

MONTGOMERY COUNTY HISTORIC PRESERVATION COMMISSION
STAFF REPORT

Address: 2 East Lenox Street, Chevy Chase **Meeting Date:** 9/7/2022
Resource: Outstanding Resource **Report Date:** 8/31/2022
(Chevy Chase Village Historic District) **Public Notice:** 8/24/2022
Applicant: Marijke Jurgens Dupree **Tax Credit:** N/A
(Eric Morrison, Architect)
Review: HAWP **Staff:** Michael Kyne
Permit Number: 1000460
PROPOSAL: Fence installation

STAFF RECOMMENDATION:

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

ARCHITECTURAL DESCRIPTION:

SIGNIFICANCE: Outstanding Resource within the Chevy Chase Village Historic District
STYLE: Tudor Revival
DATE: 1918

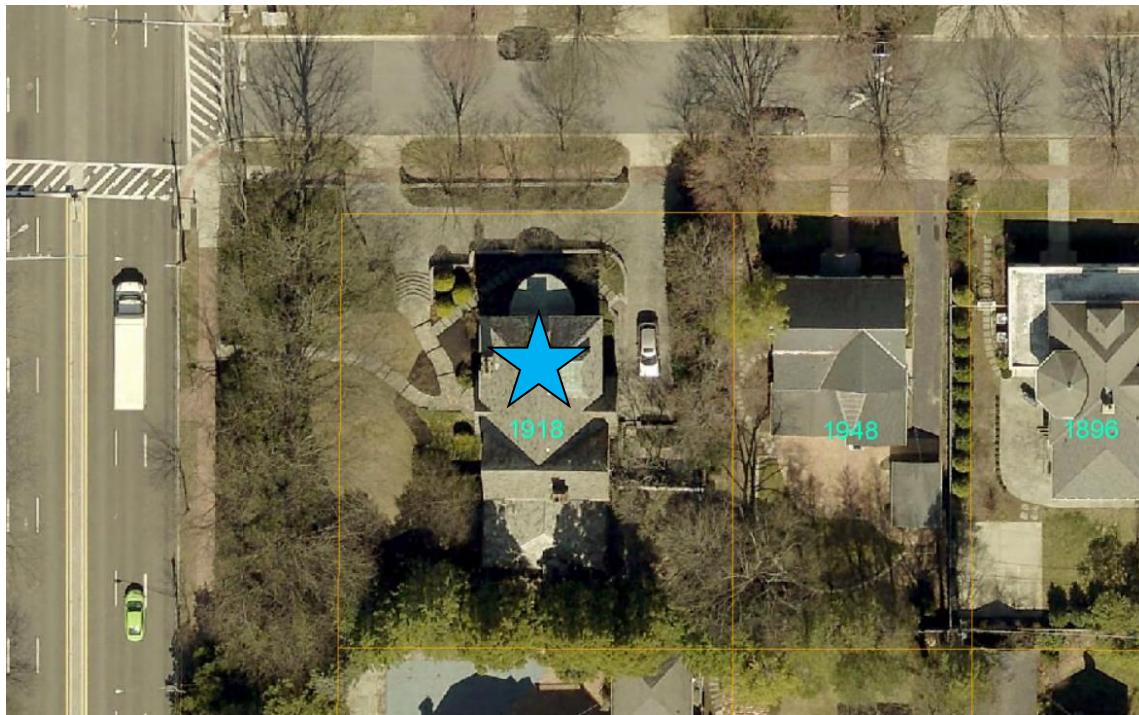


Fig. 1: Subject property, southeast corner of East Lenox Street and Connecticut Avenue.

PROPOSAL:

The applicant proposes fence installation at the subject property.

APPLICABLE GUIDELINES:

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

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
 - (3) The proposal would enhance or aid in the protection, preservation and public or private utilization of the historic site or historic resource located within an historic district in a manner compatible with the historical, archeological, architectural or cultural value of the historic site or historic district in which an historic resource is located; or
 - (4) The proposal is necessary in order that unsafe conditions or health hazards be remedied; or
 - (5) The proposal is necessary in order that the owner of the subject property not be deprived of reasonable use of the property or suffer undue hardship; or
 - (6) In balancing the interests of the public in preserving the historic site or historic resource located within an historic district, with the interests of the public from the use and benefit of the alternative proposal, the general public welfare is better served by granting the permit.
- (c) It is not the intent of this chapter to limit new construction, alteration or repairs to any 1 period or architectural style.
- (d) In the case of an application for work on an historic resource located within an historic district, the commission shall be lenient in its judgment of plans for structures of little historical or design significance or for plans involving new construction, unless such plans would seriously impair the historic or architectural value of surrounding historic resources or would impair the character of the historic district. (Ord. No. 9-4, § 1; Ord. No. 11-59.)

Chevy Chase Village Historic District Guidelines

The *Guidelines* state that the following five basic policies should be adhered to:

1. Preserving the integrity of the proposed 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.
2. Preserving the integrity of the contributing structures in the district. Alterations to contributing structures should be designed in such a way that the altered structure still contributes to the district.
3. Maintaining the variety of architectural styles and the tradition of architectural excellence.
4. 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.
5. Alterations to the portion of a property that are not visible from the public right-of-way should be subject to very lenient review. Most changes to rear of the properties should be approved as a matter of course.

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

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

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

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

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

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.

Secretary of the Interior’s Standards for Rehabilitation

The Secretary of the Interior defines rehabilitation as “the act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features, which convey its historical, cultural, or architectural values.” The applicable *Standards* are as follows:

2. The historic character of a property 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 shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
10. New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

STAFF DISCUSSION:

The subject property is a c. 1918 Tudor Revival-style Outstanding Resource within the Chevy Chase Village Historic District. The property is located on a large corner lot at the southeast corner of East Lenox Street and Connecticut Avenue.

The applicant proposes fence installation at the northwest (front/right), southwest (rear/right), and west (right) sides of the subject property. At the southwest (rear/right) side, the proposed fence will be a 6’ high painted wood privacy fence. The proposed 6’ high fence will continue along the west (right) side to the approximate front plane of the historic house, thereafter transitioning to 4’ high. The 4’ high fence will continue at the northwest (front/right) side of the property, following the edge of the driveway until it returns to the house. A single gate is proposed within the northwest (front/right) length of fencing at an existing walkway. Another existing walkway from Connecticut Avenue at the west (right) side of the property will be removed, as it will become unusable with the proposed fence.

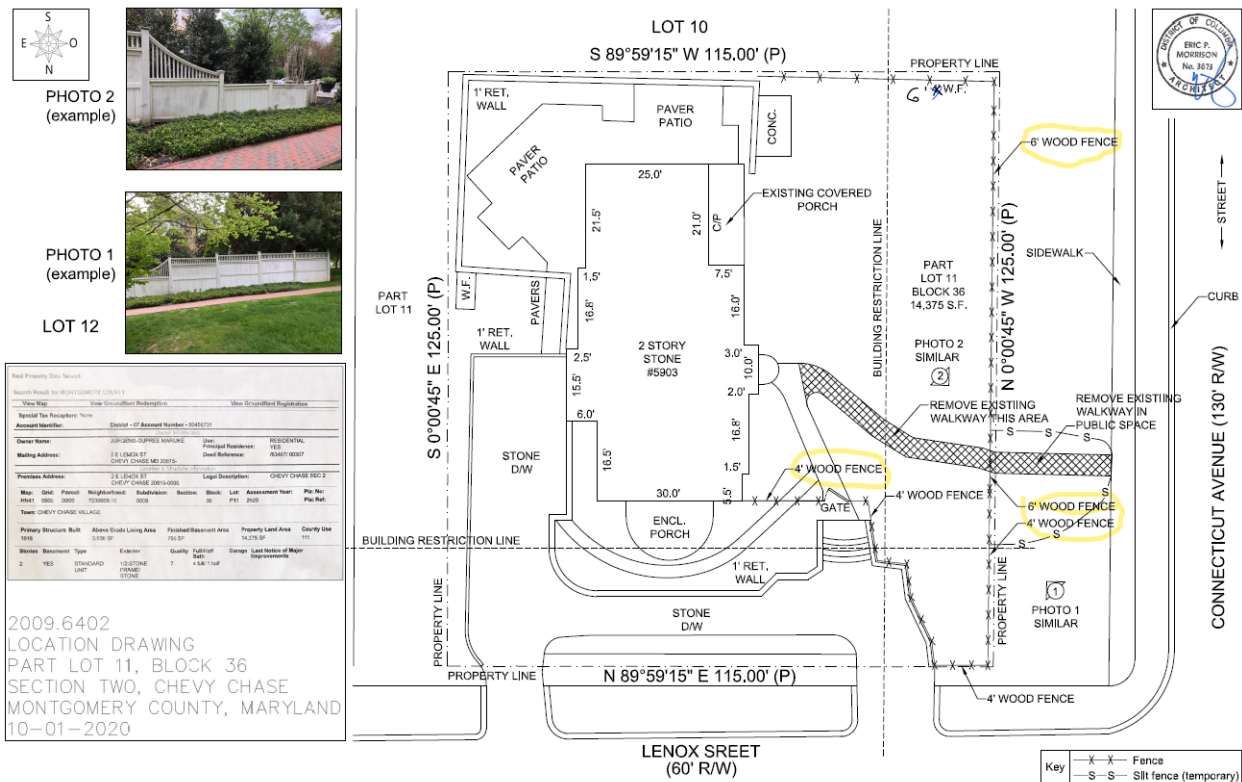


Fig. 2: Proposed fence plan.

Staff supports the applicant’s proposal. Initially, staff was concerned about the proposed 6’ high fencing along Connecticut Avenue, as Chevy Chase Village zoning considers this property to have two fronts (East Lenox Street and Connecticut Avenue), and 6’ high fences are prohibited at the front of the property. Staff reached out to the Village, and they stated that there is precedence for granting a variance for 6’ high fences along Connecticut Avenue, due to the high volume of traffic. The Village provided the following site plan, with the portions clouded in red indicating fencing that will require a variance after the HPC’s approval.

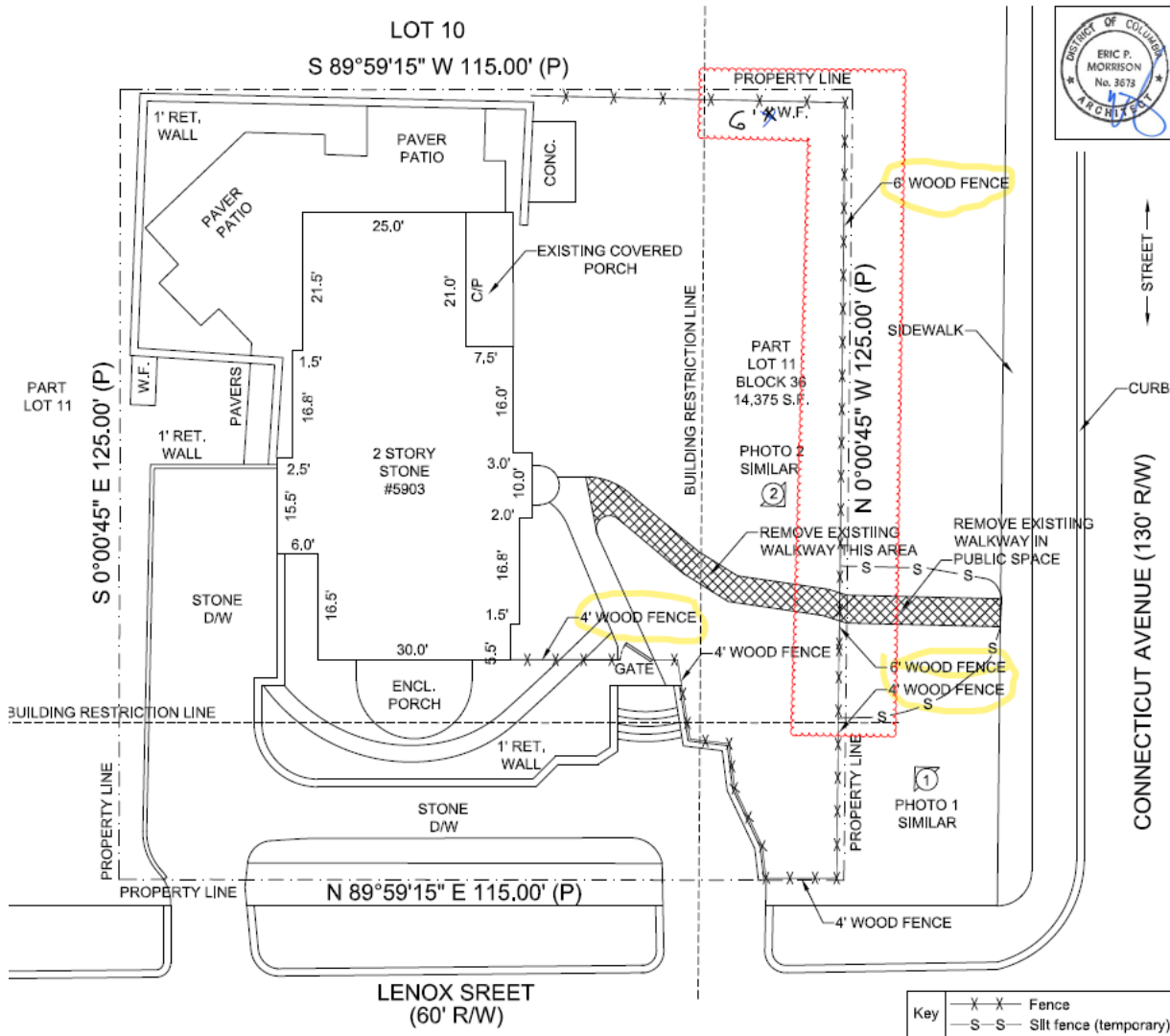


Fig. 3: Site plan, with fencing requiring a variance clouded in red.

Staff also had concerns regarding the proposal and the Commission’s fence requirements. Specifically, the Commission requires fences forward of the rear plane of the historic house to be no higher than 4’ and to have an open design to preserve the openness of the streetscape. However, the subject property is large, and if the proposed fencing is held to the west (right) side and no higher than 4’ at the front, staff finds that it will not significantly detract from the openness of the surrounding streetscape or disrupt the view/interaction between resources on East Lenox Street.

Because the proposed fencing will not detract significantly from the existing open streetscape, the *Guidelines* instruct that it should be reviewed with moderate scrutiny. Per the *Guidelines*, moderate scrutiny:

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

Staff finds the proposal consistent with the *Guidelines*, as it will preserve the integrity of the resource, the property will still contribute to the district, the fencing will be constructed from compatible materials, and it is generally compatible with the structure’s existing design.

Staff also notes that there are existing examples of 6’ fences and privacy fences along Connecticut Avenue. One property of note is 5904 Connecticut Avenue (southwest corner of West Kirke Street and Connecticut Avenue), which is one block south of the subject property. The proposed fencing is proposed to be similar to the fencing at this property (this is where the submitted photo examples were taken), which was approved by the HPC in 2002.¹

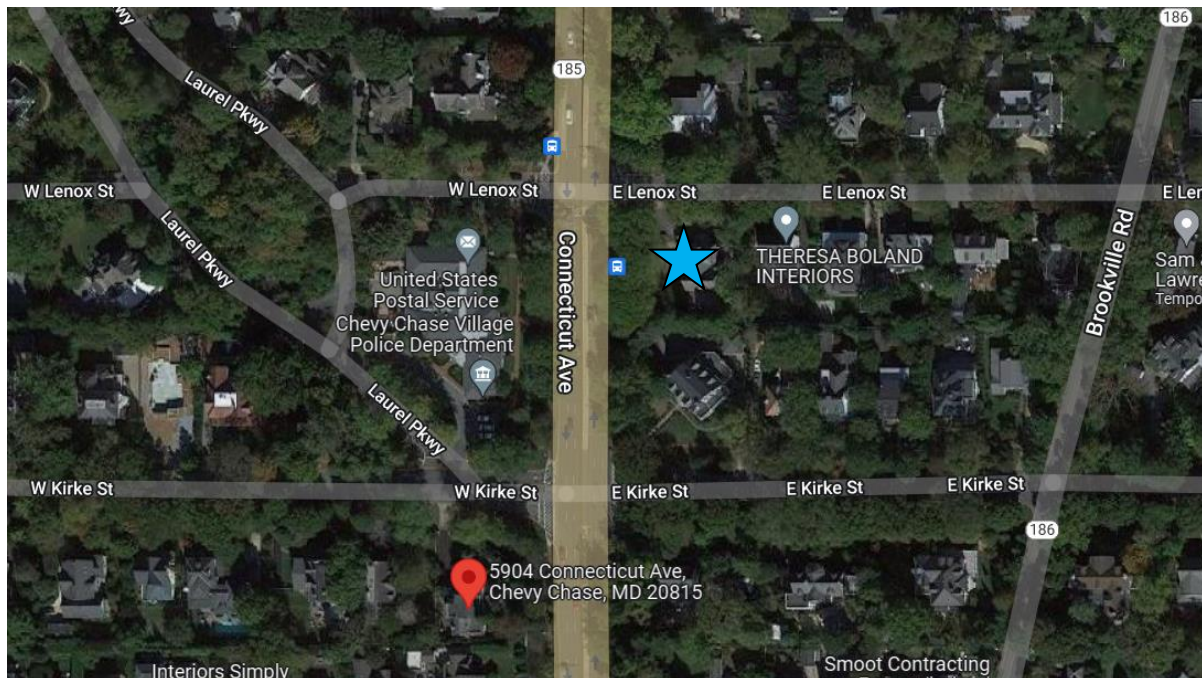


Fig. 4: Subject property, as marked by the blue star, and nearby 5904 Connecticut Avenue.

Staff finds that the proposal will not remove or alter character defining features of the subject property or surrounding streetscape, in accordance with *Standards #2 and #9*. Additionally, if the proposed alterations were to be removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired, per *Standard #10*.

After full and fair consideration of the applicant’s submission, staff finds the proposal to be consistent

¹ Link to 2002 HAWP approval for fence installation at 5904 Connecticut Avenue:
https://mcatlas.org/tiles/06_HistoricPreservation_PhotoArchives/Padlock/HAR60640009/Box074/35-13-02J_Chevy%20Chase%20Historic%20District_5904%20Connecticut%20Avenue_04-22-2002.pdf

with the Criteria for Issuance in Chapter 24A-8(b)(1), (2), and (d), having found the proposal is consistent with the *Secretary of the Interior's Standards for Rehabilitation #2, #9, and #10*, and *Chevy Chase Village Historic District Guidelines* outlined above.

STAFF RECOMMENDATION:

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

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

and with the general condition that the applicant shall present an electronic set of drawings, if applicable, to Historic Preservation Commission (HPC) staff for review and stamping prior to submission for the Montgomery County Department of Permitting Services (DPS) building permits;

and with the general condition that final project design details, not specifically delineated by the Commission, shall be approved by HPC staff or brought back to the Commission as a revised HAWP application at staff's discretion;

and with the general condition that the applicant shall notify the Historic Preservation Staff if they propose to make **any alterations** to the approved plans. Once the work is completed the applicant will contact the staff person assigned to this application at 301-563-3400 or michael.kyne@montgomeryplanning.org to schedule a follow-up site visit.



APPLICATION FOR HISTORIC AREA WORK PERMIT
HISTORIC PRESERVATION COMMISSION
301.563.3400

APPLICANT:

Name: marijke jurgens dupree
Address: 2 east lenox st
Daytime Phone: 2022519406

E-mail: jurgens.marijke@gmail.com
City: chevy chase Zip: 20815
Tax Account No.: 00456731

AGENT/CONTACT (if applicable):

Name: eric morrison
Address: 1726 connecticut ave nw #300
Daytime Phone: 2024917852

E-mail: eric@morrisonarchitects.com
City: wash, DC Zip: 20009
Contractor Registration No.: tbd

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: 2 Street: e lenox st
Town/City: chevy chase Nearest Cross Street: connecticut ave
Lot: 11 Block: 36 Subdivision: 0009 Parcel: 0000

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:

- Checklist of work types: New Construction, Addition, Demolition, Grading/Excavation, Deck/Porch, Fence, Hardscape/Landscape, Roof, Shed/Garage/Accessory Structure, Solar, Tree removal/planting, Window/Door, Other.

I hereby certify that I have the authority to make the foregoing application, that the application is correct and accurate and that the construction will comply with plans reviewed and approved by all necessary agencies and hereby acknowledge and accept this to be a condition for the issuance of this permit.

Signature of owner or authorized agent (handwritten signature) Date 7/18/2022



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

FOR STAFF ONLY:
HAWP# _____
DATE ASSIGNED _____

APPLICANT:

Name: MARIJKE JURGENS DUPREE E-mail: JURGENS.MARIJKE@GMAIL.COM
Address: 2 E. LENOX ST City: CHERRY CHASE MD Zip: 20815
Daytime Phone: 202 251 9400 Tax Account No.: _____

AGENT/CONTACT (if applicable):

Name: ERIC MORRISON E-mail: ERIC@MORRISONARCHITECTS.COM
Address: 1720 CONNECTICUT AVENUE NW #300 City: WASH DC Zip: 20009
Daytime Phone: 202 491 7852 Contractor Registration No.: TRD

LOCATION OF BUILDING/PREMISE: MIHP # of Historic Property _____

Is the Property Located within an Historic District? Yes/District Name CHERRY 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. NO

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. NO

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

I hereby certify that I have the authority to make the foregoing application, that the application is correct and accurate and that the construction will comply with plans reviewed and approved by all necessary agencies and hereby acknowledge and accept this to be a condition for the issuance of this permit.

Signature of owner or authorized agent

7.12.2022

Date

Adjacent and Confronting Properties:

Chevy Chase, MD 20815

4 East Lenox Street

1 East Kirke Street

1 East Lenox Street

5908 Connecticut Avenue

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 Residence- Corner Lot

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

install fence similar to the photos on the drawing submitted

6'0" fence from front plane of the house back toward the south property line, turning corner and running easterly

4'0" fence and gate for all portions in front of the front (north) plane of the house. Partial of the front remove existing sidewalk in public space, toward connecticut ave, west side of the property

no trees disturbed

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 RESIDENCE - CORNER LOT

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

- ① INSTALL FENCE SIMILAR TO PHOTOS ON THE DRAWING SUBMITTED
6'0" FENCE FROM FRONT PLANE OF HOUSE BACK TOWARD SOUTH PROPERTY LINE
4'0" FENCE IN FRONT OF THE FRONT PLANE OF THE HOUSE TO THE FRONT PROPERTY LINE (PARTIAL FRONT)
- ② REMOVE EXISTING SIDEWALK IN PUBLIC SPACE, TOWARD CONNECTICUT, WEST SIDE
- ③ NO TREES DISTURBED

Work Item 1: fence

Description of Current Condition: no fence exists

Proposed Work: fence per above

Work Item 2: _____

Description of Current Condition:

Proposed Work:

Work Item 3: _____

Description of Current Condition:

Proposed Work:



PHOTO 2
(example)



PHOTO 1
(example)

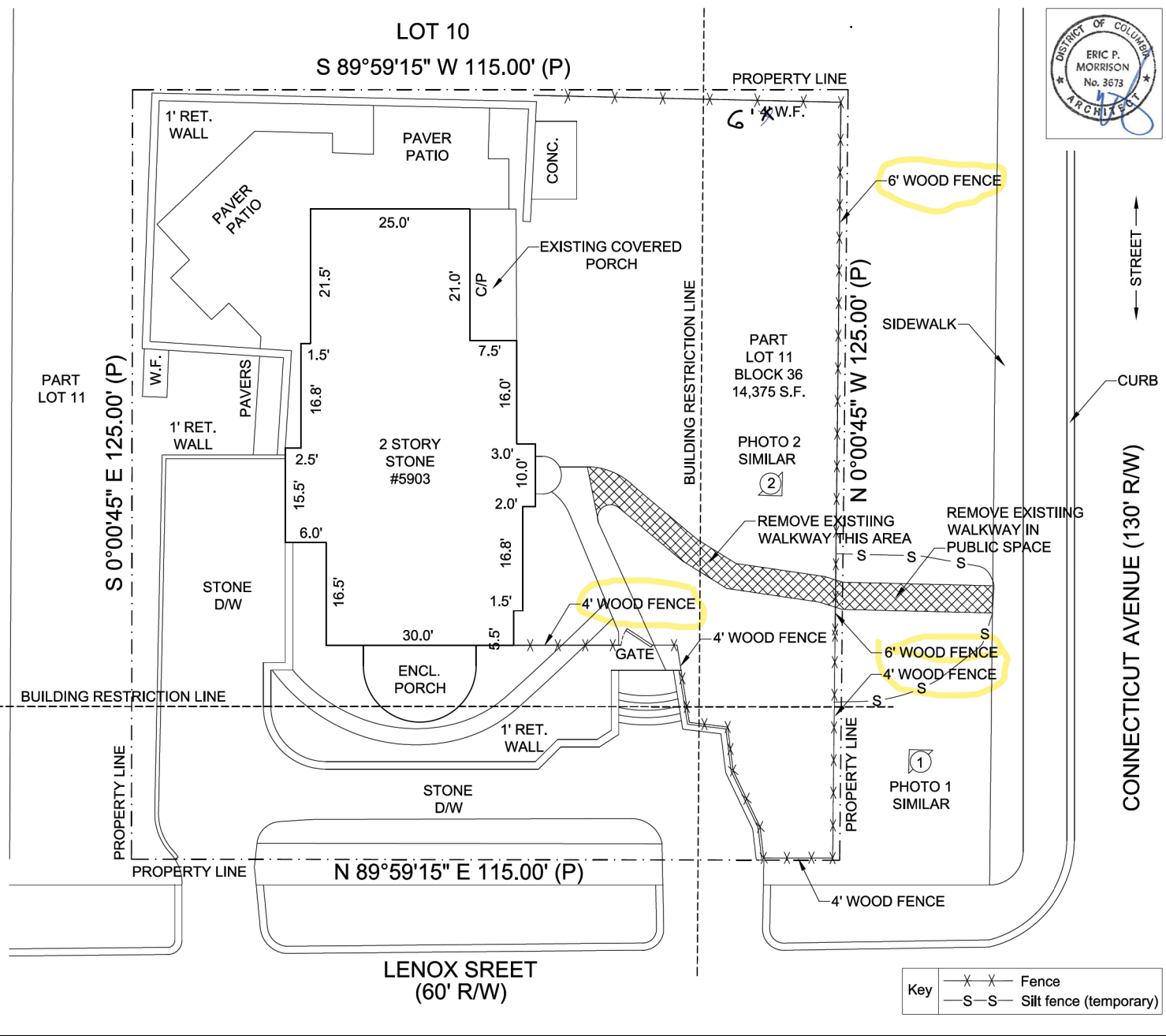
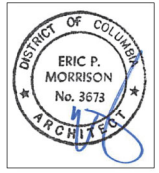
LOT 12

Real Property Data Search:

Search Results for MONTGOMERY COUNTY

View Map	View GroundRedemption	View GroundRent Registration
Special Tax Recapture: None	Account Identifier: District - 07 Account Number - 00456731	
Owner Name: JURGENS-DUPREE MARLUKE	Use: RESIDENTIAL	Principal Residence: YES
Mailing Address: 2 E LENOX ST CHEVY CHASE MD 20815	Deed Reference: /63467/00307	
Premises Address: 2 E LENOX ST CHEVY CHASE 20815-0000	Legal Description: CHEVY CHASE SEC 2	
Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No:	HN41 0000 0000 7230099.16 0009 36 P11 2029	
Town: CHEVY CHASE VILLAGE		
Primary Structure Built: 1918	Above Grade Living Area: 3,938 SF	Finished Basement Area: 756 SF
	Property Land Area: 14,375 SF	County Use: 111
Stories: 2	Basement: YES	Type: STANDARD UNIT
	Exterior: 1/2 STONE (FRAME/STONE)	Quality: 7
	Full/Half Bath: 4	Full/Half: 1 half
	Garage: Last Notice of Major Improvements	

2009.6402
 LOCATION DRAWING
 PART LOT 11, BLOCK 36
 SECTION TWO, CHEVY CHASE
 MONTGOMERY COUNTY, MARYLAND
 10-01-2020



Key	X X	Fence
	S S	Silt fence (temporary)

date	issued
06/18/2022	

SITE PLAN - PROPOSED FENCE

2 E. LENOX ST
 PART LOT 11, BLOCK 36, SECTION 2,
 CHEVY CHASE, MONTGOMERY CTY, MD

MORRISON ARCHITECTS
 1726 CONNECTICUT AVENUE, NW SUITE 300, WASHINGTON D.C. 20009
 TELEPHONE: 202.265.8182 FAX: 202.265.8184
 E-MAIL: WELCOME@MORRISONARCHITECTS.COM

FENCE
 2001