MONTGOMERY COUNTY HISTORIC PRESERVATION COMMISSION
STAFF REPORT

Address: 5813 Surrey St., Chevy Chase
Resource: Secondary (Post-1915) Resource (Somerset Historic District)
Applicant: Dan & Aviva Rosenthal (Tahani Share, Architect)
Review: HAWP
Case Number: 35/36-19C

PROPOSAL: RETROACTIVE site alterations and retaining wall alterations

STAFF RECOMMENDATION

Staff recommends that the HPC approve the HAWP application.

ARCHITECTURAL DESCRIPTION

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

Fig. 1: Subject property.
BACKGROUND

The applicants previously appeared before the Commission with a HAWP application for a side addition and hardscape alterations. The previous application, which was subject to two preliminary consultations before being approved at the December 6, 2017 HPC meeting, included widening the existing driveway from 8’-4” to 16’ and relocating the existing retaining wall on the right side of the driveway.

The applicants appeared before the Commission again at the March 27, 2019 HPC meeting, seeking a RETROACTIVE HAWP for work at the subject property that was completed without an approved HAWP. Staff and the Commission expressed concerns with the applicants’ proposal, and the applicants chose to continue their case and revise their application in accordance with the Commission’s comments.1

The previous application included the following RETROACTIVE work items:

- Removal of the retaining wall at the right (south) side of the driveway.
- Significant regrading at the front/right (southwest) side of the property.
- Removal of the retaining wall at the left (north) side of the driveway.
- Construction of a new retaining wall at the left (north) side of the driveway.
- Partial removal and alterations of the existing rear (east) walkway.
- Revisions to the previously approved right (south) side patio.
- Installation of a handrail at the new front steps/walkway.

CURRENT PROPOSAL

As revised, the applicants propose the following work items at the subject property:

- Construction of a new retaining wall at the right (south) side of the driveway, with a design similar to the wall that was removed and maximum height of 3’. Steps will be built into the new retaining wall, providing access to the right (south) side of the property from the driveway.
- Backfill the front/right (southwest) side of the property consistent with the height of the proposed new right-side retaining wall.
- Alteration/extension of the new retaining wall at the left (north) side of the driveway, resulting in a design more consistent with the wall that was replaced.
- Modification of the as-built driveway, removing the flares to ensure that the driveway at no point exceeds 16’, per the Commission’s December 6, 2017 approval.
- Removal of the southernmost section of the rear (east) walkway.
- Revisions to the previously approved right (south) side patio, including the addition of permanent planters at front (west) edge of the patio (replacing the cable rails in this location, where the Commission expressed concerns regarding compatibility), installing cable rails on the right (south) and rear (east) sides of the patio, and altering the shape of the patio at the rear (east), making it more rectilinear.
- Installation of a metal handrail at the new front steps/walkway.
- Removal of incompatible gravel expansions from the new rear/left (northeast) walkway.

Link to March 27, 2019 HPC meeting audio recording: http://mncppc.granicus.com/MediaPlayer.php?publish_id=c6796337-56ea-11e9-aeec-0050569183fa
APPLICABLE GUIDELINES

When reviewing alterations and new construction within the Somerset Historic District several documents are to be utilized as guidelines to assist the Commission in developing their decision. These documents include 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.

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

At the March 27, 2019 HPC meeting, staff found the applicants’ RETROACTIVE proposal to be 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 recommended 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.

Specifically, staff recommended that the applicants 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.
- Alteration of the retaining wall at the left (north) side of the driveway, making it more similar to the wall that was removed without HPC approval.
- 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 clearly specified.

- Installation of a metal handrail at the right (south) side of the new front steps/walkway, with all materials and dimensions specified.

The Commission largely agreed with staff’s concerns and recommendations and provided additional guidance (namely that the cable railing was inappropriate at the front (west) side of the patio, as it was highly visible and incompatible with streetscape). Since the March 27, 2019 HPC meeting, the applicants have worked with staff to revise their proposal in accordance with the HPC’s comments. Staff recommends that the HPC approve the current proposal, finding that it will not remove or alter character-defining features of the subject property and/or surrounding streetscape, in accordance with Standard #2.

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** the HAWP application under the Criteria for Issuance in Chapter 24A-8(b), having found that the proposal will not substantially impact the historic resource(s) 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 #2;

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 Person: Tahani Share
Contact Email: Tahani@landisconstruction.com
Daytime Phone No.: 202-370-3410

Name of Property Owner: Dan and Aviva Rosenthal  Daytime Phone No.: 
Address: 5813 Surrey St., Chevy Chase MD 20815

Contractor: Landis Architects Builders  Phone No.: 202-370-3410

Agent for Owner: ___________________________  Daytime Phone No.: ___________________________

LOCATION OF BUILDING/STRUCTURE

House Number: ___________________________
Street: ___________________________

Town/City: ___________________________  Nearest Cross Street: ______________________________________

Lot: _____  Block: _____  Subdivision: ___________________________

Legal:  False: _____  Parcel: ______

PART 1. TYPE OF REQUEST/ ACTION AND USE

1A. Check ALL Applicable:
☐ Construct  ☐ Extend  ☐ Alter/Remodel  ☐ A/C  ☐ slab  ☐ Room Addition  ☐ Porch  ☐ Deck  ☐ Shed
☐ Move  ☐ Install  ☐ Winch/Lead  ☐ Solar  ☐ Fireplace  ☐ Woodburning Stove  ☐ Single Family
☐ Revision  ☐ Repair  ☐ Revocable  ☐ 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 2. SITE INFORMATION AND EXISTING AND NEW CONSTRUCTIONS

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

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

PART 3. PROPERTY/BOUNDARY WALLS AND FENCES

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 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.: ___________________________  Data Filed: ___________________________  Date Issued: ___________________________

SEE REVERSE SIDE FOR INSTRUCTIONS

Edt 6/21/99
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 hardcape 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, fencse, 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 drip line 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 confronted 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 GUIDES OF THE TEMPLATE, AS THIS WILL BE PHOTOCOPIED DIRECTLY ONTO MAILING LABELS.
# HAWP APPLICATION: MAILING ADDRESSES FOR NOTIFING

[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>
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<tr>
<td>Dan and Aviva Rosenthal</td>
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<td>5813 Surrey St.</td>
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<td>Landis Architects Builders</td>
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<td>7059 Blair Road NW</td>
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<td>Washington, DC</td>
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<th>Adjacent and confronting Property Owners mailing addresses</th>
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ROSENTHAL RESIDENCE
5813 Surrey Street  Chevy Chase, MD

Revised HAWP Application

New proposal to address the items identified by the staff report dated 3/20/2019, and the Commissioners' comments during the hearing dated 3/27/2019.

The application proposes the following:

1- Modify the reconstructed retaining wall at the left (north) side of the driveway to match the previously existed retaining wall as closely as possible.

2- Construct a new retaining wall at the right (south) side of the driveway to match the previously existed retaining wall as closely as possible. And, backfill the south side of the property adjacent to proposed south retaining wall to a level similar to what had previously existed on the site.

3- Modify the as-built driveway to an exact width of 16 ft.

4- Seek approval for the modified shape of the (south) side patio and planters at side facing Surrey st.

5- Seek approval for the installation of a metal handrail at the the new front steps.

6- Remove the incompatible gravel expansions at the ground at the rear of the property.
1- Modify the reconstructed retaining wall at the left (north) side of the driveway to match the previously existed retaining wall as closely as possible.

EXISTING CONDITION
THE RECONSTRUCTED RETAINING WALL WAS BUILT ON EXIST FOOTINGS THAT DID NOT EXTEND ALL THE WAY TO THE PROPERTY LINE.

PROPOSAL FOR APPROVAL
EXTEND THE RETAINING WALL & FLAGSTONE CAP TO THE PROPERTY LINE TO ACHIEVE THE DESIRED LOOK OF THE OLD DESIGN.
EXISTING WALKWAY
SURREY STREET
CUMBERLAND AVENUE

PICUTRES OF NORTH RETAINING WALL

BEFORE

AFTER
2- Construct a new retaining wall at the right (south) side of the driveway to match the previously existed retaining wall as closely as possible.

And,

Backfill the south side of the property adjacent to proposed south retaining wall to a level similar to what had previously existed on the site.

We propose adding new concrete steps to access the side yard from the driveway.
EXISTING WALKWAY

NEW RETAINING WALL

NEW STEPS FROM DRIVEWAY TO SIDE YARD

PROVIDE BACKFILL AS NEEDED

SURREY STREET

CUMBERLAND AVENUE

PICUTRES OF SOUTH RETAINING WALL

BEFORE

AFTER
3- Modify the as-built driveway to an exact width of 16 ft.

**EXISTING CONDITION**
THE DRIVEWAY WIDTH IS 16-4" AND FLARES OUT TOWARDS THE FRONT SIDEWALK AT 18'-0"

**PROPOSAL FOR APPROVAL**
THE NEW RETAINING WALL WILL BE BUILT 4" OVER DRIVEWAY TO MAKE THE DRIVEWAY WIDTH ONLY 16', THE FLARED PART OF THE DRIVEWAY WILL BE CUT TO MAINTAIN THE 16' WIDTH.
4- Seek approval for the modified shape of the (south) side patio and remove railing at side facing Surrey st

EXISTING CONDITION
PATIO EAST EDGE SQUARED OFF AFTER THE REMOVAL OF EXISTING TREES. NEW CABLE RAILING WAS ADDED FOR SAFETY.

PROPOSAL FOR APPROVAL
APPROVE THE NEW PATIO SHAPE. AND REMOVE CABLE RAILING AT THE SIDE FACING SURREY ST. INSTALL PLANTERS INSTEAD.
5- Seek approval for the modified shape of the (south) side patio and planters.

EXISTING CONDITION
NEW HAND RAIL ADDED TO THE FRONT STEPS FROM SURREY ST.

PROPOSAL FOR APPROVAL
APPROVE THE HANDRAIL AS IT’S COMPATIBLE WITH THE CHARACTER OF THE HOUSE.
6- Remove the incompatible gravel expansions at the ground at the rear of the property.

**EXISTING CONDITION**
GRAVEL EXPANSION AT THE GROUND AT REAR YARD FACING CUMBERLAND

**PROPOSAL FOR APPROVAL**
REMOVE THE GRAVEL EXPANSION FROM THE GROUND.