

MONTGOMERY COUNTY HISTORIC PRESERVATION COMMISSION
STAFF REPORT

Address:	8 E. Irving St., Chevy Chase	Meeting Date:	6/22/2022
Resource:	Contributing Resource Chevy Chase Village Historic District	Report Date:	6/15/2022
Applicant:	Dana Beyer	Public Notice:	6/8/2022
Review:	HAWP	Tax Credit:	n/a
Case Number:	988112	Staff:	Dan Bruechert
Proposal:	After the Fact Deck and Pergola Construction		

STAFF RECOMMENDATION

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

ARCHITECTURAL DESCRIPTION

SIGNIFICANCE: Contributing Resource within the Chevy Chase Historic District
STYLE: Colonial Revival
DATE: c.1903

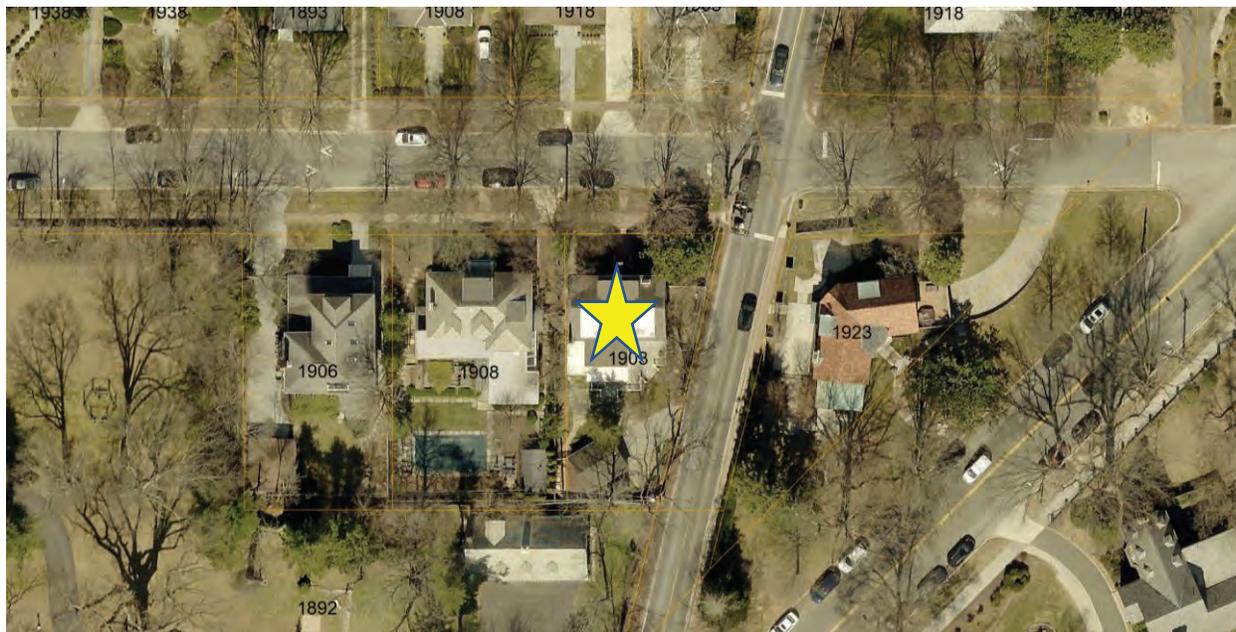


Figure 1: The subject property is at the intersection of E. Irving and Brookeville Rd.

BACKGROUND

The existing, non-historic deck was removed without any regulatory review. Construction of the new

deck and pergola started without permits, but a stop-work order has placed the project on hold in its current state until it satisfies County and CCV regulatory requirements.

PROPOSAL

The applicant proposes to replace the existing deck with a new deck and a pergola.

APPLICABLE GUIDELINES

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

Chevy Chase Village Historic District Guidelines

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

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

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

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

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

- The *Guidelines* state five basic policies that should be adhered to, including:
 - Preserving the integrity of the Chevy Chase Village Historic District. Any alterations should, at a minimum, perpetuate the ability to perceive the sense of time and place portrayed by the district.
 - Preserving the integrity of contributing structures. Alterations to should be designed in such a way that the altered structure still contributes to the district.
 - Maintaining the variety of architectural styles and the tradition of architectural excellence.
 - Design review emphasis should be restricted to changes that will be visible from the front or side public right-of-way, or that would be visible in the absence of vegetation or landscaping.

- Alterations to the portion of a property that are not visible from the public-right-of-way should be subject to a very lenient review. Most changes to the rear of the properties should be approved as a matter of course.

Decks should be subject to moderate moderate scrutiny if they are visible from the right-of-way, lenient scrutiny if they are not.

Driveways should be subject to strict scrutiny only with regard to their impact on landscaping, particularly mature trees. In all other respects, driveways should be subject to lenient scrutiny. Parking pads and other paving in front of houses should be discouraged.

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.

Porches should be subject to moderate scrutiny if they are visible from the public right-of-way, lenient scrutiny if they are not. Enclosures of existing side and rear porches have occurred throughout the Village with little or no adverse impact on its character, and they should be permitted where compatibility designed. Struct scrutiny should be applied to additions above existing front porches.

Montgomery County Code; Chapter 24A-8

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

Secretary of Interior's Standards for Rehabilitation

- 2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
- 9. New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportions, and massing to protect the integrity of the property and its environment.
- 10. New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

STAFF DISCUSSION

The subject property is a two-story, stucco-sided, Colonial Revival house at the intersection of E. Irving St. and Brookeville Rd. At the rear of the house is a non-historic addition with a deck. Staff found records of a building permit to add to the house issued in 1988 before the district was established. The existing deck was demolished before the HAWP was submitted, so Staff has to rely on aerial photographs of the site (see below) for the existing condition. As some of this work has been carried out, Staff reminds the HPC that all work already completed needs to be reviewed as if it was not undertaken. Staff also reminds the applicant that visual or material changes to the exterior of the property require a Historic Area Work Permit (HAWP) and notes this is the second instance within the last four years that work at the subject property has been undertaken without proper permitting.



Figure 2: Aerial photo of the site showing the deck at the rear.

The applicant seeks approval for the new deck, railing, and pergola with shades on the side. The deck and railing will likely not be visible from the public right-of-way because there is a large privacy fence along Brookeville Rd., however, the proposed pergola structure will be visible.

First, Staff finds that the deck shown in Fig. 2 was not historic and its removal will not have a significant

impact on the character of the subject property or surrounding district and recommends the HPC approve demolishing the existing deck.

The applicant proposes to install a new deck, in slightly larger dimensions out of wood with composite decking and stairs. The proposed deck measures approximately 35' × 26' (thirty-five feet by twenty-six feet) using Trex composite decking with wood supports. The proposed railing has Trex posts and top and bottom rails, with aluminum balusters. The deck includes a hot tub installed at decking level. The applicant also proposes to construct a pergola over the deck. The porch posts will be wrapped in Trex and extend to 8' 9" (eight feet, nine inches) to support the pergola. Finally, the applicant proposes to install cloth privacy screens on the side of the pergola.

Based on Staff's review of the submitted photographs and aerial photographs, no trees will be impacted by the larger deck footprint.



Figure 3: View of the subject property from Brookeville Rd.

Staff finds the proposed deck will not be at all visible from the public right-of-way, because it is hidden by the existing privacy fence. Staff believes that the *Guideline* for porches was written with mid-block houses in mind. The rear of those properties would not be visible from the right-of-way, because they would be obscured by the mass of the historic house. Part of the subject property is obscured by a solid privacy fence that runs the entire length of the property along Brookeville Rd. Theoretically, this fence could be removed at a future date, but Staff finds that is unlikely because of the high amount of traffic along Brookeville Rd. and because there is a sidewalk only on the eastern side of the street, virtually all of the houses on the west side of Brookeville Rd. have maximum height privacy fences. Staff does not

expect this condition to change. Because the fence blocks the deck location, the *Design Guidelines*, therefore, require the new deck to be reviewed under lenient scrutiny and further state that alterations that are not visible from the right-of-way are subject to a “very lenient review” and “most changes should be approved as a matter of course.” Staff finds the size of the proposed deck is not out of proportion with the house or surrounding district and is compatibly designed. Staff is generally opposed to Trex composite decking in historic districts because it does not have the same visual and material qualities as wood. However, the *Design Guidelines* state lenient scrutiny, “should allow for a very liberal interpretation of preservation rules.” Staff finds that under the lenient review required by the *Design Guidelines*, the HPC should approve the proposed deck, railing, and stairs.

The next item up for consideration is the proposed pergola. The pergola covers the entirety of the rear porch and will be framed in wood, with the posts covered by Trex sleeves, to match the trim on the house addition and the porch. The pergola slats will be wood. The pergola slats only connect to the non-historic addition and will not impact any historic fabric. The applicant also proposes to install fabric roll-up screens for additional privacy from the public right-of-way.

Staff finds the proposed pergola will not have a substantial impact on the scale or massing of the subject property because it is a largely transparent feature. Reviewing the pergola under moderate scrutiny, Staff finds that the composite wrap on the pergola posts should be considered a “compatible new material” under the *Design Guidelines* and notes the material will match the dimensions and details of the non-historic rear addition. Staff finds the wood slats are appropriately detailed. Staff also considered the size and massing of the proposed pergola as if it were a screened-in porch and found that the size would not overwhelm the existing historic house.

Staff recognizes several factors that make a privacy screen desirable at the subject property including the house’s proximity to several very busy streets including Brookeville Rd. and Western Ave. Staff finds the cloth privacy screen will not detract from the appearance of the existing proposed pergola and deck. Staff also notes that the proposed privacy screen can roll up when not in use so that it will not be visible from the right-of-way. Staff recommends the HPC approve the pergola and proposed screen under the *Design Guidelines*, 24A-8(d), and Standards 9 and 10.



Figure 4: The proposed fabric screens to be installed on the pergola.

STAFF RECOMMENDATION

Staff recommends that the Commission **approve** the HAWP application under the Criteria for Issuance in Chapter 24A-8(d) having found that the proposal 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* and #10.

and with the general condition that the applicant will obtain all other applicable Montgomery County or local government agency permits. After the issuance of these permits, the applicant must contact this Historic Preservation Office if any changes to the approved plan are made;

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. visit.



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

FOR STAFF ONLY:
HAWP# _____
DATE ASSIGNED _____

APPLICANT:

Name: Dana Beyer
Address: 8 East Irving Street
Daytime Phone: 240-731-8338

E-mail: danamd@danabeyer.com
City: Chevy Chase Zip: 20815
Tax Account No.: _____

AGENT/CONTACT (if applicable):

Name: Bolorma Yondonsambuu
Address: 2201 N Pershing Dr
Daytime Phone: 5716997907

E-mail: yokosremodeling@yahoo.com
City: Arlington Zip: 22201
Contractor Registration No.: 2705147424

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: _____ Street: _____

Town/City: _____ Nearest Cross Street: _____

Lot: _____ Block: _____ Subdivision: _____ Parcel: _____

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

- | | | |
|--|--|--|
| <input checked="" type="checkbox"/> New Construction | <input type="checkbox"/> Deck/Porch | <input type="checkbox"/> Shed/Garage/Accessory Structure |
| <input checked="" 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 checked="" type="checkbox"/> Other: <u>Addition</u> |

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.

3/29/22

Signature of owner or authorized agent

Date

Adjacent and Confronting Properties:

Chevy Chase, MD 20815

6000 Western Avenue

9 East Irving Street

7 East Irving Street

6 East Irving Street

9 Chevy Chase Circle



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

FOR STAFF ONLY:
HAWP# _____
DATE ASSIGNED _____

APPLICANT:

Name: Dana Beyer
Address: 8 East Irving Street
Daytime Phone: 240-731-8338

E-mail: danamd@danabeyer.com
City: Chevy Chase Zip: 20815
Tax Account No.: _____

AGENT/CONTACT (if applicable):

Name: Bolorma Yondonsambuu
Address: 2201 N Pershing Dr
Daytime Phone: 5716997907

E-mail: yokosremodeling@yahoo.com
City: Arlington Zip: 22201
Contractor Registration No.: 2705147424

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: _____ Street: _____

Town/City: _____ Nearest Cross Street: _____

Lot: _____ Block: _____ Subdivision: _____ Parcel: _____

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

- | | | |
|--|---|--|
| <input checked="" type="checkbox"/> New Construction | <input type="checkbox"/> Deck/Porch | <input type="checkbox"/> Shed/Garage/Accessory Structure |
| <input checked="" type="checkbox"/> Addition / <i>Screen</i> | <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 checked="" type="checkbox"/> Roof / <i>Pergola</i> | <input type="checkbox"/> Window/Door |
| | | <input checked="" type="checkbox"/> Other: <u>Addition</u> |

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.

Dana Beyer _____ = _____ 4/11/22
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, four-square, constructed 1903, subsequently expanded with attic conversion and addition of backyard deck. Backyard fully enclosed by fence, with garage and driveway, exiting on Brookville Rd. , and within sight of Western Ave. and Blessed Sacrament Church.

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

Installation of a pergola, traditional wood slat roof, and roll-down shades on the posts supporting the roof and facing Brookville Rd. and Western Ave. The posts will be covered with white composite to match the exterior rear of the house.

Work Item 1: <u>Construction of pergola</u>	
Description of Current Condition: Deck repaired and replaced. Posts in place to attach railings.	Proposed Work: Attach railings then pergola roof. Finally attach shades where needed above railings exposed to the street.

Work Item 2: _____	
Description of Current Condition: The large posts are 8'9", and the pergola sits on those posts.	Proposed Work:

Work Item 3: _____	
Description of Current Condition:	Proposed Work:

Beyer HAWP application addendum (malfunctioning pdf filler):

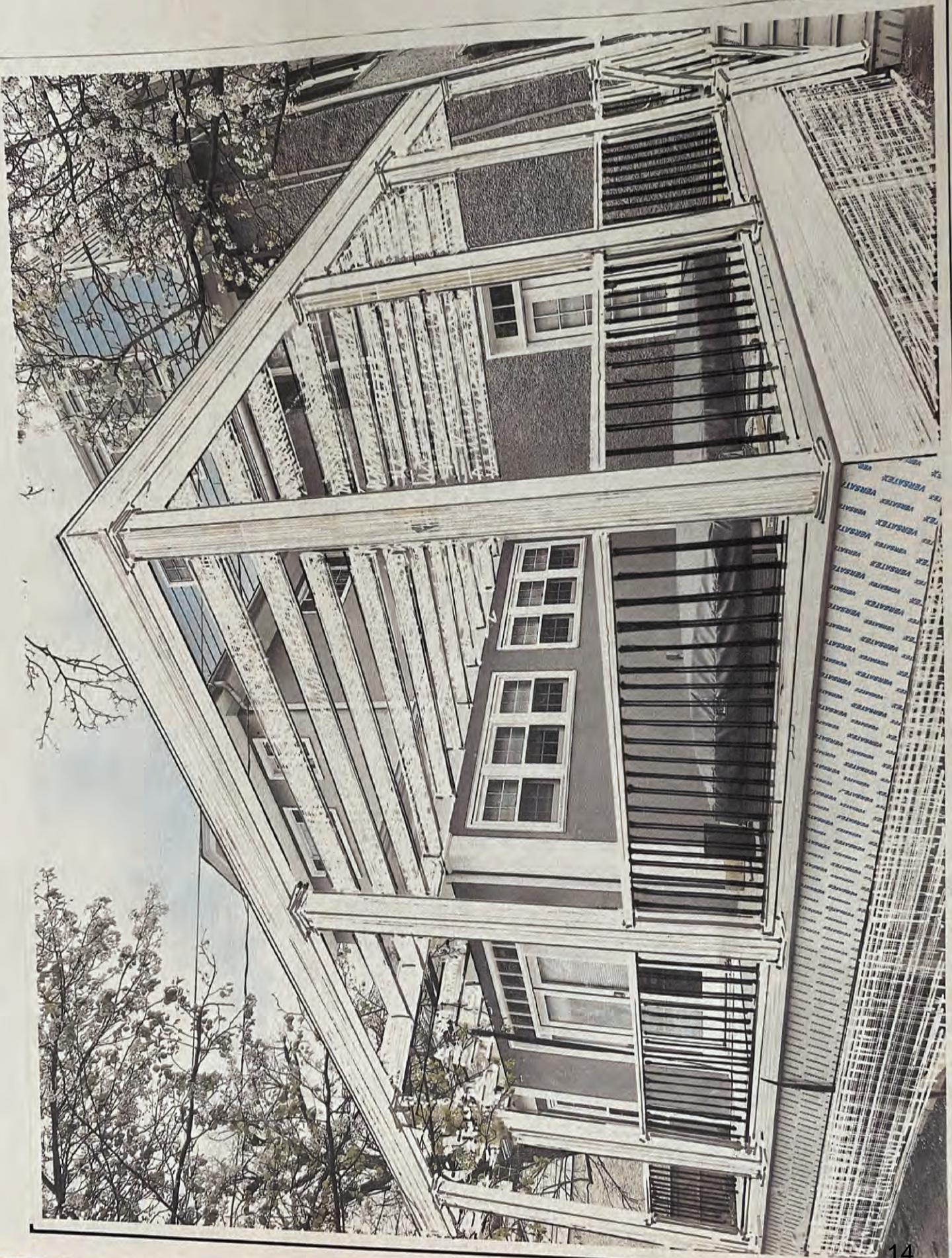
The underlying deck dimensions is 35' x 26'.

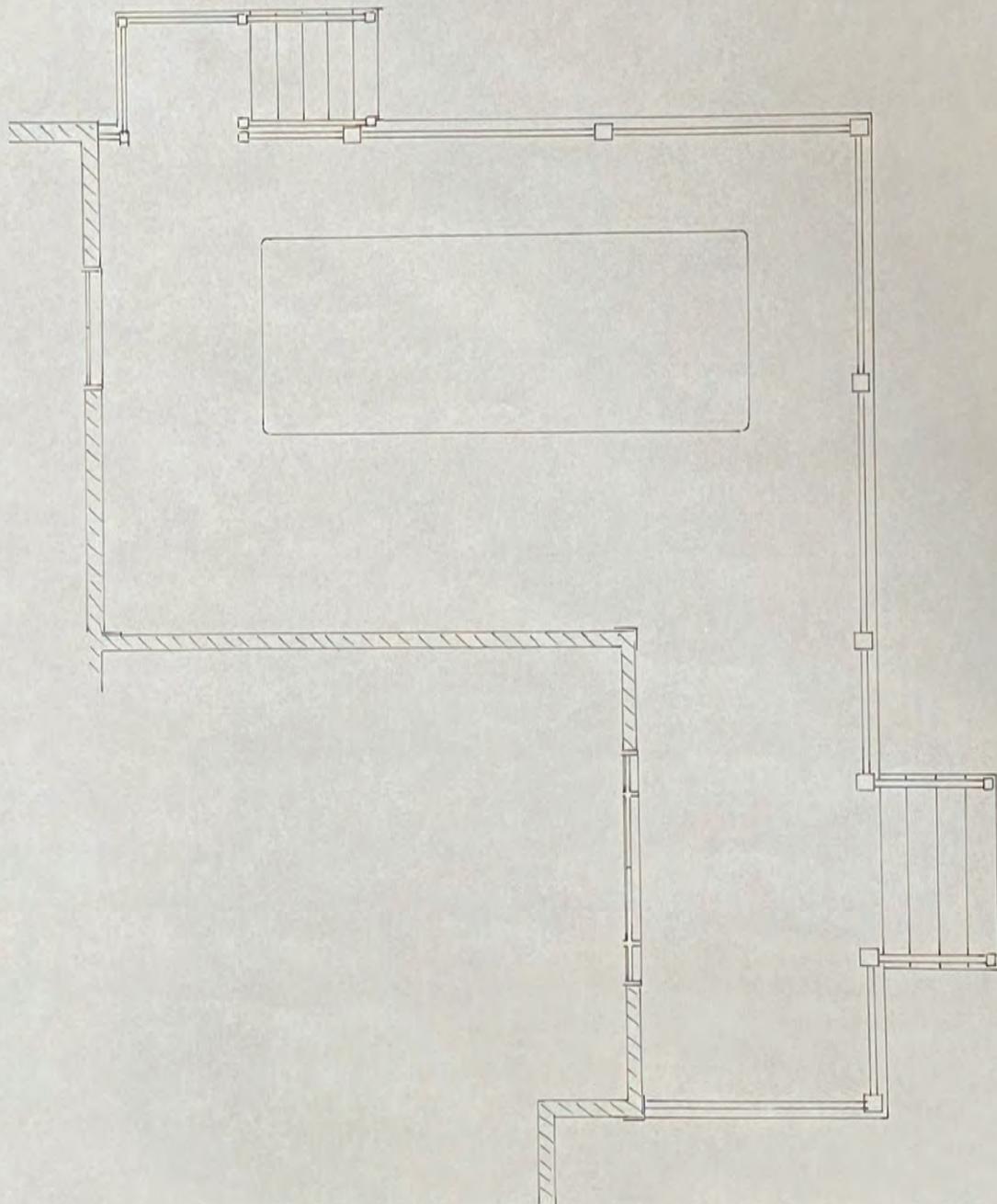
The rafters will be 2' apart.

Roll-down privacy screens will be installed facing the adjacent streets.

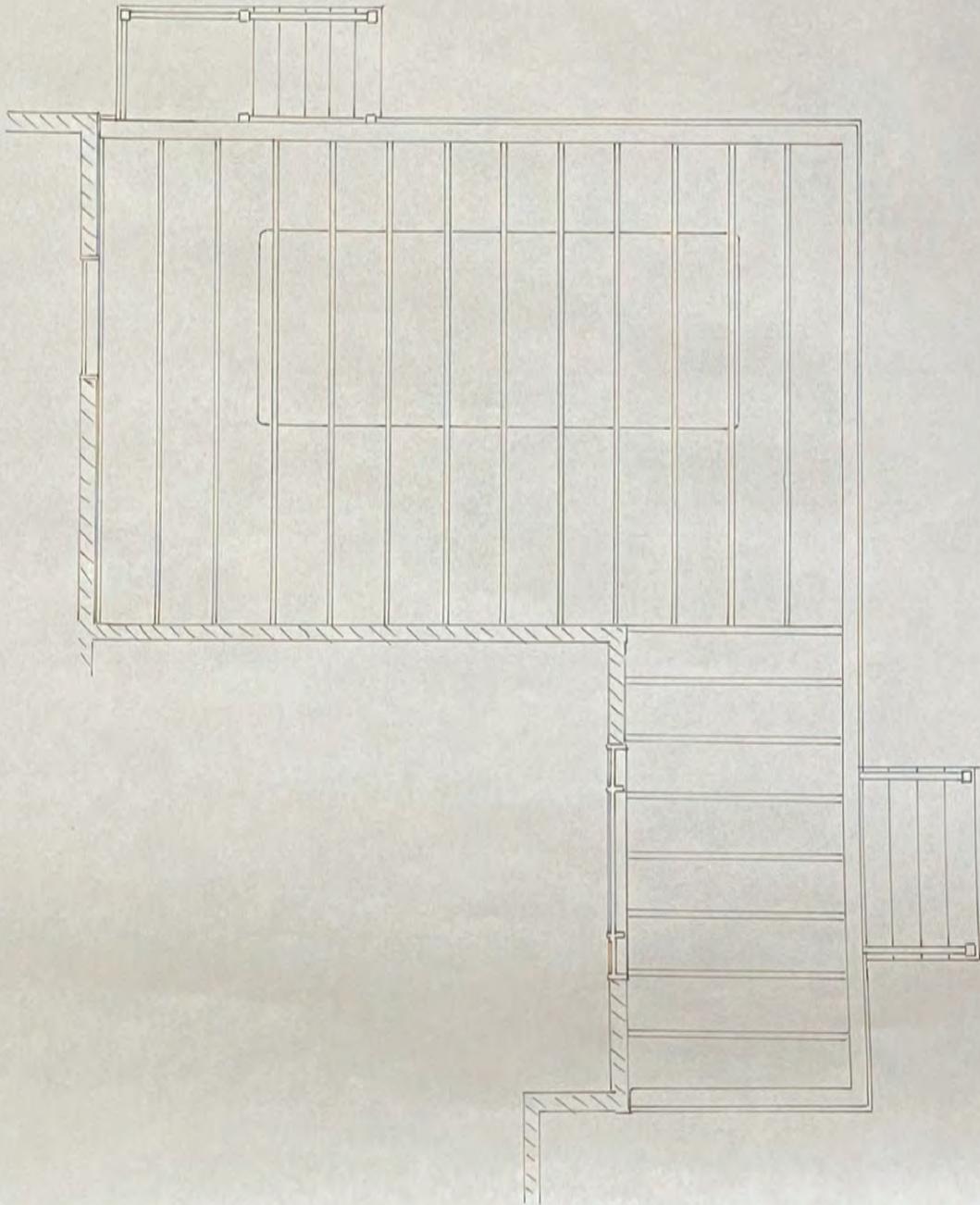
No trees will be moved.

Photos and drawings are attached.



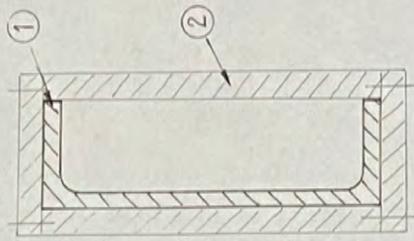


Existing Deck with new tall posts	
SCALE: 3/8"=1ft	APPROVED BY:
DATE: 4-5-2022	REVISION:
DRAWING NUMBER: 01	

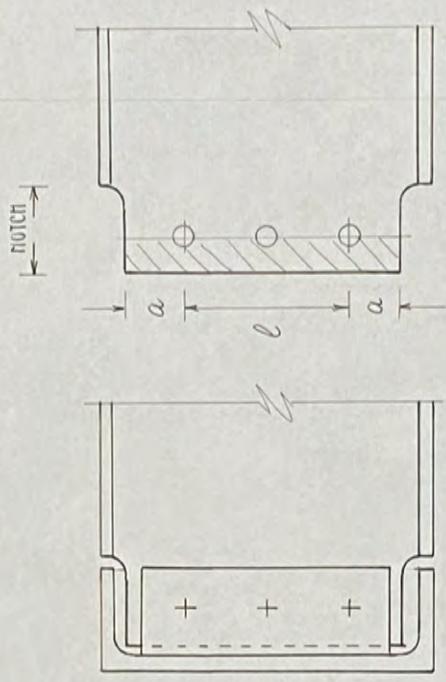


NEW BEAMS AND RAFTERS

SCALE: 3/8"=1ft	APPROVED BY:	DATE: 4-5-2022	DESIGNED BY: A. BUONICONTI
			REVISED:
			DRAWING NUMBER: 02

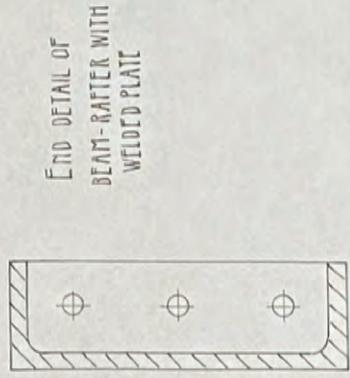


TYPICAL RAFTER-BEAM
 1 STEEL CHANNEL
 2 3/4" TH PVC



BEAM-TO-BEAM CONNECTIONS

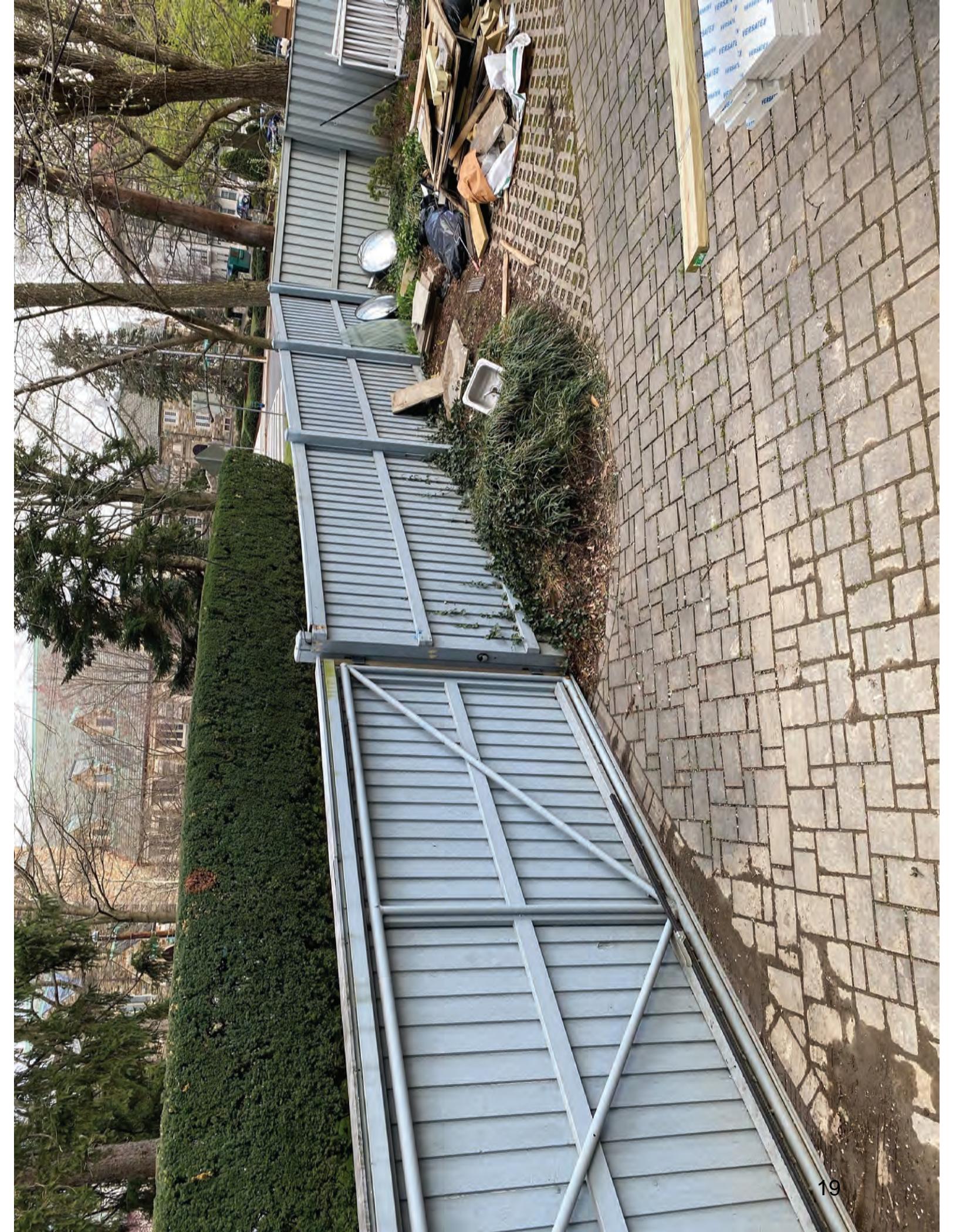
$l = 6"$ $a = 1 1/2"$
 $d = 1/2"$



END DETAIL OF
 BEAM-RAFTER WITH
 WELDED PLATE

SCALE	APPROVED BY:	DRAWN BY: A. Qadian
DATE: 4-8-2022	REVISID	
DRAWING NUMBER		03















4 in x 4 in x 39 in
POST SLEEVE

Actual Dimensions
4.45-in x 4.45-in x 40-in
(113mm x 113mm x 101cm)

FOR 36-IN RAIL HEIGHT



Works with all Trex® railing lines

CONTENTS

- » 1 Post Sleeve
- » Installation Template

WT

CLASSIC WHITE

COMPATIBLE AVEC
POTEAU DE BOIS DE 4 X 4
POTEAU DE SOLIVE TREX®
POTEAU DE SURFACE

ICC





6 ft x 36 in

HORIZONTAL

RAIL & BALUSTER KIT

Actual Dimensions
67.5-in x 36-in (171cm x 91cm)



CONTENTS

- » 1 Crown Top Rail
- » 1 Universal Bottom Rail
- » 15 Round Aluminum Balusters
- » Baluster Spacers
- » Adjustable Foot Block
- » Hardware Pack



Use this kit to
complete the following
Decking & Railing Duos:

WG-3, BD-4,
ES-9, VL-2,
LR-2, CS-6,
FD-5





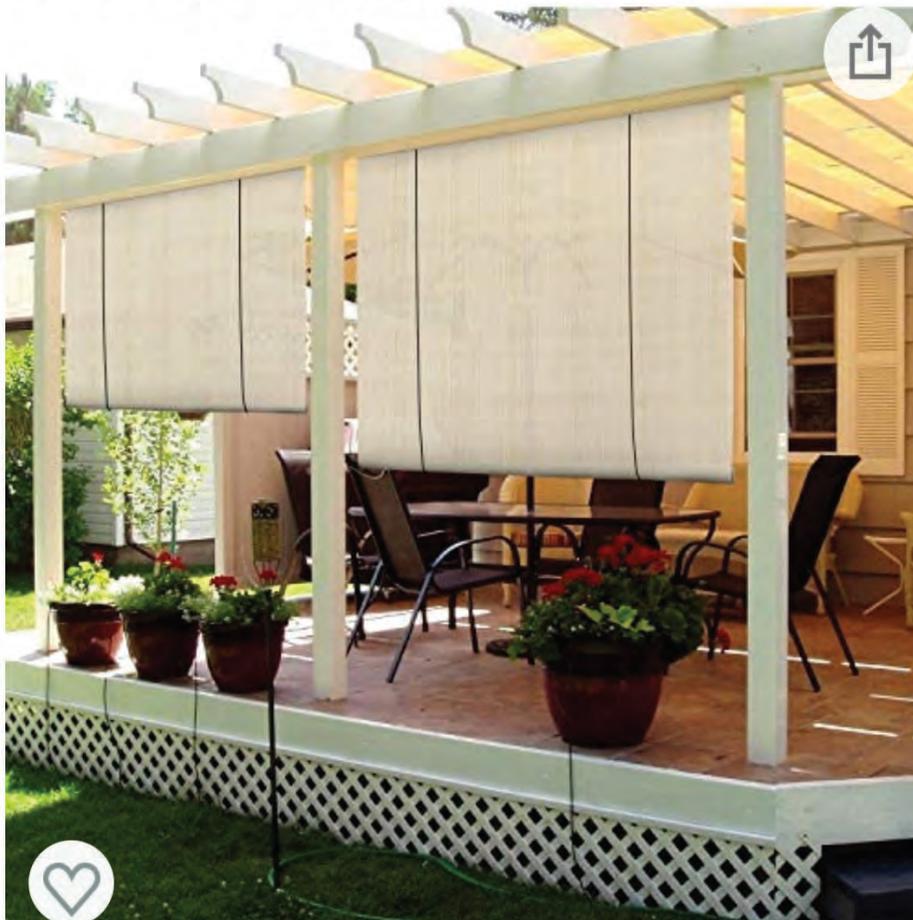
Search Amazon



Visit the TANG Store

★★★★☆ 955

TANG Exterior Patio Deck Porch Pergola Roller Shade Roll up Shade Blinds for Balcony Backyard Light Filtering Block 90% UV Rays 8' W x 6' L Beige



Color: **Beige**

