

7047 Eastern ave.
Takama Park

37/3-0866



HISTORIC PRESERVATION COMMISSION


Isiah Leggett
County Executive

Jef Fuller
Chairperson

Date: 07/10/08

MEMORANDUM

TO: Carla Reid, Director
Department of Permitting Services

FROM: Anne Fothergill 
Planner Coordinator
Historic Preservation Section-Planning Department
Maryland-National Capital Park & Planning Commission

SUBJECT: Historic Area Work Permit #486664 – Fencing/trellis installation

The Montgomery County Historic Preservation Commission (HPC) has reviewed the attached application for a Historic Area Work Permit (HAWP). This application was **approved with conditions** at the July 9, 2008 meeting. The conditions of approval are:

1. The new fence must be wood.
2. The existing vinyl fence must be removed within 30 days.

THE BUILDING PERMIT FOR THIS PROJECT SHALL BE ISSUED CONDITIONAL UPON ADHERENCE TO THE ABOVE APPROVED HAWP CONDITIONS AND MAY REQUIRE APPROVAL BY DPS OR ANOTHER LOCAL OFFICE BEFORE WORK CAN BEGIN.

Applicant: Vincent Robert Broderick
Address: 7047 Eastern Avenue, Takoma Park, MD 20912

This HAWP approval is subject to the general condition that the applicant will obtain all other applicable Montgomery County or local government agency permits. After the issuance of these permits, the applicant must contact this Historic Preservation Office if any changes to the approved plan are made.





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

Contact Person: _____

Daytime Phone No.: _____

Tax Account No.: _____

Name of Property Owner: VINCENT ROBERT BROOKFAIR Daytime Phone No.: 443-778-3890

Address: 7047 EASTERN AVE TAKOMA PARK, MD 20912
Street Number City Street Zip Code

Contractor: _____ Phone No.: _____

Contractor Registration No.: _____

Agent for Owner: _____ Daytime Phone No.: _____

LOCATION OF BUILDING/PREMISE

House Number: 7047 EASTERN AVE Street: _____

Town/City: TAKOMA PARK Nearest Cross Street: HULLY

Lot: _____ Block: _____ Subdivision: _____

Liber: _____ Folio: _____ Parcel: _____

PART ONE: TYPE OF PERMIT ACTION AND USE

1A. 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: _____

1B. Construction cost estimate: \$ 400

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 4 feet 0 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 I hereby acknowledge and accept this to be a condition for the issuance of this permit.

Vincent R. Brookfair
Signature of owner or authorized agent

2/24/08
Date

Approved: with 3 conditions For Chairperson, Historic Preservation Commission

Disapproved: _____ Signature: _____ Date: 7-10-08

Application/Permit No.: 456664 Date Filed: 7/10/08 Date Issued: _____

**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:

~~XXXXXXXXXX~~

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

ADDITION OF 4' TALL FENCE TO SERVE AS A TRELLIS FOR
DECORATIVE PLANTS, DOES NOT TOUCH PROPERTY LINE AND
IS ONLY VISIBLE FROM HALL ST.
SITE PLAN AND PHOTOS ATTACHED

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 walls, 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 end 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).

MONTGOMERY COUNTY HISTORIC PRESERVATION COMMISSION
STAFF REPORT

Address:	7047 Eastern Avenue, Takoma Park	Meeting Date:	7/9/08
Resource:	Outstanding Resource Takoma Park Historic District	Report Date:	7/2/08
Applicant:	Vincent Robert Broderick	Public Notice:	6/25/08
Review:	HAWP	Tax Credit:	None
Case Number:	37/03-08GG RETROACTIVE	Staff:	Anne Fothergill
PROPOSAL:	Fencing installation		

STAFF RECOMMENDATION

Staff is recommending that the HPC approve this HAWP application with the following conditions:

1. The new fence must be wood.
2. The existing vinyl fence must be removed within 30 days.

ARCHITECTURAL DESCRIPTION

SIGNIFICANCE: Outstanding Resource within the Takoma Park Historic District
STYLE: Bungalow
DATE: 1920

BACKGROUND

In May 2008 the applicant installed fencing without a county fence permit and received a Notice of Violation from DPS (see Circle 11).

PROPOSAL

The applicant is proposing to install two 16-foot sections of 4' tall vinyl picket fencing in front of the house flanking the front walkway to the house.*

**The fencing has already been constructed.*

APPLICABLE GUIDELINES

When reviewing alterations and new construction within the Takoma Park Historic District several documents are to be utilized as guidelines to assist the Commission in developing their decision. These documents include the historic preservation review guidelines in the approved and adopted amendment for the *Takoma Park Historic District (Guidelines)*, *Montgomery County Code Chapter 24A (Chapter 24A)*, and the *Secretary of the Interior's Standards for Rehabilitation (Standards)*. The pertinent information in these documents is outlined below.

Takoma Park Historic District

The *Guidelines* define Outstanding Resources as:

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

The following *Takoma Park Guidelines* pertain to this project:

- plans for all alterations should be compatible with the resource's original design; additions, specifically, should be sympathetic to existing architectural character, including massing, height, setbacks and materials.
- preservation of original building materials and use of appropriate, compatible new materials is encouraged.
- All changes and additions should respect existing environmental settings, landscaping, and patterns of open space

Montgomery County Code; Chapter 24A

A HAWP permit should be issued if the Commission finds that:

1. The proposal will not substantially alter the exterior features of a historic site or historic resource within a historic district.
2. The proposal is compatible in character and nature with the historical archaeological, architectural or cultural features of the historic site or the historic district in which a historic resource is located and would not be detrimental thereto or to the achievement of the purposes of this chapter.

In the case of an application for work on a historic resource located within a historic district, the Commission shall be lenient in its judgment of plans for structures of little historical or design significance or for plans involving new construction, unless such plans would seriously impair the historic or architectural value surrounding historic resources or would impair the character of the historic district.

Secretary of the Interior's Standards for Rehabilitation:

9: New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.

10: New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

STAFF DISCUSSION

When reviewing an application retroactively, staff evaluates the proposed work as if it has not yet been completed and whether it is approvable. In this case, the proposed picket fencing's 4' height and location in front of the house are approvable. However, vinyl is not an appropriate material for a fence in a historic

district and is not in keeping with the Secretary of the Interior's *Standards* and the Takoma Park *Guidelines*. The applicant has existing wood picket fencing at the rear of the property and staff asked the applicant to consider a wood or metal fence with the same height and design in this location. The applicant responded with 5 pages of additional information to be included in their application (see Circles 12-16). In this added submission, the applicant discusses the possibility of removing the existing fence and installing a fence of the same height and design but will be wood. Staff supports this proposal and recommends approval with two conditions.

STAFF RECOMMENDATION

Staff recommends that the Commission **approve** the HAWP application **with the two conditions specified on Circle 1** as being consistent with Chapter 24A-8(b)(1) & (2);

and with the *Secretary of the Interior's Standards for Rehabilitation*;

and with the general condition that the applicant shall present the **3 permit sets of drawings, if applicable, to Historic Preservation Commission (HPC) staff for review and stamping** prior to submission for the Montgomery County Department of Permitting Services (DPS) building permits;

and with the general condition that the applicant shall notify the Historic Preservation Staff if they propose to make **any alterations** to the approved plans.



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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.

Vincent R. Borden
Signature of owner or authorized agent

2/4/08
Date

Approved: _____ For Chairperson, Historic Preservation Commission

Disapproved: _____ Signature: _____ Date: _____

Application/Permit No.: 486664 Date Filed: 6/2/08 Date Issued: _____

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IS ONLY VISIBLE FROM HOLLY ST.

SITE PLAN AND PHOTO'S ATTACHED

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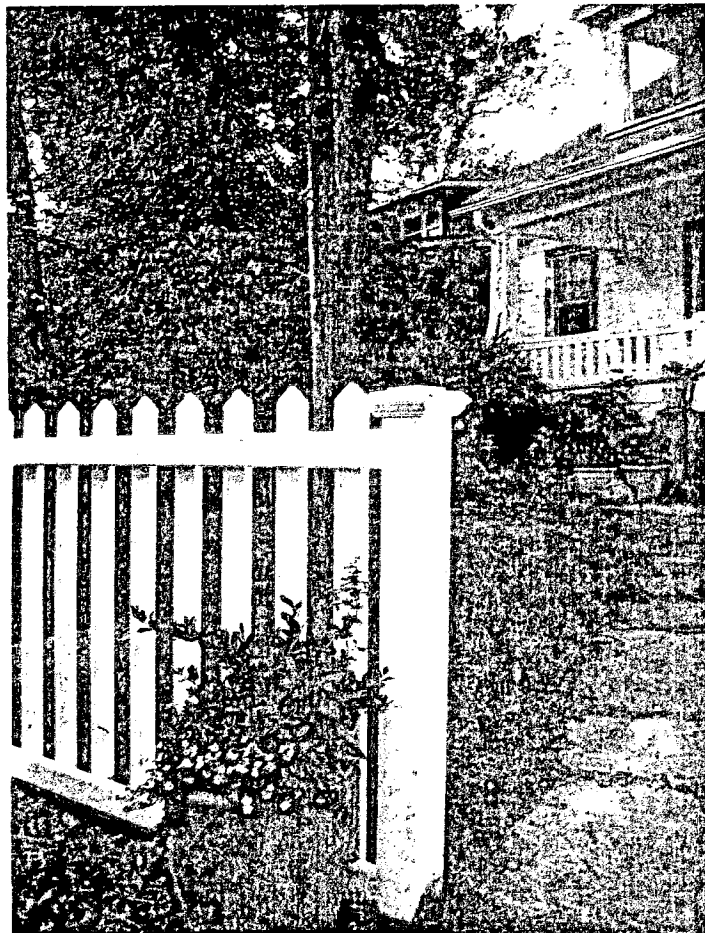
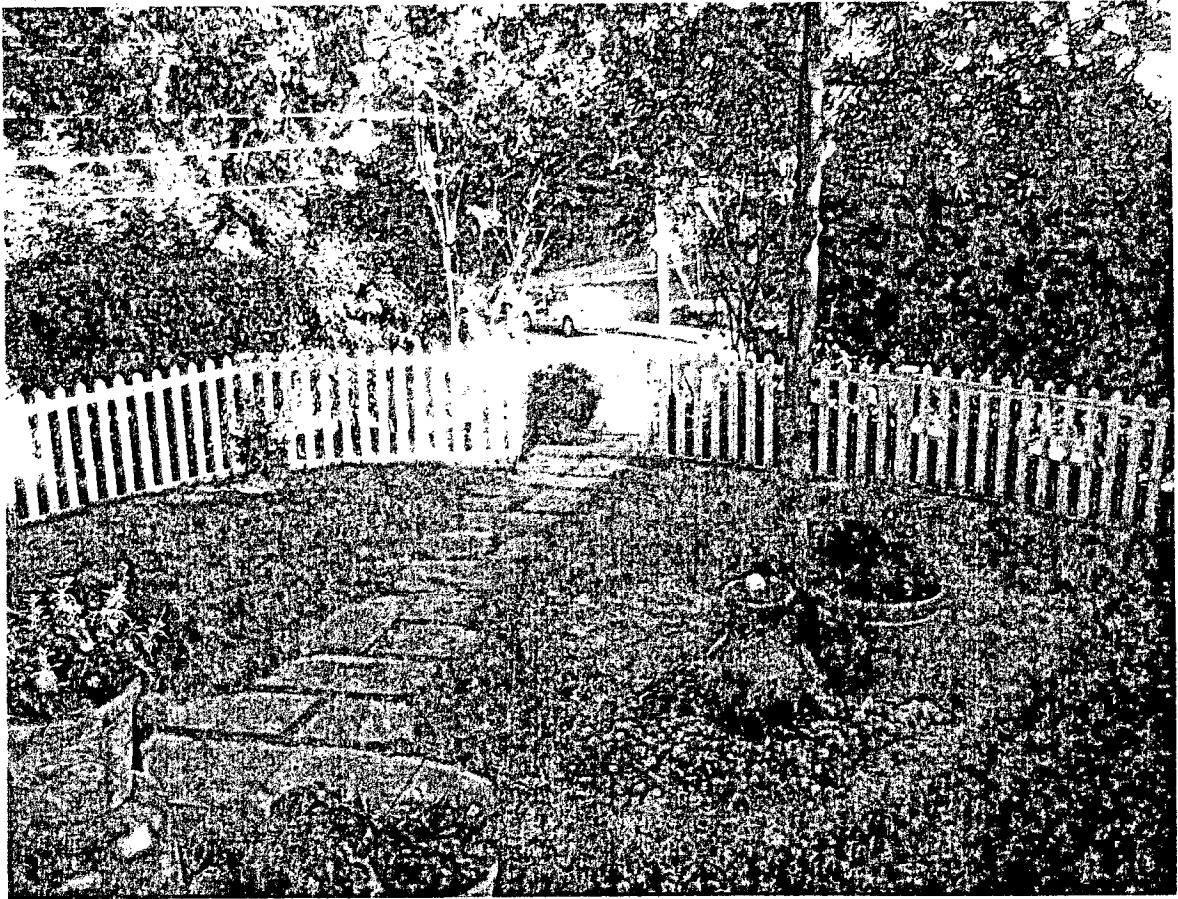
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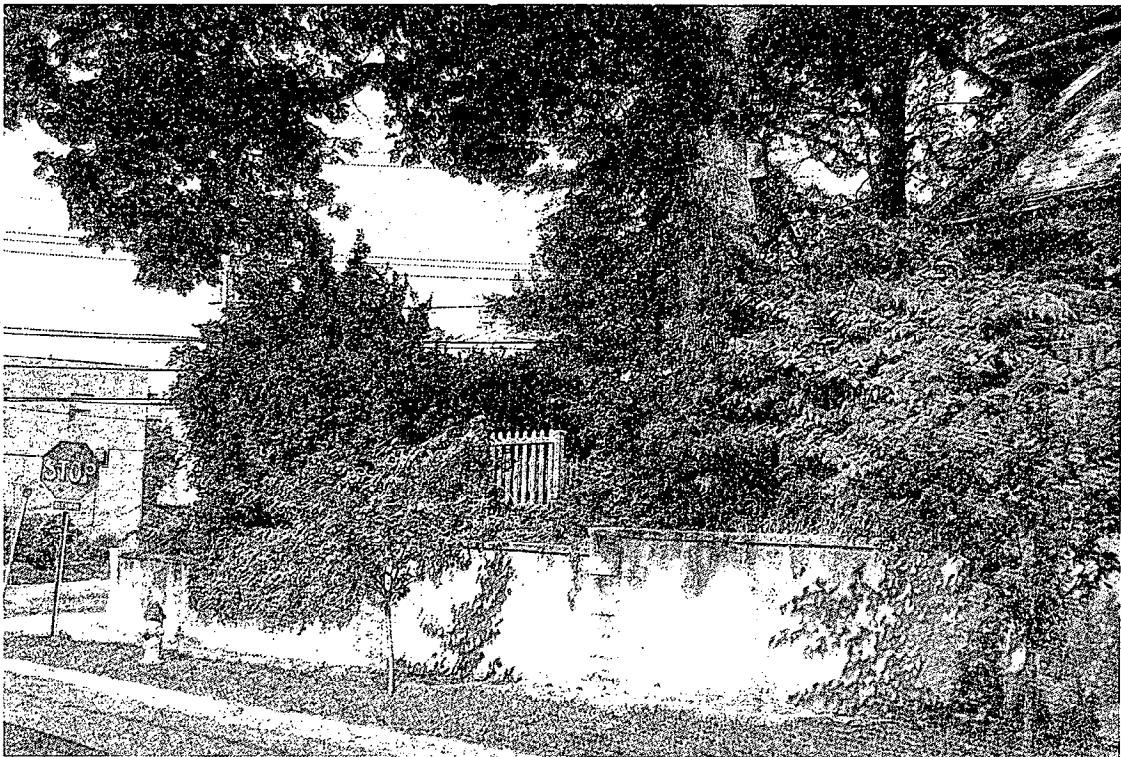
PLEASE PRINT (IN BLUE OR BLACK INK) OR TYPE THIS INFORMATION ON THE FOLLOWING PAGE.
PLEASE STAY WITHIN THE GUIDES OF THE TEMPLATE, AS THIS WILL BE PHOTOCOPIED DIRECTLY ONTO MAILING LABELS.

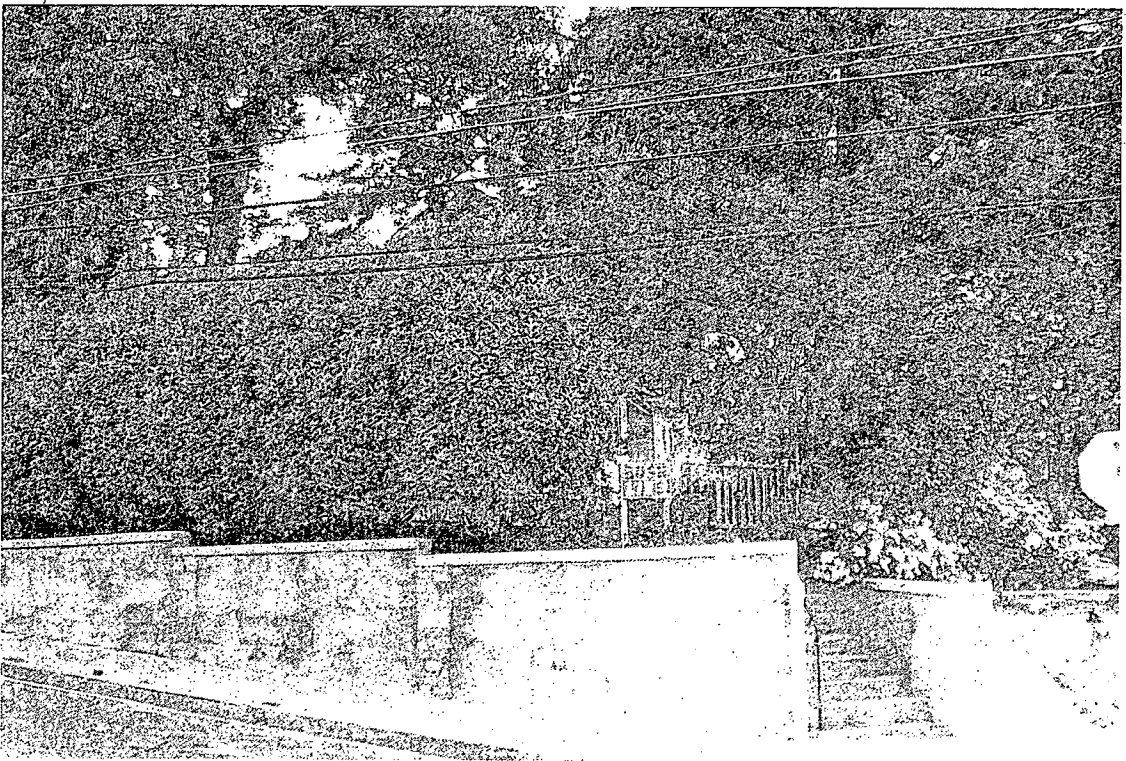
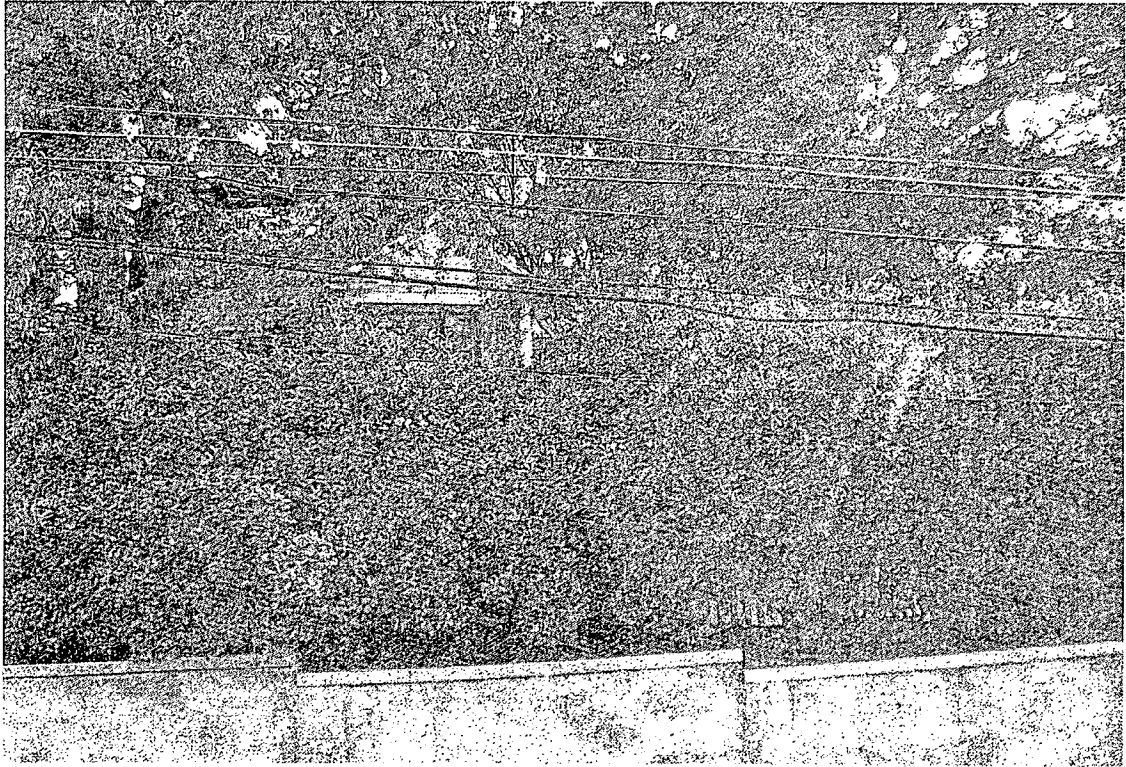


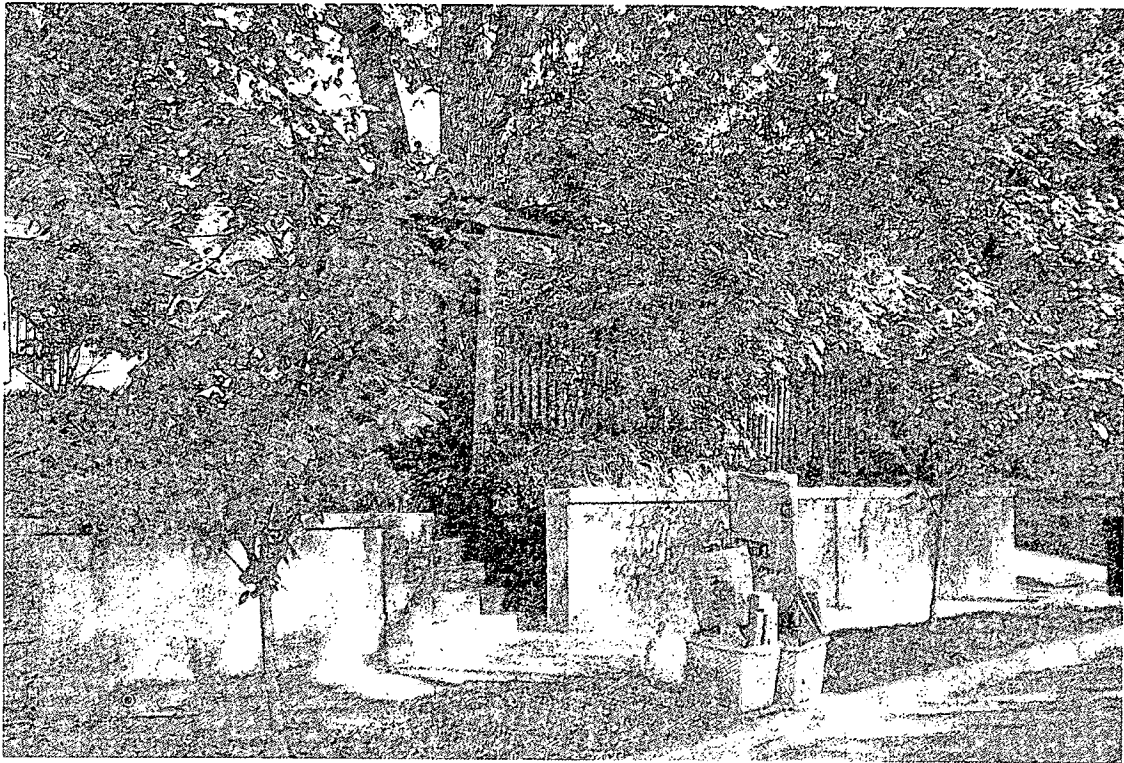
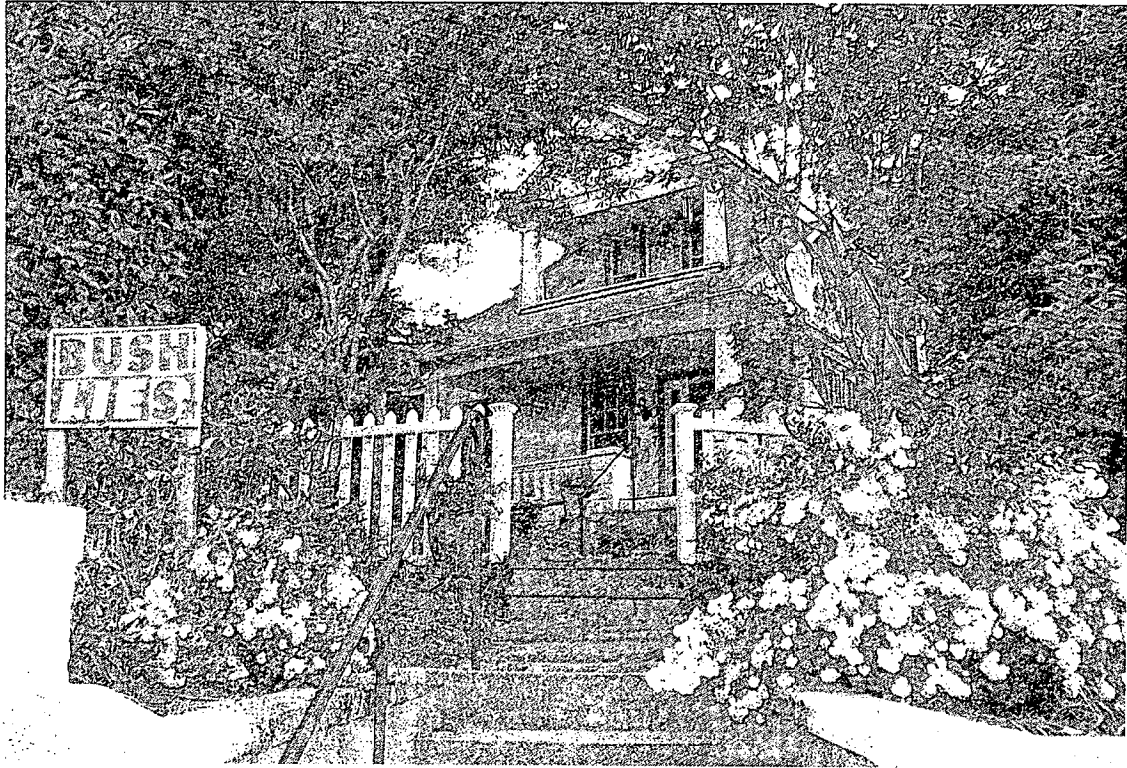
(5)

(7)

7047 EASTERN







←
ex.
wood
picket
fencing
on
property

MONTGOMERY COUNTY
DEPARTMENT OF PERMITTING SERVICES
255 Rockville Pike, 2nd Floor
Rockville, Maryland 20850-4166

NOTICE OF VIOLATION

29m 13405

MONTGOMERY COUNTY, MARYLAND the undersigned issuer, being duly authorized, states that:

23, 2008 the recipient of this NOTICE, Sharon and Vincent Broderick
Date Recipient's Name

7047 Eastern Avenue Takoma Park, Maryland 20912-4260
Street Address City, State, Zip

notified that a violation of Montgomery County Code, Section: 59-A-3.1 Fence without building permit

is at: 7047 Eastern Avenue Takoma Park, Maryland 20912-4260 245014
Location Case #

The violation is described as: 1.) Construction of a fence without first obtaining a building permit from the Department of Permitting Services. A permit application may be obtained by calling 240-777-6240

The following corrective action(s) must be performed immediately as directed:

1.) Obtain a building permit for the fence or remove it.
NOTE: FENCES MAY NOT BE OVER 6 FEET 6 INCHES IN HEIGHT!

White Vinyl Fence in the front yard

An inspection fee of \$ _____ is required in addition to any application fee(s).

Compliance Time: (15) FIFTEEN Calendar days

Failure to comply with this notice will result in the issuance of one or more \$500.00 civil citations.

This Notice of Violation may be appealed to the Montgomery County Board of Appeals within 30 days of the issue date. The Board of Appeals is located in the Office Building, 100 Maryland Avenue, Room 217, Rockville, Maryland 20850, telephone 240-777-6600

ISSUED BY: James C. Martin
Printed Name
Phone No. 301-370-0042

RECEIVED BY: _____
Printed Name
Phone No. _____

RECIPIENT'S SIGNATURE AND ADDRESS

SENDER - COMPLETE THIS SECTION:
■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
■ Print your name and address on the reverse so that we can return the card to you.
■ Attach this card to the back of the mailpiece, or on the front if space permits.
1. Article Addressed to:
Sharon and Vincent Broderick
7047 Eastern Ave
Takoma Park, Md
20912-4260

COMPLETE THIS SECTION ON DELIVERY
A. Signature S. Broderick Age Add
B. Received by (Printed Name) S. BRODERICK
C. Date of Delivery 5-29
D. Is delivery address different from item 1? Yes No
If YES, enter delivery address below: _____

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.
4. Restricted Delivery? (Extra Fee) Yes

2. Article Number (Transfer from service label) 7007 2680 0002 9708 1030
PS Form 3811, February 2004 Domestic Return Receipt 102695-02-1

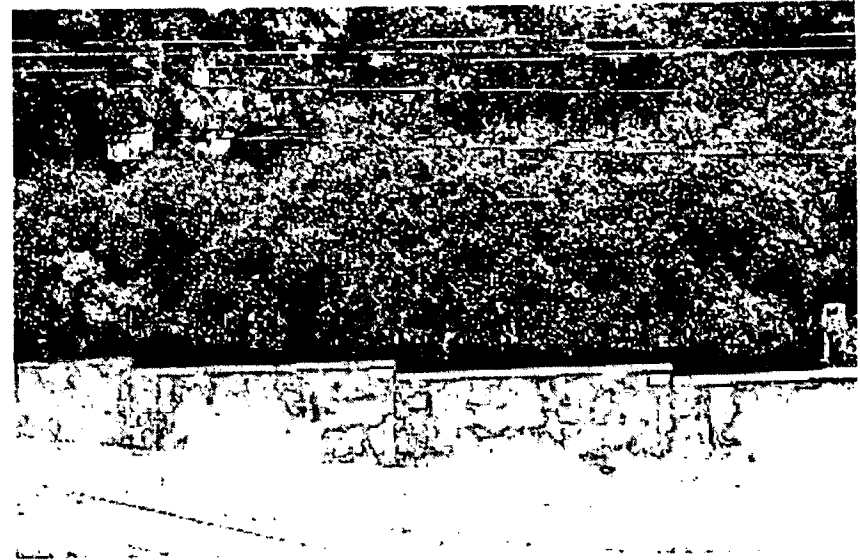
Supplemental information
provided by applicant

7047 Eastern Avenue Trellis/Fence Request

- Installed ~May 1
- Violation received on May 23
- Was not aware of the need for a permit for a fence
- Structure does not perform the function of a fence
 - Does not confine anything
 - Does not touch neighboring properties or public sidewalks
- Considered this addition as more of a garden fixture than a fence
- Understood that HPC was only concerned with features that were easily visible from the street



View from Holly



View from Eastern



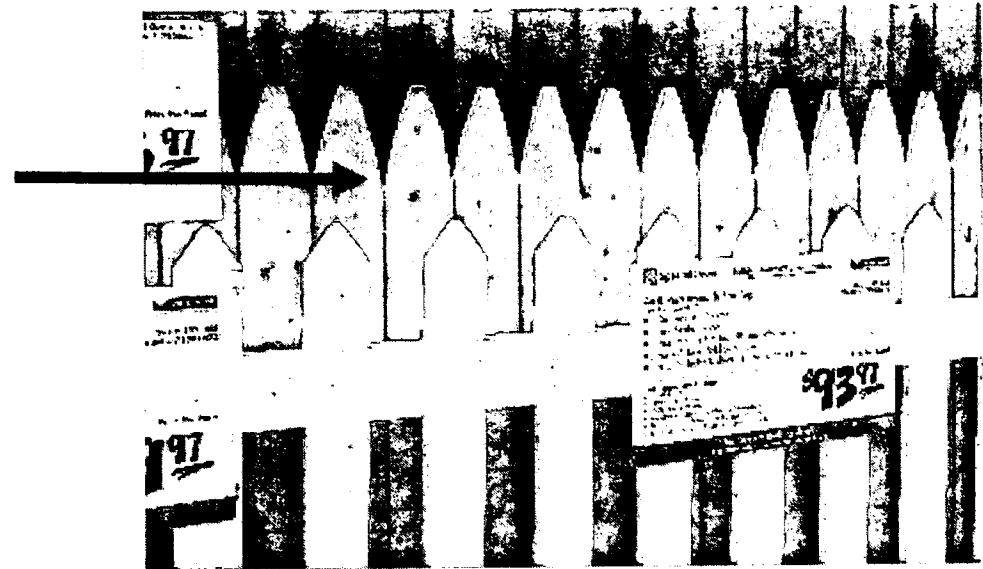
Diagonal View

➤ Can only be seen from across the street on the diagonal view

➤ Addition of more shrubbery on top of wall on both sides of the steps would further reduce visibility



- Style and color selected to match the house porch railing and blend in with the remainder of the house
- Near term goal is to plant a row of climbing roses along the base which will cling to the structure



- If materials are the issue, the use of wood is possible
 - Rip out existing structure
 - Sink 4X4 wooden posts
 - 2 options
 - Install horizontal 2X4s approximately 3' apart and nail in slats (shown on left photo) every 3"
 - Install 8' sections shown on the photo above (See arrow)
 - Paint the fence white

- Resulting wood structure would look almost identical to the existing structure shown in the foreground of the photo above

- Approximate cost - \$200

15

Options for Resolving this Issue - Least to Most Desirable

1. Remove the fence without replacement - Considering the fact that there are fences all along Holly that are made out of everything from stone to wood to rusty woven wire, this option would be hard to justify.
2. Remove the existing structure and replace it with a visually identical wooden fence
 - Despite the need for periodic repainting, this fence will still not have the longevity or retain the well maintained appearance as the existing structure
 - Agree that vinyl material did not exist when our house was built, but pressure treated wood probably didn't either (Hope HPC is not considering the use of untreated wood)
3. Leave the existing structure and approve with conditions - Must plant additional shrubbery on top of corner wall near steps to fully conceal structure from the street
 - Better to spend \$200 on shrubbery than on a duplicate fence

If you need any further info, please call Vinnie Broderick 443-778-3890.

Thank You for Your Consideration

Fothergill, Anne

From: Broderick, Vinnie R. [Vinnie.Broderick@jhuapl.edu]
Sent: Monday, July 07, 2008 3:24 PM
To: Fothergill, Anne
Subject: INPUT FOR JULY 9th HPC REVIEW

Hi Anne,

We just got the Commissioner's Staff Report that you had previously mentioned and wanted to respond to the Staff Recommendation. Under the Staff Discussion section, the verbiage towards the end of the paragraph states that the staff supports our proposal that we later submitted to the commission whereby we agree to install a fence the same height and pattern but that it be made of wood instead of vinyl. However, after carefully studying this report, we believe that our present structure is already consistent with the guidance listed on page 2:

Takoma Park Guidelines

1. Because it is the same color as the house and is the same shape as the porch railing, it is compatible with the resource's original design and sympathetic to the existing architectural character.
2. Although vinyl is not an original building material, we do believe that it is an "appropriate, compatible new material" which is encouraged. Considering what this structure will be used for, vinyl is an appropriate material. Building a structure out of wood and then burying it in the ground and allowing plants to cling to it does not seem to us to be a real practical option. Under these conditions, wood will rapidly decay, need periodic repainting, and eventual replacement.
3. And as stated in the third provision, we believe that this structure does respect existing environmental settings, landscaping, and patterns of open space.

Montgomery County Code; chapter 24A

1. Because the structure within this proposal is small compared to the overall size of the property and is not even connected to the house, it does not substantially alter the exterior features.
2. And as stated under the Takoma Park Guidelines, our proposal is compatible in character and nature with the existing site.

Secretary of the Interior's Standards for Rehabilitation

1. As you can see from the photos we previously submitted, this installation has not destroyed historic materials, features, or any spatial relationships.
2. You can also see that if in the future we ever wanted to remove this structure, we could do it without causing any harm to this property.

We also know that this is a matter of opinion, but we really believe that what we installed was a trellis vice a fence. Our opinion is based upon the fact that this item does not stretch across the entire width of the property nor does it touch either the adjoining property or public property.

Further it does not enclose anything and will exist only for the sole purpose of supporting climbing shrubs.

Summarizing, we believe that we have adhered to all the criteria in the staff report including the concern over the use of vinyl instead of wood. We assume that the reason behind this whole discussion has not been to forbid us from ever having any vinyl on our property, but rather to ensure that it is not visible from outside the property. If that is the case, we would like to offer an additional concession:

In addition to planting more shrubs around the perimeter, we will further limit its visibility by reducing its height. We will shorten our trellis from 48" to 30". Although we realize that this still requires HPC approval, this height corresponds to the limit established by Montgomery County for requiring a permit. We believe that this proposal adequately addresses HPC concerns and allows us to retain our original trellis. We would really appreciate it if you could take this offer into consideration prior to the July 9th meeting.

Vinnie & Sharon Broderick

Fothergill, Anne

From: Fothergill, Anne
Sent: Monday, June 16, 2008 9:03 AM
To: 'Ghahhari, Nowelle'
Cc: Whipple, Scott
Subject: Fence violation

Nowelle,

This is a follow-up email about the fence violation case we discussed on Thursday. Jim Martin faxed me a copy of the NOV--it is for constructing a vinyl fence without a fence permit. The May 23, 2008 NOV allows 15 days for compliance and Jim gave them an extra 15 days after talking to the owner. When the owner applied for a fence permit they must have found out they also need a HAWP, so they have now applied for that. Their HAWP application will be on the June 25 HPC agenda.

I would like to recommend conditional approval with two conditions:

- 1) The fence must be wood or metal
- 2) The existing vinyl fence must be removed within --- # of days

Nowelle, this is what we would like guidance on. Should I say 15 days? 30 days?

thanks,
Anne

Nowelle - ok

Anne Fothergill
Planner Coordinator
Historic Preservation Section - Countywide Planning
Montgomery County Planning Department
The Maryland-National Capital Park and Planning Commission
1109 Spring Street, Suite 801
Silver Spring, MD 20910
301-563-3400 phone
301-563-3412 fax
<http://www.mc-mncppc.org/historic/>

You replied on 6/12/2008 3:23 PM.

Martin, James

From: Fothergill, Anne [Anne.Fothergill@mcppc-mc.org] **Sent:** Thu 6/12/2008 1:17 PM
To: Martin, James
Cc:
Subject: 7047 Eastern Avenue
Attachments:

Hi Jim,

Can you fax/email me a copy of this Notice of Violation? What is the timeframe given on the NOV for resolution with the HPC?

thanks, Anne

Service Request Details

[Help](#)

SR Number 199942703
SR Date 05/20/2008
Resolution Date 05/22/2008
Inspected By JAMES MARTIN
Problem Code FENCE/RETAINING WALL
Resolution Code NOTICE OF VIOLATION

Site Address
7047 Eastern AVE
Takoma Park
MD 20912-4260
Lot - Block -
Subdiv. TAKOMA PARK

Problems

PUTTING A FENCE UP IN FRONT OF HOUSE , VINYL PICKIT FENCE

Resolution

An inspection of 7047 eastern Avenue revealed that the property is zoned R-60. An inspection revealed that a white vinyl fence had been recently constructed in the front yard.

Anne Fothergill
Planner Coordinator
Historic Preservation Section - Countywide Planning

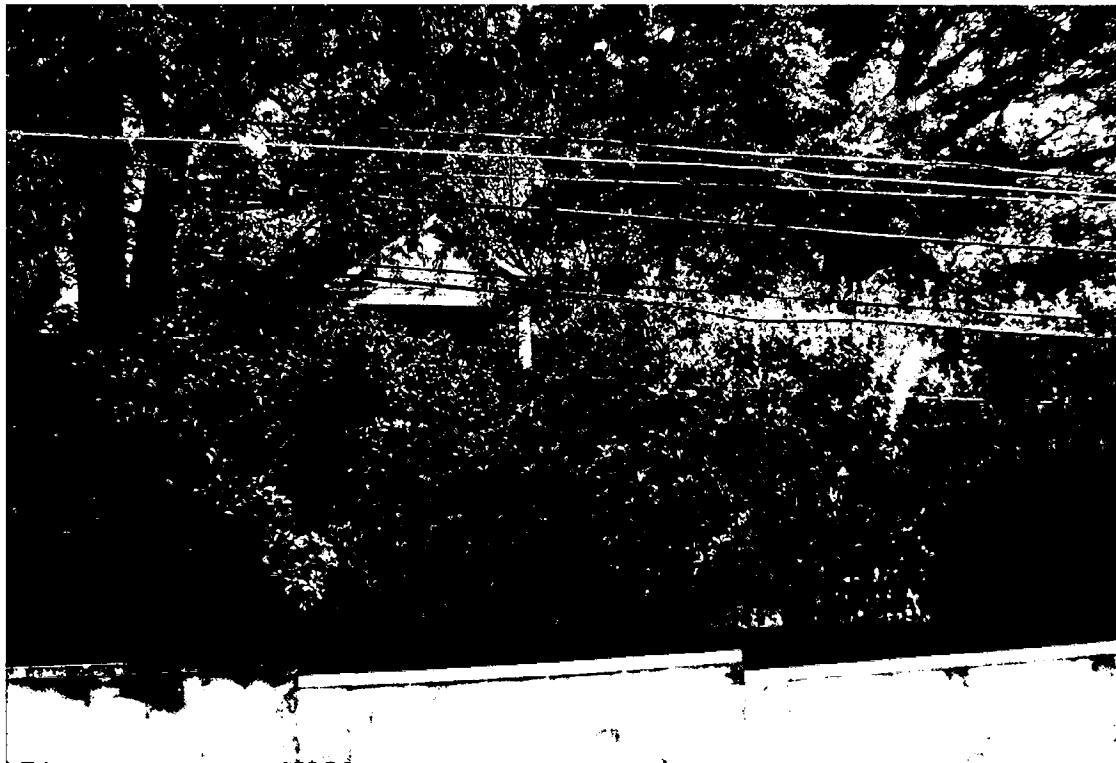
Montgomery County Planning Department

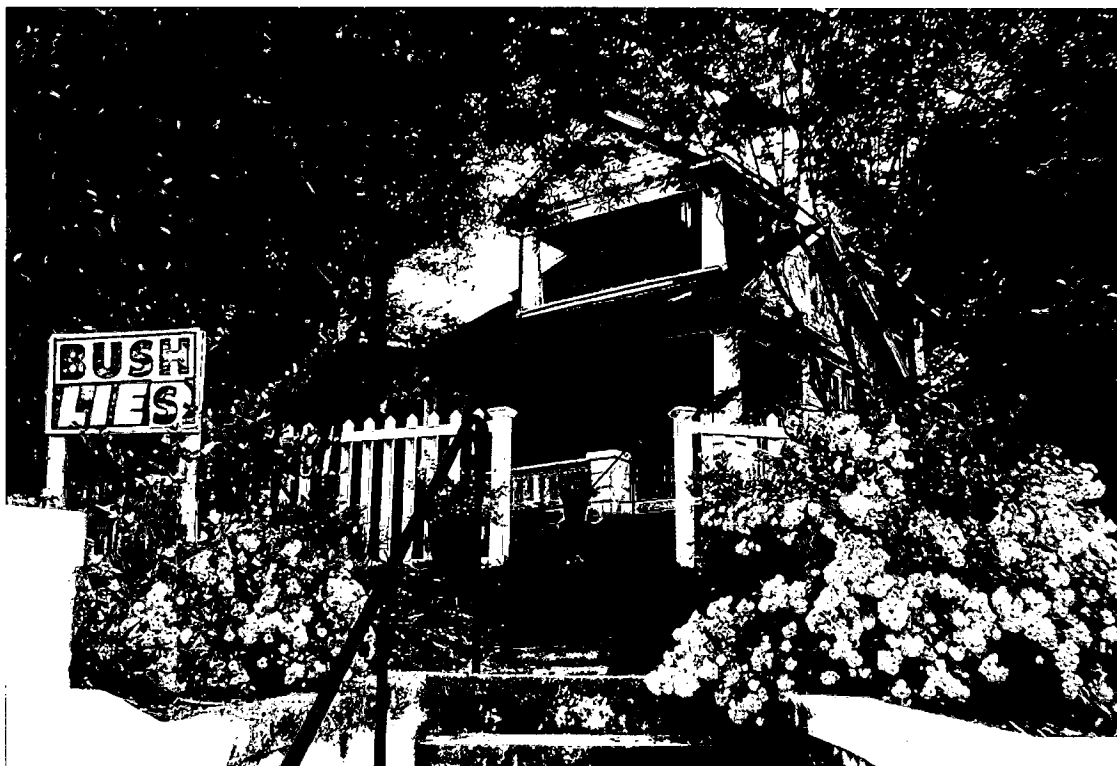
The Maryland-National Capital Park and Planning Commission
1109 Spring Street, Suite 801

Silver Spring, MD 20910
301-563-3400 phone
301-563-3412 fax
<http://www.mc-mncppc.org/historic/>

7047 Eastern









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