

31/06-05A 10200 Kensington Pkwy  
Kensington Historic District

10220 Kensington Pkwy









Current view north side bars removed. note 4 lights each, clearly visible  
from slide 16 8/03/05



3 light second window 5/3/05



Smaller window bars removed, behind hose one pane has vent cut into it,  
2 lights are clearly visible from slide 16 8/03/05

Called Bettina  
Lynn 8/3/05.

She says they did  
not install new  
windows.



The homeowners at 10200 Kensington Parkway have installed new windows (not replacement windows) in their basement. Did they obtain the necessary permits and/or approvals?







Kensington Parkway



















THE MARYLAND-NATIONAL CAPITAL PARK & PLANNING COMMISSION

Date: February 24, 2005

MEMORANDUM

TO: Historic Area Work Permit Applicants

FROM: Tania Georgiou Tully, Senior Planner <sup>TGT</sup>  
Historic Preservation Section

SUBJECT: Historic Area Work Permit Application – Approval

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

When you file for your building permit at DPS, you must take with you the enclosed forms. These forms are proof that the Historic Preservation Commission has reviewed your project. For further information about filing procedures or materials for your county building permit review, please call DPS at 240-777-6370.

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

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

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



THE MARYLAND-NATIONAL CAPITAL PARK & PLANNING COMMISSION

Date: February 24, 2005

**MEMORANDUM**

TO: Robert Hubbard, Director

FROM: Tania Georgiou Tully, Senior Planner *TGT*  
Historic Preservation Section

SUBJECT: Historic Area Work Permit # 369610

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The Montgomery County Historic Preservation Commission (HPC) has reviewed the attached application for a Historic Area Work Permit (HAWP). This application was **APPROVED with CONDITIONS**.

1. The side fence on Lot 15 is moved towards the rear of the property so that it is positioned between the middle post of the screened porch and the 4th panel of privacy fencing
2. The 4' high panel of fence between the 6' privacy fence and the 3' picket fence will be changed to match the 3' picket fence
3. The driveway gate will be lowered to 4' and changed to match the adjacent tight picket fence
4. Vegetative screening will be installed on the street side of the 4' high picket fencing

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

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

Applicant: South & Bettina Lynn

Address: 10200 Kensington Parkway, Kensington

This HAWP approval is subject to the general condition that, after issuance of the Montgomery County Department of Permitting Services (DPS) permit, the applicant arrange for a field inspection by calling the Montgomery County DPS Field Services Office at 240-777-6210 or online at <http://permits.emontgomery.org> prior to commencement of work and not more than two weeks following completion of work



#4 Vegetative screening.

APPROVED  
Montgomery County  
Historic Preservation Commission  
*James Henry Lilly*

APPROVED  
Montgomery County  
Historic Preservation Commission

3' open picket style

Fence section that should  
be 3' open picket style



H-

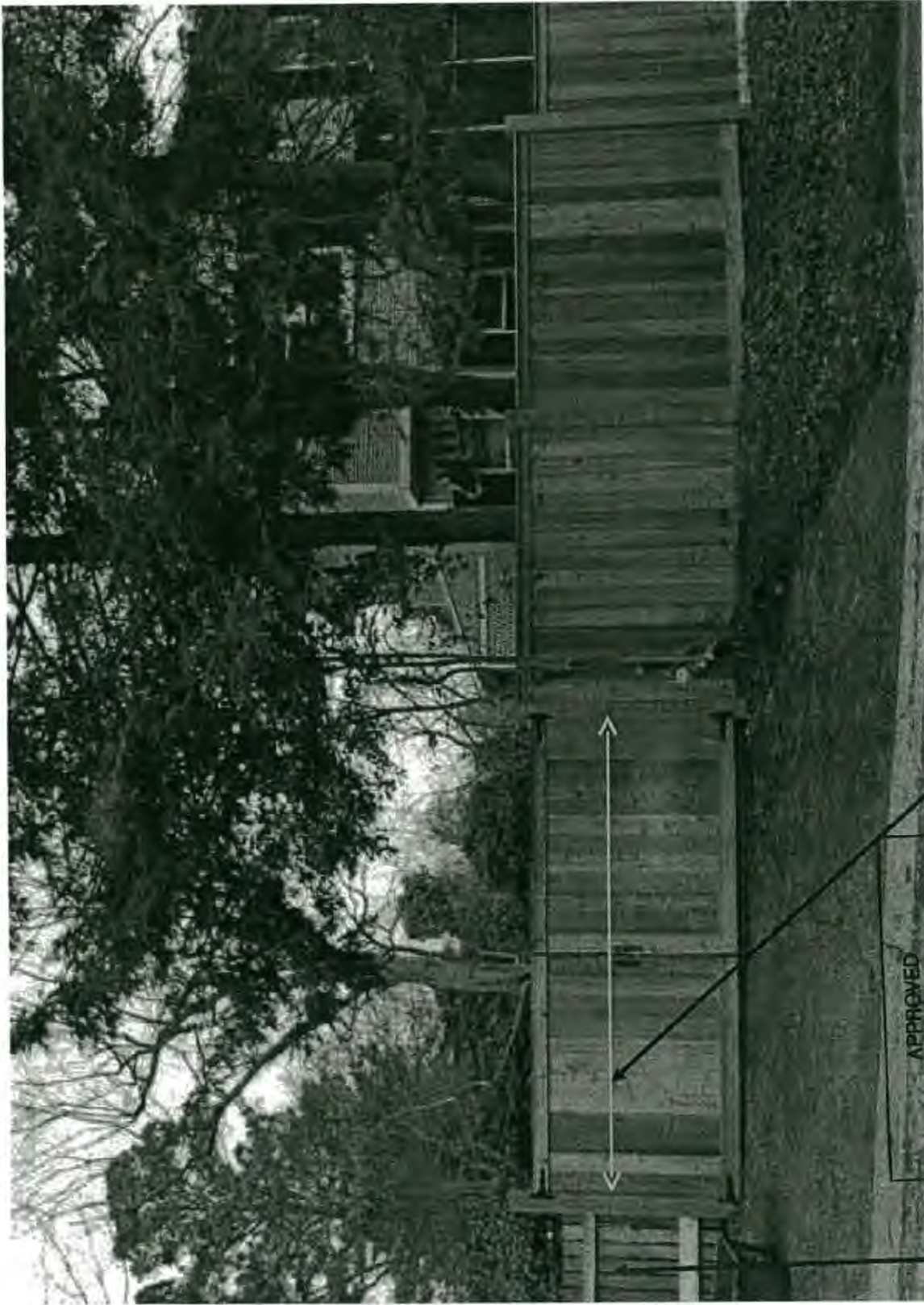


#2 Fence section that should be # of Lot 16 side-yard fence  
3' open picket style

APPROVED  
Montgomery County  
Historic Preservation Commission

*[Signature]* 2/5/03





APPROVED  
Montgomery County  
Historic Preservation Commission  
*[Signature]*  
11/14/2015

#3 Gate to be lowered to 4' and to match adjacent fence to left.

#4 Vegetative screening along this fence.

Mariy Scholl  
W De Kumar Barve  
South Lynn +  
House Majority  
Leader



also look  
up Kent  
Barry Peoples  
Tues / Th LAP  
better

17th  
bw  
9 & 4

Candy Merz  
Matthew (

Courtney  
Thornton

● 202-551-6812

90



Mayor Defast met

Distances written along  
lot line.

Be exact

Language  
regarding precedent  
settle.

Other suggestions:

vegetative screening  
capping the "tight picket" #1

switching the pickets  
L m

## Tully, Tania

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**From:** Tully, Tania  
**Sent:** Friday, February 11, 2005 2:26 PM  
**To:** Bettina Lynn  
**Cc:** 'louise.hamilton@tok.org'; 'csthornton@peoplepc.com'; 'Engel, James D'; 'Thornton, Courtney S.'; 'mayor.council@tok.org'; 'South Lynn'; 'mcpmerz@comcast.net'  
**Subject:** Fence HAWP: 10200 Kensington Pkwy

Bettina-

I've attached a Word document listing the HPC concerns regarding the fence installation and what I believe are the concerns of the neighbors. I have also attached a PowerPoint document with before and after photographs and notations illustrating the comments made in the Word document. Please give me a call when you have had the opportunity to review both documents. Some of the items listed I may recommend for retroactive approval and I may recommend to the HPC that others be reconstructed to reflect the approved HAWP.

As you know, I am trying to arrange an informal gathering with all of the appropriate people/organizations. Kensington Mayor Lynn Raufaste, HPC staff, and you are available Thursday, February 17 between 9 and 4. Staff can also be available as early as 8:00 a.m. on that day. I am hopeful that several of the neighbors and a representative from the Local Advisory Panel will also be in attendance. It will serve us all if this matter can be amicably resolved prior to the HPC meeting on the 23rd.

Because it is difficult for many people to meet during the day, I suggest that we try to meet either first thing in the morning or late in the day. I am copying this message to everyone involved for whom I have an email address. If you have additional addresses please let me know. I am also making telephone calls.

Thank you,  
-Tania



KensingtonFence2. 10200 Kensington  
doc Pkwy Conflict...

Tania Georgiou Tully  
Historic Preservation Planner  
Montgomery County Department of Park and Planning  
8787 Georgia Avenue  
Silver Spring, MD 20910  
301-563-3400  
301-563-3412 (fax)  
[www.mc-mncppc.org](http://www.mc-mncppc.org)

MERZ, MATTHEW & CYNTHIA  
10116 Kensington Pkwy  
Kensington, MD 20895-3432  
(301) 962-6883

THORNTON, C S  
10204 Kensington Pkwy  
Kensington, MD 20895-3305  
(301) 946-5338  
202-551-6812

KOSCELNIK, MICHAEL & NORA  
3602 Kent St  
Kensington, MD 20895-3322  
(301) 962-1751

MCPHERSON, HARRY  
10213 Montgomery Ave  
Kensington, MD 20895-3325  
(301) 942-4395

LYNN, BETTINA  
10200 Kensington Parkway  
Kensington, MD 20895  
202-438-4262



It is understood that the fence is not complete. Post caps are yet to be installed and it will be painted white.

Existing Violations of the HAWP

Lot 15 side-yard fence:

Installed 11 to 15 feet closer to front of house than approved.  
Gate installed.

Driveway gate:

Installed taller than 4 feet.  
It is not the tight-picket style that was approved.

6' Privacy Fence:

No current violations.

Front yard fence along Kent Street:

Panel adjacent to privacy fence is taller than 3'.  
Panel adjacent to privacy fence is not the open picket style.

Lot 16 side-yard fence:

Installed 9 ½ to 11 feet closer to front of house than approved.

Neighbor Concerns as understood by Staff

Lot 15 side-yard fence:

Installed closer to front of house than approved.  
Gate installed.

Driveway gate:

It is not the tight-picket style that was approved.

6' Privacy Fence:

Too long.

4' tight-picket fence:

Pickets installed on inside of fence

Front yard fence along Kent Street:

Panel adjacent to privacy fence does not match any of the approved styles.

Lot 16 side-yard fence:

Installed closer to front of house than approved.



driveway

Old "privacy" fence

1/18/05



Driveway gate matches privacy fencing rather than tight picket style and is taller than 4'.

New privacy fence

2/9/05



Existing low fence

1/18/05



Old fences removed

1/24/05



2/9/05



1/18/05



1/24/05



Fence section that should be  
3' open picket style

Approximate approved location  
of Lot 16 side-yard fence

2/9/05

*change*



Fence section that should be 3' open picket style

3' open picket style

2/9/05



Approximate approved location of Lot 16 side-yard fence

2/9/05



Approximate approved location of Lot 16 side-yard fence

2/9/05

Approximate location of additional 4" picket fence



Old low fence & gate on Kensington Pkwy

1/18/05



Old wood fence removed

Existing chain link fence

1/24/05



2/9/05





y 4' ok

Unapproved gate.

2/9/05

L ok



Approximate approved location of Lot 15 side-yard fence

2/9/05



Approximate approved location of Lot 15  
side-yard fence

2/9/05

Measure height

SUDBURY



*D. A decorative entranceway with fascia is accented by the dignified Sturbridge Lantern Post.  
E. Stately 3 1/4' high picket with accensing Darien Posts and Cap with dentil.*



TO: TANYA TULLY  
FR: BETTINA LYNN  
RE: PERMIT APP 10200 KENSINGTON PKWY  
DATE 1/10/05

HI TANYA,

PLEASE CALL AND WE CAN REVIEW.

THANK YOU,

202-438-4262

Bettina

**CONSUMER INFORMATION NOTES:**

1. This plan is a benefit to a consumer insofar as it is required by a lender or a title insurance company or its agent in connection with contemplated transfer, financing or re-financing.
2. This plan is not to be relied upon for the establishment or location of fences, garages, buildings, or other existing or future improvements.
3. This plan does not provide for the accurate identification of property boundary lines, but such identification may not be required for the transfer of title or securing financing or re-financing.
4. Building line and/or Flood Zone information is taken from available sources and is subject to interpretation of originator.

**Notes**

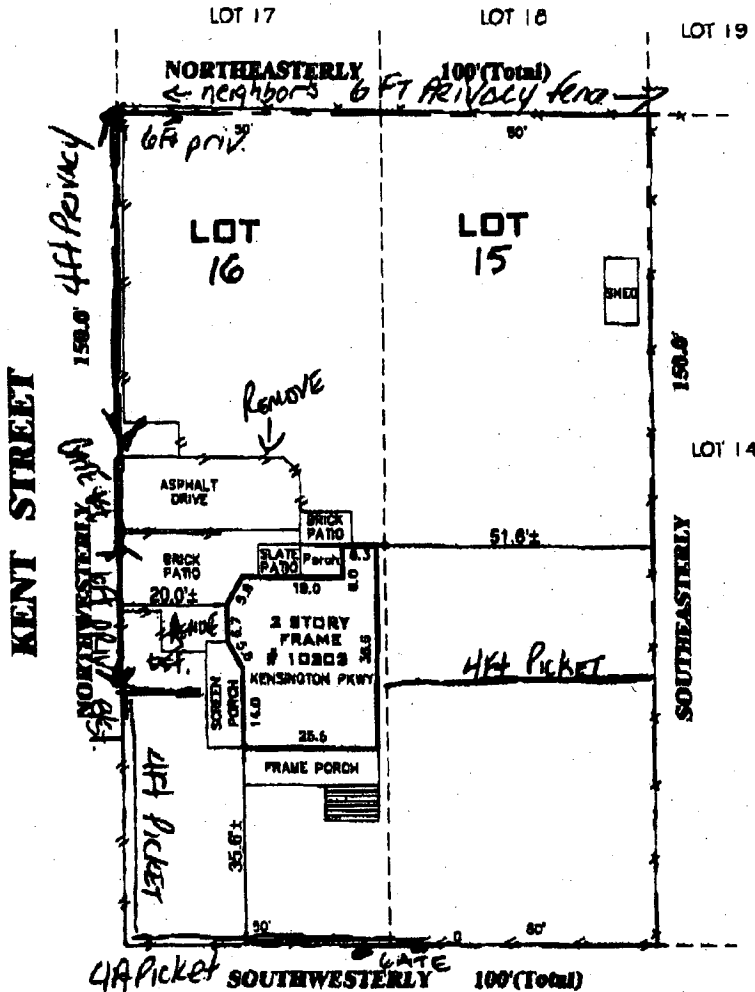
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3. Fences, if shown, have been located by approximate methods.

Total Area = 15,000 SF.




LOCATION DRAWING  
**LOTS 15 & 16, BLOCK 3**  
**KENSINGTON PARK**  
 MONTGOMERY COUNTY, MARYLAND

**KENSINGTON PARKWAY**  
 GEORGE AVENUE (PER PLAT)  
 150' R/W



**SURVEYOR'S CERTIFICATE**  
 THE INFORMATION SHOWN HEREON HAS BEEN BASED UPON THE RESULTS OF A FIELD INSPECTION PURSUANT TO THE DEED OR PLAT OF RECORD. EXISTING STRUCTURES SHOWN HAVE BEEN FIELD LOCATED BASED UPON MEASUREMENTS FROM PROPERTY MARKERS FOUND OR FROM EVIDENCE OF LINES OF APPARENT OCCUPATION.  
*Jeffrey A. Foster*  
 MARYLAND PROPERTY LINE SURVEYOR REG. NO. 197

REFERENCES	
PLAT BK.	B
PLAT NO.	4
LIBER	
FOLIO	



**SNIDER & ASSOCIATES**  
 SURVEYORS - ENGINEERS  
 LAND PLANNING CONSULTANTS  
 2 Professional Drive, Suite 216  
 Gaithersburg, Maryland 20879  
 301/645-6100, Fax 301/645-1286

DATE OF LOCATIONS	SCALE: 1"=30'
WALL CHECK:	DRAWN BY: F.A.
HSE. LOC.: 09-13-2004	JOB NO.: 2004-6667

CONSUMER INFORMATION NOTES:

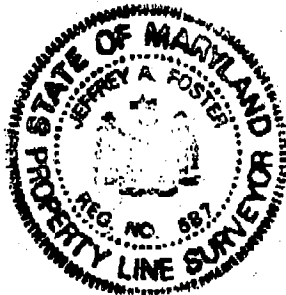
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~~xxxx~~ = privacy  
 all else = open picket  
 xxx = tight picket

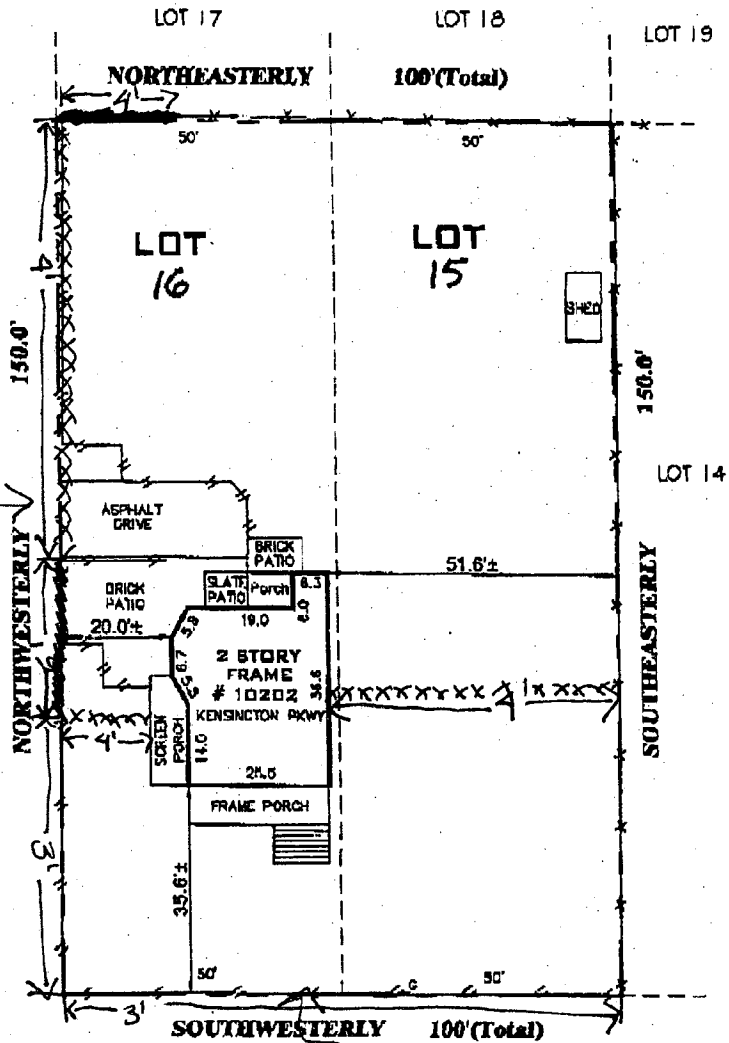
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**LOTS 15 & 16, BLOCK 3**  
**KENSINGTON PARK**  
 MONTGOMERY COUNTY, MARYLAND



**KENSINGTON PARKWAY**  
 GEORGE AVENUE (PER PLAT)  
 (50' R/W)

<b>SURVEYOR'S CERTIFICATE</b> THE INFORMATION SHOWN HEREON HAS BEEN BASED UPON THE RESULTS OF A FIELD INSPECTION PURSUANT TO THE DEED OR PLAT OF RECORD. EXISTING STRUCTURES SHOWN HAVE BEEN FIELD LOCATED BASED UPON MEASUREMENTS FROM PROPERTY MARKERS FOUND OR FROM EVIDENCE OF LINES OF APPARENT OCCUPATION.  <i>Jeffrey A. Foster</i> MARYLAND PROPERTY LINE SURVEYOR REG. NO. 987	<b>REFERENCES</b> PLAT BK. 8 PLAT NO. 4	 <b>SNIDER &amp; ASSOCIATES</b> SURVEYORS - ENGINEERS LAND PLANNING CONSULTANTS 2 Professional Drive, Suite 216 Gaithersburg, Maryland 20879 301/948-5100, Fax 301/948-1286
	<b>LIBER</b> <b>FOLIO</b>	

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**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:

HOME IS ON 2 LOTS IN HIS KEYINGTON-NEIGHBOR HAS CEDAR PRIVACY FENCE  
REPLACE OLD WOOD FENCE W/ NEW CEDAR  
PICKET AND PRIVACY FENCE.

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

REPLACE OLD UNATTRACTIVE, OLD WOOD FENCE W/ NEW  
CEDAR PICKET + PRIVACY.

**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 crown 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.

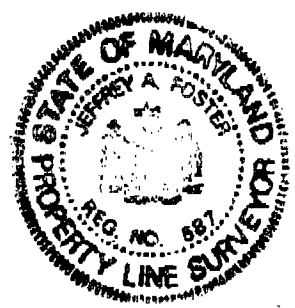
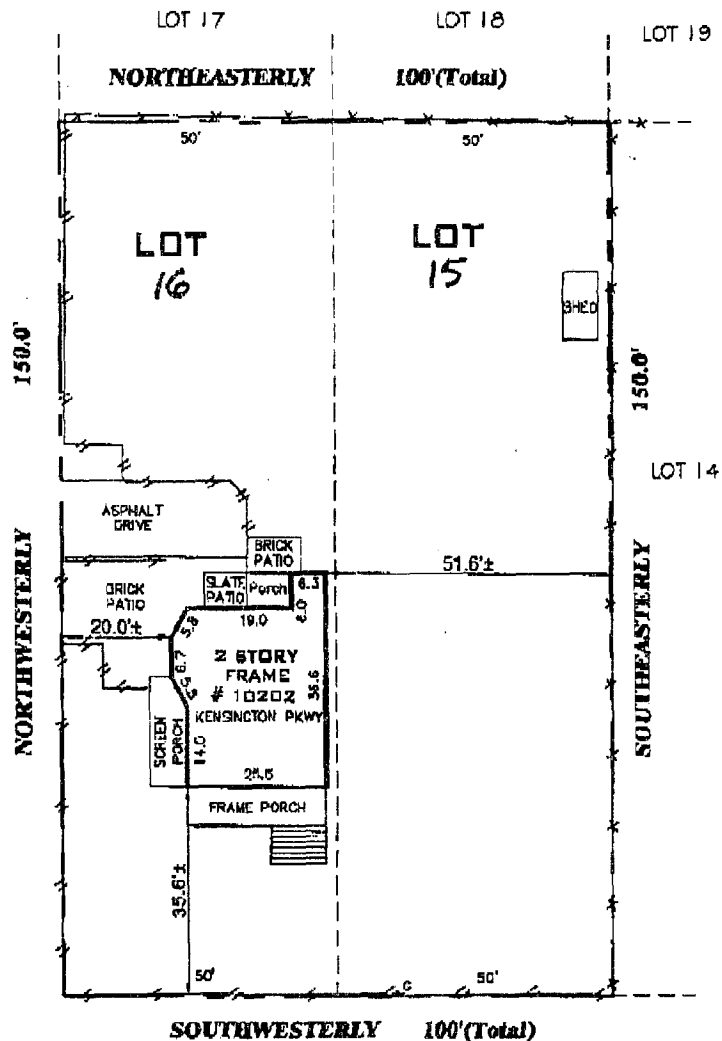
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**Notes**


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  3. Fences, if shown, have been located by approximate methods.
- Total Area= 15,000 SF.

**KENT STREET**



LOCATION DRAWING  
**LOTS 15 & 16, BLOCK 3**  
**KENSINGTON PARK**  
 MONTGOMERY COUNTY, MARYLAND

**KENSINGTON PARKWAY**  
 GEORGE AVENUE (PER PLAT)  
 (50' R/W)

<p><b>SURVEYOR'S CERTIFICATE</b></p> <p>THE INFORMATION SHOWN HEREON HAS BEEN BASED UPON THE RESULTS OF A FIELD INSPECTION PURSUANT TO THE DEED OR PLAT OF RECORD. EXISTING STRUCTURES SHOWN HAVE BEEN FIELD LOCATED BASED UPON MEASUREMENTS FROM PROPERTY MARKERS FOUND OR FROM EVIDENCE OF LINES OF APPARENT OCCUPATION.</p> <p><i>Jeffrey A. Foster</i>                  MARYLAND PROPERTY LINE SURVEYOR REG. NO. 587</p>	<p><b>REFERENCES</b></p> <p>PLAT BK.      B</p> <p>PLAT NO.      4</p>	 <p><b>SNIDER &amp; ASSOCIATES</b>                  SURVEYORS - ENGINEERS                  LAND PLANNING CONSULTANTS                  2 Professional Drive, Suite 218                  Gaithersburg, Maryland 20879                  301/948-5100, Fax 301/948-1286</p>
	<p><b>LIBER</b></p> <p><b>FOLIO</b></p>	





Picket fence 4'

150  
TIGHT  
4 or 6 ft  
PRIV.



- D. While cleverly accommodating a mature tree, this standard Hamilton fence with additional Westport post caps creates privacy for this home's courtyard.*
- E. Our skilled woodworkers and installers will negotiate fence to accommodate your environment.*
- F. A convex scallop adds some flair to the practical privacy afforded this garden. The posts and caps are custom designed.*

# HOMESTEAD

A stately, solid fence that is an unpretentious backdrop for plantings.



*A. Bordering property, this Homestead Board fence provides privacy and is an unassuming backdrop screen.*

*B. An impressive touch to this 6' Homestead fence is a custom copper fence cap.*



**4', 5', 6', 8' high.**

**Rough sawn 5" square bevel tops posts. 4" wide butted board construction. Square edge rails. Essex cap and 4" wide fascia. Mortise and Tenon installation.**



B

**CONSUMER INFORMATION NOTES:**

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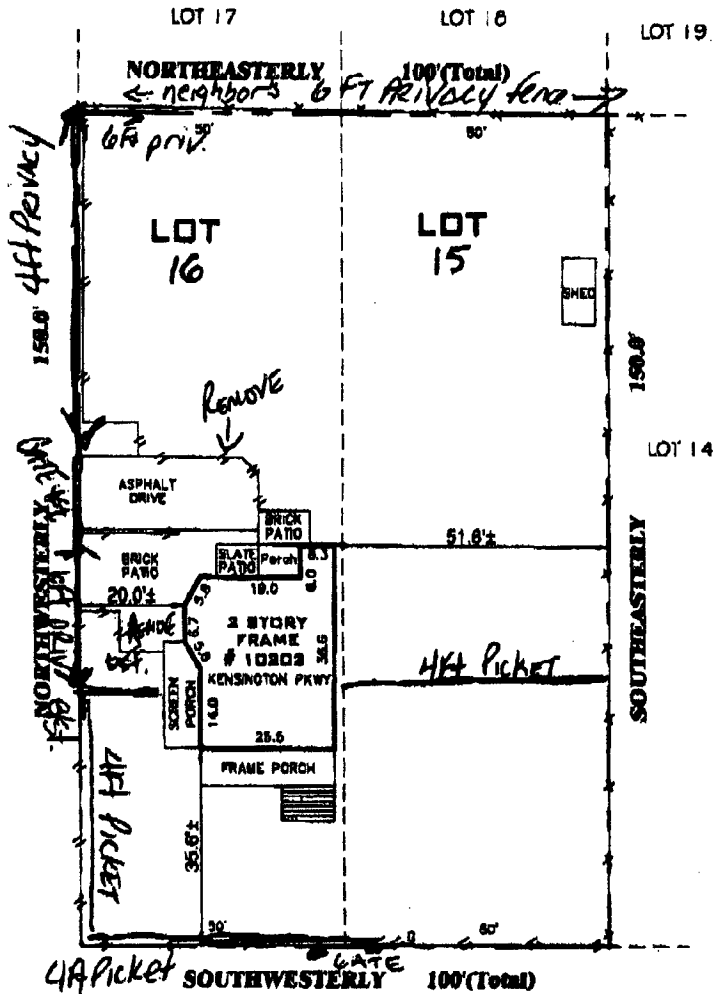
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Total Area= 15,000 SF.




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**LOTS 15 & 16, BLOCK 3**  
**KENSINGTON PARK**  
 MONTGOMERY COUNTY, MARYLAND

**KENSINGTON PARKWAY**  
 GEORGE AVENUE (PER PLAT)  
 (80' R/W)



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*Jeffrey A. Foster*  
 MARYLAND PROPERTY LINE SURVEYOR REG. NO. 197

REFERENCES	
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FOLIO	



**SNIDER & ASSOCIATES**  
 SURVEYORS - ENGINEERS  
 LAND PLANNING CONSULTANTS  
 2 Professional Drive, Suite 216  
 Gaithersburg, Maryland 20879  
 301/946-8100, Fax 301/946-1886

DATE OF LOCATIONS	SCALE: 1" = 30'
WALL CHECK:	DRAWN BY: F.A.
HSE. LOC.: 09-13-2004	JOB NO.: 2004-6667

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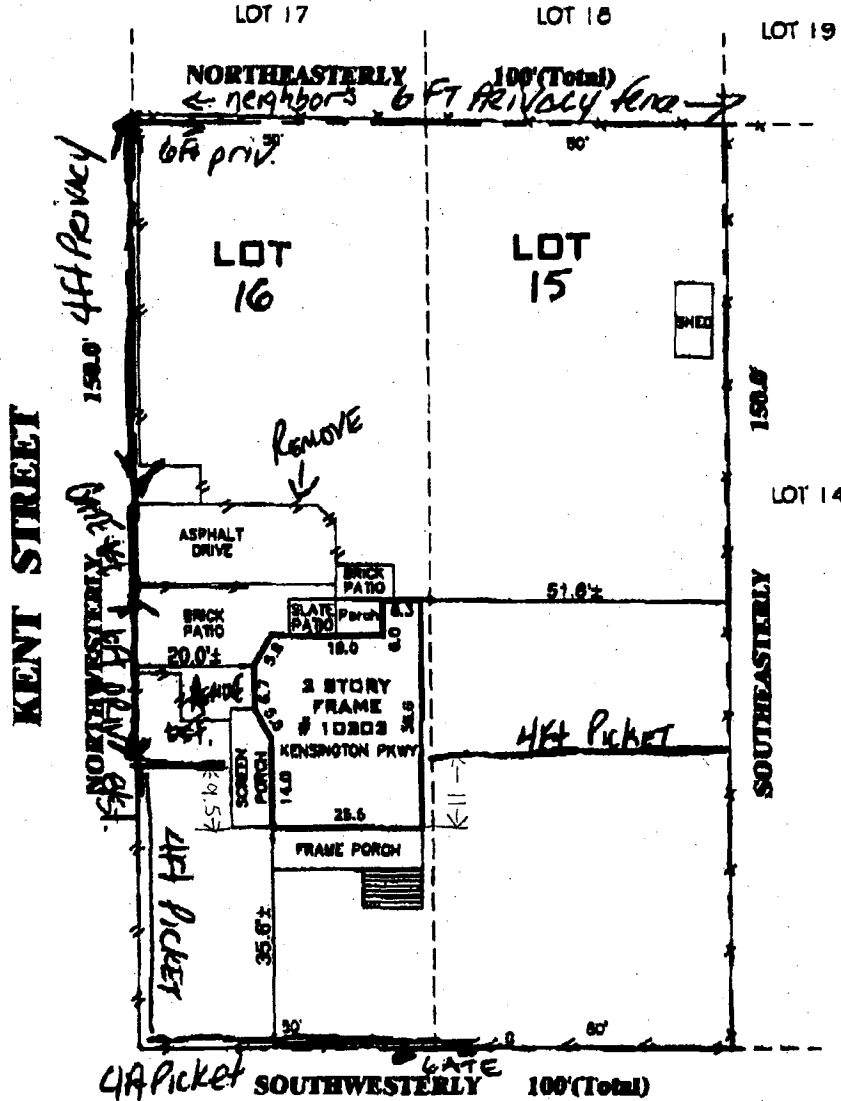
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total Area= 15,000 SF.



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**LOTS 15 & 16, BLOCK 3**  
**KENSINGTON PARK**  
 MONTGOMERY COUNTY, MARYLAND

**KENSINGTON PARKWAY**  
 GEORGE AVENUE (PER PLAT)  
 (150' R/W)

**SURVEYOR'S CERTIFICATE**  
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 ROM EVIDENCE OF LINES OF APPARENT OCCUPATION.

REFERENCES	
PLAT BK.	B
PLAT NO.	4



**SNIDER & ASSOCIATES**  
 SURVEYORS - ENGINEERS  
 LAND PLANNING CONSULTANTS  
 2 Professional Drive, Suite 216  
 Gaithersburg, Maryland 20879  
 301/948-6100, Fax 301/948-1286

**Tully, Tania**

**From:** Thornton, Courtney S. [ThorntonC@SEC.GOV]  
**Sent:** Tuesday, February 08, 2005 12:18 PM  
**To:** 'mayor.council@tok.org'; Wright, Gwen; Tully, Tania  
**Cc:** 'louise.hamilton@tok.org'; 'csthornton@peoplepc.com'  
**Subject:** Fence at 10200 Kensington Parkway  
**Importance:** High

[HPC STAFF -- PLEASE DISTRIBUTE THIS MESSAGE TO ALL OF THE COMMISSIONERS. THANK YOU.]

As you probably know, the fencing constructed at 10200 Kensington Parkway was not constructed in accordance with the plan approved by the Historic Preservation Commission (HPC) and is still not in compliance. Those of us who live in the immediate vicinity of this property are upset and frustrated that little or no action appears to have been taken to enforce compliance with the plan approved by the HPC. It is even more frustrating for those of us who have applied for approval of fences in the past and who have had to comply with strict conditions imposed by the HPC with respect to our fences (e.g., which side of the fence faces out, etc.).

As noted in my earlier emails to the mayor and others, the "tight pickets" on the rear portion of the fence along Kent Street are on the inside of the fence. This deviates from the otherwise uniform practice in the town of having all pickets on the outside of a fence (at least on fences along the street). However, the following additional portions of the fence are not in compliance with the plan approved by the HPC:

1. Gate. The gate to the asphalt drive has been constructed as a "privacy gate" instead of the tight picket gate indicated in the plan approved by the HPC. As built, the gate extends the "Fort Knox" appearance of the adjacent 6' privacy fence and lacks the openness necessary to sustain the suburban village nature of the property.
2. Fences Between Front and Back Yard Areas. These fences have been constructed at the front edge of the house, just behind the frame porch. As indicated on the plan approved by the HPC, these fences were to be constructed at a point approximately halfway down the side of the house. As constructed, the fence on the north side of the house creates a rear yard that "overlaps" my front yard. This will inevitably result in "interactions" with the homeowners' three dogs as I come and go from my house with my dogs. In addition, if the fence on the north side of the house is left where it is, it will permit the current or future homeowners to construct a 6' privacy fence along the property line between my property and theirs from the point where the new fence meets the property line to the rear of the property (based on the convention that only 3' fences are permitted in front yards, but 6' privacy fences are permitted in rear yards). This would have a significant adverse effect on my property, as all of the ground floor windows on the south side of my house would look straight into the privacy fence. Finally, please note that the plans approved by the HPC do not show any gates in these fence lines, but the homeowners have inserted gates.
3. Privacy Fence. The plans approved by the HPC show that the privacy fence should extend approx. 1/3 of the length of the screened porch. The homeowners originally constructed this fence to extend the entire length of the screened porch, with a tight picket fence across the end of the enclosed area, where the front porch meets the house. After objections by neighbors and intervention by the mayor, one panel of the privacy fence was removed, leaving a privacy fence extending down 1/2 of the length of the screened porch (instead of 1/3 as shown in the HPC-approved plans). The panel that was removed was replaced with a third type of picket fence that matches neither the tight picket fence at the rear of the property nor the open picket fence immediately adjacent to it. In addition, the picket fence between the front and rear yards, which was supposed to have been placed at the end of the privacy fence, was left at the end of the screened porch, approx. 6' from the end of the privacy fence (see preceding paragraph re placement of fences between front and rear yards).

Because of these matters, the new fencing at this address is still in substantial noncompliance with the plan approved by the HPC. In particular, the fencing along Kent Street, which incorporates 4-5 different types of fencing, looks like a pig's ear and is an eyesore for homeowners on the opposite side of the street. I strongly urge you to take steps to require the homeowners at 10200 Kensington Parkway to reconfigure the fence to comply

2/8/2005

exactly with the plans approved by the HPC or face enforcement action by the town and/or the HPC.

Very truly yours,

Courtney Thornton

**Tully, Tania**

---

**From:** South Lynn [south@universalfloors.com]  
**Sent:** Wednesday, February 09, 2005 12:19 PM  
**To:** Bettina Lynn  
**Cc:** ThorntonC@SEC.GOV; Tully, Tania; mayor.council@tok.org; louise.hamilton@tok.org; csthornton@peoplepc.com  
**Subject:** Re: Ms Thornton's fence problems

To whom it may concern,

I would like to respond to Ms.Thornton's insulting email.

As you probably know, the fencing constructed at 10200 Kensington Parkway  
>was not constructed in accordance with the plan approved by the Historic  
>Preservation Commission (HPC) and is still not in compliance. Those of us  
>who live in the immediate vicinity of this property are upset and  
>frustrated that little or no action appears to have been taken to enforce  
>compliance with the plan approved by the HPC. It is even more frustrating  
>for those of us who have applied for approval of fences in the past and who  
>have had to comply with strict conditions imposed by the HPC with respect  
>to our fences (e.g., which side of the fence faces out, etc.).

ANSWER:Ms Thornton's fence is a 50 year old chain link and I would be the first to do what ever necessary to remove the horrific eyesore from the historic neighborhood. Has she applied for a fence permit yet? I would like to help her get an approval for a more suitable fence. Our fence has been installed within the guidelines set forth by the HPC. The drawing submitted was noted as approximate fence locations and not created by an architect.

As noted in my earlier emails to the mayor and others, the "tight pickets" on the rear portion of the fence along Kent Street are on the inside of the fence. This deviates from the otherwise uniform practice in the town of having all pickets on the outside of a fence (at least on fences along the street). However, the following additional portions of the fence are not in compliance with the plan approved by the HPC:

ANSWER:Ms Thornton idea of a "uniform practice" is false.

1. Gate. The gate to the asphalt drive has been constructed as a "privacy gate" instead of the tight picket gate indicated in the plan approved by the HPC. As built, the gate extends the "Fort Knox" appearance of the adjacent 6' privacy fence and lacks the openness necessary to sustain the suburban village nature of the property.

ANSWER:The gate is of tight pickets and if Ms Thornton put her eye up to it she could see in my yard. The "Ft Knox" portion is a replacement of a similar height and location fence erected many years ago. The village was sustainable with the old fence and will be with the new. A great hedgerow has grown between the two houses over the years and I suspect it may have been purposeful on the part of the previous owner due to Ms Thornton's unusual interest in 10200's back yard.

2. Fences Between Front and Back Yard Areas. These fences have been constructed at the front edge of the house, just behind the frame porch. As indicated on the plan approved by the HPC, these fences were to be constructed at a point approximately halfway down the side of the house. As constructed, the fence on the north side of the house creates a rear yard that "overlaps" my front yard. This will inevitably result in "interactions" with the homeowners' three dogs as I come and go from my house with my dogs. In addition, if the fence on the north side of the house is left where it is, it will permit the current or future homeowners to construct a 6' privacy fence along the property line between my property and theirs from the point where the new fence meets the property line to the rear of the property (based on the convention that only 3' fences are permitted in front yards, but 6' privacy fences are permitted in rear yards). This would have a significant adverse effect on my property, as all of



the ground floor windows on the south side of my house would look straight into the privacy fence. Finally, please note that the plans approved by the HPC do not show any gates in these fence lines, but the homeowners have inserted gates.

ANSWER: Ms Thornton's fear of interaction with my dogs makes no sense as my dogs do not interact with her. The placement of the fence had nothing to do with her backyard but was to allow the dogs to exit a side door. I don't believe Ms Thornton has any right to dictate where my dogs may go in my yard. Perhaps I would remove the section completely and allow the dogs to interact, if they dare, with Ms Thornton along the entire length of the property line. Ms Thornton's assertion that this may allow things to be done in the future is fantasy. Ms Thornton's dog seems to enjoy interaction with my dogs as it stands at the chain link staring into my yard waiting for my dogs to appear. I believe some sort of screen at current height of the chain link is necessary to dissuade her dog from interacting with mine. The significant effect on her property is to increase its value, despite its appearance, as a long neglected adjoining property has had its appearance improved. Perhaps Ms Thornton was used to living next to an unoccupied property for many years. The Lynn family, 100 year residents of Kensington since my second generation, Irish immigrant, great grandfather worker on the B&O railroad bought a double lot on St Paul St., where my grand mother was born and my mother also, HAVE MOVED ACROSS THE TRACKS, AND YES WE OWN DOGS AND EXPECT SOME PRIVACY!


Because of these matters, the new fencing at this address is still in substantial noncompliance with the plan approved by the HPC. In particular, the fencing along Kent Street, which incorporates 4-5 different types of fencing, looks like a pig's ear and is an eyesore for homeowners on the opposite side of the street. I strongly urge you to take steps to require the homeowners at 10200 Kensington Parkway to reconfigure the fence to comply exactly with the plans approved by the HPC or face enforcement action by the town and/or the HPC.

ANSWER: The work is in compliance and Ms Thornton needs to concern herself with her own yard which I consider a pig sty due to the litter about the driveway and as for a pig's ear perhaps there is beauty in God's work. I have considered an artistic statement for the painting fence, perhaps a modern interpretation of the Berlin wall or a tribute to the Latino immigrants by a representation of the US -Mexican border wall in Tijuana!

South T Lynn, Jr  
301-370-6850

If you have something to say come see me at my house or call me I am always available from 5am to 5pm.

Click here for a plain text ADA compliant screen.

 <b>Maryland Department of Assessments and Taxation</b> <b>MONTGOMERY COUNTY</b> <b>Real Property Data Search</b>	<a href="#">Go Back</a> <a href="#">View Map</a> <a href="#">New Search</a> <a href="#">Ground Rent</a>
--	--

**Account Identifier:** District - 13 Account Number - 01018487

**Owner Information**

<b>Owner Name:</b> LYNN, SOUTH T & BETTINA	<b>Use:</b> RESIDENTIAL
	<b>Principal Residence:</b> YES
<b>Mailing Address:</b> 10200 KENSINGTON PKWY KENSINGTON MD 20895-3305	<b>Deed Reference:</b> 1) 2)

**Location & Structure Information**

<b>Premises Address</b> 10202 KENSINGTON PKW KENSINGTON 20895-3305	<b>Legal Description</b> LOT 16 KENSINGTON PA RK
--	--

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Group	Plat No:	Plat Ref:
HP53				15		3	15	80		
				<b>Town</b>	KENSINGTON					
				<b>Ad Valorem</b>						
				<b>Tax Class</b>	27					
<b>Primary Structure Built</b>			<b>Enclosed Area</b>		<b>Property Land Area</b>		<b>County Use</b>			
1918			2,034 SF		15,000.00 SF		111			
<b>Stories</b>		<b>Basement</b>		<b>Type</b>			<b>Exterior</b>			
2 1/2		YES		STANDARD UNIT			FRAME			

**Value Information**

	Base Value	Value Phase-in Assessments		
		As Of 01/01/2004	As Of 07/01/2004	As Of 07/01/2005
<b>Land:</b>	154,500	435,500		
<b>Improvements:</b>	147,980	243,850		
<b>Total:</b>	302,480	679,350	428,103	553,726
<b>Preferential Land:</b>	0	0	0	0

**Transfer Information**

<b>Seller:</b> KOONTZ, WAYNE L & E B	<b>Date:</b> 10/12/2004	<b>Price:</b> \$725,000
<b>Type:</b> IMPROVED ARMS-LENGTH	<b>Deed1:</b>	<b>Deed2:</b>
<b>Seller:</b>	<b>Date:</b> 09/22/1983	<b>Price:</b> \$160,000
<b>Type:</b> IMPROVED ARMS-LENGTH	<b>Deed1:</b> / 6188/ 800	<b>Deed2:</b>
<b>Seller:</b>	<b>Date:</b>	<b>Price:</b>
<b>Type:</b>	<b>Deed1:</b>	<b>Deed2:</b>

**Exemption Information**

<b>Partial Exempt Assessments</b>	<b>Class</b>	<b>07/01/2004</b>	<b>07/01/2005</b>
<b>County</b>	000	0	0
<b>State</b>	000	0	0
<b>Municipal</b>	000	0	0

---

**Tax Exempt:** NO  
**Exempt Class:**

**Special Tax Recapture:**

\* NONE \*

MERZ, MATTHEW & CYNTHIA  
10116 Kensington Pkwy  
Kensington, MD 20895-3432  
(301) 962-6883

THORNTON, C S  
10204 Kensington Pkwy  
Kensington, MD 20895-3305  
(301) 946-5338

KOSCELNIK, MICHAEL & NORA  
3602 Kent St  
Kensington, MD 20895-3322  
(301) 962-1751

MCPHERSON, HARRY  
10213 Montgomery Ave  
Kensington, MD 20895-3325  
(301) 942-4395



DPS/Application Details

---

**Status**

**Fence Permit**

**Permit/License: 372547**

**Application Details**

[Help](#)

**Permit Number** 372547

**Site Address**

**Application Date** 02/01/2005

10200 Kensington PKW

**Issue Date** 02/01/2005

Kensington

**Final Date**

MD 20895-

**Work Type** Construct - Fence

**Lot - Block -**

**Subdiv.** Kensington

**Square Footage** 0

**Application Status**

**Value** \$5,000.00

Permit Issued

**Contractors**

ID	Name	Address
Not available		

**Licenses**

Contractor License	Name	Address
Not available		

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DPS/Application Details

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**Status**

**Historic**

**Area Work**

**Permit/License:** 369610

**Permit**

**Application Details**

[Help](#)

**Permit Number** 369610

**Site Address**

**Application Date** 01/04/2005

10200 Kensington PKW

**Issue Date**

Kensington

**Final Date**

MD 20895-

**Work Type** Construct

**Lot - Block -**

**Square Footage** 0

**Subdiv.** Kensington

**Value** \$.00

**Application Status**

In Process

**Contractors**

ID	Name	Address
Not available		

**Licenses**

Contractor License	Name	Address
Not available		

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DPS/Application Details

Status

Electrical Permit

Permit/License: 364140

Application Details

[Help](#)

Permit Number 364140  
 Application Date 11/04/2004  
 Issue Date 11/04/2004  
 Final Date  
 Work Type Install - Single Family Dwelling  
 Square Footage 0  
 Value \$.00

Site Address  
 10200 Kensington  
 PKW  
 Kensington  
 MD 20895-  
**Lot - Block - Subdiv.** Kensington  
**Application Status**  
 Permit Issued

Contractors

ID	Name	Address
EB3321	A/R Electrical Solutions,Inc.	18909 Premiere Court Gaithersburg Md 20872-

Licenses

Contractor License	Name	Address
EB3321 ME3394	Stockslager	24921 Woodfield Rd Damascus Md 20872
EB3321 EB3321	A/R Electrical Solutions, Inc.	18909 Premiere Court Gaithersburg Md 20872

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**CONSUMER INFORMATION NOTES:**

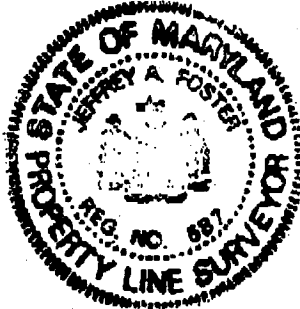
1. This plan is a benefit to a consumer insofar as it is required by a lender or a title insurance company or its agent in connection with contemplated transfer, financing or re-financing.
2. This plan is not to be relied upon for the establishment or location of fences, garages, buildings, or other existing or future improvements.
3. This plan does not provide for the accurate identification of property boundary lines, but such identification may not be required for the transfer of title or securing financing or re-financing.
4. Building line and/or Flood Zone information is taken from available sources and is subject to interpretation of originator.

*xxxx = privacy*  
*all else = open picket*  
*xxxx = tight picket*

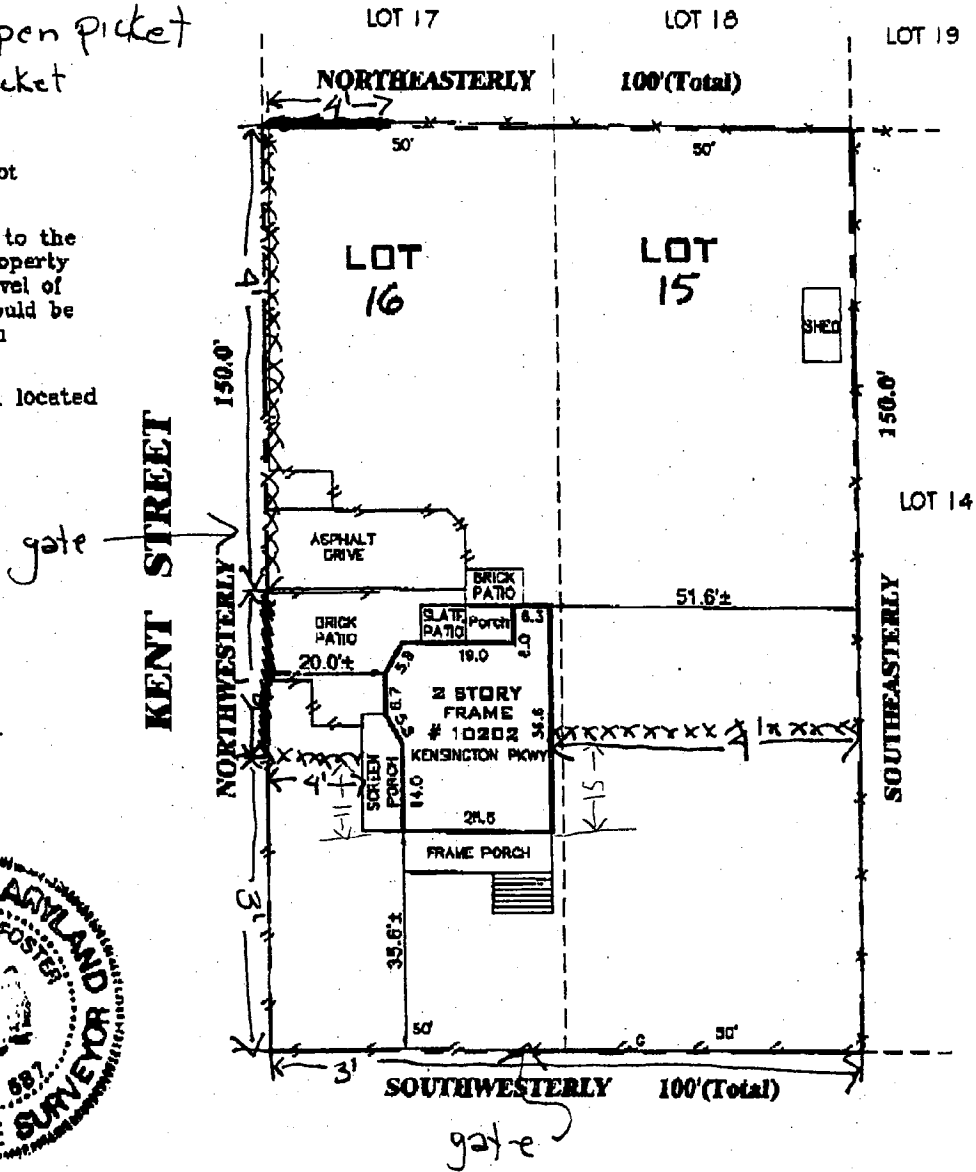
**Notes**

1. Flood zone information is not available for this area.
2. Setback distances as shown to the principal structure from property lines are approximate. The level of accuracy for this drawing should be taken to be no greater than plus or minus 1.0 Foot.
3. Fences, if shown, have been located by approximate methods.

Total Area = 15,000 SF.



LOCATION DRAWING  
**LOTS 15 & 16, BLOCK 3**  
**KENSINGTON PARK**  
 MONTGOMERY COUNTY, MARYLAND



**KENSINGTON PARKWAY**  
 GEORGE AVENUE (PER PLAT)  
 (50' R/W)

**SURVEYOR'S CERTIFICATE**

THE INFORMATION SHOWN HEREON HAS BEEN BASED UPON THE RESULTS OF A FIELD INSPECTION PURSUANT TO THE DEED OR PLAT OF RECORD. EXISTING STRUCTURES SHOWN HAVE BEEN FIELD LOCATED BASED UPON MEASUREMENTS FROM PROPERTY MARKERS FOUND OR FROM EVIDENCE OF LINES OF APPARENT OCCUPATION.

*Jeffrey A. Foster*  
 MARYLAND PROPERTY LINE SURVEYOR REG. NO. *507*

**REFERENCES**

PLAT BK. B  
 PLAT NO. 4

LIBER  
 FOLIO



**SNIDER & ASSOCIATES**  
 SURVEYORS - ENGINEERS  
 LAND PLANNING CONSULTANTS  
 2 Professional Drive, Suite 218  
 Gaithersburg, Maryland 20878  
 301/948-5100, Fax 301/948-1286

DATE OF LOCATIONS	SCALE: 1" = 30'
WALL CHECK	DRAWN BY: F.A.
HSE. LOC.: 09-13-2004	JOB NO.: 2004-6857



**Fothergill, Anne**

---

**From:** Engel, James D [jdengel@firsthorizon.com]

**Sent:** Wednesday, February 23, 2005 4:21 PM

**To:** mayor.council@tok.org; Tully, Tania; Fothergill, Anne; Wright, Gwen; Oaks, Michele

Sorry this is late. I hope it gets into the package for the commissioners.

---

Local Advisory Panel  
Kensington Historic District

RE: 10200 Kensington Parkway, Case 31/06-05A Revision

The LAP chairman met with the applicants on February 17, 2005, along with the Mayor of Kensington, neighbors of the applicants, and a member of HPC staff. The purpose of this meeting was to resolve differences between the approved fence in the January 26, 2005 HPC meeting and the fence as currently installed, and to bring together neighbors who had concerns regarding the style of the fence, and in particular the amount of privacy fence facing Kent Street. The applicants appeared to concur with staff's recommendations (1) and (2) in the February 15<sup>th</sup> staff report, but also expressed a desire to retain the driveway gate as currently installed, with a 5' high privacy fence.

LAP had not previously expressed any opinion with regard to this case prior to the January 26, 2005 meeting. It was indicated to LAP that the applicants had agreed to revisions as contained in the original HAWP, which were then set forth in the staff report prior to the January 26<sup>th</sup> meeting. These revisions were primarily designed to bring the fence into conformity with previously approved fences in the historic district. In the meeting on February 17<sup>th</sup>, it was apparent that while staff's diagram of the fence in the staff report provided for a 4' high, open picket gate, it was not explicitly outlined in staff's recommendations. It was also apparent that there was relatively little focus in this process by LAP with regard to the exact details and style of the fence, such as the size of the pickets, spacing, placement, etc.

LAP generally discourages the use of privacy fence facing public rights of way, but we recognize that this property had a similar, but dilapidated fence along Kent Street. We also note that fences, in general, are not usually given the same level of scrutiny as buildings and additions since they are not typically considered to be permanent structures. With regard to the gate, we recognize that this feature is in place to provide the applicant with an enlarged private area in the patio, but in general we discourage enlarging any existing feature that would cut off the view of the landscape. This is due to our desire to maintain the effect of the houses as an integral part of the landscape, not to be obscured by non-historic structures. As a compromise, we recommend that the applicant explore (with input from HPC) ways to soften the effect of the fence, such as a routed, cut, or scribed pattern in the panels.

Going forward, we encourage the Town of Kensington and/or the HPC to develop fence guidelines that include styles, picket width, opening width, placement, gates, and height that are typical of Victorian-era suburbs.

Jim Engel  
LAP Chairman

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2/23/2005

**Tully, Tania**

---

**From:** Cindy Merz [CMerz@SuburbanHospital.org]  
**Sent:** Wednesday, February 23, 2005 4:42 PM  
**To:** Tully, Tania  
**Subject:** RE: Comments for Meeting re: Fence

Hi Tania. Based on the concluding discussion at the pre-meeting last week, I assume that you are only really addressing one unresolved issue during tonight's meeting. I will not be attending, but wanted to reiterate that we would certainly prefer an outcome that recommends the gate be changed to the picket style. As you may recall, we initially questioned why the HPC would allow a solid privacy fence at least 2x as long (including the gate) as the previous homeowner's privacy section. A more open style picket gate would somewhat limit this perception. In addition, we questioned whether the presence of dogs serves as an acceptable variance for the HPC when determining fence guidelines. Many people throughout the town have dogs that guard/bark at their picket fences - the HPC should be cautious to set a precedent on this issue.

Anyway, whatever the commission decides will ultimately be fine. We look forward to having a nice relationship with our neighbors and I am sure they are anxious to put this fence controversy behind them. Thanks for soliciting comments from neighboring properties.

Cynthia L. Merz  
Director, Communications/Publications  
Marketing/PR Department  
Suburban Hospital Healthcare System  
8600 Old Georgetown Road  
Bethesda, Maryland 20814  
(301) 896-2597  
(301) 493-5583 Fax  
<mailto:cmerz@suburbanhospital.org>

2/23/2005

**Tully, Tania**

---

**From:** Thornton, Courtney S. [ThorntonC@SEC.GOV]  
**Sent:** Wednesday, February 23, 2005 5:05 PM  
**To:** Tully, Tania  
**Subject:** RE: Staff Report for Fence HAWP Meeting

Tania,

Some further thoughts on the driveway gate. I would argue that the staff conditions at the beginning of the staff report DO cover the gate and were not implemented properly. The first condition states that all of the 4' fencing will be picket -- no privacy fencing. The Lynns' own plan shows the gate as part of the 4' fencing, so it should have been covered by that condition. In addition, the gate was not constructed at 4' -- it was constructed at 5', in contravention of both the Lynns' plans and the plans approved by the staff.

C.

---

**From:** Tully, Tania [mailto:Tania.Tully@mncppc-mc.org]  
**Sent:** Wednesday, February 16, 2005 4:31 PM  
**To:** Bettina Lynn; mcpcmerz@comcast.net; mcphersonints@cs.com; louise.hamilton@tok.org; csthorton@peoplepc.com; Engel, James D; Thornton, Courtney S.; Mayor Raufaste; South Lynn; nmbk68@aol.com  
**Subject:** Staff Report for Fence HAWP Meeting

Thanks for all of the calls and emails. Here is the text of my staff report that went out in the main this afternoon. I look forward to meeting you all tomorrow morning.

-Tania Tully  
Tania Georgiou Tully  
Historic Preservation Planner  
Montgomery County Department of Park and Planning  
8787 Georgia Avenue  
Silver Spring, MD 20910  
301-563-3400  
301-563-3412 (fax)  
[www.mc-mncppc.org](http://www.mc-mncppc.org)

<<022305\_KS\_REG10200KensingtonPkwy.doc>>

**Tully, Tania**

---

**From:** Engel, James D [jdengel@firsthorizon.com]  
**Sent:** Friday, February 11, 2005 3:14 PM  
**To:** Tully, Tania  
**Subject:** RE: Fence HAWP: 10200 Kensington Pkwy

It is important to note that I did not receive comment from LAP members on the original HAWP or staff's report. I had an informal conversation with Frank O'Donnell and we both felt that staff's recommendations were in accordance with previously approved fences.

I have also come to the conclusion that it is often better to separate the neighbor's comments from LAPs or the town's as much as possible, since there is often personal acrimony and emotion involved. I hope that's not the case here.

I can see, however, where an objective neighbor might be upset. The presence of 6' privacy fence should be minimized.

-----Original Message-----

**From:** Tully, Tania [mailto:Tania.Tully@mncppc-mc.org]  
**Sent:** Friday, February 11, 2005 3:10 PM  
**To:** Engel, James D  
**Subject:** RE: Fence HAWP: 10200 Kensington Pkwy

Thanks. I'll let you know.

-----Original Message-----

**From:** Engel, James D [mailto:jdengel@firsthorizon.com]  
**Sent:** Friday, February 11, 2005 3:07 PM  
**To:** Tully, Tania; Bettina Lynn  
**Cc:** louise.hamilton@tok.org; csthornnton@peoplepc.com; Thornton, Courtney S.; mayor.council@tok.org; South Lynn; mcpcmerz@comcast.net  
**Subject:** RE: Fence HAWP: 10200 Kensington Pkwy

I can attend as the representative of LAP. An early morning time would be preferable.

-----Original Message-----

**From:** Tully, Tania [mailto:Tania.Tully@mncppc-mc.org]  
**Sent:** Friday, February 11, 2005 2:26 PM  
**To:** Bettina Lynn  
**Cc:** louise.hamilton@tok.org; csthornnton@peoplepc.com; Engel, James D; Thornton, Courtney S.; mayor.council@tok.org; South Lynn; mcpcmerz@comcast.net  
**Subject:** Fence HAWP: 10200 Kensington Pkwy

Bettina-

I've attached a Word document listing the HPC concerns regarding the fence installation and what I believe are the concerns of the neighbors. I have also attached a PowerPoint document with before and after photographs and notations illustrating the comments made in the Word document. Please give me a call when you have had the opportunity to review both documents. Some of the items listed I may recommend for retroactive approval and I may recommend to the HPC that others be reconstructed to reflect the approved HAWP.

As you know, I am trying to arrange an informal gathering with all of the appropriate people/organizations. Kensington Mayor Lynn Raufaste, HPC staff, and you are available Thursday, February 17 between 9 and 4. Staff can also be available as early as 8:00 a.m. on that day. I am hopeful that several of the neighbors and a representative from the Local Advisory Panel will also be in attendance. It will serve us all if this matter can be amicably resolved prior to the HPC meeting on the 23rd.

Because it is difficult for many people to meet during the day, I suggest that we try to meet either first thing in the morning or late in the day. I am copying this message to everyone involved for whom I have an email address. If you have additional addresses please let me know. I am also making telephone calls.

Thank you,

-Tania

<<KensingtonFence2.doc>> <<10200 Kensington Pkwy Conflict.ppt>>

Tania Georgiou Tully

Historic Preservation Planner

Montgomery County Department of Park and Planning

8787 Georgia Avenue

Silver Spring, MD 20910

301-563-3400

301-563-3412 (fax)

[www.mc-mncppc.org](http://www.mc-mncppc.org)

---

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**Tully, Tania**

---

**From:** Julia OMalley [omalley10@msn.com]  
**Sent:** Friday, February 04, 2005 9:43 AM  
**To:** Tully, Tania  
**Subject:** Fw: Web Site Email: Privacy Fence on Kent Street

Tania,

One of the Town councilmembers forwarded this to me. Apparently, the owners are removing the extra section that was installed. She has installed the fence with the good side facing inward which also upsets the neighbors. From now on I guess we have to STATE that the good side will be facing the street. Louise, the Town Code Officer, is going to suggest that the owner talk to the neighbors about her planned screening with plants.

Julia

----- Original Message -----

**From:** Pfautz, Leanne  
**To:** Julie O'Malley  
**Sent:** Thursday, February 03, 2005 1:52 PM  
**Subject:** FW: Web Site Email: Privacy Fence on Kent Street

Julie - FYI.

-----Original Message-----

**From:** [mcpcmerz@comcast.net](mailto:mcpcmerz@comcast.net) [mailto:[mcpcmerz@comcast.net](mailto:mcpcmerz@comcast.net)]  
**Sent:** Thursday, February 03, 2005 1:50 PM  
**To:** [mayor.council@tok.org](mailto:mayor.council@tok.org)  
**Subject:** Web Site Email: Privacy Fence on Kent Street

My husband and I wanted to express some significant concern about the new fence that was installed on the Kent Street side of the 10202 Kensington Parkway property. While part of the fence seems in keeping with the historic character of the town, the portion across from our house seems very odd. It is a high privacy fence - the kind you would use in a back yard or around a pool, not facing a historic town street and other homes. I understand that the residents received approval for a new fence from the Montgomery County HPS, but I question how that type of fence was approved and what role the Town Council and/or our own historic preservation society played in the decision.

I also left a message with Shirley at the Town Office and was informed that the situation is being looked into. Please keep me apprised.  
Thanks.

Cindy Merz - 10116 Kensington Parkway

**Tully, Tania**

---

**From:** Cindy Merz [CMerz@SuburbanHospital.org]  
**Sent:** Wednesday, February 16, 2005 2:44 PM  
**To:** Tully, Tania  
**Subject:** Comments for Meeting 2/17 re: Fence

Dear Ms. Tully -

Thank you for coordinating the meeting at the Kensington Town Hall tomorrow morning to discuss the fence issue. I am hoping to attend, but in the event that my husband is not able to take our children to preschool that morning, I wanted to at least provide some comments for the group's consideration. [Please do not distribute this message via email - I will discuss these points if I am able to attend. Otherwise, you may distribute or simply discuss at the meeting. Thanks.]

First and foremost, we do not want to make the Lynn's feel attacked for their choice of fencing. They have been working diligently to improve the overall appearance of the property and should be recognized for those efforts. Though there are many aspects of the fence that we do not like and believe compromise the character of the town, if it is approved by the HPC, we recognize that we don't have the right to complain after-the-fact. Therefore, our concerns are more focused on the process and the precedent set for the future, specifically:

- 1) Why the HPC would allow a solid privacy fence and gate at least 2x as long as the previous homeowner's privacy section. Even if an increased privacy section was acceptable, I would think a more open style (i.e.- board on board) would be recommended.
- 2) Why the HPC would allow inconsistent styles along one stretch of fencing (in this case, pickets on the inside and outside, open pickets, tight pickets and privacy).
- 3) Whether or not the presence of dogs serves as an acceptable variance to the town or HPC approved fence guidelines. Is it ok to approve a structure that may compromise the town's character in order to limit the threat of liability or would it be better to maintain acceptable styles while employing alternate containment methods (i.e. - wire fence on inside of traditional picket, etc.). Many people throughout the town have dogs that guard/bark at their picket fences (in fact until our dog passed away in November, we had a 95 lb. dog contained within our picket fence for 7+ years) - the HPC should be cautious to set a precedent on this issue.

In addition to these specific points, we would also like to gain a better understanding of the town's role in influencing HPC applications, as well as both the town and HPC's role in ensuring homeowner compliance with approved plans.

Since my initial phone conversation with you last week, my husband and I have been in touch with the Lynn's regarding our concerns about the fence and the process in general. Following is a copy of the letter that we sent to them via email. We have also had some follow up phone conversations.

Hopefully the meeting will go well and an amicable solution will be attained. Kensington is a wonderful, friendly town. It is unfortunate that this issue has caused some frustrations between neighbors.

Cindy Merz  
10116 Kensington Parkway  
(301) 962-6883

Cynthia L. Merz  
Director, Communications/Publications  
Marketing/PR Department  
Suburban Hospital Healthcare System  
8600 Old Georgetown Road  
Bethesda, Maryland 20814

2/16/2005

(301) 896-2597  
(301) 493-5583 Fax  
mailto:cmmerz@suburbanhospital.org

----- Forwarded Message: -----

From: mcpcmerz@comcast.net  
To: bettinaldc@hotmail.com; south@universalfloors.com  
Subject: Note from Matt & Cindy Merz  
Date: Mon, 14 Feb 2005 03:12:06 +0000

Dear Bettina and South -

Matt and I were just checking our email and noticed that we were copied on a number of messages related to your new fence. Since your email addresses were included, we wanted to take a moment to send you a quick personal note. First and foremost, we hope that you will accept this note as a sincere welcome to the neighborhood. Despite the current fence controversy that seems to be brewing, we hope that you will find the Town of Kensington to be warm and welcoming.

We have lived here for nearly 8 years and - having completed our own construction project as well as witnessing many others - are very aware of how strongly people feel about preserving the character of the town and scrutinizing any approval process that may compromise that character. Please rest assured that any comments or frustrations that have been voiced by neighbors or others, are not directed at you personally, but rather at the HPC process.

We certainly recognize and appreciate all of the efforts that you have been making to improve the appearance of Betsy's old house, but do have some concerns about the fence. Specifically, we are disappointed about the large privacy section (and driveway gate) that faces our side yard, as well as the differing styles that run along Kent Street. While we understand that privacy is important, that type of fence (versus a more natural barrier) just does not seem in keeping with the overall look and feel of the town.

We wanted to write you this note to be honest and upfront about the issue in an effort to avoid any negative feelings if we provide comments for consideration at the next HPC hearing, or if one of us is available to attend this proposed meeting on Thursday.

We really hope that you will love Kensington as much as we do. We value our neighbors and look forward to getting to know you better. If there is anything that we can do to help make your transition to the neighborhood better, please don't hesitate to ask. If you would like to have any further conversation about the fence prior to these meetings, please feel free to call us at (301) 962-6883.

Sincerely,

Cindy & Matt Merz  
10116 Kensington Parkway



## Tully, Tania

---

**From:** Tully, Tania  
**Sent:** Monday, February 14, 2005 10:58 AM  
**To:** 'Bettina Lynn'; 'mcpcmerz@comcast.net'; 'mcphersonints@cs.com'; 'louise.hamilton@tok.org'; 'csthornton@peoplepc.com'; 'Engel, James D'; 'Thornton, Courtney S.'; 'Mayor Raufaste'; 'South Lynn'; 'nmbk68@aol.com'  
**Cc:** Wright, Gwen  
**Subject:** Fence HAWP Meeting Confirmation

Thanks for everyone's cooperation. I have confirmed with the Mayor that we are meeting in The Kensington Town Council Chambers at 8:30 am Thursday, February 17, 2005. She graciously agreed to meet earlier than 9:00 despite having an evening meeting the same day.

Please be prepared with constructive comments and suggestions - if you are unable to attend feel free to send them to me or via a neighbor. My staff report will be mailed out Wednesday, but I will email the text prior to that so that everyone has as much information as possible.

Tania Georgiou Tully  
Historic Preservation Planner  
Montgomery County Department of Park and Planning  
8787 Georgia Avenue  
Silver Spring, MD 20910  
301-563-3400  
301-563-3412 (fax)  
[www.mc-mncppc.org](http://www.mc-mncppc.org)

**Tully, Tania**

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**From:** Engel, James D [jdengel@firsthorizon.com]  
**Sent:** Friday, February 11, 2005 3:14 PM  
**To:** Tully, Tania  
**Subject:** RE: Fence HAWP: 10200 Kensington Pkwy

It is important to note that I did not receive comment from LAP members on the original HAWP or staff's report. I had an informal conversation with Frank O'Donnell and we both felt that staff's recommendations were in accordance with previously approved fences.

I have also come to the conclusion that it is often better to separate the neighbor's comments from LAPs or the town's as much as possible, since there is often personal acrimony and emotion involved. I hope that's not the case here.

I can see, however, where an objective neighbor might be upset. The presence of 6' privacy fence should be minimized.

-----Original Message-----

**From:** Tully, Tania [mailto:Tania.Tully@mncppc-mc.org]  
**Sent:** Friday, February 11, 2005 3:10 PM  
**To:** Engel, James D  
**Subject:** RE: Fence HAWP: 10200 Kensington Pkwy

Thanks. I'll let you know.

-----Original Message-----

**From:** Engel, James D [mailto:jdengel@firsthorizon.com]  
**Sent:** Friday, February 11, 2005 3:07 PM  
**To:** Tully, Tania; Bettina Lynn  
**Cc:** louise.hamilton@tok.org; csthornnton@peoplepc.com; Thornton, Courtney S.; mayor.council@tok.org; South Lynn; mcpcmerz@comcast.net  
**Subject:** RE: Fence HAWP: 10200 Kensington Pkwy

I can attend as the representative of LAP. An early morning time would be preferable.

-----Original Message-----

**From:** Tully, Tania [mailto:Tania.Tully@mncppc-mc.org]  
**Sent:** Friday, February 11, 2005 2:26 PM  
**To:** Bettina Lynn  
**Cc:** louise.hamilton@tok.org; csthornnton@peoplepc.com; Engel, James D; Thornton, Courtney S.; mayor.council@tok.org; South Lynn; mcpcmerz@comcast.net  
**Subject:** Fence HAWP: 10200 Kensington Pkwy

Bettina-

I've attached a Word document listing the HPC concerns regarding the fence installation and what I believe are the concerns of the neighbors. I have also attached a PowerPoint document with before and after photographs and notations illustrating the comments made in the Word document. Please give me a call when you have had the opportunity to review both documents. Some of the items listed I may recommend for retroactive approval and I may recommend to the HPC that others be reconstructed to reflect the approved HAWP.

As you know, I am trying to arrange an informal gathering with all of the appropriate people/organizations. Kensington Mayor Lynn Raufaste, HPC staff, and you are available Thursday, February 17 between 9 and 4. Staff can also be available as early as 8:00 a.m. on that day. I am hopeful that several of the neighbors and a representative from the Local Advisory Panel will also be in attendance. It will serve us all if this matter can be amicably resolved prior to the HPC meeting on the 23rd.

Because it is difficult for many people to meet during the day, I suggest that we try to meet either first thing in the morning or late in the day. I am copying this message to everyone involved for whom I have an email address. If you have additional addresses please let me know. I am also making telephone calls.

Thank you,

-Tania

<<KensingtonFence2.doc>> <<10200 Kensington Pkwy Conflict.ppt>>

Tania Georgiou Tully

Historic Preservation Planner

Montgomery County Department of Park and Planning

8787 Georgia Avenue

Silver Spring, MD 20910

301-563-3400

301-563-3412 (fax)

[www.mc-mncppc.org](http://www.mc-mncppc.org)

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THE MARYLAND-NATIONAL CAPITAL PARK & PLANNING COMMISSION

Date: 1/27/05

MEMORANDUM

TO: Historic Area Work Permit Applicants

FROM: Gwen Wright, Coordinator  
Historic Preservation Section

SUBJECT: Historic Area Work Permit Application – Approval

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

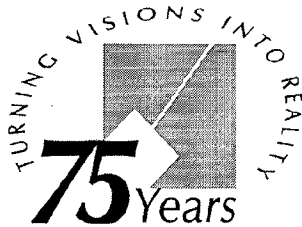
Prior to applying for a county building permit from the Department of Permitting Services, you must schedule a meeting with your assigned staff person to bring your final construction drawings in to the Historic Preservation Office at 1109 Spring Street for stamping. Please note that although your work has been approved by the Historic Preservation Commission, it must also be approved by DPS before work can begin.

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

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

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

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



THE MARYLAND-NATIONAL CAPITAL PARK & PLANNING COMMISSION

February 17, 2005

MEMORANDUM

TO: Julia O'Malley, Chair  
Historic Preservation Commission

FROM: Tania Tully, Senior Planner  
Historic Preservation Section

SUBJECT: HPC Case No. 31/06-05A, 10200 Kensington Pkwy, Kensington

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On February 17, 2005 staff met at the Kensington Town Hall with Lynn Raufaste, Jim Engle (LAP President), Bettina and South Lynn (the applicants), and adjacent property owners. Discussion concerned the fence under construction at the corner of Kent Street and Kensington Parkway – case III-F at the February 23 HPC meeting.

The meeting proved to be informative and useful although one issue remains in dispute. The applicants and other commenting parties are in agreement with conditions 1 and 2 of the staff report. They also would like the Commission to add a condition requiring installation of vegetative screening in front of the “inside-out” picket fences. The applicants did not dispute this suggestion.

The only remaining issue, as staff sees it, is the driveway gate. The applicant is not agreeable to condition 3, which would require the gate be changed to a 4' high tight-picket fence. They will present their case at the meeting. It is unlikely that there will be anyone from Kensington in attendance to speak against the applicants' proposal.

**Excerpt from Staff Report**

Staff is recommending approval with the following conditions:

- 1) The side fence on Lot 15 is moved towards the rear of the property so that it is positioned between the middle post of the screened porch and the 4<sup>th</sup> panel of privacy fencing.
- 2) The 4' high panel of fence between the 6' privacy fence and the 3' picket fence will be changed to match the 3' picket fence.
- 3) The driveway gate will be lowered to 4' and changed to match the adjacent tight picket fence.

[Solidarity isn't the only issue] one is height - "odd element"

**RETROACTIVE REVISION  
HISTORIC PRESERVATION COMMISSION STAFF REPORT**

<b>Address:</b>	10200 Kensington Parkway, Kensington	<b>Meeting Date:</b>	02/23/05
<b>Applicant:</b>	South & Bettina Lynn	<b>Report Date:</b>	02/15/05
<b>Resource:</b>	Primary 1 Resource Kensington Historic District	<b>Public Notice:</b>	02/09/05
<b>Review:</b>	HAWP	<b>Tax Credit:</b>	None
<b>Case Number:</b>	31/06-05A	<b>Staff:</b>	Tania Tully

<b>PROPOSAL:</b>	Revise locations of previously approved fencing.	<b>RECOMMENDATION:</b>	Approve with conditions
------------------	--	------------------------	-------------------------

*Painted white is plan - I.S.*

*L boxwood, inkberry, Laurel rolling 'beals*

**STAFF RECOMMENDATION:**

Staff is recommending approval with the following conditions:

- ✓ 1) The side fence on Lot 15 is moved towards the rear of the property so that it is positioned between the middle post of the screened porch and the 4<sup>th</sup> panel of privacy fencing.
- ✓ 2) The 4' high panel of fence between the 6' privacy fence and the 3' picket fence will be changed to match the 3' picket fence.
- 3) The driveway gate will be lowered to 4' and changed to match the adjacent tight picket fence.

**PROJECT DESCRIPTION**

<b>SIGNIFICANCE:</b>	Primary Resource within the Kensington Historic District
<b>STYLE:</b>	Folk Victorian
<b>DATE:</b>	1880-1910



**BACKGROUND:**

This project was originally approved with revisions at the January 26, 2005 HPC meeting. In summary, the applicants received approval to construct new and replacement fencing along Kent Street, Kensington Parkway, and in the side yard. Conditions regarding height and fence type were placed on the approval. See Circles 9-14 for details. The applicants worked with staff to revise their original proposal and made significant design changes. Unfortunately, due to a misunderstanding, portions of the fence were installed at locations other than what was approved.

**PROPOSAL:**

The applicants are seeking retroactive approval for the fence as installed. See Circles 4-7 for existing fence location. This includes locating the side yard fence at the front plane of the historic house, installing a gate in the side yard fence, placing the patio side yard fence at the front plane of the screened porch, making the driveway gate in the privacy fence style, and making one panel of the patio fence 4' high in the tight picket style. It should be noted that after this panel was installed as a 6' privacy fence the applicants replaced it based upon neighbor objection.

**APPLICABLE GUIDELINES:**

When reviewing alterations and new construction within the Kensington Historic District several documents are to be utilized as guidelines to assist the Commission in developing their decision. These documents include the *Approved & Adopted Amendment to the Master Plan for Historic Preservation: Kensington Historic District, Atlas #31/6 (Amendment)*, *Vision of Kensington: A Long-Range Preservation Plan (Vision)*, *Montgomery County Code Chapter 24A (Chapter 24A)*, and the *Secretary of the Interior's Standards for Rehabilitation (Standards)*. The pertinent information in these documents is outlined below.

***Vision of Kensington: A Long-Range Preservation Plan***

The HPC formally adopted the planning study, *Vision of Kensington: A Long-Range Preservation Plan*, 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.

***Montgomery County Code; Chapter 24A***

- A HAWP permit should be issued if the Commission finds that:
  1. The proposal will not substantially alter the exterior features of a historic site or historic resource within a historic district.
  2. The proposal is compatible in character and nature with the historical archaeological, architectural or cultural features of the historic site or the historic district in which a historic resource is located and would not be detrimental thereto or to the achievement of the purposes of this chapter.

***Secretary of the Interior's Standards for Rehabilitation:***

- 1 A Property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces and spatial relationships.
- 2 The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, space and spatial relationships that characterize a property will be avoided.
- 9 New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.
- 10 New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

**STAFF DISCUSSION**

This large parcel consisting of two lots is typical of early development in Kensington and contributes to the garden-like setting of the historic district. Review of fences in Kensington should consider their impact to the character of

the historic district as a whole. Maintaining openness between buildings and the street will help preserve this "suburban village" and the cohesiveness that currently exists. With that in mind, staff reviewed the requested revisions and considered each change as though it had been presented that way in the original application. It is important to note that staff does not believe that there was any intent by the applicants to deceive the HPC or neighbors when seeking approval. The applicants did not realize the specific nature of the HAWP approval and thought that they were in compliance.

Staff will take each of the applicable changes individually.

- Staff recommends approval of the gate in the side yard fence.
- Staff also recommends approval of the new location of the side yard fence. It is consistent to approve 4' fences at the front plane of a house.
- The driveway gate is problematic in that it doesn't match either the 4' tight-picket fence to the left or the 6' privacy fence to the right. It is roughly 5' high in the privacy fence style. (Circle 15) Staff recommends that the gate be lowered to 4' and constructed in the tight-picket style.
- The final changes regard the fence enclosing the patio. (Circles 15-17) This portion of the fence was approved to be constructed roughly halfway down the screened porch. It was installed at the front edge of the screened porch. Staff would not have recommended approval of the fence at this location and is recommending it be changed. The existing 4' tight-picket panel should match the 3' open-picket fencing and the 4' tight-picket fence running between the privacy fence and the porch should be moved so that it meets the porch at the middle post. See Circle 16 for details.

In addition to the inadvertent violations of the HAWP, there have also been complaints made by neighbors regarding the tight-picket fencing and the location of the pickets. There seems to be a general consensus that the neighbors would prefer that the pickets be placed on the outside of the supports. Staff did not take this into consideration in the original staff report and although we would have suggested this to the applicant originally, we do not see this as a violation of the HAWP and are not recommending that it be changed. There are also neighbor concerns about the location of the side-yard fence and potential dog interactions. Staff has suggested to the applicant that screening the height of the existing chain link fence be placed along the section of fence that is adjacent to the neighboring driveway.

Staff believes that the fence with the suggested modifications the proposal is in keeping with applicable standards and guidelines as it will not negatively affect the historic dwelling's integrity, and is compatible with the historic district. More information, resulting from a meeting on February 17, may be provided at the Worksession.

#### **STAFF RECOMMENDATION**

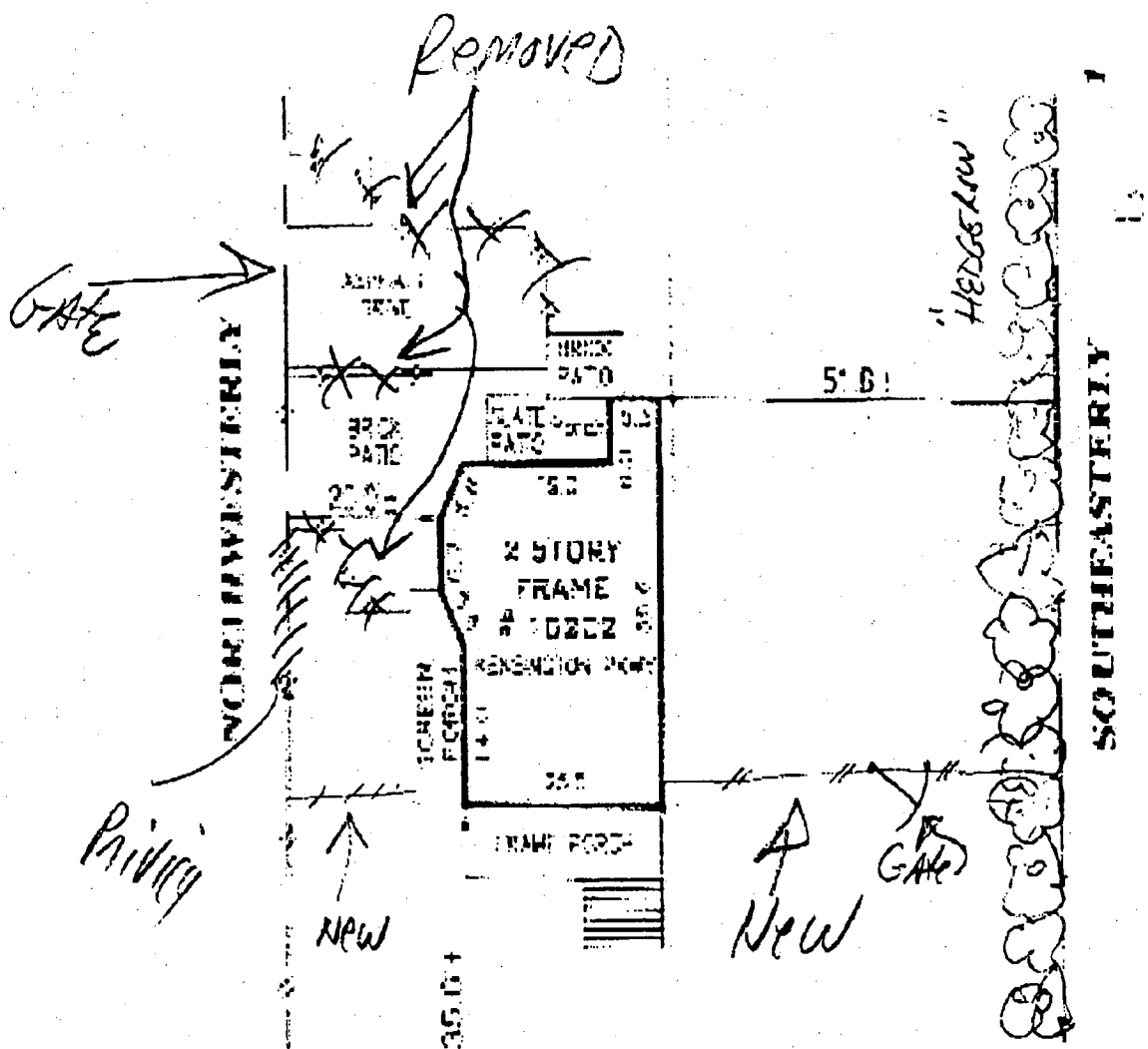
Staff recommends that the Commission **approve** the HAWP application as being consistent with Chapter 24A-8(b)(1) & (2);

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

and with the conditions stated on Circle 1;

and 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 (if applicable)**. 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.





10200 Kenneth Pkwy  
 S. Lynn 301-370-6850  
 301-563-3412



5



6



7



Local example of the  
open picket fence installed &  
painted.



THE MARYLAND-NATIONAL CAPITAL PARK & PLANNING COMMISSION

Date: 1/27/05

**MEMORANDUM**

TO: Robert Hubbard, Director  
FROM: Gwen Wright, Coordinator  
Historic Preservation  
SUBJECT: Historic Area Work Permit

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

- Approved (AS REVISED)
- Approved with Conditions
- 
- 
- 
- 

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

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

Applicant: SOUTH LYNN (BETTINA LYNN, AGENT)

Address: 10200 KENSINGTON PKWY., KENSINGTON

and subject to the general condition that, after issuance of the Montgomery County Department of Permitting Services (DPS) permit, the applicant arrange for a field inspection by calling the Montgomery County DPS Field Services Office at 240-777-6210 or online at <http://permits.emontgomery.org> prior to commencement of work and not more than two weeks following completion of work

9



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

DPS - #8

HISTORIC PRESERVATION COMMISSION  
301/563-3400

369610

# APPLICATION FOR HISTORIC AREA WORK PERMIT

Contact Person: DETTINA LYNN  
Daytime Phone No.: 202-438-4262

Tax Account No.: \_\_\_\_\_  
Name of Property Owner: SOUTH LYNN Daytime Phone No.: 301-370-6850

Address: 89 SHIPWRIGHT ST ANNAPOLIS MD 21401  
Street Number City Street Zip Code

Contractor: POTOMAC FENCE Phone No.: 301-468-1228

Contractor Registration No.: 9989

Agent for Owner: \_\_\_\_\_ Daytime Phone No.: \_\_\_\_\_

### LOCATION OF BUILDING/PREMISE

House Number: 10200 KENSINGTON PRKY Street: KENSINGTON PRKY

Town/City: KENSINGTON Nearest Cross Street: KENT STREET

Lot: \_\_\_\_\_ Block: \_\_\_\_\_ Subdivision: \_\_\_\_\_

Liber: \_\_\_\_\_ Folio: \_\_\_\_\_ Parcel: \_\_\_\_\_

### PART ONE: TYPE OF PERMIT ACTION AND USE

#### 1A. CHECK ALL APPLICABLE:

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

#### CHECK ALL APPLICABLE:

- A/C  Stab  Room Addition  Porch  Deck  Shed
- Solar  Fireplace  Woodburning Stove  Single Family
- Fence/Wall (complete Section 4)  Other: \_\_\_\_\_

1B. Construction cost estimate: \$ \_\_\_\_\_

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 4 feet 00 inches

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

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

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

Signature of owner or authorized agent

Date

Approved: (AS REVISED) ✓ For Chairperson, Historic Preservation Commission

Disapproved: \_\_\_\_\_ Signature: Julia O'Malley Date: 1/26/05

Application/Permit No.: \_\_\_\_\_ Date Filed: \_\_\_\_\_ Date Issued: \_\_\_\_\_

CONSUM

1. This plan is a benefit to a consumer insofar as agent in connection with contemplated transfer.
2. This plan is not to be relied upon for the existing or future improvements.
3. This plan does not provide for the accurate survey may not be required for the transfer of title.
4. Building line and/or Flood Zone information is taken from available sources and is subject to interpretation of originator.

APPROVED  
 Montgomery County  
 Historic Preservation Commission  
*Shwen Wright*  
 1/26/05

pany or its  
 s. or other  
 identification

~~xxxx~~ = privacy  
 all else = open picket  
 xxxxx = tight picket

Notes

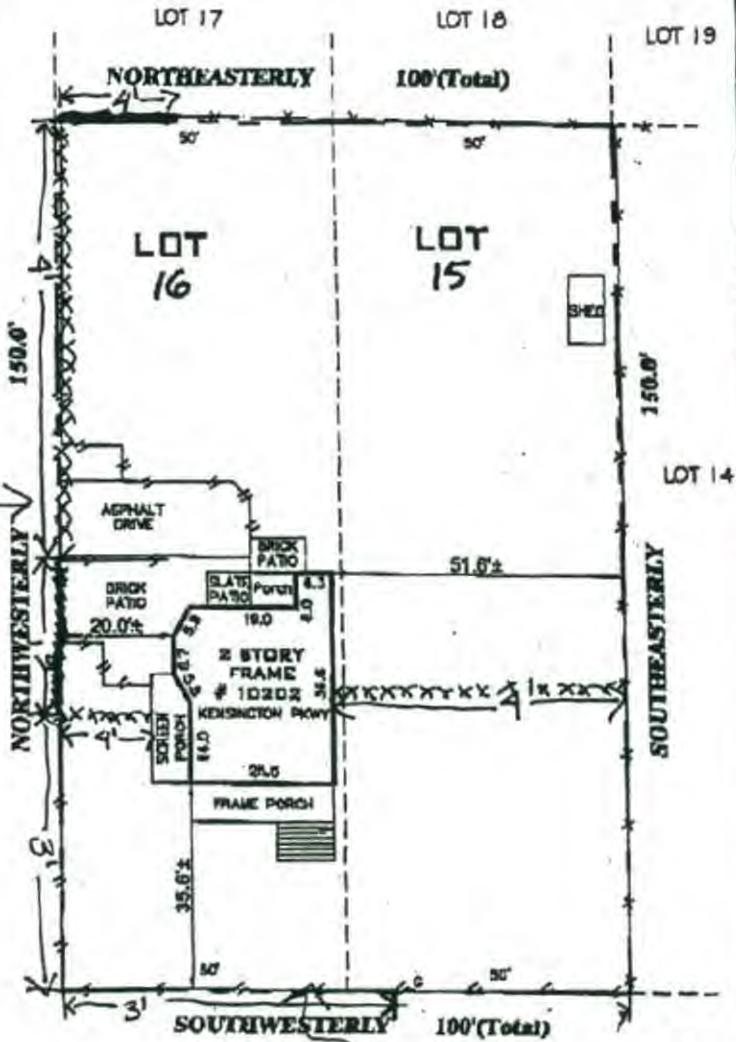
1. Flood zone information is not available for this area.
2. Setback distances as shown to the principal structure from property lines are approximate. The level of accuracy for this drawing should be taken to be no greater than plus or minus 1.0 Foot.
3. Fences, if shown, have been located by approximate methods.

Total Area= 15,000 SF.

gate



LOCATION DRAWING  
**LOTS 15 & 16, BLOCK 3**  
**KENSINGTON PARK**  
 MONTGOMERY COUNTY, MARYLAND



gate (fence stops at hedges)

**KENSINGTON PARKWAY**  
 GEORGE AVENUE (PER PLAT)  
 (50' R/W)

SURVEYOR'S CERTIFICATE

"THE INFORMATION SHOWN HEREON HAS BEEN BASED UPON THE RESULTS OF A FIELD INSPECTION PURSUANT TO THE DEED OR PLAT OF RECORD. EXISTING STRUCTURES SHOWN HAVE BEEN FIELD LOCATED BASED UPON MEASUREMENTS FROM PROPERTY MARKERS FOUND OR FROM EVIDENCE OF LINES OF APPARENT OCCUPATION."

*Jeffrey A. Foster*  
 MARYLAND PROPERTY LINE SURVEYOR REG. NO. 887

REFERENCES

PLAT BK. B  
 PLAT NO. 4

LIBER  
 FOLIO



**SNIDER & ASSOCIATES**  
 SURVEYORS - ENGINEERS  
 LAND PLANNING CONSULTANTS  
 2 Professional Drive, Suite 216  
 Gaithersburg, Maryland 20879  
 301/948-6100, Fax 301/946-1200

DATE OF LOCATIONS SCALE: 1"= 30'  
 WALL CHECK DRAWN BY: F.A.  
 HSM LOC.: 09-13-2004 JOB NO.: 2004-6967

15-11

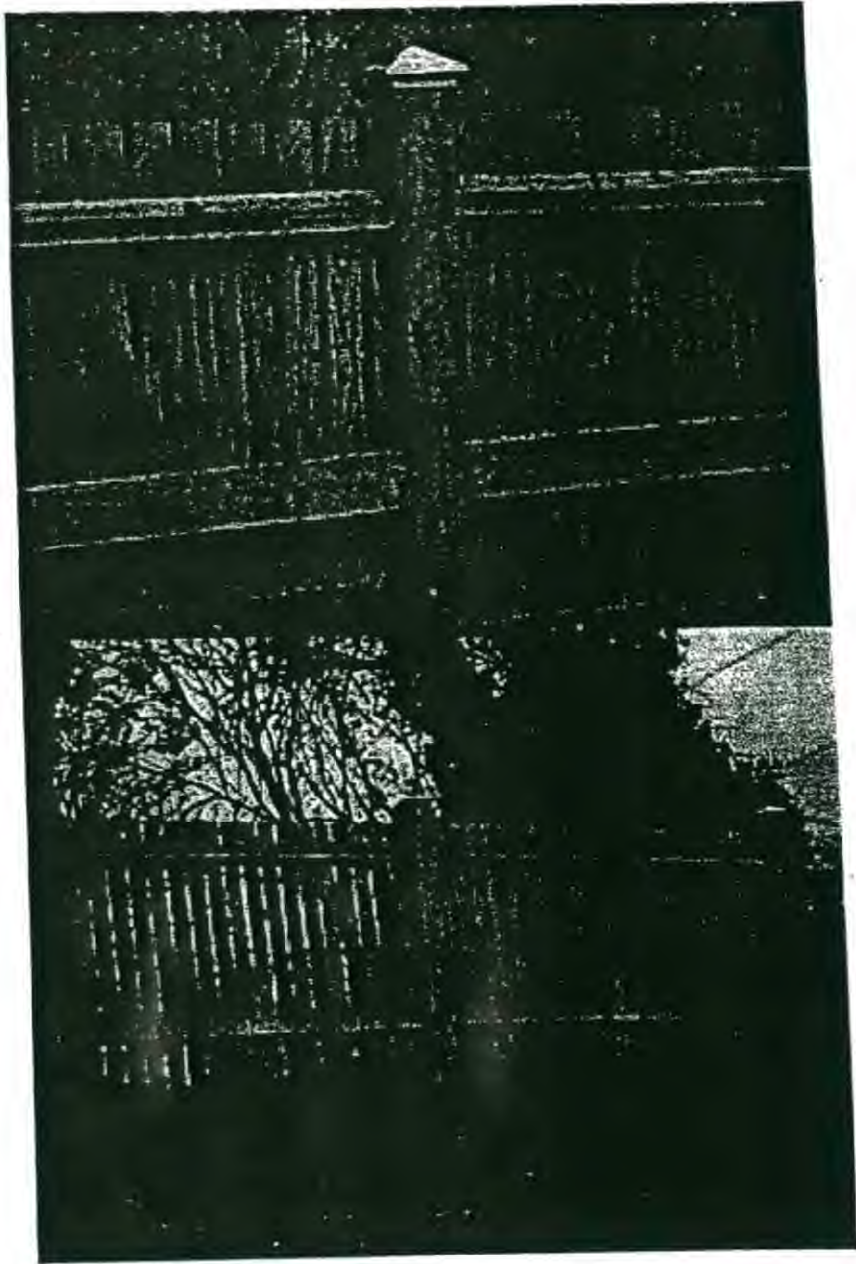


12

PROPOSED DESIGN FOR  
3' HIGH FENCING



PROJECT  
MONTGOMERY COUNTY  
Historic Preservation Commission  
*Kevin Wright*  
12/2/05



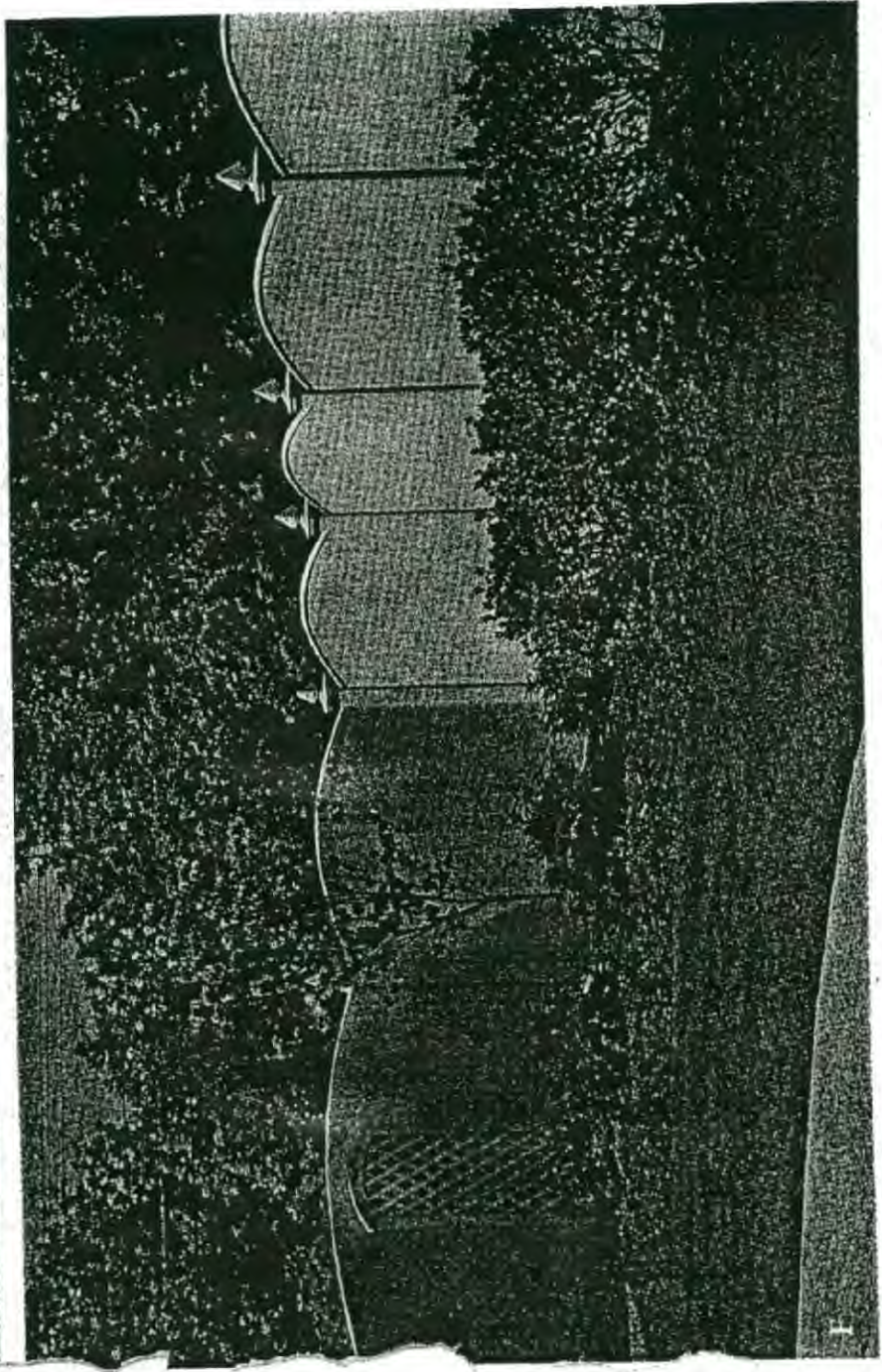
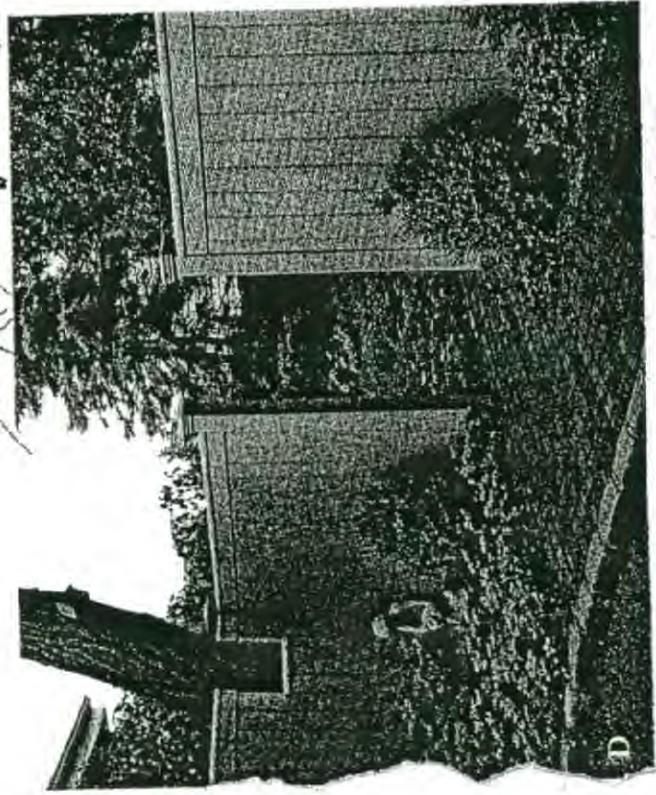
Picket Fence example  
PROPOSED DESIGN FOR 4' HIGH  
TIGHT PICKET FENCE

APPROVED  
Montgomery County  
Historic Preservation Commission  
Sharon Wright  
11/26/05

13  
18.

PROPOSED DESIGN OF H + O fence  
FOR SECTIONS 14 & 15  
privacy

APPROVED  
Montgomery County  
Historic Preservation Commission  
11/16/05



- D. While cleverly accommodating a mature tree, this standard Hamilton fence with additional Westport post caps creates privacy for this home's courtyard.
- E. Our skilled woodworkers and installers will negotiate fence to accommodate your environment.
- F. A convex scallop adds some flair to the practical privacy afforded this garden. The posts and caps are custom designed.

14



Driveway gate matches privacy fencing rather than tight picket style and is taller than 4'.

New privacy fence

2/9/05



Fence section that should be 3' open picket style

Approximate approved location of Lot 16 side-yard fence

2/9/05



Fence section that should  
be 3' open picket.style

3' open picket.style

2/9/05



Approximate approved location of  
Lot 16 side-yard fence

2/9/05

16



Approximate approved location of  
Lot 16 side-yard fence

2/9/05

***RETROACTIVE REVISION***  
**HISTORIC PRESERVATION COMMISSION STAFF REPORT**

<b>Address:</b>	10200 Kensington Parkway, Kensington	<b>Meeting Date:</b>	02/23/05
<b>Applicant:</b>	South & Bettina Lynn	<b>Report Date:</b>	02/15/05
<b>Resource:</b>	Primary 1 Resource <b>Kensington Historic District</b>	<b>Public Notice:</b>	02/09/05
<b>Review:</b>	HAWP	<b>Tax Credit:</b>	None
<b>Case Number:</b>	31/06-05A	<b>Staff:</b>	Tania Tully
<b>PROPOSAL:</b>	Revise locations of previously approved fencing.	<b>RECOMMENDATION:</b>	Approve with conditions

**STAFF RECOMMENDATION:**

Staff is recommending approval with the following conditions:

- 1) The side fence on Lot 15 is moved towards the rear of the property so that it is positioned between the middle post of the screened porch and the 4<sup>th</sup> panel of privacy fencing.
- 2) The 4' high panel of fence between the 6' privacy fence and the 3' picket fence will be changed to match the 3' picket fence.
- 3) The driveway gate will be lowered to 4' and changed to match the adjacent tight picket fence.

**PROJECT DESCRIPTION**

**SIGNIFICANCE:** Primary Resource within the **Kensington Historic District**  
**STYLE:** Folk Victorian  
**DATE:** 1880-1910

**BACKGROUND:**

This project was originally approved with revisions at the January 26, 2005 HPC meeting. In summary, the applicants received approval to construct new and replacement fencing along Kent Street, Kensington Parkway, and in the side yard. Conditions regarding height and fence type were placed on the approval. See Circles 9-14 for details. The applicants worked with staff to revise their original proposal and made significant design changes. Unfortunately, due to a misunderstanding, portions of the fence were installed at locations other than what was approved.

**PROPOSAL:**

The applicants are seeking retroactive approval for the fence as installed. See Circles 4-7 for existing fence location. This includes locating the side yard fence at the front plane of the historic house, installing a gate in the side yard fence, placing the patio side yard fence at the front plane of the screened porch, making the driveway gate in the privacy fence style, and making one panel of the patio fence 4' high in the tight picket style. It should be noted that after this panel was installed as a 6' privacy fence the applicants replaced it based upon neighbor objection.

**APPLICABLE GUIDELINES:**

When reviewing alterations and new construction within the Kensington Historic District several documents are to be utilized as guidelines to assist the Commission in developing their decision. These documents include the *Approved & Adopted Amendment to the Master Plan for Historic Preservation: Kensington Historic District, Atlas #31/6 (Amendment)*, *Vision of Kensington: A Long-Range Preservation Plan (Vision)*, *Montgomery County Code Chapter 24A (Chapter 24A)*, and the *Secretary of the Interior's Standards for Rehabilitation (Standards)*. The pertinent information in these documents is outlined below.

***Vision of Kensington: A Long-Range Preservation Plan***

The HPC formally adopted the planning study, *Vision of Kensington: A Long-Range Preservation Plan*, 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.

***Montgomery County Code; Chapter 24A***

- A HAWP permit should be issued if the Commission finds that:
  1. The proposal will not substantially alter the exterior features of a historic site or historic resource within a historic district.
  2. The proposal is compatible in character and nature with the historical archaeological, architectural or cultural features of the historic site or the historic district in which a historic resource is located and would not be detrimental thereto of to the achievement of the purposes of this chapter.

***Secretary of the Interior's Standards for Rehabilitation:***

- 1 A Property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces and spatial relationships.
- 2 The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, space and spatial relationships that characterize a property will be avoided.
- 9 New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.
- 10 New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

**STAFF DISCUSSION**

This large parcel consisting of two lots is typical of early development in Kensington and contributes to the garden-like setting of the historic district. Review of fences in Kensington should consider their impact to the character of



the historic district as a whole. Maintaining openness between buildings and the street will help preserve this “suburban village” and the cohesiveness that currently exists. With that in mind, staff reviewed the requested revisions and considered each change as though it had been presented that way in the original application. It is important to note that staff does not believe that there was any intent by the applicants to deceive the HPC or neighbors when seeking approval. The applicants did not realize the specific nature of the HAWP approval and thought that they were in compliance.

Staff will take each of the applicable changes individually.

- Staff recommends approval of the gate in the side yard fence.
- Staff also recommends approval of the new location of the side yard fence. It is consistent to approve 4’ fences at the front plane of a house.
- The driveway gate is problematic in that it doesn’t match either the 4’ tight-picket fence to the left or the 6’ privacy fence to the right. It is roughly 5’ high in the privacy fence style. (Circle 15) Staff recommends that the gate be lowered to 4’ and constructed in the tight-picket style.
- The final changes regard the fence enclosing the patio. (Circles 15-17) This portion of the fence was approved to be constructed roughly halfway down the screened porch. It was installed at the front edge of the screened porch. Staff would not have recommended approval of the fence at this location and is recommending it be changed. The existing 4’ tight-picket panel should match the 3’ open-picket fencing and the 4’ tight-picket fence running between the privacy fence and the porch should be moved so that it meets the porch at the middle post. See Circle 16 for details.

In addition to the inadvertent violations of the HAWP, there have also been complaints made by neighbors regarding the tight-picket fencing and the location of the pickets. There seems to be a general consensus that the neighbors would prefer that the pickets be placed on the outside of the supports. Staff did not take this into consideration in the original staff report and although we would have suggested this to the applicant originally, we do not see this as a violation of the HAWP and are not recommending that it be changed. There are also neighbor concerns about the location of the side-yard fence and potential dog interactions. Staff has suggested to the applicant that screening the height of the existing chain link fence be placed along the section of fence that is adjacent to the neighboring driveway.

Staff believes that the fence with the suggested modifications the proposal is in keeping with applicable standards and guidelines as it will not negatively affect the historic dwelling’s integrity, and is compatible with the historic district. More information, resulting from a meeting on February 17, may be provided at the Worksession.

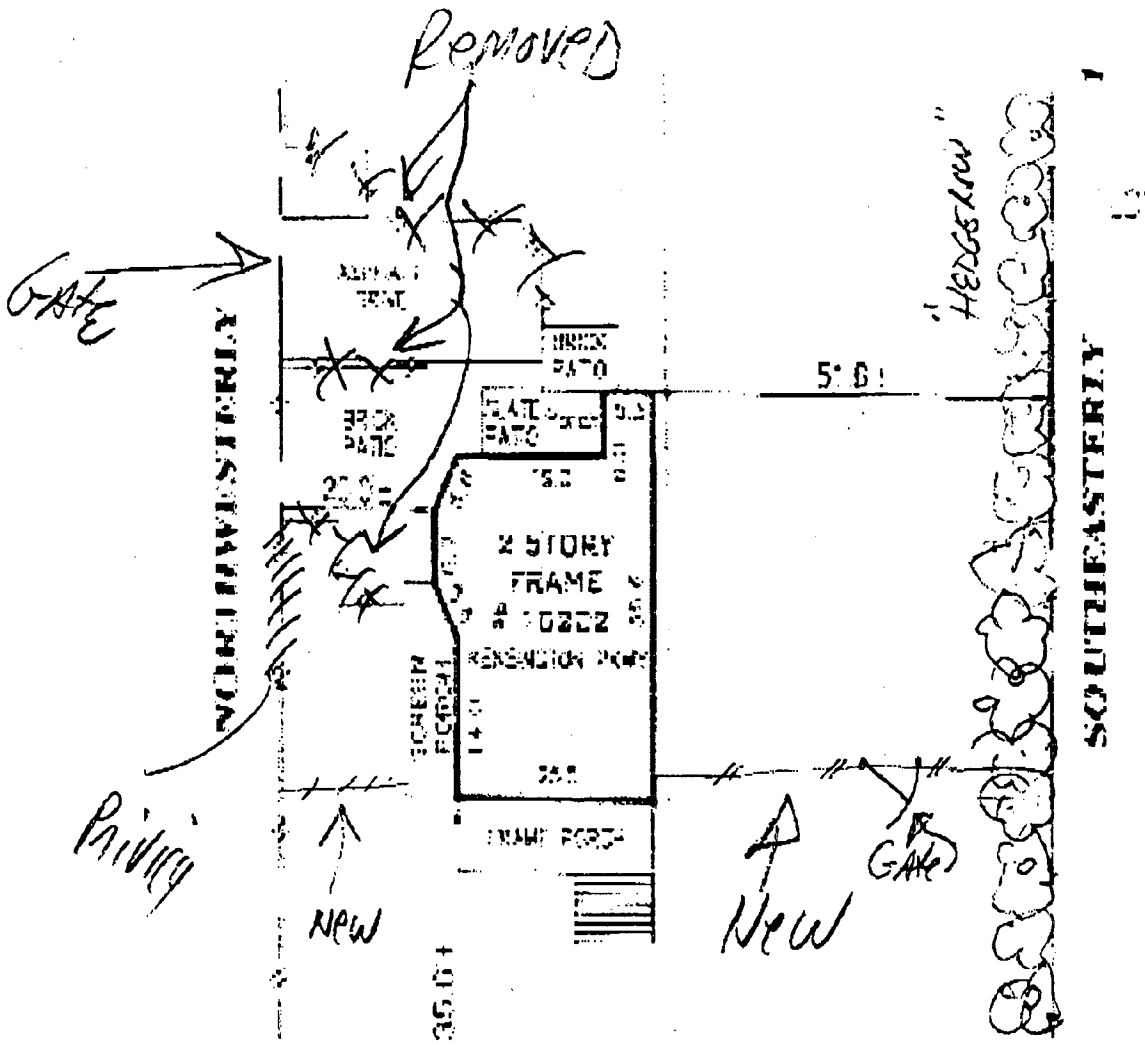
### **STAFF RECOMMENDATION**

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

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

and with the conditions stated on Circle 1;

and 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 (if applicable)**. 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.



10200 Kennite Pkwy  
 S. Lynn 301-370-6850  
 301-563-3412



5



6



7



Local example of the  
open picket fence installed &  
painted.



THE MARYLAND-NATIONAL CAPITAL PARK & PLANNING COMMISSION

Date: 1/27/05

**MEMORANDUM**

TO: Robert Hubbard, Director  
FROM: Gwen Wright, Coordinator  
Historic Preservation  
SUBJECT: Historic Area Work Permit

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

Approved (AS REVISED)

Approved with Conditions

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

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

Applicant: SOUTH LYNN (BETTINA LYNN, AGENT)

Address: 10200 KENSINGTON PKWY., KENSINGTON

and subject to the general condition that, after issuance of the Montgomery County Department of Permitting Services (DPS) permit, the applicant arrange for a field inspection by calling the Montgomery County DPS Field Services Office at 240-777-6210 or online at <http://permits.emontgomery.org> prior to commencement of work and not more than two weeks following completion of work



RETURN TO: DEPARTMENT OF PERMITTING SERVICES  
255 ROCKVILLE PIKE, 2ND FLOOR, ROCKVILLE, MD 20850  
240/777-6270

DPS - #8

HISTORIC PRESERVATION COMMISSION  
301/563-3400

369610

# APPLICATION FOR HISTORIC AREA WORK PERMIT

Contact Person: DEYNA LYNN  
Daytime Phone No.: 202-438-4262

Tax Account No.: \_\_\_\_\_

Name of Property Owner: SOUTH LYNN Daytime Phone No.: 301-370-6850

Address: 89 SHIPWRIGHT ST ANNAPOLIS MD 21401  
Street Number City State Zip Code

Contractor: POTOMAC FENCE Phone No.: 301-468-1228

Contractor Registration No.: 9989

Agent for Owner: \_\_\_\_\_ Daytime Phone No.: \_\_\_\_\_

### LOCATION OF BUILDING/PREMISE

House Number: 10200 KENSINGTON PKWY Street: KENSINGTON PKWY  
Town/City: KENSINGTON Nearest Cross Street: KENT STREET

Lot: \_\_\_\_\_ Block: \_\_\_\_\_ Subdivision: \_\_\_\_\_  
Liber: \_\_\_\_\_ Folio: \_\_\_\_\_ Parcel: \_\_\_\_\_

### PART ONE: TYPE OF PERMIT ACTION AND USE

- 1A. CHECK ALL APPLICABLE:
- Construct
  - Extend
  - Alter/Renovate
  - Move
  - Install
  - Wreck/Teze
  - Revision
  - Repair
  - Revocable
- CHECK ALL APPLICABLE:
- A/C
  - Slab
  - Room Addition
  - Porch
  - Deck
  - Shed
  - Solar
  - Fireplace
  - Woodburning Stove
  - Single Family
  - Fence/Wall (complete Section 4)
  - Other: \_\_\_\_\_

1B. Construction cost estimator: \$ \_\_\_\_\_

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

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

Signature of owner or authorized agent \_\_\_\_\_ Date \_\_\_\_\_

Approved: (AS REVISED) ✓  
Disapproved: \_\_\_\_\_  
Signature: Julia O'Malley For Chairperson, Historic Preservation Commission  
Date: 1/26/05  
Application/Permit No.: \_\_\_\_\_ Date Filed: \_\_\_\_\_ Date Issued: \_\_\_\_\_



CONSUMER

1. This plan is a benefit to a consumer insofar as it is in connection with contemplated transfer of title.
2. This plan is not to be relied upon for the existing or future improvements.
3. This plan does not provide for the accurate measurement of area and is subject to interpretation of originator.
4. Building line and/or Flood Zone information is taken from available sources and is subject to interpretation of originator.

APPROVED  
 Montgomery County  
 Historic Preservation Commission

*Sharon Wright*  
 1/26/05

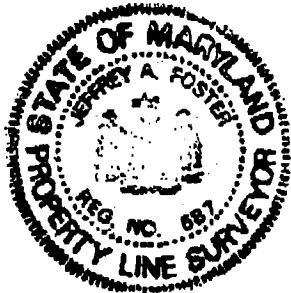
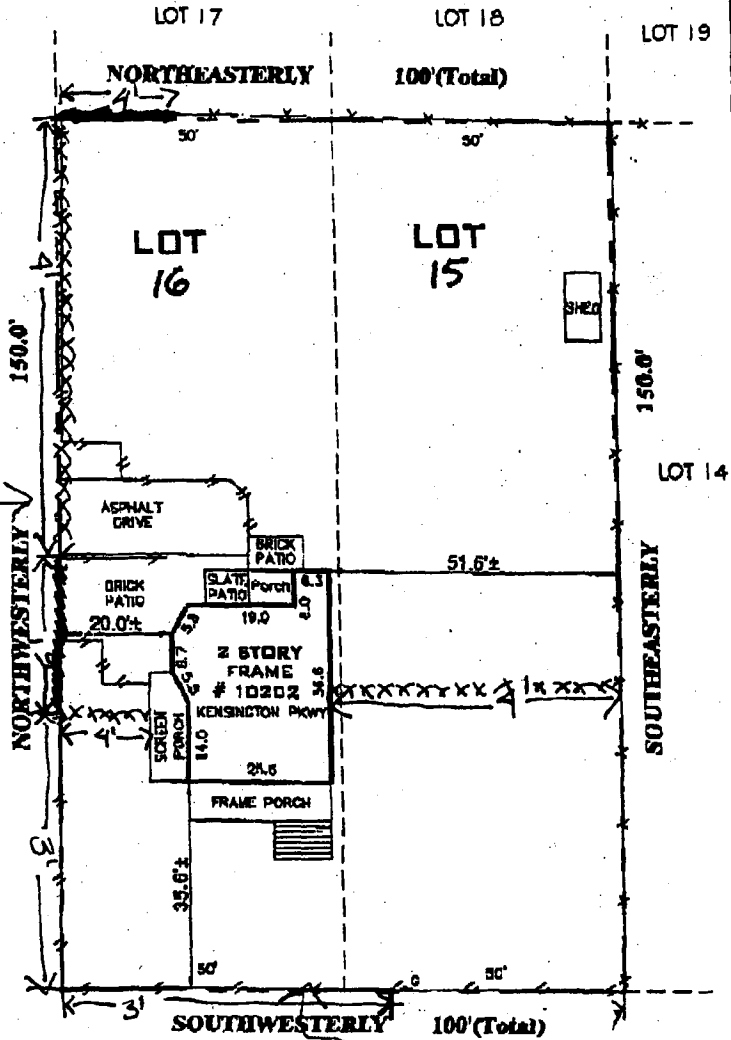
Company or its  
 agent, or other  
 person, for identification

~~xxxx~~ = privacy  
 all else = open picket  
 xxx = tight picket

Notes

1. Flood zone information is not available for this area.
2. Setback distances as shown to the principal structure from property lines are approximate. The level of accuracy for this drawing should be taken to be no greater than plus or minus 1.0 Foot.
3. Fences, if shown, have been located by approximate methods.

Total Area = 15,000 SF.



LOCATION DRAWING  
**LOTS 15 & 16, BLOCK 3**  
**KENSINGTON PARK**  
 MONTGOMERY COUNTY, MARYLAND

**KENSINGTON PARKWAY**  
 GEORGE AVENUE (PER PLAT)  
 (50' R/W)

gate (fence stops at hedges)

SURVEYOR'S CERTIFICATE

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*Jeffrey A. Foster*  
 MARYLAND PROPERTY LINE SURVEYOR REG. NO. 587

REFERENCES

PLAT BK. B  
 PLAT NO. 4

LIBER  
 FOLIO



**SNIDER & ASSOCIATES**  
 SURVEYORS - ENGINEERS  
 LAND PLANNING CONSULTANTS  
 2 Professional Drive, Suite 216  
 Gaithersburg, Maryland 20879  
 301/948-5100, Fax 301/948-1288

DATE OF LOCATIONS

SCALE: 1" = 30'

WALL CHECK:

DRAWN BY: F.A.

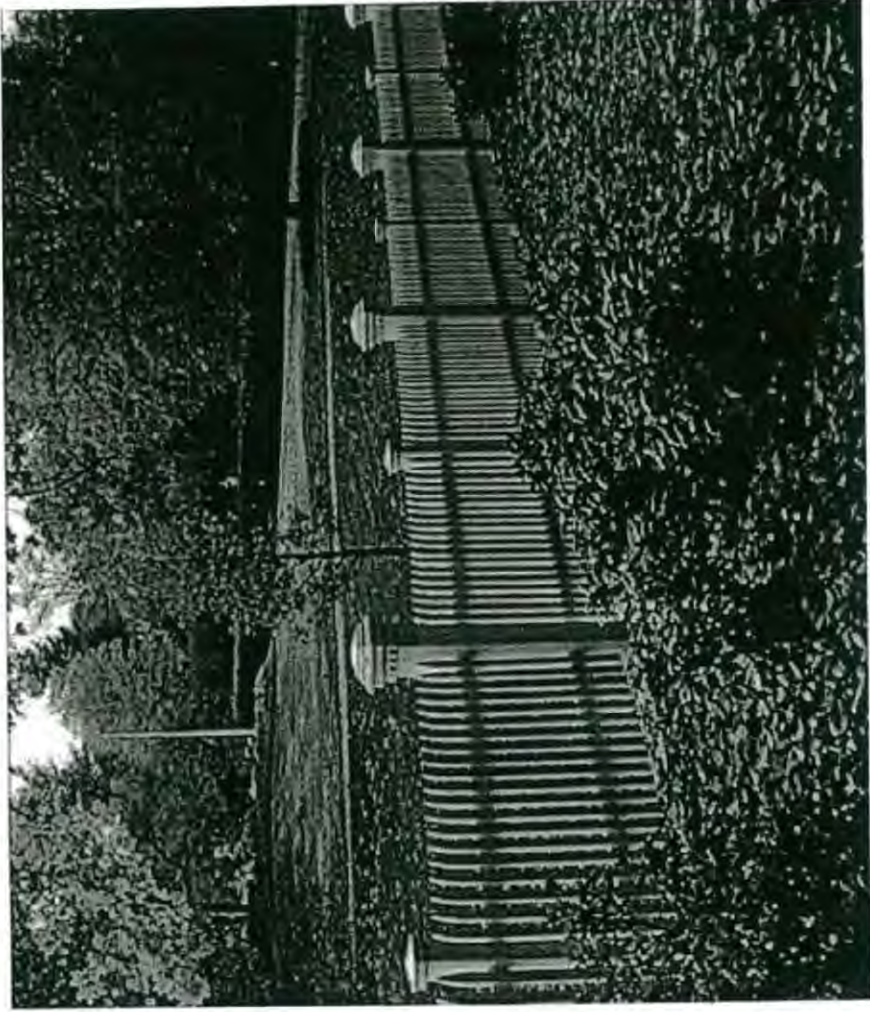
HSR LOC.: 09-13-2004

JOB NO.: 2004-6957

15-11

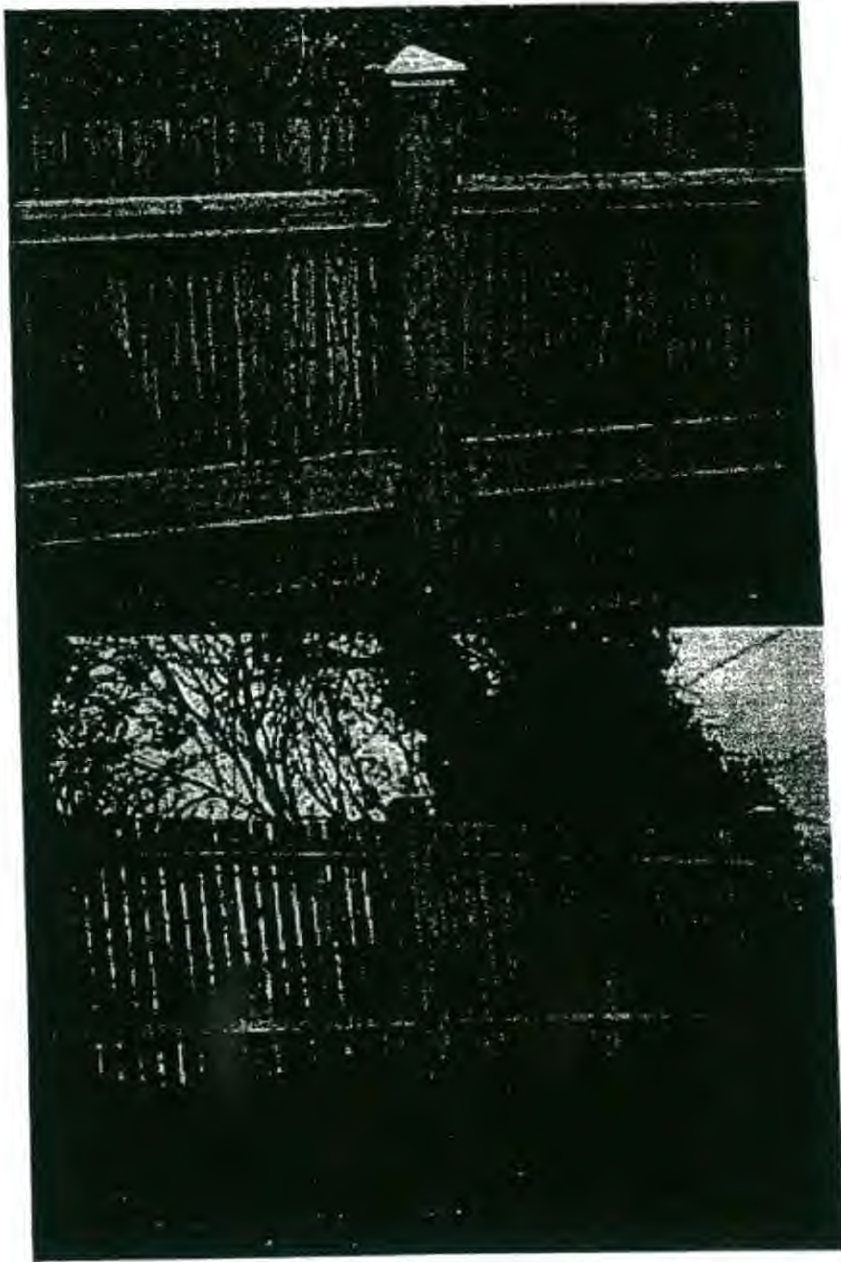
MEMPHIS  
Historic Preservation Commission

*Renee Wright*  
1/26/05



PROPOSED DESIGN FOR  
3' HIGH FENCING

12



Picket Fence example  
PROPOSED DESIGN FOR 4' HIGH  
TIGHT PICKET FENCE

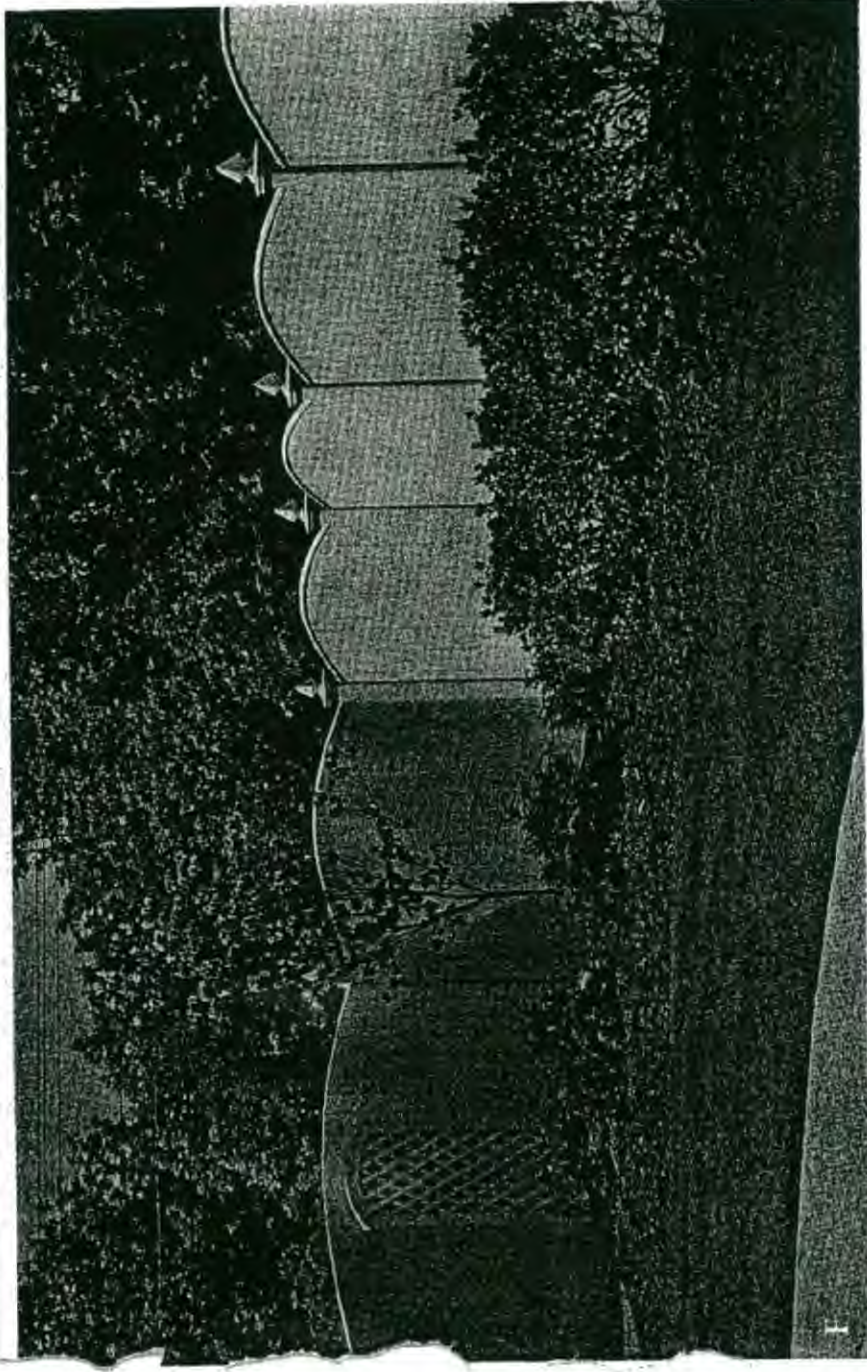
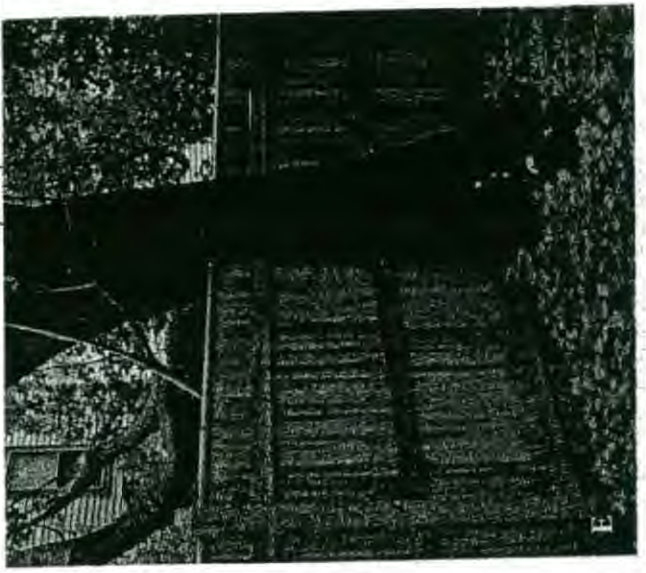
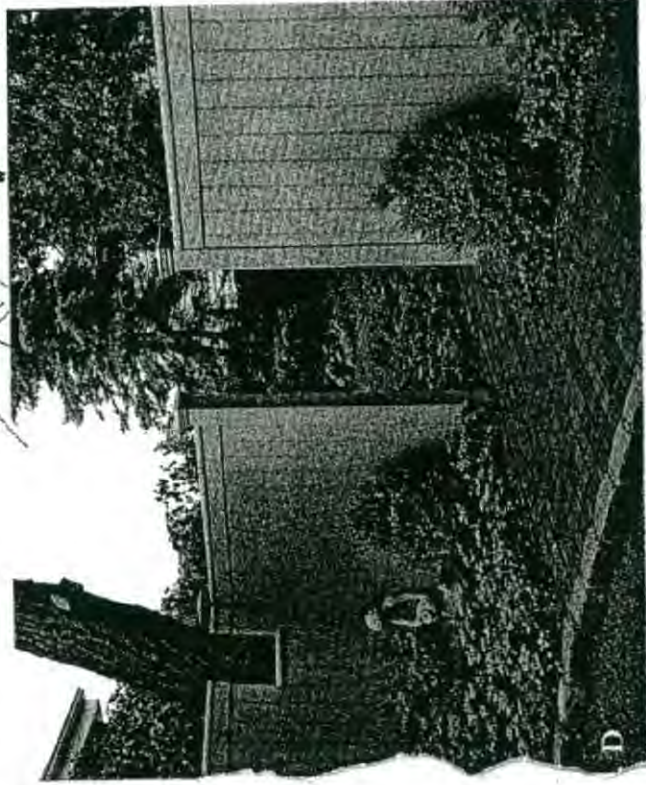
APPROVED  
Montgomery County  
Historic Preservation Commission  
*Shirley Wright*  
11/26/05

13

18.

PROPOSED DESIGN OF 4" x 6" fence  
FOR SECTIONS 141 & 147  
privacy

APPROVED  
Montgomery County  
Historic Preservation Commission  
*Shirley Wright*  
11/26/05



- D. While cleverly accommodating a mature tree, this standard Hamilton fence with additional Westport post caps creates privacy for this home's courtyard.
- E. Our skilled woodworkers and installers will negotiate fence to accommodate your environment.
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Driveway gate matches privacy fencing rather than tight picket style and is taller than 4'.

New privacy fence

2/9/05



Fence section that should be 3' open picket style

Approximate approved location of Lot 16 side-yard fence

2/9/05



Fence section that should  
be 3' open picket.style

3' open picket.style

2/9/05



Approximate approved location of  
Lot 16 side-yard fence

2/9/05

16



Approximate approved location of  
Lot 16 side-yard fence

2/9/05



THE MARYLAND-NATIONAL CAPITAL PARK & PLANNING COMMISSION

Date: 1/27/05

**MEMORANDUM**

TO: Robert Hubbard, Director  
FROM: Gwen Wright, Coordinator  
Historic Preservation  
SUBJECT: Historic Area Work Permit

---

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

Approved (AS REVISED)  
 Approved with Conditions  

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

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

Applicant: SOUTH LYNN (BETTINA LYNN, AGENT)

Address: 10200 KENSINGTON PKWY., KENSINGTON

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295 ROCKVILLE PIKE, 2nd FLOOR, ROCKVILLE, MD 20850  
240/777-6370

DPS - #8

HISTORIC PRESERVATION COMMISSION  
301/563-3400

369610

# APPLICATION FOR HISTORIC AREA WORK PERMIT

Contact Person: DETTMA LYNN  
Daytime Phone No.: 202-438-4262

Tax Account No.: \_\_\_\_\_  
Name of Property Owner: SOUTH LYNN Daytime Phone No.: 301-370-6850  
Address: 89 SHIPWRIGHT ST ANNAPOLIS MD 21401  
Street Number City State Zip Code  
Contractor: POTOMAC FENCE Phone No.: 301-468-1228  
Contractor Registration No.: 9989  
Agent for Owner: \_\_\_\_\_ Daytime Phone No.: \_\_\_\_\_

### LOCATION OF BUILDING/PREMISE

House Number: 10200 KENSINGTON PRWY Street: KENSINGTON PRWY  
Town/City: KENSINGTON Nearest Cross Street: KENT STREET  
Lot: \_\_\_\_\_ Block: \_\_\_\_\_ Subdivision: \_\_\_\_\_  
Liber: \_\_\_\_\_ Folio: \_\_\_\_\_ Parcel: \_\_\_\_\_

### PART ONE: TYPE OF PERMIT ACTION AND USE

1A. CHECK ALL APPLICABLE:  Construct  Extend  Alter/Renovate  A/C  Slab  Room Addition  Porch  Deck  Shed  
 Move  Install  Wreck/Reze  Solar  Fireplace  Woodburning Stove  Single Family  
 Revision  Repair  Revocable  Fence/Wall (complete Section 4)  Other: \_\_\_\_\_  
1B. Construction cost estimate: \$ \_\_\_\_\_  
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I hereby certify that I have the authority to make the foregoing application, that the application is correct, and that the construction will comply with plans approved by all agencies listed and I hereby acknowledge and accept this to be a condition for the issuance of this permit.

\_\_\_\_\_  
Signature of owner or authorized agent Date

Approved: (AS REVISED) ✓ For Chairperson of Historic Preservation Commission  
Disapproved: \_\_\_\_\_ Signature: Julia O'Malley Date: 1/26/05  
Application/Permit No.: \_\_\_\_\_ Date Filed: \_\_\_\_\_ Date Issued: \_\_\_\_\_

SEE REVERSE SIDE FOR INSTRUCTIONS

CONSUMER

1. This plan is a benefit to a consumer insofar as agent in connection with contemplated transfer.
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APPROVED  
 Montgomery County  
 Historic Preservation Commission

*Shwen Wright*  
 1/26/05

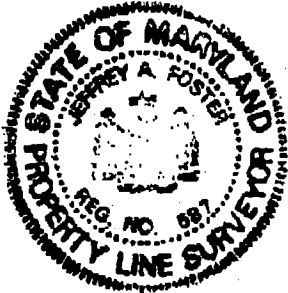
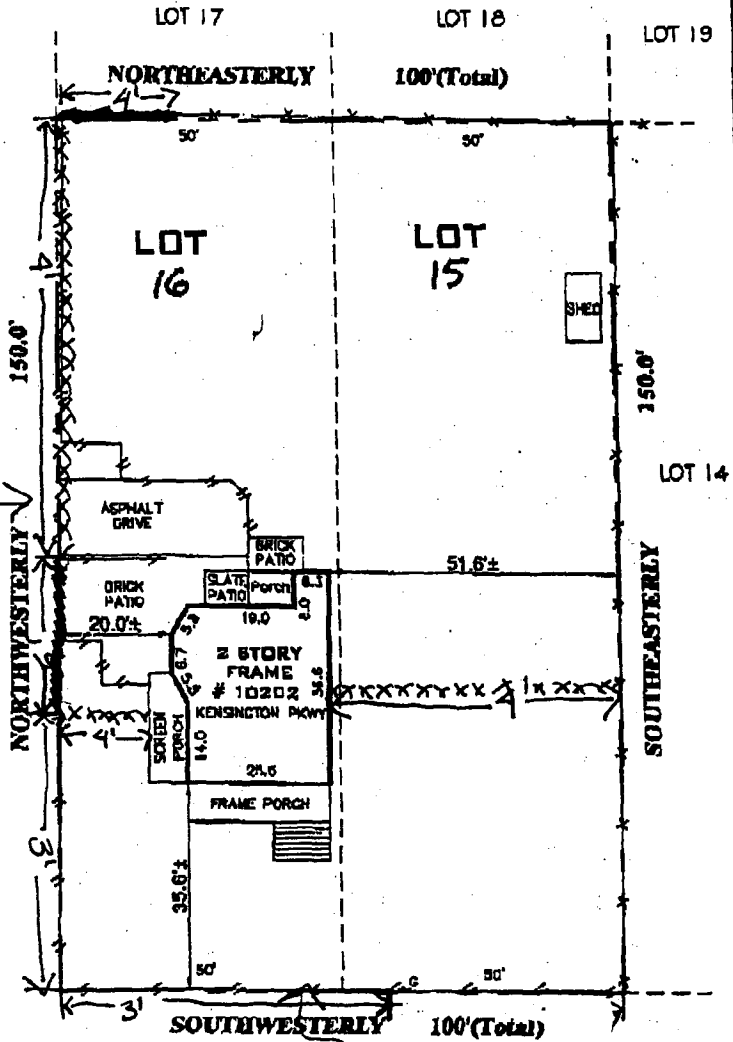
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**LOTS 15 & 16, BLOCK 3**  
**KENSINGTON PARK**  
 MONTGOMERY COUNTY, MARYLAND

**KENSINGTON PARKWAY**  
 GEORGE AVENUE (PER PLAT)  
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**SNIDER & ASSOCIATES**  
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 2 Professional Drive, Suite 216  
 Gaithersburg, Maryland 20879  
 301/948-8100, Fax 301/948-1280

DATE OF LOCATIONS

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WALL CHECK:

DRAWN BY: F.A.

NSL LOC.: 09-13-2004

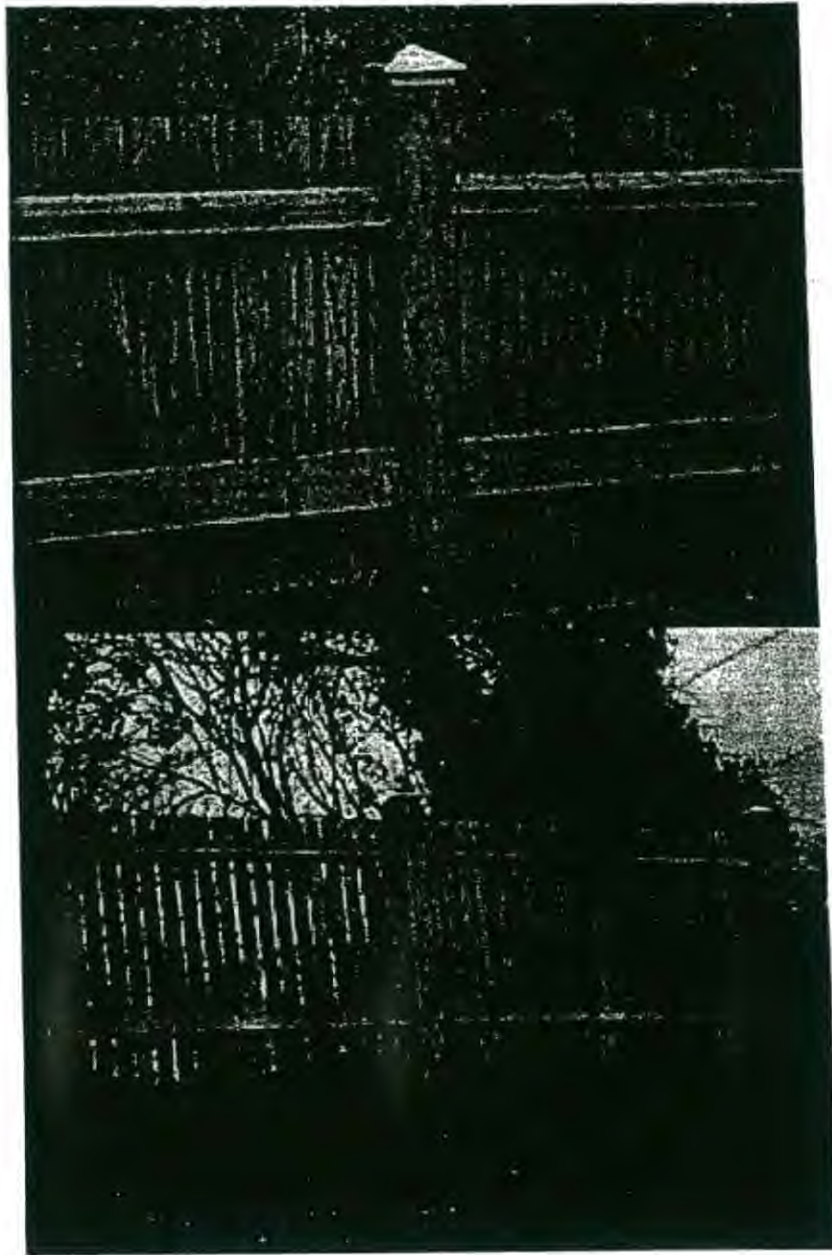
JOB NO.: 2004-6857

15

APPENDIX  
Montgomery County  
Fish & Wildlife Preservation Committee  
*Steven Wright*  
1/26/05



PROPOSED DESIGN FOR  
3' HIGH FENCING



Picket Fence example  
PROPOSED DESIGN FOR 4' HIGH  
TIGHT PICKET FENCE

APPROVED  
Montgomery County  
Historic Preservation Commission  
*Gwyn M. [Signature]*  
11/26/05

PROPOSED DESIGN  
FOR SECTIONS

OF 4" x 6" fence  
privacy

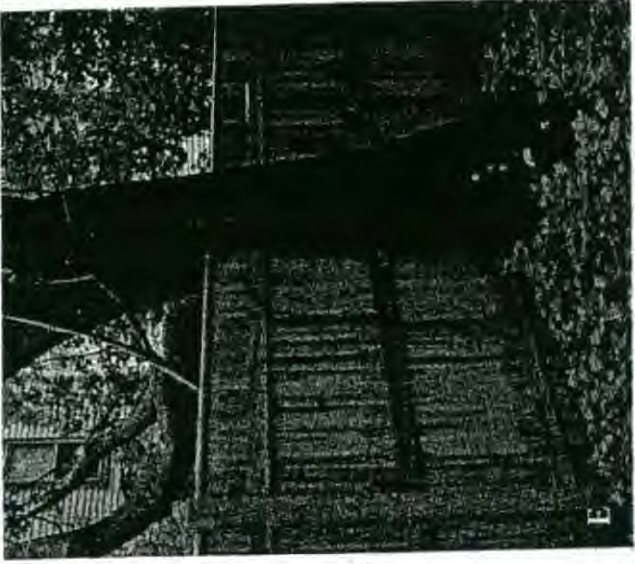
1/20/11  
7/11/11

APPROVED  
Montgomery County  
Historic Preservation Commission

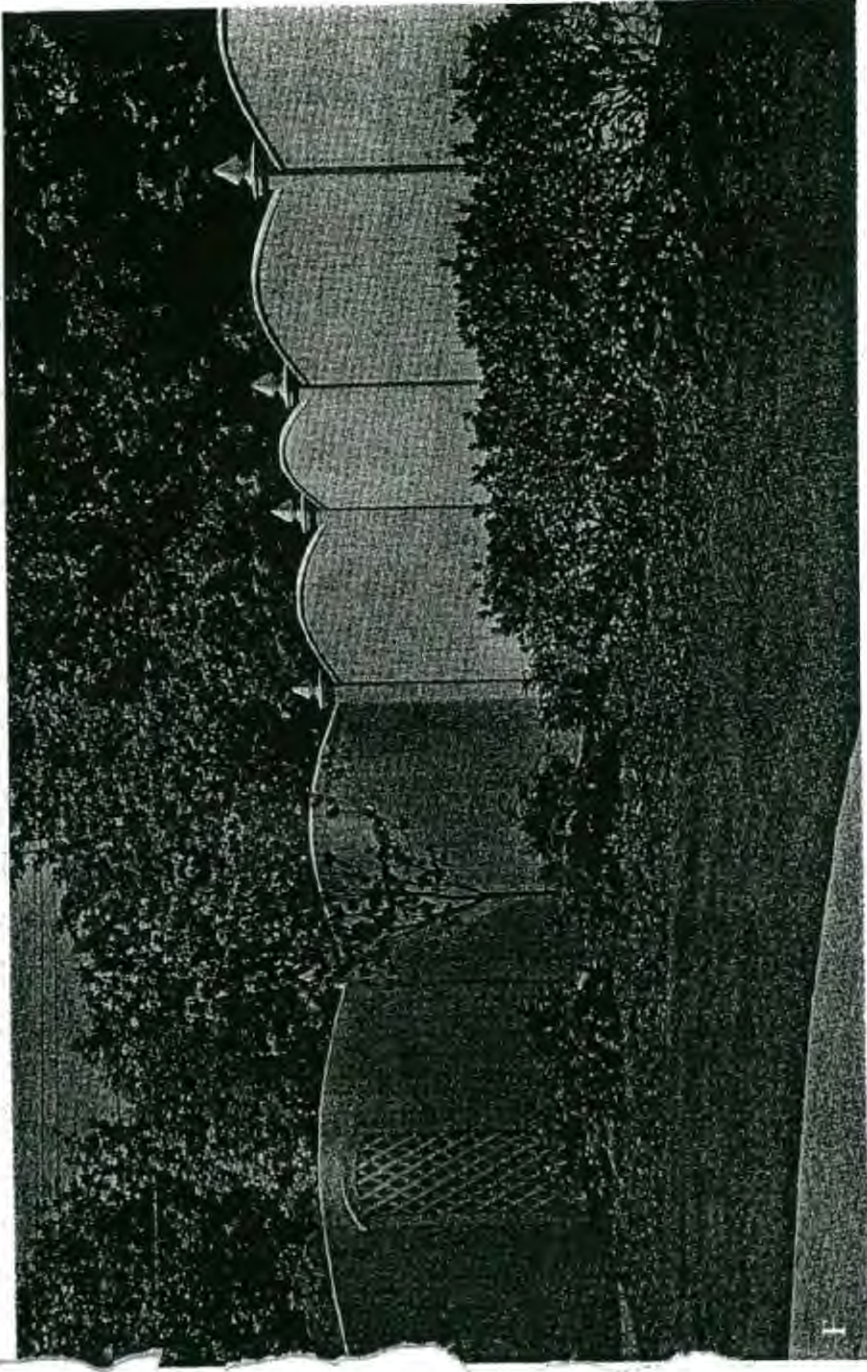
*Sharon Wright*  
11/26/03



D



E



F

- D. While cleverly accommodating a mature tree, this standard Hamilton fence with additional Westport post caps creates privacy for this home's courtyard.
- E. Our skilled woodworkers and installers will negotiate fence to accommodate your environment.
- F. A convex scallop adds some flair to the practical privacy afforded this garden. The posts and caps are custom designed.

January 19, 2005

TO: Tanya Tulley  
FROM: Bettina Lynn  
RE: Fence style for 3 foot section around front of property

Hi Tanya,

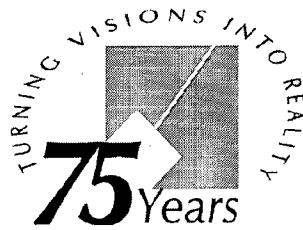
I hope this fax comes through, the fence will have a flat top and be similar in spacing as photo C, without the board at the top.

Just to recap, we will do a four foot privacy where the six foot was going to go up by the carriage house. We will then continue down Kent with a four foot picket (style type is the photo you have) down to the driveway. We will have a gate across the driveway which will connect to a six foot privacy to replace existing. We will then transition to a three foot picket with 3 inch spacing to the corner of Kent and Kensington and then across the front to the gate.

I hope this helps, please let me know as soon as possible if the image is bad and I will stop by with the photo.

Thanks so much for all of your help.

Sincerely,  
Bettina Lynn



THE MARYLAND-NATIONAL CAPITAL PARK &amp; PLANNING COMMISSION

January 19, 2005

**MEMORANDUM**

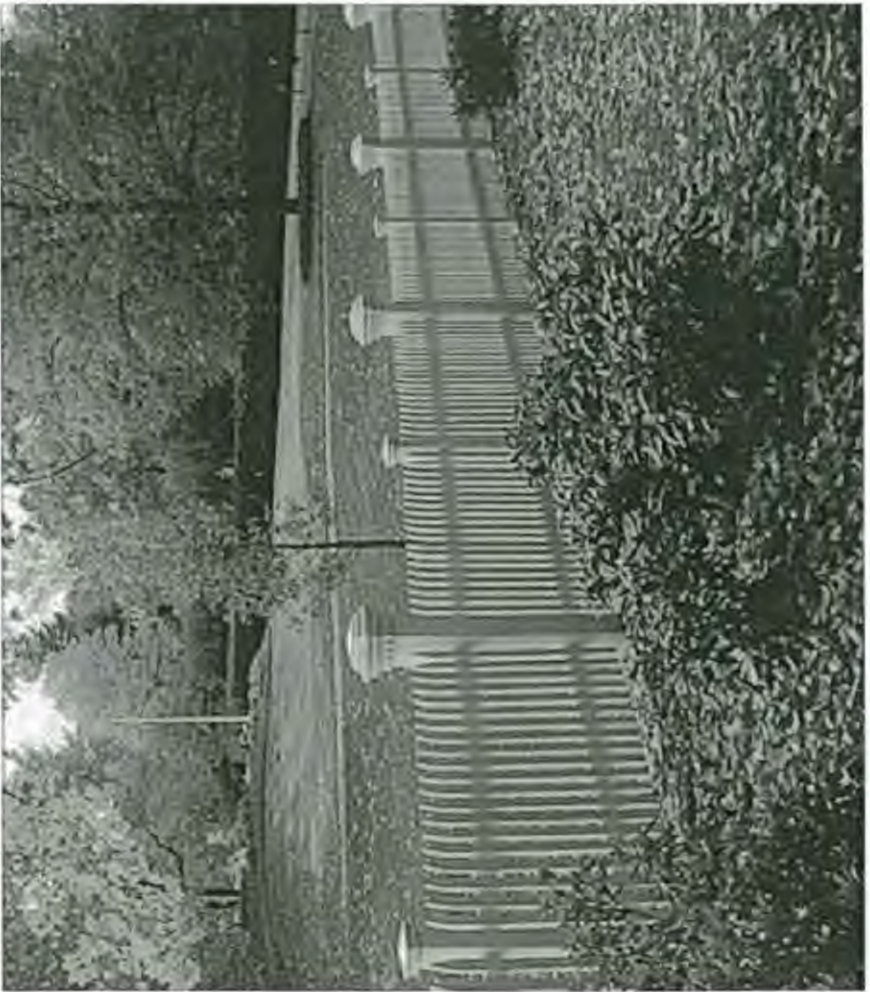
TO: Julia O'Malley, Chair *JOM*  
Historic Preservation Commission

FROM: Tania Tully, Senior Planner *TGT*  
Historic Preservation Section

SUBJECT: HPC Case No. 31/06-05A, 10200 Kensington Pkwy, Kensington

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Attached is an addendum to the staff report. The picket fencing along Kensington Parkway will stop at the gate and existing hedges. The photograph is the design of the 3' picket fencing.





**HISTORIC PRESERVATION COMMISSION STAFF REPORT**

<b>Address:</b>	10200 Kensington Parkway, Kensington	<b>Meeting Date:</b>	01/26/05
<b>Applicant:</b>	South Lynn (Bettina Lynn, agent)	<b>Report Date:</b>	01/18/05
<b>Resource:</b>	Primary 1 Resource <b>Kensington Historic District</b>	<b>Public Notice:</b>	01/12/05
<b>Review:</b>	HAWP	<b>Tax Credit:</b>	None
<b>Case Number:</b>	31/06-05A	<b>Staff:</b>	Tania Tully
<b>PROPOSAL:</b>	Replace deteriorated fencing with wood privacy and picket fencing	<b>RECOMMENDATION:</b>	Approve with conditions

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**STAFF RECOMMENDATION:**

Staff is recommending approval with the following conditions:

- 1) Except as stated in Condition 2, all of the 4' fencing will be picket – no privacy fencing
- 2) The proposed 6' section of privacy fencing at the rear lot line will be no higher than 4'
- 3) The fence in the front yard (starting at the 6' privacy fence) will be a more open picket than illustrated in Circle 8. Chosen design to be approved by staff
- 4) The fence in the front yard (starting at the 6' privacy fence) will be no greater than 3' high

**PROJECT DESCRIPTION**

**SIGNIFICANCE:** Primary Resource within the **Kensington Historic District**  
**STYLE:** Folk Victorian  
**DATE:** 1880-1910

**PROPOSAL:**

The proposal replaces deteriorated fencing (Circles 11-13) with new cedar fencing. There are proposed 2 sections of 6' privacy fencing – small section at rear lot line and a section along Kent Street by the patio – with the remainder to be 4' high. The 4' portion along Kent Street at the rear of the property will be privacy fencing and the rest will be flattop picket. Two gates are proposed, one at the driveway and one at the front walk on Kensington Parkway. Circle 6 shows the layout and Circles 7 & 8 are examples of the fence designs.

**APPLICABLE GUIDELINES:**

When reviewing alterations and new construction within the Kensington Historic District several documents are to be utilized as guidelines to assist the Commission in developing their decision. These documents include the *Approved & Adopted Amendment to the Master Plan for Historic Preservation: Kensington Historic District, Atlas #31/6 (Amendment)*, *Vision of Kensington: A Long-Range*

*Preservation Plan (Vision), Montgomery County Code Chapter 24A (Chapter 24A), and the Secretary of the Interior's Standards for Rehabilitation (Standards).* The pertinent information in these documents is outlined below.

***Vision of Kensington: A Long-Range Preservation Plan***

The HPC formally adopted the planning study, *Vision of Kensington: A Long-Range Preservation Plan*, 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.

***Montgomery County Code; Chapter 24A***

- A HAWP permit should be issued if the Commission finds that:
  1. The proposal will not substantially alter the exterior features of a historic site or historic resource within a historic district.
  2. The proposal is compatible in character and nature with the historical archaeological, architectural or cultural features of the historic site or the historic district in which a historic resource is located and would not be detrimental thereto of to the achievement of the purposes of this chapter.

***Secretary of the Interior's Standards for Rehabilitation:***

- 1 A Property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces and spatial relationships.
- 2 The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, space and spatial relationships that characterize a property will be avoided.
- 9 New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.
- 10 New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

**STAFF DISCUSSION**

This large parcel consisting of two lots is typical of early development in Kensington and contributes to the garden-like setting of the historic district. Review of fences in Kensington should consider their impact to

the character of the historic district as a whole. Maintaining openness between buildings and the street will help preserve this “suburban village” and the cohesiveness that currently exists. With that in mind, staff recommends some modifications to the proposal.

The majority of the existing fencing is a wood two-board fence that is obscured by vegetation in many locations along its length. Due to its openness and low height it is an appropriate fence for the property. This type of fence or a picket fence that is more open, and ideally, lower than 4’ would be more compatible with the historic house and district, especially for sections along the street. The proposed privacy fencing along Kent Street, even at only 4’, is not in keeping with the character of the district and should instead be a picket or other open design. In addition, the proposed 6’ section of privacy fencing at the rear of the parcel should be reduced to 4’. Both of these modifications reflect the fact that this, and the adjacent property are corner parcels with essentially two front yards each. Therefore the fencing at the rear of 10200 Kensington Parkway will extend along the “front yard” of the adjacent carriage house and should be treated as such. Montgomery County zoning has restriction regarding fences on corner lots. From the corner and along each street for 15’, no fence may be greater than 3’ high. See Circle 14 for an illustration. Despite the location, staff recommends approving the 6’ privacy fencing by the patio and driveway along Kent Street. There is an existing, though deteriorated, privacy fence that the new fence will replace. If these modifications are made, staff recommends that the Commission approve the proposal as it will not negatively affect the historic dwelling’s integrity, or negatively impact the historic district

Circles 15 illustrates the revised fence heights, types, and locations based upon the above discussion. The applicant is in agreement with the modifications to the application.

### **STAFF RECOMMENDATION**

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

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

and with the conditions stated on Circle 1;

and 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 (if applicable)**. 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.



RETURN TO: DEPARTMENT OF PERMITTING SERVICES  
155 ROCKVILLE PIKE, 2nd FLOOR, ROCKVILLE, MD 20850  
240-777-6370

DPS - #8

HISTORIC PRESERVATION COMMISSION  
301/563-3400

369610

# APPLICATION FOR HISTORIC AREA WORK PERMIT

Contact Person: DETTINA LYNN  
Daytime Phone No.: 202-438-4262

Tax Account No.: \_\_\_\_\_

Name of Property Owner: SOUTH LYNN Daytime Phone No.: 301-370-6850

Address: 89 SHIPWRIGHT ST ANNAPOLIS MD 21401  
Street Number City Street Zip Code

Contractor: POTOMAC FENCE Phone No.: 301-468-1228

Contractor Registration No.: 9989

Agent for Owner: \_\_\_\_\_ Daytime Phone No.: \_\_\_\_\_

### LOCATION OF BUILDING/PREMISE

House Number: 10200 KENSINGTON PKWY Street: KENSINGTON PKWY

Town/City: KENSINGTON Nearest Cross Street: KENT STREET

Lot: \_\_\_\_\_ Block: \_\_\_\_\_ Subdivision: \_\_\_\_\_

Liber: \_\_\_\_\_ Folio: \_\_\_\_\_ Parcel: \_\_\_\_\_

### PART ONE: TYPE OF PERMIT ACTION AND USE

- 1A. CHECK ALL APPLICABLE:
- |                                    |                                  |   |  |                                    |  |  |                               |                               |
|------------------------------------|----------------------------------|---|--|------------------------------------|--|--|-------------------------------|-------------------------------|
| <input type="checkbox"/> Construct | <input type="checkbox"/> Extend  | <input type="checkbox"/> Alter/Renovate | <input type="checkbox"/> A/C                             | <input type="checkbox"/> Slab      | <input type="checkbox"/> Room Addition     | <input type="checkbox"/> Porch         | <input type="checkbox"/> Deck | <input type="checkbox"/> Shed |
| <input type="checkbox"/> Move      | <input type="checkbox"/> Install | <input type="checkbox"/> Wreck/Raze     | <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: _____      |  |                               |                               |

1B. Construction cost estimate: \$ \_\_\_\_\_

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: 4 feet " inches

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

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

\_\_\_\_\_  
Signature of owner or authorized agent

\_\_\_\_\_  
Date

Approved: \_\_\_\_\_ 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:

HOMES ON 2 LOTS IN HIS KENNINGTON-NEIGHBOR HAS CEDAR PRIVACY FENCE  
REPLACE NOTHING WOOD FENCE W/ NEW CEDAR  
PICKET AND PRIVACY FENCE.

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

REPLACE OLD UNATTRACTIVE, NOTHING FENCE W/ NEW  
CEDAR PICKET + PRIVACY.

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

**7. ADDRESSES OF ADJACENT AND CONFRONTING PROPERTY OWNERS**

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

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

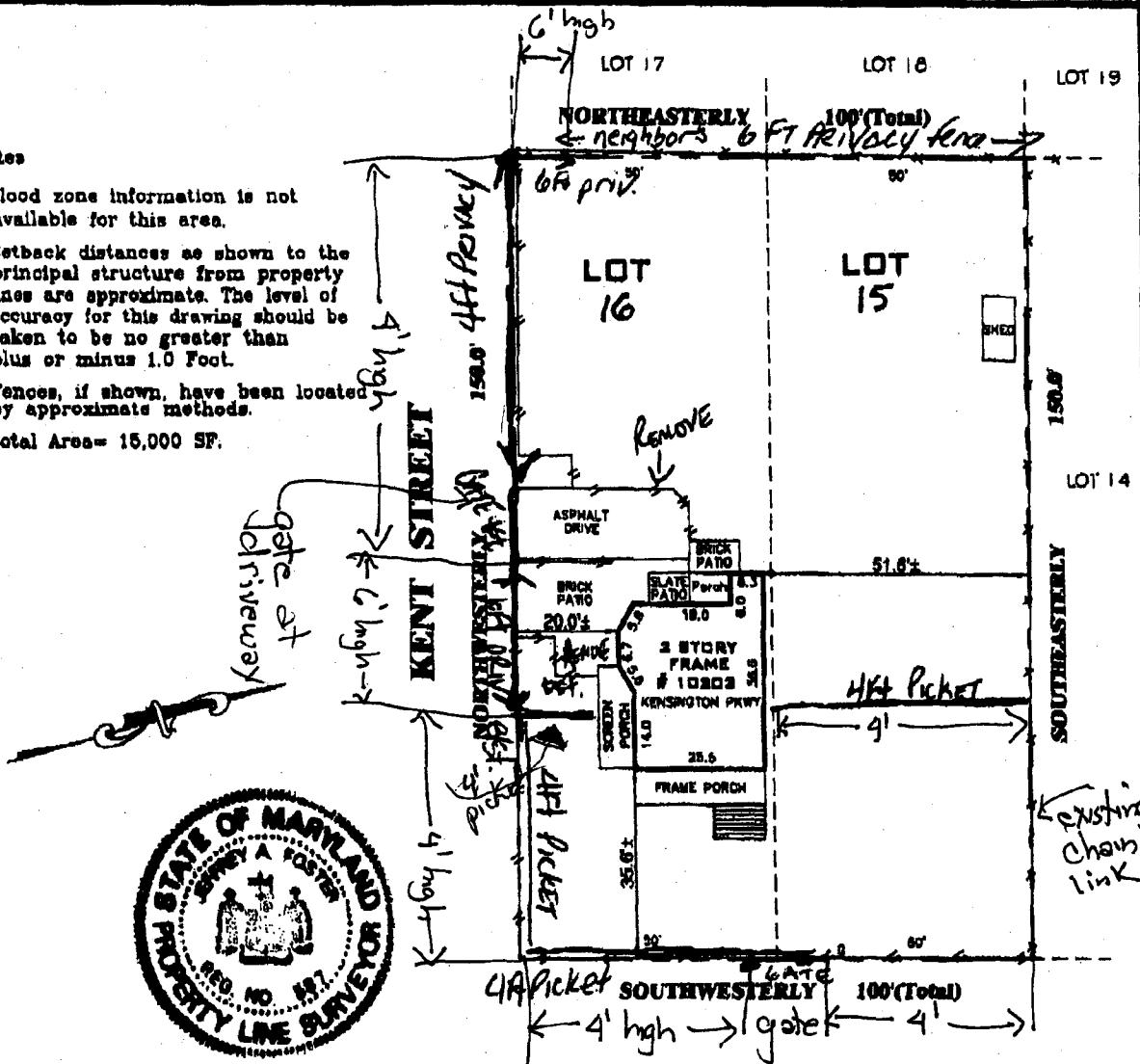
**CONSUMER INFORMATION NOTES:**

1. This plan is a benefit to a consumer insofar as it is required by a lender or a title insurance company or its agent in connection with contemplated transfer, financing or re-financing.
2. This plan is not to be relied upon for the establishment or location of fences, garages, buildings, or other existing or future improvements.
3. This plan does not provide for the accurate identification of property boundary lines, but such identification may not be required for the transfer of title or securing financing or re-financing.
4. Building line and/or Flood Zone information is taken from available sources and is subject to interpretation of originator.

**Notes**

1. Flood zone information is not available for this area.
2. Setback distances as shown to the principal structure from property lines are approximate. The level of accuracy for this drawing should be taken to be no greater than plus or minus 1.0 Foot.
3. Fences, if shown, have been located by approximate methods.

Total Area= 15,000 SF.



LOCATION DRAWING  
**LOTS 15 & 16, BLOCK 3**  
**KENSINGTON PARK**  
 MONTGOMERY COUNTY, MARYLAND

**KENSINGTON PARKWAY**  
 GEORGE AVENUE (PER PLAT)  
 (50' R/W)

<p><b>SURVEYOR'S CERTIFICATE</b></p> <p>THE INFORMATION SHOWN HEREON HAS BEEN BASED UPON THE RESULTS OF A FIELD INSPECTION PURSUANT TO THE DEED OR PLAT OF RECORD. EXISTING STRUCTURES SHOWN HAVE BEEN FIELD LOCATED BASED UPON MEASUREMENTS FROM PROPERTY MARKERS FOUND OR FROM EVIDENCE OF LINES OF APPARENT OCCUPATION.</p> <p><i>Jeffrey A. Foster</i>                  MARYLAND PROPERTY LINE SURVEYOR REG. NO. 5207</p>	<b>REFERENCES</b>			<b>SNIDER &amp; ASSOCIATES</b> SURVEYORS - ENGINEERS LAND PLANNING CONSULTANTS 2 Professional Drive, Suite 216 Gaithersburg, Maryland 20879 301/945-6100, Fax 301/945-1886			
	PLAT BK.	B		<b>DATE OF LOCATIONS</b>		SCALE:	1" = 30'
	PLAT NO.	4		<b>WALL CHECK:</b>		DRAWN BY:	F.A.
LIBER		FOLIO		HSE. LOC.: 09-13-2004 JOB NO.: 2004-8987			

6

150  
TIGHT  
4x6  
PRIV.



- D. While cleverly accommodating a mature tree, this standard Hamilton fence with additional Westport post caps creates privacy for this home's courtyard.*
- E. Our skilled woodworkers and installers will negotiate fence to accommodate your environment.*
- F. A convex scallop adds some flair to the practical privacy afforded this garden. The posts and caps are custom designed.*



Picket Fence example





Neighbor's 6' Fence

Rear lot line of 10200



Rear corner of 10200



Existing low fence



driveway

Existing "privacy" fence



Existing low fence



Existing low fence & gate on Kensington Pkwy



Existing low fence



Approximate location  
of additional 4' picket  
fence

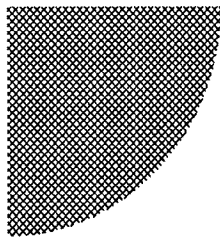
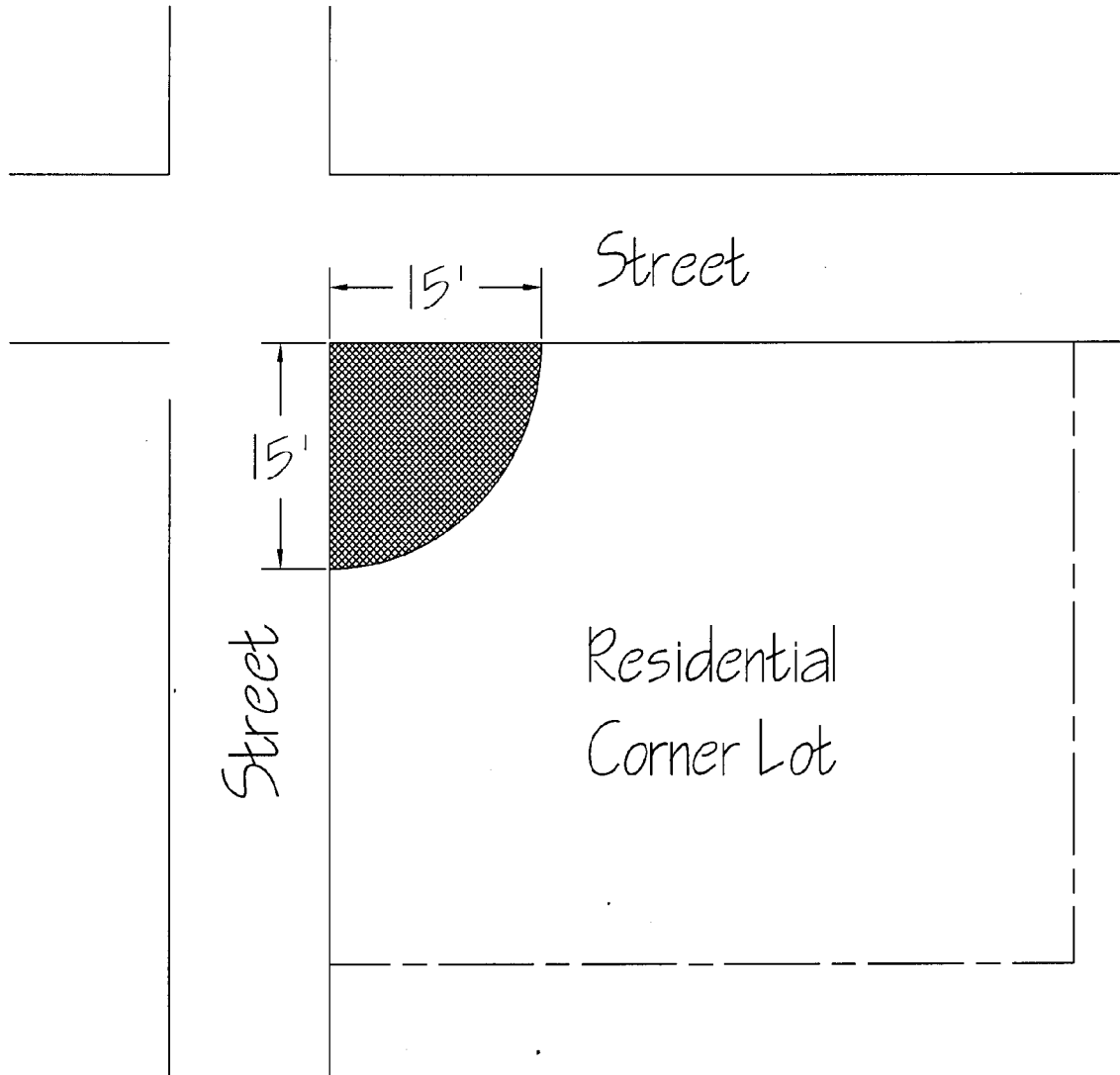
Existing low fence



Existing chain link fence

Neighbor's open  
picket fence

# FENCE AND WALL RESTRICTIONS



No fence, wall, shrubbery or obstruction more than 3 feet high may be located in this area.

CONSUMER INFORMATION NOTES:

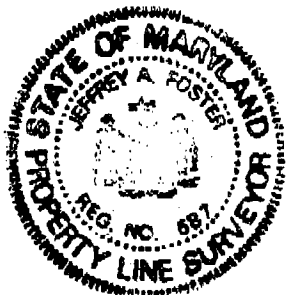
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2. This plan is not to be relied upon for the establishment or location of fences, garages, buildings, or other existing or future improvements.
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4. Building line and/or Flood Zone information is taken from available sources and is subject to interpretation of originator.

~~xxxx~~ = privacy  
 alt else = open picket  
 xxxxx = tight picket

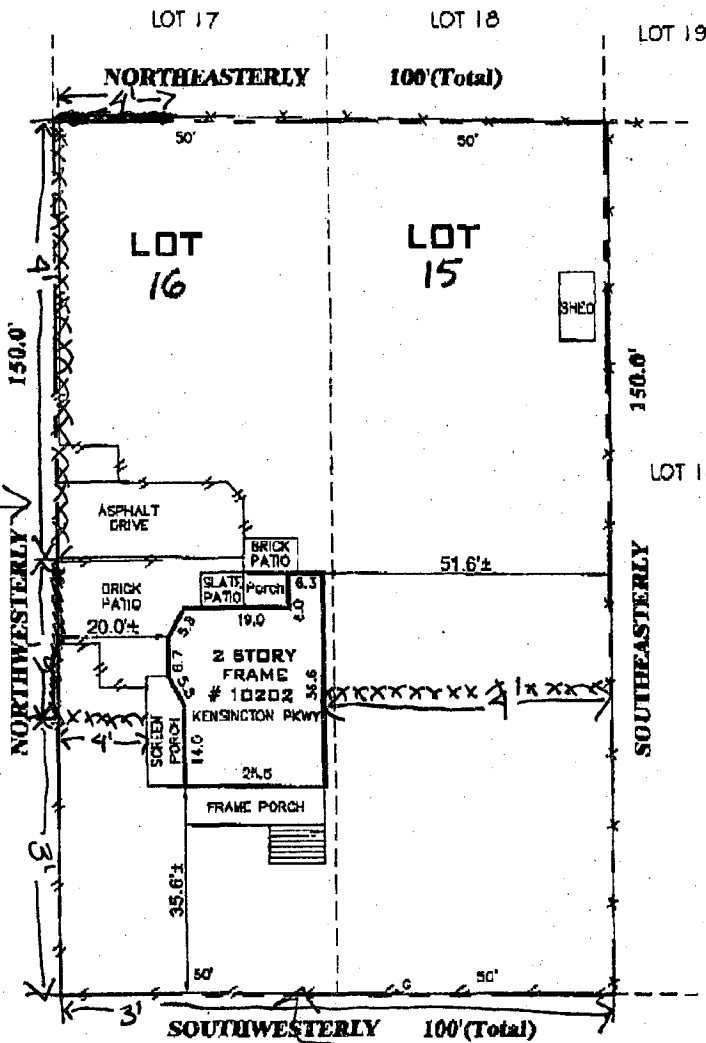
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	<p><b>LIBER</b></p> <p><b>FOLIO</b></p>	

15