

Montgomery Planning

Historic Preservation

6/24/2020

Case I.Z

8 West Lenox Street, Chevy Chase

Contributing Resource, Chevy Chase Village Historic District

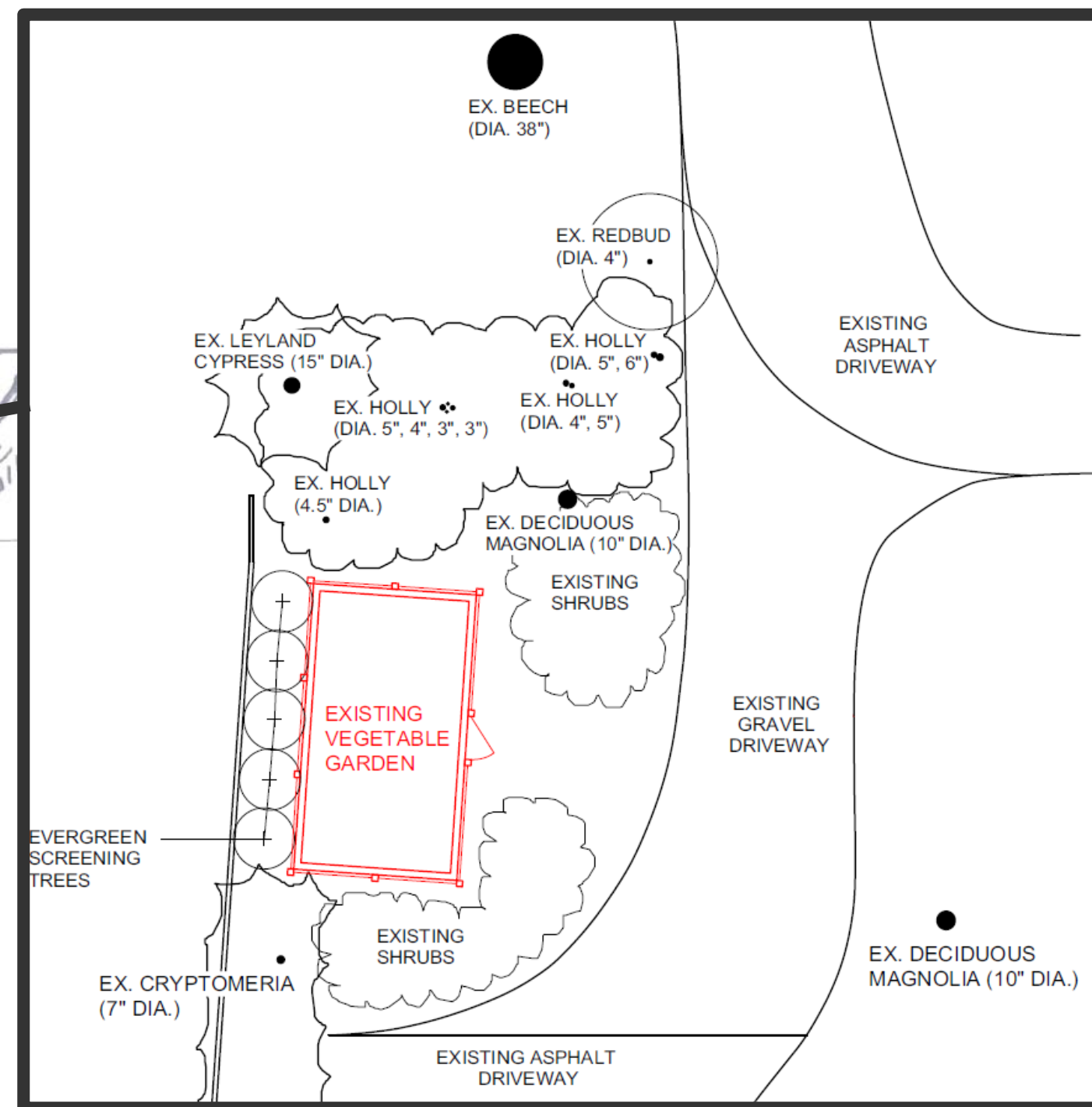
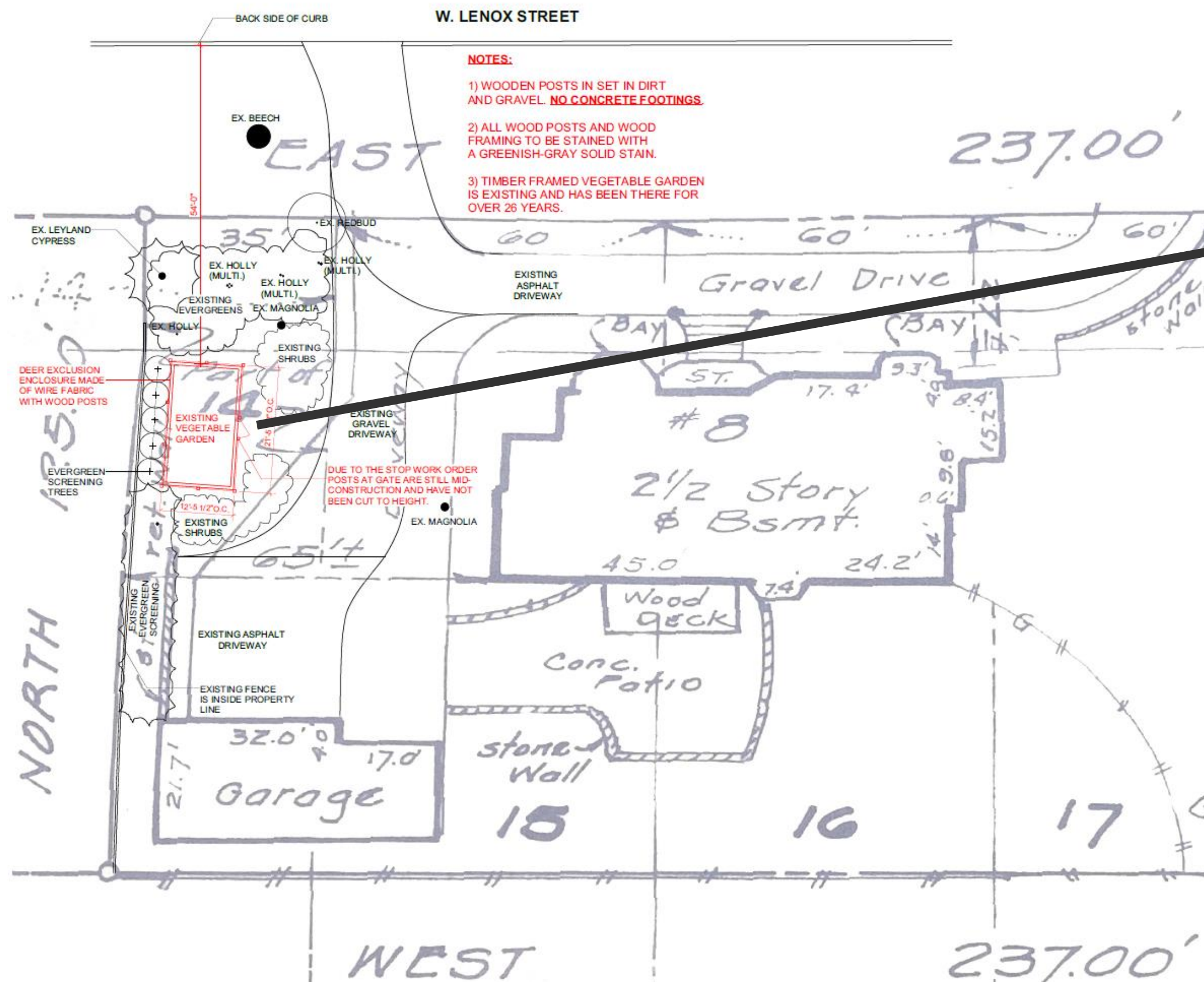
c. 1892-1916

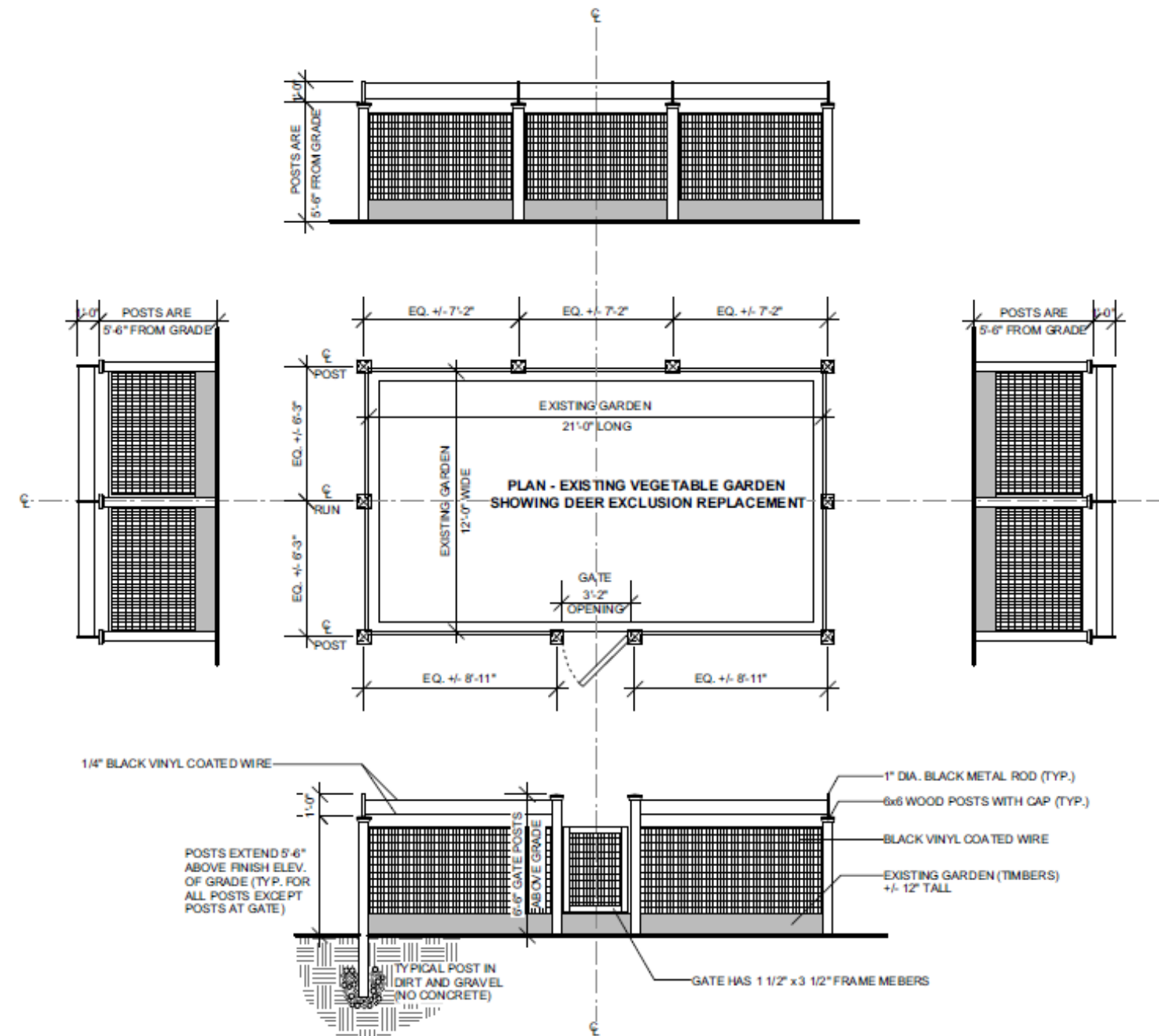
35/13-20W RETROACTIVE



Proposal

- Retroactive fence installation, with the following specifications:
 - 12'-5 ½" x 21'-5 ½" fence at the west (right, as viewed from the public right-of-way of West Lenox Street) side of the property to enclose a vegetable garden.
 - Fence to be constructed from 6x6 painted wooden posts set in gravel and soil at the perimeter of existing approximately 12" high garden timbers.
 - Wooden fence posts to be 5'-6" high above grade.
 - Wooden gate posts (east/left side of the proposed fence) to be 6'-6" high above grade.
 - Wooden fence posts to be topped with a 1' high black metal rod.
 - Fencing to be black vinyl-coated wire mesh.
 - Two ¼" black vinyl coated wires to be installed at the top, where they will be attached to the black metal rods.





NOTES:

- 1) CURRENTLY THE GATE POSTS HAVE NOT BEEN CUT DOWN DUE TO THE 'STOP WORK ORDER' THAT WAS ISSUED.
- 2) THE WOOD POSTS AND WOOD FRAMING FOR THE WIRE MESH WILL BE STAINED A DARK GREENISH-GRAY SOLID STAIN
- 3) ALL POSTS ARE SET IN DIRT AND GRAVEL, NOT CONCRETE.

GRAPHIC SCALE: (IN FEET)



13

<p>SCALE: 1/8" = 1'-0"</p> <p>DATE: Spring 2020</p> <p>REVIEWED:</p> <p>DESIGN: RF</p>	1
	1
<p>Fox Residence</p> <p>8 West Lenox Street</p> <p>Chevy Chase, MD 20815</p> <p>DEER EXCLUSION DETAILS</p>	
<p>DCA Landscape Architects, Inc.</p> <p>1315 Wisconsin Avenue, NW</p> <p>Washington, D.C. 20007</p> <p>202/337-1160 (tel.) 202/337-4630 (fax)</p>	



VIEW OF DEER EXCLUSION AROUND EXISTING VEGETABLE GARDEN FROM
W. LENOX STREET LOOKING SOUTH EAST FROM IN FRONT OF NEIGHBOR'S HOUSE



VIEW OF DEER EXCLUSION AROUND EXISTING VEGETABLE GARDEN FROM
W. LENOX STREET LOOKING STRAIGHT ON



VIEW OF DEER EXCLUSION AROUND EXISTING VEGETABLE GARDEN FROM
W. LENOX STREET ON OPPOSITE SIDE OF DRIVEWAY ENTRANCE



VIEW OF DEER EXCLUSION AROUND EXISTING VEGETABLE GARDEN FROM DRIVEWAY 10'-0" IN FROM STREET



VIEW OF DEER EXCLUSION AROUND EXISTING VEGETABLE GARDEN FROM GRAVEL PORTION OF DRIVEWAY LOOKING SOUTH WEST



VIEW OF DEER EXCLUSION AROUND EXISTING VEGETABLE GARDEN LOOKING STRAIGHT ON (WEST) FROM GRAVEL PORTION OF DRIVEWAY



VIEW OF EXISTING VEGETABLE GARDEN DEER EXCLUSION FROM DRIVEWAY
LOOKING NORTH WEST



VIEW OF SOUTH SIDE OF EXISTING VEGETABLE DEER EXCLUSION

Applicable Guidelines

- *Montgomery County Code; Chapter 24A-8*
- *Chevy Chase Village Historic District Guidelines*
- *Secretary of the Interior's Standards for Rehabilitation*

Discussion

- The *Guidelines* state that “[f]ences 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.”
- Staff finds that the proposed fence does not detract significantly from the existing open streetscape.
- While the view of the proposed fence is largely obscured from the public right-of-way of Lenox Street by existing trees and vegetation, the *Guidelines* instruct the Commission to review proposals irrespective of vegetation.
- As the proposed fence is in the front/west (right) side yard, staff finds that it would be visible from the public right-of-way in the absence of vegetation.
- Staff finds the proposed fence should be reviewed with moderate scrutiny.

Discussion (cont.)

- The *Guidelines* define moderate scrutiny as:
 - ...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.
- The Commission typically requires fences forward of the rear plane of the historic house to be no higher than 4’ tall, preserving the openness of the surrounding streetscape and the visibility of the property from public right-of-way.
- This requirement also ensures the preservation the Village’s open, parklike character, which the *Guidelines* stress is of paramount importance.

Discussion (cont.)

- In this case, staff finds that, although the proposed fence exceeds 4' in height forward of the rear plane of the historic house, it will not detract from the openness of the surrounding streetscape, the visibility of the property from the public right-of-way, or the open, parklike character of the Village.
- Additionally, staff finds that the proposed materials are generally compatible with the subject property and surrounding streetscape.
- In accordance with the *Guidelines* for moderate scrutiny, staff finds that the proposed fence is designed so that the subject property will still contribute to the district.
- However, to enhance the compatibility of the proposed fence's design, staff recommends the following condition of approval:
 - The height of the proposed wooden gate posts (east/left side of the proposed fence) will be reduced to 5'-6" to be consistent with the proposed wooden fence posts.

Discussion (cont.)

- In accordance with *Standards #2* and *#9*, the proposed alterations will not remove or alter character-defining features of the subject property.
- Per *Standard #10*, the essential form and integrity of the historic property and its environment will be unimpaired, if the proposed fence is removed in the future.

Discussion (cont.)

On 6/22/2020, staff contacted the Chevy Chase Village Permitting office with the following questions:

- Do the Village's zoning requirements specifically limit the height of fences in the front and/or side yard?
- Are there any restrictions on garden enclosures within the zoning setbacks?

Discussion (cont.)

The Village's permitting office responded with the following:

- The proposed vegetable garden fence falls under a fence, per Chevy Chase Village code.
- The proposed fence is permitted to be as tall as 6'-6" high in its current location, because it is behind the front building restriction line.
 - If the fence was placed forward of the front building restriction line, the Village would require it to not exceed 4' in height.
- The proposed fence complies with Chevy Chase Village code, as it has been presented on the HAWP application; however, the applicants must obtain a HAWP and a Montgomery County fence permit before the Village will issue its fence permit.

Guidelines for Building, Replacing and Maintaining Fences and Walls

Sec. 8-21 of the Village Code regulates fences and walls. To repair or maintain an existing fence or wall, the Village does not require a building permit. To install or replace a fence or wall, however, residents will need a Village building permit. (A building permit may also be required from Montgomery County, including the Historic Preservation Commission, if the property is within the Historic District). Village Code allows fences and walls to be installed on a resident's property lines, inside the property lines on private property, and sometimes in the public right-of-way.

When placed on the property lines or on private property, the Village Code regulates fence and wall heights in two ways:

1. Fences and walls installed on private property anywhere between the property line and the front building restriction line may not exceed four (4) feet in height.
2. Fences and walls installed to the rear of the front building restriction line (that is, along the side and rear property lines or in the side and rear yards) may not exceed six and one-half (6 ½) feet in height.

When measuring the height of a fence or wall, the Village Code provides that the “measurement shall be made from the surface of the ground of the lower yard next to the fence or wall” **to the highest point of the fence or wall** (such as the top of the posts, caps, decorative lattice, finials, etc.). For example, if a fence post is 6 ½ feet high, then a cap on that post would exceed the height limit.

Walls can sometimes change the flow of water on a property. In such cases, residents or contractors will need to include a drainage plan with the building application.

When installing a fence or wall in the Village's public right-of-way, in addition to obtaining a Village Building Permit, residents must sign a **License to Use the Public Right-of-Way**, which may be recorded with your deed (please contact the Village office for more information). Fences and walls installed in the Village's rights-of-way may not exceed four (4) feet in height.

Fences and walls must be installed at least three (3) feet from the public sidewalk, or where there is no sidewalk, at least six (6) feet from the curb or nearest edge of the street or alley.

Special height limits apply to fences near an intersection on corner lots. The Village office will not be issue permits for any fences or walls that block necessary sight lines at intersections or otherwise create a dangerous condition.

For complete Village Code requirements, please see Chapters 8 & 25.

Recommendations

- Staff recommends that HPC approve with one (1) condition the HAWP application.
 1. The height of the proposed wooden gate posts (east/left side of the proposed fence) will be reduced to 5'-6" to be consistent with the proposed wooden fence posts.

Questions for staff?