MONTGOMERY COUNTY HISTORIC PRESERVATION COMMISSION
STAFF REPORT

Address: 9 West Irving St., Chevy Chase  
Meeting Date: 2/12/2020
Resource: Contributing Resource  
Report Date: 2/5/2020
(Chevy Chase Village Historic District)  
Public Notice: 1/29/2020
Applicant: Nicola and Colin Dowling  
Tax Credit: N/A
(Rachel Ryan, Agent)
Review: HAWP  
Staff: Michael Kyne
Case Number: 35/13-20D

PROPOSAL: Hardscape alterations, tree removal, fencing, and other site alterations

STAFF RECOMMENDATION

Staff recommends that the HPC approve the HAWP application.

ARCHITECTURAL DESCRIPTION

SIGNIFICANCE: Contributing Resource within the Chevy Chase Village Historic District
STYLE: Colonial Revival
DATE: c. 1892-1916

Fig. 1: Subject property, as marked by the yellow star.
PROPOSAL

The applicants propose hardscape alterations, tree removal, fencing, and other site alterations at the subject property.

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

(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:

**Driveways** should be subject to strict scrutiny only with regard to their impact on landscaping, particularly mature trees. In all other respects, driveways should be subject to lenient scrutiny. Parking pads and other paving front yards should be discouraged.

**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**

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 Standards 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.
9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.

**STAFF DISCUSSION**

The subject property is a c. 1892-1916 Colonial Revival-style Contributing Resource within the Chevy Chase Village Historic District. The house has a moderate setback from the public right-of-way of West Irving Street and a large east (right) side setback.

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

- **Driveway alterations.**
  - Create a new backup space.
    - The new space is to be gravel with a cobblestone border.
  - Reset driveway entry gate posts.
    - This will increase the driveway’s entry width by 1’ (going from 10’-2” to 11’-2”)
  - Realign the existing curb cut to align with the reset gate posts.
  - Regrade the driveway as necessary to allow the gates to swing inward.

- **Front walkway alterations.**
  - Rehang the front walkway gate.
    - The existing outward swing gate will become an inward swing gate.
  - For safety, install two path lights at the single step from front walk to sidewalk/landing.

- **Fencing.**
  - Replace the existing fencing along the north (rear) and east (right/rear) property lines.
  - Replace the existing 4’ high wood picket fence along west (left) property line.
    - All new fencing to be 6’-6” solid board cedar fencing.

- **Landscaping.**
  - Replace recently planted ornamental trees and shrubs.

- **Flagstone pad.**
  - Install a flagstone grill pad at the northwest (rear/left) corner of existing rear terrace.

- **Flagstone steps.**
  - Replace the existing irregular flagstone step stones at east end of existing rear terrace with rectangular bluestone steps.

- **A/C pad.**
  - Remove the existing brick paving near A/C units.
  - Install new A/C unit and sump pump screening.
  - The proposed screening to be 5’ high solid board cedar fencing.
  - All screening will be at the north (rear) or northeast (rear/right side) of the historic massing.

- **Trash enclosure pad.**
  - Reduce the size of the existing brick trash enclosure pad at the east side of the garage.
  - Remove the existing metal areaway guardrail.
  - Install 5’ high solid board cedar fencing for screening/trash enclosure and areaway safety.
  - Install a matching enclosure for a proposed generator north of trash enclosure.

- **Lawn.**
  - Regrade the lawn northeast of the garage (rear/right corner of the property).
  - Install drains, subsurface drainage system, and new drywell.
Most of the proposed work items are entirely consistent with the Guidelines and Standards, as well as with the Commission’s policies and preservation best practices.

The proposed 6'-6” solid board fence at the west property line terminates at the front wall plane of the historic house. This is inconsistent with the Commission’s typical fence requirement, which stipulates that fences forward of the rear plane of the historic massing must have an open picket design and be no higher than 4’. Staff notes that this requirement is meant to ensure that new fences do not detract from the openness of the streetscape in historic districts.

In this case, staff finds that the proposed 6'-6” high solid board fence is appropriate in the proposed location. Due to the house’s setback, the fence will not affect the perceived openness of the property, even when viewed from oblique angles. Additionally, the house is justified to the west (left side) of the lot, and its proximity to the neighboring 11 West Irving Street reduces the visibility of the west property line. Finally, the proposed fence will be installed perpendicular to West Irving Street, and there will no gate or return to the house. This will allow the subject property to retain its perceived openness, when viewing it straight on.

Staff finds the proposal to be compatible with the subject property and surrounding streetscape. In accordance with the Guidelines, the proposed alterations are designed so that the property will continue to contribute to the historic district. The proposal will not remove or alter character-defining features of the subject property, in accordance with Standards #2 and #9.

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, 2, (c) and (d), having found the proposal is consistent with the Secretary of the Interior’s Standards for Rehabilitation #2 and #9, and Chevy Chase Village Historic District Guidelines outlined above.

**STAFF RECOMMENDATION**

Staff recommends that the Commission **approve** the HAWP application only for alterations to the main house under the Criteria for Issuance in Chapter 24A-8(b), (c), and (d), 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 #2 and #9;

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 Email: team@fendrickdesign.com  
Contact Person: Rachel Ryan  
Daytime Phone No.: 301-907-7700 x14

Tax Account No.:  
Name of Property Owner: Nicola and Colin Dowling  
Daytime Phone No.: 202-997-5746  
Address: 9 West Irving Street  
City: Chevy Chase  
State: MD  
Zip Code: 20815  
Contractor: Jeff Rienks, Chapel Valley  
Phone No.: 443-280-3868

Agent for Owner:  
Daytime Phone No.:  

LOCATION OF BUILDING PREMISES

House Number: 9  
Street: West Irving Street  
Town/City: Chevy Chase  
Nearest Cross Street: Magnolia Parkway  
Lot: 6  
Block: 33  
Subdivision: Chevy Chase Village

PART TWO: THE WORK TO BE PERFORMED AND USE

1A. CHECK ALL APPLICABLE:  
☐ Construct  ☐ Extend  ☐ Alter/Renovate  ☐ A/C  ☐ Stab  ☐ Room Addition  ☐ Porch  ☐ Deck  ☐ Shed
☐ Move  ☑ Install  ☐ Wreck/Remove  ☐ Solar  ☐ Fireplace  ☐ Woodburning Stove  ☐ Single Family
☐ Revision  ☑ Repair  ☐ Renovate  ☑ Fence/Wall (complete Section 4)  ☐ Other: Paving

1B. Construction cost estimator: $  
1C. If this is a revision of a previously approved active permit, see Permit #  

PART THREE: COMPLETE FOR NEW CONSTRUCTION AND EXTENSIONS/ADDITIONS

2A. Type of sewage disposal: 01 ☑ WSSC 02 ☐ Septic 03 ☐ Other:  
2B. Type of water supply: 01 ☑ WSSC 02 ☐ Well 03 ☐ Other:  

PART FOUR: COMPLETE ONLY FOR FENCES/RETAINING WALL

3A. Height ___ feet ___ inches max

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.

[Signature]
Owner or authorized agent

[Date]

Approved:  
For Chargemaster, Historic Preservation Commission

Disapproved:  
Signature:  
Date:  

Application/Permit No.:  
Data 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:
   
   See Attached
   
   b. General description of project and its effect on the historic resource(s), the environmental setting, and, where applicable, the historic district:
   
   See Attached

2. SITE PLAN
   Site and environmental setting, drawn to scale. You may use your plot. 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 resources and the proposed work.
   b. Elevations (façades), with marked dimensions, clearly indicating proposed work in relation to existing construction and, when appropriate, contact. All materials and features proposed for the exterior must be noted on the elevations drawings. An existing and a proposed elevation drawing of each façade 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 façade 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 the 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 GUIDES OF THE TEMPLATE, AS THIS WILL BE PHOTOCOPIED DIRECTLY ONTO MAILING LABELS.
<table>
<thead>
<tr>
<th>Owner's mailing address</th>
<th>Owner's Agent's mailing address</th>
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<tr>
<td>Nicola and Colin Dowling</td>
<td>Lila Fendrick Landscape Architecture</td>
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<td>9 West Irving Street</td>
<td>6904 West Avenue</td>
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<th>James G and J.R. Vap</th>
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<th>M.M. and W. Reid Thompson</th>
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<td>Chevy Chase, MD 20815</td>
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Written Description of Project

a. Description of existing structure(s) and environmental setting, including their historical features and significance:

This frame house, built between 1896-1916, is a contributing resource in Chevy Chase Village. It was expanded to the rear and east of the original house during 2018 and 2019. As part of the renovation, the garden was modified with the addition of a gravel driveway, new front walkway, rear terrace, and new air conditioner units placed on two sides of the house. New plantings were added to the garden. Historic metal fencing wraps across the front of the house with short sections extending along parts of the east and west property lines. Based on photos from Google Street View, prior to the renovation, metal gates which matched the design of the metal fencing closed off the driveway. These were removed during the renovation. The 10'-2" wide opening between existing gate posts is very difficult to navigate through when backing down the driveway.

A small brick pad is located to the east of the areaway steps to the lower level of the garage. Garbage cans are placed on this pad.

Wood fencing (stockade fencing placed upside down) extends along part of the east and north property lines and is rotten at the bottom. Along part of the west property line a 4'-0" high open flat board fence runs from the northwest corner of the lot to the north end of the historic metal fence.

The property includes two large American hollies near the southeast corner which are in poor condition. Along the west property line, seven cedar trees are growing close to the house and block sunlight into second floor windows. All seven trees are 6" caliper or greater.

The lawn area to the northeast of the garage is soggy and drains poorly.

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

To enhance the function of the property, the plan includes a backup space adjacent to the driveway. The backup space is positioned between two existing drywells. This backup space would be built of gravel, bordered with cobblestone to match the existing driveway.

The redesign of the driveway includes resetting the gate posts to increase the width of the opening by 12" to 11'-2". New gates to match the original fencing would be installed to keep the owner’s dogs contained. The driveway curbing would be slightly realigned to align with the relocated gate posts. The driveway will be slightly regraded to allow for the gates to open inward toward the house.

The front walkway was rebuilt as part of the renovation. A single step at the sidewalk gate is a trip hazard. The gate at the entry walk would be rehung to swing inward, toward the house, to increase the safety of visitors at the single step. Two path lights would be added to increase visibility of the step at night.
The wood fencing along the north and east property lines would be replaced with 6'-6" high maximum solid board cedar fencing to keep the owner's dogs within the property and enhance privacy. Along the west property line, the existing 4'-0" high fence would be replaced with a 6'-6" high maximum height solid board cedar fence. This fence would abut the north end of the existing historic metal fence. The new privacy cedar fencing would be unstained and left to weather grey.

The trees recently planted at the rear property line (two Dogwoods, three fastigiate European Hornbeams) would be replaced with Green Giant Arborvitae for a more uniform, year-round screen.

The seven cedars to the west of the house would be replaced by Golden Dawyck Beech trees, a fastigiate deciduous tree. These would be pruned as a narrow aerial hedge. They would let light into the house during the winter while providing seasonal screening.

Three Japanese Honeysuckle shrubs at the east property line would be replaced with Copper Dawyck Beech trees. The two American hollies would be fertilized and treated for phytophthora root rot.

At the rear of the house, a small colonial stepper flagstone pad would be built close to the rear terrace for a portable grill. This material would match the existing step stones.

New rectangular bluestone step stones would replace small irregularly spaced flagstone step stones at the east end of the rear terrace. They would connect the rear terrace to the rear mudroom door.

A small area of brick paving near the air conditioners behind the original part of the house (east side) would be removed so plantings could be installed around existing window wells and reduce their visibility.

Air conditioner units placed between the back of the original house and the addition (east side of house) would be screened by white stained cedar picket fencing with removable panels for access. Air conditioner units and a sump pump lid located at the back of the garage would be screened by a white stained cedar picket fence with removable panels and a gate.

The brick pad to the east of the garage areaway steps would be reduced in size and be enclosed by a white stained cedar solid board fence to hide a garbage can and recycling bin. The metal guardrail at the areaway steps would be replaced with white stained solid board wood fencing to screen the back of the garbage/recycling cans. The fencing would be 5'-0" high, as measured from grade, to the top of the post caps. The boards would have a V-groove detail.

A proposed generator would be placed on the east side of the garage areaway stairs, behind the garbage can enclosure. It would be screened by white stained solid board wood fencing with a gate and removable panels. Its height would match that of the garbage enclosure. The boards would have a V-groove detail.

The project scope includes regrading the lawn to the northeast of the garage, adding area drains and a subsurface drainage system, and a new drywell.
The proposed changes are intended to integrate and conceal contemporary requirements (adequate driving space, garbage cans, generator) within a historic site and neighborhood. These would be in character with the historic nature of the house and historic district. The screening of air conditioners, garbage and recycling bins visible from the street would reduce views of unsightly modern conveniences from the public view. New trees planted at larger sizes than those planted by the prior owner will increase the beauty of the property. Adding the metal gates to the driveway completes a missing piece of the original design of the property. Proposed wood fencing will enhance the privacy of the owners and adjacent neighbors and will be largely hidden behind existing and proposed trees. Drainage recommendations will increase the use and function of the garden.
HAWP APPLICATION - 9 WEST IRVING STREET

RECORD PHOTO 1 (NOVEMBER 2016)

RECORD PHOTO 2 (NOVEMBER 2016)
Municipality Letter for
Proposed Construction Project

Subject Property: 9 West Irving Street, Chevy Chase, MD 20815
Property Owner: Nicola and Colin Dowling
Project Manager/Contractor: Rachel Kunreuther Ryan
Lila Fendrick Landscape Architects
Proposed Work: Outdoor improvements featuring new fencing, features at grade and landscaping

1/17/2020

Diane R. Schwartz Jones, Director
Department of Permitting Services of Montgomery County
255 Rockville Pike, 2nd floor
Rockville, MD 20850

Dear Ms. Jones,

This letter is to inform your department that the above homeowner/contractor has notified Chevy Chase Village that he or she plans to apply for both county and municipal permits for the above summarized construction project. Chevy Chase Village will not issue any municipal building permit(s) for this proposed project until Montgomery County has issued all necessary county permits and the applicant has provided Chevy Chase Village with copies of county-approved and stamped plans. We have advised the homeowner/contractor that a permit from Montgomery County does not guarantee a permit from this municipality unless the project complies with all our municipal rules and regulations.

If this homeowner/contractor later applies for an amended county permit, please do not approve that application until you have received a Municipality Letter from us indicating that the homeowner/contractor has notified us of that proposed amendment to the permit.

If you have any questions about this proposed project and the municipal regulation of it by Chevy Chase Village, do not hesitate to have your staff contact my office. The Village Permitting Coordinator can be reached by phone at 301-654-7300 or by e-mail at ccpermitting@montgomerycountymd.gov.

Sincerely,

Shana R. Davis-Cook
Chevy Chase Village Manager

CHEVY CHASE VILLAGE
5906 Connecticut Avenue
Chevy Chase, Maryland 20815
Phone (301) 654-7300
Fax (301) 907-9721
ccv@montgomerycountymd.gov
www.chevychasenvillage.md.gov

BOARD OF MANAGERS
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ROBERT C. GOODWIN, JR.
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NANCY E. WATERS
Assistant Treasurer
LINDA J. WILLARD
Board Member

VILLAGE MANAGER
SHANA R. DAVIS-COOK
LEGAL COUNSEL
SUDELLEN M. FERGUSON
SITE PHOTO # 5
HAWP APPLICATION - 9 WEST IRVING STREET

SITE PHOTO # 10
1 METAL DRIVEWAY GATES

ELEVATION

2 METAL DRIVEWAY GATES

PLAN
1. GRAVEL WITH STEEL EDGE
2. GRAVEL WITH COBBLESTONE BORDER
3. STEP STONES WITH PLANTED JOINTS