



# PRINCE GEORGE'S COUNTY HISTORIC PRESERVATION COMMISSION

County Administration Building • 14741 Governor Oden Bowie Drive, 4<sup>th</sup> Floor, Upper Marlboro, Maryland 20772  
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**APPROVED 12/21/21**

## Summary of Actions

Prince George's County Historic Preservation Commission  
Monday, November 29, 2021, 6:30 p.m.  
4<sup>th</sup> Floor Board Room, County Administration Building

**THIS MEETING WAS HELD VIRTUALLY VIA GOTOMEETING**

Commissioners Present:	Vice Chair Lisa Pfueller Davidson, Susan Pruden, Royal Reff, Chairman John Peter Thompson, Donna Schneider, Yolanda Muckle, Nathania Branch-Miles
Commissioners Absent:	N/A
HPC Counsel:	Bradley Farrar, Esq.
Staff Present:	Howard Berger, Jennifer Stabler, Tom Gross, Tyler Smith, Ashley Hall

<b>Guest: Name/Organization</b>	<b>Agenda Item</b>
Karen DeMatteo	B.

### A. Call to Order

Chairman Thompson called the meeting to order at 6:30 p.m. Vice Chair Davidson read introductory remarks about the meeting and procedures into the record. Chairman Thompson indicated that the November 29, 2021 Historic Preservation Commission (HPC) meeting was convened in order to conduct a show-cause hearing to address violations associated with Historic Area Work Permit (HAWP) 2020-042.

### B. Section 29-121 – Violations and Penalties

#### 1. Historic Area Work Permit 2020-042, Isaac Brown House (Historic Site 72-009-30)

Mr. Smith presented the staff report. A Stop Work Order was issued by the Department of Permitting, Inspections, and Enforcement on May 13, 2020 for work that was conducted on the Isaac Brown House (Historic Site 72-009-30), without an approved HAWP or a County building permit. A large rear addition to the building had been partially constructed before the Stop Work Order was issued. The applicant then contacted staff and requested a HAWP for the rehabilitation of the subject house. The subject HAWP application was filed on July 2, 2020 and accepted as complete on December 15, 2020. The HPC reviewed and conceptually approved the HAWP application on January 19, 2021. The applicant finalized the application regarding outstanding material specifications with staff and a Staff-Sign-Off in final of

HAWP (2020-042) was issued on March 30, 2021. A lien was placed on the property by the Department of Permitting Inspection and Enforcement (DPIE) on October 8, 2021, after the property was listed for sale and it was discovered that the applicant had deviated from the approved final HAWP. Beginning November 4, 2021, DPIE has imposed fines on the property of \$1,000 a day pursuant to Prince Georges County Code 4-116 (b).

The Isaac Brown House is a small, two-story front-gable dwelling with a simple shotgun plan and Victorian detailing. The Isaac Brown House was built for Isaac and Maria Brown, who purchased two unimproved lots from developer Robinson White in 1909. In 1911, they had the house built and operated it as a rental property. The property was sold by the heirs of Isaac and Maria Brown in 1954 and was for more than 30 years afterwards home of the Gordon family. In a 2008 oral history interview, Mrs. Hester Gordon was recalled as an “*Aunt*” to everyone on 59th Place and the Isaac Brown House as a gathering place for residents of the neighborhood. Three modest additions, including the home’s first bathroom, were added to the back of the house. The Isaac Brown House is significant for its character, interest, and value as a part of the development, heritage, and cultural characteristics of the region, as an example of the cultural, economic, social, and historic heritage of the County and its communities, and embodies the distinctive characteristics of a modest residential dwelling.

The Fairmount Heights National Register Historic District, to which the subject property contributes, is historically significant in the areas of community planning and development, ethnic heritage, and politics and government. Fairmount Heights is among the earliest planned communities for African Americans in the Washington, D.C. area. The layout, dwelling types, and construction methods found in the community illustrate patterns typical of early twentieth-century African American residential suburbs. Successful endeavors of the town's citizens, including the erection of a town hall in 1908 and the construction of the first African American public elementary school in Prince George's County in 1912, are illustrative of successful efforts at self-government. The town retains five churches, a community hall, and a school that served as social and political centers for the area during segregation. The community was a center of political activism and progressivism throughout the early 20th century, with regular features in local African American newspapers. During this period, Fairmount Heights was also the residence of several notable African Americans who made significant political and social contributions to the town and Prince George's County. The extant residential buildings and community institutions reflect the continued growth of the community through the mid-twentieth century.

The subject property was vacant and partially open to the elements for several years. The neglect resulted in the deterioration of the rear additions, chimney, siding, and windows. The roof of the additions collapsed circa 2011. The original front door was removed and replaced with a hollow core interior wood door prior to the property’s designation as a historic site in 2010. The hipped roofed porch with Victorian detailing was removed and reconstructed as a utilitarian shed roofed porch with no detailing sometime between 1991 and 2006. The chimney fell into disrepair and was completely removed sometime between September 2018 and July 2020, without an approved HAWP or County building permit.

Historic Preservation Section staff communicated extensively with the applicant by email and phone beginning on June 24, 2020 regarding the permitting process and the use of historically appropriate materials. It was after extensive discussion and assistance from staff that HAWP 2020-042 was *conceptually* approved by the Historic Preservation Commission (HPC) on January 19, 2021. Further collaboration with staff led to the final approval of HAWP 2020-042 on March 30, 2021. Staff met with the applicant on site on two occasions; on July 23, 2020 and October 13, 2021.

HAWP 2020-042 permitted a comprehensive rehabilitation of the house’s exterior. The scope of work included the replacement-in-kind of the asphalt shingle roof; replacement-in-kind of the German wood siding; and restoration of the three, west elevation (front) windows. The windows in the south (side)

elevation were to be replaced with 1/1 wood-sash windows in the original openings. The current shed-roof porch was to be removed, and a hipped-roof porch was to be reconstructed to the dimensions and details of the original porch with salvaged decorative Victorian detailing including turned porch columns and decorative brackets. The front door was to be replaced with a modern, half-light wood door. HAWP 2020-042 also permitted the after-the-fact partial construction of a two-story rear addition. The addition was built on the same footprint as the three previously constructed additions but extended two stories to meet the main roofline of the house. The addition was framed, roofed, sheathed, and wrapped before the first Stop Work Order was issued on May 13, 2020. The addition was to be sided with wood lap siding to distinguish it from the German siding of the original house, with a vertical trim board visually separating the original volume from the addition. In keeping with the character of the original house, the north elevation was to have only one single-light window located in the second story. The majority of the new fenestration was permitted on the south elevation with 1/1 wood sash windows. The rear elevation included one exterior door on the first floor and two second-story windows of matching materials and design as those on the remainder of the house.

The house was listed for sale on October 3, 2021, at which point Historic Preservation Section staff became aware (through photos attached to the listing) of significant deviations from the approved HAWP. DPIE issued a Building Violation Notice and placed a lien on the property on October 8, 2021. The purpose of the lien is to prevent the property from changing ownership in the absence of remediation of the violations.

Historic Preservation Section staff met with the applicant and a DPIE inspector on site on October 13, 2021, at which time several violations of HAWP 2020-042 were identified. The most significant of these are: (1) the removal of the historic German siding on the main block and its replacement with unapproved modern siding that significantly alters the architectural character and integrity of the historic site; (2) the installation of unapproved siding to sheath the newly constructed rear addition; (3) the installation of an unapproved front door; and (4) the replacement rather than restoration of the three front (west) elevation windows, the relocation of the second story south elevation window, and the omission of two windows in the south elevation of the addition.

As no action was taken to remedy the violations, DPIE began fining the property \$1,000 per day on November 4, 2021 pursuant to County Code Section 4-116 (b) – Administration; Section 114, Violations, which reads, in part:

*114.4.1.1 Civil Fine Imposed Through Notice of Violation: When a civil fine is imposed through a notice of violation, the notice of violation shall state the amount of the civil fine and a description of the circumstances giving rise to the assessment. A civil fine imposed through a notice of violation shall be one thousand dollars (\$1,000) per violation. Each day that a violation continues shall be deemed a separate offense. A civil fine assessed through a notice of violation shall be due and payable within 30 days after the Building Official issues the written notice.*

Further, the ability to impose fines in this instance is supported by Section 29-121 (Division 7) of the Prince George's County Historic Preservation Ordinance.

The work that was completed deviates significantly from what was approved by HAWP 2020-042. The entire building, both the historic main block and the new addition, were sided with the same modern distressed siding rather than traditional German siding on the main block and wood lap siding on the addition, as specified. The front door was replaced but not as specified in the permit. The three front windows were replaced rather than restored. The second story window on the south elevation was replaced (as approved) but the window opening was entirely relocated (unapproved). Further, the approved addition was to include two windows in the south elevation, but these were never installed.

Taken together, these deviations from HAWP 2020-042 represent significant but reversible losses to the architectural integrity of the Historic Site. Staff concluded that these deviations can and should be remediated by the applicant with historically appropriate materials.

Staff concluded both the levying of fines and the maintenance of the lien on the property by DPIE should continue until this matter is resolved to the satisfaction of the HPC and recommended that the HPC direct DPIE to continue to levy fines and maintain the lien on 715 59th Place, Fairmount Heights, until such time as the applicant remediates the deviations from HAWP 2020-042.

Commissioner Pruden asked Mr. Farrar if the HPC's levied fines would be in addition to DPIE's levied fines. Mr. Farrar indicated that the HPC has the power to levy fines in addition to the fines levied by DPIE.

Vice Chair Davidson indicated that the work completed was an extraordinary deviation from what was approved in HAWP 2020-042.

Ms. Karen DeMatteo, the property owner, indicated that she felt that the siding was a German siding, and that the notice of violations had come as a shock. She provided information regarding why the deviations from HAWP 2020-042 had occurred. She indicated that she was unaware that deviations from the approved HAWP (HAWP 2020-042) were required to be approved prior to their implementation. Ms. DeMatteo then indicated that they do not have funds to continue paying fines and to implement the reversal of unapproved, historically incompatible work.

Vice Chair Davidson asked Ms. DeMatteo if she had provided material specifications to staff for approval and if she intended to use the materials specified. Ms. DeMatteo indicated that she did, though some material changes were made during the construction process that she was unaware needed to be approved by staff as they deviated from the approved materials submitted with HAWP 2020-042.

Vice Chair Davidson informed Ms. DeMatteo that, in her opinion, the only course of action that the HPC could realistically take would be to continue to levy fines on the property until the deviations from HAWP 2020-042 were corrected, as almost all the parameters in the HAWP had been largely ignored by the property owner.

Commissioner Reff asked what Ms. DeMatteo was prepared to do to reconcile the changes to the windows. Ms. DeMatteo indicated that, as the original windows had been smashed with a brick, there was nothing she could do regarding that particular deviation from the approved specifications.

Commissioner Pruden asked Ms. DeMatteo what her intention was to comply with the terms of the existing work permit. Ms. DeMatteo indicated that the door could be swapped out and windows could be added and asked the HPC what could be done to rectify the issue with the siding.

Commissioner Branch-Miles asked the applicant what the estimated time was for correcting the deviations from HAWP 2020-042. Ms. DeMatteo indicated that she could not answer the question without knowing if any leeway was available regarding the timeline for the corrections.

Chairman Thompson indicated that the windows are less of a concern and addressing the issue with the siding should be the main focus for discussion. He indicated that German siding, on the historic part of the house itself, is necessary for the structure to read as historic.

Mr. Berger clarified staff's expectations to the HPC, indicating that the current situation required the rectification of deviations from HAWP 2020-042, particularly the front door and the siding.

Vice Chair Davidson indicated that the purpose of the November 29, 2021 HPC meeting was to take an action regarding the continuance of DPIE's fines until the deviations from HAWP 2020-042 are rectified.

**MOTION:** Vice Chair Davidson moved that the HPC direct DPIE to continue to levy fines and maintain the lien on 715 59th Place, Fairmount Heights, until such time as the applicant remediates the deviations from HAWP 2020-042, as outlined in the staff report. The motion was seconded by Commissioner Schneider. The motion was approved by roll call vote and without objection (7-0).

### **C. Public Comment**

Public comment followed and was off the record.

### **D. Adjourn**

**MOTION:** Commissioner Pruden moved to adjourn. The motion was seconded by Vice Chair Davidson. The motion was approved by acclamation and without objection (7-0). The meeting adjourned at 7:53 p.m.

Respectfully submitted,



Ashley Sayward Hall  
Principal Planning Technician  
Historic Preservation Section