MONTGOMERY COUNTY HISTORIC PRESERVATION COMMISSION
STAFF REPORT

Address:	37 West Irving Street, Chevy Chase	**Meeting Date:**	5/12/2021
Resource:	Contributing Resource **Chevy Chase Village Historic District**	**Report Date:**	5/5/2021
		Public Notice:	4/28/2021
Applicant:	David Holzworth	**Tax Credit:**	N/A
Review:	HAWP	**Staff:**	Michael Kyne
Permit Number:	Pending		
PROPOSAL:	Window replacement and construction of a new fence		

STAFF RECOMMENDATION:

Staff recommends that the HPC **approve the HAWP application with one (1) condition**:

1. **The proposed 6' high privacy fence will step down to 4' in height 27 linear feet from the front property line.**

ARCHITECTURAL DESCRIPTION:

SIGNIFICANCE:	Contributing Resource within the Chevy Chase Village Historic District
STYLE:	Colonial Revival
DATE:	1916-1927

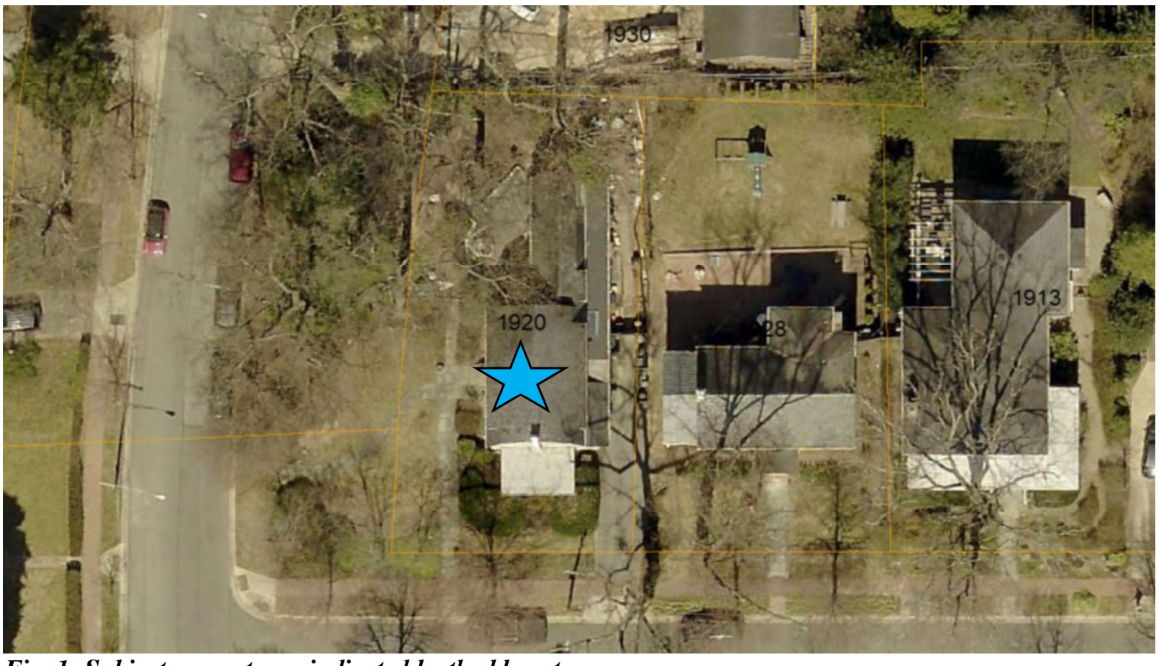


Fig. 1: Subject property, as indicated by the blue star.

PROPOSAL:

The applicants propose to replace non-original windows and construct a new fence at the subject property.

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 G*uidelines* 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:

Fences should be subject to strict scrutiny if they detract significantly 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.

Windows (including window replacement) should be subject to moderate scrutiny if they are visible from the public right-of-way, lenient scrutiny if they are not. For outstanding resources, they should be subject to strict scrutiny. Addition of compatible exterior storm windows should be encouraged, whether visible from the public right-of-way or not. Vinyl and aluminum windows (other than storm windows) should be

discouraged. Addition of security bars should be subject to lenient scrutiny, whether visible from the public right-of-way or not.

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 subject property is located on a corner lot, with West Irving Street to the south and Cedar Parkway to the west. The house is addressed on West Irving Street, although its west elevation is experienced as the front from Cedar Parkway. There is an existing two-story wing at the north side of the house, which the 1927 Sanborn Fire Insurance Map indicates is non-original (see *Fig.2* below).

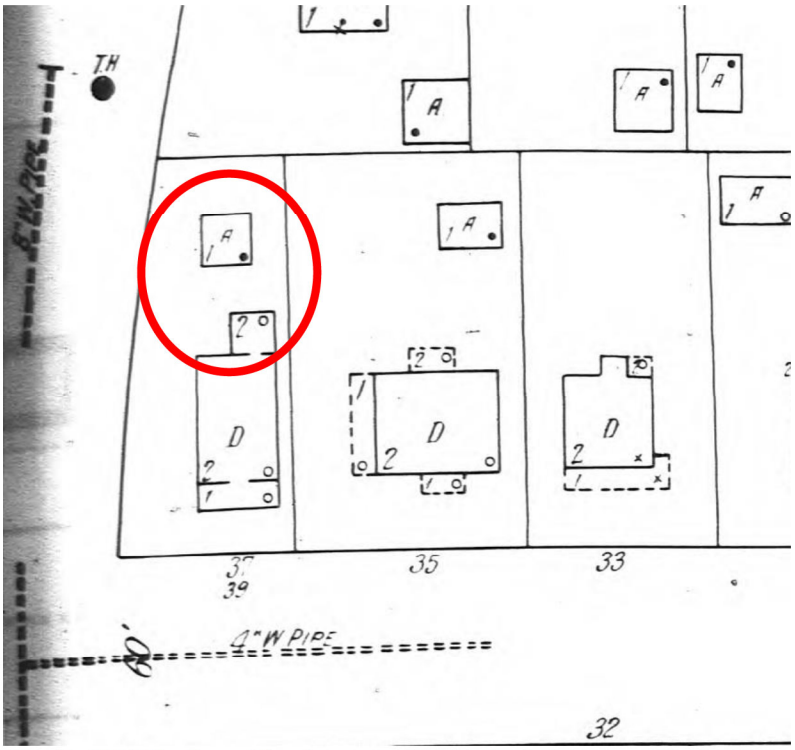


Fig. 2: 1927 Sanborn Fire Insurance Map, depicting a smaller two-story structure and garage at the north side of the property where the existing north wing is located (circled in red).

The applicants propose to replace four second-floor windows on the west (experienced as the front) elevation of the north wing. The existing windows are 8-lite wooden casement windows that are in disrepair and inoperable. The proposed replacement windows will be aluminum-clad wood windows, with an 8-lite muntin pattern to match the existing. The proposed new windows will also match the windows that were previously approved for the first-floor addition directly below (approved by the Commission at the January 27, 2021 HPC meeting).[1]

The applicants also propose to construct a 6' high alternating board privacy fence at the north (rear) property line. There are existing 7' high wooden fence posts and portions of metal fencing in the proposed new fence location. While the fence will technically be at the rear, it will be experienced as a side yard fence. Additionally, the Commission previously approved a privacy fence at the adjacent property to the north (34 West Kirke Street). In that the case, the fence was also at the rear (technically and experienced as such), but the fence stepped down to 4' high as it neared Cedar Parkway to ensure that it did not detract from the openness of the streetscape (see *Fig. 3* below).[2]

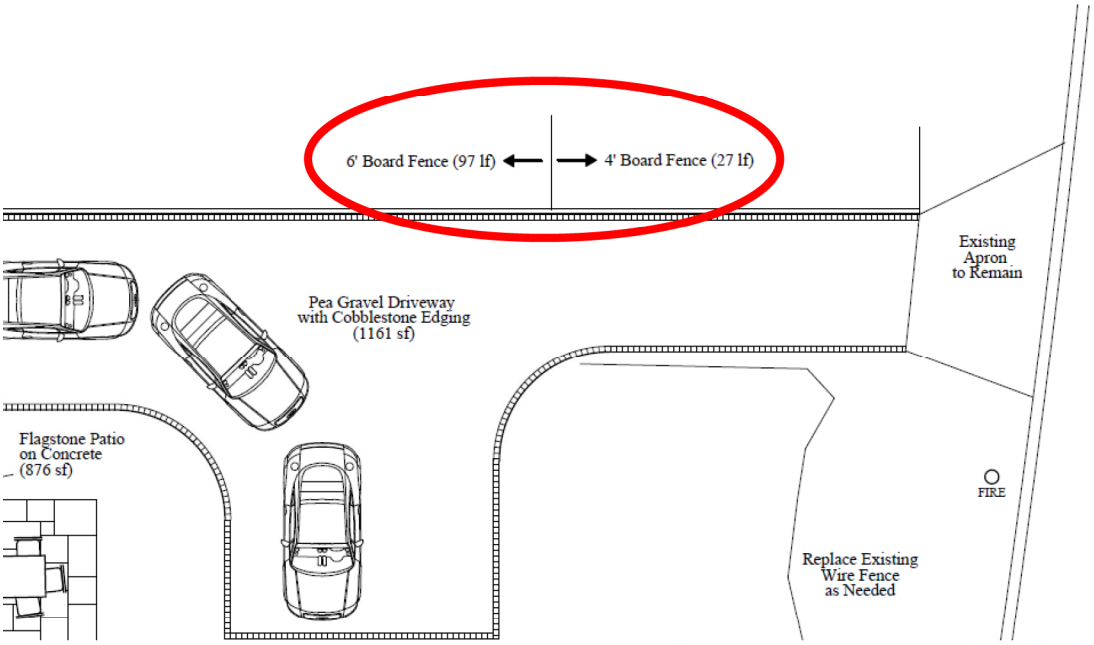


Fig. 3: Previously approved fence at 34 West Kirke Street (adjacent property to the north) circled in red.

Although the 34 West Kirke Street fence has yet to be constructed, staff finds that the currently proposed fence should adhere to the same parameters to preserve the openness of the streetscape and parklike character of the historic district. Accordingly, staff recommends the following condition of approval: the proposed 6' high privacy fence will step down to 4' in height 27 linear feet from the front property line.

Staff supports the applicants' proposal, as modified by the recommended condition, finding it to be consistent with *Guidelines* outlined above. Additionally, staff finds that the modified proposal will not remove or alter character-defining features of the subject property or surrounding streetscape, in accordance with *Standards #2* and *#9*. Per *Standard #10*, the modified alterations can be removed in the future without impairing the essential form and integrity of the historic property and its environment.

[1] Link to January 27, 2021 staff report for construction of a new addition at the subject property: https://montgomeryplanning.org/wp-content/uploads/2021/01/I.E-37-West-Irving-Street-Chevy-Chase.pdf
[2] Link to previous fence approval at adjacent property to the north (34 West Kirke Street): https://montgomeryplanning.org/wp-content/uploads/2019/07/I.A-34-West-Kirke-Street-Chevy-Chase.pdf

After full and fair consideration of the applicant's submission, staff finds the proposal, as modified by the condition, consistent with the Criteria for Issuance in Chapter 24A-(b) 1 and 2, and (d), having found it consistent with the *Secretary of the Interior's Standards for Rehabilitation #2, #9,* and *#10*, and the *Chevy Chase Village Historic District Guidelines* outlined above.

STAFF RECOMMENDATION

Staff recommends that the Commission **approve the HAWP application with the one (1) condition specified on Page 1** under the Criteria for Issuance in Chapter 24A-8(b) (1), (2), and (d), having found that the proposal, as modified by the condition, is consistent with the *Chevy Chase Village Historic District Guidelines* identified above, and therefore will not substantially alter the exterior features of the historic resource and is compatible in character with the district and the purposes of Chapter 24A;

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

and with the general condition that the applicant shall present an electronic set 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#_____
DATE ASSIGNED_____

APPLICATION FOR HISTORIC AREA WORK PERMIT

HISTORIC PRESERVATION COMMISSION
301.563.3400

APPLICANT:

Name: David A. Holzworth E-mail: david.a.holzworth@gmail.com

Address: 37 W Irving Street City: Chevy Chase Village 20815

Daytime Phone: 202-362-3638 Tax Account No.: 00455281

AGENT/CONTACT (if applicable): Scott B. Raete

Name: Builders Fence E-mail: scott@buildersfenceco.com

Address: 44330 Mercure Circle City: Dulles Va Zip: 20166

Daytime Phone: 301 252 1634 Contractor Registration No.: 127411

LOCATION OF BUILDING/PREMISE: MIHP # of Historic Property_____

Is the Property Located within an Historic District? ✓Yes/District Name Chevy Chase Section 2
__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: 37 Street: W. Irving Street

Town/City: Chevy Chase Village Nearest Cross Street: Cedar Parkway

Lot: 7 Block: 32 Subdivision: Section 2 Parcel: 07-009-00455281

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

- ☐ New Construction
- ☐ Addition
- ☐ Demolition
- ☐ Grading/Excavation
- ☐ Deck/Porch
- ☒ Fence
- ☐ Hardscape/Landscape
- ☐ Roof
- ☐ Shed/Garage/Accessory Structure
- ☐ Solar
- ☐ Tree removal/planting
- ☒ Window/Door
- ☐ Other:_____

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

Signature of owner or authorized agent — Date: 4/16/2021

1

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

Owner's mailing address	**Owner's Agent's** mailing address
37 W IRVING ST CHEVY CHASE VILLAGE, MD 20815	
Adjacent and confronting Property Owners mailing addresses	
SASAN JALALI 35 W IRVING ST CHEVY CHASE VILLAGE 20815	DAVID O'NEIL 5904 CEDAR PARKWAY CHEVY CHASE VILLAGE, MD 20815
MARTIN J. WEINSTEIN 5815 CEDAR PARKWAY CHEVY CHASE VILLAGE 20815	JOHN D. TALBOTT 5906 CEDAR PARKWAY CHEVY CHASE VILLAGE, MD 20815
TOM DANN 34 W KIRKE ST CHEVY CHASE VILLAGE, MD 20815	

HISTORIC AREA WORK PERMIT
CHECKLIST OF
APPLICATION REQUIREMENTS

	Required Attachments						
Proposed Work	1. 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/Excavation/Landscaping	*	*		*	*	*	*
Tree Removal	*	*		*	*	*	*
Siding/ Roof Changes	*	*	*	*	*		*
Window/ Door Changes	*	*	*	*	*		*
Masonry Repair/ Repoint	*	*	*	*	*		*
Signs	*	*	*	*	*		*

3

Work Item 1: Replace and relocate fence on North Boundary line

Description of Current Condition:	Proposed Work:
Fence rotted and removed leaving posts of 7' fence which are 2119 feet inside the north boundary of Lot 7	Install approx 56,5' 1/4 of 6' high pressure treated 1X4 board on board fence with cap board (2.5"4-spacing), 3 runners per section, 1X4 cap boards on all 4" line posts with black caps and set in cement set in cement footers. New fence located 2ft nearer to north boundary line

Work Item 2: Replace ~~four~~ West/ side Second Story Casement Windows

Description of Current Condition:	Proposed Work:
Four second story casement windows are warped and rotted with air gaps and no longer functional locks. and opening devices.	Replace with four separate casement windows with divided light ~~doors~~ & panes matched ~~in~~ to casement windows previously approved for sleeping porch addition now under construction. *
	* By HAWP on 2/26/2021

Work Item 3: _____

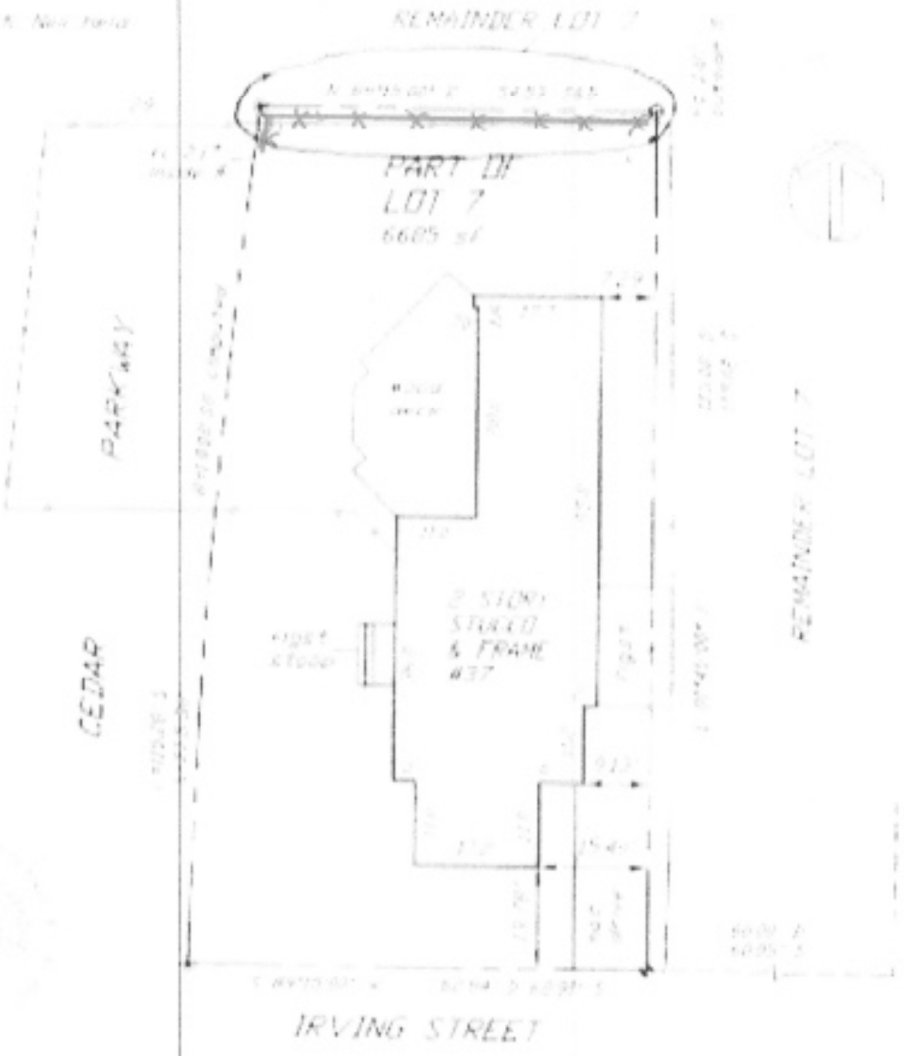
Description of Current Condition:	Proposed Work:

4

APPROVED
Department of Permitting Services
Permit # FENCE-947610
Date 04/05/21

Legend

Location of new fence



Date 09-26-19 Scale 1"=20' Dim. RD
Plat Book 2
Plat No. 156 NO TITLE REPORT FURNISHED
Work Order 19-1493
Address 37 WEST IRVING STREET
District 07
Jurisdiction MONTGOMERY COUNTY, MD

BOUNDARY SURVEY
PART OF LOT 7, BLOCK 32
SECTION TWO, CHEVY CHASE
AS DESCRIBED IN
LIBER 4324 FOLIO 741

Surveyor's Certification

My license expires on February 16, 2020

I hereby certify that the survey shown hereon is correct and that the location of the improvements shown hereon is correct and that there are no visible encroachments unless noted otherwise. Building restriction lines shown as per available information.

Meridian Surveys

MERIDIAN SURVEYS, INC.
PO BOX 549
FREDERICK, MD 21705
(301) 721-3600

APPROVED
Department of Permitting Services
Permit # FENCE-947610
Date 04/09/21

DEPARTMENT OF PERMITTING SERVICES

Marc Elrich
County Executive

Mitra Pedoeem
Director

FENCE PERMIT

Issue Date: 04/09/2021

Permit No: 947610
Expires: 04/10/2022
X Ref.:
Rev. No:
ID: 1402246

THIS IS TO CERTIFY THAT: _ Builders Fence
44330 Mecure Circle
Suite 140
STERLING, VA 20166

HAS PERMISSION TO: CONSTRUCT FENCE
6.00 Feet 0.00 Inches in Height
Property Line: N Owner's Land: Y Right of Way: N

PERMIT CONDITIONS: **We are installing a 6' fence**

PREMISE ADDRESS: 37 W IRVING ST
CHEVY CHASE, MD 20815

LOT - BLOCK: P7 - 32 ZONE: R-60 ELECTION DISTRICT: 07

BOND NO.: BOND TYPE: PS NUMBER:

PERMIT FEE: $ 77.87 SUBDIVISION: CHEVY CHASE SEC 2

The permit fee is calculated based on the approved Executive Regulations multiplied by the Enterprise Fund Stabilization Factor for current fiscal year.

MUST BE KEPT AT JOB SITE

Mitra Pedoeem
Director, Department of Permitting Services

Feather & Assoc.
Tolbert V. Feather, Ph.D.
Advisors for: Landscape Development
Landscape Management, Plant Pest Management

Chevy Chase Village
5906 Connecticut Avenue
Chevy Chase, MD 20815

March 12, 2021

Tree Preservation Plan – 37 West Irving Street

I recommend issuance of the Building Permit conditioned on the Owner's compliance with the tree preservation plan shown on the attached sheet and as stated below.

Attached is a map of the tree preservation plan for the residence 37 West Irving Street.
Tree protection shall include:

1. Tree preservation fencing shall be installed in the locations shown on the plan. The street tree shall be protected. Tree preservation fencing shall delineate the tree protection zones. Tree preservation fencing shall be 4' tall wire mesh supported with steel stakes no less than 8' apart.

2. The Owner/Contractor shall inform all workers on site that the tree preservation zones shall not be entered. Neither materials nor equipment shall be stored within the tree preservation zones. No grading shall be done within the tree preservation zones. The grading outside of the tree preservation zones shall not be changed to divert and collect water within tree preservation zones.

3. Silt fencing shall follow tree protection fencing.

4. No excavation is permitted within the tree preservation areas.

5. The Chevy Chase Village office shall be notified if there is any change in the construction plans that would impact the protected trees.

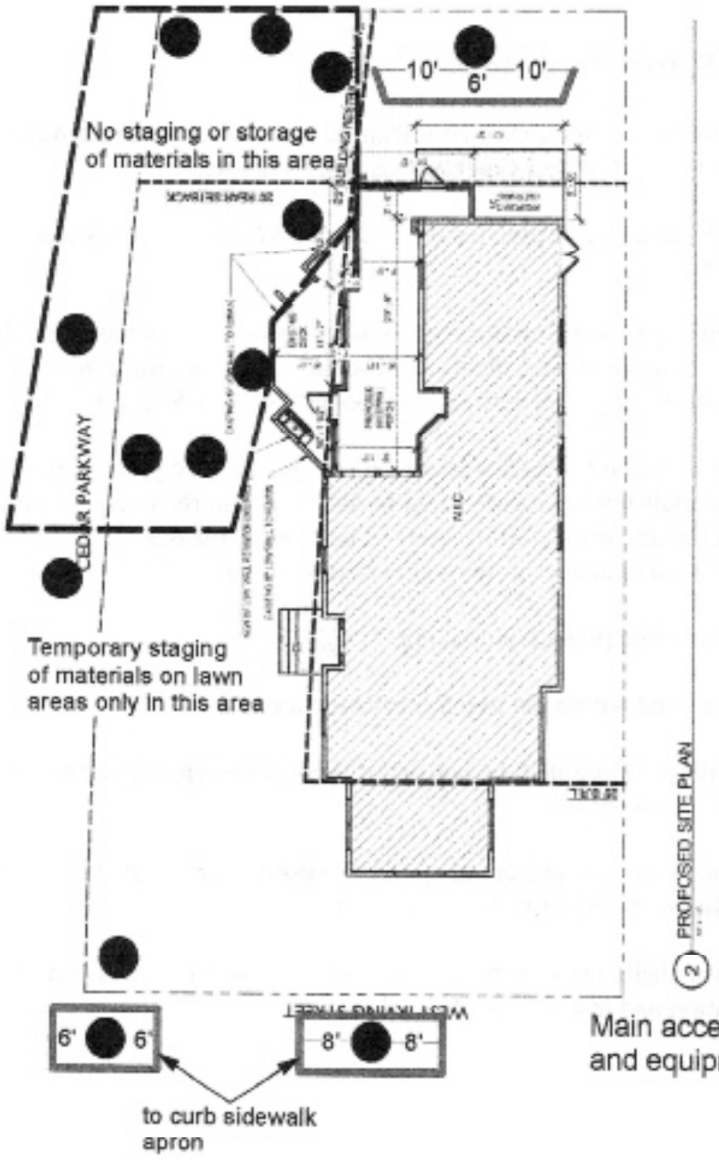
6. If excavation (outside of the tree preservation zone) exposes roots on protected trees, the damaged roots shall be cleanly cut before backfilling the excavation.

7. The Owner/Contractor shall maintain the fencing until the construction is complete. The fencing may be removed for preparation and installation of new landscaping.

MD Tree Expert License#880, ISA Certification #PD-0715, MD Pesticide Applicator#2070-5937

Chevy Chase Village
Tree Protection Plan
37 West Irving Street

Feather and Associates
March 12, 2021
Scale 1" = 20'

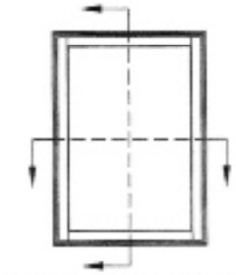


Tree Protection Fencing
Silt fencing shall follow tree protection fencing

JELD-WEN WINDOWS & DOORS

SITELINE®
CLAD-WOOD WINDOW
CASEMENT

OPERATOR SECTIONS



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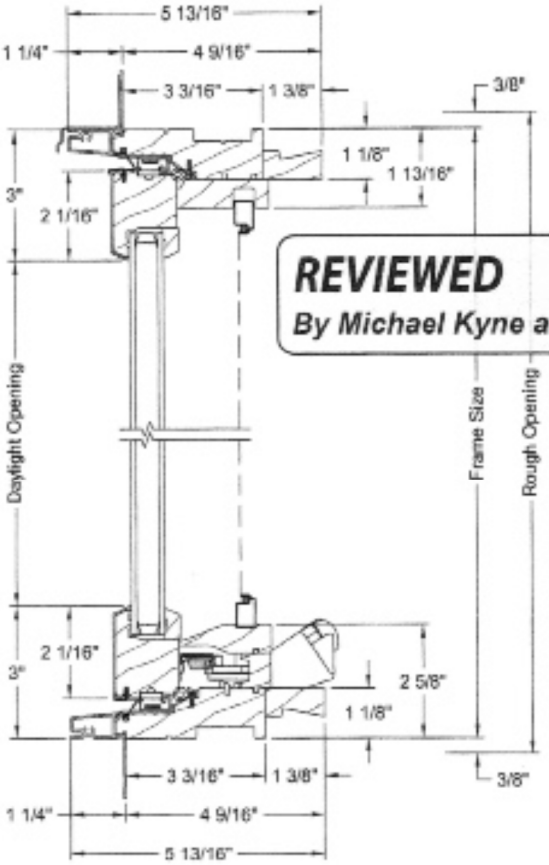
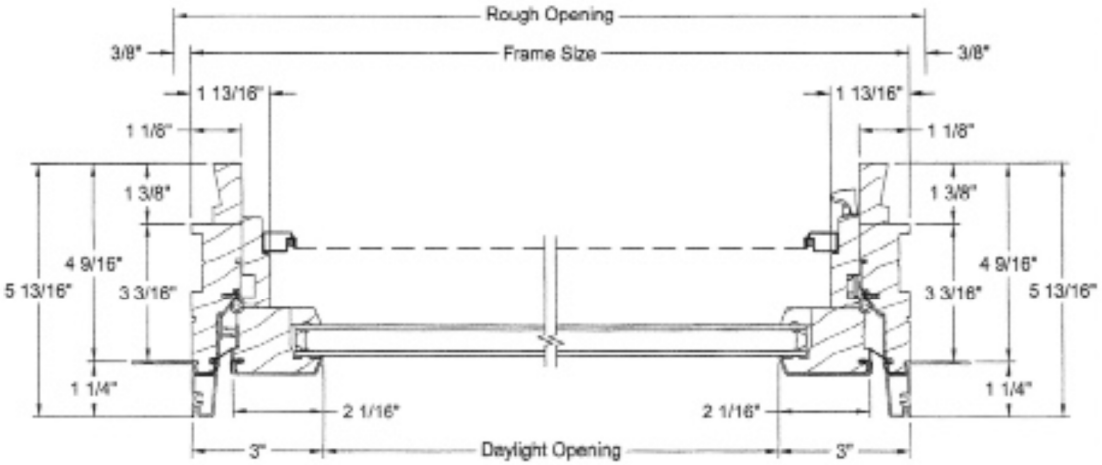
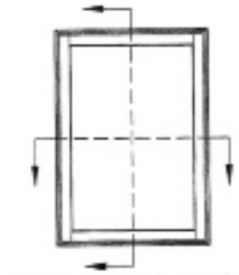




JELD-WEN WINDOWS & DOORS

SITELINE®
CLAD-WOOD WINDOW
CASEMENT

STATIONARY SECTIONS



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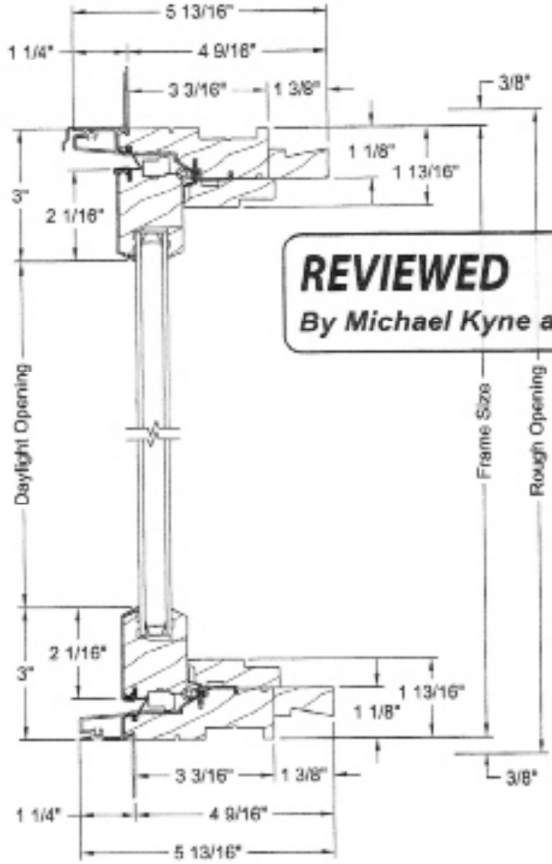
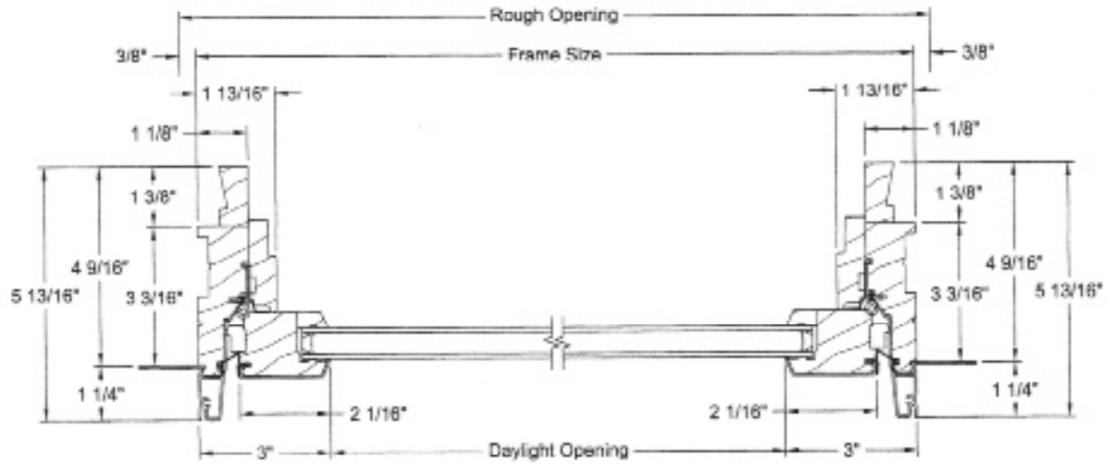





Wood Fences

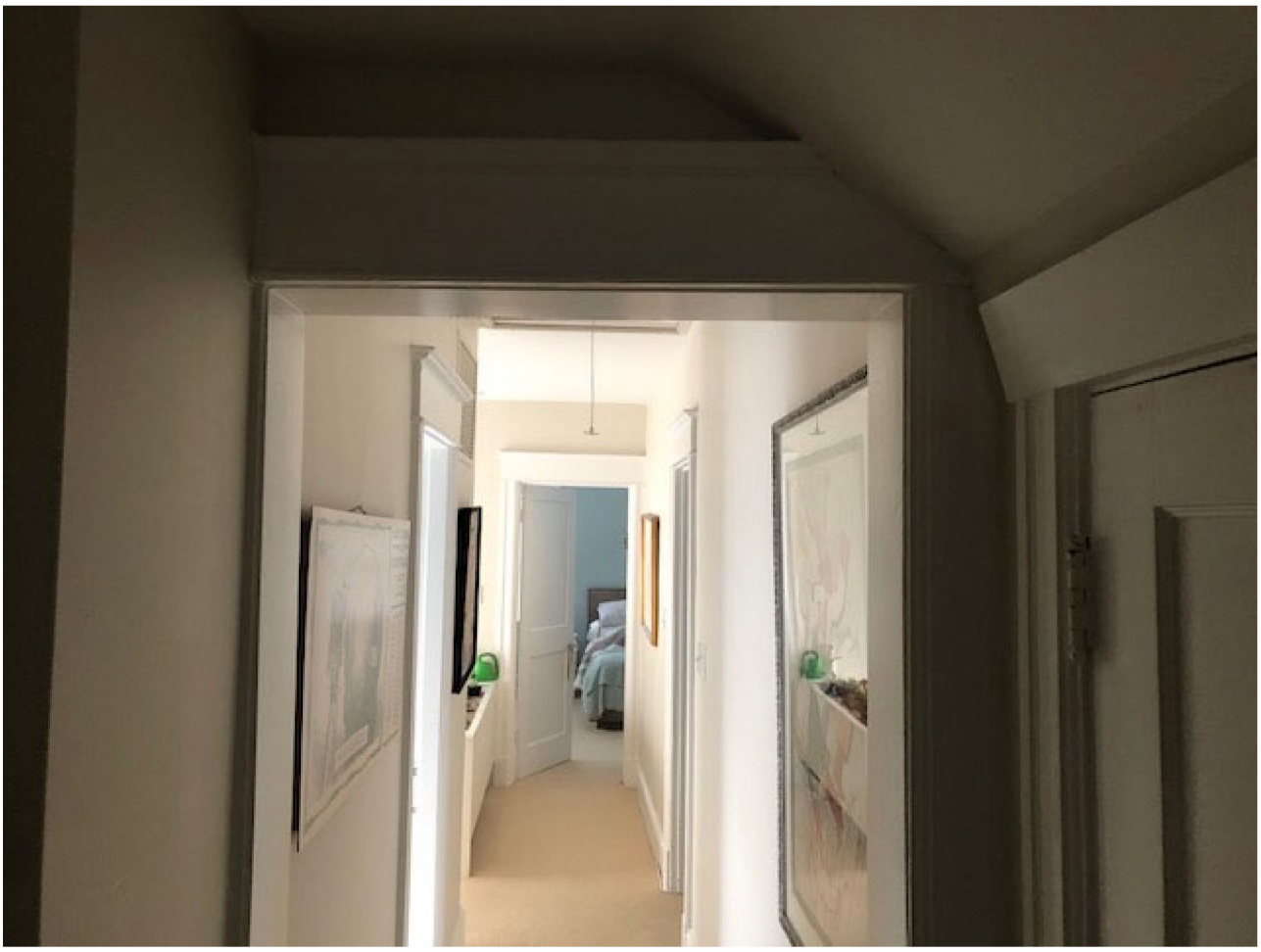
Kyne, Michael

From: David Holzworth <david.a.holzworth@gmail.com>
Sent: Wednesday, April 28, 2021 12:48 PM
To: Kyne, Michael
Subject: 37 West Irving North side addition

Follow Up Flag: Follow up
Flag Status: Completed

[EXTERNAL EMAIL] Exercise caution when opening attachments, clicking links, or responding.

The interior upstairs hallway has two archways. The first archway has no doors and is located exactly on line with an existing north side window in the bedroom on the left. The original house appears to be a Sears Kit house called the Rembrandt. The layout for the Rembrandt on the ground and second floors, but not the addition, matches fairly closely the Rembrandt.



Sent from my iPhone