Address:	7827 Hampden Ln., Bethesda	Meeting Date:	10/27/2021
Resource:	Contributing Resource (Greenwich Forest Historic District)	Report Date:	10/20/2021
Applicant:	Tim Hanway	Public Notice:	10/13/2021
Review:	HAWP	Staff:	Dan Bruechert
Case Number:	955242	Tax Credit:	N/A
PROPOSAL:	Fence Installation [RETROACTIVE]		

MONTGOMERY COUNTY HISTORIC PRESERVATION COMMISSION STAFF REPORT

STAFF RECOMMENDATION:

Staff recommends that the HPC **<u>approve</u>** the HAWP application with **one** condition:

1. The fence on the Midwood Rd. side (left) of the house can be no taller than 48" (forty-eight inches). Corrective measures need to be taken to reduce the height of the proposed fence to comply with the identified condition for approval.

ARCHITECTURAL DESCRIPTION:

SIGNIFICANCE:	Contributing Resource within the Greenwich Forest Historic District
STYLE:	Colonial Revival
DATE:	1928



Figure 1: 7827 Hampden Ln, Bethesda.

PROPOSAL

The applicants propose to replace the existing fence.

APPLICABLE GUIDELINES:

When reviewing alterations and new construction within the Greenwich Forest 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 *Greenwich Forest 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.

Greenwich Forest Historic District Guidelines

A. PRINCIPLES

The preservation of the following essential elements of Greenwich Forest is the highest priority in making decisions concerning applications for work permits. These Principles are not meant to stop or create unreasonable obstacles to normal maintenance, reasonable modifications, and the evolving needs of residents.

A1. Greenwich Forest was conceived of, built, and to a great degree preserved as a park-like canopied forest with gentle topographic contours, in which the presence of houses and hardscape are understated relative to the natural setting. The removal of mature trees and the significant alteration of topographic contours on private property, the *Greenwich Forest Triangle*, and the public right-of-way in Greenwich Forest should be avoided whenever possible. The Greenwich Forest Citizens Association (GFCA) will continue to support the replacement of trees. In order to protect mature trees and the natural setting of Greenwich Forest, and to limit runoff into the Chesapeake Bay, the creation of extensive new impermeable hardscape surfaces should be avoided whenever possible.

A2. The houses in Greenwich Forest create an integrated fabric well-suited to its forest setting. These Guidelines are intended to preserve this environment by ensuring that approved *work permits* include appropriate safeguards that protect the following three essential elements of this fabric.

a. An array of revival American *architectural styles* that, taken together, make a significant statement on the evolution of suburban building styles (see Appendix 2).

b. The *scale and spacing* of houses and their *placement* relative to adjacent houses and the public right-of-way. The original developers made decisions on these three elements to understate the presence of structures relative to the forest. For example, minimum side setbacks at the time were 7' but placement and spacing produced distances between houses that far exceeded the minimum 14'. Additions and new houses have, in almost all cases, preserved generous space between houses and minimized visual crowding with plantings.

c. High quality building materials and high level of craftsmanship.

B. BALANCING PRESERVATION AND FLEXIBILITY

Greenwich Forest represents a period in the evolution of Montgomery County worthy of preservation, but it has also changed in response to the needs of residents since it was created in the 1930s. These Guidelines seek a reasonable compromise between preservation and the needs of residents in several ways.

B1. Most of the houses in the Greenwich Forest Historic District are designated "contributing" because they contribute to the architectural and historic nature of the district. Contributing structures are shown in the map of the districts. These Guidelines are more specific for contributing structures.

B2. Other houses in the district are designated non-contributing either because (1) they were built more recently than contributing houses with other architectural styles (see Appendix 3) or (2) their original features have been significantly altered by subsequent modifications. Non-contributing structures are shown on the map of the District. The Guidelines provide greater flexibility for owners of non-contributing houses.

B3. These Guidelines reflect the reality that nearly all houses in Greenwich Forest have been modified since their construction. Owners are not expected to return their houses to their original configurations. The modifications they are permitted to make under these Guidelines are based on the current reality in the neighborhood, provided that those modifications are consistent with the Principles in these Guidelines.

B4. Property owners have additional flexibility under these Guidelines to make more extensive changes to the parts of their houses that are less visible from the public rights-of-way in front of their houses. The Guidelines accomplish this by stipulating different levels of review for specific elements on different parts of houses.

The Guidelines that pertain to this project are as follows:

D9. Fences and walls: Fences were not part of the original Greenwich Forest streetscape. No front yard fences have been added since then, though some homeowners have added backyard fences and/or fences along side yard property lines. To preserve the uninterrupted green space adjacent to the public right-of-way, front fences are not allowed. To enable the creation of enclosed yards for residents, fences up to 6'6" tall are permitted in back and side yards. In the case of side yards, fences may extend up to just behind the front plane of the house, preserving at least a 3' setback from the facade. Fence style and material should be in keeping with the architectural style of the house and the forest surroundings. Properties confronting Wilson Lane merit special consideration due to heavy traffic volumes. Construction of fences or walls is permitted on these properties, with review, in order to help ensure the safety and privacy of residents and the safety of drivers and neighbors. The decision-making body is directed to show flexibility in reviewing applications for work permits for such fences and walls.

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 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

(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 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 the 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.

STAFF DISCUSSION

The applicant proposes to remove the existing fence and install a new one in the same location. This work has been completed and should be reviewed as if the work has not been undertaken.

The proposed fence is a 6' (six-foot-tall) solid board fence that encloses the rear yard. This fence will replace an existing fence that is approximately 4' tall (see below).



Figure 2: March 2012 photo of the subject fence.

The *Guidelines* (D9) allow for fences up to 6' 6'' tall to be located in the side and rear yards, provided they are set back three feet from the front wall plane to maintain the open character of the district. While the proposed fence may meet the letter of the *Guidelines*, it fails to meet the spirit. This was an issue that was raised at a neighboring property¹ recently.

Staff finds that the previous fence, which was approximately 48" (forty-eight inches) allowed the streetscape to appear open and allowed for views through the property, without necessarily peering into the property. Staff finds the fencing that encloses the property on the Hampden Ln. side of the house is not readily visible from the right-of-way and should be approved as in keeping with the *Guidelines*.

¹ See the HAWP for 7835 Hampton, considered on 8/18/2021: <u>https://montgomeryplanning.org/wp-content/uploads/2021/08/I.F-7835-Hampden-Lane-Bethesda-956484.pdf</u>.

However, Staff does also finds that the proposed (installed) fence creates a wall-like appearance on the Midwood Rd. side of the house (see Fig. 2 and 3) that is detrimental to the character of the surrounding district.



Figure 3: View of the Replacement Fence.

The *Greenwich Forest Guidelines* also require fences to be set back from the front wall plane by at least 3' (three feet). The purpose of that setback is to maintain the primacy of the historic façade and to preserve the open character of the surrounding district. The fence under consideration for this HAWP is only set back approximately 2' (two feet) where the fence engages the front corner of the surroom. Staff finds this location is rational and that requiring the fence to be installed an additional foot towards the rear would not blend into the setting in the same manner. Staff additionally finds that the 3' (three-foot) setback is an arbitrary distance and that while the fence location does not meet the letter of the guideline, the sunroom separates the fence from the main block of the house a sufficient distance that the fence location meets the spirit of the guideline.

Staff recommends the HPC approve the fence along Hampden Ln. Staff finds the location of the fence along Midwood Rd. to be appropriate, however, finds that the height is not. Staff recommends the HPC include a condition for approval that the fence on the Midwood side of the house is no taller than 48" (forty-eight inches tall). This may be achieved by removing and replacing the installed fence, cutting the top two feet off of the fence, and installing a new top rail, or any other method that achieves the identified height limit.

STAFF RECOMMENDATION

Staff recommends that the Commission approve the HAWP application with one condition:

1. The fence on the Midwood Rd. side (left) of the house can be no taller than 48" (forty-eight inches). Corrective measures need to be taken to reduce the height of the proposed fence to comply with the identified condition for approval;

under the Criteria for Issuance in Chapter 24A-8(b)(1) and (d), having found that the proposal, as modified by the condition, is consistent with the *Greenwich Forest 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 <u>contact the staff person</u> assigned to this application at 301-563-3400 or <u>dan.bruechert@montgomeryplanning.org</u> to schedule a follow-up site visit.

APPLICATION APPLICATION HISTORIC PRESERVATION 301.563.3400 APPLICANT:	ORK PERMIT
Name: Tim thoway	E-mail: Keith Rexecutive housing. com
Address: 7827 Hampden Lane	City: Bethesda Zip: 20814
Daytime Phone: 301-951-4111	Tax Account No.:
AGENT/CONTACT (if applicable):	
Name: Keith Ricca	E-mail: Keith Rexecutive housing, com
Address: 7315 Wisconsin Ave #603E	City: <u>Bethesda</u> Zip: 20814
Daytime Phone: 202.497-4546	Contractor Registration No.: 9989 (Potomac Faces)
LOCATION OF BUILDING/PREMISE: MIHP # of Historic	Property 9681 fection ?
Is the Property Located within an Historic District?Y N Is there an Historic Preservation/Land Trust/Environmen map of the easement, and documentation from the Eas Are other Planning and/or Hearing Examiner Approvals / (Conditional Use, Variance, Record Plat, etc.?) If YES, inc supplemental information.	o/Individual Site Name Ital Easement on the Property? If YES, include a ement Holder supporting this application. Reviews Required as part of this Application?
Building Number: Street:	
Town/City: Nearest Cross	Street:
Lot: Block: Subdivision: _	
TYPE OF WORK PROPOSED: See the checklist on Particle for proposed work are submitted with this application be accepted for review. Check all that apply: New Construction Deck/Porch Addition Fence Demolition Hardscape/Landsca Grading/Excavation Roof I hereby certify that I have the authority to make the formand accurate and that the construction will comply with agencies and hereby acknowledge and accept this to be Muth Maca	ge 4 to verify that all supporting items ion. Incomplete Applications will not Shed/Garage/Accessory Structure Solar Tree removal/planting ape Window/Door Other: Egoing application, that the application is correct plans reviewed and approved by all necessary a condition for the issuance of this permit. $G/17/z_1$
Signature of owner or authorized agent	Date 7

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

Single Family home @ 7827 Hampden Lone

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

We have already built a new force to replace the old. The New Force was installed similiar to the Neighbors to match, and in same area as previous Force

Work Item 1:	
Description of Current Condition:	Proposed Work:
Work Item 2:	
Description of Current Condition:	Proposed Work:

Proposed Work:







POTOMAC FENCES, INC. Bonded-Insured-Licensed Contractor 301-468-1228 MD # 9989 | DC # 420216000091 12411 Washington Ave. Rockville, Maryland 20852 FAX (301) 984-1120 potomacfence@aol.com I www.potomacfence.com Serving Your Community Since 1975 - 3 Generations Family Owned/Operated - CONTRACT -We propose, subject to acceptance, to sell and to install on your properly the fencing materials enumerated below: and we herewith submit contract for materials and labor at the request and order of OWNER NAME 7 JOB ADDRESS ADDRESS DATE CITY/STATE/ZIP PHONE Seasonal - Fill in When Contract Accepted by Manager REGULAR SIZE YARDS *APPROX. START DATE APPROX, COMPLETION DATE 11 1 DAYS NO YES Work Schedule varies due to weather, material deliveries etc. WOOD IS A NATURAL PRODUCT THAT MAY CRACK Jobs are installed in the order received. SPLIT, WARP, TWIST, STAIN, MILDEW, FTC. - 100 REAR SHOW METERS FRONT Prices valid 30 days - Call for update after 30 days. FILL IN CREDIT CARD INFORMATION IF YOU WISH TO CHARGE TO ACCEPT OUR PURCHASE. tal sai CONTRACT SIGN 2 DEPOSIT COPIES, KEEP 1 COPY, IAME ON CARD MAIL OR EMAIL 1 COPY XP. DATE BALANCE COD WITH DEPOSIT IF SO U VISA **MASTER** AM/EX DISCOVER INDICATED, OR FAX TO USE CARD FOR: PERMIT INFO: Property owner is responsible for obtaining parmits () 307-984-1120 DEPOSIT ONLY DEPOSIT NOW - CHARGE BALANCE UPON COMPLETION OF WORK BALANCE BY CHECK applicable), unless otherwise specified here. Acceptance of Contract brices, specifications and conditions are satisfactory and are hereby accepted. You are The authorized to do the work as specified. Payment will be made as outlined above. POTOMAC FEN BY ESTIMATOR (L.S.) Owner or Purchaser - Copy Received LIC FPTED This proposal is subject to terms eevenant, and conditions on the reverse side hereof, and is not binding upon Potomac Fences, inc. until accepted by Home Office. 12 Accepted Home Office By Date Rovd.

Owner:	Aaron M & Lindsay L Bartley
Owner Address:	5606 Midwood Rd
Owner City State:	BETHESDA MD
Owner Zip+4:	20814-1110
Owner:	Origan Wall Russell T 3rd & Ann , M
Owner Address:	5609 Midwood Rd
Owner City State:	Bethesda Md
Owner Zip+4:	20814-1110
Owner:	David A & D B Nathan
Owner Address:	5615 Midwood Rd
Owner City State:	Bethesda Md
Owner Zip+4:	20814-1110
Owner:	Clifford B Hendler & E Neipris Deborah
Owner Address:	7831 Hampden Ln
Owner City State:	Bethesda Md
Owner Zip+4:	20814-1152
Owner:	Elizabeth & Colin Dove
Owner Address:	7828 Hampden Ln
Owner City State:	Bethesda Md
Owner Zip+4:	20814-1109
Owner:	Victor J & Daly Bonilla
Owner Address:	7824 Hampden Ln
Owner City State:	Bethesda Md
Owner Zip+4:	20814-1109
Owner:	David E Mitchell & Nicole A Solomon
Owner Address:	7820 Hampden Ln
Owner City State:	Bethesda Md
Owner Zip+4:	20814-1109
Owner:	Kevin P Oprey & E Proulx Maren
Owner Address:	7821 Hampden Ln
Owner City State:	Bethesda Md
Owner Zip+4:	20814-1108



HANWAY TIMOTHY M & 7827 HAMPDEN LN BETHESDA 20814

roperty Information

lan preparer

Date

Acct# 07-00494874 _ot 16, Block U /VSSC Grid: 209NW05 Tax Map: HN122 [>]roperty Size: 13409 Square Feet /Vatershed: Cabin John Creek

roject Information

Vew Fence

Ispection Notes

All field inspections must be requested by the applicant. Field Inspections must be conducted as follows:

 After the limits of disturbance have been staked and flagged, but before any slearing or grading begins.
 After processory stress reduction more have been staked and flagged.

2.After necessary stress reduction measures have been completed and protection neasures have been installed, but before any clearing and grading begin and pefore release of the building permit.
3.After completion of all construction activities but before removal of tree

3.After completion of all construction activities, but before removal of tree protection fencing, to determine the level of compliance with the provision of the orest conservation.

lan Requirements - Please show these items on the map

Proposed Limits of Disturbance (LOD) Construction access and staging areas within the LOD Location of proposed improvements All significant and specimen trees (24" DRH or greater) within 50 feet of the LOD

Montgomery Planning Department 📷 🖣 🕂

Stream Buffers

350

2ft Contours

Forests

ł

Railroads

Water Areas

21---

in = 50 ft



|--|













POTOMAC FENCES, INC. Bonded-Insured-Licensed F-23 Contractor 301-468-1228 MD # 9989 1 DC # 420216000091 12411 Washington Ave. Rockville, Maryland 20852 FAX (301) 984 1120 potomacforico@aol.com 1 www.potomacforico.com Serving Your Community Since 1975 - 3 Generations Family Owned/Operated CONTRACT -We propose, subject to acceptance, to sell and to install on your property like fencing materials enumerated below: and we herewith submit contract for materials and labor at the request and order a OWNER NAME EXECUTIVE HUGUNG JOB ADDRESS 150 202 4974546 9 ADDRESS an 100 DATE LOCA CITY/STATE/ZIP PHONE / 10 Seasonal - Fill in When Contract Accepted by Manager *APPROX. START DATE APPROX. COMPLETION DATE DA DAYS CALL UTILITIES (YES)NO Work Schedule varies due to Jobs are installed in the orde er, material deliveries etc WOOD IS A NATURAL PRODUCT THAT MAY CRACK +- 100' NAP DA +-88 REAR SHOW METERS FRONT 10 57 UA Prices valid 30 days - Call for update after 30 days. 10 HLL IN CREDIT CARD INFORMATION IF YOU WISH TO CH TO ACCEPT YOUR PURCHASE TOTAL SALE CONTRACT SIGN 2 DEPOSE COPIES, KEEP 1 COPY, IAME ON CARD MAIL OR EMAIL 1 COPY XP. DATE BALANCE COD WITH DEPOSIT IF SO U VISA U MASIER AM/EX DISCOVER INDICATED, OR FAX TO USE CARD FOR: PERMIT INFO: 301-284-1120 DEPOSITIONLY BALANCE BY CHECK DEPOSIT NOW - CHARGE BALANCE "Propenty owne applicable), un Acceptance of Contract tices, specific tions and conditions are satisfactory and are hereby accepted. You are authorized to, do the work as specified. Payment will be made as outlined above. POTOMAC FENC BY ESTIMATOR (1.5.) Owner or Purchaser - Copy Received UCH DATE ACCEPTED s proposal is subject to terms, eavenant, and constitutes on the reverse side hereof, and is not binding upon Potomac Fences, inc. until accepted by Home Office. This proposal is subject to te Accepted Home Office By Date Royd.

Best, Randy

APPLICATION HISTORIC AREA WO HISTORIC PRESERVATION 301.563.3400	
APPLICANT:	
Name: Tim Hanway	E-mail: _Keith@executivehousing.com
Address: 7827 Hampden Lane	City: Bethesda Zip: 208 (4
Daytime Phone: 301-951-4111	Tax Account No.:
AGENT/CONTACT (if applicable):	
Name: Keith Ricca	E-mail: Keith Rexecutive housing, Lom
Address: 7315 Wisconsin Ave #603E	City: <u>Bethesda</u> Zip: 20814
Daytime Phone: 202.497-4546	Contractor Registration No.: 9989 (Potomac Faces)
LOCATION OF BUILDING/PREMISE: MIHP # of Historic	Property 9681 fection ?
Is the Property Located within an Historic District?	es/District NameGreenwich Forest
Is there an Historic Preservation/Land Trust/Environmer map of the easement, and documentation from the Ease	tal Easement on the Property? If YES, include a
Are other Planning and/or Hearing Examiner Approvals / (Conditional Use, Variance, Record Plat, etc.?) If YES, inc supplemental information.	Reviews Required as part of this Application?
Building Number: Street:	
Town/City: Nearest Cross	
Lot: Block: Subdivision:	
TYPE OF WORK PROPOSED: See the checklist on Pag for proposed work are submitted with this applicat be accepted for review. Check all that apply:	ge 4 to verify that all supporting items
New Construction Deck/Porch Addition Fence Demolition Hardscape/Landsca Grading/Excavation Roof	 Solar Tree removal/planting
I hereby certify that I have the authority to make the fore and accurate and that the construction will comply with agencies and hereby acknowledge and accept this to be hereby field (A eget)	going application, that the application is correct plans reviewed and approved by all necessary a condition for the issuance of this permit.
Signature of owner or authorized agent	Date 23

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

Single Family home @ 7827 Hampden Lone

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

We have already built a new force to replace the old. The New Force was installed similiar to the Neighbors to match, and in same area as previous Force

Work Item 1:	
Description of Current Condition:	Proposed Work:
Work Item 2:	
Description of Current Condition:	Proposed Work:

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	*	*	14	*	*	*	*
Tree Removal	*	*		*	*	*	*
Siding/ Roof Changes	*	*	*	*	*		*
Window/ Door Changes	*	*	*	*	*		*
Masonry Repair/ Repoint	*	*	*	*	*		*
Signs	*	*	*	*	*		*