

EXPEDITED
MONTGOMERY COUNTY HISTORIC PRESERVATION COMMISSION
STAFF REPORT

Address:	5813 Surrey St., Chevy Chase	Meeting Date:	3/25/2020
Resource:	Secondary (Post-1915) Resource (Somerset Historic District)	Report Date:	3/18/2020
Applicant:	Dan and Aviva Rosenthal	Public Notice:	3/11/2020
Review:	HAWP	Tax Credit:	N/A
Case Number:	35/36-20A	Staff:	Michael Kyne
PROPOSAL:	Fence construction		

STAFF RECOMMENDATION:

☒ Approve
☐ Approve with conditions

ARCHITECTURAL DESCRIPTION

SIGNIFICANCE: Secondary (Post-1915) Resource within the Somerset Historic District
STYLE: Colonial Revival
DATE: c. 1933



Fig. 1: Subject property.

PROPOSAL:

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

- Construction of a 42" high cedar picket fence at the front/right (southwest) and right (south) side of the property.
- Construction of a 6' high cedar board-on-board fence at the rear (east) side of the property.

APPLICABLE GUIDELINES:

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

10. Construction of fences that are compatible with historic site or district in terms of material, height, location, and design. Requests for fences higher than 48" to be located in the front yard of a property will not be reviewed using an Expedited Staff Report.

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.*)

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.

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 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 Email: dkrosenthal@gmail.com Contact Person: Dan Rosenthal
Daytime Phone No.: 202.374.4471
Tax Account No.: 00534958
Name of Property Owner: Dan and Aviva Rosenthal Daytime Phone No.: 202.374.4471
Address: 5813 Surrey Street Chevy Chase MD 20815
Street Number City State Zip Code
Contractor: Potomac Fences, Inc. Phone No.: 301.468.1228
Contractor Registration No.: MD # 9989
Agent for Owner: _____ Daytime Phone No.: _____

LOCATION OF BUILDING/PERMIT

House Number: 5813 Street: Surrey St
Town/City: Somerset Nearest Cross Street: Cumberland
Lot: 13 Block: 6 Subdivision: 044 Somerset Heights
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 ☐ Revocable

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: \$ \$10,000

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 3 feet 6 inches open picket fence at front and side 6 foot high privacy fence in back yard of property

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
Privacy fence on property line. Picket fence entirely on owner property

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]
Signature of owner or authorized agent

2/26/20
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:

Single family brick home on corner lot at 5813 Surrey St (built 1937,
renovated 2018). Rear property line shared with 4722 Cumberland Ave
(built 1961). Space between the two homes is fairly cluttered as it is
storage area for garbage and recycling bins, bicycles, etc, and when faced
from Cumberland Ave provides an unimpeded view into that area, as well
yard and patio of 5813 Surrey beyond, thus affording little to no
privacy.

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

Install 42" high open picket cedar fence in front-right and right side yard. Install
6' high board on board cedar privacy fence and gate in back yard property line.
There was previously a privacy fence in this location that was removed in 2017
by the prior owners due to disrepair. The style of fencing will be and consistent
with other fences in the historic district and of classic/historic style/character.
Homeowners also want the fence since they own a dog.

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.

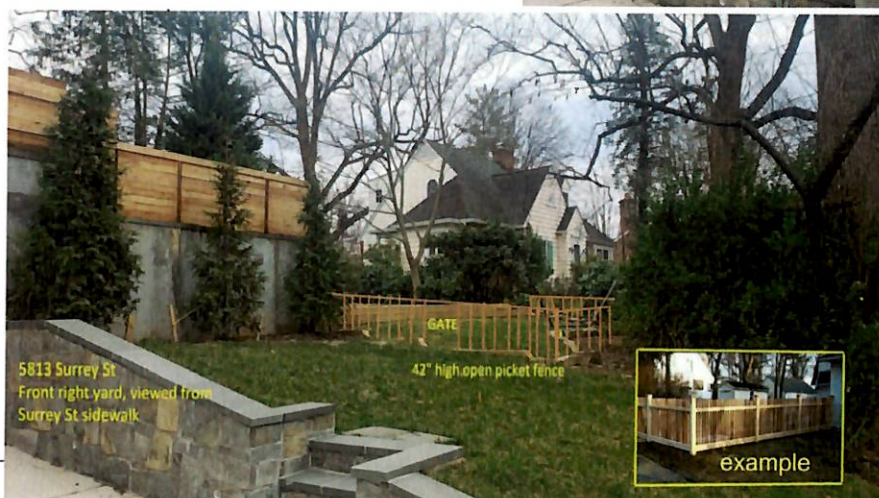
7. ADDRESSES OF ADJACENT AND CONFRONTING PROPERTY OWNERS

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.

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

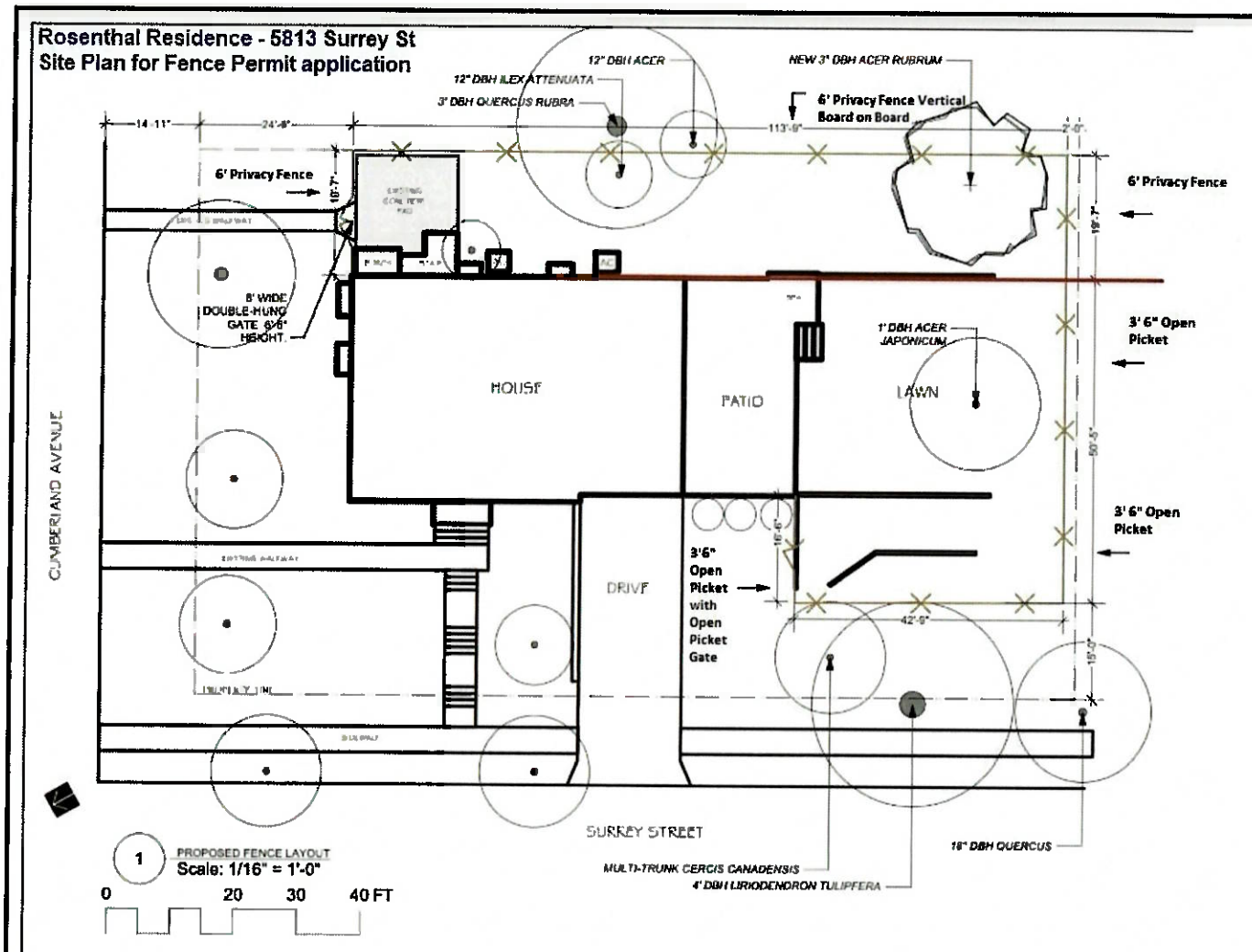
Owner's mailing address Dan and Aviva Rosenthal 5813 Surrey St Chevy Chase, MD 20815	Owner's Agent's mailing address
Adjacent and confronting Property Owners mailing addresses	
5809 Surrey St Chevy Chase, MD 20815	4723 Cumberland Ave Chevy Chase, MD 20815
5818 Surrey St Chevy Chase, MD 20815	4721 Cumberland Ave Chevy Chase, MD 20815
5820 Surrey St Chevy Chase, MD 20815	4722 Cumberland Ave Chevy Chase, MD 20815

We plan to work around one existing tree adjacent to the property line in order to avoid the need for tree removal. Our neighbor supports the fence install and we plan to split the cost of the shared privacy fence section





Remnants of old privacy fence posts remain all along rear property line



Fence install description: Cedar wood 6' privacy fence running 19' 7" from left rear of house to rear property line. Vertical flat board style cedar fence running approx. 113' 9" along property line, turning 90 degrees toward Surrey St and running for approximately 15' then stepping down to a 3' 6" open picket fence running for approx. 50' approximately 3' inside the side property line with 5809 Surrey St, then turning 90 degrees approx. 15' from the front property line and running parallel to Surrey St. for approx. 43' then turning 90 degree away from Surrey St and terminating at the corner of the elevated patio.



Shade portion to indicate North