

MONTGOMERY COUNTY HISTORIC PRESERVATION COMMISSION
STAFF REPORT

Address:	5813 Surrey St., Chevy Chase	Meeting Date:	3/27/2019
Resource:	Secondary (Post-1915) Resource (Somerset Historic District)	Report Date:	3/20/2019
Applicant:	Dan & Aviva Rosenthal (Tahani Share, Architect)	Public Notice:	3/13/2019
Review:	HAWP	Tax Credit:	N/A
Case Number:	35/36-19C	Staff:	Michael Kyne

PROPOSAL: **RETROACTIVE** site alterations and retaining wall removal

STAFF RECOMMENDATION

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

The applicants should submit a revised HAWP application for the following:

- Alterations to the unapproved/as-built driveway, with the revised driveway (including apron) not exceeding 16' at any point.
- Replacement of the retaining wall at the left () side of the driveway, with all dimensions and materials of the previously removed retaining wall and the new retaining wall specified.
- Replacement/construction of a matching retaining wall at the right (south) side of the driveway.
- Backfilling the front/right (southwest) side of the property, restoring the grade and thus the amount of exposed foundation wall on the patio to its previously approved condition.
- Partial removal and alteration of the rear (east) walkway, with the incompatible gravel expansions removed from the proposal.
- Revisions to the approved right (south) side patio, with all revisions (i.e., additional steps, design changes, railing installation, etc.) clearly specified.
- Installation of a metal handrail at the right (south) side of the new front steps/walkway, with all materials and dimensions specified.

ARCHITECTURAL DESCRIPTION

SIGNIFICANCE: Secondary (Post-1915) Resource within the Somerset Historic District
STYLE: Colonial Revival
DATE: 1937

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.

Secretary of the 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.” The pertinent *Standards* for this case are as follows:

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

This is a retroactive application, and the proposed alterations have already been completed without an approved HAWP. As noted above, the proposal is to remove the retaining wall at the right (south) side of the driveway, to significantly regrade the front/right (southwest) side of the property, to remove the retaining wall at the left (north) side of the driveway, to construct a new retaining wall at the left (north) side of the driveway, to partially remove and alter the existing walkway at the rear (east) of the house, to make revisions to the previously approved right (south) side patio, and to install a handrail at the right (south) side of the new front steps/walkway.

When the applicants initially appeared before the Commission for a preliminary consultation regarding a right (south) side addition and hardscape alterations at the September 19, 2017 HPC meeting, they proposed to widen the 8'-4" driveway of the historic house to 20'. The Commission found that the proposed 20' driveway was too wide and incompatible with the existing driveways and streetscape of Surrey Street. The applicants returned for a second preliminary consultation at the October 25, 2017 HPC meeting, at which time they proposed to widen the driveway to 18', and the Commission still found the proposed driveway too wide. The Commission ultimately approved a 16' wide driveway as part of the applicants' HAWP at the December 6, 2017 HPC meeting. The applicants submitted a Staff Item Revision, seeking approval of an 18' wide driveway at the January 10, 2018 HPC meeting, but the Commission denied the revision.

According to the current application, the driveway has been enlarged to the approved 16'; however, staff visited the subject property on March 19, 2019 to measure the driveway and found the following:

- The new driveway apron is flared and measures 20'-1" adjacent to Surrey Street, reducing to 10'-1" at the sidewalk, with an additional 9" to 20" flagstone on dirt border at the right (south) side of the apron.
- The new driveway measures 19'-6" at the sidewalk, reducing to 16'-4" as it approaches the house, with an additional 9" to 19" flagstone on dirt border at the right (south) side of the driveway.

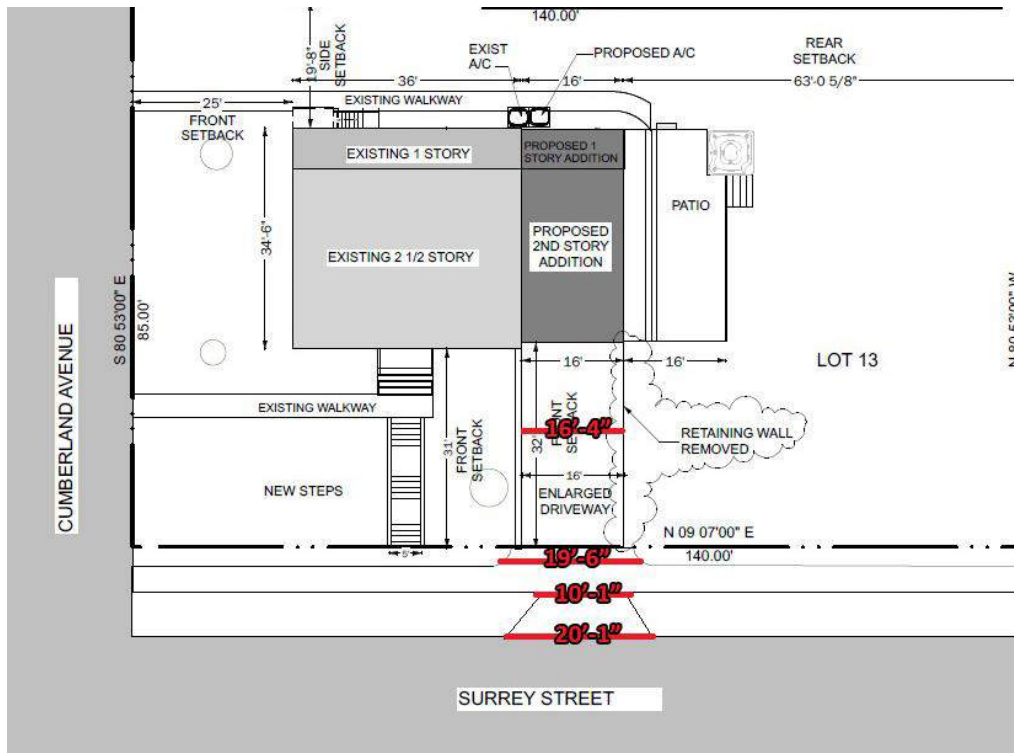


Fig. 2: As-built/unapproved driveway dimensions, as measured and prepared by staff.

As the Commission previously found, the existing driveway (and apron) is incompatible with character of the subject property, the surrounding streetscape, and the historic district, where it exceeds 16’.

Throughout the entire process – from the first preliminary consultation to the Staff Item Revision – the proposed driveway enlargement included the relocation of the existing retaining wall on the right (south) side of the driveway and preservation of the consistent grading on both sides of the driveway. The proposal did not call for removal or replacement of the retaining wall on either side of the driveway; however, the right (south) side retaining wall has been removed and the front/right (southwest) side of the property has been significantly regraded. The result is inconsistent grading on either side of the driveway. This is incompatible with the character of the streetscape along Surrey Street, where the existing hardscaping – for both front walkways and driveways – is bound by consistent grading on either side. This is also incompatible with the historic character of the subject property, where the driveway was clearly delineated by the retaining walls and bound by consistent grading on either side.

Altering the grade in this manner has also resulted in nearly 8’ of exposed concrete foundation wall for the new patio, which directly faces Surrey Street (See *Figures 4 and 6*). The approved drawings (*Figure 5*) showed at most 18” to 2’ of exposed concrete wall for the patio. Flattening out the grade in this large section of the front and side yard has two negative consequences: 1) it has altered the consistent grading and character of the landscape of the historic property, which are character defining features; and 2) the now exposed 8’ high by 16’ wide concrete foundation has altered the appearance of the previously approved patio addition to such a large degree that the patio is of questionable compatibility with the historic house.

Although the applicants did not include it in their current HAWP application, staff has compared before and after photographs of the subject property, and it appears that the retaining wall at the left (north) side of the driveway has been removed (or significantly altered), and a new retaining wall has been constructed in its place. This was not part of the December 6, 2017 HAWP application, and the HPC has

not reviewed or approved this alteration. The style and material of the new retaining wall at the left (north) side of the driveway are generally compatible with the subject property and surrounding streetscape, but this alteration has not been approved and is currently in violation of the applicants approved HAWP.



Fig. 3: Subject property driveway, before.



Fig. 4: Subject property driveway, after.

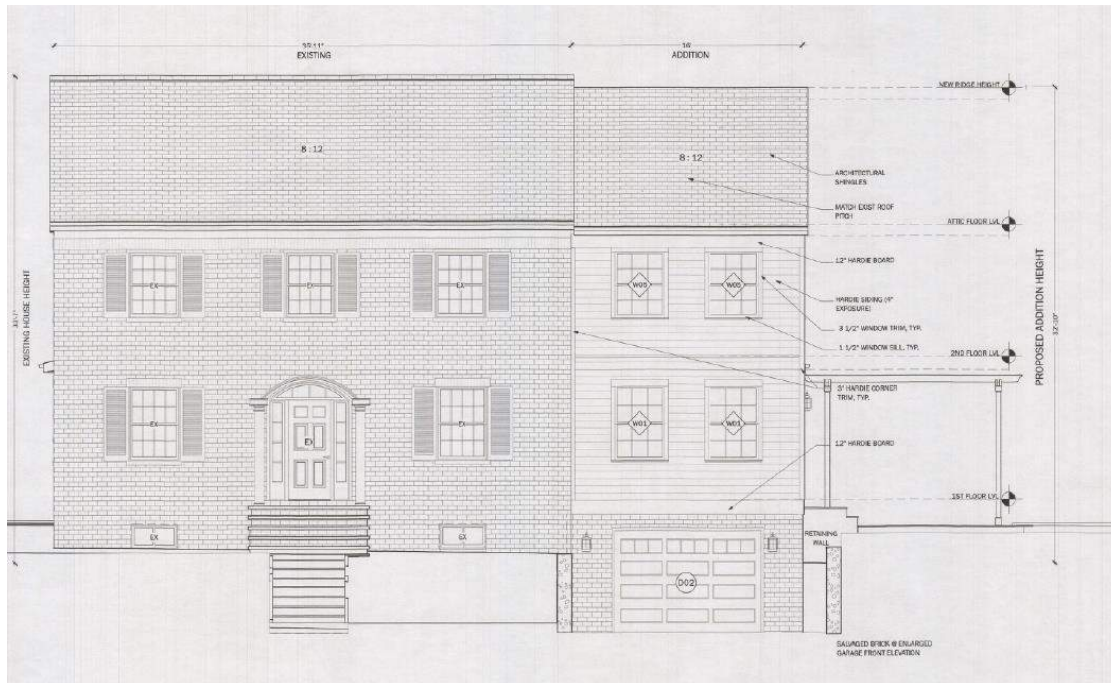


Fig. 5: Approved front elevation, showing proposed driveway, retaining walls, and grading.

Staff has also compared the approved and as-built site plans and found that the footprint of the as-built right (south) side patio has slightly increased. Whereas the rear (east) edge of the patio was curvilinear in the approved site plan, the as-built patio is rectilinear. As depicted in staff's photograph below, a high-tension cable railing has also been installed on the patio. This was not reviewed or approved by the HPC and was likely added to satisfy code requirements, since the unapproved grade changes at the front/right (southwest) side of the property increased the height of the patio to more than 36", and the approved patio was at grade. An additional step has been added from the house to the patio, and three steps have been added from the patio to grade. The applicants' approval also called for a pergola to be constructed on the patio, which has not been completed. The proposed patio revisions are generally compatible, but they have not been approved and are currently in violation of the applicants approved HAWP.



Fig. 6: As-built patio with high-tension cable railing.

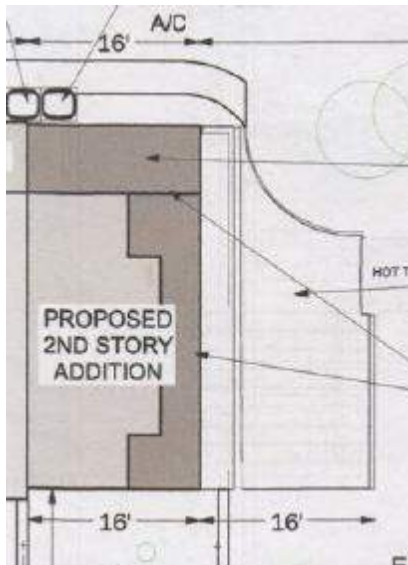


Fig. 7: Approved patio.

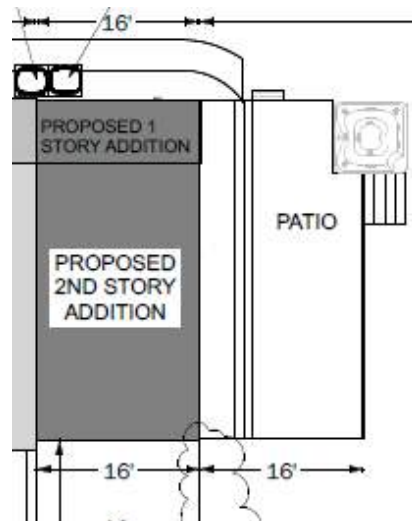


Fig. 8: As-built patio.

During staff's March 19, 2019 site visit, staff also found that the walkway at the rear (east) of the house has been altered without the HPC's approval. The southernmost part of the walkway has been removed, and the northernmost part has been replaced and altered. A landing has been added at the rear (east) entry to the house and a gravel expansion bordered by railroad ties has been added to either side of the walkway where it meets the sidewalk along Cumberland Avenue. While the walkway alterations are generally compatible, the gravel expansions on either side of the walkway where it meets Cumberland Avenue make the width of the walkway inconsistent with the surrounding streetscape and with the historic district, where the average walkway is 5' wide or less.



Fig. 9: Rear (east) walkway, before.



Fig. 10: Rear (east) walkway, after.

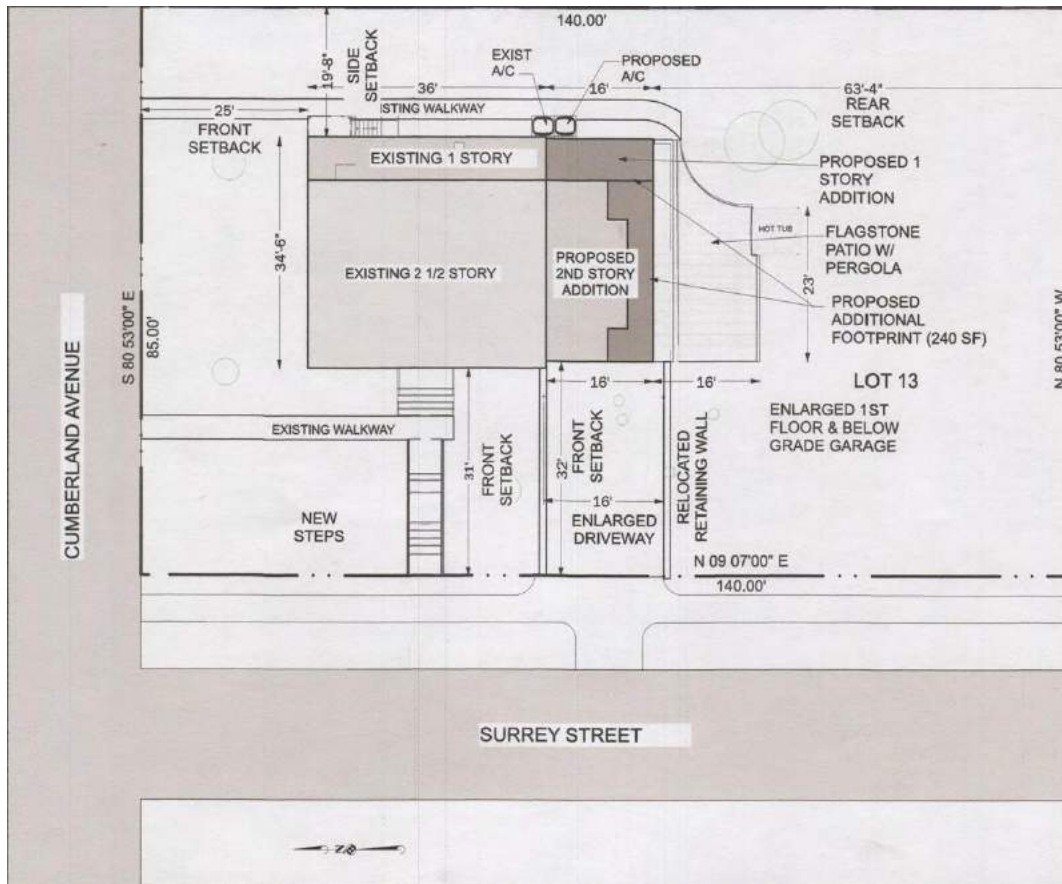


Fig. 11: Approved site plan.

Staff also found that a metal handrail has been installed at the right (south) side of the new front steps/walkway. While the front walkway was approved as part of the applicants' December 6, 2017 HAWP application, the handrail has not been reviewed or approved by the HPC. The handrail is generally compatible with historic character of the subject property, but it is currently in violation of the applicants approved HAWP.



Fig. 12: Unapproved handrail at new front steps/walkway.

Utilizing the *Standards* to evaluate the proposal, staff finds the following:

- The proposal alters features and spaces that characterize the subject property and surrounding historic district. By altering these character-defining features and spaces, the proposal detracts from the streetscape and negatively affects the way that the historic house and surrounding historic district are experienced from the public right-of-way.

Accordingly, staff finds that the proposal is inappropriate, inconsistent with, and detrimental to the preservation, enhancement, and ultimate protection of the historic resource within historic district, per Chapter 24A-8(a). Staff recommends that the HPC deny the HAWP application and that the applicants take to the appropriate actions to bring the subject property into compliance with their previously approved HAWP.

The applicants should submit a revised HAWP application for the following:

- Alterations to the unapproved/as-built driveway, with the revised driveway (including apron) not exceeding 16' at any point.
- Replacement of the retaining wall at the left (north) side of the driveway, with all dimensions and materials of the previously removed retaining wall and the new retaining wall specified.
- Replacement/construction of a matching retaining wall at the right (south) side of the driveway.

- Backfilling the front/right (southwest) side of the property, restoring the grade and thus the amount of exposed foundation wall on the patio to its previously approved condition.
- Partial removal and alteration of the rear (east) walkway, with the incompatible gravel expansions removed from the proposal.
- Revisions to the approved right (south) side patio, with all revisions (i.e., additional steps, design changes, railing installation, etc.) clearly specified.
- Installation of a metal handrail at the right (south) side of the new front steps/walkway, with all materials and dimensions specified.

STAFF RECOMMENDATION:

Staff recommends that the Commission **deny** the HAWP application under the Criteria for Denial in Chapter 24A-8(a), having found that the proposal will substantially alter the exterior features of the resource and is incompatible in character with the resource and the purposes of Chapter 24A and with the *Secretary of the Interior's Standards for Rehabilitation*.



HISTORIC PRESERVATION COMMISSION
301/563-3400

OPS - #8

APPLICATION FOR HISTORIC AREA WORK PERMIT

Contact Person: Tahani Share

Contact Email: Tahani@landisconstruction.com

Daytime Phone No.: 202-370-3410

Tax Account No.: _____

Name of Property Owner: Dan and Aviva Rosenthal Daytime Phone No.: _____

Address: 5813 Surrey St. Chevy Chase MD 20815

Contractor: LandisArchitectsBuilders Phone No.: 202-370-3410

Contractor Registration No.: _____

Agent for Owner: _____ Daytime Phone No.: _____

LOCATION OF BUILDING/TYPE USE

House Number: _____ Street: _____

Town/City: _____ Nearest Cross Street: _____

Lot: _____ Block: _____ Subdivision: _____

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 ☐ Reversible

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: \$ _____

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.

Tahani Share

2/25/19

Signature of owner or authorized agent

Date

Approved: _____ For Chairperson, Historic Preservation Commission

Disapproved: _____ Signature: _____ Date: _____

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

Edic 6/21/99

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:

A proposed addition and some alterations to the property at 5312 Surrey Street were approved by the Commission. The proposed work included a front-facing side addition, enlarging an existing driveway and some hardscape elements. The proposal showed two existing retaining walls with one being relocated to make way for the enlarged driveway and to retain what appeared to be a high grade on the right side. During construction and after the removal of existing small trees and vegetation, the site revealed a much less grade than anticipated which eliminated the need for the retaining wall. Therefore, we are asking for a revised HAWP to approve the removal of that retaining wall.

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

Picture (1) below shows the existing property before the addition. Some lines were added to illustrate the existing width of the driveway and the proposed enlargement and its location on the site. This illustration shows that the enlargement of the driveway is at a low grade level. Picture (2) shows the property after the addition and what the existing grade looks like. It's worth mentioning here that the two pictures were taken at different times of the year. The newer picture shows no vegetation or any plants present at the site. The homeowners appreciate any input or recommendations that the Commission may have.

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]

Owner's mailing address Dan and Aviva Rosenthal 5813 Surrey St. Chevy Chase, MD 20815	Owner's Agent's mailing address Landis Architects Builders 7059 Blair Road NW Washington, DC 20012
Adjacent and confronting Property Owners mailing addresses	

Existing Property Condition Photographs (duplicate as needed)



Picture (1) The existing property before the addition. Some lines were added to illustrate the existing width of the driveway and the proposed enlargement and its location on the site. This illustration shows that the enlargement of the driveway is at a low grade level.



Picture (2) The property after the addition and what the existing grade looks like. The two pictures were taken at different times of the year.

Applicant: _____

Page: __

ROSENTHAL RESIDENCE

5813 Surrey Street Chevy Chase, MD



This pictures shows the existing property before the addition. The added red lines illustrate the existing width of the driveway and the proposed enlargement and its location on the site. The picture shows that the edge of the enlarged driveway is at a lower grade level.

The design proposal showed two existing retaining walls with one being relocated to allow for the enlarged driveway and to retain what appeared to be a high grade on the right side . During construction and after the removal of existing small trees and vegetation, the site revealed a much less grade level than anticipated which eliminated the need for the retaining wall.



Pictures of the property that shows grade after the addition.



A DESIGN BUILD FIRM
7059 BLAIR ROAD, NW STE 300
WASHINGTON, DC 20012
PHONE: 202-726-3777
FAX: 202-882-9703
WWW.LANDISCONSTRUCTION.COM

Professional Certification
I certify that these documents were prepared or approved by me, and that I am a duly licensed architect under the laws of the State of Maryland, license number 13660, expiration date October 22, 2018.

Approvals

Chris Landis	
Paul Gaiser	
Client	

Project Team

Project Designer	Tahani Share
Project Manager	Andrew Kerr
Team Leader	Chris Landis

REVISED HAWP

ROSENTHAL
RESIDENCE

5813 Surrey Street
Chevy Chase, MD

PHOTOS OF
BEFORE & AFTER

MARCH 11 14, 2019



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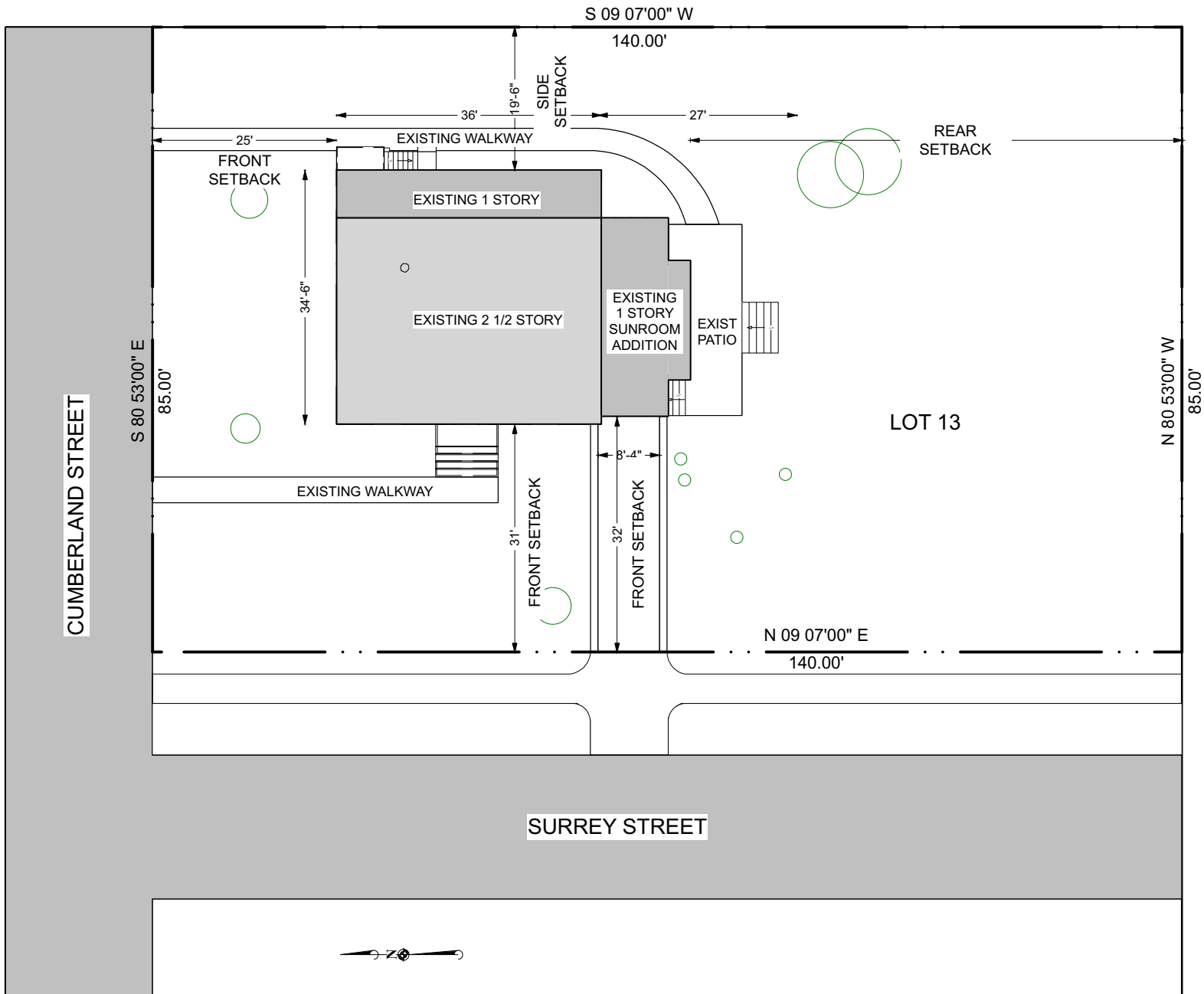
REVISED HAWP

ROSENTHAL
RESIDENCE

5813 Surrey Street
Chevy Chase, MD

PRE
CONSTRUCTION
SITE PLAN

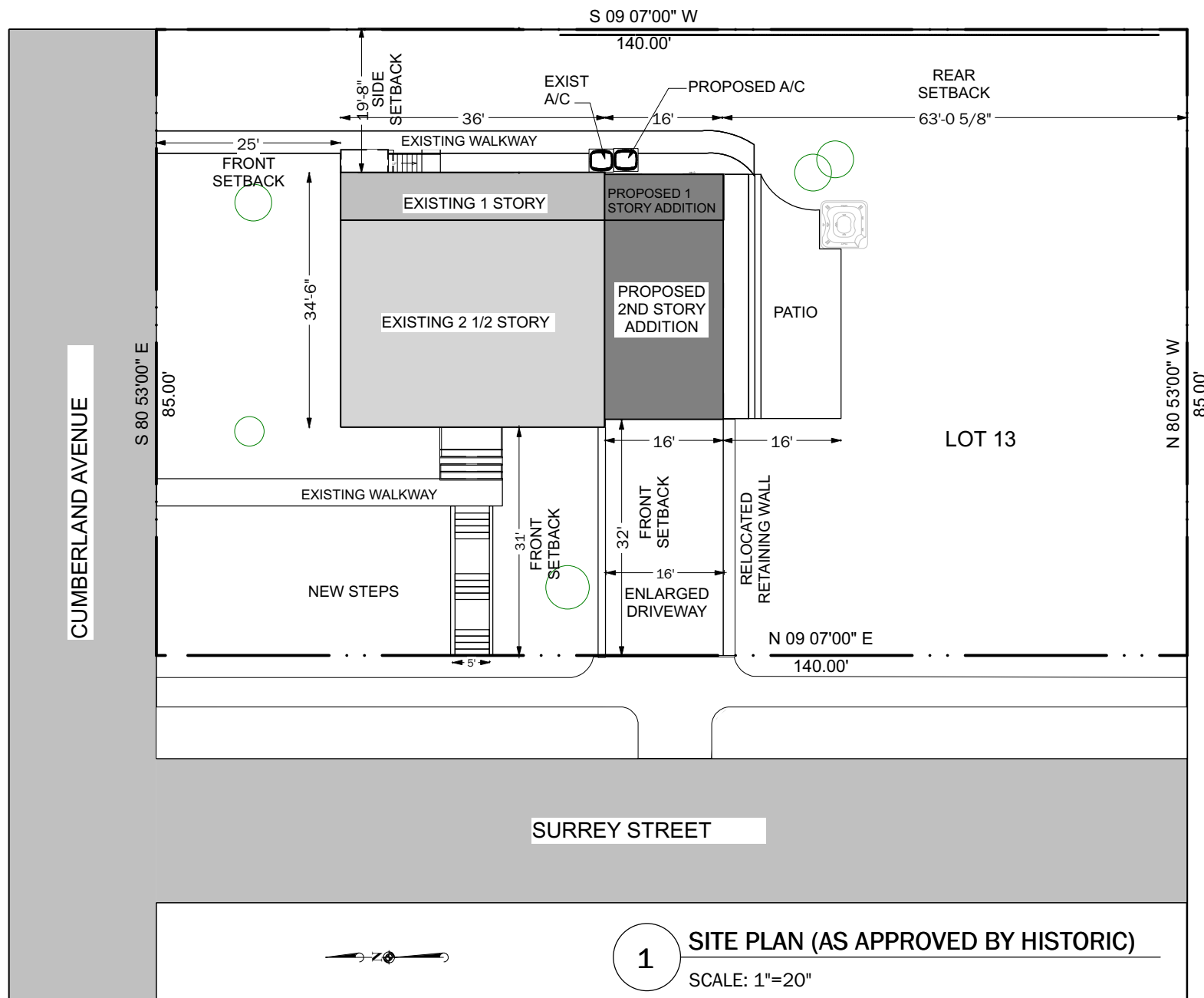
MARCH 11 14, 2019



1

SITE PLAN (PRE CONSTRUCTION)

SCALE: 1"=20"



The proposed site plan approved by the Commission shows front-facing side addition, enlarged driveway and some hardscape elements. The proposal showed two existing retaining walls with one being relocated to allow for the enlarged driveway and to retain what appeared to be a high grade on the right side .



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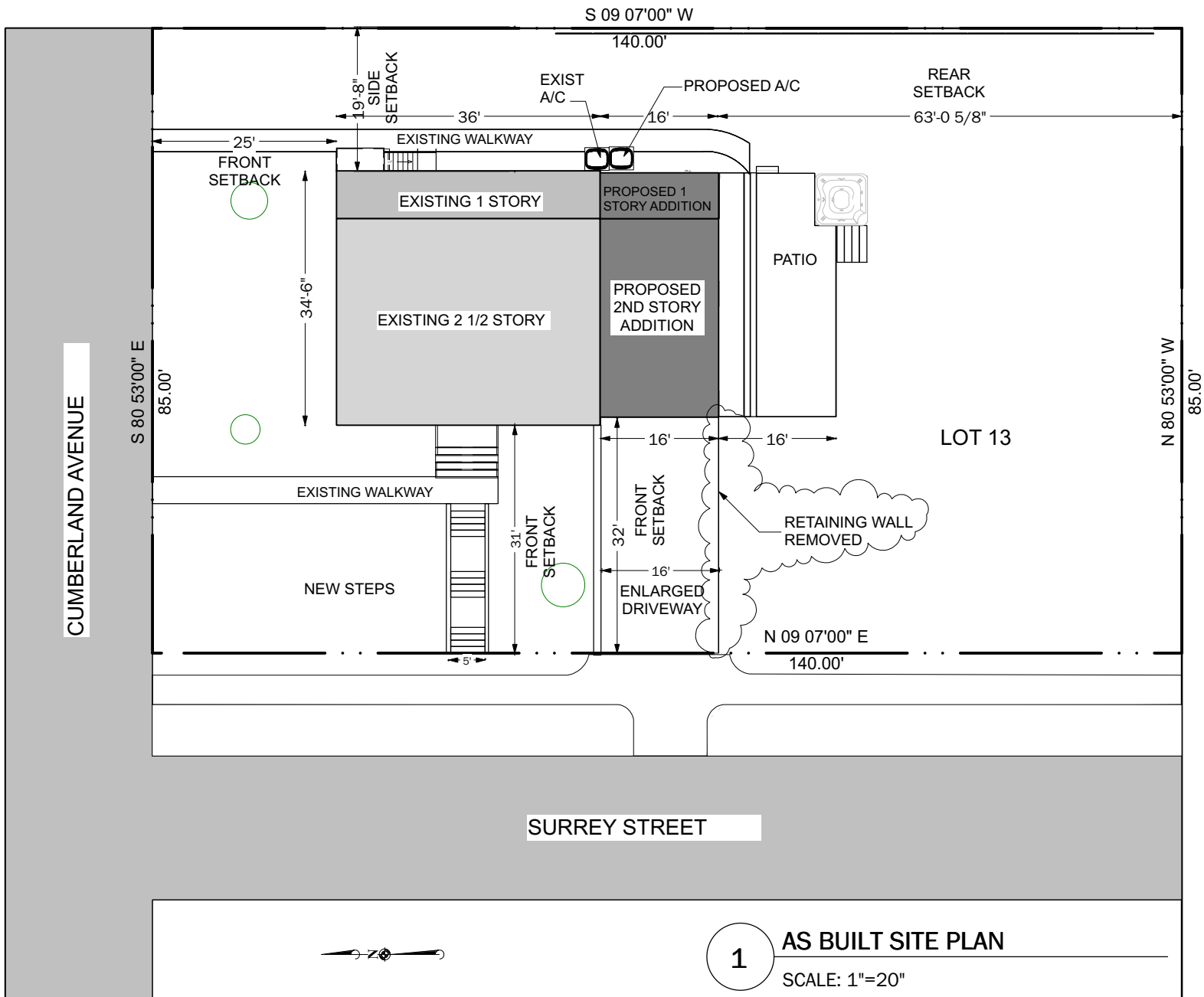
REVISED HAWP

ROSENTHAL RESIDENCE

5813 Surrey Street
Chevy Chase, MD

APPROVED SITE PLAN

MARCH 11 14, 2019



During construction and after the removal of existing small trees and vegetation, the site revealed a much less grade than anticipated which eliminated the need for the retaining wall.



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Team Leader	Chris Landis

REVISED HAWP

ROSENTHAL
RESIDENCE

5813 Surrey Street
Chevy Chase, MD

AS BUILT SITE
PLAN

MARCH 11 14, 2019



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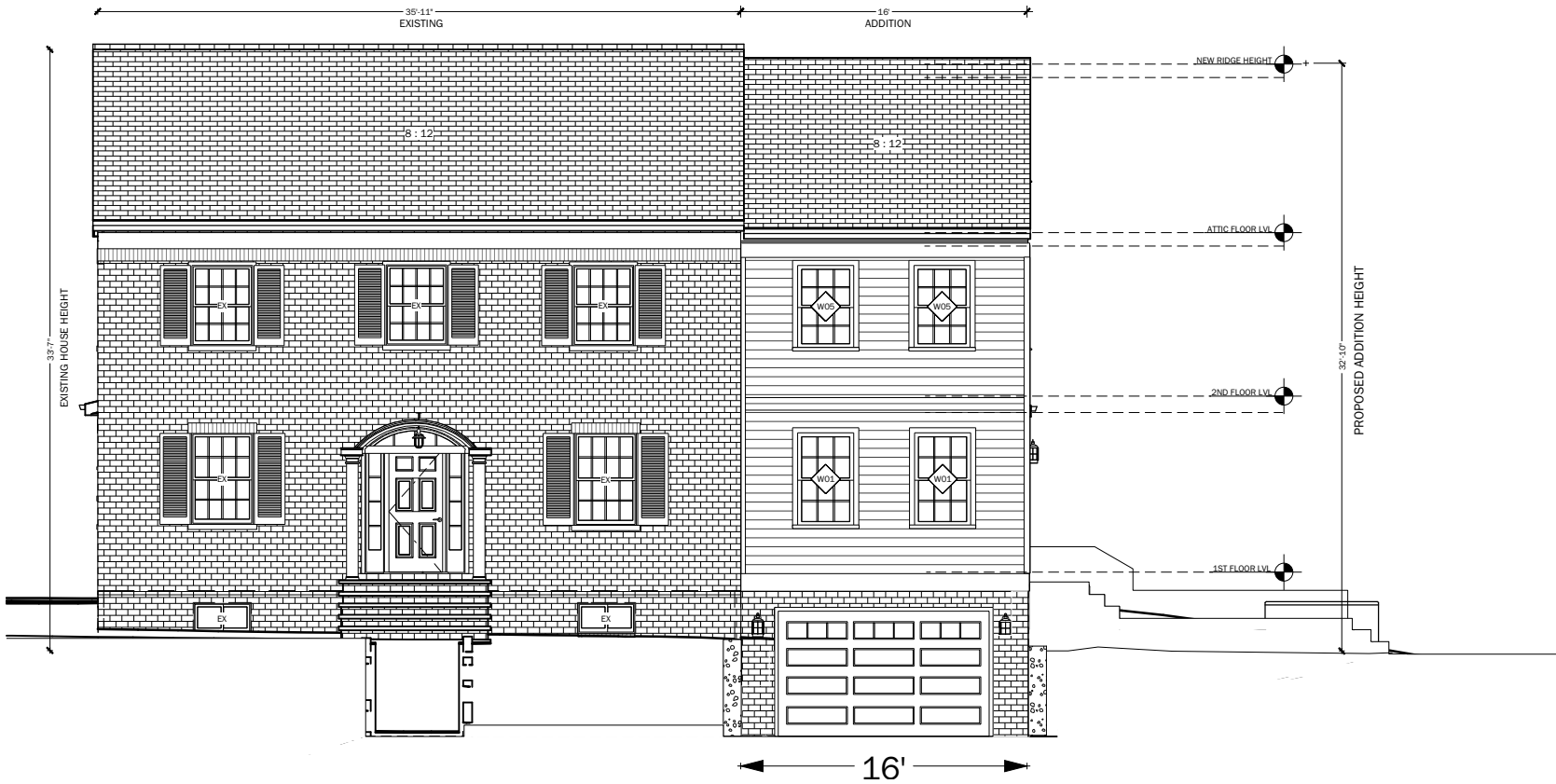
REVISED HAWP

ROSENTHAL
RESIDENCE

5813 Surrey Street
Chevy Chase, MD

APPROVED
FRONT
ELEVATION

MARCH 11 14, 2019



1 FRONT ELEVATION (AS APPROVED BY HISTORIC)
SCALE: 1"=10"



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REVISED HAWP

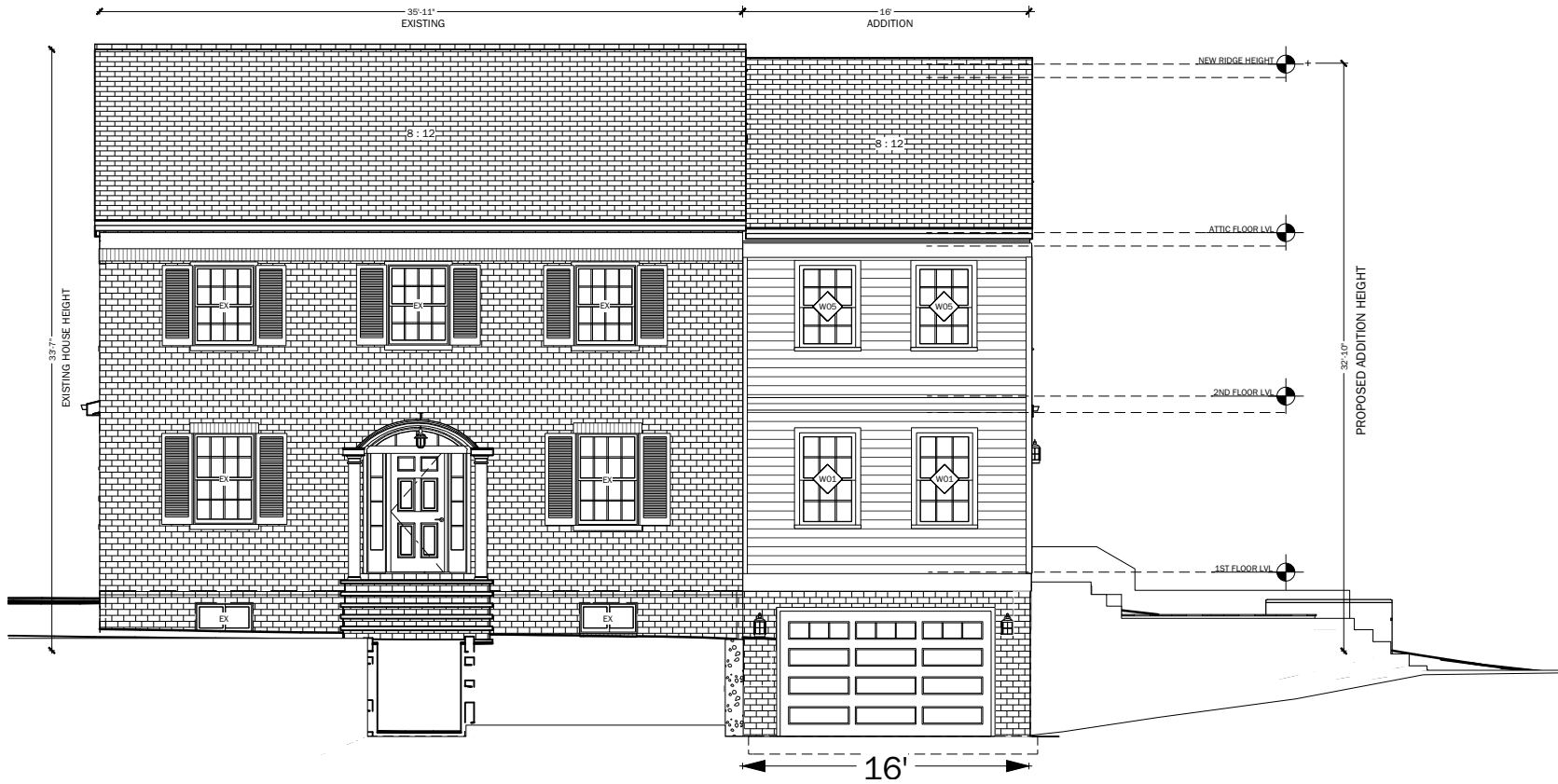
ROSENTHAL
RESIDENCE

5813 Surrey Street
Chevy Chase, MD

AS BUILT FRONT
ELEVATION

MARCH 11 14, 2019

21 A106

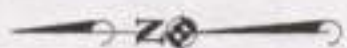
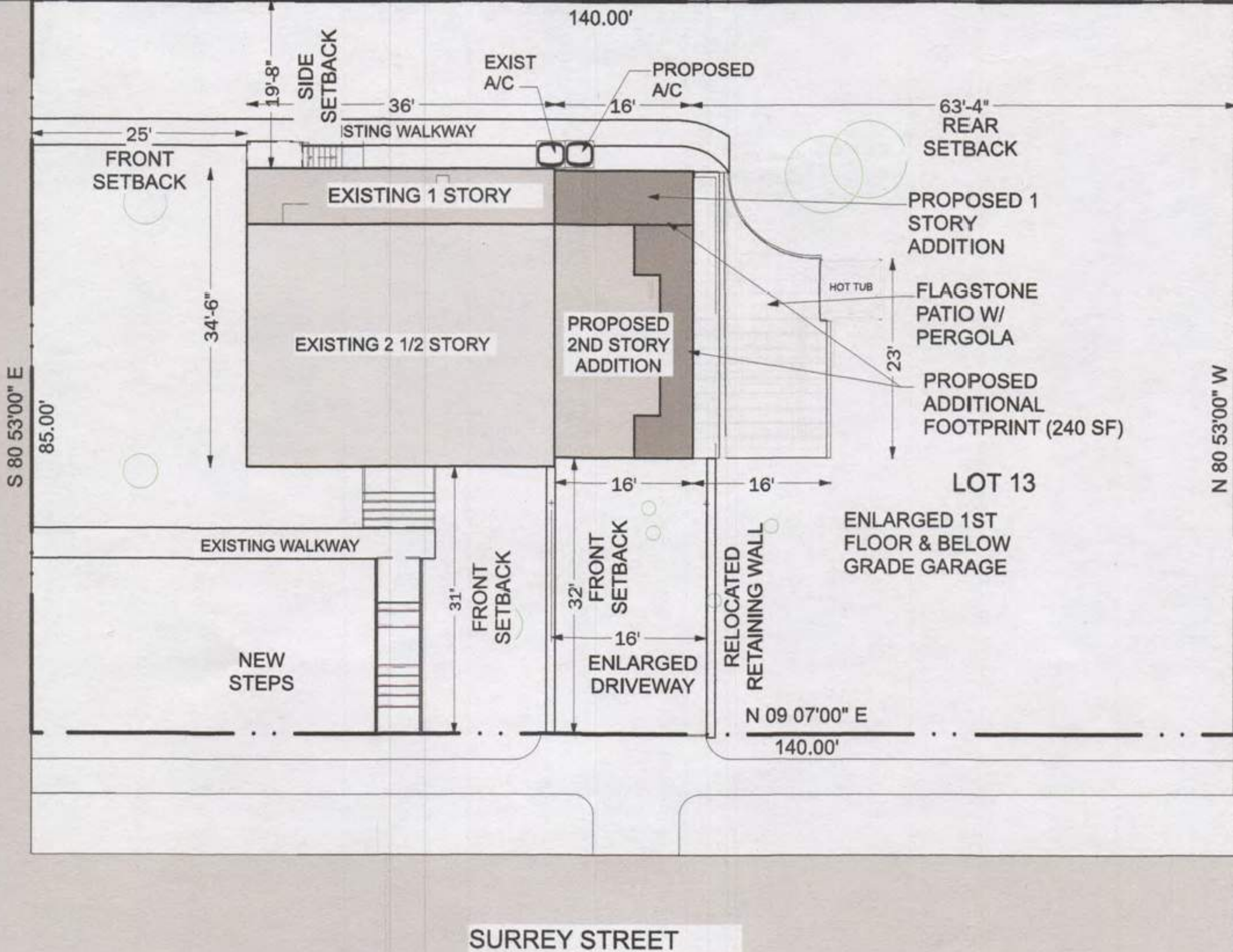


1 AS BUILT FRONT ELEVATION
SCALE: 1"=10"

APPROVED PLANS

Reviewed and Approved at the December 6, 2017 HPC Meeting

CUMBERLAND AVENUE





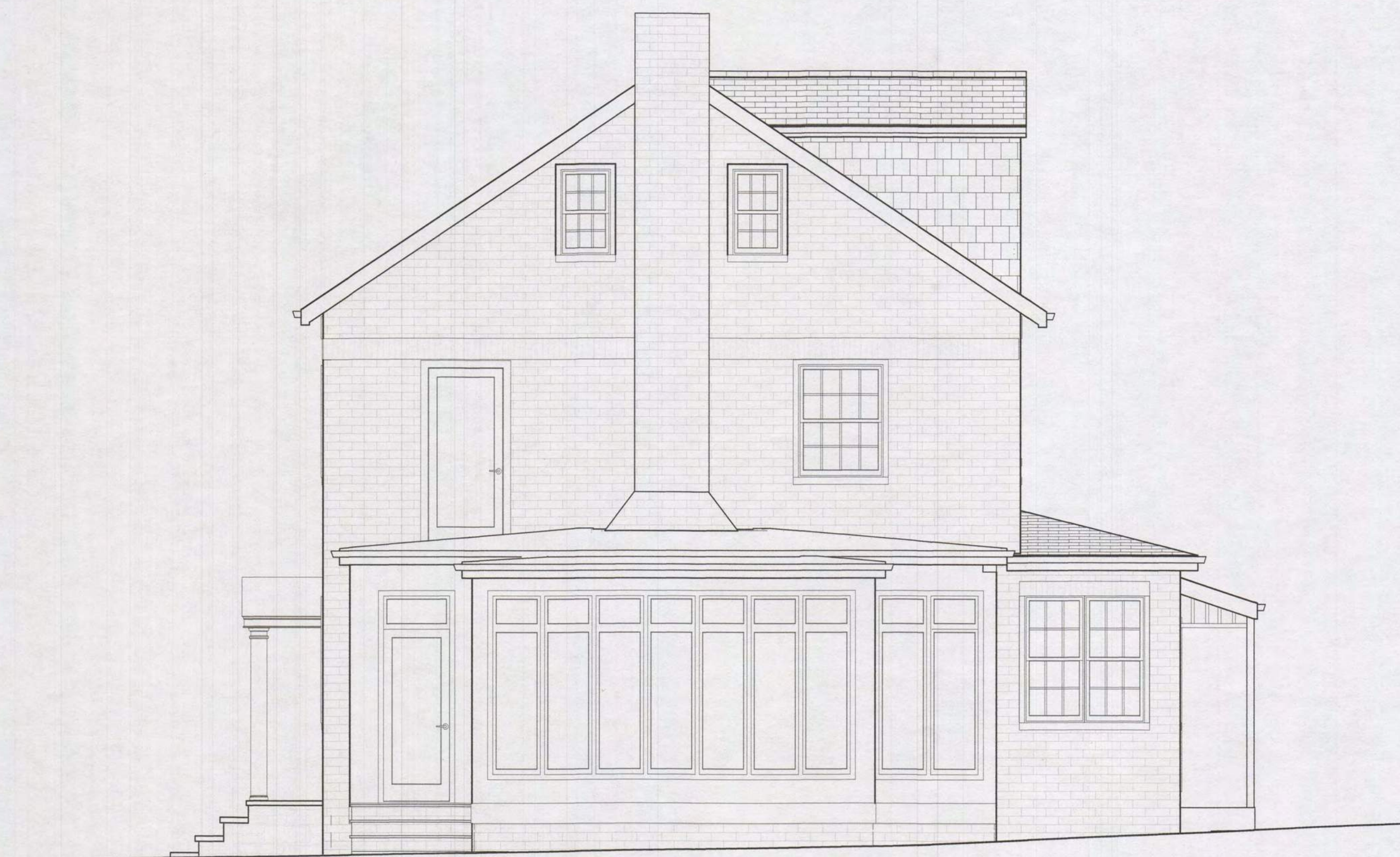
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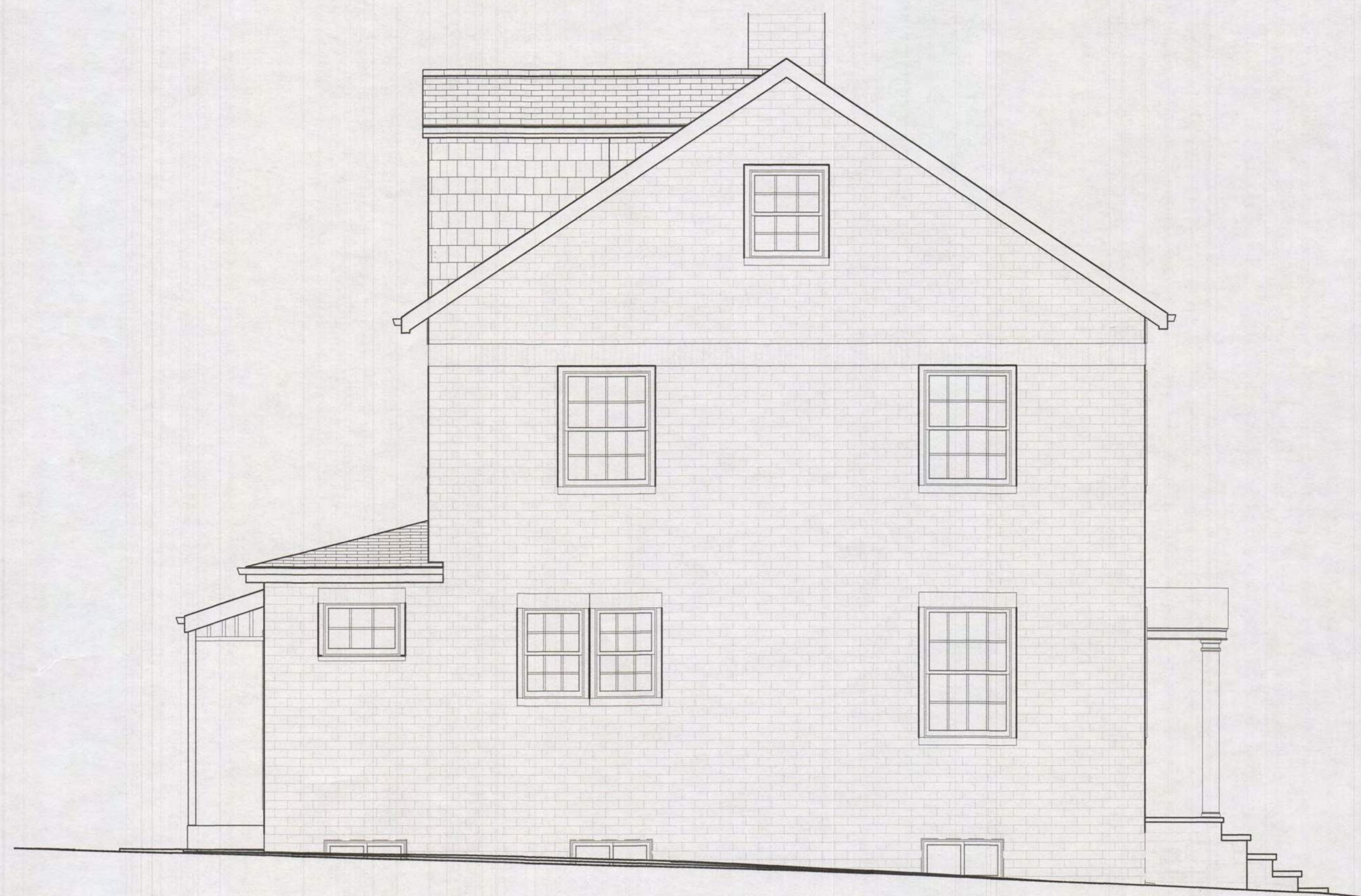
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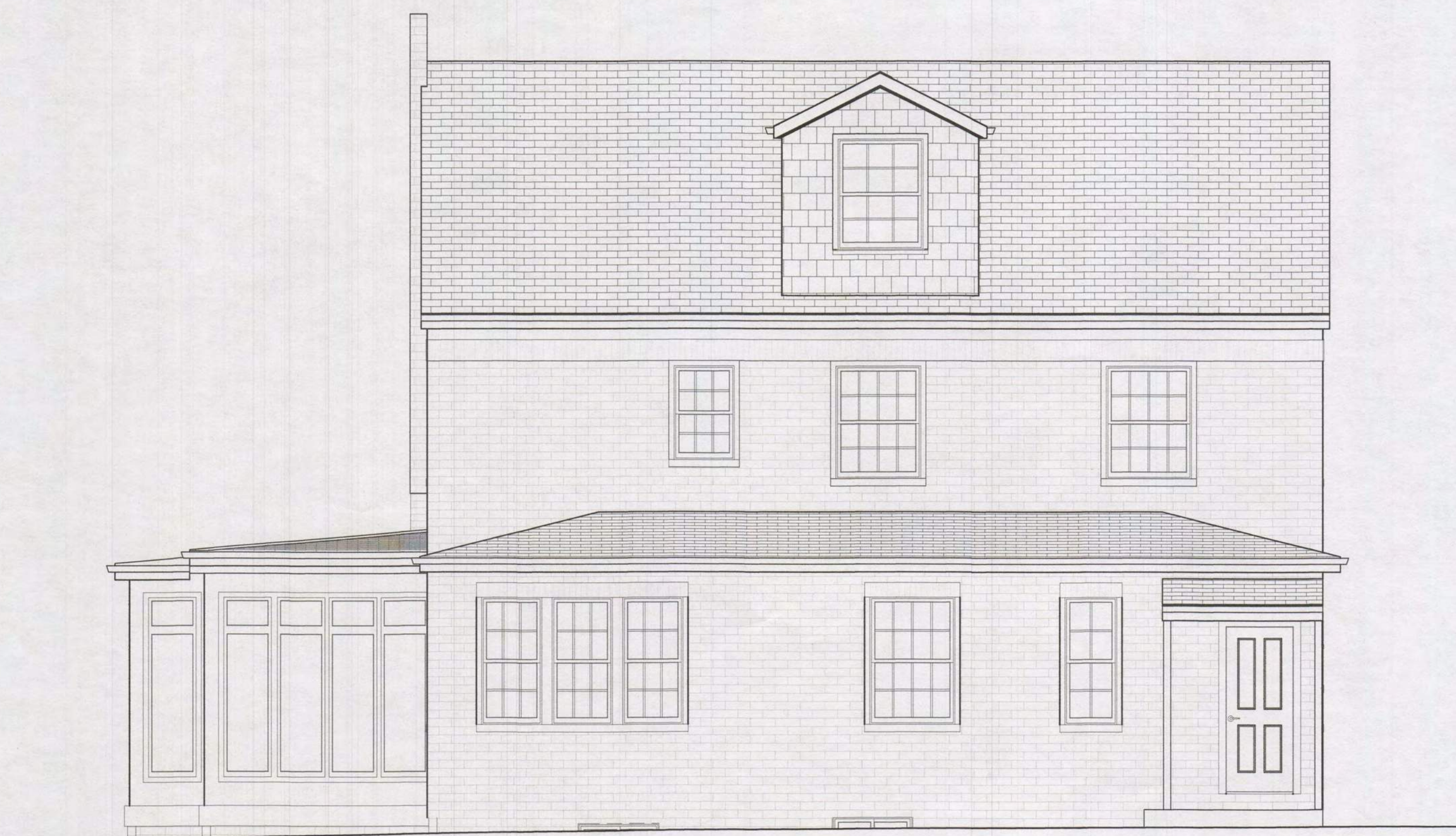
1 EXISTING FRONT ELEVATION
SCALE: 1/4"=1'-0"



2 EXISTING SIDE SOUTH ELEVATION
SCALE: 1/4"=1'-0"



3 EXISTING SIDE NORTH ELEVATION
SCALE: 1/4"=1'-0"



4 EXISTING REAR ELEVATION
SCALE: 1/4"=1'-0"

Approvals

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PERMIT SET

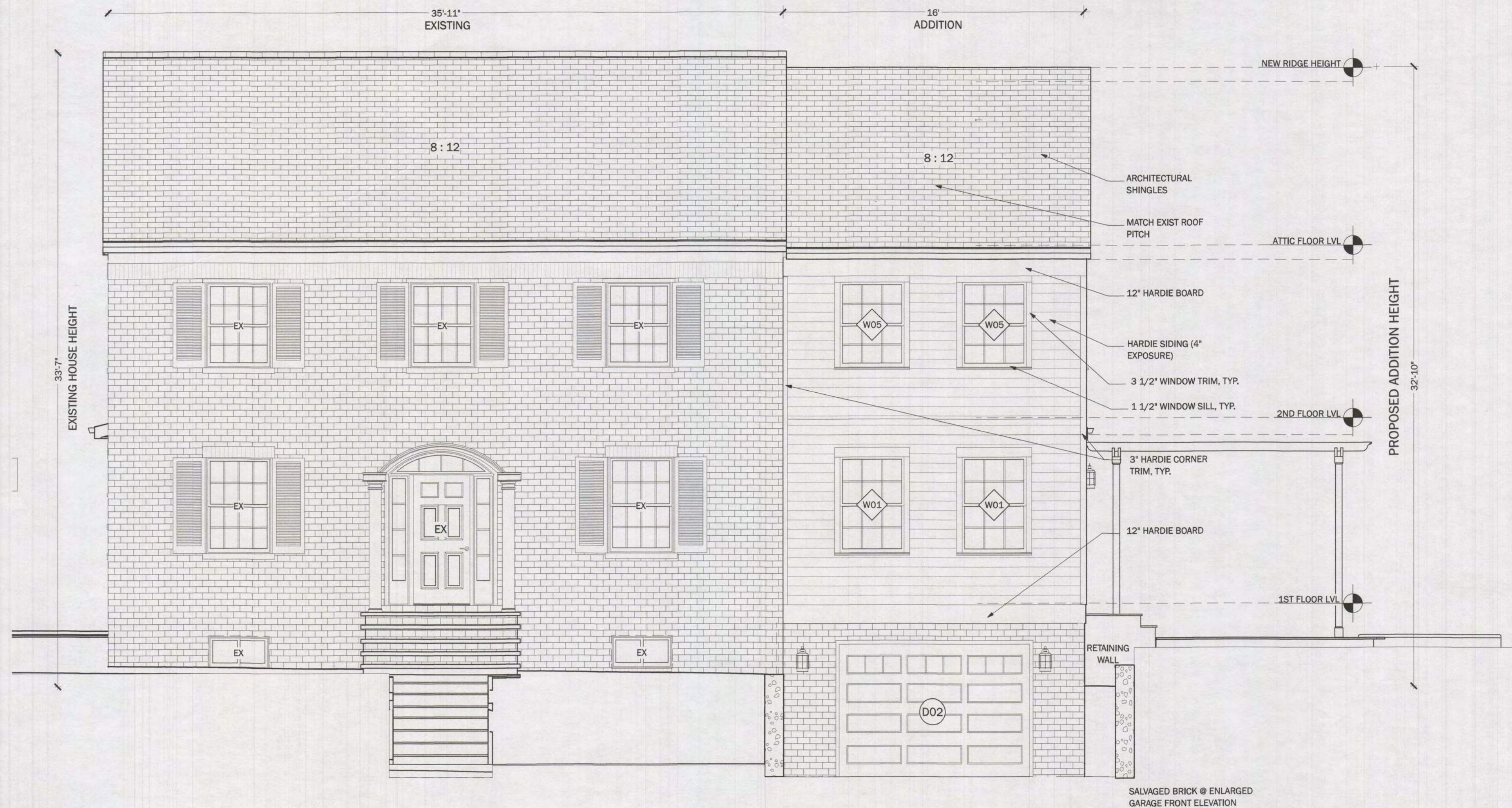
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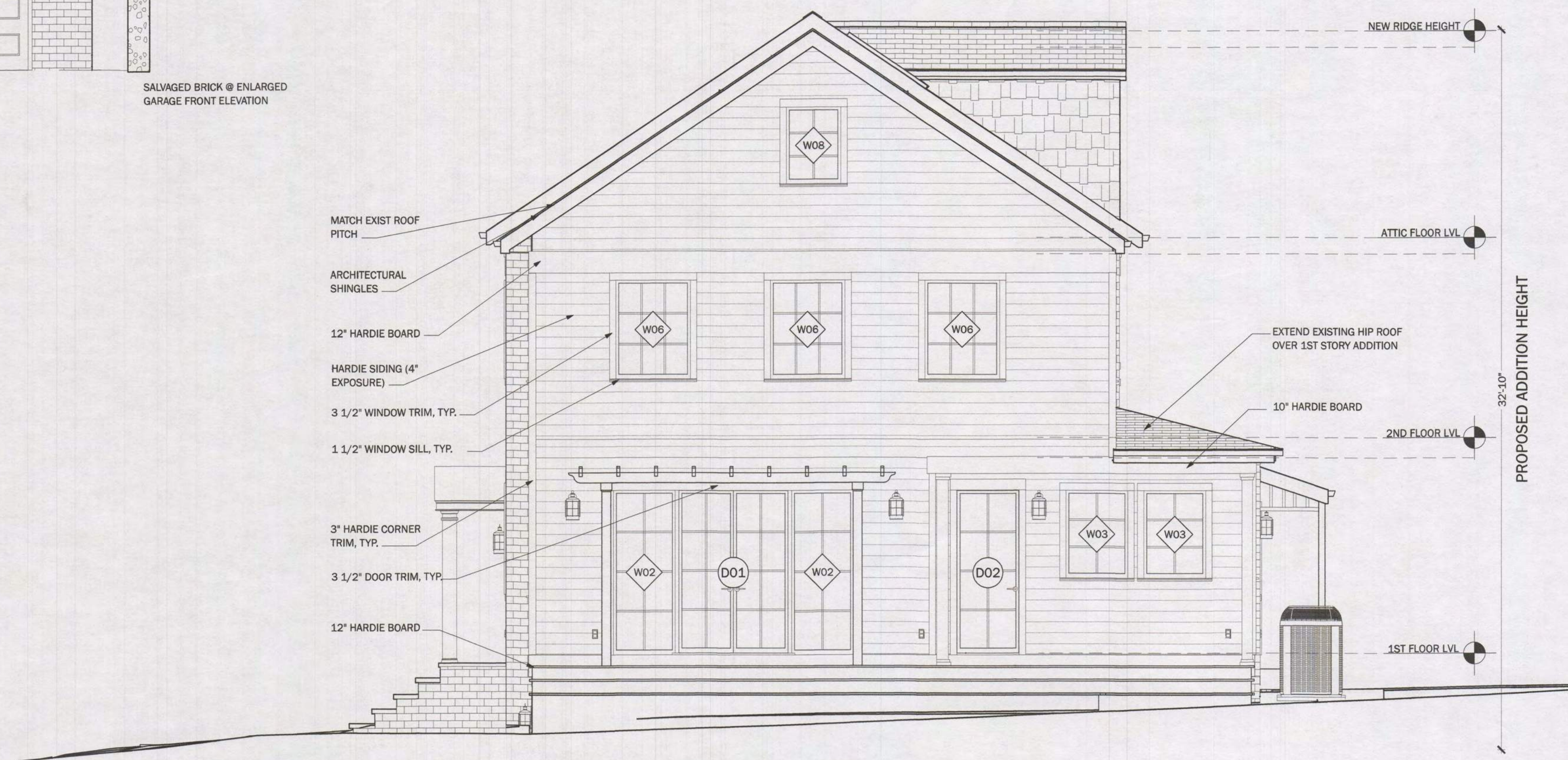
EXISTING
ELEVATIONS

NOVEMBER 14,
2017

A005



1 PROPOSED FRONT ELEVATION
SCALE: 1/4"=1'-0"



2 PROPOSED SIDE SOUTH ELEVATION
SCALE: 1/4"=1'-0"

Approvals

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Team Leader	Chris Landis

PERMIT SET

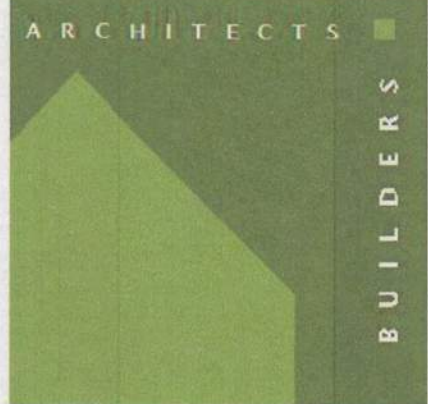
ROSENTHAL

RESIDENCE
5813 Surrey Street
Chevy Chase, MD

PROPOSED
ELEVATIONS-1

NOVEMBER 14,
2017

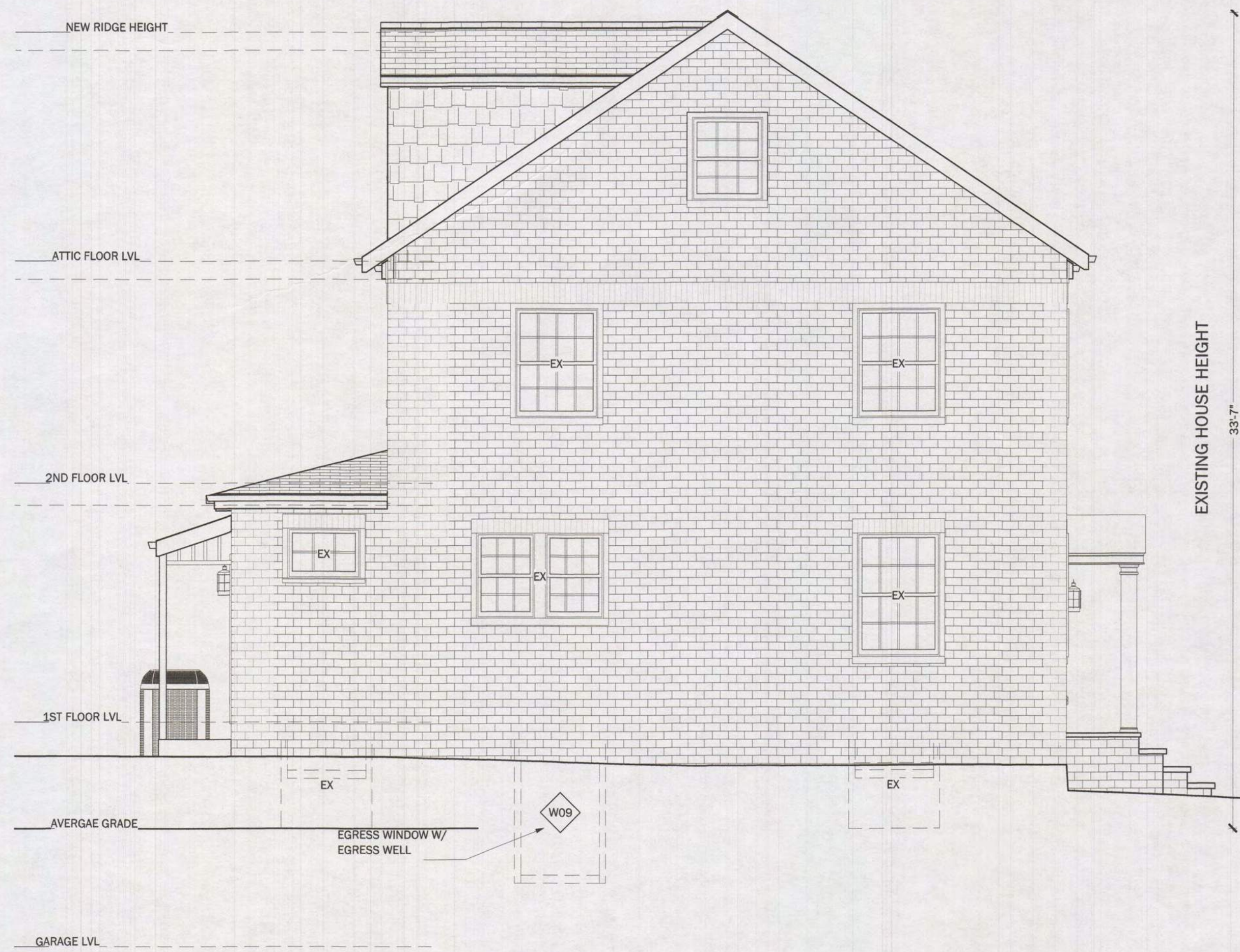
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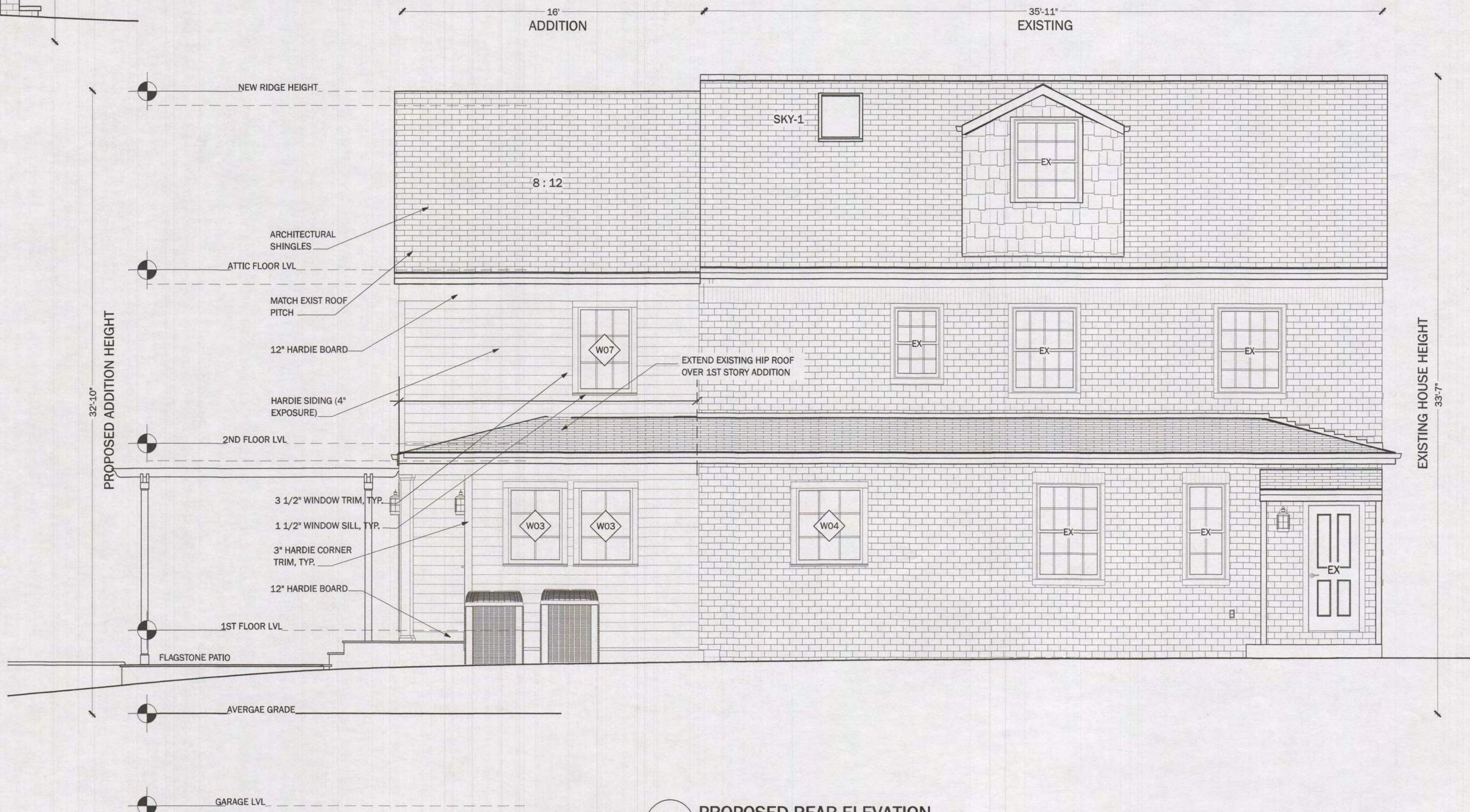
LANDIS

A DESIGN BUILD FIRM
7059 BLAIR ROAD, NW STE 300
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PHONE: 202-726-3777
FAX: 202-882-9703
WWW.LANDISCONSTRUCTION.COM

Professional Certification
I certify that these documents were
prepared or approved by me, and
that I am a duly licensed architect
under the laws of the State of
Maryland, license number 13660,
expiration date October 22, 2018.



1 PROPOSED SIDE NORTH ELEVATION
SCALE: 1/4"=1'-0"



2 PROPOSED REAR ELEVATION
SCALE: 1/4"=1'-0"

Approvals	
Chris Landis	
Paul Gaiser	
Client	

Project Team	
Project Designer	Tahani Share
Project Manager	Andrew Kerr
Team Leader	Chris Landis

PERMIT SET

ROSENTHAL
RESIDENCE
5813 Surrey Street
Chevy Chase, MD

PROPOSED
ELEVATIONS-2

NOVEMBER 14,
2017

A009

BEFORE PHOTOS

























































AFTER PHOTOS











5813





5813









































NO
PARKING
ANY
TIME

5813



NO
PARKING
ANY
TIME















134 135 136 137 138 139 140 141 142























