

MONTGOMERY COUNTY HISTORIC PRESERVATION COMMISSION
STAFF REPORT

Address:	35 Oxford Street St., Chevy Chase	Meeting Date:	1/6/2021
Resource:	Contributing Resource Chevy Chase Village Historic District	Report Date:	12/30/2020
Applicant:	Greg Fishbein	Public Notice:	12/23/2020
Review:	HAWP	Tax Credit:	No
Permit No.:	936673	Staff:	Dan Bruechert
Proposal:	Accessory building demolition, accessory building construction, and building alterations.		

STAFF RECOMMENDATION

Staff recommends the HPC **approve** the HAWP application:

ARCHITECTURAL DESCRIPTION

SIGNIFICANCE: Contributing Resource within the Chevy Chase Historic District
STYLE: Colonial Revival
DATE: 1925

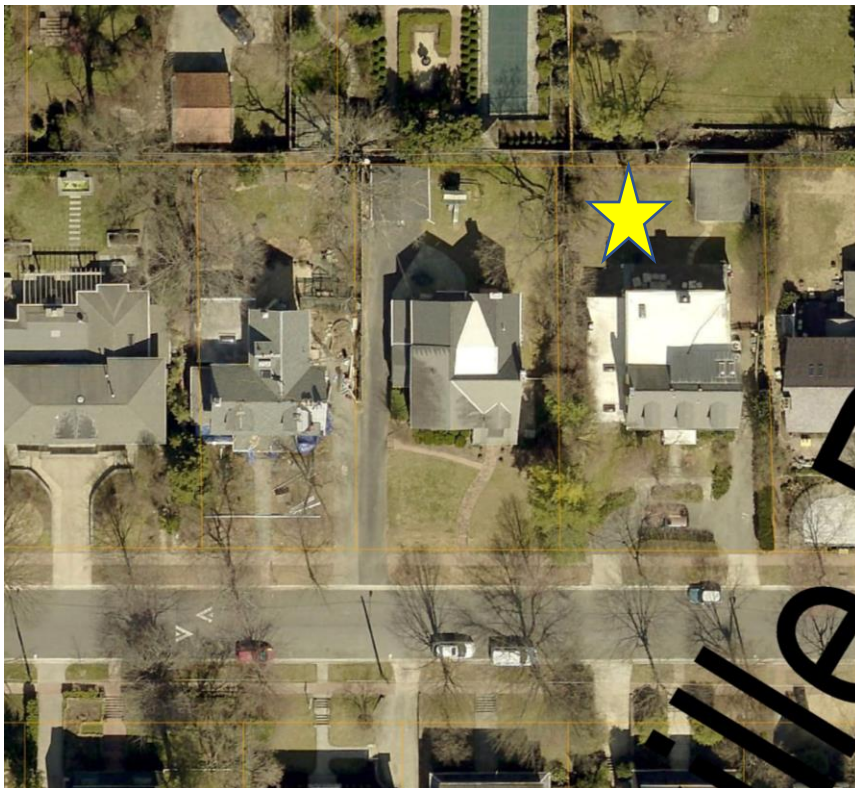


Figure 1: 35 Oxford Street has been significantly modified from its historic form.

PROPOSAL

The applicant proposes to demolish the existing accessory structure, construct a new accessory structure in the new location, and add shutters and install a 2nd floor railing.

APPLICABLE GUIDELINES

When reviewing alterations and new construction within the Chevy Chase Village Historic District several documents are to be utilized as guidelines to assist the Commission in developing their decision. These documents include *Montgomery County Code Chapter 24A (Chapter 24A)*, the *Chevy Chase Historic District Design Guidelines (Guidelines)*, and the *Secretary of the Interior's Standards for Rehabilitation (Standards)*. The pertinent information in these documents is outlined below.

Chevy Chase Village Historic District Guidelines

The *Guidelines* break down specific projects into three levels of review - Lenient, Moderate and Strict Scrutiny.

“Lenient Scrutiny” means that the emphasis of the review should be on issues of general massing and scale, and compatibility with the surrounding streetscape, and should allow for a very liberal interpretation of preservation rules. Most changes should be permitted unless there are major problems with massing, scale or compatibility.

“Moderate Scrutiny” involves a higher standard of review than “lenient scrutiny.” Besides issues of massing, scale and compatibility, preserving the integrity of the resource is taken into account. Alterations should be designed so that the altered structure still contributes to the district. Use of compatible new materials, rather than the original building materials, should be permitted. Planned changes should be compatible with the structure’s existing design, but should not be required to replicate its architectural style.

“Strict Scrutiny” means that the planned changes should be reviewed to ensure that the integrity of the significant exterior architectural or landscaping features and details is not compromised. However, strict scrutiny should not be “strict in theory but fatal in fact” i.e. it does not mean that there can be no changes but simply that the proposed changes should be reviewed with extra care.

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

- Garages and accessory buildings which are detached from the main house should be subject to lenient scrutiny but should be compatible with the main building. If an existing garage or accessory building has any common walls with, or attachment to, the main residence, then any addition to the garage or accessory building should be subject to review in accordance with the Guidelines applicable to “major additions.” Any proposed garage or accessory building which is to have a common wall with or major attachment to the main residence should also be reviewed in accordance with the Guidelines applicable to “major additions.”
- Lot coverage should be subject to strict scrutiny, in view of the critical importance of preserving the Village’s open park-like setting.
- Shutters should be subject to moderate scrutiny if they are visible from the public right-of-way.

- The *Guidelines* state five basic policies that should be adhered to, including:
 - Preserving the integrity of the Chevy Chase Village Historic District. Any alterations should, at a minimum, perpetuate the ability to perceive the sense of time and place portrayed by the district.
 - Preserving the integrity of contributing structures. Alterations to should be designed in such a way that the altered structure still contributes to the district.
 - Maintaining the variety of architectural styles and the tradition of architectural excellence.
 - Design review emphasis should be restricted to changes that will be visible from the front or side public right-of-way, or that would be visible in the absence of vegetation or landscaping.
 - Alterations to the portion of a property that are not visible from the public-right-of-way should be subject to a very lenient review. Most changes to the rear of the properties should be approved as a matter of course.

Montgomery County Code; Chapter 24A-8

- (b) The commission shall instruct the director to issue a permit, or issue a permit subject to such conditions as are found to be necessary to insure conformity with the purposes and requirements of this chapter, if it finds that:
 - (1) The proposal will not substantially alter the exterior features of an historic site or historic resource within an historic district; or
 - (2) The proposal is compatible in character and nature with the historical, archeological, architectural or cultural features of the historic site or the historic district in which an historic resource is located and would not be detrimental thereto or to the achievement of the purposes of this chapter; or
- (d) In the case of an application for work on an historic resource located within an historic district, the commission shall be lenient in its judgment of plans for structures of little historical or design significance or for plans involving new construction, unless such plans would seriously impair the historic or architectural value of surrounding historic resources or would impair the character of the historic district. (Ord. No. 9-4, § 1; Ord. No. 11-59.)

Secretary of Interior's Standards for Rehabilitation

- 2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
- 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 proportions, and massing to protect the integrity of the property and its environment.
- 10. New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

STAFF DISCUSSION

The applicant proposes work in three categories: demolishing the existing garage, constructing a new accessory structure, and alterations to the building. Staff finds the proposed work will likely have a minimal impact from the public right-of-way and Staff recommends the HPC approve the proposal.

Accessory Building Demolition

In the northeast corner of the lot, there is an accessory structure. The structure has a front-facing gable and is in the form of a garage, measuring 17' 2" (seventeen feet, two inches) square; though there are no garage doors. In place of a garage door, the street-facing elevation has a pair of French doors and a pair

of single lite casement windows. Staff has not examined the interior of the structure to be able to determine if the existing accessory structure is the same one shown in the 1927 Sanborn map (below) or is a later replacement.

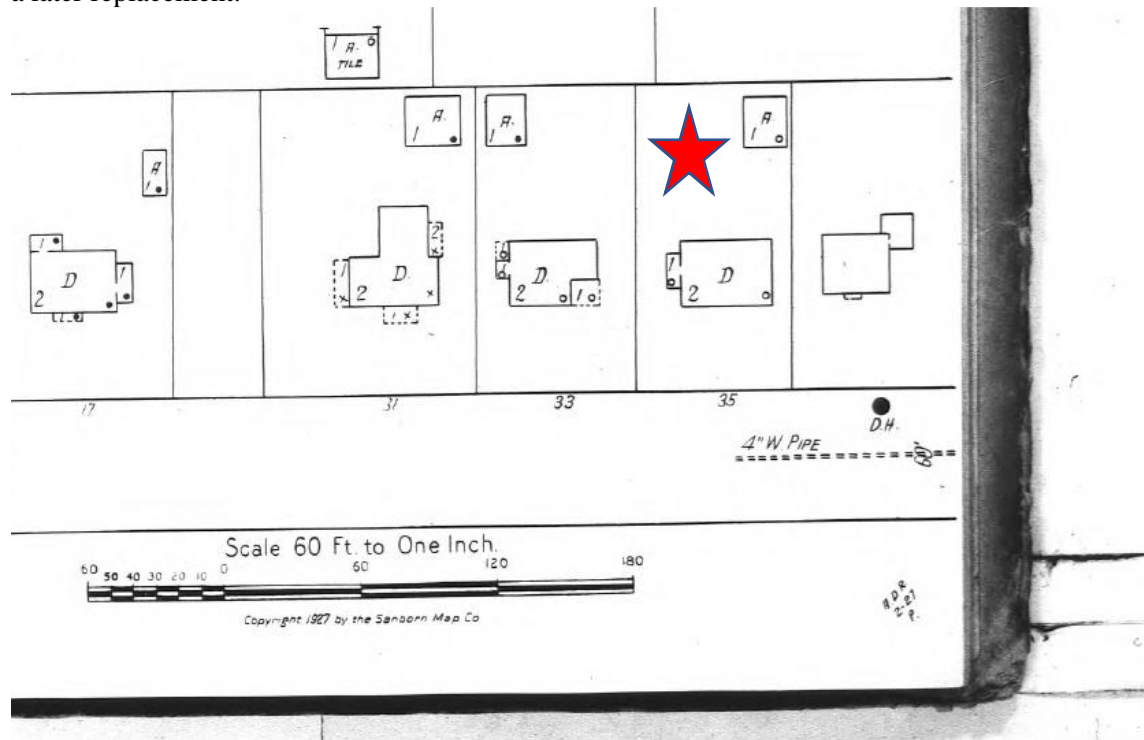


Figure 2: 1927 Sanborn map showing the subject property and accessory structure.

While Staff does not take a position on the construction date of the existing accessory structure, the *Design Guidelines* require alteration of detached accessory structures to be reviewed under lenient scrutiny. Staff finds the alterations to the building have resulted in a loss of material and design integrity of the structure. An additional factor Staff considered is the function of the building. At some point, the applicant (or a previous owner) truncated the driveway at the rear wall plane and relocated the HVAC units so the rear of the lot is no longer accessible to vehicles. Staff finds that the demolition of the structure will not impact the surrounding streetscape and supports demolition of this structure under the *Design Guidelines* and chapter 24A-8(b)(2) and (d).

Accessory Structure Construction

In the location of the existing accessory structure, the applicant proposes to construct a new structure described as a “pavilion/shed” in the application materials. The proposed structure is approximately the same size, only 3” (three inches) longer and wider than the existing structure. The principal difference in the form of the accessory structure has a pyramidal roof with a cupola, which makes the height of the proposed building one foot taller than the existing one. The exterior of the new structure will be covered in wood shiplap siding in a 4” (four-inch) reveal. The roof will be standing seam metal with wood trim at the cupola. The south elevation has a pair of wood French doors with a multi-lite transom. The west elevation has a large 20-lite picture window with a transom. The east elevation has several doors that access additional storage and the north elevation has a blank wood elevation. The building is constructed at the minimum setback requirements in the northeast corner of the lot.

Under the *Design Guidelines*, a detached garage or accessory structure is to be reviewed under lenient scrutiny, but need to be compatible with the main building. Staff finds that in considering the size, scale, and compatibility with the streetscape, the proposed building satisfies the requirements under lenient scrutiny. The size of the proposed structure is approximately the same as the existing building, which

will not overwhelm or detract from the house. Staff finds that, while the cupola is an architectural embellishment, because the building is so far removed from the street it will not impact the surrounding streetscape. Finally, Staff finds that the wood-sided accessory building is compatible with the existing construction in its simple form and materials. It will not visually compete with the historic building and Staff finds an appropriate infill under 24A-8(b)(2) and (d) Standards 9 and 10, and the *Design Guidelines*.

Exterior Alterations

The final work proposed under this HAWP is alterations to the building exterior. The changes include constructing a second-floor railing above the entrance and the non-historic side addition; louvered wood shutters on two elevations of the house; and constructing a new wood trellis behind the rear elevation.

Above the front entrance and above the one-story, non-historic right-side addition the applicant proposes constructing a wooden railing, approximately 30" (thirty inches) tall. Staff found a listing for a similarly detailed handrail called a "Geometric X Chippendale" railing or a "Southern Cross" detail. Staff also found an example of this railing on a Neoclassical house (circa 1936) in "A Field Guide to American Houses." While the *Design Guidelines* do not have a category for railings, decks, porches, and fences are all to be reviewed under moderate scrutiny if visible from the public right-of-way. Staff finds these are appropriate analogs and recommends evaluating this proposed feature under that standard. Staff finds that the design and material are appropriate for a feature of this era. Additionally, Staff finds the size of the railing will not detract from the character of the house. Staff also finds that this feature could easily be removed in the future without damaging the integrity of the site (per Standard 10). Staff recommends the HPC approve the new railing under 24A-8(b)(2) and (d), the *Design Guidelines*, and Standard 10.

The other change proposed is installing wood louvered shutters on the north and east elevations. Currently, only the south (front) elevation has shutters; and those shutters are wood. Staff finds that the east and north elevations are only minimally visible from the right of way and introducing shutters on these elevations will not have a significant impact on the character of the house or the surrounding district. Staff finds the materials and design details of the proposed shutters are appropriate for the house and consistent with the appearance on the front elevation. Staff recommends the HPC approve the shutters under the *Design Guidelines*, chapter 24A-8(b)(2) and (d), and Standard 10.

Finally, the applicant proposes to construct a wood trellis that will extend over the three rear French doors. As a feature that is entirely behind the house, on the first floor, and is not at all visible from the right-of-way. The *Design Guidelines* state that alterations to the portions of properties that meet these criteria should be subject to a very lenient review and that most changes should be approved as a matter of course. Staff finds no reason why that should not be so in this instance. The trellis is a compatible material with the house, constructed on a non-historic addition. This feature will not impact the historic materials or historic design of the house and is easily reversible in the future. Staff recommends approval under the *Design Guidelines*, 24A-8(b)(2), and Standards 2 and 10.

STAFF RECOMMENDATION

Staff recommends that the Commission approve the HAWP application under the Criteria for Issuance in Chapter 24A-8(b)(2), and (d), having found that the proposal, is consistent with and compatible in character with the purposes of Chapter 24A; The Chevy Chase Village District Design Guidelines;

and with the Secretary of the Interior's Standards for Rehabilitation #2, 9, and 10;

and with the general condition that the applicant shall present the **3 permit sets of drawings, if applicable, to Historic Preservation Commission (HPC) staff for review and stamping** prior to submission for the Montgomery County Department of Permitting Services (DPS) building permits;

and with the general condition that final project design details, not specifically delineated by the Commission, shall be approved by HPC staff or brought back to the Commission as a revised HAWP application at staff's discretion;

and with the general condition that the applicant shall notify the Historic Preservation Staff if they propose to make **any alterations** to the approved plans. Once the work is completed the applicant will contact the staff person assigned to this application at 301-563-3400 or dan.bruechert@montgomeryplanning.org to schedule a follow-up site visit.



FOR STAFF ONLY:
HAWP# 936673
DATE ASSIGNED _____

**APPLICATION FOR
HISTORIC AREA WORK PERMIT**
HISTORIC PRESERVATION COMMISSION
301.563.3400

APPLICANT:

Name: _____

E-mail: _____

Address: _____

City: _____ Zip: _____

Daytime Phone: _____

Tax Account No.: _____

AGENT/CONTACT (if applicable):

Name: _____

E-mail: _____

Address: _____

City: _____ Zip: _____

Daytime Phone: _____

Contractor Registration No.: _____

LOCATION OF BUILDING/PREMISE: MIHP # of Historic Property _____

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

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: _____

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: _____

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:

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

Work Item 1: _____

Description of Current Condition:

Proposed Work:

Work Item 2: _____

Description of Current Condition:

Proposed Work:

Work Item 3: _____

Description of Current Condition:

Proposed Work:

HISTORIC AREA WORK PERMIT CHECKLIST OF APPLICATION REQUIREMENTS

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

0001 COVER SHEET, INDEX, PHOTO, BLOCK PLAN

- A100 EXISTING SITE PLAN
- A101 PROPOSED SITE PLAN
- A102 EXISTING AND PROPOSED PLANS
- A200 EXISTING AND PROPOSED SOUTH AND WEST ELEVATIONS
- A201 EXISTING AND PROPOSED NORTH AND EAST ELEVATIONS

- A202 EXISTING AND PROPOSED SOUTH ELEVATIONS
- A203 EXISTING AND PROPOSED EAST ELEVATIONS
- A204 EXISTING AND PROPOSED NORTH ELEVATIONS
- A205 EXISTING AND PROPOSED WEST ELEVATIONS



SCOPE OF WORK:

- 1) DEMOLISH EXISTING GARAGE
- 2) BUILD NEW PAVILION WITHIN SAME FOOTPRINT
- 3) ALTER ELEVATIONS OF MAIN HOUSE

PROJECT DESIGNED TO THE FOLLOWING CODES:
DESIGN CRITERIA IS IN COMPLIANCE WITH IRC 2015 AS AMENDED BY
MONTGOMERY COUNTY EXECUTIVE REGULATION # 4-15AM II

1 STREET VIEW



2 BLOCK PLAN

CHRISTIAN ZAPATKA ARCHITECT, PLLC
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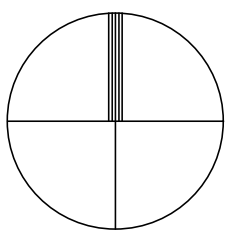
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PROJECT:

FISHBEIN RESIDENCE
35 OXFORD ST
CHEVY CHASE, MD

DRAWING TITLE:

COVER SHEET

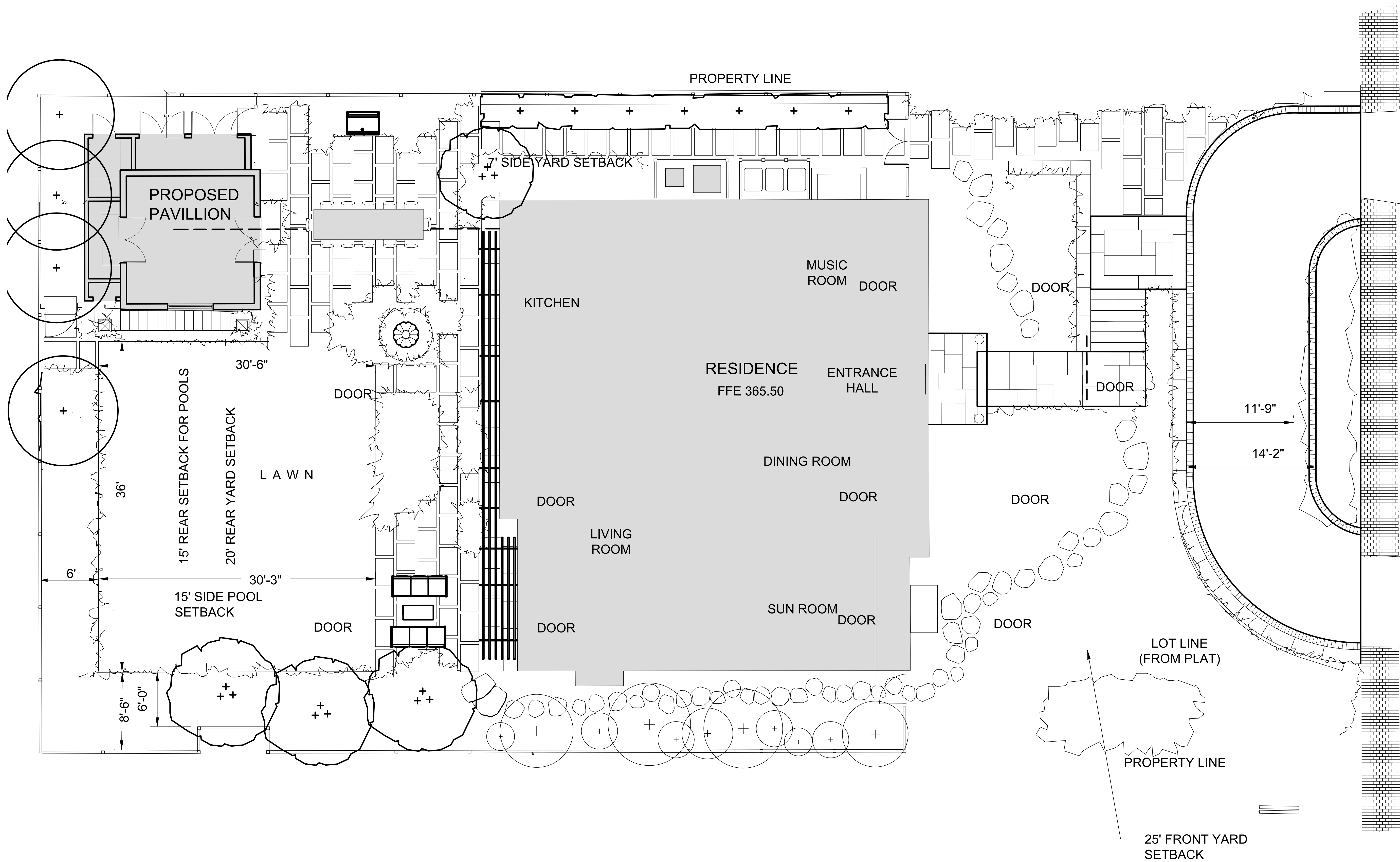


SUBMISSION:

CONCEPT

DATE: NOVEMBER 25, 2020
SCALE: NTS = 1'-0"

0001



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PROJECT:

FISHBEIN RESIDENCE
35 OXFORD STREET
CHEVY CHASE, MD

DRAWING TITLE:

PROPOSED
SITE PLAN

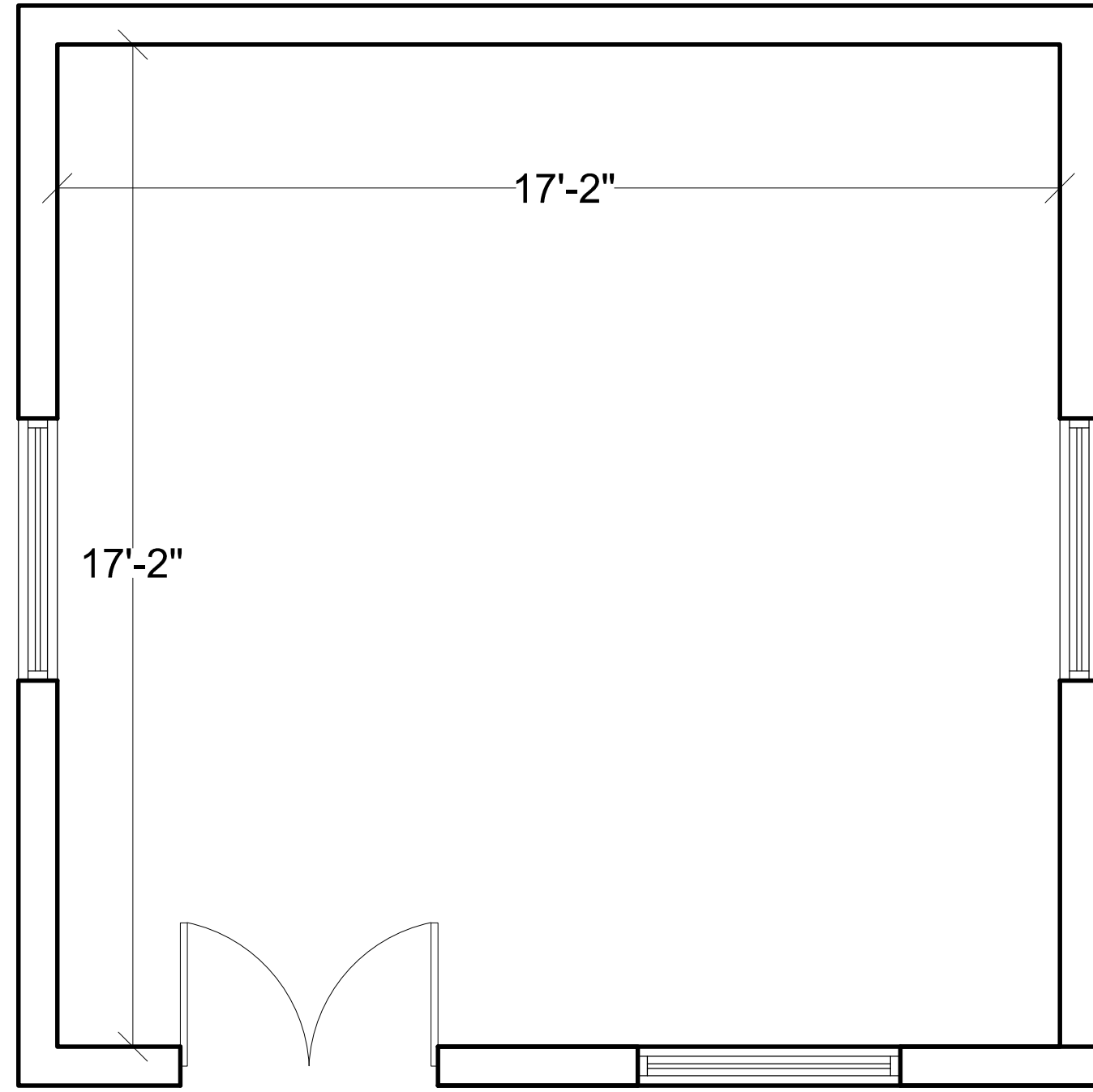
SUBMISSION:

CONCEPT

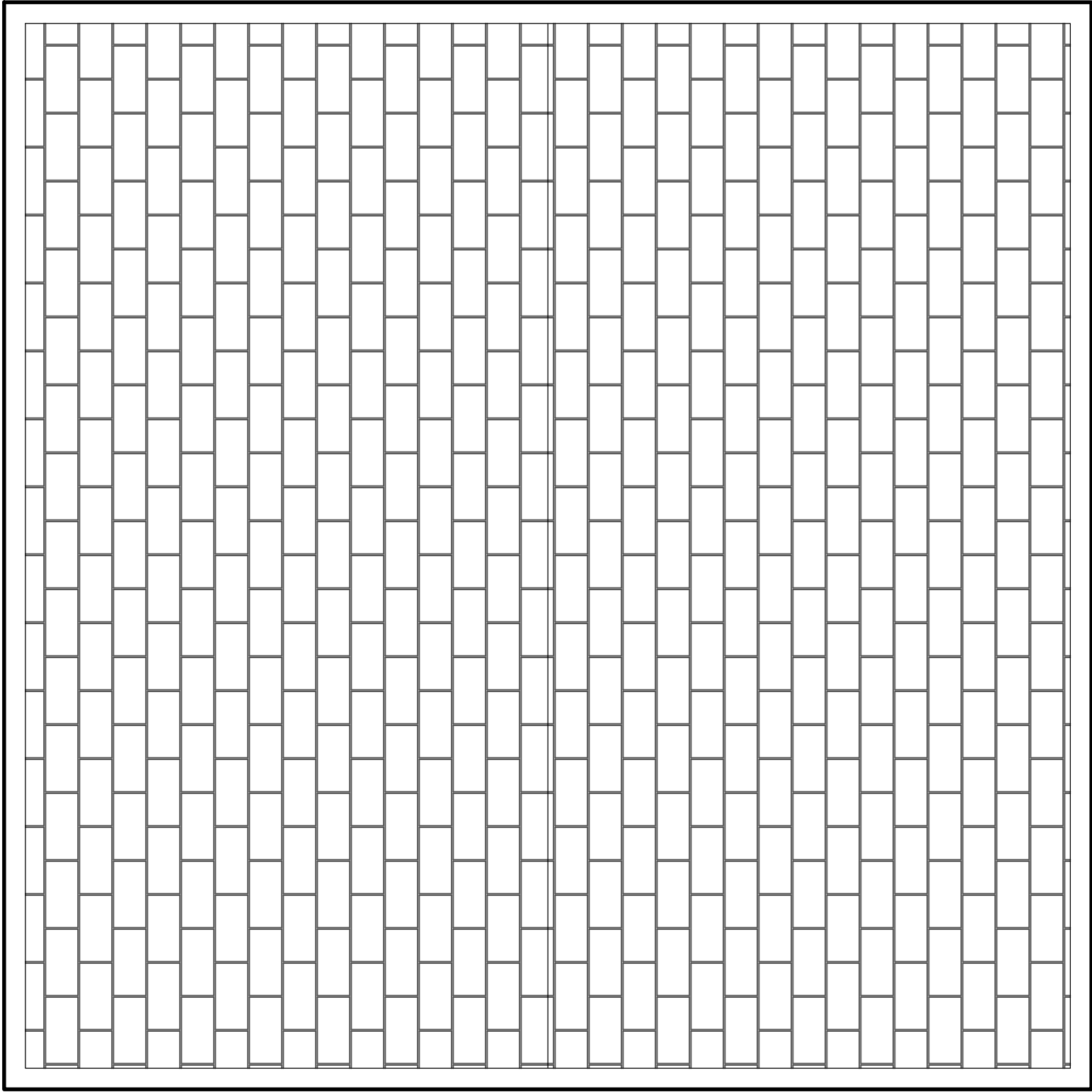
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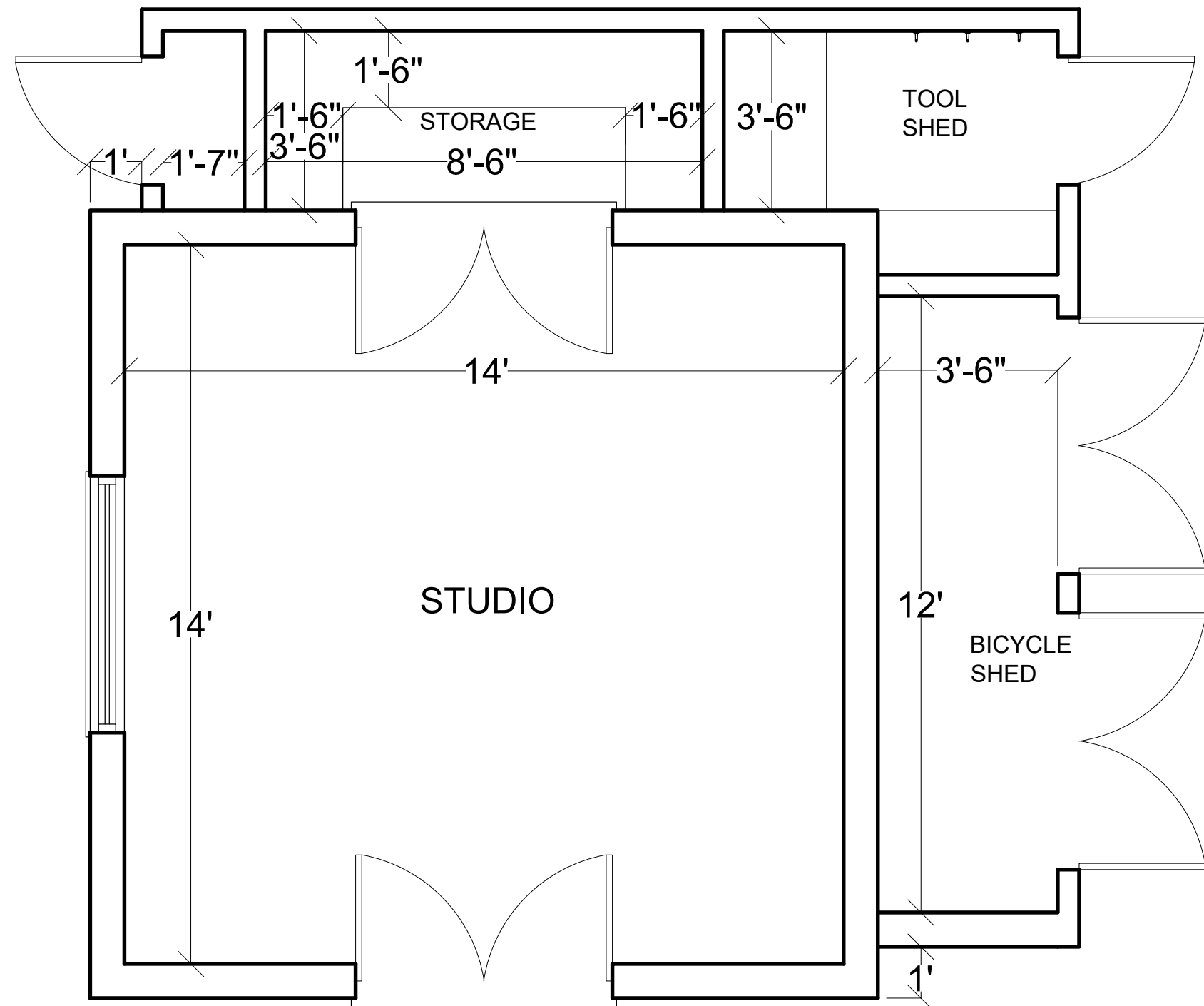
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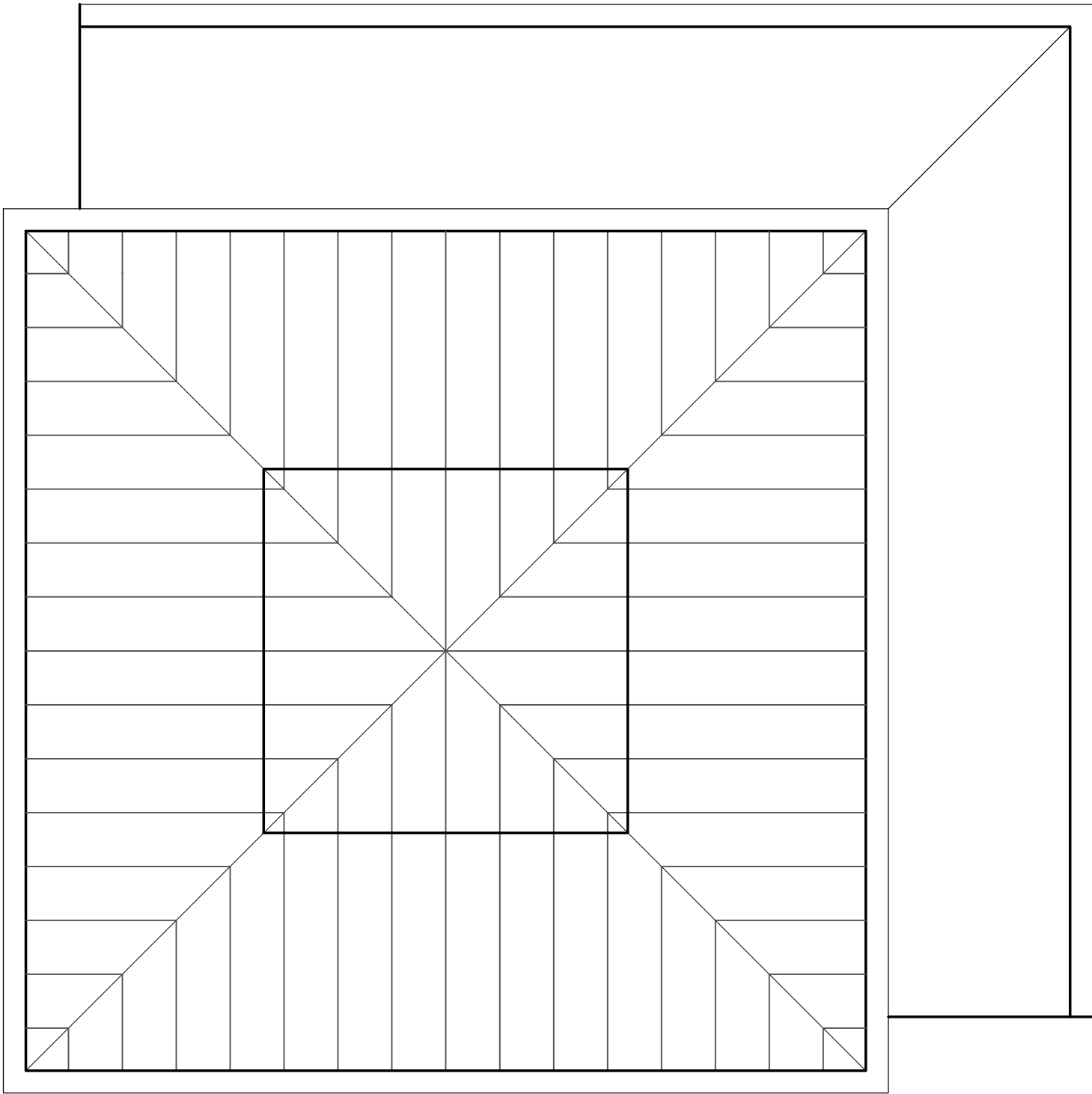
1 EXISTING GARAGE PLAN



2 EXISTING GARAGE ROOF PLAN



1 PROPOSED PAVILION PLAN



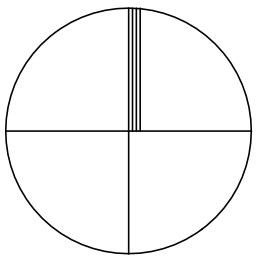
2 PROPOSED PAVILION ROOF PLAN

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PROJECT:

FISHBEIN RESIDENCE
35 OXFORD STREET
CHEVY CHASE, MD



DRAWING TITLE:

PLAN AND
ROOF PLAN

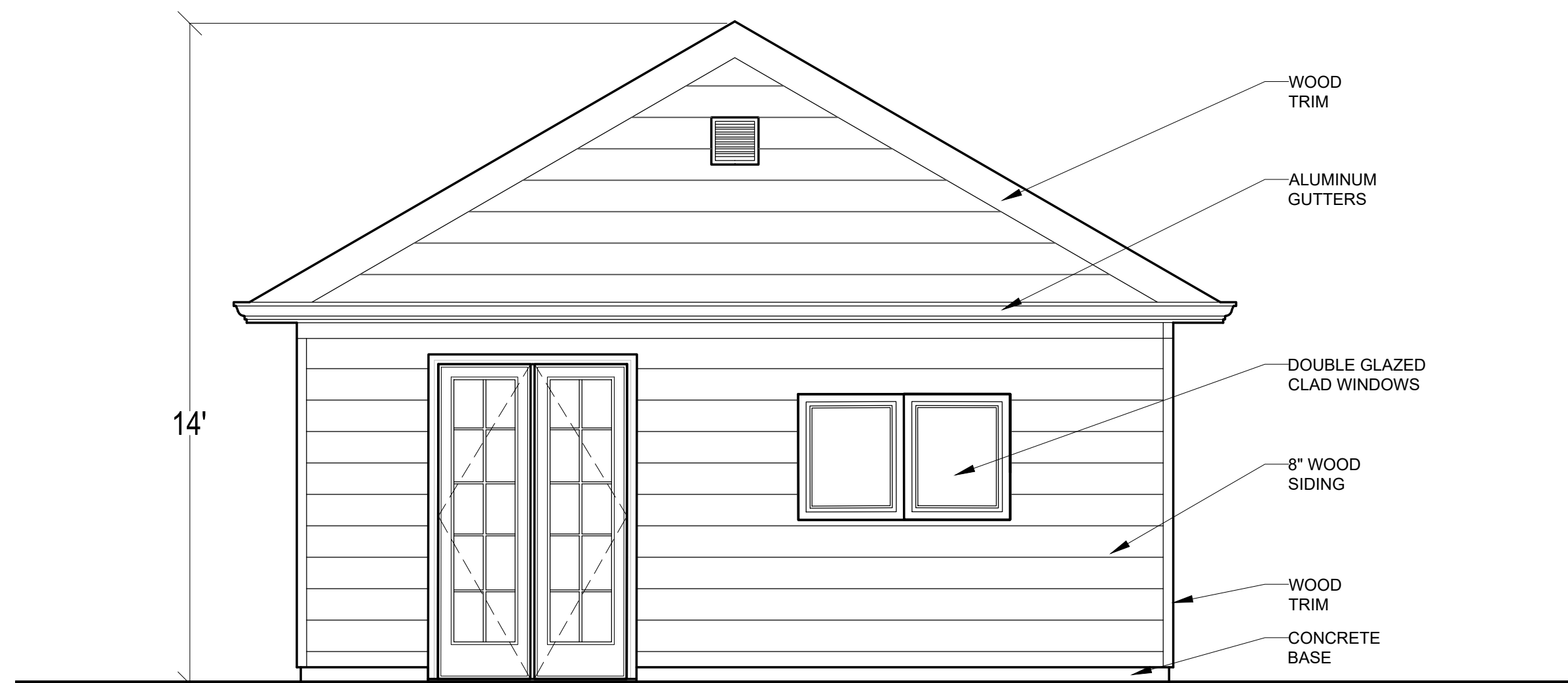
SUBMISSION:

CONCEPT

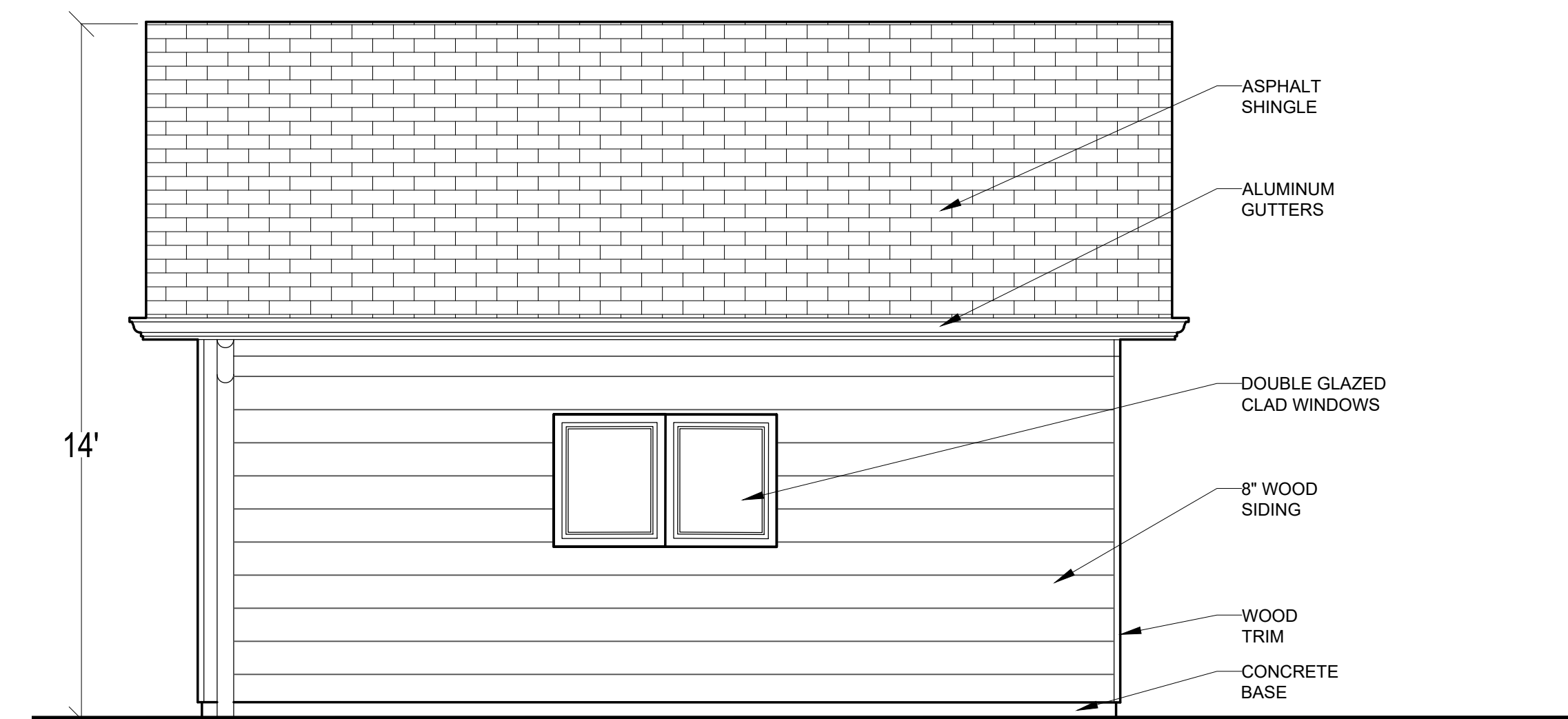
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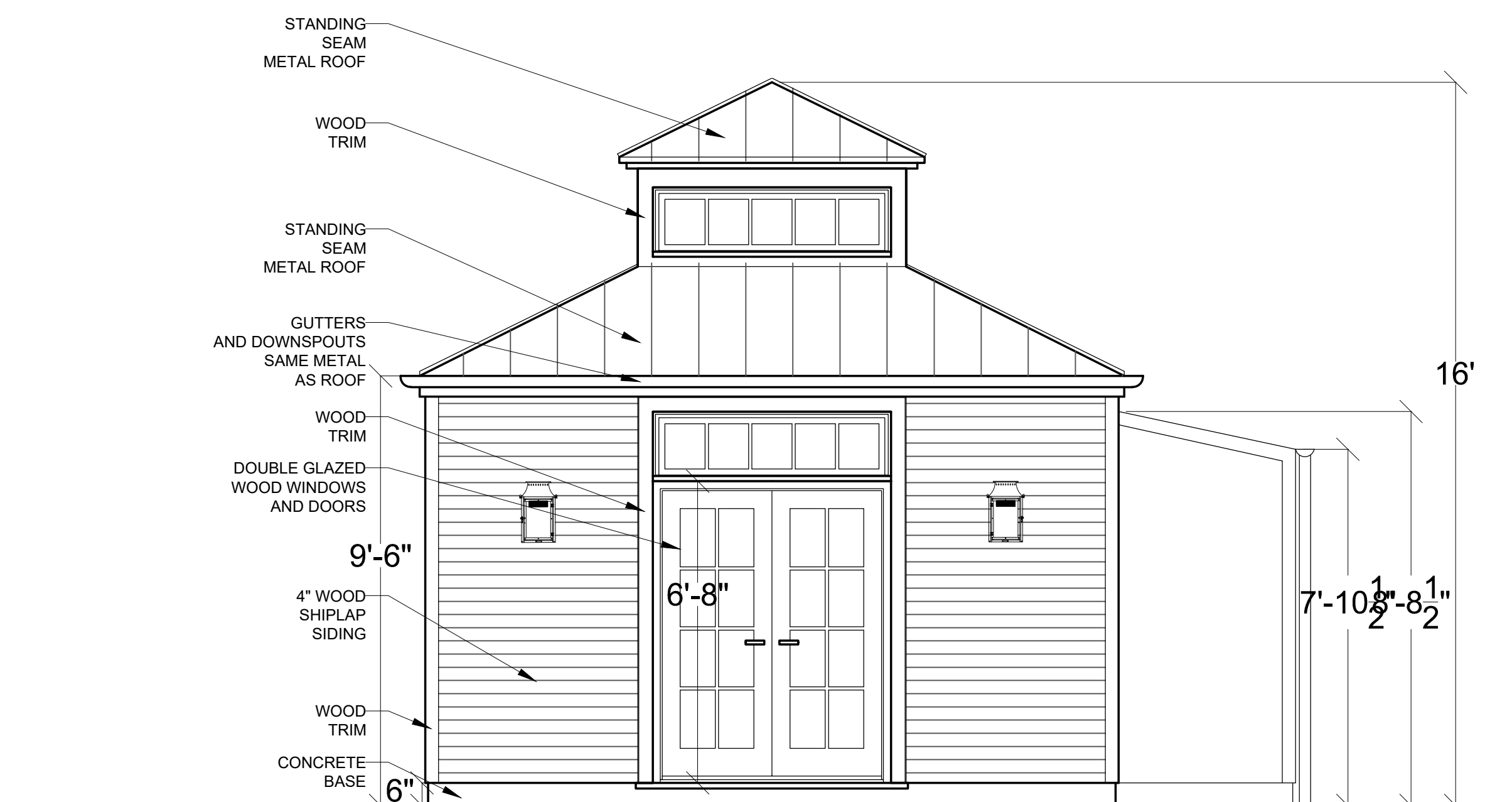
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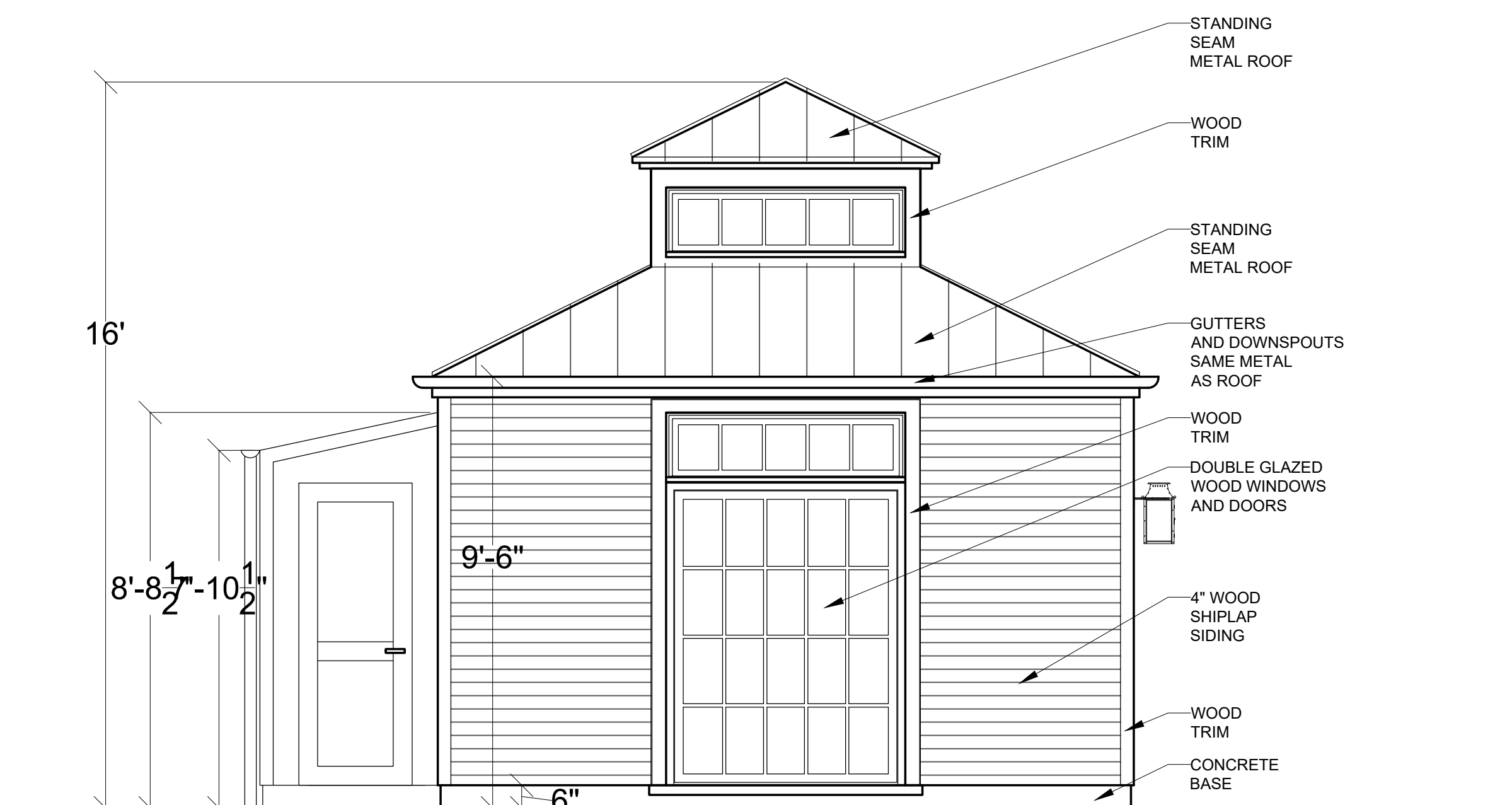
1 EXISTING SOUTH ELEVATION



2 EXISTING WEST ELEVATION



1 PROPOSED SOUTH ELEVATION



2 PROPOSED WEST ELEVATION

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PROJECT:

FISHBEIN RESIDENCE
35 OXFORD STREET
CHEVY CHASE, MD

DRAWING TITLE:

SOUTH AND
WEST
ELEVATIONS

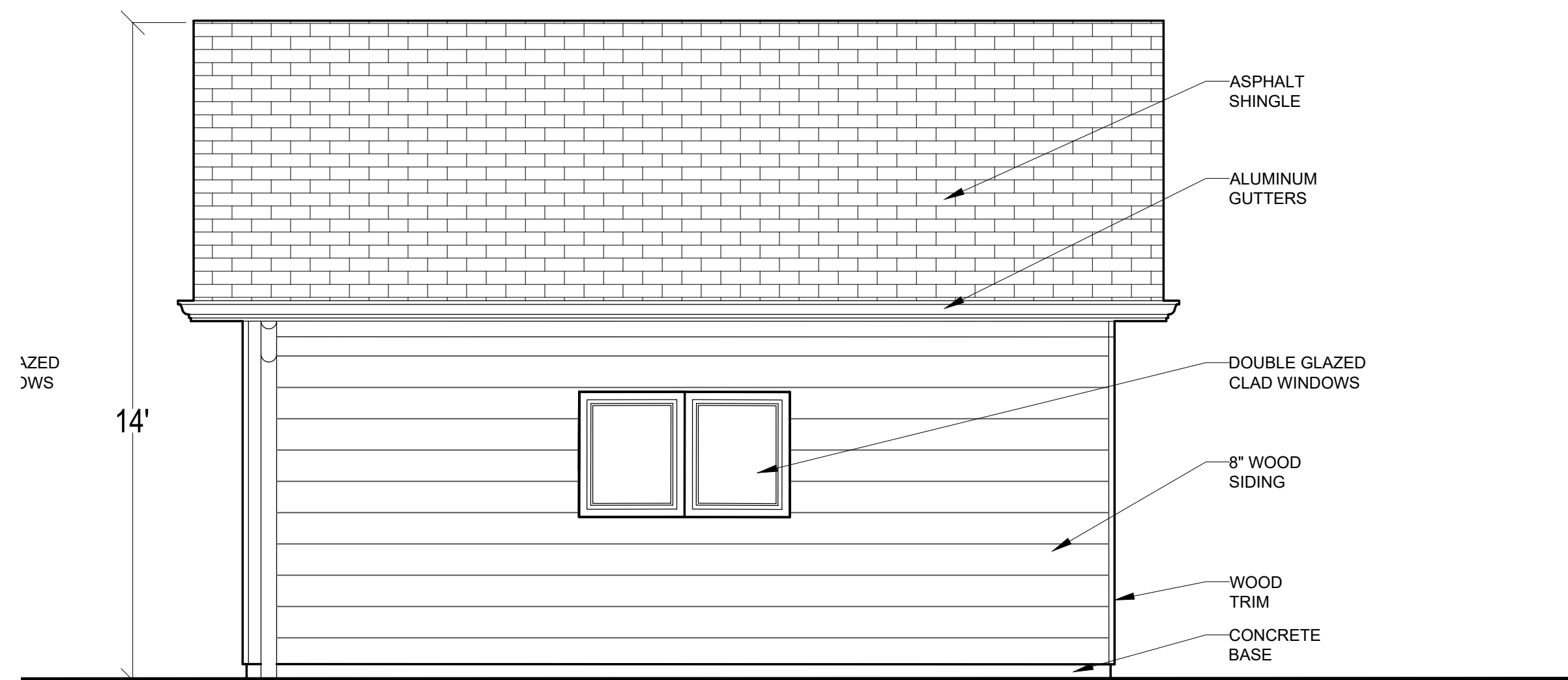
SUBMISSION:

DEMO PERMIT

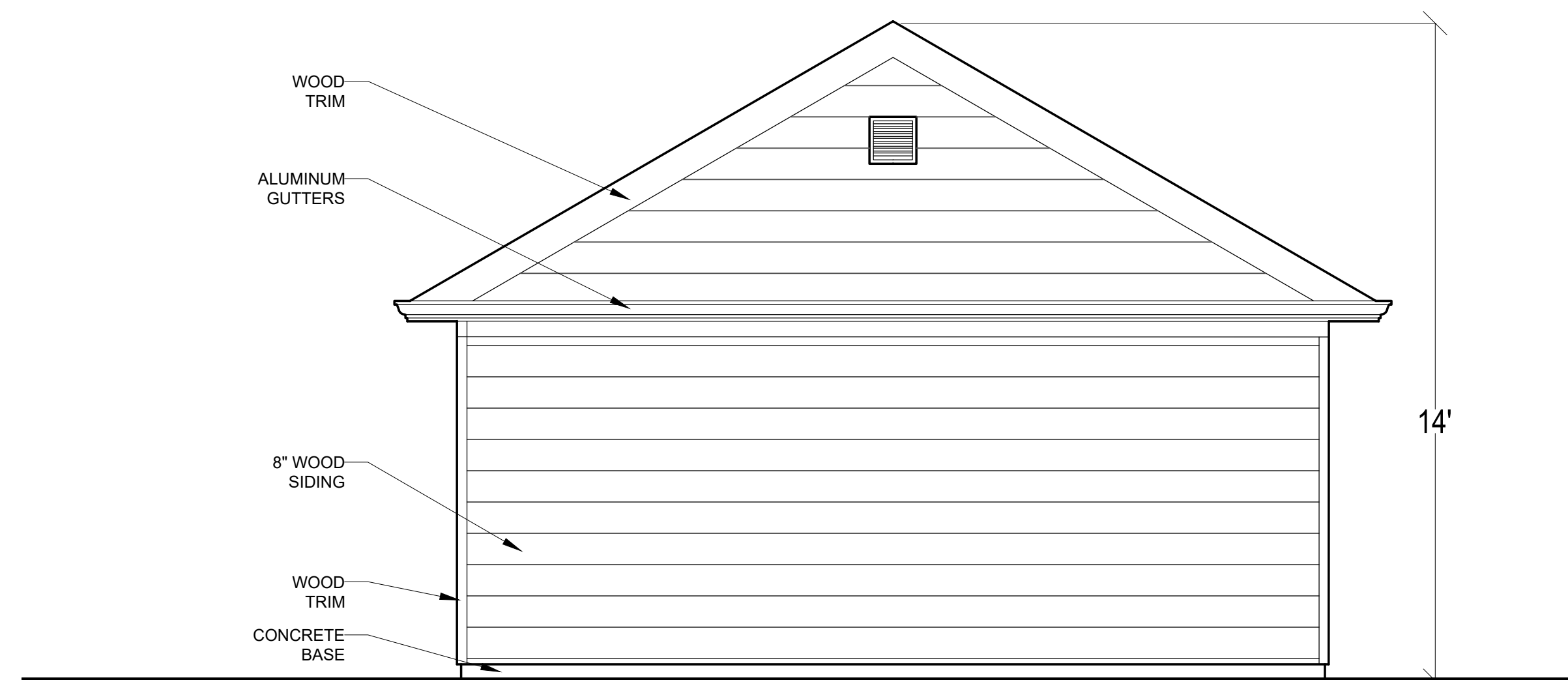
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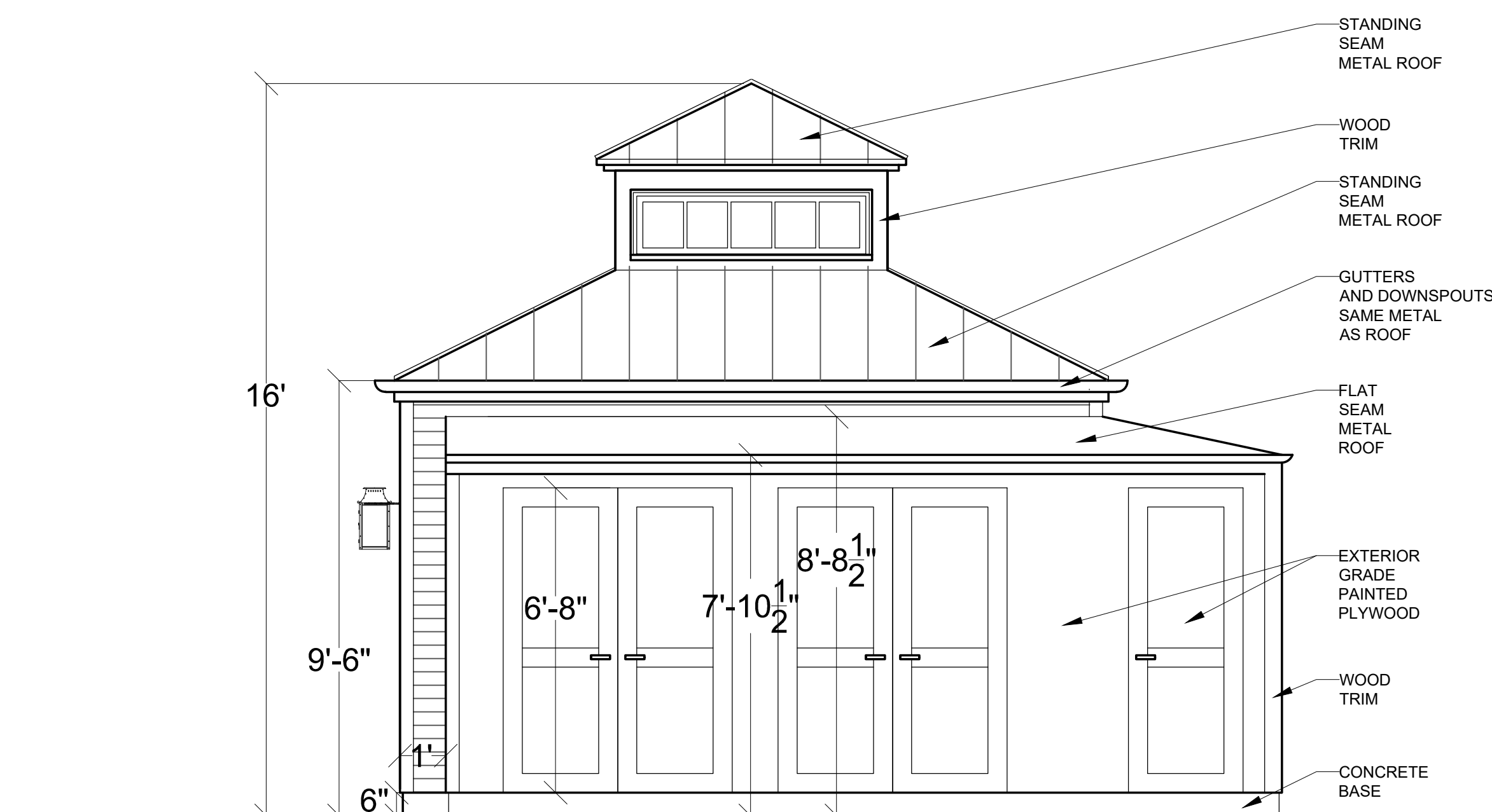
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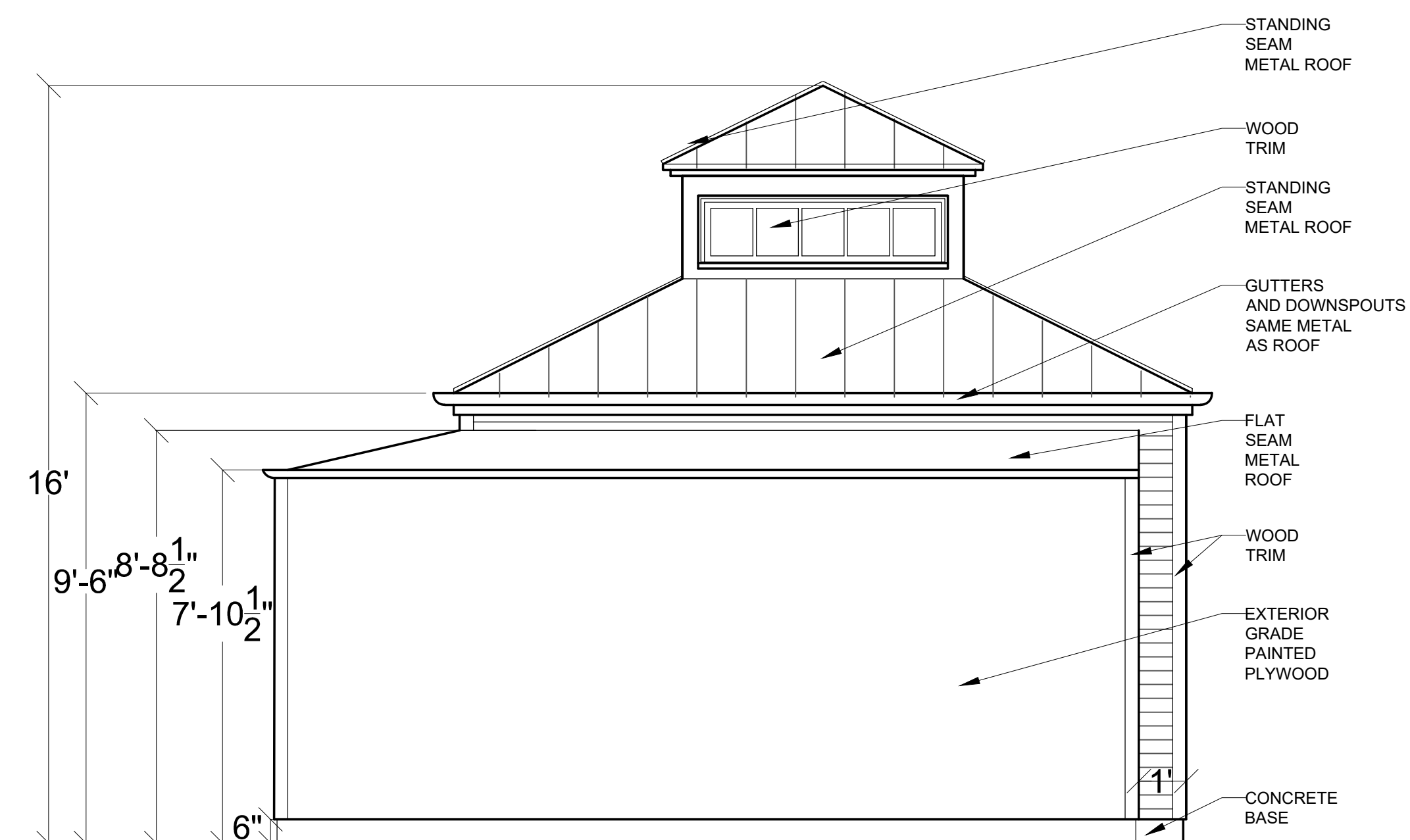
1 EXISTING SOUTH ELEVATION



2 EXISTING WEST ELEVATION



1 PROPOSED SOUTH ELEVATION



2 PROPOSED WEST ELEVATION

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PROJECT:

FISHBEIN RESIDENCE
35 OXFORD STREET
CHEVY CHASE, MD

DRAWING TITLE:

EAST AND
NORTH
ELEVATIONS

SUBMISSION:

DEMO PERMIT

DATE: NOVEMBER 25, 2020

SCALE: 1/4" = 1'-0"

A201



1 EXISTING SOUTH ELEVATION



2 PROPOSED SOUTH ELEVATION

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PROJECT:

FISHBEIN RESIDENCE
35 OXFORD STREET
CHEVY CHASE, MD

DRAWING TITLE:

EXISTING &
PROPOSED
SOUTH
ELEVATIONS

SUBMISSION:

DEMO PERMIT

DATE: NOVEMBER 25, 2020

SCALE: 3/32" = 1'-0"

A202



1 EXISTING WEST ELEVATION



2 PROPOSED WEST ELEVATION

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PROJECT:

FISHBEIN RESIDENCE
35 OXFORD STREET
CHEVY CHASE, MD

DRAWING TITLE:

EXISTING &
PROPOSED
WEST
ELEVATIONS

SUBMISSION:

DEMO PERMIT

DATE: NOVEMBER 25, 2020

SCALE: 3/32"= 1'-0"

A203



1 EXISTING NORTH ELEVATION



2 PROPOSED NORTH ELEVATION

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PROJECT:

FISHBEIN RESIDENCE
35 OXFORD STREET
CHEVY CHASE, MD

DRAWING TITLE:

EXISTING &
PROPOSED
NORTH
ELEVATIONS

SUBMISSION:

DEMO PERMIT

DATE: NOVEMBER 25, 2020

SCALE: 3/32" = 1'-0"

A204



1 EXISTING EAST ELEVATION



2 PROPOSED EAST ELEVATION

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CHEVY CHASE, MD

DRAWING TITLE:

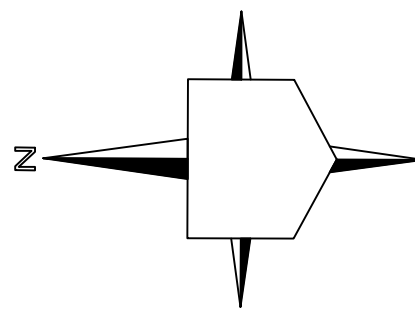
EXISTING &
PROPOSED
EAST
ELEVATIONS

SUBMISSION:

DEMO PERMIT

DATE: NOVEMBER 25, 2020
SCALE: 3/32"= 1'-0"

A205



SCALE: 1" = 10'-0"