

MONTGOMERY COUNTY HISTORIC PRESERVATION COMMISSION
STAFF REPORT

Address:	17 Magnolia Parkway, Chevy Chase	Meeting Date:	6/28/2023
Resource:	Contributing Resource Chevy Chase Village Historic District	Report Date:	6/21/2023
Applicant:	Ben Gielow	Public Notice:	6/14/2023
Review:	HAWP	Tax Credit:	No
Permit Number:	1033106	Staff:	John Liebertz

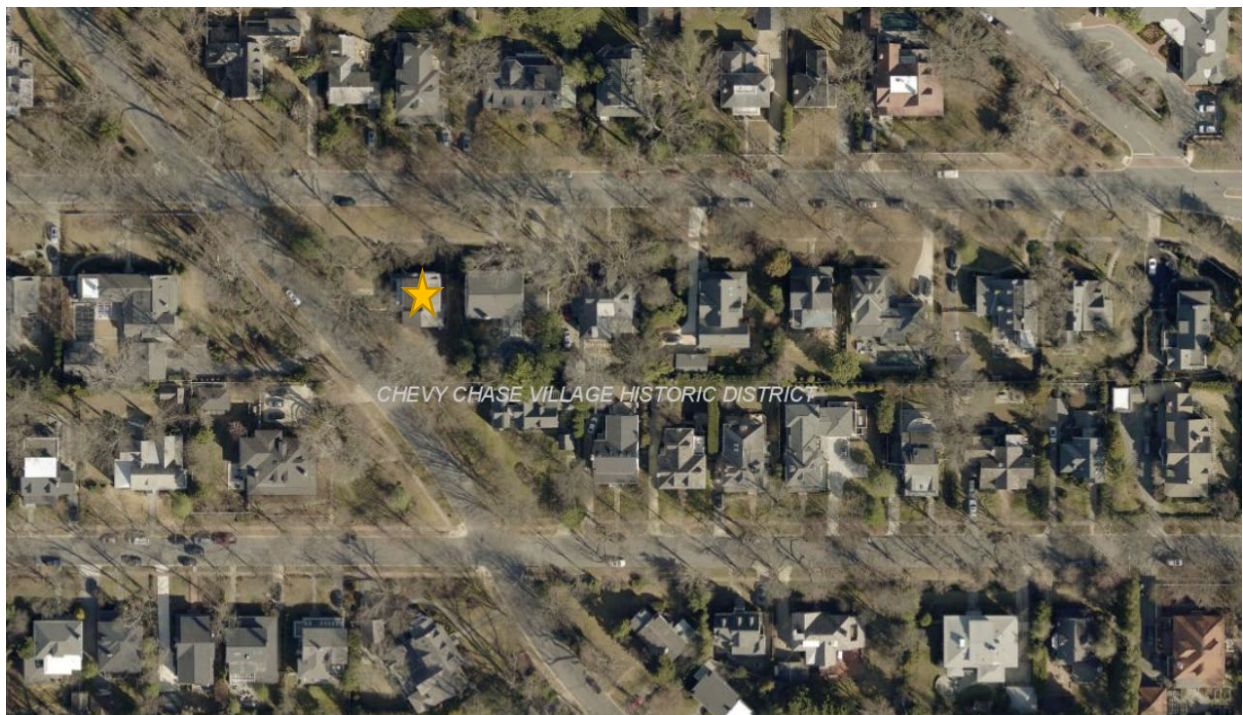
PROPOSAL: Fence installation.

STAFF RECOMMENDATION

Staff recommends that the Historic Preservation Commission (HPC) **approve** the HAWP application.

ARCHITECTURAL DESCRIPTION

SIGNIFICANCE: Contributing Resource within the Chevy Chase Village Historic District
STYLE: Bungalow
DATE: 1916-1927



*Figure 1: The subject property at 17 Magnolia Parkway (yellow star) is located at the southeast corner of the intersection of West Kirke Street and Magnolia Parkway.
Source: Montgomery Planning.*

PROPOSAL

The applicant proposes the following alterations: 1) remove an existing wood picket fence (approximately 42') along the southern extent (rear) of the property; and 2) install a new "Wyngate-styled," wood, privacy fence along that southern extent (rear) of the property that tapers in height (8-linear feet of 6'-tall fence that tapers to 4'-tall as it approaches Magnolia Parkway. A "Wyngate-styled" fence allows partial visibility by spacing the boards so that the gap on either side is covered by the board on the reverse side. The fence posts would have wood caps.

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.

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

- 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

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.)

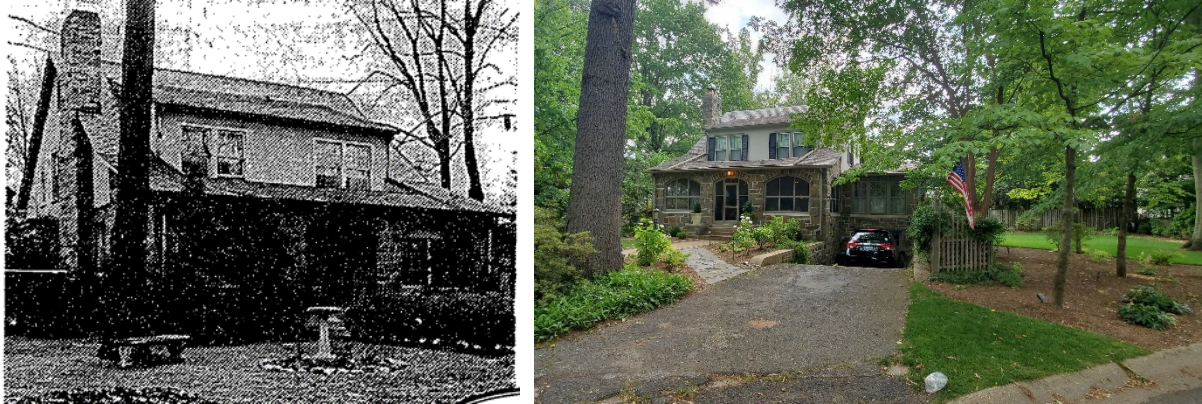
Secretary of the Interior's Standards for Rehabilitation

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.

STAFF DISCUSSION

The subject property is Contributing Resource in the Chevy Chase Village Historic District. The bungalow was constructed between 1916 and 1927. Recent Historic Area Work Permits (HAWPS) approved by the HPC include the enclosure of the rear porch and hardscape alterations in 2021.¹



*Figure 2: View of the façade of 17 Magnolia Parkway, 1939 (left) and 2023 (right).
Source: Washington Post and Montgomery Planning.*

Fence Installation

Staff finds the removal of the existing fence and installation of the proposed fence to be consistent with the applicable guidelines and recommends approval. Staff reviewed the fence installation with “moderate scrutiny” due to its visibility from the public rights-of-way. The proposed wood privacy fence would replace an existing 3’-tall, wood, picket fence and match the style of an existing 6’-tall privacy fence on the eastern extent of the property. The new fence would taper from 6’-tall to 4’ tall as it approaches Magnolia Parkway. As a result, the proposal would have no adverse effect on the character of the individual resource or the park-like setting of the historic district.

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** the HAWP 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;

¹ For more information see, https://mcatlas.org/tiles/06_HistoricPreservation_PhotoArchives/HAWP/6-23-2021/17%20Magnolia%20Parkway,%20Chevy%20Chase%20-%200953674%20-%20Letter%20to%20DPS.pdf and https://mcatlas.org/tiles/06_HistoricPreservation_PhotoArchives/HAWP/4-28-2021/17%20Magnolia%20Parkway,%20Chevy%20Chase%20-%200947241%20-%20Approval%20Letter.pdf.

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.



APPLICATION FOR HISTORIC AREA WORK PERMIT HISTORIC PRESERVATION COMMISSION 301.563.3400

FOR STAFF ONLY: HAWP# 1033106 DATE ASSIGNED

APPLICANT:

Name: Ben Gielow Address: 17 Magnolia Pkwy Daytime Phone: 2628533532

E-mail: bgielow@hotmail.com City: Chevy Chase Zip: 20815 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 M: 35-13

Is the Property Located within an Historic District? Yes/District Name Chevy Chase Village, Section 2 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.

Ben Gielow 5/1/2023 Signature of owner or authorized agent Date

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

Owner's mailing address
 17 Magnolia Pkwy, Chevy Chase, MD
 20815

Owner's Agent's mailing address

Adjacent and confronting Property Owners mailing addresses

Dr. Ted McCoy and Judy Elliott McCoy
 17 West Irving St., Chevy Chase, MD
 20815

Mike Friedman and Adena Friedman
 16 Magnolia Pkwy., Chevy Chase, MD 20815

Thomas Moore and Elizabeth Williams
 20 West Kirke St., Chevy Chase, MD
 20815

18 West Kirke Street, Chevy Chase
 17 West Kirke Street Chevy Chase
 19 West Kirke Street, Chevy Chase
 21 West Kirke Street, Chevy Chase
 25 West Kirke Street, Chevy Chase
 27 West Kirke Street, Chevy Chase

20 West Kirke Street, Chevy Chase

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

The stone house was built in 1924 and major landscaping was completed on the south side of the property in 2022 to address standing stormwater concerns (HAWP was approved for that project). The 4' tall picket fence on the south side of the property (running approximately 42' in length) is old and deteriorated with many sections missing. We are looking to replace only that 42' section of fence.

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

Replace one section of fence on the south end of the property with a taller and different type of fence. The section is 42' long and we want to install a 1"x4"x6' Wyngate with clapboard. The fence would transition from 6' to 4' in height as it approaches the property line heading to Magnolia Pkwy. Since we are on a corner lot, we've designated this section of our yard as our "back yard" in county-stamped surveys.

Work Item 1: fence replacement

Description of Current Condition:

Existing fence is in poor condition with many sections missing and other sections rotted and falling down.

Proposed Work:

Replace one section of fence on the south end of the property with a taller and different type of fence. The section is 42' long and we want to install a 1"x4"x6' Wyngate with clapboard. The fence would transition from 6' to 4' in height as it approaches the property line heading to Magnolia Pkwy. Since we are on a corner lot, we've designated this section of our yard as our "back yard" in county-stamped surveys.

Work Item 2: _____

Description of Current Condition:

Proposed Work:

Work Item 3: _____

Description of Current Condition:

Proposed Work:



CONTRACT

PHOENIX FENCE & DECK

MHIC #90422

4501 Gregg Road • Brookeville, Maryland 20833

jeff@phoenixfenceanddeck.com

Phone: 240-832-2641 • Fax: 240-722-6155 • www.phoenixfenceanddeck.com

We Have The Quality, Selection & Price You Want

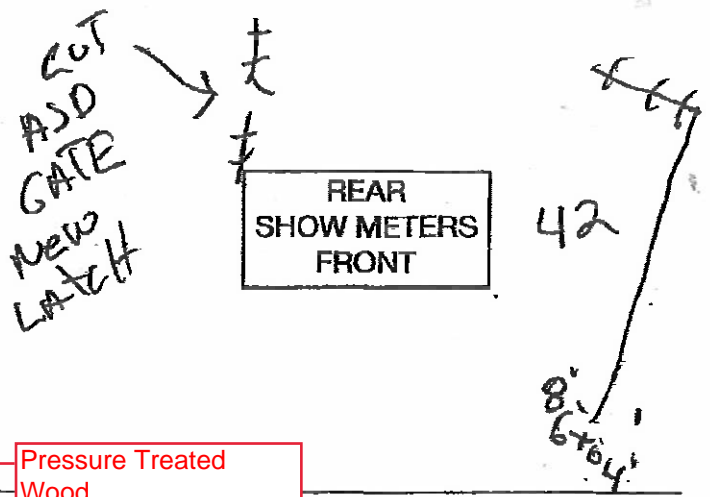
We propose, subject to acceptance, to sell and to install on your property the fencing materials enumerated below. We herewith submit contract for materials and labor at the request and order of:

OWNER NAME Ben Gielow JOB ADDRESS SAME
 ADDRESS 17 Magnolia Pkwy EMAIL _____
 CITY, STATE, ZIP C.C. 20815 PHONE 262-852-3532

Seasonal - Fill in When Contract Accepted by Manager CALL UTILITIES YES NO
 *APPROX. START DATE POST IN GROUND 30 INCHES WITH CEMENT YES NO (Regular Size Yards 1-4 Days)

42' 1x4x6 w/yn GATE w/
CRD BOARD ON 3-Rail
2x4 TECO Nail ONLY
4x4 Post \$1928
8'6" TO 4' TALL
42' Clear + houl old
fence \$126
Blva Permit \$100
Repair GATE w/Thumb
LATCH + CUT GATE \$65
TOTAL \$2219
P.D. Pine fence
Rail 2x4 <input checked="" type="checkbox"/> 2x6 <input type="checkbox"/> Teco Nail <input checked="" type="checkbox"/> Face Nail <input type="checkbox"/>
Post Tops: <input checked="" type="checkbox"/> Black Vinyl <input type="checkbox"/> Colonial Gothic
<input type="checkbox"/> Pyramid Caps <input type="checkbox"/> Other

WOOD IS A NATURAL PRODUCT THAT MAY CRACK, SPLIT, WARP, TWIST, STAIN, MILDEW, ETC.



Pressure Treated Wood

We'll match any competitor's price within reason!
Prices valid 30 days - Call for update after 30 days.

ALL POST CAPS WILL BE WOOD

DEPOSIT	\$ 2219
BALANCE COD	\$ 819
(FOREMAN TO COLLECT BALANCE)	\$ 1400

TO MAIL IN CONTRACT, SIGN 2 COPIES, KEEP 1 COPY, MAIL 1 COPY WITH DEPOSIT IF SO INDICATED. OR FAX TO 240-722-6155

FILL IN CREDIT CARD INFORMATION IF YOU WISH TO CHARGE YOUR PURCHASE.

NAME ON CARD _____

EXPIRE DATE _____ 3 DIGIT SECURITY CODE _____

VISA M/C USE CARD FOR: DEPOSIT ONLY, DEPOSIT NOW, CHARGE BALANCE BY CHECK BALANCE UPON COMPLETION

Acceptance of Contract

The priced, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

BY: ESTIMATOR JEFF ROGERS OWNER OR PURCHASER _____
 DATE 4-24-23 DATE _____

This proposal is subject to terms, covenant, and conditions on the reverse side hereof, and is not binding upon PHOENIX FENCE & DECK until accepted by the Home Office.

Accepted Home Office By _____ Date Received _____



PHOENIX FENCE



LOCAL, PROFESSIONAL SERVICE FOR ALL YOUR WOOD FENCE NEEDS

INSTALLED BY OUR FENCE MECHANICS

Different Gate Styles Available, Featuring:

Western Red Cedar • Spruce • Locust • Pressure-Treated Pine
Custom Design



Junk to the Dump • Repair Work • Small Jobs



jeff@phoenixfenceanddeck.com
www.phoenixfenceanddeck.com

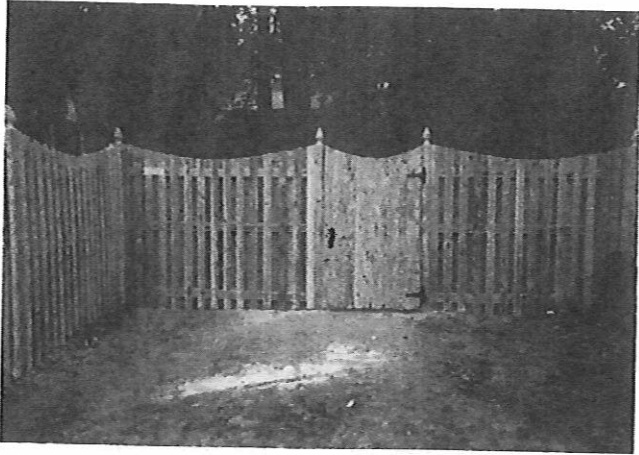
MHIC# 90422 - Licensed - Bonded - Insured

FREE ESTIMATES, NO OBLIGATION

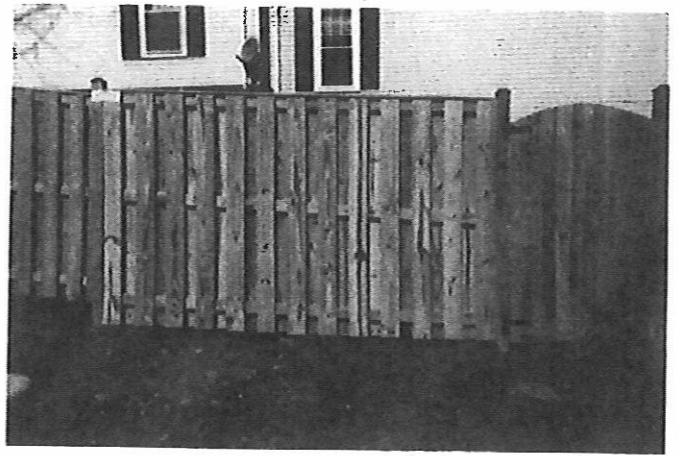
Phone: 240-832-2641 • Fax: 240-722-6155

4501 Gregg Road • Brookeville, Maryland 20833

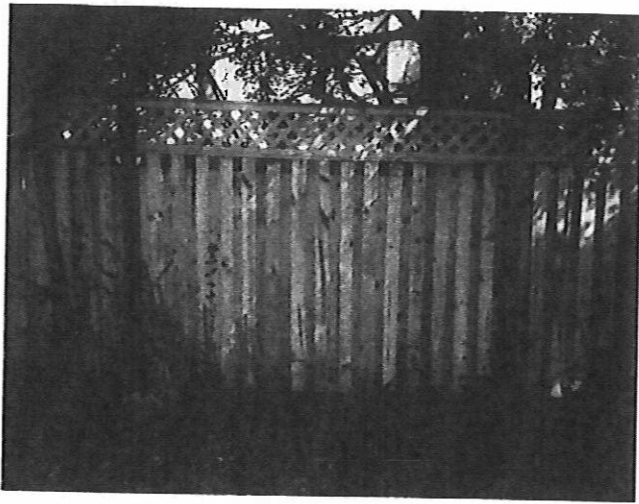
MASTERCARD • VISA • AMERICAN EXPRESS • DISCOVER



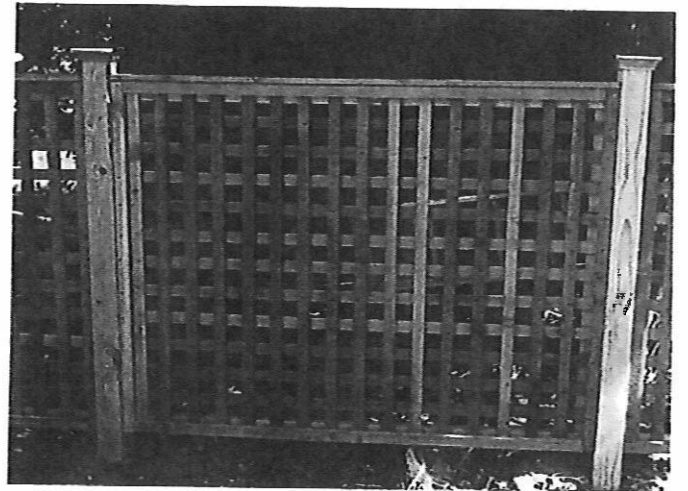
1x4x6 Wyngate with 6" dip



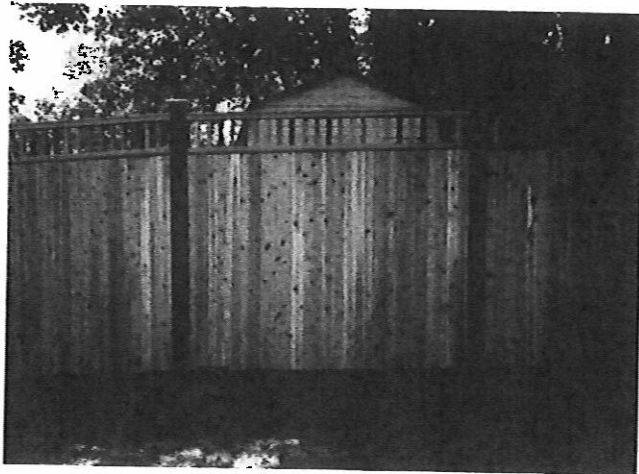
1x6x6 Wyngate with capboard



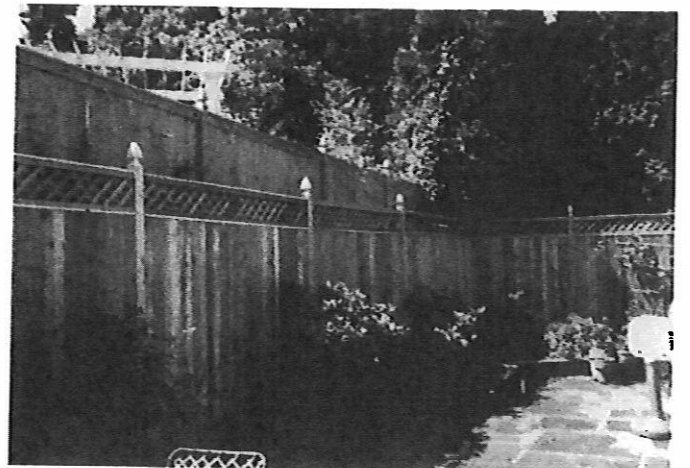
5+1 Wyngate with 1' of lattice



Square Lattice Fence



5+1 Flatboard with 2x2 picket topper



5+1 Flatboard with lattice

PRIVACY FENCES - All Heights Available



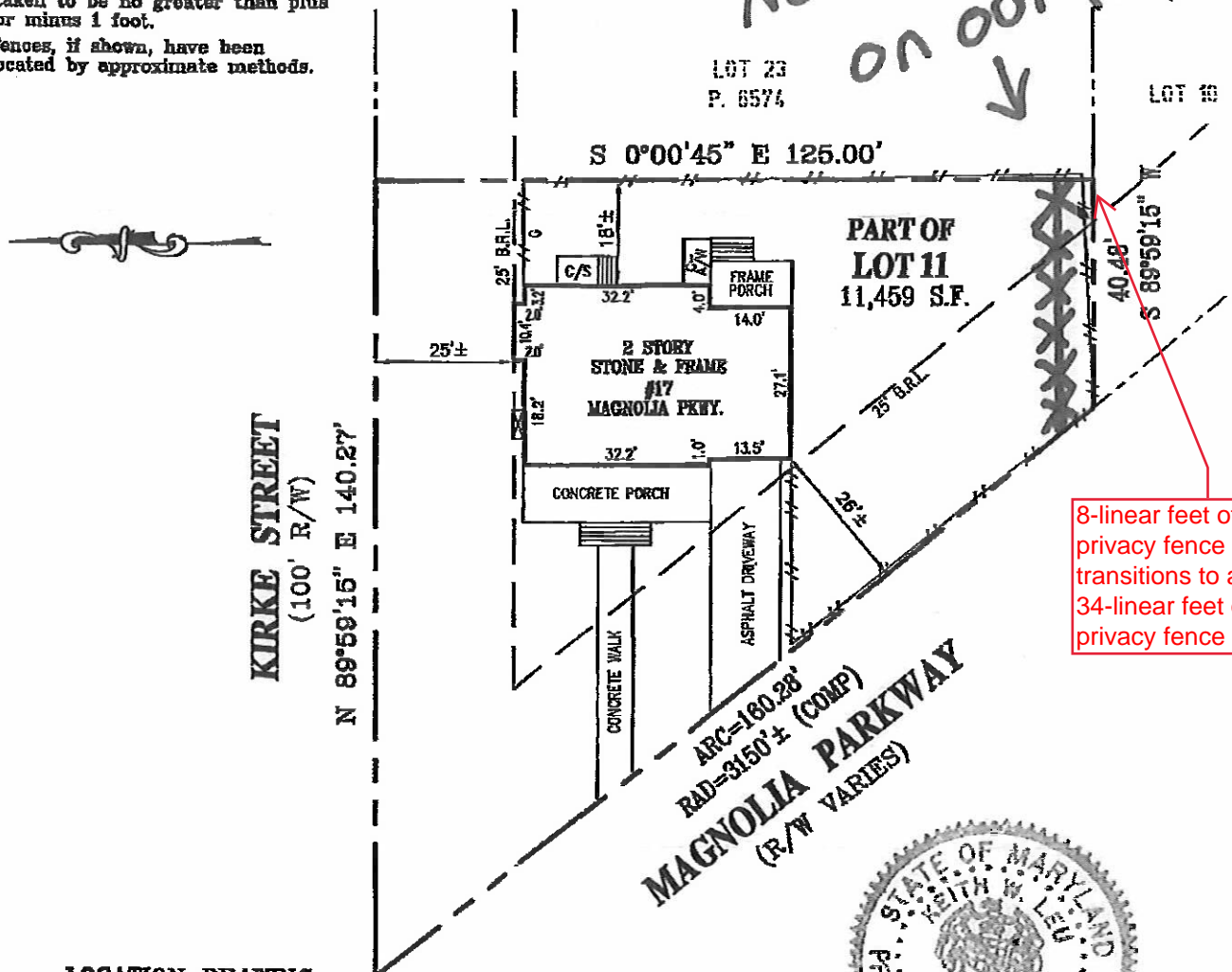
CONSUMER INFORMATION NOTES:

1. This plan is a benefit to a consumer insofar as it is required by a lender or a title insurance company or its agent in connection with contemplated transfer, financing or re-financing.
2. This plan is not to be relied upon for the establishment or location of fences, garages, buildings, or other existing or future improvements.
3. This plan does not provide for the accurate identification of property boundary lines, but such identification may not be required for the transfer of title or securing financing or re-financing.
4. Building line and/or Flood Zone information is taken from available sources and is subject to interpretation of originator.
5. No Title Report furnished.

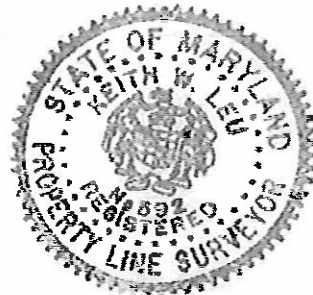
Notes:

1. Setback distances as shown to the principal structure from property lines are approximate. The level of accuracy for this drawing should be taken to be no greater than plus or minus 1 foot.
2. Fences, if shown, have been located by approximate methods.

New fence on our property



LOCATION DRAWING
PART OF LOT 11
BLOCK 33
SECTION No.2
CHEVY CHASE
MONTGOMERY COUNTY, MARYLAND



SURVEYOR'S CERTIFICATE

"THE INFORMATION SHOWN HEREON HAS BEEN BASED UPON THE RESULTS OF A FIELD INSPECTION PURSUANT TO THE DEED OR PLAT OF RECORD. EXISTING STRUCTURES SHOWN HAVE BEEN FIELD LOCATED BASED UPON MEASUREMENTS FROM PROPERTY MARKERS FOUND OR FROM EVIDENCE OF LINES OF APPARENT OCCUPATION."

Keith M. Leu

MARYLAND PROPERTY LINE SURVEYOR REG. NO. 592
Expires: 04-07-2021

REFERENCES

PLAT BK.	2
PLAT NO.	106
LIBER	9002
FOLIO	314



SNIDER & ASSOCIATES
LAND SURVEYORS
19544 Amaranth Drive
Germantown, Maryland 20874
301/948-5100 Fax 301/948-1286
WWW.SNIDERSURVEYS.COM

DATE OF LOCATIONS	SCALE: 1" = 30'
WALL CHECK:	DRAWN BY: K.D.S.
HSE. LOC.: 07-08-2020	JOB NO.: 20-02503



DEPARTMENT OF PERMITTING SERVICES

Marc Elrich
County Executive

Rabbiah Sabbakhan
Director

HISTORIC AREA WORK PERMIT APPLICATION

Application Date: 6/1/2023

Application No: 1033106
AP Type: HISTORIC
Customer No: 1466590

Comments

Replace one section of fence on the south end of the property with a taller and different type of fence. The section is 42' long and we want to install a 1"x4"x6' Wyngate with clapboard. The fence would transition from 6' to 4' in height as it approaches the property line heading to Magnolia Pkwy.

Affidavit Acknowledgement

The Homeowner is the Primary applicant
This application does not violate any covenants and deed restrictions

Primary Applicant Information

Address 17 MAGNOLIA PKWY
CHEVY CHASE, MD 20815
Homeowner Gielow (Primary)

Historic Area Work Permit Details

Work Type CONST
Scope of Work Replace existing fence with a new type and sized fence