MONTGOMERY COUNTY HISTORIC PRESERVATION COMMISSION
STAFF REPORT

Address: 23 Primrose St., Chevy Chase  
Meeting Date: 7/26/2017

Resource: Contributing Resource  
Chevy Chase Village Historic District  
Report Date: 7/19/2017

Applicant: Elizabeth & Kevin McGrann  
Public Notice: 7/12/2017

Review: HAWP  
Tax Credit: No

Staff: Michael Kyne

Case Number: 35/13-17Y

PROPOSAL: Deck replacement and fencing construction

STAFF RECOMMENDATION

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

1. The 6’ (six foot) tall cedar fence proposed for the left side of the house, forward of the rear wall plan, is not approved. A 48” (four foot) tall cedar fence and gate, forward of the rear wall plan, in the location shown in the plans is approved. Revised plans must be submitted for review and approval with final approval authority delegated to staff.

ARCHITECTURAL DESCRIPTION

SIGNIFICANCE: Contributing Resource within the Chevy Chase District
STYLE: Colonial Revival
DATE: c. 1916 - 1927

PROPOSAL

The applicants propose the following work items at the subject property:

- Replace the existing non-historic rear deck and attached benches with a new deck in the same approximate location.
- Install a 5’ section of wooden fencing with gate at the rear/right side of the house.
- Install 57’ feet of wooden fencing at the left side property line with a return to the front/left side of the house.

APPLICABLE GUIDELINES

When reviewing alterations and new construction within the Chevy Chase Village Historic District several documents are to be utilized as guidelines to assist the Commission in developing their decision. These documents include the historic preservation review guidelines in the approved and adopted amendment for the Chevy Chase Village Historic District (Guidelines), Montgomery County Code Chapter 24A (Chapter 24A), and the Secretary of the Interior’s Standards for Rehabilitation (Standards). The pertinent information in these documents is outlined below.
Montgomery County Code; Chapter 24A-8

(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; 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. 9-4, § 1; Ord. No. 11-59.)

Chevy Chase Village Historic District Guidelines

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

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

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

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

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

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

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

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

The Guidelines that pertain to this project are as follows:

**Decks** should be subject to moderate scrutiny if they are visible from the public right-of-way, lenient scrutiny if they are not.

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

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

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

**STAFF DISCUSSION**

**Deck**

The applicants propose to replace the existing non-historic rear deck and attached benches with a new deck in the same approximate location. The existing deck and attached benches are constructed from pressure treated wood and, according to the applicants, are approximately 30-40 years old.

The proposed decking will be constructed from Azek, with the posts, rails, and inset balusters constructed from wood. The proposed deck will be negligibly visible from the public right-of-way, at best, and, in accordance with the Guidelines, should be reviewed with lenient scrutiny.
Staff finds that the proposed deck has no potential to detract from the streetscape and, per the Standards, the proposed deck replacement will not remove or alter features that characterize the property or surrounding historic district.

**Fencing**

The applicants propose to install 5’ of wooden fencing with gate at the rear/right side of property. The proposed fence/gate will be 6’ high with a flat board design to match the existing fencing at the rear and rear/sides of the property. The proposed new fencing will be at the end of the existing driveway adjacent to an existing parking/turnaround area in front of an existing garage. The proposed new fencing at the rear/right side of the property is unlikely to be visible from the public right-of-way, and, in accordance with the Guidelines, should be reviewed with lenient scrutiny.

The applicants also propose to install 57’ of wooden fencing along the left side property line, with a return to the front/left side of the house. The proposed fencing will be 6’ high with a flat board design to match the exiting fencing at the rear and rear/sides of the property.

The Commission typically requires fences forward of the rear plane of a house to be no higher than 4’ high, preserving the open streetscape, in accordance with the Guidelines. Staff suggests that the proposed 6’ flat board fence forward of the rear plane of the house has the potential to remove or alter character defining features (in this case, the perceived open streetscape) of the subject property and surrounding historic district, which is inconsistent with the Standards.

Staff recommends a condition of approval, stipulating that the proposed 6’ high fence at the left side of the house must be lowered to a height of no more than 4’ forward of the rear plane of the house, with final approval authority delegated to staff.

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 outlined above.

**STAFF RECOMMENDATION**

Staff recommends that the Commission approve with the conditions specified on Circle 1 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

Scott Fritz
Fitzgignoux.com
Contact Person: Scott Fritz
Contact Phone: 202-439-3154

Tax Account No.: 07-00455667
Daytime Phone: 847-363-1310

Name of Property Owner: Elizabeth & Kevin McGran
Address: 23 Primrose St, Chevy Chase, MD 20815
Contractor: Fine Earth Landscapes Inc
Contractor Registration No.: 9809-Md
Agent for Owner: Scott Fritz
Daytime Phone: 202-439-3154

LOCATION OF BUILDING PERMITS
House Number: 23
Street: Primrose
Town/City: Chevy Chase
Nearest Cross Street: Brookville Rd
Parcel ID: 58-2
Subdivision: Chevy Chase Section 2
Lot: 2
Floor: 100
Parcel:

PART ONE: TYPE OF PERMIT, ACTION AND USE

1A. Check all applicable:
- Construct
- Remove
- Alter/Repair
- Add/Install
- Solar
- Single Family
- Other:

1B. Construction cost estimate: $24,000.00

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

PART TWO: COMPLETE FOR NEW CONSTRUCTION AND EXTEND ADDITIONS

2A. Type of sewer disposal:
- 01 WSSC
- 02 Septic
- 03 Other:

2B. Type of water supply:
- 01 WSSC
- 02 Well
- 03 Other:

PART THREE: COMPLETE ONLY FOR FENCES, RETAINING WALLS

3A. Height: 6 feet 0 inches

3B. Indicate whether the fence or retaining wall is to be constructed on one of the following locations:
- On party line/property line
- Entirely on land of owner
- On public right of way/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 all agencies listed and I hereby acknowledge and accept this to be a condition for the issuance of this permit.

Signature of owner/authorized agent

Date: 7-3-17

SEE REVERSE SIDE FOR INSTRUCTIONS
THE FOLLOWING ITEMS MUST BE COMPLETED AND THE REQUIRED DOCUMENTS MUST ACCOMPANY THIS APPLICATION.

1. WRITTEN DESCRIPTION OF PROJECT

Deck and Railing

a. Description of existing structure(s) and environmental setting, including their historical features and significance:
The existing deck, benches, planter boxes, and existing deck fence are composed of pressure-treated wood. Currently, the deck is warped and splintering, posing a risk to the new homeowners' families and children. The existing pressure-treated wood deck was constructed approximately 30-40 years ago. It is now unsafe. There are unrigid pressure treated planter boxes and benches around the perimeter of the deck which are rotting. The deck poses a health/hazard.

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

Removal of the dangerous, splintering pressure treated wood deck and benches which are a hazard to habitation. The new deck details are traditional with the color porch, rail. This will work well with the existing architectural period of the house. The proposed railing and deck are more appropriate than the existing deck and benches. A composite wood deck (Azek) will be used for the deck and will look like real wood.

2. PHOTOGRAPHS

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

a. the scale, north arrow, and date;

b. dimensions of all existing and proposed structures and 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" pages 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 structure(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 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. PHOTOGRAFiES

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.

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 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 owners, addresses, and zip codes. This list should include the owners of all lots or parcels which adjoin the parcel in question, as well as the owner(s) of lot(s) or parcel(s) which lie directly across the street/highway from the parcel in question.

PLEASE PRINT (IN BLUE OR BLACK INK) OR TYPE THIS INFORMATION ON THE FOLLOWING PAGE.

PLEASE STAY WITHIN THE GUIDES OF THE TEMPLATE, AS THIS WILL BE PHOTOCOPIED DIRECTLY INTO MAILING LABELS.
THE FOLLOWING ITEMS MUST BE COMPLETED AND THE REQUIRED DOCUMENTS MUST ACCOMPANY THIS APPLICATION.

1. WRITTEN DESCRIPTION OF PROJECT

3. PLANS AND ELEVATIONS

4. MATERIALS SPECIFICATIONS

5. PHOTOGRAPHIC

6. TREE SURVEY

7. ADDRESSES OF ADJACENT AND CONFRONTING PROPERTY OWNERS

PLEASE PRINT OR TYPE THIS INFORMATION ON THE FOLLOWING PAGE.

PLEASE STAY WITHIN THE GUIDES OF THE TEMPLATE, AS THIS WILL BE PHOTOCOPIED DIRECTLY ONTO MAILING LABELS.
DECK ELEVATION - WEST FACING
23 PRIM ROSE ST.
CHEVY CHASE, MD
SCALE 1/4"=1'-0"

AZEK DECKING
CEDAR POST CAP
6X6 CEDAR POST
2" CEDAR PICKETS
2 3/4" SPACING BETWEEN PICKETS
LATTICE
2" SPACE
17'-0"

DECK ELEVATION - EAST FACING
23 PRIM ROSE ST.
CHEVY CHASE, MD
SCALE 1/4"=1'-0"
NEW FENCE SECTION
Scale: 1/4"=1'-0"
23 PRINCE ROSE ST.
CHEVY CHASE, MD.
Existing fencing and gate in rear garden between yard and driveway.
Primrose Rd, Chevy Chase, MD - View looking North
# 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>Elizabeth McGrann</td>
<td>Scott Fritz</td>
</tr>
<tr>
<td>23 Primrose St.</td>
<td>4436 L'Enfant St NW</td>
</tr>
<tr>
<td>Chevy Chase MD 20815</td>
<td>Washington DC 20010</td>
</tr>
</tbody>
</table>

**Adjacent and confronting Property Owners mailing addresses**

<table>
<thead>
<tr>
<th>Mr. &amp; Mrs. Robert Toth</th>
<th>Mr. &amp; Mrs. Chip Linsay</th>
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<tr>
<td>21 Primrose St.</td>
<td>28 Primrose St.</td>
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<tr>
<th>Mr. &amp; Mrs. Scott Faley</th>
<th>Mr. &amp; Mrs. Michael Meers</th>
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<tbody>
<tr>
<td>25 Primrose St</td>
<td>24 Quincy St.</td>
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<tr>
<th>Mr. &amp; Mrs. Robert Stillman</th>
<th>Ms. Kim Hetherington Mr. Henry Goldberg</th>
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<tbody>
<tr>
<td>22 Primrose St.</td>
<td>24 Quincy St.</td>
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