

32/05-03A 9904 Colesville Road
(Polychrome Historic District)



II

CD-R

1x-24x Compatible
700MB/80MIN

24X

80Min

LIFETIME WARRANTY* (See details inside.)

LIMITATION OF REMEDIES: IMATION IS NOT LIABLE FOR ANY INDIRECT, SPECIAL, INCIDENTAL OR CONSEQUENTIAL DAMAGES (SUCH AS, BUT NOT LIMITED TO, DAMAGES FOR LOSS OF PROFITS, BUSINESS, SAVINGS OR DATA) RELATED TO THIS PRODUCT. Some states and countries do not allow exclusion of such damages so this limitation may not apply to you. You may also have other rights which vary from state to state or country to country.

***IN DER BUNDESREPUBLIK DEUTSCHLAND GELTEN FÜR DIE GEWÄHRLEISTUNG UND HAFTUNG ANSTELLE DER VORGEMANNTEN GARANTIEREGELUNGEN DIE HIERFÜR GESETZLICH VORGESCHRIEBENEN BESTIMMUNGEN.
HOTLINE: 0130-85 94 15**

GARANTIE À VIE (Voir détails à l'intérieur.)

Limite de recours : Imation n'est pas responsable des dommages directs, indirects, spéciaux, fortuits ou consécutifs (tels que, mais sans s'y limiter, les dommages attribuables aux pertes de profits, d'occasions d'affaires, d'économies ou de données) découlant de l'utilisation de ce produit. Les règlements de certains états ou de certains pays n'autorisent pas l'exclusion de tels dommages; si c'est le cas, ce qui précède ne s'applique pas à vous. Cette garantie vous confère peut-être d'autres droits qui varient d'un état à un autre ou d'un pays à un autre.

Imation Toll-Free Helpline
Assistance téléphonique sans frais Imation
U.S.A. 1-800-328-9438
Canada 1-800-565-6858

Media Support Drive Type Type de lecteur	CD-R		CD-RW	
	Read Lire	Write Écrire	Read Lire	Write Écrire
CD-ROM	X			
CD-Audio Player	X			
MultiRead CD-ROM	X		X	
CD-R Recorder	X	X		
CD-RW Recorder	X	X	X	X
DVD-ROM	X			

Digital Audio only recorders typically require CD-R DA media.

Imation Enterprises Corp.
1 Imation Place
Oakdale, MN 55128-3414
U.S.A.

Imation Europe BV
P.O. Box 75746
1118 ZT Schiphol
The Netherlands

© Imation 2001

Made in Taiwan
Fabriqué à Taiwan

<http://www.imation.com>
info@imation.com

52000108887



Reorder No.
N° de référence
51122 41181



0 51122 41181 6

MISREPRESENTATION OF THE FACTS
ON THE PART OF
THE HISTORIC PRESERVATION
COMMISSION STAFF

Sec. 24A-8. (a) of the Montgomery County Code states, in pertinent part, that:

The commission shall instruct the director to deny a permit if it finds, based on the evidence and information presented to or before the commission {by, in this case, the Historic Preservation Commission Staff} that the alteration for which the permit is sought would be [...] detrimental to the preservation, enhancement or ultimate protection of the historic site or historic resource [...]

The Historic Preservation Commission Staff claimed, in its report dated 9/17/03, that-- and I quote-- "the house was designated for its unique pre-cast concrete panel and design. As such, destroying these architectural features destroys the integrity of the historic resource." END OF QUOTE Furthermore, and I quote: "It should be noted that because of the uniqueness of the building materials any cut through the building will cause irreparable damage and will be destroying historic materials that characterize the property which include the cornice, gable detail, the concrete panel and original window." END OF QUOTE And yet further I quote: "These alterations will not be reversible and once complete the original building will never be able to be restored to its original configuration." END OF QUOTE

The cited assertions made in the aforesaid report are misrepresentations because:

- 1) the affected segment of the cornice can be removed and saved;
- 2) the gable detail will not be destroyed in any way, shape, or form;
- 3) the concrete panel (plain portion of the wall) can be reconstructed;
- 4) the original window will not be destroyed in any way, shape, or form.

Here is my DETAILED REFUTATION:

The addition will be attached to an existing window area, which will be transformed into a door. To achieve this, a portion of the wall (below the window) and a segment of the cornice (above the window) will have to be removed.

- 1) The segment of the cornice will be cut out for safekeeping, and considering that such cornice runs all around the perimeter of the house and is largely covered by the gutters, the removal of three feet of it can hardly represent an irreparable loss.
- 2) The decorative motif of the gable will not be destroyed; much less, it will not be removed at all; instead, it will be covered by the addition (a point the Society has repeatedly refused to acknowledge). Should anyone, in the non-foreseeable future, decide to get rid of the bathroom, this motif will be easily returned to the light of day. This gable has been the source of much trouble, and indeed is at the heart of the contention.
- 3) The plain portion of the wall can be rebuilt in the aforesaid non-foreseeable future through saving the original material and by incorporating it again in the facade.

Neither Item 2 nor Item 3 constitutes a unique feature that will be lost. As for Item 2, that portion of it that would be affected by the addition does not constitute a unique feature at all since it is identically repeated four times around the house (another point that the Society has consistently ignored), not to mention on the replica of my house, which replica is located in Washington, D.C. On the subject of Item 3, let it be stated for the record that the original building will be able to be restored to its original configuration.

- 4) The original window will not be destroyed at all, it will be removed and subsequently inserted in the outer wall of the new bathroom.

DECISION OF THE HISTORIC PRESERVATION COMMISSION
RUNS COUNTER TO 24A-8. (b) (3)

Said subsection of the referenced Code states, in pertinent part, that:

The proposal would enhance the [...] private utilization of the historic site or historic resource [...] in a manner compatible with the historical, archeological, architectural or cultural value of the historic site [...]

The Commission's decision runs counter to the above-cited subsection because:

The proposed bathroom would be built in proper Art-Deco style, on the model of the bathroom which adorns Polychrome House #1. And because of the strategic position occupied by the bathroom with respect to the rest of the house, a sort of separate wing (this is a crucial point) would come into being, providing privacy and independence to guests, friends, and family members alike.

Furthermore, the Commission's decision indicates that it gives no consideration at all to the fact that, besides raising the value of the house itself, an additional bathroom would make the place more desirable to live in: this is the only way to protect a house, historic or not; otherwise, it will eventually fall into disrepair. Now then, one Mr. Wayne Goldstein made certain statements during the hearing on 09/24/2003, among which: "I would like that this applicant [...] either accept the alternative version that will have a minimal effect on the building, or think about moving." END OF QUOTE To Mr. Goldstein's uncalled-for claim that I should sell the house and move out if the lack of a second bathroom is too much of a stress or inconvenience, I say that if my house is to be sold for that reason, then it will have to be bought at a comparable price by the Society: I do not run a museum for them. The living standards of today are very different from what they used to be in the 30's, and anything within reason that can be done to update any of these houses--not just mine--should be welcomed as a guarantee for their future. Earley himself would be the first one to approve this line of conduct: let us not forget that he built these houses to help people live better, NOT to enclose people into a sort of temple! Respect for the existing structure is, naturally, of paramount importance. Thus, in my particular case, every external detail (shape, color, decoration) would receive the greatest attention and care. In short, no effort would be spared to make the addition harmonize with the whole. I have no need to emphasize this point: the Society knows me well enough! As for Mr. Goldstein's remark to the effect that I should accept-- and I quote-- "the alternative version that will have a minimal effect on the building," I'll come to that in my discussion of subsection (b) (5) of the Code.

DECISION OF THE HISTORIC PRESERVATION COMMISSION
RUNS COUNTER TO 24A-8. (b) (5)

Said subsection of the referenced Code provides that:

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

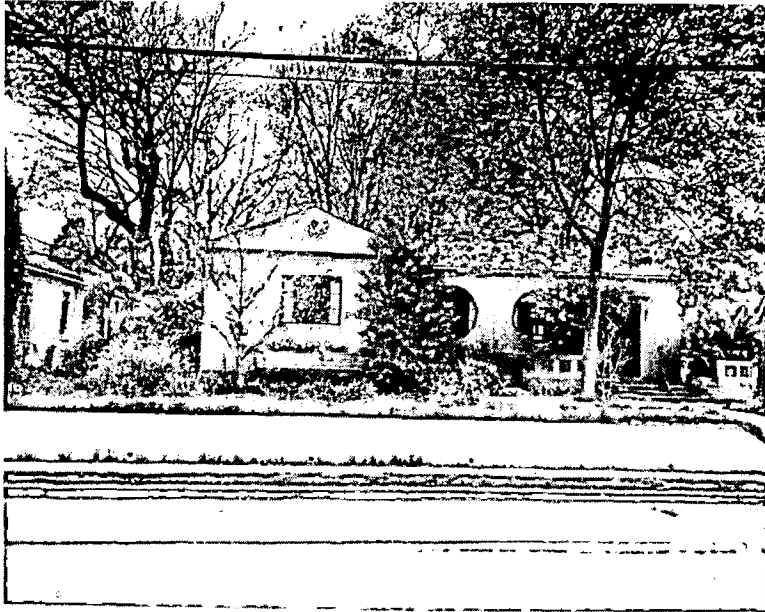
The Commission's decision runs counter to the above-cited subsection because:

Due to the sudden change of heart on the part of the Preservation Society, namely, the last-minute decision to recommend to the Commission that my request be denied, the Society has caused no end of problems to my family members, problems that go far beyond lacking the obvious convenience of a second bathroom. Looking at the issue close up, I wish to emphasize the point that their subsequent attempt to force me to accept an alternative design is clearly a hardship. Each of their suggested alternative designs runs from the impractical to the absurd to the ridiculous: nothing surprising, after all, considering that they air their views and opinions from the comfort of their chairs, without having a clue as to the configuration of the building. (Incidentally, if in 2001, at the very beginning of this affair, someone from the Society had taken the time to come and assess the situation, I feel sure that I would not be here today.) To continue, during the 09/24/03 hearing it was contended by Mr. Harbit that the Commission had-- and I quote-- "gone to extraordinary lengths over the last couple years to try and help this applicant find a solution that would work." END OF QUOTE The reality of the situation, however, is rather different; namely, the central reason why the Society offered the pro bono services of a second architect is because their negligence during the phase leading up to the 09/24/01 hearing caused me to lose \$4,000 spent on the work of the original architect. As well, in the 11/3/03 Decision and Opinion of the Commission, one reads, and I quote: Mr. Harbit felt that the Commission had heard and seen several alternatives which would meet the applicant's needs and would be appropriate from a historic-preservation perspective. END OF QUOTE. Furthermore, in the transcript of the 09/24/03 hearing, Ms. Velasquez commented on the fact that the drawings done by GTM Architects-- and I quote-- "seem to provide some sort of solution to your problem. You would have a hallway, you would have closets, you would have bathrooms, but it would not pierce the fabric of the house." END OF QUOTE And there is, lastly, a third person whose remarks I wish to address in this connection-- I wish to return at this juncture to a certain challenging remark made by Mr. Wayne Goldstein at the 9/24/03 hearing, to wit: that I should accept-- and I quote-- "the alternative version that will have a minimal effect on the building." END OF QUOTE To all three-- Mr. Harbit,

Ms. Velasquez, and Mr. Goldstein-- , I state that: a) the alternatives offered would destroy a good portion of my garden (NOT yard); b) they would ruin the spatial relationship of the rear side of the house; c) they would entail the removal of a larger wall panel. An evaluation of my original project shows, conversely, that a) the garden would remain undisturbed; b) the spatial relationship would suffer no alterations; c) the affected wall panel would be smaller. Indeed, it is my original project that would have the least effect on the layout of the house and grounds, unlike an addition based on either of the aforesaid alternatives. Who has ever heard of two bathrooms attached to each other, as they would be in the alternatives? And what good would this do to the person occupying the bedroom upstairs? This person would still have to come down six steps, cross the kitchen, cross the dining room, cross the living room, and finally reach the hall, where the original bathroom is located. Although I hate to do so, I must contemplate retirement, inasmuch I cannot hope to be so lucky as to die at my desk. As such, it may come to happen that, due to a considerably reduced income, I may have to decide to take in a boarder. Hence, the necessity of a second bathroom built in such a spot where it can provide the most in privacy and convenience. (This issue of unacceptable alternatives in no way should be taken as a criticism directed at the pro bono work of the architect Mr. George Myers; he simply did what he was asked to do-- that is, find another spot where a bathroom can be built.) Having made that parenthetic statement, I now continue by saying that all this only goes to prove, once again, what I have stated earlier, to wit: all these people who have the power to interfere in my private life have no idea of what they are talking about! And now I should like to make a few remarks about two suggestions that have been made in addition to the official alternatives designed by Mr. Meyers.....

I must re-emphasize that what represents the stumbling block in my project should not have been allowed to become an issue at all: the undeniable fact is that the gable would be covered, hidden from sight, but not destroyed. But this coverage is a small price to pay if it is a question of upgrading the house without letting it become a source of ridicule.

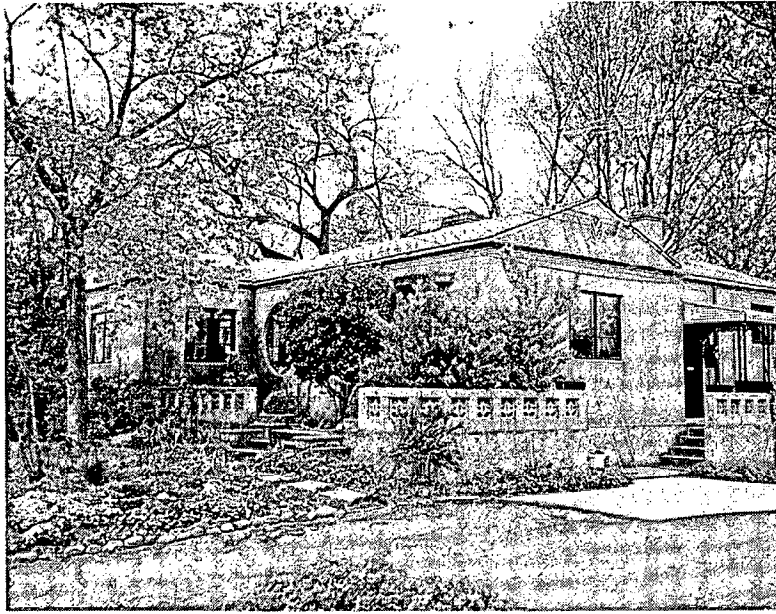
But, of course, at the core of the hardship visited upon me is my frustration over not having been given a chance to decide whether or not to sign an official instrument, by which I would be binding myself to the Society's wishes. Because of this denied choice, my rights as a homeowner have been stripped from me. I have become a sort of caretaker: I am allowed to live there, and in return I pay high taxes! And it is a shameful thing to compel a senior citizen to pay high taxes while forcing her to live with an injustice! If I stand before you all today, it is because my rights as a citizen have been trampled on. The abrogation of my constitutional rights as a property owner in the State of Maryland without a trial in a court of justice or without a contract signed by me invalidates the judgment of the Society. Hence, I am requesting one of two things: either that my house be removed from the Historic Preservation Society's register or that I be allowed to build the bathroom according to my original design.



SUBJECT HOUSE AT 9904 COLEVILLE ROAD



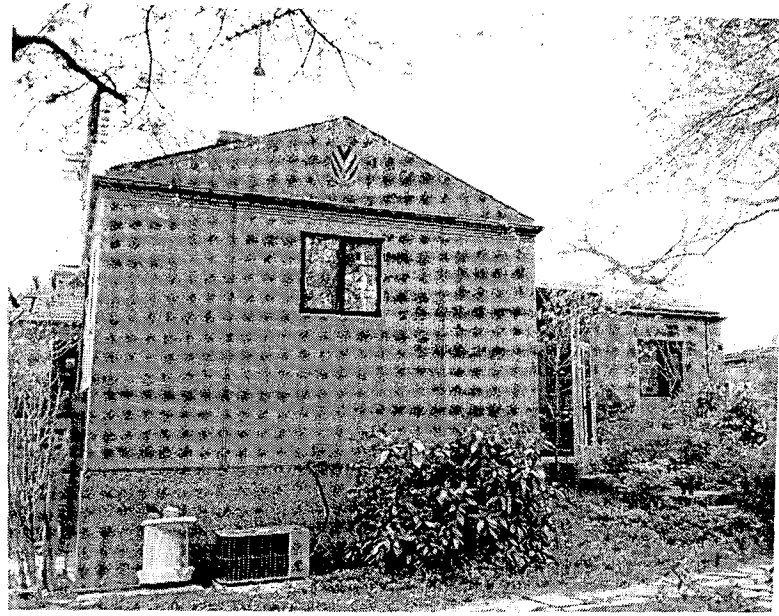
SOUTHEAST OBLIQUE VIEW



NORTHEAST OBLIQUE VIEW



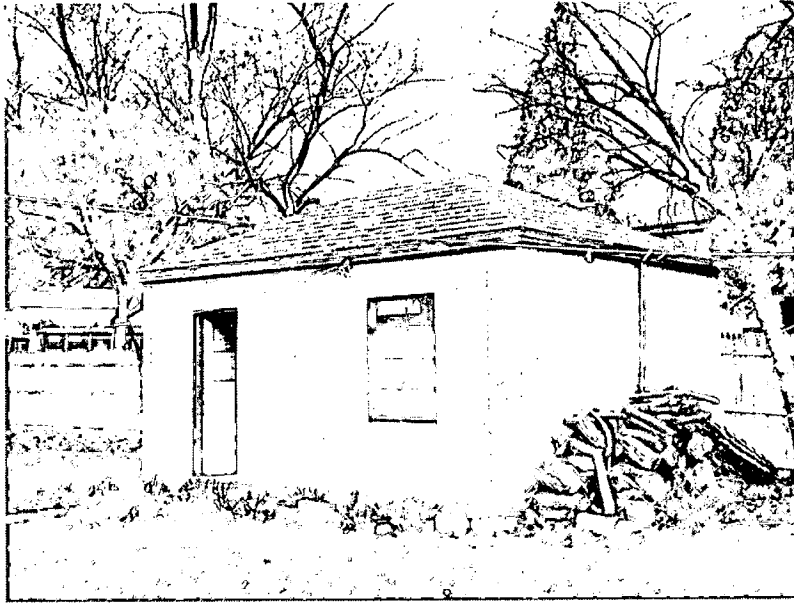
REAR ELEVATION, NORTHWEST VIEW



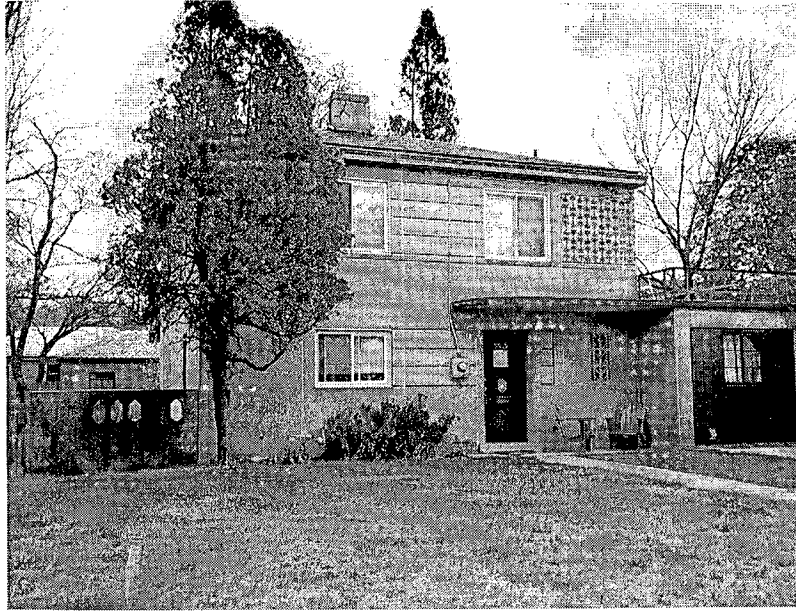
REAR FAÇADE TO BE ALTERED



9900 COLESVILLE ROAD



OUTBUILDING AT 9900 COLESVILLE ROAD



9919 SUTHERLAND DRIVE



9923 SUTHERLAND DRIVE



OFFICE OF THE COUNTY ATTORNEY

Douglas M. Duncan
County Executive

Charles W. Thompson, Jr.
County Attorney

January 21, 2004

Renata M. Gould
9904 Colesville Road
Silver Spring, Maryland 20901

RE: Appeal of HPC Decision to Deny an Historic Area Work Permit

Dear Ms. Gould:

This letter serves to follow up on my January 14, 2004 letter to you concerning the County's prehearing statement.

Specifically, in my prehearing statement, I did not include information concerning two witnesses that the County proposes to call during our hearing before the Board of Appeals on Wednesday, January 4, 2004 at 1:30 p.m. Therefore, I am supplementing the Prehearing Statement with the following information. The County may also call one or both of these witnesses:

c) Lee Burstyn, Commissioner, Historic Preservation Commission, 8787 Georgia Avenue, Silver Spring, MD 20910-3760. The Commissioner may testify about the HPC's consideration of Ms. Gould's application for a HAWP, the determination to deny the application for a HAWP and the HPC's reasons for the determination.

d) Nancy Witherell, an independent historian and an Architectural Historian employed in the Federal Preservation Office of the National Capital Planning Commission, 401 9th Street, N.W., Suite 500-North Lobby, Washington, D.C. 20576. Ms. Witherell is an expert concerning, among other things, the work of John Early who was the architect and fabricator of Ms. Gould's house. She may testify about the unique construction materials and construction techniques of the Polychrome houses and the importance of John Early's architectural accomplishments, including the Polychrome houses located in Silver Spring's Polychrome District.

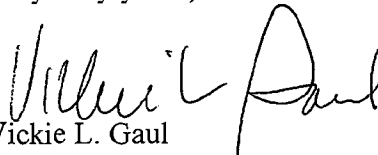
Also, I have received both your telephone message with your contact information and your January 20, 2004 letter containing the documents that you intend to use during the hearing. Because it appears that you did not forward copies of your letter and the accompanying documents to the Board of Appeals, I have taken the liberty of doing so.

Renata M. Gould
January 21, 2004
Page 2

Finally, I am enclosing copies of all of the documentation that the HPC was able to locate concerning the designation of your property as an historic resource. I hope you find this information helpful.

Thank you.

Very truly yours,


Vickie L. Gaul
Associate County Attorney

Enclosures

cc: Board of Appeals
Michele Naru ✓
Gwen Wright

Michele -

FYI Please

Put this on

Outlook calendar

for us both.

G.

PLEASE NOTE: When Montgomery County Schools are closed due to the weather, Board of Appeals hearings may not be held. When Montgomery County Schools announce a late opening, Board of Appeals hearings may also be delayed. Please call to confirm.

**BOARD OF APPEALS
for
MONTGOMERY COUNTY**

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

www.montgomerycountymd.gov/content/council/boa/board.asp

Case No. A-5950

APPEAL OF RENATA M. GOULD

Notice is hereby given that a public hearing will be held by the Board of Appeals for Montgomery County, Maryland, in the Stella B. Werner Council Office Building, 100 Maryland Avenue, Rockville, Maryland, in the Second Floor Davidson Memorial Hearing Room, **on Wednesday, the 4th day of February, 2004, at 1:30 p.m.**, or as soon thereafter as this matter can be heard, on the application pursuant to Section 2-112 of the Montgomery County Code.

The appellant charges administrative error on the part of the Historic Preservation Commission in its approval, with conditions, of Historic Area Work Permit number 257831, dated September 24, 2001. Appellant contend that Section 24A-8(b) (3) and 24A-8(b) (5) of the Montgomery County Codes were misinterpreted. In accordance with Chapter 2A, Administrative Procedures Act, a copy of the "charging document" (appeal) is attached to this notice.

The Board will hold a pre-hearing conference on the appeal at its Worksession on Wednesday, January 7, 2004 at 9:00 a.m. The subject of the conference will be pre-hearing submissions by the parties, pursuant to Section 2A-7(a) of the Montgomery County Code.

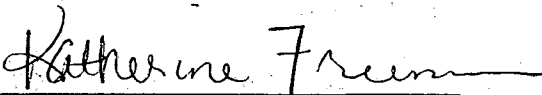
The subject property is located at 9904 Colesville Road, Silver Spring, Maryland, 20901

Notices forwarded this 11th day of December, 2003 to:

Renata M. Gould
Charles W. Thompson, Jr., Esquire, County Attorney
Clifford Royalty, Esquire, Assistant County Attorney
Malcolm Spicer, Jr., Esquire, Assistant County Attorney
Martin Klauber, Esquire, People's Counsel
Robert Hubbard, Director, Department of Permitting Services
Reginald T. Jetter, Chief, Casework Management, Department of Permitting Services
Susan Scala-Demby, Permitting Services Manager, Department of Permitting Services

Members, Board of Appeals
Contiguous and confronting property owners
Historic Preservation Society
Historic Preservation Commission
North Hills of Sligo Civic Association
Indian Springs Citizens Association
South Four Corners Citizens Association
Columbia Road Association
Cloverly/Fairland/White Oak CAC
Sligo Woods Civic Association
Northwood-Four Corners Civic Association
Greater Bethesda-Chevy Chase Coal.
Wheaton Citizens Coalition
Coalition of Kensington Communities
Montgomery County Taxpayers League
Montgomery County Preservation, Inc.
Spanish Speaking People of Montgomery
Citizens for a Better Montgomery
Montgomery County Civic Federation

County Board of Appeals

by: 
Katherine Freeman
Executive Secretary to the Board

NOTE: All parties who make submissions, after an initial filing, in Special Exception, Variance and Administrative Appeals cases, must furnish copies of the submission to all other parties in the case. For the purpose of this requirement, a party includes: (1) Counsel of record who have formally entered their appearance; (2) The People's Counsel for Montgomery County if he has filed Notice of Intention to Participate in the case; (3) Any person to whom the Board of Appeals has granted Intervener status; and (4) The Applicant, Petitioner or Appellant in the case.

Submissions must be accompanied by a written statement certifying that copies have been sent to all parties. Failure to supply such written certification will result in refusal of the submission.

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

**APPEAL CHARGING ERROR
IN ADMINISTRATIVE ACTION OR DETERMINATION**

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

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

Official or agency from whose action or determination this appeal is made: Historic Preservation Society;
Historic Preservation Commission

Brief description of action or determination from which this appeal is made (attach document indicating such action or determination) Misrepresentation* on the part of the Historic Preservation Society;
decision of the Historic Preservation Commission runs counter to Sec. 24A-8(b)(1)
and 24A-8(b)(5)

*of the facts
Date of that action or determination: Sep. 24, 2003

Brief description of what, in appellant's view, the ruling or action should have been: PERMIT SHOULD
HAVE BEEN GRANTED

Number of Section, and Subsection, if any, of the Montgomery County Code 1994, as amended, or citation or other statutory provision, which appellant contends was misinterpreted: 24A-8(b)(3), 24A-8(b)(5)

Reason for appeal: _____

Description of real property, if any, involved in this appeal: Lot Part of 2 Block A Parcel _____
Subdivision _____, Street and Number _____
City Silver Spring Zip 20901, Zone Classification _____

Name of Property owner: Renata M. Gould
Mailing address of property owner if different from above address: _____

Appellant's present legal interest in above property, if any: Owner (including joint ownership) _____ Lessee
 Contract to lease or rent Contract to purchase Neighbor Civic Association Other

Explain _____

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

Signature of Attorney (Please print next to signature)

Address of Attorney

Telephone Number

Renata M. Gould (RENATA M. GOULD)
Signature of Appellant(s) (Please print next to signature)

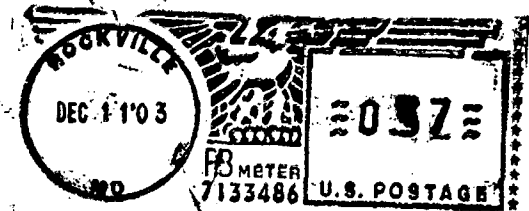
9904 Colesville Rd., Silver Spring,
Address of Appellant(s) MD 20901

(301) 681-5095
Home Telephone Number

(202) 324-2991
Work Telephone Number

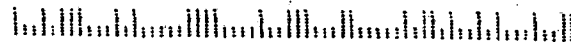


BOARD OF APPEALS
100 Maryland Avenue
Rockville, Maryland 20850



A-5950
M-NCPPC Historic Preservation Society
1109 Spring Street, Ste. 807
Silver Spring, MD 20910

20910+4002 30



**BEFORE THE BOARD OF APPEALS
FOR MONTGOMERY COUNTY, MARYLAND**

Appeal of

CASE NO. A-5950

Renata M. Gould

**PREHEARING SUBMISSION OF THE
HISTORIC PRESERVATION COMMISSION**

The Montgomery County Historic Preservation Commission submits the following information pursuant to §2A-7 of the Montgomery County Code, 1994, (as amended).

I. SUPPORTING DOCUMENTS

a) Decision and Opinion of the Commission dated November 3, 2003 denying Ms. Gould's 2003 application for an Historic Area Work Permit (HAWP).

b) Excerpt of the transcript of the September 24, 2003 Historic Preservation Commission (HPC) hearing at which Ms. Gould's application for a HAWP was unanimously denied.

c) Staff report for the HPC's September 24, 2003 hearing concerning Ms. Gould's application for a HAWP. The staff report includes among other things, a copy of Ms. Gould's application for a HAWP which was identical to the application she submitted in 2001 and which was denied by the HPC in 2001, and copies of architectural drawings for alternative construction options provided to Ms. Gould by GTM Architects (George Myers, Principal) at the request of the HPC and at no cost to Ms. Gould (circles 25 through and including 29) following the HPC's denial of Ms. Gould's 2001 application for a HAWP. (Please note that the HPC's presentation at the February 4, 2004 hearing before the Board will likely include a PowerPoint presentation of the photographs included in this staff report).

d) Decision and Opinion of the Commission dated October 9, 2001 denying Ms. Gould's 2001 application for a HAWP.

e) Excerpt of the transcript of the September 24, 2001 HPC hearing at which Ms.

Gould's application for a HAWP was unanimously denied.

f) Staff report for the HPC's September 24, 2001 hearing concerning Ms. Gould's 2001 application for a HAWP.

g) Chapter 24A of the Montgomery County Code.

h) Historic Preservation Commission Regulation 27-97 "Rules, Guidelines and Procedures".

i) The Secretary of the Interior's Standards for Rehabilitation and Guidelines, adopted by the Commission by Resolution in November 1997.

j) Any and all documents identified by the Petitioner and any interveners in their prehearing submissions, or otherwise produced or relied upon by other parties at the hearing of this matter.

The HPC may introduce any of the referenced documents, exclusive of those used for impeachment or rebuttal. The HPC reserves the right to use enlargements, excerpts, or other presentations of any designated document. Because the Board is hearing this matter de novo, and the HPC cannot anticipate what documents might be introduced by the Petitioner that were not previously presented by the Petitioner to the HPC, the HPC further reserves the right to supplement this list as fairness requires to ensure a complete hearing by the Board.

II. LIST OF THE HPC'S PROSPECTIVE WITNESSES AND SUMMARIES OF EXPECTED TESTIMONY

The HPC may present testimony from any of the following witnesses, exclusive of impeachment or rebuttal witnesses:

a) Gwen Marcus Wright, Coordinator, Historic Preservation, 8787 Georgia Avenue, Silver Spring, MD 20910-3760. Ms. Wright may testify about the application submitted to the Historic Preservation Commission by the Ms. Gould, and the staff's technical evaluation of the application. Ms. Wright may also testify about the requirements of the historic preservation plan under County law and in accordance with the Secretary of the Interior's Standards for

Rehabilitation and Guidelines, adopted by the HPC by Resolution in November 1997.

b) Michelle Naru, Historic Preservation Planner, Historic Preservation, 8787 Georgia Avenue, Silver Spring, MD 20910-3760. Ms. Naru may testify about the Application submitted to the Historic Preservation Commission by the Applicant, and the staff's technical evaluation of the Application.

c) _____, Commissioner, and/or other Commissioners from the Historic Preservation Commission, 8787 Georgia Avenue, Silver Spring, MD 20910-3760. The Commissioner may testify about the HPC's consideration of the application, the determination to deny Ms. Gould's application for a HAWP and the reasons for the determination. **PLEASE NOTE THAT AT THE DATE OF THIS FILING, IT HAS NOT BEEN DETERMINED WHICH COMMISSIONER WILL TESTIFY FOR THE HPC. THE HPC INTENDS TO NOTIFY MS. GOULD AND THIS BOARD OF THE NAME OF THE COMMISSIONER BEFORE MS. GOULD IS REQUIRED TO SUBMIT HER PREHEARING STATEMENT. DEPENDING UPON THE COMMISSIONER SELECTED, THE COMMISSIONER WILL ALSO BE AVAILABLE AS AN EXPERT IN HISTORIC PRESERVATION TO ANSWER ANY QUESTIONS THE BOARD MAY HAVE ON THAT SUBJECT IN RELATION TO THE APPLICATION THAT WAS CONSIDERED BY THE HPC AND DENIED.**

d) _____, an expert in the field of architectural history and/or Art Deco architecture. **PLEASE NOTE THAT AT THE DATE OF THIS FILING, THE HPC HAS NOT DETERMINED ITS EXPERT WITNESS BECAUSE THE WITNESS REQUESTED TO APPEAR AT THE HEARING BY THE HPC WILL NOT BE AVAILABLE ON FEBRUARY 4, 2004. THE HPC WILL NOTIFY MS. GOULD AND THIS BOARD OF THE NAME OF ITS EXPERT BEFORE MS. GOULD IS REQUIRED TO SUBMIT HER PREHEARING STATEMENT.**

III. THE HPC'S REQUESTS FOR SUBPOENAS AND SUMMONSES

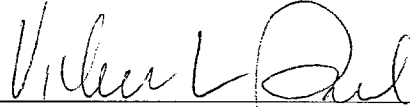
None.

IV. ESTIMATED TIME FOR PRESENTATION OF CASE

The HPC estimates it will take approximately one hour to present its case, exclusive of cross-examination and questions from the Board.

Respectfully submitted,

CHARLES W. THOMPSON, JR.
COUNTY ATTORNEY



Vickie L. Gaul
Associate County Attorney

Attorneys for Respondent Historic
Preservation Commission
101 Monroe Street, Third Floor
Rockville, MD 20850
(240) 777-6700

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on this 14th day of January, 2004, a copy of the foregoing Prehearing Submission of the Historic Preservation Commission was mailed, first class, postage prepaid, to:

Renata M. Gould
9904 Colesville Road
Silver Spring, Maryland 20901



Vickie L. Gaul
Associate County Attorney

HISTORIC PRESERVATION COMMISSION STAFF REPORT

Address:	9904 Colesville Rd, Silver Spring	Meeting Date:	09/24/03
Resource:	Outstanding Resource Polychrome Historic District	Report Date:	09/17/03
Review:	HAWP	Public Notice:	09/10/03
Case Number:	32/05-03A	Tax Credit:	None
Applicant:	Renata Gould	Staff:	Michele Naru
PROPOSAL:	Rear Addition	RECOMMEND:	Denial

PROJECT HISTORY:

The applicant came before the HPC on September 24, 2001 with a Historic Area Work Permit (HAWP) application for a frame rear addition, identical to the proposal being presented in this current HAWP application. The Commission denied the HAWP application at this meeting. (circles 30-55). They noted that the house was designated for its unique pre-cast concrete panel construction and design. As such, destroying these architectural features destroys the integrity of the historic resource.

Subsequent to this meeting, staff asked a local architect in the area to assist the homeowner (pro bono) in developing some design alternatives for the proposed addition. The architect developed drawings that provided a rear addition with the required square footage for the owner, which also did not require penetration into the house's historic fabric – which would help to retain the historic integrity of the existing resource (circles 25-29). The applicant has reviewed the proposed drawings and does not find them to accomplish the needs and requirements of her current household. She has applied for the attached HAWP application in the hopes that since she has explored all potential viable alternatives, the HPC will determine that the homeowner's needs outweigh the need to maintain the historic integrity of the subject building.

BACKGROUND:

“The five single-family dwellings that comprise the Polychrome Historic District were built in 1934-35 by master craftsman John Joseph Earley (1881-1945). These unique houses are outstanding examples of the Art Deco-style and reflect Earley's artistry and craftsmanship. Conventional wood frames were clad with prefabricated "mosaic concrete" panels utilizing a process Earley developed and patented in which the concrete was stripped to expose the brilliantly colored aggregate particles, creating an effect similar to impressionist or pointillist painting. In addition to their striking, richly ornamented appearance, these houses represent a relatively rare example of pre-cast concrete panel construction in single-family housing for the time period. Earley's patented

structural system led to the widespread use of pre-cast architectural concrete as a major exterior cladding material. The legacy of the Polychrome houses can be seen in thousands of curtain-wall buildings nationwide.”

“Earley was a master builder who culminated nearly three decades of engineering and architectural experience in the design and construction of the Polychrome houses. From 1906 to 1933, he was responsible for such complex and demanding projects as the stucco work for Meridian Hill Park (Washington, D.C., 1916); the casting of Lorado Taft's sculpture, "The Fountain of Time" (Chicago, 1920-22); the rebuilding of the replica of the Parthenon at Nashville (1925); and the Baha'i Temple of Light in Wilmette, Illinois (begun in 1932). Earley created a new medium for the decorative arts--mosaic concrete--in designing the richly detailed interior of the Shrine of the Sacred Heart (Washington, D.C. 1923), the same material used in executing the intricate design of the ceilings for the Department of Justice (1933) and in the Polychrome houses. Earley wrote eloquently about the social changes taking place in the United States during the 1930s and the demand for what he termed "social justice." The polychrome houses represent his attempt to solve the "small house problem" by providing innovative housing at modest cost during the economic and social upheaval of the Great Depression.” – from National Register Nomination

PROJECT DESCRIPTION

SIGNIFICANCE: Outstanding Resource in the Polychrome Historic District.
STYLE: Art Deco
DATE: 1935

“Polychrome II, built by John Joseph Early, is a one-story six-room house consisting of a main block running north to south and a attached garage extending beyond the north end of the main block to the west, and a small wing at the south end of the front elevation facing east. The gable roof, originally tiled, is now clad in asphalt shingles. There is a loft room over the one-car attached garage [area which is the subject of this HAWP]. The exterior walls are comprised of two-inch thick pre-cast mosaic concrete panels, each four to eight feet wide and nine feet high. Metal casement window and doorframes were imbedded in the panels before casting. The panels are attached to a conventional wood frame and anchored to the foundation by u-shaped hangers and threaded with reinforcing rods, with reinforced concrete columns cast in place behind each joint. The panels are rose-pink in color, the result of exposing surface aggregates of red jasperite. There are three large metal-frame porthole windows, two in the front overlooking the open porch, and one at the rear on the west wall of the living room. The circular frames are inset with standard casement windows. The front porch is partially enclosed by a low concrete mosaic wall with decorative geometric inserts in deep red. The same decorative wall treatment is used on a small porch and the side door on the north side of the house.”

“A driveway runs along the north property line to the entrance of the attached garage, which faces north. Large decorative mosaic concrete planters are affixed to the south and west walls of the wing attached to the south end of the main block.” – description from National Register Nomination

PROPOSAL:

The applicant is proposing to construct a one-story bathroom addition at the rear of the house. The addition will be constructed of 2x6 wood frame construction with exterior painted wood siding

and asphalt roof shingles to match existing. The addition will be supported by steel support columns, which will be placed in reinforced concrete footings. The existing steel casement window from the rear elevation will be salvaged and reused in the new addition. Connection to the new bathroom will be through the existing window opening in the existing bedroom exterior wall.

The proposed new addition would not be visible from the front façade. No existing trees will be removed with the construction of the proposed addition.

STAFF DISCUSSION

This house has been in continuous use as a single-family residence on the original site since construction and has not undergone any major exterior alterations.

As an outstanding resource within a Historic District, this building is subject to the highest level of design review.

The proposal being presented requires that original decorative elements including the cornice detail, the window surrounds, a portion of the rear panel and the rear gable with its highly decorative details will be lost. In rehabilitation, historic building materials and character-defining features are protected and maintained. This resource was designated as part of a historic district. It as well as the rest of the houses in the district identifies a form and detailing of architectural features that are important in defining the structure's historic character, and these features must be retained in order to preserve this character. The character of these buildings is defined by the form and detailing of their interior and exterior features and structural systems. The Historic Preservation Commission has jurisdiction on the exterior features only.

It is a concern of staff that this alteration, though to the rear of the resource, will be detrimental to the existing structure. As explained above, the house was built with concrete panels. These panels were designed in such a way to support each other. If a weak point is bored into the panels....what effect will this alteration have on the structural integrity of the resource? The architect and his engineer have worked extensively on this method of construction and have assured staff that an appropriate header and door surround will support the remaining panel and will not negatively affect the surrounding panels.

The Polychrome Houses were designated as historically significant because of their distinctive physical characteristics of design, construction and form as well as their association with the Art Deco movement in this country. Staff has struggled with this project, mainly because of the nature of the existing building materials and their importance to the integrity and historic significance of this resource. It should be noted that because of the uniqueness of the building materials any cut through the building will cause irreparable damage and will be destroying historic materials that characterize the property which include the cornice, gable detail, the concrete panel and original window.

Staff is aware that generally we do approve additions to outstanding resources within our historic districts if they are located at the rear of the historic site, are not visible from the right-of-way and the proposed addition would be constructed in such a manner that "if removed in the future the essential form and integrity of the historic property would be unimpaired."

Additionally, staff does realize that exterior alterations to a historic building are generally needed

to assure a building's continued use, but emphasizes the fact that such alterations should not radically change or destroy character defining materials, features or finishes. Staff feels that the proposal as presented will do irreparable damage to the historic materials and the distinctive details that characterize the building. These alterations will not be reversible and once complete the original building will never be able to be restored to its original configuration.

STAFF RECOMMENDATION

Staff recommends that the Commission *deny* the HAWP application as not being consistent with Chapter 24A-8(b)2:

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

nor with the Secretary of the Interior Guidelines #2, #5, #6, and #9:

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

Distinctive features, finishes, and construction techniques or example of craftsmanship that characterize a property shall be retained and preserved.

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

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.



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

DPS - #8

III I

HISTORIC PRESERVATION COMMISSION
301/563-3400

APPLICATION FOR HISTORIC AREA WORK PERMIT

Tax Account No.: 01109093

Contact Person: JOE DE ROSA

Daytime Phone No.: (301) 674-5211 (CELL)

Name of Property Owner: MRS. RENATA M. GOULA Daytime Phone No.: (202) 324-2991

Address: 9904 COLESVILLE RD, SILVER SPRING, MD 20907
Street Number City Street Zip Code

Contractor: HUGO ARDIZZONE Phone No.: (301) 593-2469

Contractor Registration No.: 18369

Agent for Owner: JOSEPH DE ROSA Daytime Phone No.: (301) 593-0366

LOCATION OF BUILDING/PREMISE

House Number: 9904 Street: COLESVILLE RD,

Town/City: SILVER SPRING Nearest Cross Street: UNIVERSITY BLVD.

Lot: PART OF 2 Block: A Subdivision: SECTION ONE FAIRWAY

Liber: _____ Folio: _____ Parcel: _____

PART ONE: TYPE OF PERMIT ACTION AND USE

1A. CHECK ALL APPLICABLE:

- Construct Extend Alter/Renovate
- Move Install Wreck/Raze
- 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 estimate: \$ 210,000

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

PART TWO: COMPLETE FOR NEW CONSTRUCTION AND EXTEND/ADDITIONS

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

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

PART THREE: COMPLETE ONLY FOR FENCE/RETAINING WALL

3A. Height _____ feet _____ inches N/A

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.

Renata M. Goula
Signature of owner or authorized agent

August 1, 2003
Date

Approved: _____ For Chairperson, Historic Preservation Commission

Disapproved: X Signature: Juan C. Velazquez Date: 9/24/03

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:

WOOD FRAME FLOORING AND ROOF WITH PRECAST CONCRETE
EXTERIOR PANELS WITH EXPOSED STONE AGGREGATE FINISH.
ROOF IS SHEATHED WITH ASPHALT SHINGLES. SINGLE FAMILY
HOME ON RESIDENTIAL LOT ADJACENT TO COLESVILLE ROAD
WITH MATURE TREES AND BUSHES. RECORDED AS OUTSTANDING
RESOURCE IN POLYCHROME DISTRICT.

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

PROPOSED ONE STORY ADDITION (16'-11" WIDE X 6'-9 1/2" DEEP) CONNECTED TO
EXISTING BEDROOM LOCATED AT REAR OF HOUSE. NEW ADDITION CONSTRUCTED
OF 2 X 6 WOOD FRAME WITH EXTERIOR PAINTED WOOD SIDING WITH COLOR TO MATCH
EXISTING CONCRETE PANELS. ASPHALT ROOF SHINGLES ALSO TO MATCH EXISTING. PROPOSED
ADDITION WILL NOT BE VISIBLE FROM COLESVILLE ROAD AND NO TREES WILL BE REMOVED.
THE PROFILE OF THE NEW ADDITION FOLLOWS THE EXISTING RESIDENCE IN HEIGHT & ROOF SLOPE.

2. **SITE PLAN** THE COST OF REPRODUCING EXISTING PRECAST PANELS WOULD BE PROHIBITIVE.

Site and environmental setting, drawn to scale. You may use your plot. 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 labeled photographic prints of the resource as viewed from the public right-of-way and of the adjoining properties. All labels should be placed on

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

Owner's mailing address

MRS. RENATA M. GOULD
 9904 COLESVILLE RD.
 SILVER SPRING, MD
 20901

Owner's Agent's mailing address

Adjacent and confronting Property Owners mailing addresses

ADJACENT:

MRS. RACHEL DOWNS
 9908 COLESVILLE RD.
 SILVER SPRING, MD
 20901

ADJACENT:

MR. TOM BASS *
 5433 ASHLEY RD.
 FAIRFAX, VA
 22030

CONFRONTING:

MR. TOM BASS *
 5433 ASHLEY RD.
 FAIRFAX, VA 22030

CONFRONTING:

CACROSS RT. 29
 MONTGOMERY COUNTY PUBLIC
 SCHOOL, BLAIR HS
 51 UNIVERSITY BLVD. EAST
 SILVER SPRING, MD 20901

* these two houses are occupied by
 Mr. Anad's tenants

(7)



DEROSA
ARCHITECTURE

M.N.C.C.P.C.
Historic Preservation Society
1109 Spring Street
Suite 807
Silver Spring, MD

DATE: August 31, 2001

ATTN: Michelle Naru

Project Description:
9904 Colesville Road
Silver Spring, MD 20901
"Polychrome District"

Mrs. Renata Gould, home owner of the historic residence located at 9904 Colesville Road plans to add a one story bathroom addition (16'-11" wide x 6'-9 1/2" deep) connected to her existing rear bedroom located at the rear of the existing residence.

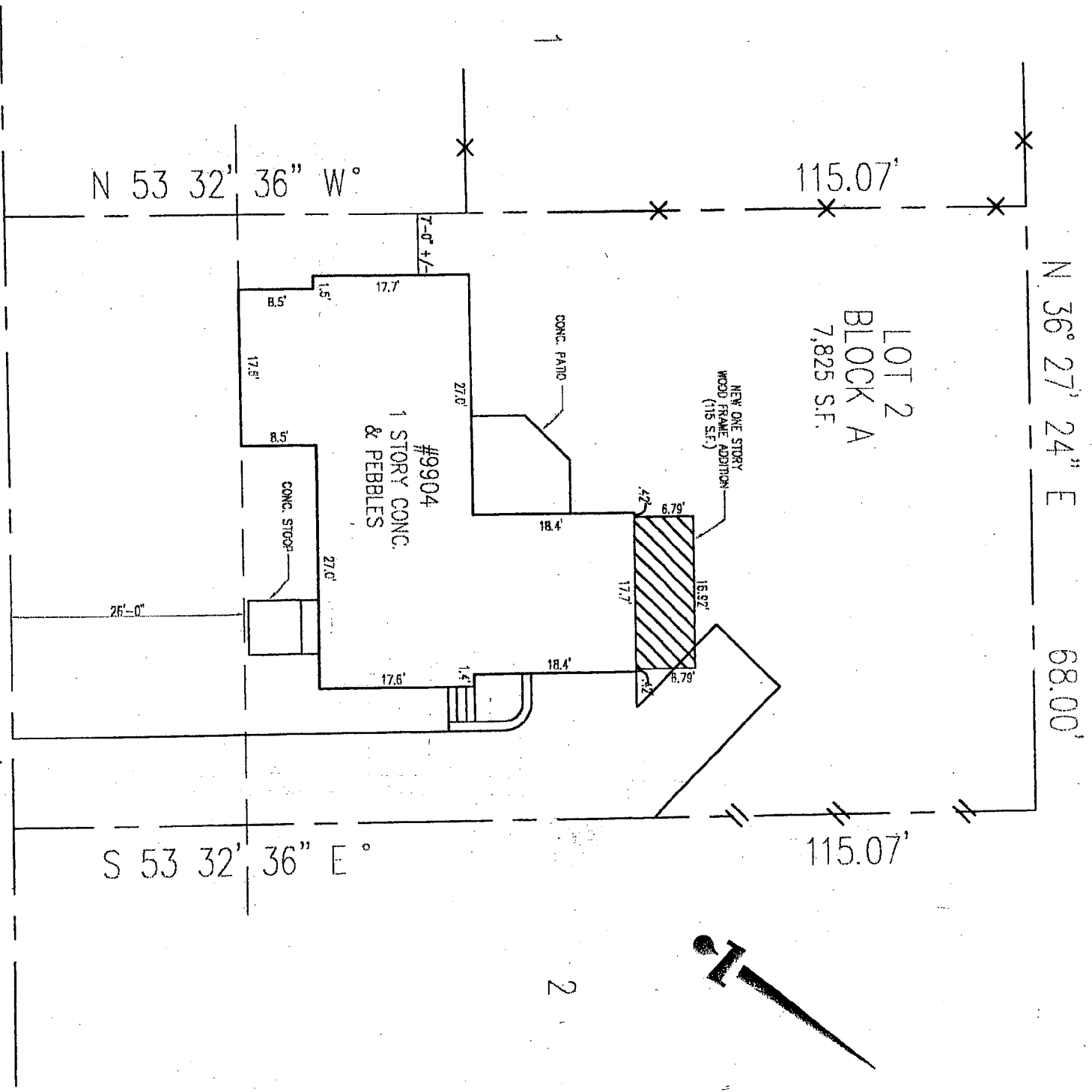
The proposed one story bathroom addition would be constructed of 2 x 6 wood frame construction with exterior painted wood siding and asphalt roof shingles to match existing. The addition would be supported by steel support columns placed in reinforced concrete footings. The existing steel casement window from the rear elevation would be salvaged and reused in the new addition. Connection to the new bathroom addition will be through the existing window opening in the existing bedroom exterior wall. The proposed new addition would not be visible from the front of the residence. No existing trees will be removed with the construction of the proposed addition.

PLAN
1' = 0" = 1/16"

1

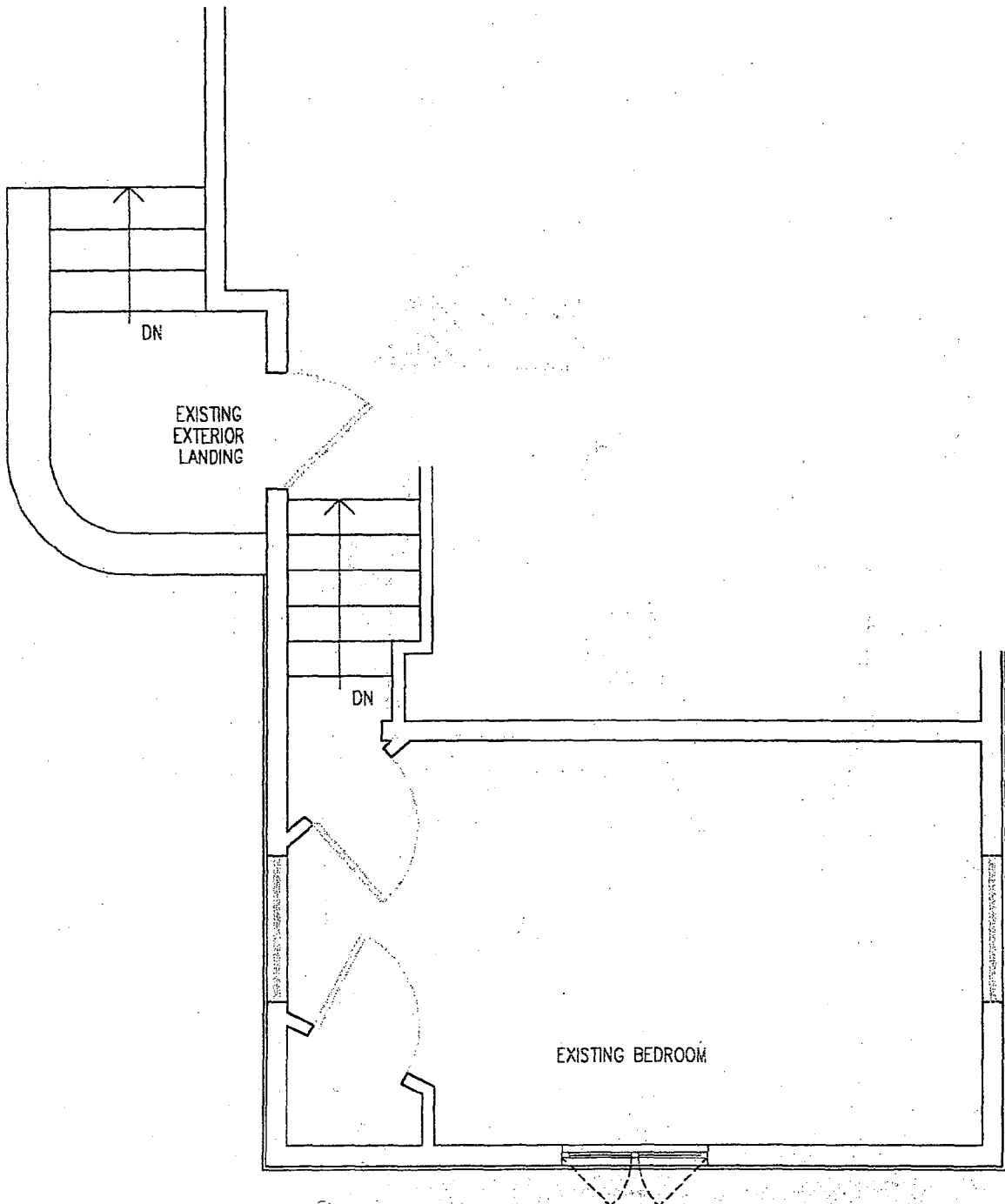
COLESVILLE ROAD

1

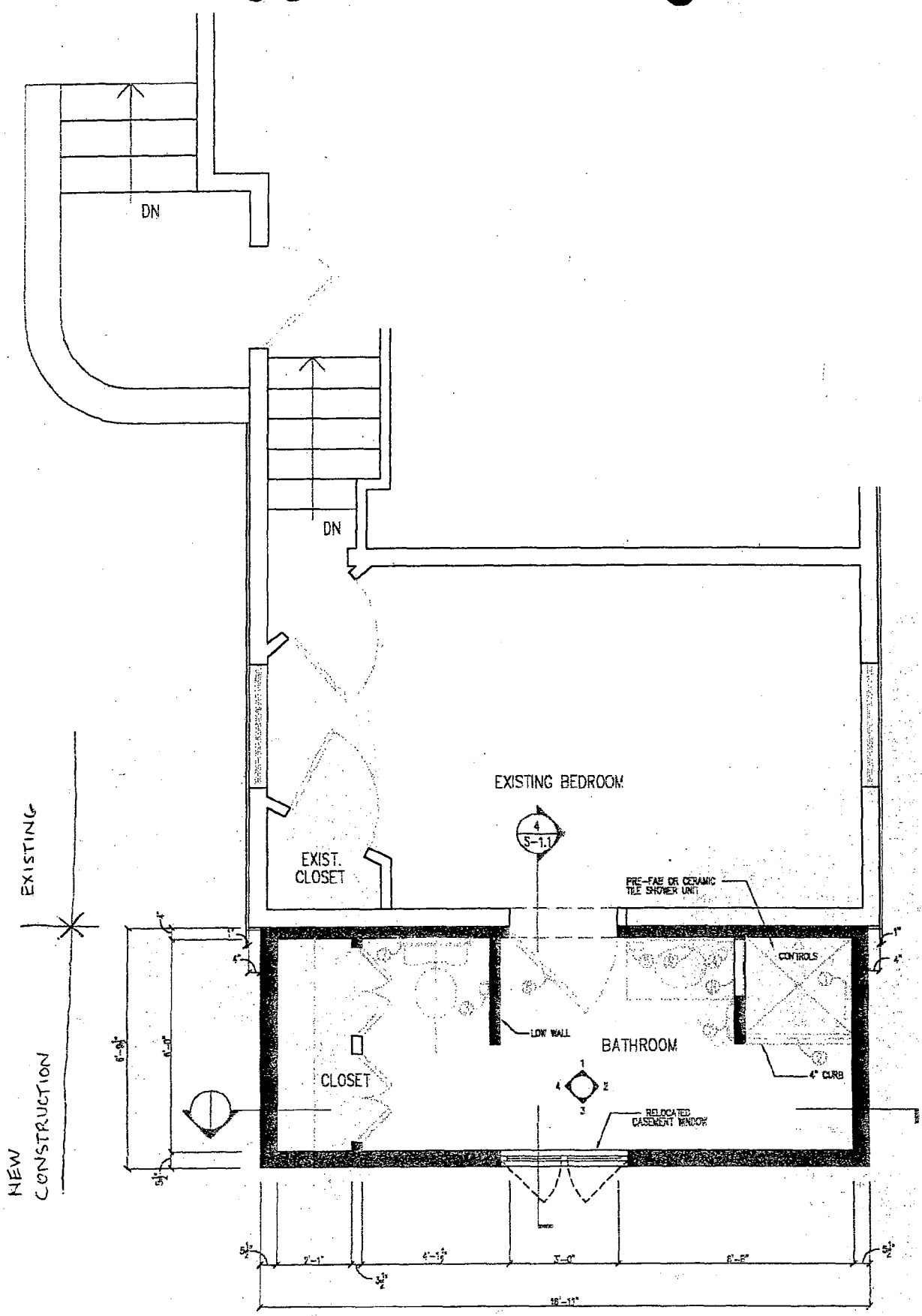


1

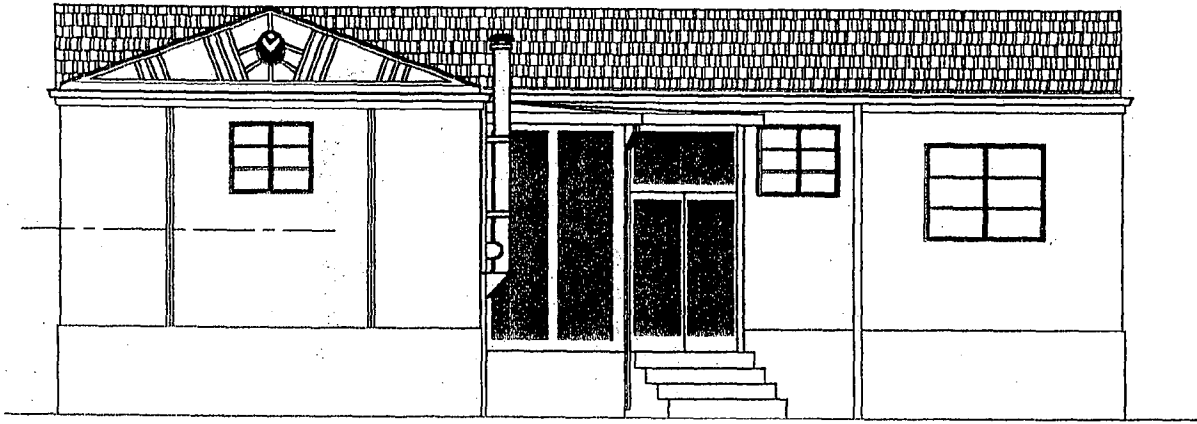
2



EXISTING
PARTIAL FLOOR PLAN



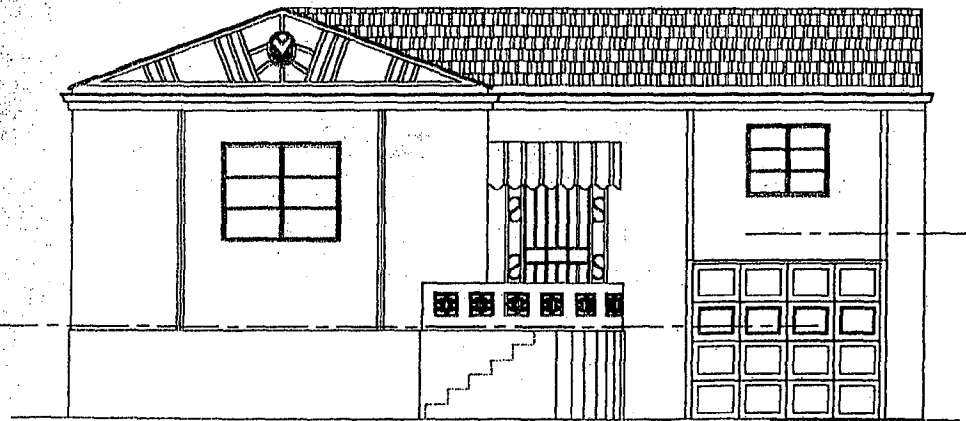
PARTIAL FLOOR PLAN ①
 1/4" = 1'-0"



EXIST. REAR ELEVATION

$1/8" = 1'-0"$

3

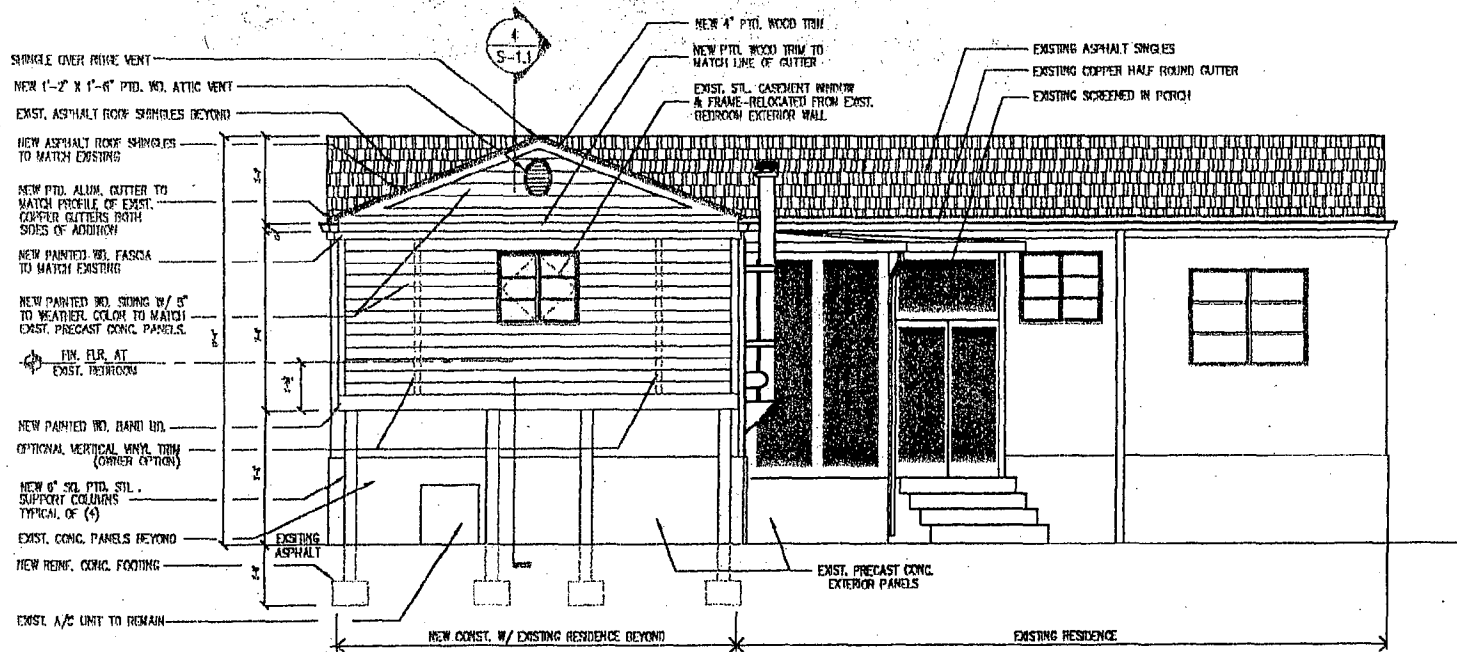


EXIST. SIDE ELEVATION

$1/8" = 1'-0"$

2

12

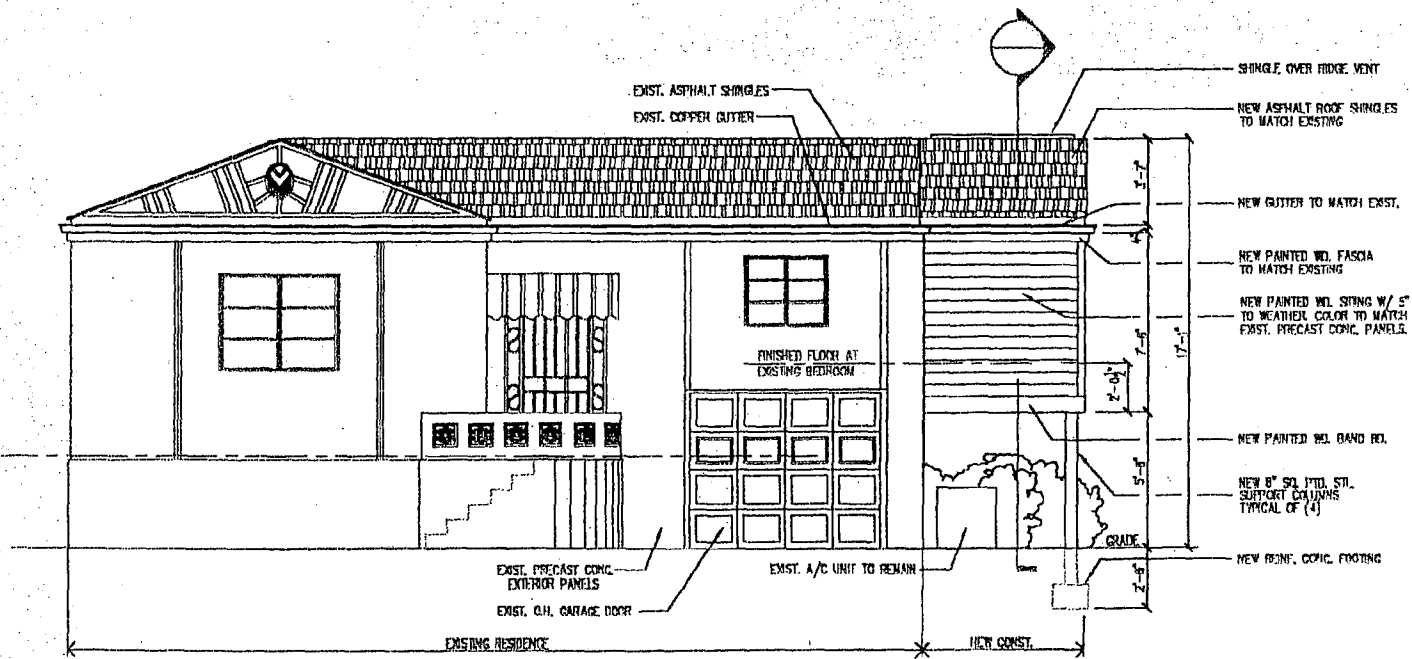


PROPOSED REAR ELEVATION

1/8" = 1'-0"

2

135



PROPOSED SIDE ELEVATION

1/8" = 1'-0"

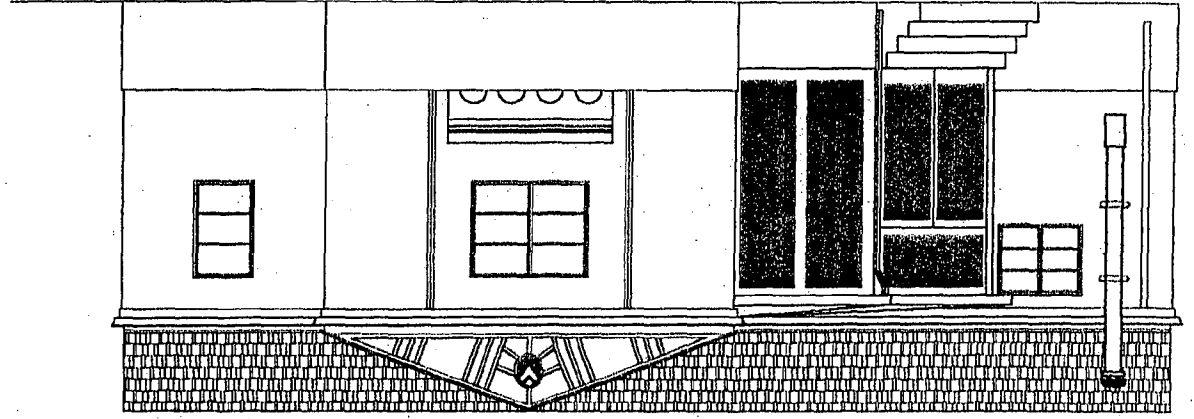
1

14

51

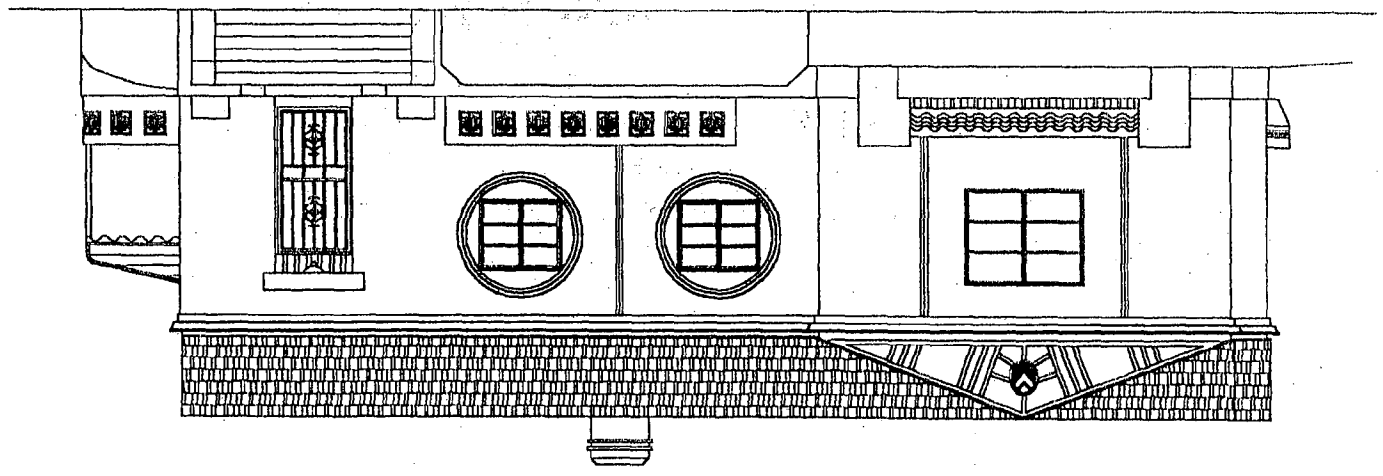
4

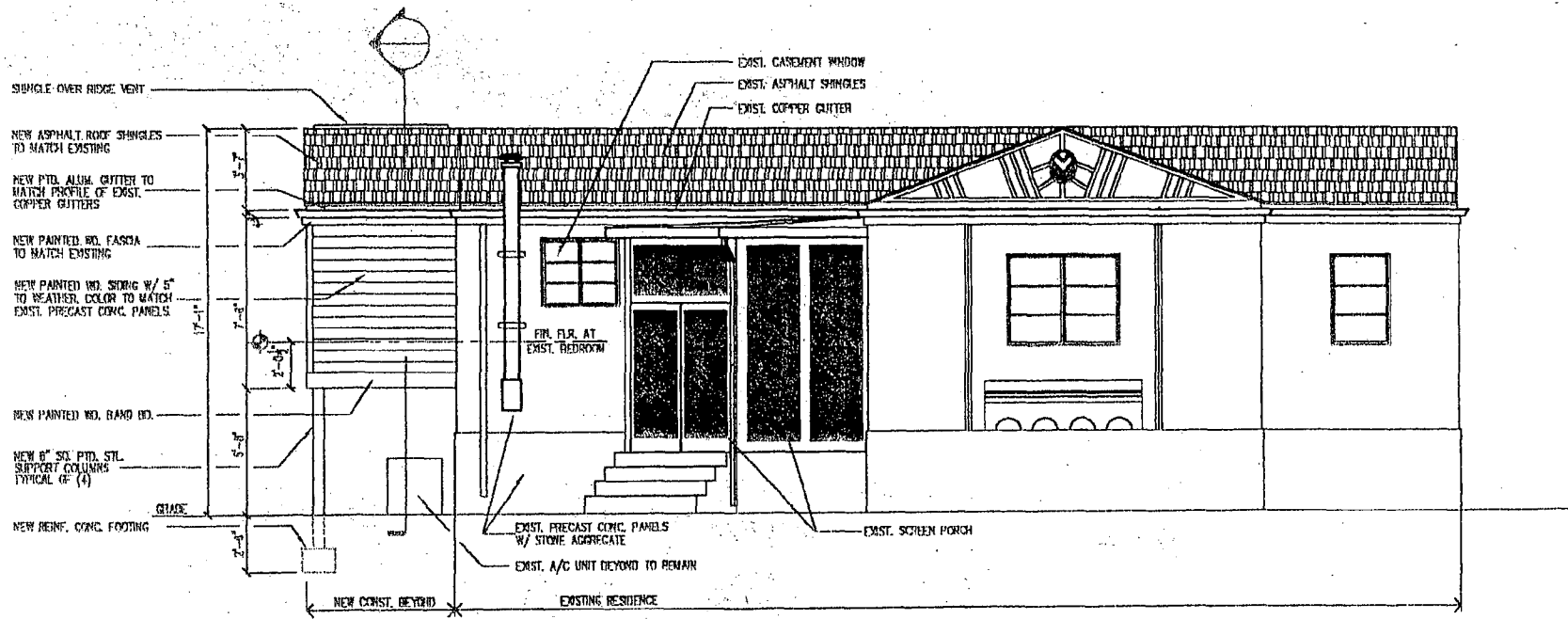
EXIST. SIDE ELEVATION
1/8" = 1'-0"



5

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



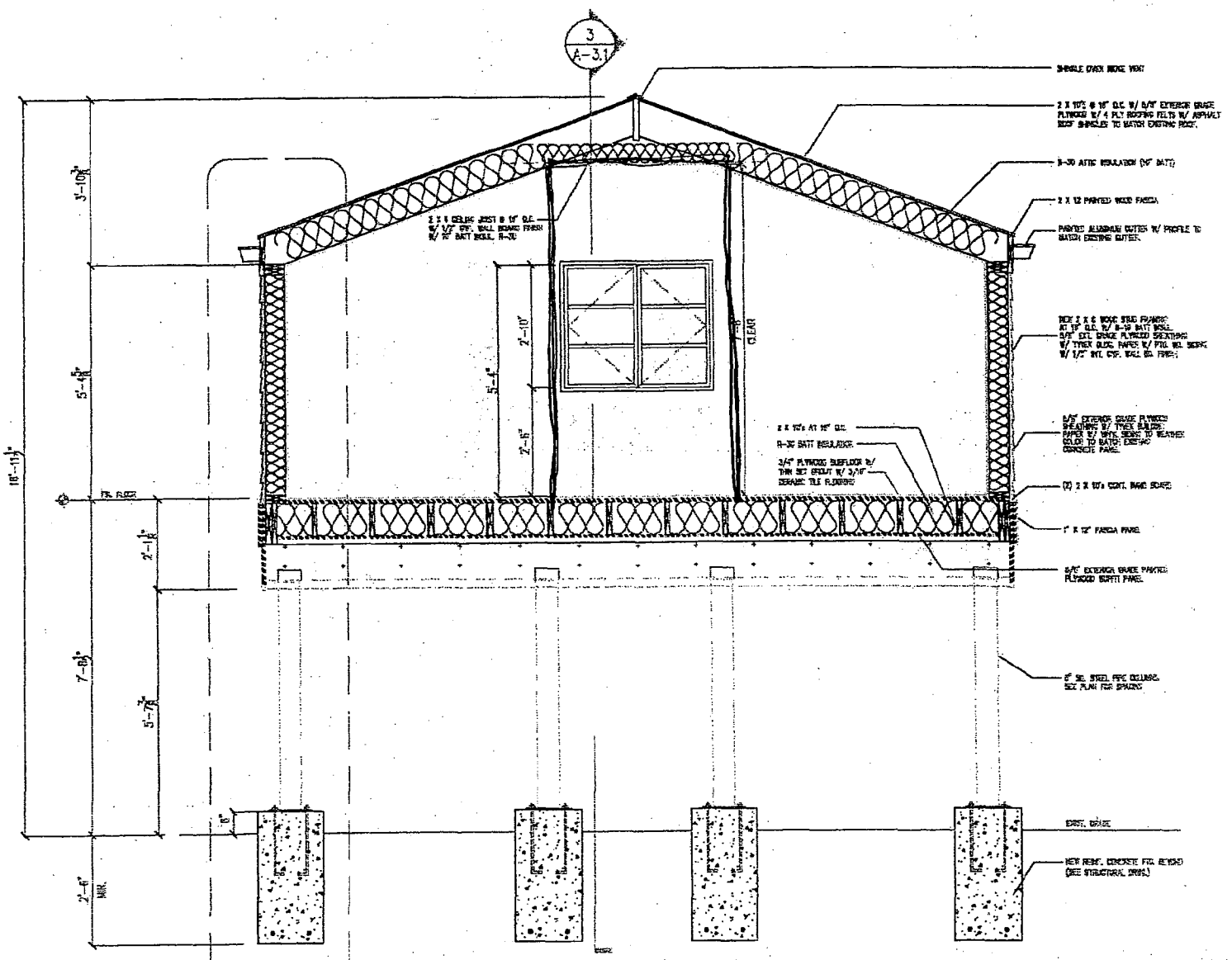


PROPOSED SIDE ELEVATION.

1/8" = 1'-0"

3

16



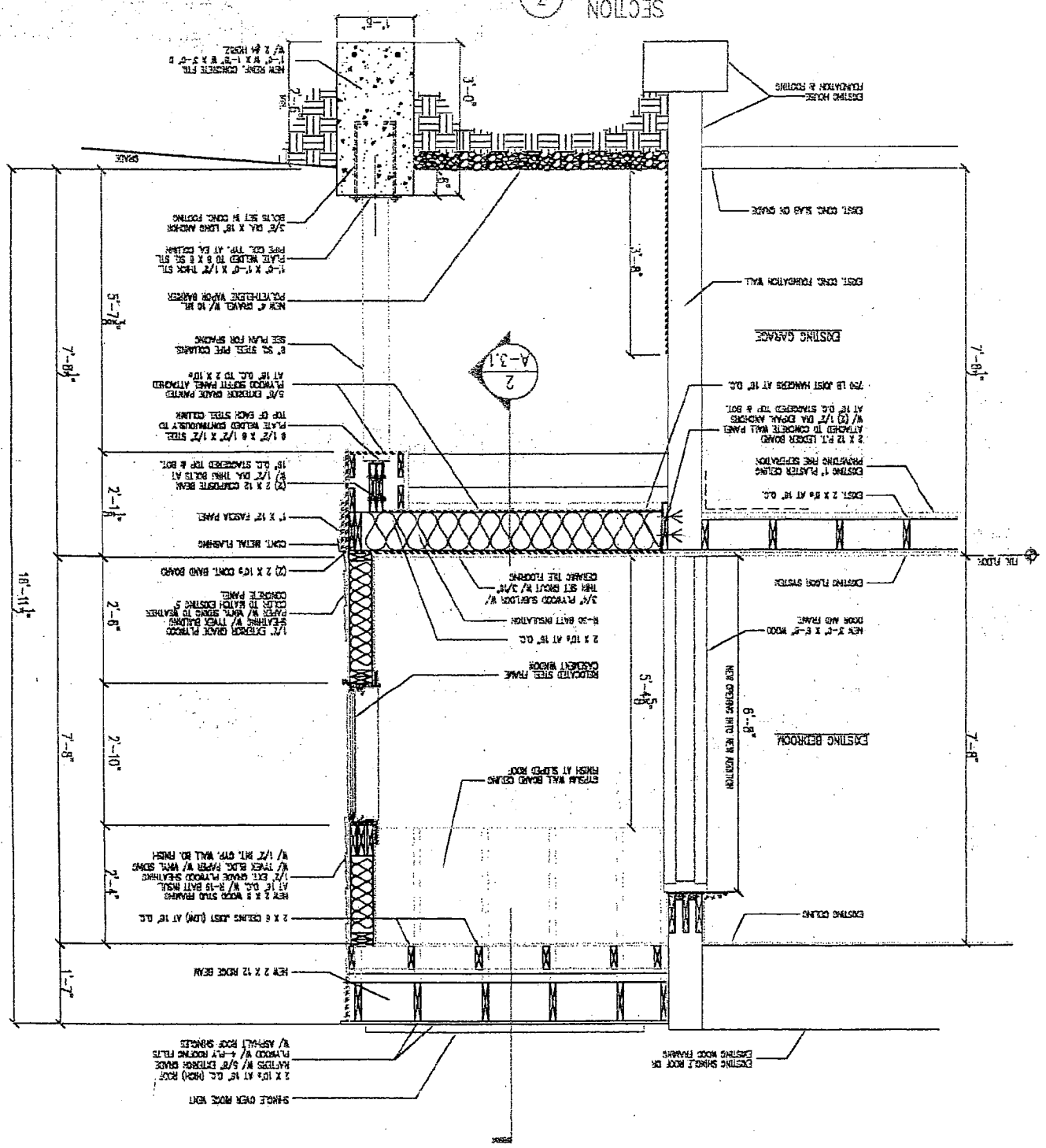
4
A-3.1

CROSS SECTION 2
1/2" = 1'-0"

17

8

SECTION 3
3/4" = 1'-0"



SHAKE OVER ROOF VENT
 2 X 10s AT 16" O.C. (MIN) ROOF
 FASCIA W/ 4-1/2" EXTERIOR BRACE
 1/2" ASPHALT ROOF SHINGLES

NEW 2 X 2 WOOD STUD FRAMING
 AT 16" O.C. W/ 8-18 BATT INSULATION
 1/2" EXT. GRADE FIBROUS SHEATING
 W/ TAPE OVER JOINTS
 W/ 1/2" INT. GYP. WALL BO. FINISH

1/2" EXTERIOR GRADE FINISH
 SLABING W/ TYPICAL JOINTS
 COATS TO MATCH EXISTING
 CONCRETE PANEL

CONC. METAL FLASHING
 1" X 1/2" FASCIA PANEL
 (2) 2 X 12 CONCRETE BEAM
 W/ 1/2" DIA. THRU BOLTS AT
 16" O.C. STAGGERED TOP & BOT.

8 1/2" X 2 1/2" X 1/2" STEEL
 PLATE WELDED CONTINUOUSLY TO
 TOP OF EXIST. STEEL COLUMN
 5/8" EXTERIOR GRADE FINISH
 PLYWOOD SHEATH PANEL ATTACHED
 AT 16" O.C. TO 2 X 10s
 2" SQ. STEEL PIPE COLUMN
 SEE PLAN FOR SPACING

NEW 4" BRICK W/ 1/2" HT.
 POLYETHYLENE VAPOUR BARRIER
 1-4" X 1-4" X 1/2" TRUSS STI.
 PLATE WELDED TO 8 X 8 SS. STI.
 PRE. COIL. TRAP AT EA. CORNER
 3/8" DIA. X 18" LONG ANCHORS
 BOLTS SET IN CONC. FOOTING

EXISTING SHINGLE ROOF OR
 EXISTING WOOD FRAMING

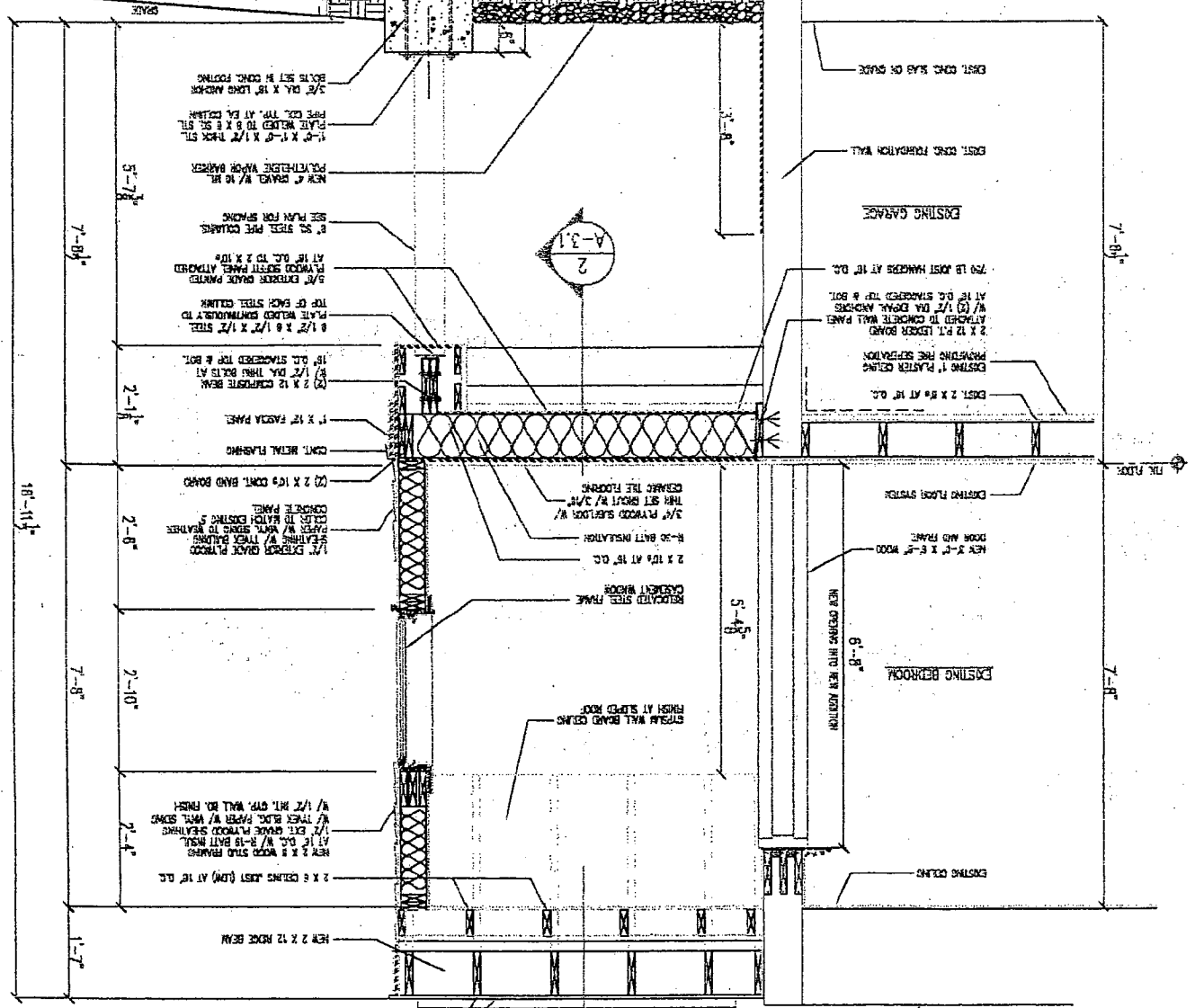
EXISTING CEILING

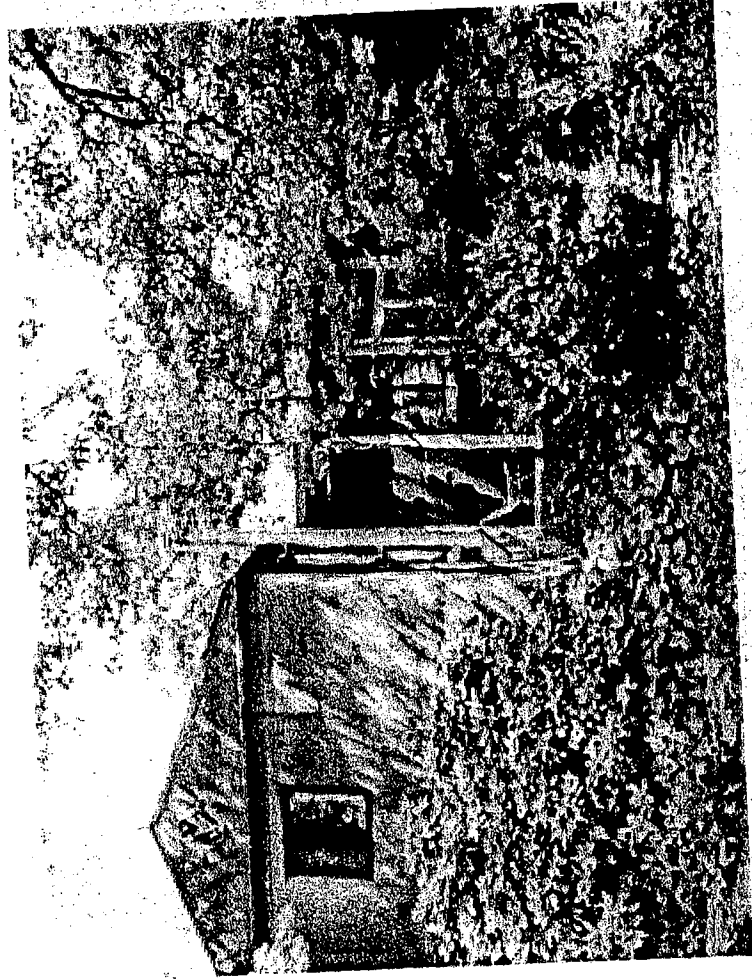
EXISTING BEDROOM
 NEW 3-1/2" X 8-1/2" WOOD
 DOOR AND FRAME
 2 X 10s AT 16" O.C.
 R-30 BATT INSULATION
 3/4" PLYWOOD SHEATHING W/
 TRUSS BRACE AT 24" O.C.
 RELOCATED STEEL FRAME
 RELOCATED WINDOW

EXISTING GARAGE
 2 X 12 PLY. UPPER BOARD
 ATTACHED TO CONCRETE WALL PANEL
 EXISTING 1" PLASTER CEILING
 EXISTING PEE SEPARATION
 2 X 12 PLY. LOWER BOARD
 2 X 12 X 8 1/2 AT 16" O.C.
 29 1/2" MOST HANGERS AT 16" O.C.

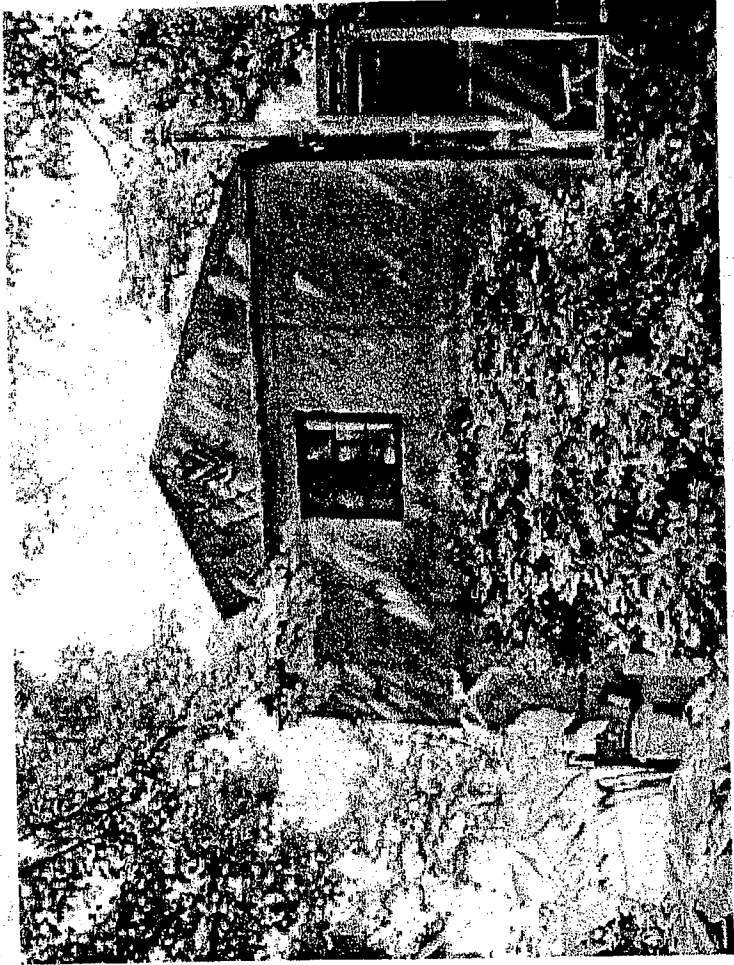
EXIST. CONC. FOUNDATION WALL
 EXIST. CONC. SLAB ON GRADE
 EXISTING HOSE
 FOUNDATION & FOOTING

2
 A-3.1

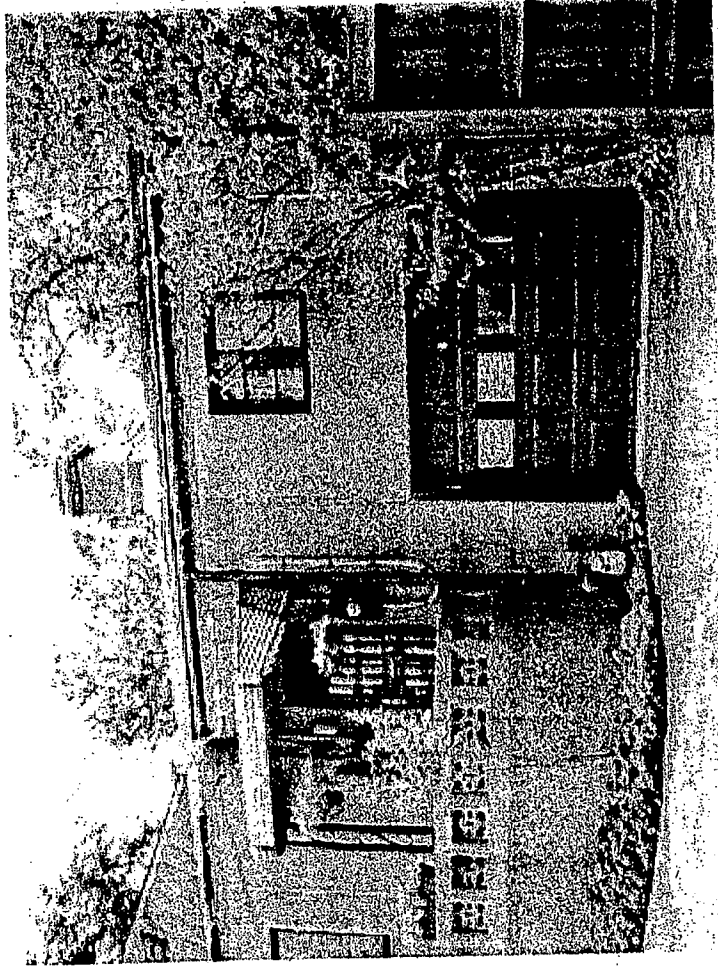




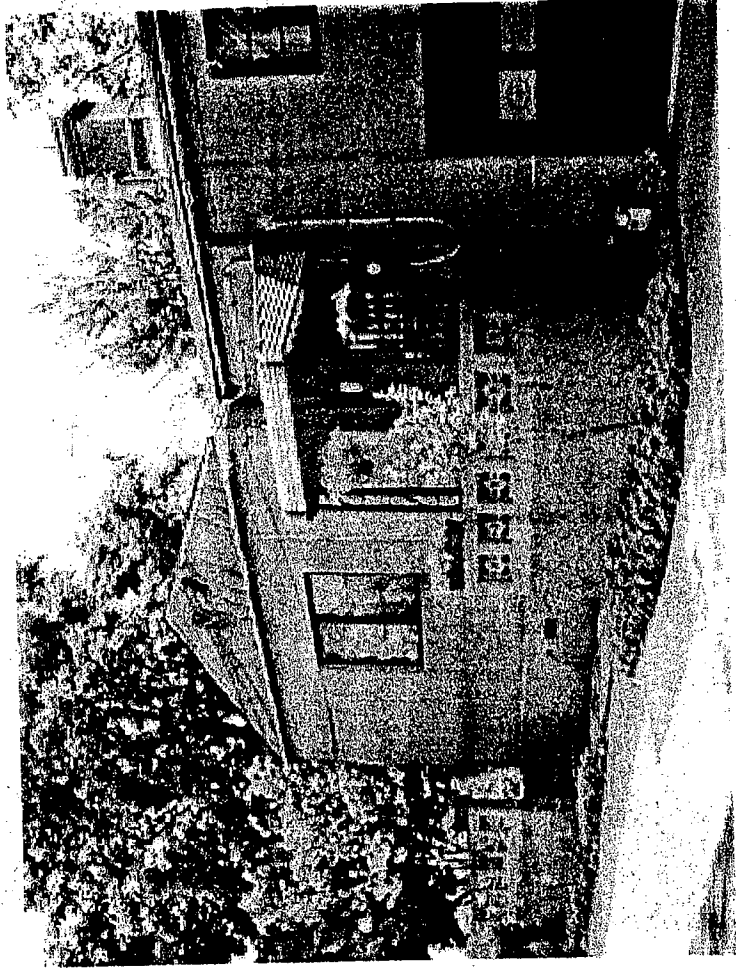
SOUTH ELEVATION (REAR)



PARTIAL SOUTH ELEVATION WHERE PROPOSED
ADDITION WOULD BE LOCATED.



WEST ELEVATION (PARTIAL)



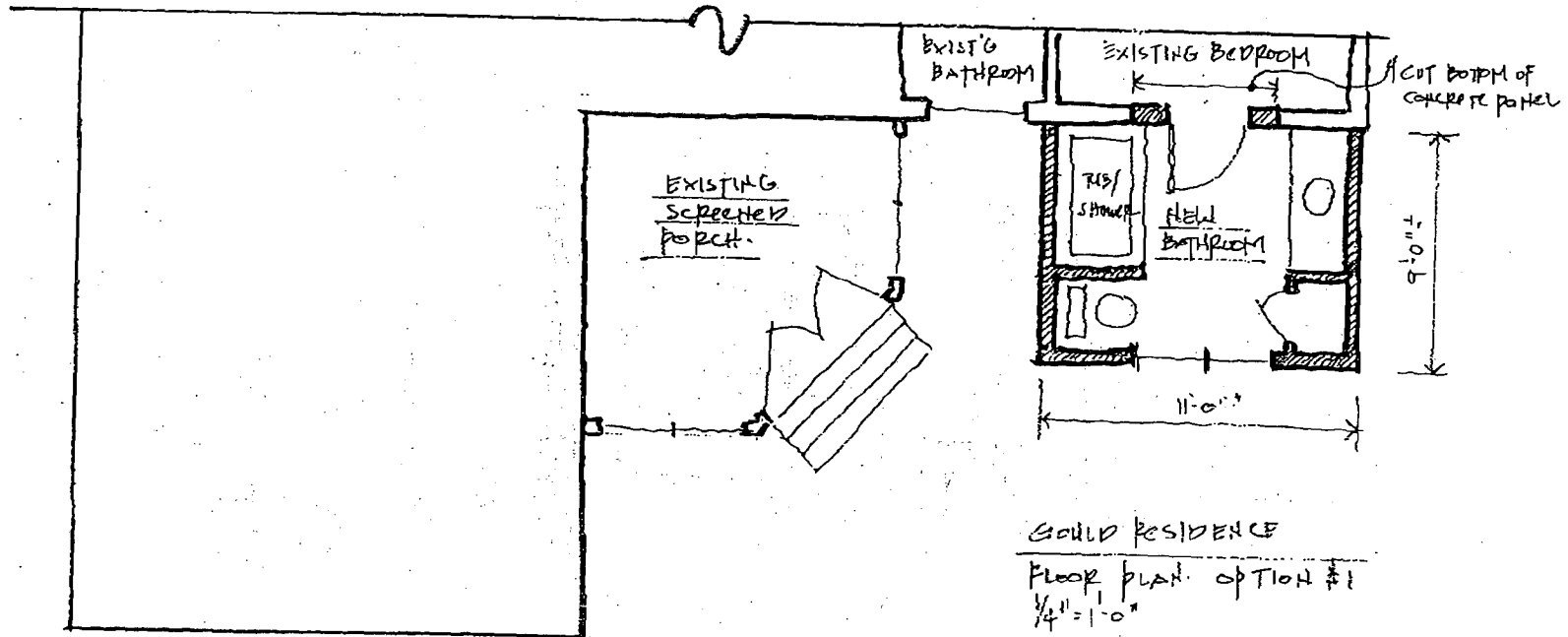
WEST ELEVATION (PARTIAL)

EAST ELEVATION





NORTH (FRONT) ELEVATION ON COLESVILLE RD.



GOULD RESIDENCE

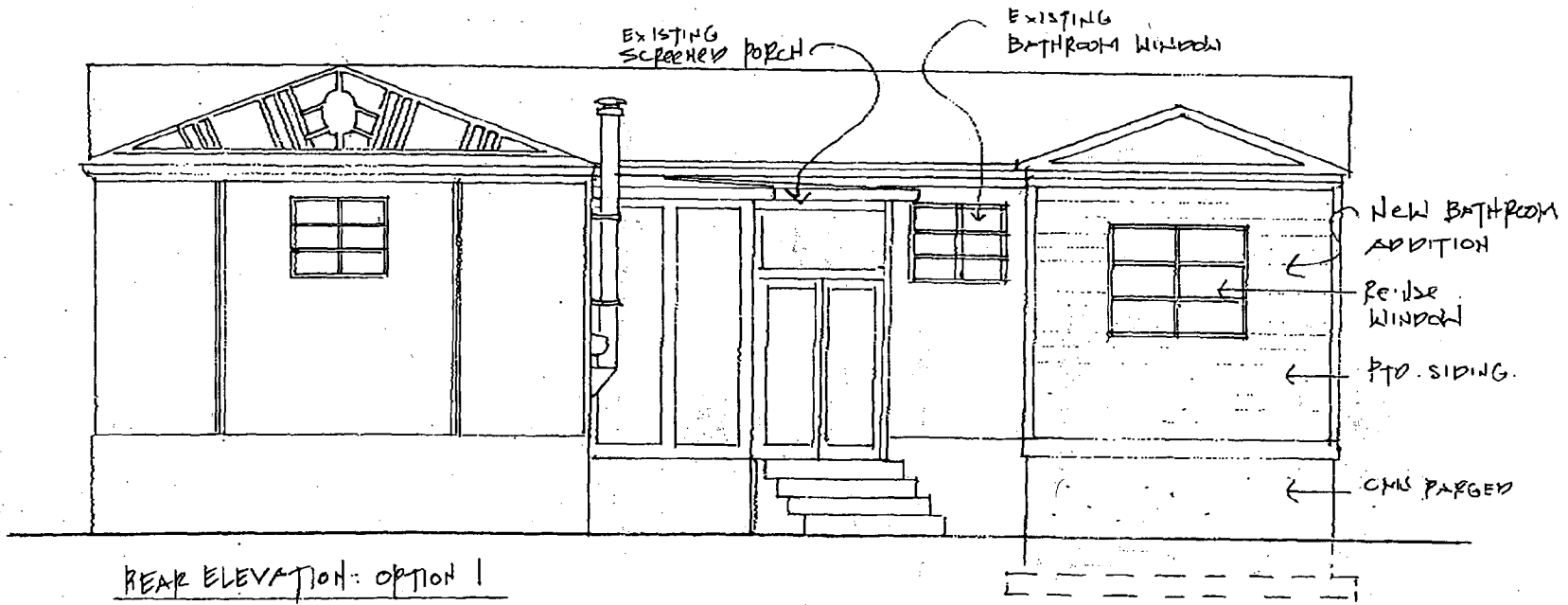
FLOOR PLAN OPTION #1

1/4" = 1'-0"

9-19-03

GTM ARCHITECTS
 10415 Armory Ave.
 KENSINGTON, MD 20895
 301-942-9062

(25)

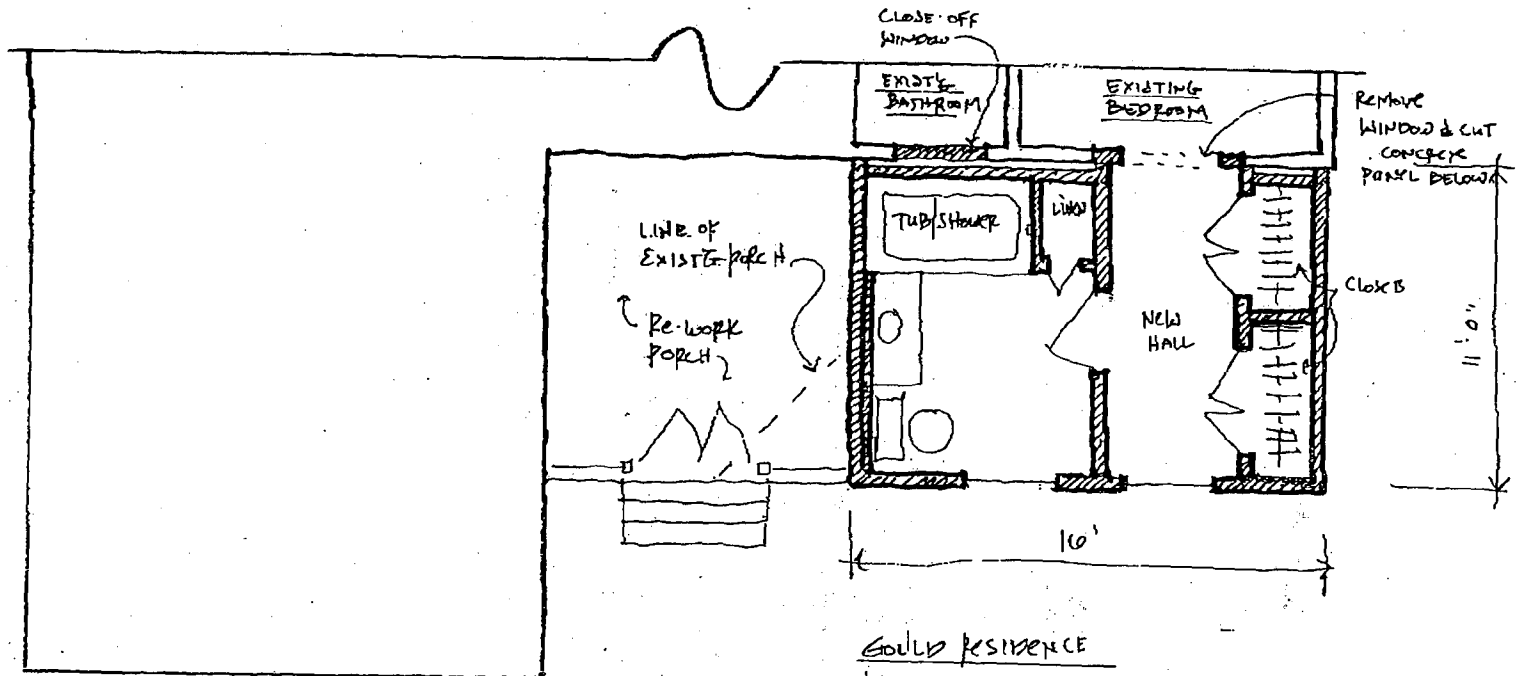


REAR ELEVATION: OPTION 1

6-19-03

GTM ARCHITECTS
 10415 Armory Ave.
 KENSINGTON, MD 20895
 301-942-9062

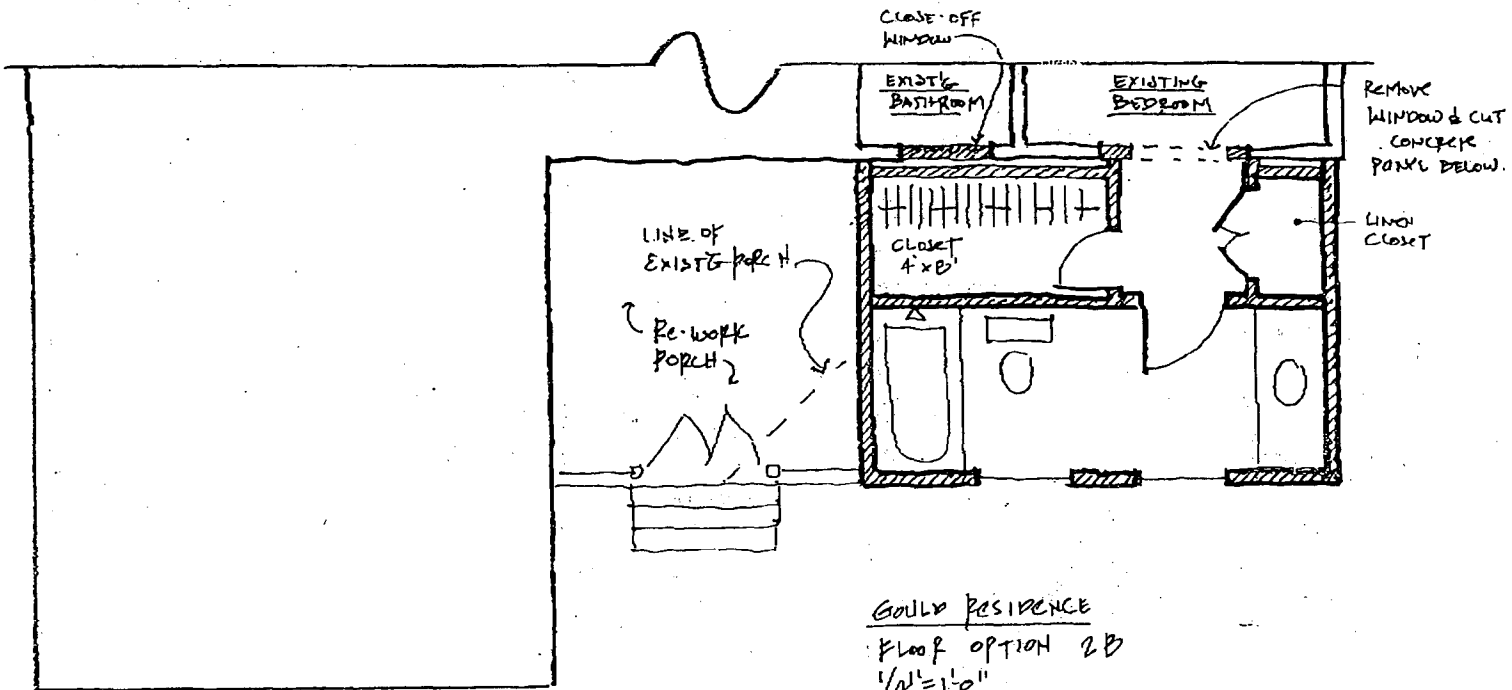
(26)



GTM ARCHITECTS
 10415 Armory Ave.
 KENSINGTON, MD 20895
 301-942-9062

Gould Residence
 Floor Option 2A
 1/4" = 1'-0"
 6.19.03

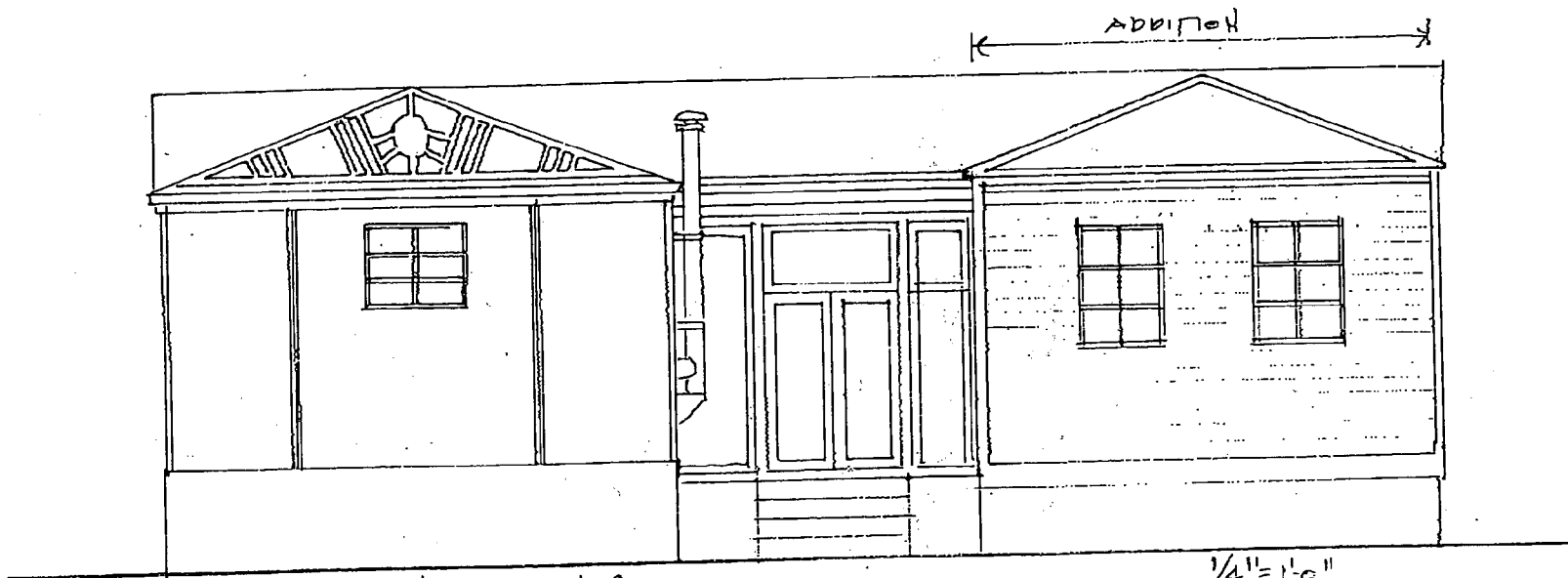
27



GOULD RESIDENCE
 FLOOR OPTION 2B
 1/4" = 1'-0"
 6-19-03

GTM ARCHITECTS
 10415 Armony Ave.
 KENSINGTON, MD 20895
 301-942-9062

28



REAR ELEVATION · OPTION 2

9-19-03

1/4" = 1'-0"

GTM ARCHITECTS
10415 Armory Ave.
KENSINGTON, MD 20895
301-942-9062

(29)

COPY OF
PREVIOUS DENIAL

HISTORIC PRESERVATION COMMISSION

of

MONTGOMERY COUNTY

**8787 Georgia Avenue
Silver Spring, Maryland 20910**

301-563-3400

Case No. 32/05-03A Received August 1, 2003

Public Appearance September 24, 2003

Before the Montgomery County Historic Preservation Commission

Application of Ms. Renata Gould
9904 Colesville Road, Silver Spring

DECISION AND OPINION OF THE COMMISSION

Decision of the Commission: DENY the Applicant's proposal to construct a rear frame addition.

Commission Motion: At the September 24, 2003 meeting of the Historic Preservation Commission (HPC), Commissioner Harbit presented a motion to deny the proposed Historic Area Work Permit application to construct a rear frame addition. Commissioner Fuller seconded the motion. Commissioners Harbit, O'Malley, Williams, Velasquez, Burstyn, Fuller, Anahtar, Watkins and Breslin voted in favor of the motion. Motion passed unanimously.

BACKGROUND:

The following terms are defined in Section 24A-2 of the Code:

Appurtenances and environmental setting: The entire parcel, as of the date on which the historic resource is designated on the master plan, and structures thereon, on which is located a historic resource, unless reduced by the District Council or the commission, and to which it relates physically and/or visually. Appurtenances and environmental settings shall include, but not be limited to, walkways and driveways (whether paved or not), vegetation (including trees, gardens, lawns), rocks, pasture, cropland and waterways.

Commission: The historic preservation commission of Montgomery County, Maryland.

Director: The director of the department of permitting services of Montgomery County, Maryland or his designee.

Exterior features: The architectural style, design and general arrangement of the exterior of an historic resource, including the color, nature and texture of building materials, and the type and style of all windows, doors, light fixtures, signs or other similar items found on or related to the exterior of an historic resource.

Historic District: A group of historic resources which are significant as a cohesive unit and contribute to the historical, architectural, archeological or cultural values within the Maryland-Washington Regional District and which has been so designated in the master plan for historic preservation.

Historic Resource: A district, site, building, structure or object, including its appurtenances and environmental setting, which is significant in national, state or local history, architecture, archeology or culture.

On August 1, 2003, Ms. Renata Gould completed an application for a Historic Area Work Permit (HAWP) to enlarge the size of her house by constructing a 6'9" by 16' 11" frame rear addition.

9904 Colesville Road is an Outstanding Resource within the Polychrome Historic District designated on the Master Plan For Historic Preservation in Montgomery County in 1985 and on the National Register of Historic Places in 1996.

HISTORY OF RESOURCE:

The National Register nomination for the Polychrome Historic District includes the following description:

The five single-family dwellings that comprise the Polychrome Historic District were built in 1934-35 by master craftsman John Joseph Earley (1881-1945). These unique houses are outstanding examples of the Art Deco-style and reflect Earley's artistry and craftsmanship. Conventional wood frames were clad with prefabricated "mosaic concrete" panels utilizing a process Earley developed and patented in which the concrete was stripped to expose the brilliantly colored aggregate particles, creating an effect similar to impressionist or pointillist painting. In addition to their striking, richly ornamented appearance, these houses represent a relatively rare example of pre-cast concrete panel construction in single-family housing for the time period. Earley's patented structural system led to the widespread use of pre-cast architectural concrete as a major exterior cladding material. The legacy of the Polychrome houses can be seen in thousands of curtain-wall buildings nationwide.

Earley was a master builder who culminated nearly three decades of engineering and architectural experience in the design and construction of the Polychrome houses. From 1906 to 1933, he was responsible for such complex and demanding projects as the stucco work for Meridian Hill Park (Washington, D.C., 1916); the casting of Lorado Taft's sculpture, "The Fountain of Time" (Chicago, 1920-22); the rebuilding of the replica of the Parthenon at Nashville (1925); and the Baha'i Temple of Light in Wilmette, Illinois (begun in 1932). Earley created a new medium for the decorative arts--

mosaic concrete--in designing the richly detailed interior of the Shrine of the Sacred Heart (Washington, D.C. 1923), the same material used in executing the intricate design of the ceilings for the Department of Justice (1933) and in the Polychrome houses. Earley wrote eloquently about the social changes taking place in the United States during the 1930s and the demand for what he termed "social justice." The polychrome houses represent his attempt to solve the "small house problem" by providing innovative housing at modest cost during the economic and social upheaval of the Great Depression.

Polychrome II, built by John Joseph Early, is a one-story six-room house consisting of a main block running north to south and a attached garage extending beyond the north end of the main block to the west, and a small wing at the south end of the front elevation facing east. The gable roof, originally tiled, is now clad in asphalt shingles. There is a loft room over the one-car attached garage [area which is the subject of this HAWP]. The exterior walls are comprised of two-inch thick pre-cast mosaic concrete panels, each four to eight feet wide and nine feet high. Metal casement window and door frames were imbedded in the panels before casting. The panels are attached to a conventional wood frame and anchored to the foundation by u-shaped hangers and threaded with reinforcing rods, with reinforced concrete columns cast in place behind each joint. The panels are rose-pink in color, the result of exposing surface aggregates of red jasperite. There are three large metal-frame porthole windows, two in the front overlooking the open porch, and one at the rear on the west wall of the living room. The circular frames are inset with standard casement windows. The front porch is partially enclosed by a low concrete mosaic wall with decorative geometric inserts in deep red. The same decorative wall treatment is used on a small porch and the side door on the north side of the house.

A driveway runs along the north property line to the entrance of the attached garage, which faces north. Large decorative mosaic concrete planters are affixed to the south and west walls of the wing attached to the south end of the main block.

EVIDENCE IN THE RECORD:

The applicant originally came before the HPC on September 24, 2001 with a Historic Area Work Permit (HAWP) application for a frame rear addition, identical to the current proposal, which is the subject of this report. The Commission denied that HAWP application at the 2001 meeting. They noted that the house was designated for its unique pre-cast concrete panel construction and design. As such, destroying these architectural features destroys the integrity of the historic resource.

Subsequent to this meeting, historic preservation staff asked a local architect in the area to assist the homeowner (pro bono) in developing some design alternatives for the proposed addition. The architect developed drawings that provided a rear addition with the required square footage for the owner, but which required minimal penetration into the house's important character defining features. The applicant reviewed the proposed drawings and did not find them acceptable.

The applicant submitted a second HAWP application on August 1, 2003. This application, as stated above, is identical to the original proposal reviewed and denied by the HPC on September 24, 2001.

A written staff recommendation on this case was prepared and sent to the Commission on September 17, 2003. At the September 24, 2003 HPC meeting, staff person, Michele Naru showed

a Powerpoint presentation of photos of the site and presented an oral report with staff recommendations. Staff recommended the HAWP application be denied.

The staff's specific concerns were:

1. The house is an Outstanding Resource within the Polychrome Historic District and the building is subject to the highest level of design review.
2. The proposal would require original decorative elements to be lost.
3. The alterations would not be reversible. The original building would never be able to be restored to its original configuration.
4. The proposal would radically change and destroy the character defining materials that characterize the building.

The applicant, Ms. Gould, attended the meeting. Ms. Gould testified that the issues that brought the original proposal to the Commission in September of 2001 have not improved. In her assessment, the addition has become more necessary than before. She indicated that the addition is to be constructed to provide an additional bathroom and closet space, since the existing house was built with only one bathroom. She further explained that the proposed addition would be completely to the rear of the house and not visible from the street. Additionally, Ms. Gould admitted that one of the cast concrete pediments would be irreversibly altered as a result of this project, yet noted that the majority of the pediment would remain behind the new roof of the addition. The applicant's position is that the proposed sacrifice of the subject historic fabric provides a substantial gain for her and her family and in the monetary value of the house.

The applicant's neighbor, Ursula Allen, also attended and testified the meeting. The neighbor's testimony focused on her viewpoint as a Realtor. She indicated that from a real estate perspective, having one bathroom in was considered a hardship. She additionally noted that a one-bathroom dwelling has a resale disadvantage and encouraged the Commission to approve the project so it will improve her neighbor's lifestyle and value of the property.

The President of Montgomery Preservation, Inc., who is also the Preservation Chair of the Art Deco Society of Washington and a Montgomery County resident, Wayne Goldstein, also attended and testified at the meeting. Mr. Goldstein spoke first of being a resident of Montgomery County and an owner of a two-bedroom, one-bath, 672 sq. ft. house in Kensington. His testimony focused on his property value increase since he purchased the property in 1993 – from \$120,000 to \$240,000. Mr. Goldstein further testified about the remarkable resources the Polychrome Houses are to Montgomery County's history. He expressed concern over the owner's desire to destroy the resource's integrity. He stated that it was his opinion that if families have outgrown a historic property and if you cannot enlarge the building without destroying its integrity then the family should move to a larger house. Mr. Goldstein concluded his testimony asking the Commission to deny the proposal and asking the applicant to accept an alternate version for the addition – as developed by the architect who provided pro bono design services - which will have minimal impact to the historic property or to think about relocating to a house more suitable to her family's needs.

Commissioner Anahtar questioned the applicant about the habitability of the proposed addition in terms of building codes. Based on her knowledge as an architect, she explained that the proposed

ceiling height at the ridge is 8 feet, leaving less than 6' along the sides of the gable, which is not acceptable by building code requirements. Commissioner Anahtar questioned whether the drawings submitted by the applicant were accurate.

Commissioner Fuller stated that he did not want the Commission to do anything to discourage the owner from staying in the house. He further expressed that he felt that the owner was a good steward of the property and supports the owner's desire to build an addition behind her house. His concerns about the proposal were the applicant's desire to destroy permanently one of the most unique parts of the house, namely the highly ornate pediment. He further indicated that he would like to see the owner utilize a design that would add an addition to the house without destroying one of the pre-cast panels. He recommended that the Commission deny the application as presented but encouraged the applicant to re-examine other design alternatives for the rear addition.

Commissioner Harbit made the motion to deny the Historic Area Work Permit for Case 32/05-03A, noting that he was sorry to do so since the applicant was such an excellent steward of the property. He further noted that he felt that the Commission has gone to extraordinary lengths over the last couple of years to try to help this applicant to find a solution that would work. He felt that the Commission had heard and seen several alternatives to the currently proposed addition, which would meet the applicant's needs and would be appropriate from a historic preservation perspective. He further expressed that he felt that the reasons that the proposal was denied two years ago are still valid today. Commissioner Fuller seconded the motion. Commissioners Harbit, O'Malley, Williams, Velasquez, Burstyn, Fuller, Anahtar, Watkins and Breslin voted in favor of the motion. Motion passed unanimously.

CRITERIA FOR APPROVAL AND FINDINGS OF THE COMMISSION:

The criteria which the Commission must evaluate in determining whether to deny a Historic Area Work Permit application are found in Section 24A-8(a) of the Montgomery County Code, 1984, as amended.

Section 24A-8(a) provides that:

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

In analyzing whether the criteria for issuance of a Historic Area Work Permit have been met, the Commission also evaluates the evidence in the record in light of the Amendment to the Approved and Adopted Master Plan for Historic Preservation in Montgomery County, Maryland - Polychrome Historic District.

The Commission also evaluates the evidence in light of generally accepted principles of historic preservation, including the Secretary of the Interior's Standards for Rehabilitation and Guidelines, adopted in the Commission's Executive Regulations on November 4, 1997. In

particular Standards #2, and #9 are applicable in this case:

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

Based on this, the Commission finds that:

1. The proposed rear addition will destroy the historic materials and features that define this historic property.
2. The proposal constitutes changes that specifically impair the existing integrity of the resource, which through its architectural fabric and design, contributes to the historic character of the Polychrome Historic District as a whole.

CONCLUSION:

The Commission was guided in its decision by Chapter 24A, by the Amendment to the Approved and Adopted Master Plan for Historic Preservation in Montgomery County, Maryland, - Polychrome Historic District, and by the Secretary of the Interior's Standards for Rehabilitation.

Based on the evidence in the record and the Commission's findings, as required by Section 24A-8(a) of the Montgomery County Code, 1984, as amended, the Commission must **deny** the application of Ms. Renata Gould for a Historic Area Work Permit (HAWP) to construct a rear frame addition at 9904 Colesville Road in the Polychrome Historic District.

If any party is aggrieved by the decision of the Commission, pursuant to Section 24A-70(h) of the Montgomery County Code, an appeal may be filed within thirty (30) days with the Board of Appeals, which will review the Commission's decision de novo. The Board of Appeals has full and exclusive authority to hear and decide all appeals taken from the decision of the Commission. The Board of Appeals has the authority to affirm, modify, or reverse the order or decision of the Commission.



Susan Velasquez, Chairperson
Montgomery County Historic Preservation Commission

11/3/03
Date

1 know that many Commissioners wanted to hear this case. What
2 is the feeling if we -- if we just postpone this to another
3 meeting?

4 MR. HARBIT: Is there -- are we within the time
5 limit to do that?

6 MS. WRIGHT: The date on the application is August
7 25th, so 45 days -- yeah, we can postpone it to August 8th,
8 which is the next Commission meeting and still be within the
9 45 days.

→ 10 MS. VELASQUEZ: All right, let's do that then.
11 The next case on the agenda is Case I, Renata Gould, for an
12 addition at 9904 Colesville Road. Is there a staff report?

13 MS. NARU: The case before you is for a 32/05-03A,
14 as you mentioned 9904 Colesville Road, Silver Spring. This
15 is an outstanding resource within the Polychrome Historic
16 District.

17 Just to give you a little background, the
18 applicant came before the HPC on September 24th, 2001 --
19 with a Historic Area Work Permit application for a frame
20 rear additional and the -- tonight is an identical proposal
21 to what was presented at that hearing. The Commission
22 denied the Historic Area Work Permit at this meeting, citing
23 that the house was designated for its unique pre-cast
24 concrete panel construction and design and as such,
25 destroying these architectural features would destroy the

1 integrity of the historic resource.

2 Subsequent to this meeting, staff asked a local
3 architect in the area to assist the homeowner in developing
4 some design alternatives. The architect developed the
5 design for a rear addition that's denoted on your packet at
6 Circle --

7 UNIDENTIFIED FEMALE: Twenty-five.

8 MS. NARU: -- 25 -- Circle 25. The applicant had
9 reviewed the proposed drawings and felt that they did not
10 accomplish her needs and requirements for her current
11 household. She is here this evening for the original
12 Historic Area Work Permit application and in the hope that
13 since she's explored all potential for alternatives that the
14 HPC will determine that her needs outweigh the need to
15 maintain the historic integrity of the building.

16 I do have photos of the house to help reorient you
17 to the site -- for some of you, this is probably a new
18 process since many of you were not here in 2001. This
19 house, as I mentioned, faces Colesville Road just before the
20 turn on to go onto 495. This is the principal facade,
21 noting the detail of the pre-cast concrete detailing that is
22 designated as a unique quality of the resource.

23 They were developed by molds that the windows as
24 well as all of the structural integrity was actually poured
25 in -- built and poured into molds and set up -- create the

jd

1 structure. So, you will note the seams -- that create these
2 various panels, so they are entire individual systems in and
3 of themselves.

4 And this is a view of the side. This is the front
5 elevation here and this is the side, and this is her
6 driveway. This is a view of the rear. This is a screened-
7 in patio. The proposal is to add onto this gable here to
8 project out and put the frame addition in this location.
9 Here's a better view of this.

10 The addition will also -- in order to access this
11 addition, this window will be removed and a door would be
12 cut into the space.

13 MS. WRIGHT: Indeed, the door would cut into the
14 pediment that you saw in that last image.

15 MS. NARU: Let me go back. Correct, it comes all
16 the way up this location here. Because you will note in the
17 details on the floor plans, the ceiling height exceeds this
18 cornice detail here. The ceiling actually comes up to about
19 this level.

20 And staff is here to entertain any questions you
21 might have, and the applicant is here as well.

22 MS. VELASQUEZ: Thank you. Do you have any
23 questions of staff?

24 MR. FULLER: Just procedurally. Is this
25 considered a reconsideration since it's the exact same

1 proposal that's been in front of us, or what's --

2 MS. NARU: No. It's a brand new proposal. And
3 because it's been two years since the first proposal was
4 denied, it can be brought back.

5 MS. VELASQUEZ: Thank you. The applicant is here.
6 Would you like to step forward? State your name for the
7 record, please.

8 MS. GOULD: My name is Renata Gould and I am the
9 owner of the house that you just saw.

10 MS. VELASQUEZ: Okay, thank you. Ms. Gould, you
11 have seven minutes as the applicant.

12 MS. GOULD: Well, the reason I'm here again is
13 because the time has gone by but my situation has not
14 improved on the contrary. And so I thought, you know, with
15 the -- I decided to resubmit my -- my case and my proposal.

16 I do know that something would have to be
17 sacrificed. Okay, but I would like to call your attention
18 to two facts. Number one, as I believe quite strongly, this
19 addition is completely -- I think you will notice that -- in
20 the rear of the house. Absolutely. I mean -- even -- not
21 even idea what -- going to be there, you have to go all the
22 way in this driveway, turn around, and then between, you
23 know, the two -- which belongs to the house -- you can see
24 the addition. So, this I know it is a very important factor
25 for this -- absolutely seen from any side of the house

jd

1 unless you walk through.

2 The second thing, of course, is the fact that one
3 of the pediments or gable as -- is going to be sacrificed.
4 Not completely. In fact I can tell you the sides of -- have
5 seen -- would become a door. So, the -- the gable would be
6 -- foot high -- to come up. And one foot high and three
7 feet wide.

8 Now, the rest of the gable naturally would stay
9 there, but would be here, because of the addition. I do
10 understand that is a sacrifice, but you have to realize what
11 we gain -- I gain, and my family and everybody else here
12 gain from that. I add a bathroom and I enhance the value of
13 the house. I'm not speaking about just -- advantages. My
14 life has been very difficult because I couldn't do this two
15 years ago.

16 I don't -- just -- from the front view of the --
17 two bathrooms will really enhance the -- of the house. I
18 know -- should have this bathroom. Montgomery County --
19 automatic -- like that. But we -- also to fix something
20 else. This is not a public building. It's a private home.
21 And what will be sacrificed is not a unique feature. If you
22 remember a picture, that -- this portion -- this gable --
23 yes, which will disappear from sight because of the -- is
24 one out of four I think -- I think -- you can say, well, you
25 know, it's a work of art should be -- but, you know, it

1 seems -- but -- come and see. We had the -- because that is
2 -- I rescued mine. When I got it, I was painting it and --
3 to improve it, and I've done that with my meager teacher's
4 salary that I get.

5 When I -- that I couldn't do more, and I have been
6 increasing the -- of the house ever since, and everybody
7 knows me. Even the officers of the society knows that I
8 speak the truth.

9 Now, if I cannot have this bathroom, I -- don't
10 know, but I want you to remember -- as it is -- the house
11 was always used as a single-family abode, which is not quite
12 true. Just before I got there, there was 11 people living
13 in that house because it belonged to something that I'm sure
14 you're familiar with. I wasn't. To the H -- acronym, to
15 the Housing Opportunity Commission. Are you familiar with
16 this? Good.

17 There were 11 people, five children. I don't know
18 how that house could put up with that. Mattresses --
19 neighbors complained so much that there was a visit to the
20 place and then all of these people were moved to a more --
21 place for them. And they cleaned up a little bit and I
22 moved in. And I've been there since -- June 1, 1972. I did
23 buy the house in 1982 and then -- I'm sorry, in 1981, which
24 of course was not on the reg -- I didn't even know about the
25 designation of this application.

jd

1 And since this day I started to improve the house.
2 I -- because all of those houses are eaten up by termites.
3 Absolutely terrible. And I had to fight with -- I had to
4 come here to -- to ask permission about putting up a fence
5 to protect myself from a yard full of mattresses, you
6 know -- situation I was living with.

7 Now, a big tree has come down because of recent --
8 and it is leaning -- leaning against the roof of -- how long
9 that wall will be able to resist the tree, I don't know. As
10 much -- the gutter, as much a little bit of the roof and
11 it's sticking there. Believe me, ladies and gentlemen, that
12 the owner will never do anything. I'm afraid the wall will
13 collapse or something -- very strong.

14 But this is just to tell you what the situation is
15 and the fact that I, being the only one there actually --
16 move out because more or less the reason I am here now. And
17 it is just a shame that, again, really I tried to improve --
18 to improve my house, but I am penalized and all these things
19 -- so I just wanted to show you one -- if I might just -- of
20 this tree and the fact -- yes, now this is the size -- you
21 can see the size of -- because of the -- look where the tree
22 is falling and see a little bit of what is in there, if you
23 agree.

24 MS. VELASQUEZ: Okay, I think the staff might be
25 the proper people to initiate something about the owner of

1 that tree. Thank you. I'm going to ask you to wind up
2 and --

3 MS. GOULD: Oh, I'm not talking --

4 MS. VELASQUEZ: It's okay. You're -- I'm going to
5 bring you back for questions, okay?

6 MS. GOULD: Yes.

7 MS. VELASQUEZ: I'm going to have two more people
8 that want to speak to your application. So, I'll let you
9 have a seat and then I'll bring you back up --

10 MS. GOULD: Should I leave it or --

11 MS. VELASQUEZ: Sit back there in another chair --

12 MS. GOULD: Yes, I'll do that.

13 MS. VELASQUEZ: -- and I'll bring up the next
14 speaker --

15 MS. GOULD: Thank you.

16 MS. VELASQUEZ: -- who is Ursula Allen.

17 MS. ALLEN: Good evening.

18 MS. VELASQUEZ: Good evening. You have three
19 minutes, Ms. Allen.

20 MS. ALLEN: I'm Ursula Allen, and my profession
21 I'm a realtor and as well as a neighbor of Mrs. Gould. And
22 I want to say from a real estate perspective that having one
23 bathroom in a house these days is considered a hardship and
24 if you're trying to sell a property with one -- only one
25 bathroom, you -- it's going to -- the property is really at

jd

1 a disadvantage to sell. So, I'm here to hope to convince
2 you all that being able to have a second bathroom will not
3 only enhance Mrs. Gould's lifestyle, but it also will
4 improve the value of the property.

5 And also I want -- I might want to add what I've
6 heard in previous discussions as far as being on the
7 National Register, that that enhances the value of your
8 property. One of the reasons buyers are very hesitant to
9 buy properties that are under the National Register is
10 because of these types of procedures that a homeowner has to
11 go through and endure in order to enhance on the property.
12 So, I hope you will take into consideration that it will
13 only improve the value of the property and thank you.

14 MS. VELASQUEZ: Thank you very much. Next, on
15 behalf of Montgomery Preservation, is Wayne Goldstein. Mr.
16 Goldstein, you have five minutes.

17 MR. GOLDSTEIN: I'm Wayne Goldstein, president of
18 Montgomery Preservation, but I'm also preservation chair of
19 the Art Deco Society of Washington, so I wanted to bring
20 that perspective as well, and speak as an individual.

21 As an individual, back in 1993 I bought a two-
22 bedroom, one bath house, 672 square feet in Kensington for
23 less than \$120,000. Now, my house -- I'm not interested in
24 selling it, but I know that a comparable house a few doors
25 up recently sold for \$240,000. So, here you have a two-

1 bedroom, one bath house that doubled in value. I think
2 that's remarkable. I'm not too happy about it because it
3 means my property taxes are going to start going up quite a
4 bit in the near future.

5 In any event, the Polychrome houses are a
6 remarkable historic resource. The fact that they are all
7 the same makes them all the more remarkable. John Joseph
8 Earley was a master craftsman and he just created this
9 small, but spectacular little neighborhood in Montgomery
10 County. We're very lucky to have it. I think anyone who
11 has the opportunity to live in that house is very lucky.

12 But as I would mention about my little house, it
13 was built in 1946. People have moved in, they have lived
14 there. If their families have enlarged, they've decided to
15 move into other larger houses. They didn't decide to
16 enlarge it. This has been great for, in my case, affordable
17 housing in that people can come along who are single, maybe
18 a couple, and they move in and then they get a better family
19 and they want a bigger house, they move on. Sometimes you
20 can enlarge a house, sometimes you move to a larger one.

21 With this extraordinary historic resource, you
22 don't enlarge because that destroys its integrity. I think
23 that the HPC was creative and generous in arranging for a
24 certain architect to provide pro bono services to show them
25 how they could get that second bathroom with minimal affect

1 on the integrity of the building. I comment you for that
2 and look forward to you being creative in all sorts of ways
3 in the future, proving that this Historic Preservation
4 Commission does everything it can to make it easy to live in
5 and reuse and enlarge historic homes.

6 I would ask that you, again, deny this. I would
7 love that this applicant, who clearly has put her heart into
8 fixing up the property and taking care of it, either accept
9 the alternative version that will have a minimal effect on
10 the building, or think about moving. I think she would find
11 that this extraordinary house, even with its one bathroom,
12 would sell for a remarkable price. And I know that the Art
13 Deco Society has followed this closely for a number of years
14 and that we just think this is a very important Art Deco
15 resource.

16 Thank you.

17 MS. VELASQUEZ: Thank you, Mr. Goldstein. Would
18 the applicant like to step forward again. Do the
19 Commissioners have any questions for the applicant? Or
20 discussion.

21 MS. ANAHTAR: I was looking at your drawings and
22 as far as I can understand from the floor plan you go up to
23 get to your existing bedroom.

24 MS. GOULD: There are five steps, yes.

25 MS. ANAHTAR: And then you imagine the addition to

1 go to this block. Then I am looking at Circle 17, which is
2 the cross section of the new addition, I believe, and I see
3 -- ceiling height -- maximum ceiling is eight at the ridge,
4 and I know -- minimal is required. I mean, this is not a
5 habitable space as far as I can see. Unless there's a space
6 -- drawing, but what you have is not acceptable by code.

7 MS. GOULD: I'm sorry about that, but I don't --

8 MS. ANAHTAR: The -- you know, you have the walls
9 and then you have the gable roof, right?

10 MS. GOULD: Yes.

11 MS. ANAHTAR: So that, you know, height that you
12 have on -- is only five foot, four inches or something like
13 that. And then it gets maximum seven foot, eight in the
14 middle of the room. And if we have to draw a six foot,
15 eight inches line you can only, you know, stand up in the
16 middle of the room basically.

17 MS. WILLIAMS: I think the five foot, four inches
18 is to the top of the existing window. Isn't that --

19 MS. ANAHTAR: Well, Circle 17 --

20 MS. WILLIAMS: Oh, I see what you're saying.

21 MS. ANAHTAR: Yeah, so I am not -- a mistake or --

22 MS. WRIGHT: It's a pre-existing space --

23 (Discussion off the record.)

24 MS. WRIGHT: The new addition you're saying --
25 maybe that way and they're replicating it --

1 MS. ANAHTAR: So I'm wondering in your existing
2 bedroom, you can stand up, right? Your head doesn't hit the
3 ceiling?

4 MS. GOULD: No. Uh-uh.

5 MS. ANAHTAR: So, if you are matching that, then
6 we have a problem with your drawing -- some kind of mistake
7 made.

8 MS. GOULD: I don't know. This part has never --

9 MS. ANAHTAR: Yeah, I'm just looking at this --

10 MS. GOULD: -- never come out. I -- are you
11 trying to say, if I understand you correctly, that if the
12 door shouldn't be there --

13 MS. ANAHTAR: What I'm saying is if your roof is
14 not high enough so that it can become a habitable space, you
15 know that you can stand up basically without hitting the
16 ceiling.

17 MS. GOULD: No --

18 MS. ANAHTAR: Then something is wrong with your
19 drawing.

20 MS. ALLEN: Can I see what you're looking at?

21 (Discussion off the record.)

22 MR. FULLER: I'm not sure that that detail is one
23 that's --

24 MS. VELASQUEZ: No.

25 MR. FULLER: And I guess I have a couple comments.

1 Number one is I certainly actually don't want us to do
2 anything that would discourage you from staying in the
3 house. From my perspective, people like you are exactly who
4 we want to have in houses like this, for taking care of them
5 and continuing to move them forward. And, quite frankly, I
6 think I support the idea of you having the ability to build
7 an addition behind the house.

8 I think the issue at hand here is that the most
9 unique feature of these houses are the pre-cast panels that
10 formed the exterior skin and the proposal in front of us
11 basically is going to take one of the most prominent --
12 admittedly to the rear, but it's going to take one of the
13 most unique parts of this house and destroy in permanently,
14 which kind of goes against some of the recommendation.

15 I have no problem with adding space to this house
16 to add a bathroom in the rear, whether it be what George did
17 or whether it be any other method of coming up with a
18 solution to it, but I think the solution, from my
19 perspective, should be one that doesn't destroy one of the
20 pre-cast panels, and I think --

21 MS. NARU: One of the thoughts that staff has had
22 this week is an idea that maybe using the exist garage and
23 create that as a bathroom space and then actually build a
24 detached garage on the property. So, you could actually use
25 that interior space and you wouldn't have to disrupt any

1 existing -- I don't know if that's something that the owner
2 thought about, but then you get the square footage that you
3 need for an addition -- a bathroom addition, but also then
4 we could build a separate detached garage so you still would
5 have that garage space. It's -- idea.

6 MS. GOULD: And how would that go from the house
7 to this bathroom?

8 MS. NARU: You'd have to build an interior
9 staircase -- right.

10 MS. WRIGHT: But, I think that -- I mean, that
11 certainly is an option that if the applicant is interest, we
12 can explore. I think what we have to do is sort of just
13 deal with the application we have before us.

14 MR. FULLER: I understand that. I guess all I was
15 trying to point out was that from my perspective, I don't
16 want the applicant to go away with the intention that we're
17 saying hey, we don't want you to do an addition. From my
18 perspective, whether it be the one that George suggested or
19 potentially even a lesser of evils would be enclosing the
20 existing porch -- that's not in front of us today, so I'm
21 going to recommend, yes, that we deny the application as
22 presented, but I believe that the applicant should
23 understand, at least from my perspective, I would like to
24 see her stay in the house and if to make that happen it
25 means an addition on the back of the house, we permitted

1 additions on the back of other houses in the back.

2 MS. VELASQUEZ: As long as they don't pierce the
3 fabric of the Polychrome. That seems to be the major point
4 for everyone --

5 MS. GOULD: But only -- only --

6 MS. VELASQUEZ: -- is that the sheathing on this
7 house not be cut or --

8 MS. GOULD: But, yes, some of it will -- I know
9 that, but this -- wall that -- near the porch, that part of
10 this -- circle like this which something I did not expect --
11 happen. It was a job which was to -- and it was. I decided
12 that I wanted a washer and dryer. It's so nice to speak
13 about this house -- but it was based -- times. The living
14 standards were different then from what they are today. I
15 had a choice to remove the -- my table in the kitchen and
16 put a washer and dryer or keep going to the laundromat.
17 Now, I don't think you like this idea yourself. But I was
18 in that situation.

19 And I don't want to give up my table because I
20 love to cook and I wanted space in my kitchen. So, what I
21 did -- I don't know if somebody suggested to me -- don't
22 remember, that why don't you move the boiler -- because I
23 have water for heat, you know, so I know it's called boiler.
24 Put the boiler from where it is in space the kitchen to the
25 garage. Well, I did that. Well, this was -- job from

1 inside the house to inside the garage; nothing to do with
2 the society.

3 Little did I know what happened. I said, well
4 they moved the boiler there -- some pipes -- have to do.
5 Uh, uh, uh. They -- big hole in the garage -- they put --
6 anyway, to make -- I think I have a picture here. That I
7 have a wall -- they did it beautifully, but -- attach a big
8 structure in order to have -- and one of the hole made in
9 the wall -- in the concrete is about this size. So, when I
10 saw it -- I said. If I had asked permission to the society,
11 I don't think I'd have a washer and dryer now.

12 So, this is the situation. Not -- I didn't have
13 -- and now I added a washer and dryer where the boiler was.
14 But something else. With this bathroom, I was going finally
15 to add some closet space. There is almost nothing -- very
16 tiny. Again, we speak about the mentality of 1935. Now,
17 why it's true that I not be able to live in this year 2003
18 in my house? You know, it is very -- a very common sense
19 question, I believe.

20 MS. VELASQUEZ: Okay, I think that what we're
21 looking at here is first of all the same application that we
22 saw two years ago. But I notice that attached to it are
23 drawings done by GTM Architects --

24 MS. GOULD: Yes.

25 MS. VELASQUEZ: -- which seem to provide some sort

1 of solution to your problem. You would have a hallway, you
2 would have closets, you would have bathrooms, but it would
3 not pierce the fabric of the house. Unfortunately, we're
4 going to have -- we have only one application to vote on
5 before us tonight, but I'm going to encourage you to
6 reconsider some of the alternatives, and there may be other
7 alternatives to this proposal.

8 MS. GOULD: I -- none, believe me. I had to
9 reconsider -- all the architectural set up of the house
10 around the porch. And I would have one bathroom -- the new
11 one -- attached to the old one. What kind of sense -- Mr.
12 Myerson is a wonderful architect. He was -- find a place to
13 build another -- bathroom. Well, physically speaking -- can
14 do it, but logically that don't make any sense. Absolutely.
15 I think you should just come once -- look for yourself. One
16 bathroom attached to the other one. Please -- this is
17 ridiculous.

18 MS. VELASQUEZ: Okay --

19 MS. WILLIAMS: I have another question.

20 Obviously, the biggest problem here is not perhaps the
21 penetration of just the concrete panel, but the cast
22 concrete template -- and the destruction of that once you
23 build the addition. I understand. I don't have -- and I
24 totally understand that, but it seems to me right now you
25 mount five steps to your bedroom? Would you consider going

1 down to an addition, so that it could be lower than the
2 existing --

3 MS. GOULD: -- me.

4 MS. WILLIAMS: No, where you currently have it
5 proposed.

6 UNIDENTIFIED FEMALE: Is that where the garage
7 entrance is?

8 MS. WILLIAMS: No, no --

9 MS. WRIGHT: So, that you would walk --

10 MS. GOULD: -- yes, for the addition --

11 MS. WILLIAMS: Yes -- walk down.

12 MS. GOULD: Oh, yes. Oh, Madam, I considered
13 that, but I --

14 MR. FULLER: You still have a problem with
15 puncturing -- she's still going to be up before she steps
16 down, so at the face of the wall she would still be at the
17 normal height so the -- if the height is dictated by the
18 clearance --

19 MS. WATKINS: -- in the bedroom. The stairs would
20 have to be in the bedroom.

21 MS. ANAHTAR: But she's saying there's nothing in
22 the bedroom right now.

23 MS. NARU: The ceiling actually comes up into the
24 pediment. If you are in the bedroom, the ceiling height is
25 above the cornice detail. It actually comes into the gable.

1 So, you still would have to penetrate that detail to get
2 your door height.

3 MS. GOULD: So, window height in not --

4 MS. NARU: No, the window actually comes up to
5 about like here. It's actually pretty low. I mean, it
6 comes up to about breast height -- the top of the window.

7 MS. WRIGHT: I think for a little institutional
8 memory, when we were here two years ago, we had a similar
9 discussion and tried to explore a lot of different design
10 alternatives; roof forms, different possible ideas, and I
11 don't know that we can really resolve those kinds of design
12 issues in this forum. That was one of the reasons we asked
13 Mr. Myers to work with Mrs. Gould and try to come up with
14 some solutions.

15 But, you know, what you're hearing is basically
16 that Mr. Myers' solution was something that Mrs. Gould just
17 does not want to build. That is not her choice.

18 MS. VELASQUEZ: Okay, therefore we have this
19 particular application in front of us to consider. Rather
20 than redesigning the house, which we did ask the architect
21 to, well, redesign for an application two years ago. Is
22 there a motion on this particular application?

23 MR. HARBIT: I move that we deny this application,
24 unfortunately. I've been reluctant to do that. We don't
25 deny many applications. I think we've gone to extraordinary

jd
1 lengths over the last couple of years to try and help this
2 applicant find a solution that would work. We've heard
3 again even another possible solution, which would be
4 converting the garage into a bathroom and creating a
5 separate free-standing garage. But it's not our business to
6 redesign proposals. I think the reasons that we denied the
7 application before are still valid today.

8 MR. FULLER: I'll second that.

9 MS. VELASQUEZ: Any further discussion?

10 MS. O'MALLEY: I would still like to suggest to
11 the applicant that she look into the idea of using the back
12 doorway to make a hallway to a bathroom, and she can look at
13 the -- garage --

14 MS. VELASQUEZ: Okay, any further discussion?

15 MS. WILLIAMS: I'm also just wondering if we still
16 have some pro bono hours available where we could have GTM
17 continue to work with the applicant in finding a solution
18 that may meet --

19 MS. WRIGHT: I mean, I -- that really is up to the
20 applicant. I think that a fair amount of energy went into
21 that effort already and, you know, I -- you know, I think it
22 would be up to the applicant if she wanted to pursue that.

23 MS. VELASQUEZ: Okay, there's a motion. It has
24 been seconded. All in favor, please raise your right hand.
25 The motion passes unanimously. Thank you.

1 MS. WRIGHT: And just for the record, you do have
2 within the next 30 days the opportunity to appeal the
3 decision to the Montgomery County Board of Appeals, and if
4 you call us, we will give you the phone number of the Board
5 of Appeals so that you can get that process started.

6 MS. VELASQUEZ: All right, the next item on the
7 agenda is III-J, 15019 Hyattstown Mill Road, Clarksburg. Is
8 there a staff report?

9 MS. NARU: There's a big one -- and I'm sorry, I
10 just switched Powerpoint. Okay, the application before you
11 this evening is a retroactive case, Case No. 10/59-03A,
12 located at 15019 Hyattstown Mill Road in Clarksburg. The --
13 again, a little bit of history on this. The reason why it
14 is a retroactive Historic Area Work Permit is that the
15 applicant began construction of a parking lot expansion in
16 early August without an approved Historic Area Work Permit
17 application. A stop work order and a violation was issued
18 to the contractor on site by our inspector, Pete Hrycak on
19 August 25th, 2003.

20 Just to give you a brief orientation of the site,
21 as you're crossing the bridge in Hyattstown, this is the
22 volunteer fire station. You saw a Historic Area Work
23 Permit, I believe, in '99 where we added a elevator shaft in
24 the rear of this building just to familiarize everyone. So
25 -- and we also approved the CMU -- or, not CMU -- apologize,

HISTORIC PRESERVATION COMMISSION

of

MONTGOMERY COUNTY

**8787 Georgia Avenue
Silver Spring, Maryland 20910**

301-563-3400

Case No. 32/05-01A Received September 9, 2001

Public Appearance September 24, 2001

Before the Montgomery County Historic Preservation Commission

Application of Ms. Renata Gould
9904 Colesville Road, Silver Spring

DECISION AND OPINION OF THE COMMISSION

Decision of the Commission: DENY the Applicant's proposal to construct a rear frame addition.

Commission Motion: At the September 24, 2001 meeting of the Historic Preservation Commission, Commissioner Harbit presented a motion to deny the proposed Historic Area Work Permit application to construct a rear frame addition. Commissioner Breslin seconded the motion. Commissioners Harbit, O'Malley, Lesser and Breslin voted in favor of the motion. Commissioners Watkins and Velasquez were opposed. Motion passed 4-2.

BACKGROUND:

The following terms are defined in Section 24A-2 of the Code:

Appurtenances and environmental setting: The entire parcel, as of the date on which the historic resource is designated on the master plan, and structures thereon, on which is located a historic resource, unless reduced by the District Council or the commission, and to which it relates physically and/or visually. Appurtenances and environmental settings

shall include, but not be limited to, walkways and driveways (whether paved or not), vegetation (including trees, gardens, lawns), rocks, pasture, cropland and waterways.

Commission: The historic preservation commission of Montgomery County, Maryland.

Director: The director of the department of permitting services of Montgomery County, Maryland or his designee.

Exterior features: The architectural style, design and general arrangement of the exterior of an historic resource, including the color, nature and texture of building materials, and the type and style of all windows, doors, light fixtures, signs or other similar items found on or related to the exterior of an historic resource.

Historic District: A group of historic resources which are significant as a cohesive unit and contribute to the historical, architectural, archeological or cultural values within the Maryland-Washington Regional District and which has been so designated in the master plan for historic preservation.

Historic resource: A district, site, building, structure or object, including its appurtenances and environmental setting, which is significant in national, state or local history, architecture, archeology or culture.

On September 9, 2001, Ms. Renata Gould and her architect, Mr. Joe De Rosa, completed an application for a Historic Area Work Permit (HAWP) to enlarge the size of Ms. Gould's house by constructing a 6'9" by 16' 11" frame rear addition.

9904 Colesville Road is an Outstanding Resource within the Polychrome Historic District designated on the Master Plan For Historic Preservation in Montgomery County in 1985.

The adjacent house, 9900 Colesville Road is also an Outstanding Resource within the Polychrome Historic District.

HISTORY OF RESOURCE:

"The five single-family dwellings that comprise the Polychrome Historic District were built in 1934-35 by master craftsman John Joseph Earley (1881-1945). These unique houses are outstanding examples of the Art Deco-style and reflect Earley's artistry and craftsmanship. Conventional wood frames were clad with prefabricated "mosaic concrete" panels utilizing a process Earley developed and patented in which the concrete was stripped to expose the brilliantly colored aggregate particles, creating an effect similar to impressionist or pointillist painting. In addition to their striking, richly ornamented appearance, these houses represent a relatively rare example of pre-cast concrete panel construction in single-family housing for the time period. Earley's patented structural system led to the widespread use of pre-cast architectural concrete as a major exterior cladding material. The legacy of the Polychrome houses can be seen in thousands of curtain-wall buildings nationwide."

“Earley was a master builder who culminated nearly three decades of engineering and architectural experience in the design and construction of the Polychrome houses. From 1906 to 1933, he was responsible for such complex and demanding projects as the stucco work for Meridian Hill Park (Washington, D.C., 1916); the casting of Lorado Taft's sculpture, "The Fountain of Time" (Chicago, 1920-22); the rebuilding of the replica of the Parthenon at Nashville (1925); and the Baha'i Temple of Light in Wilmette, Illinois (begun in 1932). Earley created a new medium for the decorative arts--mosaic concrete--in designing the richly detailed interior of the Shrine of the Sacred Heart (Washington, D.C. 1923), the same material used in executing the intricate design of the ceilings for the Department of Justice (1933) and in the Polychrome houses. Earley wrote eloquently about the social changes taking place in the United States during the 1930s and the demand for what he termed "social justice." The polychrome houses represent his attempt to solve the "small house problem" by providing innovative housing at modest cost during the economic and social upheaval of the Great Depression.” – from National Register Nomination

“Polychrome II, built by John Joseph Early, is a one-story six-room house consisting of a main block running north to south and a attached garage extending beyond the north end of the main block to the west, and a small wing at the south end of the front elevation facing east. The gable roof, originally tiled, is now clad in asphalt shingles. There is a loft room over the one-car attached garage [area which is the subject of this HAWP]. The exterior walls are comprised of two-inch thick pre-cast mosaic concrete panels, each four to eight feet wide and nine feet high. Metal casement window and door frames were imbedded in the panels before casting. The panels are attached to a conventional wood frame and anchored to the foundation by u-shaped hangers and threaded with reinforcing rods, with reinforced concrete columns cast in place behind each joint. The panels are rosey-pink in color, the result of exposing surface aggregates of red jasperite. There are three large metal –frame porthole windows, two in the front overlooking the open porch, and one at the rear on the west wall of the living room. The circular frames are inset with standard casement windows. The front porch is partially enclosed by a low concrete mosaic wall with decorative geometric inserts in deep red. The same decorative wall treatment is used on a small porch and the side door on the north side of the house.”

“A driveway runs along the north property line to the entrance of the attached garage, which faces north. Large decorative mosaic concrete planters are affixed to the south and west walls of the wing attached to the south end of the main block.” – description from National Register Nomination

EVIDENCE IN THE RECORD:

A written staff recommendation on this case was prepared and sent to the Commission on September 17, 2001. At the September 24, 2001 HPC meeting, staff person Michele Naru showed a Powerpoint presentation of photos of the site and presented an oral report on the staff recommendation. Staff recommended the HAWP application be denied.

The staff's specific concerns were:

1. The house is an Outstanding Resource within the Polychrome Historic District and the building is subject to the highest level of design review.

2. The proposal would require original decorative elements to be lost.
3. The alterations would not be reversible. The original building would never be able to be restored to its original configuration.
4. The proposal would radically change and destroy the character defining materials that characterize the building.

The applicant, Ms. Gould, and her architect, Joe DeRosa, attended the meeting.

Ms. Gould testified that the Art Deco Style, the style in which her house was built, was characterized by metal and masonry materials. She explained that the windows in her house are metal, including the sills. Ms. Gould explained that the metal windows are not practical because of moisture and the damage it has caused. She further explained that the existing house was built with only one bathroom. The addition is to be constructed to house an additional bathroom and closet space. Ms. Gould indicated that she is going to be having her son, his wife and their two children living with her temporarily. She feels that one bathroom is not enough for three adults and two children and felt that the permit should be issued in order to avoid a hardship.

Joe DeRosa, the applicant's architect, testified on the specifics of the project. He explained that the scope of the project was to find the most economical way of solving the homeowner's problem, while keeping in mind the historic value of the house. The design that evolved was an extension of the rear block by mimicking the exact profile of the existing house, the gable and some of its elements. The addition would be of frame construction and be clad in wood horizontal siding. The architect and the applicant are also considering the use of stucco instead of the wood siding. Mr. DeRosa explained that in order to construct the addition the existing window on the rear elevation will be removed and the window opening would need to be enlarged by cutting into the top and center concrete panels to form the door, which will open into the new addition.

The architect, Mr. DeRosa, presented two other options for the addition at the meeting, both containing a shed roof. The shed roof option was a suggestion made by staff as a potential solution. The options were not favored by the applicant and were not discussed in detail at the meeting.

Commissioner Lesser questioned the applicant with regard to the way the concrete panels, which make up the walls of the structure are attached to each other. The architect indicated that there are three separate panels that make-up the wall; two, "L" shaped panels that flank a center panel that houses the window.

Commissioner Lesser questioned the applicant with regard to any structural weaknesses that would be caused by the removal of a portion of the middle panel. Mr. De Rosa, responded that to his knowledge, the panels are hung by a reinforcing rod, which is cast into the panel and the rod is bent into a support. He pointed out that a metal lintel and steel angles would need to be installed to support the weight of the top panel, which is located in the gable end.

Commissioner Harbit was asked the architect if it was possible to have the center panel detached

from the house and slid into a false pocket in the wall. The Commissioner felt that this would eliminate the need for cutting through the panel in order to retain it. The architect indicated that he had not thought of that possibility but noted that the panel would have to be bolted to the other panels and he would have to have his engineer look at that option from a weight standpoint.

Commissioner Velasquez noted that Commissioner Harbit's suggestion would require the bolts to be drilled into the center panel and one of the side panels. Mr. DeRosa explained that if the holes were drilled correctly, and if the panel was to be ever re-installed the holes could be filled with an epoxy cement material with colorations to match the existing panel.

Commissioner Breslin expressed his concern with Commissioner Harbit's idea, indicating that he would not like to see a series of bolts up and down the panel attaching it to the side of the house. Mr. DeRosa indicated that he would have to talk to his engineers about the most economical way of solving the problem.

Commissioner O'Malley asked the applicant if she has thought of another location for the bathroom, potentially through the rear door leading to the back porch. The applicant responded that she has thought of every possible way of solving the problem. She continued to describe the back porch as a non-historic addition with an original decorative concrete patio and believes that an addition in this location would lose this important architectural detail.

Commissioner Lesser asked the architect if he had ever worked with the kinds of concrete panels that are at issue in the proposed construction. Mr. DeRosa responded negatively. He indicated that he was very familiar with concrete panels, because he has designed reinforced panels (called tilt-up panels) in his past experience. Commissioner Lesser further explained that these panels were a unique kind of construction developed by this master builder [John Joseph Early]. Ms. Lesser continued to ask the architect how confident he was in being able to remove this panel without destroying it. Mr. DeRosa responded that it was a valid concern, but assured the Commission that with enough money these panels and their elements could be recreated.

Staffpersons, Michele Naru and Gwen Wright suggested that Commissioner O'Malley's idea could work if you moved the non-historic enclosed porch. The applicant could construct a bathroom in its place, using the existing decorative concrete patio as the floor and reposition the patio on the opposite side of the new addition. Ms. Gould was not in favor of this idea.

Commissioner Watkins expressed her concern with cutting into the existing panel. She wanted to know what would happen with regard to the structural integrity of the panel. Mr. DeRosa responded indicating that the panel would be reinforced. He also indicated that in order to create the door opening, the center and the top panel would have to be cut.

Commissioner Lesser asked the architect about the guarantee that the panel, given its age, would not crumble when the contractor attempts to cut it. Mr. DeRosa responded indicating that early concrete design was over-designed, based on the amount of steel that was put into the panels. These panels (which he has not actually analyzed), but based on his knowledge of this type of panel and based on historical construction, were probably built to last longer than the panels that

are made today.

Commissioner Watkins asked for additional clarification with regard to the gable panel. It was her understanding that the gable panel would be cut no matter what, unless the applicant added stairs to the proposal. The applicant indicated that she does not want to add stairs to the proposal, because it would limit the space in her garage.

Commissioner Harbit stated that the main architectural feature of this house, the fabric, the reason this is historic, is because of its exterior materials and the design. He further indicated that he could not support a proposal that would destroy the exterior of the building by cutting the panel. Mr. Harbit felt that the building would not be repairable once the panels are cut and it would never be able to be restored to its original configuration. He encouraged the applicant to find a solution that creates more livable space without damaging any of the panels. Commissioner Breslin concurred and added that an addition could work on this site, but indicated that it would have to be an addition that was not evasive to what essentially makes this house historic.

Commissioner Harbit made the motion to deny the Historic Area Work Permit for Case 32/05-01A. Commissioner Breslin seconded the motion. Commissioners Harbit, O'Malley, Lesser and Breslin voted in favor of the motion. Commissioners Watkins and Velasquez were opposed. Motion passed 4-2.

CRITERIA FOR APPROVAL AND FINDINGS OF THE COMMISSION:

The criteria which the Commission must evaluate in determining whether to deny a Historic Area Work Permit application are found in Section 24A-8(a) of the Montgomery County Code, 1984, as amended.

Section 24A-8(a) provides that:

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

Section 24A-6(a)2 provides that:

Performing any grading, excavating, construction or substantially modifying, changing or altering the environmental setting of a historic site or a historic resource located within a historic district.

In analyzing whether the criteria for issuance of a Historic Area Work Permit have been met, the Commission also evaluates the evidence in the record in light of the Amendment to the

Approved and Adopted Master Plan for Historic Preservation in Montgomery County, Maryland - Polychrome Historic District.

The Commission also evaluates the evidence in light of generally accepted principles of historic preservation, including the Secretary of the Interior's Standards for Rehabilitation and Guidelines, adopted in the Commission's Executive Regulations on November 4, 1997. In particular Standards #2, and #9 are applicable in this case:

Standard 2: The historic character of a property will be retained and preserved. The removal of distinctive materials or alterations of features, spaces, and spatial relationships that characterize a property will be avoided.

Standard 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.

Based on this, the Commission finds that:

1. The proposed rear addition will destroy the historic materials and features that define this historic property.
2. The proposal constitutes changes that specifically impair the existing integrity of the resource, which through its architectural fabric and design, contributes to the historic character of the Polychrome Historic District as a whole.

CONCLUSION:

The Commission was guided in its decision by Chapter 24A, by the Amendment to the Approved and Adopted Master Plan for Historic Preservation in Montgomery County, Maryland, - Polychrome Historic District, and by the Secretary of the Interior's Standards for Rehabilitation.

Based on the evidence in the record and the Commission's findings, as required by Section 24A-8(a) of the Montgomery County Code, 1984, as amended, the Commission must **deny** the application of Ms. Renata Gould for a Historic Area Work Permit (HAWP) to construct a rear frame addition at 9904 Colesville Road in the Polychrome Historic District.

If any party is aggrieved by the decision of the Commission, pursuant to Section 24A-70(h) of the Montgomery County Code, an appeal may be filed within thirty (30) days with the Board of Appeals, which will review the Commission's decision de novo. The Board of Appeals has full

and exclusive authority to hear and decide all appeals taken from the decision of the Commission. The Board of Appeals has the authority to affirm, modify, or reverse the order or decision of the Commission.

Steven Spurlock, Chairperson
Montgomery County
Historic Preservation Commission

10/9/01

Date

NO DAYS IS NOV 8TH

HISTORIC PRESERVATION COMMISSION STAFF REPORT

Address:	9904 Colesville Rd, Silver Spring	Meeting Date:	09/24/01
Resource:	Outstanding Resource Polychrome Historic District	Report Date:	09/17/01
Review:	HAWP	Public Notice:	09/10/01
Case Number:	32/05-01A	Tax Credit:	None
Applicant:	Renata Gould (Joe DeRosa, Agent)	Staff:	Michele Naru
PROPOSAL:	Rear Addition	RECOMMEND:	Denial

BACKGROUND:

“The five single-family dwellings that comprise the Polychrome Historic District were built in 1934-35 by master craftsman John Joseph Earley (1881-1945). These unique houses are outstanding examples of the Art Deco-style and reflect Earley's artistry and craftsmanship. Conventional wood frames were clad with prefabricated "mosaic concrete" panels utilizing a process Earley developed and patented in which the concrete was stripped to expose the brilliantly colored aggregate particles, creating an effect similar to impressionist or pointillist painting. In addition to their striking, richly ornamented appearance, these houses represent a relatively rare example of pre-cast concrete panel construction in single-family housing for the time period. Earley's patented structural system led to the widespread use of pre-cast architectural concrete as a major exterior cladding material. The legacy of the Polychrome houses can be seen in thousands of curtain-wall buildings nationwide.”

“Earley was a master builder who culminated nearly three decades of engineering and architectural experience in the design and construction of the Polychrome houses. From 1906 to 1933, he was responsible for such complex and demanding projects as the stucco work for Meridian Hill Park (Washington, D.C., 1916); the casting of Lorado Taft's sculpture, "The Fountain of Time" (Chicago, 1920-22); the rebuilding of the replica of the Parthenon at Nashville (1925); and the Baha'i Temple of Light in Wilmette, Illinois (begun in 1932). Earley created a new medium for the decorative arts--mosaic concrete--in designing the richly detailed interior of the Shrine of the Sacred Heart (Washington, D.C. 1923), the same material used in executing the intricate design of the ceilings for the Department of Justice (1933) and in the Polychrome houses. Earley wrote eloquently about the social changes taking place in the United States during the 1930s and the demand for what he termed "social justice." The polychrome houses represent his attempt to solve the "small house problem" by providing innovative housing at modest cost during the economic and social upheaval of the Great Depression.” – from National Register Nomination

PROJECT DESCRIPTION

SIGNIFICANCE: Outstanding Resource in the Polychrome Historic District.
STYLE: Art Deco
DATE: 1935

“Polychrome II, built by John Joseph Early, is a one-story six-room house consisting of a main block running north to south and a attached garage extending beyond the north end of the main block to the west, and a small wing at the south end of the front elevation facing east. The gable roof, originally tiled, is now clad in asphalt shingles. There is a loft room over the one-car attached garage [area which is the subject of this HAWP]. The exterior walls are comprised of two-inch thick pre-cast mosaic concrete panels, each four to eight feet wide and nine feet high. Metal casement window and door frames were imbedded in the panels before casting. The panels are attached to a conventional wood frame and anchored to the foundation by u-shaped hangers and threaded with reinforcing rods, with reinforced concrete columns cast in place behind each joint. The panels are rose-pink in color, the result of exposing surface aggregates of red jasperite. There are three large metal-frame porthole windows, two in the front overlooking the open porch, and one at the rear on the west wall of the living room. The circular frames are inset with standard casement windows. The front porch is partially enclosed by a low concrete mosaic wall with decorative geometric inserts in deep red. The same decorative wall treatment is used on a small porch and the side door on the north side of the house.”

“A driveway runs along the north property line to the entrance of the attached garage, which faces north. Large decorative mosaic concrete planters are affixed to the south and west walls of the wing attached to the south end of the main block.” – description from National Register Nomination

PROPOSAL:

The applicant is proposing to construct a one-story bathroom addition at the rear of the house. The addition will be constructed of 2x6 wood frame construction with exterior painted wood siding and asphalt roof shingles to match existing. The addition will be supported by steel support columns, which will be placed in reinforced concrete footings. The existing steel casement window from the rear elevation will be salvaged and reused in the new addition. Connection to the new bathroom will be through the existing window opening in the existing bedroom exterior wall.

The proposed new addition would not be visible from the front façade. No existing trees will be removed with the construction of the proposed addition.

STAFF DISCUSSION

This house has been in continuous use as a single-family residence on the original site since construction and has not undergone any major exterior alterations.

As an outstanding resource within a Historic District, this building is subject to the highest level of design review.

The proposal being presented requires that original decorative elements including the cornice detail, the window surrounds, a portion of the rear panel and the rear gable with its highly decorative details will be lost. In rehabilitation, historic building materials and character-defining features are protected and maintained. This resource was designated as part of a historic district. It as well as the rest of the houses in the district identifies a form and detailing of architectural features that are important in defining the structure's historic character, and these features must be retained in order to preserve this character. The character of these buildings is defined by the form and detailing of their interior and exterior features and structural systems. The Historic Preservation Commission has jurisdiction on the exterior features only.

It is a concern of staff that this alteration, though to the rear of the resource, will be detrimental to the existing structure. As explained above, the house was built with concrete panels. These panels were designed in such a way to support each other. If a weak point is bored into the panels....what effect will this alteration have on the structural integrity of the resource? The architect and his engineer have worked extensively on this method of construction and have assured staff that an appropriate header and door surround will support the remaining panel and will not negatively affect the surrounding panels.

The Polychrome Houses were designated as historically significant because of their distinctive physical characteristics of design, construction and form as well as their association with the Art Deco movement in this country. Staff has struggled with this project, mainly because of the nature of the existing building materials and their importance to the integrity and historic significance of this resource. It should be noted that because of the uniqueness of the building materials any cut through the building will cause irreparable damage and will be destroying historic materials that characterize the property which include the cornice, gable detail, the concrete panel and original window.

Staff is aware that generally we do approve additions to outstanding resources within our historic districts if they are located at the rear of the historic site, are not visible from the right-of way and the proposed addition would be constructed in such a manner that "if removed in the future the essential form and integrity of the historic property would be unimpaired." Additionally, staff does realize that exterior alterations to a historic building are generally needed to assure a building's continued use, but emphasizes the fact that such alterations should not radically change or destroy character defining materials, features or finishes. Staff feels that the proposal as presented will do irreparable damage to the historic materials and the distinctive details that characterize the building. These alterations will not be reversible and once complete the original building will never be able to be restored to its original configuration.

STAFF RECOMMENDATION

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

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

and with the Secretary of the Interior Guidelines #2, #5, #6, and #9:

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

Distinctive features, finishes, and construction techniques or example of craftsmanship that characterize a property shall be retained and preserved.

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

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.



DEROSA
ARCHITECTURE

M.N.C.C.P.C.
Historic Preservation Society
1109 Spring Street
Suite 807
Silver Spring, MD

DATE: August 31, 2001

ATTN: Michelle Naru

Project Description:

9904 Colesville Road
Silver Spring, MD 20901
"Polychrome District"

Mrs. Renata Gould, home owner of the historic residence located at 9904 Colesville Road plans to add a one story bathroom addition (16'-11" wide x 6'-9 1/2" deep) connected to her existing rear bedroom located at the rear of the existing residence.

The proposed one story bathroom addition would be constructed of 2 x 6 wood frame construction with exterior painted wood siding and asphalt roof shingles to match existing. The addition would be supported by steel support columns placed in reinforced concrete footings. The existing steel casement window from the rear elevation would be salvaged and reused in the new addition. Connection to the new bathroom addition will be through the existing window opening in the existing bedroom exterior wall. The proposed new addition would not be visible from the front of the residence. No existing trees will be removed with the construction of the proposed addition.



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

DPS - #8

HISTORIC PRESERVATION COMMISSION
301/563-3400

APPLICATION FOR HISTORIC AREA WORK PERMIT

Contact Person: JOE DEROSA
Daytime Phone No.: (301) 674-5211 (CELL)

Tax Account No.: 01109093
Name of Property Owner: MRS. RENATA M. GOULD Daytime Phone No.: (202) 324-2991
Address: 9904 COLESVILLE RD. SILVER SPRING MD 20901
Contractor: HUGO ARDIZZONE Phone No.: (301) 593-2469
Contractor Registration No.: 18369
Agent for Owner: JOSEPH DE ROSA Daytime Phone No.: (301) 593-0366

LOCATION OF BUILDING/PREMISE

House Number: 9904 Street: COLESVILLE RD.
Town/City: SILVER SPRING MD. Nearest Cross Street: UNIVERSITY BLVD.
Lot: PART OF 2 Block: A Subdivision: SECTION ONE FAIRWAY
Liber: Folio: Parcel:

PART ONE: TYPE OF PERMIT ACTION AND USE

1A. CHECK ALL APPLICABLE:
Construct [X] Extend [] Alter/Renovate [] A/C [] Stab [] Room Addition [X] Porch [] Deck [] Shed []
Move [] Install [] Wreck/Raze [] Solar [] Fireplace [] Woodburning Stove [] Single Family []
Revision [] Repair [] Revocable [] Fence/Wall (complete Section 4) [] Other: []
1B. Construction cost estimate: \$ 20,000
1C. If this is a revision of a previously approved active permit, see Permit # NO

PART TWO: COMPLETE FOR NEW CONSTRUCTION AND EXTEND/ADDITIONS

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

PART THREE: COMPLETE ONLY FOR FENCE/RETAINING WALL

3A. Height: N/A 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: Joseph De Rosa Date: 9/5/01

Approved: For Christopher, Historic Preservation Commission
Disapproved: Signature: Date: 9/24/01
Application/Permit No.: 257831 Date Issued:

page 2 of 2

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

Owner's mailing address MRS. RENATA GOULD 9904 COLESVILLE RD. SILVER SPRING, MD 20901	Owner's Agent's mailing address
---	---

Adjacent and confronting Property Owners mailing addresses

ADJACENT: MRS. RACHEL DOWNS 9908 COLESVILLE RD. SILVER SPRING, MD 20901	
---	--

ADJACENT: MR. TOM BASS * 5433 ASHLEIGH RD, FAIRFAX, VA 22030	
--	--

CONFRONTING: MR. TOM BASS * 5433 ASHLEIGH RD. FAIRFAX, VA 22030	
---	--

CONFRONTING Across RT. 29 MONTGOMERY County public # Schools "BLAIR H.S." 51 UNIVERSITY BLVD. EAST, SILVER SPRING, MD, 20901	
--	--

g addresses noticing table

* these two houses are occupied
by Mr. Bass' tenants

N 36° 27' 24" E 68.00'

115.07'

LOT 2
BLOCK A
7,825 S.F.

115.07'

NEW ONE STORY
WOOD FRAME ADDITION
(115 S.F.)



CONC. PATIO

#9904
1 STORY CONC.
& PEBBLES

CONC. STOOP

N 53 32' 36" W°

S 53 32' 36" E°

S 36° 27' 24" W 68.00'

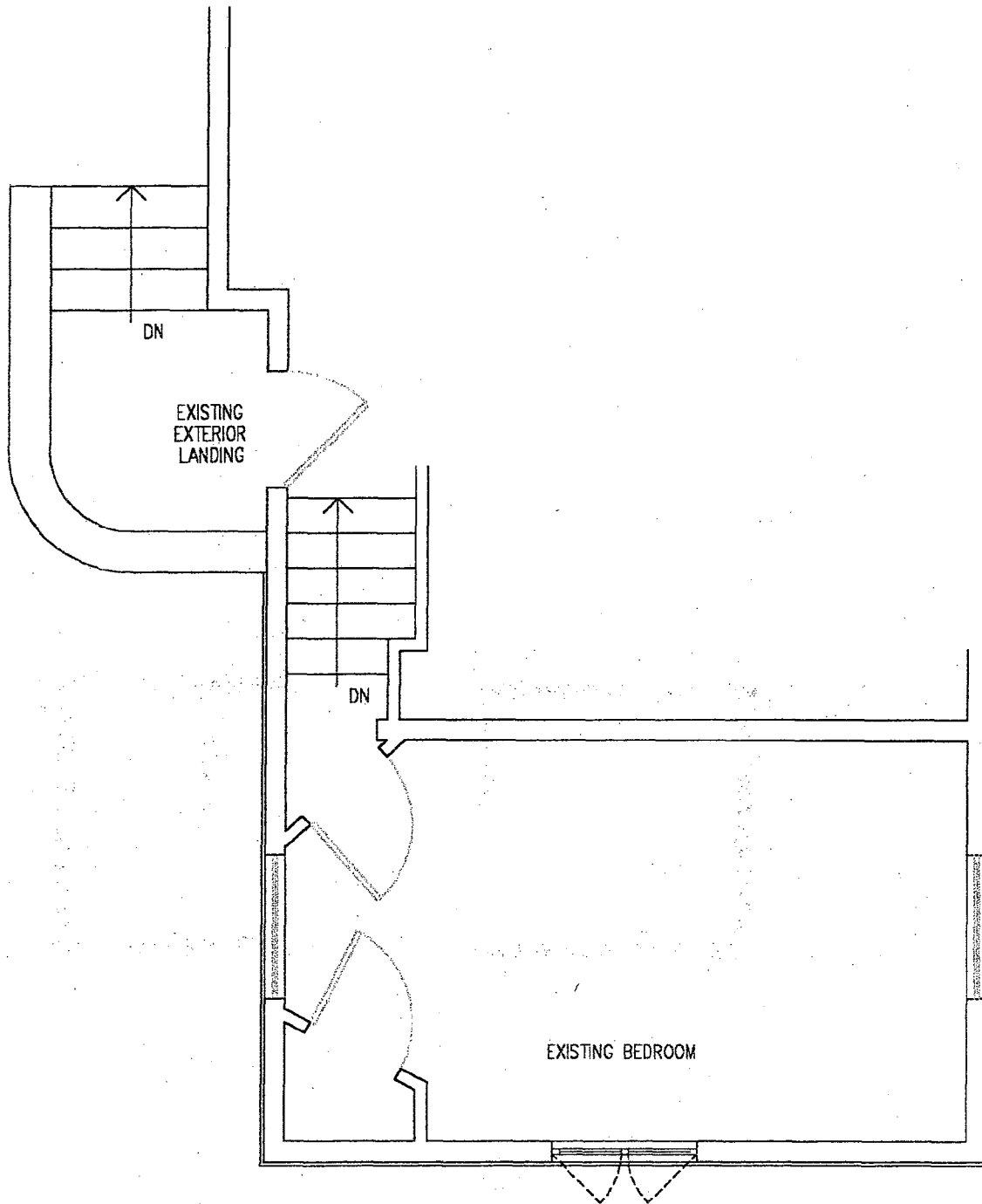
PLAN

1

COLESVILLE ROAD

1'-0" = 1/16"

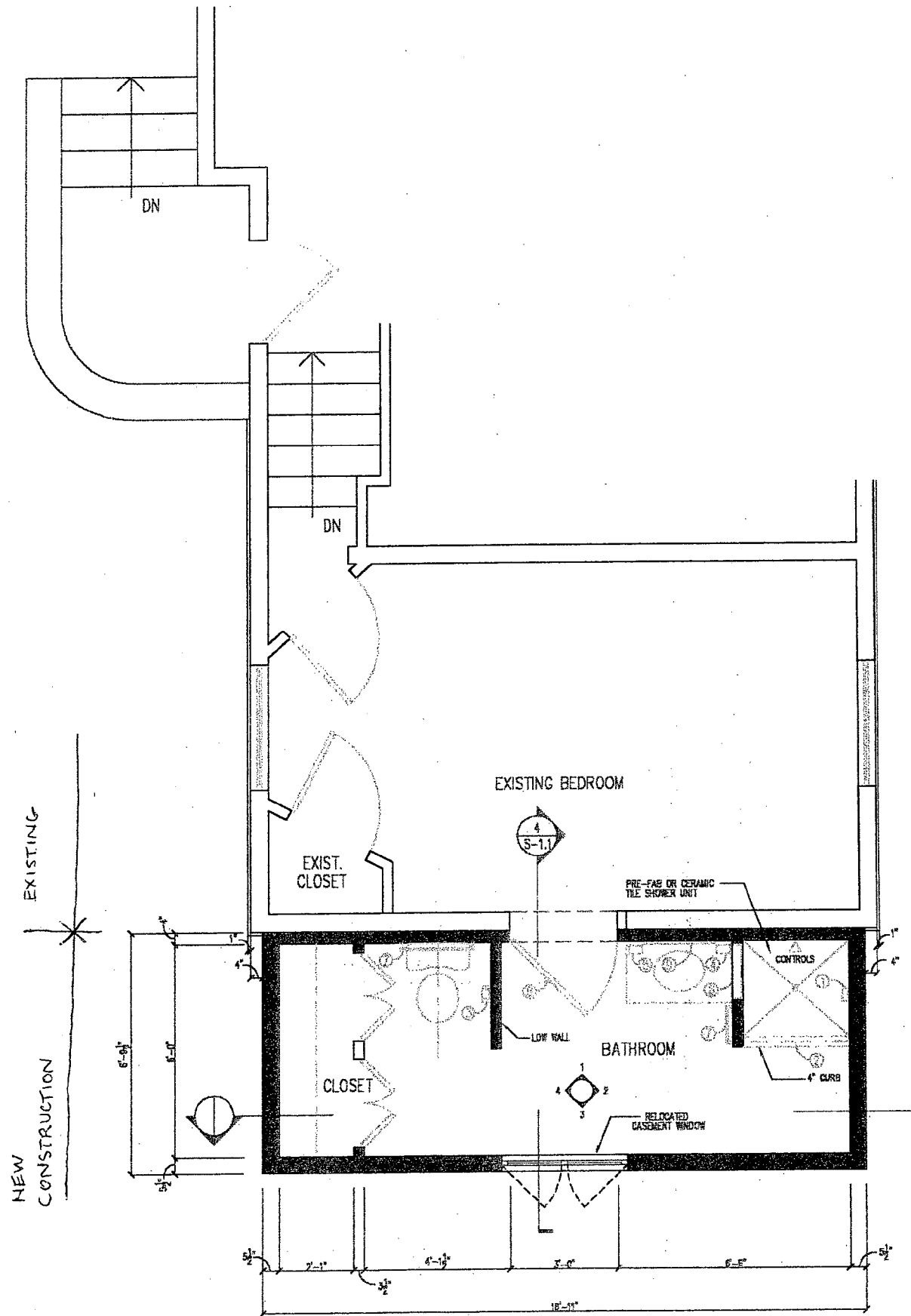
46



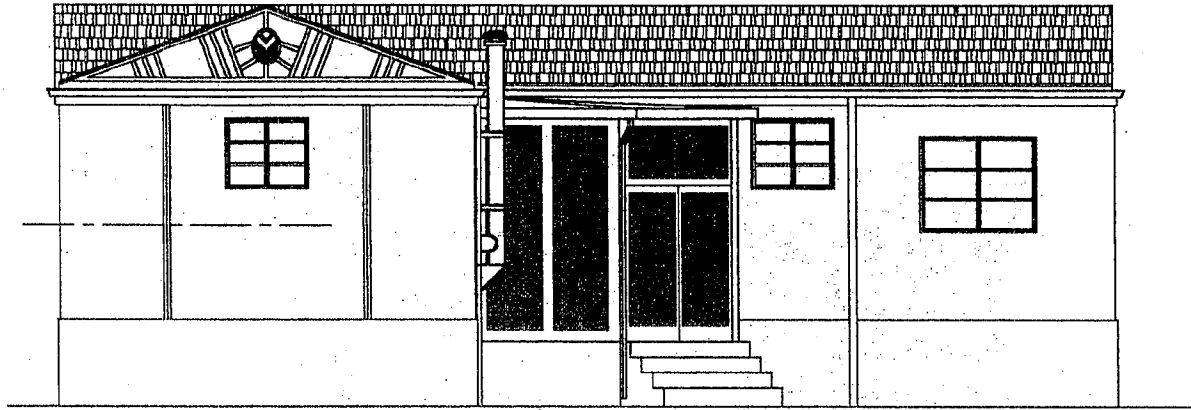
EXISTING
PARTIAL FLOOR PLAN
1/4" = 1'-0"

1

47

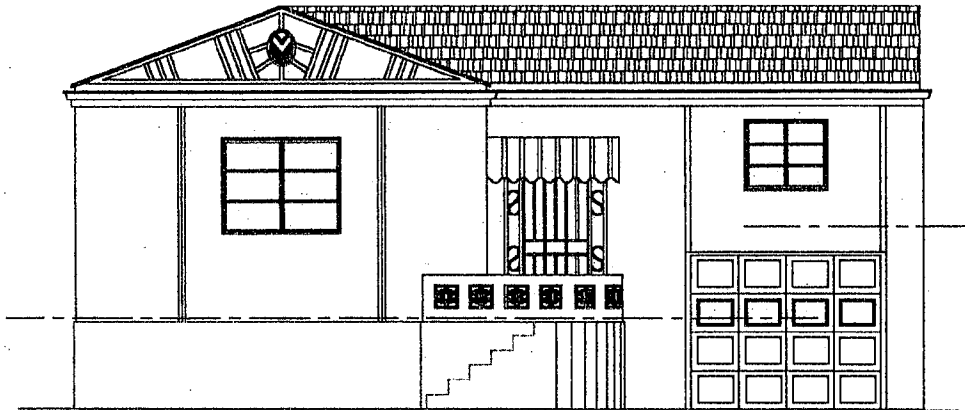


PARTIAL FLOOR PLAN 1
 1/4" = 1'-0"



EXIST. REAR ELEVATION
 $1/8" = 1'-0"$

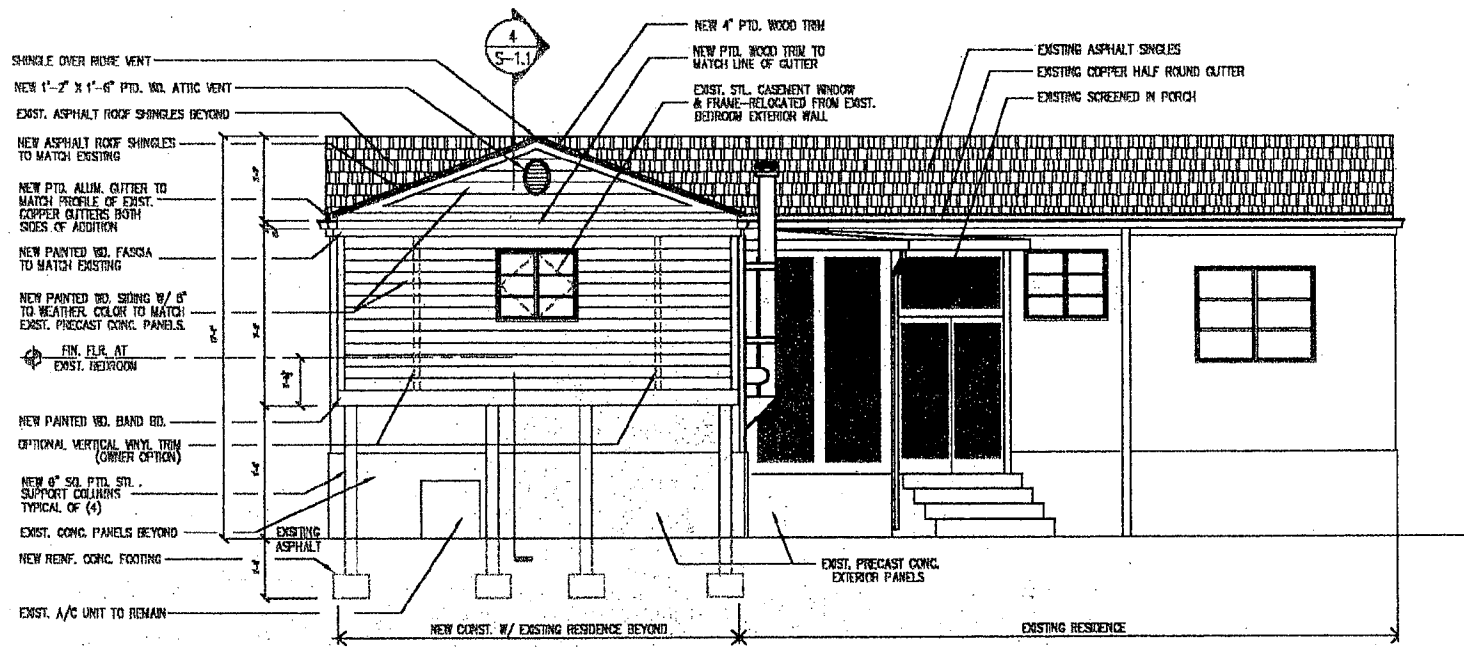
3



EXIST. SIDE ELEVATION
 $1/8" = 1'-0"$

2

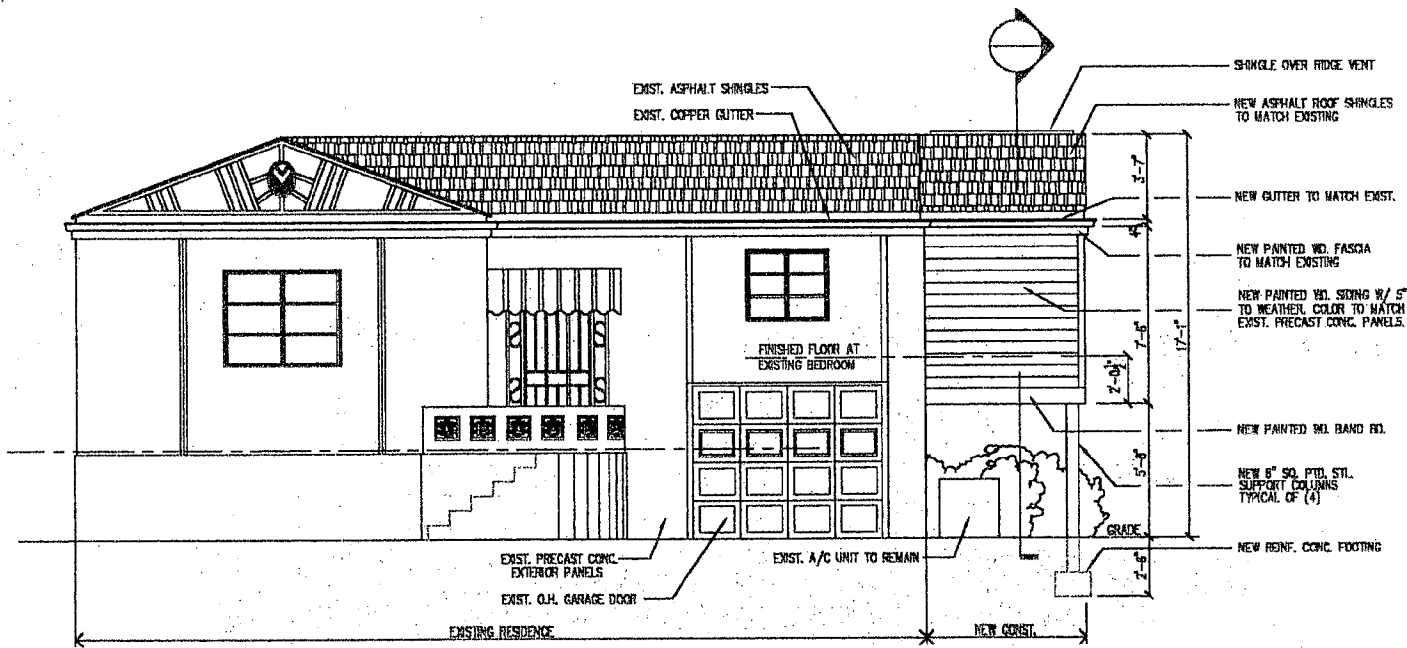
679



PROPOSED REAR ELEVATION
 1/8" = 1'-0"

2

30

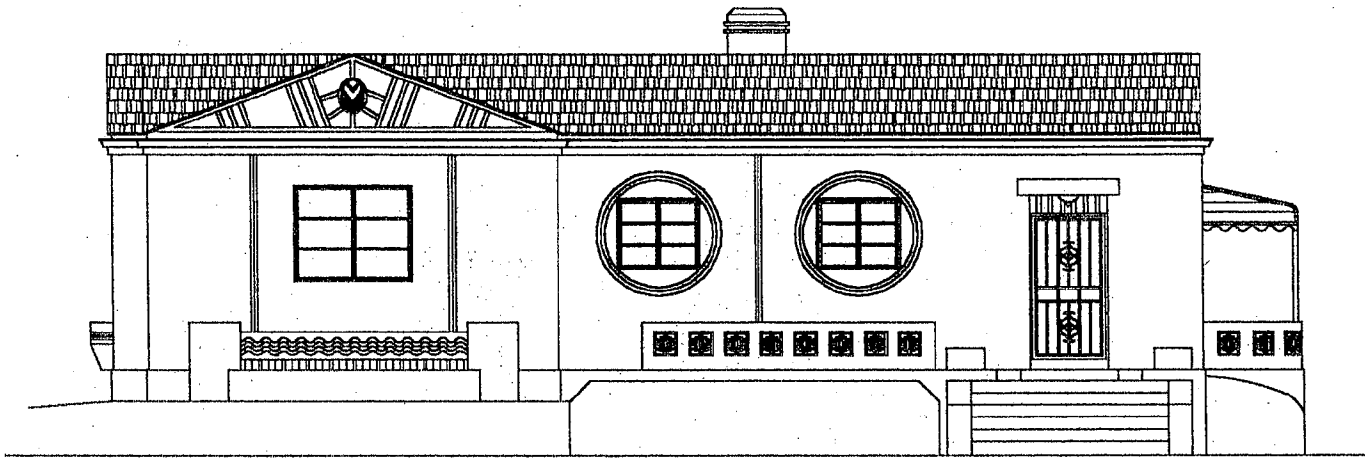


PROPOSED SIDE ELEVATION

1/8" = 1'-0"

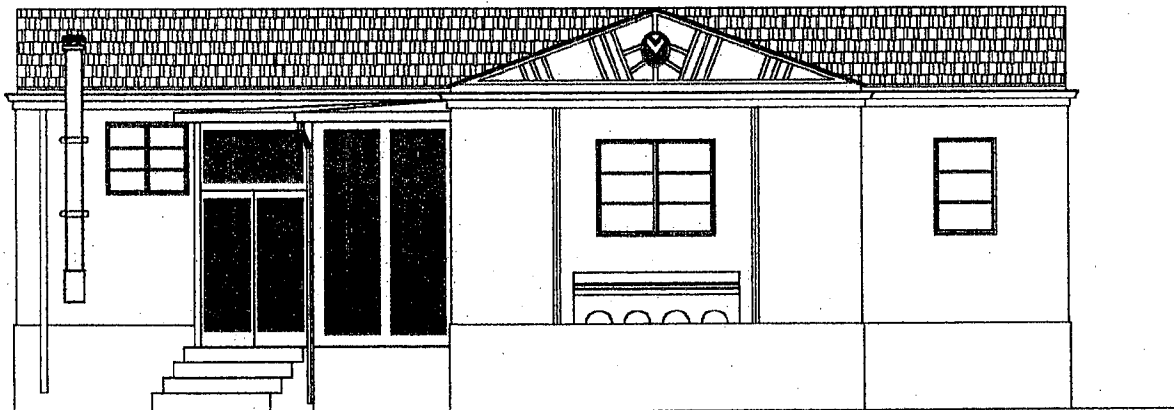
1

51



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

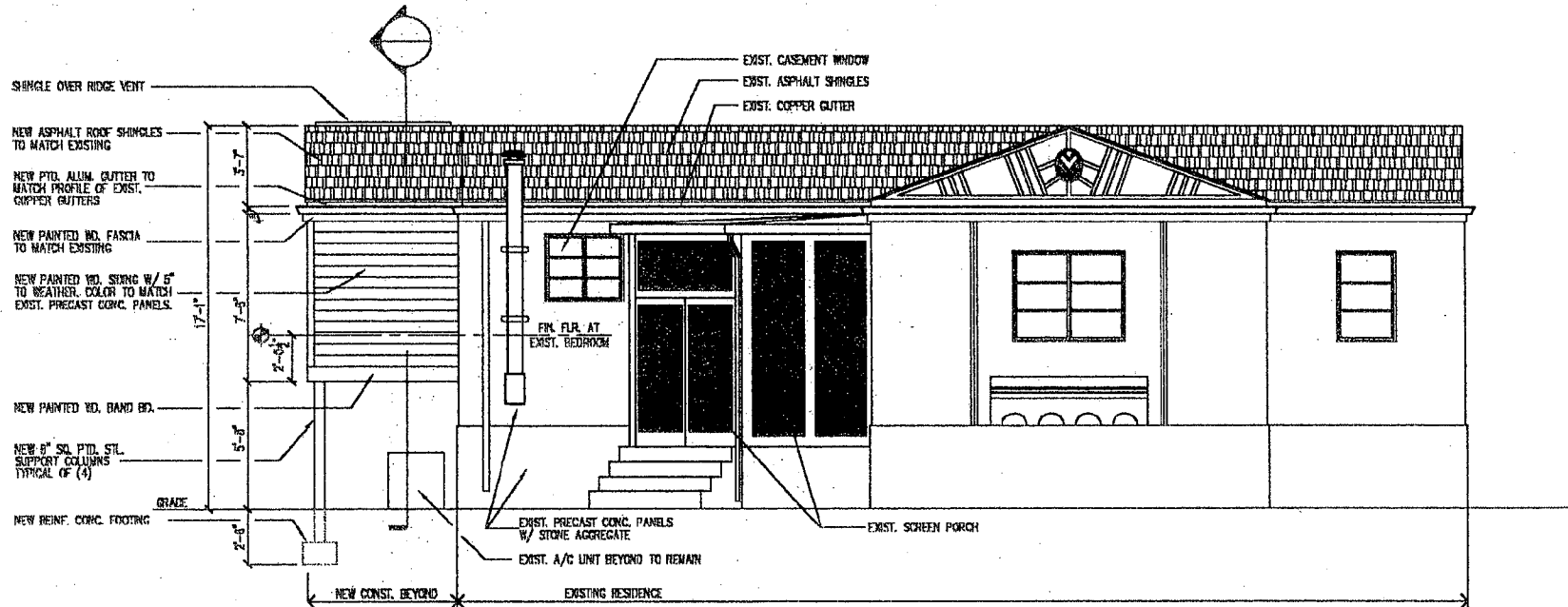
5



EXIST. SIDE ELEVATION
1/8" = 1'-0"

4

52



PROPOSED SIDE ELEVATION

1/8" = 1'-0"

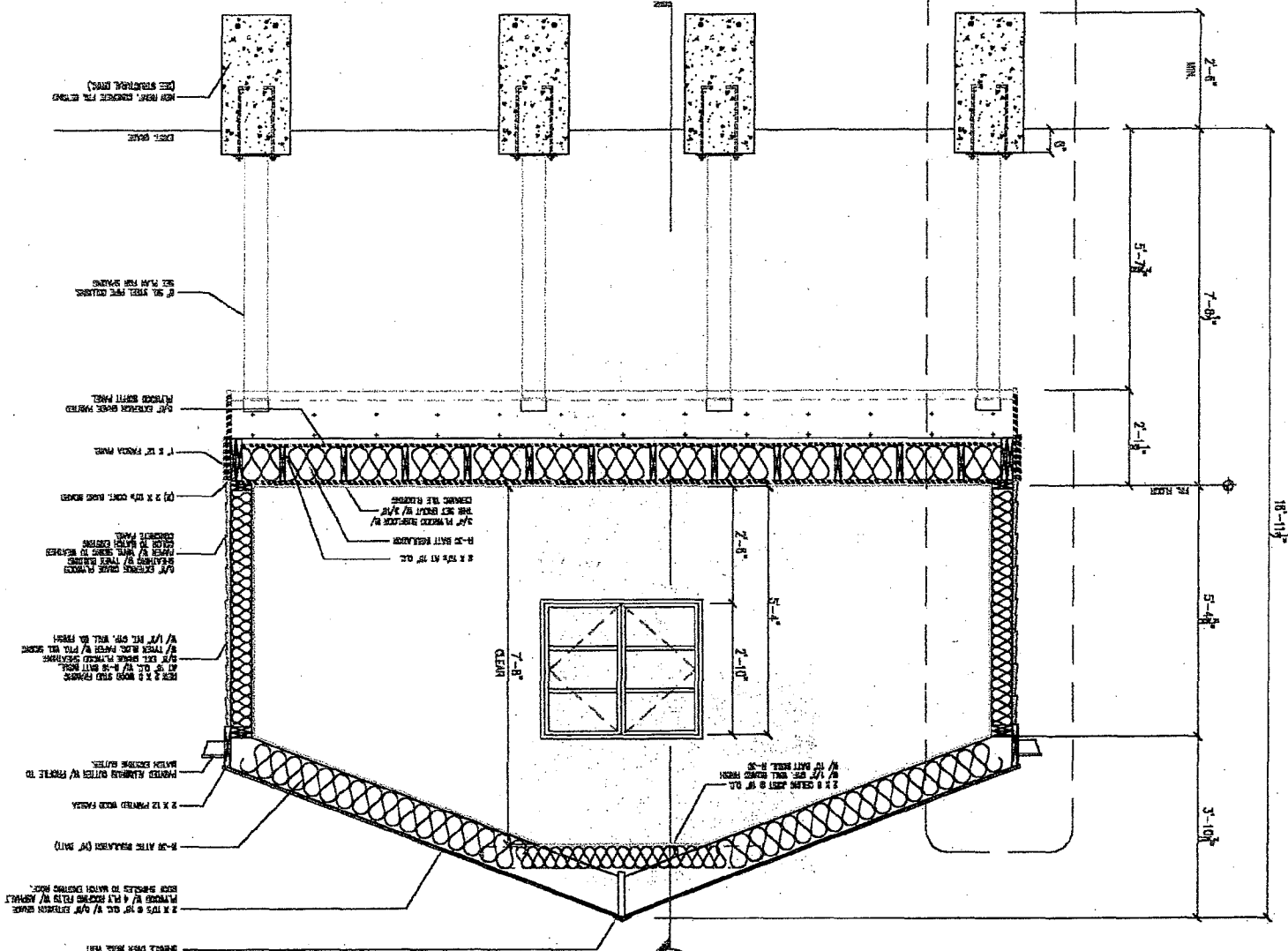
3

593

54

CROSS SECTION 2

A-3.1
4



SEE SHEET FOR DETAILS

SEE SHEET FOR DETAILS

1" 2" X 4" JOIST

2" X 12" BOARD

2" X 2" GYPSUM BOARD (OR GYPSUM BOARD)

1" 2" X 2" GYPSUM BOARD (OR GYPSUM BOARD)

1" 2" X 2" GYPSUM BOARD (OR GYPSUM BOARD)

2" X 4" POST

2" X 4" BRICK

2" X 4" CONCRETE

2" X 4" BRICK

1" 2" X 4" JOIST

1" 2" X 12" BOARD

2" X 2" GYPSUM BOARD (OR GYPSUM BOARD)

1" 2" X 2" GYPSUM BOARD (OR GYPSUM BOARD)

1" 2" X 2" GYPSUM BOARD (OR GYPSUM BOARD)

2" X 4" POST

2" X 4" BRICK

2" X 4" CONCRETE

2" X 4" BRICK

1" 2" X 4" JOIST

1" 2" X 12" BOARD

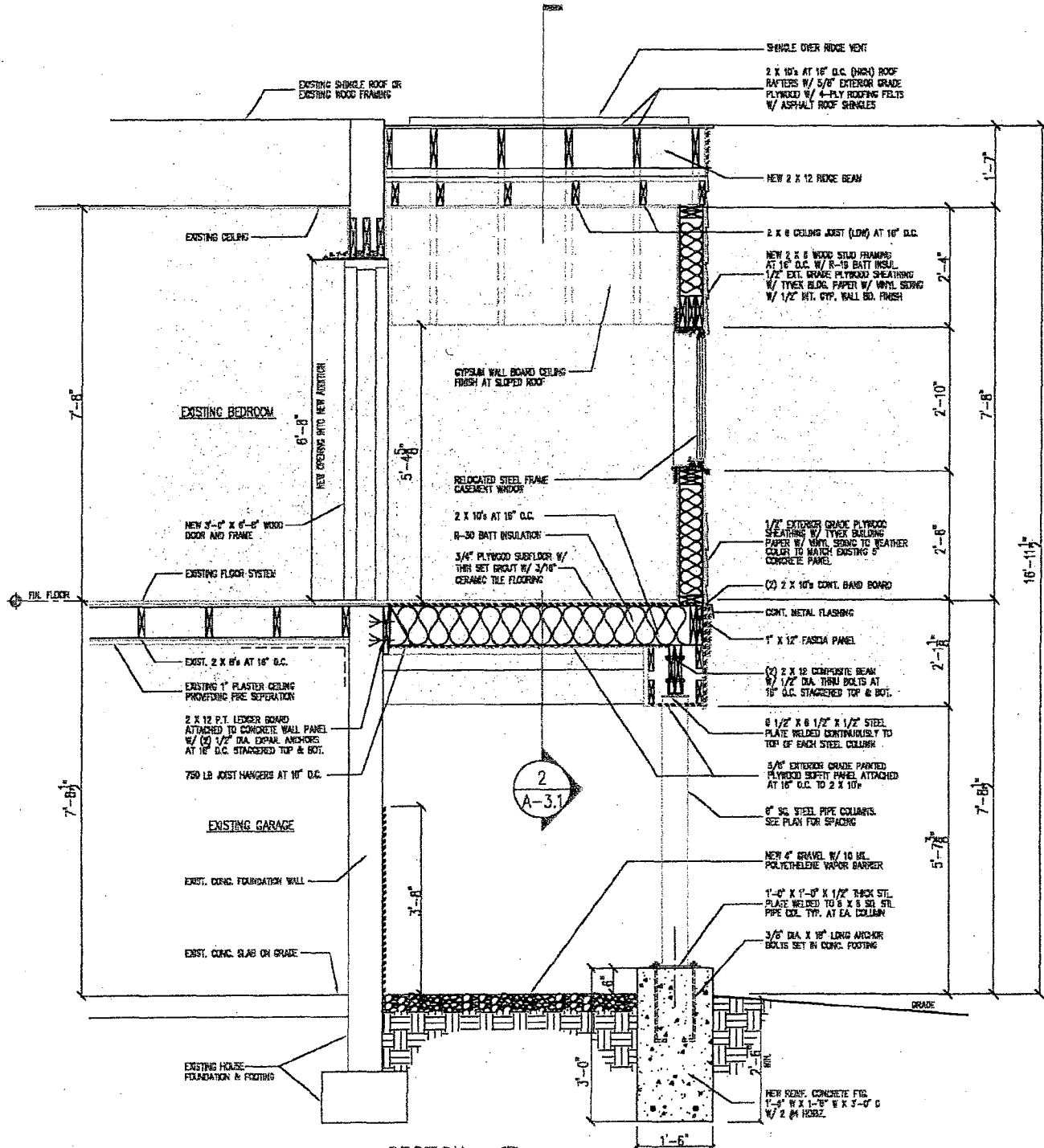
2" X 2" GYPSUM BOARD (OR GYPSUM BOARD)

1" 2" X 2" GYPSUM BOARD (OR GYPSUM BOARD)

1" 2" X 2" GYPSUM BOARD (OR GYPSUM BOARD)

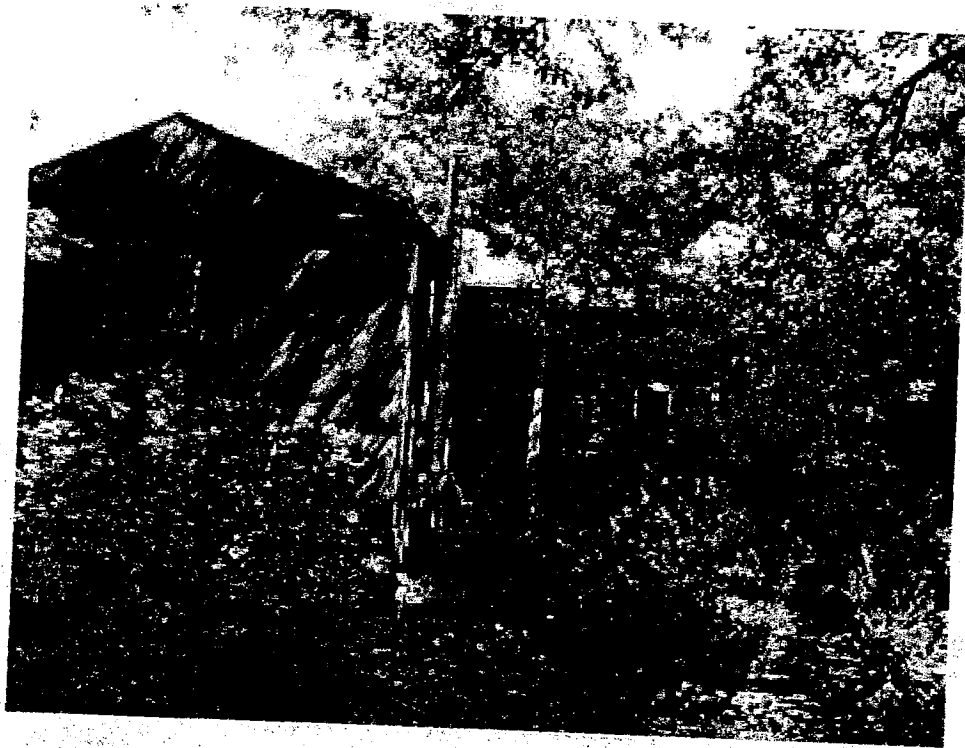
2" X 4" POST

A-3.1
3

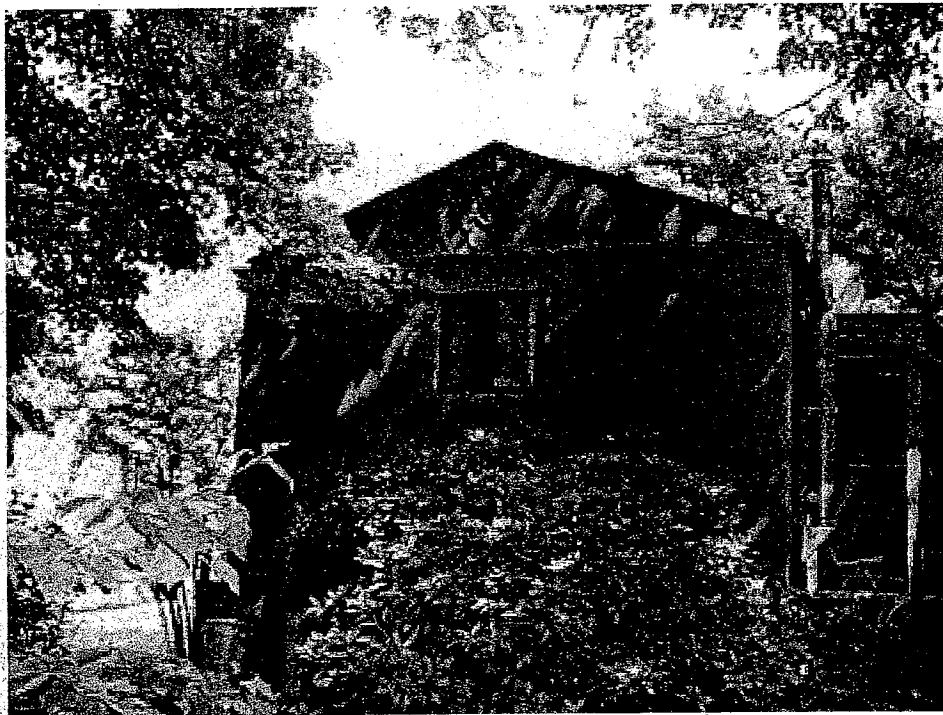


SECTION 3
3/4" = 1'-0"

55



SOUTH ELEVATION (REAR)



PARTIAL SOUTH ELEVATION WHERE PROPOSED
ADDITION WOULD BE LOCATED.



WEST ELEVATION (PARTIAL)

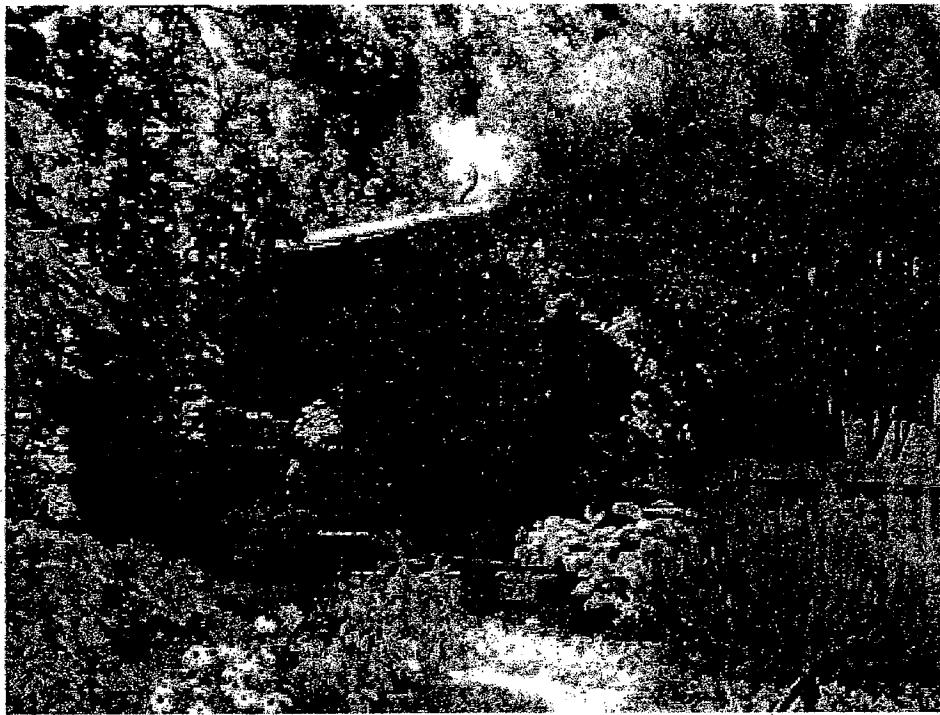


WEST ELEVATION (PARTIAL)

(18)

EAST ELEVATION





NORTH (FRONT) ELEVATION ON COLESVILLE RD.

TRANSMITTAL SHEET

TO: MNCCPC
 Historic Preservation Society
 1109 Spring Street
 Suite 807
 Silver Spring, MD

DATE September 24, 2001

RE: Gould Residence Addition

ATTENTION: Michelle Nara

PROJECT NO.:

WE ARE ENCLOSING THE FOLLOWING:

NO. COPIES	DRAWING NO.	DESCRIPTION	REMARKS
1		Revised design options - sheets :	
		A-2.1A, A-2.1B, A-2.1C, A-2.1D, EX-1	

REMARKS:

Michelle,
 Please find enclosed revised design options drawings for your review as requested. Please feel free to call if you require any additional information or have any questions.

COPY TO:

BY: Joe DeRosa

Transcript of 9/24/01 HPC Hearing.

18

1 And an additional recommendation is that the two signs, the
2 two Canada Dry signs be specifically called out as part of the
3 historic structure, and therefore protected under our Historic
4 Preservation Ordinance.

5 MS. WATKINS: I'll second.

6 MS. VELASQUEZ: Okay. All in favor, please raise
7 your right hand? All opposed? The motion passes unanimously.
8 Thank you.

9 MS. LESSER: Thank you very much.

10 MS. VELASQUEZ: Okay. The next thing on the agenda,
11 the historic area work permits. Have these been duly
12 advertise?

13 MS. WRIGHT: These were advertised in the Montgomery
14 Journal of September the 10th, 2001.

15 MS. VELASQUEZ: Is there anyone here to speak in
16 opposition to case B or case E?

17 MR. HARBIT: Madam Chairperson, I would like to move
18 that the staff reports be approved for HPC case number
19 37/3-01GG at 7112 Maple Avenue in Takoma Park, and for case
20 number 35/13-01W at 1 East Melrose Street, Chevy Chase.

21 MS. O'MALLEY: I second.

→ 22 MS. VELASQUEZ: Okay. All those in favor, please
23 raise your right hand. The motion passes unanimously. The
24 next case is case number 32/5-01A in the polychrome houses
25 historic district for a home located at 9904 Colesville Road,

1 Silver Spring. Do we have a staff report?

2 MS. NARU: We're working out the logistics. I
3 apologize. Okay.

4 The historic area work permit case number 32/5-01A
5 is the project at 9904 Colesville Road in Silver Spring.
6 There we go. It is an outstanding resource within our
7 polychrome historic district.

8 The art deco house was built in 1935 and is a one-
9 story six-room house consisting of a main block running north
10 to south, and an attached garage extending beyond the north
11 and of the main block to the west, and a small wing at the
12 south end of the front elevation facing east.

13 The gable roof, originally tiled, is now clad in
14 asphalt singles. There is a loft room over the one care
15 detached, or attached garage, which is the area which this
16 HAWP is viewed, and thus over to the left is the loft area.

17 The exterior walls are comprised of two inch thick
18 pre-cast mosaic concrete panels, each four to eight feet wide
19 and nine feet high. The metal casement window and door frames
20 were imbedded in the panels before casting. The panels are
21 attached to conventional wood frame and anchored to the
22 foundation by U-shaped hangers and threaded with reinforcing
23 rods, with reinforced concrete columns cast in place behind
24 each joint. The panels are rosy pink in color and result, the
25 result of exposing the surface of the red jasper aggregate.

1 In a separate report, I have given you a more
2 complete description of the level of integrity of this
3 resource, and the criteria for which the designation was, or
4 for which it was designated from the National Register
5 nomination.

6 The proposal this evening is to construct a one-
7 story bathroom addition at the rear of the house. The
8 addition will be constructed of two-by-six wood frame
9 construction, with an exterior painted wood siding, and as
10 asphalt roof shingle to match the existing. The addition will
11 be support by steel support columns which will be placed in
12 reinforced concrete footings.

13 The existing steel casement window from the rear
14 elevation will be salvaged and reused in the new addition, and
15 the connection to the new bathroom will be through the
16 existing window opening, and the existing bedroom exterior
17 wall.

18 I do want to make a clarification. This isn't used
19 as a bedroom presently, but historically it was to be used as
20 a loft or a den area.

21 The proposed new addition will be not visible from
22 the front facade, and no existing trees will be removed with
23 the construction of the proposed work. Let's see.

24 The polychrome houses were designated as
25 historically significant because of their physical

1 characteristics of design, construction, and form, as well as
2 their association with the art deco movement in this country.
3 I have to say that staff has struggled with this project,
4 mainly because of the nature of the existing building
5 materials and their importance to the integrity and historic
6 significance of this resource.

7 It should be noted that because of the uniqueness of
8 the building materials, any cut through the building will
9 cause irreparable damage, and will be destroying the historic
10 materials that characterize the property, which include the
11 cornice gable detail and the concrete panel, and the original
12 window.

13 Staff is aware that generally we do approve
14 additions to outstanding resources within our historic
15 districts, if they are located to the rear of the historic
16 site, and they are not visible from the public right-of-way.
17 We also note that the proposed additions are usually
18 constructed in a manner that if they are removed in the
19 future, the essential form and integrity of the resource would
20 not be, it would be unimpaired.

21 Additionally, staff does realize that exterior
22 alterations to a historic building are generally needed to
23 assure a building's continued use, and emphasizes the fact
24 that such alterations should not radically change or destroy
25 the character defining materials of the site. And we feel

1 that the proposal as presented to you this evening will do
2 this irreparable damage to the materials and the significant
3 details that characterize this building.

4 The alterations will not be reversible, and the
5 original building will never be able to be restored to its
6 original configuration. It is for this reason that staff is
7 recommending denial.

8 The applicant and her architect are here this
9 evening, and they have also brought three additional project
10 options for your consideration. I will be happy to entertain
11 any questions you might have, and again, they are here this
12 evening to present those options. I gave to you at the
13 worksession a packet.

14 MS. LESSER: Michele, I have one question. Do any
15 of the five homes in the district have any additions?

16 MS. NARU: I have to look, but from my recollection,
17 from the information that I had is no. This does have an
18 enclosed porch where you can see, that is not original. This
19 porch here.

20 MS. LESSER: Yes.

21 MS. NARU: So I guess you could consider that as an
22 addition.

23 MS. LESSER: I was just wondering if any of the
24 homes had, at any point, actually done the kind of alteration
25 that is being proposed here, where the concrete would actually

1 have to be cut into?

2 MS. WRIGHT: I was going to add, no that I'm aware
3 of. I know that at least one of the homes has had some
4 problems with the concrete panels, and have had to do some
5 repairs. But I don't believe the repairs involved actually
6 removing or cutting into the concrete panel. The owner may
7 have additional information, because she's lived in this house
8 quite a while, and has been a very good steward of the house
9 and knows the other houses quite well, also.

10 MS. VELASQUEZ: Is the applicant here? Would you
11 like to step forward? And your architect, too, if he is with
12 you. Would you state your name for the record, for the
13 recorder?

14 MS. GOULD: My name is Renata Gould.

15 MR. DEROSA: And my name is Joe Derosa.

16 MS. VELASQUEZ: And you have read staff's
17 recommendations, and what do you want to tell us about it, and
18 your new proposals.

19 MS. GOULD: Actually, let me say, first of all, that
20 I was surprised by two things, one minor and one major. I
21 shall start with the minor.

22 The fact that instead of siding, wood was suggested.
23 Now, we all know very well that this house is art deco. It is
24 not a -- house. It is not a -- house. The worst thing you
25 could do to art deco is to use wood.

1 I am not an expert in art deco. My field was
2 etruscan art, very far removed from art deco. But, I say, I
3 was, because I stopped teaching when I went to work for the
4 government. However, I know enough to tell you that wood is
5 not the material to add to an art deco house.

6 Art deco was metal, ideally chrome. Of course, you
7 don't put chrome outside. But it was definitely metal. If
8 you come to my house, and also the other ones, because I know
9 each one very well, you see metal. Every window is metal,
10 even the window sills are metal, which I tell you is not very
11 practical because of the moisture. And it does a lot of
12 damage. But apart from that, everything is metal. Wood
13 absolutely not recommended. This is my minor thing,
14 objection.

15 The major one is, of course, is the permit
16 exception. Through the years I have received countless
17 letters of appraisal. And then when the people came to see my
18 house, and every time I had an open house for any reason to
19 want them to come and the Deco Society of America, I have
20 always been commended because I am the only one who takes care
21 of those five houses.

22 The other ones, actually, except for the one which
23 has been recently sold and bought, the other three are going
24 to seeds. They are eating up by termites, like mine was.
25 They are used, the next one to me, come around and around, a

1 rare jewel, is used as a, I want to be kind, a storehouse. It
2 is actually inhabited by a man who has a disease. He is a,
3 what you call, pack rat. That house is absolutely
4 impossible.

5 The other two, also, because they are owned by a man
6 who bought them to invest and couldn't care less what happened
7 to them. So because I always spent every penny I earned on
8 that house, I always receive a lot of approvals and
9 commendations.

10 Now, ladies and gentlemen, I need your help because
11 I have only one bathroom. Temporarily, that is true, my
12 family, meaning my son, his wife, and two children will be
13 living there. Now, try to put yourself in my place. Three
14 adults and two children and one bathroom.

15 Now, there is written in this paper that you may
16 grant the permit if it is a way of avoiding hardship. In
17 these days and times, one bathroom is hardship, that's what is
18 considered, because even two bathrooms are not really though
19 much about nowadays. Tell me if I am right or wrong.

20 So I need your help and your support. I did a lot
21 on this house. I have a lot to move out, and even when really
22 it's not very convenient to live, very pretty to look at, but
23 inside, it is a different life.

24 You know, what I do to have a washing machine. I
25 speak of a washing machine. Who does have a washing machine

1 nowadays. I went for years without, because I didn't know
2 where to put it. Finally, I manage it, at great cost. Don't
3 ask me what I did. It's in the report. But to tell you that
4 to live in this house is not the most comfortable thing in the
5 world, yet I love it.

6 I have been living this place since I think '72 when
7 I was renting, and I bought it in 1981. And since then, I
8 haven't stopped spending money on it. Now I need another
9 bathroom. And the only way to do it, that is the only way, is
10 what this is reported in, it is a small masterpiece. It is
11 too. One gable will be covered, not destroyed. Covered. But
12 there are other three gable exactly the same. So I'm not
13 really eliminating one side, object of uniqueness. There are
14 four. One will be covered.

15 The other project Mr. Derosa tried, is best to do
16 it, but what we he did to the building is a small masterpiece.
17 The other project, one was suggested by Ms. Naru, a flat roof.
18 I refuse right now to have a flat roof on my house. They are
19 ugly, unsightly. They will ruin the look of the house.
20 Besides, Mr. Derosa told me, if we have a flat roof, we need
21 at least four steps from the bedroom to go down to the
22 bathroom. Now, I don't get it. Thanks so much.

23 And besides, even if I wanted to do it, the steps
24 will be, he tells me, will be carpeted, at least two of them
25 inside the garage. The garage here has all the equipment of

1 the air conditioning, and there is my car. I can't do that.

2 Now, as Mr. Derosa sits here, there is another
3 project, too. All right. But this one of the flat roof is
4 out. So that is all I have to say for now.

5 MS. VELASQUEZ: Thank you. Mr. Derosa, do you want
6 to address any of this?

7 MR. DEROSA: I brought some, I know you have seen
8 the original submittal, as well as the, if you went to the
9 worksessions, which I provided to you, to show today, looking
10 at different option. Because what we originally did, we
11 looked at it as the most economical, always keeping in mind
12 that the house has historic value. The idea was to look at it
13 as contextually as possible, but in the same, not to cause the
14 owner the hardship, to provide her with a bathroom.

15 We looked at a smaller addition, which would be more
16 of a, as I say, slanted onto the end of the house. So if we
17 went to the wider addition, which would then, the idea was to
18 mimic the exact profile of the existing house, as well as the
19 gable and some of the elements. That's the suggestion of,
20 looking at the understanding of staff, based on it being a
21 historical house, we looked at wood, painted wood.

22 The other option we have looked at is also being
23 either at stucco finish, which would be more contextual with
24 what's there. That's option B, which I have drawings, if I
25 can present to you, which I think you also have. I have a

1 larger version.

2 MS. WATKINS: Michele, do you have any extra copies
3 of the packets? I just got one sheet.

4 MS. WRIGHT: Your handout should have five sheets.

5 MR. DEROSA: Correct. There is an existing, there is
6 an existing plan, an existing elevation, showing the existing
7 house. Let me point out first that the addition is in the
8 rear of the house and cannot be seen from Route 29. I just
9 want to remand your concerns. I don't think we would even
10 look at any other options, that wouldn't be visited, which is
11 one of the concerns I've noted from the Historic Society.

12 The existing, the existing, this is the existing
13 bedroom here, which has a closet and an opening, one window.
14 An entrance to the house is off the side of the house, which
15 is here. Here. When you come in, up the stairway, or into
16 the dining room, which is here, and then off the stairway into
17 the bedroom.

18 The new addition is proposed here, which I will show
19 you under scheme A. So this does with different schemes.
20 Each one looks at it from a different viewpoint, or different
21 materials.

22 But scheme A, we add the addition to the rear of the
23 house, which is not visible from the front of the house up
24 here. This particular scheme shows wood siding, which would
25 be painted to match the existing color of the concrete panels.

1 We've tried to mimic the existing design here. And even in
2 one of the further schemes we've looked at, we can actually
3 even match the existing profiles, as you see here, of the
4 existing house in front, which would be done in wood. That is
5 one of the suggestions was to try and make it as contextual as
6 possible.

7 This particular scheme looks at it from, reusing the
8 existing window was one of the owner's schemes, which would
9 entail cutting the panel. But in thinking it through further,
10 this, the second point I would like to make, besides it is in
11 the rear of the house is that, just this can actually be
12 reversible. And the way that is done is in two directions.

13 One is, the center panel, which is here now, could
14 be taken away, or as I was suggesting from an economic
15 standpoint, to be cut in half, so that it still can be
16 reattached, so the window can stay in tact, because it is cast
17 into the elements of the house, such as shown here.

18 MS. LESSER: Could you explain, how are these panels
19 attached to each other? There are three separate panels on
20 this rear?

21 MR. DEROSA: Three separate panels.

22 MS. VELASQUEZ: Use your mike.

23 MR. DEROSA: I'm sorry. There are three separate
24 panels. This one here actually turns the corner. It is an
25 L-shape. And this one does the same. Those would stay in

1 tact. This one here, what I am suggesting is, in order to
2 keep it so it could be restored at a later date is, this panel
3 would be removed. It was one piece, or cut in half here,
4 which would then allow this portion of the panel to stay in
5 tact with the window, and stored at a later date.

6 And this panel here could either remain and be
7 overbuilt on top of, or it can be removed. My suggestion
8 right now from an economic standpoint for the owner is that it
9 stay in tact and be built over by continuing the gable roof
10 outward. Therefore, we wouldn't have to actually cut this
11 panel, and at a later date if someone wanted to take the
12 addition back down, then you could put this panel back in
13 place, and then it would connect here, and fill in the holes.

14 MS. LESSER: Could you -- I'm sorry. Could you
15 address whether there would be created, by the removal of the
16 middle panel, any structural weaknesses?

17 MR. DEROSA: To my knowledge, based on the way these
18 panels are -- these are actually hung. There is a reinforcing
19 rod that is cast into the panel, unlike what we do today.
20 This is an earlier version. And then that actual rod is then
21 bent into a support.

22 So what we would do is resupport this member here,
23 steel angles, which would then, just providing a lentil,
24 whether it would be wood, or in this case, steel, which would
25 then bridge across here.

1 Now, in order, the difficulty of this project is, it
2 has to do with the, I'll have to show you the section, because
3 of the garage. It's not just a simple addition. What happens
4 is, under the proposed -- I'm sorry. Under the proposed
5 existing bedroom, there is a garage there now, which has a
6 minimum seven-foot six-inch clearing.

7 One of the options that Michele asked about, which
8 I'll show you in a minute, is talked about not extending the
9 gable but exposing the existing panel up here. I'm sorry for
10 jumping around. I'm trying to give you the total context as
11 far as the history.

12 We looked at, in this particular case, whether it is
13 siding or whether it is the stucco. Leaving the existing
14 panel exposed, which would be at this end here, then putting a
15 flat roof, which originally as Ms. Gould suggested, Michele
16 had actually suggested maybe having a sloped roof which, from
17 a head room standpoint, wouldn't work, and so the thought was
18 to go to a flat roof, which would leave this panel exposed.
19 And this could even be the wood siding or the stucco material.

20 The complication with this is that in sections,
21 based on existing garage here, it requires in plan, four steps
22 to come down, which then would negate the existing closet as
23 well as push into the existing garage, which would reduce the
24 headroom there, making it very unusable, and also affect the
25 bedroom to the point of just furnishing would make it very

1 unusable.

2 So we, in an attempt to look at all the different
3 options, we have looked at Ms. Naru's suggestions, but we find
4 that our recommendation is actually option B, which basically
5 keeps the gable, keeps the gable. Instead of the wood siding,
6 we're suggesting stucco here, which would match, color wise
7 and texture to the existing panels.

8 This existing panel could either be moved forward,
9 but from an economic standpoint, we're looking at it from the
10 standpoint of this would just be recreated either in stucco,
11 which I've done quite a few of in commercial buildings, or
12 recreated with wood lattice, to match exactly the same detail.

13 Therefore we would protect the panel, the visual
14 panel beyond, continue the gable, which would allow then the
15 proper head clearance that's necessary to get from the
16 existing bedroom into the new bathroom, and again, match the
17 existing roof and even recreate in the panels here stucco, the
18 same reveals as far as the connections and the control joints
19 that are in the existing house here.

20 MS. LESSER: So that's, what you've just outlined is
21 your proposal as it is --

22 MR. DEROSA: Right.

23 MS. LESSER: -- discussed in the report.

24 MR. DEROSA: It's discussed in the report, which is
25 a revised proposal from the original one which showed wood.

1 After talking with Mrs. Gould and actually meeting with staff,
2 we determined this would probably be more architecturally --
3 it is more expensive, which Mrs. Gould is not as happy with,
4 but we've talked to the builder, and we feel that we can, in
5 order to accommodate the Historic Society's concerns, as well
6 as, which in my understanding, the two things were the
7 structural elements, which I believe by removing the panel
8 would solve one of those problems.

9 The second would be to maintain this element here as
10 much as possible, and hopefully recreate it, so that from the
11 outside, it is still contextual, and then it can be reversed
12 by removing the addition if someone, the next owner chooses to
13 do so.

14 MS. LESSER: So is option C the same proposal simply
15 with a stucco finish?

16 MR. DEROSA: This is option B.

17 MS. NARU: No.

18 MS. LESSER: What is option C?

19 MR. DEROSA: Option C shows it with the stairs.

20 MS. NARU: Option C and option D are I guess
21 withdrawn, because Mrs. Gould does not like those proposals.
22 Those have the flat roofs.

23 MS. WRIGHT: Those have the flat roofs.

24 MS. LESSER: Okay.

25 MS. NARU: But the proposal in front of you tonight

1 is a revised option A, which is what he was just explaining to
2 you, with the stucco and --

3 MS. WRIGHT: Could you clarify two things, because I
4 just in following the presentation, maybe other Commissioners
5 got, maybe some of the Commissioners have a question. You
6 were talking about the panel, the triangular panel in the
7 gable.

8 MR. DEROSA: Yes.

9 MS. WRIGHT: And you talked about two possibilities,
10 one covering up what's there now and recreating a new panel
11 that looks like it. In this option B, which is what you are
12 saying is your preferred option at this point, does that
13 include literally moving the existing triangular panel, or
14 recreating it?

15 MR. DEROSA: It includes recreating it. The option,
16 I have discussed the option with Mrs. Gould about moving it
17 with the builder. And we're talking about, these then would
18 be more to a commercial type application of -- the concern
19 was, we might actually destroy the panel, I think, in trying
20 to move it. And it would be safer to keep it there, and
21 actually cover it and protect it in a certain way, that,
22 therefore, versus trying to take it off.

23 Because my first thought was, you can, as I have
24 done in other buildings, was typical of what they call tilt up
25 construction. You would attach different points on the panel,

1 and then you would actually lift it out of place. Now, based
2 on the age of the panel and design, it is probably over -- it
3 would probably be okay.

4 But I've had experiences with other panels, newer
5 designs, where sometimes by moving them, you can actually
6 destroy them. So that was our concern was that we thought it
7 would be safer to keep it in place and just recreate the
8 detail further out.

9 MS. WRIGHT: And just following on that, you are
10 talking about the rectangular middle panel being removed. But
11 you feel confident you can remove that without destroying it?

12 MR. DEROSA: No, I am saying that one would stay in
13 place, but this one, this center panel, I'm sorry --

14 MS. WRIGHT: That's what I mean, the rectangular
15 center panel?

16 MR. DEROSA: That would stay in place in its current
17 location attached to the house, and we would build in front of
18 that.

19 MS. WRIGHT: No, no, not the triangle.

20 MR. DEROSA: This one. Yes.

21 MS. WRIGHT: But the rectangular center panel.

22 MR. DEROSA: That would be removed.

23 MS. WRIGHT: Would be removed. And you feel that
24 you could remove that without destroying it. You were saying
25 removing the triangular panel you were concerned about

1 destroying it by removing it, but the rectangular one you
2 think you can remove without destroying? That's question
3 one. And question two is, what would you do with it?

4 MR. DEROSA: Store it for future use of
5 reattachment.

6 MR. HARBIT: Where would you store it on site?

7 MR. DEROSA: In Mrs. Gould's garage.

8 MR. HARBIT: In one piece?

9 MR. DEROSA: Well no, unless what I'm suggesting
10 which is the solution to that. It is too big to store on
11 site. So the other way to do it would be to cut the panel
12 here, below the window, enough to keep that piece in tact and
13 this piece in tact, and then store it that way. And then it
14 could be reattached in two pieces.

15 MR. HARBIT: Would it be possible to keep the
16 rectangular piece in tact, and basically slide it either to
17 the front or back into a false pocket in the wall, so that it
18 would basically be sitting just a few inches forward and a few
19 feet to the side where it originally was, so that it truly
20 could, if the addition comes off, slide back into place?

21 MR. DEROSA: I hadn't thought of that. It's
22 possible that this would have to be bolted to the other
23 panels, and it would have to be, I think, based on the size,
24 it just might slide to this side, just shy of the new opening.
25 That's possible. I hadn't thought of doing that.

1 MR. HARBIT: Well, you would create a new opening
2 that way --

3 MR. DEROSA: Yes.

4 MR. HARBIT: -- as wide as you wanted, I guess, up
5 to the width of either of the side dimensions, the panels on
6 the two sides.

7 MR. DEROSA: I understand what you are saying.
8 Basically, what you are saying is, take this panel. Slide it
9 to one side or the other.

10 MR. HARBIT: Either direction.

11 MR. DEROSA: Leave the opening there and keep panel
12 attached. No, I think that would work. It's just the
13 question of reattaching that question to the older panels.
14 Then the question would be, I would have to look at it, have
15 my engineer look at it from a weight standpoint.

16 MR. BRESLIN: Yes, well, you would have to have some
17 pretty significant footings to do that.

18 MS. VELASQUEZ: If you bolted it to the other
19 panels, would it destroy, it would then be piercing the other
20 panels, is that right?

21 MR. DEROSA: You would touch the other panels. But
22 I don't believe you would destroy them. I think they can be,
23 if they are drilled correctly, and then once you've moved the
24 other panel back, then they can be re, how would you say it,
25 the holes can be filled with concrete or cement. Actually,

1 the epoxy cement material, with the colorations to match the
2 existing panel.

3 MS. LESSER: I'm sorry. Go ahead.

4 MR. BRESLIN: I would assume that if you did that,
5 basically, you could, since there is one penetration in that
6 panel already, i.e., the window, you could somehow brace it to
7 the side of the house at that point, so there would be minimal
8 penetration. There would be no new holes, I guess, in the
9 panel that's moving. And maybe one hole in a side panel that
10 is currently not moving. I would strongly discourage, you
11 know, a series of bolts down the side of the house.

12 MR. DEROSA: Obviously, we'll try to keep the
13 integrity of the panel.

14 MR. BRESLIN: Right.

15 MR. DEROSA: And I would have to talk to my
16 engineers as to what's the most economical way of doing it,
17 and the most, to protect the panel but also keep it in tact.
18 What probably might want to happen is actually to construct a
19 support below the panel in such a way that it would actually
20 take the weight of the panel and actually the connections
21 would be more of hinges. I'm sure that can be done. It's
22 just a question of figuring out the details of the work.

23 MR. HARBIT: Now, explain to me again how these
24 panels are connected to each other, that you think you can do
25 this without damaging?

1 MR. DEROSA: Without having taken, actually taken
2 one apart, it is going to have to be taken down carefully.
3 But my understanding is, new precast panels, as you are
4 probably aware, there are a series of anvils that are cast
5 into the panel, and then those are welded to other steel
6 members. These, in particular case are, there is an actual
7 steel rod that is cast into the panel, and then it actually
8 comes out and is bent or connected to the wall behind it. So
9 that rod would then be dislodged in a way that would not hurt
10 the panel, but the wall behind it would probably have to come
11 down for that whole opening, and then it would be moved.

12 But again, this, all of these issues have to be
13 dealt with, probably, with a crane, in order to, which is an
14 added cost to the owner, which might actually put it out of
15 her range as far as being able to actually do the
16 construction, based on her limited budget. But the idea is to
17 take all these things into consideration to protect the actual
18 building so it can be reinstalled at a later date.

19 MS. O'MALLEY: Can I ask whether you have thought of
20 another location for the bathroom? You already have one door
21 coming out the back onto that porch. Is there a way to make a
22 small hallway with the bathroom on that porch, and then extend
23 your porch?

24 MS. GOULD: Through the years, I have thought every
25 possible way of doing it.

1 MS. O'MALLEY: And is that not an option?

2 MS. GOULD: I was even ready to sacrifice a closet,
3 though the closets, again, are not a major feature in this
4 house. I was going to, I was willing to sacrifice the hall
5 closet, when you enter in the counter right -- where is it.
6 Well, anyway, the front, the front door of the house, as you
7 enter. On your right, if you look closely, usually you have
8 the closet entering the house just to hang your coat. I was
9 ready to sacrifice that. This was my last, almost a desperate
10 act, because I need every inches in that house. But I was
11 ready to do it, but then I realized that will not be possible,
12 what is euphemistically called powder room, just, you know,
13 two pieces. It's impossible.

14 It can be closet. You open the door like this, the
15 closet is rectangular this way. So the length would be there,
16 but the width, there is no room for a sink.

17 MS. WRIGHT: I think what the Commissioner was
18 saying is, in the L of the house where you have a porch now,
19 you could even make that a bigger porch, because the porch
20 isn't an original feature.

21 MS. GOULD: Oh, no, I'm sorry, the porch, as you see
22 the screen, but the floor is original. It was a patio.

23 MS. WRIGHT: Okay.

24 MS. GOULD: So the floor is original, belongs to the
25 house, with all the steps which go down.

1 MS. WRIGHT: But I guess, you know, you could keep
2 that floor as part of the floor. Have you thought about
3 making some sort of an addition in that area that even
4 extended out farther so that you had a bathroom and maybe, you
5 know, a laundry room? I mean, you could add more space.

6 MS. GOULD: Where do I go? Inside the yard? I
7 don't know where I would put it. Because then, really, to
8 change the appearance of the house, because the deck floor is
9 very characteristic. Now, this case, it is true, I cover the
10 original panel, but I try to imitate it. And then, because of
11 the -- it is just visible. But if I cover that, no, you
12 should see, cuts down very veraciously this floor, and then
13 there is a sort of walk, and then a few steps, and the little
14 walk again. It is all part of the architectural design. That
15 would be a shame to ruin, to lose it.

16 MS. LESSER: Mr. Derosa, have you ever worked with
17 the kinds of concrete panels that are at issue in this
18 construction?

19 MR. DEROSA: This historical panel, no, but concrete
20 panels, I am very familiar with, because I've designed
21 reinforced panels, as I call tilt up panels in my past
22 experience.

23 MS. LESSER: But as I understand it, this is a
24 unique kind of construction that was developed by this master
25 builder, and I just wonder if you endeavored to remove a panel

1 without destroying it, how confident you really are that you
2 will be successful, if you have never gone into a house like
3 that and really seen the connections and so forth. That's my
4 concern.

5 MR. DEROSA: It's a valid concern, and we're to try
6 to accommodate the owner as well as maintain the integrity of
7 the house. All elements can be recreated if need be at a
8 future date. I mean, for example, these panels can be
9 recreated if enough money is available. As a matter of fact,
10 one of the things we talked about was if there was grant money
11 available. But our understanding is that for an addition it
12 is not available, but for if you wanted to keep up the
13 existing house, it is available.

14 So theoretically, if there was monies available, the
15 owner would, honestly, would recreate what's exactly there,
16 which would be, the problem is, it is not economical for her
17 to do that.

18 MS. NARU: Just to clarify what the staff was
19 suggesting, is to extend this area out here, either make it as
20 an angle, and you could have a bathroom area in here, and
21 maybe some closet rooms or whatever.

22 MS. WRIGHT: And you could keep the floor of the
23 porch exactly --

24 MS. NARU: Keep the original floor.

25 MS. WRIGHT: -- as it is. And you could get several

1 big closets and a bathroom. And you could do an outside
2 treatment that, again --

3 MS. NARU: And you could have a patio or something
4 out here.

5 MS. WRIGHT: -- maybe that has a similar look to
6 what the porch is that you have now, except in glass instead
7 of in screen, or something like that.

8 MS. GOULD: Well, I don't really follow you, ladies,
9 because if I -- the porch stays as it is. But it will not be
10 a porch anymore?

11 MS. NARU: It would actually be removed, the porch
12 itself.

13 MS. WRIGHT: The floor of the porch would stay, like
14 a patio floor.

15 MS. GOULD: And you want to do what with my porch?

16 MS. NARU: You could move it to another location, if
17 you wanted to. You could shift it over here, and use it in
18 this area, like this. It's just an idea, so you can use an
19 existing opening. Shift it to this location and use this
20 space here for a bathroom, and then you would go into the
21 existing porch here.

22 MS. GOULD: Well, something that I should talk of,
23 it is not appearing to me, but I'm very much -- because of
24 going to the tree, you know, and I like my tree. I don't want
25 to touch my big tree.

1 MS. NARU: Well, you wouldn't touch that tree there.

2 MS. GOULD: Not this one. The other one on the
3 other side, if I come out.

4 MS. NARU: Right. This would come, according to
5 what was drawn here, it would project from this scene here,
6 outward.

7 MS. GOULD: Over the windows?

8 MS. NARU: It would come this way.

9 MS. GOULD: But all that would be changing the
10 architectural structure of the house.

11 MS. NARU: What it would do, what staff is trying to
12 achieve is that basically you are putting another room on, but
13 you are not disturbing any of the panels.

14 MS. GOULD: Well, if I, I'm not really, if there is
15 nothing else I can do but to tell you the (indiscernible)
16 because you are --

17 MS. NARU: We are just trying to find some
18 solutions.

19 MS. GOULD: Yes, I understand, but I'll tell you
20 something, if you are going to be this conservative for the
21 future owner and the future owners, to tell you the truth, I'm
22 more concerned with the present owner, which is myself. But
23 if the future owner would be so stupid to destroy a bathroom
24 in order to have the gable again, it will be his problem. I
25 will not be alive to see it.

1 The only thing which really gets me is that we are
2 getting all sorts of trouble in removing a panel which is not
3 a small business, and all I need to have an opening to build
4 the door is 20 inches below the window. That is all I need.
5 Because if you enter that bedroom, and you walk to the window,
6 which will hopefully become a door, this is the window. From
7 the window to the floor 20 inches exactly. And because of
8 these 20 inches, we have to go all through this trouble.

9 MS. WRIGHT: That is the other option, is to cut a
10 rectangle below the existing window of the panel, and take 20
11 inches of the panel out.

12 MS. GOULD: That is all --

13 MS. WATKINS: Do you have any opinion what would
14 happen if you did that? If you left the panel the way it is,
15 removed the window, relocate the window, and you cut that 20
16 inches, what -- I assume there is a lintel that runs above the
17 existing window that would carry that, and by cutting that
18 there are probably -- I don't know what that would do to the
19 structural integrity of the panel. Do you have any --

20 MR. DEROSA: The panel would be reinforced. In
21 either case, you would cut the panel. You would have to cut
22 the panel at the top, also. I mean, Mrs. Gould is correct,
23 you would have to cut the panel below, but you would also --

24 MS. NARU: Explain where the window comes in the
25 loft area. I think that will help a lot, in terms of where

1 the floor is.

2 MR. DEROSA: The current panel right now is shown,
3 it should be on your drawing, is approximately here at the
4 head of the window. The panel itself, the triangle panel
5 would have to be cut in order to make the opening to come
6 through correctly. And then the bottom of the panel could
7 clearly be cut down. This would be just to the floor line
8 here. So we would cut the panel here, and we would cut it up
9 into the --

10 MS. LESSER: So you would be cutting into two
11 panels --

12 MR. DEROSA: Correct.

13 MS. LESSER: -- in order to build the doorway that
14 you need to build for the addition.

15 MR. DEROSA: Unless we went down, for the other
16 designs which basically step down, but then you lose,
17 basically, the bedroom, and you lose the garage at the same
18 time.

19 MS. LESSER: But what's the guarantee the panel,
20 particularly given the age, doesn't just crumble, both panels,
21 or one or the other, just doesn't crumble when you try to cut
22 it?

23 MR. DEROSA: I would say, based on the fact that
24 these, if you look at early concrete design, they were over-
25 designed, immensely, based on the amount of steel that were

1 put into them, especially probably these, which I haven't
2 actually analyzed all the panels. But I would venture, based
3 on my knowledge of this type of panel, based on historical
4 construction, they are probably built to last probably longer
5 than the panel we make today.

6 MS. GOULD: You should talk to all the people who
7 work on that house, especially those which, who installed the
8 air conditioning. When they have to, they told me very
9 frankly, had we known what we were going to meet, we would
10 have raised the price, because they told me, this is not a
11 house I bought. This is Fort Knox. That's what they said.
12 They could not do anything, just couldn't break it up.

13 And also when the garage door was put, was changed,
14 it was crumbling down, that poor man was quoted by his boss,
15 because he said, where did you go? You spent too much time.
16 And he said, I spent a lot of time because I could not remove
17 the door because I had to work on it. But not a little piece
18 crumbled. He just had difficulty removing the old door.
19 That's it. Everything was just as it was.

20 MR. HARBIT: Madam Chair, I worry that this is
21 turning into a preliminary consultation as we try and
22 re-engineer this possible, this proposal. So I would
23 encourage us to, I guess, focus on the HAWP.

24 MS. VELASQUEZ: Okay.

25 MR. HARBIT: And it may be useful to just kind of go

1 down the line of where we all are coming from.

2 MS. VELASQUEZ: Well, since this is a HAWP, let's
3 clarify what we are talking about here. The presentation and
4 the request for historic area work permit is based on their
5 drawing B.

6 MS. WRIGHT: Correct.

7 MS. VELASQUEZ: Could we have comments to that, that
8 have not already been made, and if no one has any particular
9 concerns or comments, could we have a motion?

10 MS. WATKINS: I have a comment and question. My
11 question is more of a clarification. The gable panel will be
12 cut no matter what, unless we add stairs to the proposal.

13 MR. DEROSA: Correct.

14 MS. WATKINS: And how much will be cut out of it?

15 MR. DEROSA: Approximately three feet wide by 11
16 inches.

17 MS. WATKINS: So it will probably hit the medallion
18 detail?

19 MR. DEROSA: No. It wouldn't hit the medallion
20 detail. It would just be from the top of the window you see
21 here, to just below, right there, where the two triangles come
22 out. So the medallion would stay in tact.

23 MS. WATKINS: Okay, so there is no compromise
24 between the four steps down and the existing, the no step?

25 MR. DEROSA: It's possible to go down two steps, and

1 then not cut the panel. But either way, you affect the
2 overall plan of the bedroom. I mean, there's probably, there
3 might be a compromise there. I would have to look into that.
4 But either way, you have to provide a landing, because you
5 can't step down before you hit your head, so to speak.

6 MS. WATKINS: Right.

7 MR. DEROSA: I see where you are going. Don't cut
8 that panel.

9 MS. WATKINS: Right. I think maybe a compromise
10 where perhaps we just have to cut below the window and leave
11 the existing panel, store the cut panel somewhere off site or
12 somewhere on site, excuse me, on site, so that it can be added
13 back in at a later date. And then the gable would still be,
14 and then you wouldn't have to worry about moving the panel
15 from one place, a huge panel, and storing it. I think I could
16 -- well, we are not saying that.

17 MR. HARBIT: My biggest concern is that the main
18 architectural feature of this house, the fabric, the reason
19 this is historic is because of its exterior materials and the
20 design. And I don't think I could support a proposal that
21 would destroy irreparable the exterior of the building by
22 cutting the panel. It's just, it's not going to be repairable
23 once you cut into that concrete panel and try to store pieces
24 of it on site. I think we would be fooling ourselves to think
25 it would ever be restored to look anything like it does now.

1 So I would encourage the -- well, so I would
2 encourage the applicant to find a solution that creates more
3 livable space within the L, what is now the back yard, without
4 damaging any of the panels.

5 MR. BRESLIN: I would agree with that. As an owner
6 of a one and a half bathroom house, I appreciate the need to
7 add onto the house. And I don't think an addition would be
8 objectionable to the house, if it was not visible from the
9 street, which this isn't; but in addition, was reversible and
10 wasn't so invasive of the historic fabric. So I don't want
11 you to go away from this thinking that an addition couldn't
12 work. I think an addition could work, but I think it would
13 have to be an addition that isn't evasive to what essentially
14 makes this house historic.

15 So I think if you were to work with the L or do
16 something else where the addition wouldn't have to match
17 particularly. The addition could be fairly large, but it
18 wouldn't be invasive to the structure itself.

19 MS. VELASQUEZ: Is there a motion?

20 MS. LESSER: I agree.

21 MS. VELASQUEZ: Is there a motion?

22 MR. HARBIT: Madam Chairman, I move that we deny the
23 historic area work permit on case number 32/5-01A at 9904
24 Colesville Road.

25 MS. LESSER: I would add that the record should be

1 made clear that the Commission's view is not that an addition,
2 per se, is inappropriate, but an addition that does not tamper
3 or destroy the historic fabric of the house is what we object
4 to. We invite, we invite the applicant to come in with a
5 different proposal.

6 MS. VELASQUEZ: Would you amend it?

7 MR. HARBIT: I think that's appropriate for the
8 record, but I'm not sure it is appropriate for my particular
9 motion.

10 MS. VELASQUEZ: Is there a second to the existing
11 motion?

12 MR. BRESLIN: I second it.

13 MS. VELASQUEZ: All right. All in favor, just raise
14 your right hand? All opposed. Commissioners Watkins and
15 Velasquez were opposed. Okay. And then we are going to go on
16 to preliminary consultations, but first we are going to take a
17 six-minute break.

18 (Whereupon, a brief recess was taken.)

19 MS. VELASQUEZ: The next item is a preliminary
20 consultation for Four Streams Golf Associates. Is there a
21 staff report?

22 MS. KAPSCH: Yes, this is a preliminary, they
23 actually submitted a historic area work permit, but it turns
24 out it is for construction of a two and a half story lodge
25 with an adjacent one and a half story annex that would be part

HISTORIC PRESERVATION COMMISSION STAFF REPORT

Address:	9904 Colesville Rd, Silver Spring	Meeting Date:	09/24/01
Resource:	Outstanding Resource Polychrome Historic District	Report Date:	09/17/01
Review:	HAWP	Public Notice:	09/10/01
Case Number:	32/05-01A	Tax Credit:	None
Applicant:	Renata Gould (Joe DeRosa, Agent)	Staff:	Michele Naru
PROPOSAL:	Rear Addition	RECOMMEND:	Denial

BACKGROUND:

“The five single-family dwellings that comprise the Polychrome Historic District were built in 1934-35 by master craftsman John Joseph Earley (1881-1945). These unique houses are outstanding examples of the Art Deco-style and reflect Earley's artistry and craftsmanship. Conventional wood frames were clad with prefabricated "mosaic concrete" panels utilizing a process Earley developed and patented in which the concrete was stripped to expose the brilliantly colored aggregate particles, creating an effect similar to impressionist or pointillist painting. In addition to their striking, richly ornamented appearance, these houses represent a relatively rare example of pre-cast concrete panel construction in single-family housing for the time period. Earley's patented structural system led to the widespread use of pre-cast architectural concrete as a major exterior cladding material. The legacy of the Polychrome houses can be seen in thousands of curtain-wall buildings nationwide.”

“Earley was a master builder who culminated nearly three decades of engineering and architectural experience in the design and construction of the Polychrome houses. From 1906 to 1933, he was responsible for such complex and demanding projects as the stucco work for Meridian Hill Park (Washington, D.C., 1916); the casting of Lorado Taft's sculpture, "The Fountain of Time" (Chicago, 1920-22); *the* rebuilding of the replica of the Parthenon at Nashville (1925); and the Baha'i Temple of Light in Wilmette, Illinois (begun in 1932). Earley created a new medium for the decorative arts--mosaic concrete--in designing the richly detailed interior of the Shrine of the Sacred Heart (Washington, D.C. 1923), the same material used in executing the intricate design of the ceilings for the Department of Justice (1933) and in the Polychrome houses. Earley wrote eloquently about the social changes taking place in the United States during the 1930s and the demand for what he termed "social justice." The polychrome houses represent his attempt to solve the "small house problem" by providing innovative housing at modest cost during the economic and social upheaval of the Great Depression.” – from National Register Nomination

PROJECT DESCRIPTION

SIGNIFICANCE: Outstanding Resource in the Polychrome Historic District.
STYLE: Art Deco
DATE: 1935

“Polychrome II, built by John Joseph Early, is a one-story six-room house consisting of a main block running north to south and a attached garage extending beyond the north end of the main block to the west, and a small wing at the south end of the front elevation facing east. The gable roof, originally tiled, is now clad in asphalt shingles. There is a loft room over the one-car attached garage [area which is the subject of this HAWP]. The exterior walls are comprised of two-inch thick pre-cast mosaic concrete panels, each four to eight feet wide and nine feet high. Metal casement window and door frames were imbedded in the panels before casting. The panels are attached to a conventional wood frame and anchored to the foundation by u-shaped hangers and threaded with reinforcing rods, with reinforced concrete columns cast in place behind each joint. The panels are rosey-pink in color, the result of exposing surface aggregates of red jasperite. There are three large metal –frame porthole windows, two in the front overlooking the open porch, and one at the rear on the west wall of the living room. The circular frames are inset with standard casement windows. The front porch is partially enclosed by a low concrete mosaic wall with decorative geometric inserts in deep red. The same decorative wall treatment is used on a small porch and the side door on the north side of the house.”

“A driveway runs along the north property line to the entrance of the attached garage, which faces north. Large decorative mosaic concrete planters are affixed to the south and west walls of the wing attached to the south end of the main block.” – description from National Register Nomination

PROPOSAL:

The applicant is proposing to construct a one-story bathroom addition at the rear of the house. The addition will be constructed of 2x6 wood frame construction with exterior painted wood siding and asphalt roof shingles to match existing. The addition will be supported by steel support columns, which will be placed in reinforced concrete footings. The existing steel casement window from the rear elevation will be salvaged and reused in the new addition. Connection to the new bathroom will be through the existing window opening in the existing bedroom exterior wall.

The proposed new addition would not be visible from the front façade. No existing trees will be removed with the construction of the proposed addition.

STAFF DISCUSSION

This house has been in continuous use as a single-family residence on the original site since construction and has not undergone any major exterior alterations.

As an outstanding resource within a Historic District, this building is subject to the highest level of design review.

The proposal being presented requires that original decorative elements including the cornice detail, the window surrounds, a portion of the rear panel and the rear gable with its highly decorative details will be lost. In rehabilitation, historic building materials and character-defining features are protected and maintained. This resource was designated as part of a historic district. It as well as the rest of the houses in the district identifies a form and detailing of architectural features that are important in defining the structure's historic character, and these features must be retained in order to preserve this character. The character of these buildings is defined by the form and detailing of their interior and exterior features and structural systems. The Historic Preservation Commission has jurisdiction on the exterior features only.

It is a concern of staff that this alteration, though to the rear of the resource, will be detrimental to the existing structure. As explained above, the house was built with concrete panels. These panels were designed in such a way to support each other. If a weak point is bored into the panels....what effect will this alteration have on the structural integrity of the resource? The architect and his engineer have worked extensively on this method of construction and have assured staff that an appropriate header and door surround will support the remaining panel and will not negatively affect the surrounding panels.

The Polychrome Houses were designated as historically significant because of their distinctive physical characteristics of design, construction and form as well as their association with the Art Deco movement in this country. Staff has struggled with this project, mainly because of the nature of the existing building materials and their importance to the integrity and historic significance of this resource. It should be noted that because of the uniqueness of the building materials any cut through the building will cause irreparable damage and will be destroying historic materials that characterize the property which include the cornice, gable detail, the concrete panel and original window.

Staff is aware that generally we do approve additions to outstanding resources within our historic districts if they are located at the rear of the historic site, are not visible from the right-of way and the proposed addition would be constructed in such a manner that "if removed in the future the essential form and integrity of the historic property would be unimpaired." Additionally, staff does realize that exterior alterations to a historic building are generally needed to assure a building's continued use, but emphasizes the fact that such alterations should not radically change or destroy character defining materials, features or finishes. Staff feels that the proposal as presented will do irreparable damage to the historic materials and the distinctive details that characterize the building. These alterations will not be reversible and once complete the original building will never be able to be restored to its original configuration.

STAFF RECOMMENDATION

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

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

(3)

and with the Secretary of the Interior Guidelines #2, #5, #6, and #9:

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

Distinctive features, finishes, and construction techniques or example of craftsmanship that characterize a property shall be retained and preserved.

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

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.



DEROSA
ARCHITECTURE

M.N.C.C.P.C.
Historic Preservation Society
1109 Spring Street
Suite 807
Silver Spring, MD

DATE: August 31, 2001

ATTN: Michelle Naru

Project Description:

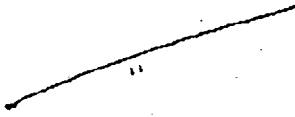
9904 Colesville Road
Silver Spring, MD 20901
"Polychrome District"

Mrs. Renata Gould, home owner of the historic residence located at 9904 Colesville Road plans to add a one story bathroom addition (16'-11" wide x 6'-9 1/2" deep) connected to her existing rear bedroom located at the rear of the existing residence.

The proposed one story bathroom addition would be constructed of 2 x 6 wood frame construction with exterior painted wood siding and asphalt roof shingles to match existing. The addition would be supported by steel support columns placed in reinforced concrete footings. The existing steel casement window from the rear elevation would be salvaged and reused in the new addition. Connection to the new bathroom addition will be through the existing window opening in the existing bedroom exterior wall. The proposed new addition would not be visible from the front of the residence. No existing trees will be removed with the construction of the proposed addition.

page 2 of 2

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

Owner's mailing address MRS. RENATA GOULD 9904 COLESVILLE RD. SILVER SPRING, MD 20901	Owner's Agent's mailing address 
---	---

Adjacent and confronting Property Owners mailing addresses

ADJACENT: MRS. RACHEL DOWNS 9908 COLESVILLE RD. SILVER SPRING, MD 20901	
---	--

ADJACENT: MR. TOM BASS * 5433 ASHLEIGH RD, FAIR FAX, VA 22030	
---	--

CONFRONTING: MR. TOM BASS * 5433 ASHLEIGH RD. FAIR FAX, VA 22030	
--	--

CONFRONTING Across Rt. 29 MONTGOMERY County public # Schools "BLAIR H.S." 51 UNIVERSITY BLVD. EAST, SILVER SPRING, MD, 20901	
--	--

g addresses; noticing table

* these two houses are occupied
by Mr. Bass' Tenants

6

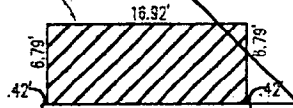
N 36° 27' 24" E 68.00'

115.07'

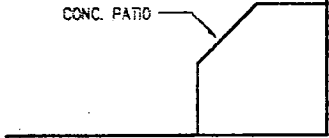
LOT 2
BLOCK A
7,825 S.F.

115.07'

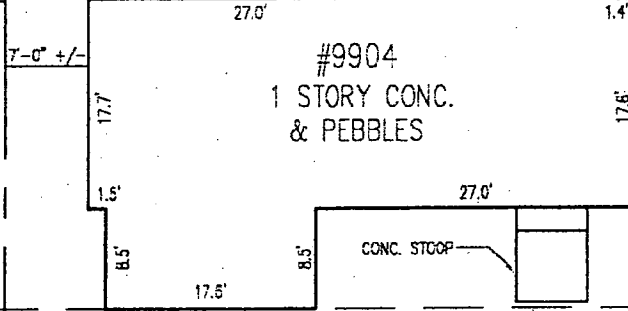
NEW ONE STORY
WOOD FRAME ADDITION
(115 S.F.)



CONC. PATIO



#9904
1 STORY CONC.
& PEBBLES



CONC. STOOP

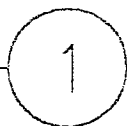
N 53 32' 36" W°

S 53 32' 36" E°

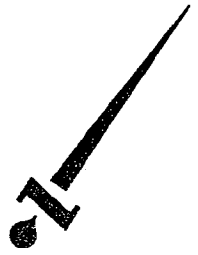
S 36° 27' 24" W 68.00'

PLAN

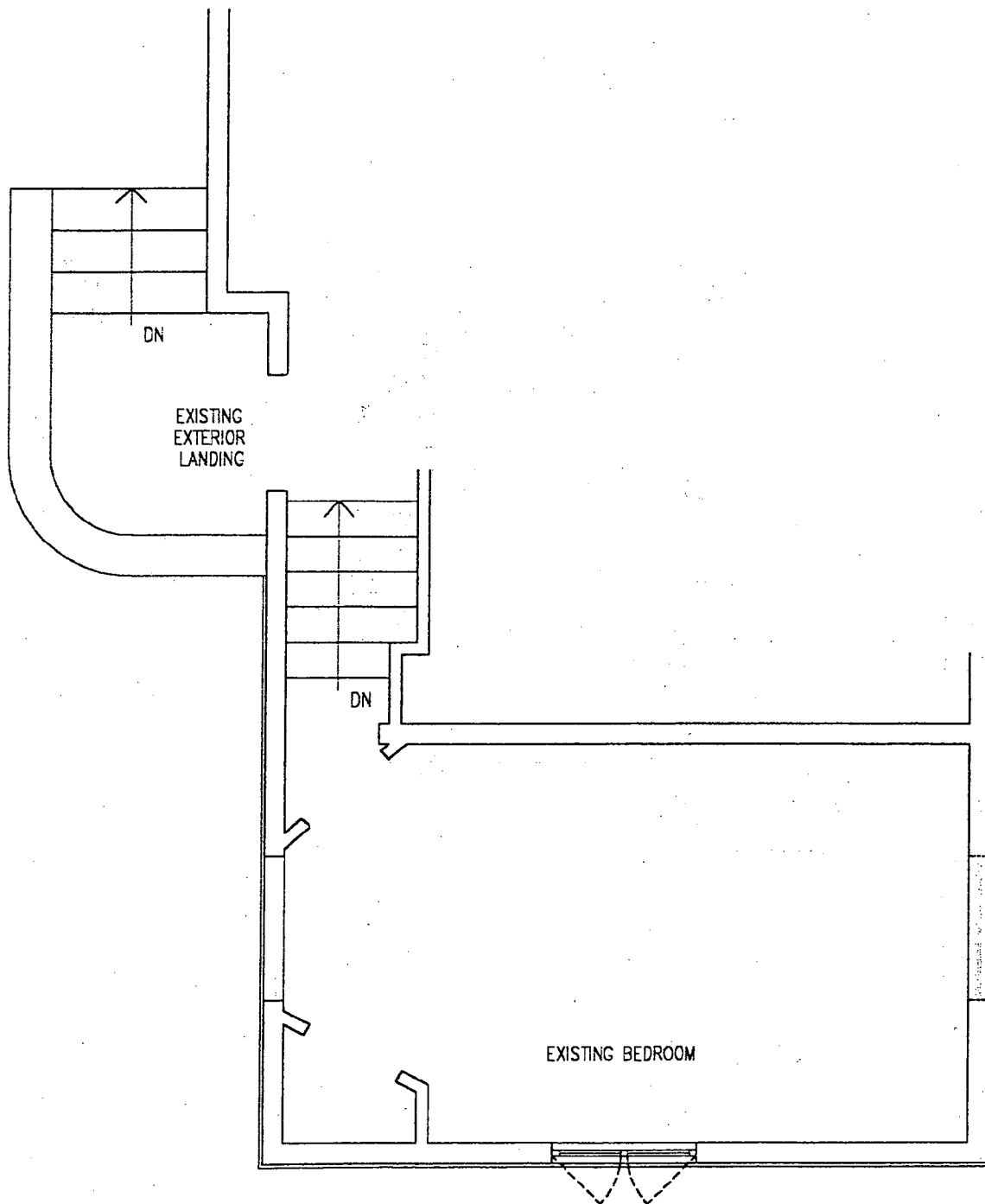
-0" = 1/16"



COLESVILLE ROAD



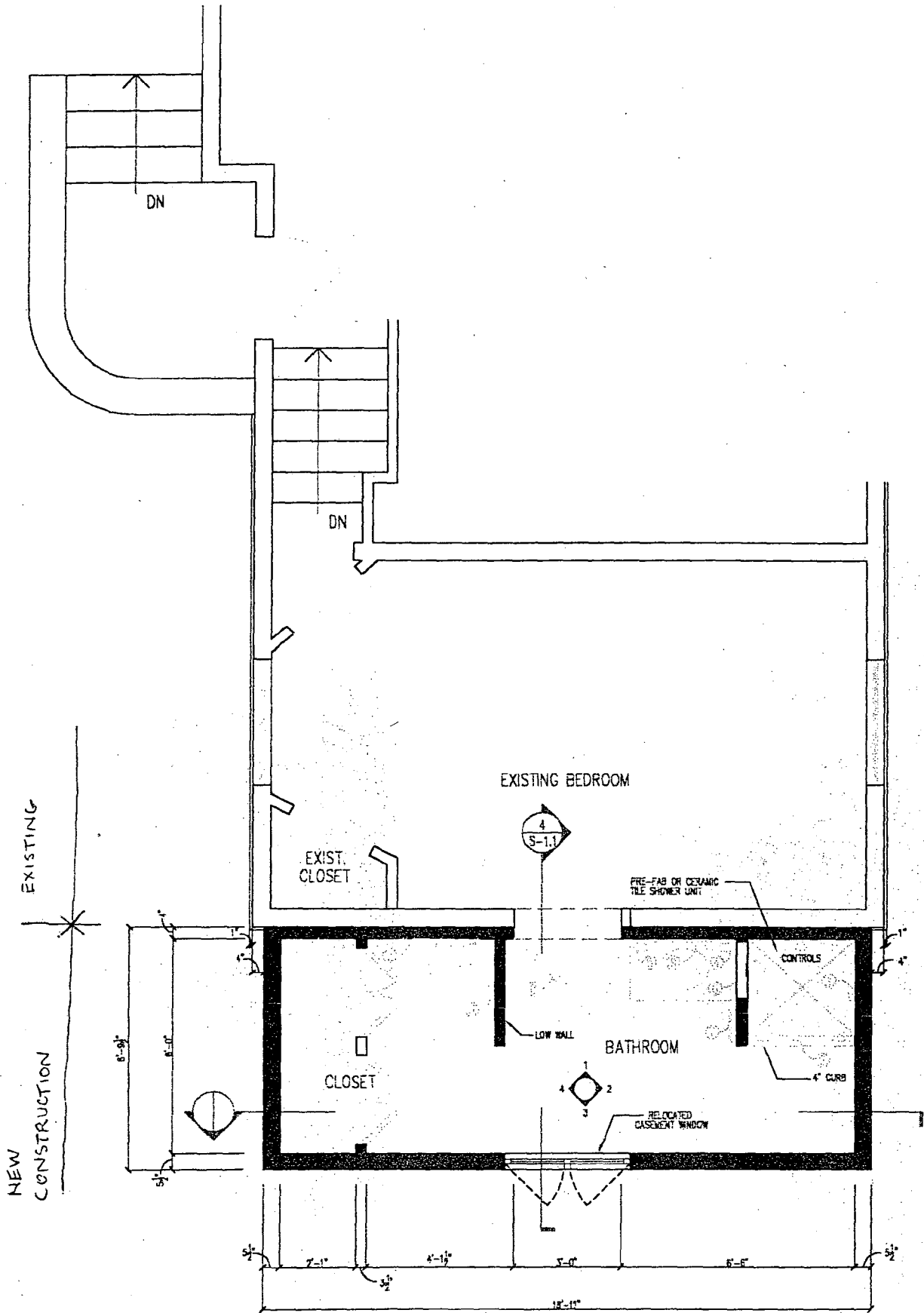
2



EXISTING
PARTIAL FLOOR PLAN
1/4" = 1'-0"

1

8

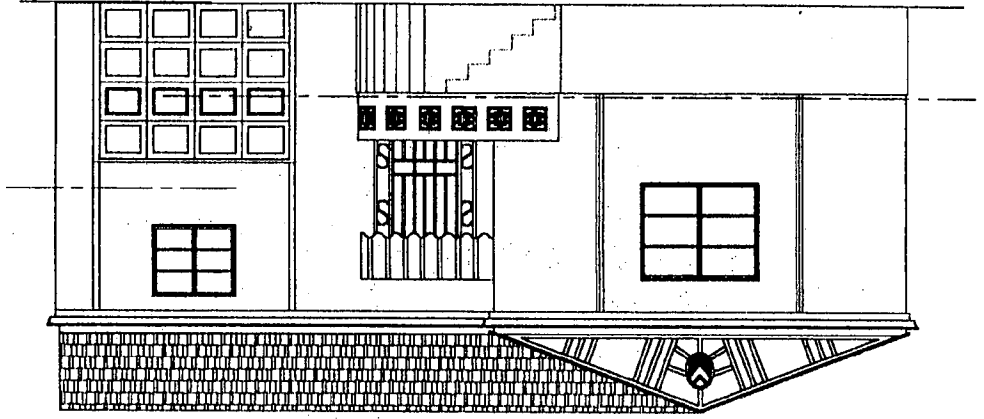


PARTIAL FLOOR PLAN ①
 1/4" = 1'-0"

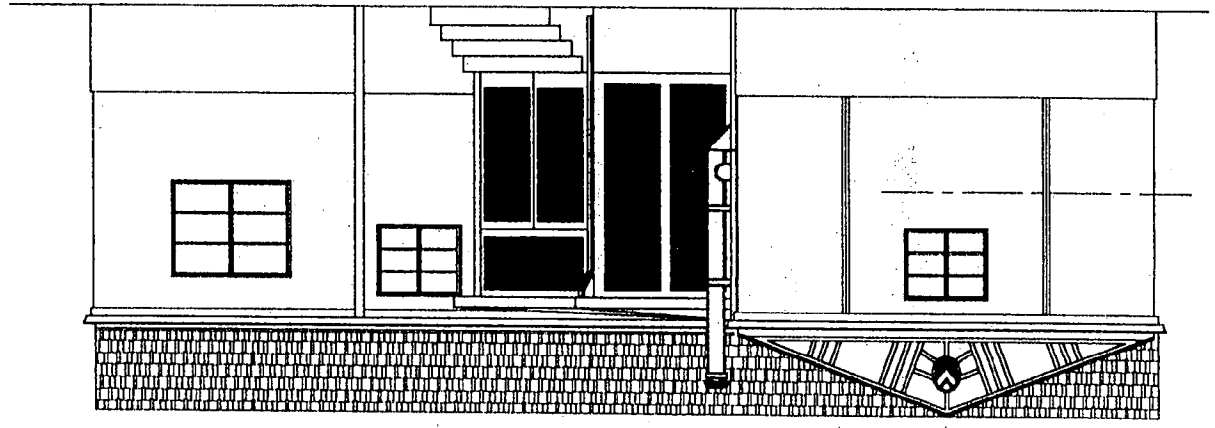
⑨

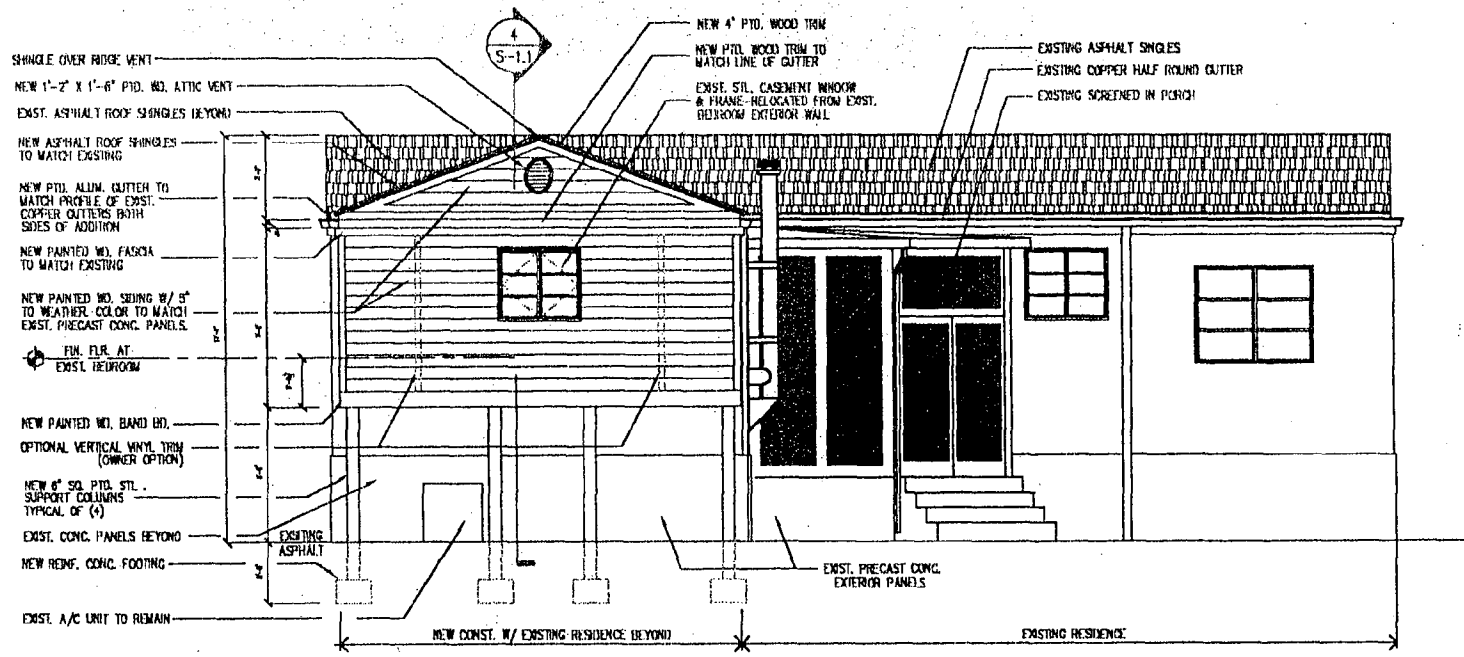
10

2
1/8" = 1'-0"
EXIST. SIDE ELEVATION



3
1/8" = 1'-0"
EXIST. REAR ELEVATION



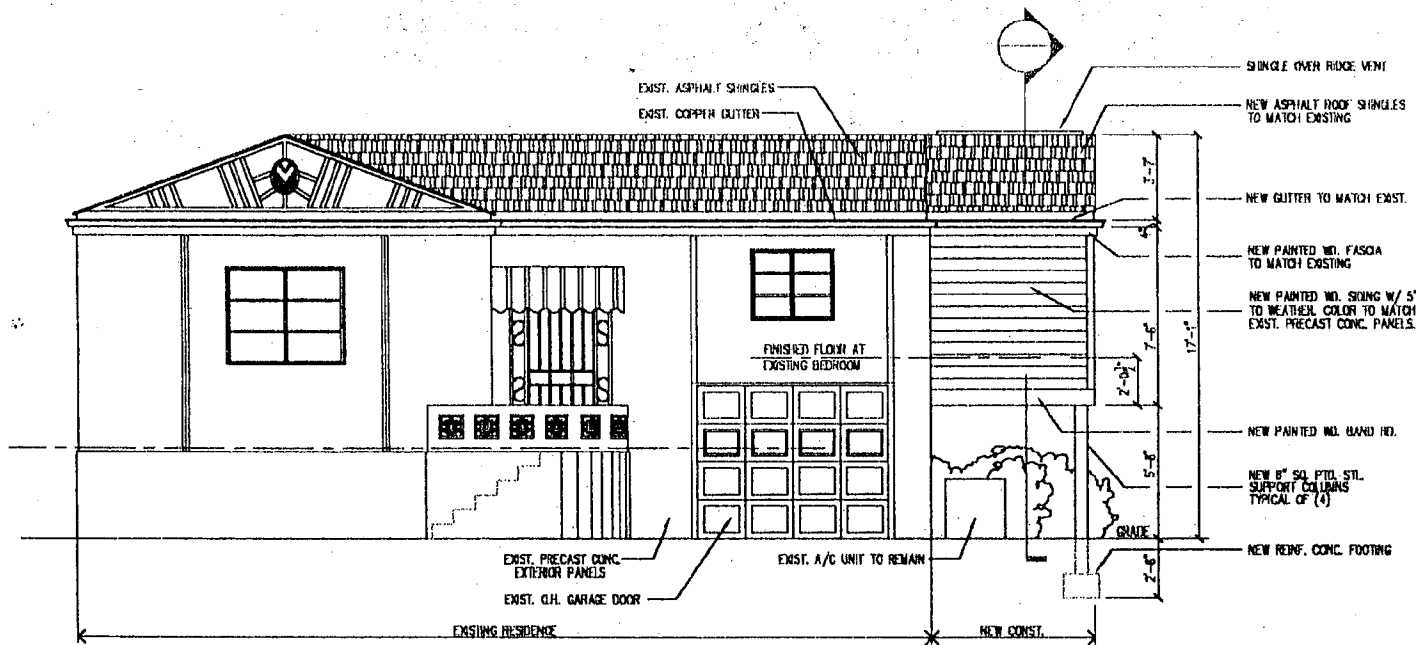


PROPOSED REAR ELEVATION

1/8" = 1'-0"

2



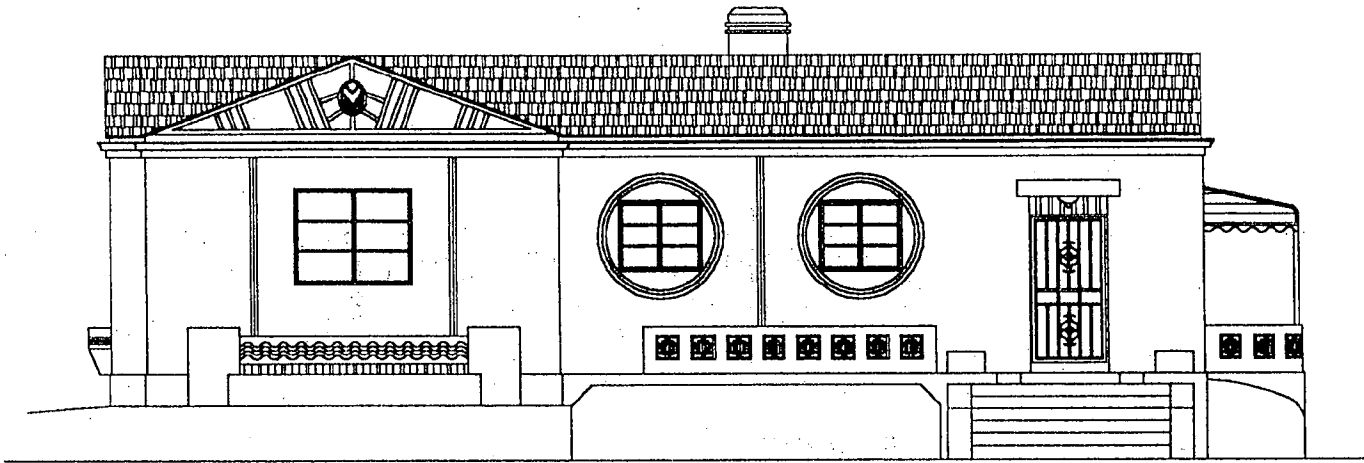


PROPOSED SIDE ELEVATION

1/8" = 1'-0"

1

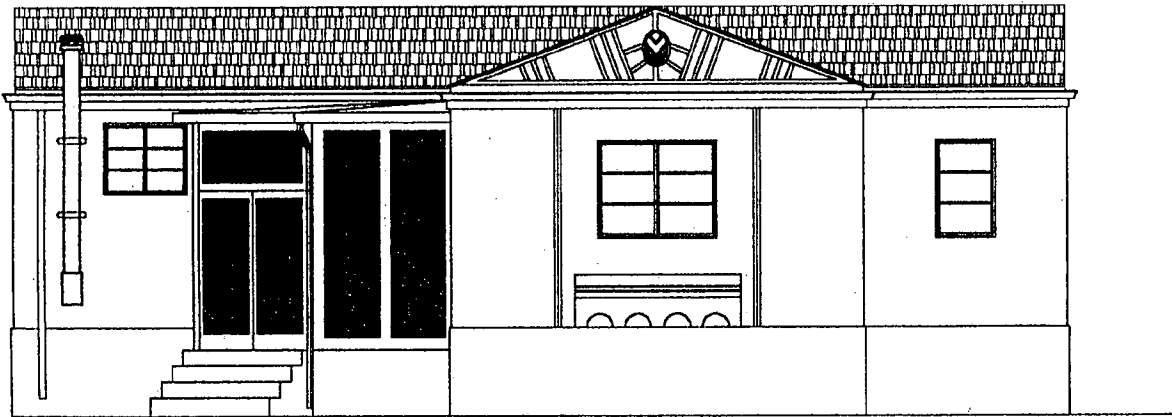
20



FRONT ELEVATION

$1/8" = 1'-0"$

5

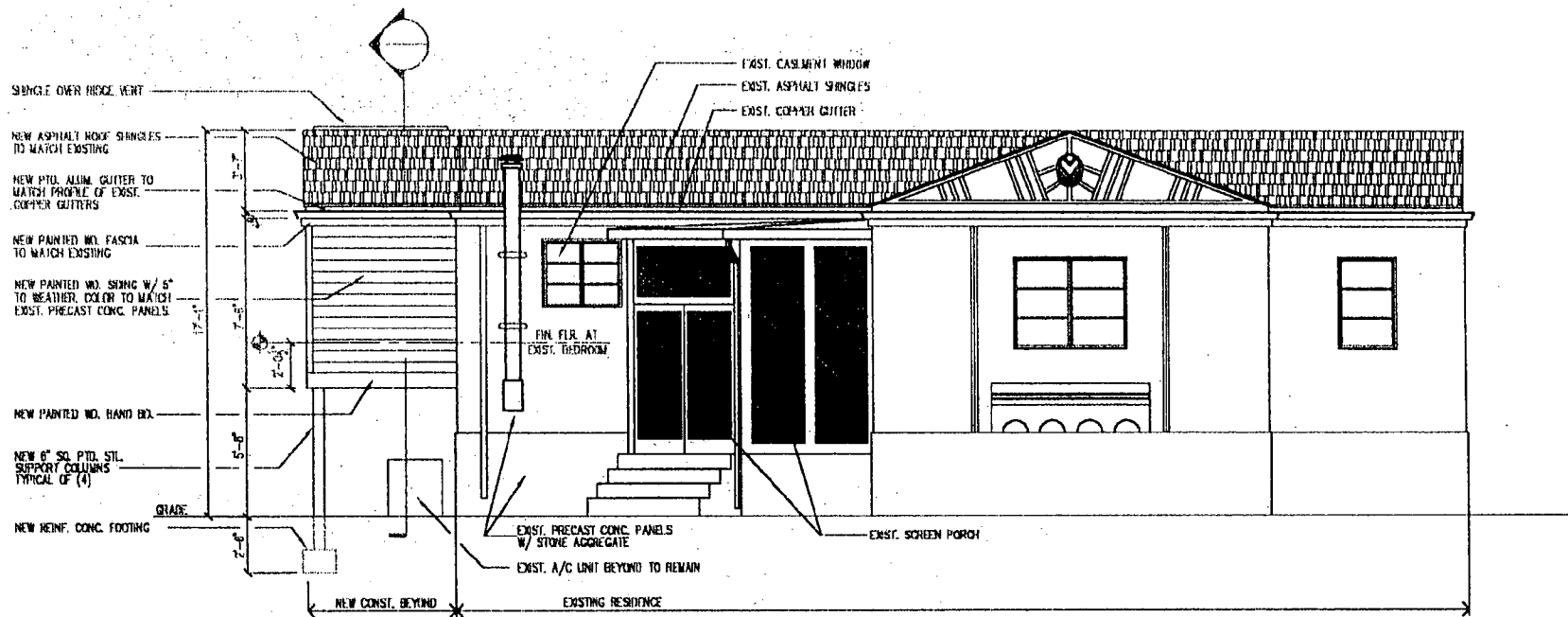


EXIST. SIDE ELEVATION

$1/8" = 1'-0"$

4

13

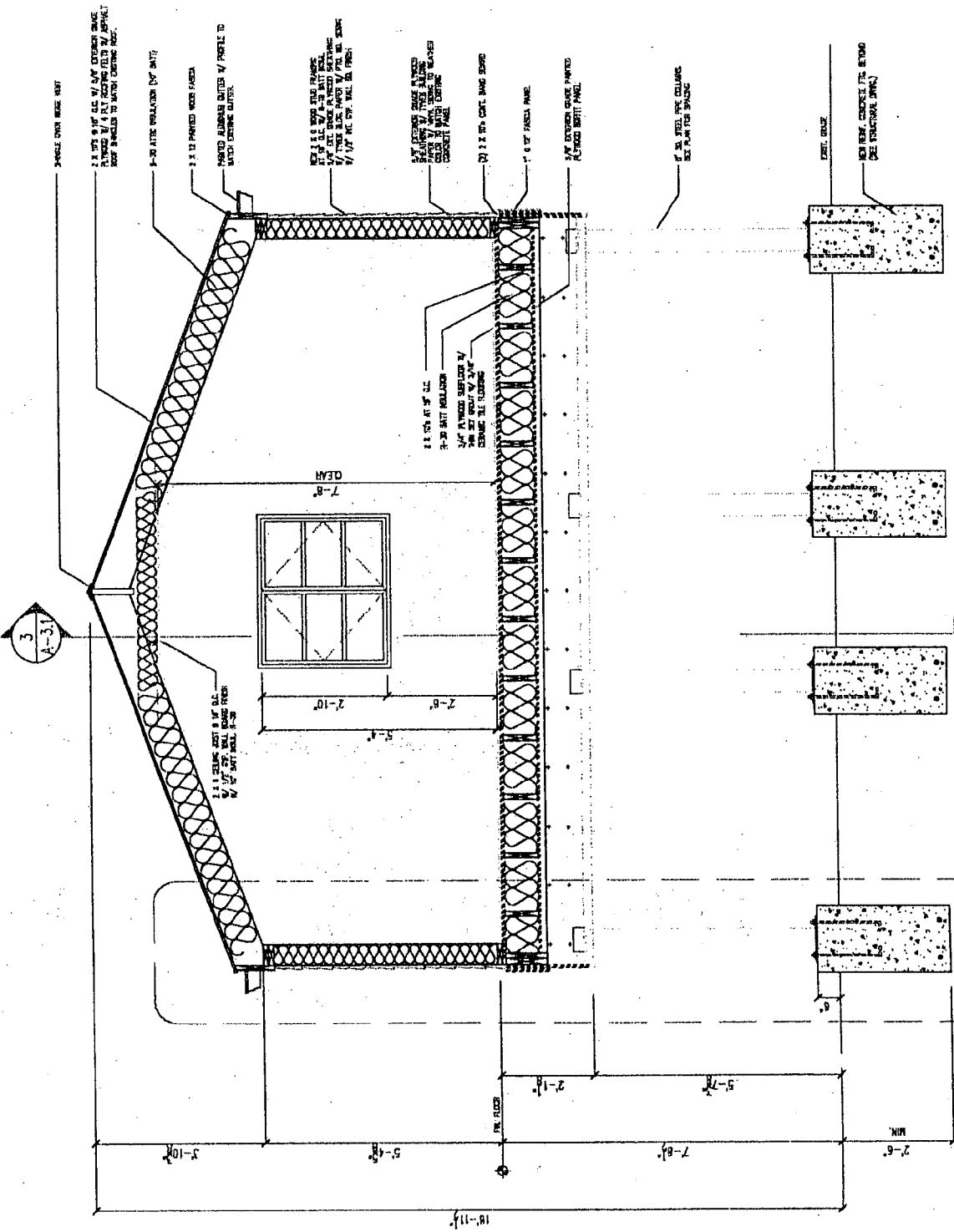


PROPOSED SIDE ELEVATION

1/8" = 1'-0"

3

14



3
A-31

3
A-31

4
A-31

CROSS SECTION
1/2" = 1'-0"

2

2. 2.0" x 8" x 10" G.I. W/ 1/4" EXTENSION GRADE
PLATE W/ 4" EXTENDING FIELD W/ 20%
ROOF SLOPES TO MATCH EXISTING ROOF.

8-20 AIRTE INSULATION (2" MIN)

1. 2.0" x 2.0" PAINTED WOOD FINISH

PAINTED ALUMINUM SIDING W/ PROFILE TO
MATCH EXISTING SIDING

1. 1/2" x 1.0" x 1.0" G.I. W/ 1/4" EXTENSION GRADE
PLATE W/ 4" EXTENDING FIELD W/ 20%
ROOF SLOPES TO MATCH EXISTING ROOF.

1. 1/2" x 1.0" x 1.0" G.I. W/ 1/4" EXTENSION GRADE
PLATE W/ 4" EXTENDING FIELD W/ 20%
ROOF SLOPES TO MATCH EXISTING ROOF.

1. 1/2" x 1.0" x 1.0" G.I. W/ 1/4" EXTENSION GRADE
PLATE W/ 4" EXTENDING FIELD W/ 20%
ROOF SLOPES TO MATCH EXISTING ROOF.

1" x 8" OF FRESH PLUMB

1/2" EXTENSION GRADE PAINTED
FLATWOOD SHUTTLE PANEL

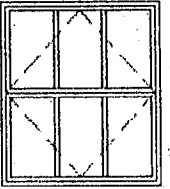
1" x 8" OF STEEL PIPE COLLARS
SEE PLAN FOR SPACING

EXIST. GRADE

NEW REIN. CONCRETE (7" x 10")
(SEE STRUCTURAL DRAWING)

1. 1.0" x 1.0" x 1.0" G.I. W/ 1/4" EXTENSION GRADE
PLATE W/ 4" EXTENDING FIELD W/ 20%
ROOF SLOPES TO MATCH EXISTING ROOF.

7'-8"



2'-10"

7'-8"

5'-4"

5'-10"

5'-8"

7'-8"

2'-6"

MIN.

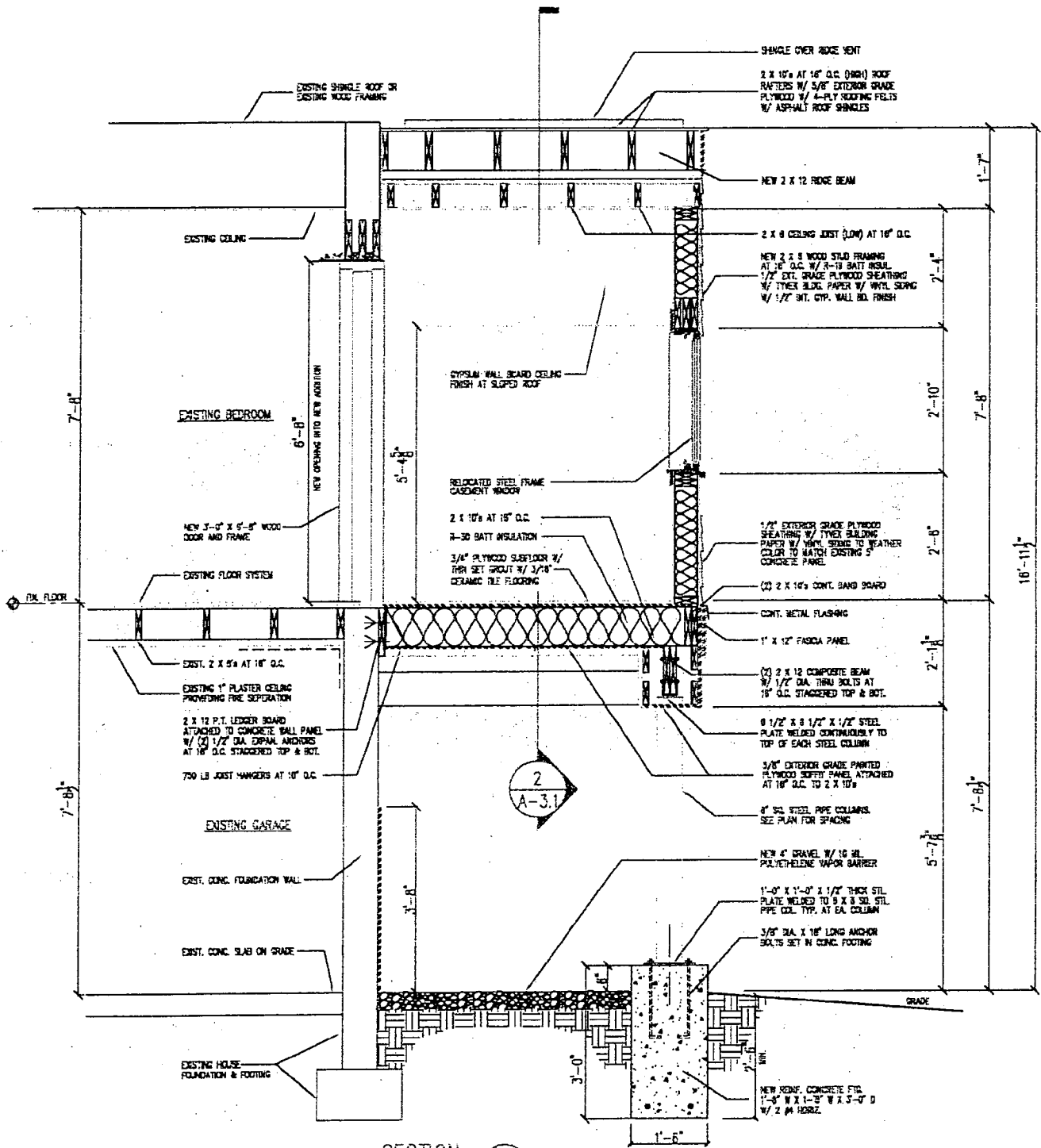
18'-11 1/2"

FIN. FLOOR

2'-14"

5'-7"

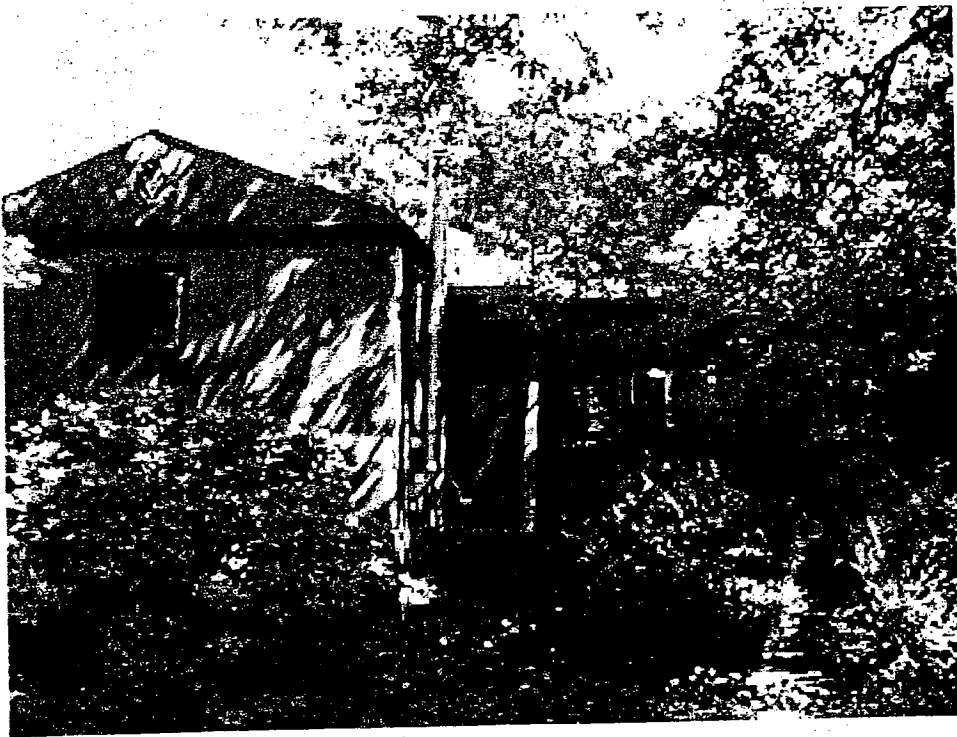
4"



SECTION 3
3/4" = 1'-0"

3

16



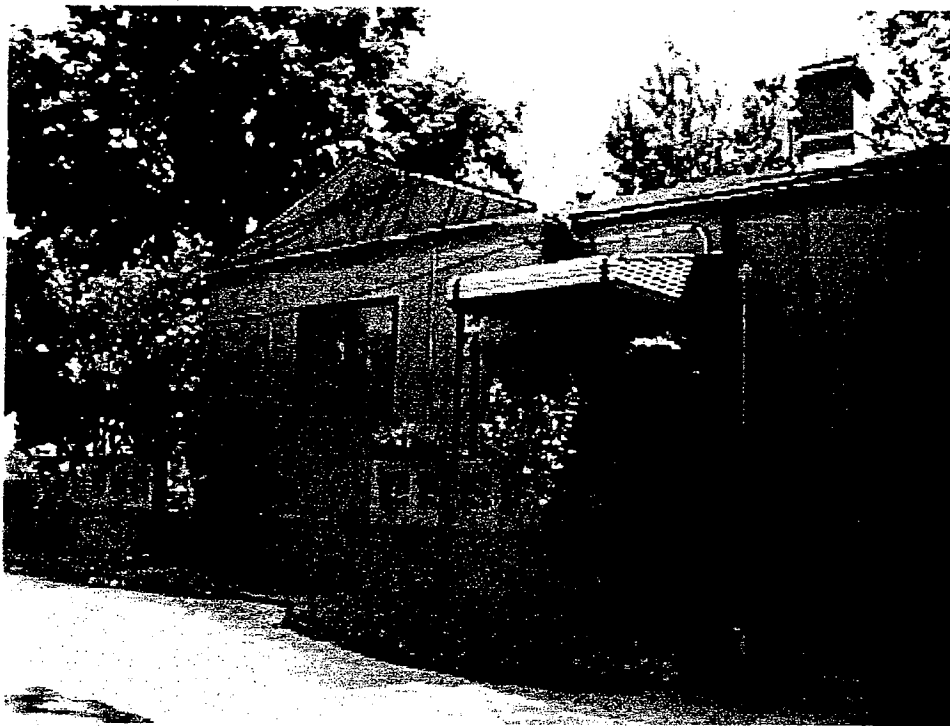
SOUTH ELEVATION (REAR)



PARTIAL SOUTH ELEVATION WHERE PROPOSED
ADDITION WOULD BE LOCATED.



WEST ELEVATION (PARTIAL)



WEST ELEVATION (PARTIAL)

18

EAST ELEVATION





NORTH (FRONT) ELEVATION ON COLESVILLE RD

(22)

Resolution No: 13-1096
Introduced: November 4, 1997
Adopted: November 4, 1997

COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND

By: County Council

Subject: Approval of Historic Preservation Commission Regulation 27-97, Historic Preservation Commission: Rules Guidelines, and Procedures

Background

1. On October 14, 1997, the County Council received Historic Preservation Commission Regulation No. 27-97, Historic Preservation Commission: Rules, Guidelines, and Procedures under Method (2) of Code § 2A-15.
2. The Regulation was advertised in the *Montgomery County Register* in the month of June, 1997.
3. Under Method (2), the County Council by resolution may approve or disapprove, in whole or in part, the proposed regulation.
4. On October 27, 1997, the Planning, Housing, and Economic Development Committee reviewed Historic Preservation Commission Regulation 27-97 and recommended that the Historic Preservation Commission Regulation be submitted for consideration by the full Council.
5. The County Council reviewed Historic Preservation Commission Regulation 27-97, on November 4, 1997.

Action

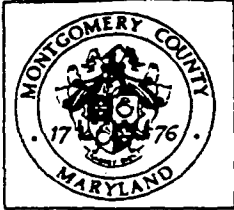
The County Council for Montgomery County, Maryland, approves the following resolution:

Historic Preservation Commission Regulation 27-97, Historic Preservation Commission: Rules, Guidelines, and Procedures is approved.

This is a correct copy of Council action.



Mary A. Edgar, CMC
Secretary of the Council



MONTGOMERY COUNTY HISTORIC PRESERVATION COMMISSION REGULATION

8787 Georgia Avenue • Silver Spring, Maryland 20910

Subject	HISTORIC PRESERVATION COMMISSION: RULES, GUIDELINES, AND PROCEDURES	Number 27-97
	Historic Preservation Commission	Effective Date November 4, 1997

HISTORIC PRESERVATION COMMISSION RULES, GUIDELINES, AND PROCEDURES

Issued by: Montgomery County Historic Preservation Commission
Regulation No. 27-97

Authority Code Section: 24A-4(h)
Supersedes: 27-97T

Council Review: Method (2) Under Code Section 2A-15
Register Vol. 14, Issue No. 6

Effective Date: November 4, 1997

SUMMARY: This regulation establishes rules, guidelines, and procedures that are necessary for the proper transaction of the business of the Historic Preservation Commission.

GENERAL PROCEDURES FOR MEETINGS

- (a) All meetings of the Commission shall be public. However, the Commission may, at its discretion, hold closed sessions subject to the State Government Article, Annotated Code of Maryland Section 10-501 et.seq.
- (b) Regular meetings generally shall be held on the second and fourth Wednesday of each month at 7:30 p.m. at a site to be determined and to be announced in a newspaper of general circulation in the county approximately two (2) weeks prior to the meeting.



MONTGOMERY COUNTY HISTORIC PRESERVATION COMMISSION REGULATION

8787 Georgia Avenue • Silver Spring, Maryland 20910

Subject	HISTORIC PRESERVATION COMMISSION: RULES, GUIDELINES, AND PROCEDURES	Number	27-97
	Historic Preservation Commission	Effective Date	November 4, 1997

- (c) Special and/or emergency meetings may be called by the Chairman upon the appropriate notification of each Commissioner.
- (d) A quorum shall consist of five (5) members of the Commission. No decision will be made in the absence of a quorum.
- (e) The agenda for each meeting shall be established under the Chairman's direction and mailed to each Commissioner approximately two (2) weeks prior to the meeting date.
- (f) Questions put to a vote shall be decided by a majority. A tie vote shall result in the defeat of the motion. Proxy voting will not be allowed.
- (g) It shall be the duty of the Commission's staff to keep a true and accurate record of all proceedings at all meetings and public appearances and/or hearings. This may include summary minutes or verbatim transcripts of all meetings. All meeting records shall be distributed to Commission members for their approval and shall be maintained by the staff.
- (h) In all matters not provided for in these regulations, the latest published edition of Roberts Rules of Order governs. Failure to use Roberts Rules of Order shall not invalidate any procedure or action taken by the Commission, that is otherwise valid.



MONTGOMERY COUNTY HISTORIC PRESERVATION COMMISSION REGULATION

8787 Georgia Avenue • Silver Spring, Maryland 20910

Subject	HISTORIC PRESERVATION COMMISSION: RULES, GUIDELINES, AND PROCEDURES	Number 27-97
	Historic Preservation Commission	Effective Date November 4, 1997

HISTORIC AREA WORK PERMITS

Section 1.0 Purpose

This regulation is established for the proper transaction of the business of the Montgomery County Historic Preservation Commission (Commission), pursuant to Section 24A-4(h) of the Montgomery County Code (1994), as amended. As required by Section 24A-7(c), upon receipt of a completed application for the issuance of an Historic Area Work Permit, the Commission must schedule a public appearance at a Commission meeting, at which time it will consider the application. This regulation shall govern the receipt, processing, hearing, and final disposition of all applications for the issuance of an Historic Area Work Permit.

Section 1.1 Definitions

For the purposes of this regulation, the following words and phrases have the meaning assigned to them below, except where otherwise indicated in this regulation.

- (a) Local Advisory Panel (LAP) - A group of individuals appointed by the Commission to assist and advise the Commission in the performance of its functions.
- (b) Applicant - Any person that files an application for the issuance of an historic area work permit. The applicant must be the owner, contract purchaser, or authorized agent of the subject historic site or historic resource within an historic district.
- (c) Application - A request for the issuance of an historic area work permit for



MONTGOMERY COUNTY HISTORIC PRESERVATION COMMISSION REGULATION

8787 Georgia Avenue • Silver Spring, Maryland 20910

Subject	HISTORIC PRESERVATION COMMISSION: RULES, GUIDELINES, AND PROCEDURES	Number 27-97
	Historic Preservation Commission	Effective Date November 4, 1997

work as described in Sections 24A-6(a)(1)-(3). The application shall be in such form and contain such information as may be required to provide information as shall be necessary for the Commission to evaluate and act upon such application in accordance with the provisions of Chapter 24A.

- (d) Party - Any person identifying himself to the Commission in the official record as having an interest in the outcome of an application being considered.
- (e) Person - Any individual, business entity, whether incorporated or not, association, or any other group of individuals, however organized.
- (f) Ordinary Maintenance - Work on an historic site or an historic resource within a historic district which does not alter in any way the exterior features of the subject property, including the architectural style, design, and general arrangement of the exterior, as well as the nature, texture, details, and dimensions of building materials, windows, doors, siding, etc. This definition applies, whenever appropriate, to the appurtenances and environmental setting of an historic site or resource, as well as to the building, structure, or object itself.

Section 1.2 Submission of Application

- (a) Filing - Applications must be filed with the director as required by Section 24A-7(a), with the exceptions noted in 24A-6(b) and with the definition of Ordinary Maintenance found in Section 1.1 (f) above.
- (b) Scheduling - In order to be considered at a regularly scheduled public



MONTGOMERY COUNTY HISTORIC PRESERVATION COMMISSION REGULATION

8787 Georgia Avenue • Silver Spring, Maryland 20910

Subject	HISTORIC PRESERVATION COMMISSION: RULES, GUIDELINES, AND PROCEDURES	Number	27-97
	Historic Preservation Commission	Effective Date	November 4, 1997

appearance, applications shall be filed with the director three (3) weeks prior to the meeting date for which it is to be scheduled.

- (c) Completeness - Upon receipt by the director, each application will be evaluated for completeness. Those judged to be complete, based upon the submission requirements specified by the Commission and listed on the application, will be promptly forwarded to the Commission. Any application deemed incomplete by the director or by the Commission's staff will not be accepted for filing. Incomplete applications shall be promptly returned to the applicant, either by return mail or by hand if the applicant is present at the time of the determination.
- (d) Application Date - Complete applications shall be deemed filed upon acceptance by the director.

Section 1.3 Notice of Public Appearance

- (a) Publication - Before an application may be considered at a public appearance, the Commission must publish notice of the public appearance approximately fourteen (14) calendar days prior to the date of the public appearance in a newspaper of general circulation within the county. The notice must specify the name and address of the applicant, the address of the property, and the fact that an application is pending for work upon the property. The notice must also specify the date, time and place of the public appearance.
- (b) Notification by Mail - Approximately fourteen (14) calendar days before the



MONTGOMERY COUNTY HISTORIC PRESERVATION COMMISSION REGULATION

8787 Georgia Avenue • Silver Spring, Maryland 20910

Subject	HISTORIC PRESERVATION COMMISSION: RULES, GUIDELINES, AND PROCEDURES	Number	27-97
	Historic Preservation Commission	Effective Date	November 4, 1997

public appearance on an application, the Commission shall mail notice of the date, time, and place of the public appearance to the applicant, any existing LAP (if the property is located within a master plan historic district with an LAP), and, as specified by the applicant at the time of filing, adjoining and confronting property owners, and other interested parties.

- (c) Emergency Applications Added to Agenda - At the Chairman's discretion, emergency applications may be added to the agenda of a public appearance. It shall be the responsibility of the applicant to hand deliver notices of the emergency application to all adjacent and confronting property owners, LAPs, and other interested parties. The applicant shall obtain written verification that such notices were received and shall present these verifications to the Commission's staff prior to the public appearance.

Section 1.4 Public Appearances

- (a) Time and Place - A public appearance before the Commission shall be held at the date, time, and place designated in the notice, except for public appearances which are continued. However, where circumstances require a change in the date, time, or place of the public appearance after notice has already been given, the Commission shall make reasonable efforts to notify the public of the change.
- (b) Official Record
- (1) In General - The Commission shall prepare, maintain, and supervise



MONTGOMERY COUNTY HISTORIC PRESERVATION COMMISSION REGULATION

8787 Georgia Avenue • Silver Spring, Maryland 20910

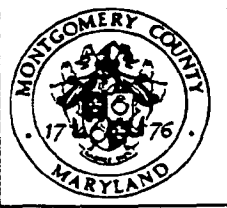
Subject	HISTORIC PRESERVATION COMMISSION: RULES, GUIDELINES, AND PROCEDURES	Number	27-97
	Historic Preservation Commission	Effective Date	November 4, 1997

the custody of an official record for each application. The official record shall include the application, exhibits, and minutes or transcript of the public appearance. The official record shall be opened upon the filing of a completed application with the director. Documentary evidence may be received in the form of copies, excerpts, photographic reproductions, models, or by incorporation by reference.

- (2) Inspection of Official Record - Subject to the provisions of the Maryland Public Information Act, and upon reasonable notice, any person shall have the right to review the official record at reasonable hours at the Commission's office. Any person may, at his own expense, request a copy of the written transcript of any public appearance.

(c) Ex Parte Communication

- (1) This rule applies to any ex parte or private communication, written or oral, received by a Commissioners if:
- a. The communication related to an application before the Commission;
 - b. All appellate rights regarding the application have not been exhausted; and
 - c. The Commission is required by law to make an administrative decision on the matter based on the record.



MONTGOMERY COUNTY HISTORIC PRESERVATION COMMISSION REGULATION

8787 Georgia Avenue • Silver Spring, Maryland 20910

Subject	HISTORIC PRESERVATION COMMISSION: RULES, GUIDELINES, AND PROCEDURES	Number 27-97
	Historic Preservation Commission	Effective Date November 4, 1997

- (2) This rule does not apply to:
- a. Legal or technical advice rendered at the request of the Commission; or
 - b. Any communication about the status or procedure of a pending application.
- (3) If a Commissioner receives an oral ex parte or private communication, that Commissioner shall reduce the substance of the communication to writing within reasonable time after receipt of the communication and include it in the official record.
- (4) The Commission shall include the ex parte or private communication in the official record and may:
- a. Consider the communication as a basis for its decision after giving all parties an opportunity to respond to the communication; or
 - b. Decide the matter if the Commission expressly finds that it has not considered the communication as a basis for its decision.
- (d) Evidence - The Commission may admit and give appropriate weight to evidence which possesses probative value commonly accepted by reasonable and prudent persons in the conduct of their affairs, including hearsay evidence which appears to be reliable in nature. It shall give effect to the rules of privilege recognized by law. Evidence must be competent, material, and relevant to all matters at issue. The Commission may exclude incompetent,



MONTGOMERY COUNTY HISTORIC PRESERVATION COMMISSION REGULATION

8787 Georgia Avenue • Silver Spring, Maryland 20910

Subject	HISTORIC PRESERVATION COMMISSION: RULES, GUIDELINES, AND PROCEDURES	Number 27-97
	Historic Preservation Commission	Effective Date November 4, 1997

unreliable, irrelevant or unduly repetitious evidence, or produce evidence at its own request. The Commission may take official notice of commonly cognizable facts, facts within each Commissioner's particular realm of professional expertise, and documents or matters of public record.

- (e) Cross-Examination - Every party has the right of reasonable cross-examination of witnesses who testify, and may submit rebuttal evidence. Repetitious questions and examination on irrelevant matters is not permitted. Cross-examination is subject to reasonable regulation by the Commission including the designation of specific persons to conduct cross-examination on behalf of other parties.
- (f) Right to Counsel - In any case governed by these procedures, all parties have the right to be represented by themselves or by an attorney of their choice.
- (g) Powers of the Commission in Conducting a Public Appearance - In addition to any of the powers granted to the Commission by Chapter 24A, the Commission may, at their discretion, undertake the following so as to achieve the orderly and efficient conduct of business:
 - (1) Regulate the course of a public appearance and allow the official record in a public appearance to remain open;
 - (2) Dispose of procedural requests or similar matters, including requests for a continuance;
 - (3) Call, examine, and cross-examine witnesses and obtain and introduce



MONTGOMERY COUNTY HISTORIC PRESERVATION COMMISSION REGULATION

8787 Georgia Avenue • Silver Spring, Maryland 20910

Subject	HISTORIC PRESERVATION COMMISSION: RULES, GUIDELINES, AND PROCEDURES	Number	27-97
	Historic Preservation Commission	Effective Date	November 4, 1997

into the official record documentary or other evidence;

- (4) Request the parties at any time during the public appearance to state their respective positions or theory concerning any issues in the application;
 - (5) Take any action authorized by law or necessary to a fair disposition of an application;
 - (6) Accept evidence by stipulation of facts;
 - (7) Schedule, suspend, or continue a public appearance to a date and time certain with notification as provided for in this regulation;
 - (8) Require the designation a spokesperson for any group of parties either supporting or opposing an application who shall conduct any opening, direct examination, cross-examination, closing or testimony in general, so as to achieve the orderly presentation of a case.
- (h) Public Appearance Conduct and Procedure
- (1) Unless otherwise provided by law:
 - a. A quorum of the Commission must be present to conduct a public appearance or hearing.
 - b. All public appearances and hearings shall be de novo before the Commission.
 - c. The members of the Commission shall be subject to disqualification for conflict of interest as defined by Section 410 of the Montgomery



MONTGOMERY COUNTY HISTORIC PRESERVATION COMMISSION REGULATION

8787 Georgia Avenue • Silver Spring, Maryland 20910

Subject	HISTORIC PRESERVATION COMMISSION: RULES, GUIDELINES, AND PROCEDURES	Number	27-97
	Historic Preservation Commission	Effective Date	November 4, 1997

County Charter, and Chapter 19A of the Montgomery County Code.

Suggestions for disqualification of any Commissioner may be made on petition of any party. A motion for disqualification shall be resolved by the Commissioner whose disqualification is sought.

- (2) The Commission may establish reasonable time limitations and registration requirements for witnesses and speakers, so that all may have an opportunity to be heard. In general, these time limits will be:

HAWP applicant's presentation:	7 minutes
Comment by adjacent owners/interested parties:	3 minutes
Comment by citizen associations/interested groups:	5 minutes
Comment by elected officials/government representatives:	7 minutes

The Commission may waive these time limits and may decide whether speakers will be required to register in advance or at the meeting, depending on the complexity of the case. Direction as to when and how to register to speak on an issue will be made clear in the notice for the meeting.

- (3) All exhibits accepted shall be held or referenced in the official record. Those exhibits whose admission is rejected shall either be returned to the offering party or retained in the official record with appropriate notations reflecting that the material was rejected as an exhibit.
- (4) Rulings on motions, petitions, and objections made during the course of a public appearance shall be ruled on as received or as soon thereafter



MONTGOMERY COUNTY HISTORIC PRESERVATION COMMISSION REGULATION

8787 Georgia Avenue • Silver Spring, Maryland 20910

Subject	HISTORIC PRESERVATION COMMISSION: RULES, GUIDELINES, AND PROCEDURES	Number 27-97
	Historic Preservation Commission	Effective Date November 4, 1997

as practicable.

- (5) The ordinary, but not mandatory, order or procedure for the conduct of a public appearance and the presentation of evidence is as follows, subject to waiver or such reasonable changes as may be ordered by the Commission or by law:
 - a. Disposition of all outstanding preliminary motions and preliminary matters.
 - b. Presentation by Commission staff.
 - c. Opening statement and presentation of factual case of the applicant.
 - d. Presentation of factual case and statements of other parties.
 - e. Presentation of rebuttal evidence of the applicant.
 - f. Closing arguments of the applicant.
 - g. Closing arguments of other parties opposing the application.
 - h. At the end of each presentation, any party, upon recognition by the chair, may briefly cross-examine any speaker.
- (6) During regularly scheduled public appearances, the Commission may review applications on an expedited basis - that is without presentations by staff, applicant, or other parties - if there are not parties opposing the application.
- (7) Unless otherwise determined by the Commission, the record shall remain open until the final decision is made. Once the record is closed,



MONTGOMERY COUNTY HISTORIC PRESERVATION COMMISSION REGULATION

8787 Georgia Avenue • Silver Spring, Maryland 20910

Subject	HISTORIC PRESERVATION COMMISSION: RULES, GUIDELINES, AND PROCEDURES	Number 27-97
	Historic Preservation Commission	Effective Date November 4, 1997

no additional information will be received except for good cause shown and a showing that it is material.

- (i) Failure to Appear - Upon the failure of an applicant to appear at a public appearance, and upon finding that such party had timely legal or actual notice of the appearance, the Commission may receive evidence and decide the case as if all parties were present.

→ **Section 1.5 Criteria for Approval**

- (a) The Commission shall be guided in their review of Historic Area Work Permit applications by:
- (1) The criteria in Section 24A-8.
 - (2) The Secretary of the Interior's Standards and Guidelines for Rehabilitation.
 - (3) Pertinent guidance in applicable master plans, sector plans, or functional master plans, including categorization of properties in historic districts by level of significance - if applicable. Such categories will be defined and explained clearly in the applicable plans.
 - (4) Pertinent guidance in historic site or historic district-specific studies. This includes, but is not limited to, the 1992 Long Range Preservation Plans for Kensington, Clarksburg, Hyattstown, and Boyds.
- (b) Where guidance in an applicable master plan, sector plan, or functional master plan is inconsistent with the Secretary of the Interior's Standards and



MONTGOMERY COUNTY HISTORIC PRESERVATION COMMISSION REGULATION

8787 Georgia Avenue • Silver Spring, Maryland 20910

Subject	HISTORIC PRESERVATION COMMISSION: RULES, GUIDELINES, AND PROCEDURES	Number 27-97
	Historic Preservation Commission	Effective Date November 4, 1997

Guidelines for Rehabilitation, the master plan guidance shall take precedence.

Section 1.6 Decisions

- (a) Content - All decisions of the Commission, except rulings on preliminary matters or on motions or objections, must be based on the evidence contained in the official record. Written decisions - containing findings of fact, conclusions of law, and an appropriate decision and order - will be issued on all denials. In all cases, each decision will conclude with instructions to the director to:
- (1) Issue the permit as described in the application, including amendments to the application that may have occurred subsequent to its initial filing;
 - (2) Issue the permit subject to the conditions stipulated in the decision; or
 - (3) Deny the permit.
- (b) Voting Requirements - Every decision must have the concurrence of a majority of the voting members of the Commission. Members of the Commission absent during a public appearance may vote upon a matter upon written certification that they have reviewed the verbatim transcript of the appearance, and reviewed the evidence contained in the official record.
- (c) Notification of Decision - All decisions of the Commission must be made public and mailed to the applicant.



MONTGOMERY COUNTY HISTORIC PRESERVATION COMMISSION REGULATION

8787 Georgia Avenue • Silver Spring, Maryland 20910

Subject	HISTORIC PRESERVATION COMMISSION: RULES, GUIDELINES, AND PROCEDURES	Number	27-97
	Historic Preservation Commission	Effective Date	November 4, 1997

PRELIMINARY CONSULTATIONS

Section 2.0 Purpose

Section 24A-6(d) encourages owners of historic properties to seek advice from the Commission prior to filing an application for an Historic Area Work Permit.

Informal consultations, to obtain input and advice from the Commission on potential future Historic Area Work Permit applications, may be scheduled as part of the regular agenda of a Commission meeting.

Section 2.1 Submission of Preliminary Consultation

- (a) Filing - Preliminary Consultation requests may be filed directly with Commission staff. Requesting a Preliminary Consultation is at the discretion of the applicant.
- (b) Scheduling - In order to be considered at a regularly scheduled public appearance, requests shall be filed with staff three (3) weeks prior to the meeting date for which it is to be scheduled.
- (c) Completeness - Upon receipt by staff, each request will be evaluated for sufficiency. Requests for Preliminary Consultations do not need to contain finished plans and specifications; however, there must be sufficient information submitted to adequately communicate the scope and nature of the proposed work. Those requests judged by staff to be sufficient, will be promptly scheduled for discussion before the Commission.

Section 2.2 Notice of Public Appearance



MONTGOMERY COUNTY HISTORIC PRESERVATION COMMISSION REGULATION

8787 Georgia Avenue • Silver Spring, Maryland 20910

Subject	HISTORIC PRESERVATION COMMISSION: RULES, GUIDELINES, AND PROCEDURES	Number 27-97
	Historic Preservation Commission	Effective Date November 4, 1997

- (a) Publication - Before a Preliminary Consultation may be considered at a public appearance, the Commission must publish notice of the public appearance approximately fourteen (14) calendar days prior to the date of the public appearance in a newspaper of general circulation within the county. The notice must specify the name and address of the applicant and the address of the property. The notice must also specify the date, time and place of the public appearance.
- (b) Notification by Mail - Approximately fourteen (14) calendar days before the public appearance on a Preliminary Consultation, the Commission may - at its discretion - mail notice of the date, time, and place of the public appearance to the applicant, any existing LAP (if the property is located within a master plan historic district with an LAP), adjoining and confronting property owners, and other interested parties.

Section 2.3 Public Appearances

- (a) Time and Place - A public appearance before the Commission shall be held at the date, time, and place designated in the notice, except for public appearances which are continued. However, where circumstances require a change in the date, time, or place of the public appearance after notice has already been given, the Commission shall make reasonable efforts to notify the public of the change.
- (b) Public Appearance Conduct and Procedure for Preliminary Consultations



MONTGOMERY COUNTY HISTORIC PRESERVATION COMMISSION REGULATION

8787 Georgia Avenue • Silver Spring, Maryland 20910

Subject	HISTORIC PRESERVATION COMMISSION: RULES, GUIDELINES, AND PROCEDURES	Number 27-97
	Historic Preservation Commission	Effective Date November 4, 1997

- (1) The Commission may establish reasonable time limitations and registration requirements for witnesses and speakers, so that all may have an opportunity to be heard. In general, these time limits will be:

Applicant's presentation:	7 minutes
Comment by adjacent owners/interested parties:	3 minutes
Comment by citizen associations/interested groups:	5 minutes
Comment by elected officials/government representatives:	7 minutes

The Commission may waive these time limits and may decide whether speakers will be required to register in advance or at the meeting, depending on the complexity of the case. Direction as to when and how to register to speak on an issue will be made clear in the notice for the meeting.

- (2) The ordinary, but not mandatory, order or procedure for the conduct of a public appearance on Preliminary Consultations is as follows:
- a. Presentation by Commission staff.
 - b. Opening statement and presentation of proposal by the applicant.
 - c. Statements of other parties.
 - d. Commission Guidance, as set forth in Section 2.5 below.

Section 2.4 Criteria to Guide Discussion

- (a) The Commission shall be guided in their discussion of Preliminary Consultation requests by:
- (1) The criteria in Section 24A-8.



MONTGOMERY COUNTY HISTORIC PRESERVATION COMMISSION REGULATION

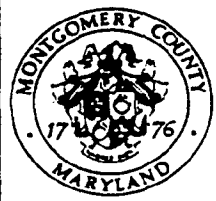
8787 Georgia Avenue • Silver Spring, Maryland 20910

Subject	HISTORIC PRESERVATION COMMISSION: RULES, GUIDELINES, AND PROCEDURES	Number 27-97
	Historic Preservation Commission	Effective Date November 4, 1997

- (2) The Secretary of the Interior's Standards and Guidelines for Rehabilitation.
 - (3) Pertinent guidance in applicable master plans, sector plans, or functional master plans, including categorization of properties in historic districts by level of significance - if applicable. Such categories will be defined and explained clearly in the applicable plans.
 - (4) Pertinent guidance in historic site or historic district-specific studies. This includes, but is not limited to, the 1992 Long Range Preservation Plans for Kensington, Clarksburg, Hyattstown, and Boyds.
- (b) Where guidance in an applicable master plan, sector plan, or functional master plan is inconsistent with the Secretary of the Interior's Standards and Guidelines for Rehabilitation, the master plan guidance shall take precedence.

Section 2.5 Commission Guidance

- (a) No vote shall be taken or formal decision made on any Preliminary Consultation.
- (b) Each Commissioner shall have an opportunity to address a proposal made in a Preliminary Consultation and to offer their individual comments and advice.
- (c) An effort will be made to communicate the Commission's consensus on the proposal and to give the applicant clear direction in regard to filing an Historic Area Work Permit application.



MONTGOMERY COUNTY HISTORIC PRESERVATION COMMISSION REGULATION

8787 Georgia Avenue • Silver Spring, Maryland 20910

Subject	HISTORIC PRESERVATION COMMISSION: RULES, GUIDELINES, AND PROCEDURES	Number 27-97
	Historic Preservation Commission	Effective Date November 4, 1997

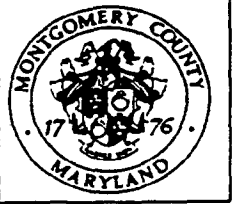
MASTER PLAN DESIGNATIONS

Section 3.0 Purpose

Section 24A-5(a), empowers the Commission to research historic resources and to recommend to the Planning Board that certain of them be designated as historic sites or historic districts on the Master Plan for Historic Preservation. Under 24A-5(b), the Commission may also recommend to the Planning Board, as needed, any update to the inventory of historic resources which is contained in the Locational Atlas and Index of Historic Sites. These recommendations are, by law, advisory in nature and do not constitute administrative decisions. This regulation is established to provide a process for formulation of these advisory recommendations.

Section 3.1 Master Plan Designations

- (a) The Commission must review all nominations for designation on the Master Plan for Historic Preservation to determine that a completed MHT Inventory Form and other available background information is included that is necessary for the Commission to evaluate such nominations.
- (b) The Commission must schedule a public appearance and worksessions on each proposed nomination. The public appearance and worksessions may be on the same date or on separate dates. Such an appearance and worksessions may be scheduled during the Commission's regular agenda or at a special meeting.
- (c) The public appearance shall be publicized to the extent possible as follows:
 - (1) Notice to affected property owners mailed at least three (3) weeks prior



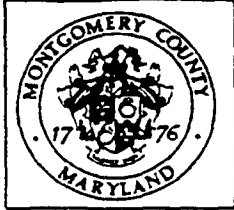
MONTGOMERY COUNTY HISTORIC PRESERVATION COMMISSION REGULATION

8787 Georgia Avenue • Silver Spring, Maryland 20910

Subject	HISTORIC PRESERVATION COMMISSION: RULES, GUIDELINES, AND PROCEDURES	Number	27-97
	Historic Preservation Commission	Effective Date	November 4, 1997

to the date of the appearance.

- (2) Notice to citizens or organizations which have requested notices of public appearances mailed at least three (3) weeks prior to the date of the appearance.
- (3) The Commission must publish notice of the public appearance approximately fourteen (14) calendar days prior to the date of the public appearance in a newspaper of general circulation within the county. The notice must specify the date, time and place of the public appearance.
- (d) If scheduled for a date different than the date of the public appearance, the worksession(s) will be publicized through publication of a notice approximately fourteen (14) calendar days prior to the date of the worksession in a newspaper of general circulation within the county. The notice must specify the date, time and place of the worksession. In addition, the Commission will make every effort to assure that citizens who testified at a public appearance are aware of the date of the associated worksession.
- (e) The staff recommendation on a nomination will be available seven (7) days prior to the worksession on a nomination and copies may be obtained in the offices of the Historic Preservation Commission. The staff recommendation will be available seven (7) in advance of the worksession whether the public appearance and worksession are held on the same date or on different dates.



MONTGOMERY COUNTY HISTORIC PRESERVATION COMMISSION REGULATION

8787 Georgia Avenue • Silver Spring, Maryland 20910

Subject	HISTORIC PRESERVATION COMMISSION: RULES, GUIDELINES, AND PROCEDURES	Number	27-97
	Historic Preservation Commission	Effective Date	November 4, 1997

- (f) The order of business at the public appearance and at any subsequent worksessions shall be as follows:
- (1) Introduction of the nomination by staff.
 - (2) Comment by affected property owners, municipalities, and HOAs.
 - (3) Public comment.
 - (4) Presentation of staff recommendation.
 - (5) Questions by Commission of staff.
 - (6) Consideration by Commission.
- (g) The conduct of business at a scheduled appearance shall reflect the following:
- (1) Preliminary action. Upon convening the meeting, the presiding officer shall give a brief explanation of the purpose of the appearance and shall cause to be presented any information or data which is required before public discussion and comments begin.
 - (2) Information from public. Each member of the public who wishes to speak should, after recognition by the presiding officer, come forth and state the following information:
 - a. Name
 - b. Home address
 - c. Person or organization he/she represents, or that he/she is speaking as a private citizen.
 - (3) The Commission may establish reasonable time limitations and registration requirements for speakers so that all may have an



MONTGOMERY COUNTY HISTORIC PRESERVATION COMMISSION REGULATION

8787 Georgia Avenue • Silver Spring, Maryland 20910

Subject	HISTORIC PRESERVATION COMMISSION: RULES, GUIDELINES, AND PROCEDURES	Number	27-97
	Historic Preservation Commission	Effective Date	November 4, 1997

opportunity to be heard. In general, these time limits will be:

Comment by affected individual property owners:	3 minutes
Comment by adjacent owners/interested parties:	3 minutes
Comment by citizen associations/interested groups:	5 minutes
Comment by elected officials/government representatives:	7 minutes

The Commission may waive these time limits and may decide whether speakers will be required to register in advance or at the meeting, depending on the complexity of the nomination. Direction as to when and how to register to speak on an issue will be made clear in the notice for the public appearance.

- (4) Questions. Any member of the Commission, upon recognition of the Chair, may briefly question any speaker. Members and speakers shall be requested not to debate over these questions.
- (h) Recommendation. At the close of either the public appearance or a worksession, the Commission will formulate its recommendation on each proposed nomination. This recommendation may be put to a vote and decided by a majority of Commissioners. This recommendation will be forwarded to the Planning Board, County Executive, and County Council in a timely fashion.
- (i) Criteria. In formulating a recommendation on designation, the Commission shall utilize the criteria listed in 24A-3(b).

Section 3.2 Update of and Addition to Locational Atlas

- (a) The Commission must review all nominations for additions to the Locational



MONTGOMERY COUNTY HISTORIC PRESERVATION COMMISSION REGULATION

8787 Georgia Avenue • Silver Spring, Maryland 20910

Subject	HISTORIC PRESERVATION COMMISSION: RULES, GUIDELINES, AND PROCEDURES	Number	27-97
	Historic Preservation Commission	Effective Date	November 4, 1997

Atlas and Index of Historic Sites to determine that a completed MHT Inventory Form and other available background information is included that is necessary for the Commission to evaluate such nominations.

- (b) The Commission must schedule a public appearance and worksessions on each proposed nomination. The public appearance and worksessions may be on the same date or on separate dates. Such an appearance and worksessions may be scheduled during the Commission's regular agenda or at a special meeting.
- (c) The public appearance shall be publicized to the extent possible as follows:
 - (1) Notice to affected property owners mailed at least one (1) week prior to the date of the appearance.
 - (2) Notice to citizens or organizations which have requested notices of public appearances mailed at least one (1) week prior to the date of the appearance.
- (d) The staff recommendation on a nomination will be available seven (7) days prior to the worksession on a nomination and copies may be obtained in the offices of the Historic Preservation Commission. The staff recommendation will be available seven (7) in advance of the worksession whether the public appearance and worksession are held on the same date or on different dates.
- (e) The order of business at the public appearance and at any subsequent worksessions shall be as follows:
 - (1) Introduction of the nomination by staff.
 - (2) Comment by affected property owners, municipalities, and HOAs.



MONTGOMERY COUNTY HISTORIC PRESERVATION COMMISSION REGULATION

8787 Georgia Avenue • Silver Spring, Maryland 20910

Subject	HISTORIC PRESERVATION COMMISSION: RULES, GUIDELINES, AND PROCEDURES	Number	27-97
	Historic Preservation Commission	Effective Date	November 4, 1997

- (3) Public comment.
 - (4) Presentation of staff recommendation.
 - (5) Questions by Commission of staff.
 - (6) Consideration by Commission.
- (f) The conduct of business at a scheduled appearance shall reflect the following:
- (1) Preliminary action. Upon convening the meeting, the presiding officer shall give a brief explanation of the purpose of the appearance and shall cause to be presented any information or data which is required before public discussion and comments begin.
 - (2) Information from public. Each member of the public who wishes to speak should, after recognition by the presiding officer, come forth and state the following information:
 - a. Name
 - b. Home address
 - c. Person or organization he/she represents, or that he/she is speaking as a private citizen.
 - (3) The Commission may establish reasonable time limitations and registration requirements for speakers so that all may have an opportunity to be heard. In general, these time limits will be:

Comment by affected individual property owners:	3 minutes
Comment by adjacent owners/interested parties:	3 minutes
Comment by citizen associations/interested groups:	5 minutes



MONTGOMERY COUNTY HISTORIC PRESERVATION COMMISSION REGULATION

8787 Georgia Avenue • Silver Spring, Maryland 20910

Subject	HISTORIC PRESERVATION COMMISSION: RULES, GUIDELINES, AND PROCEDURES	Number 27-97
	Historic Preservation Commission	Effective Date November 4, 1997

Comment by elected officials/government representatives: 7 minutes

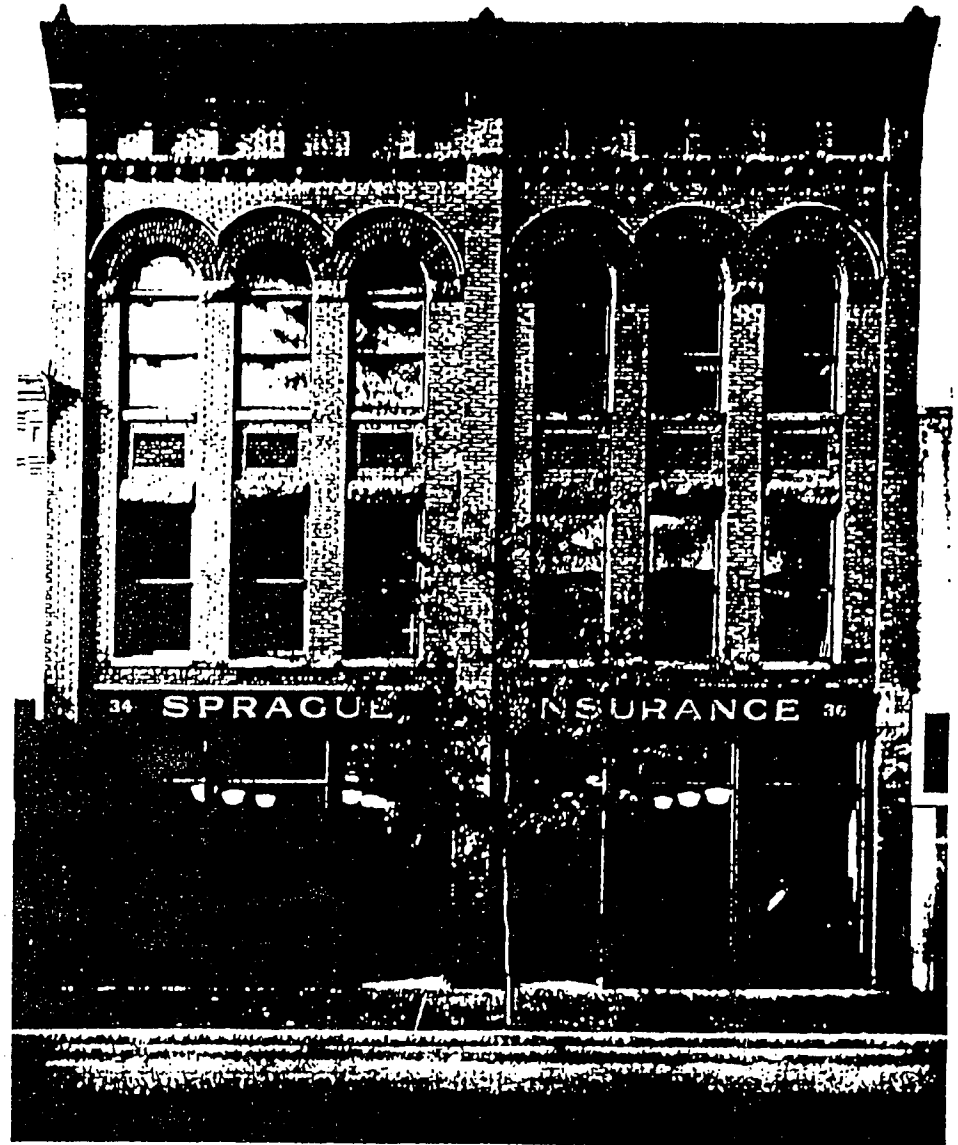
The Commission may waive these time limits and may decide whether speakers will be required to register in advance or at the meeting, depending on the complexity of the nomination. Direction as to when and how to register to speak on an issue will be made clear in the notice for the public appearance.

- (4) Questions. Any member of the Commission, upon recognition of the Chair, may briefly question any speaker. Members and speakers shall be requested not to debate over these questions.
- (g) Recommendation. At the close of the public appearance, the Commission will formulate its recommendation on each proposed nomination. This recommendation may be put to a vote and decided by a majority of Commissioners. This recommendation will be forwarded to the Planning Board in a timely fashion.
- (h) Criteria. In formulating a recommendation, the Commission shall utilize the criteria listed in 24A-3(b).

George Kousoulas
Chairperson
Historic Preservation Commission

Standards for
Rehabilitation
&
Guidelines for
Rehabilitating
Historic Buildings

Rehabilitation is defined as the act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features which convey its historical, cultural, or architectural values.



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, spaces, and spatial relationships that characterize a property will be avoided.
3. Each property will be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.
4. Changes to a property that have acquired historic significance in their own right will be retained and preserved.
5. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.
6. Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.
7. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.
8. Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.
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 a such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

Guidelines for Rehabilitating Historic Buildings

Introduction

In Rehabilitation, historic building materials and character-defining features are protected and maintained as they are in the treatment Preservation; however, an assumption is made prior to work that existing historic fabric has become damaged or deteriorated over time and, as a result, more repair and replacement will be required. Thus, latitude is given in the Standards for Rehabilitation and Guidelines for Rehabilitation to replace extensively deteriorated, damaged, or missing features using either traditional or substitute materials. Of the four treatments, only Rehabilitation includes an opportunity to make possible an efficient contemporary use through alterations and additions.

Identify, Retain, and Preserve Historic Materials and Features

Like Preservation, guidance for the treatment Rehabilitation begins with recommendations to identify the form and detailing of those architectural materials and features that are important in defining the building's historic character and which must be retained in order to preserve that character. Therefore, guidance on *identifying, retaining, and preserving* character-defining features is always given first. The character of a historic building may be defined by the form and detailing of exterior materials, such as masonry, wood, and metal; exterior features, such as roofs, porches, and windows; interior

materials, such as plaster and paint; and interior features, such as moldings and stairways, room configuration and spatial relationships, as well as structural and mechanical systems.

Protect and Maintain Historic Materials and Features

After identifying those materials and features that are important and must be retained in the process of Rehabilitation work, then *protecting and maintaining* them are addressed. Protection generally involves the least degree of intervention and is preparatory to other work. For example, protection includes the maintenance of historic material through treatments such as rust removal, caulking, limited paint removal, and re-application of protective coatings; the cyclical cleaning of roof gutter systems; or installation of fencing, alarm systems and other temporary protective measures. Although a historic building will usually require more extensive work, an overall evaluation of its physical condition should always begin at this level.

Repair Historic Materials and Features

Next, when the physical condition of character-defining materials and features warrants additional work *repairing* is recommended. Rehabilitation guidance for the repair of historic materials such as masonry, wood, and architectural metals again begins with the least degree of intervention possible such as patching, piecing-in, splicing, consolidating, or otherwise reinforcing or upgrading them according to recognized preservation methods. Repairing also includes the limited replacement in kind—or with

Note: The Guidelines for Rehabilitating Historic Buildings in this chapter have already appeared in *The Secretary of the Interior's Standards for Rehabilitation & Illustrated Guidelines for Rehabilitating Historic Buildings*, published in 1992.



Originally built as single-family, semi-detached duplexes, these houses were rehabilitated for a new use as rental apartments. While some alteration to non-significant interior features and spaces was necessary in each one, the exteriors were essentially preserved. Photos: Mistick, Inc.

compatible substitute material—of extensively deteriorated or missing parts of features when there are surviving prototypes (for example, brackets, dentils, steps, plaster, or portions of slate or tile roofing). Although using the same kind of material is always the preferred option, substitute material is acceptable if the form and design as well as the substitute material itself convey the visual appearance of the remaining parts of the feature and finish.

Replace Deteriorated Historic Materials and Features

Following repair in the hierarchy, Rehabilitation guidance is provided for *replacing* an entire character-defining feature with new material because the level of deterioration or damage of materials precludes repair (for example, an exterior cornice; an interior

staircase; or a complete porch or storefront). If the essential form and detailing are still evident so that the physical evidence can be used to re-establish the feature as an integral part of the rehabilitation, then its replacement is appropriate. Like the guidance for repair, the preferred option is always replacement of the entire feature in kind, that is, with the same material. Because this approach may not always be technically or economically feasible, provisions are made to consider the use of a compatible substitute material.

It should be noted that, while the National Park Service guidelines recommend the replacement of an entire character-defining feature that is extensively deteriorated, they never recommend removal and replacement with new material of a feature that—although damaged or deteriorated—could reasonably be repaired and thus preserved.

Design for the Replacement of Missing Historic Features

When an entire interior or exterior feature is missing (for example, an entrance, or cast iron facade; or a principal staircase), it no longer plays a role in physically defining the historic character of the building unless it can be accurately recovered in form and detailing through the process of carefully documenting the historical appearance. Although accepting the loss is one possibility, where an important architectural feature is missing, its replacement is always recommended in the **Rehabilitation** guidelines as the *first* or preferred, course of action. Thus, if adequate historical, pictorial, and physical documentation exists so that the feature may be accurately reproduced, and if it is desirable to re-establish the feature as part of the building's historical appearance, then designing and constructing a new feature based on such information is appropriate. However, a *second* acceptable option for the replacement feature is a new design that is compatible with the remaining character-defining features of the historic building. The new design should always take into account the size, scale, and material of the historic building itself and, most importantly, should be clearly differentiated so that a false historical appearance is not created.

Alterations/Additions for the New Use

Some exterior and interior alterations to a historic building are generally needed to assure its continued

use, but it is most important that such alterations do not radically change, obscure, or destroy character-defining spaces, materials, features, or finishes. Alterations may include providing additional parking space on an existing historic building site; cutting new entrances or windows on secondary elevations; inserting an additional floor; installing an entirely new mechanical system; or creating an atrium or light well. Alteration may also include the selective removal of buildings or other features of the environment or building site that are intrusive and therefore detract from the overall historic character.

The construction of an exterior addition on a historic building may seem to be essential for the new use, but it is emphasized in the **Rehabilitation** guidelines that such new additions should be avoided, if possible, and considered *only* after it is determined that those needs cannot be met by altering secondary, i.e., non character-defining interior spaces. If, after a thorough evaluation of interior solutions, an exterior addition is still judged to be the only viable alternative, it should be designed and constructed to be clearly differentiated from the historic building and so that the character-defining features are not radically changed, obscured, damaged, or destroyed.

Additions and alterations to historic buildings are referenced within specific sections of the **Rehabilitation** guidelines such as Site, Roofs, Structural Systems, etc., but are addressed in detail in *New Additions to Historic Buildings*, found at the end of this chapter.

**Energy Efficiency/Accessibility
Considerations/Health and Safety Code
Considerations**

These sections of the guidance address work done to meet accessibility requirements and health and safety code requirements; or retrofitting measures to improve energy efficiency. Although this work is quite often an important aspect of Rehabilitation projects, it is usually not a part of the overall process of protecting or repairing character-defining features; rather, such work is assessed for its potential negative impact on the building's historic character. For this reason, particular care must be taken not to radically change, obscure, damage, or destroy character-defining materials or features in the process of meeting code and energy requirements.

Rehabilitation as a Treatment When repair and replacement of deteriorated features are necessary; when alterations or additions to the property are planned for a new or continued use; and when its depiction at a particular time is not appropriate, Rehabilitation may be considered as a treatment. Prior to undertaking work, a documentation plan for Rehabilitation should be developed.

Building Exterior

Masonry: Brick, stone, terra cotta, concrete, adobe, stucco and mortar

Recommended

Identifying, retaining, and preserving masonry features that are important in defining the overall historic character of the building such as walls, brackets, railings, cornices, window architraves, door pediments, steps, and columns; and details such as tooling and bonding patterns, coatings, and color.

Protecting and maintaining masonry by providing proper drainage so that water does not stand on flat, horizontal surfaces or accumulate in curved decorative features.

Cleaning masonry only when necessary to halt deterioration or remove heavy soiling.

Carrying out masonry surface cleaning tests after it has been determined that such cleaning is appropriate. Tests should be observed over a sufficient period of time so that both the immediate and the long range effects are known to enable selection of the gentlest method possible.

Not Recommended

Removing or radically changing masonry features which are important in defining the overall historic character of the building so that, as a result, the character is diminished.

Replacing or rebuilding a major portion of exterior masonry walls that could be repaired so that, as a result, the building is no longer historic and is essentially new construction.

Applying paint or other coatings such as stucco to masonry that has been historically unpainted or uncoated to create a new appearance.

Removing paint from historically painted masonry.

Radically changing the type of paint or coating or its color.

Failing to evaluate and treat the various causes of mortar joint deterioration such as leaking roofs or gutters, differential settlement of the building, capillary action, or extreme weather exposure.

Cleaning masonry surfaces when they are not heavily soiled to create a new appearance, thus needlessly introducing chemicals or moisture into historic materials.

Cleaning masonry surfaces without testing or without sufficient time for the testing results to be of value.

Recommended

Cleaning masonry surfaces with the gentlest method possible, such as low pressure water and detergents, using natural bristle brushes.

Inspecting painted masonry surfaces to determine whether repainting is necessary.

Removing damaged or deteriorated paint only to the next sound layer using the gentlest method possible (e.g., hand-scraping) prior to repainting.

Applying compatible paint coating systems following proper surface preparation.

Repainting with colors that are historically appropriate to the building and district.

Evaluating the overall condition of the masonry to determine whether more than protection and maintenance are required, that is, if repairs to masonry features will be necessary.

Repairing masonry walls and other masonry features by repointing the mortar joints where there is evidence of deterioration such as disintegrating mortar, cracks in mortar joints, loose bricks, damp walls, or damaged plasterwork.

Removing deteriorated mortar by carefully hand-raking the joints to avoid damaging the masonry.

Not Recommended

Sandblasting brick or stone surfaces using dry or wet grit or other abrasives. These methods of cleaning permanently erode the surface of the material and accelerate deterioration.

Using a cleaning method that involves water or liquid chemical solutions when there is any possibility of freezing temperatures.

Cleaning with chemical products that will damage masonry, such as using acid on limestone or marble, or leaving chemicals on masonry surfaces.

Applying high pressure water cleaning methods that will damage historic masonry and the mortar joints.

Removing paint that is firmly adhering to, and thus protecting, masonry surfaces.

Using methods of removing paint which are destructive to masonry, such as sandblasting, application of caustic solutions, or high pressure waterblasting.

Failing to follow manufacturers' product and application instructions when repainting masonry.

Using new paint colors that are inappropriate to the historic building and district.

Failing to undertake adequate measures to assure the protection of masonry features.

Removing nondeteriorated mortar from sound joints, then repointing the entire building to achieve a uniform appearance.

Using electric saws and hammers rather than hand tools to remove deteriorated mortar from joints prior to repointing.

Building Exterior

Wood: Clapboard, weatherboard, shingles, and other wooden siding and decorative elements

Recommended

Identifying, retaining, and preserving wood features that are important in defining the overall historic character of the building such as siding, cornices, brackets, window architraves, and doorway pediments; and their paints, finishes, and colors.

Protecting and maintaining wood features by providing proper drainage so that water is not allowed to stand on flat, horizontal surfaces or accumulate in decorative features.

Applying chemical preservatives to wood features such as beam ends or outriggers that are exposed to decay hazards and are traditionally unpainted.

Retaining coatings such as paint that help protect the wood from moisture and ultraviolet light. Paint removal should be considered only where there is paint surface deterioration and as part of an overall maintenance program which involves repainting or applying other appropriate protective coatings.

Not Recommended

Removing or radically changing wood features which are important in defining the overall historic character of the building so that, as a result, the character is diminished.

Removing a major portion of the historic wood from a facade instead of repairing or replacing only the deteriorated wood, then reconstructing the facade with new material in order to achieve a uniform or "improved" appearance.

Radically changing the type of finish or its color or accent scheme so that the historic character of the exterior is diminished.

Stripping historically painted surfaces to bare wood, then applying clear finishes or stains in order to create a "natural look."

Stripping paint or varnish to bare wood rather than repairing or reapplying a special finish, i.e., a grained finish to an exterior wood feature such as a front door.

Failing to identify, evaluate, and treat the causes of wood deterioration, including faulty flashing, leaking gutters, cracks and holes in siding, deteriorated caulking in joints and seams, plant material growing too close to wood surfaces, or insect or fungus infestation.

Using chemical preservatives such as creosote which, unless they were used historically, can change the appearance of wood features.

Stripping paint or other coatings to reveal bare wood, thus exposing historically coated surfaces to the effects of accelerated weathering.

Recommended

Inspecting painted wood surfaces to determine whether repainting is necessary or if cleaning is all that is required.

Removing damaged or deteriorated paint to the next sound layer using the gentlest method possible (handscraping and handsanding), then repainting.

Using with care electric hot-air guns on decorative wood features and electric heat plates on flat wood surfaces when paint is so deteriorated that total removal is necessary prior to repainting.



Not Recommended

Removing paint that is firmly adhering to, and thus, protecting wood surfaces.

Using destructive paint removal methods such as propane or butane torches, sandblasting or waterblasting. These methods can irreversibly damage historic woodwork.

Using thermal devices improperly so that the historic woodwork is scorched.



According to the Standards for Rehabilitation, existing historic materials should be protected, maintained and repaired. In an exemplary project, the windows and shutters of this historic residence were carefully preserved.

Recommended

Duplicating old mortar in strength, composition, color, and texture.

Duplicating old mortar joints in width and in joint profile.

Repairing stucco by removing the damaged material and patching with new stucco that duplicates the old in strength, composition, color, and texture.

Using mud plaster as a surface coating over unfired, unstabilized adobe because the mud plaster will bond to the adobe.

Cutting damaged concrete back to remove the source of deterioration (often corrosion on metal reinforcement bars). The new patch must be applied carefully so it will bond satisfactorily with, and match, the historic concrete.

Repairing masonry features by patching, piecing-in, or consolidating the masonry using recognized preservation methods. Repair may also include the limited replacement in kind—or with compatible substitute material—of those extensively deteriorated or missing parts of masonry features when there are surviving prototypes such as terra-cotta brackets or stone balusters.

Not Recommended

Repointing with mortar of high portland cement content (unless it is the content of the historic mortar). This can often create a bond that is stronger than the historic material and can cause damage as a result of the differing coefficient of expansion and the differing porosity of the material and the mortar.

Repointing with a synthetic caulking compound.

Using a "scrub" coating technique to repoint instead of traditional repointing methods.

Changing the width or joint profile when repointing.

Removing sound stucco; or repairing with new stucco that is stronger than the historic material or does not convey the same visual appearance.

Applying cement stucco to unfired, unstabilized adobe. Because the cement stucco will not bond properly, moisture can become entrapped between materials, resulting in accelerated deterioration of the adobe.

Patching concrete without removing the source of deterioration.

Replacing an entire masonry feature such as a cornice or balustrade when repair of the masonry and limited replacement of deteriorated or missing parts are appropriate.

Using a substitute material for the replacement part that does not convey the visual appearance of the surviving parts of the masonry feature or that is physically or chemically incompatible.

Recommended

Applying new or non-historic surface treatments such as water-repellent coatings to masonry only after repointing and only if masonry repairs have failed to arrest water penetration problems.

Replacing in kind an entire masonry feature that is too deteriorated to repair—if the overall form and detailing are still evident—using the physical evidence as a model to reproduce the feature. Examples can include large sections of a wall, a cornice, balustrade, column, or stairway. If using the same kind of material is not technically or economically feasible, then a compatible substitute material may be considered.

The following work is highlighted to indicate that it represents the particularly complex technical or design aspects of Rehabilitation projects and should only be considered after the preservation concerns listed above have been addressed.

Recommended

Design for the Replacement of Missing Historic Features

Designing and installing a new masonry feature such as steps or a door pediment when the historic feature is completely missing. It may be an accurate restoration using historical, pictorial, and physical documentation; or be a new design that is compatible with the size, scale, material, and color of the historic building.

Not Recommended

Applying waterproof, water repellent, or non-historic coatings such as stucco to masonry as a substitute for repointing and masonry repairs. Coatings are frequently unnecessary, expensive, and may change the appearance of historic masonry as well as accelerate its deterioration.

Removing a masonry feature that is unrepairable and not replacing it; or replacing it with a new feature that does not convey the same visual appearance.

Not Recommended

Creating a false historical appearance because the replaced masonry feature is based on insufficient historical, pictorial, and physical documentation.

Introducing a new masonry feature that is incompatible in size, scale, material and color.

Recommended

Using chemical strippers primarily to supplement other methods such as handscraping, handsanding and the above-recommended thermal devices. Detachable wooden elements such as shutters, doors, and columns may—with the proper safeguards—be chemically dip-stripped.

Applying compatible paint coating systems following proper surface preparation.

Repainting with colors that are appropriate to the historic building and district.

Evaluating the overall condition of the wood to determine whether more than protection and maintenance are required, that is, if repairs to wood features will be necessary.

Repairing wood features by patching, piecing-in, consolidating, or otherwise reinforcing the wood using recognized preservation methods. Repair may also include the limited replacement in kind—or with compatible substitute material—of those extensively deteriorated or missing parts of features where there are surviving prototypes such as brackets, molding, or sections of siding.

Replacing in kind an entire wood feature that is too deteriorated to repair—if the overall form and detailing are still evident—using the physical evidence as a model to reproduce the feature. Examples of wood features include a cornice, entablature or balustrade. If using the same kind of material is not technically or economically feasible, then a compatible substitute material may be considered.

Not Recommended

Failing to neutralize the wood thoroughly after using chemicals so that new paint does not adhere.

Allowing detachable wood features to soak too long in a caustic solution so that the wood grain is raised and the surface roughened.

Failing to follow manufacturers' product and application instructions when repainting exterior woodwork.

Using new colors that are inappropriate to the historic building or district.

Failing to undertake adequate measures to assure the protection of wood features.

Replacing an entire wood feature such as a cornice or wall when repair of the wood and limited replacement of deteriorated or missing parts are appropriate.

Using substitute material for the replacement part that does not convey the visual appearance of the surviving parts of the wood feature or that is physically or chemically incompatible.

Removing an entire wood feature that is unrepairable and not replacing it; or replacing it with a new feature that does not convey the same visual appearance.

The following work is highlighted to indicate that it represents the particularly complex technical or design aspects of Rehabilitation projects and should only be considered after the preservation concerns listed above have been addressed.

Recommended

Design for the Replacement of Missing Historic Features

Designing and installing a new wood feature such as a cornice or doorway when the historic feature is completely missing. It may be an accurate restoration using historical, pictorial, and physical documentation; or be a new design that is compatible with the size, scale, material, and color of the historic building.

Not Recommended

Creating a false historical appearance because the replaced wood feature is based on insufficient historical, pictorial, and physical documentation.

Introducing a new wood feature that is incompatible in size, scale, material and color.

Building Exterior

Architectural Metals: Cast iron, steel, pressed tin, copper, aluminum, and zinc

Recommended

Identifying, retaining, and preserving architectural metal features such as columns, capitals, window hoods, or stairways that are important in defining the overall historic character of the building; and their finishes and colors. Identification is also critical to differentiate between metals prior to work. Each metal has unique properties and thus requires different treatments.

Protecting and maintaining architectural metals from corrosion by providing proper drainage so that water does not stand on flat, horizontal surfaces or accumulate in curved, decorative features.

Cleaning architectural metals, when appropriate, to remove corrosion prior to repainting or applying other appropriate protective coatings.

Identifying the particular type of metal prior to any cleaning procedure and then testing to assure that the gentlest cleaning method possible is selected or determining that cleaning is inappropriate for the particular metal.

Not Recommended

Removing or radically changing architectural metal features which are important in defining the overall historic character of the building so that, as a result, the character is diminished.

Removing a major portion of the historic architectural metal from a facade instead of repairing or replacing only the deteriorated metal, then reconstructing the facade with new material in order to create a uniform, or "improved" appearance.

Radically changing the type of finish or its historic color or accent scheme.

Failing to identify, evaluate, and treat the causes of corrosion, such as moisture from leaking roofs or gutters.

Placing incompatible metals together without providing a reliable separation material. Such incompatibility can result in galvanic corrosion of the less noble metal, e.g., copper will corrode cast iron, steel, tin, and aluminum.

Exposing metals which were intended to be protected from the environment.

Applying paint or other coatings to metals such as copper, bronze, or stainless steel that were meant to be exposed.

Using cleaning methods which alter or damage the historic color, texture, and finish of the metal; or cleaning when it is inappropriate for the metal.

Removing the patina of historic metal. The patina may be a protective coating on some metals, such as bronze or copper, as well as a significant historic finish.

Recommended

Cleaning soft metals such as lead, tin, copper, terneplate, and zinc with appropriate chemical methods because their finishes can be easily abraded by blasting methods.

Using the gentlest cleaning methods for cast iron, wrought iron, and steel—hard metals—in order to remove paint buildup and corrosion. If handscraping and wire brushing have proven ineffective, low pressure grit blasting may be used as long as it does not abrade or damage the surface.

Applying appropriate paint or other coating systems after cleaning in order to decrease the corrosion rate of metals or alloys.

Repainting with colors that are appropriate to the historic building or district.

Applying an appropriate protective coating such as lacquer to an architectural metal feature such as a bronze door which is subject to heavy pedestrian use.

Evaluating the overall condition of the architectural metals to determine whether more than protection and maintenance are required, that is, if repairs to features will be necessary.

Repairing architectural metal features by patching, splicing, or otherwise reinforcing the metal following recognized preservation methods. Repairs may also include the limited replacement in kind—or with a compatible substitute material—of those extensively deteriorated or missing parts of features when there are surviving prototypes such as porch balusters, column capitals or bases; or porch cresting.

Not Recommended

Cleaning soft metals such as lead, tin, copper, terneplate, and zinc with grit blasting which will abrade the surface of the metal.

Failing to employ gentler methods prior to abrasively cleaning cast iron, wrought iron or steel; or using high pressure grit blasting.

Failing to re-apply protective coating systems to metals or alloys that require them after cleaning so that accelerated corrosion occurs.

Using new colors that are inappropriate to the historic building or district.

Failing to assess pedestrian use or new access patterns so that architectural metal features are subject to damage by use or inappropriate maintenance such as salting adjacent sidewalks.

Failing to undertake adequate measures to assure the protection of architectural metal features.

Replacing an entire architectural metal feature such as a column or a balustrade when repair of the metal and limited replacement of deteriorated or missing parts are appropriate.

Using a substitute material for the replacement part that does not convey the visual appearance of the surviving parts of the architectural metal feature or that is physically or chemically incompatible.

Recommended

Replacing in kind an entire architectural metal feature that is too deteriorated to repair—if the overall form and detailing are still evident—using the physical evidence as a model to reproduce the feature. Examples could include cast iron porch steps or steel sash windows. If using the same kind of material is not technically or economically feasible, then a compatible substitute material may be considered.

The following work is highlighted to indicate that it represents the particularly complex technical or design aspects of Rehabilitation projects and should only be considered after the preservation concerns listed above have been addressed.

Recommended

Design for the Replacement of Missing Historic Features

Designing and installing a new architectural metal feature such as a metal cornice or cast iron capital when the historic feature is completely missing. It may be an accurate restoration using historical, pictorial, and physical documentation; or be a new design that is compatible with the size, scale, material, and color of the historic building.

Not Recommended

Removing an architectural metal feature that is unrepairable and not replacing it; or replacing it with a new architectural metal feature that does not convey the same visual appearance.

Not Recommended

Creating a false historical appearance because the replaced architectural metal feature is based on insufficient historical, pictorial, and physical documentation.

Introducing a new architectural metal feature that is incompatible in size, scale, material, and color.

Building Exterior

Roofs

Recommended

Identifying, retaining, and preserving roofs—and their functional and decorative features—that are important in defining the overall historic character of the building. This includes the roof's shape, such as hipped, gambrel, and mansard; decorative features such as cupolas, cresting chimneys, and weathervanes; and roofing material such as slate, wood, clay tile, and metal, as well as its size, color, and patterning.

Protecting and maintaining a roof by cleaning the gutters and downspouts and replacing deteriorated flashing. Roof sheathing should also be checked for proper venting to prevent moisture condensation and water penetration; and to ensure that materials are free from insect infestation.

Providing adequate anchorage for roofing material to guard against wind damage and moisture penetration.

Protecting a leaking roof with plywood and building paper until it can be properly repaired.

Not Recommended

Radically changing, damaging, or destroying roofs which are important in defining the overall historic character of the building so that, as a result, the character is diminished.

Removing a major portion of the roof or roofing material that is repairable, then reconstructing it with new material in order to create a uniform, or "improved" appearance.

Changing the configuration of a roof by adding new features such as dormer windows, vents, or skylights so that the historic character is diminished.

Stripping the roof of sound historic material such as slate, clay tile, wood, and architectural metal.

Applying paint or other coatings to roofing material which has been historically uncoated.

Failing to clean and maintain gutters and downspouts properly so that water and debris collect and cause damage to roof fasteners, sheathing, and the underlying structure.

Allowing roof fasteners, such as nails and clips to corrode so that roofing material is subject to accelerated deterioration.

Permitting a leaking roof to remain unprotected so that accelerated deterioration of historic building materials—masonry, wood, plaster, paint and structural members—occurs.

Recommended

Repairing a roof by reinforcing the historic materials which comprise roof features. Repairs will also generally include the limited replacement in kind—or with compatible substitute material—of those extensively deteriorated or missing parts of features when there are surviving prototypes such as cupola louvers, dentils, dormer roofing; or slates, tiles, or wood shingles on a main roof.

Replacing in kind an entire feature of the roof that is too deteriorated to repair—if the overall form and detailing are still evident—using the physical evidence as a model to reproduce the feature. Examples can include a large section of roofing, or a dormer or chimney. If using the same kind of material is not technically or economically feasible, then a compatible substitute material may be considered.

Not Recommended

Replacing an entire roof feature such as a cupola or dormer when repair of the historic materials and limited replacement of deteriorated or missing parts are appropriate.

Failing to reuse intact slate or tile when only the roofing substrate needs replacement.

Using a substitute material for the replacement part that does not convey the visual appearance of the surviving parts of the roof or that is physically or chemically incompatible.

Removing a feature of the roof that is unrepairable, such as a chimney or dormer, and not replacing it; or replacing it with a new feature that does not convey the same visual appearance.

The following work is highlighted to indicate that it represents the particularly complex technical or design aspects of Rehabilitation projects and should only be considered after the preservation concerns listed above have been addressed.

Recommended

Design for the Replacement of Missing Historic Features

Designing and constructing a new feature when the historic feature is completely missing, such as chimney or cupola. It may be an accurate restoration using historical, pictorial, and physical documentation; or be a new design that is compatible with the size, scale, material, and color of the historic building.

Alterations/Additions for the New Use

Installing mechanical and service equipment on the roof such as air conditioning, transformers, or solar collectors when required for the new use so that they are inconspicuous from the public right-of-way and do not damage or obscure character-defining features.

Designing additions to roofs such as residential, office, or storage spaces; elevator housing; decks and terraces; or dormers or skylights when required by the new use so that they are inconspicuous from the public right-of-way and do not damage or obscure character-defining features.

Not Recommended

Creating a false historical appearance because the replaced feature is based on insufficient historical, pictorial, and physical documentation.

Introducing a new roof feature that is incompatible in size, scale, material and color.

Installing mechanical or service equipment so that it damages or obscures character-defining features; or is conspicuous from the public right-of-way.

Radically changing a character-defining roof shape or damaging or destroying character-defining roofing material as a result of incompatible design or improper installation techniques.

Building Exterior

Windows

Recommended

Identifying, retaining, and preserving windows—and their functional and decorative features—that are important in defining the overall historic character of the building. Such features can include frames, sash, muntins, glazing, sills, heads, hoodmolds, panelled or decorated jambs and moldings, and interior and exterior shutters and blinds.

Conducting an indepth survey of the condition of existing windows early in rehabilitation planning so that repair and upgrading methods and possible replacement options can be fully explored.

Protecting and maintaining the wood and architectural metals which comprise the window frame, sash, muntins, and surrounds through appropriate surface treatments such as cleaning, rust removal, limited paint removal, and re-application of protective coating systems.

Making windows weathertight by re-caulking and replacing or installing weatherstripping. These actions also improve thermal efficiency.

Not Recommended

Removing or radically changing windows which are important in defining the historic character of the building so that, as a result, the character is diminished.

Changing the number, location, size or glazing pattern of windows, through cutting new openings, blocking-in windows, and installing replacement sash that do not fit the historic window opening.

Changing the historic appearance of windows through the use of inappropriate designs, materials, finishes, or colors which noticeably change the sash, depth of reveal, and muntin configuration; the reflectivity and color of the glazing; or the appearance of the frame.

Obscuring historic window trim with metal or other material.

Stripping windows of historic material such as wood, cast iron, and bronze.

Replacing windows solely because of peeling paint, broken glass, stuck sash, and high air infiltration. These conditions, in themselves, are no indication that windows are beyond repair.

Failing to provide adequate protection of materials on a cyclical basis so that deterioration of the window results.

Retrofitting or replacing windows rather than maintaining the sash, frame, and glazing.

Recommended

Evaluating the overall condition of materials to determine whether more than protection and maintenance are required, i.e. if repairs to windows and window features will be required.

Repairing window frames and sash by patching, splicing, consolidating or otherwise reinforcing. Such repair may also include replacement in kind—or with compatible substitute material—of those parts that are either extensively deteriorated or are missing when there are surviving prototypes such as architraves, hoodmolds, sash, sills, and interior or exterior shutters and blinds.

Replacing in kind an entire window that is too deteriorated to repair using the same sash and pane configuration and other design details. If using the same kind of material is not technically or economically feasible when replacing windows deteriorated beyond repair, then a compatible substitute material may be considered.

Not Recommended

Failing to undertake adequate measures to assure the protection of historic windows.

Replacing an entire window when repair of materials and limited replacement of deteriorated or missing parts are appropriate.

Failing to reuse serviceable window hardware such as brass sash lifts and sash locks.

Using substitute material for the replacement part that does not convey the visual appearance of the surviving parts of the window or that is physically or chemically incompatible.

Removing a character-defining window that is unrepairable and blocking it in; or replacing it with a new window that does not convey the same visual appearance.

The following work is highlighted to indicate that it represents the particularly complex technical or design aspects of Rehabilitation projects and should only be considered after the preservation concerns listed above have been addressed.

Recommended

Design for the Replacement of Missing Historic Features

Designing and installing new windows when the historic windows (frames, sash and glazing) are completely missing. The replacement windows may be an accurate restoration using historical, pictorial, and physical documentation; or be a new design that is compatible with the window openings and the historic character of the building.

Alterations/Additions for the New Use

Designing and installing additional windows on rear or other non-character-defining elevations if required by the new use. New window openings may also be cut into exposed party walls. Such design should be compatible with the overall design of the building, but not duplicate the fenestration pattern and detailing of a character-defining elevation.

Providing a setback in the design of dropped ceilings when they are required for the new use to allow for the full height of the window openings.

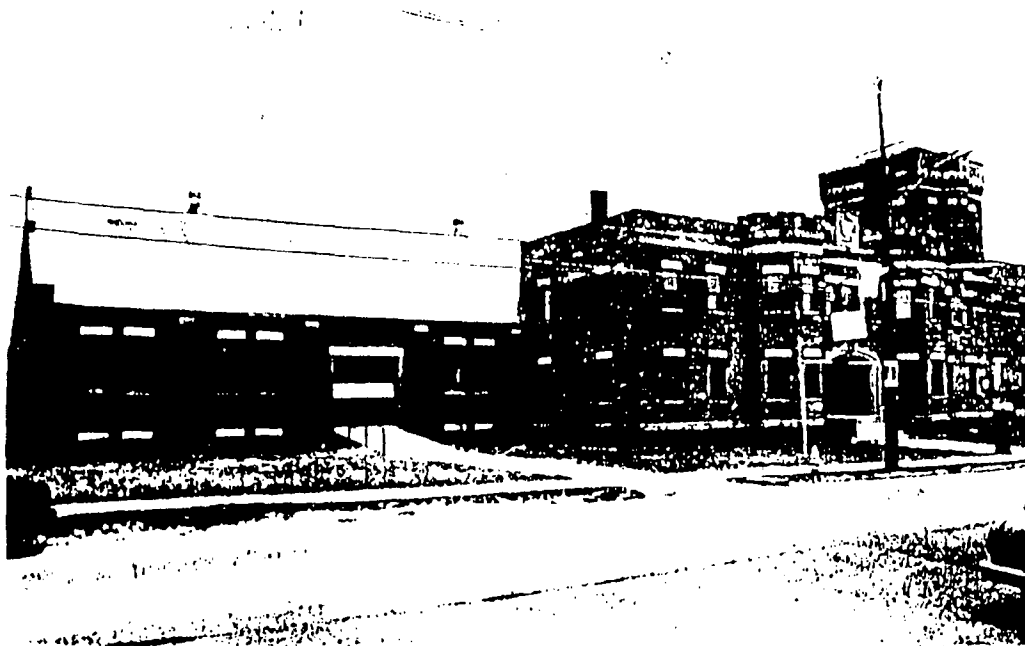
Not Recommended

Creating a false historical appearance because the replaced window is based on insufficient historical, pictorial, and physical documentation.

Introducing a new design that is incompatible with the historic character of the building.

Installing new windows, including frames, sash, and muntin configuration that are incompatible with the building's historic appearance or obscure, damage, or destroy character-defining features.

Inserting new floors or furred-down ceilings which cut across the glazed areas of windows so that the exterior form and appearance of the windows are changed.



b

(a) An armory complex was rehabilitated for rental housing. (b) This view of the rear elevation shows the paired, nine-over-nine wood sash windows and high sills that characterized the building. (c) After inappropriate rehabilitation work, the same rear elevation is shown with new skylights added to the roof, prefabricated panels filling the former brick areas, and new wood decks and privacy fences. Because the work changed the historic character, the project did not meet the Standards.

Building Exterior

Entrances and Porches

Recommended

Identifying, retaining, and preserving entrances and porches—and their functional and decorative features—that are important in defining the overall historic character of the building such as doors, fanlights, sidelights, pilaster, entablatures, columns, balustrades, and stairs.

Protecting and maintaining the masonry, wood, and architectural metals that comprise entrances and porches through appropriate surface treatments such as cleaning, rust removal, limited paint removal, and re-application of protective coating systems.

Evaluating the overall condition of materials to determine whether more than protection and maintenance are required, that is, repairs to entrance and porch features will be necessary.

Repairing entrances and porches by reinforcing the historic materials. Repair will also generally include the limited replacement in kind—or with compatible substitute material—of those extensively deteriorated or missing parts of repeated features where there are surviving prototypes such as balustrades, cornices, entablatures, columns, sidelights, and stairs.

Not Recommended

Removing or radically changing entrances and porches which are important in defining the overall historic character of the building so that, as a result, the character is diminished.

Stripping entrances and porches of historic material such as wood, cast iron, terra cotta tile, and brick.

Removing an entrance or porch because the building has been re-oriented to accommodate a new use.

Cutting new entrances on a primary elevation.

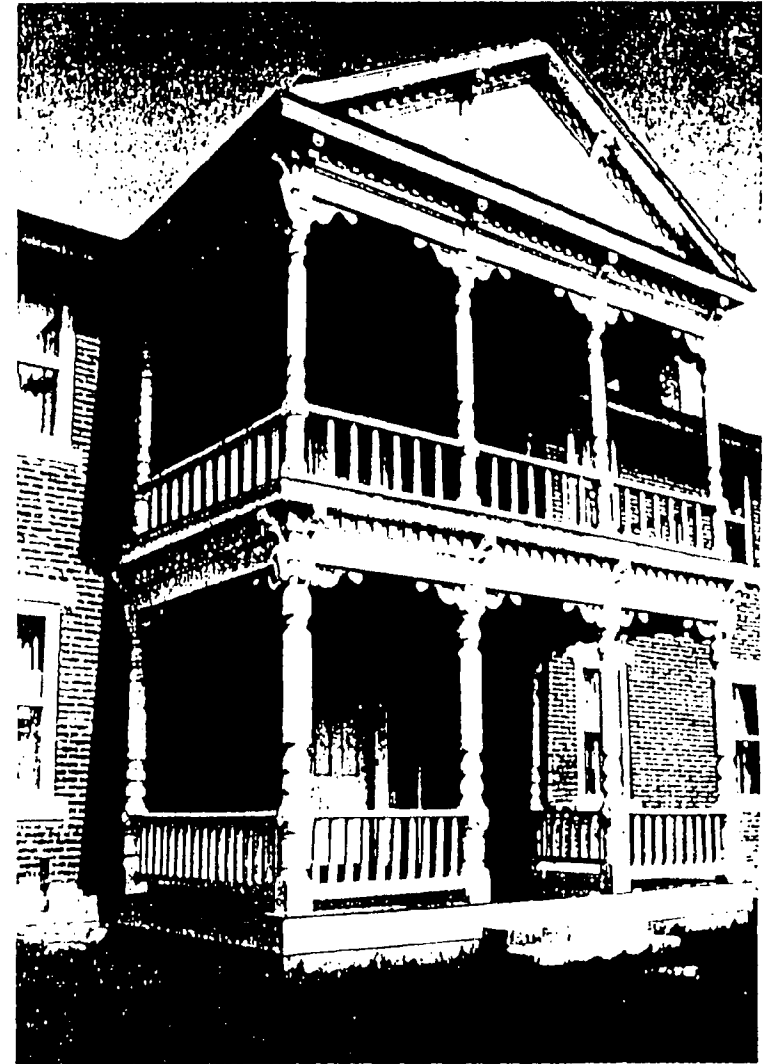
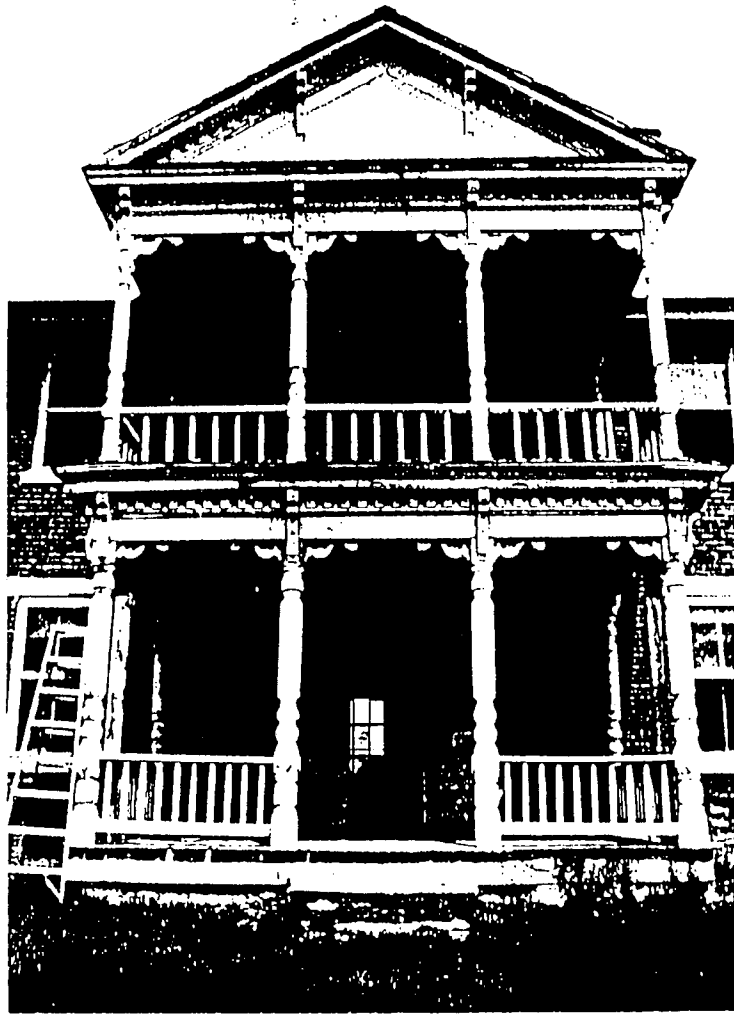
Altering utilitarian or service entrances so they appear to be formal entrances by adding panelled doors, fanlights, and sidelights.

Failing to provide adequate protection to materials on a cyclical basis so that deterioration of entrances and porches results.

Failing to undertake adequate measures to assure the protection of historic entrances and porches.

Replacing an entire entrance or porch when the repair of materials and limited replacement of parts are appropriate.

Using a substitute material for the replacement parts that does not convey the visual appearance of the surviving parts of the entrance and porch or that is physically or chemically incompatible.



In Rehabilitation, deteriorated features should be repaired, whenever possible, and replaced when the severity of the damage makes it necessary. Here, a two-story porch is seen prior to treatment (left). The floor boards are rotted out and the columns are in a state of collapse, supported only by crude, temporary shafts. Other components are in varying stages of decay. Appropriate work on the historic porch (right) included repairs to the porch rails; and total replacement of the extensively deteriorated columns and floor boards. Some dismantling of the porch was necessary.

Recommended

Replacing in kind an entire entrance or porch that is too deteriorated to repair—if the form and detailing are still evident—using the physical evidence as a model to reproduce the feature. If using the same kind of material is not technically or economically feasible, then a compatible substitute material may be considered.

The following work is highlighted to indicate that it represents the particularly complex technical or design aspects of Rehabilitation projects and should only be considered after the preservation concerns listed above have been addressed.

Recommended

Design for the Replacement of Missing Historic Features

Designing and constructing a new entrance or porch when the historic entrance or porch is completely missing. It may be a restoration based on historical, pictorial, and physical documentation; or be a new design that is compatible with the historic character building.

Alterations/Additions for the New Use

Designing enclosures for historic porches on secondary elevations when required by the new use in a manner that preserves the historic character of the building. This can include using large sheets of glass and recessing the enclosure wall behind existing scrollwork, posts, and balustrades.

Designing and installing additional entrances or porches on secondary elevations when required for the new use in a manner that preserves the historic character of the buildings, i.e., limiting such alteration to non-character-defining elevations.

Not Recommended

Removing an entrance or porch that is unreparable and not replacing it; or replacing it with a new entrance or porch that does not convey the same visual appearance.

Not Recommended

Creating a false historical appearance because the replaced entrance or porch is based on insufficient historical, pictorial, and physical documentation.

Introducing a new entrance or porch that is incompatible in size, scale, material, and color.

Enclosing porches in a manner that results in a diminution or loss of historic character by using materials such as wood, stucco, or masonry.

Installing secondary service entrances and porches that are incompatible in size and scale with the historic building or obscure, damage, or destroy character-defining features.

Building Exterior

Storefronts

Recommended

Identifying, retaining, and preserving storefronts—and their functional and decorative features—that are important in defining the overall historic character of the building such as display windows, signs, doors, transoms, kick plates, corner posts, and entablatures. The removal of inappropriate, non-historic cladding, false mansard roofs, and other later alterations can help reveal the historic character of a storefront.

Protecting and maintaining masonry, wood, and architectural metals which comprise storefronts through appropriate treatments such as cleaning, rust removal, limited paint removal, and reapplication of protective coating systems.

Protecting storefronts against arson and vandalism before work begins by boarding up windows and installing alarm systems that are keyed into local protection agencies.

Evaluating the existing condition of storefront materials to determine whether more than protection and maintenance are required, that is, if repairs to features will be necessary.

Not Recommended

Removing or radically changing storefronts—and their features—which are important in defining the overall historic character of the building so that, as a result, the character is diminished.

Changing the storefront so that it appears residential rather than commercial in character.

Removing historic material from the storefront to create a recessed arcade.

Introducing coach lanterns, mansard designs, wood shakes, nonoperable shutters, and small-paned windows if they cannot be documented historically.

Changing the location of a storefront's main entrance.

Failing to provide adequate protection of materials on a cyclical basis so that deterioration of storefront features results.

Permitting entry into the building through unsecured or broken windows and doors so that interior features and finishes are damaged by exposure to weather or vandalism.

Stripping storefronts of historic material such as wood, cast iron, terra cotta, carrara glass, and brick.

Failing to undertake adequate measures to assure the preservation of the historic storefront.

Recommended

Repairing storefronts by reinforcing the historic materials. Repairs will also generally include the limited replacement in kind—or with compatible substitute materials—of those extensively deteriorated or missing parts of storefronts where there are surviving prototypes such as transoms, kick plates, pilasters, or signs.

Replacing in kind an entire storefront that is too deteriorated to repair—if the overall form and detailing are still evident—using the physical evidence as a model. If using the same material is not technically or economically feasible, then compatible substitute materials may be considered.

The following work is highlighted to indicate that it represents the particularly complex technical or design aspects of Rehabilitation projects and should only be considered after the preservation concerns listed above have been addressed.

*Recommended***Design for the Replacement of Missing Historic Features**

Designing and constructing a new storefront when the historic storefront is completely missing. It may be an accurate restoration using historical, pictorial, and physical documentation; or be a new design that is compatible with the size, scale, material, and color of the historic building.

Not Recommended

Replacing an entire storefront when repair of materials and limited replacement of its parts are appropriate.

Using substitute material for the replacement parts that does not convey the same visual appearance as the surviving parts of the storefront or that is physically or chemically incompatible.

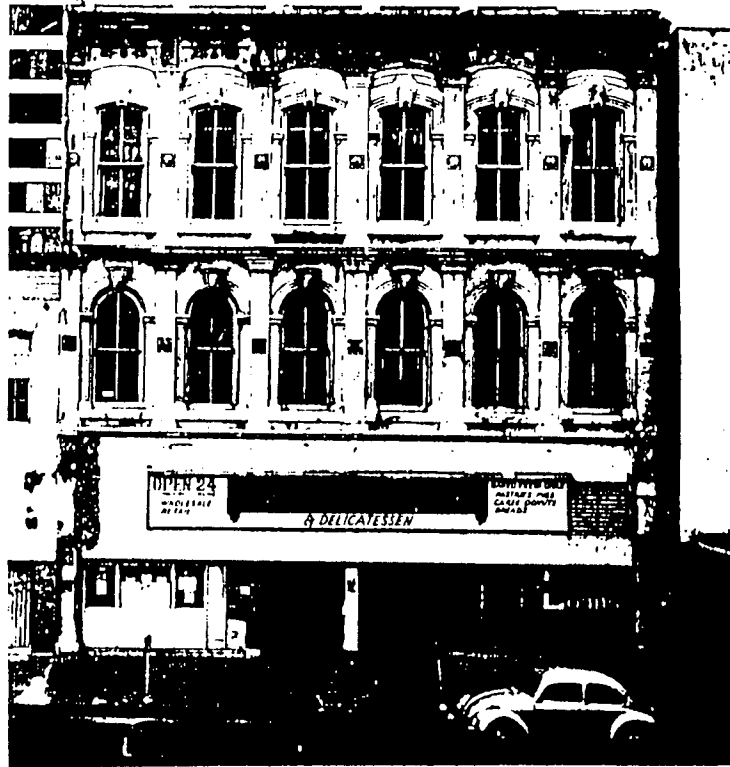
Removing a storefront that is unrepairable and not replacing it; or replacing it with a new storefront that does not convey the same visual appearance.

Not Recommended

Creating a false historical appearance because the replaced storefront is based on insufficient historical, pictorial, and physical documentation.

Introducing a new design that is incompatible in size, scale, material, and color.

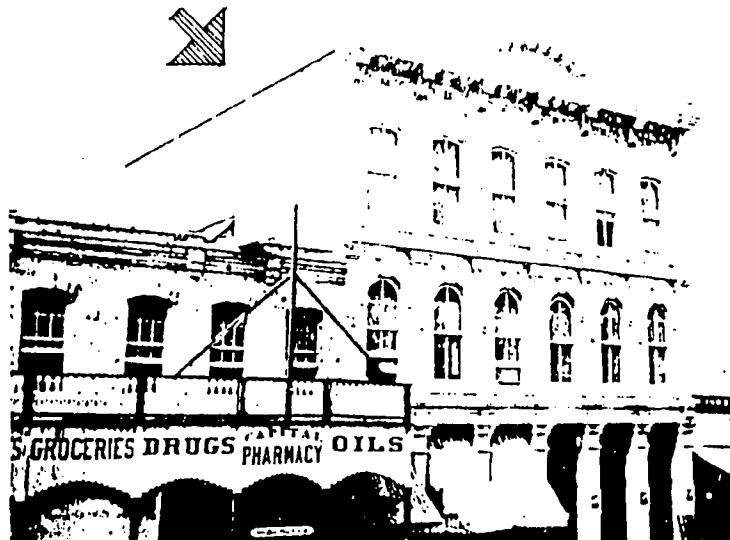
Using inappropriately scaled signs and logos or other types of signs that obscure, damage, or destroy remaining character-defining features of the historic building.



a



b



c

In the treatment, Rehabilitation, one option for replacing missing historic features is to use pictorial documentation and/or physical evidence to re-create the historic feature. (a) In this example, the ornamental cornice of an 1866 limestone building was missing; and the ground level storefront had been extensively altered. (b) and (c) Based on the availability of photographic and other documentation, the owners were able to accurately restore the cornice and storefront to their historic configuration. A substitute material, fiberglass, was used to fabricate the missing pressed metal cornice, an acceptable alternative in this project. All work met the Standards.

Building Interior

Structural Systems

Recommended

Identifying, retaining, and preserving structural systems—and individual features of systems—that are important in defining the overall historic character of the building, such as post and beam systems, trusses, summer beams, vigas, cast iron columns, above-grade stone foundation walls, or load-bearing brick or stone walls.

Protecting and maintaining the structural system by cleaning the roof gutters and downspouts; replacing roof flashing; keeping masonry, wood, and architectural metals in a sound condition; and ensuring that structural members are free from insect infestation.

Examining and evaluating the physical condition of the structural system and its individual features using non-destructive techniques such as X-ray photography.

Not Recommended

Removing, covering, or radically changing visible features of structural systems which are important in defining the overall historic character of the building so that, as a result, the character is diminished.

Putting a new use into the building which could overload the existing structural system; or installing equipment or mechanical systems which could damage the structure.

Demolishing a loadbearing masonry wall that could be augmented and retained, and replacing it with a new wall (i.e., brick or stone), using the historic masonry only as an exterior veneer.

Leaving known structural problems untreated such as deflection of beams, cracking and bowing of walls, or racking of structural members.

Utilizing treatments or products that accelerate the deterioration of structural material such as introducing urea-formaldehyde foam insulation into frame walls.

Failing to provide proper building maintenance so that deterioration of the structural system results. Causes of deterioration include subsurface ground movement, vegetation growing too close to foundation walls, improper grading, fungal rot, and poor interior ventilation that results in condensation.

Utilizing destructive probing techniques that will damage or destroy structural material.

Recommended

Repairing the structural system by augmenting or upgrading individual parts or features. For example, weakened structural members such as floor framing can be paired with a new member, braced, or otherwise supplemented and reinforced.

Replacing in kind—or with substitute material—those portions or features of the structural system that are either extensively deteriorated or are missing when there are surviving prototypes such as cast iron columns, roof rafters or trusses, or sections of loadbearing walls. Substitute material should convey the same form, design, and overall visual appearance as the historic feature; and, at a minimum, be equal to its loadbearing capabilities.

Not Recommended

Upgrading the building structurally in a manner that diminishes the historic character of the exterior, such as installing strapping channels or removing a decorative cornice; or damages interior features or spaces.

Replacing a structural member or other feature of the structural system when it could be augmented and retained.

Installing a visible replacement feature that does not convey the same visual appearance, e.g., replacing an exposed wood summer beam with a steel beam.

Using substitute material that does not equal the loadbearing capabilities of the historic material and design or is otherwise physically or chemically incompatible.

The following work is highlighted to indicate that it represents the particularly complex technical or design aspects of Rehabilitation projects and should only be considered after the preservation concerns listed above have been addressed.

Recommended

Alterations/Additions for the New Use

Limiting any new excavations adjacent to historic foundations to avoid undermining the structural stability of the building or adjacent historic buildings. Studies should be done to ascertain potential damage to archeological resources.

Correcting structural deficiencies in preparation for the new use in a manner that preserves the structural system and individual character-defining features.

Designing and installing new mechanical or electrical systems when required for the new use which minimize the number of cutouts or holes in structural members.

Adding a new floor when required for the new use if such an alteration does not damage or destroy the structural system or obscure, damage, or destroy character-defining spaces, features, or finishes.

Creating an atrium or a light well to provide natural light when required for the new use in a manner that assures the preservation of the structural system as well as character-defining interior spaces, features, and finishes.

Not Recommended

Carrying out excavations or regrading adjacent to or within a historic building which could cause the historic foundation to settle, shift, or fail; could have a similar effect on adjacent historic buildings; or could destroy significant archeological resources.

Radically changing interior spaces or damaging or destroying features or finishes that are character-defining while trying to correct structural deficiencies in preparation for the new use.

Installing new mechanical and electrical systems or equipment in a manner which results in numerous cuts, splices, or alterations to the structural members.

Inserting a new floor when such a radical change damages a structural system or obscures or destroys interior spaces, features, or finishes.

Inserting new floors or furred-down ceilings which cut across the glazed areas of windows so that the exterior form and appearance of the windows are radically changed.

Damaging the structural system or individual features; or radically changing, damaging, or destroying character-defining interior spaces, features, or finishes in order to create an atrium or a light well.

Building Interior

Spaces, Features, and Finishes

Recommended

Interior Spaces

Identifying, retaining, and preserving a floor plan or interior spaces that are important in defining the overall historic character of the building. This includes the size, configuration, proportion, and relationship of rooms and corridors; the relationship of features to spaces; and the spaces themselves such as lobbies, reception halls, entrance halls, double parlors, theaters, auditoriums, and important industrial or commercial spaces.

Interior Features and Finishes

Identifying, retaining, and preserving interior features and finishes that are important in defining the overall historic character of the building, including columns, cornices, baseboards, fireplaces and mantels, panelling, light fixtures, hardware, and flooring; and wallpaper, plaster, paint, and finishes such as stencilling, marbling, and graining; and other decorative materials that accent interior features and provide color, texture, and patterning to walls, floors, and ceilings.

Not Recommended

Radically changing a floor plan or interior spaces—including individual rooms—which are important in defining the overall historic character of the building so that, as a result, the character is diminished.

Altering the floor plan by demolishing principal walls and partitions to create a new appearance.

Altering or destroying interior spaces by inserting floors, cutting through floors, lowering ceilings, or adding or removing walls.

Relocating an interior feature such as a staircase so that the historic relationship between features and spaces is altered.

Removing or radically changing features and finishes which are important in defining the overall historic character of the building so that, as a result, the character is diminished.

Installing new decorative material that obscures or damages character-defining interior features or finishes.

Removing paint, plaster, or other finishes from historically finished surfaces to create a new appearance (e.g., removing plaster to expose masonry surfaces such as brick walls or a chimney piece).

Applying paint, plaster, or other finishes to surfaces that have been historically unfinished to create a new appearance.

Stripping paint to bare wood rather than repairing or reapplying grained or marbled finishes to features such as doors and panelling.

Radically changing the type of finish or its color, such as painting a previously varnished wood feature.

Recommended

Protecting and maintaining masonry, wood, and architectural metals which comprise interior features through appropriate surface treatments such as cleaning, rust removal, limited paint removal, and reapplication of protective coating systems.

Protecting interior features and finishes against arson and vandalism before project work begins, erecting protective fencing, boarding-up windows, and installing fire alarm systems that are keyed to local protection agencies.

Protecting interior features such as a staircase, mantel, or decorative finishes and wall coverings against damage during project work by covering them with heavy canvas or plastic sheets.

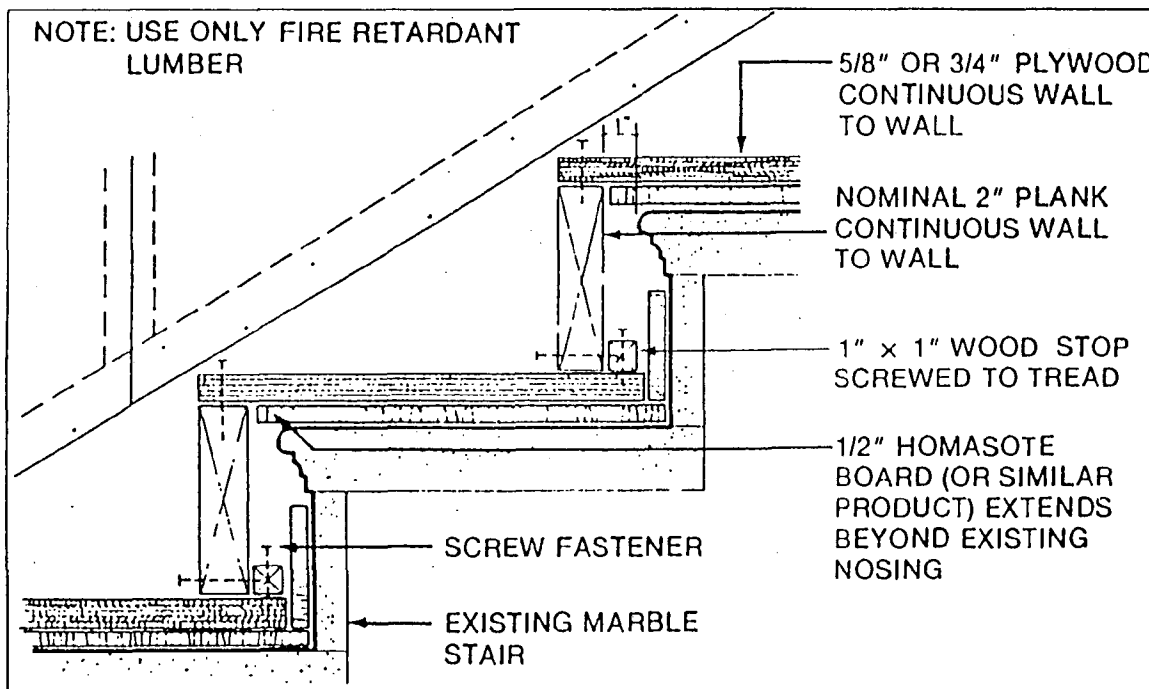
Not Recommended

Failing to provide adequate protection to materials on a cyclical basis so that deterioration of interior features results.

Permitting entry into historic buildings through unsecured or broken windows and doors so that the interior features and finishes are damaged by exposure to weather or vandalism.

Stripping interiors of features such as woodwork, doors, windows, light fixtures, copper piping, radiators; or of decorative materials.

Failing to provide proper protection of interior features and finishes during work so that they are gouged, scratched, dented, or otherwise damaged.



Historic features that characterize a building should always be protected from damage during rehabilitation work. The drawing shows how a resilient, temporary stair covering was applied over the existing marble staircase. Drawing: National Park Service staff, based on material originally prepared by Emery Roth and Sons, P.C.

Recommended

Installing protective coverings in areas of heavy pedestrian traffic to protect historic features such as wall coverings, parquet flooring and panelling.

Removing damaged or deteriorated paints and finishes to the next sound layer using the gentlest method possible, then repainting or refinishing using compatible paint or other coating systems.

Repainting with colors that are appropriate to the historic building.

Limiting abrasive cleaning methods to certain industrial warehouse buildings where the interior masonry or plaster features do not have distinguishing design, detailing, tooling, or finishes; and where wood features are not finished, molded, beaded, or worked by hand. Abrasive cleaning should only be considered after other, gentler methods have been proven ineffective.

Evaluating the existing condition of materials to determine whether more than protection and maintenance are required, that is, if repairs to interior features and finishes will be necessary.

Repairing interior features and finishes by reinforcing the historic materials. Repair will also generally include the limited replacement in kind—or with compatible substitute material—of those extensively deteriorated or missing parts of repeated features when there are surviving prototypes such as stairs, balustrades, wood panelling, columns; or decorative wall coverings or ornamental tin or plaster ceilings.

Not Recommended

Failing to take new use patterns into consideration so that interior features and finishes are damaged.

Using destructive methods such as propane or butane torches or sandblasting to remove paint or other coatings. These methods can irreversibly damage the historic materials that comprise interior features.

Using new paint colors that are inappropriate to the historic building.

Changing the texture and patina of character-defining features through sandblasting or use of abrasive methods to remove paint, discoloration or plaster. This includes both exposed wood (including structural members) and masonry.

Failing to undertake adequate measures to assure the protection of interior features and finishes.

Replacing an entire interior feature such as a staircase, panelled wall, parquet floor, or cornice; or finish such as a decorative wall covering or ceiling when repair of materials and limited replacement of such parts are appropriate.

Using a substitute material for the replacement part that does not convey the visual appearance of the surviving parts or portions of the interior feature or finish or that is physically or chemically incompatible.

Recommended

Replacing in kind an entire interior feature or finish that is too deteriorated to repair—if the overall form and detailing are still evident—using the physical evidence as a model for reproduction. Examples could include wainscoting, a tin ceiling, or interior stairs. If using the same kind of material is not technically or economically feasible, then a compatible substitute material may be considered.



a

Not Recommended

Removing a character-defining feature or finish that is unreparable and not replacing it; or replacing it with a new feature or finish that does not convey the same visual appearance.



b

Rehabilitating historic dwelling units often includes some level of lead-paint hazard abatement. Whenever lead-base paint begins to peel, chip, craze, or otherwise comes loose (a), it should be removed in a manner that protects the worker as well as the immediate environment. In this example (b), the deteriorating lead-paint was removed throughout the apartment building and a compatible primer and finish paint applied. Photos: Shawn C. Park, AIA.

The following work is highlighted to indicate that it represents the particularly complex technical or design aspects of Rehabilitation projects and should only be considered after the preservation concerns listed above have been addressed.

Recommended

Design for the Replacement of Missing Historic Features

Designing and installing a new interior feature or finish if the historic feature or finish is completely missing. This could include missing partitions, stairs, elevators, lighting fixtures, and wall coverings; or even entire rooms if all historic spaces, features, and finishes are missing or have been destroyed by inappropriate “renovations.” The design may be a restoration based on historical, pictorial, and physical documentation; or be a new design that is compatible with the historic character of the building, district, or neighborhood.

Alterations/Additions for the New Use

Accommodating service functions such as bathrooms, mechanical equipment, and office machines required by the building’s new use in secondary spaces such as first floor service areas or on upper floors.

Reusing decorative material or features that have had to be removed during the rehabilitation work including wall and baseboard trim, door molding, panelled doors, and simple wainscoting; and relocating such material or features in areas appropriate to their historic placement.

Installing permanent partitions in secondary spaces; removable partitions that do not destroy the sense of space should be installed when the new use requires the subdivision of character-defining interior space.

Enclosing an interior stairway where required by code so that its character is retained. In many cases, glazed fire-rated walls may be used.

Not Recommended

Creating a false historical appearance because the replaced feature is based on insufficient physical, historical, and pictorial documentation or on information derived from another building.

Introducing a new interior feature or finish that is incompatible with the scale, design, materials, color, and texture of the surviving interior features and finishes.

Dividing rooms, lowering ceilings, and damaging or obscuring character-defining features such as fireplaces, niches, stairways or alcoves, so that a new use can be accommodated in the building.

Discarding historic material when it can be reused within the rehabilitation project or relocating it in historically inappropriate areas.

Installing permanent partitions that damage or obscure character-defining spaces, features, or finishes.

Enclosing an interior stairway with fire-rated construction so that the stairwell space or any character-defining features are destroyed.

Recommended

Placing new code-required stairways or elevators in secondary and service areas of the historic building.

Creating an atrium or a light well to provide natural light when required for the new use in a manner that preserves character-defining interior spaces, features, and finishes as well as the structural system.

Adding a new floor if required for the new use in a manner that preserves character-defining structural features, and interior spaces, features, and finishes.

Not Recommended

Radically changing, damaging, or destroying character-defining spaces, features, or finishes when adding new code-required stairways and elevators.

Destroying character-defining interior spaces, features, or finishes; or damaging the structural system in order to create an atrium or light well.

Inserting a new floor within a building that alters or destroys the fenestration; radically changes a character-defining interior space; or obscures, damages, or destroys decorative detailing.

Building Interior

Mechanical Systems: Heating, Air Conditioning, Electrical, and Plumbing

Recommended

Identifying, retaining, and preserving visible features of early mechanical systems that are important in defining the overall historic character of the building, such as radiators, vents, fans, grilles, plumbing fixtures, switchplates, and lights.

Protecting and maintaining mechanical, plumbing, and electrical systems and their features through cyclical cleaning and other appropriate measures.

Preventing accelerated deterioration of mechanical systems by providing adequate ventilation of attics, crawlspaces, and cellars so that moisture problems are avoided.

Improving the energy efficiency of existing mechanical systems to help reduce the need for elaborate new equipment. Consideration should be given to installing storm windows, insulating attic crawl space, or adding awnings, if appropriate.

Repairing mechanical systems by augmenting or upgrading system parts, such as installing new pipes and ducts; rewiring; or adding new compressors or boilers.

Replacing in kind—or with compatible substitute material—those visible features of mechanical systems that are either extensively deteriorated or are prototypes such as ceiling fans, switchplates, radiators, grilles, or plumbing fixtures.

Not Recommended

Removing or radically changing features of mechanical systems that are important in defining the overall historic character of the building so that, as a result, the character is diminished.

Failing to provide adequate protection of materials on a cyclical basis so that deterioration of mechanical systems and their visible features results.

Enclosing mechanical systems in areas that are not adequately ventilated so that deterioration of the systems results.

Installing unnecessary air conditioning or climate control systems which can add excessive moisture to the building. This additional moisture can either condense inside, damaging interior surfaces, or pass through interior walls to the exterior, potentially damaging adjacent materials as it migrates.

Replacing a mechanical system or its functional parts when it could be upgraded and retained.

Installing a visible replacement feature that does not convey the same visual appearance.

The following work is highlighted to indicate that it represents the particularly complex technical or design aspects of Rehabilitation projects and should only be considered after the preservation concerns listed above have been addressed.

Recommended

Alterations/Additions for the New Use

Installing a completely new mechanical system if required for the new use so that it causes the least alteration possible to the building's floor plan, the exterior elevations, and the least damage to the historic building material.

Providing adequate structural support for new mechanical equipment.

Installing the vertical runs of ducts, pipes, and cables in closets, service rooms, and wall cavities.

Installing air conditioning units if required by the new use in such a manner that historic features are not damaged or obscured and excessive moisture is not generated that will accelerate deterioration of historic materials.

Installing heating/air conditioning units in the window frames in such a manner that the sash and frames are protected. Window installations should be considered only when all other viable heating/cooling systems would result in significant damage to historic materials.

Not Recommended

Installing a new mechanical system so that character-defining structural or interior features are radically changed, damaged, or destroyed.

Failing to consider the weight and design of new mechanical equipment so that, as a result, historic structural members or finished surfaces are weakened or cracked.

Installing vertical runs of ducts, pipes, and cables in places where they will obscure character-defining features.

Concealing mechanical equipment in walls or ceilings in a manner that requires the removal of historic building material.

Installing a "dropped" acoustical ceiling to hide mechanical equipment when this destroys the proportions of character-defining interior spaces.

Cutting through features such as masonry walls in order to install air conditioning units.

Radically changing the appearance of the historic building or damaging or destroying windows by installing heating/air conditioning units in historic window frames.

Building Site

Recommended

Identifying, retaining, and preserving buildings and their features as well as features of the site that are important in defining its overall historic character. Site features may include circulation systems such as walks, paths, roads, or parking; vegetation such as trees, shrubs, fields, or herbaceous plant material; landforms such as terracing, berms or grading; furnishings such as lights, fences, or benches; decorative elements such as sculpture, statuary or monuments; water features including fountains, streams, pools, or lakes; and subsurface archeological features which are important in defining the history of the site.

Retaining the historic relationship between buildings and the landscape.

Protecting and maintaining buildings and the site by providing proper drainage to assure that water does not erode foundation walls; drain toward the building; or damage or erode the landscape.

Minimizing disturbance of terrain around buildings or elsewhere on the site, thus reducing the possibility of destroying or damaging important landscape features or archeological resources.

Not Recommended

Removing or radically changing buildings and their features or site features which are important in defining the overall historic character of the property so that, as a result, the character is diminished.

Removing or relocating buildings or landscape features, thus destroying the historic relationship between buildings and the landscape.

Removing or relocating historic buildings on a site or in a complex of related historic structures—such as a mill complex or farm—thus diminishing the historic character of the site or complex.

Moving buildings onto the site, thus creating a false historical appearance.

Radically changing the grade level of the site. For example, changing the grade adjacent to a building to permit development of a formerly below-grade area that would drastically change the historic relationship of the building to its site.

Failing to maintain adequate site drainage so that buildings and site features are damaged or destroyed; or alternatively, changing the site grading so that water no longer drains properly.

Introducing heavy machinery into areas where it may disturb or damage important landscape features or archeological resources.

Recommended

Surveying and documenting areas where the terrain will be altered to determine the potential impact to important landscape features or archeological resources.

Protecting, e.g., preserving in place important archeological resources.

Planning and carrying out any necessary investigation using professional archeologists and modern archeological methods when preservation in place is not feasible.

Preserving important landscape features, including ongoing maintenance of historic plant material.

Protecting the building and landscape features against arson and vandalism before rehabilitation work begins, i.e., erecting protective fencing and installing alarm systems that are keyed into local protection agencies.

Providing continued protection of historic building materials and plant features through appropriate cleaning, rust removal, limited paint removal, and re-application of protective coating systems; and pruning and vegetation management.

Evaluating the overall condition of the materials and features of the property to determine whether more than protection and maintenance are required, that is, if repairs to building and site features will be necessary.

Not Recommended

Failing to survey the building site prior to the beginning of rehabilitation work which results in damage to, or destruction of, important landscape features or archeological resources.

Leaving known archeological material unprotected so that it is damaged during rehabilitation work.

Permitting unqualified personnel to perform data recovery on archeological resources so that improper methodology results in the loss of important archeological material.

Allowing important landscape features to be lost or damaged due to a lack of maintenance.

Permitting the property to remain unprotected so that the building and landscape features or archeological resources are damaged or destroyed.

Removing or destroying features from the building or site such as wood siding, iron fencing, masonry balustrades, or plant material.

Failing to provide adequate protection of materials on a cyclical basis so that deterioration of building and site features results.

Failing to undertake adequate measures to assure the protection of building and site features.

Recommended

Repairing features of the building and site by reinforcing historic materials.

Replacing in kind an entire feature of the building or site that is too deteriorated to repair if the overall form and detailing are still evident. Physical evidence from the deteriorated feature should be used as a model to guide the new work. This could include an entrance or porch, walkway, or fountain. If using the same kind of material is not technically or economically feasible, then a compatible substitute material may be considered.

Replacing deteriorated or damaged landscape features in kind.

Not Recommended

Replacing an entire feature of the building or site such as a fence, walkway, or driveway when repair of materials and limited compatible replacement of deteriorated or missing parts are appropriate.

Using a substitute material for the replacement part that does not convey the visual appearance of the surviving parts of the building or site feature or that is physically or chemically incompatible.

Removing a feature of the building or site that is unrepairable and not replacing it; or replacing it with a new feature that does not convey the same visual appearance.

Adding conjectural landscape features to the site such as period reproduction lamps, fences, fountains, or vegetation that are historically inappropriate, thus creating a false sense of historic development.

The following work is highlighted to indicate that it represents the particularly complex technical or design aspects of Rehabilitation project work and should only be considered after the preservation concerns listed above have been addressed.

Recommended

Design for the Replacement of Missing Historic Features

Designing and constructing a new feature of a building or site when the historic feature is completely missing, such as an outbuilding, terrace, or driveway. It may be based on historical, pictorial, and physical documentation; or be a new design that is compatible with the historic character of the building and site.

Alterations/Additions for the New Use

Designing new onsite parking, loading docks, or ramps when required by the new use so that they are as unobtrusive as possible and assure the preservation of the historic relationship between the building or buildings and the landscape.

Designing new exterior additions to historic buildings or adjacent new construction which is compatible with the historic character of the site and which preserves the historic relationship between the building or buildings and the landscape.

Removing non-significant buildings, additions, or site features which detract from the historic character of the site.

Not Recommended

Creating a false historical appearance because the replaced feature is based on insufficient historical, pictorial, and physical documentation.

Introducing a new building or site feature that is out of scale or of an otherwise inappropriate design.

Introducing a new landscape feature, including plant material, that is visually incompatible with the site, or that alters or destroys the historic site patterns or vistas.

Locating any new construction on the building site in a location which contains important landscape features or open space, for example removing a lawn and walkway and installing a parking lot.

Placing parking facilities directly adjacent to historic buildings where automobiles may cause damage to the buildings or landscape features, or be intrusive to the building site.

Introducing new construction onto the building site which is visually incompatible in terms of size, scale, design, materials, color, and texture; which destroys historic relationships on the site; or which damages or destroys important landscape features.

Removing a historic building in a complex of buildings; or removing a building feature, or a landscape feature which is important in defining the historic character of the site.

Setting (District/Neighborhood)

Recommended

Identifying retaining, and preserving building and landscape features which are important in defining the historic character of the setting. Such features can include roads and streets, furnishings such as lights or benches, vegetation, gardens and yards, adjacent open space such as fields, parks, commons or woodlands, and important views or visual relationships.

Retaining the historic relationship between buildings and landscape features of the setting. For example, preserving the relationship between a town common and its adjacent historic houses, municipal buildings, historic roads, and landscape features.

Protecting and maintaining historic building materials and plant features through appropriate cleaning, rust removal, limited paint removal, and reapplication of protective coating systems; and pruning and vegetation management.

Protecting building and landscape features such as lighting or trees, against arson and vandalism before rehabilitation work begins by erecting protective fencing and installing alarm systems that are keyed into local protection agencies.

Evaluating the overall condition of the building and landscape features to determine whether more than protection and maintenance are required, that is, if repairs to features will be necessary.

Not Recommended

Removing or radically changing those features of the setting which are important in defining the historic character.

Destroying the relationship between the buildings and landscape features within the setting by widening existing streets, changing landscape materials or constructing inappropriately located new streets or parking.

Removing or relocating historic buildings or landscape features, thus destroying their historic relationship within the setting.

Failing to provide adequate protection of materials on a cyclical basis which results in the deterioration of building and landscape features.

Permitting the building and setting to remain unprotected so that interior or exterior features are damaged.

Stripping or removing features from buildings or the setting such as wood siding, iron fencing, terra cotta balusters, or plant material.

Failing to undertake adequate measures to assure the protection of building and landscape features.

Recommended

Repairing features of the building and landscape by reinforcing the historic materials. Repair will also generally include the replacement in kind—or with a compatible substitute material—of those extensively deteriorated or missing parts of features when there are surviving prototypes such as porch balustrades or paving materials.

Replacing in kind an entire feature of the building or landscape that is too deteriorated to repair—when the overall form and detailing are still evident—using the physical evidence as a model to guide the new work. If using the same kind of material is not technically or economically feasible, then a compatible substitute material may be considered.

Not Recommended

Replacing an entire feature of the building or landscape when repair of materials and limited replacement of deteriorated or missing parts are appropriate.

Using a substitute material for the replacement part that does not convey the visual appearance of the surviving parts of the building or landscape, or that is physically, chemically, or ecologically incompatible.

Removing a feature of the building or landscape that is unreparable and not replacing it; or replacing it with a new feature that does not convey the same visual appearance.

The following work is highlighted to indicate that it represents the particularly complex technical or design aspects of Rehabilitation projects and should only be considered after the preservation concerns listed above have been addressed.

Recommended

Design for the Replacement of Missing Historic Features

Designing and constructing a new feature of the building or landscape when the historic feature is completely missing, such as row house steps, a porch, a streetlight, or terrace. It may be a restoration based on documentary or physical evidence; or be a new design that is compatible with the historic character of the setting.

Alterations/Additions for the New Use

Designing required new parking so that it is as unobtrusive as possible, thus minimizing the effect on the historic character of the setting. "Shared" parking should also be planned so that several businesses can utilize one parking area as opposed to introducing random, multiple lots.

Designing and constructing new additions to historic buildings when required by the new use. New work should be compatible with the historic character of the setting in terms of size, scale design, material, color, and texture.

Removing nonsignificant buildings, additions or landscape features which detract from the historic character of the setting.

Not Recommended

Creating a false historical appearance because the replaced feature is based on insufficient documentary or physical evidence.

Introducing a new building or landscape feature that is out of scale or otherwise inappropriate to the setting's historic character, e.g., replacing picket fencing with chain link fencing.

Placing parking facilities directly adjacent to historic buildings which result in damage to historic landscape features, such as the removal of plant material, relocation of paths and walkways, or blocking of alleys.

Introducing new construction into historic districts that is visually incompatible or that destroys historic relationships within the setting.

Removing a historic building, building feature, or landscape feature that is important in defining the historic character of the setting.



If a rear elevation of a historic building is distinctive and highly visible in the neighborhood, altering it may not meet the Standards. (a and b) This 3-story brick rowhouse featured a second story gallery and brick kitchen wing characteristic of other residences in the district which backed onto a connecting roadway. (c) In the rehabilitation, the wing and gallery were demolished and a large addition constructed that severely impacted the building's historic form and character.

Although the work in these sections is quite often an important aspect of rehabilitation projects, it is usually not part of the overall process of preserving character-defining features (maintenance, repair, replacement); rather, such work is assessed for its potential negative impact on the building's historic character. For this reason, particular care must be taken not to obscure, radically change, damage, or destroy character-defining features in the process of rehabilitation work.

Energy Efficiency

Recommended

Masonry/Wood/Architectural Metals

Installing thermal insulation in attics and in unheated cellars and crawlspaces to increase the efficiency of the existing mechanical systems.

Installing insulating material on the inside of masonry walls to increase energy efficiency where there is no character-defining interior molding around the windows or other interior architectural detailing.

Windows

Utilizing the inherent energy conserving features of a building by maintaining windows and louvered blinds in good operable condition for natural ventilation.

Improving thermal efficiency with weatherstripping, storm windows, caulking, interior shades, and if historically appropriate, blinds and awnings.

Installing interior storm windows with air-tight gaskets, ventilating holes, and/or removable clips to ensure proper maintenance and to avoid condensation damage to historic windows.

Installing exterior storm windows which do not damage or obscure the windows and frames.

Not Recommended

Applying thermal insulation with a high moisture content in wall cavities which may damage historic fabric.

Installing wall insulation without considering its effect on interior molding or other architectural detailing.

Removing historic shading devices rather than keeping them in an operable condition.

Replacing historic multi-paned sash with new thermal sash utilizing false muntins.

Installing interior storm windows that allow moisture to accumulate and damage the window.

Installing new exterior storm windows which are inappropriate in size or color.

Replacing windows or transoms with fixed thermal glazing or permitting windows and transoms to remain inoperable rather than utilizing them for their energy conserving potential.

Recommended

Entrances and Porches

Maintaining porches and double vestibule entrances so that they can retain heat or block the sun and provide natural ventilation.

Interior Features

Retaining historic interior shutters and transoms for their inherent energy conserving features.

Mechanical Systems

Improving energy efficiency of existing mechanical systems by installing insulation in attics and basements.

Building Site

Retaining plant materials, trees, and landscape features which perform passive solar energy functions such as sun shading and wind breaks.

Setting (District/Neighborhood)

Maintaining those existing landscape features which moderate the effects of the climate on the setting such as deciduous trees, evergreen wind-blocks, and lakes or ponds.

New Additions to Historic Buildings

Placing a new addition that may be necessary to increase energy efficiency on non-character-defining elevations.

Not Recommended

Changing the historic appearance of the building by enclosing porches.

Removing historic interior features which play an energy conserving role.

Replacing existing mechanical systems that could be repaired for continued use.

Removing plant materials, trees, and landscape features that perform passive solar energy functions.

Stripping the setting of landscape features and landforms so that effects of the wind, rain, and sun result in accelerated deterioration of the historic building.

Designing a new addition which obscures, damages, or destroys character-defining features.

New Additions to Historic Buildings

Recommended

Placing functions and services required for the new use in non-character-defining interior spaces rather than constructing a new addition.

Constructing a new addition so that there is the least possible loss of historic materials and so that character-defining features are not obscured, damaged, or destroyed.

Designing a new addition in a manner that makes clear what is historic and what is new.

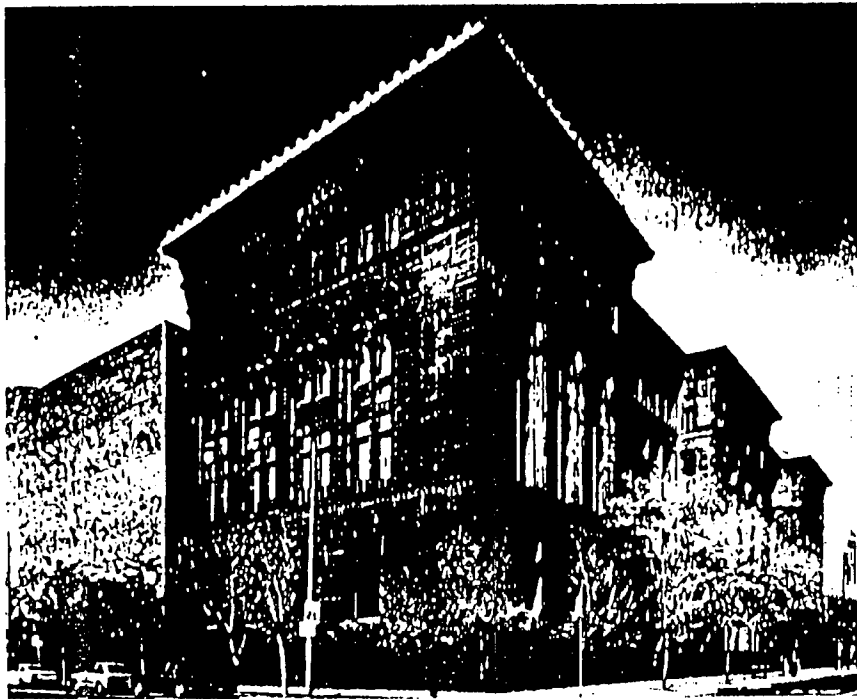
Not Recommended

Expanding the size of the historic building by constructing a new addition when the new use could be met by altering non-character-defining interior spaces.

Attaching a new addition so that the character-defining features of the historic building are obscured, damaged, or destroyed.

Duplicating the exact form, material, style, and detailing of the historic building in a new addition so that the new work appears to be part of the historic building.

Imitating a historic style or period of architecture in a new addition.



Rehabilitation, like Preservation, acknowledges a building's change over time; the retention and repair of existing historic materials and features is thus always recommended. However, unlike Preservation, the final goal of Rehabilitation is to — respectfully — add to or alter a building in order to meet new use requirements. This downtown Chicago library was expanded in 1981 when additional space was required with light and humidity control for the rare book collection. The compatible 10 story wing was linked to the historic block on side and rear elevations. Its simple design is compatible with the historic form, features, and detailing; old and new are clearly differentiated. Photo: Dave Clifton.

Recommended

Considering the design for an attached exterior addition in terms of its relationship to the historic building as well as the historic district or neighborhood. Design for the new work may be contemporary or may reference design motifs from the historic building. In either case, it should always be clearly differentiated from the historic building and be compatible in terms of mass, materials, relationship of solids to voids, and color.

Placing a new addition on a non-character-defining elevation and limiting the size and scale in relationship to the historic building.

Designing a rooftop addition when required for the new use, that is set back from the wall plane and as inconspicuous as possible when viewed from the street.

Not Recommended

Designing and constructing new additions that result in the diminution or loss of the historic character of the resource, including its design, materials, workmanship, location, or setting.

Designing a new addition that obscures, damages, or destroys character-defining features of the historic building.

Constructing a rooftop addition so that the historic appearance of the building is radically changed.

Accessibility Considerations

Recommended

Identifying the historic building's character-defining spaces, features, and finishes so that accessibility code-required work will not result in their damage or loss.

Complying with barrier-free access requirements, in such a manner that character-defining spaces, features, and finishes are preserved.

Working with local disability groups, access specialists, and historic preservation specialists to determine the most appropriate solution to access problems.

Providing barrier-free access that promotes independence for the disabled person to the highest degree practicable, while preserving significant historic features.

Designing new or additional means of access that are compatible with the historic building and its setting.

Not Recommended

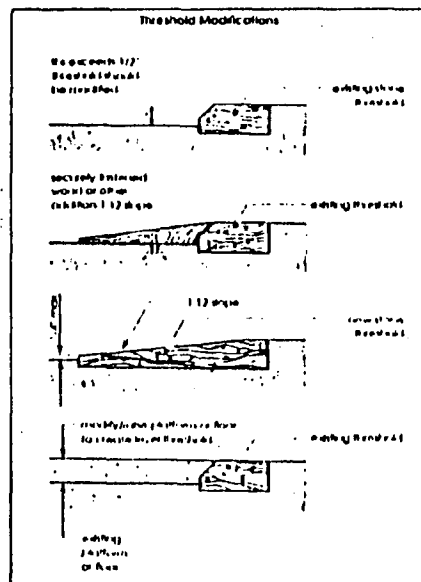
Undertaking code-required alterations before identifying those spaces, features, or finishes which are character-defining and must therefore be preserved.

Altering, damaging, or destroying character-defining features in attempting to comply with accessibility requirements.

Making changes to buildings without first seeking expert advice from access specialists and historic preservationists, to determine solutions.

Making access modifications that do not provide a reasonable balance between independent, safe access and preservation of historic features.

Designing new or additional means of access without considering the impact on the historic building and its setting.



Making a building accessible to the public is a requirement under the Americans with Disabilities Act of 1990, whatever the treatment. Full, partial, or alternative approaches to accessibility depends upon the historical significance of a building and the ability to make changes. In these examples, thresholds that exceed allowable heights were modified several ways to increase accessibility without jeopardizing the historic character. Drawing: Uniform Federal Accessibility Standard (UFAS) Retrofit Manual.

Health and Safety Considerations

Recommended

Identifying the historic building's character-defining spaces, features, and finishes so that code-required work will not result in their damage or loss.

Complying with health and safety codes, including seismic code requirements, in such a manner that character-defining spaces, features, and finishes are preserved.

Removing toxic building materials only after thorough testing has been conducted and only after less invasive abatement methods have been shown to be inadequate.

Providing workers with appropriate personal protective equipment for hazards found in the worksite.

Working with local code officials to investigate systems, methods, or devices of equivalent or superior effectiveness and safety to those prescribed by code so that unnecessary alterations can be avoided.

Upgrading historic stairways and elevators to meet health and safety codes in a manner that assures their preservation, i.e., so that they are not damaged or obscured.

Installing sensitively designed fire suppression systems, such as sprinkler systems that result in retention of historic features and finishes.

Applying fire-retardant coatings, such as intumescent paints, which expand during fire to add thermal protection to steel.

Adding a new stairway or elevator to meet health and safety codes in a manner that preserves adjacent character-defining features and spaces.

Placing a code-required stairway or elevator that cannot be accommodated within the historic building in a new exterior addition. Such an addition should be on an inconspicuous elevation.

Not Recommended

Undertaking code-required alterations to a building or site before identifying those spaces, features, or finishes which are character-defining and must therefore be preserved.

Altering, damaging, or destroying character-defining spaces, features, and finishes while making modifications to a building or site to comply with safety codes.

Destroying historic interior features and finishes without careful testing and without considering less invasive abatement methods.

Removing unhealthful building materials without regard to personal and environmental safety.

Making changes to historic buildings without first exploring equivalent health and safety systems, methods, or devices that may be less damaging to historic spaces, features, and finishes.

Damaging or obscuring historic stairways and elevators or altering adjacent spaces in the process of doing work to meet code requirements.

Covering character-defining wood features with fire-resistant sheathing which results in altering their visual appearance.

Using fire-retardant coatings if they damage or obscure character-defining features.

Radically changing, damaging, or destroying character-defining spaces, features, or finishes when adding a new code-required stairway or elevator.

Constructing a new addition to accommodate code-required stairs and elevators on character-defining elevations highly visible from the street; or where it obscures, damages, or destroys character-defining features.



OFFICE OF THE COUNTY ATTORNEY

Douglas M. Duncan
County Executive

Charles W. Thompson, Jr.
County Attorney

January 14, 2004

Renata M. Gould
9904 Colesville Road
Silver Spring, Maryland 20901

RE: Appeal of HPC Decision to Deny an Historic Area Work Permit

Dear Ms. Gould:

Enclosed please find the County's prehearing statement. This statement is filed in preparation for our hearing before the Board of Appeals on Wednesday, January 4, 2004 at 1:30 p.m.

As you know, at our prehearing conference before the Board of Appeals on January 7, 2004, the Board requested that you, too, file a prehearing statement. Your prehearing statement does not need to resemble mine – it can be whatever you deem pertinent and important to the presentation of your appeal. Your prehearing statement should be mailed or hand-delivered to the Board of Appeals so that it is received by close of business on Monday, January 26, 2004. The address for the Board of Appeals is: 100 Maryland Avenue, Room 217, Rockville, Maryland, 20850.

A copy of your prehearing statement must also be sent to me at: 101 Monroe Street, 3rd Floor, Rockville, Maryland 20850.

As you can see, my prehearing statement does not include the names of two of the witnesses I intend to call during the presentation of my case. Unfortunately, I was unable to determine the identity of those witnesses by the filing deadline for my prehearing statement. I will provide those names to you as soon as possible. It would be helpful to me if you would provide me with your telephone or fax numbers and e-mail address so that we can communicate more easily.


You can reach me at: 240-777-6716 (direct dial); 240-777-6705 (fax); and e-mail address: vickie.gaul@montgomerycountymd.gov.

Finally, when we met last week, you requested documents concerning the historic

designation of your house. As Gwen Wright informed you, those documents, if available at all, are in the HPC archives. Ms. Wright and her staff are working on obtaining the information for you, but I can not promise that it will be available to you by the hearing date. We will try our best.

Thank you.

Very truly yours,


Vickie L. Gaul
Associate County Attorney

Enclosures

cc: Board of Appeals ✓
Michele Naru ✓
Gwen Wright

Chapter 24A. HISTORIC RESOURCES PRESERVATION.*

§ 24A-1. Purpose.

§ 24A-2. Definitions.

§ 24A-3. Master plan for historic preservation; criteria for designation of historic sites or districts.

§ 24A-4. Historic preservation commission.

§ 24A-5. Same—Powers and duties.

§ 24A-6. Historic area work permits—Generally.

§ 24A-7. Historic area work permits—Application procedures; appeals.

§ 24A-8. Same—Criteria for issuance.

§ 24A-9. Demolition by neglect.

§ 24A-10. Moratorium on alteration or demolition.

§ 24A-11. Violations and penalties.

§ 24A-12. Severability.

§ 24A-13. Historic preservation easement program.

Sec. 24A-1. Purpose.

It is the purpose of this chapter to provide for the identification, designation and regulation, for purposes of protection, preservation and continued use and enhancement, of those sites, structures with their appurtenances and environmental settings, and districts of historical, archeological, architectural or cultural value in that portion of the county which is within the Maryland-Washington Regional District. Its further purpose is to preserve and enhance the quality of life in the county, safeguard the historical and cultural heritage of the county, strengthen the local economy, stabilize and improve property values in and around such historical areas, foster civic beauty and to preserve continued utilization and pleasure of the citizens of the county, the state, and the United States of America. (Ord. No. 9-4, § 1; Ord. No. 11-59.)

*Cross reference—Historic preservation tax credit, § 52-41 et seq.

Sec. 24A-2. Definitions.

For the purposes of this Chapter, the following words and phrases have the following meanings:

Appurtenances and environmental setting: The entire parcel, as of the date on which the historic resource is designated on the master plan, and structures thereon, on which is located an historic resource, unless reduced by the District Council or the commission, and to which it relates physically and/or visually. Appurtenances and environmental settings shall include, but not be limited to, walkways and driveways (whether paved or not), vegetation (including trees, gardens, lawns), rocks, pasture, cropland and waterways.

Board: The County Board of Appeals of Montgomery County.

Commission: The historic preservation commission of Montgomery County as described hereinafter.

Demolition by neglect: The failure to provide ordinary and necessary maintenance and repair to an historic site or an historic resource within an historic district, whether by negligence or willful neglect, purpose or design, by the owner or any party in possession of such a site, which results in any of the following conditions:

- (a) The deterioration of exterior features so as to create or permit a hazardous or unsafe condition to exist.
- (b) The deterioration of exterior walls, roofs, chimneys, windows, the lack of adequate waterproofing or deterioration of interior features or foundations which will or could result in permanent damage, injury or loss of or to the exterior features.

Director: The Director of the Department of Permitting Services, or the Director's designee.

Exterior features: The architectural style, design and general arrangement of the exterior of an historic resource, including the color, nature and texture of building materials, and the type of style of all windows, doors, light fixtures, signs or other similar items found on or related to the exterior of an historic resource.

Historic district: A group of historic resources which are significant as a cohesive unit and contribute to the historical, architectural, archeological or cultural values within the Maryland-Washington Regional District and which has been so designated in the master plan for historic preservation.

Historic resource: A district, site, building, structure or object, including its appurtenances and environmental setting, which is significant in national, state or local history, architecture, archeology or culture. This includes, but is not limited to, all properties on the "Locational Atlas and Index of Historic Sites in Montgomery County."

Historic site: Any individual historic resource that is significant and contributes to the historical, architectural, archeological or cultural values within the Maryland-Washington Regional District and which has been so designated in the master plan for historic preservation.

Permit: An historic area work permit issued by the Director authorizing work on an historic site or an historic resource located within an historic district.

Planning Board: The Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission.

Preservation easement means an easement held by the County to protect, maintain, or otherwise conserve an historic resource. (Ord. No. 9-4, § 1; 1989 L.M.C., ch. 4, § 1; Ord. No. 11-59; Ord. No. 13-37, § 1; Ord. No. 13-114, § 1; Ord. No. 14-38, § 1; 14-51, § 1.)

Sec. 24A-3. Master plan for historic preservation; criteria for designation of historic sites or districts.

- (a) As part of the general plan for the physical development of that portion of the county within the Maryland-Washington Regional District, there shall be prepared, adopted and approved a master plan for historic preservation which shall constitute an amendment to the general plan for the Maryland-Washington Regional District. Such plan shall designate historic sites and historic districts and describe their boundaries; it shall propose means for the integration of historic preservation into the planning process; and it shall suggest other measures to advance the goals of historic preservation.
- (b) In considering historic resources for designation as historic sites or historic districts, the planning board shall apply the following criteria:
 - (1) *Historical and cultural significance.* The historic resource:
 - a. Has character, interest or value as part of the development, heritage or cultural characteristics of the county, state or nation;
 - b. Is the site of a significant historic event;
 - c. Is identified with a person or a group of persons who influenced society;
or
 - d. Exemplifies the cultural economic, social, political or historic heritage of the county and its communities.

- (2) *Architectural and design significance.* The historic resource:
- a. Embodies the distinctive characteristics of a type, period or method of construction;
 - b. Represents the work of a master;
 - c. Possesses high artistic values;
 - d. Represents a significant and distinguishable entity whose components may lack individual distinction; or
 - e. Represents an established and familiar visual feature of the neighborhood, community or county due to its singular physical characteristic or landscape. (Ord. No. 9-4, § 1; Ord. No. 11-59.)

Sec. 24A-4. Historic preservation commission.

- (a) *Created.* There is hereby created a commission to be known as the “historic preservation commission of Montgomery County, Maryland.”
- (b) *Membership.* The commission shall consist of 9 members appointed by the county executive with the confirmation of the county council. Each member must be a resident of the county. The 4 fields of history, architecture, preservation and urban design shall be represented by a minimum of 1 member qualified by special interest, knowledge or training. The remaining members of the commission shall, to the extent possible, be selected to represent the geographical, social, economic and cultural concerns of the residents of the county.
- (c) *Officers.* The county executive shall appoint the chairman and vice-chairman of the commission, who shall serve at his pleasure, but such appointments occurring after the commission's first year of operation shall be made after due consideration has been given to the recommendation of the commission.
- (d) *Term.* The terms of the members of the commission shall be for a three-year period and members shall continue to serve until their successors are appointed and qualified.

- (e) *Vacancy.* Any vacancy in the membership of the commission caused by the expiration of a term, by resignation or death, by a superseding incapacity to discharge duties, by a removal for cause, or by any other cause creating such vacancy, shall be filled for a new term, or for the remainder of the term for which there is a vacancy as the case may be, in the same manner as provided herein for the nomination and appointment of the initial members of the commission.
- (f) *Removal for cause.* A member may be removed for cause from the commission by the county executive.
- (g) *Compensation.* The members of the commission serve without compensation.
- (h) *Regulations.* The commission must adopt, under method (2) of Section 2A-15 of this Code, rules, guidelines and regulations that are necessary for the proper transaction of the business of the commission. This includes provisions governing contested cases before the commission.
 - (1) *Meetings.* The commission shall hold such regular meetings which, in its discretion, are necessary to discharge its duties. Such meetings shall be open to the public.
 - (2) *Staff.* There may be appointed and assigned to the commission such employees, and the chief administrative officer shall make available to the commission such services and facilities of the county, as are necessary or appropriate for the proper performance of its duties, and the county attorney shall serve as counsel to the commission. (Ord. No. 9-4, § 1; 1984 L.M.C., ch. 24, § 26; Ord. No. 11-59; FY 1991 L.M.C., ch. 9, § 1.)

Cross reference—Boards and commissions generally, § 2-141 et seq.

Sec. 24A-5. Same—Powers and duties.

The commission has the following powers and duties:

- (a) To research historic resources and to recommend to the planning board that certain of them be designated as historic sites or historic districts on the master plan for historic preservation and, hence, be subject to the provisions of this chapter.
- (b) To recommend to the planning board, as needed, any update to the inventory of historic resources which is contained in the “Locational Atlas and Index of Historic Sites in Montgomery County.”

MONTGOMERY COUNTY CODE
Chapter 24A

- (c) To act upon applications for historic area work permits and other matters referred to it for action pursuant to the provisions of this chapter.
- (d) To appoint members to local advisory panels to assist and advise the commission on the performance of its functions.
- (e) To recommend programs and legislation to the council and the planning board to encourage historic preservation in the Maryland-Washington Regional District.
- (f) To review any legislation and proposals affecting historic preservation, including preparation of master plans, and to make recommendations on such legislation and proposals to appropriate authorities.
- (g) To serve as a clearinghouse for information on historic preservation for county government, individuals, citizens' associations, historic societies and local advisory committees; to provide information and educational materials for the public; and to undertake activities to advance the goals of historic preservation in the county.
- (h) To employ or hire consultants or other temporary personnel, consistent with county contract provisions, as deemed necessary to assist the commission in the accomplishment of its functions; such consultants or other personnel shall be compensated as may be provided for in the county budget.
- (i) To administer an historic preservation easement program and any revolving funds or grant programs to assist in historic preservation.
- (j) To advise the planning board, in the event of subdivision of land containing an historic resource, on the appurtenances and environmental setting necessary to preserve it.
- (k) To delineate the extent of appurtenances and environmental setting associated with an historic site or resource. (Ord. No. 9-4, § 1; 1989 L.M.C., ch. 4, § 1; Ord. No. 11-59.)

Sec. 24A-6. Historic area work permits—Generally.

- (a) *Required.* An historic area work permit for work on public or private property containing an historic resource must be issued pursuant to the provisions of this chapter before:
 - (1) Constructing, reconstructing, moving, relocating, demolishing or in any manner modifying, changing or altering the exterior features of any historic site or any historic resource located within any historic district.

- (2) Performing any grading, excavating, construction or substantially modifying, changing or altering the environmental setting of an historic site or an historic resource located within an historic district;
 - (3) Erecting or causing to be erected any sign or advertisement (with the exception of those signs which temporarily advertise for sale an historic site or an historic resource located within an historic district, or which for a temporary period advertise a political viewpoint) on the exterior or on the environmental setting of any historic site or any historic resource located within any historic district.
- (b) *Exceptions.* Nothing in this section shall be construed to require the issuance of an historic area work permit for any ordinary maintenance, repair of exterior features, any customary farming operations or any landscaping, which will have no material effect on historic resource located within an historic district, of which such features are a part. For the purposes of clarification of this section, the commission shall develop and publish guidelines regarding what activities constitute ordinary maintenance and shall send a copy of these guidelines by registered mail to all owners of historic resources designated on the master plan.
- (c) *Disclosure requirements.*
- (1) Applicants for permits to demolish or substantially alter the exterior features of any historic site or historic resource located within an historic district are required to disclose its identification as such in writing on any application therefor.
 - (2) Any person who shall undertake any work as stated in subsection (a) of this section without first obtaining an historic area work permit shall be subject to the penalties established in section 24A-11.
- (d) *Advice of commission prior to application.* The commission shall adopt procedures to encourage owners of historic resourcesto seek the advice of the commission prior to filing an application for an historic area work permit, on the appurtenances and environmental setting appropriate to the resource, construction methods and materials, financial information concerning historic preservation or any other matter under this chapter affecting the issuance of a permit. (Ord. No. 9-4, § 1; Ord. No. 11-59.)

Sec. 24A-7. Historic area work permits—Application procedures; appeals.

- (a) *Applications.* An applicant for an historic area work permit must file an application with the Director. The application must contain all information the Commission requires to evaluate the application under this Chapter.

MONTGOMERY COUNTY CODE
Chapter 24A

- (b) *Referral of application.* Within 3 days after the application is complete, the Director must forward the application to the Commission for review.
- (c) *Public meeting.* When the Commission receives the application, the Commission must schedule a public meeting to consider the application.
- (d) *Notice.* The Commission must notify the Director and any citizen or organization that the Commission reasonably determines has an interest in the application of the time and place of the public meeting.
- (e) *Conduct of Commission meeting.* The public meeting on the application must be informal and formal rules of evidence do not apply. The Commission must encourage interested parties to comment and must keep minutes of the proceedings on the application.
- (f) *Action by the Commission.*
 - (1) The Commission must make a public decision on the application under paragraph (2) not later than 45 days after the applicant files the application or 15 days after the Commission closes the record on the application, whichever is earlier.
 - (2) The Commission must instruct the Director to issue or deny the permit. The Commission may require the Director to issue the permit with reasonable conditions necessary to assure that work under the permit does not harm the historical, architectural, archeological or cultural value of the historic resource.
 - (3) If the Commission instructs the Director to deny the permit, the Commission must notify the applicant in writing why the Commission denied the application.
 - (4) The commission must instruct the Director to issue the permit if the Commission finds that:
 - (A) denial of the permit would prevent the reasonable use of the property or impose undue hardship on the owner; and
 - (B) within 120 days after the finding in subparagraph (A), no person seeking preservation has submitted an economically feasible plan for preserving the structure.
 - (5) If the Commission does not act on an application within the time periods provided in this subsection, the application is approved, unless the applicant agrees to extend the deadline for Commission action.

(g) *Miscellaneous provisions.*

- (1) The applicant for a permit has the burden of production and persuasion on all issues the Commission determines. If another historic preservation organization holds a deed of easement for the property in the application, the applicant must submit proof to the Commission that the organization conducted an exterior architectural review and approved the action for which the applicant is seeking a permit.
- (2) (A) The Commission may, by regulations issued under method (2), delegate authority to a County employee qualified in historic preservation and assigned to staff the Commission to review and approve an application for work that commonly has no more than an insignificant effect on an historic resource.
 - (B) The regulations:
 - (i) must describe the types of work that staff can review and approve, and require the Commission to review any application that is not clearly subject to staff approval; and
 - (ii) may waive the public meeting and notice requirements of subsections (c) and (d) for applications clearly subject to staff approval.
 - (C) If the staff denies or does not act on an application within 5 days after the Commission received the application from the Director, the Commission must review the application *de novo*.
 - (D) Staff must report monthly to the Commission and each appropriate Local Advisory Panel about any application reviewed by the staff in the previous month, including the disposition of the application.
- (3) A permit may impose conditions that require waiver of a provision of the building code if the waiver is allowed under the "historic structures" provision of the building code adopted under Section 8-14 and the code inspector determines that waiver is appropriate for the specific work covered by the permit.
- (4) The Director must enforce this Chapter.

(h) *Appeal.*

- (1) Within 30 days after the Commission makes a public decision on an application, an aggrieved party may appeal the Commission's decision to the Board of

MONTGOMERY COUNTY CODE
Chapter 24A

Appeals, which must review the decision *de novo*. The Board of Appeals may affirm, modify, or reverse any order or decision of the Commission.

- (2) A party may appeal a decision of the Board of Appeals under Section 2-114. (Ord. No. 9-4, § 1; Ord. No. 11-59; Ord. No. 13-111, § 1.)

Sec. 24A-8. Same—Criteria for issuance.

- (a) The commission shall instruct the director to deny a permit if it finds, based on the evidence and information presented to or before the commission that the alteration for which the permit is sought would be inappropriate, inconsistent with or detrimental to the preservation, enhancement or ultimate protection of the historic site or historic resource within an historic district, and to the purposes of this chapter.
- (b) The commission shall instruct the director to issue a permit, or issue a permit subject to such conditions as are found to be necessary to insure conformity with the purposes and requirements of this chapter, if it finds that:
 - (1) The proposal will not substantially alter the exterior features of an historic site or historic resource within an historic district; or
 - (2) The proposal is compatible in character and nature with the historical, archeological, architectural or cultural features of the historic site or the historic district in which an historic resource is located and would not be detrimental thereto or to the achievement of the purposes of this chapter; or
 - (3) The proposal would enhance or aid in the protection, preservation and public or private utilization of the historic site or historic resource located within an historic district in a manner compatible with the historical, archeological, architectural or cultural value of the historic site or historic district in which an historic resource is located; or
 - (4) The proposal is necessary in order that unsafe conditions or health hazards be remedied; or
 - (5) The proposal is necessary in order that the owner of the subject property not be deprived of reasonable use of the property or suffer undue hardship; or
 - (6) In balancing the interests of the public in preserving the historic site or historic resource located within an historic district, with the interests of the public from the use and benefit of the alternative proposal, the general public welfare is better served by granting the permit.

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

Sec. 24A-9. Demolition by neglect.

In the event of a case of demolition by neglect of an historic resource on public or private property, the following provisions shall apply:

- (a) If the historic resource has been designated on the master plan as an historic site or an historic resource within an historic district, the director shall issue a written notice to all persons of record with any right, title or interest in the subject property, or the person occupying such premises, of the conditions of deterioration and shall specify the minimum items of repair or maintenance necessary to correct or prevent further deterioration. The notice shall provide that corrective action shall commence within 30 days of the receipt of such notice and be completed within a reasonable time thereafter. The notice shall state that the owner of record of the subject property, or any person of record with any right, title or interest therein, may, within 10 days after the receipt of the notice, request a hearing on the necessity of the items and conditions contained in such notice. In the event a public hearing is requested, it shall be held by the commission upon 30 days' written notice mailed to all persons of record with any right, title or interest in the subject property and to all citizens and organizations which the director feels may have an interest in the proceedings.
 - (1) After a public hearing on the issue of necessity of improvements to prevent demolition by neglect, if the commission finds that such improvements are necessary, it shall instruct the director to issue a final notice to be mailed to the record owners and all parties of record with any right, title or interest in the subject property advising of the items of repair and maintenance necessary to correct or prevent further deterioration. The owners shall institute corrective action to comply with the final notice within 30 days of receipt of the revised notice.
 - (2) In the event the corrective action specified in the final notice is not instituted within the time allotted, the director may institute, perform and complete the necessary remedial work to prevent deterioration by neglect and the expenses incurred by the director for such work, labor and materials shall be a lien against the property, and draw interest at the highest legal rate, the amount to be

MONTGOMERY COUNTY CODE
Chapter 24A

amortized over a period of 10 years subject to a public sale if there is a default in payment.

- (3) Failure to comply with the original or final notice shall constitute a violation of this chapter for each day that such violation continues and shall be punishable as set forth in section 24A-11.
 - (4) In the event that the commission finds that, notwithstanding the necessity for such improvements, action provided in paragraphs (1) and (2) of this subsection would impose a substantial hardship on any or all persons with any right, title or interest in the subject property, then the commission shall seek alternative methods to preserve the historic site or historic resource located within an historic district. If none are confirmed within a reasonable time, the director shall not proceed in accordance with paragraphs (1) and (2).
- (b) If the historic resource is listed in the "Locational Atlas and Index of Historic Sites in Montgomery County, Maryland," or the microfilmed addenda to such atlas, published by the Maryland-National Capital Park and Planning Commission, the director shall advise the planning board which, after receiving the recommendation of the commission, shall conduct a public hearing to determine whether the historic resource will be designated as an historic site or historic district in the master plan for historic preservation.
- (1) Where the planning board determines that the historic resource will not be included in the master plan for historic preservation, no further action will be taken.
 - (2) Where the planning board determines that the historic resource in all likelihood will be included in the master plan for historic preservation, the planning board shall initiate an amendment to the master plan for historic preservation pursuant to the provisions of article 28 of the Annotated Code of Maryland.
 - a. In the event that such amendment is adopted and the historic resource is placed on the master plan for historic preservation as an historic site or an historic resource within an historic district, the director shall give written notice to all persons with any right, title, or interest in the subject property of the conditions of deterioration and shall specify the items of repair or maintenance necessary to stabilize the condition of the historic resource and prevent further deterioration.
 - b. Such notice shall provide that such stabilization work shall commence within 30 days of receipt of the notice and shall be completed within a reasonable time thereafter.

- c. In the event that stabilization action is not instituted within the time allotted, or not completed within a reasonable time thereafter, the director may institute, perform and complete the necessary stabilization work and the expenses incurred by the director for such work, labor or materials shall be a lien against the property, and draw interest at the highest legal rate, the amount to be amortized over a period of 10 years subject to a public sale if there is a default in payment. (Ord. No. 9-4, § 1; Ord. No. 11-59.)

Sec. 24A-10. Moratorium on alteration or demolition.

- (a) *Application for permits for historic resources on locational atlas.* Any applicant for a permit to demolish or substantially alter the exterior features of any historic resource which is listed in the "Locational Atlas and Index of Historic Sites in Montgomery County, Maryland," or the microfilmed addenda to that atlas, published by the Maryland-National Capital Park and Planning Commission, but which is not designated as an historic site or historic district on the master plan for historic preservation, must disclose that fact on the application. If the historic resource is located in an area under review for designation as an historic district and is not under review for designation as an historic site, the application must be reviewed under the procedure in Section 24A-7 if the applicant seeks review under that Section.
- (b) *Referral to the planning board.* If the applicant does not seek review under Section 24A-7, the Director must promptly forward the permit application to the Planning Board to make a finding, after a public hearing, as to the significance of the historic resource and to determine whether, after considering the recommendations of the Commission, the property will be designated as an historic site or an historic resource within an historic district, listed in the master plan for historic preservation. The Planning Board's public hearing on an application to demolish or substantially alter any historic resource listed in the locational atlas satisfies the requirements of section 33A-6 for a public hearing on a preliminary draft amendment to the historic preservation master plan if all notice requirements of that section are met.
- (c) *Determination by the planning board.*
 - (1) Where the planning board determines that the historic resource will not be included in the master plan for historic preservation, the director shall forthwith issue the permit.
 - (2) Where the planning board determines that the historic resource in all likelihood will be included in the master plan for historic preservation, the director shall withhold issuance of the permit once for a maximum period of 195 days from the date the application for demolition is filed. If, as a result of the master plan process, the property is designated an historic site or an historic resource within

an historic district, the application shall be governed by the procedures established in section 24A-7.

If, after a public appearance as provided for in section 24A-7, the commission determines that failure to grant the permit applied for will have the effect of denying the property owner of all reasonable use of his property or causing him to suffer undue hardship, then the commission must instruct the director to issue the permit subject to such conditions, if any, as are found to be necessary to insure conformity with the purposes and requirements of this chapter.

(d) *Time limits for planning board action.*

- (1) Within 60 days after the filing of an application, or within 15 days after the closing of the record following a public hearing, whichever occurs later, the planning board shall render its findings and determinations with respect to an application.
- (2) Failure to adhere to the limits specified in section 24A-10 shall cause the permit to issue by operation of law, except in the event of a finding and further proceedings as provided in subsection (c)(2) of this section. (Ord. No. 9-4, § 1; Ord. No. 11-59; Ord. No. 13-99, §1.)

Editor's note—Section 2 of Ord. No. 13-99 states: "Effective date and applicability. This ordinance takes effect on the date of Council adoption and applies to any permit application under Section 24A-10(a) of the Code that was not decided before the date this ordinance takes effect."

Sec. 24A-11. Violations and penalties.

Any person who violates a provision of this chapter, or fails to comply with any of the requirements thereof, or disobeys or disregards a decision of the commission, or fails to abide by the conditions of a permit, shall be subject to punishment for a class A violation as set forth in section 1-19 of chapter 1 of the County Code. Each day a violation continues to exist shall constitute a separate offense. (Ord. No. 9-4, § 1; 1983 L.M.C., ch. 22, § 28; Ord. No. 11-59.)

Sec. 24A-12. Severability.

The provisions of this chapter are severable and if any provisions, clause, sentence, section, word or part thereof is held illegal, invalid or unconstitutional, or inapplicable to any person or circumstances, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, sections, words or parts of the chapter or their applications to other persons or circumstances. It is hereby declared to be the legislative intent that this chapter would have been adopted if such illegal, invalid or unconstitutional provision, clause, sentence, section, word or part had not been included therein, and if the person or circumstance to which the chapter or part thereof is inapplicable had been specifically exempted therefrom. (Ord. No. 9-4, § 1; Ord. 1159.)

Sec. 24A-13. Historic preservation easement program.

- (a) There is a county easement program to preserve historic resources in Montgomery County. The commission must administer the program in accordance with this section.
 - (b)
 - (1) An owner of an historic resource may offer the county a preservation easement to protect or conserve interior or exterior features of the historic resource and its environmental setting or appurtenances by making application to the commission.
 - (2) Upon receipt of an application, the commission must immediately forward the application for review and comment to:
 - (A) the planning board if the historic resource is located within the Maryland-Washington Regional District; and
 - (B) the appropriate agency of a municipality if the historic resource is located within a municipality.
- Review and comment under this paragraph must be made within 45 days and should include an evaluation of the proposal using the criteria specified in this section as well as identification of competing or supporting land use priorities or other relevant factors or issues. Recommendations may include proposed easement terms and conditions.
- (3) The commission must review the application to determine if acceptance of the preservation easement would further the county's historic preservation goals. In making its determination, the commission should consider, among other relevant factors:
 - (A) the relative significance of the historic resource;
 - (B) the structural condition;
 - (C) the owner's planned or completed preservation efforts;
 - (D) the existing zoning and nature of the surrounding neighborhood; and
 - (E) whether an easement will promote long-term survival of the historic resource.
- (c) If the historic resource is designated as an historic site in the county master plan for historic preservation, either as an individual site or located within an historic district, the

county may acquire an easement upon positive recommendation of the commission and approval of the county executive. If the historic resource is not designated as an historic site in the master plan, the additional approval of the county council is required prior to any acceptance by the county. The commission must forward any comments received under subsection (b)(2) to the county executive and the county council, as appropriate.

- (d) A preservation easement under this section should be granted in perpetuity and include appropriate terms and conditions that:
- (1) restrict changes and alterations;
 - (2) require maintenance, repairs, and administration;
 - (3) authorize public access;
 - (4) provide a right of governmental inspection;
 - (5) provide for a right of assignment to the Maryland Historical Trust or other appropriate agency or entity; and
 - (6) establish enforcement remedies.
- (e) The county may hold a preservation easement jointly with the Maryland Historical Trust.
- (f) A preservation easement must be recorded by the grantor among the land records of the county at the grantor's cost. The grantor must notify the supervisor of assessments and the Office of the Public Tax Advocate of the recordation of the preservation easement.
- (g) Reserved.*
- *Editor's note—As originally enacted, 1989 L.M.C., ch. 4, contained no subsection (g).
- (h) A preservation easement may be extinguished by judicial proceeding if an unexpected change in the conditions applicable to the property, such as casualty, make it impossible or impractical to continue to use it for preservation purposes. The terms of an easement related to extinguishment should identify appropriate changes in condition, provide that the county share in any proceeds from a subsequent sale or exchange of the property after the easement is extinguished, and be in accordance with any applicable executive regulations. The sharing in proceeds may include the recapture of property taxes saved by the grantor or its successor in interest, either in part or in full, as a result of the easement.

- (i) The commission may enter into a cooperative agreement with the Maryland Historical Trust or other appropriate agencies or entities for technical assistance in administering the historic easement program. This may include assistance in property evaluation, negotiation, and inspection.
- (j)
 - (1) The easement program authorized under this section is in addition to, and does not supersede or otherwise affect, any other county or municipal program or policy requiring the donation of a preservation easement as a condition of financial assistance. It must operate in conjunction with other county or municipal easement programs.
 - (2) The grant of an easement under this section does not eliminate or otherwise alter any county or municipal regulatory requirement applicable to the historic resource, including any requirement to obtain an historic area work permit.
- (k) The county executive, with the advice of the commission, may adopt regulations under method (2) to administer the historic preservation easement. (1989 L.M.C., ch. 4, § 1; Ord. No. 11-59.)

Editor's note—Section 24A-13, relating to the applicability of this chapter within incorporated municipalities, derived from Ord. No. 9-4, § 1, was repealed by § 15 of 1985 L.M.C., ch. 31. See § 2-96. Subsequently, § 1, of 1989 L.M.C., ch. 4, added a new § 24A-13. Section 2 of that act reads as follows:
Sec. 2. To assist the County in its administration of the historic preservation easement program, the supervisor of assessments is requested to maintain records of both the assessment of the property as restricted under this program by easement and the assessment that would apply if the property was not subject to an easement.

HISTORIC PRESERVATION COMMISSION

of

MONTGOMERY COUNTY

**8787 Georgia Avenue
Silver Spring, Maryland 20910**

301-563-3400

Case No. 32/05-03A Received August 1, 2003

Public Appearance September 24, 2003

Before the Montgomery County Historic Preservation Commission

Application of Ms. Renata Gould
9904 Colesville Road, Silver Spring

DECISION AND OPINION OF THE COMMISSION

Decision of the Commission: DENY the Applicant's proposal to construct a rear frame addition.

Commission Motion: At the September 24, 2003 meeting of the Historic Preservation Commission (HPC), Commissioner Harbit presented a motion to deny the proposed Historic Area Work Permit application to construct a rear frame addition. Commissioner Fuller seconded the motion. Commissioners Harbit, O'Malley, Williams, Velasquez, Burstyn, Fuller, Anahtar, Watkins and Breslin voted in favor of the motion. Motion passed unanimously.

BACKGROUND:

The following terms are defined in Section 24A-2 of the Code:

Appurtenances and environmental setting: The entire parcel, as of the date on which the historic resource is designated on the master plan, and structures thereon, on which is located a historic resource, unless reduced by the District Council or the commission, and to which it relates physically and/or visually. Appurtenances and environmental settings shall include, but not be limited to, walkways and driveways (whether paved or not), vegetation (including trees, gardens, lawns), rocks, pasture, cropland and waterways.

Commission: The historic preservation commission of Montgomery County, Maryland.

Director: The director of the department of permitting services of Montgomery County, Maryland or his designee.

Exterior features: The architectural style, design and general arrangement of the exterior of an historic resource, including the color, nature and texture of building materials, and the type and style of all windows, doors, light fixtures, signs or other similar items found on or related to the exterior of an historic resource.

Historic District: A group of historic resources which are significant as a cohesive unit and contribute to the historical, architectural, archeological or cultural values within the Maryland-Washington Regional District and which has been so designated in the master plan for historic preservation.

Historic Resource: A district, site, building, structure or object, including its appurtenances and environmental setting, which is significant in national, state or local history, architecture, archeology or culture.

On August 1, 2003, Ms. Renata Gould completed an application for a Historic Area Work Permit (HAWP) to enlarge the size of her house by constructing a 6'9" by 16' 11" frame rear addition.

9904 Colesville Road is an Outstanding Resource within the Polychrome Historic District designated on the Master Plan For Historic Preservation in Montgomery County in 1985 and on the National Register of Historic Places in 1996.

HISTORY OF RESOURCE:

The National Register nomination for the Polychrome Historic District includes the following description:

The five single-family dwellings that comprise the Polychrome Historic District were built in 1934-35 by master craftsman John Joseph Earley (1881-1945). These unique houses are outstanding examples of the Art Deco-style and reflect Earley's artistry and craftsmanship. Conventional wood frames were clad with prefabricated "mosaic concrete" panels utilizing a process Earley developed and patented in which the concrete was stripped to expose the brilliantly colored aggregate particles, creating an effect similar to impressionist or pointillist painting. In addition to their striking, richly ornamented appearance, these houses represent a relatively rare example of pre-cast concrete panel construction in single-family housing for the time period. Earley's patented structural system led to the widespread use of pre-cast architectural concrete as a major exterior cladding material. The legacy of the Polychrome houses can be seen in thousands of curtain-wall buildings nationwide.

Earley was a master builder who culminated nearly three decades of engineering and architectural experience in the design and construction of the Polychrome houses. From 1906 to 1933, he was responsible for such complex and demanding projects as the stucco work for Meridian Hill Park (Washington, D.C., 1916); the casting of Lorado Taft's sculpture, "The Fountain of Time" (Chicago, 1920-22); the rebuilding of the replica of the Parthenon at Nashville (1925); and the Baha'i Temple of Light in Wilmette, Illinois (begun in 1932). Earley created a new medium for the decorative arts--

mosaic concrete--in designing the richly detailed interior of the Shrine of the Sacred Heart (Washington, D.C. 1923), the same material used in executing the intricate design of the ceilings for the Department of Justice (1933) and in the Polychrome houses. Early wrote eloquently about the social changes taking place in the United States during the 1930s and the demand for what he termed "social justice." The polychrome houses represent his attempt to solve the "small house problem" by providing innovative housing at modest cost during the economic and social upheaval of the Great Depression.

Polychrome II, built by John Joseph Early, is a one-story six-room house consisting of a main block running north to south and a attached garage extending beyond the north end of the main block to the west, and a small wing at the south end of the front elevation facing east. The gable roof, originally tiled, is now clad in asphalt shingles. There is a loft room over the one-car attached garage [area which is the subject of this HAWP]. The exterior walls are comprised of two-inch thick pre-cast mosaic concrete panels, each four to eight feet wide and nine feet high. Metal casement window and door frames were imbedded in the panels before casting. The panels are attached to a conventional wood frame and anchored to the foundation by u-shaped hangers and threaded with reinforcing rods, with reinforced concrete columns cast in place behind each joint. The panels are rosey-pink in color, the result of exposing surface aggregates of red jasperite. There are three large metal-frame porthole windows, two in the front overlooking the open porch, and one at the rear on the west wall of the living room. The circular frames are inset with standard casement windows. The front porch is partially enclosed by a low concrete mosaic wall with decorative geometric inserts in deep red. The same decorative wall treatment is used on a small porch and the side door on the north side of the house.

A driveway runs along the north property line to the entrance of the attached garage, which faces north. Large decorative mosaic concrete planters are affixed to the south and west walls of the wing attached to the south end of the main block.

EVIDENCE IN THE RECORD:

The applicant originally came before the HPC on September 24, 2001 with a Historic Area Work Permit (HAWP) application for a frame rear addition, identical to the current proposal, which is the subject of this report. The Commission denied that HAWP application at the 2001 meeting. They noted that the house was designated for its unique pre-cast concrete panel construction and design. As such, destroying these architectural features destroys the integrity of the historic resource.

Subsequent to this meeting, historic preservation staff asked a local architect in the area to assist the homeowner (pro bono) in developing some design alternatives for the proposed addition. The architect developed drawings that provided a rear addition with the required square footage for the owner, but which required minimal penetration into the house's important character defining features. The applicant reviewed the proposed drawings and did not find them acceptable.

The applicant submitted a second HAWP application on August 1, 2003. This application, as stated above, is identical to the original proposal reviewed and denied by the HPC on September 24, 2001.

A written staff recommendation on this case was prepared and sent to the Commission on September 17, 2003. At the September 24, 2003 HPC meeting, staff person, Michele Naru showed

a Powerpoint presentation of photos of the site and presented an oral report with staff recommendations. Staff recommended the HAWP application be denied.

The staff's specific concerns were:

1. The house is an Outstanding Resource within the Polychrome Historic District and the building is subject to the highest level of design review.
2. The proposal would require original decorative elements to be lost.
3. The alterations would not be reversible. The original building would never be able to be restored to its original configuration.
4. The proposal would radically change and destroy the character defining materials that characterize the building.

The applicant, Ms. Gould, attended the meeting. Ms. Gould testified that the issues that brought the original proposal to the Commission in September of 2001 have not improved. In her assessment, the addition has become more necessary than before. She indicated that the addition is to be constructed to provide an additional bathroom and closet space, since the existing house was built with only one bathroom. She further explained that the proposed addition would be completely to the rear of the house and not visible from the street. Additionally, Ms. Gould admitted that one of the cast concrete pediments would be irreversibly altered as a result of this project, yet noted that the majority of the pediment would remain behind the new roof of the addition. The applicant's position is that the proposed sacrifice of the subject historic fabric provides a substantial gain for her and her family and in the monetary value of the house.

The applicant's neighbor, Ursula Allen, also attended and testified the meeting. The neighbor's testimony focused on her viewpoint as a Realtor. She indicated that from a real estate perspective, having one bathroom in was considered a hardship. She additionally noted that a one-bathroom dwelling has a resale disadvantage and encouraged the Commission to approve the project so it will improve her neighbor's lifestyle and value of the property.

The President of Montgomery Preservation, Inc., who is also the Preservation Chair of the Art Deco Society of Washington and a Montgomery County resident, Wayne Goldstein, also attended and testified at the meeting. Mr. Goldstein spoke first of being a resident of Montgomery County and an owner of a two-bedroom, one-bath, 672 sq. ft. house in Kensington. His testimony focused on his property value increase since he purchased the property in 1993 – from \$120,000 to \$240,000. Mr. Goldstein further testified about the remarkable resources the Polychrome Houses are to Montgomery County's history. He expressed concern over the owner's desire to destroy the resource's integrity. He stated that it was his opinion that if families have outgrown a historic property and if you cannot enlarge the building without destroying its integrity then the family should move to a larger house. Mr. Goldstein concluded his testimony asking the Commission to deny the proposal and asking the applicant to accept an alternate version for the addition – as developed by the architect who provided pro bono design services - which will have minimal impact to the historic property or to think about relocating to a house more suitable to her family's needs.

Commissioner Anahtar questioned the applicant about the habitability of the proposed addition in terms of building codes. Based on her knowledge as an architect, she explained that the proposed

ceiling height at the ridge is 8 feet, leaving less than 6' along the sides of the gable, which is not acceptable by building code requirements. Commissioner Anahtar questioned whether the drawings submitted by the applicant were accurate.

Commissioner Fuller stated that he did not want the Commission to do anything to discourage the owner from staying in the house. He further expressed that he felt that the owner was a good steward of the property and supports the owner's desire to build an addition behind her house. His concerns about the proposal were the applicant's desire to destroy permanently one of the most unique parts of the house, namely the highly ornate pediment. He further indicated that he would like to see the owner utilize a design that would add an addition to the house without destroying one of the pre-cast panels. He recommended that the Commission deny the application as presented but encouraged the applicant to re-examine other design alternatives for the rear addition.

Commissioner Harbit made the motion to deny the Historic Area Work Permit for Case 32/05-03A, noting that he was sorry to do so since the applicant was such an excellent steward of the property. He further noted that he felt that the Commission has gone to extraordinary lengths over the last couple of years to try to help this applicant to find a solution that would work. He felt that the Commission had heard and seen several alternatives to the currently proposed addition, which would meet the applicant's needs and would be appropriate from a historic preservation perspective. He further expressed that he felt that the reasons that the proposal was denied two years ago are still valid today. Commissioner Fuller seconded the motion. Commissioners Harbit, O'Malley, Williams, Velasquez, Burstyn, Fuller, Anahtar, Watkins and Breslin voted in favor of the motion. Motion passed unanimously.

CRITERIA FOR APPROVAL AND FINDINGS OF THE COMMISSION:

The criteria which the Commission must evaluate in determining whether to deny a Historic Area Work Permit application are found in Section 24A-8(a) of the Montgomery County Code, 1984, as amended.

Section 24A-8(a) provides that:

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

In analyzing whether the criteria for issuance of a Historic Area Work Permit have been met, the Commission also evaluates the evidence in the record in light of the Amendment to the Approved and Adopted Master Plan for Historic Preservation in Montgomery County, Maryland - Polychrome Historic District.

The Commission also evaluates the evidence in light of generally accepted principles of historic preservation, including the Secretary of the Interior's Standards for Rehabilitation and Guidelines, adopted in the Commission's Executive Regulations on November 4, 1997. In

particular Standards #2, and #9 are applicable in this case:

Standard 2: The historic character of a property will be retained and preserved. The removal of distinctive materials or alterations of features, spaces, and spatial relationships that characterize a property will be avoided.

Standard 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.

Based on this, the Commission finds that:

1. The proposed rear addition will destroy the historic materials and features that define this historic property.
2. The proposal constitutes changes that specifically impair the existing integrity of the resource, which through its architectural fabric and design, contributes to the historic character of the Polychrome Historic District as a whole.

CONCLUSION:

The Commission was guided in its decision by Chapter 24A, by the Amendment to the Approved and Adopted Master Plan for Historic Preservation in Montgomery County, Maryland, - Polychrome Historic District, and by the Secretary of the Interior's Standards for Rehabilitation.

Based on the evidence in the record and the Commission's findings, as required by Section 24A-8(a) of the Montgomery County Code, 1984, as amended, the Commission must **deny** the application of Ms. Renata Gould for a Historic Area Work Permit (HAWP) to construct a rear frame addition at 9904 Colesville Road in the Polychrome Historic District.

If any party is aggrieved by the decision of the Commission, pursuant to Section 24A-70(h) of the Montgomery County Code, an appeal may be filed within thirty (30) days with the Board of Appeals, which will review the Commission's decision de novo. The Board of Appeals has full and exclusive authority to hear and decide all appeals taken from the decision of the Commission. The Board of Appeals has the authority to affirm, modify, or reverse the order or decision of the Commission.



Susan Velasquez, Chairperson
Montgomery County Historic Preservation Commission

11/3/03
Date

HISTORIC PRESERVATION COMMISSION STAFF REPORT

Address:	9904 Colesville Rd, Silver Spring	Meeting Date:	09/24/03
Resource:	Outstanding Resource Polychrome Historic District	Report Date:	09/17/03
Review:	HAWP	Public Notice:	09/10/03
Case Number:	32/05-03A	Tax Credit:	None
Applicant:	Renata Gould	Staff:	Michele Naru
PROPOSAL:	Rear Addition	RECOMMEND:	Denial

PROJECT HISTORY:

The applicant came before the HPC on September 24, 2001 with a Historic Area Work Permit (HAWP) application for a frame rear addition, identical to the proposal being presented in this current HAWP application. The Commission denied the HAWP application at this meeting. (circles 30-55). They noted that the house was designated for its unique pre-cast concrete panel construction and design. As such, destroying these architectural features destroys the integrity of the historic resource.

Subsequent to this meeting, staff asked a local architect in the area to assist the homeowner (pro bono) in developing some design alternatives for the proposed addition. The architect developed drawings that provided a rear addition with the required square footage for the owner, which also did not require penetration into the house's historic fabric – which would help to retain the historic integrity of the existing resource (circles 25-29). The applicant has reviewed the proposed drawings and does not find them to accomplish the needs and requirements of her current household. She has applied for the attached HAWP application in the hopes that since she has explored all potential viable alternatives, the HPC will determine that the homeowner's needs outweigh the need to maintain the historic integrity of the subject building.

BACKGROUND:

“The five single-family dwellings that comprise the Polychrome Historic District were built in 1934-35 by master craftsman John Joseph Earley (1881-1945). These unique houses are outstanding examples of the Art Deco-style and reflect Earley's artistry and craftsmanship. Conventional wood frames were clad with prefabricated "mosaic concrete" panels utilizing a process Earley developed and patented in which the concrete was stripped to expose the brilliantly colored aggregate particles, creating an effect similar to impressionist or pointillist painting. In addition to their striking, richly ornamented appearance, these houses represent a relatively rare example of pre-cast concrete panel construction in single-family housing for the time period. Earley's patented

structural system led to the widespread use of pre-cast architectural concrete as a major exterior cladding material. The legacy of the Polychrome houses can be seen in thousands of curtain-wall buildings nationwide.”

“Earley was a master builder who culminated nearly three decades of engineering and architectural experience in the design and construction of the Polychrome houses. From 1906 to 1933, he was responsible for such complex and demanding projects as the stucco work for Meridian Hill Park (Washington, D.C., 1916); the casting of Lorado Taft's sculpture, "The Fountain of Time" (Chicago, 1920-22); the rebuilding of the replica of the Parthenon at Nashville (1925); and the Baha'i Temple of Light in Wilmette, Illinois (begun in 1932). Earley created a new medium for the decorative arts--mosaic concrete--in designing the richly detailed interior of the Shrine of the Sacred Heart (Washington, D.C. 1923), the same material used in executing the intricate design of the ceilings for the Department of Justice (1933) and in the Polychrome houses. Earley wrote eloquently about the social changes taking place in the United States during the 1930s and the demand for what he termed "social justice." The polychrome houses represent his attempt to solve the "small house problem" by providing innovative housing at modest cost during the economic and social upheaval of the Great Depression.” – from National Register Nomination

PROJECT DESCRIPTION

SIGNIFICANCE: Outstanding Resource in the Polychrome Historic District.
STYLE: Art Deco
DATE: 1935

“Polychrome II, built by John Joseph Early, is a one-story six-room house consisting of a main block running north to south and a attached garage extending beyond the north end of the main block to the west, and a small wing at the south end of the front elevation facing east. The gable roof, originally tiled, is now clad in asphalt shingles. There is a loft room over the one-car attached garage [area which is the subject of this HAWP]. The exterior walls are comprised of two-inch thick pre-cast mosaic concrete panels, each four to eight feet wide and nine feet high. Metal casement window and doorframes were imbedded in the panels before casting. The panels are attached to a conventional wood frame and anchored to the foundation by u-shaped hangers and threaded with reinforcing rods, with reinforced concrete columns cast in place behind each joint. The panels are rose-pink in color, the result of exposing surface aggregates of red jasperite. There are three large metal –frame porthole windows, two in the front overlooking the open porch, and one at the rear on the west wall of the living room. The circular frames are inset with standard casement windows. The front porch is partially enclosed by a low concrete mosaic wall with decorative geometric inserts in deep red. The same decorative wall treatment is used on a small porch and the side door on the north side of the house.”

“A driveway runs along the north property line to the entrance of the attached garage, which faces north. Large decorative mosaic concrete planters are affixed to the south and west walls of the wing attached to the south end of the main block.” – description from National Register Nomination

PROPOSAL:

The applicant is proposing to construct a one-story bathroom addition at the rear of the house. The addition will be constructed of 2x6 wood frame construction with exterior painted wood siding

and asphalt roof shingles to match existing. The addition will be supported by steel support columns, which will be placed in reinforced concrete footings. The existing steel casement window from the rear elevation will be salvaged and reused in the new addition. Connection to the new bathroom will be through the existing window opening in the existing bedroom exterior wall.

The proposed new addition would not be visible from the front façade. No existing trees will be removed with the construction of the proposed addition.

STAFF DISCUSSION

This house has been in continuous use as a single-family residence on the original site since construction and has not undergone any major exterior alterations.

As an outstanding resource within a Historic District, this building is subject to the highest level of design review.

The proposal being presented requires that original decorative elements including the cornice detail, the window surrounds, a portion of the rear panel and the rear gable with its highly decorative details will be lost. In rehabilitation, historic building materials and character-defining features are protected and maintained. This resource was designated as part of a historic district. It as well as the rest of the houses in the district identifies a form and detailing of architectural features that are important in defining the structure's historic character, and these features must be retained in order to preserve this character. The character of these buildings is defined by the form and detailing of their interior and exterior features and structural systems. The Historic Preservation Commission has jurisdiction on the exterior features only.

It is a concern of staff that this alteration, though to the rear of the resource, will be detrimental to the existing structure. As explained above, the house was built with concrete panels. These panels were designed in such a way to support each other. If a weak point is bored into the panels....what effect will this alteration have on the structural integrity of the resource? The architect and his engineer have worked extensively on this method of construction and have assured staff that an appropriate header and door surround will support the remaining panel and will not negatively affect the surrounding panels.

The Polychrome Houses were designated as historically significant because of their distinctive physical characteristics of design, construction and form as well as their association with the Art Deco movement in this country. Staff has struggled with this project, mainly because of the nature of the existing building materials and their importance to the integrity and historic significance of this resource. It should be noted that because of the uniqueness of the building materials any cut through the building will cause irreparable damage and will be destroying historic materials that characterize the property which include the cornice, gable detail, the concrete panel and original window.

Staff is aware that generally we do approve additions to outstanding resources within our historic districts if they are located at the rear of the historic site, are not visible from the right-of-way and the proposed addition would be constructed in such a manner that "if removed in the future the essential form and integrity of the historic property would be unimpaired." Additionally, staff does realize that exterior alterations to a historic building are generally needed

to assure a building's continued use, but emphasizes the fact that such alterations should not radically change or destroy character defining materials, features or finishes. Staff feels that the proposal as presented will do irreparable damage to the historic materials and the distinctive details that characterize the building. These alterations will not be reversible and once complete the original building will never be able to be restored to its original configuration.

STAFF RECOMMENDATION

Staff recommends that the Commission *deny* the HAWP application as not being consistent with Chapter 24A-8(b)2:

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

nor with the Secretary of the Interior Guidelines #2, #5, #6, and #9:

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

Distinctive features, finishes, and construction techniques or example of craftsmanship that characterize a property shall be retained and preserved.

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

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.



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

DPS - #8

III I

HISTORIC PRESERVATION COMMISSION
301/563-3400

APPLICATION FOR HISTORIC AREA WORK PERMIT

Contact Person: JOE DE ROSA
Daytime Phone No.: (301) 674-5211 (CELL)

Tax Account No.: 01109093

Name of Property Owner: MRS. RENATA M. GOULD Daytime Phone No.: (302) 324-2991
Address: 9904 COLESVILLE RD. SILVER SPRING MD 20907
Street Number City State Zip Code

Contractor: HUGO ARDIZZONE Phone No.: (301) 593-2469

Contractor Registration No.: 18369

Agent for Owner: JOSEPH DE ROSA Daytime Phone No.: (301) 593-0366

LOCATION OF BUILDING/PREMISE

House Number: 9904 Street: COLESVILLE RD.
Town/City: SILVER SPRING Nearest Cross Street: UNIVERSITY BLVD.
Lot: PART OF 2 Block: A Subdivision: SECTION ONE FAIRWAY
Liber: _____ Folio: _____ Parcel: _____

PART ONE: TYPE OF PERMIT ACTION AND USE

1A. CHECK ALL APPLICABLE:

- Construct
- Extend
- Alter/Renovate
- Move
- Install
- Wreck/Raze
- 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 estimate: \$ 210,000

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

PART TWO: COMPLETE FOR NEW CONSTRUCTION AND EXTEND/ADDITIONS

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

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

PART THREE: COMPLETE ONLY FOR FENCE/RETAINING WALL

3A. Height _____ feet _____ inches N/A

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.

Renata M. Gould
Signature of owner or authorized agent

August 1, 2003
Date

Approved: _____ For Chairperson, Historic Preservation Commission
Disapproved: X Signature: Jason C. Velazquez Date: 9/24/03
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:

WOOD FRAME FLOORING AND ROOF WITH PRECAST CONCRETE
EXTERIOR PANELS WITH EXPOSED STONE AGGREGATE FINISH.
ROOF IS SHEATHED WITH ASPHALT SHINGLES. SINGLE FAMILY
HOME ON RESIDENTIAL LOT ADJACENT TO COLESVILLE ROAD
WITH MATURE TREES AND BUSHES, RECORDED AS OUTSTANDING
RESOURCE IN POLYCHROME DISTRICT.

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

PROPOSED ONE STORY ADDITION (16'-11" WIDE X 6'-9 1/2" DEEP) CONNECTED TO
EXISTING BEDROOM LOCATED AT REAR OF HOUSE. NEW ADDITION CONSTRUCTED
OF 2 X 6 WOOD FRAME WITH EXTERIOR PAINTED WOOD SIDING WITH COLOR TO MATCH
EXISTING CONCRETE PANELS. ASPHALT ROOF SHINGLES ALSO TO MATCH EXISTING. PROPOSED
ADDITION WILL NOT BE VISIBLE FROM COLESVILLE ROAD AND NO TREES WILL BE REMOVED.
THE PROFILE OF THE NEW ADDITION FOLLOWS THE EXISTING RESIDENCE IN HEIGHT & ROOF SLOPE.

2. **SITE PLAN** THE COST OF REPRODUCING EXISTING PRECAST PANELS WOULD BE PROHIBITIVE.

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)

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

<p>Owner's mailing address MRS. RENATA M. GOULD 9904 COLESVILLE RD. SILVER SPRING, MD 20901</p>	<p>Owner's Agent's mailing address</p> <p align="center">/</p>
<p align="center">Adjacent and confronting Property Owners mailing addresses</p>	
<p>ADJACENT: MRS. RACHEL DOWNS 9908 COLESVILLE RD. SILVER SPRING, MD 20901</p>	
<p>ADJACENT: MR. TOM BASS * 5433 ASHLEY RD. FAIRFAX, VA 22030</p>	
<p>CONFRONTING: MR. TOM BASS * 5433 ASHLEY RD. FAIRFAX, VA 22030</p>	
<p>CONFRONTING: CACROSS RT. 29) MONTGOMERY COUNTY PUBLIC SCHOOL, BLAIR HS 51 UNIVERSITY BLVD. EAST SILVER SPRING, MD 20901</p>	

* these two houses are occupied by Mrs. Bass' tenants



DEROSA
ARCHITECTURE

M.N.C.C.P.C.
Historic Preservation Society
1109 Spring Street
Suite 807
Silver Spring, MD

DATE: August 31, 2001

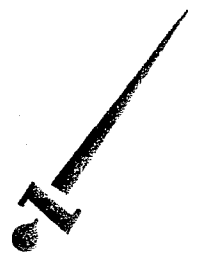
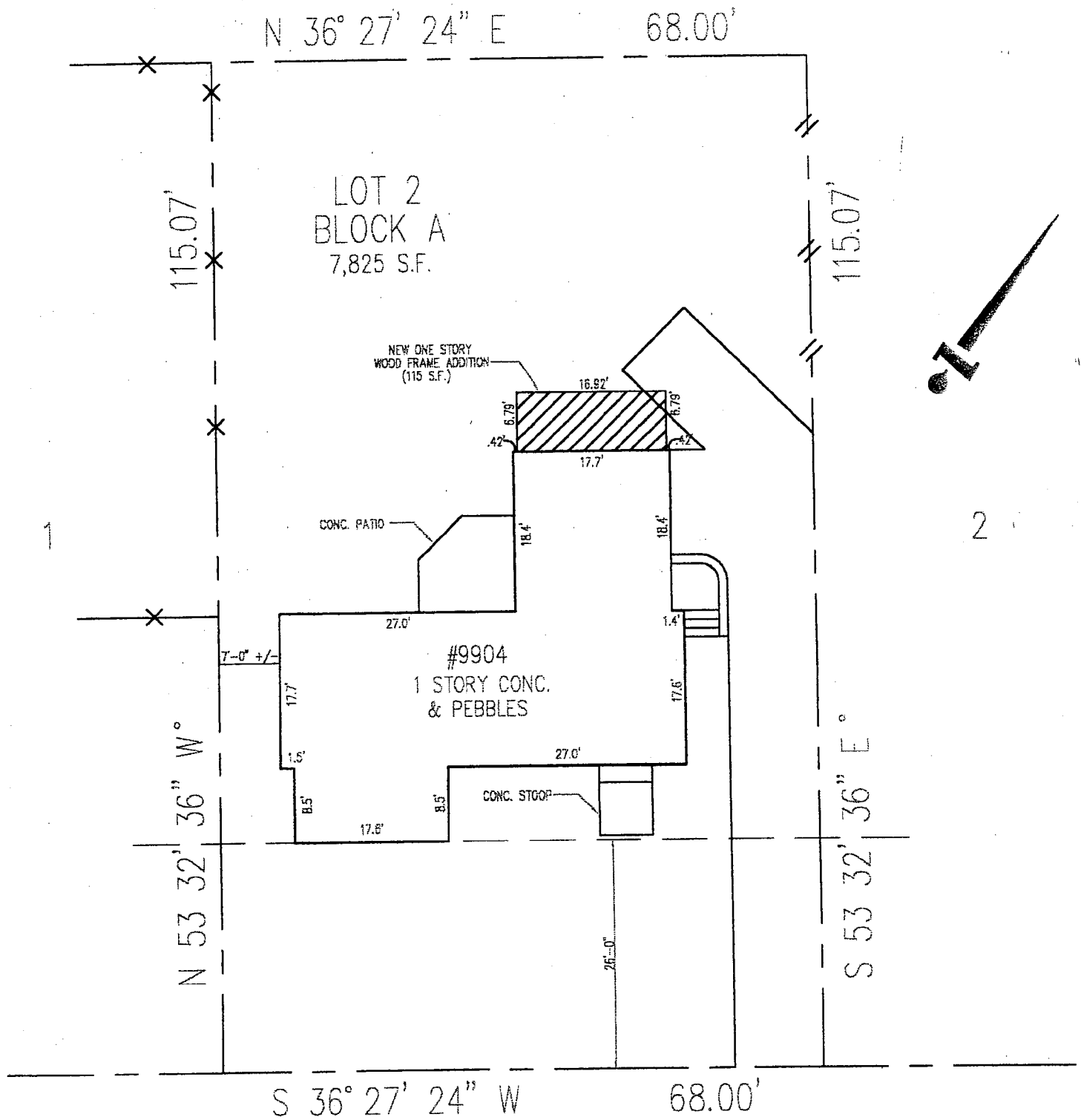
ATTN: Michelle Naru

Project Description:

9904 Colesville Road
Silver Spring, MD 20901
"Polychrome District"

Mrs. Renata Gould, home owner of the historic residence located at 9904 Colesville Road plans to add a one story bathroom addition (16'-11" wide x 6'-9 1/2" deep) connected to her existing rear bedroom located at the rear of the existing residence.

The proposed one story bathroom addition would be constructed of 2 x 6 wood frame construction with exterior painted wood siding and asphalt roof shingles to match existing. The addition would be supported by steel support columns placed in reinforced concrete footings. The existing steel casement window from the rear elevation would be salvaged and reused in the new addition. Connection to the new bathroom addition will be through the existing window opening in the existing bedroom exterior wall. The proposed new addition would not be visible from the front of the residence. No existing trees will be removed with the construction of the proposed addition.



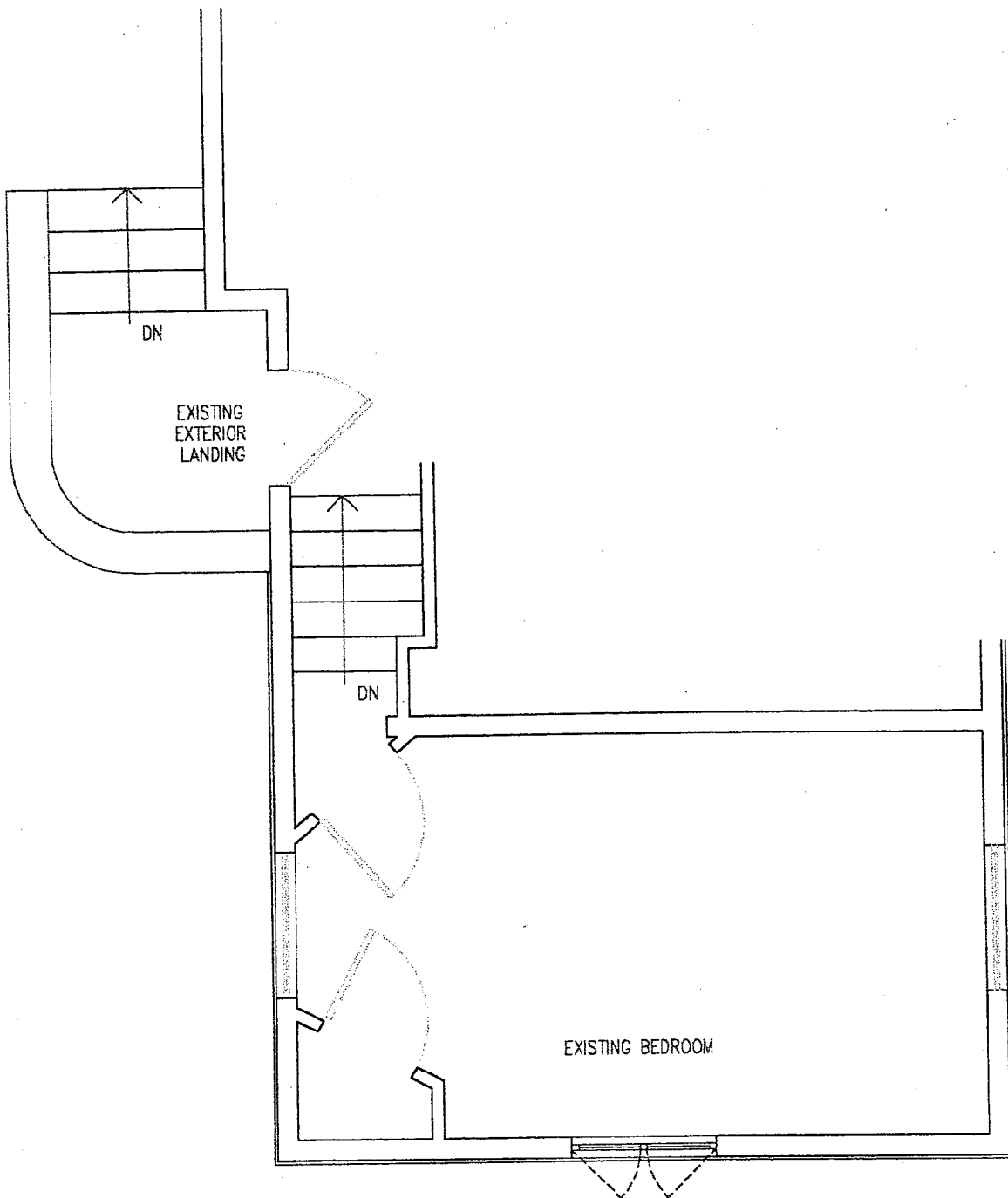
PLAN

1'-0" = 1/16"

1

COLESVILLE ROAD

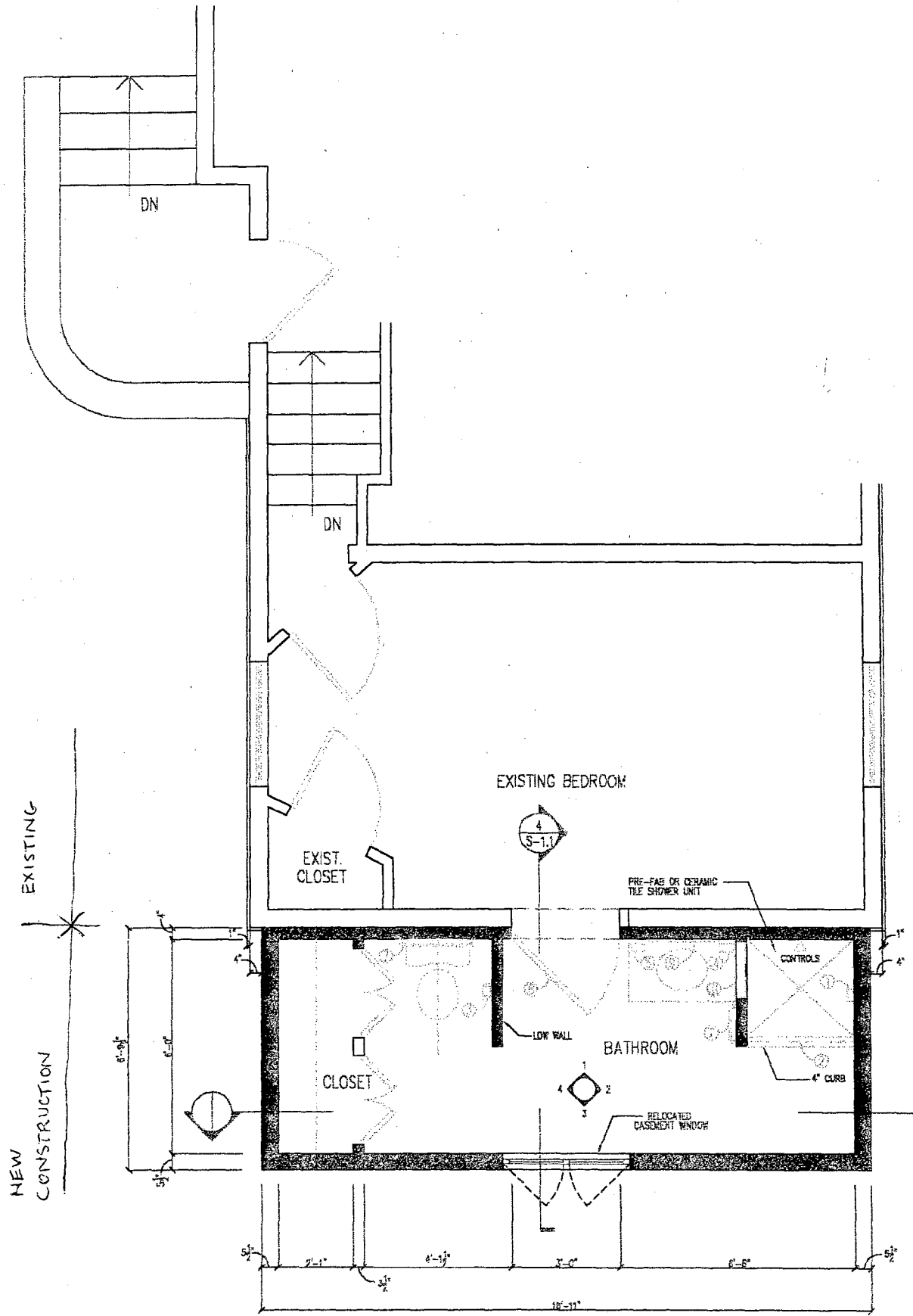
9



EXISTING
PARTIAL FLOOR PLAN
1/4" = 1'-0"

1

10



EXISTING

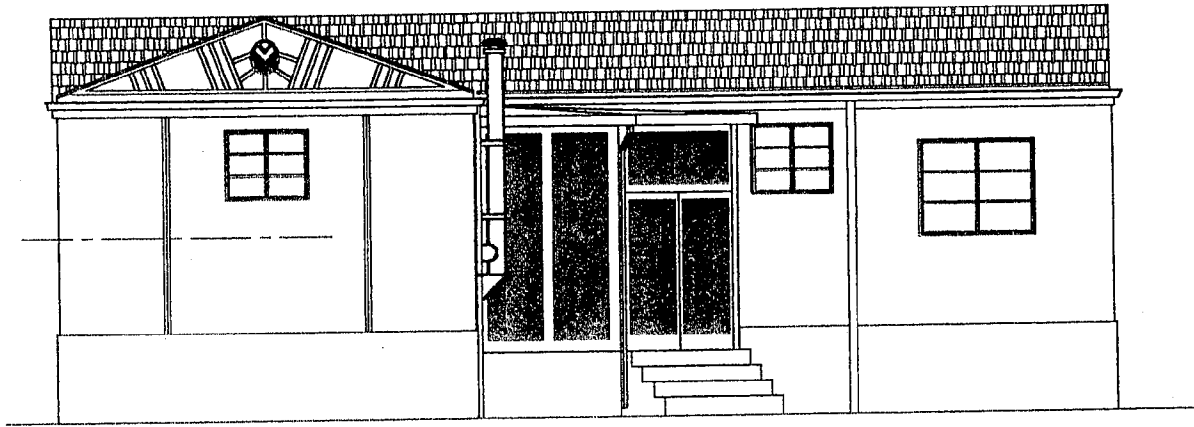
NEW CONSTRUCTION

PARTIAL FLOOR PLAN

1/4" = 1'-0"

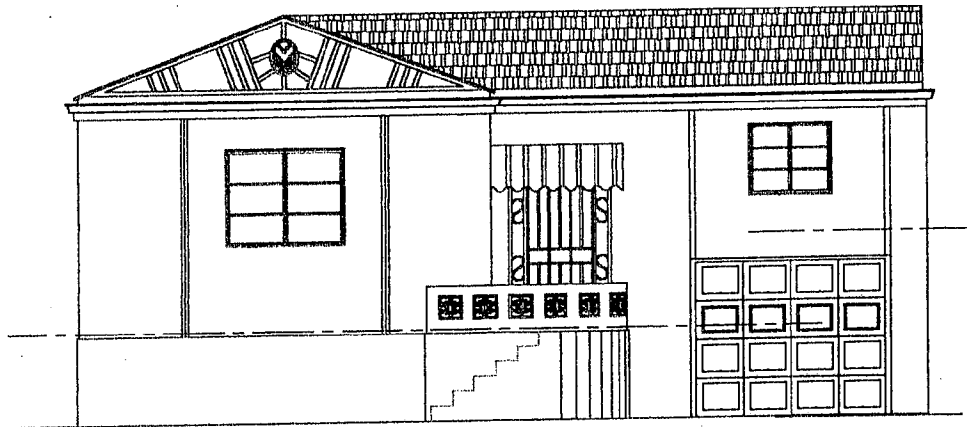
1

11



EXIST. REAR ELEVATION
 $1/8" = 1'-0"$

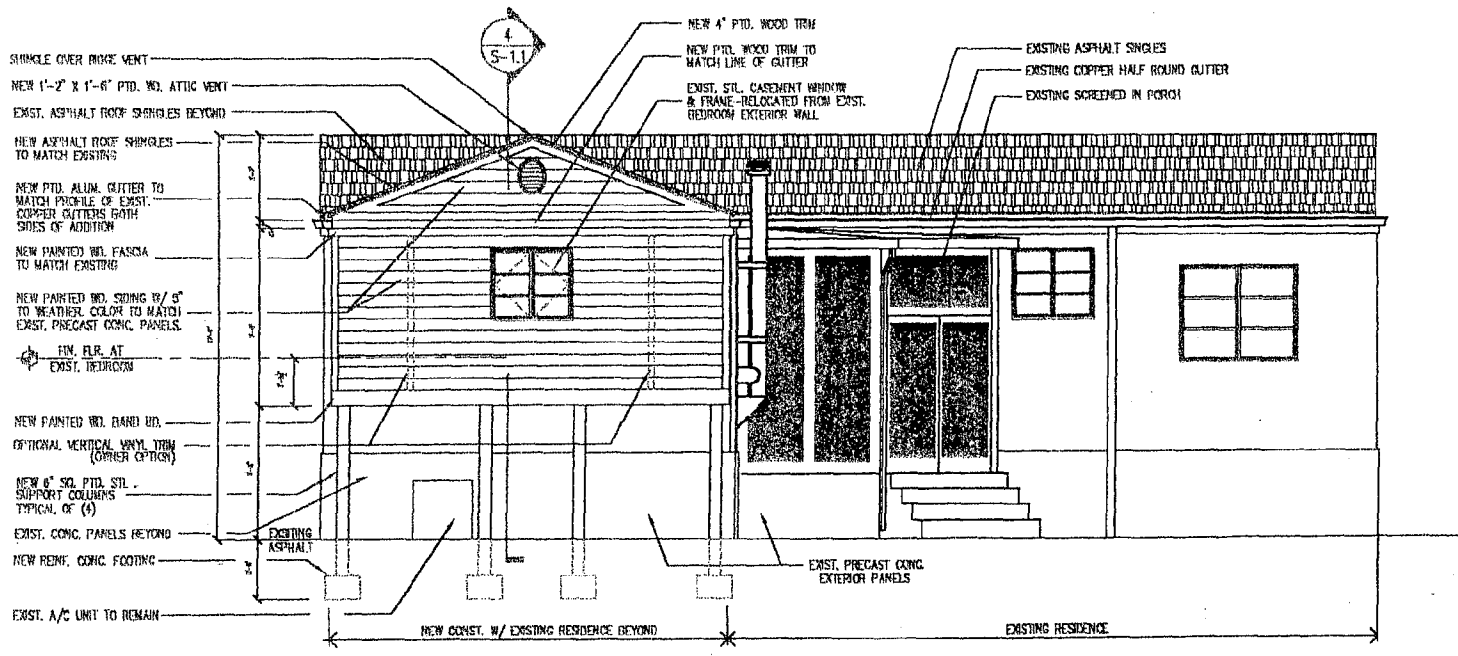
3



EXIST. SIDE ELEVATION
 $1/8" = 1'-0"$

2

12

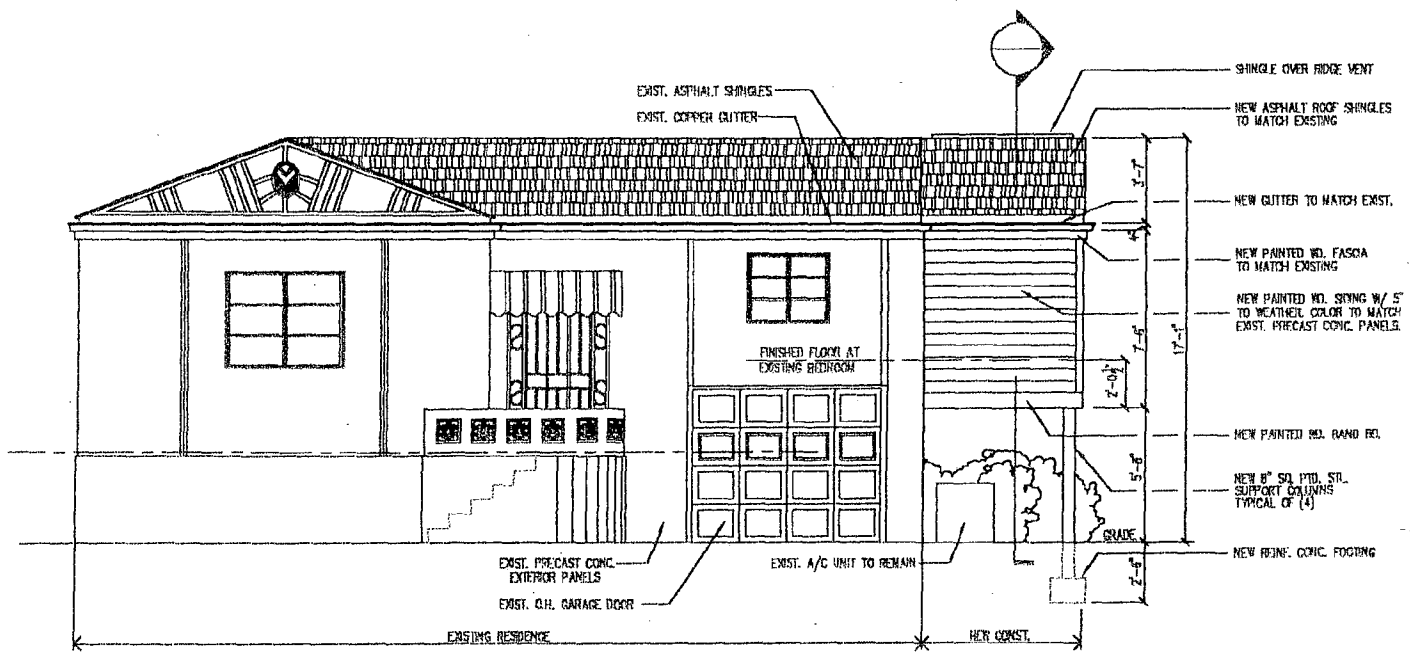


PROPOSED REAR ELEVATION

1/8" = 1'-0"

2

CS

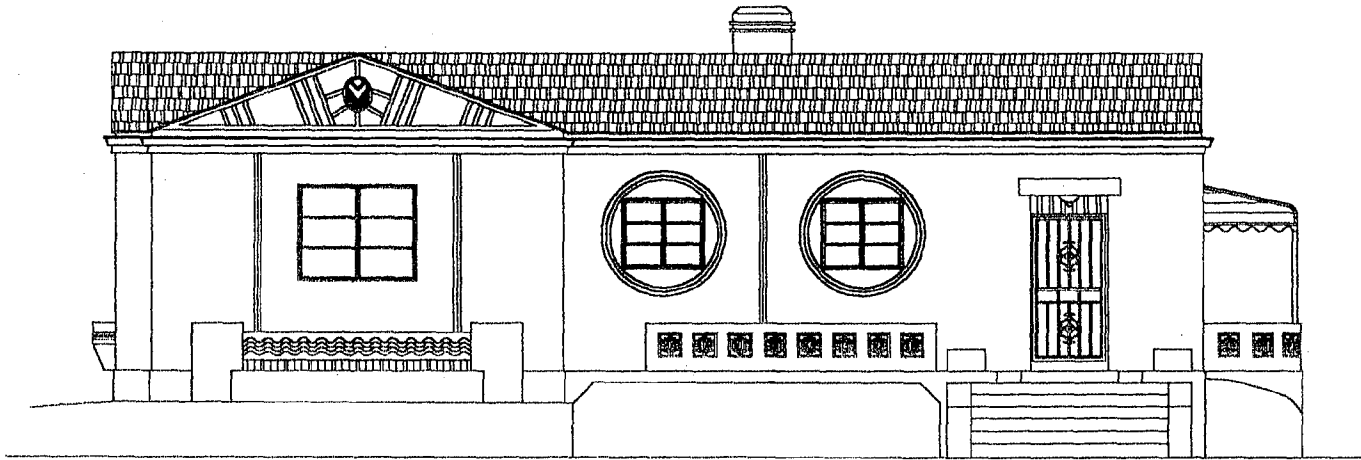


PROPOSED SIDE ELEVATION

1/8" = 1'-0"

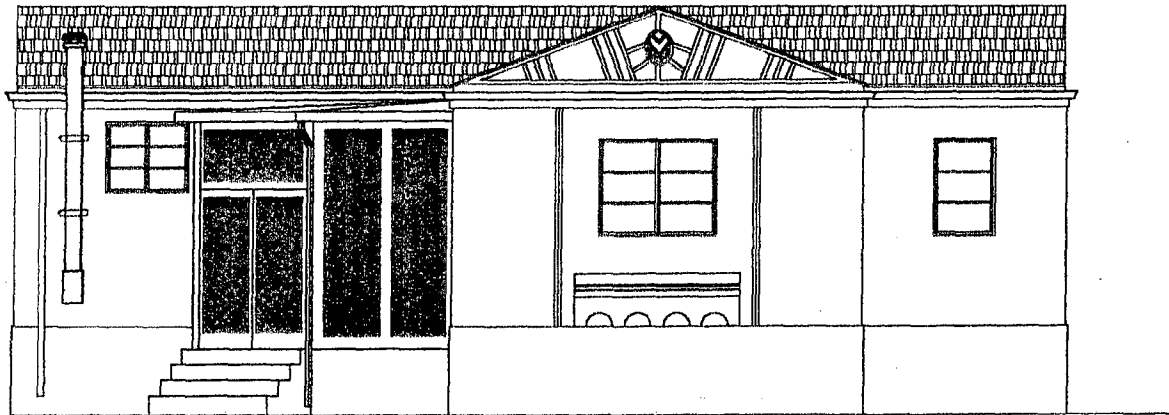
1

14



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

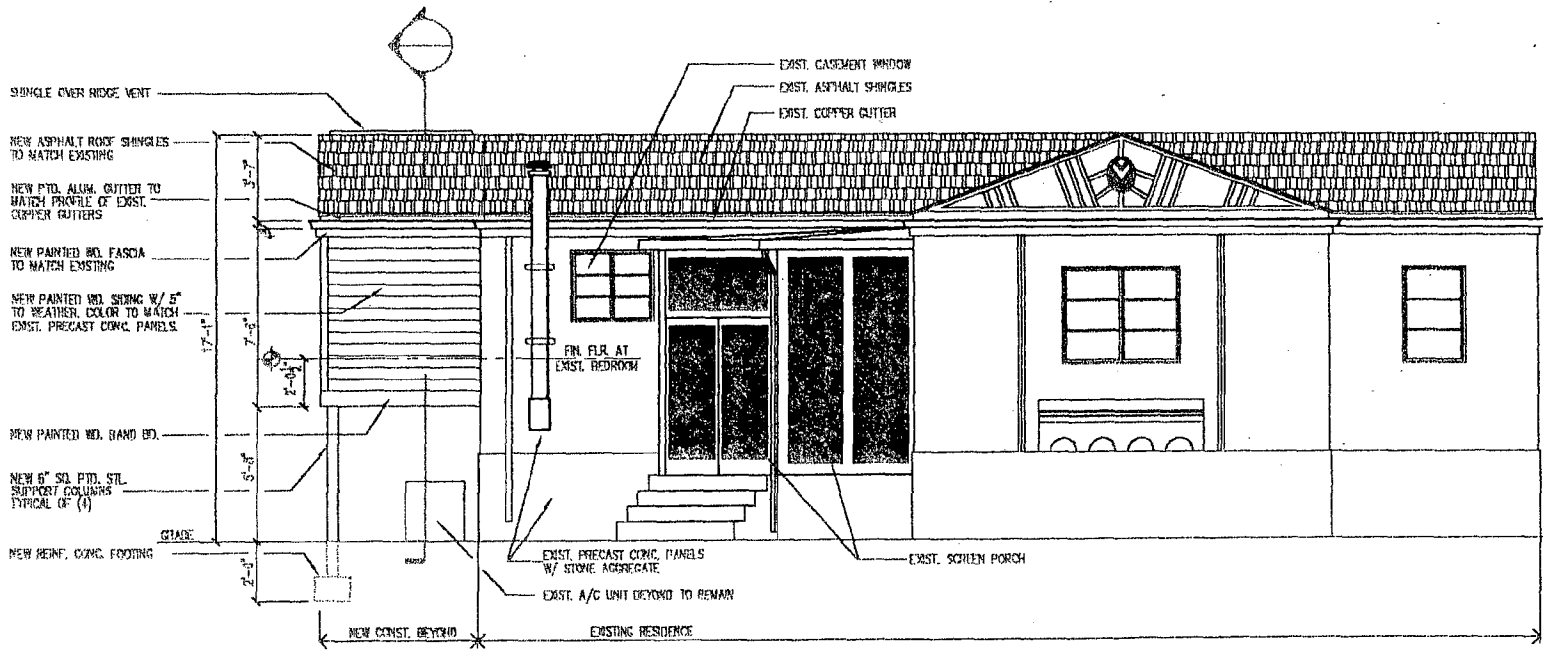
5



EXIST. SIDE ELEVATION
1/8" = 1'-0"

4

57

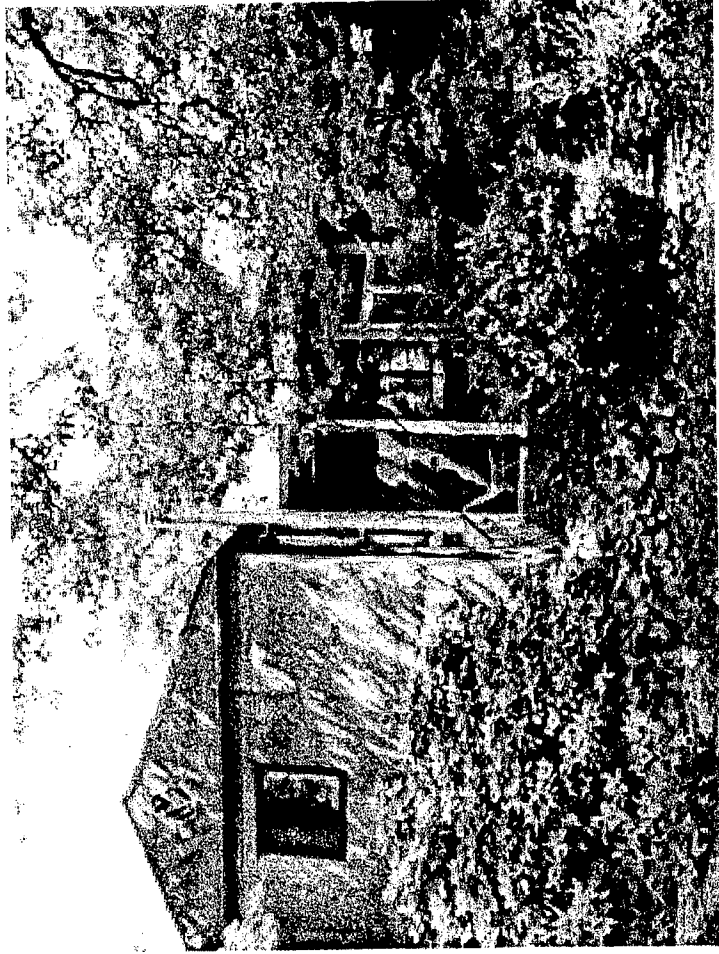


PROPOSED SIDE ELEVATION.

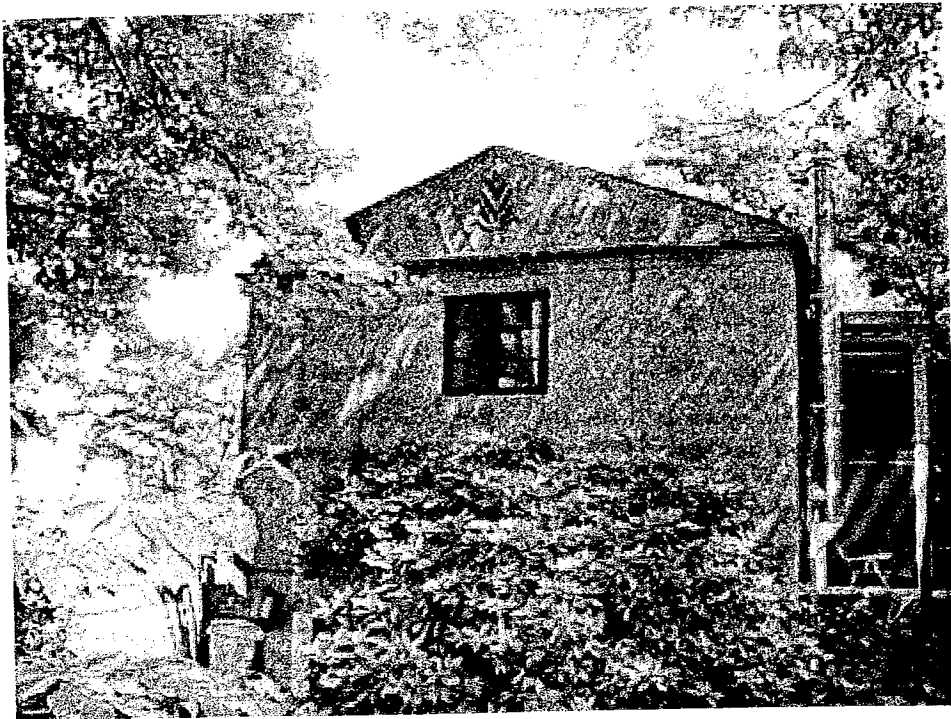
1/8" = 1'-0"

3

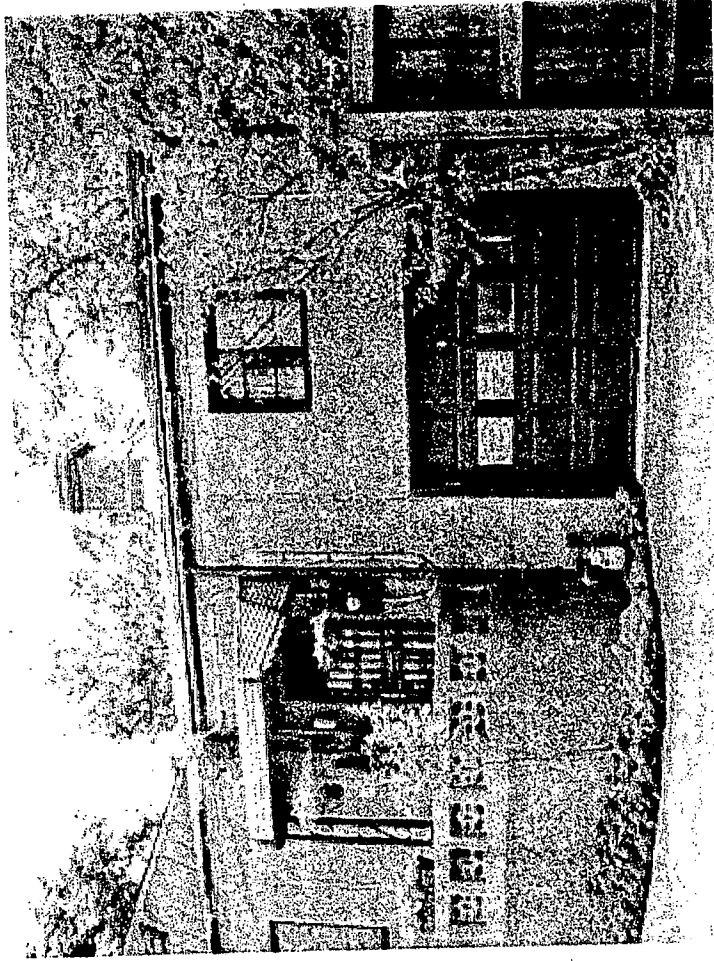
16



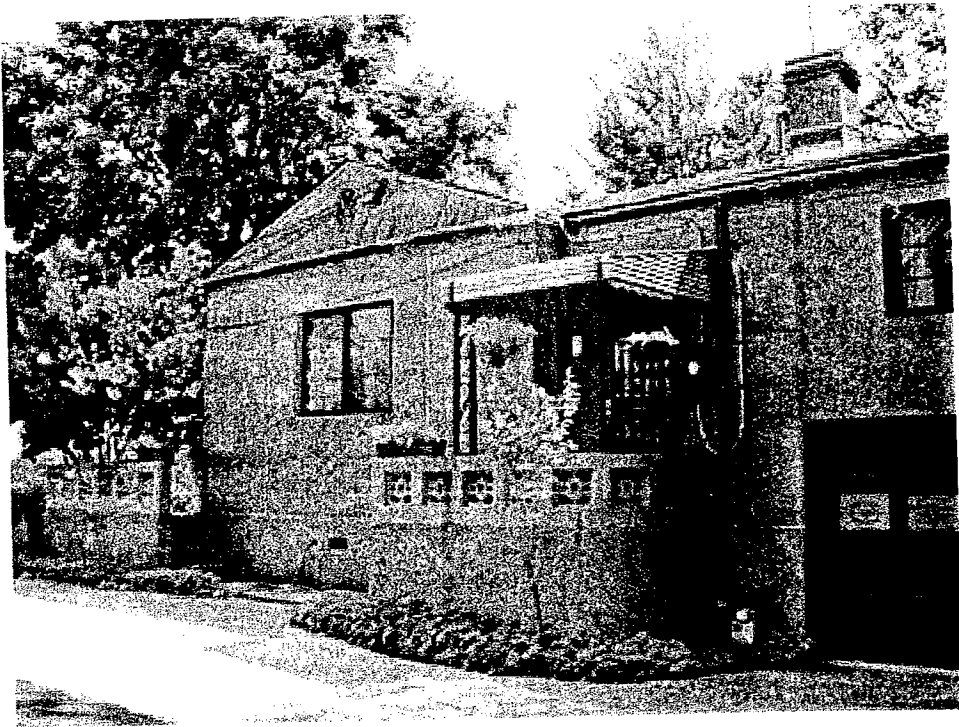
SOUTH ELEVATION (REAR)



PARTIAL SOUTH ELEVATION WHERE PROPOSED
ADDITION WOULD BE LOCATED.



WEST ELEVATION (PARTIAL)



WEST ELEVATION (PARTIAL)

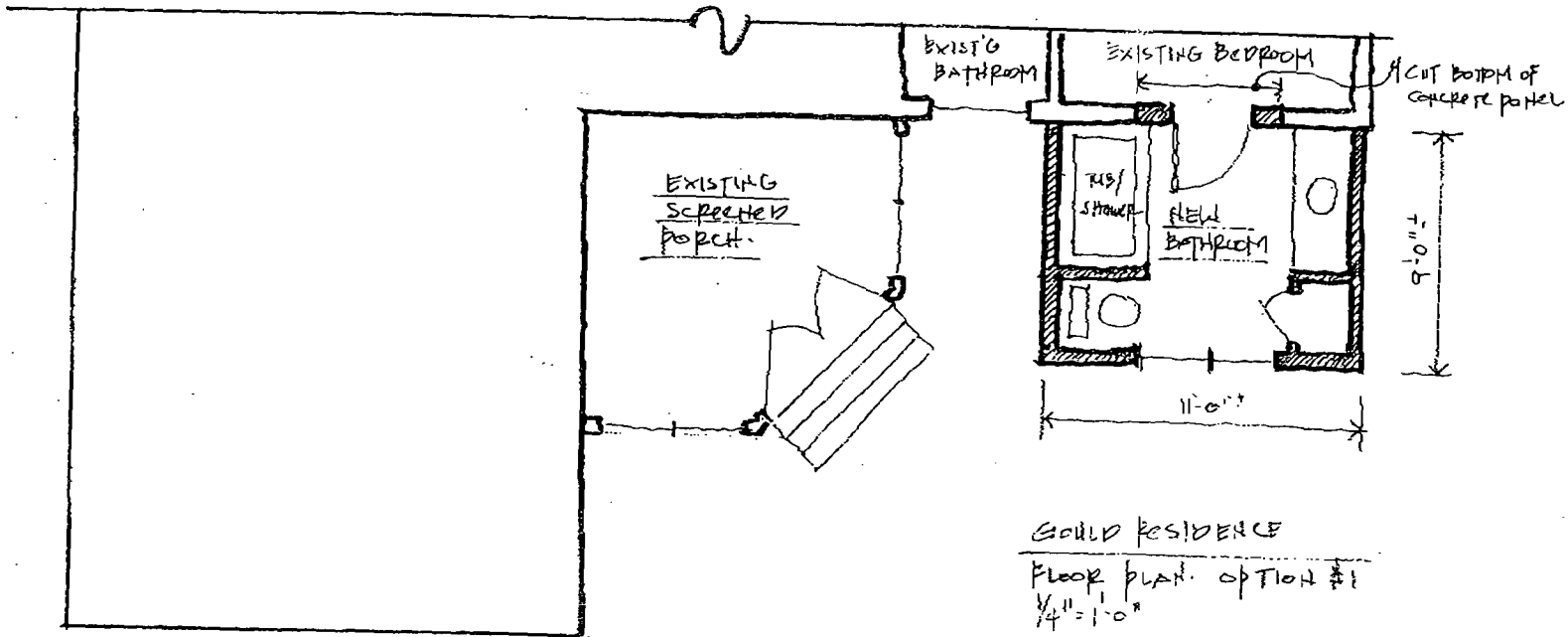
23

EAST ELEVATION





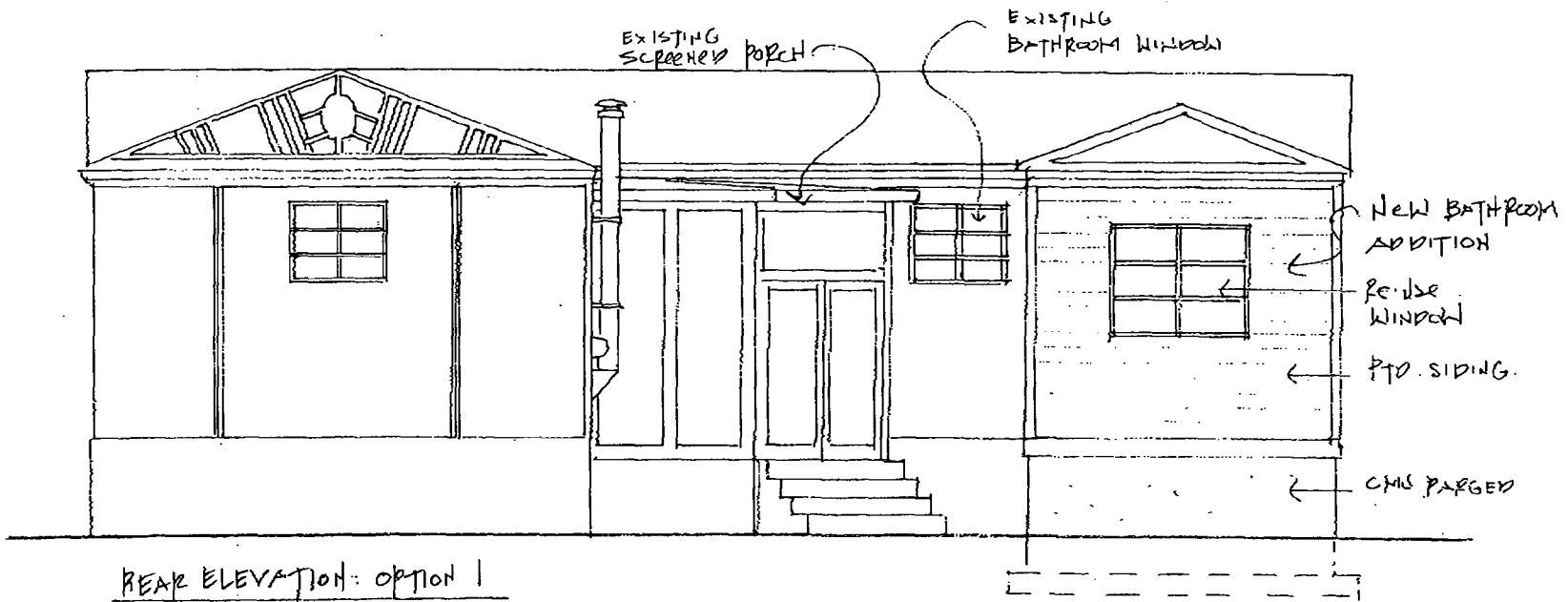
NORTH (FRONT) ELEVATION ON COLESVILLE RD.



GOULD RESIDENCE
 FLOOR PLAN OPTION #1
 1/4" = 1'-0"
 5-19-03

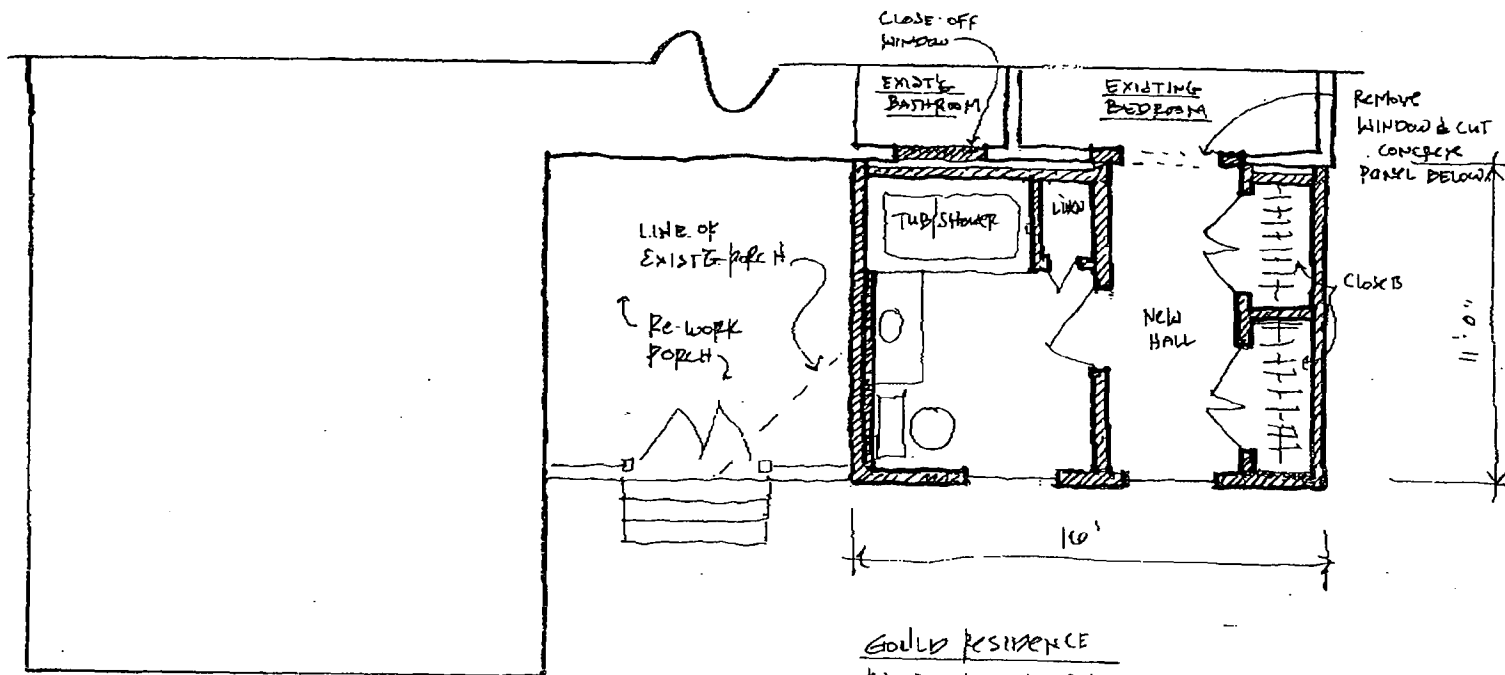
GTM ARCHITECTS
 10415 Armory Ave.
 KENSINGTON, MD 20895
 301-942-9062

25



GTM ARCHITECTS
 10415 Armory Ave.
 KENSINGTON, MD 20895
 301-942-9062

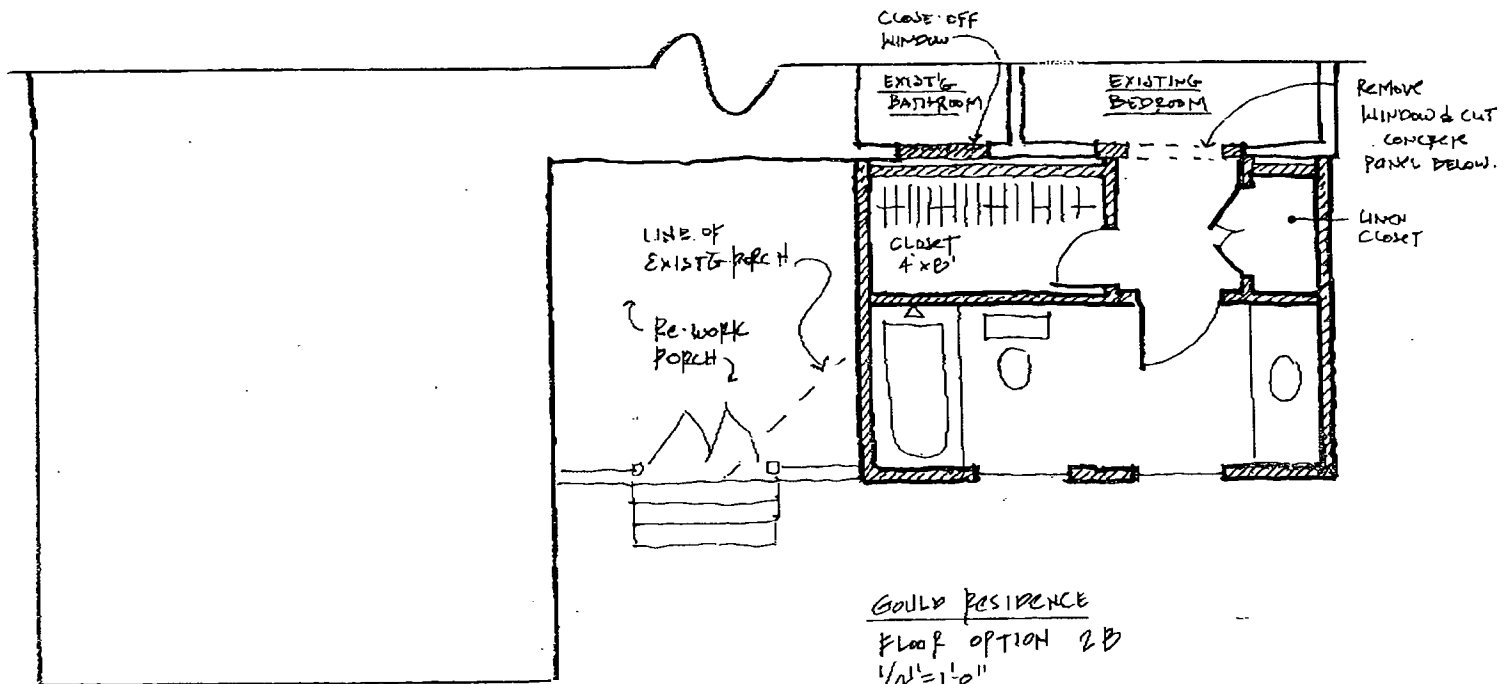
26



GTM ARCHITECTS
 10415 Armary Ave.
 KENSINGTON, MD 20895
 301-942-9062

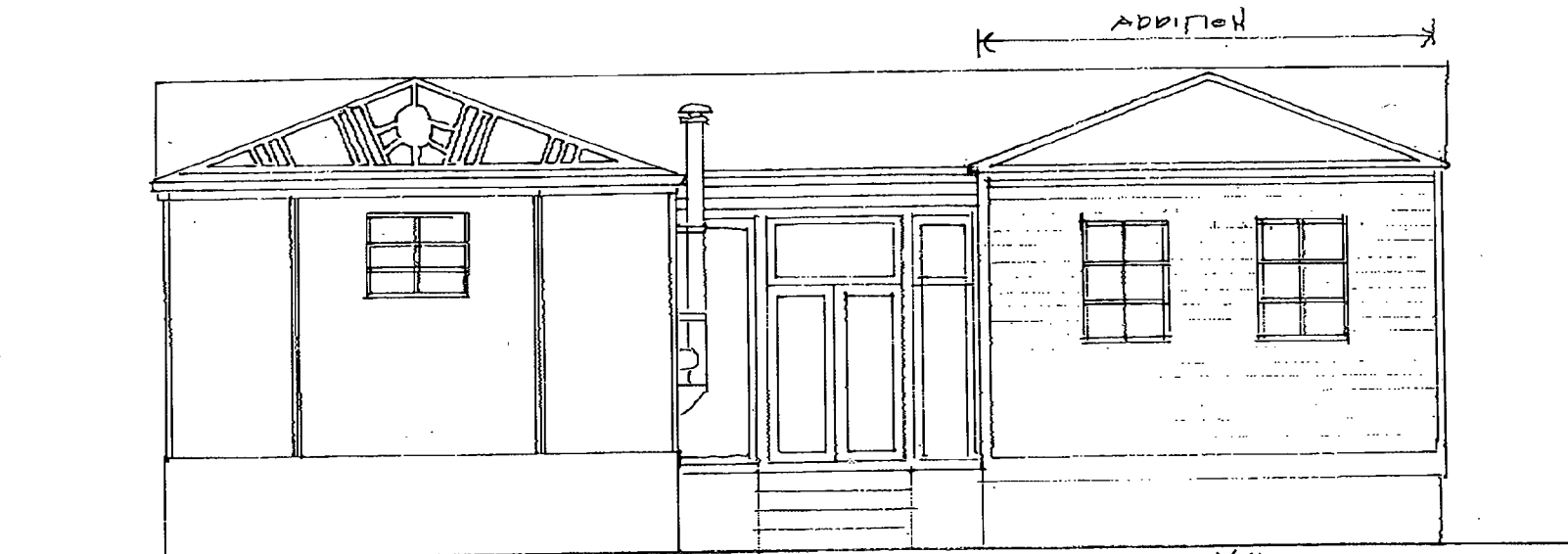
Gould RESIDENCE
 Floor option 2A
 1/4" = 1'-0"
 6.19.03

27



GOULD RESIDENCE
 FLOOR OPTION 2B
 1/4" = 1'-0"
 6-19-03

GTM ARCHITECTS
 10415 Armory Ave.
 KENSINGTON, MD 20895
 301-942-9062



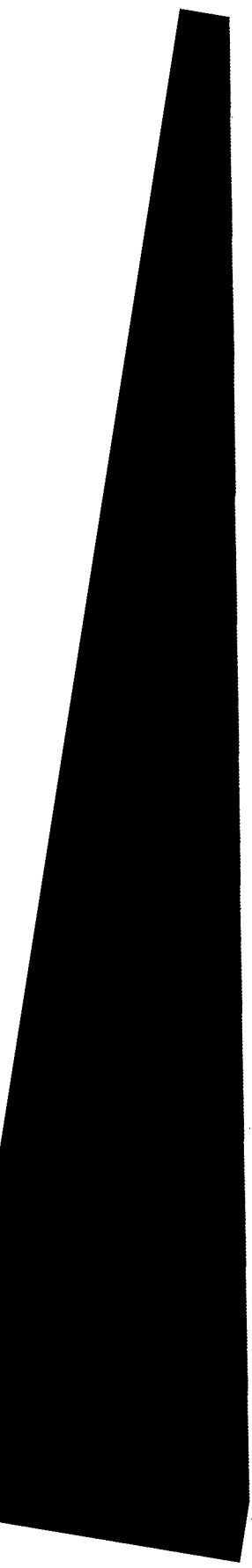
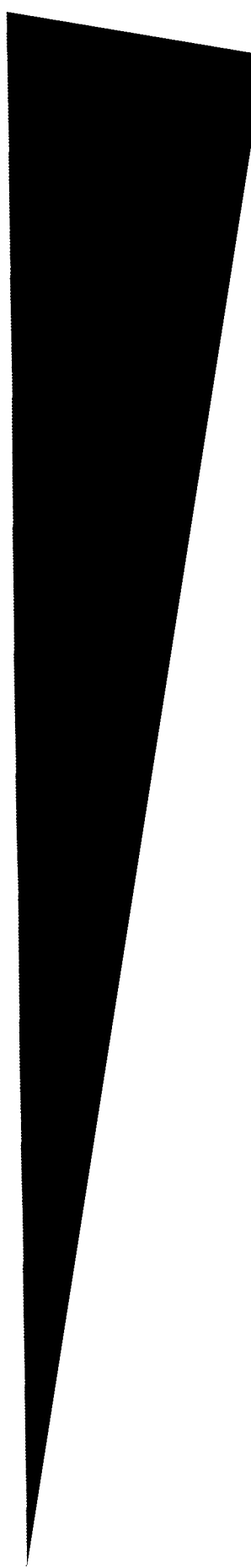

REAR ELEVATION - OPTION 2

1/4" = 1'-0"

9.19.03

GTM ARCHITECTS
10415 Armory Ave.
KENSINGTON, MD 20895
301-942-9062

29



COPY OF
PREVIOUS DENIAL

270

Date: 9/16/03

To: Historic Preservation Review Board
Michele Naru
8787 Georgia Avenue
Silver Spring, MD 20910-3760
Phone: 301-563-3407
Fax: 301-563-3412

Project #:

Project Name: Rinata Gould- Polychrome House

Regarding:

We are sending you:

ATTACHED UNDER SEPARATE COVER VIA US Mail THE FOLLOWING
ITEMS:

SHOP DRAWINGS PRINTS SAMPLES SPECIFICATION
 COPY OF LETTER _____

COPIES: DATED: DESCRIPTION:

1 set schematic design drawings

THESE ARE TRANSMITTED:

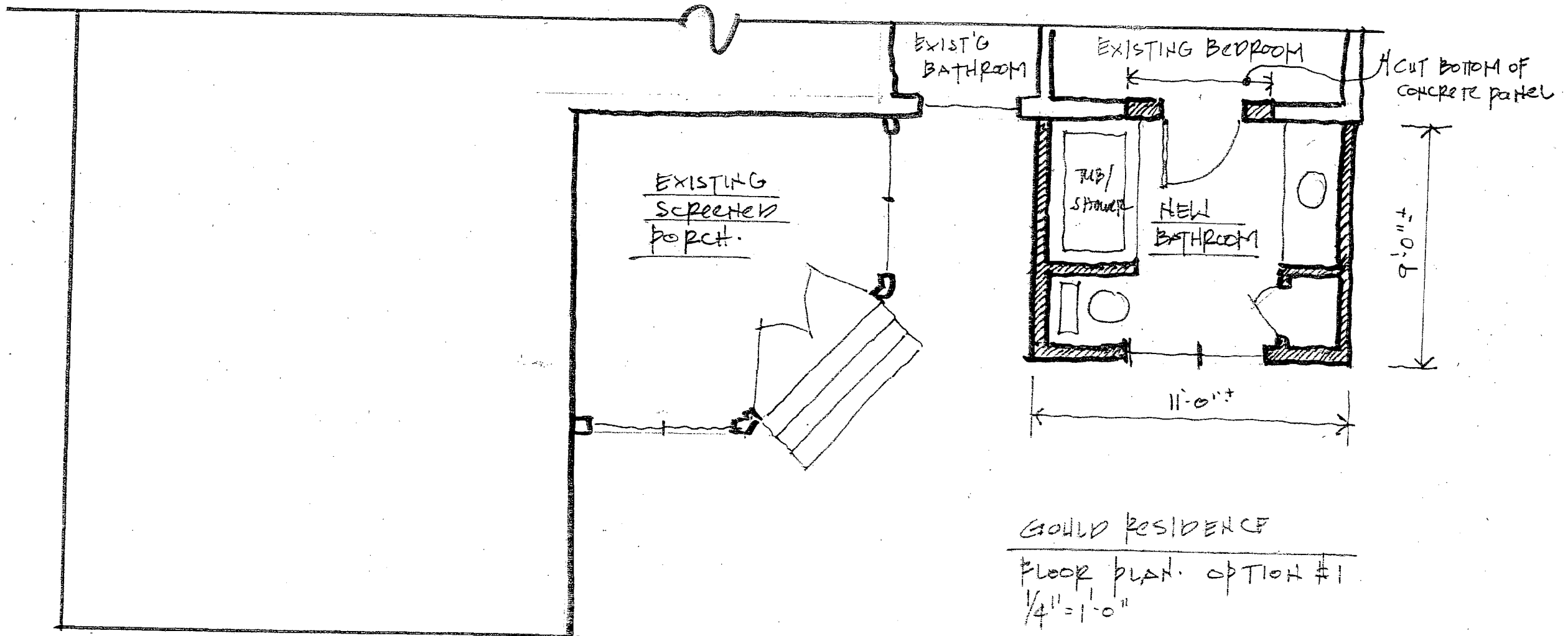
FOR YOUR APPROVAL APPROVED AS SUBMITTED
 FOR YOUR USE APPROVED AS NOTED
 AS REQUESTED RETURNED FOR CORRECTIONS
 FOR REVIEW & COMMENT _____

REMARKS:

COPY TO:

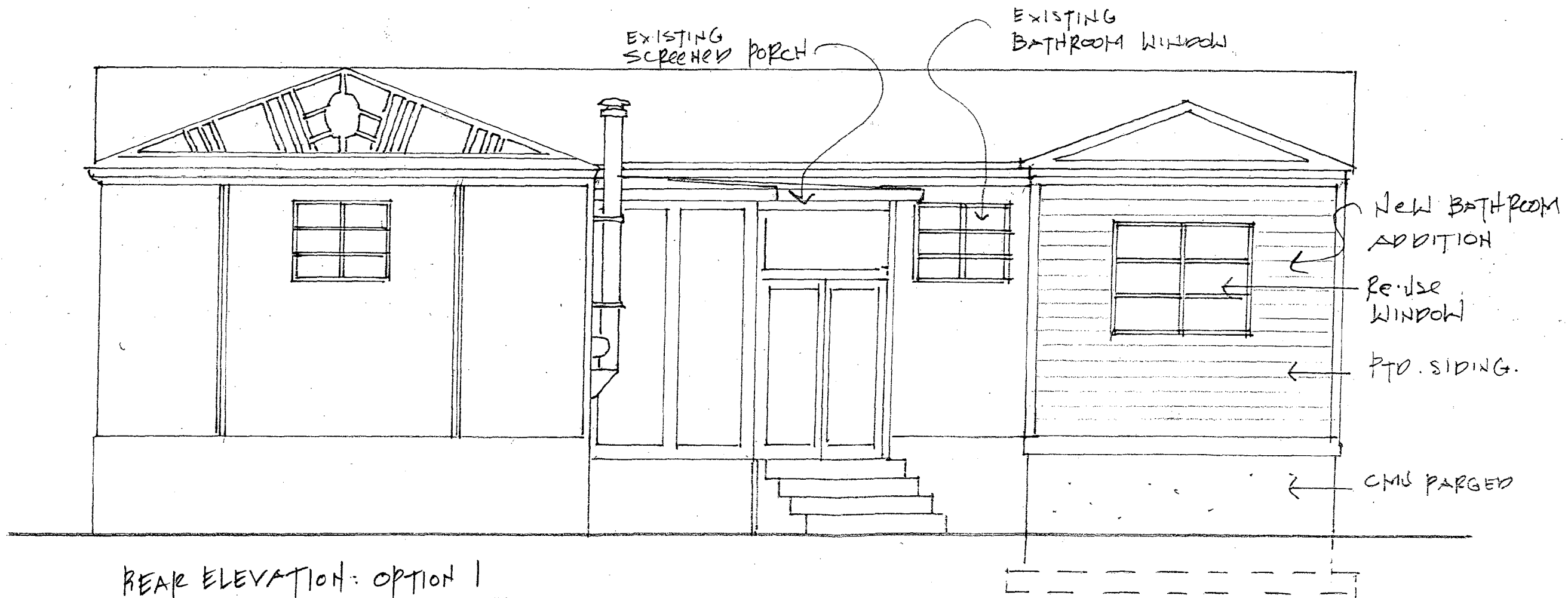
SIGNED:  ext: 13

George Myers
GTM Architects, Inc.



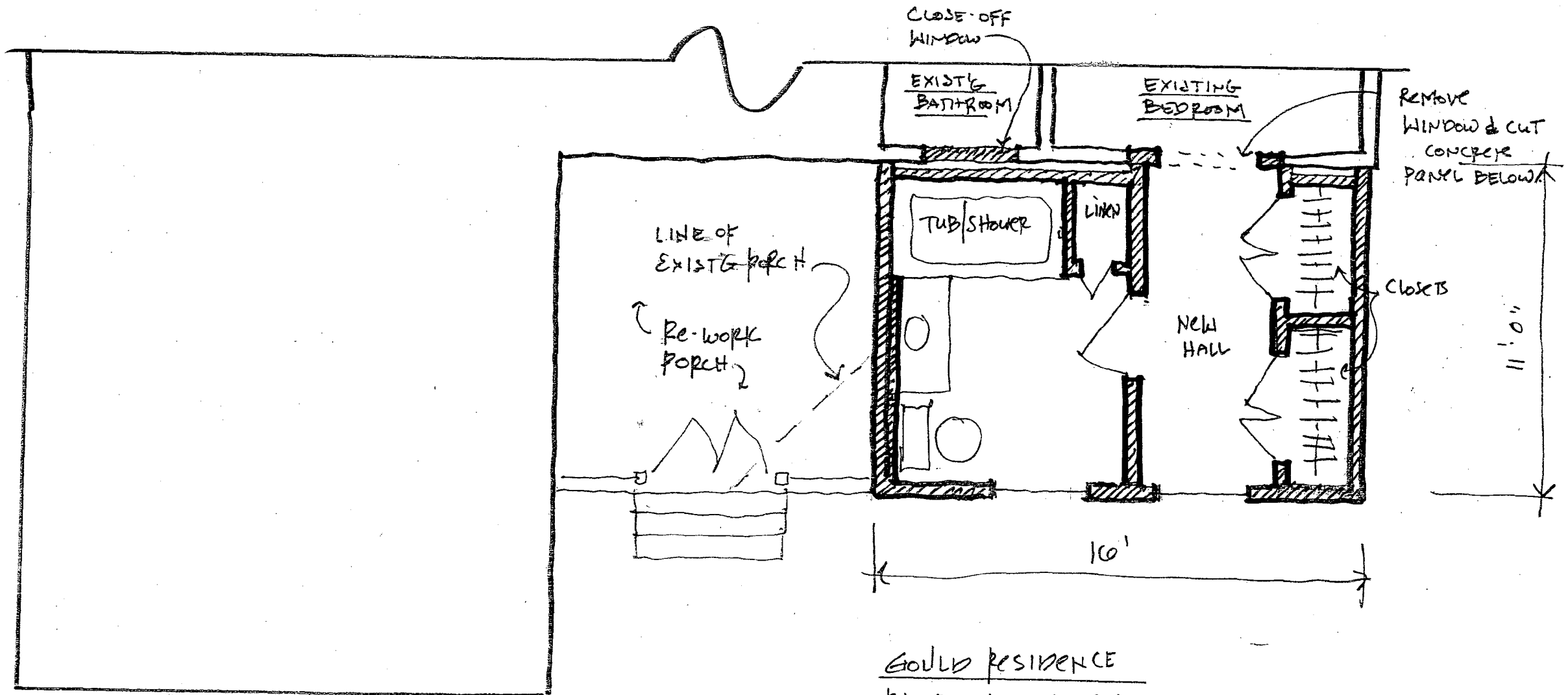
GOULD RESIDENCE
 FLOOR PLAN. OPTION #1
 1/4" = 1'-0"
 5.19.03

GTM ARCHITECTS
 10415 Armory Ave.
 KENSINGTON, MD 20895
 301-942-9062



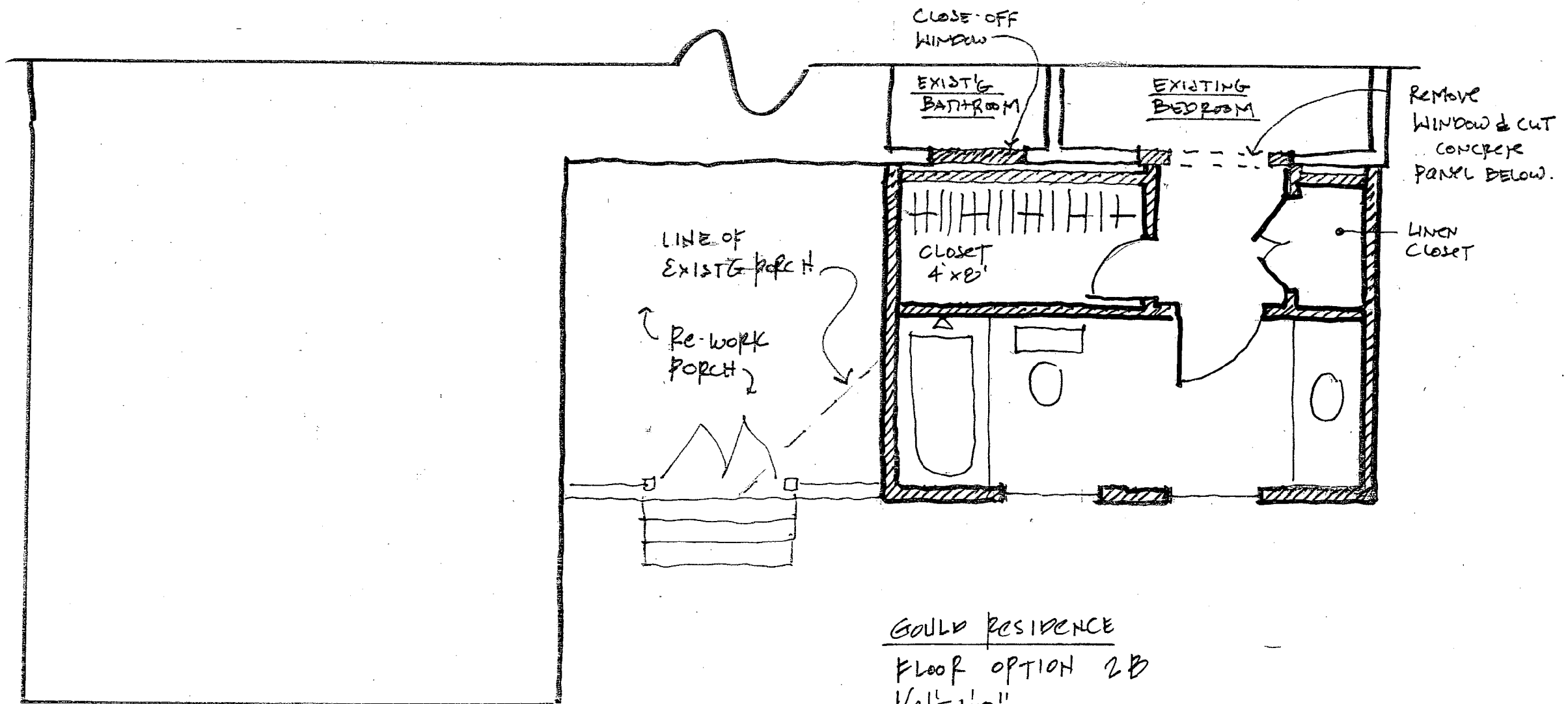
5.19.03

GTM ARCHITECTS
10415 Armory Ave.
KENSINGTON, MD 20895
301-942-9062



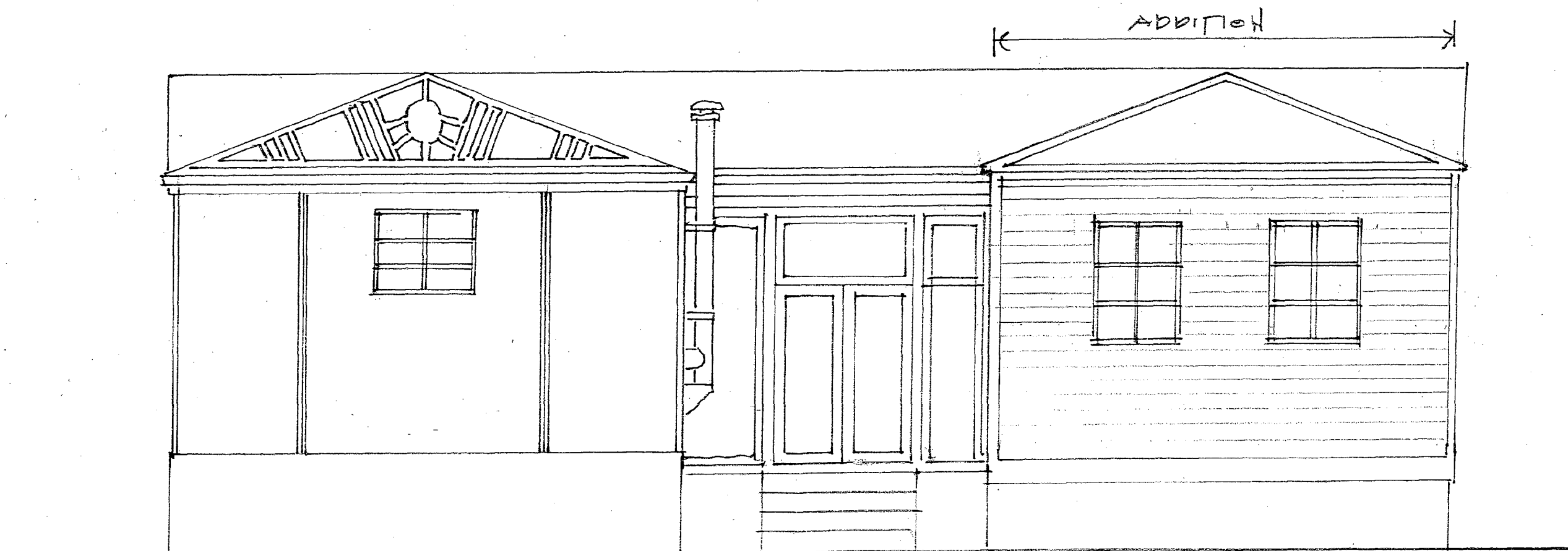
GOULD RESIDENCE
 FLOOR OPTION 2A
 1/4" = 1'-0"
 5.19.03

GTM ARCHITECTS
 10415 Armory Ave.
 KENSINGTON, MD 20895
 301-942-9062



GOULD RESIDENCE
 FLOOR OPTION 2B
 1/4" = 1'-0"
 5.19.03

GTM ARCHITECTS
 10415 Armory Ave.
 KENSINGTON, MD 20895
 301-942-9062



REAR ELEVATION · OPTION 2

5.19.03

GTM ARCHITECTS
10415 Armory Ave.
KENSINGTON, MD 20895
301-942-9062

July 22, 2002

Dear Renata,

As you requested, I contacted the local Historic Preservation Office in Silver Spring about your concerns and they suggested that we set up a meeting to discuss the situation. I have been asked to sit in on the meeting to act as a facilitator, which I am very happy to do.

The hope is that we can all sit down together some time between now and August 15. Please let me know what dates and times would be convenient for you and I will coordinate with the local office.

I look forward to hearing from you soon. Feel free to call me at 410/740-4424.

With best wishes,

Connie

cc: Gwen Wright, Historic Preservation Coordinator ✓
M-NCPPC



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

DPS - #8

III C

HISTORIC PRESERVATION COMMISSION
301/563-3400

APPLICATION FOR
HISTORIC AREA WORK PERMIT

Contact Person: JOE DE ROSA
Daytime Phone No.: (301) 674-5211 (CELL)

Tax Account No.: 01109093

Name of Property Owner: MRS. RENATA M. GOULA Daytime Phone No.: (902) 324-2991

Address: 9904 COLESVILLE RD. SILVER SPRING MD 20901
Street Number City Street Zip Code

Contractor: HUGO ARDIZZONE Phone No.: (301) 593-2469

Contractor Registration No.: 18369

Agent for Owner: JOSEPH DE ROSA Daytime Phone No.: (301) 593-0366

LOCATION OF BUILDING/PREMISE

House Number: 9904 Street: COLESVILLE RD.
Town/City: SILVER SPRING Nearest Cross Street: UNIVERSITY BLVD.
Lot: PART OF 2 Block: A Subdivision: SECTION ONE FAIRWAY
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/Raze Solar Fireplace Woodburning Stove Single Family
 Revision Repair Revocable Fence/Wall (complete Section 4) Other: _____

1B. Construction cost estimate: \$ 210,000

1C. If this is a revision of a previously approved active permit, see Permit # X10

PART TWO: COMPLETE FOR NEW CONSTRUCTION AND EXTEND/ADDITIONS

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

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

PART THREE: COMPLETE ONLY FOR FENCE/RETAINING WALL

3A. Height _____ feet _____ inches N/A
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.

Renata M. Goula
Signature of owner or authorized agent

August 1, 2003
Date

Approved: _____ For Chairperson, Historic Preservation Commission
Disapproved: X Signature: Juan C. Wilgus Date: 9/24/03
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:

WOOD FRAME FLOORING AND ROOF WITH PRECAST CONCRETE
EXTERIOR PANELS WITH EXPOSED STONE AGGREGATE FINISH.
ROOF IS SHEATHED WITH ASPHALT SHINGLES. SINGLE FAMILY
HOME ON RESIDENTIAL LOT ADJACENT TO COLESVILLE ROAD
WITH MATURE TREES AND BUSHES. RECORDED AS OUTSTANDING
RESOURCE IN POLYCHROME DISTRICT.

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

PROPOSED ONE STORY ADDITION (16'-11" WIDE X 6'-9 1/2" DEEP) CONNECTED TO
EXISTING BEDROOM LOCATED AT REAR OF HOUSE. NEW ADDITION CONSTRUCTED
OF 2 X 6 WOOD FRAME WITH EXTERIOR PAINTED WOOD SIDING WITH COLOR TO MATCH
EXISTING CONCRETE PANELS. ASPHALT ROOF SHINGLES ALSO TO MATCH EXISTING. PROPOSED
ADDITION WILL NOT BE VISIBLE FROM COLESVILLE ROAD AND NO TREES WILL BE REMOVED.
THE PROFILE OF THE NEW ADDITION FOLLOWS THE EXISTING RESIDENCE IN HEIGHT & ROOF SLOPE.

2. **SITE PLAN** THE COST OF REPRODUCING EXISTING PRECAST PANELS WOULD BE PROHIBITIVE.

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.

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

<p>Owner's mailing address MRS. RENATA M. GOULD 9904 COLESVILLE RD. SILVER SPRING, MD 20901</p>	<p>Owner's Agent's mailing address</p> <hr/>
<p align="center">Adjacent and confronting Property Owners mailing addresses</p>	
<p>ADJACENT: MRS. RACHEL DOWNS 9908 COLESVILLE RD. SILVER SPRING, MD 20901</p>	
<p>ADJACENT: MR. TOM BASS * 5433 ASHLEY RD. FAIRFAX, VA 22030</p>	
<p>CONFRONTING: MR. TOM BASS * 5433 ASHLEY RD. FAIRFAX, VA 22030</p>	
<p>CONFRONTING: CACROSS RT. 29) MONTGOMERY COUNTY PUBLIC SCHOOL, <u>BLAIR HS</u> 51 UNIVERSITY BLVD. EAST SILVER SPRING, MD 20901</p>	

* these two houses are occupied by Mr. Bass' tenants



DEROSA
ARCHITECTURE

M.N.C.C.P.C.
Historic Preservation Society
1109 Spring Street
Suite 807
Silver Spring, MD

DATE: August 31, 2001

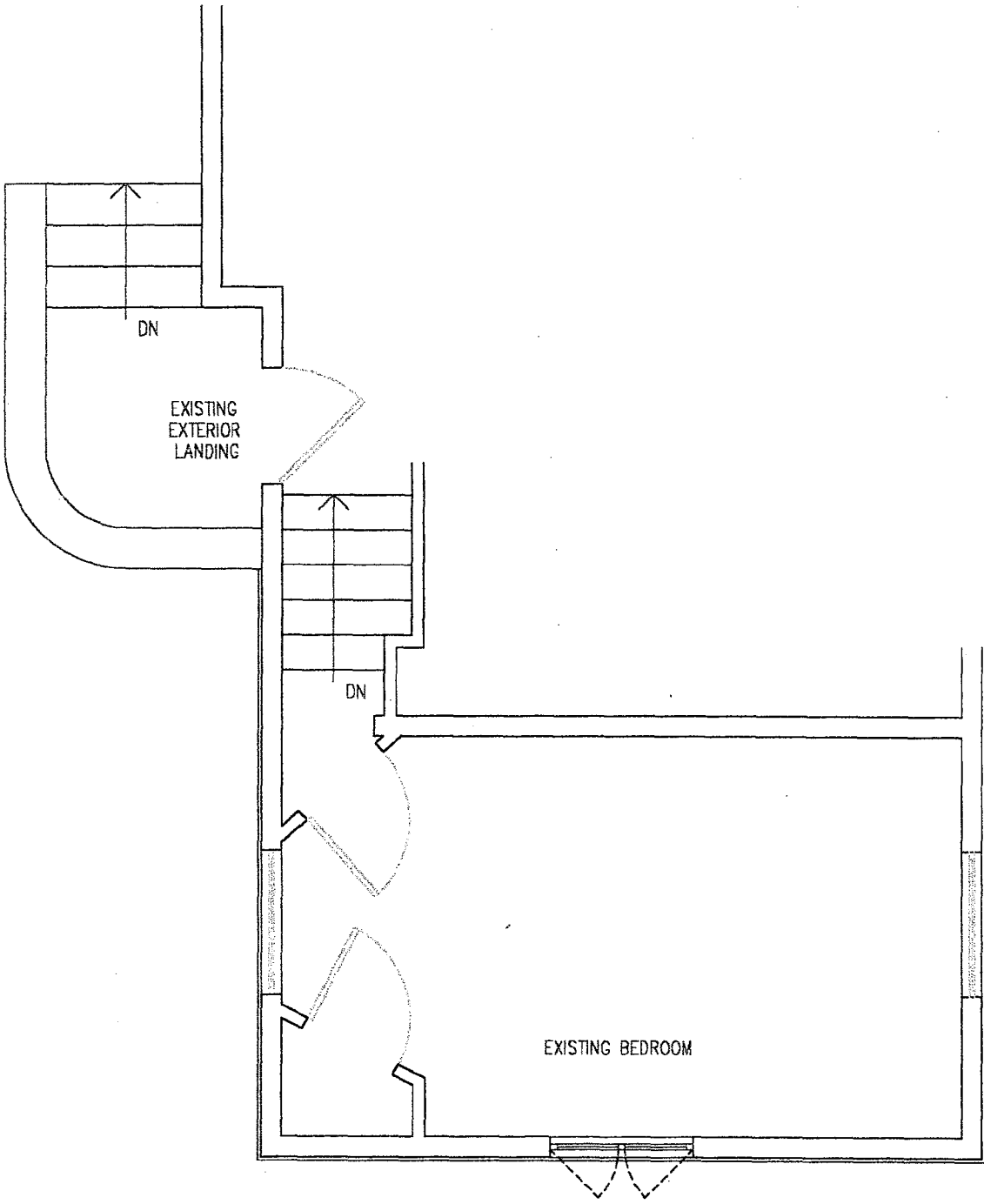
ATTN: Michelle Naru

Project Description:

9904 Colesville Road
Silver Spring, MD 20901
"Polychrome District"

Mrs. Renata Gould, home owner of the historic residence located at 9904 Colesville Road plans to add a one story bathroom addition (16'-11" wide x 6'-9 1/2" deep) connected to her existing rear bedroom located at the rear of the existing residence.

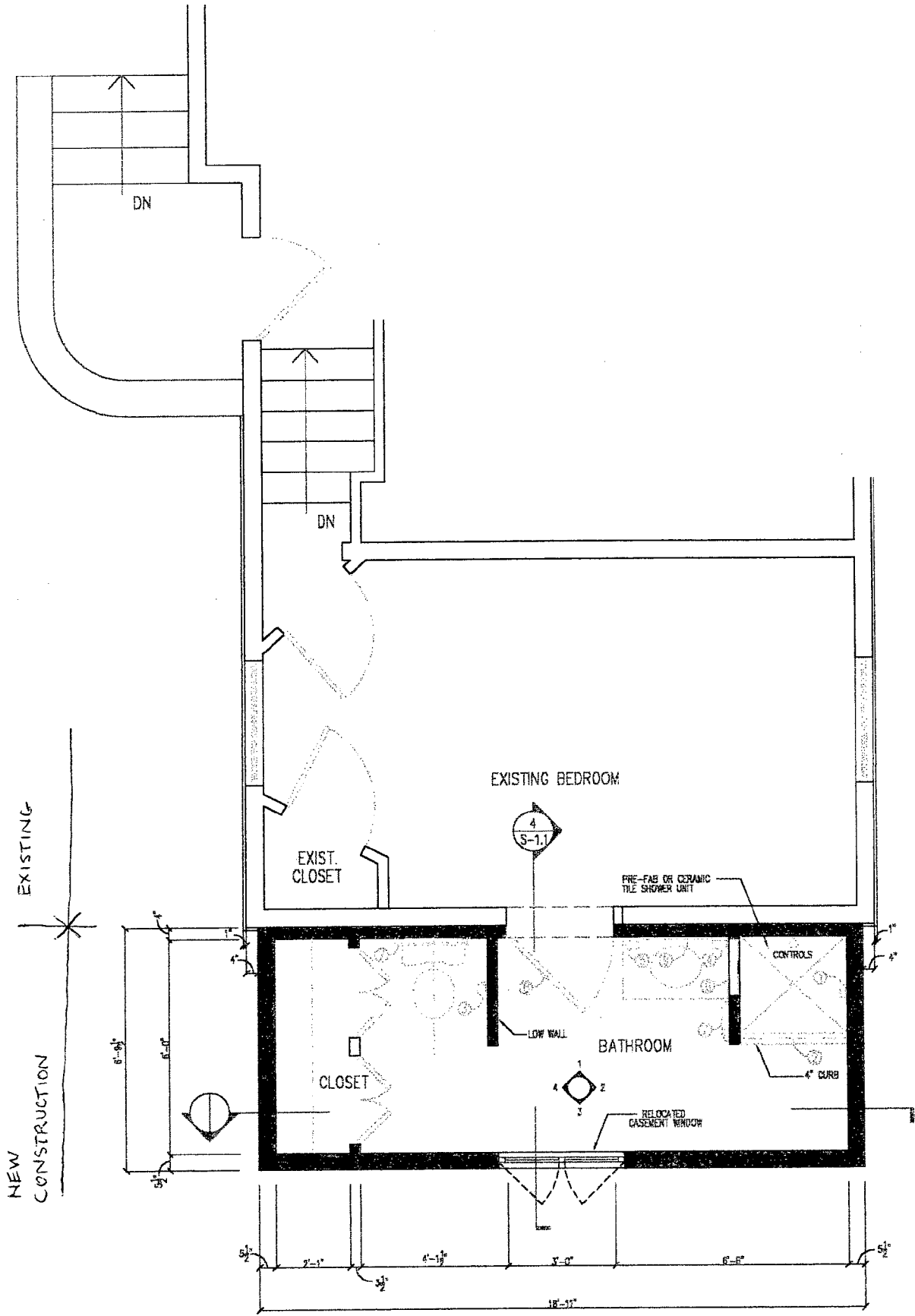
The proposed one story bathroom addition would be constructed of 2 x 6 wood frame construction with exterior painted wood siding and asphalt roof shingles to match existing. The addition would be supported by steel support columns placed in reinforced concrete footings. The existing steel casement window from the rear elevation would be salvaged and reused in the new addition. Connection to the new bathroom addition will be through the existing window opening in the existing bedroom exterior wall. The proposed new addition would not be visible from the front of the residence. No existing trees will be removed with the construction of the proposed addition.



EXISTING
PARTIAL FLOOR PLAN
1/4" = 1'-0"

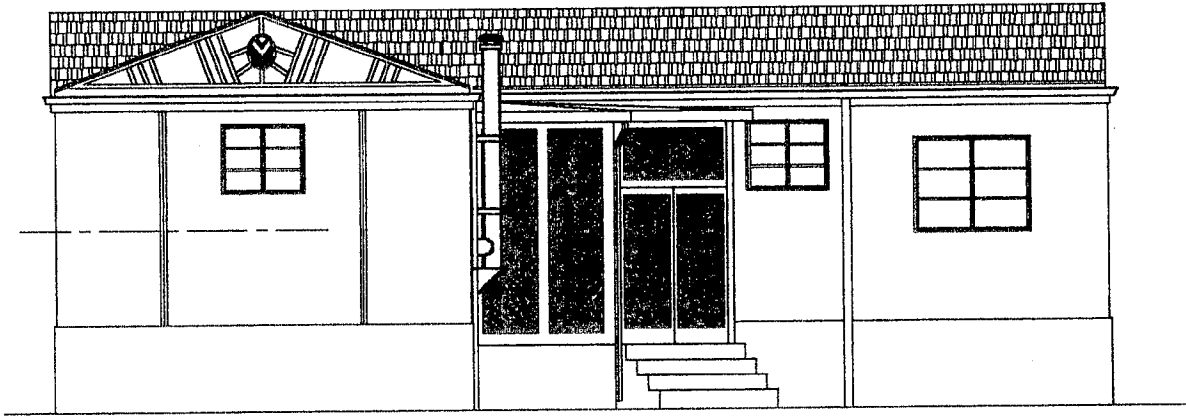
1

8



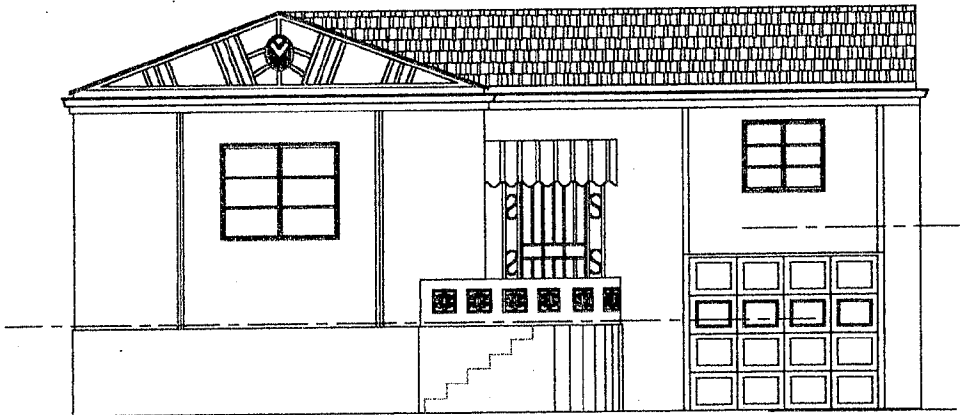
PARTIAL FLOOR PLAN ①
 1/4" = 1'-0"

⑨



EXIST. REAR ELEVATION
 $1/8" = 1'-0"$

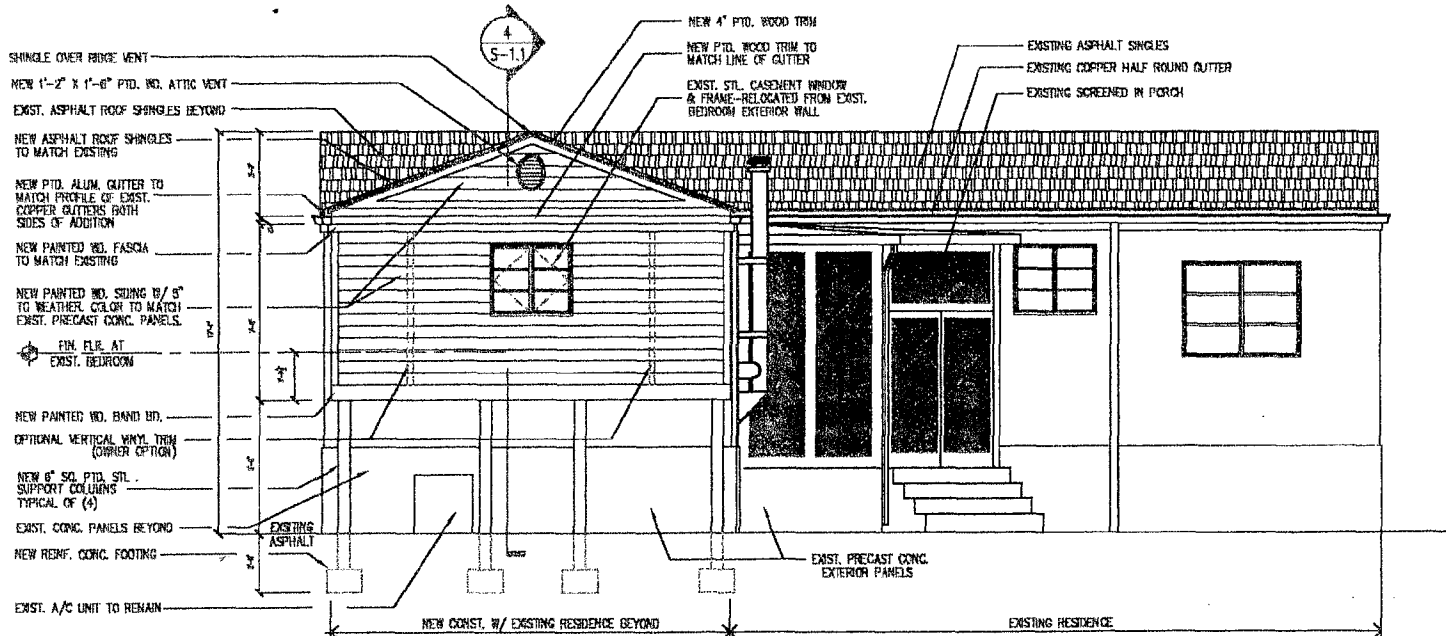
3



EXIST. SIDE ELEVATION
 $1/8" = 1'-0"$

2

10

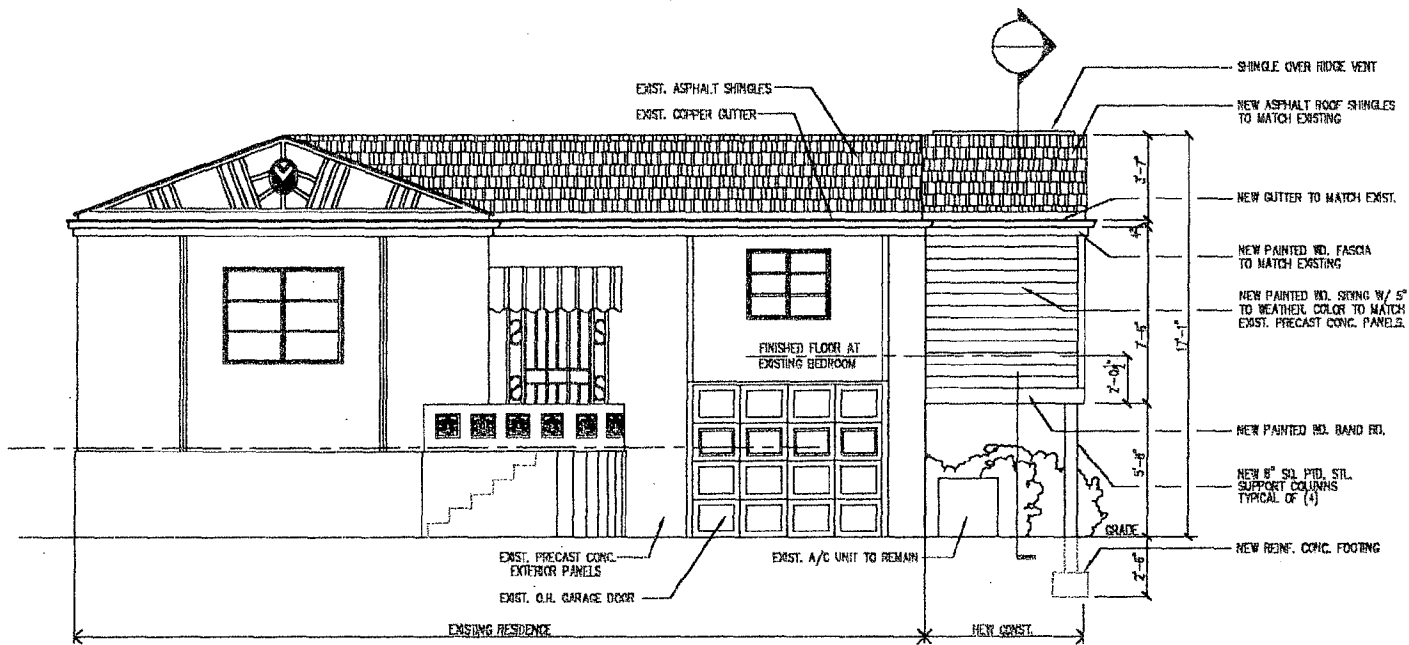


PROPOSED REAR ELEVATION

1/8" = 1'-0"

2



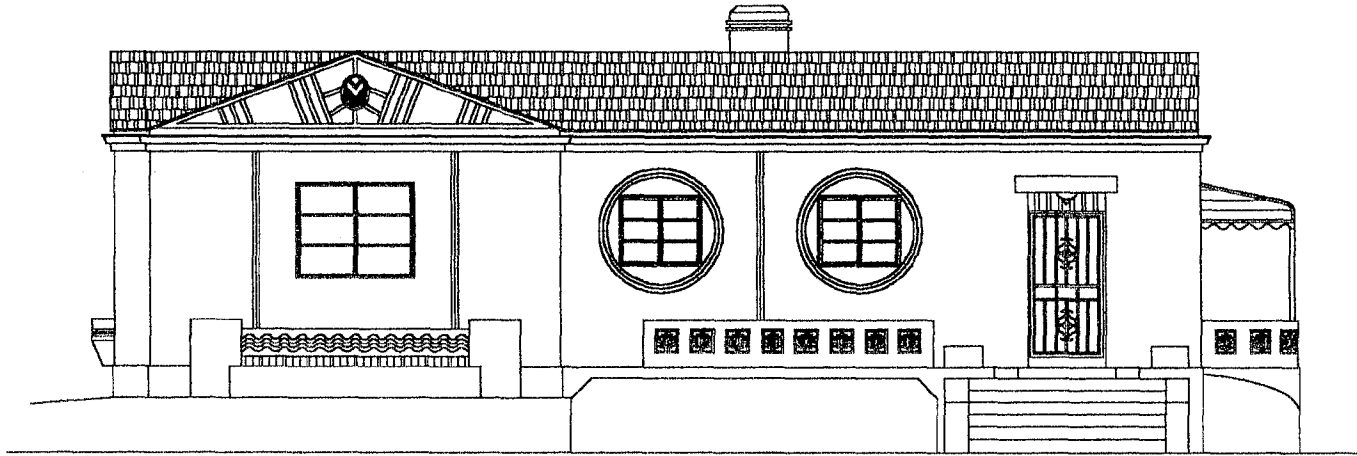


PROPOSED SIDE ELEVATION

1/8" = 1'-0"

1

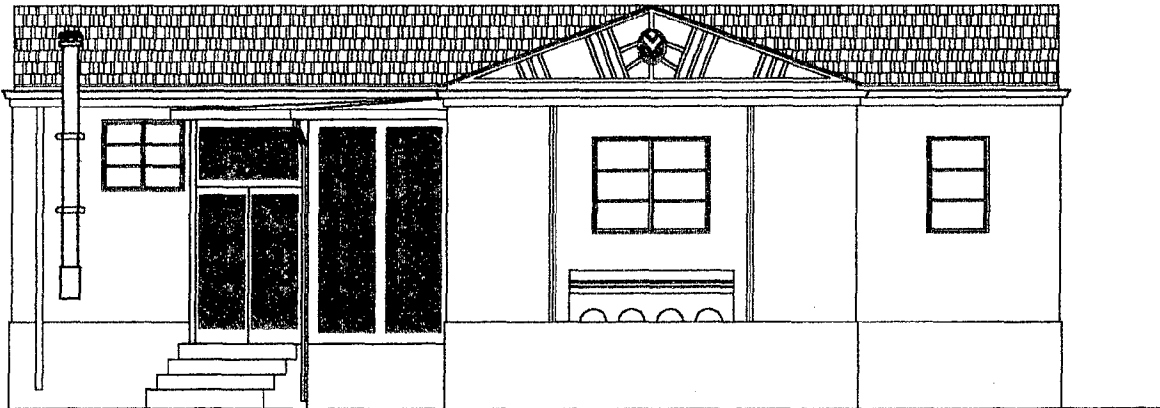
18



FRONT ELEVATION

$1/8" = 1'-0"$

5

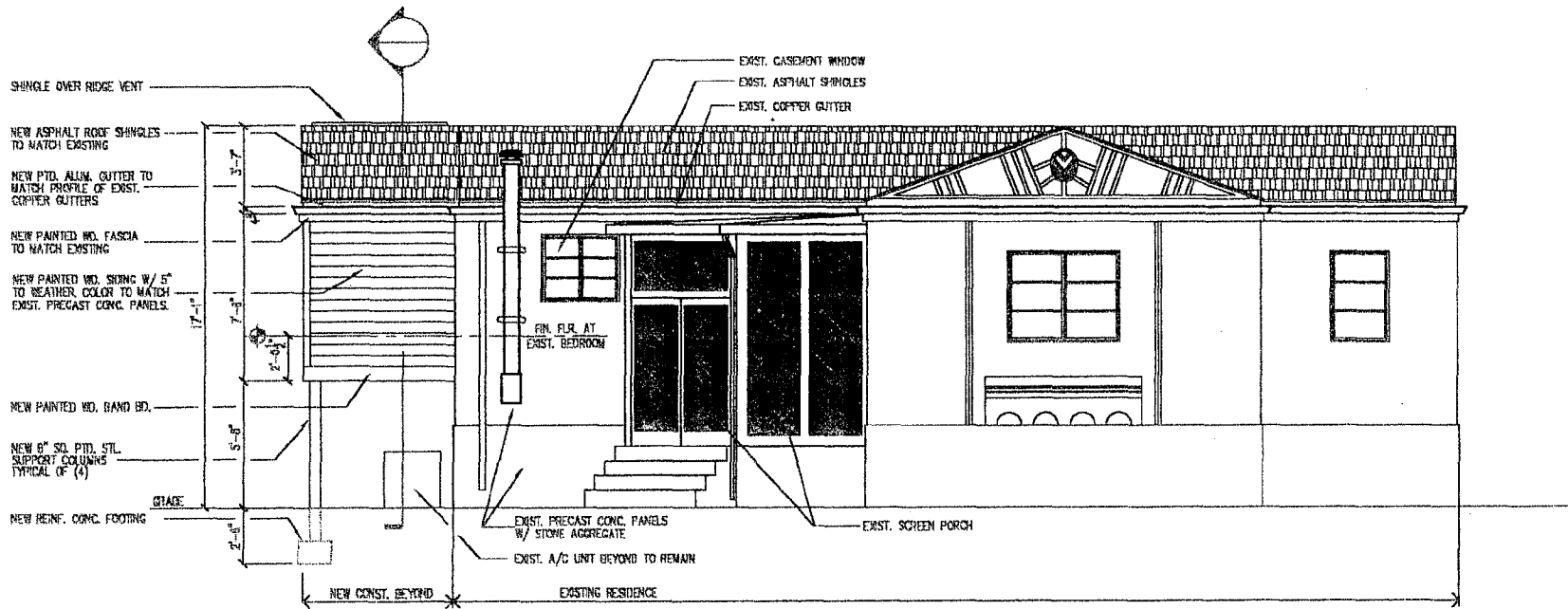


EXIST. SIDE ELEVATION

$1/8" = 1'-0"$

4

13

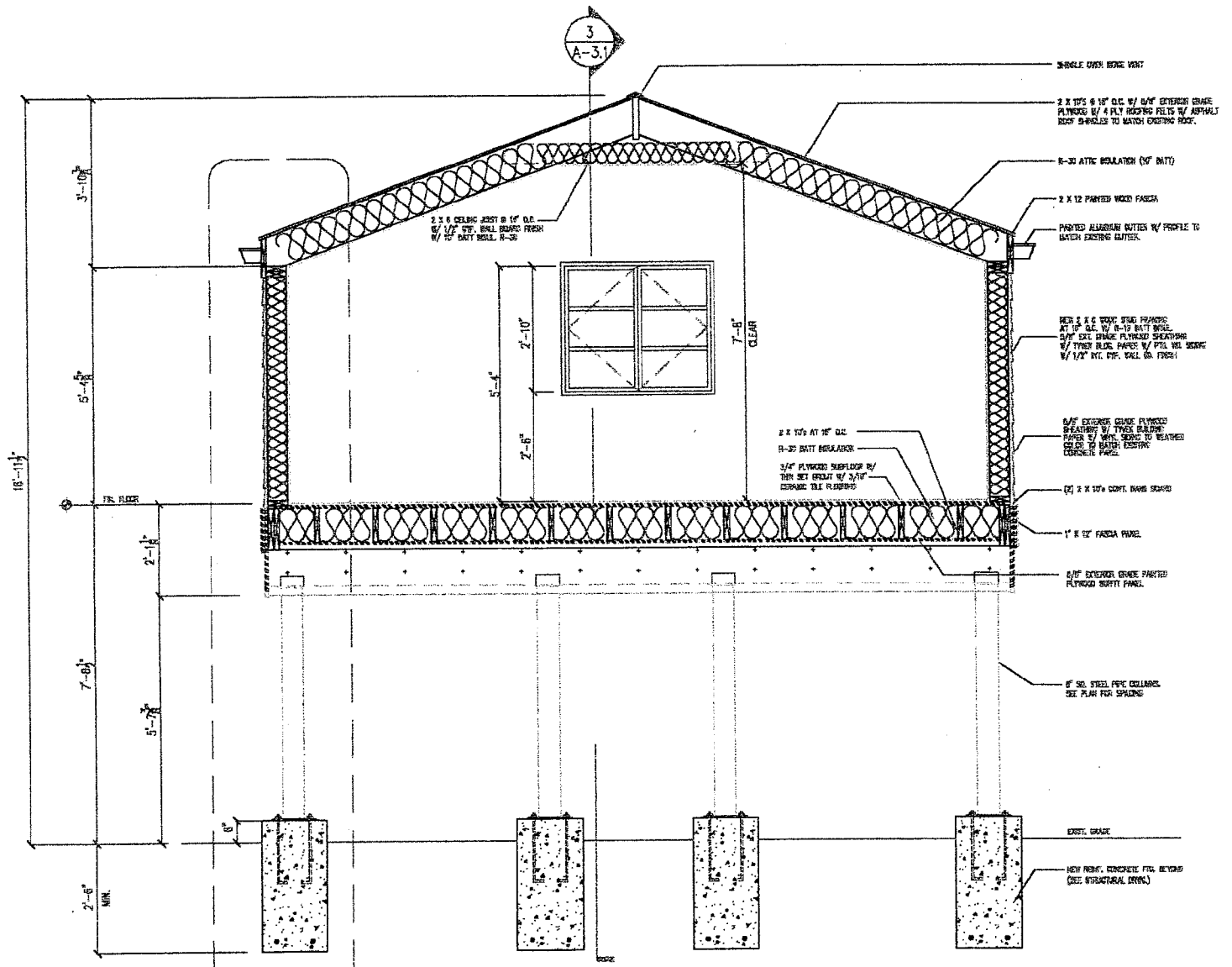


PROPOSED SIDE ELEVATION

1/8" = 1'-0"

3

14



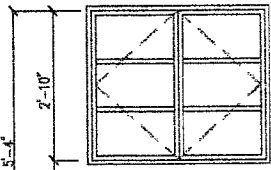
3
A-3.1

- DOUBLE OVER HUNG VENT
- 2 X 10'S @ 16" O.C. W/ 3/4" EXTERIOR GRADE PLYWOOD W/ 4 PLY ROOFING FELT W/ ASPHALT ROOF SHINGLES TO MATCH EXISTING SIDE.
- R-30 ATTIC INSULATION (10" BATT)
- 2 X 12 PAINTED WOOD FASCIAS
- PAINTED ALUMINUM BUTTER W/ PROFILE TO MATCH EXISTING GUTTER.
- NEW 2 X 6 WOOD STUD FRAMING AT 16" O.C. W/ R-19 BATT INSUL.
- 3/4" EXL BRK. PLYWOOD SHEATHING W/ TYRES BLDG. PAPER W/ P/2. REG. SEAM W/ 1/2" INT. CIP. WALL OR FRSH.
- 3/4" EXTERIOR GRADE PLYWOOD SHEATHING W/ TYRES BLDG. PAPER W/ P/2. REG. SEAM TO WEATHER COULD TO MATCH EXISTING CONCRETE PANEL.
- (2) 2 X 10" COMB. BANG BEAMS
- 1" X 1" FASCIAS PANEL
- 3/4" EXTERIOR GRADE PAINTED PLYWOOD SHEATH PANEL
- 4" SQ. STEEL PIPE COLLARS SEE PLAN FOR SPACING
- EXIST. GRADE
- NEW REIN. CONCRETE FTL. BEYOND (SEE STRUCTURAL DRWG.)

2 X 6 CEILING JOIST @ 16" O.C.
6" 1/2" TYP. WALL BOARD FRSH
W/ 1/2" BATT INSUL. R-30

2 X 10'S AT 16" O.C.
R-30 BATT INSULATION
3/4" PLYWOOD SHEATHING W/ TYRES BLDG. PAPER W/ P/2. REG. SEAM TO WEATHER COULD TO MATCH EXISTING CONCRETE PANEL.

18'-11 1/2"
3'-10"
5'-4 1/2"
7'-8"
5'-7 1/2"
2'-8" MIN.
7/8" FLOOR

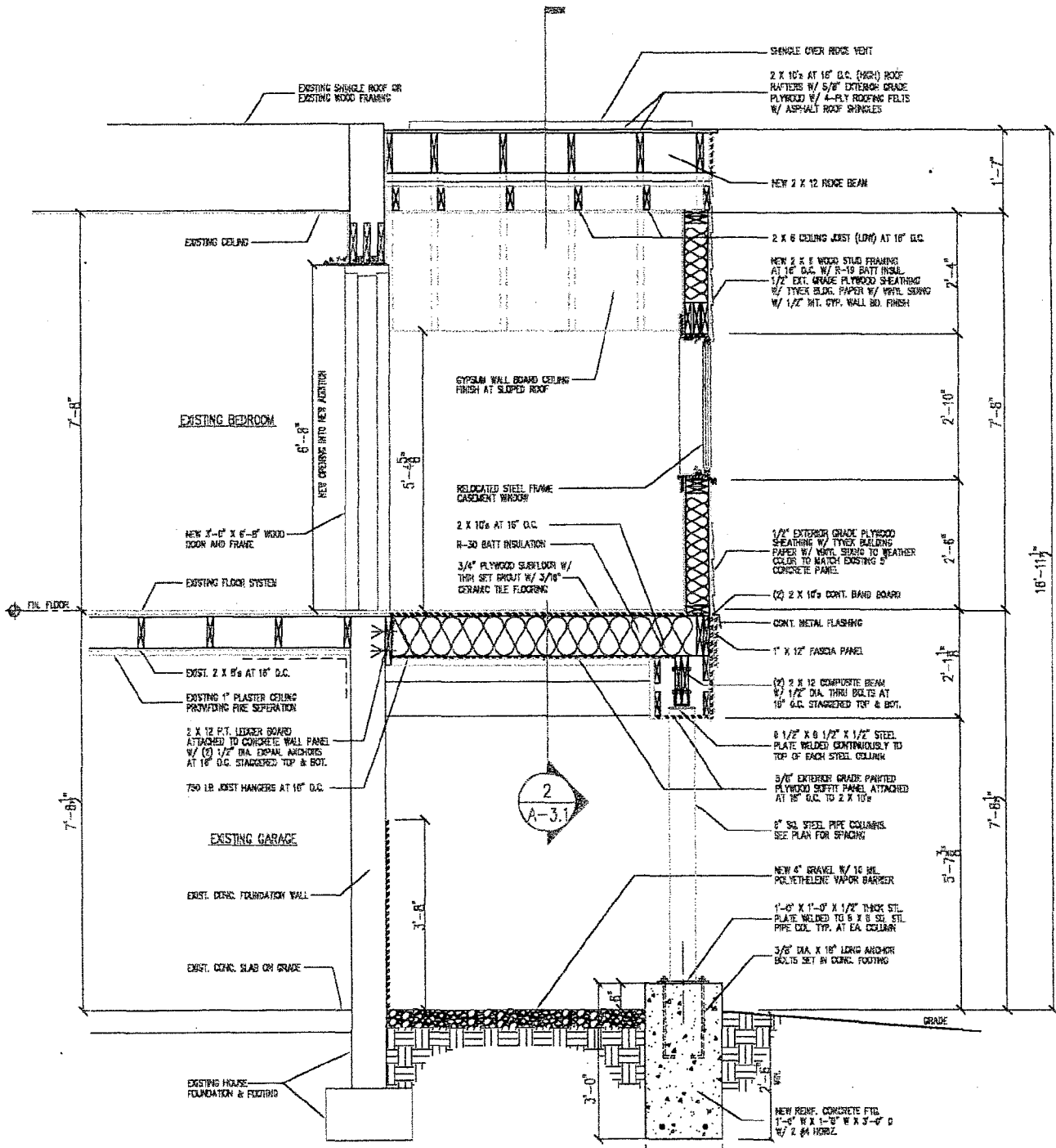


CROSS SECTION
1/2" = 1'-0"

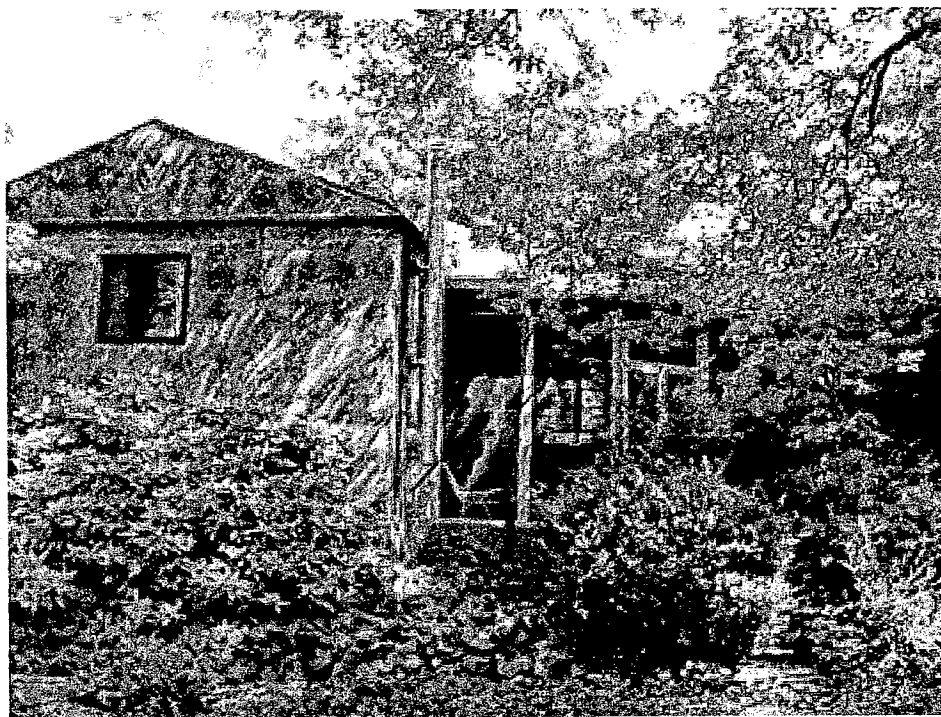
4
A-3.1

2

15



SECTION 3
3/4" = 1'-0"



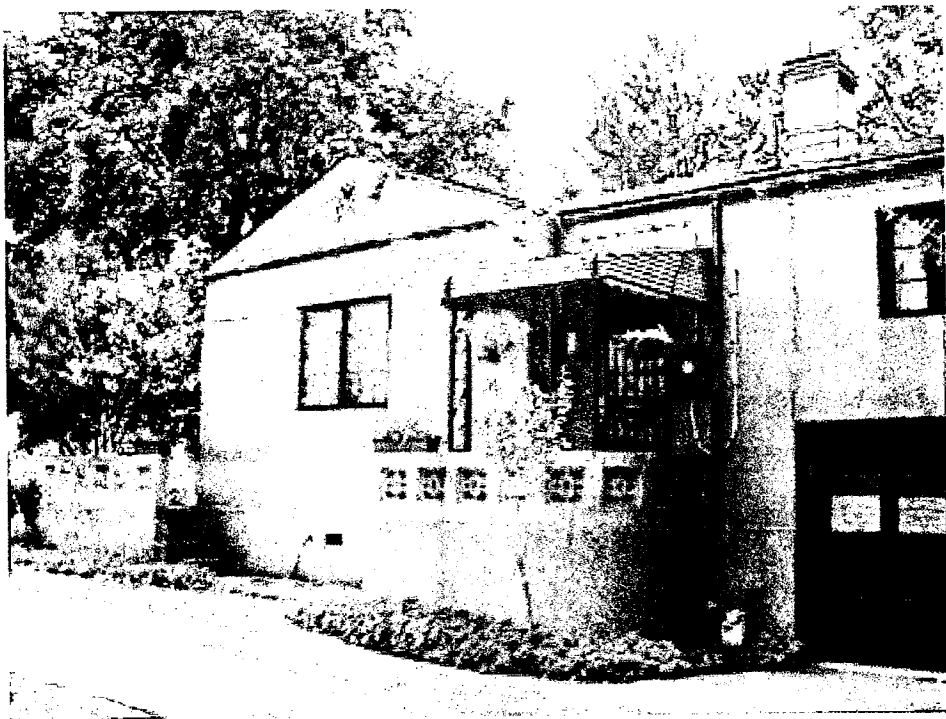
SOUTH ELEVATION (REAR)



PARTIAL SOUTH ELEVATION WHERE PROPOSED
ADDITION WOULD BE LOCATED.

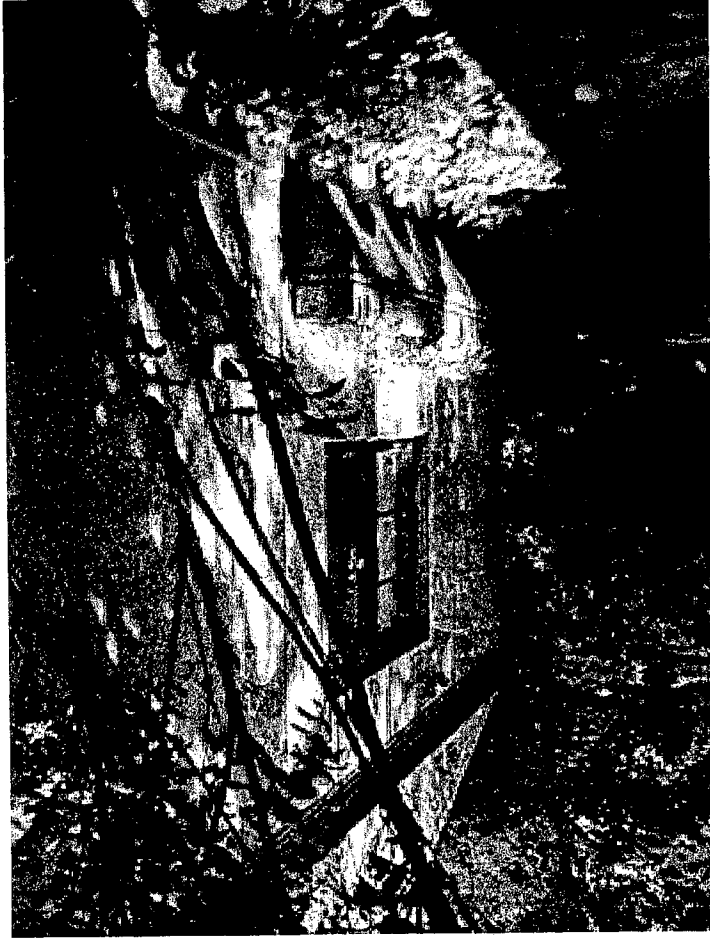


WEST ELEVATION (PARTIAL)



WEST ELEVATION (PARTIAL)

EAST ELEVATION





NORTH (FRONT) ELEVATION ON COLESVILLE RD.