

**MONTGOMERY COUNTY HISTORIC PRESERVATION COMMISSION**  
**STAFF REPORT**

<b>Address:</b>	8 Primrose Street, Chevy Chase	<b>Meeting Date:</b>	9/21/2022
<b>Resource:</b>	Contributing Resource Chevy Chase Village Historic District	<b>Report Date:</b>	9/14/2022
<b>Applicant:</b>	Justin & Kimberly Shur	<b>Public Notice:</b>	9/7/2022
<b>Review:</b>	Historic Area Work Permit	<b>Tax Credit:</b>	n/a
<b>Case Number:</b>	1004381	<b>Staff:</b>	Dan Bruechert
<b>Proposal:</b>	Deck, Pool, Fencing, Hardscape, and Tree Removal		

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**STAFF RECOMMENDATION**

Staff recommends that the HPC approve the HAWP

**ARCHITECTURAL DESCRIPTION:**

**SIGNIFICANCE:** Contributing Resource within the Chevy Chase Village Historic District  
**STYLE:** Mediterranean Revival  
**DATE:** 1923



*Figure 1: 8 Primrose Street, Chevy Chase*

## **PROPOSAL**

The applicant proposes to install a pool in the rear of the property with associated decking, and fencing. The applicant also proposes to expand the existing driveway, stone walkway, and rear terrace. Several trees will be removed as part of this project.

## **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 the historic preservation review guidelines in the approved and adopted amendment for the Chevy Chase Village 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.

### ***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 insure 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.

- Decks should be subject to moderate scrutiny if they are visible from the public 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.
- 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.
- Lot coverage should be subject to strict scrutiny, in view of the critical importance of preserving the Village’s open park-like character.
- Swimming pools should be subject to lenient scrutiny. However, the removal should be subject to strict scrutiny as noted below.
- Tree removal should be subject to strict scrutiny and consistent with the Chevy Chase Village Urban Forest Ordinance.

- 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 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.

***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.

***Secretary of the Interior's Standards for Rehabilitation:***

#2: The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will 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 proportion, 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, Mediterranean Revival house, with a tile roof. The applicant received an approved HAWP in April 2022 for a house rehabilitation and small addition.

The applicant proposes to install a swimming pool, pool decking, walkways, and associated fencing. Additionally, the applicant proposes to expand the driveway, install a rear stone terrace, and stone walkway.



### Swimming Pool

At the rear of the property, the applicant proposes to install a rectangular swimming pool with an associated stone patio surrounding and fencing. The swimming pool measures approximately 43' × 18' (forty-three feet by eighteen feet) and the stone patio measures 48' 8" × 12' (forty-eight feet, eight inches by twelve feet). To satisfy code required pool area enclosure, the applicant proposes to install a 5' (five foot tall) aluminum fence between the garage and the house. The fence will be partially visible from the public right-of-way. Several trees will be removed to accommodate the pool; however, only five cedar trees adjacent to the garage and existing rear fence require a HAWP (the remaining trees are smaller than the 6" d.b.h. threshold). Discussion of the tree removals is discussed in a separate section.



*Figure 2: The fence enclosing the rear yard will be partially visible from the public right-of-way.*

The *Chevy Chase Village Historic District Design Guidelines* require swimming pools to be reviewed under lenient scrutiny. The pool will not be visible from the public right-of-way and Staff recommends the HPC approve the construction of the pool. There is no specific guideline for patios or hardscape (separate from driveways); however, Staff finds the guideline for 'decks' is the closest analog. Decks are to be reviewed under lenient scrutiny when they are not visible for the public right-of-way, as is the case here. Staff finds the proposed stone patio surrounding the pool will not impact the massing and scale of the house or surrounding district and recommends the HPC approve the proposed patio. Finally, Staff finds that because the fence will be visible from the right-of-way, it should be reviewed under moderate scrutiny. While Staff would prefer a wood fence in this location as that type of fence is appropriate in nearly all instances, Staff finds the proposed aluminum fence will not detract from the district and recommends the HPC approve the proposed fencing.

### **Existing Hardscape and Fencing Modifications**

The applicant proposes to make modifications and expand the existing hardscape in several locations. First, the applicant proposes to repave and square off the driveway, adding 203 ft<sup>2</sup> (two hundred three square feet) of exposed aggregate concrete. Second, the applicant proposes constructing a stone walkway across the driveway and from the house to the garage. The walkway will be 3' 6" (three feet, six inches) wide and will be constructed out of rectangular flagstones. Third, the applicant proposes to construct a patio at the rear of the house (labeled "terrace" on the drawings) 26' (twenty-six feet) wide and seventeen feet deep. Fourth, the applicant proposes to create a stepping stone path out of irregular-shaped stones on the right side of the house. Finally, the applicant proposes removing and replacing the wood fence on the right side of the house with a matching wood fence. The front of the 6' (six foot) tall fence will be relocated from the rear wall plane of the sunroom to the front wall plane.

Staff finds the impact of the proposed hardscaping will have a limited impact on the character of the site or surrounding district. Staff finds exposed aggregate is a desired material for hardscaping in the Chevy Chase Village Historic District and the expanded area will not be visible from the public right-of-way. Additionally, Staff finds the proposed rear terrace enlarges the existing hardscaping and is tucked entirely behind the house so it will not be visible from the public right-of-way. Finally, the two proposed walkways—the flagstone and stepping stone path—will not be visible from the right-of-way and Staff finds they are appropriate materials for the site and surrounding district. None of this hardscaping will impact mature trees and will not impact the "park like setting" identified in the 'Lot Coverage' guideline. Staff recommends the HPC approve the proposed hardscaping.

Ordinarily in the Chevy Chase Village Historic District, fences are limited to 48" (forty-eight inches) forward of the rear wall plane to maintain the district's "open park like setting." There have been other fences installed in the immediate area that exceed this limitation, including the wood fence installed at 6 Primrose – the immediate property to the right (west). At that property, a 5' (five foot) fence was approved by the HPC to satisfy the code requirements for enclosing a swimming pool. Also in that instance, the Staff found that the materials and design were appropriate for the site and location. Staff finds the same to be true in the current HAWP. Additionally, the setback between 6 and 8 Primrose is relatively narrow, 8 Primrose already abuts a fence taller than 48", and no trees will be impacted by the current proposal. Under a 'moderate scrutiny' review, Staff recommends the HPC approve the proposed fence.

### **Tree Removal**

The applicant proposes to remove several trees as part of this proposal. Most of the trees are significantly less than 6" (six inches) d.b.h. and do not require a HAWP. Six trees that exceed the threshold are proposed for removal. They are one 12" Maple immediately to the east of the garage and 5 cedar trees along the rear fence. The cedar trees include a 14" tree, a twin cedar with trunks 8" and 14", a twin cedar with a 7" and 10" trunk, a twin cedar with a 5" and 10" trunk, and a twin cedar with 8" and 9" trunks.

Staff finds that none of these trees contribute to the mature canopy of the district, but do contribute to the park-like setting of the district. Under the 'strict scrutiny' review, Staff finds that none of these trees are significant landscape features and notes additional landscaping and planting are proposed for the site. Additionally, Staff finds that these trees are all in the rear of the lot and are less visible from the right-of-way, so they do not contribute to the surrounding streetscape. Staff does not find that requiring additional tree plantings in this instance is necessary and recommends the HPC approve the proposed tree removals.

### **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), and the *Chevy Chase Village Historic District Guidelines*, 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, 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](mailto:dan.bruechert@montgomeryplanning.org) to schedule a follow-up site visit.





FOR STAFF ONLY:  
HAWP# 1004381  
DATE ASSIGNED \_\_\_\_\_

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

**APPLICANT:**

Name: Kim Shur  
Address: 8 Primrose Street  
Daytime Phone: 301-221-8730

E-mail: kjshur@gmail.com  
City: Chevy Chase Zip: 20815  
Tax Account No.: \_\_\_\_\_

**AGENT/CONTACT (if applicable):**

Name: Marci Bonner  
Address: 4856 33rd Road N  
Daytime Phone: 240-274-4643

E-mail: marci@jrichardsonla.com  
City: Arlington Zip: 22207  
Contractor Registration No.: \_\_\_\_\_

**LOCATION OF BUILDING/PREMISE:** MIHP # of Historic Property \_\_\_\_\_

Is the Property Located within an Historic District? Yes/District Name Chevy Chase  
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: 8 Street: Primrose Street  
Town/City: Chevy Chase Nearest Cross Street: Connecticut Ave  
Lot: 11, pt 12 Block: 57 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 checked="" 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 checked="" type="checkbox"/> Hardscape/Landscape | <input checked="" type="checkbox"/> Tree removal/planting |
| <input checked="" type="checkbox"/> Grading/Excavation | <input type="checkbox"/> Roof                           | <input type="checkbox"/> Window/Door                      |
|  |   | <input type="checkbox"/> Other: <u>POOL</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.

Marci Bonner

8/19/2022

Signature of owner or authorized agent

Date

Adjacent and Confronting Properties:

Chevy Chase, MD 20815

12 Primrose Street

6 Primrose Street

7 Primrose Street

5 Primrose Street

11 Oxford Street

9 Oxford Street



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

Existing 2-story traditional home with stucco exterior and terracotta tile roof.

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

Replace existing exposed aggregate concrete driveway in-kind and add additional pavement.

Add stone walkways and patios in rear of house.

Add swimming pool with spa and stone terrace surround in rear yard.

Add metal railing and gates between parking court and rear yard.

Add wood fencing and gate to right side of house to match existing fencing.

Add stepping stone path to right of house to connect front yard to rear.

Add pea gravel paving for kitchen garden.

Remove trees and regrade rear yard.

Install new landscaping in to compliment new design.



**Municipality Letter for  
Proposed Construction Project**

**Subject Property:** 8 Primrose Street, Chevy Chase, MD 20815  
**Property Owner:** Kim Shur  
**Project Manager/Contractor:** Joseph Richardson Landscape Architecture  
**Proposed Work:** Construct swimming pool, spa, deck, patio, fencing  
and driveway

8/2/22

Mitra Pedoeem, Director  
Department of Permitting Services of Montgomery County  
255 Rockville Pike, 2<sup>nd</sup> floor  
Rockville, MD 20850

Dear Ms. Pedoeem,

This letter is to inform your department that the above homeowner/contractor has notified Chevy Chase Village that he or she plans to apply for both county and municipal permits for the above summarized construction project. Chevy Chase Village will not issue any municipal building permit(s) for this proposed project until Montgomery County has issued all necessary county permits and the applicant has provided Chevy Chase Village with copies of county-approved and stamped plans. We have advised the homeowner/contractor that a permit from Montgomery County does not guarantee a permit from this municipality unless the project complies with all our municipal rules and regulations.

If this homeowner/contractor later applies for an amended county permit, please do not approve that application until you have received a Municipality Letter from us indicating that the homeowner/contractor has notified us of that proposed amendment to the permit.

If you have any questions about this proposed project and the municipal regulation of it by Chevy Chase Village, do not hesitate to have your staff contact my office. The Village Permitting Coordinator can be reached by phone at 301-654-7300 or by e-mail at [ccvpermitting@montgomerycountymd.gov](mailto:ccvpermitting@montgomerycountymd.gov).

Sincerely,

*Ellen Sands*

Ellen Sands, Director of Municipal Operations  
Chevy Chase Village

**CHEVY CHASE VILLAGE**

5906 Connecticut Avenue  
Chevy Chase, Maryland 20815  
Phone (301) 654-7300  
Fax (301) 907-9721  
[ccv@montgomerycountymd.gov](mailto:ccv@montgomerycountymd.gov)  
[www.chevychasevillagemd.gov](http://www.chevychasevillagemd.gov)

**BOARD OF MANAGERS**

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ROBERT C. GOODWIN, JR.  
*Vice Chair*

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**VILLAGE MANAGER**  
SHANA R. DAVIS-COOK

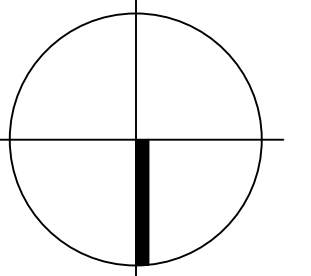
**LEGAL COUNSEL**  
SUELLEN M. FERGUSON





REVISIONS		2022.08.19
1	HAMP SUBMISSION	

DATE JULY 2022	SCALE 1/8" = 1'-0"	SHEET NUMBER LD.101
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VIEW OF FRONT OF HOUSE (LOOKING SOUTH)



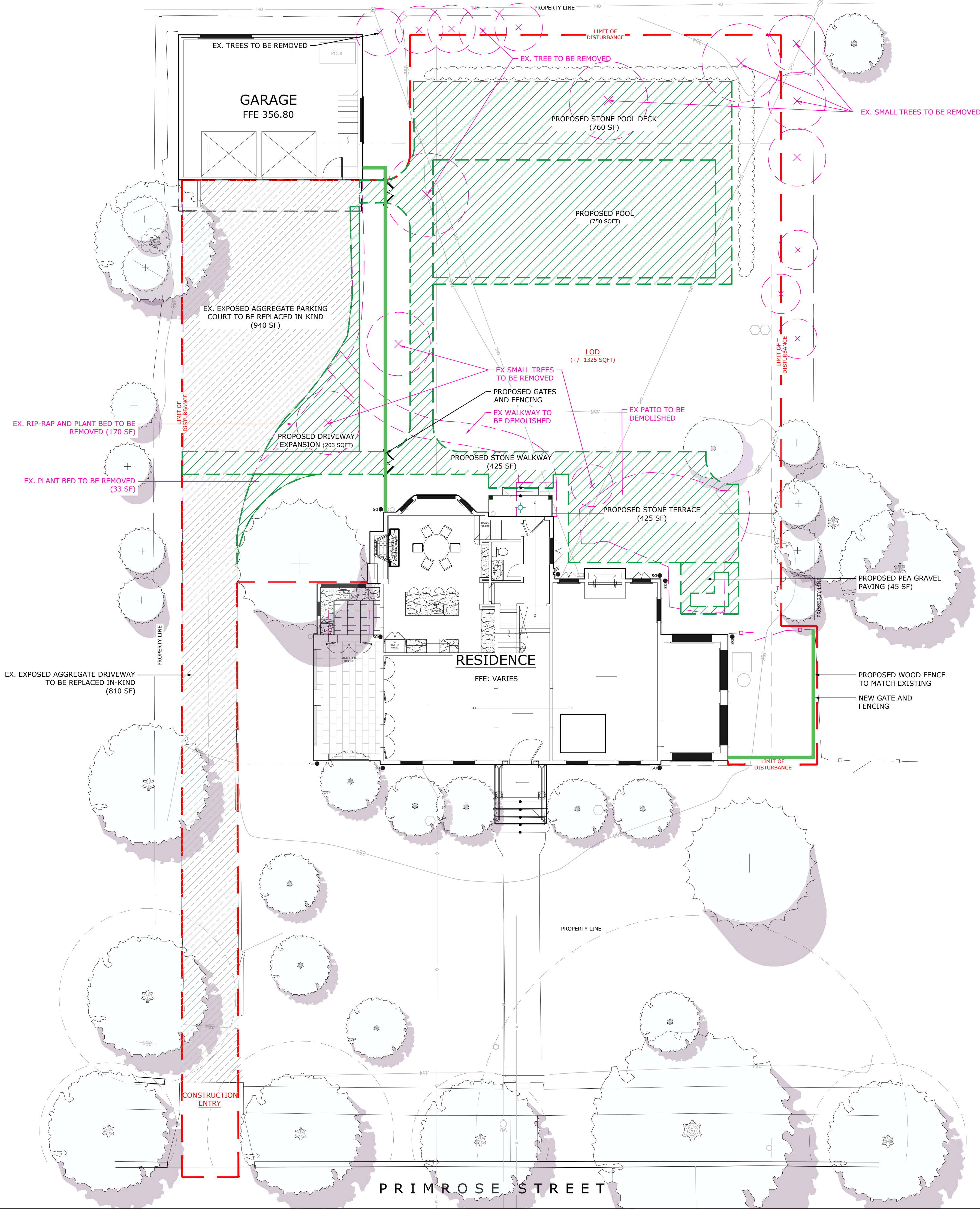
VIEW OF EX. GARAGE AND DRIVEWAY AND SIDE OF HOUSE (LOOKING WEST)



VIEW OF EX. REAR FENCE AND EX. GARAGE (LOOKING SOUTH)



VIEW OF BACK OF HOUSE (LOOKING NORTH)

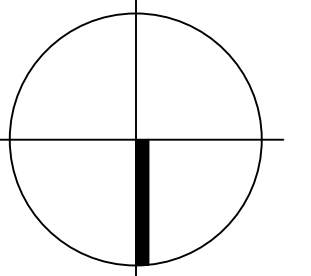




REVISIONS	
1	HAWP SUBMISSION
2022.08.19	

SHUR RESIDENCE  
8 PRIMROSE STREET, CHEVY CHASE, MD  
SITE PLAN

DATE	JULY 2022
SCALE	1/8" = 1'-0"
SHEET NUMBER	L.101



PROJECT NARRATIVE:

THE SCOPE OF WORK 8 PRIMROSE STREET IS TO INCLUDE THE FOLLOWING:

ENTIRE EXISTING EXPOSED AGGREGATE CONCRETE DRIVEWAY TO BE REPLACED IN-KIND AND ADDITIONAL PAVING TO BE ADDED.

PROPOSED HARDSCAPE WALKWAY (STONE) TO BE ADDED LEADING FROM GARAGE, TO POOL DECK AND HOUSE.

PROPOSED SWIMMING POOL WITH SPA AND POOL DECK (STONE) TO BE ADDED TO REAR YARD.

PROPOSED HARDSCAPE PATIO (STONE) TO BE ADDED TO REAR OF HOUSE.

PROPOSED RAILING AND GATES TO BE ADDED BETWEEN PARKING COURT AND REAR YARD.

PROPOSED FENCING AND GATE (WOOD) TO BE ADDED TO ADJOIN EXISTING FENCING ON RIGHT SIDE OF HOUSE.

PROPOSED STEPPING STONE PATH TO BE ADDED TO CONNECT FRONT YARD WITH REAR YARD.

PROPOSED PEA GRAVEL PAVING TO BE ADDED FOR VEGETABLE AND HERB GARDEN.



EXPOSED AGGREGATE CONCRETE TO BE REPLACED IN-KIND IN DRIVEWAY AND PARKING COURT



ALUMINUM FENCING, PAINTED BLACK, WITH MATCHING GATE



STONE PAVING FOR POOL DECK, PATIO AND WALKWAYS



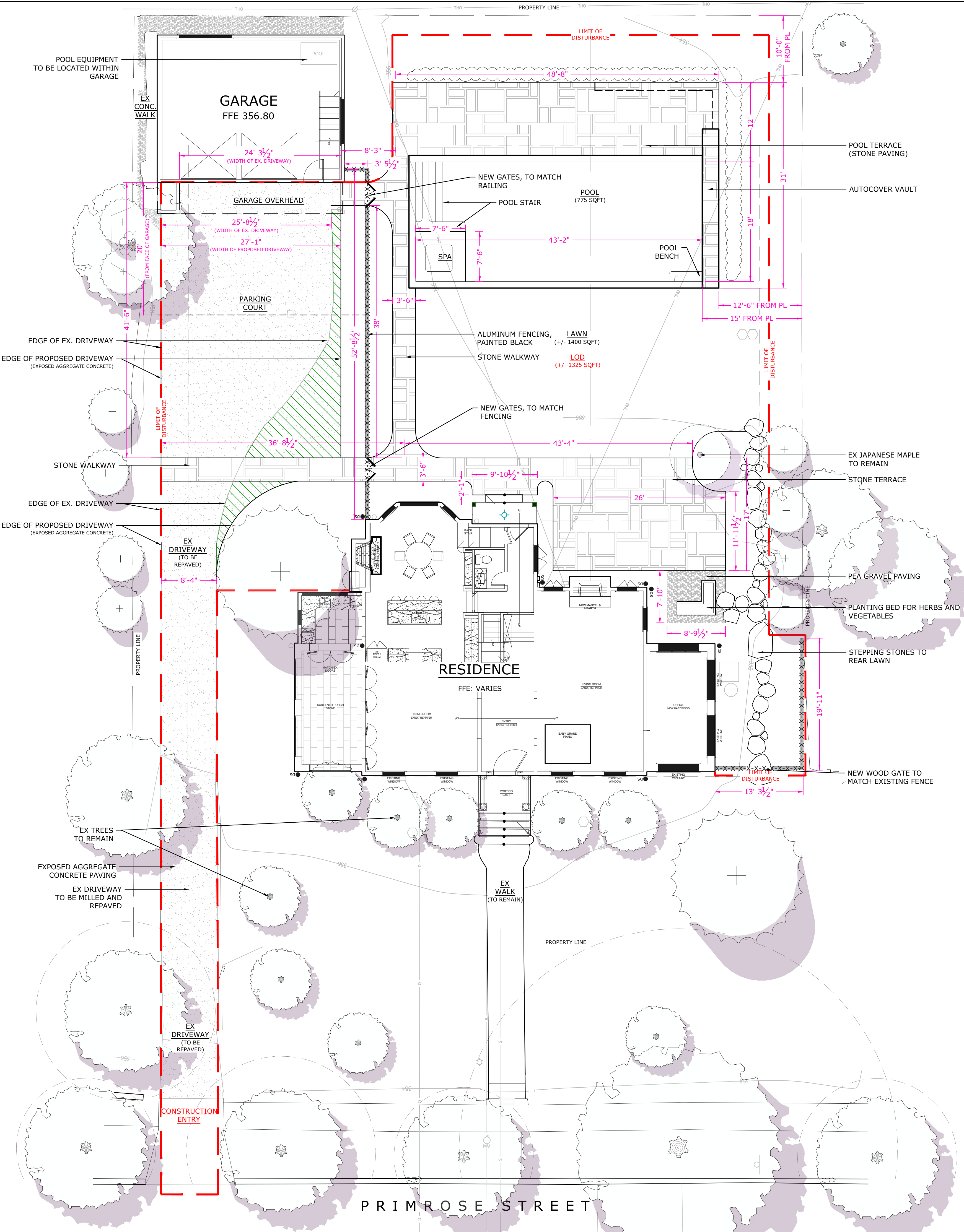
PEA GRAVEL PAVING FOR GARDEN



STEPPING STONE PATH AT SIDE OF HOUSE



WOOD FENCE AND GATE (TO MATCH EXISTING)







DEPARTMENT OF PERMITTING SERVICES

Marc Elrich  
*County Executive*

Mitra Pedoeem  
*Director*

# HISTORIC AREA WORK PERMIT APPLICATION

Application Date: 8/19/2022

Application No: 1004381  
AP Type: HISTORIC  
Customer No: 1432626

## Affidavit Acknowledgement

The Contractor is the Primary applicant authorized by the property owner  
This application does not violate any covenants and deed restrictions

## Primary Applicant Information

Address 8 PRIMROSE ST  
CHEVY CHASE, MD 20815

Othercontact Bonner (Primary)

## Historic Area Work Permit Details

Work Type ALTER

Scope of Work Add pool, fencing, hardscape and landscape to rear yard.