

MONTGOMERY COUNTY HISTORIC PRESERVATION COMMISSION
STAFF REPORT

Address:	5813 Surrey St., Chevy Chase	Meeting Date:	6/12/2019
Resource:	Secondary (Post-1915) Resource (Somerset Historic District)	Report Date:	6/5/2019
Applicant:	Dan & Aviva Rosenthal (Tahani Share, Architect)	Public Notice:	5/29/2019
Review:	HAWP	Tax Credit:	N/A
Case Number:	35/36-19C	Staff:	Michael Kyne
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

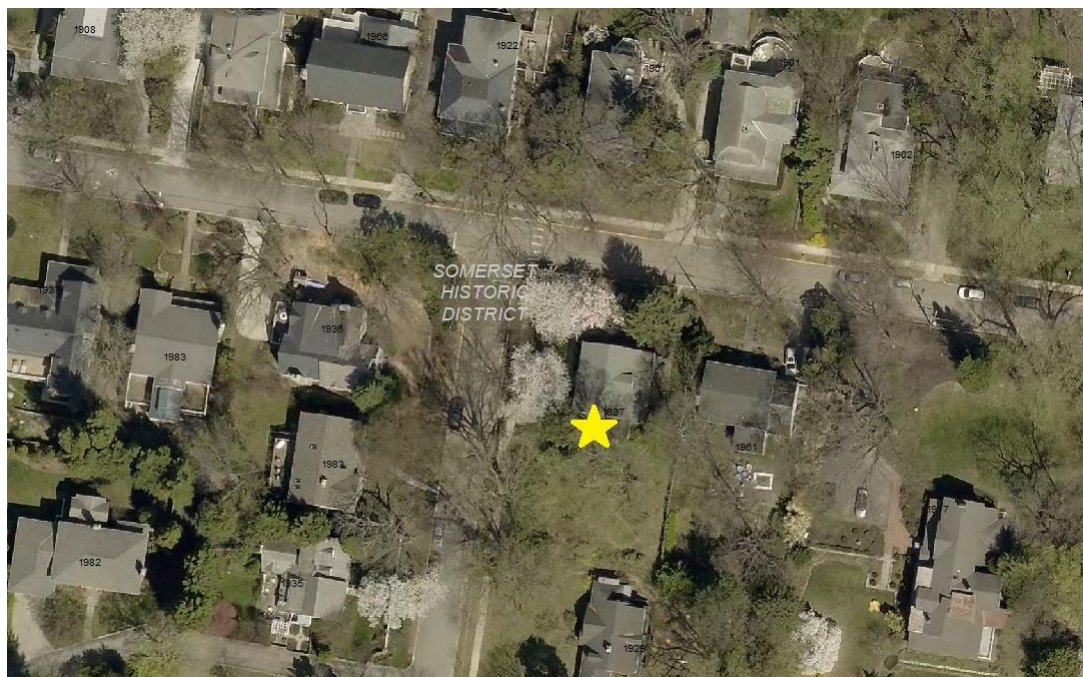


Fig. 1: Subject property.

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.

¹ Link to March 27, 2019 staff report: <https://montgomeryplanning.org/wp-content/uploads/2019/03/I.B-5813-Surrey-Street-Chevy-Chase-compressed.pdf>

Link to March 27, 2019 HPC meeting audio recording:

http://mncppc.granicus.com/MediaPlayer.php?publish_id=c6796337-56ea-11e9-ae3-0050569183fa

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.



HISTORIC PRESERVATION COMMISSION
301/563-3400

DPS - #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 AND

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]

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

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.



LANDIS

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

REVISED HAWP

MAY 14, 2019



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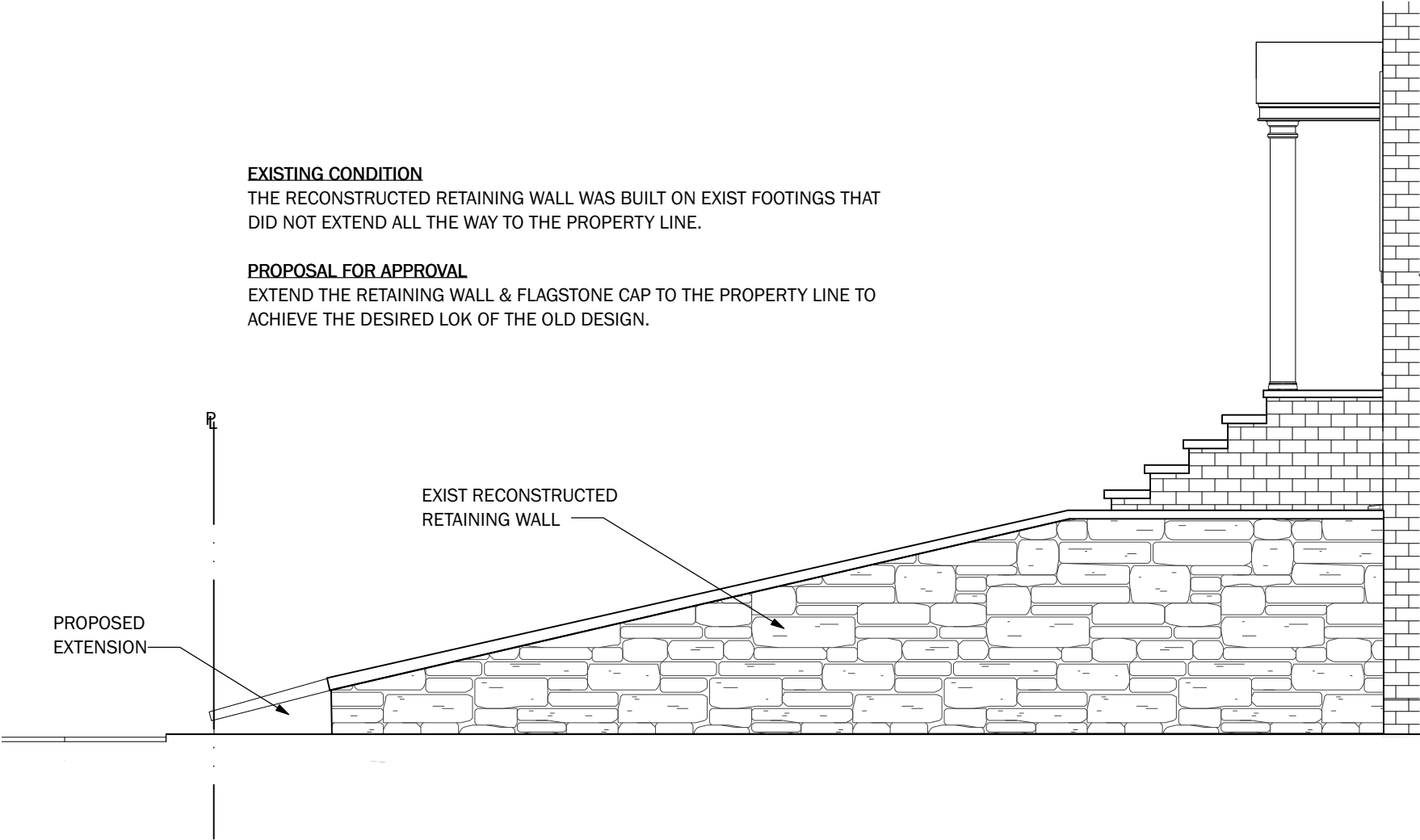
1- Modify the reconstructed retaining wall at the left (north) side of the driveway to match the previously existed retaining wall as closely as possible.

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 LOK OF THE OLD DESIGN.



Approvals	
Chris Landis	
Paul Gaiser	
Client	

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

REVISED HAWP

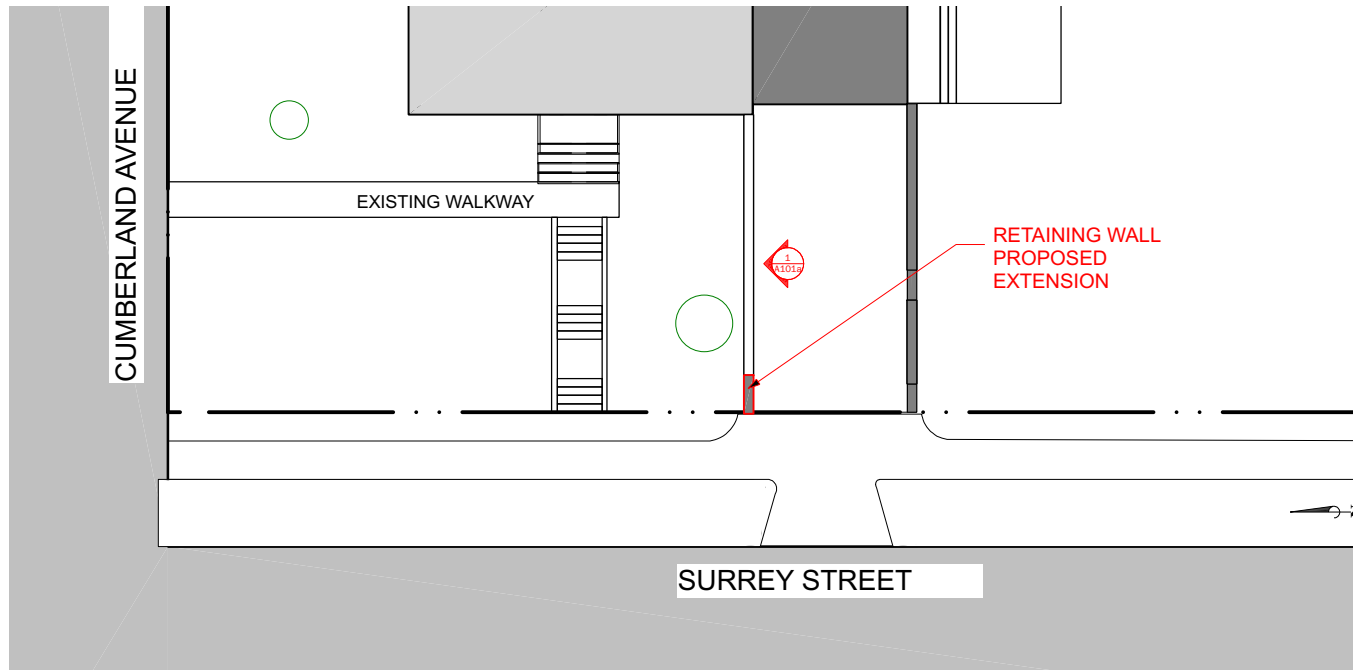
ROSENTHAL
RESIDENCE

5813 Surrey Street
Chevy Chase, MD

NORTH
RETAINING WALL

MAY 14, 2019

9A101a

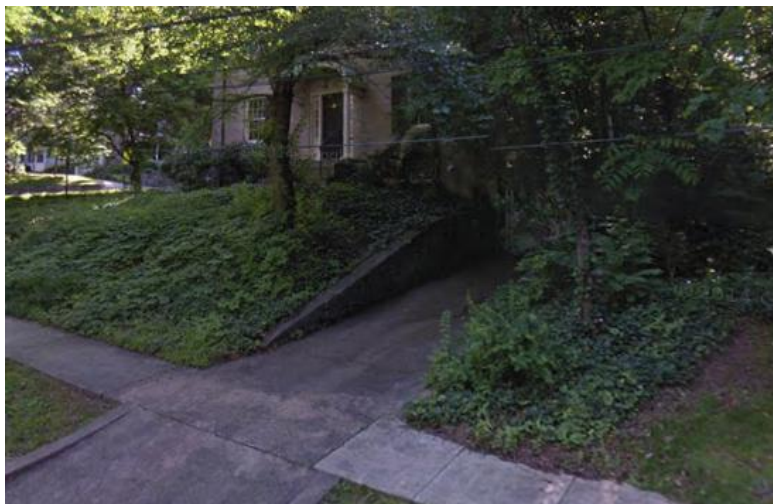


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PICUTRES OF NORTH RETAINING WALL



BEFORE



AFTER

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

NORTH RETAINING WALL

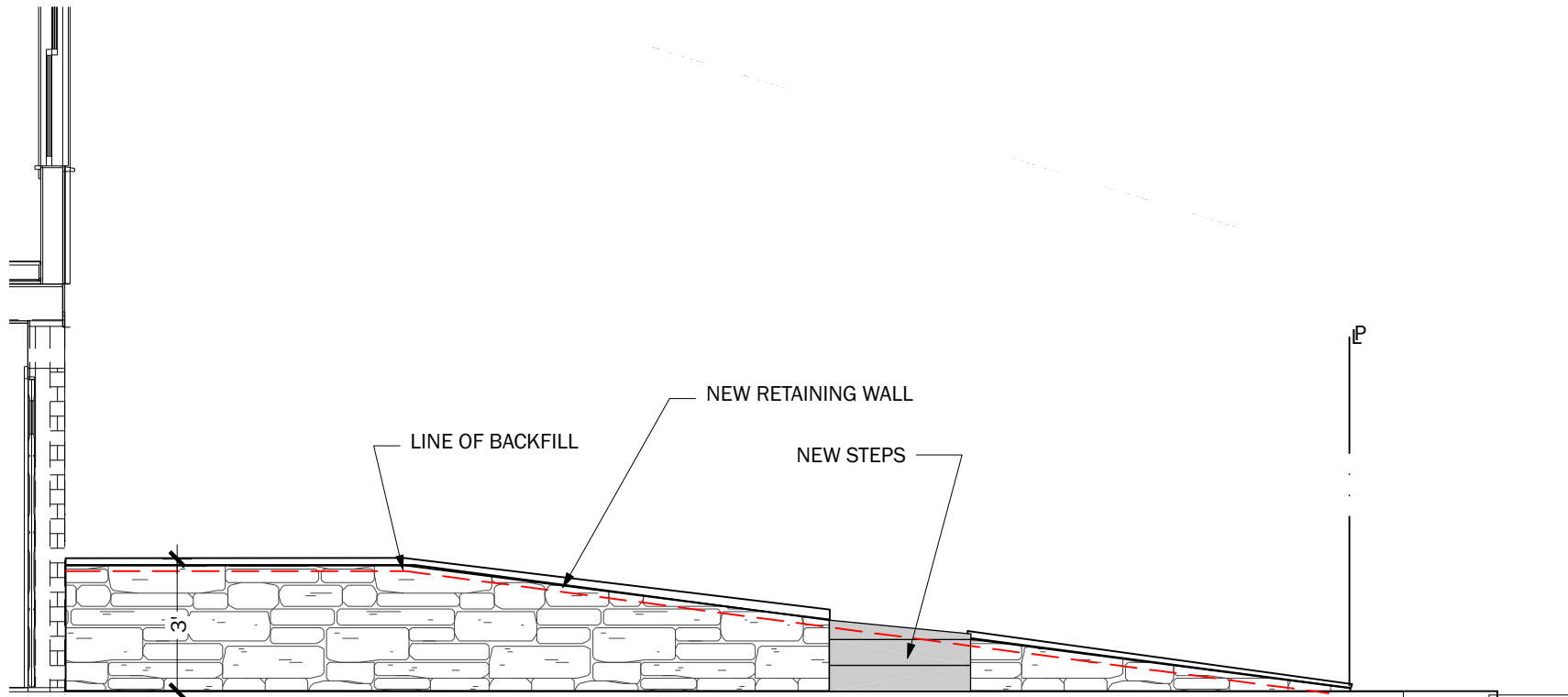
MAY 14, 2019

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.



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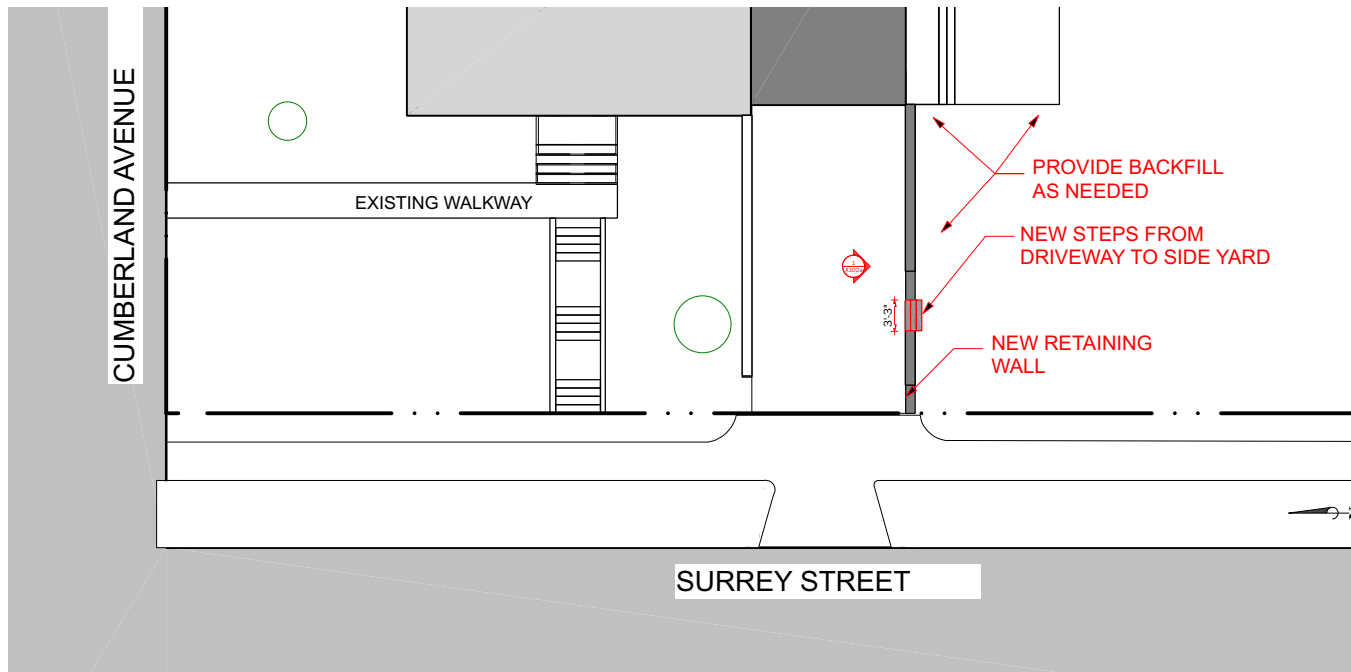
REVISED HAWP

ROSENTHAL
RESIDENCE

5813 Surrey Street
Chevy Chase, MD

SOUTH
RETAINING WALL

MAY 14, 2019



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PICUTRES OF SOUTH RETAINING WALL



BEFORE



AFTER

Approvals

Chris Landis	
Paul Gaiser	
Client	

Project Team

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

REVISED HAWP

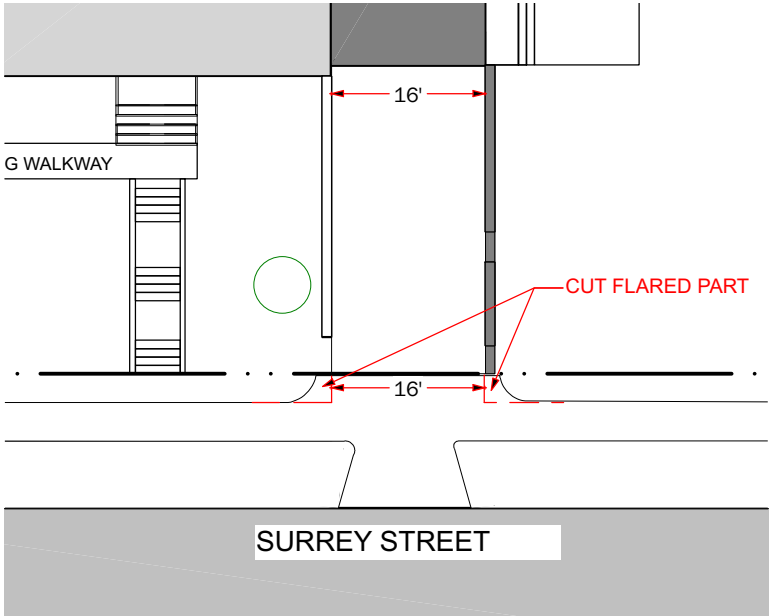
ROSENTHAL
RESIDENCE

5813 Surrey Street
Chevy Chase, MD

SOUTH
RETAINING WALL

MAY 14, 2019

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.



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REVISED HAWP

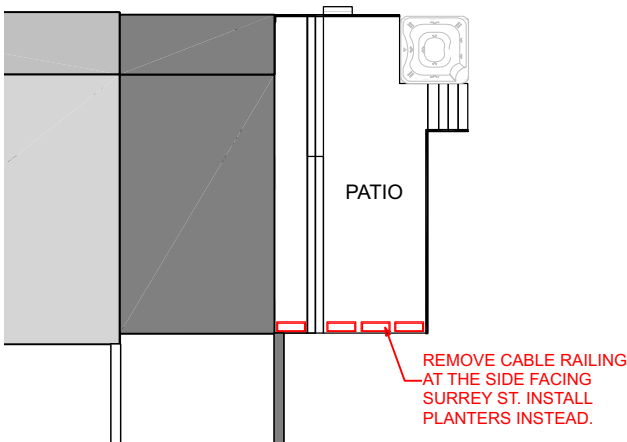
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5813 Surrey Street
Chevy Chase, MD

DRIVEWAY WIDTH

MAY 14, 2019

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.

Professional Certification
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REVISED HAWP

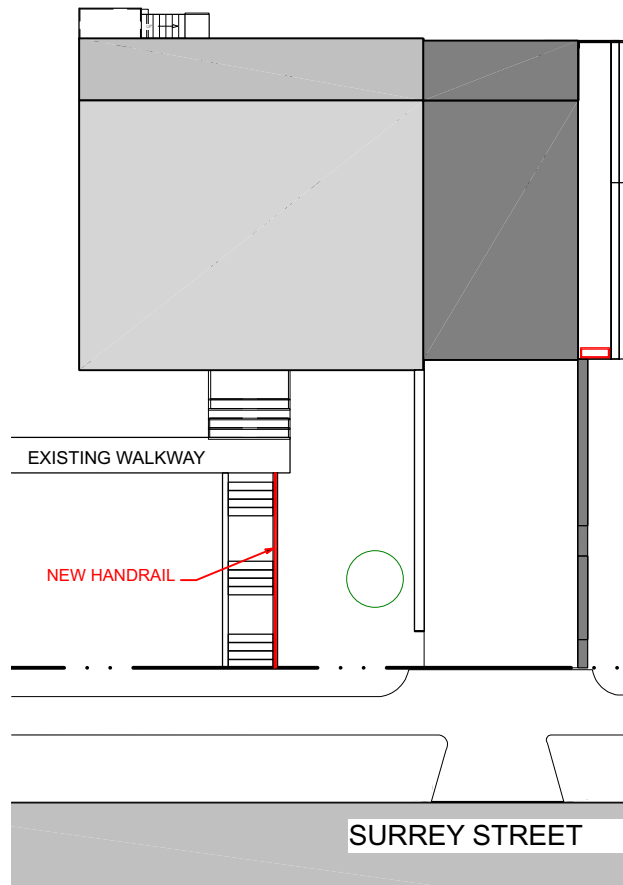
ROSENTHAL RESIDENCE

 5813 Surrey Street
 Chevy Chase, MD

REAR/ SIDE PATIO

MAY 14, 2019

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.



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REVISED HAWP

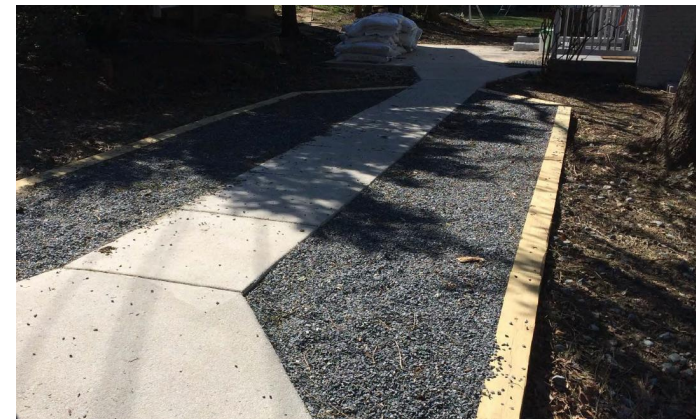
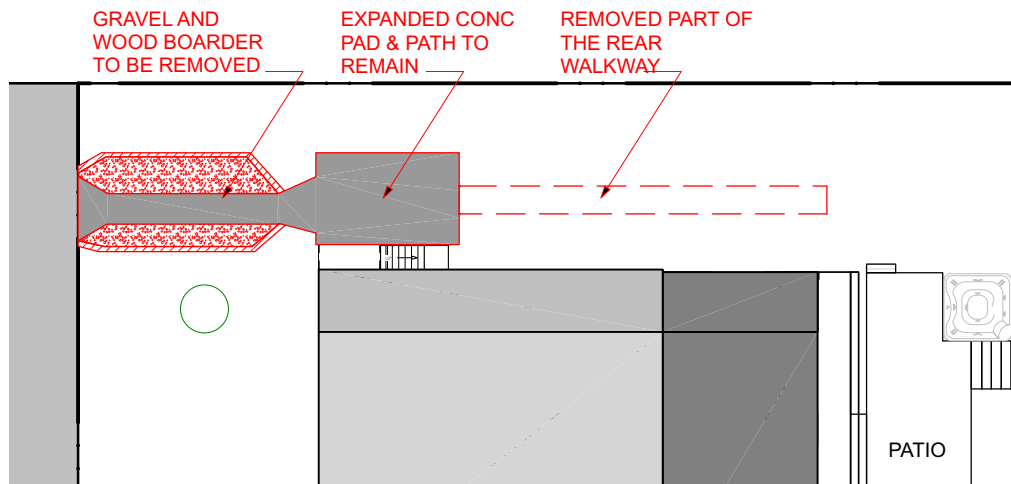
ROSENTHAL
RESIDENCE

5813 Surrey Street
Chevy Chase, MD

FRONT STEPS
HANDRAIL

MAY 14, 2019

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.



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REVISED HAWP

ROSENTHAL
RESIDENCE

5813 Surrey Street
Chevy Chase, MD

GRAVEL AT REAR
YARD FACING
CUMBERLAND

MAY 14, 2019