

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

<b>Address:</b>	12 East Melrose, Chevy Chase	<b>Meeting Date:</b>	4/26/2023
<b>Resource:</b>	Contributing Resource Chevy Chase Village Historic District	<b>Report Date:</b>	4/19/2023
<b>Applicant:</b>	Laura Braden	<b>Public Notice:</b>	4/12/2023
<b>Review:</b>	HAWP	<b>Tax Credit:</b>	N/A
<b>Permit Number:</b>	1028583	<b>Staff:</b>	Dan Bruechert
<b>Proposal:</b>	Fence Installation		

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**STAFF RECOMMENDATION**

Staff recommends that the HPC **approve** the HAWP application with **two conditions**:

1. The proposed 4' picket fence needs to have a painted finish.
2. The fence along the left property boundary, in front of the rear wall plane, needs to have an open picket design and a painted finish.

**ARCHITECTURAL DESCRIPTION**

**SIGNIFICANCE:** Contributing Resource within the Chevy Chase Village Historic District  
**STYLE:** Colonial Revival  
**DATE:** 1918



*Figure 1: 12 E. Melrose St.*

## **BACKGROUND**

In 2016, a previous owner received an approved HAWP (attached) to replace the chain link fence along the sides and rear of the subject property with a wood picket fence that matches the fence along the front of the house.

## **PROPOSAL**

The applicant proposes to remove the existing chain link fence and install new wood fencing in its place.

## **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.

### ***Sec. 24A-8. Same-Criteria for issuance.***

(b) The commission shall instruct the director to issue a permit, or issue a permit subject to such conditions as are found to be necessary to insure conformity with the purposes and requirements of this chapter, if it finds that:

(1) The proposal will not substantially alter the exterior features of an historic site or historic resource within an historic district; or

(2) The proposal is compatible in character and nature with the historical, archeological, architectural or cultural features of the historic site or the historic district in which an historic resource is located and would not be detrimental thereto or to the achievement of the purposes of this chapter; or

(d) In the case of an application for work on an historic resource located within an historic district, the commission shall be lenient in its judgment of plans for structures of little historical or design significance or for plans involving new construction, unless such plans would seriously impair the historic or architectural value of surrounding historic resources or would impair the character of the historic district. (*Ord. No. 9-4, § 1; Ord. No. 11-59.*)

### ***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 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 state five basic policies that should be adhered to, including:

- Preserving the integrity of the Chevy Chase Village Historic District. Any alterations should, at a minimum, perpetuate the ability to perceive the sense of time and place portrayed by the district.
- Preserving the integrity of contributing structures. Alterations to should be designed in such a way that the altered structure still contributes to the district.
- Maintaining the variety of architectural styles and the tradition of architectural excellence.
- Design review emphasis should be restricted to changes that will be visible from the front or side public right-of-way, or that would be visible in the absence of vegetation or landscaping.
- Alterations to the portion of a property that are not visible from the public-right-of-way should be subject to a very lenient review. Most changes to the rear of the properties should be approved as a matter of course.

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

- *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***

#2: The historic character of a property will be retained and preserved. The removal of distinctive materials or alterations 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 historic house is 2 ½-stories, with a large front gable roof, and a full-width porch. On the left side of the house, there is a 6’ (six foot) tall painted picket fence that encloses the rear yard. Along the left and rear property boundaries, there is a chain link fence. The rear yard is enclosed with a 6’ (six foot) tall fence to meet the code requirements for a pool enclosure. The applicant proposes to install two sections

of fencing. First, the applicant proposes to install 38' (thirty-eight linear feet) of 4' (four foot) tall square picket fencing along the left property line in the front yard. Second, the applicant proposes to install 192' (one hundred ninety-two linear feet) of 6' (six foot) tall solid board fence along the left side and rear property lines.

Staff finds the existing chain link fence does not contribute to the historic character of the house or surrounding district and may be removed as a matter of course.

Staff finds the proposed 4' (four foot) tall picket fence matches the design, materials, and height of the neighboring fence and is compatible with the character of the district. The application does indicate a finish for the proposed fence. Staff finds a painted fence in the front yard is more compatible with the character of the site and district, and is consistent with the two adjacent fencings and recommends the HPC include a condition for approval that the proposed picket fence is painted to match the existing.

The HPC generally requires fences in the Chevy Chase Historic District that are forward of the rear wall plane to be no taller than 4' (four feet) and have an open picket design to preserve the district's character-defining, open park-like setting. In select instances, the HPC has allowed taller fences where there are needed to satisfy code requirements, but those fences also need to have an open picket character. Staff finds the proposed 6' (six foot) fence along the rear property line will not be visible from the public right of way and is appropriate under lenient scrutiny. Staff does not find all of the proposed solid board fencing along the left property boundary is compatible with the character of the district. While Staff finds a 6' (six foot) tall fence is consistent with the existing fence across the left side yard, the solid appearance does not contribute to the district's open, park-like setting. Several fence designs could be acceptable under the guidance. Staff recommends the HPC include a condition on the approval of this HAWP, requiring the fence along the left property line in front of the historic rear wall plane needs to have an open picket design and be painted. The approximate boundaries of Staff's recommendation are shown in *Fig. 2*, below). To the rear of the historic rear wall plane, the solid board fence is appropriate.

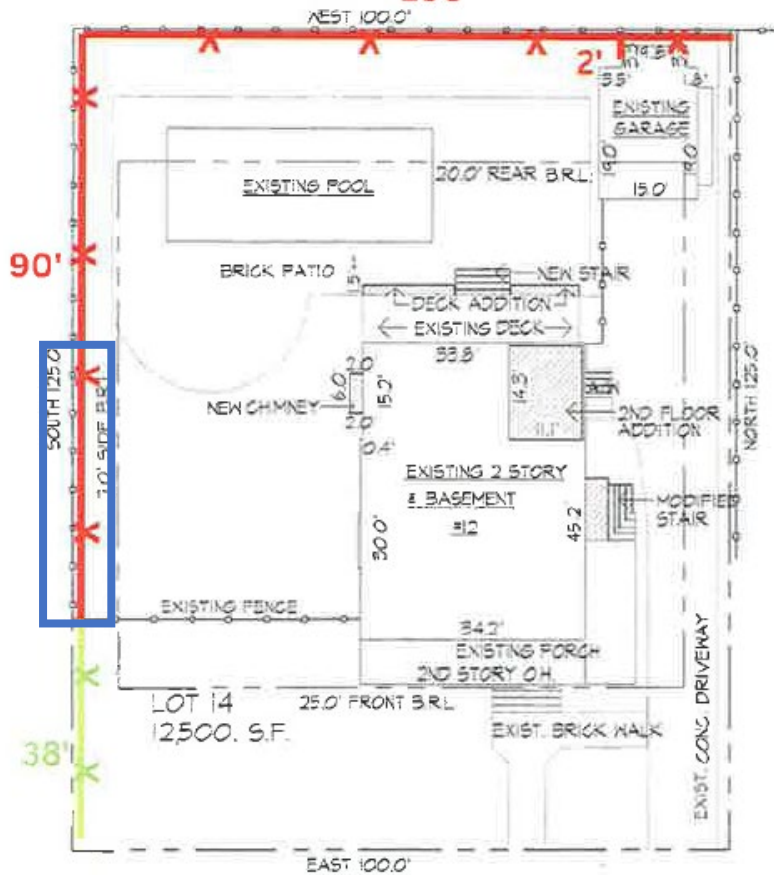


Figure 2: Proposed fencing on-site - 6' fence shown in red, recommended limits outlined in blue.

**STAFF RECOMMENDATION**

Staff recommends that the Commission **approve** the HAWP application with two conditions:

1. The proposed 4' picket fence needs to have a painted finish;
2. The fence along the left property boundary, in front of the rear wall plane, needs to have an open picket design and a painted finish;

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 [dan.bruechert@montgomeryplanning.org](mailto:dan.bruechert@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: Laura Braden- Frederick Fence Co. E-mail: permits@frederickfence.com  
Address: 1505 Tilco Drive City: Frederick Zip: 21704  
Daytime Phone: 301-663-4000 Tax Account No.: \_\_\_\_\_

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

Name: Same as above E-mail: \_\_\_\_\_  
Address: \_\_\_\_\_ City: \_\_\_\_\_ Zip: \_\_\_\_\_  
Daytime Phone: \_\_\_\_\_ Contractor Registration No.: \_\_\_\_\_

**LOCATION OF BUILDING/PREMISE:** MIHP # of Historic Property 35/013-000A

Is the Property Located within an Historic District?  Yes/District Name Chevy Chase Master Plan  
 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: 12 Street: E Melrose Street  
Town/City: Chevy Chase Nearest Cross Street: Brookeville Road  
Lot: 14 Block: 44 Subdivision: Sec 2 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.

Janae Zah \_\_\_\_\_ 3/23/23 \_\_\_\_\_  
Signature of owner or authorized agent Date



**HAWP APPLICATION: MAILING ADDRESSES FOR NOTIFYING**  
 [Owner, Owner's Agent, Adjacent and Confronting Property Owners]

<p><b>Owner's mailing address</b>          12 E Melrose Street          Chevy Chase, MD 20815</p>	<p><b>Owner's Agent's mailing address</b>          1505 Tilco Drive          Frederick, MD 21704</p>
<p align="center"><b>Adjacent and confronting Property Owners mailing addresses</b></p>	
<p>(Right side neighbor)          8 E Melrose Street          Chevy Chase, MD 20815</p>	<p>(Left side neighbor)          16 E Melrose Street          Chevy Chase, MD 20815</p>
<p>(Rear neighbor, directly behind)          15 E Lenox Street          Chevy Chase, MD 20815</p>	<p>(Rear neighbor to the right)          11 E Lenox Street          Chevy Chase, MD 20815</p>
<p>(Across the street to the left)          11 E Melrose Street          Chevy Chase, MD 20815           15 East Melrose Street, Chevy Chase</p>	<p>(Across the street to the right)          13 E Melrose Street          Chevy Chase, MD 20815</p>



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

12 E Melrose Street in Chevy Chase consists of one single family dwelling. The capsule summary of this district describes the primary structure as a post-victorian academic eclectic style, common in the period from 1890 to 1930. The home was built in 1918 and is described as is a square, two-story dwelling with full width porch that extends around the right corner of the house. It has horizontal clapboard siding, and is capped with a pyramid roof. A concrete driveway extends from the street down along the right side of the house and property and ends at the garage, which is situated in the right rear corner of the property. There is a brick walkway extending from the middle of the front porch to the sidewalk along the street.

The rear of the property contains a pool with brick patio surrounding, and a garage located in the rear right corner of the property.

The property contains many various gardens around the house and along each property line. These contain many small shrubs and trees. Several larger trees exist as well in the front and rear ranging from 12 to 20+ feet tall.

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

Frederick Fence Company will remove the existing chain link fence that exists from the front left corner of the property, down along the left side, and across the rear line. The fence will be replaced with two types of wood fencing. The first is a 4' tall spindle picket fence (style to match existing wood fence in the neighbor's yard). The second type is a 6' tall sandwich board privacy fence. The spindle fence will be installed in the front yard, while the sandwich board will be installed along the side and in the rear. Rear fence enclosing the pool will comply with all county pool code requirements.

Work Item 1: Fence Replacement

Description of Current Condition:  
Chain link fence along left and rear property lines

Proposed Work:  
Install 192 linear feet of 6' tall wood sandwich board privacy fence. and 38 linear feet of 4' tall wood spindle picket fence.

Work Item 2: \_\_\_\_\_

Description of Current Condition:

Proposed Work:

Work Item 3: \_\_\_\_\_

Description of Current Condition:

Proposed Work:



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P.O. Box 4187  
Frederick, MD 21705  
MHC # 16416

OWNERS NAME(S): Margaret McKay	DATE: 3/21/2023
JOB ADDRESS: 12 E. Melrose St	EMAIL: lesliemckay57@gmail.com
CITY STATE & ZIP: Chevy Chase MD 20815	HOME: 0 CELL: 203-803-3769
BILLING ADDRESS: Same	

**DESCRIPTION OF WORK TO BE COMPLETED BY CONTRACTOR:** **FENCE WILL BE POOL CODE COMPLIANT**

Furnish labor and materials to install approximately 192 linear feet of 6' tall cedar Sandwich Board fence. Fence constructed using 1x6 vertical boards. Inside/outside framework to be all 2x6 boards teco clipped to 6x6 posts. Includes 1x6 cap board.

All posts to be pressure treated 6x6's with Seneca tops and secured in the ground using Dry Packed concrete.

Furnish labor and materials to install approximately 38 linear feet of 4' Tall Cedar Spindle Sandwich Picket Fence. Fence constructed using 2x2 vertical pickets with a pointed top. Top and bottom runners will be 2x4 boards, fastened to the posts with Teco clips.

All posts to be pressure treated 6x6's with Seneca tops and secured in the ground using Dry Packed concrete.

Deposit of \$5,320.00 received 6/14/21, price increase applied to remaining 2/3rd balance

Frederick Fence Company to obtain required Permit(s).  
Remove and Haul approximately (230) linear feet of Chain Link Fence.

**HOMEOWNER TO DO BEFORE INSTALL**

**DISCLAIMERS:**

- If property pins are not present, we recommend a boundary survey. Customer responsible for boundary lines and fence location.
- Customer will confirm start and stop points with foreman at start of installation.
- Frederick Fence does not haul away dirt or rocks.
- Frederick Fence not responsible for damage to underground sprinklers, dog fences, or private utilities.
- No refunds or returns on special order materials (Includes Vinyl, Aluminum, & Steel Fence).

Owner Initials: LeslieMcKay

**NOTES FOR INSTALLATION:**  
PARTIALLY digger accessible

**PAYMENT TERMS:**  
For the above services and/or materials & equipment (also permits where required) the OWNER agrees to pay the CONTRACTOR the total amount stated in the box labeled "Contract Total". A deposit will be required before project start and may not exceed 1/3 of the total contract price. A second deposit will be required at the start of the job for all jobs exceeding \$20,000 and must not exceed 1/3 of the total contract price. The final balance will be due upon completion.

**APPROXIMATE STARTING AND COMPLETING:**  
Work under this contract will start in approx. **4-6 weeks** subject to circumstances beyond the control of the contractor, (including weather and delays) and will be completed in approximately **4-5 days.**

**CREDIT CARD INFORMATION:**

Card #  Exp.  CSV  Would you like us to charge your card upon completion?  
 Yes  No

**CONTRACT ACCEPTANCE:**  
The undersigned CONTRACTOR and OWNER agree and accept the terms and conditions set forth in pages 1 through 4 and further agree that this contract contains the final and entire agreement between the parties here to and neither they nor their agents shall be bound by any terms, conditions, statements, warranties, or representations, oral or written, not herein contained. This contract is not binding upon FREDERICK FENCE CO, INC. until accepted. You, the buyer, may cancel this transaction at any time prior to midnight of the fifth business day or seventh business day if the buyer is at least 65 years old, after the date of this transaction.

Date: Mar 21, 2023 Owner Signature: LeslieMcKay  
 Lic. No. 0 Salesman: \_\_\_\_\_ Brody \_\_\_\_\_

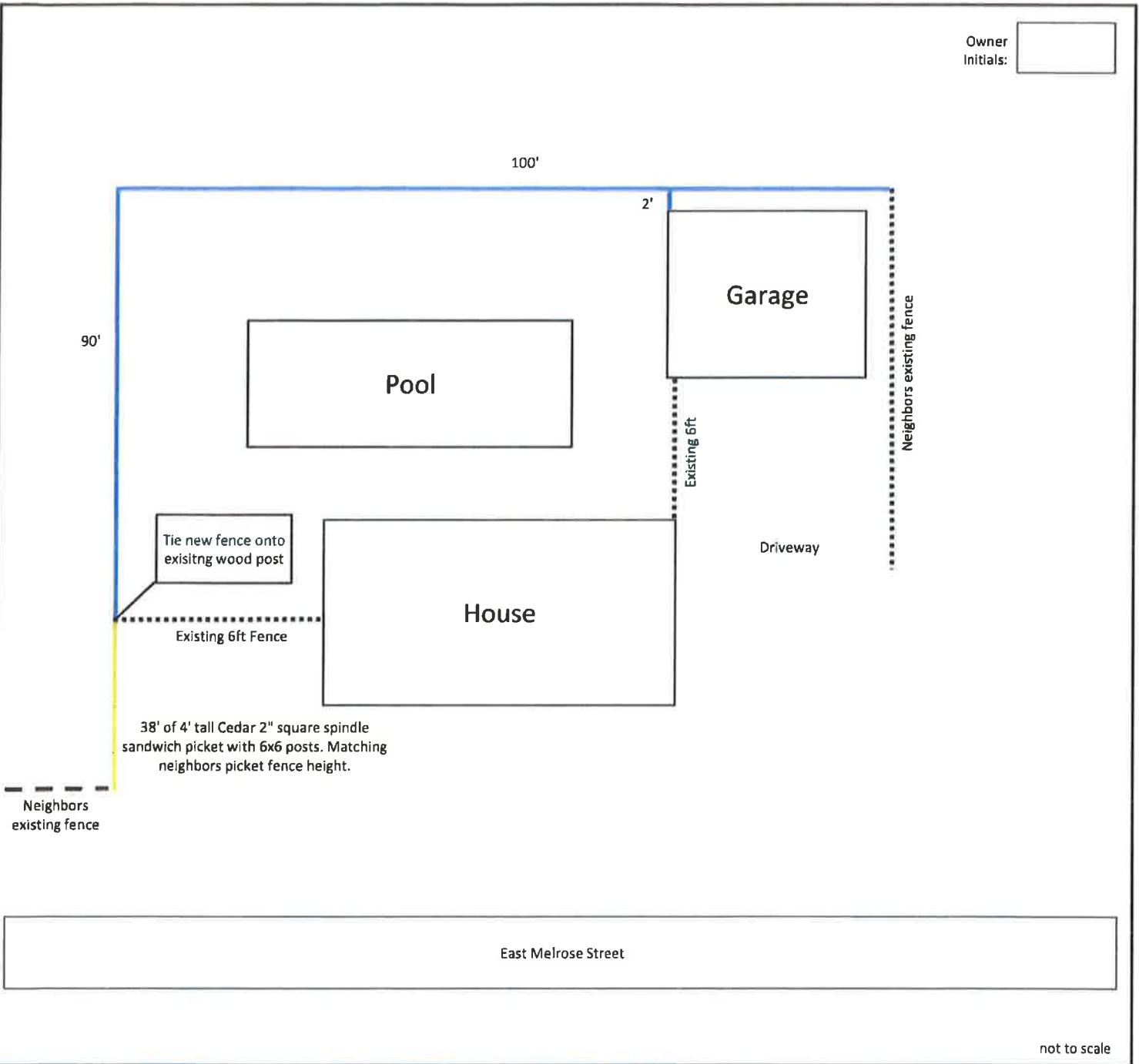
Pricing and approx. lead time on this contract is only valid for 2 weeks from estimate date and will need to be re-quoted if date of signing is after 4/4/2023

rec'd 3/21/23  
Page 1 of 4  
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OWNER(S) NAME: Margaret McKay

DRAWING: OWNER TO GO OVER LOCATION OF FENCE & GATES WITH FOREMAN

Owner Initials:



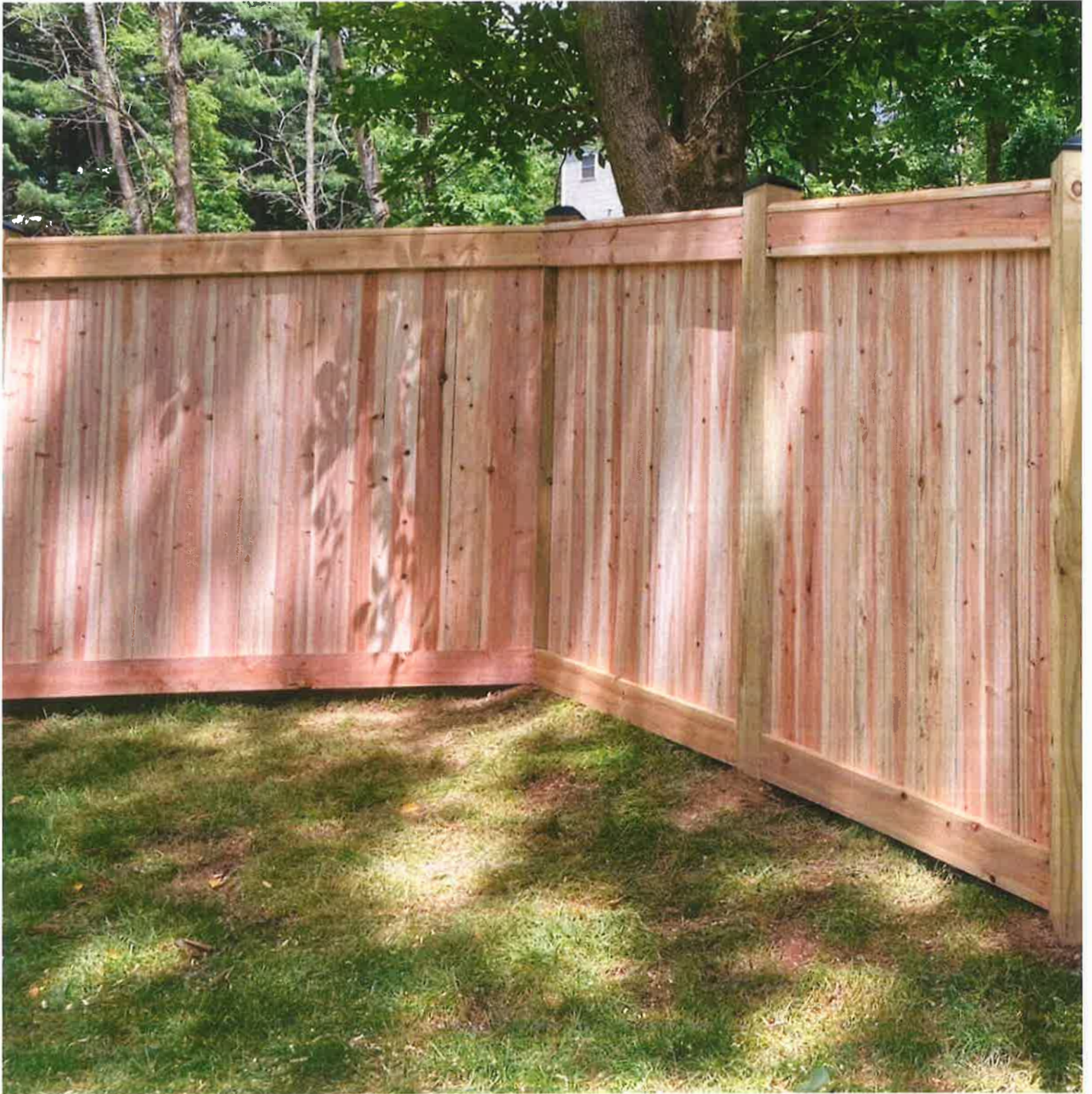
**DISCLAIMERS**

- Customer responsible for boundary lines and fence location and will confirm start and stop points with foreman at start of installation.
- Property Pins are the best way to ensure property boundaries. A plat/survey can be used but the Homeowner is responsible for any subsequent consequences.
- Frederick Fence does not haul away dirt or rocks. Customer to indicate to foreman location to spread or pile dirt.
- Frederick Fence is not responsible for damage to underground sprinklers, dog fences, or private utilities.
- No refunds or returns on special order materials (Includes Vinyl, Aluminum, & Steel Fence).





Example of fence to be installed on back portion of side property line and on rear property line.





Example of fence to be installed on the front portion of the left side property line





12 E Melrose Street Chevy Chase, MD 20815





Existing white fence extending from the house to the side line will remain.

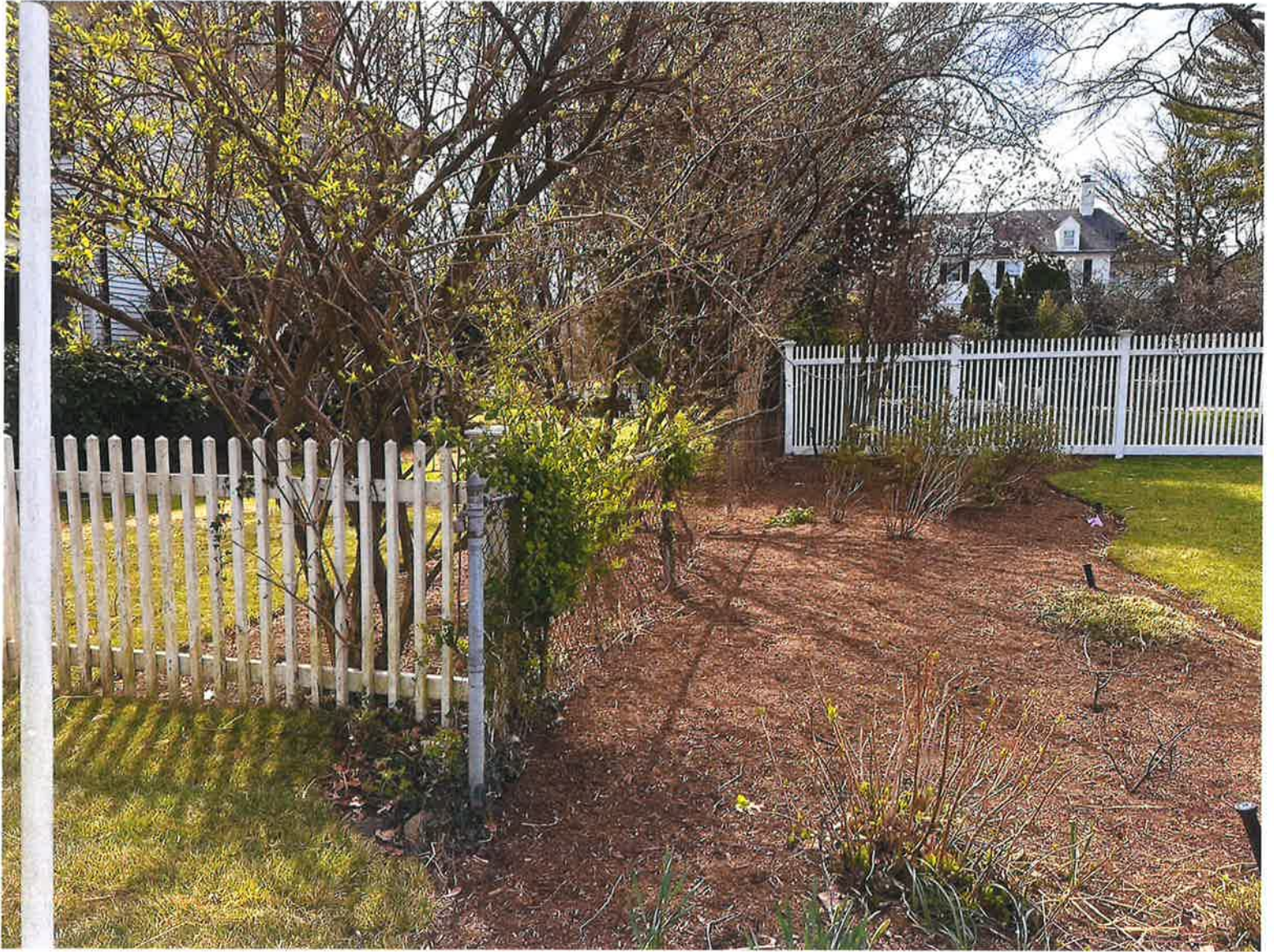




Existing chain link here will be replaced with 4' tall wood spindle picket fence (will match neighbors fence shown in this photo)











BELOW: Chain link in rear to be replaced with 6' tall wood sandwich board privacy fence. 20



