MONTGOMERY COUNTY HISTORIC PRESERVATION COMMISSION STAFF REPORT

Address: 7827 Hampden Ln., Bethesda Meeting Date: 9/7/2022

Resource: Contributing Resource **Report Date:** 8/31/2022

(Greenwich Forest Historic District)

Applicant: Tim Hanway (Keith Ricca, Agent) **Public Notice:** 8/24/2022

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 left side of the house can be no taller than 48" (forty-eight inches). Additionally, the section of fence that runs parallel to Midwood Rd. is in the public right-of-way and needs to be relocated so that is located on the subject property.

ARCHITECTURAL DESCRIPTION

SIGNIFICANCE: Contributing Resource within the Greenwich Forest Historic District

STYLE: Colonial Revival

DATE: 1928



Figure 1: 7827 Hampden Ln, Bethesda.

BACKGROUND

The HPC held a hearing for a HAWP seeking retroactive approval of a fence installed at the subject property.¹ The HPC deferred consideration of the HAWP until a property survey was conducted to evaluate the relationship between the fence and the property line.

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

¹ The application and Staff Report for the 2021 HAWP is available here: https://montgomeryplanning.org/wp-content/uploads/2021/10/I.H-7827-Hampden-Lane-Bethesda-955242.pdf. The recording of the hearing is available here: https://montgomeryplanning.org/wp-content/uploads/2021/10/I.H-7827-Hampden-Lane-Bethesda-955242.pdf. The recording of the hearing is available here: https://montgomeryplanning.org/wp-content/uploads/2021/10/I.H-7827-Hampden-Lane-Bethesda-955242.pdf. The recording of the hearing is available here: https://montgomeryplanning.org/wp-content/uploads/2021/10/I.H-7827-Hampden-Lane-Bethesda-955242.pdf.

- 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 applicants propose to remove the existing fence and install a new one in the same approximate 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). To the left of the house, the fence is highly visible and jogs around an existing tree (see the submitted survey, below). On the right side of the house, the fence is located further rearward so that it is entirely behind the house.



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. Staff finds the proposed fence fails to meet the letter and the spirit of the *Guidelines*,

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 allowing passers-by to peer into the property. Because HP Staff does not have an accurate site plan showing the location of the 4' (four foot) fence, Staff cannot be sure that that fence did not encroach into the right-of-way also. 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 it satisfies the requirements of the *Guidelines*.

However, Staff finds that on the left side the 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. Additionally, this fence extends into the right-of-way off of the applicants' property. This fence requires remedial work to bring it into conformance with the *Guidelines* and the County fence requirements.



Figure 3: View of the Replacement Fence.

Staff consulted with the applicants' representative to find an acceptable solution. Staff recommends the HPC add a condition to the HAWP approval that 1) lowers the fence height to no more than 48" for the sections parallel to the front wall plane and along Midwood Rd. and 2) relocates the section of fence along Midwood Rd. so that it is entirely on the subject property. The red line on the site plan (below) shows the location of the corrected fence.





Figure 4: Location of the existing fence (left), and proposed revision (right).

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 sunroom. Staff finds having the fence intersect the house at this location is rational and that requiring the fence to be installed an additional foot towards the rear would engage the sunroom wall at an odd location and would not blend into the setting as successfully as the proposal under consideration. 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 by a sufficient distance that the proposed fence location meets the spirit of the *Guideline*.

Staff recommends the HPC approve the fence along Hampden Ln. as installed. Staff finds the fence on the left side of the house is too tall to be compatible with *Design Guidelines* and is installed in the right-of-way. Staff recommends the HPC add a condition that the fence on the left side of the house and along Midwood Rd. be lowered to no more than 48" (forty-eight inches) and relocated so that it does not extend into the public right-of-way. The applicants' representative has stated that the recommended corrective action is acceptable.

STAFF RECOMMENDATION

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

1. The fence on the left side of the house can be no taller than 48" (forty-eight inches). Additionally, the section of fence that runs parallel to Midwood Rd. is in the public right-of-way and needs to be relocated so that is located on the subject property.

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

HAWP# DATE ASSIGNED____

7

FOR STAFF ONLY:

301.563.3400

APPLICANT:

Name: Tim Hannay	E-mail: Keith @e Kecutivehousing. 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: Bethesda Zip: 20814			
Daytime Phone: 202.497-4546	Contractor Registration No.: 9989 (Potomac For			
LOCATION OF BUILDING/PREMISE: MIHP # of Historic Property Goga Codom ?				
Is the Property Located within an Historic District? Yes/District Name Greenwich Forest				
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 Pa for proposed work are submitted with this applicate be accepted for review. Check all that apply: New Construction Deck/Porch Hardscape/Landsc 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 the support of the construction will comply with agencies and hereby acknowledge and accept this to be the construction will comply with agencies and hereby acknowledge and accept this to be the construction will comply with agencies and hereby acknowledge and accept this to be the construction will comply with agencies and hereby acknowledge and accept this to be the construction will comply with agencies and hereby acknowledge and accept this to be the construction will comply with agencies and hereby acknowledge and accept this to be the construction will comply with agencies and hereby acknowledge and accept this to be the construction will comply with agencies and hereby acknowledge and accept this to be the construction will comply with agencies and hereby acknowledge and accept this to be the construction will comply with a construction will be constructed with the construction will	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			

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

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

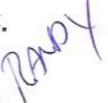
Work Item 1:	
Description of Current Condition:	Proposed Work:
Work Item 2:	
Description of Current Condition:	Proposed Work:
Work Item 3:	
Description of Current Condition:	Proposed Work:





POTOMAC FENCES, INC. 301-468-1228

12411 Washington Ave. Rockville, Maryland 20852 FAX (301) 984-1120 potomacfence@aol.com I www.potomacfence.com



Bonded-Insured-Licensed Contractor

MD # 9989 | DC # 420216000091

Sorving Vour Community Since 1075 3 Congrations Early Owned/Operated

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CITY/STATE/ZIP KEITH RICC	A PHONE /202 497 4546
	MPLETION DATE (DAYS CALL UTILITIES (YES) NO
Work Schedule varies due to weather, material deliveries Jobs are installed in the order received.	wood is a natural product that may crack, sput, warp twist, stain, mildew, etc.
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/ / / / /	eptance of Contract
	ns are satisfactory and are hereby accepted. You are cified. Payment will be made as outlined above.
	IIMATOR (LS.)
1/775	Owner or Purchaser - Copy Received (L.S.)
UC This proposal is subject to terms ea	DATE ACCEPTED evenum, and conditions on the reverse side hereof,
and is not binding upon Potom	ac Fences, Inc. until accepted by Home Office. Dafe Royd.
Accepted Home Office By	Dale kcva.

lan preparer Date

Existing Conditions Plan

BETHESDA 20814 7827 HAMPDEN LN HANWAY TIMOTHY M &



Acct# 07-00494874 roperty Information

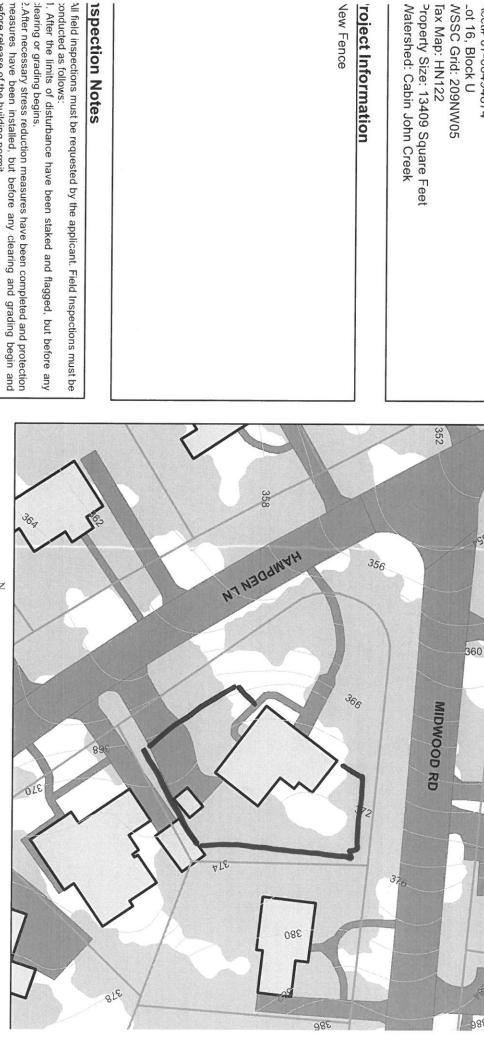
WSSC Grid: 209NW05 ot 16, Block U

Property Size: 13409 Square Feet Тах Мар: HN122

Watershed: Cabin John Creek

roject Information

New Fence



lan Requirements - Please show these items on the map

25

100 Feet

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.

Ispection Notes

conducted as follows:

clearing or grading begins.

Proposed Limits of Disturbance (LOD)

Construction access and staging areas within the LOD

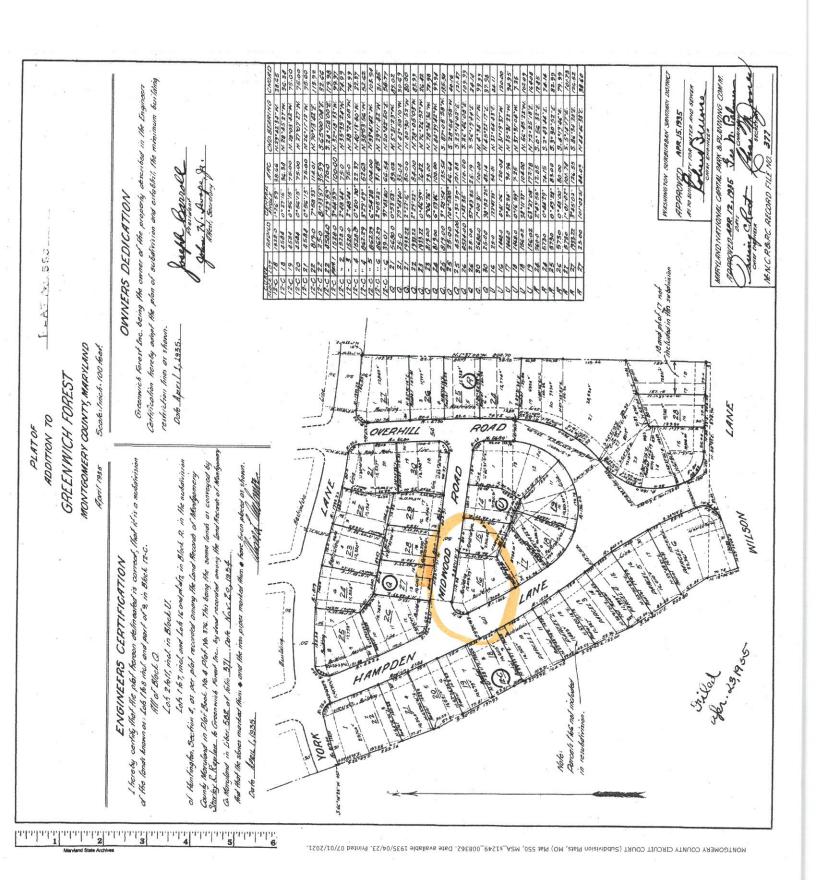
Location of proposed improvements

All significant and specimen trees (24" DBH or greater) within 50 feet of the LOD.



in = 50 ft

















POTOMAC FENCES, INC. 301-468-1228

12411 Washington Ave. Rockville, Maryland 20852 FAX (301) 984-1120 potemacforica@aol.com 1 www.potemacfence.com

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MD # 9989 | DC # 420216000091

F-23

Serving Your Community Since 1	975 - 3 Generations Family Owned/Operated
	CONTRACT —
We propose, subject to acceptance, to sell and to and we herewith submit contract for materials an	o Install on your property the fencing materials enumerated below: d labor at the request and order of:
OWNER NAME TXECUTIVE HOS	UNG JOB ADDRESS 1827 HAMPUTU
ADDRESS CON FICE	DATE 9/3/19 CA
CITY/STATE/ZIP KEITH RICK	2A PHONE /202 4974546
	OMPLETION DATE (DADAYS CALL UTILITIES YES)NO
Work Schedule varies due to weather, material deliver Jobs are installed in the order received.	765 GTC. WOOD IS A NATURAL PRODUCT THAT MAY CRACK. SPUT, WARP WISS, STAIN, MILDEW, FTC.
EUGO FEVES	+- /dd '
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Properly owner is responsible for obtaining permits of applicable), unless otherwise specified here.	284-1120 DEPOSITIONLY DEPOSITION OF CHARGE BALANCE BY CHECK UPON COMPLETION OF WORK
	coptance of Contract
POTOMAC FENCES, INC.	tions are satisfactory and are hereby accepted. You are pecified. Payment will be made as outlined above.
BY/ // S	ESTIMATOR (L.S.)
1 / / / / / / / / / / / /	Owner or Purchaser - Copy Received
This proposal is subject to terms.	DATE ACCEPTED
and is not binding upon Poto Accepted Home Office By	omac Fences, Inc. until accepted by Home Office. Date Royd.

Best, Randy



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FOR STAFF ONLY: HAWP# DATE ASSIGNED____

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301.563.3400

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Building Number: Street:				
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Lot: Block: Subdivision: _	Parcel:			
TYPE OF WORK PROPOSED: See the checklist on Parfor proposed work are submitted with this applicate be 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 the support of the construction will comply with agencies and hereby acknowledge and accept this to be the construction will comply with agencies and hereby acknowledge and accept this to be the construction will comply with agencies and hereby acknowledge and accept this to be the construction will comply with agencies and hereby acknowledge and accept this to be the construction will comply with agencies and hereby acknowledge and accept this to be the construction will comply with agencies and hereby acknowledge and accept this to be the construction will comply with agencies and hereby acknowledge and accept this to be the construction will comply with agencies and hereby acknowledge and accept this to be the construction will comply with agencies and hereby acknowledge and accept this to be the construction will comply with a construction will comply with agencies and hereby acknowledge and accept this to be the construction will comply with a construction will be the construction will be constructed with the construction will be constructed	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			
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