

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

<b>Address:</b>	6403 Connecticut Avenue, Chevy Chase	<b>Meeting Date:</b>	10/14/2020
<b>Resource:</b>	Contributing Resource (Chevy Chase Village Historic District)	<b>Report Date:</b>	10/7/2020
		<b>Public Notice:</b>	9/30/2020
<b>Applicant:</b>	Jessica Killin	<b>Tax Credit:</b>	N/A
<b>Review:</b>	HAWP	<b>Staff:</b>	Michael Kyne
<b>Case Number:</b>	35/13-20CC		
<b>PROPOSAL:</b>	Driveway alteration		

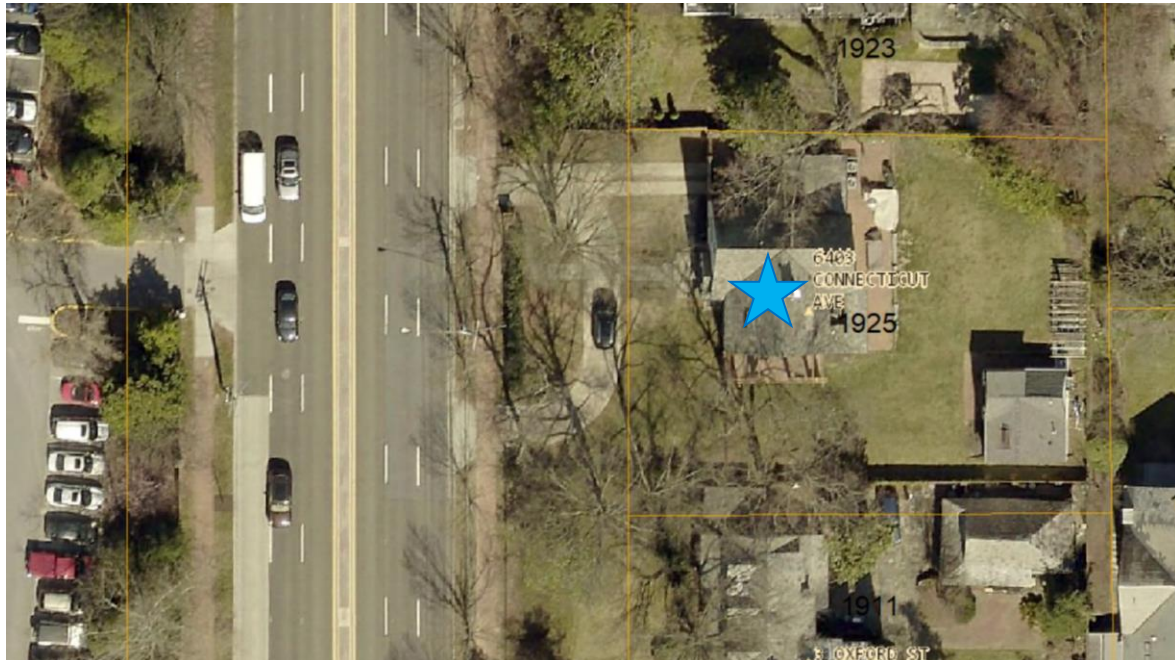
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**STAFF RECOMMENDATION:**

Staff recommends that the HPC **approve** the HAWP application.

**ARCHITECTURAL DESCRIPTION:**

**SIGNIFICANCE:** Contributing Resource within the Chevy Chase Village Historic District  
**STYLE:** Tudor Revival  
**DATE:** 1925



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

**PROPOSAL:**

The applicant proposes to construct a parking pad/driveway ribbons at the south (right, as viewed from the public right-of-way of Connecticut Avenue) side of the existing semicircular driveway.

**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:

**Driveways** should be subject to strict scrutiny only with regard to their impact on landscaping, particularly mature trees. In all other respects, driveways should be subject to lenient scrutiny. Parking pads and other paving in front yards should be discouraged.

### ***Secretary of the Interior’s Standards for Rehabilitation***

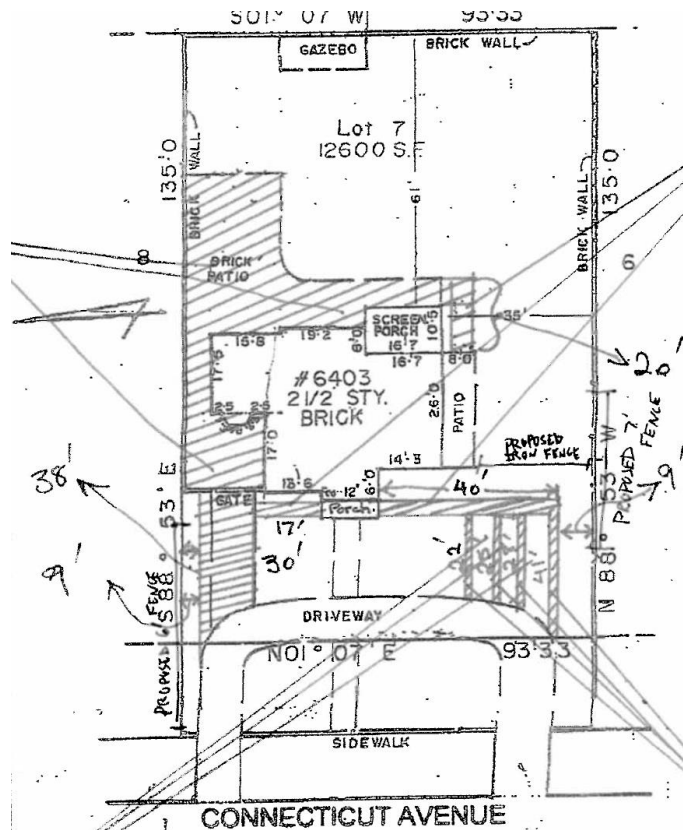
The Secretary of the Interior defines rehabilitation as “the act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features, which convey its historical, cultural, or architectural values.” The *Standards* are as 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.
10. New additions and adjacent or related new construction shall 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 applicant proposes to construct a parking pad/driveway ribbons at the south (right, as viewed from the public right-of-way of Connecticut Avenue) side of the existing semicircular driveway at the front (west side) of the property. The proposed parking pad/driveway ribbons will match those at the north (left) side of the driveway in design and material (concrete with exposed pebble stone).

Staff notes that the Commission previously reviewed a proposal for a parking pad and driveway ribbon installation at the subject property at the March 23, 2016 HPC meeting (see attached meeting transcript). At that time, the previous owner proposed to install a solid parking pad at the north (left) side of the existing semicircular driveway and a total of four driveway ribbons at the south (right) side of the driveway (see Fig. 2 below). The parking pad at the north (left) side of the driveway was being proposed to provide both parking and catering van access, and the four driveway ribbons at the south (right) side of the driveway were being proposed to provide parking for two additional vehicles.



**Fig. 2: March 23, 2016 proposal.**

Staff recommended that the proposed parking pad and driveway ribbons not be approved. However, the Commission approved the proposal with the condition that the parking pad at the north (left) side of the driveway be driveway ribbons, and the driveway ribbons at the south (right) side of the driveway were not approved. Staff's recommendation and the Commission's decision were largely based upon the *Guidelines*, which state "[p]arking pads and other paving in front yards should be discouraged."

The Commissioners were generally consistent in stating that a ribbon driveway extension on the south (right) side of the existing driveway that provides access to a garage and/or a larger parking area at the rear of the property would be appropriate, as it would be in keeping with the typical driveway location/design in the Chevy Chase Village Historic District. This statement was partly due to the spacing at the south (right) side of the property. The applicant was given an opportunity to continue the case to next HPC meeting and make revisions, but he declined.

Staff recommends that the Commission consider the current proposal, given their comments regarding a traditional driveway at the south (right) side of the property, and the reduction in scope of the proposed driveway ribbons at the south (right) side of the existing driveway (going from four ribbons to a more traditional two ribbons).

Regarding its actual impact to the subject property and surrounding streetscape, staff finds the following:

- The amount of proposed new hardscaping is minimal, as opposed to a full driveway extension to the rear of the property.
- The proposed ribbons will match those previously approved at the north (left) side of the existing semicircular driveway, providing greater symmetry.
- The proposed driveway ribbons could be extended in the future, incorporating the Commission's previous suggestion to provide parking at the rear of the property via a driveway extension at the south (right) side of the property.
- As noted by the Commission at the March 23, 2016 HPC meeting, the greatest impact to the surrounding streetscape will be parked vehicles at the front of the subject property, which could detract from the Village's park-like setting. However, staff notes that, even without the proposed driveway ribbons/parking pad, vehicles will park at the front of the property on the existing driveway. Also, this impact is temporary and entirely dependent upon vehicles being present.

Given these considerations, staff finds that the proposal will not remove or alter character defining features of the subject property, in accordance with *Standards #2* and *#9*. Furthermore, in accordance with *Standard #10*, the alterations can be removed in the future without impairing the essential form and integrity of the historic property and its environment.

After full and fair consideration of the applicant's submission staff finds the proposal, as revised, as being 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, and #10*, and *Chevy Chase Village Historic District Guidelines* outlined above.

#### **STAFF RECOMMENDATION:**

Staff recommends that the Commission **approve** the HAWP application only for alterations to the main house under the Criteria for Issuance in Chapter 24A-8(b)(1), (2), and (d), 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.



FOR STAFF ONLY:  
HAWP# 923971  
DATE ASSIGNED

# APPLICATION FOR HISTORIC AREA WORK PERMIT

HISTORIC PRESERVATION COMMISSION  
301.563.3400

## APPLICANT:

Name: Jessica W Killin  
Address: 6403. Connecticut Avenue  
Daytime Phone: 202-270-3279

E-mail: jwillowh@gmail.com  
City: Chevy Chase Zip: 20815  
Tax Account No.: N/A

## AGENT/CONTACT (if applicable):

Name:  
Address:  
Daytime Phone:

E-mail:  
City: Zip:  
Contractor Registration No.: 6403 Connecticut Avenue

LOCATION OF BUILDING/PREMISE: MIHP # of Historic Property  
Chevy Chase

Is the Property Located within an Historic District? Yes/District Name  
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.

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: 7 57 Nearest Cross Street: CC 106  
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:

- |   |  |  |
|---|--|--|
| <input type="checkbox"/> New Construction   | <input type="checkbox"/> Deck/Porch          | <input type="checkbox"/> Shed/Garage/Accessory Structure |
| <input type="checkbox"/> Addition           | <input type="checkbox"/> Fence               | <input type="checkbox"/> Solar                           |
| <input type="checkbox"/> Demolition         | <input type="checkbox"/> Hardscape/Landscape | <input type="checkbox"/> Tree removal/planting           |
| <input type="checkbox"/> Grading/Excavation | <input type="checkbox"/> Roof                | <input type="checkbox"/> Window/Door                     |
|   |  | <input checked="" type="checkbox"/> Other: Driveway      |

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:

6403 Connecticut Avenue is a residential home located on Connecticut Avenue between Oxford and Primrose Streets. It currently has a half circle driveway and one stone straight driveway on the left side of the house.

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

For safety reasons-- we are applying to have a straight driveway on the right side of the house-- exactly the same as the driveway on the left side of the house. I have attached photos and the plat with the proposed driveway drawn in. We will use the same materials--so it will blend with the current driveway.



Work Item 1: <u>Driveway</u>	
Description of Current Condition: There is currently a half circle drive with a straight driveway on the left hand side of the house.	Proposed Work: We want to add a straight driveway on the right hand side of the house....exactly the same as the driveway on the left. Exact same materials will be used-- pebble and rock mixture with concrete. There are no trees impacted.

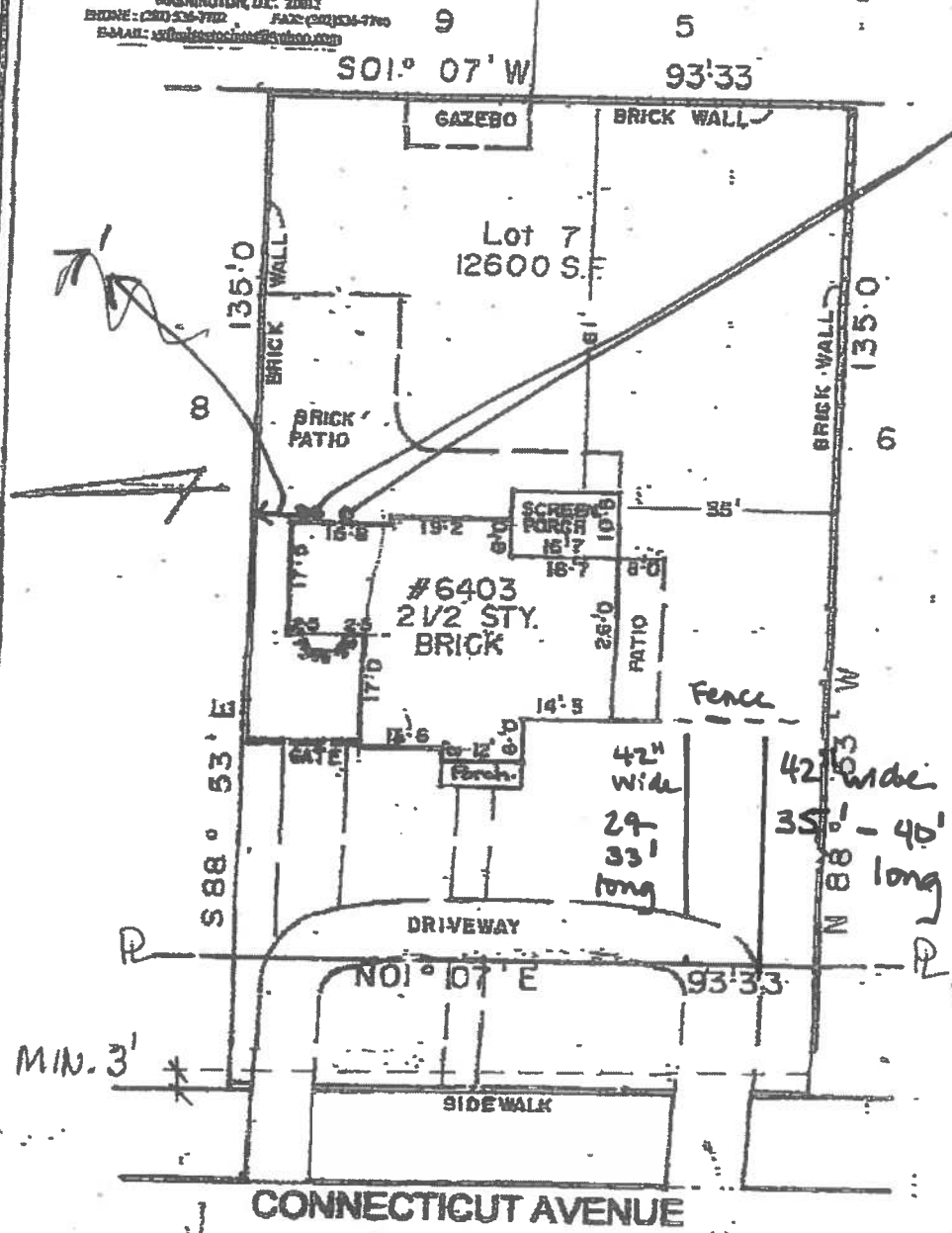
Work Item 2: _____	
Description of Current Condition:	Proposed Work:

Work Item 3: _____	
Description of Current Condition:	Proposed Work:

# **HISTORIC AREA WORK PERMIT CHECKLIST OF APPLICATION REQUIREMENTS**

	Required Attachments						
Proposed Work	I. Written Description	2. Site Plan	3. Plans/ Elevations	4. Material Specifications	5. Photographs	6. Tree Survey	7. Property Owner Addresses
New Construction	*	*	*	*	*	*	*
Additions/ Alterations	*	*	*	*	*	*	*
Demolition	*	*	*		*		*
Deck/Porch	*	*	*	*	*	*	*
Fence/Wall	*	*	*	*	*	*	*
Driveway/ Parking Area	*	*		*	*	*	*
Grading/Exc avation/Land scaing	*	*		*	*	*	*
Tree Removal	*	*		*	*	*	*
Siding/ Roof Changes	*	*	*	*	*		*
Window/ Door Changes	*	*	*	*	*		*
Masonry Repair/ Repoint	*	*	*	*	*		*
Signs	*	*	*	*	*		*

**VYFHUIS & ASSOCIATES**  
**LAND SURVEYORS - ENGINEERS -**  
**PLANNERS**  
 6515 BLAIR ROAD, N.W.  
 WASHINGTON, D.C. 20017  
 PHONE: (202) 536-7700 FAX: (202) 536-7700  
 E-MAIL: [info@vyfhuis.com](mailto:info@vyfhuis.com)



*A/C  
 CONDENSED  
 LOCATION*

In accordance with Montgomery County  
 Zoning Ordinance, all above ground generators,  
 condensing units, and fuel tanks must comply  
 with the following minimum setbacks:



*Proposed  
 Driveway*

**HOUSE LOCATION SURVEY**

**6403 Connecticut Avenue**

**LOT 7 BLOCK 57**

**SECTION No 2**

**CHEVY CHASE**

**Plat NO 106**

**MONTGOMERY COUNTY**

**MARYLAND**

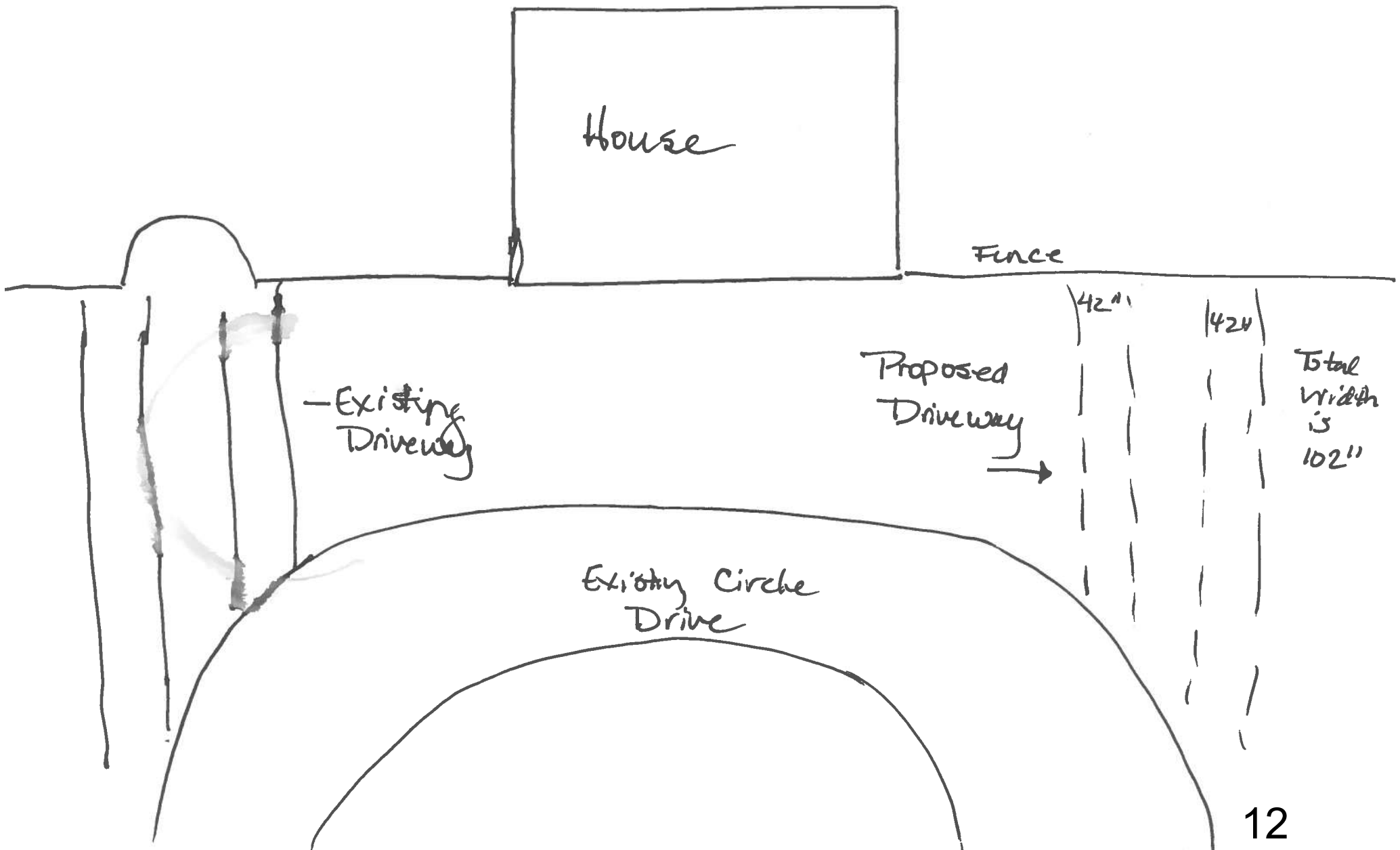
**SCALE 1"=20' DATE 10/12/15**



**CERTIFICATION:** I hereby certify that  
 the plan shown herein is correct, and the  
 buildings have been located by actual  
 measurements. This is not a property  
 line survey.

*Compton G. Vyfhuis, PLS 182*  
**COMPTON G. VYFHUIS, PLS 182**

# 6403 Connecticut - NOT TO SCALE



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THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

- - - - - X  
:  
HISTORIC AREA WORK PERMIT - : HPC Case No. 35/13-16J  
6403 Connecticut Avenue :  
:  
- - - - - X

A meeting in the above-entitled matter was held on  
March 23, 2016, commencing at 7:33 p.m., in the MRO  
Auditorium at 8787 Georgia Avenue, Silver Spring, Maryland  
20910, before:

COMMITTEE MEMBERS

Bill Kirwan, Chair  
Sandra Heiler  
Paul Treseder  
Marsha Barnes  
Brian Carroll  
Kathleen Legg  
Richard Arkin

**Deposition Services, Inc.**

12321 Middlebrook Road, Suite 210  
Germantown, MD 20874

Tel: (301) 881-3344 Fax: (301) 881-3338

info@DepositionServices.com www.DepositionServices.com

ALSO PRESENT:

Scott Whipple

Michael Kyne

APPEARANCES

<u>STATEMENT OF:</u>	<u>PAGE</u>
Stephen Vanze	6
Mo Pishvaeian	27
Richard Williams	65

TABLE OF CONTENTS

	<u>PAGE</u>
I. <u>HISTORIC AREA WORK PERMITS</u>	
Case A	14
Case B	14
Case C	14
Case D	14
Case E	14
Case G	14
Case H	14
Case F	16
II. <u>PRELIMINARY CONSULTATIONS</u>	
Case A	4
Case C	62
III. <u>MINUTES</u>	
A. October 7, 2015	81
B. February 10, 2016	82
IV. <u>OTHER BUSINESS</u>	
A. Commission Items	82
B. Staff Items	82

1 MS. HEILER: Mr. Chairman, hearing none, I move  
2 that we approve the following historic area work permits in  
3 accordance with the Staff Reports, based upon the record  
4 before us, and in consideration of the recommendations of  
5 the Local Advisory Panel, including the conditions  
6 recommended by Staff, except where I'll specify.

7 Case No. 35/13-16I at 7 Oxford Street, Chevy  
8 Chase; Case No. 28/17-16A at 812 Lindsey Manor Lane in  
9 Silver Spring, striking Condition No. 2; Case No. 36/8-16A  
10 at 715 Pershing Drive, Silver Spring; Case No. 31/07-16B at  
11 10245 Capitol View Avenue, Silver Spring; Case No. 23/65-16A  
12 at 2 High Street in Brookeville; Case No. 35/165-16A at 7825  
13 Overhill Drive -- excuse me -- Road, Bethesda; and Case No.  
14 31/07-16C at 10007 Menlo Avenue, Silver Spring.

15 MR. KIRWAN: Second?

16 MR. TRESEDER: I will second that, Mr. Chairman.

17 MR. KIRWAN: Any discussion? If not, then all  
18 those in favor, please raise your right hand.

19 VOTE.

20 MR. KIRWAN: Those historic area work permits have  
21 been passed unanimously by the Commission this evening. We  
22 want to thank the applicants who made those easily  
23 approvable for the Commission tonight. And, for next steps,  
24 contact Staff during regular business hours starting  
25 tomorrow. We're going to hear the first case tonight, Case

1 I.F at 6403 Connecticut Avenue in Chevy Chase. Do we have a  
2 Staff Report?

3 MR. KYNE: Yes, we do have a Staff Report. Again,  
4 this is a property at 6403 Connecticut Avenue, Chevy Chase,  
5 a Contributing Resource to revival style, circa 1916 to  
6 1927. The proposed work items ~~is~~ replace an existing brick  
7 and stone -- or replace the existing brick and stone  
8 walkways at the front of the subject property, and the brick  
9 patio at the left side and rear of the subject property,  
10 with a pebble stone patio and walkways. Repair the existing  
11 right side porch and pergola. Add pebble stone driveway  
12 ribbons at the right front of the subject property. Add  
13 pebble stone parking pad at the left front of the subject  
14 property.

15 Replace an existing six-foot-tall solid wooden  
16 fence at the left ~~/-slash-~~ front of the subject property.  
17 Install a seven-foot-tall solid wooden fence at the right  
18 side of the subject property. Install a 44-inch-high iron  
19 picket fence at the right ~~-slash/-~~ front of the property with  
20 a return from the right side of the property line to the  
21 existing side porch and pergola. And, install two gas  
22 lanterns on each side of the front door.

23 The Commission was -- had a positive ~~reception~~  
24 reaction to many of these work items except for the  
25 following four, which we will focus on tonight. Which are



1 the porch and the pergola, the left front wooden fence and  
2 the right side wooden fence, and the driveway ribbons and  
3 parking pad. So, this is the subject property. This is  
4 looking at the left front fence. A little closer look.  
5 Even closer. We can see it's pretty deteriorated. And,  
6 this is the neighboring fence. So, if we go back, we can  
7 see it here in this area. So the proposal is to match that  
8 fence as it turns here on the subject property.

9           This is the right side fence. Again, this fence is  
10 on the neighboring property, and the proposal is to install  
11 a fence like this one -- sorry -- like this one, directly in  
12 front of the neighbor's fence, at the same height of seven  
13 feet. Another view of that fence, and looking from the rear  
14 of the subject property toward the street, with the fence to  
15 the left. This photo shows the right side of the circular  
16 drive, and where the car is currently parked in this  
17 photograph, is where the proposed driveway ribbons will be.  
18 And this is the right side of the circle drive and where the  
19 SUV is, is where the parking pad will be.

20           And, this photograph shows the material of the  
21 ~~circle~~circular drive, and that's what's proposed for both  
22 the ribbons and the parking pad. This shows the porch and  
23 the pergola. This photograph was taken today. We did have  
24 some concerns about the removal of the brickwork, so I  
25 wanted to include some photographs here.

1           So, the applicable guidelines are the Chevy Chase  
2 Village Historic District Guidelines, and the Secretary of  
3 Interior Standards for Rehabilitation. And, Staff  
4 discussion. First, for the driveway ribbons and parking  
5 pad, the applicant proposes to add a double sided driveway,  
6 ribbons at the right front of the property and pebble stone  
7 parking pad at the left front of the property. The proposed  
8 driveway ribbons and parking pad will be constructed from  
9 the same pebble stone material as the circle drive.

10           The Guidelines state that driveways should be  
11 subject to strict scrutiny only with regard to their impact  
12 on landscaping, particularly, mature trees. In all other  
13 respects, driveways should be subject to lenient scrutiny.  
14 However, the Guidelines do state that parking pads and other  
15 paving in front yard should be discouraged.

16           In accordance with the Guidelines, Staff  
17 recommends that the Commission not approve the proposed  
18 driveway ribbons and parking pad at the front of the  
19 property. The applicant has indicated that a parking pad is  
20 necessary for safety purposes, as vehicles parked on the  
21 circle drive are forced to back out onto Connecticut Avenue,  
22 which we all know is a very busy street. And, so perhaps  
23 the Commission can recommend a more appropriate and  
24 compatible solution.

25           Regarding the left front wooden fence, the

1 applicant proposes to install a six-foot-tall solid wooden  
2 fence at the left front of the property. The Guidelines  
3 state that fences should be subject to strict scrutiny if  
4 they detract from the existing open streetscape. Otherwise,  
5 fences should be subject to moderate scrutiny if they are  
6 visible from the public right-of-way, lenient scrutiny if  
7 they are not. So, the proposed six-foot-tall solid wooden  
8 fence will replace an existing ~~six foot tall~~six-foot-tall  
9 stockade fence in the same location. The proposed fence  
10 will match an existing fence at the front of the neighboring  
11 property.

12           The Commission typically requires that fences  
13 forward of the rear plane of the house be a maximum of four  
14 feet tall, while fences are permitted beyond the rear of a  
15 house at a maximum of six foot six. So although a six-foot-  
16 tall solid wooden fence exists in the proposed location and  
17 at the front of the neighboring property, it is likely that  
18 these fences predate designation of the district, and as  
19 they are not consistent with the Guidelines or the  
20 Commission's typical requirements.

21           In the past, the Commission has viewed similar  
22 proposals as an opportunity to bring fences into compliance  
23 with the Guidelines and the Commission's requirements. So,  
24 Staff recommends that the Commission approve the proposed  
25 fence at the left front of the property with the condition

1 that the fence not exceed four feet in height.

2           On to the right side wooden fence. Again, the  
3 applicant proposes to install a ~~seven-foot-tall~~seven-foot-  
4 tall solid wooden fence at the right side of the property.  
5 We just heard the guidelines on fences. The proposed ~~seven~~  
6 ~~foot-tall~~seven-foot-tall solid wooden fence will cover an  
7 existing ~~seven-foot-tall~~seven-foot-tall solid wooden  
8 stockade fence along the neighbor's property line. And  
9 again, the Commission typically requires that fences forward  
10 of the rear plane be a max of four feet tall and they can be  
11 up to six--foot--six behind the rear plane of the house.

12           Although a ~~seven-foot-tall~~seven-foot-tall wooden  
13 stockade fence exists in the proposed location, it is likely  
14 that this fence, again, like the other, predates designation  
15 of the district and Staff suggests that the currently  
16 proposed fence should be in compliance with the Guidelines  
17 and the Commission's typical findings as the neighbor could  
18 remove their fence in the future, presenting an opportunity  
19 to bring both fences into compliance. So, Staff recommends  
20 that the Commission approve the proposed fence at the right  
21 side with the condition that the fence not exceed four feet  
22 in height to the appropriate rear of the historic massing,  
23 with an option to transition to a ~~six-foot-tall~~six-foot-tall  
24 maximum wooden fence beyond the rear plane of the historic  
25 massing.

1           On to the porch and pergola. The applicant  
2 proposes to repair the existing right side porch and  
3 pergola. The repairs includes removal of four brick columns  
4 and two brick knee walls along the right side of the porch.  
5 Replacing the columns with rustic timber columns to match  
6 others that currently exist on the porch, and we saw in the  
7 photo a moment ago that, as of today, they no longer exist,  
8 but we can address that with the applicant in a moment. So,  
9 also, the work includes replacing the existing timber  
10 columns in kind, and replacing the joists of the pergola in  
11 kind.

12           The Guidelines state that porches should be  
13 subject to moderate scrutiny if they are visible from the  
14 public right-of-way, and lenient scrutiny if they are not.  
15 The right side porch pergola is highly visible from the  
16 public right-of-way. Removing the brick columns and two  
17 brick knee walls along the right side of the porch, and  
18 replacing them with rustic timber columns to match others  
19 that currently exist on the porch will result in a  
20 negligible impact to the subject property and surrounding  
21 historic district. And that's Staff opinion. Again, I know  
22 that we have some disagreement about that.

23           So, Staff recommends that the Commission approve  
24 the HAWP with the following four conditions, the proposed  
25 driveway ribbons and parking pad are not approved. The

1 proposed wooden fence at the left front will not exceed four  
2 feet in height. The proposed wooden fence at the right will  
3 not exceed four feet in height with an option to transition  
4 to a six foot ~~six-inch-tall~~six-inch-tall maximum fence  
5 beyond the rear of the historic massing. And additional  
6 details for the proposed ~~44-inch-high~~44-inch-high iron fence  
7 must be submitted, and that's to ensure that it does in fact  
8 match the wrought iron fence on the neighbor's property.

9           If you want me to address the pergola issue  
10 quickly. I contacted the applicant today when I realized  
11 that the timbers had been removed, and he stated that in  
12 moving some equipment and materials through the side door,  
13 as we see here, that some of the timbers which had termite  
14 damage, had been damaged and they were falling, presenting a  
15 hazard, so they took them out. But with that, I would be  
16 happy to answer any questions you might have.

17           MR. KIRWAN: Michael, I have one question. I'm  
18 trying to understand the fence issue a little clearer. The  
19 neighbors to the right and left, that's the rear yard of  
20 those properties, from what I can sort of tell from the map?  
21 That's not their side yard necessarily, right?

22           MR. KYNE: Are we talking about the fence in this  
23 photograph?

24           MR. KIRWAN: Yeah, on both sides. The fences that  
25 are on the property line.

1           MR. KYNE: So, the fence in this photograph, which  
2 is at the right side, that is basically the neighbor's, I  
3 believe, their side fence. So I believe it's a side fence.  
4 It's coplanar with the front of the property. And again,  
5 that's not within the --

6           MR. KIRWAN: I'm sorry, what are we looking at  
7 here exactly?

8           MR. KYNE: What we're looking at to the right is  
9 the neighbor's property and the fence is the neighbor's  
10 fence. And, it's sort of is attached to an addition on that  
11 neighbor's property.

12          MR. KIRWAN: That neighbor fronts Connecticut  
13 Avenue?

14          MR. KYNE: That's right, yes.

15          MR. KIRWAN: Okay.

16          MR. KYNE: And the same is true of the property on  
17 the left side, which this shows the fence of that property.  
18 What you see in the background is actually the subject  
19 property. But this is the fence of that neighboring  
20 property to the left. And again, that property also, which  
21 we can kind of see in this photograph, that also fronts on  
22 Connecticut Avenue. Both of those fences are again, not  
23 within the Commission's typical requirements and not within  
24 the Guidelines, which makes us think that they probably  
25 predate district designation.

1 MS. BARNES: I believe that that property does not  
2 face on Connecticut Avenue, but faces on a street off of  
3 Connecticut. And that the fence that is there is a side  
4 yard fence for that property.

5 MR. KYNE: Actually, I think you are correct about  
6 that, yeah.

7 MR. WHIPPLE: Rear yard fence.

8 MR. KIRWAN: This photo is the rear yard fence.

9 MR. WHIPPLE: I believe that that's correct.

10 MR. KIRWAN: That's correct. But the property to  
11 the right of the subject property faces Connecticut? Fronts  
12 Connecticut? That's they side yard?

13 MR. KYNE: That's my recollection, yes. The  
14 applicant may be able to correct me if I'm wrong, but that's  
15 my recollection.

16 MS. BARNES: I have two questions. Do you know if  
17 the brick wall that is at the back of the property belongs  
18 to the property or belongs to a neighboring property? You  
19 can see it a little bit in this slide. There's a brick wall  
20 at the back.

21 MR. KYNE: I do, in fact, know exactly the wall  
22 that you are speaking of, because I saw it when I was out  
23 there today. But I'm not sure if it belongs to the  
24 neighboring property or to the subject property.  
25 Unfortunately, we can't get a good look at it here to see if



1 it matches the bricks on the pergola, which is I assume the  
2 direction you're going with this. But we can see in this  
3 photograph the brick columns in front of this property which  
4 do, in fact, match --

5 MR. KIRWAN: It does show up on the site plan.

6 MR. WHIPPLE: If you look at Circle 11, it is  
7 identified on the plat which leads me to believe that it's  
8 associated with this property.

9 MS. BARNES: And the second question that I had  
10 for you, could you bring back the slide you had of the, I  
11 guess it's the left side of the subject property where they  
12 are proposing the pebble stone parking pad. Just behind this  
13 car is a big gate between two brick pillars.

14 MR. KYNE: Yes, that's correct. Yes.

15 MS. BARNES: Do you know what that is? Does that  
16 lead to a garage? Does that lead to -- I mean, there's a  
17 massive gate. And when I went to take a look at the  
18 property, not wanting to be a trespasser, I just stood on  
19 the sidewalk and tried to figure things out.

20 MR. KYNE: That is just -- that just sort of  
21 fences off an addition on that side, and it sort of creates  
22 a courtyard. The brick patio at the rear actually extends  
23 all the way around to the side here.

24 MS. BARNES: Thank you.

25 MS. HEILER: Did the LAP weigh in at all on the

1 subject of the ribbons, the parking ribbons or the parking  
2 pad?

3 MR. KYNE: The LAP did not provide comments on  
4 this property, and I'm not sure if that was an oversight or  
5 intentional, but they did not provide comments for this  
6 case.

7 MR. TRESEDER: Mike, I have in my package Circle  
8 10 and Circle 11, two site plans. Are these -- does one  
9 replace the other or -- because they're different. Can you  
10 sort of explain to me which is the one that we're reviewing?

11 MR. KYNE: I can, yes. So, Circle 10 was a  
12 revision that was forwarded to me by the applicant. And,  
13 Circle 11, is the original submission that was part of the  
14 packet when we picked it up from DPS. So if you look at  
15 Circle 11, I think the main difference is, Circle 11 had the  
16 driveway ribbons on both sides, whereas Circle 10 has the  
17 driveway ribbons on the right and the parking pad on the  
18 left.

19 MR. TRESEDER: Thank you.

20 MR. CARROLL: Michael, it looks like on these  
21 plats there's a brick wall shown on both the right and left  
22 at the rear of the property. Are those existing?

23 MR. KYNE: They are, yes.

24 MR. KIRWAN: Any other questions for Staff? If  
25 not, we invite the applicant. Please come forward. As you

1 begin your testimony, please make sure your microphone is  
2 turned on, and state your name for the record before you  
3 speak.

4 MR. PISHVAEIAN: Good afternoon, my name is Mo  
5 Pishvaeian. I am the owner of 6403 Connecticut Avenue. I  
6 am -- I'm a developer. I brought my portfolio with me. I  
7 usually do development in Washington, D.C. condominiums.  
8 And I know we have different kinds of developments and  
9 different kinds of developers. So you don't know my  
10 background. You don't know what my intent is for this  
11 property. That's why I brought some samples or some of the  
12 pictures of the properties that I've done so you can see  
13 what do I do, and how do I pay attention to details.

14 The reason I purchased this property was because I  
15 fell in love with it when I saw the picture on multiple  
16 listings. I saw the potential. I purchased it for  
17 \$900,000, and I'm spending about \$600,000 on construction  
18 costs. Not cutting any corners. When you read the package,  
19 the pamphlet that Mike has put together, the word integrity,  
20 historical, unity, uniform, keeps popping up. And that's  
21 what exact my intention is with this property. We came in  
22 front of you about a month ago asking you to replace the  
23 windows. So we went to preserve the -- again, the integrity  
24 of the property -- we took out 60 windows and we replaced  
25 every single piece of glass. And, repaired every single

1 window. So we're putting all of that back together. We're  
2 adding gas -- you know, we're not putting just normal simple  
3 lights on both side of the door. We're putting gas lantern.  
4 We're keeping the same ~~92-year-old~~92-year-old door. We're  
5 keeping exact same roof, slate roofs. We're replacing  
6 coppers, putting new coppers. Spending \$15,000 on the roof  
7 to just bring it up to date. Unfortunately, because we have  
8 so many trees on this property, they have gone through the  
9 sewer system. I'm just giving you a little bit of  
10 background.

11 We're going to dig in front the house to the sewer  
12 line because there are roots inside the sewer. They  
13 actually came inside the property. We snaked it couple of  
14 times that didn't happen. Didn't work out. But because we  
15 also have five bedrooms and five and a half bedrooms, 4,000  
16 square feet in this house, we had to pay \$13,000 to WSSC to  
17 upgrade the line coming in to the property from three  
18 quarter inch to one and a half inch, so you have the  
19 adequate pressure when you're on the third floor taking  
20 shower.

21 So, Mike ~~have~~has been there and we went back and  
22 forth and talked to the neighbor. We -- I talked to the  
23 neighbor on the left hand side. That's their side yard and  
24 backyard. They have children. They have grill in the  
25 backyard. They don't want to be exposed to Connecticut

1 Avenue traffic when they're grilling. They don't want to be  
2 viewed by people sitting at that -- on the road, 5:00 in the  
3 afternoon between 4:00 to 6:00, it's a parking lot, traffic  
4 just stops there. So, they are not willing to do anything  
5 with the fence, and they're saying if they have to come down  
6 to four feet, they just want to leave it the way it is. And  
7 right now it looks, I don't know what the word is, it just  
8 doesn't look right. It just doesn't match a ~~two-million~~  
9 ~~dollar~~two-million-dollar house across the street from the  
10 country club.

11           So, we're just trying to make it to be uniform.  
12 This side of the fence, the left side of the fence, and the  
13 right of the right side of the fence to be the same. And,  
14 continue with the same kind of -- so that's the fence and  
15 you can see that's there. In this picture you can see the  
16 backyard, and they already have a fence, which is six feet  
17 tall. We just want to continue the same fence, not to  
18 change anything, and continue that all the way to the  
19 property line. The gates that you were asking and you were  
20 mentioning, this used to be a garage in the back, and the  
21 previous owner came in front of the Board and asked to  
22 change the garage to a kitchen. So those doors were at the  
23 gate further back, and evidently you requested from them to  
24 move those doors from the garage and bring it forward.

25           So, as a result, right now, there's a courtyard

1 behind this gate, so we're putting a \$65,000 kitchen in  
2 there that courtyard is going to provide some kind of  
3 catering events in future if they have party. So a truck  
4 can back out here and open the gate for the catering event,  
5 so they can bring the food from that kitchen in there. They  
6 had -- when I talked to them, they had parties up to 100  
7 people in this house. First floor is about 2,000 square  
8 feet. And, so that's the intention for this side. And when  
9 it was raining this year, with all the snow, we couldn't  
10 even park on the side. We had to put, again, Mike has  
11 recommended this, we had to put plywood and put hay on top  
12 of it so we can park the cars, otherwise we had to get a tow  
13 truck to get the truck out of -- one of the contractors out  
14 because it got stuck in there.

15           Besides the fact that we have -- that we have  
16 issue with the parking, we have horrendous water issue with  
17 the basement. Ninety-two years ago they didn't have sump  
18 pumps, so there's massive water going in the basement from  
19 around the property. That's why we're trying to put  
20 concrete all the way around. I'm sorry, is this my time  
21 going off?

22           MR. KIRWAN: It is. If you just sort of wrap up  
23 your testimony, we'd appreciate it.

24           MR. PISHVAEIAN: Okay. So, I'm stuck on this  
25 picture, so if you can move it to the other side, I can

1 explain. Okay, this side, if you see there's a metal fence  
2 that it comes from the front of the property about 20 feet,  
3 and then it chops off, and then it's rusted. So, my  
4 proposal is to replace all of this to make it uniform, to  
5 continue the same fence, same look. Actually bring my  
6 metal, ironworkers, so that we can build iron fence, not to  
7 buy a cheap fence from Home Depot. And then when you get to  
8 that side, that brown fence, again, put the same fence from  
9 the left side to make it uniform. You cannot see this fence  
10 from the road when you're driving. We just want to -- we  
11 just want to make it look uniform. And then, I don't know  
12 why you asked about the brick in the back, but the brick in  
13 the back is part of this property. We're not going to touch  
14 it. I don't think we're even going to power wash it. We're  
15 going to keep the same historic look with all the ivy on top  
16 of it. And there's another gazebo in the center piece,  
17 which you can't see it here, we're going to keep all the --  
18 all the vines on top and just replace the rotten and termite  
19 damaged beams with the same look.

20           Parking pad, there's nothing you can do. If  
21 somebody comes and parks -- again, this is five bedrooms, so  
22 you're going to have at least five cars in here. A family  
23 with two, three kids, teenagers, they have guests coming in.  
24 So, if somebody comes home and they park, and somebody wants  
25 to get out, they have to move the other car, or back into

1 Connecticut Avenue. We were forced to back into Connecticut  
2 Avenue. We almost got in a car accident couple of times.  
3 It's a three lane major road that people are traveling. So,  
4 and we don't have any trees that we're asking to cut. And I  
5 said ribbon because I was trying to keep as much as grass.  
6 If that's not what you like, you want to just be solid  
7 pebble stone, we're fine with that. If you don't want  
8 concrete and you just want walks, we're fine with that.

9 MR. KIRWAN: I think we need you to close up your  
10 testimony.

11 MR. PISHVAEIAN: That's about it. We're just  
12 trying to create an environment that is safe, and it looks  
13 right, and it matches the environment to the neighborhood.  
14 And, on the side streets, if you park, you can back out to  
15 the main street, or you can ask your other friends or  
16 relatives, or whoever is visiting you, you can ask them to  
17 park on the street. We don't have any street to park on  
18 this street. Thank you for listening to my --

19 MR. KIRWAN: Thank you very much. I have a quick  
20 question that I might need both Staff and owner to possibly  
21 answer. The property line for this property appears to be  
22 right at the outside face of the driveway running parallel  
23 to Connecticut Avenue, and the fence we're seeing proposed  
24 on the left hand side is going all the way to the sidewalk  
25 in public space, and I'm a little -- is that something we



1 can even touch in this venue, or should we really be talking  
2 -- only be talking about things that are back from the front  
3 property line?

4 MR. WHIPPLE: You're charged with reviewing the --  
5 a proposal that's consistent with the historic preservation  
6 ordinance, and your criteria for approval --

7 MR. KIRWAN: Not in public space.

8 MR. WHIPPLE: Well, that'll be an issue for the  
9 applicant to wrestle with DPS over if he's proposing  
10 something that, you know, is consistent with zoning but --

11 MR. KIRWAN: What we see in this photograph here,  
12 the fence we're seeing turning the corner of the left  
13 neighbor's property line, that is presumably this corner on  
14 the left hand side of the sheet we're seeing.

15 MR. PISHVAEIAN: If you switch the pictures,  
16 public space is behind our front -- do you happen to have a  
17 picture of the front? No. Yeah, public space is right --  
18 goes all the way to the walkway. You see that gate, those  
19 gates, it goes all the way there. That's where the public  
20 space starts. That fence is behind that.

21 MR. KIRWAN: I mean, that's not consistent with  
22 your site plan, just so you understand that. Your site plan  
23 shows it further back. Just so you're aware of that. You  
24 may have an issue when you go for a fence permit, and  
25 getting a fence permitted in public --

1 MR. PISHVAEIAN: I'm sorry which site plan are you  
2 referring to?

3 MR. KIRWAN: The one that's provided in the  
4 application. The photograph shows the -- the wood fence  
5 we're seeing turning the corner is right there, because we  
6 see it back from the front. So this is all -- presumably  
7 this is all public space.

8 MR. PISHVAEIAN: I'm sorry. This is showing the  
9 property line. It's not showing the fence. The fence stops  
10 -- I think this is the property line, and that's where it  
11 stops.

12 MR. KIRWAN: It's north 01 degrees --

13 MR. PISHVAEIAN: Correct. It's behind that. But,  
14 I'll take that into consideration to make sure we're not in  
15 the public space.

16 MR. KIRWAN: Okay. All right. Any other  
17 questions for the applicant?

18 MR. ARKIN: Mr. Chairman?

19 MR. KIRWAN: Mr. Arkin?

20 MR. ARKIN: Mr. Pishvaeian -- am I pronouncing  
21 your name correctly?

22 MR. PISHVAEIAN: Yes, sir.

23 MR. ARKIN: I had a couple of questions. And, one  
24 really has to do with your rationale, and the rationale that  
25 we're supposed to use in enforcing the guidelines. They're

1 called guidelines, but they're really a bit stronger than  
2 guidelines. We don't have to necessarily adhere to them  
3 rigidly, but they're more than just suggestions. And, I  
4 wonder if you could tell me what you feel your justification  
5 is for asking that we not enforce the guideline on fence  
6 height, and what your rationale is on providing the  
7 additional parking you seek in the front yard, rather than  
8 perhaps putting an access driveway or access ribbons back to  
9 a parking pad in the backyard on the right side. Or some  
10 other solution. There may be another solution that hasn't  
11 been identified either by you at this point, or in the  
12 remark I just made.

13 MR. PISHVAEIAN: Okay, so the rationale -- you're  
14 asking me for two different things? One for the fence?

15 MR. ARKIN: Right, for the fence. Why we should  
16 grant your request for a height variation.

17 MR. PISHVAEIAN: Correct. So the choice here is  
18 to leave the fence the way it is now. It is six feet high  
19 right now, and you have fence that it looks 25, 30 years  
20 old, that it doesn't match anything on Connecticut Avenue  
21 when you go up and down. And when you go up and down  
22 Connecticut Avenue, I understand this property has some --  
23 some historic value, but fence is a different issue because  
24 you see many, many fences six feet high up and down  
25 Connecticut Avenue. So we are keeping the same conformity

1 and the same normal look when you drive up and down. We're  
2 just trying to bring this up to that integrity and the same  
3 look.

4           The rationale is to make it look clean and nice,  
5 and to match the historic neighborhood. There is no  
6 rationale. The rationale is that not to be four feet is,  
7 because the neighbor on the left side is rejecting that they  
8 would lose their privacy. Then they can't use their  
9 backyard because then they're just grilling while everybody  
10 in the traffic light is watching them. So that's the  
11 rationale for the fence. I don't know if you have any  
12 question toward that rationale. I mean, there are so many  
13 different things here. When I read, I don't want to give  
14 you a long answer but, this is not inappropriate. It's not,  
15 it's not inconsistent. This is not detrimental. This helps  
16 the preservation, because we're trying to make it look nice.  
17 It's a nice enhancement, and ~~it's~~sits ultimate protection.  
18 Because again, it's six feet tall, and they have small  
19 children. They're worried about their safety.

20           In short, conformity with the purpose and  
21 requirements of this chapter, that we're talking here. And,  
22 I keep seeing the word unsafe and reasonable use of the  
23 property or suffer under hardship, the general public  
24 welfare is better served by granting the permit. Those are  
25 the normal issues that I'm thinking or seeing.

1           As far as the driveway, that's completely a  
2 different issue. We have a 4,000 square feet house with  
3 five and a half bath, that we have room only for on car to  
4 park in the driveway. The previous owner was actually one  
5 person. It was a husband and wife, and she lived in West  
6 Virginia, and he lived here. They had one car. But it's  
7 hard for somebody who is going to spend two million dollars  
8 to buy a house knowing that they can't, they can't park more  
9 than one car in their driveway.

10           MR. ARKIN: Can you tell me how wide the driveway  
11 is at both the right and left side, and on the transverse  
12 part of the driveway? How many feet wide it is?

13           MR. PISHVAEIAN: The driveway is 10 feet wide. So  
14 you can have only one car going back and forth. And there's  
15 a picture of it. And you can see a picture of it on the --  
16 there. And you can see a picture of it on the -- it's not  
17 like there's room to park on either side. Again, you have  
18 roots of the trees that you can't extend the concrete.

19           MR. ARKIN: But the driveway that's shown in the  
20 plat that you submitted, is wider on the left and right legs  
21 than it is on the transverse part of it, the top leg. And,  
22 similarly, in the picture that's up on the screen right now,  
23 you have a car parked on --

24           MR. PISHVAEIAN: Right. That's not parked on the  
25 driveway. It's parked on the plywood that we put down.

1           MR. ARKIN: Right. Why would it not be possible  
2 to pave that in material similar to the pavement that -- the  
3 existing driveway -- is built of or using ribbon strips and  
4 going back into the side yard and backyard to add parking?

5           MR. PISHVAEIAN: So, to answer your -- let's talk  
6 about on the left hand side, we're in front of gate, we are  
7 proposing to do that on that side, and the measurement for  
8 that can hold, only the width can hold only one car there.  
9 So you have one car parked there, and you have one car  
10 parked in front. So that's two cars. That's where we're  
11 proposing to build the rest of them on the right hand side,  
12 so we can get another two cars there, hopefully. So you  
13 have one car in the driveway, and one car on the left hand  
14 side, and that will be a total of four cars.

15           MR. ARKIN: But where are you proposing to but the  
16 cars, the parking pads or the ribbon strips that function as  
17 parking pads, is in the front yard rather than in the  
18 backyard?

19           MR. PISHVAEIAN: What do you mean by backyard?

20           MR. ARKIN: Behind the front plane of --

21           MR. KIRWAN: A lot of houses -- we've seen a  
22 couple on the HAWPS that you haven't seen tonight but, most  
23 -- a lot of houses in Chevy Chase, there's a driveway that  
24 runs to a garage in the rear of the property.

25           MR. ARKIN: Which is what you testified was the

1 condition at one time that was changed when the kitchen on  
2 the left side was expanded.

3 MR. PISHVAEIAN: Right. That's on the left side.

4 MR. ARKIN: Why couldn't you do that on the right  
5 side?

6 MR. PISHVAEIAN: Well, on the right hand side, I  
7 mean, if you read your material, it keeps talking about not  
8 taking away the greenspace and converting it to parking pad.  
9 So, can you imagine if I pour concrete from the front of  
10 this property all the way to the back of this property to  
11 put parking in the back, are we concerned about the car that  
12 is parked there or are we concerned about the concrete that  
13 is on the grass? We're taking away greenspace, pour  
14 concrete, three, four times more to get the cars back in the  
15 backyard?

16 MR. KIRWAN: I could be wrong, but I suspect the  
17 Chevy Chase Guidelines are trying to protect against a lot  
18 of cars being parked in somebody's driveway -- in somebody's  
19 front yard. That would be my guess. I mean, I think what  
20 their -- I think they're less concerned about impervious  
21 area generated by the concrete, because the guidelines  
22 aren't talking about some percentage of impervious area  
23 versus greenspace. But what they're talking about is the  
24 concern for a lot of paving in the front yard of a property,  
25 probably because they're concern is going to be three, four

1 cars parked in somebody's front yard.

2 MR. PISHVAEIAN: So, but you're --

3 MR. KIRWAN: Not on the street, not in the back.

4 MR. PISHVAEIAN: Right. So when you are -- when  
5 you drive on Oxford or Melrose, you will see two, three,  
6 four cars parked in the driveways. What's the difference  
7 between those and this?

8 MR. KIRWAN: I don't know what examples you're  
9 saying. I'm just telling you what I think the Guidelines  
10 are addressing.

11 MR. PISHVAEIAN: Okay.

12 MR. KIRWAN: And there's lots of examples in Chevy  
13 Chase where driveways go to the rear of the lot, and they  
14 have expanded parking pads back there and a garage.

15 MR. PISHVAEIAN: Yeah, we're taking a beautiful  
16 backyard which you just notice from the front, they're walls  
17 in the back, we're taking a beautiful backyard and the back  
18 that other people can enjoy and look at it, and we're taking  
19 that out and pouring concrete to get all these cars in the  
20 back.

21 MR. ARKIN: I think you're envisioning more  
22 concrete being poured than is in my mind anyway.

23 MR. PISHVAEIAN: So your concern is, when people  
24 are driving on Connecticut Avenue, not to see any cars  
25 parked on the sides of this house?



1           MR. ARKIN: My concern is that we have to, we're  
2 charged with making decisions that are consistent with  
3 guidelines. And the Guidelines state pretty strongly that  
4 parking pads and other paving in front yards should be  
5 discouraged.

6           MR. PISHVAEIAN: Okay. So, if that's --

7           MR. WHIPPLE: Mr. Chairman, it seems like the HPC  
8 is getting into a lot of back and forth with the applicant  
9 over this. You have an application in front of you. I  
10 would encourage you to -- I mean you've asked questions --

11          MR. ARKIN: I was asking for rationale, and I --

12          MR. WHIPPLE: And you've gotten it, I believe.  
13 And I would encourage you to take what you've heard and act  
14 on it using the Guidelines to act.

15          MR. KIRWAN: I don't think we're finished with  
16 questions.

17          MR. WHIPPLE: Understood. But, but presumably  
18 there's questions on other topics.

19          MR. PISHVAEIAN: Well, they're giving me the  
20 opportunity to explain why I think I need to do this, so, I  
21 mean, are we cutting into some kind of timing that I'm not  
22 supposed to?

23          MR. KIRWAN: No, no.

24          MR. PISHVAEIAN: I apologize if I'm saying  
25 something that it's not --

1 MR. KIRWAN: No.

2 MR. PISHVAEIAN: So, the rationale was, if you see  
3 -- if you go back again to that survey, I put a line -- so  
4 the rationale was a nice family wants to live here. They  
5 have their dogs or something, and there's a metal fence  
6 there so the dog can't come out, and then the cars would be  
7 parked in front, just like any other house that you park  
8 your car on the side of the fence, and you have the dog and  
9 the green grass on the other side, and you have the porch  
10 and the party and the socializing behind the fence.

11 MR. KIRWAN: Okay. Any other questions?

12 MS. BARNES: Mr. Pishvaeian?

13 MR. PISHVAEIAN: Yes, ma'am.

14 MS. BARNES: I think I understand why you look  
15 this house so much because it is very appealing. One of the  
16 questions I have, and I'm not very good at reading these  
17 plats, is how much distance would you say there is between  
18 the gates on the left hand side, and your circular driveway?  
19 You're proposing to put either a parking pad or ribbons  
20 between the driveway and the gates?

21 MR. PISHVAEIAN: Correct.

22 MS. BARNES: And you mentioned you wanted that so  
23 you could back up a catering truck, possibly?

24 MR. PISHVAEIAN: Correct.

25 MS. BARNES: So, how many feet are we talking

1 about there?

2 MR. PISHVAEIAN: I had measurements on these. Did  
3 I write measurements for you? I want to say it's about 38  
4 feet.

5 MS. BARNES: Okay. Okay, that's good. Thank you  
6 so much.

7 MR. PISHVAEIAN: Yes, ma'am.

8 MS. BARNES: I had some questions about the  
9 pergola. But if people still want to talk about the drive  
10 or the parking pad, I will --

11 MR. KIRWAN: No, go ahead.

12 MS. BARNES: So, one of the things that I think is  
13 very distinctive about this house is the brickwork, both  
14 along the foundation and then we've seen these posts one  
15 side of your drive, and we see it also here. And now, my  
16 understanding is that you're proposing to take out this knee  
17 wall and replace the brick columns with wood columns. There  
18 will be no knee wall. Is that correct?

19 MR. PISHVAEIAN: Correct. We're proposing to keep  
20 this -- we're saving all these bricks and we're duplicating  
21 exact same look on the front or on the -- which one do you  
22 call it? Knee wall. So when you are driving on Connecticut  
23 Avenue and you look to your right, you see that wall. We're  
24 going to -- that wall right now is -- has separated from the  
25 structure. So we're going to tear it down and keep the same

1 bricks, and duplicate the same look.

2 MS. BARNES: And, are you planning to retain the  
3 brick columns, or are you planning on replacing the brick  
4 columns?

5 MR. PISHVAEIAN: We're replacing the brick columns  
6 with rustic looking thickness, same thickness timber to give  
7 it, again, that uniform look, because there's only two brick  
8 columns --

9 MS. BARNES: I'm actually counting four right  
10 here.

11 MR. PISHVAEIAN: You're right. There are four.  
12 There are four brick column. My proposal was -- so you  
13 can't -- none of these brick columns, they don't have any  
14 kind of concrete or usually what they do now is, you have to  
15 put bars, metal bars and concrete inside, and then put the  
16 brick look around it and outside. So, side pressure brick  
17 wall would stay, front partial brick wall will be removed.

18 MS. BARNES: Removed or rebuilt?

19 MR. PISHVAEIAN: You can't see this from the road.  
20 And it's blocking when you are on the porch. So we're  
21 trying to open the space so when you're on the porch, you  
22 can have access to outside. They're one too many columns in  
23 here. And these columns, right now they are loose. I  
24 invite you to come over and you can move them by hand.  
25 There are no structure inside it. So, our proposal was to

1 remove all of these and put the same timber look, or not  
2 look, same timber structure all the way through.

3 MS. BARNES: And, once again --

4 MR. PISHVAEIAN: Same thickness, same for the --

5 MS. BARNES: Once again, just for clarity, looking  
6 at this picture that you have in front of you, the brick  
7 wall that is parallel with the front of the house --

8 MR. PISHVAEIAN: Right.

9 MS. BARNES: -- will be taken away under your  
10 plan?

11 MR. PISHVAEIAN: No. No, the one that I say, the  
12 one that I say side partial brick wall, that would stay.

13 MS. BARNES: All right.

14 MR. PISHVAEIAN: So, whatever you can see from the  
15 road it would stay the same look.

16 MS. BARNES: And, as you turn the corner, there is  
17 a bit of a knee wall.

18 MR. PISHVAEIAN: Correct.

19 MS. BARNES: That would stay or that would be --

20 MR. PISHVAEIAN: No. No, that front partial brick  
21 walls on both sides will come out.

22 MR. KIRWAN: Really the side. I think the side in  
23 front is being reversed in the diagrams. Those are really,  
24 it's the side partial brick walls that are being removed.

25 MS. BARNES: Yeah. Okay. Thank you.

1 MR. PISHVAEIAN: You're welcome.

2 MS. HEILER: The four brick columns that we see in  
3 this picture, look as though they may be replacements,  
4 particularly since the corners have timber columns. Do you  
5 have any pictures from earlier that show whether these brick  
6 columns are original, or if they are replacements for  
7 timber?

8 MR. PISHVAEIAN: No. I mean, when I purchased the  
9 house, they were there, but I think they added onto it,  
10 because if you see the picture that he has up right now,  
11 there are three different colors. They're three different  
12 colors. Like the height of it was changed at some point, I  
13 think. But maybe at some point they had walls all the way  
14 around, and they decided to take the walls out and build  
15 columns.

16 MS. HEILER: I would suggest that you do some  
17 research to see whether there are any earlier pictures from  
18 when the house was built or shortly afterward to see what  
19 was there. That would probably benefit your case in changes  
20 that you want to make. If you are going back to an earlier  
21 form, you know, whether that side brick wall was there. It  
22 looks like it probably was. But anything else that you are  
23 planning for changes for that, because it's a very  
24 important, it's a character defining feature of the side of  
25 that house, and it is visible, t. ~~—~~ To see if you can find

1 any history of what was there. That would probably be  
2 valuable to you.

3 MR. PISHVAEIAN: To answer you, I have looked. I  
4 have even gone to the library. I looked on internet, and I  
5 could not find any pictures.

6 MS. LEGG: Have you tried the Chevy Chase  
7 Historical Society?

8 MR. PISHVAEIAN: No. That would be them, no?

9 MS. LEGG: No.

10 MR. PISHVAEIAN: Okay, I will look.

11 MS. HEILER: I think that could be very helpful to  
12 you.

13 MR. PISHVAEIAN: Okay. If I can find a picture  
14 that whatever it was there before, I'm willing to duplicate  
15 that.

16 MR. KIRWAN: Any other questions for the  
17 applicant? Okay, if not, we're going to ask you to turn  
18 your microphone off, and we're going to deliberate on the  
19 case before us. Commissioner Carroll, could you kick things  
20 off?

21 MR. CARROLL: Sure. As been explained, we have  
22 certain guidelines that we have to follow when we're doing  
23 this, the Montgomery County Code, the Chevy Chase Village  
24 Historic Guidelines. One of the things in the historic  
25 district guidelines is that, any changes that are visible

1 from the public right-of-way from the front, we have to be a  
2 lot more careful of. I think that's one of the reasons that  
3 when Commissioner Arkin was talking about putting a garage  
4 at the back, that's typically what they want. They want the  
5 cars back and out of the way. They want to preserve the  
6 sort of park-like setting in the front.

7           The Guidelines specifically say, parking pads and  
8 other paving in the front yard should be discouraged. So  
9 they're trying to get away from that. When I look at the  
10 four Staff recommendations here, you know, the proposed  
11 wooden fence at the left, I think is an unusual circumstance  
12 because it is the neighbor's backyard. They're not going to  
13 want to take that fence down, and I think what we're looking  
14 at, Commissioner Kirwan brought up is that the property line  
15 really is a little further back, and there's a -- it looks  
16 like there's a ~~38-foot~~38-foot section of their fence that's  
17 in disrepair that you're looking to repair. I don't have  
18 such a big problem with that.

19           When you move to the right side, putting a seven  
20 foot fence all the way out to the property line seems like  
21 it would be sort of closing the house in. You know, there's  
22 the neighbor's yard, your yard, I wonder if you might  
23 consider doing the iron fence back to the front plane of the  
24 house on that side, and then starting up with the wooden  
25 fence to go back. I, you know, I think the Staff is right



1 about the details of the iron fence, but it sounds like you  
2 want to do a good job with that anyway, so it's unlikely to  
3 be a problem.

4 I just think it's going to be hard to do the  
5 parking ribbons on the right side. And, I understand your  
6 concern. A ~~two-million-dollar~~two-million-dollar house has  
7 to have parking, and that's why I think you may want to  
8 eventually look at putting a driveway back and a garage in  
9 the back. I have less of a problem with putting some kind  
10 of grasscrete or something on the left side in front of that  
11 big gate. Because I think there has to be a practical  
12 solution to this, and you know, it is abutting the  
13 neighbor's rear yard. It's never going to be that open, so  
14 I have less of a problem with that. But, I think that's  
15 kind of where I am on those four points.

16 MS. LEGG: I'm glad that Commissioner Carroll when  
17 first, because I think he explained things really well.  
18 And, I'm really wondering if where that gate is, that must  
19 have been the original driveway, and I wonder if the brick  
20 in the back is part of that. So, I agree on that point,  
21 certainly. I think the fence heights for Chevy Chase are  
22 pretty strict, and I think that they're there for a reason.  
23 They love the park-like setting, and I don't want to rule  
24 against that, because that's what we have outlined here.

25 I do find it a little curious that the LAP did not

1 give us comments on this, and I wonder if it was an  
2 oversight and an accident. But I have a feeling that they  
3 would, a hundred percent, agree with Commissioner's  
4 Carroll's viewpoint, as I do.

5 MR. KIRWAN: I'll just jump in. I do think  
6 Commissioner Carroll makes a good point about the left side  
7 paving, because I think that is probably the likely location  
8 for the driveway. I think if the applicant changed their  
9 mind and wanted to address parking in the rear yard and  
10 wanted to bring a driveway or something else back there, we  
11 might need to rethink that. But, I think the rules in front  
12 of us, if we're looking at that, I think it probably is  
13 warranted on the left side, and I don't support the ribbons  
14 on the right hand side. Again, because it is talking to  
15 having more cars in the front yard, and that to me, creates  
16 the problem that we're trying to avoid with these  
17 guidelines.

18 I'm of mind to stick with the Staff conditions on  
19 the -- regarding both fences. I think we do have a quandary  
20 with that fence on the left hand side, but I think that's  
21 maybe for another day for the neighbor to have to come  
22 before us and address. So, I think I would stick with the  
23 Staff conditions regarding two, three and four.

24 MS. HEILER: I would agree with Commissioner  
25 Carroll on the -- putting a parking pad on the left side. I

1 think that's fine. I think you'd probably -- if you need  
2 more parking, and you seem to need more, considering running  
3 those ribbons much farther back on the right side would make  
4 a lot of sense. I would also agree with the Staff  
5 conditions on the fence. It's certainly a problem having  
6 the tall fence that's in disrepair and trying to hide it.  
7 But I think the Chevy Chase Guidelines are pretty clear on  
8 that. And I think the area that I have the most concern  
9 about is this pergola and the knee wall. Especially these  
10 herring bone pattern knee walls that I would find it very  
11 difficult to approve removing the ones on the side, and I  
12 can only recommend to you that you do a lot more research to  
13 see what was there. The brick columns certainly look  
14 unsteady, like they're a problem. Just replacing them with  
15 timbers when, if there was never any history of that, I  
16 think is also a problem.

17 MR. TRESEDER: I would -- I'd be supportive of,  
18 being a little more lenient on the fence issue, considering  
19 the unique location of this lot. So I would agree with  
20 Commissioner Carroll that a ~~six-feet~~six-foot fence on the  
21 left might be okay. I do think that the Guidelines are  
22 mainly meant to apply to the more typical Chevy Chase lot,  
23 and this is not typical being on Connecticut Avenue, so I  
24 agree with the idea of being lenient about a parking pad on  
25 the left side, what the other Commissioners have mentioned.

1           I disagree, I mean, I agree with the Staff that we  
2 should not have ribbons on the right side creating two more  
3 parking spaces in the front yard on the right are  
4 inappropriate. And I think that the -- so I would not  
5 approve of those. And frankly, I think that this is -- I  
6 think this application is actually incomplete. I think it's  
7 inaccurate and it's not clear, and I would suggest that a  
8 better plan be drawn up that is more complete, and perhaps  
9 at the same time make a more approvable version of the --  
10 somewhere along the lines that Commissioner Heiler mentioned  
11 of a single pair of ribbons going toward -- along the side  
12 yard toward the rear for a parking area.

13           So, I would basically support the Staff  
14 conditions, but with a slight leniency on the fence, and the  
15 parking pad on the left.

16           MS. BARNES: I support the concept of a taller  
17 fence on the left hand side to replace the stockade fence  
18 that is falling down. I note that the -- it would join at  
19 the corner of the neighbor's side yard fence, and that that  
20 is well set back from Connecticut Avenue. While it's in  
21 front of the front plane of the house, it is still well set  
22 back. And so, I would support the ~~six-feet~~six-foot fence on  
23 the left hand side.

24           I agree with Commissioner Carroll about having the  
25 metal fence run from the front of the property down the

1 right side to the, I guess it's a shed on the adjacent  
2 property, and have a fence start there, and then again, I  
3 think I would support the Staff recommendation for a lower  
4 fence in the front. I take my colleague's comments about  
5 the Chevy Chase regulations being fairly strict, but we  
6 often hear from the LAP in advance of the applications.  
7 And, in the absence of their weighing in, I feel no  
8 compunctions about recommending the taller fence on the  
9 left.

10 I support the idea of driveway ribbons on the left  
11 running from the existing circular drive all the way back to  
12 the gate, which would give you parking space, I would think,  
13 for at least two cars and also deal with your concern about  
14 a catering truck at some point in the future. With regards  
15 to the pergola, it is very visible from Connecticut Avenue,  
16 and I take the point that the brick columns may not be  
17 original, because it is true, as we see in the pictures,  
18 there's a variety of different brickwork. I believe the  
19 knee walls are, because they match very much the brickwork  
20 in the column by the left front gate. And I would say that  
21 they should be retained, all of the knee walls. And your  
22 comment about the instability of the brick columns argues  
23 for your objective of replacing those with wooden timbers,  
24 which I would support, which would then match the timbers  
25 coming over the top.

1           MR. ARKIN: I would very interested in seeing if  
2 your research on the pergola turns up any pictures showing  
3 the pergola way back when so that we can -- we can make a  
4 reasoned determination on whether the brick columns are  
5 character defining, or whether they're a later addition. I  
6 do think that the knee wall, the brick walls in the front,  
7 are and the style in which the brick is laid, are character  
8 defining, and are consistent with the detailing around the  
9 windows and doors, t.—The brickwork around the windows and  
10 doors.

11           I don't think -- it is a stunning house -- and as  
12 others have said, I think it's quite apparent why you have  
13 such affection for it, it's a beautiful house, and has  
14 enormous potential. And, I think your rationale for the  
15 parking ribbons on the left side of having a dual purpose of  
16 extra parking, and also access for catering equipment and  
17 potential future use of the house, makes a lot of sense. I  
18 don't think that I could support the two sets of ribbons on  
19 the right side, as they're currently designed, because I  
20 think the effect of those is too -- all those driveway --  
21 all those ribbon strips together and the cars that will end  
22 up on them, will leave the impression of having  
23 perpendicular parking along the front of the house. And I  
24 think that's exactly what the Guidelines are designed to or  
25 intended to discourage. I think that Commissioner

1 Treseder's comments about coming back with some drawings  
2 that would show some other options for -- first to clarify  
3 the existing drawing, and to show some other options for  
4 parking, perhaps in the rear, or perhaps in the side yard,  
5 are worth pursuing.

6 I am very reluctant to approve any kind of  
7 variation on the fences, except that I think you've  
8 presented a fairly compelling argument on the fence on the  
9 left side. On the right side, I think the argument falls  
10 apart. I would not support waiving the guidelines on the  
11 right side. So, I also think that Commissioner Carroll's  
12 comments about the front fence are excellent comments. So,  
13 with respect to the condition, Condition One, I would  
14 suggest that that be amended to approve the driveway ribbons  
15 on the left side, but not the driveway ribbons or any  
16 parking pad on the right side. I think that Condition Three  
17 should stand as written, and Condition Four should stand as  
18 written. And I would be in favor of on Condition Two, of  
19 making the maximum height four feet on the wooden fence on  
20 the left front of the property.

21 MS. BARNES: Four feet or six?

22 MR. ARKIN: Oh, pardon me. Six feet, not four.  
23 Thank you for the correction.

24 MR. KIRWAN: Just as a point of clarification,  
25 Commissioner Arkin and Commission Barnes, you both made

1 reference to accepting the idea of parking ribbons on the  
2 left hand side. But that's a change in the proposal. That  
3 would be a motion. That's a parking pad in the current  
4 proposal. You're suggesting a --

5 MR. ARKIN: Well, in the current proposal --

6 MR. KIRWAN: -- proposal to parking ribbons.

7 MR. ARKIN: The parking ribbons is -- what I was  
8 suggesting, I can't speak for Commissioner Barnes, what I  
9 was suggesting were the parking ribbons as shown on Circle  
10 11, which was the original proposal, and not the parking pad  
11 as shown on Circle 10, which is the revised proposal.  
12 That's what I feel like. But, I'll have to --

13 MS. BARNES: And I would support ribbons rather  
14 than a pad.

15 MR. KIRWAN: On the left hand side?

16 MS. BARNES: On the left hand side all the way to  
17 the gate.

18 MR. KIRWAN: Okay. Just to -- I mean, this is  
19 more for the applicant -- a couple of Commissioners have  
20 made the suggestion of alternatives to your proposal  
21 tonight. So, you do have the option to continue your case,  
22 and we will not weigh in on it tonight, and you can rethink  
23 some of the suggestions that have been made. You can do  
24 more research on the pergola, and come back to us with a  
25 revised proposal that we can rule on, or you can just let us



1 rule on what we've heard tonight, and we'll make a decision  
2 and that's what we will approve, and that's what you'll have  
3 to move forward with, unless you came in with a second HAWP  
4 or a revision to your HAWP. Do you understand what I'm  
5 referring to?

6 MR. PISHVAEIAN: Yeah.

7 MR. KIRWAN: And Scott, maybe you can talk a  
8 little bit about why continuation has certain benefits, and  
9 why ruling on the HAWP tonight has certain benefits.

10 MR. PISHVAEIAN: Pergola would be the only thing  
11 that -- I don't know if Mike has any pictures from the  
12 pergola from before. I have some pictures. There was  
13 nothing left. It was all eaten by termites and --

14 MR. KIRWAN: I think we're talking about the  
15 historical research on the pergola. There might be records.  
16 The suggestion was made to come back with a more thoughtful  
17 proposal on the pergola, given the concerns we have.

18 MR. PISHVAEIAN: The ones that we had, I mentioned  
19 the thickness and the -- we're going to duplicate the same  
20 look, and we had pictures. So, it's not anything that I'm  
21 disputing.

22 MR. KIRWAN: Okay, we're just giving you the  
23 option, because we can rule on everything tonight, and  
24 that's what you're --

25 MR. PISHVAEIAN: That's fine.

1           MR. KIRWAN: -- left with, or you can continue  
2 your case.

3           MR. PISHVAEIAN: Yeah. Again, I'm not trying to  
4 take any shortcuts, I'm just trying to make this to look  
5 decent, and that's why I wanted the uniform fence look on  
6 both sides. But I understand the height issues.

7           MR. KIRWAN: Okay. All right. Well, I welcome a  
8 motion.

9           MS. BARNES: I'm prepared to make a motion. I  
10 would move that we approve this HAWP with the following  
11 conditions. Condition One, the driveway ribbons would be  
12 permitted on the left from the drive to the gates. Number  
13 two, the proposed fence on the left would be permitted to be  
14 six feet in height, to join the corner of the neighbor's  
15 fence. Number three, the right hand would have a metal  
16 fence from the front of the property to the shed of the  
17 neighbor, and from there to the back of the plane of the  
18 house, a wooden fence of four feet would be allowed, and  
19 beyond the rear plane of the house it could go to six feet.  
20 The fourth condition would be that the knee walls and the  
21 pergola be retained, that they are a distinctive feature,  
22 and those would be the four conditions.

23           MR. KIRWAN: And, as a point of clarification, you  
24 mentioned the height of the fence beyond the rear plane of  
25 the house being six feet tall. Did you mean six foot six,

1 as written in the Staff Report, or were you specific about  
2 six feet?

3 MS. BARNES: The six--foot -- thank you -- six--  
4 foot--six, which I think is the maximum permissible.

5 MR. KIRWAN: Okay.

6 MS. BARNES: Thank you.

7 MR. ARKIN: Another point of clarification. Since  
8 the current application shows a parking pad, I think that  
9 the driveway ribbon that Commissioner Barnes is proposing is  
10 one set of driveway ribbons. Two driveway ribbons going  
11 from the drive to the gate. I think it should state that  
12 clearly. And, I would suggest, respectfully, if  
13 Commissioner Barnes will accept it, that in addition to the  
14 conditions that she stated, that a fifth condition be added,  
15 which basically states that additional details for the  
16 proposed 44 inch height iron fence be submitted with final  
17 review and approval delegated to Staff, the existing  
18 language of the fourth condition. I think that was the  
19 sense --

20 MR. KIRWAN: Do you accept that amendment?

21 MS. BARNES: I accept that amendment.

22 MR. WHIPPLE: And then, I think there's a  
23 condition that the ribbons on the right hand are not  
24 approved?

25 MR. ARKIN: Yes.

1 MS. BARNES: Why don't I --

2 MR. WHIPPLE: You're good.

3 MR. BARNES: -- run through the conditions again?

4 MR. WHIPPLE: I think you're good. And then --

5 MR. KIRWAN: I mean, unless you want to. But I

6 think we're capturing these friendly amendments on the

7 record.

8 MR. WHIPPLE: And then I have a question about the

9 columns of the pergola, and what you want done with those.

10 MR. KIRWAN: We have one more suggestion or a

11 friendly amendment.

12 MS. HEILER: Okay. I'd like to offer a friendly

13 amendment. That the replacement of the columns on the

14 pergola is not approved.

15 MR. PISHVAEIAN: I'm sorry, what does that mean?

16 MS. HEILER: It means don't replace them. But you

17 can come back with a more detailed plan and possibly show us

18 what was there much earlier.

19 MR. PISHVAEIAN: They're destroyed. There's

20 nothing there.

21 MR. KIRWAN: We're in deliberations. Please turn

22 off your microphone, you're not to speak during

23 deliberations. Do you accept the friendly amendment?

24 MS. BARNES: It's fine.

25 MR. ARKIN: And I will second the motion.

1 MR. KIRWAN: All right. Any further discussion?

2 MR. WHIPPLE: Would you like Staff to run through  
3 these before you take the vote, just -- Michael, you want to  
4 do it?

5 MR. KYNE: So the conditions we have in front of  
6 us, as I understand it are, that the driveway ribbons will  
7 be permitted on the left side from the drive to the gate.  
8 Number two, the driveway ribbons on the right side are not  
9 approved. Number three, the fence on the left side is  
10 permitted at six feet in height. Number four, an iron fence  
11 will be permitted on the right side to the shed on the  
12 neighbor's property, from there a ~~four-foot~~four-foot wooden  
13 fence is permitted with an option to extend to six foot six  
14 beyond the rear plane of the house. Number five, the knee  
15 walls of the pergola will not be removed. And number six,  
16 the columns of the pergola will not be removed. And number  
17 seven is consistent with the condition on the Staff Report,  
18 which I do not have in front of me.

19 MR. KIRWAN: The additional details of the  
20 proposed 44 inch --

21 MR. WHIPPLE: Iron details to Staff.

22 MR. ARKIN: It's number four on the Staff Report.  
23 And, I think the sense of the first condition was that the  
24 ribbons that would be permitted on the left would be a  
25 single set of ribbons. A left ribbon and a right ribbon

1 going from the driveway to the gate.

2 MR. KIRWAN: All right. Can I see a show of hands  
3 of those who approve --

4 MR. PISHVAEIAN: Can I ask a question?

5 MR. KIRWAN: No, you can't.

6 MR. PISHVAEIAN: Because I wasn't finished with --

7 MR. KIRWAN: You can talk to Staff after. Take a  
8 vote on those who approve the motion before us.

9 VOTE.

10 MR. KIRWAN: The motion passes unanimously.

11 There's a lot there, and Staff can explain all those  
12 conditions and answer all your questions tomorrow during  
13 regular business hours. Thank you. The next item on the  
14 agenda is Case II.C at 102 East Melrose Place in Chevy  
15 Chase. And, as Staff transitions, we'll take your Staff  
16 Report.

17 MR. WHIPPLE: Okay. So, while Michael gets his  
18 up, I'll just jump right in. This is 102 East Melrose, a  
19 Contributing Resource in the Chevy Chase Historic District.  
20 This is a preliminary consultation for a side addition and  
21 some other alterations. The proposal is for a small one-  
22 story addition at the right or west elevation. It's sort of  
23 in two parts, a front part, which is just a small five by  
24 six block forward of an existing side addition, and then, a  
25 second addition which expands an existing addition. It's