



HISTORIC PRESERVATION COMMISSION

Marc Elrich
County Executive

Robert K. Sutton
Chair

May 17, 2023

To: HPC
From: HPC Staff
Re: 12 E. Melrose St., Chevy Chase
HAWP #1028583

At the April 26, 2023 HPC meeting, the HPC held a hearing for the fence installation at 12 E. Melrose St., Chevy Chase (Staff Report follows). The applicant's representative agreed to paint the 4' (four foot) tall picket fence in the front yard but disagreed with the Staff's second recommendation to require a lower, open picket fence along the side of the house.

At the end of the hearing, the HPC elected to defer consideration of the HAWP application until the Chevy Chase Village Local Advisory Panel had an opportunity to provide comments. The LAP's comments are as follows.

"The HAWP proposal is for the removal of the existing chain link fence and installation of new wood fencing in its place. The Staff recommends approval but recommends two conditions:

- The proposed 4' fence should be painted, and
- The proposed 6' solid board fence on the left side of the property should only extend from the rear of the property forward to the rear wall plane, contrary to the applicant's proposal to extend the 6' fence to the front wall plane. Instead, Staff recommends that the fence forward of the rear wall plane should be no taller than 4' and should be an open picket design.

The Chevy Chase Village LAP agrees with the Staff recommendation that the 4' fence should be painted. However, the Chevy Chase Village LAP opposes the Staff recommendation on terminating the proposed 6' fence at the rear wall plane. There are very many solid wood 6' fences separating properties in Chevy Chase Village and most of them extend to the front wall plane. Some have been in place for a while, but some are relatively new. The Chevy Chase Village LAP considers the proposed 6' fence described in the WAWP to be compatible and consistent with fencing used throughout the Chevy Chase Village. Therefore, the Chevy Chase Village LAP recommends that the HPC approve the installation of the 6' fence from the rear of the property forward to the front wall plane."

The Staff findings and recommendations have not changed in light of this new information.

MONTGOMERY COUNTY HISTORIC PRESERVATION COMMISSION
STAFF REPORT

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

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.

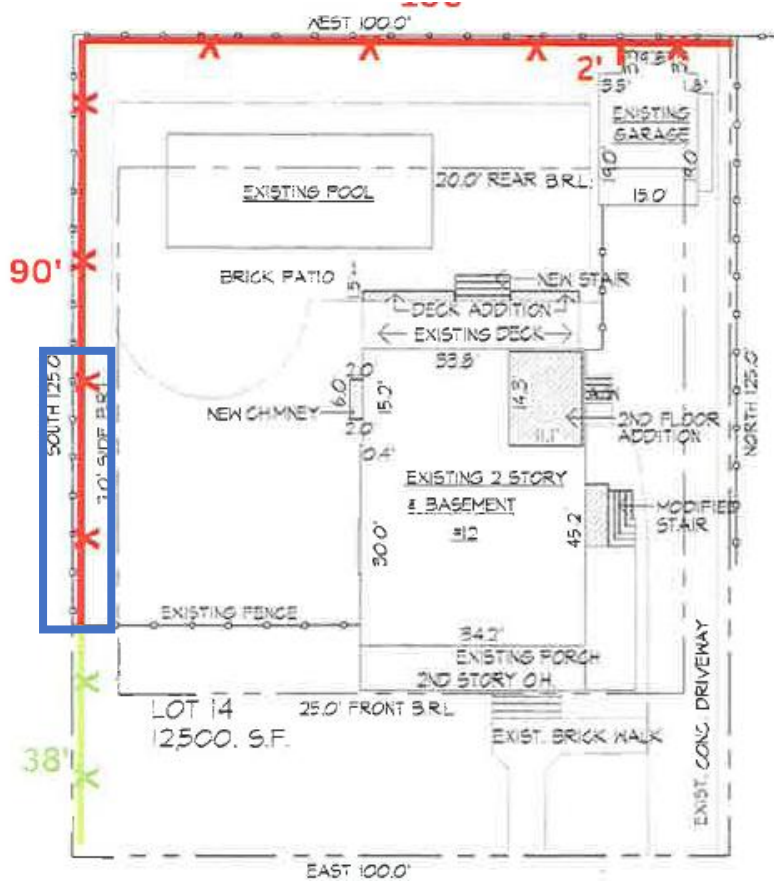


Figure 2: Proposed fencing on-site - 6' fence shown in red, recommended limits outlined in blue.

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 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>Owner's mailing address 12 E Melrose Street Chevy Chase, MD 20815</p>	<p>Owner's Agent's mailing address 1505 Tilco Drive Frederick, MD 21704</p>
<p align="center">Adjacent and confronting Property Owners mailing addresses</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 _____

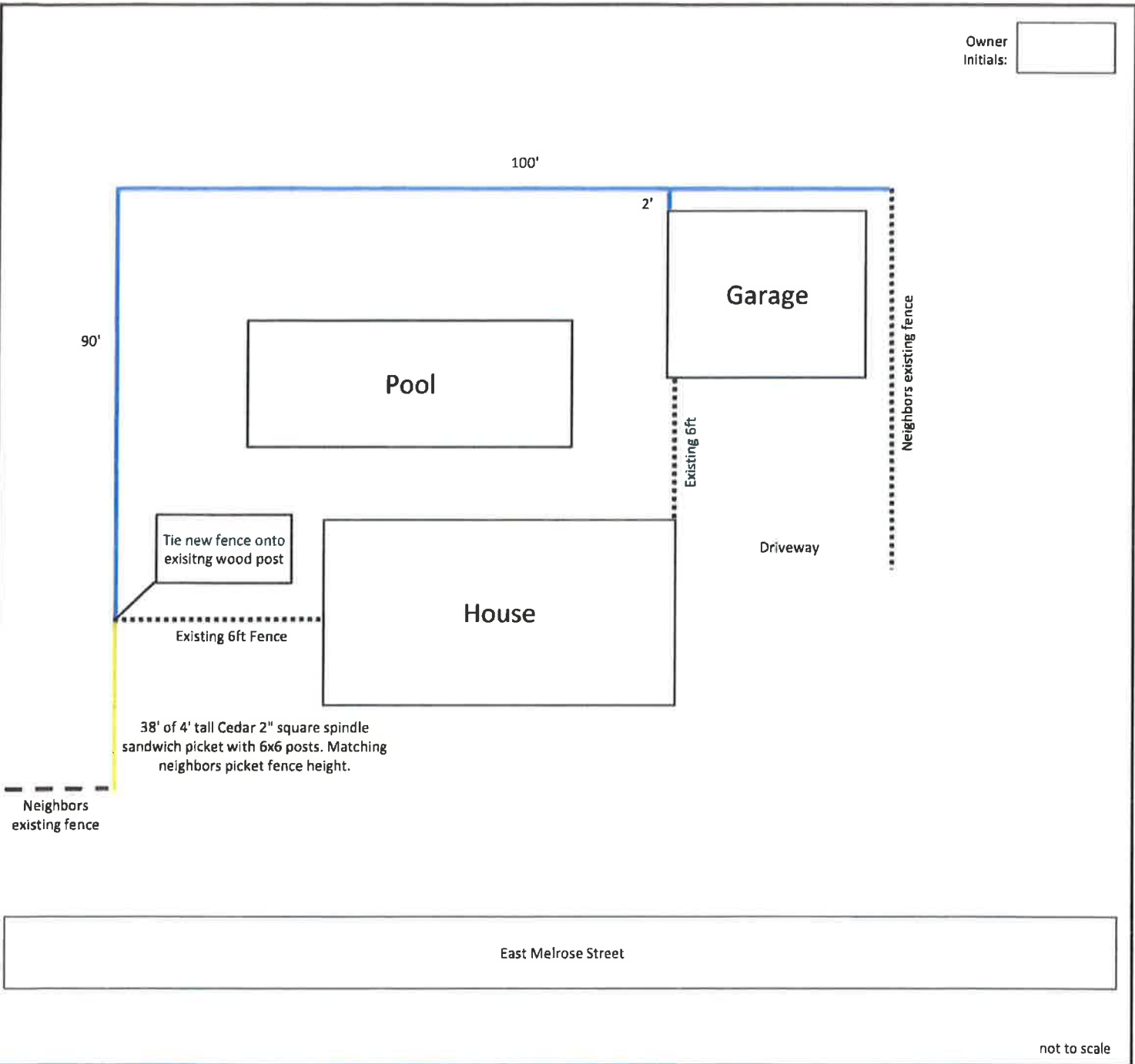
Pricing and approx. lead time on this contract is only valid for 2 weeks from estimate date and will need to be re-quoted if date of signing is after 4/4/2023

rec'd 3/21/23 Page 1 of 4

OWNER(S) NAME: Margaret McKay

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

Owner Initials:

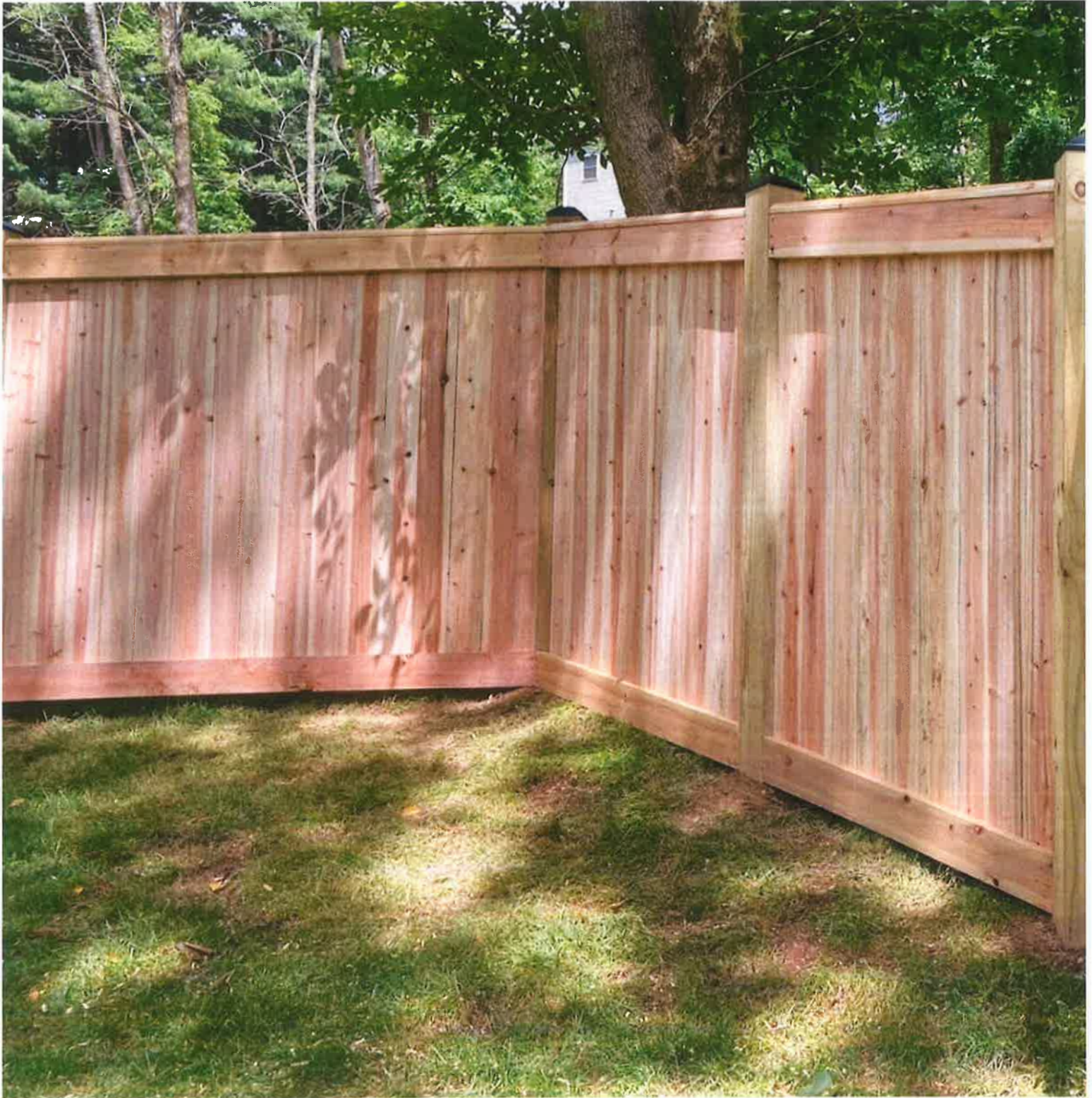


not to scale

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

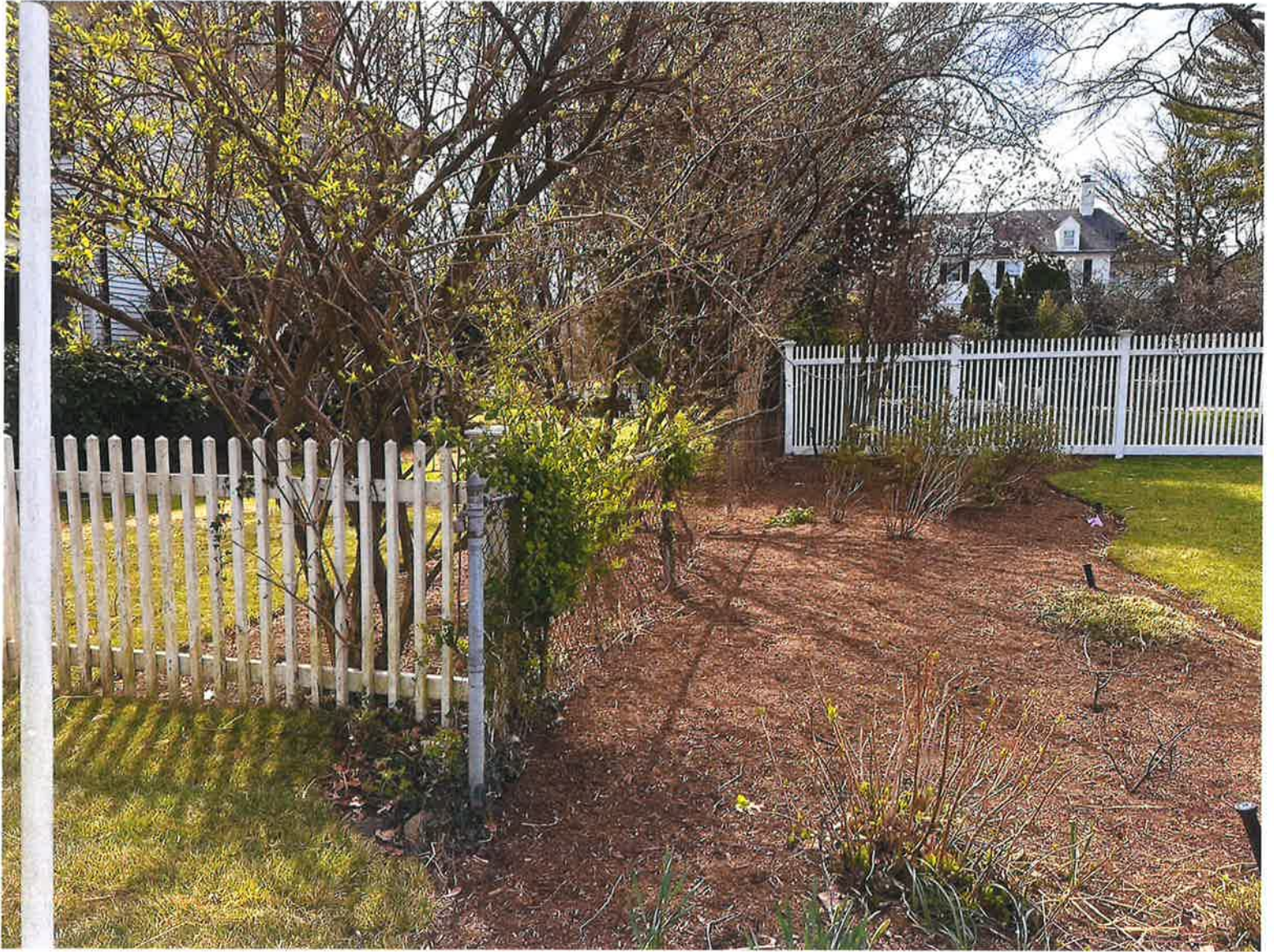


Existing white fence extending from the house to the side line will remain.



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. 21

