

**MONTGOMERY COUNTY HISTORIC PRESERVATION COMMISSION**  
**STAFF REPORT**

<b>Address:</b>	2 East Kirke St., Chevy Chase	<b>Meeting Date:</b>	9/5/2018
<b>Resource:</b>	Non-Contributing Resource <b>Chevy Chase Village Historic District</b>	<b>Report Date:</b>	8/29/2018
<b>Applicant:</b>	Andrew Umhau	<b>Public Notice:</b>	8/22/2018
<b>Review:</b>	HAWP	<b>Tax Credit:</b>	N/A
<b>Case Number:</b>	35/13-18AA	<b>Staff:</b>	Michael Kyne
<b>PROPOSAL:</b>	Fence replacement		

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**STAFF RECOMMENDATION**

Staff recommends that the HPC **approve with one (1) condition** the HAWP application.

- 1. The fence at the front (north) and right side (west) will be reduced to 4' in height and be an open picket-style fence to the approximate rear plane of the house, or that the proposed 6' tall fence will be relocated to the rear plane of the house at the front (north) and right side (west), with final review and approval delegated to staff.**

**ARCHITECTURAL DESCRIPTION**

**SIGNIFICANCE:** Non-Contributing Resource within the Chevy Chase District  
**STYLE:** Colonial Revival  
**DATE:** c. 1927-1941



***Fig. 1: Subject Property***

**PROPOSAL**

The applicant proposes to replace the existing 6’ tall stockade-style wooden fence at the subject property with a 6’ tall flatboard wooden fence in the same location.

**APPLICABLE GUIDELINES**

When reviewing alterations and new construction within the Chevy Chase Village Historic District several documents are to be utilized as guidelines to assist the Commission in developing their decision. These documents include the historic preservation review guidelines in the approved and adopted amendment for the *Chevy Chase Village Historic District (Guidelines)*, *Montgomery County Code Chapter 24A (Chapter 24A)*, and *the Secretary of the Interior’s Standards for Rehabilitation (Standards)*. The pertinent information in these documents is outlined below.

***Montgomery County Code; Chapter 24A-8***

1. The commission shall instruct the director to issue a permit, or issue a permit subject to such conditions as are found to be necessary to insure conformity with the purposes and requirements of this chapter, if it finds that:
  - (1) The proposal will not substantially alter the exterior features of an historic site or historic resource within an historic district; or
  - (2) The proposal is compatible in character and nature with the historical, archeological, architectural or cultural features of the historic site or the historic district in which an historic resource is located and would not be detrimental thereto or to the achievement of the purposes of this chapter; or

- (3) The proposal would enhance or aid in the protection, preservation and public or private utilization of the historic site or historic resource located within an historic district in a manner compatible with the historical, archeological, architectural or cultural value of the historic site or historic district in which an historic resource is located; or
  - (4) The proposal is necessary in order that unsafe conditions or health hazards be remedied; or
  - (5) The proposal is necessary in order that the owner of the subject property not be deprived of reasonable use of the property or suffer undue hardship; or
  - (6) In balancing the interests of the public in preserving the historic site or historic resource located within an historic district, with the interests of the public from the use and benefit of the alternative proposal, the general public welfare is better served by granting the permit.
2. It is not the intent of this chapter to limit new construction, alteration or repairs to any 1 period or architectural style.

### ***Chevy Chase Village Historic District Guidelines***

The guidelines break down specific projects into three levels of review – Lenient, Moderate and Strict Scrutiny.

“Lenient Scrutiny” means that the emphasis of the review should be on issues of general massing and scale, and compatibility with the surrounding streetscape, and should allow for a very liberal interpretation of preservation rules. Most changes should be permitted unless there are major problems with massing, scale and compatibility.

“Moderate Scrutiny” involves a higher standard of review than “lenient scrutiny.” Besides issues of massing, scale and compatibility, preserving the integrity of the resource is taken into account. Alterations should be designed so that the altered structure still contributes to the district. Use of compatible new materials, rather than the original building materials, should be permitted. Planned changes should be compatible with the structure’s existing design, but should not be required to replicate its architectural style.

“Strict Scrutiny” means that the planned changes should be reviewed to insure that the integrity of the significant exterior architectural or landscaping features and details is not compromised. However, strict scrutiny should not be “strict in theory but fatal in fact” i.e. it does not mean that there can be no changes but simply that the proposed changes should be reviewed with extra care.

The Guidelines state three basic policies that should be adhered to, including:

Preserving the integrity of the contributing structures in the district. Alterations to contributing structures should be designed in such a way that the altered structure still contributes to the district.

Design review emphasis should be restricted to changes that will be visible from the front or side public right-of-way, or that would be visible in the absence of vegetation or landscaping.

Alterations to the portion of a property that are not visible from the public right-of-way should be subject to very lenient review. Most changes to rear of the properties should be approved as a matter of course.

The Guidelines that pertain to this project are as follows:

**Fences** should be subject to strict scrutiny if they detract significantly from the existing open streetscape. Otherwise, fences should be subject to moderate scrutiny if they are visible from the public right-of-way, lenient scrutiny if they are not.

***Secretary of the Interior's Standards for Rehabilitation:***

2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.

**STAFF DISCUSSION**

The subject property is a c. 1927-1941 Colonial Revival-style Non-Contributing Resource within the Chevy Chase Village Historic District. The property is on a corner lot, with its front (north) facing East Kirke Street and its right side (west) adjacent to Connecticut Avenue. There is an existing 6' tall wooden stockade-style fence at rear, left side (east), and right side (west) of the property. The fence on the left side (east) terminates at the rear of the house, while the fence on the right side (west) continues to the approximate front of the house, with a return to the right/front (northwest) corner of the house. The return is parallel to East Kirke Street and is highly visible from the public right-of-way. The applicants propose to replace the existing fence with a 6' tall wooden flatboard fence in the same location.

The Commission's fence policy requires fences forward of the rear plane of houses within historic districts to be no taller than 4' with an open design, preserving the open streetscape. Fences beyond the rear plane are allowed at a maximum height of 6'-6".

Staff finds that the proposed fence should conform to the Commission's fence policy to ensure that the proposal does not detract from the character-defining features of the historic district or surrounding streetscape. Staff recommends that the HPC approve the applicants' proposal, with the condition that the fence at the front (north) and right side (west) will be reduced to 4' in height and be an open picket-style fence to the approximate rear plane of the house, or that the proposed 6' tall fence will be relocated to the rear plane of the house at the front (north) and right side (west), with final review and approval delegated to staff.

After full and fair consideration of the applicant's submission staff finds the proposal, with the inclusion of the staff recommended condition outlined above, as being consistent with the Criteria for Issuance in Chapter 24A-(b) 1 and 2, having found the proposal is consistent with the *Secretary of the Interior's Standards for Rehabilitation* outlined above.

**STAFF RECOMMENDATION**

Staff recommends that the Commission **approve with one (1) condition** the HAWP application under the Criteria for Issuance in Chapter 24A-8(b), having found that the proposal is consistent with the *Chevy Chase Village Historic District Guidelines* identified above, and therefore will not substantially alter the exterior features of the historic resource and is compatible in character with the district and the purposes of Chapter 24A;

and with the *Secretary of the Interior's Standards for Rehabilitation*;

and with the general condition that the applicant shall present the **3 permit sets of drawings, if**

**applicable 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 final project design details, not specifically delineated by the Commission, shall be approved by HPC staff or brought back to the Commission as a revised HAWP application at staff's discretion;

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 or michael.kyne@montgomeryplanning.org to schedule a follow-up site visit.



HISTORIC PRESERVATION COMMISSION  
301/563-3400

# APPLICATION FOR HISTORIC AREA WORK PERMIT

Contact Email: andrew.umhau@gmail.com Contact Person: ANDREW UMHAN  
 Tax Account No.: 216.58.9983 Daytime Phone No.: 202.374.2000  
 Name of Property Owner: ANDREW N. UMHAN Daytime Phone No.: 202.374.2000  
 Address: 2 EAST KIRKE ST. CHEVY CHASE, MD 20815  
Street Number City State Zip Code  
 Contractor: PHOENIX FENCE & DECK Phone No.: 240.832.2641  
 Contractor Registration No.: MHC # 90422  
 Agent for Owner: \_\_\_\_\_ Daytime Phone No.: \_\_\_\_\_

686989

**LOCATION OF BUILDING/PREMISE**

House Number: 2 Street: EAST KIRKE ST.  
 Town/City: CHEVY CHASE VILLAGE Nearest Cross Street: CONNECTICUT AVE  
 Lot: 29 Block: 34 Subdivision: SECTION 2 - CHEVY CHASE  
 Liber: \_\_\_\_\_ Folio: \_\_\_\_\_ Parcel: \_\_\_\_\_

**PART ONE: TYPE OF PROJECT/ACTION/USE**

1A. CHECK ALL APPLICABLE:

<input checked="" type="checkbox"/> Construct	<input type="checkbox"/> Extend	<input type="checkbox"/> Alter/Renovate	<input type="checkbox"/> A/C	<input type="checkbox"/> Slab	<input type="checkbox"/> Room Addition	<input type="checkbox"/> Porch	<input type="checkbox"/> Deck	<input type="checkbox"/> Shed
<input type="checkbox"/> Move	<input type="checkbox"/> Install	<input checked="" type="checkbox"/> Wreck/Raze	<input type="checkbox"/> Solar	<input type="checkbox"/> Fireplace	<input type="checkbox"/> Woodburning Stove	<input type="checkbox"/> Single Family		
<input checked="" type="checkbox"/> Revision	<input type="checkbox"/> Repair	<input type="checkbox"/> Revocable	<input checked="" type="checkbox"/> Fence/Wall (complete Section 4)		<input type="checkbox"/> Other: _____			

1B. Construction cost estimate: \$ 7,377

1C. If this is a revision of a previously approved active permit, see Permit # \_\_\_\_\_

**PART TWO: COMPLETE FOR NEW CONSTRUCTION AND EXTEND/ADDITIONS**

2A. Type of sewage disposal: 01  WSSC 02  Septic 03  Other: \_\_\_\_\_  
 2B. Type of water supply: 01  WSSC 02  Well 03  Other: \_\_\_\_\_

**PART THREE: COMPLETE ONLY FOR FENCE/RETAINING WALL**

3A. Height 6 feet 0 inches  
 3B. Indicate whether the fence or retaining wall is to be constructed on one of the following locations:  
 On party line/property line  Entirely on land of owner  On public right of way/easement

I hereby certify that I have the authority to make the foregoing application, that the application is correct, and that the construction will comply with plans approved by all agencies listed and I hereby acknowledge and accept this to be a condition for the issuance of this permit.

Andrew Umhan  
Signature of owner or authorized agent

7.18.18  
Date

Approved: \_\_\_\_\_ For Chairperson, Historic Preservation Commission

Disapproved: \_\_\_\_\_ Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Application/Permit No.: \_\_\_\_\_ Date Filed: \_\_\_\_\_ Date Issued: \_\_\_\_\_

**THE FOLLOWING ITEMS MUST BE COMPLETED AND THE  
REQUIRED DOCUMENTS MUST ACCOMPANY THIS APPLICATION.**

1. **WRITTEN DESCRIPTION OF PROJECT**

- a. Description of existing structure(s) and environmental setting, including their historical features and significance:

EXISTING STRUCTURE IS AN APPROXIMATELY 30 YR OLD  
PINE STOCKADE FENCE ENCLOSING THE BACK YARD  
OF THE PROPERTY. (THE HOUSE WAS BUILT ~ 1938)  
THE FENCE IS ROTTING, WARPED, AND HAS NUMEROUS  
MISSING SLATS

- b. General description of project and its effect on the historic resource(s), the environmental setting, and, where applicable, the historic district:

REPLACE EXISTING FENCE WITH PRESSURE TREATED  
FLATBOARDS ALONG THE EXISTING FOOT PRINT.  
THIS SHOULD NOT HAVE AN IMPACT ON  
HISTORIC RESOURCES, ENVIRONMENTAL SETTING OR  
THE HISTORIC DISTRICT

2. **SITE PLAN**

Site and environmental setting, drawn to scale. You may use your plat. Your site plan must include:

- a. the scale, north arrow, and date;
- b. dimensions of all existing and proposed structures; and
- c. site features such as walkways, driveways, fences, ponds, streams, trash dumpsters, mechanical equipment, and landscaping.

3. **PLANS AND ELEVATIONS**

You must submit 2 copies of plans and elevations in a format no larger than 11" x 17". Plans on 8 1/2" x 11" paper are preferred.

- a. *Schematic construction plans*, with marked dimensions, indicating location, size and general type of walls, window and door openings, and other fixed features of both the existing resource(s) and the proposed work.
- b. Elevations (facades), with marked dimensions, clearly indicating proposed work in relation to existing construction and, when appropriate, context. All materials and fixtures proposed for the exterior must be noted on the elevations drawings. An existing and a proposed elevation drawing of each facade affected by the proposed work is required.

4. **MATERIALS SPECIFICATIONS**

General description of materials and manufactured items proposed for incorporation in the work of the project. This information may be included on your design drawings.

5. **PHOTOGRAPHS**

- a. Clearly labeled photographic prints of each facade of existing resource, including details of the affected portions. All labels should be placed on the front of photographs.
- b. Clearly label photographic prints of the resource as viewed from the public right-of-way and of the adjoining properties. All labels should be placed on the front of photographs.

6. **TREE SURVEY**

If you are proposing construction adjacent to or within the dripline of any tree 6" or larger in diameter (at approximately 4 feet above the ground), you must file an accurate tree survey identifying the size, location, and species of each tree of at least that dimension.

7. **ADDRESSES OF ADJACENT AND CONFRONTING PROPERTY OWNERS**

For ALL projects, provide an accurate list of adjacent and confronting property owners (not tenants), including names, addresses, and zip codes. This list should include the owners of all lots or parcels which adjoin the parcel in question, as well as the owner(s) of lot(s) or parcel(s) which lie directly across the street/highway from the parcel in question.

PLEASE PRINT (IN BLUE OR BLACK INK) OR TYPE THIS INFORMATION ON THE FOLLOWING PAGE.  
PLEASE STAY WITHIN THE GUIDES OF THE TEMPLATE, AS THIS WILL BE PHOTOCOPIED DIRECTLY ONTO MAILING LABELS.

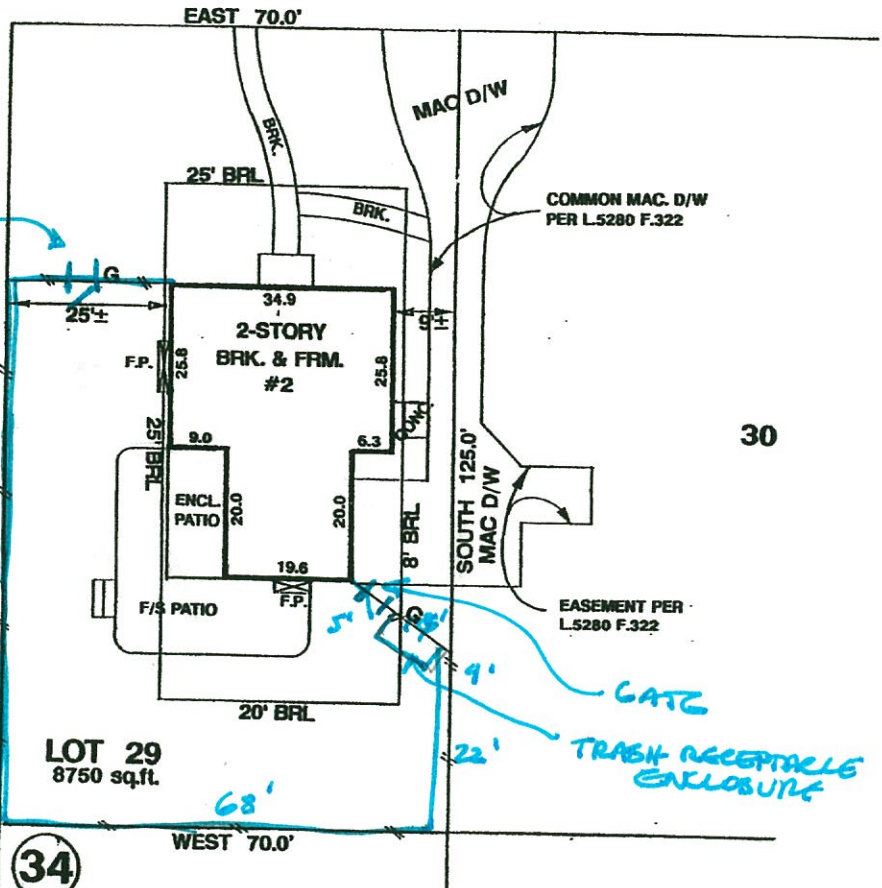
SECTION 2 - CHEVY CHASE  
 LOT 29 BLOCK 34  
 MONTGOMERY COUNTY, MARYLAND

SITE  
 PLAN

EAST KIRKE ST.  
 (100' R/W)  
 (FORMERLY KIRKE ST.)

NORTH

CONNECTICUT AVE.  
 (130' R/W)



34

28

30



THE PROPERTY SHOWN HEREON IS LOCATED IN ZONE C (AREA OF MINIMAL FLOODING)  
 ACCORDING TO NATIONAL FLOOD INSURANCE PROGRAM F.I.R.M. MAP COMMUNITY  
 PANEL NO. 240049 0175 C AS REVISED 08-01-1984

Applicant: ANDREW N. UMLTAU  
 2 EAST KIRKE ST.  
 CHEVY CHASE, MD 20815

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Andrew Umhau

2 East Kirke St.

Chevy Chase, MD 20815

HAWP application

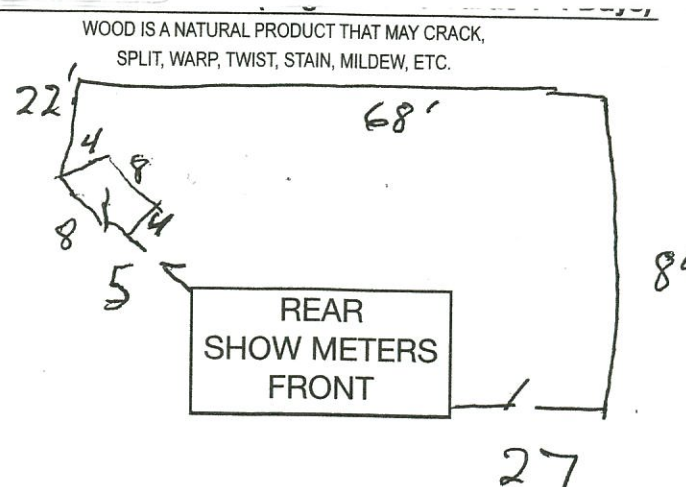
3. Plans and Elevations

Current fence is to be replaced in entirety by flatboard fence with capboard but with the same dimensions, location, size, and general fence (but not stockade style.) It will follow the same perimeter/line as the existing fence and gates. The pressure treated pine flatboard will be mounted on 4' X 4' posts in ground with cement. The 3 gates will be mounted on 6' X 6' posts in ground 30" in ground with cement. Post tops will have wooden low pyramid caps.



Flatboard with capboard

1	238' WYNGATE, BOARD AND BATTEN FLATBOARD 1X6X6 PRESSURE TREATED PINE WITH CAPBOARD MOUNTED ON 4X4 POST 'N GROUND WITH CEMENT	6188.00
3	42" GATES CEDAR MOUNTED ON 6X6 POST 'N GROUND 30" WITH CEMENT	375.00 <del>500.00</del>
	CLEAR AND HAUL	714.00
	PERMIT	100.00
Rail 2x4 <input checked="" type="checkbox"/> 2x3 <input type="checkbox"/> Teco Nail <input checked="" type="checkbox"/> Face Nail <input type="checkbox"/> Post Tops: <input checked="" type="checkbox"/> Black Vinyl <input type="checkbox"/> Colonial Gothic <input checked="" type="checkbox"/> Pyramid Caps <input type="checkbox"/> Other _____		



Andrew Umhau

2 East Kirke St.

Chevy Chase, MD 20815

HSWP application

#### 4. Materials Specifications

Flatboard 1 X 6 X 6' pressure treated pine with pressure treated pine clapboard as fencing

4 X 4 posts in ground with cement

3-42" gates of similar wood

6 X 6 posts in ground 30" with cement associated with gates

Wooden pyramid caps for post tops

Existing Property Condition Photographs (duplicate as needed)



CONWESTWICH AVE.  
↓

Detail: WEST SIDE OF FRONT YARD (OUTSIDE OF YARD)



Detail: EAST SIDE, AT END OF SHADED DRIVEWAY. NOTE  
"CLOSET" FOR TRASH RECEPTACLES, GATE INTO BACK YARD  
(OUTSIDE OF YARD)

Applicant: ANDREW UMHAN  
2 EAST KIRKE ST  
CHEVY CHASE, MD  
20815

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Existing Property Condition Photographs (duplicate as needed)

↑ KIRKE ST

CONNECTICUT  
AVENUE ←



Detail: INSIDE VIEW, TO FRONT OF SIDE YARD



Detail: INSIDE VIEW, INSIDE CORNER OF BACK YARD

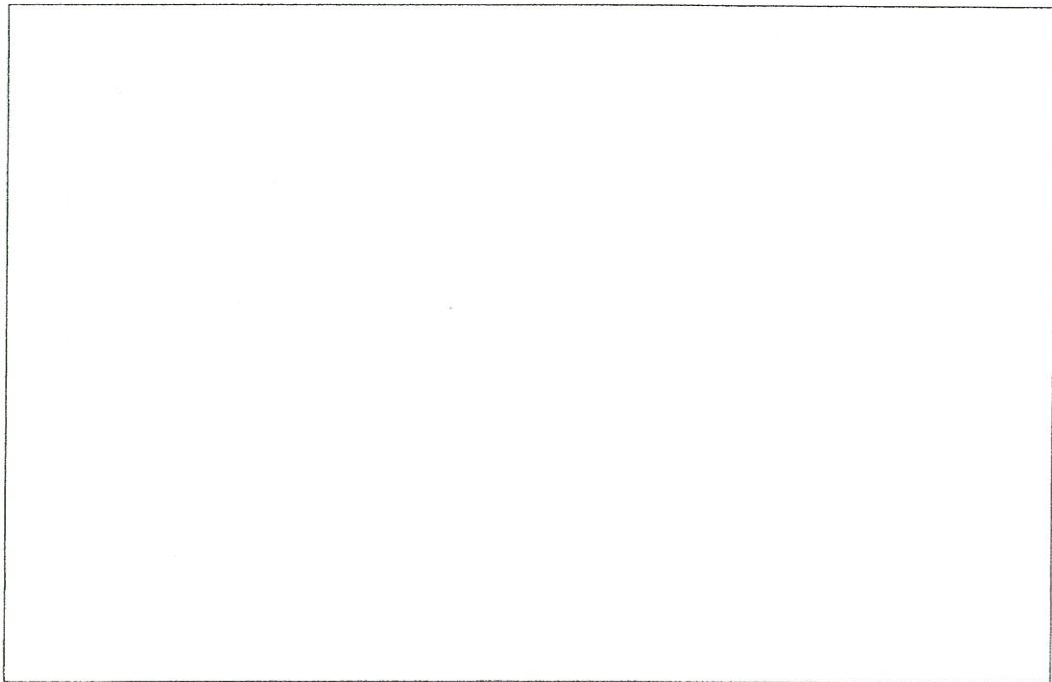
Applicant: ANDREW UMHAN  
2 EAST KIRKE ST.  
CITRY CTASE, MD  
20815

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Existing Property Condition Photographs (duplicate as needed)



Detail: DETAIL OF POOR CONDITION OF FENCE



Detail: \_\_\_\_\_

Applicant: ANDREW UMHAU  
2 EAST KIRK ST.  
CHEM CHASE, MD 20815

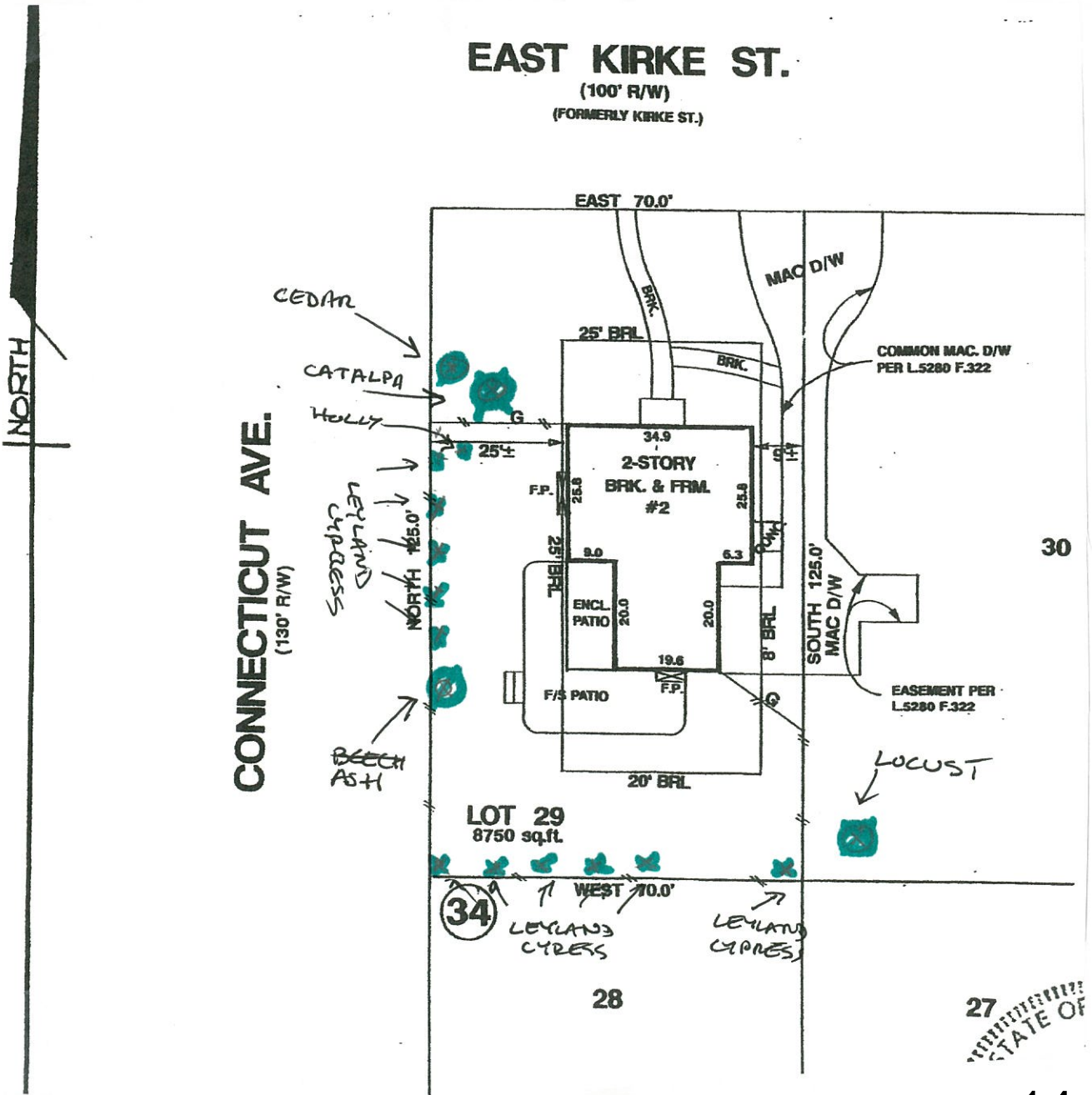
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Andrew Umhau  
2 East Kirke St.  
Chevy Chase, MD 20815

HAWP Application

6. Tree Survey

No trees are expected to be affected by the replacement of this fence. The majority of the trees are old Leyland Cypress that had been planted decades ago for screening and I would estimate to be generally 50 feet high. The other mature trees are a Catalpa, Beech, Cedar, and Locust. They would be greater than 75 feet tall.



**HAWP APPLICATION: MAILING ADDRESSES FOR NOTIFYING**  
 [Owner, Owner's Agent, Adjacent and Confronting Property Owners]

<p><b>Owner's mailing address</b></p> <p>2 EAST KIRKE ST.          CHEVY CHASE, MD          20815</p>	<p><b>Owner's Agent's mailing address</b></p> <p align="center">—</p>
<p align="center"><b>Adjacent and confronting Property Owners mailing addresses</b></p>	
<p>KATE CLARK          4 EAST KIRKE ST.          CHEVY CHASE, MD          20815</p>	
<p>LANSING LEE          1 EAST IRVING ST.          CHEVY CHASE, MD          20815</p>	