



## **Brick Fences**

### **Covenants, Constrictions and Restrictions**

#### **ARTICLE IV PROPERTY RIGHTS**

Section 4. Easement for Repair and Maintenance of Walls. Each individual lot owner or agent appointed by him shall have an easement across every adjacent lot for the limited purpose of the maintenance and/or repair of walls and wall piers and footings or part thereof, which are a part of and erected on each individual lot. Each individual lot owner shall be liable for any damage done to the adjacent lot by virtue of this Declaration. This easement shall be appurtenant to the ownership of each individual lot and shall pass with the title thereto to all subsequent purchasers, their heirs and assigns.

#### **General Information**

The brick fence enclosing each based on a construction technique pioneered by the Structural Clay Products Institute. There are two elements of the fences, (1) the column or pier is located about every ten to twelve feet, and (2) the fence sections between the columns. The primary structural element of these walls is the column, (roughly 12" x12") which consists of a concrete footing, to support the brick column and reinforcing steel to add strength to the column above grade. When building the fence sections, a wood 2 x 4 was used to support the fence during construction, (it adds no structural strength to the wall and eventually deteriorates). Inside the fence section small, steel reinforcing rods were used to add strength to the fence. The reinforcing rods were placed approximately every three courses. These rods do add strength, but they also rust and push mortar out of the joints – a problem exacerbated by the freeze/thaw cycles.

Each wall is placed approximately 4 inches inside the property line so that it belongs to one of the two houses that it separates. Since the fence sections are 4 inches thick, and the columns about 12 inches square, a column of a wall on one lot may be partially located on an adjacent lot. Future maintenance of the wall will be the responsibility of the owner on whose property the wall has been built.

You will note that the walls do not always remain at the same height, but drop or rise with changing grades. Also, due to grade changes between lots, it is sometimes necessary to use one to two feet of the bottom of the wall for retaining the dirt. During wet weather the portion of the wall below grade will become wet and as a result, several layers of brick lower to the ground will appear darker in color than bricks farther up the wall, away from the ground.

#### **Ownership of the Walls**

The brick wall attached to an owner's home is the property of that homeowner. In addition, walls directly in front of the house are the property of the homeowner. The plats (diagrams like blueprints you were given at settlement, describing your individual property) usually confirm that this is the case and further outline ownership of walls surrounding the property.



Typically:

- ◆ The walls in front of the home are owned by homeowners
- ◆ The wall in line with the brick side of the homes (the zero lot line) is owned by the homeowner
- ◆ For corner lots, the homeowner also owns the sidewall adjacent to the street
- ◆ For lots with easements for pathways, water and drainage, the homeowner owns the walls adjacent to the easements
- ◆ For lots on the perimeter of the subdivision, the homeowner also owns the brick wall along the perimeter.

To determine ownership of the walls surrounding your property, it is recommended that you locate your plat and review the property lines. To clearly identify ownership, it is further recommended that plats be reviewed alongside adjoining neighbors' and together you study the lines on each drawing carefully as some of the lines on the plats have been found to be ambiguous. On the plat, look for solid lines - these indicate walls. Dashed, broken lines // or "hash" marks // // // // // indicate property lines. If the hash marks are on your side of the solid line, you own the wall.

Bottom line, the survey coordinates written onto the plat are what matter legally, so in all probability nobody really has defective title, merely defective plats here and there.

### **Maintenance and Repairs**

As our property ages, the walls need to be more frequently evaluated for structural integrity, safety, and overall maintenance that impacts appearances. Cracked mortar in long runs, exposing rusted steel reinforcement rods, is one such structural issue facing homeowners. Such manifestations indicate the wall is moving: sinking down, or in some cases, being pushed sideways by water and earth pressure. In this instance, the wall, as a whole, needs to be repaired. **A structural engineer can help determine the level of work required to fix the situation at hand.**

Unless the problem is discoloration, graffiti removal, or minor mortar loss, most repairs require a "fix" that impacts neighbors who share or face the wall in question. Thus, repairs need to take into account all that share or are able to view the wall from their property. This is not just your immediate neighbors, but includes those neighbors adjacent to your property as well.

The specific brick used in the construction of our fences was called **Old Salem (no longer manufactured in oversize)**. Old Salem was an oversized, 8" wide x 2 ¾" high, (standard sized brick are 2 ¼" high) and "faced" brick. It has an exterior coating or glaze that gives the appearance of a golden color and is applied over a red brick. Unfortunately, there is no perfect match for the bricks manufactured in the early 1970s. Additionally, like paints and tiles, all bricks will vary slightly by lot. **Redland Cushwa #250 Terra Blend Modular Oversize (2 ¾" high x 7 5/8" wide x 3 5/8" thick)**, is a brick that is currently manufactured and replicates Old Salem in terms of facing, color of facing and size. It is considered to be a match with the original brick and can be used for repairs and when rebuilding or replacing a section of an existing wall. Availability of these bricks is listed at the end of this document.

The process of replacing mortar is called repointing. The new mortar should be tinted to match the existing wall. Matching the existing 30+ year old mortar is a challenging process. Mortar is



available in a variety colors and shades. It is very likely that a combination of standard colors will need to be mixed to achieve a good match. Wet mortar is a very different color than dry mortar, after a batch is mixed (and the proportions recorded) use a heat gun or powerful hair dryer to dry a small sample and compare it to the existing mortar and adjust accordingly (always keeping track of the proportions of various colors of mortar used to make the mix). An exact match is almost impossible, but with some patience and an eye for color, the difference between the old mortar and the new mortar will be almost imperceptible. Both the old and the new mortar will age gracefully and the subtle differences will become less obvious over time.

### Power Washing

The brick fences can be power washed to remove environmental build-up such as water stains, algae and moss. Power washing the bricks often helps maintain a more uniform appearance and improves the overall appearance of our community in general. A word of caution, while the original bricks have held up well, more recently manufactured bricks tend to be a little more fragile resulting in the removal of some of the “facing” which may expose the underlying red brick. Many commercial contractors use very high pressure washers to get larger areas done faster. These high pressure washers can easily remove the facing from the bricks used throughout DHA and expose the very red brick under the facing. To avoid this very unsightly problem it is highly recommended that a power washer with a variable power setting is used. It should be set to the minimum power necessary to clean the wall while not removing the facing. High pressure, non-variable power washers have another downside – they will actually blast out more mortar during the cleaning process than variable pressure washers. This will increase the amount of mortar repair (repointing) that will be needed and increase the cost of the project.

Please see the Acrobat file “**Cleaning Moulded and Sand Finished Brick**” in the **DHA Homeowner Notebook** for recommendations and directions for cleaning bricks with chemicals other than water.

### Committee Requirements

If you are just replacing a section of the wall with the approved Redland Cushwa #250 Terra Blend Modular Oversize, brick, you do not need the committee’s official approval. Since the exact brick is not available and colors may vary, owners may want to contact the committee. The committee can help owners with resources for materials and necessary steps based on shared experiences within the community.

### County Requirements Regarding Replacement

The technical term for the brick walls constructed in Drumaldry is **Brick Fence**. To rebuild the brick fence, or a section of the fence, you need (a) a structural engineer, (b) a permit from Montgomery County and then (c) a mason and brick company to do the work.

### **Staging the Project – One Owner’s Experience**

#### **STAGE 1**

The engineer has to come to assess the wall and make an official drawing for the replacement of any section. These drawings must be detailed and have the engineer’s official stamp to prove that he is licensed in Montgomery County.

#### **STAGE 2**

A trip to the Permit Dept. of Montgomery County to submit the new drawings along with the original surveyors drawing of the lot (to locate the section of the wall). To get these passed by



Montgomery County you need about 3-4 hours – depending on the lines. You cannot leave the drawings – you have to be there in person. **NOTE** - The correct and required term on your request should read “**Brick Fence**” as opposed to Brick Wall”

**STAGE 3**

Hire a masonry company or mason and brick company and post the permit several days in advance before the work commences. They need to follow the directions and drawings of the engineer. (In my case, this was to remove the bricks right down to the foundations.) Then, a Montgomery Inspector needs to view the foundations before the rebuild. Once you have his stamp of approval, the mason can proceed. **NOTE** – the Montgomery Inspector has to be booked 24 hours in advance in the morning.

Telephone calls have to be made before mid-day.

**STAGE 4**

Build the wall – weather permitting! **NOTE** - you cannot build or lay the foundations if it rains. The Montgomery Inspector then has to “sign off” on the project and give his official stamp of approval again with the 24 hours’ notice.

**Resources**

The following information was updated and provided by members of our community at the time of this printing.

**Redland Cushwa #250 Terra Blend Modular Oversize**

**Potomac Valley Brick and Supply**

**Gaithersburg**  
18849 Woodfield Road  
Gaithersburg, MD 20879  
6:30 am to 4:30 pm, M-F  
Voice: 240-499-2666  
Fax: 301-527-9067

Dave Richardson -- 240 499 2666 office, 301 252 4258 cell, [drichardson@pvbrick.com](mailto:drichardson@pvbrick.com) .

Faux Finishing of bricks that “don’t quite match” is an option that several homeowners have used to lessen the patchy coloring for repaired fences. The following website might be of interest:

<http://www.thebrickpainters.com/content/view/59/62/>