

36/2-06A 9310 BROOKVILLE RD  
Linden Historic District

**Fothergill, Anne**

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**From:** Tom Kristie [tkristie@mail.nih.gov]  
**Sent:** Thursday, November 02, 2006 8:03 AM  
**To:** Fothergill, Anne  
**Subject:** <no subject>

Hi Anne,

I wanted to update you on the DPS issue. We did receive our permit after hiring a structural engineer to certify the plans and site.

Thank you for the letter which which DPS did ask me for--

However, we may well encounter an additional problem. The reviewer at DPS asked about the foundation and deck of the porch. I told him that we are not touching this portion of the porch which is in good condition and part of the historic fabric of the house. This did not seem to matter to him and he required three inspections on the permit.

The first inspection is the issue--it is a foundation inspection. The porch is supported by the original brick piers (which are in fine condition and are stable). On top of the piers sits the framing of the porch and the deck (T&G flooring). We do not know if the piers have footings below the frost line (2') which is the issue for the county and what they want to inspect. If they do not, this will result in a problem.

I did indicate that if it was an issue, we could not alter it anyway since these are the original piers and framing and are in fine condition. It would not be appropriate to remove the original materials simply to bring it up to code when we were not working on this portion of the porch anyway.

So needless to say, if we run into an issue like this with the inspector, I will call as I would like to request that the HP office deal with DPS on this aspect of the project.

Thank you.

Tom Kristie  
9310 Brookville Road  
Silver Spring, MD 20910

Thomas M. Kristie  
Chief, MGS, LVD  
4-129 4 Center Drive  
Bethesda, MD 20892  
301-496-3854  
Thomas\_kristie@nih.gov

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## Fothergill, Anne

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**From:** Tom Kristie [tkristie@mail.nih.gov]  
**Sent:** Thursday, November 02, 2006 9:17 AM  
**To:** Fothergill, Anne  
**Subject:** <no subject>

PS: DPS wants us to dig down around the piers so the inspector can check the piers. I am not inclined to do this and disturb the solid earth that packs and supports the piers.

So we will see what the inspector says.



## HISTORIC PRESERVATION COMMISSION

Douglas M. Duncan  
*County Executive*

Julia O'Malley  
*Chairperson*

October 30, 2006

Department of Permitting Services  
Rockville, MD 20850

To Whom It May Concern:

The owners of the historic house at 9310 Brookville Road, Silver Spring were advised by the Montgomery County Historic Preservation Commission (HPC) on September 14, 2006 that the work they are doing on their front porch of their house does not require an approved Historic Area Work Permit (HAWP). In historic districts, when owners make repairs to the exterior of their house with in-kind replacement of materials, they do not need to apply for a HAWP. The owners of this house have been in contact with our staff and with the HPC to confirm that the reconstruction of their porch is considered in-kind replacement.

We understand that a DPS inspector may have thought this work would require a HAWP and we appreciate their attentiveness to potential violations at historic houses. If anyone at DPS has any questions about this project, please call our staff member Anne Fothergill at 301-563-3400. Thank you.

Sincerely,

Julia O'Malley  
Chairperson



## Fothergill, Anne

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**From:** Tom Kristie [tkristie@mail.nih.gov]  
**Sent:** Monday, October 30, 2006 7:27 AM  
**To:** Fothergill, Anne  
**Subject:** <no subject>

Hi Anne,

Apparently my previous email did not go through and had been returned to me.

In the last week, we have been having some problems with the County with respect to reconstruction of our front wrap around porch.

We were working on reconstructing the front porch last Wednesday when a county inspector put a stop work order on us-he was driving by. He said that we needed a building permit to reconstruct the porch roof and he would cite us if we did not have one the next time he came back. I didn't realize this and so I drew up the plans and we went to get the permit on Thursday.

When we went to DPS, the permit was refused based on the new code requirements that would have made us add joist hangers and post mounts as well as change the structure of the corner rafters. As the porch is one of the significant features of the house (exposed detailed rafters-post and beam construction), there was not way that we were going to alter it in any way.

I explained that the house was historic and the porch was being reconstructed exactly as the original which had stood for 130 years. DPS was unconvinced. The reviewer at DPS stated that our only route was to hire a structural engineer to certify the plans.

I called several structural engineers on Friday and was pretty disheartened to find out that assessment could cost us many thousands of dollars since historic structures don't often fit into the normal calculations and models have to be built etc. Needless to say at this point we felt like we were between a rock and a hard place: if we built the porch to code it would be contrary to the HP regulations and we would be cited--if we built the porch exactly as the original, we would be cited as it would not be to code.

Anyway--we decided we had two routes: either hire an SE or go the political route and petition the County Executive's office. Given the fact that winter is approaching and we want the porch roofed before then, we decided to go the more expedient route and hire the SE. We expect to hear back from him early this week concerning certification of the reconstruction as per the original.

However, I intend to push this issue. The county code leaves no exceptions for historic structures and I think that this is a real danger to historic preservation as well as a huge burden on historic home owners (financial as well as other). I think that this issue should be brought to the commission as there will undoubtedly be other home owners who will encounter the same issues as they renovate their homes. Something definitely needs to be done, to protect the homes and the homeowners from this sort of catch-22.

In the meantime, however, I hope that you can help on another part of this saga. The last time we went for a permit, we needed to prove that we had a historic permit. As the commission had stated that we do not need a historic permit for this project, I was hoping to have a letter from the HP office that states this so DPS will not send me home again without the county permit.

I would appreciate anything you can do. If you want to talk to me, feel

✓ free to call.

Thanks.

Tom Kristie  
9310 Brookville Rd.  
301-496-3854 (office)



## HISTORIC PRESERVATION COMMISSION


Douglas M. Duncan  
County Executive

Julia O'Malley  
Chairperson

Date: October 12, 2006

### MEMORANDUM

TO: Robert Hubbard, Director  
Department of Permitting Services

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

SUBJECT: Historic Area Work Permit #433744, Replacement of bulkhead doors

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The Montgomery County Historic Preservation Commission (HPC) has reviewed the attached application for a Historic Area Work Permit (HAWP). This application was **Approved** at the October 11, 2006 meeting.

THE BUILDING PERMIT FOR THIS PROJECT SHALL BE ISSUED AND CONDITIONAL UPON ADHERENCE TO THE ABOVE APPROVED HISTORIC AREA WORK PERMIT (HAWP) CONDITIONS AND MAY REQUIRE APPROVAL BY DPS OR ANOTHER TOWN GOVERNMENT AGENCY BEFORE WORK CAN COMMENCE.

Applicant: Thomas Kristie & Theodore Clements

Address: 9310 Brookville Rd, 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.



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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: Thomas Kristie

Daytime Phone No.: 301-496-3854

Tax Account No.: 03155728

Name of Property Owner: Thomas Kristie/Theodore Clements Daytime Phone No.: 301-496-3854

Address: 9310 Brookville Road Silver Spring 20910  
Street Number City Street Zip Code

Contractor: N/A Phone No.: \_\_\_\_\_

Contractor Registration No.: \_\_\_\_\_

Agent for Owner: \_\_\_\_\_ Daytime Phone No.: \_\_\_\_\_

**LOCATION OF BUILDING/PREMISE**

House Number: 9310 Street: Brookville Road

Town/City: Silver Spring Nearest Cross Street: Linden Lane

Lot: 46 Block: \_\_\_\_\_ Subdivision: Linden

Liber: 14091 Folio: 337 Parcel: \_\_\_\_\_

**PART ONE: TYPE OF PERMIT ACTION AND USE**

1A. CHECK ALL APPLICABLE:

CHECK ALL APPLICABLE:

- |                                    |                                  |  |  |  |  |  |                               |                               |
|------------------------------------|----------------------------------|--|--|--|--|--|-------------------------------|-------------------------------|
| <input type="checkbox"/> Construct | <input type="checkbox"/> Extend  | <input checked="" type="checkbox"/> Alter/Renovate | <input type="checkbox"/> A/C                             | <input type="checkbox"/> Slab                                    | <input type="checkbox"/> Room Addition     | <input type="checkbox"/> Porch         | <input type="checkbox"/> Deck | <input type="checkbox"/> Shed |
| <input type="checkbox"/> Move      | <input type="checkbox"/> Install | <input type="checkbox"/> Wreck/Raze                | <input type="checkbox"/> Solar                           | <input type="checkbox"/> Fireplace                               | <input type="checkbox"/> Woodburning Stove | <input 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 checked="" type="checkbox"/> Other: <u>Basement doors</u> |  |  |                               |                               |

1B. Construction cost estimate: \$ 800.00

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

**PART TWO: COMPLETE FOR NEW CONSTRUCTION AND EXTEND/ADDITIONS**

2A. Type of sewage disposal: 01  WSSC 02  Septic 03  Other: \_\_\_\_\_

2B. Type of water supply: 01  WSSC 02  Well 03  Other: \_\_\_\_\_

**PART THREE: COMPLETE ONLY FOR FENCE/RETAINING WALL**

3A. Height \_\_\_\_\_ feet \_\_\_\_\_ inches

3B. Indicate whether the fence or retaining wall is to be constructed on one of the following locations:

- On party line/property line     Entirely on land of owner     On public right of way/easement

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

[Signature]  
Signature of owner or authorized agent

9/19/06  
Date

Approved: [Signature] For Chairperson, Historic Preservation Commission

Disapproved: \_\_\_\_\_ Signature: \_\_\_\_\_ Date: 10-12-06

Application/Permit No.: 433744 Date Filed: \_\_\_\_\_ Date Issued: \_\_\_\_\_

AP

AP 433744



***EXPEDITED***  
**HISTORIC PRESERVATION COMMISSION STAFF REPORT**

<b>Address:</b>	9310 Brookville Road, Silver Spring	<b>Meeting Date:</b>	10/11/2006
<b>Resource:</b>	Outstanding Resource Linden Historic District	<b>Report Date:</b>	10/4/2006
<b>Applicant:</b>	Thomas Kristie and Theodore Clements	<b>Public Notice:</b>	9/27/2006
<b>Review:</b>	HAWP	<b>Tax Credit:</b>	None
<b>Case Number:</b>	36/2-06A	<b>Staff:</b>	Anne Fothergill
<b>PROPOSAL:</b>	Replacement of bulkhead doors		
<b>RECOMMENDATION:</b>	Approve		

**ARCHITECTURAL DESCRIPTION**

**SIGNIFICANCE:** Outstanding Resource Within The Linden Historic District  
**STYLE:** Queen Anne  
**DATE:** 1883

**PROPOSAL**

The applicants propose to replace non-original plywood bulkhead doors with metal doors to provide better weather protection and security.

**STAFF RECOMMENDATION:**

- Approval
- Approval with conditions

Approval is based on the following criteria from Chapter 24A of the Montgomery County Code, Section 8(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.

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.



9310 Brookville Road  
Silver Spring, MD 20910

## 1. WRITTEN DESCRIPTION OF PROJECT

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

The property is located in the Linden Historic District which contains a number of Gothic Revival, Second Empire, Queen Anne, Colonial Revival, and bungalow styles of architecture. 9310 Brookville Road is a Queen Anne style home built by George and Mary Wolfe in 1883 with notable features including fishscale shingles, a square turret, and a wrapped front porch. It is considered an outstanding resource in the Linden Historic District.

The 2.5 story structure fronts Brookville Road and is located between adjacent lots of recently constructed single family homes. Across Brookville Road is a private school. (adapted from the Historic Preservation Commission Reports)

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

Replacement of deteriorated flat wooden basement entrance doors with flat metal doors. The basement entrance, located on the NW side of the house adjacent to the greenhouse, is fitted with flat plywood doors fixed to pressure treated boards mounted on masonry sloped walls. As there is no weather protection overhead, the doors have routinely rotted resulting in moisture and water intrusion in the basement entrance. It is proposed that the doors, which require replacement, be replaced with flat metal doors to afford greater weather protection and additional security to the basement entrance of the house. The doors are not readily visible as they are screened from Brookville Road by evergreen trees and it is anticipated that the replacement would have no adverse impact on the resource.

## 2. SITE PLAN

The site plat survey is attached as well as a site plan illustrating the landscaping, patios, walkways, fence, driveway areas, and the location of the basement entrance.

## 3. PLANS AND ELEVATIONS

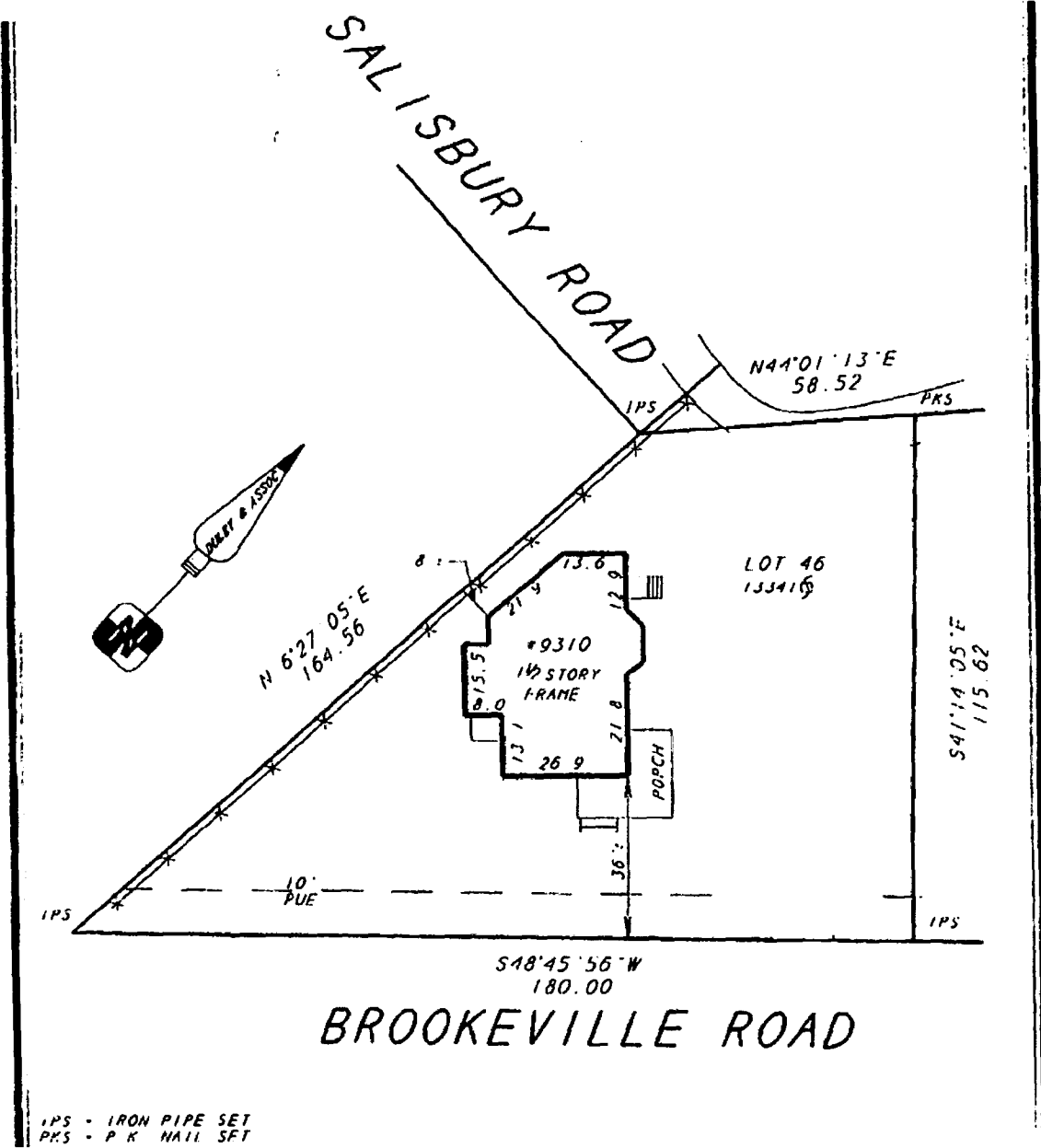
Elevations of the front and greenhouse side are included to illustrate the location of the basement entrance.

## 4. MATERIALS SPECIFICATIONS

Flat steel flap door entrance (Bilco) made to fit on the existing masonry sloped walls as per the wooden doors. The doors will be painted to match the house.

**Attachments:**

1. Photographs
2. Survey site plan
3. Elevation-Front
4. Elevation-Greenhouse side
5. Landscape site map
6. Example of proposed basement doors
7. Adjacent and confronting property owners



IPS - IRON PIPE SET  
 PKS - P K NAIL SFT

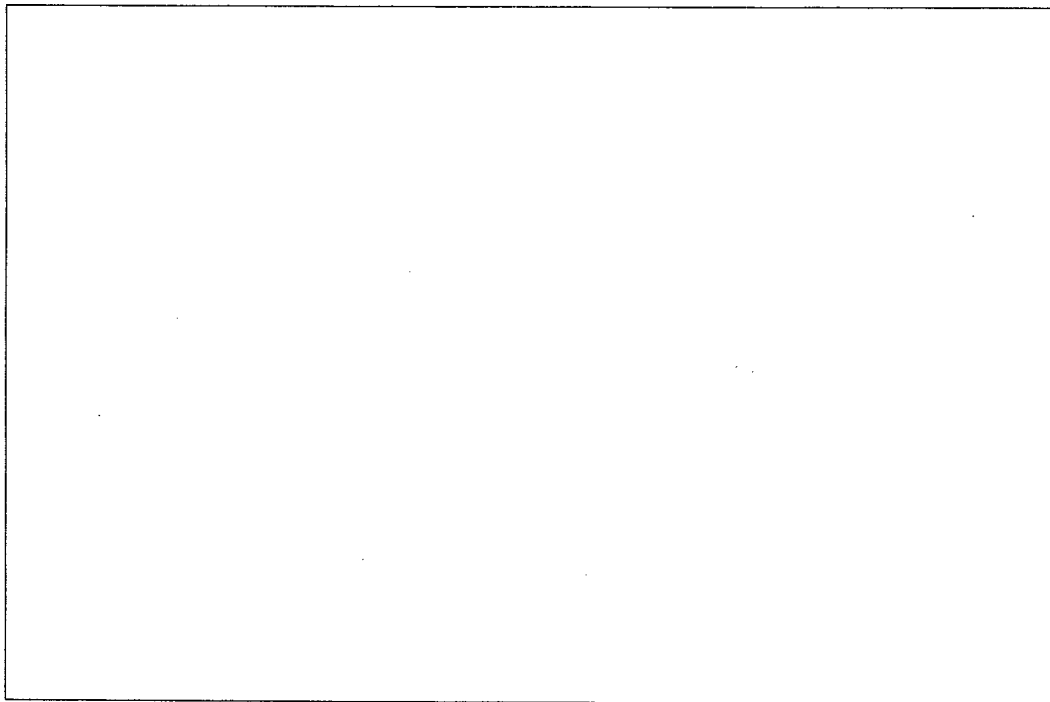
**HAWP APPLICATION: MAILING ADDRESSES FOR NOTIFYING**  
[Owner, Owner's Agent, Adjacent and Confronting Property Owners]

<b>Owner's mailing address</b>	<b>Owner's Agent's mailing address</b>
Thomas Kristie/Theodore Clements 9310 Brookville Road Silver Spring, MD 20910	
<b>Adjacent and confronting Property Owners mailing addresses</b>	
Margaret W. Byrns 9302 Brookville Road Silver Spring, MD 20910	Pedro Vila 2103 Salisbury Street Silver Spring, MD 20910
John H. Boucher 2106 Salisbury Street Silver Spring, MD 20910	
C. Everett Dutton 2102 Salisbury street Silver Spring, MD 20910	

Existing Property Condition Photographs (duplicate as needed)



Detail: Basement entrance doors / corner house wall + greenhouse



Detail: \_\_\_\_\_









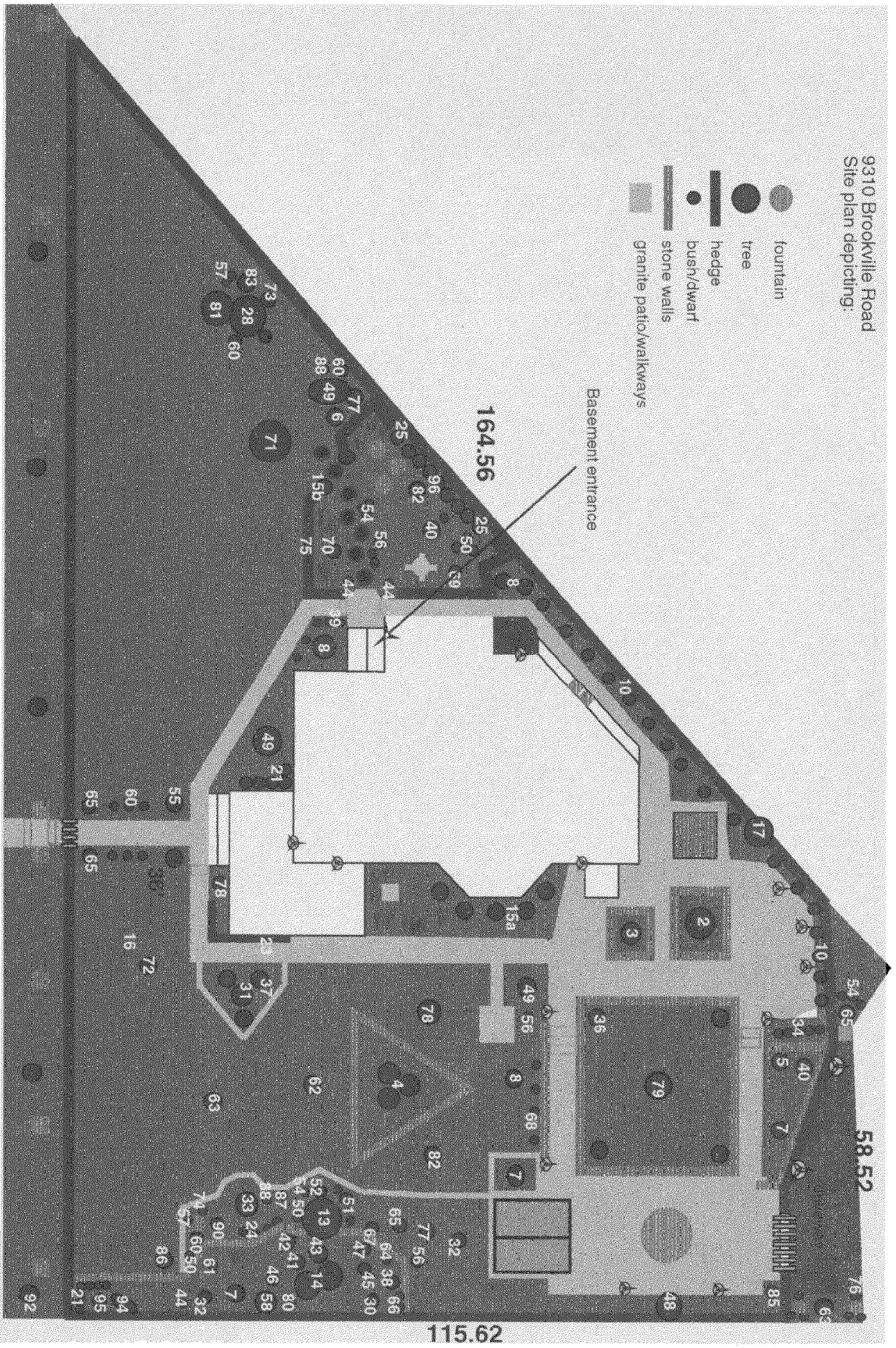






9310 Brookville Road  
 Site plan depicting:

-  fountain
-  tree
-  hedge
-  bush/dwarf
-  stone walls
-  granite patio/walkways



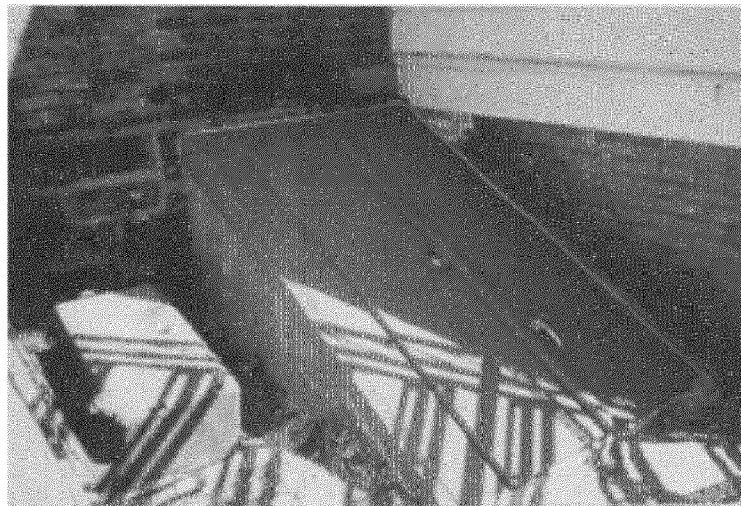
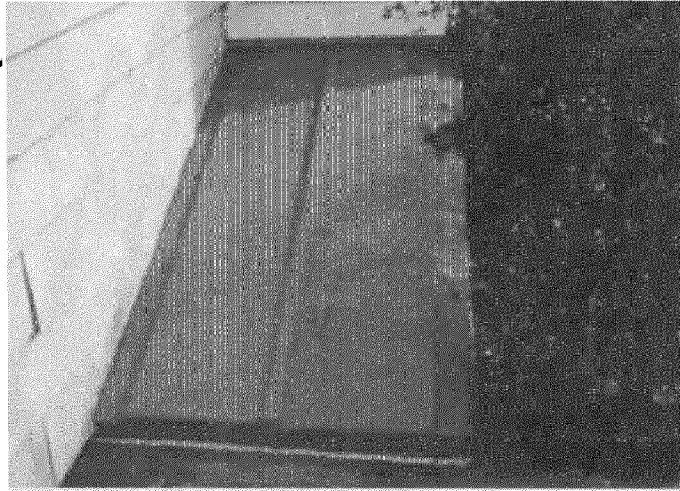
180.00

115.62

164.56

58.52

Basement entrance



**Examples of flat metal basement entrance doors to be set on existing sloped masonry walls.**