MONTGOMERY COUNTY HISTORIC PRESERVATION COMMISSION
STAFF REPORT

Address: 5912 Cedar Parkway, Chevy Chase  Meeting Date: 8/16/2017
Resource: Contributing Resource  Report Date: 8/9/2017
Chevy Chase Village Historic District
Applicant: Blake and Sydney Bath  Public Notice: 8/2/2017
(Adele O'Dowd, Agent)
Review: HAWP  Tax Credit: N/A
Case Number: 35/13-17BB  Staff: Michael Kyne

PROPOSAL: Hardscape and landscape alterations

STAFF RECOMMENDATION:
Staff recommends that the Historic Preservation Commission approve the HAWP application.

ARCHITECTURAL DESCRIPTION

SIGNIFICANCE: Contributing Resource
STYLE: Colonial Revival
DATE: c. 1916-1927

PROPOSAL:

- Replace the existing paver driveway and concrete parking pad with Belgian block cobble and permeable pea gravel driveway in the same approximate footprint.
- Replace the paver patio set on concrete at the rear of the property with a bluestone patio set on stone dust.
- Rebuild the existing 2'-5" high curved retaining wall at the rear, making it straight.
- Replace the amoeba shaped swimming pool at the rear with a rectangular swimming pool.
- Replace the curved brick walkway and steps from sidewalk at the front of the property with a straight bluestone walkway set on stone dust.

APPLICABLE GUIDELINES:

In accordance with section 1.5 of the Historic Preservation Commission Rules, Guidelines, and Procedures (Regulation No. 27-97) ("Regulations"), in developing its decision when reviewing a Historic Area Work Permit application for an undertaking at a Master Plan site the Commission uses section 24A-8 of the Montgomery County Code ("Chapter 24A"), the Secretary of the Interior's Standards and Guidelines for Rehabilitation ("Standards"), and pertinent guidance in applicable master plans. [Note: where guidance in an applicable master plan is inconsistent with the Standards, the master plan guidance shall take precedence (section 1.5(b) of the Regulations).] The pertinent information in these documents, incorporated in their entirety by reference herein, is outlined below.
Sec. 24A-8. Same-Criteria for issuance.

(a) The commission shall instruct the director to deny a permit if it finds, based on the evidence and information presented to or before the commission that the alteration for which the permit is sought would be inappropriate, inconsistent with or detrimental to the preservation, enhancement or ultimate protection of the historic site or historic resource within an historic district, and to the purposes of this chapter.

(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
5. The proposal is necessary in order that the owner of the subject property not be deprived of reasonable use of the property or suffer undue hardship; [emphasis added] 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.

(c) It is not the intent of this chapter to limit new construction, alteration or repairs to any 1 period or architectural style.

(d) In the case of an application for work on an historic resource located within an historic district, the commission shall be lenient in its judgment of plans for structures of little historical or design significance or for plans involving new construction, unless such plans would seriously impair the historic or architectural value of surrounding historic resources or would impair the character of the historic district. (Ord. No. 94-§ 1; Ord No. 11-59)

Secretary of Interior’s Standards for Rehabilitation

The Secretary of the Interior defines rehabilitation as “the act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features, which convey its historical, cultural, or architectural values.” Standards 2, 5, and 6 most directly apply to the application before the commission:

1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.

6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.

7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.

8. Significant archaeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.

9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.

10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

**Chevy Chase Historic District Guidelines**

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

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

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

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

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

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

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

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

**Driveways** should be subject to strict scrutiny only with regard to their impact on landscaping, particularly mature trees. In all other respects, driveways should be subject to lenient scrutiny. Parking pads and other paving in front yards should be discouraged.

**Lot coverage** should be subject to strict scrutiny, in view of the critical importance of preserving the Village’s open park-like character.

**Sidewalks** should be subject to strict scrutiny with regard to their impact on landscaping, particularly mature trees. In addition, sidewalks pertaining to outstanding resources should be subject to strict scrutiny. In all other respects, sidewalks should subject to moderate scrutiny.

**Swimming pools** should be subject to lenient scrutiny. However, tree removal should be subject to strict scrutiny as noted below.

**STAFF DISCUSSION**

*Driveway*

In accordance with the *Guidelines*, driveways should be subject to lenient scrutiny. The proposed driveway will be in the same approximate location as the existing driveway and will result in a reduction of impermeable surface. In accordance with the *Standards*, the proposed driveway replacement will not alter or remove features that characterize the property.

*Patio*

Staff is supportive of the proposed patio alteration. The patio is at the rear of the property, where it is minimally visible from the public right-of-way, at best. In accordance with the *Standards*, the proposed patio alteration will not alter or remove features that characterize the property.

*Retaining Wall*

Staff is supportive of the proposed retaining wall alteration. The retaining wall is at the rear of the property, where it is minimally visible from the public right-of-way, at best. In accordance with the *Standards*, the proposed retaining wall alteration will not alter or remove features that characterize the property.

*Swimming Pool*

In accordance with the *Guidelines*, swimming pools should be subject to lenient. The proposed swimming pool is at the rear of the property, where it is minimally visible from the public right-of-way, at best, and the proposed swimming pool will be in the same approximate location as the existing swimming pool. In accordance with the *Standards*, the proposed driveway replacement will not alter or remove features that characterize the property.

*Walkway*

In accordance with the *Guidelines*, sidewalks (and walkways) should be subject to moderate scrutiny. While the proposed work will alter the materials and design of the existing walkway, the proposed
materials and design are entirely consistent with the streetscape of the Chevy Chase Village Historic District. Although the proposed walkway might result in a minimal increase in hardscaping in the front yard of the subject property, there will be a net decrease in impermeable surfaces at the subject property, due to the driveway alteration. The proposed walkway alteration is unlikely to detract from the district’s open park-like character, and, in accordance with the Standards, the proposed will not alter or remove features that characterize the property.

After full and fair consideration of the applicant’s submission staff finds the proposal as being consistent with the Criteria for Issuance in Chapter 24A-(b) 1 and 2, having found the proposal is consistent with the Secretary of the Interior’s Standards for Rehabilitation #2 and #9, and the Chevy Chase Village Historic District Guidelines outlined above.

STAFF RECOMMENDATION:

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

and with the Secretary of the Interior’s Standards for Rehabilitation;

and with the general condition that the applicant shall present the 3 permit sets of drawings, if applicable to Historic Preservation Commission (HPC) staff for review and stamping prior to submission for the Montgomery County Department of Permitting Services (DPS) building permits;

and with the general condition that final project design details, not specifically delineated by the Commission, shall be approved by HPC staff or brought back to the Commission as a revised HAWP application at staff’s discretion;

and with the general condition that the applicant shall notify the Historic Preservation Staff if they propose to make any alterations to the approved plans. Once the work is completed the applicant will contact the staff person assigned to this application at 301-563-3400 or michael.kyne@montgomeryplanning.org to schedule a follow-up site visit
APPLICATION FOR
HISTORIC AREA WORK PERMIT

CONTACT EMAIL: adele.odowd@gmail.com
Contact Name: Adele O'Dowd
Contact Phone: 202-255-0728

Name of Property Owner: Blake & Sydney Bath
Date: 2021-05-03

Address: 7 Hesketh St, Chevy Chase, MD 20815

Contractor:__________________________
Contractor's License No.:________________

Agent for Contractor: Adele O'Dowd
Agent's Phone: 202-255-0728

LOCATION OF WORK TO BE PERFORMED:
House Number: 5912
Town/City: Chevy Chase
State: Maryland
Zip: 20815

Subdivision: Chevy Chase Section Z

PART III: PERMIT ACTIONS AND USE:

11. Check all applicable:
   [ ] Construct [ ] Extend [ ] Alter/Remodel
   [ ] Screen [ ] Sidewalk [ ] Roof Addition [ ] Porch [ ] Deck [ ] Shed
   [ ] Install [ ] Work Area
   [ ] Renovation [ ] Repair [ ] PA المشترك
   [ ] Fence/Total (complete Section 9) [ ] Other

12. Construction area outside:

13. If this is a revision of a previously approved permit, see Permit #________

PART IV: CONSTRUCTION AND EXTERNAL ADDITIONS:

14. Type of sewerage disposal:
   [ ] Septic [ ] Wastewater [ ] Other

15. Type of water supply:
   [ ] Septic [ ] Wastewater [ ] Other

PART V: MEASUREMENTS AND SPECIFICATIONS:

16. Height:_________

17. Indicate whether the fence or retaining wall is to be constructed on one of the following locations:
   [ ] On property line [ ] Exclusively on land of owner [ ] On public right of way/assessment

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 the Historic Preservation Commission. I hereby acknowledge and accept this to be a condition for the issuance of this permit.

Signed:__________________________ Date:_________

Signature of Owner or Authorized Agent

Approval:__________________________
For Chairperson, Historic Preservation Commission

Disapproved:__________________________ Date:_________

Application/Permit No.:__________________________ Date Filed:_________

SEE REVERSE SIDE FOR INSTRUCTIONS
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:
      2.5 story center hall colonial, circa 1820
      Existing curvy brick front walk, impervious paver driveway and concrete pad, impervious rear patio, curvy retaining wall and contemporary "amoeba" style swimming pool.

   b. General description of project and its effect on the historic resource(s), the environmental setting, and, where applicable, the historic district:
      Remove impervious paver driveway and concrete pad and replace with sections of belgian block cobble and permeable pea gravel to match neighbor at 5910. Remove paver patio (currently set entirely on concrete) and replace with traditional bluestone with the lower portion to be set on stone dust instead of concrete and to integrate more planting beds within the patio area and throughout the back and front yard. Low retaining wall to be rebuilt (2' - 0.5') removing curve. Replace contemporary swimming pool with rectangular shape and traditional bluestone coping. Replace curvy brick front walk currently set on concrete with rectilinear bluestone walk set on stone dust. Landscape design to generally better reflect landscape tradition set by Rose Greely in CCV.

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 data;
   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, contact.
      All materials and features 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/hwy from the parcel in question.

PLEASE PRINT (IN BLUE OR BLACK INK) OR TYPE THIS INFORMATION ON THE FOLLOWING PAGE.
PLEASE STAY WITHIN THE GUIDES OF THE TEMPLATE, AS THIS WILL BE PHOTOCOPIED DIRECTLY INTO MAILING LABELS.
FRONT WALK
PA BLUESTONE, NATURAL VARIATION IN COLOR, NATURAL CLEFT
1' WIDE PA BLUESTONE BORDER, LIKE 7 HEATH
SET ON STONE DURA-CUT

DRIVEWAY
BELGIAN BLOCK TRANSITION TO DELAWARE RIVER GRAVEL 1/4"
BELGIAN BLOCK EDGING SET FLUSH
1' 6" WIDE AT STREET TO MAINTAIN EXISTING WIDTH. 16" WIDE MAXIMUM AT GARAGE
STONE VENEER TO REPAIR EXISTING WALL TO MATCH NEIGHBOR, 9500W
Existing Property Condition Photographs (duplicate as needed)

Detail: IMPERVIOUS FRONT WALK SET IN CONCRETE TO BE REPLACED WITH PA BLUESTONE SET ON DUST

Detail: BRICK STEPS TO BE REBUILT IN LINE WITH STRAIGHT BLUESTONE FRONT WALK

Applicant: Sydney Bath (agent Adele O'Dowd)
5912 Cedar Pkwy
Existing Property Condition Photographs (duplicate as needed)

Detail: EXISTING IMPERVIOUS PAVER DRIVEWAY

Detail: EXISTING IMPERVIOUS DRIVEWAY AND FRONT WALK SET ON CONCRETE

Applicant: Sydney Bath (agent Adel O'Dowd)  
5912 Cedar Pkwy
Existing Property Condition Photographs (duplicate as needed)

Detail: CONCRETE PAD PREVIOUSLY APPROVED FOR REMOVAL: HPC CASE NO. 35/13-17B AND IT WAS APPROVED AT THE 1/25/17 HPC MEETING

Detail: EXISTING IMPERVIOUS PAVER DRIVEWAY TO BE REMOVED AND REPLACED WITH SECTIONS OF COBBLE AND PERMEABLE GRAVEL, HISTORICALLY APPROPRIATE

Applicant: Sydney Bath (agent Adele O'Dowd)
5912 Cedar Pkwy
Existing Property Condition Photographs (duplicate as needed)

Detail: EXISTING AMOEBA STYLE POOL WITH IMPERVIOUS BRICK PAVER PATIO TO BE REPLACED ON LOWER PATIO WITH HISTORICALLY APPROPRIATE BLUESTONE SET ON DUST

Detail: EXISTING IMPERVIOUS PAVER PATIO, AMOEBA STYLE POOL, INVAISSIVE GRASSES
NEW POOL COPING WILL BE BLUESTONE

Applicant: Sydney Bath (agent Adele O'Dowd)
# HAWP APPLICATION: MAILING ADDRESSES FOR NOTIFYING

[Owner, Owner's Agent, Adjacent and Confronting Property Owners]

<table>
<thead>
<tr>
<th>Owner's mailing address</th>
<th>Owner's Agent's mailing address</th>
</tr>
</thead>
<tbody>
<tr>
<td>Blake and Sydney Bath</td>
<td>Adele O'Dowd</td>
</tr>
<tr>
<td>7 Hesketh Street</td>
<td>4628 Hunt Ave</td>
</tr>
<tr>
<td>Chevy Chase, MD 20815</td>
<td>Chevy Chase, MD 20815</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Adjacent and confronting Property Owners mailing addresses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Charles Hobbs</td>
</tr>
<tr>
<td>33 West Kirke Street</td>
</tr>
<tr>
<td>Chevy Chase, MD 20815</td>
</tr>
</tbody>
</table>

| Melissa and Tom Dann                                      | John Montgomery                                  |
| 34 West Kirke Street                                      | 5914 Cedar Pkwy                                  |
| Chevy Chase, MD 20815                                     | Chevy Chase, MD 20815                            |

| Chevy Chase Club, Inc                                     |                                               |
| 6100 Connecticut Ave                                      |                                               |
| Chevy Chase, MD 20815                                     |                                               |