

37/03-02WW 7123 Sycamore Ave.
(Takoma Park Historic District)

CITY OF TAKOMA PARK
MARYLAND



VENITA ENOLA GEORGE
MANAGER OF CODE
ENFORCEMENT DIVISION

7500 MAPLE AVENUE
TAKOMA PARK, MARYLAND 20912
OFFICE: (301) 891-7266
FAX: (301) 270-4568
E-MAIL: venitag@takomagov.org

CITY OF TAKOMA PARK

City of Takoma Park	301-891-7100
Administration	301-891-7100
Cable (City TV)	301-891-7118
City Clerk	301-891-7206
Human Resources	301-891-7201
Housing	301-891-7119
Code Enforcement	301-891-7255
COLTA	301-891-7216
Econ. & Com. Develop.	301-891-7217
Landlord/Tenant Affairs	301-891-7222
City Attorney	301-891-2200
Finance	301-891-7212
Fire Non Emergency	301-270-4242
General Information	301-891-7100
Library	301-891-7259
Passport Services	301-891-7221
Police (Non Emergency)	301-891-7102
Police (Emergency)	911 or 301-270-1100
Public Works	301-891-7633
Recreation	301-891-7290
Recreation Center	301-891-7289
Systems Administration	301-891-7218
Tool Lending Library	301-589-8274
Voice Mail	301-891-7101



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
Office of the Chairman, Montgomery County Planning Board

December 04, 2002

MEMORANDUM

TO: Robert Hubbard, Director
Department of Permitting Services

FROM: Gwen Wright, Coordinator
Historic Preservation *gj*

SUBJECT: Historic Area Work Permit 37/03-02WW

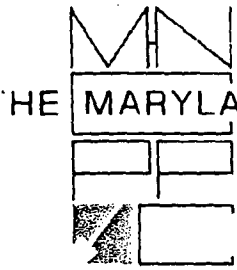
The Montgomery County Historic Preservation Commission has reviewed the attached application for a Historic Area Work Permit. This application was:

Approved Denied Approved with Conditions

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

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

Applicant: Attn: Veneta George
City of Takoma Park
For 7123 Sycamore Avenue
7500 Maple Avenue
Takoma Park, MD 20912



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
8787 Georgia Avenue • Silver Spring, Maryland 20910-3760

Date: 12/04/02

MEMORANDUM

TO: Historic Area Work Permit Applicants

FROM: Gwen Wright, Coordinator
Historic Preservation Section

SUBJECT: Historic Area Work Permit Application - Approval of Application/Release of
Other Required Permits

DPS# ∅

HAWP # 37/302 WW

Enclosed is a copy of your Historic Area Work Permit application, approved by the Historic Preservation Commission at its recent meeting, and a transmittal memorandum stating conditions (if any) of approval.

You may now apply for a county building permit from the Department of Permitting Services (DPS) at 255 Rockville Pike, second floor, in Rockville. Please note that although your work has been approved by the Historic Preservation Commission, it must also be approved by DPS before work can begin.

When you file for your building permit at DPS, you must take with you the enclosed forms, as well as the Historic Area Work Permit that will be mailed to you directly from DPS. These forms are proof that the Historic Preservation Commission has reviewed your project. For further information about filing procedures or materials for your county building permit review, please call DPS at 240-777-6370.

If your project changes in any way from the approved plans, either before you apply for your building permit or even after the work has begun, please contact the Historic Preservation Commission staff at 301-563-3400.

Please also note that you must arrange for a field inspection for conformance with your approved HAWP plans. Please inform DPS/Field Services at 240-777-6210 or online @ permits.emontgomery.org of your anticipated work schedule.

Thank you very much for your patience and good luck with your project!

C:\hawpr.wpd



DEPARTMENT OF PERMITS SERVICES
200 ROCKVILLE PIKE, 2ND FLOOR ROCKVILLE, MD 20850
240/777-6370

DPS - /B

HISTORIC PRESERVATION COMMISSION
301/563-3400

APPLICATION FOR
HISTORIC AREA WORK PERMIT

Contact Person: Yenita Enola George

Daytime Phone No.: 301-891-7266

Tax Account No.: 01058780

Name of Property Owner: City of Takoma Park Daytime Phone No.: 301-891-7266

Address: 7500 Maple Avenue Takoma Park, MD 20912
Sheet Number City State Zip Code

Contractor: L & B Remodeling Phone No.: 703-768-8600

Contractor Registration No.: Fed ID 541938173 Luis S. Rivas and

Agent for Owner: Javier Salazar Daytime Phone No.: 703-768-8600

Address: 6701 Richmond Highway #202 Alexandria, VA 22306

LOCATION OF BUILDING/PREMISE

House Number: 7123 Street: Sycamore Avenue

Town/City: Takoma Park Nearest Cross Street: Ethan Allen Avenue

Lot: 45 Block: 22 Subdivision: 25 B.F. Gilbert

Lot: Parcel:

PART ONE: TYPE OF PERMIT ACTION AND USE

1A. CHECK ALL APPLICABLE:

- Construct Extend Alter/Renovate
- Move Install Wreck/Reuse
- Revision Repair Revocable

CHECK ALL APPLICABLE:

- AC Stair Floor Addition Porch Deck Shed
- Solar Fireplace Woodburning Stove Single Family
- Fence/Wall (complete Section 4) Other:

1B. Construction cost estimate: \$ 3,700.00

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

PART TWO: COMPLETE FOR NEW CONSTRUCTION AND EXTEND/AUDITIONS

7A. Type of sewage disposal: 01 WSSC 02 Septic 03 Other:

7B. 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 of owner or authorized agent

Date

Approved: ✓ cj

For Chairperson, Historic Preservation Commission

Disapproved: _____

Signature: _____

Date: 2/04/02

Application/Permit No.: _____

Date: _____

Date Issued: _____

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

1. WRITTEN DESCRIPTION OF PROJECT

- a. Description of existing structure(s) and environmental setting, including their historical features and significance.
The rear garage is in a dilapidated and decayed condition surrounded by overgrown vegetation and a fallen dead tree. The garage is filled with debris and other miscellaneous items. The roof of the porch has collapsed and the porch is decayed. The porch and garage create a hazard to the safety and general welfare of the occupants and the public.
- b. General description of project and its effect on the historic resource(s), the environmental setting, and, where applicable, the historic district.
The garage in the rear of the property and the back porch must be demolished in order to remove the public nuisance. Demolition must include removal of the debris resulting from the demolition and any other measure to eliminate potential danger to the public safety and welfare.

2. SITE PLAN

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

- the scale, north arrow, and date;
- dimensions of all existing and proposed structures; and
- 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", 1/2" on E, 1/4" on A, 11" paper is required).

- 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.
- 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

- 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.
- 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 drip-line 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 diameter.

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.

HAWP APPLICATION: MAILING ADDRESSES FOR NOTICING [Owner, Owner's Agent, Adjacent and Confronting Property Owners]	
Owner's mailing address	Owner's Agent's mailing address
Adjacent and confronting Property Owners mailing addresses	
Frederick & CJ Ruf 7125 Sycamore Avenue Takoma Park, MD 20912	William F. Batko & Patricia A. Taylor 7121 Sycamore Avenue Takoma Park, MD 20912

g:addresses: noticing table

HISTORIC PRESERVATION COMMISSION STAFF REPORT

Address:	7123 Sycamore Avenue	Meeting Date:	12/04/02
Applicant:	City of Takoma Park (Veneta George, Agent)	Report Date:	11/27/02
Resource:	Takoma Park Historic District	Public Notice:	11/20/02
Review:	HAWP	Tax Credit:	None
Case Number:	37/3-02WW	Staff:	Corri Jimenez
PROPOSAL:	Removal of a garage, tree, and porch		
RECOMMEND:	Approve		

PROJECT DESCRIPTION

SIGNIFICANCE: Contributing Resource
STYLE: Craftsman Bungalow
DATE: c. 1920s

PROPOSAL

The applicant proposes to:

1. Remove a dilapidated garage that has been hit by a fallen tree and has been overgrown by vegetation.
2. Remove a porch in the rear that has collapsed due to neglect.

STAFF DISCUSSION

7123 Sycamore is a Contributing resource to the Takoma Park Historic District as a 2-story Craftsman bungalow built in the 1920s. To the rear of the house is a contributing 1-car garage that was also constructed in the 1920s, and matches the 1927 Sanborn Fire Insurance Map.

The City of Takoma Park reported the property to Historic Preservation Commission Staff as a possible case of demolition by neglect. The city is proposing to

do the work on the property, and bill the property owner. The present conditions are an approximate 16" diameter tree, which has fallen through the garage and made the structure a hazardous condition for the property owners. The garage presently is full of debris that will additionally be removed by the city. It is unknown how long the garage has been in this state. In addition, a porch/balcony in the rear has collapsed, and needs to be removed.

Staff approves of the project overall, and is willing to work with the City of Takoma Park to get the unsafe conditions resolved. If restoration of the rear porch is conducted, Staff would recommend that it either be like the existing in materials and construction or come to the HPC for a HAWP. In addition, Staff would like to encourage some black & white photo documentation on the garage before its physical removal in the event that the outbuilding is a manufactured-style/catalog structure.

STAFF RECOMMENDATION

Staff recommends that the Commission *approve* the HAWP application as being consistent with Chapter 25A-8(b) 1 & 4:

The proposal will not substantially alter the exterior features of an historic site or historic resource within an historic district.

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

and with the Secretary of the Interior's *Standards #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.

with the general conditions applicable to all Historic Area Work Permits that the applicant shall also present any permit sets of drawings to HPC staff for review and stamping prior to submission for permits and shall arrange for a field inspection by the Montgomery County Department of Permitting Services (DPS), Field Services Office, five days prior to commencement of work, and within two weeks following completion of work.



REURM DEPARTMENT OF PERMITS AND SERVICES
200 ROCKVILLE PIKE, 3rd FLOOR ROCKVILLE, MD 20850
240/777-6370

DPS - #8

HISTORIC PRESERVATION COMMISSION
301/563-3400

APPLICATION FOR HISTORIC AREA WORK PERMIT

Contact Person: Venita Enola George

Daytime Phone No.: 301-891-7266

Tax Account No.: 01058780

Name of Property Owner: City of Takoma Park Daytime Phone No.: 301-891-7266

Address: 7500 Maple Avenue Takoma Park, MD 20912
Street Number City State Zip Code

Contractor: T & B Remodeling Phone No.: 703-768-8600

Contractor Registration No.: Fed ID 541938173 Luis S. Rivas and

Agent for Owner: Javier Salazar Daytime Phone No.: 703-768-8600

Address: 6701 Richmond Highway #202 Alexandria, VA 22306

LOCATION OF BUILDING/PREMISE

House Number: 7123 Street: Sycamore Avenue

Town/City: Takoma Park Nearest Cross Street: Ethan Allen Avenue

Lot: 45 Block: 22 Subdivision: 25 B.F. Gilbert

Lot: _____ Block: _____ Parcel: _____

PART ONE: TYPE OF PERMIT ACTION AND USE

1A. CHECK ALL APPLICABLE:

- Construct
- Extend
- Alter/Remove
- Move
- Install
- Wash/Flare
- Revision
- Repair
- Revocable

CHECK ALL APPLICABLE:

- AC
- Stair
- Floor Addition
- Porch
- Deck
- Shed
- Solar
- Fireplace
- Woodburning Stove
- Single Family
- Fence/Wall (complete Section 4)
- Other: _____

1B. Construction cost estimate: \$ 3,700.00

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: _____

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

Signature of owner or authorized agent _____ Date _____

Approved: _____ For Chairperson, Historic Preservation Commission

Disapproved: _____ Signature: _____ Date: _____

Application/Permit No.: _____ Date Issued: _____

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④

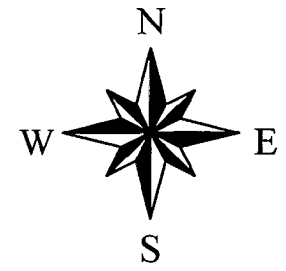
HAWP APPLICATION: MAILING ADDRESSES FOR NOTICING [Owner, Owner's Agent, Adjacent and Confronting Property Owners]	
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Frederick & CJ Ruf 7125 Sycamore Avenue Takoma Park, MD 20912	William F. Batko & Patricia A. Taylor 7121 Sycamore Avenue Takoma Park, MD 20912

g addresses: noticing table

Takoma Park Historic District



0.04 0 0.04 0.08 Miles

A horizontal scale bar with four segments. The first segment is labeled "0.04", the second "0", the third "0.04", and the fourth "0.08 Miles".

City of Takoma Park, Maryland

HOUSING AND
COMMUNITY DEVELOPMENT
TELEPHONE 301-270-5900
FAX 301-270-8794



7500 MAPLE AVENUE
TAKOMA PARK, MD 20912

November 1, 2002

Ms. Corri Jimenez
Historic Preservation Planner
Historic Preservation Commission
1109 Spring Street
Suite 801
Silver Spring, Maryland 20910

7123 Sycamore Avenue, Takoma Park, Maryland.

Dear Ms. Jimenez:

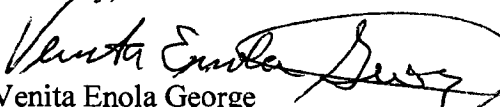
This comes to you in regards to a single family dwelling located at 7123 Sycamore Avenue, Takoma Park, Maryland.

The City has made many attempts over the past two years to get the owner to make the necessary repairs to this property to no avail. The rear garage is dilapidated and in a decayed condition. The roof of the rear porch has collapsed, and the rear yard is filled with overgrown vegetation, fallen tree parts and debris.

In an effort to ensure the safety of the occupants and the public, the City plans to remove the garage and the roof, and clean the rear yard by implementing Article 6 Unsafe Buildings; Public Nuisance Abatement code. I have enclosed a copy of the code, and an application for a Historic Area Work Permit, and color photographs of the property. Please let me know if additional material is necessary for the hearing scheduled for December 4, 2002.

If you have any questions or concerns regarding this matter, please call me at (301) 891 - 7266.

Sincerely,


Venita Enola George
Manager of Code Enforcement Division

enclosures

TAKOMA PARK CODE

CHAPTER 6. HOUSING.

ARTICLE 6. UNSAFE BUILDINGS; PUBLIC NUISANCE ABATEMENT.¹

- § 6-63. Definitions.
- § 6-64. Unsafe buildings; public nuisance declared.
- § 6-65. Right of entry.
- § 6-66. Emergencies.
- § 6-67. Notice of violation and correction order; service of notice and order.
- § 6-68. Reinspection; report to City Manager.
- § 6-69. Standards for repair, vacation or demolition.
- § 6-70. Extensions of time.
- § 6-71. Appeals.
- § 6-72. Recordation; liability of transferee.
- § 6-73. Violations and penalties.
- § 6-74. Civil enforcement.

Sec. 6-63. Definitions.

In this Article, the following words have the meanings indicated:

(a) *Building* shall mean any building or structure of any kind and shall include units in and parts of any building or structure.

(b) *Code Official* or *Code Enforcement Manager* shall mean the city employee designated by the City Manager to administer and enforce the provisions of this Article. References to the Code Official in this Article also include Code Enforcement Officers, inspectors, and other city employees or contractors charged with the responsibility of inspecting buildings in the city for the purpose of determining whether any condition exists which render such place an unsafe building and of investigating complaints filed by any person to the effect that a building is or may be in violation of the terms of this Article.

(c) *Occupant* shall mean any person who, lawfully or unlawfully, is living, sleeping, cooking, eating in or in actual possession of a building. An "occupant" shall include a tenant.

Sec. 6-64. Unsafe buildings; public nuisance declared.

(a) Any building or structure or part thereof which may have any or all of the following defects may be deemed an unsafe building and condemned as unsafe for occupancy or use:

(1) Those which have been damaged by fire, wind, storm or other causes so as to have become dangerous to life, safety or the general health and welfare of the occupants or the public.

(2) Those which have become or are so dilapidated, decayed, damaged, unsanitary, unsafe or

¹ Editor's Note: Former Art. 6, Unfit Housing, derived from M.C. 1961. Art. 13, as amended, was repealed by Ord. No. 1993-2, § 1. 1/25/1993.

vermin- or rodent-infested that they create a hazard to the health, safety or general welfare of the occupants or the public.

(3) Those having light, air, sanitary, plumbing or heating facilities or other essential equipment which are inadequate to protect the health, safety or general welfare of the occupants or the public.

(4) Those having inadequate facilities for egress in case of fire or panic or which are dangerous to life, health, property or the safety of its occupants by not providing minimum protection from fire.

(5) Those which contain unsafe equipment, including any boiler, heating equipment, elevator, electrical wiring or device, flammable liquid containers or other equipment, on the premises or in the building or structure which is in such disrepair or condition that it is a hazard to the life, health, property or safety of the occupants or the public.

(6) Those which are structurally unsound, dangerous or of such faulty construction or unstable foundation that they are likely to partially or completely collapse or which have parts thereof which are so attached that they may fall and injure the occupants or the public or damage property.

(7) Those which are abandoned or are blighting or deteriorating factors in the neighborhood or which because of their general condition are unsafe, unsanitary or otherwise dangerous to the health, safety or general welfare of the occupants or the public.

(b) All unsafe buildings are hereby declared to be public nuisances and shall be repaired or demolished as provided in this Article.

Sec. 6-65. Right of entry.

(a) The City Manager, Code Official, and police, or their designated representatives, upon exhibiting the proper credentials or proof of identity on request, shall have the right to enter any building in the city at any reasonable hour or at such other times as may be necessary in an emergency that endangers life, property or public safety for the purpose of performing duties under this Article or enforcing the provisions thereof.

(b) Police, fire, health and other departments having authority in the city shall render necessary assistance in the enforcement of this Article when requested to do so by the City Manager.

Sec. 6-66. Emergencies.

(a) In cases where it reasonably appears that there is actual and immediate danger to the life, health or safety of any person resulting from a violation of this Article, of the Property Maintenance Code, or of other provisions of the Takoma Park Code or applicable law, the Code Official may, without notice, conference or hearing, order the owner, agent or operator of the building to take action to correct or abate the emergency. The Code Official shall notify the owner, agent or operator of the building of the emergency order. The order must be personally-delivered to the owner, agent or operator, as set forth in Section 6-67(a)(1); provided, however, that if the Code Official determines that the emergency does not permit sufficient time for the order to be personally delivered, then notice to the owner, agent or operator of the building of the emergency order may be made by telephone or any other reasonable means under the circumstances. If the owner, agent or operator does not abate or correct the emergency within the time stated in the emergency order, or within twenty-four (24) hours if the order does not specify a correction time, then the Code Official, after determining that an emergency still exists which endangers the life, health, or safety of the occupants or the public, may take any action reasonably necessary to abate or correct the emergency.

(b) For purposes of this section, the Code Official shall employ the necessary labor and secure the necessary materials to abate or correct the emergency as expeditiously as possible.

(c) All reasonable and necessary costs incurred by the city as a result of an emergency action taken under subsections (a) and (b) shall be paid by the owner of the real property upon which the building stands or did stand. The city shall send the owner a bill for the costs of such emergency repair, vacation or demolition by certified mail, return receipt requested, and by regular mail to the owner's last known address or by any other means reasonably calculated to bring the bill to the owner's attention. If the owner does not pay the bill within one (1) month after it is presented, the cost shall be a lien against the real property which may be collected and enforced in the same manner as are taxes, special assessments and other liens on real property or collected as provided for in Section 6-74 (b).

Sec. 6-67. Notice of violation and correction order; service of notice and order.

(a) Whenever the Code Official determines that there has been a violation of this Article, the Code Official shall give written notice and a correction order to the owner and/or the agent or operator of any building found by the Code Official to be an unsafe building.

(b) The notice and correction order provided for in subsection (a) shall:

(1) Specify the particulars which make the building or part of it an unsafe building.

(2) Describe with reasonable accuracy the unsafe building and its location.

(3) Describe in general terms the corrective action which, if taken, will effect compliance with this Article.

(4) Establish a reasonable time to do or have done the work or act required by the notice and correction order.

(c) An owner, agent or operator served with a notice and correction order shall correct the violation of this Article within the time specified in the notice and correction order.

(d) Any notices or orders provided for in this Article shall be in writing and served upon the owner, agent, operator, or occupant of the building as the case may require. Unless a different manner of service is specified in this Article, a notice or order is properly served if:

(1) A copy is personally delivered, which shall mean delivering a copy to the individual personally or leaving a copy at the individual's residence or usual place of abode with some individual of suitable age and discretion then residing therein or, in the case of a corporation, limited liability company, or a partnership or other unincorporated association, by delivering a copy to an officer, member, managing or general partner, or to any agent authorized by appointment or by law to receive service; or

(2) A copy is sent by certified mail, return receipt requested, to the last known address of the owner, agent, operator, or occupant of the building, as the case may require; or

(3) A copy is posted on the building or premises in a conspicuous location and is either mailed to the last-known address or delivered to the residence or place of business of the owner, agent, operator, or occupant of the building, as the case may require; or

(4) The owner, agent, operator, or occupant of the building, as the case may require, is served by any other method authorized by state law.

Sec. 6-68. Reinspection; report to City Manager.

(a) Following the expiration of the period of time provided in Section 6-67 (b)(4), the Code Official shall reinspect the unsafe building described in the notice and correction order.

(b) When, after a reinspection, the Code Official determines that the violation specified in the notice and correction order has not been corrected or has only been partially corrected, the Code Official shall report such noncompliance to the City Manager and take any other action authorized by this Article to ensure compliance with or prevent violation of its provisions.

Sec. 6-69. Standards for repair, vacation or demolition.

The following standards shall be followed in substance in ordering the repair, demolition, vacating and placarding and securing of any unsafe building:

(a) Repair.

(1) If the unsafe building can be reasonably repaired so that it will no longer be in violation of the terms of this Article, it shall be ordered to be repaired.

(2) The owner of an unsafe building that has been ordered to be repaired shall be given notice of the required repairs and a reasonable time to make the repairs.

(b) Demolition.

(1) In any case where an unsafe building is substantially damaged or decayed or deteriorated from its current tax assessed value or from its original structure and the building cannot reasonably be repaired or reconstructed so that it will no longer be in violation of the terms of this Article, it shall be ordered to be demolished. If a building is damaged, decayed or deteriorated by more than 50% from its current tax assessed value or from its original structure, then the building shall be considered not reasonable to repair or to reconstruct and it shall be demolished in order to remove the public nuisance.

(2) In all cases where an unsafe building is a fire hazard and the fire hazard cannot be abated by any reasonable means other than demolition, then the building shall be ordered to be demolished.

(3) The owner of an unsafe building that has been ordered to be demolished shall be given notice of this determination and a reasonable time to remove the building.

(4) Whenever the owner fails, neglects or refuses to remedy the conditions which led to the condemnation of the building as unsafe by causing the building to be put in full compliance with this Article or to demolish and remove the unsafe building within the specified time, the city may, after 30 days' written notice to the owner, order the demolition of the building, the filling of any excavation and the clearing of the property so that it will be in safe condition. After the expiration of the notice period, the City Manager shall cause the unsafe building to be demolished as soon as practicable.

(5) The costs of the demolition work, if performed by the city or by a person awarded a contract for the work in accordance with the laws of the city, shall be paid by the owner of the real property upon which the building stands or did stand. The city shall send the owner a bill for the costs of such demolition by certified mail, return receipt requested, and by regular mail to the owner's last known address or by any other means reasonably calculated to bring the bill to the owner's attention. If the owner does not pay the bill within one (1) month after it is presented, the cost shall be a lien against the real property which may be collected and enforced in the same manner

as are taxes, special assessments and other liens on real property or collected as provided for in Section 6-74(b).

(6) Demolition, whether carried out by the owner, by the city, or by a person awarded a contract for the work, shall include the removal of the debris resulting from the demolition and the filling in of the excavation remaining on the property on which the demolished building was located in a manner so as to eliminate potential danger to the public health, safety or welfare arising from the excavation.

(c) Vacating and placarding.

(1) If an unsafe building or part of it is in such condition as to make it dangerous to life, property or public safety, the building or part of it shall be ordered to be placarded and vacated.

(2) The owner and any occupants of an unsafe building that has been ordered to be vacated shall be given notice to vacate the building immediately or within a specified time, and a warning placard shall be posted at each entrance to such a building.

(A) The warning placard shall include language similar to the following: THIS BUILDING IS UNSAFE AND ITS USE OR OCCUPANCY HAS BEEN PROHIBITED BY THE CITY OF TAKOMA PARK. The warning placard shall remain posted until the required repairs are made or demolition is completed.

(B) No person shall deface or remove any warning placard after it has been posted until the required repairs or demolition have been completed.

(C) No person shall remain in or enter any building which has been condemned as unsafe for occupancy or use and posted with a warning placard except for the purpose of making the required repairs or of demolishing the same.

(d) Vacating and securing of premises.

(1) Any person occupying an unsafe building or part of it which has ordered to be vacated shall vacate the building or part of it in accordance with the terms of the order to vacate.

(2) A person shall not occupy and an owner shall not permit a person to occupy an unsafe building or part of it which has been posted with a warning placard and ordered to be vacated until the Code Official approves the reoccupancy and removes the warning placard.

(3) Once the unsafe building is vacant, the owner shall secure and board all windows and doors that are accessible from the ground, from an adjacent structure or by the reasonably foreseeable use of a ladder, table or other device and must keep them secured against unauthorized entry. All exterior boards must be completely painted in accordance with the predominant tone of the building. The boards shall not extend beyond the perimeter of the openings and shall cover the entire opening. Door openings shall be secured by having the doors locked and inaccessible.

(4) Upon the failure of an owner or occupant of an unsafe building which has been ordered to be vacated to vacate the building or part of it or the failure of an owner to properly secure the dangerous building, the city may cause the building to be vacated or secured. The costs thereof, including reasonable attorney's fees, shall be paid by the owner. The city shall send the owner a bill for the costs by certified mail, return receipt requested, and by regular mail to the owner's last known address or by any other means reasonably calculated to bring the bill to the owner's attention. If the owner does not pay the bill within one (1) month after it is presented, the costs shall be a lien against the real property which may be collected and enforced in the same manner as are taxes, special assessments and other liens on real property or collected as provided for in Section 6-74(b).

(e) *Tenant displacement.* A tenant of an unsafe building who is required to leave the building or part of it as a result of an order to vacate issued under this Article is displaced.

(1) The owner is not required to locate alternative housing if the tenant's displacement was the result of an act of God or other conditions beyond the control of the property owner or was caused by the tenant's negligent, wrongful or malicious acts or omissions.

(2) Except as provided in subsection (e)(1) above, the owner is required to locate alternative housing for a displaced tenant until such time as the Code Official authorizes reoccupation of the unsafe building or approves any repairs made in accordance with this Article or until the lease term of the tenant expires, whichever occurs first. The lease term of the tenant shall be deemed to include any notice period required by applicable law for the landlord to terminate the tenancy of the tenant. Any displaced tenant shall continue to be responsible for payment of the rent in the same amount as paid to the owner immediately preceding the displacement, which rent may be paid either to the owner or to the provider of the alternative housing pursuant to the conditions herein described. The owner shall be responsible for the difference between the rent as paid prior to the displacement and the rent required for the alternative housing, except that the owner is not responsible for such difference beyond the lease term of the tenant.

(3) Any costs, including reasonable attorney's fees, incurred by the city in the relocation of any displaced tenants shall be paid by the owner. The city shall send the owner a bill for the costs of such relocation by certified mail, return receipt requested, and by regular mail to the owner's last known address or by any other means reasonably calculated to bring the bill to the owner's attention. If the owner does not pay the bill within one (1) month after it is presented, the cost shall be a lien against the real property which may be collected and enforced in the same manner as are taxes, special assessments and other liens on real property or collected as provided for in Section 6-74 (b).

Sec. 6-70. Extensions of Time.

(a) The city, in its discretion, may grant an extension of time within which to complete the repair, demolition, vacating or securing of the unsafe building, if:

(1) No violation presents an immediate danger to the health, safety, or welfare of the occupants of the unsafe building or the public; and

(2) (A) The owner is experiencing extreme financial hardship, has insufficient resources and cannot obtain financing to rehabilitate the unsafe building to comply with this Article; or

(B) Physical conditions of the site or other conditions beyond the control of the owner make it impossible or impracticable to bring the unsafe building into compliance with this Article; or

(C) Legal or other unusual constraints, such as unclear title or probate proceedings, prevent or delay the owner from bringing the unsafe building into compliance with this Article.

(b) The city, IN ITS SOLE DISCRETION, may revoke an extension of time at any time.

(c) Nothing in this section prevents the reasonable enforcement of this Article or alleviates the requirement to keep buildings and premises in as sanitary, safe, and healthful condition as circumstances permit.

Sec. 6-71. Appeals.

(a) A person aggrieved by a notice or order issued in connection with an alleged violation of this

Article or by a notice and correction order requiring the repair, demolition, vacating, placarding or securing of an unsafe building issued under Section 6-67 may file with the City Manager a written notice of appeal specifying the reasons for contesting the notice or order.

(b) The notice of appeal shall be filed within the earlier of either thirty (30) days after the notice or order has been served on the person or within the time specified for correction of the violation in a notice and correction order issued under Section 6-67.

(c) Upon receipt of a properly filed notice of appeal or a report of noncompliance with a notice and correction order from the Code Official pursuant to Section 6-68(b), the City Manager shall give written notice to the owner, agent, operator, and/or occupant of the building, as the case may require, in the manner provided by Section 6-67, to appear before the City Manager on a date and at a time and place specified to show cause why the unsafe building should not be repaired, demolished, vacated or secured in accordance with the statement of particulars set forth in the notice and correction order or in such other notice or order which is being appealed.

(d) The City Manager shall hold a hearing within thirty (30) days of the date of receipt of the notice of appeal or report of noncompliance and hear such testimony as the Code Official, owner, agent, operator, occupant, and any other person having an interest in the property shall offer relative to the unsafe building.

(e) Within thirty (30) days after the date of the hearing, the City Manager shall:

(1) Make written findings of fact as to whether or not the building in question is an unsafe building.

(2) Issue a final order based upon the findings of fact affirming, modifying or revoking the notice and correction order or such other notice or order which is the subject of the appeal and, if applicable, commanding the owner, agent, operator, occupant, and all other persons having an interest in the property, as the case may require, to repair, demolish, vacate or secure any building found to be an unsafe building.

(f) If the City Manager fails to hold a hearing within thirty (30) days of the date of receipt of the notice of appeal or report of noncompliance or to make written findings of fact and issue a final order within thirty (30) days after the date of the hearing, then the original notice or order shall be treated as a final order of the City Manager for the purposes of subsection (g) of this section, provided that, with the written consent of the person who filed the notice of appeal, the time period for the City Manager to hold a hearing or to make findings of fact and issue a final order may be extended for up to sixty (60) additional days.

(g) Any person aggrieved by a final order of the City Manager issued under this section may file an order for appeal with the Clerk of the Circuit Court of the county in which the building is located. The procedures for an appeal from a final order of the City Manager shall be governed by Title 7, Chapter 200 (Judicial Review of Administrative Agency Decisions), of the Maryland Rules, as amended.

(1) An order for appeal shall be filed within thirty (30) calendar days from the date of the final order of the City Manager.

(2) The filing of an order for appeal shall not act as a stay of the action appealed from or any action under this Article, except that the Circuit Court, after notice to the city and a hearing, may grant a stay upon such condition or such security or bond as it deems proper.

Sec. 6-72. Recordation; liability of transferee.

(a) The City Manager may cause a final order issued under Section 6-71(e) or (f) to be recorded in the Montgomery County land records.

(b) A transferee, successor or assignee of the unsafe building described in a recorded final order shall be considered to have notice of the continuing existence of the violations and is subject to the penalties and procedures provided by this Article to the same degree as was the transferor, predecessor or assignor.

(c) On determining that there has been compliance with a recorded final order issued under this Article, the City Manager shall cause a notice of compliance to be recorded among the Montgomery County land records. The notice of compliance shall recite the liber and folio land record reference of the recorded final order.

Sec. 6-73. Violations and penalties.

(a) The failure of any owner, agent or operator of any unsafe building to comply with any notice or order issued under this Article such building shall be a Class A municipal infraction. Each day such failure to comply continues beyond the date fixed for compliance is a separate offense.

(b) The failure of any occupant of any unsafe building to comply with any posted warning placard or notice or order to vacate shall be a Class D misdemeanor offense.

(c) The defacing or removal of any warning placard or notice which is posted on an unsafe building shall be a Class C municipal infraction.

Sec. 6-74. Civil enforcement.

In addition to the penalties for violations of this Article set forth in Section 6-73, the city may:

(a) Enforce the provisions of this Article through injunctive, mandamus or any other appropriate proceedings and a court of competent jurisdiction may issue a restraining order, interlocutory or final injunction, mandamus or other form of relief to restrain or correct violations of this Article;

(b) Bring suit to collect all costs, assessments or liens imposed or incurred by the city in repairing or causing to be vacated, secured or demolished unsafe buildings; and

(c) Take such other legal action as is necessary to carry out the terms or provisions of this Article.

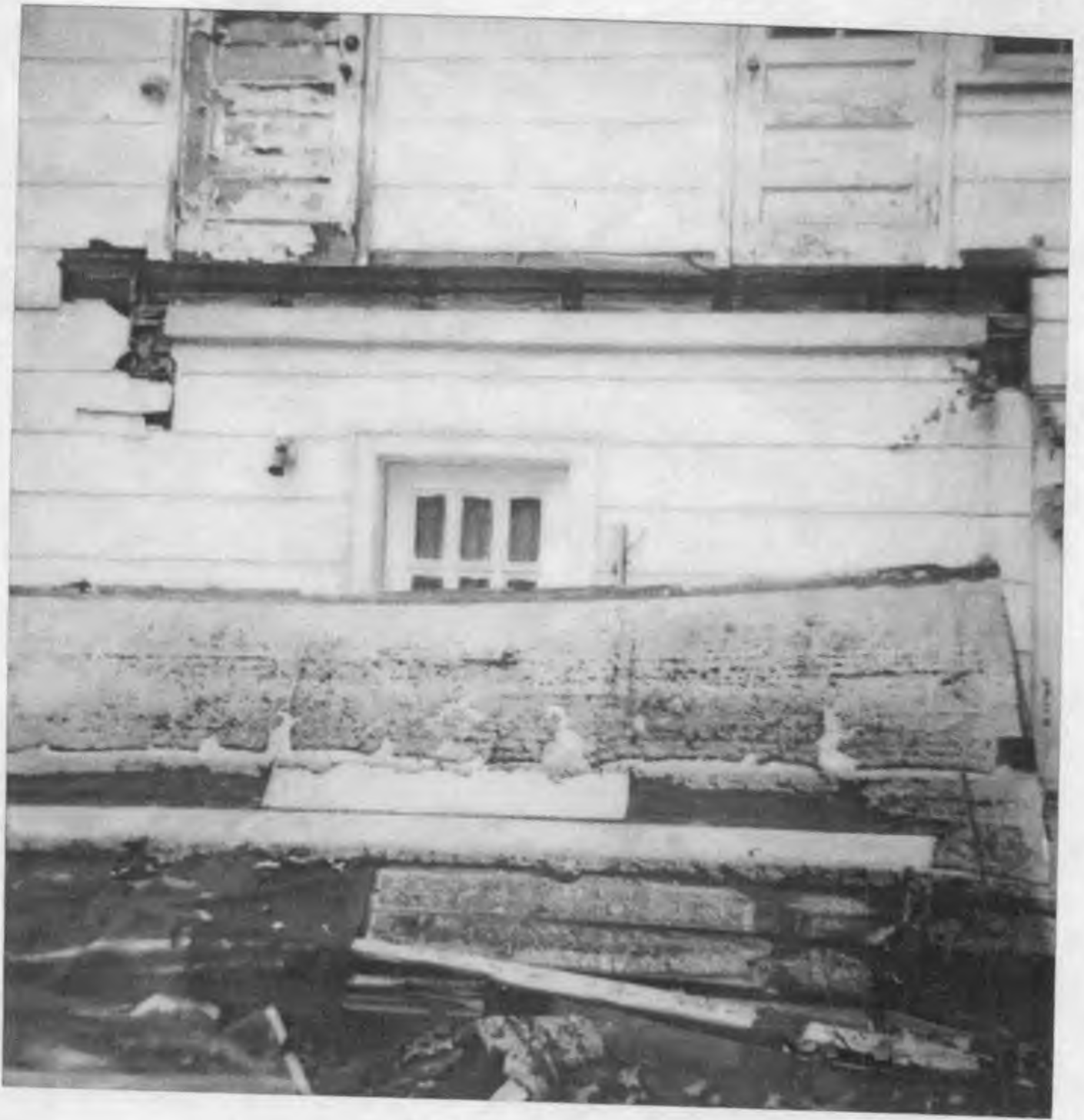




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(24)









7123 Sycamore Avenue



Garage of 7123 Sycamore Avenue



Garage with Tree



Porch/Balcony

City of Takoma Park, Maryland

HOUSING AND
COMMUNITY DEVELOPMENT
TELEPHONE 301-270-5900
FAX 301-270-8794



7500 MAPLE AVENUE
TAKOMA PARK, MD 20912

November 1, 2002

Ms. Corri Jimenez
Historic Preservation Planner
Historic Preservation Commission
1109 Spring Street
Suite 801
Silver Spring, Maryland 20910

7123 Sycamore Avenue, Takoma Park, Maryland.

Dear Ms. Jimenez:

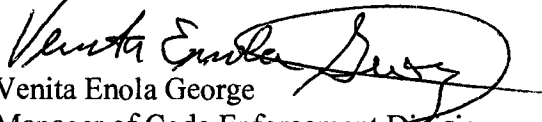
This comes to you in regards to a single family dwelling located at 7123 Sycamore Avenue, Takoma Park, Maryland.

The City has made many attempts over the past two years to get the owner to make the necessary repairs to this property to no avail. The rear garage is dilapidated and in a decayed condition. The roof of the rear porch has collapsed, and the rear yard is filled with overgrown vegetation, fallen tree parts and debris.

In an effort to ensure the safety of the occupants and the public, the City plans to remove the garage and the roof, and clean the rear yard by implementing Article 6 Unsafe Buildings; Public Nuisance Abatement code. I have enclosed a copy of the code, and an application for a Historic Area Work Permit, and color photographs of the property. Please let me know if additional material is necessary for the hearing scheduled for December 4, 2002.

If you have any questions or concerns regarding this matter, please call me at (301) 891 - 7266.

Sincerely,


Venita Enola George
Manager of Code Enforcement Division

enclosures





















