HISTORIC PRESERVATION COMMISSION STAFF REPORT

Address: 35 Oxford St., Chevy Chase  
Meeting Date: 5/9/18

Resource: Non-Contributing Resource  
Report Date: 5/2/18
Chevy Chase Village Historic District

Review: HAWP  
Public Notice: 4/25/18

Case Number: 35/13-18J  
Tax Credit: n/a

Applicant: Gregory and Alicia Fishbein  
Staff: Dan Bruechert

Proposal: Window Replacement

STAFF RECOMMENDATION:

Staff recommends that the HPC approve the HAWP application.

PROJECT DESCRIPTION

SIGNIFICANCE: Non-Contributing to the Chevy Chase Village Historic District
STYLE: Colonial Revival
DATE: 2014

Figure 1: 35 Oxford St.
**PROPOSAL:**
The applicant proposes to enlarge the existing window well at the front right of the house for egress purposes.

**APPLICABLE GUIDELINES**
When reviewing alterations and additions or new construction within the Chevy Chase Village Historic District, decisions are guided by the Chevy Chase Village Historic District Design Guidelines (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.

- 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.
- 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.

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 proposes expand the existing window well at the front-right corner of the building to accommodate egress needs. Staff finds that this proposal will result in a minimal visual change and will not impact the historic character of the building and recommends approval.

The existing window well is constructed out of concrete with a brick surround. It provides some natural light to the basement, but is only 9” (nine inches) wide and 1’ 7” (one foot, seven inches) deep and is not appropriate for egress purposes. The window in the well is a wood two-lite horizontal casement and is 1’ 9” (one foot, nine inches) high.

Figure 2: Photo of existing window well.
The applicant proposes to expand this window well so that it is appropriate for egress purposes. The existing window well will be widened from its existing 9” (nine inches) to a code-compliant 3’ (three feet). The well will be excavated from its 1’7” (one foot, seven inch) depth to 4’ 6 ¾” (four feet, six and three-quarters inch). In order to allow for egress, the existing window will be replaced with a Marvin wood window that is 6’ (six feet) wide and 4’ 5 ¾” (four feet, five and three-quarters inch) tall. The new window well will have a brick surround that matches the appearance of the existing (this information was not included in the application materials, but Staff has verified this with the applicant).

Staff finds that the only change in appearance to this feature that is visible from the public right-of-way will be the larger brick surround for the enlarged opening. Staff finds that while there are no Guidelines directly on point for this issue, the proposal complies with 24A-8(b)(1) in that it does not substantially alter the exterior features of the house. Staff further finds the visible materials of this proposal are compatible with the house surrounding district. Staff finds that the proposed wood window is appropriate per the Guidelines. Staff supports approval of the proposed window. The brick surrounding the window well will be the most prominent feature...
visible from the public right-of-way. Staff finds that this proposal will have a minimal impact on the character of the historic house or the surrounding district and supports approval.

The applicant is proposing to install a custom metal grate over the enlarged windows well. This feature will provide safety over the new feature, while still allowing for egress. A metal grate is an appropriate material for this feature and as it will be at grade, it will not be visible from the public right-of-way and Staff supports its approval.

**STAFF RECOMMENDATION**
Staff recommends the HPC **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.
APPLICATION FOR HISTORIC AREA WORK PERMIT

Contact Email: phv@cas-dc.com  Contact Person: Phillip Long - CAS Eng.

Tax Account No.: 07-00457303  Daytime Phone No.: 240-418-3204 / 301-703 2340

Name of Property Owner: Gregory & Alicia Fishbein  Daytime Phone No.: 

Address: 35 Oxford Street  Chevy Chase  MD  20815

Contractor:

Contractor Registration No.:

Agent for Owner:

Daytime Phone No.: 

GEORGIAN DOWNTOWN

House Number: 35  Street: Oxford Street

Nearest Cross Street: Brookeville Road

Lot: 16  Block: 57  Subdivision: Chevy Chase Sect. 2

Liberal: 

Permit:

PART ONE: DESCRIPTION AND USE

1A. CHECK ALL APPLICABLE:  CHECK ALL APPLICABLE:

☐ Construct  ☐ Alter/Renovate  ☐ A/C  ☐ Slab  ☐ Room Addition  ☐ Porch  ☐ Deck  ☐ Shed

☐ Move  ☐ Install  ☐ Wheel/Rake  ☐ Solar  ☐ Fireplace  ☐ Woodburning Stove  ☐ Single Family

☐ Revision  ☐ Repair  ☐ Reversible  ☐ Fence/Wall (complete Section 4)  ☐ Other:

1B. Construction cost estimate: $ 1,000

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

PART TWO: INSTALLATION OF HEATING, AIR CONDITIONING, OR PLUMBING

2A. Type of sewage disposal: 01 X WSSC  02 ☐ Septic  03 ☐ Other: 

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

PART THREE: COMPLETE CHECK 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/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 that I hereby acknowledge and accept this to be a condition for the issuance of this permit.

Greg Fishbein  April 17, 2018

Signature of owner or authorized agent  Date

Approved:  For Chairperson, Historic Preservation Commission

Disapproved:  Signature:  Date: 

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

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:

   Detached Single Family Home Built Circa 1925

   ...

   ...

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

   After existing basement window for egress purposes

   ...

   ...

2. SITE PLAN
   Site and environmental setting, drawn to scale. You may use your plat. Your site plan must include:
   a. the scale, north arrow, and date;
   b. dimensions of all existing and proposed structures; and
   c. site features such as walkways, driveways, fences, ponds, streams, trash dumpsters, mechanical equipment, and landscaping.

3. PLANS AND ELEVATIONS
   You must submit 2 copies of plans and elevations in a format no larger than 11" x 17". Plans on 8 1/2" x 11" paper are preferred.
   a. Schematic construction plans, with marked dimensions, indicating location, size and general type of walls, window and door openings, and other fixed features of both the existing resource(s) and the proposed work.
   b. Elevations (facades), with marked dimensions, clearly indicating proposed work in relation to existing construction and, when appropriate, context. All materials and fixtures proposed for the exterior must be noted on the elevations drawings. An existing and a proposed elevation drawing of each facade affected by the proposed work is required.

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

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

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

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

PLEASE PRINT IN BLUE OR BLACK INK OR TYPE THIS INFORMATION ON THE FOLLOWING PAGE. PLEASE STAY WITHIN THE BOXES OF THE TEXT AND USE THE FULL WIDTH OF THE SPACE PROVIDED.
<table>
<thead>
<tr>
<th>Owner’s mailing address</th>
<th>Owner’s Agent’s mailing address</th>
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<tr>
<td>Gregory &amp; Alicia Fishbein</td>
<td>Phillip Long</td>
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<tr>
<td>35 Oxford St</td>
<td>CAS Engineering</td>
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<tr>
<td>Chevy Chase, MD 20815</td>
<td>10 S Bentz St</td>
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<td>Scott &amp; Leann Hodges</td>
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<td>33 Oxford St</td>
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<td>Shamrock Property Trust Agreement</td>
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<td>28 Primrose St</td>
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<td>Chevy Chase, MD 20815</td>
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Robert Stillman
22 Primrose Street
Chevy Chase, MD 20815
Dan,

I know there was a handful of emails yesterday and just wanted to quickly recap on the couple of questions you had:

1. The proposed window will be the same wood Marvin window type used under the previously approved HAWP for the new second story window
2. The window well will be brick lined so as to match the existing façade
3. The window well cover will be a custom metal hinged grate, detail attached.

Thanks,

Phillip D. Long
Permitting Technician

CAS ENGINEERING – DC, LLC
1001 Connecticut Avenue, NW, Suite 401, Washington, DC 20036
Email: phil@cas-dc.com