### STAFF REPORT

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

### STAFF RECOMMENDATION:

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

### ARCHITECTURAL DESCRIPTION:

<table>
<thead>
<tr>
<th>SIGNIFICANCE:</th>
<th>Contributing Resource within the Chevy Chase Village Historic District</th>
</tr>
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<tbody>
<tr>
<td>STYLE:</td>
<td>Tudor Revival</td>
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<tr>
<td>DATE:</td>
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*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 ribs).

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 

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.
APPLICATION FOR
HISTORIC AREA WORK PERMIT
HISTORIC PRESERVATION COMMISSION
301.563.3400

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

E-mail: ________________________________________

City: ___________________ Zip: __________

Tax Account No.: ____________________________

AGENT/CONTACT (if applicable):

Name: ________________________________
Address: ________________________________

Daytime Phone: ____________________________

E-mail: ________________________________

City: ___________________ Zip: __________

Contractor Registration No.: __________________

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: ____________ Nearest Cross Street: ____________

Lot: _________ Block: _________ Subdivision: _______ Parcel: _______

7 57 CC 106

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 ☐ Deck/Porch ☐ Shed/Garage/Accessory Structure
☐ Addition ☐ Fence ☐ Solar
☐ Demolition ☐ Hardscape/Landscape ☐ Tree removal/planting
☐ Grading/Excavation ☐ Roof ☐ Window/Door
☐ 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 ____________________________
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.
<table>
<thead>
<tr>
<th>Work Item 1: <strong>Driveway</strong></th>
</tr>
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<tbody>
<tr>
<td>Description of Current Condition: There is currently a half circle drive with a straight driveway on the left hand side of the house.</td>
</tr>
<tr>
<td>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.</td>
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<tr>
<th>Work Item 2:</th>
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<tbody>
<tr>
<td>Description of Current Condition:</td>
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<td>Proposed Work:</td>
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<table>
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<tr>
<th>Work Item 3:</th>
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<tr>
<td>Description of Current Condition:</td>
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<td>Fence/Wall</td>
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<td>Driveway/ Parking Area</td>
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<tr>
<td>Grading/Excavation/Landscaping</td>
</tr>
<tr>
<td>Tree Removal</td>
</tr>
<tr>
<td>Siding/ Roof Changes</td>
</tr>
<tr>
<td>Window/ Door Changes</td>
</tr>
<tr>
<td>Masonry Repair/ Repoint</td>
</tr>
<tr>
<td>Signs</td>
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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 hereon is correct, and the buildings have been located by actual measurements. This is not a property line survey.

[Signatures]
6403 Connecticut - NOT TO SCALE

- Existing Driveway
- Proposed Driveway
- Existing Circle Drive

Fence

42'4"  42'4"
Total Width is 102'
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
ALSO PRESENT:
Scott Whipple
Michael Kyne

APPEARANCES

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

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

MR. KIRWAN: Second?

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

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

VOTE.

MR. KIRWAN: Those historic area work permits have been passed unanimously by the Commission this evening. We want to thank the applicants who made those easily approvable for the Commission tonight. And, for next steps, contact Staff during regular business hours starting tomorrow. We're going to hear the first case tonight, Case
I.F at 6403 Connecticut Avenue in Chevy Chase. Do we have a 
Staff Report?

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

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

The Commission was -- had a positive reaction 
to many of these work items except for the 
following four, which we will focus on tonight. Which are
the porch and the pergola, the left front wooden fence and
the right side wooden fence, and the driveway ribbons and
parking pad. So, this is the subject property. This is
looking at the left front fence. A little closer look.
Even closer. We can see it's pretty deteriorated. And,
this is the neighboring fence. So, if we go back, we can
see it here in this area. So the proposal is to match that
fence as it turns here on the subject property.

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

And, this photograph shows the material of the
circle circular drive, and that's what's proposed for both
the ribbons and the parking pad. This shows the porch and
the pergola. This photograph was taken today. We did have
some concerns about the removal of the brickwork, so I
wanted to include some photographs here.
So, the applicable guidelines are the Chevy Chase Village Historic District Guidelines, and the Secretary of Interior Standards for Rehabilitation. And, Staff discussion. First, for the driveway ribbons and parking pad, the applicant proposes to add a double sided driveway, ribbons at the right front of the property and pebble stone parking pad at the left front of the property. The proposed driveway ribbons and parking pad will be constructed from the same pebble stone material as the circle drive.

The Guidelines state that 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. However, the Guidelines do state that parking pads and other paving in front yard should be discouraged.

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

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

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

In the past, the Commission has viewed similar proposals as an opportunity to bring fences into compliance with the Guidelines and the Commission's requirements. So, Staff recommends that the Commission approve the proposed fence at the left front of the property with the condition
that the fence not exceed four feet in height.

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

Although a seven-foot-tall wooden stockade fence exists in the proposed location, it is likely that this fence, again, like the other, predates designation of the district and Staff suggests that the currently proposed fence should be in compliance with the Guidelines and the Commission's typical findings as the neighbor could remove their fence in the future, presenting an opportunity to bring both fences into compliance. So, Staff recommends that the Commission approve the proposed fence at the right side with the condition that the fence not exceed four feet in height to the appropriate rear of the historic massing, with an option to transition to a six-foot-tall maximum wooden fence beyond the rear plane of the historic massing.
On to the porch and pergola. The applicant proposes to repair the existing right side porch and pergola. The repairs include removal of four brick columns and two brick knee walls along the right side of the porch. Replacing the columns with rustic timber columns to match others that currently exist on the porch, and we saw in the photo a moment ago that, as of today, they no longer exist, but we can address that with the applicant in a moment. So, also, the work includes replacing the existing timber columns in kind, and replacing the joists of the pergola in kind.

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

So, Staff recommends that the Commission approve the HAWP with the following four conditions, the proposed driveway ribbons and parking pad are not approved. The
proposed wooden fence at the left front will not exceed four feet in height. The proposed wooden fence at the right will not exceed four feet in height with an option to transition to a six foot six-inch-tall maximum fence beyond the rear of the historic massing. And additional details for the proposed 44-inch-high iron fence must be submitted, and that’s to ensure that it does in fact match the wrought iron fence on the neighbor’s property.

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

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

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

MR. KIRWAN: Yeah, on both sides. The fences that are on the property line.
MR. KYNE: So, the fence in this photograph, which
is at the right side, that is basically the neighbor's, I
believe, their side fence. So I believe it's a side fence.
It's coplanar with the front of the property. And again,
that's not within the --

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

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

MR. KIRWAN: That neighbor fronts Connecticut
Avenue?

MR. KYNE: That's right, yes.

MR. KIRWAN: Okay.

MR. KYNE: And the same is true of the property on
the left side, which this shows the fence of that property.
What you see in the background is actually the subject
property. But this is the fence of that neighboring
property to the left. And again, that property also, which
we can kind of see in this photograph, that also fronts on
Connecticut Avenue. Both of those fences are again, not
within the Commission's typical requirements and not within
the Guidelines, which makes us think that they probably
predate district designation.
MS. BARNES: I believe that that property does not face on Connecticut Avenue, but faces on a street off of Connecticut. And that the fence that is there is a side yard fence for that property.

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

MR. WHIPPLE: Rear yard fence.

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

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

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

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

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

MR. KYNE: I do, in fact, know exactly the wall that you are speaking of, because I saw it when I was out there today. But I'm not sure if it belongs to the neighboring property or to the subject property. Unfortunately, we can't get a good look at it here to see if
it matches the bricks on the pergola, which is I assume the
direction you're going with this. But we can see in this
photograph the brick columns in front of this property which
do, in fact, match --

    MR. KIRWAN: It does show up on the site plan.
    MR. WHIPPLE: If you look at Circle 11, it is
identified on the plat which leads me to believe that it's
associated with this property.

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

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

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

    MS. BARNES: Thank you.

    MS. HEILER: Did the LAP weigh in at all on the
subject of the ribbons, the parking ribbons or the parking pad?

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

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

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

MR. TRESEDER: Thank you.

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

MR. KYNE: They are, yes.

MR. KIRWAN: Any other questions for Staff? If not, we invite the applicant. Please come forward. As you
begin your testimony, please make sure your microphone is turned on, and state your name for the record before you speak.

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

The reason I purchased this property was because I fell in love with it when I saw the picture on multiple listings. I saw the potential. I purchased it for $900,000, and I'm spending about $600,000 on construction costs. Not cutting any corners. When you read the package, the pamphlet that Mike has put together, the word integrity, historical, unity, uniform, keeps popping up. And that's what exact my intention is with this property. We came in front of you about a month ago asking you to replace the windows. So we went to preserve the -- again, the integrity of the property -- we took out 60 windows and we replaced every single piece of glass. And, repaired every single
window. So we're putting all of that back together. We're adding gas -- you know, we're not putting just normal simple lights on both side of the door. We're putting gas lantern. We're keeping the same 92-year-old door. We're keeping exact same roof, slate roofs. We're replacing coppers, putting new coppers. Spending $15,000 on the roof to just bring it up to date. Unfortunately, because we have so many trees on this property, they have gone through the sewer system. I'm just giving you a little bit of background.

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

So, Mike has been there and we went back and forth and talked to the neighbor. We -- I talked to the neighbor on the left hand side. That's their side yard and backyard. They have children. They have grill in the backyard. They don't want to be exposed to Connecticut
Avenue traffic when they're grilling. They don't want to be viewed by people sitting at that -- on the road, 5:00 in the afternoon between 4:00 to 6:00, it's a parking lot, traffic just stops there. So, they are not willing to do anything with the fence, and they're saying if they have to come down to four feet, they just want to leave it the way it is. And right now it looks, I don't know what the word is, it just doesn't look right. It just doesn't match a two-million-dollar house across the street from the country club.

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

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

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

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

MR. PISHVAEIAN: Okay. So, I'm stuck on this picture, so if you can move it to the other side, I can
explain. Okay, this side, if you see there's a metal fence that it comes from the front of the property about 20 feet, and then it chops off, and then it's rusted. So, my proposal is to replace all of this to make it uniform, to continue the same fence, same look. Actually bring my metal, ironworkers, so that we can build iron fence, not to buy a cheap fence from Home Depot. And then when you get to that side, that brown fence, again, put the same fence from the left side to make it uniform. You cannot see this fence from the road when you're driving. We just want to -- we just want to make it look uniform. And then, I don't know why you asked about the brick in the back, but the brick in the back is part of this property. We're not going to touch it. I don't think we're even going to power wash it. We're going to keep the same historic look with all the ivy on top of it. And there's another gazebo in the center piece, which you can't see it here, we're going to keep all the -- all the vines on top and just replace the rotten and termite damaged beams with the same look.

Parking pad, there's nothing you can do. If somebody comes and parks -- again, this is five bedrooms, so you're going to have at least five cars in here. A family with two, three kids, teenagers, they have guests coming in. So, if somebody comes home and they park, and somebody wants to get out, they have to move the other car, or back into
Connecticut Avenue. We were forced to back into Connecticut Avenue. We almost got in a car accident couple of times. It's a three lane major road that people are traveling. So, and we don't have any trees that we're asking to cut. And I said ribbon because I was trying to keep as much as grass. If that's not what you like, you want to just be solid pebble stone, we're fine with that. If you don't want concrete and you just want walks, we're fine with that.

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

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

MR. KIRWAN: Thank you very much. I have a quick question that I might need both Staff and owner to possibly answer. The property line for this property appears to be right at the outside face of the driveway running parallel to Connecticut Avenue, and the fence we're seeing proposed on the left hand side is going all the way to the sidewalk in public space, and I'm a little -- is that something we
can even touch in this venue, or should we really be talking
-- only be talking about things that are back from the front
property line?

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

MR. KIRWAN: Not in public space.

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

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

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

MR. KIRWAN: I mean, that's not consistent with
your site plan, just so you understand that. Your site plan
shows it further back. Just so you're aware of that. You
may have an issue when you go for a fence permit, and
getting a fence permitted in public --
MR. PISHVAEIAN: I'm sorry which site plan are you referring to?

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

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

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

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

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

MR. ARKIN: Mr. Chairman?

MR. KIRWAN: Mr. Arkin?

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

MR. PISHVAEIAN: Yes, sir.

MR. ARKIN: I had a couple of questions. And, one really has to do with your rationale, and the rationale that we're supposed to use in enforcing the guidelines. They're
called guidelines, but they're really a bit stronger than
guidelines. We don't have to necessarily adhere to them
rigidly, but they're more than just suggestions. And, I
wonder if you could tell me what you feel your justification
is for asking that we not enforce the guideline on fence
height, and what your rationale is on providing the
additional parking you seek in the front yard, rather than
perhaps putting an access driveway or access ribbons back to
a parking pad in the backyard on the right side. Or some
other solution. There may be another solution that hasn't
been identified either by you at this point, or in the
remark I just made.

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

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

MR. PISHVAEIAN: Correct. So the choice here is
to leave the fence the way it is now. It is six feet high
right now, and you have fence that it looks 25, 30 years
old, that it doesn't match anything on Connecticut Avenue
when you go up and down. And when you go up and down
Connecticut Avenue, I understand this property has some --
some historic value, but fence is a different issue because
you see many, many fences six feet high up and down
Connecticut Avenue. So we are keeping the same conformity
and the same normal look when you drive up and down. We're just trying to bring this up to that integrity and the same look.

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

In short, conformity with the purpose and requirements of this chapter, that we're talking here. And, I keep seeing the word unsafe and reasonable use of the property or suffer under hardship, the general public welfare is better served by granting the permit. Those are the normal issues that I'm thinking or seeing.
As far as the driveway, that's completely a different issue. We have a 4,000 square feet house with five and a half bath, that we have room only for one car to park in the driveway. The previous owner was actually one person. It was a husband and wife, and she lived in West Virginia, and he lived here. They had one car. But it's hard for somebody who is going to spend two million dollars to buy a house knowing that they can't, they can't park more than one car in their driveway.

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

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

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

MR. PISHVAEIAN: Right. That's not parked on the driveway. It's parked on the plywood that we put down.
MR. ARKIN: Right. Why would it not be possible to pave that in material similar to the pavement that -- the existing driveway -- is built of or using ribbon strips and going back into the side yard and backyard to add parking?

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

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

MR. PISHVAEIAN: What do you mean by backyard?

MR. ARKIN: Behind the front plane of --

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

MR. ARKIN: Which is what you testified was the
condition at one time that was changed when the kitchen on
the left side was expanded.

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

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

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

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

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

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

MR. PISHVAEIAN: Right. So when you are -- when

you drive on Oxford or Melrose, you will see two, three,

four cars parked in the driveways. What's the difference

between those and this?

MR. KIRWAN: I don't know what examples you're

saying. I'm just telling you what I think the Guidelines

are addressing.

MR. PISHVAEIAN: Okay.

MR. KIRWAN: And there's lots of examples in Chevy

Chase where driveways go to the rear of the lot, and they

have expanded parking pads back there and a garage.

MR. PISHVAEIAN: Yeah, we're taking a beautiful

backyard which you just notice from the front, they're walls

in the back, we're taking a beautiful backyard and the back

that other people can enjoy and look at it, and we're taking

that out and pouring concrete to get all these cars in the

back.

MR. ARKIN: I think you're envisioning more

concrete being poured than is in my mind anyway.

MR. PISHVAEIAN: So your concern is, when people

are driving on Connecticut Avenue, not to see any cars

parked on the sides of this house?
MR. ARKIN: My concern is that we have to, we're charged with making decisions that are consistent with guidelines. And the Guidelines state pretty strongly that parking pads and other paving in front yards should be discouraged.

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

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

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

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

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

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

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

MR. KIRWAN: No, no.

MR. PISHVAEIAN: I apologize if I'm saying something that it's not --
MR. KIRWAN: No.

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

MR. KIRWAN: Okay. Any other questions?

MS. BARNES: Mr. Pishvaeian?

MR. PISHVAEIAN: Yes, ma'am.

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

MR. PISHVAEIAN: Correct.

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

MR. PISHVAEIAN: Correct.

MS. BARNES: So, how many feet are we talking
about there?

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

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

MR. PISHVAEIAN: Yes, ma'am.

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

MR. KIRWAN: No, go ahead.

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

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

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

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

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

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

MS. BARNES: Removed or rebuilt?

MR. PISHVAEIAN: You can't see this from the road. And it's blocking when you are on the porch. So we're trying to open the space so when you're on the porch, you can have access to outside. They're one too many columns in here. And these columns, right now they are loose. I invite you to come over and you can move them by hand. There are no structure inside it. So, our proposal was to
remove all of these and put the same timber look, or not
look, same timber structure all the way through.

MS. BARNES: And, once again --

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

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

MR. PISHVAEIAN: Right.

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

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

MS. BARNES: All right.

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

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

MR. PISHVAEIAN: Correct.

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

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

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

MR. PISHVAEIAN: You're welcome.

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

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

MS. HEILER: I would suggest that you do some research to see whether there are any earlier pictures from when the house was built or shortly afterward to see what was there. That would probably benefit your case in changes that you want to make. If you are going back to an earlier form, you know, whether that side brick wall was there. It looks like it probably was. But anything else that you are planning for changes for that, because it's a very important, it's a character defining feature of the side of that house, and it is visible, To see if you can find
any history of what was there. That would probably be valuable to you.

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

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

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

MS. LEGG: No.

MR. PISHVAEIAN: Okay, I will look.

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

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

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

MR. CARROLL: Sure. As been explained, we have certain guidelines that we have to follow when we're doing this, the Montgomery County Code, the Chevy Chase Village Historic Guidelines. One of the things in the historic district guidelines is that, any changes that are visible
from the public right-of-way from the front, we have to be a lot more careful of. I think that's one of the reasons that when Commissioner Arkin was talking about putting a garage at the back, that's typically what they want. They want the cars back and out of the way. They want to preserve the sort of park-like setting in the front.

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

When you move to the right side, putting a seven foot fence all the way out to the property line seems like it would be sort of closing the house in. You know, there's the neighbor's yard, your yard, I wonder if you might consider doing the iron fence back to the front plane of the house on that side, and then starting up with the wooden fence to go back. I, you know, I think the Staff is right
about the details of the iron fence, but it sounds like you
want to do a good job with that anyway, so it's unlikely to
be a problem.

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

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

    I do find it a little curious that the LAP did not
give us comments on this, and I wonder if it was an oversight and an accident. But I have a feeling that they would, a hundred percent, agree with Commissioner's Carroll's viewpoint, as I do.

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

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

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

MR. TRESEDER: I would -- I'd be supportive of,
being a little more lenient on the fence issue, considering
the unique location of this lot. So I would agree with
Commissioner Carroll that a six-foot fence on the
left might be okay. I do think that the Guidelines are
mainly meant to apply to the more typical Chevy Chase lot,
and this is not typical being on Connecticut Avenue, so I
agree with the idea of being lenient about a parking pad on
the left side, what the other Commissioners have mentioned.
I disagree, I mean, I agree with the Staff that we should not have ribbons on the right side creating two more parking spaces in the front yard on the right are inappropriate. And I think that the -- so I would not approve of those. And frankly, I think that this is -- I think this application is actually incomplete. I think it's inaccurate and it's not clear, and I would suggest that a better plan be drawn up that is more complete, and perhaps at the same time make a more approvable version of the -- somewhere along the lines that Commissioner Heiler mentioned of a single pair of ribbons going toward -- along the side yard toward the rear for a parking area.

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

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

I agree with Commissioner Carroll about having the metal fence run from the front of the property down the
right side to the, I guess it's a shed on the adjacent
property, and have a fence start there, and then again, I
think I would support the Staff recommendation for a lower
fence in the front. I take my colleague's comments about
the Chevy Chase regulations being fairly strict, but we
often hear from the LAP in advance of the applications.
And, in the absence of their weighing in, I feel no
compunctions about recommending the taller fence on the
left.

I support the idea of driveway ribbons on the left
running from the existing circular drive all the way back to
the gate, which would give you parking space, I would think,
for at least two cars and also deal with your concern about
a catering truck at some point in the future. With regards
to the pergola, it is very visible from Connecticut Avenue,
and I take the point that the brick columns may not be
original, because it is true, as we see in the pictures,
there's a variety of different brickwork. I believe the
knee walls are, because they match very much the brickwork
in the column by the left front gate. And I would say that
they should be retained, all of the knee walls. And your
comment about the instability of the brick columns argues
for your objective of replacing those with wooden timbers,
which I would support, which would then match the timbers
coming over the top.
MR. ARKIN: I would very interested in seeing if your research on the pergola turns up any pictures showing the pergola way back when so that we can -- we can make a reasoned determination on whether the brick columns are character defining, or whether they're a later addition. I do think that the knee wall, the brick walls in the front, are and the style in which the brick is laid, are character defining, and are consistent with the detailing around the windows and doors, t. The brickwork around the windows and doors.

I don't think -- it is a stunning house -- and as others have said, I think it's quite apparent why you have such affection for it, it's a beautiful house, and has enormous potential. And, I think your rationale for the parking ribbons on the left side of having a dual purpose of extra parking, and also access for catering equipment and potential future use of the house, makes a lot of sense. I don't think that I could support the two sets of ribbons on the right side, as they're currently designed, because I think the effect of those is too -- all those driveway -- all those ribbon strips together and the cars that will end up on them, will leave the impression of having perpendicular parking along the front of the house. And I think that's exactly what the Guidelines are designed to or intended to discourage. I think that Commissioner
Treseder's comments about coming back with some drawings that would show some other options for -- first to clarify the existing drawing, and to show some other options for parking, perhaps in the rear, or perhaps in the side yard, are worth pursing.

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

MS. BARNES: Four feet or six?

MR. ARKIN: Oh, pardon me. Six feet, not four.

Thank you for the correction.

MR. KIRWAN: Just as a point of clarification, Commissioner Arkin and Commission Barnes, you both made
reference to accepting the idea of parking ribbons on the left hand side. But that's a change in the proposal. That would be a motion. That's a parking pad in the current proposal. You're suggesting a --

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

MR. KIRWAN: -- proposal to parking ribbons.

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

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

MR. KIRWAN: On the left hand side?

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

MR. KIRWAN: Okay. Just to -- I mean, this is more for the applicant -- a couple of Commissioners have made the suggestion of alternatives to your proposal tonight. So, you do have the option to continue your case, and we will not weigh in on it tonight, and you can rethink some of the suggestions that have been made. You can do more research on the pergola, and come back to us with a revised proposal that we can rule on, or you can just let us
rule on what we've heard tonight, and we'll make a decision and that's what we will approve, and that's what you'll have to move forward with, unless you came in with a second HAWP or a revision to your HAWP. Do you understand what I'm referring to?

MR. PISHVAEIAN: Yeah.

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

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

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

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

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

MR. PISHVAEIAN: That's fine.
MR. KIRWAN: -- left with, or you can continue your case.

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

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

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

MR. KIRWAN: And, as a point of clarification, you mentioned the height of the fence beyond the rear plane of the house being six feet tall. Did you mean six foot six,
as written in the Staff Report, or were you specific about six feet?

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

MR. KIRWAN: Okay.

MS. BARNES: Thank you.

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

MR. KIRWAN: Do you accept that amendment?

MS. BARNES: I accept that amendment.

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

MR. ARKIN: Yes.
MS. BARNES: Why don't I --

MR. WHIPPLE: You're good.

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

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

MR. KIRWAN: I mean, unless you want to. But I think we're capturing these friendly amendments on the record.

MR. WHIPPLE: And then I have a question about the columns of the pergola, and what you want done with those.

MR. KIRWAN: We have one more suggestion or a friendly amendment.

MS. HEILER: Okay. I'd like to offer a friendly amendment. That the replacement of the columns on the pergola is not approved.

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

MS. HEILER: It means don't replace them. But you can come back with a more detailed plan and possibly show us what was there much earlier.

MR. PISHVAEIAN: They're destroyed. There's nothing there.

MR. KIRWAN: We're in deliberations. Please turn off your microphone, you're not to speak during deliberations. Do you accept the friendly amendment?

MS. BARNES: It's fine.

MR. ARKIN: And I will second the motion.
MR. KIRWAN: All right. Any further discussion?

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

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

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

MR. WHIPPLE: Iron details to Staff.

MR. ARKIN: It's number four on the Staff Report. And, I think the sense of the first condition was that the ribbons that would be permitted on the left would be a single set of ribbons. A left ribbon and a right ribbon
going from the driveway to the gate.

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

MR. PISHVAEIAN: Can I ask a question?

MR. KIRWAN: No, you can't.

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

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

VOTE.

MR. KIRWAN: The motion passes unanimously.

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

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