

31/06-04J 4010 Prospect St
Kensington Historic District



View of Address from Sun Ave
X Mark's address.



View From Prospect St. of
Shed to be removed.

9
/



View From Prospect St .

7



View of addition to be removed
from Summit Ave

2



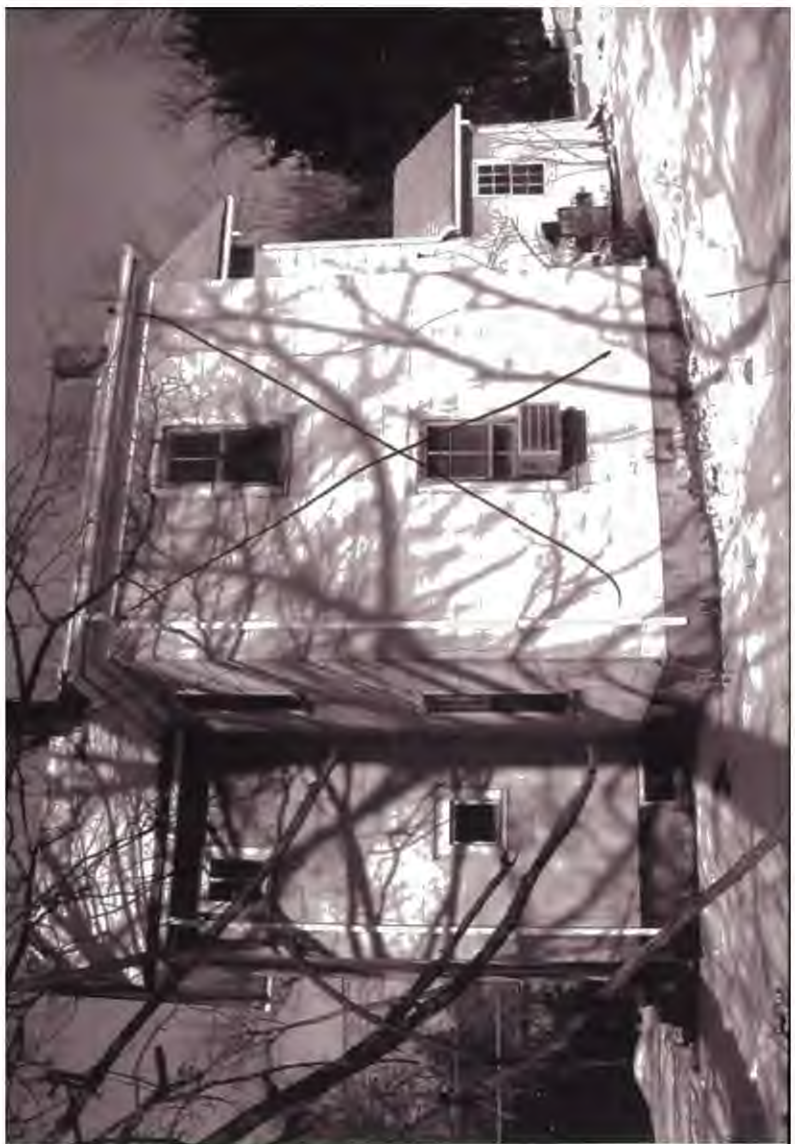
View From Prospect St.

5



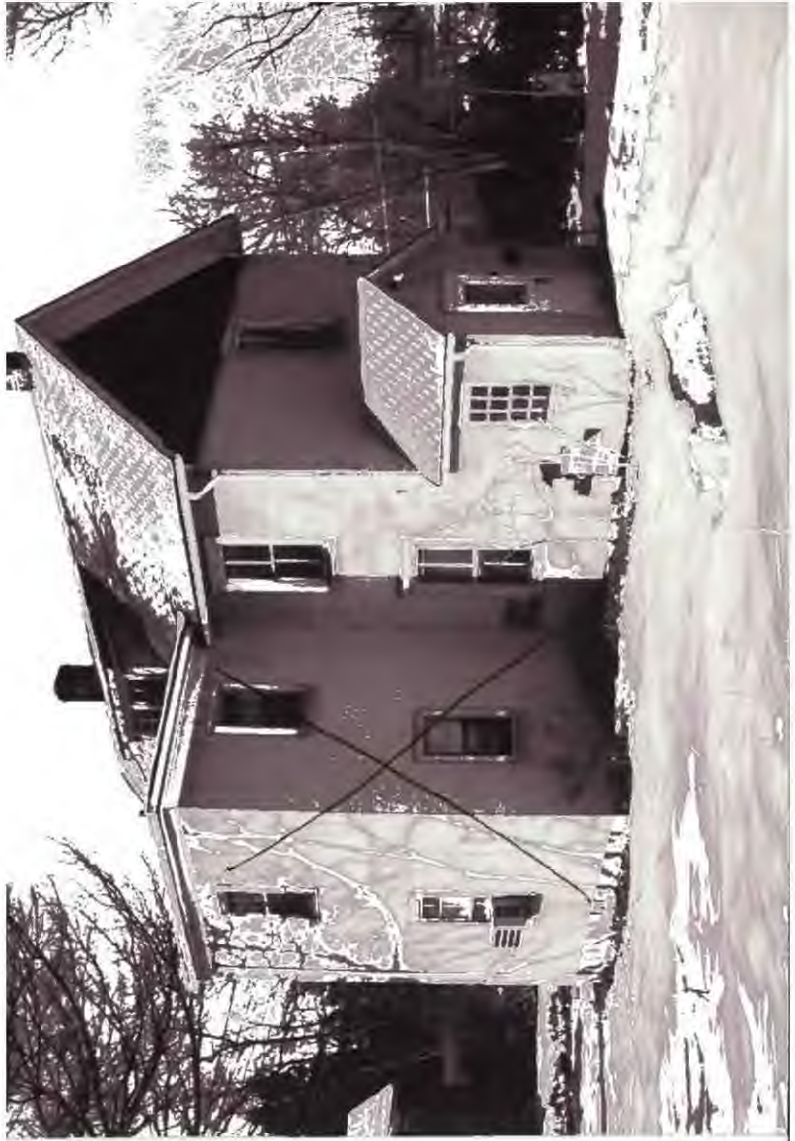
View From Back Yard

01



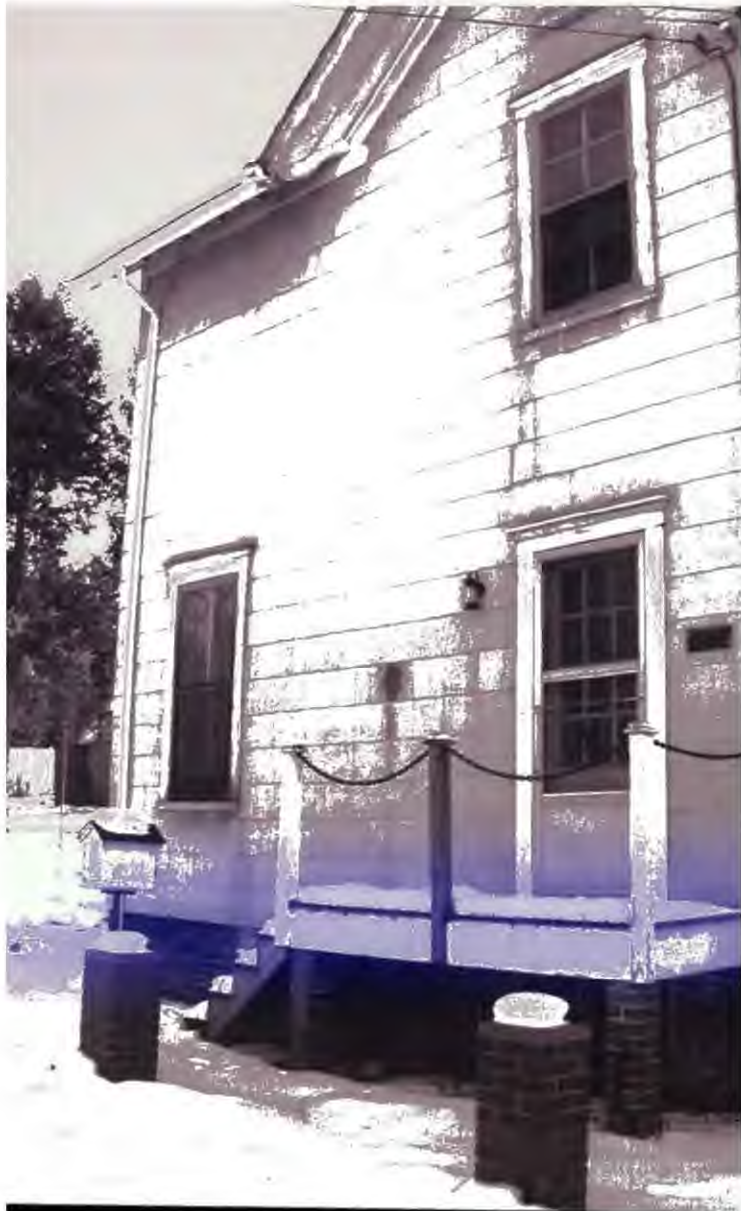
View From Side Yard

21



View From Back Yard

//



Side of House facing Prospect

14



Front of House
View from Summit
Shows ~~Sidley~~ Sidley
under asbestos Sidley

W

c. 1926 or earlier



HISTORIC PRESERVATION COMMISSION STAFF REPORT

Address: 4010 Prospect Street, Kensington
Lots 58 and 59

Meeting Date: 07/14/04

Resource: Primary 1 Resource
Kensington Historic District

Report Date: 07/07/04

Review: HAWP

Public Notice: 06/30/04

Case Number: 31/06-04J

Tax Credit: None

Applicant: Felix Ayala (George Myers, AIA)

Staff: Michele Naru

Proposal: Demolition of c1930s addition and garage, rehabilitation of existing house and garage construction on Lot 58. New house and garage construction on Lot 59.

Recommendation: Denial

RECOMMENDATION: Staff is recommending that the Commission DENY this HAWP application.

BACKGROUND

The Commission at its February 11, 2004 meeting reviewed a HAWP application by a previous owner for the removal of the c.1930's addition and the rehabilitation of the existing historic dwelling. The application was denied. At this meeting some of the Commissioners were supportive of the proposal in concept, but were concerned about better understanding the future development for the property. As such, the Commission expressed that they wanted to see a comprehensive plan for the entire property before considering approval of the demolition of the c1930's addition. They specified that the plan was to include detailed specifications for the rehabilitation of the existing house to make it livable, any proposed new additions for the historic house, and, if applicable, the proposed new construction for the adjacent lot.

In the staff report for the above hearing, staff outlined specific guidelines for any proposed new construction for lot 59. These guidelines were:

- The new house should have an increased front yard setback to reduce the prominence of the new structure on the street. This technique has often been utilized in historic districts, by proposing that new construction should read as an ancillary structure. This would assure that the new construction would defer to the historic structures, at least in size, massing and location.
- A study of local building types should be undertaken to develop an understanding of the local built environment, and then use this understanding to draft a compatible dwelling and addition in terms of massing, scale, and materials, without introducing a false sense of time and place.

- This district is consistently described as a garden suburb, and a place where the environmental setting is as important as any of the buildings. Therefore, the new construction must be sympathetic to maintaining a significant amount of open space on the lot – which will require the footprint of the house to not exceed the current footprint of the historic house. (The average lot coverage for all primary resources within the historic district is 10%. The minimum being 5% and the maximum being 25 % - p.47 of the *Vision*.)
- The utilization of compatible building materials. Artificial materials, such as vinyl or aluminum siding will not be appropriate.
- The principal façade of the new house must face Summit Avenue. Off-street parking and access to the new house should be obtained through an easement along the east property line of the historic house.

Subsequent to the February HAWP review, the ownership of the property changed. The new owner submitted a preliminary consultation for this project which was discussed at the June 9, 2004 HPC meeting (see transcript beginning on circle). At this meeting, the Commission was presented with a plan whereby the c1930's addition and existing garage was demolished, the historic house received an addition onto its historically rear façade facing along Prospect Street and a new, one-car, garage was to be built at the back of the lot. Additionally, the applicant proposed a new house to be constructed on the new vacant lot with a new, two-car garage also to be built at the back of its lot.

At the June 9th meeting, most of the Commission members expressed concern about removing the 1930's addition. Some were concerned because they felt the addition had historic merit and some were concerned because removal of the addition created a buildable lot. This was very different from the comments made during the February 2004 HAWP review. Furthermore, the majority of the Commission members vocalized that they were opposed to infill development on the adjacent lot but could support a new addition that straddles the existing lot lines. Commissioner Fuller, stated that he did not object to the concept of development on the adjacent lot; yet felt that the historic house's proposed addition created too long a building wall along Prospect Street. He thought the historic house needed a major addition. For this addition to be successful, Commissioner Fuller explained that the addition would need to be built at the rear corner of the existing house, straddling the lot line.

ARCHITECTURAL DESCRIPTION

SIGNIFICANCE: Primary 1 Resource
 STYLE: Vernacular
 DATES OF CONSTRUCTION: ~~1894, c1930~~ 1891

This Primary 1 resource is located at the edge of the historic district along Prospect Street. Built in two distinct phases, the original massing was built c1900 and the rear extension was built by 1931. The original massing's historic principal façade is the current elevation that faces Summit Avenue. It is believed that this façade contained a full-width shed-roof front porch, which does not exist today. The current principal façade is the elevation that currently faces Prospect Street.

The main massing (located on Lot 58) is a 2-1/2-story, three-bay, frame building sheathed in German wood siding and covered with asbestos shingle. It is set upon brick perimeter foundation and is covered with a cross-gable roof, clad with asphalt shingles. The windows are 2/2 double hung. A two-story, flat roof frame addition (c1930 – straddles Lot 58 and 59) clad in horizontal lap siding and also covered in asbestos shingle and set upon a battered concrete block foundation, extends off of the (current) rear elevation of the house. A one-story mudroom addition (post 1930), protrudes from the east, side elevation.

The property also contains a frame garage building (c1930) in deteriorated condition (located on Lot 59).

PROPOSAL:

The applicant is proposing to:

1. Demolish the existing c1930 shed roof frame rear addition and the existing c1930 frame garage. Rebuild the rear wall of the main massing utilizing some of the 2/2 windows from the rear addition to be demolished.
2. Remove the asbestos shingle siding to expose the German siding underneath. Rehabilitate the German siding through patch and repair with matching siding.
3. Rehabilitate the existing house into a 2 bedroom, 2-1/2 bath residence. Construct an 8' x 16' porch onto the historic house's Prospect Avenue elevation.
4. Construct a new, 950 sq. ft. footprint, house on Lot 59.
5. Remove the existing curb cut and driveway and install a new curb cut and construct a new driveway along the rear property lines.
6. Remove (4) four evergreen trees from the property.
7. Construct a one-car garage to be associated with the historic building on Lot 58.
8. Construct a one-car garage to be associated with the new house on Lot 59.

CALCULATIONS

Lot 58 (Historic House)

Lot size: 7,884.75 sf

Proposed Footprint (minus the 1930s addition):	864 sf	(10.9% Lot Coverage)
W/garage	1,128 sf	(14.3% Lot Coverage)

Lot 59 (New House)

Lot size: 7,767 sf

Proposed Footprint:	850 sf	(10.9% Lot Coverage)
W/porch	950 sf	(12.2% Lot Coverage)
W/garage	1,534 sf	(15.6% Lot Coverage)

APPLICABLE GUIDELINES:

Proposed alterations, new construction and demolition to buildings within the Kensington Master Plan Historic District must be in compliance with the *Secretary of Interior's Standards for Rehabilitation*. Rehabilitation is defined as the act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features, which convey its historical, cultural, or architectural values.

The Secretary of Interior's Standards for Rehabilitation that pertain to this project are as follows:

- #2 The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces and spatial relationships that characterize the property will be avoided.
- #3 Each property will be recognized as a physical record of its time, place and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.
- #6 Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.

In addition, the HPC formally adopted the planning study, *Vision of Kensington: A Long-Range Preservation Plan (Vision)*, and is directed by the Executive Regulations, which were approved by the County Council, to use this plan when considering changes and alterations to the Kensington Historic District. The goal of this preservation plan "was to establish a sound database of information from, which to produce a document that would serve the HPC, M-NCPPC, their staff and the community in wrestling with the protection of historic districts amidst the pressures of life in the 21st century." (page 1). The plan provides a specific physical description of the district as it is; an analysis of character-defining features of the district; a discussion of the challenges facing the district; and a discussion of proposed strategies for maintaining the character of the district while allowing for appropriate growth and change.

The *Vision* outlines development standards (p.58) for any additional development on vacant lots within the residential core. These standards were developed by analyzing existing conditions in the historic district in 1992, noting that the District was designated by the County

Council in 1986 and that alterations undertaken prior to 1986 were not reviewed by the HPC. The existing conditions reflect the unique environment in Kensington in 1992, which retained a high level of integrity and late-19th and early 20th century character-defining features despite many alterations and changes prior to that date.

The development standards for the Kensington Historic District, Residential Core, are:

- 1: *Utilize a minimum of two lots, or 15,000 sf.*
- 2: *There should be a maximum lot coverage of 10%.*
- 3: *The minimum front yard setback should be 35';
The side yard setbacks should be 25'.*

STAFF DISCUSSION

Following the Commission's comments from the previous preliminary consultation on June 9, 2004, which expressed that they had concerns about removing the 1930s addition so as to allow development of a house on the adjacent lot, staff is recommending that the Commission deny this HAWP application.

Additionally, staff is concerned about the removal of the c1930's addition. Without a plan to construct a new addition, the current proposal severely compromises the viability of this house. The current square footage with the existing addition is 2,124 sq. ft. The removal of the addition will remove 396 sq. ft. from the property, leaving the existing house with a square footage of 1,728 sq. ft. of livable space – a proposed two-bedroom house. Based upon the Commission's comments at the previous hearing, staff is recommending that the applicant submit a new, HAWP application, which includes the demolition the existing c1930's addition, the construction of a two-story addition in the rear corner of the existing house, straddling the lot line and the construction of a garage at the rear of the property.

STAFF RECOMMENDATION

Staff recommends that the Commission **DENY** the HAWP application under 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 a historic district, and to the purposes of this chapter.

and being inconsistent with the Secretary of the Interior Standards for Rehabilitation, published in 1992.

and being inconsistent with the *Vision of Kensington*, adopted in August 1992.

July 14, 2004

1 too, as Michele --

2 MS. WILLIAMS: No. No.

3 MR. FULLER: I'll second.

4 MS. O'MALLEY: Is there any more discussion? All
5 in favor? It's unanimous. Thank you. Good luck with
6 completing this project.

7 MR. WOOD: Thank you very much.

8 (Discussion off the record.)

9 MS. O'MALLEY: All right, the next case on the
10 agenda is Case D, 4010 Prospect Street. Can we have a staff
11 report?

12 MS. NARU: Okay, 4010 Prospect Street in
13 Kensington, Lots 58 and 59 is a Primary 1 Resource within
14 the Kensington Historic District. The project has had its
15 first meeting on February 11th, 2004. At this meeting, the
16 Commission reviewed a Historic Area Work Permit application
17 by a previous owner for the removal of the 1930's addition
18 and rehabilitation of the existing historic dwelling. The
19 application was denied. At this meeting some of the
20 Commissioners were supportive of the proposal and concept,
21 but were concerned about better understanding the future
22 development of the property. As such, the Commission
23 expressed that they wanted to see a comprehensive plan for
24 the entire property before considering approval of the
25 demolition of the 1930's addition.

1 They specified that the plan was to include
2 detailed specifications for the rehabilitation of the
3 existing house to make it livable and proposed new additions
4 for the house and, if applicable, the proposed new
5 construction for the adjacent lot.

6 At this -- subsequent to the February Historic
7 Area Work Permit review, the ownership to the property has
8 changed. The new owner submitted a preliminary consultation
9 for this project, which was discussed at your June 9th, 2004
10 meeting. At this meeting, you were presented a plan whereby
11 a circa 1930's addition and existing garage was demolished.

12 The historic house received an addition onto its
13 historically rear facade facing along Prospect Street, and a
14 new one-car garage was to be built at the back of the lot.
15 Additionally, the applicant proposed a new house to be
16 constructed on the new vacant lot with a new two-car garage,
17 also to be built in the back of the lot.

18 At the June 9th meeting, most of the Commissioners
19 expressed concern about removing the 1930's addition. Some
20 were concerned because they felt the addition had historic
21 merit and some were concerned because the removal of the
22 addition created a buildable lot. This was very different
23 from the comments made during the February, 2004 Historic
24 Area Work Permit review. The majority of the Commission
25 members vocalized that they were opposed to infill

1 development on the adjacent lot, but could support a new
2 addition that straddles the existing lot lines.

3 Additionally, Commissioner Fuller stated that the
4 -- that he did not object to the concept of development on
5 the adjacent lot, yet felt that the historic house's
6 proposed addition created too long of a building wall along
7 Prospect. Furthermore, he felt that the house needed a
8 major addition and that the current addition, to be
9 successful, he felt that it needed to be built at the rear
10 corner of the existing house straddling the lot line.

11 Currently before you you have a historic area work
12 permit application to demolish the existing 1930's shed roof
13 frame rear addition and the frame garage and to rebuild the
14 wall in the main massing utilizing some of the 2/2 windows
15 from the rear addition that is being demolished. Remove the
16 asbestos shingle siding to expose the German siding
17 underneath and rehabilitate the German siding through patch
18 and repair with matching siding.

19 To rehabilitate the house into a two-bedroom, two-
20 and-a-half bath residence and construct an 8-by-16 porch
21 onto the historic house's Prospect Avenue elevation. And to
22 construct a new 950 square feet footprint house on the
23 adjacent Lot 59.

24 The proposal further includes the removing of the
25 existing curbcut and driveway and an installation of a new

1 curbcut in which the construction of a new driveway along
2 the rear property lines. And too, a one-car garage to be
3 associated with the historic building and the new house.
4 And, finally, to remove four evergreen trees from the
5 property.

6 Following the Staff -- the Commission's comments
7 from the previous preliminary consultation on June 9th,
8 which expressed that they had concerns about removing the
9 1930's addition so as to allow development of a house on the
10 adjacent lot, Staff is recommending that the Commission deny
11 this HAWP application. Additionally, we are concerned about
12 the removal of the 1930's addition and without a plan to
13 construct a new addition, we feel that the current proposal
14 severely compromises the viability of the house.

15 The current square footage for the existing
16 addition is 2,124 square feet. The removal of the addition
17 will remove 396 square feet from the property, leaving the
18 existing house with a square footage of 1,728 -- this is the
19 proposed two-bedroom house and 1,728 of livable space.

20 Based upon the Commission's comments at the
21 previous hearing, Staff has recommended the applicant submit
22 a new Historic Area Work Permit application which includes
23 the demolition of the existing 1930's addition, the
24 construction of a two-story addition in the rear corner of
25 the existing house straddling the lot line and the

1 construction of a garage at the rear of the property.

2 I do have photos of this property if you are
3 interested in seeing them, and I'd be happy to entertain
4 questions you may have. And the transcript from the
5 previous meeting is also attached to your staff report. And
6 the architect for the project is here this evening.

7 MS. O'MALLEY: Are there any questions for Staff?
8 Would you like to see the slides, or have you seen enough
9 from last time? All right, you don't have anything else,
10 right? All right, and we have the applicants before us.
11 Would you state your names for the record, please?

12 MR. MYERS: I'm George Myers, architect.

13 MR. AYALA: Felix -- Ayala, owner.

14 MS. O'MALLEY: And did you want to make some
15 comments.

16 MR. MYERS: Yes, I would like to make just a
17 couple comments. First of all, obviously, this is about
18 infill. I personally don't think that the existing addition
19 that's there is significant and I think -- obviously, I
20 think it probably would have been approved to be demolished
21 if it wasn't for the infill issue. And I just wanted to say
22 that generally speaking, I'm not for infill development in
23 Kensington, but I do think there are circumstances where it
24 is acceptable and I think this is one of them, and I think
25 the reason is, is mainly because by allowing it, it allows

1 this existing house to be restored and become economically
2 viable again.

3 So, I think it really comes down to whether -- in
4 my opinion, I think it is in the interest of preservation
5 because if -- I think this proposal is the best chance that
6 this property has to get back on line in the near future.
7 You know, I've looked at it with Mr. Ayala in different ways
8 in terms of building an addition and I can tell you that it
9 -- long and short of it is he bought the property because he
10 was under the impression he'd be able to build a house.
11 And, you know, whether or not that's right or wrong, that is
12 the fact that the current state of the situation here and
13 for what he paid for the property, for what it would cost to
14 put an addition on and for what he could sell a big
15 property, it just doesn't work.

16 And so the long and short of it is the proposal
17 that you have in front of you probably will work not like
18 what he thought, but nevertheless it's a chance it could get
19 moved and get going versus having the property sit there and
20 then probably have to change hands again before somebody can
21 come back to you with an addition.

22 So, I think in this case this is one of these
23 situations where we can have a choice of -- we can have an
24 existing house restored exactly the way it was built
25 originally. It is completely viable, and I disagree with

1 Staff on that, because 1,728 square feet doesn't include the
2 third floor, which we were going to finish as well for
3 another bedroom. It's also more square footage than the
4 house we built on Baltimore Street, which we finally sold
5 for over \$600,000 several years ago, so it's clearly -- two
6 small houses are clearly viable here, and in my opinion, a
7 better situation because what the public will see is an
8 existing house restored completely. A little perfect gem on
9 the corner the way it was without any addition, a perfect
10 gateway to Kensington in my opinion, and I don't think the
11 public or anybody -- would even notice the house behind. I
12 mean, I just really think that in this case this is one of
13 those situations where I think an infill lot is a good
14 trade-off for the restoration of an existing house. And,
15 again, I'm not -- wouldn't say this about, you know, doing
16 infill building in the main historic core around the circle
17 and some of these other spots in Kensington.

18 So, that's really all I have to say. I just
19 wanted to put my two cents in about it, so I'd be happy to
20 answer any of your questions or --

21 MS. O'MALLEY: Could you -- I noticed you've been
22 working on the house. Could you fill me in as to what
23 you've done so far?

24 MR. AYALA: We've been trying to clean it up on
25 the inside basically. So, I've been moving some of the old

1 appliances that we had and also -- the -- cement, which is
2 not --

3 MR. MYERS: Plaster.

4 MR. AYALA: -- plaster.

5 MR. MYERS: There's been no removal of walls or
6 any structure of any kind. It's just cleaning up and
7 removing finishes at this point. The house has to be
8 rewired and replumbed and all of those things would have to
9 occur.

10 MS. O'MALLEY: So, you've removed all the plaster?

11 MR. AYALA: Yeah, most of it.

12 MS. O'MALLEY: Any other questions? We have a
13 couple of speakers, so if you'll step down. The first
14 speaker is Jim Engel with LAP. It will be five minutes.

15 MR. ENGEL: I'm Jim Engel with the Kensington
16 Local Advisory Panel. I guess what George talks about as
17 far as the historic nature of the addition and whether it
18 merits retaining, in a lot of cases that's probably true,
19 but in this case it's somewhat unique. Rarely in Kensington
20 do we find a situation where we really know the history of
21 the house and its owners and in this case, there has only
22 been one owner; that's is, until Tom Cosgrove bought it a
23 while back -- a few months ago and then sold it to Mr.
24 Ayala.

25 I obtained a copy of a brochure that's published

1 by Peerless Rockville as part of their exhibit of the
2 photography of Malcolm Walters, the last owner of the house,
3 and it's interesting. It says here, "Except for a brief
4 four-year period spent in school in Catonsville and in the
5 armed services, Mr. Walters live his entire life in the
6 Kensington house his father built in 1891." This was
7 printed in 1993 when Mr. Walter was alive. And he operated
8 a business out of that house throughout most of his life, so
9 it's a little unusual in this case that we would find a
10 situation where we can really look at the house and what was
11 done to it and understand its relationship to its
12 environment. Again, if this house had not had this sort of
13 well-documented history, it might make sense here to say,
14 sure it would be okay to tear off this addition, but in this
15 case, it has some historic merit.

16 I guess also when we talk about infill in general,
17 you know we've raised this issue before -- the issue of
18 precedent. That allowing infill says to the next developer
19 that comes along, "Well, it was allowed on Summit and
20 Prospect, why can't it be allowed here?" This isn't the
21 historic core, but it's Baltimore Street or it's Washington
22 Street or it's Fawcett Street." So, you know, that's what
23 we -- that's what we get concerned about when we talk about
24 infill and infill, as we say, represents the greatest threat
25 because eventually it wears away at the relationship between

1 the primary resources and the environment, which in the case
2 of Kensington is so unique because it's obvious that while
3 the developer of Kensington, Mr. Warner, laid out a lot of
4 small narrow development lots, the people that bought those
5 lots chose to buy two and three lots at a time so that they
6 could enjoy the space around these summer homes that they
7 chose to build for themselves.

8 Any questions?

9 MS. O'MALLEY: Thank you. And we are in receipt
10 of your report from the LAP. James Cooper?

11 MR. COOPER: Good evening. My name is James
12 Cooper. I own the Lot 56 and 57, which is adjacent to the
13 lots -- the Lot 58 and 59. In February at the HPC meeting,
14 I presented my objections when the previous owner, Mr.
15 Cosgrove, made a rather rudimentary proposal to demolish the
16 historic addition at 4010 Prospect Street.

17 Interesting, listening to Mr. Myers, it's
18 reminiscent of Mr. Cosgrove's argument that they paid -- the
19 owners paid too much money for this property and can only
20 recoup the money if they're allowed to tear off the addition
21 and put in another property. I think Mr. Cosgrove at the
22 time hadn't really elaborated on his plans -- he basically
23 just wanted to be allowed to demolish the historic addition
24 and so he could sell that lot and so he could then get the
25 money to fix up the existing structure.

1 In May, my wife and I sent to Commissioner
2 O'Malley a response to a preliminary consultation that we
3 had received. The letter outlined in detail our objections
4 to that proposal, which was more detailed, as I said, than
5 the previous owners. I would have been here that night,
6 June 9th, but my daughter graduated from high school that
7 evening and -- but we had in the letter additionally 29
8 other residents who signed that letter from Kensington.
9 Actually, there are more folks who would sign the letter if
10 they became necessary, depending on where this goes -- this
11 process goes - but we had to get that letter out in time
12 since I couldn't present that night we wanted to make
13 certain the letter reached Abby so that she could make sure
14 that all of you got a copy of that in your packets for the
15 June 9th letter -- June 9th meeting.

16 I won't bore you with reading the whole letter. I
17 see --

18 MS. O'MALLEY: I was going to recommend that you
19 try to shorten your --

20 MR. COOPER: And I'll just highlight a couple of
21 things. All of us thought -- think and believe that this is
22 a primary resource. It's one of the oldest and most
23 prominent and important structures in the Kensington
24 district. It is surely a gateway property and it's a 70-
25 year-old addition that they are proposing to demolish. It

1 qualifies as per National Trust standards to be historically
2 designated. It existed at the time that the Kensington
3 Historic District was designated. The existing structure
4 and environmental setting on Lot 58 and 59 are prominent and
5 important to the historic district and part of the vision of
6 Kensington as outlined in the historic designation document.

7 The vision noted specifically, and I'm quoting now
8 that, "Land contiguous to a structure and historically part
9 of that structure and which is being used by the owner of
10 the property functionally is not vacant land." The existing
11 side yard adds to the character, rhythm and streetscape and
12 complements the historic structure. And, for example, there
13 are four trees on Lot 59 alone which tower high above this
14 structure. They were al -- there were also existing gardens
15 which have already been demolished by the previous owner.

16 In our letter we recommended that regardless of
17 the owner that the HPC deny any permission to demolish the
18 historic addition and/or compromise the existing
19 environmental setting by destroying mature trees. We do
20 urge the Commission to limit the development of the property
21 to the restoration and/or expansion of the existing
22 structure consistent with the previous HPC approvals of
23 properties throughout that district.

24 Thank you.

25 MS. O'MALLEY: Thank you. We have one other

1 speaker. Helen Wilkes.

2 MS. WILKES: Good evening. I'm Helen Wilkes. I'm
3 a neighbor of the property on Prospect Street and an
4 architect, and I spoke previously about my concerns. Mostly
5 I would like to reiterate my concern about the dangerous
6 precedent that might result from the approval to remove a
7 1930's addition from a primary resource for the purpose of
8 creating a buildable lot. I believe this is the biggest
9 issue by far in this case.

10 Around 1990, just to -- some of my history with
11 the issue, there were in Kensington two controversial infill
12 proposals around the same time that were considered by the
13 HPC. One of them was opposite Circle Manor, the large oval
14 in the center of our town on Carroll Place, and one was on
15 Prospect Street. Attorneys were retained by both sides. It
16 was fairly acrimonious in both of these cases because the
17 neighbors felt so strongly opposed to these infill
18 proposals.

19 Much time was spent by the attorneys in these
20 hearings discussing the intent of the Town's founder,
21 Brainard Warner in laying out regular lots that were sold in
22 single, double, or triple units to those who were encouraged
23 to buy and build and move to a garden park suburb. While it
24 was difficult to prove in these hearings Mr. Warner's
25 personal intent that gracious homes by built on two or three

1 lots surrounded by garden space, there are clear markers of
2 that intent in many of the Town's historic properties in
3 their architecture, including his own home, which occupied
4 the central oval and has around it the most open space of
5 any property in town.

6 Several historic houses in Kensington cross over
7 their lot lines and were either built that way originally or
8 have existed that way since the period of significance for
9 Kensington's primary historic resources. It's clear in
10 these buildings that the intent was to surround the homes
11 with open space since the homes are centered so as to
12 produce a significant proportion of open space between these
13 houses and their closest adjacent neighbors.

14 The addition was built by the original owners in
15 this case and has existed intact for three-quarters of the
16 life of that house. That house is a primary resource, which
17 is every bit as worthy of protection as any other primary
18 resource in the historic district, despite its adjacency to
19 a non-historic neighborhood.

20 Final -- not final. At a time when the Town is
21 working on establishing a clear identity for Kensington that
22 includes gateway signage and landscape features at entry
23 points into the Town, clearly what we do with this
24 significant entry point into the Town matters in a big way
25 and I think making the statement that we protect our

1 historic properties is a rather important statement to make
2 in the Town's historic district.

3 And finally, I'd suggest that if Mr. Ayala had the
4 impression here that he was buying a buildable lot and was
5 so informed by the realtor or the previous owner, he was
6 clearly mistaken and he may have legal recourse. There is
7 no buildable lot there. It does not exist, nor should there
8 be one created if this historic property receives the
9 historic protection mandated so very clearly by the
10 Preservation Ordinance as it applies to Kensington.

11 Thank you.

12 MS. O'MALLEY: Would the applicants like to come
13 back up. Questions? One of our guidelines is the Secretary
14 of Interior Standards and number four on that list is that
15 most properties change over time and those changes that have
16 acquired historic significance in their own right shall be
17 retained and preserved. This particular addition has been
18 there for 70 years. Perhaps the roofline doesn't quite tie
19 in with the original resource, but the addition itself has
20 gained significance in its own right.

21 Also, in the Vision of Kensington, they suggest
22 that any infill in the historic core be two lots, and we
23 don't have that here.

24 MR. MYERS: I just would make a comment there's
25 been a little bit of talk about precedence. I don't really

1 perceive this as a -- this particular one as precedent, and
2 I'm also kind of intrigued by the talk about it because it
3 seems to me there already is a precedent on Baltimore Street
4 and there's also a house on Washington Street, both infill
5 projects; one of which I was involved in. I'm wondering how
6 -- I mean, clearly it doesn't seem to matter a heck of a
7 lot, I mean in terms of infill building. I supposed the
8 difference here is the addition that you're talking about,
9 but I'm just saying from an architectural point of view, I
10 look at it as something that detracts from the original
11 structure; that it was incompatible, in my opinion. So,
12 that's why that I thought it was reasonable to -- whenever I
13 went by, I thought it was just reasonable to remove it.

14 MS. WILLIAMS: Yeah, I mean I think the biggest
15 difference there is that the existing conditions of this
16 building preclude development on the second lot and -- on
17 the adjacent lot, and the Vision of Kensington clearly
18 states its goal to retain open space in the name of this
19 Victorian garden suburb. And, you know, I'm sitting here --
20 it's a particularly difficult situation to be in because
21 you're both trying to be, you know, looking at it from a
22 design perspective and a preservation perspective and I have
23 to keep reminding myself, we're the Historic Preservation
24 Commission. Because when I look at your plans, I think, you
25 know, really and truly this is a good proposal in many

1 respect architecturally and, you know, listening to you talk
2 it makes me believe, you know, in a way this is the only
3 solution for this poor house; otherwise, it's going to be
4 forlorn and abandoned and never saved again.

5 And then I have to remind myself that that's not
6 what it's about. We are a preservation commission. This is
7 about open space. It's about upholding the Vision of
8 Kensington and it's, you know, about retaining the historic
9 character of the historic district. And, you know, it's not
10 -- to me it's not so much about this house and that
11 addition. I don't necessarily think that that addition is
12 so significant that it should never be demolished in the
13 future, but I think the fact that the addition straddles the
14 lot line is so significant because it protects that side lot
15 from future development, it is important. And so I guess,
16 you know, for me I just -- I have to just keep saying this
17 is the vision that we're looking at. The vision is open
18 space, retain the open space and I think you have a great
19 proposal in a way.

20 I mean, I think the proposed house is compatible
21 in many respects if it were an existing buildable lot I
22 think we'd be hard-pressed to deny it. But it's not an
23 existing buildable lot currently, so -- I mean, I think, you
24 know, I sort of -- after struggling and, you know, thinking
25 hard about it, I think there is actually a future for a

1 single-family residence, you know, on the site; not on the
2 side lot, but you know in addition to the existing structure
3 that is viable, and I don't really buy the argument that the
4 only viable alternative here is two smaller houses. I
5 think, you know, in the future we probably would entertain
6 an addition to the existing structure with -- of the side
7 lot.

8 MR. MYERS: And I don't mean to say that it's not
9 viable. It's not viable for this client, this owner who
10 currently owns it. It may be viable after he sells it at a
11 reduced price to someone else. That's all I meant to say.
12 I'm not saying from a preservation point that's not
13 achievable. The shame of it all really probably goes back
14 to the -- I guess this client and the previous owner made --
15 and others were sort of led to believe one thing and it
16 would have been better if that had happened before the thing
17 ever got sold in the first place so everybody knew what the
18 -- what really could happen there and would have adjusted
19 the price to the point where what ought to happen from a
20 preservation point of view could happen for an owner. Just
21 sort of -- we're sort of two owners down and here we are,
22 so --

23 MS. O'MALLEY: I do think --

24 MS. WILLIAMS: I also just think, you know, that
25 what we're looking at is in perpetuity. I mean --

1 MR. MYERS: I understand.

2 MS. WILLIAMS: -- you know -- you know, I hate to
3 be callous about this. You know, I'm sorry that your client
4 is going to lose some money, but ultimately what we're
5 concerned about is what Kensington looks like 100 years from
6 now and so, you know, we're more concerned with retaining
7 the historic character.

8 So, you know, this isn't -- isn't necessarily an
9 easy decision and I just -- I have to remind myself what the
10 vision of our Commission is and I think it is to uphold the
11 standards of the Vision of Kensington and even though I sort
12 of differ from some of my Commissioners in that I don't
13 think that that addition necessarily in its own right has
14 significance, it's significant in the fact that it sits
15 where it sits and is, by virtue of that fact, retaining open
16 space.

17 MS. O'MALLEY: I think it also shows that the
18 intent was that it would be used as one property.

19 MR. FULLER: I'll go the other route on it so --
20 diversity. I agree with Commissioner Williams. I don't
21 think the significance of the existing addition really
22 warrants that that has to be there, so there's a question is
23 it there to prevent us from having infill development? I
24 personally like the fact that -- with the cleaned up
25 exterior of the existing building. I think it does sit on

1 the corner like a jewel. As it relates to coverage and
2 things like that, I'd almost be inclined to say what if we
3 got rid of all the garages. At that point your new building
4 is only slightly bigger than the existing garage plus the
5 addition, so that in terms of open space and things, there
6 might be methods of, you know, taking the onus off of the
7 paving and things like that that are at the rear. But I
8 think I could be in support of a proposal like this. As I
9 said, it's not easy -- but I do believe I could support it
10 this way. It's probably the minority position.

11 MR. MYERS: Well, we'd -- you know, obviously, if
12 they're given a choice, the garages aren't really that
13 important, so go on record if that were ever the case.
14 That's an easy one.

15 MS. WATKINS: I would agree with Commissioner
16 Williams. I think it's really important that we retain the
17 addition and that the fact that the addition does maintain
18 the open space I think is the key issue here. So, I
19 couldn't support that structure.

20 MR. MYERS: The only thing that I would, again,
21 fall back on is that I think there are situations in
22 preservation where a trade off -- when you have a -- I've
23 been involved in some where you have a property that is sort
24 of -- gotten left out on their corner, probably had a bigger
25 front yard before Summit got widened and now it's sort of

1 out there on the corner and lost some of its value because
2 of it. And this has, you know, been the case in other
3 situations and sort of -- some sort of trade off sometimes
4 is a good thing preservation-wise. So, that's what I'm
5 hanging my hat on here, to say that this is not -- this
6 house is not going to have the value of a house that's a
7 block or two into the historic district because of its
8 location; not only the lot is not the problem, the fact of
9 where it sits on the lot. It's practically on top of
10 Summit. You know, it's literally five or 10 feet back from
11 Summit so it's -- it's got value problems and that's why it
12 looks the way it does. That's why it's run down, that's why
13 it's been run down and so it's going to continue to be run
14 down. And that's why you see a lot of run down houses on
15 roads that used to be country lanes, but are not major
16 thoroughfares and I think in some cases trade offs are
17 necessary to get that house back to the point where there's
18 a family living in it or somebody living in it and
19 somebody's taking care of it. And I think this is one of
20 them.

21 And I'm just telling you that I understand all of
22 your arguments and I don't disagree. I think it's a
23 difficult issue, but the choice of the matter is I just
24 think it's going to still be sitting there for a while
25 because things are going to have to happen -- you know, it's

1 going to change hands and some loss of value is going to
2 have to happen before somebody can buy that thing and afford
3 to put the money into it as it is and live there.

4 So, just -- the decision you have will mean that
5 that property -- you could have a beautiful restored house
6 there in about six months or it could be sitting just like
7 it is now in two years. And it's not a threat of anything;
8 I'm just telling you the reality.

9 MS. WILLIAMS: No, I think that's absolutely true.
10 But I mean I'm questioning are we really at that point of
11 having to make a compromise and I keep, you know, thinking
12 about the Seminary, you know, at Forest Glen. It's like I
13 think a lot of even preservationists would have thrown in
14 the towel on that project 10 or 15 years ago --

15 MR. MYERS: But that has some government money,
16 doesn't it?

17 MS. WILLIAMS: -- but there were die-hard strong,
18 you know, supporters and now we're going to get a really
19 great new project and, you know, I think about this one.
20 Are we ready to throw in the towel? Are we ready? I don't
21 think we're there yet. I think we can wait another two
22 years and see if a buyer comes along who's going to really
23 fix it up appropriately. Sure -- I mean, I'm sure that the
24 neighborhood would like to have something in there in six
25 months, but I don't think they're ready to compromise their

1 open space for that yet.

2 MS. ALDERSON: I'm going to agree with
3 Commissioner Williams and restate my position from the last
4 hearing. And that is that I, too, agree that although I
5 think that setback is certainly obviously a challenge,
6 needing more space -- the greater likelihood that a family
7 would be comfortable building to the side.

8 However, I too agree that there is not compelling
9 evidence that there is no alternative. There are times when
10 a trade off has to be accepted, but we've not been given the
11 evidence we are at that point. I bring -- another
12 perspective I bring to it is one of the owners of a double
13 lot in Takoma Park. I can't picture modifying the house
14 that is centered on the double lot to get in another
15 building and in Takoma Park, like Kensington, a very
16 prominent characteristic of the core historic district is
17 the variable lot sizes, and those handful of houses that
18 still exist centered on their lots -- I felt it was a very
19 good description how they were positioned to have this space
20 -- is a very defining characteristic of the district.

21 So, I think here, although I do -- I think the
22 restoration plan is very commendable, I think the overriding
23 and very significant issue here is the dominant character of
24 the district and if we do lose this variability and this
25 space where it exists to removal of additions to create

1 additional buildable lots, I think we do seriously erode the
2 city.

3 MR. MYERS: I just would point out that this house
4 originally wasn't built over the lot line. When it was
5 originally built, it was on the one lot so it's not typical
6 of those other lots that are sort of straddling originally.
7 I mean, it is a little different in that when it was built,
8 it was on a lot and the addition put it over the lot. So,
9 when it was built, it wasn't necessarily -- I mean, if he'd
10 have meant to -- why didn't he build it in the center of
11 those two lots if he really had meant not to build on the
12 other lot. So, there's not quite the same as a lot of the
13 other ones we're talking about in Kensington.

14 MS. ALDERSON: It's a characteristic that remained
15 very common through that time, that sort of semi-rustic
16 characteristic. And I remember reading the early real
17 estate journals in Takoma Park where many of these people
18 were buying these houses with the expectation they would
19 plant orchards, they would have chickens, I mean they really
20 had a somewhat rustic quality and that is -- that's the
21 remnant of it, is these houses that have some space around
22 them.

23 MR. BRESLIN: One other thing to consider is the
24 historic houses being made smaller, which is usually what
25 we're not -- we usually don't see that. We usually see

1 houses being made bigger with additions.

2 MR. MYERS: That's ironic, isn't it. It works for
3 me.

4 MR. BRESLIN: So, it's -- I'm looking at it --

5 MR. MYERS: It occurs to me -- too small --

6 MR. BRESLIN: No, in a way it's kind of refreshing
7 to see that happen. On the other hand, you're making the
8 house smaller -- you know, two bedrooms if you don't count
9 the attic, 1,700 and some odd square feet and there's no way
10 to put an addition on it in the future. Unless it's put
11 in -

12 MR. MYERS: Yeah, I think -- nevertheless, there's
13 -- again, the house we built on Baltimore Street's 850
14 square foot footprint. I mean -- and it was only one-and-a-
15 half stories. This is two full stories. So, yes, it's a
16 small house, but I don't think a restored house here would
17 ever have trouble somebody living -- you know, a couple with
18 one kid or just a couple. You know, it's like a townhouse
19 size really is what it is.

20 MS. ALDERSON: With these values I would not be
21 surprised at all if the next proposal we got is for the
22 maximum possible addition on this lot with great challenges.

23 MR. MYERS: Well, I think that's probably true.
24 You know, you can't go too big because it's going to
25 overwhelm that little -- fairly small house. But then the

1 other challenge goes, well now it's -- you've got to make it
2 big enough to warrant certain value and that's going to
3 start -- historic structure as well. So, it's just a
4 different -- you know, that's -- again, I've looked at it
5 both ways and you all know I've done plenty of additions in
6 the historic district of Kensington and, you know, I just
7 think I'd love to see this house as a small home. I'd like
8 to see more small houses in Kensington. I think there's an
9 opportunity for it. So, I keep arguing -- I keep throwing
10 it out there. I can see where it's going, but I just --
11 anyway --

12 I would -- can I just say one more thing? The
13 issue of this infill in Kensington would greatly -- I'm not
14 sure how to do it, but if there's any way to clarify and,
15 for example, just going into it, if everybody sort of knew
16 which lots were off limits, which lots were potentially
17 buildable, it really could save a lot of trouble for some
18 people, which, you know, I've become involved in helping
19 them. I'm not exactly sure how to do it, but I could --
20 right now when people call me, I don't know what to tell
21 them. You know people say what is this house; can you build
22 the lot next to it? You know --

23 MS. WILLIAMS: No.

24 MR. MYERS: But then how do you -- but then they
25 say -- well, how do you explain Baltimore Street? I mean,

1 which I was involved and I designed. So, they say -- well,
2 I don't know what to say. I'm just saying if there was an
3 official policy somehow that really was clear and that
4 really established the division of Kensington, you know it
5 does trump the Zoning Ordinance and these things -- because
6 I think there are some gray areas in there and I wish -- I
7 almost wish somebody would just take it and challenge it so
8 that there's a definitive legal thing to it.

9 MS. WILLIAMS: Consistency is a problem because --

10 MR. MYERS: And -- I mean, it's been -- this has
11 been --

12 MS. WILLIAMS: -- this is a revolving Commission,
13 there are revolving LAP members. I mean --

14 MS. WRIGHT: I think the Commission has been
15 extremely consistent in this particular issue and -- I mean,
16 we can talk about that offline if you want. If folks feel
17 that there needs to be some update or revision to the Vision
18 of Kensington guidelines, that can happen, but those
19 guidelines have worked quite well since 1992. It is clear
20 that nothing this Commission can do can make a buildable lot
21 legally unbuildable. There is nothing this Commission can
22 do. But there also is a major legal issue as to whether a
23 buildable lot necessarily means a single-family house. And
24 that is an interesting legal issue that may be challenged at
25 some point and if that happens, that happens. Owners cannot

1 be deprived of all reasonable use of their property, but the
2 question is what constitutes reasonable use.

3 MR. MYERS: I don't think you're actually allowed
4 to build if you -- unless you eliminate the lot line. You
5 have -- if you build something on the lot, it has to -- for
6 example if --

7 MS. WRIGHT: Well, outbuildings and garages.

8 MR. MYERS: Not unless you eliminate it as a
9 buildable lot.

10 MS. WRIGHT: Well, I mean, we can debate that --
11 I'm not absolutely sure. I've seen -- I think we've
12 approved outbuildings on buildable lots --

13 MR. MYERS: I'm not saying you guys can, but when
14 you go to the County --

15 MS. WRIGHT: They have to erase their lot line?

16 MR. MYERS: Yeah, they have to do a minor
17 subdivision to get rid of the lot line in order to build an
18 outbuilding that's not a single-family house.

19 MS. WRIGHT: Hmmm; okay.

20 MR. MYERS: I'm just saying that --

21 MS. WRIGHT: I think that -- you know, again, we
22 have the issue before us tonight of this particular
23 application and what's unique about this application is
24 there is no buildable lot today. That is the bottom line.
25 And the question you're being asked is do you want to create

1 a buildable lot? And I think that's really what you're
2 being asked to vote on.

3 MS. WATKINS: I move that we approve Case No.
4 31/06-04J as recommended -- approve the recommendation.
5 Which is the recommendation for denial.

6 MS. WILLIAMS: I'll second.

7 MS. O'MALLEY: All in favor, raise your right
8 hand. All opposed, raise your right hand. We have one
9 opposed; Jef Fuller. Any abstentions? And Nuray Anahtar is
10 abstaining.

11 I would like to just say that as far as -- when
12 people ask you about buildable lots, you'll find that the
13 Baltimore Street was an unusual case because there were
14 three lots and the original house still retained two lots --
15 still retained a lot of land around it, and that was a very
16 contentious --

17 MR. MYERS: I know, but again, going back to isn't
18 the buildable lot -- the house that was built didn't really
19 follow the Vision of Kensington like Kim said recommends two
20 lots in order to build a house. That wasn't --

21 MS. O'MALLEY: I think it was a mistake.

22 MR. MYERS: -- okay, well it's probably better to
23 just go -- say, look that was an aberration of the policy --
24 and have it official. I'm just saying it would save some
25 trouble.

HISTORIC PRESERVATION COMMISSION STAFF REPORT

Address:	4010 Prospect Street, Kensington Lots 58 and 59	Meeting Date:	06/09/04
Resource:	Primary 1 Resource Kensington Historic District	Report Date:	06/02/04
Review:	Preliminary Consultation	Public Notice:	05/26/04
Case Number:	N/A	Tax Credit:	Partial
Applicant:	Felix Ayala (George Myers, AIA)	Staff:	Michele Naru
PROPOSAL:	Rear addition and garage demolition, new construction of a rear addition, two garages and new house on adjacent lot		
RECOMMEND:	Revise current drawings and apply for and receive a variance for the front porch installation		

BACKGROUND

The Commission at its February 11, 2004 meeting reviewed a HAWP application for the removal of the c.1930's addition and the rehabilitation of the existing historic dwelling. At this meeting (transcript begins on circle) the Commissioners were supportive of the proposal in concept, but were concerned that the proposal would create future development challenges for the property. As such, the Commission denied the application expressing that they wanted to see a master plan for the entire property before approving the demolition of the c1930's addition. They specified that the master plan was to include the specification for the rehabilitation of the existing house to make it livable, any proposed new additions for the historic house, and, if applicable, the proposed new construction for the adjacent lot.

In the staff report for the above hearing, staff outlined specific guidelines for any proposed new construction for lot 59. These guidelines were:

- The new house should have an increased front yard setback to reduce the prominence of the new structure on the street. This technique has often been utilized in historic districts, by proposing that new construction should read as an ancillary structure. This would assure that the new construction would defer to the historic structures, at least in size, massing and location.
- A study local building types should be undertaken to develop an understanding of the local built environment, and then use this understanding to draft a compatible dwelling

and addition in terms of massing, scale, and materials, without introducing a false sense of time and place.

- This district is consistently described as a garden suburb, and a place where the environmental setting is as important as any of the buildings. Therefore, the new construction must be sympathetic to maintaining a significant amount of open space on the lot – which will require the footprint of the house to not exceed the current footprint of the historic house. (The average lot coverage for all primary resources within the historic district is 10%. The minimum being 5% and the maximum being 25 % - p.47 of the *Vision*.)
- The utilization of compatible building materials. Artificial materials, such as vinyl or aluminum siding will not be appropriate.
- The principal façade of the new house must face Summit Avenue. Off-street parking and access to the new house should be obtained through an easement along the east property line of the historic house.

ARCHITECTURAL DESCRIPTION

SIGNIFICANCE: Primary 1 Resource
STYLE: Vernacular
DATES OF CONSTRUCTION: 1894, c1930

This Primary 1 resource is located at the edge of the historic district along Prospect Street. Built in two distinct phases, the original massing was built c1900 and the rear extension was built by 1931. The original massing's historic principal façade is the current elevation that faces Summit Avenue. It is believed that this façade contained a full-width shed-roof front porch, which does not exist today. The current principal façade is the elevation that currently faces Prospect Street.

The main massing (located on Lot 58) is a 2-1/2-story, three-bay, frame building sheathed in German wood siding and covered with asbestos shingle. It is set upon brick perimeter foundation and is covered with a cross-gable roof, clad with asphalt shingles. The windows are 2/2 double hung. A two-story, flat roof frame addition (c1930 – straddles Lot 58 and 59) clad in horizontal lap siding and also covered in asbestos shingle and set upon a battered concrete block foundation, extends off of the (current) rear elevation of the house. A one-story mudroom addition (post 1930), protrudes from the east, side elevation.

The property also contains a frame garage building (c1930) in deteriorated condition (located on Lot 59).

The character-defining features of the district include the broad range of late 19th and early 20th century architectural styles, the extensive spacing between individual homes in the

Residential Core, and the effect of the generous amounts of open space which have been developed as gardens, such that the district is characterized as a “Victorian Garden Suburb” (National Register nomination).

PROPOSAL:

The applicant is proposing to:

1. Demolish the existing c1930 shed roof frame rear addition and the existing c1930 frame garage. Rebuild the rear wall of the main massing utilizing some of the 2/2 windows from the rear addition to be demolished.
2. Remove the asbestos shingle siding to expose the German siding underneath. Rehabilitate the German siding through patch and repair with matching siding.
3. Construct a 1,100 sq. ft. footprint addition onto the historic rear façade of the historic house. The addition is indented on both sides and the ridgeline is approx. 3’ lower in height than the historic massing.
4. Construct a 7’ wide, wrap-around front porch onto the historic house.
5. Construct a new, 950 sq. ft. footprint, house on the adjacent lot.
6. Remove the existing curb cut and driveway and install a new curb cut and construct a new driveway along the rear property lines.
7. Remove (4) four evergreen trees from the property.
8. Construct two garages on the lots. A one-car garage to be associated with the historic building and a two-car garage to be associated with the new house.

CALCULATIONS

Lot 58 (Historic House)

Lot size: 7,884.75 sf

Proposed Footprint:	1,100 sf	(13.9% Lot Coverage)
W/porch	1,400 sf	(17.7% Lot Coverage)
W/garage	1,664 sf	(21.0% Lot Coverage)

Lot 59 (New House)

Lot size: 7,767 sf

Proposed Footprint:	950 sf	(12.2% Lot Coverage)
W/porch	1,050 sf	(13.5% Lot Coverage)
W/garage	1,534 sf	(19.7% Lot Coverage)

APPLICABLE GUIDELINES:

Proposed alterations, new construction and demolition to buildings within the Kensington Master Plan Historic District must be in compliance with the *Secretary of Interior's Standards for Rehabilitation*. Rehabilitation is defined as the act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features, which convey its historical, cultural, or architectural values.

The Secretary of Interior's Standards for Rehabilitation that pertain to this project are as follows:

- #2 The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces and spatial relationships that characterize the property will be avoided.

- #3 Each property will be recognized as a physical record of its time, place and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.

- #6 Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.

In addition, the HPC formally adopted the planning study, *Vision of Kensington: A Long-Range Preservation Plan (Vision)*, and is directed by the Executive Regulations, which were approved by the County Council, to use this plan when considering changes and alterations to the Kensington Historic District. The goal of this preservation plan "was to establish a sound database of information from, which to produce a document that would serve the HPC, M-NCPPC, their staff and the community in wrestling with the protection of historic districts amidst the pressures of life in the 21st century." (page 1). The plan provides a specific physical description of the district as it is; an analysis of character-defining features of the district; a

discussion of the challenges facing the district; and a discussion of proposed strategies for maintaining the character of the district while allowing for appropriate growth and change.

The *Vision* outlines development standards (p.58) for any additional development on vacant lots within the residential core. These standards were developed by analyzing existing conditions in the historic district in 1992, noting that the District was designated by the County Council in 1986 and that alterations undertaken prior to 1986 were not reviewed by the HPC. The existing conditions reflect the unique environment in Kensington in 1992, which retained a high level of integrity and late-19th and early 20th century character-defining features despite many alterations and changes prior to that date.

The development standards for the Kensington Historic District, Residential Core, are:

- 1: *Utilize a minimum of two lots, or 15,000 sf.*
- 2: *There should be a maximum lot coverage of 10%.*
- 3: *The minimum front yard setback should be 35';
The side yard setbacks should be 25'.*

STAFF DISCUSSION

1. *Demolish the existing c1930 shed roof frame rear addition and the existing c1930 frame garage. Rebuild the rear wall of the main massing utilizing some of the 2/2 windows from the rear addition to be demolished.*

The Commission in its previous preliminary consultation supported the demolition of the c1930 addition and the garage in-concept, noting that they did not feel that the addition was a significant character-defining element of the house. Staff feels that the Commission should continue to support the proposed demolition of the c1930's addition and the severely deteriorated garage in order to return the exterior back to its original configuration.

2. *Remove the asbestos shingle siding to expose the German siding underneath. Rehabilitate the German siding through patch and repair with matching siding.*

The Commission generally supports the removal of the incompatible materials on its historic buildings and the rehabilitation of historic building fabric. Additionally, this work would be eligible for the County Tax Credit.

3. *Construct a 1,100 sq. ft. footprint addition onto the historic rear façade of the historic house. The addition is indented on both sides and the ridgeline is approx. 3' lower in height than the historic massing.*

Although the proposed addition increases the lot coverage to 14%, staff supports the above proposal noting that the proposed addition is in scale with the existing house and is very sympathetic to the style, scale and massing of the historic resource. Additionally, the proposed location of the addition allows the Summit Avenue elevation to become the visual principal façade of the house, thus returning the house back to its historic orientation.

4. *Construct a 7' wide, wrap-around front porch onto the historic house.*

Based upon oral histories from a previous owner of the house, this house did contain a front porch. It is unclear if the porch was a full-width front porch or a wrap-around as shown in the current proposal. Shadow lines might be visible when the original German siding is exposed during rehabilitation. Staff does note that this proposed wrap-around porch does provide a visual prominence to the elevations, which face Summit and Prospect. If it is determined when the historic German siding is uncovered that the house only contained a front, full-width porch, staff recommends that the applicant consider constructing a shed-roof entry portico around the door on the Prospect Street elevation to give this façade some ornamentation. Finally, due to the current setback requirements, a variance will need to be obtained for the front and/or wrap-around porch. Staff suggests that the applicant obtain this variance prior to applying for a HAWP application.

5. *Construct a new, 950 sq. ft. footprint, house on the adjacent lot.*

Staff notes that proposals for new construction in any historic district require careful scrutiny because the preservation of the overall character and feel of the district are key. Within a district, each proposal must be evaluated for its effect on both its immediate neighborhood and on the overall district. Proposed new construction on this lot will result in the disruption of the established building pattern in the residential core in the district and the loss of the historic house's associated open space.

Infill construction should always be avoided, if possible, and considered only after it is determined that its impact will not be detrimental to the historic district's integrity. If, after a thorough evaluation, the construction is judged not to be detrimental to the historic character of the district, the new building should be designed and constructed to be clearly differentiated from the historic buildings so that the character-defining features of the district are not radically changed, obscured, or destroyed. At this site, and working with the *Vision/Plan*, only a small structure will work without compromising the character-defining features of Kensington.

Staff does not feel that vacant lots in Kensington should be built on, however the location of this lot at the edge of the historic district with the majority of the houses being mid-20th century dwellings on smaller lots, this lot does lend itself to be built on without

destroying the historic integrity of the district. This subject lot should, however, be held to the guidelines outlined in the *Vision*.

Staff will note that this proposed house is identical (minus a basement) to the house the Commission approved on a vacant lot on Baltimore Street within the Kensington Historic District (see attached drawings on circles). The Baltimore Street lot was 858 sq. ft. larger than the subject Lot 59. This new, infill house was sited 20' back from the front elevations of the adjacent outstanding resources and was located in the center of the historic district.

The proposed lot coverage does concern staff. We recommend that the applicant revise the drawings by reducing the footprint of the house slightly (100 sq. ft) and alter the design of the two-car garage into a one-car garage. This would decrease the lot coverage by 320 sf (approx. 15% lot coverage).

6. *Remove the existing curb cut and driveway and install a new curb cut and construct a new driveway along the rear property lines.*

This proposed design was suggested by staff at the previous preliminary consultation to help to mitigate the impact of the driveway and to maximize the amount of open space on the lot.

7. *Remove (4) four evergreen trees from the property.*

Staff does not object to the removal of these trees, as they have not been maintained and are not sited in a good location on the property. Staff does encourage, however, the replanting of more deciduous trees on the property to help mitigate the loss of these trees.

8. *Construct two garages on the lots. A one-car garage to be associated with the historic building and a two-car garage to be associated with the new house.*

As stated above, staff is concerned with the lot coverage numbers and recommends that both garages be one-car in size (approx. 22' x 12'). Staff does not object to the use of a parking pad adjacent to the one-car garage for added parking.

RECOMMENDATION:

Revise the current drawings by reducing the new construction's footprint by 100 sf and changing the proposed two-car garage to a one-car garage.

HAWP application must include a grading plan for the entire site.

Apply for and receive variance for front porch prior to submitting a HAWP application for this project.

1 number of who you would contact to do that.

2 MR. LINDBLOM: Just a point of clarification, I
3 assume we don't -- if we go through the 60-day period and
4 aren't satisfied with -- then, we would not have lost appeal
5 rights at that point?

6 MS. WRIGHT: Correct. Because you'd be coming
7 back to the Commission and so you would have any another 30
8 days to appeal.

9 (Discussion off the record.)

10 MS. O'MALLEY: We will move on then with our
11 preliminary consultation, Case A, 4010 Prospect Street in
12 Kensington.

13 MS. WRIGHT: I'd --

14 MS. O'MALLEY: Do we have a staff report?

15 MS. WRIGHT: -- like to, yeah, make a relatively,
16 again, brief staff report. I think the Commission is very
17 familiar with this property. I can show you some images of
18 the property if you are interested, for those of you who
19 don't remember it.

20 The basic issue is that a previous owner of the
21 property had come forward with a preliminary consultation to
22 demolish the circa 1930 wing of the existing house at 4010
23 Prospect Street and to build a new house on the resulting
24 vacant lot. The Commission was not unanimous in how they
25 felt about that proposal. There was a lot of discussion at

1 that preliminary consultation, but at least a number of the
2 Commissioners seemed willing to entertain the possibility.

3 Subsequently, the property changed hands. It's
4 now owned by a different individual and that individual has
5 hired George Myers as his representative and is looking at a
6 proposal which would remove the 1930 section of the existing
7 house, would build a new rear addition on the existing
8 house, would build a new house on the resulting vacant lot,
9 would tear down the existing garage/shed and put a single-
10 car garage on the lot where the historic house is located
11 and a two-car garage on the lot where the new house is
12 located.

13 Just briefly, the numbers would be that -- and
14 this is on page three of the staff report. If this was
15 done, Lot 58 where the historic house would be located would
16 have a structure that would have a 1,100 square foot
17 footprint without the porch; with the porch it would be
18 1,400 square feet and with the one-car garage it would be
19 1,664 square feet, and the lot coverages would be 13.9 in
20 the first instance, 17.7 in the next, and 21 percent in the
21 next.

22 The new house would have a proposed footprint of
23 950 square feet. With a porch it would be 1,050 and with
24 the garage, 1,534 square feet. The lot coverages would be
25 12.2 percent or 13.5 if you included the porch, or 19.7 if

1 you included the garage.

2 I think that the main issues for the Commission to
3 focus on this evening is the basic -- is to see if there is
4 a consensus about demolition of the 1930 addition. If that
5 -- if the Commission feels that that should not be
6 demolished, the whole issue of a new house is a moot point
7 because there would be no buildable lot available.

8 If the Commission ultimately feels that that
9 addition could be removed in an effort to restore the house
10 to its more original appearance, then the issue of the new
11 house comes into play, and the issue of the addition on this
12 historic house comes into play, and the issues of lot
13 coverage and how big each of those, perhaps new house and/or
14 historic house with addition should be.

15 I think Staff would basically say that our primary
16 concern -- that we can see the pros and cons. I mean we can
17 see that there could be a reasonable trade off of restoring
18 the existing historic house back to its original appearance
19 with a compatible rear addition as a trade off for a new
20 house on this particular lot. It is the edge of the
21 historic district, the other houses immediately outside the
22 historic district are not at all of the same architectural
23 character as the rest of the historic district. There are a
24 number of issues that could make this particular project
25 acceptable.

1 On the other hand, there also is a concern about
2 precedent setting. There is a concern about whether the
3 1930's section of the house has historic merit on its own --
4 you know, in its own stead. And whether it would be more
5 appropriate to simply keep the 1930's section, add on to the
6 existing house and create, you know, one larger historic
7 house with a large addition.

8 I think that to my mind the purpose of this
9 evening, if we could have an outcome of the Commission
10 making some -- have gained some clear consensus on how they
11 feel about removal of the 1930's section. Then the issues
12 of exactly how big any new house would be or how big the
13 historic house with addition should be, can be -- can be
14 wrestled with either at this preliminary consultation or at
15 a future preliminary consultation.

16 With that, I'm going to stop the staff report. I
17 will mention that you have received correspondence about
18 this both a letter from adjacent owners with an attached
19 petition which was in your staff report, an e-mail from the
20 Local Advisory Panel, and a letter from the Mayor of
21 Kensington. And all of those documents stating the
22 positions of those groups are in your possession.

23 I know the applicant is here and unless you have
24 questions?

25 MS. O'MALLEY: Any questions of Staff? Would the

1 applicant like to come forward?

2 MR. MYERS: I'm George Myers, the architect for
3 the owner. I think that we don't have a lot to add with
4 regards to what was already said. We are in agreement with
5 her overall recommendation and don't have a problem with
6 reducing the square footage a little bit on the new house
7 and reducing the two-car garage to a one-car garage. A lot
8 of the design is the result of -- discussions with Gwen as
9 to what she thought might be acceptable here, so, again,
10 we're okay with the staff report and we're certainly willing
11 to answer any questions --

12 MS. O'MALLEY: Are there any questions at this
13 time? Well, we do have two speakers, so maybe -- I'll let
14 you come back up when they're -- James Engle of Kensington
15 LAP.

16 MR. ENGLE: I'm Jim Engle, appearing on behalf of
17 the Local Advisory Panel. I guess in short, you know, we've
18 in the past just generally had a sentiment against infills
19 in the historic district. We feel that it's -- we feel that
20 it's a -- probably the greatest threat given that the
21 historic district's defining characteristics mainly center
22 around the open space around the houses.

23 In particular I want to draw your attention to
24 page 11 in the package. If you look at the development
25 pattern on Summit Avenue. That's the street that fronts

1 along just outside of the historic district, intersection
2 with Prospect. If you look to the north, you see the area
3 outside the historic district, a very dense infill pattern.

4 If you look to the south, it's deceiving because most of
5 those lots have now been infilled over the past year or so.

6 What you lose here if you infill is the
7 differentiation then between, you know, what has been
8 infilled and what is considered the Kensington Historic
9 District.

10 And also I want to draw your attention to the --
11 up in the left-hand corner where -- in the title where it
12 says Local Kensington Historic District, and it -- 1880 to
13 1910, 1910 to 1930. If this addition was to be added in
14 1930, then -- or, prior to 1930, then that -- you know, our
15 feeling was that it is now essentially part of the fabric of
16 the house itself and should be preserved in some way to show
17 what was -- you know, what was filled within the period that
18 we consider to be an historic period of the development of
19 Kensington.

20 On another note, you know we're trying to sort of
21 aim for a certain lot coverage when you talk about infill
22 development, and going back to the Baltimore Street case,
23 which is referenced -- I think it's on page 26 -- 26 of the
24 package. There was a lot coverage of 12 percent for the
25 porch and I remember at the time we wrestled with that,

1 because, you know, we really wanted to take it back down to
2 10 percent, but didn't -- workable design for a house and in
3 this instance, you know, we're working with a smaller lot
4 and we're approaching lot coverage on the infill house of 13
5 and 2 percent lot coverage on the existing house with the
6 addition and with the porch at 17.7 percent. You know, you
7 throw in the paving, you throw in the patios, you throw in
8 the garages, etcetera, etcetera, you pretty much have eaten
9 up a lot of open space, gardening space that was part of the
10 historic fabric of this property.

11 Any questions?

12 MS. WILLIAMS: I just have a question on the
13 original plat. Did the original plat of Kensington from
14 1893 or whenever it was -- 1898 -- include those two lots,
15 58 and 59?

16 MR. ENGLE: I believe it does. I don't have a
17 copy of --

18 MS. WRIGHT: I don't have it here, but it does.

19 MS. WILLIAMS: And all of the subdivided lots
20 outside of the historic district facing Summit Avenue were
21 part of -- were they part of the original plat of
22 Kensington?

23 MR. ENGLE: I think they were.

24 MS. O'MALLEY: They're within the town limits.

25 MS. WILLIAMS: Okay.

1 MR. ENGLE: So, what we're looking at is the very
2 edge, but still chipping away at it in some respect if
3 infill goes forward.

4 MS. O'MALLEY: All right, thank you. Helen
5 Wilkes?

6 MS. WILKES: I have a written copy of my
7 testimony. I'm Helen Wilkes and I live on Prospect Street
8 in Kensington. I'm an architect and also am involved with
9 the Kensington Land Trust -- I'm not going to go through
10 this entire letter, given that the emphasis tonight should
11 be on whether or not there will be a buildable lot created
12 where there is none currently, but I do want to cover some
13 of the points because I believe very strongly that removal
14 of an addition from a historic resource for the purpose of
15 creating a buildable lot is a very, very dangerous
16 precedent, and a slippery slope that I can't believe anybody
17 here would want to do down.

18 I'm not sure that the discussion -- around whether
19 that 1930's addition is historically worthy of preservation
20 so much as whether it ought to be removed for the purpose of
21 creating a buildable lot. That is, I think, really where
22 the discussion needs to be centered.

23 As well, I take issue with the argument that the
24 property being on an edge is somehow less worthy of equal
25 protection or consideration because of being on the edge and

1 that, too, is a slippery slope because once you compromise
2 the integrity of that property, you are just -- existed
3 intact for all these years, since the 1930's, well then the
4 next property next to it or behind it, any adjacent property
5 then you can say, well, the density is different here
6 because this is infill, and so there you go down that
7 slippery slope.

8 But I guess -- I listed several reasons here that
9 I think you ought to consider not allowing this to occur.
10 And I did make reference also to the fact that George Myers
11 is very skillful at taking small houses and make them --
12 making them look much bigger than they are, and I consider
13 that to be a problem here. I cited the example of the
14 infill house on Baltimore Street, which -- as far as I can
15 tell -- intention that were put forth -- the hearing
16 process. I'll just read what I say here. The infill house
17 at 3922 Baltimore Street has been cited as a precedent in
18 the consideration of this application and I -- urging that
19 you please go look at it up close and in context and observe
20 that all the mathematical calculations on lot coverage
21 considerations did not work to the -- infill house in this
22 case. It's an example of an unfortunate compromise that the
23 Town will have to live with without the benefit of the hope
24 that someone will someday come along and make it right. And
25 I referred back to the part about the existing house on the

1 corner of Prospect and Summit being an eyesore for all these
2 years because of the fact that the owners were not able to
3 keep it up. But it is there and there is hope that someone
4 will come along someday and restore the house and make it
5 right.

6 The problem with that house is the deep front yard
7 sets -- I'm sorry, the house on Baltimore Street, the infill
8 house, is a deep front yard setback. It's supposed to mimic
9 the relationship of an ancillary structure relative to the
10 historic house, but instead a house as big as 3922 Baltimore
11 Street -- deferential represents a confusing aberration on
12 what was once a coherent and cohesive streetscape. And for
13 all the language about rhythm, massing, and the streetscape
14 so carefully laid out in the Vision of Kensington
15 Guidelines, this represents a failure of the report to
16 inform in a sufficiently nuanced contextual way the problem
17 of inappropriate infill development in Kensington.

18 And the -- the "house and the landscape", which is
19 what we're talking about at the corner of Prospect and
20 Summit and which is what the primary resources in Kensington
21 are, could be, in fact, maintained by a sensitive
22 appropriately proportioned and scaled addition to the
23 existing house alone. The builder could certainly realize a
24 profit -- I know that this is not your purview, but it is in
25 the mix for everyone, in fact, and the builder can realize a

1 profit, though perhaps not as lucratively as with the
2 addition of another house, and that it's not your job as the
3 HPC to maximize his profit potential after all.

4 And, you know -- very serious case before you if
5 you were to go in the direction of allowing the removal of
6 an addition -- 1930's addition for the purpose of creating a
7 buildable lot. This creeping problem of inappropriate
8 infill has got to stop. Building pressures will only
9 increase and no builder has the right to come to town and
10 make a buck off our character-defining open space, leaving
11 behind with each infilled lot a corrosive problem that's
12 bigger than the one before it.

13 Each time the -- goes up and lots now and
14 previously were in front will be considered buildable coming
15 before you and approval -- by builders who are motivated
16 primarily by financial gains to be had. Please consider
17 that with each infill building approved, the integrity of
18 the historic district this Commission is charged with
19 protecting is compromised. It would seem then that the
20 successive applications for infill building should receive
21 increasing amounts of scrutiny in reference to the
22 guidelines and -- from the HPC and Staff, yet there is a
23 great deal of concern in our community that the opposite is
24 true. I urge you to just say no to what would constitute a
25 bad deal for Kensington and could well come back to haunt us

1 all as precedent for the next stepped up builder request.

2 Thank you.

3 MS. O'MALLEY: Thank you. Perhaps at this point
4 -- I just wanted to mention that I was looking to the house
5 itself to see whether there was anything important about the
6 house. And I went to the archives at the Historical Society
7 and there were two things that caught my eye; one was an
8 interview with Elizabeth Walter done in 2000 where she
9 mentions that she married Malcolm Walter. After marrying in
10 1930 they lived in an apartment in the house with his
11 parents. Malcolm is well known for his photography work
12 which gives us a glimpse of the businesses, families, and
13 activities of the 20's in Montgomery County.

14 There was also a piece that was from a newsletter
15 about Malcolm Walter because he was a well-known
16 photographer in the County. He took pictures in the County
17 from 1915 until 1934. The Walter House is intimately linked
18 to his long career. Built by his father in 1890, Malcolm
19 was born in an upstairs bedroom on October 25th, 1894. As a
20 young carpenter working for his father, Walter was proud of
21 the houses his father built in Kensington and Garrett Park.
22 And then it goes on to tell how he got interested in
23 photography and that he met his wife when he took -- he used
24 to -- for his photography studio and he took a picture of
25 her there.

1 So, this house was actually in the -- it was built
2 in 19 -- in 1890 by Mr. Walter, the father, and then his son
3 lived there and so it was owned by one family from 1890
4 until 2003. And I think the fact that Malcolm Walter's
5 photographs are all in the Peerless Rockville Archives, they
6 did some research on the work and collected all of them from
7 the glass negative, I think that a lot of historians in the
8 County go and use his illustrations for their work and I'm
9 just wondering if that makes -- if that's something that
10 makes the house more -- a more important structure,
11 particularly since the addition was built for the children
12 to live in with the parents.

13 So, I just thought I would mention that to add
14 into the mix. And would the applicant like to come back up.

15 MR. MYERS: Yeah, I guess I would -- I can't
16 really speak to whether the 1930's addition, from what
17 you've said, is something that ought to be saved or not. I
18 think that's quite a judgment call. I can't -- with regard
19 to Helen's comments, I think I would disagree on her
20 comments about the infill house on Baltimore Street as being
21 not sensitive. I think her -- you know, really it does
22 contribute to that street in not a negative way.

23 And the other main point without getting into a
24 lot of details is I think that this site is unique. It's
25 not -- we're not proposing infill in what I would consider

1 the main historic core of Kensington. This site to me is
2 more on Summit Avenue, which has changed considerably from
3 what Summit Avenue used to be. And with respect to the lot,
4 to me is part of Summit Avenue and less part of the historic
5 district.

6 So, I think I would hate to say that this is -- I
7 wouldn't consider this infill lot as some sort of precedent
8 to say that it's okay, you can fill infill in everywhere in
9 the Kensington Historic District. I think this is a unique
10 situation, so I hope you would look at it that way.

11 MS. O'MALLEY: So, are there any questions?

12 MS. WILLIAMS: No, I don't have any questions.
13 It's just -- I guess I find it a little bit troublesome when
14 you just look at the plat, because I'm sort of of two minds.

15 I mean, one is you you're looking at it historically
16 saying, well it's a platted lot. It was meant to be built
17 upon. We can't necessarily prevent that per se. On the
18 other hand, when you look at how development occurred on
19 this platted subdivision, a lot of the houses that were
20 built straddled lot lines. And that's, indeed, what the
21 case is here, though it involves an addition and not the
22 main resource that actually straddles the lot line.

23 So, it is an extremely troubling case and I mean
24 it's just not really a cut and dried clear situation, so I
25 mean I just -- I don't have any opinion to state at this

1 moment. I just wanted to point out that sort of difficult
2 historic perspective in that we've got a plat -- a legal lot
3 that dates back to the original plat and that's a precedence
4 for --

5 MS. O'MALLEY: But it's not legal at this moment.

6 MS. WILLIAM: Well, the plat is.

7 MS. WRIGHT: Well, I think that that
8 philosophically -- we're going to be very philosophical
9 tonight. Philosophically, that was an issue that was really
10 wrestled with in the whole vision of Kensington plan,
11 because the entire community of Kensington is platted lots.
12 The whole front yard of the nursing home is a platted lot,
13 but they have never built on it. They're created, you know,
14 greenspace -- we've dealt with this issue somewhat in other
15 districts like Hyattstown --

16 MS. WILLIAMS: Mm-hmm.

17 MS. WRIGHT: -- Brookeville. You know, in
18 Hyattstown, all those backyards are platted lots. And maybe
19 in 1794, Jesse Hyatt thought that some day there would be
20 houses on all the backyards in Hyattstown, but today we
21 would see that as problematic. So, I mean, philosophically
22 I don't think the fact that there is two lots shown in the
23 original plat is -- you know, what was platted originally
24 and what's been built out and creates historic character are
25 frequently different. I think that the unique thing here

1 is, you know, is that there is this addition and is that an
2 important part of the historic evolution of the house, such
3 it should be kept or is it more important to try to take the
4 house to more of a 19th century appearance.

5 MS. ALDERSON: I'd like to add another thought to
6 that. I agree, I made exactly the same observation looking
7 at the arrangements of the house on the lot. They straddle
8 lots with the obvious intention of having a larger space
9 around the house. That is precisely the character of this
10 area and when I gave you the parts in downtown that are,
11 yes, very fine and have very early houses, but have not
12 respected that character, we think of the areas -- you know,
13 head down towards Chain Bridge. They fill out the lots to
14 the max. It's a very different character. And the
15 partially rustic feeling of Kensington is a function of this
16 distribution of houses, quite a number of which straddle
17 lots. We have the same character in Takoma Park. Quite a
18 number of the houses were deliberately sited to have some
19 space around them and it's the variance in the space that
20 defines the character of a community.

21 I would also add to that that the question is not
22 simply whether the addition is significant in its own right
23 or integral, but whether there is really a compelling reason
24 to demolish a very historic part of the house, even a 1930,
25 70-year-old part of the house. I see not -- the absence of

1 a compelling reason to demolish that structure to create the
2 buildability.

3 MR. BRESLIN: I think the difficult part of this
4 case is its location. I think if this case were located
5 further in the historic district, it would be not a
6 question; it would be unacceptable. If it was located a
7 block further down Summit Avenue it would be perfectly
8 acceptable. But the fact that it's right there at the
9 corner is problematic. I'm struggling with -- comments --
10 Commissioners.

11 MS. WILLIAMS: But one comment I have on that is
12 that clearly when the boundaries were drawn, they were drawn
13 specifically to include that house and this vacant side lot
14 to protect it, and so, I mean, in a way I think that argues
15 against, you know, your attitude about it being already
16 somewhat compromised; why not, you know, continue with the
17 process.

18 MS. O'MALLEY: As well as the one right across
19 Prospect. You have the same situation.

20 MR. FULLER: I also think that one of the things
21 we need to be looking at, is to sort of ignore the
22 subdivision issue because there's a lot of arguments you can
23 make on both sides of that. You know, there's economic or
24 whether it's what, but if you go back to, okay, the original
25 house on the corner before the 30's addition, we're told too

1 small, unlivable, can't live like it is. So, you say to
2 make that house viable so that it continues to move forward
3 as a historic property, at that point it's a corner lot. It
4 has two front yards to the house.

5 If you looked at this alone -- forgot the issue of
6 whether the 30's addition should be kept or not -- where
7 would you propose to really make the -- an addition that
8 would least impact the overall neighborhood. I'm not so
9 sure that you wouldn't really say that where the addition
10 wants to be is where the 30's addition is, so something back
11 on that side of the house.

12 Because the addition as you've proposed -- I like
13 the layout of the way the overall site works, but as you
14 then head in Prospect, you've extended the elevation on that
15 face of the house and that is admittedly a major gateway
16 into the historic district. So, you are making some fairly
17 major impacts to the overall, you know, view. If you looked
18 at this as a stand-alone house, we always say, okay, we
19 don't want additions to be right up in the front -- or,
20 right on the front face of the house; it wants to be pushed
21 back.

22 Well, in order to meet your other needs, you've
23 pushed it up to the front face of what Prospect Street is.
24 I don't know; there's a lot of tough, different things that
25 go back and forth on it and then you have the compelling

1 issue as to whether or not --- do we make matters worse by
2 getting rid of the open space that's there? So, I don't
3 have a strong opinion yet.

4 MR. MYERS: Just to -- the house actually right
5 across the street, which we also did an addition on a few
6 years ago, was the same scenario where we went back because
7 really historically their front doors and addresses are
8 Summit. So going back -- on Prospect.

9 MS. WILLIAMS: I guess my response to that would
10 be that maybe historically it did front Summit and that was
11 its principle facade, but by the 30's clearly the
12 inclination was that Prospect Street was really the front
13 elevation and they put their addition on the rear. I mean,
14 it does seem like the more natural, you know, front
15 elevation because it's a side street and, yeah, it has a
16 more generous front yard and everything.

17 MR. BRESLIN: And that's a compelling argument and
18 by that argument, I agree with Jeff, this is the wrong place
19 to put an addition on a primary resource.

20 MS. ALDERSON: I would add one other thing. I
21 would be personally more comfortable with adding porches and
22 such if the building is going to have that space around it,
23 rather than lose the space around it.

24 MS. WILLIAMS: So, you mean you wouldn't need --
25 you're saying --

1 MS. ALDERSON: I would be more comfortable with --

2 MS. WILLIAMS: With going --

3 MS. ALDERSON: -- addition if the space -- if the
4 cushion around the building is retained. Rather than maxing
5 out on one and then squeezing one in on the other lot.

6 MR. FULLER: You mean a larger addition on the
7 primary resource.

8 MS. O'MALLEY: Well, I think what --

9 MR. MYERS: Probably be more than doubling the --
10 I think the addition that we're probably showing on the
11 primary resource is probably about as big as you'd want to
12 go on that without --

13 MS. O'MALLEY: That's about as big as the addition
14 that you want to tear off, isn't it?

15 MR. MYERS: No, I think the one that we're tearing
16 off is smaller than we're proposing.

17 MS. O'MALLEY: Ten by eleven?

18 MR. MYERS: Yeah, much smaller.

19 MS. WILLIAMS: Well, so then you could do an
20 addition at the rear and maybe even a small one on the side.
21 Then you could probably make a somewhat large addition --

22 MR. MYERS: That would be up to the -- you know,
23 owner. It would be sort of a different strategy of using
24 that house, which we would have to discuss, of course.

25 MS. O'MALLEY: Well, currently it would seem that

1 the lot coverage on the house and the garage is under 10
2 percent -- property.

3 MR. MYERS: You're saying that without a new house
4 on it, you're saying?

5 MS. O'MALLEY: As I understand now --

6 MR. MYERS: Oh, as it stands now; yeah.

7 MS. ALDERSON: Meaning there's more room to grow
8 in the bigger lot.

9 MR. MYERS: Right. Right.

10 MS. WRIGHT: So, tonight is a preliminary
11 consultation. It's not something that you have to take a
12 vote, but you know maybe --

13 MS. O'MALLEY: We can give a sense of how everyone
14 feels. Do you have any other questions or any other things
15 you want to discuss?

16 MR. ROTENSTEIN: I don't have any questions, but I
17 find the addition historical with the information that
18 you've adding, very compelling in terms of retaining the
19 1930's addition. Then there are the setting issues and the
20 lot size and it would be very difficult to -- a historic
21 building and simply write off the last 70 years of its
22 history, particularly when you have a significant individual
23 associated with the entire historical -- historically-
24 significant period.

25 MS. O'MALLEY: And we haven't even talked about

1 the trees. That would be another issue.

2 MR. BRESLIN: I appreciate that the addition is
3 1930's. It's older than my house and I think my house is
4 pretty old. But that being said, it's very low character.
5 It's practically flat. It doesn't really -- though it is
6 old, it doesn't really add to the character of the historic
7 resource.

8 MS. O'MALLEY: I think it would have to be
9 reworked as if --

10 MR. BRESLIN: But as an addition itself, if that
11 was -- if were -- back in the 1930's, we wouldn't have
12 allowed them to do -- it doesn't add to an otherwise --
13 otherwise --

14 MR. MYERS: I would agree. I mean I think that is
15 -- you know, sort of takes away from what would otherwise be
16 a fairly nice portion of a farmhouse. And it just sort of
17 -- on the side. I mean, it really is not a nice thing.

18 The other thing that I think is probably worth
19 considering here is I think the alternative -- what you guys
20 are working for is you'd probably rather see a bigger, more
21 additions and that house renovated, maybe a little -- and,
22 in turn, a little bit bigger on that piece of property,
23 right? On -- you know, with more open space. I think the
24 problem is that you perhaps see -- the difficulty in that,
25 and that's one of the reasons why the house has been sitting

1 there so long, is to try to attract an end user buyer for
2 that site along, you know -- it's sort of like -- that's why
3 it's been sitting possibly because -- I mean, from my own
4 analysis, because the previous owner tried to get me to be
5 the developer on it, and I could understand the problem.
6 Whereas I think that the best potential there is two
7 smaller, less expensive houses than one big, expensive house
8 because it's hard to make that work. So, the odds are that
9 it could still sit -- saying that's why it's been sitting
10 and that's why it will potentially, because it's just not --
11 it's a very risky thing to go in there and take that old
12 house and dump a huge amount of money in there hoping you're
13 going to find a family to live on that corner.

14 MS. ALDERSON: Wouldn't you also say it has
15 something to do with the house's current curb appeal?

16 MS. WILLIAMS: Yes.

17 MR. MYERS: I'm just saying I know how the -- I'm
18 just looking -- because I've done it several times, and
19 recently in Kensington. I've been on the developer side and
20 I'm just saying how the numbers work and I'm saying it's a
21 factor if you want to see it -- you know, there's more
22 potential to sell and develop two houses at \$500,000 in
23 Kensington than one at \$850,000 or \$900,000 because it's
24 hard to do that at that corner. And that's what it's going
25 to have to sell for in order for it to get renovated. So --

1 and that's why -- doesn't get approved for this owner, you
2 know you may be back here with another owner a year from now
3 trying to do the same thing. Just -- or, until somebody
4 takes a big enough hit that the property drops down instead
5 of being sold for \$500,000, it's \$150,000, then it becomes a
6 viable scenario. So --

7 MS. WILLIAMS: I think it's an incredibly viable
8 corner lot. I mean, you just look around. There are huge
9 houses being built on very busy corner intersections all
10 over the place, so I don't know, I think that's kind of a
11 hard argument to buy into.

12 But, you know, for me it's really -- it's a
13 difficult situation because we're being asked to comment on
14 the removal of an addition, but we're confronted with
15 circumstances that make it really challenging because I
16 wouldn't mind seeing the removal of the addition if I was
17 going to see a better addition in its place. The removal of
18 an addition for a new house and a new lot is a lot harder to
19 stomach, and so I guess it's just sort of knowing what's
20 coming that makes it so challenging.

21 You know, I don't really want to be put in a
22 position to say this rear addition is so significant to the
23 history of this house; can it under no circumstances be
24 demolished. And yet that's what I'm having to say in order
25 to really uphold the vision of Kensington, which is to

1 remain -- to retain as much open space as possible.

2 So, it's -- you know, we're between a rock and a
3 hard place.

4 MS. ALDERSON: And --

5 MS. WILLIAMS: What I would like to see happen is
6 that, you know, a real per -- you know, viable alternatives
7 come along that proposes renovation and addition of this
8 very, you know, appealing house that it would sell for
9 \$800,000.

10 MS. ALDERSON: An additional consideration I would
11 like to add for the record is that we have showing on the
12 plan the distance between the edge of the inset addition to
13 the lot line as seven feet. And the house itself is quite a
14 big closer. So, even with the removal of the addition, the
15 house is extremely close to the lot line. So, then going
16 with the minimum spacing with the -- with the adjoining
17 house, this -- much more closely spaced than is typical
18 here.

19 MR. MYERS: Well, actually in the Town of
20 Kensington has greater side yard setbacks, which are 10
21 feet, which if you add that to the new house to what the
22 existing house, which is about four from the property line,
23 we've got 14 feet apart, which is actually what is what --
24 seven feet is typically what those 50-foot lots are along
25 the side in Montgomery County -- the ones that already

1 exist. I'm saying -- so I just -- what's I'm saying the
2 spacing, because of Kensington's larger requirement on the
3 new house would really end up being about the same spacing
4 as all the other houses -- so, just because R-60 in
5 Montgomery County is seven foot setback, and that's what
6 most of those houses are.

7 And your point is right is that the house -- the
8 existing house is currently closer to the lot line than
9 would normally have been allowed. The fact that it's not
10 the lot line, you can still build on the next lot. If it
11 were -- Montgomery County you'd be able to build up to seven
12 feet probably -- older lot. But since it's Kensington, the
13 -- has to be 10 feet away. So, that helps mitigate that
14 problem a little bit.

15 MR. FULLER: Since this is a preliminary and since
16 it's getting late, let me break it into the three components
17 that I see in the project and I'll give you my opinion. You
18 can get others as well.

19 But my opinion, I agree with what Commissioner
20 Breslin is saying that I don't think the 30's addition is so
21 wonderful or that much of an add to the house that I say it
22 has to stay, in its own right. However, I have a problem
23 with the way that your addition on the east side of the
24 house I don't think adds to the house. I think it takes
25 away from the existing house -- historic fabric of the

1 house. I like the way that your site plan worked out that
2 the new house you were showing was set back far enough above
3 the street that it did maintain some open space, but I have
4 a problem with the overall development as proposed because
5 of what happens to the historic house. If there was another
6 solution to solve the historic house, I probably could be
7 convinced that this lot could be subdivided and still
8 maintain the character because what's happening on Summit as
9 you turn the corner from there to Prospect and this is the
10 transition.

11 I'm not saying this solution does it for me. I do
12 not know that you can make that -- I don't know that you can
13 solve the problem because I don't know how you can make the
14 existing historic house functional in today's environment
15 where the house is currently located, but that would be --

16 MR. MYERS: Do you think if you -- if the existing
17 house had a much smaller -- addition, for example, just
18 fixed up as it was, you know and with that -- and the infill
19 house --

20 MR. FULLER: That would solve my problem. As I
21 said, my problem here is that you're tearing down the
22 addition and you're putting on a large addition that to me
23 detracts from the existing house and that to me is our first
24 issue, is what do you do to maintain the existing house.
25 Then there's a second issue about the subdivision -- I can

1 argue both sides of that, but I can see how a successful
2 development can be done, but I don't think this shows it.

3 I also could accept the larger addition on the old
4 house with the combined lots.

5 MS. O'MALLEY: Shall we start -- go ahead, and
6 we'll just go down.

7 MR. BRESLIN: I think your point is well taken
8 that our primary concern and focus has to be on the house --
9 the old house. That is a primary resource. And in general
10 we don't allow additions on primary resources unless they
11 are to the rear. And in this particular case, since
12 unfortunately being a corner lot and a very prominent corner
13 lot, to the rear means crossing the lot line. So, I think
14 considering our -- our obligation to the primary resource,
15 we either say no addition or corner addition to the rear.

16 MR. MYERS: One thing that's actually problematic
17 to adding onto that -- where the current side is the
18 existing house is so close to the -- to Summit. It's way in
19 front of the established building line, so anything you can
20 add would require -- if you look at the established building
21 line, it's almost back where we were proposing to put the --
22 if you look at the site plan, you couldn't put an addition
23 back where that current -- couldn't add anything where that
24 -- without a variance from Montgomery County. Because that
25 house is about 10 feet from the property line -- about 35 to

1 40 feet back.

2 MR. FULLER: Can you do any minor lot line
3 adjustments?

4 MR. MYERS: We could probably get a variance if
5 you guys supported it. I'm just saying -- we could probably
6 deal with it. I'm just pointing out that it's just another
7 complication.

8 MS. O'MALLEY: Although you have an addition
9 that's already in place.

10 MR. MYERS: Exactly. Which can stay.

11 MS. O'MALLEY: And if you built within that corner
12 of the addition on the original house for your expansion
13 area --

14 MR. MYERS: It wouldn't allow you to put anything
15 in the established building lines.

16 MS. O'MALLEY: It wouldn't be.

17 MR. MYERS: No, see if you look at this right back
18 here, here's Summit. The existing house is back here, and
19 the other houses are back there as well. The established
20 building line is back here. You couldn't build anything on
21 that old house that's in front of that line.

22 MS. O'MALLEY: Well, it would be right -- it would
23 be right in line with your new house you want to put in. It
24 would be --

25 MR. MYERS: Exactly, right.

1 MS. O'MALLEY: -- so -- yes, you could do that.

2 MR. FULLER: It would just be another challenge.

3 MS. ALDERSON: I'm done.

4 MS. O'MALLEY: All right, I am -- I would be
5 opposed to anything that would -- I would be opposed to the
6 situation where you would end up with another house on this
7 property.

8 MR. MYERS: Quite a shocker.

9 MS. WILLIAMS: I would agree with Commission
10 Breslin that this house really wants an addition on the rear
11 elevation and that's the -- really the only logical place
12 for it, so I mean putting it on the end of Prospect Street's
13 elevation doesn't work. And so I think we're going to have
14 to look at an addition that would cross the lot line and,
15 therefore, prevent development on that lot.

16 MR. ROTENSTEIN: I don't have anything to add at
17 this time. We'll stick with the earlier comments I made
18 about the historical significance of the house and the
19 relationship of the large lot.

20 MS. ANAHTAR: I still don't have a problem with
21 removing the existing addition, but I agree with the
22 discussion about preserving the open space. I just go along
23 with what --

24 MS. O'MALLEY: So, that answers your questions.
25 Come back with something. Thank you.

HISTORIC PRESERVATION COMMISSION STAFF REPORT

Address:	4010 Prospect Street, Kensington Lots 58 and 59	Meeting Date:	02/11/04
Resource:	Primary 1 Resource Kensington Historic District	Report Date:	02/04/04
Review:	HAWP	Public Notice:	01/28/04
Case Number:	31/06-04C	Tax Credit:	Partial
Applicant:	Tom Cosgrove	Staff:	Michele Naru

PROPOSAL: Rear addition and Garage demolition

RECOMMEND: Approve with Conditions

STAFF RECOMMENDATION: Staff recommends that the Commission approve this HAWP application with the following conditions:

1. All 2/2 windows on the existing addition will be salvaged and utilized on the rear elevation. Any remaining windows not used on the rear elevation must be stored on site.
2. The applicant will provide staff with information documenting that he has worked with a structural engineer prior to the demolition of the addition to ensure that the demolition will not compromise the structural integrity of the original massing.
3. The applicant will draft measured drawings for the rear elevation, showing the proposed configuration and detailing for staff's approval and stamping prior to the demolition of the addition.

ARCHITECTURAL DESCRIPTION

SIGNIFICANCE:	Primary 1 Resource
STYLE:	Vernacular
DATES OF CONSTRUCTION:	c1900, c1930

This Primary 1 resource is located at the edge of the historic district along Prospect Street. Built in two distinct phases, the original massing was built c1900 and the rear extension was built by 1931 (see 1931 Klinge Map attached). The original massing's historic principal façade is the current elevation that faces Summit Avenue. It is believed that this façade contained a full-width shed-roof front porch, which does not exist today. The current principal façade is the elevation that currently faces Prospect Street.

The main massing of this house (located on Lot 58) is a 2-1/2-story, three-bay, frame building sheathed in German wood siding and covered with asbestos shingle. It is set upon brick perimeter foundation and is covered with a cross-gable roof, clad with asphalt shingles. The windows are 2/2 double hung. A two-story, flat roof frame addition (c1930 – straddles Lot 58 and 59) clad in horizontal lap siding and also covered in asbestos shingle and set upon a battered concrete block foundation, extends off of the (current) rear elevation of the house. A one-story mudroom addition (post 1930), protrudes from the east, side elevation.

The property also contains a frame garage building (c1930) in deteriorated condition (located on Lot 59).

PROPOSAL:

The applicant is proposing to:

1. Demolish the existing c1930 shed roof frame rear addition.
2. Demolish the existing c1930 frame garage.
3. Rebuild the rear wall of the main massing utilizing some of the 2/2 windows from the rear addition to be demolished.
4. Remove the asbestos siding to expose the German lap siding

APPLICABLE GUIDELINES:

Proposed alterations and demolition to sites within the Kensington Master Plan Historic District must be in compliance with the *Secretary of Interior's Standards for Rehabilitation*. Rehabilitation is defined as the act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features, which convey its historical, cultural, or architectural values.

The Secretary of Interior's Standards for Rehabilitation that pertain to this project are as follows:

- #2 The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces and spatial relationships that characterize the property will be avoided.
- #3 Each property will be recognized as a physical record of its time, place and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.
- #6 Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.

In addition, the HPC formally adopted the planning study, *Vision of Kensington: A Long-Range Preservation Plan* (Vision), and is directed by the Executive Regulations, which were approved by the County Council, to use this plan when considering changes and alterations to the Kensington Historic District. The goal of this preservation plan "was to establish a sound database of information from, which to produce a document that would serve the HPC, M-NCPPC, their staff and the community in wrestling with the protection of historic districts amidst the pressures of life in the 21st century." (page 1). The plan provides a specific physical description of the district as it is; an analysis of character-defining features of the district; a discussion of the challenges facing the district; and a discussion of proposed strategies for maintaining the character of the district while allowing for appropriate growth and change.

STAFF DISCUSSION

This application, as proposed, is very sympathetic to the historic building on the property. The Commission historically supports the removal incompatible materials and additions on its historic buildings in order to return the exterior of the building back to its original configuration. The abovementioned proposal will not negatively affect the historic dwelling's integrity, or negatively impact the historic district as a whole.

With that said, the removal of the secondary addition which straddles the current lot lines will make the adjacent lot buildable. Therefore, staff feels that a discussion about building on this historic side

yard needs to be initiated as part of this application. Proposed new construction on this lot will result in the disruption of the established building pattern and the loss of the historic house's associated open space.

The *Vision of Kensington* outlines specific data on existing conditions in the historic district to be utilized as a basis to compare potential new construction against. As an example of "existing conditions", the *Vision* describes the 187 properties in the district: "two are parks, four are vacant sites, and the remaining 181 contain a building which is considered a primary [structure]. Of the buildings, 151 are dwellings, five are apartment buildings, 20 are commercial buildings, one is a church, one a railroad station, one the armory/city hall, one is a library, and the last is a carriage house." (page 18). Functionally, only four vacant sites are identified in the *Vision* because only four properties consist of land with no structures on them and with no historic relationship to adjoining properties with structures. While there are clearly more than four lots in town that do not have buildings on them, or which have secondary structures on them, the analysis in the *Vision* notes that land contiguous to a structure and historically part of that structure and which is being used by the owner of the property functionally is not vacant land. As such, staff questions the compatibility of building on the side lots within the Kensington Historic District.

If the subject proposal is granted, staff feels that the Commission should outline the specific criteria upon which they will be evaluating a potential new house on this adjacent lot. The HPC is responsible for design review of all aspects of proposed alterations in the historic district. New construction receives the highest level of scrutiny in terms of the overall effect of the new element on the historic community. This includes a thorough review of the design, scrutinizing its appearance, its size, the scale, its massing, the materials, as well as its placement. In a historic district of the high caliber of Kensington, one would expect the best in new architecture to try to rise to the level of the existing character of the district. This should be evident in the approach, the design, and the choice of materials. Some specific ideas for the applicant to consider are:

- An increased front yard setback to reduce the prominence of the new structure on the street. This technique has often been utilized in historic districts, by proposing that new construction should have the aspect of an ancillary structure. This would assure that the new construction would defer to the historic structures, at least in size, massing and location.
- Study local building types to develop an understanding of the local environment, and then use this understanding to build something compatible in terms of massing, scale, and materials, without introducing a false sense of time and place.
- This district is consistently described as a garden suburb, and a place where the environmental setting is as important as any of the buildings. Therefore, the new construction must be sympathetic to maintaining a significant amount of open space on the lot – which will require the footprint of the house to not exceed the current footprint of the historic house. (The recommended lot coverage for new construction in the Peripheral Residential Area is 15%, which does recommend construction on single lots.)
- The utilization of compatible building materials. Artificial materials, such as vinyl or aluminum siding will not be appropriate.
- The principal façade of the new house must face Summit Avenue. Off-street parking and access to the new house should be obtained through an easement along the east property line of the historic house.

STAFF RECOMMENDATION

Staff recommends that the Commission **approve with conditions** (outlined at the top of this report)

3

the HAWP application as being consistent with Chapter 24A-8(b)2, and 3:

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 would enhance or aid in the protection, preservation and public or private utilization of the historic site or historic resource located within a historic district in a manner compatible with the historical archaeological, architectural or cultural value of the historic site or historic district in which a historic resource is located.

and with the Secretary of the Interior Guidelines #2, #3 and #6:

The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces and spatial relationships that characterize the property will be avoided.

Each property will be recognized as a physical record of its time, place and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.

Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.

with the general condition applicable to all Historic Area Work Permits that **the applicant will present 3 *permit sets* of drawings to HPC staff for review and stamping prior to submission for permits.** After issuance of the Montgomery County Department of Permitting Services (DPS) permit, the applicant will arrange for a field inspection by calling the DPS Field Services Office at 240-777-6370 prior to commencement of work and not more than two weeks following completion of work.

Feb. 11, 2007
Cosgrove denial

1 MS. NARU: Yes. Case F is for a project at 4010
2 Prospect Street in the Kensington District. This is a
3 primary resource within this district. The proposal is
4 basically to demolish an existing 1930s shed roof frame
5 addition, demolish an existing 1930 frame garage, rebuild the
6 rear wall of the main massing utilizing some of the 2/2
7 windows from the rear addition, and to remove the existing
8 asbestos siding to expose the German lap siding.

9 As you will note in the staff report, staff commends the
10 applicant for this proposed work. We feel that it's very
11 sympathetic to the historic building on the property. The
12 incompatible materials being removed in certainly something
13 that generally the commission supports and we're anxious to
14 return the exterior of the building back to its original
15 configuration.

16 As I mentioned in my staff discussion, I think that with
17 that information said, I think that there should be a
18 secondary discussion as part of this proposal which will be
19 that the secondary addition, once it's removed, will create a
20 buildable lot for lot 59 and that will of course provide an
21 opportunity for the applicant to build on that lot, which I
22 think raises kind of a bigger issue and question within our
23 Kensington Historic District in terms of compatibility
24 building on the side-lots, which were traditionally used as
25 open-space in the Kensington Historic District. So, I had

1 spent a great deal of time outlining the vision of
2 Kensington, what they talk about for this, as well as
3 potential approaches that I would suggest that the Commission
4 look at, if in fact they see that a house could be built on
5 this lot, the kinds of things that would really want to
6 direct the applicant in terms of design and characteristics
7 for that building. I know we're getting a little ahead of
8 ourselves, but I really think that he should be aware of
9 exactly what things we're going to be requiring of that new
10 construction.

11 I do have a PowerPoint presentation, but generally for
12 this particular Historic Area Work Permit Application, which
13 is what I had outlined below, I am recommending that we
14 approve with a couple conditions. One of which is that all
15 of the 2/2 windows on the existing addition will be salvaged
16 and utilized on the rear elevation and then any remaining
17 windows not used on the rear elevation be stored on site;
18 That the applicant will provide staff with information
19 documenting that he has worked with a structural engineer
20 prior to the demolition of the addition to insure that the
21 demolition will not compromise the structural integrity of
22 the historic massing; and that the applicant would draft
23 measured drawings for the rear elevation showing the proposed
24 configuration and detailing for staff's approval and stamping
25 prior to the demolition of the addition.

1 And I will now give you a short presentation of the
2 property, unless you have any questions.

3 MR. BRESLIN: Yes, I have a question.

4 MS. NARU: Sure.

5 MR. BRESLIN: If the addition is removed, is the
6 resulting I guess it's the side-lot line, side lot legal?

7 MS. NARU: It is.

8 MR. BRESLIN: Because it looks like it's only three
9 or four feet.

10 MS. NARU: 50 feet wide, but it's significantly
11 deep.

12 MR. BRESLIN: No, but how's the side yard?

13 MS. NARU: Well, the side-yard setback of course
14 would be grandfathered in as they are in Kensington. The new
15 building that would be built on the proposed new lot, would
16 have to conform with today's requirements.

17 MR. BRESLIN: Right, but I don't understand if by
18 sub-dividing -- would you have to subdivide?

19 MS. VALESQUEZ: No.

20 MS. NARU: It's a buildable lot and does not need a
21 subdivision.

22 MS. O'MALLEY: There is no law that it's been on
23 the property that way for 70 years it becomes all of the one
24 part?

25 MS. VALESQUEZ: No, you're talking about adverse

1 position. That would be a different.

2 MR. BRESLIN: I guess it's a legal question. It
3 seems that by making, if that resultant side-yard is less
4 than legal, the setback is less than legal, you're creating a
5 --

6 MR. FULLER: The County Code says that if it's a
7 non-conforming lot, which this is what it would be because
8 it's built across the property line, you can't make it worse.
9 But by taking it off, perhaps you're making it slightly
10 better than it already is. It will still be a non-conforming
11 lot because the setback won't be there, but the other lot
12 then is free and clear. So that's why they can do what they
13 want.

14 MS. NARU: Right and that's why the other lot needs
15 to conform to today's zoning.

16 MR. BRESLIN: Okay.

17 MS. NARU: Okay. This is the elevation of the
18 house that faces Prospect Street. This is currently the
19 principle facade of the house. Next slide.

20 This is the elevation that faces Summit. This was the
21 historic principle facade of the house. And you can note in
22 this picture that the proposed addition to be removed is on
23 the right, the two-story shed roof addition.

24 This is the rear looking, if I'm standing towards facing
25 Summit Avenue, this is what is considered the historic rear

1 and a side elevation currently.

2 This is a better view of the proposed two-story addition
3 to be removed. And you will note that they do have 2/2
4 windows and under closer inspection, I think that the only
5 original windows on this that would have been on the historic
6 house, are actually on the opposite elevation. The muttons
7 are considered different than what was the original house.
8 So we would just ask that the 2/2's that do match the ones
9 that are currently on the house be the ones that be utilized
10 in the re-building of that facade. Next, please.

11 This is the proposed garage to be demolished. And this
12 is a view taken standing next to the house looking towards
13 the garage, which is the approximate location of where a new
14 house would be located. To the left it would be the historic
15 house. Next, please.

16 This is a view standing on Prospect Street looking at
17 the garage. And you will note that the garage is sitting on
18 the lot 59. And 58 is where the historic house is.

19 This is kind of just starting to pan around, a view of
20 the one-story ranch house that is adjacent, which is outside
21 the historic district, but also noting that there is a
22 substantial trees on this property that we would be very
23 concerned with in terms of protection when it comes to
24 building on this lot. Next, please.

25 This is standing approximately between the house and the

1 garage, looking towards Prospect. Again, giving you a view
2 of some of the substantial trees on the lot.

3 This is a view of the foundation on the two-story shed
4 roof addition that's proposed to be demolished. As you'll
5 not, the cinder block is definitely different in materials
6 and period than the brick on the principle side.

7 And a view of the windows. Notice the very narrow
8 muttons.

9 And the view of the historic windows and the very larger
10 muttons.

11 And this is just to show the joinery from the historic
12 building on the left to the 1930s addition.

13 And a view showing, this is looking at the addition that
14 protrudes from the side elevation. That little kind of entry
15 foyer, the one-story foyer is to the right and to the left is
16 the historic building. It's just kind of to show that this
17 elevation, for whatever reason, has weather board siding
18 versus the German siding that's on the other elevation is
19 also on this rear elevation, which I felt was interesting.

20 And that's another view showing the weather board on
21 that elevation. That's it.

22 MS. VALESQUEZ: Thank you. Any questions for
23 staff? Is the applicant here?

24 MS. NARU: I will also enter into the record the
25 LAP comments that you've received.

1 MS. VALESQUEZ: Thank you. The applicant here?
2 Would you like to step forward, please? Have a seat at the
3 table and say your name for the record.

4 *MR. COSGROVE: My name's Tom Cosgrove. Tom
5 Cosgrove.

6 *MS. VALESQUEZ: Hi. You've read the staff report?

7 MR. COSGROVE: No. Is this it?

8 MS. VALESQUEZ: No, what --

9 MR. COSGROVE: I heard it. I just heard what she
10 said.

11 MS. VALESQUEZ: You didn't get this?

12 MR. COSGROVE: No.

13 MS. VALESQUEZ: You heard what she said. What
14 would you like to tell us about your proposed project?

15 MR. COSGROVE: I think she covered it. The only
16 thing that, the reason we got to this point was that one of
17 you brought up the lot lines and she brought up the lot
18 lines. I originally was going to try to move it so the lots
19 were 75 by 100 because they, the house originally, like she
20 told you, faced Summit. And then when they widened Summit,
21 they took, essentially took the front yard of this house and
22 they gave the address to Prospect. They gave the main
23 entrance to Prospect. So the front yard from the front of
24 this house to the sidewalk along Summit is maybe 15 feet. So
25 I was going to try to turn the lot around and build a new

1 house on the 75 by 100 foot lot. They said, no, you can't do
2 that. You got to keep, we're not going to support that,
3 which is fine.

4 So at this point, the way to make this thing feasible
5 for me is to take the shed down and take this addition down
6 and see if there's something that I can come up so I can get,
7 figure out a way to get a house that's livable and to get my
8 family in there.

9 MS. VALESQUEZ: So the new house you'd be building
10 would be for yourself?

11 MR. COSGROVE: I don't know if I'm going to build a
12 new house.

13 MS. VALESQUEZ: If --

14 MR. COSGROVE: If it was --

15 MS. VALESQUEZ: -- if you were, let's go with your
16 supposed.

17 MR. COSGROVE: I don't know. I'm not sure if they
18 said there's -- the vision of Kensington says that it could
19 only be 10 percent or close to 10 percent, which would mean
20 it would be a pretty small house for four kids, that would be
21 pretty small. But, you know, you never know.

22 MS. VALESQUEZ: Do you currently live in this
23 subject house?

24 MR. COSGROVE: No. This house is not livable.

25 MS. WILLIAMS: So when you said you'd make it

1 livable, do you mean you would be putting an addition on or
2 you're just going to renovate it?

3 MR. COSGROVE: No, renovate it. That would be an
4 option. That just, this just, this would give me another
5 option to be able to afford to renovate this house that
6 they're saying we have to keep. And bring it up to some type
7 of livable standard. Currently, it's caving in. The whole
8 structure is falling in. So, if I had the, if the other lot
9 becomes available, which it would, then there's an option
10 that maybe I could sell that other lot and then somebody
11 might want to come build a small house on it, which would
12 then allow me to maybe put an addition or renovate this
13 existing structure.

14 MR. BRESLIN: It's not often you see a historic
15 house, a proposal to make a historic house smaller. This is
16 pretty interesting. Can you tell us what's in the addition
17 and how removing it could effect the livability of the house?

18 MR. COSGROVE: The addition, basically, is two
19 rooms and a half bath on the first floor and a full bath on
20 the second floor. The half bath is functioning. The bath
21 upstairs is not.

22 MR. BRESLIN: Yes, I was suspecting that, it's
23 pretty typical that the addition has bathrooms. So if you
24 remove a bath and a half from that house, what's left?

25 MR. COSGROVE: Two bedrooms upstairs and a kitchen

1 upstairs. And then a little office area, what originally was
2 the dining room, and then a kitchen downstairs. So there
3 would be two kitchens and four rooms.

4 MS. VALESQUEZ: Are there any bathrooms in the
5 original part of the house?

6 MR. COSGROVE: No.

7 MR. BRESLIN: So, you'd have to either do
8 substantial renovation or put an addition on the house.

9 MR. COSGROVE: Right. You're going to have to do
10 that anyways. So that's exactly what you'd have to do.

11 MR. BRESLIN: Right. Then it sounds like, if
12 you're talking about a fair-sized family, an addition almost
13 becomes a requirement.

14 MR. COSGROVE: Yeah. I mean at some point addition
15 or install a bathroom or something along that to the existing
16 structure.

17 MR. BRESLIN: Right. So it's kind of troublesome
18 to approve this project where we're taking off the bathrooms
19 and leaving a house that's really not unlivable but kind of
20 impractical, short of putting an addition on. And we don't
21 have the addition before us.

22 MR. COSGROVE: Well, it's, the problem is that the
23 structure now currently is unlivable and not usable.

24 MR. BRESLIN: Right.

25 MR. COSGROVE: So, to say, you know, what I'm

1 asking for is impractical, not really because like you said,
2 you're going to have to put an addition or do something to
3 make this thing livable anyways. So, if you're going to have
4 to go down that road, why not go down that road with the
5 structure that historic is making us keep and staff is saying
6 that they, the part of the house that they want to keep, even
7 though they're all kinds of other circumstances that go into
8 it, what's it matter whether you put that addition, those
9 bathrooms, and those things on going up the 150 foot lot?

10 MR. FULLER: I think what Mr. Breslin is saying is
11 we're sort of half, we're giving you a half approval because
12 you can't do the addition without coming back before us. So,
13 if you start work and demolish the existing addition and you
14 start replacing your siding, you could yes, if you could make
15 it work by doing all the interior work, yes, you can do that
16 on your own. But if you really feel you need to come and put
17 an addition on the house, you're going to have to come up
18 with that anyhow. And it just seems a little strange that
19 you're coming in with half the project rather than the whole
20 thing at once.

21 MR. COSGROVE: But she covered the point. What it
22 does is, it gives me an added option. And that is to sell
23 off the other lot, which is a legal, buildable lot, which
24 then allows me to do the renovation or hire an architect to,
25 you know, give this structure something that is livable. So

1 it opens up my options on this property that I can't get any
2 relief on in terms of taking down this structure, which the
3 experts have told me has no real historical value. So I'm
4 kind of locked in with it. So what I'm trying to do is
5 create options for myself that will make it feasible for my
6 family to move in.

7 MR. BRESLIN: To a certain extent, it limits our
8 options because I can picture this as, you might not do this,
9 but I can picture somebody comes to us after the demolition
10 saying I need an addition and you can't say no because the
11 house is unlivable, it doesn't have any bathrooms.

12 MS. VALESQUEZ: You know I'm picturing that too.
13 If the house is unlivable but it now could be made livable
14 because at least it does have a working bathroom and so on.
15 And then if the addition is demolished, no new addition has
16 yet been put on, I get concerned about demolition by neglect
17 because the house will not be livable, there will be no way
18 you can live in it to keep it up. So I see that as another
19 angle because we are charged with not allowing people to let
20 these houses fall down.

21 MR. COSGROVE: Well, I think that you really, the,
22 as Michelle, Michelle's been in the house. And the house is
23 falling down. And I understand the concerns you have. But
24 the concern is this, the way I see it, and that is that to
25 make this thing work for me, the owner of this historic

1 property, I have to have some type of option. So far, every
2 time I've come with something, it has been shot down at
3 staff, clearly. And this is the thing that they said, hey,
4 maybe we can support this.

5 Now the, all these concerns are legitimate concerns.
6 There's going to have to be an addition or work done to this
7 structure, clearly. It has to be done now. But if it's done
8 after the other lot is available for sale or to build a small
9 house on, to finance the, this existing house or allows me to
10 sell this existing house as it is and let somebody else come
11 in and do the work, and then I can build on the other, a 10
12 percent house or whatever the Kensington, the Town of
13 Kensington has a vision for, it opens up the options for me.
14 And I own the property.

15 MS. O'MALLEY: Can I ask you a question?

16 MR. COSGROVE: Sure.

17 MS. O'MALLEY: When you purchased the property,
18 were you told that it was in a Historic District?

19 MR. COSGROVE: Yes.

20 MS. O'MALLEY: And you investigated what that meant
21 to the property itself?

22 MR. COSGROVE: Yes. See, but when I investigated
23 it, I thought, what I did was I brought some builders there
24 and said what do you, tell me what your expert opinion of
25 this house is.

1 And they said this thing should be condemned. It's
2 falling down. It's imploding. So then I said, okay, well
3 this is, you know, it's still a very beautiful piece of
4 property. Maybe I can do something with this thing in terms
5 of because of the changes that were made because of the
6 widening of Summit, because they moved the front of this
7 house. The front of this house --

8 MS. O'MALLEY: I have to interrupt you.

9 MR. COSGROVE: -- do you want me to answer the
10 question or you want to ask another one? Go ahead.

11 MS. O'MALLEY: No, I just want to interrupt you
12 here because I'm in charge of the archives in Kensington --

13 MR. COSGROVE: Right.

14 MS. O'MALLEY: -- for the Kensington Historical
15 Society. And the address for that property was 82 Prospect.
16 So I believe the entrance was always on Prospect.

17 MR. COSGROVE: Okay, well, let me tell you where
18 I'm getting my information from. And that's the original
19 family that owned it. The Weeds, who you probably know.
20 Well, Mrs. Weed, who's, she's probably in her 60s, has lived
21 there her whole life, was actually born in the house. She
22 told me that the original was on Summit and that they had a
23 beautiful stone stairway going down to Summit Avenue. And
24 then about 60 years ago, the county came or somebody came and
25 took her dad's front yard away and moved their address around

1 to Prospect and put the entrance, the driveway, over on
2 Prospect. And the lining, as you know, the lot is 50 by 150.
3 The 50 by 150 lots are the front of those lots is the 50.
4 It's not the 150. So, I beg to differ with you on that with
5 the archives say and what the reality of the lot, the two
6 lots are. I think we both know that those 150 lots, the
7 front is the 50, isn't it? All throughout Kensington.

8 MS. O'MALLEY: Yes, it is. It is.

9 MR. COSGROVE: So, so, that's where I'm getting
10 that information from.

11 MS. O'MALLEY: So the 82 perhaps was put on the
12 address after it was turned.

13 MR. COSGROVE: Yeah, and I guess at some point it
14 became 4010. I don't know when that happened. But it --

15 MS. VALESQUEZ: Okay. I have two people who have
16 signed up to speak to this. Why don't we let them talk and
17 then I'll bring you back up and you can address what these
18 people are going to say and answer the Commission and you.

19 MR. BURSTYN: I had a couple questions.

20 MS. VALESQUEZ: Before the speakers?

21 MR. BURSTYN: Yes.

22 MS. VALESQUEZ: Okay.

23 MR. BURSTYN: First one is that whether you've
24 considered taking lot 58 and 59 and cutting them in half the
25 other way so the existing house and its backyard would be

1 part of lot 59 and you didn't have to remove the addition?
2 And then the new lot would front on Prospect Street and be
3 the back halves of both lots.

4 MR. COSGROVE: You know, what you're talking about
5 is when you look at that, that would seem to be the natural
6 thing to do. And she, Ms. O'Malley asked if that's if I
7 investigated this thing. And when I looked at this, I said,
8 this thing is, that is, because the house sits so far up on
9 the corner of this lot, that that's the natural thing to do.
10 And that makes the most sense across the board. I hired an
11 engineer to come in and do a study and went to the
12 preliminary, paid to go before the preliminary group
13 upstairs. And everybody at that table said no problem, no
14 problem, no problem, until we got to Historic, who said they
15 would not support it. And I think part of that was because
16 they feel, what they've told me in the after I went with a
17 lawyer to see them is, that they said that there's historical
18 value to the long thin lot. So the idea of me turning it and
19 then having a 75 by 100 foot deep and then another 75 by 100
20 foot deep, which would make pretty, makes sense to me and
21 common sense would tell you to do that, they said they would
22 not support it. And they said they wouldn't support it and
23 that I'd have a very hard time doing that. So I --

24 MS. WRIGHT: Let me just reinforce that that is
25 indeed what we advised Mr. Cosgrove. In addition, the

1 Development Review Division staff person, Malcolm Shanaman,
2 felt that there were concerns about that meeting the re-
3 subdivision standards because you are clearly changing the
4 shape and configuration of the lots from every other lot in
5 that immediate area.

6 One of the things unique about Kensington is the lot
7 layout. And so it was both from a historic preservation
8 standpoint and from the issue of meeting the re-subdivision
9 criteria.

10 MR. COSGROVE: Can I follow-up real quick on
11 something that I think provincial and Gwen will remember
12 this. I, the engineers I hired and the lawyer, Mr. Klein,
13 that I hired, both disagreed with that, saying, you know, the
14 way they saw it, and I guess they have to meet seven points,
15 that all seven of the points were met and that Mr. Klein said
16 that he seemed to think all seven points were met. But Mr.
17 Shanaman and Gwen said, well, no, you know, that's not going
18 to, we don't think they are met. And the, the, what it came
19 down to was, you know, are you, you know, the staff, what my,
20 what I get is that if staff's not going to support it, I'm in
21 the cooker anyway so don't go down that road. Although
22 everyone at the table, the engineer said there's no problem,
23 no body had a problem with it.

24 And for point of discussion, I got a call from two
25 people from the Advisory Board, Mr. Peoples and Mr. Engle,

1 last week. And when we were talking, they said, well, we saw
2 that you wanted to do that, but how about this. Would you,
3 would you ever consider just putting, you know, taking that
4 old house down because it's such an eyesore to the community,
5 and putting a new house up on both lots, in the middle of the
6 lot, not up on the corner of the intersection. And I said
7 yes and that got, they called, I guess somebody at Park and
8 Planning, they said no way that's going down. So it's one
9 these things where it seems a little arbitrary and I'm, it's
10 --

11 MR. BURSTYN: My other comment on this also was
12 that looking at the two lots, the way they're configured now
13 if you did attempt to build on lot 59, would you attempt to
14 do a drive off Summit Avenue or would you do a driveway to an
15 easement off on lot 58 to get to 59?

16 MR. COSGROVE: Well, the preference would be to get
17 rid of the existing driveway that's there and put a new one
18 along the back of the lot that would, that would be used for
19 both lots, the lot that is it 58 and 59? 58 and 59. That
20 way there'd be parking off, coming off of Prospect instead of
21 coming on Summit. Because Summit has already got two new,
22 within four, five lots, you have two new houses going up plus
23 a huge addition on another one. So, but you have, from what
24 I understand, a legal right to access the lot from Summit,
25 which you wouldn't want to do. You wouldn't want to do, I

1 don't think.

2 MS. VALESQUEZ: Okay. Can I ask you to just sit
3 down and I'll call you back up after I here from Jim Engle,
4 representing the Kensington LIP, and James Cooper,
5 representing himself. Would you come forward? Please state
6 your name for the record.

7 MR. ENGLE: I'm Jim Engle. I'm chairman of the
8 Kensington Local Advisory Panel.

9 Tom Skarak, Barry Peoples and I did contact him prior to
10 this meeting and what we said at the time was, well, let's
11 play devil's advocate for a minute. You know, our primary
12 issue with Kensington Historic District is we would like to
13 avoid in-fill development. We've gone down that road before
14 with "compatible" in-fill development and we're not really
15 pleased with the way it turned out, so what would we consider
16 supportable in terms of this property?

17 Well, we thought, well let's play devil's advocate for a
18 minute. Let's assume that this isn't a historically
19 significant example of Victorian architecture. You know,
20 would we consider demolition of the house and construction of
21 one house that sits across both lot lines, thereby precluding
22 any future development. And I guess, you know, we talked to
23 HPC staff and we really looked around our own neighborhood
24 and we looked at all of the houses in the neighborhood from
25 the standpoint of, look at what everybody has gone through to

1 try to keep these houses up.

2 Most of the houses in Kensington with few exceptions
3 were disasters. And, you know, I speak from experience
4 because ours is still a disaster. And, you know, I pulled, I
5 guess George Myers, who everybody probably knows, the
6 architect who lives and works in Kensington. He's a glutton
7 for punishment. He's gone through this three times. He went
8 through it twice with his person residence and once with his
9 office building. And as far as I know, his residences that
10 he lived in were just, they were also imploding in on
11 themselves. They were near or if possible condemned
12 condition.

13 There's a woman over on Kensington Parkway that just
14 bought a very small and very awkward little house that she's
15 basically gutted and is starting over with. And it too was
16 in condemned condition, so, you know, to come into historic
17 district and buy an old house, means that you're going in for
18 the long haul. You're there to, you know, deal with the
19 issues of owning an old house and hopefully if you love it
20 enough and you love the issues of historic preservation and I
21 guess the idea of preserving the fabric of Kensington, that
22 includes saving the houses that, you know, may or may not be
23 the best examples of the architecture in the historic
24 district.

25 And again, I draw Tom to look at what George Myers is

1 done, because those houses, they have substantial additions
2 on them, they were awkward houses and, you know, he took
3 houses that had a couple thousand square feet or less and
4 brought them up to 4,000 square feet. Ideal houses for a
5 large family as he has. And, you know, I could see LAP and
6 hopefully HPC being lenient to the applicant, to Tom, if he
7 comes back and says, okay, well I've got this house and I'm
8 stuck with it, but, you know, I like Kensington and I like
9 the community and I want to live here and, you know, here's a
10 proposal that, you know, maybe doubles the size of the house
11 but it's still sympathetic and it still fits within the
12 fabric of the historic district and gives him the space that
13 he needs. So, you know, that, in a nutshell, is what we
14 recommended in our comments and in the comments that you have
15 before you.

16 MS. VALESQUEZ: Thank you. Mr. Cooper?

17 MR. COOPER: I'm Jim Cooper and I live on lot 57,
18 which is adjacent, obviously, to and contiguous with lot 58
19 and 59. I actually live on the corner on of Washington and
20 Prospect Street and actually have done, taken a house, an old
21 house, and basically doubled the size of that, similar to
22 what was just described.

23 I'm here tonight because first of all, I just found, got
24 notice of this last week and haven't making preliminary
25 comments. And my comments are obviously biased by what we've

1 already discussed tonight. The developer in July proposed to
2 the Park and Planning to subdivide lot 58 and 59 and reorient
3 the facades to face Prospect Street. And as we also
4 discussed, historically those orientations were toward
5 Summit.

6 Last summer 20 residents opposed the subdivision and
7 signed a letter and sent it to Mr. Weaver who was at the time
8 in charge of the subdivision issue for this primary address.
9 If I had more time, and I would like to depending on how the
10 discussion goes tonight, ask for a continuance on this so
11 that I can indeed, I've only had a week to put this together
12 but I can, I am certain that most of the people, and surely
13 more since last summer. There are a number of residents who
14 would have signed this petition last summer were on vacation.
15 It was around the 4th of July weekend that I got notice of
16 this. So we were opposed to that then and I would assume
17 that many will be opposed to this proposal.

18 The property is one of the oldest and most prominent and
19 important structures in Kensington Historic District. And it
20 surely sits as a gateway property to the district. It's one
21 of the main, it's on this, you may not know, but it sits
22 actually on one of the main entrances into Kensington Park.

23 It is the 70-year-old addition, which the outbuilding if
24 we may call it, adds to the character of the original house.
25 It qualifies under National Trust standards to be

1 historically designated. It existed at the time of the
2 Kensington Historic District Designation.

3 The existing structure and environmental setting on both
4 lots 58 and 59 are prominent and an important part of the
5 historic district and part of the vision of Kensington as was
6 outlined in the Historic Designation documentation. This
7 vision noted that land contiguous to the structure and
8 historically part of that structure and which is being used
9 by the owner of the property functionally, is not vacated
10 land, or not vacant land, excuse me. This is a direct quote
11 from it.

12 The existing side-yard adds to the character, rhythm,
13 and streetscape and compliments this historic structure. For
14 example, there are currently four trees on lot 59 alone,
15 which Michelle pointed out in the, which alone tower high
16 above this structure. There were also existing gardens,
17 which have already been demolished.

18 If a second house were permitted on lot 59 as was
19 discussed tonight, it would clearly destroy the character,
20 rhythm, streetscape of the property, disrupt the established
21 building pattern, and result in the loss of this gateway
22 house associated open space. Again, one of the cardinal
23 features of this Kensington Historic District.

24 This current proposal, I believe, affronts the
25 Kensington vision. I am encouraged the developer wants to

1 improve the historic district and historic structure. I
2 would encourage the HPC not to permit demolition of this
3 historic addition but to encourage the developer, much like
4 he just presented, the expansion of the existing structure as
5 has been permitted on Prospect Street and all throughout the
6 district.

7 And if this does, this discussion, depending on how we
8 go tonight, I would sure like an opportunity to come back and
9 I provide this group tonight. Michelle already has a copy of
10 the 20 signatures to oppose the first proposal. That was
11 last summer. And we could surely do that again in this one.
12 So there is, there is considerable opposition to this. If we
13 had more time, I could demonstrate that.

14 MS. VALESQUEZ: Thank you very much.

15 MR. COOPER: Some other residents are here and
16 might speak to that too.

17 MS. VALESQUEZ: Thank you. Would the applicant
18 like to come back up, please?

19 MS. O'MALLEY: I'd like to make a couple of
20 comments about that as well. I feel as though having a two-
21 story addition, which is one-fifth of the house, that's been
22 there for 70 years, qualifies it as part of the historic
23 structure. I would be very hesitant to approve the
24 demolition of that portion of the house. I'm not sure if
25 you're aware that right around the corner on Baltimore Street

1 at the Detrick, there was a house with a similar addition on
2 the back with a flat roof and they went ahead and reworked
3 the outside so that it would fit in with the rest of the
4 house. I have a picture of it if you want to see how it
5 looked before and how it looked after. It might give you
6 some ideas about what you could do with yours. It seems that
7 your house is 720 square feet and your addition is 187. Is
8 that correct?

9 MR. COSGROVE: You've got me. I don't have it
10 memorized.

11 MS. O'MALLEY: That's what it looks like from the
12 drawings. So, that's a substantial portion that you're
13 talking about removing and it has been there 70 years.

14 MR. COSGROVE: Let me, if I can, there are a couple
15 things to point out here in this conversation. The first
16 thing is that it wasn't a developer that ask that I do what,
17 you switch lots around. That was me. I proposed that. I'm
18 not a developer and it's not a, it's not a developer now.
19 It's the homeowner. It's me.

20 The second thing is, I know what George Myers has done
21 with his houses. I know what he's done with the houses that
22 he's built brand-new and put up in Kensington. And I know
23 what he's done with the beautiful house that he lives in.
24 But, there's a big difference between me and George Myers and
25 that is, I'm not an architect. I'm not a builder. I'm a

1 landscaper. And I'll tell ya, I can put in a whole bunch of
2 trees on my property a lot cheaper than George Myers can.
3 And George Myers can build a beautiful addition and re-do his
4 house a lot cheaper than I can. So for a practical reason,
5 to have this property work for me, and it happens to be two
6 lots that's why we're talking about taking this thing off to
7 give my family more options as to what I can or may afford to
8 do with this piece of property. So there's a big difference
9 there.

10 The other thing is, I understand Mr., Dr. Cooper behind
11 me. I'm positive that I would imagine that he has a big
12 beautiful house and he clearly put a huge addition on his
13 house, doubling the size and it's nothing less than
14 spectacular. It's beautiful. And he is in the meat of the
15 historic district.

16 I beg to differ a little bit on the idea that my lot is
17 the gateway into the historic district. I don't agree with
18 that because I'm on a very busy Summit Avenue and the house
19 next to me is not in the historic district. The house across
20 the street from me is not in the historic district. The
21 house across, on the other side of Prospect is in the
22 historic district. So it's our two houses, that's nobody
23 else on Summit. And then it goes up to Baltimore and
24 Washington and then that's where you really start seeing
25 these beautiful houses. As you can see from one of the

1 pictures, the house next to me is a little brick rambler
2 that's not in the historic district.

3 You know, I know he has his business right there,
4 backing up to my property, so I'm sure, you know,
5 construction or anything like that, you know, it wouldn't, I
6 don't know if that would create a problem for him.

7 MS. O'MALLEY: Well, I think that the idea of it
8 being a gateway is because that actually was designated as
9 part of the historic core.

10 MR. COSGROVE: I know it was designated, but again,
11 I go back to the expert that I hired and Gwen will back this
12 up. She had questions to whether when they did this, the
13 historic designation of Kensington originally, if they didn't
14 just kind of like pull these in because of their location and
15 because they were the last two right there before Summit.

16 MS. VALESQUEZ: Whether or not they were just
17 pulled in they are, as a matter of fact, by law in the
18 historic district.

19 MR. COSGROVE: No, no question about it but that,
20 it goes to, it goes to the question of if it's this primary
21 wonderful gateway or whether they were just pulled in.

22 MS. WRIGHT: Well I think it was pulled in. You
23 know, again, I want to reiterate this house dates from the
24 1880s.

25 MR. COSGROVE: 1894.

1 MS. WRIGHT: 1894. I mean, Kensington was created
2 in 1894. It is one of the older houses in the district.
3 There are lots of houses in the district including some of
4 the beautiful ones on Prospect and Baltimore that are dated
5 from the early 20th Century, from the teens and 20s and so
6 forth. But this is an early, early house. And I think
7 that's one of the reasons that it's pulled in to the
8 district. You know, I think it was a very intentional
9 decision. It wasn't sort of an afterthought or anything like
10 that.

11 MS. WILLIAMS: I just have another item of concern.
12 In order to make lot 59 buildable, you're again limiting
13 where you can put an addition on that house, the existing
14 house on lot 58 because you can no longer build where the
15 existing two-story shed wing is. So now, and you can't build
16 on the Summit Avenue elevation because you don't have the
17 front yard set-back plus, it's the original historic facade.
18 So that limits you to the Prospect Street elevation or the
19 current side, original rear elevation.

20 Additions on the Summit Avenue and Prospect Street
21 elevation would pose a problem in terms of the historic
22 structure and reading its original massing. So, I guess, the
23 big concern I have right now is that it seems that the
24 application that we have before us is actually incomplete.
25 Because we can't judge elimination of an aspect of the house

1 without knowing what the addition is going to be. And the
2 elimination of this part of the house automatically involves
3 new addition.

4 MR. COSGROVE: Well --

5 MS. WILLIAMS: So, I can't, it's impossible for us

6 --

7 MR. COSGROVE: Well there's okay.

8 MS. WILLIAMS: -- to judge this application as
9 incomplete.

10 MR. COSGROVE: Well, there's an assumption there
11 that I'm not necessarily agreeing with. And that is that you
12 have to have an addition on the existing house if you take
13 down this addition. You don't. You could go into the
14 existing structure and, you know, it has to be gutted but
15 when you gutted it, remove the upstairs kitchen and add a
16 bathroom or two bathrooms. And then do a new kitchen with a
17 half bath downstairs. There are two kitchens in the
18 structure so you could, you could, really gut and re-do the
19 existing structure without an addition. With, with, you
20 know, so that there's an assumption there that somebody would
21 want to make the house bigger. But if you stuck by the
22 existing structure, you could re-do it.

23 MS. WILLIAMS: That would be great, I mean if that
24 really is in the realm of possibilities. I don't think it's
25 necessarily that likely that future owners wouldn't want to

1 add an addition. So all I'm saying is that if we're going to
2 approve the elimination of this addition, then we would
3 definitely want to say, we don't want an addition in the
4 future on this elevation or this elevation so that we're not
5 then confronted with a very problematic project.

6 MR. COSGROVE: Well, I was told that this, well
7 part of the idea of these long thin lots. Now I tried to get
8 it moved so I had the 75 by 100. They said no because the
9 long thin lot has historical significance and you have long
10 thin houses. So if it got to it, which somebody bought the
11 house and they wanted to put an addition off the back of it,
12 off the back of this house, that would be conforming to what
13 I was told why you couldn't do the other thing. So there
14 shouldn't be, there's not a real problem with that the way I
15 see it because I was told you want it to be long and thin.

16 MS. WILLIAMS: That would be fine, but that's,
17 right now we're by saying that, you're saying there's really
18 only one location for a future addition.

19 MR. COSGROVE: That's right. Absolutely.

20 MS. WILLIAMS: And that's really pinning you in or
21 a future owner in too.

22 MR. FULLER: It's even a little bit worse. Because
23 the new addition would have to meet current setbacks off of
24 the existing property line so that it wouldn't even be able
25 to be as wide as the current house.

1 MS. WILLIAMS: Right because it wouldn't meet the
2 side-yard setback.

3 MR. FULLER: It wouldn't meet that setback. Let
4 me, I guess to me, there are a couple different things. In
5 the perfect world, what I'd like to do is I would like the
6 applicant to be willing to defer our action on this and come
7 back with a completed plan, which is what I keep hearing
8 everybody say. I think personally, I could also willing to
9 support the idea of the demolition as the staff has
10 recommended with the caveat that we stress upon you, we're
11 not going to be backed into a corner that all of a sudden if
12 we do that, that then all of a sudden you're going to ask for
13 this or you're going to ask for that, not allowing us to put
14 an addition on the Prospect elevation side of the building.
15 I mean, it's, in the perfect world it's very tough for you to
16 say come and do this and then, okay, come back later with a
17 second part to this. I think you're asking for trouble on
18 both your house and any future addition you might consider.
19 And I mean if you really are correct in your belief that you
20 could live in the house within it's existing confines, that's
21 great. Then I think everybody would be very supportive.
22 Okay, live in your house, build on it.

23 MS. O'MALLEY: But you're also limiting it with the
24 idea of building on that other lot because it's not
25 recommended that you build on a side lot, a lot that size.

1 In that historic core, primary resource, you should have at
2 least two building lots to build on.

3 MS. ANAHTAR: But, aren't all the neighboring lots
4 have the same frontage? I mean what is different than --

5 MS. O'MALLEY: The one across the street on
6 Prospect is identical to his house with two lots. The same
7 way.

8 MR. FULLER: The quad lot.

9 MS. WILLIAMS: Actually, I have a question about
10 that. In terms of the lots as they're laid out, 58 to 68.
11 How many of those lots have individual single family
12 dwellings on them? I mean, is every lot built upon or is it
13 pretty much --

14 MS. NARU: If you look on circle 10, that should
15 give you a good idea.

16 MR. BURSTYN: But those aren't in the district.

17 MS. VALESQUEZ: That's right.

18 MS. WILLIAMS: No, I'm just curious from a --

19 MR. BURSTYN: 58 and 59 --

20 MS. WRIGHT: I mean, one possible solution on this,
21 if what the owner is really looking for is guidance so that
22 he can then move forward with additional planning on the
23 property, we could take a sort of poll of the Commission that
24 would say, you know, if you saw a whole package that was a
25 good design, could you approve removal of that side wing.

1 And it would be almost like a preliminary consultation. So
2 it would give the applicant at least a sense of what's
3 approvable. And then you could actually defer action on a
4 formal vote until you see the whole package. I don't know if
5 that would give you the guidance you need to know what's sort
6 of in the realm of possibilities so you can then proceed with
7 your either planning for your property or marketing the
8 property.

9 MS. VALESQUEZ: Okay, what I'm hearing right now,
10 which should further this, is that you probably if we vote on
11 this tonight, given the lack of further information, you
12 probably will have this historic area work permit denied. I
13 think what I'm hearing is the commissioners who have spoken
14 to this have said it's conceivable, not probable, conceivable
15 that you may be able to remove that addition, therefore
16 giving yourself a buildable lot. (And whatever got built on
17 that would come back here for our approval.) You, I think you
18 understand that. But until we see an entire proposal, okay
19 if I take this off and I do this and this is what I plan to
20 do if you let me take that off, then we would have something
21 we could deal with. I think when we started this discussion,
22 Commissioner Breslin stated that specifically.

23 MR. COSGROVE: Well, here's what I'm saying, is
24 this. That if I take the addition off, like I'm asking you
25 all to let me do, and I take that shed down, which I'm asking

1 you to let me do, I have another buildable lot. That's,
2 there's no question about that. Now there's a question that
3 if Joe Smith comes and buys it, Joe might have to live with a
4 10 percent, you know the vision of Kensington thing. Now
5 then the question would be now the existing house. If I
6 decide to live there, I might come back here and say, can I
7 put an addition off the back and you might say no. But what
8 I'd like to do is get the answer to the question. I know
9 those things. I know I might come back and you say, no I
10 can't put an addition on the existing house. But there's I
11 don't see the staff said they'd support it. I don't see any
12 reason why we can't have the answer to this question.

13 MS. VALESQUEZ: Well, you can. However, I think in
14 fairness to you, you're hearing the commissioners say that
15 they can not support your application without a much more
16 fleshed out application, much more of a long-range game plan.
17 One of the things that we hate the most, to tell you the
18 truth, is piece-meal applications. Somebody comes in and
19 they want to do this and then two months later they want to
20 do that. If we had seen the whole picture at one time, we
21 would have a much more coherent idea of what we were actually
22 allowing because that approach has been very unsuccessful.
23 And this is what I'm seeing happening tonight.

24 MS. WATKINS: I think one thing in defense of the
25 applicant, he is essentially saying that he is going to try

1 and live within that house. So I think if, okay, if you came
2 back to us with, I guess you wouldn't even have to come back
3 to us, but--- go ahead.

4 *MR. BRESLIN: Sorry to -- our concern is the house.
5 My concern is the primary resource. And if we allow you to
6 do what you're suggesting, we are left with a house that's
7 not livable. For example, there's no bathrooms in the house.
8 And what I would like to see at the end of this process is a
9 house that is functional and that is buyable so that someone,
10 you or someone else will live in it and take care of it for
11 another 70 years. So even if you were to suggest the house
12 stands by itself, you will not put any additions on it,
13 there's still the issue of where does the driveway come and
14 go from; where do you park; there's all kinds of things that
15 aren't shown here that you'd need for a viable house.

16 MR. COSGROVE: You don't have a viable house now.

17 MR. BRESLIN: I know. That's the problem.

18 MR. COSGROVE: Basically you're saying --

19 MR. BRESLIN: If you take the addition off, you
20 still don't have a viable house.

21 MR. COSGROVE: That's right. But I have a
22 buildable lot.

23 MR. BRESLIN: Well, I don't care about the lot. I
24 care about the house.

25 MR. COSGROVE: So, it's a lot better -- I know you

1 don't. Well, you don't have a, you're saying you want it to
2 be a viable house. You don't have a viable house there. The
3 thing is falling down. What I'm saying is that, give me a
4 viable house with a buildable lot and my options are, guess
5 what, financially, I have a lot more options to come back to
6 you with a plan on the existing house to make it work, to
7 make it functional, to put an addition, a small addition on
8 it, or just gut the thing and put a couple bathrooms in it
9 there. If you don't do that, I have no options, none, except
10 to go back and spend more money on things that may or may not
11 be done to satisfy what, you know, in the future, somebody
12 may build a house on that in-fill lot or they may not. But I
13 have to deal with today.

14 MR. FULLER: Can I make a motion?

15 MS. VALESQUEZ: Yes, you may.

16 MR. FULLER: I'd like to make a motion that we
17 approve the staff recommendation for application 31/06-04C
18 with the added condition that in addition to the removal of
19 the addition, that we deny the option for building on lot 58
20 until we have final plans.

21 MS. VALESQUEZ: Is there a second? The motion
22 fails.

23 MR. FULLER: I'm sorry, 59 I meant.

24 MS. WILLIAMS: Well, how about 58 and 59?

25 MR. FULLER: Well, no, no.

1 MS. VALESQUEZ: Okay, I'll retract that until this
2 discussion.

3 MR. FULLER: Could I just restate that?

4 MS. VALESQUEZ: Yes.

5 MR. FULLER: That we approve the staff report as
6 written with the additional stipulation of number four, that
7 would stipulate that no plans would be approved for any
8 building on lot 59.

9 MS. WILLIAMS: Until when?

10 MR. FULLER: Until somebody comes in with an
11 Historic Area Work Permit.

12 MS. WRIGHT: But that's already a given. I mean --

13 MS. VALESQUEZ: Yes. Anything that's built on that
14 lot has to come forth anyway.

15 MR. FULLER: But what I'm saying is that a Historic
16 Area Work Permit would be coming back for the combined
17 properties and tell us what's going to be done.

18 MS. WRIGHT: So are you saying, just to clarify,
19 that essentially you're saying you approve the application.
20 But the demolition can not be implemented until a Historic
21 Area Work Permit comes in for the entire assemblage of the
22 property, meaning the new house or an addition. And that
23 gives the applicant the assurance that he may need to go
24 forward in his plan.

25 MR. FULLER: From my perspective, what I was saying

1 is that I have no problem with the demolition of the
 2 addition, per se. I do have a problem to approve the
 3 opportunity for somebody to build on the adjoining lot until
 4 we know the whole picture. So basically I want it to be
 5 clear that if anybody were to buy the other lot, they would
 6 not have a buildable lot.

7 MS. WRIGHT: No, we can't make a buildable lot
 8 unbuildable.

9 MS. VALESQUEZ: Excuse me, there is a motion on the
 10 floor. Is there a second to this motion so we can discuss it
 11 further?

12 MS. WILLIAMS: It's not clear what the motion is.

13 MR. FULLER: I withdraw the motion.

14 MS. VALESQUEZ: The motion fails.

15 MR. BURSTYN: The problem that I have with this
 16 whole situation is that I keep seeing in my mind various
 17 alternatives and I don't know whether they are feasible or
 18 not, whether they're in comport with the Historic Area of
 19 Kensington, but I just see various possibilities and doesn't
 20 seem that there involves much doubt. So I would ask one
 21 question of both the applicant and staff to comment on this
 22 in trying to find a way because, personally, I like the idea
 23 of being able to keep the addition if possible, since it does
 24 add square footage and makes the house and the renovated
 25 capacity much better than what's going to be left. In that

1 I'm looking at it that there's two easements where lot 58
2 grants to lot 59 a driveway easement onto the property such
3 as driven on the diagram now. And that lot 59 grants to lot
4 58 an easement to allow the addition to stay there in
5 perpetuity. Could either staff or applicant comment on that,
6 please?

7 MR. COSGROVE: Can I ask, Gwen can help me on this
8 and maybe you all could give me some guidance on this. The
9 original thing that I talked about and that's what you
10 brought up, would solve a lot of this problem and it would
11 solve the problem that Mr. Breslin asked, and that is the
12 existing structure. You say he doesn't care about the lot
13 next store, he cares about the existing structure. Well, if,
14 if, if I kept the two lots the exact same size and square
15 footage but turned them so they'd both face Prospect, then
16 the house would not have to be touched at all. That solves
17 from your point of view, and it goes right along with what
18 you're saying.

19 MS. VALESQUEZ: He said the county already said you
20 can't do that, so.

21 MR. BURSTYN: No, I'm not --

22 MR. COSGROVE: Well, the county said that they,
23 staff wouldn't, you know, they kind of said, everyone there
24 said yes except for one person and Gwen said, you know, and I
25 don't know if Mr. Cooper would go -- and then you'd still

1 have to follow the rule of the 10 percent on the other lot.

2 MS. ANAHTAR: May I say something? I do not have
3 any problems with removing this addition. I think the house
4 will look much better if it is done away with properly. But
5 what I'm afraid of is this: if we let you demolish this
6 addition then you would focus on the new lot and just neglect
7 this house and it just falls apart. I think that's the
8 problem that we have so we would like to see what you're
9 proposing, any improvement that you're proposing to this
10 house, we would like to see it on the paper first, then we
11 would maybe approve.

12 MS. WRIGHT: Well, and I think the other issue is
13 that before deciding to implement the demolition, I think you
14 would want to flesh out ideas for the addition and for the
15 new house because you don't want to limit your options. So
16 again, let me offer an idea, which is, you know, either you
17 can treat this as a preliminary and ask him to defer. But it
18 sounds like he doesn't want to defer from what he said
19 previously. Another option would be to make a motion saying
20 that removal of the shed and the addition is approved but can
21 not be implemented until a full plan for the development of
22 both lots is presented and approved by the Historic
23 Preservation Commission.

24 MS. O'MALLEY: But then you're forcing him to make
25 a plan for development on that lot, which might not be

1 needed.

2 MS. VALESQUEZ: Yes, see, that's the motion we just
3 heard, I think.

4 MS. WRIGHT: Well, it wasn't exactly the gist.

5 MS. WILLIAMS: I mean, I do think that we could
6 make a motion to approve the demolition of the addition in
7 concept but that no demolition permit would be granted until
8 we've seen a complete proposal for the house, for the
9 existing house and a potential addition, or the renovation of
10 the house that shows bathrooms in it to make it livable and
11 potentially if it comes to this, plan for the building of the
12 new lot.

13 MS. O'MALLEY: Well, I'd like to also ask about the
14 concept of renovating the entire house as one piece. I mean,
15 as you heard from the other people that live in town, there
16 have been situations where even those that didn't have money,
17 brought full properties and with friends help and just
18 working on it themselves, they've been able to do wonderful
19 jobs renovating the original resource. And I would wish that
20 there would be a way that you could accomplish that because
21 this property has been forever, for 100 years it's been one
22 piece of property, the same as the one directly across the
23 street and the ones behind. And it is an entrance into the
24 historic district and you sit on the hill there. If you put
25 another house next to you, even if it's set back, that's

1 going to diminish you're property. I would like to see it
2 stay as one property and you keep the addition and work with
3 it.

4 MR. BRESLIN: And this Commission has a long
5 history of granting large additions in cases just like this,
6 if done well.

7 MS. O'MALLEY: I would make a motion that we deny
8 the application for the demolition.

9 MR. BURSTYN: I second the motion.

10 MS. VALESQUEZ: Any discussion by the
11 commissioners?

12 MS. WILLIAMS: I would just offer the applicant the
13 opportunity to, before voting, before our vote, to defer this
14 until the next Commission hearing, come back with a more
15 complete proposal.

16 MR. COSGROVE: What about the proposal you and Gwen
17 just had? Why don't we, can we, no one proposed that?

18 MS. VALESQUEZ: Because we're the commissioners.
19 We're the commissioners.

20 MR. COSGROVE: Okay.

21 MS. WRIGHT: They don't agree with me.

22 MS. WILLIAMS: So, I'm just proposing this to the
23 applicant --

24 MR. COSGROVE: I agree with what in the discussion,
25 what you said corresponded with staff who investigated the

1 whole thing. So where's that? Where's that? My problem
2 with this whole thing is I'm not going to --

3 MS. VALESQUEZ: Excuse me. We have a motion on the
4 floor and one commissioner offered you a compromise proposal.
5 And that's a yes or no. Would you like to defer this until
6 the next meeting or would you like to vote now?

7 MR. COSGROVE: Vote.

8 MS. VALESQUEZ: Okay. In that case, any further
9 discussion from the Commission? All in favor of the motion,
10 please raise your right hand. One, two, three, four, five.
11 All opposed? Three opposed. The motion passes, thank you.

12 All right. The next is a subdivision review. No, it's
13 not. It's Chevy Chase Circle. I'm completely getting ahead
14 of myself here. Item I, All Saints Church. Is there a staff
15 report?

16 MS. FOTHERGILL: There's a staff report. I'm going
17 to show some slides.

18 This is a Historic Area Work Permit application for All
19 Saints Church, which is on Chevy Chase Circle. And this
20 slide is the part of the church which faces the circle. You
21 can see in circle nine of your staff report, that the church
22 has had a number of additions. In the section that you're
23 looking at, to the right is, I believe, the oldest section or
24 one of the oldest sections.

25 The applicants are proposing to replace a door. This is

AYALA AND ASSOCIATES

PUBLIC ACCOUNTANTS

May 18, 2004

GTM ARCHITECTS
10415 ARMORY AVENUE
KENSINGTON, MD 20895
ATTN: GEORGE T. MYERS

Re: List of Neighbors

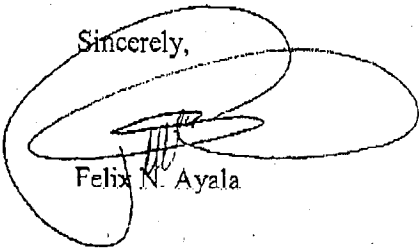
Dear Mr. George Myers:

As follow please fin the list of neighbors on the surroundings of the property (4010 Prospect Street) al though I do not know their names, but hope this is what you need.

- James R. Cooper & Margaret O'Neill Cooper < 3948 Washington Street (Behind the Lot)
Kensington, MD 20895
- David N. Rubin < 4011 Prospect Street (Side of House) - Side across street
Kensington, MD 20895
- Erica L. Drvin < 10302 Summit Avcnue (Front of the House) - Across street
Kensington, MD 20895
- Eric T. & Katherine J. May < 10300 Summit Avenue (Front of the House) - Across street
Kensington, MD 20895
- Phoebe & Michael Busigs < 10223 Summit Avenue (Side of the House) - Occupant
Kensington, MD 20895

Thank you and good luck on the presentation with the historic board.

Sincerely,



Felix N. Ayala

8

TRANSMITTAL

GTM
Architects

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

Date: 6/18/04

To: Montgomery County Historic Preservation Commission
Michele Naru
1109 Spring Street suite 801
Silver Spring, MD 20910
Phone: 301-563-3407
Fax: 301-563-3412

Project #:

Project Name: 4010 Prospect Street

Regarding:

We are sending you:

ATTACHED UNDER SEPARATE COVER VIA US Mail THE FOLLOWING
ITEMS:

SHOP DRAWINGS PRINTS SAMPLES SPECIFICATION
 COPY OF LETTER _____

COPIES: DATED: DESCRIPTION:
2 sets revised plans for HAWP
1 copy of previous application

THESE ARE TRANSMITTED:

FOR YOUR APPROVAL APPROVED AS SUBMITTED
 FOR YOUR USE APPROVED AS NOTED
 AS REQUESTED RETURNED FOR CORRECTIONS
 FOR REVIEW & COMMENT _____

REMARKS:

Michele- Revised plans show the new house footprint reduced by 100sf to 950sf including front porch, and a single car garage instead of a 2 car garage. The addition on the existing house has been eliminated. The house will be restored as is with only a new porch on Prospect Street- we would like to avoid variances. I will try to dig up Lot coverage comparison from Baltimore Street before the meeting- but as I mentioned, the applicant will likely appeal if this ends up being denied.

Thanks, George



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

DPS - #8

HISTORIC PRESERVATION COMMISSION
301/563-3400

APPLICATION FOR HISTORIC AREA WORK PERMIT

Contact Person: _____

Daytime Phone No.: _____

Tax Account No.: _____

Name of Property Owner: Felix Ayala Daytime Phone No.: _____

Address: 4010 PROSPECT AVE KENSINGTON, MD 20895
Street Number City Street Zip Code

Contractor: TO BE DETERMINED Phone No.: _____

Contractor Registration No.: _____

Agent for Owner: George Myers, GTM ARCHITECTS #8385 Daytime Phone No.: 301-942-9062 ext. 13

LOCATION OF BUILDING/PREMISE

House Number: 4010 Street: PROSPECT LOT 58

Town/City: KENSINGTON Nearest Cross Street: SUMMIT AVE. LOT 59

Lot: _____ Block: _____ Subdivision: _____

Libert: _____ Folio: _____ Parcel: _____

FORCH
ADDITION
NEW HOUSE

PART ONE: TYPE OF PERMIT ACTION AND USE

1A. CHECK ALL APPLICABLE:

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

1B. Construction cost estimate: \$ TO BE DETERMINED

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

PART TWO: COMPLETE FOR NEW CONSTRUCTION AND EXTEND/ADDITIONS

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

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

PART THREE: COMPLETE ONLY FOR FENCE/RETAINING WALL

3A. Height _____ feet _____ inches

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

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

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

[Signature]
Signature of owner or authorized agent

5/19/04
Date

Approved: _____ For Chairperson, Historic Preservation Commission

Disapproved: _____ Signature: _____ Date: _____

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

EXISTING STRUCTURE IS A PRIMARY RESOURCE IN KENSINGTON
HISTORIC DISTRICT. IT IS IN POOR CONDITION.

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

PROPOSAL IS TO RESTORE/RENOVATE EXISTING STRUCTURE, + BUILD
A COMPATIBLE ADDITION. A PREVIOUS ADDITION WILL BE REMOVED,
IN ORDER TO ~~REPLACE~~ # FOR A NEW 1 1/2 STORY HOME TO
BE BUILT ON ADJACENT LOT.

2. **SITE PLAN**

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

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

3. **PLANS AND ELEVATIONS**

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

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

4. **MATERIALS SPECIFICATIONS**

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

5. **PHOTOGRAPHS**

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

6. **TREE SURVEY**

If you are proposing construction adjacent to or within the arbor 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.

AYALA AND ASSOCIATES

PUBLIC ACCOUNTANTS

May 18, 2004

GTM ARCHITECTS
10415 ARMORY AVENUE
KENSINGTON, MD 20895
ATTN: GEORGE T. MYERS

Re: List of Neighbors

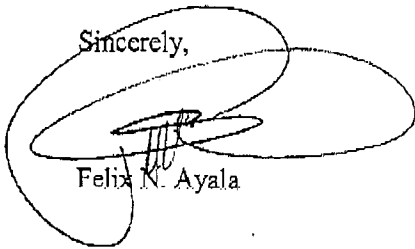
Dear Mr. George Myers:

As follow please fin the list of neighbors on the surroundings of the property (4010 Prospect Street) al though I do not know their names, but hope this is what you need.

- James R Cooper & Margaret O'neill Cooper < 3948 Washington Street (Behind the Lot)
Kensington, MD 20895
- David N. Rubin < 4011 Prospect Street (Side of House) - Side across street
Kensington, MD 20895
- Erica L. Drvin < 10302 Summit Avenue (Front of the House) - Across street
Kensington, MD 20895
- Eric T. & Katherine J. May < 10300 Summit Avenue (Front of the House) - Across street
Kensington, MD 20895
- Phoebe & Michael Bosjes < 10223 Summit Avenue (Side of the House) - Occupant
Kensington, MD 20895

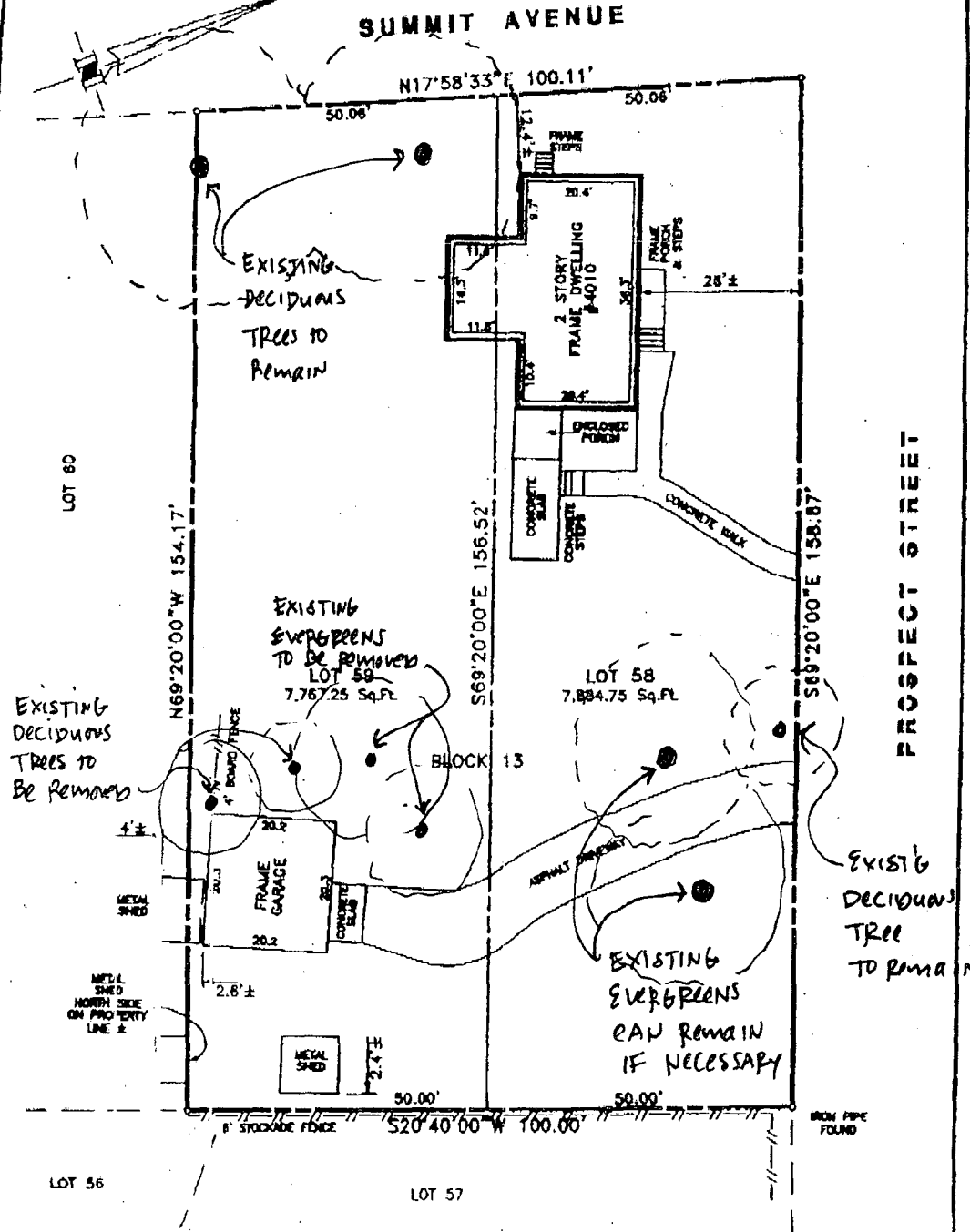
Thank you and good luck on the presentation with the historic board.

Sincerely,



Felix N. Ayala

This property lies within Zone C, area of minimal flooding, as indicated on U.S. Department H.J.D. maps entitled "FIRM Flooding Insurance Rate Map" Montgomery County, Maryland, revised August 5, 1991.



Tree Survey.

NOTE: Existence of property corner markers not guaranteed by this survey. This is NOT a boundary survey.

FOR TITLE PURPOSES ONLY • NO TITLE REPORT FURNISHED
SUBJECT TO ALL EASEMENTS AND RIGHTS OF WAY OF RECORD
NOT TO BE USED FOR THE CONSTRUCTION OF FENCES OR
OTHER IMPROVEMENTS

LOCATION DRAWING
(DIMENSIONS TO PROPERTY LINE, ACCURACY IS ± 0.1')

SURVEYOR'S CERTIFICATE

I certify that I have carefully surveyed the property shown above described as
LOTS 56 AND 57, BLOCK 13
KENNINGTON PARK
as shown in Plot Book _____ of Plot _____ one of the Land Records
of **MONTGOMERY** County, **MARYLAND**, and unless otherwise
shown, there are no encroachments from adjoining properties and that the
existing improvements shown have been carefully established by accepted
survey practices.

FOWLER ASSOCIATES, INC.
Civil Engineers • Land Surveyors • Planners
255 North Washington Street, Suite 100
Rockville, Maryland 20850
Phone: (301) 762-2377
Fax: (301) 762-3689



JAMES W. FOWLER, JR., Professional Land Surveyor
VA #870
MD #4214

TYPE LOCATION DRAWING	
DATE	1/27/03
F.B. WCD0	Page 16
Drawn By	GME
Checked By	
DATE	02/05/03
Record No.	20850

EXISTING HOUSE
LOT 98

VIEW OF BACK + SIDE



EXISTING HOUSE
LOT 58
BACK ELEVATION

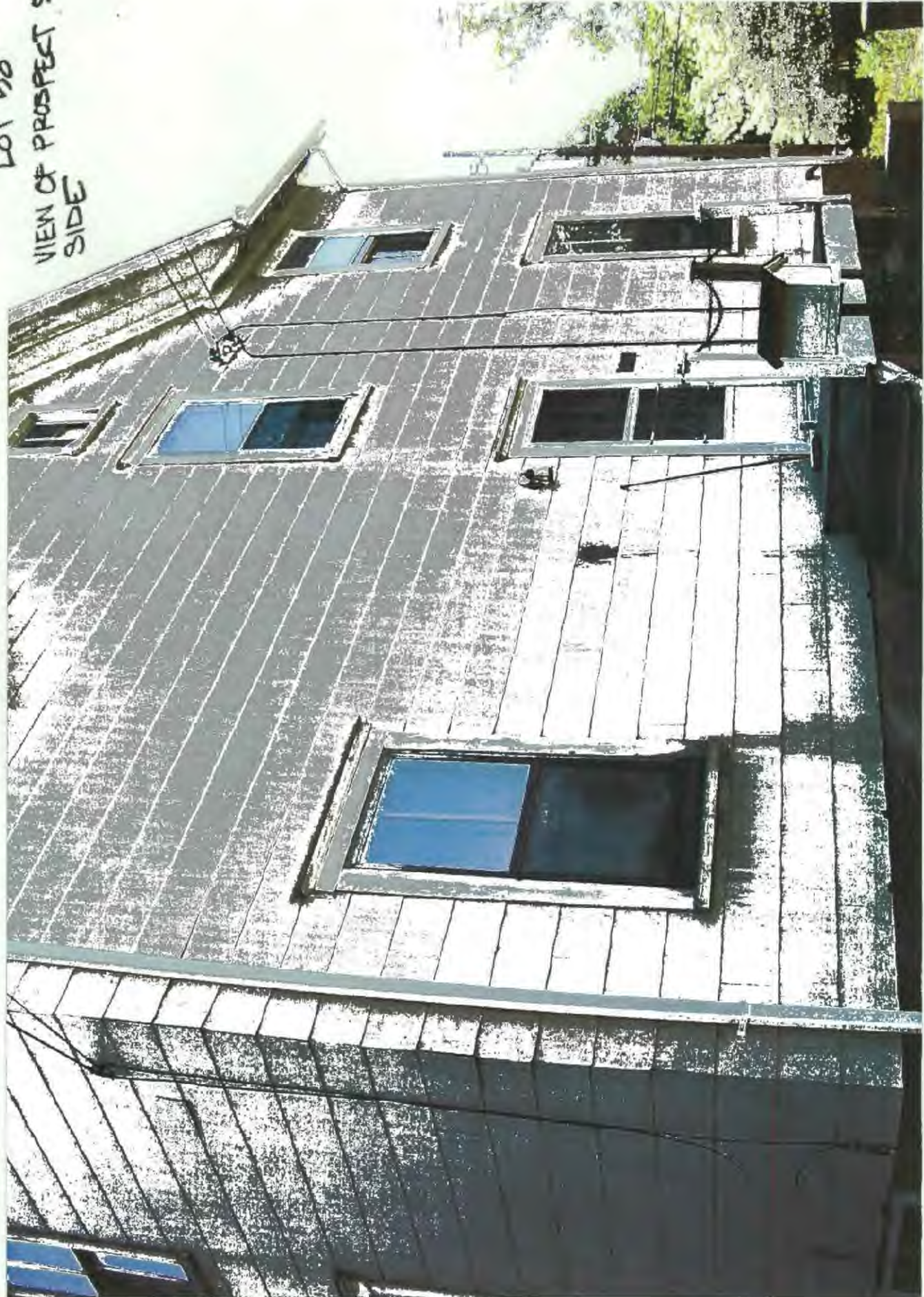


EXISTING HOUSE
LOT 58
BACK ELEVATION



EXISTING HOUSE
LOT 58

VIEW OF PROSPECT ST.
SIDE



EXISTING HOUSE
LOT 58
VIEW OF PROSPECT
STREET SIDE



EXISTING HOUSE, LOT 5B, VIEW OF FRONT



EXISTING HOUSE, LOT 508, VIEW OF FRONT & SIDE



lot 98
VIEW OF SIDE

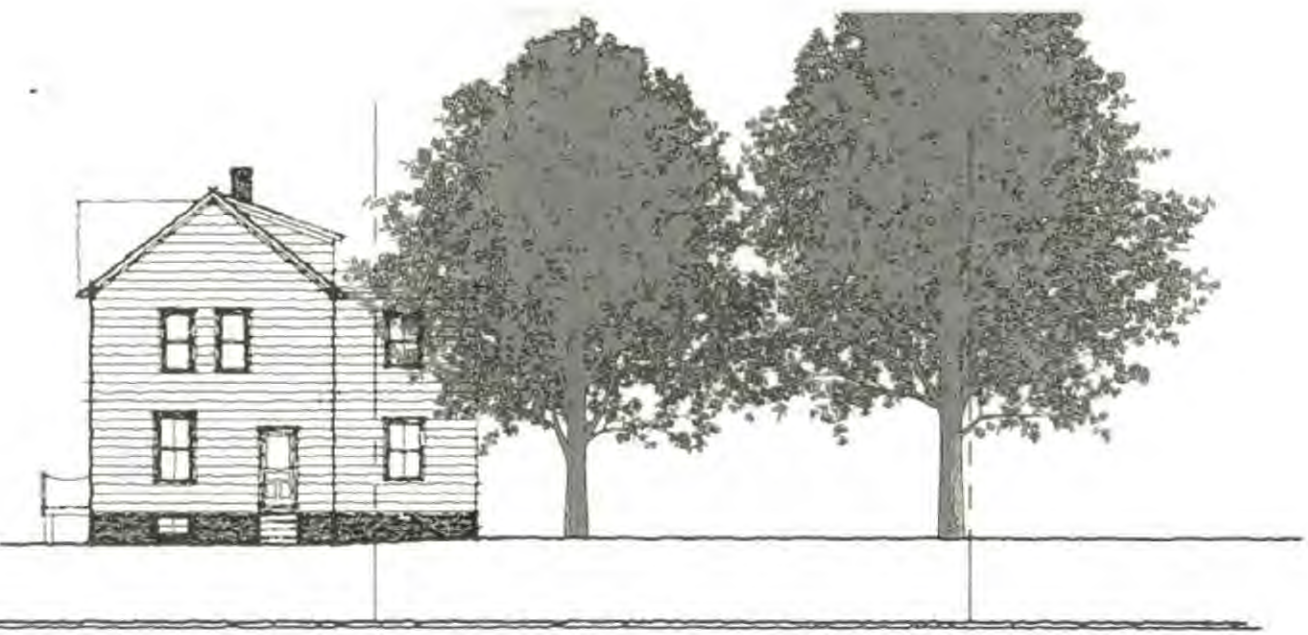


EXISTING HOUSE
LOT 58
VIEW OF SIDE



EXISTING HOUSE, LOT 588, VIEW OF FRONT & SIDE



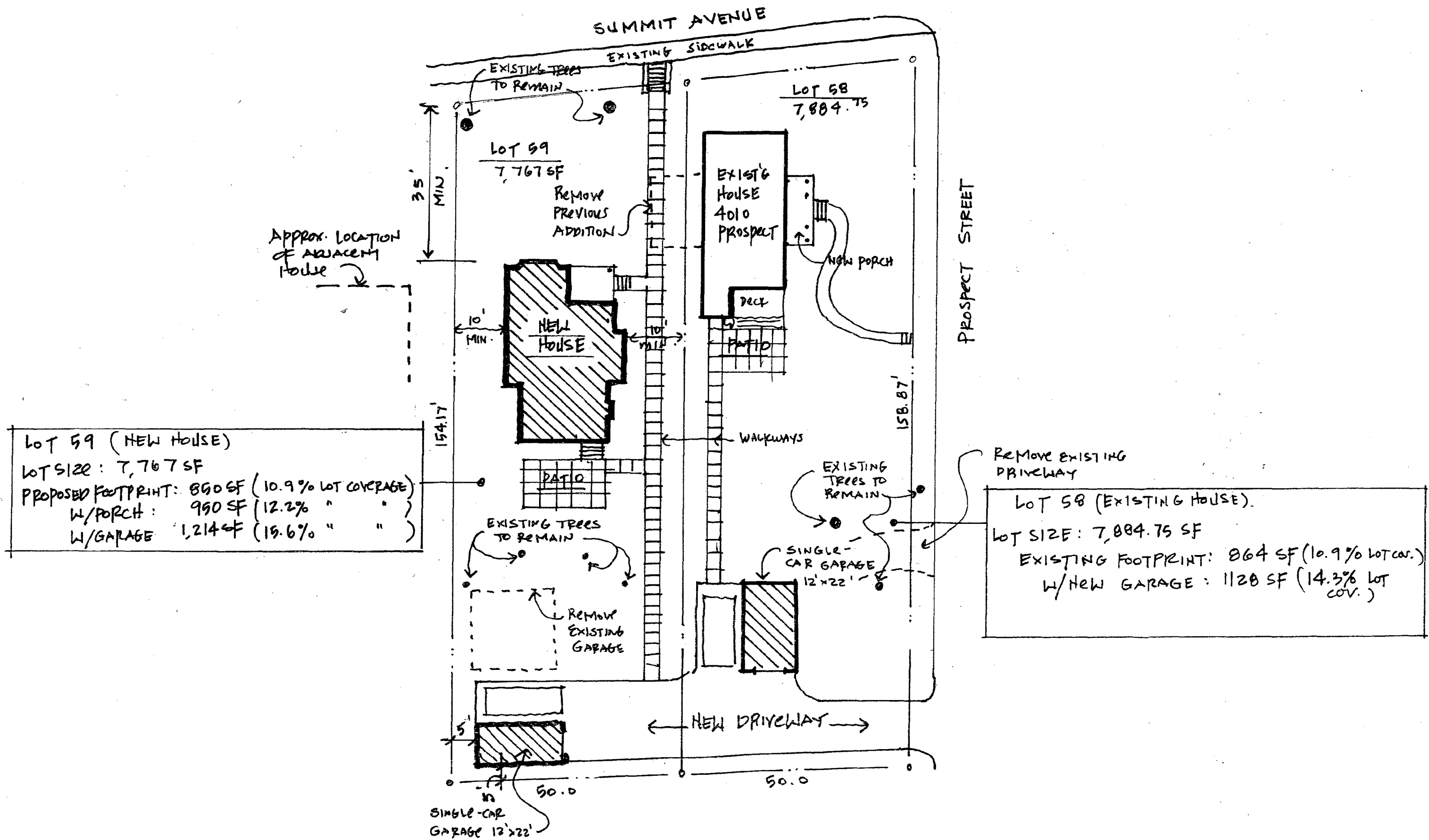


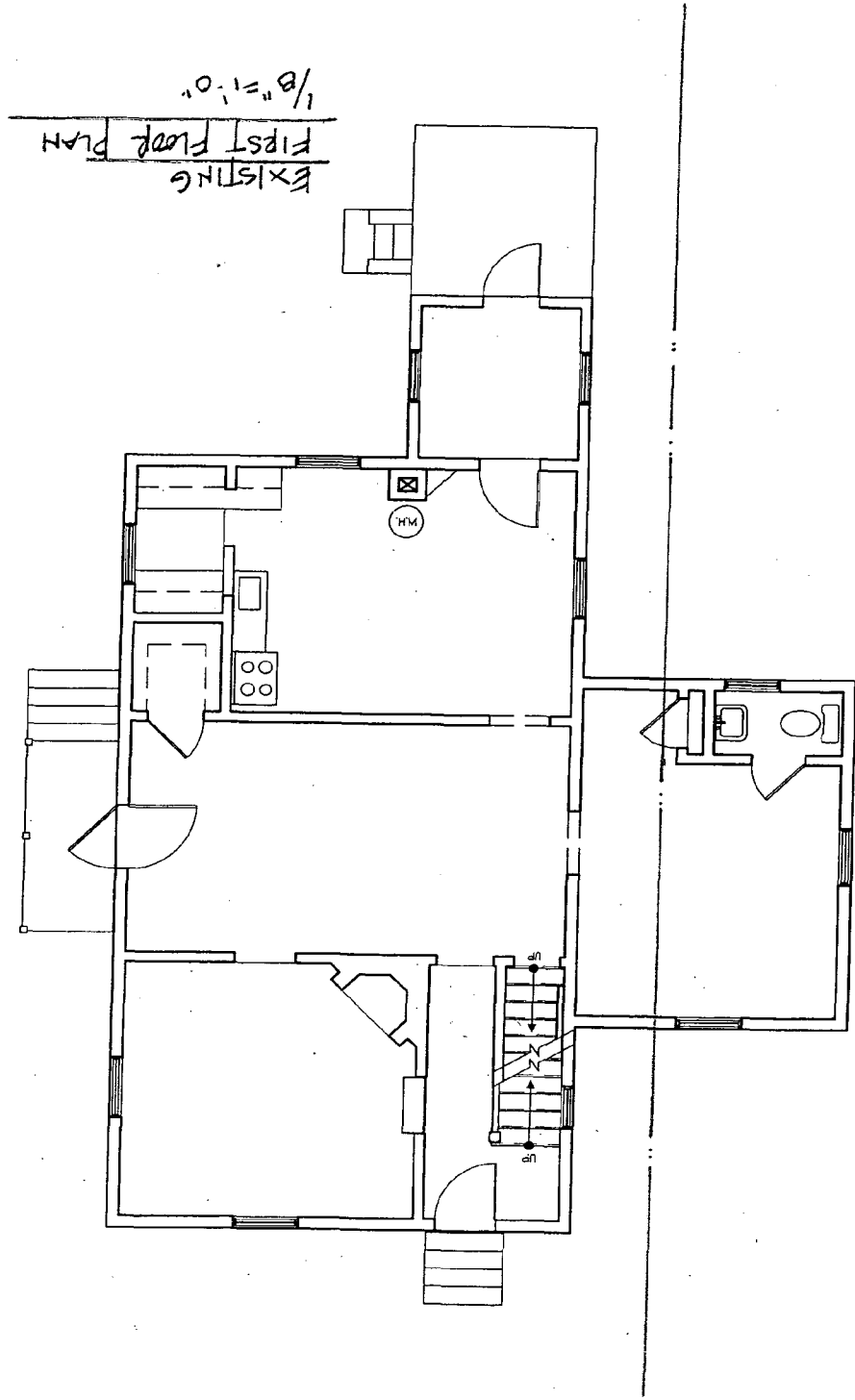
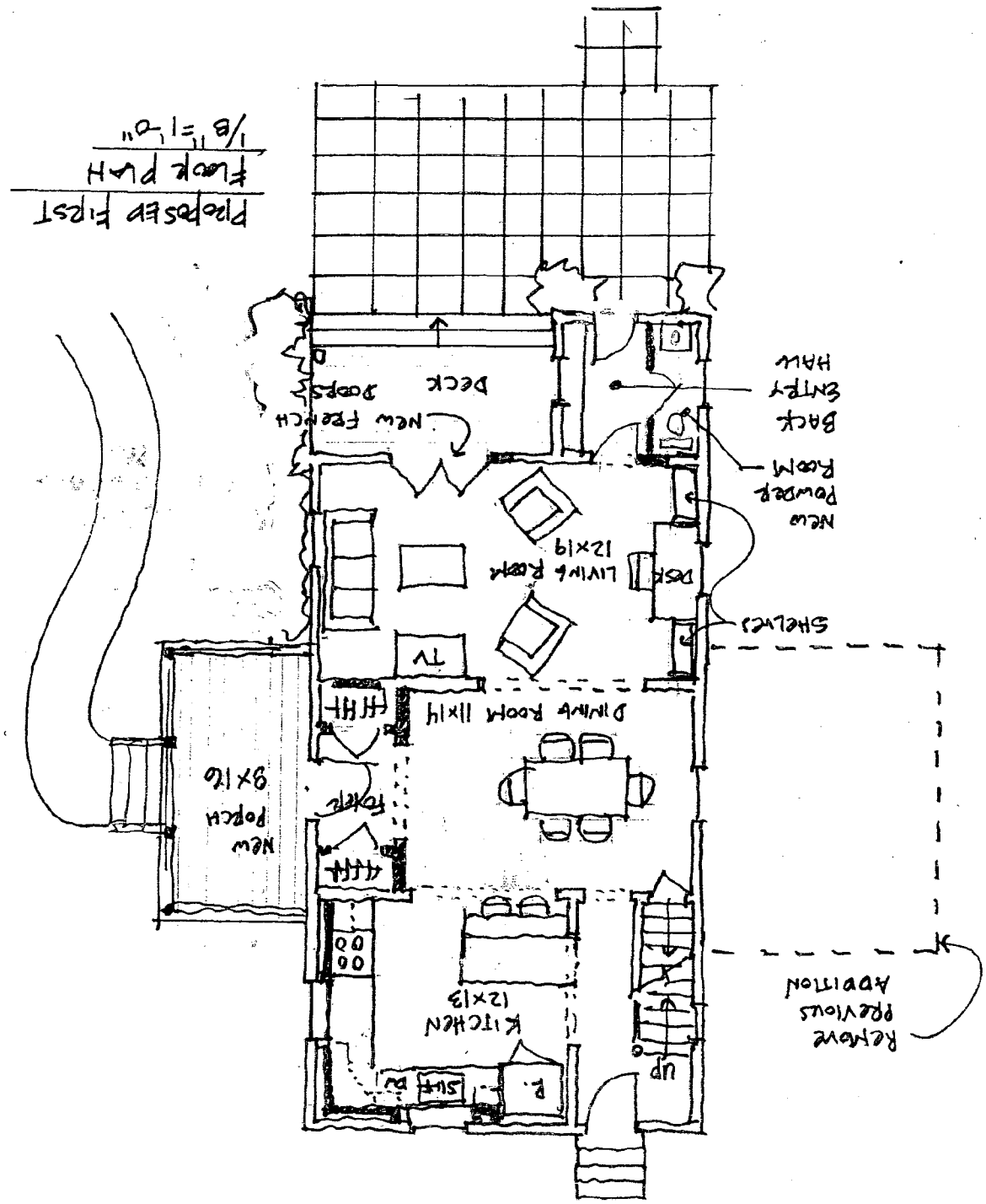
1 EXISTING FRONT ELEVATION
SCALE: 1/8"=1'-0"

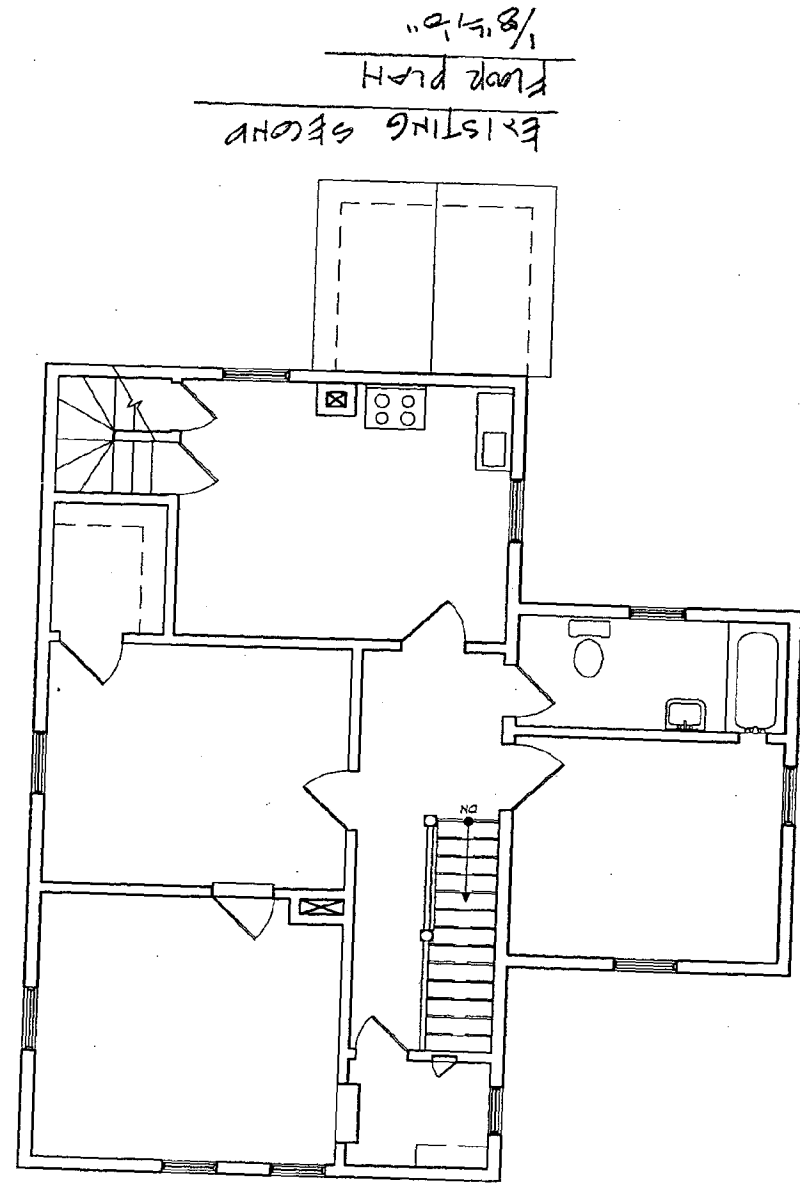
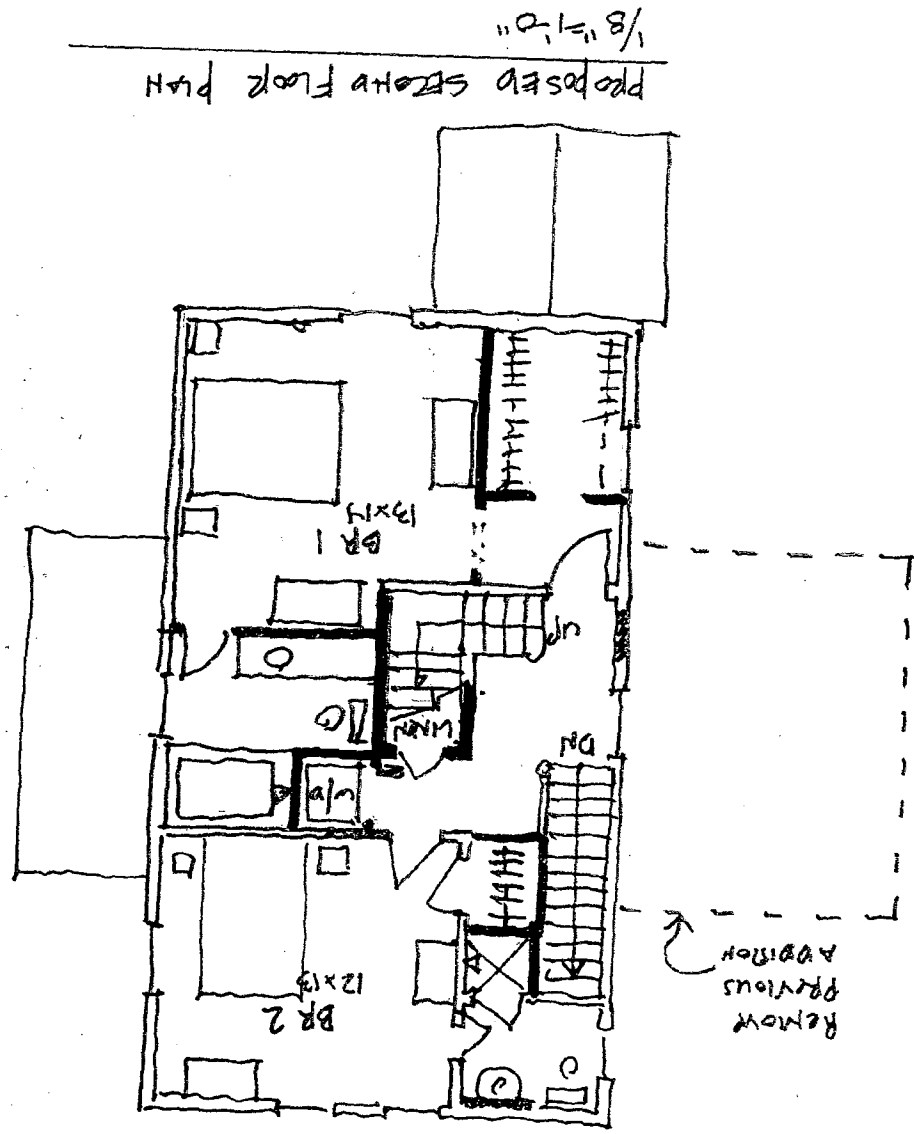


2 PROPOSED FRONT ELEVATION
SCALE: 1/8"=1'-0"

AYALA RESIDENCE
4010 PROSPECT STREET
KENSINGTON, MD



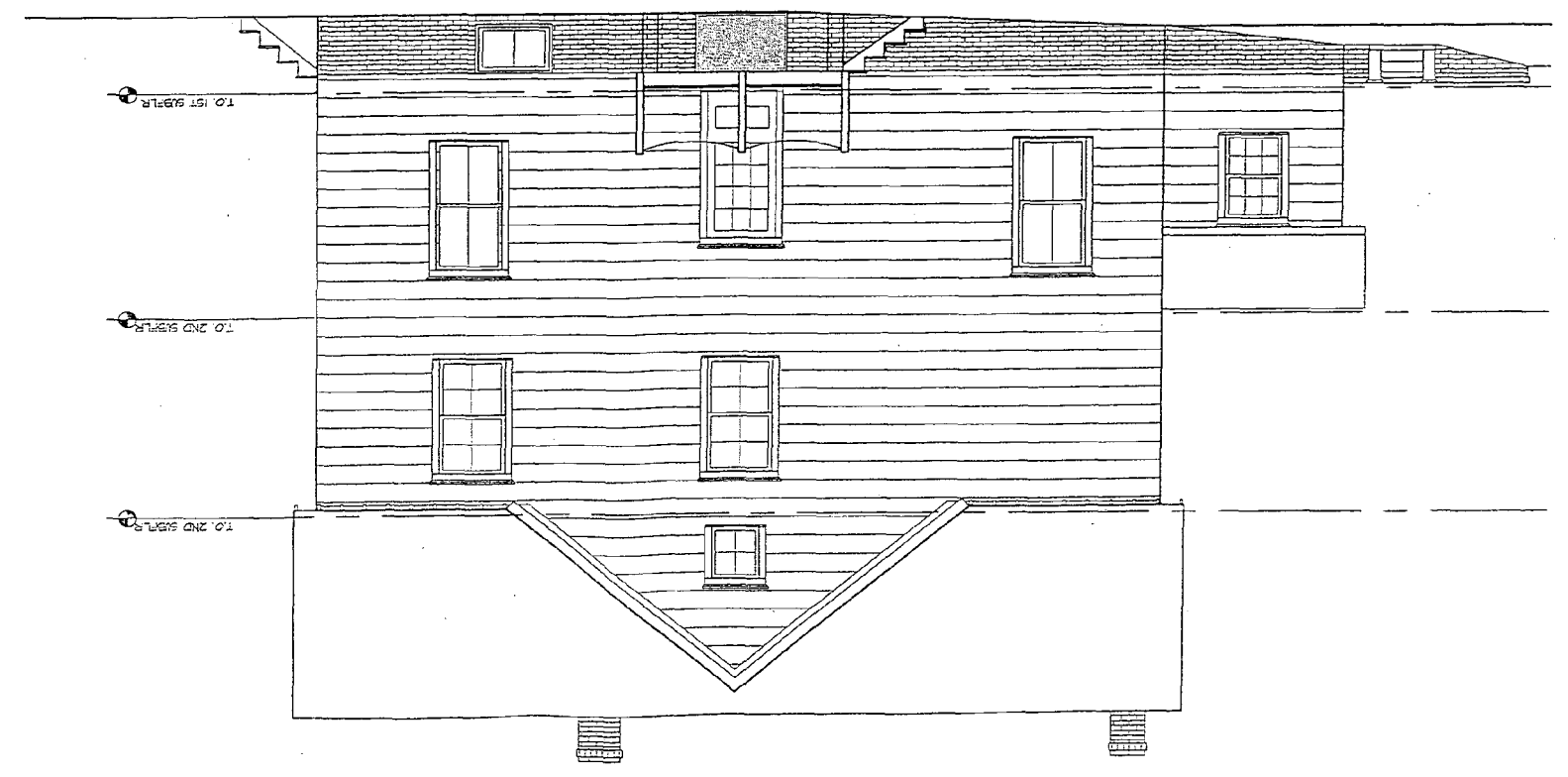
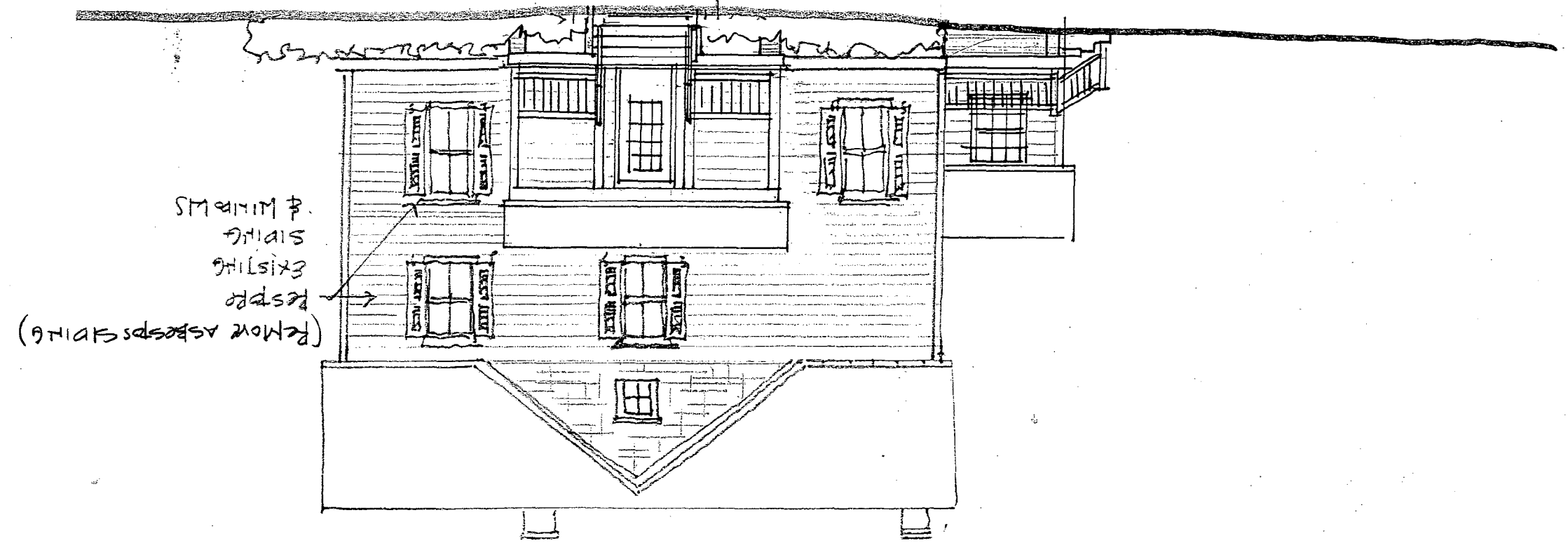




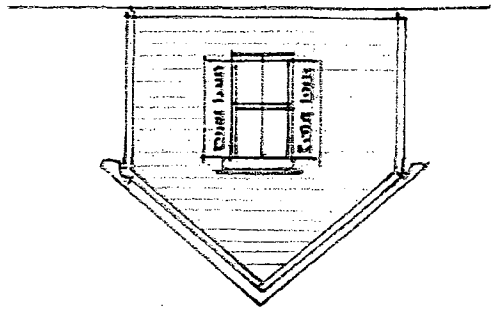
REVISED 6-15-04

1/8" = 1'-0"

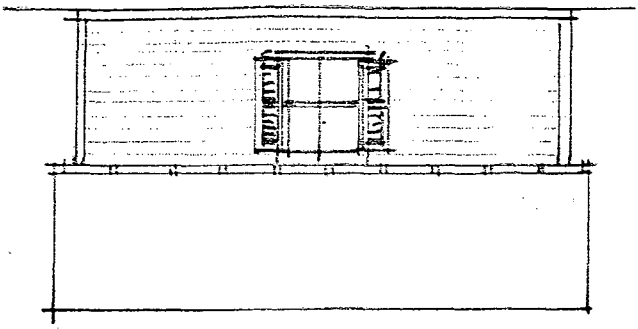
PROSPECT STREET ELEVATION - PROPOSED



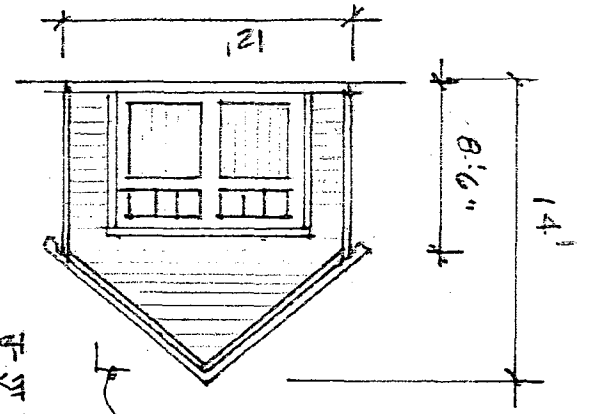
WEST ELEVATION (Facing Hoek)



SOUTH ELEVATION



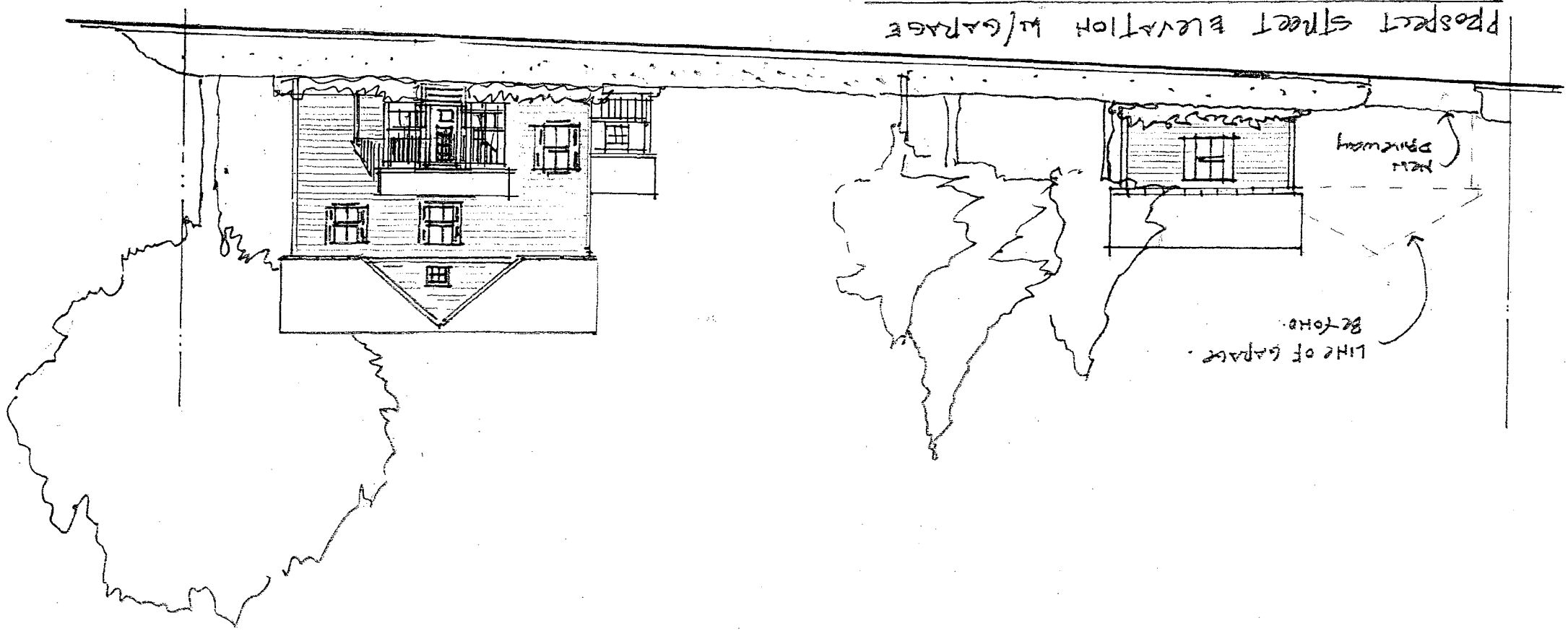
EAST ELEVATION



MATCH
PITCH OF
EXIST'G
HOUSE

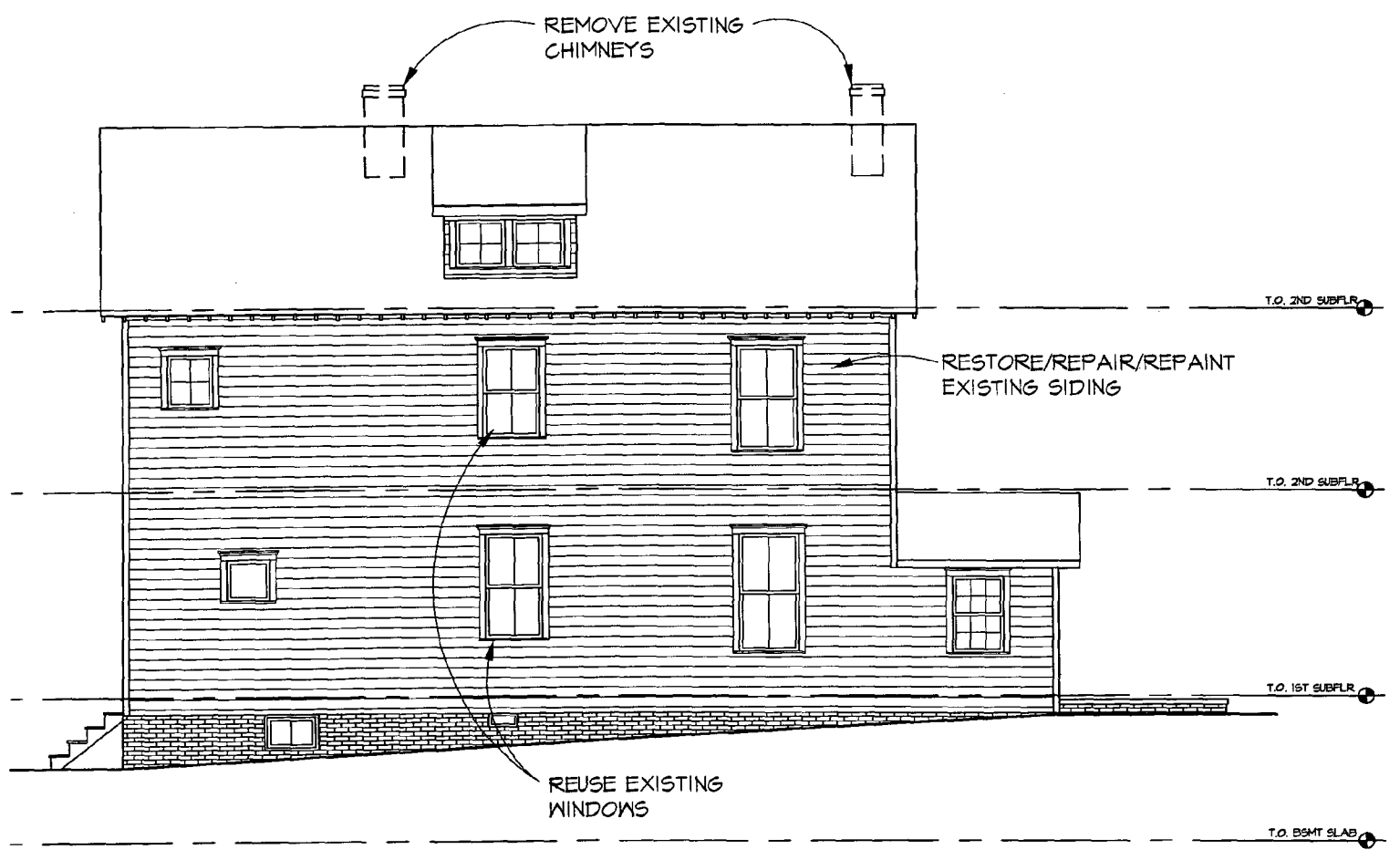
SINGLE CAR
GARAGE ELEVATIONS.
FOR 4010 PROSPECT ST.

PROSPECT STREET ELEVATION W/GARAGE
1/16" = 1'-0"



NEW
DRIVEWAY

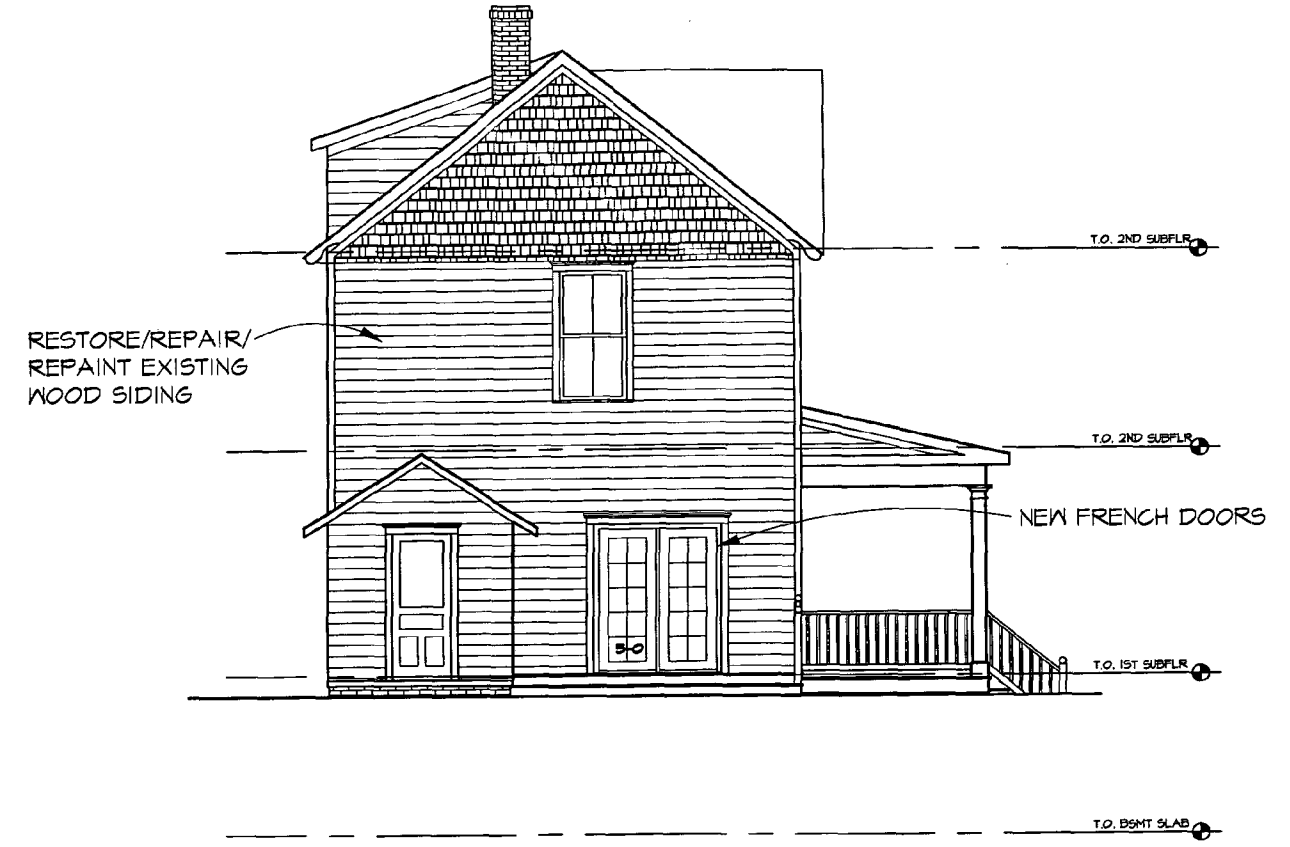
LINE OF GARAGE.
BEFORE.



1 **EXISTING RIGHT SIDE ELEVATION**
 SCALE: 1/8"=1'-0"

2 **PROPOSED RIGHT SIDE ELEVATION**
 SCALE: 1/8"=1'-0"

AYALA RESIDENCE
 4010 PROSPECT STREET
 KENSINGTON, MD



1 EXISTING REAR ELEVATION
 SCALE: 1/8"=1'-0"

2 PROPOSED REAR ELEVATION
 SCALE: 1/8"=1'-0"

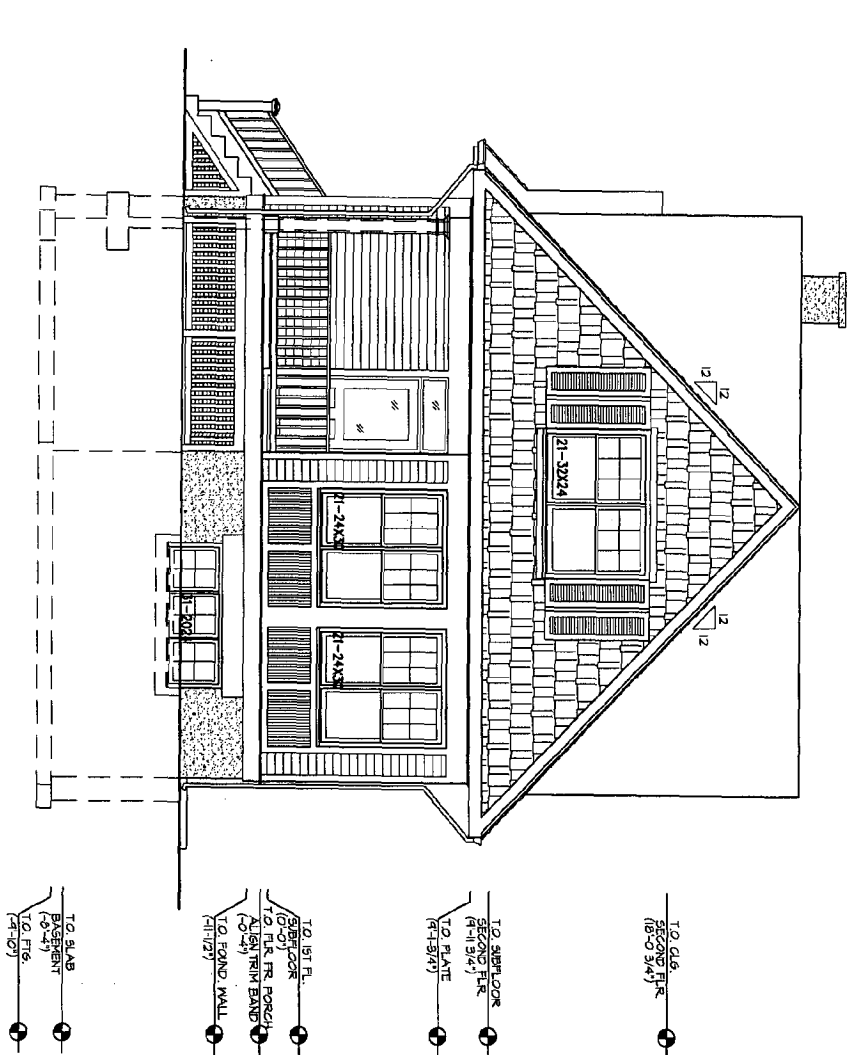
LOT 59
 SUMMIT AVENUE
 FRONT & BACK ELEVATIONS

**PROPOSED NEW
 HOUSE FOR
 LOT 59**

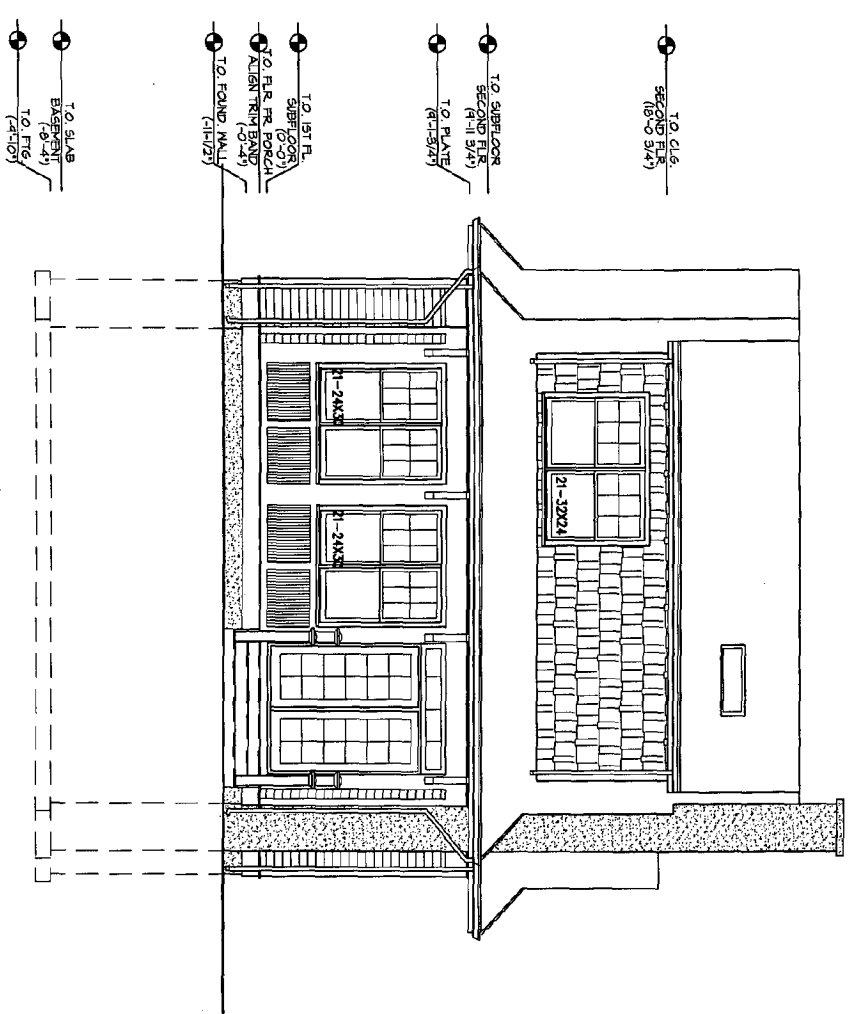
REVISIONS:

ARCHITECT SEAL:

DRAWN BY:
 CHECKED BY:
 SCALE: 1/8" = 1'-0"
 DATE: 06.15.04
 PROJECT NO: 04.0167
 DRAWING NO:



1 FRONT ELEVATION
 SCALE: 1/8" = 1'-0"



2 BACK ELEVATION
 SCALE: 1/8" = 1'-0"

REVISIONS:

ARCHITECT SEAL:

DRAWN BY:

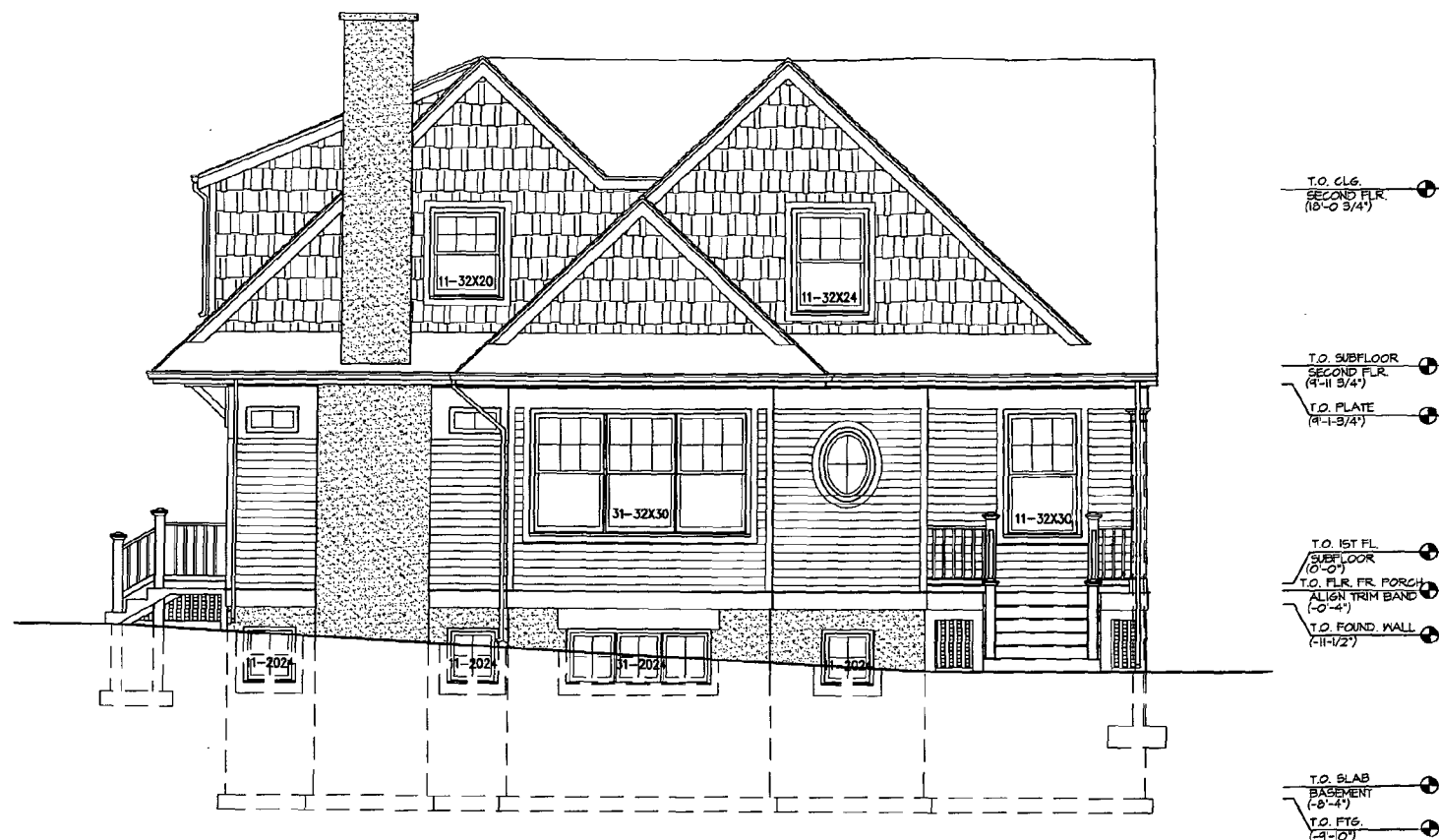
CHECKED BY:

SCALE: 1/8"=1'-0"

DATE: 06.15.04

PROJECT NO. 04.0167

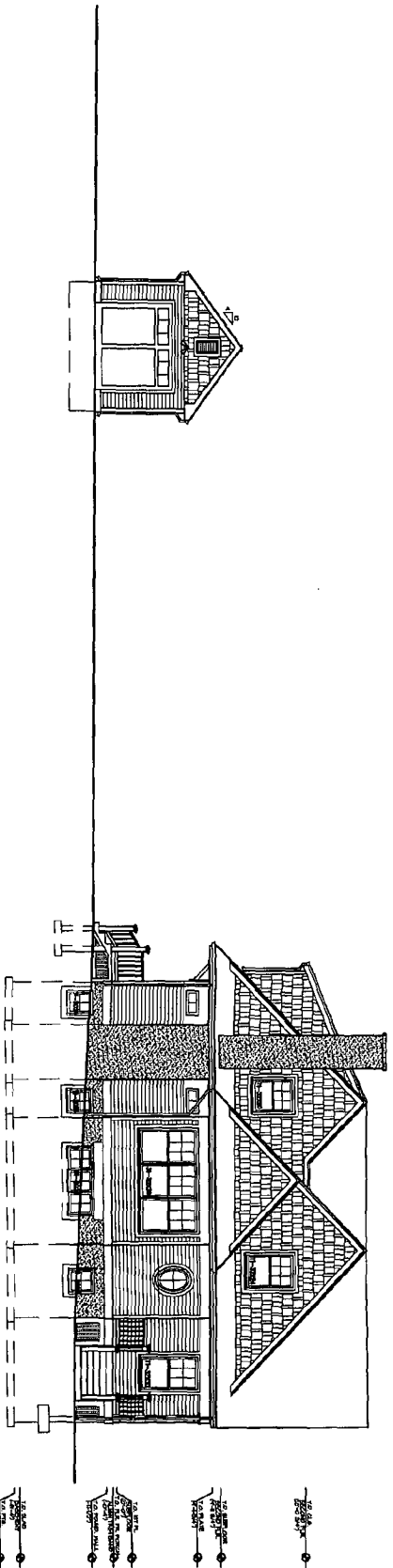
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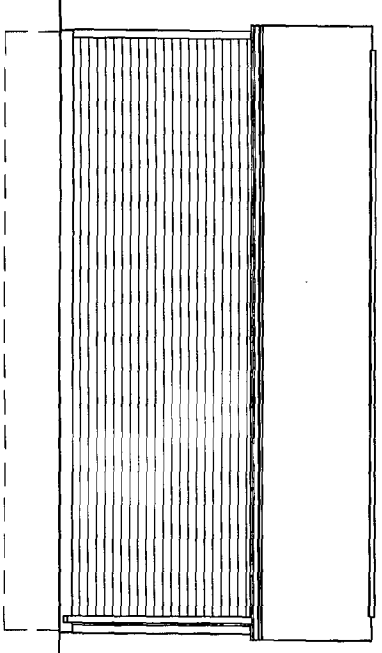
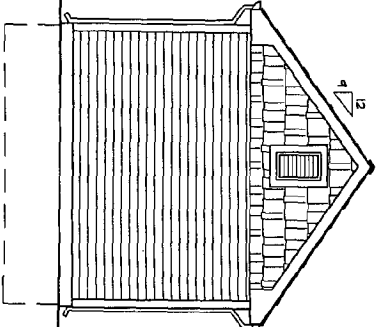
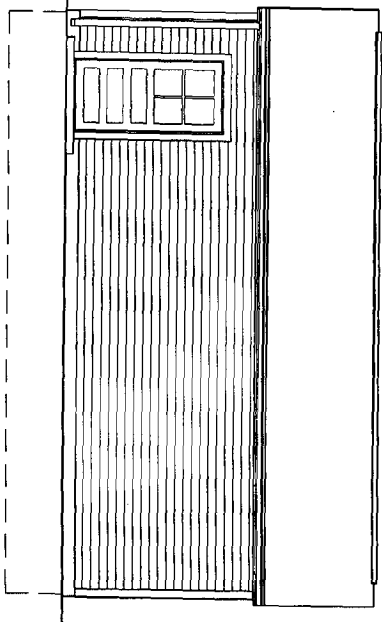
1 SIDE ELEVATION
 SCALE: 1/8"=1'-0"



2 SIDE ELEVATION
 SCALE: 1/8"=1'-0"



1 SIDE ELEVATION
 SCALE: 1/8" = 1'-0"



2 GARAGE ELEVATIONS
 SCALE: 1/8" = 1'-0"

LOT 59
 SUMMIT AVENUE
 GARAGE ELEVATIONS

**PROPOSED NEW
 HOUSE FOR
 LOT 59**

REVISIONS:	
ARCHITECT SEAL:	
DRAWN BY:	
CHECKED BY:	
SCALE:	1/8" = 1'-0"
DATE:	06.15.04
PROJ. EST. NO.:	04.0161
DRAWING NO.:	

REVISIONS:

ARCHITECT SEAL:

DRAWN BY:

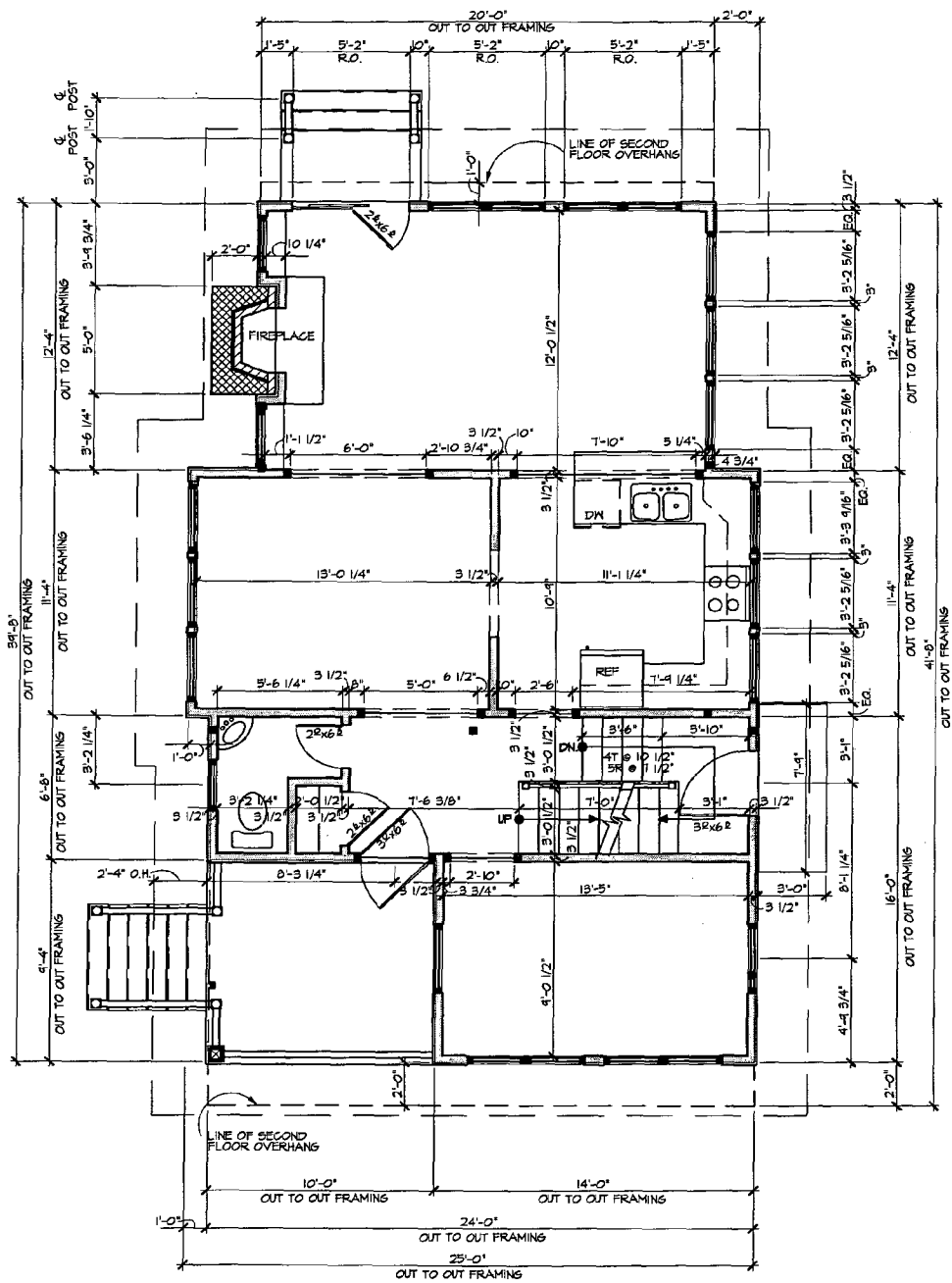
CHECKED BY:

SCALE: 1/8"=1'-0"

DATE: 06.15.04

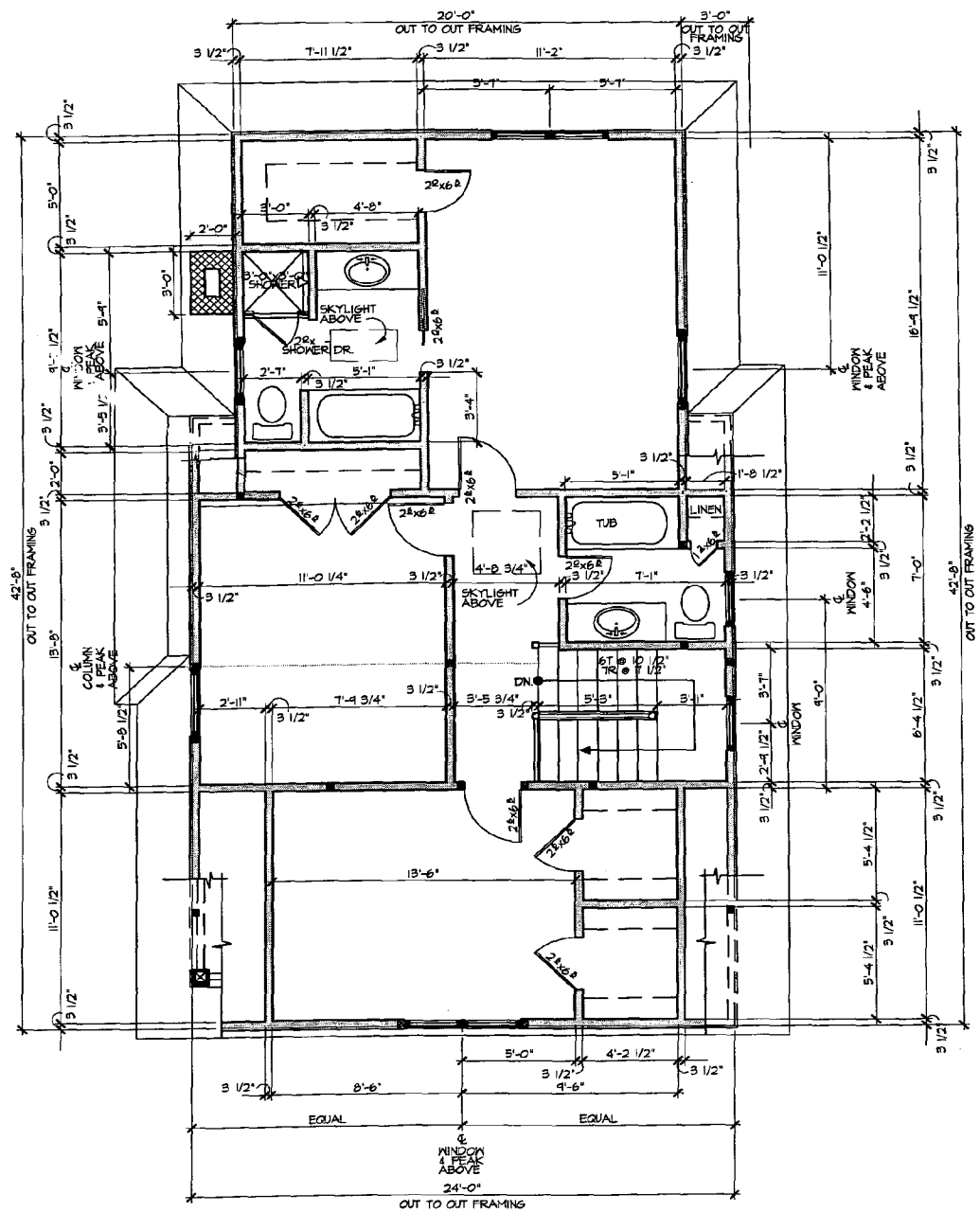
PROJECT NO. 04.0167

DRAWING NO.



1 FIRST FLOOR PLAN
SCALE: 1/8"=1'-0"

TOTAL FOOTPRINT (INCLUDES FRONT PORCH AND EXCLUDES EXTERIOR STAIRS) = 950 SF



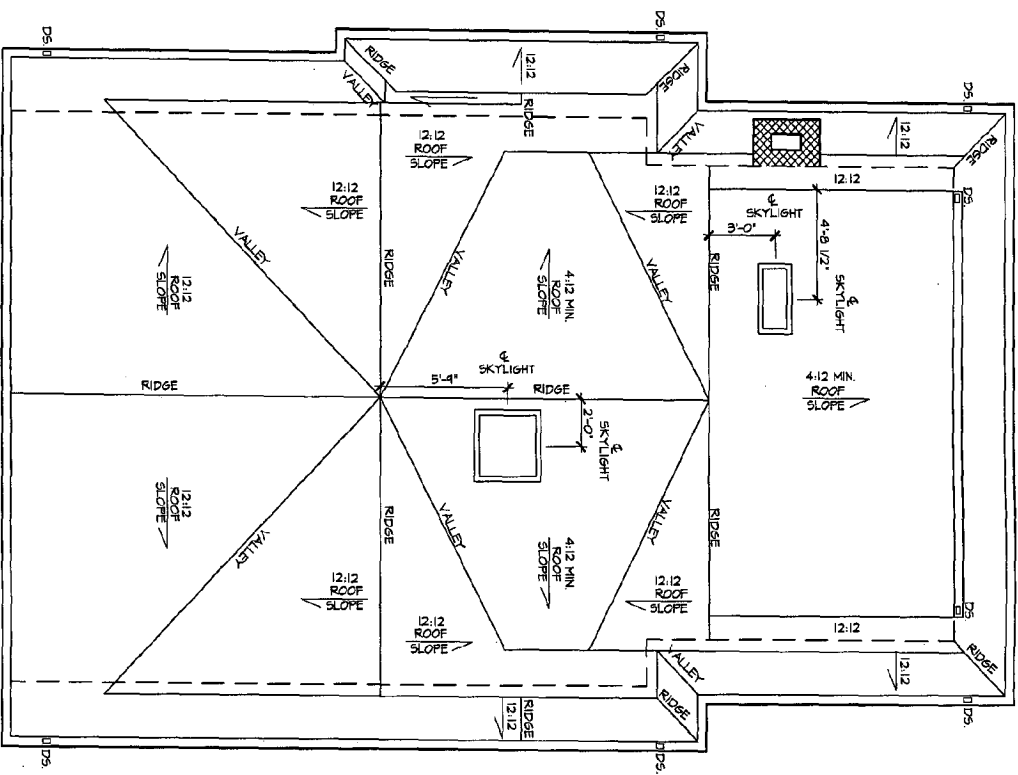
2 SECOND FLOOR PLAN
SCALE: 1/8"=1'-0"

**PROPOSED NEW
 HOUSE FOR
 LOT 59**

REVISIONS:

ARCHITECT SEAL:

DRAWN BY:
 CHECKED BY:
 SCALE: 1/8" = 1'-0"
 DATE: 06.15.04
 PROJECT NO: 04.0167
 DRAWING NO:



1 ROOF PLAN
 SCALE: 1/8" = 1'-0"