

MONTGOMERY COUNTY HISTORIC PRESERVATION COMMISSION
STAFF REPORT

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|---------------------|----------------------------------------------------------------|-----------------------|---------------|
| Address: | 16 W. Kirke St., Chevy Chase | Meeting Date: | 07/26/17 |
| Resource: | Contributing Resource Chevy Chase Village Historic District | Report Date: | 07/19/17 |
| Applicant: | 16 West Kirke Street, LLC | Public Notice: | 07/12/17 |
| Review: | HAWP | Tax Credit: | n/a |
| Case Number: | 35/13-17W | Staff: | Dan Bruechert |
| Proposal: | Installation of Fencing | | |

RECOMMENDATION

Staff recommends that the Historic Preservation Commission **approve with one (1) condition** the HAWP application.

1. The 6’ (six foot) tall cedar fence proposed for the left side of the house does not comply with adopted fence guidance. The fence and gate must either be lowered to a height of no more than 48” in front of the rear wall plane or the fence and gate may not extend forward of the rear wall plane. Revised plans must be submitted for review and approval with final approval authority delegated to staff.

PROPERTY DESCRIPTION

SIGNIFICANCE: Contributing Resource to the Chevy Chase Village Historic District
STYLE: Eclectic
DATE: c.1893

The subject property is a two-story, clapboard and stucco house, three bays wide, with a hipped roof, and a front-facing pediment. The decorative elements borrow from the revival styles popular in the late 19th and early 20th centuries including, ionic columns, an oriel window in the pediment, a broken 1st story pediment, and the large central Palladian window in the 2nd story.

There is a one-story, two-bay garage located in the rear of the lot to the right of the historic house.

PROPOSAL

The applicant is proposing install two sections of fencing. The first is a 6’ (six foot) tall cedar privacy fence that runs along the eastern property boundary with a gate placed at the front corner of the sun porch. The second section of fencing is a 4’ (four foot) picket fence with a gate that extends from the northwest corner of the house to the southeast corner of the garage. These two

sections of fencing will effectively enclose the rear yard.

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 (*District Guidelines*), *Montgomery County Code Chapter 24A (Chapter 24A)*, and the *Secretary of the Interior's Standards for Rehabilitation (Standards)* and the *Design Guidelines for Historic Sites and Districts in Montgomery County, Maryland (Design Guidelines)*. The pertinent information in these documents is outlined below.

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.

- Fences 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.

- 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 Historic Resources Preservation

(b) 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
- (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.

Design Guidelines for Historic Sites and Districts in Montgomery County, Maryland

Design Objective

A fence, gate or site wall should be in character with those used traditionally and relate to the principal structure on a lot.

12.1 Preserve original fences, gates and site walls.

- Replace only those portions that are deteriorated. Any replacement materials should match the original in color, texture, size and finish.
- It is recommended that a historic wood fence or gate should be protected against the weather with paint or stain.
- Where no fence exists, keeping the yard open may be the best approach for a front yard.

12.2 Where a new fence, gate or site wall is needed, it should be similar in character to those seen historically.

- A new fence or site wall that defines a front yard or a side yard on a corner lot is usually low to the ground.
- A new fence or gate should be “transparent” in nature, such as picket.
- Solid privacy fences, forward of the rear plane of a house, are discouraged.
- The design and materials of a new fence, gate or site wall should be similar to those used historically.
- Chain link, plastic, fiberglass, rebar, plywood and mesh “construction” fences are inappropriate.

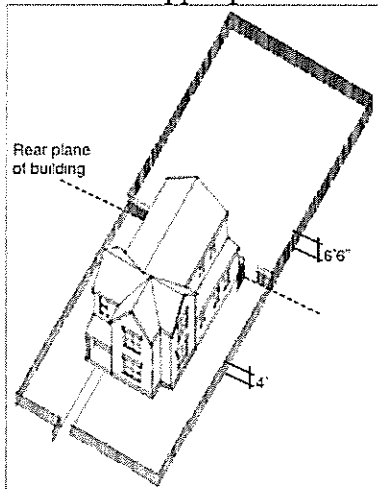
12.3 Front and side yard fences, gates, and site walls in front of the rear wall plane of the building should be no taller than 4’ in height.

12.4 Side and rear yard fences, gates, and site walls behind the rear plane of the building should be no greater than 6’6” in height.

- Consider a gradual increase in fence height from the front side yard to rear side yard.

12.5 A side yard fence should be set back from the primary façade of the house.

- Two types of side yard fences were seen traditionally:
a fence that extends between two houses and a fence that runs between two houses.
- A side yard fence should be set back to provide the historic sense of open space between homes.
- Consider staggering the fence boards on either side of the fence rail, or using lattice on the upper portions of the fence, to give a semi-transparent quality to the fence.



Guidelines 12.3 & 12.4: A front yard fence should be less than 4' in height while rear and side yard fences behind the rear plane of the building should be 6'6" or less.

STAFF DISCUSSION

The applicant is proposing to install two sections of fencing. A section of picket fence that is proposed between the northwest corner of the house and the southeast corner of the garage and a section of cedar privacy fencing that will run along the western property boundary and terminate at the front wall plane of the sunporch.

Cedar Picket Fence

The cedar picket fence will be installed in a location that is not visible from the public right-of-

way and is subject to lenient scrutiny based on the *District Guidelines*. The fence is compatible in design and size with the requirements of the *Design Guidelines* and is consistent with the surrounding historic district. There will be a centrally located gate to provide access from the driveway into the back yard (details below). The fence complies with all of the adopted guidance and should be approved.

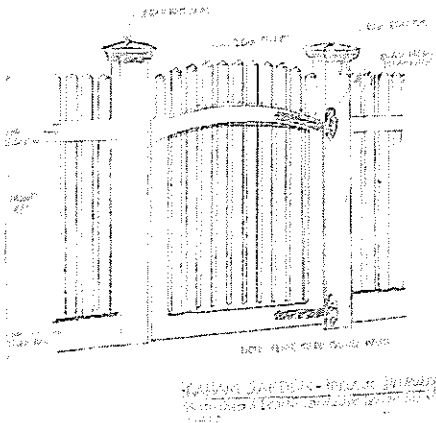


Figure 1: Detail of west fence and gate design

Board on Board Privacy Fence

Along the western property boundary, the applicant is proposing to install a board on board 6' (six foot) privacy fence and gate. As a portion of this fence will be visible from the public right-of-way *District Guidelines* dictate that its review be given moderate scrutiny. As the fencing will only abut the historic house and not attach to it, the proposed fencing will not impact the house's ability to continue to contribute to the historic district. Cedar is an appropriate material and is consistent with the surrounding district.

The fence and gate, however, extend beyond the rear wall plane and contravene the adopted fencing guidance. The *Design Guidelines* state that fences in front of the rear wall plane should not be taller than 48" (forty-eight) inches. Due to the flat topography of the building site, Staff supports either the lowering of the fence in front of the wall plane to no higher than 48" (forty-eight inches) or the relocation of the gate to the southeast corner of the sunroom so the fence is co-planer to the rear wall plane. Either of the identified changes would bring the proposed fence into compliance with the *Design Guidelines*, specifically sections 12.3 and 12.4.

The location of the proposed 6' (six foot) tall cedar privacy fence will also visually enclose much of the right side of the house. By enclosing this space there will be a negative impact on the desired open, 'park-like setting' identified in the *District Guidelines*. The 'park-like setting' of the district would be better served by either lowering the fence to a height no taller than 48" (forty-eight inches) in front of the rear wall plane or relocating the 6' (six foot) tall fence and gate so that the construction does not extend beyond the rear wall plane. Staff recommends the cedar privacy fence be approved with the condition that either it be lowered in its current location or that the fence and gate be relocated behind the rear wall plane. Staff has discussed these alternatives with the applicant, but the applicant has not identified a preferred alternative.

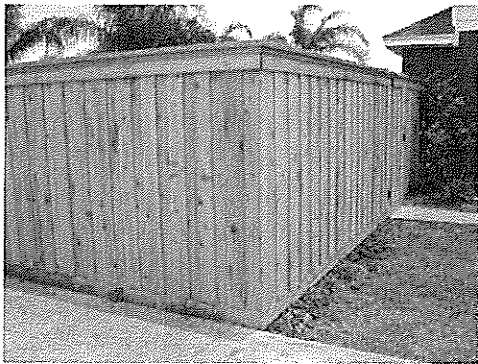


Figure 2: Proposed side fence design

STAFF RECOMMENDATIONS

Staff recommends that the Commission **approve with one (1) condition** the HAWP application;

1. The 6' (six foot) tall cedar fence proposed for the left side of the house does not comply with adopted fence guidance. The fence and gate must either be lowered to a height of no more than 48" in front of the rear wall plane or the fence and gate may not extend forward of the rear wall plane. Revised plans must be submitted for review and approval with final approval authority delegated to staff.

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

APPLICATION FOR HISTORIC AREA WORK PERMIT

Contact Email: phil@cas-dc.com Contact Person: Phillip Long - CAS
Daytime Phone No.: 240-418-3204

Tax Account No.: 07-00456104
Name of Property Owner: 16 West Kirke Street, LLC Daytime Phone No.: 301-646-4748
Address: 5407 Duvall Drive Bethesda MD 20816
Street Number City State Zip Code

Contractor: _____ Phone No.: _____
Contractor Registration No.: _____
Agent for Owner: _____ Daytime Phone No.: _____

LOCATION OF BUILDING/PREMISE

House Number: 16 Street: W Kirke Street
Town/City: Chevy Chase Nearest Cross Street: _____
Lot: 22 Block: 33 Subdivision: Chevy Chase Section 2
Liber: _____ Folio: _____ Parcel: _____

PART ONE: TYPE OF PERMIT ACTION AND USE

1A. CHECK ALL APPLICABLE: Construct Extend Alter/Renovate A/C Slab Room Addition Porch Deck Shed
 Move Install Wreck/Raze Solar Fireplace Woodburning Stove Single Family
 Revision Repair Revocable Fence/Wall (complete Section 4) Other: _____
1B. Construction cost estimate: \$ 10,000
1C. If this is a revision of a previously approved active permit, see Permit # _____

PART TWO: COMPLETE FOR NEW CONSTRUCTION AND EXTENSIONS

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 - Max
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.

Det. A. Maham 6/29/17
Signature of owner or authorized agent Date

Approved: _____ For Chairperson, Historic Preservation Commission
Disapproved: _____ Signature: _____ Date: _____
Application/Permit No.: _____ Date Filed: _____ Date Issued: _____

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**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:

Single family home built circa 1893 in
Cherry Chase Village

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

6' Board on Board Cedar Fencing with Gate.
4', 2x2 cedar picket fencing with Gate, Painted
White

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.

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

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|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>Owner's mailing address 16 W. Kirke Street LLC c/o Debra Graham 16 W. Kirke St, Chevy Chase, MD</p> | <p>Owner's Agent's mailing address Phillip Long CAS Engineering 10 S. Bentz Street Frederick, MD 21701</p> |
| <p align="center">Adjacent and confronting Property Owners mailing addresses</p> | |
| <p>John Chapoton 18 W. Kirke Street Chevy Chase, MD 20815</p> | <p>Reid Thompson 14 W. Kirke St Chevy Chase, MD 20815</p> |
| <p>Cantwell Muckenfuss 17 W. Kirke Street Chevy Chase, MD 20815</p> | <p>William Silverman 15 W. Kirke St Chevy Chase, MD 20815</p> |
| <p>Joseph Melrod 11 W. Kirke St, Chevy Chase, MD 20815</p> | |

