

1007 Mendocino Ave. Silver Spring
Capital View Park High District

3/7-09B



HISTORIC PRESERVATION COMMISSION


Isiah Leggett
County Executive

David Rotenstein
Chairperson

Date: 5/14/09

MEMORANDUM

TO: Carla Reid, Director
Department of Permitting Services

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

SUBJECT: Historic Area Work Permit #509778—retaining wall installation

The Montgomery County Historic Preservation Commission (HPC) has reviewed the attached application for a Historic Area Work Permit (HAWP). This application was **approved** at the May 13, 2009 HPC meeting.

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: Len Newman and Lisa Shochat
Address: 10007 Menlo 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. Once the work is completed the applicant will contact the staff person assigned to this application at 301-563-3400 or anne.fothergill@mncppc-mc.org to schedule a follow-up site visit.





RETURN TO: DEPARTMENT OF PERMITTING SERVICES
255 ROCKVILLE PIKE, 2ND FLOOR, ROCKVILLE, MD 20850
240/777-6370

DPS - #8

HISTORIC PRESERVATION COMMISSION
301/563-3400

RECEIVED

APPLICATION FOR
HISTORIC AREA WORK PERMIT

Contact Person: LEN NEWMAN
301 495 4780
Daytime Phone No.: cell: 202 557 6069

Tax Account No.: 1613 00997307
Name of Property Owner: LEN NEWMAN / LISA SHOCHAT Daytime Phone No.: 301 495 4780
Address: 10007 MENLO AVE SILVER SPRING MD 20910
Street Number City Street Zip Code
Contractor: The Watchman Group, Inc Phone No.: 301 946 7902
3819 Everett Street Kensington MD 20895
Contractor Registration No.: 58-2095972
Agent for Owner: N/A Daytime Phone No.: _____

LOCATION OF BUILDING/PREMISE

House Number: 10007 ~~MENLO AVE~~ Street: SILVER SPRING ~~MENLO AVE~~
Town/City: SILVER SPRING Nearest Cross Street: LEAFY AVE
Lot: 10 Block: 33 Subdivision: CAPITOL VIEW PARK
Liber: _____ Folio: _____ Parcel: Plat Book A Plat 9

PART ONE: TYPE OF PERMIT ACTION AND USE

1A. CHECK ALL APPLICABLE: Construct Extend Alter/Renovate A/C Slab Room Addition Porch Deck Shed
 Move Install Wreck/Raze Solar Fireplace Woodburning Stove Single Family
 Revision Repair Revocable Fence/Wall (complete Section 4) Other: _____
1B. Construction cost estimate: \$ 4,000
1C. If this is a revision of a previously approved active permit, see Permit # _____

PART TWO: COMPLETE FOR NEW CONSTRUCTION AND EXTEND/ADDITIONS

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

PART THREE: COMPLETE ONLY FOR FENCE/RETAINING WALL

3A. Height 2 feet 3 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.

Len Newman Signature of owner or authorized agent April 22 2009 Date

Approved: [Signature] For Chairperson, Historic Preservation Commission
Disapproved: _____ Signature: _____ Date: 5/14/09
Application/Permit No.: 509778 Date Filed: 1/29/09 Date Issued: _____

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

1. WRITTEN DESCRIPTION OF PROJECT

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

This will be a timber retaining wall between neighboring houses in the Capital View Park historic district. The timbers will be oak pressure-treated lumber and will be stained to match the color and protection of other outdoor wooden features of the property, namely, deck, picket fence, porch and wooden shutters. The height of the wall above grade is minimal from approx 6" at the lowest to 2'3" at the highest above grade.

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

Neither of these neighboring properties is a landmark structure. In fact, the house at 10009 is new completed in 2008. It is due to landscaping during construction that the retaining wall is necessary. It will protect the property at 10009 from damage due to run-off, including flooding.

2. SITE PLAN

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

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

3. PLANS AND ELEVATIONS

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

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

4. MATERIALS SPECIFICATIONS

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

5. PHOTOGRAPHS

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

6. TREE SURVEY

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

7. ADDRESSES OF ADJACENT AND CONFRONTING PROPERTY OWNERS

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

PLEASE PRINT (IN BLUE OR BLACK INK) OR TYPE THIS INFORMATION ON THE FOLLOWING PAGE.
PLEASE STAY WITHIN THE GUIDES OF THE TEMPLATE, AS THIS WILL BE PHOTOCOPIED DIRECTLY ONTO MAILING LABELS.

Case I-B

Historic Preservation Commission

May 13, 2009

The Capitol View Park Citizens Association agrees with the staff recommendation of approval for the Retroactive Case number 31/07/09B if all other County regulations are followed for walls in between two properties.

Betsy Tebow, President
Capitol View Park Citizens Association

Carol Ireland
Duncan Tebow co-chairs of
Capitol View Park Historic Review Committee

EXPEDITED
MONTGOMERY COUNTY HISTORIC PRESERVATION COMMISSION
STAFF REPORT

Address:	10007 Menlo Avenue, Silver Spring	Meeting Date:	5/13/09
Resource:	Non-Contributing Resource Capitol View Park Historic District	Report Date:	5/6/09
Applicant:	Len Newman and Lisa Shochat	Public Notice:	4/29/09
Review:	HAWP	Tax Credit:	None
Case Number:	31/07-09B RETROACTIVE	Staff:	Anne Fothergill
PROPOSAL:	Retaining wall installation		

STAFF RECOMMENDATION

- Approval
- Approval with conditions

ARCHITECTURAL DESCRIPTION

SIGNIFICANCE: Non-contributing Resource within the Capitol View Park Historic District
STYLE: Cape
DATE: 1945

PROPOSAL

The applicants are proposing to construct a low timber retaining wall along the left side of the house (height will be from 6" to 2'3" tall).

APPLICABLE GUIDELINES

Montgomery County Code; Chapter 24A-8

- (a) The commission shall instruct the director to deny a permit if it finds, based on the evidence and information presented to or before the commission that the alteration for which the permit is sought would be inappropriate, inconsistent with or detrimental to the preservation, enhancement or ultimate protection of the historic site or historic resource within an historic district, and to the purposes of this chapter.
- (b) The commission shall instruct the director to issue a permit, or issue a permit subject to such conditions as are found to be necessary to insure conformity with the purposes and requirements of this chapter, if it finds that:
 - (1) The proposal will not substantially alter the exterior features of an historic site or historic resource within an historic district; or
 - (2) The proposal is compatible in character and nature with the historical, archeological, architectural or cultural features of the historic site or the historic district in which an historic resource is located and would not be detrimental thereto or to the achievement of the purposes of this chapter; or
 - (3) The proposal would enhance or aid in the protection, preservation and public or private utilization of the historic site or historic resource located within an historic district in a manner compatible with the

historical, archeological, architectural or cultural value of the historic site or historic district in which an historic resource is located; or

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

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

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

- (c) It is not the intent of this chapter to limit new construction, alteration or repairs to any 1 period or architectural style.
- (d) In the case of an application for work on an historic resource located within an historic district, the commission shall be lenient in its judgment of plans for structures of little historical or design significance or for plans involving new construction, unless such plans would seriously impair the historic or architectural value of surrounding historic resources or would impair the character of the historic district. (Ord. No. 9-4, § 1; Ord. No. 11-59.)

STAFF RECOMMENDATION

Staff recommends that the Commission **approve** the HAWP application as being consistent with Chapter 24A-8(b), (1) and (2):

and with the general condition that the applicant shall present the **3 permit sets of drawings 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. Once the work is completed the applicant will contact the staff person assigned to this application at 301-563-3400 or anne.fothergill@mncppc-mc.org to schedule a follow-up site visit.



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Plat Book A Plat 9

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

CHECK ALL APPLICABLE:

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

1B. Construction cost estimate: \$ 4,000

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

Len Newman
Signature of owner or authorized agent

April 22 2009
Date

Approved: _____ For Chairperson, Historic Preservation Commission

Disapproved: _____ Signature: _____ Date: _____

Application/Permit No.: 509778 Date Filed: 4/23/09 Date Issued: _____

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6. TREE SURVEY

4

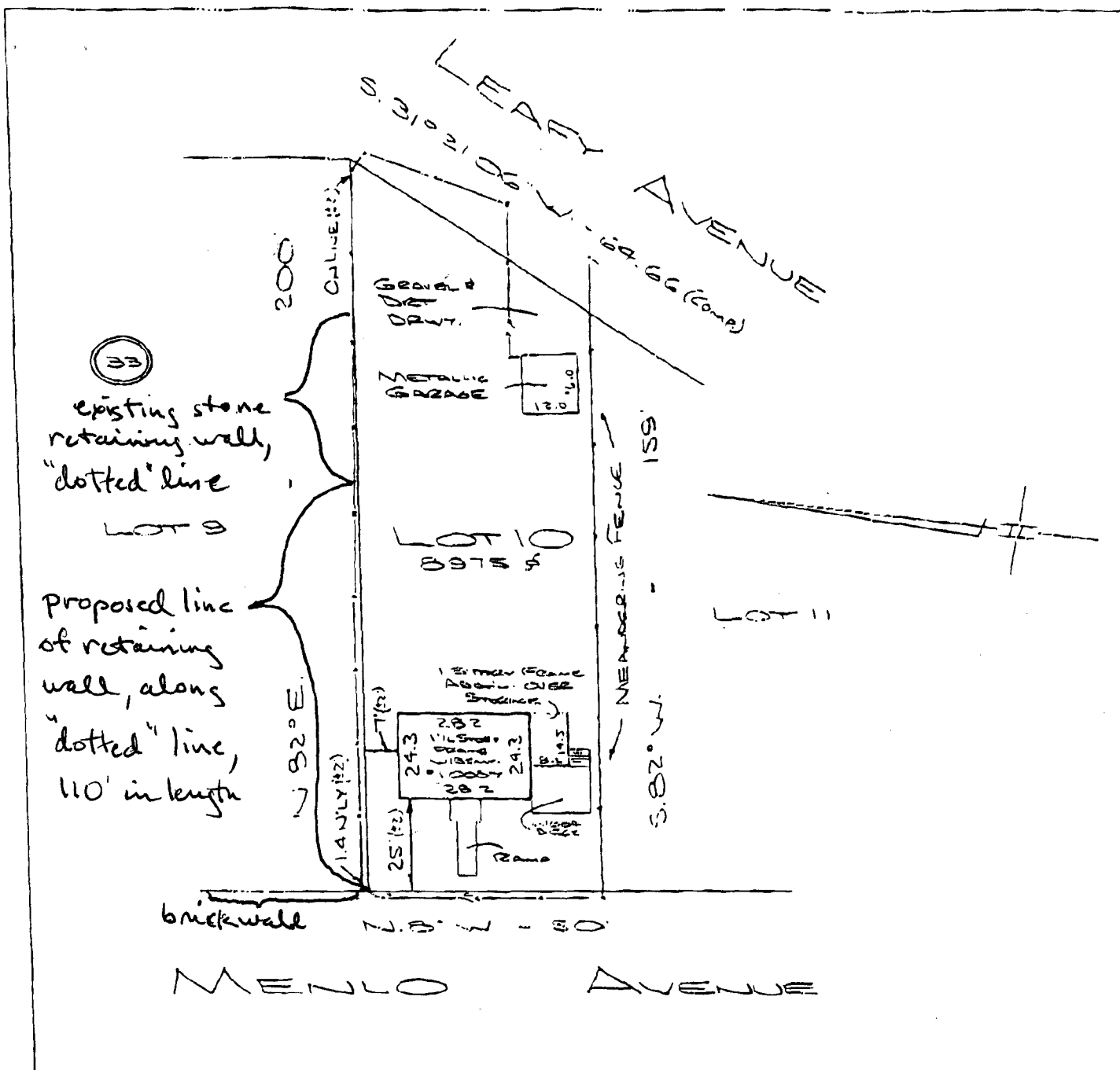
Addresses of Property Owners
Adjacent to and Confronting
10007 MENLO AVE.

LORI Ryan
10008 MENLO AVE
SILVER SPRING MD 20910

RON FOSTER
10010 MENLO AVE
SILVER SPRING MD 20910

LILLIAN SJOVOLD / Charles Martin
10005 MENLO AVE
SILVER SPRING MD 20910

Steve Stasiowski / Sarah McElroy
10009 MENLO AVE
SILVER SPRING MD 20910



Capitol Surveys, Inc.

10762 Rhode Island Avenue
 Beltsville, Maryland 20705
 Phone 301 931 1350
 Fax 301-931-1352

NOTES: Plat is of benefit to a consumer only insofar as it is required by a lender or a title insurance company or its agent in connection with contemplated transfer, financing or re-financing; the plat is not to be relied upon for the establishment or location of fences, garages, buildings, or other existing or future improvements; and the plat does not provide for the accurate identification of property boundary lines, but such identification may not be required for the transfer of title or securing financing or refinancing.
 This property lies within Zone C. (Areas of minimal flooding) as delineated on the maps of the National Flood Insurance Program, unless otherwise shown.

LOCATION DRAWING
 LOT 10 BLOCK 33

CAPITOL VIEW PARK

MONTGOMERY COUNTY, MARYLAND

Recorded in Plat Book A Plat 9 Sheet 1 - 30

CASE: 1277-01 FILE: 68401

DATE: JUNE 18, 2001

I hereby certify this location drawing was prepared in accordance with the minimum standards of practice for the State of Maryland and is correct to the best of my belief of what can be visually and accessibly observed.

Edward L. Lopez, Jr.
 Edward L. Lopez, Jr.
 Maryland Property Line Surveyor No. 522

6

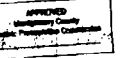
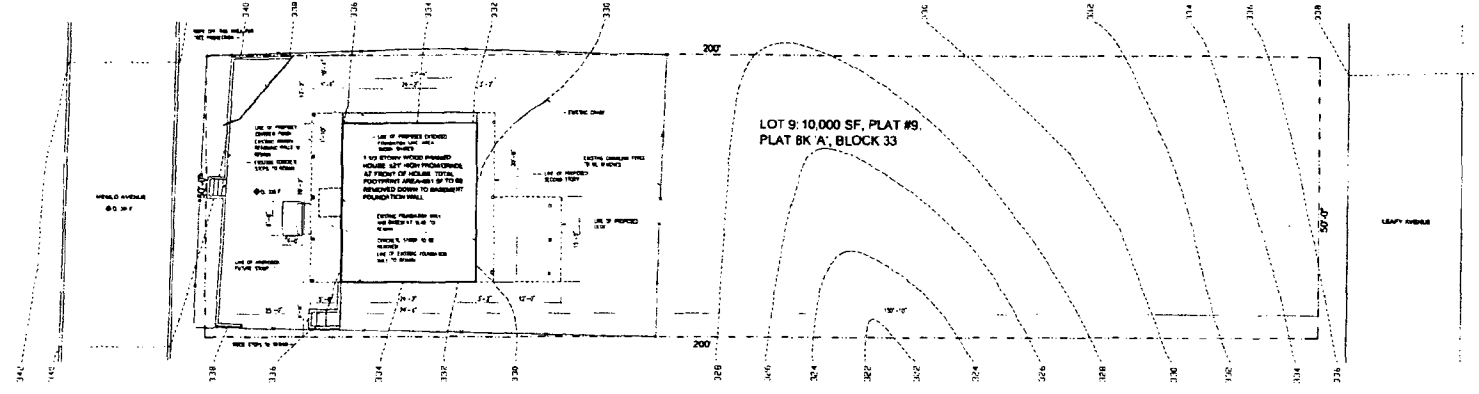


Table with columns for Date, Description, and other project details.

SITE PLAN

C100

DEMOLITION PERMIT



LOT 9: 10,000 SF, PLAT #9,
PLAT BK A, BLOCK 33

1 SITE DEMOLITION PLAN

AREA TABLE

NET AREA: 10,000 SF
TOTAL BUILDING FOOTPRINT: 4,480 SF
DEMOLITION AREA: 5,520 SF
TOTAL SITE AREA: 10,000 SF

Site Plan of 10009 before demolition of existing fence, represented in the plan by a "dotted" line, i.e., a line with dots added to suggest fence posts.

ABBREVIATIONS

Table of abbreviations for architectural symbols, including terms like FLOOR, WALL, and ROOF.

GRAPHIC SYMBOLS

Table of graphic symbols for plan, section, and elevation details, including symbols for walls, doors, and windows.

VICINITY MAP



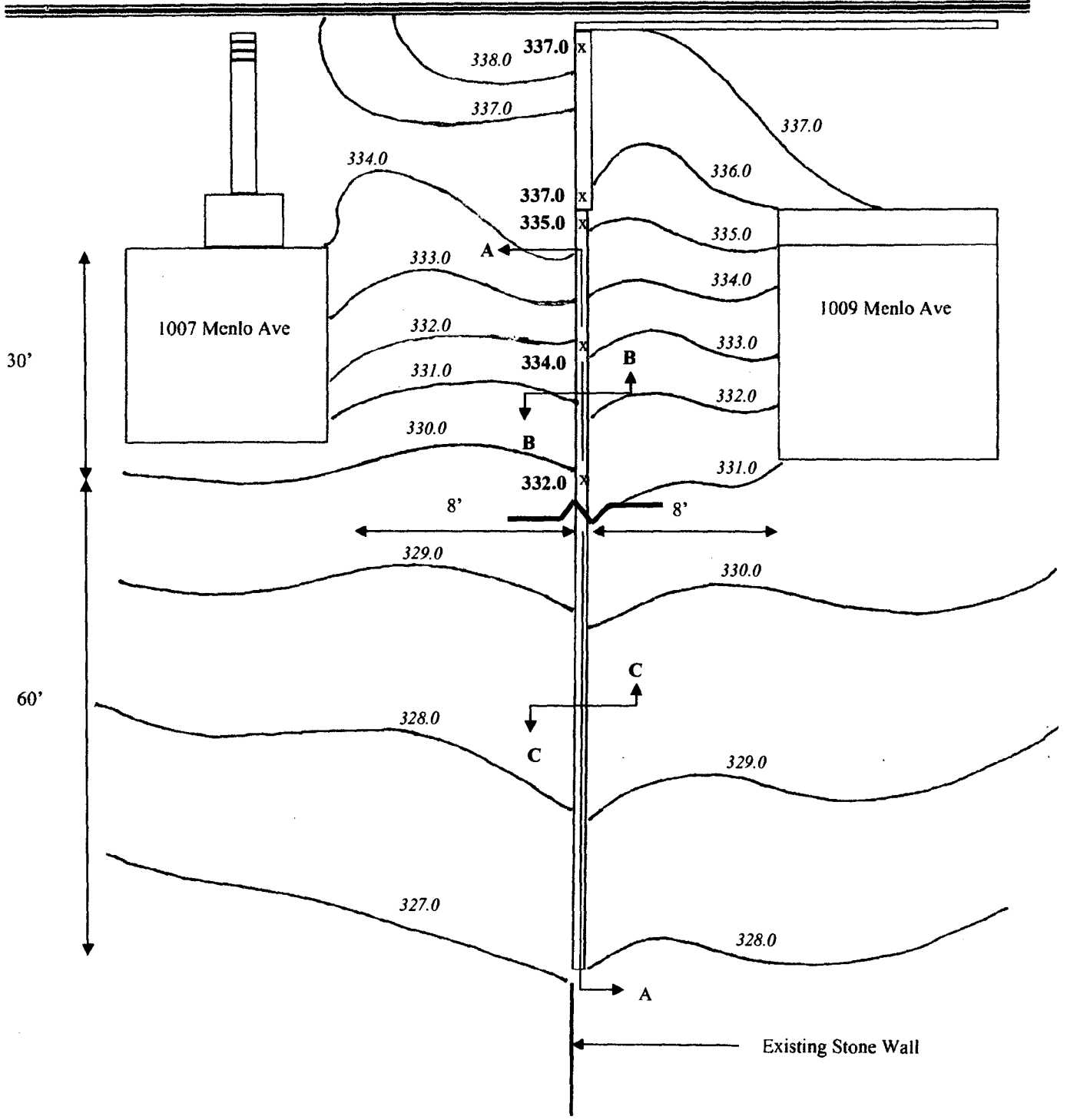
PROJECT DATA

BUILDING ADDRESS: 1938 WOOD AVE, SILVER SPRING, MD 20914
BUILDING OWNER: BILL AND EDY KARAS
BLOCK/LOT: 33 / 9
LOT AREA: 10,000 SF
BUILDING FOOTPRINT: 4,480 SF
CONSTRUCTION TYPE: SA
USE GROUP: R-1 (RESIDENTIAL)
BLDG SUPPRESSED: YES
NUMBER OF STORIES: 1.5 STORIES + BASEMENT
DESCRIPTION: ALTERATIONS AND ADDITION TO EXISTING MASONRY AND ROOF RESIDENCE

DRAWING LIST

ARCHITECTURAL: C100 SITE PLAN, C101 DEMOLITION DRAWINGS

Menlo Avenue



Newman Residence
 1007 Menlo Avenue
 Silver Spring, Maryland 20910

3819 Everett Street
 Kensington, Maryland 20895

Date:
 September 2008

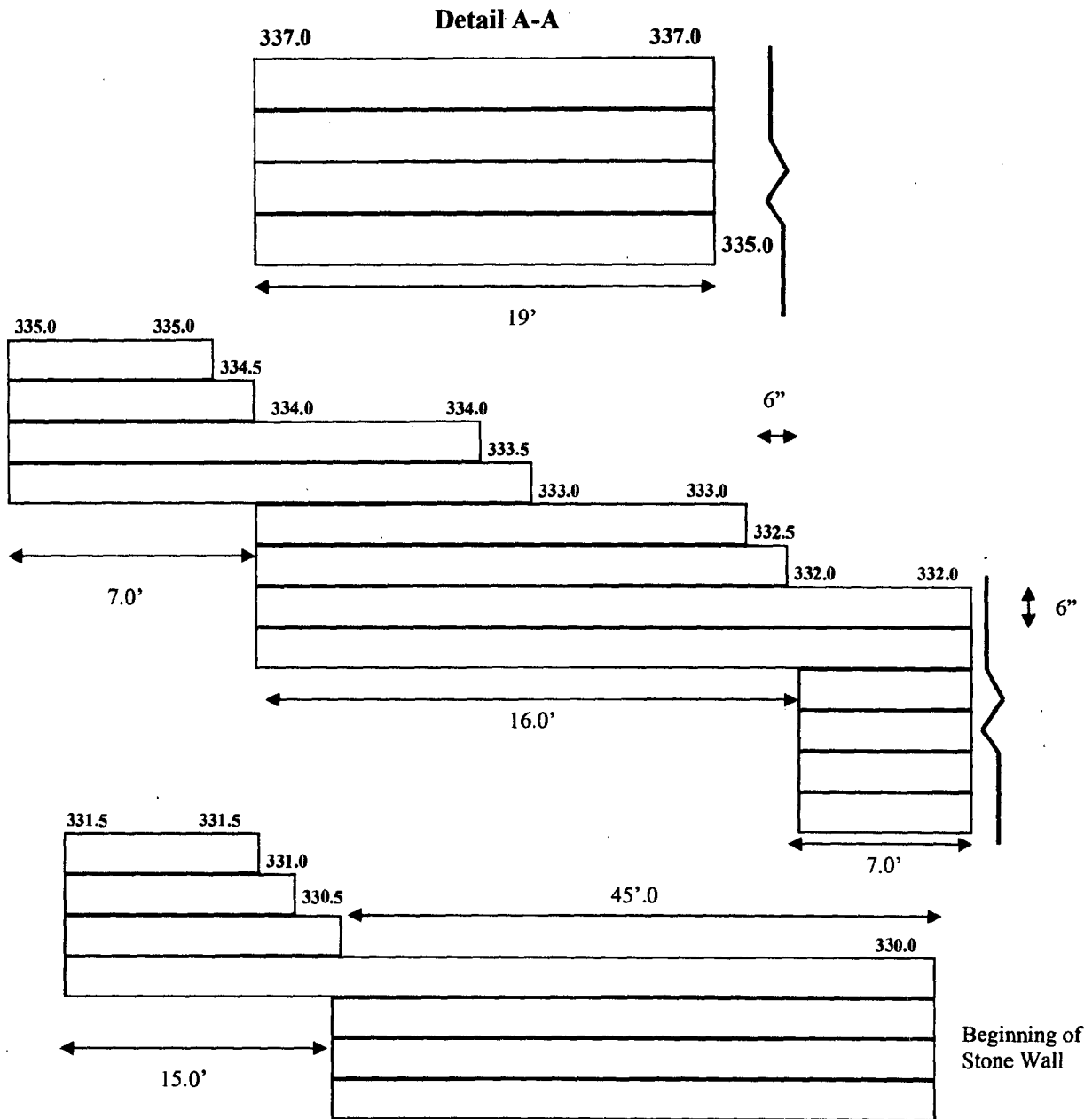
Scale:
 NTS

DWG:
 Elevations

Sheet:
 1 of 3

(8)

Detail Sheet



Newman Residence
 1007 Menlo Avenue
 Silver Spring, Maryland 20910

3819 Everett Street
 Kensington, Maryland 20895

Date:
 September 2008

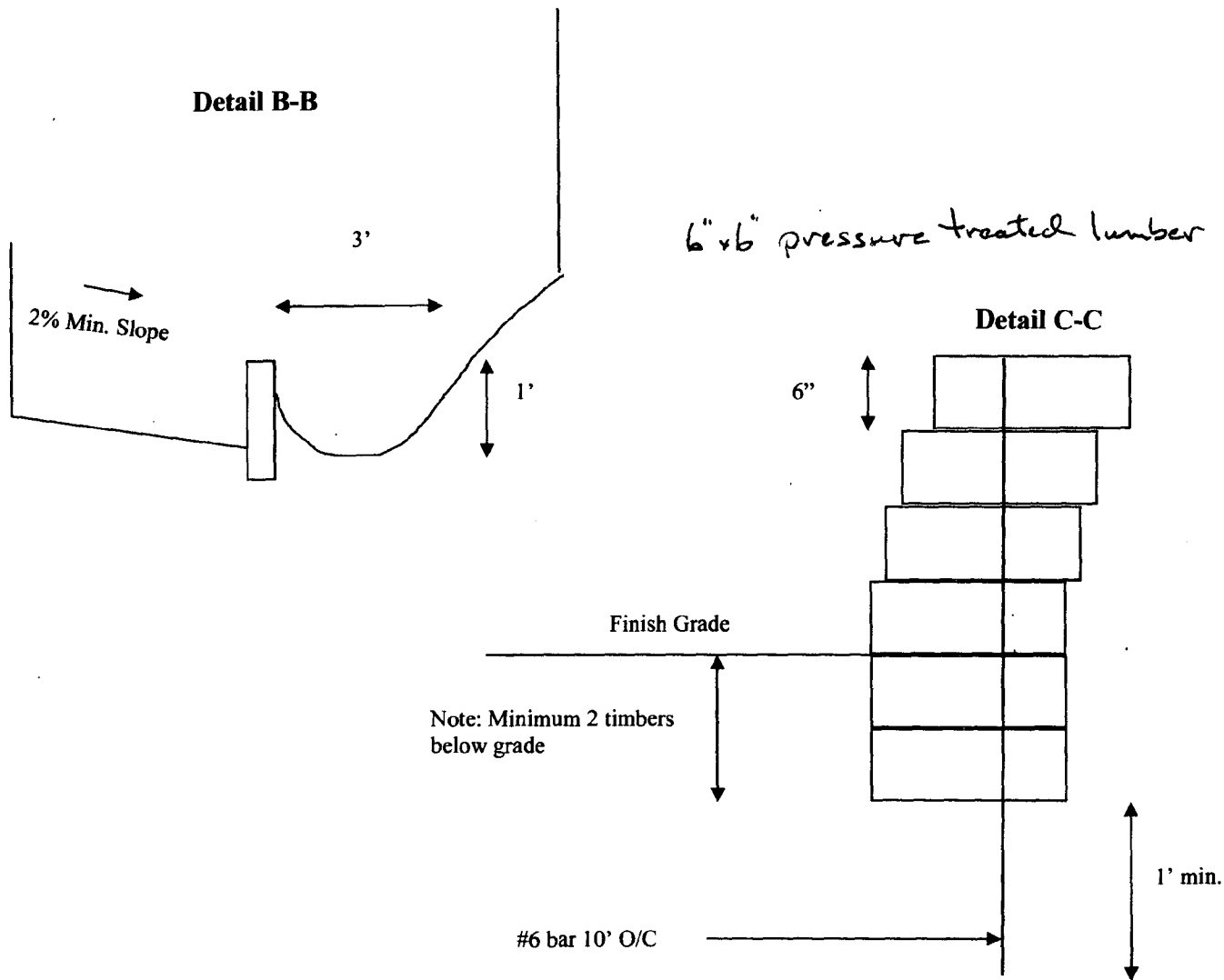
Scale:
 NTS

DWG:
 Wall Details

Sheet:
 2 of 3

9

Detail Sheet



Newman Residence
1007 Menlo Avenue
Silver Spring, Maryland 20910

3819 Everett Street
Kensington, Maryland 20895

Date:
September 2008

Scale:
NTS

DWG:
Wall Details

Sheet:
3 of 3

(10)

Fothergill, Anne

From: Len Newman [lnewman@his.com]
Sent: Tuesday, May 05, 2009 1:20 PM
To: Fothergill, Anne
Subject: HAWP for 10007 Menlo - email 1 of 9
Attachments: 1. View from Menlo Ave of 10007, foreground, and 10009 and 10011.jpg

Dear Ms. Fothergill,

This is the first of a set of 9 emails, each transmitting one photograph for your consideration in reviewing the application for 10007 Menlo, as we discussed by telephone yesterday.

As I explained in our telephone conversation, we have actually already constructed the wall due to what we considered emergency circumstances. Namely, our neighbors at 10009 informed us on April 25 of their "inten[t] to enforce the agreement as written." This was a reference to an agreement regarding construction of the retaining wall signed in December 2008 and in particular to a term stating that "the Newmans agree to complete all of the work ... by May 1, 2009."

The upshot is that we now wish to amend our HAWP application and seek a permit approved retroactively. (We have been informed by DPS that no building permit is necessary as the wall is nowhere 30 inches in height.)

I can attach further documentation of the legal situation, if you desire. Please advise if you desire this or any other additional documentation.

The one further fact of which you should be apprised is that, as time was short, we did this work ourselves, beginning April 25 and finishing April 30, following the plans that are a part of the application before you and that were prepared by the contractor whose name is on the application; however neither he, himself, nor any employee or subcontractor of his had a hands-on role in the construction. I am frankly not certain whether these facts require us to amend the application to remove the name of the contractor; if so, please advise.

Thank you for your consideration.

Sincerely,

Len Newman

retaining wall (after construction)





13





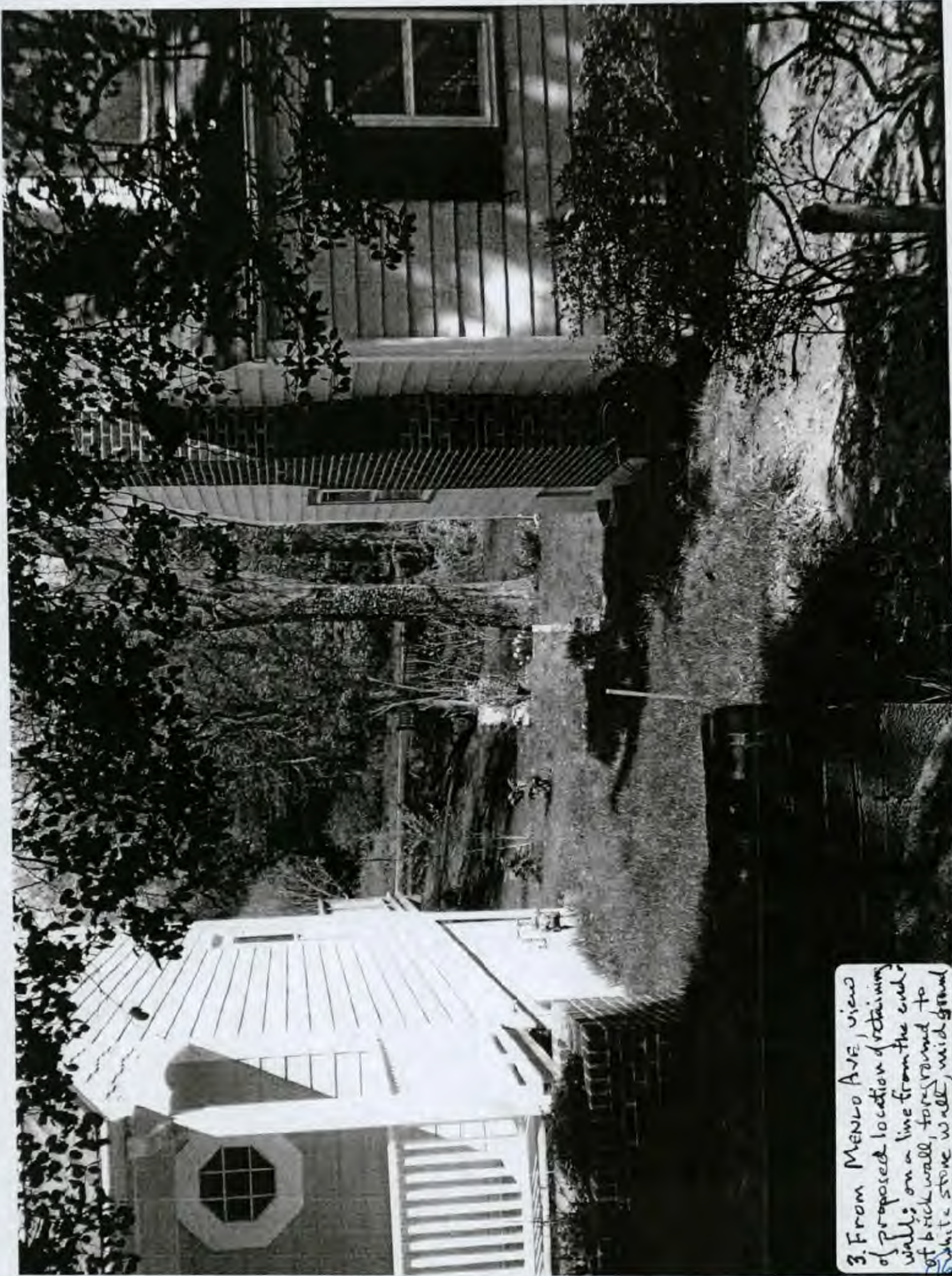
10007

1. View from Menlo Ave
of 10007 Menlo, fore-
ground, and 10009 and
10011

(5)



(5)
2. Front lawn of 10007,
foreground, with higher
grade of 10009, backyard



3. From Menlo Ave, view
of proposed location of retaining
walls; on a line from the center
of brick wall, foreground to
white stone wall, mid ground



(41)

4. Vic. from Leaky Aucc. of
L to R, 10007, 10009 + 10011.
Note stone retaining wall
along a portion of the line
between 10007 and 10009

5. Detail of stone
wall.

(2)





6. Proposed location of retaining wall: line viewed from end of stone wall to brick wall at front of property (Mento Ave)

2
7. Detail of slope of
grade from 10009 right
down to 10007 left.

