MONTGOMERY COUNTY HISTORIC PRESERVATION COMMISSION STAFF REPORT

Address: 7827 Hampden Ln., Bethesda Meeting Date: 10/13/2021

Resource: Contributing Resource **Report Date:** 10/6/2021

(Greenwich Forest Historic District)

Applicant: Tim Hanway **Public Notice:** 9/29/2021

Review: HAWP Staff: Dan Bruechert

Case Number: 955242 Tax Credit: N/A

PROPOSAL: Fence Installation [RETROACTIVE]

STAFF RECOMMENDATION:

Staff recommends that the HPC **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.

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: https://montgomeryplanning.org/wp-content/uploads/2021/08/I.F-7835-Hampden-Lane-Bethesda-956484.pdf.

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.

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 contact the staff person assigned to this application at 301-563-3400 or dan.bruechert@montgomeryplanning.org to schedule a follow-up site visit.



APPLICATION FOR HISTORIC AREA WORK PERMIT HISTORIC PRESERVATION COMMISSION

FOR STAFF ONLY: HAWP#_ DATE ASSIGNED____

301.563.3400

APPLICANT:

Name: Tim Hannay	E-mail: Keith @executivehousing.com
Address: 7827 Hampden Lane	City: Rethesda Zip: 20814
Daytime Phone: 301-951-4111	Tax Account No.:
AGENT/CONTACT (if applicable):	
Name: Kerth Ricca	E-mail: Keith Rexecutive housing, com
Address: 7315 Wisconsin Ave #603E	City: Bethesda Zip: 20814
Daytime Phone: 202.497-4546	Contractor Registration No.: 9989 (Potomac For
LOCATION OF BUILDING/PREMISE: MIHP # of Historic	c Property 9687 Eldon ?
Is the Property Located within an Historic District?	es/District Name <u>Greenwich Forest</u> lo/Individual Site Name
Is there an Historic Preservation/Land Trust/Environme map of the easement, and documentation from the Eas	ntal Easement on the Property? If YES, include a
Are other Planning and/or Hearing Examiner Approvals (Conditional Use, Variance, Record Plat, etc.?) If YES, incomplemental information.	/Reviews Required as part of this Application? clude information on these reviews as
Building Number: Street:	
Town/City: Nearest Cross	Street:
Lot: Block: Subdivision: _	Parcel:
TYPE OF WORK PROPOSED: See the checklist on Parfor proposed work are submitted with this applicate the accepted for review. Check all that apply: New Construction Deck/Porch Addition Fence Demolition Grading/Excavation Roof I hereby certify that I have the authority to make the for and accurate and that the construction will comply with agencies and hereby acknowledge and accept this to be found to be accepted agent. Signature of owner or authorized agent.	Shed/Garage/Accessory Structure Solar Tree removal/planting Window/Door Other: gegoing 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 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:

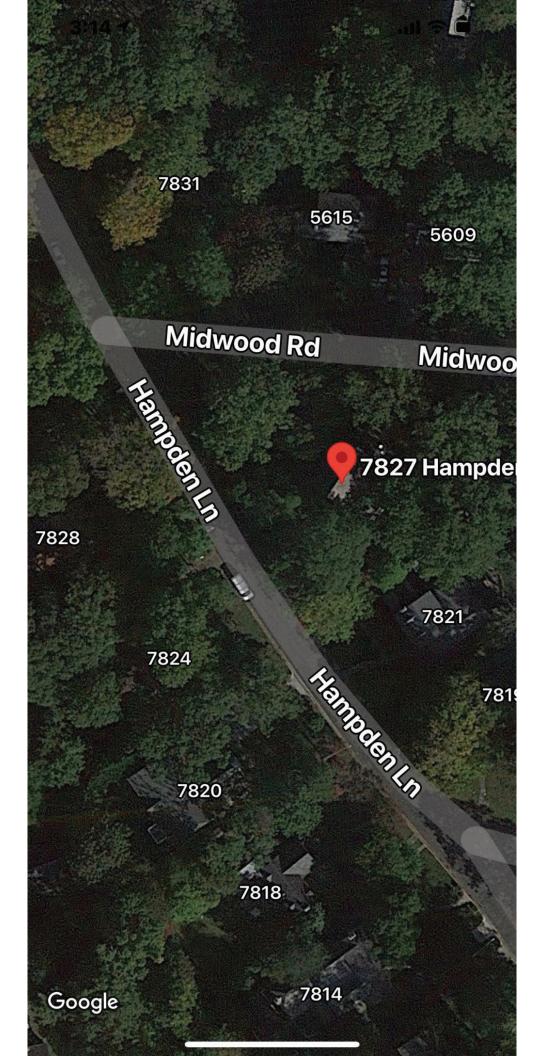
Single Family home @ 7827 Hampden Lone

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

We have already built a new fence to replace
the old. The New Fence was installed Similiar to the
neighbors to match, and in same area as previous Fence

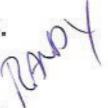
Work Item 1:	
Description of Current Condition:	Proposed Work:
*	
9	
Work Item 2:	
Description of Current Condition:	D
pescription of current condition:	Proposed Work:
· ·	
Work Item 3:	
Description of Current Condition:	Proposed Work:





POTOMAC FENCES, INC. 301-468-1228

12411 Washington Ave. Rockville, Maryland 20852 FAX (301) 984 1120 potomac(ence@aol.com 1 www.patomacfence.com



Bonded-Insured-Licensed Contractor

MD # 9989 | DC # 420216000091

Serving Your Community Since 1975 - 3 Generations Family Owned/Operated

- CON	ITRACT —
We propose, subject to acceptance, to sell and to install and we herewith submit contract for materials and labor	on your properly the fencing materials enumerated below: at the request and order of:
OWNER NAME FXEWTHE HOUSEN	6 JOB ADDRESS, 7827 HAMPOTA
ADDRESS CON FICE)	DATE 9/3/19
CITY/STATE/ZIP KEITH RICCA	PHONE /202 497 4546
Seasonal - Fill in When Contract Accepted by Manager *APPROX. START DATE APPROX. COMPLET	TION DATE REGULAR SIZE YARDS CALL UTILITIES YES NO
Work Schedule varies due to weather, material deliveries etc. Jobs are installed in the order received.	WOOD IS A NATURAL PRODUCT THAT MAY CRACK.
THE CACE EXUTING	-f - /dd /
VEW 6 TACC CEDAR	* × × × × × × × × × × × × × × × × × × ×
TENEBOARD PRIMY	+ 20 A
WITH I OPE	100
FORM BOARDS	REAR SHOW METERS FRONT
2-1	
IFMOUT OCD FELLE	
7-210'	HAMOON CA
622	Prices valid 30 days - Call for update after 30 days. FILL IN CREDIT CARD INFORMATION IF YOU WISH TO CHARGE
TOTAL SALE - 13 2000 TO ACCEPT	T YOUR PURCHASE.
DEPOSIT CONTRACT SIG	COPY VI
BALANCE COD MAIL OR EMAIL 1	COPY/ EXP. DATE
WITH DEPOSIT I	parties and a second
PERMIT INFO: Properly owner is responsible for obtaining permits (if applicable), unless otherwise specified here. INDICATED, OR F. 301-984-112	CONTRACTOR OF THE PROPERTY OF
The prices, specifications and conditions are	e satisfactory and are hereby accepted. You are
POTOMAC FENCES, INC.	I. Payment will be made as outlined above.
BY	The state of the s
IIC#	DATE ACCEPTED
This proposal is subject to terms, eeven	unit, and conditions on the reverse side hereof,
and is not binding upon Potomac Fo	ences, Inc. until accepted by Home Office.

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 isting Conditions Plan

HANWAY TIMOTHY M & 7827 HAMPDEN LN BETHESDA 20814



389

roperty Information

lan preparer

Acct# 07-00494874 ot 16, Block U

WSSC Grid: 209NW05 Fax Map: HN122

Property Size: 13409 Square Feet Natershed: Cabin John Creek

roject Information

New Fence



386

Ispection Notes

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

. After necessary stress reduction measures have been completed and protection neasures have been installed, but before any clearing and grading begin and . After the limits of disturbance have been staked and flagged, but before any learing or grading begins.

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 before release of the building permit. 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" DBH or greater) within 50 feet of the LOD

Stream Buffers Montgomery Planning Department

1 in = 50 ft

Wetlands

Property Lines

Paved areas

100 Feet

50

0

Tree Canopy Floodplains

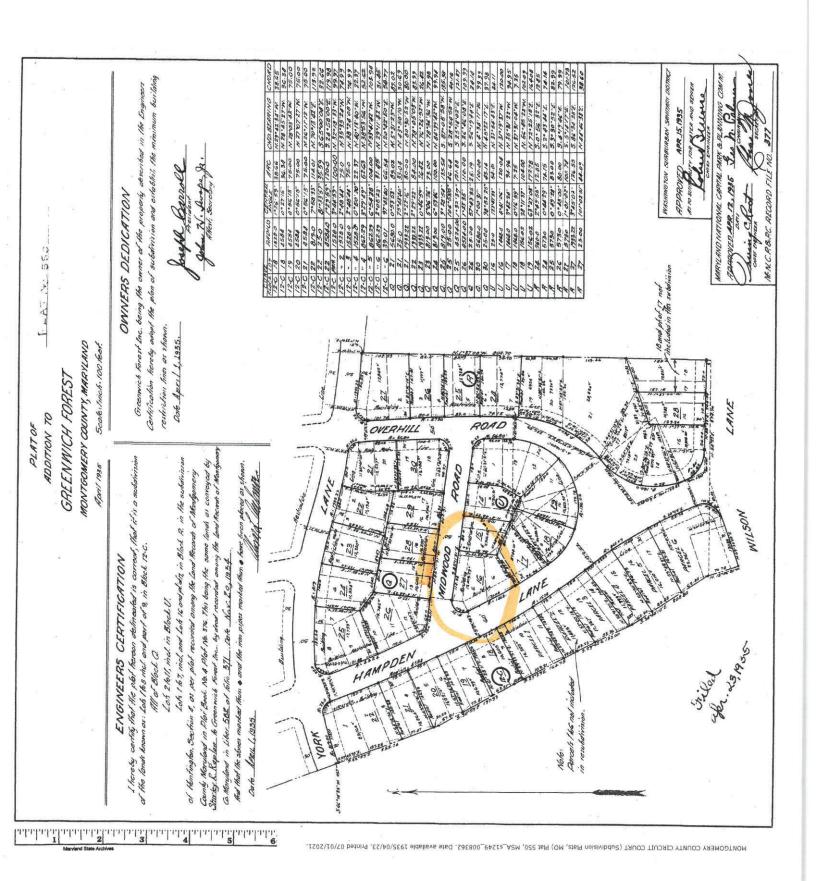
Forests

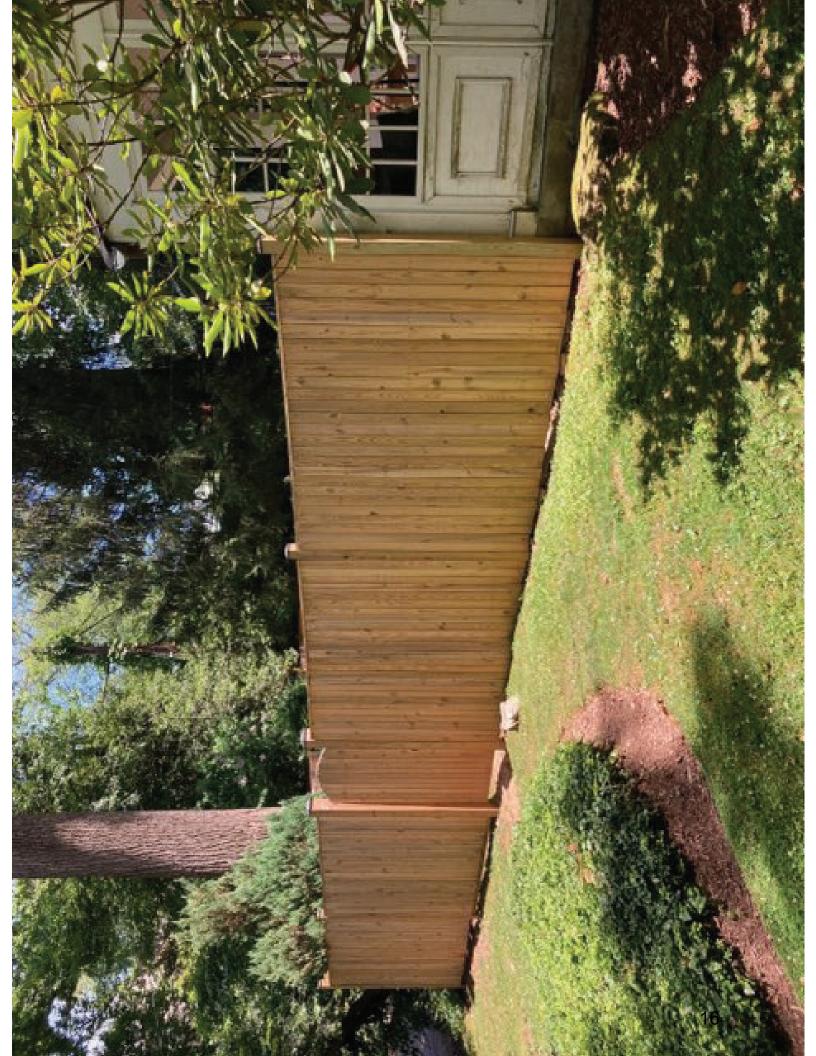
Water Areas Buildings

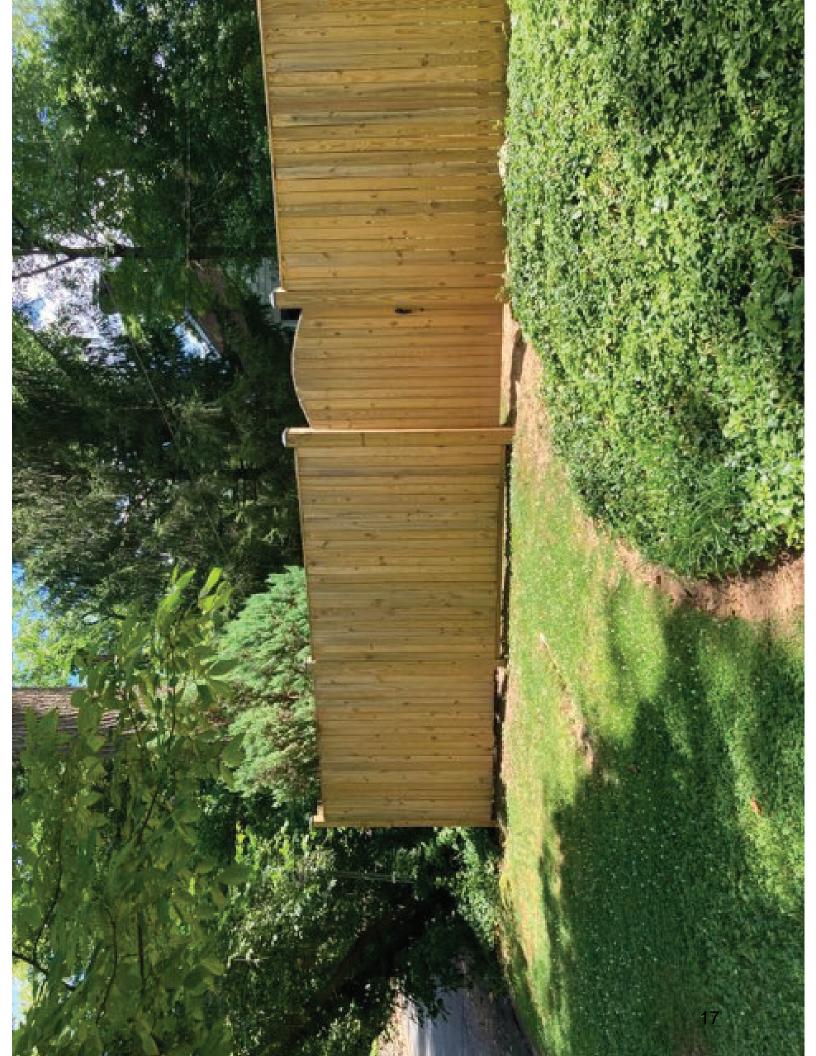
2ft Contours

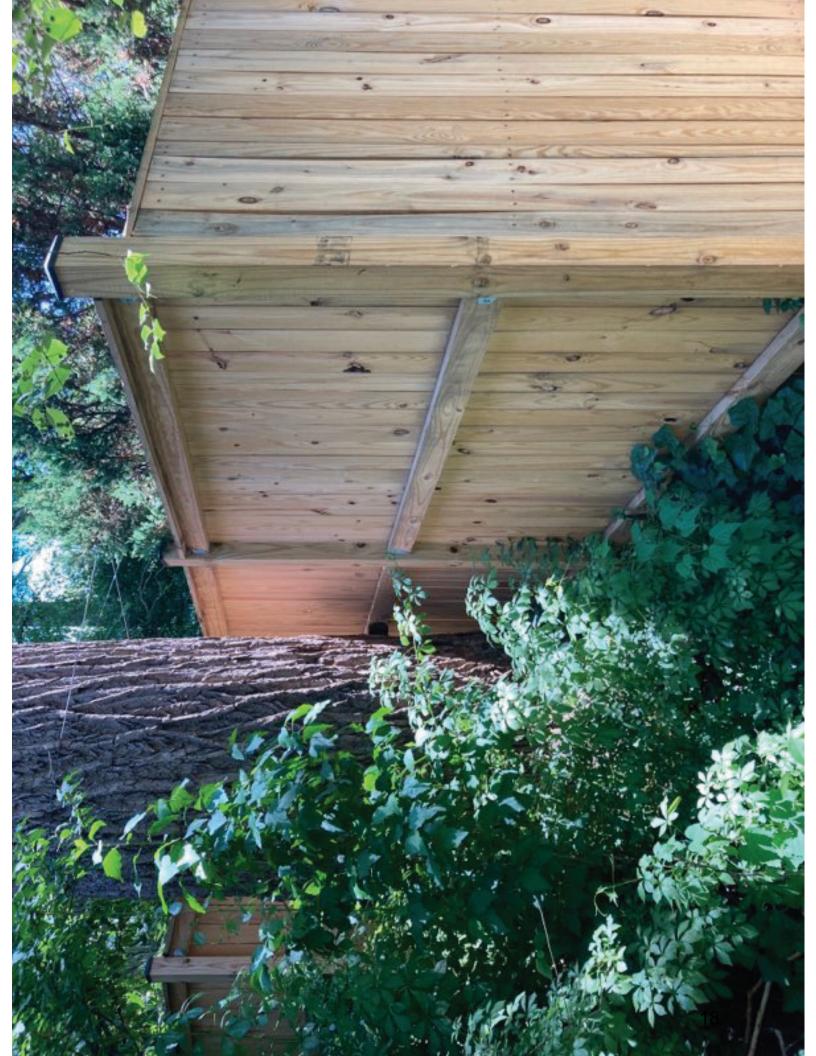
350

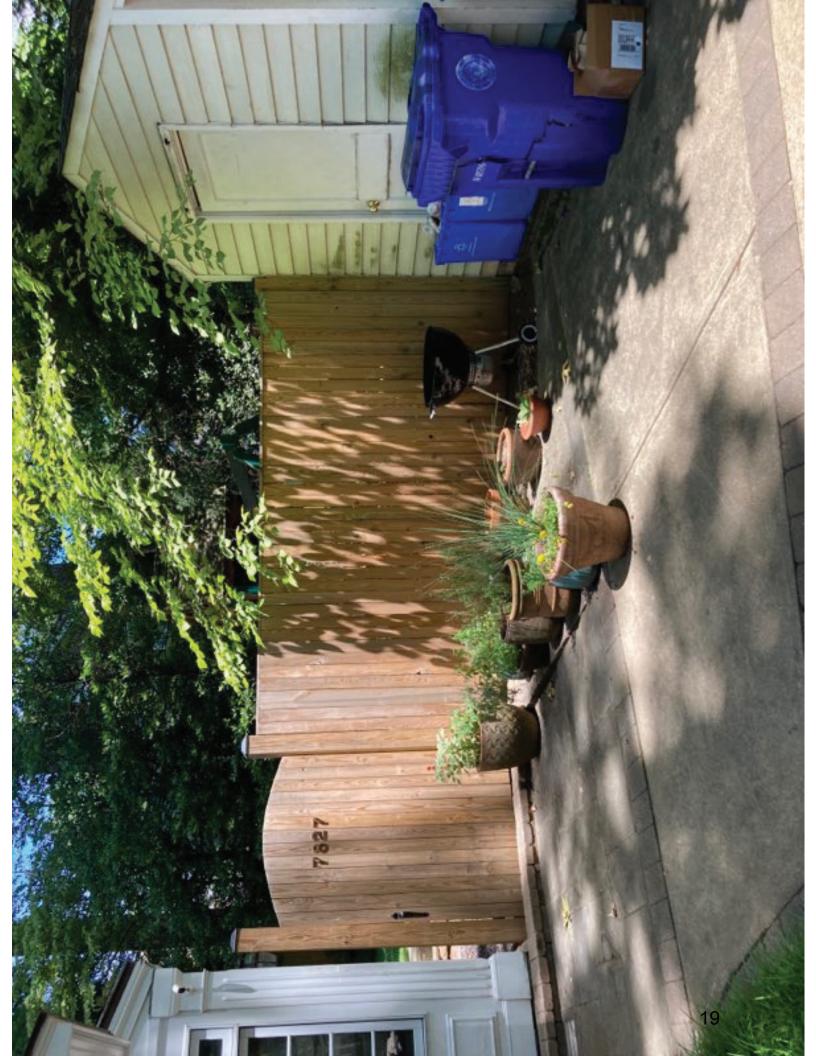
+-+ Railroads

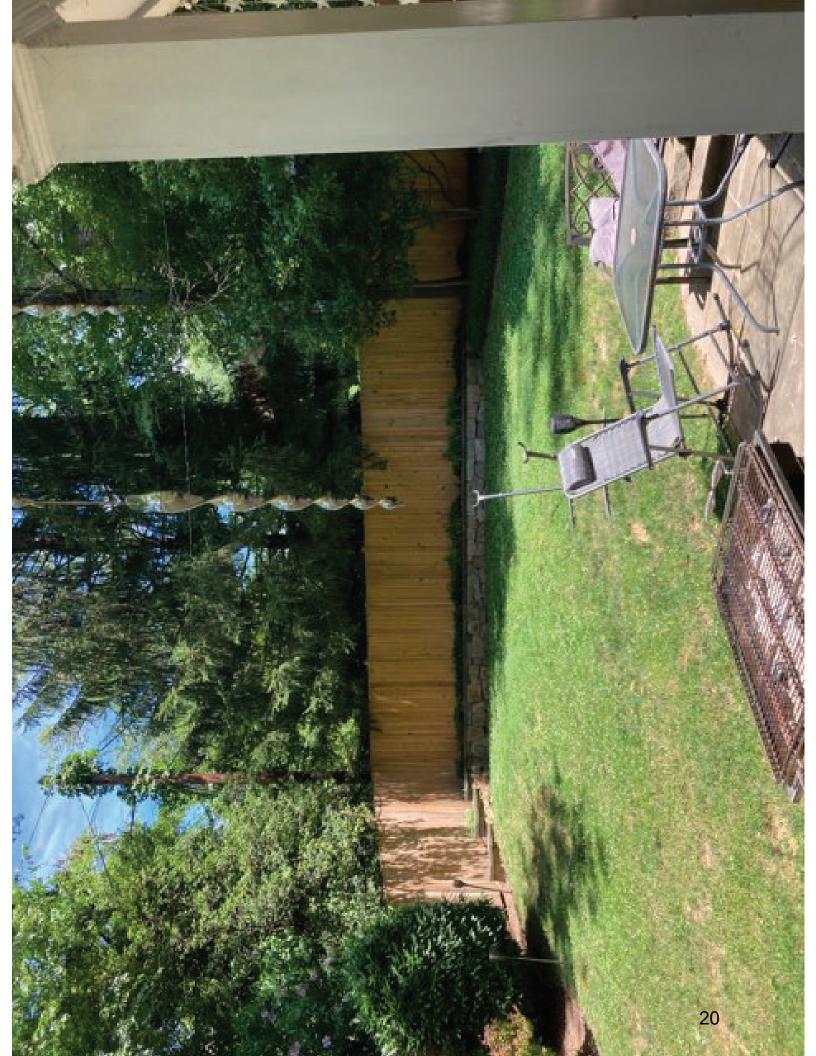


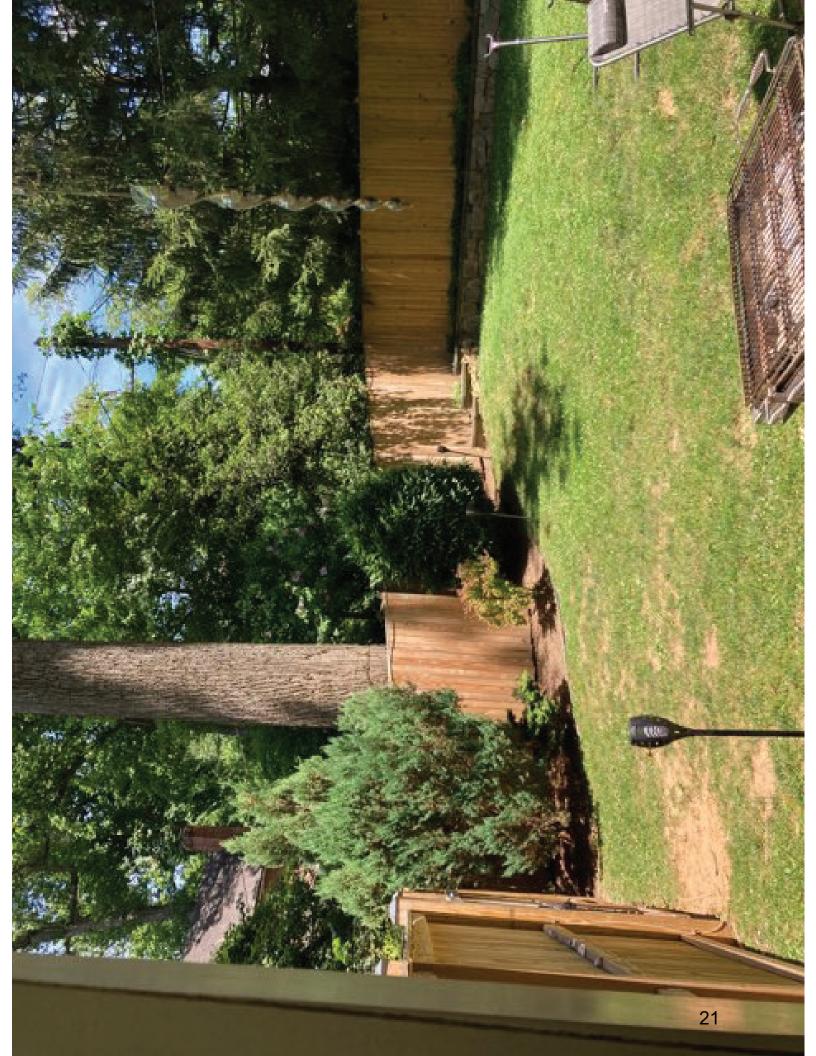












POTOMAC FENCES, INC. 301-468-1228 12411 Washington Ave. Rockville, Maryland 20852 PAX (301) 984 1120 potornacferica@auticani I www. potomacfence.com

Bonded-Insured-Licensed **Contractor**MD # 9989 1 DC # 420216000091

Serving Your Community Since	e 1975 - 3 Generations Family Owned/Operated
The second secon	- CONTRACT -
We propose, subject to acceptance, to sell ar	nd to install on your properly like fencing materials enumerated below:
and we herewith submit contract for materials	s and labor at the request and order at:
OWNER NAME EXECUTIVE /	JUNE JOB ADDRESS, 1827 HAMPDEN
ADDRESS CON FICE	DATE 9/3/19 CA
CITY/STATE/ZIP KEITH RIC	OCA PHONE /202 497 4546
Seasonal - Fill in When Contract Accepted by APPROX. START DATE APPROX	Manager X. COMPLETION DATE REGULAR SIZE YARDS CALL UTILITIES YES NO
Work Schedule varies due to weather, material de Jobs are installed in the order received.	Niveries etc. WOOD IS A NATURAL PRODUCT THAT MAY CRACK
THEP ONE FRITZIN	SPUI, WARR IWISI, STAIN, MILDEW, FIC.
WOOD FENCES	+- 100
VAN 6 MI CH	DAM O
ELAS PRIADO POL	YOU .
TEXTE	7 1 3
(11/12) 7 6	TO 88 9
	REAR
FORM ROADS	SHOW METERS
7. T. POSTS	FRONT +-73
2	
FROM OCD FELLE	
7-210'	HAMOON CA
620	Prices valid 30 days - Call for update after 30 days. FILL IN CREDIT CARD INFORMATION IF YOU WISH TO CHARGE
	TO ACCEPT YOUR PURCHASE.
	NTRACT SIGN 2 ES, KEEP 1 COPY.
ALANCE COD # MAIL C	OR EMAIL 1 COPY EXP. DATE
WITH	ATED, OR FAX TO VISA DIMASTER DIAM/EX DISCOVER
roperly owner is responsible for obtaining permits of 36	ATED, OR FAX TO USE CARD FOR: 91-984-1120 DEPOSIT NOW - CHARGE BALANCE
splicable), unless otherwise specified here.	BALANCE BY CHECK UPON COMPLETION OF WORK
The prices, specifications and oc	Acceptance of Contract and are hereby accepted. You are
OTOMAC FENCES INC.	as specified. Payment will be made as outlined above.
11114	January /
1 /1/2045	ESTIMATOR (L.S.) Owner or Purchaser - Copy Received
ch ()	DATEACTEDIED
This proposal is subject to the and is not binding upon	Potomac Fences, Inc. until accepted by Home Office.
ccepted Home Office By	Date Royd.

Best, Randy



APPLICATION FOR HISTORIC AREA WORK PERMIT
HISTORIC PRESERVATION COMMISSION

HAWP# DATE ASSIGNED____

23

FOR STAFF ONLY:

301.563.3400

APPLICANT:

Name: Tim Hanuay	E-mail: Keith Rexecutive housing. com
Address: 7827 Hampden Lane	City: Rethesda Zip: 20814
Daytime Phone: 301-951-4111	Tax Account No.:
AGENT/CONTACT (if applicable):	
Name: <u>Kerth</u> Ricca	E-mail: Keith Rexecutive housing, com
Address: 7315 Wisconsin Ave #603E	City: Rethesda Zip: 20814
Daytime Phone: 202.497-4546	Contractor Registration No.: 9989 (Potomac For
LOCATION OF BUILDING/PREMISE: MIHP # of Historic	Property 9689 Codom ?
Is the Property Located within an Historic District?	
Is there an Historic Preservation/Land Trust/Environmentap of the easement, and documentation from the Eas	o/Individual Site Name ntal Easement on the Property? If YES, include a ement Holder supporting this application.
Are other Planning and/or Hearing Examiner Approvals (Conditional Use, Variance, Record Plat, etc.?) If YES, incomplemental information.	Reviews Required as part of this Application? lude information on these reviews as
Building Number: Street:	
Town/City: Nearest Cross	Street:
Lot: Block: Subdivision: _	Parcel:
TYPE OF WORK PROPOSED: See the checklist on Parfor proposed work are submitted with this applicate the accepted for review. Check all that apply: New Construction Deck/Porch Addition Fence Demolition Grading/Excavation Roof I hereby certify that I have the authority to make the forwand accurate and that the construction will comply with agencies and hereby acknowledge and accept this to be the authority to make the beauthority and accept this to be the authority to make the forwand accurate and that the construction will comply with agencies and hereby acknowledge and accept this to be the authority to make the forwand accurate and that the construction will comply with agencies and hereby acknowledge and accept this to be the authority to make the forwand accurate and that the construction will comply with agencies and hereby acknowledge and accept this to be the authority to make the forwand accurate and that the construction will comply with agencies and hereby acknowledge and accept this to be accepted to the authority to make the forwand accurate and that the construction will comply with agencies and hereby acknowledge and accept this to be accepted to the acceptance of the acceptance	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
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:

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 fence to replace the old. The New Fence was installed Similiar to the neighbors to match, and in same area as previous fence

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	*	*	25	*	*	*	*
Tree Removal	*	*		*	*	*	*
Siding/ Roof Changes	*	*	*	*	*		*
Window/ Door Changes	*	*	*	*	*		*
Masonry Repair/ Repoint	*	*	*	*	*		*
Signs	*	*	*	*	*		*