

MONTGOMERY COUNTY HISTORIC PRESERVATION COMMISSION
STAFF REPORT

Address:	21 Grafton St., Chevy Chase	Meeting Date:	9/9/2020
Resource:	Contributing Resource Chevy Chase Village Historic District	Report Date:	9/2/2020
Applicant:	Duane and Paula Gibson	Public Notice:	8/26/2020
Review:	HAWP	Tax Credit:	No
Case Number:	35/13-20BB	Staff:	Dan Bruechert
PROPOSAL:	Walkway replacement, retaining wall installation (retroactive) and fence installation		

STAFF RECOMMENDATION

Staff recommends the HPC **approve with one condition** the HAWP application:

1. The fence return from the right property boundary to the house needs to be either; relocated rearward to the historic rear wall plane or the design needs to be lowered to no more than 4' (four feet) tall with an open picket design. This revision will preserve the open-park like setting that is a character-defining feature of the Chevy Chase Village Historic District. Final approval authority to determine that this condition has been met is delegated to Staff.

ARCHITECTURAL DESCRIPTION

SIGNIFICANCE: Contributing Resource within the Chevy Chase Historic District
STYLE: Dutch Colonial
DATE: c.1905

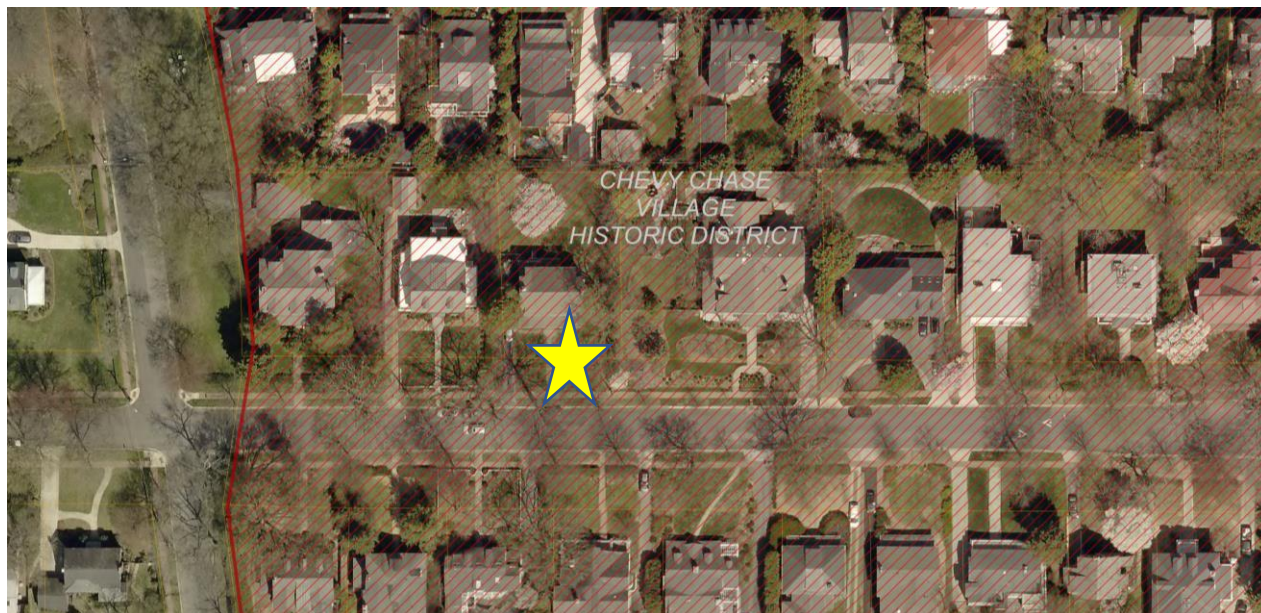


Figure 1: 21 Grafton St. near the edge of the Chevy Chase Village Historic District.

BACKGROUND

On July 10, 2019, the HPC reviewed and approved a HAWP by consent for this building for a rear addition and other alterations to the property.¹

PROPOSAL

The applicant proposes to replace the front walkway, install fencing, and construct two retaining walls. The work proposed for the retaining walls is retroactive as they have already been installed.

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 *Chevy Chase Historic District Design Guidelines (Guidelines)*, and the *Secretary of the Interior's Standards for Rehabilitation (Standards)*. The pertinent information in these documents is outlined below.

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 or 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 ensure 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 following principles are not intended to cover all possible types of exterior alterations, changes, and/or additions. HAWP applications for other types of exterior alterations, changes, and/or additions should be reviewed in a manner that is consistent with two paramount principles identified above – fostering the Village’s shared commitment to evolving eclecticism while maintain its park-like character.

- *Fences* should be subject to moderate scrutiny if they are visible from the public right-of-way, lenient scrutiny if they are not.

¹ The Staff Report and application for the approved July 2020 HAWP can be found here:
<https://montgomeryplanning.org/wp-content/uploads/2019/07/LH-21-Grafton-Street-Chevy-Chase.pdf>.

- Lot coverage should be subject to strict scrutiny, in view of the critical importance of preserving the Village's open park-like setting.
- The *Guidelines* state five basic policies that should be adhered to, including:
 - Preserving the integrity of the 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.
 - Preserving the integrity of contributing structures. Alterations to should be designed in such a way that the altered structure still contributes to the district.
 - Maintaining the variety of architectural styles and the tradition of architectural excellence.
 - 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 a very lenient review. Most changes to the rear of the properties should be approved as a matter of course.

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
- (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

- 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 DISCUSSION

The applicant seeks approval for work in three areas: replacing the front walkway, installing a fence, and constructing two retaining walls.

Front Walkway Replacement

The existing front walkway, which runs from the sidewalk to the house and along the front of the house, is constructed out of bricks set in mortar. The applicant proposes to remove the existing walkway and install a walkway in matching dimensions using flagstones.

Staff finds that the proposed material is appropriate within the Chevy Chase Village Historic District and additionally finds the work will not increase the lot coverage, a stated aim of the *Design Guidelines*. Staff recommends the HPC approve the proposed walkway replacement.

Fence Installation

The existing fence enclosing the rear of the property in the west (left) and north (rear) of the lot is a wood, open picket fence, approximately 4' (four feet). The fence on the east (right), which appears to have been installed on the property at 19 Grafton St. is a wood stockade fence, approximately 6' (six feet) tall. The applicant proposes installing a solid board fence, 6' 6" (six feet, six inches tall). There will be gates for vehicles and pedestrians on the left side of the house and a pedestrian gate to the right of the house. The proposed fence will extend to the front wall plane on the right side of the house. Fences visible from the right-of-way are to be reviewed under "Moderate Scrutiny."

Staff finds that the HPC has consistently determined a wood, solid board fence to be an appropriate design within the Chevy Chase Village Historic District. Generally, the HPC requires that the fences be no taller than 6' (six feet), a height lower than the maximum height allowed by County Code. Staff finds that a tall fence, as proposed to the left and rear of the house is compatible and will not detract from the open, park-like setting of the surrounding district.

On the right (east) property boundary Staff finds that although the proposed fence will be greater than 4' high forward of the rear plane of the historic house, the house has a moderate setback from the street, and the fence is entirely at the side property line. Therefore, Staff finds that the fence will not detract from the open streetscape, and, in accordance with the *Guidelines*, should be reviewed with moderate scrutiny. Applying moderate scrutiny, staff finds the fence along the right property line is compatible with the subject property and surrounding historic district.

However, Staff finds that the proposed return from the right property boundary to the front of the house would block off the side yard and would detract from the open, park-like setting of the district. To ensure that the character of the district is preserved, Staff recommends the HPC condition the HAWP approval on altering the fence in this location. Staff finds that two solutions would bring the fence into compliance with the *Guidelines*. First, the application could relocate the proposed fence return rearward to the historic rear wall plane of the house; or second, the applicant could alter the design of the fence for the return so it is a wood, open picket design, no taller than 4' (four feet). Staff recommends the HPC delegate final approval authority to Staff to determine this condition has been met.



Figure 2: Right side of 21 Grafton St. Note the stockade fence along the property boundary.

Retaining Walls

The applicant seeks approval for two retaining walls that have been constructed on the site. The retaining walls are constructed out of parged concrete and have a 2" (two-inch) thick capstone. One retaining wall is constructed in the northwest corner of the lot behind the newly constructed garage. The second retaining wall is to the east of the house. Both retaining walls were built to address changes in grade on-site and to better manage water runoff. All retroactive work is to be evaluated as if the work had not been undertaken.

Staff finds in both cases the retaining walls will not have a significant visual impact on the historic resource or surrounding district. Because of the change in grade on the site, rising from the street, then sloping down to the rear, the walls will not be visible from the public right-of-way and should be subject to very lenient review per the *Design Guidelines*. Staff recommends the HPC approve the two retaining walls under 24A-8(b)(1) and (d), Standard 2, and the *Design Guidelines*.

STAFF RECOMMENDATION

Staff recommends that the Commission approve the HAWP application with one condition:

1. Any new fencing on the right side of the house between the property line and the house can be no more than 4' (four feet) tall and needs to have an open design. Final approval authority to determine that this condition has been met is delegated to Staff; under the Criteria for Issuance in Chapter 24A-8(b)(1), and (d), having found that the proposal, is consistent with and compatible in character with the purposes of Chapter 24A; The Chevy Chase Village District Design Guidelines;

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 dan.bruechert@montgomeryplanning.org to schedule a follow-up site visit.



FOR STAFF ONLY:

HAWP# 922749

DATE ASSIGNED _____

APPLICATION FOR HISTORIC AREA WORK PERMIT

HISTORIC PRESERVATION COMMISSION
301.563.3400

APPLICANT:Name: Duane + Paula GibsonE-mail: dgibson@livingstongroupdc.comAddress: 21 Grafton StCity: Cherry Chase Zip: 20815Daytime Phone: (301) 693-7145

Tax Account No.: _____

AGENT/CONTACT (if applicable):

Name: _____

E-mail: _____

Address: _____

City: _____ Zip: _____

Daytime Phone: _____

Contractor Registration No.: _____

LOCATION OF BUILDING/PREMISE: MIHP # of Historic Property _____Is the Property Located within an Historic District? ☒ Yes/District Name CCV Historic Area
_____ No/Individual Site Name _____Is there an Historic Preservation/Land Trust/Environmental Easement on the Property? If YES, include a map of the easement, and documentation from the Easement Holder supporting this application. NO

Are other Planning and/or Hearing Examiner Approvals /Reviews Required as part of this Application? (Conditional Use, Variance, Record Plat, etc.?) If YES, include information on these reviews as supplemental information.

Building Number: _____ Street: _____

Town/City: _____ Nearest Cross Street: _____

Lot: _____ Block: _____ Subdivision: _____ Parcel: _____

TYPE OF WORK PROPOSED: See the checklist on Page 4 to verify that all supporting items for proposed work are submitted with this application. Incomplete Applications will not be accepted for review. Check all that apply:

- ☐ New Construction
☐ Addition
☐ Demolition
☐ Grading/Excavation

- ☐ Deck/Porch
☒ Fence
☒ Hardscape/Landscape
☐ Roof

- ☐ Shed/Garage/Accessory Structure
☐ Solar
☐ Tree removal/planting
☐ Window/Door
☐ Other: _____

I hereby certify that I have the authority to make the foregoing application, that the application is correct and accurate and that the construction will comply with plans reviewed and approved by all necessary agencies and hereby acknowledge and accept this to be a condition for the issuance of this permit.

Signature of owner or authorized agent

Date

7

Description of Property: Please describe the building and surrounding environment. Include information on significant structures, landscape features, or other significant features of the property:

1905 Dutch Colonial with HPC approved addition. Permit is for landscape and hardscape features, including fence.

Description of Work Proposed: Please give an overview of the work to be undertaken:

Landscape walls and steps associated with approved HCP permit for renovation/addition: (1) Fence around back yard with gates for pedestrians and car gate at driveway; (2) landscaping walls (3) Front and side sidewalk replacement with steps near public sidewalk. All per sketches.

Work Item 1: Fence

Description of Current Condition:

Fence around rear but some removed for construction, Deteriorating and broken fence.

Proposed Work:

New fence per photo and drawing including rear, sides and front facing behind current ~~front~~ structure. In rear 6.5 ft (to prevent access to neighbor's pool). With gate for cars in driveway & pedestrian gate on both sides. Built to village code heights and reg. Wood is the material.

Work Item 2: Landscape Walls

Description of Current Condition:

Construction and topography requires walls and stabilization to prevent soil erosion.

Proposed Work:

Walls and grading around garage and on East side with steps and walkway.

Work Item 3: Front & Side Walkway

Description of Current Condition:

~~Old~~ Old brick walkway Sidewalk from front to house. In bad shape. ~~Grade~~ Grade is too steep, ~~steep~~

Proposed Work:

Replace sidewalk using flagstone and 3 steps and small retaining wall to enable grade to flatten. Walkway to continue on side to new back door.

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

Owner's mailing address GIBSON 21 Grafton St. Chevy Chase MD, 20815	Owner's Agent's mailing address
Adjacent and confronting Property Owners mailing addresses	
The Bonnie Residence 19 Grafton Chevy Chase MD 20815	The Forbes Residence 23 Grafton Chevy Chase MD 20815
The Horowitz/Markman Residence 30 Grafton St Chevy Chase MD 20815	Ms Nancy Crisman 40 Grafton St Chevy Chase MD 20815
The Residents at 24 Grafton St. Chevy Chase MD 20815	The Howe/Pearson Residence 26 Grafton St. Chevy Chase MD 20815

The Marcus Residence
 82 Hesketh
 Chevy Chase MD 20815



DEPARTMENT OF PERMITTING SERVICES

Marc Elrich
County Executive

Mitra Pedoeem
Director

HISTORIC AREA WORK PERMIT APPLICATION

Application Date: 8/9/2020

Application No: 922749
AP Type: HISTORIC
Customer No: 1381507

Comments

Sidewalk material will be flagstone and dimensions as indicated on drawing. Steps will be PA Bluestone and rock material will be used for small side supports and wall. Fence will be per pictures and driveway will have a gate with pedestrian gate by house and on opposite side.

Affidavit Acknowledgement

The Homeowner is the Primary applicant
This application does not violate any covenants and deed restrictions

Primary Applicant Information

Address 21 GRAFTON ST
CHEVY CHASE, MD 20815
Homeowner Gibson (Primary)

Historic Area Work Permit Details

Work Type ALTER
Scope of Work Two aspects: 1) Replace and reconstruct front walkway and lower stairs and reinstall side walkway by driveway; (2) install a new fence in rear and sides.



**Municipality Letter for
Proposed Construction Project**

Subject Property: 21 Grafton Street, Chevy Chase MD 20815
Property Owner: Duane and Paula Gibson
Project Manager/Contractor: Churilla Homes/Scott Churilla
Proposed Work: Construct retaining walls, fences, walkways
and stairs

8/10/2020

Mitra Pedoeem, Director
Department of Permitting Services of Montgomery County
255 Rockville Pike, 2nd floor
Rockville, MD 20850

Dear Ms. Pedoeem,

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 ccvpermitting@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.chevychasevillagemd.gov

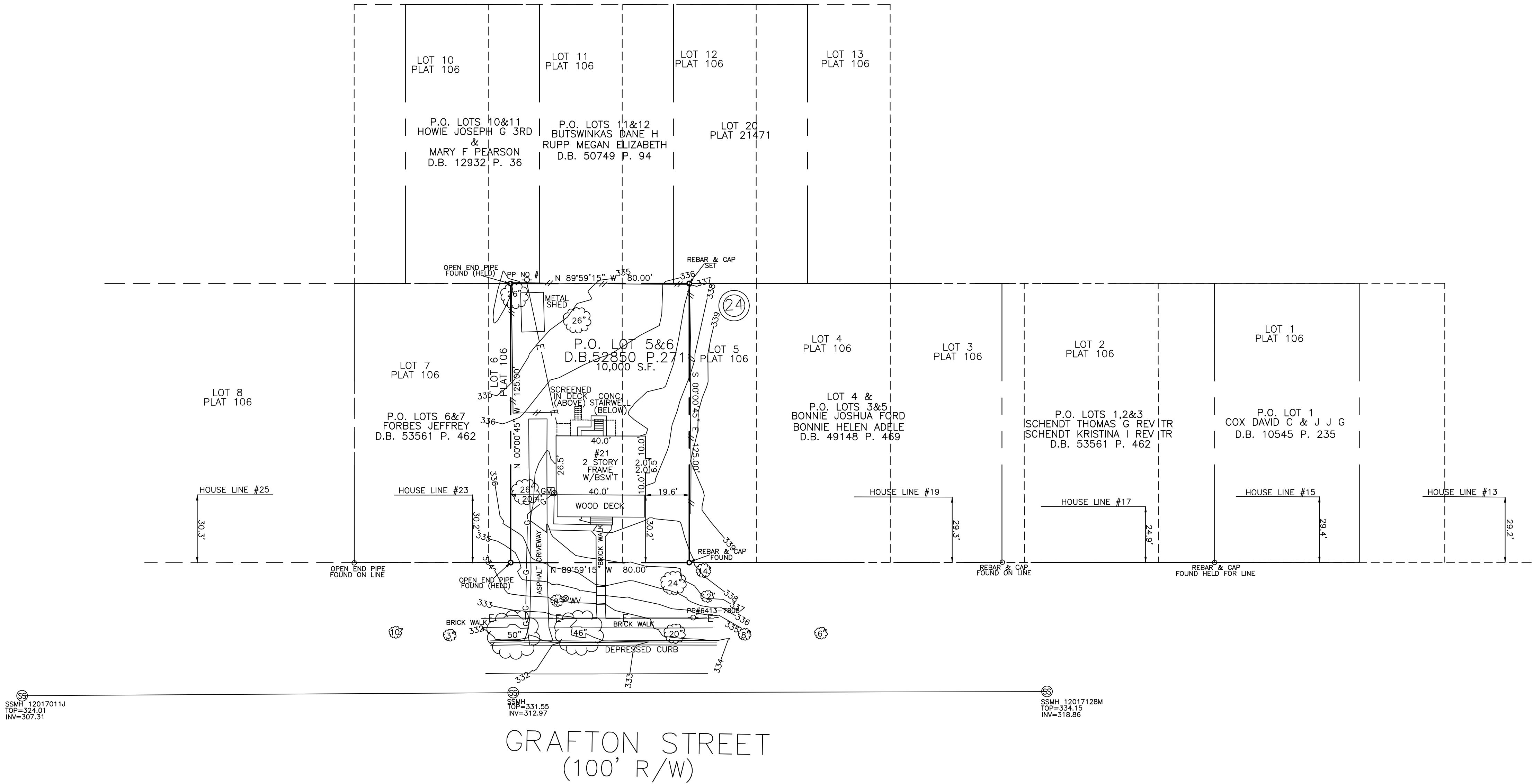
BOARD OF MANAGERS
ELISSA A. LEONARD
Chair
ROBERT C. GOODWIN, JR.
Vice Chair
DAVID L. WINSTEAD
Secretary
RICHARD M. RUDA
Assistant Secretary

GARY CROCKETT
Treasurer
NANCY E. WATTERS
Assistant Treasurer
LINDA J. WILLARD
Board Member

VILLAGE MANAGER
SHANA R. DAVIS-COOK
LEGAL COUNSEL
SUELLEN M. FERGUSON

SYMBOL LEGEND
○ UTILITY POLE
⊗ WM WATER METER
○ TREE
⊕ SEWER MANHOLE
—SS— SEWER LINE
—E— OVERHEAD WIRES
⊗ GM GAS METER
△ WOOD FENCE
—X— CHAIN LINK FENCE
⊕ STEEL PEG
—W— WATER LINE

PLAT 106



HOUSE ELEVATION DETAILS
PEAK ROOF=372.65
FIRST FLOOR=342.23
BASEMENT FLOOR=333.15

ELEVATIONS SHOWN WERE
ESTABLISHED FROM WSSC ASBUILT RECORDS
SANITARY SEWER MANHOLE 12017011J
INVERT ELEVATION=307.30

NOTE:

1. TITLE REPORT NOT FURNISHED.
2. UNDERGROUND UTILITIES ARE APPROXIMATE AND BASED FROM VISUAL OBSERVATION AND OR AVAILABLE RECORDS. CONTRACTOR SHOULD VERIFY LOCATION BEFORE CONSTRUCTION.

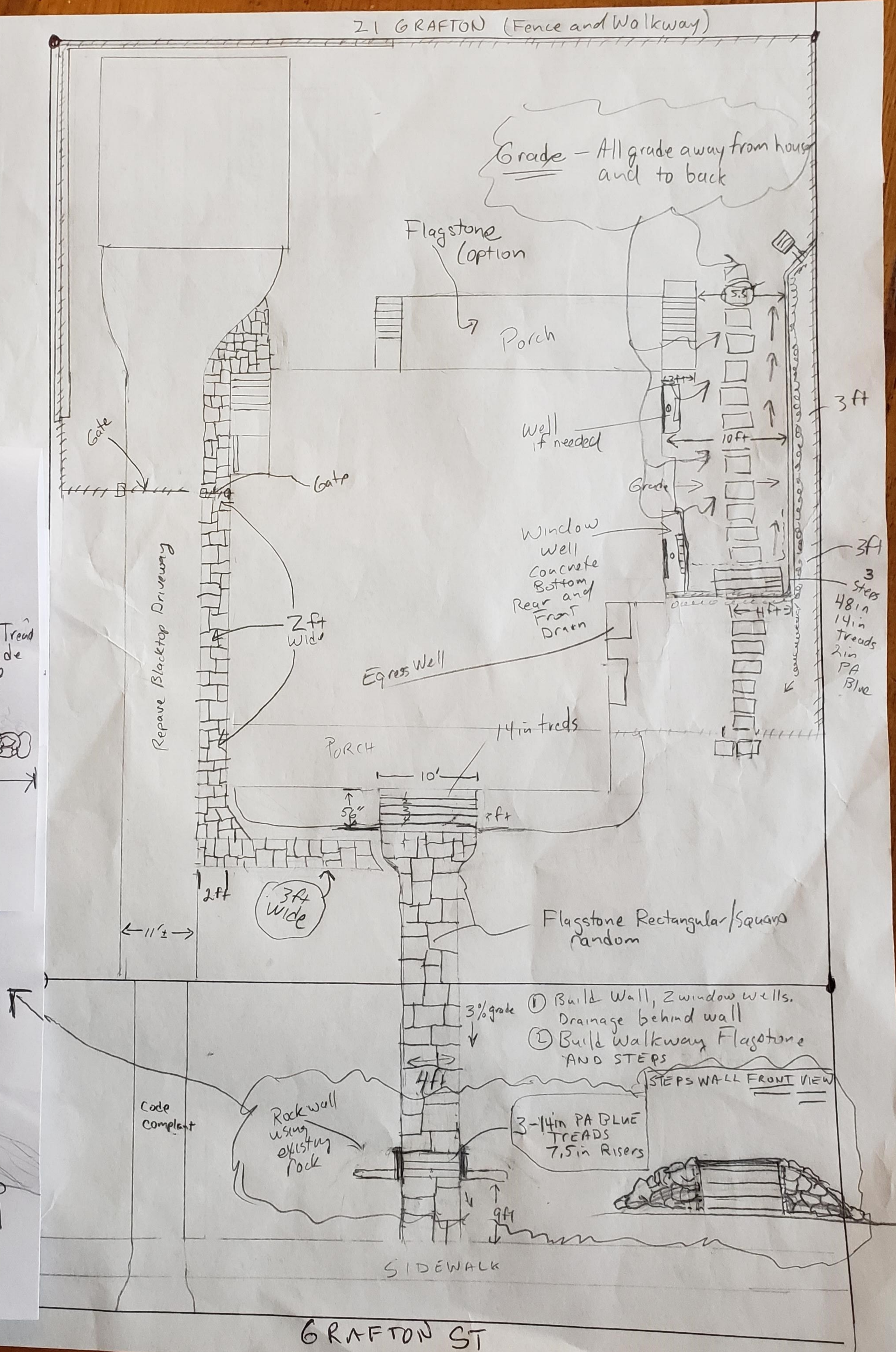
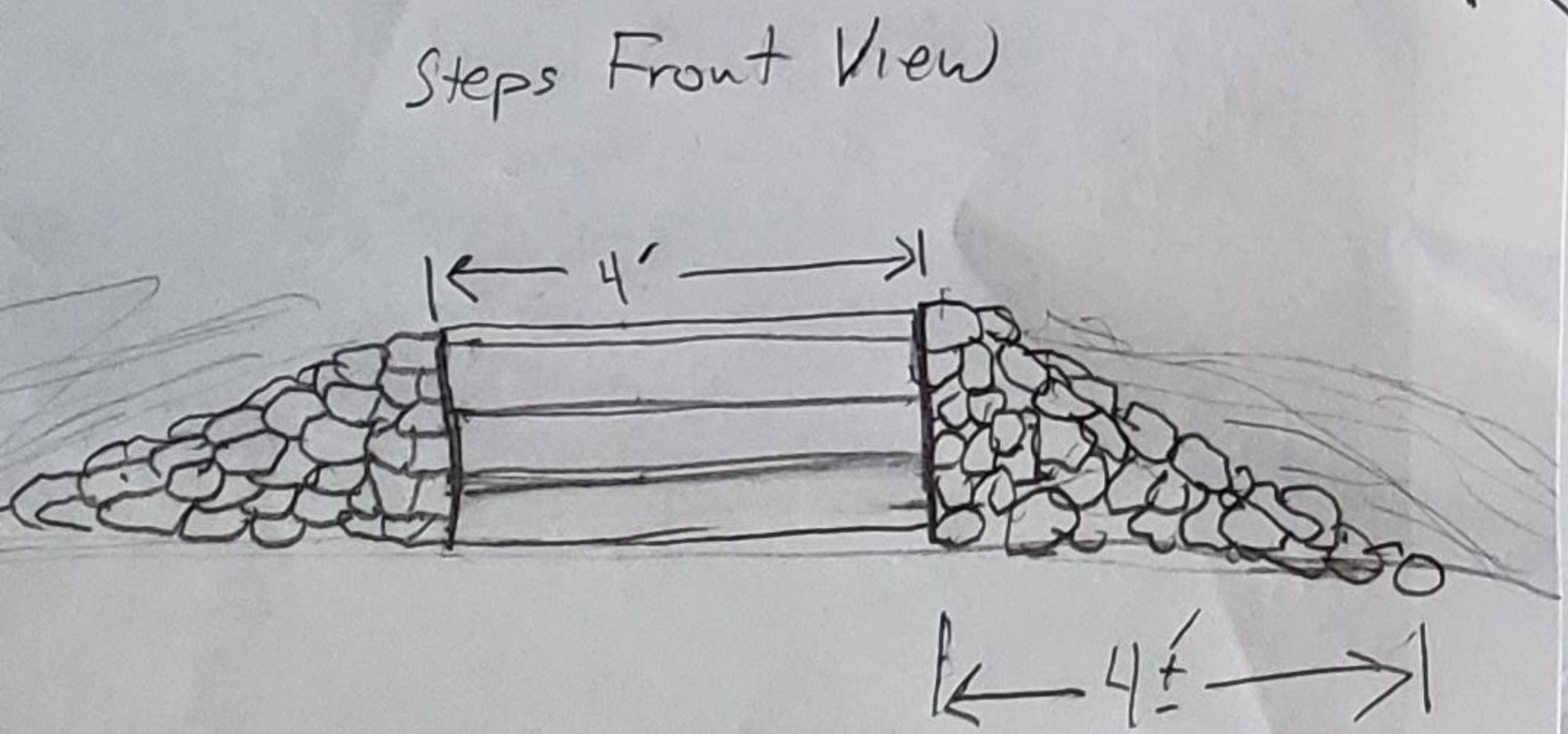
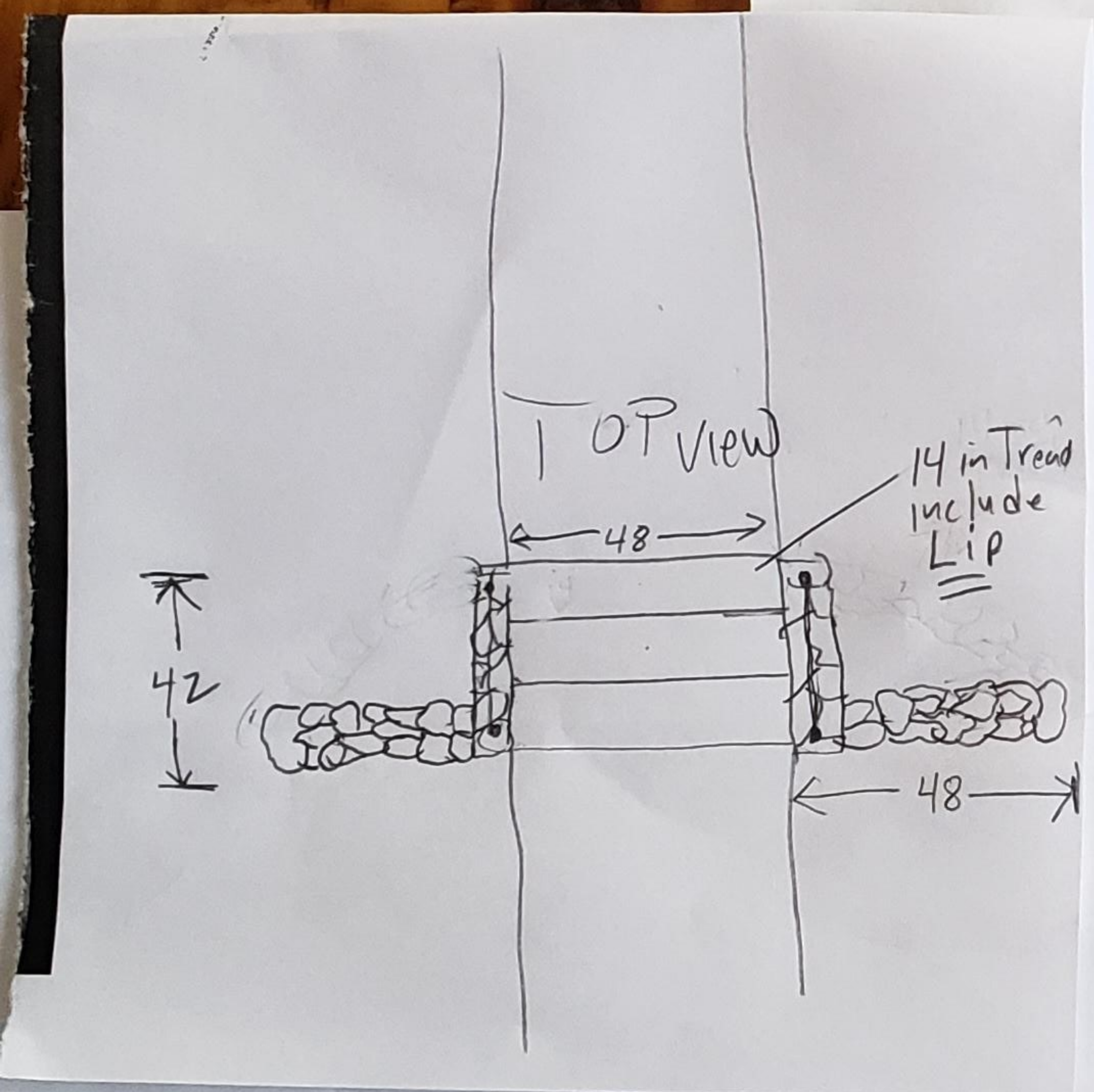
SURVEYOR'S CERTIFICATION

THE LICENSEE BELOW WAS IN RESPONSIBLE CHARGE OF THE PREPARATION OF THIS BOUNDARY SURVEY DRAWING AND THE SURVEY WORK REFLECTED IN IT, ALL IN COMPLIANCE WITH THE REQUIREMENTS SET FORTH IN COMAR TITLE 09, SUBTITLE 13, CHAPTER 06 REGULATION. 12 OF THE MINIMUM PRACTICE FOR LAND SURVEYORS.

DATE: MITCHELL E. GOODE, PROPERTY LINE SURVEYOR
MARYLAND REG. NO. 444 EXPIRES 12-10-20

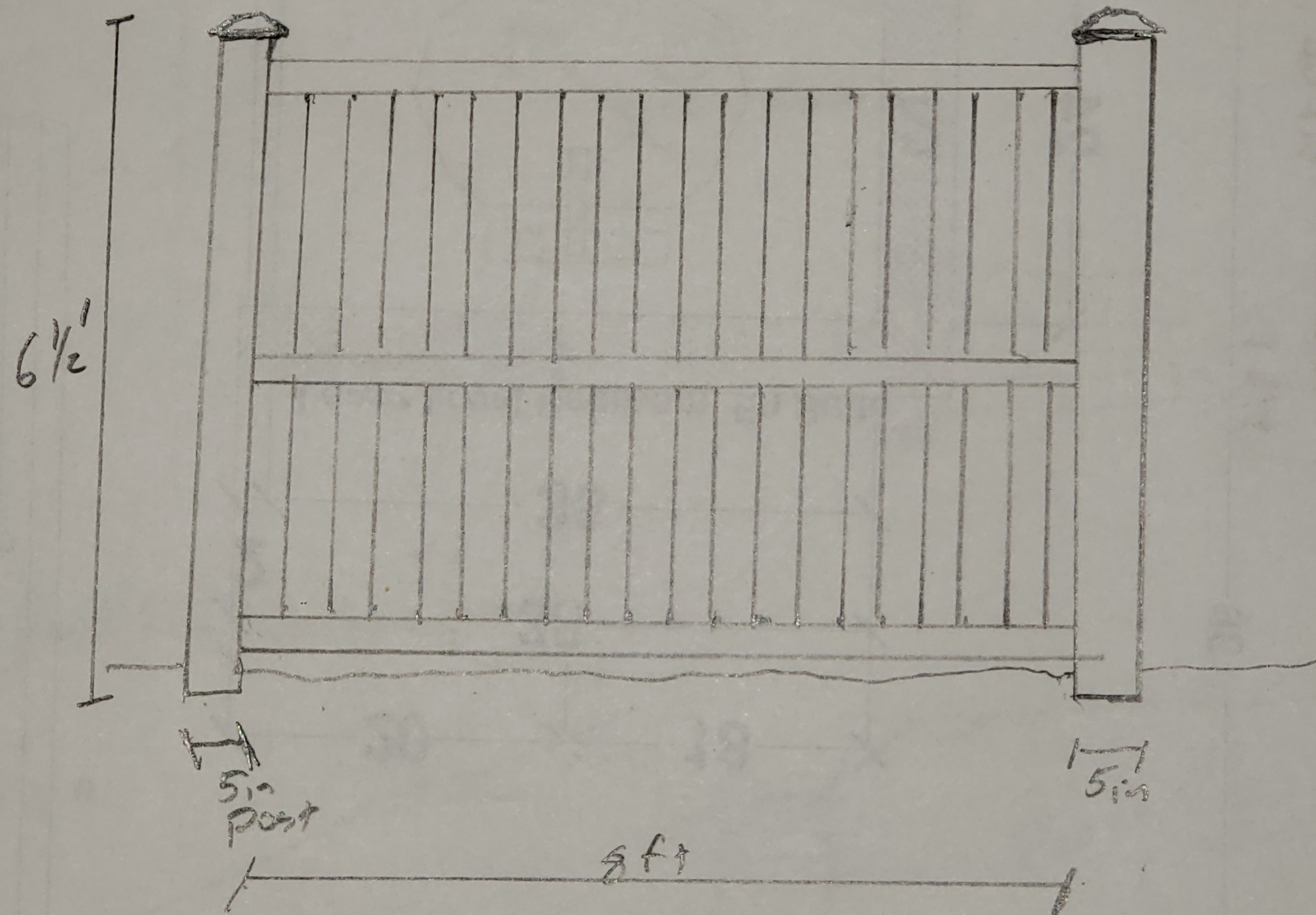
BOUNDARY & TOPOGRAPHIC SURVEY DRAWING
PART OF LOTS 5&6, BLOCK 25
AS SHOWN ON A PLAT ENTITLED
SECTION NO. 2
CHEVY CHASE
MARYLAND
PLAT 106
AND DESCRIBED IN
DEED BOOK 52850 PAGE 271
MONTGOMERY COUNTY MARYLAND
MARCH, 2019 SCALE: 1"=30'

GOODE SURVEYS, LLC
LAND SURVEYORS
P.O. BOX 599
DAMASCUS, MARYLAND 20872
PHONE: (301) 368-3700
FAX: (301) 368-3703
JOB NO. 828



Z1 Grafton

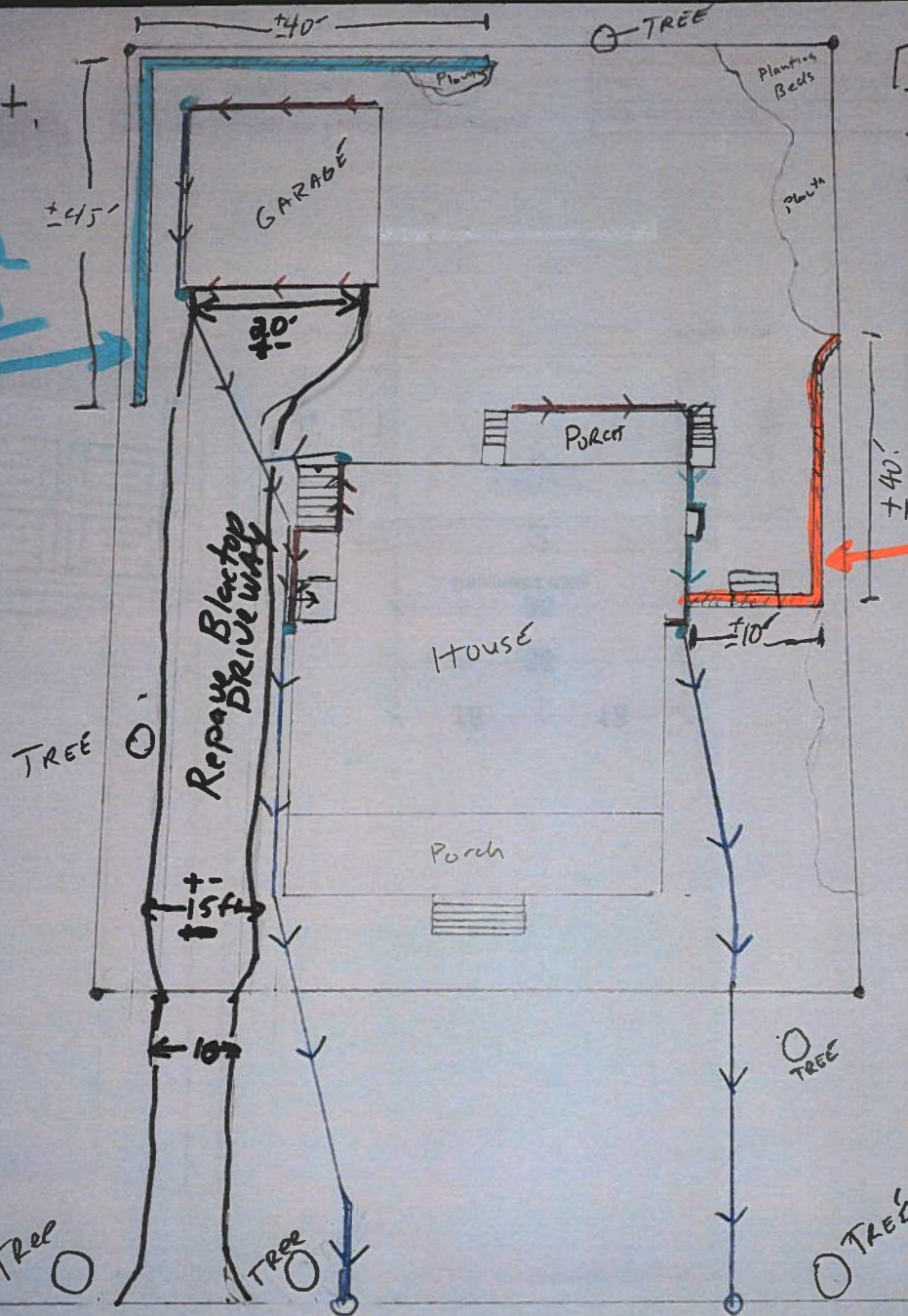
Fence Section





21 GRAFTON ST.

WALL #2



NEW
GUTTER DRAINAGE

— Gutter (NEW)
— Downspout
— Pipe

WALL #1

GRAFTON ST



Wall # 1



Wall #2

Rear View of
garage



Wall #2
Side view