

ONTGOMERY COUNTY HISTORIC PRESERVATION COMMISSION
STAFF REPORT

Address:	6403 Connecticut Ave.	Meeting Date:	7/12/17
Resource:	Contributing Resource Chevy Chase Village Historic District	Report Date:	7/5/17
Review:	HAWP	Public Notice:	6/28/17
Case Number:	35/13-170	Tax Credit:	None
Applicant:	Jessica Killin & Raj Date	Staff:	Dan Bruechert
Proposal:	Accessory Structure Construction		

STAFF RECOMMENDATION

Staff recommends that the HPC **approve** the HAWP application.

PROPERTY DESCRIPTION

SIGNIFICANCE: Contributing Resource to the Chevy Chase Village Historic district
STYLE: Tudor Revival
DATE: 1916-27

The subject property is a two-and-a-half story, gable-L, stucco, Tudor Revival house. The house is three bays wide with a semi-circular driveway that extends along the left side of the house.

BACKGROUND

In January and March of 2016, the property at 6403 Connecticut Ave. came in for two separate HAWPs related to proposed alterations to the windows and doors of the historic house and a hardscape and landscape plan. These HAWPs were conditionally approved by the HPC. It has come to Staff's attention that the previous applicant may have exceeded the approval. Approval or denial of this HAWP is not dependent on the status of the actions taken in the previous HAWP. Staff will conduct a site visit to thoroughly investigate the work completed and will brief the Historic Preservation Commission on this issue.

PROPOSAL

The applicant is proposing the construction of an accessory structure to the rear of the house in the southeast corner of the lot. The 22 ft² (twenty-two square foot) structure will be one-story tall with a T-shaped gable roof and stucco siding.

APPLICABLE GUIDELINES

When reviewing alterations and additions for new construction within the Chevy Chase Village Historic District, decisions are guided by the Chevy Chase Village Historic District Design

Guidelines (Design Guidelines) and Montgomery County Code Chapter 24A (Chapter 24A).

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 or 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.

HAWP applications for exterior alterations, changes, and/or additions to non-contributing/out-of-period resources should receive the most lenient level of review. Most alterations and additions should be approved as a matter of course. The only exceptions would be major additions and alterations to the scale and massing of the structure, which affect the surrounding streetscape and/or landscape and could impair the character of the district as a whole.

- Doors should be subject to moderate scrutiny if they are visible from the public right-of-way, lenient scrutiny if they are not.
- Dormers should be subject to moderate scrutiny if they are visible from the public right-of-way, lenient scrutiny if they are not.
- Exterior trim (such as moldings on doors and windows) on contributing resources should be subject to moderate scrutiny if it is visible from the public right-of-way, lenient scrutiny if it is not. Exterior trim on Outstanding resources should be subject to strict scrutiny if it is visible from the public right-of-way.
- Garages and accessory buildings which are detached from the main house should be subject to lenient scrutiny but should be compatible with the main building. If an existing garage or accessory building has any common walls with, or attachment to, the main residence, then any addition to the garage or accessory building should be subject to review in accordance with the Guidelines applicable to “major additions.” Any proposed garage or accessory building which is to have a common wall with or major attachment to the main residence should also be reviewed in accordance with the Guidelines applicable to “major additions.”

- Gutters are not currently subject to review and should not be reviewed.
 - Lamposts and other exterior lights should be subject to moderate scrutiny if they are visible from the public right-of-way, lenient scrutiny if they are not.
 - Lot coverage should be subject to strict scrutiny, in view of the critical importance of preserving the Village's open park-like character.
 - Major additions should, where feasible, be placed to the rear of the existing structure so that they are less visible from the public right-of-way.
 - Roofing materials should be subject to moderate scrutiny if they are visible from the public right-of-way, lenient scrutiny if they are not. In general, materials differing from the original should be approved for contributing resources. These guidelines recognize that for outstanding resources replacement in kind is always advocated
 - Shutters should be subject to moderate scrutiny if they are visible from the public right-of-way.
 - Siding should be subject to moderate scrutiny if it is visible from the public right-of-way, lenient scrutiny if it is not.
 - Tree removal should be subject to strict scrutiny and consistent with the Chevy Chase Village Urban Forest Ordinance.
 - Windows (including window replacement) should be subject to moderate scrutiny if they are visible from the public right-of-way, lenient scrutiny if they are not. Addition of compatible exterior storm windows should be encouraged, whether visible from the public-right-of-way or not. Vinyl and aluminum windows (other than storm windows) should be discouraged.
- The *Guidelines* state five basic policies that should be adhered to, including:
- Preserving the integrity of the Chevy Chase Village Historic District. Any alterations should, at a minimum, perpetuate the ability to perceive the sense of time and place portrayed by the district.
 - Preserving the integrity of contributing structures. Alterations to should be designed in such a way that the altered structure still contributes to the district.
 - Maintaining the variety of architectural styles and the tradition of architectural excellence.
 - 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 a very lenient review. Most changes to the rear of the properties should be approved as a matter of course.

Montgomery County Code; Chapter 24A-8(b)

A HAWP permit should be issued if the Commission finds that:

1. The proposal will not substantially alter the exterior features of a historic site or historic resource within a historic district.
2. The proposal is compatible in character and nature with the historical archaeological, architectural or cultural features of the historic site or the historic district in which a historic resource is located and would not be detrimental thereto of to the achievement of

the purposes of this chapter.

STAFF DISCUSSION

The applicant is proposing to construct a 22 ft² accessory structure in the southeast corner of the lot at 6403 Connecticut Ave. The building will be one-story tall and takes several design cues from the historic house, including the stucco wall finish, the cedar shingles in the gable ends, and brick accents. Per the *Design Guidelines*, this proposal will not impact any trees on the site as the eastern end of the property contains no trees; mature or otherwise.

In 2016, when this property was brought before the HPC the Commissioners questioned whether it would be appropriate to construct a garage to meet the parking needs of the previous applicant (see circle: 4060). In that meeting the previous applicant indicated that there had been a garage in the northeast corner of the house, but the prior owner removed the garage when they constructed the kitchen addition to the north of the house (the left-side addition, largely obscured by a wooden fence). There is a precedent for a detached accessory structure on the property and as figure 1 demonstrates, several of the neighboring homes within the Chevy Chase Village Historic District have detached garages as well. The placement and location proposed in this HAWP is in keeping placement and character of detached garages with the surrounding district.

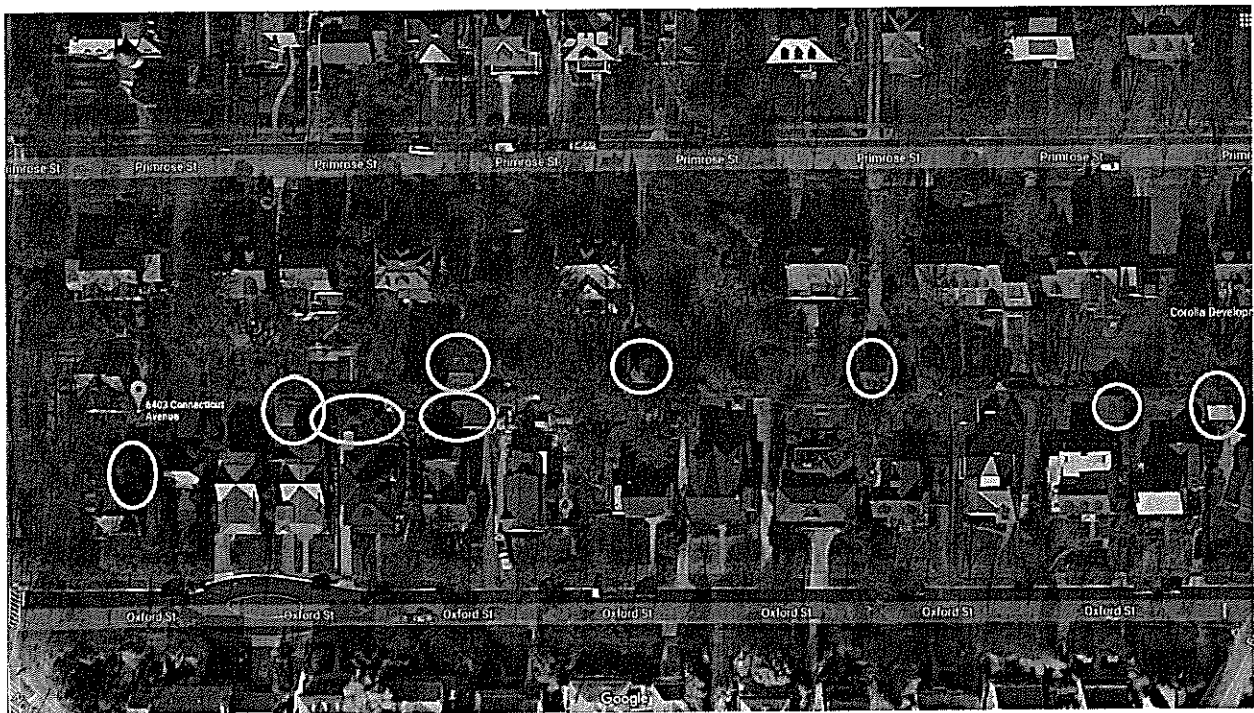


Figure 1: Neighboring houses with detached garages circled

Chevy Chase Village Historic District *Design Guidelines* state that detached garages and accessory structures should be subject to lenient scrutiny but should be compatible with the main building. In this instance, the building will be placed in the rear of the lot and will not share any party walls with the house. Additionally, the architectural design takes cues from the historic house to create a cohesive appearance between the historic house and the accessory structure. The materials chosen for the accessory structure are the largely identical to those found in the historic; i.e. stucco siding, brick water table, cedar shingles, and multi-lite casement windows. The proposed asphalt shingles

are an appropriate material in this district, as the architectural elements are subject to moderate scrutiny, which allows for compatible substitute materials.

There are several design cues that refer to the historic building, including the gable roof, the flat arches above the windows and French doors, and the small shed dormer. These design elements are the applicants attempt to make the proposed structure's design compatible with the historic house per the *Design Guidelines*.

As the proposed building will be visible from the public right-of-way, its design is subject to moderate scrutiny. This requires the review of the scale, massing, materials, and the protection of the historic resource in the evaluation of the work proposed. In this case, the proposed construction is placed as far from the historic resource as possible as allowed by zoning. This will minimize its visual impact on the historic resource and protect the historic house to the greatest extent possible, in addition to meeting the guidance in the *Design Guidelines* it is also in keeping with 24A-8(b)(2). Its one-story height is modest in comparison to the two-and-a-half story historic house. The materials and design, discussed above, are compatible and referential to those on the historic house. For these reasons Staff supports approval of this proposal.

STAFF RECOMMENDATION:

Staff recommends that the Commission **approve** the HAWP application; and with the general condition applicable to all Historic Area Work Permits that **the applicant will present 3 permit sets of drawings to HPC staff for review and stamping prior to submission for permits (if applicable)**. After issuance of the Montgomery County Department of Permitting Services (DPS) permit, the applicant will arrange for a field inspection by calling the DPS Field Services Office at 240-777-6370 prior to commencement of work and not more than two weeks following completion of work.



HISTORIC PRESERVATION COMMISSION
301/563-3400

DPS - #8

APPLICATION FOR HISTORIC AREA WORK PERMIT

Contact Email: ED@STUDIOZDC.COM Contact Person: EDWARD WILCZYNSKI
Tax Account No.: 160700454275 Daytime Phone No.: 716-983-1545
Name of Property Owner: JESSICA KILLIN AND RAJ DATE Daytime Phone No.: 202-270-3279
Address: 6403 CHEVY CHASE CONNECTICUT AVE 20815
Street Number City State Zip Code
Contractor: TBD Phone No.: _____
Contractor Registration No.: _____
Agent for Owner: EDWARD WILCZYNSKI Daytime Phone No.: 716-983-1545

LOCATION OF BUILDING/PREMISE

House Number: 6403 Street: CONNECTICUT AVE
Town/City: CHEVY CHASE Nearest Cross Street: OXFORD STREET
Lot: 7 Block: 57 Subdivision: CHEVY CHASE SEC 2
Liber: _____ Folio: _____ Parcel: _____

PART ONE: TYPE OF PERMIT ACTION AND USE

1A. CHECK ALL APPLICABLE:

☒ Construct ☐ Extend ☐ Alter/Renovate
☐ Move ☐ Install ☐ Wreck/Raze
☐ Revision ☐ Repair ☐ Revocable

CHECK ALL APPLICABLE:

☐ A/C ☐ Slab ☐ Room Addition ☐ Porch ☐ Deck ☒ Shed
☐ Solar ☐ Fireplace ☐ Woodburning Stove ☐ Single Family
☐ Fence/Wall (complete Section 4) ☐ Other: _____

1B. Construction cost estimate: \$ 200,000

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 _____ feet _____ 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.

[Signature]
Signature of owner or authorized agent

06/01/2017
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:

THE HOME AT 6403 CONNECTICUT AVE IS STUCCO AND BRICK WITH
TUDOR DETAILING. THE SITE IS FAIRLY FLAT WITH VERY LITTLE
VEGETATION. THE REAR YARD OF THE HOME HAS A WOOD TRELLIS
ALONG THE REAR LOT LINE AND ONE ALONG THE SIDE NEAR THE HOME.
THERE IS ONE LARGE TREE IN THE REAR YARD VERY CLOSE TO THE HOME.

- b. General description of project and its effect on the historic resource(s), the environmental setting, and, where applicable, the historic district:
THE ACCESSORY BUILDING IS TO BE BUILT IN THE REAR YARD. WE ARE USING STUCCO, BRICK AND CEDAR
AS WELL WINDOW/DOOR LITE CUTS TO MIMIC THE EXISTING HOUSE. THE GEOMETRY OF THE BUILDING
ALSO PLAYS OFF THE FORM OF THE EXISTING IN ADDITION TO SIMILAR DECORATIVE DORMERS.

THE BUILDING WILL NOT AFFECT ANY EXISTING TREES AND WILL SIT ON A FLAT PORTION OF THE SITE
THE EXISTING WOOD TRELLIS WILL REMAIN/BE REPAIRED AND IS INCORPORATED INTO THE DESIGN
THE BUILDING WILL HAVE LITTLE VISIBILITY TO THE STREET OR ADJACENT NEIGHBORS.

2. **SITE PLAN**

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

- a. the scale, north arrow, and date; **1:20 SCALE**
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.

PROVIDED ON 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.

NOT WITHIN TREE DRIP LINE

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.



**Municipality Letter for
Proposed Construction Project**

Subject Property: 6403 Connecticut Avenue, Chevy Chase, MD 20815
Property Owner: Jessica Killan
Project Manager/Contractor: Studio Z
Proposed Work: Construct detached accessory building

3/20/2017

Diane R. Schwartz Jones, Director
Department of Permitting Services of Montgomery County
255 Rockville Pike, 2nd floor
Rockville, MD 20850

Dear Ms. Jones,

This letter is to inform your department that the above homeowner/contractor has notified Chevy Chase Village that he or she plans to apply for both county and municipal permits for the above summarized construction project. Chevy Chase Village will not issue any municipal building permit(s) for this proposed project until Montgomery County has issued all necessary county permits and the applicant has provided Chevy Chase Village with copies of county-approved and stamped plans. We have advised the homeowner/contractor that a permit from Montgomery County does not guarantee a permit from this municipality unless the project complies with all our municipal rules and regulations.

If this homeowner/contractor later applies for an amended county permit, please do not approve that application until you have received a Municipality Letter from us indicating that the homeowner/contractor has notified us of that proposed amendment to the permit.

If you have any questions about this proposed project and the municipal regulation of it by Chevy Chase Village, do not hesitate to have your staff contact my office. The Village Permitting Coordinator can be reached by phone at 301-654-7300 or by e-mail at ccvpermitting@montgomerycountymd.gov.

Sincerely,

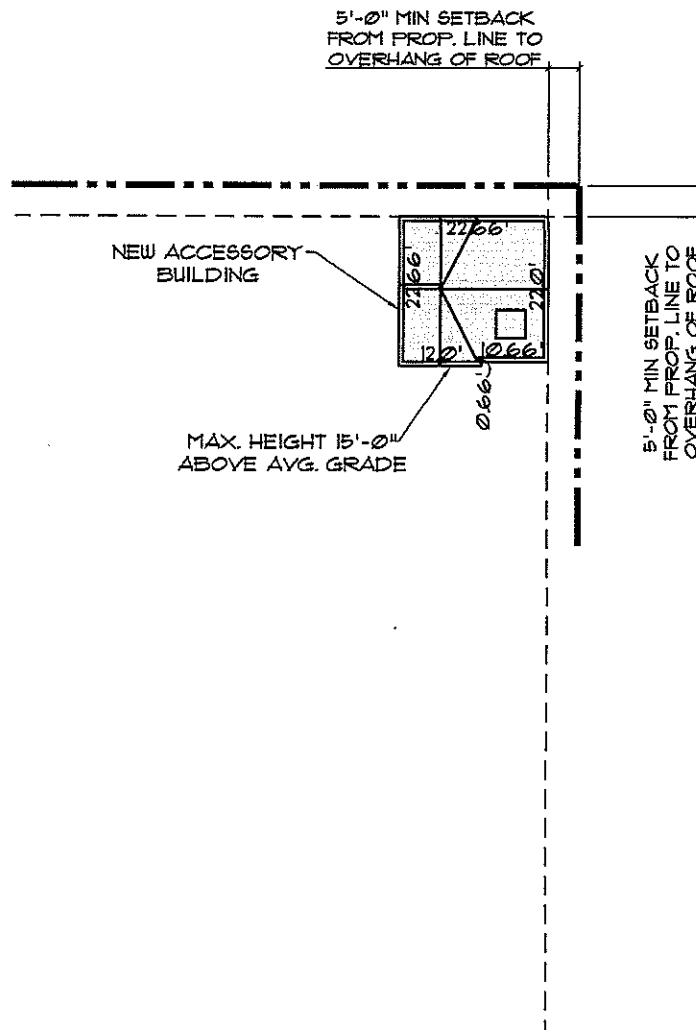
Shana R. Davis-Cook
Chevy Chase Village Manager

CHEVY CHASE VILLAGE
5906 Connecticut Avenue
Chevy Chase, Maryland 20815
Phone (301) 654-7300
Fax (301) 907-9721
ccv@montgomerycountymd.gov
www.chevychasevillagemd.gov

BOARD OF MANAGERS
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VILLAGE MANAGER
SHANA R. DAVIS-COOK
LEGAL COUNSEL
SUELLEN M. FERGUSON



Applicant: 6403 Connecticut Ave
KULW/DATE

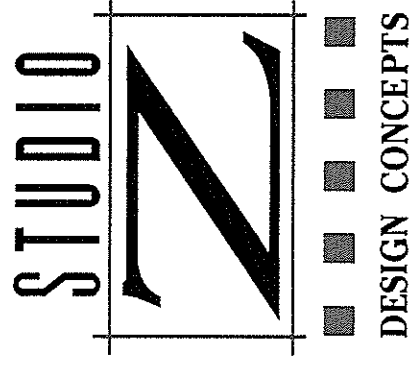
Shade portion to indicate North

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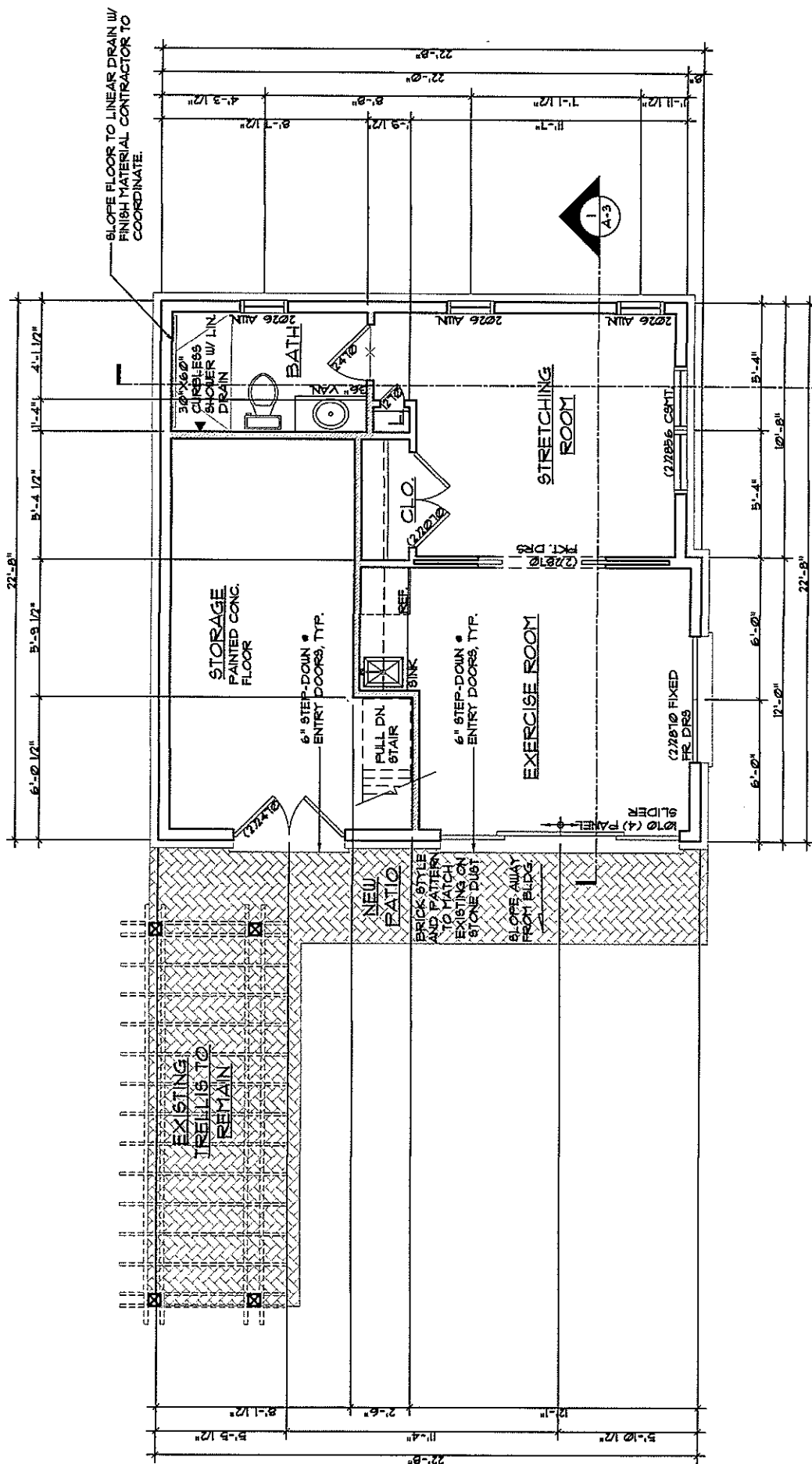
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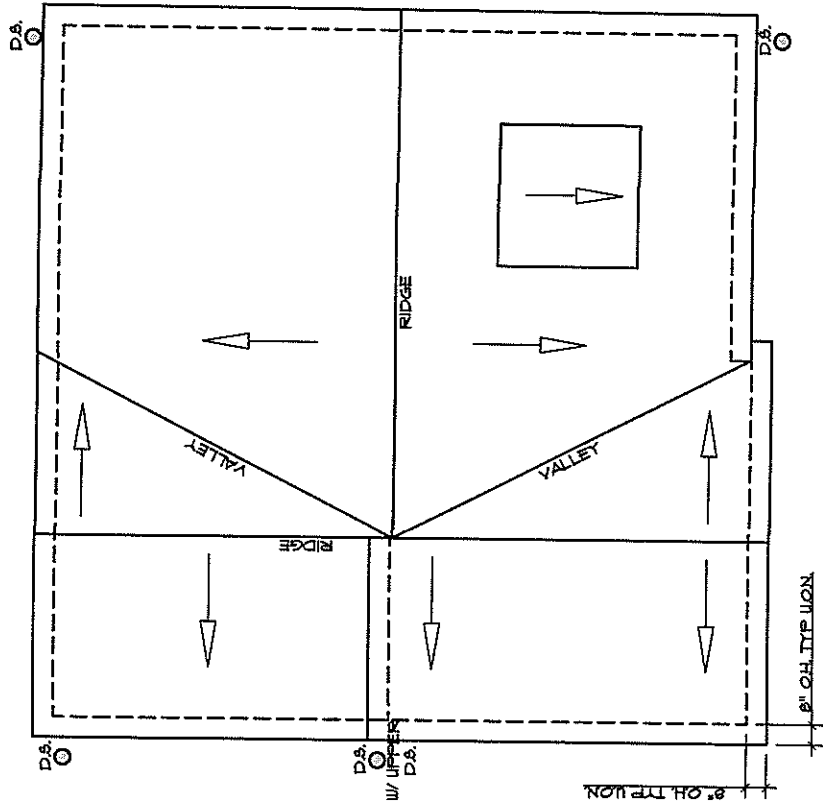
6403 CONNECTICUT AVE.
ACCESSORY BUILDING

PLANS AND ELEVATIONS DRAWING SET



FOUNDATION PLAN





ROOF PLAN

SCALE = 1/4" = 1'-0"

6403 CONNECTICUT AVE
ACCESSORY BUILDING

SEE 1/43 FOR DIMENSIONS, E.S. METAL
ROOF, INSTALL PER MANU SPEC'S,
FLASHING W/ DRIP EDGE AS REQ.

RIDGE VENT • ALL RIDGES TYP.

TYPICAL ROOFING: COMPOSITE
ASPHALT SHINGLES ON 18" ROOF FELT
ON 1/2" EXTERIOR SHEATHING WITH
CLIPS OVER PRE-ENGINEERED
ROOF TRUSSES W/ SPACING PER MANU.

SEE 1/43 FOR DIMENSIONS

8"X-86 COVE MOLDING

4010 FIXED WINDOW

SCALLOPED CEDAR DETAIL TO MATCH
EXIST. HOUSE. CONTR. TO COORDINATE.

SEE DETAIL C/D-T-1

2428 FIXED WINDOW

SEE C/D-T-1 FOR DETAIL

5/4" X 10" PVC TRIM BOARD

AT HEADS TYP. UN. PAD AS REQ.

SEE DETAIL C/D-T-1

STUCCO FINISH TO MATCH
CONTR. TO COORDINATE

BRICK W/ ROWLOCK TO MATCH
EXIST. HOUSE CONTR. TO COORDINATE

FROST FOOTING
SEE DETAILS

NOTE: ALIGN TOPS
OF WINDOWS, BULKHEADS,
AND CAGED-OPENINGS W/
TOP OF FLOOR IN SITTING
ROOM (11'-0") UN.

TOP OF WINDOW

TOP OF PLATE

MAX HEIGHT 16'-0"

TO SLAB

TO SLAB

TO SLAB

TO SLAB

TO SLAB

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TO SLAB

TO SLAB

FRONT ELEVATION

SCALE = 1/4" = 1'-0"

NOTE:
ALL ROOF PITCHES TO BE COORDINATED BY
CONTRACTOR W/ GRADE TO MEET BLDG.
HEIGHT REQUIREMENTS TYP.

6403 CONNECTICUT AVE
ACCESSORY BUILDING

(15)

6403 CONNECTICUT AVE ACCESSORY BUILDING

15

RIDGE VENT • ALL RIDGES TYP.

3/4" X 6" PVC TRIM BOARD
AT HEAD, PAD AS REQ. SEE C/D-T-1
(3) 2026 FIXED WINDOWS W/
6" CEMENT BOARD PANEL

TYPICAL ROOFING: COMPOSITE
ASPHALT SHINGLES ON 1/2" ROOF FELT
ON 1" EXTERIOR SHEATHING WITH
CLIPS OVER PRE-ENGINEERED
ROOF TRUSSES W/ SPACING PER MANU.

3/4" X 6" PVC TRIM BOARD
AT HEADS TYP. UO.N. PAD AS REQ.
SEE DETAIL C/D-T-1

STUCCO FINISH TO MATCH
CONTR. TO COORDINATE

BRICK W/ ROULOCK TO MATCH
EXIST. HOUSE CONTR. TO COORDINATE

FROST FOOTING
SEE DETAILS

SIDE ELEVATION

SCALE = 1/4" = 1'-0"

NOTE:
ALL ROOF PITCHES TO BE COORDINATED BY
CONTRACTOR W/ GRADE TO MEET BLDG.
HEIGHT REQUIREMENTS TYP.

6403 CONNECTICUT AVE ACCESSORY BUILDING

REAR ELEVATION

RIDGE VENT • ALL RIDGES TYP.

5/4 X 6 PVC TRIM BOARD
AT GABLE PAD OUT AS REQ.
FLASH W/ DRIP EDGE AS REQ.

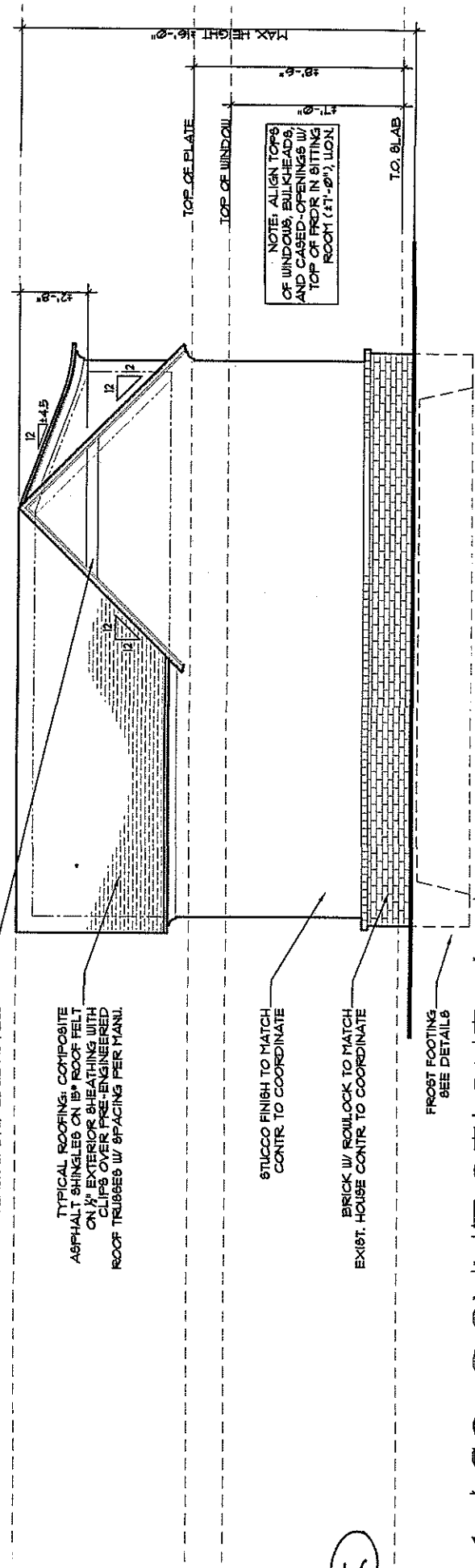
TYPICAL ROOFING: COMPOSITE
ASPHALT SHINGLES ON 19" ROOF FELT
ON 1/2" EXTERIOR SHEATHING WITH
CLIPS OVER PRE-ENGINEERED
ROOF TRUSSES W/ SPACING PER MANU.

STUCCO FINISH TO MATCH
CONTR. TO COORDINATE

BRICK W/ ROWLOCK TO MATCH
EXIST. HOUSE CONTR. TO COORDINATE

FROST FOOTING
SEE DETAILS

NOTE: ALIGN TOPS
OF WINDOWS, BULKHEADS
AND CASED-OPENINGS W/
TOP OF FLOOR IN SITTING
ROOM (AT 0'0" H.W.O.N.)

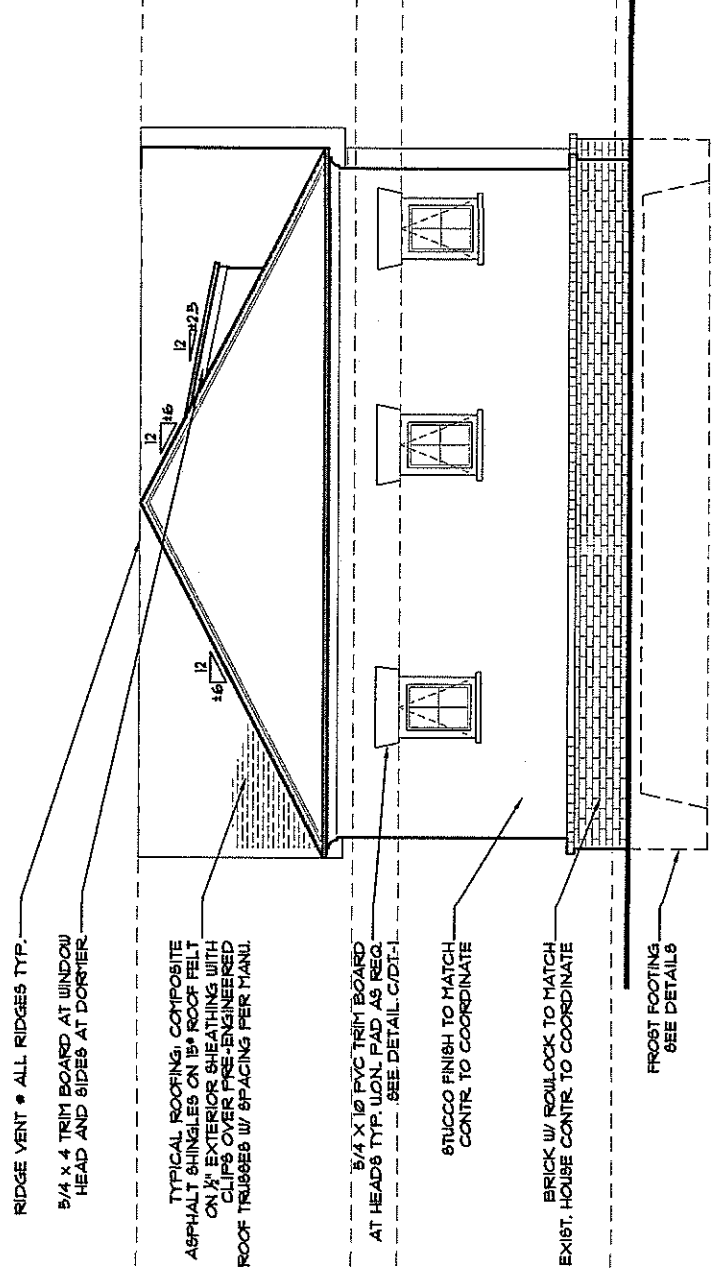


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SIDE ELEVATION

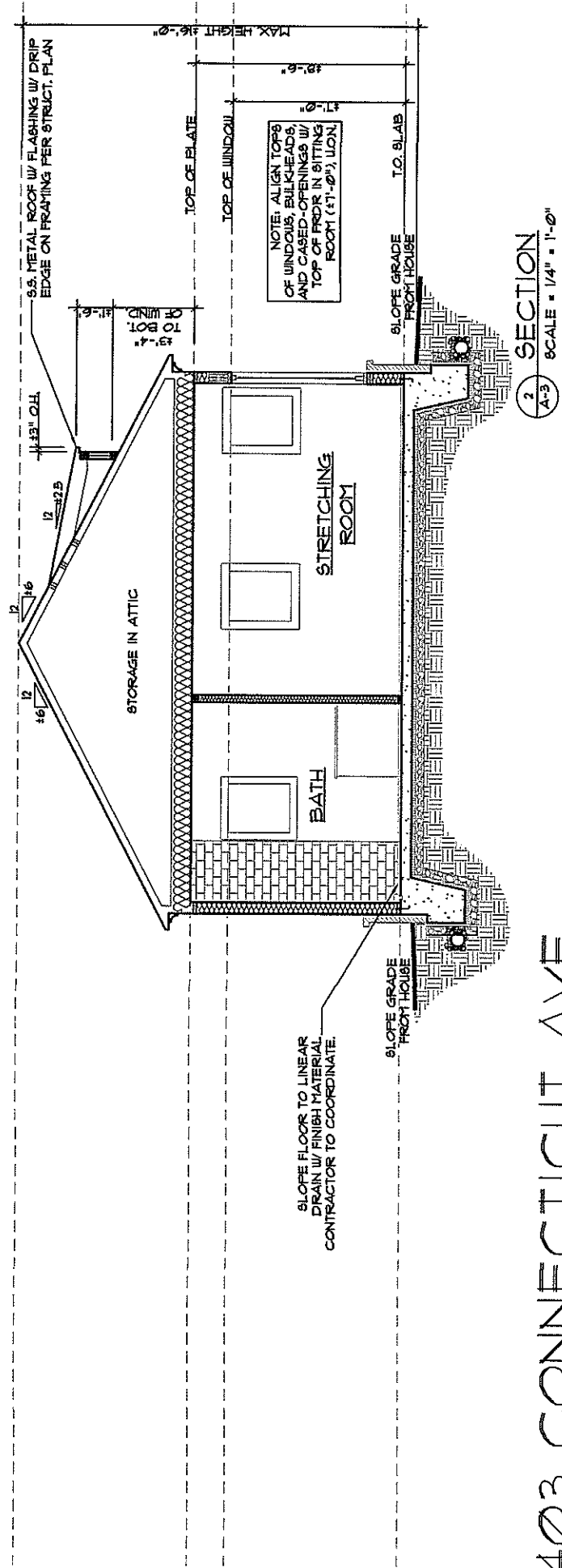
SCALE = 1/4" = 1'-0"

NOTE:
ALL ROOF PITCHES TO BE COORDINATED BY
CONTRACTOR W/ GRADE TO MEET BLDG.



6403 CONNECTICUT AVE
ACCESSORY BUILDING

(7)



6403 CONNECTICUT AVE
ACCESSORY BUILDING

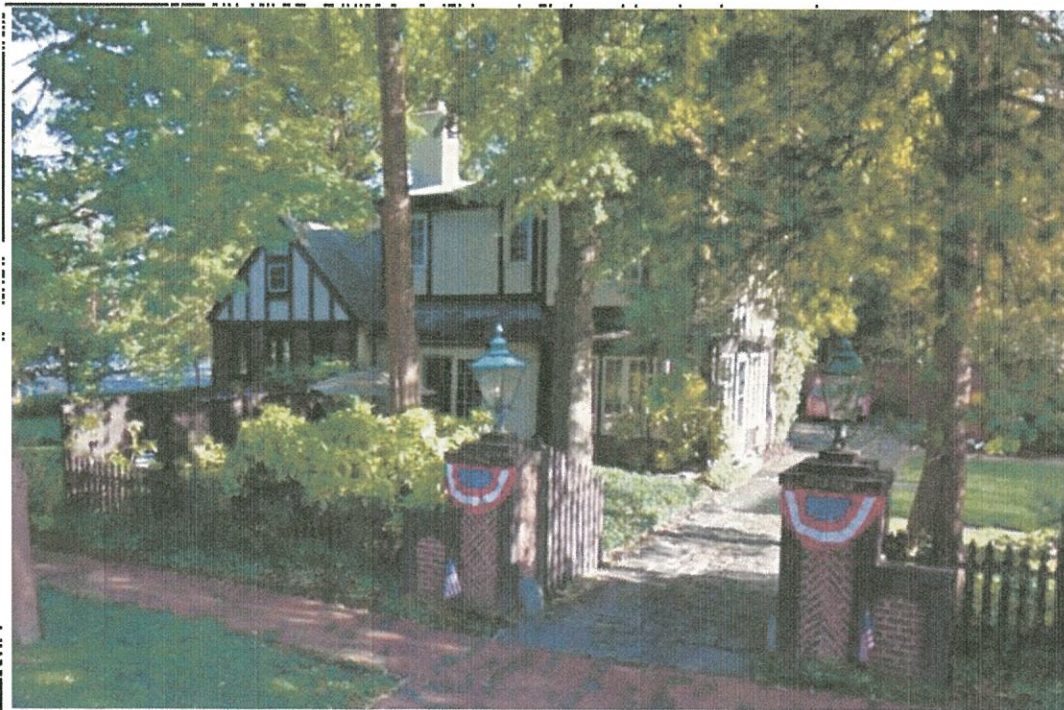
SECTION
SCALE = 1/4" = 1'-0"



Existing Property Condition Photographs (duplicate as needed)



Detail: 2 PRIMROSE STREET – FRONT ELEVATION



Detail: 3 OXFORD STREET – FRONT ELEVATION

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Existing Property Condition Photographs (duplicate as needed)



Detail: 4 PRIMROSE STREET – FRONT ELEVATION



Detail: 5 OXFORD STREET – FRONT ELEVATION

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Existing Property Condition Photographs (duplicate as needed)



Detail: CHEVY CHASE COUNTRY CLUB 6100 CONNECTICUT AVE – STREET ELEVATION



Detail: CHEVY CHASE COUNTRY CLUB 6100 CONNECTICUT AVE – STREET ELEVATION

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Existing Property Condition Photographs (duplicate as needed)



Detail: 6403 CONNECTICUT AVE – FRONT ELEVATION



Detail: 6403 CONNECTICUT AVE – REAR ELEVATION

23

Existing Property Condition Photographs (duplicate as needed)



Detail: 6403 CONNECTICUT AVE – PROPOSED SITE AND EXISTING TRELLIS



Detail: 6403 CONNECTICUT AVE – PROPOSED SITE AND EXISTING TRELLIS

24

Existing Property Condition Photographs (duplicate as needed)



Detail: 6403 CONNECTICUT AVE – RIGHT ELEVATION



Detail: 6403 CONNECTICUT AVE – UPPER PORCH DETAIL

25

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

Owner's mailing address

JESSICA KILLIN AND RAJ DATE
6403 CONNECTICUT AVE
CHEVY CHASE MD, 20815

Owner's Agent's mailing address

EDWARD D. WILCZYNSKI
8120 WOODMONT AVE
SUITE 950
BETHESDA, MD 20814

Adjacent and confronting Property Owners mailing addresses

JAN JEFFCOAT
2 PRIMROSE STREET
CHEVY CHASE, MD 20815

RANDY AND SJ DENCHFIELD
3 OXFORD STREET
CHEVY CHASE, MD 20815

CAROL A. MCREADY
4 PRIMROSE STREET
CHEVY CHASE, MD 20815

DEAN D. & SUSAN A. MONROE
5 OXFORD STREET
CHEVY CHASE, MD 20815

CHEVY CHASE CLUB INC.
6100 CONNECTICUT AVE.
CHEVY CHASE, MD 20815

March 23, 2016
Minutes

1 I.F at 6403 Connecticut Avenue in Chevy Chase. Do we have a
2 Staff Report?

3 MR. KYNE: Yes, we do have a Staff Report. Again,
4 this is a property at 6403 Connecticut Avenue, Chevy Chase,
5 a Contributing Resource to revival style, circa 1916 to
6 1927. The proposed work items: 7 replace an existing brick
7 and stone -- or replace the existing brick and stone
8 walkways at the front of the subject property, and the brick
9 patio at the left side and rear of the subject property,
10 with a pebble stone patio and walkways. Repair the existing
11 right side porch and pergola. Add pebble stone driveway
12 ribbons at the right front of the subject property. Add
13 pebble stone parking pad at the left front of the subject
14 property.

15 Replace an existing six-foot-tall solid wooden
16 fence at the left ~~/--~~ front of the subject property.
17 Install a seven-foot-tall solid wooden fence at the right
18 side of the subject property. Install a 44-inch-high iron
19 picket fence at the right ~~/--~~ front of the property with
20 a return from the right side of the property line to the
21 existing side porch and pergola. And, install two gas
22 lanterns on each side of the front door.

23 The Commission was -- had a positive ~~reception~~
24 reaction to many of these work items except for the
25 following four, which we will focus on tonight. Which are

1 the porch and the pergola, the left front wooden fence and
2 the right side wooden fence, and the driveway ribbons and
3 parking pad. So, this is the subject property. This is
4 looking at the left front fence. A little closer look.
5 Even closer. We can see it's pretty deteriorated. And,
6 this is the neighboring fence. So, if we go back, we can
7 see it here in this area. So the proposal is to match that
8 fence as it turns here on the subject property.

9 This is the right side fence. Again, this fence is
10 on the neighboring property, and the proposal is to install
11 a fence like this one -- sorry -- like this one, directly in
12 front of the neighbor's fence, at the same height of seven
13 feet. Another view of that fence, and looking from the rear
14 of the subject property toward the street, with the fence to
15 the left. This photo shows the right side of the circular
16 drive, and where the car is currently parked in this
17 photograph, is where the proposed driveway ribbons will be.
18 And this is the right side of the circle drive and where the
19 SUV is, is where the parking pad will be.

20 And, this photograph shows the material of the
21 ~~circle~~ circular drive, and that's what's proposed for both
22 the ribbons and the parking pad. This shows the porch and
23 the pergola. This photograph was taken today. We did have
24 some concerns about the removal of the brickwork, so I
25 wanted to include some photographs here.

1 So, the applicable guidelines are the Chevy Chase
2 Village Historic District Guidelines, and the Secretary of
3 Interior Standards for Rehabilitation. And, Staff
4 discussion. First, for the driveway ribbons and parking
5 pad, the applicant proposes to add a double sided driveway,
6 ribbons at the right front of the property and pebble stone
7 parking pad at the left front of the property. The proposed
8 driveway ribbons and parking pad will be constructed from
9 the same pebble stone material as the circle drive.

10 The Guidelines state that driveways should be
11 subject to strict scrutiny only with regard to their impact
12 on landscaping, particularly, mature trees. In all other
13 respects, driveways should be subject to lenient scrutiny.
14 However, the Guidelines do state that parking pads and other
15 paving in front yard should be discouraged.

16 In accordance with the Guidelines, Staff
17 recommends that the Commission not approve the proposed
18 driveway ribbons and parking pad at the front of the
19 property. The applicant has indicated that a parking pad is
20 necessary for safety purposes, as vehicles parked on the
21 circle drive are forced to back out onto Connecticut Avenue,
22 which we all know is a very busy street. And, so perhaps
23 the Commission can recommend a more appropriate and
24 compatible solution.

25 Regarding the left front wooden fence, the

1 applicant proposes to install a six-foot-tall solid wooden
2 fence at the left front of the property. The Guidelines
3 state that fences should be subject to strict scrutiny if
4 they detract from the existing open streetscape. Otherwise,
5 fences should be subject to moderate scrutiny if they are
6 visible from the public right-of-way, lenient scrutiny if
7 they are not. So, the proposed six-foot-tall solid wooden
8 fence will replace an existing ~~six-foot-tall~~six-foot-tall
9 stockade fence in the same location. The proposed fence
10 will match an existing fence at the front of the neighboring
11 property.

12 The Commission typically requires that fences
13 forward of the rear plane of the house be a maximum of four
14 feet tall, while fences are permitted beyond the rear of a
15 house at a maximum of six foot six. So although a six-foot-
16 tall solid wooden fence exists in the proposed location and
17 at the front of the neighboring property, it is likely that
18 these fences predate designation of the district, and as
19 they are not consistent with the Guidelines or the
20 Commission's typical requirements.

21 In the past, the Commission has viewed similar
22 proposals as an opportunity to bring fences into compliance
23 with the Guidelines and the Commission's requirements. So,
24 Staff recommends that the Commission approve the proposed
25 fence at the left front of the property with the condition

1 that the fence not exceed four feet in height.

2 On to the right side wooden fence. Again, the
3 applicant proposes to install a ~~seven-foot tall~~seven-foot-
4 tall solid wooden fence at the right side of the property.

5 We just heard the guidelines on fences. The proposed ~~seven~~
6 ~~foot tall~~seven-foot-tall solid wooden fence will cover an
7 existing ~~seven-foot tall~~seven-foot-tall solid wooden
8 stockade fence along the neighbor's property line. And
9 again, the Commission typically requires that fences forward
10 of the rear plane be a max of four feet tall and they can be
11 up to six--foot--six behind the rear plane of the house.

12 Although a ~~seven-foot tall~~seven-foot-tall wooden
13 stockade fence exists in the proposed location, it is likely
14 that this fence, again, like the other, predates designation
15 of the district and Staff suggests that the currently
16 proposed fence should be in compliance with the Guidelines
17 and the Commission's typical findings as the neighbor could
18 remove their fence in the future, presenting an opportunity
19 to bring both fences into compliance. So, Staff recommends
20 that the Commission approve the proposed fence at the right
21 side with the condition that the fence not exceed four feet
22 in height to the appropriate rear of the historic massing,
23 with an option to transition to a ~~six-foot tall~~six-foot-tall
24 maximum wooden fence beyond the rear plane of the historic
25 massing.

1 On to the porch and pergola. The applicant
2 proposes to repair the existing right side porch and
3 pergola. The repairs includes removal of four brick columns
4 and two brick knee walls along the right side of the porch.
5 Replacing the columns with rustic timber columns to match
6 others that currently exist on the porch, and we saw in the
7 photo a moment ago that, as of today, they no longer exist,
8 but we can address that with the applicant in a moment. So,
9 also, the work includes replacing the existing timber
10 columns in kind, and replacing the joists of the pergola in
11 kind.

12 The Guidelines state that porches should be
13 subject to moderate scrutiny if they are visible from the
14 public right-of-way, and lenient scrutiny if they are not.
15 The right side porch pergola is highly visible from the
16 public right-of-way. Removing the brick columns and two
17 brick knee walls along the right side of the porch, and
18 replacing them with rustic timber columns to match others
19 that currently exist on the porch will result in a
20 negligible impact to the subject property and surrounding
21 historic district. And that's Staff opinion. Again, I know
22 that we have some disagreement about that.

23 So, Staff recommends that the Commission approve
24 the HAWP with the following four conditions, the proposed
25 driveway ribbons and parking pad are not approved. The

1 proposed wooden fence at the left front will not exceed four
2 feet in height. The proposed wooden fence at the right will
3 not exceed four feet in height with an option to transition
4 to a six foot ~~six-inch-tall~~six-inch-tall maximum fence
5 beyond the rear of the historic massing. And additional
6 details for the proposed ~~44-inch-high~~44-inch-high iron fence
7 must be submitted, and that's to ensure that it does in fact
8 match the wrought iron fence on the neighbor's property.

9 If you want me to address the pergola issue
10 quickly. I contacted the applicant today when I realized
11 that the timbers had been removed, and he stated that in
12 moving some equipment and materials through the side door,
13 as we see here, that some of the timbers which had termite
14 damage, had been damaged and they were falling, presenting a
15 hazard, so they took them out. But with that, I would be
16 happy to answer any questions you might have.

17 MR. KIRWAN: Michael, I have one question. I'm
18 trying to understand the fence issue a little clearer. The
19 neighbors to the right and left, that's the rear yard of
20 those properties, from what I can sort of tell from the map?
21 That's not their side yard necessarily, right?

22 MR. KYNE: Are we talking about the fence in this
23 photograph?

24 MR. KIRWAN: Yeah, on both sides. The fences that
25 are on the property line.

1 MR. KYNE: So, the fence in this photograph, which
2 is at the right side, that is basically the neighbor's, I
3 believe, their side fence. So I believe it's a side fence.
4 It's coplanar with the front of the property. And again,
5 that's not within the --

6 MR. KIRWAN: I'm sorry, what are we looking at
7 here exactly?

8 MR. KYNE: What we're looking at to the right is
9 the neighbor's property and the fence is the neighbor's
10 fence. And, it's sort of is attached to an addition on that
11 neighbor's property.

12 MR. KIRWAN: That neighbor fronts Connecticut
13 Avenue?

14 MR. KYNE: That's right, yes.

15 MR. KIRWAN: Okay.

16 MR. KYNE: And the same is true of the property on
17 the left side, which this shows the fence of that property.
18 What you see in the background is actually the subject
19 property. But this is the fence of that neighboring
20 property to the left. And again, that property also, which
21 we can kind of see in this photograph, that also fronts on
22 Connecticut Avenue. Both of those fences are again, not
23 within the Commission's typical requirements and not within
24 the Guidelines, which makes us think that they probably
25 predate district designation.

1 MS. BARNES: I believe that that property does not
2 face on Connecticut Avenue, but faces on a street off of
3 Connecticut. And that the fence that is there is a side
4 yard fence for that property.

5 MR. KYNE: Actually, I think you are correct about
6 that, yeah.

7 MR. WHIPPLE: Rear yard fence.

8 MR. KIRWAN: This photo is the rear yard fence.

9 MR. WHIPPLE: I believe that that's correct.

10 MR. KIRWAN: That's correct. But the property to
11 the right of the subject property faces Connecticut? Fronts
12 Connecticut? That's they side yard?

13 MR. KYNE: That's my recollection, yes. The
14 applicant may be able to correct me if I'm wrong, but that's
15 my recollection.

16 MS. BARNES: I have two questions. Do you know if
17 the brick wall that is at the back of the property belongs
18 to the property or belongs to a neighboring property? You
19 can see it a little bit in this slide. There's a brick wall
20 at the back.

21 MR. KYNE: I do, in fact, know exactly the wall
22 that you are speaking of, because I saw it when I was out
23 there today. But I'm not sure if it belongs to the
24 neighboring property or to the subject property.
25 Unfortunately, we can't get a good look at it here to see if

1 it matches the bricks on the pergola, which is I assume the
2 direction you're going with this. But we can see in this
3 photograph the brick columns in front of this property which
4 do, in fact, match --

5 MR. KIRWAN: It does show up on the site plan.

6 MR. WHIPPLE: If you look at Circle 11, it is
7 identified on the plat which leads me to believe that it's
8 associated with this property.

9 MS. BARNES: And the second question that I had
10 for you, could you bring back the slide you had of the, I
11 guess it's the left side of the subject property where they
12 are proposing the pebble stone parking pad. Just behind this
13 car is a big gate between two brick pillars.

14 MR. KYNE: Yes, that's correct. Yes.

15 MS. BARNES: Do you know what that is? Does that
16 lead to a garage? Does that lead to -- I mean, there's a
17 massive gate. And when I went to take a look at the
18 property, not wanting to be a trespasser, I just stood on
19 the sidewalk and tried to figure things out.

20 MR. KYNE: That is just -- that just sort of
21 fences off an addition on that side, and it sort of creates
22 a courtyard. The brick patio at the rear actually extends
23 all the way around to the side here.

24 MS. BARNES: Thank you.

25 MS. HEILER: Did the LAP weigh in at all on the

1 subject of the ribbons, the parking ribbons or the parking
2 pad?

3 MR. KYNE: The LAP did not provide comments on
4 this property, and I'm not sure if that was an oversight or
5 intentional, but they did not provide comments for this
6 case.

7 MR. TRESEDER: Mike, I have in my package Circle
8 10 and Circle 11, two site plans. Are these -- does one
9 replace the other or -- because they're different. Can you
10 sort of explain to me which is the one that we're reviewing?

11 MR. KYNE: I can, yes. So, Circle 10 was a
12 revision that was forwarded to me by the applicant. And,
13 Circle 11, is the original submission that was part of the
14 packet when we picked it up from DPS. So if you look at
15 Circle 11, I think the main difference is, Circle 11 had the
16 driveway ribbons on both sides, whereas Circle 10 has the
17 driveway ribbons on the right and the parking pad on the
18 left.

19 MR. TRESEDER: Thank you.

20 MR. CARROLL: Michael, it looks like on these
21 plats there's a brick wall shown on both the right and left
22 at the rear of the property. Are those existing?

23 MR. KYNE: They are, yes.

24 MR. KIRWAN: Any other questions for Staff? If
25 not, we invite the applicant. Please come forward. As you

1 begin your testimony, please make sure your microphone is
2 turned on, and state your name for the record before you
3 speak.

4 MR. PISHVAEIAN: Good afternoon, my name is Mo
5 Pishvaeian. I am the owner of 6403 Connecticut Avenue. I
6 am -- I'm a developer. I brought my portfolio with me. I
7 usually do development in Washington, D.C. condominiums.
8 And I know we have different kinds of developments and
9 different kinds of developers. So you don't know my
10 background. You don't know what my intent is for this
11 property. That's why I brought some samples or some of the
12 pictures of the properties that I've done so you can see
13 what do I do, and how do I pay attention to details.

14 The reason I purchased this property was because I
15 fell in love with it when I saw the picture on multiple
16 listings. I saw the potential. I purchased it for
17 \$900,000, and I'm spending about \$600,000 on construction
18 costs. Not cutting any corners. When you read the package,
19 the pamphlet that Mike has put together, the word integrity,
20 historical, unity, uniform, keeps popping up. And that's
21 what exact my intention is with this property. We came in
22 front of you about a month ago asking you to replace the
23 windows. So we went to preserve the -- again, the integrity
24 of the property -- we took out 60 windows and we replaced
25 every single piece of glass. And, repaired every single

1 window. So we're putting all of that back together. We're
2 adding gas -- you know, we're not putting just normal simple
3 lights on both side of the door. We're putting gas lantern.
4 We're keeping the same ~~32-year-old~~92-year-old door. We're
5 keeping exact same roof, slate roofs. We're replacing
6 coppers, putting new coppers. Spending \$15,000 on the roof
7 to just bring it up to date. Unfortunately, because we have
8 so many trees on this property, they have gone through the
9 sewer system. I'm just giving you a little bit of
10 background.

11 We're going to dig in front the house to the sewer
12 line because there are roots inside the sewer. They
13 actually came inside the property. We snaked it couple of
14 times that didn't happen. Didn't work out. But because we
15 also have five bedrooms and five and a half bedrooms, 4,000
16 square feet in this house, we had to pay \$13,000 to WSSC to
17 upgrade the line coming in to the property from three
18 quarter inch to one and a half inch, so you have the
19 adequate pressure when you're on the third floor taking
20 shower.

21 So, Mike ~~have~~has been there and we went back and
22 forth and talked to the neighbor. We -- I talked to the
23 neighbor on the left hand side. That's their side yard and
24 backyard. They have children. They have grill in the
25 backyard. They don't want to be exposed to Connecticut

1 Avenue traffic when they're grilling. They don't want to be
2 viewed by people sitting at that -- on the road, 5:00 in the
3 afternoon between 4:00 to 6:00, it's a parking lot, traffic
4 just stops there. So, they are not willing to do anything
5 with the fence, and they're saying if they have to come down
6 to four feet, they just want to leave it the way it is. And
7 right now it looks, I don't know what the word is, it just
8 doesn't look right. It just doesn't match a ~~two million~~
9 ~~dollartwo-million-dollar~~ house across the street from the
10 country club.

11 So, we're just trying to make it to be uniform.
12 This side of the fence, the left side of the fence, and the
13 right of the right side of the fence to be the same. And,
14 continue with the same kind of -- so that's the fence and
15 you can see that's there. In this picture you can see the
16 backyard, and they already have a fence, which is six feet
17 tall. We just want to continue the same fence, not to
18 change anything, and continue that all the way to the
19 property line. The gates that you were asking and you were
20 mentioning, this used to be a garage in the back, and the
21 previous owner came in front of the Board and asked to
22 change the garage to a kitchen. So those doors were at the
23 gate further back, and evidently you requested from them to
24 move those doors from the garage and bring it forward.

25 So, as a result, right now, there's a courtyard

1 behind this gate, so we're putting a \$65,000 kitchen in
2 there that courtyard is going to provide some kind of
3 catering events in future if they have party. So a truck
4 can back out here and open the gate for the catering event,
5 so they can bring the food from that kitchen in there. They
6 had -- when I talked to them, they had parties up to 100
7 people in this house. First floor is about 2,000 square
8 feet. And, so that's the intention for this side. And when
9 it was raining this year, with all the snow, we couldn't
10 even park on the side. We had to put, again, Mike has
11 recommended this, we had to put plywood and put hay on top
12 of it so we can park the cars, otherwise we had to get a tow
13 truck to get the truck out of -- one of the contractors out
14 because it got stuck in there.

15 Besides the fact that we have -- that we have
16 issue with the parking, we have horrendous water issue with
17 the basement. Ninety-two years ago they didn't have sump
18 pumps, so there's massive water going in the basement from
19 around the property. That's why we're trying to put
20 concrete all the way around. I'm sorry, is this my time
21 going off?

22 MR. KIRWAN: It is. If you just sort of wrap up
23 your testimony, we'd appreciate it.

24 MR. PISHVAEIAN: Okay. So, I'm stuck on this
25 picture, so if you can move it to the other side, I can

1 explain. Okay, this side, if you see there's a metal fence
2 that it comes from the front of the property about 20 feet,
3 and then it chops off, and then it's rusted. So, my
4 proposal is to replace all of this to make it uniform, to
5 continue the same fence, same look. Actually bring my
6 metal, ironworkers, so that we can build iron fence, not to
7 buy a cheap fence from Home Depot. And then when you get to
8 that side, that brown fence, again, put the same fence from
9 the left side to make it uniform. You cannot see this fence
10 from the road when you're driving. We just want to -- we
11 just want to make it look uniform. And then, I don't know
12 why you asked about the brick in the back, but the brick in
13 the back is part of this property. We're not going to touch
14 it. I don't think we're even going to power wash it. We're
15 going to keep the same historic look with all the ivy on top
16 of it. And there's another gazebo in the center piece,
17 which you can't see it here, we're going to keep all the --
18 all the vines on top and just replace the rotten and termite
19 damaged beams with the same look.

20 Parking pad, there's nothing you can do. If
21 somebody comes and parks -- again, this is five bedrooms, so
22 you're going to have at least five cars in here. A family
23 with two, three kids, teenagers, they have guests coming in.
24 So, if somebody comes home and they park, and somebody wants
25 to get out, they have to move the other car, or back into

1 Connecticut Avenue. We were forced to back into Connecticut
2 Avenue. We almost got in a car accident couple of times.
3 It's a three lane major road that people are traveling. So,
4 and we don't have any trees that we're asking to cut. And I
5 said ribbon because I was trying to keep as much as grass.
6 If that's not what you like, you want to just be solid
7 pebble stone, we're fine with that. If you don't want
8 concrete and you just want walks, we're fine with that.

9 MR. KIRWAN: I think we need you to close up your
10 testimony.

11 MR. PISHVAEIAN: That's about it. We're just
12 trying to create an environment that is safe, and it looks
13 right, and it matches the environment to the neighborhood.
14 And, on the side streets, if you park, you can back out to
15 the main street, or you can ask your other friends or
16 relatives, or whoever is visiting you, you can ask them to
17 park on the street. We don't have any street to park on
18 this street. Thank you for listening to my --

19 MR. KIRWAN: Thank you very much. I have a quick
20 question that I might need both Staff and owner to possibly
21 answer. The property line for this property appears to be
22 right at the outside face of the driveway running parallel
23 to Connecticut Avenue, and the fence we're seeing proposed
24 on the left hand side is going all the way to the sidewalk
25 in public space, and I'm a little -- is that something we

1 can even touch in this venue, or should we really be talking
2 -- only be talking about things that are back from the front
3 property line?

4 MR. WHIPPLE: You're charged with reviewing the --
5 a proposal that's consistent with the historic preservation
6 ordinance, and your criteria for approval --

7 MR. KIRWAN: Not in public space.

8 MR. WHIPPLE: Well, that'll be an issue for the
9 applicant to wrestle with DPS over if he's proposing
10 something that, you know, is consistent with zoning but --

11 MR. KIRWAN: What we see in this photograph here,
12 the fence we're seeing turning the corner of the left
13 neighbor's property line, that is presumably this corner on
14 the left hand side of the sheet we're seeing.

15 MR. PISHVAEIAN: If you switch the pictures,
16 public space is behind our front -- do you happen to have a
17 picture of the front? No. Yeah, public space is right --
18 goes all the way to the walkway. You see that gate, those
19 gates, it goes all the way there. That's where the public
20 space starts. That fence is behind that.

21 MR. KIRWAN: I mean, that's not consistent with
22 your site plan, just so you understand that. Your site plan
23 shows it further back. Just so you're aware of that. You
24 may have an issue when you go for a fence permit, and
25 getting a fence permitted in public --

1 MR. PISHVAEIAN: I'm sorry which site plan are you
2 referring to?

3 MR. KIRWAN: The one that's provided in the
4 application. The photograph shows the -- the wood fence
5 we're seeing turning the corner is right there, because we
6 see it back from the front. So this is all -- presumably
7 this is all public space.

8 MR. PISHVAEIAN: I'm sorry. This is showing the
9 property line. It's not showing the fence. The fence stops
10 -- I think this is the property line, and that's where it
11 stops.

12 MR. KIRWAN: It's north 01 degrees --

13 MR. PISHVAEIAN: Correct. It's behind that. But,
14 I'll take that into consideration to make sure we're not in
15 the public space.

16 MR. KIRWAN: Okay. All right. Any other
17 questions for the applicant?

18 MR. ARKIN: Mr. Chairman?

19 MR. KIRWAN: Mr. Arkin?

20 MR. ARKIN: Mr. Pishvaeian -- am I pronouncing
21 your name correctly?

22 MR. PISHVAEIAN: Yes, sir.

23 MR. ARKIN: I had a couple of questions. And, one
24 really has to do with your rationale, and the rationale that
25 we're supposed to use in enforcing the guidelines. They're

1 called guidelines, but they're really a bit stronger than
2 guidelines. We don't have to necessarily adhere to them
3 rigidly, but they're more than just suggestions. And, I
4 wonder if you could tell me what you feel your justification
5 is for asking that we not enforce the guideline on fence
6 height, and what your rationale is on providing the
7 additional parking you seek in the front yard, rather than
8 perhaps putting an access driveway or access ribbons back to
9 a parking pad in the backyard on the right side. Or some
10 other solution. There may be another solution that hasn't
11 been identified either by you at this point, or in the
12 remark I just made.

13 MR. PISHVAEIAN: Okay, so the rationale -- you're
14 asking me for two different things? One for the fence?

15 MR. ARKIN: Right, for the fence. Why we should
16 grant your request for a height variation.

17 MR. PISHVAEIAN: Correct. So the choice here is
18 to leave the fence the way it is now. It is six feet high
19 right now, and you have fence that it looks 25, 30 years
20 old, that it doesn't match anything on Connecticut Avenue
21 when you go up and down. And when you go up and down
22 Connecticut Avenue, I understand this property has some --
23 some historic value, but fence is a different issue because
24 you see many, many fences six feet high up and down
25 Connecticut Avenue. So we are keeping the same conformity

1 and the same normal look when you drive up and down. We're
2 just trying to bring this up to that integrity and the same
3 look.

4 The rationale is to make it look clean and nice,
5 and to match the historic neighborhood. There is no
6 rationale. The rationale is that not to be four feet is,
7 because the neighbor on the left side is rejecting that they
8 would lose their privacy. Then they can't use their
9 backyard because then they're just grilling while everybody
10 in the traffic light is watching them. So that's the
11 rationale for the fence. I don't know if you have any
12 question toward that rationale. I mean, there are so many
13 different things here. When I read, I don't want to give
14 you a long answer but, this is not inappropriate. It's not,
15 it's not inconsistent. This is not detrimental. This helps
16 the preservation, because we're trying to make it look nice.
17 It's a nice enhancement, and ~~it's~~its ultimate protection.
18 Because again, it's six feet tall, and they have small
19 children. They're worried about their safety.

20 In short, conformity with the purpose and
21 requirements of this chapter, that we're talking here. And,
22 I keep seeing the word unsafe and reasonable use of the
23 property or suffer under hardship, the general public
24 welfare is better served by granting the permit. Those are
25 the normal issues that I'm thinking or seeing.

1 As far as the driveway, that's completely a
2 different issue. We have a 4,000 square feet house with
3 five and a half bath, that we have room only for on car to
4 park in the driveway. The previous owner was actually one
5 person. It was a husband and wife, and she lived in West
6 Virginia, and he lived here. They had one car. But it's
7 hard for somebody who is going to spend two million dollars
8 to buy a house knowing that they can't, they can't park more
9 than one car in their driveway.

10 MR. ARKIN: Can you tell me how wide the driveway
11 is at both the right and left side, and on the transverse
12 part of the driveway? How many feet wide it is?

13 MR. PISHVAEIAN: The driveway is 10 feet wide. So
14 you can have only one car going back and forth. And there's
15 a picture of it. And you can see a picture of it on the --
16 there. And you can see a picture of it on the -- it's not
17 like there's room to park on either side. Again, you have
18 roots of the trees that you can't extend the concrete.

19 MR. ARKIN: But the driveway that's shown in the
20 plat that you submitted, is wider on the left and right legs
21 than it is on the transverse part of it, the top leg. And,
22 similarly, in the picture that's up on the screen right now,
23 you have a car parked on --

24 MR. PISHVAEIAN: Right. That's not parked on the
25 driveway. It's parked on the plywood that we put down.

1 MR. ARKIN: Right. Why would it not be possible
2 to pave that in material similar to the pavement that -- the
3 existing driveway -- is built of or using ribbon strips and
4 going back into the side yard and backyard to add parking?

5 MR. PISHVAEIAN: So, to answer your -- let's talk
6 about on the left hand side, we're in front of gate, we are
7 proposing to do that on that side, and the measurement for
8 that can hold, only the width can hold only one car there.
9 So you have one car parked there, and you have one car
10 parked in front. So that's two cars. That's where we're
11 proposing to build the rest of them on the right hand side,
12 so we can get another two cars there, hopefully. So you
13 have one car in the driveway, and one car on the left hand
14 side, and that will be a total of four cars.

15 MR. ARKIN: But where are you proposing to put the
16 cars, the parking pads or the ribbon strips that function as
17 parking pads, is in the front yard rather than in the
18 backyard?

19 MR. PISHVAEIAN: What do you mean by backyard?

20 MR. ARKIN: Behind the front plane of --

21 MR. KIRWAN: A lot of houses -- we've seen a
22 couple on the HAWPS that you haven't seen tonight but, most
23 -- a lot of houses in Chevy Chase, there's a driveway that
24 runs to a garage in the rear of the property.

25 MR. ARKIN: Which is what you testified was the

1 condition at one time that was changed when the kitchen on
2 the left side was expanded.

3 MR. PISHVAEIAN: Right. That's on the left side.

4 MR. ARKIN: Why couldn't you do that on the right
5 side?

6 MR. PISHVAEIAN: Well, on the right hand side, I
7 mean, if you read your material, it keeps talking about not
8 taking away the greenspace and converting it to parking pad.
9 So, can you imagine if I pour concrete from the front of
10 this property all the way to the back of this property to
11 put parking in the back, are we concerned about the car that
12 is parked there or are we concerned about the concrete that
13 is on the grass? We're taking away greenspace, pour
14 concrete, three, four times more to get the cars back in the
15 backyard?

16 MR. KIRWAN: I could be wrong, but I suspect the
17 Chevy Chase Guidelines are trying to protect against a lot
18 of cars being parked in somebody's driveway -- in somebody's
19 front yard. That would be my guess. I mean, I think what
20 their -- I think they're less concerned about impervious
21 area generated by the concrete, because the guidelines
22 aren't talking about some percentage of impervious area
23 versus greenspace. But what they're talking about is the
24 concern for a lot of paving in the front yard of a property,
25 probably because they're concern is going to be three, four

1 cars parked in somebody's front yard.

2 MR. PISHVAEIAN: So, but you're --

3 MR. KIRWAN: Not on the street, not in the back.

4 MR. PISHVAEIAN: Right. So when you are -- when
5 you drive on Oxford or Melrose, you will see two, three,
6 four cars parked in the driveways. What's the difference
7 between those and this?

8 MR. KIRWAN: I don't know what examples you're
9 saying. I'm just telling you what I think the Guidelines
10 are addressing.

11 MR. PISHVAEIAN: Okay.

12 MR. KIRWAN: And there's lots of examples in Chevy
13 Chase where driveways go to the rear of the lot, and they
14 have expanded parking pads back there and a garage.

15 MR. PISHVAEIAN: Yeah, we're taking a beautiful
16 backyard which you just notice from the front, they're walls
17 in the back, we're taking a beautiful backyard and the back
18 that other people can enjoy and look at it, and we're taking
19 that out and pouring concrete to get all these cars in the
20 back.

21 MR. ARKIN: I think you're envisioning more
22 concrete being poured than is in my mind anyway.

23 MR. PISHVAEIAN: So your concern is, when people
24 are driving on Connecticut Avenue, not to see any cars
25 parked on the sides of this house?

1 MR. ARKIN: My concern is that we have to, we're
2 charged with making decisions that are consistent with
3 guidelines. And the Guidelines state pretty strongly that
4 parking pads and other paving in front yards should be
5 discouraged.

6 MR. PISHVAEIAN: Okay. So, if that's --

7 MR. WHIPPLE: Mr. Chairman, it seems like the HPC
8 is getting into a lot of back and forth with the applicant
9 over this. You have an application in front of you. I
10 would encourage you to -- I mean you've asked questions --

11 MR. ARKIN: I was asking for rationale, and I --

12 MR. WHIPPLE: And you've gotten it, I believe.
13 And I would encourage you to take what you've heard and act
14 on it using the Guidelines to act.

15 MR. KIRWAN: I don't think we're finished with
16 questions.

17 MR. WHIPPLE: Understood. But, but presumably
18 there's questions on other topics.

19 MR. PISHVAEIAN: Well, they're giving me the
20 opportunity to explain why I think I need to do this, so, I
21 mean, are we cutting into some kind of timing that I'm not
22 supposed to?

23 MR. KIRWAN: No, no.

24 MR. PISHVAEIAN: I apologize if I'm saying
25 something that it's not --

1 MR. KIRWAN: No.

2 MR. PISHVAEIAN: So, the rationale was, if you see
3 -- if you go back again to that survey, I put a line -- so
4 the rationale was a nice family wants to live here. They
5 have their dogs or something, and there's a metal fence
6 there so the dog can't come out, and then the cars would be
7 parked in front, just like any other house that you park
8 your car on the side of the fence, and you have the dog and
9 the green grass on the other side, and you have the porch
10 and the party and the socializing behind the fence.

11 MR. KIRWAN: Okay. Any other questions?

12 MS. BARNES: Mr. Pishvaeian?

13 MR. PISHVAEIAN: Yes, ma'am.

14 MS. BARNES: I think I understand why you look
15 this house so much because it is very appealing. One of the
16 questions I have, and I'm not very good at reading these
17 plats, is how much distance would you say there is between
18 the gates on the left hand side, and your circular driveway?
19 You're proposing to put either a parking pad or ribbons
20 between the driveway and the gates?

21 MR. PISHVAEIAN: Correct.

22 MS. BARNES: And you mentioned you wanted that so
23 you could back up a catering truck, possibly?

24 MR. PISHVAEIAN: Correct.

25 MS. BARNES: So, how many feet are we talking

1 about there?

2 MR. PISHVAEIAN: I had measurements on these. Did
3 I write measurements for you? I want to say it's about 38
4 feet.

5 MS. BARNES: Okay. Okay, that's good. Thank you
6 so much.

7 MR. PISHVAEIAN: Yes, ma'am.

8 MS. BARNES: I had some questions about the
9 pergola. But if people still want to talk about the drive
10 or the parking pad, I will --

11 MR. KIRWAN: No, go ahead.

12 MS. BARNES: So, one of the things that I think is
13 very distinctive about this house is the brickwork, both
14 along the foundation and then we've seen these posts one
15 side of your drive, and we see it also here. And now, my
16 understanding is that you're proposing to take out this knee
17 wall and replace the brick columns with wood columns. There
18 will be no knee wall. Is that correct?

19 MR. PISHVAEIAN: Correct. We're proposing to keep
20 this -- we're saving all these bricks and we're duplicating
21 exact same look on the front or on the -- which one do you
22 call it? Knee wall. So when you are driving on Connecticut
23 Avenue and you look to your right, you see that wall. We're
24 going to -- that wall right now is -- has separated from the
25 structure. So we're going to tear it down and keep the same

1 bricks, and duplicate the same look.

2 MS. BARNES: And, are you planning to retain the
3 brick columns, or are you planning on replacing the brick
4 columns?

5 MR. PISHVAEIAN: We're replacing the brick columns
6 with rustic looking thickness, same thickness timber to give
7 it, again, that uniform look, because there's only two brick
8 columns --

9 MS. BARNES: I'm actually counting four right
10 here.

11 MR. PISHVAEIAN: You're right. There are four.
12 There are four brick column. My proposal was -- so you
13 can't -- none of these brick columns, they don't have any
14 kind of concrete or usually what they do now is, you have to
15 put bars, metal bars and concrete inside, and then put the
16 brick look around it and outside. So, side pressure brick
17 wall would stay, front partial brick wall will be removed.

18 MS. BARNES: Removed or rebuilt?

19 MR. PISHVAEIAN: You can't see this from the road.
20 And it's blocking when you are on the porch. So we're
21 trying to open the space so when you're on the porch, you
22 can have access to outside. They're one too many columns in
23 here. And these columns, right now they are loose. I
24 invite you to come over and you can move them by hand.
25 There are no structure inside it. So, our proposal was to

1 remove all of these and put the same timber look, or not
2 look, same timber structure all the way through.

3 MS. BARNES: And, once again --

4 MR. PISHVAEIAN: Same thickness, same for the --

5 MS. BARNES: Once again, just for clarity, looking
6 at this picture that you have in front of you, the brick
7 wall that is parallel with the front of the house --

8 MR. PISHVAEIAN: Right.

9 MS. BARNES: -- will be taken away under your
10 plan?

11 MR. PISHVAEIAN: No. No, the one that I say, the
12 one that I say side partial brick wall, that would stay.

13 MS. BARNES: All right.

14 MR. PISHVAEIAN: So, whatever you can see from the
15 road it would stay the same look.

16 MS. BARNES: And, as you turn the corner, there is
17 a bit of a knee wall.

18 MR. PISHVAEIAN: Correct.

19 MS. BARNES: That would stay or that would be --

20 MR. PISHVAEIAN: No. No, that front partial brick
21 walls on both sides will come out.

22 MR. KIRWAN: Really the side. I think the side in
23 front is being reversed in the diagrams. Those are really,
24 it's the side partial brick walls that are being removed.

25 MS. BARNES: Yeah. Okay. Thank you.

1 MR. PISHVAEIAN: You're welcome.

2 MS. HEILER: The four brick columns that we see in
3 this picture, look as though they may be replacements,
4 particularly since the corners have timber columns. Do you
5 have any pictures from earlier that show whether these brick
6 columns are original, or if they are replacements for
7 timber?

8 MR. PISHVAEIAN: No. I mean, when I purchased the
9 house, they were there, but I think they added onto it,
10 because if you see the picture that he has up right now,
11 there are three different colors. They're three different
12 colors. Like the height of it was changed at some point, I
13 think. But maybe at some point they had walls all the way
14 around, and they decided to take the walls out and build
15 columns.

16 MS. HEILER: I would suggest that you do some
17 research to see whether there are any earlier pictures from
18 when the house was built or shortly afterward to see what
19 was there. That would probably benefit your case in changes
20 that you want to make. If you are going back to an earlier
21 form, you know, whether that side brick wall was there. It
22 looks like it probably was. But anything else that you are
23 planning for changes for that, because it's a very
24 important, it's a character defining feature of the side of
25 that house, and it is visible, t.—To see if you can find

1 any history of what was there. That would probably be
2 valuable to you.

3 MR. PISHVAEIAN: To answer you, I have looked. I
4 have even gone to the library. I looked on internet, and I
5 could not find any pictures.

6 MS. LEGG: Have you tried the Chevy Chase
7 Historical Society?

8 MR. PISHVAEIAN: No. That would be them, no?

9 MS. LEGG: No.

10 MR. PISHVAEIAN: Okay, I will look.

11 MS. HEILER: I think that could be very helpful to
12 you.

13 MR. PISHVAEIAN: Okay. If I can find a picture
14 that whatever it was there before, I'm willing to duplicate
15 that.

16 MR. KIRWAN: Any other questions for the
17 applicant? Okay, if not, we're going to ask you to turn
18 your microphone off, and we're going to deliberate on the
19 case before us. Commissioner Carroll, could you kick things
20 off?

21 MR. CARROLL: Sure. As been explained, we have
22 certain guidelines that we have to follow when we're doing
23 this, the Montgomery County Code, the Chevy Chase Village
24 Historic Guidelines. One of the things in the historic
25 district guidelines is that, any changes that are visible

1 from the public right-of-way from the front, we have to be a
2 lot more careful of. I think that's one of the reasons that
3 when Commissioner Arkin was talking about putting a garage
4 at the back, that's typically what they want. They want the
5 cars back and out of the way. They want to preserve the
6 sort of park-like setting in the front.

7 The Guidelines specifically say, parking pads and
8 other paving in the front yard should be discouraged. So
9 they're trying to get away from that. When I look at the
10 four Staff recommendations here, you know, the proposed
11 wooden fence at the left, I think is an unusual circumstance
12 because it is the neighbor's backyard. They're not going to
13 want to take that fence down, and I think what we're looking
14 at, Commissioner Kirwan brought up is that the property line
15 really is a little further back, and there's a -- it looks
16 like there's a ~~34-foot~~38-foot section of their fence that's
17 in disrepair that you're looking to repair. I don't have
18 such a big problem with that.

19 When you move to the right side, putting a seven
20 foot fence all the way out to the property line seems like
21 it would be sort of closing the house in. You know, there's
22 the neighbor's yard, your yard, I wonder if you might
23 consider doing the iron fence back to the front plane of the
24 house on that side, and then starting up with the wooden
25 fence to go back. I, you know, I think the Staff is right

1 about the details of the iron fence, but it sounds like you
2 want to do a good job with that anyway, so it's unlikely to
3 be a problem.

4 I just think it's going to be hard to do the
5 parking ribbons on the right side. And, I understand your
6 concern. A ~~two million dollar~~two-million-dollar house has
7 to have parking, and that's why I think you may want to
8 eventually look at putting a driveway back and a garage in
9 the back. I have less of a problem with putting some kind
10 of grasscrete or something on the left side in front of that
11 big gate. Because I think there has to be a practical
12 solution to this, and you know, it is abutting the
13 neighbor's rear yard. It's never going to be that open, so
14 I have less of a problem with that. But, I think that's
15 kind of where I am on those four points.

16 MS. LEGG: I'm glad that Commissioner Carroll when
17 first, because I think he explained things really well.
18 And, I'm really wondering if where that gate is, that must
19 have been the original driveway, and I wonder if the brick
20 in the back is part of that. So, I agree on that point,
21 certainly. I think the fence heights for Chevy Chase are
22 pretty strict, and I think that they're there for a reason.
23 They love the park-like setting, and I don't want to rule
24 against that, because that's what we have outlined here.

25 I do find it a little curious that the LAP did not

1 give us comments on this, and I wonder if it was an
2 oversight and an accident. But I have a feeling that they
3 would, a hundred percent, agree with Commissioner's
4 Carroll's viewpoint, as I do.

5 MR. KIRWAN: I'll just jump in. I do think
6 Commissioner Carroll makes a good point about the left side
7 paving, because I think that is probably the likely location
8 for the driveway. I think if the applicant changed their
9 mind and wanted to address parking in the rear yard and
10 wanted to bring a driveway or something else back there, we
11 might need to rethink that. But, I think the rules in front
12 of us, if we're looking at that, I think it probably is
13 warranted on the left side, and I don't support the ribbons
14 on the right hand side. Again, because it is talking to
15 having more cars in the front yard, and that to me, creates
16 the problem that we're trying to avoid with these
17 guidelines.

18 I'm of mind to stick with the Staff conditions on
19 the -- regarding both fences. I think we do have a quandary
20 with that fence on the left hand side, but I think that's
21 maybe for another day for the neighbor to have to come
22 before us and address. So, I think I would stick with the
23 Staff conditions regarding two, three and four.

24 MS. HEILER: I would agree with Commissioner
25 Carroll on the -- putting a parking pad on the left side. I

1 think that's fine. I think you'd probably -- if you need
2 more parking, and you seem to need more, considering running
3 those ribbons much farther back on the right side would make
4 a lot of sense. I would also agree with the Staff
5 conditions on the fence. It's certainly a problem having
6 the tall fence that's in disrepair and trying to hide it.
7 But I think the Chevy Chase Guidelines are pretty clear on
8 that. And I think the area that I have the most concern
9 about is this pergola and the knee wall. Especially these
10 herring bone pattern knee walls that I would find it very
11 difficult to approve removing the ones on the side, and I
12 can only recommend to you that you do a lot more research to
13 see what was there. The brick columns certainly look
14 unsteady, like they're a problem. Just replacing them with
15 timbers when, if there was never any history of that, I
16 think is also a problem.

17 MR. TRESEDER: I would -- I'd be supportive of,
18 being a little more lenient on the fence issue, considering
19 the unique location of this lot. So I would agree with
20 Commissioner Carroll that a ~~six feet~~six-foot fence on the
21 left might be okay. I do think that the Guidelines are
22 mainly meant to apply to the more typical Chevy Chase lot,
23 and this is not typical being on Connecticut Avenue, so I
24 agree with the idea of being lenient about a parking pad on
25 the left side, what the other Commissioners have mentioned.

1 I disagree, I mean, I agree with the Staff that we
2 should not have ribbons on the right side creating two more
3 parking spaces in the front yard on the right are
4 inappropriate. And I think that the -- so I would not
5 approve of those. And frankly, I think that this is -- I
6 think this application is actually incomplete. I think it's
7 inaccurate and it's not clear, and I would suggest that a
8 better plan be drawn up that is more complete, and perhaps
9 at the same time make a more approvable version of the --
10 somewhere along the lines that Commissioner Heiler mentioned
11 of a single pair of ribbons going toward -- along the side
12 yard toward the rear for a parking area.

13 So, I would basically support the Staff
14 conditions, but with a slight leniency on the fence, and the
15 parking pad on the left.

16 MS. BARNES: I support the concept of a taller
17 fence on the left hand side to replace the stockade fence
18 that is falling down. I note that the -- it would join at
19 the corner of the neighbor's side yard fence, and that that
20 is well set back from Connecticut Avenue. While it's in
21 front of the front plane of the house, it is still well set
22 back. And so, I would support the ~~six feet~~six-foot fence on
23 the left hand side.

24 I agree with Commissioner Carroll about having the
25 metal fence run from the front of the property down the

1 right side to the, I guess it's a shed on the adjacent
2 property, and have a fence start there, and then again, I
3 think I would support the Staff recommendation for a lower
4 fence in the front. I take my colleague's comments about
5 the Chevy Chase regulations being fairly strict, but we
6 often hear from the LAP in advance of the applications.
7 And, in the absence of their weighing in, I feel no
8 compunctions about recommending the taller fence on the
9 left.

10 I support the idea of driveway ribbons on the left
11 running from the existing circular drive all the way back to
12 the gate, which would give you parking space, I would think,
13 for at least two cars and also deal with your concern about
14 a catering truck at some point in the future. With regards
15 to the pergola, it is very visible from Connecticut Avenue,
16 and I take the point that the brick columns may not be
17 original, because it is true, as we see in the pictures,
18 there's a variety of different brickwork. I believe the
19 knee walls are, because they match very much the brickwork
20 in the column by the left front gate. And I would say that
21 they should be retained, all of the knee walls. And your
22 comment about the instability of the brick columns argues
23 for your objective of replacing those with wooden timbers,
24 which I would support, which would then match the timbers
25 coming over the top.

1 MR. ARKIN: I would very interested in seeing if
2 your research on the pergola turns up any pictures showing
3 the pergola way back when so that we can -- we can make a
4 reasoned determination on whether the brick columns are
5 character defining, or whether they're a later addition. I
6 do think that the knee wall, the brick walls in the front,
7 are and the style in which the brick is laid, are character
8 defining, and are consistent with the detailing around the
9 windows and doors, ~~t.~~ The brickwork around the windows and
10 doors.

11 I don't think -- it is a stunning house -- and as
12 others have said, I think it's quite apparent why you have
13 such affection for it, it's a beautiful house, and has
14 enormous potential. And, I think your rationale for the
15 parking ribbons on the left side of having a dual purpose of
16 extra parking, and also access for catering equipment and
17 potential future use of the house, makes a lot of sense. I
18 don't think that I could support the two sets of ribbons on
19 the right side, as they're currently designed, because I
20 think the effect of those is too -- all those driveway --
21 all those ribbon strips together and the cars that will end
22 up on them, will leave the impression of having
23 perpendicular parking along the front of the house. And I
24 think that's exactly what the Guidelines are designed to or
25 intended to discourage. I think that Commissioner

1 Treseder's comments about coming back with some drawings
2 that would show some other options for -- first to clarify
3 the existing drawing, and to show some other options for
4 parking, perhaps in the rear, or perhaps in the side yard,
5 are worth pursing.

6 I am very reluctant to approve any kind of
7 variation on the fences, except that I think you've
8 presented a fairly compelling argument on the fence on the
9 left side. On the right side, I think the argument falls
10 apart. I would not support waiving the guidelines on the
11 right side. So, I also think that Commissioner Carroll's
12 comments about the front fence are excellent comments. So,
13 with respect to the condition, Condition One, I would
14 suggest that that be amended to approve the driveway ribbons
15 on the left side, but not the driveway ribbons or any
16 parking pad on the right side. I think that Condition Three
17 should stand as written, and Condition Four should stand as
18 written. And I would be in favor of on Condition Two, of
19 making the maximum height four feet on the wooden fence on
20 the left front of the property.

21 MS. BARNES: Four feet or six?

22 MR. ARKIN: Oh, pardon me. Six feet, not four.
23 Thank you for the correction.

24 MR. KIRWAN: Just as a point of clarification,
25 Commissioner Arkin and Commission Barnes, you both made

1 reference to accepting the idea of parking ribbons on the
2 left hand side. But that's a change in the proposal. That
3 would be a motion. That's a parking pad in the current
4 proposal. You're suggesting a --

5 MR. ARKIN: Well, in the current proposal --

6 MR. KIRWAN: -- proposal to parking ribbons.

7 MR. ARKIN: The parking ribbons is -- what I was
8 suggesting, I can't speak for Commissioner Barnes, what I
9 was suggesting were the parking ribbons as shown on Circle
10 11, which was the original proposal, and not the parking pad
11 as shown on Circle 10, which is the revised proposal.
12 That's what I feel like. But, I'll have to --

13 MS. BARNES: And I would support ribbons rather
14 than a pad.

15 MR. KIRWAN: On the left hand side?

16 MS. BARNES: On the left hand side all the way to
17 the gate.

18 MR. KIRWAN: Okay. Just to -- I mean, this is
19 more for the applicant -- a couple of Commissioners have
20 made the suggestion of alternatives to your proposal
21 tonight. So, you do have the option to continue your case,
22 and we will not weigh in on it tonight, and you can rethink
23 some of the suggestions that have been made. You can do
24 more research on the pergola, and come back to us with a
25 revised proposal that we can rule on, or you can just let us

1 rule on what we've heard tonight, and we'll make a decision
2 and that's what we will approve, and that's what you'll have
3 to move forward with, unless you came in with a second HAWP
4 or a revision to your HAWP. Do you understand what I'm
5 referring to?

6 MR. PISHVAEIAN: Yeah.

7 MR. KIRWAN: And Scott, maybe you can talk a
8 little bit about why continuation has certain benefits, and
9 why ruling on the HAWP tonight has certain benefits.

10 MR. PISHVAEIAN: Pergola would be the only thing
11 that -- I don't know if Mike has any pictures from the
12 pergola from before. I have some pictures. There was
13 nothing left. It was all eaten by termites and --

14 MR. KIRWAN: I think we're talking about the
15 historical research on the pergola. There might be records.
16 The suggestion was made to come back with a more thoughtful
17 proposal on the pergola, given the concerns we have.

18 MR. PISHVAEIAN: The ones that we had, I mentioned
19 the thickness and the -- we're going to duplicate the same
20 look, and we had pictures. So, it's not anything that I'm
21 disputing.

22 MR. KIRWAN: Okay, we're just giving you the
23 option, because we can rule on everything tonight, and
24 that's what you're --

25 MR. PISHVAEIAN: That's fine.

1 MR. KIRWAN: -- left with, or you can continue
2 your case.

3 MR. PISHVAEIAN: Yeah. Again, I'm not trying to
4 take any shortcuts, I'm just trying to make this to look
5 decent, and that's why I wanted the uniform fence look on
6 both sides. But I understand the height issues.

7 MR. KIRWAN: Okay. All right. Well, I welcome a
8 motion.

9 MS. BARNES: I'm prepared to make a motion. I
10 would move that we approve this HAWP with the following
11 conditions. Condition One, the driveway ribbons would be
12 permitted on the left from the drive to the gates. Number
13 two, the proposed fence on the left would be permitted to be
14 six feet in height, to join the corner of the neighbor's
15 fence. Number three, the right hand would have a metal
16 fence from the front of the property to the shed of the
17 neighbor, and from there to the back of the plane of the
18 house, a wooden fence of four feet would be allowed, and
19 beyond the rear plane of the house it could go to six feet.
20 The fourth condition would be that the knee walls and the
21 pergola be retained, that they are a distinctive feature,
22 and those would be the four conditions.

23 MR. KIRWAN: And, as a point of clarification, you
24 mentioned the height of the fence beyond the rear plane of
25 the house being six feet tall. Did you mean six foot six,

1 as written in the Staff Report, or were you specific about
2 six feet?

3 MS. BARNES: The six--foot -- thank you -- six--
4 foot--six, which I think is the maximum permissible.

5 MR. KIRWAN: Okay.

6 MS. BARNES: Thank you.

7 MR. ARKIN: Another point of clarification. Since
8 the current application shows a parking pad, I think that
9 the driveway ribbon that Commissioner Barnes is proposing is
10 one set of driveway ribbons. Two driveway ribbons going
11 from the drive to the gate. I think it should state that
12 clearly. And, I would suggest, respectfully, if
13 Commissioner Barnes will accept it, that in addition to the
14 conditions that she stated, that a fifth condition be added,
15 which basically states that additional details for the
16 proposed 44 inch height iron fence be submitted with final
17 review and approval delegated to Staff, the existing
18 language of the fourth condition. I think that was the
19 sense --

20 MR. KIRWAN: Do you accept that amendment?

21 MS. BARNES: I accept that amendment.

22 MR. WHIPPLE: And then, I think there's a
23 condition that the ribbons on the right hand are not
24 approved?

25 MR. ARKIN: Yes.

1 MS. BARNES: Why don't I --

2 MR. WHIPPLE: You're good.

3 MR. BARNES: -- run through the conditions again?

4 MR. WHIPPLE: I think you're good. And then --

5 MR. KIRWAN: I mean, unless you want to. But I

6 think we're capturing these friendly amendments on the
7 record.

8 MR. WHIPPLE: And then I have a question about the
9 columns of the pergola, and what you want done with those.

10 MR. KIRWAN: We have one more suggestion or a
11 friendly amendment.

12 MS. HEILER: Okay. I'd like to offer a friendly
13 amendment. That the replacement of the columns on the
14 pergola is not approved.

15 MR. PISHVAEIAN: I'm sorry, what does that mean?

16 MS. HEILER: It means don't replace them. But you
17 can come back with a more detailed plan and possibly show us
18 what was there much earlier.

19 MR. PISHVAEIAN: They're destroyed. There's
20 nothing there.

21 MR. KIRWAN: We're in deliberations. Please turn
22 off your microphone, you're not to speak during
23 deliberations. Do you accept the friendly amendment?

24 MS. BARNES: It's fine.

25 MR. ARKIN: And I will second the motion.

1 MR. KIRWAN: All right. Any further discussion?

2 MR. WHIPPLE: Would you like Staff to run through
3 these before you take the vote, just -- Michael, you want to
4 do it?

5 MR. KYNE: So the conditions we have in front of
6 us, as I understand it are, that the driveway ribbons will
7 be permitted on the left side from the drive to the gate.
8 Number two, the driveway ribbons on the right side are not
9 approved. Number three, the fence on the left side is
10 permitted at six feet in height. Number four, an iron fence
11 will be permitted on the right side to the shed on the
12 neighbor's property, from there a ~~four feet~~four-foot wooden
13 fence is permitted with an option to extend to six foot six
14 beyond the rear plane of the house. Number five, the knee
15 walls of the pergola will not be removed. And number six,
16 the columns of the pergola will not be removed. And number
17 seven is consistent with the condition on the Staff Report,
18 which I do not have in front of me.

19 MR. KIRWAN: The additional details of the
20 proposed 44 inch --

21 MR. WHIPPLE: Iron details to Staff.

22 MR. ARKIN: It's number four on the Staff Report.
23 And, I think the sense of the first condition was that the
24 ribbons that would be permitted on the left would be a
25 single set of ribbons. A left ribbon and a right ribbon

1 going from the driveway to the gate.

2 MR. KIRWAN: All right. Can I see a show of hands
3 of those who approve --

4 MR. PISHVAEIAN: Can I ask a question?

5 MR. KIRWAN: No, you can't.

6 MR. PISHVAEIAN: Because I wasn't finished with --

7 MR. KIRWAN: You can talk to Staff after. Take a
8 vote on those who approve the motion before us.

9 VOTE.

10 MR. KIRWAN: The motion passes unanimously.

11 There's a lot there, and Staff can explain all those
12 conditions and answer all your questions tomorrow during
13 regular business hours. Thank you. The next item on the
14 agenda is Case II.C at 102 East Melrose Place in Chevy
15 Chase. And, as Staff transitions, we'll take your Staff
16 Report.

17 MR. WHIPPLE: Okay. So, while Michael gets his
18 up, I'll just jump right in. This is 102 East Melrose, a
19 Contributing Resource in the Chevy Chase Historic District.
20 This is a preliminary consultation for a side addition and
21 some other alterations. The proposal is for a small one-
22 story addition at the right or west elevation. It's sort of
23 in two parts, a front part, which is just a small five by
24 six block forward of an existing side addition, and then, a
25 second addition which expands an existing addition. It's