

MONTGOMERY COUNTY HISTORIC PRESERVATION COMMISSION
STAFF REPORT

Address:	8 West Lenox Street, Chevy Chase	Meeting Date:	6/24/2020
Resource:	Contributing Resource Chevy Chase Village Historic District	Report Date:	6/17/2020
Applicant:	The Harriette B. Fox Revocable Trust (Guy Williams, Agent)	Public Notice:	6/10/2020
Review:	HAWP	Tax Credit:	N/A
Case Number:	35/13-20W RETROACTIVE	Staff:	Michael Kyne
PROPOSAL:	Fence installation		

STAFF RECOMMENDATION:

Staff recommends that HPC **approve with one (1) condition** the HAWP application.

- 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.**

ARCHITECTURAL DESCRIPTION:

SIGNIFICANCE: Contributing Resource within the Chevy Chase Village Historic District
DATE: 1892-1916

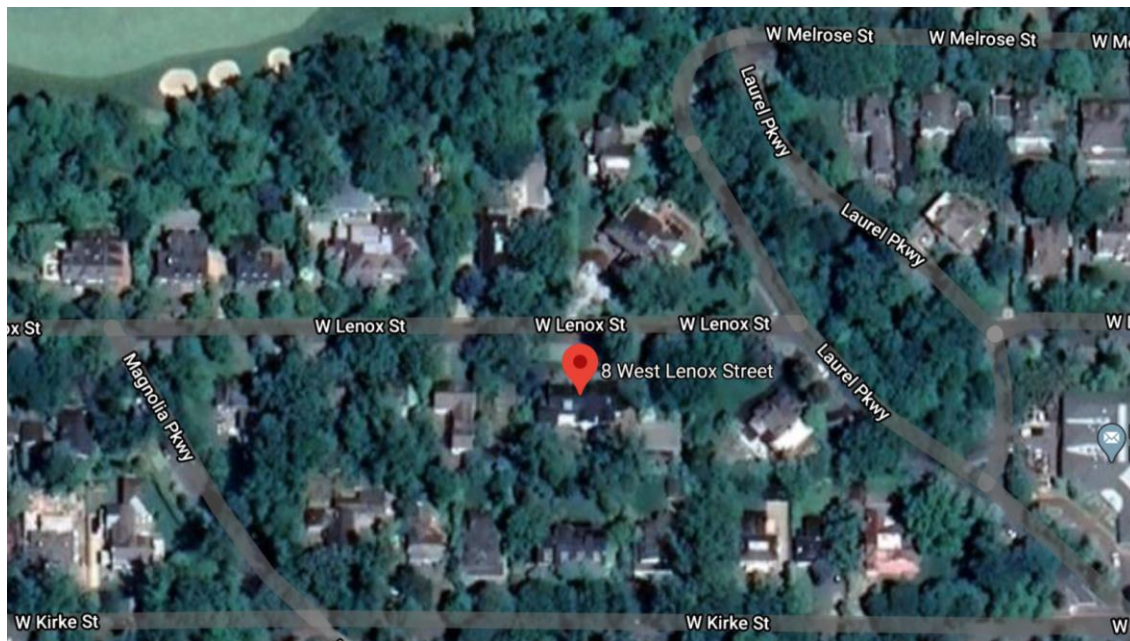


Fig. 1: Subject property.

PROPOSAL:

The applicants propose retroactive fence installation 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 *Montgomery County Code Chapter 24A (Chapter 24A)*, the historic preservation review guidelines in the approved and adopted amendment for the *Chevy Chase Village Historic District (Guidelines)*, 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* state that the following five basic policies should be adhered to:

1. Preserving the integrity of the proposed Chevy Chase Village Historic District. Any alterations should, at a minimum, perpetuate the ability to perceive the sense of time and place portrayed by the district.
2. 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.
3. Maintaining the variety of architectural styles and the tradition of architectural excellence.
4. 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.
5. 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* 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* that pertain to this project are as follows:

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:

#2: The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.

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

#10: New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

STAFF DISCUSSION:

The applicants propose retroactive fence installation at the subject property, with the following specifications:

- 12'-5 1/2" x 21'-5 1/2" fence at the west (right, as viewed from the public right-of-way of West Lenox Street) 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 1/4" black vinyl coated wires to be installed at the top, where they will be attached to the black metal rods.

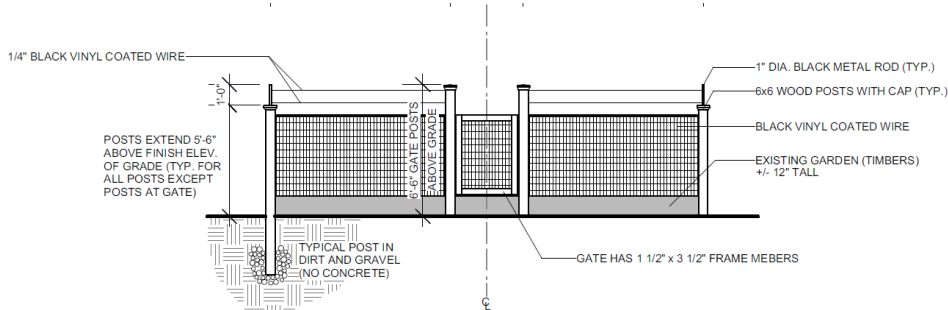


Fig. 2: Proposed fence, east/left side.

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. Therefore, the proposed fence should be reviewed with moderate scrutiny.

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.

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.

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.

After full and fair consideration of the applicant's submission staff finds the proposal, as modified by the recommended condition of approval, to be 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, #9 & #10* outlined above.

STAFF RECOMMENDATION:

Staff recommends that the Commission **approve with the one (1) condition specified on Page 1** the HAWP application under the Criteria for Issuance in Chapter 24A-8(b), 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, 9, and 10*;

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

APPLICATION FOR HISTORIC AREA WORK PERMIT

Contact Email: gardens@dcalandarch.com Contact Person: Guy Williams
 Tax Account No.: 00456571 Daytime Phone No.: 202-437-2618
 Name of Property Owner: The Harriette B. Fox Revocable Trust Daytime Phone No.: 301-913-9446 afox@foxkiser.com
 Address: 8 West Lenox Street Chevy Chase Maryland 20815
Street Number City State Zip Code
 Contractor: Handyman Clause - Handyman was installing posts and wire mesh
 Contractor Registration No.: N/A
 Agent for Owner: Guy Williams Daytime Phone No.: 202-437-2618

LOCATION OF BUILDING/PREMISE

House Number: 8 Street: West Lenox Street
 Town/City: Chevy Chase Nearest Cross Street: Laurel Parkway
 Lot: 15,16,17 Block: 38 Subdivision: Section # 2 - Chevy Chase Village
(Part 14 & 18)
 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: \$ 6,000.00

1C. If this is a revision of a previously approved active permit, see Permit # _____

PART TWO: COMPLETE FOR NEW CONSTRUCTION AND EXTERIOR MODIFICATIONS

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 6 feet 6 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

DCA Landscape Architects Inc.
PRESIDENT

Date

Approved: _____ For Chairperson, Historic Preservation Commission

Disapproved: _____ Signature: _____ Date: _____

Application/Permit No.: _____ Date Filed: _____ Date Issued: _____

WRITTEN DESCRIPTION OF PROJECT

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

At 8 West Lenox Street there is an existing original house. On the west side of the property, as one enters the driveway looking south, there is an existing original garage that is at the end of the driveway in the back of the property. As you pull in the drive there is an existing stone wall to the left with a large redbud tree above it. Further along there is a chin-up bar on the left that has been there for about 30 years and a deciduous Magnolia tree. The beginning of the driveway is asphalt and then there is a section that is gravel. The driveway is surrounded on both sides by existing gardens and trees (Beech tree, deciduous Magnolia, and evergreen screening trees along the property line). There is no lawn on this side of the property. Within the garden area, on the west side of the driveway screened behind plantings is an existing vegetable garden made of timbers that has been there for 26 years or more. This garden used to have aluminum poles and deer netting but now has wooden posts and wire screen deer exclusion mesh on its sides. There is nothing of historical significance other than the house and garage.

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

The project involves the rebuilding of deer exclusion black vinyl coated wire mesh around an existing vegetable garden (timber framed) that has been in this location for more than 26 years. The wire mesh is supported by 6"x6" pressure treated posts at the perimeter of the existing vegetable garden. Posts are set in gravel and soil and NOT in concrete. The posts and wood framing will be stained a dark gray-green. See detailed drawing in submission for layout and details. Clients had been working on replacing deer exclusion on their own with a handyman when they received a 'stop work order'. They then proceeded with this application filing. Submission pictures show the existing conditions and the fact that the vegetable garden deer exclusion measures are not visible from the street. Therefore, there is no effect on the historic resources, the environmental setting, or the historic district.

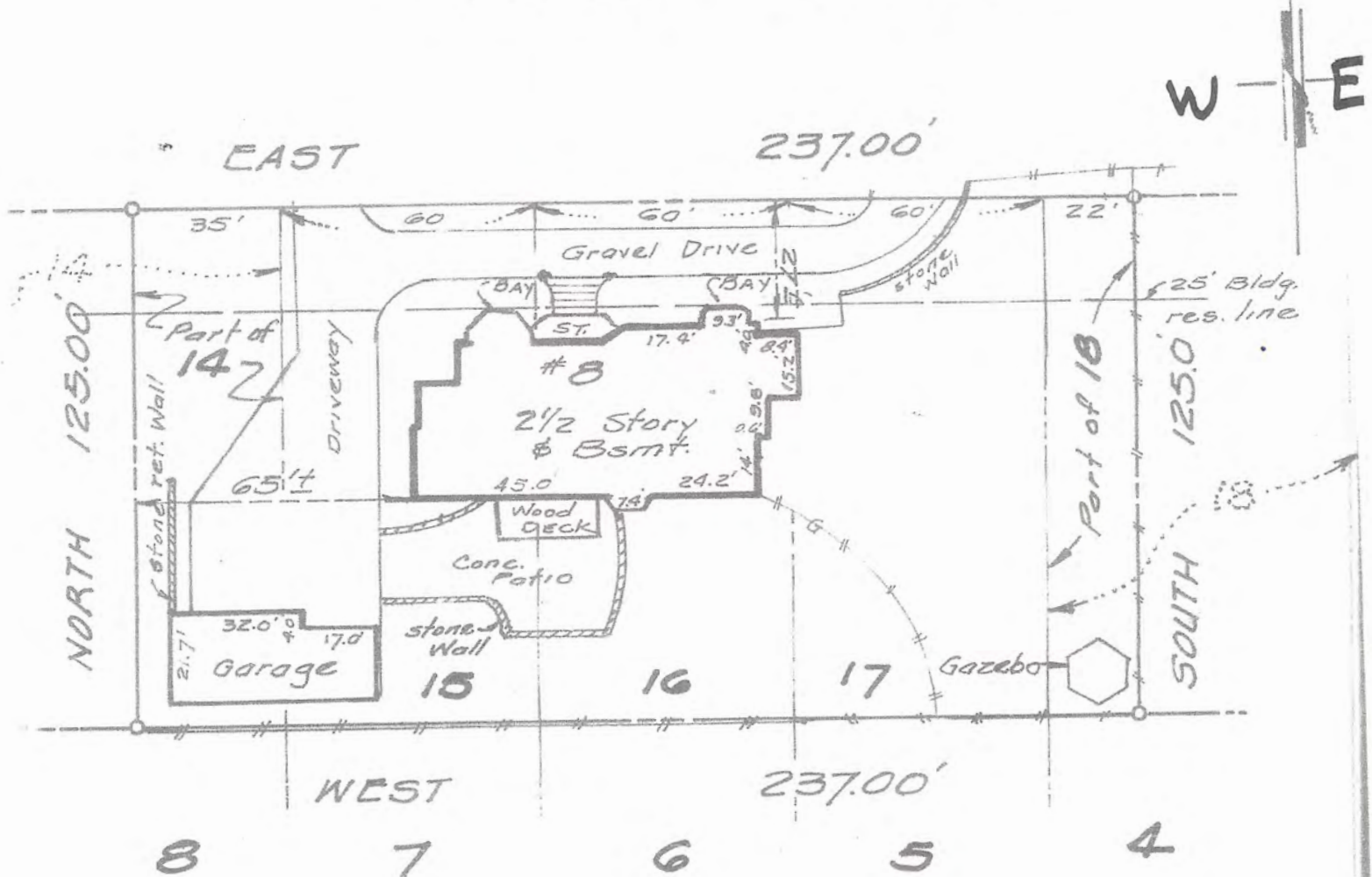
HAWP APPLICATION: MAILING ADDRESSES FOR NOTIFYING
[Owner, Owner's Agent, Adjacent and Confronting Property Owners]

Owner's mailing address	Owner's Agent's mailing address
Allan and Harriette Fox 8 West Lenox Street Chevy Chase, MD 20815	DCA Landscape Architects 1315 Wisconsin Ave, NW Washington, DC 20007
Adjacent and confronting Property Owners mailing addresses	
Bill and Elayne Bennett 4 Laurel Parkway Chevy Chase, MD 20815	Chuck Muckenfuss and Angela Lancaster 17 West Kirke Street Chevy Chase, MD 20815
Stephen and Ellen Conley 9 West Lenox Street Chevy Chase, MD 20815	Susie and Michael Gelman 11 West Lenox Street Chevy Chase, MD 20815
Nishan Aghajanian 14 West Lenox Street Chevy Chase, MD 20815	

LANDTECH ASSOCIATES, INC.
7307 BALTIMORE AVENUE SUITE 214
COLLEGE PARK, MARYLAND 20740

NOTE: THIS PROPERTY LIES
IN FLOOD ZONE C, AN AREA
OF MINOR FLOODING, AS
DELMITED ON THE MAPS
OF THE NATIONAL FLOOD
INSURANCE PROGRAM

LENOX STREET



Note:

Original Lots 14, 15, 16, 17, 18
recorded in Plat Book 2, Plat 106.

Total Area Lots 15, 16, 17, Part of 14 & 18
= 29,625[±]



LOCATION SURVEY OF
#8 LENOX STREET
MONTGOMERY COUNTY, MARYLAND
SUBDIVISION
Section No 2.
CHEVY CHASE

LOT 15, 16, 17, Part of 14 & 18
PLAT BOOK: Description
DATE: 11-23-92
CASE NO: —

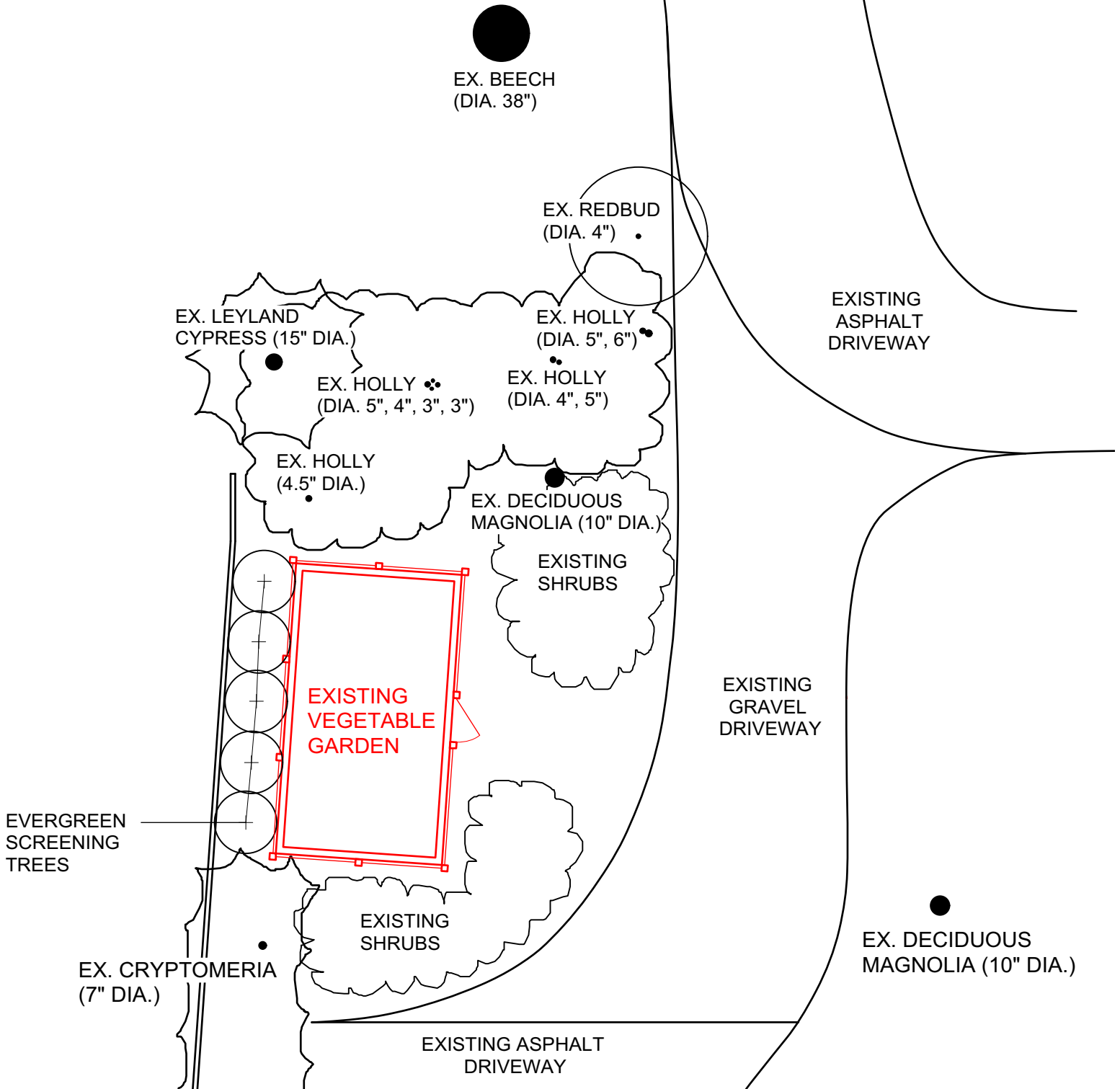
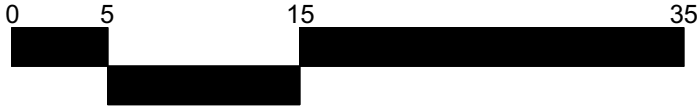
NO TITLE REPORT FURNISHED
BLOCK: 38
PLAT NO: Furnished
SCALE: 1" = 40'
FILE NO: MP-92307

CERTIFICATION: I hereby certify that the position of all the existing visible improvements on the above described property has been carefully established in relation to the apparent title lines and that, unless otherwise shown, there are no visible encroachments. This is not a property line survey and should not be used for the erection of fences or any other improvements.

GRADEN A. ROGERS ~ PROP L.S. MD LIC. NO. 119

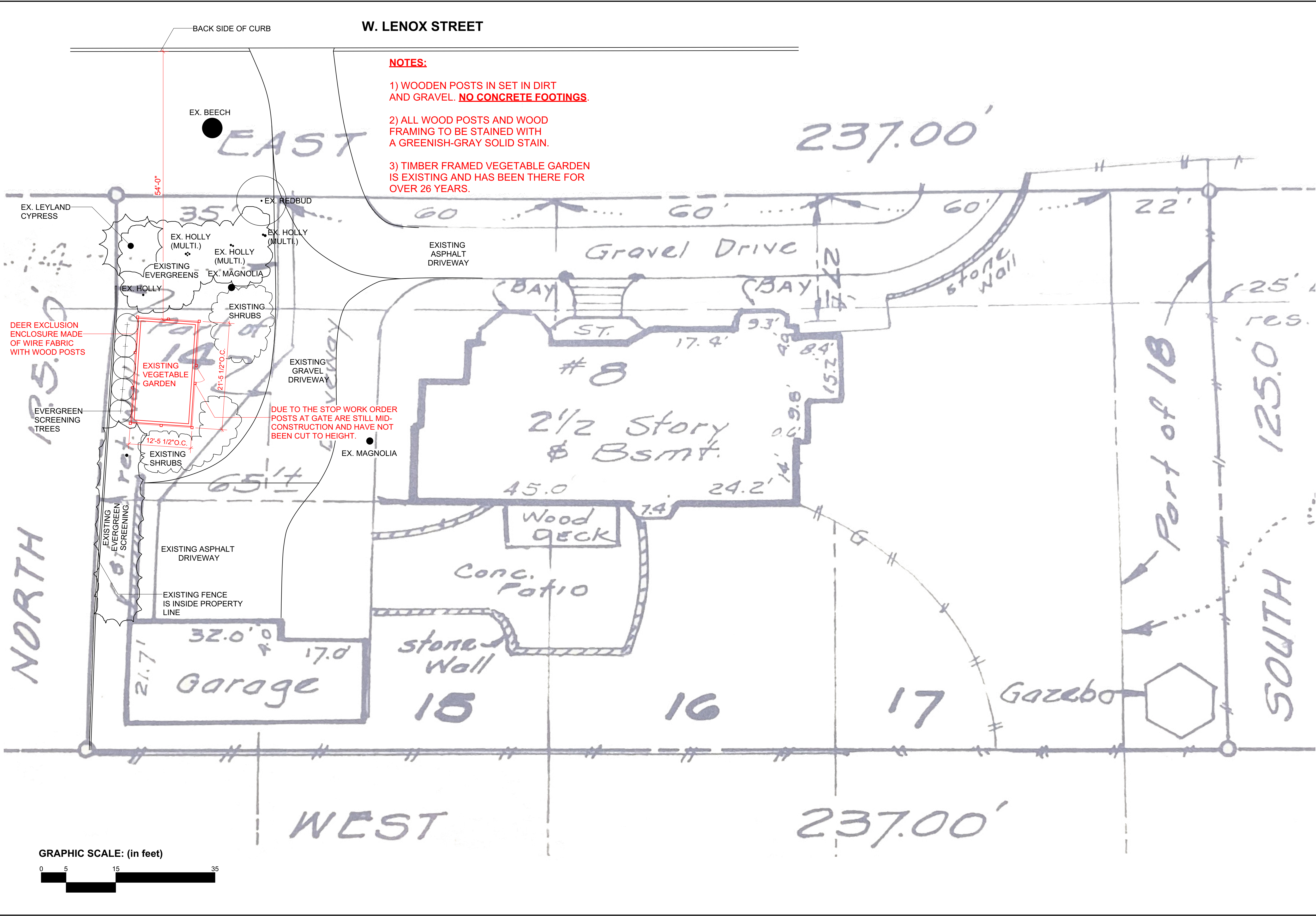
W. LENOX STREET


GRAPHIC SCALE: (in feet)



TREE SURVEY PLAN - 8 WEST LENOX STREET

SCALE: 1" = 10'-0"



	DCA Landscape Architects, Inc. 1315 Wisconsin Avenue, NW Washington, D.C. 20007 202/337-1160 (tel.) 202/337-4630 (fax)	
	<small>THE ABOVE DRAWINGS AND SPECIFICATIONS AND THE IDEAS, DESIGNS, AND CONCEPTS INCORPORATED THEREIN ARE THE PROPERTY OF DCA LANDSCAPE ARCHITECTS, INC. AND SHALL REMAIN THE PROPERTY OF DCA LANDSCAPE ARCHITECTS, INC. IF ANY PART OF THE DRAWINGS OR SPECIFICATIONS ARE REPRODUCED OR USED IN ANY MANNER WITHOUT THE WRITTEN CONSENT OF DCA LANDSCAPE ARCHITECTS, INC. THE CLIENT AGREES TO HOLD DCA LANDSCAPE ARCHITECTS, INC. HARMLESS FROM AND AGAINST ALL CLAIMS, DAMAGES, LOSSES, AND EXPENSES, INCLUDING REASONABLE ATTORNEY'S FEES, THAT MAY BE ASSERTED AGAINST OR INCURRED BY DCA LANDSCAPE ARCHITECTS, INC. OR ITS EMPLOYEES, AGENTS, OR SUBCONTRACTORS, IN CONNECTION WITH THE PERFORMANCE OF THE SERVICES PROVIDED BY DCA LANDSCAPE ARCHITECTS, INC. TO THE CLIENT. THE CLIENT'S USE OF THE DRAWINGS AND SPECIFICATIONS SHALL BE LIMITED TO THE PROJECT AND SITE SPECIFICALLY IDENTIFIED IN THE TITLE BLOCK OF THESE DRAWINGS. ANY OTHER USE OF THE DRAWINGS AND SPECIFICATIONS WITHOUT THE WRITTEN CONSENT OF DCA LANDSCAPE ARCHITECTS, INC. SHALL BE AT THE CLIENT'S SOLE RISK AND WITHOUT LIABILITY TO DCA LANDSCAPE ARCHITECTS, INC. THE CLIENT'S USE OF THE DRAWINGS AND SPECIFICATIONS SHALL BE LIMITED TO THE PROJECT AND SITE SPECIFICALLY IDENTIFIED IN THE TITLE BLOCK OF THESE DRAWINGS. ANY OTHER USE OF THE DRAWINGS AND SPECIFICATIONS WITHOUT THE WRITTEN CONSENT OF DCA LANDSCAPE ARCHITECTS, INC. SHALL BE AT THE CLIENT'S SOLE RISK AND WITHOUT LIABILITY TO DCA LANDSCAPE ARCHITECTS, INC.</small>	
FOX RESIDENCE 8 W. Lennox St. Chevy Chase, MD		
SCALE: 1/8" = 1'-0" DATE: June 2020 REVISED: DRAWN BY:		
SITE PLAN: DEER EXCLUSION		

EXISTING PROPERTY CONDITION PHOTOGRAPHS: PROPOSED DEER EXCLUSION AROUND EXISTING VEGETABLE GARDEN IS MOSTLY BUILT AND WORK HAS STOPPED DUE TO A 'STOP WORK ORDER' FOR THIS SUBMISSION.



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

EXISTING PROPERTY CONDITION PHOTOGRAPHS: PROPOSED DEER EXCLUSION AROUND EXISTING VEGETABLE GARDEN IS MOSTLY BUILT AND WORK HAS STOPPED DUE TO A 'STOP WORK ORDER' FOR THIS SUBMISSION.



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



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

EXISTING PROPERTY CONDITION PHOTOGRAPHS: PROPOSED DEER EXCLUSION AROUND EXISTING VEGETABLE GARDEN IS MOSTLY BUILT AND WORK HAS STOPPED DUE TO A 'STOP WORK ORDER' FOR THIS SUBMISSION.



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

EXISTING PROPERTY CONDITION PHOTOGRAPHS: PROPOSED DEER EXCLUSION AROUND EXISTING VEGETABLE GARDEN IS MOSTLY BUILT AND WORK HAS STOPPED DUE TO A 'STOP WORK ORDER' FOR THIS SUBMISSION.



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



VIEW OF SOUTH SIDE OF EXISTING VEGETABLE DEER EXCLUSION