

MONTGOMERY COUNTY HISTORIC PRESERVATION COMMISSION
STAFF REPORT

Address:	3914 Baltimore St., Kensington	Meeting Date:	9/22/2010
Resource:	Primary One (Outstanding) Resource Kensington Historic District	Report Date:	9/15/2009
Applicant:	David P. Reynolds	Public Notice:	9/8/2010
Review:	HAWP	Tax Credit:	None
Case Number:	31/06-10D	Staff:	Scott Whipple
PROPOSAL:	Demolition of Primary One (Outstanding) Resource and Resubdivision		

AMENDED PROPOSAL:

The Applicant is proposing to demolish a Primary One (Outstanding) Resource *and resubdivide the property into two buildable lots that would allow for the construction of no more than two single-family homes* [emphases added to identify the extent of the amendment to the original application]. The Applicant would then stabilize and maintain the real property. The proposal does not include plans for new construction.

STAFF DISCUSSION

The HPC was to consider this case at its July 14th meeting. At the request of the Applicant, the case was rescheduled to the HPC's September 22nd meeting. **This staff report, dated September 15, 2010, supplements and is amended to the report prepared for the July 14th meeting. Please refer to the application** (available at www.montgomeryplanning.org/historic/documents/I.M-3914BaltimoreStreetKensington-application.PDF) **and staff report dated July 7, 2010** (available at www.montgomeryplanning.org/historic/documents/I.M-3914BaltimoreStreetKensington-staffreport.PDF), **incorporated in their entirety by reference herein, to review the Architectural Description, Historic Context, Proposal (demolition), Applicable Guidelines, Staff Discussion, and Staff Recommendation prepared for the HPC's July 14th meeting.**

At the July 12, 2010 Town Council Meeting of the Town of Kensington, the mayor and town council held a courtesy review of the subject application. The mayor and council could not reach consensus on the town's position on the application. The town requested that the applicants request a postponement of HPC consideration of the application to allow time for further discussion between the applicants and various interested parties, including members of the town council. A meeting among the parties took place on September 9. The mayor and town council again considered the application at the September 13 Town Council Meeting. On September 15, 2010, Mayor Peter Fosselman submitted to the Commission a letter (circle 3) outlining an outcome supported by the town and the community. According to the letter, "The Town of Kensington is opposed to issuing a demolition permit for the subject property as long as the possibility exists that the land may be developed into three homes." The mayor and town council would support "[d]emolition of the current structure ... provided the property is resubdivided into no more than two buildable lots and a maximum of two (2) single family homes may be constructed as approved by the Historic Preservation Commission."

In response, the Applicants have provided the HPC with the following (Circle 4), in which they have agreed to resubdivide the property conditioned upon the approval of their application to demolish the house on the subject property.

One additional letter the HPC received is attached at Circle 5.

Resubdivision:

Should the HPC find that the application to demolish the subject property is consistent with the criteria established in section 1.5 of the Historic Preservation Commission Rules, Guidelines, and Procedures (Regulation No. 27-97) (“Regulations”), staff finds that the resubdivision of the property, which currently consists of three buildable lots, to two buildable lots would help to ensure that any future development be realized in a manner consistent with the character of the Kensington Historic District. In light of the unique circumstances pertaining to this application, staff finds the resubdivision would be consistent with the review criteria established in section 1.5 of the Regulations.

STAFF RECOMMENDATION:

Staff recommends that, subject to the approval of the application to demolish the subject property, the Commission **approve** the Applicant’s proposal for the subject property’s resubdivision, delegating to staff authority for the evaluation and final approval of a subdivision plan, finding that:

the resubdivision of the property known as 3914 Baltimore Street in Kensington from three to two buildable lots to allow for the construction of not more than two single family homes upon the approval of the demolition of the existing resource on the property is generally consistent with Chapter 24A-8(b); *The Secretary of the Interior’s Standards for Rehabilitation*; and the *Vision of Kensington: A Long-Range Preservation Plan*;

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

and with the general condition that the applicant shall notify the Historic Preservation Staff if they propose to make any alterations to the approved plans. Once the work is completed the applicant will contact the staff person assigned to this application at 301.563.3400 to schedule a follow-up site visit.

Mayor Peter C. Fosselman

Council Member Mackie A. Barch
Council Member Mary Donatelli



Council Member Sean P. McMullen
Council Member Lydia Sullivan

September 15, 2010

Montgomery County Historic Preservation Commission
Historic Preservation Unit
1400 Spring Street, Suite 500 West
Silver Spring, MD 20910

Re: Demolition Permit for Reynolds Property, 3914 Baltimore Street

Dear Commissioners:

The Town of Kensington is opposed to issuing a demolition permit for the subject property as long the possibility exists that the land may be developed into three homes. While it would be ideal to rebuild a house on the existing foundation similar to Patricia and Craig Reynolds' home, Renu and David Reynolds feel that this option will put an undue financial hardship on the Reynolds' Estate. Although the Town would support donating a portion of the property to the Montgomery County Land Trust, it also not favored by the family.

Members of the Town Council met with David and Renu Reynolds and a number of the Residents in the surrounding area to discuss the site. And the Town held two recent public discussions about the options for the property, with the most recent being on September 13. A community compromise was reached and the Mayor and Town Council would support this option: Demolition of the current structure at 3914 Baltimore Street provided the property is resubdivided into no more than two buildable lots and a maximum of two (2) single family homes (one on each lot) may be constructed as approved by the Historic Preservation Commission. The Town believes this is the best solution for all parties involved. By not allowing more than two lots and a maximum of two (2) single family homes, the site will retain its charm and historic intent, the neighbors will no longer have an eyesore, and Reynolds will be able to maximize the significance of their property.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter Fosselman", written over a horizontal line.

Peter Fosselman

Cc: Mr. Scott Whipple, Supervisor of Historic Preservation Unit
Town Council
David and Renu Reynolds

Mr. Scott Whipple, Supervisor of the Historic Preservation Unit
1400 Spring Street, Suite 500 West
Silver Spring, MD 20910

Manarolla, Kevin

From: Whipple, Scott
Sent: Wednesday, September 15, 2010 2:08 PM
To: Manarolla, Kevin
Subject: FW: Demolition Permit for Reynolds Property, 3914 Baltimore Street, Kensington

From: Hutt, Martin J. [mailto:mjhutt@lercheary.com]
Sent: Wednesday, September 15, 2010 12:40 PM
To: Whipple, Scott
Cc: reynoldsrn@comcast.net
Subject: Demolition Permit for Reynolds Property, 3914 Baltimore Street, Kensington

September 15, 2010

Mr. Whipple:

The Town of Kensington's letter to the Historic Preservation Commission, dated September 15, 2010 sets forth a community compromise that was reached and supported by the Mayor and Town Council described as follows: "Demolition of the current structure at 3914 Baltimore Street provided the property is resubdivided into no more than two buildable lots and a maximum of two (2) single family homes may be constructed as approved by the Historic Preservation Commission."

I have discussed the Town's above proposed compromise with David and Renu Reynolds. Based upon the Town's proposed compromise, the Applicant is willing to accept the Town's proposed compromise as stated above. Therefore, this e-mail is intended to be a proffer by the Applicant to the Historic Preservation Commission that if the Historic Preservation Commission approves the Demolition Permit for the Reynolds' property at 3914 Baltimore Street that the Applicant will accept the following condition as part of the Historic Preservation Commissions' approval: "Demolition of the current structure at 3914 Baltimore Street is approved provided the property is resubdivided into no more than two buildable lots and a maximum of two (2) single family homes may be constructed as approved by the Historic Preservation Commission."

If you have any questions, please call me.

Martin J. Hutt
3 Bethesda Metro Center, Suite 460
Bethesda, Maryland 20814-5367
301.657.0170 (Direct Phone)
301.347.1774 (Direct Fax)

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10019 Frederick Avenue
Kensington, MD 20895
September 9, 2010

RE: 3914 Baltimore Street HAWP

Historic Preservation Commissioners:

The protection of the Kensington Historic District uses the same guidelines as the Secretary of the Interior, the provisions of the Montgomery County Historic Preservation Ordinance, and the Vision of Kensington: A Long-Range Preservation Plan. The *Vision* was adopted by the Town and the County in 1992.

The Kensington Historical Society Policy Statement on Historic Preservation in 1994 states that “the Society’s principal goal in interpreting those standards and that ordinance is the preservation of open space and the garden suburb ambiance that is the essential historical quality of the Kensington Historic District. An important characteristic is the preservation of the appearance of individual historic structures and the sites upon which they are located to assure that the late-Victorian atmosphere of the Historic District is maintained.”

To that end, when reviewing the property 3918 Baltimore Street, which comprises three lots, it’s important to note that the historic pattern in this center core of Primary structures is for one home on multiple lots. The distances between homes dating from 1890 to 1910 in the historic core are 50 to 170 feet with an average of 75 feet. (*Vision*, p. 47). The *Vision* (p.58) gives us strategies for preserving the Historic Residential Core: “Any additional residential development on vacant lots within this area should meet the characteristic pattern of historical development for the district... A minimum of two lots, or 15,000 sf of lot area for construction of a single family dwelling; A maximum lot coverage of 10 percent; Minimum front yard setbacks of 35 feet based on the average setbacks of primary resources, and side yard setbacks of 25 feet to maintain average building separation distances of approximately 50 feet.” Currently the side yard setbacks for 3914 are 58 feet on each side (*Vision*, p. 19a).

Given these guidelines, *I agree with the staff report* in that a demolition permit cannot be granted without knowing what the replacement would be. While it is unfortunate that protection of the resource after the fire was not in place for a year and a half, it should also be noted that rebuilding would NOT require the interior to replicate what was lost. The exterior would be reviewed as any new home in the core of our Historic District would be.

Successful preservation works best when there’s a consistency of regulation over time that strikes an acceptable balance between the interests of the owners and the community. My years of experience on the Historic Preservation Commission and as President of the Kensington Historical Society convince me that the staff report is an example of such a decision.

Best regards,

Julia O’Malley