

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

<b>Address:</b>	12 E. Melrose Street, Chevy Chase	<b>Meeting Date:</b>	5/22/2024
<b>Resource:</b>	Contributing Resource <b>Chevy Chase Village Historic District</b>	<b>Report Date:</b>	5/15/2024
<b>Applicant:</b>	Leslie McKay (Joshua Dean, Agent)	<b>Public Notice:</b>	5/8/2024
<b>Review:</b>	1066558	<b>Tax Credit:</b>	n/a
<b>Proposal:</b>	Hardscape alterations, pool alteration, fence alteration, and tree removal		

---

**STAFF RECOMMENDATION**

Staff recommends the HPC **approve** the HAWP application.

**ARCHITECTURAL DESCRIPTION:**

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



*Figure 1: The subject property is located near the eastern boundary of the historic district.*

## PROPOSAL

The applicant proposes several alterations to the pool area and patio in the rear, add a gate to the existing fence, and to remove a tree.

## 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.

### *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.

- *Fences* should be subject to moderate scrutiny if they are visible from the public right-of-way, lenient scrutiny if they are not.
- *Gazebos and other garden structures* should be subject to moderate scrutiny if they are visible from the public right-of-way, lenient scrutiny if they are not.
- *Lot coverage* should be subject to strict scrutiny, in view of the critical importance of preserving the Village’s open park-like character.
- *Sidewalks* should be subject to strict scrutiny with regard to the ir impact on landscaping, particularly mature trees. In addition, sidewalks pertaining to outstanding resources should be subject to strict scrutiny. In all other respects, sidewalks should be subject to moderate scrutiny.
- *Swimming pools* should be subject to lenient scrutiny. However, tree removal should be subject to strict crutiny as noted below.
- *Tree removal* should be subject to strict scrutiny and consistent with the Chevy Chase Village Urban Forest Ordinance.

- 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.

***Montgomery County Code; Chapter 24A-8***

- (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.

***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 alteration 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 subject property is a double lot, with the house oriented to the western side, which creates a large left-side yard. At the rear of the property, there is a swimming pool and a brick patio. The applicant proposes to make several changes to the rear of the property including:

- Repairs to the existing swimming pool (staff has determined these are in-kind and are not subject to HPC review),
- Removing the existing brick patio and replacing it with a flagstone patio,
- Constructing a free-standing fireplace and gravel area,
- Adding a gate to the existing fence,
- Adding steps to an existing rear deck,
- Replacing the front walk and adding a dry-laid stone path, and
- Removing one tree.

Staff find the collective impact of the work proposed will be minimal and Staff recommends the HPC approve the HAWP.

### **Rear Patio Alterations**

At the rear of the house, the applicant proposes to remove the existing brick patio, install a new in-ground spa, and install a new flagstone patio. The existing brick patio and pool area are not historic features and Staff finds their removal will not have an impact on the historic character of the site or surrounding district.

Staff finds the proposed flagstones are an appropriate material that has been widely approved in the Chevy Chase Village Historic District. Additionally, Staff finds the proposed hardscaping alterations, including the gravel area adjacent to the proposed fireplace (discussed below) will result in a nominal increase in paving at the subject property. The applicant calculated the existing pool deck hardscape is 1832.5 ft<sup>2</sup> (one thousand, eight hundred thirty-two and a half square feet), and the total proposed rear hardscaping is 1858 ft<sup>2</sup> (one thousand, eight hundred fifty-eight square feet). Finally, Staff finds that this work will not be at all visible from the public right-of-way and, per the *Design Guidelines*, this work should be subject to a very lenient review. Under these considerations, Staff finds the work will not have a negative impact on the character of the site or the surrounding historic district and recommends the HPC approve the rear patio alterations.

### **Fireplace Construction**

Along the east property line, the applicant proposes to construct a freestanding stone fireplace. The fireplace will be 12' 3" (twelve feet, three inches) tall and will be 9' 9 1/4" (nine feet, nine and one-quarter inches) wide at its base and narrows toward the top. The fireplace exterior will be covered in a stone veneer with flagstone caps. The applicant proposes to install a gravel area west of the proposed fireplace. The proposed gravel area measures approximately 20' × 20' (twenty feet square) and will have a flagstone border.

Under the *Design Guidelines*, the proposed fireplace should be reviewed under moderate scrutiny. Under this level of review, the primary concern is that the resource will still contribute to the historic character of the surrounding district. Staff finds this feature will be visible from the right of way, but that it will be seen as a contemporary garden feature that will not detract from the character of the surrounding district. Staff additionally finds that the structure could be removed in the future without impairing the integrity of the resource or surrounding historic district, per Standard 10. Staff further finds the adjacent gravel patio will not impact the character of the site and will not impact any existing trees. Staff recommends the HPC approve the proposed fireplace and gravel patio.

### **New Fence Gate**

The existing fence 5' (five foot) tall wood picket fence satisfies the county's fence requirement surrounding the pool area. The existing fence runs from the front wall plane of the house to the eastern property line, parallel to the street. The applicant proposes to install a 4' (four foot) wide gate in the existing fence. The gate will match the existing fence in design, materials, and height.

Staff finds the proposed gate will not have a significant impact on the character of the site or surrounding district and the only visible change will be installing an additional post to support the gate mechanism. Staff finds this change is de minimis and should be approved as a matter of course.

### **Rear Deck Stairs**

The existing wood deck has a set of rear-loading steps. The applicant proposes to install a second set of stairs, in wood, matching the appearance of the existing deck that will lead to the east toward the side yard. This change will not be at all visible from the public right-of-way.

Staff finds this change will not have a significant impact on the character of the site and is a minor modification to a non-historic feature. Staff additionally finds the material is appropriate for the site and existing construction and would have been approved at the Staff level if the alteration was proposed as a stand-alone modification. Staff recommends the HPC approve the deck stairs under 24A-8(b)(2) and (d), the *Design Guidelines*, and Standards 2, 9, and 10.

### **Front Walk Alteration and New Path**

The existing walkway at the front of the house is brick set in a herringbone pattern. It does not appear to be a historic feature. In its place, the applicant proposes to install a new path in flagstones that matches the proposed patio (discussed above). The width of the patio will be maintained, but the landing at the base of the stairs will be enlarged slightly. The applicant also proposes installing a dry-laid stone path along the left (east) side of the house in matching flagstones.

Staff finds the proposed flagstone is a material that is compatible with the character of the site and surrounding district. Staff further finds the minimal increase in the paved area will not have a significant visual impact on the site nor will it impact any trees. Staff recommends the HPC approve the new walk and path under the *Design Guidelines* and 24A-8(d).

### **Tree Removal**

The applicants propose to remove a Magnolia at the rear of the property. The applicants did not provide a measurement at breast height (d.b.h.) but did identify the tree as approximately 30' (thirty feet tall) and in declining health. A replacement tree was not included in the proposal, however, the applicant is proposing a full-site landscape plan.

Staff finds that the tree has several dead branches, as shown in *Figure 2*, below. Additionally, Staff finds the tree is not visible from the public right-of-way, due to its location directly behind the house and at the rear property line. While Staff finds the tree removal will not negatively impact the district's park-like setting and recommends the HPC approve the tree removal under the *Design Guidelines*, Staff reminds the applicant that Chevy Chase Village's Urban Forest Ordinance may require additional tree plantings and encourages the applicant to contact the Village office to ensure compliance. Any additional tree plantings will not require a Historic Area Work Permit.



*Figure 2: The magnolia proposed for removal.*

### **STAFF RECOMMENDATION**

Staff recommends that the Commission **approve** the HAWP application under the Criteria for Issuance in Chapter 24A-8(b)(1), (2), and (d) having found that the proposal 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: \_\_\_\_\_ E-mail: \_\_\_\_\_  
Address: \_\_\_\_\_ City: \_\_\_\_\_ Zip: \_\_\_\_\_  
Daytime Phone: \_\_\_\_\_ Tax Account No.: \_\_\_\_\_

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

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

**LOCATION OF BUILDING/PREMISE:** MIHP # of Historic Property \_\_\_\_\_

Is the Property Located within an Historic District?  Yes/District Name \_\_\_\_\_  
 No/Individual Site Name \_\_\_\_\_

Is there an Historic Preservation/Land Trust/Environmental Easement on the Property? If YES, include a map of the easement, and documentation from the Easement Holder supporting this application.

Are other Planning and/or Hearing Examiner Approvals /Reviews Required as part of this Application? (Conditional Use, Variance, Record Plat, etc.?) If YES, include information on these reviews as supplemental information.

Building Number: \_\_\_\_\_ Street: \_\_\_\_\_

Town/City: \_\_\_\_\_ Nearest Cross Street: \_\_\_\_\_

Lot: \_\_\_\_\_ Block: \_\_\_\_\_ Subdivision: \_\_\_\_\_ Parcel: \_\_\_\_\_

**TYPE OF WORK PROPOSED: See the checklist on Page 4 to verify that all supporting items for proposed work are submitted with this application. Incomplete Applications will not be accepted for review. Check all that apply:**

- |   |  |  |
|---|--|--|
| <input type="checkbox"/> New Construction   | <input type="checkbox"/> Deck/Porch          | <input type="checkbox"/> Shed/Garage/Accessory Structure |
| <input type="checkbox"/> Addition           | <input 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.

\_\_\_\_\_  
Signature of owner or authorized agent

\_\_\_\_\_  
Date

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

<b>Owner's mailing address</b>	<b>Owner's Agent's mailing address</b>
<b>Adjacent and confronting Property Owners mailing addresses</b>	



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

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

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

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

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

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

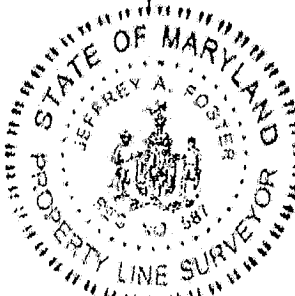
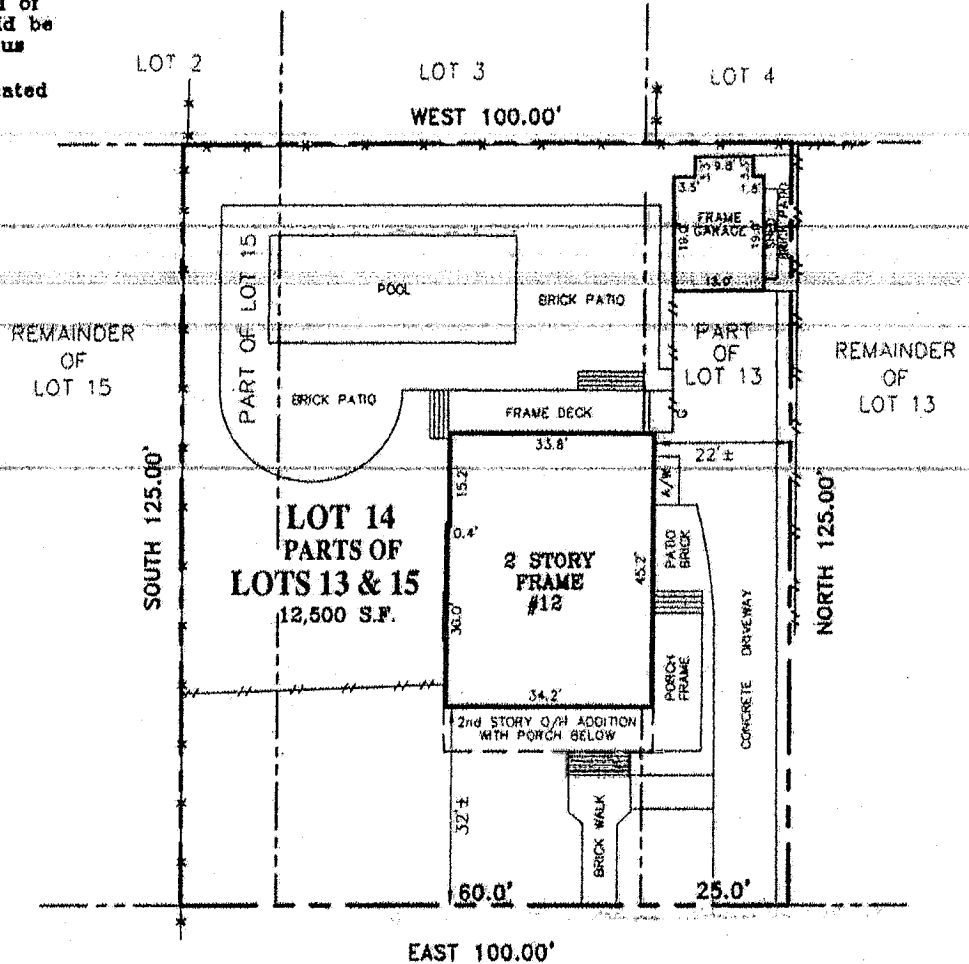
	Required Attachments						
Proposed Work	I. Written Description	2. Site Plan	3. Plans/ Elevations	4. Material Specifications	5. Photographs	6. Tree Survey	7. Property Owner Addresses
New Construction	*	*	*	*	*	*	*
Additions/ Alterations	*	*	*	*	*	*	*
Demolition	*	*	*		*		*
Deck/Porch	*	*	*	*	*	*	*
Fence/Wall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

**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.

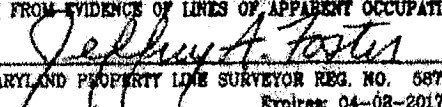
**Notes:**

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.  
Fences, if shown, have been located by approximate methods.



LOCATION DRAWING  
 LOT 14  
 &  
 PARTS OF LOTS 13 & 15  
 BLOCK 44  
 SECTION 2  
**CHEVY CHASE**  
 MONTGOMERY COUNTY, MARYLAND

**EAST MELROSE STREET**  
 (60' R/W PER PLAT)

SURVEYOR'S CERTIFICATE	REFERENCES	SNIDER & ASSOCIATES LAND SURVEYORS	
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.	PLAT BK. 2 PLAT NO. 108	20270 Goldenrod Lane, Suite 110 Germantown, Maryland 20876 301/948-6100 Fax 301/948-1286	
 MARYLAND PROPERTY LINE SURVEYOR REG. NO. 587 Expires: 04-02-2017	LIBER FOLIO	DATE OF LOCATIONS	SCALE: 1" = 30'
		WALL CHECK:	DRAWN BY: D.M.L.
		HSE. LOC.: 08-29-15	JOB NO.: 15-02295

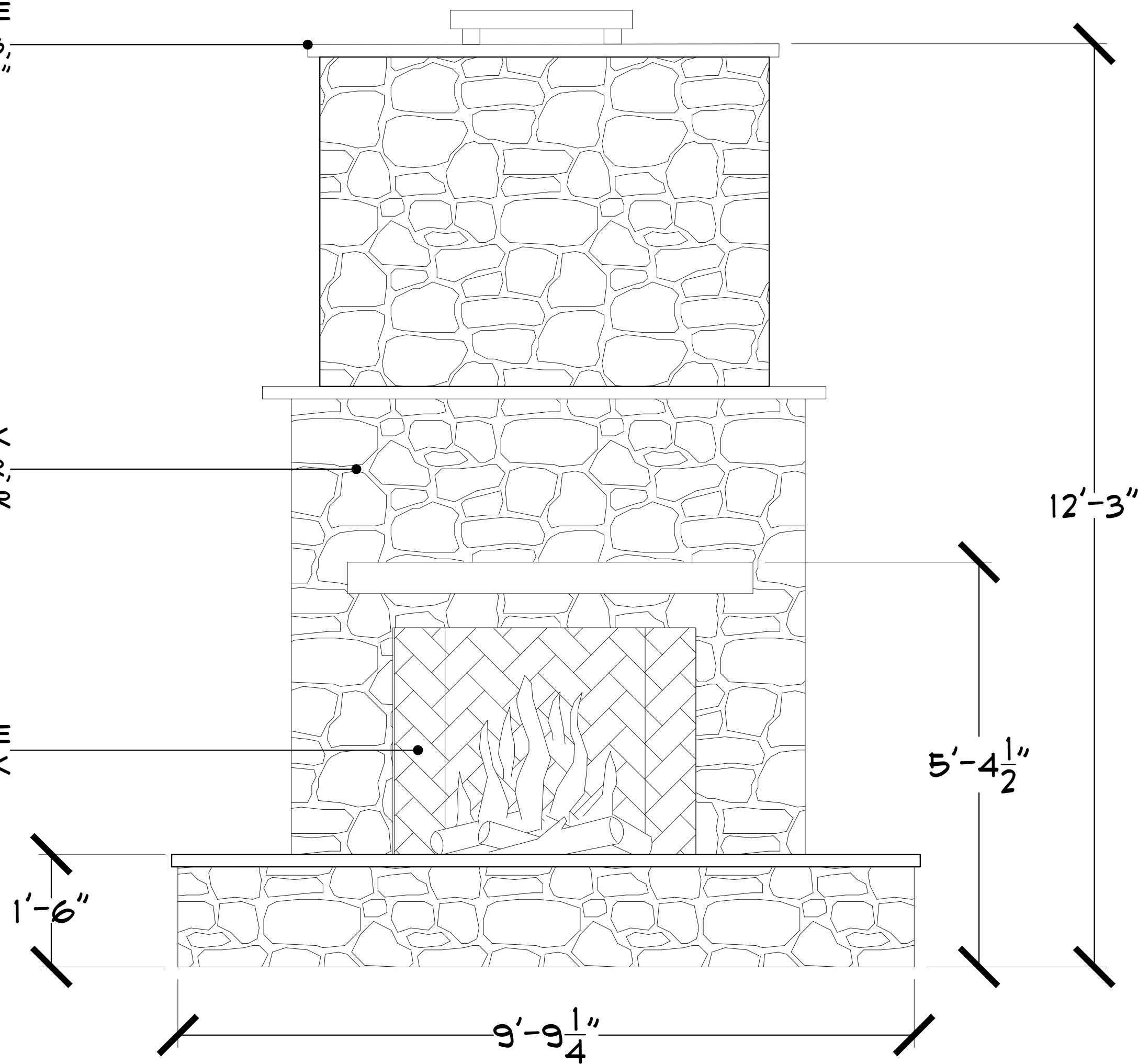
# FIREPLACE DETAIL

SCALE: 3/4"=1'-0"

THERMAL FLAGSTONE  
CAPS & ACCENTS,  
2" TO 5"

CARDEROCK  
STONE VENEER,  
BLIND MORTAR

HERRINGBONE  
FIRE BRICK



## EXAMPLES/MATERIALS

CARDEROCK FIREPLACE WITH THERMAL FLAGSTONE DETAILS



BUFF/GRAY GRAVEL AREA

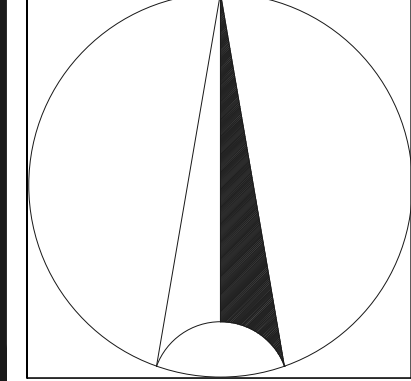
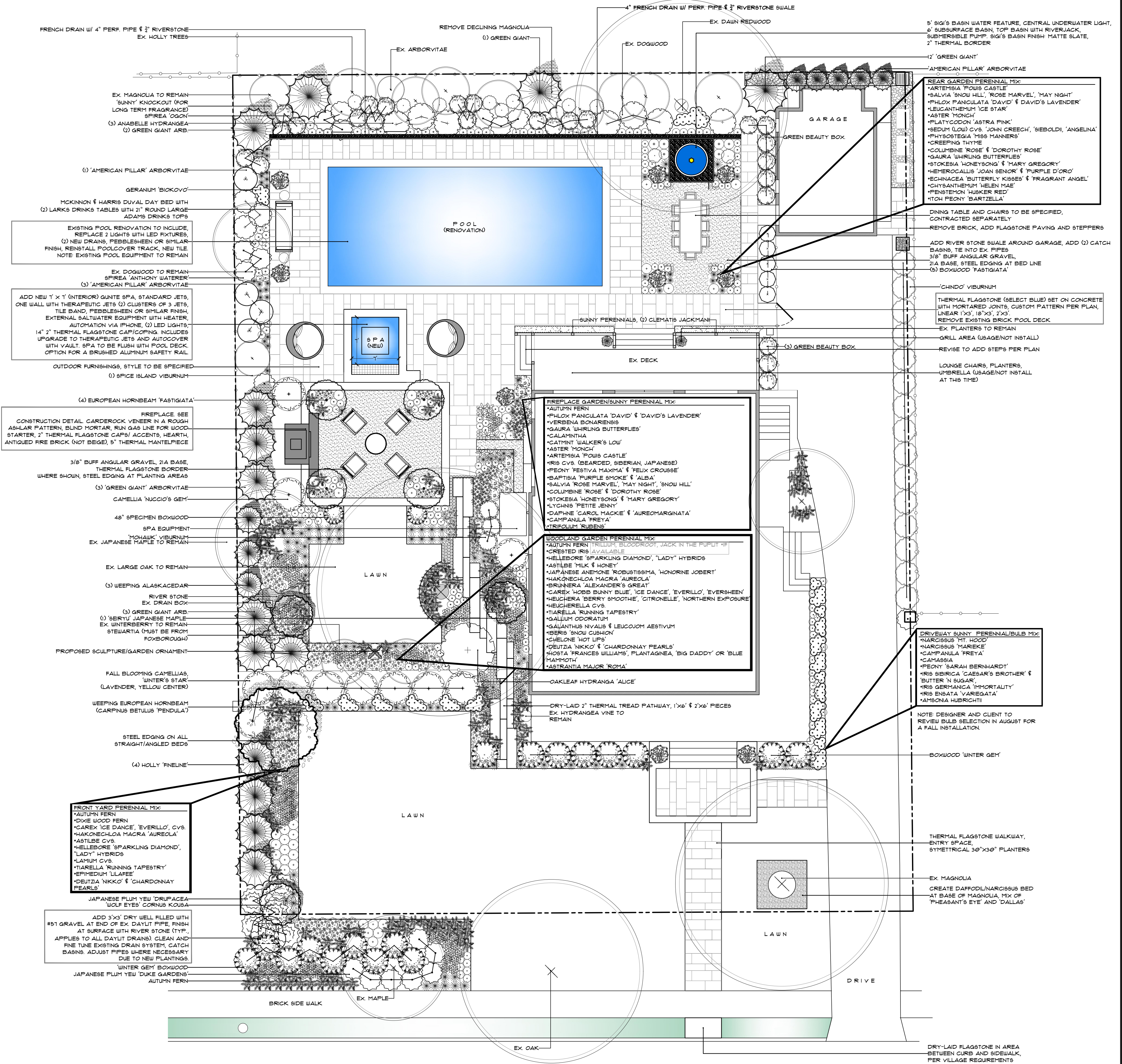


FOUR SEASON GARDEN: EVERGREENS, ORNAMENTALS, PERENNIALS





**PLAN VIEW**  
SCALE: 1/8" = 1'-0"



**THE MCKAY RESIDENCE**  
12 E MELROSE STREET  
CHEVY CHASE, MD  
20815

**MASTER PLAN**

SCALE: 1/8" = 1'-0"  
DESIGNED BY: JOSHUA DEAN  
DATE: 4-17-2024  
PAGE: 1 OF 1  
REVISIONS:

LANDSCAPE  
DESIGN  
+  
CONSTRUCTION



(703) 641-4790 WHEATSCON.COM

















12







**WARNING**  
PROTECTED BY  
**CRIMPCO**  
CRIME PREVENTION COMPANY  
OF AMERICA, INC.  
PHOTO  
410-484-0363  
MAY 2011  
301-953-6661















































































