

5:10 second review WOODRIDGE T.S. ENERGY
Preliminary Consultation April 30/19-CPA



MONTGOMERY COUNTY PLANNING DEPARTMENT
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

July 24, 2008

Ms. Mary Andrews
2nd Avenue
Silver Spring, MD 20910

Re: 8710 2nd Avenue/Woodside Locational Atlas Historic District
Historic Preservation Review under Chapter 24A-10

Dear Ms. Andrews:

I have received and reviewed the revised plans and elevations (revision dated July 9, 2009), attached, for the proposed alterations to 8710 2nd Avenue, a resource located within the Woodside Locational Atlas Historic District (#36/004).

As Supervisor of the Montgomery County Planning Department Historic Preservation Section, I am of the opinion that this project would **not** constitute a substantial alteration. Therefore, I do not believe that further review under the Montgomery County historic preservation ordinance (Chapter 24A-10) is warranted, or that a Historic Area Work Permit is necessary, unless changes are made to the current plans.

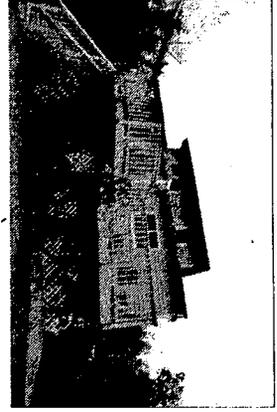
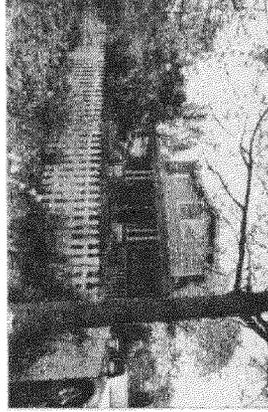
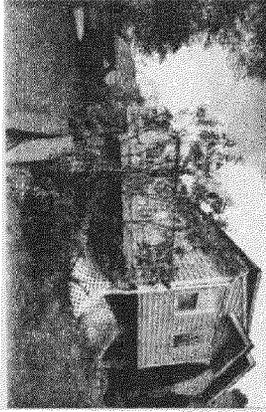
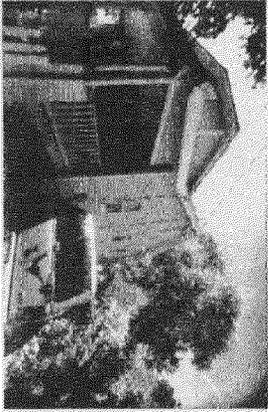
If you have questions or comments, please feel free to contact me at 301.546.3400 or scott.whipple@mncppc-mc.org.

Sincerely yours,

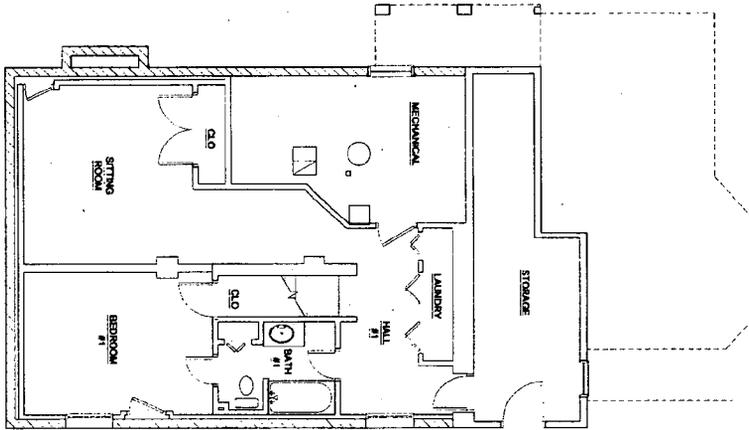
A handwritten signature in black ink, appearing to read "Scott Whipple", written over a large, stylized loop.

Scott Whipple, Supervisor
Historic Preservation Section

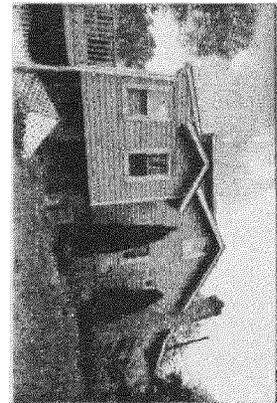
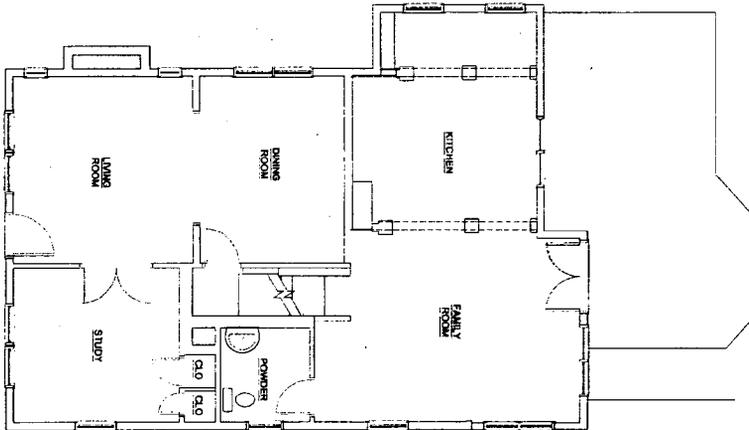
cc: Gail Lucas, DPS
Reggie Jetter, DPS
Anne Fothergill, HP section, MNCPPC



1 EXISTING BASEMENT FLOOR PLAN



2 EXISTING FIRST FLOOR PLAN



THESE PLANS HAVE BEEN PREPARED BY MARK IV BUILDERS SOLELY FOR ITS USE AND SHOULD NOT BE RELIED UPON BY OTHER PARTIES.



MARK IV
A TRADITION OF FINE HOMEBUILDING
AND REMODELING

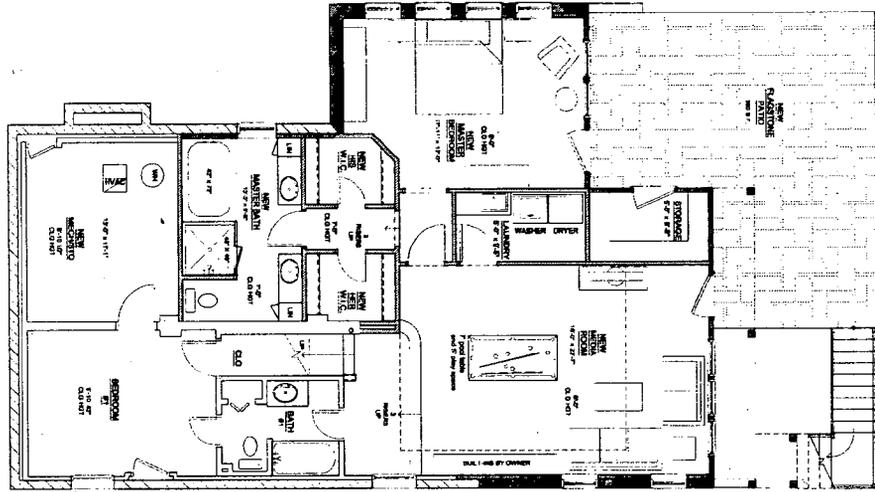
PETER MURTHA & MARY
ANDREAS RESIDENCE
8710 SECOND AVENUE
SILVER SPRING, MD 20910
MONTGOMERY COUNTY

ALL DIMENSIONS AND FINISHES SHOWN ON THESE PLANS ARE APPROXIMATE. THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND FINISHES IN THE FIELD. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY UTILITIES AND SHALL BE RESPONSIBLE FOR PROTECTING ALL EXISTING UTILITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY INSURANCE AND BONDING. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY MATERIALS AND LABOR. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY UTILITIES AND SHALL BE RESPONSIBLE FOR PROTECTING ALL EXISTING UTILITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY INSURANCE AND BONDING. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY MATERIALS AND LABOR.

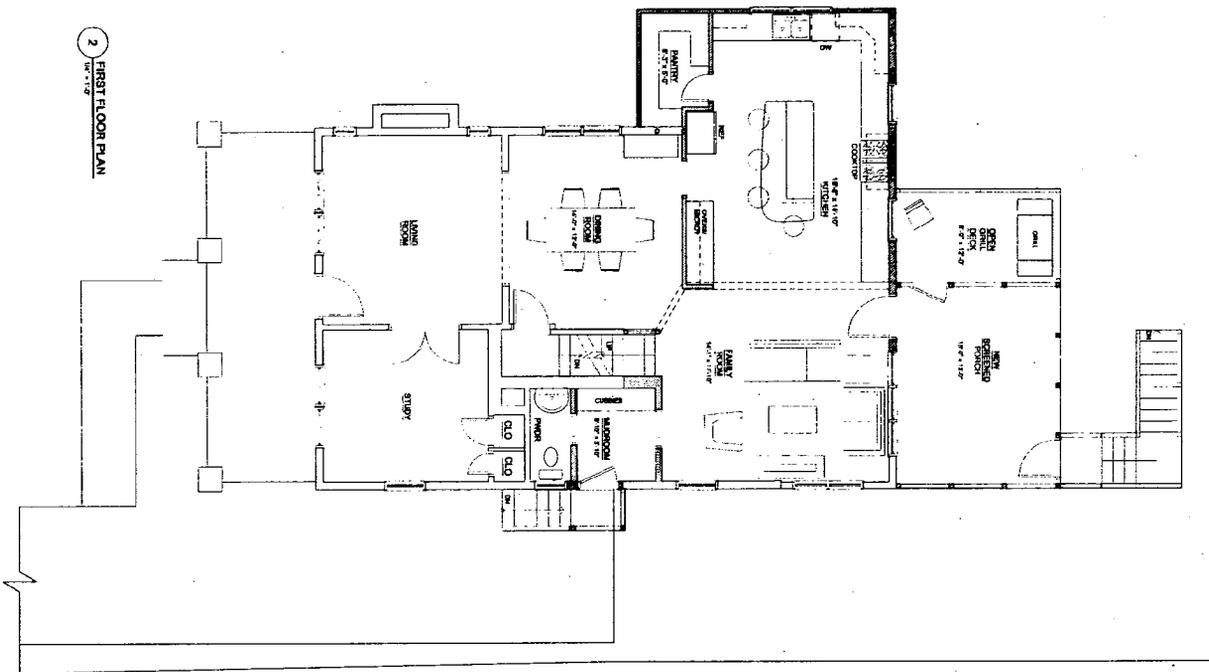
PHASE	DATE
DESIGN REV.	5-05-01
DESIGN REV.	5-14-01
DESIGN REV.	5-12-01
DESIGN REV.	7-06-01
TRACE DAY	

EXISTING FLOOR PLANS

X-1-0



1 BASEMENT FLOOR PLAN



2 FIRST FLOOR PLAN

THESE PLANS HAVE BEEN PREPARED BY MARK IV BUILDERS SOLELY FOR ITS USE AND SHOULD NOT BE RELIED UPON BY OTHER PARTIES.



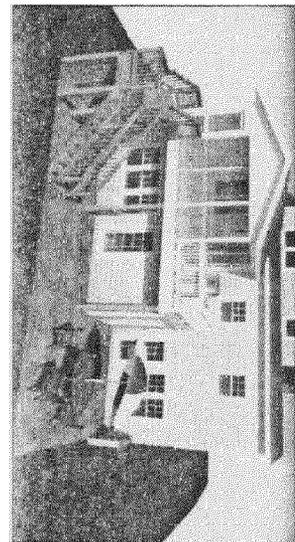
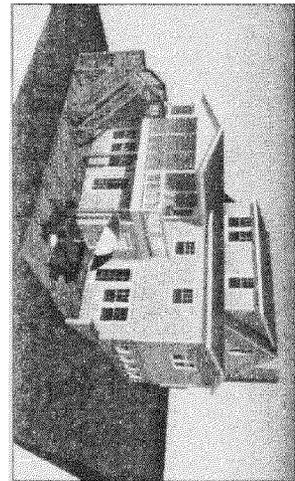
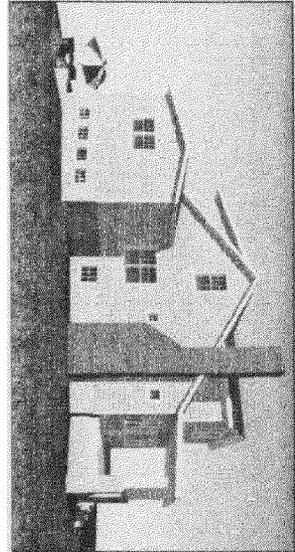
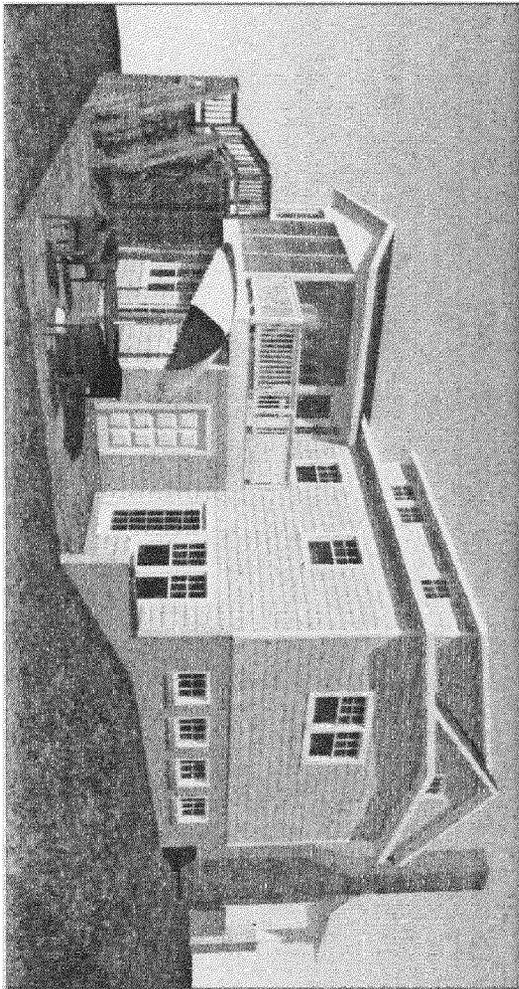
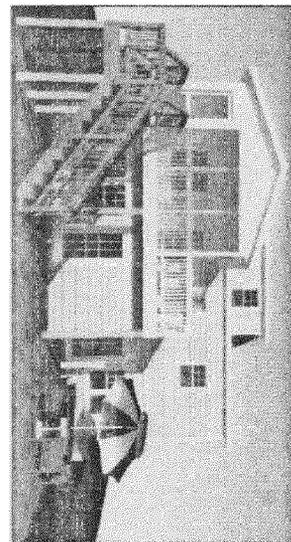
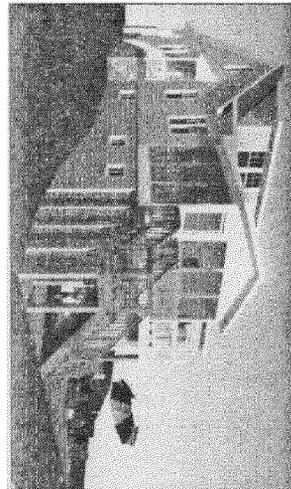
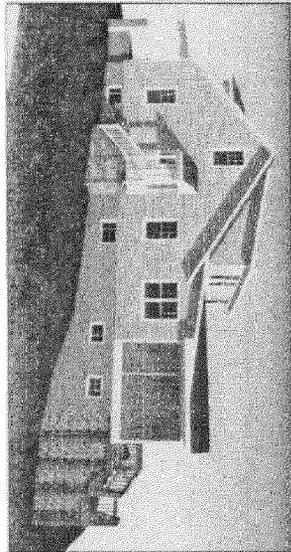
MARK IV
A TRADITION OF FINE HOMEBUILDING
AND REMODELING

PETER MURTHA & MARY
ANDREWS RESIDENCE
5710 SECOND AVENUE
SILVER SPRING, MD 20910
MONTGOMERY COUNTY

PHASE	DATE
DESIGN REV. 1	8-28-01
DESIGN REV. 2	8-14-01
DESIGN REV. 3	6-12-01
DESIGN REV. 4	7-28-01
TRADE DAY	

PROPOSED PLANS

A-10



THESE PLANS HAVE BEEN PREPARED BY MARK IV BUILDERS SOLELY FOR ITS USE AND SHOULD NOT BE RELIED UPON BY OTHER PARTIES.



MARK IV
A TRADITION OF FINE HOMEBUILDING
AND REMODELING

**PETER MURTHA & MARY
ANDREAS RESIDENCE**
5710 SECOND AVENUE
SILVER SPRING, MD 20910
MONTGOMERY COUNTY

PHASE	DATE
PERMITS	8-08-04
FOUNDATION	8-14-04
FRAMING	8-12-04
ROOFING	1-08-04
TRADE DATE	

**EXTERIOR
MODEL VIEWS**

A-2.1



MONTGOMERY COUNTY PLANNING DEPARTMENT
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

November 21, 2008

Mr. Reggie Jetter
Department of Permitting Services
255 Rockville Pike
Rockville, Maryland 20850

RE: 8710 Second Avenue, Silver Spring - Woodside *Locational Atlas* Historic District

Dear Mr. Jetter:

I am writing you this letter regarding 8710 Second Avenue, Silver Spring, located within the Woodside Historic District which is listed on the *Locational Atlas*. The owners plan to apply for a building permit to construct a rear addition to their house. The owners provided our office with the proposed plans and the Historic Preservation Supervisor has determined that this rear addition and new entry at the right side of the house will not be a substantial alteration to the historic house. Therefore, this work does not need approval from the Montgomery County Historic Preservation Commission (HPC). The owners should be allowed to proceed with their building permit application without applying for a Historic Area Work Permit (HAWP).

I am attaching a copy of the plans we have reviewed for your file.

Also, it should be noted that the applicants previously proposed construction of a side addition, which was considered a substantial alteration. In 2007 the applicants received approval from the HPC for HAWP #464090 for a side addition. However, they are now planning to construct a rear addition and not the previously-approved side addition.

If you have any additional questions, please do not hesitate to contact me. Thank you for your assistance in this matter.

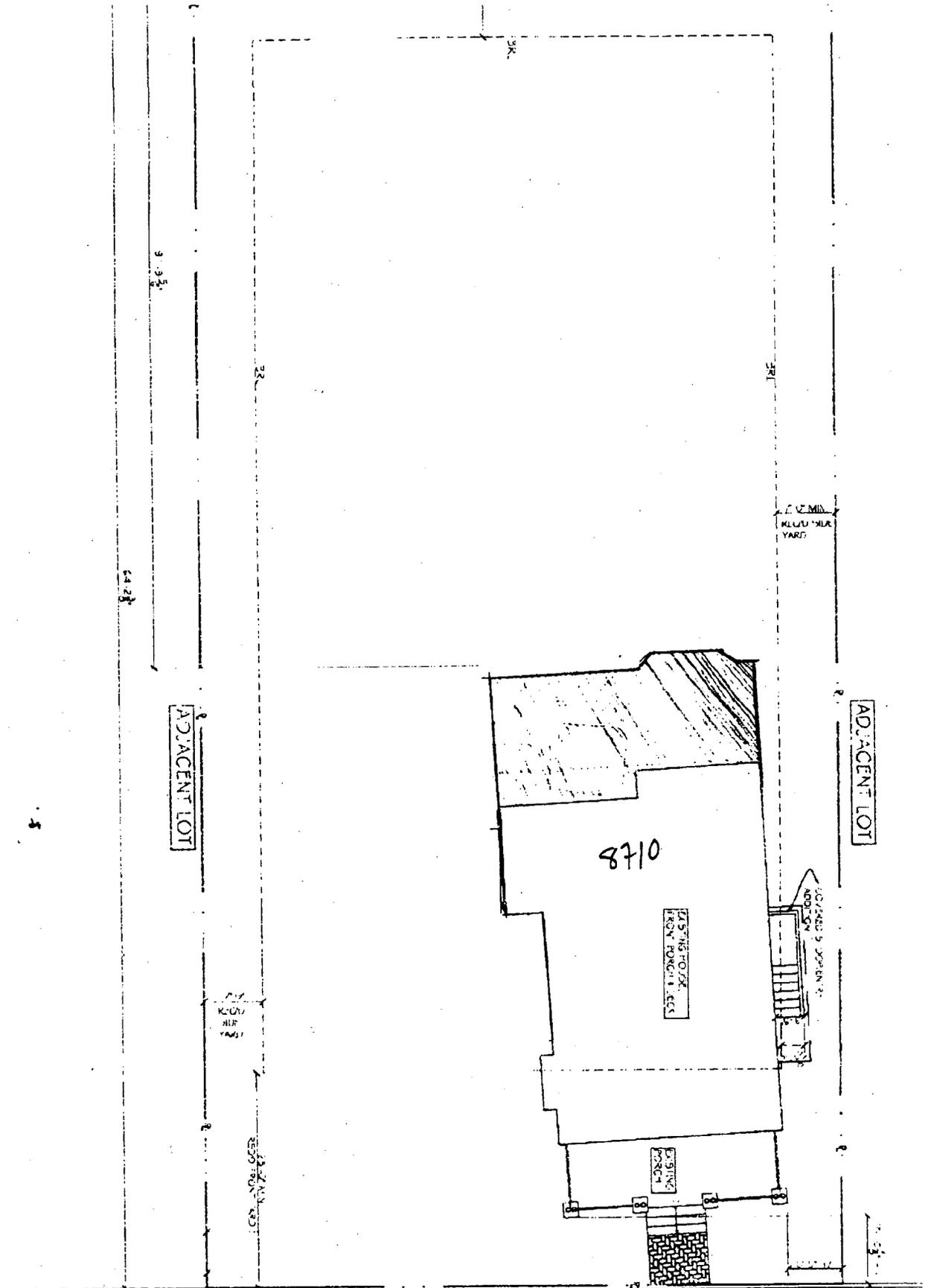
Sincerely,

A handwritten signature in black ink, appearing to read "Anne Fothergill".

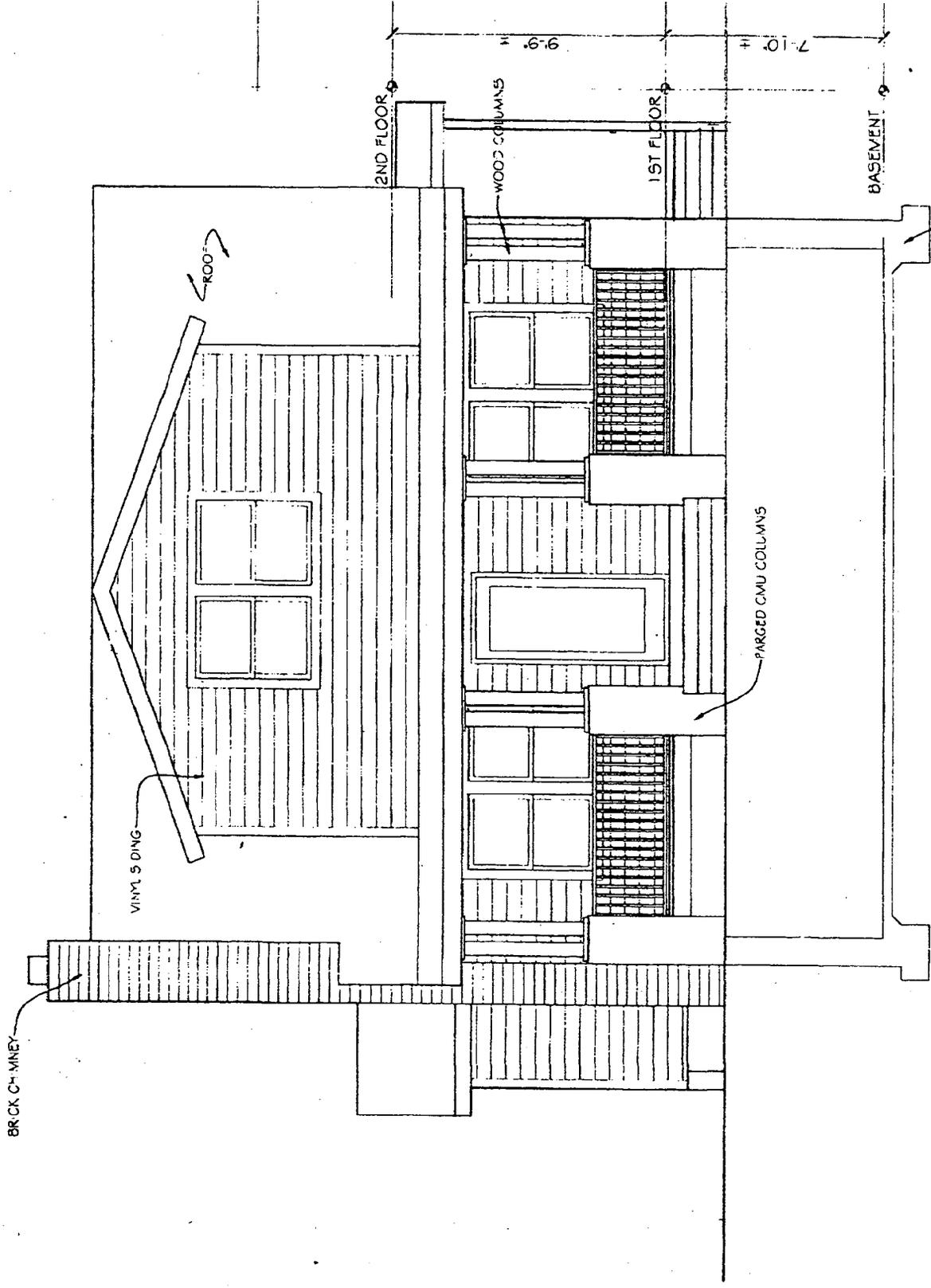
Anne Fothergill
Planner Coordinator
Historic Preservation Section

cc: Gail Lucas
Mary Andrews and Peter Murtha

Enc.

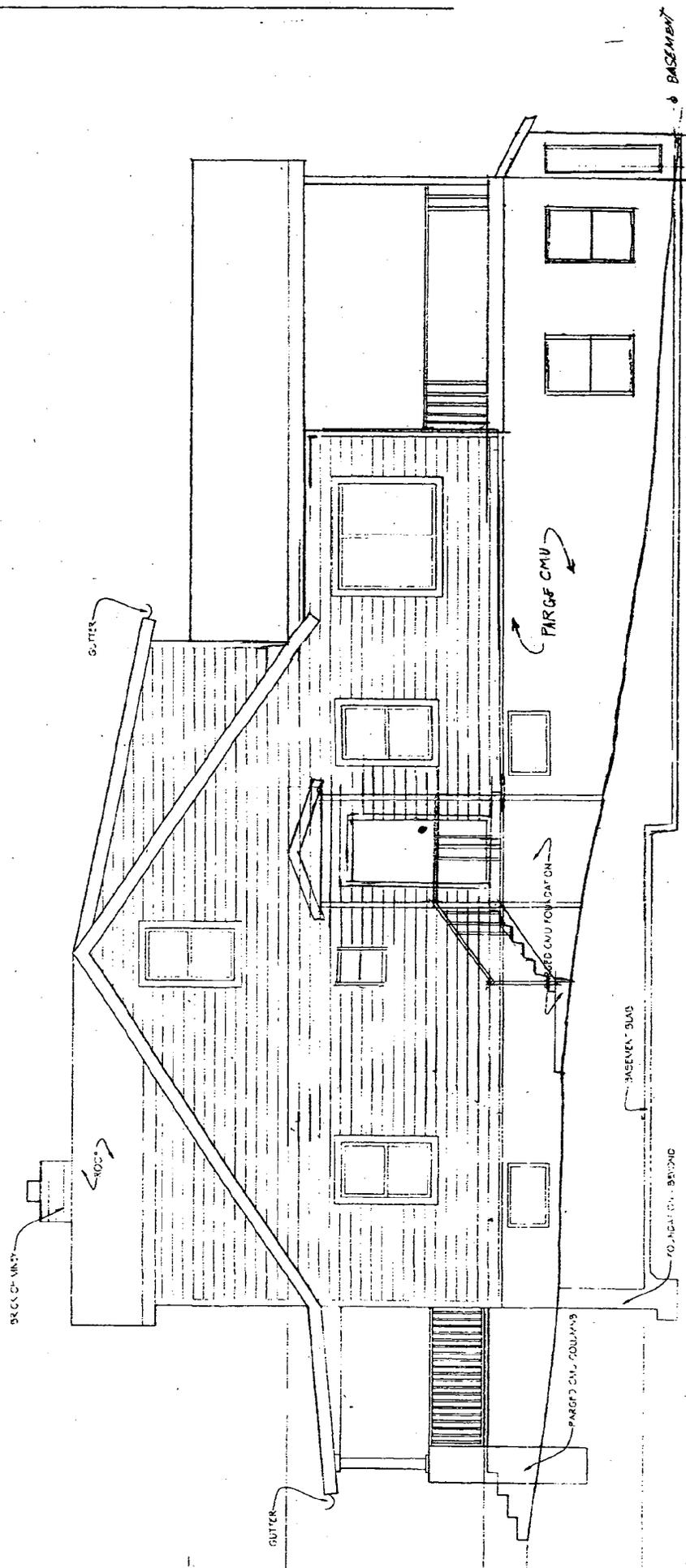


SECOND AVENUE



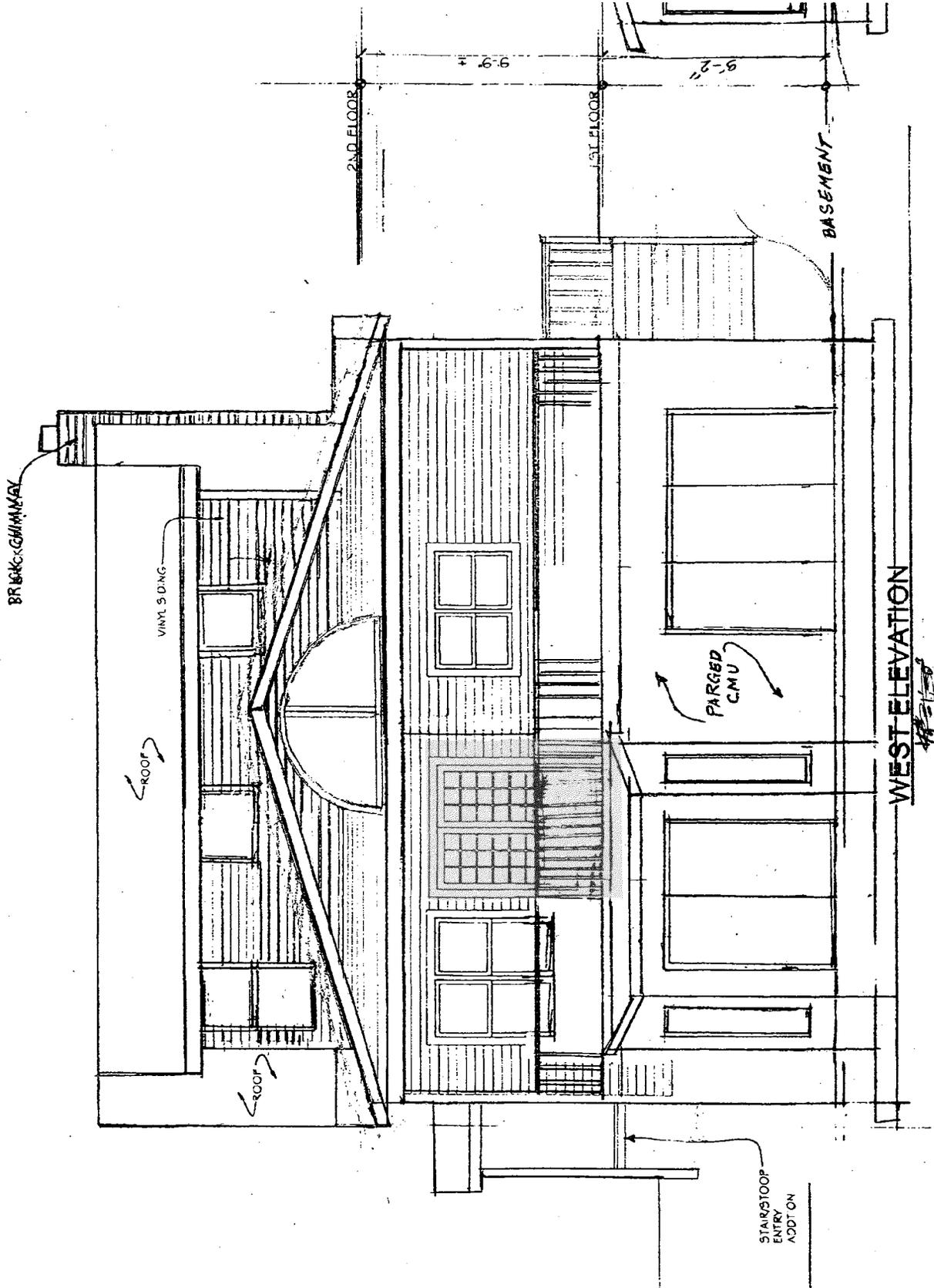
EAST ELEVATION

8710 Second Avenue



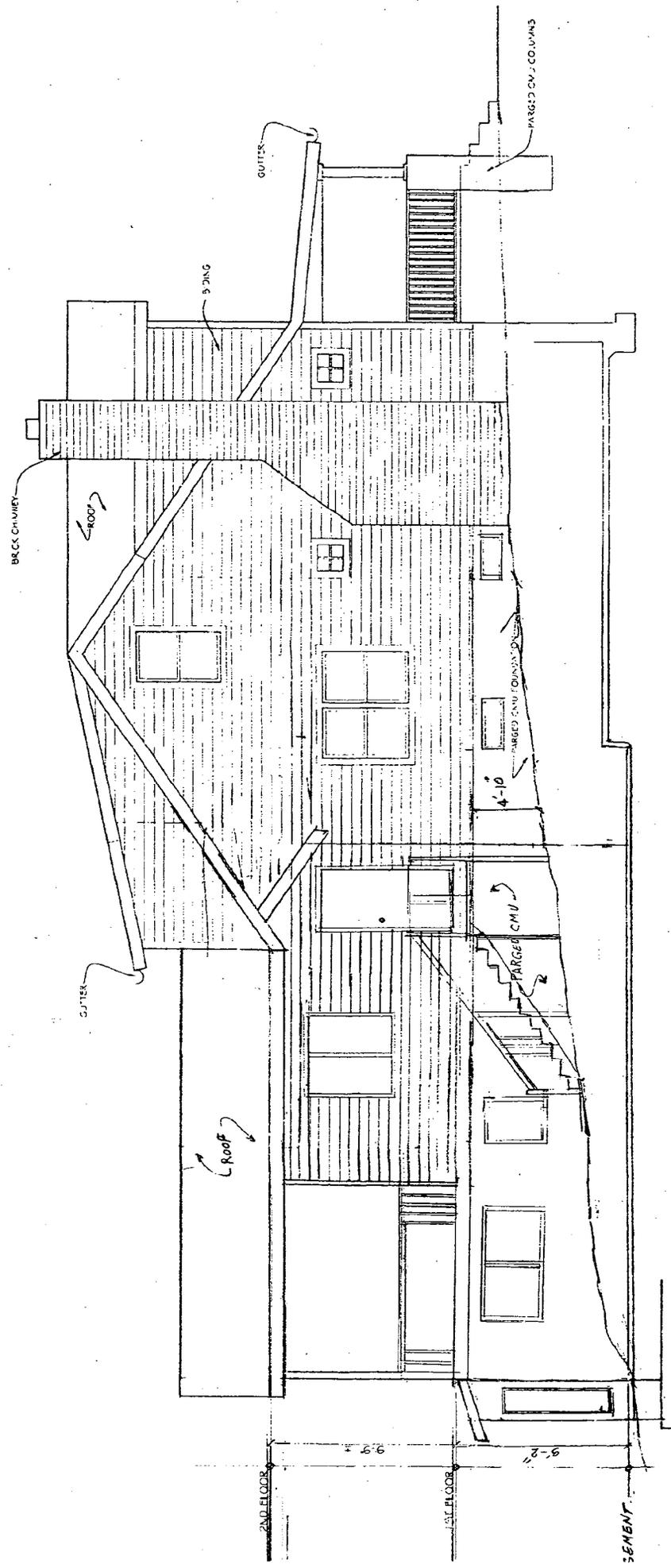
NORTHELEVATION

8710 second avenue



WEST ELEVATION

8710 Second Avenue



SOUTH ELEVATION

8710 second avenue



HISTORIC PRESERVATION COMMISSION

Isiah Leggett
County Executive

Jef Fuller
Chairperson

Date: September 12, 2007

MEMORANDUM

TO: Carla Reid Joyner, Director
Department of Permitting Services

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

SUBJECT: Historic Area Work Permit #464090, side addition and alterations

The Montgomery County Historic Preservation Commission (HPC) has reviewed the attached application for a Historic Area Work Permit (HAWP). This application was **Approved with one condition** at the September 11, 2007 meeting.

The condition of approval is:

1. New windows in the addition will be wood – not aluminum-clad wood windows.

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: Peter Murtha

Address: 8710 Second Avenue, Silver Spring

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: Andrew F. Fernbrook
Daytime Phone No.: (240) 632-0384

Tax Account No.: 010 88514
Name of Property Owner: Peter J. Murtha Daytime Phone No.: _____
Address: 8710 2nd Avenue Silver Spring, MD 20910
Street Number City State Zip Code
Contractor: TBA Phone No.: _____

Contractor Registration No.: _____
Agent for Owner: Andrew F. Fernbrook Daytime Phone No.: (240) 632-0384
(EAST TRACK)

LOCATION OF BUILDING/PREMISE

House Number: 8710 Street: 2nd Avenue
Town/City: Silver Spring Nearest Cross Street: _____
Lot: 6 Block: 12 Subdivision: Woodside
Liber: _____ Folio: _____ Parcel: _____

PART ONE: TYPE OF PERMIT ACTION AND USE

1A. CHECK ALL APPLICABLE: Construct Extend Alter/Renovate A/C Slab Room Addition Porch Deck Shed
 Move Install Wreck/Raze Solar Fireplace Woodburning Stove Single Family
 Revision Repair Revocable Fence/Wall (complete Section 4) Other: ADDITION
1B. Construction cost estimate: \$ #150,000.00
1C. If this is a revision of a previously approved active permit, see Permit # ~~4459~~ 445928

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

Andrew Fernbrook 8/27/07
Signature of owner or authorized agent Date

Approved: with one condition For Chairperson, Historic Preservation Commission
Disapproved: _____ Signature: _____ Date: 9-17-07
Application/Permit No.: 464090 Date Filed: 8/27/07 Date Issued: _____

MONTGOMERY COUNTY HISTORIC PRESERVATION COMMISSION
STAFF REPORT

Address: 8710 Second Avenue, Silver Spring **Meeting Date:** 09/11/07
Applicant: Peter Murtha and Mary Andrews **Report Date:** 09/04/07
Resource: *Locational Atlas* **Public Notice:** 08/29/07
 Woodside Historic District
Review: HAWP **Tax Credit:** None
Case Number: 36/04-07A **Staff:** Anne Fothergill

PROPOSAL: Side addition and alterations to house

STAFF RECOMMENDATION

Staff recommends that the HPC approve this HAWP application with one condition:

1. New windows in the addition will be wood - not aluminum-clad wood windows.

PROPERTY DESCRIPTION

SIGNIFICANCE: Woodside Historic District—*Locational Atlas*
STYLE: Bungalow
DATE: c. 1923

BACKGROUND

The applicants were not aware that their house is in the Woodside Historic District, which is on the *Locational Atlas*, and they applied to the Department of Permitting Services (DPS) for building permits. DPS informed them that because they were proposing a substantial alteration to the house the plans would need HPC approval before they could issue a building permit. The applicants came to the HPC for two Preliminary Consultations in March and June 2007. The transcript from the second Preliminary Consultation is in Circles 13-24 and the original plans are in Circles 25-28.

PROPOSAL

The applicants are proposing a two-story plus basement addition on the left side and a covered entry and stairs on the right side of the house (see Circles 7+8 for existing and proposed elevations).

The proposed addition extends off the left side of the house and requires the removal of two windows on the first floor and one on the second floor. The addition will begin approximately twelve feet behind the front plane of the house (behind the chimney) and is approximately 18 feet wide and 14 feet deep with a six foot by six foot second floor balcony at the rear. There are fifteen small fixed windows on the front of the connector section from the house to the addition. The roof ridge of the addition is lower than the ridge of the historic house. The addition has concrete siding and trim, aluminum clad windows, and an asphalt shingle roof.

On the right side of the house, the applicants propose removing a window and creating a new opening for a

wood door. They are proposing a new covered stairway screened with vertical wood 2 x 2 pickets in staggered height panels, and the stairs will have a steel railing and a concrete landing at grade.

One side of the existing wood deck will be rebuilt so the deck is all on one level. The existing vinyl siding will remain on the house.

APPLICABLE GUIDELINES

The Woodside Historic District was placed on the Montgomery County *Locational Atlas and Index of Historic Sites* in 1976. In 1991, HPC staff began evaluating the district for designation. The evaluation was curtailed at the request of the Woodside Civic Association which requested more time to conduct community education. As a result of the preliminary research and survey work that staff had conducted at the time, the Atlas boundaries were revised. The district will remain on the *Locational Atlas* until it is brought to the HPC, the Planning Board, and the County Council for final designation consideration.

Under Chapter 24A-10 (a) an owner of a property within a *Locational Atlas* district who wants to make a substantial alteration to the house may choose to come directly to the HPC for a HAWP as if the district had already been listed on the Master Plan or they can request that the entire district be evaluated immediately. Staff and the HPC should evaluate this proposal as if this house has been designated a Contributing Resource to the Woodside Historic District.

When reviewing alterations and new construction within the Woodside Historic District two documents are to be utilized as guidelines to assist the Commission in developing their decision. These documents are *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.

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 of 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:

Standard #2 The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.

Standard #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.

Standard #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 environments would be unimpaired.

STAFF DISCUSSION

Since the house is in a Locational Atlas Historic District a proposal to substantially alter the house, including building a side addition, must be reviewed and approved by the HPC.

At the second Preliminary Consultation the Commission clearly supported the new design. There was some discussion with the applicants about possible changes to siding and windows in the historic house. The Commission did not support those changes and the applicants have not included those changes in these plans. The one item of concern regarding the addition was the proposed installation of aluminum-clad windows. The Commission has a policy to not allow clad windows in historic districts and since these windows would be very visible from the street, staff is recommending a condition of approval that the windows be wood.

The addition is set back from the front, it has a lower roofline than the house, and it will be clearly differentiated from the historic house. The Commission has already expressed their support of the addition and staff is recommending approval of this application with one condition.

STAFF RECOMMENDATION

Staff recommends that the Commission **approve with one condition** the HAWP application 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.



301/563-3400

A

APPLICATION FOR HISTORIC AREA WORK PERMIT

464090

Contact Person: Andrew F. Fernebok

Daytime Phone No.: (240) 632-0384

Tax Account No.: _____

Name of Property Owner: Peter Murtha & Mary Andrews Daytime Phone No.: (301) 589-0877

Address: 8710 2nd Ave. Silver Spring, MD 20910
Street Number City State Zip Code

Contractor: TBA Phone No.: _____

Contractor Registration No.: _____

Agent for Owner: Andrew F. Fernebok Daytime Phone No.: (240) 632-0384
(Fast Track Permit Services)

LOCATION OF BUILDING/PREMISE

House Number: 8710 Street: 2nd Avenue

Town/City: Silver Spring Nearest Cross Street: _____

Lot: -6- Block: 12 Subdivision: WOODSIDE

Liber: _____ Folio: _____ Parcel: _____

PART ONE: TYPE OF PERMIT ACTION AND USE

- 1A. CHECK ALL APPLICABLE:
- | | | | | | | | | |
|---|----------------------------------|---|--|------------------------------------|---|---|-------------------------------|-------------------------------|
| <input checked="" type="checkbox"/> Construct | <input type="checkbox"/> Extend | <input type="checkbox"/> Alter/Renovate | <input type="checkbox"/> A/C | <input type="checkbox"/> Slab | <input checked="" type="checkbox"/> Room Addition | <input type="checkbox"/> Porch | <input type="checkbox"/> Deck | <input type="checkbox"/> Shed |
| <input type="checkbox"/> Move <u>ADD</u> | <input type="checkbox"/> Install | <input type="checkbox"/> Wreck/Raze | <input type="checkbox"/> Solar | <input type="checkbox"/> Fireplace | <input type="checkbox"/> Woodburning Stove | <input checked="" type="checkbox"/> Single Family | | |
| <input type="checkbox"/> Revision | <input type="checkbox"/> Repair | <input type="checkbox"/> Revocable | <input type="checkbox"/> Fence/Wall (complete Section 4) | | <input type="checkbox"/> Other: _____ | | | |

1B. Construction cost estimate: \$ 150,000⁰⁰

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

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

Andrew Fernebok
Signature of owner or authorized agent

February 23, 2007
Date

(4)



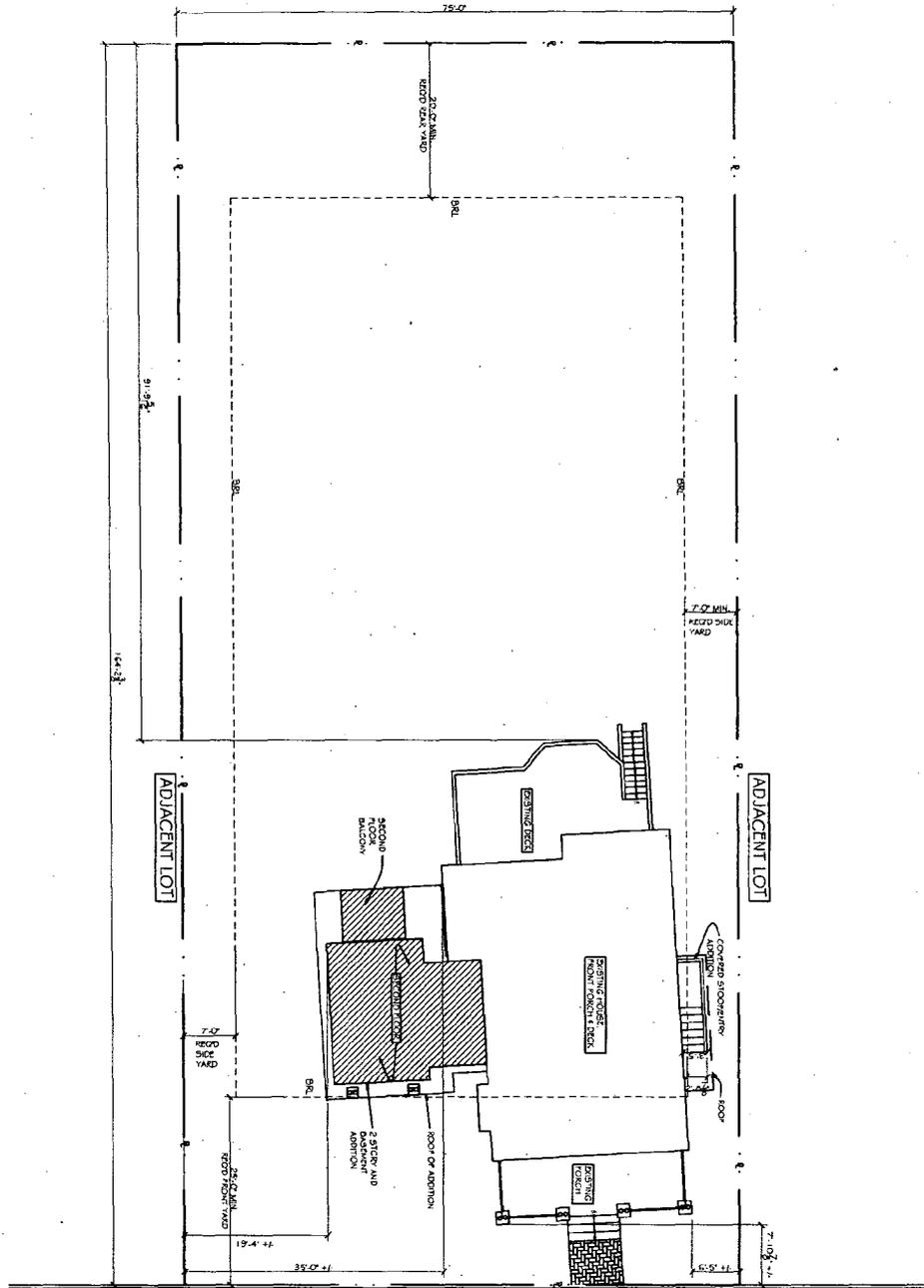
8710



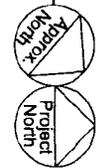
SECOND AVENUE

SPRING

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



SECOND AVENUE



A000

REVISIONS	NO. OF	DATE	DESCRIPTION

WIEBENSON & DORMAN ARCHITECTS PC

ANDREWS / MURTHA RESIDENCE

SITE PLAN

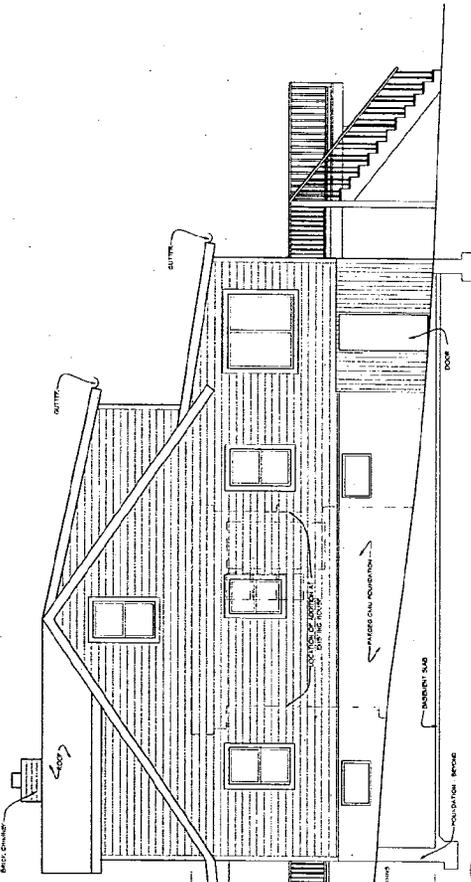
8710 2ND AVENUE
SILVER SPRING, MD 20910

1711 CONNECTICUT AVENUE NW
WASHINGTON DC 20006
T: 202.234.4200
F: 202.234.4201
E: wda@wdaarchitects.us
www.wdaarchitects.us

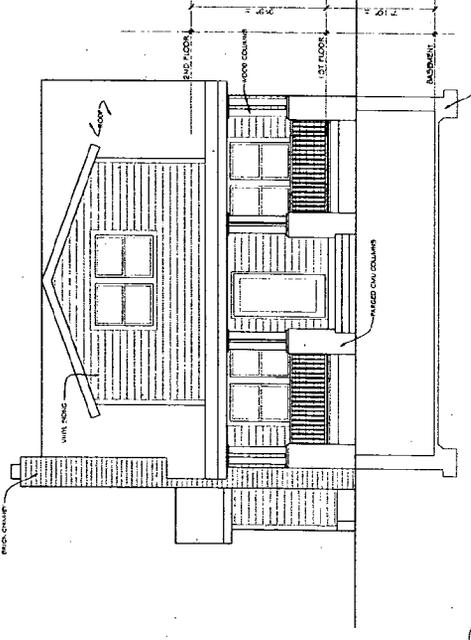
REVISIONS:

02.23.07	BD/PHN/AM/STORIC
07.25.07	FINAL CHECK SET
08.30.07	PERMIT SET

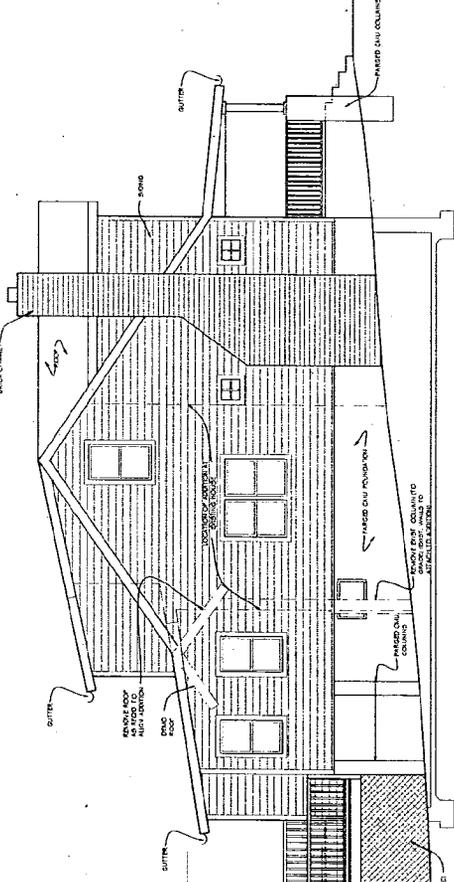
A201



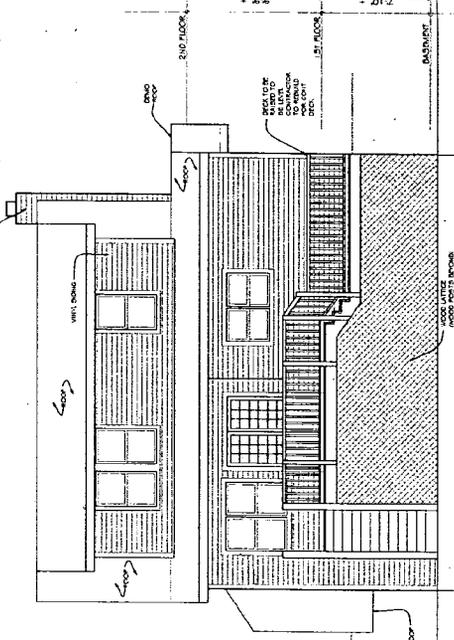
4. APPROXIMATE EXISTING NORTH ELEVATION
 A201 1/8" = 1'-0"



1. APPROXIMATE EXISTING EAST ELEVATION
 A201 1/8" = 1'-0"



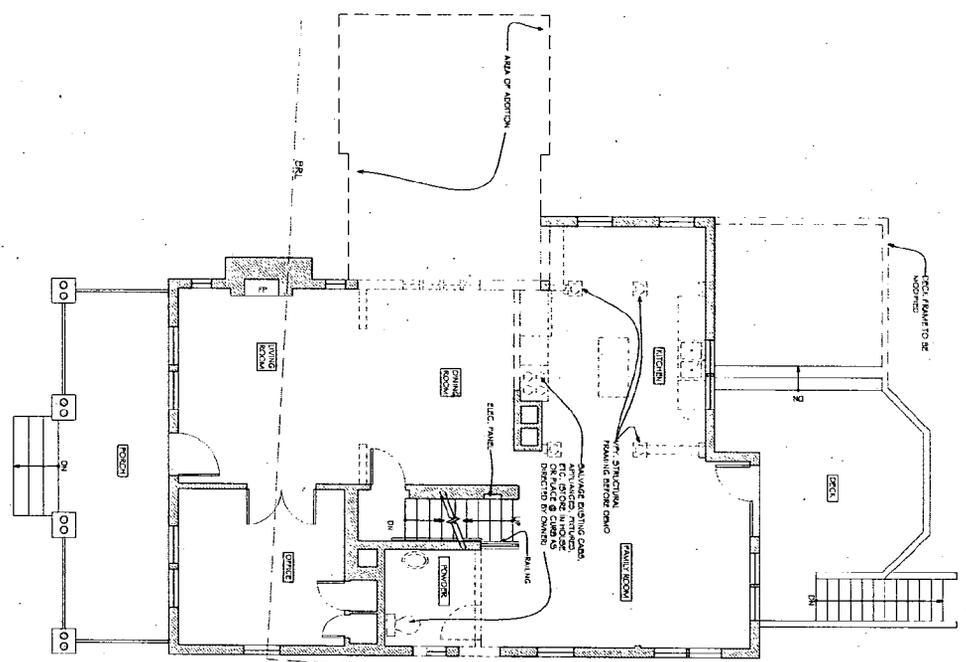
3. APPROXIMATE EXISTING SOUTH ELEVATION
 A201 1/8" = 1'-0"



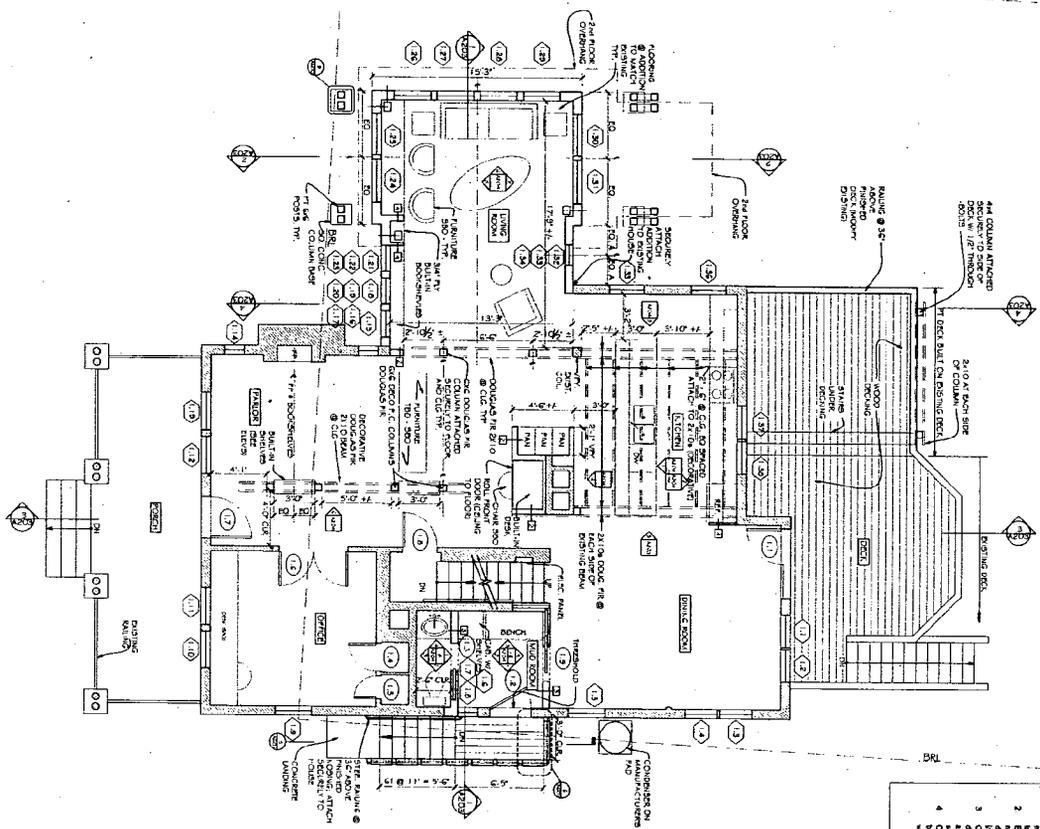
2. APPROXIMATE EXISTING WEST ELEVATION
 A201 1/8" = 1'-0"

(7)

1. APPROXIMATE EXISTING FIRST FLOOR PLAN W/ DEMO



2. FIRST FLOOR PLAN



- Client Notes:
1. All details from demolition (demonstration) to be removed in timely fashion and to be disposed of in a responsible manner.
 2. Every care is to be taken to provide adequate temporary support to floors, walls, etc. during demolition.
 3. Hazardous materials are to be identified by a licensed professional and removed in accordance with applicable regulations.
 4. Contractor to verify structural conditions before demolition.

NEW WALL
EXISTING WALL
DEMOLITION WALL
NEW DOOR
EXISTING DOOR
DEMOLITION DOOR
NEW WINDOW
EXISTING WINDOW
DEMOLITION WINDOW

A101

REVISIONS	DATE	BY	REASON

WIEBENSON & DORMAN ARCHITECTS PC

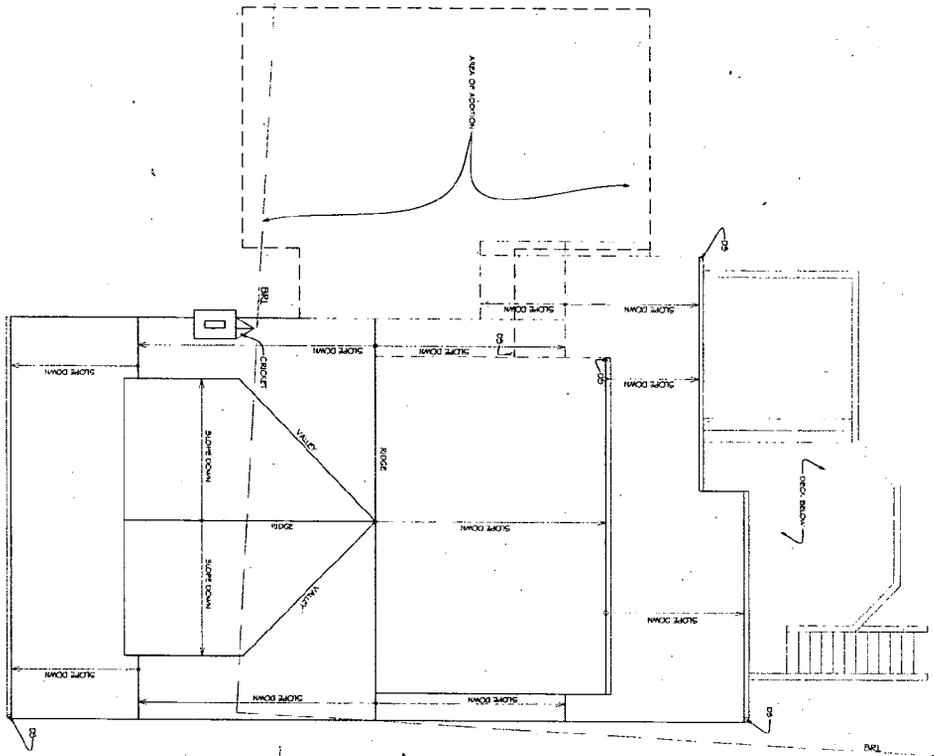
ANDREWS / MURTHA RESIDENCE

8710 2ND AVENUE
SILVER SPRING, MD 20910

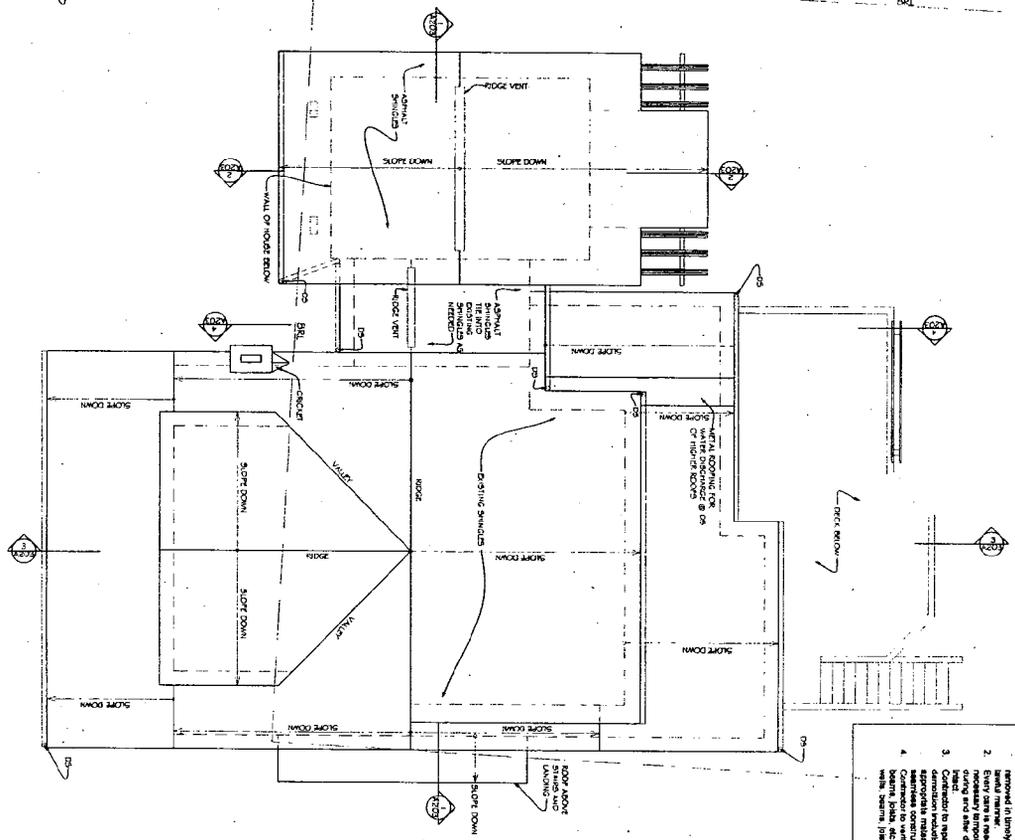
FIRST FLOOR PLAN AND DEMO PLAN

1711 Connecticut Avenue NW
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1 APPROXIMATE EXISTING ROOF PLAN W/ DEMO
 A103 1/8" = 1'-0"



2 ROOF PLAN
 A103 1/8" = 1'-0"



- Notes:
1. All areas from demolition (if construction) to be removed at time of construction and to be replaced with a new roof system.
 2. Every area is needed to be shingled to provide necessary temporary support to roof, which will be replaced with new roof system.
 3. Construction of new roof system is a part of construction project and shingling is a part of construction project.
 4. Construction of new roof system is a part of construction project and shingling is a part of construction project.

WALL CUT	DECK WALL
EXISTING WALL	(EXISTING PLAN)
NEW WALL	(NEW WALL)

A103

REVISIONS	DATE	BY	CHKD
02.22.07	BD/THUR	MS/DOR	
03.05.07	FINA	CREV	SET
08.01.07	BD/THUR	MS/DOR	SET

WIEBENSON & DORMAN ARCHITECTS PC

ANDREWS / MURTHA RESIDENCE

ROOF PLAN

8710 2ND AVENUE
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June 13, 2007 MPC transcript

MR. FULLER: Thank you. Next we'll move into a preliminary staff report for 8710 Second Avenue, Silver Spring.

MS. FOTHERGILL: Yes. This is a second preliminary consultation for 8710 Second Avenue which is located in the Locational Atlas Historic District of Woodside. The applicants came before you in March of this year, and the transcript from that meeting is in your staff report, and the original plans are also in your staff report. The applicants are proposing a two story plus basement addition on the left side, and a covered entry and stairs on the right side of the house.

The addition is pushed back from the front plane of the house that will begin approximately 12 feet behind the front plane of the house behind the chimney, and is approximately 18 feet wide and 14 feet deep with a 6 foot by 6 foot second floor balcony at the rear. And there are proposed 15 small fixed windows on the front of the connector section from the house to the addition, and the roof ridge of the addition is lower than the ridge of the historic house.

The proposed materials are concrete siding and trim, aluminum clad windows and an asphalt shingle roof. On the right side of the house the applicants propose removing a window and creating a new opening for a wood door with a new covered stairway and screened with vertical wood pickets and panels and stairs to grade.

The existing vinyl siding will remain on the house. I'll show you some visuals. This is an aerial shot and the proposed addition would begin behind that chimney that you can see, and I know most of you are familiar with this so I'm going to go through them quickly. This is the front of the house, and this is that left side that would have the addition.

At the first preliminary, while generally the commissioners support rear additions to houses, most commissioners said that in this case they would consider a side addition since as proposed is pushed back from the front of the historic house, and impacts a relatively small part of the left side of the house.

However, the main concern was that the proposed massing was taller than the historic house, and that you strongly encouraged the applicant to lower the roof line, and the applicants have responded to that concern. As you can see in the plans, the proposed addition is now lower.

You also suggested making the hyphen connector glassier, and the applicants have responded by adding a number of windows which you will also see in that front elevation. With those changes responded to, staff feels that this proposal now is something that with some minor tweaking, rather than major revisions, is something that could be approvable.

It is set back from the front, clearly differentiated. Has a lower roof line, and at this point will not adversely impact the streetscape. The applicants are here, and eager. As you will recall, they were not aware they were in a historic district, and they're very eager to move forward. And so I am sure they would like to hear your thoughts on this new design.

MR. FULLER: Are there questions for staff?

MS. ALDERSON: Yes, a couple of questions. Can you review quickly once more what the thinking is that you are suggesting, and that whether this has been discussed with the applicants, and then we could hear from them.

MS. FOTHERGILL: Sure. They were just suggestions that based on some of the commission's suggestions last time. For example, that the connector section be glassier, which if you look in Circles 8 and 9, Circle 8 is what they had at the first preliminary, and Circle 9 is what they're proposing now. And as you can see, there are now many more windows in that section. Staff was suggesting that perhaps rather than 15 small fixed windows, they be larger expanses of glass. Again, minor tweaking.

The one other was that the, in terms of materials, that there be wood windows and trim rather than, I believe, they're proposing clad. I'm not sure if they're clad. Yeah, aluminum clad windows. Just to keep it more in keeping with the historic house. The, unless I'm forgetting something, those were the minor recommendations staff had based on the first preliminary, and based on what is generally approved.

MS. ALDERSON: Were you suggesting that, I thought maybe I caught this in the first review, were you suggesting bringing that roof peak down a bit more to be no higher than the house, and also had you discussed bringing that front plane of the side addition back any further?

MS. FOTHERGILL: The general consensus at the first preliminary was that that 12 foot setback was substantial enough where we could discuss pushing it back further. And the roof line is now, in fact, lower.

MS. ALDERSON: Were you referring to option A or B, or both?

MS. FOTHERGILL: Can you tell me what Circle you're on?

MS. ALDERSON: I'm sorry. D is 15 and A is 14.

MS. FOTHERGILL: Oh. You know, to be, I mean, A is what they had in their first preliminary, in Circle 14. And up in the corner you'll see it says first preliminary. And then, Option D was a sketch at one point, but I

don't, I don't know for sure that all those details are what is in the elevation and certainly what they're proposing now is in the elevation.

MS. ALDERSON: Okay, so just look at the one that we've got attached, okay. The question is whether or not they wanted to continue discussion on that. Okay, thank you.

MR. FULLER: Other questions for staff? Would the applicants please like to come forward. Good evening. State your name for the record.

MR. MURTHA: I'm Peter Murtha, I'm the co-owner of the property at 8710 Second Avenue.

MS. ANDREWS: Mary Andrews, also co-owner.

MR. DORMAN: I'm Kendall Dorman. I'm an architect with Webinson and Dorman Architects.

MR. FULLER: Do you have things you want to address for us or present for us, or do you want to hear comments?

MR. DORMAN: I don't know. I could hear comments first. First of all, I don't know if you guys, have you seen these? These were part of the report, but I don't know if the copies are as well as they copies.

MR. FULLER: They don't copy well, no, so.

MS. ALDERSON: If this is answering the question. This is the development of Option D?

MR. DORMAN: That's right.

MS. ALDERSON: So we're just getting away from the gable roof, okay, because we had talked about that.

MR. DORMAN: Right.

MR. FULLER: Comments or questions to the applicant?

MS. ALDERSON: Well, I think the side gable works much better in the side addition. There is less competition with bungalow dormer. I only wish we had here, which we don't, the only thing I wish we had, you've given us a simulation prop today, which I have to admit may be uncomfortable that Option A, because even though it was pulled back, it still looked like in height it was competing with the house.

I would love to have that same view of simulation for Option D, although certainly your perspective to me makes it appear less like it's competing with the house in massing and height just turning the gable on its side.

MR. DORMAN: Do you have something as good a quality as this?

MS. ALDERSON: This helps. And what my thought was it can be helpful to get that perspective from the other side.

MR. DORMAN: Yeah, I think, I'm not sure if we did that or not.

MS. ALDERSON: This is helpful. Thank you.

MR. FULLER: Circle 15, is that what you're --

MS. ALDERSON: Yes. And then the question is, the view in 14 has got other perspective from the other side of the house. It gives you a sense of how it would read as part of the rhythm of the street.

MR. DORMAN: I can do that. My gut tells me that a lot of it will go away.

MS. ALDERSON: That's why I'm guessing, because you're turning the ridge, if you're lowering it and turning it to the side, I think it would probably confirm that. It's a much lower impact.

MR. FULLER: Questions? Additional comments?

MS. ANAHTAR: I wasn't here last time. It's the first time that I'm seeing these drawings, but just by looking at the previous proposal, I think there's a significant improvement. I like the new roof configuration, massing, the scale. And it is swanky, it is cool. I like the glazed hyphen, either one is okay with me. I mean, it's asymmetrical, but it looks right. It shows that it is younger than the original house, so I don't have any problems with it.

MR. ROTENSTEIN: I think it's greatly improved, and adding to Commissioner Anahtar's comments, I don't see any problem in differentiating the newer part from the old part, it's there. I think the changing the roof does make a big difference. I don't have any substantive comments to make.

MR. BURSTYN: I was wondering on Circle 12 there, the color drawing there, what kind of material is, it looks like the very top piece of the roof looks extra high there for that one piece, what kind of material is that going to be? Building material?

MR. DORMAN: Well, it's either going to be, probably some sort of pressure treated lumber, because what you have is, you have a, what you're seeing there is the front beam and then the joist over the top of the front beam, and you be a fascia board on the front of the joist. We could take that fascia board off of there so you can see each individual joist running across there. That might graphically look a little lighter there.

MR. BURSTYN: It's just that when I look at the whole thing this one piece sticks out.

MR. DORMAN: Just the heaviness of it?

MR. BURSTYN: Yes.

MR. DORMAN: Yes. We haven't structurally reviewed this with a structural engineer yet, so I don't really know how big those pieces are going to be. We just kind of took our best shot what they'd be, even you know, 2 by 12s or 2 by 10s or some sort of dimensional lumber. So we're a little, I guess we have to make it stand up. So I don't know, like I said, we'll, I can get back with you on that once we have it reviewed by a structural engineer. But I imagine, I can also check graphically how big we've made those and, it's possible we made them a little bit larger than they might actually turn out to be.

MR. FULLER: Other comments?

MS. ALDERSON: I'd like to thank you for being responsive to our concerns about the competition of the side. I think the change of the shallow roof facing the side is a very good solution. And I also, I think it can work as kind of this eclectic interpretation, contemporary interpretation of Craftsman with the details of Y eaves and brackets, and even the, you know, the overhang in the back that sort of suggests kind of a tree house. I think that actually works very well.

And it's just one of the cases where I much, with it pulled back so that it's not competing with the mass, I'm much more comfortable seeing a side addition than I would have been seeing a back addition that would have eaten up the house and overwhelmed it. So I think this is the right direction, and we just encourage you to work with staff on the details.

MR. FULLER: So my only comments, basically I concur with the other comments as it relates to the roof line and the link. I'm, just remain a little concerned as you finish developing your details to not let it compete too far with the old house. I mean normally for a major addition, we do want to see it behind the house so that it doesn't take precedence from the street.

Your design is very nice. It starts to compete though with the main house even set back, I mean you're set back on the setback line, so you're as close to the street as anybody could ever build at this point in time. And so I'm just concerned to make sure that as you develop your detailing that you don't let it become any more, or if anything, try to keep it a little bit, keep it on the simpler side. I'm just concerned that it starts to compete too much. But as a general rule, I concur with the other comments that have been made.

Do you feel you have direction?

MS. ANDREWS: I wanted to clarify a couple of things on the materials, because the staff report indicates that we wanted to maintain the vinyl siding on the original structure, and we would actually like to put the concrete siding on the whole structure. The vinyl siding, even after 15 years doesn't look very good right now, and so we'd definitely think that we could improve the appearance by changing the siding on the existing structure.

MS. ALDERSON; I'm a little confused. What's the basis of choosing concrete on the original? There's no original concrete. I would assume it was wood siding or shingle.

MS. ANDREWS: Yeah, and I'm assuming that the wood siding is no longer --

MS. ALDERSON: We would never approve replacing wood with concrete.

MR. FULLER: She's saying there's vinyl there now.

MS. ANDREWS: There's vinyl there now.

MS. ALDERSON: It would be the opportunity would be taken if you want to replace the vinyl, it would need to be what's historically correct. If you want it to be wood, I would never, there's no precedent for approving anything but wood where the original siding would have been wood on the original house itself. On the addition, I could accept a substitute material, but the original house, replacing wood with concrete wouldn't, I meet the Secretary standards and we have no precedent for approving anything like that.

MR. FULLER: I think she's suggesting replacing vinyl with concrete.

MS. ALDERSON: Yeah, and that's why I'm saying I can't imagine. There's no precedent. I wouldn't be comfortable approving that. That's a very big change from the original wood.

MR. FULLER: So you'd prefer to see the vinyl stay?

MS. ALDERSON: Either leave the vinyl or what you're ready to restore, go back to wood, or shingle, if that turns out that what's underneath the vinyl. I'd like and see what's underneath the vinyl. It could be either one. And you could do stained shingles, if that's the appropriate thing. And it's still, you know, a natural material.

MR. MURTHA: If I may, the vinyl siding was added at the time the house was renovated immediately before we moved in, approximately 14 years now. The condition of the house would suggest that the wood siding underneath is not going to be viable to keep. It would need to be replaced. The vinyl siding that currently is on the house is hideous.

That's not too strong a word, and truly needs to be replaced, yet it would be very difficult to put on wood siding that would be expensive, require constant maintenance and the concrete siding that we would suggest has an infinitely superior appearance as compared with vinyl siding whether it's leaving on the existing vinyl siding or replacing the vinyl siding with, you know, other vinyl siding.

MS. ALDERSON: Well, you are surrounded by hundreds of historic structures with wood siding that are managing to maintain their wood siding. We have never approved a concrete or synthetic material as a substitute for natural wood.

MR. BURSTYN: I concur with Commissioner Alderson. What's on the street now on Second Avenue on other homes of the same vintage?

MS. ANDREWS: Well, I think there's a combination of, some of the are original wood siding and some of them are vinyl siding.

MS. ALDERSON: But when they choose to remove the vinyl, the question you look at is, not what's appropriate to a vinyl house, but what is original to the house. That's always the question. And then what is either a repairing kind or a replacement in kind when replacement in kind when repair is impossible.

MS. WRIGHT: I think also, I was familiar with another house that's on the same street that is just a little bit to the north, headed away from downtown. The one on the corner had an addition and a detached garage built. That had the asbestos shingle siding on it and they took it off sort of like one facade per year, and were able to redo the wood siding on that house. And I think they found, you know, I don't think they had to do wholesale replacement of the wood because they found once they took the asbestos off, it wasn't as bad as they guessed it might have been.

We've had a lot of houses where folks with great trepidation have removed their vinyl siding expecting really, really bad condition, and found out it really wasn't quite as bad as they expected it to be. So, I mean, one possibility is that you could maybe take a, you know, in some part where you're going to have to take it off anyway to build the addition.

You could take some of the vinyl siding off and do a little exploration of how bad the wood, the condition of the wood really is. And if it's not in terrible shape, it might be viable to do what the folks down the block did, and you know, even do it in stages, you know, and paint in stages.

MS. ALDERSON: That's actually been my same observation from a conservation standpoint. That's my background, is architectural conservation. We've seen, and almost been and certainly in the Takoma Park neighborhood, almost all of the asbestos siding, and there was lots of it, has been removed. All of the buildings with aluminum have had there's removed. I'm not aware of anyone who had to do wholesale replacement. I mean, the one thing about that old wood is it's better wood than today's wood, and usually it's patching here and there.

And the only case we know where we've had wholesale replacement was where there was a devastating fire. So it's a different issue.

MR. MURTHA: The one other issue that I guess, in the hopes of no more surprises, would be with respect to the aluminum clad windows. We have done a considerable amount of research with the idea of getting windows that are going to maximize energy efficiency, be attractive, and compatible with the house, and the windows that we had selected, which would not be only for the addition, but would be for, we would be looking to replace the windows in the existing house as well, are extremely better from an energy efficiency standpoint, but are, in fact, aluminum clad.

Now they, I believe, we have priced out the replacement of all the windows on the house at about \$70,000, so we don't want to make a mistake throughout this. They would all be custom to order. They go with our thought that we started out this project with, that we want to be as environmentally sensitive as we possibly can. That's one of the reasons that we're putting in or at least our plans at this point, are to put in a geothermal heating and cooling system, and it has truly been a priority from day one on this project.

In fact, when we found Mr. Dorman, we found him through searching for green architects because it was our thought that this was compatible with our particular affects, and would be compatible with that of our neighborhood, but again, these particular windows are aluminum clad. They do not have a wooden exterior counterpart, and if that's not going to be acceptable, then that is something we need to weigh in our calculus about whether to move forward or not to move forward.

MR. BURSTYN: Right now are there original windows in the home now?

MS. ANDREWS: The windows are original and they are all covered with very old storm windows. The storm windows are, I think that the frame of the storm window is aluminum. Many of the storm windows don't work right now. And so that's a significant concern from an energy standpoint.

MR. MURTHA: And actually several of the windows don't open at all, have not opened. These are the original windows on the house. Have not opened since we've moved into the house which is the lacking [?] utility of the windows along with the energy efficiency of the windows are the primary drivers towards wanting us to put in something that is compatible, workable and energy efficient.

MR. FULLER: I'm glad you mentioned it, but unfortunately you're not going to like the answer. No. On the existing house, we're not going to want to see wholesale replacement. There can be repair of the existing windows, but the existing wood windows need to remain.

MR. MURTHA: Okay. Well better to know that and plan accordingly.

MR. BURSTYN: I would like to call your attention that one thing we're guided by is referred to as the U.S. Secretary of Interior Standards for Rehabilitation of historic properties that's applicability to properties throughout the country. And the concept there is that wherever possible, original materials are maintained, restored.

And you can understand they're, obviously there are classic examples throughout the country where you have extremely significant buildings that if you replace them with today's windows, they would just lose a lot because in considering the character of historic buildings, the windows are very, very important part. And so this is an issue that's been before the Commission many times. We've even had the Pella guy here, and we've, our architects have explained to the homeowners even with windows that are not functional, how they can be taken apart, redone and then reinstalled to become much more energy efficient than they were before.

And along that same regard is in energy efficient, we do allow the use of storm windows because it's considered a temporary measure without altering the original structure. And so, it's really good to kind of go over the Secretary of Interior Guidelines, and they're readily available on site so you understand the concept that we're just not making this stuff up right here, but it's standards and measures that's used on historic properties throughout the country.

MS. ANDREWS: Yeah, I understand the Secretary of the Interior Guidelines, and I, I mean, the windows that we have chosen, I mean, they're wood windows on the interior is wood, on the exterior is the wood clad with vinyl. The builder, one of the builders that we've been speaking with specifically said that he has in the Woodside area, or at least in North Woodside has done replacements of windows where he knew exactly how to replace the trim around the window so it would look exactly as the trim is in the historic structure.

I understand where you're coming from. I guess, you know, I'm also familiar with the EPA green building program, and I guess it, the energy consultant that we talked to before we came up with any of these plans had very specific suggestions about energy efficiency and specifically said that there is no way you can design a storm window that's going to be anywhere near as energy efficient as a double clad new window, and I guess, I see how if we replace the old storm windows with new storm windows that that would improve the energy efficiency, but I don't think it's going to be anywhere near what you would see in a true green building structure.

MS. ALDERSON: There's actually, what I can provide, we've done a lot of studies at the General Services Administration on this, and actually worked with Canada on that, and the studies are showing as far as pay back and ultimate conservation, some of the less expensive retrofit measures of weatherstripping and storms actually can achieve a great deal.

And certainly as far as pay back goes, weatherstripping gives the fastest pay back. And it actually, the glass itself isn't where the greatest loss is. That more has to do with comfort than it has to do with the energy savings itself. And so, you know, we're going to send you back to the larger issue is that a historic building is made up of historic materials, and once you replace the siding, the windows and the trim along with that, you actually have a new building that resembles an old building, that's the concern. The materials are what the old building, historic building is.

MR. DORMAN: Just for some information, does that also, you can't put insulated glass in those windows either though, it has to be single paned glass if you do the rehab?

MS. ALDERSON: If you were doing a modification on the interior, and we actually have that project sort of riveted out. If you're doing modifications inside it's multi-paned, you'd have to do an interior storm. But we have no project that's on wholesale building window replacement.

MR. DORMAN: Along that same lines I've got a couple of questions then. Then following the Interior standards then, the addition can have aluminum clad windows?

MS. FOTHERGILL: Generally the Commission has not supported clad wood windows, but that's not to say it's never been approved. But the general rule of thumb is that you prefer wood windows with no cladding, even in additions.

MR. FULLER: I mean that's correct. I mean, there have been cases historically in the past where we have done that and at several of our last two retreats, that specific discussion has come up, is that a clad window really

buys us nothing as it relates to exterior esthetics and what the appearance is and what the objective is to end up with something a true wood window.

MS. ALDERSON: Because you can't see the wood inside the aluminum.

MR. DORMAN: Specifically to this case though too, isn't that contrary to the Interior Standards if it has to deviate from the existing structure?

MS. ALDERSON: No, the standards are first repair before replacing. Take every effort to repair.

MR. FULLER: He's talking about on the addition.

MS. ALDERSON: If you're doing repair, it's repair in kind. That's different from the addition. It is the addition that do structure.

MR. DORMAN: I'm specifically asking about the addition in this case.

MS. ALDERSON: Oh, the addition, I don't know if we have an issue with the addition. I think we've generally gone with compatible materials. We can go over what our history is on windows. I was referring to the windows for the original building.

MR. FULLER: The question was asked was on the addition, and Anne is correct, that we have over the last two years made a policy of not approving clad windows on additions. Obviously, you can go with insulated glass. You can go with all exotics in terms of what you want to put into your windows to get very high U values or sun rejection.

MR. DORMAN: Well, I can use a concrete board though right?

MR. FULLER: I'm sorry?

MR. DORMAN: I can use concrete board siding on the addition.

MR. FULLER: Concrete board siding. I'm sorry, I didn't hear the word.

MR. DORMAN: The way I understand it, the standards is that it can deviate from the new addition. In fact, it's supposed to deviate from -- the addition must deviate from the existing house.

MR. FULLER: That's correct.

MR. DORMAN: Almost as much as possible.

MS. ALDERSON: Well, not as much as possible. Distinguishable, but compatible.

MR. DORMAN: The spirit of the code would tell you that. So, I mean, if it's supposed to deviate from that, if we use concrete board siding which is what we'd like to use on the addition, not the existing house, and aluminum clad windows.

MS. ALDERSON: I think the aluminum windows are going to be the problem. I mean, there are energy efficient wood windows. We've gotten many of them and they're used all over the place.

MR. DORMAN: Maintenance is another thing, I think. But you know, you don't have to use the paint and do it every so often. One other point of clarification. The hyphen, we've lightened it up again, and nobody ever, nobody said anything specifically about that. I like it the way it is. There were some thoughts about adding more glass there. I didn't really want to add more glass there because I think glass, especially in the day time tends to be black, and it won't give you the transparency that I think that you might think it might, and behind there, especially on the second floor, is a door to the bathroom, so we're looking for a little bit of privacy there. So what I did was try to make it as glassy as I can and use real thick trim.

MS. ALDERSON: And that's referring to the option shown in No. 9 as opposed to No. 8? Right. Number 9 is the current roof. It is actually quite glassy. I think it's fine.

MR. DORMAN: That's right, No, 9.

MS. FOTHERGILL: Yeah, Circle 9. Circle 8 is what they had --

MS. ALDERSON: I thought that was a good direction. A very good direction, and I think that's much more successful than the regular old conventional window. I think everybody was real pleased with that direction.

MR. FULLER: Do you feel comfortable, you've heard adequately?

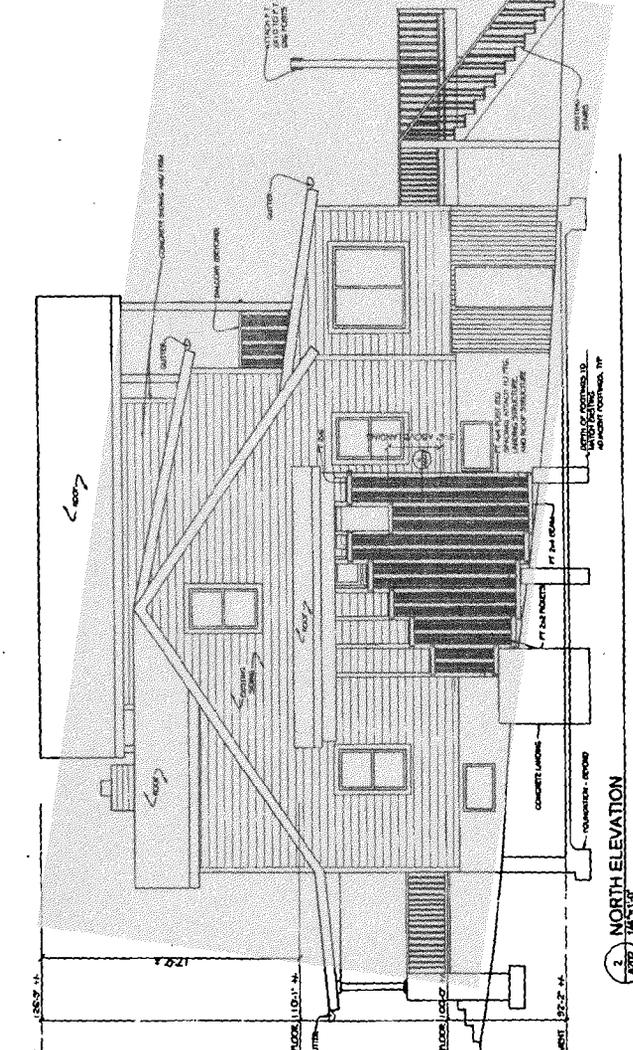
MR. DORMAN: Excuse me?

MR. FULLER: Do you feel comfortable you've heard everything that --

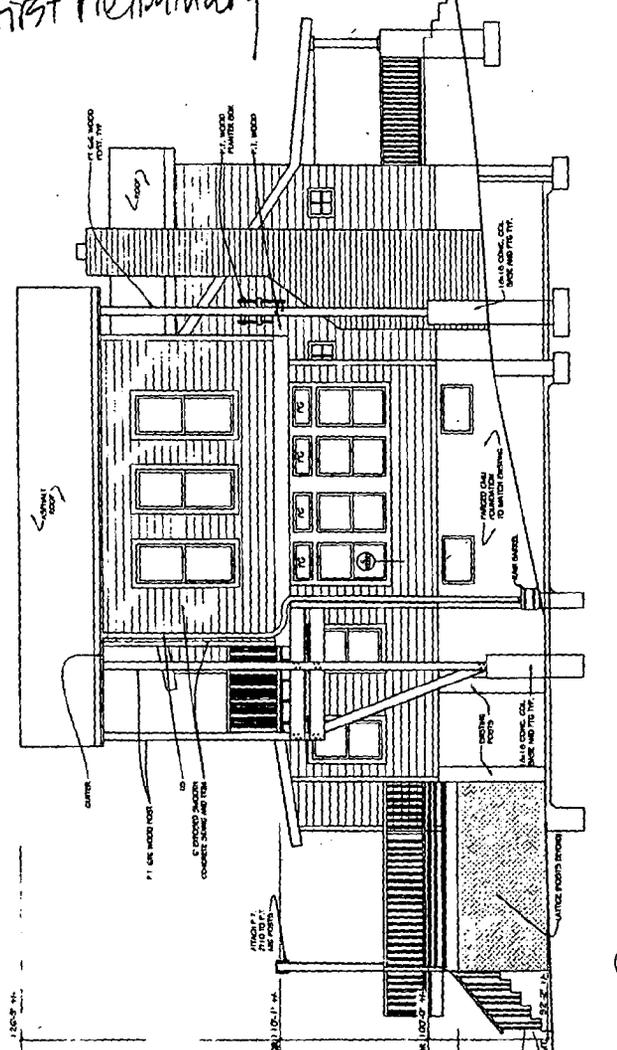
MR. DORMAN: I think so because, you know, we lowered the roof, made it simpler and have that connection, and we're good to talk later.

MR. FULLER: Good. Thank you very much.

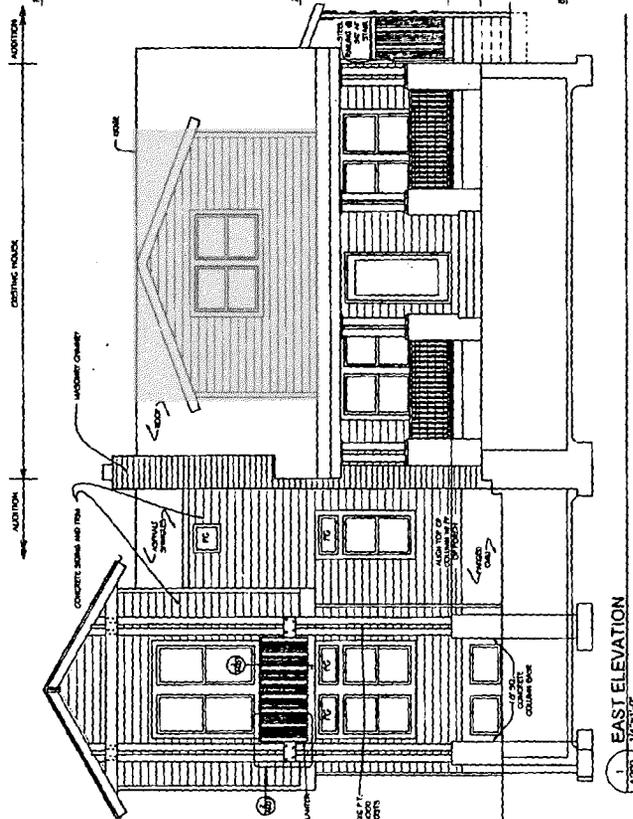
First Preliminary



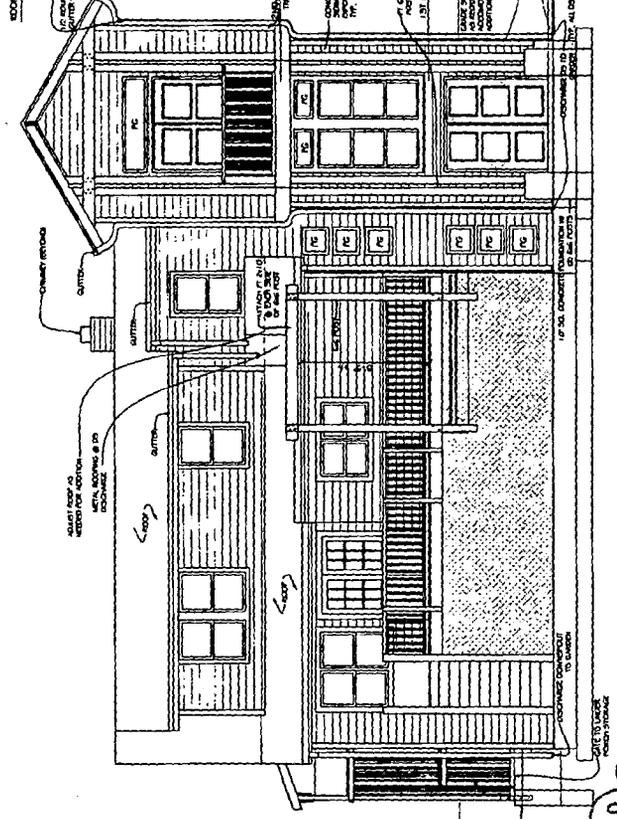
2 NORTH ELEVATION
A022 1/4"=1'-0"



4 SOUTH ELEVATION
A022 1/4"=1'-0"



1 EAST ELEVATION
A022 1/4"=1'-0"



3 WEST ELEVATION
A022 1/4"=1'-0"

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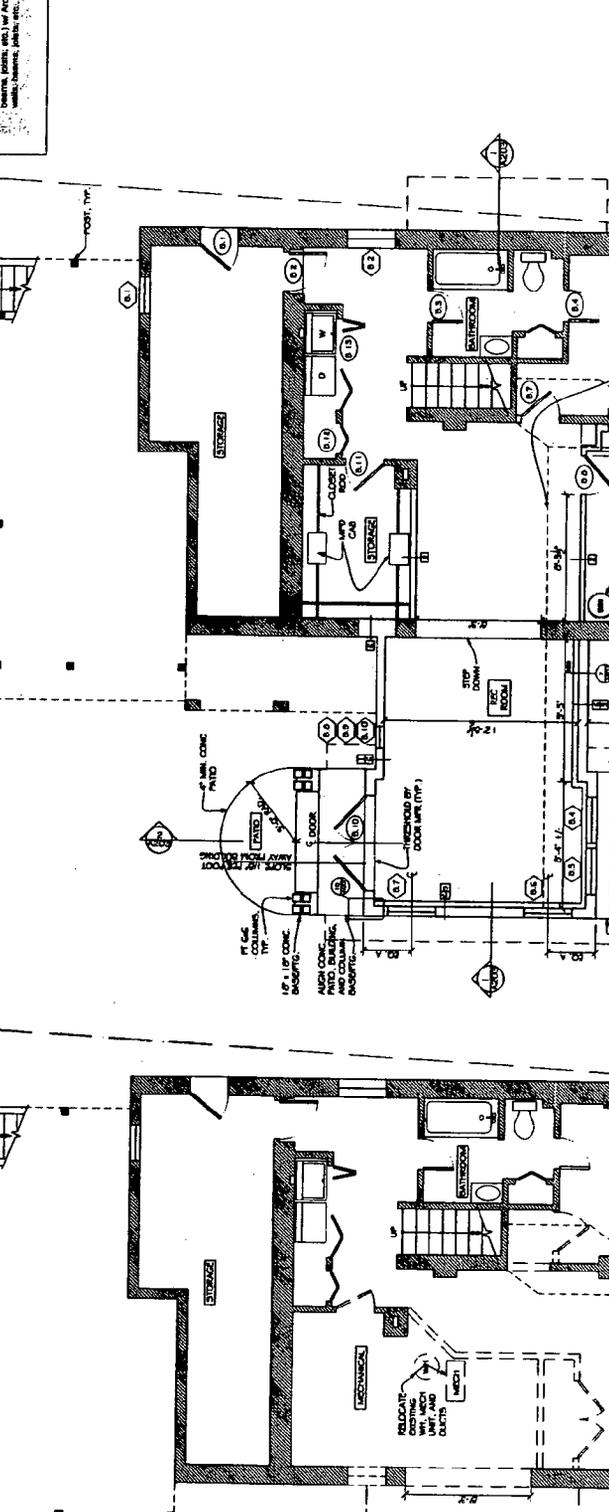
REVISIONS:
 02.22.07 80/PRE/MT

A101

first prelm

Demo Note:
 1. All details from demolition (i.e. construction) to be removed in timely fashion and to be disposed of in a manner consistent with local, state and federal regulations.
 2. Every care is to be taken to provide necessary temporary support to floors, walls, etc. during and after demolition, and until new structures are in place.
 3. Contractor to repair all deficiencies as a result of demolition. Repairs shall be made to the satisfaction of the architect and shall be in accordance with applicable codes, laws, rules, and all applicable standards, codes, and regulations. Typical at all floors.

WALL KEY
 COSTING WALL
 DEMO WALL
 DEMO PLAN
 NEW WALL

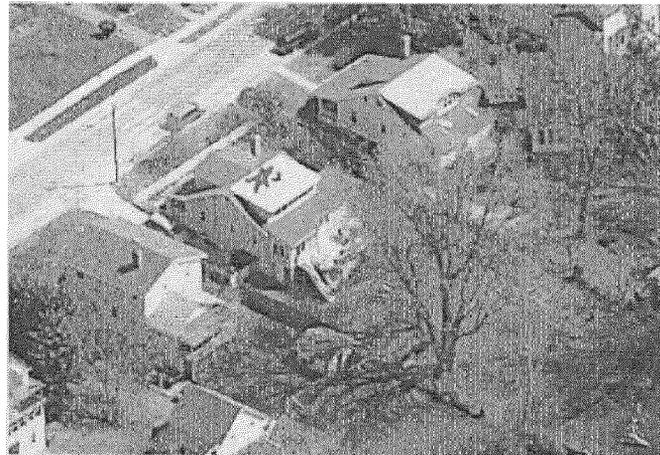
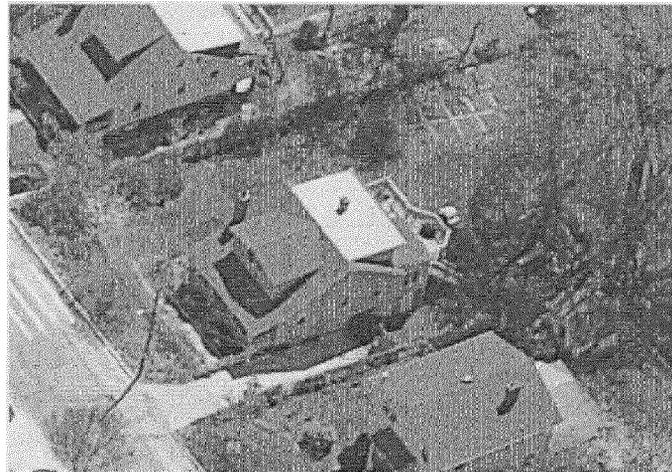


2 BASEMENT FLOOR PLAN
 1/4" = 1'-0"

APPROXIMATE EXISTING BASEMENT FLOOR PLAN W/ DEMO
 1/4" = 1'-0"

26
 44

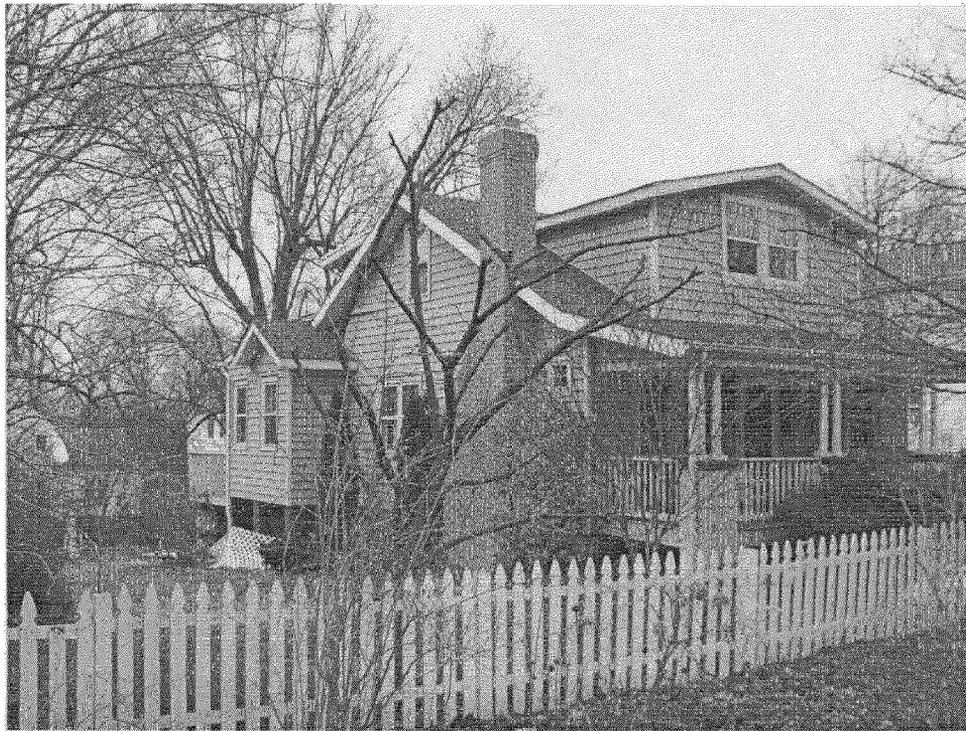
8710 Second Ave. ▽



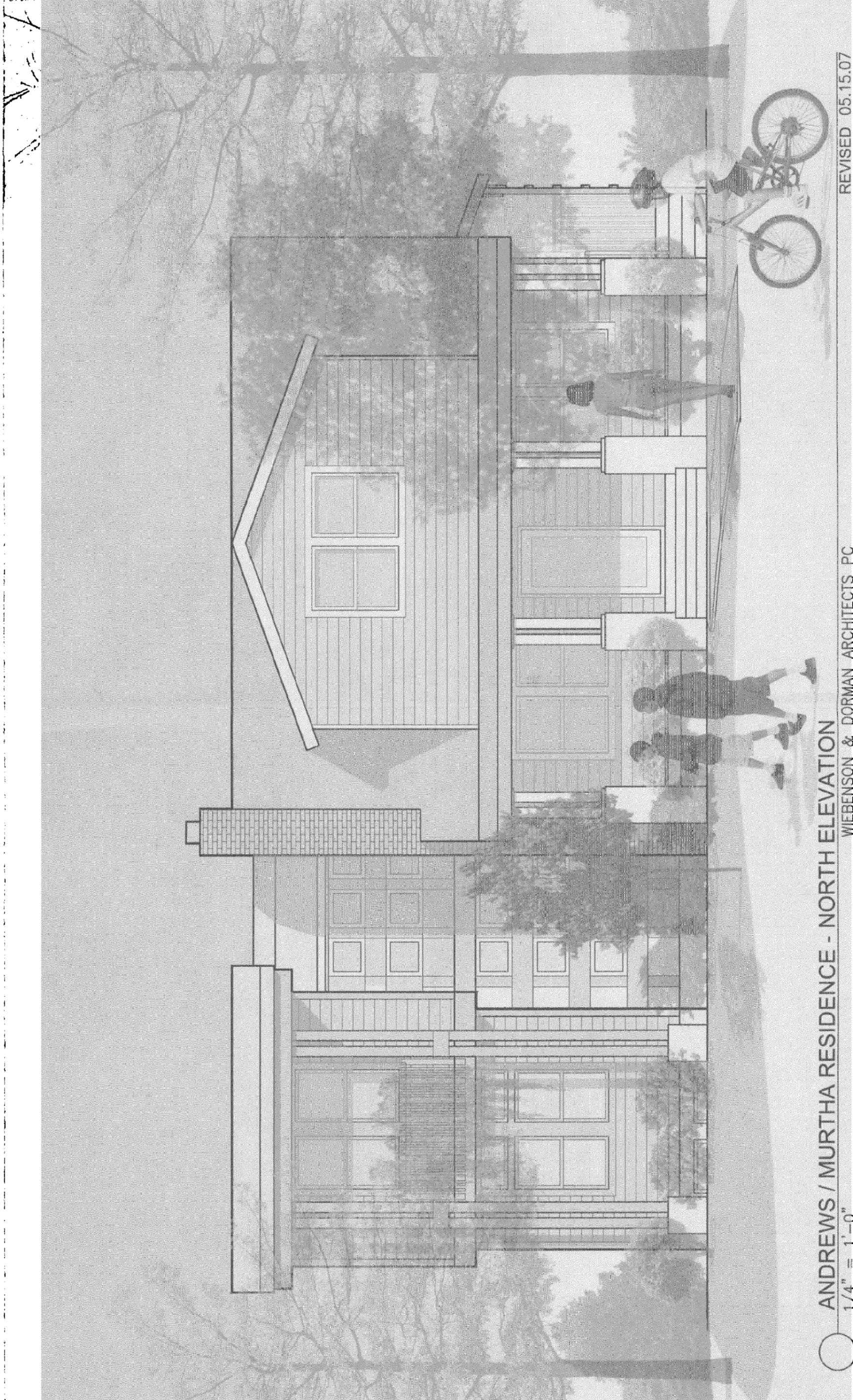
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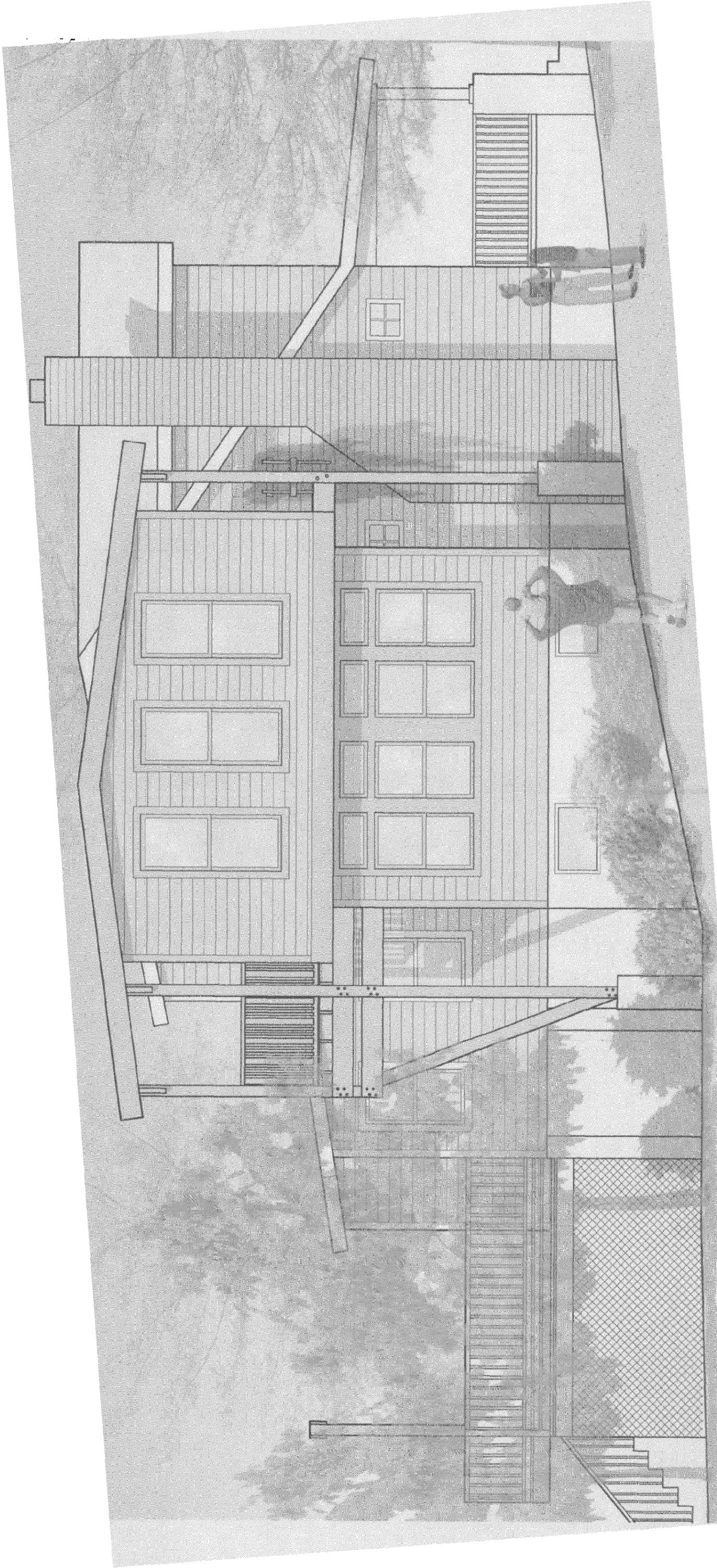
31
~~18~~



ANDREWS / MURTHA RESIDENCE - NORTH ELEVATION
1/4" = 1'-0"

REvised 05.15.07

WIEBENSON & DORMAN ARCHITECTS PC



ANDREWS / MURTHA RESIDENCE - EAST ELEVATION

1/4" = 1'-0"

WIEBENSON & DORMAN ARCHITECTS PC

REVISED 05.15.07



Option B

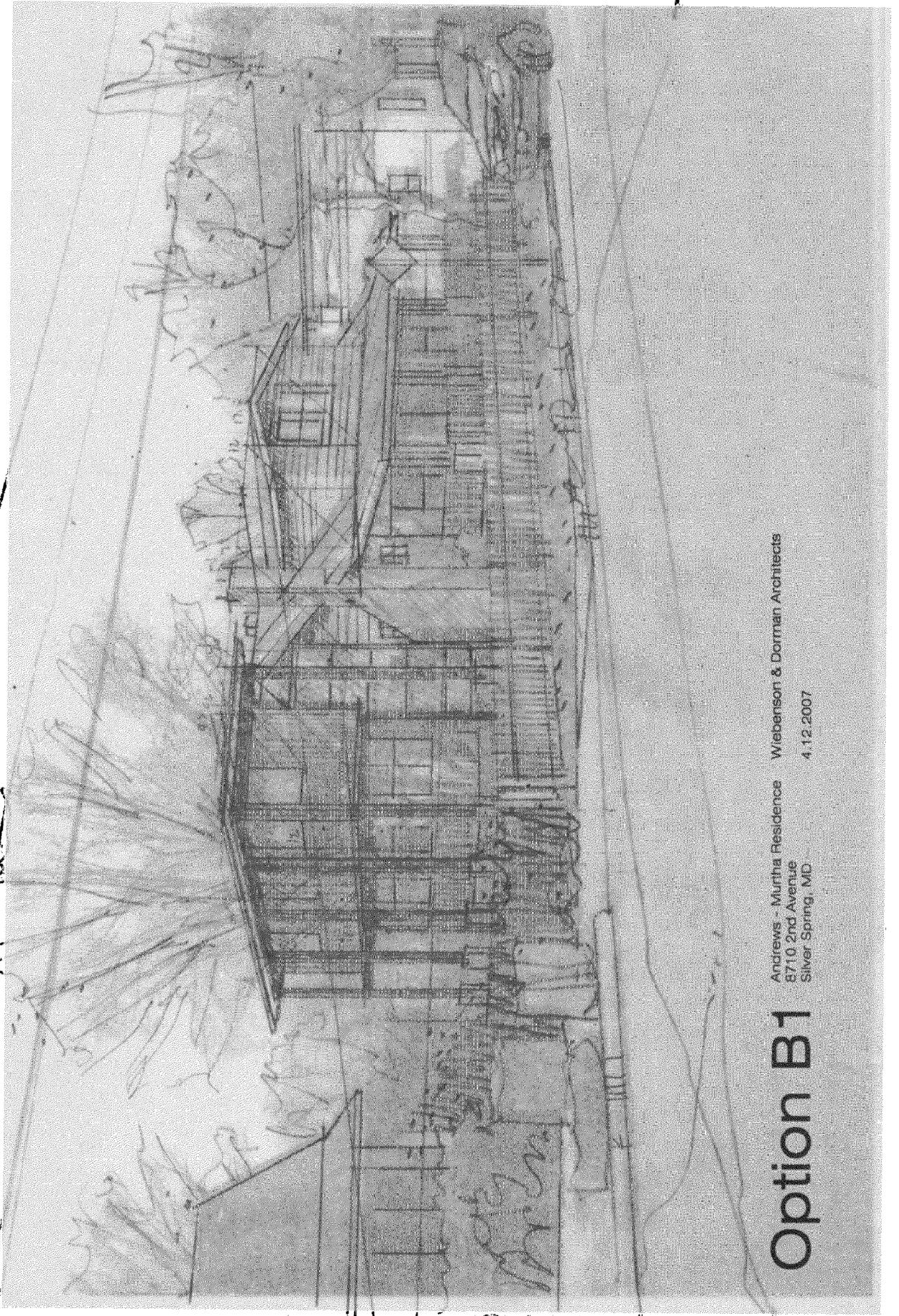
Andrews - Muntha Residence
8710 2nd Avenue
Silver Spring, MD

Wiebenson & Dorman Architects
4.12.2007



Andrews - Murtha Residence Wiebensohn & Dornman Architects
8710 2nd Avenue 4.12.2007
Silver Spring, MD

Option B



Andrews - Murtha Residence
8710 2nd Avenue
Silver Spring, MD

Wiebenson & Dorman Architects
4.12.2007

Option B1



Andrews - Murtha Residences
8710 2nd Avenue
Silver Spring, MD

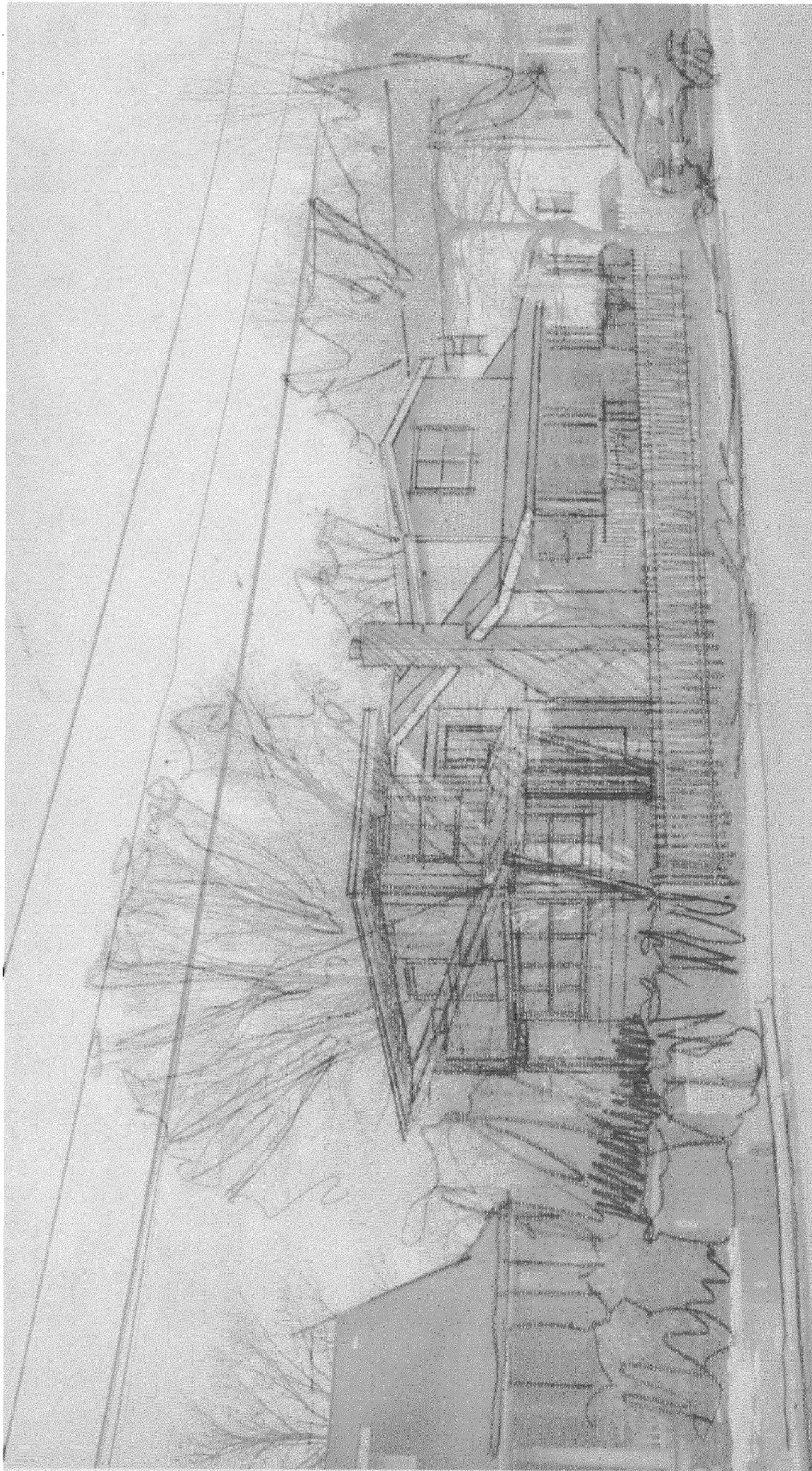
Wisenbort & Dorman Architects
4-12-2007

Option B1



Option B1

Andrews - Murtha Residence Wiebenson & Dorman Architects
8710 2nd Avenue 4.12.2007
Silver Spring, MD



Option C

Andrews - Murtha Residence
8710 2nd Avenue
Silver Spring, MD

Wiebenson & Dorman Architects
4.12.2007

MONTGOMERY COUNTY HISTORIC PRESERVATION COMMISSION
STAFF REPORT

Address: 8710 Second Avenue, Silver Spring **Meeting Date:** 06/13/07
Applicant: Peter Murtha and Mary Andrews **Report Date:** 06/06/07
Resource: *Locational Atlas* **Public Notice:** 05/30/07
Woodside Historic District
Review: 2nd Preliminary Consultation **Tax Credit:** None
Case Number: N/A **Staff:** Anne Fothergill

PROPOSAL: Side addition and alterations to house

STAFF RECOMMENDATION

Staff recommends that the applicants revise their plans and return to the HPC for a Historic Area Work Permit.

PROPERTY DESCRIPTION

SIGNIFICANCE: Woodside Historic District—*Locational Atlas*
STYLE: Bungalow
DATE: c. 1923

BACKGROUND

The applicants were not aware that their house is in the Woodside Historic District, which is on the *Locational Atlas*, and they applied to the Department of Permitting Services (DPS) for building permits. DPS informed them that because they were proposing a substantial alteration to the house the plans would need HPC approval before they could issue a building permit. The applicants came to the HPC for a Preliminary Consultation in March 2007. The transcript from that meeting is in Circles 19-40 and original plans are in Circles 8,10,14,44-46.

PROPOSAL

The applicants are proposing a two-story plus basement addition on the left side and a covered entry and stairs on the right side of the house (see Circle 7 for existing elevations and Circles 9,11-13,15 for proposed).

The proposed addition extends off the left side of the house and requires the removal of two windows on the first floor and one on the second floor. The addition will begin approximately twelve feet behind the front plane of the house (behind the chimney) and is approximately 18 feet wide and 14 feet deep with a six foot by six foot second floor balcony at the rear. There are fifteen small fixed windows on the front of the connector section from the house to the addition. The roof ridge of the addition is lower than the ridge

of the historic house. The addition has concrete siding and trim, aluminum clad windows, and an asphalt shingle roof.

On the right side of the house, the applicants propose removing a window and creating a new opening for a wood door. They are proposing a new covered stairway screened with vertical wood 2 x 2 pickets in staggered height panels, and the stairs will have a steel railing and a concrete landing at grade.

One side of the existing deck will be rebuilt so the deck is all on one level. The existing vinyl siding will remain on the house.

APPLICABLE GUIDELINES

The Woodside Historic District was placed on the Montgomery County *Locational Atlas and Index of Historic Sites* in 1976. In 1991, HPC staff began evaluating the district for designation. The evaluation was curtailed at the request of the Woodside Civic Association which requested more time to conduct community education. As a result of the preliminary research and survey work that staff had conducted at the time, the Atlas boundaries were revised. The district will remain on the *Locational Atlas* until it is brought to the HPC, the Planning Board, and the County Council for final designation consideration.

Under Chapter 24A-10 (a) an owner of a property within a *Locational Atlas* district who wants to make a substantial alteration to the house may choose to come directly to the HPC for a HAWP as if the district had already been listed on the Master Plan or they can request that the entire district be evaluated immediately. Staff and the HPC should evaluate this proposal as if this house has been designated a Contributing Resource to the Woodside Historic District.

When reviewing alterations and new construction within the Woodside Historic District two documents are to be utilized as guidelines to assist the Commission in developing their decision. These documents are *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.

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 of 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:

Standard #2 The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.

Standard #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.

Standard #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 environments would be unimpaired.

STAFF DISCUSSION

Since the house is in a Locational Atlas District, if the applicants were proposing an addition at the rear of the house, it would possibly be considered a non-substantial alteration and therefore those plans would not need HPC review and approval. In general, staff recommends applicants in Locational Atlas historic districts work towards that goal, but the applicants have stated that they definitely want a side addition.

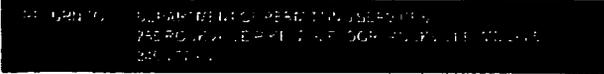
At the first Preliminary Consultation the Commission stated that they generally support rear additions to historic houses but most Commissioners said that in this case they would consider a side addition since it is pushed back from the front of the historic house and will impact a relatively small part of the left side of the house. The HPC's main concern was that the new massing was taller than the historic house and they encouraged the applicant to lower the roofline. The applicants have responded to that concern and the proposed revised design with the lower roofline on the addition is a definite improvement.

The HPC also suggested making the hyphen glassier and the applicants have responded by adding many small windows to that section. Staff recommends that the whole hyphen section have larger expanses of glass so it is more transparent/translucent rather than the proposed multiple fixed square windows. In terms of materials for the addition, staff recommends a change to wood windows and trim.

The HPC also recommended simplifying the design so that the addition will defer to the historic house, and more could be done to respond to that suggestion. While it has been pointed out that there have been a number of side additions built on other houses on this block, ideally this addition will be as subtle and have as small an impact on the streetscape as possible. The setback from the front and the lower roofline are what make this side addition something staff would consider recommending for approval. It's clear that the addition will be differentiated from the historic house, but it is important that its design and materials are compatible with the historic district.

STAFF RECOMMENDATION

Staff recommends that the applicants revise their plans based on the comments of staff and the HPC and return to the HPC with a Historic Area Work Permit application.



DPS - #6

HISTORIC PRESERVATION COMMISSION
301/563-3400

APPLICATION FOR HISTORIC AREA WORK PERMIT

Contact Person: Andrew F. Fernebok
Daytime Phone No.: (240) 632-0384

Tax Account No.: _____
Name of Property Owner: Peter Murtha + Mary Andrews Daytime Phone No.: (301) 589-0877
Address: 8710 2nd Ave Silver Spring, MD 20910
Street Number City Street Zip Code

Contractor: TBA Phone No.: _____

Contractor Registration No.: _____

Agent for Owner: Andrew F. Fernebok Daytime Phone No.: (240) 632-0384
(Fast Track Permit Services)

LOCATION OF BUILDING/PREMISE
House Number: 8710 Street: 2nd Avenue
Town/City: Silver Spring Nearest Cross Street: _____
Lot: -6- Block: 12 Subdivision: WOODSIDE
Liber: _____ Folio: _____ Parcel: _____

PART ONE: TYPE OF PERMIT ACTION AND USE

1A. CHECK ALL APPLICABLE:
 Construct Extend Alter/Renovate AC Slab Room Addition Porch Deck Shed
 Move Install Wreck/Raze Solar Fireplace Woodburning Stove Single Family
 Revision Repair Revoicable Fence/Wall (complete Section 4) Other: _____

1B. Construction cost estimate: \$ 150,000.00

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

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

Andrew Fernebok February 23, 2007
Signature of owner or authorized agent Date

Approved: _____ For Chairperson, Historic Preservation Commission

Disapproved: _____ Signature: _____ Date: _____

Application/Permit No.: 1115920 Date Filed: 2/22/07 Date Issued: _____

Edit 6/21/99 **Preliminary 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:

- 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 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 and of the adjoining properties. All labels should be placed on the front of photographs.

6. TREE SURVEY

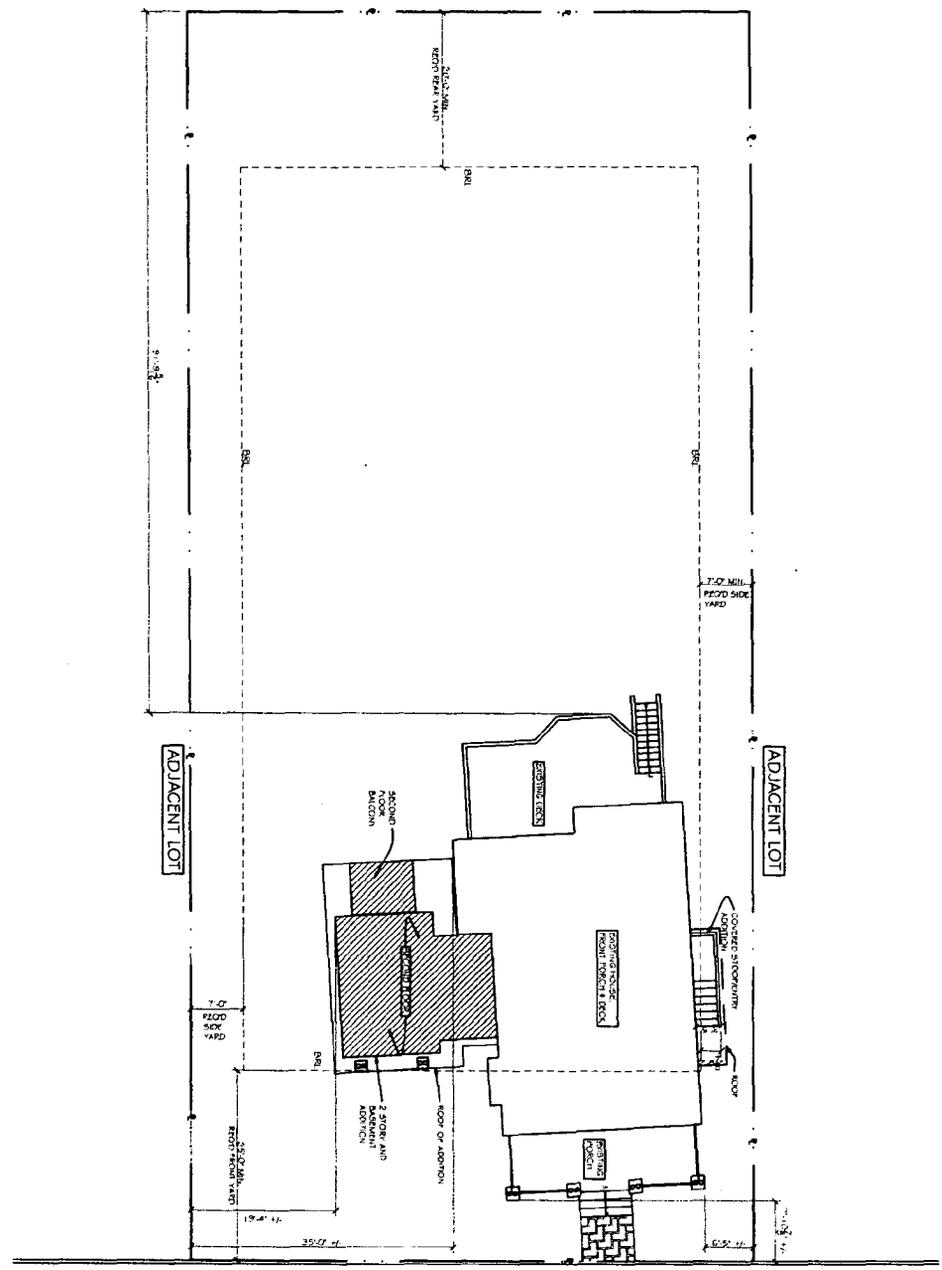
If you are proposing construction adjacent to or within the dripline of any tree 6" or larger in diameter (at approximately 4 feet above the ground), you must file an accurate tree survey identifying the size, location, and species of each tree of at least that dimension.

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).

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.

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



SECOND AVENUE

Project North
Approx North

SP1

WIEBENSON & DORMAN ARCHITECTS PC

ANDREWS / MURTHA RESIDENCE

SITE PLAN

6710 2ND AVENUE
SILVER SPRING, MD 20910

1711 CONNECTICUT AVENUE NW
WASHINGTON DC 20009
T: 202.234.4200
F: 202.234.4201
E: w@wdarchitects.us
www.wdarchitects.us

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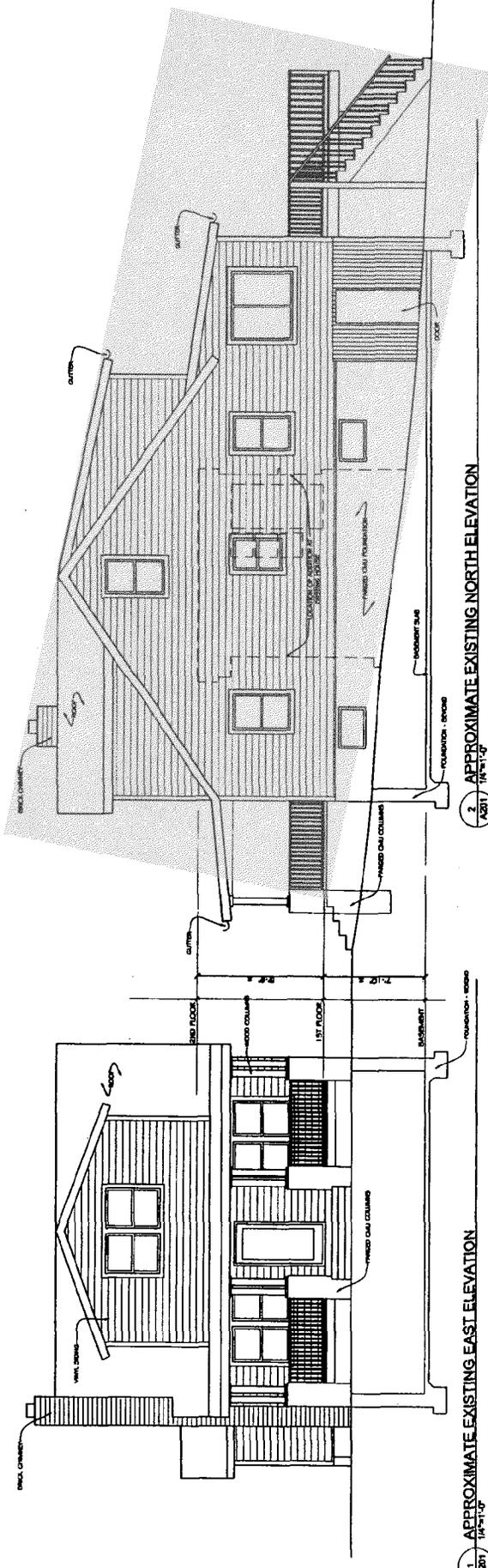


1711 Connecticut Avenue NW
 Washington, DC 20008
 T 202.234.4200
 F 202.234.4201
 e x@wdaarchitects.us
 www.wdaarchitects.us

WIEBENSON & DORMAN ARCHITECTS PC
 ANDREWS / MURTHA RESIDENCE
 8710 2ND AVENUE
 SILVER SPRING, MD 20910

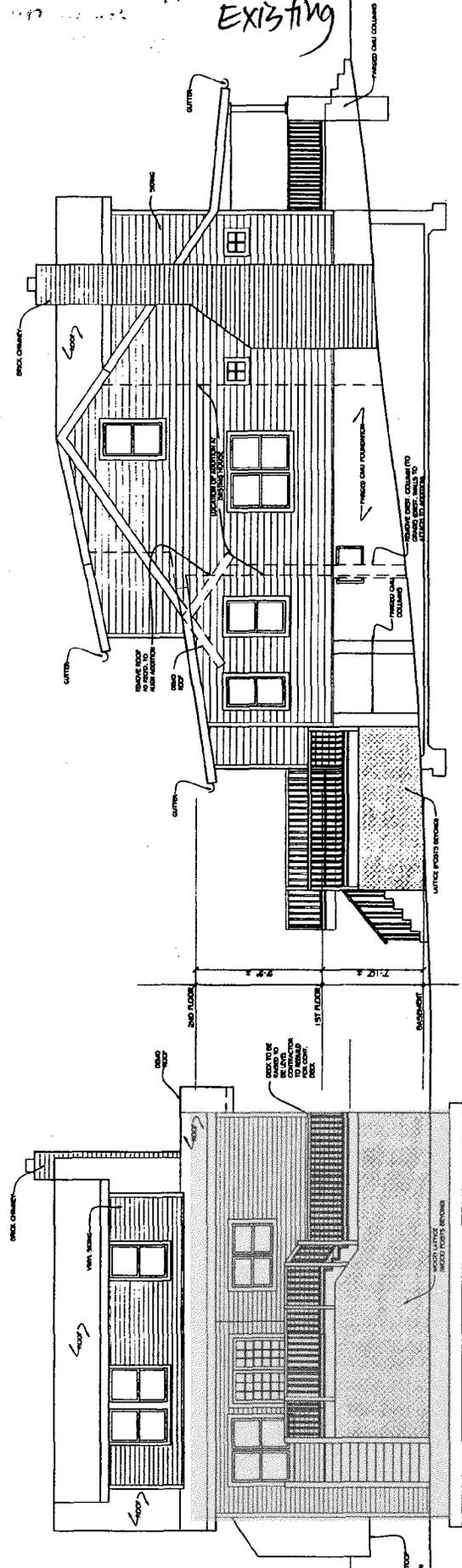
REVISIONS:
10.22.07 BR/PERMIT

A20



1 APPROXIMATE EXISTING EAST ELEVATION
 1/4"=1'-0"
 A201

2 APPROXIMATE EXISTING NORTH ELEVATION
 1/4"=1'-0"
 A201

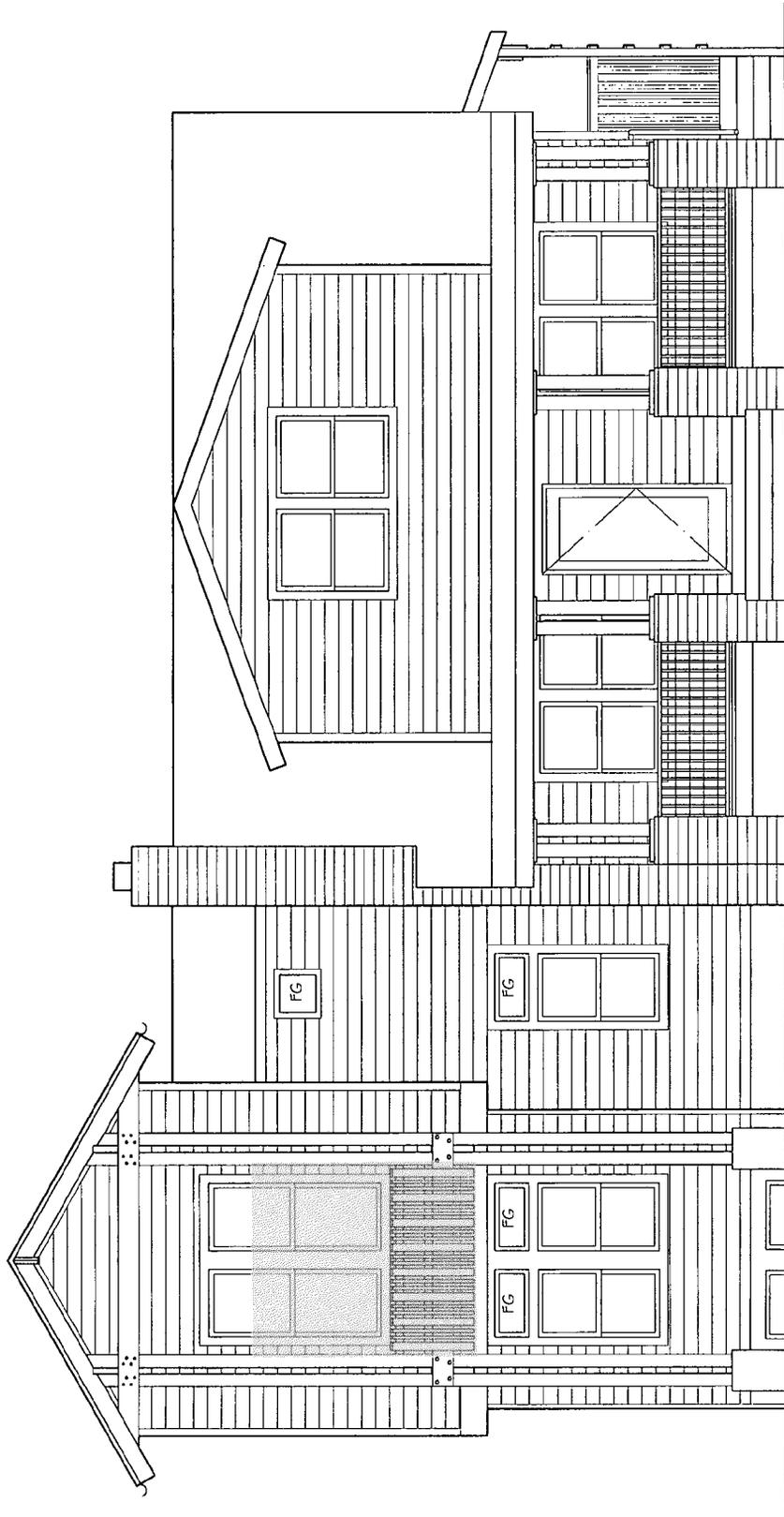


3 APPROXIMATE EXISTING WEST ELEVATION
 1/4"=1'-0"
 A201

4 APPROXIMATE EXISTING SOUTH ELEVATION
 1/4"=1'-0"
 A201

7

First Preliminary



ANDREWS / MURTHA RESIDENCE - ORIGINAL NORTH ELEVATION

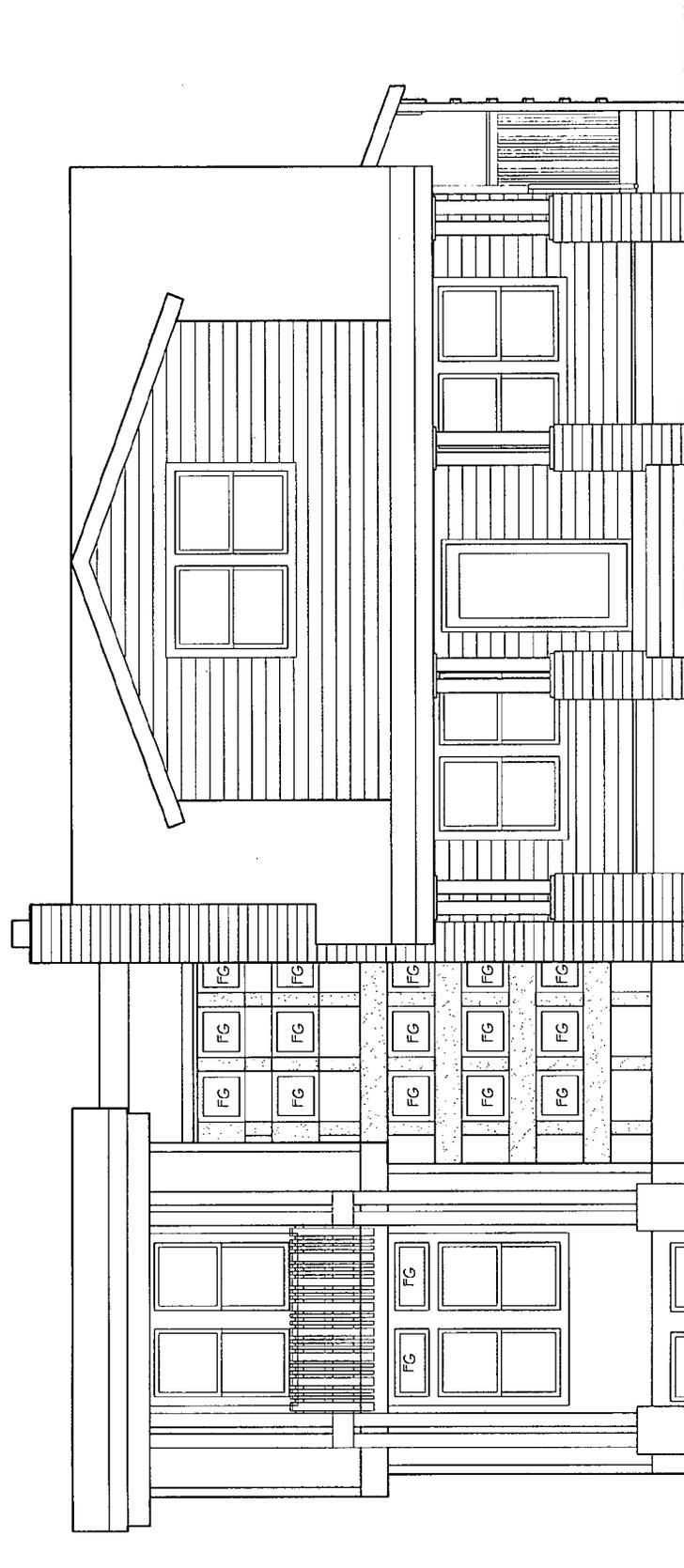
WIEBENSON & DORMAN ARCHITECTS PC

1/4" = 1'-0"

04.30.07



2nd Preliminary



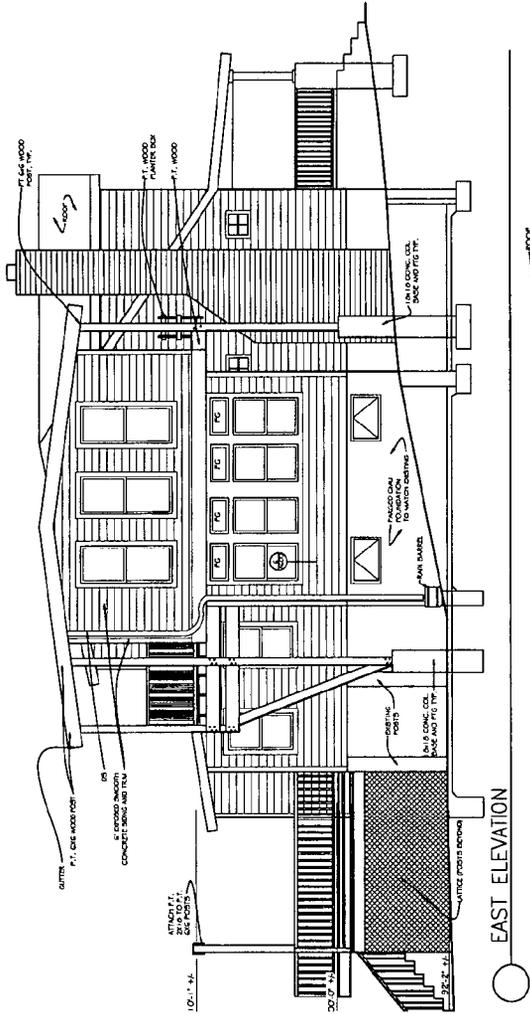
ANDREWS / MURTHA RESIDENCE - REVISED NORTH ELEVATION

WIEBENSON & DORMAN ARCHITECTS PC

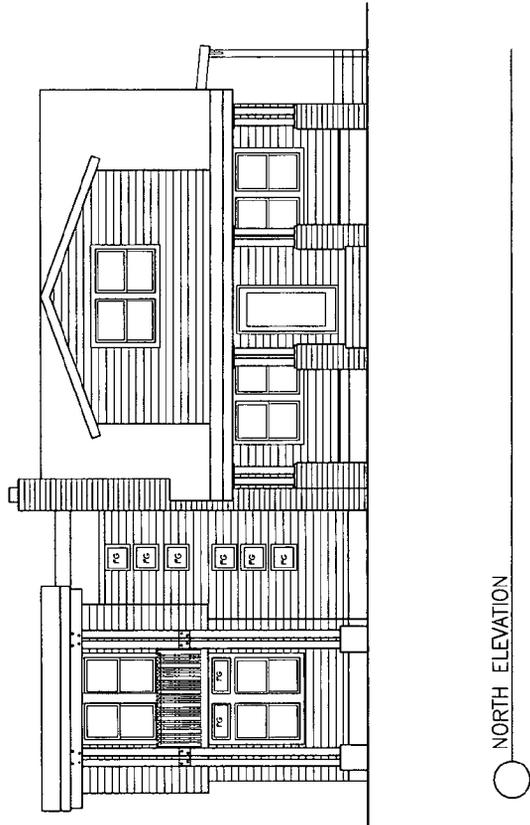
1/4" = 1'-0"

04.30.07

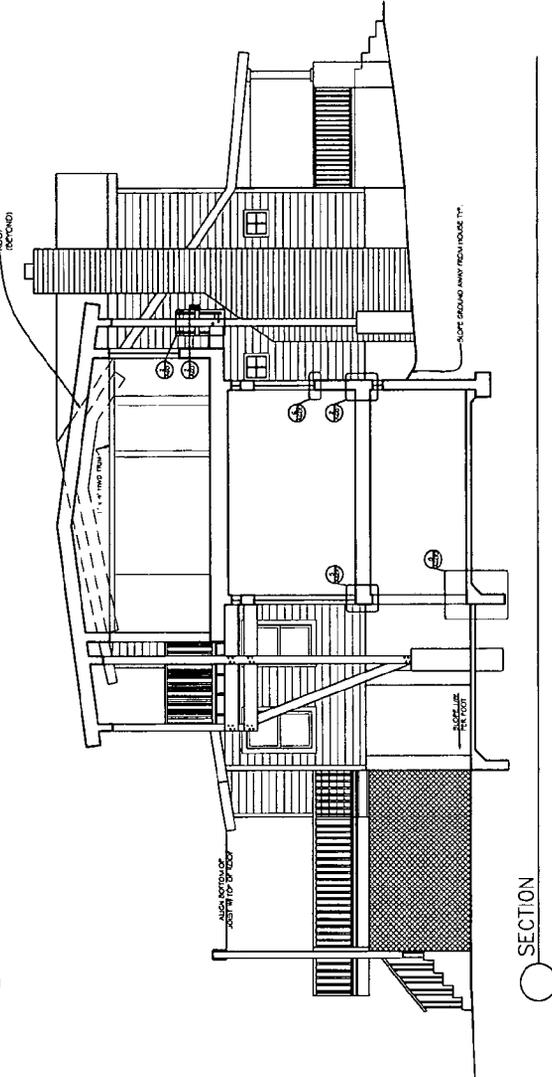
second preliminary



EAST ELEVATION



NORTH ELEVATION



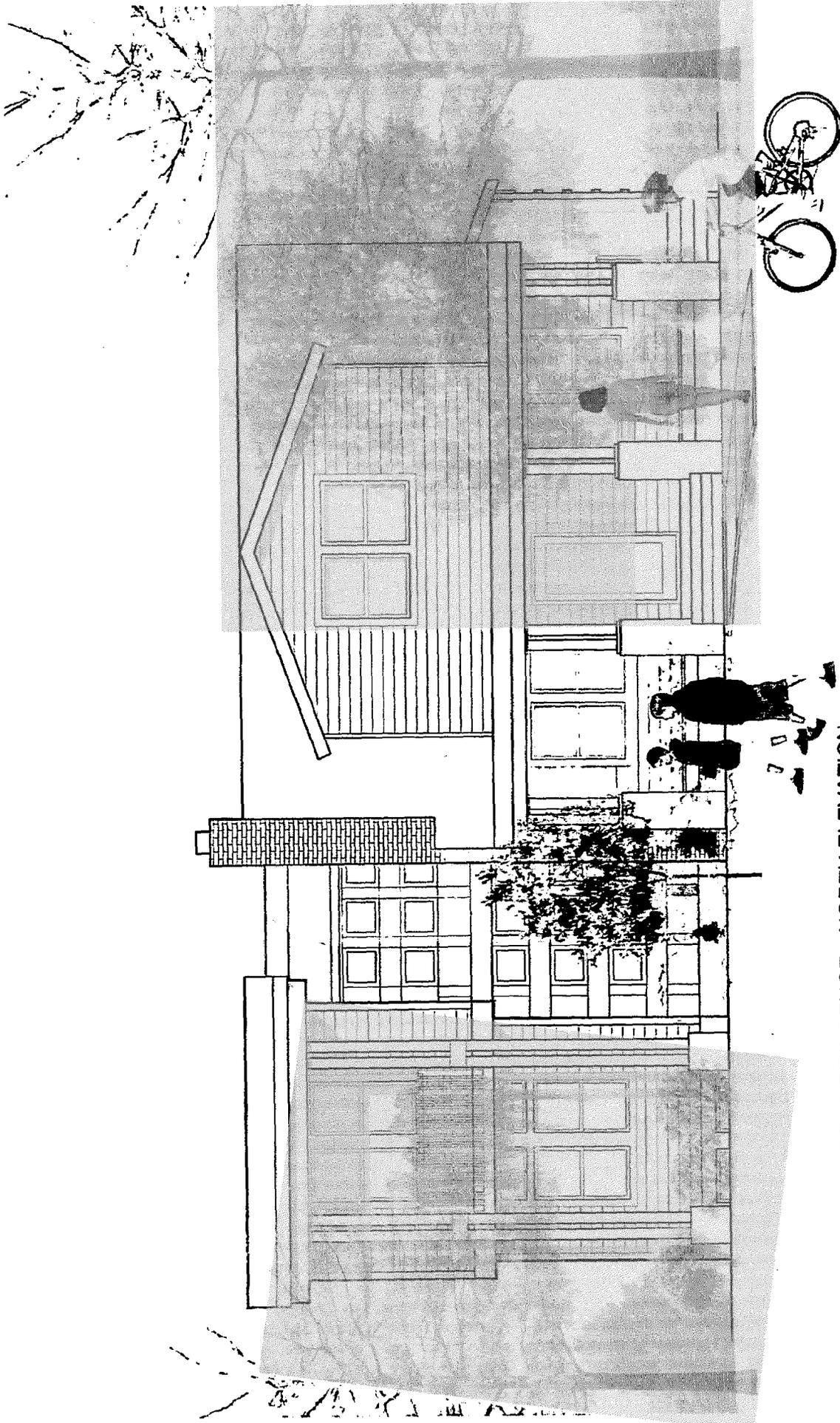
SECTION

ANDREWS / MURTHA RESIDENCE - REVISED ADDITION OPTION D

1/8" = 1'-0"

WIEBENSON & DORMAN ARCHITECTS PC

04.16.07

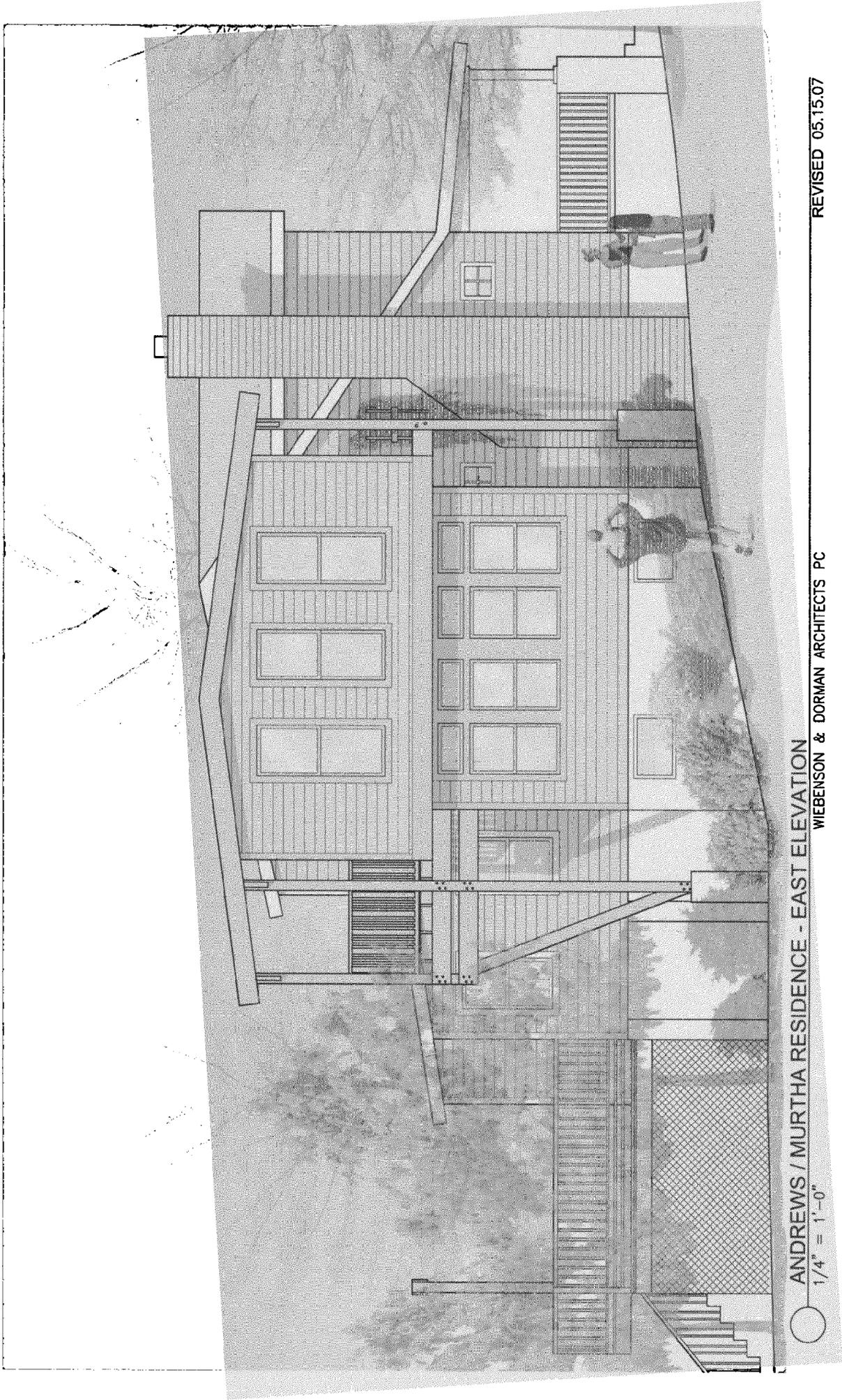


REVISED 05.15.07

WIEBENSON & DORMAN ARCHITECTS PC

ANDREWS / MURTHA RESIDENCE - NORTH ELEVATION

1/4" = 1'-0"

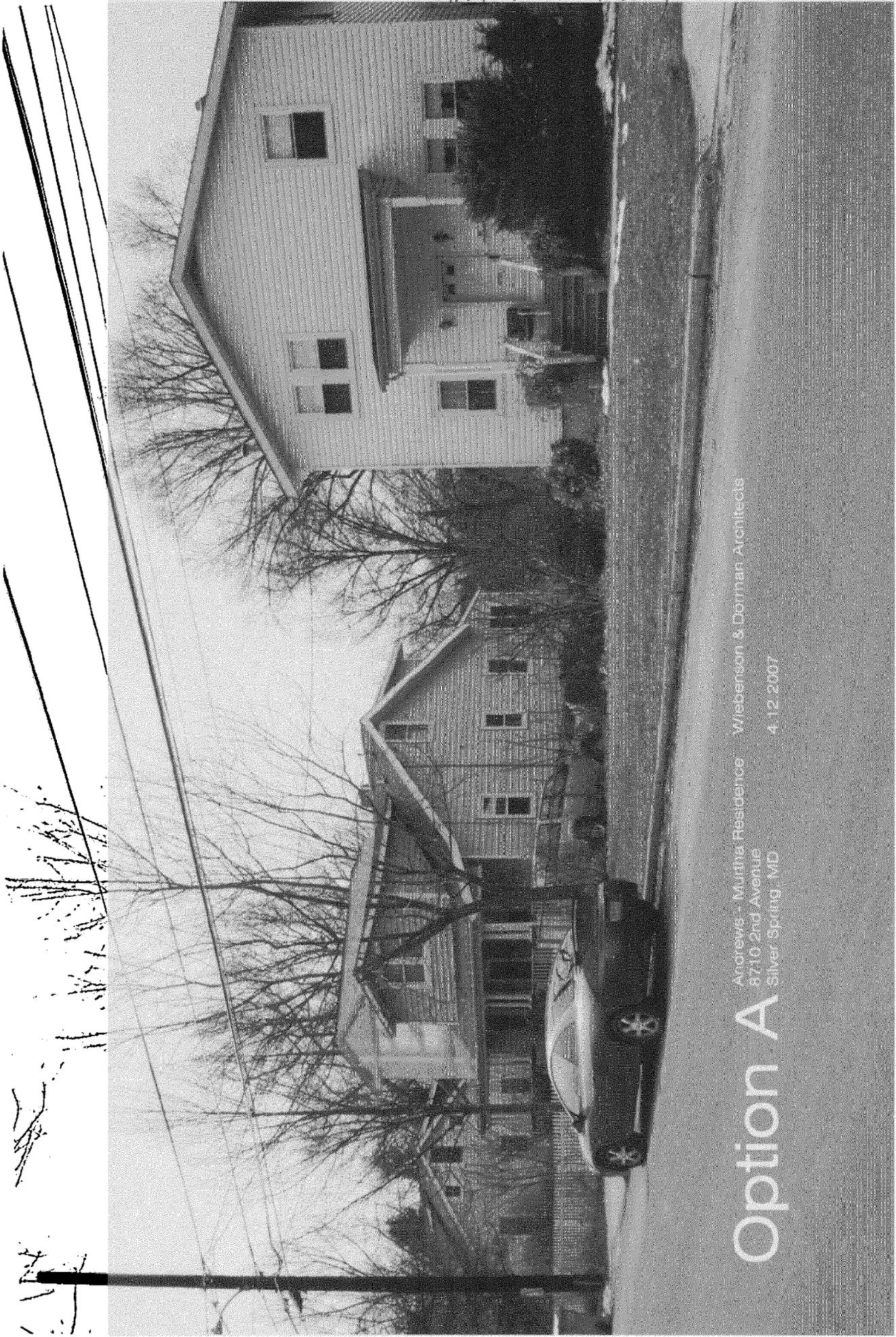


ANDREWS / MURTHA RESIDENCE - EAST ELEVATION

1/4" = 1'-0"

WIEBENSON & DORMAN ARCHITECTS PC

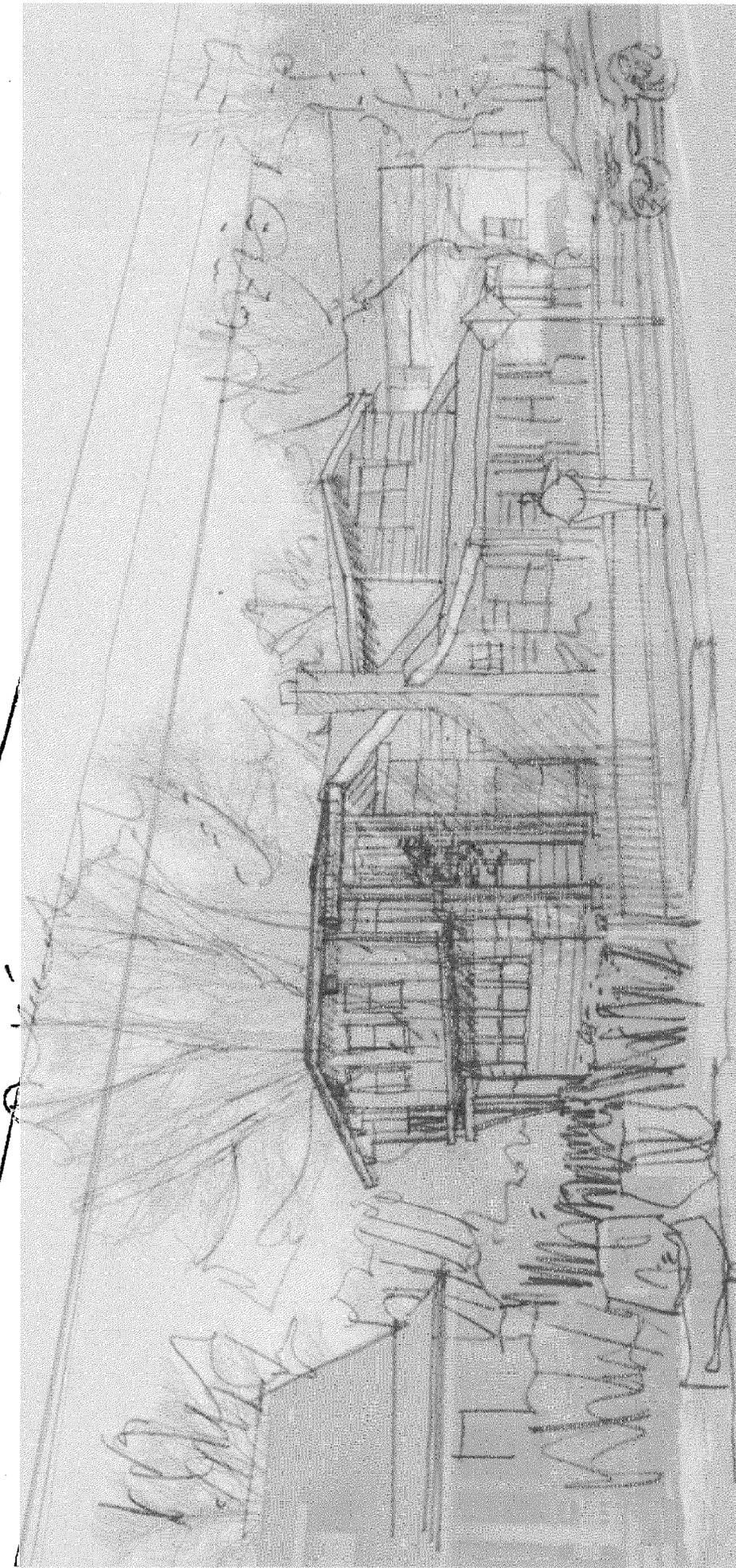
REVISED 05.15.07



Andrews - Martha Residence
8710 2nd Avenue
Silver Spring, MD

Wheeler & Doran Architects
4.12.2007

Option A



Andrews - Murtha Residence Wiebenson & Dorman Architects
8710 2nd Avenue 4.13.2007
Silver Spring, MD

Option D

MARCH 28, 2007
HPC TRANSCRIPT

MS. O'MALLEY: Our next one to look at is 8710 Second Avenue.

MS. FOTHERGILL: 8710 Second Avenue is located in the Locational Atlas Historic District of Woodside in Silver Spring. And I'll show you visuals in a minute. It is a bungalow built circa 1923, and for background, in your staff report I explained the process of what it means to be in the Locational Atlas District, and the options that a property owner has if they are proposing a substantial alteration.

And the applicants are now aware of this process, although they were not aware before, and they went to the Department of Permitting Services to apply for building permits and that's when they were pushed back to our office because DPS determined that what they were proposing was substantial alterations. So they have opted to come tonight for a preliminary consultation to see if this is something that would be approvable should they decide to go the historic area work permit route.

The building would be considered a contributing resource in the historic district, and what they are proposing is a two story side addition to the bungalow that is taller and about 12 feet back, I believe, from the front plane of the house. And in general, the commission does not support side additions that are so prominent when there is another option, where there is a possibility of putting the addition at the rear.

And generally the commission doesn't support additions that are taller than the historic massing. In general, if this had come to staff earlier in the process, staff and the property owner probably would have worked towards a solution that would be not considered a substantial alteration. A lower rear addition is one possibility. And so that is one option is a redesign to have an addition that would not be determined to be a substantial alteration.

The applicants have provided six letters into the record from their neighbors and one from the property owner, that you have received, and I will show you visuals of the house,

and you have the plans in your packet for what they are proposing, and they are here and eager to talk to you. So let me run through the slides for you.

So this is an aerial, I've circled the house. And here's a closer aerial and you can see that left side where the addition is proposed, and it would be, I believe it's behind the chimney and it affects that sort of main wall of the bungalow on the side.

And these are just different views from the air. And the bungalow has been altered, the dormer is altered. This is the front shot. The applicants are also proposing an entry on the right side that would remove one window on the right and create a new door opening on the right, and a new staircase. And on the left side, I believe, the addition would require the removal of three windows. Two on the first floor and one on the second floor.

So this is the streetscape, and this is where the two story massing would be visible on the side of the house. And I think I will leave this slide up. This is the side that we will be discussing. The applicants and their architect are here, and would like to talk to you.

MS. O'MALLEY: Are there questions for staff? Would the applicants come up, please. Welcome. Could you just state your names.

MS. ANDREWS: I'm Mary Andrews, homeowner.

MR. ANDREWS: I'm Peter Murtha, her husband.

MR. DORMAN: And I'm Kendall Dorman with Weebenson & Dorman Architects, a registered architect here in Maryland.

MS. O'MALLEY: Welcome tonight. Did you want to say something about your design and the comments of the staff?

MS. ANDREWS: I guess I'd like to start out by saying when we moved to Woodside in 1993, we moved from a 900 square foot loft in Adams Morgan, and so when we moved into this house that's 1900 square feet, we thought it was huge. We thought there were

lots of closets. We were wrong about that. We now have two children. We're looking at some significant flow and logistical issue.

One of which is that perhaps the one that affects our lives most directly is that our family room is directly below a staircase that is open at the top, and our children are greatly bothered if we want to watch a movie in our own home. And there are various other things we would like to accomplish.

One of the reasons for this design, and I guess there's not a rearview picture here, though I do have one that I brought, is it's, what we really needed was not so much more space on the first floor, but really more space on the second floor. With the low roof in the back it's very difficult to envision how you could put an addition on the back of the second floor.

We've also included there, there's one for each. I'm sorry, I meant to save one for myself. So the rearview would be on the top, of our home is on the top in the middle. This shows also the addition that was done in 1992 where the back of the house was bumped out, I think about 8 or 9 feet. The reason we have these views of the other houses in our neighborhood is because there have been a number of additions on this block.

These are all on our block, and all of these people were under the impression that we were not subject to this process, although we have two past presidents of the civic association that live on the block. And our letters in support, I believe, are all from people whose houses are pictured here.

And I also would like to mention that Lisa Bontempo, the current president of the Woodside Civic Association, has come here to hear the testimony tonight.

MS. O'MALLEY: Yeah, I'm puzzled by the fact that we haven't done enough or you haven't been aware that this was a potential district. I know that there was a subdivision and

discussion about the house right on the corner that faces Spring Street. And we had a lot of testimony about that. I don't know who came in or.

MS. ANDREWS: Well, I think a lot of people on our block did come in and attend those sessions. That, I think, is a different project because they were proposing to subdivide the lot, which is, I think, probably very similar size to ours and add three very tall townhouses. So I think it's a different proposition.

MS. O'MALLEY: Well except that the reason they came to us was because of the district that you're in. Otherwise, we wouldn't have ever seen it. It would have only gone to the planning commission.

MS. ANDREWS I see.

MS. O'MALLEY: So we need to do a better job of educating the community, I think. I'm having a little trouble looking at your plans. I don't, can you, you probably have the same packet in front of you and I'm trying to see what the front would look like.

MR. DORMAN: Chairperson O'Malley, if I may, I have something I'd like to hand out to the board, if you may, and then kind of talk a little bit about the project to help you better understand.

MS. O'MALLEY: Okay.

MS. FOTHERGILL: It is Circle 9 in your staff report, but hopefully you also got the supplement, because in Circle 9 the front elevation was cut off, so there was a supplemental submission in your packet that had the full page. There was a copying error. So hopefully you have another Circle 9 that shows the full front elevation.

MR. DORMAN: I happened to be in, well, I was actually on vacation when I received the new that this was going to be reviewed as a historic district. So I was kind of like, well, it didn't ruin it necessarily, but I wanted to get back and find out what the heck was going

on. But I think that, well, first of all, I have a little bit of credibility on here that I just want to tell you about.

I'm a partner at Weebson & Dorman Architects, and the architect of record, I'm registered here in Maryland, the District of Columbia and Virginia. I've been practicing for about 20 years. And under our current name we've been incorporated since 1994. We do care a lot about how buildings are built and how they relate to the rest of the built environment, and especially about saving important amenities.

And our firm, just to kind of give a little bit more credibility, we actually provided testimony to help save the old Post Office Building on Pennsylvania Avenue downtown that was to be, you know, wrecked, when everything that was old was deemed bad.

So I do care a lot about how buildings go up against other buildings and what happens in these kind of neighborhoods. And I, maybe just for my own kind of educational purposes here, you know, I learn something new almost everyday. When I typically go up for a project, I'll say, is this house, is this neighborhood in a historic district. And if I hear no, I don't know that the next question to ask is, is this house in a Locational Atlas District, and will be evaluated as if it were a historic house.

So that's where I'm kind of coming from. So I scrambled a little bit to find out now what kind of, what are the guidelines. And I asked the people in historic, do you guys have written guidelines? And the answer is no, we don't have written guidelines. So how am I, you can go ahead.

MS. O'MALLEY: Well, for your individual community there aren't specific guidelines written, but there are general guidelines that we use in every community.

MR. DORMAN: That are written?

MS. O'MALLEY: Uh-huh.

MS. ALDERSON: And there is a Locational Atlas. You just need to call the preservation commission

MR. DORMAN: I know that now, sure.

MS. O'MALLEY: Yes, the Secretary of Interior Guidelines.

MR. DORMAN: But right, and that's what I'm referring to. So I did, I have done projects before that require the guidelines of the Secretary of Interior to be followed. And so when I went back to look at those, I think that we still do follow the Secretary of Interior Guidelines. So, but also to help you guys out here, you know, when we did go, we went to the permitting services website and I actually copied it, I actually attach the page there, and I know there's a little disclaimer that says you know, we're not responsible for anything that's in our website.

But it does say in here that, it says anything listed on the Montgomery County Master Plan for historic preservation is going to be reviewed. It doesn't say anything about locational atlas diagram. So there again, --

MS. O'MALLEY: All right. Let me ask staff. Ms. Wright isn't here. I thought that we had an agreement with the permitting people that they would flag any property, it does not include locational atlas or did they miss this one?

MS. FOTHERGILL: For a locational atlas property, they flag when it is a proposed substantial alteration. But, for example, we will get a fence that they've flagged, and then we determine that it's not a substantial alteration and we write a letter. But they send it to us when it's a locational atlas.

MS. O'MALLEY: So they should have pulled this one.

MS. FOTHERGILL: They did. That's how we got --

MR. FULLER: But that's not until permits are submitted.

MS. FOTHERGILL: The information is not on their website, which is something that obviously should be added.

MR. FULLER: It's a reactive mode, not a proactive mode.

MS. O'MALLEY: Excuse me.

MR. DORMAN: That's okay. And you know, we were told that there might have been something in the owners records when they bought the house that might say something like that. We didn't find anything like that. And here again, this is all after the fact. But it's still kind of interesting to figure out, you know, am I really kind of off my rocker here or do I have kind of a legitimate cause not to be aware of this? And here, I should be aware of this, but I think I have reasonable cause that I wouldn't be aware of it.

So, you know, we don't have written guidelines. We follow the Interior standards, which we did. But the, my point number 8 there, there were two similar, one was almost identical to this one bungalow that was actually approved in 2004 to be demolished. So here again, I don't know why this one is important, while you go can tear down other ones.

And I guess the other thing about having a moratorium, we're not tearing down this project, nor are these people making a mansionation out of it. And I like that word too. I don't know who came up with that, but I like that word. The mansionation of it. We're actually putting on a pretty small addition here.

So, the other thing, number 10, I related that there was nowhere in the Secretary of Interior Standards where it says that an addition cannot be on the side of a building, nor was there anything in there that says it can't be taller than existing building.

MS. ALDERSON: There is guidance. It's online.

MR. DORMAN: Can you point that to me?

MS. ALDERSON: Yes. We can email to you. There's guidance specifically on additions that talks about placement, and it depends on the context. A roadhouse would be different where all of the buildings were connected for instance, than a free standing.

MR. DORMAN: Well sure, I understand.

MS. ALDERSON: It does specifically say is recommended that they be located behind where it's a free standing structure. So there is a whole section. There's the Secretary Standards that are just the simple one through ten, and then there are very detailed guidelines that look at everything from material, to repair, to new construction, moving a building, and the works.

MR. DORMAN: Okay, I thought I was pretty thorough. Because I looked pretty specifically for that. But I could have missed it, sure.

MS. ALDERSON: In the standards and guidelines, just do additions and it'll take you right there.

MR. BURSTYN: What we hone on a lot here is maintaining the streetscape in the neighborhood so that there's not, what I consider, dramatic alterations to the front of the house which completely puts it out of character with the rest of the neighborhood. Having said that, since you now are aware of our Chapter 24(a) operating statute, and the 1 and 2 here on page three, those two sections of 24(a) there, would be a general standard to follow.

MR. DORMAN: On page 3?

MR. BURSTYN: Yes. That the project would not substantially alter existing features of a historic site or historic resource within a district. And again, possibly looking from, like I said, the front streetscape. And then number 2, that it's compatible in character and nature. So given those two criteria as guidelines, how do you believe your project and proposal fits in with those guidelines?

MR. DORMAN: I go into that a little bit in the rest of my prepared stuff here. One is that, I don't know what the definition necessarily of substantially alter, because I'm touching that existing building. I think a little bit more than 11 percent of the entire, exterior walls of that building. And also, I read that number 10 there where it says that, you know, if anybody wants to take that chunk out of there in the future, they can do that. And they can do that pretty easily, because we're not really kind of going in and rearranging much of the interior structure of the existing house.

And we're removing, I don't know how many feet is across there, it might be 8 or 9 feet across, two windows, and we're changing a window on the other side. But I think we meet the standards pretty well. I mean, it kind of depends on how, it's all subjective, right?

MS. ALDERSON: I'd like to suggest that we move forward. We have an individual here, and I don't know if there's anything else specifically to answer questions. My questions are answered.

MS. O'MALLEY: You mean a speaker. I don't think we have, no.

MS. ALDERSON: Yes, do we, we don't? Okay.

MS. O'MALLEY: We don't have any speakers. I guess, I'd like to mention what my concern is. I do see how you've set it back from the front, and that you're only touching a portion of the side. And I think that the biggest problem that I have is the height.

Generally, we recommend that additions are lower than the original resource. And I understand that you have a problem with the bungalow, but if there was some way that you could design that second floor, or that you could lower everything a little bit.

MR. DORMAN: Yeah. It's a bit of a balancing act between the existing geometry of the building and kind of functional space that you can kind of get out of there. And also, kind of ease in construction because obviously, in all of my projects, I have to balance all

that kind of stuff, including economic considerations with how you build it and how you properly keep water out of it. And so that was kind of the reason why I, the roof doesn't touch the existing house at all.

If it comes any lower, it's going to, I think, kind of glom those two forms together instead of separating them out. And that's why I did it. I understand the consideration.

MS. O'MALLEY: You would have to lower the hyphen.

MR. DORMAN: Pardon me?

MS. O'MALLEY: You would have to lower the hyphen if you did --

MR. DORMAN; Yeah, right, exactly. And right now that little hyphen, I think, at the one side because we're kind of coming in at the ridge of the house. I think the one side over would be, is about at 6 foot 9 right now. So you know, if you lower it much more, you're going to get quite a, you know, you're going to get -- I suppose, you know, if you did lower the roof, you'd need a bigger roof. This way we're actually keeping the size of the actual square footage down by doing that.

MR. FULLER: I don't know, I may be speculating, but I would assume that if you had known up front this was going to be reviewed as a historic house, this probably wouldn't have been the solution you'd come up with. Obviously, the addition is set back from the street, not because of trying to be sympathetic historically, but because of your building setbacks. You couldn't have been any closer to the street than what you placed the house.

It appears the existing house is basically a nonconforming, and goes across the existing setback probably because they didn't exist at the time. I think that in looking at the house under the standards that we are required to look at it, I think the issues that I have with the addition, number one, is that it is to the side, although as you heard in the case before this, there are cases that we would look at a side addition.

But I think that part of the other aspect of it is that realistically, the architectural statement being made by the new addition almost overpowers some of the existing house. It's a very powerful design in terms of what you come up with as it relates to what's there, and obviously it reads very strongly from the street.

I don't disagree that making sure that the building doesn't leak and solving roof lines is an important issue. Our general criteria is to assure though that new additions are no higher than existing. As we said, there are exceptions. We've certainly made exceptions in Takoma Park where there are a lot of single story bungalows. The house we talked about earlier in Dickerson. So, it's not an absolute.

I very much agree that, you know, if we look backwards and apply the Secretary standards the way you've set up this addition, it really has minimal impact to the existing house and it's fabric. That's obviously a very good thing from our perspective in the way it's been done. I'm sympathetic to the owners needs of trying to create more space. This is not a large house and there's a lot of people trying to make a lot bigger additions than what you're asking to do.

So I have no problem in supporting the total amount of square footage that's being proposed. But, from my perspective, the prominence of the addition is really too great to really be in a position that I could support it.

MR. MURTHA: Sir, if I may.

MR. FULLER: Yes.

MR. MURTHA: The addition, it's hard not to feel that the rules are being changed in midstream for us here. And I say that not only because of the numerous houses that have been altered since we moved in in 1993. But also, if you look right next door to us at 8708, there is a much more substantial side addition than we are planning. I'm sure it is three times the square footage of the addition that we have planned.

And yet we're hearing now, unlike our neighbor heard, that there are all these requirements. They quite simply, people have not had notice because there have been alterations, including substantial side alterations, all up and down the block. And indeed, if you take a look at the letters, what you will hear in those letters is that nobody was aware of the historic preservation requirements on our block, and these are very involved citizens within our neighborhood.

Moreover, nobody has a greater interest in maintaining the fabric of our neighborhood than the people that live there. And if you look at these letters, what you will see is that people support the specific architectural statement that is being made. And so, if you take a look at it from the neighbors who would be most affected by this, they support it. If you take a look at what the past practices have been, well, the action here would appear to be a little bit arbitrary because more significant actions have been taken without treating the permits as anything other than routine.

And I mean, the facts are the facts on this. I don't know how the other houses slipped through the crack, but at some point I think we had a, combined with the absence of any notice in our purchase documents, the inability to look at the website and to be able to understand that there were these additional considerations at work, and simply we've been members of our neighborhood association since we moved in. I mean, it's not like we're living in isolation, and obviously, we would never have chosen a design that would be offensive to the rules if we had any idea. But we are so far along in this project at this point, it really would work a very substantial hardship upon us to change it now.

MS. ALDERSON: I'd like to comment. In the interest of acknowledging that the commission is here for a reason, we are not authorized to waive or decide that one area does not have this strict regulation. What we try to do in cases like this is be as understanding as we can.

Try to work out a constructive solution that will then stand the test with others in other historic districts that will look at your house as the example for their neighborhood, and they will. So we all go in to that with that knowledge.

That we can put things in context and that context can be in our record. But they will look at your addition and that may be seen in Takoma Park, in any area. My comment on the standards, there are two important components of the standard. One is concern with protection of historic materials. That is only part, and a historic district is equally concerned with the character of the house, and the character of the street. Most of all from the front, more than anything else.

And as we see this, my concern would be that if this were say a Baltimore neighborhood of linked row houses, it might be quite a different matter. There might be lots of variable character. And we might be able to have different roof lines, different architectural character. But this context is actually free standing bungalows, much like we have in the other neighborhoods.

So what I'd like to suggest is, there are some modifications that could be made and maybe don't impossibly alter your plans. One might be if there's a way to lower the roof line a little bit on that connector so it reads separately, make it more transparent somehow, which can be done with translucence. It doesn't necessarily have to be lost of clear windows. But there are things that can made that read separately, so the house still looks like a free standing house.

And the other I might suggest is to think a little bit about the vocabulary of the two story addition. And I'd like to suggest, there's a model that you may want to look at. This was actually a new construction project, it's about 20 years old in Takoma Park. But it's, I walked past it today, and I think you might find it useful. The architect needed to get a garage in. There was no way to get that mass glommed down to the old house, and there was limited

space, and he did a link, a hyphen. It was one story, but you know, under these circumstances the commissioners may feel more lenient about the height if there can be some kind of design provision for transparency. And the addition was built to read kind of as a little carriage house. And so, but simplify. What I would urge is to think about how this relates to the house so it doesn't overshadow the house in a nonornament, or how much it calls attention to itself. If it can look to the simple character of the house or else something completely different. I mean, there's different ways you can look for something compatible.

I think maybe what immediately draws attention here is it looks kind of Victorian. How did that, you know, grow out of the side of a bungalow? So I think some of it can be addressed with vocabulary. But I think that might be able to be brought down. Think of something like a carriage house structure that would blend, or a garage that would blend with a bungalow with a connector that looks more transparent. I think that would help.

MR. BURSTYN: I've been looking through this and looking at some things. I'm concerned about your comment about whether there's application of different rules and when I look at the drawing that you passed out, it appears that, well you've cited that five of the additions are at 92 or before circa '94.

MR. DORMAN: I meant to say if I misspoke, there are 92 or more recent.

MR. BURSTYN: Well, okay, well I'm trying to get a sense of what's going on in the neighborhood, and I do think it's important that everyone be treated fairly. It's obvious. And when you look at the guidelines cited in the staff report, and I do point out that this, you know, is a preliminary consultation. And the reason we have that, of course, is because we're not voting on anything tonight.

This is a discussion. And we work with you, and you work with staff and try to reach an amicable conclusion. But on page 2 at the bottom of the applicable guidelines, I do

notice that it was place on the Atlas and Index in '76. But even though that happened in '76, it wasn't until '91 that the staff began doing, I guess, more serious evaluation.

And this evaluation was even curtailed because the civic association wanted to conduct some type of education in their neighborhood. I don't know exactly what that was, but I do remember when, as Chairman O'Malley, Chairperson O'Malley, did speak that when that other project came here, all the neighbors who were here were speaking in a cohesive voice that this, and what I remember and got out of it, is that this was a historic district. That it was important to be maintained. This is what I got out of that.

And that's our job as a commission to try to maintain. Like I said before, the streetscape. We're not as concerned about what you do in the back. And in fact, when I look at your lot which is on the Circle 6, page 6, the neighborhood, the subdivision layout, it looks like you've got a very deep lot as compared to, -- well, everybody on that street has deep lot. The people behind you the lots are a lot less deep. And you have width. So you decided to obviously use some of that width, and go back a little.

What I'm suggesting here is that possibly something that would better maintain the streetscape is to go back more than out to the side. And the other commissioners did comment on what they think. And I do notice that you have many, that look like a lot of work spent on the architectural drawings. And you probably heard before, and one thing we try to encourage people is, is not to go full blown final drawings for a preliminary consultation because it's a work in progress. It's not a final.

MR. FULLER: But they didn't know it was. They filed for a building permit.

MR. BURSTYN: Right. Okay, well, so I guess we're stuck with that kind of situation. So it seems to me that going back instead of out to the side would be a lot more

workable. I don't know what you think about that. Is your main hang up is because you already have drawings? Or you don't like going back or what?

MS. ANDREWS: There has already been an addition on the back of the house, and one of the reasons that I personally didn't think that going back was a good option was because we really wanted to somehow bring the house closer to the yard, and closer to the garden. You can see, again in that middle view on the top row there, that the yard continues to drop away. And the further back you go, the more separated you are from the garden. And I would say that that's a very strong consideration for me. I spend most of my free time out there in the yard trying to improve it.

MS. ALDERSON: Well you certainly do have a condition that's to your advantage as far as getting more liveable space with that creative drop.

MR. BURSTYN: Well, let me address pushing the side addition back. I notice that it doesn't interfere with the existing chimney, right, or fireplace?

MS. ANDREWS: Right.

MR. BURSTYN: So it's behind there?

MS. ANDREWS: Yeah, one of the things we wanted to do is preserve the --

MR. BURSTYN: So you don't have to worry about that. So what happens if it is pushed back?

MR. DORMAN: Right now where we're cutting through is at the very ridge of the house to get to the other, connect, well to get into a connector that will connect to the new addition. So if it goes further back, we're losing more head room. It's unlike, there was one house actually in this drawing, in this list of houses here, 8706, the bottom left, which actually was a bungalow that I think that they poked the ridge out in order to give those people more room in that, which I don't know how you guys view if that changes the character of it or not.

But you would be losing head room in there, and the connection into that area would be a little bit tougher to get to. Plus, I don't know, I'd have to kind of look at it a little bit more too, but it probably has some sort of effect on the kitchen, which we're trying to leave the kitchen exactly where it is.

And as far as putting the addition in the back, just my gut tells me that there's going to be a lot more kind of structural gymnastics that are going to have to happen, because this was designed to kind of basically leave, you know, all we're doing is poking a hole basically kind of through the first floor and the second floor to get out of that existing house into the new addition. So, you know, I wouldn't say it's impossible. I think it would be more difficult.

MS. O'MALLEY: Had you thought of a couple of steps down, a couple of interior steps down then that would bring the first floor closer to the yard as well?

MR. DORMAN: Well, we're already coming with the basement too, so we'd have to take the basement, the basement has a pretty low head height so we'd have to take that down too. So we'd be digging a little bit more. Are you talking just to get the roof line down a little bit?

MS. O'MALLEY: Well, and her concern about being closer to the yard as well.

MS. ANDREWS: I guess it depends on whether it's an integrated structure or whether it's separate the way it is now. I mean, if you want to put it all onto the back and then step it down?

MS. O'MALLEY: No. I would say if it was where it was.

MS. ANDREWS: On the side.

MS. ALDERSON: So that you wouldn't have a continuous ridge from the house to the link. So that the house reads as a separate structure.

MR. DORMAN: Drop that down. I think I can drop that down a little bit. You know, like I say, it's just, I can't drop, you know, I can drop it down as much as I hope somebody can build it, you know. Just because, I think, you know, I'd want to come, if the ridge is up here and we drop it down a little bit so you kind of have the, you know, the drop and then come back up again. I think if we're going to physically be able to get through without doing the limbo, we'd have to, you know, take it down by a 2 by 10 maybe, we have enough room or something like that. I don't think that's necessarily impossible.

MS. ALDERSON: And what about the possibility of designing it to be, to look more transparent?

MR. DORMAN: With the link? I think that's a good idea actually. That would be fairly easy to do, I think. And that's an example, I guess, that they showed in there. We've done things like that before too. Like I say, I mean, you can use a different material in there or, you're saying transparent, or translucent, or something that give it a light feeling.

MS. ALDERSON: So that it doesn't look so solid next to the solid bungalow.

MR. DORMAN: Sure. I think that would probably be easier to move into that.

MR. FULLER: I mean, to me if it stays on the side, wants to happen is I agree completely the idea of making the length slightly more transparent, slightly, you know, maybe change colors, whatever you do in materials to just change something. But I think the other thing that needs to still happen is I think it has to become diminutive to the main body of the house. I think that has to do with the roof lines being as high as this is proposed. I don't think, I just don't see how you could hold the roof up as high as it is. And I think, you know, you're not going to want to hear this as an architect, but I think you have to simplify and just make it not as much of a statement on the front face of the house.

The back face of the house I'm not as concerned with, but I think that the, I see what you're doing, it's interesting on the expressed sort of timber frame, not really, but kind of. But I think that reads awfully detailed for, and it starts competing with the main body.

MR. DORMAN: We spent a lot of time on that planter box. We could cut that down. I'll take the time back for that.

MS. ALDERSON: And I might suggest that if you want to see that other model that I mentioned, which is new construction, but does that separation. That is in Takoma Park right across from the Metro on Cedar. Immediately across. It's maybe the third how down on the left. Third or fourth. It does show, it shows a relationship between the main house and this garage, suggestive structure.

MR. DORMAN: Yeah, and down the hill on Cedar there?

MS. ALDERSON: Yeah. And that neither one overwhelms the other.

MR. DORMAN: Okay. Do you know who the architect was?

MS. ALDERSON: Yes, it's not heavy down low at all. It might have been Paul Trecedor, I'm not sure. But it won an award.

MR. DORMAN: Okay, I'll certainly take a look.

MS. O'MALLEY: Is there a way to get that roof lower?

MR. DORMAN: I'm going to have to try. You know, we didn't spend a lot of time on alternate plans because we didn't know what we were going to be up against, I guess. So not impossible. I'll try something. I don't know. I was thinking we might even go, I don't want to bring this up right now.

You know, I don't know if maybe a low sloped roof band, you know, because by the time that you get a peak in there, you're pretty, you know, you're pretty low on both sides. And especially like, I want to make sure that we don't, those two forms don't glom together.

MR. FULLER: Do you have something in your box of tricks you want to show us?

MR. DORMAN: Not anymore. No, it was our study model. But here again, the study model was done not knowing we were going to actually have to go in front of historic, so it's a very rough model.

MS. O'MALLEY: Are there any other comments from commissioners?

MR. BURSTYN: I would just like to say also that I am not an architect. However, I do note that three members of the commission are not here this evening, and they are all architects. So sometimes I like to just sit back and listen to all the ideas they can come up with, and while we can't design the project for you, how we see their minds are at work coming up with creative solutions. So possibly the next time one of them will be here and have another twist that's acceptable.

MR. DORMAN: And I figure if we come here again we can, just going to do some massing type of sketches, it would be the best thing to do, yeah?

MR. BURSTYN: I'm not suggesting that when you come back we're going to start redesigning again. Please don't, I didn't mean to say that.

MR. FULLER: To me, in the perfect world, we'd love to have seen the addition to the rear. I sympathize with what the owners going through with having expended funds and not known, and you got started on this process without, I'll say full information, and we'll talk to staff about trying to better understand what the process is and see what we can do to try to prohibit that from happening in the future, minimize the risk of that happening in the future,

But, you know, we have approved side additions, but they really do need to be somewhat limited. They need to meet some other standards from what's happening here. So, if it's going to come in on the side, I think that's what you need to work towards. But I greatly

support, yes, we'd prefer to see you come back with something in very sketch form. We certainly --

MS. O'MALLEY: That could even come into staff for ideas about what you might want to do.

MR. ROTENSTEIN: And if I can add a few things. I do appreciate the difficulty you're going through in terms of the stage at which you're coming before us. But I also think it would be a grave mistake by this commission to try and take a set of plans and work backwards rather than take a step back and try to evaluate what can be done with this historic property knowing what the guidelines are.

I see a couple of things happening here. First of all, with the photos you've given us of the alterations to neighboring buildings and what you're proposing to do to this building, I'm wondering where the threshold is going to be where this has been on the Locational Atlas so long and perhaps things have slipped through the cracks so that it's no longer a historic district.

This is a particularly troubling issue in this Locational Atlas District because we went through the same thing with the proposed development on the corner and with a large town home development. I'm concerned about the streetscape views.

I'm concerned with the loss of building fabric, even though you're saying it's minimal. You're still changing the fenestration of the side of the building. And overall, it's a troubling road we're going down with this Locational Atlas District. And I would just urge you to not work from these plans backward, but evaluate the resource in its context as a historic district, and not be too wedded to these plans. I would prefer to see something in the back.

MS. O'MALLEY: Thank you for coming in.

MR. DORMAN: Thank you. Can I ask a real quick question though? When, since, you know, we basically have the construction documents in for a permit right now with

these drawings. What is the final amount of information that you need to have for historic approval so we can move on and then change the drawings for -- you can tell us?

MR. FULLER: I guess what I was going to mention is if you come back for a preliminary, I actually thought the drawings that were brought before us were the Case No. A on the preliminaries tonight, were probably a very good balance. Frequently on preliminaries we either have sketches that are so hard to work from like we saw under B, and I don't know if you looked at those or not, or something where somebody's has advanced it so far that there's an awful lot of money and time being spent to.

So from a preliminary stand point, I really do believe schematics and it could even be looser than those are more than adequate for people to evaluate what's adequate. As it relates to what's necessary for the permit, frequently we see, I'll say what I consider 35 or 40 percent construction drawings, because we want to see the main detail.

That's usually what the commission approves, and then there's a condition of approval that says that your final CD's need to be stamped by staff for basically confirmation that as the details have developed their the same as what were presented to us.

MR. DORMAN: All right, thank you.

MS. O'MALLEY: Thank you very much. And then there is a time line for, you know, if you want to get on a specific agenda.

MR. DORMAN: And we can work with Ms. Fothergill to find out all that?

MS. O'MALLEY: Yes. Because we only have meetings every two weeks.

MR. DORMAN: Thank you.

MR. FULLER: I'll also say it's really nice to see the community supporting an application as opposed to some neighborhoods where it seems they come in with attorneys.

MS. ALDERSON: You've obviously cultivated good neighbors.

Fothergill, Anne

From: Kendall [Kendall@wdarchitects.us]
Sent: Wednesday, May 02, 2007 8:47 AM
To: Fothergill, Anne
Cc: Peter Murtha; Mary Andrews
Subject: FW: Andrews-Murtha Elevations

Anne,

I have read the transcripts of the Montgomery County Historic Preservation Commission for this project. And, I have also re-reviewed the Secretary of Interior standards.

Based on the Commission comments, the revised addition (see attached PDF) reduces it's prominence, is diminutive to the main house, lowers and simplifies the roof line (inc. the connector), looks less Victorian and makes the connector different by making it slightly more transparent. In fact the only thing that we didn't do, as suggested by Mr Rotenstein, was locate the addition to the rear.

The addition also responds to the Secretary of the Interior Standards in the following ways:

1. There is the least possible loss of historic materials so that character-defining features are not obscured, damaged, or destroyed.
2. The addition limits its size and scale in relationship to the historic building.
3. The addition is designed in a manner that makes clear what is historic and what is new.
4. The addition considers the attached exterior addition in terms of the appearance of other buildings in the historic district or neighborhood.
5. The addition references design motifs from the historic building. The addition is clearly differentiated from the historic building, and it is compatible in terms of mass, materials, relationship of solids to voids, and color (TBD).

I've also attached a photo of the Gamble house by Greene and Greene in Pasadena. This bungalow incorporates many of the elements of our project in that there is the main solid form on one side, a light and airy timber framed piece on the other side and a joiner (or hyphen – whatever we call it) in the middle. It's also similar because the roof line is different at both ends (a gable on the left and a flat or low slope roof on the right). *see circle 42*

The other attached photo is, what I believe to be, the house that that Ms. Alderson wanted us to see which we considered in the modification of the design of our project. *see circle 43*

I look forward to hearing from you as we would like to move this project ahead as expeditiously as possible.

Sincerely,

Kendall Dorman
Wiebenson & Dorman Architects PC
1711 Connecticut Avenue NW
Washington DC 20009
t: 202 234 4200
f: 202 234 4201
e: x@wdarchitects.us
w: www.wdarchitects.us

-----Original Message-----

From: Fothergill, Anne [mailto:Anne.Fothergill@mncppc-mc.org]
Sent: Wednesday, April 18, 2007 4:16 PM







8710 Second Avenue
Silver Spring, MD 20910
March 27, 2007

Historic Preservation Commission
1109 Spring Street, Suite 801
Silver Spring, MD 20910

RE: 8710 Second Avenue, Silver Spring
Preliminary Consultation

Dear Commissioners:

We have lived in our Woodside residence since June 30, 1993 and we hope to remain in our home for many years to come. In Woodside we have found an amazing group of supportive and community-minded neighbors, excellent public schools, as well as a location that is convenient to public transportation, and now, suddenly and incredibly, to a revitalized downtown. While we have put much time and effort into our house and particularly the long-neglected yard, we have also become frustrated with many flaws that were not evident when we purchased our then newly-renovated home.

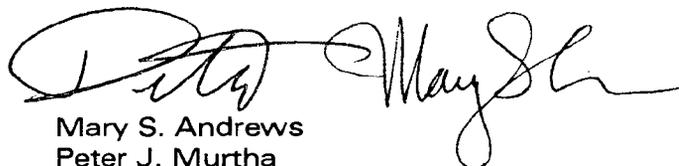
We have added to our family since 1993 and now have 10 and 13 year old daughters and need additional storage and living space. We would also like to improve the energy efficiency of our '30s era home. To this end, our first step in home improvement was to meet with an energy consultant to identify the most feasible source of renewable energy for our site. After some false starts, we met with an architect to identify our needs:

- create a real third bedroom on the second floor,
- relocate the Family room on the first floor to address noise in bedrooms,
- add a Mud room/second entry on the first floor, moving coats and shoes out of the living room,
- create a real Master bedroom, with adequate closet space and privacy, on the second floor, and
- expand a cramped and windowless game room in the southeast corner of the basement.

Our architect worked with these requests to create a design that fulfills those needs and preserves the integrity of the existing structure, in accordance with the Maryland Secretary of the Interior's *Standards for Rehabilitation*. The plan also focuses the rooms on our gardens and improves the layout and circulation issues. As part of the renovation, we plan to install new wood frame, argon filled, low emissivity windows, either preserving or duplicating the existing historic interior woodwork, and add blown-in insulation in existing exterior walls wherever possible. Finally, we have taken steps to install a new ground source geothermal heating and cooling system, which will replace our gas furnace and electric air conditioner.

We believe that all of these features will enhance the house, the neighborhood, and the larger community and our neighbors agree with us. We ask that you approve the plan submitted by Wiebenson and Dorman on our behalf.

Sincerely,



Mary S. Andrews
Peter J. Murtha

March 26, 2007

TO: Historic Preservation Commission
1109 Spring Street, Suite 801
Silver Spring, MD 20910

RE: Preliminary Consultation
Peter Murtha and Mary Andrews for
side addition at 8710 Second Avenue, Silver Spring
(Locational Atlas Resource # 36/04, Woodside Historic District)

Dear Commissioners,

I have had the opportunity to review the architectural plans for the Peter Murtha and Mary Andrews' proposed side addition to their existing residence at 8710 Second Avenue. As a resident of the neighborhood, I would like to express my opinion regarding the impact of the addition on the character of this neighborhood.

Many homes on our street have been changed or added onto throughout the years; roofs have been raised, additions to the sides or rear of houses, second stories have been added to one-story houses. These are only a few of the changes of which I am aware. Fortunately, responsible homeowners who wanted to preserve the essence of the historical character of their homes made the majority of these changes. Although the owners may have made modifications to the front or sides of their homes, which were not exactly historically "accurate", the historical presence of the original home remains intact.

I believe that Peter and Mary fall into the category of responsible homeowners trying to preserve the historic integrity of their house. Unfortunately, the prior owner of their home made a modification to the front of the structure, a dormer, which is not only out of proportion to the existing structure but is not historically "correct".

Peter and Mary have gone to great lengths to create an aesthetic from the street that incorporates this existing prior modification in a more conducive way with the whole structure, including the addition. (Please see North Elevation). Additionally, they would like to modify the dormer to reflect the character of the addition, incorporating it into the whole structure, yet also making it stand out as an add-on. They are proposing no other changes to the existing structure of the house and building out on the side of the house in an aesthetically pleasing manner, which is also clearly an addition in essence and character.

I believe that the proposed plans do support the historic integrity of their home. They are not modifying the front except to make the prior historically non-compliant modification more noticeable as a modification to the structure (because it synthesizes the addition). The proposed side addition is different enough in character to make it appear as an addition, yet also sensitive to the Arts and Crafts character of the existing structure.

Sincerely Yours,



Wendy Warder
8711 Second Avenue
Silver Spring, MD 20910
301-585-2817

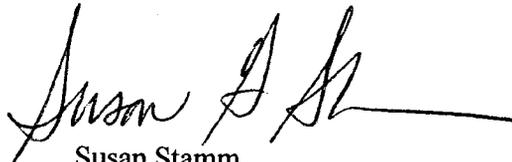
March 28, 2007

Ms. Julia O'Malley; Chairperson
Historic Preservation Commission
1109 Spring Street, Suite 801
Silver Spring, MD 20910

Dear Ms. O'Malley

I am writing this letter regarding the preliminary consultation to be held by the Historic Preservation Committee on March 28, 2007 for Peter and Mary Murtha's addition at 8710 Second Avenue, in Silver Spring. I have resided at 8713 Second Avenue for 25 years and live directly across the street from the Peter Murtha and Mary Andrews.. As immediate past president of the Woodside Civic Association, I have been involved with various cases that have come before the HPC. As I understand it, Woodside is currently on the Locational Atlas, but has not been designated as an historic area. I am confused as to why this particular addition has to go before the HPC, when numerous other "historic" homes on this block have had alterations and additions, (8706 Second Avenue; 8708 Second Avenue; 8712 Second Avenue and 8714 Second Avenue to name a few.) Several of these additions have been to the side of homes, and some completely changed the front façade. It seems that the application of whatever the standards are has been completely arbitrary on our block. I have seen the plans for the Murtha's addition, and feel that it is in keeping with other changes that have taken place on Second Avenue. I wholeheartedly support the Murtha/Andrews addition and request that the HPC approve their request. Furthermore, I would like clarification about what the HPC's involvement is on homes that are in an area which is on the Locational Atlas, but is not designated as Historic. Thank you for your consideration,

Sincerely,

A handwritten signature in black ink, appearing to read "Susan Stamm", with a long horizontal line extending to the right.

Susan Stamm
8713 Second Avenue
Silver Spring, MD 20910
301-588-4339

8714 Second Avenue
Silver Spring, MD 20910
April 27, 2007

Historic Preservation Commission of Montgomery County
8787 Georgia Avenue
Silver Spring, MD 20910

Dear Commissioners,

We write in support of the application for a side addition to 8710 Second Avenue that Mary Andrews and Peter Murtha are bringing to the Commission for a preliminary consultation on April 28, 2007. We are neighbors of the Andrews/Murtha household as the owners of 8714 Second Avenue. We have seen the plans that they have proffered for consideration.

We believe that the plans presented are consistent with the neighborhood as it exists today. In massing and presentation it is "in scale" with the neighboring properties and well within the range that already exists. It will not dominate the neighbors, nor will it appear out of place. If there is a dominant style on this block, it would best be described as one of renovation alternatives. The two adjacent peer bungalows have been modified substantially; arguably to a greater extent than the request before you. The original consistent street presence is long lost; the block now presents different interpretations of remodeling strategies notably of bungalows. Further, it should be noted that the home in question has already been substantially modified in the past by a large dormer and siding.

With the exception of two 1970s Carter colonials, the homes on the 8700 block of Second Avenue are all over 50 years old, dating back as far as 1890. The sizes vary considerably. Eight of the 14 homes have been substantially modified with large additions, most of them in the past 15 years. This is reflective of the fact that the original modest structures did not meet the needs of the today's residents. Of note is the one instance that we are aware of in which the HPC has acted by limiting expansion options at 8707 Second Avenue. The result was that the family, unable to make the home work for them, moved from the neighborhood that they loved.

For a variety of reasons, most of which we can only speculate about, enforcement of a potential Historic District in Woodside has not been consistent and information provided to residents has been, apparently, incorrect. Up until a couple of years ago, for the purposes of regulating additions, historic identity was ascribed only to specific identified properties. If the property was not specifically identified, the issue of historic preservation did not appear to exist. The issue was not raised when permits were requested, other than on the specifically identified properties. The net effect is that enforcement has been, at best, inconsistent, and at worst, capricious. Further, as a result,

residents are not well informed about the historic designation status and are, therefore blissfully ignorant of the regulations potentially applicable to their properties.

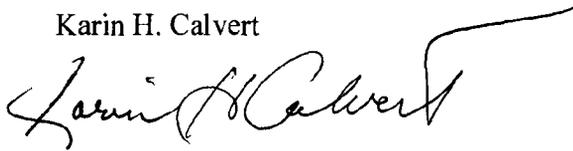
In light of all of the above, we ask that the Commission look favorably on the application of the Andrews/Murtha household and accommodate their request to make their home work for them.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'E. Scott Calvert', with a long horizontal flourish extending to the right.

E. Scott Calvert

Karin H. Calvert

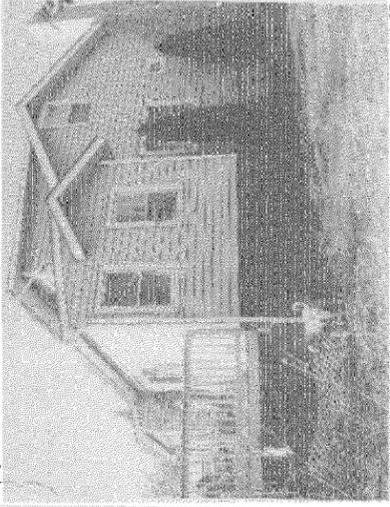
A handwritten signature in black ink, appearing to read 'Karin H. Calvert', with a long horizontal flourish extending to the right.



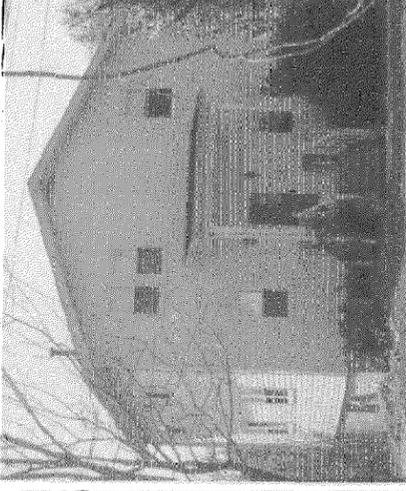
8708 Second Ave.
Side addition c. 1992 visible from street.



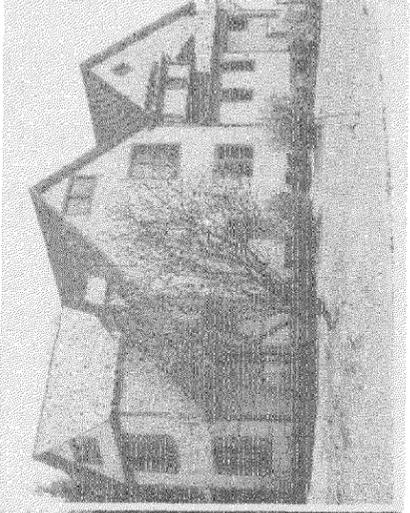
8710 Second Ave.
Side yard, front porch, and dormer additions c. 1992.



8710 Second Ave.
Side yard and rear additions c. 1992.



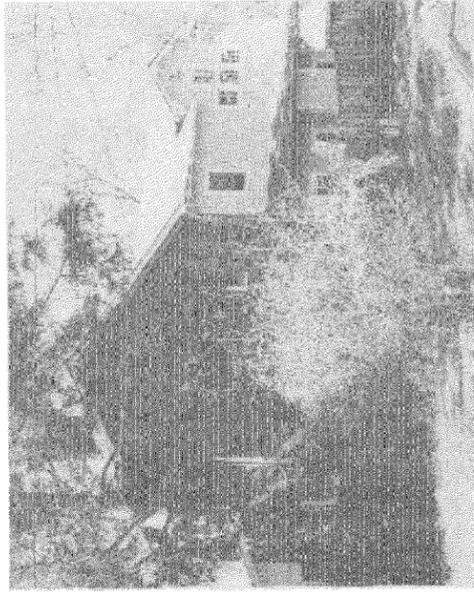
8712 Second Ave.
Second floor addition c. 1985.



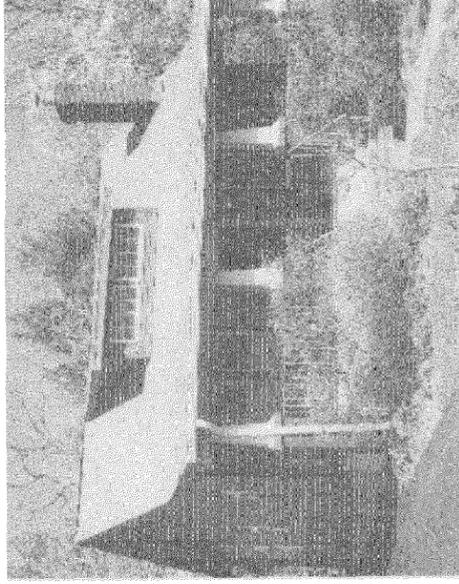
8714 Second Ave.
Rear addition visible from street c. 1993.



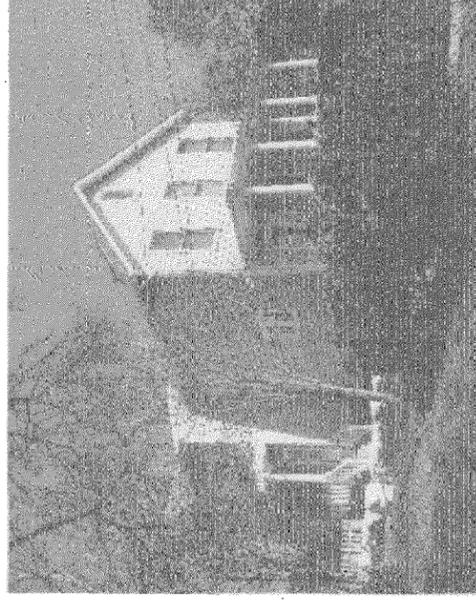
8706 Second Ave.
Rebuilt higher roofline in 1992 +/-.



8709 Second Ave.
Rear addition visible from street.



8711 Second Ave.
House across street from proposed design.



8713 Second Ave.
Side and rear yard addition visible from street.

HOUSING EXAMPLES IN WOODSIDE NEIGHBORHOOD AREA

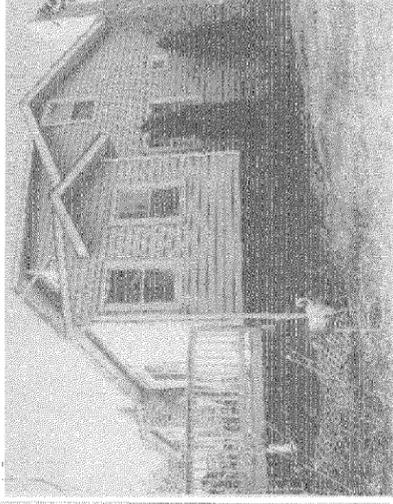
March 28 , 2007



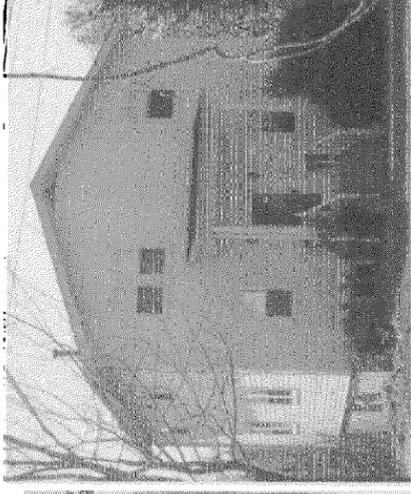
8708 Second Ave.
Side addition c. 1992 visible from street.



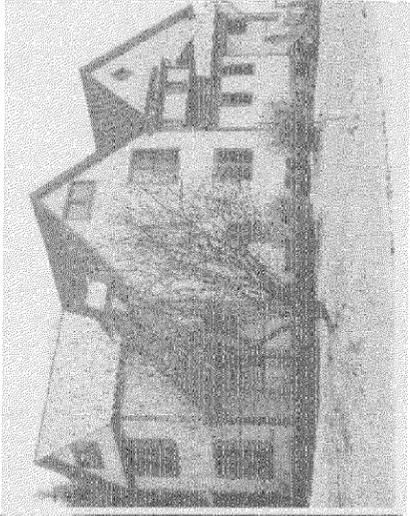
8710 Second Ave.
Side yard, front porch, and dormer additions c. 1992.



8710 Second Ave.
Side yard and rear additions c. 1992.



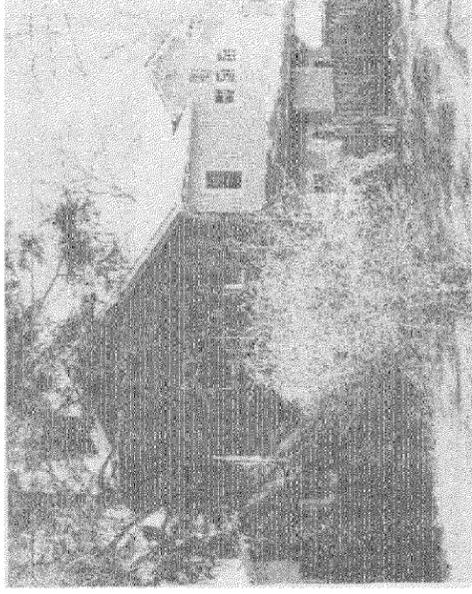
8712 Second Ave.
Second floor addition c. 1985.



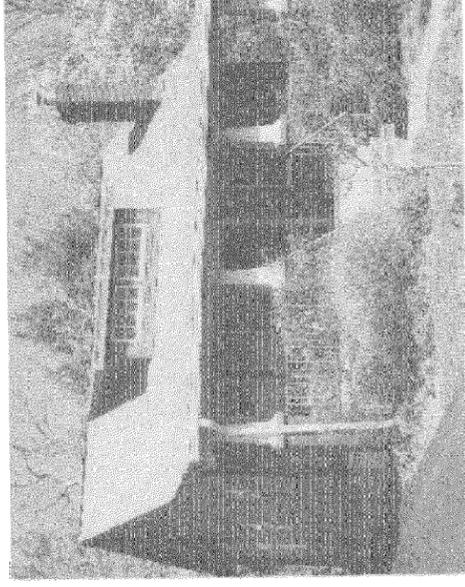
8714 Second Ave.
Rear addition visible from street c. 1993.



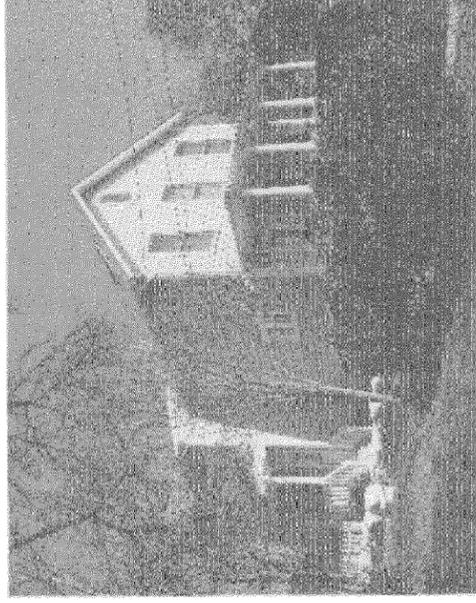
8706 Second Ave.
Rebuilt higher roofline in 1992 +/-.



8709 Second Ave.
Rear addition visible from street.



8711 Second Ave.
House across street from proposed design.



8713 Second Ave.
Side and rear yard addition visible from street.

HOUSING EXAMPLES IN WOODSIDE NEIGHBORHOOD AREA

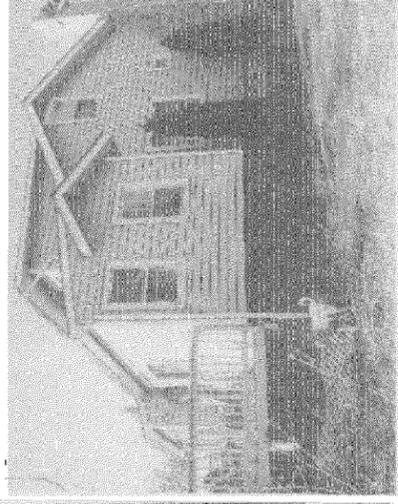
March 28 , 2007



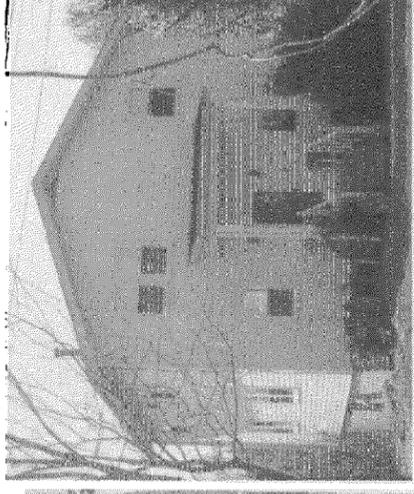
8708 Second Ave.
Side addition c. 1992 visible from street.



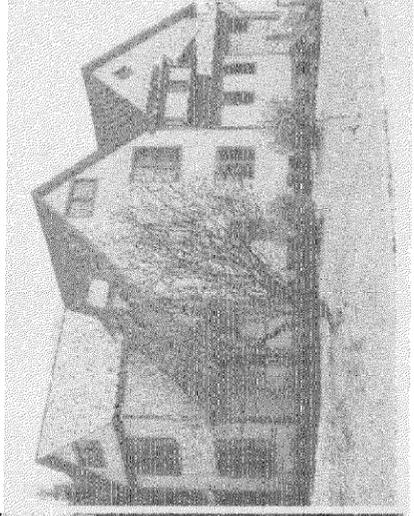
8710 Second Ave.
Side yard, front porch, and dormer additions c. 1992.



8710 Second Ave.
Side yard and rear additions c. 1992.



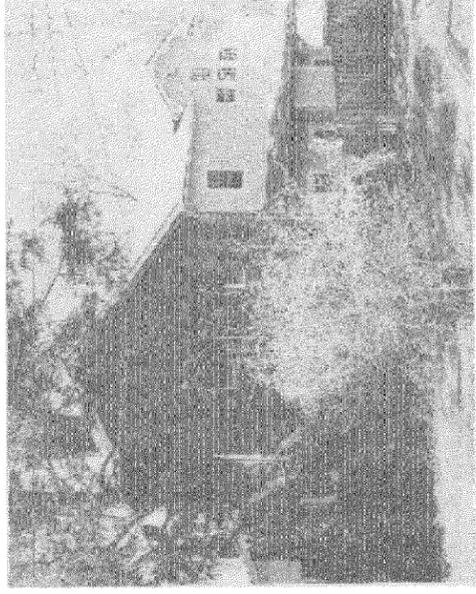
8712 Second Ave.
Second floor addition c. 1985.



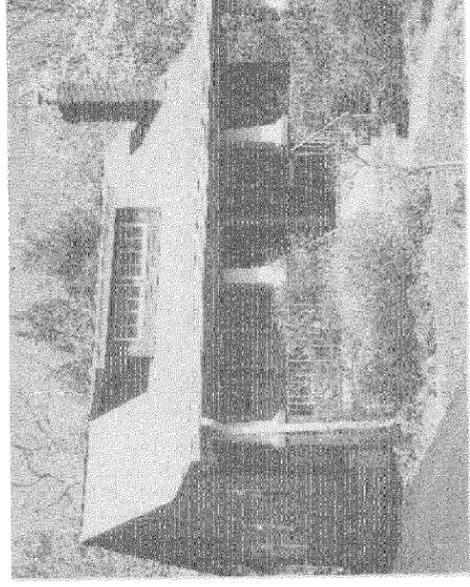
8714 Second Ave.
Rear addition visible from street c. 1993.



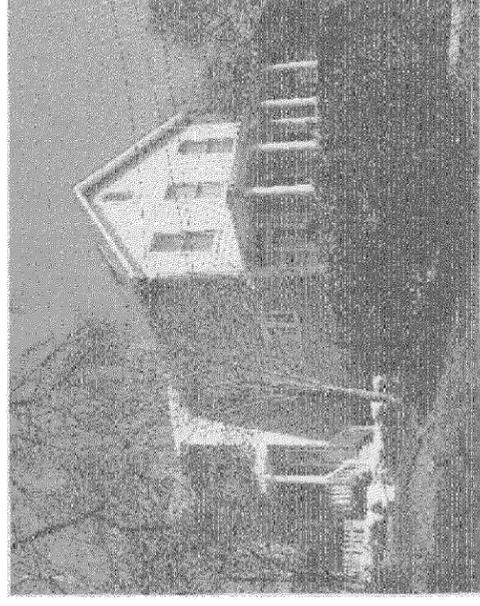
8706 Second Ave.
Rebuilt higher roofline in 1992 +/-.



8709 Second Ave.
Rear addition visible from street.



8711 Second Ave.
House across street from proposed design.



8713 Second Ave.
Side and rear yard addition visible from street.

HOUSING EXAMPLES IN WOODSIDE NEIGHBORHOOD AREA

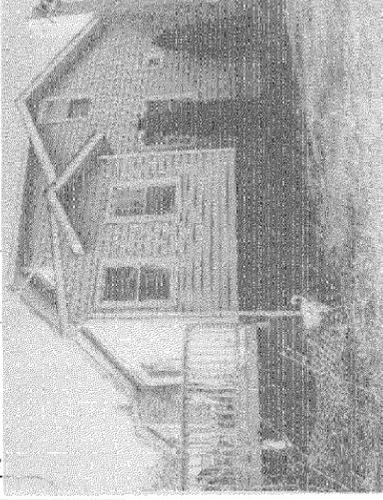
March 28 , 2007



8708 Second Ave.
Side addition c. 1992 visible from street.



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Side yard, front porch, and dormer additions c. 1992.



8710 Second Ave.
Side yard and rear additions c. 1992.



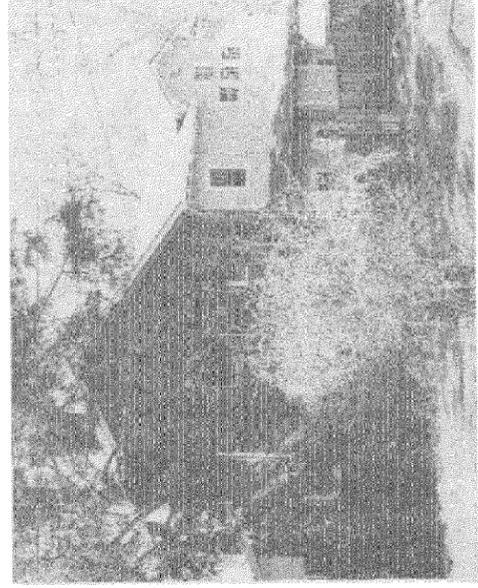
8712 Second Ave.
Second floor addition c. 1985.



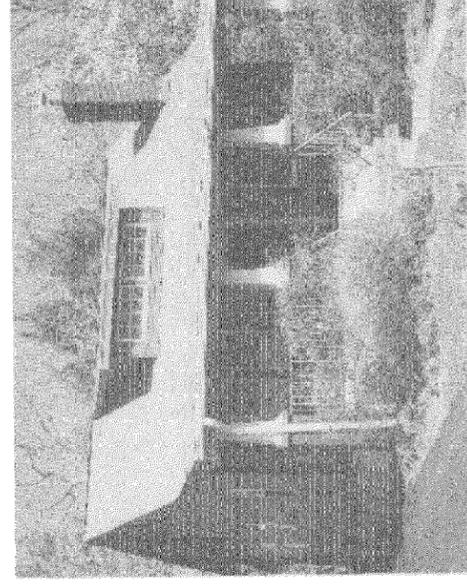
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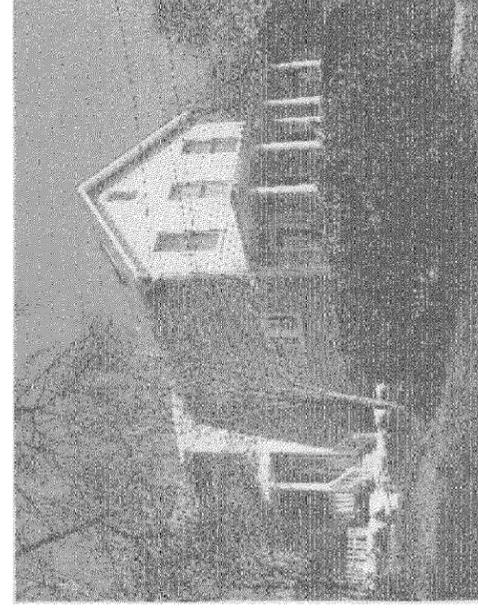
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Rear addition visible from street.



8711 Second Ave.
House across street from proposed design.



8713 Second Ave.
Side and rear yard addition visible from street.

HOUSING EXAMPLES IN WOODSIDE NEIGHBORHOOD AREA

March 28 , 2007

Wiebenson & Dorman Architects PC

1711 Connecticut Avenue NW Washington DC 20009 t: 202.234.4200 f: 202.234.4201 e: x@wdarchitects.us

w w w . w d a r c h i t e c t s . u s

March 28, 2007

TO: The Historic Preservation Commission
Montgomery County Maryland

RE: Addition to 8710 2nd Avenue
Silver Spring, MD 20901-2733

For: 3/28/07 Historic Preservation Commission Meeting – Preliminary Consultation

The Architects:

1. Kendall Dorman, a Partner in Wiebenson & Dorman Architects PC, is the Architect of record and is a registered Architect in the State of Maryland, the District of Columbia and the Commonwealth of Virginia.
2. Mr. Dorman has been practicing Architecture for around 20 years.
3. Wiebenson & Dorman Architects PC, (under the current name), has been incorporated since 1994. The firm was known by other names before 1994.
4. Wiebenson & Dorman Architects PC is concerned and sensitive about saving important amenities. They provided Senate testimony that helped save the Old Post Office building on Pennsylvania Avenue from the wrecking ball when it was fashionable to destroy anything old.

Why is this addition being reviewed?

1. The area is NOT designated as an historic neighborhood and the property is not designated as an "outstanding resource".
2. The Montgomery County web site (attached) http://permittingservices.montgomerycountymd.gov/dpstmpl.asp?url=/permitting/bc/nf_hawp.asp contains no information that Locational Atlas Districts are to be reviewed as Historic Neighborhoods. It does, however, note the following:

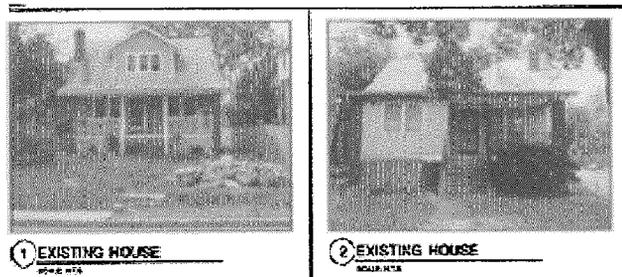
"WHEN IS A HISTORIC AREA WORK PERMIT REQUIRED?"

The purpose of a Historic Area Work Permit is to assure that applicable criteria are met for work performed in a historic district or on a historic site.

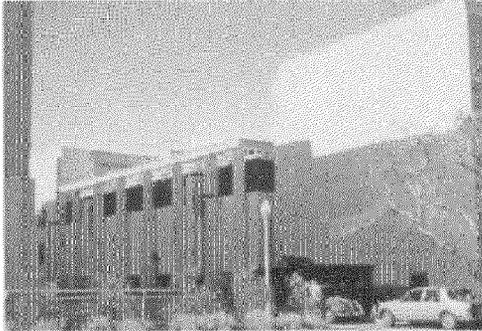
When new construction, demolition or exterior alterations involve properties listed on the Montgomery County Master Plan for Historic Preservation, either as individual historic sites or as properties within a historic district, approval from the Montgomery County Historic Preservation Commission (HPC) is required."

3. Asking if this property is in an historic neighborhood doesn't help knowing to ask the question, "Are Locational Atlas District reviewed as an historic neighborhood?"

4. A map compiled on October 14, 2005 at 2:11 PM from the M-NCPPC and secured by the Architect does not note that the property is Historic nor on a Locational Atlas District (see attached).
5. Since 1991, historic review was not required for other additions on similar houses in the neighborhood.
6. The Owners have no record of the limitations re: historic preservation in their house purchase documents.
7. This project should not be considered under the Montgomery County Sec. 24A-10 Moratorium as this project is not being torn down. Nor can the design be considered a "mansionization".
8. Two similar (one is almost identical) bungalows in the neighborhood were approved in 2004 to be demolished in favor of the Woodside Townhomes Development in as shown below:



9. The County Historic Preservation does not have written guidelines available to follow – they say to follow the Secretary of the Interior Standards.
10. The Secretary of the interior does not prohibit additions at the sides of existing buildings or additions that are taller than exiting buildings.
11. The following photos are examples taken from the Secretary of the interior website and show acceptable street and side additions to existing buildings.



Contemporary addition (left) to historic library appropriately placed on secondary side elevation.



Small glass connector between two historic buildings with appropriate setback.

The project:

1. Description of the existing house and property.
 - a. The house is a bungalow built in 1930s +/-.
 - b. Existing interior areas are as follows:
 - i. First floor = 1,160.2 sf
 - ii. Second floor = 754.0 sf
 - iii. Total = 1,914.2 sf
 - c. The allowable lot coverage is 35% and the existing lot coverage is less than 14% - as follow:

Existing House	9.4% / 1,160.5 SF
Front Porch	1.6% / 200.7 SF
<u>Back Deck</u>	<u>2.5% / 307.1 SF</u>
Total	13.5% / 1,668.3 SF (1,668.3/12,315.0)
 - d. There are 3 small bedrooms on the second floor with low head height in places due to a sloping (roof) ceiling. Two of the bedrooms measure approximately 11.5' x 11.5', and the other measures about 9' X 11'. Second floor ceilings vary from 6'-9" to 7'-11".
 - e. The existing structure is not an intact "contributing resource" as constructed in 1930s; the prior owner removed the original shed dormer on front, adding a large gabled dormer to front (approximately 17 feet wide and 12 feet high).
 - f. There is a rear kitchen/family room addition and large rear dormer added in 1992 +/- by the prior owner.

- g. The size of the lot is 119' – 2" X 74'-10". The existing house is not parallel to the lot lines and it is offset to one side of the lot (the sides yards are about 6'-5" at the North and about 35'-0" at the south.

2. The Addition

- a. The proposed 2 story with basement addition is less than 1/3 of the floor area of the existing house. The total area of the addition is 612.6 sf – this is a 32% increase to the existing interior floor area.
 - i. First floor addition = 269.8 sf
 - ii. Second floor addition = 346.8 sf
 - iii. Second floor deck area = 58.8 sf
- b. There are proposed exterior stairs and landing to the mudroom added at the other side of the house.
- c. The proposed lot coverage (including the addition) is less than 17% (a 25% increase in lot coverage from the existing conditions) – as follows:

Existing (see existing calcs) -	13.5%	1,668.30 SF
Addition	2.8%	342.83 SF
Deck	0.5%	58.33 SF
<u>Total</u>	<u>16.8%</u>	<u>2069.46 SF (2069.5/12,315.0)</u>

- d. The side yard of the proposed addition is reduced from 35' to 16'-10" (7'-0" is allowed).
- e. The additions follow the spirit of the Secretary of the Interior Standards as follows:

The Secretary of the Interior's Standards for Rehabilitation

The Standards (Department of Interior regulations, 36 CFR 67) pertain to historic buildings of all materials, construction types, sizes, and occupancy and encompass the exterior and the interior, related landscape features and the building's site and environment as well as attached, adjacent, or related new construction. The Standards are to be applied to specific rehabilitation projects in a reasonable manner, taking into consideration economic and technical feasibility.

1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.

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.

3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.

4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.

5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.

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.

7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.

8. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.

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

10. New additions and adjacent or related new construction shall 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.

- f. Generally, the existing house is stout and the addition is slender to reinforce new and old.
- g. The addition maintains the character of the neighborhood and existing house. The existing house is preserved and is consistent with the size and character of additions to many of the other houses on the block.
- h. Hierarchically, the addition is subservient in to the existing house. It is (as noted on the Secretary of the Interiors website) "on an inconspicuous side of a historic building; and limiting its size and scale in relationship to the historic building."
- i. The roof of the addition is disconnected from any existing roofs (and house) to help differentiate new and old. This is designed for builders to construct clean, simple details and flashings without colliding parts of the house together that result in larger massing. The height is also needed to provide adequate second floor headroom.
- j. The location and size of the addition minimizes the "possible loss of historic materials and so that character-defining features are not obscured, damaged, or destroyed." The point of connection on the south side is a link that is 353.9 sf of the facade elevation. The total south facade elevation is 939 sf and 3,109.65 sf for all the facade elevations. The connection touches 11.4% of the total existing façade elevations. Other features of the existing house (porch, siding, columns, roof, etc) will not be altered.
- k. The addition does not "substantially alter" the exterior of the existing house as noted in Montgomery County Sec. 24A-10.
- l. The addition is designed to be removed, if desired, with minimal disruption to the existing house form – construction and materials needed to return the house to its current condition would also be minimal.

- m. The proposed addition is designed to reduce the visual impact of the earlier alteration of the front by echoing the roofline of the ca. 1992 dormer.
- n. The addition is set back 17'-10" from the existing house as a secondary form to further reduce the impact of the addition on the street and the existing house.
- o. The addition maintains a relationship with the street - an important sociological consideration. Additions located at the rear of property alienate homeowners with their neighbors on the street.
- p. The addition is positioned to maximize views of the gardens (on 3 sides) – an important environmental consideration.
- q. Relegating additions to the rear of properties does not guarantee good design, can destroy the historic fabric of houses and neighborhoods and doesn't necessarily hide additions from adjacent neighbors.
- r. The addition is consistent with Montgomery County's goals of encouraging development close to Metro and the downtown area.
- s. Since construction documents are essentially completed, any required radical changes to the design will result in economic hardship for increased construction costs for potential structural modifications, additional interior modifications, additional design time, etc. that are not associated with the current design.

In Closing

- 1. The addition is appropriate as it respects the exiting bungalow and compliments the existing amenities of the house, the site and the neighborhood.
- 2. The addition is small and does not "wag the house".
- 3. The addition follows the spirit of the Secretary of the Interior Standards.
- 4. Locational Atlas Districts are ill-defined and their historic review requirements are veiled, subjective and vague.

Sincerely,



Kendall Dorman
Wiebenson & Dorman Architects PC



DPS/Building Construction - Historic Area Work

WHEN IS A HISTORIC AREA WORK PERMIT REQUIRED?

The purpose of a Historic Area Work Permit is to assure that applicable criteria are met for work performed in a historic district or on a historic site.

When new construction, demolition or exterior alterations involve properties listed on the Montgomery County Master Plan for Historic Preservation, either as individual historic sites or as properties within a historic district, approval from the Montgomery County Historic Preservation Commission (HPC) is required.

WHAT IS THE HISTORIC AREA WORK PERMIT APPLICATION PROCESS?

- The applicant must submit a completed application, a site plan, material specifications, and photographs to the Department of Permitting Services.
- A permit number is assigned, information is entered into the computer, and the application package is then logged and sent to HPC for approval. When the approved application is returned from HPC, the permit is issued.

Other agencies involved

Historic Preservation Commission

WHAT IS THE PERMIT COST?

There is no charge for this permit.

WHAT IS THE PROCESSING TIME FOR THIS PERMIT ?

Please contact the Historic Preservation Commission at 301 563-3400 regarding the processing time. When the application is returned to Permitting Services, the permit is usually issued within two work days.

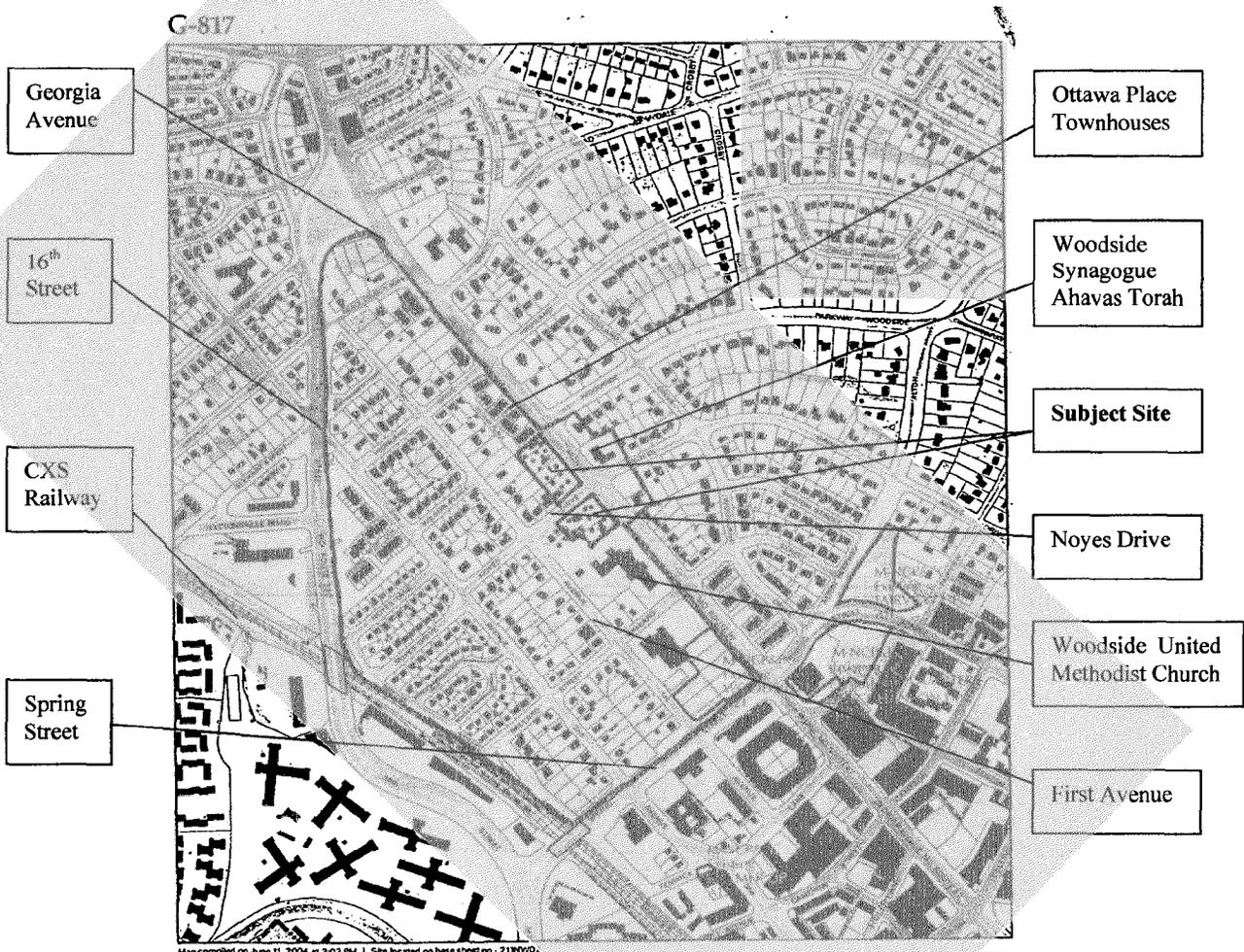
WHAT IS THE PERMIT DURATION ?

The permit is valid for one year from the issue date and may be extended provided design and specifications remain unchanged.

FOR MORE INFORMATION:

Contact the Historic Preservation Commission at 301 563-3400 between the hours of 8:30 a.m. and 4:30 p.m.

The Hearing Examiner accepts the recommendation of the Technical Staff, and designates the surrounding area (*i.e.*, the Woodside neighborhood, for the most part) as that area bounded by Spring Street and the CSX Railroad tracks to the south, 16th Street to the west and Georgia Avenue to the east (except that in the area directly opposite the site, the boundary includes the lots directly across Georgia Avenue). Applicant's land planning expert, Dave Ager, also accepted Technical Staff's definition of the surrounding area. Tr. 214. The designated surrounding area for the subject application, as outlined by the Hearing Examiner, can be seen below on the vicinity map from Technical Staff's report.

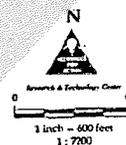


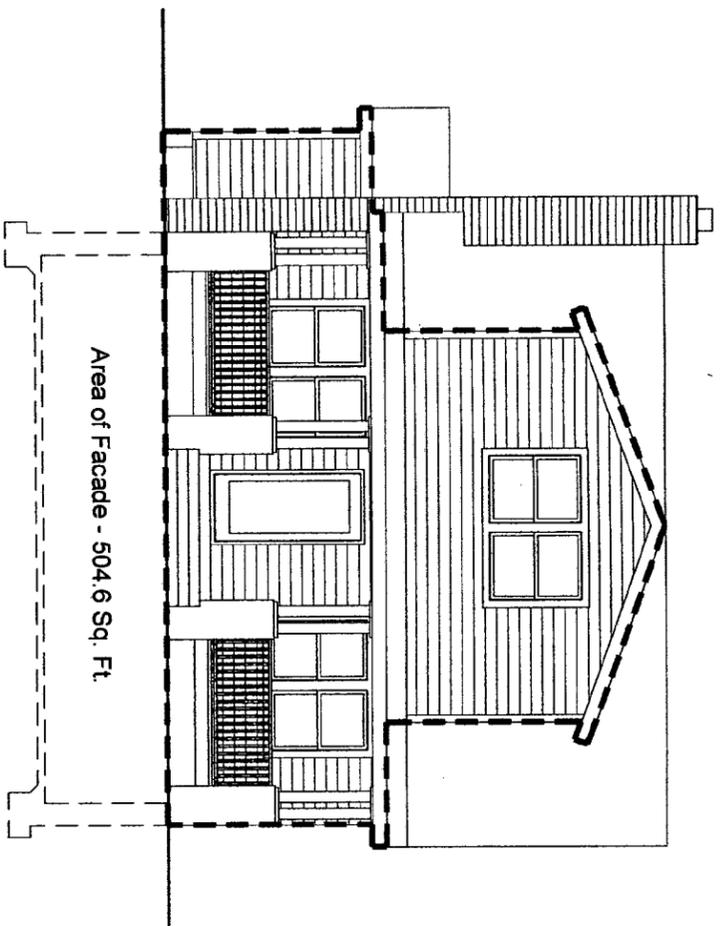
Map compiled on June 11, 2004 at 3:07 PM | Site located on base sheet no. 21NFW0.

NOTICE

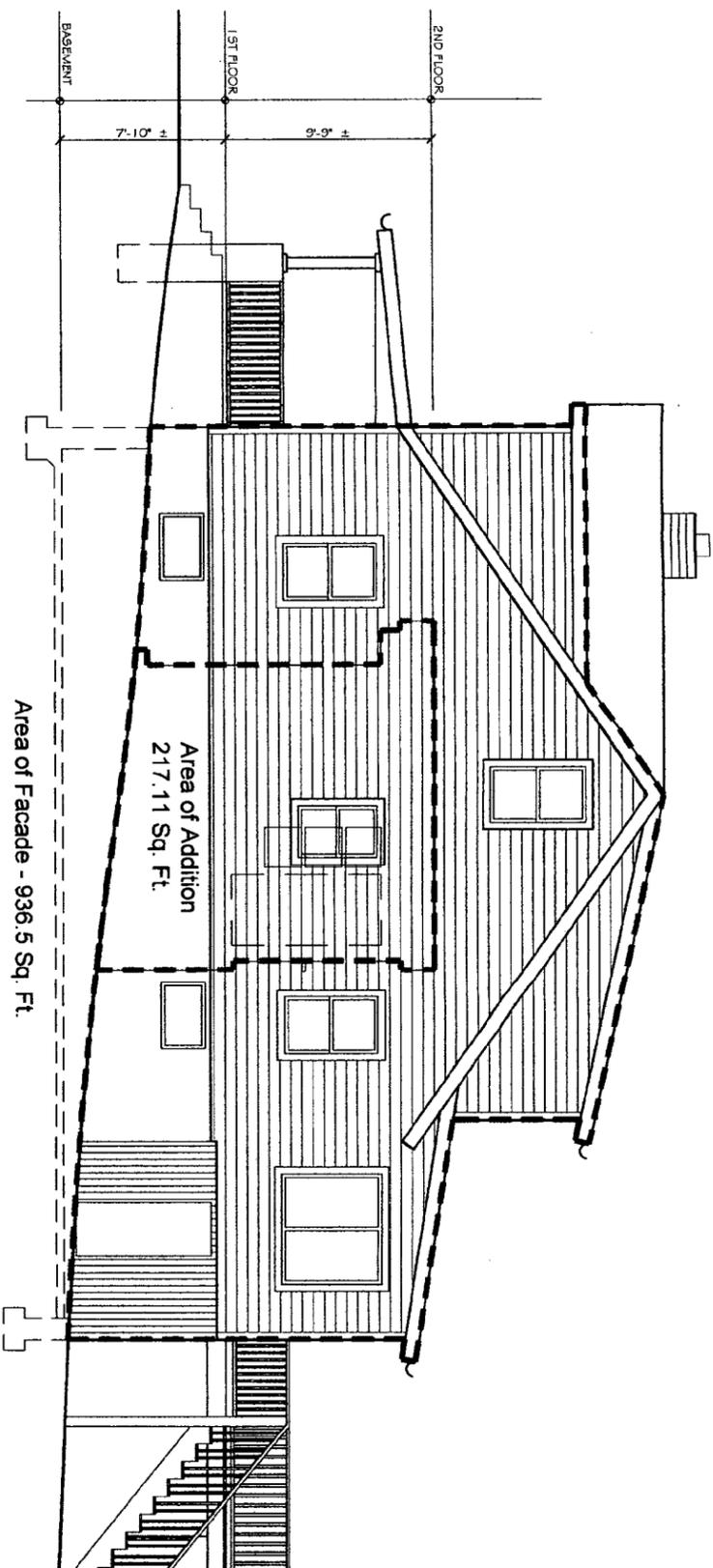
The planimetric, project, and topographic information shown on this map is based on copyright © Map Products from the Montgomery County Department of Park and Planning of the Maryland-National Capital Park and Planning Commission, and may not be copied or reproduced without written permission from M-NCPPC. Property lines are compiled by adjusting the property lines to topography created from aerial photographs. Users should not be presumed to actual field surveys. Planimetric features were compiled from 1:24,000 scale aerial photography using stereo-photogrammetric methods. This map is created from a variety of data sources, and may not reflect the most current conditions in any one location and may not be completely accurate as to date. All map features are approximately within five feet of their true location. The map may not be used as a map of the same area plotted at an earlier time as the data is continuously updated. Use of this map, other than the general planning purposes is not recommended. - Copyright 1998

MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING
 THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
 200 Georgia Avenue - 20th Floor, Silver Spring, Maryland 20910-2906

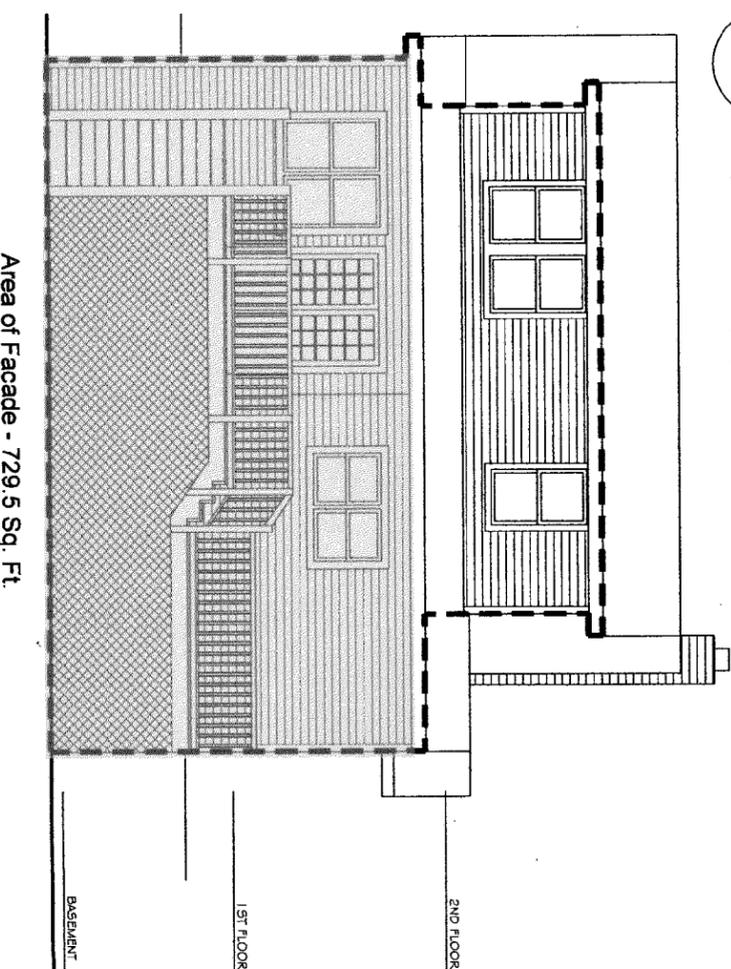




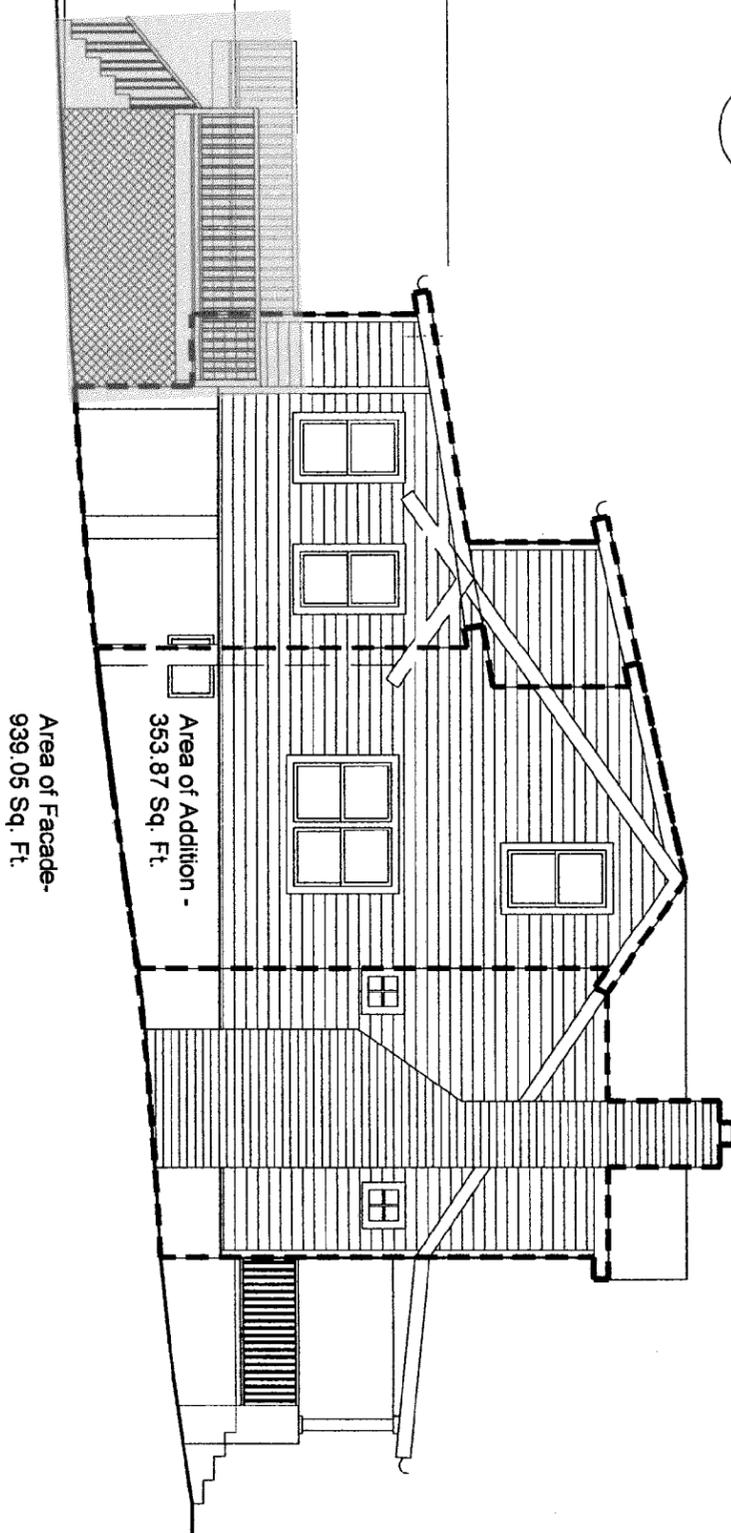
Approx. Exist. Area - East Facade
Scale: 1/8" = 1'-0"



Approx. Exist. Area - North Facade
Scale: 1/8" = 1'-0"



Approx. Exist. Area - West Facade
Scale: 1/8" = 1'-0"



Approx. Exist. Area - South Facade
Scale: 1/8" = 1'-0"

1711 CONNECTICUT AVENUE NW
WASHINGTON DC 20009
T: 202.234.4200
F: 202.234.4201
E: x@wdarchitects.us
www.wdarchitects.us

WIEBENSON & DORMAN ARCHITECTS PC

ANDREWS / MURTHA RESIDENCE

8710 2ND AVENUE
SILVER SPRING, MD 20910

Graphic Data Set

© 2007 Wiebenson & Dorman Architects PC

REVISIONS:
3/22/07 Graphic Data

GDS 4

Case III-C

March 28, 2007

MEMORANDUM

TO: Michele Oaks, Senior Planner
Tania Tully, Senior Planner
Anne Fothergill, Senior Planner
Historic Preservation Section, M-NCPPC

FROM: Susan Donnelly, 8715 Second Avenue, Silver Spring, MD 20910

SUBJECT: Historic Preservation Commission Review of HAWP
Application by Peter Murtha and Mary Andrews

As an across the street neighbor to Peter Murtha and Mary Andrews, I am writing in support of their request for a side addition to their property at 8710 Second Avenue in Silver Spring. I have lived in the neighborhood since 1986. I remember their house when it was a run-down rental property. When the owner died the property was sold as a flip to two men who did an okay renovation. Peter and Mary have been living in the house since 1993. Their occupancy has notably improved the look of the property with the addition of a wonderful garden and a real sense of family. Both of their children were born after they moved in and I have had the pleasure of watching them grow into interesting and fun young girls. Mary has served as the chair of the Woodside Beautification Committee.

Almost every house on this one block section of Second Avenue has had some kind of renovation since we moved in, mine included. Almost every kind of addition has been done, total gutting and renewing, side additions, back additions, second floor additions, almost new house additions. Each one has added to the character of our street and the flavor of Woodside. We are a diverse neighborhood in almost every way which is why living here is so popular. It is a shame that new rules or rules being newly applied should thwart the plan of Peter and Mary to make their house better fit their family's needs.

I have seen and studied the plans. I can't see that this addition will in any way diminish the ambience of our neighborhood or the integrity of their house. The first renovation wasn't perfect and this new addition will add more character. The addition will not impinge on any neighbor and, it is my understanding, we are all in support of this plan. I would hate to see this family move to another area because they could not have the house they need.

I don't remember ever voting on whether Woodside should become an historic district. so it is something of a surprise to see it so designated in your memorandum to me. While I believe the character of a neighborhood is defined by its architecture and style, the heart of a neighborhood is defined by the people who live in the houses and play in the gardens. Peter, Mary, Katherine and Rebecca are part of the heart of Second Avenue. We are better because they are here. Please grant their request.

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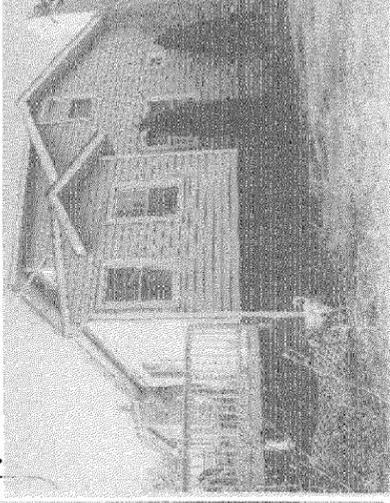
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8708 Second Ave.
Side addition c. 1992 visible from street.



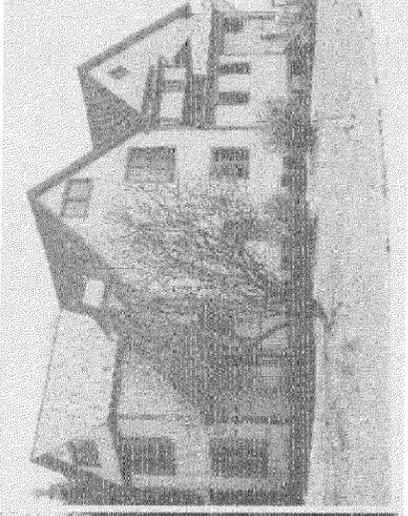
8710 Second Ave.
Side yard, front porch, and dormer additions c. 1992.



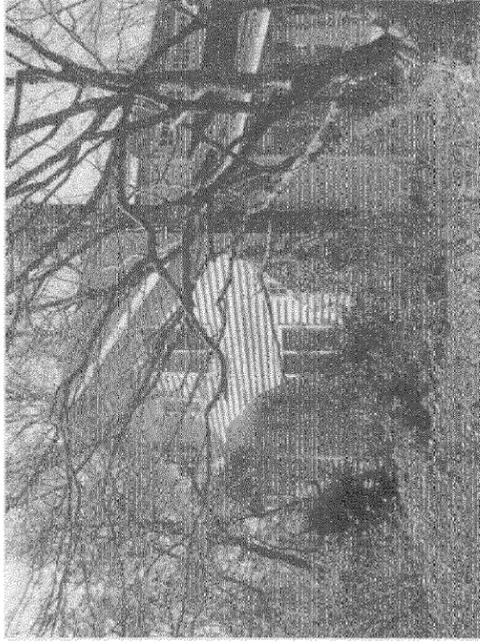
8710 Second Ave.
Side yard and rear additions c. 1992.



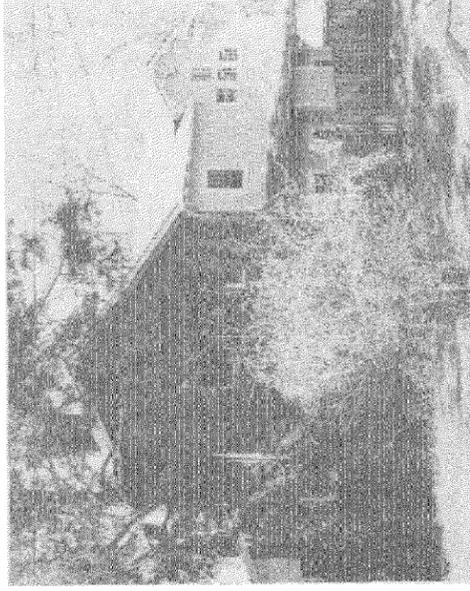
8712 Second Ave.
Second floor addition c. 1985.



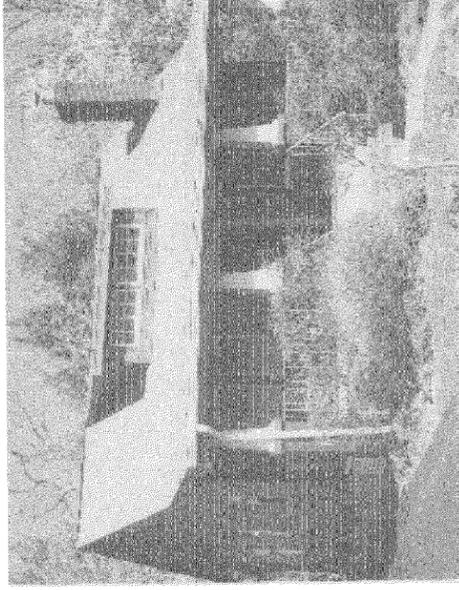
8714 Second Ave.
Rear addition visible from street c. 1993.



8706 Second Ave.
Rebuilt higher roofline in 1992 +/-.



8709 Second Ave.
Rear addition visible from street.



8711 Second Ave.
House across street from proposed design.



8713 Second Ave.
Side and rear yard addition visible from street.

HOUSING EXAMPLES IN WOODSIDE NEIGHBORHOOD AREA

March 28 , 2007

MONTGOMERY COUNTY HISTORIC PRESERVATION COMMISSION
EXHIBIT LIST

Address of Case: 8710 Second Avenue Silver Spring
Case No. Preliminary Consultation 3/28/2007
Public Hearing Date: 3/28/2007
Staff: JANNE FATHERSILL

- A. -letter from Wendy Warder - 8711 Second Avenue. SS.
supports owner/applicant dated 3/26/07
- B. letter from Margaret Plank, David Sanders. 8708 Second
Ave. Silver Spring Dated 3/28/07
- C. -letter from E. Scott Calvert and Karen A. Calvert.
8714 Second Avenue dated April 27, 2007 (sic)
- D. -letter from Susan Stamm, 8713 Second Avenue.
Silver Spring. dated 3/28/2007
- E. -letter from Mary Andrews, Peter Murtha 8710
Second Ave. dated 3/27/2007
- F. -letter from Susan Donnelly, 8715 Second Ave. Silver Spring.
Dated 3/28/2007.
- G. Wiebenson + Dorman March 28, 2007 memo
- H. photos of "Housing Examples in Woodside"
- I.
- J.
- K.
- L.

Exhibit list A
3/28/07

March 26, 2007

TO: Historic Preservation Commission
1109 Spring Street, Suite 801
Silver Spring, MD 20910

RE: Preliminary Consultation
Peter Murtha and Mary Andrews for
side addition at 8710 Second Avenue, Silver Spring
(Locational Atlas Resource # 36/04, Woodside Historic District)

Dear Commissioners,

I have had the opportunity to review the architectural plans for the Peter Murtha and Mary Andrews' proposed side addition to their existing residence at 8710 Second Avenue. As a resident of the neighborhood, I would like to express my opinion regarding the impact of the addition on the character of this neighborhood.

Many homes on our street have been changed or added onto throughout the years; roofs have been raised, additions to the sides or rear of houses, second stories have been added to one-story houses. These are only a few of the changes of which I am aware. Fortunately, responsible homeowners who wanted to preserve the essence of the historical character of their homes made the majority of these changes. Although the owners may have made modifications to the front or sides of their homes, which were not exactly historically "accurate", the historical presence of the original home remains intact.

I believe that Peter and Mary fall into the category of responsible homeowners trying to preserve the historic integrity of their house. Unfortunately, the prior owner of their home made a modification to the front of the structure, a dormer, which is not only out of proportion to the existing structure but is not historically "correct".

Peter and Mary have gone to great lengths to create an aesthetic from the street that incorporates this existing prior modification in a more conducive way with the whole structure, including the addition. (Please see North Elevation). Additionally, they would like to modify the dormer to reflect the character of the addition, incorporating it into the whole structure, yet also making it stand out as an add-on. They are proposing no other changes to the existing structure of the house and building out on the side of the house in an aesthetically pleasing manner, which is also clearly an addition in essence and character.

I believe that the proposed plans do support the historic integrity of their home. They are not modifying the front except to make the prior historically non-compliant modification more noticeable as a modification to the structure (because it synthesizes the addition). The proposed side addition is different enough in character to make it appear as an addition, yet also sensitive to the Arts and Crafts character of the existing structure.

Sincerely Yours,



Wendy Warder
8711 Second Avenue
Silver Spring, MD 20910
301-585-2817

Exhibit List
B
3/28/07

Margaret Plank
David Souders
8708 Second Avenue
Silver Spring, MD 20910

March 28, 2007

Historic Preservation Commission
Park and Planning Commission

To whom it may concern:

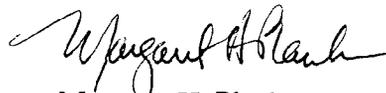
We are neighbors of Peter Murtha and Mary Andrews and we write in support of their request for approval of their proposed addition to their residence. We have examined the plans and we believe that the proposed addition will enhance their property as well as the neighborhood in general.

As is apparent from a tour of this neighborhood, there have been many modifications to the properties. These modifications include a significant side addition to our bungalow, which adjoins the Murtha property (for which, I might note, the architect received an award from the Montgomery County Historic Preservation Society), as well as a modification raising the roof and extending the footprint of the bungalow next to ours. Moreover, the prior owner of Peter and Mary's property made significant modifications to the front of their property with the addition of the front dormer. Thus, the addition proposed by Peter and Mary will simply change a property that has already undergone significant modifications. In our view, the proposed addition will serve to better integrate the prior modification into the historic design of the property.

We believe that permitting the approval of the requested addition will be in the best interest of our neighborhood and we fully support their request.

Thank you for your consideration of our position on this matter.

Sincerely,



Margaret H. Plank



David M. Souders

8714 Second Avenue
Silver Spring, MD 20910
April 27, 2007

Exhibit 2 list.
C
3/28/07

Historic Preservation Commission of Montgomery County
8787 Georgia Avenue
Silver Spring, MD 20910

Dear Commissioners,

We write in support of the application for a side addition to 8710 Second Avenue that Mary Andrews and Peter Murtha are bringing to the Commission for a preliminary consultation on April 28, 2007. We are neighbors of the Andrews/Murtha household as the owners of 8714 Second Avenue. We have seen the plans that they have proffered for consideration.

We believe that the plans presented are consistent with the neighborhood as it exists today. In massing and presentation it is "in scale" with the neighboring properties and well within the range that already exists. It will not dominate the neighbors, nor will it appear out of place. If there is a dominant style on this block, it would best be described as one of renovation alternatives. The two adjacent peer bungalows have been modified substantially; arguably to a greater extent than the request before you. The original consistent street presence is long lost; the block now presents different interpretations of remodeling strategies notably of bungalows. Further, it should be noted that the home in question has already been substantially modified in the past by a large dormer and siding.

With the exception of two 1970s Carter colonials, the homes on the 8700 block of Second Avenue are all over 50 years old, dating back as far as 1890. The sizes vary considerably. Eight of the 14 homes have been substantially modified with large additions, most of them in the past 15 years. This is reflective of the fact that the original modest structures did not meet the needs of the today's residents. Of note is the one instance that we are aware of in which the HPC has acted by limiting expansion options at 8707 Second Avenue. The result was that the family, unable to make the home work for them, moved from the neighborhood that they loved.

For a variety of reasons, most of which we can only speculate about, enforcement of a potential Historic District in Woodside has not been consistent and information provided to residents has been, apparently, incorrect. Up until a couple of years ago, for the purposes of regulating additions, historic identity was ascribed only to specific identified properties. If the property was not specifically identified, the issue of historic preservation did not appear to exist. The issue was not raised when permits were requested, other than on the specifically identified properties. The net effect is that enforcement has been, at best, inconsistent, and at worst, capricious. Further, as a result,

residents are not well informed about the historic designation status and are, therefore blissfully ignorant of the regulations potentially applicable to their properties.

In light of all of the above, we ask that the Commission look favorably on the application of the Andrews/Murtha household and accommodate their request to make their home work for them.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'E. Scott Calvert', with a long horizontal flourish extending to the right.

E. Scott Calvert

Karin H. Calvert

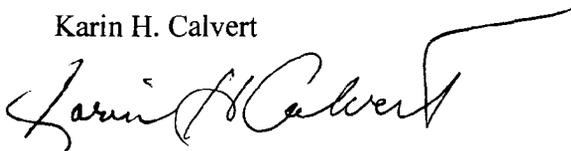
A handwritten signature in black ink, appearing to read 'Karin H. Calvert', with a long horizontal flourish extending to the right.

Exhibit List
D
3/28/07

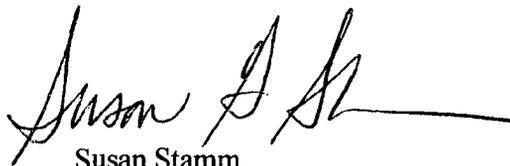
March 28, 2007

Ms. Julia O'Malley; Chairperson
Historic Preservation Commission
1109 Spring Street, Suite 801
Silver Spring, MD 20910

Dear Ms. O'Malley

I am writing this letter regarding the preliminary consultation to be held by the Historic Preservation Committee on March 28, 2007 for Peter and Mary Murtha's addition at 8710 Second Avenue, in Silver Spring. I have resided at 8713 Second Avenue for 25 years and live directly across the street from the Peter Murtha and Mary Andrews.. As immediate past president of the Woodside Civic Association, I have been involved with various cases that have come before the HPC. As I understand it, Woodside is currently on the Locational Atlas, but has not been designated as an historic area. I am confused as to why this particular addition has to go before the HPC, when numerous other "historic" homes on this block have had alterations and additions, (8706 Second Avenue; 8708 Second Avenue; 8712 Second Avenue and 8714 Second Avenue to name a few.) Several of these additions have been to the side of homes, and some completely changed the front façade. It seems that the application of whatever the standards are has been completely arbitrary on our block. I have seen the plans for the Murtha's addition, and feel that it is in keeping with other changes that have taken place on Second Avenue. I wholeheartedly support the Murtha/Andrews addition and request that the HPC approve their request. Furthermore, I would like clarification about what the HPC's involvement is on homes that are in an area which is on the Locational Atlas, but is not designated as Historic. Thank you for your consideration,

Sincerely,



Susan Stamm
8713 Second Avenue
Silver Spring, MD 20910
301-588-4339

8710 Second Avenue
Silver Spring, MD 20910
March 27, 2007

Exhibit E
3/28/07

Historic Preservation Commission
1109 Spring Street, Suite 801
Silver Spring, MD 20910

RE: 8710 Second Avenue, Silver Spring
Preliminary Consultation

Dear Commissioners:

We have lived in our Woodside residence since June 30, 1993 and we hope to remain in our home for many years to come. In Woodside we have found an amazing group of supportive and community-minded neighbors, excellent public schools, as well as a location that is convenient to public transportation, and now, suddenly and incredibly, to a revitalized downtown. While we have put much time and effort into our house and particularly the long-neglected yard, we have also become frustrated with many flaws that were not evident when we purchased our then newly-renovated home.

We have added to our family since 1993 and now have 10 and 13 year old daughters and need additional storage and living space. We would also like to improve the energy efficiency of our '30s era home. To this end, our first step in home improvement was to meet with an energy consultant to identify the most feasible source of renewable energy for our site. After some false starts, we met with an architect to identify our needs:

- create a real third bedroom on the second floor,
- relocate the Family room on the first floor to address noise in bedrooms,
- add a Mud room/second entry on the first floor, moving coats and shoes out of the living room,
- create a real Master bedroom, with adequate closet space and privacy, on the second floor, and
- expand a cramped and windowless game room in the southeast corner of the basement.

Our architect worked with these requests to create a design that fulfills those needs and preserves the integrity of the existing structure, in accordance with the Maryland Secretary of the Interior's *Standards for Rehabilitation*. The plan also focuses the rooms on our gardens and improves the layout and circulation issues. As part of the renovation, we plan to install new wood frame, argon filled, low emissivity windows, either preserving or duplicating the existing historic interior woodwork, and add blown-in insulation in existing exterior walls wherever possible. Finally, we have taken steps to install a new ground source geothermal heating and cooling system, which will replace our gas furnace and electric air conditioner.

We believe that all of these features will enhance the house, the neighborhood, and the larger community and our neighbors agree with us. We ask that you approve the plan submitted by Wiebenson and Dorman on our behalf.

Sincerely,



Mary S. Andrews
Peter J. Murtha

Case III-C

Exhibit list
F

3/28/07

March 28, 2007

MEMORANDUM

TO: Michele Oaks, Senior Planner
Tania Tully, Senior Planner
Anne Fothergill, Senior Planner
Historic Preservation Section, M-NCPPC

FROM: Susan Donnelly, 8715 Second Avenue, Silver Spring, MD 20910

SUBJECT: Historic Preservation Commission Review of HAWP
Application by Peter Murtha and Mary Andrews

As an across the street neighbor to Peter Murtha and Mary Andrews, I am writing in support of their request for a side addition to their property at 8710 Second Avenue in Silver Spring. I have lived in the neighborhood since 1986. I remember their house when it was a run-down rental property. When the owner died the property was sold as a flip to two men who did an okay renovation. Peter and Mary have been living in the house since 1993. Their occupancy has notably improved the look of the property with the addition of a wonderful garden and a real sense of family. Both of their children were born after they moved in and I have had the pleasure of watching them grow into interesting and fun young girls. Mary has served as the chair of the Woodside Beautification Committee.

Almost every house on this one block section of Second Avenue has had some kind of renovation since we moved in, mine included. Almost every kind of addition has been done, total gutting and renewing, side additions, back additions, second floor additions, almost new house additions. Each one has added to the character of our street and the flavor of Woodside. We are a diverse neighborhood in almost every way which is why living here is so popular. It is a shame that new rules or rules being newly applied should thwart the plan of Peter and Mary to make their house better fit their family's needs.

I have seen and studied the plans. I can't see that this addition will in any way diminish the ambience of our neighborhood or the integrity of their house. The first renovation wasn't perfect and this new addition will add more character. The addition will not impinge on any neighbor and, it is my understanding, we are all in support of this plan. I would hate to see this family move to another area because they could not have the house they need.

I don't remember ever voting on whether Woodside should become an historic district. so it is something of a surprise to see it so designated in your memorandum to me. While I believe the character of a neighborhood is defined by its architecture and style, the heart of a neighborhood is defined by the people who live in the houses and play in the gardens. Peter, Mary, Katherine and Rebecca are part of the heart of Second Avenue. We are better because they are here. Please grant their request.

8710 Second Avenue
Silver Spring, MD 20910
March 27, 2007

Historic Preservation Commission
1109 Spring Street, Suite 801
Silver Spring, MD 20910

RE: 8710 Second Avenue, Silver Spring
Preliminary Consultation

Dear Commissioners:

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We have added to our family since 1993 and now have 10 and 13 year old daughters and need additional storage and living space. We would also like to improve the energy efficiency of our '30s era home. To this end, our first step in home improvement was to meet with an energy consultant to identify the most feasible source of renewable energy for our site. After some false starts, we met with an architect to identify our needs:

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Sincerely,



Mary S. Andrews
Peter J. Murtha

Case III-C

March 28, 2007

MEMORANDUM

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Tania Tully, Senior Planner
Anne Fothergill, Senior Planner
Historic Preservation Section, M-NCPPC

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8710 Second Avenue
Silver Spring, MD 20910
March 27, 2007

Historic Preservation Commission
1109 Spring Street, Suite 801
Silver Spring, MD 20910

RE: 8710 Second Avenue, Silver Spring
Preliminary Consultation

Dear Commissioners:

We have lived in our Woodside residence since June 30, 1993 and we hope to remain in our home for many years to come. In Woodside we have found an amazing group of supportive and community-minded neighbors, excellent public schools, as well as a location that is convenient to public transportation, and now, suddenly and incredibly, to a revitalized downtown. While we have put much time and effort into our house and particularly the long-neglected yard, we have also become frustrated with many flaws that were not evident when we purchased our then newly-renovated home.

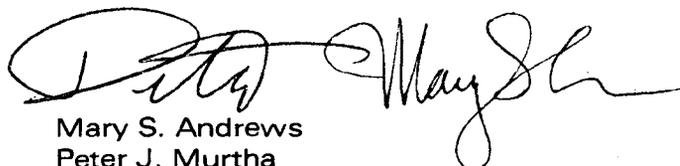
We have added to our family since 1993 and now have 10 and 13 year old daughters and need additional storage and living space. We would also like to improve the energy efficiency of our '30s era home. To this end, our first step in home improvement was to meet with an energy consultant to identify the most feasible source of renewable energy for our site. After some false starts, we met with an architect to identify our needs:

- create a real third bedroom on the second floor,
- relocate the Family room on the first floor to address noise in bedrooms,
- add a Mud room/second entry on the first floor, moving coats and shoes out of the living room,
- create a real Master bedroom, with adequate closet space and privacy, on the second floor, and
- expand a cramped and windowless game room in the southeast corner of the basement.

Our architect worked with these requests to create a design that fulfills those needs and preserves the integrity of the existing structure, in accordance with the Maryland Secretary of the Interior's *Standards for Rehabilitation*. The plan also focuses the rooms on our gardens and improves the layout and circulation issues. As part of the renovation, we plan to install new wood frame, argon filled, low emissivity windows, either preserving or duplicating the existing historic interior woodwork, and add blown-in insulation in existing exterior walls wherever possible. Finally, we have taken steps to install a new ground source geothermal heating and cooling system, which will replace our gas furnace and electric air conditioner.

We believe that all of these features will enhance the house, the neighborhood, and the larger community and our neighbors agree with us. We ask that you approve the plan submitted by Wiebenson and Dorman on our behalf.

Sincerely,



Mary S. Andrews
Peter J. Murtha

8714 Second Avenue
Silver Spring, MD 20910
April 27, 2007

Historic Preservation Commission of Montgomery County
8787 Georgia Avenue
Silver Spring, MD 20910

Dear Commissioners,

We write in support of the application for a side addition to 8710 Second Avenue that Mary Andrews and Peter Murtha are bringing to the Commission for a preliminary consultation on April 28, 2007. We are neighbors of the Andrews/Murtha household as the owners of 8714 Second Avenue. We have seen the plans that they have proffered for consideration.

We believe that the plans presented are consistent with the neighborhood as it exists today. In massing and presentation it is "in scale" with the neighboring properties and well within the range that already exists. It will not dominate the neighbors, nor will it appear out of place. If there is a dominant style on this block, it would best be described as one of renovation alternatives. The two adjacent peer bungalows have been modified substantially; arguably to a greater extent than the request before you. The original consistent street presence is long lost; the block now presents different interpretations of remodeling strategies notably of bungalows. Further, it should be noted that the home in question has already been substantially modified in the past by a large dormer and siding.

With the exception of two 1970s Carter colonials, the homes on the 8700 block of Second Avenue are all over 50 years old, dating back as far as 1890. The sizes vary considerably. Eight of the 14 homes have been substantially modified with large additions, most of them in the past 15 years. This is reflective of the fact that the original modest structures did not meet the needs of the today's residents. Of note is the one instance that we are aware of in which the HPC has acted by limiting expansion options at 8707 Second Avenue. The result was that the family, unable to make the home work for them, moved from the neighborhood that they loved.

For a variety of reasons, most of which we can only speculate about, enforcement of a potential Historic District in Woodside has not been consistent and information provided to residents has been, apparently, incorrect. Up until a couple of years ago, for the purposes of regulating additions, historic identity was ascribed only to specific identified properties. If the property was not specifically identified, the issue of historic preservation did not appear to exist. The issue was not raised when permits were requested, other than on the specifically identified properties. The net effect is that enforcement has been, at best, inconsistent, and at worst, capricious. Further, as a result,

residents are not well informed about the historic designation status and are, therefore blissfully ignorant of the regulations potentially applicable to their properties.

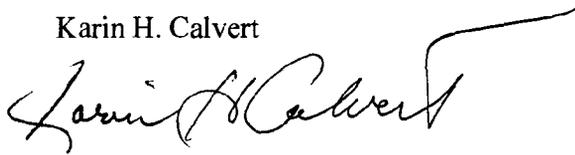
In light of all of the above, we ask that the Commission look favorably on the application of the Andrews/Murtha household and accommodate their request to make their home work for them.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'E. Scott Calvert', with a long horizontal flourish extending to the right.

E. Scott Calvert

Karin H. Calvert

A handwritten signature in black ink, appearing to read 'Karin H. Calvert', with a long horizontal flourish extending to the right.

Margaret Plank
David Souders
8708 Second Avenue
Silver Spring, MD 20910

March 28, 2007

Historic Preservation Commission
Park and Planning Commission

To whom it may concern:

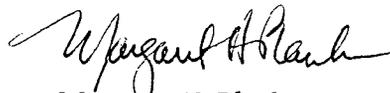
We are neighbors of Peter Murtha and Mary Andrews and we write in support of their request for approval of their proposed addition to their residence. We have examined the plans and we believe that the proposed addition will enhance their property as well as the neighborhood in general.

As is apparent from a tour of this neighborhood, there have been many modifications to the properties. These modifications include a significant side addition to our bungalow, which adjoins the Murtha property (for which, I might note, the architect received an award from the Montgomery County Historic Preservation Society), as well as a modification raising the roof and extending the footprint of the bungalow next to ours. Moreover, the prior owner of Peter and Mary's property made significant modifications to the front of their property with the addition of the front dormer. Thus, the addition proposed by Peter and Mary will simply change a property that has already undergone significant modifications. In our view, the proposed addition will serve to better integrate the prior modification into the historic design of the property.

We believe that permitting the approval of the requested addition will be in the best interest of our neighborhood and we fully support their request.

Thank you for your consideration of our position on this matter.

Sincerely,



Margaret H. Plank



David M. Souders

March 26, 2007

TO: Historic Preservation Commission
1109 Spring Street, Suite 801
Silver Spring, MD 20910

RE: Preliminary Consultation
Peter Murtha and Mary Andrews for
side addition at 8710 Second Avenue, Silver Spring
(Locational Atlas Resource # 36/04, Woodside Historic District)

Dear Commissioners,

I have had the opportunity to review the architectural plans for the Peter Murtha and Mary Andrews' proposed side addition to their existing residence at 8710 Second Avenue. As a resident of the neighborhood, I would like to express my opinion regarding the impact of the addition on the character of this neighborhood.

Many homes on our street have been changed or added onto throughout the years; roofs have been raised, additions to the sides or rear of houses, second stories have been added to one-story houses. These are only a few of the changes of which I am aware. Fortunately, responsible homeowners who wanted to preserve the essence of the historical character of their homes made the majority of these changes. Although the owners may have made modifications to the front or sides of their homes, which were not exactly historically "accurate", the historical presence of the original home remains intact.

I believe that Peter and Mary fall into the category of responsible homeowners trying to preserve the historic integrity of their house. Unfortunately, the prior owner of their home made a modification to the front of the structure, a dormer, which is not only out of proportion to the existing structure but is not historically "correct".

Peter and Mary have gone to great lengths to create an aesthetic from the street that incorporates this existing prior modification in a more conducive way with the whole structure, including the addition. (Please see North Elevation). Additionally, they would like to modify the dormer to reflect the character of the addition, incorporating it into the whole structure, yet also making it stand out as an add-on. They are proposing no other changes to the existing structure of the house and building out on the side of the house in an aesthetically pleasing manner, which is also clearly an addition in essence and character.

I believe that the proposed plans do support the historic integrity of their home. They are not modifying the front except to make the prior historically non-compliant modification more noticeable as a modification to the structure (because it synthesizes the addition). The proposed side addition is different enough in character to make it appear as an addition, yet also sensitive to the Arts and Crafts character of the existing structure.

Sincerely Yours,



Wendy Warder
8711 Second Avenue
Silver Spring, MD 20910
301-585-2817

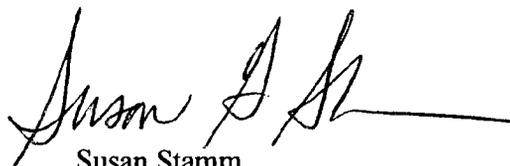
March 28, 2007

Ms. Julia O'Malley; Chairperson
Historic Preservation Commission
1109 Spring Street, Suite 801
Silver Spring, MD 20910

Dear Ms. O'Malley

I am writing this letter regarding the preliminary consultation to be held by the Historic Preservation Committee on March 28, 2007 for Peter and Mary Murtha's addition at 8710 Second Avenue, in Silver Spring. I have resided at 8713 Second Avenue for 25 years and live directly across the street from the Peter Murtha and Mary Andrews.. As immediate past president of the Woodside Civic Association, I have been involved with various cases that have come before the HPC. As I understand it, Woodside is currently on the Locational Atlas, but has not been designated as an historic area. I am confused as to why this particular addition has to go before the HPC, when numerous other "historic" homes on this block have had alterations and additions, (8706 Second Avenue; 8708 Second Avenue; 8712 Second Avenue and 8714 Second Avenue to name a few.) Several of these additions have been to the side of homes, and some completely changed the front façade. It seems that the application of whatever the standards are has been completely arbitrary on our block. I have seen the plans for the Murtha's addition, and feel that it is in keeping with other changes that have taken place on Second Avenue. I wholeheartedly support the Murtha/Andrews addition and request that the HPC approve their request. Furthermore, I would like clarification about what the HPC's involvement is on homes that are in an area which is on the Locational Atlas, but is not designated as Historic. Thank you for your consideration,

Sincerely,

A handwritten signature in black ink, appearing to read "Susan Stamm", with a long horizontal line extending to the right.

Susan Stamm
8713 Second Avenue
Silver Spring, MD 20910
301-588-4339

MONTGOMERY COUNTY HISTORIC PRESERVATION COMMISSION
STAFF REPORT

Address: 8710 Second Avenue, Silver Spring **Meeting Date:** 03/28/07
Applicant: Peter Murtha and Mary Andrews **Report Date:** 03/21/07
Resource: *Locational Atlas* **Public Notice:** 03/14/07
 Woodside Historic District
Review: Preliminary Consultation **Tax Credit:** None
Case Number: N/A **Staff:** Anne Fothergill

PROPOSAL: Side additions and alterations

RECOMMEND: Revise and return for staff review or a second Preliminary Consultation

PROPERTY DESCRIPTION

SIGNIFICANCE: Woodside Historic District—*Locational Atlas*
STYLE: Bungalow
DATE: c. 1923

HISTORY OF WOODSIDE

Woodside was identified as a potential historic district in the 1976 *Locational Atlas and Index of Historic Sites*. In 1987-89, the Woodside community sponsored an extensive photo survey and research project about the neighborhood. Much of the historical background about Woodside in this report comes from that study.

The subdivision plat for this community was submitted in 1889 by Benjamin F. Leighton (1847-1921), a Maine native who moved to Washington after the Civil War. Woodside was one of the earliest large subdivisions in the vicinity of Sligo (as downtown Silver Spring was then called.) Leighton was a banker, businessman, professor of law and Dean of Howard University's Law School. In 1887, he became a developer when he and Richard E. Pairo laid out Brookland, along the Metropolitan Branch of the B&O Railroad. In 1889, Leighton expanded his activities into Maryland and purchased 91 acres of the former Richard T. and Laura C. Wilson farm. In addition to subdividing the property, Mr. Leighton built two homes for himself in the community (one of which is still standing.) He laid out sidewalks, planted trees, constructed a new train station for Woodside, placed covenants on lots that he sold, and promoted construction of a streetcar line (the Washington, Woodside and Forest Glen Railway and Power Company.) The plat for Woodside shows a grid-pattern of streets and regularly-laid out lots fronting on Georgia Avenue, and First and Second Avenues (see pages 29+30).

During the late 19th and early 20th centuries, a number of large Victorian homes were built throughout Woodside - usually on several lots of land. These houses were of many different styles of the period including Gothic Revival, Queen Anne, and Colonial Revival. A number of such houses were built as a

speculative investment by Dr. Charles T. Caldwell. Dr. Caldwell was a medical doctor with academic affiliations. He began investing in Woodside real estate around 1898 and throughout the early decades of the 20th century devoted increasing time to his real estate activities, working closely with Leighton who sold him lots and supplied mortgages to his buyers. Historic records show that he built 8918 Georgia Avenue, 8922 Georgia Avenue and 1403 Noyes around 1907-8.

In the early 20th century, a number of bungalows were built. Throughout the rest of the 20th century, Woodside experienced additional house construction - such that there are few blocks that do not include a wide spectrum of structures in terms of age and architectural style.

Today, Woodside includes houses from the Civil War era and the original Wilson farmhouse stands at 8818 First Avenue. Many late 19th and turn-of-the-century houses from the early days of Woodside's development as a railroad community as well as early 20th century bungalows also still exist.

BACKGROUND

The applicants were not aware that their house is in the Woodside Historic District and they applied to the Department of Permitting Services (DPS) for building permits. DPS informed them that because they were proposing a substantial alteration to the house the plans would need HPC approval before they could issue a building permit. Staff recommended that they come to the HPC for a Preliminary Consultation before applying for a Historic Area Work Permit (HAWP).

PROPOSAL

The applicants are proposing a two-story plus basement addition on the left side and a covered entry and stairs on the right side of the house (see pages 7-25 for existing and proposed plans).

The proposed 343 SF addition extends off the left side of the house and requires the removal of two windows on the first floor and one on the second floor. The addition will begin approximately twelve feet behind the front plane of the house and is approximately 18 feet wide and 14 feet deep with a six foot by six foot second floor balcony at the rear. The roof of the addition is 6 feet higher than the ridge of the historic house. The addition has concrete siding and trim, aluminum clad windows, and an asphalt shingle roof.

On the right side of the house, the applicants propose removing a window and creating a new opening for a wood door. They are proposing a new covered stairway screened with vertical wood 2 x 2 pickets in staggered height panels, and the stairs will have a steel railing and a concrete landing at grade.

One side of the existing deck will be rebuilt so the deck is all on one level. The existing vinyl siding will remain on the house.

APPLICABLE GUIDELINES

The Woodside Historic District was placed on the Montgomery County *Locational Atlas and Index of Historic Sites* in 1976. In 1991, HPC staff began evaluating the district for designation. The evaluation was curtailed at the request of the Woodside Civic Association which requested more time to conduct community education. As a result of the preliminary research and survey work that staff had conducted at the time, the Atlas boundaries were revised. The district will remain on the *Locational Atlas* until it is brought to the HPC, the Planning Board, and the County Council for final designation consideration.

Under Chapter 24A-10 (a) an owner of a property within a *Locational Atlas* district who wants to make a substantial alteration to the house may choose to come directly to the HPC for a HAWP as if the district had already been listed on the Master Plan or they can request that the entire district be evaluated immediately (see pages 31-46). Staff and the HPC should evaluate this proposal as if this house has been designated a Contributing Resource to the Woodside Historic District.

When reviewing alterations and new construction within the Woodside Historic District two documents are to be utilized as guidelines to assist the Commission in developing their decision. These documents are *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.

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 of 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:

Standard #2 The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.

Standard #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.

Standard #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 environments would be unimpaired.

STAFF DISCUSSION

One of the most important features of a Contributing Resource in a historic district is the front of the house and the house's role in the overall streetscape and district. In this case, the proposed addition would be very visible as it is located at the side of the house and it would definitely have an impact on the historic house and the streetscape. Generally the Commission does not support side additions, except in unique cases when there is no room at the rear of the house to build an addition or when the addition is located very far toward the back of the house and behind the historic massing, neither of which are the case in this proposal.

The Commission generally requires that a new addition be lower in height than the historic house. This proposal shows a massing that is six feet taller than the historic bungalow. Since this addition is at the side of the house and visible from the street, its height will be very noticeable and it will detract from the historic house.

The lot slopes down behind the bungalow and if an addition was located behind the house, a taller addition might be possible. Staff has advised the applicants that the Commission has not supported such a tall side addition in the past as the new massing would have an adverse impact on the historic house and its bungalow form as well as the overall streetscape and the historic district.

The applicants are aware that since their house is in a Locational Atlas District if they were to propose an addition at the rear of the house, it would possibly be considered a non-substantial alteration and therefore those plans would not need HPC review and approval. In general, staff recommends working towards that as a solution.

STAFF RECOMMENDATION

Staff recommends that the applicants revise their plans based on the comments of staff and the HPC and, depending on the revisions made, return to staff for substantial alteration review or return to the HPC for a second Preliminary Consultation.



HISTORIC PRESERVATION COMMISSION

301/563-3400

APPLICATION FOR HISTORIC AREA WORK PERMIT

Contact Person: Andrew F. Fernebok
Daytime Phone No.: (240) 632-0384

Tax Account No.:
Name of Property Owner: Peter Muehle & Mary Andrews
Address: 8710 2nd Ave Silver Spring, MD 20910
Contractor: TBA

Contractor Registration No.:
Agent for Owner: Andrew F. Fernebok
Daytime Phone No.: (240) 632-0384
(East Track Permit Services)

LOCATION OF BUILDING/PREMISE
House Number: 8710 Street: 2nd Avenue
Town/City: Silver Spring Nearest Cross Street:
Lot: -6- Block: 12 Subdivision: WOODSIDE
Liber: Folia: Parcel:

PART ONE: TYPE OF PERMIT ACTION AND USE

- 1A. CHECK ALL APPLICABLE: Construct, Extend, Alter/Renovate, AC, Slab, Room Addition, Porch, Deck, Shed, Move, Install, Wreck/Raze, Solar, Fireplace, Woodburning Stove, Single Family, Revision, Repair, Revocable, Fence/Wall, Other.
1B. Construction cost estimate: \$ 150,000.00
1C. If this is a revision of a previously approved active permit, see Permit # N/A

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

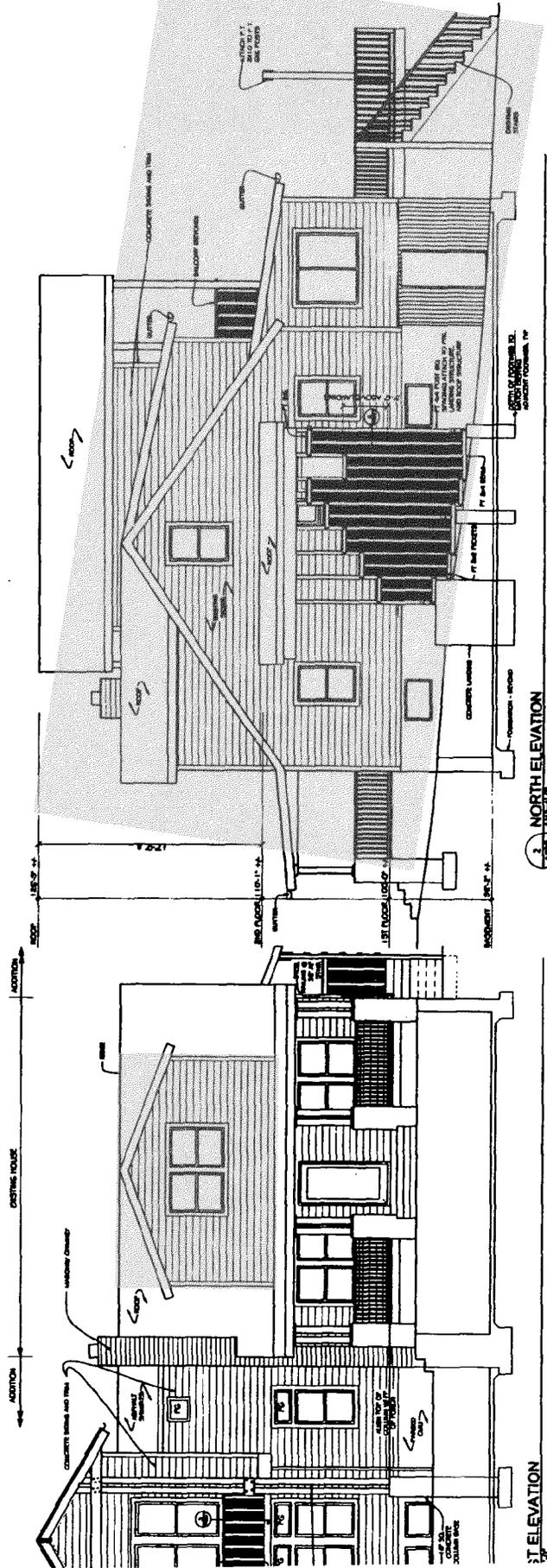
Signature: Andrew Fernebok Date: February 23, 2007

Approved: For Chairperson, Historic Preservation Commission
Disapproved: Signature: Date:
Application/Permit No.: Date Filed: Date Issued:

Edt 6/21/99 Preliminary SEE REVERSE SIDE FOR INSTRUCTIONS



8710



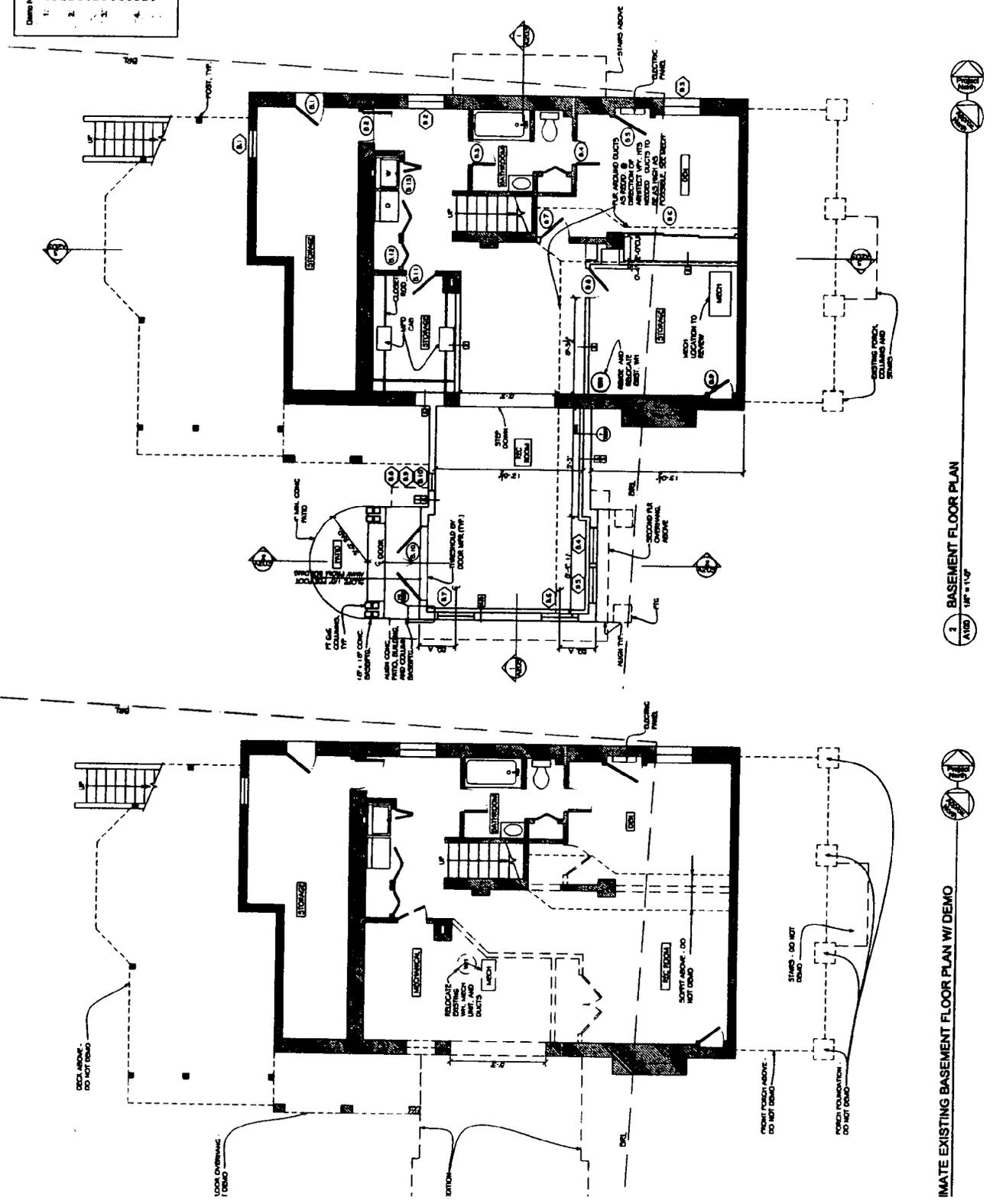
2 NORTH ELEVATION

1 SOUTH ELEVATION

Demolition Notes

1. All walls from demolition (all construction) to be removed in timely fashion and to be disposed of in a manner consistent with local, state and federal regulations. Heavy items to be removed to be taken to provide temporary support to floors, roofs, etc. until permanent support is provided.
2. Contractors to remove all obstructions as a result of demolition. Appropriate measures to be taken to ensure safe and sound construction between existing and new construction. Appropriate measures to be taken to ensure safety of workers, building, public, etc. Typical at all floors.

WALL KEY
EXISTING WALL
DEMOL. WALL
DEMOL. PLAN (ORIG. PLAN)
NEW WALL

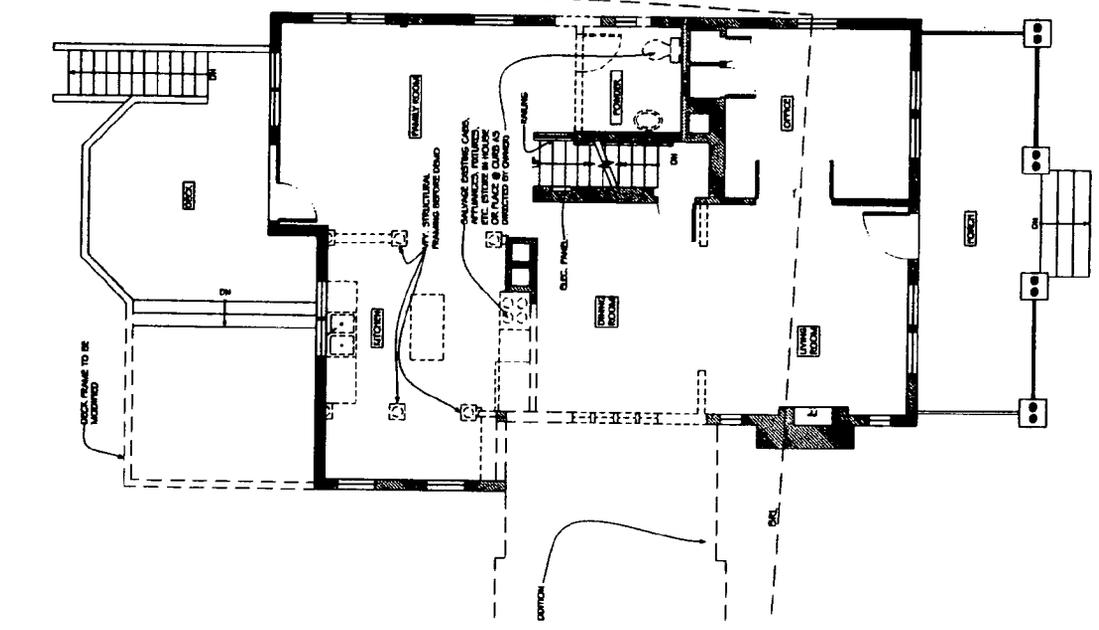
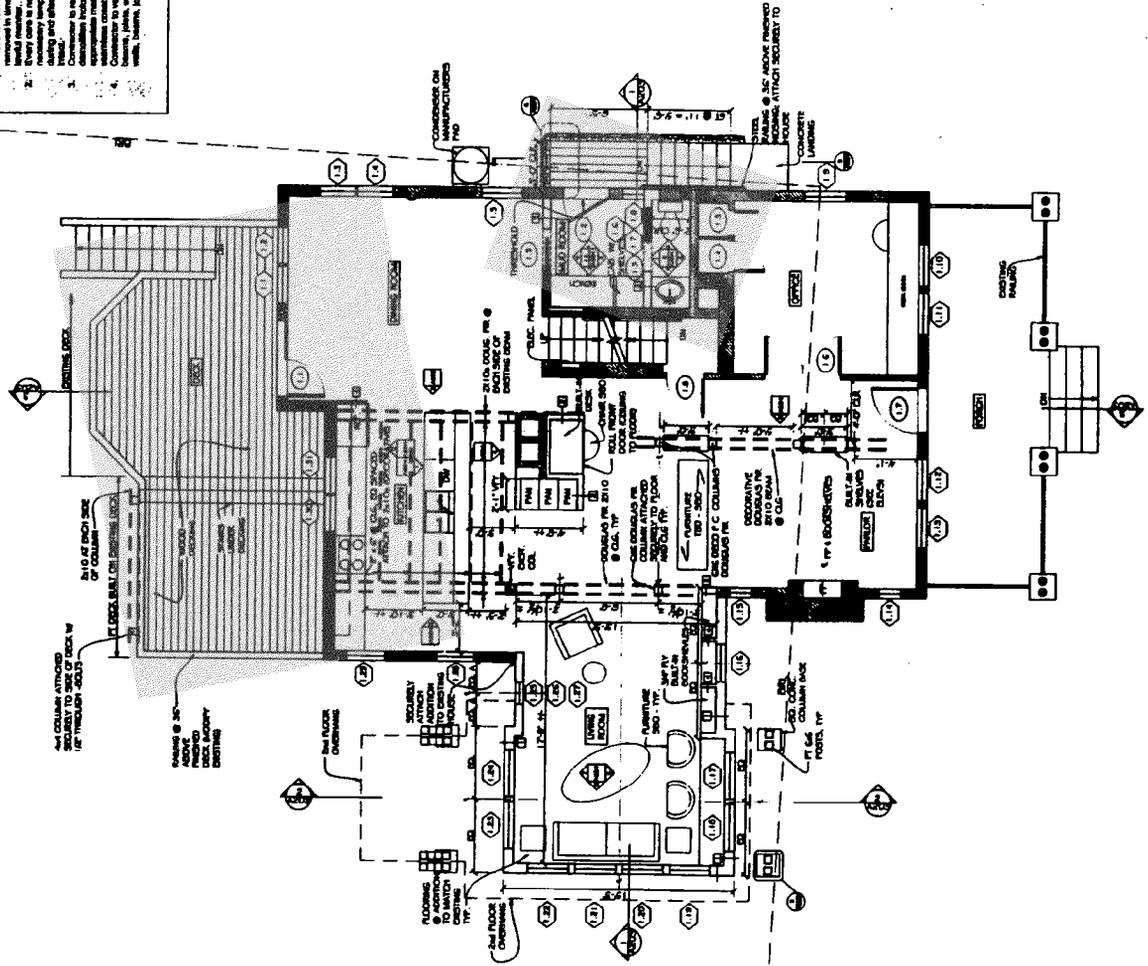


2 BASEMENT FLOOR PLAN
1/8" = 1'-0"

MATE EXISTING BASEMENT FLOOR PLAN W/ DEMO

- Owner Notes:**
1. All debris from demolition (i.e. compensation) to be removed by tenant/contractor and to be disposed of in a local landfill.
 2. All debris from demolition to be removed to be subject to possible, necessary temporary support to floors, walls, etc., during and after demolition, and until new structure is completed.
 3. Contractor to repair all deficiencies as a result of demolition including cutting and patching of masonry, etc. to match existing conditions and to meet minimum construction standards concerning wall, floor, ceiling, etc. to meet existing conditions.
 4. Contractor to verify structural conditions (walls, floors, joists, etc.) special at all floors.

WALL KEY	EXISTING WALL
	DEMOLISH WALL
	NEW WALL
	EXISTING FLOOR PLAN ONLY
	NEW WALL



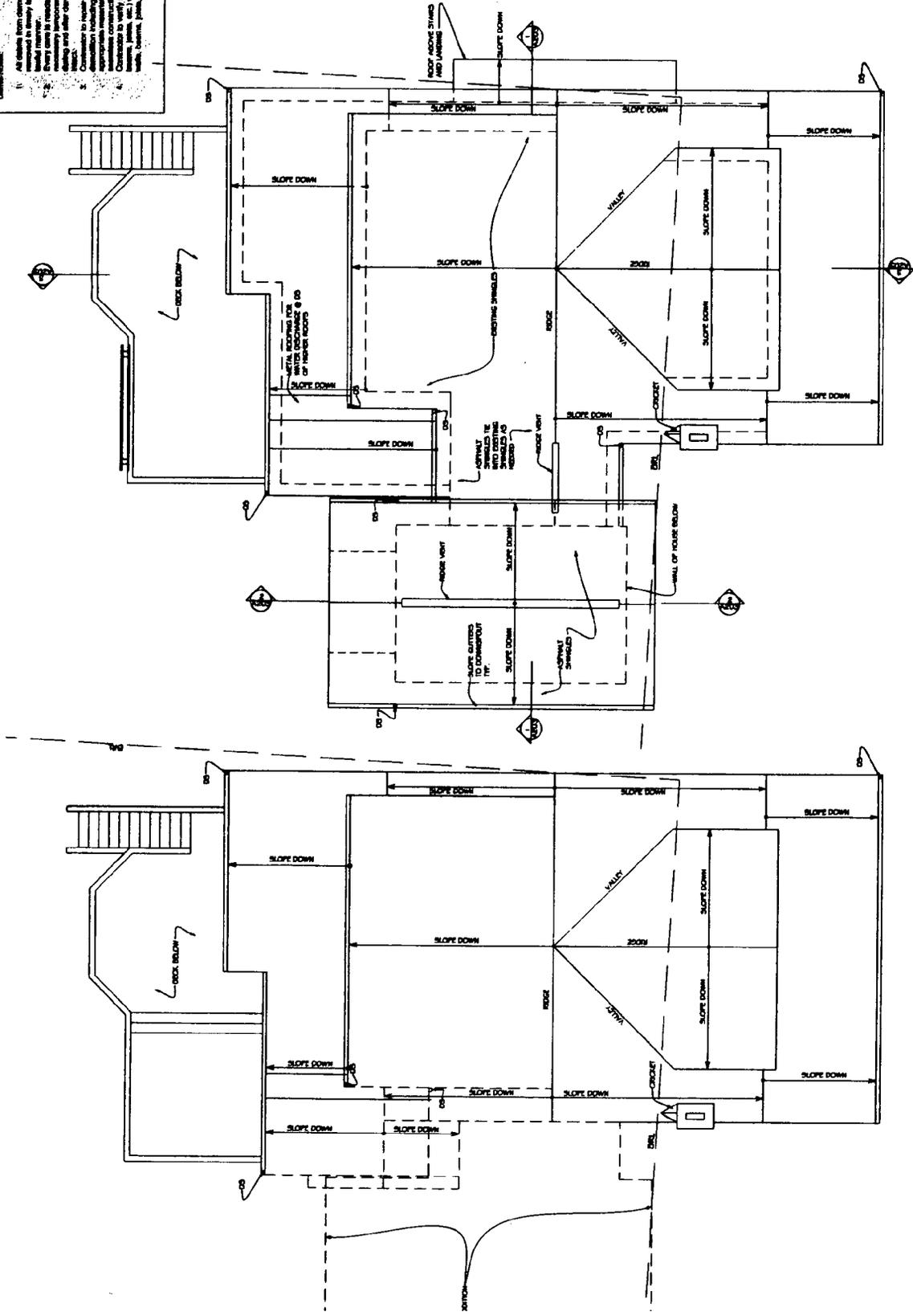
2 FIRST FLOOR PLAN
1/8" = 1'-0"

XIMATE EXISTING FIRST FLOOR PLAN W/ DEMO

Demolition:

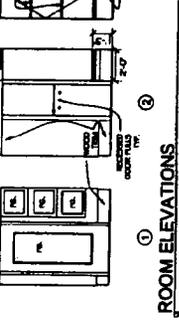
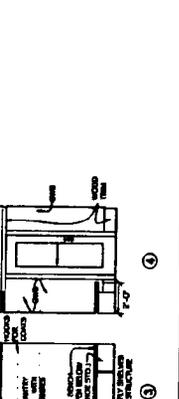
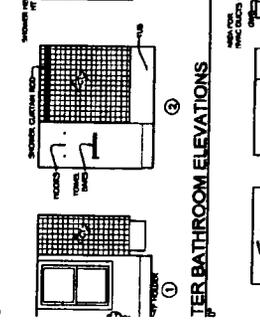
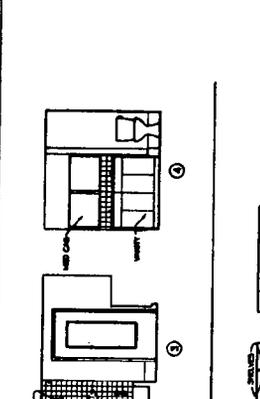
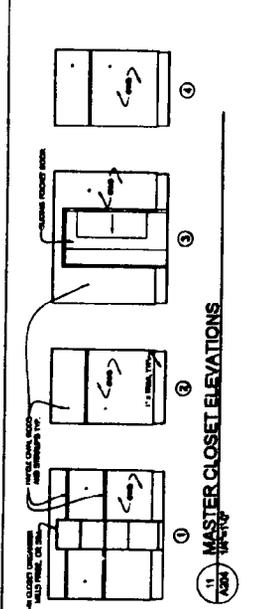
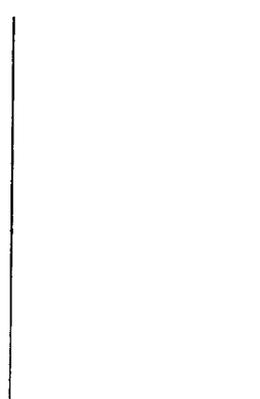
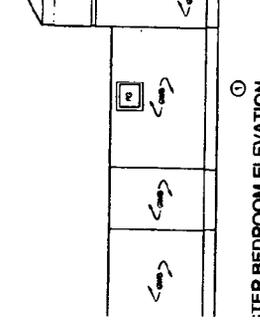
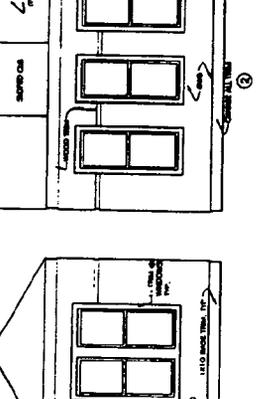
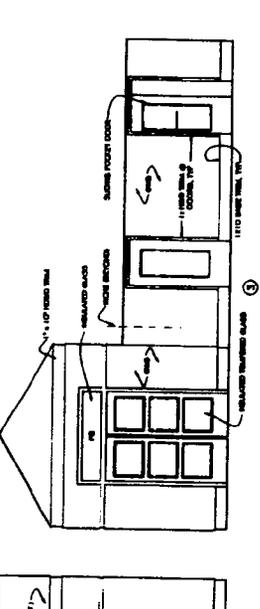
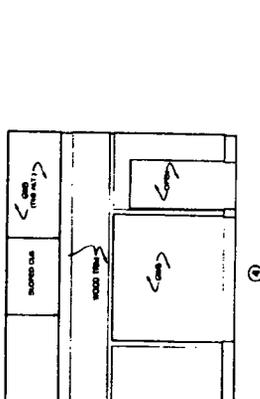
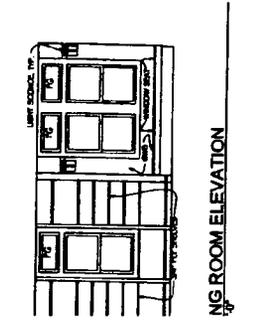
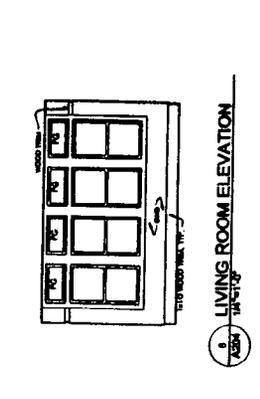
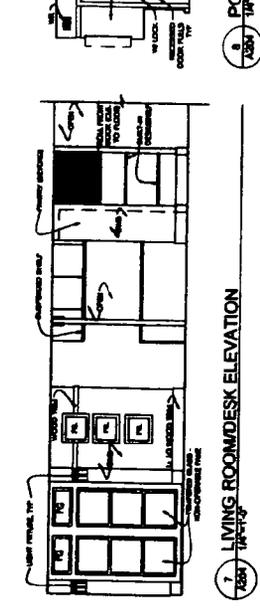
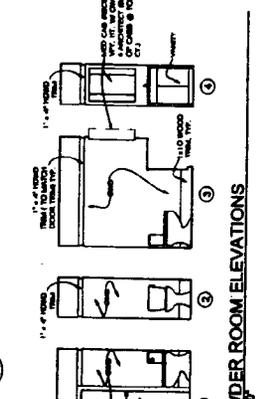
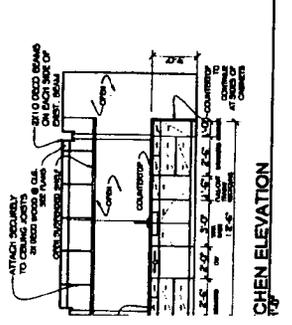
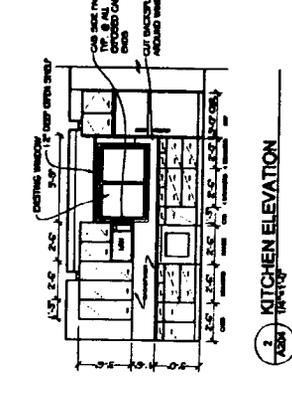
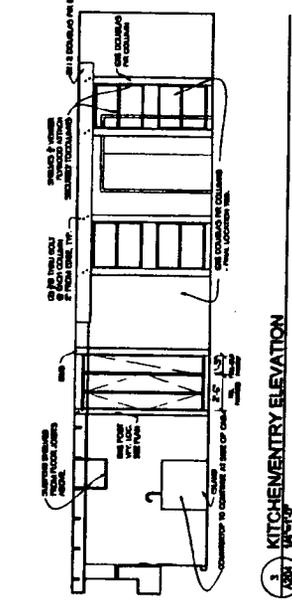
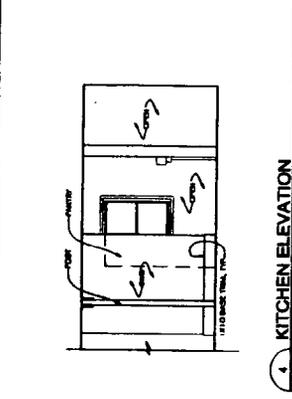
1. All items from elevations (i.e. annotations) to be removed from the existing structure and to be replaced with a new structure.
2. Every item to be removed is to be labeled to provide necessary support to floors, roofs, etc.
3. Characterize to repair all deficiencies as a result of demolition.
4. Characterize to verify structural conditions (walls, beams, joists, etc.) exposed as a result of demolition.

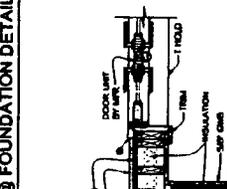
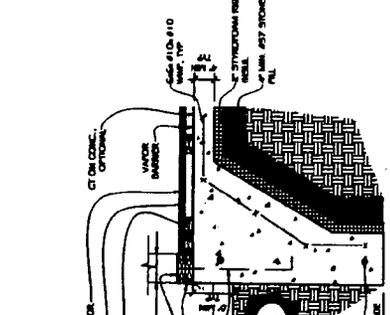
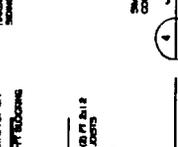
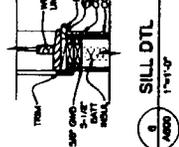
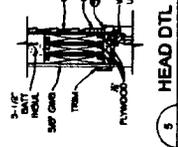
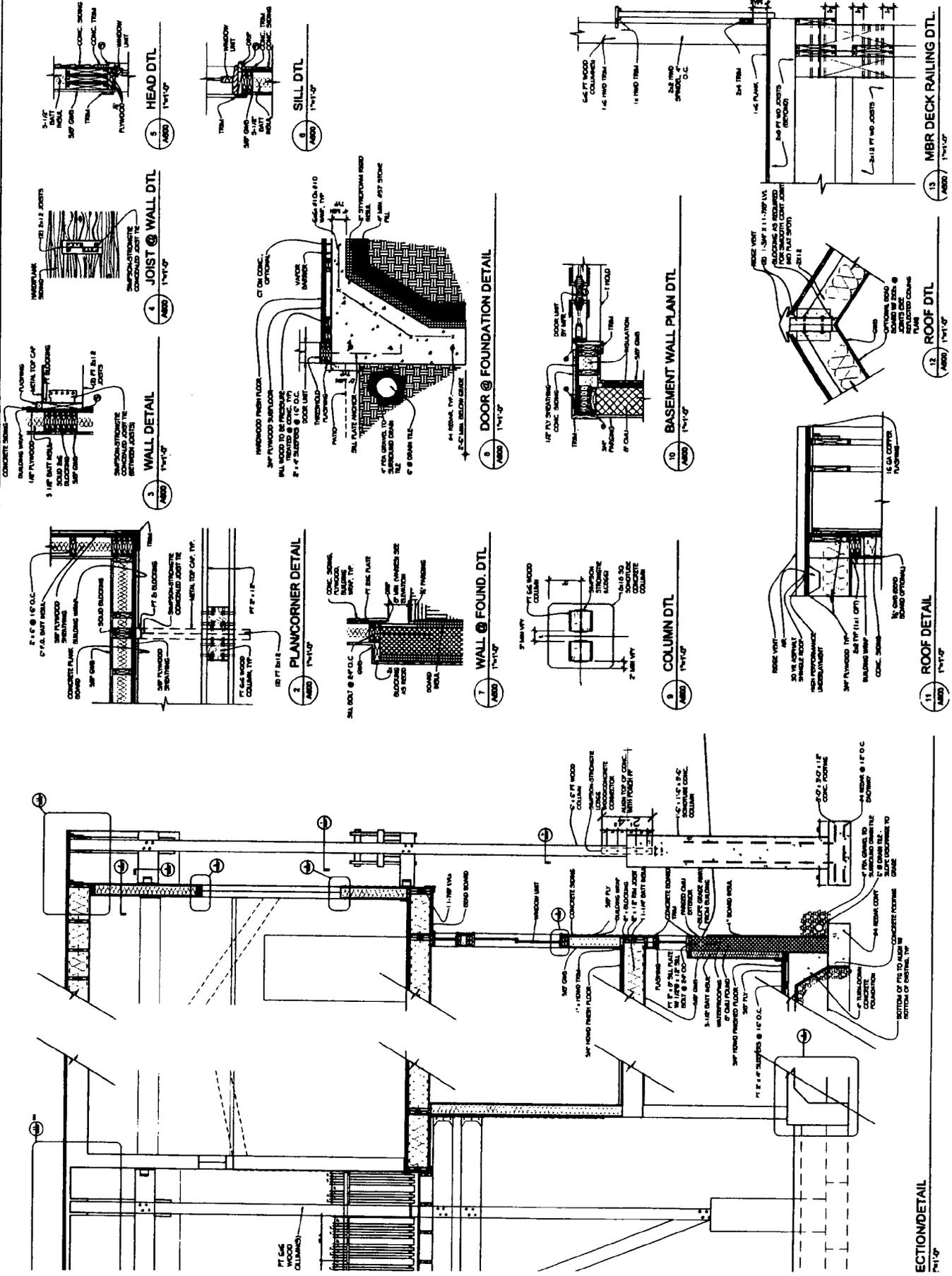
WALL KEY	EXISTING WALL
ROOF WALL	NEW WALL
ROOF PLUMB	NEW PLUMB
ROOF FLOOR	NEW FLOOR



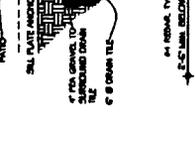
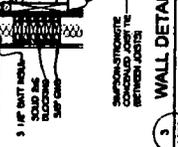
1 XIMATE EXISTING ROOF PLAN W/ DEMO
2 ROOF PLAN W/ DEMO
1/8" = 1'-0"

REVISION	DATE
02.23.07	

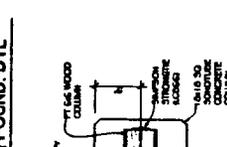
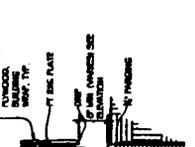
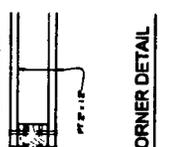
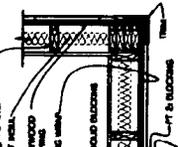




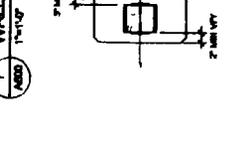
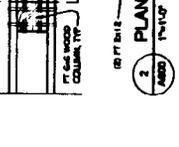
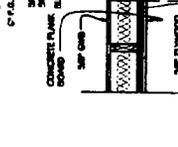
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1'-1/4\"/>



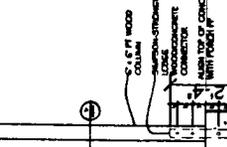
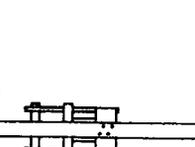
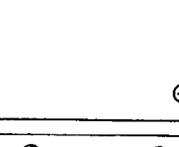
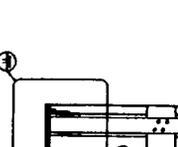
11 ROOF DETAIL
1'-1/4\"/>



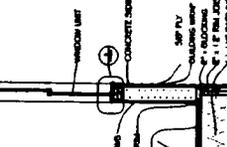
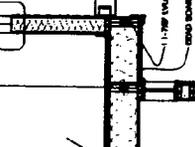
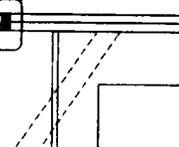
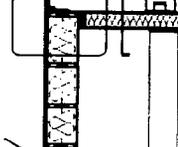
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1'-1/4\"/>



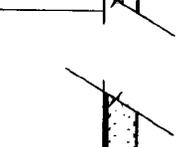
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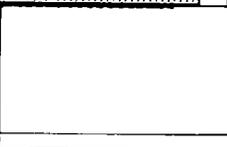
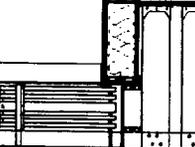
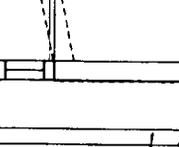
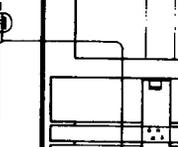
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1'-1/4\"/>



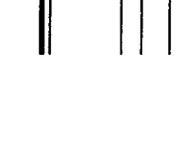
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1'-1/4\"/>



9 COLUMN DTL
1'-1/4\"/>



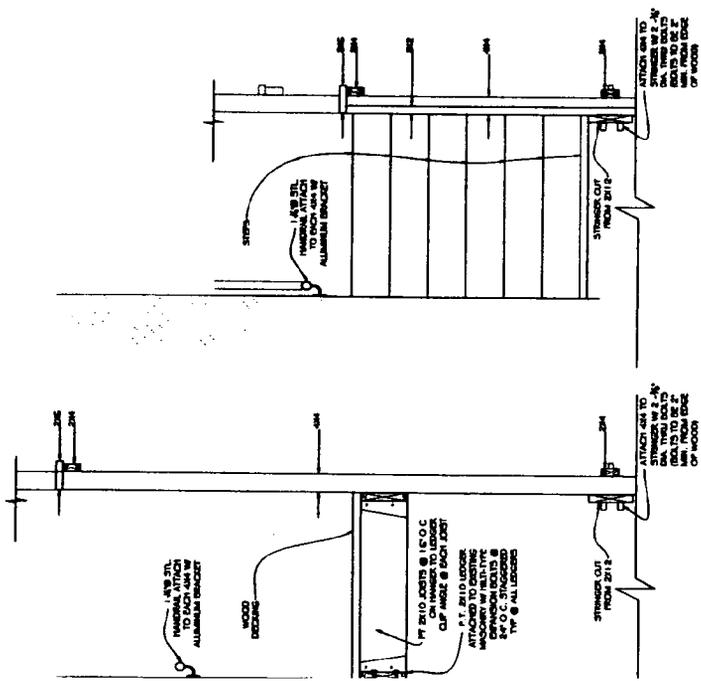
10 BASEMENT WALL PLAN DTL
1'-1/4\"/>



9 COLUMN DTL
1'-1/4\"/>



10 BASEMENT WALL PLAN DTL
1'-1/4\"/>



1 EXT. STAIR DETAIL
1/4" = 1'-0"

1 STAIR DETAIL
1/4" = 1'-0"

ROOM	UNIT	MANUFACTURER	MODEL NUMBER	REMARKS
KITCHEN	REFRIGERATOR	TED		WITH ICE MAKER
	CUPBOARD	TED		GAS DRAIN PUMP / SINK - IN
	SINK	TED		WE EXHAUST TO OUTDOOR
	STOVE	TED		
	PANTRY	WASCO		
	CUPBOARD	TED		36" WIDE, W/ EXHAUST @ SINK
	CABINETS	TED		
	FULLS	TED		
	COUNTER TOP	TED		
	BACKSPLASH	TED		

MARK	TYPE	MANUFACTURER	DESCRIPTION	UNIT	WINDOW SIZE	REMARKS
1.0	DEL. FRING				3'-0" x 4'-0"	W/ 2'-0" x 1'-0" FIXED GLASS TRANSOM
2.0	DEL. FRING				3'-0" x 4'-0"	W/ 2'-0" x 1'-0" FIXED GLASS TRANSOM
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10.0	DEL. FRING				3'-0" x 4'-0"	W/ 2'-0" x 1'-0" FIXED GLASS TRANSOM

- All glass is double paned to be tested, including unit and unit 1 of upper pan.
- All window openings to have screens.
- All windows to be highest quality materials and finishes by owner, as in detail.
- Contractor to install lower quality window treatments (blinds, shades, etc.) as in detail.
- "N" means nothing installed.
- The window schedule for window types, heights, & the notes.
- Contractor to coordinate window treatments with the interior finishing components of finished space by providing.

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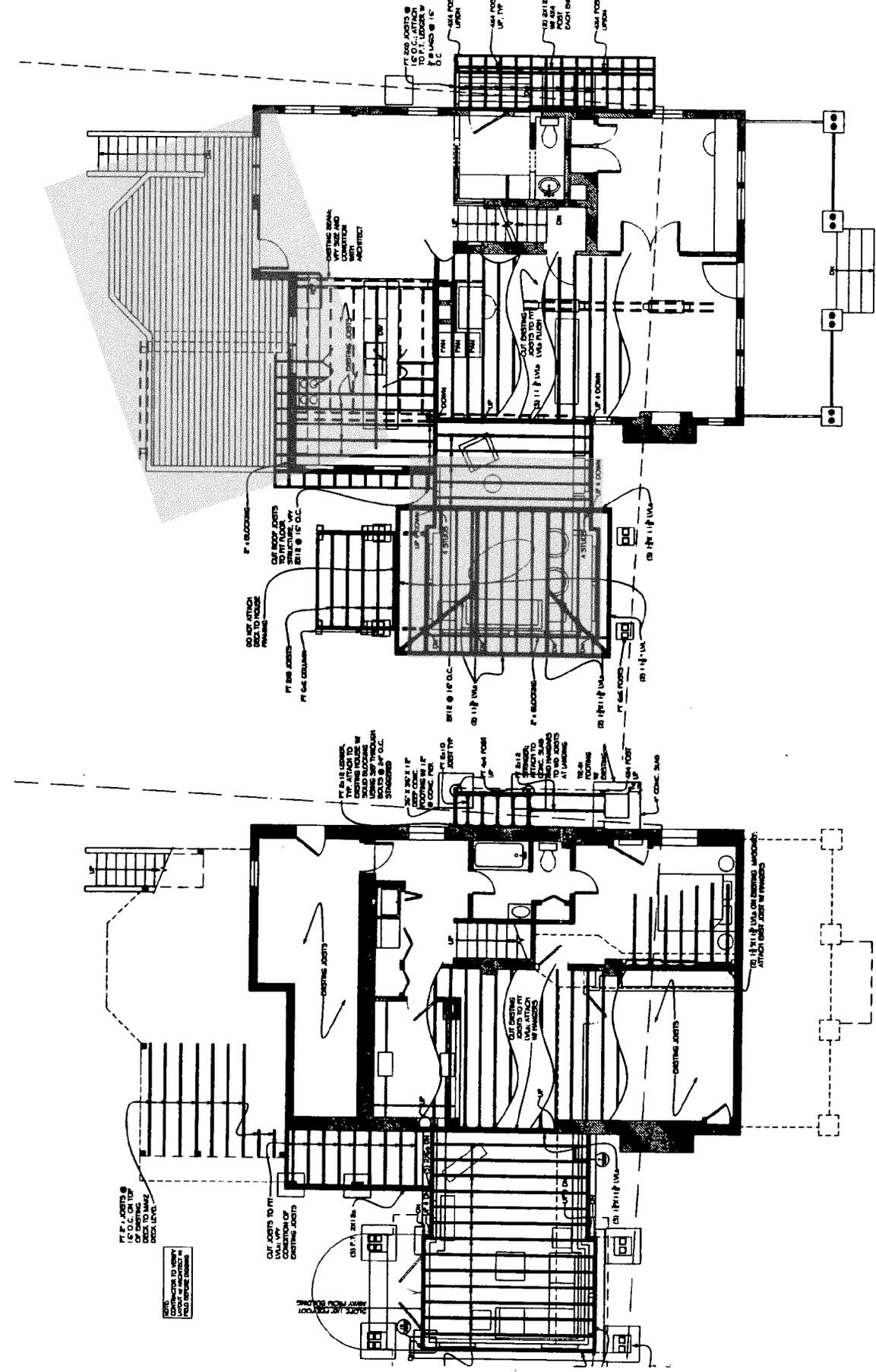
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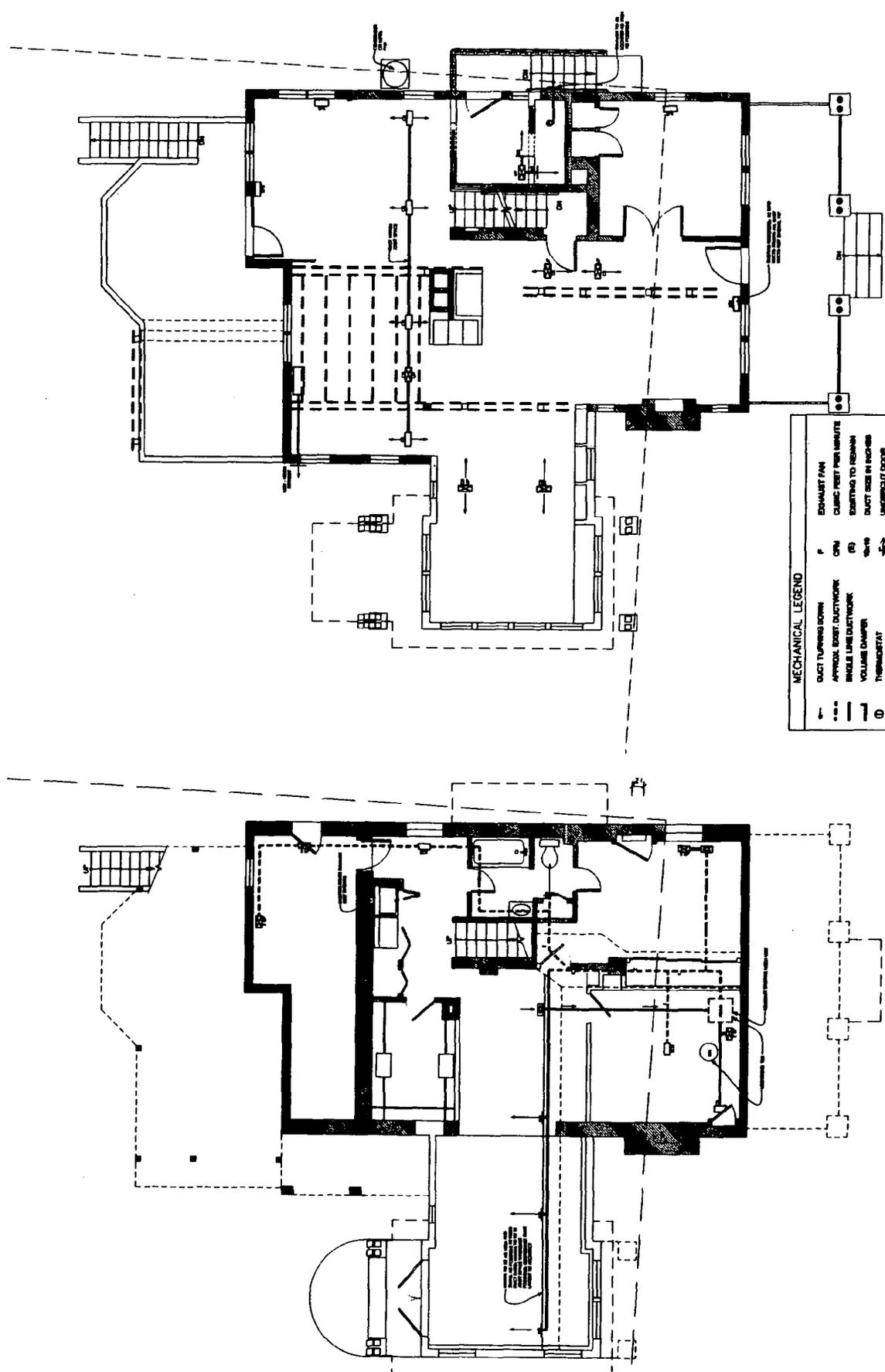


2 SECOND FLOOR FRAMING PLAN



FLOOR FRAMING PLAN





MECHANICAL LEGEND

—	DUCT TURNING DOWN	F	EXHAUST FAN
- - -	APPROX. DUCT DUCTWORK	CFM	CUBIC FEET PER MINUTE
- - -	EXHAUST TO REAR	(R)	REGISTER TO REMAIN
- - -	SINGLE LINE DUCTWORK	16-18	DUCT SIZE IN INCHES
⊖	VOLUME DAMPER	↔	UNDERCUT DOOR
⊕	THERMOSTAT	→	DIRECTION OF AIR FLOW
⊙	SUPPLY REGISTER	(TYP)	TYPICAL
⊙	CEILING REGISTER	Ø	DIAMETER
⊙	WALL REGISTER		
⊙	RETURN REGISTER		

2 FIRST FLOOR MECHANICAL PLAN

ENT MECHANICAL PLAN

MECHANICAL NOTES

1. All work to conform to all applicable codes and regulations (which take precedence over drawings)
2. All materials, equipment, assemblies etc. to be installed as recommended by relevant manufacturer's (trade associations) and codes.
3. Contractor to notify Architect if existing conditions relevant codes or regulations are in conflict with drawings PRIOR to proceeding.
4. Ducts in Confined spaces to be installed.
5. See Specifications for performance.
6. All diffuser locations, style and/collars to be approved by the Architect.
7. All duct sizes and velocities to be verified by mechanical design.

SECTION 15.0 MECHANICAL & PLUMBING SYSTEMS

- 15.1 MECHANICAL GENERAL PROVISIONS:**
- A. The Mechanical Contractor is to design, supply, install, test, commission, and maintain a complete and functional mechanical system for the First Floor (over and under), and the Second Floor (under and over) as shown on the drawings. The Mechanical Contractor is to design and supply all duct, material, equipment, controls, etc. required to properly install the mechanical system for the entire house (over and under).
 - B. The Mechanical Contractor is to coordinate with the General Contractor to insure that no structural beams, studs, joists, or other members are cut or removed in any way that might affect their structural value.
 - C. The Mechanical Contractor is to coordinate with the General Contractor to insure that all ductwork, piping, and other equipment is installed in a manner that will insure no more than 1/8" of deflection from the manufacturer's. Any such deviations found during construction of the system are to be corrected as part of the Contract.
 - D. All equipment is to be high-performance, energy efficient type and is to meet or exceed relevant codes and regulations.

- 15.2 LOCATIONS:**
- A. System equipment (boilers, air handlers, compressors, ducts, hydromotors, etc.) are to be located approximately where shown on the drawings, with final locations to be arranged as necessary with regard to coordination with any existing electrical and plumbing systems. Final locations, sizes, colors, etc. are to be submitted to the Architect for review and approval.
 - B. All equipment requiring maintenance, adjustment, etc. is to be located in manner to allow proper access.

- 15.3 SUPPLEMENTARY EQUIPMENT:**
- A. Equipment to be installed in sufficient quantity, and located where accessible as to allow adjustment in balance of system.
 - B. Each system to be fully equipped so as to allow complete adjustment in humidity of supply air.
 - C. Floor registers to be wood and are to be built to the floor as manufactured by Regatta Register.

- 15.4 PERFORMANCE:**
- A. Major components to be made and model to insure durable and dependable performance. Mechanical Contractor to submit make and model information to Architect for review prior to purchase.
 - B. Motor compressors, ducts, diffusers, etc. to be sized so as to permit all rooms to be at 70 degrees F (±4 degrees F), when outdoor temperature is between 10 degrees F and 80 degrees F, and not vary from equipment space by more than 0 degree F.
 - C. All handling units, ducts, diffusers, etc. are to be sized to allow air to move slowly enough so as not cause undue discomfort to persons within affected rooms.
 - D. Installation to include dampers as needed for adjustment to meet performance criteria.

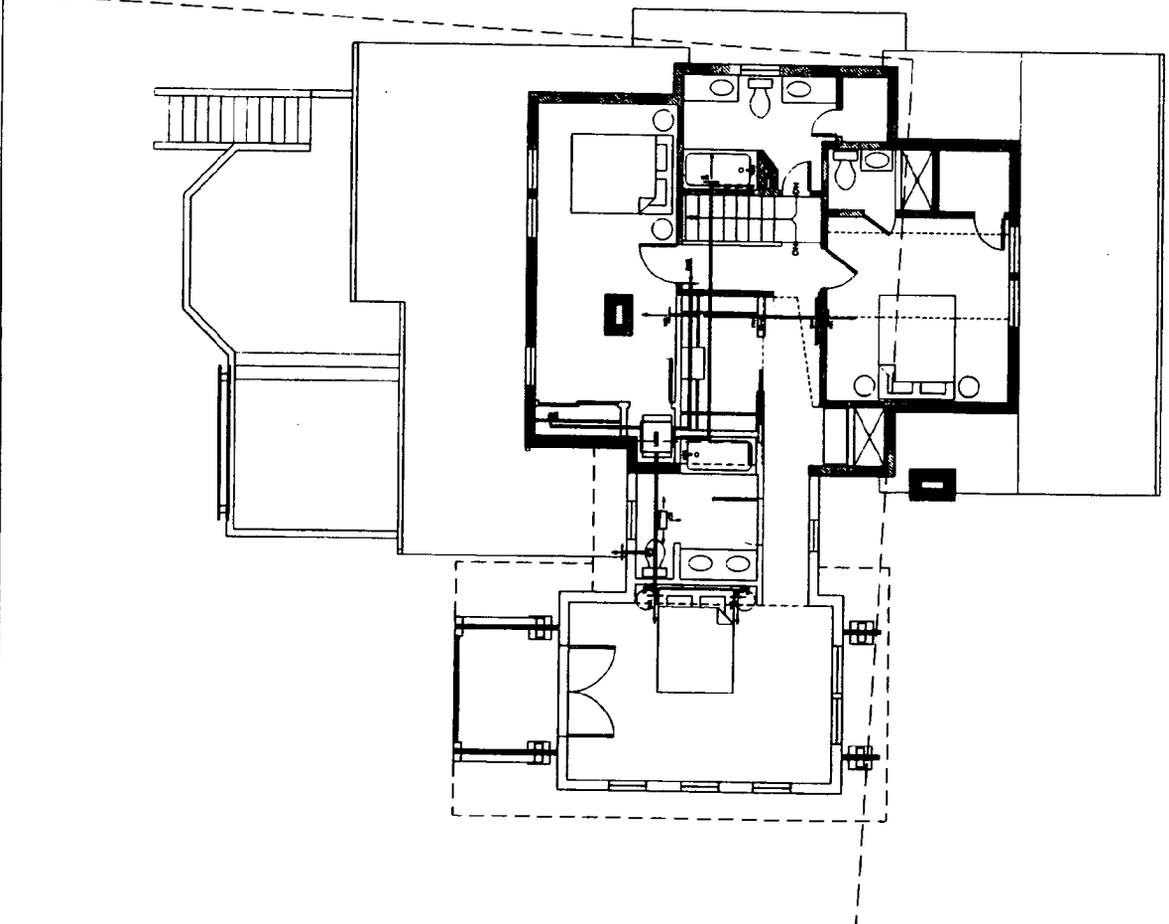
- 15.5 INSULATION & JOINTS:**
- A. All supply ducts installed in closed spaces to be insulated with minimum 2" thick fiberglass blanket insulation with vapor barrier on the exterior. All exposed duct are to be round, galvanized, non-painted.
 - B. All mechanical light, and trapped vents length with duct type of type guaranteed to remain attached minimum 10 years.

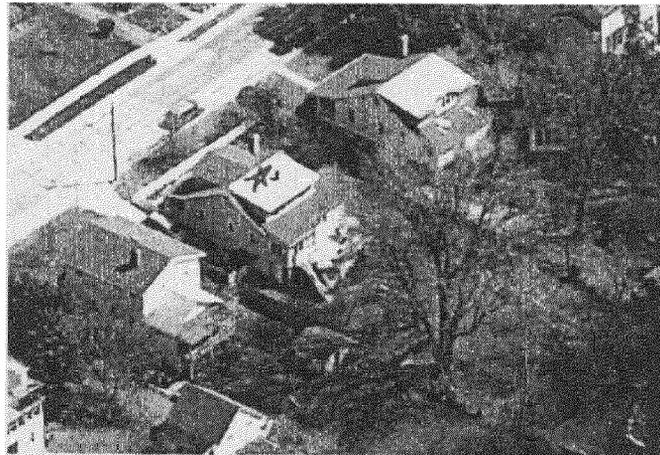
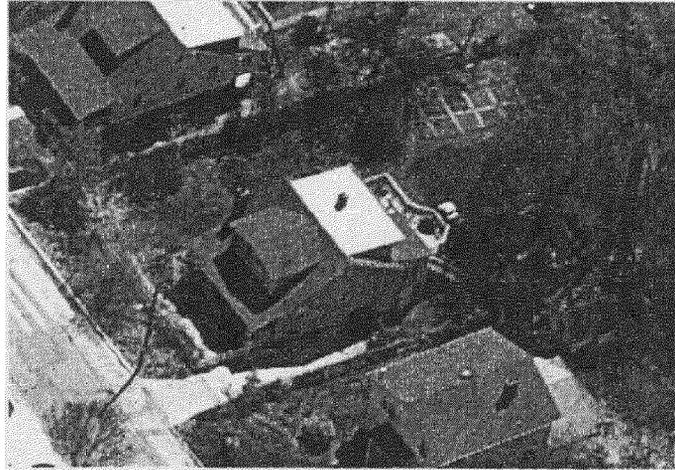
- 15.6 EXHAUST DUCTS:**
- A. All exhaust fans, both new and existing, to be connected by ducts to discharge at the exterior. Use wind-proof storm fittings at exterior ends of walls designed to resist wind pressure on exhaust.

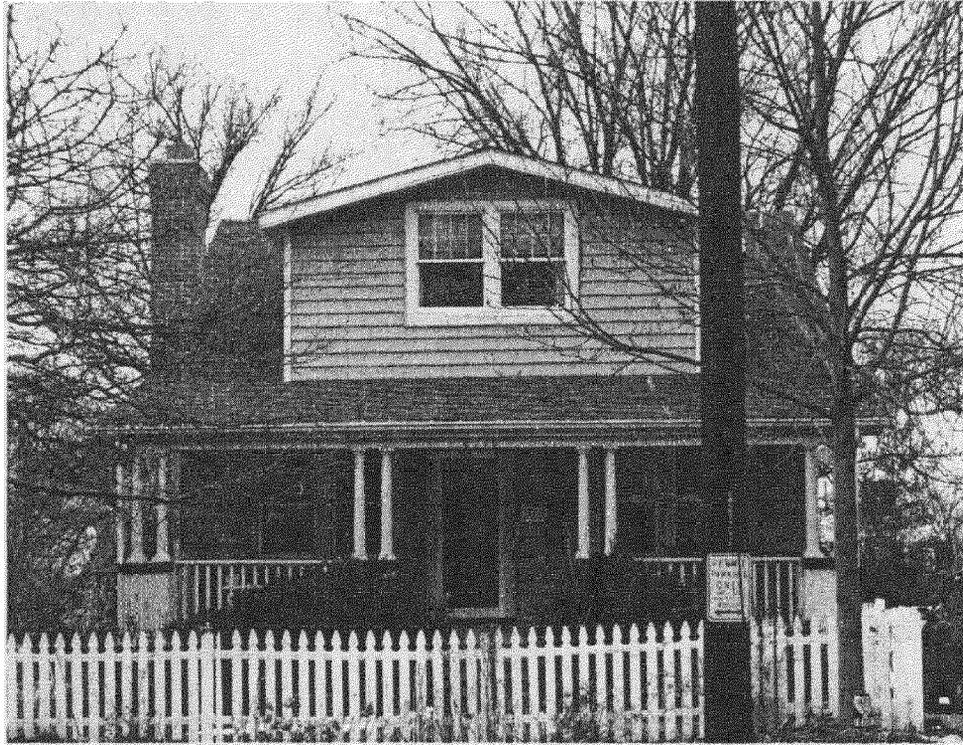
- 15.7 PLUMBING GENERAL PROVISIONS:**
- A. The Plumbing Contractor to supply all labor, materials, equipment, controls, etc. needed to properly install plumbing systems shown on the drawings and described in this project manual so as to provide fully operating plumbing system meeting all relevant codes.
 - B. Plumbing Contractor to coordinate with General Contractor to insure that all electrical materials are cut, sealed or otherwise protected in any way that might affect their structural value. Any cuts permitted in beams, studs or joists are to be repaired to the bottom or top 2" of member.
 - C. Installation of all equipment, lines, etc. is to be made in manner that will insure firm and durable attachment and that will insure no undue transfer of noise or vibration.

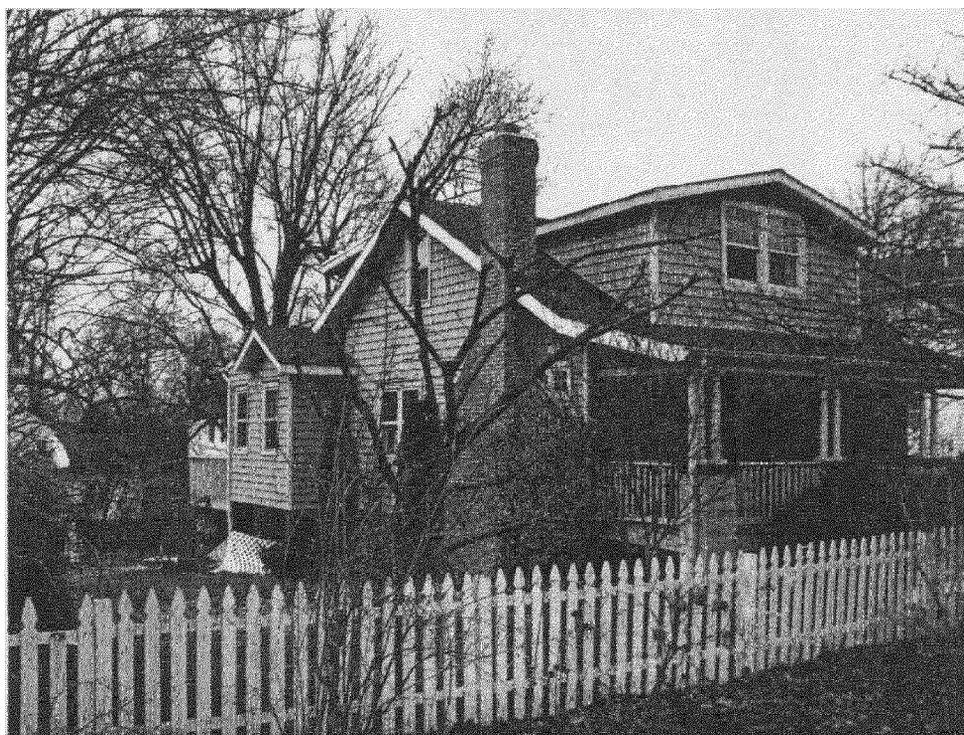
- 15.8 LOCATION:**
- A. Fixtures, lines, etc. are to be located approximately where shown on the drawings, with all lines located where indicated on the drawings.

- 15.9 INSULATION:**
- A. Hot water piping is to be insulated with 1/2" thick fiberglass sectional piping insulation provided with vapor barrier jacket installed as manufacturer recommends, with joints sealed light with appropriate mastic.
 - B. All lines, fittings, etc. to have elastomer braided where diameter makes need, in order to avoid electrolytic corrosion.
- 15.10 MATERIALS:**
- A. Sanitary and vent piping to be copper-type D40 or PVC of equal or comparable strength of minimum 1/2" diameter.
 - B. Water piping above grade to be hard drawn copper tubing, Type L, with fittings designed for minimum 100 year life.
 - C. Underground piping to be Type K hard drawn copper piping.
 - D. All piping to be installed in accordance with applicable codes and regulations.
 - E. No PVC pipes are to be used in kitchen, dining, and breakfast rooms. Submit proposed pipes and components for review and submit to Architect for approval prior to installing.
 - F. Contractor to install 3/4" hole bits as shown on the drawings or as locations as directed by the Architect.









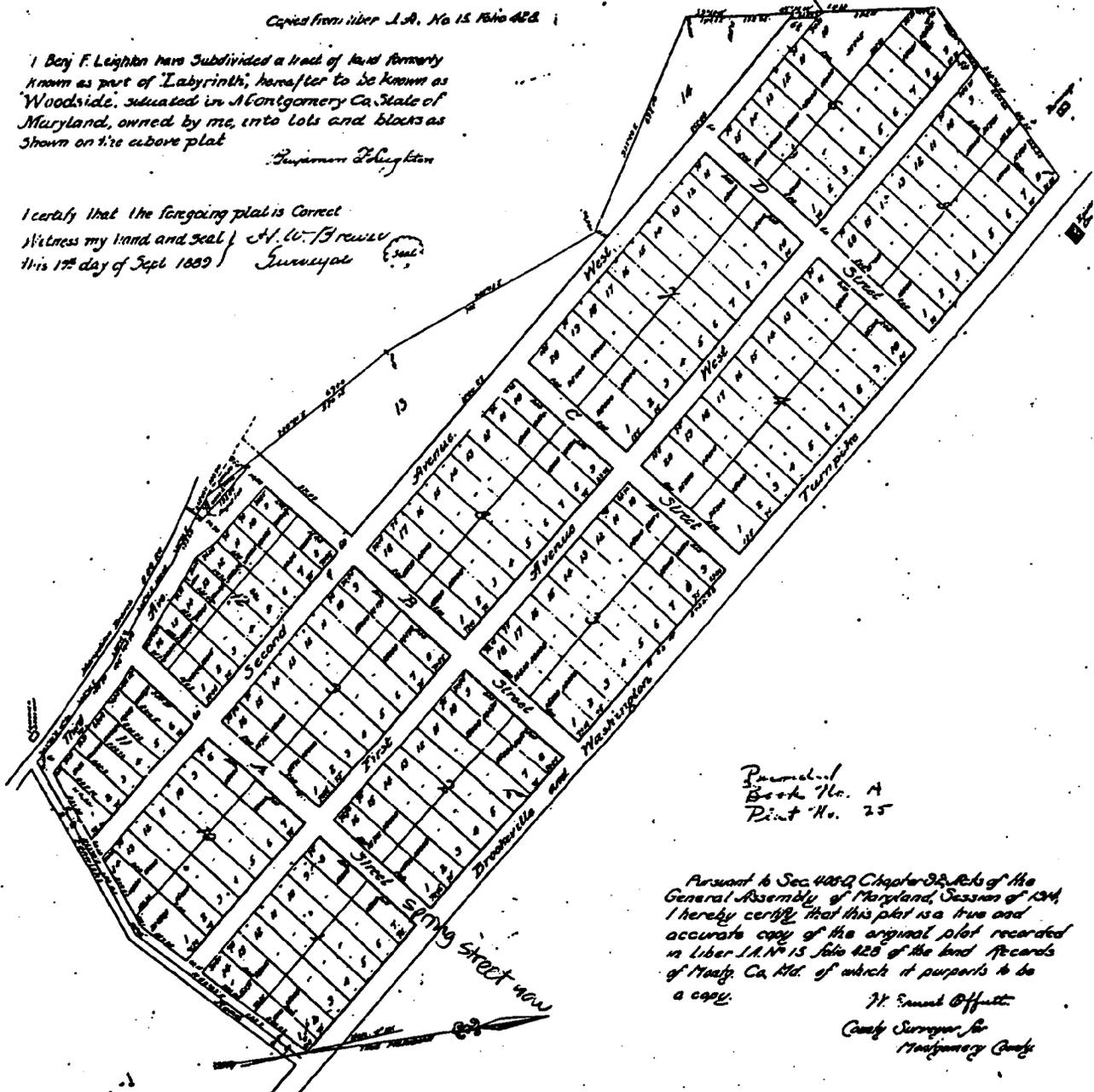
Copied from Liber J.A. No 15 Folio 428

I Benj F. Leighton have subdivided a tract of land formerly known as part of "Labyrinth", hereafter to be known as "Woodside", situated in Montgomery Co. State of Maryland, owned by me, into lots and blocks as shown on the above plat

Benjamin F. Leighton

I certify that the foregoing plat is correct
Witness my hand and seal
this 19th day of Sept 1889

A. W. Brewer
Surveyor



Plat Book No. A
Plat No. 25

Pursuant to Sec 4009 Chapter 32 Acts of the General Assembly of Maryland, Session of 1884, I hereby certify that this plat is a true and accurate copy of the original plat recorded in Liber J.A. No 15 folio 428 of the land records of Montg. Co. Md. of which it purports to be a copy.

W. Samuel Offutt
County Surveyor for
Montgomery County

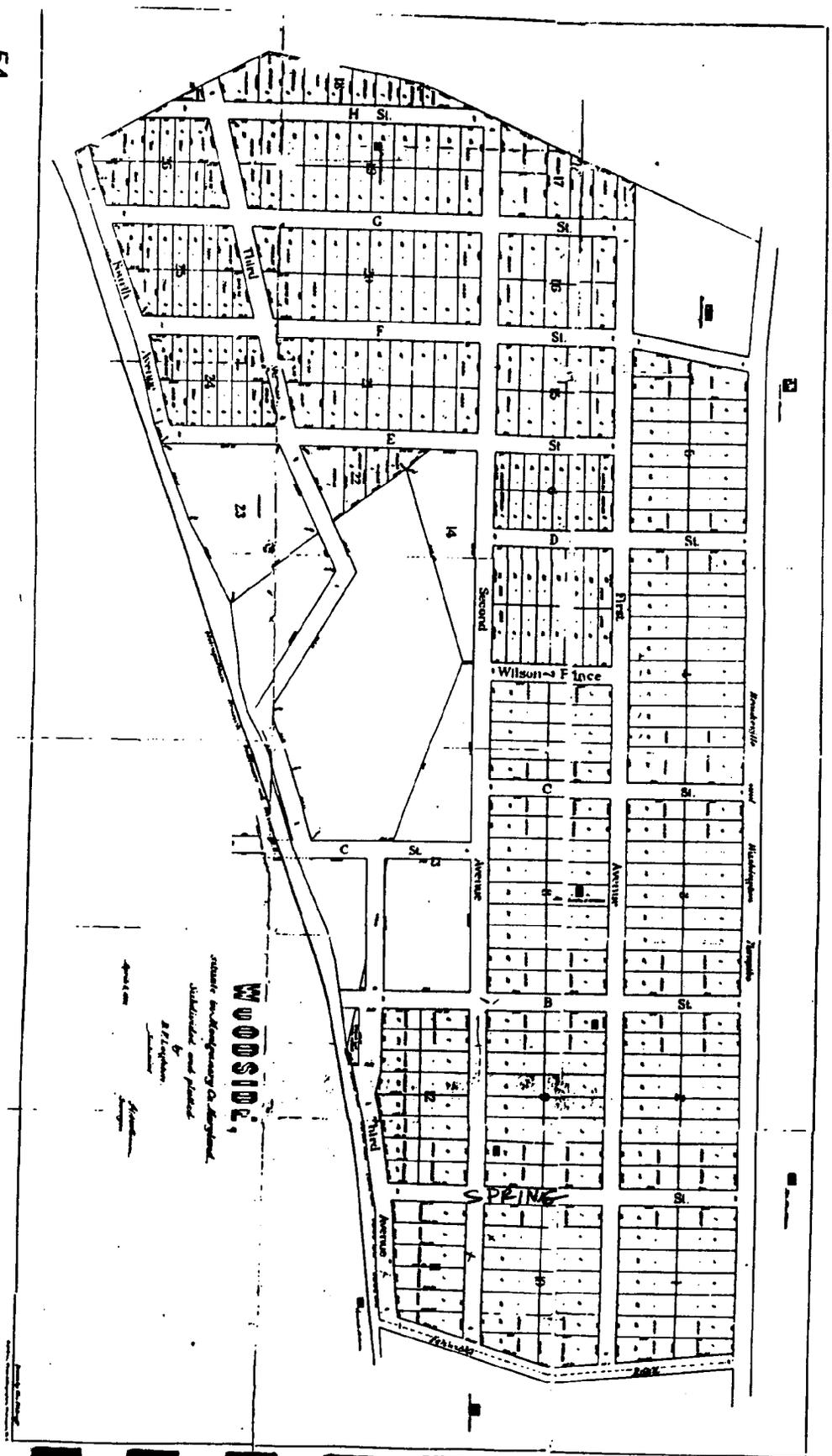
3h
WOODSIDE 1889 (Sept. 19)

Benjamin F. Leighton's subdivision of a tract of land formerly known as part of "Labyrinth," hereafter to be known as "Woodside," situated in Montgomery Co., State of Maryland
Montgomery County Land Records
Liber J.A. 15 / Folio 428 and Plat Book A / Plat 25
(Copies obtained from MNCPPC)

The railroad suburb of Woodside was founded in 1889 when Benjamin F. Leighton subdivided Laura Wilson's farm, located near the B&O's Fenwick's Station on the Metropolitan Branch. The Wilson farm contained 91 3/4 acres and 14 square perches when subdivided, which was once part of the land grant, "Labyrinth." Shown here is a copy of the original Woodside subdivision plat, dated September 19, 1889. The subdivision was laid out in a grid plan between the Brookeville and Washington Turnpike (now Georgia Avenue) and the B&O railroad tracks, and extended north from Fenwick's Road (Fenwick Lane) and past "C" Street (Noyes Drive) to the boundary of the Grace Church Parsonage lot and Edwin Cissel's farm.

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B&O RAILROAD PROMOTIONAL BROCHURE [PLAT] 1890 (April 8)
WOODSIDE, situate in Montgomery Co. Maryland, Subdivided and platted by B. F. Leighton
H. W. Brown, Surveyor; Wm. T. O. Bruff, Draftsman
Bell Bros., Lithographers, Washington, D. C., April 8, 1890
Woodside Archives

Included in a brochure published by the B&O Railroad on April 8, 1890, this plat is probably the first to depict Woodside as a single, unified railroad suburb composed of Leighton's original (1889) Woodside subdivision, his 1890 Addition; and partially subdivided land between Second Avenue and the railroad tracks, and "B" (Ballard) and "E" (Elkart) Street. This became the standard graphic depiction of Woodside, and established the commonly-understood boundaries of the neighborhood. Several homes built prior to Leighton's subdivision are shown, as are a few new houses. Grace Church and Fenwick's Station are also shown.



Chapter 24A. Historic Resources Preservation. [Note]

§ 24A-1. Purpose.

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§ 24A-9. Demolition by neglect.

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§ 24A-13. Historic preservation easement program.

Sec. 24A-1. Purpose.

It is the purpose of this chapter to provide for the identification, designation and regulation, for purposes of protection, preservation and continued use and enhancement, of those sites, structures with their appurtenances and environmental settings, and districts of historical, archeological, architectural or cultural value in that portion of the county which is within the Maryland-Washington Regional District. Its further purpose is to preserve and enhance the quality of life in the county, safeguard the historical and cultural heritage of the county, strengthen the local economy, stabilize and improve property values in and around such historical areas, foster civic beauty and to preserve continued utilization and pleasure of the citizens of the county, the state, and the United States of America. (Ord. No. 9-4, § 1; Ord. No. 11-59.)

Sec. 24A-2. Definitions.

For the purposes of this Chapter, the following words and phrases have the following meanings:

Regional District and which has been so designated in the master plan for historic preservation.

Permit: An historic area work permit issued by the Director authorizing work on an historic site or an historic resource located within an historic district.

Planning Board; The Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission.

Preservation easement means an easement held by the County to protect, maintain, or otherwise conserve an historic resource. (Ord. No. 9-4, § 1; 1989 L.M.C., ch. 4, § 1; Ord. No. 11-59; Ord. No. 13-37, § 1; Ord. No. 13-114, § 1; Ord. No. 14-38, § 1; 14-51, § 1.) Sec. 24A-3. Master plan for historic preservation; criteria for designation of historic sites or districts.

(a) As part of the general plan for the physical development of that portion of the county within the Maryland-Washington Regional District, there shall be prepared, adopted and approved a master plan for historic preservation which shall constitute an amendment to the general plan for the Maryland-Washington Regional District. Such plan shall designate historic sites and historic districts and describe their boundaries; it shall propose means for the integration of historic preservation into the planning process; and it shall suggest other measures to advance the goals of historic preservation.

(b) In considering historic resources for designation as historic sites or historic districts, the planning board shall apply the following criteria:

(1) Historical and cultural significance. The historic resource:

- a. Has character, interest or value as part of the development, heritage or cultural characteristics of the county, state or nation;
- b. Is the site of a significant historic event;
- c. Is identified with a person or a group of persons who influenced society; or
- d. Exemplifies the cultural economic, social, political or historic heritage of the county and its communities.

(2) Architectural and design significance. The historic resource:

- a. Embodies the distinctive characteristics of a type, period or method of construction;
- b. Represents the work of a master;
- c. Possesses high artistic values;

Appurtenances and environmental setting: The entire parcel, as of the date on which the historic resource is designated on the master plan, and structures thereon, on which is located an historic resource, unless reduced by the District Council or the commission, and to which it relates physically and/or visually. Appurtenances and environmental settings shall include, but not be limited to, walkways and driveways (whether paved or not), vegetation (including trees, gardens, lawns), rocks, pasture, cropland and waterways.

Board: The County Board of Appeals of Montgomery County.

Commission: The historic preservation commission of Montgomery County as described hereinafter.

Demolition by neglect: The failure to provide ordinary and necessary maintenance and repair to an historic site or an historic resource within an historic district, whether by negligence or willful neglect, purpose or design, by the owner or any party in possession of such a site, which results in any of the following conditions:

(a) The deterioration of exterior features so as to create or permit a hazardous or unsafe condition to exist.

(b) The deterioration of exterior walls, roofs, chimneys, windows, the lack of adequate waterproofing or deterioration of interior features or foundations which will or could result in permanent damage, injury or loss of or to the exterior features.

Director: The Director of the Department of Permitting Services, or the Director's designee.

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 of 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.

Historic resource: A district, site, building, structure or object, including its appurtenances and environmental setting, which is significant in national, state or local history, architecture, archeology or culture. This includes, but is not limited to, all properties on the "Locational Atlas and Index of Historic Sites in Montgomery County."

Historic site: Any individual historic resource that is significant and contributes to the historical, architectural, archeological or cultural values within the Maryland-Washington

d. Represents a significant and distinguishable entity whose components may lack individual distinction; or

e. Represents an established and familiar visual feature of the neighborhood, community or county due to its singular physical characteristic or landscape. (Ord. No. 9-4, § 1; Ord. No. 11-59.)

Sec. 24A-4. Historic preservation commission.

(a) Created. There is hereby created a commission to be known as the "historic preservation commission of Montgomery County, Maryland."

(b) Membership. The commission shall consist of 9 members appointed by the county executive with the confirmation of the county council. Each member must be a resident of the county. The 4 fields of history, architecture, preservation and urban design shall be represented by a minimum of 1 member qualified by special interest, knowledge or training. The remaining members of the commission shall, to the extent possible, be selected to represent the geographical, social, economic and cultural concerns of the residents of the county.

(c) Officers. The county executive shall appoint the chairman and vice-chairman of the commission, who shall serve at his pleasure, but such appointments occurring after the commission's first year of operation shall be made after due consideration has been given to the recommendation of the commission.

(d) Term. The terms of the members of the commission shall be for a three-year period and members shall continue to serve until their successors are appointed and qualified.

(e) Vacancy. Any vacancy in the membership of the commission caused by the expiration of a term, by resignation or death, by a superseding incapacity to discharge duties, by a removal for cause, or by any other cause creating such vacancy, shall be filled for a new term, or for the remainder of the term for which there is a vacancy as the case may be, in the same manner as provided herein for the nomination and appointment of the initial members of the commission.

(f) Removal for cause. A member may be removed for cause from the commission by the county executive.

(g) Compensation. The members of the commission serve without compensation.

(h) Regulations. The commission must adopt, under method (2) of Section 2A-15 of this Code, rules, guidelines and regulations that are necessary for the proper transaction of the business of the commission. This includes provisions governing contested cases before the commission.

(1) Meetings. The commission shall hold such regular meetings which, in its discretion, are necessary to discharge its duties. Such meetings shall be open to the public.

(2) Staff. There may be appointed and assigned to the commission such employees, and the chief administrative officer shall make available to the commission such services and facilities of the county, as are necessary or appropriate for the proper performance of its duties, and the county attorney shall serve as counsel to the commission. (Ord. No. 9-4, § 1; 1984 L.M.C., ch. 24, § 26; Ord. No. 11-59; FY 1991 L.M.C., ch. 9, § 1.)

Cross reference-Boards and commissions generally, § 2-141 et seq.
Sec. 24A-5. Same-Powers and duties.

The commission has the following powers and duties:

(a) To research historic resources and to recommend to the planning board that certain of them be designated as historic sites or historic districts on the master plan for historic preservation and, hence, be subject to the provisions of this chapter.

(b) To recommend to the planning board, as needed, any update to the inventory of historic resources which is contained in the "Locational Atlas and Index of Historic Sites in Montgomery County."

(c) To act upon applications for historic area work permits and other matters referred to it for action pursuant to the provisions of this chapter.

(d) To appoint members to local advisory panels to assist and advise the commission on the performance of its functions.

(e) To recommend programs and legislation to the council and the planning board to encourage historic preservation in the Maryland-Washington Regional District.

(f) To review any legislation and proposals affecting historic preservation, including preparation of master plans, and to make recommendations on such legislation and proposals to appropriate authorities.

(g) To serve as a clearinghouse for information on historic preservation for county government, individuals, citizens' associations, historic societies and local advisory committees; to provide information and educational materials for the public; and to undertake activities to advance the goals of historic preservation in the county.

(h) To employ or hire consultants or other temporary personnel, consistent with county contract provisions, as deemed necessary to assist the commission in the

accomplishment of its functions; such consultants or other personnel shall be compensated as may be provided for in the county budget.

(i) To administer an historic preservation easement program and any revolving funds or grant programs to assist in historic preservation.

(j) To advise the planning board, in the event of subdivision of land containing an historic resource, on the appurtenances and environmental setting necessary to preserve it.

(k) To delineate the extent of appurtenances and environmental setting associated with an historic site or resource. (Ord. No. 9-4, § 1; 1989 L.M.C., ch. 4, § 1; Ord. No. 11-59.)

Sec. 24A-6. Historic area work permits-Generally.

(a) Required. An historic area work permit for work on public or private property containing an historic resource must be issued pursuant to the provisions of this chapter before:

(1) Constructing, reconstructing, moving, relocating, demolishing or in any manner modifying, changing or altering the exterior features of any historic site or any historic resource located within any historic district.

(2) Performing any grading, excavating, construction or substantially modifying, changing or altering the environmental setting of an historic site or an historic resource located within an historic district;

(3) Erecting or causing to be erected any sign or advertisement (with the exception of those signs which temporarily advertise for sale an historic site or an historic resource located within an historic district, or which for a temporary period advertise a political viewpoint) on the exterior or on the environmental setting of any historic site or any historic resource located within any historic district.

(b) Exceptions. Nothing in this section shall be construed to require the issuance of an historic area work permit for any ordinary maintenance, repair of exterior features, any customary farming operations or any landscaping, which will have no material effect on historic resource located within an historic district, of which such features are a part. For the purposes of clarification of this section, the commission shall develop and publish guidelines regarding what activities constitute ordinary maintenance and shall send a copy of these guidelines by registered mail to all owners of historic resources designated on the master plan.

(c) Disclosure requirements.

(1) Applicants for permits to demolish or substantially alter the exterior features of any historic site or historic resource located within an historic district are required to disclose its identification as such in writing on any application therefor.

(2) Any person who shall undertake any work as stated in subsection (a) of this section without first obtaining an historic area work permit shall be subject to the penalties established in section 24A-11.

(d) Advice of commission prior to application. The commission shall adopt procedures to encourage owners of historic resources to seek the advice of the commission prior to filing an application for an historic area work permit, on the appurtenances and environmental setting appropriate to the resource, construction methods and materials, financial information concerning historic preservation or any other matter under this chapter affecting the issuance of a permit. (Ord. No. 9-4, § 1; Ord. No. 11-59.)

Sec. 24A-7. Historic area work permits-Application procedures; appeals.

(a) Applications. An applicant for an historic area work permit must file an application with the Director. The application must contain all information the Commission requires to evaluate the application under this Chapter.

(b) Referral of application. Within 3 days after the application is complete, the Director must forward the application to the Commission for review.

(c) Public meeting. When the Commission receives the application, the Commission must schedule a public meeting to consider the application.

(d) Notice. The Commission must notify the Director and any citizen or organization that the Commission reasonably determines has an interest in the application of the time and place of the public meeting.

(e) Conduct of Commission meeting. The public meeting on the application must be informal and formal rules of evidence do not apply. The Commission must encourage interested parties to comment and must keep minutes of the proceedings on the application.

(f) Action by the Commission.

(1) The Commission must make a public decision on the application under paragraph (2) not later than 45 days after the applicant files the application or 15 days after the Commission closes the record on the application, whichever is earlier.

(2) The Commission must instruct the Director to issue or deny the permit. The Commission may require the Director to issue the permit with reasonable conditions

necessary to assure that work under the permit does not harm the historical, architectural, archeological or cultural value of the historic resource.

(3) If the Commission instructs the Director to deny the permit, the Commission must notify the applicant in writing why the Commission denied the application.

(4) The commission must instruct the Director to issue the permit if the Commission finds that:

(A) denial of the permit would prevent the reasonable use of the property or impose undue hardship on the owner; and

(B) within 120 days after the finding in subparagraph (A), no person seeking preservation has submitted an economically feasible plan for preserving the structure.

(5) If the Commission does not act on an application within the time periods provided in this subsection, the application is approved, unless the applicant agrees to extend the deadline for Commission action.

(g) Miscellaneous provisions.

(1) The applicant for a permit has the burden of production and persuasion on all issues the Commission determines. If another historic preservation organization holds a deed of easement for the property in the application, the applicant must submit proof to the Commission that the organization conducted an exterior architectural review and approved the action for which the applicant is seeking a permit.

(2) (A) The Commission may, by regulations issued under method (2), delegate authority to a County employee qualified in historic preservation and assigned to staff the Commission to review and approve an application for work that commonly has no more than an insignificant effect on an historic resource.

(B) The regulations:

(i) must describe the types of work that staff can review and approve, and require the Commission to review any application that is not clearly subject to staff approval; and

(ii) may waive the public meeting and notice requirements of subsections (c) and (d) for applications clearly subject to staff approval.

(C) If the staff denies or does not act on an application within 5 days after the Commission received the application from the Director, the Commission must review the application de novo.

(D) Staff must report monthly to the Commission and each appropriate Local Advisory Panel about any application reviewed by the staff in the previous month, including the disposition of the application.

(3) A permit may impose conditions that require waiver of a provision of the building code if the waiver is allowed under the "historic structures" provision of the building code adopted under Section 8-14 and the code inspector determines that waiver is appropriate for the specific work covered by the permit.

(4) The Director must enforce this Chapter.

(h) Appeal.

(1) Within 30 days after the Commission makes a public decision on an application, an aggrieved party may appeal the Commission's decision to the Board of Appeals, which must review the decision de novo. The Board of Appeals may affirm, modify, or reverse any order or decision of the Commission.

(2) A party may appeal a decision of the Board of Appeals under Section 2-114. (Ord. No. 9-4, § 1; Ord. No. 11-59; Ord. No. 13-111, § 1.) Sec. 24A-8. Same-Criteria for issuance.

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

(b) The commission shall instruct the director to issue a permit, or issue a permit subject to such conditions as are found to be necessary to insure conformity with the purposes and requirements of this chapter, if it finds that:

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

(2) The proposal is compatible in character and nature with the historical, archeological, architectural or cultural features of the historic site or the historic district in which an historic resource is located and would not be detrimental thereto or to the achievement of the purposes of this chapter; or

(3) The proposal would enhance or aid in the protection, preservation and public or private utilization of the historic site or historic resource located within an historic district in a manner compatible with the historical, archeological, architectural or cultural value of the historic site or historic district in which an historic resource is located; or

(4) The proposal is necessary in order that unsafe conditions or health hazards be remedied; or

(5) The proposal is necessary in order that the owner of the subject property not be deprived of reasonable use of the property or suffer undue hardship; or

(6) In balancing the interests of the public in preserving the historic site or historic resource located within an historic district, with the interests of the public from the use and benefit of the alternative proposal, the general public welfare is better served by granting the permit.

(c) It is not the intent of this chapter to limit new construction, alteration or repairs to any 1 period or architectural style.

(d) In the case of an application for work on an historic resource located within an 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 of surrounding historic resources or would impair the character of the historic district. (Ord. No. 9-4, § 1; Ord. No. 11-59.)
Sec. 24A-9. Demolition by neglect.

In the event of a case of demolition by neglect of an historic resource on public or private property, the following provisions shall apply:

(a) If the historic resource has been designated on the master plan as an historic site or an historic resource within an historic district, the director shall issue a written notice to all persons of record with any right, title or interest in the subject property, or the person occupying such premises, of the conditions of deterioration and shall specify the minimum items of repair or maintenance necessary to correct or prevent further deterioration. The notice shall provide that corrective action shall commence within 30 days of the receipt of such notice and be completed within a reasonable time thereafter. The notice shall state that the owner of record of the subject property, or any person of record with any right, title or interest therein, may, within 10 days after the receipt of the notice, request a hearing on the necessity of the items and conditions contained in such notice. In the event a public hearing is requested, it shall be held by the commission upon 30 days' written notice mailed to all persons of record with any right, title or interest in the subject property and to all citizens and organizations which the director feels may have an interest in the proceedings.

(1) After a public hearing on the issue of necessity of improvements to prevent demolition by neglect, if the commission finds that such improvements are necessary, it shall instruct the director to issue a final notice to be mailed to the record owners and all parties of record with any right, title or interest in the subject property advising of the items of repair and maintenance necessary to correct or prevent further deterioration. The

owners shall institute corrective action to comply with the final notice within 30 days of receipt of the revised notice.

(2) In the event the corrective action specified in the final notice is not instituted within the time allotted, the director may institute, perform and complete the necessary remedial work to prevent deterioration by neglect and the expenses incurred by the director for such work, labor and materials shall be a lien against the property, and draw interest at the highest legal rate, the amount to be amortized over a period of 10 years subject to a public sale if there is a default in payment.

(3) Failure to comply with the original or final notice shall constitute a violation of this chapter for each day that such violation continues and shall be punishable as set forth in section 24A-11.

(4) In the event that the commission finds that, notwithstanding the necessity for such improvements, action provided in paragraphs (1) and (2) of this subsection would impose a substantial hardship on any or all persons with any right, title or interest in the subject property, then the commission shall seek alternative methods to preserve the historic site or historic resource located within an historic district. If none are confirmed within a reasonable time, the director shall not proceed in accordance with paragraphs (1) and (2).

(b) If the historic resource is listed in the "Locational Atlas and Index of Historic Sites in Montgomery County, Maryland," or the microfilmed addenda to such atlas, published by the Maryland-National Capital Park and Planning Commission, the director shall advise the planning board which, after receiving the recommendation of the commission, shall conduct a public hearing to determine whether the historic resource will be designated as an historic site or historic district in the master plan for historic preservation.

(1) Where the planning board determines that the historic resource will not be included in the master plan for historic preservation, no further action will be taken.

(2) Where the planning board determines that the historic resource in all likelihood will be included in the master plan for historic preservation, the planning board shall initiate an amendment to the master plan for historic preservation pursuant to the provisions of article 28 of the Annotated Code of Maryland.

a. In the event that such amendment is adopted and the historic resource is placed on the master plan for historic preservation as an historic site or an historic resource within an historic district, the director shall give written notice to all persons with any right, title, or interest in the subject property of the conditions of deterioration and shall specify the items of repair or maintenance necessary to stabilize the condition of the historic resource and prevent further deterioration.

b. Such notice shall provide that such stabilization work shall commence within 30 days of receipt of the notice and shall be completed within a reasonable time thereafter.

c. In the event that stabilization action is not instituted within the time allotted, or not completed within a reasonable time thereafter, the director may institute, perform and complete the necessary stabilization work and the expenses incurred by the director for such work, labor or materials shall be a lien against the property, and draw interest at the highest legal rate, the amount to be amortized over a period of 10 years subject to a public sale if there is a default in payment. (Ord. No. 9-4, § 1; Ord. No. 11-59.)

Sec. 24A-10. Moratorium on alteration or demolition.

(a) Application for permits for historic resources on locational atlas. Any applicant for a permit to demolish or substantially alter the exterior features of any historic resource which is listed in the "Locational Atlas and Index of Historic Sites in Montgomery County, Maryland," or the microfilmed addenda to that atlas, published by the Maryland-National Capital Park and Planning Commission, but which is not designated as an historic site or historic district on the master plan for historic preservation, must disclose that fact on the application. If the historic resource is located in an area under review for designation as an historic district and is not under review for designation as an historic site, the application must be reviewed under the procedure in Section 24A-7 if the applicant seeks review under that Section.

(b) Referral to the planning board. If the applicant does not seek review under Section 24A-7, the Director must promptly forward the permit application to the Planning Board to make a finding, after a public hearing, as to the significance of the historic resource and to determine whether, after considering the recommendations of the Commission, the property will be designated as an historic site or an historic resource within an historic district, listed in the master plan for historic preservation. The Planning Board's public hearing on an application to demolish or substantially alter any historic resource listed in the locational atlas satisfies the requirements of section 33A-6 for a public hearing on a preliminary draft amendment to the historic preservation master plan if all notice requirements of that section are met.

(c) Determination by the planning board.

(1) Where the planning board determines that the historic resource will not be included in the master plan for historic preservation, the director shall forthwith issue the permit.

(2) Where the planning board determines that the historic resource in all likelihood will be included in the master plan for historic preservation, the director shall withhold issuance of the permit once for a maximum period of 195 days from the date the application for demolition is filed. If, as a result of the master plan process, the property

is designated an historic site or an historic resource within an historic district, the application shall be governed by the procedures established in section 24A-7.

If, after a public appearance as provided for in section 24A-7, the commission determines that failure to grant the permit applied for will have the effect of denying the property owner of all reasonable use of his property or causing him to suffer undue hardship, then the commission must instruct the director to issue the permit subject to such conditions, if any, as are found to be necessary to insure conformity with the purposes and requirements of this chapter.

(d) Time limits for planning board action.

(1) Within 60 days after the filing of an application, or within 15 days after the closing of the record following a public hearing, whichever occurs later, the planning board shall render its findings and determinations with respect to an application.

(2) Failure to adhere to the limits specified in section 24A-10 shall cause the permit to issue by operation of law, except in the event of a finding and further proceedings as provided in subsection (c)(2) of this section. (Ord. No. 9-4, § 1; Ord. No. 11-59; Ord No. 13-99, §1.)

Editor's note-Section 2 of Ord. No. 13-99 states: "Effective date and applicability. This ordinance takes effect on the date of Council adoption and applies to any permit application under Section 24A-10(a) of the Code that was not decided before the date this ordinance takes effect."

Sec. 24A-11. Violations and penalties.

Any person who violates a provision of this chapter, or fails to comply with any of the requirements thereof, or disobeys or disregards a decision of the commission, or fails to abide by the conditions of a permit, shall be subject to punishment for a class A violation as set forth in section 1-19 of chapter 1 of the County Code. Each day a violation continues to exist shall constitute a separate offense. (Ord. No. 9-4, § 1; 1983 L.M.C., ch. 22, § 28; Ord. No. 11-59.)

Sec. 24A-12. Severability.

The provisions of this chapter are severable and if any provisions, clause, sentence, section, word or part thereof is held illegal, invalid or unconstitutional, or inapplicable to any person or circumstances, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, sections, words or parts of the chapter or their applications to other persons or circumstances. It is hereby declared to be the legislative intent that this chapter would have been adopted if such illegal, invalid or unconstitutional provision, clause, sentence, section, word or part had not been included therein, and if the person or circumstance to which the chapter or part thereof is inapplicable had been specifically exempted therefrom. (Ord. No. 9-4, § 1; Ord. 1159.)

Sec. 24A-13. Historic preservation easement program.

(a) There is a county easement program to preserve historic resources in Montgomery County. The commission must administer the program in accordance with this section.

(b) (1) An owner of an historic resource may offer the county a preservation easement to protect or conserve interior or exterior features of the historic resource and its environmental setting or appurtenances by making application to the commission.

(2) Upon receipt of an application, the commission must immediately forward the application for review and comment to:

(A) the planning board if the historic resource is located within the Maryland-Washington Regional District; and

(B) the appropriate agency of a municipality if the historic resource is located within a municipality.

Review and comment under this paragraph must be made within 45 days and should include an evaluation of the proposal using the criteria specified in this section as well as identification of competing or supporting land use priorities or other relevant factors or issues. Recommendations may include proposed easement terms and conditions.

(3) The commission must review the application to determine if acceptance of the preservation easement would further the county's historic preservation goals. In making its determination, the commission should consider, among other relevant factors:

(A) the relative significance of the historic resource;

(B) the structural condition;

(C) the owner's planned or completed preservation efforts;

(D) the existing zoning and nature of the surrounding neighborhood; and

(E) whether an easement will promote long-term survival of the historic resource.

(c) If the historic resource is designated as an historic site in the county master plan for historic preservation, either as an individual site or located within an historic district, the county may acquire an easement upon positive recommendation of the commission and approval of the county executive. If the historic resource is not designated as an historic site in the master plan, the additional approval of the county council is required prior to any acceptance by the county. The commission must forward any comments

received under subsection (b)(2) to the county executive and the county council, as appropriate.

(d) A preservation easement under this section should be granted in perpetuity and include appropriate terms and conditions that:

- (1) restrict changes and alterations;
- (2) require maintenance, repairs, and administration;
- (3) authorize public access;
- (4) provide a right of governmental inspection;
- (5) provide for a right of assignment to the Maryland Historical Trust or other appropriate agency or entity; and
- (6) establish enforcement remedies.

(e) The county may hold a preservation easement jointly with the Maryland Historical Trust.

(f) A preservation easement must be recorded by the grantor among the land records of the county at the grantor's cost. The grantor must notify the supervisor of assessments and the Office of the Public Tax Advocate of the recordation of the preservation easement.

(g) Reserved.*

*Editor's note-As originally enacted, 1989 L.M.C., ch. 4, contained no subsection (g).

(h) A preservation easement may be extinguished by judicial proceeding if an unexpected change in the conditions applicable to the property, such as casualty, make it impossible or impractical to continue to use it for preservation purposes. The terms of an easement related to extinguishment should identify appropriate changes in condition, provide that the county share in any proceeds from a subsequent sale or exchange of the property after the easement is extinguished, and be in accordance with any applicable executive regulations. The sharing in proceeds may include the recapture of property taxes saved by the grantor or its successor in interest, either in part or in full, as a result of the easement.

(i) The commission may enter into a cooperative agreement with the Maryland Historical Trust or other appropriate agencies or entities for technical assistance in administering the historic easement program. This may include assistance in property evaluation, negotiation, and inspection.

(j) (1) The easement program authorized under this section is in addition to, and does not supersede or otherwise affect, any other county or municipal program or policy requiring the donation of a preservation easement as a condition of financial assistance. It must operate in conjunction with other county or municipal easement programs.

(2) The grant of an easement under this section does not eliminate or otherwise alter any county or municipal regulatory requirement applicable to the historic resource, including any requirement to obtain an historic area work permit.

(k) The county executive, with the advice of the commission, may adopt regulations under method (2) to administer the historic preservation easement. (1989 L.M.C., ch. 4, § 1; Ord. No. 11-59.)

Editor's note-Section 24A-13, relating to the applicability of this chapter within incorporated municipalities, derived from Ord. No. 9-4, § 1, was repealed by § 15 of 1985 L.M.C., ch. 31. See § 2-96. Subsequently, § 1, of 1989 L.M.C., ch. 4, added a new § 24A-13. Section 2 of that act reads as follows:

Sec. 2. To assist the County in its administration of the historic preservation easement program, the supervisor of assessments is requested to maintain records of both the assessment of the property as restricted under this program by easement and the assessment that would apply if the property was not subject to an easement.

Endnotes

[Note] *Cross reference-Historic preservation tax credit, § 52-41 et seq.

Case III - C Supplement

8710 Second Avenue

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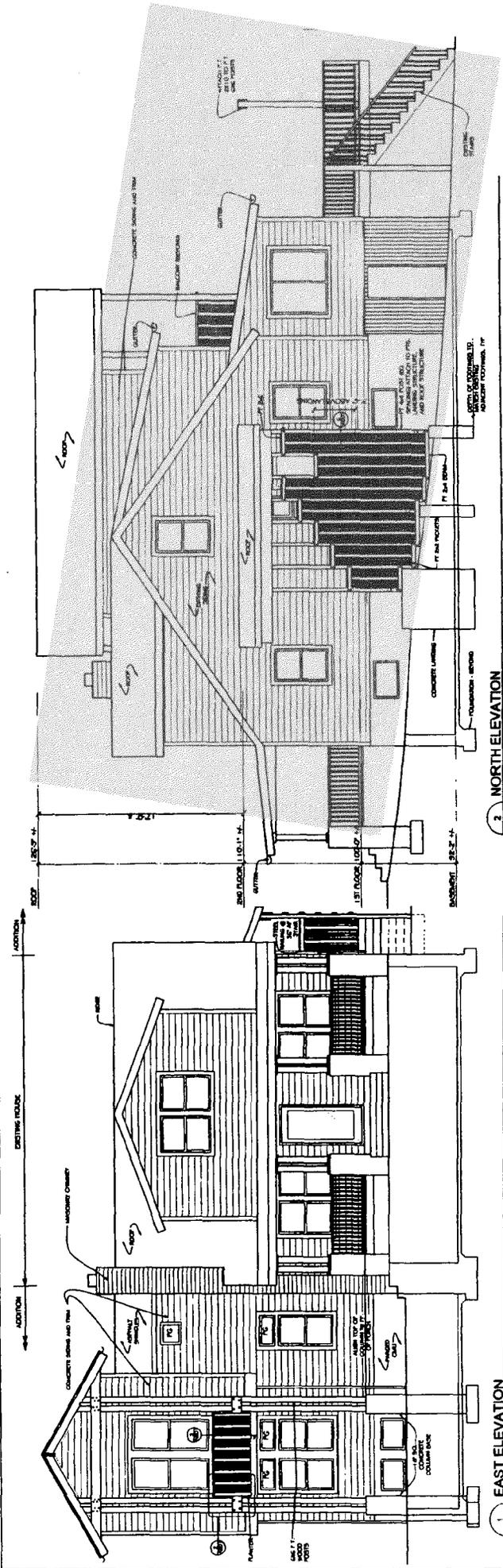
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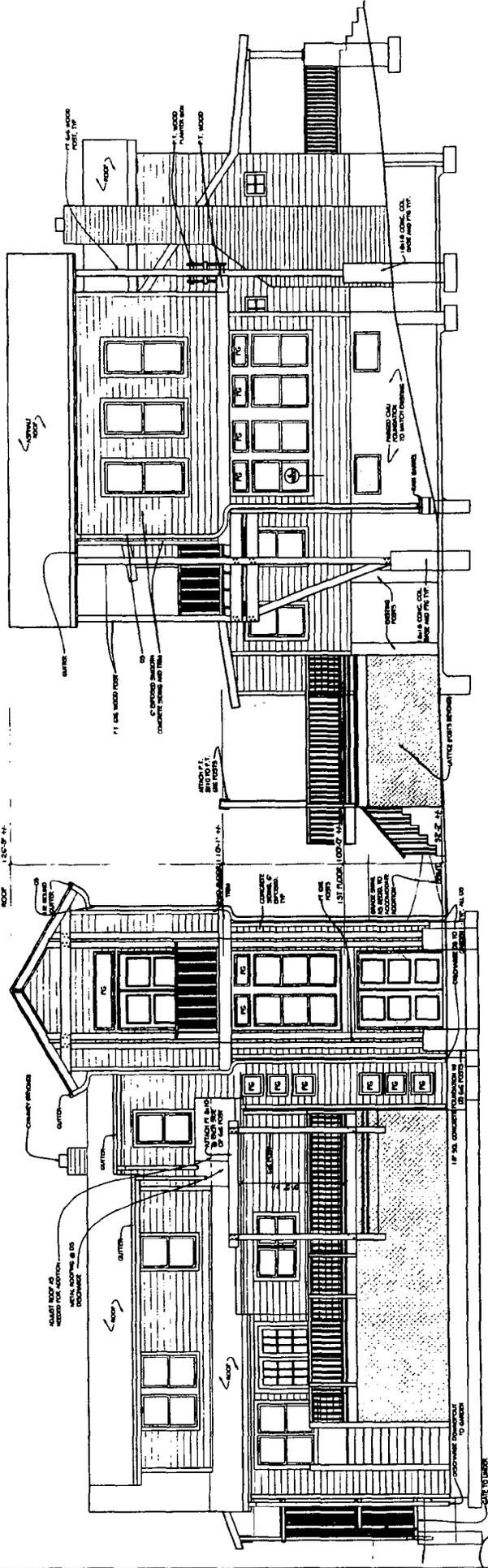
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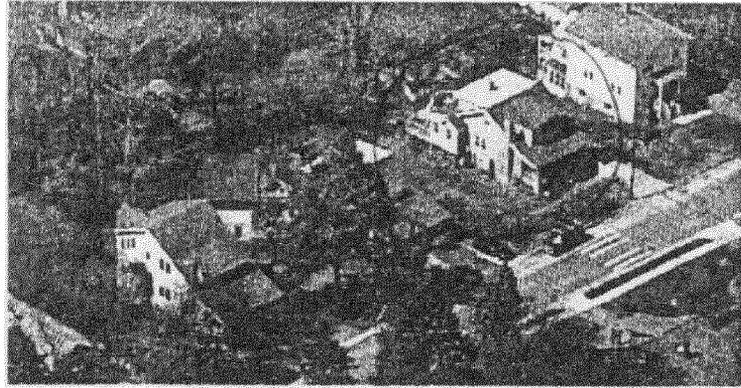
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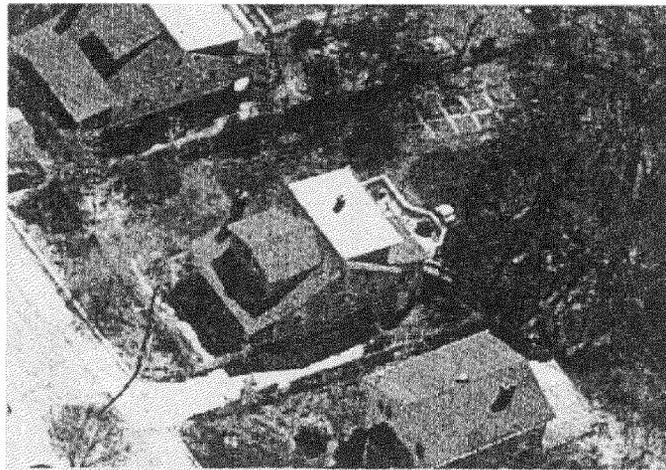
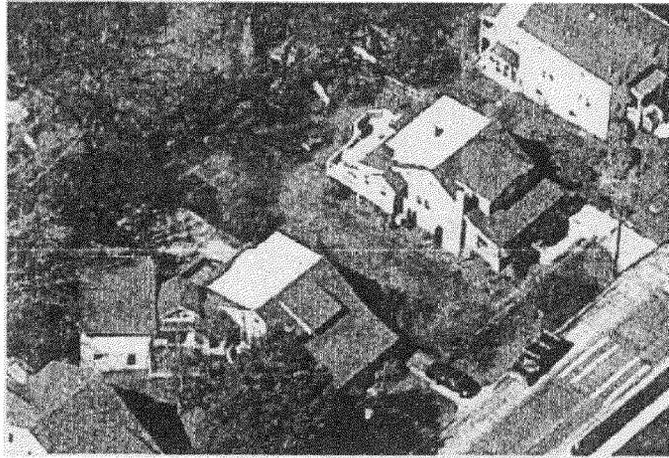


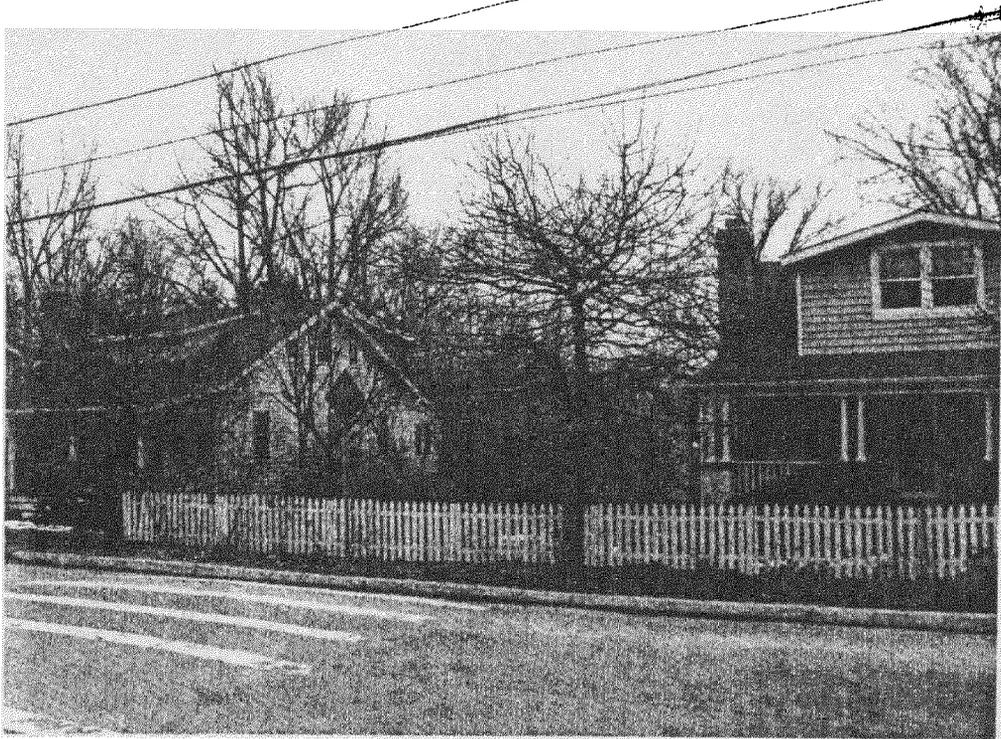
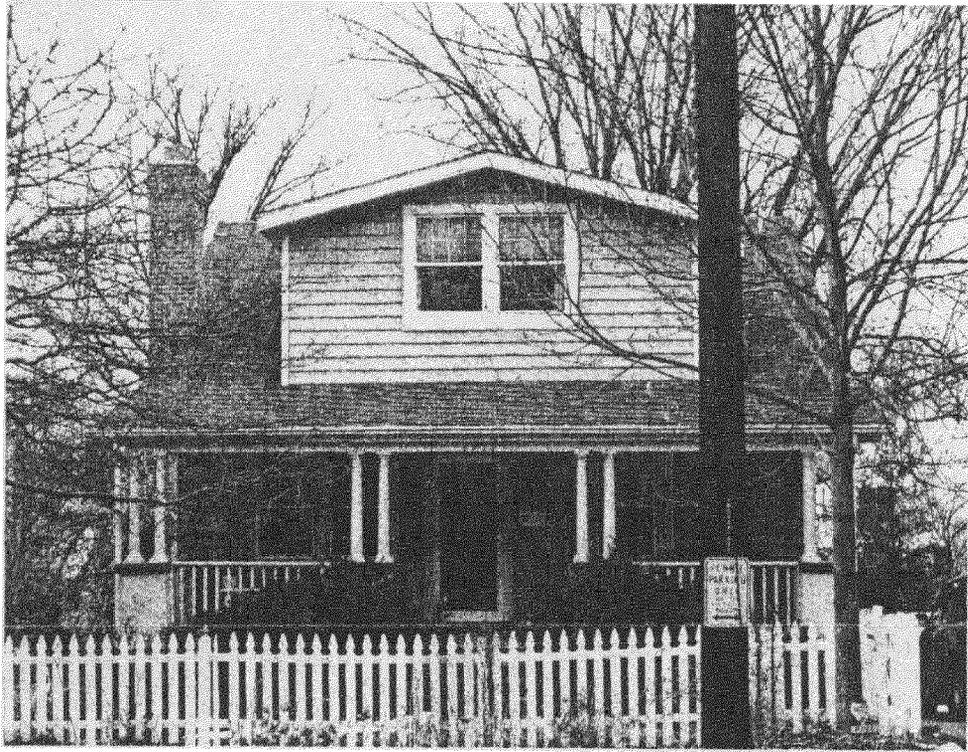
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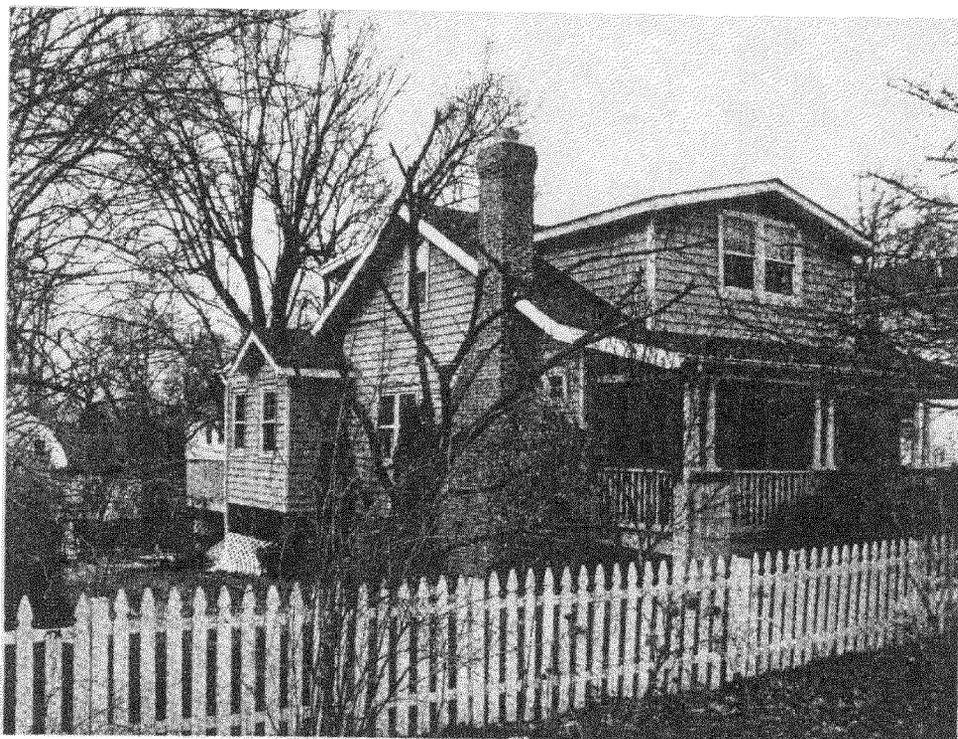
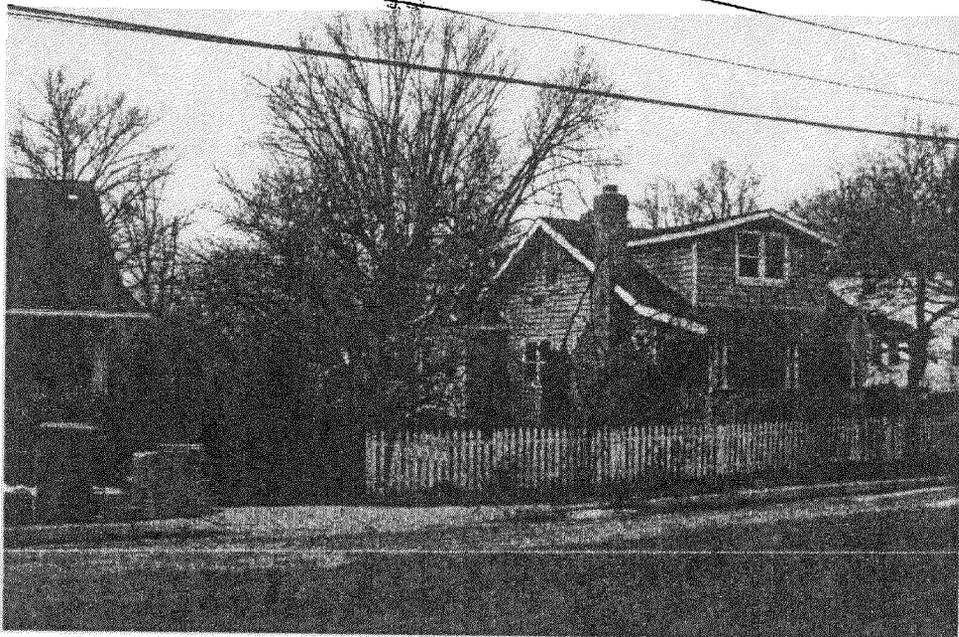
4 SOUTH ELEVATION
1/2887 7/14/11/10



8710







HISTORIC PRESERVATION COMMISSION STAFF REPORT

Address:	Georgia Avenue at Noyes Drive	Meeting Date:	04/14/04
Applicant:	Noyes Lane LLC/Woodside Courts (George Myers and Joseph Alfandre)	Report Date:	04/07/04
Resource:	Potential Woodside Historic District (<i>Locational Atlas</i> Resource #36/4)	Public Notice:	03/31/04
Review:	Preliminary Consultation	Tax Credit:	No
Case Number:	n/a	Staff:	Gwen Wright
PROPOSAL:	Demolition of two houses, relocation and renovation of one house, renovation of two houses without relocation, and construction of 25 townhouses		
RECOMMEND:	Redesign		

BACKGROUND

This Preliminary Consultation involves resources within a potential historic district identified on the *Locational Atlas and Index of Historic Sites* – Woodside. Under 24A-10 of the Historic Preservation Ordinance, property owners who wish to demolish or substantially alter a resource within a *Locational Atlas* historic district may opt to 1.) have their request reviewed under the Historic Area Work Permit provisions of the law (24A-7); or 2.) they may file a building/demolition permit application which would trigger an expedited evaluation of the resource for historic designation. In this particular case, the owners have not yet selected which of these two options they wish to pursue. They are coming to the HPC for a Preliminary Consultation to get a sense of the Commission's concerns and thoughts about this project before choosing a course of action.

The current project affects a number of properties in the potential Woodside Historic District. It includes the demolition of two bungalows (9008 Georgia Avenue and 9012 Georgia Avenue) and the relocation of one turn-of-the-century house (8918 Georgia Avenue.) The plan includes renovation of the relocated house, renovation of two other turn-of-the-century houses (8922 Georgia Avenue and 1403 Noyes - which will not be moved), and proposes the construction of 25 new townhouses.

HISTORY OF WOODSIDE

Woodside was identified as a potential historic district in the 1976 *Locational Atlas and Index of Historic Sites*. In 1987-89, the Woodside community sponsored an extensive photo survey and research project about the neighborhood. Much of the historical background about Woodside in this report comes from that study and the introduction to an exhibition prepared by the community during this period is attached.

The subdivision plat for this community was submitted in 1889 by Benjamin F. Leighton (1847-1921), a Maine native who moved to Washington after the Civil War. Woodside was one of the earliest large subdivisions in the vicinity of Sligo (as downtown Silver Spring was then called.) Leighton was a banker, businessman, professor of law and Dean of Howard University's Law School. In 1887, he became a developer when he and Richard E. Pairo laid out Brookland, along the Metropolitan Branch of the B&O Railroad. In 1889, Leighton expanded his activities into Maryland and purchased 91 acres of the former Richard T. and Laura C. Wilson farm. In addition to subdividing the property, Mr. Leighton built two homes for himself in the community (one of which is still standing.) He laid out sidewalks, planted trees, constructed a new train station for Woodside, placed covenants on lots that he sold, and promoted construction of a streetcar line (the Washington, Woodside and Forest Glen Railway and Power Company.) The plat for Woodside shows a grid-pattern of streets and regularly-laid out lots fronting on Georgia Avenue, and First and Second Avenues (see attachment).

During the late 19th and early 20th centuries, a number of large Victorian homes were built throughout Woodside – usually on several lots of land. These houses were of many different styles of the period including Gothic Revival, Queen Anne, and Colonial Revival. A number of such houses were built as a speculative investment by Dr. Charles T. Caldwell. Dr. Caldwell was a medical doctor with academic affiliations. He began investing in Woodside real estate around 1898 and throughout the early decades of the 20th century devoted increasing time to his real estate activities, working closely with Leighton who sold him lots and supplied mortgages to his buyers. Historic records show that he built 8918 Georgia Avenue, 8922 Georgia Avenue and 1403 Noyes around 1907-8.

In the early 20th century, a number of bungalows were built – several of which are quite large, very high-style examples. Throughout the rest of the 20th century, Woodside experienced additional house construction – such that there are few blocks that do not include a wide spectrum of structures in terms of age and architectural style.

Today, Woodside includes houses from the Civil War era right up through today. The original Wilson farmhouse still exists at 8818 First Avenue. Many late 19th and turn-of-the-century houses from the early days of Woodside's development as a railroad community also exist. The area affected by this Preliminary Consultation includes the following properties specifically identified and photographed in the 1980's study done by the Woodside community: the J. Stewart Bowen House (8918 Georgia Avenue) circa 1908, the Charles L. and Belle J. Clifford House (8922 Georgia Avenue) circa 1908, the Capt. Isaac R. and Mary V. Bowen House (1403 Noyes Drive) circa 1907, the Ezekial and Edith R. Ayers House (9008 Georgia Avenue) by 1927 and the Irving M. and Jessie G. Davidson House (9012 Georgia Avenue) circa 1924.

PROPOSAL

The applicants have applied for a re-zoning of 2.68 acres of land on the west side of Georgia Avenue, both north and south of Noyes Drive. The request is to rezone the property from R-60 to RT-12.5 to allow for townhouse development.

The applicant proposes to retain 8922 Georgia Avenue and 1403 Noyes Drive and renovate them. The applicant proposes to demolish 9008 Georgia Avenue and 9012 Georgia Avenue and replace those buildings with 17 townhouses on the north side of Noyes. The applicant proposes to move 8918 Georgia Avenue to a new location facing Noyes Drive. 8 additional townhouses would be constructed on the portion of the property south of Noyes.

The applicants have also included an alternate plan that calls for the demolition of 8918 Georgia Avenue and the relocation of 8922 Georgia Avenue.

The new townhouses to be constructed will be designed to – as much as possible – replicate the form and style of turn-of-the-century single-family homes. They will be a full 2 ½ stories with livable space in the attic and basement levels. They will be close to six feet higher at the ridgeline than existing houses planned for retention.

STAFF DISCUSSION

Although Woodside is not yet a designated historic district, staff feels that portions of the community have sufficient historic and architectural significance to merit designation on the *Master Plan for Historic Preservation* at some point in the future. Indeed, the area affected by this proposed plan represents one of the most intact parts of the Woodside area – with five houses all built within an approximately 20 year time frame, and three of which were built by the same builder (Caldwell) within approximately the same year. In particular, the Caldwell houses represent not only very good examples of early 20th century architectural styling, but also have historic significance for their representation of the early development patterns of the Woodside community.

The current proposal completely alters the historic character of this portion of Woodside. Georgia Avenue was a major thoroughfare in the early 20th century, just as it is today. In early 20th century building, it was considered an asset to build along major thoroughfares and houses along these routes were typically the most sought-after. Today it is less desirable to live along a major road and, thus the current proposal changes the single-family character of this section of Georgia Avenue and orients the single-family houses towards Noyes. If this proposal is built, there will be only one single-family house left facing Georgia Avenue on the west side of the street in the area between Spring Street and 16th Street. This will irrevocably change not only Woodside, but also the overall character of the main approach into the Silver Spring Central Business District from the north.

Staff has significant concerns about the whole project, but is particularly troubled by the proposal to move 8918 Georgia Avenue and to develop three new townhouses in the front yard of 8922 Georgia Avenue. As mentioned above, 8919 Georgia, 8922 Georgia, and 1403 Noyes

are interconnected historically and were built by the same man in approximately the same year. They are significant to the history of Woodside and should not be moved or demolished.

Although the houses at 9008 and 9012 Georgia Avenue are good examples of the bungalow style and are early buildings (each constructed before 1927), staff feels that the HPC could consider some development on the north side of Noyes. 9008 Georgia in particular is altered and not architecturally significant. Staff has not been able to obtain specific information on the person or persons who constructed these two bungalows.

The new townhouses are well-designed and use good materials, but are very tall and massive. As shown in both the elevations and the renderings, the townhouses will sit a full story above the street level of Georgia Avenue. They will be approximately 6 feet higher at the ridgeline than the existing historic house at 1403 Noyes – and that is one of the largest/tallest houses in the community.

STAFF RECOMMENDATION

Staff feels that the current proposal is not approvable from a historic preservation standpoint. In particular, the southern half of the project should be redesigned to retain 8918 Georgia in its current location and to delete any new construction in the front yard of 8922 Georgia.

The northern half of the project should also be redesigned and consideration should be given as to whether both bungalows must be demolished. 9012 Georgia is more worthy of preservation than 9008 Georgia.

In terms of the design of the new townhouses, staff feels that the architectural character of the buildings is compatible; however, the size and bulk of the buildings should be significantly reduced. In particular, any new construction adjacent to existing houses (such as the townhouses adjacent to 1403 Noyes) should be no higher at the ridgeline than the existing house.

HISTORIC PRESERVATION COMMISSION STAFF REPORT

Address:	1409 Noyes Drive	Meeting Date:	05/12/04
Resource:	Non-Contributing Resource Woodside Locational Atlas District	Report Date:	05/5/04
Review:	HAWP	Public Notice:	04/28/04
Case Number:	36/04-04A	Tax Credit:	None
Applicant:	Yosefi & Michelle Seltzer (Architect Raoul Lissabet)	Staff:	Tania Tully
Proposal:	Second Story Addition		
Recommendation:	Approve		

PROJECT DESCRIPTION

SIGNIFICANCE: Non-Contributing Resource within the Woodside Locational Atlas District
STYLE: Ranch/Rambler
DATE: 1961

PROPOSAL:

The applicant is proposing to (See circles 8-12):

1. Add a full second story.
2. Extend the chimney to accommodate the second story.
3. Replace the rear ground level deck with a stone patio.
4. The footprint of the house will not be increased.

APPLICABLE GUIDELINES

The applicant chose to submit the project for review as though the district is on the Master Plan rather than proceeding through the long evaluation process. Therefore, proposed alterations and new construction within the Woodside Locational Atlas District are reviewed

under *Montgomery County Code Chapter 24A (Chapter 24A)* and the *Secretary of the Interior's Standards for Rehabilitation*. Rehabilitation is defined as the act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features, which convey its historical, cultural, or architectural values.

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 of to the achievement of the purposes of this chapter.
 3. The proposal is necessary in order that the owner of the subject property not be deprived of reasonable use of the property or suffers undue hardship.
- 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.

The *Secretary of the Interior's Standards for Rehabilitation* that pertain to this project are as follows:

#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 proportions, 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

This application, as proposed, is compatible with the character of the district. The building on the property is not historic and neither are the adjacent properties. The green space surrounding the building will remain intact. As such, staff recommends that the Commission approve the proposal, as it will not negatively impact the district.

STAFF RECOMMENDATION:

Staff recommends that the Commission **approve** the HAWP application as being consistent with Chapter 24A-8(b)1 and 2:

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

The proposal is compatible in character and nature with the historical, archeological, architectural or cultural features of the historic site or the historic district in which an historic resource is located and would not be detrimental thereto or to the achievement of the purposes of this chapter.

and with the *Secretary of the Interior's Standards for Rehabilitation #9 and #10;*

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.

HISTORIC PRESERVATION COMMISSION STAFF REPORT

Address:	1415 Spring Street, Silver Spring	Meeting Date:	6/22/2005
Applicant:	Lawrence Cole & Manil Suri	Report Date:	6/15/2005
Resource:	Potential Woodside Historic District (<i>Locational Atlas</i> Resource #36/4)	Public Notice:	6/8/2005
Review:	Preliminary Consultation	Tax Credit:	None
Case Number:	N/A	Staff:	Tania Tully
PROPOSAL:	New construction	RECOMMENDATION:	Revise and return for a 2 nd Preliminary

BACKGROUND

This Preliminary Consultation involves resources within a potential historic district identified on the *Locational Atlas and Index of Historic Sites – Woodside*. Under 24A-10 of the Historic Preservation Ordinance, property owners who wish to demolish or substantially alter a resource within a *Locational Atlas* historic district may opt to 1.) have their request reviewed under the Historic Area Work Permit provisions of the law (24A-7); **or** 2.) they may file a building/demolition permit application which would trigger an expedited evaluation of the resource for historic designation. In this particular case, the owners have not yet selected which of these two options they wish to pursue. They are coming to the HPC for a Preliminary Consultation to get a sense of the Commission's concerns and thoughts about this project before choosing a course of action.

HISTORY OF WOODSIDE

Woodside was identified as a potential historic district in the 1976 *Locational Atlas and Index of Historic Sites*. In 1987-89, the Woodside community sponsored an extensive photo survey and research project about the neighborhood. Much of the historical background about Woodside in this report comes from that study.

The subdivision plat for this community was submitted in 1889 by Benjamin F. Leighton (1847-1921), a Maine native who moved to Washington after the Civil War. Woodside was one of the earliest large subdivisions in the vicinity of Sligo (as downtown Silver Spring was then called.) Leighton was a banker, businessman, professor of law and Dean of Howard University's Law School. In 1887, he became a developer when he and Richard E. Pairo laid out Brookland, along the Metropolitan Branch of the B&O Railroad. In 1889, Leighton expanded his activities into Maryland and purchased 91 acres of the former Richard T. and Laura C. Wilson farm. In addition to subdividing the property, Mr. Leighton built two homes for himself in the community (one of which is still standing.) He laid out sidewalks, planted trees, constructed a new train station for Woodside, placed covenants on lots that he sold, and promoted construction of a streetcar line (the Washington, Woodside and Forest Glen Railway and Power Company.)

The plat for Woodside shows a grid-pattern of streets and regularly-laid out lots fronting on Georgia Avenue, and First and Second Avenues (see Circle 16).

During the late 19th and early 20th centuries, a number of large Victorian homes were built throughout Woodside – usually on several lots of land. These houses were of many different styles of the period including Gothic Revival, Queen Anne, and Colonial Revival. A number of such houses were built as a speculative investment by Dr. Charles T. Caldwell. Dr. Caldwell was a medical doctor with academic affiliations. He began investing in Woodside real estate around 1898 and throughout the early decades of the 20th century devoted increasing time to his real estate activities, working closely with Leighton who sold him lots and supplied mortgages to his buyers.

In the early 20th century, a number of bungalows were built – several of which are quite large, very high-style examples. Throughout the rest of the 20th century, Woodside experienced additional house construction – such that there are few blocks that do not include a wide spectrum of structures in terms of age and architectural style.

Today, Woodside includes houses from the Civil War era right up through today. The original Wilson farmhouse still exists at 8818 First Avenue. Many late 19th and turn-of-the-century houses from the early days of Woodside’s development as a railroad community also exist. The area affected by this Preliminary Consultation includes the following properties specifically identified and photographed in the 1980’s study done by the Woodside community: the Doris Buddecke Hammon House (1415 Spring Street), the Cornelius E. & Margaret Senseman House (8728 First Avenue), the Charles Turner House (8730 First Avenue), the Donald Williamson Bungalow (8704 Second Avenue), the Frank Beatty Bungalow (8705 Second Avenue), the Donald and Ruth Maxon Bungalow (8706 Second Avenue), the Donald Williamson Cottage (8707 Second Avenue), and the Mazie and Frank Weller Loeffler Bungalow (8708 Second Avenue).

APPLICABLE GUIDELINES:

Proposed alterations within Historic Districts are reviewed under Montgomery County Code Chapter 24A (Chapter 24A) and the *Secretary of the Interior’s Standards for Rehabilitation*.

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 of 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 proportions, 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.

PROPOSAL:

The current project directly affects two historic properties in the potential Woodside Historic District. It includes the retention of one turn-of-the-century house (1415 Spring Street) and proposes the construction of 2 new duplexes and is immediately adjacent 8705 Second Avenue (c.1922). Contributing resources in the vicinity include, 8704 – 8711 Second Avenue, 8728 First Avenue, and 8730 First Avenue. The applicants will be applying for a re-zoning of the property. The site plan is found on Circle 9 and the proposed streetscape is on Circles 10 and 11.

Property Description

The subject property is currently one parcel that the applicant is hoping to re-zone and subdivide. The current lot size is 22,592 sq. ft. (.52 acres). As subdivided, the existing house would sit on 9,347.5 sq. ft and the new units would have between 2,150 and 2,805 sq. ft. each, with 1,680 belonging to the home owners association. The parcel is currently zoned R-60, a Residential, One-Family zone, which requires a minimum area of 6,000 sq. ft. per dwelling. The proposed zone, RT-12.5, is a Residential, Townhouse zone that requires a minimum tract area of 20,000 sq. ft. resulting in twelve and one half dwellings per acre.

Situated at the edge of the Woodside Historic District, and the corner of Spring Street and 2nd Avenue, the property is surrounded by a number of zones including CBD-R1 (Central Business District, Residential, 1.0), CBD-1 (Central Business District 1.0), and R-60. The parcel sits high off the public right-of-way and slopes down steeply on the 2nd Avenue side (southwest) and more gently along Spring Street (southeast). There is an existing 1-½ story frame house on the southwest end of the property that is accessed by a concrete driving strip driveway along the rear property line. Despite the addition of vinyl siding and replacement windows, the existing house (Doris Buddecke Hammon House) contributes to the potential historic district.

The new duplexes to be constructed have been designed to – as much as possible – replicate the scale, massing, and rhythm of the adjacent single-family homes. Cut into the hillside, they will be a full 2 stories with livable space on each level. Rather than replicating any of the various architectural styles found within the district, the proposal is for two modern structures that provide a transition from the highly commercial properties across Spring Street and the residential neighborhood.

STAFF DISCUSSION

Although Woodside is not yet a designated historic district, staff feels that portions of the community have sufficient historic and architectural significance to merit designation on the *Master Plan for Historic Preservation* at some point in the future. Indeed, the area affected by this proposed plan is a relatively intact area representing a number of construction periods.

Staff is generally supportive of the proposed rezoning and development. There have been major changes

to the portion of Woodside south of Spring Street, now part of the Central Business District and outside of the potential historic district. This has resulted in a formerly interior street becoming one of the entrances to the neighborhood. The new construction has the potential to put a face on the residential neighborhood and provide a buffer from the CBD.

Although the Commission usually sees modern designs such as this as additions, rather than street facing, staff believes that this site can accommodate the contrast. Using the modern vocabulary at a residential scale will aid in the transition from one zone to the next. The scale of the duplexes seems appropriate for their relationship to the Buddecke Hammon House, but staff would like to see sketches/studies showing the relationship to other historic properties on the block. The spacing between the buildings seems to be compatible with the rhythm of the district, but staff has some concerns about the central courtyard – driveway combination. This court and the proposed gazebo and/or pergola work against the spacing and visually connect the buildings. The width of the split driveway also poses a concern for staff. We suggest that the width of the driveway be kept to the proposed 12 to 13'. This would necessitate moving the power pole, but potentially keep the adjacent trees.

STAFF RECOMMENDATION:

Staff recommends that the applicant address staff and Commission comments on the following areas:

- Re-zoning
- Modern design
- Massing and scale
- Inner court/gazebo/driveway

Should the applicant choose to move forward with the project, staff would recommend returning for a 2nd Preliminary Consultation. Due to the grade changes, perspective renderings from the sidewalk towards the court would help staff and the Commission more accurately evaluate the proposed construction. Staff also suggests that sketches or height studies be provided to show the relationship of the new construction to the single-family houses on the block on the block.