

EXPEDITED
MONTGOMERY COUNTY HISTORIC PRESERVATION COMMISSION
STAFF REPORT

Address:	7815 Overhill Road, Bethesda	Meeting Date:	12/2/2020
Resource:	Contributing Resource (Greenwich Forest Historic District)	Report Date:	11/25/2020
Applicant:	Alex Kinnier (Jeff Rogers, Agent)	Public Notice:	11/18/2020
Review:	HAWP	Tax Credit:	No
Case Number:	35/165-20G	Staff:	Michael Kyne
PROPOSAL:	New fence		

STAFF RECOMMENDATION:

- ☒ Approve
☐ Approve with conditions

ARCHITECTURAL DESCRIPTION:

SIGNIFICANCE: Contributing Resource within the Greenwich Forest Historic District
 STYLE: Colonial Revival
 DATE: c. 1941

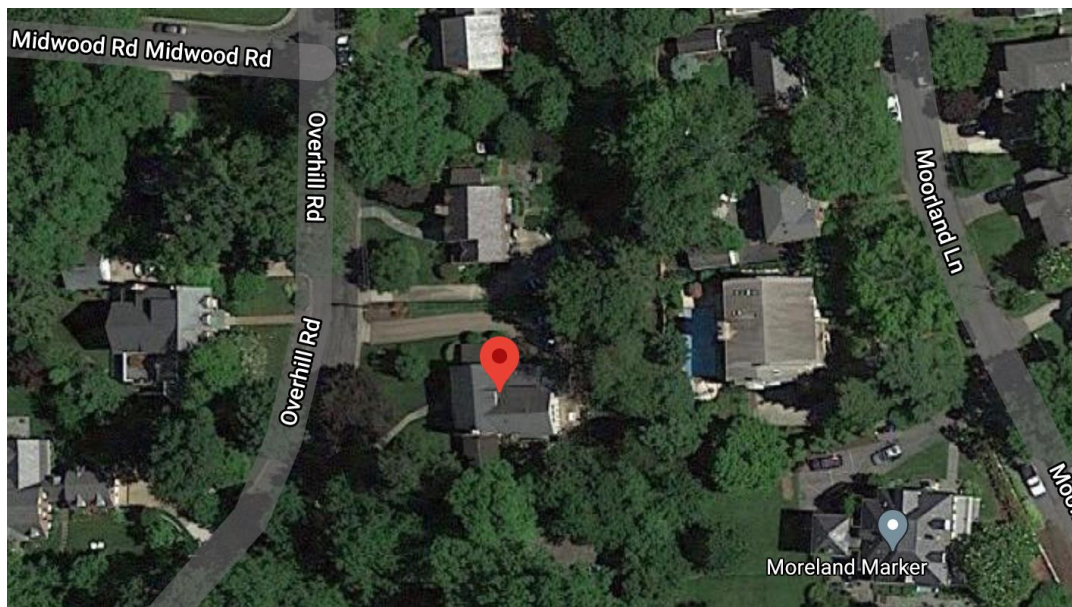


Fig. 1: Subject property.

PROPOSAL:

The applicant proposes the following work items at the subject property:

- Installation of a wooden privacy fence with gate at the east (rear) property line. The proposed fence will be 6'-1" high with 6'-6" high posts.
- Installation of a 48" high black aluminum picket fence at the northeast (rear/left, as viewed from the public right-of-way Overhill Road) property line.
- Installation of a 48" high black aluminum picket fence with gate at the north (left) side of the subject property house, connecting the rear plane of the house to the proposed fence at the northeast (rear/left) property line.
- Installation of a 48" high black aluminum picket fence with gate at the south (right) side of the subject property house, connecting an existing enclosed porch to an existing fence at the south side (left) property line. The proposed fence will be 16' behind the front plane of the house (the *Greenwich Forest Historic District Guidelines* require fences to be at least 3' behind the front plane of the house).
- The proposed fence installation at the east (rear) property line will require the removal of one 6" diameter (measured at 5' from the ground) tree; however, the *Greenwich Forest Historic District Guidelines* specify that a HAWP is only required for trees 8" diameter or greater, as measured at 5' from the ground.

APPLICABLE GUIDELINES:

IV. The Expedited Staff Report format may be used on the following type of cases:

2. Modifications to a property, which do not significantly alter its visual character.
10. Construction of fences that are compatible with historic site or district in terms of material, height, location, and design. Requests for fences higher than 48" to be located in the front yard of a property will not be reviewed using an Expedited Staff Report.

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.*)

Secretary of 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 will not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.

STAFF RECOMMENDATION:

Staff recommends that the Commission **approve** the HAWP application under the Criteria for Issuance in Chapter 24A-8(b), (1), (2) & (d) having found that the proposal is consistent with the *Greenwich Forest Historic District Guidelines*, 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 and #9;

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# 933277
DATE ASSIGNED _____

APPLICATION FOR HISTORIC AREA WORK PERMIT

HISTORIC PRESERVATION COMMISSION
301.563.3400

APPLICANT:

Name: Alex Kinnier

E-mail: akinnier@gmail.com

Address: 7815 Overhill Road

City: Bethesda Zip: 20814

Daytime Phone: 857-498-1961

Tax Account No.: 00496678

AGENT/CONTACT (if applicable):

Name: Jeff Rogers

E-mail: jeff@phoenixfenceanddeck.com

Address: 4501 Gregg Rd

City: Brookeville Zip: 20833

Daytime Phone: 240-832-2641

Contractor Registration No.: 90422

LOCATION OF BUILDING/PREMISE: MIHP # of Historic Property M: 35 - 165

Is the Property Located within an Historic District? ☒ Yes/District Name Greenwich Forest Survey District
☐ No/Individual Site Name _____

Is there an Historic Preservation/Land Trust/Environmental Easement on the Property? If YES, include a map of the easement, and documentation from the Easement Holder supporting this application. No

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

Building Number: 7815 Street: Overhill Road

Town/City: Bethesda Nearest Cross Street: Wilson Lane

Lot: 19 & 20 Block: R Subdivision: Section 4, Huntington, Parcel: 5 at Plat 449

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 checked="" 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 type="checkbox"/> Other: _____ |

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

Alex Kinnier

Oct 20, 2020

Signature of owner or authorized agent

Date

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

Owner's mailing address

Alex Kinnier
7815 Overhill Rd
Bethesda, MD 20814

Owner's Agent's mailing address

Phoenix Fence
4501 Gregg Rd
Brookeville MD 20833

Adjacent and confronting Property Owners mailing addresses

Left side:
Joe Mott & Paula Wolff
7819 Overhill Rd
Bethesda MD 20814

Rear:
Elliot & Lily Feldman
7812 Moorland Ln
Bethesda MD 20814

Right side:
Colin & Laurie Church
7805 Overhill Rd
Bethesda MD 20814

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

7815 Overhill Rd is a Colonia Revival house situated on a lot having a flat back yard and a front yard sloping from the front of the house to the street. In the front yard there are two oak trees and a maple tree. The back yard has 5 trees.

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

Install a 92 foot cedar board and baton fence along the rear property line of 7815 Overhill Rd that is identical to, and in line with, the fence installed along the back property line of 7819 Overhill Road.

Replace the the existing wooden fence in the back left of the back yard that divides 7815 and 7819 Overhill Rd with 4 foot tall Long Spur fence. Using the same fence type, connect this fence with the house at 7815 Overhill Rd along the rear house line.

Replace the existing wooden fence on the side yard of 7815 Overhill Rd that perpendicularly connects the house at 7815 Overhill and the existing fence that divideds 7815 and 7805 Overhill Rd with 4 foot tall Long Spur fence.

Work Item 1: Back property line fence

Description of Current Condition:

At the back property line of 7815 Overhill Rd, no fence that is permitted for 7815 Overhill Rd exists.

Note: the fence that was erected by 7812 Moorland Ln and incorrectly placed on 7815 Overhill's lot is being removed.

Proposed Work:

Install a 92 foot cedar board and baton fence along the rear property line of 7815 Overhill Rd that is identical to, and in line with, the fence installed along the back property line of 7819 Overhill Road. Gate will be installed on back right side.

Work Item 2: Replace 7815 & 7819 Overhill back yard dividing fence

Description of Current Condition:

4 ft back yard wooden fence exists between 7815 and 7819 Overhill Rd. It is in poor repair and falling down.

Proposed Work:

Replace the the existing 4 foot tall wooden fence that is falling down within the back left of the back yard that divides 7815 and 7819 Overhill Rd with 4 foot tall Long Spur fence. Using the same fence type, connect this fence with the house at 7815 Overhill Rd along the rear house line perpendicular to existing retaining wall.

Work Item 3: Replace connecting fence between 7815 and 7805 Overhill

Description of Current Condition:

4 ft back yard wooden fence exists between 7815 house and 7805 chain link fence connecting the two.

Proposed Work:

Replace the 4 foot tall existing wooden fence on the side yard of 7815 Overhill Rd that perpendicularly connects the house at 7815 Overhill and the existing fence that divided 7815 and 7805 Overhill Rd with 4 foot tall Long Spur fence.

Back property line fence

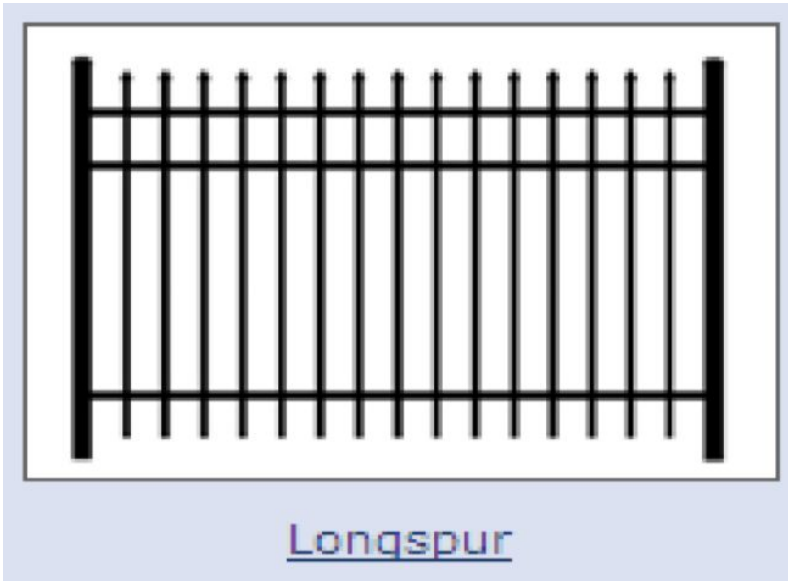
Image of fence at 7819 Overhill Rd. Back property fence at 7815 Overhill will be identical to what is shown and installed as a continuous line extending from this fence at 7819 Overhill.



Material specification: cedar

Replace 7815 & 7819 Overhill back yard dividing fence &

Replace connecting fence between 7815 and 7805 Overhill

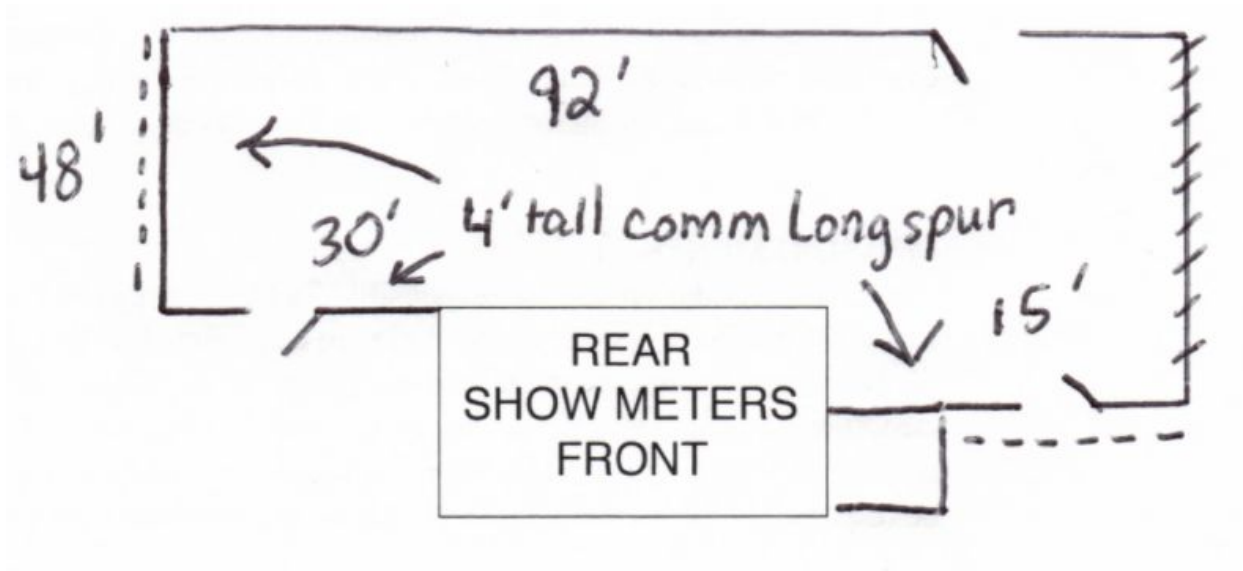


Material specification: black commercial grade aluminum

Tree survey

One non-canopy contributing 6" in diameter (measured at 5' height) tree will be removed along the 92' back fence line.

Site Plan / Plans





DEPARTMENT OF PERMITTING SERVICES

Marc Elrich
County Executive

Mitra Pedoeem
Director

HISTORIC AREA WORK PERMIT APPLICATION

Application Date: 11/12/2020

Application No: 933277
AP Type: HISTORIC
Customer No: 1390754

Affidavit Acknowledgement

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

Primary Applicant Information

Location 7815 7815 Overhill RD Bethesda, MD 20814
Homeowner Kinnier (Primary)

Historic Area Work Permit Details

Work Type CONST
Scope of Work Install & replace fence

7815 Overhill Rd, Bethesda MD 20814 - HAWP Application - November 23, 2020

Photographs of the property, including the house, existing fences, and tree to be removed.

Right front:



Left front:



Rear yard:



Tree to be removed (marked with red X):



Clarification on the fencing plan. Specifically, what do the dashed lines and crossed lines indicate?

- Crossed lines on the right side of the house indicate an existing chain link fence that will not be impacted by this work.



- Dashed lines on the left side and front-right of the house indicate the existing 4 ft wooden fence that is in disrepair that will be removed/replaced.



What is the boxed-in section at the front/right side? Is this existing or proposed fencing? Please note that the Greenwich Forest Historic District Guidelines specifically state that new (which includes replacement) fences must be at least 3' behind the front wall plane of the house. If this is an existing feature that will not be replaced, please state this and provide a photograph of the existing fence.

- The boxed-in section at the front/right side is an existing screened-in porch that is connected to the house.
- The new/replacement fence will be in the same spot as the existing fence which is 16 feet behind the front wall plane of the house.



What is the overall height (fence plus lattice topper) of the proposed wooden privacy fence? It is allowed to a height of 6'-6", but it doesn't appear to be that tall in the photograph. Please let me know.

- The overall height of the fence plus lattice topper will be 6'-1" with fence posts at 6'-6", and be the same height as, and continuous with, what has been installed at 7819 Overhill Rd.