PHED Committee #1
April 4, 2011

MEMORANDUM

March 31, 2011

TO: Planning, Housing, and Economic Development Committee

FROM: Jeff Zyontz, Legislative Attorney

SUBJECT: An Amendment to the Master Plan for Historic Preservation: Damascus-Goshen Historic Resources - to vacate the designation of 23815 Woodfield Road #14/16-3 as an individual resource

The attached resolution would vacate the designation of 23815 Woodfield Road as an individual historic resource. The Planning Board recommended that this site be included in the Woodfield Historic District. On January 27, 2009, the Council excluded it from the historic district but designated it as an individual resource. In the opinion of the sponsor and of the homeowner, the research done to date has failed to establish that 23815 Woodfield Road merits designation as an individual site.

On March 1, 2011 the Council introduced the attached resolution under §24A-3(c). In a March 23, 2011 memorandum to staff, Historic Preservation Staff agreed with the opinion of the sponsor and the homeowner.

The Council held a public hearing on March 29, 2011. Both speakers favored the adoption of the amendment as proposed.

Issues

On November 30, 2010, the Council approved HPA 10-1. That amendment to the County Historic Preservation Law contemplated this proposed amendment to the Historic Preservation Master Plan;

1) this amendment is within 4 years of the Council's action to designate the site as historic;
2) when the resource was designated as an individual historic site, it was recommended as part of a historic district by the Planning Board but was not recommended by the Board for designation as an individual historic site; and

3) when the resource was recommended for inclusion in a historic district, the notice given to the subject property's owner by the Historic Preservation Commission or the Planning Board indicated that the resource might be included in a historic district but did not indicate the possibility of an individual site designation.

Under these circumstances, the Council may vacate the Council's previous action, designate the resource as an individual site, include the resource within the boundary of the historic district, or affirm the District Council's previous action.[1]

Staff recommends the proposed amendment as introduced. There are similarly situated sites in the former proposed Woodfield Historic District (individually designated in spite of the Planning Board's recommendation to include them in the Woodfield Historic District), but no other site has requested relief from the designation.

This packet contains	© number
Draft Resolution	1 – 3
Memorandum from Historic Preservation Staff	4
Testimony – Soo Lee-Cho on behalf of the Green Family	5 – 6

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[1] §24A-3(c)

(1) Within 4 years from the date the District Council designated an individual historic resource, the District Council may approve an amendment to the Master Plan for Historic Preservation if:

(A) when the resource was designated as an individual historic site, it was recommended as part of a historic district by the Planning Board but was not recommended by the Board for designation as an individual historic site; and

(B) when the resource was recommended for inclusion in a historic district, the notice given to thesubject property's owner by the Historic Preservation Commission or the Planning Board indicated that the resource might be included in a historic district but did not indicate the possibility of an individual site designation.

(2) After advertising and holding a public hearing, the District Council may:

(A) vacate the District Council's previous action to designate the resource as an individual site;

(B) include the resource within the boundary of the historic district; or

(C) affirm the District Council's previous action.

(3) Any change to the Master Plan for Historic Preservation under this subsection must be transmitted to the Maryland-National Capital Park and Planning Commission for its adoption.

Resolution No.: _____
Introduced: March 1, 2011
Adopted: _____

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION OF THE MARYLAND-WASHINGTON REGIONAL DISTRICT WITHIN MONTGOMERY COUNTY, MARYLAND

By: Councilmember Floreen

SUBJECT: Amendment to the Master Plan for Historic Preservation: Damascus-Goshen Historic Resources by vacating the designation of 23815 Woodfield Road #14/16-3 as an individual historic resource

Background

1. On February 25, 2008 the Montgomery County Planning Board transmitted the Planning Board Draft Amendment to the Master Plan for Historic Preservation: Damascus-Goshen Historic Resources (hereafter referred to as the Amendment) to the Council.

2. The Amendment recommended by the Planning Board would have included 23815 Woodfield Road in the Woodfield Historic District. The Planning Board did not recommend approval for designation as an individual historic resource.

3. On November 25, 2008 and January 27, 2009, the County Council reviewed the Amendment and the recommendations of the Planning, Housing, and Economic Development Committee and adopted it with amendments on January 27 by approving Resolution 16-828.

4. The Council's action on January 27, 2009 removed 23815 Woodfield Road from the Woodfield Historic District and designated 23815 Woodfield Road as an individual resource #14/16-3.

5. On November 30, 2010 the Council approved Historic Preservation Amendment 10-1. That amendment to Chapter 24A allows the Council to vacate the District Council's previous action, designate the resource as an individual site, include the resource within the boundary of the historic district, or affirm the District Council's previous action under the circumstances surrounding the designation of 23815 Woodfield Road.

6. The Council introduced this resolution On March 1, 2011 and held a public hearing on March 29, 2011. The resolution was referred to the Planning, Housing, and Economic Development Committee.

7. On April 4, 2011 the Committee recommended approval of the resolution as introduced.

8. On April 5, 2011 the County Council reviewed the Amendment and the recommendations of the Planning, Housing, and Economic Development Committee and agreed to its approval.

Action

The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland, approves the following resolution:

The Approved Amendment to the Master Plan for Historic Preservation: Damascus-Goshen Historic Resources is revised to vacate the designation of 23815 Woodfield Road, #14/16-3, as an individual historic resource. Council's revisions to the Approved Amendment to the Master Plan for Historic Preservation: Damascus-Goshen Historic Resources are identified below. Deletions to the text of the Plan are indicated by [brackets], additions by underscoring.

Abstract Page, second sentence:

The amendment designates [19] 18 individual historic sites and one historic district on the *Master Plan for Historic Preservation*, retains four historic resources on the Locational Atlas, removes 34 individual historic resources and one historic district from the *Locational Atlas and Index of Historic Sites*, and recommends that the Planning Board place one resource on the Locational Atlas.

Page 17, first paragraph:

The purpose of this amendment is to designate historic resources in the Damascus-Goshen Area. The amendment designates [19] 18 individual historic sites and one historic district on the *Master Plan for Historic Preservation*...

Page 17, Summary Table:

DELETE the line starting with 14/16-3.

Page 47:

Woodfield Individual Sites

[14/16-3 Thomas and Jessie Grimes House, 23815 Woodfield Road

This frame Cape Cod style house was built for Thomas F. and Jessie E. Grimes in 1938. The Grimes couple purchased the half-acre parcel of land in 1937 from Elmer and Mary Green. The Greens had acquired, in 1922, a 40-acre parcel and subsequently subdivided it into several lots, including the half acre on which the Grimes' built their house. The residence is typical of the modest houses constructed in the post-Depression era. It is located in the community known as Woodfield, and is adjacent to the Woodfield Historic District.]

[The house is covered with aluminum siding. A side porch extends from the south gable end. Steps with a handrail lead to the front entrance. The 6/6 sash windows were replaced by 1/1 windows after July 2002.]

[Zoning: RE2

Environmental Setting: Parcel P400, including the master planned right-of-way for Woodfield Road.]

General

All pictures and maps included in the Plan are to be revised, where appropriate, to reflect the District Council's action to vacate the designation of 23815 Woodfield Road, #14/16-3, as an individual historic resource. All identifying references pertain to the Approved Master Plan for Historic Preservation: Damascus-Goshen Resources.

This is a correct copy of Council action.

_____

Linda M. Lauer, Clerk of the Council

MONTGOMERY COUNTY PLANNING DEPARTMENT
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

March 23, 2011

MEMORANDUM

TO: Jeff Zyontz, Legislative Analyst

FROM: Scott Whipple, Historic Preservation Coordinator SW

Clare Lise Kelly, Research and Designation Coordinator CLK
Historic Preservation

SUBJECT: 23815 Woodfield Road (Resource 14/16-3)

On March 29, 2011, the County Council will consider taking action to vacate the designation of 23815 Woodfield Road as an individual site on the *Master Plan for Historic Preservation*, at the property owners' request. The HPC reviewed the Woodfield Historic District (Locational Atlas Resource # 14/16) during its consideration of Damascus and Goshen area historic resources for a proposed Amendment to the *Master Plan for Historic Preservation*. The HPC recommended designation of a Woodfield Historic District on the *Master Plan for Historic Preservation*. The Planning Board reviewed and also recommended designation of a Woodfield Historic District. Both the HPC and the Planning Board identified the residence at 23815 Woodfield Road as a contributing resource within the Woodfield Historic District.

Neither the HPC nor the Planning Board evaluated 23815 Woodfield Road as a potential individual site. In staff's estimation, research done to date does not establish that 23815 Woodfield Road merits designation as an individual site, based on the criteria in section 24A-3 of the County Code.

cc: Francoise Carrier, Planning Board Chair
Leslie Miles, HPC Chair

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SLCHO@MMCANBY.COM

Testimony of Soo Lee-Cho, Esquire
On Behalf of Jonathan & Melanie Green
Re Amendment to Master Plan for Historic Preservation: Damascus-Goshen Historic Resources

Public Hearing – March 29, 2011

Good afternoon. My name is Soo Lee-Cho with the law firm of Miller, Miller & Canby representing Jonathan and Melanie Green, owners of property at 23815 Woodfield Road located in the Damascus-Goshen area of Montgomery County.

As indicated in the Council Staff's memorandum, this Amendment is "Part II" of what needs to occur to correct the improper "individual site" designation that was conferred on my client's property, the process for which was established through HPA 10-01.

Included in the Council packet for this Public Hearing item is a memorandum from the Planning Board's historic preservation staff acknowledging that NO research was conducted to establish that the Greens' property merits designation as an individual site. So the issue of whether the current designation of the property as an individual historic site is without justification and must be vacated is without dispute.

In fact, when you look back at the record of the original Damascus-Goshen Amendment, you find that actually, NONE of the properties along Woodfield Road were originally recommended by the Planning Board for individual site designation… they were all recommended only as contributing resources to the Woodfield Historic District.

And yet the Council acted to remove five (5) properties from the Planning Board recommended historic district and designate them instead as individual sites. Why? Based on our review of the record and information obtained from parties involved at the time, we believe that it was done under what appears to have been a misconception that doing so would afford a sort of compromise for those properties in that they would be designated as something "less than" a contributing resource to a historic district, which of course we now clearly know doesn't exist.

That legislative history as background, coupled with the fact that two (2) other properties with similar Cape Cod style homes of the post-Depression era, as the Greens', were completely removed from the Woodfield Historic District and conferred no historic significance at all (not even placement on the *Locational Atlas*), we believe that the property at 23815 Woodfield Road falls under the same category and also does not merit inclusion in the Woodfield Historic District.

Based on all of the above, we request your support for the Amendment to the Master Plan for Historic Preservation presently before the Council as proposed, vacating the designation of 23815 Woodfield Road as an individual historic resource.

Thank you for your consideration of these remarks.

Very truly yours

Soo Lee-Cho

6