

3107-07D 10221 Capitol View Avenue,
Silver Spring

Sofia Suarez
240 644 3290



HISTORIC PRESERVATION COMMISSION


Isiah Leggett
County Executive

Jef Fuller
Chairperson

Date: September 26, 2007

MEMORANDUM

TO: Carla Reid Joyner, Director
Department of Permitting Services

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

SUBJECT: Historic Area Work Permit #463782, fence installation and other alterations

The Montgomery County Historic Preservation Commission (HPC) has reviewed the attached application for a Historic Area Work Permit (HAWP). This application was **Approved with Conditions** at the September 25, 2007 meeting.

1. **The proposed fence must be consistent with all County Codes for construction.**
2. **The applicant will reduce the height of the fence to 4' or lower in sections forward of the rear plane of the house.**
3. **Details of the new 4' high wooden fence and gates will reviewed by staff prior to stamping permit set of drawings.**
4. **All sections of the wooden fence will be either painted or stained.**
5. **A follow-up site visit will be scheduled with the Historic Preservation staff and the Department of Permitting Services after the project is completed to ensure all work is in compliance with conditions of approval and County Codes.**

The HPC staff has reviewed and stamped the attached construction drawings.

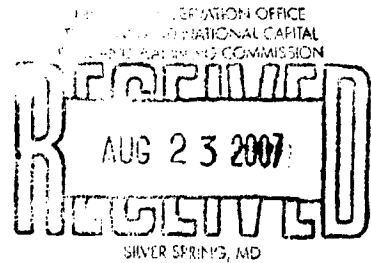
THE BUILDING PERMIT FOR THIS PROJECT SHALL BE ISSUED CONDITIONAL UPON ADHERENCE TO THE ABOVE APPROVED HAWP CONDITIONS AND MAY REQUIRE APPROVAL BY DPS OR ANOTHER LOCAL OFFICE BEFORE WORK CAN BEGIN.

Applicant: Jose Chavez

Address: 10221 Capitol View Avenue, Silver Spring

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





HISTORIC PRESERVATION COMMISSION
301/563-3400

APPLICATION FOR HISTORIC AREA WORK PERMIT

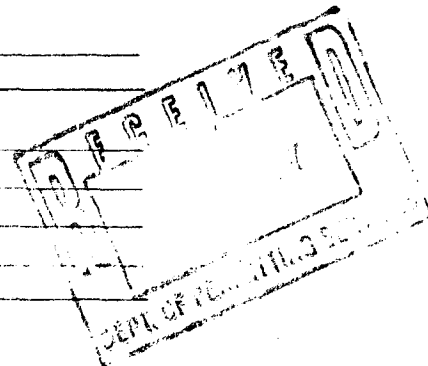
Contact Person: SOFLA SUAREZ
Daytime Phone No.: 240 644 3290

Tax Account No.: _____
Name of Property Owner: JOSE A CHAVEZ Daytime Phone No: 240 277 3028
Address: 10ZZI CAPITOL AVE SILVER SPRING MD 20910
Street Number City State Zip Code

Contractor: _____ Phone No.: _____
Contractor Registration No.: _____
Agent for Owner: _____ Daytime Phone No.: _____

LOCATION OF BUILDING/PREMISE

House Number: 10ZZI Street: CAPITOL AVE
Town/City: SILVER SPRING Nearest Cross Street: _____
Lot: 13 Block: 2 Subdivision: S
Parcel: _____



PART ONE: TYPE OF PERMIT ACTION AND USE

CHECK ALL APPLICABLE:
 Construct Extend Alter/Renovate Add Slab Room Addition Porch Deck Shed
 Move Install Work/Repair Solar Fireplace Woodburning Stove Single Family
 Revision Repair Revocable Fence/Wall (complete Section 4) Other: _____
1B Construction cost estimate: \$ _____
1C This is a revision of a previously approved active permit. See Permit # 460660

PART TWO: COMPLETE FOR NEW CONSTRUCTION AND EXTEND/ADDITIONS

2A Type of sewage disposal: WSSC Septic Other _____
2B Type of water supply: WSSC Well Other _____

PART THREE: COMPLETE ONLY FOR FENCE/RETAINING WALL

3A Height: 0 feet 0 inches
3B Indicate whether the fence or retaining wall is to be constructed on one of the following locations:
 To party interest/property Entirely on land of owner On public right of way/easement

I hereby certify that I have the authority to make the foregoing application and the application is correct, and that the construction will comply with plans prepared by a professional engineer listed and certified by knowledge and experience to be a condition for the issuance of this permit.

ANASOFIA SUAREZ
Agent

08/21/07
Date

Approved by: 465782 Director, Historic Preservation
Date: 9/26/07
Signature: [Signature]

SEE REVERSE SIDE FOR INSTRUCTIONS

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

1. WRITTEN DESCRIPTION OF PROJECT

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

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

PERMIT FOR FENCE INSTALLATION WITH
BUILDING PERMIT ALREADY APPROVED
NO 460660

2. SITE PLAN

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

- a. the scale, north arrow, and date;
- b. dimensions of all existing and proposed structures; and
- c. site features such as walkways, driveways, fences, ponds, streams, trash dumpsters, mechanical equipment, and landscaping.

3. PLANS AND ELEVATIONS

You must submit 2 copies of plans and elevations in a format no larger than 11" x 17". Plans on 8 1/2" x 11" paper are preferred.

- a. Schematic construction plans, with marked dimensions, indicating location, size and general type of walls, window and door openings, and other fixed features of both the existing resource(s) and the proposed work.
- b. Elevations (facades), with marked dimensions, clearly indicating proposed work in relation to existing construction and, when appropriate, context. All materials and fixtures proposed for the exterior must be noted on the elevations drawings. An existing and a proposed elevation drawing of each facade affected by the proposed work is required.

4. MATERIALS SPECIFICATIONS

General description of materials and manufactured items proposed for incorporation in the work of the project. This information may be included on your design drawings.

5. PHOTOGRAPHS

- a. Clearly labeled photographic prints of each facade of existing resource, including details of the affected portions. All labels should be placed on the front of photographs.
- b. Clearly label photographic prints of the resource as viewed from the public right-of-way and of the adjoining properties. All labels should be placed on the front of photographs.

6. TREE SURVEY

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

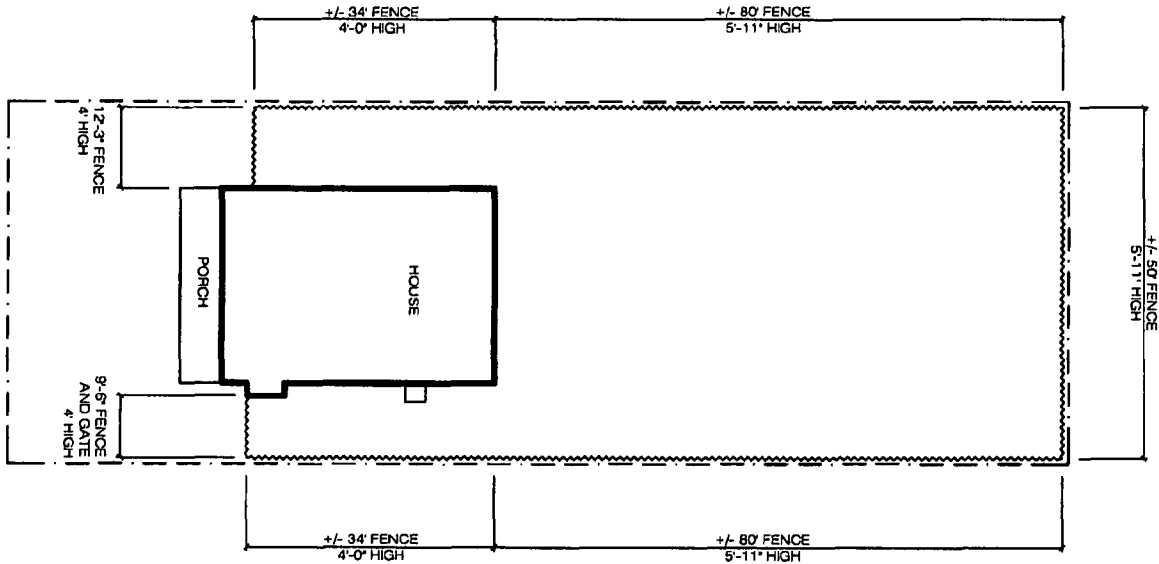
7. ADDRESSES OF ADJACENT AND CONFRONTING PROPERTY OWNERS

For all projects, provide an accurate list of adjacent and confronting property owners (not tenants), including names, addresses, and zip codes. This list should include the owners of all lots or parcels which adjoin the parcel in question, as well as the owners of lot(s) or parcel(s) which do directly across the street/highway from the parcel in question. You can obtain this information from the Department of Assessments and Taxation, 51 Marvée Street, Nashville, TN 37279-1355.

PLEASE PRINT IN BLUE OR BLACK INK OR TYPE THIS INFORMATION ON THE FOLLOWING PAGE.

1
A-3
NTS

PROPERTY PLAN



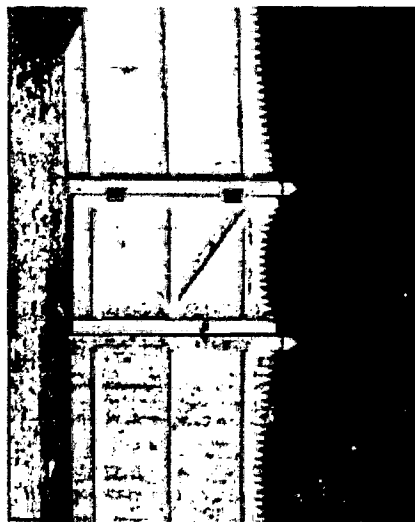
3
A-3

EXISTING CONDITIONS



2
A-3

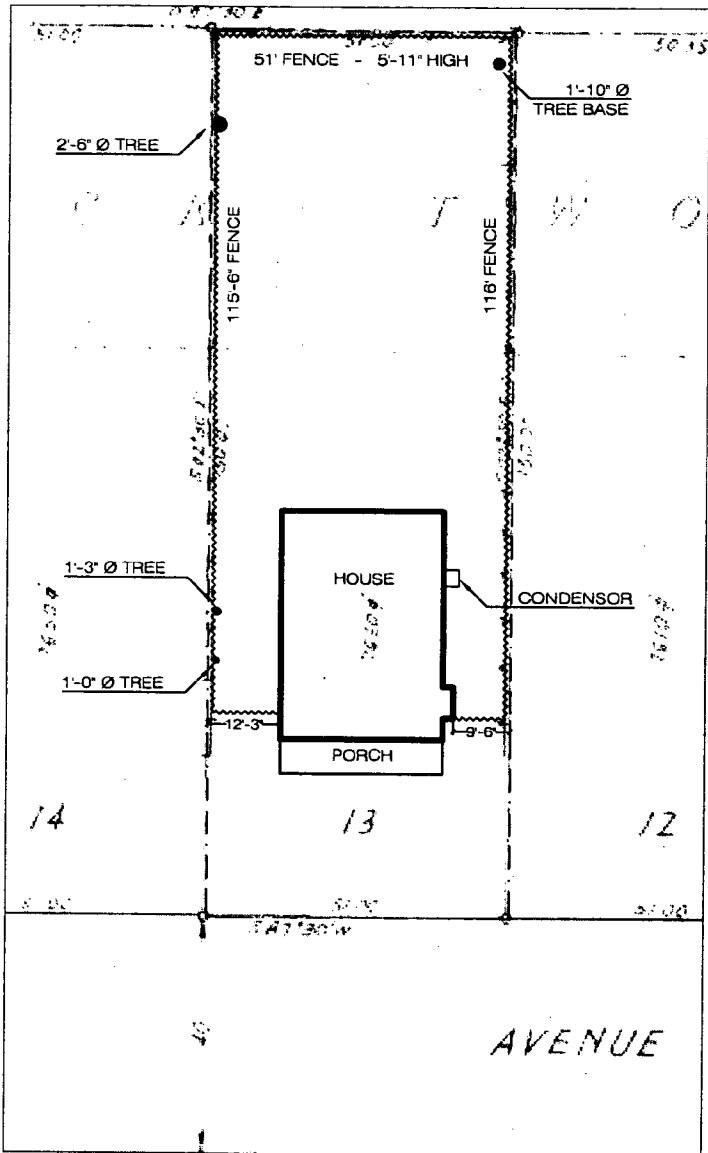
INTERIOR GATE MODEL - 4' HIGH



This project was reviewed and approved as shown in these approved plans. Any changes require approval in writing by the Montgomery County Historic Preservation Commission.

APPROVED
Montgomery County
Historic Preservation Commission
John M. Miller
1/31/08

A2	PROJECT	CHAVEZ PROJECT	DRAWING	FENCE INSTALATION	PROJECT FACE PERMIT SET	DRAWN BY SS	
	PROJECT ADDRESS	10221 CAPITOL VIEW AV. SILVER SPRING, MD 20910	REVISION				



1 SITE PLAN
A-1 1" = 20'

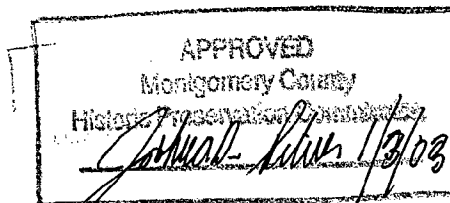
CHAVEZ PROJECT

10221 CAPITOL VIEW AV.
SILVER SPRING, MD 20910

APPLICABLE CODE:
INTERNATIONAL RESIDENTIAL CODE 2003

FENCE DETAILS

STYLE	GOthic STOCKADE
	OPEN PICKET
MATERIAL	WOOD
COLOR	NATURAL



This project must be constructed as shown in these approved plans. Any change requires approval in writing by the Montgomery County Historic Preservation Commission.



PROJECT PAGE
PERMIT SET

DRAWN BY
SS

DRAWING
FENCE INSTALLATION

REVISION

PROJECT
CHAVEZ PROJECT

PROJECT ADDRESS
10221 CAPITOL VIEW AV.
SILVER SPRING, MD 20910

PROJECT

PROJECT ADDRESS

A1

12-04-07



HISTORIC PRESERVATION COMMISSION


Isiah Leggett
County Executive

Jef Fuller
Chairperson

Date: September 27, 2007

MEMORANDUM

TO: Jose Chavez
10221 Capitol View Avenue, Silver Spring

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

SUBJECT: Historic Area Work Permit Application (**Retroactive**) #463782

Your Historic Area Work Permit (HAWP) application for the installation of a fence and other alterations was **Approved with Conditions** by the Historic Preservation Commission at its September 26, 2007 meeting.

The conditions of approval were:

1. The proposed fence must be consistent with all County Codes for construction.
2. The applicant will reduce the height of the fence to 4' or lower in sections forward of the rear plane of the house.
3. Details of the new 4' high wooden fence and gates will reviewed by staff prior to stamping permit set of drawings. *(The 4' high sections of fence facing the public right-of-way will utilize the open picket style).*
4. All sections of the wooden fence will be either painted or stained.
5. A follow-up site visit will be scheduled with the Historic Preservation staff and the Department of Permitting Services after the project is completed to ensure all work is in compliance with conditions of approval and County Codes.

Before applying for a building permit from the Montgomery County Department of Permitting Services (DPS), you must schedule a meeting with your assigned staff person to bring your three (3) final permit sets of drawings in to the Historic Preservation Office at 1109 Spring Street for stamping. Please note that although the Historic

Preservation Commission has approved your work, it may also need to be approved by DPS or another local government office before work can begin.

When you file for your building permit at DPS, you must take with you stamped drawings, the official approval letter, and the signed HAWP Application. These forms will be issued when the drawings are stamped by your assigned staff person and are proof that the Historic Preservation Commission has reviewed your project. For





HISTORIC PRESERVATION COMMISSION

Isiah Leggett
County Executive

Jef Fuller
Chairperson

further information about filing procedures or materials for your county building permit review, please call DPS at 240-777-6370.

If your project changes in any way from the approved plans, either before you apply for your building permit or even after the work has begun, you must contact the Historic Preservation Commission staff at 301-563-3400. After your project is completed, please send photos of the finished work to HPC staff.

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



MONTGOMERY COUNTY HISTORIC PRESERVATION COMMISSION
STAFF REPORT

Address:	10221 Capitol View Avenue, Silver Spring	Meeting Date:	9/26/2007
Resource:	Non-Contributing Resource Capitol View Park Historic District	Report Date:	9/19/2007
Applicant:	Jose Chavez	Public Notice:	9/12/2007
Review:	HAWP	Tax Credit:	None
Case Number:	31/07-07D (RETROACTIVE)	Staff:	Josh Silver
PROPOSAL:	Fence installation and other alterations		

STAFF RECOMMENDATION:

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

1. The proposed fence must be consistent with all County Codes for construction.
2. The applicant will reduce the height of the fence to 4' or lower in sections forward of the rear plane of the house.
3. Details of the new 4' high wooden fence and gates will reviewed by staff prior to stamping permit set of drawings.
4. All sections of the wooden fence will be either painted or stained.
5. A follow-up site visit will be scheduled with the Historic Preservation staff and the Department of Permitting Services after the project is completed to ensure all work is in compliance with conditions of approval and County Codes.

BACKGROUND:

On July 20, 2007 the Department of Permitting Services (DPS) issued a permit for the installation of a fence at the subject property. On August 13, 2007 a stop work order was issued by DPS for the installation of the fence, when it was determined the permit was issued without HPC review and approval.

On August 14, 2007 DPS requested the Historic Preservation Section contact the property owner about submitting a retroactive HAWP application for the construction of a fence at the subject property.

Since receiving the completed HAWP application staff was contacted by a concerned neighbor about possible violations at the property as result of the fence construction. These include: a possible overlap of the fence on an adjacent property, non-compliant fence height per County Code, removal of a shed at the rear of the property, and site grading.

On September 7, 2007 Historic Preservation staff contacted DPS to request a follow-up inspection for the possible violations outlined by the concerned neighbor. The DPS inspection confirmed the following:

- The fence is 6'6" in some locations. (The County allows fences as high as 6'6").

- The new fence is located inside an existing chain-link fence and appeared to be located entirely on the owner's property
- Grading had occurred in the rear yard, but appeared to have similar contours to adjacent yards
- An existing shed had been removed at the rear of the property.

ARCHITECTURAL DESCRIPTION

SIGNIFICANCE: Non-Contributing

DATE: 1946

HISTORIC CONTEXT

Capitol View Park is an example of a railroad community, which developed gradually over 100 years. The community's origin is representative of a number of railroad suburbs which developed following the opening of the Metropolitan Branch B&O. Most Capitol View structures possess little distinction as architectural entities. When grouped, however, these resources are a contiguous visual architectural example of suburban development styles.

Capitol View Park is a railroad community begun in 1887 when Mary and Oliver Harr purchased and subdivided land along the B&O's Metropolitan Branch between Forest Glen and Kensington. The community's name came from the view of the Capitol dome afforded by the upper stories of some of the early houses. Because of the growth of trees in intervening years, this view is no longer possible. Capitol View Park, however, continues to retain the scenic, rural setting which attracted its first inhabitants from Washington. Narrow, country lanes wind between large lots, the average of which is 12,000 square feet. Farmer Thomas Brown built a house in the post-Civil War era, before the railroad bisected his farm. Set back on a long curving driveway, Brown's dwelling still stands, known as the *Case House*, at 9834 Capitol View Avenue.

Unlike the homogenous suburban developments that make up a great deal of Montgomery County, Capitol View Park is a picturesque blend of many architectural styles dating from the 1890s to the 1980s. The community represents the architectural history of Montgomery County over the last century. The first houses built in Capitol View Park were designed in the Queen Anne style, characterized by their picturesque rooflines, large scale, numerous porches, and variety of building materials, including clapboard and fishscale shingles. Notable Queen Anne-style houses, built in the 1880s and 1890s, are found on Capitol View Avenue, Meredith Avenue, Lee Street, and Menlo Avenue. Residents built Colonial Revival style dwellings beginning in the 1890s. These dwellings feature classical details including cornices with entablatures, heavy window molding, and large round porch columns. Colonial Revival-style houses are found on Capitol View Avenue and Grant Avenue.

By the turn of the twentieth century, smaller-scale houses were becoming popular. Designed to harmonize with natural settings, these structures have a horizontal emphasis and were painted in natural tones. This group includes Bungalow- and Craftsman-style houses built from 1900 into the 1920s. Early examples are found on Stoneybrook Drive, Meredith Avenue, and Capitol View Avenue.

The pace of growth in Capitol View Park continued at a constant rate until the 1940s when a construction boom added nearly 50 houses to the community. Since then, houses have been added at a more leisurely rate, continuing the pattern of diversity that characterizes Capitol View Park.

PROPOSAL:

The applicants are proposing to:

Construct 304 -linear feet of wooden fence along the side and back yards of the property. The fence will range in height from 5'11" – 6'6".

Remove a (non-historic) concrete block/plywood shed, and pool from the rear of the property.

APPLICABLE GUIDELINES:

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

Montgomery County Code; Chapter 24A

The Commission shall instruct the director to deny a permit if it finds, based on the evidence and information presented to or before the commission that the alteration for which the permit is sought would be inappropriate, inconsistent with or detrimental to the preservation, enhancement or ultimate protection of the historic site or historic resource within an historic district, and to the purposes of this chapter.

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

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

Secretary of the Interior's Standards for Rehabilitation:

- #9 New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.
- #10 New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

STAFF DISCUSSION

It is never ideal for the HPC to review a HAWP application retroactively. The construction of fences in historic districts is often controversial. The HPC generally reviews fence construction in historic districts for their potential impacts on the streetscape. Any issues involving the delineation of property boundaries, fence height, or unpermitted work should be deferred to the DPS for further assistance.

According to the plans provided by the applicant the completed fence varies in height from 5'11" – 6'6". A general policy of the HPC is to approve wooden fences 4'0" or lower when forward of the rear plane of the house, and up to 6'0" when extending beyond the rear plane of the house.

Although the current fence in some locations is higher than the allowable HPC standard of 6'0" after extending beyond the rear plane of the house, staff is recommending the applicant's only be required to reduce the fence to 4'0" or lower in sections forward of the rear plane of the house. Reducing the height to 4'0" or lower would help minimize the impact of the fence on the streetscape of the district. Furthermore, staff is recommending the applicant contact DPS to ensure all County building codes have been met for this project.

Staff supports the removal of the non-contributing plywood and concrete block shed and pool at the rear of the property.

STAFF RECOMMENDATION:

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

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

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

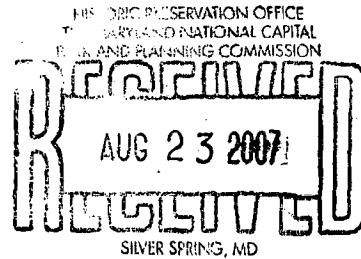
and with the general condition that the applicant shall notify the Historic Preservation Staff if they propose to make **any alterations** to the approved plans.



REVERDITO DEPARTMENT OF PERMITTING SERVICES
245 ROCKVILLE PIKE, 2ND FLOOR, ROCKVILLE, MD 20850
240/777-3370

DPS - #8

HISTORIC PRESERVATION COMMISSION
301/563-3400



APPLICATION FOR HISTORIC AREA WORK PERMIT

Contact Person: SOFLA SUAREZ
Daytime Phone No.: 240 644 3290

Tax Account No.: _____

Name of Property Owner: JOSE A CHAVEZ Daytime Phone No.: 240 277 3028

Address: 10ZZI CAPITOL AVE SILVER SPRING MD 20910
Street Number City Street Zip Code

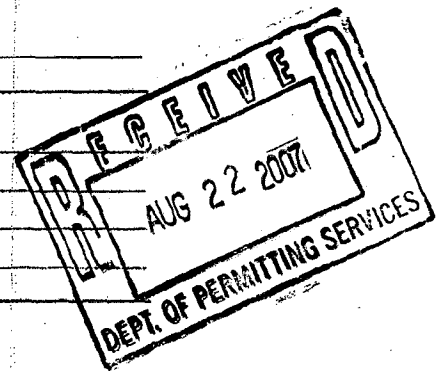
Contractor: _____ Phone No.: _____

Contractor Registration No.: _____

Agent for Owner: _____ Daytime Phone No.: _____

LOCATION OF BUILDING/PREMISE

House Number: 10ZZI Street: CAPITOL AVE
Town/City: SILVER SPRING Nearest Cross Street: _____
Lot: 13 Block: 2 Subdivision: S
Liber: _____ Folio: _____ Parcel: _____



PART ONE: TYPE OF PERMIT ACTION AND USE

1A. CHECK ALL APPLICABLE:

- | | | | | | | | | |
|------------------------------------|---|---|---|------------------------------------|--|--|-------------------------------|-------------------------------|
| <input type="checkbox"/> Construct | <input type="checkbox"/> Extend | <input type="checkbox"/> Alter/Renovate | <input type="checkbox"/> AC | <input type="checkbox"/> Slab | <input type="checkbox"/> Room Addition | <input type="checkbox"/> Porch | <input type="checkbox"/> Deck | <input type="checkbox"/> Shed |
| <input type="checkbox"/> Move | <input checked="" type="checkbox"/> Install | <input type="checkbox"/> Wreck/Tear | <input type="checkbox"/> Solar | <input type="checkbox"/> Fireplace | <input type="checkbox"/> Woodburning Stove | <input type="checkbox"/> Single Family | | |
| <input type="checkbox"/> Revision | <input type="checkbox"/> Repair | <input type="checkbox"/> Revocable | <input checked="" type="checkbox"/> Fence/Wall (complete Section 4) | <input type="checkbox"/> Other: | | | | |

1B. Construction cost estimate: \$ _____

1C. If this is a revision of a previously approved active permit, see Permit # 460660

PART TWO: COMPLETE FOR NEW CONSTRUCTION AND EXTEND/ADDITIONS

- 2A. Type of sewage disposal: 01 WSSC 02 Septic 03 Other: _____
2B. Type of water supply: 01 WSSC 02 Well 03 Other: _____

PART THREE: COMPLETE ONLY FOR FENCE/RETAINING WALL

- 3A. Height 0 feet 0 inches
3B. Indicate whether the fence or retaining wall is to be constructed on one of the following locations:
 On party line/property line Entirely on land of owner On public right of way/easement

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

ANASOFIA SUAREZ
Signature of owner or authorized agent

08/21/07
Date

Approved: 463782 For Chairperson, Historic Preservation Commission

Disapproved: _____ Signature: _____ Date: _____

Application/Permit No. _____ Date Filed: _____ Date Issued: _____

SEE REVERSE SIDE FOR INSTRUCTIONS

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

1. WRITTEN DESCRIPTION OF PROJECT

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

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

PERMIT FOR FENCE INSTALLATION WITH
BUILDING PERMIT ALREADY APPROVED
No 460660

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

- the scale, north arrow, and date;
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- site features such as walkways, driveways, fences, ponds, streams, trash dumpsters, mechanical equipment, and landscaping.

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- Schematic construction plans*, with marked dimensions, indicating location, size and general type of wells, window and door openings, and other fixed features of both the existing resource(s) and the proposed work.
- Elevations (facades), with marked dimensions, clearly indicating proposed work in relation to existing construction and, when appropriate, context. All materials and fixtures proposed for the exterior must be noted on the elevations drawings. An existing and a proposed elevation drawing of each facade affected by the proposed work is required.

4. MATERIALS SPECIFICATIONS

General description of materials and manufactured items proposed for incorporation in the work of the project. This information may be included on your design drawings.

5. PHOTOGRAPHS

- Clearly labeled photographic prints of each facade of existing resource, including details of the affected portions. All labels should be placed on the front of photographs.
- Clearly label photographic prints of the resource as viewed from the public right-of-way end of the adjoining properties. All labels should be placed on the front of photographs.

6. TREE SURVEY

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

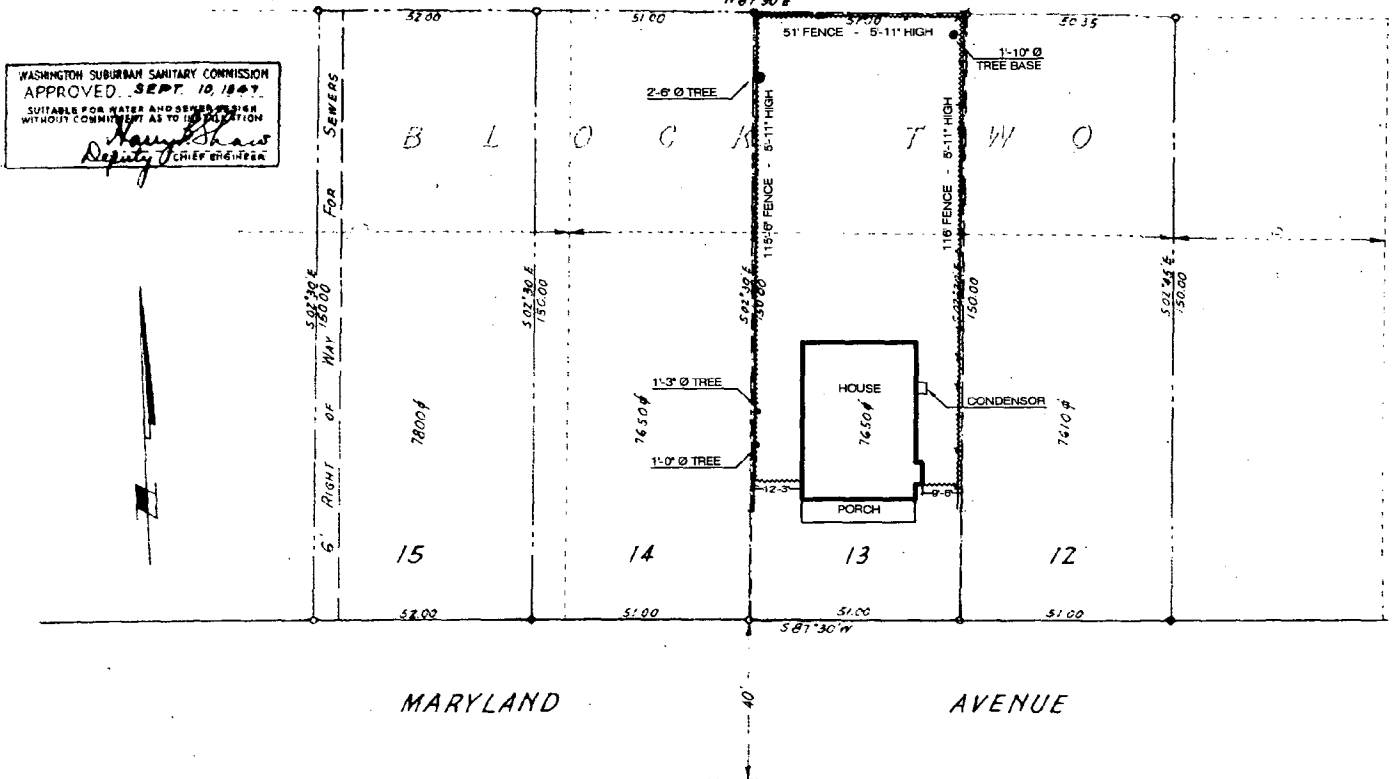
7. ADDRESSES OF ADJACENT AND CONFRONTING PROPERTY OWNERS

For ALL projects, provide an accurate list of adjacent and confronting property owners (not tenants), including names, addresses, and zip codes. This list should include the owners of all lots or parcels which adjoin the parcel in question, as well as the owner(s) of lot(s) or parcel(s) which lie directly across the street/highway from the parcel in question. You can obtain this information from the Department of Assessments and Taxation, 51 Monroe Street, Rockville, (301)279-1355).

PLEASE PRINT (IN BLUE OR BLACK INK) OR TYPE THIS INFORMATION ON THE FOLLOWING PAGE.

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

<p>Owner's mailing address JOE CHAVEZ NANCY M. CARBATAL 10221 CAPITOL VIEW AVE SILVER SPRING, MD 20910</p>	<p>Owner's Agent's mailing address SOFIA SUAREZ 10941 BUCKWELL DR SILVER SPRING, MD 20902</p>
<p align="center">Adjacent and confronting Property Owners mailing addresses</p>	
<p>COURTNET ET AL OBERNFORF 10219 CAPITOL VIEW AVE SILVER SPRING, MD 20910</p> <p align="right">(LOT 12)</p>	<p>JUDITH S FIRCH 10223 CAPITOL VIEW AVE SILVER SPRING, MD 20910</p> <p align="right">(LOT 14)</p>



G.R.M.
 EmCherm 7-20-67
 R.60 213N.W.3

6' Fence

ENGINEER'S CERTIFICATE

I hereby certify that the plat shown hereon is correct, that it is a subdivision of all the lands conveyed by Robert E. Curtis, et al. to R. H. Best, Inc. by deed dated June 19, 1947 and recorded in Liber ... of Folio ... and all the lands conveyed by Ignatius Kennedy, et al. to R. H. Best, Inc. by deed dated June 19, 1947 and recorded in Liber ... of Folio ... and also a resubdivision of Lots 9 and part of Lot 10, Block 2, Capitol View Park as shown on a plat recorded in Plat Book 13, Plat 360, all among the Land Records of Montgomery County, Maryland, and that stones marked thus and sizes marked thus are in place as shown.

Date August 30, 1947 By *[Signature]*
 Page 9 Hopkins

Registered Land Surveyor No 1525

OWNERS DEDICATION

We, R. H. Best, Inc. a Maryland Corporation by R. H. Best, President, and James H. Bouvet, Secretary, owners of the property shown and described hereon, hereby adopt this plan of subdivision, establish the minimum building restriction lines, and reserve for public use the right of way shown hereon for the construction, maintenance and operation of sanitary and storm sewers.

There are no suits of action, leases, liens or trusts, on the property shown in this plan of subdivision

Date September 3, 1947 R. H. Best, Inc.
 Attest *[Signature]* By *[Signature]*
 James A. Bouvet, Sec'y R. H. Best, President

MARYLAND NATIONAL CAPITAL PARK & PLANNING COMMISSION
 APPROVED SEPT. 4, 1947
[Signatures]
 DIRECTOR OF PLANNING
 ASSISTANT ENGINEER
 SECRETARY
 M.N.C.P.P.C. RECORD FILE NO. 126-33

BLOCK TWO
 LOTS 12 to 15, INCL.
CAPITOL VIEW PARK
 MONTGOMERY COUNTY, MARYLAND
 Scale 1"=30'
 August, 1947

Madax & Hopkins
 Civil Engineers
 Silver Spring, Md.



10221 CAPITOL VIEW AVE
SILVER SPRING, MD
20910



NANCY CARVAJAL
JOSE CHAVEZ



PRIVACY FENCE
NATURAL WOOD
6'6" HIGH

NANCY CARVALAL
JOSIE CHAVEZ
10221 CAPITOL VIEW AVE
SILVER SPRING, MD
20910

(10)

10221 Capitol View Avenue, Silver Spring
BEFORE PHOTOS



10221 Capitol View Avenue, Silver Spring

AFTER PHOTOS



10221 Capitol View Avenue, Silver Spring

September 24, 2007 meeting with Linda Winter (resident 10225 Capitol View Avenue)

Ms. Winter had (5) major concerns:

and nearby neighbor

1. HPC review should extend to Homewood neighborhood line. This neighborhood is located immediately adjacent the rear property lines of the Capitol View Avenue residents.
2. Believes there is a technical error in Capitol View Park H.D. boundary.
3. Historic District boundary needs to be better delineated.
4. Ms. Winter recommended 10221 Capitol View Avenue property owner should move fence closer to the house to preserve the swath/buffer of land between backyards and Homewood neighborhood.
5. Asked if the HPC can impose a landscape requirement on property owner at 10221 Capitol View Avenue.

Silver, Joshua

From: Linda Winter [lwinter@starpower.net]
Sent: Friday, August 31, 2007 2:54 PM
To: Silver, Joshua
Subject: 10221 Capitol View Ave
Attachments: 10221 farm building and pool.JPG; 10221 new fence.JPG; fence between 10221 and 10223.JPG; CVP buffer after rain.JPG

Josh,

Thanks for talking with me today about this HAWP. I hope to talk again.

Attached are a few photos. One is the back yard of 10221 when one tall farm building was still standing. That was taken down this year, and I have a few photos of the demolition. A weathered stockade fence did extend back that far on the east side of 10221. Another photo shows that land today, with the new fence.

A third photo is of the adjacent property to the west. The woman is working at the back of her lot to clear the weeds that I mentioned. She is about 5' from the back lot line, and the strip of land extends about 30' further north. Her chain link probably encroaches into the strip of land by about 12'. The applicant has placed the stockade fence a similar distance. CVP fences used to enclose the full 30', but the Homewood neighbors have been moving fences in an effort to claim the rest of it. The subject fence appears to be about 8' to us in the neighborhood, though I don't think it exceeds 7'.

The last photo is the far side of the buffer that's being taken over by Homewood. Lovely, isn't it? I'd hate to lose it. They filled or piped the stream, which is why it's overland flow now.

Thank you for helping me gather my thoughts about all this.

Regards,
Linda Winter



DPS/Application Details

Service Request Details

[Help](#)

SR Number	199938227	Site Address	10221 Capitol View AVE
SR Date	08/13/2007		
Resolution Date	08/15/2007		
Inspected By	MARK NAUMAN		Silver Spring MD 20910-1014
Problem Code	FENCE/RETAINING WALL	Lot - Block -	
Resolution Code	STOP WORK ORDER	Subdiv. -	

Problems

Complainant came into office/ states that permit was issued to install a fence w/out historical review/ does have master historic

Resolution

[8-15-07 1410. SWO issued, permit 460660 is on temp. hold until Historic Work Permit is issued. Fence may need to be modified or may not be permitted at all. This should have been flagged in the system by Hansen before the permit was issued. This property is on the Historic Maste List. Our mistake (nauman)]

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 MARYLAND
 

DPS/Application Details

Service Request Details[Help](#)

SR Number	199938228	Site Address	10221 Capitol View AVE
SR Date	08/13/2007		
Resolution Date	08/15/2007		
Inspected By	PETE HRYCAK		Silver Spring
Problem Code	FENCES		MD 20910-1014
Resolution Code	CLOSED		Lot - Block - Subdiv. -

Problems

Complainant came into office. States that fence was not erected in the spot in which it was permitted and as represented on the plan. states the fence height is also greater than 6 feet if permissible to issue fence next to chain link fence.

Resolution

Inspection revealed a new fence constructed in the rear and side yards of this address. The fence is located adjacent to a neighboring chain link fence in some places. No violation exist.

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Best viewed with IE 5.0 or Netscape 6.0 and higher

September 12, 2007

Mr. Peter Hrycak
DPS
Rockville, MD

**Info Re: Fence permit, 10221 Capitol View Ave
Fence location**

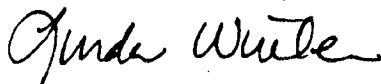
The stockade fence recently erected at this property is not as shown on the fence building permit. Instead of being on the back lot line, it is about 12' or 13' north of the lot line, within a strip of land shown on current County maps as an unidentified parcel between Capitol View Park and Homewood.

At trial in March, 2007, the owners of 3218 and 3216 Blueford acknowledged that together they erected this chain link fence behind 10221, 10223, and 10225 Capitol View Ave, approximately midway on what they viewed at the time as "no-man's land." The line established by that chain link fence is where Mr. Chavez has built his fence.

A survey behind 10225 Capitol View Ave, known as lot 15, block 2 of Capitol View Park, 2 houses west, shows this. Lots 11 and 12, Block R in Homewood, are 3218 and 3220 Blueford Rd. in Kensington. It is from this survey that I know the exact location of the fence.

Where ever he might choose to build a fence and you might choose to allow a fence, I don't think the community interests are served when the fence is represented as located on the lot line when it is not.

Respectfully,



Linda Winter

Cc: Joshua Silver

PROPERTY LINE EXHIBIT

(R)

10225 CAPITOL VIEW AVENUE

LOT 15 BLOCK 2

CAPITOL VIEW

WHEATON (13th) ELECTION DISTRICT
MONTGOMERY COUNTY, MARYLAND

LOT 12

SCALE: 1"=10'
N
MARYLAND STATE PLANE COORDINATES W/83/81

BLOCK R
HOMEWOOD
P.B. 48, P.No. 3701

LOT 13

YARD INLET

8" WOOD POST

N86°15'40"E

52.01'

YARD INLET

4" P.V.C.

4" C.P.P.

BAMBOO

TI= 14.11'

3' CHAINLINK FENCE

CONCRETE COLUMNS (TYPICAL)

1,488 sq ft OR
0.0342 ACRES

TOP RAIL ENDS

FENCE CUT

3' CHAINLINK FENCE (NO TOP RAIL)

JUNIPERS

LEGEND

- ⊕ CUT FENCE POST
- C.P.P. CORRUGATED PLASTIC PIPE
- P.V.C. POLYVINYL CHLORIDE
- R.C.P. REINFORCED CONCRETE PIPE

N/F
PROPERTY OF
JOHN K. CULVER
L. 6959 F. 269

LOT 10

LOTS 8-9-10 & 11 BLOCK-2
CAPITOL VIEW PARK
PLAT No. 860

S84°57'41"W

52.00'

(2)

LOT 15

PROPERTY OF
LINDA C. WINTER
L. 16372 F. 625

BLOCK 2 LOTS 12 TO 15, INCL.
CAPITOL VIEW PARK
PLAT No. 2028

LOT 14

N/F
PROPERTY OF
JUDITH S. FITCH
L. 16372 F. 625

POINT OF BEGINNING

Dwg: N:\35021\dwg\08-04A Xref:

CPJ
Associates

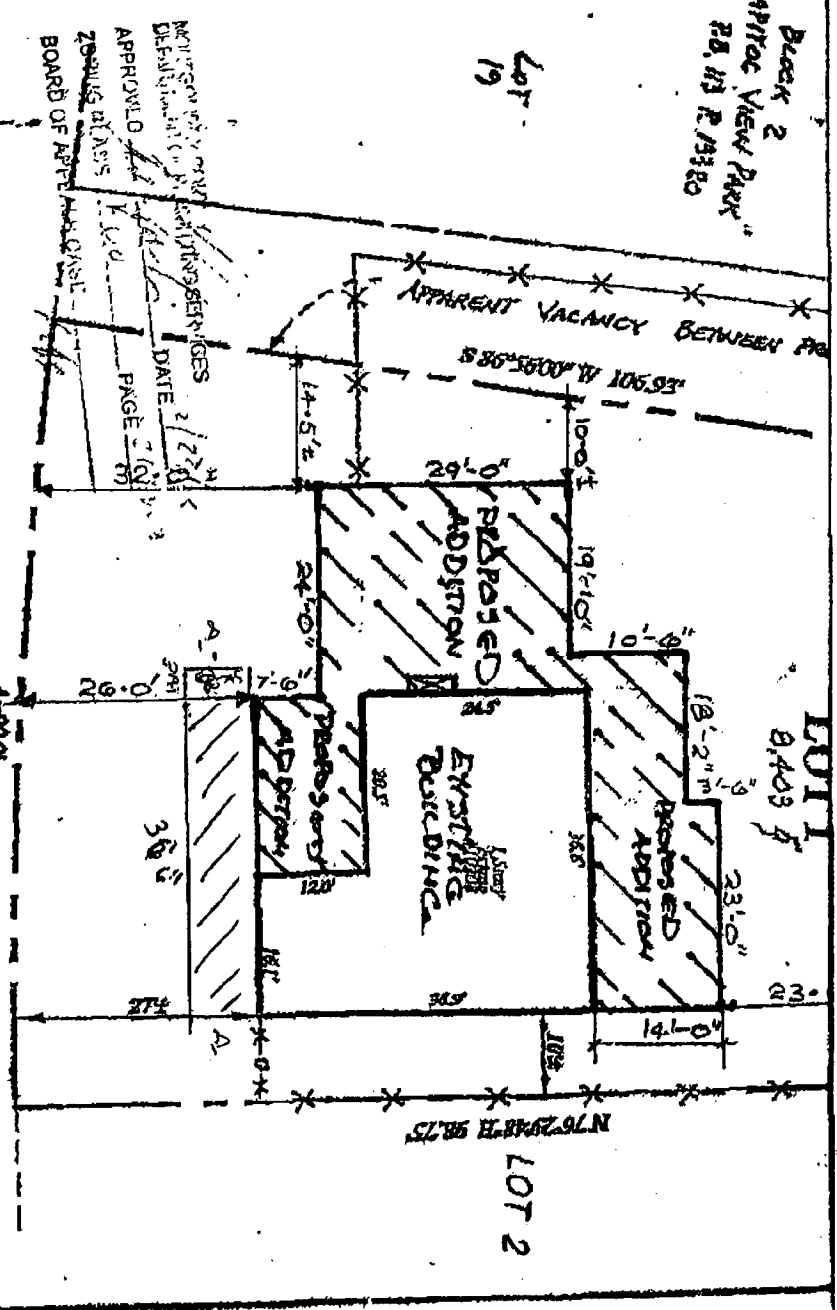
Charles P. Johnson & Associates, Inc.
PLANNERS • ENGINEERS • LANDSCAPE ARCHITECTS • SURVEYORS
1751 ELTON ROAD SUITE 300 SILVER SPRING, MARYLAND 20903
Phone: (301) 434-7000 E-mail: sscpja.com Fax: (301) 434-9394
FREDERICK, MD FAIRFAX, VA

THE IMPROVEMENTS SHOWN HEREON REFLECT
THE CONDITIONS AS THEY EXISTED IN
FEBRUARY 2006

REFERENCE	Drawn by BWS	Checked by SWJ
LIBER 16372	Date 8/07/06	Record No.
FOLIO 625	Scale 1"=10'	36-004-060

Rendering
on this plan
shows that
fence enters
the "apparent
vacancy"

Block 2
"Capitol View Park"
P.B. 113 P. 13180



MONTGOMERY COUNTY DEPARTMENT OF PERMITTING SERVICES
APPROVED *[Signature]* DATE 2/27/06
ZONING CLASS R60
BOARD OF APPEALS CASE

LOCATION DRAWING
LOT 1, BLOCK R
HOMEWOOD
MONTGOMERY COUNTY, MARYLAND

DRUMM AVENUE
(WABNER AVENUE PER E.A. 7)
(60' R/W)

SURVEYOR'S CERTIFICATE
THE INFORMATION HEREON RECEIVED WAS EXAMINED BY ME FOR PURPOSES OF A FIELD INSPECTION...
[Signature]
2007

FEES	AMOUNT
PLAN MK	40
PLAN NO.	8887

STATE OF MARYLAND
DEPARTMENT OF PERMITTING SERVICES
MONTGOMERY COUNTY
2007

DATE OF LOCATION: 1" = 80'
SCALE: 1" = 80'
DRAWN BY: T.M.A.

MONTGOMERY COUNTY DEPARTMENT OF PERMITTING SERVICES
APPROVED *[Signature]* DATE 02-27-06
ZONING CLASS R60 PAGE
BOARD OF APPEALS CASE
8' porch w/ steps on side

374592

①



HISTORIC PRESERVATION COMMISSION

Isiah Leggett
County Executive

Jef Fuller
Chairperson

September 21, 2007

MEMORANDUM

TO: Local Advisory Panel/Town Government

FROM: Anne Fothergill, Senior Planner
Joshua Silver, Planner
Historic Preservation Section, M-NCPPC

SUBJECT: Historic Preservation Commission Review of HAWP Applications

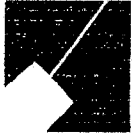
The Historic Preservation Commission has received an Historic Area Work Permit (HAWP) application for a property in your neighborhood. The enclosed agenda lists the HAWP applications currently under review. Please note the Commissions meeting date, time, and location on the agenda.

The Staff Report for Item III.I was missing page 2. This is a complete copy of that Staff Report. This packet does not contain any additional Staff Reports that were not included in the mailing you previously received for the September 26th, 2007 Historic Preservation meeting.

The enclosed HAWP application is being forwarded for your review. You may submit comments in writing, if you wish, and/or attend the HPC meeting to speak directly with the Commissioners. Please let us know if you plan to attend the meeting. You may call with your comments, mail comments to us at the address shown on this letter, or fax them to us at (301) 563-3412.

For further information, please call us at (301) 563-3400. Thank you very much for your time and interest in assisting the HPC with its review.





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

August 14, 2007

Ms. Nancy M. Carbajal-Orosco
10221 Capitol View Avenue
Silver Spring, MD 20902

Ms. Carbajal-Orosco:

This letter confirms the Montgomery County Planning Department, Historic Preservation Section was contacted by the Department of Permitting Services (DPS) about a building permit issued for the installation of a fence at 10221 Capitol View Avenue Silver Spring, before receiving a Historic Area Work Permit (HAWP).

Your property is located within the Capitol View Park Historic District, *Master Plan* Historic District #31/07, and as such any proposed modification to the exterior of the property is subject to review by the Montgomery County Historic Preservation Commission (HPC). To comply with *Montgomery County Code: Chapter 24A*, please submit a completed HAWP application to the DPS so your project can be reviewed by the HPC as a retroactive case for the work already performed.

If you have any questions, please do not hesitate to contact me at (301) 563-3400.

Sincerely,

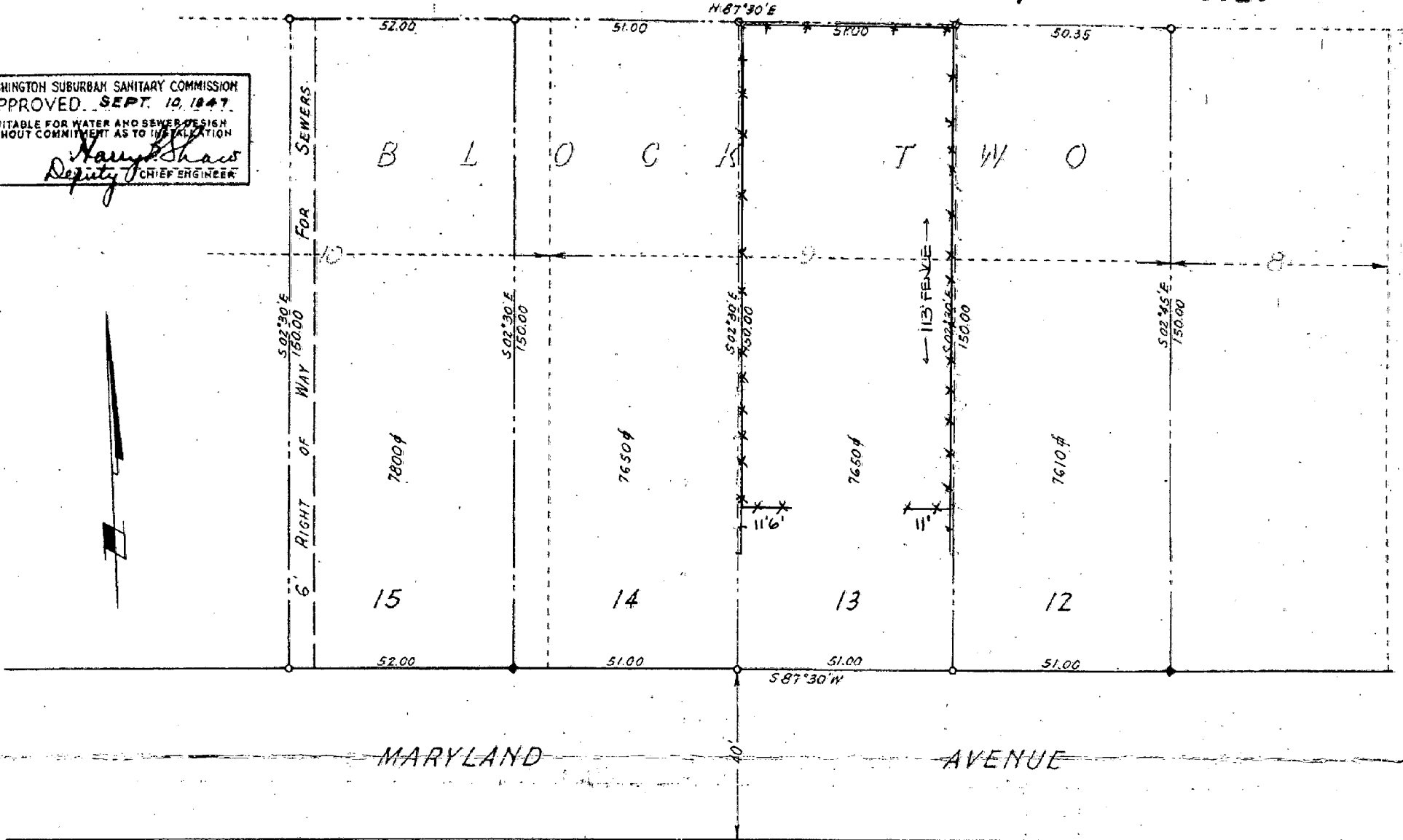
A handwritten signature in black ink that reads "Joshua D. Silver".

Joshua D. Silver
Senior Planner

Cc: Carla Reid Joyner, Department of Permitting Services

PLAT No 2028

WASHINGTON SUBURBAN SANITARY COMMISSION
 APPROVED. SEPT. 10, 1947.
 SUITABLE FOR WATER AND SEWER DESIGN
 WITHOUT COMMITMENT AS TO INSTALLATION
Harry Shaw
 Deputy Chief Engineer



CONSENTED TO BY G.M.
 Em Chem. 7-10-47
 R. Co. 213NW33
 6' Fence

ENGINEERS' CERTIFICATE

I hereby certify that the plat shown hereon is correct; that it is a subdivision of all the Lands conveyed by Robert E. Curtis, et al. to R. H. Best, Inc., by deed dated June 19, 1947 and recorded in Liber..... at Folio.....; and all the lands conveyed by Ignatius Kennedy, et ux. to R. H. Best, Inc. by deed dated June 19, 1947 and recorded in Liber..... at Folio.....; and also a resubdivision of Lots 9 and part of Lot 10, Block 2, "Capitol View Park" as shown on a plat recorded in Plat Book 13, Plat 860; all among the Land Records of Montgomery County, Maryland; and that stakes marked thus * and pipes marked thus o are in place as shown.

Date: August 30, 1947 By: *Page F. Hopkins*
 Page F. Hopkins

Registered Land Surveyor No. 1585

OWNERS DEDICATION

We, R. H. Best, Inc., a Maryland Corporation by R. H. Best, President, and James H. Bouvet, Secretary, owners of the property shown and described hereon, hereby adopt this plan of subdivision, establish the minimum building restriction lines, and reserve for public use the right of way shown hereon for the construction, maintenance and operation of sanitary and storm sewers.

There are no suits of action, leases, liens or trusts, on the property shown in this plan of subdivision.

Date: September 3, 1947 R. H. Best, Inc.
 Attest *James H. Bouvet* By: *R. H. Best*
 James A. Bouvet, Secy. R. H. Best, President

FILED

SEP 11 1947

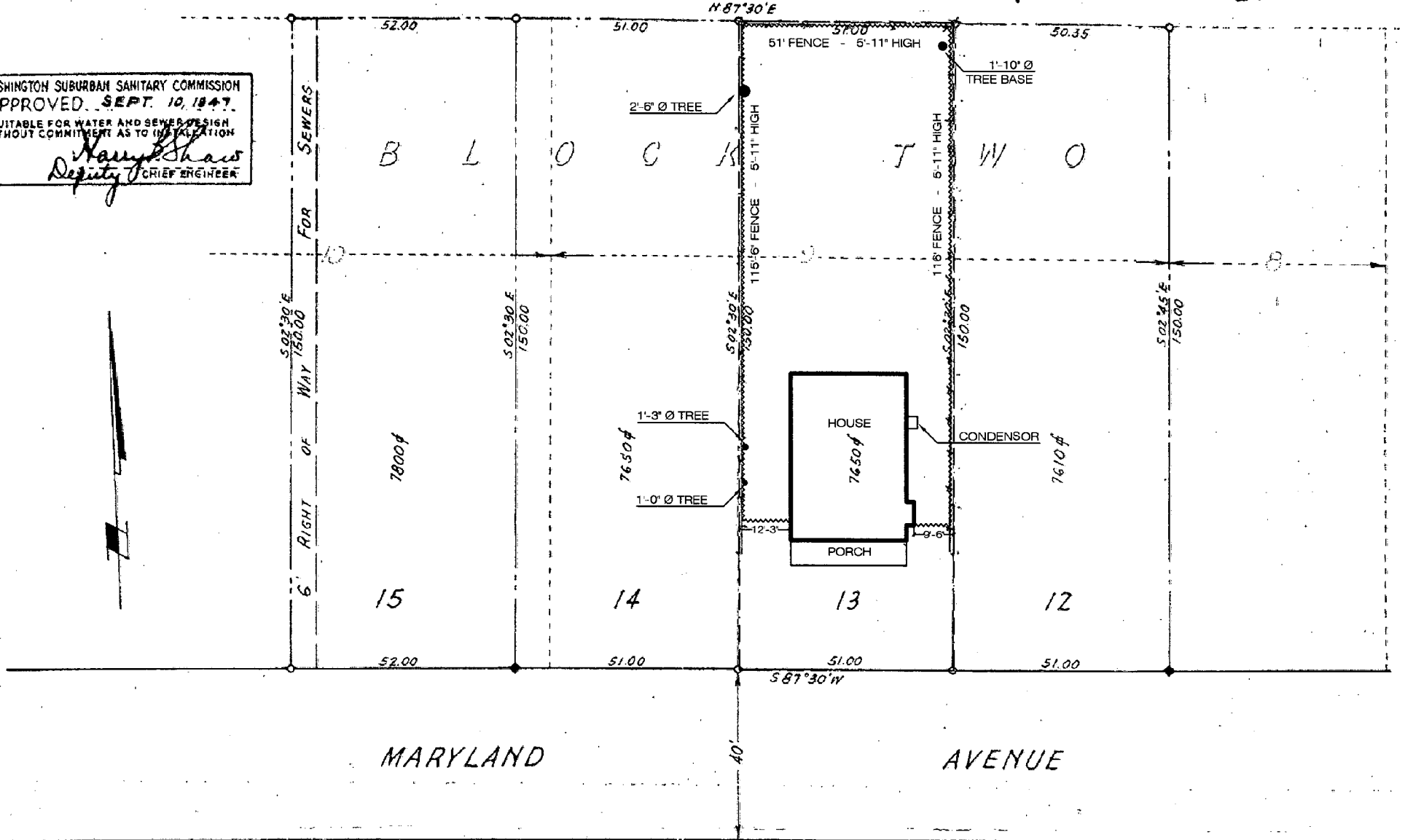
MARYLAND NATIONAL CAPITAL PARK & PLANNING COMMISSION
 APPROVED: *James A. Thomas* *James F. Nicholas*
 DIRECTOR OF PLANNING CHAIRMAN
 ACTING CHIEF ENGINEER SECRETARY
 M.N.C.P.&P.C. RECORD FILE NO. 126-34

BLOCK TWO
 LOTS 12 to 15, INCL.
CAPITOL VIEW PARK
 MONTGOMERY COUNTY, MARYLAND
 Scale 1"=20' August, 1947

Maddox & Hopkins
 Civil Engineers
 Silver Spring, Md.

PLAT No 2028

WASHINGTON SUBURBAN SANITARY COMMISSION
 APPROVED. SEPT. 10, 1947.
 SUITABLE FOR WATER AND SEWER DESIGN
 WITHOUT COMMITMENT AS TO INSTALLATION
Harry Shaw
 Deputy Chief Engineer



6' Fence
 7-20-47
 2 1/2 INCHES

ENGINEER'S CERTIFICATE

I hereby certify that the plat shown hereon is correct; that it is a subdivision of all the Lands conveyed by Robert E. Curtis, et al. to R. H. Best, Inc., by deed dated June 19, 1947 and recorded in Liber..... at Folio.....; and all the lands conveyed by Ignatius Kennedy, et. ux. to R. H. Best, Inc. by deed dated June 19, 1947 and recorded in Liber..... at Folio.....; and also a resubdivision of Lots 9 and part of Lot 10, Block 2, Capitol View Park as shown on a plat recorded in Plat Book 13, Plat 860; all among the Land Records of Montgomery County, Maryland; and that stones marked thus ■ and pipes marked thus ○ are in place as shown.

Date: August 30, 1947 By: *Page F. Hopkins*

Registered Land Surveyor No. 1585

OWNERS DEDICATION

We, R. H. Best, Inc., a Maryland Corporation by R. H. Best, President, and James H. Bouvet, Secretary, owners of the property shown and described hereon, hereby adopt this plan of subdivision, establish the minimum building restriction lines, and reserve for public use the right of way shown hereon for the construction, maintenance and operation of sanitary and storm sewers.

There are no suits of action, leases, liens or trusts, on the property shown in this plan of subdivision.

Date: September 3, 1947. R. H. Best, Inc.
 Attest: *James H. Bouvet* By: *R. H. Best*
 James A. Bouvet, Sec'y. R. H. Best, President

FILED

MARYLAND NATIONAL CAPITAL PARK & PLANNING COMMISSION
 APPROVED: SEPT. 4, 1947
 DATE
James H. Bouvet CHAIRMAN
 DIRECTOR OF PLANNING
Page F. Hopkins SECRETARY
 ACTING CHIEF ENGINEER
 M.N.C.P.P.C. RECORD FILE NO. 126-54

BLOCK TWO
 LOTS 12 to 15, INCL.
CAPITOL VIEW PARK
 MONTGOMERY COUNTY, MARYLAND
 Scale 1"=30' August, 1947

Moddax & Hopkins
 Civil Engineers
 Silver Spring, Md.



DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett
County Executive

Carla Joyner
Director

FENCE
PERMIT

Issue Date: 7/20/2007

Permit No: 460660
Expires: 7/20/2008
X Ref.
Rev. No:
ID: AC1074287

THIS IS TO CERTIFY THAT:

NANCY M. CARBAJAL-OROSCO CHAVEZ, JOSE A
10221 CAPITOL VIEW AVE
SILVER SPRING MD 209101014

HAS PERMISSION TO:

CONSTRUCT

FENCE

6 Feet 0 Inches in height.

PROPERTY LINE N OWNERS LAND Y RIGHT OF WAY N

PERMIT CONDITIONS:

6' FENCE on owner's property

PREMISE ADDRESS:

10221 CAPITOL VIEW AVE
SILVER SPRING MD 20910-1014

LOT 13
LIBER
FOLIO
PERMIT FEE: \$49.50

BLOCK 2
ELECTION DISTRICT
TAX ACCOUNT NO.:
SUBDIVISION

ZONE
PLATE

GRID
PARCEL
PS NUMBER

MUST BE POSTED ON JOB SITE

Director, Department of Permitting Services

1 THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

2 ----- X
 :
 3 HISTORIC AREA WORK PERMIT - : HPC Case No. 15/37-07A
 315 Ashton Road :
 4 ----- X
 :
 5 HISTORIC AREA WORK PERMIT : HPC Case No. 31/07-07D
 10221 Capitol View Avenue :
 6 ----- X
 :
 7 HISTORIC AREA WORK PERMIT :
 25801 Frederick Road/ :
 8 5035 Hyattstown Mill Road : HPC Case NO. 10/59-05C
 ----- X
 9 :
 PRELIMINARY CONSULTATION :
 10 1201 Gold Mine Road :
 ----- X
 11 :
 PRELIMINARY CONSULTATION :
 12 7105 Sycamore Avenue :
 ----- X

13
 14 A meeting in the above-entitled matter was held on
 15 September 26, 2007, commencing at 7:34 p.m., in the MRO
 16 Auditorium at 8787 Georgia Avenue, Silver Spring, Maryland
 17 20910, before:

18 COMMITTEE CHAIRMAN

19 JEF FULLER

20 COMMITTEE MEMBERS

21 Timothy Duffy
 22 Lee Burstyn
 23 Leslie Miles
 24 David Rotenstein
 25 Nuray Anahtar
 Thomas Jester
 Caroline Alderson

Deposition Services, Inc.
 6245 Executive Boulevard
 Rockville, MD 20852
 Tel: (301) 881-3344 Fax: (301) 881-3338
 info@DepositionServices.com www.DepositionServices.com

ALSO PRESENT:

Susan Soderberg
Anne Fothergill
Joshua Silver

APPEARANCES

STATEMENT OF:

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Katherine Lieberman	29
Sofia Suarez	47
Linda Winter	49
Jeff Grass	60
Miche Booz	68
Steve Eller	72
Tim Lyons	82
Steve Nadell	84
Paul Wopner	87

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1 so, please make a motion for approval. All right. The next
2 motion I'm going to ask for is a denial. Would you like to
3 withdraw the application and have the case continued?

4 MS. LIEBERMAN: Okay.

5 MR. FULLER: I'm sorry. Which?

6 MS. LIEBERMAN: I mean, can I, if I draw the
7 porch, draw the specs of the porch, and then what, and all
8 the other things you said were okay except the driveway, and
9 I don't know what to do about the driveway.

10 MR. FULLER: Again, I think you should work with
11 staff and then work to develop drawings and then come back
12 with a completed application. I've heard several people say
13 that there might be some willingness to consider something
14 other than just limiting your driveway to exactly what's
15 there.

16 MS. LIEBERMAN: That was his idea. There is no
17 way to do that. There's no way to get to the front door.

18 MR. FULLER: I think there are solutions. I don't
19 think we're here really to redesign the project for you
20 tonight. So are you willing to accept the project being
21 continued at this time, or should we vote?

22 MS. LIEBERMAN: Sure. I guess I'll have to come
23 back.

24 MR. FULLER: Please. Sorry for the confusion on
25 that. So this case will be continued.

26 Okay, the next item tonight is Case I at 10221

1 Capitol View Avenue.

2 MR. SILVER: Case I at 10221 Capitol View Avenue
3 in Silver Spring. It's a non-contributing resource located
4 in the Capitol View Park Historic District. This case is a
5 retroactive case for the installation of fencing. The
6 applicants are proposing to construct 304 linear feet of
7 wooden fence along the side and backyards of the property.
8 The proposed fence will range in height based on the plan
9 submitted between 5 feet 11 inches, and 6 feet, 6 inches.
10 Also, the removal of a non-historic concrete block and
11 plywood shed and pool from the rear of the property is also
12 being proposed.

13 The applicant, I know, is here and would like to
14 speak to the commission about some of the staff
15 recommendations, conditions of approval.

16 MR. FULLER: Does anybody have questions for the
17 staff? Does anybody want to see the staff presentation?

18 MR. SILVER: Can I also add that there were LAP
19 comments that you received dated September 26, 2007 that
20 concurred with the staff recommendations that the HPC
21 approve this historic area work permit with the conditions
22 on the staff report.

23 MR. FULLER: Thank you. Would the applicant
24 please come forth. Welcome, and please state your name for
25 the record.

26 MS. SUAREZ: My name is Sofia Surarez, I'm

1 representing Jose Chavez, who is the owner of the property.
2 And I went to the county and I got a permit for the fence,
3 and we got the permit. And when the owner was finishing the
4 installation of the fence, they receive an inspection from
5 your department. Actually, we didn't know that we need the
6 double, a permit for that kind of work. And according with
7 that we had a permit for it said 6/6 high fence, and the
8 client, but lower the fence six inches. According with my
9 knowledge, the maximum height for this kind of area is six
10 foot height. We receive your recommendation according with
11 this letter, and we are here because we are trying to
12 approve any kind of different decision about this fence, and
13 actually there was built according with the codes, according
14 with the county codes. And they already have six foot
15 height.

16 And I don't know if we need more information, more
17 opportunity to discuss about that to fit height difference
18 between the recommendation and the existing condition of the
19 fence.

20 MR. FULLER: So, as it relates to the staff
21 recommendations, I believe I hear you saying that you do not
22 necessarily agree with conditions 2 or 3?

23 MS. SUAREZ: Yeah.

24 MR. FULLER: Are you okay with 1, 4 and 5?

25 MS. SUAREZ: It's just for number 2, because in
26 the recommendation is the height maximum of the fence will

1 be four, and the existing condition is six.

2 MR. FULLER: Are there questions for the
3 applicant? I believe we have another speaker who wants to
4 speak tonight, so if you'll sit back down for just a second,
5 we'll let the people who want to speak also on the property
6 to come forward, and then we'll bring you back up in a
7 minute.

8 MS. SUAREZ: Sure.

9 MR. FULLER: Thank you. Linda Winter. Please
10 state your name for the record.

11 MS. WINTER: I'm Linda Winter. I am a neighbor.
12 I'm two houses down from this property. I'm a landscape
13 architect and a land planner, and I did work for some years
14 for Park and Planning in the park planning. I'm coming
15 first of all for a general comment about this property.

16 Not specifically about this property, but this
17 property is on the northern boundary of Capitol View Park,
18 and it's, you'll see in the package there are some, the
19 fence goes past the lot. There's a strip of land between
20 Capitol View Park and the lots in Homewood. It's been a
21 point of confusion. It's been a definite point of confusion
22 in my own life, and it's been, we are under a little bit of
23 development pressure from some developers in Homewood or
24 some residents who would like to expand their houses and
25 move in.

26 I believe this strip of land is really associated

1 with Capitol View Park. I think when they determined the
2 boundaries of the district, they didn't quite know what to
3 do about it. I've actually talked to Gwen Wright about it.
4 I talked to her about it years ago. We are beginning to get
5 deeds to that strip of land and they're just being added on.
6 They just got lost from the property, I think, because it's
7 such an old development.

8 These lots were all platted off of Capitol View
9 Park, I mean Avenue. The road was there first and then the
10 lots came in, and I think there was a miscalculation of the
11 depth of the lots, but the people along that row of lots
12 have enclosed the strip of land in with their lot.

13 The applicant has gotten caught in the middle of
14 this. They know what I've been going through trying to
15 basically recover my portion of the strip of land because
16 some people came in and put a fence in there, and they would
17 like to bypass that. But in reality, I believe that they
18 own the strip of land. Now they might not want to get into
19 property issues, and I know they don't, but I'm the one
20 saying that they have but this fence off of their lot line.
21 And the reason I know that is because I've had to go through
22 surveys. I've been in litigation with the people who have
23 installed the fence, so I know exactly where that fence is.

24 It's about 12 feet off of their lot line. I do
25 believe they have the right to build on that piece of land,
26 but my problem is twofold. One, that they haven't accounted

1 for the rest of it and there are big trees there, so they
2 just left a certain portion of a very important piece of the
3 buffer for Capitol View Park sort of left alone.

4 People in our neighborhood are confused about
5 this. But I would ask you if I do something in the strip of
6 land as part of developing my lot, do you want to hear about
7 it? You know, and I think that you would. I would think
8 that you, it's important for you to consider the strip of
9 land, so all the way to the northern boundary of Capitol
10 View Park.

11 MR. FULLER: I guess, realistically, I do not hear
12 that as a HPC issue. I mean, we have in front of us what
13 appears to be an accurate record plat of the property, and
14 it's demonstrating that the fence is essentially following
15 the fence line. If there's an issue as to the accuracy of
16 the plat, I believe, that's a DPS issue.

17 MS. WINTER: Well, and they have reopened the case
18 to review it because they --. Okay, so then my second
19 issue, that's the one issue. My second issue is that this
20 is, this back area is a buffer. You see pictures on the
21 first part of my package, this is not traditionally been
22 open wooded and to put the fence all the way back there is
23 very inconsistent with the history.

24 I know a lot of, -- even the staff report pays
25 attention, a lot of attention to the houses -- but it's not
26 just houses. We are in a historic district and since I'm a

1 landscape architect I am very focused on that. And what has
2 sometimes happened here is that people who have put fences
3 just part way back on their lot with a gate, and they open
4 the gate, they go to the back part of their lot, they're
5 able to leave the back part open.

6 I would definitely favor this fence being pulled
7 back. It's an erosive soil. Very poor soil. I'm already
8 seeing a lot of sediment run off. It wasn't fine graded.
9 I'd like to see more attention to the environment in the
10 back. Maybe they could pull this fence up, get themselves a
11 nice enclosure that suited their purposes without having to
12 put the fence all the way back, and they maybe we can deal
13 with the issues of preserving the boundary.

14 MR. FULLER: Thank you. I should say while you're
15 here, are there questions for the speaker? Thank you. If
16 the applicant would please come back forward. Now that
17 we've heard from the neighbor and the applicant, are there
18 additional questions or discussion with the applicant? Are
19 there any other questions for the applicant before we turn
20 to deliberations and not talk to the applicant.

21 MR. BURSTYN: I just had one question. I just
22 want to make sure. We're recommending that the height of
23 the fence is four and you said the current height is six?

24 MS. SUAREZ: Uh-huh.

25 MR. BURSTYN: Six foot, six.

26 MS. SUAREZ: No. We got a permit for 6/6, but

1 right now it's six because the owner put in lower because
2 for the historic area, I know, or I think you have a maximum
3 high of six. So then we are change the complete line of the
4 fence and put it lower. So for that reason we are applying
5 for no put it lower because he already did. He already put
6 it lower six inches, all the fence.

7 Right now is in very good condition, so the
8 construction was very well. So I think we don't have
9 problem with that height.

10 MR. BURSTYN: You have a problem with the height
11 of four?

12 MS. SUAREZ: We don't have any kind of problem
13 right now.

14 MR. BURSTYN: So if we said that the height of the
15 fence should be four feet, then you'd agree to that?

16 MS. SUAREZ: No. I'm applying for keeping it only
17 six. How it is right now.

18 MR. BURSTYN: What if it were somewhere in
19 between. Why do you want it a higher fence instead of four
20 feet?

21 MS. SUAREZ: We're applying for keep the fence how
22 is right now, and the recommendation is four. I think the
23 discussion is if you want keep these recommendation or keep
24 the fence how is right now, that is good and is lower than
25 the county PDS and got a permit. So the maximum height for
26 them is 6/6. And the height, how is right now is six. So I

1 think the construction is very good, and we are waiting for
2 you, I think it's up to you, because the owner contact me
3 because he was very worried about that kind of decision.
4 Construction was stopped almost finishing the last part of
5 the fence. So he wants to do everything, you know, very
6 well.

7 MR. BURSTYN: Well, again, as far as living with
8 the fence of 4 feet or 6 feet, or six and a half feet, why
9 does the owner want the fence to be higher than four feet?

10 MS. SUAREZ: Because the maximum height is 6/6, so
11 he go to the Home Depot and got that kind of fence. It's
12 not for any specific decision, I think that four or six,
13 that is a difference, it's not very important for him. It's
14 just he built that height.

15 MR. BURSTYN: But if he cut off two feet at the
16 top, just cut off, then he wouldn't have to replace the
17 whole fence. Just cut off the top of it.

18 MS. SUAREZ: In fact, very long fence he already
19 did cut it six inches. So the decision is cut it again the
20 complete.

21 MR. SILVER: I think we should clarify to what the
22 commission may be seeing is that the section that they're
23 referring to, that Commissioner Burstyn is referring to is
24 that the section that's forward of the rear plane of the
25 house. So anything that's just forward of that rear plane
26 is what staff recommendation is, and I, correct me if I'm

1 wrong, Commissioner Burstyn, but reducing it to four feet in
2 that section, not the entire fence.

3 MR. JESTER: And that's consistent with our
4 general policy on fences in historic districts. I'd like to
5 just clarify. I think what I heard was you just kind of cut
6 the fence. I mean, I think what we're looking for is a
7 fence that actually has elements that aren't just lopped off
8 at four feet. Some sort of a picket condition. So I want
9 to be clear about that. I would support, I think that's
10 what the intent of your condition, not that a chain saw be
11 taken across at four feet. Are we ready to deliberate?

12 MR. BURSTYN: So you have to cut off the bottom
13 then.

14 MR. FULLER: Are there any other questions for the
15 applicant at this point or should we move to deliberations?

16 MR. DUFFY: I just have one quick question. Does
17 the applicant understand that he was supposed to get
18 approval from the Historic Preservation Commission before
19 building the fence?

20 MS. SUAREZ: We know that when he received the
21 inspector. But before that we got just county permit. But
22 when I went to the county, at the county anybody told me
23 that I need all that kind of permit.

24 MR. DUFFY: I understand. I'm not suggesting that
25 there was any bad intention on the applicant's part. I'm
26 just saying does he now understand that the correct

1 procedure with his property is that he has to get approval
2 from both the Historic Preservation Commission and from the
3 Department of Permitting Services?

4 MS. SUAREZ: Actually, he contacted me and was my
5 responsibility, get all kind of permit for his fence. So my
6 general idea is go to the county to do the general process.

7 MR. DUFFY: By the county, what are you referring
8 to when you say the county? What specific --

9 MS. SUAREZ: Zoning area. Zoning desk. That is
10 where I can get a permit for that kind of --

11 MR. DUFFY: I think you mean the Department of
12 Permitting Services.

13 MS. SUAREZ: Yes.

14 MR. FULLER: Can we try to move forward to
15 deliberations and a motion, please.

16 MR. JESTER: I would just make one point about the
17 other speaker we had. Just looking at one of the pieces of
18 material that shows the general street arrangement, it looks
19 to me like these were lots that were back to back, and I
20 don't see any real evidence that there was a different
21 pattern for the open space between them. So I'm, in my view
22 the owner has a right to put a fence on their property
23 consistent with our policy which is basically four feet
24 forward of the rear plane, and then if they want to enclose
25 the back they can, which is essentially what's been built.
26 So I don't find what's been installed other than the height

1 to be an issue.

2 MR. FULLER: Deliberations?

3 MS. ALDERSON: Yes. If I could add one additional
4 concern. Our standard that we've been extremely consistent
5 on during my term here has been four feet maximum in the
6 front area, and not closed. It's been picket, open picket.
7 So my thinking is that the front section should be no higher
8 than four feet and open picket, and the solid privacy fence
9 is for the rear portion of the yard.

10 MR. FULLER: Deliberations or a motion?

11 MS. ALDERSON: I'll make a motion that we approve
12 the HAWP as directed by staff with the additional condition
13 that the front portions of the fence be no higher than four
14 feet and be open picket.

15 MR. FULLER: Do we have a second?

16 MS. MILES: I second.

17 MR. FULLER: Discussion.

18 MS. MILES: I just want to ask of Anne and Josh if
19 that's your understanding as well that open picket is what's
20 required in front of the rear plane of the house?

21 MS. FOTHERGILL: I believe that solid board
22 fencing has been approved at the lower height on the sides
23 of the house.

24 MS. MILES: So it's either four feet and open or
25 let's say, two feet and closed, is that what you were
26 basically saying?

1 MR. SILVER: No, I think, I mean generally, and
2 Anne you can reiterate this or clarify, but I mean, as long
3 as it's four feet or lower forward of the rear plane of the
4 house, I mean, I think what Anne said is that we have in the
5 past approved some cases, flat board fences or other types
6 of fences.

7 MS. FOTHERGILL: I think what Commissioner
8 Alderson is referring to is when it's sort of along the
9 front yard it certainly has been picket. But I believe we
10 have allowed solid fencing four feet or lower on the sides
11 of the house.

12 MS. ALDERSON: My specific concern is with the
13 part that is right along side the front, just barely off of
14 the front plane of the house. And that's the portion that I
15 would propose should be open picket. The sides I'm less
16 concerned with. I think as long as they're four feet,
17 that's fine.

18 MR. FULLER: All right. As I understand it, we
19 have a motion, it's been seconded. The motion basically
20 includes the five staff conditions with a modification of
21 condition 4 that adds the additional requirement that the
22 lower four foot section be open in configuration. Is there
23 any amendment we want to have, or do we want to vote on the
24 motion as presented?

25 MS. MILES: Confirm the amendment to essentially
26 incorporate what Commissioner Alderson intends for motion to

1 say that the open picket requirement be applied only to the
2 front elevation.

3 MR. FULLER: All in favor please raise your right
4 hand.

5 VOTE.

6 MR. FULLER: It passes unanimously. Thank you.
7 Case J, Hyattstown Fire Station. Can we have a brief staff
8 report.

9 MR. SILVER: This is a proposal for the Hyattstown
10 Fire Station located in the Hyattstown Historic District.
11 this is a retroactive case with a number of revisions for
12 the proposal of landscape alterations. I can quickly go
13 over the proposal. The applicant is proposing to construct
14 a 6 inch triangular shaped mountable curb which will be
15 planted in Evergreen ground cover.

16 The curb will measure 22.5 feet long along
17 Frederick Road and 17 feet wide along Hyattstown Mill Road.
18 And I believe the applicant or the agent is here this
19 evening.

20 MR. FULLER: Are there any questions of staff?
21 Would the applicant like to come forward. Can you please
22 state your name for the record.

23 MR. GRASS: Good evening, I'm Jeff Grass. I'm the
24 Deputy Chief with the Hyattstown Volunteer Fire Department.

25 MR. FULLER: Jeff, tonight I think that we're
26 generally, I think from the tenor I've heard before, I think