for issuance of a Historic Area Work Permit have been met, the Commission also evaluates the evidence in the record in light of generally accepted principles of historic preservation, including the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings, adopted by the Commission on February 5, 1987. In particular, Standard #2 and Standard #6 are applicable in this case:

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.

Additionally, specific historic preservation review guidelines were included in the Approved and Adopted Amendment to the Master Plan for Historic Preservation which created the Takoma Park Historic District. The purpose of these guidelines is to "...provide the Historic Preservation Commission and other applicable agencies...with guidance regarding the intent of the historic designation. In addition, the purpose of these guidelines is to provide the Historic Preservation Commission with specific direction in reviewing applications for Historic Area Work Permits (HAWPs)..."

The Takoma Park guidelines for contributing residential resources within the historic district state:

...some non-original building materials may be acceptable on a case-by-case basis; artificial siding on areas visible from the public right-of-way is discouraged where such materials would replace or damage original building materials that are in good condition.

Based on this, the Commission finds that:

1. As proposed in the HAWP application, the use of vinyl siding is not consistent with the preservation and enhancement of the architectural and historic character of this contributing resource, a Craftsman-style Bungalow, located in the Takoma Park Historic District.
2. Approval of the proposed Historic Area Work Permit application would substantially change the appearance of the historic structure and would cause the loss of the historic integrity in terms of exterior architectural features. Specifically, vinyl siding covers and hides from view the historic fabric, in this case wood siding and wood shingles. It does not exactly duplicate the original historic fabric as the shingled area in the front gable is covered with horizontal vinyl siding.

In addition, the application of vinyl siding on this house would change the relationship between the wall surface and the projecting window and door trim. As applied in this case, the new wall surfaces project farther than the window and door trim. The trim, which should project forward of the wall surface, now appears sunken.

3. No evidence was presented which demonstrated that the majority of the original wood clapboard siding on 66 Walnut Avenue is in an extreme state of deterioration and is beyond reasonable repair.

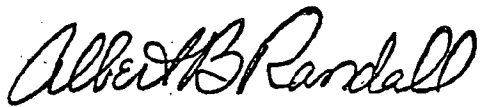
CONCLUSION

The Commission was guided in its decision by Chapter 24A of the Montgomery County Code, by the Secretary of the Interior's Standards for Rehabilitation, and by the design guidelines for contributing structures found in the Approved and Adopted Amendment to the Master Plan for Historic Preservation which designated the Takoma Park Historic District.

Having heard and carefully considered all of the testimony and exhibits contained in the record, and based on this evidence and on the Commission's findings, as required by Section 24A-8(a) of the Montgomery County Code, 1984, as amended, it is the decision

of the Montgomery County Historic Preservation Commission that the application of Thomas Hardy and Sandra Manahan to apply vinyl siding to the contributing historic resource located at 66 Walnut Avenue in the Takoma Park Historic District be 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.



Albert B. Randall, Chairperson
Montgomery County Historic
Preservation Commission

July 28, 1993

Date

City of Takoma Park, Maryland

DEPARTMENT OF HOUSING AND
COMMUNITY DEVELOPMENT
TELEPHONE 301-270-5900



7500 MAPLE AVENUE
TAKOMA PARK, MD 20912

July 14, 1993

Sandra Manahan
8603 Pinta St.
Clinton, Md. 20735

Re: 66 Walnut Avenue

Dear Ms. Manahan,

In response to our conversation this morning. As you know a problem with badly peeling paint existed at the time of my licensing inspection of January 20, 1993. As you are aware painting could not be done in the winter so I did not cite it as a code violation, but put an inspector's note advising you that it should be painted or repaired in the spring or summer. You also mentioned putting up siding rather than paint and I stated that this was an agreeable solution.

As I understand it, part of the reason for the siding as opposed to the paint was that it would be a more permanent solution and not be as costly as having to paint and keep touching up every several years. Also, since this is an older house there was the possible problem of lead paint contamination, another reason for using siding rather than paint. If you or anyone else has further questions, please call me at this office.

Sincerely,

Travis Aldous
Code Enforcement Officer

City of Takoma Park, Maryland

DEPARTMENT OF HOUSING AND
COMMUNITY DEVELOPMENT
TELEPHONE 301-270-5900



7500 MAPLE AVENUE
TAKOMA PARK, MD 20912

July 14, 1993

Sandra Manahan
8603 Pinta St.
Clinton, Md. 20735

Re: 66 Walnut Avenue

Dear Ms. Manahan,

In response to our conversation this morning. As you know a problem with badly peeling paint existed at the time of my licensing inspection of January 20, 1993. As you are aware painting could not be done in the winter so I did not cite it as a code violation, but put an inspector's note advising you that it should be painted or repaired in the spring or summer. You also mentioned putting up siding rather than paint and I stated that this was an agreeable solution.

As I understand it, part of the reason for the siding as opposed to the paint was that it would be a more permanent solution and not be as costly as having to paint and keep touching up every several years. Also, since this is an older house there was the possible problem of lead paint contamination, another reason for using siding rather than paint. If you or anyone else has further questions, please call me at this office.

Sincerely,

Travis Aidous
Code Enforcement Officer

HISTORIC PRESERVATION COMMISSION

of

MONTGOMERY COUNTY

1000 Georgia Avenue
Baltimore, Maryland 20910

410-495-4570

Original

Case no.: 37/3-93W

Received: July 1, 1993

Public Appearance: July 14, 1993

Before the Montgomery County Historic Preservation Commission

Application of Thomas Hardy and Sandra Manahan
66 Walnut Avenue, Takoma Park

DECISION AND OPINION OF THE COMMISSION

Decision of the Commission: DENY the applicant's proposal to install vinyl siding.

Commission Motion: At the July 14, 1993, meeting of the Historic Preservation Commission, Commissioner Harris presented a motion to deny the application of vinyl siding on 66 Walnut Avenue. Commissioner Lanigan seconded the motion. Commissioners Brenneman, Booth, Harris, Kousoulas, Lanigan and Chairman Randall voted in favor of the motion. The motion was passed 6-0. Commissioners Norkin, Handler and Clemmer were absent.

SUMMARY OF APPLICATION AND BACKGROUND OF 66 WALNUT AVENUE

The following terms are defined in Section 24A-2 of the Montgomery County 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.

On July 1, 1993, Thomas Hardy and Sandra Manahan (applicant) applied for a Historic Area Work Permit (HAWP), retroactively, to apply vinyl siding to all sides of 66 Walnut Avenue, a Craftsman-style house designated a contributing resource in the Takoma Park Historic District. At the time of the application, the work was virtually complete and was not reviewed by the Historic Preservation Commission (HPC) prior to initiation of the project.

A statement of historic and architectural significance of the Takoma Park Historic District, as incorporated in the Master Plan amendment adopted August 1, 1992, is as follows:

Takoma Park is historically significant as both an early railroad suburb and a streetcar community. It was one of the earliest railroad suburbs of Washington - second after Linden was established in 1873. The community was given new lifeblood in the early-20th century with the opening of streetcar lines, which led to the development of new subdivisions in Takoma Park.

Before 1883, the area that became Takoma Park was used for farming and vacation homes for Washingtonians. A few houses from this period still exist...In 1883, Benjamin Franklin Gilbert, a Washington real estate promoter, purchased a 90-acre farm for the establishment of Takoma Park. Gilbert promoted the healthy quality of Takoma Park's natural environment -- fresh water, trees, and a high elevation to escape the malaria-ridden District of Columbia. These natural features continue to define and enhance the community today...

The appearance today of much of the Takoma Park historic district is formed by the large numbers of dwellings constructed from 1900 into the 1920s. The houses built in Takoma Park during this period reveal changing American tastes in house design from the elaborate ornamentation of the late 19th century dwellings to more practical, simplified designs. Many of these early twentieth century houses reflect the aesthetics of the Arts and Crafts Movement which emphasized the inherent nature of the building materials and structural elements for ornamentation. Similarly, they reflect a social trend towards a more informal, unpretentious style of living. Residences put up in the American Four Square, Craftsman, Bungalow, and Colonial Revival designs continued the pattern of suburban development previously established - detached,

wood frame single-family residences with uniform setbacks from the streets, though at a smaller scale. Entire streetscapes of these houses, particularly the Bungalow and Craftsman designs, are found along Park, Philadelphia, Sycamore, Westmoreland, and Willow Avenues.

Two-story Craftsman houses in the district are simple in design and broad in proportion, with wide eaves, exposed rafter ends and knee bracing and low-pitched gabled porches supported by heavy piers. The overall proportions are broad and include grouped windows. Interest in the nature of materials is revealed in the exposed brick or stone chimneys, foundations, and piers. Wall surface materials are plain shingled, stucco, and clapboard.

EVIDENCE IN THE RECORD

Copies of the applicant's Historic Area Work Permit application and a written report from the Historic Preservation Commission staff were distributed to Commissioners on July 8, 1993.

HPC staffperson Patricia Parker presented 35mm slides of the property and testified that the application was for installation of vinyl siding on a contributing historic resource in the Takoma Park Historic District. The work was virtually completed.

The staff recommended that the application of vinyl siding to this structure be found inconsistent with the purposes of Chapter 24A, which asserts as a public benefit the protection of the historic and architectural character of historic houses and designated neighborhoods.

John Hall, the contractor who installed the vinyl siding, appeared with the applicant. He testified that the applicant was about to be cited by the City of Takoma Park due to badly peeling paint on the exterior. The applicant was informed by Travis Aldous, a Code Enforcement Officer for the City of Takoma Park, that vinyl siding was an agreeable solution. The contractor, on behalf of the applicant, Sandra Manahan, submitted a letter from Travis Aldous for the record.

John Hall also submitted a letter from Roy Shields, President of Takoma Sales and Service, supporting the installation of the vinyl siding because of the lead paint on the house and the cost of its removal - which was estimated at \$12,000 to \$15,000, the difficulty of repainting the wood clapboard due to the nailholes caused by the installation of the vinyl siding, and the excellence of the vinyl siding. John Hall further stated that the existing wood siding was deteriorating and could not be repaired.

Mr. Hall also suggested the possibility of removing the J-channels from around the windows and building the window frame

out so that it sticks past the siding. He presented photos of a sample window on which this procedure had been done.

Steven Morse, a neighbor residing at 57 Walnut Avenue, stated that he had originally opposed the historic district designation; however, now that it was in place, the rules of law need to be applied fairly and equitably to all owners.

Tom Forhan, a neighbor residing at 60 Walnut Avenue, stated that he had spoken with John Hall's workmen just as the work was commencing, and they insisted that they had all necessary permits. He also explained that he had recently come before the Commission for a Historic Area Work Permit and was encouraged to remove the artificial siding on his house in order to restore the appearance of the original clapboard underneath. It was his understanding that the historic district designation would reverse the trend to install artificial siding.

In addition, Mr. Forhan stated that he felt the resource was materially changed by the vinyl siding - not only due to the J-channels, but also because the siding covered shingles and because of the fake wood appearance of the siding. Finally, he questioned whether the original wood clapboard was actually deteriorated and the costs estimated by the applicant for removal of the siding and repairing the wood clapboard.

Sharon Cohen, a neighbor at 65 Walnut Street, also stated that she had come before the Commission for a Historic Area Work Permit. She stated that the owner of the property was a good landlord in the neighborhood but that the historic preservation review should be applied consistently throughout the historic district.

Sandra Manahan, the applicant, stressed the impact of the Commission's decision should it follow the staff recommendation for denial. The property belongs to her father, Thomas Hardy, and he is elderly and without the income or means to make corrective repair. She acted with assurances from Takoma Park officials that the installation of vinyl siding was proper.

Commissioner Harris stated that the use of vinyl siding is not generally recommended in historic districts because it covers original historic fabric. She further stated that consistency in the Commission's decision must be maintained, and that this situation could have been avoided had the applicant filed a Historic Area Work Permit prior to commencement of work.

Commissioner Booth noted that the HPC was not questioning that the applicant had acted in good faith; however, it is very important for the Commission to be consistent with previous decisions.

CRITERIA FOR APPROVAL AND FINDINGS OF THE COMMISSION

The criteria which the Commission must evaluate in determining whether to deny a Historic Area Work Permit application are found in Section 24a-8(a) 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.

In analyzing whether the criteria for issuance of a Historic Area Work Permit have been met, the Commission also evaluates the evidence in the record in light of generally accepted principles of historic preservation, including the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings, adopted by the Commission on February 5, 1987. In particular, Standard #2 and Standard #6 are applicable in this case:

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.

Additionally, specific historic preservation review guidelines were included in the Approved and Adopted Amendment to the Master Plan for Historic Preservation which created the Takoma Park Historic District. The purpose of these guidelines is to "...provide the Historic Preservation Commission and other applicable agencies...with guidance regarding the intent of the historic designation. In addition, the purpose of these guidelines is to provide the Historic Preservation Commission with specific direction in reviewing applications for Historic Area Work Permits (HAWPs)..."

The Takoma Park guidelines for contributing residential resources within the historic district state:

...some non-original building materials may be acceptable on a case-by-case basis; artificial siding on areas visible from the public right-of-way is discouraged where such materials would replace or damage original building materials that are in good condition.

Based on this, the Commission finds that:

1. As proposed in the HAWP application, the use of vinyl siding is not consistent with the preservation and enhancement of the architectural and historic character of this contributing resource, a Craftsman-style Bungalow, located in the Takoma Park Historic District.
2. Approval of the proposed Historic Area Work Permit application would substantially change the appearance of the historic structure and would cause the loss of the historic integrity in terms of exterior architectural features. Specifically, vinyl siding covers and hides from view the historic fabric, in this case wood siding and wood shingles. It does not exactly duplicate the original historic fabric as the shingled area in the front gable is covered with horizontal vinyl siding.

In addition, the application of vinyl siding on this house would change the relationship between the wall surface and the projecting window and door trim. As applied in this case, the new wall surfaces project farther than the window and door trim. The trim, which should project forward of the wall surface, now appears sunken.

3. No evidence was presented which demonstrated that the majority of the original wood clapboard siding on 66 Walnut Avenue is in an extreme state of deterioration and is beyond reasonable repair.

CONCLUSION

The Commission was guided in its decision by Chapter 24A of the Montgomery County Code, by the Secretary of the Interior's Standards for Rehabilitation, and by the design guidelines for contributing structures found in the Approved and Adopted Amendment to the Master Plan for Historic Preservation which designated the Takoma Park Historic District.

Having heard and carefully considered all of the testimony and exhibits contained in the record, and based on this evidence and on the Commission's findings, as required by Section 24A-8(a) of the Montgomery County Code, 1984, as amended, it is the decision

of the Montgomery County Historic Preservation Commission that the application of Thomas Hardy and Sandra Manahan to apply vinyl siding to the contributing historic resource located at 66 Walnut Avenue in the Takoma Park Historic District be 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.



Albert B. Randall, Chairperson
Montgomery County Historic
Preservation Commission

July 28, 1993

Date

HISTORIC PRESERVATION COMMISSION STAFF REPORT

Address: 66 Walnut Avenue	Meeting Date: 7/14/93
Resource: Takoma Park Hist. District	Review: HAWP/Alteration
Case Number: 37/3-93W	Tax Credit: No
Public Notice: 6/30/93	Report Date: 7/7/93
Applicant: T. Hardy/S. Manahan	Staff: Patricia Parker
PROPOSAL: Alteration	RECOMMEND: Deny

The proposed project involves the application of vinyl siding on a contributing historic resource in the Takoma Park Historic District. This work is virtually complete and was not reviewed by the HPC prior to initiation of the project.

Last August, information packets were mailed to all residents within the newly approved Takoma Park Historic District in an effort to inform them about the County's historic preservation program and the requirements/benefits of historic designation. The applicant is not required to apply for a building permit for the installation of vinyl siding, but does need a Historic Area Work Permit (HAWP) for such a project. Pages 6-12 of the packet illustrate the current condition of the property.

If the applicant had applied for a HAWP prior to beginning the work, the Commission could have informed the owner about the use of the County's historic property tax credit not only for painting designated structures but also for repair of damaged clapboard.

STAFF DISCUSSION

This is an difficult case in that the applicant has proceeded to install vinyl siding on a contributing resource in the historic district, without submitting a HAWP before commencement of work.

The HAWP has now been submitted, stating that the project intends to "duplicate original wood siding...." and that "the new siding has contributed to this (deteriorated) condition". Specifically, the applicant states that the original clapboard was in deteriorated condition, particularly on the rear elevation, which is now covered with vinyl siding. Staff did not see the siding on the rear elevation; however, in staff's opinion, the remaining exposed clapboard on the side elevation does not appear to be unrepairable. The applicant also states that, following application of the vinyl siding, the current condition of the

clapboard is worse, as a result of nailing the vinyl siding to the clapboard.

Staff would note that, although the applied vinyl siding is a 5" Dutch lap style matching the existing wood clapboard, it does not replicate the pre-existing conditions in several respects. First, the front gable of the house was clad with wood shingles, which are now covered with vinyl siding (see photo taken in April, 1993 on page 13 of this packet). Second, the use of J-channels around all the door and window openings is not only a very visible indication of the use of vinyl siding, but has "sunk" the level of the wooden trim relative to the new wall surface. Together, these two changes in the original appearance of the house have fundamentally altered its material character.

STAFF RECOMMENDATION

The staff recommends that the Commission find this proposal inconsistent with the purposes of Chapter 24A, which asserts as a public benefit the protection of the historic and architectural character of historic houses and designated neighborhoods, and with the Secretary of the Interior's Standards; particularly 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 or 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.



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 Thomas Hardy / Sanchez Menabent TELEPHONE NO. 301 868-6236 ✓
(Contract/Purchaser) (Include Area Code)

ADDRESS 66 Walnut Ave Takoma Park Md 20912 8603 Pinta St Clinton Md 20735
CITY STATE ZIP

CONTRACTOR Thermal Control Co. TELEPHONE NO. 301 220 1144
CONTRACTOR REGISTRATION NUMBER 12013

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

REGISTRATION NUMBER _____

LOCATION OF BUILDING/PREMISE

House Number 66 Street Walnut Ave

Town/City Takoma Park Md Election District _____

Nearest Cross Street Westwood Ave

Lot _____ Block _____ 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
				Fence/Wall (complete Section 4)	Other	Shed
						Solar
						Woodburning Stove

1B. CONSTRUCTION COSTS ESTIMATE \$ 619200

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

1D. INDICATE NAME OF ELECTRIC UTILITY COMPANY PEPCO

1E. IS THIS PROPERTY A HISTORICAL SITE? Contributing resource

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]

[Signature] 2/1/93



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:

Two story frame house - contributing resource - cover existing
5" Dutch Lap wood siding with vinyl 5" Dutch Lap siding.
Foam underlayment will be used.

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

The appearance of this house will not be changed significantly.
The new Norwandy vinyl siding is an exact duplication of
the original 5" Dutch Lap. Norwandy siding has a low gloss
appearance.

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:

Duplicate original wood siding only. No trim or soffit work will be done

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

exact duplicate in color

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

Original siding was in deteriorated condition. Installation of the new siding has contributed to this condition.

3. Project Plan:

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

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

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

5. Design Features: Schematic construction plans drawn to scale at 1/8" = 1'-0", or 1/4" = 1'-0", indicating location, size and general type of walls, window and door openings, roof profiles, and other fixed features of both the existing resource(s) and the proposed work.
6. Facades: Elevation drawings, drawn to scale at 1/8" = 1'0", or 1/4" = 1'0", clearly indicating proposed work in relation to existing construction and, when appropriate, context. All materials and fixtures proposed for exterior must be noted on the elevations drawings. An existing and a proposed elevation drawing of each facade affected by the proposed work is required.
7. Materials Specifications: General description of materials and manufactured items proposed for incorporation in the work of the project.
8. Photos of Resources: Clearly labeled color photographic prints of each facade of existing resource, including details of the affected portions. All labels should be placed on the front of photographs.
9. Photos of Context: Clearly labeled color photographic prints of the resource as viewed from the public right-of-way and from adjoining properties, and of the adjoining and facing properties.

Color renderings and models are encouraged, but not generally required.

Applicant shall submit 2 copies of all materials in a format no larger than 8 1/2" x 14"; black and white photocopies of color photos are acceptable with the submission of one original photo.

10. Addresses of Adjacent Property Owners. For all projects, provide an accurate list of adjacent and confronting property owners (not tenants), including names, addresses, and zip codes. This list should include the owners of all lots or parcels which adjoin the parcel in question, as well as the owner(s) of lot(s) or parcel(s) which lie directly across the street/highway from the parcel in question. If you need assistance obtaining this information, call the Department of Assessments and Taxation, at 279-1355.

1. Name Thomas Hardy - Sandy Munsie
right side Address 64 Walnut Ave
 City/Zip Takoma Park Md 20912

2. Name _____
left side Address 68 Walnut Ave
 City/Zip Takoma Park, Md 20912

3.

Name _____

Address 6906 Westmoreland Ave

rear

City/Zip Takoma Park, Md 20912

4.

Name _____

across street

Address 61 Walnut Ave

City/Zip Takoma Park, Md 20912

5.

Name _____

Address _____

City/Zip _____

6.

Name _____

Address _____

City/Zip _____

7.

Name _____

Address _____

City/Zip _____

8.

Name _____

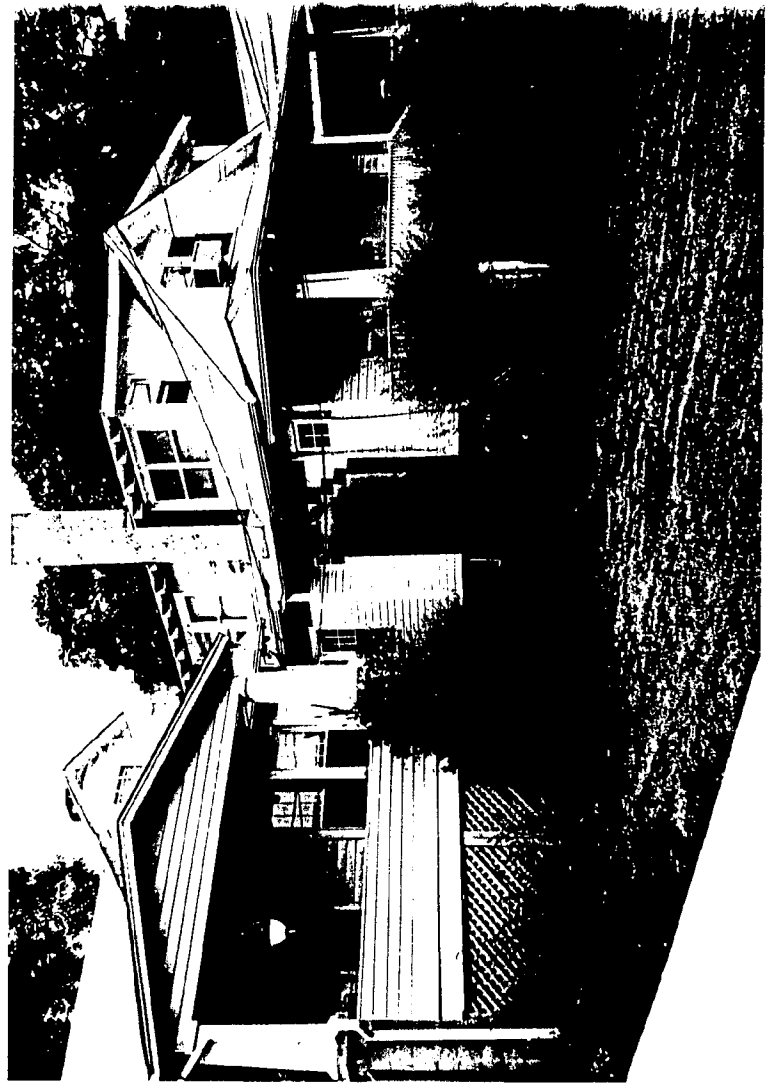
Address _____

City/Zip _____

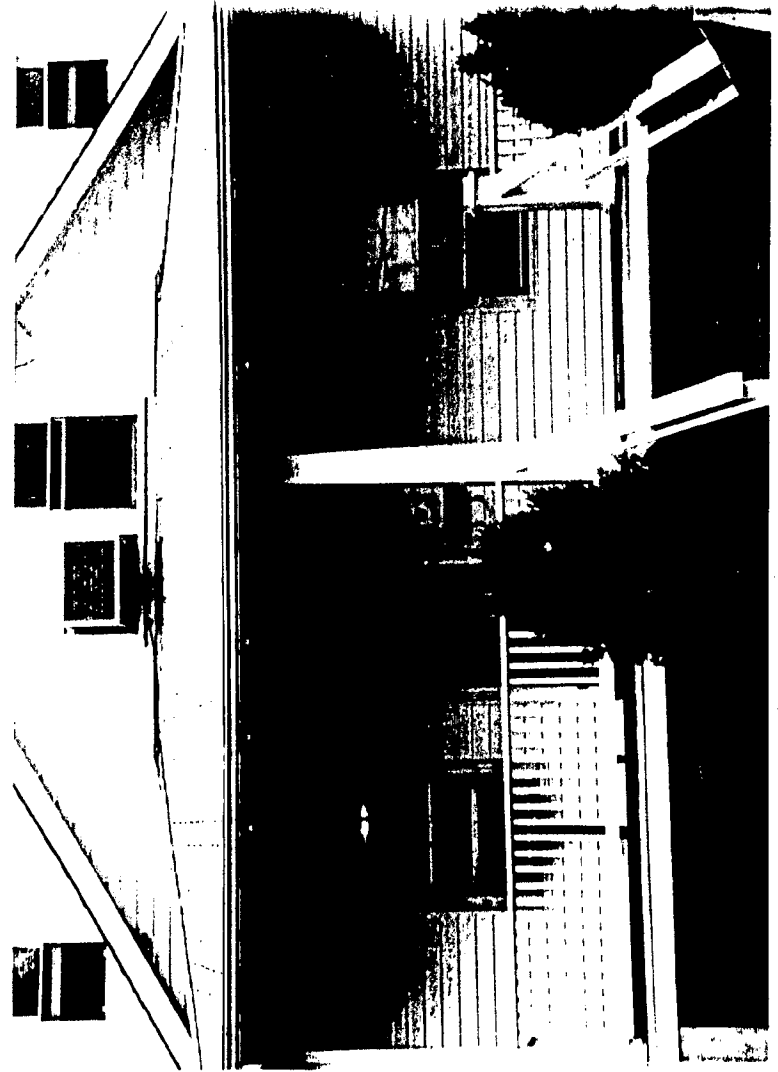
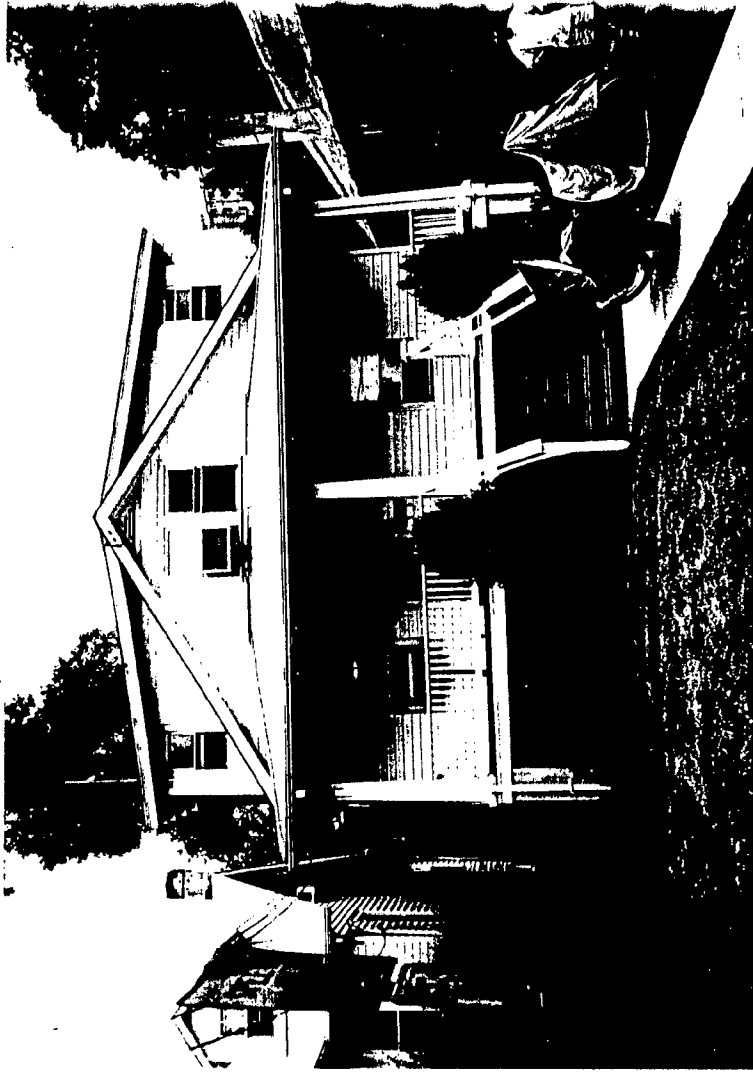
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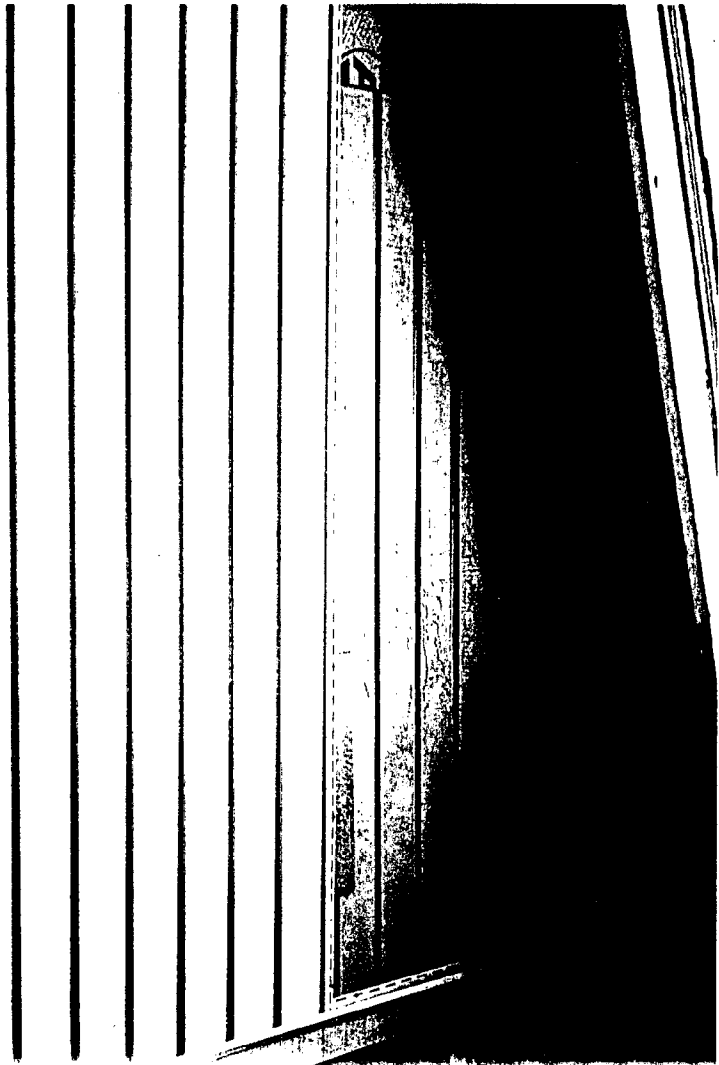


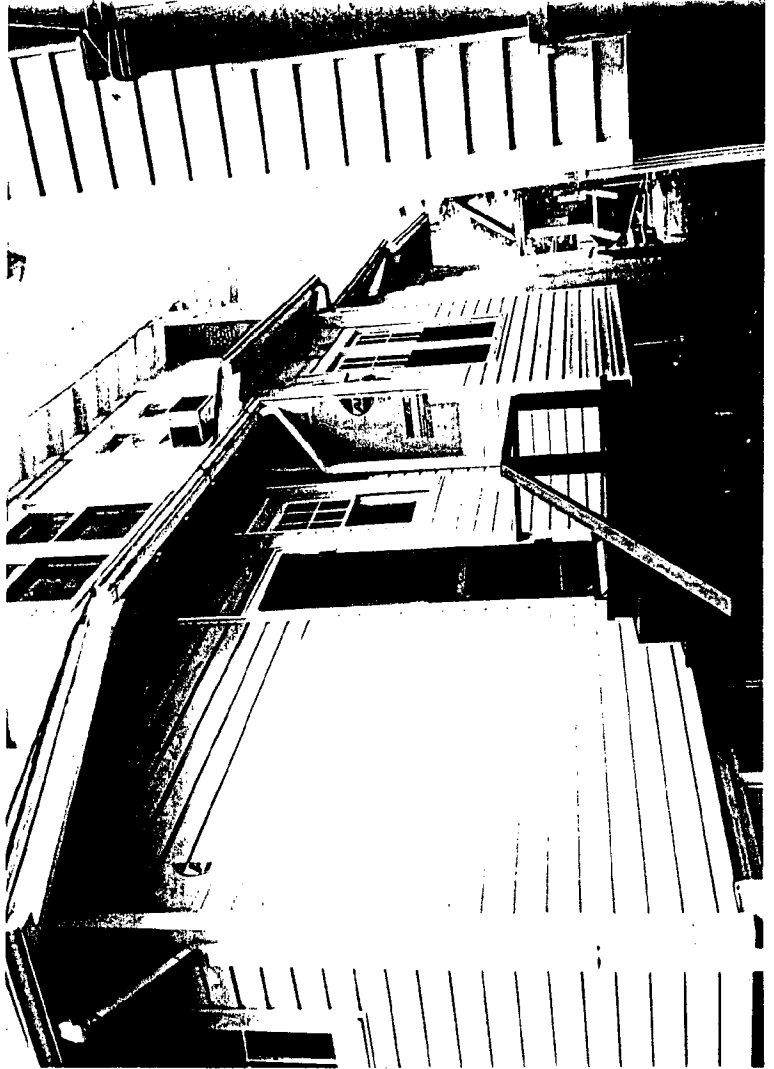


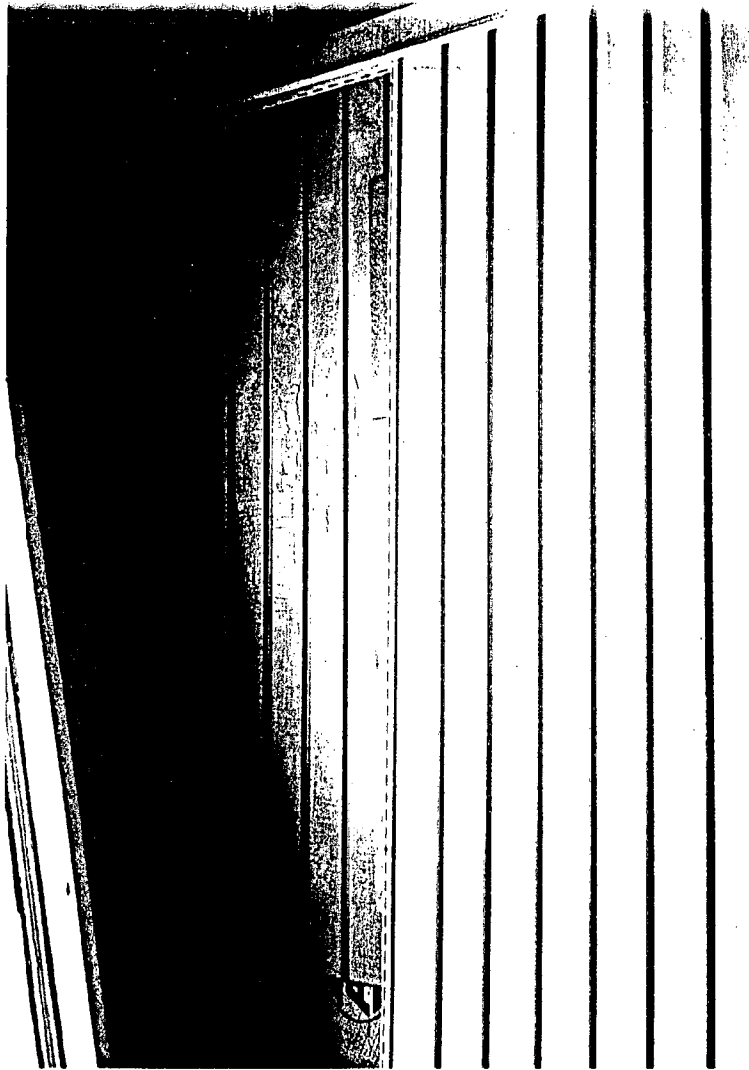














66 WALNUT IN APRIL, 1993

13

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-3939

APPEAL OF THOMAS E. HARDY

BY SANDRA L. MANAHAN

(Hearing held February 2, 1994)

OPINION OF THE BOARD

(Effective date of Opinion, April 21, 1994)

In this case the Board is faced with the conflict between the requirement of the law and the right of an innocent citizen to rely on the advice of a public official. Because we decide this appeal de novo, that is as if no official action had yet been taken, we specifically do not decide that the Historic Preservation Commission (HPC) is estopped from applying the law. Since we sit in the place of HPC in this case, we decide that a Historic Area Work Permit (HAWP) should be issued to the appellant to complete her work.

The record of the past several years will demonstrate this Board's sympathetic treatment of the HPC whenever possible. In this case, however, we find that the unusual circumstances of this case warrant the course of action which we are taking. In no way should our decision in this case be considered a precedent for flaunting the HPC or weakening its efforts to preserve the heritage of our community.

Decision of the Board: Appeal GRANTED

THE REGULATORY CONTEXT

Pursuant to Section 24-A-7(h) of the Montgomery County Code, this Board has "full and exclusive authority to hear and decide all appeals taken from any decisions of the [Historic Preservation] Commission". This Board "has the authority to affirm, modify or reverse the order or decision of the Commission". This same section of the code provides that this Board "will review the Commission's decision de novo".

Because most facts are undisputed, it will do little good to discuss at length the powers of the Commission or the historic status of the property in question.

It will suffice to state that the property in question, 66 Walnut Avenue, Takoma Park (Lot A, Block 23, Gilbert and Wood Subdivision) is located in the Takoma Park Historic District and is a "contributing historical resource" (as defined) in that district.

The present appellants had applied to HPC for a HAWP to install vinyl siding on the subject property on July 1, 1993, (County Exhibit 3). After an analysis by its Staff and after a hearing, HPC denied the application (County Exhibit 11). It is this denial which is before us for review.

The sole question before us is not whether the HPC was right or wrong in denying the HAWP, but whether the HAWP should be issued in the first place. Based on the record compiled before us (including the proceedings before the HPC) we conclude that a HAWP should be issued and reverse the denial of that permit.

THE EVIDENCE AT THE HEARING

Karen-Ann Broe, Esq., County Attorney, appeared on behalf of the HPC and presented witnesses. Sandra Manahan, one of the appellants, appeared pro se.

Gwen Marcus, the Historic Preservation coordinator for the Planning Commission, testified that public notice was given of the designation of Takoma Park as a historic district, and that three hearings were held before this designation. Advertisements were placed in the legal notices section of the newspaper and notices were sent to all premise addresses within the district. There was also extensive newspaper publicity about this action.

There were two different mailings. In 1989 the mailings were sent to the tax owner's address and in 1992, to the premise address.

The witness testified that the "Guidelines for Contributing Resources" provided that "Artificial siding on areas visible from the public right-of-way is discouraged, where such material would replace or damage original building materials that are in good condition" (T. 24).

Pat Parker, a preservation planner for the Planning Commission presented an extensive slide show demonstrating "a conceptual relationship of the house with other houses that are immediately adjacent to it" (T. 32). The slides also demonstrated the changes from the wood trim, especially in the areas of the door jambs and window jambs.

The installation of the vinyl siding is "virtually complete" with only one side "which still has some siding to be installed (T. 34). Because of the build-out required for the installation of the vinyl siding, that siding comes forward on the wood trim. The existing clapboard cannot be considered to be in deteriorated or irreparable condition. The house next to the subject property is covered with vinyl siding (T. 38).

The appellant's contractor has offered to build out the window frames with vinyl siding to eliminate the sunken appearance which HPC found too objectionable, but that was turned down because it would be in furtherance of an alteration that is not deemed permissible (T. 47).

The witness testified that permitting the appellant to use vinyl siding would be inequitable to the neighbors who incurred considerable expenses to comply with HPC requirements only to see someone get away with not observing these requirements. It would also be unfair to those who were concerned with the overall effect of this action on the district and neighborhood in which they lived (T. 52).

Abel Costello, Code Enforcement Supervisor for the City of Takoma Park, testified that the house on the subject property has been a licensed rental unit for the past several years. A 1993 inspection indicated that there was a large amount of peeling paint on the outside, and a small amount of peeling paint in a room inside.

Dean Breniman, an architect and a member of the Rockville Historic District Commission, testified based on his experience with installing artificial siding on residential properties. He stated that he recommends using historically accurate materials on historic buildings. "We never put vinyl siding on our existing historic building" (T.66).

The Department of the Interior Standards recommend that deteriorated architectural features be repaired, not replaced, whenever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture and other visual qualities (T.67). According to the witness, only as a last resort should the building be resurfaced with a vinyl siding (T. 68).

The original wood siding was never painted to pronounce its grain, but was sanded to a uniform texture. On the other hand, the wood grain expressed in the vinyl siding is "just sort of a modern fake appearance that is entirely uncharacteristic of the original material" (T. 69).

The witness thought that the proposal to build out window frames was inappropriate because it obscured the original material. The witness testified that taking the siding off the house would not cause significant damage to the existing siding. It would cost approximately \$1500.00 to remove the siding.

Sandra Manahan, one of the appellants, testified that her father lives in a 24-hour care facility in Adelphi and that the income from the subject property helps to maintain him there. She stated that she did not know that she needed a Historic area work permit to install the siding. She admitted that she knew five years ago that there were plans for a historic designation for the area.

She stated that her family also owns the adjacent property at 64 Walnut Street.

The record contains a copy of a letter written by Travis Aldous, Code Enforcement Officer for the City of Takoma Park, dated July 14, 1993, addressed to the appellant Manahan. The letter recounts the conversation between Mr. Aldous and the appellant which took place on January 20, 1993, during the course of an inspection of the premises. In its pertinent portion, the letter to Miss Manahan states "You also mentioned putting up siding rather than paint and I stated that this was an agreeable solution. As I understand it part of the reasons for the siding as opposed to the paint was that it would be a more permanent solution and not be as costly as having to paint and keep touching up every several years. Also, since this is an older house there was the possible problem of lead paint contamination, another reason for using siding rather than paint." (County Exhibit 13)

The record also contains the testimony of Mr. Hall, the appellant's contractor who stated that after he had been alerted to the problem, he called "Takoma Public Works and three people there were unaware of the need for any permit". At no point did Mr. Aldous even mention the historic status of the property, and no claim is made that he did. Mr. Aldous did not testify in this case.

The record contains several letters from owners of neighboring properties supporting, to various degrees, the appellant's position, based generally on the unusual equities of this case.

The record also contains a statement from Mr. Thomas F. Forhan opposing the grant of the appeal. Mr. Forhan recounts his own experience of spending a considerable amount of money to put himself in compliance with HPC requirements and urges the denial of the appeal because it will create an inequitable situation with respect to myself and the other property owners" who have fully complied with HPC. Mr. Forhan also states his concern that this will set a dangerous precedent for future non-compliance by others.

DISCUSSION BY THE BOARD

As we set out in our discussion of the evidence, it is not disputed that the representative of the building inspector of the City of Takoma Park encouraged the appellant to use vinyl siding on the house. It is equally undisputed that the HPC had not authorized the city building inspector to represent it, and we cannot impute to HPC the actions for someone whom it has not authorized to act on its behalf. Thus, the question of estoppel does not enter into our consideration. Nevertheless, we had before us a witness, the appellant, who testified that she did not know that the house was subject to the HPC control and that she relied on the city building inspector's advice in starting this project. Her testimony was truthful, and we so find. Moreover, HPC did not even seriously try to question her veracity. It is true that HPC went through all of the required notifications and we do not question the adequacy and completeness of the notice. Were it not for the comments from the city building inspector and the appellant's good faith reliance on it, we would have no difficulty in affirming HPC

We are very much aware of the concerns of the neighbors, particularly those who went to great expense to comply with HPC, as to the precedential effect of granting the appeal.

Since we hear this case de novo, we look to the ordinance for guidance as to what we should do, standing in the shoes of HPC, we find that the ordinance commands leniency (see e.g. 24A-8(b)(6) and 24A-8(d)). These provisions are in addition to the "undue hardship" provisions of 24A-8(b)(5).

We conclude that when a citizen in good faith relies on the advice of a public official, the equities must shift in favor of the citizen. To do otherwise would tear into the fabric of our society in which members of the public daily place their reliance on the words of those clothed with authority.

We specifically avoid invoking estoppel against HPC for reasons stated. This is purely a case akin to the theory of detrimental reliance so often used to protect those who placed their trust in the words of others.

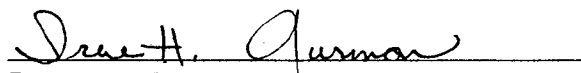
In the final analysis we cannot expect the average citizen to have a greater degree of knowledge regarding licensing matters than is possessed by a public official who is the "Code Enforcement Officer" for the City of Takoma Park. If Mr. Aldous did not know that a HAWP was required for this property, then Miss Manahan cannot be expected to have that knowledge. It would require proof of actual notification to Miss Manahan prior to commencement of the work to overcome our presupposition.

We therefore reverse the HPC's denial of a HAWP to complete the project. We specifically take the position regarding the proffered modification by the appellant's contractor. We will leave it to the HPC to determine whether such modification will help or hinder the laudable purpose of the Commission.

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 appeal.

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

I do hereby certify that the foregoing Opinion was officially entered in the Opinion Book of the County Board of Appeals this 21st day of April, 1994.


Irene H. Gurman
Clerk to the Board

NOTE: 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.

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-3939

APPEAL OF THOMAS E. HARDY
BY SANDRA L. MANAHAN
(Hearing held February 2, 1994)

OPINION OF THE BOARD
(Effective date of Opinion, April 21, 1994)

In this case the Board is faced with the conflict between the requirement of the law and the right of an innocent citizen to rely on the advice of a public official. Because we decide this appeal de novo, that is as if no official action had yet been taken, we specifically do not decide that the Historic Preservation Commission (HPC) is estopped from applying the law. Since we sit in the place of HPC in this case, we decide that a Historic Area Work Permit (HAWP) should be issued to the appellant to complete her work.

The record of the past several years will demonstrate this Board's sympathetic treatment of the HPC whenever possible. In this case, however, we find that the unusual circumstances of this case warrant the course of action which we are taking. In no way should our decision in this case be considered a precedent for flaunting the HPC or weakening its efforts to preserve the heritage of our community.

Decision of the Board: Appeal GRANTED

THE REGULATORY CONTEXT

Pursuant to Section 24-A-7(h) of the Montgomery County Code, this Board has "full and exclusive authority to hear and decide all appeals taken from any decisions of the [Historic Preservation] Commission". This Board "has the authority to affirm, modify or reverse the order or decision of the Commission". This same section of the code provides that this Board "will review the Commission's decision de novo".

Because most facts are undisputed, it will do little good to discuss at length the powers of the Commission or the historic status of the property in question.

It will suffice to state that the property in question, 66 Walnut Avenue, Takoma Park (Lot A, Block 23, Gilbert and Wood Subdivision) is located in the Takoma Park Historic District and is a "contributing historical resource" (as defined) in that district.

The present appellants had applied to HPC for a HAWP to install vinyl siding on the subject property on July 1, 1993, (County Exhibit 3). After an analysis by its Staff and after a hearing, HPC denied the application (County Exhibit 11). It is this denial which is before us for review.

The sole question before us is not whether the HPC was right or wrong in denying the HAWP, but whether the HAWP should be issued in the first place. Based on the record compiled before us (including the proceedings before the HPC) we conclude that a HAWP should be issued and reverse the denial of that permit.

THE EVIDENCE AT THE HEARING

Karen-Ann Broe, Esq., County Attorney, appeared on behalf of the HPC and presented witnesses. Sandra Manahan, one of the appellants, appeared pro se.

Gwen Marcus, the Historic Preservation coordinator for the Planning Commission, testified that public notice was given of the designation of Takoma Park as a historic district, and that three hearings were held before this designation. Advertisements were placed in the legal notices section of the newspaper and notices were sent to all premise addresses within the district. There was also extensive newspaper publicity about this action.

There were two different mailings. In 1989 the mailings were sent to the tax owner's address and in 1992, to the premise address.

The witness testified that the "Guidelines for Contributing Resources" provided that "Artificial siding on areas visible from the public right-of-way is discouraged, where such material would replace or damage original building materials that are in good condition" (T. 24).

Pat Parker, a preservation planner for the Planning Commission presented an extensive slide show demonstrating "a conceptual relationship of the house with other houses that are immediately adjacent to it" (T. 32). The slides also demonstrated the changes from the wood trim, especially in the areas of the door jambs and window jambs.

The installation of the vinyl siding is "virtually complete" with only one side "which still has some siding to be installed (T. 34). Because of the build-out required for the installation of the vinyl siding, that siding comes forward on the wood trim. The existing clapboard cannot be considered to be in deteriorated or irreparable condition. The house next to the subject property is covered with vinyl siding (T. 38).

The appellant's contractor has offered to build out the window frames with vinyl siding to eliminate the sunken appearance which HPC found too objectionable, but that was turned down because it would be in furtherance of an alteration that is not deemed permissible (T. 47).

The witness testified that permitting the appellant to use vinyl siding would be inequitable to the neighbors who incurred considerable expenses to comply with HPC requirements only to see someone get away with not observing these requirements. It would also be unfair to those who were concerned with the overall effect of this action on the district and neighborhood in which they lived (T. 52).

Abel Costello, Code Enforcement Supervisor for the City of Takoma Park, testified that the house on the subject property has been a licensed rental unit for the past several years. A 1993 inspection indicated that there was a large amount of peeling paint on the outside, and a small amount of peeling paint in a room inside.

Dean Breniman, an architect and a member of the Rockville Historic District Commission, testified based on his experience with installing artificial siding on residential properties. He stated that he recommends using historically accurate materials on historic buildings. "We never put vinyl siding on our existing historic building" (T.66).

The Department of the Interior Standards recommend that deteriorated architectural features be repaired, not replaced, whenever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture and other visual qualities (T.67). According to the witness, only as a last resort should the building be resurfaced with a vinyl siding (T. 68).

The original wood siding was never painted to pronounce its grain, but was sanded to a uniform texture. On the other hand, the wood grain expressed in the vinyl siding is "just sort of a modern fake appearance that is entirely uncharacteristic of the original material" (T. 69).

The witness thought that the proposal to build out window frames was inappropriate because it obscured the original material. The witness testified that taking the siding off the house would not cause significant damage to the existing siding. It would cost approximately \$1500.00 to remove the siding.

Sandra Manahan, one of the appellants, testified that her father lives in a 24-hour care facility in Adelphi and that the income from the subject property helps to maintain him there. She stated that she did not know that she needed a Historic area work permit to install the siding. She admitted that she knew five years ago that there were plans for a historic designation for the area.

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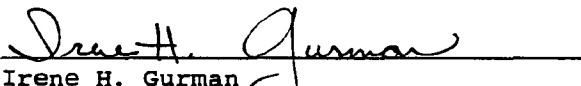
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Montgomery County Government

July 16, 1993

Beverly Habada
City Administrator
City of Takoma Park
7500 Maple Avenue
Takoma Park, MD 20912

Dear Ms. Habada:

I am writing because I am very concerned about testimony that we received at our last Historic Preservation Commission meeting (July 14, 1993) concerning information which a contractor and a property owner in Takoma Park said they got from City of Takoma Park staff.

The issue before the Historic Preservation Commission was the application of artificial siding on a contributing resource within the Takoma Park Historic District, located at 66 Walnut Avenue. The siding job was undertaken without an approved Historic Area Work Permit and was virtually complete before the contractor could be contacted to stop work. Therefore, the Historic Preservation Commission was essentially reviewing a retroactive Historic Area Work Permit request.

The contractor, John Hall, is also a resident of the Takoma Park Historic District. As part of his testimony, he informed the Historic Preservation Commission that City of Takoma Park staff had told the property owner that artificial siding was an acceptable method of correcting housing code deficiencies on this structure. He also produced a letter, signed by Travis Aldous of your staff, confirming that such a conversation had taken place (see attachment).

Based on the conversation which the owner had with your staff, they did not consult the Historic Preservation Commission and proceeded with work which is not in keeping with Takoma Park Guidelines, adopted as part of the designation. At the July 14th meeting, the owner's request for retroactive approval of this work was denied by the Historic Preservation Commission.

It should also be noted that, according to the contractor, he spoke with approximately three staffpeople in the Takoma Park City Hall, even after stopping the work on the siding job, and that none of them knew about the historic district or its regulations.

Historic Preservation Commission

~~51 Monroe Street, Rockville, Maryland 20850-2419, 301/217-3635~~
8787 Georgia Avenue, Silver Spring, MD 20910 (301)495-4570

The Takoma Park Historic District in Montgomery County has been in existence for nearly one year. In addition to all of the publicity related to the designation process, the Historic Preservation Commission sent each property within the district a packet of information last August which clearly explained the benefits and requirement of the new district designation.


Even with these efforts, it is likely that some property owners may still not understand or be aware of the district regulations. We intend to continue to make every effort that we can to educate and provide information to property owners.

However, it is of grave concern to the Historic Preservation Commission that there seems to be such a lack of knowledge and/or understanding of the historic district regulations among City of Takoma Park staff. It is essential that property owners be given correct and complete information on historic preservation issues whenever they contact a branch of government - be it the Historic Preservation Commission, the County's Department of Environmental Protection, or City of Takoma Park staff. Dissemination of correct and complete information will help to avoid very difficult and untenable cases, such as the one which the Commission dealt with earlier this week.

We would like to discuss with you ways in which the City of Takoma Park staff can become better informed about historic preservation issues in the Takoma Park Historic District. If it would be helpful, our preservation staff can be available to conduct training sessions with City of Takoma Park staff, particularly housing/code inspectors. In addition, we would be glad to supply any written material which would help to facilitate this education process.

I look forward to hearing from you so that we can discuss this matter further and make plans to avoid future problems.

Sincerely,



Albert B. Randall
Chairman, HPC

HISTORIC PRESERVATION COMMISSION STAFF REPORT

Address: 66 Walnut Avenue	Meeting Date: 7/14/93
Resource: Takoma Park Hist. District	Review: HAWP/Alteration
Case Number: 37/3-93W	Tax Credit: No
Public Notice: 6/30/93	Report Date: 7/7/93
Applicant: T. Hardy/S. Manahan	Staff: Patricia Parker
PROPOSAL: Alteration	RECOMMEND: Deny

The proposed project involves the application of vinyl siding on a contributing historic resource in the Takoma Park Historic District. This work is virtually complete and was not reviewed by the HPC prior to initiation of the project.

Last August, information packets were mailed to all residents within the newly approved Takoma Park Historic District in an effort to inform them about the County's historic preservation program and the requirements/benefits of historic designation. The applicant is not required to apply for a building permit for the installation of vinyl siding, but does need a Historic Area Work Permit (HAWP) for such a project. Pages 6-12 of the packet illustrate the current condition of the property.

If the applicant had applied for a HAWP prior to beginning the work, the Commission could have informed the owner about the use of the County's historic property tax credit not only for painting designated structures but also for repair of damaged clapboard.

STAFF DISCUSSION

This is an difficult case in that the applicant has proceeded to install vinyl siding on a contributing resource in the historic district, without submitting a HAWP before commencement of work.

The HAWP has now been submitted, stating that the project intends to "duplicate original wood siding...." and that "the new siding has contributed to this (deteriorated) condition". Specifically, the applicant states that the original clapboard was in deteriorated condition, particularly on the rear elevation, which is now covered with vinyl siding. Staff did not see the siding on the rear elevation; however, in staff's opinion, the remaining exposed clapboard on the side elevation does not appear to be unrepairable. The applicant also states that, following application of the vinyl siding, the current condition of the

clapboard is worse, as a result of nailing the vinyl siding to the clapboard.

Staff would note that, although the applied vinyl siding is a 5" Dutch lap style matching the existing wood clapboard, it does not replicate the pre-existing conditions in several respects. First, the front gable of the house was clad with wood shingles, which are now covered with vinyl siding (see photo taken in April, 1993 on page 13 of this packet). Second, the use of J-channels around all the door and window openings is not only a very visible indication of the use of vinyl siding, but has "sunk" the level of the wooden trim relative to the new wall surface. Together, these two changes in the original appearance of the house have fundamentally altered its material character.

STAFF RECOMMENDATION

The staff recommends that the Commission find this proposal inconsistent with the purposes of Chapter 24A, which asserts as a public benefit the protection of the historic and architectural character of historic houses and designated neighborhoods, and with the Secretary of the Interior's Standards; particularly 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 or 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.



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 Thomas Hardy / Heather Munschen TELEPHONE NO. 301 868-6236 ✓
(Contract/Purchaser) (Include Area Code)

ADDRESS 66 Walnut Ave Takoma Park Md 20917 8603 Pinta St Clinton Md 20735
STATE CITY ZIP

CONTRACTOR Thermal Control Co. TELEPHONE NO. 301 220 1144
CONTRACTOR REGISTRATION NUMBER 12013

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

REGISTRATION NUMBER _____

LOCATION OF BUILDING/PREMISE

House Number 66 Street Walnut Ave

Town/City Takoma Park Md Election District _____

Nearest Cross Street Westmoreland Ave

Lot _____ Block _____ 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/Wall (complete Section 4)	Shed	Solar
						Woodburning Stove

Other Antique

1B. CONSTRUCTION COSTS ESTIMATE \$ 619200

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

1D. INDICATE NAME OF ELECTRIC UTILITY COMPANY DEPCO

1E. IS THIS PROPERTY A HISTORICAL SITE? Contributing resource

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.

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:

Two story frame house - contributing resource - Curb existing
5" Dutch Lap wood siding with vinyl 5" Dutch Lap siding.
Foam underlayment will be used.

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

The appearance of this house will not be changed significantly.
The new Norandex vinyl siding is an exact duplication of
the original 5" Dutch Lap. Norandex siding has a low gloss
appearance.

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:

Duplicate original wood siding only. NO trim or soffit work will be done

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

exact duplicate in vinyl

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

Original siding was in deteriorated condition. Installation of the new siding has contributed to this condition.

3. Project Plan:

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

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

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

5. Design Features: Schematic construction plans drawn to scale at 1/8" = 1'-0", or 1/4" = 1'-0", indicating location, size and general type of walls, window and door openings, roof profiles, and other fixed features of both the existing resource(s) and the proposed work.
6. Facades: Elevation drawings, drawn to scale at 1/8" = 1'-0", or 1/4" = 1'-0", clearly indicating proposed work in relation to existing construction and, when appropriate, context. All materials and fixtures proposed for exterior must be noted on the elevations drawings. An existing and a proposed elevation drawing of each facade affected by the proposed work is required.
7. Materials Specifications: General description of materials and manufactured items proposed for incorporation in the work of the project.
8. Photos of Resources: Clearly labeled color photographic prints of each facade of existing resource, including details of the affected portions. All labels should be placed on the front of photographs.
9. Photos of Context: Clearly labeled color photographic prints of the resource as viewed from the public right-of-way and from adjoining properties, and of the adjoining and facing properties.

Color renderings and models are encouraged, but not generally required.

Applicant shall submit 2 copies of all materials in a format no larger than 8 1/2" x 14"; black and white photocopies of color photos are acceptable with the submission of one original photo.

10. Addresses of Adjacent Property Owners. For all projects, provide an accurate list of adjacent and confronting property owners (not tenants), including names, addresses, and zip codes. This list should include the owners of all lots or parcels which adjoin the parcel in question, as well as the owner(s) of lot(s) or parcel(s) which lie directly across the street/highway from the parcel in question. If you need assistance obtaining this information, call the Department of Assessments and Taxation, at 279-1355.

1. Name Thomas Hardy - Sandy Menahan
right side Address 64 Walnut Ave
City/Zip Takoma Park Md 20912
2. Name _____
left side Address 68 Walnut Ave
City/Zip Takoma Park, Md 20912

3. Name _____
Address 6906 Westmoreland Ave
seen City/Zip Telomus Park, Md 20912

4. Name _____
across street Address 61 Walnut Ave
City/Zip Telomus Park, Md 20912

5. Name _____
Address _____
City/Zip _____

6. Name _____
Address _____
City/Zip _____

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8. Name _____
Address _____
City/Zip _____

1757E



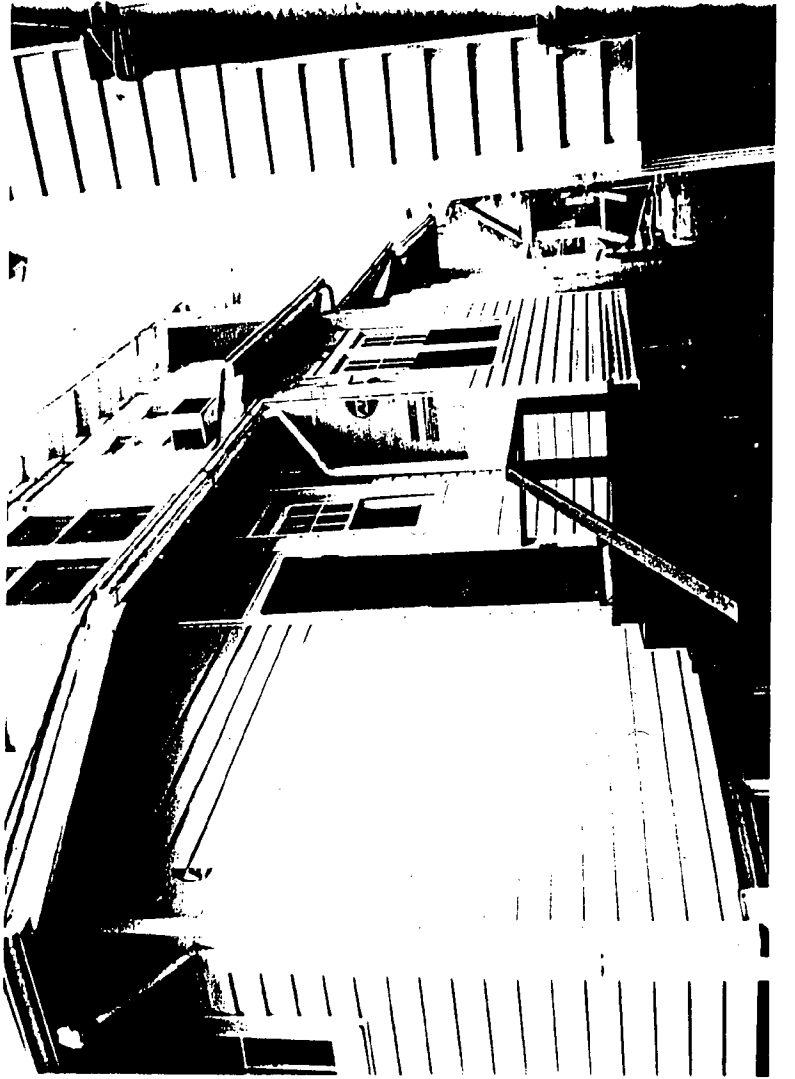


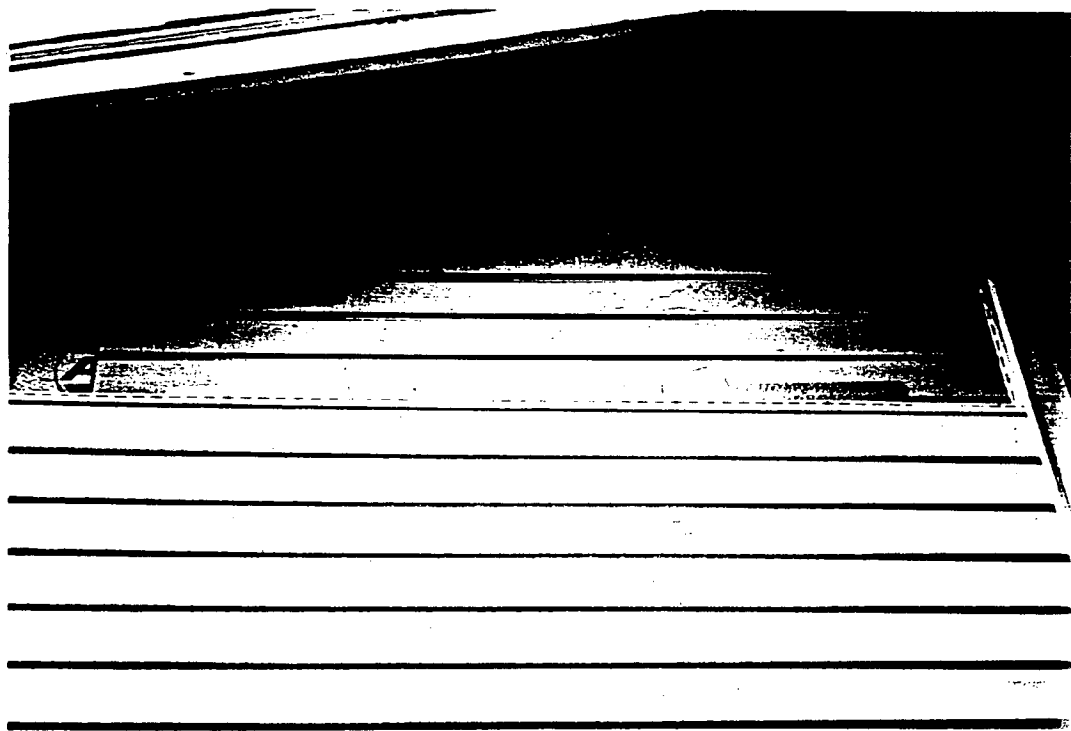






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(13)

66 WALNUT IN APRIL, 1993



Post-It™ brand fax transmittal memo 7671 # of pages > 15

To	John Hall	From	Patricia Parker
Co.		Co.	M-NGPPC
Dept.		Phone #	(301) 270-4186
Fax #		Fax #	(301) 270-4186

HISTORIC PRESERVATION COMMISSION STAFF REPORT

Address: 66 Walnut Avenue	Meeting Date: 7/14/93
Resource: Takoma Park Hist. District	Review: HAWP/Alteration
Case Number: 37/3-93W	Tax Credit: No
Public Notice: 6/30/93	Report Date: 7/7/93
Applicant: T. Hardy/S. Manahan	Staff: Patricia Parker
PROPOSAL: Alteration	RECOMMEND: Deny

The proposed project involves the application of vinyl siding on a contributing historic resource in the Takoma Park Historic District. This work is virtually complete and was not reviewed by the HPC prior to initiation of the project.

Last August, information packets were mailed to all residents within the newly approved Takoma Park Historic District in an effort to inform them about the County's historic preservation program and the requirements/benefits of historic designation. The applicant is not required to apply for a building permit for the installation of vinyl siding, but does need a Historic Area Work Permit (HAWP) for such a project. Pages 6-12 of the packet illustrate the current condition of the property.

If the applicant had applied for a HAWP prior to beginning the work, the Commission could have informed the owner about the use of the County's historic property tax credit not only for painting designated structures but also for repair of damaged clapboard.

STAFF DISCUSSION

This is an difficult case in that the applicant has proceeded to install vinyl siding on a contributing resource in the historic district, without submitting a HAWP before commencement of work.

The HAWP has now been submitted, stating that the project intends to "duplicate original wood siding...." and that "the new siding has contributed to this (deteriorated) condition". Specifically, the applicant states that the original clapboard was in deteriorated condition, particularly on the rear elevation, which is now covered with vinyl siding. Staff did not see the siding on the rear elevation; however, in staff's opinion, the remaining exposed clapboard on the side elevation does not appear to be unrepairable. The applicant also states that, following application of the vinyl siding, the current condition of the

clapboard is worse, as a result of nailing the vinyl siding to the clapboard.

Staff would note that, although the applied vinyl siding is a 5" Dutch lap style matching the existing wood clapboard, it does not replicate the pre-existing conditions in several respects. First, the front gable of the house was clad with wood shingles, which are now covered with vinyl siding (see photo taken in April, 1993 on page 13 of this packet). Second, the use of J-channels around all the door and window openings is not only a very visible indication of the use of vinyl siding, but has "sunk" the level of the wooden trim relative to the new wall surface. Together, these two changes in the original appearance of the house have fundamentally altered its material character.

STAFF RECOMMENDATION

The staff recommends that the Commission find this proposal inconsistent with the purposes of Chapter 24A, which asserts as a public benefit the protection of the historic and architectural character of historic houses and designated neighborhoods, and with the Secretary of the Interior's Standards; particularly 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 or 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.



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 Thomas Hardy / Sandra Munschen TELEPHONE NO. 301 868-6236 ✓
(Contract/Purchaser) (Include Area Code)

ADDRESS 66 Walnut Ave Takoma Park Md 20912 8603 Pinta St Clinton Md 20735
CITY STATE ZIP

CONTRACTOR Thomas Hardy Co. TELEPHONE NO. 301 220 1144
CONTRACTOR REGISTRATION NUMBER 1203

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

REGISTRATION NUMBER _____

LOCATION OF BUILDING/PREMISE

House Number 66 Street Walnut Ave

Town/City Takoma Park Md Election District _____

Nearest Cross Street Westmoreland Ave

Lot _____ Block _____ 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/Wall (complete Section 4)	Shed	Solar
						Woodburning Stove
						Other <u>Setback</u>

1B. CONSTRUCTION COSTS ESTIMATE \$ 619200

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

1D. INDICATE NAME OF ELECTRIC UTILITY COMPANY DEPCO

1E. IS THIS PROPERTY A HISTORICAL SITE? Contributing resource

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.

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:

Two story frame house - contributing resource - cover existing
5" Dutch Lap wood siding with vinyl 5" Dutch Lap siding.
Foam underlayment will be used.

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

The appearance of this house will not be changed significantly.
The new Norandex vinyl siding is an exact duplication of
the original 5" Dutch Lap. Norandex siding has a low gloss
appearance.

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:

Duplicate original wood siding only. No trim or soffit work will be done

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

exact duplicate in vinyl

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

Original siding was in deteriorated condition. Installation of the new siding has contributed to this condition.

3. Project Plan:

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

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

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

5. Design Features: Schematic construction plans drawn to scale at 1/8" = 1'-0", or 1/4" = 1'-0", indicating location, size and general type of walls, window and door openings, roof profiles, and other fixed features of both the existing resource(s) and the proposed work.
6. Facades: Elevation drawings, drawn to scale at 1/8" = 1'0", or 1/4" = 1'0", clearly indicating proposed work in relation to existing construction and, when appropriate, context. All materials and fixtures proposed for exterior must be noted on the elevations drawings. An existing and a proposed elevation drawing of each facade affected by the proposed work is required.
7. Materials Specifications: General description of materials and manufactured items proposed for incorporation in the work of the project.
8. Photos of Resources: Clearly labeled color photographic prints of each facade of existing resource, including details of the affected portions. All labels should be placed on the front of photographs.
9. Photos of Context: Clearly labeled color photographic prints of the resource as viewed from the public right-of-way and from adjoining properties, and of the adjoining and facing properties.

Color renderings and models are encouraged, but not generally required.

Applicant shall submit 2 copies of all materials in a format no larger than 8 1/2" x 14"; black and white photocopies of color photos are acceptable with the submission of one original photo.

10. Addresses of Adjacent Property Owners. For all projects, provide an accurate list of adjacent and confronting property owners (not tenants), including names, addresses, and zip codes. This list should include the owners of all lots or parcels which adjoin the parcel in question, as well as the owner(s) of lot(s) or parcel(s) which lie directly across the street/highway from the parcel in question. If you need assistance obtaining this information, call the Department of Assessments and Taxation, at 279-1355.

1. Name Thomas Herby - Sandy Munsie
right side Address 64 Walnut Ave
City/Zip Tuxedo Park, MD 20912
2. Name _____
left side Address 68 Walnut Ave
City/Zip Tuxedo Park, MD 20912

3.

Name _____

Address 6906 Westmoreland Ave

near

City/Zip Telomus Park, Md 20912

4.

Name _____

across street

Address 61 Walnut Ave

City/Zip Telomus Park, Md 20912

5.

Name _____

Address _____

City/Zip _____

6.

Name _____

Address _____

City/Zip _____

7.

Name _____

Address _____

City/Zip _____

8.

Name _____

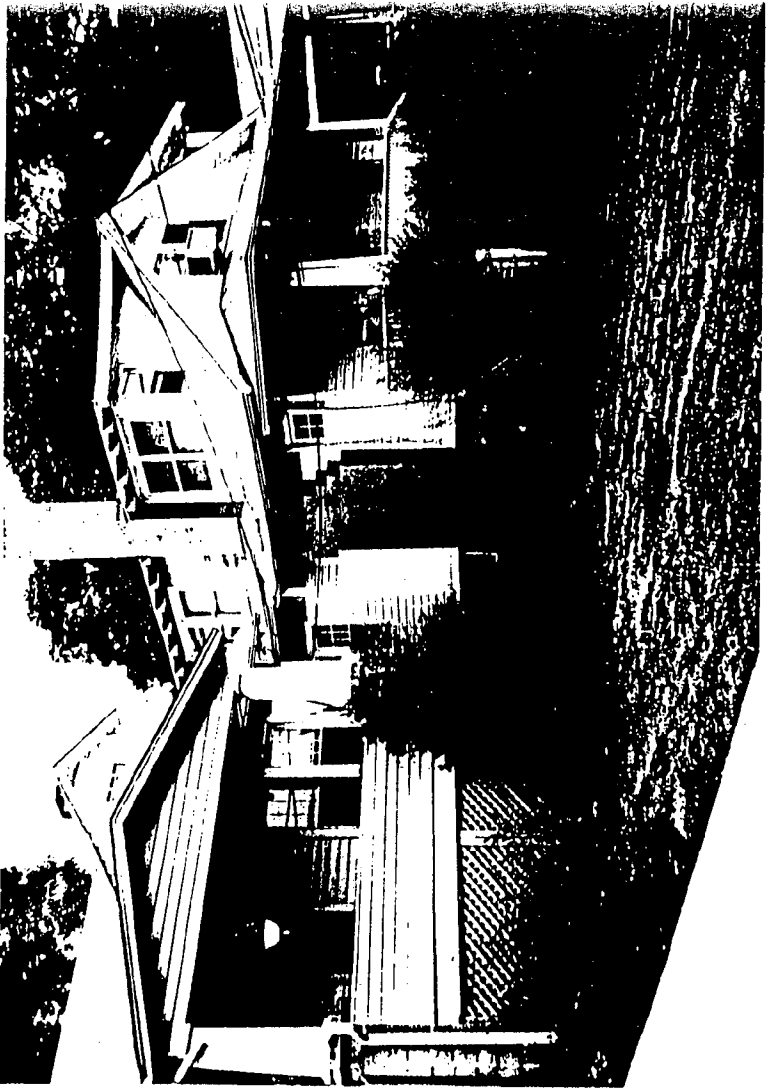
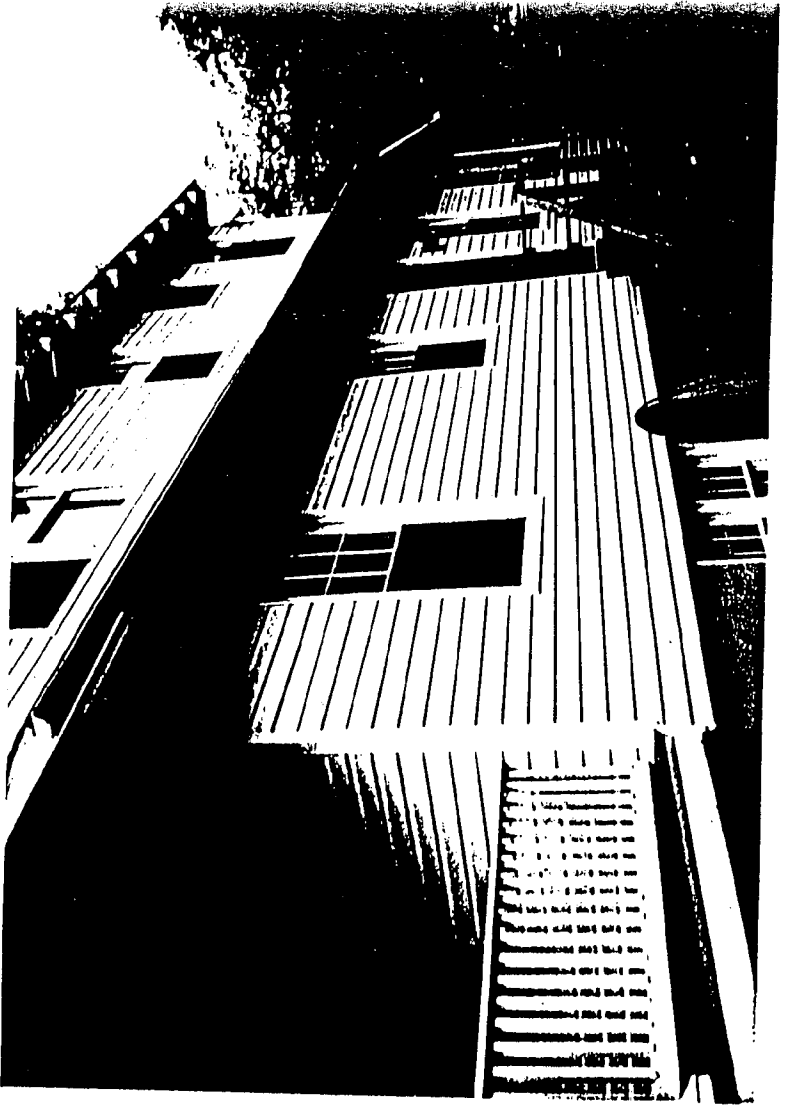
Address _____

City/Zip _____

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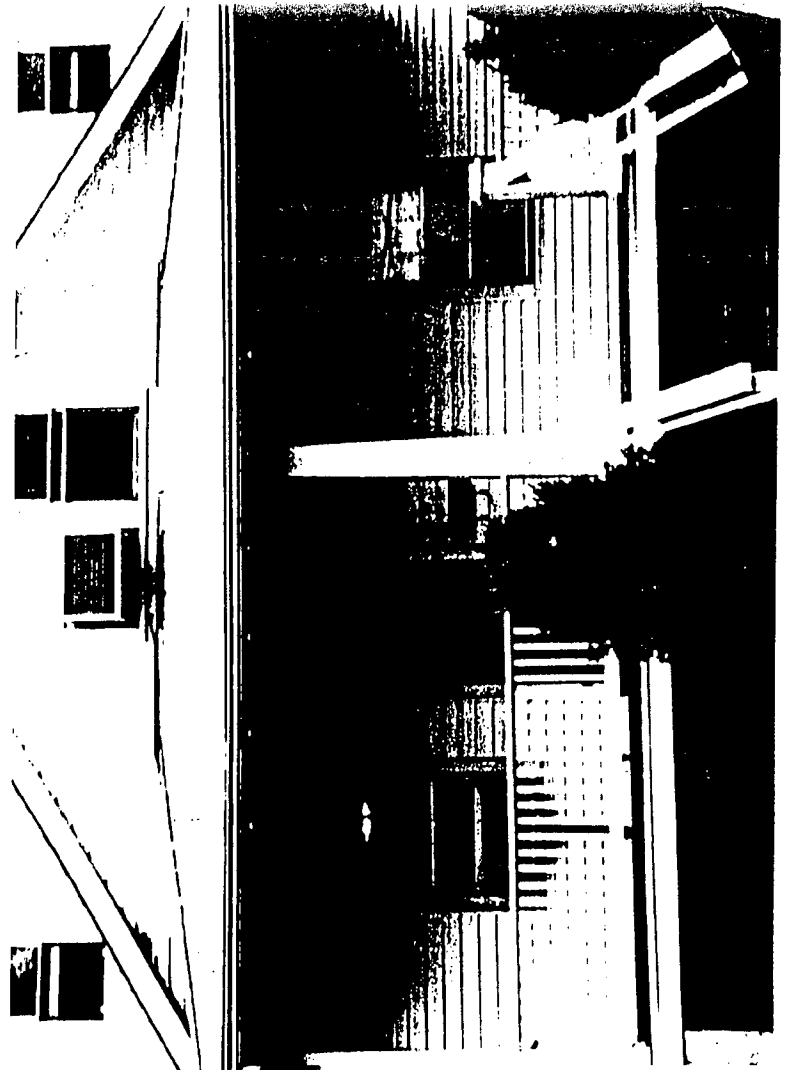
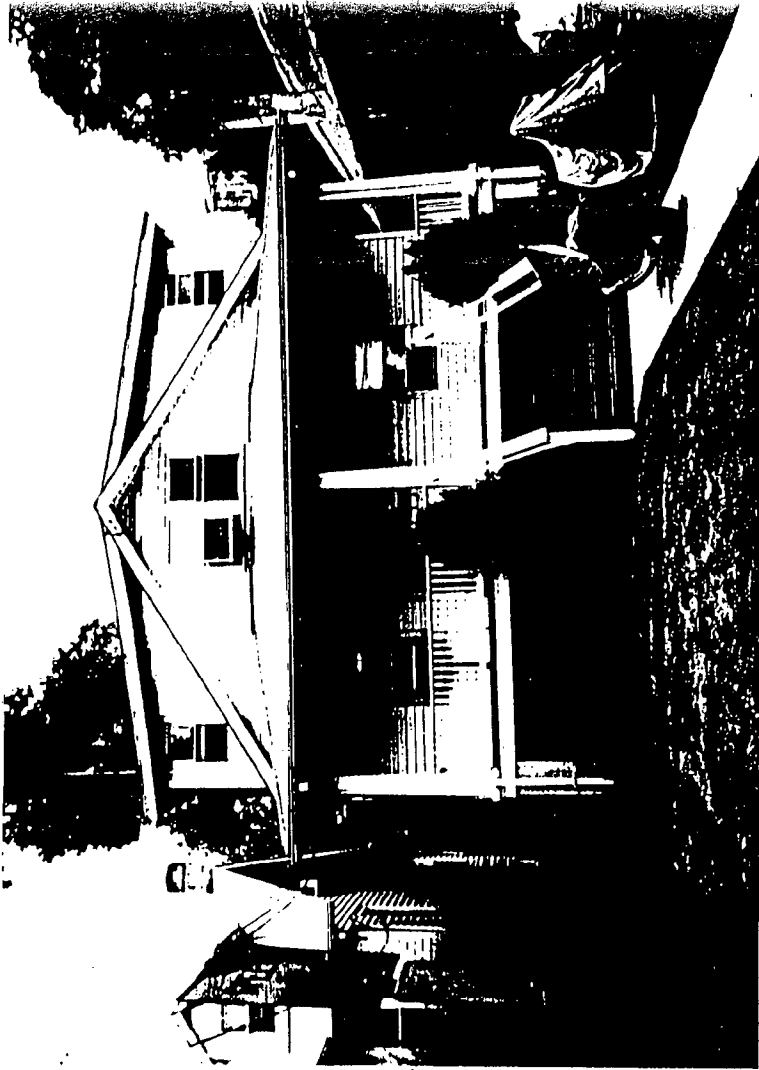
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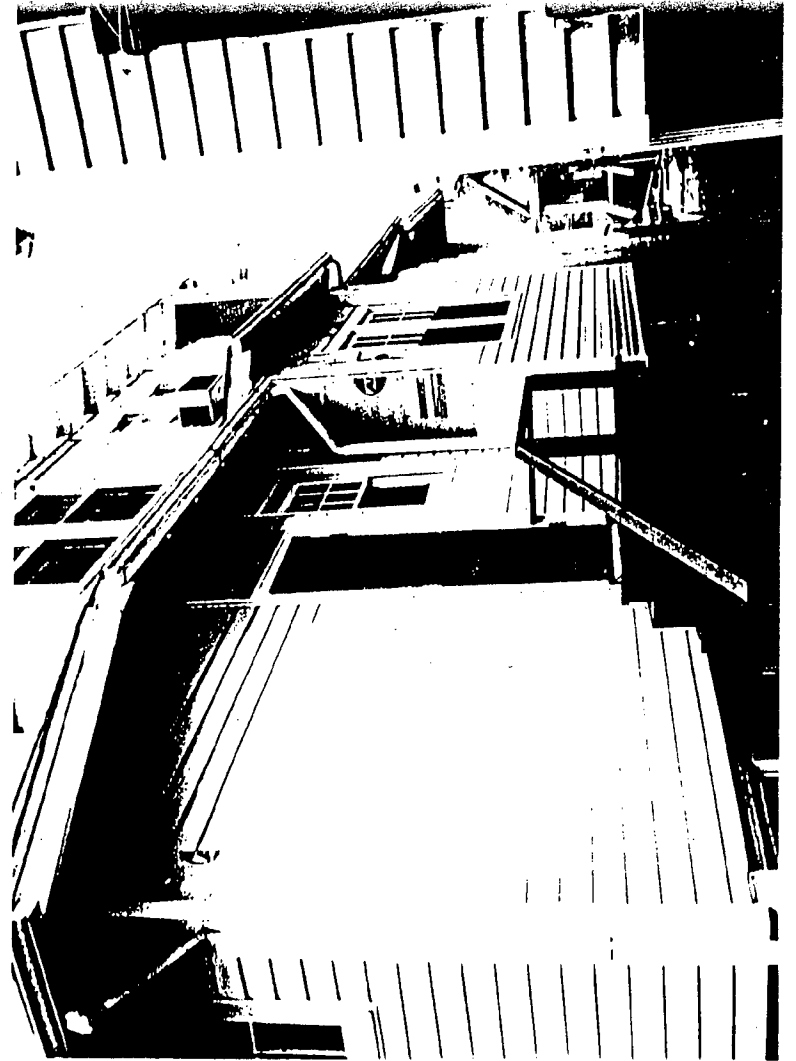
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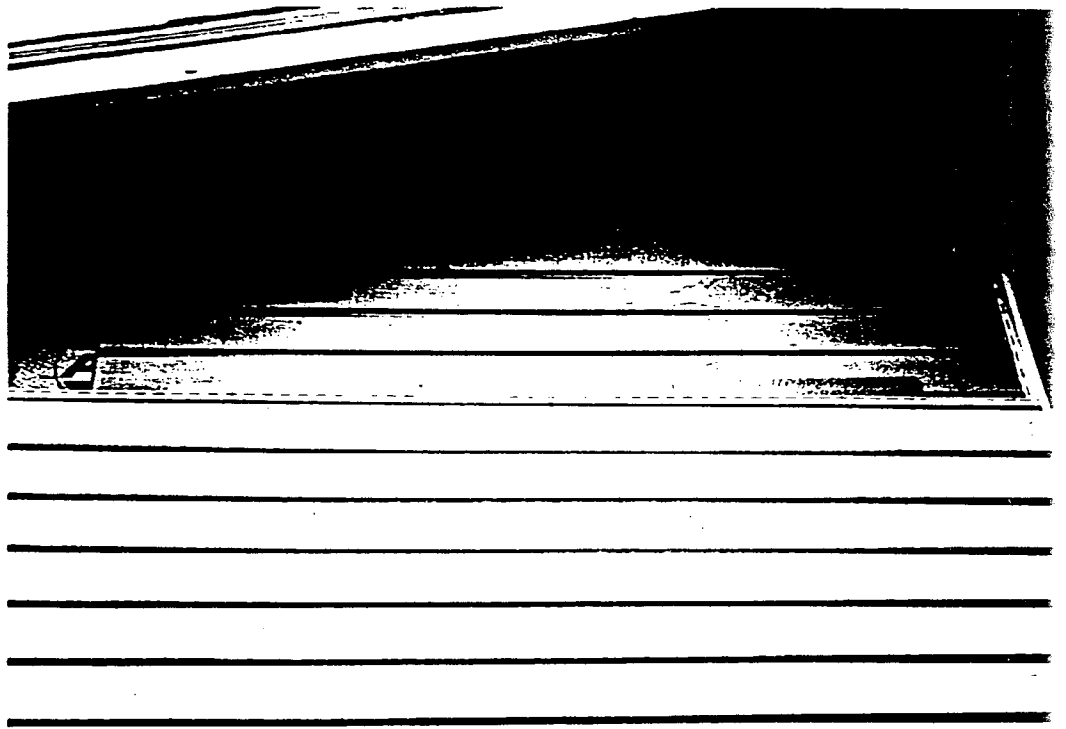


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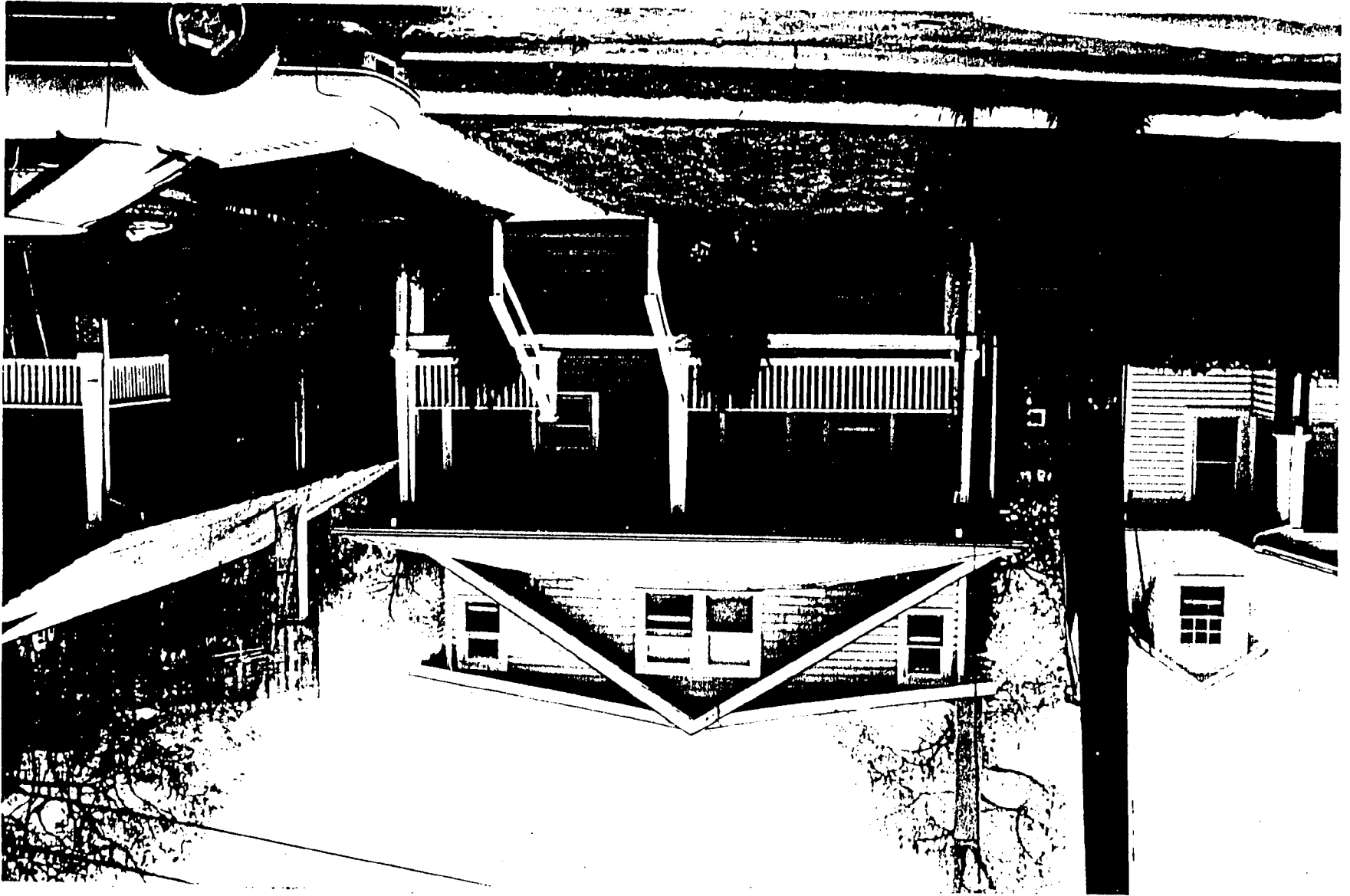








66 WALNUT IN APRIL, 1993





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 Thomas Harely / Sandra Mansueti TELEPHONE NO. 301 868-6236 ✓
(Contract/Purchaser) (Include Area Code)

ADDRESS 1603 Painters Ct Clinton Md 20735
CITY STATE ZIP

CONTRACTOR Thermal Const. Co. TELEPHONE NO. 301 220 1144
CONTRACTOR REGISTRATION NUMBER 17013

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

REGISTRATION NUMBER _____

LOCATION OF BUILDING/PREMISE

House Number 66 Street Walnut Ave

Town/City Talman Park Md Election District _____

Nearest Cross Street Westmoreland Ave

Lot _____ Block _____ 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/Wall (complete Section 4)	Shed	Solar
						Woodburning Stove

Other sidings

1B. CONSTRUCTION COSTS ESTIMATE \$ 619200

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

1D. INDICATE NAME OF ELECTRIC UTILITY COMPANY DFPCO

1E. IS THIS PROPERTY A HISTORICAL SITE? Contributing resource

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.

Thomas Harely Signature of owner or authorized agent (agent must have signature notarized on back) Date 7/11/93

APPROVED _____ For Chairperson, Historic Preservation Commission

DISAPPROVED X Signature Albert B Randall Date 7-14-93

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

DATE FILED: _____ PERMIT FEE: \$ _____

DATE ISSUED: _____ BALANCE \$ _____

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

SEE REVERSE SIDE FOR INSTRUCTIONS

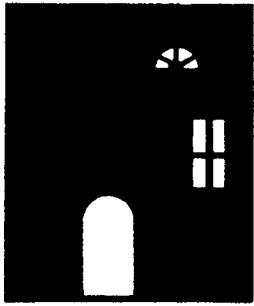
Nancy,

The enclosed photo of 66 Walnut Avenue was taken a few days before the preliminary hearing for our house, April 1993 as I recall.

The property has been well kept since I moved into the neighborhood in 1987. The paint on the shingled gable end looks a little shabby, but overall the siding has been kept well protected. From the street, the siding on the two sides of the house appeared to be in similar condition to the siding you see here behind the front porch and on the dormers.

I would appreciate being made aware of opportunities for public comment on this case.

Tom Forhan
(202) 357-3930



TAKOMA
SALES & SERVICE

Making homes beautiful
since 1938

July 14, 1993

HISTORIC PRESERVATION COMMISSION

SUBJECT: 66 Walnut Avenue
Owner: Sandra Manahan

The above-mentioned property is between 60 - 70 years old. The paint on the siding is certain to contain lead. If the house were to be stripped in order to remove the paint down to the bare wood, it would cost approximately \$12 - \$15,000.

There are numerous underground springs on the property. This does, to a degree, have an effect on the longevity of the paint. Right next door, at 64 Walnut Avenue, there is actually water coming up between the sidewalk and the house.

If the vinyl siding would have to be removed, considering the age of the house and all of the nails that have been put in because of the siding and the insulation, this would greatly reduce the longevity of the paint adhesion. This would be due to having to fill numerous nail holes with wood putty.

The vinyl siding that has been installed is an excellent product with a lifetime guarantee. The beauty of it is that it has a wood appearance.

I strongly recommend vinyl siding in this situation.

Sincerely,

Roy Shields
President

CASE # A-779

We are sincerely sorry for having to bring this case before this Court as we had no thought of not following everyone's rules and building codes. Only after the siding was almost completed was our contractor advised that a permit was needed from The Historical Preservation Commission and to stop work. We were not contacted at all. The Commissioners freely stated at the hearing that the area was not posted as being included as an historical area and that the existing sign in Takoma Park proper has an old map which does not include our area in Takoma Park. They further stated they did not have the funds to correct this situation. Our contractor recently received a call from a lady who lives on Carroll Avenue (the main part of the city). The first thing he asked her was if she lived in the Historical District and she said she did not know, so we aren't alone in not knowing we needed to apply for a permit.

This house, as you can see from the pictures taken by the Historical Commission staff and Mr. Hall (which I would like to have included with this presentation) is not an example of what was originally built in Takoma. It started out as a typical one-story bungalow that you still find in Takoma Park -- a pitched roof, porch all across the front, and steps going down the center. It has been altered several times during the years. When my Father purchased the house in the '30s, rooms had been added to the back and also a small porch and side entrance. During World War II when the Government was asking area residents to help house people who were coming to Washington to help in the war effort, the roof was literally raised and a second story was added for an apartment.

I was born in this house and our family has always tried to take as good care of it as possible.

We put vinyl siding on the house next door (64 Walnut) about 3 years ago (with which we are well pleased). We had wanted to do 66 at the same

time, but the funds were not available. It didn't seem to matter to the banking community that the house was free of mortgages or liens. They wanted someone with a steady job, and rental income did not seem to count. My Dad has always paid cash and hence has no recent credit history. As he does not reside in the house, it precludes many other types of loans such as the low cost loans available through the City of Takoma Park, which we recently verified again with Jean Sickle with the Dept. of Housing and Community Development, home equity loans, and even the gas co. when installing a new furnace.

We checked again with Montgomery County to see whether they offered any loans which would cover repair work for landlords and Steve Brown stated no funds were available. The Federally funded Rehab. Program stopped funding several years ago and the monies were used up. Takoma Park residents were not eligible because of rent stabilization.

The Federal tax benefits offered renovators of historical homes, even if it applied, would not be beneficial as my father rarely has to pay income tax due to the high cost of maintenance of these older homes.

It appears that we might be able to qualify for the Montgomery County Property Tax Credit for Historic Preservation of 10% which would be helpful but at the very best would amount to less than one year's taxes -- Montgomery County property taxes for this property in 1993 was \$1,839.89.

It was only recently that my mother (they have been divorced for some forty odd years) found a source to borrow funds on her account, so we felt that at last we could go ahead with installing the basic vinyl siding -- not under the eaves etc. as that was too costly.

When we talked to the Building Inspector for the City of Takoma Park in January of 1993 he had mentioned the house would need to be painted, and I told him we wanted to apply vinyl siding. He seemed to think it was an

acceptable alternative. (See copy of his letter attached)

At this time I would like to insert Mr. Hall's testimony before the Historical Preservation Commission appearing on pages 51 - 53 of their report.

"I'm John Hall. I'm representing Thermal Construction Company.

"I guess the first issue here is the fact that the work was done without the permit. Both Ms. Manahan and I were completely unaware of the need for this permit. I've been selling siding for 15 years: I've never needed a permit to do a siding job. So there was no reason for me to look at 66 Walnut and wonder do I need a permit.

"The job was started on a Friday. I was out of town. The men continued to work over the weekend. When I got home on Monday, I was made aware of what was going on. I went there. I immediately stopped the job. That is why the work has not been completed. There's about 200 square feet left to go.

"After starting the work, my men were advised by neighbors that there was a permit necessary. Because there was no stop-work order, which is the only thing they understand -- these guys are Korean -- there was probably a language barrier there -- they continued to work until I stopped them.

"I called Takoma Park Public Works and three people there were unaware of the need for any permit. Now, this is all after the fact. I wish it were before. The Department of Housing and Community Development. they were completely unaware.

"The code enforcement officer for the City of Takoma Park who handles the inspection of these rental properties was unaware of the need for a permit. And in a letter here I have signed by him, he considered vinyl siding to be an agreeable solution. He was at the property doing his

inspection. He made Ms. Manahan aware that he was going to cite her for the peeling paint conditions if this was not taken care of. Ms. Manahan told him she planned to take care of the problem by installing vinyl siding.

"He recalls this conversation. He has a letter here I can show you. He did not bring up any objection. Like I say, he considered this to be a reasonable solution. This was January 20th. This was months before any work was done.

"Now, it's my opinion that these people didn't know about it, it's reasonable to believe that we didn't know about this either. And the bottom line is that neither Ms. Manahan nor myself had the intention of trying to do this job without the necessary permit: we were simply unaware of it.

"The work has been, for the most part, completed at this point. The cost there is \$6,192. I have a copy of the contract. Removal of the siding would cost an additional \$1500. That's approximately \$7700. And we're not only back to the condition that the house was in before, but it's actually worse because of all the nails that have gone through the siding and, no doubt, split some boards.

"The cost to return the house into paintable condition, including replacing cracked boards, filling the nail holes, lead paint removal, and painting, I have an estimate here from a Takoma Park painting company for 12 to \$15,000.

"I'm sensitive to the issue of historic preservation, but you have to consider the amount of money spent already, the amount of money that it would take to remove the siding. And bear in mind, the house is considered a contributing resource, which from my information package says, 'Contributing resources should receive more lenient level of

design review than those structures that have been classified as outstanding. In general, however, changes to contributing resources should respect the predominant architectural style of the resource.'

"That's what we've tried to do. The house originally had wood five-inch Dutch lapsiding. We've installed five-inch Dutch lapsiding in a vinyl, which is a new type of vinyl. In the past people have objected to vinyl siding because of its glossy appearance. This is a new product by Arandex that has a very low-gloss appearance.

"In the event the job would not be approved as is, I would like to propose a compromise which is: I understand the main problem with this is the J-channels that go around the windows and the fact that the windows now sit in around the siding.

"I went this morning and removed the J-channel from one of the windows and built the window frame out so that it now sticks out past the siding, the siding butts the window trim just as it did before. In these photographs it looks for all the world like it's a wood siding. I show you these and these letters as well.

"Of course, there would be some additional cost involved in building all the window frames out, but certainly no where near what it would cost to remove the siding and do the lead abatement and the filling and so forth."

I believe Mr. Hall has set forth our present predicament very well.

I personally do not find it easy to tell the difference between this type of vinyl and freshly painted wood. A short time ago we attended the Olney Theater, which was recently renovated, and I had to touch the walls to see if it was wood or vinyl. It was vinyl similar, if not the same, to that presently on 66 Walnut. I also recently noted in a national magazine (Modern Maturity) a Sears advertisement for their vinyl siding describing it "looks like freshly painted wood".

My Dad, who is the sole owner of this property, is 79 years old and has been in poor health for years. He lived with my aunt and she took care of him until her death about nine years ago. He then moved to Takoma Towers (a Senior Citizen building with some care) and we hired a lady to cook, clean, help him with his bath, and keep his medication straight. About 4 years ago it became apparent that he needed 24 hour care, so we moved him to a 24 hour care facility. His care and medical bills amount to approximately \$26,500 a year. His main income all his life has been his rental property (no Social Security or pension). In recent years the income from rentals has not been enough to cover his expenses, partly because the City of Takoma Park is under rent stabilization which this year allows for an increase of only 1.8%. We had been hoping (with a lot of other older homeowners) that Congress would pass a Capital Gains Tax reduction that included property so that it might be feasible to sell. With the present Capital Gains Tax of 38% on the difference of the cost in the '30s and the current selling price (with no allowance for cost of living gains for all those years) our accountant has been advising against selling. Our family is mostly long-lived, and my Dad can reasonably expect to live way up in his '90s with his income continuing to fall short of the expense of his care.

The cost of taking off the vinyl, repairing the siding (nail holes etc) and painting could cost as much as \$16,500. See copy of letter from Takoma Sales and Service Inc. That, on top of paying for the vinyl, \$6,192, represents a great hardship, and one that I do not see how to surmount. We are also faced with this year's inspection by The City of Takoma Park (which is usually in January or February). As near as I can determine we would probably be given until this summer to correct a painting violation with a possibility of a daily fine of up to \$75 per day thereafter, and not being able to rent the property at all after the next inspection.

In view of the fact of the many misunderstandings, this house being
classified as a "contributing resource" and not "an outstanding resource",
and the extreme financial hardship involved, we urgently request that we be allowed
to keep the vinyl siding, either as is or with modification.

City of Takoma Park, Maryland

DEPARTMENT OF HOUSING AND
COMMUNITY DEVELOPMENT
TELEPHONE 301-270-5900



7500 MAPLE AVENUE
TAKOMA PARK, MD 20912

July 14, 1993

Sandra Manahan
8603 Pinta St.
Clinton, Md. 20735

Re: 66 Walnut Avenue

Dear Ms. Manahan,

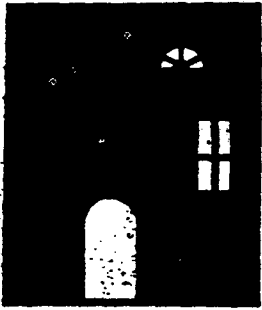
In response to our conversation this morning. As you know a problem with badly peeling paint existed at the time of my licensing inspection of January 20, 1993. As you are aware painting could not be done in the winter so I did not cite it as a code violation, but put an inspector's note advising you that it should be painted or repaired in the spring or summer. You also mentioned putting up siding rather than paint and I stated that this was an agreeable solution.

As I understand it, part of the reason for the siding as opposed to the paint was that it would be a more permanent solution and not be as costly as having to paint and keep touching up every several years. Also, since this is an older house there was the possible problem of lead paint contamination, another reason for using siding rather than paint. If you or anyone else has further questions, please call me at this office.

Sincerely,

Travis Aldous
Code Enforcement Officer

BOA CASE NO. A-3939
COUNTY EXHIBIT NO. 13



TAKOMA
SALES & SERVICE

Making homes beautiful
since 1938

July 14, 1993

HISTORIC PRESERVATION COMMISSION

SUBJECT: 66 Walnut Avenue
Owner: Sandra Manahan

The above-mentioned property is between 60 - 70 years old. The paint on the siding is certain to contain lead. If the house were to be stripped in order to remove the paint down to the bare wood, it would cost approximately \$12 - \$15,000.

There are numerous underground springs on the property. This does, to a degree, have an effect on the longevity of the paint. Right next door, at 64 Walnut Avenue, there is actually water coming up between the sidewalk and the house.

If the vinyl siding would have to be removed, considering the age of the house and all of the nails that have been put in because of the siding and the insulation, this would greatly reduce the longevity of the paint adhesion. This would be due to having to fill numerous nail holes with wood putty.

The vinyl siding that has been installed is an excellent product with a lifetime guarantee. The beauty of it is that it has a wood appearance.

I strongly recommend vinyl siding in this situation.

Sincerely,

Roy Shields
President

ARCHIVES
ACCESSION 21-15

BOX 21

TAKOMA PARK HISTORIC DISTRICT

Spruce
7224 (2), 7226

Sycamore
7107, 7113, 7114, 7115, 7116 (2), 7117 (2), 7119, 7120, 7122, 7126 (3), 7129

Takoma
7309, 7327 (2), 7607, 7613, 7617, 7708, 7709, 7714, 7805

Tulip
103, 106 (2), 201, 212, 214, 310, 506

Siegler Resubdivision

Valley View
5, 11, 12, 16

Walnut
60 (3), 65, 66