

***EXPEDITED***  
**MONTGOMERY COUNTY HISTORIC PRESERVATION COMMISSION**  
**STAFF REPORT**

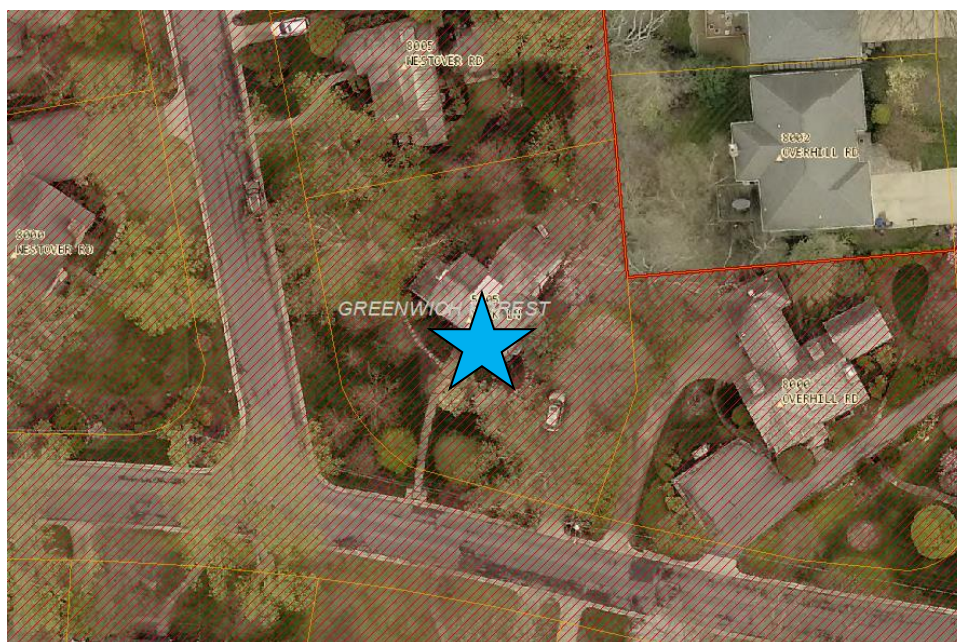
<b>Address:</b>	5605 York Ln., Bethesda	<b>Meeting Date:</b>	2/26/2020
<b>Resource:</b>	Contributing Resource (Greenwich Forest Historic District)	<b>Report Date:</b>	2/19/2010
<b>Applicant:</b>	Kathryn Becker Revocable Trust (David Schindel, Architect)	<b>Public Notice:</b>	2/12/2020
<b>Review:</b>	HAWP	<b>Tax Credit:</b>	N/A
<b>Case Number:</b>	35/165-20A	<b>Staff:</b>	Michael Kyne
<b>PROPOSAL:</b>	Hardscaping		

**STAFF RECOMMENDATION:**

☒ Approve  
☐ Approve with conditions

**ARCHITECTURAL DESCRIPTION:**

**SIGNIFICANCE:** Contributing Resource within the Greenwich Forest Historic District  
**STYLE:** Colonial Revival  
**DATE:** 1938



*Fig. 1: Subject property, as marked by the blue star.*

**PROPOSAL:**

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

- Construction of two intersecting timber retaining walls (44" maximum height) at the west side of the property.
- Removal of fieldstone pavers at the west side of the property.
- Installation of new fieldstone pavers at the west side of the property.
- Construction of new 4' wide fieldstone pathway/steps at the south and west sides of the property.
- Construction of three low dry-laid fieldstone retaining walls along the proposed pathway/steps at the south and west sides of the property.

**APPLICABLE GUIDELINES:**

**Policy On Use of Expedited Staff Reports for Simple HAWP Cases**

IV. The Expedited Staff Report format may be used on the following type of cases:

2. Modifications to a property, which do not significantly alter its visual character.
11. Construction or replacement of walkways, parking areas, patios, driveways or other paved areas that are not readily visible from a public right-of-way and/or are compatible in material, location, and design with the visual character of the historic site or district.

**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 ensure 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.*)

***Secretary of 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 RECOMMENDATION:**

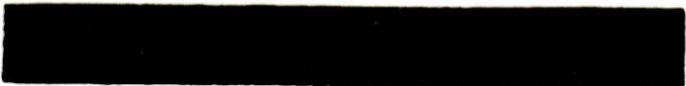
Staff recommends that the Commission **approve** the HAWP application under the Criteria for Issuance in Chapter 24A-8(b), (1), (2) & (d) having found that the proposal will not substantially alter the exterior features of the historic resource and is compatible in character with the district and the 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](mailto:michael.kyne@montgomeryplanning.org) to schedule a follow-up site visit.



DPS - #8

**HISTORIC PRESERVATION COMMISSION**  
**301/563-3400**

**APPLICATION FOR  
HISTORIC AREA WORK PERMIT**

Contact Email: davideschindel@gmail.com Contact Person: David E. Schindel  
Tax Account No.: 16 07 00496188 Daytime Phone No.: 202/557-1149  
Name of Property Owner: Kathryn L. Becker Revocable Trust Daytime Phone No.: 301/221-2096  
Address: 5605 York Lane Bethesda MD 20814  
Street Number City State Zip Code  
Contractor: Great American Landscapes Phone No.: 301/972-5681  
Contractor Registration No.: 23629  
Agent for Owner: Not applicable Daytime Phone No.: \_\_\_\_\_

**LOCATION OF BUILDING/PREMISE**

House Number: 5605 Street: York Lane  
Town/City: Bethesda Nearest Cross Street: Westover Road  
Lot: 1 Block: J Subdivision: Greenwich Forest  
Liber: \_\_\_\_\_ Folio: \_\_\_\_\_ Parcel: District 07, Map parcel HN13

**PART ONE: TYPE OF PERMIT/ACTION AND USE**

**1A. CHECK ALL APPLICABLE:**

☐ Construct ☐ Extend ☒ Alter/Renovate  
☐ Move ☐ Install ☐ Wreck/Rem  
☐ Revision ☐ Repair ☐ Revocable

**CHECK ALL APPLICABLE:**

☐ A/C ☐ Slab ☐ Room Addition ☐ Porch ☐ Deck ☐ Shed  
☐ Solar ☐ Fireplace ☐ Woodburning Stove ☐ Single Family  
☐ Fence/Wall (complete Section 4) ☒ Other: Regrading and

1B. Construction cost estimate: \$ \$20,000 construction of garden retaining wall

1C. If this is a revision of a previously approved active permit, see Permit # No

**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.

Signature of owner or authorized agent

Date

Approved: \_\_\_\_\_ For Chairperson, Historic Preservation Commission

Disapproved: \_\_\_\_\_ Signature: \_\_\_\_\_ Date: \_\_\_\_\_

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

**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:

Please see attached project description

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

Please see attached project description

**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 resource(s) and the proposed work.
- b. Elevations (facades), with marked dimensions, clearly indicating proposed work in relation to existing construction and, when appropriate, context. All materials and fixtures proposed for the exterior must be noted on the elevations drawings. An existing and a proposed elevation drawing of each facade affected by the proposed work is required.

**4. MATERIALS SPECIFICATIONS**

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

**5. PHOTOGRAPHS**

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

**6. TREE SURVEY**

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

**7. ADDRESSES OF ADJACENT AND CONFRONTING PROPERTY OWNERS**

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

PLEASE PRINT (IN BLUE OR BLACK INK) OR TYPE THIS INFORMATION ON THE FOLLOWING PAGE.  
PLEASE STAY WITHIN THE GUIDES OF THE TEMPLATE, AS THIS WILL BE PHOTOCOPIED DIRECTLY ONTO MAKING LABELS.



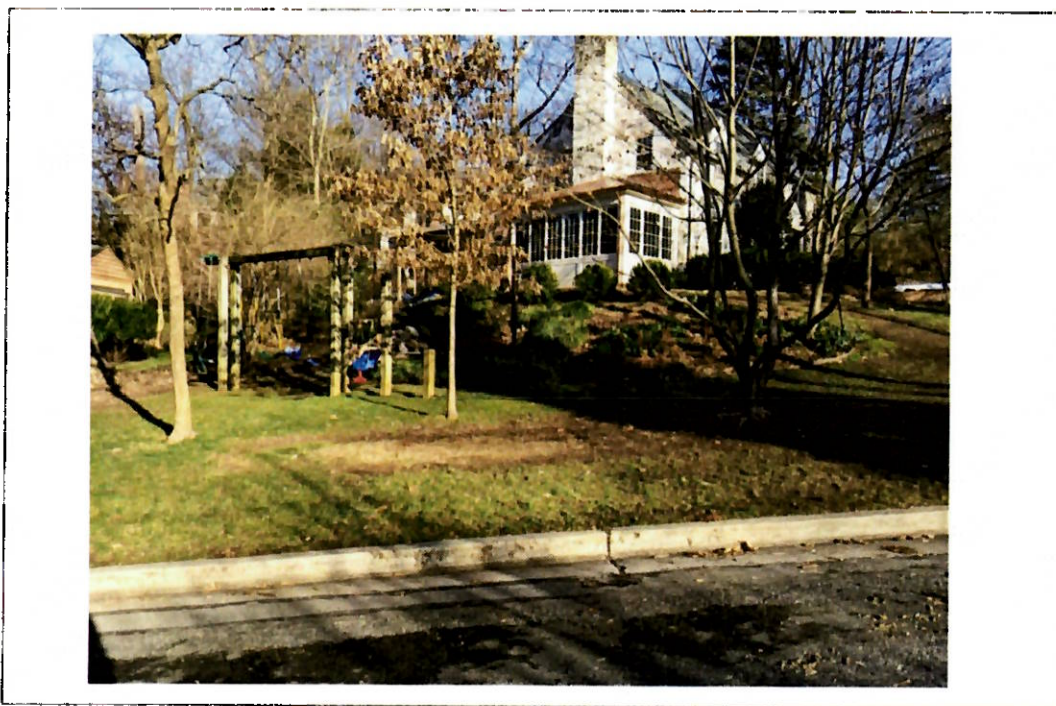
**HAWP APPLICATION: MAILING ADDRESSES FOR NOTIFYING**  
**[Owner, Owner's Agent, Adjacent and Confronting Property Owners]**

<b>Owner's mailing address</b>  David Schindel and Kate Becker 5605 York Lane Bethesda, MD 20814	<b>Owner's Agent's mailing address</b>  
<b>Adjacent and confronting Property Owners mailing addresses</b>	
Fred & Diane Reinke 8005 Westover Road Bethesda, MD 20814	Kay Richman and Dan Kaplan 8000 Westover Road Bethesda, MD 208145
Bob & Ginger Essink 5606 York Lane Bethesda, MD 20814	

**Existing Property Condition Photographs (duplicate as needed)**



**Detail:** View of front of house (southwest-facing) showing screened porch at left



**Detail:** View showing slope of property from southeast (right side of picture) down to northwest (left side).

**Applicant:** David E. Schindel

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**Existing Property Condition Photographs (duplicate as needed)**



Site of proposed garden retaining wall that would support upper pathway around  
**Detail:** porch (under construction) to front of house.



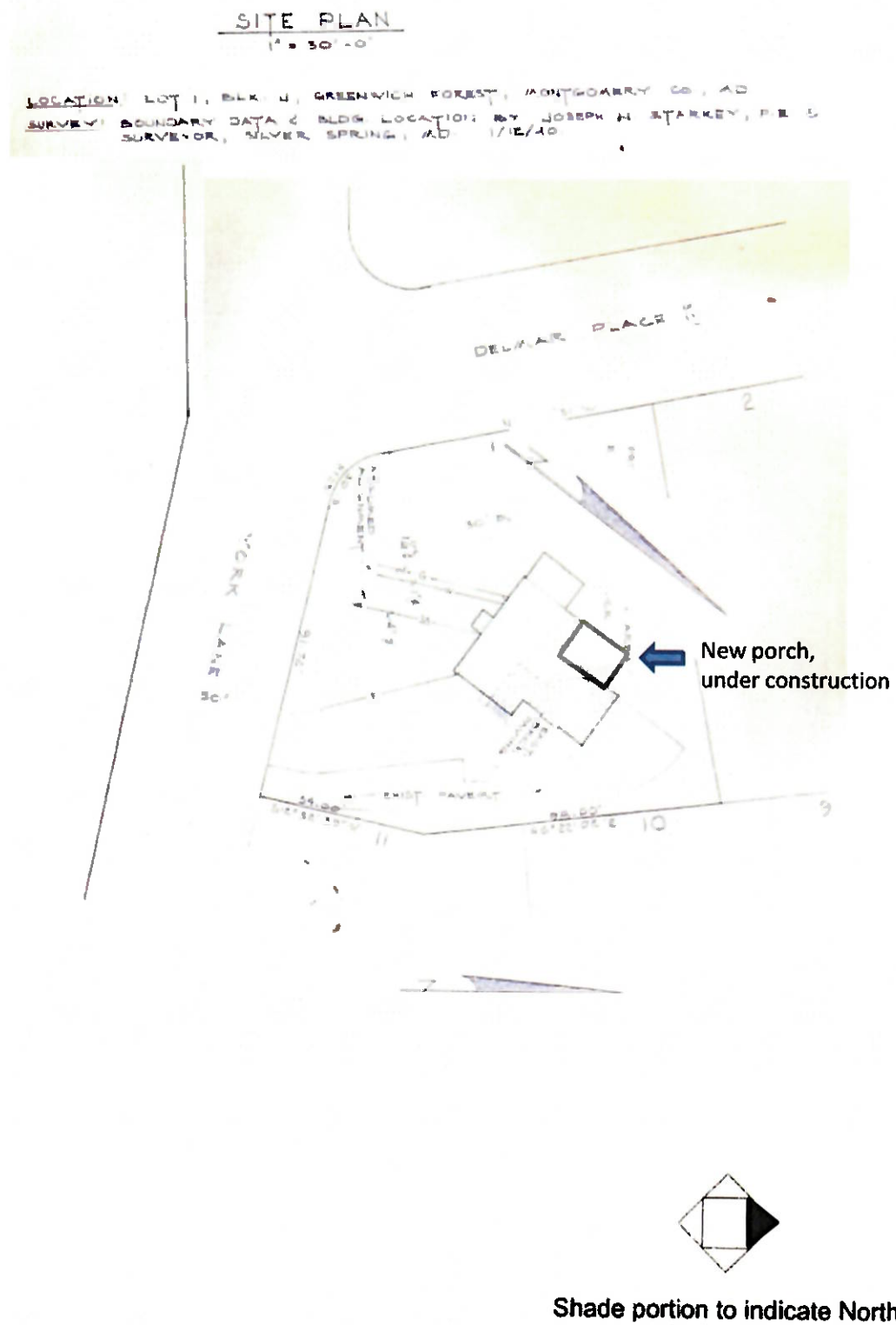
Site of proposed lower pathway connecting upper pathway and swing set area.  
**Detail:** \_\_\_\_\_

**Applicant:** David E. Schindel

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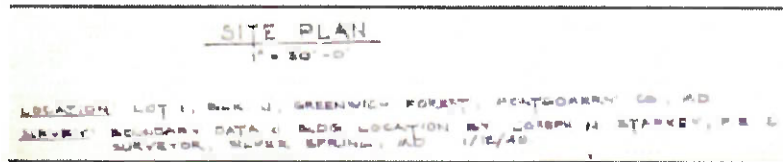


# Original Site Plan

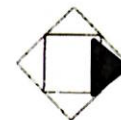
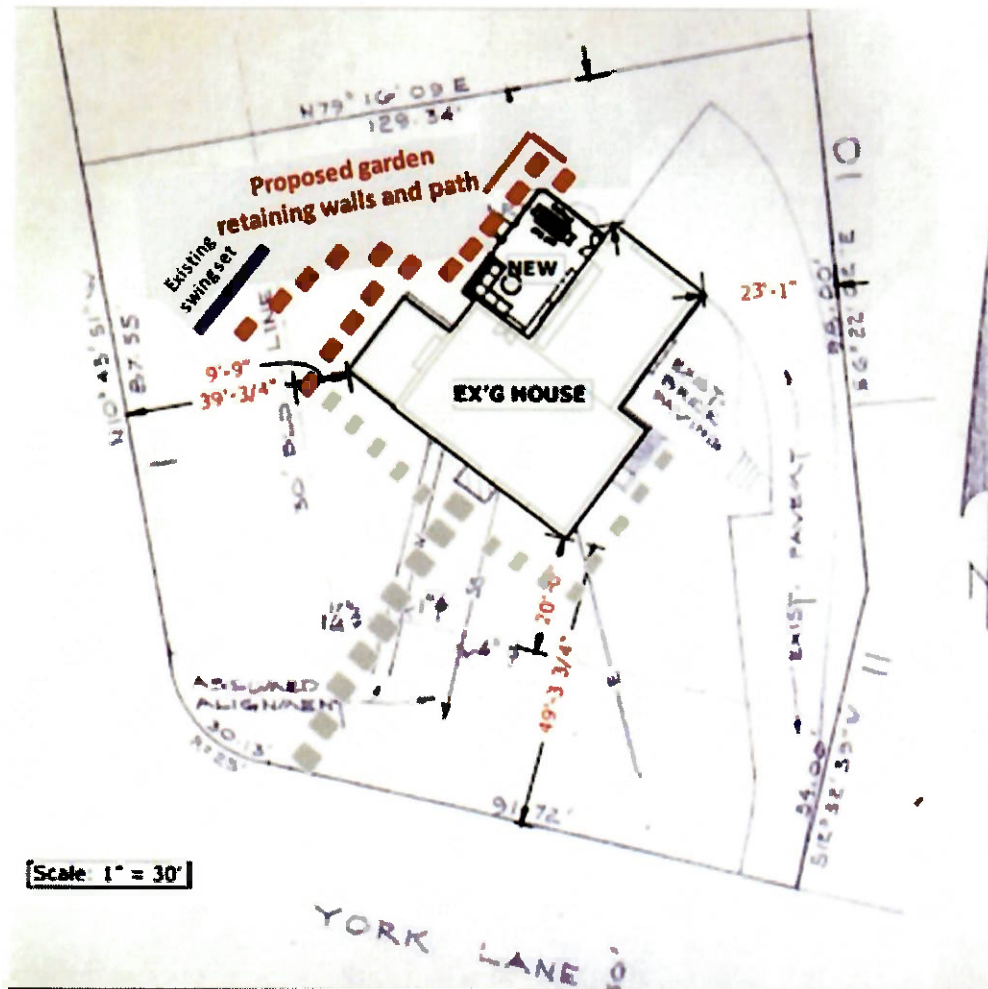


Applicant: David E. Schindel

## Proposed Site Plan



**DIMENSIONS FROM THE EXISTING BUILDING TO PROPERTY & BUILDING RESTRICTION LINES ARE ESTIMATIONS ONLY. A COMPREHENSIVE SURVEY IS REQUIRED TO VERIFY.**



Shade portion to indicate North

Applicant: David E. Schindel

## **Project Description: Becker-Schindel Porch**

### **1a. Description of existing structure(s) and environmental setting.**

This application is for work on 5605 York Lane, a contributing property in the Greenwich Forest Historic District in Bethesda, MD that was created in 2011. The home is a three-story center hall Colonial that was built in 1938 (see Figure 1). It is a corner lot with nearly continuous high canopy forest cover. It was the model home for the Pennsylvania farmhouse design in Morris Cafritz's Greenwich Forest development. The property has had the following modifications:

- Conversion of the rear-facing garage into a kitchen in 1993-4;
- Installation of a shed dormer window in the rear-facing second floor family room in 2016 (HAWP Case # 35/165-16A);
- Conversion of the side porch (left side, Figure 1) to a sunroom/study under a HAWP application approved on June 12, 2019 (Case # 35/165-19C); and
- Construction of a new three-season porch toward the back of the property (in progress under a HAWP approved on December 4, 2019; Case # 35/165-19F).

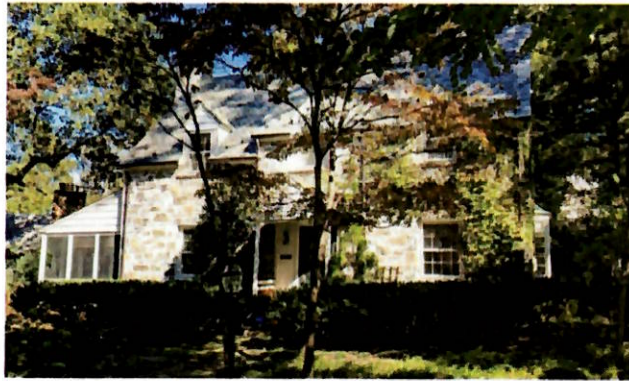


Figure 1. 5605 York Lane, Bethesda, MD 20814

### **1b. General description of the project and its effect on the historic resource(s).**

The owners purchased the property in 1989 and are the second owners of the home. They are in the process of constructing the recently approved three-season porch that connects to the kitchen and living room on the northwest side of the house. Prior to excavation for the addition, there was a flagstone path along the west side of the house, connecting the patio behind the house with a pathway across the front of the house. The property slopes down approximately 6' over the 25' distance from the edge of the new porch to the property line. This slope maintenance of plantings difficult and the area has been unused and neglected

This application proposes two changes to the grade along this slope:

- Construction of a timber retaining wall that would create level space for a 4' wide "upper pathway" that would replace the previous stone path that was removed during excavation. The upper pathway would connect the rear patio with an existing pathway across the front of the house; and
- Construction of a "lower pathway" that branches off the upper pathway and traverses across a slope to a swing set on the property bordering Westover Road.



There are no trees more than 6" in diameter in this area of the property. The proposed landscape modifications and subsequent installation of new plantings are consistent with landscape design and use throughout the Greenwich Forest Historic District.

### **Proposed grading changes**

- A. **Timber retaining walls for upper pathway.** The property slopes down from its highest elevation at its southeast corner on York Lane to its lowest elevation at its northwest corner (see Existing Property Condition Photographs) along Westover Road (shown as Delmar Place on the original site plan). The slope is gradual across the front of the house but at its maximum, the slope reaches a maximum of approximately 5.5' over a horizontal distance of approximately 15'. The top of the steepest slope borders the north corner of the new porch, now under construction. Prior to excavation for the porch, a flagstone path along the west side of the house connected a patio and garden behind the house with a Pennsylvania fieldstone pathway around the front of the house (see Figure 1). Excavation for the porch's foundation brought the top of the maximum slope to within a few feet of the northernmost corner of the porch. It required removal of this flagstone pathway (see Figure 2).

This application proposes construction of two timber retaining walls that would have a maximum exposed height of 44" where they meet (see Figures 3 and 4):

- The long wall would be 24' long and parallel to and approximately 7' from the long edge of the porch; and
- The short wall would be 12' long and parallel to and approximately 7' from the short edge of the porch.

The timbers would be 6X6 pressure-treated lumber and would be supported by vertical timbers extending 30" below grade and anchored in 2'x2' concrete footings. Holes drilled through the timbers would ensure adequate groundwater to drain from behind the wall to reduce downslope pressure.

The proposed timber retaining walls would create level space for installation of the 4' wide upper pathway below the porch (see Figure 5).

- B. **Low stone retaining wall for lower pathway.** The slope is lower toward the front of the property where the owners built a swing set shortly after purchasing the property in 1989. This application proposes to install a 4' wide lower pathway that traverses the slope between the porch and the swing set (see fourth photograph, Existing Property Condition Photographs). The level pathway would be excavated and supported by a low retaining wall made of dry-laid Pennsylvania fieldstones on a stone dust base, without any concrete foundation (see Figure 5).

### **Proposed hardscape and plan for water runoff management**

The following sections of the Greenwich Forest Historic Guidelines are particularly relevant to this application (emphasis added):

*Principle A1. Greenwich Forest was conceived of, built, and to a great degree preserved as a park-like canopied forest with gentle topographic contours, in which the presence of houses and hardscape are understated relative to the natural setting. The removal of mature trees and the significant alteration of topographic contours on private property, the Greenwich Forest Triangle, and the public right-of-way in Greenwich Forest should be avoided whenever possible. The Greenwich Forest*

*Citizens Association (GFCA) will continue to support the replacement of trees. In order to protect mature trees and the natural setting of Greenwich Forest, and to limit runoff into the Chesapeake Bay, the creation of extensive new impermeable hardscape surfaces should be avoided whenever possible.*

*D11. Runoff control: Proposals for work permits should consider rainwater runoff problems that may be created by additions and other property and structural alterations. Solutions to these problems should protect trees and maximize the on-property control of this runoff by drainage fields, installation of permeable rather than impermeable surfaces, and other available means.*

*D16. Walkways and patios: Reconfiguration and replacement of existing pathways and patios that would not result in a net addition of impermeable hardscape surfaces are considered landscaping and do not require an application for a work permit. The installation of new walkways and patios requires a work permit and should minimize the creation of new impermeable hardscape surfaces (see Principle 1).*

- A. **Proposed hardscape.** Please refer to Figure 5. The upper pathway will consist of Pennsylvania fieldstone that matches the rear patio and front pathway, set in bluestone dust. Fieldstone will be roughly rectangular with rounded, waterworn edges and a maximum dimension of 3'. The lower pathway will consist of roughly rectangular Pennsylvania fieldstone slabs that are 3-4' wide, also set on bluestone dust. Steps will be created by resting the front edge of each slab on the back edge of the slab below it. The retaining walls of the uphill side of the lower pathway will be 12-18" tall and will be made of dry-laid Pennsylvania fieldstone laid on bluestone dust.

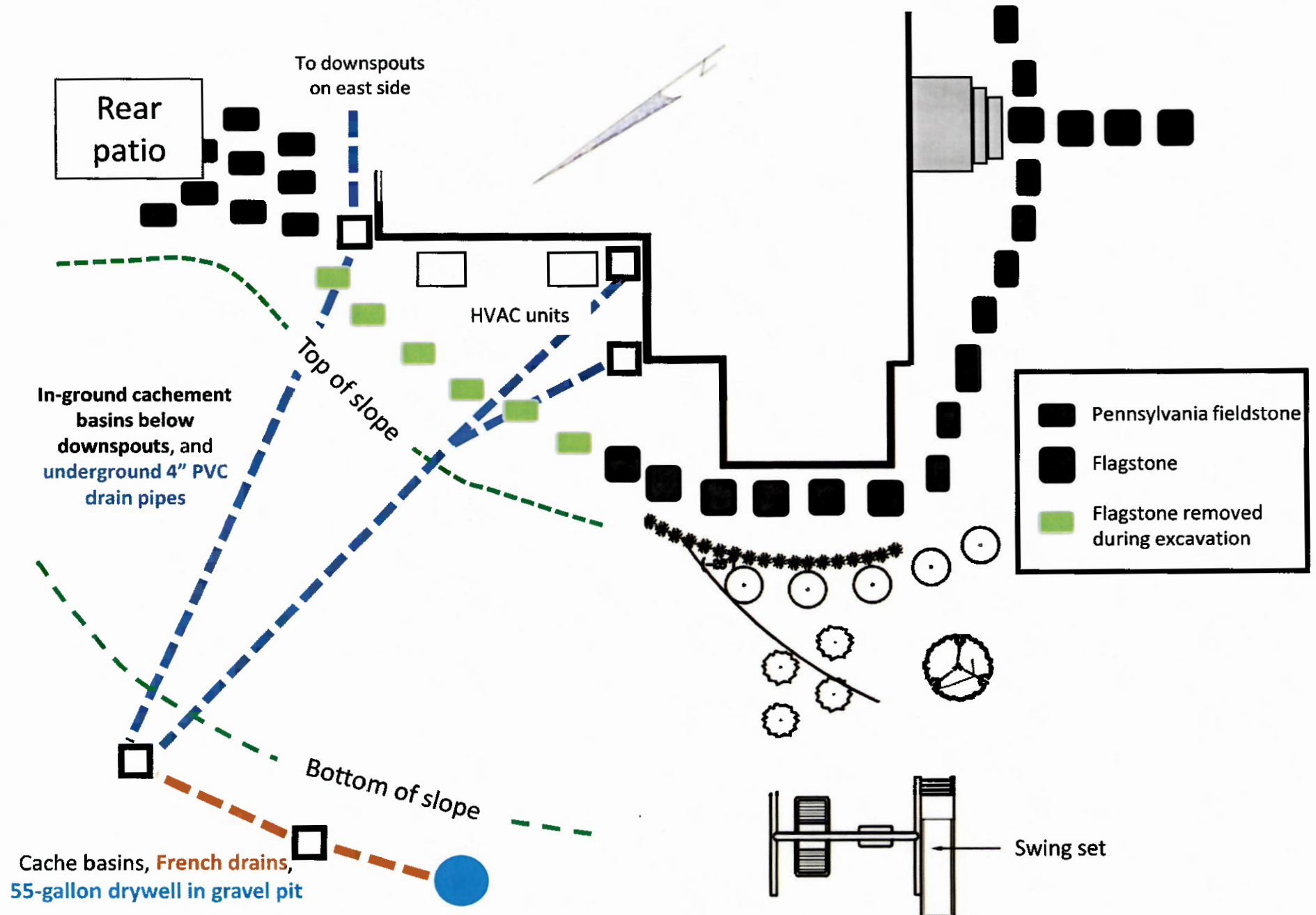
The proposed fieldstones for the upper pathway are replacements of the pre-excavation pathway. The new fieldstone slabs and retaining wall of the lower pathway cover less than 100 square feet. Since the fieldstones will not form a continuous pavement and are underlain by permeable bluestone dust, this additional hardscape will not add to surface runoff.

- B. **Plan for rainwater runoff management.** The owners installed a system for managing rainwater runoff in the mid-1990s. All downspouts from roof gutters on the west, north and east sides of the house were connected with underground 4" PVC drainpipes that led to buried French drains and a gravel pit with a 55 gallon drywell (see Figure 1). Except for the one or two heaviest downpours per year, this system eliminated runoff onto neighboring properties and street drainage except. During those heaviest downpours, the catchment basins and the buried drywell in the gravel pit overflows and drains down a shallow gully into Westover Road at the northern corner of the property.

All new downspouts will be connected to the French drains and drywell through new 4" PVC drainpipes (see Figure 6).

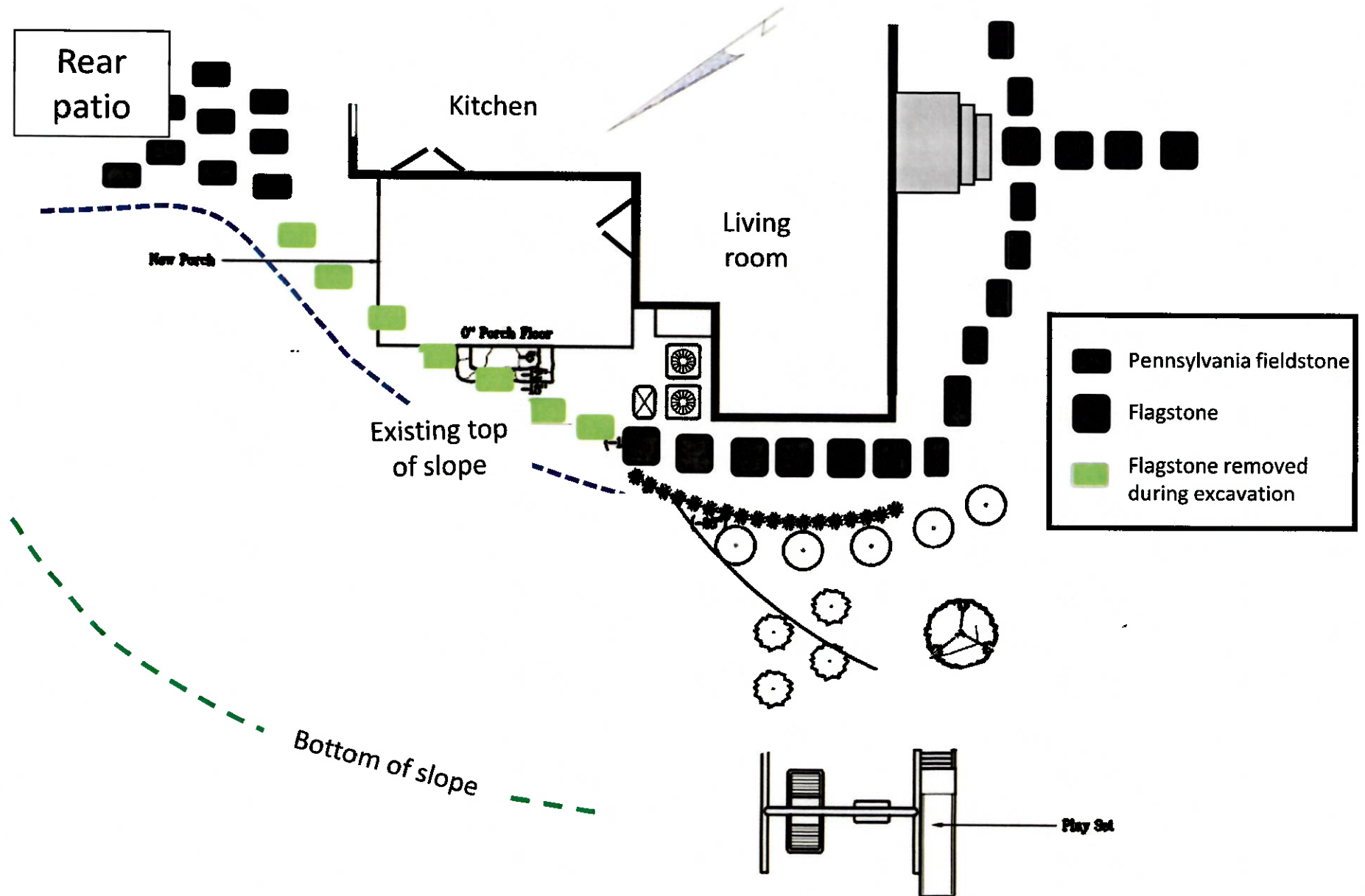
Figure 7 shows the timber retaining wall from the Westover Road right-of-way. The wall will be screened from view by several tall evergreen shrubs.

# Figure 1. Conditions prior to excavation



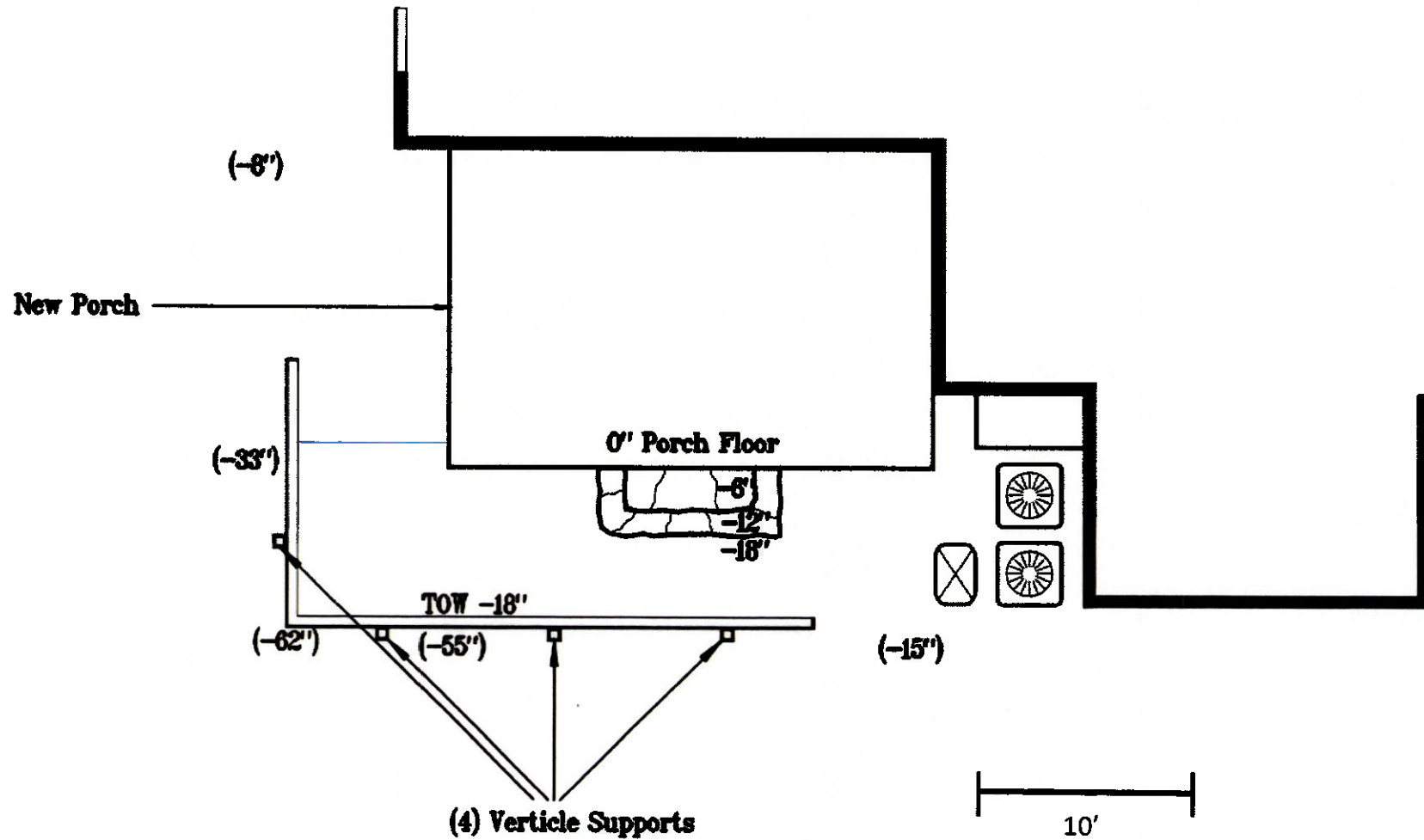


**Figure 2. Outline of new porch superimposed on existing conditions**

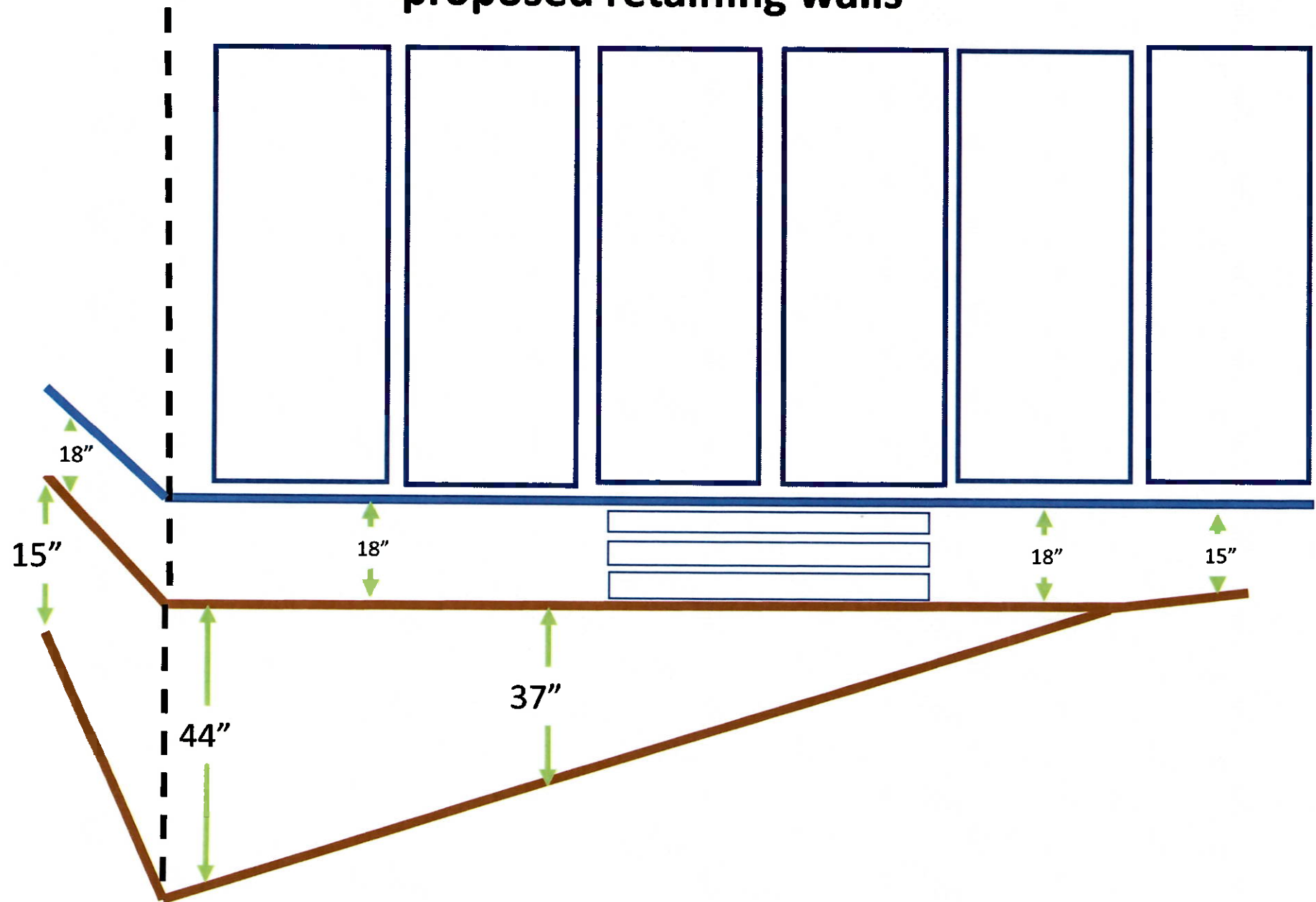


### Figure 3. Plan view of proposed timber walls

Elevations are inches below porch floor



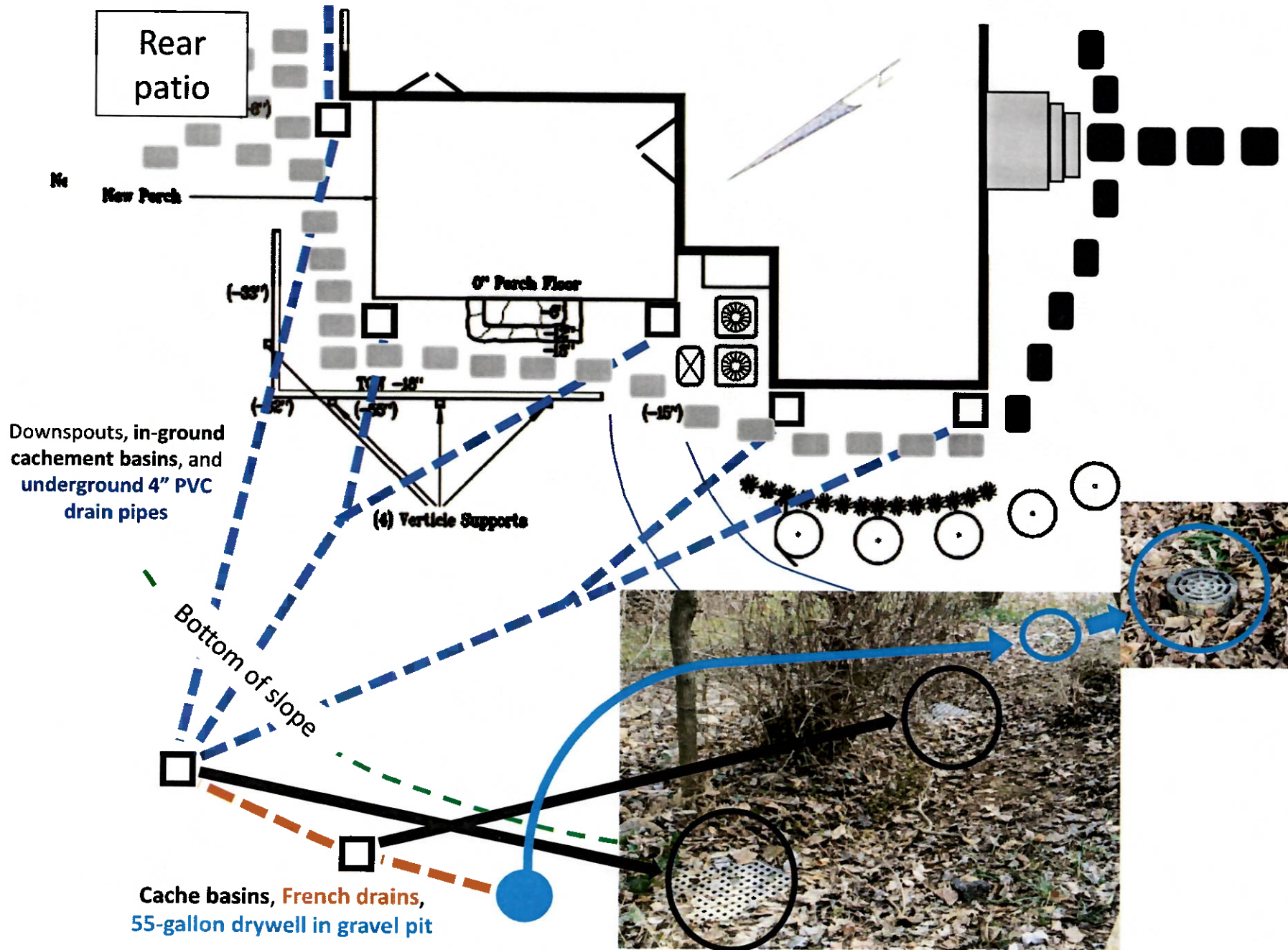
**Figure 4. Elevation of new porch showing  
proposed retaining walls**





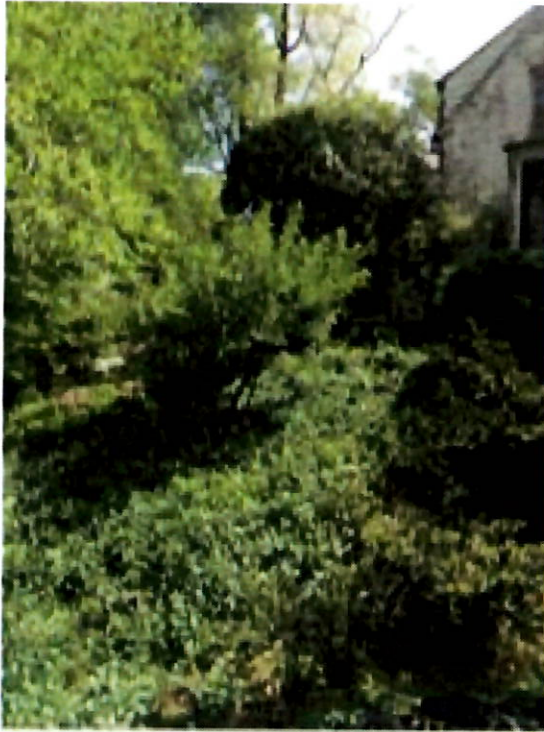


# Figure 6. Proposed Water Runoff Management





**Figure 7. Visibility from right-of-way**



Construction site showing existing conditions



Construction site showing proposed hardscape



Construction site showing proposed hardscape and screening plants