

MONTGOMERY COUNTY HISTORIC PRESERVATION COMMISSION
STAFF REPORT

Address:	3706 Bradley Lane, Chevy Chase	Meeting Date:	11/16/2022
Resource:	Contributing Resource Chevy Chase Village Historic District	Report Date:	11/09/2022
Applicant:	Kyle Rabe (Lila Fendrick, Architect)	Public Notice:	11/02/2022
Review:	HAWP	Tax Credit:	n/a
Permit No.:	1008218	Staff:	Rebecca Ballo
Proposal:	New fences and hardscape alterations.		

STAFF RECOMMENDATION

Staff recommends the HPC **approve with one (1) condition** the HAWP application.

- 1) The board-on-board privacy fences shall be 6’ tall in accordance with the condition of approval from the previous HAWP 35/15-06FF approved at the November 15, 2006 HPC hearing.

ARCHITECTURAL DESCRIPTION

SIGNIFICANCE: Contributing Resource to the Chevy Chase Village Historic District
STYLE: Colonial Revival
DATE: c.1916-1927

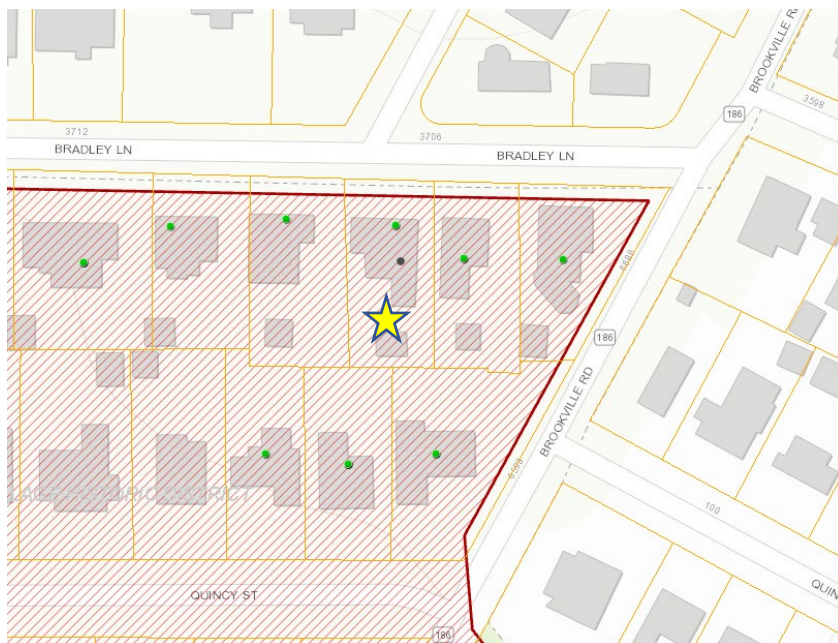


Figure 1: The subject property, shown with the yellow star, is located on the southern side of Bradley Lane near the intersection of Bradley Lane and Brookeville Road.

PROPOSAL

The applicant proposes several minimal hardscape alterations to the driveway, steps, and low retaining walls in the front, side, and rear yards. The applicant also proposes to install several runs of 4' and 6'6" fencing in the front and rear yards to replace the existing. The proposed runs of the fencing are shown on the measured sheet provided by the applicant entitled "Fencing Runs Plan".

APPLICABLE GUIDELINES***Chevy Chase Village District Guidelines***

The subject property is classified as a Contributing Resource. The following principles should apply to HAWP applications for exterior alterations, changes, and/or additions to both types of resources [Outstanding and Contributing], except where specific differences are stated for outstanding resources. These principles use the term "lenient scrutiny," "moderate scrutiny" and "strict scrutiny." These terms are defined as follows:

- "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 proposed changes should be reviewed with extra care.

The following additional Guidelines are also applicable for this case:

- ***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 yards 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.

Montgomery County Code; Chapter 24A-8

- (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.
- (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 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:

- 10. New additions and adjacent or related new construction shall 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 Colonial Revival style dwelling located on the south side of Bradley Lane in the northeast corner of the Historic District. There are two HAWPs on file for this address: One for construction of a rear addition and other modifications approved in 2001¹, and a second for further alterations, new fencing, and hardscape approved with conditions in 2006.²

¹ https://mcatlas.org/tiles/06_HistoricPreservation_PhotoArchives/Padlock/HAR60640009/Box074/35-13-01H_Chevy%20Chase%20Historic%20District_3706%20Bradley%20Lane_04-26-2001.pdf

² https://mcatlas.org/tiles/06_HistoricPreservation_PhotoArchives/Padlock/HAR60640009/Box074/35-13-06FF_Chevy%20Chase%20Historic%20District_3706%20Bradley%20Lane_11-16-2007.pdf



Figure 2: 2019 Google Streetview Image of the subject property.



Figure 3: 2019 Google Streetview Image of the subject property showing the visibility of a portion of the privacy fence from the street.

The minor modifications to the driveway should be subject to lenient scrutiny as there are no mature trees on this portion of the property and the changes to the driveway configuration, associated retaining wall, and hardscape edging are absolutely minimal.

The fence alterations are replacing existing fencing in the same heights, runs, and materials as what currently exists. Typically, this would not require a HAWP; however, upon reviewing the 2006 HAWP approval, the HPC placed a condition on the proposed (now existing) fences that they be no taller than 6' and not the 6'6" as proposed. It appears that the existing fences were constructed at the incorrect height of

6' 6". Therefore, staff recommends a condition of approval in line with the previous application—namely, that the privacy fences not exceed 6' in height. This is an alteration from the existing condition and requires the HAWP for the change. This is an appropriate height under the “Moderate Scrutiny” guideline required for the visible privacy fences.

STAFF RECOMMENDATION

Staff recommends that the Commission **approve with one (1) condition** the HAWP application under the Criteria for Issuance in Chapter 24A-8(b)(1)(2), and (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; that it meets the intent of the *Design Guidelines*,

and is compatible with the *Secretary of the Interior’s Standards for Rehabilitation #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 301-563-3404 or rebeccah.ballo@montgomeryplanning.org to schedule a follow-up site visit.



APPLICATION FOR HISTORIC AREA WORK PERMIT
HISTORIC PRESERVATION COMMISSION
301.563.3400

FOR STAFF ONLY:
HAWP#
DATE ASSIGNED

APPLICANT:

Name:
Address:
Daytime Phone:
E-mail:
City:
Zip:
Tax Account No.:

AGENT/CONTACT (if applicable):

Name:
Address:
Daytime Phone:
E-mail:
City:
Zip:
Contractor Registration No.:

LOCATION OF BUILDING/PREMISE: MIHP # of Historic Property

Is the Property Located within an Historic District? Yes/District Name
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:

- 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

Date

Adjacent and Confronting Properties:

Chevy Chase, MD 20815

3702 Bradley Lane

3707 Bradley Lane

3708 Bradley Lane

35 Quincy Street

37 Quincy 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:

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

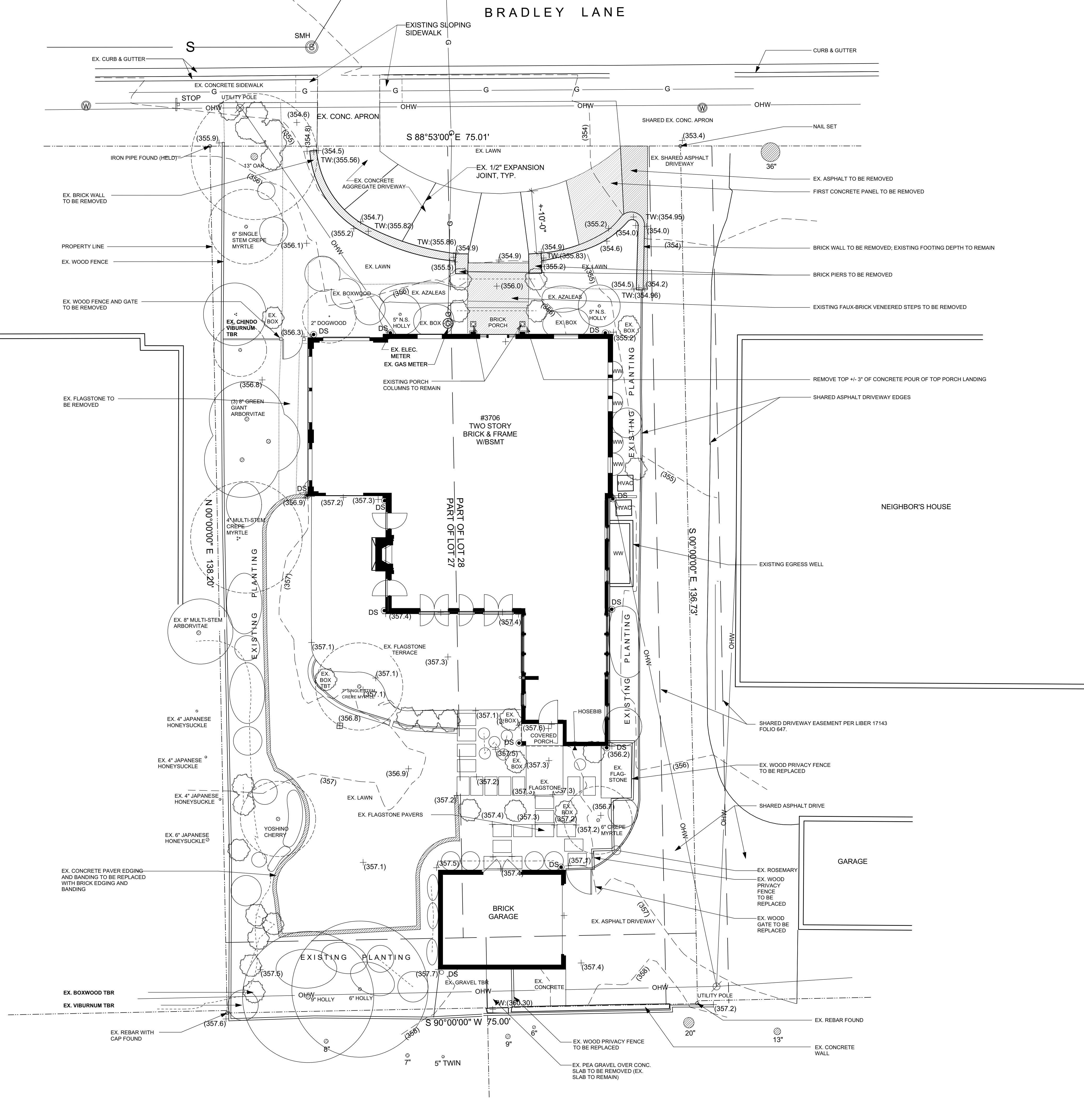
Work Item 1: _____	
Description of Current Condition:	Proposed Work:

Work Item 2: _____	
Description of Current Condition:	Proposed Work:

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

**HISTORIC AREA WORK PERMIT
CHECKLIST OF
APPLICATION REQUIREMENTS**

	Required Attachments						
Proposed Work	I. Written Description	2. Site Plan	3. Plans/ Elevations	4. Material Specifications	5. Photographs	6. Tree Survey	7. Property Owner Addresses
New Construction	*	*	*	*	*	*	*
Additions/ Alterations	*	*	*	*	*	*	*
Demolition	*	*	*		*		*
Deck/Porch	*	*	*	*	*	*	*
Fence/Wall	*	*	*	*	*	*	*
Driveway/ Parking Area	*	*		*	*	*	*
Grading/Excavation/ Landscaping	*	*		*	*	*	*
Tree Removal	*	*		*	*	*	*
Siding/ Roof Changes	*	*	*	*	*		*
Window/ Door Changes	*	*	*	*	*		*
Masonry Repair/ Repoint	*	*	*	*	*		*
Signs	*	*	*	*	*		*

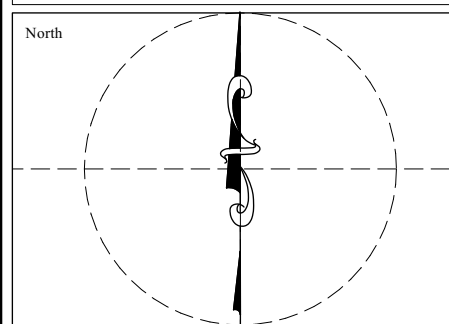


BRADLEY LANE

LILA FENDRICK landscape architecture & garden design
6904 West Avenue Chevy Chase, Maryland 20815 (301) 907-7700

TOMLINSON RABE RESIDENCE
3706 BRADLEY LANE
CHEVY CHASE, MD 20815

Project Title



No.	Date	Revision Notes

Topographic Survey by
POTOMAC VALLEY SURVEYS, 03/22

General Notes

- For location of utilities, call "Miss Utility" at 1-800-257-7777, or log on to www.missutility.net 48 hours in advance of any work in this vicinity. The excavator must notify all public utility companies with underground facilities in the area of proposed excavation and have those facilities located by the utility companies prior to commencing excavation. The excavator is responsible for compliance with the requirements of the local jurisdiction.
- All subsurface pipes to be rigid PVC pipe.

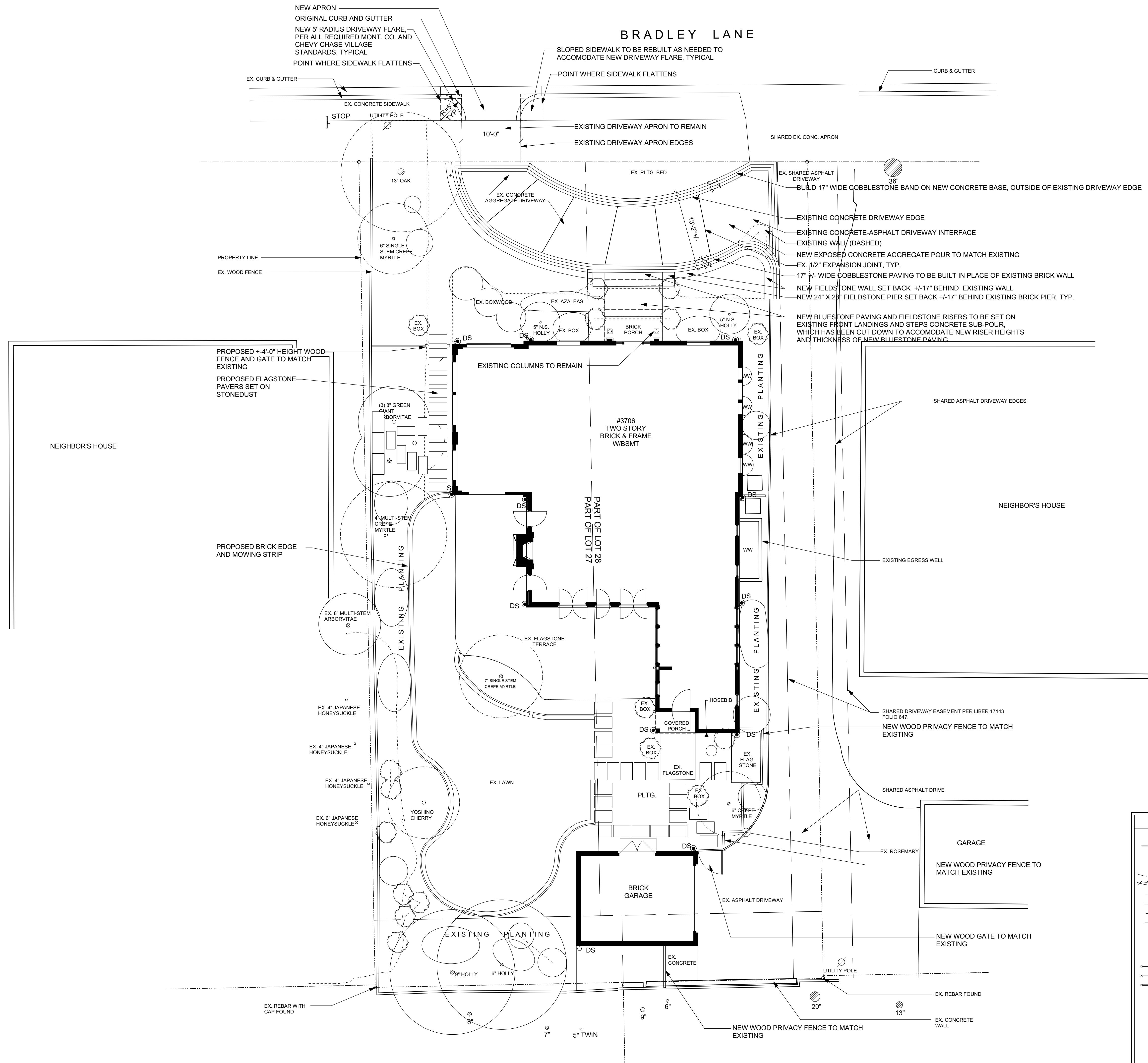
Sheet Title
Existing Conditions and Demolition Plan

Date: 2022-10-11

Scale: 1/8"=1'-0"

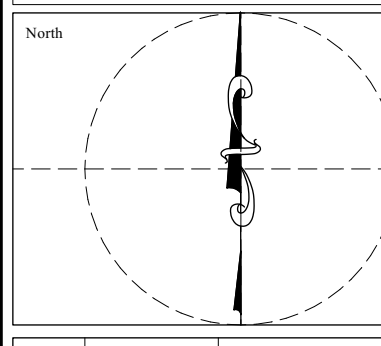
Sheet No.

KEY	
	EXISTING TREES
	PROPERTY LINE
	EXISTING ELEVATION
	PROPOSED ELEVATION
	EXISTING CONTOUR
	PROPOSED CONTOUR
	GAS LINE
	WATER LINE
	SEWER LINE
	OVERHEAD LINE
	SEWER MAN HOLE
	POWER POLE
	LIGHT POLE
	SKIN
	EX. WOOD FENCE
	EX. METAL FENCE
	PROP. WOOD FENCE
	TBT TO BE TRANSPLANTED
	TBR TO BE REMOVED
	LC LANDSCAPE CONTRACTOR
	GC GENERAL CONTRACTOR
	DS DOWNSPOUT
	AD AREA DRAIN
	HB HOSE BIB
	HARDSCAPE TO BE REMOVED



LILA FENDRICK
 landscape architecture & garden design
 6904 West Avenue Chevy Chase, Maryland 20815 (301) 907-7700

Project Title
TOMLINSON RABE RESIDENCE
 3706 BRADLEY LANE
 CHEVY CHASE, MD 20815



No.	Date	Revision Notes

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POTOMAC VALLEY SURVEYS, 03/22

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 2. All subsurface pipes to be rigid PVC pipe.

Sheet Title
Landscape Master Plan
 Date
 2022-10-11
 Scale
 1/8"=1'-0"
 Sheet No.
2

KEY	
	EXISTING TREES
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	HB HOSE BIB
	HARDSCAPE TO BE REMOVED

From: [Doug Stookey at Lila Fendrick Landscape Architecture](#)
To: [Ballo, Rebecca](#); kyle.d.rabe@gmail.com
Subject: RE: 3706 Bradley Lane, HAWP#1008218
Date: Wednesday, November 2, 2022 5:18:38 PM
Attachments: [image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image015.png](#)
[Plan of Proposed Fencing Runs.pdf](#)

[EXTERNAL EMAIL] Exercise caution when opening attachments, clicking links, or responding.

Rebecca and Kyle,

Per your request:

1. We are confirming that no proposed work will encroach or take place within the shared driveway easement.
2. We have attached a PDF of the site plan, showing the proposed fence locations with the run dimensions labeled in red
3. Attached are existing site photos of the areas to be altered or items to be removed
4. Attached are proposed materials photos. You can distinguish these from the existing site photos in that I have included a description in parenthesis as to locations where the material is proposed being used.

Please let us know if you need anything else.

Douglas Stookey, landscape architect
Lila Fendrick Landscape Architecture and Garden Design
6904 West Avenue
Chevy Chase, MD 20815
703-407-7276
team@fendrickdesign.com

From: Ballo, Rebecca <rebeccah.ballo@montgomeryplanning.org>
Sent: Friday, October 28, 2022 5:43 PM
To: kyle.d.rabe@gmail.com; Doug Stookey at Lila Fendrick Landscape Architecture <team@fendrickdesign.com>
Subject: 3706 Bradley Lane, HAWP#1008218

Good afternoon,

Thank you for submitting your HAWP application. We have placed this case on the HPC agenda for November 16th, pending receipt of some additional items.

Can you please send me the following information by Wednesday morning (11/2):

- Confirmation in writing (email is fine) that none of the proposed work is encroaching on or taking place within your shared driveway easement. If work is proposed in this area, we require the neighbor's signature on the permit application as well.
- Pictures of all existing areas/items proposed for alteration and removal.
- Specification sheets for all new proposed materials including fencing and hardscape. Pictures from catalogues or pictures of existing materials (if your neighbor has used the same material for a wall, e.g.) are fine.
- Revised landscape sheet that details in color the runs of fencing to be replaced along with a notation of the final proposed fence height and the linear feet of fence proposed in each location (30' of 6' privacy fence; 25' of 4' picket fence, etc.).

If you have any questions, please do not hesitate to reach out. Staff reports post 1 week before the hearing date and I will send you the link when it is ready. I will discuss meeting procedures for the HPC at that time as well.

Thank you very much and have a good weekend.



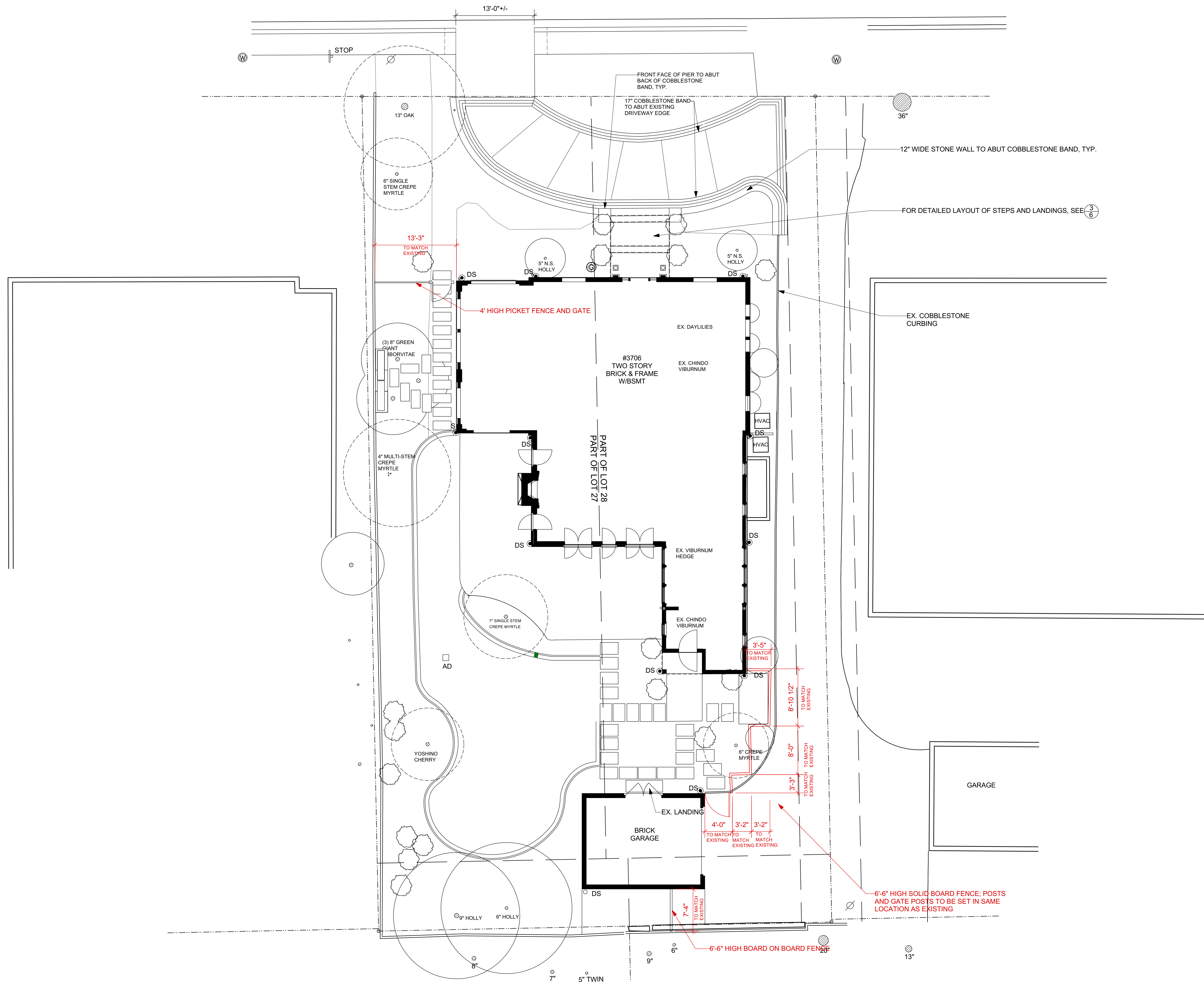
Rebeccah Ballo

Historic Preservation Supervisor

Montgomery County Planning Department
2425 Reddie Drive, 13th Floor, Wheaton, MD 20902
Rebeccah.Ballo@montgomeryplanning.org
o: 301.563.3404

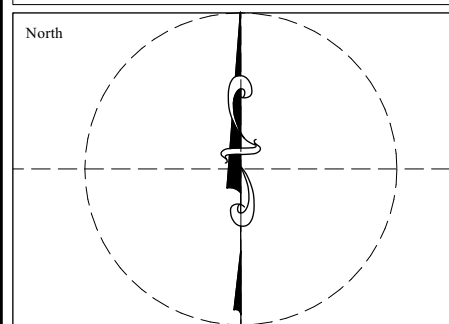


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Sheet Title
Fencing Runs Plan
Date
2022-11-2
Scale
1/8"=1'-0"
Sheet No.
4

KEY

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Complete
C3

















