Address:	26 Quincy Street, Chevy Chase	Meeting Date:	5/24/2023
Resource:	Contributing Resource	<b>Report Date:</b>	5/17/2023
A 1. (	Chevy Chase Village Historic District	Public Notice:	5/10/2023
Applicant:	Jennifer Emmett & Lee Bodner (Justin Kelly, Agent)	Tax Credit:	No
Review:	HAWP	Staff:	John Liebertz
Permit Number	: 1028877		
PROPOSAL:	Hardscape and pergola construction.		

## MONTGOMERY COUNTY HISTORIC PRESERVATION COMMISSION STAFF REPORT

## **STAFF RECOMMENDATION**

Staff recommends that the Historic Preservation Commission (HPC) **approve with one (1) condition** the HAWP application with final review and approval delegated to staff:

1. The applicant shall submit specifications for each outdoor light type and transformer, and a site plan (or annotated photograph, drawing, etc.) that shows their proposed locations in the rear yard.

## **ARCHITECTURAL DESCRIPTION**

SIGNIFICANCE:	Contributing Resource within the Chevy Chase Village Historic District
STYLE:	Colonial Revival
DATE:	1892-1916



Figure 1: The subject property at 26 Quincy Street is located mid-block on the southern side of the street. The yellow star is the location of the subject house. Source: Montgomery Planning.

## **PROPOSAL**

The applicant proposes the following alterations to the rear yard: 1) extension of the existing flagstone patio by 377 sq. feet. (a 156 sq. ft. section and a 221 sq. ft. section) and addition of masonry bluestone thermal steps; 2) install a parged CMU block retaining wall (approximately 27' in length by 1' in height) to support the new patio; 3) install an aluminum-framed pergola (10' x 20' x 8.2') on the patio; 4) resurface the interior of the existing fountain with blue ceramic tile; and 5) install outdoor lighting.

### **APPLICABLE GUIDELINES**

The Historic Preservation Office and Historic Preservation Commission (HPC) consult several documents when reviewing alterations and new construction within the Chevy Chase Village Historic District. These documents include the historic preservation review guidelines in the approved and adopted amendment for the *Chevy Chase 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 three 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.

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.

- <u>Gazebos and other garden structures</u> should be subject to moderate scrutiny if they are visible from the public right-of-way, lenient scrutiny if they are not.
- <u>Lampposts and other exterior lights</u> should be subject to moderate scrutiny if they are visible from the public right-of-way, lenient scrutiny if they are not.
- <u>Lot coverage</u> should be subject to strict scrutiny, in view of the critical importance of preserving the Village's open park-like character.

## Montgomery County Code, Chapter 24A-8

The following guidance which pertains to this project are as follows:

- (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 ensure 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;
- (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:

- 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 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.

The subject property is Contributing Resource in the Chevy Chase Village Historic District. The Colonial Revival-influenced, wood-frame house was constructed between 1892 and 1916. The house is mid-block on the southern side of Quincy Street. There are no known relevant Historic Area Work Permits associated with this property.



Figure 2: View of the façade of 26 Quincy Street, 2023 (left), and aerial veiw showing the (west) side elevation and rear yard, 2023 (right). The blue outline is the approximate boundary of the property. The red arrow points to the current flagstone patio that is proposed to be extended. Source: Montgomery Planning and ConnectExplorer.

Staff finds the alterations to the rear yard to be consistent with the applicable guidelines and recommends approval with conditions. These items were reviewed primarily with "lenient scrutiny" per the guidelines as they would not be visible from the public rights-of-way. The extension of the flagstone patio and new steps, construction of the retaining wall (to support the patio), installation of an aluminum-framed pergola, and resurfacing of the interior of the existing fountain with blue ceramic tile would have no adverse effect to the house nor the park-like character of the historic district. The aluminum-framed garden structure is compatible in massing and scale with the dwelling and adjacent to non-historic additions. All these items could be removed by a future owner with no impairment to the house or historic district.

Staff requests that the applicant submit additional specifications for the outdoor lighting (ground lights, flood lights, and pond lights) including information about their design and a site plan/annotated photograph that shows where the lighting and associated transformer would be installed.

After full and fair consideration of the applicant's submission, staff finds the proposal, as modified by the conditions, consistent 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 Historic Preservation Commission (HPC) **approve with one (1) condition** the HAWP application with final approval of all details delegated to staff:

1. The applicant shall submit specifications for each outdoor light type and transformer, and a site plan/ (or annotated photograph, drawing, etc.) that shows their proposed locations in the rear yard.

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*, 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 john.liebertz@montgomeryplanning.org to schedule a follow-up site visit.

			AFF ONLY: # 1028877
STGOMERY COL			# <u>1028877</u>
	PPLICATION F	UR	
	IC AREA WOR		
MARYLAND	301.563.3400		
APPLICANT:			
	_		
Name:	E-ma	il:	
Address:	City: _		Zip:
Daytime Phone:	Tax A	ccount No.:	
AGENT/CONTACT (if applicable	):		
Name:	F-ma	il.	
Nume:	L-ma		
Address:	City:		Zip:
Daytime Phone:	Contr	actor Registration	No.:
-		-	
LOCATION OF BUILDING/PREM	<b>ISE:</b> MIHP # of Historic Prop	erty	
Is the Property Located within an	Historic District?Yes/Dis	strict Name	
	,	ividual Site Name	
Is there an Historic Preservation/			
map of the easement, and docun	nentation nom the Easemen	t noider supportin	g this application.
Are other Planning and/or Hearin	• • • •		
(Conditional Use, Variance, Recor	d Plat, etc.?) If YES, include i	nformation on the	ese reviews as
supplemental information.			
Building Number:	Street:		
- (0)			
Town/City:	Nearest Cross Stree	۶:	
Lot: Block:	Subdivision:	Parcel:	
TYPE OF WORK PROPOSED: Se for proposed work are submit		-	
be accepted for review. Check			rage/Accessory Structure
New Construction	Deck/Porch	Solar	ruge/ Accessory orructure
Addition	Fence		oval/planting
Demolition	Hardscape/Landscape	Window/	
Grading/Excavation	Roof		
I hereby certify that I have the a	uthority to make the foregoin		
and accurate and that the const		• • • •	
agencies and hereby acknowled		•	
Signature of owner o	or authorized agent		Date

## HAWP APPLICATION: MAILING ADDRESSES FOR NOTIFING

[Owner, Owner's Agent, Adjacent and Confronting Property Owners]

Owner's mailing address	Owner's Agent's mailing address
Adjacent and confronting	Property Owners mailing addresses
Adjacent and controlling	roperty Owners maning addresses
	23 Primrose Street, Chevy Chase 20815
	21 Primrose Street, Chevy Chase 208154
<u>i</u>	21 Quincy Street, Chevy Chase 20815
	21 Quilley Street, Chevy Chase 20015

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/Exc avation/Land scaing	*	*		*	*	*	*
Tree Removal	*	*		*	*	*	*
Siding/ Roof Changes	*	*	*	*	*		*
Window/ Door Changes	*	*	*	*	*		*
Masonry Repair/ Repoint	*	*	*	*	*		*
Signs	*	*	*	*	*		*

PROPOSAL



MHIC #107535

						-
P.O. Box 420			•	ndscape Design		
allston, M.D. 21047		justin.kelly@sbclandscaping.com (202) 255 SITE ADDRESS: Jennifer Emmett and Lee Bodner			2) 255-483	
	er Emmett and Lee Bodner	SITE ADDRESS:			ee Bodr	ner
	incy St.		26 Quir		-	
	Chase, MD 20815			Chase, MD 2081	.5	
PHONE: (301) 3	379-4200	PHONE:				
CELL:	adapt pot	CELL:				
EMAIL: lee@b	STEPS, RETAINING WALL, ALUMINUM	EMAIL:				
-	DOOR LIGHTING, FOUNTAIN TILES	Estimate l	based or	n design dated I	March 2	4, 2023
New Flagstone Patio	Install New 1" Select Blue PA Flagstone	over new 3" com	oacted R	C-6 sub base		
-	ete slab (Approx. 377 sq.ft.).		Succern			
low Masonry Potainiu	ng Wall: Install New Masonry Retaining	Wall with buried o	concrete	footer CMU		
-	nish (Approx. 27 linear ft. X 1' high). Wa					
	parge finish. Retaining wall will under					
			w nagst			
nstall Masonry Stens	Install masonry steps with thermal blue	estone treads (Anr	1rox 38	linear ft )		
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Justin Kelly, SBC Landscaping & Outdoor Services

May 11, 2023

Homeowner's Signature

## **TERMS AND CONDITIONS**

ESTIMATED DATE OF CO	MMENCEMENT AND COMPLETION OF WORK
Commencement Date:	
Project Duration:	

#### DELAYS:

Contractor shall not be responsible for delays caused by any of the following: failure of the issuance of all necessary building permits within a reasonable length of time; funding of loans; acts of neglect or omission by Purchaser; acts of God; stormy or inclement weather or other forces of nature; extra work ordered by Purchaser; acts of public enemy; riots or civil commotion; inability to secure material through regular recognized channels; Purchaser's failure to make payments when due; delays caused by inspection or changes ordered by the inspectors of authorized governmental bodies; acts of independent contractors or sub-contractor; holidays; or any other circumstances beyond Contractor's control.

#### **PAYMENT SCHEDULE, INSURANCE & INDEMNITY:**

All payments must be received on final day of project completion. After 10 days without payment a 10% delayed payment charge will be added. In the event an invoice remains unpaid for 30 days, the owner/client agrees to pay all costs of collection, judgment, or possible lien, including reasonable attorney's fees, if any. If you do not pay your invoice in full within 10 days of completion, your warranty from SBC Landscaping will be VOID.

Contractor shall maintain appropriate insurance coverage throughout the term of this Agreement. This shall include comprehensive general liability covering bodily injury and property damage, Worker's Compensation at statutory limits, and automobile liability covering all vehicles, equipment and their operators.

The Customer understands that the Contractor assumes no liability for natural or unseen occurring conditions during and after construction. These natural occurrences include freezing/thawing, water damage etc.

During operations and after completion of operations, Customer agrees to defend, indemnify and hold harmless the Contractor, and its employees, against any and all claims by the Customer, its employees or third parties, their heirs, executors, administrators, successors, surrogates, or assignees, arising on account of death or injuries to persons or damage to property, arising out of use of, or traveling at, or onto, the Property, whether or not such claim, damage, injury or death results from the negligence of Customer, Contractor or others. Customer shall defend all suits and claims arising from or incidental to the work under the Agreement, without expense or annoyance to the Contractor or its employees.

#### **CONTRACT/DESIGN CHANGES & ADDENDUMS:**

All changes to this agreement and/or design are required to be stated in a "Contract Addendum" facilitated through the Project Design Specialist or SBC Landscaping Manager. Under no circumstances are agreement/design changes are to be executed through the "Installation Crew Members".

#### PERMITS:

SBC Outdoor Services will be liable to furnish all building permits associated with the contracted construction. If project requires a permit, \$250.00 will be included on the proposal for application, drawings, and fees for the permit. Homeowner will be liable for obtaining Home Owner Association approval unless otherwise agreed upon with SBC Outdoor Services.

#### **DEFAMATION:**

Customer agrees not to defame SBC during or after any work has been completed. If customer does, the customer agrees to pay all legal fees associated with removing and replenishing said defamation.

#### **ARBITRATION:**

The customer and SBC agree to dispute any disagreements using Fair Claims Arbitration. Fees associated with the arbitration will be equally split between SBC and the customer. Fees are \$1,875 per party for a 1 day Arbitration. Arbitration will be binding and foreclose any other legal proceedings, online defamation posts and MHIC complaints

**LIMITATION OF LIABILITY:** In no event shall either party be liable to the other party with respect to this agreement, or any act or omission occuring in connection with this agreement, for lost profit, loss of business or any other indurect, incidental, consquential, special or punitive damages of any nature, even if advised. In the event of direct damages, the parties agree to a liability cap of 1/10th of the contract amount, provided that such limittions show not apply to gross negligence, willfull musconduct or non payment of a party.

#### ESTIMATE:

Prepared estimate is valid for 30 days from proposal date. SBC Outdoor Services reserves the right to revise the estimated costs after the 30 days.

Initials\_\_\_\_\_

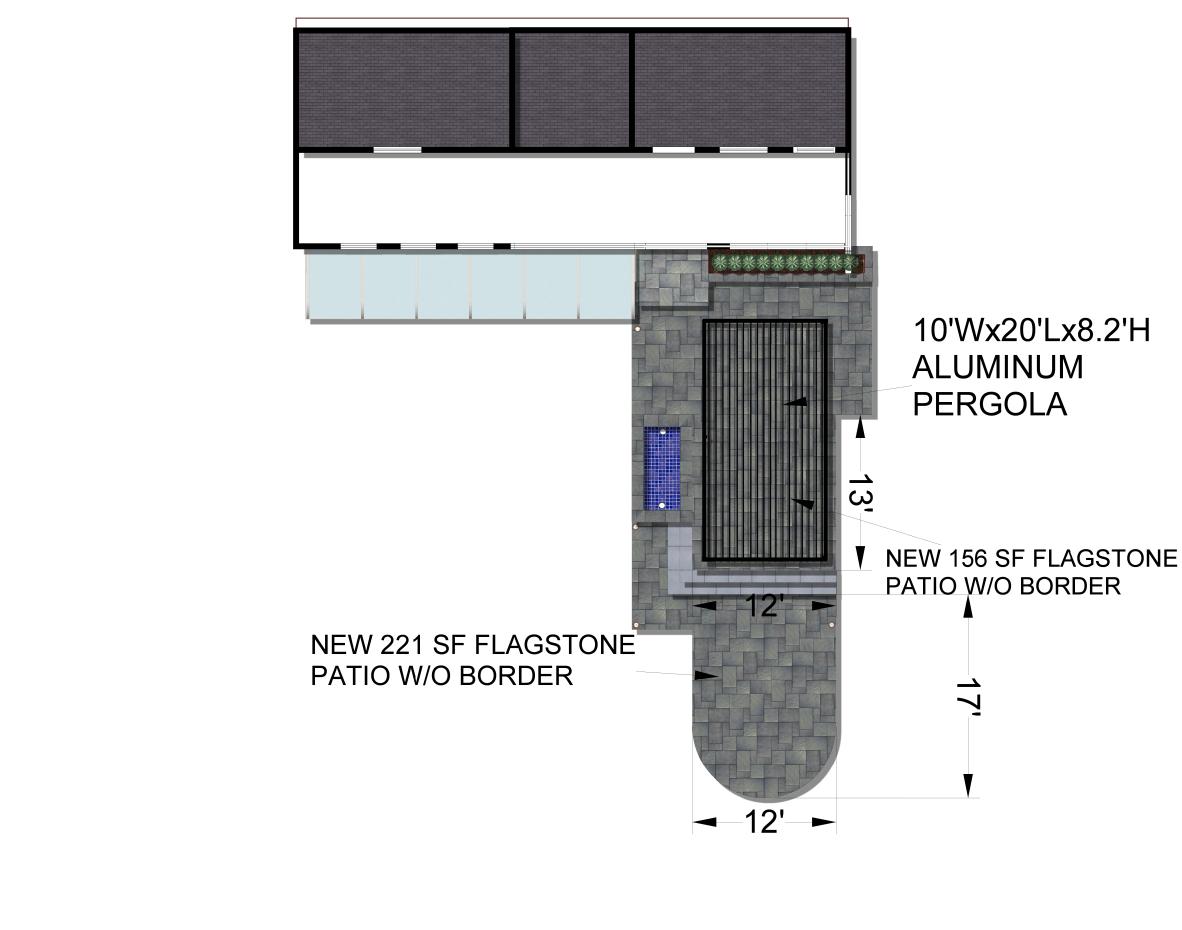
ADDITIONAL PROJECT NOTES			
CONTINUED FROM PAGE 1			

Homeowner's Initials	Date











11119 Pulaski Highway White Marsh, MD 21162 Office: (410) 679-1683 www.sbclandscaping.com sbclandscaping@gmail.com

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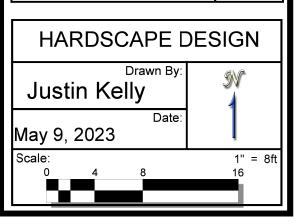
The designed images shown are for illustration purposes only and may not be an exact representation of the product.

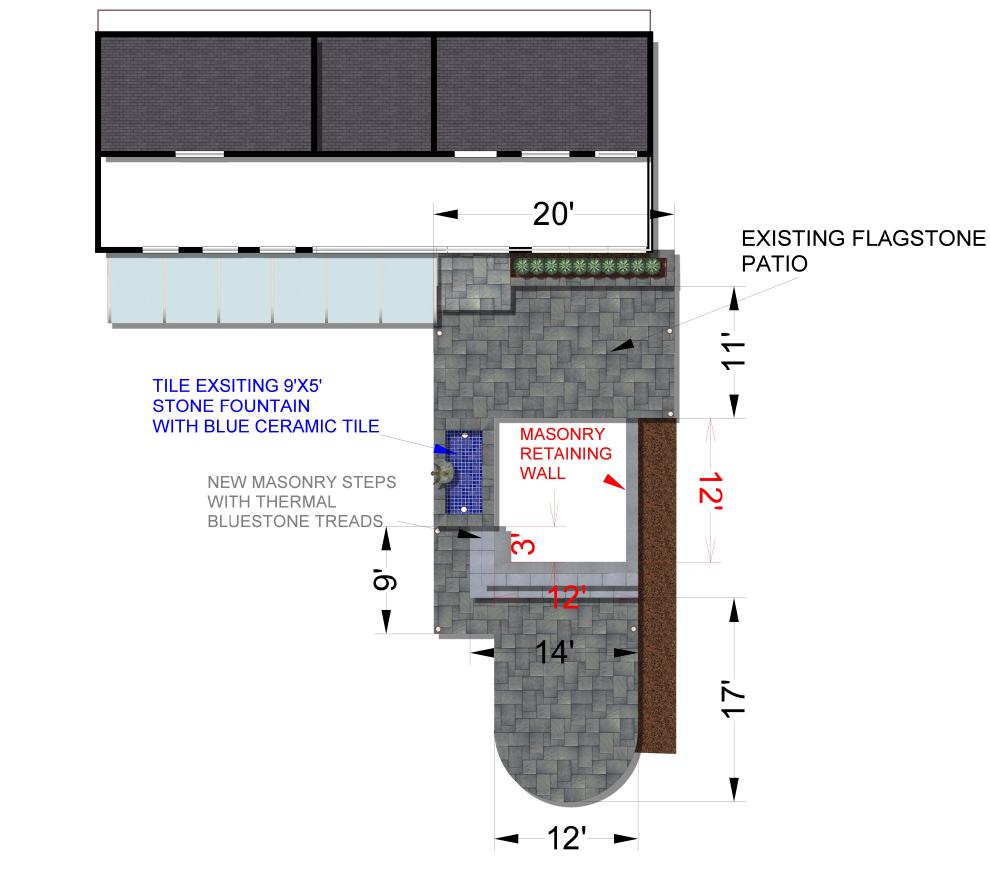
# **BODNER/EMMETT** RESIDENCE

## 26 Quincy St. Chevy Chase, MD 20815

phone: (301) 379-4200 email: lee@bodner.net

Revision / Issue	Date
Initial Plan	12/22/22
Revised Plan	5/9/23







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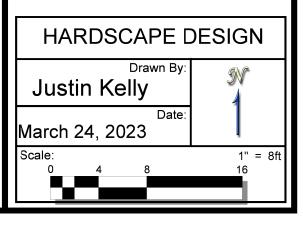
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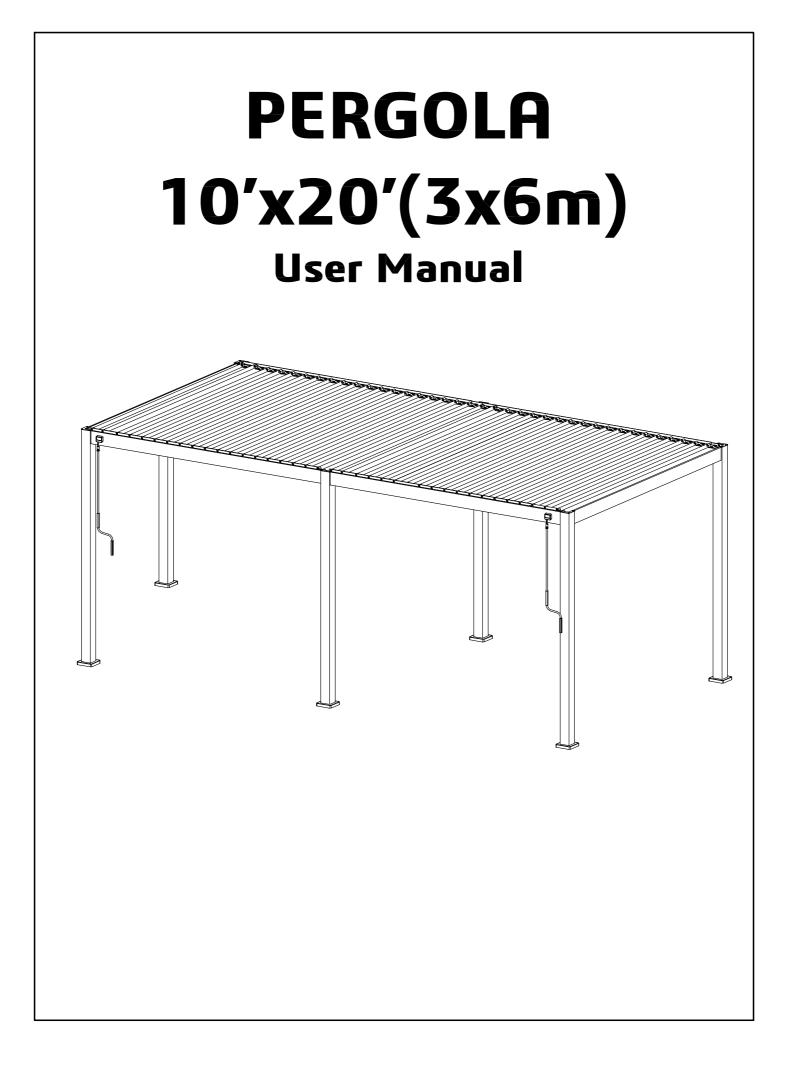




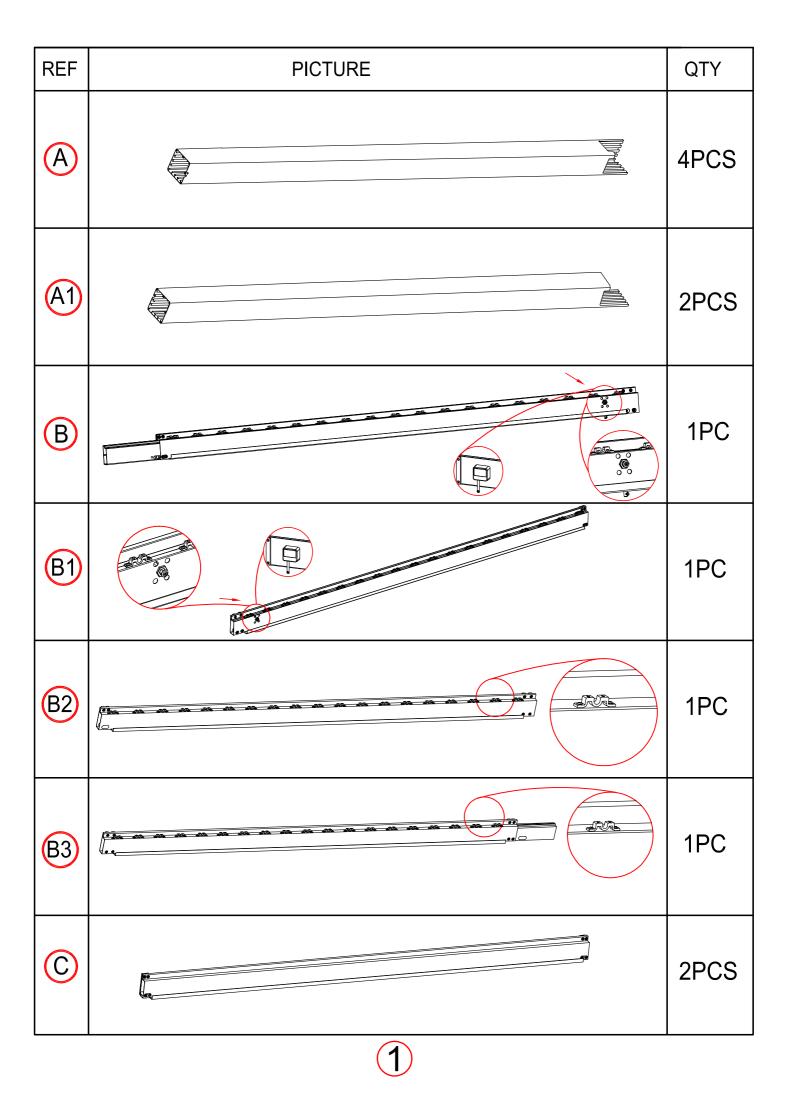


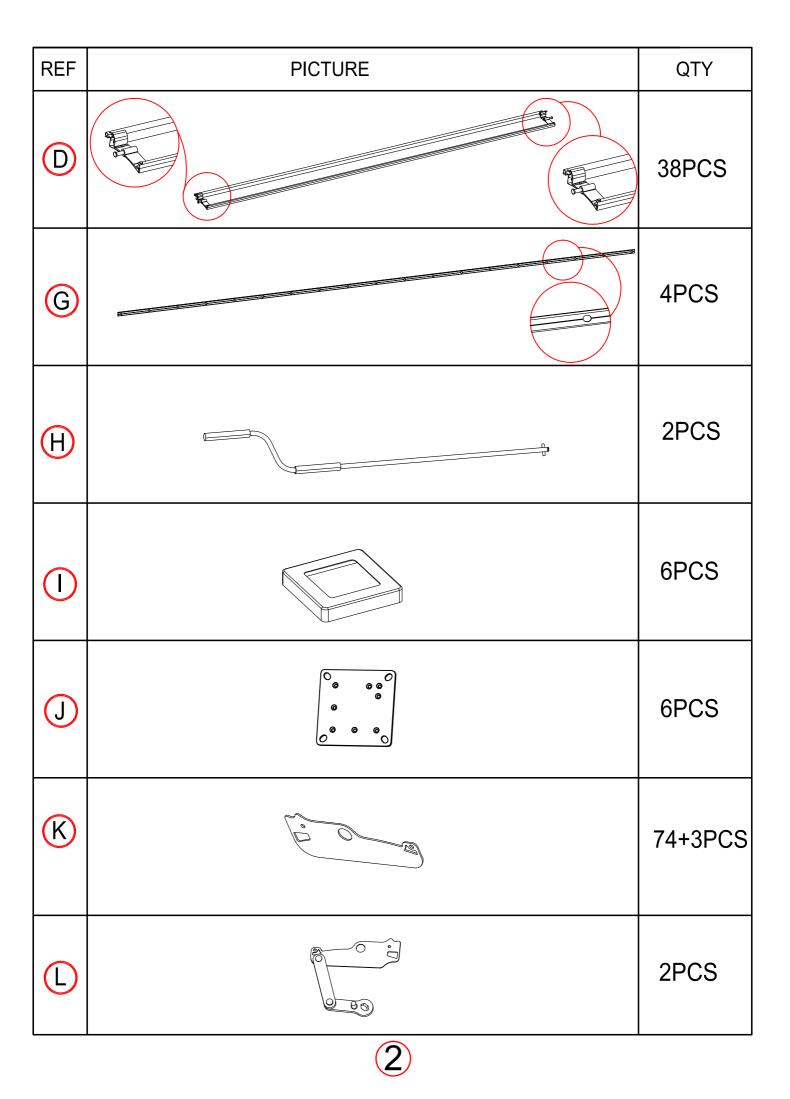






	REF	QTY	REF	QTY	REF	QTY
	A	4PCS	A1	2PCS	B	1PC
	B1	1PC	B2	1PC	B3	1PC
	C	2PCS	G 4PCS		H	2PCS
		6PCS	J	6PCS	K	74+3PCS
	L	2PCS	M	76+3PCS	N	4PCS
Carton 1/5	N1	2PCS	0	36PCS	P	152+6PCS
	Q	152+6PCS	R	16PCS	S	76+6PCS
			(T1)	4PCS		
	U1	4PCS	V	2PCS	W	24PCS
	$\bigotimes$	1PC	Y	2PCS		
	User Manual	1SET				
Carton 2/5	D	9PCS				
Carton 3/5	Carton OPCS					
Carton 4/5 D 9PCS		9PCS				
Carton 5/5	D	11PCS				





REF	PICTURE	QTY		REF	PICTURE
M		76+3PCS		<b>T</b> 1	
N		4PCS		U1	M8x45mm
N1	0	2PCS		$\bigtriangledown$	
0		36PCS		W	
P	(بهمین) M5x12mm	152+6PCS		$\bigotimes$	
<b>Q</b>	€) 4.2x25mm	152+6PCS		Y	
R	5.5x19mm	16PCS			
S	2000	76+6PCS			
			$\bigcirc$		

QTY

4PCS

4PCS

2PCS

24PCS

1PC

2PCS

# Warning

Do not allow snow to accumulate on the louver roof. If moderate to heavy snow is expected, open the louvers. In the case of high winds or other extreme weather conditions, open the louvers and raise or remove any shade screen accessories that have been installed to avoid potential damage to your pergola.

