

MONTGOMERY COUNTY HISTORIC PRESERVATION COMMISSION
STAFF REPORT

Address:	29 West Kirke Street, Chevy Chase	Meeting Date:	8/18/2021
Resource:	Outstanding Resource (Chevy Chase Village Historic District)	Report Date:	8/11/2021
Applicant:	Kathleen Anderson	Public Notice:	8/4/2021
Review:	HAWP	Tax Credit:	No
Permit Number:	962278	Staff:	Michael Kyne
PROPOSAL:	New shed construction		

STAFF RECOMMENDATION:

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

ARCHITECTURAL DESCRIPTION:

SIGNIFICANCE: Outstanding Resource within the Chevy Chase Village Historic District
STYLE: Craftsman/Four Square
DATE: c. 1892-1916

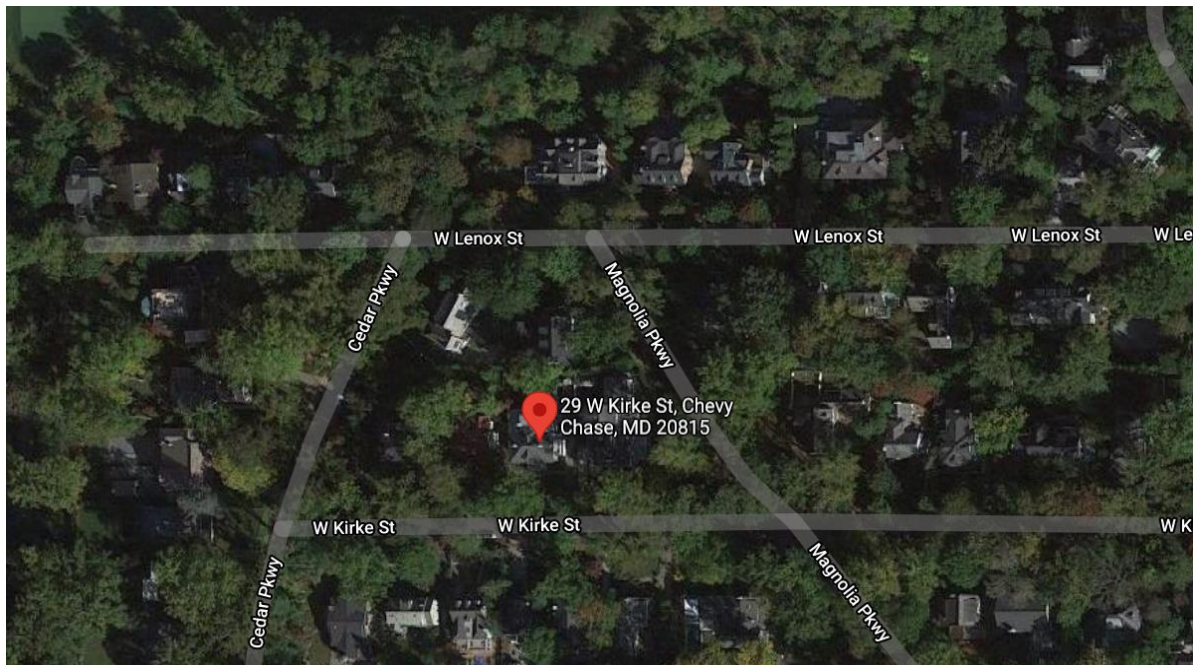


Fig. 1: Subject property.

PROPOSAL:

The applicant proposes to construct a new shed 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 the historic preservation review guidelines in the approved and adopted amendment for the *Chevy Chase Village Historic District (Guidelines)*, *Montgomery County Code Chapter 24A (Chapter 24A)*, and the *Secretary of the Interior's Standards for Rehabilitation (Standards)*. The pertinent information in these documents is outlined below.

Sec. 24A-8. Same-Criteria for issuance.

- (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 ensure 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; [emphasis added] 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 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 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 Guidelines state three basic policies that should be adhered to, including:

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.

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 very lenient review. Most changes to rear of the properties should be approved as a matter of course.

The *Guidelines* that pertain to this project are as follows:

Sheds should be subject to moderate scrutiny if they are visible from the public right-of-way, lenient scrutiny if they are 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 applicable Standards are as follows:

#2: The historic character of a property will be retained and preserved. The removal of distinctive materials or alterations of features, spaces, and spatial relationships that characterize a property will 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.

#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 subject property is a c. 1892-1916 Craftsman/Four Square-style Outstanding Resource within the Chevy Chase Village Historic District. The applicant proposes to construct a new shed at the northeast (rear/right, as viewed from the public right-of-way of West Kirke Street) side of the subject property. The shed will be at the north end of the existing driveway at the east (right) side of the subject property. The shed will be 9'x 18' and will be constructed from wood, with cedar roof, Spanish cedar windows, doors, and dentils, eastern white pine siding, fir floor, and Azek cupola.

Staff supports the applicants' proposal, finding it consistent with the *Guidelines*. The proposed new shed will be at the end of the existing driveway, where it will be clearly visible from the public right-of-way of West Kirke Street. Accordingly, staff finds that the proposed new shed should be subject to moderate scrutiny. Per the *Guidelines*, 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."

Staff finds that the proposed new shed will preserve the integrity of the resource and the house will still contribute to the district. Additionally, the proposed new shed will not remove or alter character-defining features of the historic house or surrounding streetscape, in accordance with Standards #2 and #9. Per *Standard #10*, the proposed new shed 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 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 the *Chevy Chase Village Historic District Guidelines* outlined above.

STAFF RECOMMENDATION:

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

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

and with the general condition that the applicant shall present 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# 962278
DATE ASSIGNED _____

APPLICATION FOR HISTORIC AREA WORK PERMIT

HISTORIC PRESERVATION COMMISSION
301.563.3400

APPLICANT:

Name: Katy Anderson
Address: 29 W. Kirke Street
Daytime Phone: 240. 423. 0536

E-mail: Katyhayesanderson@me.com
City: Chevy Chase Zip: 20815
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 _____

Is the Property Located within an Historic District? ☒ Yes/District Name Chevy Chase Village
☐ 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: 29 Street: W. Kirke Street
Town/City: Chevy Chase Nearest Cross Street: Magnolia Parkway
Lot: 2 and part of 1 & 3 Block: 39 Subdivision: _____ Parcel: _____

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

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

Katy Anderson
Signature of owner or authorized agent

11/25/21
Date

HAWP APPLICATION: MAILING ADDRESSES FOR NOTIFYING

[Owner, Owner's Agent, Adjacent and Confronting Property Owners]

Owner's mailing address

29 W. Kirke Street
Chevy Chase MD 20815

Owner's Agent's mailing address

Adjacent and confronting Property Owners mailing addresses

Libby and Chris Brown
27 W. Kirke Street
Chevy Chase MD 20815

Donna and Franc Arkide
26 W. Kirke Street
Chevy Chase MD 20815

Sue Keisler
20 Magnolia Pkwy
Chevy Chase MD 20815

Adjacent and Confronting Properties:

Chevy Chase, MD 20815

26 West Kirke Street

27 West Kirke Street

28 West Kirke Street

31 West Kirke Street

20 Magnolia Parkway

5921 Cedar Parkway



DEPARTMENT OF PERMITTING SERVICES

Marc Elrich
County Executive

Mitra Pedoeem
Director

HISTORIC AREA WORK PERMIT APPLICATION

Application Date: 8/3/2021

Application No: 962278
AP Type: HISTORIC
Customer No: 1413862

Comments

The scope and scale of this garden shed are much like the current one that we own, just a little bit larger. For example, the garden shed that we already have is 8x8. This is 9 x 18. It will fit perfectly inside our driveway width. Please note, we are not performing any demolition of the current garden shed that we have. Our neighbor is taking it.

Affidavit Acknowledgement

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

Primary Applicant Information

Location 29 W Kirke Street ST Chevy Chase, MD 20815
Homeowner Anderson (Primary)
Homeowner Anderson

Historic Area Work Permit Details

Work Type ADD
Scope We would like to add a garden shed at the end of our driveway that better fits the scale of our home. We purchased one A few years ago, but it is much too small and we have neighbors who would like to get it for their home. So we are going to have them take it from us and we will substitute it for this larger of one which is almost identical in size to our next-door neighbors house. They installed one from the same company that we used a few years ago, Hillbrook Work designs. Hillbrook has done many garden sheds for the Chevy Chase Village Historic neighborhood, most recently this summer at number 12 West Lenox St.

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

Garden shed - similar look to exactly what our next door neighbor at #27 W. Kirke St. ~~just~~ installed. The shed will fit inside our driveway pavers and reside at the end of the driveway.

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

See attached photo and info.

materials -

- cedar roof
- spanish cedar doors and windows
- eastern white pine
siding
- spanish cedar dentals
- fir floor
- asenk cupola

Work Item 1: Garden Shed

Description of Current Condition:

See attached.

Current condition - driveway currently holds a tiny 8'x8' shed that I purchased in 2013. It is not large enough to hold our lawn mower and other items.

Proposed Work:

See attached. - we are getting a slightly larger version of what we have which is similar in size to our neighbors.

A neighbor is purchasing our existing shed from us.

Work Item 2: _____

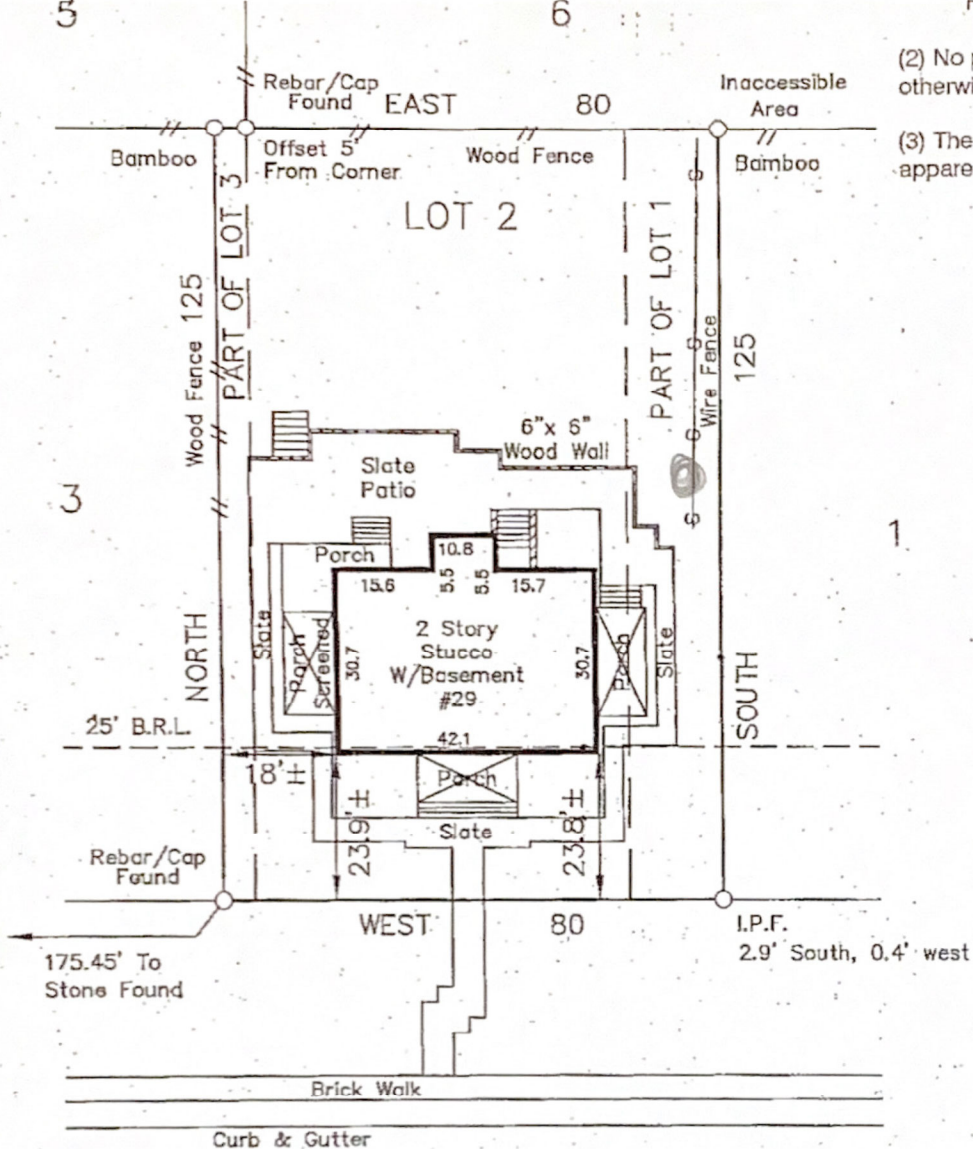
Description of Current Condition:

Proposed Work:

Work Item 3: _____

Description of Current Condition:

Proposed Work:



(2) No property corners found or set unless otherwise noted.

(3) The accuracy of this survey and the apparent setback distances is 0.1'±



W. KIRKE STREET

100' R/W



PLAT OF SURVEY

LOT 2 & PARTS OF LOTS 1,3

BLOCK 39

SECTION No 2

CHEVY CHASE

MONTGOMERY COUNTY, MARYLAND

SURVEYOR'S CERTIFICATE

I hereby certify that the property delineated hereon is in accordance with the plat of subdivision and/or deed of record, that the improvements were located by accepted field practices and include permanent visible structures, if any. This PLAT is NOT FOR DETERMINING PROPERTY LINES OR FOR CONSTRUCTION OF IMPROVEMENTS, but prepared for exclusive use of present owners of property and also those who purchase, mortgage, or guarantee the title thereto, within six months from date hereof, and as to them I warrant the accuracy of this plat.

Michael J. Bazis

Michael J. Bazis

RPLS #10956 - Exp. 7-6-2014

JOB # 13.0045B

DATE 3-28-2013

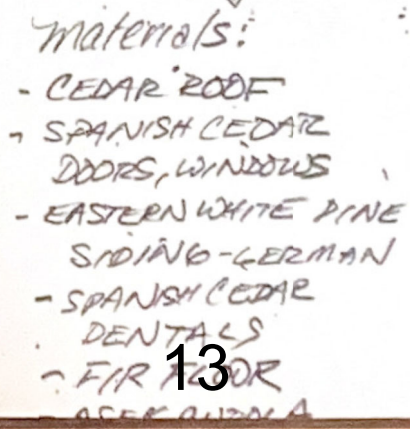
FIELD ME,JDH

DRAFT JDH

R.C. KELLY & ASSOCIATES, INC.

PROFESSIONAL LAND SURVEYORS

Hillbrook Collections
2021(c)



Current shed
is too small -
getting one that
looks very similar -
see photo

Location of
- new shed
- replace current
- not demolition -
I'm giving to a
neighbor







NEXT
DOOR
NEIGHBOR'S
GARDEN
SHED
FROM
SAME
COMPANY