

31/6-01J 10314 Fawcett Street
RECONSIDERATION (Kensington H.D.)

G

January 14, 2003

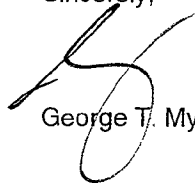
Montgomery County Board of Appeals
100 Maryland Avenue
Rockville, MD 20850

Re: Case No. A-5797

To whom it may concern,

I am sending this letter to rescind my appeal regarding the above referenced case. The matter has been resolved with the Historic Preservation Commission and there is no longer a need for the hearing. Please cancel the hearing date.

Sincerely,



George T. Myers

cc: Vicki Gaul
101 Monroe Street
Rockville, Md. 2085

**BOARD OF APPEALS
for
MONTGOMERY COUNTY**

Stella B. Werner Council Office Building
100 Maryland Avenue
Rockville, Maryland 20850
(240) 777-6600

Case No. A-5797

APPEAL OF GEORGE T. MYERS

NOTICE OF NEW HEARING DATE

Notice is hereby given that a public hearing will be held by the Board of Appeals for Montgomery County, Maryland, in the Stella B. Werner Council Office Building, 100 Maryland Avenue, Rockville, Maryland, in the Second Floor Davidson Memorial Hearing Room, on Wednesday the 19th day of February, 2003 at 1:30 p.m., or as soon thereafter as this matter can be heard, on the application pursuant to Section 2-112 of the Montgomery County Code.

The appellant charges administrative error on the part of the Historic Preservation Commission, in its Historic Work Area Permit #31/6-01J (Retroactive Revision), issued June 26, 2002, contending that Sections 24-A-8(a) and 24-A-8(b) of the Montgomery County Code, were misinterpreted. In accordance with Chapter 2A, Administrative Procedures Act, a copy of the "Charging Document" is attached to this notice.

The subject property is Lots 14, 15 and 16, located at 10314 Fawcett Street, Kensington, Maryland, in the R-60 Zone.

Notices forwarded this 3rd day of December, 2002, to:

George T. Myers
Charles W. Thompson, Jr., Esquire, County Attorney
Clifford Royalty, Esquire, Assistant County Attorney
Malcolm Spicer, Esquire, Assistant County Attorney
Martin Klauber, Esquire, People's Counsel
Susan Scala-Demby, Permitting Services Manager,
Department of Permitting Services
Robert C. Hubbard, Director, Department of Permitting Services
Reginald T. Jetter, Chief, Casework Management,
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Gwen Wright, Coordinator, M-NCPPC, Historic Preservation Commission
Perry Kapsch, M-NCPPC, Historic Preservation Commission
Members, County Board of Appeals

Contiguous and confronting property owners
Parkwood Residents Association
Ken Gar Civic Association, Inc.

BOARD OF APPEALS
FOR
MONTGOMERY COUNTY, MARYLAND
(240) 777-6600

APPEAL CHARGING ERROR
IN ADMINISTRATIVE RULING OR ACTION

Please note instructions on reverse side.
Attach additional sheets if required for answers.

Appeal is hereby made pursuant to Section 2-112 of the Montgomery County Code 1994, as amended, from the decision or other action of an official or agency of Montgomery County specified below which Appellant contends was erroneous.

Official or agency from whose ruling or action this appeal is made HISTORIC PRESERVATION COMMISSION

Brief description of ruling or action from which this appeal is made (attach duplicate copy of ruling or document indicating such action) THE CONDITIONS IMPOSED WHICH REQUIRE VERY COSTLY ALTERATIONS TO THE HOUSE. APPLICANT BELIEVES CONDITIONS WERE PUNITIVE, NOT BASED ON ARCHITECTURAL MERIT

Date of that ruling or action: 6/26/02

Brief description of what, in appellant's view, the ruling or action should have been: APPROVAL OF RETROACTIVE PERMIT, AS RECOMMENDED BY KENSINGTON LOCAL ADVISORY PANEL AND HPC STAFF

Number of Section, and Subsection, if any, of the Montgomery County Code 1994, as amended, or citation or other statutory provision, which appellant contends was misinterpreted: 24A-8 (a) & (b)

Error of fact, if any, involved in the ruling or action from which this appeal is made: NONE

Error of law, if any, involved in the ruling or action from which this appeal is made: APPLICANT BELIEVES THAT THE RETROACTIVE PERMIT MEETS REQUIREMENTS OF 24A-8 24A-8(b), ITEMS 1, 2, 3, 6 & SHOULD BE APPROVED

Question(s) of fact, if any, presented to the Board by this appeal: NONE

Question(s) of law, if any, presented to the Board by this appeal: NONE

Description of real property, if any, involved in this appeal: Lot 1415.16, Block _____ Parcel _____
Subdivision _____, Street and Number 10314 FAWCETT ST
City KENSINGTON Zip 20845, Zone Classification R-60

Name of Property owner: GEORGE & JANINE MYERS
Mailing address of property owner if different from above address: _____

Appellant's present legal interest in above property, if any: Owner (including joint owner-ship) _____ Lessee
 Contract to lease or rent Contract to purchase Other

(describe) _____
Statement of appellant's interest, i.e., manner in which appellant is aggrieved by the ruling or action complained of (as property owner or otherwise): _____
Further comments, if any: _____

I hereby affirm that all of the statements and information contained in or filed with this appeal are true and correct.

(TO BE DETERMINED) _____ Signature of Attorney (Please print next to signature)
GEORGE T. MYERS _____ Signature of Appellant(s) (Please print next to signature)

Address of Attorney _____ Address of Appellant(s) 10314 Fawcett St - Kensington Md.

Telephone Number _____ Telephone Number (O) (301) 942-9062 ext 13 (H) 301 933 241

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West Kensington Civic Association
Garrett Park Citizens Association
Parkside Condo Association
Rolling Spring Homeowners Association
Town of Kensington
Spanish Speaking People of Montgomery County
Aspen Hill Civic Association

County Board of Appeals

by: Katherine Freeman

Katherine Freeman
Executive Secretary to the Board

BOARD OF APPEALS FOR MONTGOMERY COUNTY, MARYLAND (240) 777-6600

Case No. A- 5797 Date Filed 7-25-02 Hearing Date 11-20-02 Time 1:30

APPEAL CHARGING ERROR IN ADMINISTRATIVE RULING OR ACTION

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Question(s) of fact, if any, presented to the Board by this appeal: BE APPROVED

Question(s) of law, if any, presented to the Board by this appeal: NONE

Description of real property, if any, involved in this appeal: Lot 1415.16, Block, Parcel, Subdivision, Street and Number 10314 FAWCETT ST, City KENSINGTON, Zip 20895, Zone Classification R-60

Name of Property owner: GEORGE & JANINE MYERS Mailing address of property owner if different from above address:

Appellant's present legal interest in above property, if any: [X] Owner (including joint owner-ship) ___ Lessee ___ Contract to lease or rent ___ Contract to purchase ___ Other

Statement of appellant's interest, i.e., manner in which appellant is aggrieved by the ruling or action complained of (as property owner or otherwise): Further comments, if any:

I hereby affirm that all of the statements and information contained in or filed with this appeal are true and correct.

(To be determined) Signature of Attorney (Please print next to signature) Signature of Appellant(s) (Please print next to signature) GEORGE T. MYERS 10314 Fawcett St. Kensington Md. Address of Appellant(s) (0) (301) 942-9062 ext 13 (H) 301 933 241 Telephone Number

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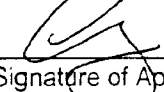
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Further comments, if any: _____

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(TO BE DETERMINED)
Signature of Attorney (Please print next to signature) _____


Signature of Appellant(s) (Please print next to signature) GEORGE T. MYERS

Address of Attorney _____

10314 Fawcett St - Kensington Md.
Address of Appellant(s)

Telephone Number _____

(0) (301) 942-9062 ext. 13 (H) 301 933 241
Telephone Number

HISTORIC PRESERVATION COMMISSION STAFF REPORT

Address: 10314 Fawcett Street, Kensington	Meeting Date: November 13, 2002
Applicant: George Myers	Report Date: November 6, 2002
Resource: Kensington Historic District	Public Notice: October 30, 2002
Review: HAWP - RECONSIDERATION	Tax Credit: None
Case No.: 31/6-01J RECONSIDERATION	Staff: Gwen Wright
PROPOSAL: Alterations to windows and doors on two facades of addition	RECOMMEND: Approve

PROJECT DESCRIPTION

SIGNIFICANCE: Primary Resource
STYLE: Dutch Colonial Revival/Shingle
DATE: 1901

PROPOSAL/BACKGROUND

On June 26, 2002, the HPC approved a Retroactive Revision to the Historic Area Work Permit for this property. The staff report, the minutes from this HPC meeting, and the decision memo are all attached.

The applicant disagreed with two of the conditions on the approval. Specifically:

1. The left gable of the new section is to have two matching 6/1 shuttered windows in place of the door and small window currently there. (The existing door and window are to be removed and replaced with configuration approved by the HPC on 12/06/01.)
2. The front façade of the new section is to have tripartite 6/1 window treatment and paired French doors in place of the 6/1 shuttered windows and four-part french doors currently there. (The existing 6/1 window and four-part french door are to be removed and replaced with window and door configuration approved by the HPC on 12/06/01.)

The applicant appealed the HPC's decision to the Montgomery County Board of Appeals and this appeal is pending.

The applicant has substantially completed the project at 10314 Fawcett Street and has submitted new information regarding the door/window configuration in an effort to have the HPC

reconsider their previous decision. The new information submitted includes a letter from a recognized preservation expert regarding the appropriateness of the door/window configuration in terms of the Secretary of the Interior's Standards, photographs of the completed project, and letters of support from the Kensington LAP and the surrounding neighbors.

STAFF DISCUSSION

The staff report (dated 6/05/02) on the original Retroaction Revision to the HAWP recommended that the HPC approve the door/window revisions as "all the changes to the new addition and to the historic resource are consistent with the approved plan and are within the guidelines for changes to outstanding resources in the Kensington Historic District."

Staff continues to feel that the door/window revisions are acceptable and should be approved – as was stated in the original recommendation.

Separate from the issue of the compatibility of the door/windows revisions is the question of assuring that the HAWP process and HPC decisions on HAWPs are not weakened by this case. The applicant has acknowledged, in a letter dated October 23, 2002, that "I sincerely regret my failure to follow the process, and that I understand the seriousness of this failure."

Staff is convinced that this applicant will not continue to violate HAWP conditions as a pattern of behavior. In addition, staff feels that the Kensington Historic District community will not view approval of the retroactive changes as a weakening of the HAWP process, given that the door/window revisions are acceptable in terms of the Secretary of the Interior's Standards and the guidelines for Kensington (in staff's opinion.)

However, the applicant does want to publicly acknowledge that his actions in disregard of the HPC's original approval of his HAWP were wrong. Per a recent telephone conversation with the applicant, he is proffering mitigation for this mistake. Specifically, he had proposed donating 50 hours of pro bono time to provide architectural services to other individuals working on Montgomery County historic properties, as designated by staff or HPC.

Staff also discussed the idea of an easement donation on the vacant lot on the applicant's property. The applicant is open to making such a donation; however, he stated that he needs time to explore the financial ramifications of such a donation – specifically, how much it would cost in legal and appraisal fees to execute an easement, how the donation of an easement will affect his tax situation, etc. The applicant did express a sincere effort to move forward on the easement donation, but, he did not want to make a promise to the HPC without full information on what he was promising. The applicant wishes to reestablish credibility with the HPC and doesn't want to enter into an agreement on an easement without having that agreement fully thought through. Staff and the applicant agreed that, over the next 12 months, the applicant will explore donation of an easement on the vacant lot on his property.

STAFF RECOMMENDATION

Staff recommends that the Commission reconsider their June 26, 2002, HAWP decision. Staff recommends that the retroactive application should be approved as being consistent with Chapter 24A-8(b)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.

The proposal is also consistent with the Secretary of the Interior Guideline #9 and #10:

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.

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 also recommends that the Commission should accept the applicant's proffered mitigation: the 50 hours of pro bono architectural services and the good faith effort to work towards donation of an easement on the vacant lot on the property.

HISTORIC PRESERVATION COMMISSION STAFF REPORT

Address: 10314 Fawcett Street, Kensington **Meeting Date:** 06/12/02
Applicant: George Myers **Report Date:** 06/05/02
Resource: Kensington Historic District **Public Notice:** 05/29/02
Review: HAWP **Tax Credit:** None

Case Number: 31/6-01J (RETROACTIVE REVISION)

Staff: Perry Kapsch

PROPOSAL: Discard boxwood bushes, replace front walk, ignore tree protection, install new windows, modify new addition.

RECOMMEND: Approve with conditions.

CONDITIONS

1. Boxwood bushes are to be planted along the right side of the property.
2. Tree protection measures are to be taken at once, including standard feeding, mulching and fencing procedures during construction and after construction is completed.

PROJECT DESCRIPTION

SIGNIFICANCE: Primary Resource
STYLE: Dutch Colonial Revival/Shingle
DATE: 1901

PROPOSAL

The applicant is applying for retroactive approval by the HPC to:

1. Discard the boxwood bushes on the right side of the house.
2. Remove the brick front walk and replace it with flagstone.
3. Complete the construction project without following the normal tree protection measures recommended before, during and after a project is undertaken.
4. Install six-light windows on either side of the chimney on the south façade.

- of the historic resource.
5. Modify the door and window configuration on the east (front) and south (side) façades of the new addition.
 6. Construct a porch on the south side of the new addition.
 7. Install a shed dormer to the rear of the south gable on the new addition.
 8. Modify the design of the front porch of the addition to have parged cement rather than lattice work at ground level. (#8 Approved at staff level.)

STAFF DISCUSSION

The applicant has ignored two of the four conditions for approval of the original HAWP including relocating a boxwood garden and protecting trees during the project. As the applicant had agreed to meet both conditions, and then failed to do so, staff would question whether creating new conditions for approval of this retroactive revision has any merit. The applicant has indicated that he might plant new boxwood along the right side of the property or along the front sidewalk, but would rather meet the condition by installing other plantings than boxwood. Since the reason for the condition was to save historic landscape features, both options are an empty exercise. Staff would recommend planting boxwood as the most reasonable mitigation. Staff would also recommend that the HPC include tree protection measures, both during and after the remainder of the project, as a condition for approval.

The lack of cooperation of an experienced applicant with the normal historic area work permit process is a discouraging situation. In the hope that it is an isolated event, staff would recommend retroactive approval of the revisions as all the changes to the new addition and to the historic resource are consistent with the approved plan and are within the guidelines for changes to outstanding resources in the Kensington Historic District.

STAFF RECOMMENDATION

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

and with the Secretary of the Interior Guidelines #9 and #10:

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.

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.

With the conditions:

1. Boxwood bushes are to be planted along the right side of the property.
2. Tree protection measures are to be taken at once, including standard feeding, mulching and fencing procedures during construction and after construction is completed.

with the general condition 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 calling 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.

1 MR. SALOMON: Thank you very much.

2 MS. VELASQUEZ: We're going to take about a four-
3 or five-minute break and then we will get on with the last
4 application.

5 (Whereupon, a brief recess was taken.)

6 MS. VELASQUEZ: We're back on the record. The
7 next application is Case K, George Myers, for alterations to
8 approve HAWP for landscape and architectural at 10314
9 Fawcett Street in Kensington. It is a continuation of a
10 retroactive HAWP. Is there any staff report?

11 MS. KAPSCH: The staff report was presented at the
12 last -- the previous meeting on June 12th, and it's a
13 revision to an earlier HAWP that was approved in 2001. At
14 the discussion at the last meeting, the applicant was asked
15 not to do any work on this until there was some
16 clarification on a number of points in the case, but he has
17 -- as a result of the meeting he has met with the staff
18 arborist about the trees on the site. There have been a
19 number of site visits by Commissioners and by the staff to
20 look at the work that was done and there have been some
21 discussions with Sherry Armeria from the -- the Chief of the
22 Division of Building Construction about the procedure for
23 dealing with revisions that are done without a work permit.
24 The applicant is back here tonight to discuss the case with
25 the Commission.

1 And staff also has -- the other two -- two
2 conditions for the case that was approved in 2001; this had
3 to do with the materials for the new walkway and the garage
4 location, which I can discuss with you after we've -- after
5 the Commission has discussed the retroactive revisions.

6 MS. VELASQUEZ: Any questions of staff? The
7 applicant is here. Would you come forward, please? State
8 your name for the record.

9 MR. MYERS: George Myers.

10 MS. VELASQUEZ: Thank you. Do you have anything
11 you want to say first, do you want to --

12 MR. MYERS: Yes, I would. Well, just a couple
13 things. One thing that -- one of the issues was the tree
14 protection measures and I have engaged a arborist privately
15 to oversee all of the trees throughout the duration of the
16 project and take steps to insure their health. So --
17 obviously I should have done that earlier. I realize that,
18 but I have engaged someone to do that and they will be
19 starting tomorrow with root pruning throughout the front and
20 all over the property.

21 I have complied with stopping work on all of those
22 areas, so -- and I also went ahead and thought I might as
23 well try to resolve what I -- one of the other things was
24 the paving and garage location and so forth on the site, and
25 I've -- what I gave to Perry was I thought -- I wanted to go

1 ahead and try to figure out what ought to be done and bring
2 it up, so I have -- I talked with the staff arborist from
3 Park & Planning, Steve Carey, who came out to the site and
4 made recommendations as to the best locations for a garage,
5 took away some driveway -- the driveway actually curls up
6 around the back of the site which we're cutting -- we're
7 basically going to remove and change that around so the plan
8 that I submitted to Perry was based on recommendations from
9 Steve and the arborist that I hired.

10 And other than that, again I want to reiterate
11 that I am sorry for not following the procedure and clearly
12 was mistaken in thinking that the revisions that I made were
13 not significant enough to do that, so I do regret it very
14 much. I just wanted to reiterate that.

15 MS. VELASQUEZ: Thank you. Commissioners?

16 MR. BRESLIN: I'll start. I've been scrutinizing
17 the plan and trying to not consider history; just the
18 drawings before us. And one thing that strikes me is I
19 think the original design was very well done. And the more
20 I look at the changes, I don't think the changes are as well
21 done and they strike me as less premeditated than the
22 original. And if I could go -- give you some examples?

23 On Circle 9 which is the front elevation, every
24 window on the house is a paired window -- multiple windows.
25 You don't have any single windows, and your original design,

1 your new windows were multiple windows -- I mean, I'm sorry,
2 the original design had multiple windows. The new design
3 has an odd single window and the new window -- I'm sorry,
4 the new design; the windows and french doors for the porch
5 aren't as symmetrical, aren't as balanced as the original.
6 Now you have four french doors and a paired window where you
7 used to have two french doors and a triple window.

8 In my opinion -- basically, it's not as balanced,
9 not as well thought out, not as -- in keeping with the
10 original multiple window scheme of the original house.

11 The side elevation where you have two gables --
12 this is the south elevation -- you had a symmetrical --
13 symmetrical windows and a gable -- new gable matching the
14 symmetrical windows in the old gable. Not matching, but
15 they were symmetrical. The new one -- the new scheme, the
16 new dormer is asymmetrical with a door and a high window and
17 a number of things don't appear to be as well thought -- as
18 well designed as the original scheme, and that's just an
19 observation.

20 And when I look at it, if you weren't to tell me
21 which was the first and which was the second one, I would
22 say that the first one picked up some of the original cues
23 better and some of the asymmetries better and some of the
24 detailing better than the new scheme.

25 MR. MYERS: The paired windows only occur actually

1 on the front elevation. On the sides of the existing house,
2 they're all individual windows, so individual windows are
3 another element of the house. So --

4 MR. BRESLIN: But not on the front.

5 MR. MYERS: On the front elevation only they're
6 paired. On the rest of the house they are single. The
7 original house had single windows on -- they were way more
8 single windows than there were pairs, so I think that
9 they're equally in keeping. I don't -- I don't -- well, I
10 don't know. I don't agree.

11 MR. BRESLIN: Okay. So, my point is that when I
12 look at the new and the old I think a number of the new
13 elements appear to be -- I don't want to say on the fly, but
14 they seem to be less carefully chosen and less carefully
15 detailed. And because of that, I don't think I would
16 support the revision.

17 MS. VELASQUEZ: Anyone else?

18 MR. HARBIT: Well, as I look at the Circle 10, I
19 guess we're looking at, not only are the placement of the
20 windows different, but as I understand on Circle 10 you've
21 added a doorway, right, on the second floor, is that right?

22 MS. VELASQUEZ: Right, two.

23 MR. HARBIT: At the second level?

24 MR. MYERS: Yes, sir.

25 MR. HARBIT: And originally you proposed a

1 balanced windows on that dormer and you've taken one out and
2 added a doorway over a porch with a railing that wasn't
3 there before.

4 MR. MYERS: Yes.

5 MR. HARBIT: And you've also added another porch,
6 is that right?

7 MR. MYERS: Just the one --

8 MR. HARBIT: The one porch.

9 MR. MYERS: -- the one side entry porch, right.

10 MS. KAPSCH: For clarification, the porch was
11 added because on the inside there is -- if -- I think at the
12 time we were reviewing the plan, I think staff would --
13 staff would have recommended approval of the porch based on
14 the floorplan inside because the requirement for a closet in
15 the space where the set-in porch is shown on the -- or, the
16 little porch is shown on the original drawing -- the
17 approved drawing -- has been replaced with a stepped-out
18 porch. Basically, it provides more -- it's a much stronger
19 floorplan inside by having the porch outside of the wall
20 line, instead of set in.

21 MR. MYERS: Yeah, and I would just add to that --
22 I don't mean to say ---I know it's not excuse to say why I
23 didn't follow the process, but all of the results of the
24 changes were refinements that were made based on
25 requirements of our needs on the interior floorplans; the

1 refinements and designs that improved the quality of the
2 house for our use. I know that's not an excuse, but in some
3 ways regarding Commissioner Breslin's comments, they were
4 actually much more thought out than the original design, in
5 terms of our needs, so -- but -- so I understand your point,
6 but that really the opposite is true. You may not agree
7 with how they look, and I understand that because we can
8 disagree on that, but they were thought out.

9 And also I think thought out -- I mean, when I
10 look at the elements that are on there, this house -- I
11 know, although in the original staff report, was called a
12 Colonial Revival, it is clearly much more of a shingle-style
13 home, and if you came out and looked at it, you would see
14 the details and that's what it is because the upper gables
15 was all original cedar shingles, it flares out to this crown
16 all the way around it, and all the elements that are added
17 to the house are typical of shingle style, and it's not like
18 I just make them up. And I can back them up with elements
19 to show elements like this on that kind of home.

20 MR. HARBIT: Well, I apologize for not being at
21 the last meeting, so I'll just ask a question that I would
22 have asked at the last meeting. Why -- there are so many --
23 there almost a dozen different changes here, and that any
24 one of which would -- should have come back to us for
25 approval, and I don't understand how you, as a professional,

1 could have thought you could make this many changes without
2 coming back to the Preservation Commission.

3 MR. MYERS: I can't say that I thought that I
4 wouldn't be back here. I can only say that there are other
5 forces that I was dealing with in terms of owning one house,
6 carrying another, two mortgages, I made decisions on the fly
7 and I'm not -- I have said before that it was a mistake in
8 doing so. I can honestly -- I honestly consider that I
9 wasn't changing any of the massing of the house and I
10 consider the changes minor in nature. I did not -- I'm not
11 saying that I didn't expect that I wouldn't have to come
12 back at some point, but I was making -- you're -- I mean, I
13 had scheduling conflicts and with regard to getting the
14 project done on a certain date and I moved forward, I have
15 to make decisions, and there was a number of factors; one
16 was the penalties for me not finishing on time versus the
17 penalties of not following the process here. I made a
18 difficult decision and I regret it, and I said that before.

19 MR. HARBIT: Well, there are so many changes it's
20 hard for me to know -- to even talk about any one of them
21 without, you know -- pointing to one piece of the page at a
22 time. So, I'll try.

23 On Circle 10 on the second floor, the -- you have
24 a --

25 MS. VELASQUEZ: Do you have the staff report,

1 George? Do you have Circle 10 or do you want a copy of it?

2 MR. HARBIT: It looks like the new dormer that
3 you've put in here has a shed roof?

4 MR. MYERS: Yes, sir.

5 MR. HARBIT: And the other dormer right next to
6 it --

7 MR. MYERS: It's set back about 15 feet in the
8 other dormer. They're not next to each other. One is set
9 way back. It's just an elevation.

10 MR. HARBIT: And the windows on the original plan
11 were 6/1 in that dormer, is that right, with shutters, and
12 the new dormer has no shutters and is 2/2 with a shed roof?

13 MR. MYERS: It's just a smaller -- it's a much
14 smaller dormer of a different character. It's also typical
15 of that kind of -- that kind of --

16 MR. HARBIT: And the window on the first floor
17 right below it originally was 6/1 light, is that right, and
18 now it's a 4/1?

19 MR. MYERS: Yes, sir.

20 MR. HARBIT: And then just moving to the right,
21 the new doorway that goes off to the roof of the new porch
22 is -- I can't tell how many lights it has from the drawing,
23 and originally it was a 3/1 light with shutters, is that
24 right?

25 MS. KAPSCH: Six.

1 MR. HARBIT: Six over one.

2 MR. MYERS: I'm not sure I understand where you're
3 talking about now.

4 MS. KAPSCH: No, the door has been replaced -- the
5 window's been replaced with a door.

6 MR. MYERS: Oh, okay. Yes, that's right.

7 MR. HARBIT: And then moving a little bit further
8 right down the page there's -- there was a -- in the
9 original drawing there was a single window at the very top
10 of that peak and now that window is gone, is that correct?

11 MR. MYERS: That's correct.

12 MR. HARBIT: And just a little bit further from
13 that is where there had been a 6/1 window with shutters now
14 is a 2/2 with no shutters, is that right, and moved up the
15 wall, what, six feet? And immediately below that were three
16 windows on the first floor now with no shutters and the new
17 plan is two windows with shutters.

18 MR. MYERS: Correct.

19 MR. HARBIT: And I'm only halfway down the
20 building. I guess, I'd have to agree with Commissioner
21 Breslin that -- that all these changes were -- I would agree
22 with you -- made on the fly, and not well thought out.

23 MS. WATKINS: I have the biggest problem with the
24 gable end of the porch and the door and the window -- the
25 little window. I think your original design really tied

1 into the existing vernacular much better than that does. I
2 just think the placement of the door and the placement of
3 the window almost change the proportions; the way you eye
4 reads that end. The holes that are punched into it really
5 kind of disorient me in that -- in that end gable.

6 In your proposal I really liked that you were
7 using the little window at the top. I thought it took nice
8 cues from the original. The little new dormer doesn't
9 really bother me, but I think you're right, it is real
10 typical of the little bathroom dormer or some kind of dormer
11 in a -- but the top elevation really bothers me as far as
12 that, and I also agree with the little one in the 4/1
13 window. Is that the only 4/1 window in the whole house?

14 MR. MYERS: (Applicant nods affirmatively.)

15 MS. WATKINS: Yeah, that. And the other -- the
16 other thing; on the front elevation, the four french doors.
17 Their alignment with the stairs -- before they centered on
18 the stairs. Now if I read these drawings correctly, they do
19 not center on the stairs. I -- hard for me to tell if
20 they're centered.

21 MR. MYERS: They don't center on the stairs. The
22 originals didn't really center on -- don't center on the
23 stairs. Oh, I'm -- well, the center line is the same, which
24 is -- I don't know why it's different in that drawing, but
25 the center line of the room is the same. You have been to

1 the site?

2 MS. WATKINS: Yes.

3 MR. MYERS: Has everyone been to the site? I
4 guess what -- obviously you're -- I disagree with the first
5 one -- I mean, I just disagree and -- but I guess the basic
6 issue might be whether or not this is -- all these changes
7 that we're talking about are essentially on new
8 construction, on an addition. And the question would be
9 whether or not if I had put this up before you originally,
10 whether or not you would have denied it and made me change
11 it and -- so, I guess that's the -- and whether or not it
12 affects the Kensington Historic District, whether it affects
13 the street presence of this project to the extent that I'm
14 going to -- I mean, obviously if you tell me that I have to
15 make these changes, you have the authority to do that and
16 put it back the way it was, obviously.

17 MS. VELASQUEZ: I recall we spent some time going
18 over this addition to come to a meeting of the minds and
19 what everybody wanted in the first place, and I know that
20 every Commissioner on the Commissioner, even those who are
21 not present here now, takes this job very seriously so that
22 when we go over an addition, we really are fine-tuning it
23 with you, and that's what the consensus of this Commission
24 was, was they approve that plan.

25 MR. MYERS: I understand, but to some extent I

1 feel like the -- if I had showed you a model and the massing
2 of this project -- of the new -- of what was approved and
3 what was built, it's identical with the exception of the
4 side porch. The fenestration is different, right -- I moved
5 windows, but the actual, shape, size, roof, porch,
6 everything identical -- the massing is identical to what was
7 approved. And all the changes in fenestration with the
8 exception of the two windows on either side of the chimney
9 are on new construction; not on an historic resource -- on a
10 project being built in 2002, okay? So, while you may not
11 agree -- I mean, if I had sat here and said, "You know what,
12 I really want to have these, you know, two windows with, you
13 know, shutters instead of three", I doubt that you would
14 have made me change that originally. I understand that I
15 didn't follow the process.

16 MS. KAPSCH: Could you address the two windows on
17 either side of the chimney?

18 MR. MYERS: The two windows on either side of the
19 chimney; when I opened up the wall on the inside, it's
20 apparent that that chimney was added at some point. At some
21 point this house had a front porch on it and it was taken
22 off and in so doing, it appears at the same time that the
23 chimney was built, because it's a chimney that's way -- and
24 you can see from the framing that originally there was a
25 double window there, okay? When I exposed that, I realized

1 that that whole side of the house was not original. The
2 chimney's not original. I have photos of it. And also when
3 the porch roof went up, I realized that I had -- I lost a
4 lot of the light and I wanted to get some light back in that
5 front room, and I added the two windows, okay? And I said
6 that in my letter that I sent you; the reasons for that.

7 But, again, I have photos showing that's not
8 original. That's not. The chimney was built at some point
9 at the same time that the porch was removed on the front of
10 the house.

11 MS. KAPSCH: So, those are the only two -- those
12 are the only changes that actually affect the historic
13 resource. Everything else is -- I mean, however the -- none
14 of the designs that have been proposed either -- that were
15 approved or the ones that are being brought forward tonight
16 to be approved are out of keeping with the structure -- I
17 mean, with the style -- architectural style of the historic
18 resource.

19 MR. BRESLIN: I think the point has to be made
20 that a huge part of our approval is the massing. That's
21 probably the most important part, but I can't remember the
22 last time we approved anything without looking at the
23 fenestration, and that is also very important and I think
24 things like fenestration and things like side porches and
25 front porches can make or break a project very easily.

1 And also when you were before us, we discussed the
2 massing, but I think we probably spent just as much time
3 discussing things like windows. And I specifically remember
4 going over the front porch and the size of the front porch
5 and the placement of windows the french doors on the front
6 porch in great detail. So, it's not like we ignored that
7 the first time. It's not like you could assume that we
8 would not care.

9 MR. MYERS: Yeah, I mistakenly did. I mean, I
10 did. I honestly felt like the front porch -- the base issue
11 with the front porch was that it looked too much like the
12 front door. So, I thought the changes made it look less
13 like a front door, and I didn't think you'd care honestly.

14 Look, I'm -- I know that I -- the process and I
15 don't mean to belittle. I am -- deeply regret it. I feel
16 extremely bad that I've come up here -- and I did changes
17 that I thought were minor and clearly was wrong, okay, and I
18 don't mean to belittle that. But, you know, the things -- I
19 do believe the things I did were in keeping with the way
20 this house ought to look, and I -- and I think that if you
21 have been to the site you'll see that I'm doing a real
22 quality job there.

23 I've spent a lot of extra money on the --
24 restoring parts of the existing house I never thought I'd
25 have to do. I had to rebuild an entire gutter on that

1 existing house. So, I am trying to do the best job. I
2 clearly made a mistake here. I know that and -- so, but I
3 hope that you will -- you may not agree that the changes may
4 look better from one to the other, but I hope honestly you
5 would look at it, and you know if you really think -- if you
6 really think that what I've done is not in keeping with this
7 style, then you should obviously reject it and make me rip
8 it off. If you really thing that. And I accept that's your
9 opinion. But if not, I hope you're not doing it as some
10 sort of punishment.

11 MS. VELASQUEZ: I don't believe this Commission is
12 in the business of punishing. We're in design, review, and
13 historic preservation issues. That's our main function in
14 life.

15 MR. MYERS: Well, in some ways I wish there was a
16 way to be punished, other than to rip something off. And I
17 -- I mean, I've mentioned this to Perry, and I'm being
18 straight honest with you, because there are force -- when
19 I'm building a project and I own a house and renovating
20 another, there are forces -- serious financial forces
21 involved. There's a process that, in some ways, can be in
22 conflict with that and I thought that coming -- you know,
23 I'm trying to make a house long term and I'm trying to do it
24 and I've got a deadline to meet, so there are financial
25 issues that were affected. Now, if I knew, for example --

1 and I told this to Perry -- that there were also financial
2 repercussions for me not following the process, it's a shame
3 that there -- there ought to be a monetary fine for not
4 following -- because honestly it would have gotten my
5 attention. I wouldn't -- do you know what I'm saying. Like
6 -- just like a deadline gets my attention and paying two
7 mortgages get my attention. I have, you know, choices to
8 make and it almost seemed like this was the least bad one.
9 And -- and I don't mean to belittle it, but I'm just being
10 honest with you.

11 There isn't really any way to punish me other than
12 to -- and there ought to be.

13 MS. VELASQUEZ: Are there any more questions of
14 the applicant, or is there a motion?

15 MS. WILLIAMS: No, I just had a comment. In
16 contrast to my fellow Commissioners, I sort of agree with
17 the applicant that in totality, the design changes are minor
18 and that's what I find most troubling, in fact, in that it
19 would have been a very simple process for you to come
20 forward -- come before us before making the actual changes,
21 and have them reviewed.

22 There is a random quality I think to the side
23 elevation that is not apparent in the original design that
24 was presented to us. I don't think this randomness is out
25 of character with a shingle-style house or a Dutch Colonial,

1 so I don't really have a problem with what you're proposing
2 on the side elevation. And so I would approve a retroactive
3 -- you know, I would support a retroactive approval.

4 But I do have a bit of a problem in the front
5 elevation with your change and fenestration there. I do
6 think that the French doors are -- they're asymmetrical,
7 first of all, as has already been pointed out. You
8 originally -- as you had proposed you enter the stairs
9 directly on axis with the door. It's now skewed and it
10 definitely takes away from the sort of balanced quality of
11 the addition and old.

12 And that's also true of the windows. You now have
13 three windows -- or, a single window as opposed to the three
14 that gave it more of a Craftsman quality that's lacking now.

15 MS. WRIGHT: Don't you think also that the four
16 French doors in a row create a pretty long expanse of
17 fenestration that, you know, again -- I think, a little more
18 typical of the shingle style is, you know, fairly solid
19 walls with clear penetrations by windows, rather than a
20 whole wall of essentially glazing. There were walls of
21 glazing, but they were like linear. You know, they were
22 like lines of windows --

23 MS. WILLIAMS: Right.

24 MS. WRIGHT: -- horizontal lines, you know like
25 the Lowe House or something. Long horizontal lined windows.

1 But not like four French doors in a row. That seems more
2 what you see on the back of a modern --

3 MR. BRESLIN: I was going to say that the two
4 French doors, although -- one of the concerns was -- more
5 like the front of the house at least looked like from --
6 looked like a traditional element, which was a good thing.
7 And four French doors throughout looks like your family
8 room. And although it is the front of your house, a family
9 room element on the front of a historic house is not,
10 perhaps, the best thing.

11 MS. KAPSCH: One of the real benefits of having a
12 retroactive revision is that you can go out and see the
13 house. And my experience is this -- the French doors are
14 not drawn correctly on Circle 9. They seem more centered
15 than they look on this drawing. They're not -- I don't
16 remember them being asymmetrical. I looked for that when I
17 went out there.

18 MR. BRESLIN: But it is still 12 feet of French
19 doors.

20 MS. WILLIAMS: But it's a lot of glass.

21 MS. KAPSCH: But my -- since it's set so far back
22 from the front of the house, it looked like a garden
23 entrance to the eye. I didn't -- I thought -- I went back
24 to the original transcripts and there was a serious concern
25 about this looking like two front facades, and that was

1 particularly Commissioner Breslin's concern and I -- I just
2 -- that was sort of why staff thought this could be
3 approved, is because this looked like a garden entrance to
4 me more now than what was originally approved.

5 MR. MYERS: You have to keep in mind also the
6 large tree in front of it and the thing sits back a good 25
7 feet from the front.

8 MS. WILLIAMS: I just find stylistically the four
9 French doors incompatible with the existing structure and it
10 doesn't necessarily in my mind on sight -- and I've seen it
11 -- it doesn't reduce that massing; it doesn't reduce the
12 addition to make it look, you know, inferior or secondary in
13 a way. It just -- to me it --

14 MS. KAPSCH: I thought it looked like an enclosed
15 porch. Closer to looking like an enclosed porch than a side
16 addition. It had a sunroom look, but I guess that's what
17 you all were saying about it. I understand what you're
18 saying about it looking like the back of the house.

19 MS. VELASQUEZ: Commissioners, do you have any
20 more comments?

21 MS. WRIGHT: How do folks feel about the side
22 porch, which is the only change in footprint essentially?

23 MR. HARBIT: Explain to me again why you did that?

24 MR. MYERS: Inside of the side entrance and the
25 original design had an inset porch that was about four or

1 five, three or something on the corner -- you came around
2 the corner. It was the same door. And it turned out as we
3 looked at it that we needed more space. It became a closet
4 and we moved the door to the side and it seemed like the
5 door ought to have a cover over it. So, it evolved into
6 that.

7 MR. HARBIT: And the porch above it is --

8 MR. MYERS: Well, it just like we ought to -- it
9 just -- well, when we were standing up there, we looked out
10 and there was a beautiful view down there and so we thought
11 if we put a roof cover on it, it would be great to be able
12 to stand out on it, so -- you know.

13 MS. WATKINS: I'm going to speak in defense of the
14 porch. I think the porch -- it sits really far back on the
15 site. Standing from the street it's really hard to read the
16 porch. The only thing I don't like about the porch is -- I
17 know the view is great; the door out to the little porch
18 just --

19 MR. MYERS: Well, the railing's not up yet,
20 though.

21 MS. WATKINS: No, I know. It just -- that whole
22 elevation just kind of -- I like the porch --

23 MS. WILLIAMS: You like the second-story porch or
24 you like the first-floor porch?

25 MS. WATKINS: I like the whole thing. Just the

1 door, you know. I guess the door makes sense coming off the
2 porch, or does a window make more -- you know, in the
3 elevation --

4 MR. MYERS: Well, when a railing's on, it will be
5 hard to tell the difference between the two. Which it's
6 not. It's stopped. It's not finished, so --

7 MR. BRESLIN: This is just a point. This is a
8 very minor point for the record. The first floor used to
9 have an inset and now it doesn't have an inset.

10 MR. MYERS: That's right.

11 MR. BRESLIN: So you added square footage --

12 MR. MYERS: Added --

13 MR. BRESLIN: You added a couple square feet and
14 you did change the -- you did change the massing. Between
15 that, the porch, and the dormer, those are three points of
16 additional massing, so you really shouldn't say the massing
17 hasn't changed, because the massing has changed.

18 MS. WRIGHT: And I think -- you know, I think just
19 to sort of go back to the beginning when Commissioner
20 Breslin was saying, and your description of sort of how you
21 decided to do the second story porch. You know, it's sort
22 of, "Well, we stood up and it looked nice and so we decided
23 to do it." I think what he was trying to say is when you
24 started off designing this house, you were acting as an
25 architect. You were saying, you know, "This is the facade.

1 This is how I want this facade to look." When you got into
2 the project, in a way you became a homeowner and you sort of
3 said, "Gee, we need a closet here, we need a window here,
4 well just needle this a little here, we'll needle that a
5 little there", and it does end up with a much more -- I
6 forgot what word Commissioner Williams used, but --

7 MS. WILLIAMS: Random.

8 MS. WRIGHT: -- random or arbitrary feeling to
9 that facade. It doesn't look as well designed. It looks
10 like it was something they said, "Gee, that's a nice view.
11 Let's stick a door here." It wasn't something where there
12 was sort of clear architectural thought.

13 MR. MYERS: Well, I think that your first point is
14 well taken; that there are, you know, forces as homeowners
15 that, you know, another homeowner besides me -- getting my
16 wife involved as well. So, but I do have to say that I
17 happen to like a -- I like the fun and more creative quality
18 of this side and I thought the original one was actually
19 fairly boring, and I really didn't think it -- so, you know,
20 I honestly like the sort of more creative side of that
21 personally. So, I wouldn't have done it if I didn't think
22 that -- I went back and sketched it. I would not have done
23 it if I didn't think it looked -- if I wasn't happy with it,
24 believe me. So, I mean to -- you're right about the first
25 part, but the -- secondarily I wouldn't have done it if I

1 didn't go back and look at it as an architect and I wasn't
2 happy with it.

3 MS. WATKINS: I have a motion. Do we need more
4 discussion?

5 MS. VELASQUEZ: We can discuss it after the motion
6 and second.

7 MS. WATKINS: Okay. I move that we approve staff
8 report 36/6-01J, RETROACTIVE REVISION, with the following
9 conditions. That the front elevation -- the front
10 elevation, as it's currently constructed be revised to the
11 original elevation, excluding the entry to the basement.
12 Next condition would be condition -- to the boxwood bushes
13 are to be planted around the right side of the property.
14 And three, that tree protection measures be taken at once,
15 including the standard feeding, mulching, and fencing
16 procedures during construction and after construction is
17 completed.

18 Anything else?

19 MS. WRIGHT: Do you want to include -- it's not
20 actually part of this work permit, but staff was not going
21 to give approval for the white pine to be removed, but you
22 could include all the other staff level approvals --

23 MS. WATKINS: Okay.

24 MS. WRIGHT: -- by reference.

25 MS. WATKINS: And condition number four, that the

1 white pine not be removed and number five, materials for the
2 new walkways -- be approved at staff level, with -- of staff
3 arborist. And number six -- we're on six?

4 MS. KAPSCH: Those are actually -- those have
5 already been approved. Those conditions --

6 MS. WATKINS: Okay. That's my motion.

7 MR. MYERS: Can I just add one thing?

8 MS. VELASQUEZ: Not yet. Is there a second to the
9 existing motion?

10 MS. WILLIAMS: Second.

11 MS. VELASQUEZ: Any further discussion?

12 MS. WILLIAMS: I actually have a question. The
13 stairs to the basement; where exactly are the stairs coming
14 up -- on the revised.

15 MS. WATKINS: They come down -- side --

16 MS. KAPSCH: On Circle 10 you can see under the
17 stair rail where there used to be lattice work, there's now
18 a stairwell -- a door leading into the basement.

19 MS. WILLIAMS: Okay. So, it's not visible from
20 the front elevation?

21 MS. WATKINS: That's correct.

22 MS. WILLIAMS: Okay, so you we're saying -- your
23 motion said change the front elevation to the original
24 design that came before us, exclusive of the --

25 MS. WATKINS: Right.

1 MS. WRIGHT: So, I just want -- I understand so
2 you could keep that entrance to the basement.

3 MS. WATKINS: Right.

4 MS. WRIGHT: Okay.

5 MR. MYERS: Before you vote, can I --

6 MS. VELASQUEZ: Mm-hmm.

7 MR. MYERS: One exception on the original front
8 elevation, you know, now I have the side lights on the
9 French door. I understand that, but is it -- would it be
10 possible to remove the side lights on the French doors, but
11 just keep the individual window with shutters as opposed to
12 three windows?

13 MS. WATKINS: Well, I'd like to vote on my
14 original --

15 MS. VELASQUEZ: Let's vote on this motion and then
16 we'll see if this motion passes or fails.

17 MR. HARBIT: As I understand it, there's no -- no
18 changes on the side elevations in your motion, is that
19 correct?

20 MS. WATKINS: That's correct. Can we have
21 discussion?

22 MS. VELASQUEZ: When there's a motion and it has
23 been seconded, you may discuss.

24 MS. WATKINS: Okay, I just felt that this was the
25 elevation -- probably the most important elevation of the

1 addition to the street and somehow kind of -- I'm not happy
2 with the other elevation, but I feel -- compromise.

3 MS. KAPSCH: Would there be any value in the
4 applicant explaining what interior changes --

5 MS. VELASQUEZ: No.

6 MS. KAPSCH: -- caused --

7 MS. VELASQUEZ: We don't deal with the interior.

8 MS. KAPSCH: But sometimes the changes to the
9 exterior are related to what's being done on the inside. We
10 always ask the floorplans to be included in applications, so
11 I'm not sure why -- with this one.

12 MS. VELASQUEZ: All right, there's a motion on the
13 floor --

14 MR. HARBIT: Could we ask the applicant, is that
15 going to change your interior floorplan?

16 MR. MYERS: Yeah, the three windows to one is a
17 way bigger problem, not that -- it's my problem obviously.
18 I'm just asking that --

19 MR. HARBIT: Is there a room wall there or
20 something?

21 MR. MYERS: The character of that room changed.
22 It was originally three windows in each side. It was more
23 of a sunroom. It became an office. That's why the
24 fenestration was reduced. It is now a window with cabinets
25 on either side. If I have to change it back to three

1 windows, it changes the use of the room and I would like to
2 just be able to understand the French doors --

3 MR. HARBIT: But you're not going to have to move
4 any walls?

5 MR. MYERS: Um --

6 MR. HARBIT: You might have to move cabinetry.

7 MR. MYERS: Yes. Well, I won't be able to have
8 the cabinetry. And, again, I think a single window is
9 absolutely in keeping with the house.

10 MR. HARBIT: The -- could I just discuss the side
11 elevation now?

12 MS. VELASQUEZ: That wasn't included in this
13 motion.

14 MR. HARBIT: Right.

15 MS. VELASQUEZ: Do you want to make a different
16 motion --

17 MS. WRIGHT: Or, you can ask this motion be
18 amended, but there is a pending motion now that needs to be
19 acted on. Unless you have a friendly amendment you'd like
20 to offer?

21 MR. HARBIT: I would like to propose a friendly
22 amendment, which would be to add an additional condition,
23 which would -- which would take the original window
24 configuration on the porch forward side back much closer to
25 what it was, so that while there is a French door over the

1 new porch now where there's a window -- door to the porch
2 over the -- the porch -- there's a door to the new porch on
3 the second floor. That there be a companion window and of
4 the same height as was originally designed. Instead of
5 having a window six feet higher.

6 MS. WRIGHT: And smaller.

7 MR. HARBIT: And smaller. That that would create
8 a more balanced --

9 MS. WRIGHT: So, you're essentially saying keep
10 the back part of the gable and on the side keep essentially
11 the original design, except allow the window to the left to
12 be turned into a door.

13 MR. HARBIT: A door; that's correct.

14 MS. WRIGHT: Is that an amendment that you accept?

15 MS. VELASQUEZ: Would you accept that amendment or
16 not?

17 MS. WATKINS: Yes.

18 MS. VELASQUEZ: Okay, the -- is there a second to
19 the amended motion?

20 MR. HARBIT: Could I ask the applicant one other
21 question?

22 MS. WRIGHT: You have to --

23 MS. VELASQUEZ: I need another second for the
24 amendment.

25 MS. WRIGHT: Or the amendment doesn't go.

1 MS. WILLIAMS: Well, I just have a bit of a
2 problem with doing that, because now you have paired windows
3 under it, so now you're going to have a single window over
4 the center of a pair of windows and it just doesn't work
5 that it did --

6 MS. VELASQUEZ: Excuse me. Wait to see if there's
7 a second. The amendment fails for lack of a second. We
8 have a motion on the floor. Is there any further discussion
9 about the existing motion?

10 MR. BRESLIN: Can I just make a comment?

11 MS. VELASQUEZ: Mm-hmm.

12 MR. BRESLIN: Not a motion, but just in general.

13 It sounds like where we're going is -- it sounds like there
14 are certain aspects of the new design that we would like to
15 see clarified; for instance the front and for instance the
16 side gable. It sounds like maybe we don't want to sit here
17 and redesign it from up here, and maybe we'd like to see
18 revised drawings that pick up our comments that leave in the
19 things we find least objectionable and finesse the things
20 that we find objectionable.

21 MS. WRIGHT: Although what the motion said, just
22 to be clear, is not a redesign. It's saying the front
23 facade goes back to the original approved design, which you
24 all have discussed and looked at and which you do have a
25 drawing of before you.

1 MR. BRESLIN: Right. But that's not my -- yes,
2 that's correct, but --

3 MS. WATKINS: And additionally, the applicant does
4 have the option of -- he's talking about that room that
5 would change going back to his original windows in his
6 original design.

7 MR. BRESLIN: Not if we -- the motion.

8 MS. VELASQUEZ: Okay, there's a motion on the
9 floor. We're going afield. All in favor of the motion
10 please raise your right hand. There are two for,
11 Commissioners Breslin, Harbit, and Velasquez is voting no.

12 MS. WRIGHT: Well, you have to ask who is voting
13 no -- mistake.

14 MS. VELASQUEZ: All right, all opposed raise your
15 right hand. My -- stands. All right, is there another
16 motion?

17 MR. BRESLIN: Well, would there be support for the
18 applicant to come back with revised drawings addressing our
19 concerns?

20 MR. HARBIT: Particularly on the side elevation.
21 Since there are no floorplans, I don't understand the
22 rationale for all of the changes that have been made and --

23 MR. BRESLIN: Regardless of the rationale, we have
24 expressed -- I mean, some of us have expressed that we think
25 it is not as appropriate an elevation as the old one, which

1 is --

2 MR. HARBIT: Right.

3 MR. BRESLIN: -- something, regardless of the
4 floorplan, the applicant could choose to address that and
5 bring something else back that was either more symmetrical
6 or more whatever.

7 MS. VELASQUEZ: Or we could vote on another motion
8 on this tonight.

9 MR. HARBIT: Another motion that I would do --
10 would propose would be basically the same motion as before,
11 but with the side elevation going back to the original
12 design, realizing that the applicant can come back for a
13 clarification, give us more information about how that would
14 work.

15 MS. WATKINS: That would essentially be the
16 original proposal.

17 MS. KAPSCH: That would essentially be a denial --
18 another --

19 MS. VELASQUEZ: The original HAWP is what you're
20 talking about on that, too?

21 MS. KAPSCH: If we're going to deny this
22 application, then that would be the end of this.

23 MS. VELASQUEZ: That's right.

24 MR. BRESLIN: But the applicant could come back
25 with a revised --

1 MS. KAPSCH: The applicant could go to the Board
2 of Appeals with the denial of this revision.

3 MR. BRESLIN: Could he come back with a revised --
4 revised elevation that addresses our concerns?

5 MS. KAPSCH: Yeah, he could choose which one he
6 wanted to do.

7 MR. MYERS: I would go to the Board of Appeals, I
8 guess first. And if they deny me, then I'd come back.

9 MS. VELASQUEZ: Do I hear a motion?

10 MR. MYERS: Can I ask a question?

11 MS. VELASQUEZ: Sure.

12 MR. MYERS: If -- if the -- if the retroactive --
13 if it's denied, does that mean there's a stop work order on
14 the project?

15 MS. WRIGHT: Yes.

16 MR. MYERS: Oh God. You really -- do you really
17 think it's that -- I mean, I can't believe that you honestly
18 think that this is that far -- what's -- you may not like it
19 as much as the original, but I cannot believe that you think
20 that this is -- this left side elevation is so out of
21 keeping with the style of house. It is not. This is -- it
22 is not.

23 MS. VELASQUEZ: I think one of the questions is
24 would we have approved this revised application if it were
25 an initial application. I think you're hearing --

1 MR. MYERS: I think that when we talked -- when
2 the initial application was approved, you know what the
3 discussion was -- and it was up in the other building
4 because we were not in this building. There was a lot of
5 discussion that -- and this is a -- just being honest --
6 that when we talked about it -- I can't remember which
7 Commissioners were there -- the issue was I was considering
8 renovating this house because I live down the street
9 currently. I was considering doing what I wanted to do to
10 the house to move there. Or, I was going to consider
11 renovating the existing house, leaving it there, and
12 building a small cottage on either side. There were lots of
13 problems when I proposed this. There were lots of feelings
14 I think among the Commission that they didn't like what I
15 was doing; it was too big, it looked way too much like a
16 shingle-style house, but the alternative to that -- to a
17 house of this size was going to be, you know, either I
18 wasn't going to move there, because I only wanted to move
19 there if I could make the house suited for my family, and I
20 would just, you know, turn it into a development project and
21 build a cottage on either side of it, which inside sinks it.
22 Honestly, I think the biggest reason it was approved was
23 because that was the alternative; not because of the facade
24 and that's my honest feeling, okay?

25 MS. VELASQUEZ: Well, that would be speculation.

1 Our record would stand for itself on that, but you did
2 receive a work permit and that's what we're dealing with
3 now.

4 Is there another motion?

5 MR. BRESLIN: Would a possibility -- what I'm
6 hearing is that we have some specific concerns. I think
7 they're relatively specific, and I'm not sure they can be
8 addressed in a motion. Is it possible that the applicant
9 could momentarily come back -- extend this, come back in two
10 weeks with revised drawings and address some of our
11 concerns, which may or may not -- the front facade may go
12 back to how it was or it may go back to a third version,
13 which has some of the qualities of the original design. The
14 side elevation may come back with -- may change in such a
15 way it's a little more symmetrical with some of the
16 qualities of the original design.

17 MR. MYERS: All of these things that we're talking
18 about, I mean I guess the scenario which obviously it's not
19 what's in support for, I think that the original motion that
20 was proposed here, if -- you know, I think eliminating the,
21 you know, the French doors on the front and leaving that as
22 a single window seems like it's a fairly significant
23 financial penalty to me. And anything else, I'm going to
24 almost have no choice but to go to the Board of Appeals. I
25 mean, I've got to be out of my house -- I don't have a place

1 to move in to in six weeks. I can't stop. I've got to
2 figure out how to come up with some scenario that allows
3 that to happen while this continues.

4 MS. VELASQUEZ: Okay, for the record that motion
5 did fail. We could make another motion. You can extend --
6 if you feel that you would appeal any adverse decision that
7 we make, we can't consider that when we make that decision.

8 MR. MYERS: No, I understand. I'm just -- you
9 know, I would like -- you know I feel like walking out of
10 here having to take -- I was -- you know, based on my
11 conversations with Perry, that I thought that the -- that
12 the feeling was that even though I clearly was wrong in not
13 following the procedure, that generally that she felt --
14 staff felt that the changes were not out of keeping and
15 that's clearly not what has happened here tonight. So, I --
16 and I was a little bit shocked that I'm going to have to
17 make significant changes, but I think taking those French
18 doors and reducing them to two is significant enough
19 personally, and I -- that -- and we could end it right now.
20 That's what I could -- I feel that that's much worse than I
21 expected to get coming in here, and I wish there was support
22 for that.

23 But if there's not, there's nothing else for me to
24 do. I suppose I don't have a choice. What Commissioner
25 Breslin says is to extend it for two weeks, but again, I

1 mean, my -- I'm a little stunned honestly that I'm on pace
2 to move into a house in, you know, six weeks that I'm --
3 that's drywalled and I'm going to have to open up and rip
4 windows out and take porches off and if that's where it's
5 going, you know I supposed I could move in and stop work on
6 that side of the house, and I'd probably have to do that and
7 go to the Board of Appeals. You know, I just would have to
8 do that.

9 And I'm not -- you know, you have your job to do
10 and if that's what you feel, that's the process. And if
11 they agreed with you, then they'd send me back here and I'd
12 have to do those things. But I'd have to at least go to
13 them first to try to avoid it. It's huge money. Huge
14 amounts of money to do that.

15 MS. VELASQUEZ: Okay, so you would like us to rule
16 one way or the other tonight so that you have an appealable
17 decision?

18 MR. MYERS: I suppose that's -- well, except that
19 if you ruled, then I have to stop work, is that correct?

20 MS. WRIGHT: Yes.

21 MR. MYERS: On all or just on those aspects of the
22 -- I can continue on the inside.

23 MS. WRIGHT: You'll have to check with Department
24 of Permitting Services. Our understanding is that if they
25 deny your application tonight, that they would issue a stop

1 work order tomorrow --

2 MR. MYERS: One everything?

3 MS. WRIGHT: -- on the entire project.

4 MR. MYERS: Oh my goodness.

5 MS. WRIGHT: Until you come into compliance.

6 MS. KAPSCH: Since I'm the staffperson on this and
7 spoke with George about this when it first came to my
8 attention, I have been looking at this for -- purely from a
9 historic preservation point of view. We did not look as
10 strongly at -- we did not review the side -- changes to the
11 side of a new addition at the level -- I'm not aware of
12 looking at it at the level at which you all are looking at
13 this. I realize it's a primary resource, but this is a new
14 addition on a primary resource and it's set well back from
15 the historic house itself and I -- I -- it's not --
16 generally it's been my experience with this Commission to
17 review --

18 MS. VELASQUEZ: Okay --

19 MS. KAPSCH: -- at that level.

20 MS. WRIGHT: I had another suggestion -- design
21 suggestion. Commissioner Harbit, and it sounds like a
22 number of Commissioners have expressed concern about the
23 gable end of the side elevation; the one that has the door?
24 What if you went back to a gable end that looked like the
25 original approved application with two regular windows, a

1 little window and no door and it just became a flat roof
2 porch with a little railing? I mean, obviously if someone
3 wanted to climb out the window and step on that roof, they
4 could, but it would not be a door out to the porch.

5 MR. MYERS: It would look wrong.

6 MS. WRIGHT: I've seen it on hundreds of houses.

7 MR. MYERS: Yeah, but the porch -- once the porch
8 -- then you'd have to take the porch off. It affects every
9 -- it wouldn't look right. The original elevation was very
10 symmetrical, except for one nook -- you know, one nitch.
11 One window centered over the three, it just doesn't -- it
12 just won't look right.

13 MR. HARBIT: Madam Chairman, can I make a motion?

14 MS. VELASQUEZ: Please.

15 MR. HARBIT: That we approve this Case No. 31/6-
16 01J with the following conditions. That the front elevation
17 return to the original design, with the exception that the
18 additional stairway to the basement be permitted. That the
19 boxwoods be planted. That there be adequate tree
20 protection. That the white pine stay. That the applicant
21 work with the staff to approve a paving plan for the walk.
22 And that the design on the second dormer on the side
23 elevation return to its original design, which would be two
24 windows on either side with a single one at the peak, and no
25 door.

1 MS. WATKINS: Can I make a friendly amendment to
2 that?

3 MR. HARBIT: Sure.

4 MS. WATKINS: My friendly amendment will be that
5 the window be centered over the new entrance and that the
6 second window be centered over the -- aligned with the
7 window below it, so that the new entryway have a window in
8 place of the door and the second double-hung window would
9 align with the left-hand window?

10 MR. HARBIT: Yes, I would accept that.

11 MS. VELASQUEZ: Okay, is there a second?

12 MS. WATKINS: I second.

13 MS. VELASQUEZ: Okay, all in favor of the motion
14 -- does everyone understand what it is with all the
15 conditions? All in favor of the motion please raise your
16 right hand. There are three for. All opposed?
17 Commissioners Breslin and Commissioner Williams are opposed.
18 The motion passes three to two.

19 MS. WRIGHT: And as with all decisions of the
20 Commission, you can still appeal the decision to the Board
21 of Appeals. But I think -- if I can sum up, I think that
22 this was a bad situation from the get-go. And we've come up
23 with a resolution here that is a compromise. If you decide
24 to appeal it to the Board of Appeals -- I mean, the
25 Commission has had the option ever since two weeks ago of

1 issuing a stop work order on your property, and they could
2 have at the meeting two weeks ago stopped work to tonight.
3 You could have lost two weeks on the job. And I think that
4 there were Commissioners who supported doing that, and I
5 think there were Commissioners who didn't want to do that
6 because they understood the repercussions.

7 But I think that this is a compromise, but what I
8 also hope it is is something that will be clear not only to
9 you but to other architects who come to the Commission that
10 -- and applicants in general, that changes have to come back
11 to the Commission, or at least you need to pick up the phone
12 and call staff and find out if the change has to come back.

13 I think what has frustrated everyone here has been
14 your level of experience with the Commission. If you were a
15 homeowner who had never been to the Commission before, it
16 would be a different story.

17 MR. MYERS: I didn't want to bring this up, but I
18 can tell you that my reasons for doing these things are not
19 -- or, I can point out three projects that I was involved in
20 where I was not the builder that changes were made similar
21 to these in the field, still in keeping with the project,
22 not a word was said about it. So, I didn't -- and I guess
23 what I'm saying is that there was a reason for me to believe
24 that there was -- that this was okay.

25 MS. WATKINS: I think --

1 MR. MYERS: Okay? And I'm not saying -- so, I'm
2 just telling you that I didn't -- for me to think that this
3 was -- like I was doing something crazily wrong, I didn't,
4 because I'd seen it done on three projects. I'd seen on
5 Capitol View; that's -- go look around the back. There's --
6 some of them had two garages; there's one approved. Okay, I
7 mean I didn't want to bring this up because I didn't want to
8 rat on these people, but the fact of the matter -- look in
9 the back of Baltimore Avenue, the dormer's two or three feet
10 wider than what was approved, okay? Not seen from the
11 street, didn't change the character of the historic district
12 in any way, nobody saw it; that's the only difference here,
13 okay?

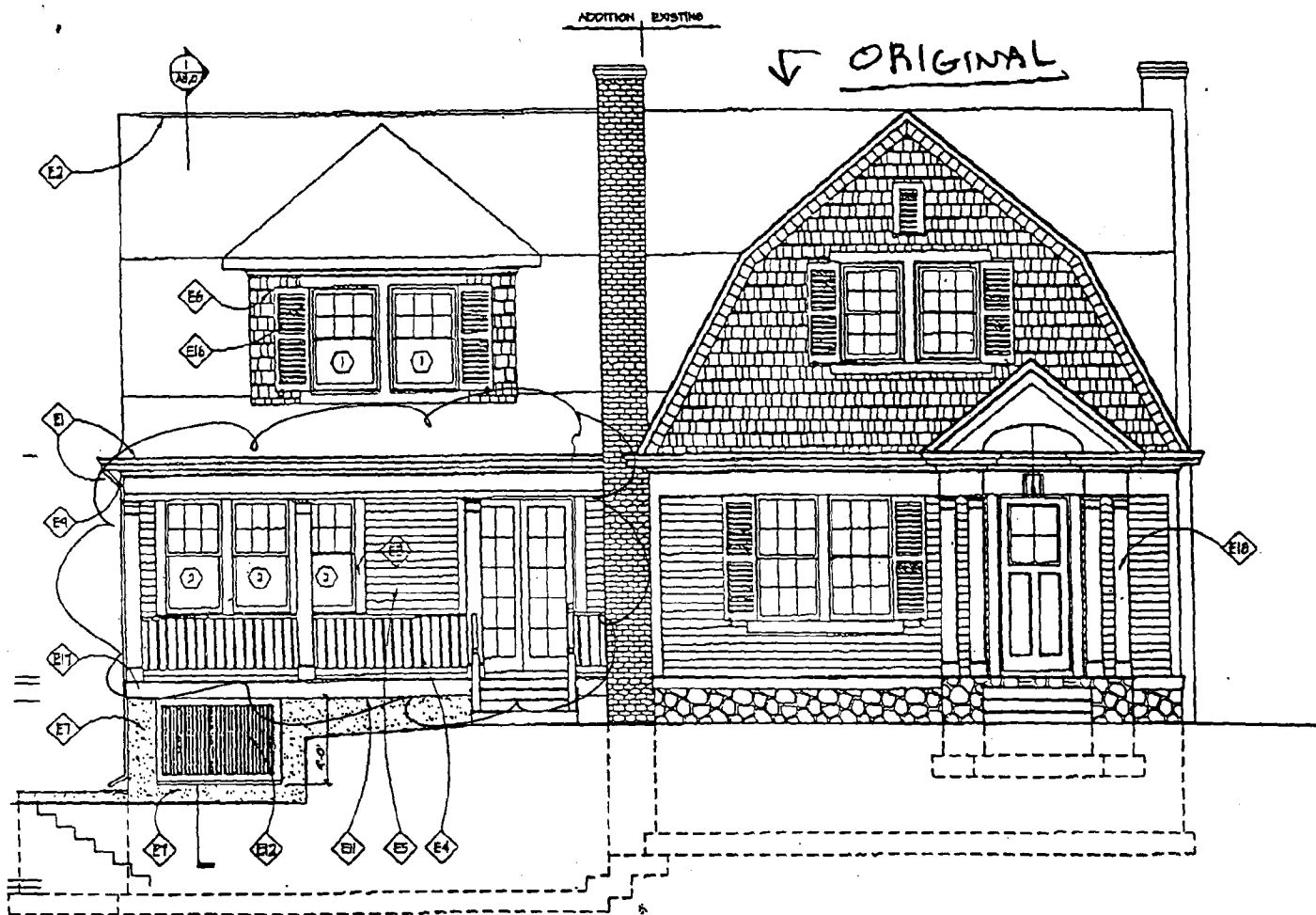
14 So, I'm just saying I didn't -- these are projects
15 I was directly involved in where I would say that 95 percent
16 of the concept is there, they're fine projects, finely done,
17 and so I was not doing anything I hadn't seen done several
18 times.

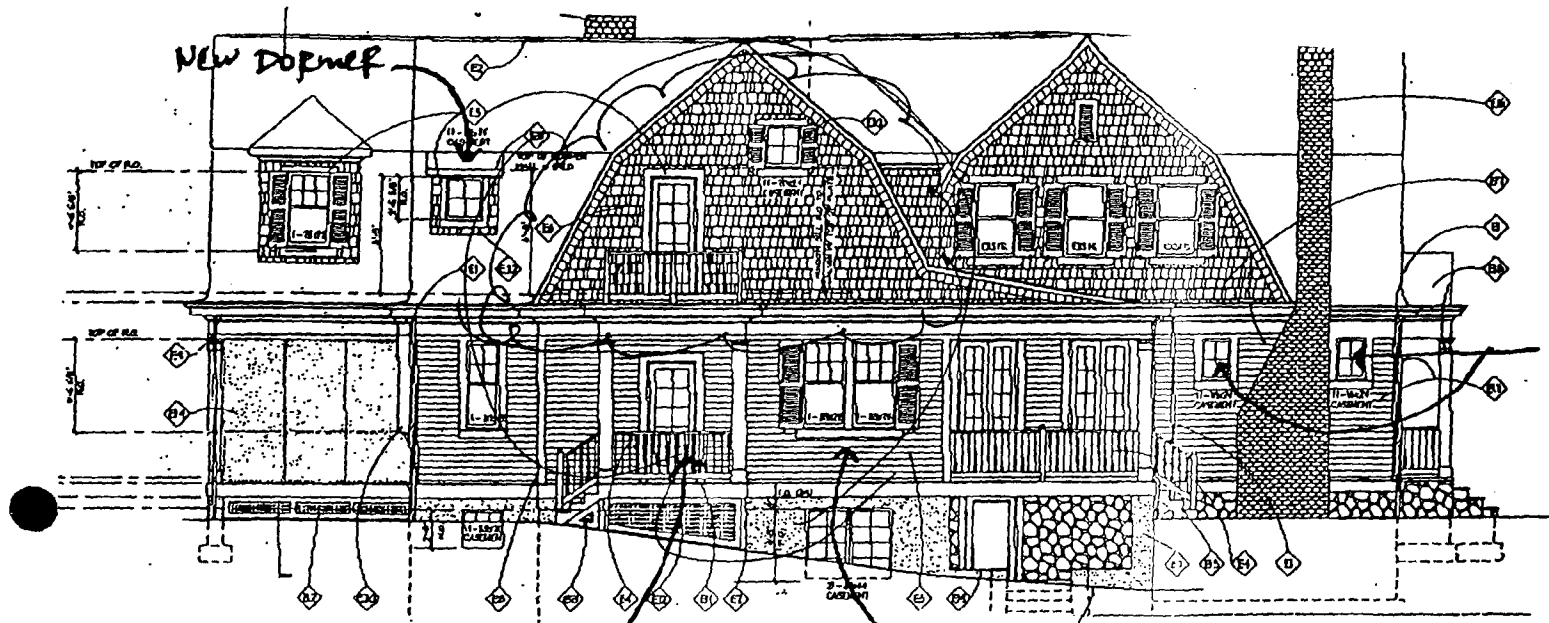
19 MS. WATKINS: I think what this has taught us is
20 that we have a problem and it has to be addressed.

21 MR. MYERS: I understand that. I feel like I'm
22 being made an example of.

23 MS. WATKINS: I would disagree.

24 MS. WRIGHT: I think you're getting off a lot
25 easier than you might.



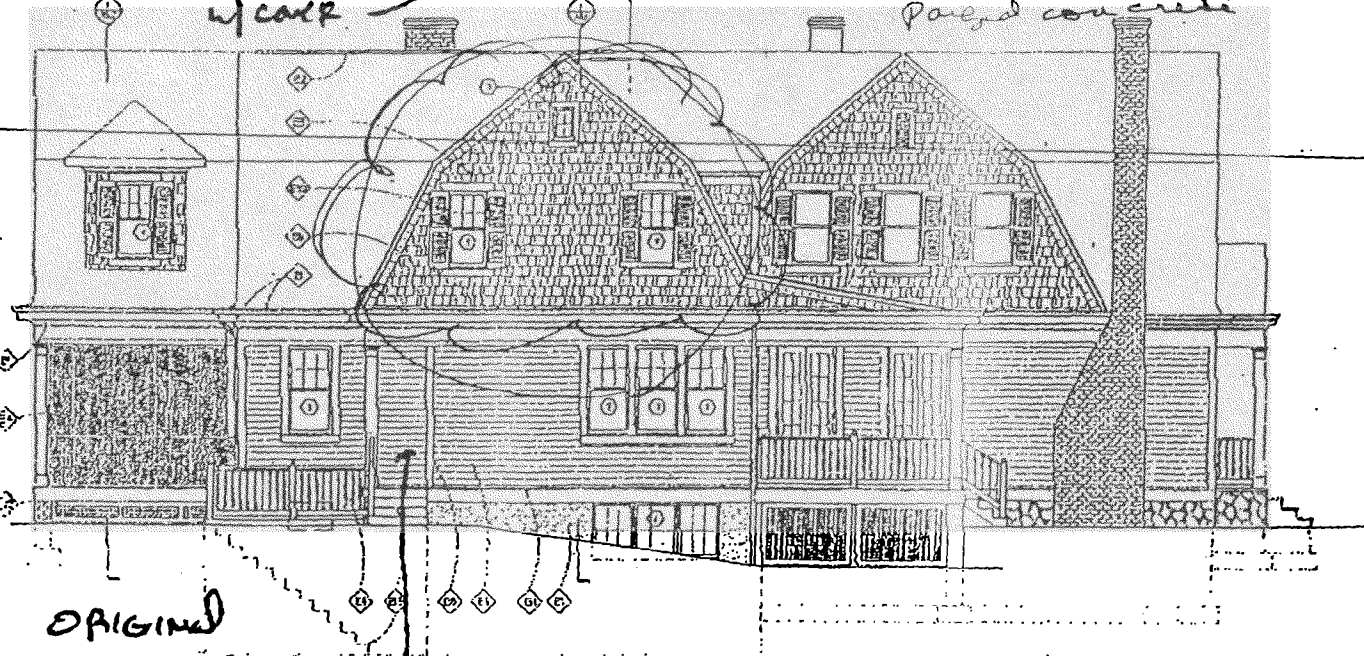


MODIFIED
DESIGN

New windows

SIDE ENTRY
w/ CARP

REVISED WINDOW PLACEMENT + SIZE
paved concrete



ORIGINAL
DESIGN

ORIGINAL
SIDE ENTRY
w/ CARP

10314 Fawcett St

SAME ELEVATION
5/20/02.

(10)

October 23, 2002

Mr. Steven Spurlock, Chairman
Historical Preservation Commission
8787 Georgia Ave
Silver Spring, MD 20910

Re: 10314 Fawcett Street, Kensington Historic District
Case 31/B-01J Retroactive Revision

Dear Chairman Spurlock,

I am writing in regard to my request for reconsideration for the above referenced project. I want the Commission to know that I sincerely regret my failure to follow the process, and that I understand the seriousness of this failure. Although there were reasons for my actions; in retrospect none of them are even remotely acceptable as explanations- I made serious errors in judgement. I did not in any way mean to show disrespect to the the Commission or the process, yet I realize that is exactly what I did. At this point, all I can do is apologize and say that it will not happen again. I know at this point that I have damaged my credibility, and the Commissioners have cause to be skeptical. In any case, I hope this one mistake does not negate completely the many other times I have followed the process diligently.

Thankyou again for your consideration in this matter.

Sincerely,



George T. Myers, AIA

EHT TRACERIES, INC

1121 FIFTH STREET, NW WASHINGTON, DC 20001 TEL: 202-393-1199 FAX: 202-393-1056

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October 22, 2002

Mr. Steven Spurlock, Chairman
Montgomery County Historic Preservation Commission
Georgia Avenue
Silver Spring, MD

Re: 10314 Fawcett Street, Kensington
(Case 31/6-01J – Retroactive Revision) Request for Reconsideration

Dear Chairman Spurlock:

I am writing regarding work completed on the house at 10314 Fawcett Street, Kensington, located in the Kensington Historic District. George Myers, the owner of the house and the project architect, asked me to assess the appropriateness of the work completed on the addition to the historic resource. It is my understanding that the Historic Preservation Commission (HPC) denied several changes made to the new addition's design, specifically the door and window configuration on its east (front) and south (side) elevations.

On Friday, October 18th, I visited the property, a single family dwelling built in 1901 in the Dutch Colonial/Shingle style and defined as a Primary Resource within the Kensington Historic District. I walked the property and viewed the exterior and interior of the house. Mr. Myers showed me the original approved designs, as well as drawings for the completed work that was denied approval by the HPC last June. He explained that he had failed to seek proper approvals prior to proceeding with the work on the new addition and that when he sought a retroactive approval the door and window configuration had been denied. Using my best abilities and experience as an architectural historian and preservation consultant, I evaluated the completed work for its appropriateness and compliance with Maryland and Montgomery County preservation laws and the Secretary of the Interior's Standards for Historic Rehabilitation.

My review of the property leads me to believe that the changes are consistent with the character of the historic resource and do not diminish the integrity of that resource in any way. My position is based on the following:

First, all work at issue is located on the new addition and in no way did its construction require or cause the destruction or harm to historic materials.

Second, the location of the addition is substantially setback from the main block of the historic resource. The façade of the historic resource is 45 feet back from the street. The

front wall of the addition is set back an additional 30 feet from the façade of the house. This setback clearly makes the addition a subordinate element to the dominant historic resource. The addition reads as an ell, a form often used for Colonial Revival style houses. Set on a large lot, the historic resource (including the addition) presents an appearance that is consistent with neighboring properties. The importance of the historic resource has not been reduced or compromised in any way by the addition's massing, size, scale, or architectural features.

Third, the one-story, 11-foot deep porch attached to the addition's east elevation is skillfully designed to minimize the perceived appearance of the new addition as a whole, contributing to its reading as a subordinate element to the historic resource. The porch's elements (including roofscape, columns, railing, and floor and entry steps) work together to break down the scale of the addition's massing, reinforcing its character as complementary and secondary to the main block of the original building. The depth of the porch reads in a traditional manner characteristic to Colonial Revival houses of the early twentieth century, casting its architectural elements in shadow in a way completely compatible with the character of the historic resource.

Third, the fenestration is compatible with the stylistic appearance of the historic resource and yet sufficiently differentiated from the original. The fenestration at issue is composed of two elements: a single window (six-over-one, double-hung, wood sash) and a single pair of multi-light French doors flanked by double sidelights. Although different from the approved design of a single door and grouping of three windows, the new design is presented in a traditional manner, in keeping with the stylistic derivation of the main house. The use of a single six-over-one light configuration of the window provides an appropriate appearance that fits with, but is different from the mix of six-over-six and one-over-one windows extant on the historic resource, while the single pair of multi-light French doors with double sidelights is equally compatible. Set toward the inner corner of the porch, it is important to understand that the French doors do not dominate the elevation, do not compete with the main entry door, do not read as a bank of doors or do not express an inappropriately modern expanse of glass. Instead, the configuration is and reads as a single pair of doors. The traditional wood framing system and the flanking sidelights provide a bi-lateral symmetry that is in keeping with the original Dutch Colonial Revival/Shingle style of the house. (In contrast, two pairs of French doors [which would have required a wider opening than used for the existing configuration] set next to each other might have presented an appearance too contemporary to be compatible with the historic resource.)

Fourth, the fenestration on the south elevation is compatible with the historic character of the original house. The locating of a door on a second story is common among Colonial Revival style houses. Doors were often placed at the second story to provide access to sleeping porches or simply for access to the outside. These doors are found not only on the side and rear of houses from the period, but sometimes on the front elevations. The relatively obscure location of this door on the south side of the addition makes this element of minor concern as an architectural feature, even if it were not stylistically appropriate. Further, the small window seemingly placed at the attic story is equally

characteristic of the style of Colonial Revival houses. Small windows, uniquely placed, provided ventilation and/or light to attic stories, as well as captured the romantic feelings of historicity that Revival style houses were intended to invoke. And, like the door, its placement on this elevation does not distract or diminish the historic resource in any way.

I believe that the work that was denied by the HPC should be reconsidered taking into account the information stated above. Unfortunately, the drawings presented to the HPC in June do not do justice to the project's appearance as constructed. Although these drawings are technically accurate, the subtleties and enhancement of depth, relation of solids and voids, and the quality of detailing of the work are not expressed. As completed, the addition reads as a sensitive, compatible design that enhances, and thereby serves to protect, the historic integrity of the original resource. The restored house and its new addition are compatible with the character and nature of the Kensington Historic District and should be understood as consistent with the goals and intent of the Montgomery County Historic Preservation Commission. When perceived within its proper context, the work is consistent with Chapter 24A-8(b)2:

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

and with the Secretary of the Interior Guidelines #9 and #10:

New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize 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,

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.

Please know that Mr. Myers and I have discussed at length the seriousness of his failure to obtain the proper approvals before acting. I am confident that he will not pursue so ill advised a course of action again. Although there is no excuse for the applicant's failure to seek approval for the changes to the design prior to its construction, in light of the merit of this work, I respectfully encourage you to reconsider the decision denying the approval for these changes.

Thank you.

Sincerely,

Emily Hotaling Eig

Cc: George Myers
Gwen Marcus Wright

October 22, 2002

James D. Engel
10220 Carroll Place
Kensington, MD 20895

Steven Spurlock, Chairman
Historic Preservation Commission
Maryland-National Capital Park and Planning Commission

RE: HPC Case No. 31/6-01J; 10314 Fawcett St., George Myers (Retroactive Revision)

VIA FACSIMILE

Dear Chairman Spurlock

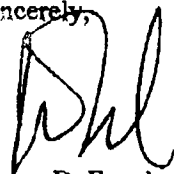
As Chairman of the Local Advisory Panel for HPC-Kensington Historic District, I am providing you with a copy of LAP's comments regarding the above referenced case. I want to draw your attention to the fourth paragraph regarding this Case. Please note that LAP felt that Mr. Myers' revisions were acceptable, and we encouraged Staff to be lenient in cases where the modification was made to an *addition* to a historic resource, as opposed to modifications to a historic resource itself. We especially felt that this leniency should pertain to cases where the modifications did not materially change the overall concept of the *addition*.

As a private citizen living in the Kensington Historic District and an advocate for historic preservation, I am somewhat concerned about the lasting effect that HPC's resolution on June 6, 2002 in this Case will have on the historic preservation effort. While Mr. Myers certainly is not a "lay person" with regard to proper procedure in these matters, he is nevertheless a homeowner, a parent, and a business owner in Kensington who like many of us has to manage all of these responsibilities. While he failed to notify Staff about the modifications to his project, I feel that many residents will see these as minor modifications to the addition. In my opinion, the actions of the HPC on June 26, 2002 will have a further "alienating" effect on the residents of the District vis a vis historic preservation in general.

In defense of Mr. Myers, please consider the condition of the primary resource; This was a relatively unremarkable Dutch Colonial Revival structure with Shingle style elements. Many of the finer details of the structure had been largely removed, or allowed to fall into extreme disrepair. Mr. Myers restored and replaced some of those elements such as the front door cover, appropriate period style front door, gable shingles in natural wood, as well as the costly built-in gutter replacement.

With regard to the addition, HPC approved a design for a structure with a certain *mass, scale, set back, and materials* that I feel respected a "weak" primary resource. I feel that the changes done by Mr. Myers were largely immaterial, and in some ways further differentiated the addition from the original house. Had the original structure been an outstanding example of its particular style in pristine condition, I would fully support HPC's actions on June 26, 2002. In this particular case, I do feel that the actions taken are out of proportion to the "crime."

Sincerely,



James D. Engel

cc: George Myers

G T M
ARCHITECTS
10415 Armory Avenue
Kensington, MD 20895
(301) 942-9062
Fax (301) 942-3929
Toll Free (877) 942-9062
www.gtmarchitects.com

FAX

Date: 10/9/02

To: Historical Preservation Commission
Gwen Wright
Phone: 301-563-3407
Fax: 301-563-3412

From: GTM Architects, Inc.
George Myers
Phone: 301-942-9062
Extension: 13
Fax: 301-942-3929

Pages (including cover sheet): 16

Subject: 10314 Fawcett Street

Gwen-

Enclosed is an invoice from my builder which indicates the amount of extra effort we made in repairing & restoring the architectural features of the existing house. For the most part, these were unexpected costs, causing me to run well over my budget. I am hoping that the Commission will give me some credit for these efforts when evaluating whether they really think it is necessary for me to incur considerable additional costs to make the window & door changes on the addition, especially when these changes will have no effect on the Historic District.

Secondly, I have enclosed letters of support from my immediate neighbors, all of whom feel the addition is appropriate as it stands. If necessary, I could easily obtain considerably more support- I have yet to hear a negative word about the project from anyone in the local community, including of course, the Kensington LAP, which is on record as supporting approval of the retrocative premit as it was submitted.

Thanks again for your help with this. I hope the Commission will at least reconsider. I sincerely regret making the changes without going through the proper channels- I hope they believe that and will accept my apology. I hope they also realize that my intentions were always the same as their own- that is, to build in a manner appropriate to the Historic District .

Thanks,
GEORGE

INVOICE

PEAK CONSTRUCTION
 3129 University Blvd. #6
 Kensington, MD
 TEL. 301-946-5541

No. PAGE 1

INVOICE DATE JUNE 12, 02
CUSTOMER'S ORDER NO.

SOLD TO: GEORGE MYERS 10314 FAWCETT ST KENSINGTON, MD 20895
--

SHIP TO:

SALESPERSON	SHIPPED VIA	TERMS	F.O.B.
-------------	-------------	-------	--------

QTY. ORDERED	QTY. SHIPPED	DESCRIPTION	UNIT	AMOUNT
		RESTORATION OF EXISTING HOUSE @ 10314 FAWCETT ST.		
		1. JACK-UP HOUSE 3" @ S.W. CORNER		
		• REPAIR ROTTEN SILL PLATES @ SOUTH & WEST SIDES		
		• NEW 2X12 P.T. SILL PLATES UNDERNEATH		
		• SHIM EXISTING COLUMNS (8) @ BASEMENT WITH		
		NEW CONCRETE FOUNDATIONS		\$5,600
		2. RESTORE BUILT-IN GUTTERS		
		• RIP OUT OLD COPPER, FASCIA, SOFFITS & CROWN		
		• REPAIR / REINFORCE FRAMING (4,500)		
		• NEW FASCIA, CROWN, & SOFFITS		\$12,500
		• NEW COPPER GUTTER SYSTEM (\$8,000)		

INVOICE

PEAK CONSTRUCTION
 3125 University Blvd. #6
 Kensington, MD
 TEL 301-946-5541

No. PAGE 2

INVOICE DATE	JUNE 12, 02
CUSTOMER'S ORDER NO.	

SOLD TO:

GEORGE MYERS
 10614 FAWCETT ST.
 KENSINGTON, MD, 20895

SHIP TO:

SALESPERSON	SHIPPED VIA	TERMS	F.O.B.
-------------	-------------	-------	--------

QTY ORDERED	QTY SHIPPED	DESCRIPTION	UNIT	AMOUNT
3		NEW CEDAR SHINGLES (3 SIDES GABLES)		
		• RIP-OUT & DISCARD EXISTING DAMAGED SHINGLES		
		• NEW MOUSE WRAP & ICE GUARD		
		• NEW FLASHINGS & VALLEYS		\$10,500
		• NEW "PERFECTION" CEDAR SHINGLES		
4		NEW ROOF SHINGLES		
		• NEW VALLEYS & FLASHINGS		\$5,200
		• NEW "TIMBERLINE" SHINGLES 120 SQUARES		
5		REINFORCE EXISTING FLOOR FRAMING		
		• NEW 16" TRIPLE MICROLAM BEAM & POSTS		
		• NEW 8" MICROLAM FLOOR JOISTS		\$4,700
		SISTERED TO EXISTING DAMAGED JOISTS		

INVOICE

PEAK CONSTRUCTION
 3129 University Blvd. #6
 Kensington, MD
 TEL. 301-946-5541

No. PAGE 3

INVOICE DATE	JUNE 12, 02
CUSTOMER'S ORDER NO.	

SOLD TO:	GEORGE MYERS
	103 W. RANDOLPH ST
	KENSINGTON, MD. 20895

SHIP TO:	

SALESPERSON:	SHIPPED VIA:	TERMS:	F.O.B.:
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QTY. ORDERED	QTY. SHIPPED	DESCRIPTION	UNIT	AMOUNT
		6. NEW STOOP @ FRONT ENTRY		
		• RIP OUT DAMAGED EXISTING		\$4,200
		• REBUILD NEW USING SIMILAR		
		STONE & PLASTER.		
		7. REPAIR STONE FOUNDATION WALLS		\$2,500
		• REPAIR MISSING/LOOSE STONES @ FOUND.		
		• POINT UP/MORTAR ALL JOINTS		
		TOTAL:		\$45,200

INVOICE

October 9, 2002

Chairman Steven Spurlock
Historical Preservation Commission
8787 Georgia Ave
Silver Spring, MD 20910

Re: Case 31/6-01J (Retroactive Revision)
10314 Fawcett Street, Kensington Historic District

Dear Chairman Spurlock,

This letter is being sent to urge the Commission to reconsider its position with regard to the 10314 Fawcett Street. As a neighbor and resident of the Historic District, I believe that the addition as it is built is appropriate to the existing house, and to the Historic District. I am sincerely hope that the Commission reconsiders its decision, and approves the retroactive permit without conditions.

Sincerely,

Kate C. Cavan
10300 Fawcett Street
Kensington, MD 20855

I understand the prerogative of the HPC to have oversight of old, existing important structures. But I do not understand your authority or concern with a design feature over a new (part of) the structure. This kind of action makes it very difficult for reasonable ~~citizens~~ citizens to support any work you do. Not good for historic preservation!

October 9, 2002

Chairman Steven Spurlock
Historical Preservation Commission
8787 Georgia Ave
Silver Spring, MD 20910

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Sincerely,

*Mary Bonatelli
10400 Montgomery Ave
Kensington, Maryland 20895*

October 9, 2002

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Historical Preservation Commission
8787 Georgia Ave
Silver Spring, MD 20910

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Sincerely,

Blair B Cavan
10300 Fawcett St.
Kensington, MD 20895

October 9, 2002

Chairman Steven Spurlock
Historical Preservation Commission
8787 Georgia Ave
Silver Spring, MD 20910

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Sincerely,

Susan Abbott

10409 Fawcett St.

Kensington, Md 20895

October 9, 2002

Chairman Steven Spurlock
Historical Preservation Commission
8787 Georgia Ave
Silver Spring, MD 20910

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Sincerely,

A Bruce Abbott

*10409 Fawcett St.
Kensington, Md 20895*

October 9, 2002

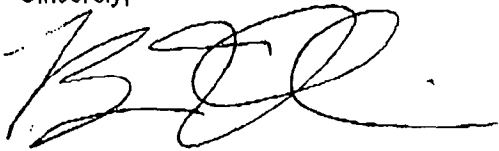
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Silver Spring, MD 20910

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Sincerely,



10405 Fawcett St.
Kensington, MD
20895

October 9, 2002

Chairman Steven Spurlock
Historical Preservation Commission
8787 Georgia Ave
Silver Spring, MD 20910

Re: Case 31/6-01J (Retroactive Revision)
10314 Fawcett Street, Kensington Historic District

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Sincerely,

Sally Weisman
10403 Fawcett St
This is absurd!

October 9, 2002

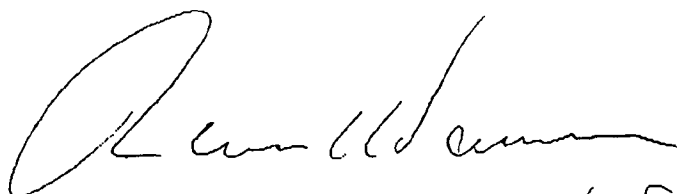
Chairman Steven Spurlock
Historical Preservation Commission
8787 Georgia Ave
Silver Spring, MD 20910

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Sincerely,


10403 Fawcett St
Kensington MD 20895

October 9, 2002

Chairman Steven Spurlock
Historical Preservation Commission
8787 Georgia Ave
Silver Spring, MD 20910

Re: Case 31/6-01J (Retroactive Revision)
10314 Fawcett Street, Kensington Historic District

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Sincerely,

Carmi Anne Cupert
10318 Fawcett St.
Kensington, MD 20895
301-949-5146

*We love the house in its current state,
and we don't think one thing should be
changed. It is a wonderful addition to
the neighborhood!*

October 9, 2002

Chairman Steven Spurlock
Historical Preservation Commission
8787 Georgia Ave
Silver Spring, MD 20910

Re: Case 31/6-01J (Retroactive Revision)
10314 Fawcett Street, Kensington Historic District

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Sincerely,

Helen Edward
10314 Fawcett St.
Kensington MD 20895
301.942.1986

October 9, 2002

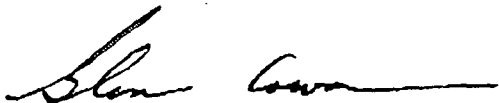
Chairman Steven Spurlock
Historical Preservation Commission
8787 Georgia Ave
Silver Spring, MD 20910

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Sincerely,



GLENN COWAN
10300 FAWCETT STREET

October 9, 2002

Chairman Steven Spurlock
Historical Preservation Commission
8787 Georgia Ave
Silver Spring, MD 20910

Re: Case 31/6-01J (Retroactive Revision)
10314 Fawcett Street, Kensington Historic District

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Sincerely,

Kyle Richards

Michael and Debra McCurry

10313 Fawcett Street
Kensington, MD 20895-3340
301.949.5955
mccurry5@aol.com

October 8, 2002

Hon. Steven Spurlock
Chairman, Historical Preservation Commission
8787 Georgia Avenue
Silver Spring, MD 20910

Re: Case 31/6-01J (Retroactive)
10314 Fawcett Street
Kensington, MD

Dear Chairman Spurlock:

We write in full support of our neighbor, George Myers, and his desire to have a retroactive approval of design modifications to the construction work he has completed at his lovely new home, 10314 Fawcett St in the Kensington Historic District.

We live across the street from the property in question and have noted with approval the improvements and preservation work that George has undertaken to a structure seriously in need of repair.

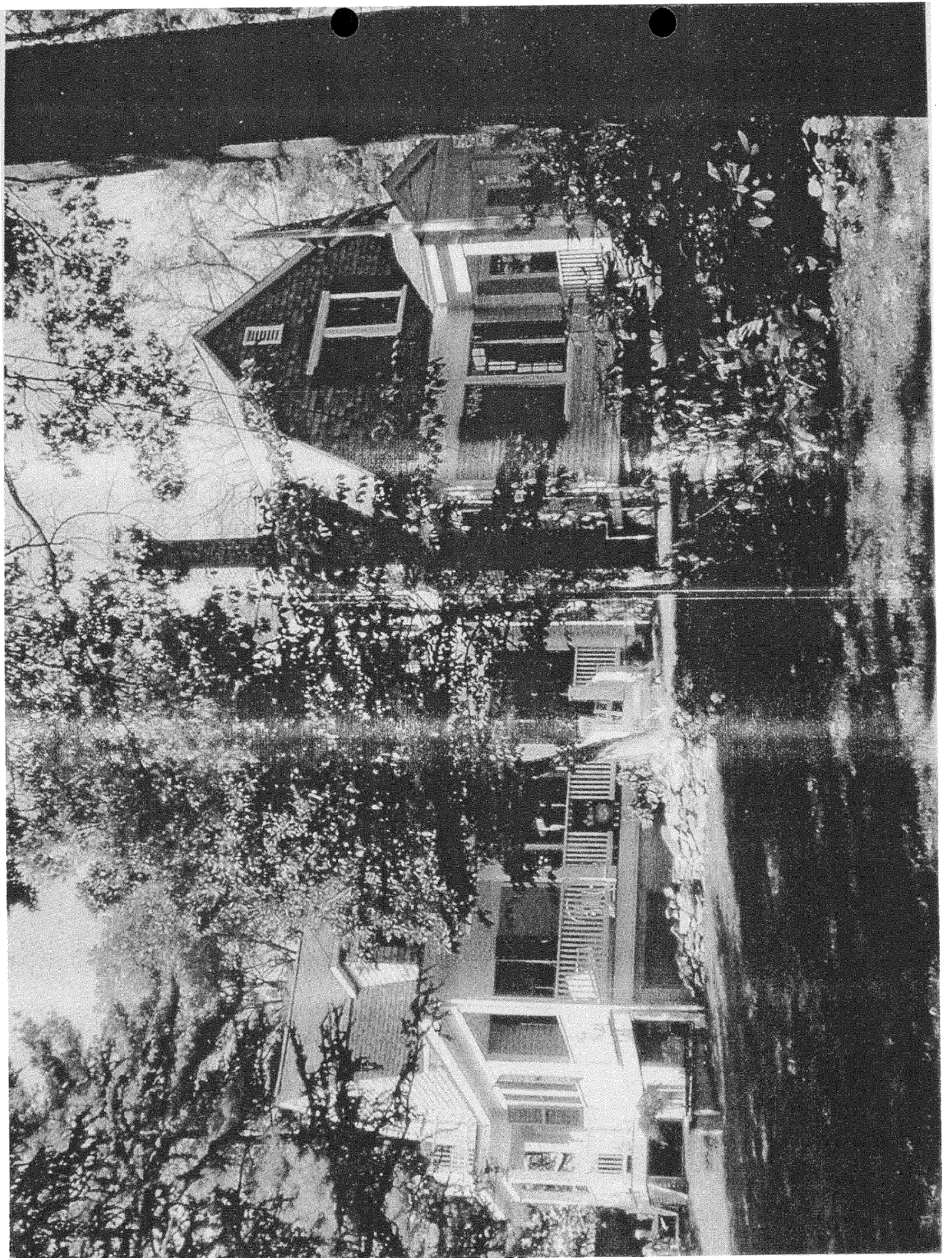
None of the design modifications made by George in the process of construction seem to us to detract from the original design. In fact, the modifications made during construction only effect the new construction approved as an addition and make no change in the fundamental architecture of the original dwelling.

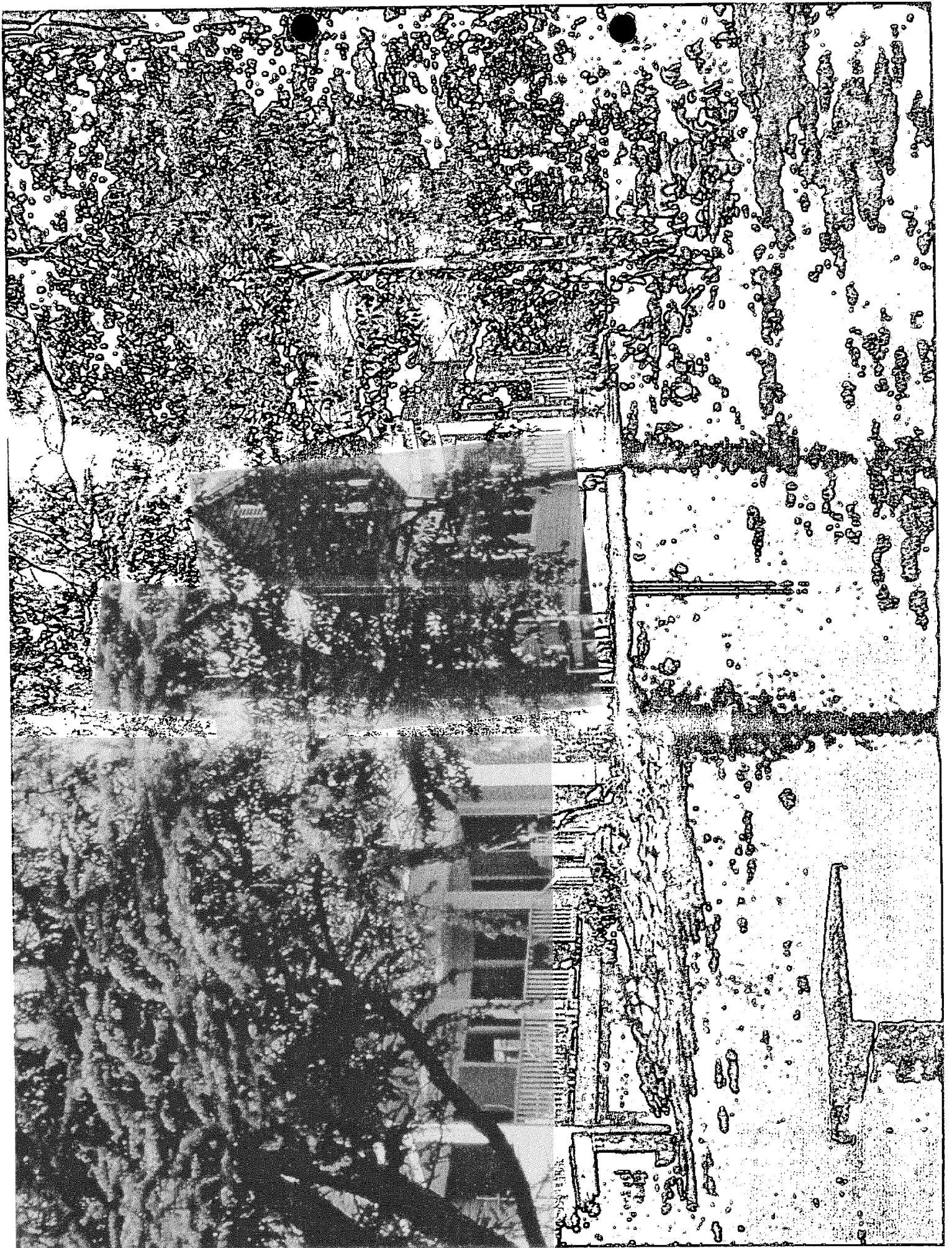
We believe the changes made during construction add to the design and appeal of the structure and should not be the subject of seemingly punitive action by the Commission. As neighbors, we are also self-interested in an end to construction at the site and the remedy proposed by the Commission would entail a new round of extensive and disruptive construction in the neighborhood just as we were enjoying things returning to normal.

Please grant a retroactive revision to the original design and prevent further litigation and uncertainty about this appealing new addition to our neighborhood.

Sincerely,


Michael and Debra McCurry









HISTORIC PRESERVATION COMMISSION STAFF REPORT

Address: 10314 Fawcett Street, Kensington	Meeting Date: November 13, 2002
Applicant: George Myers	Report Date: November 6, 2002
Resource: Kensington Historic District	Public Notice: October 30, 2002
Review: HAWP - RECONSIDERATION	Tax Credit: None
Case No.: 31/6-01J RECONSIDERATION	Staff: Gwen Wright
PROPOSAL: Alterations to windows and doors on two facades of addition	RECOMMEND: Approve

PROJECT DESCRIPTION

SIGNIFICANCE: Primary Resource
STYLE: Dutch Colonial Revival/Shingle
DATE: 1901

PROPOSAL/BACKGROUND

On June 26, 2002, the HPC approved a Retroactive Revision to the Historic Area Work Permit for this property. The staff report, the minutes from this HPC meeting, and the decision memo are all attached.

The applicant disagreed with two of the conditions on the approval. Specifically:

1. The left gable of the new section is to have two matching 6/1 shuttered windows in place of the door and small window currently there. (The existing door and window are to be removed and replaced with configuration approved by the HPC on 12/06/01.)
2. The front façade of the new section is to have tripartite 6/1 window treatment and paired French doors in place of the 6/1 shuttered windows and four-part french doors currently there. (The existing 6/1 window and four-part french door are to be removed and replaced with window and door configuration approved by the HPC on 12/06/01.)

The applicant appealed the HPC's decision to the Montgomery County Board of Appeals and this appeal is pending.

The applicant has substantially completed the project at 10314 Fawcett Street and has submitted new information regarding the door/window configuration in an effort to have the HPC

reconsider their previous decision. The new information submitted includes a letter from a recognized preservation expert regarding the appropriateness of the door/window configuration in terms of the Secretary of the Interior's Standards, photographs of the completed project, and letters of support from the Kensington LAP and the surrounding neighbors.

STAFF DISCUSSION

The staff report (dated 6/05/02) on the original Retroaction Revision to the HAWP recommended that the HPC approve the door/window revisions as "all the changes to the new addition and to the historic resource are consistent with the approved plan and are within the guidelines for changes to outstanding resources in the Kensington Historic District."

Staff continues to feel that the door/window revisions are acceptable and should be approved – as was stated in the original recommendation.

Separate from the issue of the compatibility of the door/windows revisions is the question of assuring that the HAWP process and HPC decisions on HAWPs are not weakened by this case. The applicant has acknowledged, in a letter dated October 23, 2002, that "I sincerely regret my failure to follow the process, and that I understand the seriousness of this failure."

Staff is convinced that this applicant will not continue to violate HAWP conditions as a pattern of behavior. In addition, staff feels that the Kensington Historic District community will not view approval of the retroactive changes as a weakening of the HAWP process, given that the door/window revisions are acceptable in terms of the Secretary of the Interior's Standards and the guidelines for Kensington (in staff's opinion.)

However, the applicant does want to publicly acknowledge that his actions in disregard of the HPC's original approval of his HAWP were wrong. Per a recent telephone conversation with the applicant, he is proffering mitigation for this mistake. Specifically, he had proposed donating 50 hours of pro bono time to provide architectural services to other individuals working on Montgomery County historic properties, as designated by staff or HPC.

Staff also discussed the idea of an easement donation on the vacant lot on the applicant's property. The applicant is open to making such a donation; however, he stated that he needs time to explore the financial ramifications of such a donation – specifically, how much it would cost in legal and appraisal fees to execute an easement, how the donation of an easement will affect his tax situation, etc. The applicant did express a sincere effort to move forward on the easement donation, but, he did not want to make a promise to the HPC without full information on what he was promising. The applicant wishes to reestablish credibility with the HPC and doesn't want to enter into an agreement on an easement without having that agreement fully thought through. Staff and the applicant agreed that, over the next 12 months, the applicant will explore donation of an easement on the vacant lot on his property.

STAFF RECOMMENDATION

Staff recommends that the Commission reconsider their June 26, 2002, HAWP decision. Staff recommends that the retroactive application should be approved as being consistent with Chapter 24A-8(b)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.

The proposal is also consistent with the Secretary of the Interior Guideline #9 and #10:

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.

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 also recommends that the Commission should accept the applicant's proffered mitigation: the 50 hours of pro bono architectural services and the good faith effort to work towards donation of an easement on the vacant lot on the property.

HISTORIC PRESERVATION COMMISSION STAFF REPORT

Address: 10314 Fawcett Street, Kensington **Meeting Date:** 06/12/02
Applicant: George Myers **Report Date:** 06/05/02
Resource: Kensington Historic District **Public Notice:** 05/29/02
Review: HAWP **Tax Credit:** None

Case Number: 31/6-01J (RETROACTIVE REVISION)

Staff: Perry Kapsch

PROPOSAL: Discard boxwood bushes, replace front walk, ignore tree protection, install new windows, modify new addition.

RECOMMEND: Approve with conditions.

CONDITIONS

1. Boxwood bushes are to be planted along the right side of the property.
2. Tree protection measures are to be taken at once, including standard feeding, mulching and fencing procedures during construction and after construction is completed.

PROJECT DESCRIPTION

SIGNIFICANCE: Primary Resource
STYLE: Dutch Colonial Revival/Shingle
DATE: 1901

PROPOSAL

The applicant is applying for retroactive approval by the HPC to:

1. Discard the boxwood bushes on the right side of the house.
2. Remove the brick front walk and replace it with flagstone.
3. Complete the construction project without following the normal tree protection measures recommended before, during and after a project is undertaken.
4. Install six-light windows on either side of the chimney on the south façade.

- of the historic resource.
5. Modify the door and window configuration on the east (front) and south (side) façades of the new addition.
 6. Construct a porch on the south side of the new addition.
 7. Install a shed dormer to the rear of the south gable on the new addition.
 8. Modify the design of the front porch of the addition to have parged cement rather than lattice work at ground level. (#8 Approved at staff level.)

STAFF DISCUSSION

The applicant has ignored two of the four conditions for approval of the original HAWP including relocating a boxwood garden and protecting trees during the project. As the applicant had agreed to meet both conditions, and then failed to do so, staff would question whether creating new conditions for approval of this retroactive revision has any merit. The applicant has indicated that he might plant new boxwood along the right side of the property or along the front sidewalk, but would rather meet the condition by installing other plantings than boxwood. Since the reason for the condition was to save historic landscape features, both options are an empty exercise. Staff would recommend planting boxwood as the most reasonable mitigation. Staff would also recommend that the HPC include tree protection measures, both during and after the remainder of the project, as a condition for approval.

The lack of cooperation of an experienced applicant with the normal historic area work permit process is a discouraging situation. In the hope that it is an isolated event, staff would recommend retroactive approval of the revisions as all the changes to the new addition and to the historic resource are consistent with the approved plan and are within the guidelines for changes to outstanding resources in the Kensington Historic District.

STAFF RECOMMENDATION

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

and with the Secretary of the Interior Guidelines #9 and #10:

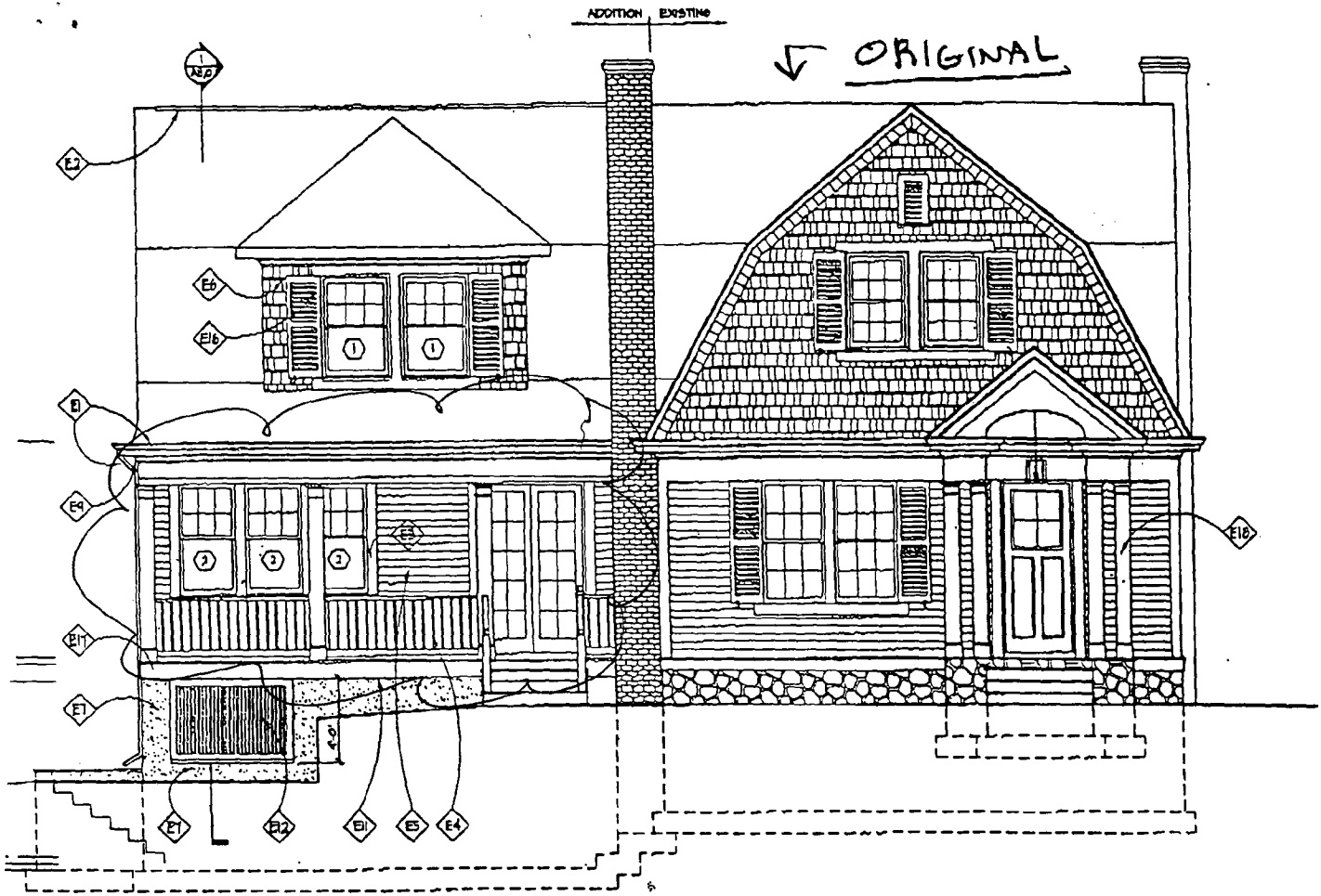
New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of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

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.

With the conditions:

1. Boxwood bushes are to be planted along the right side of the property.
2. Tree protection measures are to be taken at once, including standard feeding, mulching and fencing procedures during construction and after construction is completed.

with the general condition 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 calling 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.



10

ORIGINAL
SIDE ENTRY
w/ CURB

SIDE ENTRY
w/ CURB

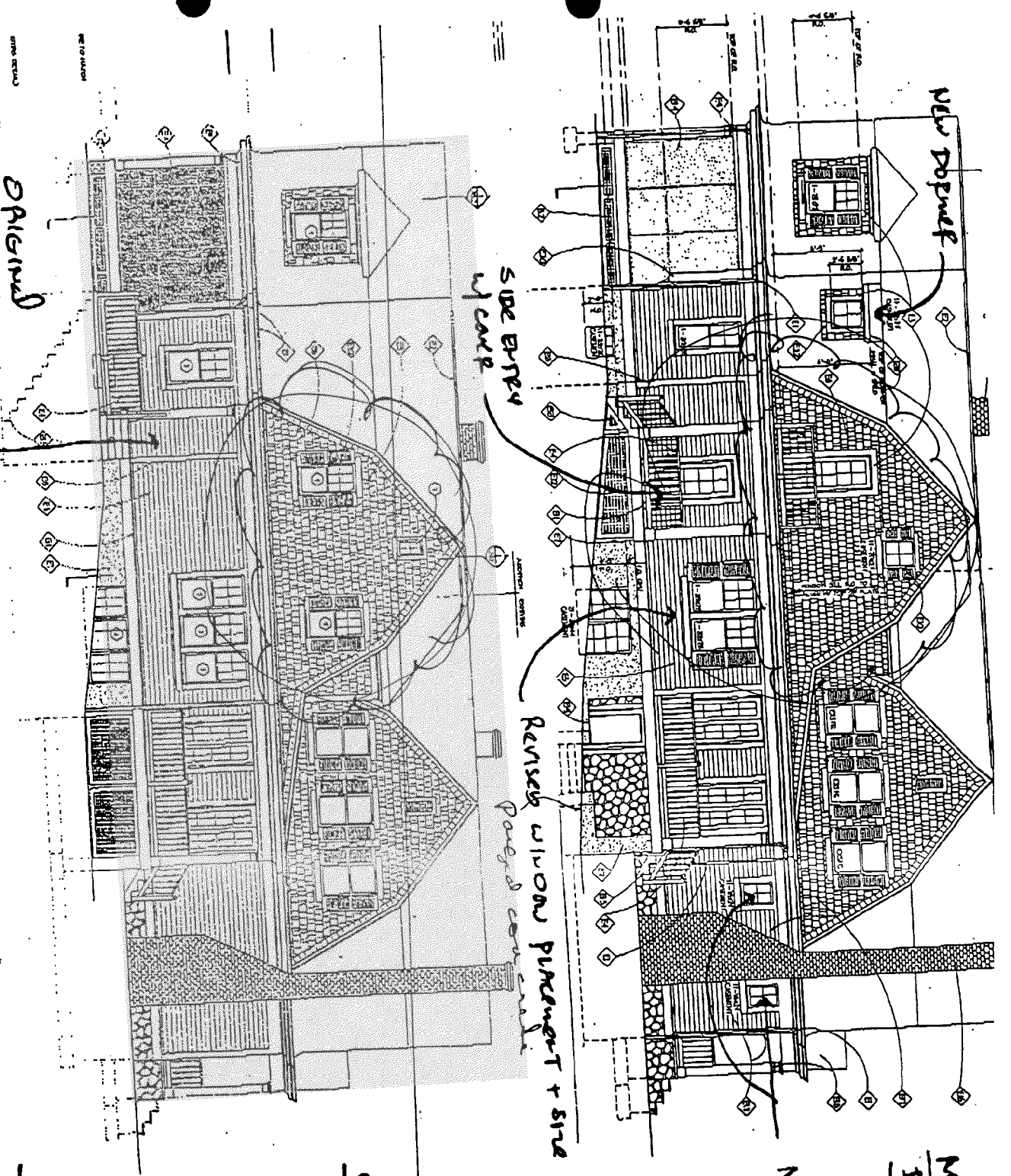
REVERSE WINDOW
PLACEMENT + SIZE

NEW DOORWAY

10314 FAUCETT ST.
SOUTH ELEVATION
5/20/02.

ORIGINAL
DESIGN

MODIFIED
DESIGN
NEW WINDOWS



October 23, 2002

Mr. Steven Spurlock, Chairman
Historical Preservation Commission
8787 Georgia Ave
Silver Spring, MD 20910

Re: 10314 Fawcett Street, Kensington Historic District
Case 31/6-01J Retroactive Revision

Dear Chairman Spurlock,

I am writing in regard to my request for reconsideration for the above referenced project. I want the Commission to know that I sincerely regret my failure to follow the process, and that I understand the seriousness of this failure. Although there were reasons for my actions; in retrospect none of them are even remotely acceptable as explanations- I made serious errors in judgement. I did not in any way mean to show disrespect to the the Commission or the process, yet I realize that is exactly what I did. At this point, all I can do is apologize and say that it will not happen again. I know at this point that I have damaged my credibility, and the Commissioners have cause to be skeptical. In any case, I hope this one mistake does not negate completely the many other times I have followed the process diligently.

Thankyou again for your consideration in this matter.

Sincerely,



George T. Myers, AIA

EHT TRACERIES, INC

1121 FIFTH STREET, NW WASHINGTON, DC 20001 TEL: 202-393-1199 FAX: 202-393-1056

E-MAIL: EHT@TRACERIES.COM

October 22, 2002

Mr. Steven Spurlock, Chairman
Montgomery County Historic Preservation Commission
Georgia Avenue
Silver Spring, MD

Re: 10314 Fawcett Street, Kensington
(Case 31/6-01J – Retroactive Revision) Request for Reconsideration

Dear Chairman Spurlock:

I am writing regarding work completed on the house at 10314 Fawcett Street, Kensington, located in the Kensington Historic District. George Myers, the owner of the house and the project architect, asked me to assess the appropriateness of the work completed on the addition to the historic resource. It is my understanding that the Historic Preservation Commission (HPC) denied several changes made to the new addition's design, specifically the door and window configuration on its east (front) and south (side) elevations.

On Friday, October 18th, I visited the property, a single family dwelling built in 1901 in the Dutch Colonial/Shingle style and defined as a Primary Resource within the Kensington Historic District. I walked the property and viewed the exterior and interior of the house. Mr. Myers showed me the original approved designs, as well as drawings for the completed work that was denied approval by the HPC last June. He explained that he had failed to seek proper approvals prior to proceeding with the work on the new addition and that when he sought a retroactive approval the door and window configuration had been denied. Using my best abilities and experience as an architectural historian and preservation consultant, I evaluated the completed work for its appropriateness and compliance with Maryland and Montgomery County preservation laws and the Secretary of the Interior's Standards for Historic Rehabilitation.

My review of the property leads me to believe that the changes are consistent with the character of the historic resource and do not diminish the integrity of that resource in any way. My position is based on the following:

First, all work at issue is located on the new addition and in no way did its construction require or cause the destruction or harm to historic materials.

Second, the location of the addition is substantially setback from the main block of the historic resource. The façade of the historic resource is 45 feet back from the street. The

front wall of the addition is set back an additional 30 feet from the façade of the house. This setback clearly makes the addition a subordinate element to the dominant historic resource. The addition reads as an ell, a form often used for Colonial Revival style houses. Set on a large lot, the historic resource (including the addition) presents an appearance that is consistent with neighboring properties. The importance of the historic resource has not been reduced or compromised in any way by the addition's massing, size, scale, or architectural features.

Third, the one-story, 11-foot deep porch attached to the addition's east elevation is skillfully designed to minimize the perceived appearance of the new addition as a whole, contributing to its reading as a subordinate element to the historic resource. The porch's elements (including roofscape, columns, railing, and floor and entry steps) work together to break down the scale of the addition's massing, reinforcing its character as complementary and secondary to the main block of the original building. The depth of the porch reads in a traditional manner characteristic to Colonial Revival houses of the early twentieth century, casting its architectural elements in shadow in a way completely compatible with the character of the historic resource.

Third, the fenestration is compatible with the stylistic appearance of the historic resource and yet sufficiently differentiated from the original. The fenestration at issue is composed of two elements: a single window (six-over-one, double-hung, wood sash) and a single pair of multi-light French doors flanked by double sidelights. Although different from the approved design of a single door and grouping of three windows, the new design is presented in a traditional manner, in keeping with the stylistic derivation of the main house. The use of a single six-over-one light configuration of the window provides an appropriate appearance that fits with, but is different from the mix of six-over-six and one-over-one windows extant on the historic resource, while the single pair of multi-light French doors with double sidelights is equally compatible. Set toward the inner corner of the porch, it is important to understand that the French doors do not dominate the elevation, do not compete with the main entry door, do not read as a bank of doors or do not express an inappropriately modern expanse of glass. Instead, the configuration is and reads as a single pair of doors. The traditional wood framing system and the flanking sidelights provide a bi-lateral symmetry that is in keeping with the original Dutch Colonial Revival/Shingle style of the house. (In contrast, two pairs of French doors [which would have required a wider opening than used for the existing configuration] set next to each other might have presented an appearance too contemporary to be compatible with the historic resource.)

Fourth, the fenestration on the south elevation is compatible with the historic character of the original house. The locating of a door on a second story is common among Colonial Revival style houses. Doors were often placed at the second story to provide access to sleeping porches or simply for access to the outside. These doors are found not only on the side and rear of houses from the period, but sometimes on the front elevations. The relatively obscure location of this door on the south side of the addition makes this element of minor concern as an architectural feature, even it were not stylistically appropriate. Further, the small window seemingly placed at the attic story is equally

characteristic of the style of Colonial Revival houses. Small windows, uniquely placed, provided ventilation and/or light to attic stories, as well as captured the romantic feelings of historicity that Revival style houses were intended to invoke. And, like the door, its placement on this elevation does not distract or diminish the historic resource in any way.

I believe that the work that was denied by the HPC should be reconsidered taking into account the information stated above. Unfortunately, the drawings presented to the HPC in June do not do justice to the project's appearance as constructed. Although these drawings are technically accurate, the subtleties and enhancement of depth, relation of solids and voids, and the quality of detailing of the work are not expressed. As completed, the addition reads as a sensitive, compatible design that enhances, and thereby serves to protect, the historic integrity of the original resource. The restored house and its new addition are compatible with the character and nature of the Kensington Historic District and should be understood as consistent with the goals and intent of the Montgomery County Historic Preservation Commission. When perceived within its proper context, the work is consistent with Chapter 24A-8(b)2:

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

and with the Secretary of the Interior Guidelines #9 and #10:

New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize 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,

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.

Please know that Mr. Myers and I have discussed at length the seriousness of his failure to obtain the proper approvals before acting. I am confident that he will not pursue so ill advised a course of action again. Although there is no excuse for the applicant's failure to seek approval for the changes to the design prior to its construction, in light of the merit of this work, I respectfully encourage you to reconsider the decision denying the approval for these changes.

Thank you.

Sincerely,

Emily Hotaling Eig

Cc: George Myers
Gwen Marcus Wright

October 22, 2002

James D. Engel
10220 Carroll Place
Kensington, MD 20895

Steven Spurlock, Chairman
Historic Preservation Commission
Maryland-National Capital Park and Planning Commission

RE: HPC Case No. 31/6-01J; 10314 Fawcett St., George Myers (Retroactive Revision)

VIA FACSIMILE

Dear Chairman Spurlock

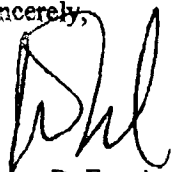
As Chairman of the Local Advisory Panel for HPC-Kensington Historic District, I am providing you with a copy of LAP's comments regarding the above referenced case. I want to draw your attention to the fourth paragraph regarding this Case. Please note that LAP felt that Mr. Myers' revisions were acceptable, and we encouraged Staff to be lenient in cases where the modification was made to an *addition* to a historic resource, as opposed to modifications to a historic resource itself. We especially felt that this leniency should pertain to cases where the modifications did not materially change the overall concept of the *addition*.

As a private citizen living in the Kensington Historic District and an advocate for historic preservation, I am somewhat concerned about the lasting effect that HPC's resolution on June 6, 2002 in this Case will have on the historic preservation effort. While Mr. Myers certainly is not a "lay person" with regard to proper procedure in these matters, he is nevertheless a homeowner, a parent, and a business owner in Kensington who like many of us has to manage all of these responsibilities. While he failed to notify Staff about the modifications to his project, I feel that many residents will see these as minor modifications to the addition. In my opinion, the actions of the HPC on June 26, 2002 will have a further "alienating" effect on the residents of the District vis a vis historic preservation in general.

In defense of Mr. Myers, please consider the condition of the primary resource; This was a relatively unremarkable Dutch Colonial Revival structure with Shingle style elements. Many of the finer details of the structure had been largely removed, or allowed to fall into extreme disrepair. Mr. Myers restored and replaced some of those elements such as the front door cover, appropriate period style front door, gable shingles in natural wood, as well as the costly built-in gutter replacement.

With regard to the addition, HPC approved a design for a structure with a certain *mass, scale, set back, and materials* that I feel respected a "weak" primary resource. I feel that the changes done by Mr. Myers were largely immaterial, and in some ways further differentiated the addition from the original house. Had the original structure been an outstanding example of its particular style in pristine condition, I would fully support HPC's actions on June 26, 2002. In this particular case, I do feel that the actions taken are out of proportion to the "crime."

Sincerely,



James D. Engel

cc: George Myers

G T M ARCHITECTS

10415 Armory Avenue
Kensington, MD 20895
(301) 942-9062
Fax (301) 942-3929
Toll Free (877) 942-9062
www.gtmarchitects.com

FAX

Date: 10/9/02

To: Historical Preservation Commission
Gwen Wright
Phone: 301-563-3407
Fax: 301-563-3412

From: GTM Architects, Inc.
George Myers
Phone: 301-942-9062
Extension: 13
Fax: 301-942-3929

Pages (including cover sheet): 16

Subject: 10314 Fawcett Street

Gwen-

Enclosed is an invoice from my builder which indicates the amount of extra effort we made in repairing & restoring the architectural features of the existing house. For the most part, these were unexpected costs, causing me to run well over my budget. I am hoping that the Commission will give me some credit for these efforts when evaluating whether they really think it is necessary for me to incur considerable additional costs to make the window & door changes on the addition, especially when these changes will have no effect on the Historic District.

Secondly, I have enclosed letters of support from my immediate neighbors, all of whom feel the addition is appropriate as it stands. If necessary, I could easily obtain considerably more support- I have yet to hear a negative word about the project from anyone in the local community, including of course, the Kensington LAP, which is on record as supporting approval of the retrocative premit as it was submitted.

Thanks again for your help with this. I hope the Commission will at least reconsider. I sincerely regret making the changes without going through the proper channels- I hope they believe that and will accept my apology. I hope they also realize that my intentions were always the same as their own- that is, to build in a manner appropriate to the Historic District .

Thanks,

GEORGE

INVOICE

PEAK CONSTRUCTION
 3129 University Blvd. #6
 Kensington, MD
 TEL. 301-946-8541

No. PAGE 1

INVOICE DATE JUNE 12, 07
CUSTOMER'S ORDER NO.

SOLD TO: GEORGE MYERS 10314 FAWCETT ST. KENSINGTON, MD 20895

SHIP TO:

SALESPERSON	SHIPPED VIA	TERMS	FOB
-------------	-------------	-------	-----

QTY. ORDERED	QTY. SHIPPED	DESCRIPTION	UNIT	AMOUNT
		RESTORATION OF EXISTING HOUSE @ 10314 FAWCETT ST.		
		1. JACK-UP HOUSE 3" @ S.W. CORNER		
		• REPAIR ROTTEN SILL PLATES @ SOUTH & WEST SIDES		
		• NEW 2X12 P.T. SILL PLATES UNDERNEATH		
		• SHIM EXISTING COLUMNS (B) @ BASEMENT WITH		
		NEW CONCRETE FOUNDATIONS		\$5,600
		2. RESTORE BUILT-IN GUTTERS		
		• RIP OUT OLD COPPER, FASCIA, SOFFITS & CROWN		
		• REPAIR / REINFORCE FRAMING (4,500)		
		• NEW FASCIA, CROWN, & SOFFITS		\$12,500
		• NEW COPPER GUTTER SYSTEM (\$8,000)		

INVOICE

INVOICE

PEAK CONSTRUCTION
 3125 University Blvd. #6
 Kensington, MD
 TEL. 301-946-5541

No. PAGE 2

INVOICE DATE JUNE 12, 02
CUSTOMER'S ORDER NO:

SOLD TO: GEORGE MYERS
10314 FAWCETT ST.
KENSINGTON, MD. 20895

SHIP TO:

SALESPERSON	SHIPPED VIA	TERMS	F.O.B.
-------------	-------------	-------	--------

QTY. ORDERED	QTY. SHIPPED	DESCRIPTION	UNIT	AMOUNT
3		NEW CEDAR SHINGLES (3 SIDES GABLES)		
		• RIP-OUT & DISCARD EXISTING DAMAGED SHINGLES		
		• NEW MOUSE WRAP & ICE GUARD		
		• NEW FLASHINGS & VALLEYS		\$10,500
		• NEW "PERFECTION" CEDAR SHINGLES		
4		NEW ROOF SHINGLES		
		• NEW VALLEYS & FLASHINGS		\$5,200
		• NEW "TIMBERLINE" SHINGLES ± 20 SQUARES		
5		REINFORCE EXISTING FLOOR FRAMING		
		• NEW 16" TRIPLE MICROLAM BEAM & POSTS		
		• NEW 8" MICROLAM FLOOR JOISTS		\$4,700
		SISTERED TO EXISTING DAMAGED JOISTS		

INVOICE

INVOICE

PEAK CONSTRUCTION
 3129 University Blvd. #6
 Kensington, MD
 TEL 301-946-5541

No. PAGE 3

INVOICE DATE	JUNE 12, 02
CUSTOMER'S ORDER NO.	

SOLD TO:

GEORGE MYERS
 1310 FAUCETT ST
 KENSINGTON, MD, 20895

SHIP TO:

SALESPERSON	SHIPPED VIA	TERMS	F.O.B.
-------------	-------------	-------	--------

QTY. ORDERED	QTY. SHIPPED	DESCRIPTION	UNIT	AMOUNT
		6. NEW STOOP @ FRONT ENTRY		
		◦ RIP OUT DAMAGED EXISTING		\$4,200
		◦ REBUILD NEW USING SIMILAR STONE & PLASTER.		
		7. REPAIR STONE FOUNDATION WALLS		\$2,500
		◦ REPAIR MISSING/LOOSE STONES @ FOUND.		
		◦ POINT UP/MORTAR ALL JOINTS		
		TOTAL:		\$45,200

October 9, 2002

Chairman Steven Spurlock
Historical Preservation Commission
8787 Georgia Ave
Silver Spring, MD 20910

Re: Case 31/6-01J (Retroactive Revision)
10314 Fawcett Street, Kensington Historic District

Dear Chairman Spurlock,

This letter is being sent to urge the Commission to reconsider its position with regard to the 10314 Fawcett Street. As a neighbor and resident of the Historic District, I believe that the addition as it is built is appropriate to the existing house, and to the Historic District. I am sincerely hope that the Commission reconsiders its decision, and approves the retroactive permit without conditions.

Sincerely,

Kate C. Covan
10300 Fawcett Street
Kensington, MD 20895

I understand the prerogative of the HDC to have oversight of old, existing important structures. But I do not understand your authority or concern with a design feature over a new (part of) the structure. This kind of action makes it very difficult for reasonable ~~citizens~~ citizens to support any work you do. Not good for historic preservation!

October 9, 2002

Chairman Steven Spurlock
Historical Preservation Commission
8787 Georgia Ave
Silver Spring, MD 20910

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Sincerely,

*Mary Donatelli
10400 Montgomery Ave
Kensington, Maryland 20895*

October 9, 2002

Chairman Steven Spurlock
Historical Preservation Commission
8787 Georgia Ave
Silver Spring, MD 20910

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Sincerely,

Blair B Cewan
10300 Fawcett St.
Kensington, MD 20895

October 9, 2002

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Historical Preservation Commission
8787 Georgia Ave
Silver Spring, MD 20910

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Sincerely,

Susan Abbott

10409 Fawcett St.

Kensington, Md 20895

October 9, 2002

Chairman Steven Spurlock
Historical Preservation Commission
8787 Georgia Ave
Silver Spring, MD 20910

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Sincerely,

A Bruce Abbott

*10409 Fawcett St.
Kensington, Md 20895*

October 9, 2002

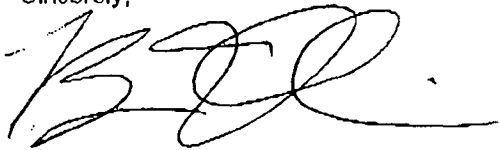
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Sincerely,



10405 Fawcett St.
Kensington, MD
20895

October 9, 2002

Chairman Steven Spurlock
Historical Preservation Commission
8787 Georgia Ave
Silver Spring, MD 20910

Re: Case 31/6-01J (Retroactive Revision)
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Sincerely,

Sally Uberman
10403 Fawcett St
This is absurd!

October 9, 2002

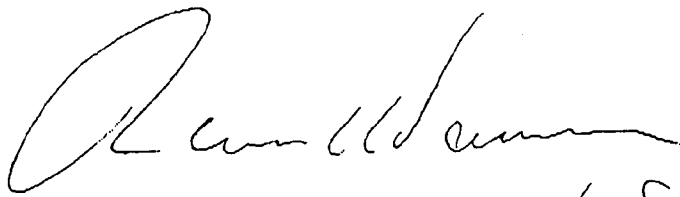
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Sincerely,


10403 Fawcett St
Kensington Md 20895

October 9, 2002

Chairman Steven Spurlock
Historical Preservation Commission
8787 Georgia Ave
Silver Spring, MD 20910

Re: Case 31/6-01J (Retroactive Revision)
10314 Fawcett Street, Kensington Historic District

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Sincerely,

Camille Anne Cupert
10318 Fawcett St.
Kensington, MD 20895
301-949-5146

We love the house in its current state,
and we don't think one thing should be
changed. It is a wonderful addition to
the neighborhood!

October 9, 2002

Chairman Steven Spurlock
Historical Preservation Commission
8787 Georgia Ave
Silver Spring, MD 20910

Re: Case 31/6-01J (Retroactive Revision)
10314 Fawcett Street, Kensington Historic District

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Sincerely,

Helen Spward
10314 Fawcett St.
Kensington MD 20895
301.942.1986

October 9, 2002

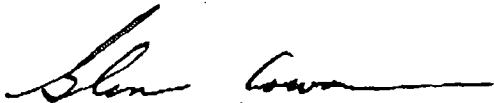
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Sincerely,



GLENN COWAN
10300 FAWCETT STREET

October 9, 2002

Chairman Steven Spurlock
Historical Preservation Commission
8787 Georgia Ave
Silver Spring, MD 20910

Re: Case 31/6-01J (Retroactive Revision)
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Sincerely,

Kyle Richards

Michael and Debra McCurry

10313 Fawcett Street
Kensington, MD 20895-3340
301.949.5955
mccurry5@aol.com

October 8, 2002

Hon. Steven Spurlock
Chairman, Historical Preservation Commission
8787 Georgia Avenue
Silver Spring, MD 20910

Re: Case 31/6-01J (Retroactive)
10314 Fawcett Street
Kensington, MD

Dear Chairman Spurlock:

We write in full support of our neighbor, George Myers, and his desire to have a retroactive approval of design modifications to the construction work he has completed at his lovely new home, 10314 Fawcett St in the Kensington Historic District.

We live across the street from the property in question and have noted with approval the improvements and preservation work that George has undertaken to a structure seriously in need of repair.

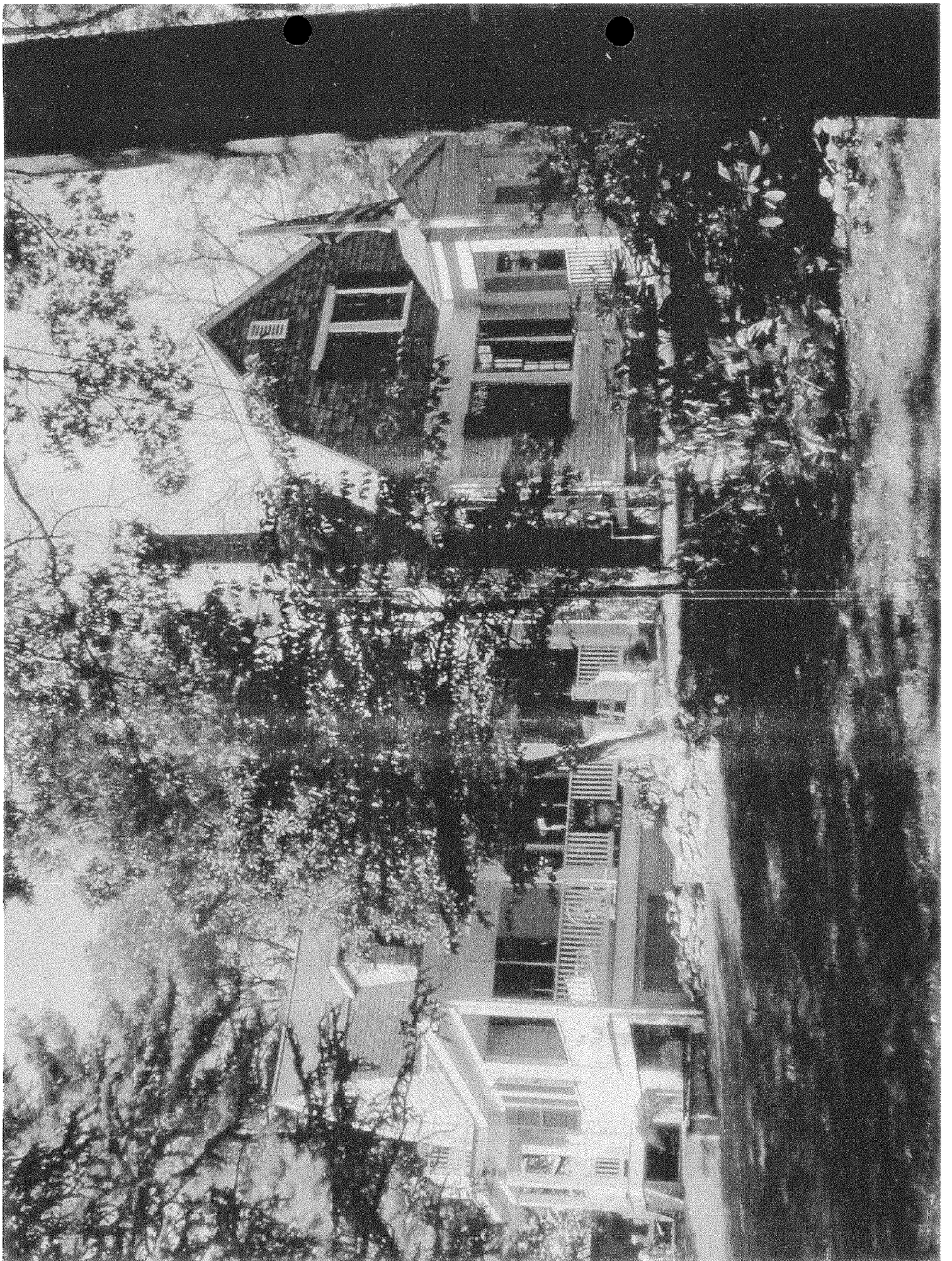
None of the design modifications made by George in the process of construction seem to us to detract from the original design. In fact, the modifications made during construction only effect the new construction approved as an addition and make no change in the fundamental architecture of the original dwelling.

We believe the changes made during construction add to the design and appeal of the structure and should not be the subject of seemingly punitive action by the Commission. As neighbors, we are also self-interested in an end to construction at the site and the remedy proposed by the Commission would entail a new round of extensive and disruptive construction in the neighborhood just as we were enjoying things returning to normal.

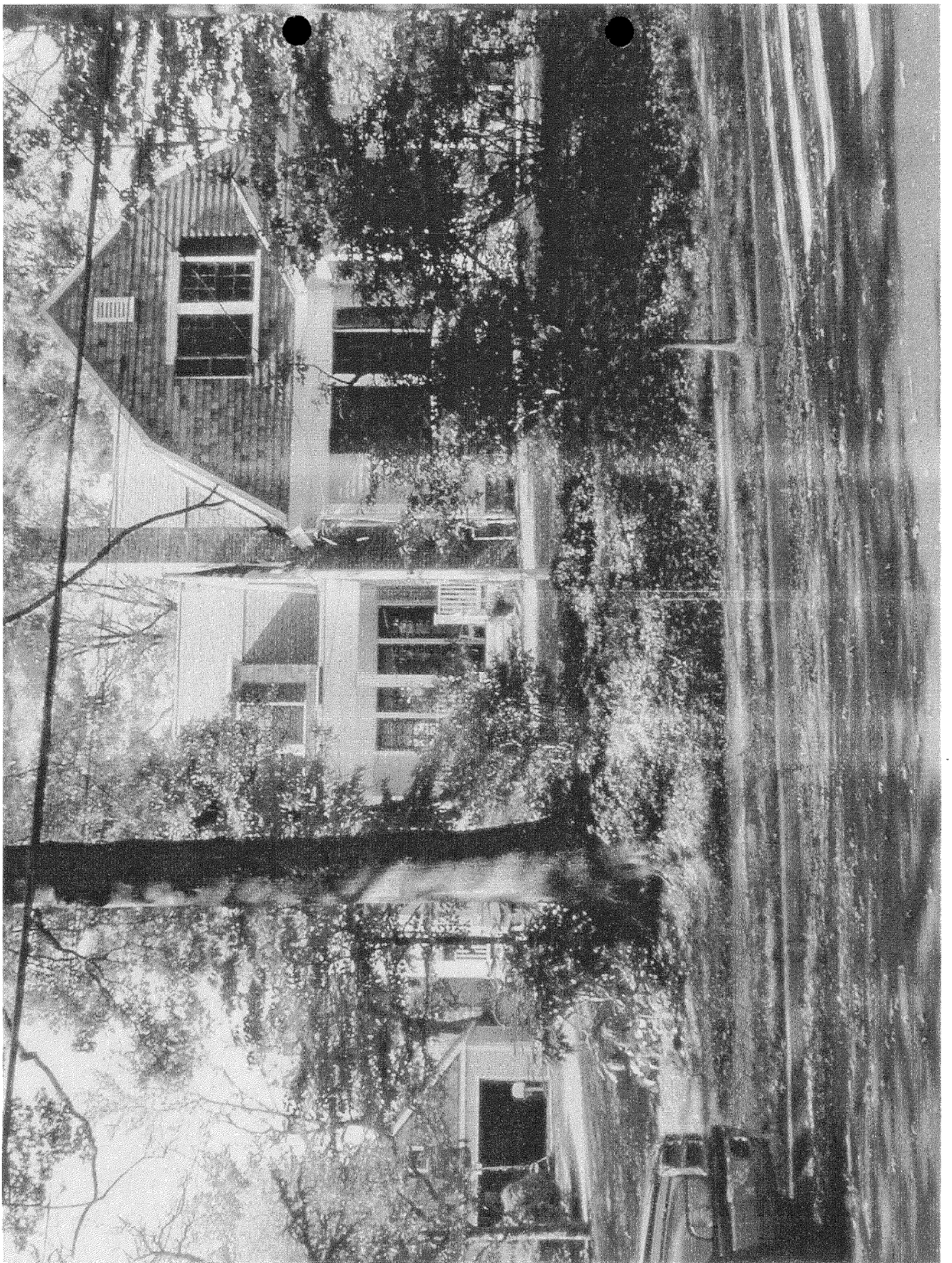
Please grant a retroactive revision to the original design and prevent further litigation and uncertainty about this appealing new addition to our neighborhood.

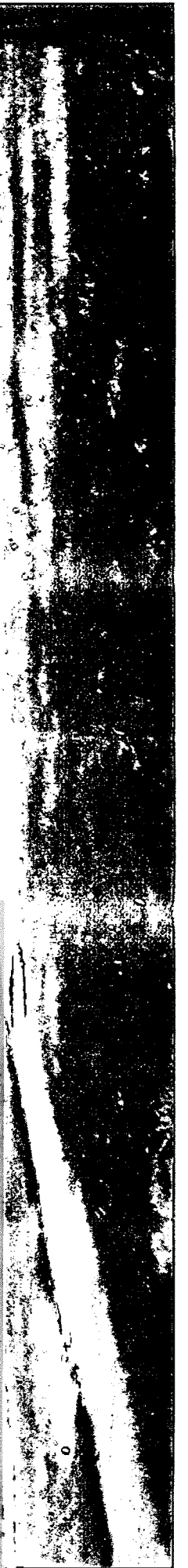
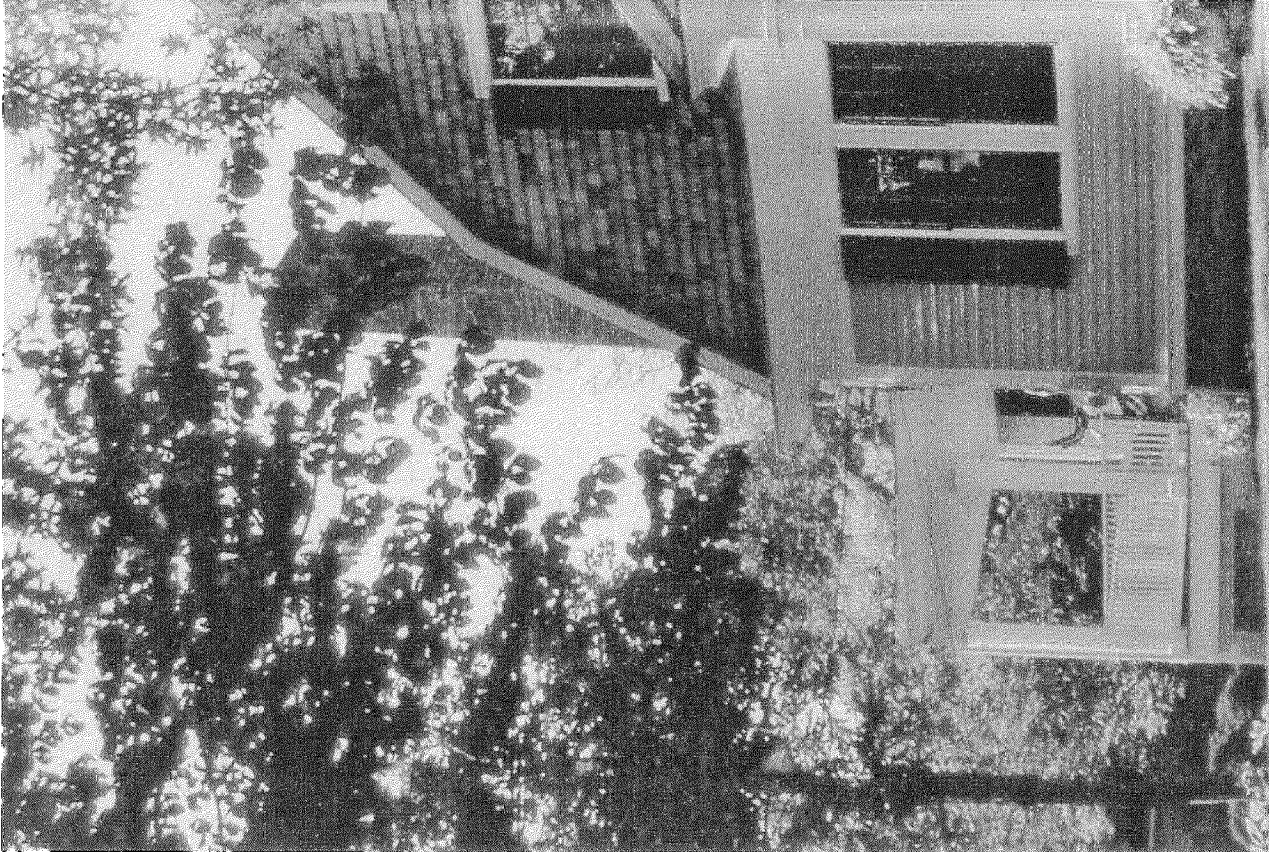
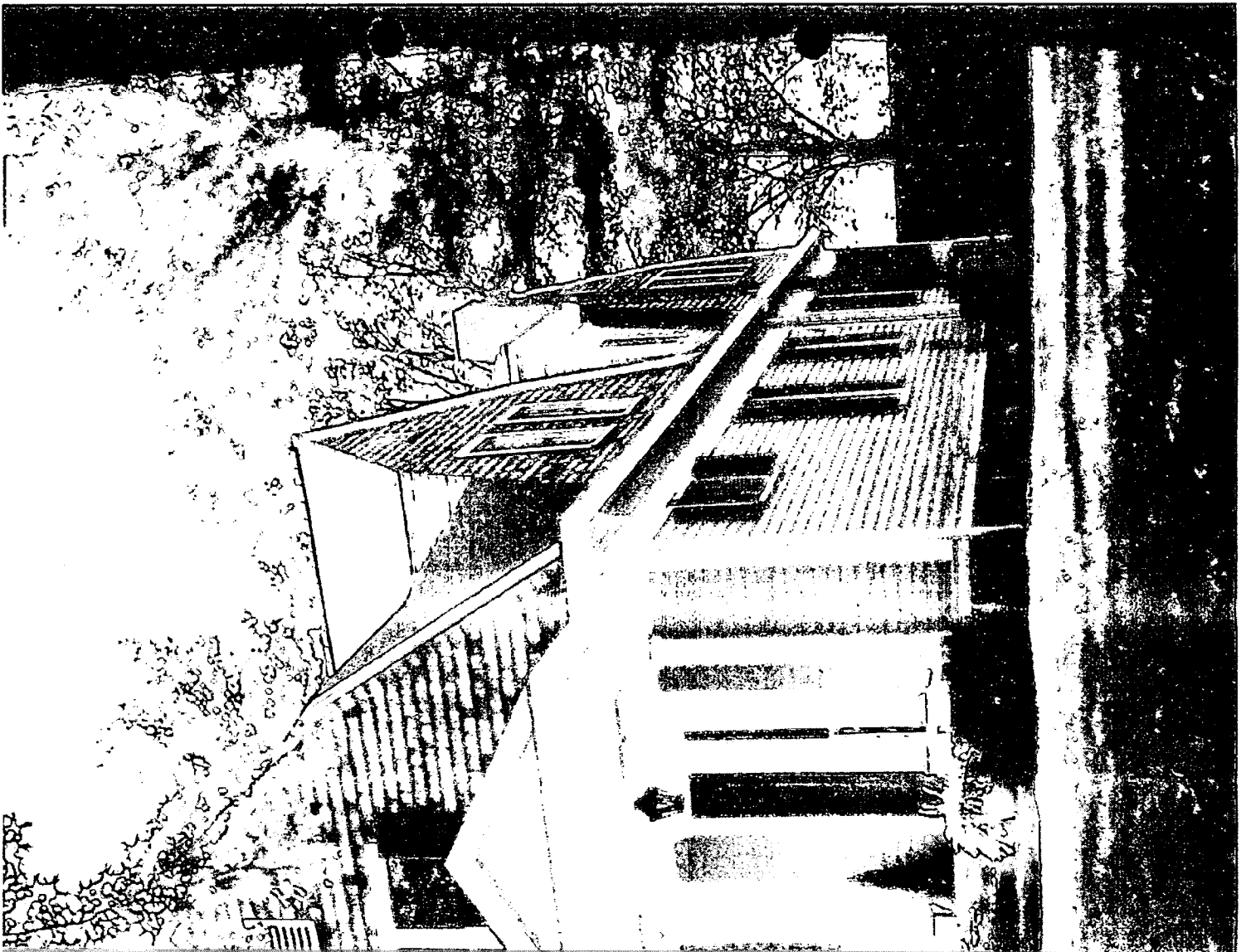
Sincerely,

Michael and Debra McCurry
Michael and Debra McCurry









October 22, 2002

James D. Engel
10220 Carroll Place
Kensington, MD 20895

Steven Spurlock, Chairman
Historic Preservation Commission
Maryland-National Capital Park and Planning Commission

RE: HPC Case No. 31/6-01J; 10314 Fawcett St., George Myers (Retroactive Revision)

VIA FACSIMILE

Dear Chairman Spurlock

As Chairman of the Local Advisory Panel for HPC-Kensington Historic District, I am providing you with a copy of LAP's comments regarding the above referenced case. I want to draw your attention to the fourth paragraph regarding this Case. Please note that LAP felt that Mr. Myers' revisions were acceptable, and we encouraged Staff to be lenient in cases where the modification was made to an *addition* to a historic resource, as opposed to modifications to a historic resource itself. We especially felt that this leniency should pertain to cases where the modifications did not materially change the overall concept of the *addition*.

As a private citizen living in the Kensington Historic District and an advocate for historic preservation, I am somewhat concerned about the lasting effect that HPC's resolution on June 6, 2002 in this Case will have on the historic preservation effort. While Mr. Myers certainly is not a "lay person" with regard to proper procedure in these matters, he is nevertheless a homeowner, a parent, and a business owner in Kensington who like many of us has to manage all of these responsibilities. While he failed to notify Staff about the modifications to his project, I feel that many residents will see these as minor modifications to the addition. In my opinion, the actions of the HPC on June 26, 2002 will have a further "alienating" effect on the residents of the District vis a vis historic preservation in general.

In defense of Mr. Myers, please consider the condition of the primary resource; This was a relatively unremarkable Dutch Colonial Revival structure with Shingle style elements. Many of the finer details of the structure had been largely removed, or allowed to fall into extreme disrepair. Mr. Myers restored and replaced some of those elements such as the front door cover, appropriate period style front door, gable shingles in natural wood, as well as the costly built-in gutter replacement.

With regard to the addition, HPC approved a design for a structure with a certain *mass, scale, set back, and materials* that I feel respected a "weak" primary resource. I feel that the changes done by Mr. Myers were largely immaterial, and in some ways further differentiated the addition from the original house. Had the original structure been an outstanding example of its particular style in pristine condition, I would fully support HPC's actions on June 26, 2002. In this particular case, I do feel that the actions taken are out of proportion to the "crime."

Sincerely,



James D. Engel

cc: George Myers

GTM ARCHITECTS

10415 Amery Avenue
Kensington, MD 20895
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Toll Free (877) 942-9062
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FAX

Date:

10/23/02

To:

CHAIRMAN SPURLOCK

From:

George Myers

Phone:

Phone:

301-942-9062 Ext.

Fax:

301 563-3412

Fax:

301-942-3929

Pages (including cover sheet):

2

GTM File #:

Subject:

Case 01/6-01J

10314 Fawcett St

EHT TRACERIES, INC

1121 FIFTH STREET, NW WASHINGTON, DC 20001 TEL: 202-393-1199 FAX: 202-393-1056
E-MAIL: EHT@TRACERIES.COM

October 22, 2002

Mr. Steven Spurlock, Chairman
Montgomery County Historic Preservation Commission
Georgia Avenue
Silver Spring, MD

Re: 10314 Fawcett Street, Kensington
(Case 31/6-01J – Retroactive Revision) Request for Reconsideration

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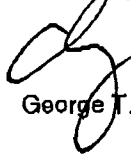
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HPC Minutes

Oct. 9

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8787 Georgia Avenue
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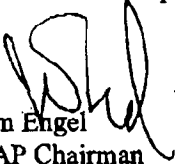
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RE: HPC Case No. 31/6-02P; 3794 Howard Avenue, Robert % J.A. Orr, Kensington Service Center new construction

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Jim Engel
LAP Chairman
Kensington Historic District

**LOCAL ADVISORY PANEL
KENSINGTON HISTORIC DISTRICT**

Corri-FYI
Jue

October 22, 2002

Maryland-National Capital Park and Planning Commission
Historic Preservation Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910

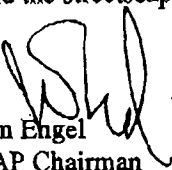
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**LOCAL ADVISORY PANEL
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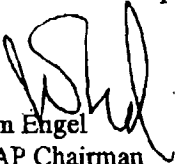
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LAP Chairman
Kensington Historic District

**LOCAL ADVISORY PANEL
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October 22, 2002

Maryland-National Capital Park and Planning Commission
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8787 Georgia Avenue
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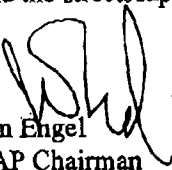
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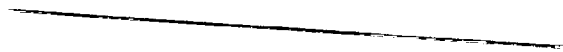
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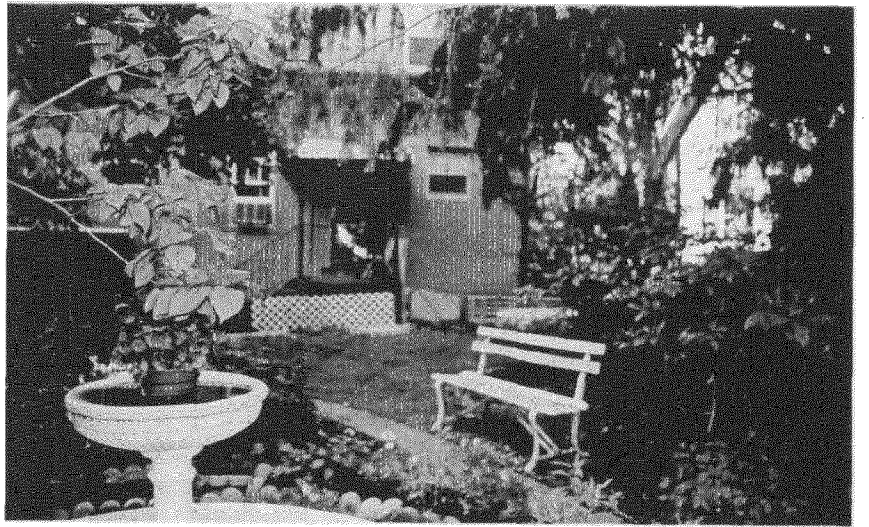
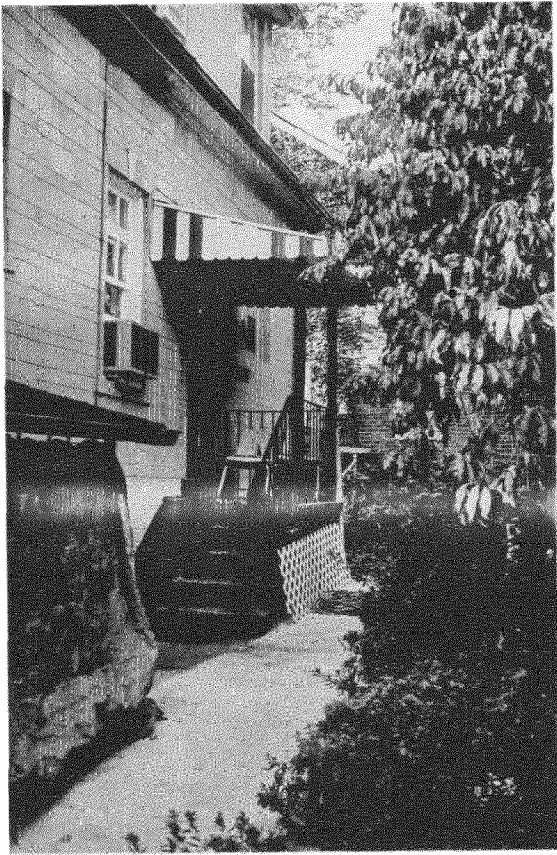
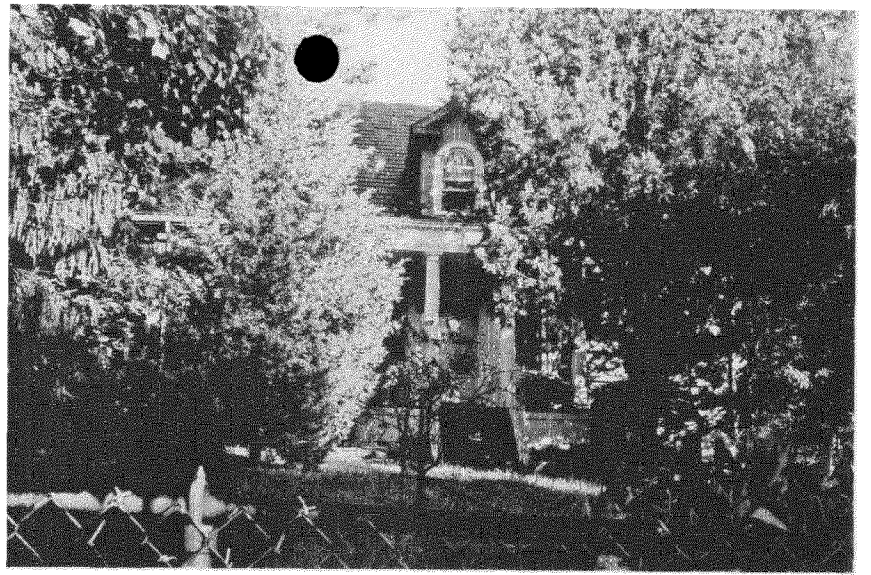
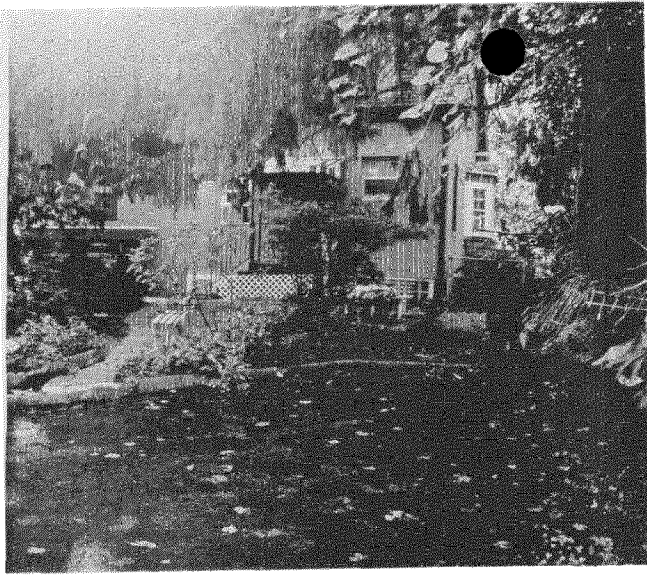

Jim Engel
LAP Chairman
Kensington Historic District

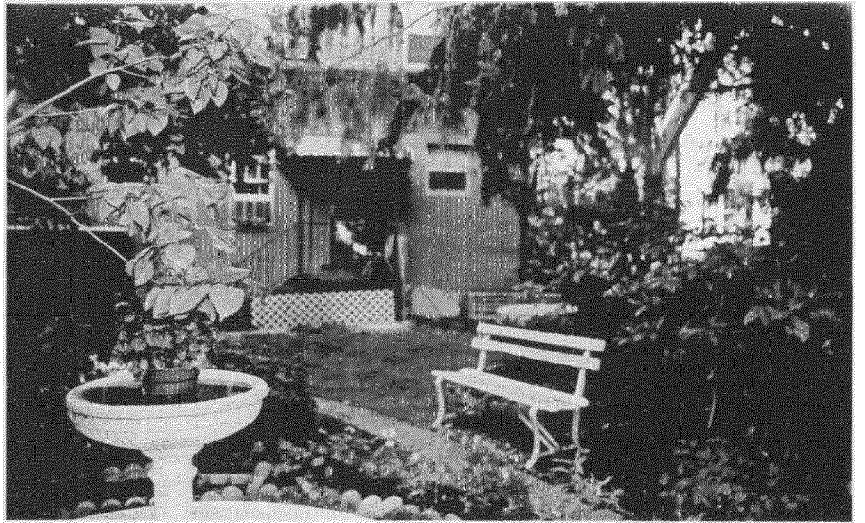
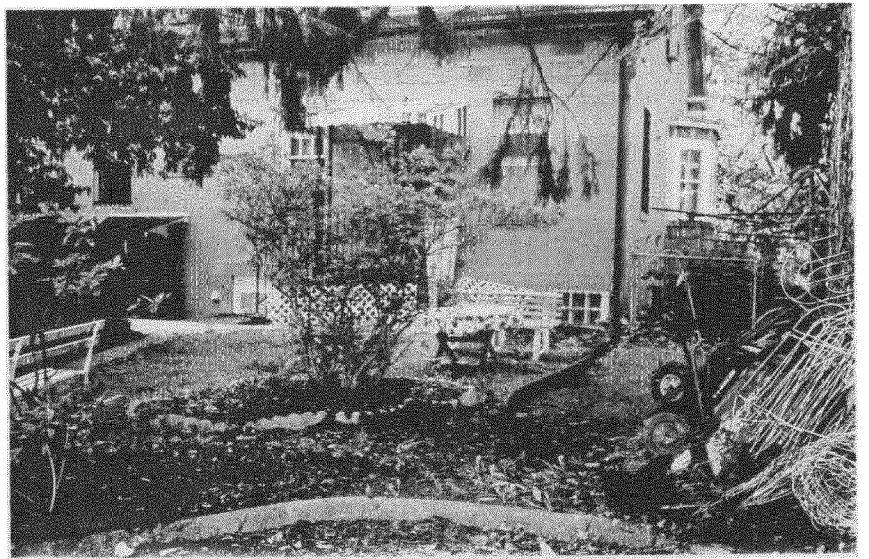
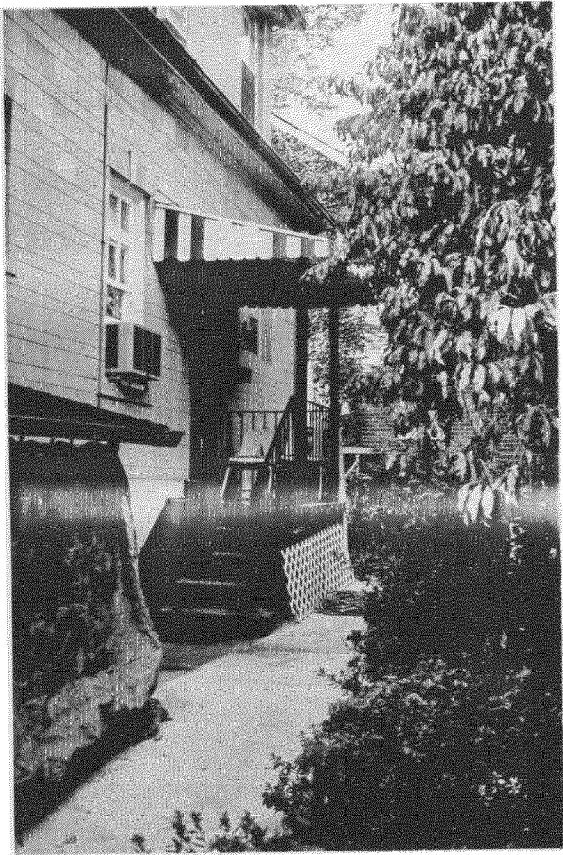
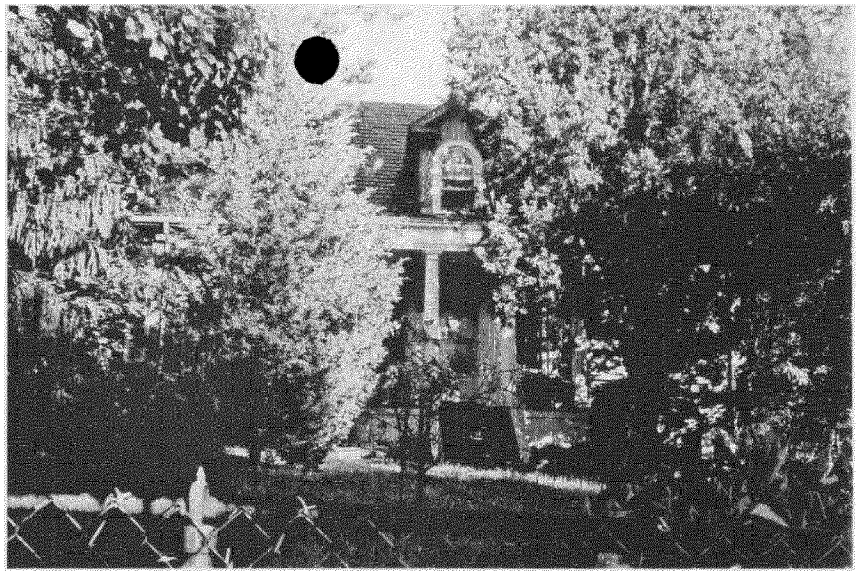
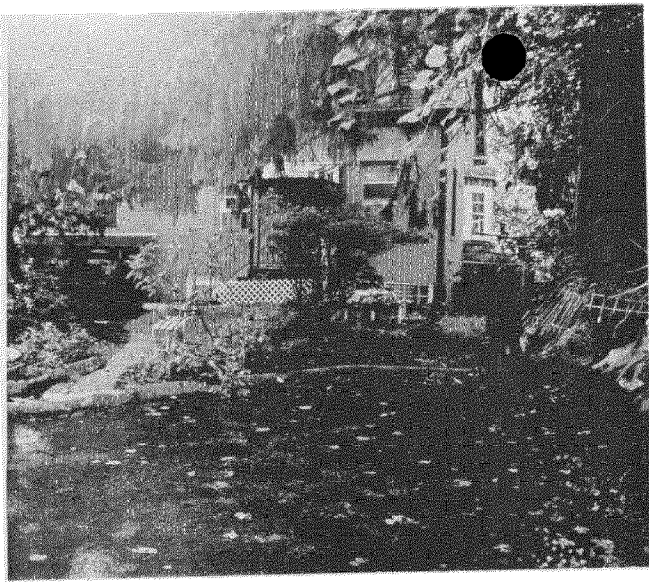


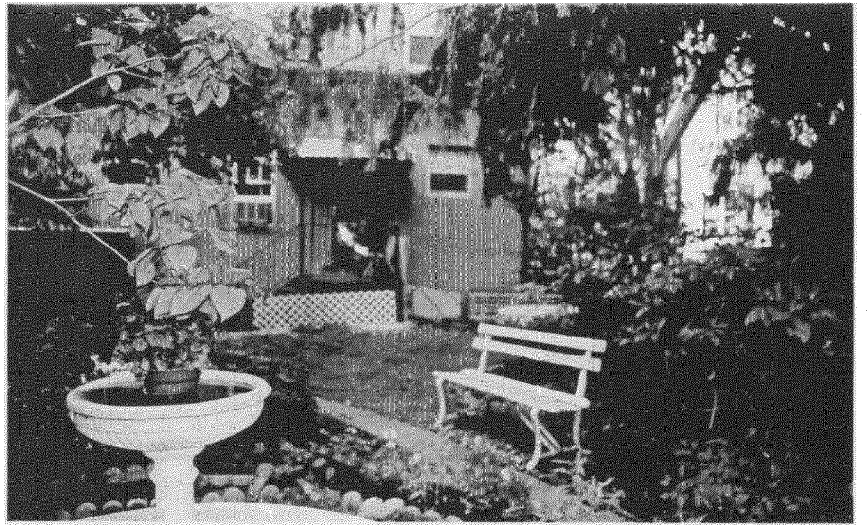
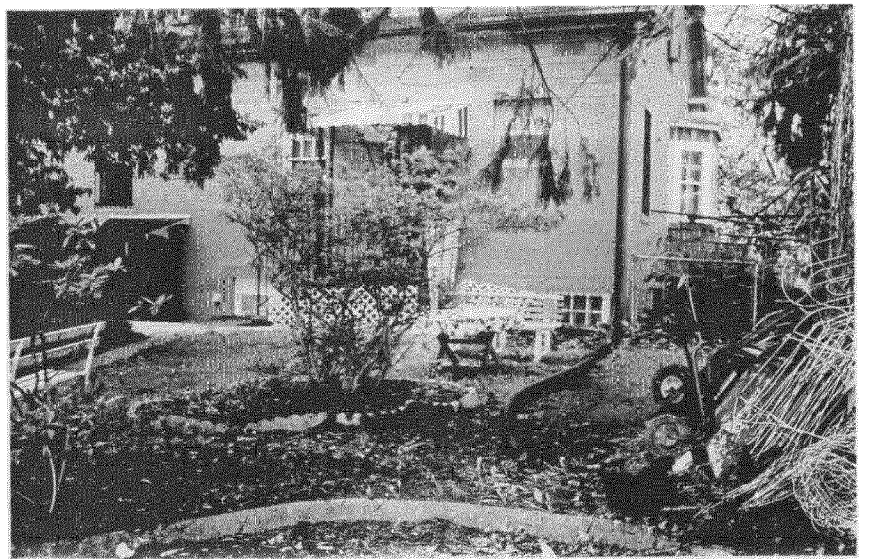
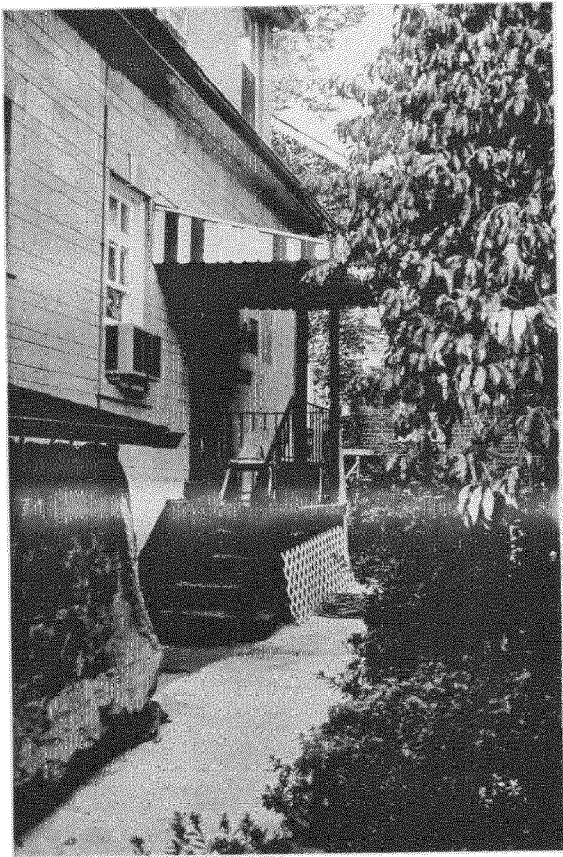
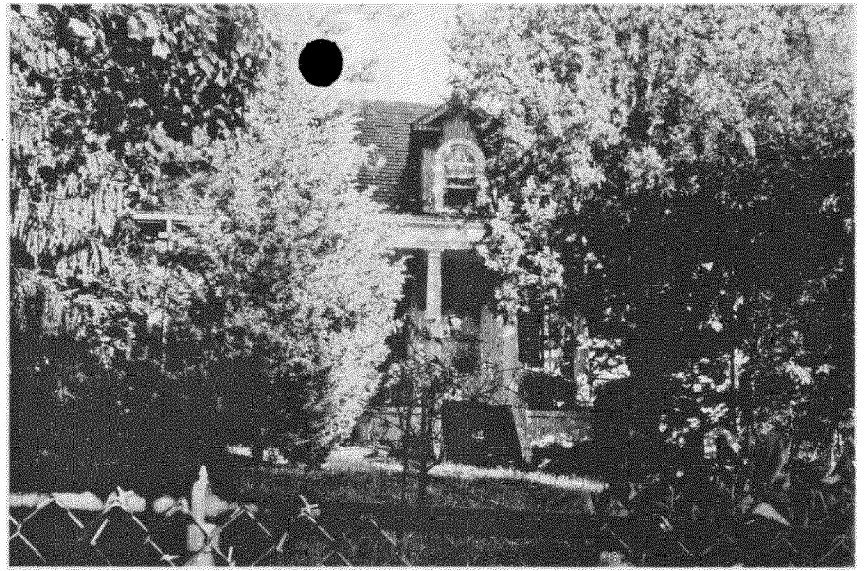
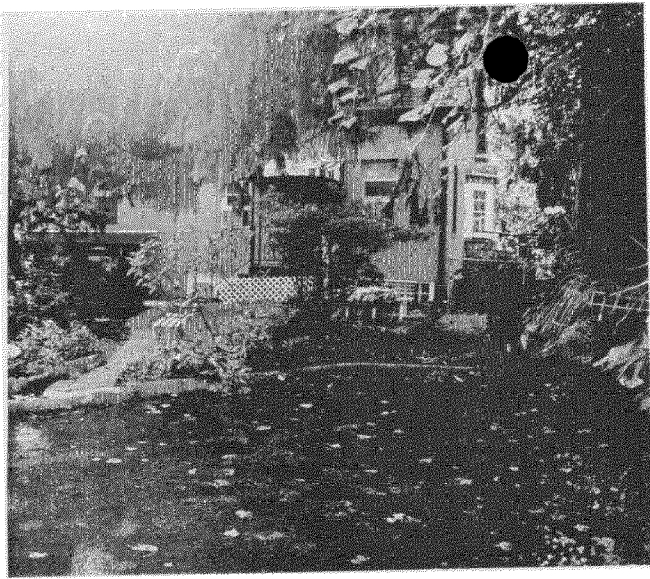
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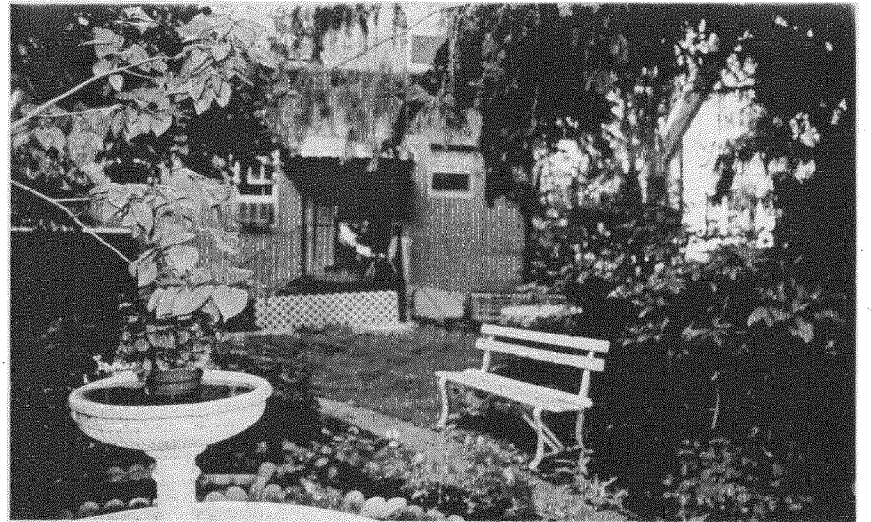
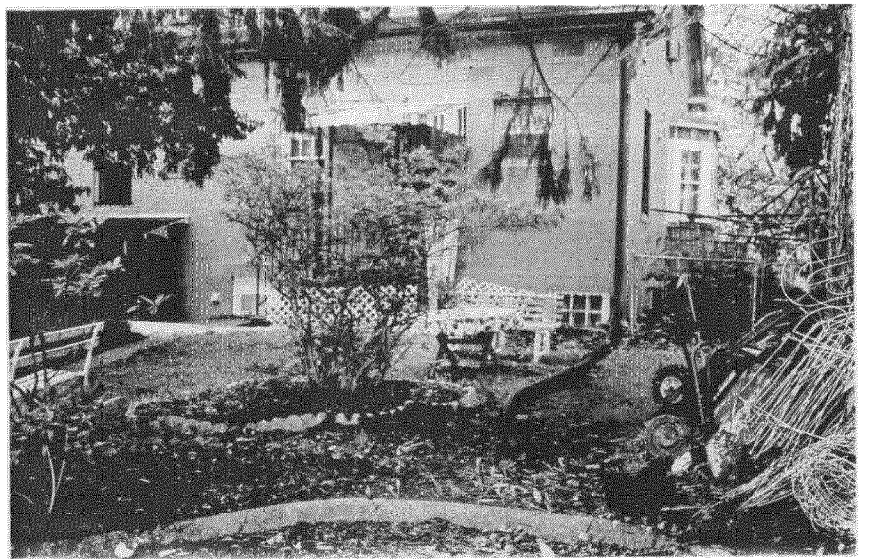
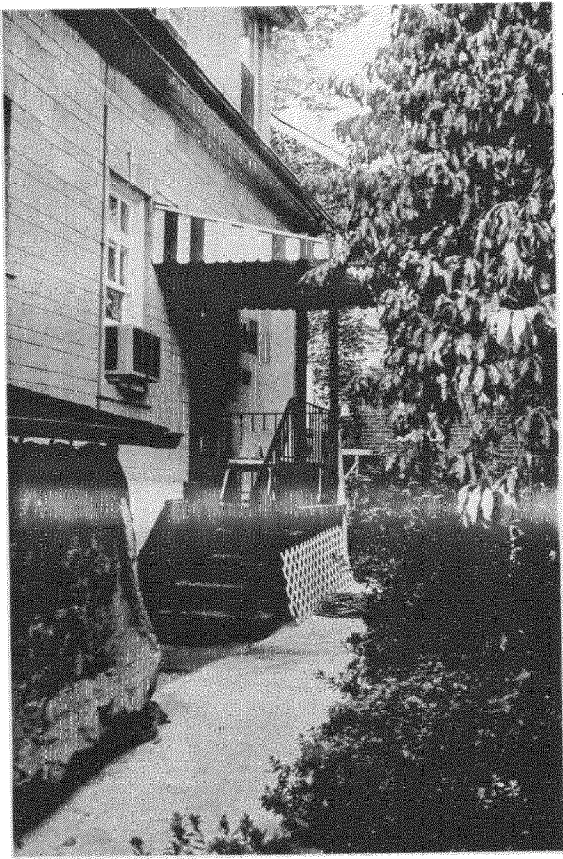
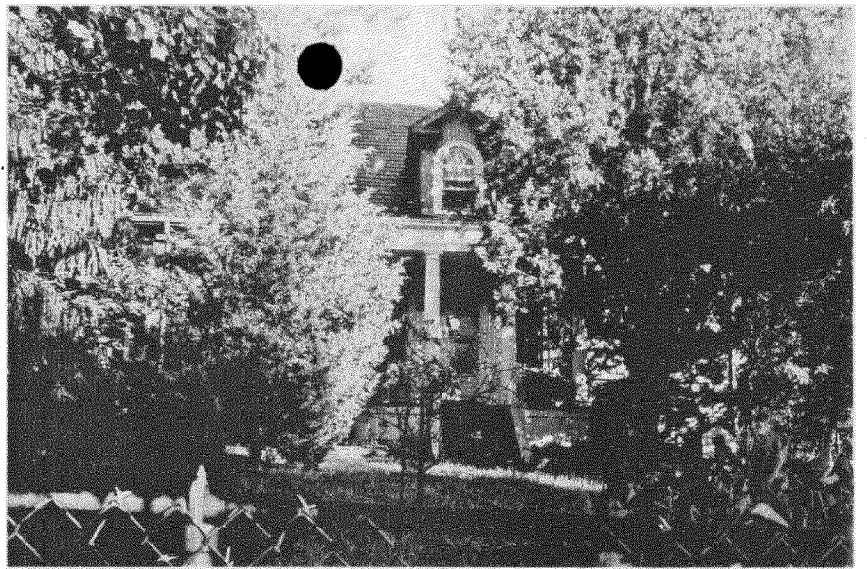
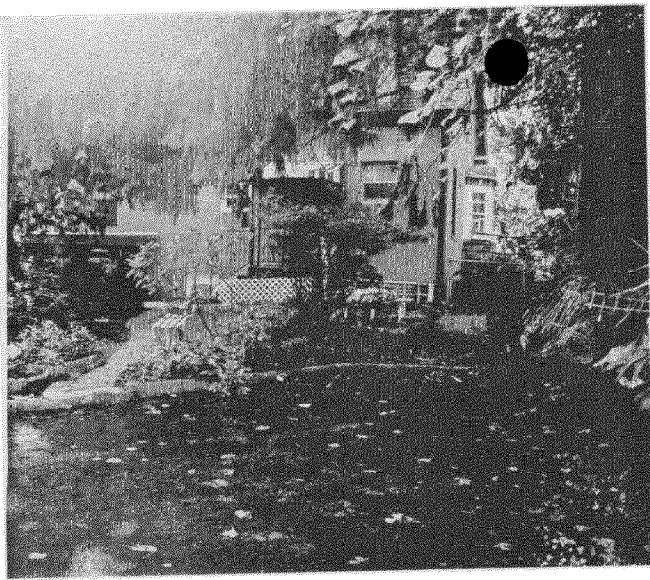
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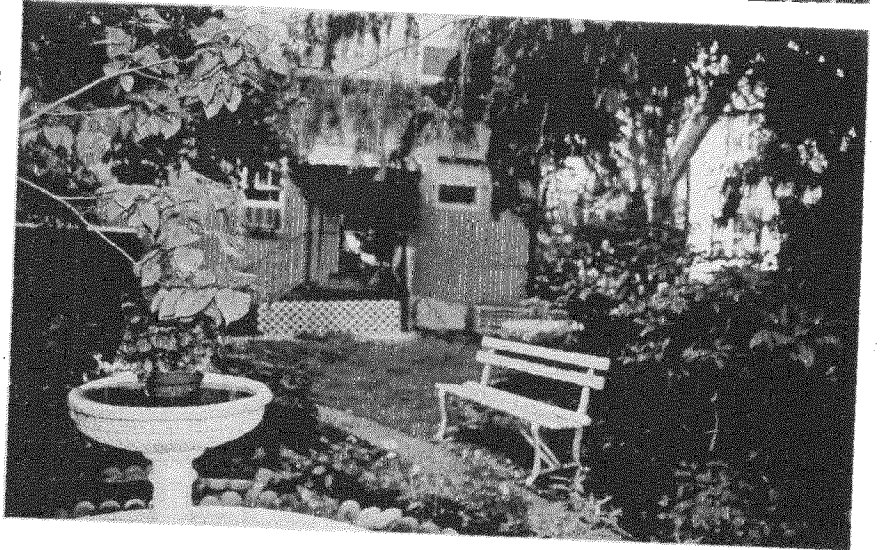
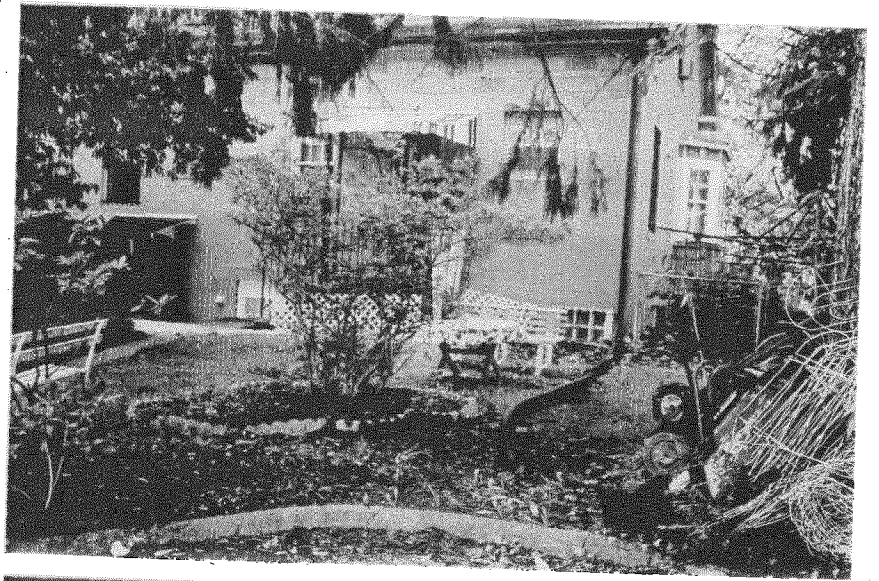
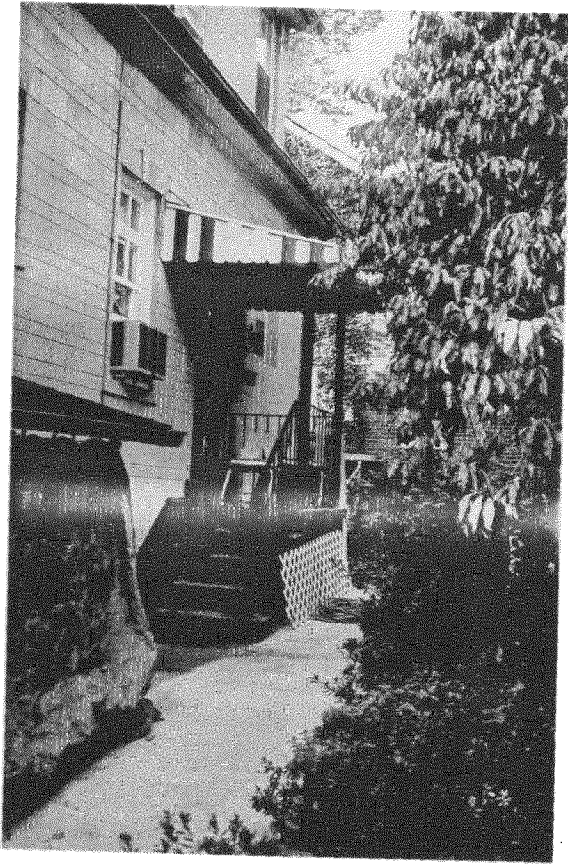
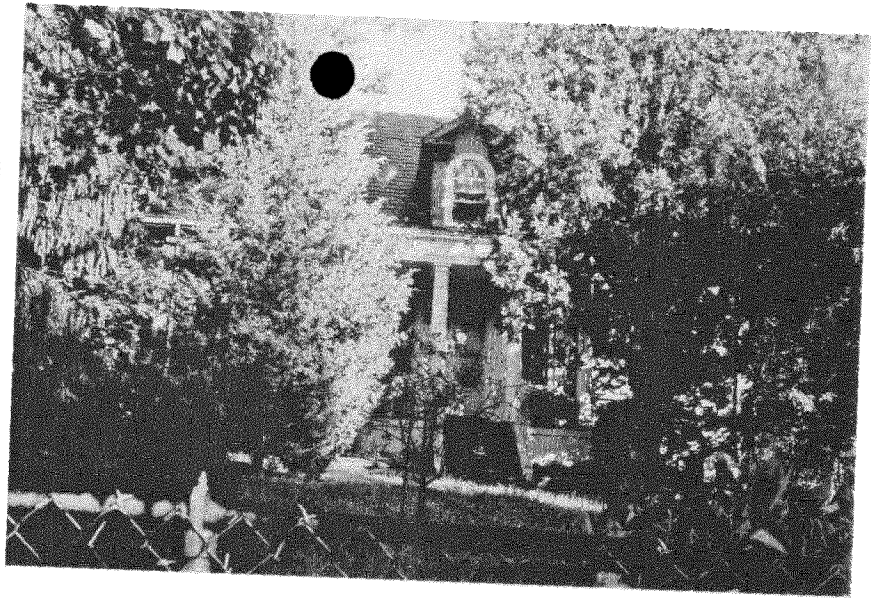
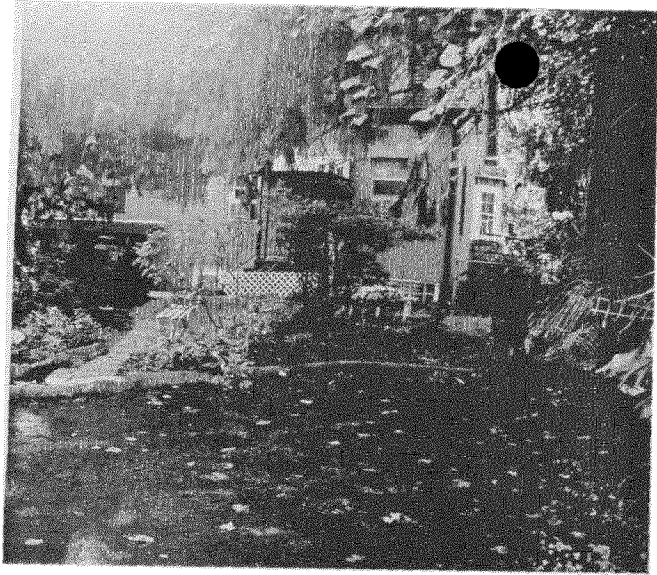
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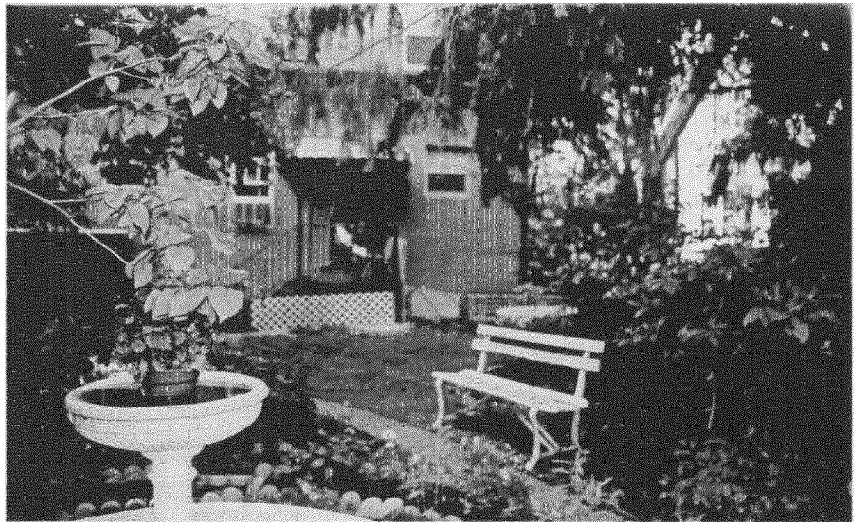
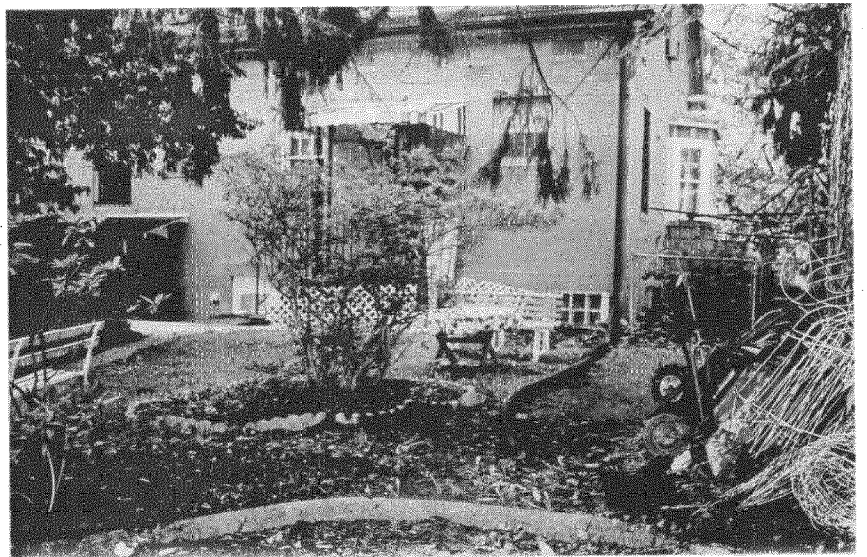
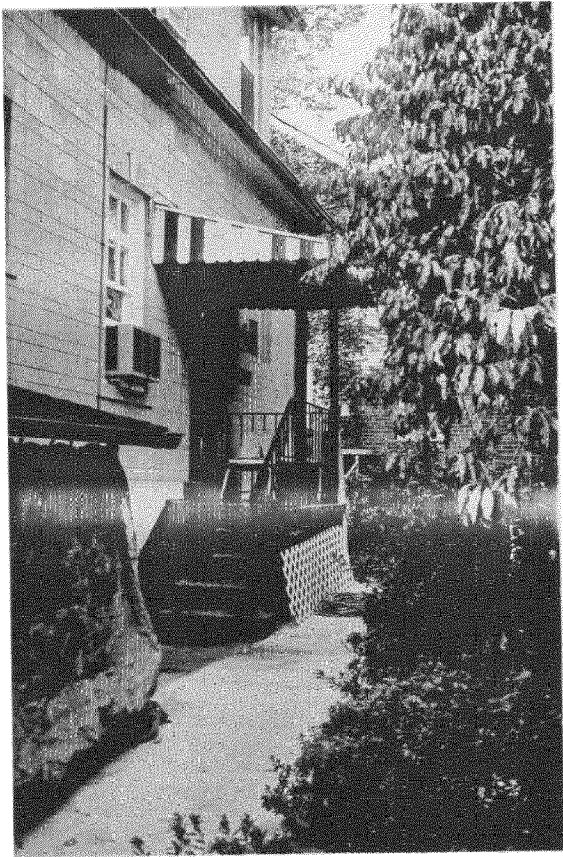
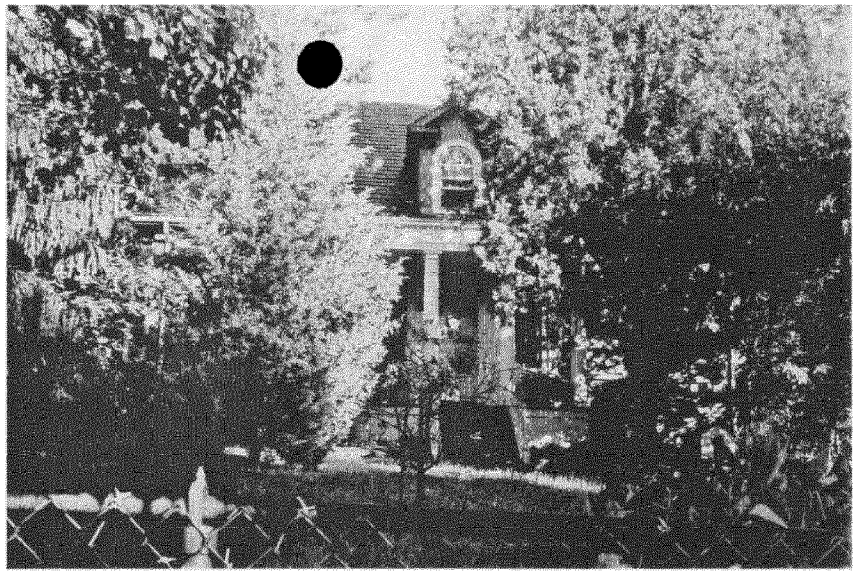
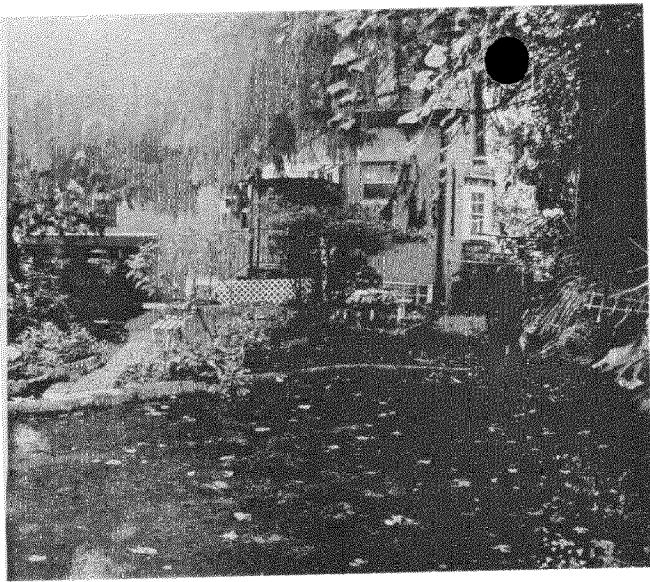


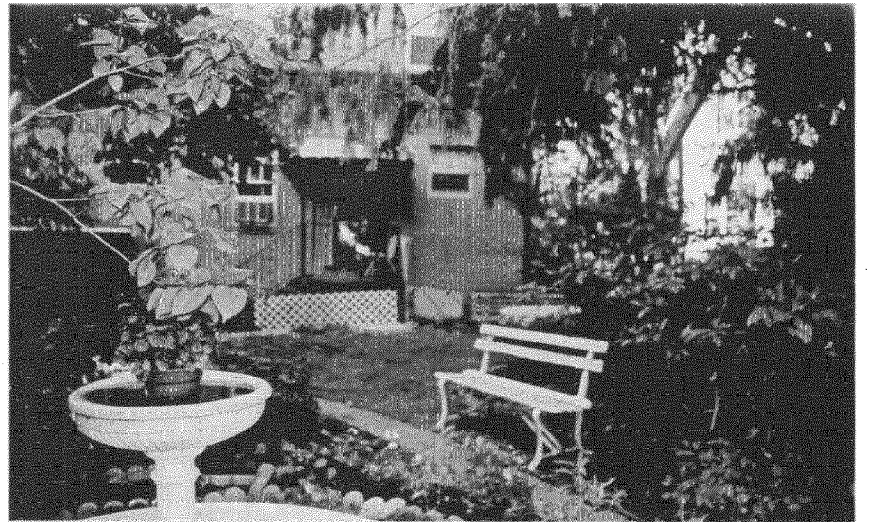
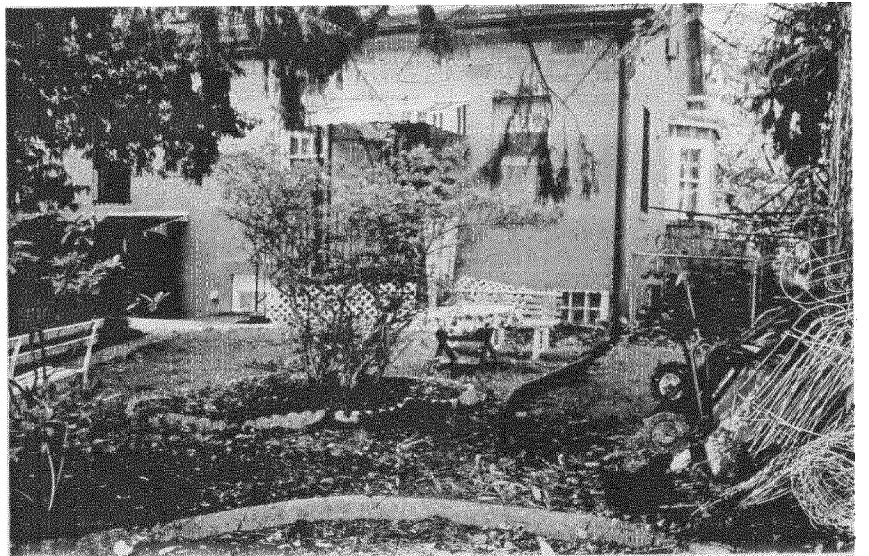
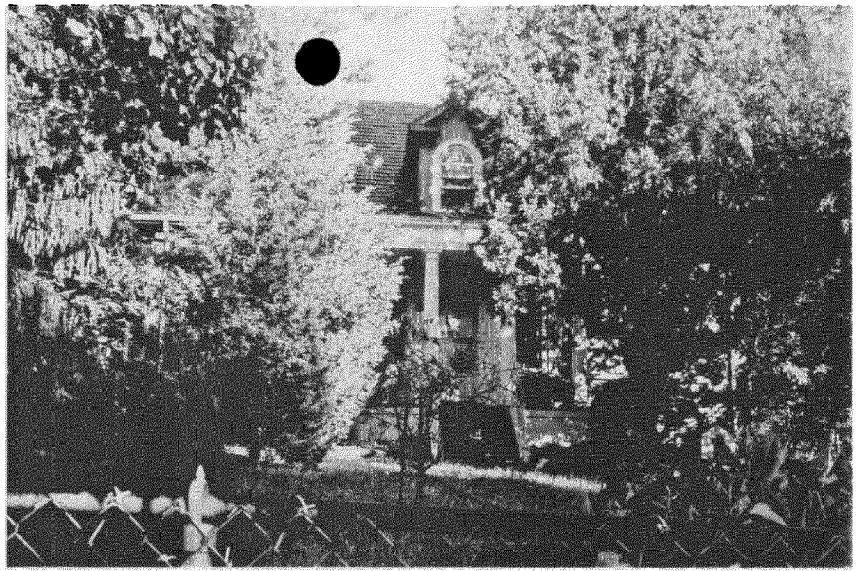
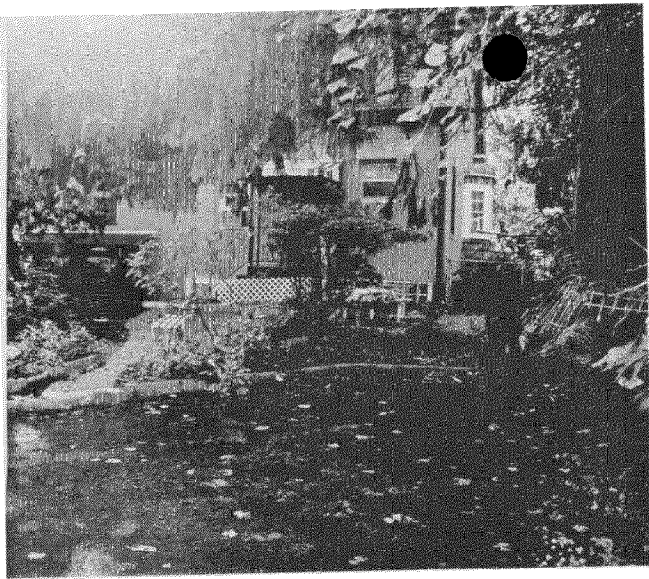


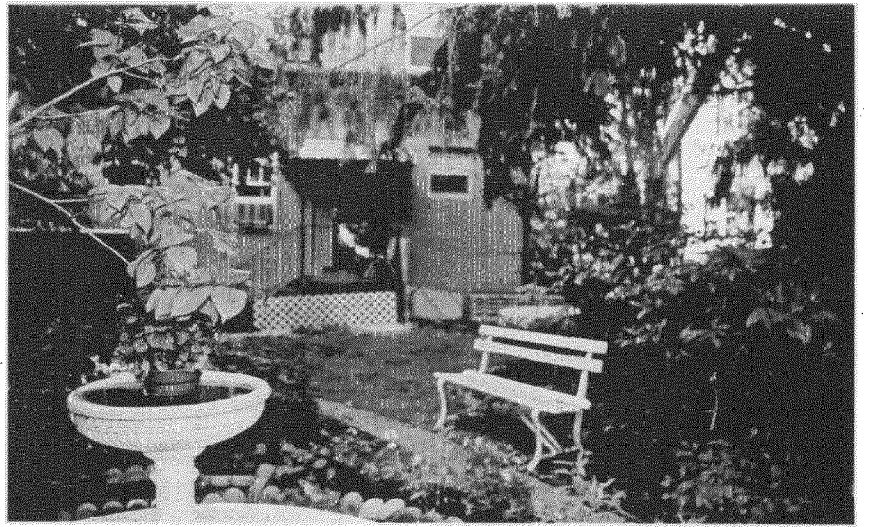
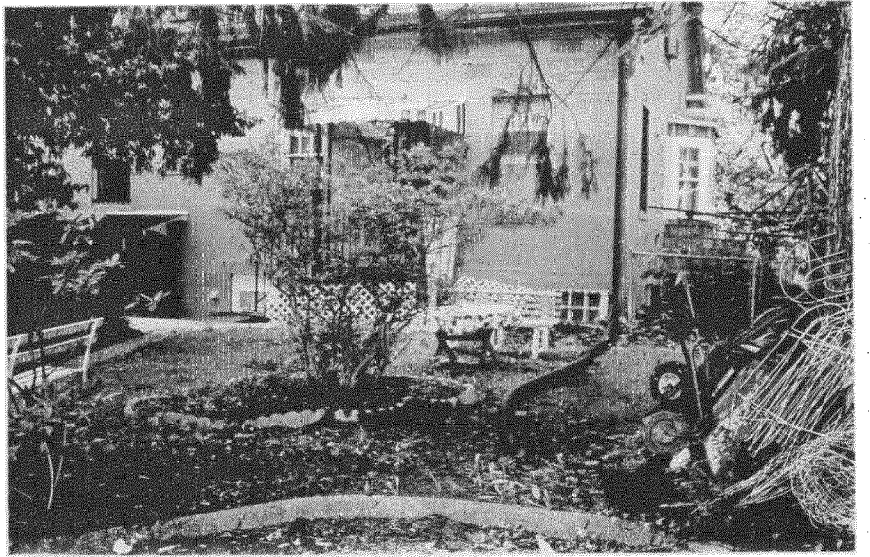
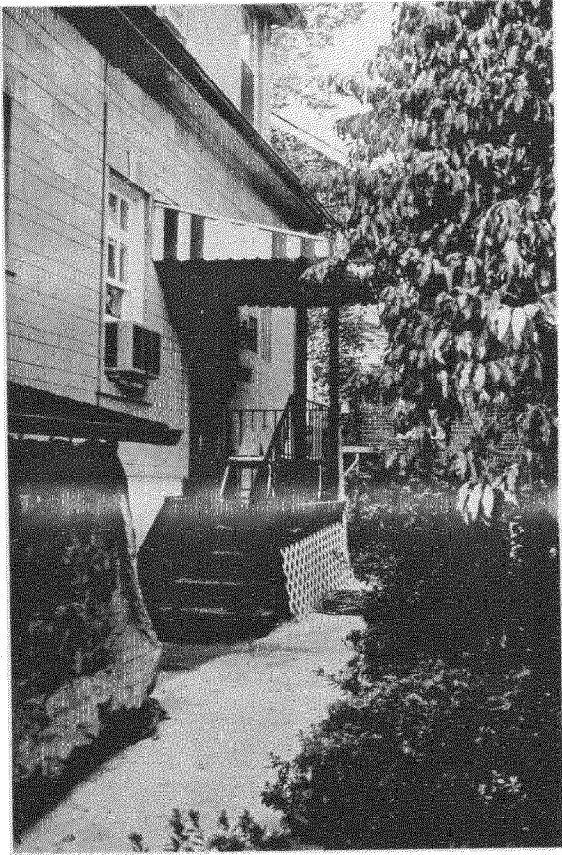
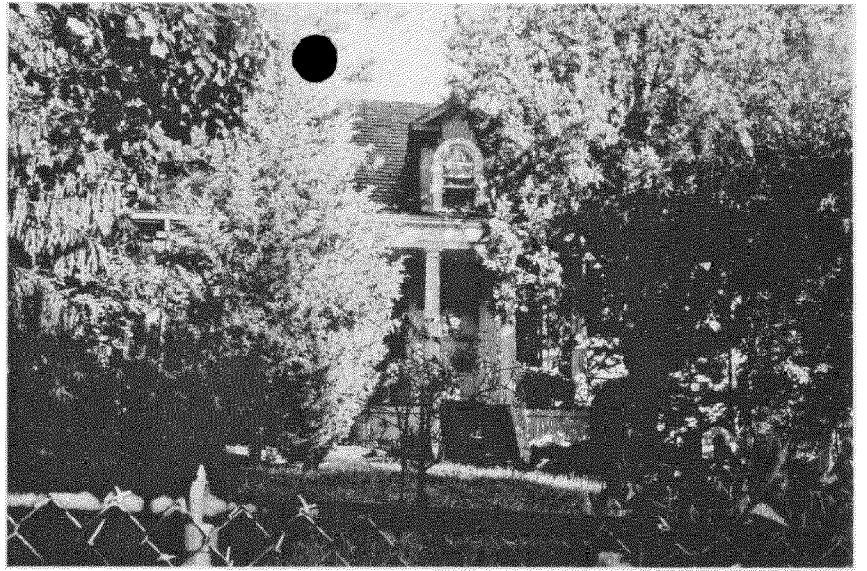
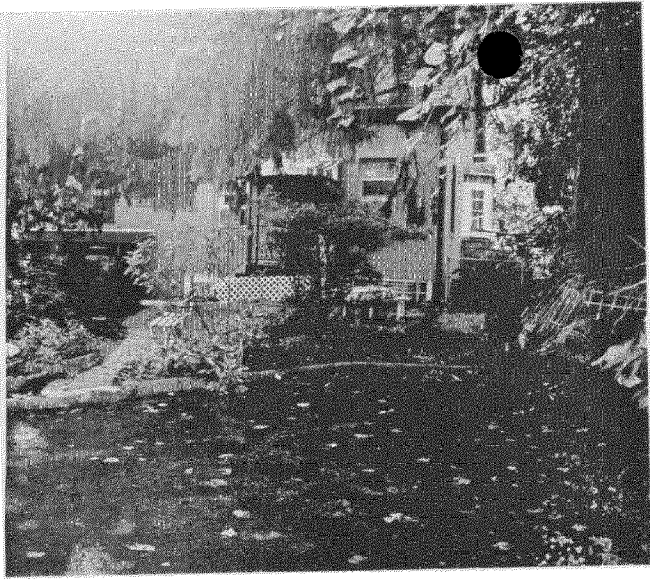


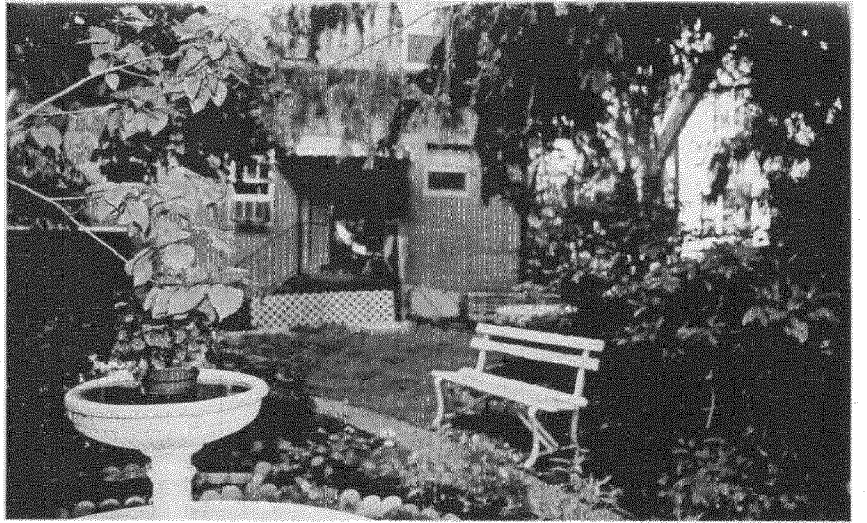
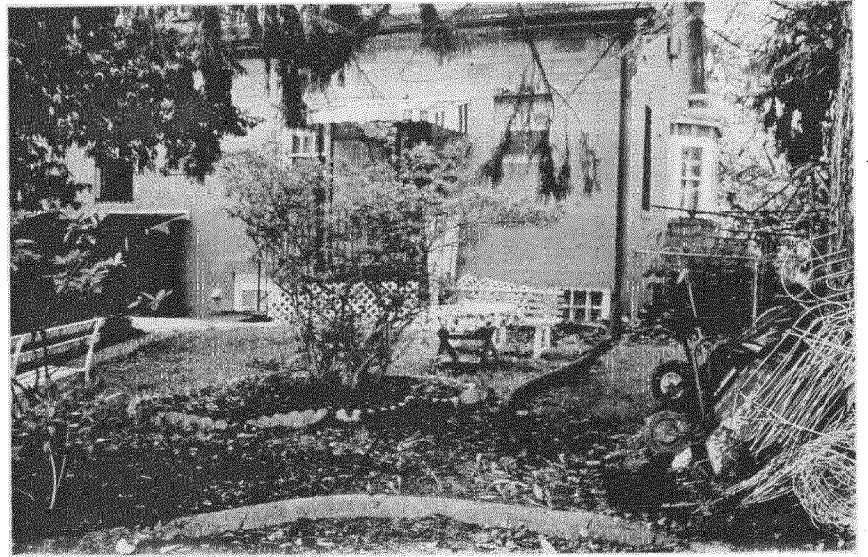
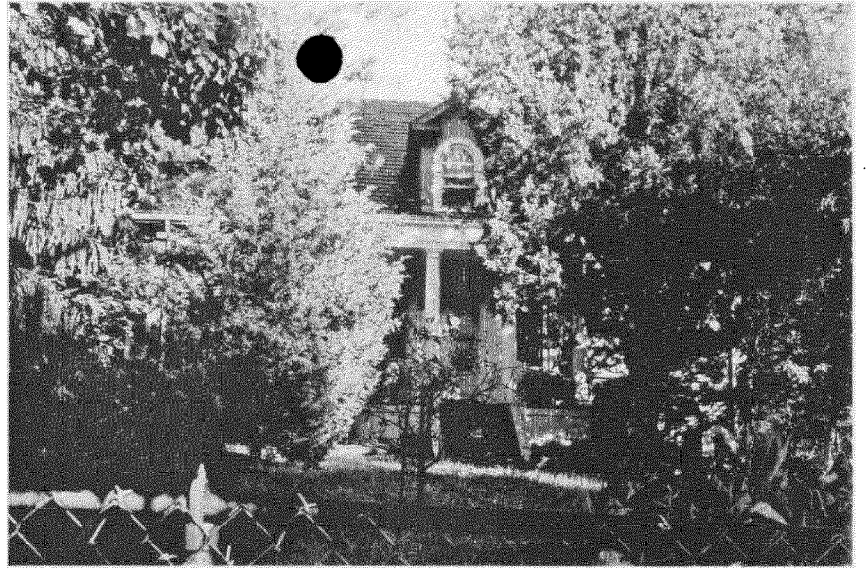
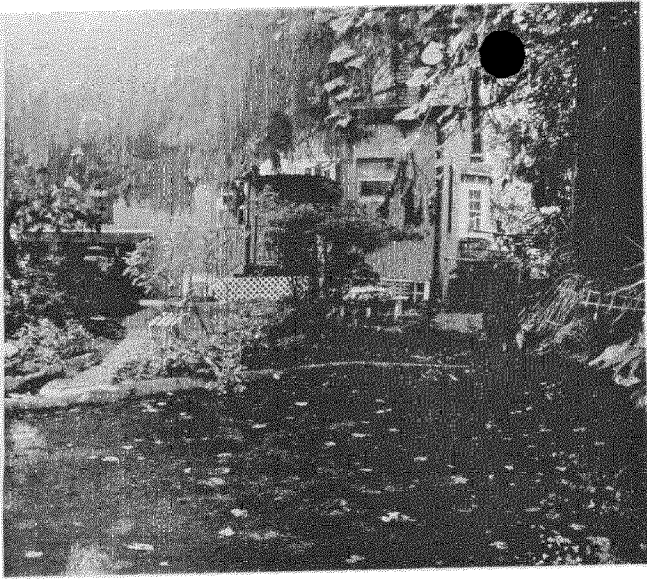












October 22, 2002

James D. Engel
10220 Carroll Place
Kensington, MD 20895

Steven Spurlock, Chairman
Historic Preservation Commission
Maryland-National Capital Park and Planning Commission

RE: HPC Case No. 31/6-01J; 10314 Fawcett St., George Myers (Retroactive Revision)

VIA FACSIMILE

Dear Chairman Spurlock

As Chairman of the Local Advisory Panel for HPC-Kensington Historic District, I am providing you with a copy of LAP's comments regarding the above referenced case. I want to draw your attention to the fourth paragraph regarding this Case. Please note that LAP felt that Mr. Myers' revisions were acceptable, and we encouraged Staff to be lenient in cases where the modification was made to an *addition* to a historic resource, as opposed to modifications to a historic resource itself. We especially felt that this leniency should pertain to cases where the modifications did not materially change the overall concept of the *addition*.

As a private citizen living in the Kensington Historic District and an advocate for historic preservation, I am somewhat concerned about the lasting effect that HPC's resolution on June 6, 2002 in this Case will have on the historic preservation effort. While Mr. Myers certainly is not a "lay person" with regard to proper procedure in these matters, he is nevertheless a homeowner, a parent, and a business owner in Kensington who like many of us has to manage all of these responsibilities. While he failed to notify Staff about the modifications to his project, I feel that many residents will see these as minor modifications to the addition. In my opinion, the actions of the HPC on June 26, 2002 will have a further "alienating" effect on the residents of the District vis a vis historic preservation in general.

In defense of Mr. Myers, please consider the condition of the primary resource; This was a relatively unremarkable Dutch Colonial Revival structure with Shingle style elements. Many of the finer details of the structure had been largely removed, or allowed to fall into extreme disrepair. Mr. Myers restored and replaced some of those elements such as the front door cover, appropriate period style front door, gable shingles in natural wood, as well as the costly built-in gutter replacement.

With regard to the addition, HPC approved a design for a structure with a certain *mass, scale, set back, and materials* that I feel respected a "weak" primary resource. I feel that the changes done by Mr. Myers were largely immaterial, and in some ways further differentiated the addition from the original house. Had the original structure been an outstanding example of its particular style in pristine condition, I would fully support HPC's actions on June 26, 2002. In this particular case, I do feel that the actions taken are out of proportion to the "crime."

Sincerely,



James D. Engel

cc: George Myers

Date: OCT 8, 2002

Total Pages: 2

▶ **PLEASE DELIVER IMMEDIATELY**

TO CHAIRMAN STEVEN SPURLOCK
Historical Preservation Commission

FAX

FAX 301-563-3412 PHONE 301-563-3406

M
E
S
S
A
G
E

letter re:
CASE 31/6-01 J Retrospective Revision
attached.

FROM MIKE + DEBRA MCCURRY
10313 Fawcett St
Kensington, MD 20895

FAX _____ PHONE 301.949.5955

FAX

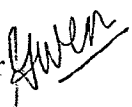


THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
Office of the Chairman, Montgomery County Planning Board

October 16, 2002

MEMORANDUM

TO: Historic Preservation Commission

FROM: Gwen Wright, Historic Preservation Supervisor 

SUBJECT: Reconsideration Request for 10314 Fawcett Street, Kensington

George Myers has requested that the HPC reconsider the decision that they made on June 26, 2002 regarding retroactive revisions to his HAWP for 10314 Fawcett Street.

Attached, you will find Mr. Myers' request and supplementary information.

In addition, I have attached the HPC's written decision on the case in question.

10415 Armory Avenue, Kensington, MD 20895 • Tel: (301) 942-9062 • Fax: (301) 942-3929

October 2, 2002

Chairman Steven Spurlock
Historical Preservation Commission
8787 Georgia Ave
Silver Spring, MD 20910

Re: 10314 Fawcett Street, Kesington, Md.
Case 31/6-01J (Retroactive Revision)

Dear Chairman Spurlock,

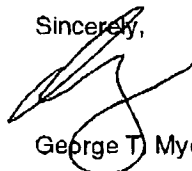
I am writing to request a reconsideration of the resolution passed on the above referenced case on June 26, in which the Commission by a vote of 3 to 2 approved the retrocative permit only on the condition that several windows and doors be removed and others added. As the architect and homeowner, I disagreed with the resolution, and have filed the case with the Board of Appeals, with the hearing set for November 20.

In my opinion the resolution was punitive in nature, and not based entirely on the architectural merits of the project. The commissioners were justifiably angry with me for not following the process as diligently as I should have. I was clearly wrong and I regret it. However, process aside, the decision should be based on the architectural merits, and I hope you will agree that it would not be inappropriate for the project to be reviewed and voted on by the full Commission before it is presented to the Board of Appeals.

If the Commission does reconsider the case, I would hope that each Commissioner can make the time to visit the site, see the final product, and judge for themselves whether or not the house fits well into the Historic District. I believe that if they see it, they will see the care with which the original structure was restored, and they will see that the addition is appropriate as it stands, and that altering the fenestration of the addition is irrelevant in terms of the structure and how it fits into the Historic District.

I sincerely appreciate your consideration in this matter.

Sincerely,



George T. Myers, AIA

P.S. Within the next week, I will provide letters of support from all surrounding neighbors, as well as a copy of the original letter from the Kensington LAP recommending approval w/no changes. In addition, I will provide receipts detailing over \$45,000 of repair/restoration work performed on the existing structure.

G T M ARCHITECTS

10415 Armory Avenue
Kensington, MD 20895
(301) 942-9062
Fax (301) 942-3929
Toll Free (877) 942-9062
www.gtmarchitects.com

FAX

Date: 10/9/02

To: Historical Preservation Commission
Gwen Wright
Phone: 301-563-3407
Fax: 301-563-3412

From: GTM Architects, Inc.
George Myers
Phone: 301-942-9062
Extension: 13
Fax: 301-942-3929

Pages (including cover sheet): 16

Subject: 10314 Fawcett Street

Gwen-

Enclosed is an invoice from my builder which indicates the amount of extra effort we made in repairing & restoring the architectural features of the existing house. For the most part, these were unexpected costs, causing me to run well over my budget. I am hoping that the Commission will give me some credit for these efforts when evaluating whether they really think it is necessary for me to incur considerable additional costs to make the window & door changes on the addition, especially when these changes will have no effect on the Historic District.

Secondly, I have enclosed letters of support from my immediate neighbors, all of whom feel the addition is appropriate as it stands. If necessary, I could easily obtain considerably more support- I have yet to hear a negative word about the project from anyone in the local community, including of course, the Kensington LAP, which is on record as supporting approval of the retrocative premit as it was submitted.

Thanks again for your help with this. I hope the Commission will at least reconsider. I sincerely regret making the changes without going through the proper channels- I hope they believe that and will accept my apology. I hope they also realize that my intentions were always the same as their own- that is, to build in a manner appropriate to the Historic District .

Thanks,
GEORGE

INVOICE

PEAK CONSTRUCTION
 3129 University Blvd. #6
 Kensington, MD
 TEL. 301-946-8541

No. PAGE 1

INVOICE DATE

JUNE 12, 02

CUSTOMER'S
 ORDER NO.

SOLD TO:

GEORGE MYERS

10314 FANCKETT ST

KENSINGTON, MD 20895

SHIP TO:

SALESPERSON	SHIPPED VIA	TERMS	F.O.B.
-------------	-------------	-------	--------

QTY. ORDERED	QTY. SHIPPED	DESCRIPTION	UNIT	AMOUNT
		RESTORATION OF EXISTING HOUSE @ 10314 FANCKETT ST.		
		1. JACK-UP HOUSE 3" @ S.W. CORNER		
		• REPAIR ROTTEN SILL PLATES @ SOUTH & WEST SIDES		
		• NEW 2X12 P.T. SILL PLATES UNDERNEATH		
		• SHIM EXISTING COLUMNS (8) @ BASEMENT WITH		
		NEW CONCRETE FOUNDATIONS		\$5,600
		2. RESTORE BUILT-IN GUTTERS		
		• RIP OUT OLD COPPER, FASCIA, SOFFITS & CROWN		
		• REPAIR / REINFORCE FRAMING (4,500)		
		• NEW FASCIA, CROWN, & SOFFITS		\$12,500
		• NEW COPPER GUTTER SYSTEM (\$8,000)		

INVOICE

PEAK CONSTRUCTION
 3125 University Blvd. #6
 Kensington, MD
 TEL. 301-946-5541

No. PAGE 2

INVOICE DATE JUNE 12, 02
CUSTOMER'S ORDER NO.

SOLD TO: GEORGE MYERS
10314 FAWCETT ST.
KENSINGTON, MD, 20895

SHIP TO:

SALESPERSON	SHIPPED VIA	TERMS	F.O.B.
-------------	-------------	-------	--------

QTY. ORDERED	QTY. SHIPPED	DESCRIPTION	UNIT	AMOUNT
3		NEW CEDAR SHINGLES (3 SIDES GABLES)		
		• RIP OUT & DISCARD EXISTING DAMAGED SHINGLES		
		• NEW MOUSE WRAP & ICE GUARD		
		• NEW FLASHINGS & VALLEYS		\$10,500
		• NEW "PERFECTION" CEDAR SHINGLES		
4		NEW ROOF SHINGLES		
		• NEW VALLEYS & FLASHINGS		\$5,200
		• NEW "TIMBERLINE" SHINGLES ± 20 SQUARES		
5		REINFORCE EXISTING FLOOR FRAMING		
		• NEW 16" TRIPLE MICROLAM BEAM & POSTS		
		• NEW 8" MICROLAM FLOOR JOISTS		\$4,700
		SISTERED TO EXISTING DAMAGED JOISTS		

INVOICE

PEAK CONSTRUCTION
 3129 University Blvd. #6
 Kensington, MD
 TEL. 301-946-5541

No. PAGE 3

INVOICE DATE JUNE 12, 02
CUSTOMER'S ORDER NO.

SOLD TO: GEORGE MYERS 310 FAUCETT ST. KENSINGTON, MD, 20895
--

SHIP TO:

SALESPERSON	SHIPPED VIA	TERMS	F.O.B.
-------------	-------------	-------	--------

QTY. ORDERED	QTY. SHIPPED	DESCRIPTION	UNIT	AMOUNT
		6. NEW STOOP @ FRONT ENTRY		
		• RIP OUT DAMAGED EXISTING		\$4,200
		• REBUILD NEW USING SIMILAR STONE & PLASTER.		
		7. REPAIR STONE FOUNDATION WALLS		\$2,500
		• REPAIR MISSING/LOOSE STONES @ FOUND.		
		• POINT UP/MORTAR ALL JOINTS		
		TOTAL:		\$45,200

October 9, 2002

Chairman Steven Spurlock
Historical Preservation Commission
8787 Georgia Ave
Silver Spring, MD 20910

Re: Case 31/6-01J (Retroactive Revision)
10314 Fawcett Street, Kensington Historic District

Dear Chairman Spurlock,

This letter is being sent to urge the Commission to reconsider its position with regard to the 10314 Fawcett Street. As a neighbor and resident of the Historic District, I believe that the addition as it is built is appropriate to the existing house, and to the Historic District. I am sincerely hope that the Commission reconsiders its decision, and approves the retroactive permit without conditions.

Sincerely,

Kate C. Cowan

10300 Fawcett Street

Kensington, MD 20895

I understand the prerogative of the HDC to have oversight of old, existing important structures. But I do not understand your authority or concern with a design feature over a new (part of) the structure.

This kind of action makes it very difficult for reasonable ~~citizens~~ citizens to support any work you do. Not good for historic preservation!

October 9, 2002

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Sincerely,

Mary Donatelli
10400 Montgomery Ave
Kensington, Maryland 20895

October 9, 2002

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Historical Preservation Commission
8787 Georgia Ave
Silver Spring, MD 20910

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Sincerely,

Blair B Cewan
10300 Fawcett St.
Kensington, MD 20845

October 9, 2002

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Historical Preservation Commission
8787 Georgia Ave
Silver Spring, MD 20910

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10314 Fawcett Street, Kensington Historic District

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Sincerely,

Susan Abbott

10409 Fawcett St.

Kensington, Md 20895

October 9, 2002

Chairman Steven Spurlock
Historical Preservation Commission
8787 Georgia Ave
Silver Spring, MD 20910

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Sincerely,

A Bruce Abbott

*10409 Fawcett St.
Kensington, Md 20895*

October 9, 2002

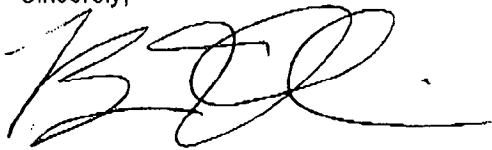
Chairman Steven Spurlock
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8787 Georgia Ave
Silver Spring, MD 20910

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Sincerely,



10405 Fawcett St.
Kensington, MD
20895

October 9, 2002

Chairman Steven Spurlock
Historical Preservation Commission
8787 Georgia Ave
Silver Spring, MD 20910

Re: Case 31/6-01J (Retroactive Revision)
10314 Fawcett Street, Kensington Historic District

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Sincerely,

*Sally Weisman
10403 Fawcett St
This is absurd!*

October 9, 2002

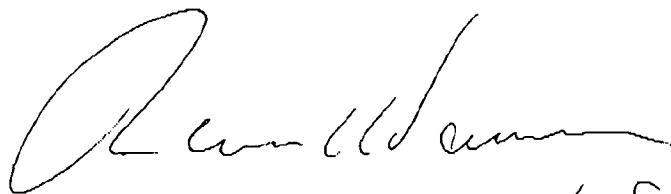
Chairman Steven Spurlock
Historical Preservation Commission
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Sincerely,


10403 Fawcett St
Kensington MD 20895

October 9, 2002

Chairman Steven Spurlock
Historical Preservation Commission
8787 Georgia Ave
Silver Spring, MD 20910

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10314 Fawcett Street, Kensington Historic District

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Sincerely,

Camille Anne Cuffert
10318 Fawcett St.
Kensington, MD 20895
301-949-5146

We love the house in its current state,
and we don't think one thing should be
changed. It is a wonderful addition to
the neighborhood!

October 9, 2002

Chairman Steven Spurlock
Historical Preservation Commission
8787 Georgia Ave
Silver Spring, MD 20910

Re: Case 31/6-01J (Retroactive Revision)
10314 Fawcett Street, Kensington Historic District

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Sincerely,

Helen Spuard
10314 Fawcett St.
Kensington MD 20895
301.942.1986

October 9, 2002

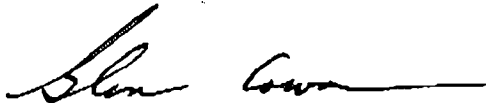
Chairman Steven Spurlock
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Silver Spring, MD 20910

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Sincerely,



GLENN COWAN
10300 FAWCETT STREET

October 9, 2002

Chairman Steven Spurlock
Historical Preservation Commission
8787 Georgia Ave
Silver Spring, MD 20910

Re: Case 31/6-01J (Retroactive Revision)
10314 Fawcett Street, Kensington Historic District

Dear Chairman Spurlock,

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Sincerely,

Kyle Richards

Michael and Debra McCurry

10313 Fawcett Street
Kensington, MD 20895-3340
301.949.5955
mccurry5@aol.com

October 8, 2002

Hon. Steven Spurlock
Chairman, Historical Preservation Commission
8787 Georgia Avenue
Silver Spring, MD 20910

Re: Case 31/6-01J (Retroactive)
10314 Fawcett Street
Kensington, MD

Dear Chairman Spurlock:

We write in full support of our neighbor, George Myers, and his desire to have a retroactive approval of design modifications to the construction work he has completed at his lovely new home, 10314 Fawcett St in the Kensington Historic District.

We live across the street from the property in question and have noted with approval the improvements and preservation work that George has undertaken to a structure seriously in need of repair.

None of the design modifications made by George in the process of construction seem to us to detract from the original design. In fact, the modifications made during construction only effect the new construction approved as an addition and make no change in the fundamental architecture of the original dwelling.

We believe the changes made during construction add to the design and appeal of the structure and should not be the subject of seemingly punitive action by the Commission. As neighbors, we are also self-interested in an end to construction at the site and the remedy proposed by the Commission would entail a new round of extensive and disruptive construction in the neighborhood just as we were enjoying things returning to normal.

Please grant a retroactive revision to the original design and prevent further litigation and uncertainty about this appealing new addition to our neighborhood.

Sincerely,

Mike McCurry Debra McCurry
Michael and Debra McCurry

June 26, 2002

MEMORANDUM

TO: Robert Hubbard, Director
Department of Permitting Services

FROM: Gwen Wright, Coordinator
Historic Preservation

SUBJECT: Historic Area Work Permit
HPC Case No: **31/6-01J (Retroactive Revision)** DPS No.: **n/a**

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

APPROVED APPROVED WITH CONDITIONS:

1. **Boxwood bushes are to be planted on the right side of the property.**
2. **Tree protection measures are to be taken at once, including standard feeding, mulching and fencing procedures before, during and after construction .**
3. **The left gable of the new section is to have two matching 6/1 shuttered windows in place of the door and small window currently there. (The existing door and window are to be removed and replaced with the configuration approved by the HPC on 12/06/01.)**
4. **The front façade of the new section is to have a tripartite 6/1 window treatment and paired french doors in place of the 6/1 shuttered windows and four-part french doors currently there. (The existing 6/1 window and four-part french doors are to be removed and replaced with the window and door configuration approved by the HPC on 12/06/01).**

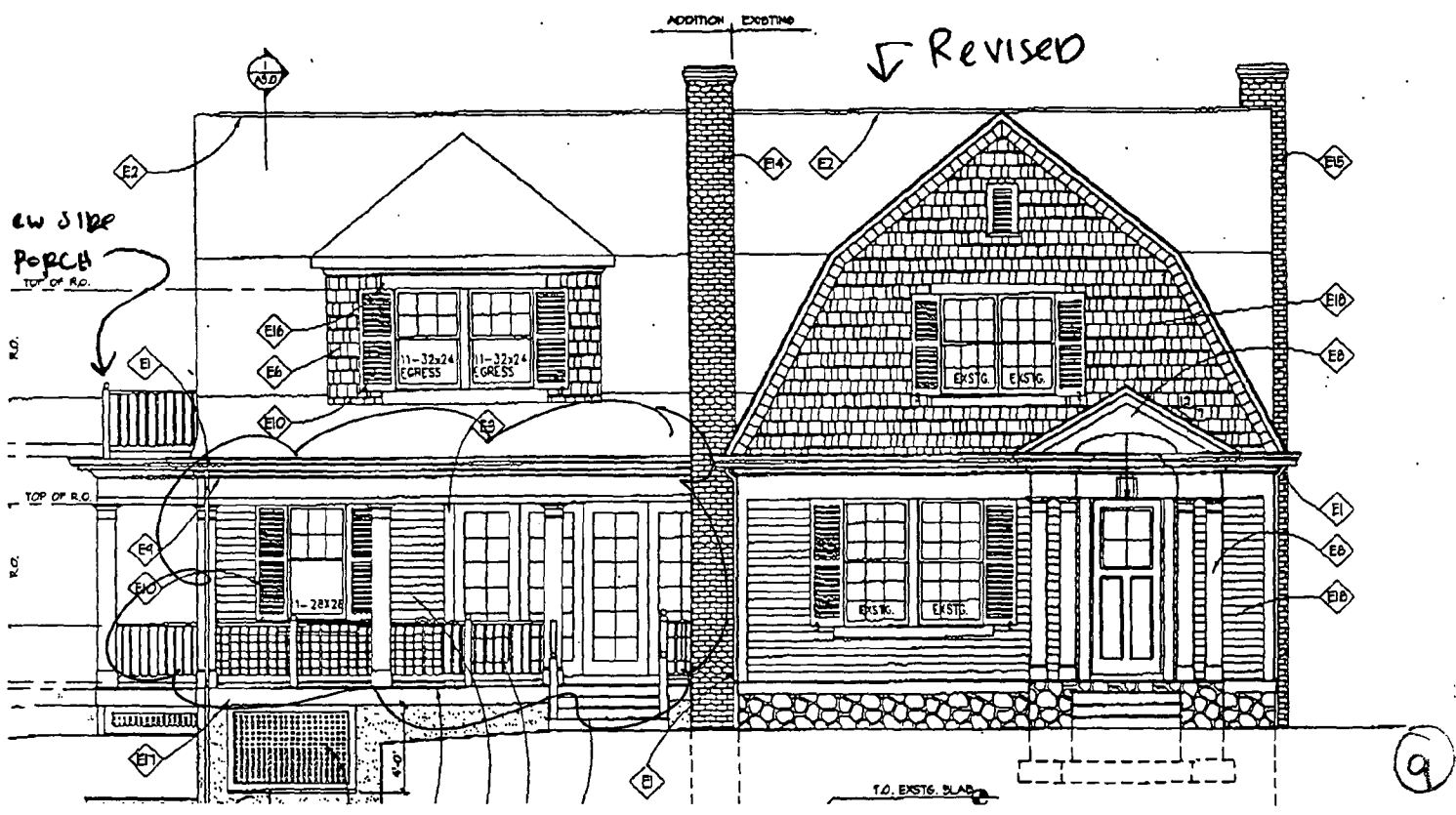
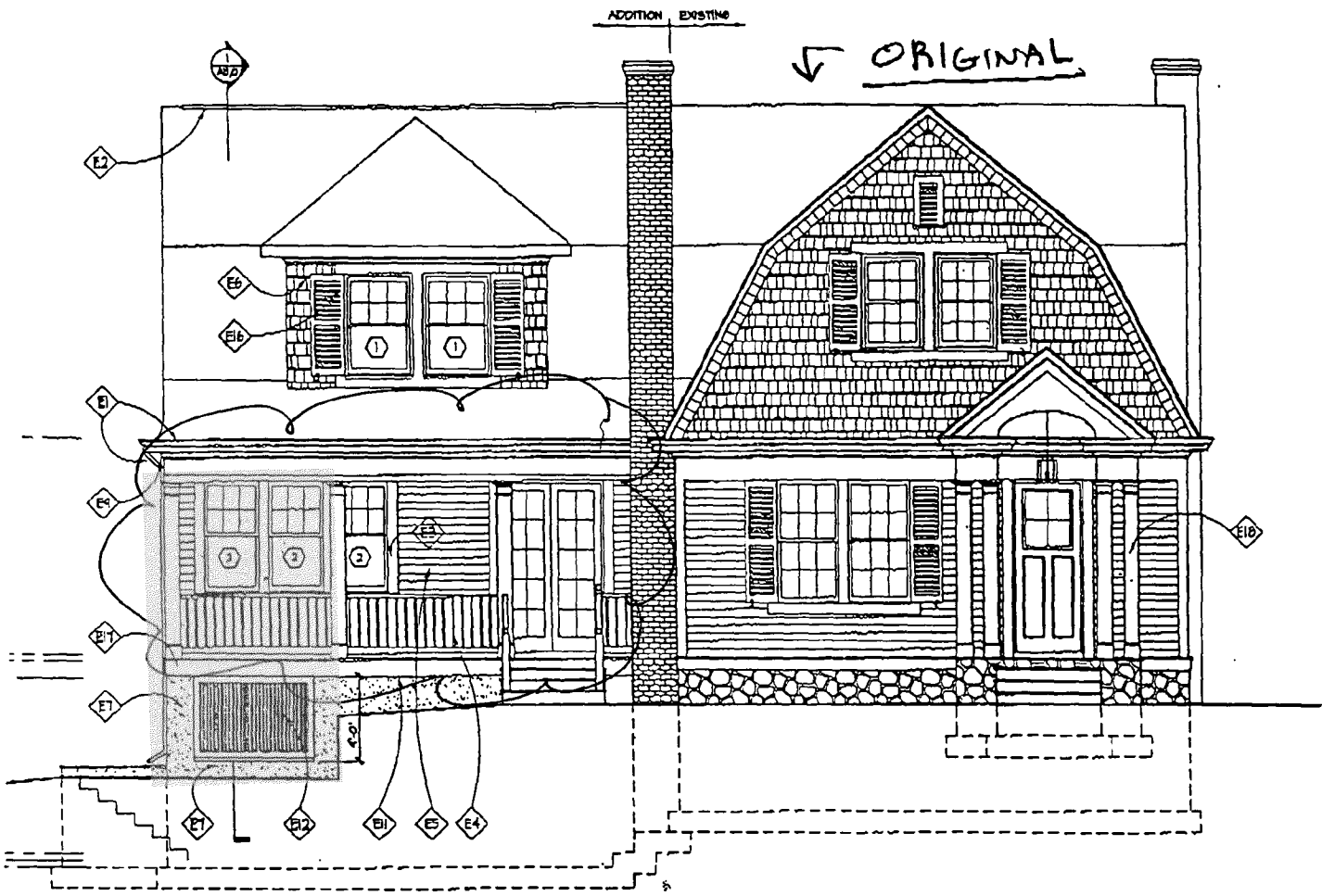
Please note that the building permit for this project will be issued subject to adherence to the approved Historic Area Work Permit (HAWP) to:

Applicant: **George Myers**

Address: **10314 Fawcett Street, Kensington**

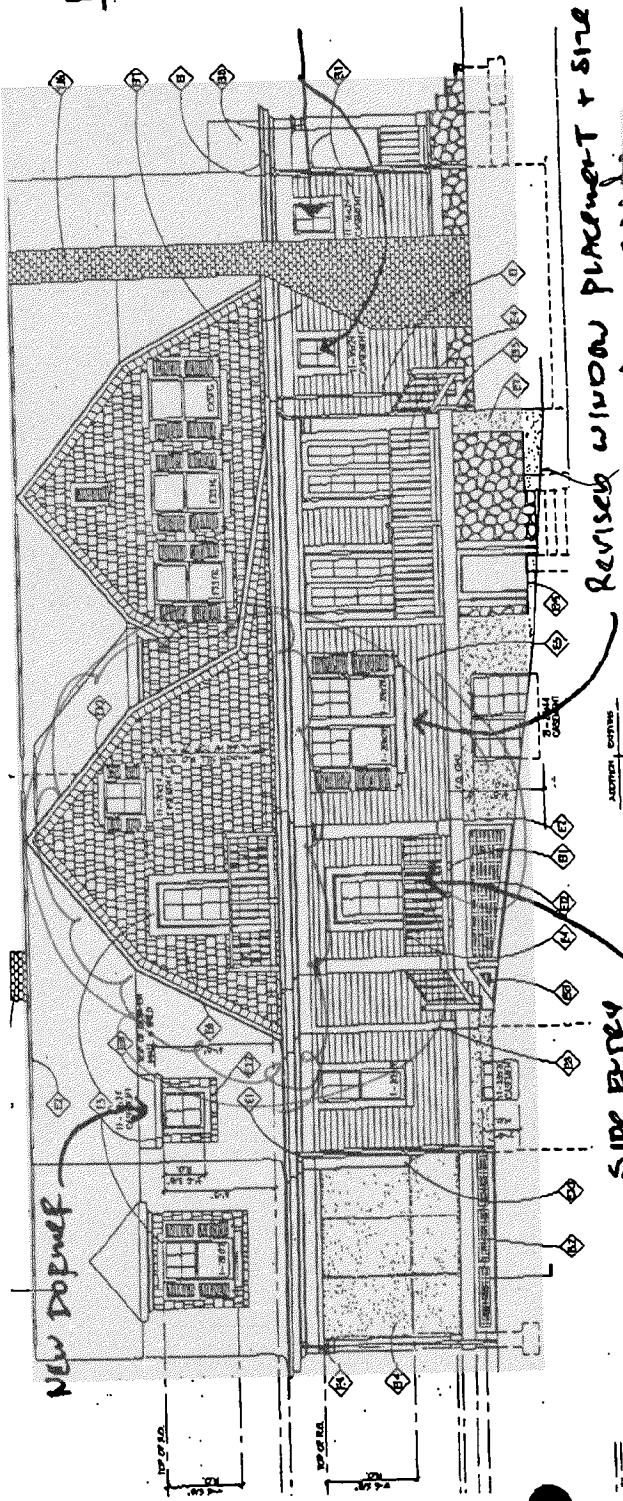
subject to the general conditions pertinent to all Historic Area Work Permits that:

1. **HPC Staff must review and stamp the permit set of construction drawings prior to application for a building permit with Department of Permitting Services.**
2. **After issuance of the Montgomery County Department of Permitting Services (DPS) permit, the applicant should arrange for a field inspection by calling the Montgomery County DPS Field Services Office at 240-777-6210 prior to commencement of work and not more than two weeks following completion of work.**



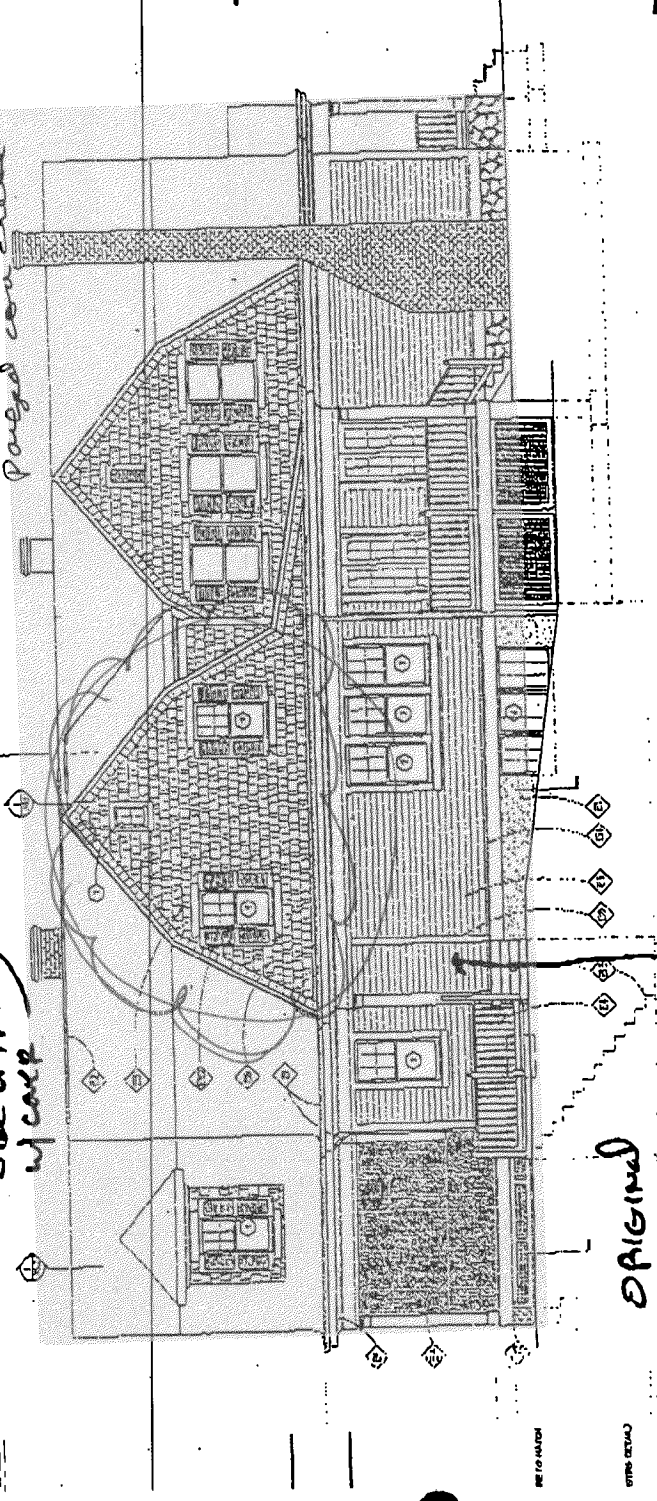
MODIFIED DESIGN

New windows



ORIGINAL DESIGN

10314 Fawcett St.
SOUTH ELEVATION
5/20/02.



10415 Armory Avenue, Kensington, MD 20895 • Tel: (301) 942-9062 • Fax: (301) 942-3929

October 30, 2002

Chairman
Montgomery County Board of Appeals
100 Maryland Avenue
Rockville, MD 20850

Re: Case No. A-5797

Dear Mr. Chairman:

I am writing this letter to request a postponement (60-90days) of the hearing date for Case No. A-5797, originally scheduled for November 20, 2002 at 1:30 p.m.. I am currently working with the Historic District Commission in an attempt to arrive at a settlement of the case, and I am hopeful that we can alleviate the need for an Appeal.

Sincerely,



George Myers
Appealant

cc: Vicki Gaul, County Attorney's Office
Gwen Wright, Historic Preservation Commission

G T M
ARCHITECTS

10415 Armory Avenue
Kensington, MD 20895
(301) 942-9062
Fax (301) 942-3929
Toll Free (877) 942-9062
www.gtmarchitects.com

FAX

Date: 10/30/02

To: Montgomery County Historic Preservation Commission
Gwen Wright
Phone: 301-563-3413
Fax: 301-563-3412

From: GTM Architects, Inc.
George Myers
Phone: 301-942-9062
Extension: 13
Fax: 301-942-3929

Pages (including cover sheet): 2

GTM File #: _____

Subject: Copy of letter to Board of Appeals

