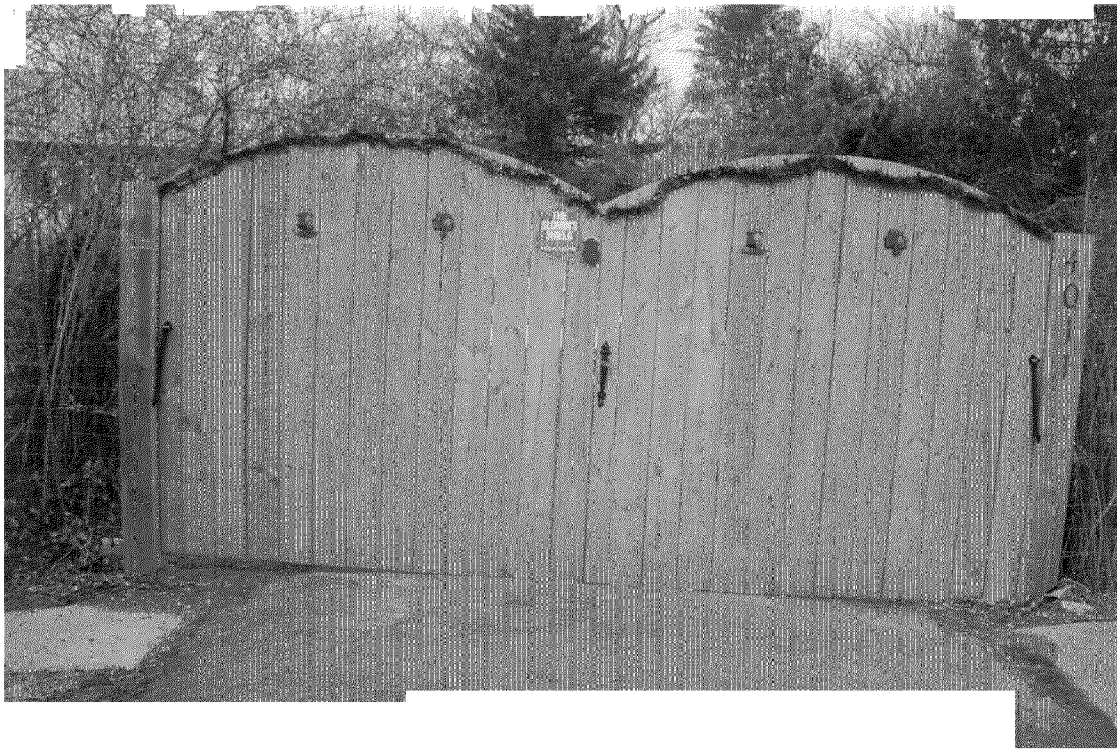


31/06-04E 4011 Prospect St.
Kensington Historic District

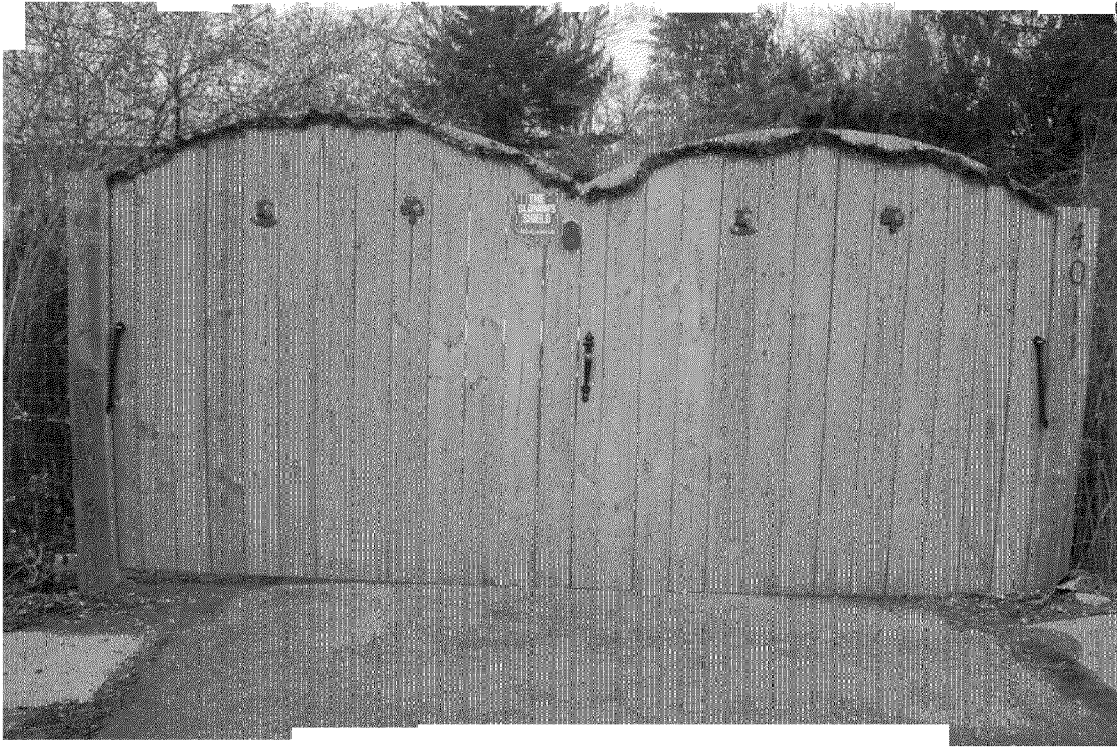

















THE MARYLAND-NATIONAL CAPITAL PARK & PLANNING COMMISSION

Date: April 7, 2004

MEMORANDUM

TO: Robert Hubbard, Director

FROM: Gwen Wright, Coordinator 
Historic Preservation

SUBJECT: Historic Area Work Permit # 336143

The Montgomery County Historic Preservation Commission (HPC) has reviewed the attached retroactive application for a Historic Area Work Permit (HAWP).

This application was **APPROVED WITH CONDITIONS.**

The conditions of approval are:

1. The recently installed gates will be removed by September 24, 2005.
2. Any new fencing planned for the site will be reviewed and approved by the HPC prior to installation.

The HPC staff will review and stamp the construction drawings prior to the applicant's applying for a building permit with DPS.

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

Applicant: David Rubin

Address: ⁴⁰¹¹~~401~~ Prospect Street, Kensington, MD 20895 (Kensington Historic District)

This HAWP approval is subject to the general condition that, after issuance of the Montgomery County Department of Permitting Services (DPS) permit, the applicant arrange for a field inspection by calling the Montgomery County DPS Field Services Office at 240-777-6210 or online at <http://permits.emontgomery.org> prior to commencement of work and not more than two weeks following completion of work



RETURN TO: DEPARTMENT OF PERMITTING SERVICES
 255 ROCKVILLE PIKE, 2ND FLOOR, ROCKVILLE, MD 20850
 240/777-6370

DPS - #8

HISTORIC PRESERVATION COMMISSION
 301/563-3400

APPLICATION FOR HISTORIC AREA WORK PERMIT

Account No.: 01021463
 Name of Property Owner: DAVID N. RUBIN Contact Person: DAVID N. RUBIN
 Address: 4011 KENSINGTON PROSPECT 20895
Street Number City Street Zip Code
 Daytime Phone No.: 301-899-0430
 Daytime Phone No.: 301-899-0430
 Contractor: _____ Phone No.: _____
 Contractor Registration No.: _____
 Agent for Owner: DAVID N. RUBIN Daytime Phone No.: 301-899-0430

LOCATION OF BUILDING/PREMISE
 House Number: 4011 Street: PROSPECT STREET
 Town/City: KENSINGTON Nearest Cross Street: SUMMIT
 Lot: 22/23 Block: 10 Subdivision: 15
 Folio: _____ Parcel: _____

PART ONE: TYPE OF PERMIT ACTION AND USE

IA. CHECK ALL APPLICABLE:
 Construct Extend Alter/Renovate
 Move Install Wreck/Raze
 Revision Repair Revocable

CHECK ALL APPLICABLE:
 A/C Slab Room Addition Porch Deck Shed
 Solar Fireplace Woodburning Stove Single Family
 Fence/Wall (complete Section 4) Other: GATES

1B. Construction cost estimate: \$ 400.00

1C. If this is a revision of a previously approved active permit, see Permit # _____

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

3A. Height _____ feet _____ inches
 3B. 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

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 hereby acknowledge and accept this to be a condition for the issuance of this permit.

Signature of owner or authorized agent: _____ Date: 3/2/04

Approved: 336143 WITH 2 CONDITIONS For Chairperson, Historic Preservation Commission
 Disapproved: _____ Signature: Julia O'Malley Date: 4/7/04
 Application/Permit No.: _____ Date Filed: _____ Date Issued: _____

SEE REVERSE SIDE FOR INSTRUCTIONS

**THE FOLLOWING ITEMS MUST BE COMPLETED AND THE
REQUIRED DOCUMENTS MUST ACCOMPANY THIS APPLICATION.**

1. WRITTEN DESCRIPTION OF PROJECT

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

SEE ATTACHED letter
AND PHOTOS

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

2. SITE PLAN

Site and environmental setting, drawn to scale. You may use your plat. Your site plan must include:

- a. the scale, north arrow, and date;
- b. dimensions of all existing and proposed structures; and
- c. site features such as walkways, driveways, fences, ponds, streams, trash dumpsters, mechanical equipment, and landscaping.

3. PLANS AND ELEVATIONS

You must submit 2 copies of plans and elevations in a format no larger than 11" x 17". Plans on 8 1/2" x 11" paper are preferred.

- a. *Schematic construction plans*, with marked dimensions, indicating location, size, and general type of wells, window and door openings, and other fixed features of both the existing resource(s) and the proposed work.
- b. Elevations (facades), with marked dimensions, clearly indicating proposed work in relation to existing construction and, when appropriate, context. All materials and fixtures proposed for the 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.

4. MATERIALS SPECIFICATIONS

General description of materials and manufactured items proposed for incorporation in the work of the project. This information may be included on your design drawings.

5. PHOTOGRAPHS

- a. Clearly labeled photographic prints of each facade of existing resource, including details of the affected portions. All labels should be placed on the front of photographs.
- b. Clearly label photographic prints of the resource as viewed from the public right-of-way and of the adjoining properties. All labels should be placed on the front of photographs.

6. TREE SURVEY

If you are proposing construction adjacent to or within the dripline of any tree 6" or larger in diameter (at approximately 4 feet above the ground), you must file an accurate tree survey identifying the size, location, and species of each tree of at least that dimension.

7. ADDRESSES OF ADJACENT AND CONFRONTING 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. You can obtain this information from the Department of Assessments and Taxation, 51 Monroe Street, Rockville, (301/279-1355).

HAWP APPLICATION: MAILING ADDRESSES FOR NOTIFYING
[Owner, Owner's Agent, Adjacent and Confronting Property Owners]

Owner's mailing address

DAVID N RUBIN
4011 PROSPECT ST
KENSINGTON MD 20895-3918

Owner's Agent's mailing address

Adjacent and confronting Property Owners mailing addresses

COSGROVE, Thomas & Kara
4010 PROSPECT ST.
KENSINGTON MD 20895-3918

BLACK, JEFF & B.
10304 SUMMIT AVE
KENSINGTON MD 20895-3922

RECTOR, Ralph L & F. B.
3951 BALTIMORE ST.
KENSINGTON MD 20895-3918

LOSONCZY, Katalin &
10311 Summit Ave
Kensington MD 20895-3923

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

March 2, 2004

Dear H.P.C.,

The project is looking for retroactive approval of the gates erected on Prospect Street. These gates were erected at the request of the Montgomery County Animal Control who had given us 48 hours to comply with a more secure perimeter. Our dogs, Siberian Huskies, are known runners and unfortunately had escaped from the property on numerous occasions.

The gates in question are only a temporary solution. We plan to ultimately erect more historically appropriate fencing. We are looking for a three year grace period.

Thank you,
David N. Rubin

HISTORIC PRESERVATION COMMISSION STAFF REPORT

Address:	4011 Prospect Street, Kensington	Meeting Date:	03/24/04
Resource:	Primary Resource Kensington Historic District	Report Date:	03/17/04
Review:	HAWP	Public Notice:	03/10/04
Case Number:	31/06-04E RETROACTIVE	Tax Credit:	None
Applicant:	David Rubin	Staff:	Anne Fothergill

PROPOSAL: Gate installation

RECOMMEND: Approval with conditions

STAFF RECOMMENDATION

Approve with the following conditions:

1. The recently installed gates will be removed within three years of the date of HAWP approval.
2. Any new fencing planned for the site will be reviewed and approved by the HPC prior to installation.

PROJECT DESCRIPTION

SIGNIFICANCE: Primary Resource (1910-1930) within Kensington Historic District
STYLE: Vernacular
DATE: c. 1910-1930

PROPOSAL

This house is at the corner of Summit Avenue and Prospect Street. The applicant is proposing installation of two wood arched gates on Prospect: one at the front walkway and one double-gate at the driveway to the side.

The applicant has two dogs that have gotten out of their fenced yard. Earlier this year Montgomery County Animal Control gave the homeowner 48 hours to install a more secure perimeter. The applicant installed these gates at that time, but he is planning to install new fencing and gates within the next 3 years.

STAFF DISCUSSION

It is never optimal when exterior alterations to a historic property have already been completed and the HPC must review a retroactive Historic Area Work Permit application. In this case, the applicants were required by Animal Control to respond immediately and did not have time to get the HPC's approval before the installation.

Staff used the *Secretary of the Interior's Standards for Rehabilitation* as a guide, specifically Standard # 2 which states:

The historic character of a property will be retained and preserved. The removal of distinctive materials or alterations of features, spaces, and spatial relationships that characterize a property will be avoided.

Staff also used the *Vision of Kensington: A Long-Range Preservation Plan* as a guide for this project. The *Vision* states that in the Historic Residential Core, where this house is located, "it is important to preserve these patterns of open space, front yard setbacks, building scale, architectural character, and the streetscape qualities."

This house originally faced Summit Avenue and was reoriented towards Prospect Street. These gates are located at the entrance to what was once the side yard and is now the front yard. The primary vantage point of this house is from Summit, not Prospect. These gates are barely visible from Summit. See photos in Circles 7 - 11.

It is important to note that these gates are a temporary solution. The gates that have been installed are not the most appropriate and compatible with the house and the district. Staff would rather a different style of fencing that is more open but equally as secure for the dogs, such as iron gates and fencing. The applicant has stated in the HAWP application that he plans to put up more "historically appropriate fencing" within three years. Staff will work with the applicant to select an appropriate material and design in this time period, and staff is hopeful that perhaps the new fencing can be erected sooner than three years.

Staff recommends approval.

STAFF RECOMMENDATION

Staff recommends that the Commission **approve** the HAWP application as being consistent with Chapter 24A-8(b)4:

The proposal is necessary in order that unsafe conditions or health hazards be remedied,

and with the Secretary of the Interior's *Standards for Rehabilitation* #2:

The historic character of a property will be retained and preserved. The removal of distinctive materials or alterations of features, spaces, and spatial relationships that characterize a property will be avoided

Approve with the following conditions:

1. The recently installed gates will be removed within three years of the date of HAWP approval.

2. Any new fencing planned for the site will be reviewed and approved by the HPC prior to installation.

and with the general condition applicable to all Historic Area Work Permits that **the applicant will present 3 permit sets of drawings to HPC staff for review and stamping prior to submission for permits (if applicable)**. After issuance of the Montgomery County Department of Permitting Services (DPS) permit, the applicant will arrange for a field inspection by calling the DPS Field Services Office at 240-777-6370 prior to commencement of work and not more than two weeks following completion of work.

HAWP APPLICATION: MAILING ADDRESSES FOR NOTIFYING
[Owner, Owner's Agent, Adjacent and Confronting Property Owners]

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Adjacent and confronting Property Owners mailing addresses	
COSGROVE, Thomas & Kara 4010 PROSPECT ST. KENSINGTON MD 20895-3918	
BLACK, JEFF & B. 10304 SUMMIT AVE KENSINGTON MD 20895-3922	
RECTOR, Relf L & F. B. 3951 BALTIMORE ST. KENSINGTON MD 20895-3918	
LOSUNCZY, KATALIN G 10311 SUMMIT AVE KENSINGTON MD 20895-3923	

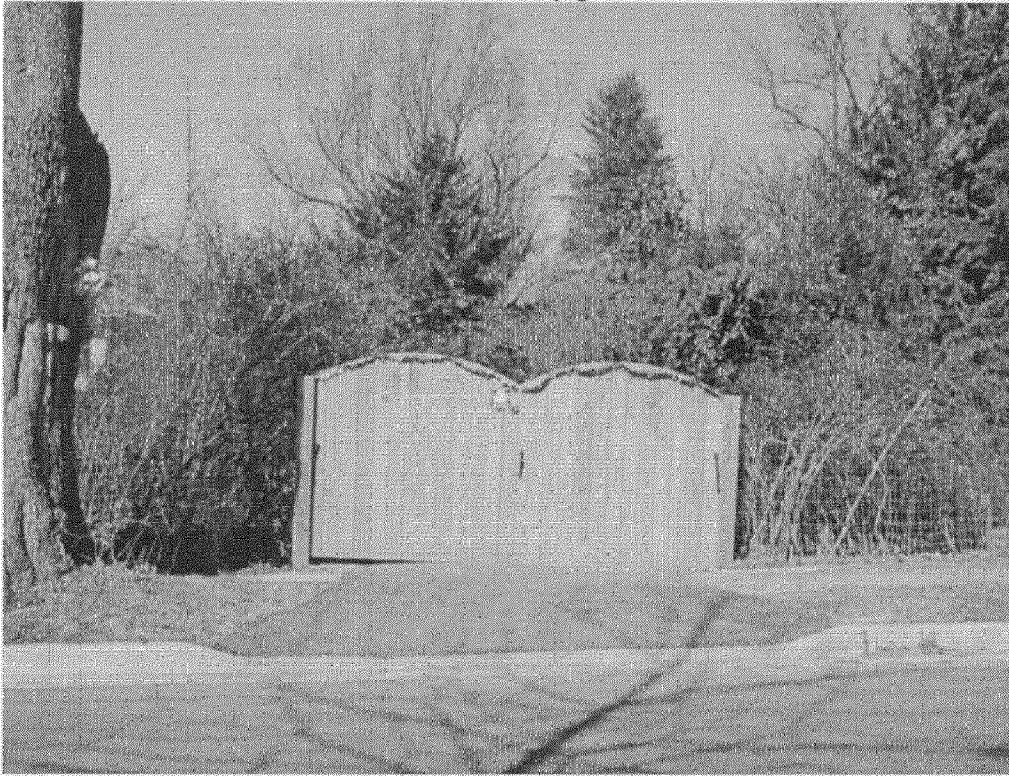
View of house from Summit Avenue



New gate (on Prospect)



New driveway gate



House across street on Prospect and Summit (4010 Prospect)—a recent case before the HPC

