

Ordinance No:	<u>2019-03</u>
Introduced by Town Council:	<u>02/11/2019</u>
Public Hearing:	<u>03/11/2019</u>
Enacted:	<u>08/12/2019</u>
Effective:	<u>09/12/2019</u>

#### ORDINANCE

#### AUTHORIZING THE SALE OF LAND OCCUPIED BY A MAIN BUILDING AT 315 GROVE AVENUE CONSTRUCTED IN PART ON LAND OWNED BY THE TOWN OF WASHINGTON GROVE

**WHEREAS**, Article XVII of the Washington Grove Code of Ordinances provides a process by which the Council may by ordinance sell certain Town-owned land on which a portion of a main building has been constructed after a request for purchase is submitted to the Town Office by the owner of the main building.

**WHEREAS**, Jane L. Seegal, Trustee, Jane L. Seegal Revocable Trust ("Owner"), is the owner of the property at 315 Grove Avenue ("Property") also known as all of Lot numbered 10 and part of Lot numbered 9, and parts of alley and park (now closed), all in Block numbered 11 in the subdivision known as "Washington Grove", as per plat thereof recorded in Plat Book 1, Plat 20 of the Land Records of Montgomery County, Maryland, Tax Account Number 09-00780084.

**WHEREAS**, two portions of the main building at 315 Grove Avenue are located on Town owned land as here and after defined, to wit, a 7' x 21' section of porch on Second Avenue, including the Second Avenue façade of the house and the main room and porch overhangs, and parts of a 14' x 24' addition and small back porch and their overhangs on Grove Avenue.

**WHEREAS**, the Owner has submitted a request for purchase of the Town-owned land under Article XVII, accompanied by four copies of an identification plat.

**WHEREAS**, it is in the Town's interest to maintain the historic character of Grove Avenue and the Second Avenue streetscape, which depends on the retention of the façade and porch of the house in substantially the same form and extent as presently existing.

**WHEREAS**, the Property is considered a contributing resource to the Washington Grove Historic District.

**WHEREAS**, the Secretary of Interior's Standards for Historic Preservation as represented in the National Park Service Preservation Briefs #45 - Preserving Historic Wood Porches, #47- Maintaining the Exterior of Small and Medium Size Historic Buildings, and #16 - The Use of



Substitute Materials on Historic Building Exteriors, provide the guidance for actions that retain the historic integrity of historic structures.

**WHEREAS**, copies of the said request for purchase have been forwarded to the Planning Commission and the Historic Preservation Commission for actions and recommendations as stipulated in Article XVII.

**WHEREAS**, the Council has received and considered recommendations from the Planning Commission and the Historic Preservation Commission regarding the aforesaid request for purchase.

**WHEREAS**, the Council seeks to assure current and future property owners that the Town's remaining interest is in retaining the historic integrity of the historic structure occupying the land to be purchased, rather than recovering ownership of the land itself, and

**WHEREAS**, it is in the interest of the Town and the owner to resolve any future instance of noncompliance with the covenants imposed as part of this conveyance, and the Council is determined to provide a fair and reasonable negotiation process for remedying the non-compliance, such process to precede any legal action.

**NOW THEREFORE, BE IT ORDAINED AND ENACTED**, by the Mayor and Council of the Town of Washington Grove that:

**Section 1. Authorization for Sale of Town-Owned Land.**

- A. The Council hereby finds and declares that the following Town-owned land ("Town-Owned Land") is no longer needed for a public purpose: Parcels 1 and 2, as described in a metes and bounds description attached hereto and incorporated herein by reference as Exhibit A, and in an Identification Plat attached hereto and incorporated herein by reference as Exhibit B. "
- B. The Council hereby declares that the description of the dimensions and materials of the structures on Town-Owned Land is documented in attached Exhibit C, which is incorporated herein by reference, and which is composed of drawings, photos, history, and a list and narrative description of the historic integrity features currently extant.
- C. The Council hereby declares the Town-Owned Land as abandoned and eligible for sale to Owner as stipulated in Article XVII.
- D. The Mayor is hereby authorized to execute an appropriate deed ("Deed") conveying a fee simple interest in the Town-Owned Land to the Owner of the Property for a total of \$162.60 based on a sales price of \$1.00 per square foot.
- E. The Deed for sale of the Town-Owned Land will affirmatively require the Owner and any successor or assigns to strictly adhere to the following covenants, which will run with the land and be enforceable by the Town against the Owner and any successor or assigns:
  1. Only the structure, or portion thereof, currently located on the Town-Owned Land and referenced in the metes and bounds/plat identification and description of the structure submitted with the Owner's application, may be maintained, repaired, replaced or reconstructed. Any repair, reconstruction or replacement shall adhere to the same dimensions



and historic character described in Exhibit C without enlargement of any non-compliance, shall require a building permit but only to the extent that a permit is otherwise required under existing Town ordinances or county or state laws, and shall comply with all Town ordinances.

- a. Ordinary maintenance and repairs, as defined in the Washington Grove Zoning Ordinance, may be made without a building permit.
  - b. Major alterations (e.g., additions that increase the square footage of a building or structure or increase the footprint of the building) are not considered ordinary maintenance and repairs.
  - c. Modifications to or repair/replacement of any structural or historic feature requires that the applicant demonstrate to the Council in advance of any work that the action will not result in reduction to either the structural or historic integrity of the portion of the house on Town-Owned Land. The Town Council must authorize by vote in advance of any such work.
  - d. The Mayor must be notified of modifications to or repair/replacement of any structural or historic feature in advance of any actual work on the structure.
  - e. Applications for building permits must be submitted to the Washington Grove Planning Commission for approval.
  - f. Upon receipt of any application for a building permit which will involve any change to a structure or site visible from any public way, the Planning Commission promptly shall forward a complete copy of the same to the Historic Preservation Commission for review and comment.
2. The Town-Owned Land may not be used to meet minimum building lot square footage requirements, percentage of lot coverage requirements, or set back requirements
  3. The Town has the right to enforce, by any proceeding at law or in equity, including injunction, all restrictions, terms, conditions, covenants and agreements imposed upon the transfer of the Property, and/or the Owner, pursuant to the provisions of the Deed. Further that the Town would not have an adequate remedy at law and would be entitled to bring an action in equity for specific performance to enforce the terms of the Deed and that The Town shall be entitled to reimbursement for all reasonable costs of enforcement including reasonable attorneys' fees if the Town prevails in any such action against the Owner.
  4. Once discovered, the Town will notify the current Owner of any claim of noncompliance. The parties shall have sixty (60) days following notification to negotiate an agreement specifying actions to bring the property into compliance. In the event of a failure of the Owner to engage in negotiation, or the parties to reach agreement on corrective action that is then completed as agreed, the Town may take enforcement action as set forth herein.

F. The Owner shall bear all costs of the sale of the Town-Owned Land, the preparation and re-cordation of the Deed and the lot line adjustment required to reflect the transfer.

**Section 2. EFFECTIVE DATE:** This Ordinance shall become effective thirty (30) days from the date of enactment hereof in the absence of a petition by qualified voters as set forth in Section 15 of the Charter of the Town.

ADOPTED THIS 12<sup>TH</sup> DAY OF August, 2019.

TOWN OF WASHINGTON GROVE

John B. Gt  
Mayor

8-14-2019

Date

ATTEST:

Kathryn L. Schuman 8/14/19  
Town Clerk Date





**SNIDER & ASSOCIATES**  
**LAND SURVEYORS**

20270 GOLDENROD LANE • SUITE 110 • GERMANTOWN, MD 20876  
(301) 948-5100 • (301) 948-1286 Fax

**DESCRIPTION OF  
PARTS OF THE RIGHT OF WAY AREA OF  
GROVE AVENUE AND SECOND AVENUE  
ADJACENT TO BLOCK 11  
WASHINGTON GROVE  
(PLAT BOOK 1 AT PLAT 20)  
MONTGOMERY COUNTY, MD**

All of that piece or parcel of land situate, lying and being in the Gaithersburg 9<sup>th</sup> Election District in Montgomery County, Maryland, said property being recorded among the land records of Montgomery County, Maryland Plat Book 1 at Plat 20 and being more particularly described per a survey by Snider & Associates of Block 11 dated February, 2006 as follows;

**PARCEL 1:**

Beginning for the same at a point along the West line of Lot 10 in Block 11 in a subdivision known as "Washington Grove" as recorded among the land records of Montgomery County, Maryland in Plat Book 1 at Plat 20 and being North 16°42'25" East, 62.73 feet from a monument found at the Southwest corner of said Lot 10; thence leaving the West line of Lot 10 and crossing into a portion of the Right of Way for Grove Avenue

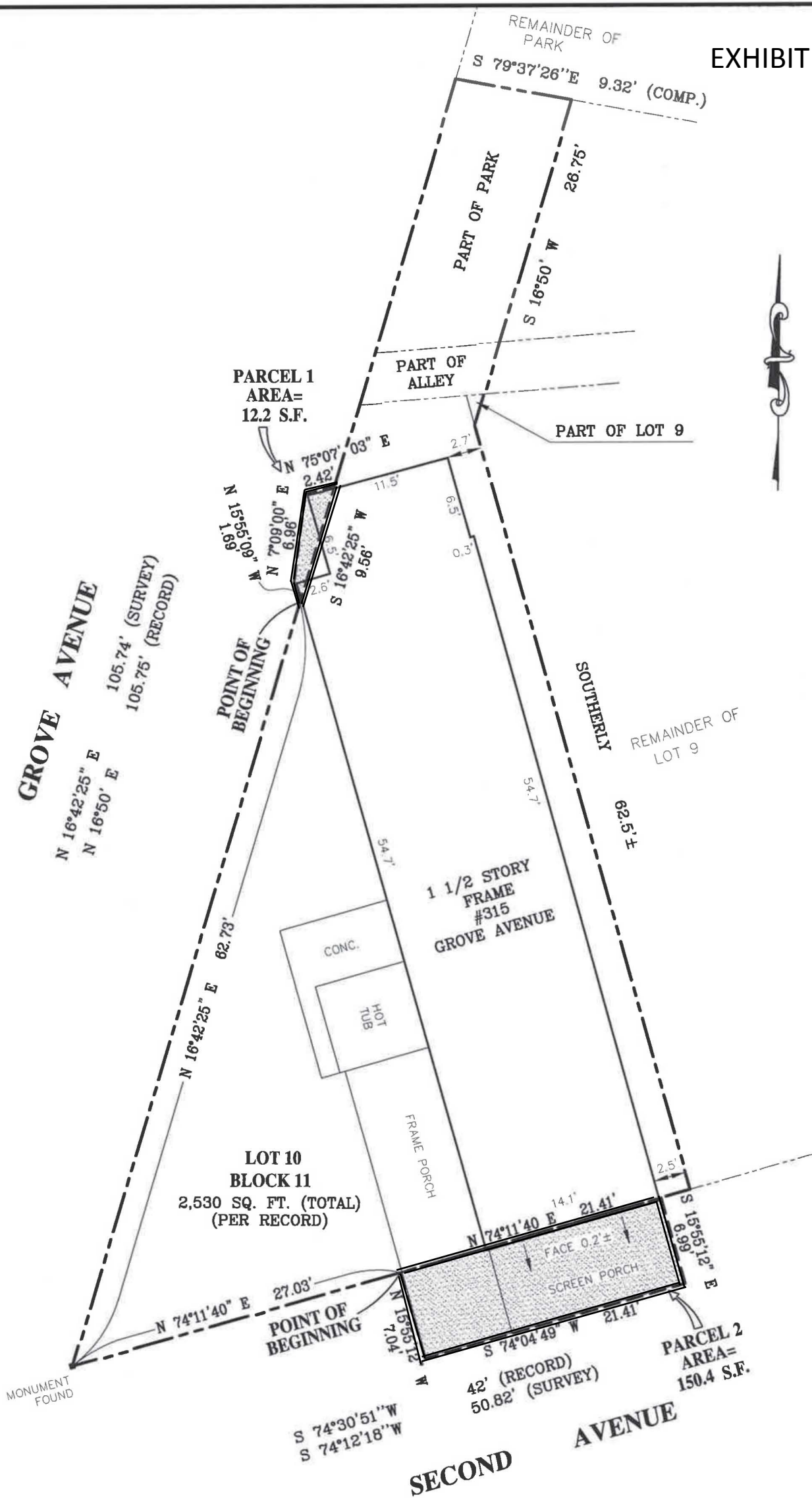
1. North 15°55'09" West, 1.69 feet to a point; thence
2. North 07°09'00" East, 6.96 feet to a point; thence
3. North 75°07'03" East, 2.42 feet to a point along the West line of aforementioned Lot 10; thence with the West line of Lot 10
4. South 16°42'25" West, 9.56 feet to the point of beginning containing 12.2 Square Feet of land.

**PARCEL 2:**

Beginning for the same at a point along the South line of Lot 10 in Block 11 in a subdivision known as "Washington Grove" as recorded among the land records of Montgomery County, Maryland in Plat Book 1 at Plat 20 and being North 74°11'40" East, 27.03 feet from a monument found at the Southwest corner of said Lot 10; thence with the South line of said Lot 10

1. North 74°11'40" East, 21.41 feet to a point; thence leaving the South line of Lot 10 and crossing into a portion of Second Avenue
2. South 15°55'12" East, 6.99 feet to a point; thence
3. South 74°04'49" West, 21.41 feet to a point; thence
4. North 15°55'12" West, 7.04 feet to the point of beginning containing 150.4 Square Feet of land.

Subject, however to any and all easements, rights-of-way, covenants, and encumbrances of record.



SKETCH DRAWING  
LOT 10 & PART OF  
LOT 9, ALLEY & PARK  
BLOCK 11

WASHINGTON GROVE  
MONTGOMERY COUNTY, MARYLAND

REFERENCES	
PLAT BK.	1
PLAT NO.	20
LIBER	27905
FOLIO	651



SNIDER & ASSOCIATES LAND SURVEYORS	
20270 Goldenrod Lane, Suite 110 Germantown, Maryland 20876 301/948-5100 Fax 301/948-1286	
DATE OF LOCATIONS	SCALE: 1" = 10'
HSE. LOC.: 06-11-2004	DRAWN BY: E.H.
SKETCH DWG: 10-06-2014	JOB NO.: 04-4093-S

315 Grove Avenue  
Documentation and Analysis of Historic Integrity Features

Contents

1. Descriptive narrative.
  - a. General description of residence.
  - b. Structure on Town property.
  - c. Archival information.
  - d. Historic Integrity Features of Second Avenue porch and facade.
  - e. Historic Integrity Features of addition and back porch.
  - f. Neighborhood character.
2. Figures (Photos)
3. Elevation Drawings

## 315 Grove Avenue

### Documentation and Analysis of Historic Integrity Features

#### General description of residence.

The residence at 315 Grove Avenue is located at the intersection of Grove and Second Avenues, off the Sacred Circle and across from McCathran Hall and the Woman's Club. Constructed c. 1888, it is a typical small Carpenter Gothic rustic cottage and a listed contributing resource in the Washington Grove National Register Historic District. It consists of a steeply gabled 14' x 30' core, a lower 14' x 24' gabled addition, and an enclosed rear shed porch. The house is located in what was known as the "tent district," an area around the Sacred Circle and Tabernacle laid out with small lots originally intended as tent sites. A 7' deep porch fronts the house's Second Avenue façade, wraps around, and partially surrounds the Grove Avenue façade.

#### Structures on Town property.

1. A recent survey of the Town confirmed that the approximately 7' x 21' porch section aligned with Second Avenue, and the 14' wide Second Avenue facade, plus the overhangs of the façade and roof of the 7' x 21' porch, are on Town property.
2. The survey also concluded that the visible rear corner of the 14 x 24' addition, plus roof overhangs, on Grove Avenue, are also on Town property.
3. Also, the rear corner of the enclosed back shed porch, on Grove Avenue, and its roof overhangs, are confirmed to be on Town property.

#### Archival information.

Regarding the porch of 315 Grove Avenue, a review of files in the Town Archives includes records of the Town Council rejecting in 1958 a plan to enclose the Second Avenue porch of 315 Grove Avenue to become a sleeping porch, due to non-conformance with set-back requirements. (See house file for 315 Grove Avenue.) In 2005-6, the Planning Commission requested that the Town Council issue a stop work order to prevent winterizing of the Second Avenue porch. (See Planning Commission minutes for September-November 2005 and correspondence file for same time period located in Town Office,) This correspondence makes reference to wire insect screen having been installed to the Second Avenue porch in the late 1990's. On September 19, 2006, the owner of 315 Grove Avenue submitted a proposed plan for a second story addition to the house covering the entire one story portion. The HPC submitted a preliminary review. This plan was never presented to the Planning Commission. (See HPC Preliminary Review submitted September 29, 2006.) On March 19, 2008, Mayor John Compton issued a Declaration regarding improvements to 315 Grove Avenue located on Town property, to the effect that no permit would be issued for alterations to private improvements on Town property.



With regard to the two corner portions of the first floor addition and the rear enclosed porch that are on Town property, a review of Town files yielded a building permit issued in September 1961 to enclose the back porch to make a furnace room. (See house file for 315 Grove Avenue.) County tax assessment records covering 1961-1975 (see Clare Kelly historic house file for 315 Grove Avenue) contained a sketch of the floor plan, which appears the same as the current plan.

*Historic Integrity Features (bolded) of Second Avenue porch and facade.*

A measured drawing (elevation and plan) and photographs of the section of the **Second Avenue shed porch and attached steeply gabled façade** located on Town property are attached to document the current condition of the structure and its significant Historic Integrity Features.

As emphasized in the nomination for the Washington Grove National Register Historic District (submitted to the National Park Service by the Planning Commission on behalf of the Town in 1979), porches are essential to Washington Grove's architectural heritage—providing an open place for social interaction, connecting the sometimes small house interiors with nature, and providing an opportunity for expressing architectural individuality. The National Register nomination also calls out “gingerbread” as a character-defining feature of Washington Grove's historic architectural integrity.

The Second Avenue section of the porch and façade of 315 Grove Ave are integrally related and particularly significant because they contain much of the extant architectural integrity of the house exterior. The **exposed open framing of the porch ceiling** reveals the **bead-board roof deck and rafters**, now topped by a modern 5-V crimped metal roof. Modern aluminum gutters and downspouts have been applied to the lower roof edge. The porch roof is supported by **three period square 4"x4" posts, with chamfered and incised details and diminutive sawn wood brackets**. Modern replacement posts topped with the period brackets turn the porch corner. Modern porch railings wrap around from the Second Avenue to Grove Avenue sides of the porch, consisting of five sections of 2x4 framing large 2x4 “X's,” attached to the house and to the posts. The posts rest on modern square exposed wood plinths. The porch has modern exposed pressure-treated flooring and foundation.

The part of the Second Avenue porch directly in front of the Second Avenue façade, measuring 7' x 14', has been enclosed with wire screen. Modern 2x4s resting on the modern railing have been vertically inserted between the period posts as screen attachments.

At either end of the screened section, a **decorative period lattice triangle of vertical 1"x 1"** is inserted at the sloped porch ceiling and serves as a squared frame for the screen. A **sloping zigzag rake board** decorates the screened section at the roof drip edge. At the Grove Avenue end of the screened section, there is also a wood screen door. The 14' wide **Second Avenue façade of the house** forms the back wall of the Second Avenue porch. This façade retains much of its historic integrity. The **original door and window casing and transom windows** remain from what probably was a composition of central double doors with side windows, since replaced. Above the **frieze board is an original band of turned egg-and-dart moulding, which terminates in applied acanthus leaves**.

Above the **porch roof**, the original and unique faux-brick wooden house siding has been covered with aluminum siding. Continuing upward, the **steep front gable and its roof overhang** preserve an intact **decorative barge board with applied acanthus leaves and blocks, its flat board pediment with more applied and drilled decoration, and a paneled soffit closing the space behind the pediment**. It is topped off by a **decorative central drop finial**. The Second Avenue façade and porch have preserved much of their “**gingerbread**,” which adds to the architectural integrity of the Town.

*Historic Integrity Features of addition and back porch.*

It appears from an examination of the addition and back porch that they are period structures, covered in aluminum siding and with replacement windows. **Framing members of the original back porch** are visible from the exterior. The **size, massing and proportions of the addition and back porch** are appropriate to the scale of the core block of the house and to neighboring residences. The higher roof ridge of the main block drops down to 13 feet in the addition (see County tax record in Clare Kelly house file) and drops further at the back porch. Concurrently, the styles of **the roof pitches** diminish from very steep gable in the main block, to low gable in the addition, to shed in the back porch. This exemplifies the vernacular and organic evolution and visual interest of Washington Grove houses.

*Neighborhood character.*

The residence at 315 Grove Avenue sits at a particularly prominent location—across from McCathran Hall and The Woman’s Club, and on Grove Avenue, the Town’s “Main Street.” Although its lot size is small, it benefits from facing the green open space surrounding the Hall and the Woman’s Club. It is also steps away from the spiritual heart of the Town, the Sacred Circle. It is visible from many approaches. This visibility makes it particularly important that its historic integrity features be maintained.

It shares with other residences in the “tent district” its **small vernacular Carpenter Gothic cottage scale, massing and aesthetic**. Cottages around the Sacred Circle share many of the characteristics of its porch and telescoping additions.

### 315 Grove Avenue -- Figure List (Photos)

- |           |   |
|-----------|---|
| Figure 1  | Overview Second Avenue Elevation, Showing Typical Massing and Scale of “Tent District” Cottages   |
| Figure 2  | Overview Grove Avenue and Second Avenue Elevations, Showing Iconic Washington Grove Carpenter Gothic Porch and Façade                           |
| Figure 3  | East Elevation of Second Avenue Porch, Showing Square Posts, Vertical Board Lattice, Zigzag Rake Board and Sawn Board Brackets                  |
| Figure 3a | Second Avenue Porch Details, Sawn Board Bracket, Square Post with Chamfered and Incised Details   |
| Figure 4  | Original House Façade Under Porch Roof, Original Door and Window Casings, Original Transom Windows, Lattice Triangle                            |
| Figure 4a | Detail of Original House Façade Under Porch Roof, Original Transom Window with Applied Decoration   |
| Figure 5  | Original House Façade Above Porch Roof, Deep Main Roof Overhang, Barge Board and Flat Board Pediment  |
| Figure 5a | Barge Board Details: Applied Acanthus Leaves and Blocks; Flat Board Pediment Details: Paneled Soffit, Drilled & Applied Decoration, Drop Finial |
| Figure 6  | Rear Elevation Detail, Shallow Gable Addition and Roof Overhang   |
| Figure 7  | Rear Elevation, Shed Back Porch Including Overhang  |





**Figure 1 (315 Grove Avenue)**  
**Overview Second Avenue Elevation**  
**Showing Typical Massing and Scale of “Tent District” Cottages**



**Figure 2 (315 Grove Avenue)**  
**Overview Grove Avenue and Second Avenue Elevations**  
**Showing Iconic Washington Grove Carpenter Gothic Porch and Façade**





**Figure 3 (315 Grove Avenue)**  
**East Elevation of Second Avenue Porch**  
**Showing Square Posts, Vertical Board Lattice**  
**Zigzag Rake Board & Sawn Board Brackets**



**Figure 3a (315 Grove Avenue)**  
**Second Avenue Porch Details**  
**Sawn Board Bracket, Square Post with Chamfered & Incised Details**



**Figure 4 (315 Grove Avenue)**  
**Original House Façade Under Porch Roof**  
**Original Door and Window Casings, Original Transom Windows, Lattice Triangle**



**Figure 4a (315 Grove Avenue)**  
**Detail of Original House Façade Under Porch Roof**  
**Original Transom Window with Applied Decoration**





**Figure 5 (315 Grove Avenue)**  
**Original House Façade Above Porch Roof, Deep Main Roof Overhang**  
**Barge Board & Flat Board Pediment**



**Figure 5a (315 Grove Avenue)**  
**Barge Board Details: Applied Acanthus Leaves & Blocks**  
**Flat Board Pediment Details: Paneled Soffit, Drilled & Applied Decoration,**  
**Drop Finial**



**Figure 6 (315 Grove Avenue)  
Rear Elevation (Detail)  
Shallow Gable Addition and Roof Overhang**



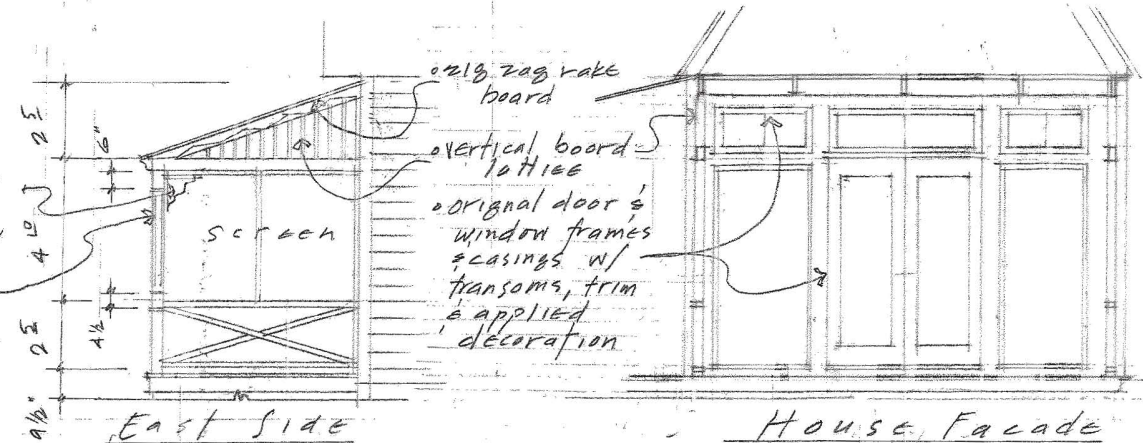
**Figure 7 (315 Grove Avenue)  
Rear Elevation  
Shed Back Porch Including Overhang**



315 Grove Avenue  
Washington Grove

January 15, 2015  
scale 1/4" = 1'-0"

- sawn brackets
- square posts w/  
chamfered &  
incised detail



- 2x12 zig rake board
- vertical board lattice
- original door & window frames casings w/ transoms, trim & applied decoration

East Side

House Facade

property line

- flat board pediment w/ paneled soffit & drilled & applied decoration
- drop finial
- barge board w/ applied acanthus leaves & blocks
- main roof overhang
- 5V crimp metal roof

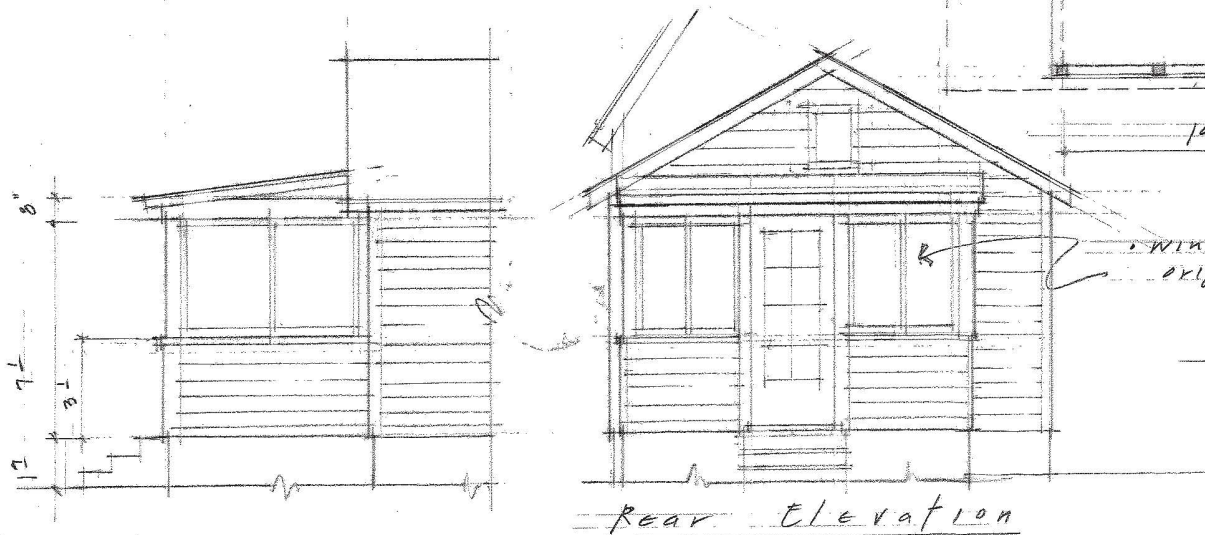
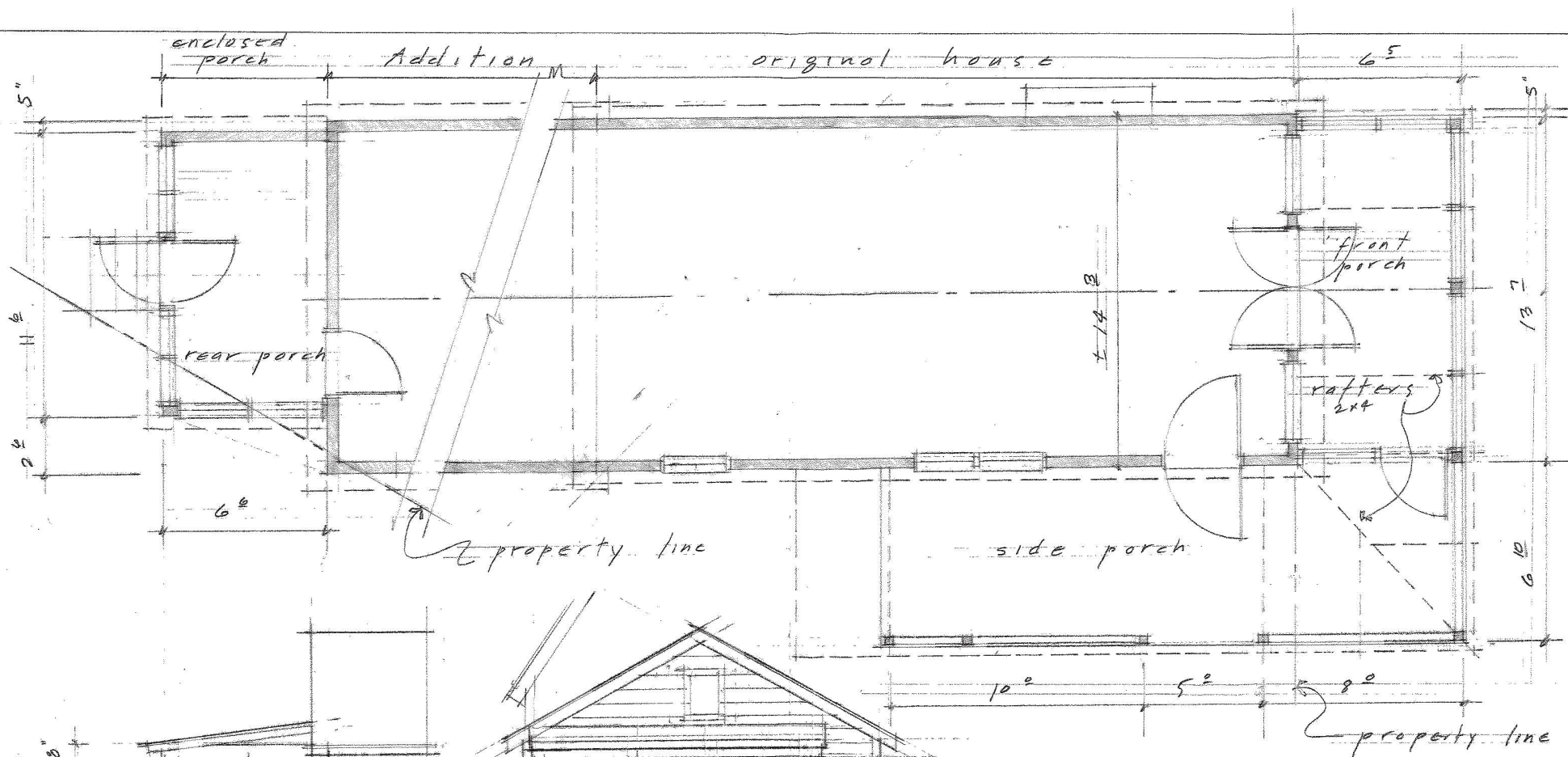
non-original turned posts

open  
brackets  
screening  
square posts

Grove Ave Elevation

Second Ave Elevation





scale -  $\frac{1}{4}" = 1'-0"$   
 315 GROVE AVENUE  
 WASHINGTON GROVE  
 January 15, 2015 (2)