

MONTGOMERY COUNTY HISTORIC PRESERVATION COMMISSION
STAFF REPORT

Address:	15 West Lenox Street, Chevy Chase	Meeting Date:	5/8/2024
Resource:	Contributing Resource (Chevy Chase Village Historic District)	Report Date:	5/1/2024 5/2/2024
		Public Notice:	4/24/2024
Applicant:	15 West Lenox Street Trust (Amber Phaire, agent)	Tax Credit:	N/A
Review:	HAWP	Staff:	Chris Berger

Permit Number: 1065230

PROPOSAL: Hardscape/landscape (pond) installation

STAFF RECOMMENDATION:

Staff recommends that the HPC **approve with one condition** the HAWP application with final approval delegated to staff:

1. ~~The applicant shall provide specifications for the stone coping along the perimeter of the proposed pond.~~

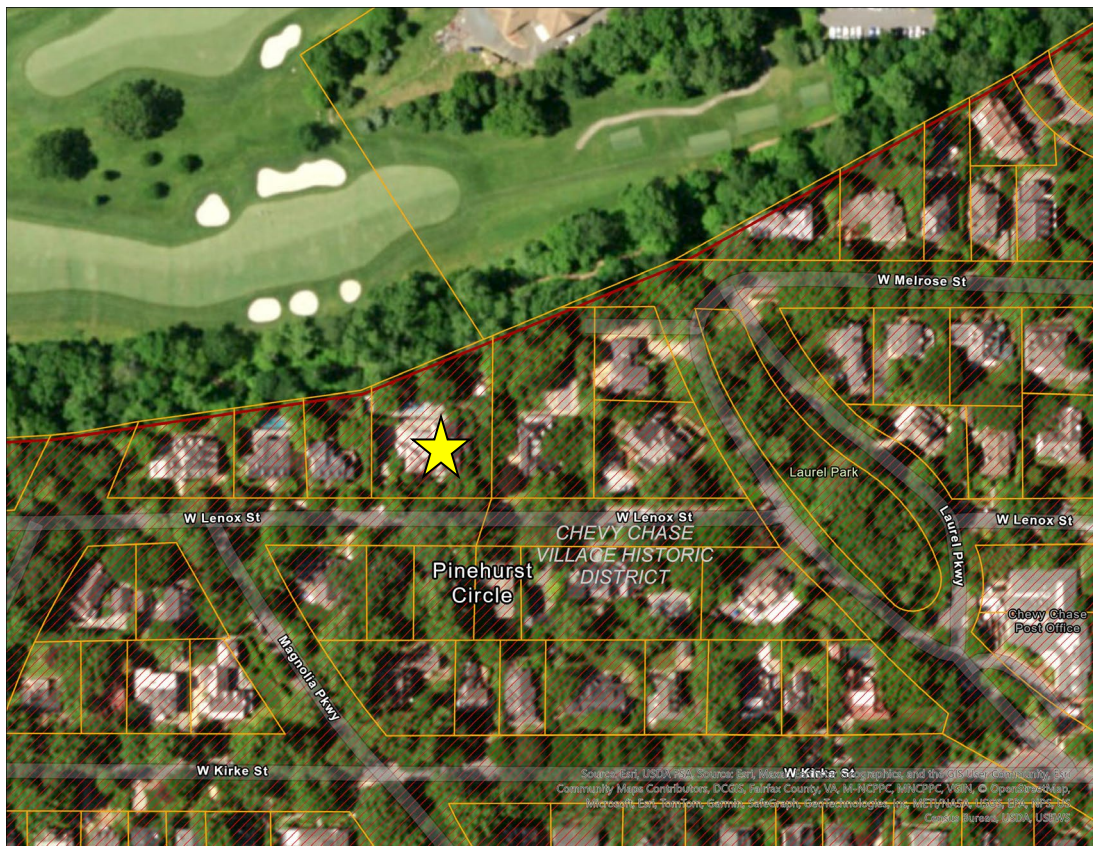


Figure 1: The subject property is located on West Lenox Street in the Chevy Chase Village Historic District.

ARCHITECTURAL DESCRIPTION

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

PROPOSAL

The applicant described the work as follows:

The scope of site work includes a new at-grade (13'-9" diameter) pond in the North-East corner of the property. The pond will be constructed from a prefabricated fiberglass liner. A stone coping will be included around the perimeter of the pond. The proposed work will not be visible from the front facade of the property or from adjacent properties.

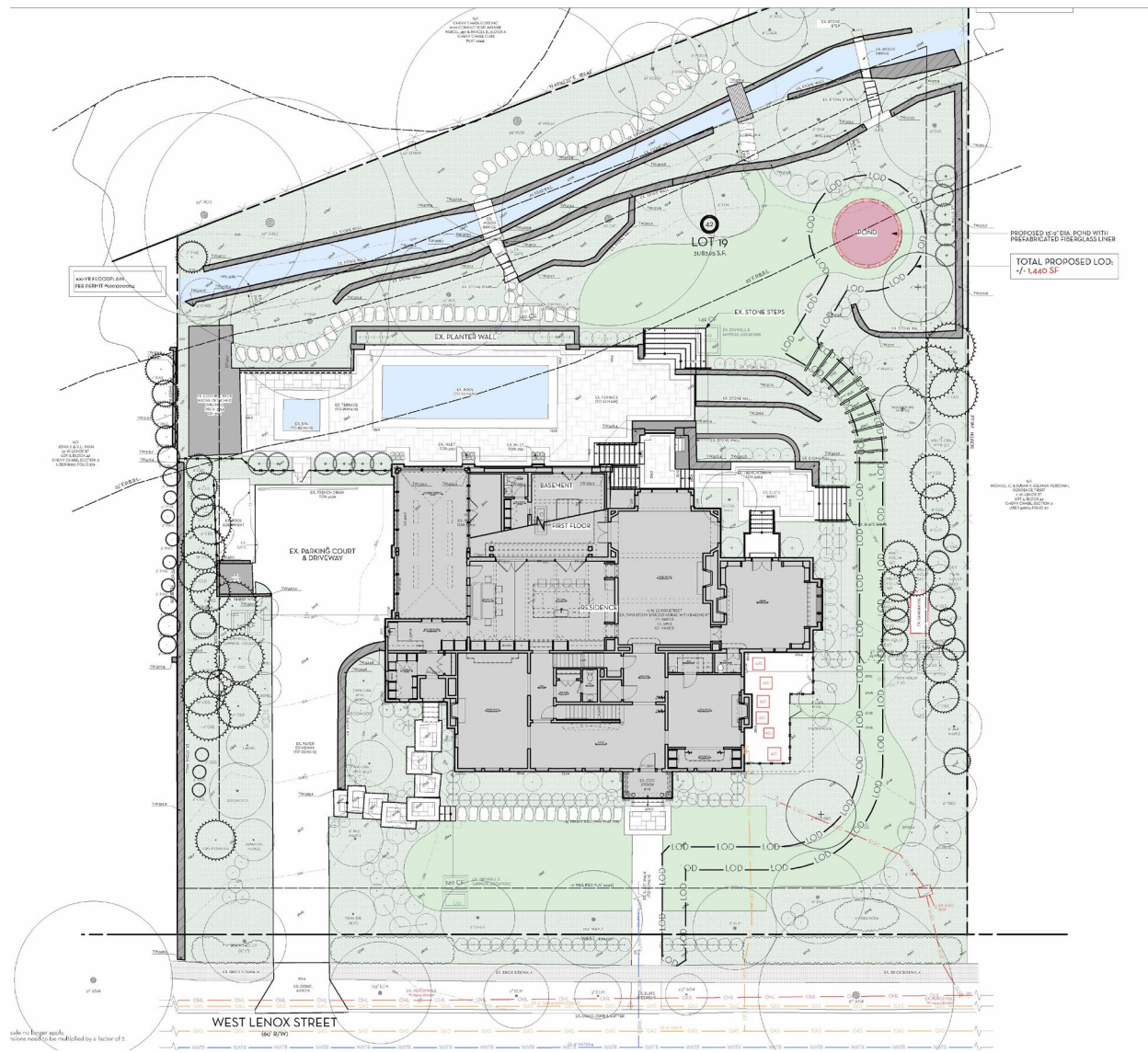


Figure 2: The site plan shows the proposed pond in red in the property's northeast corner.

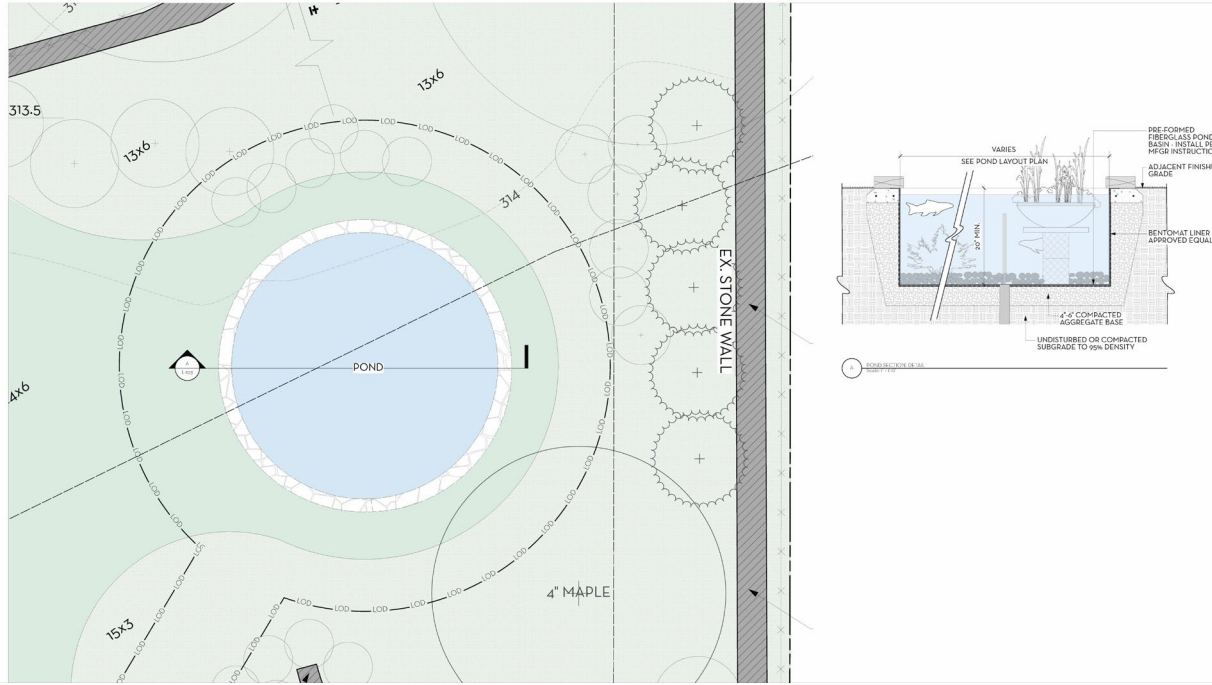


Figure 3: The plan for the pond. It will be at least 20 inches deep.



Figure 4: The applicant provided this photo that shows the area where the pond will be located, facing southeast toward the back of the residence.

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 HPC in developing their decision. These documents include *Montgomery County Code Chapter 24A (Chapter 24A)*, the historic preservation review guidelines in the approved and adopted amendment for the *Chevy Chase Village Historic District (Guidelines)*, and *the Secretary of the Interior's Standards for Rehabilitation (Standards)*. The pertinent information in these documents is outlined below.

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
- (c) It is not the intent of this chapter to limit new construction, alteration or repairs to any 1 period or architectural style.
- (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 scrutiny: lenient, moderate, and strict.

“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.

- *Exterior trim* (such as moldings on doors and windows) on contributing resources should be subject to moderate scrutiny if it is visible from the public right-of-way, lenient scrutiny if it is not. Exterior trim on Outstanding resources should be subject to strict scrutiny if it is visible from the public right-of-way.
- *Lot coverage* should be subject to strict scrutiny, in view of the critical importance of preserving the Village's open park-like character.
- *Major additions* should, where feasible, be placed to the rear of the existing structure so that they are less visible from the public right-of-way.
- *Siding* should be subject to moderate scrutiny if it is visible from the public right-of-way, lenient scrutiny if it is not.

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.

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

Staff supports installation of the pond and recommends approval. It will not result in any material change to the historic resource. The pond will measure 149 square feet and be located in the northeast corner of the property. The pond's simple, circular design will be lined with stone joined by mortar. Staff seeks a condition that the applicant provide a specification for the stone.

The *Guidelines* state that 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 and should be approved as a matter of course. The pond will be approximately 150 feet from the right of way and will not be visible. In accordance with the

relevant sections of Chapter 24A-8(b), the proposal will not substantially alter the exterior features of an historic resource within an historic district and the proposal is compatible in character and nature with the historic resource. Per the applicable *Standards*, the historic character of the property will be retained and preserved by the new construction; the work will not destroy historic materials that characterize a property; and the integrity of the historic property and environment will be unimpaired if the improvements are removed in the future.

STAFF RECOMMENDATION

Staff recommends that the Commission **approve with one condition** the HAWP application ~~with final approval delegated to staff:~~

1. ~~The applicant shall provide specifications for the stone coping along the perimeter of the proposed pond.~~

under the Criteria for Issuance in Chapter 24A-8(b)(1), (2), and (d), having found that the proposal, as modified by the conditions, 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 HPC 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 chris.berger@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]

Owner's mailing address	Owner's Agent's mailing address
Adjacent and confronting Property Owners mailing addresses	

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:

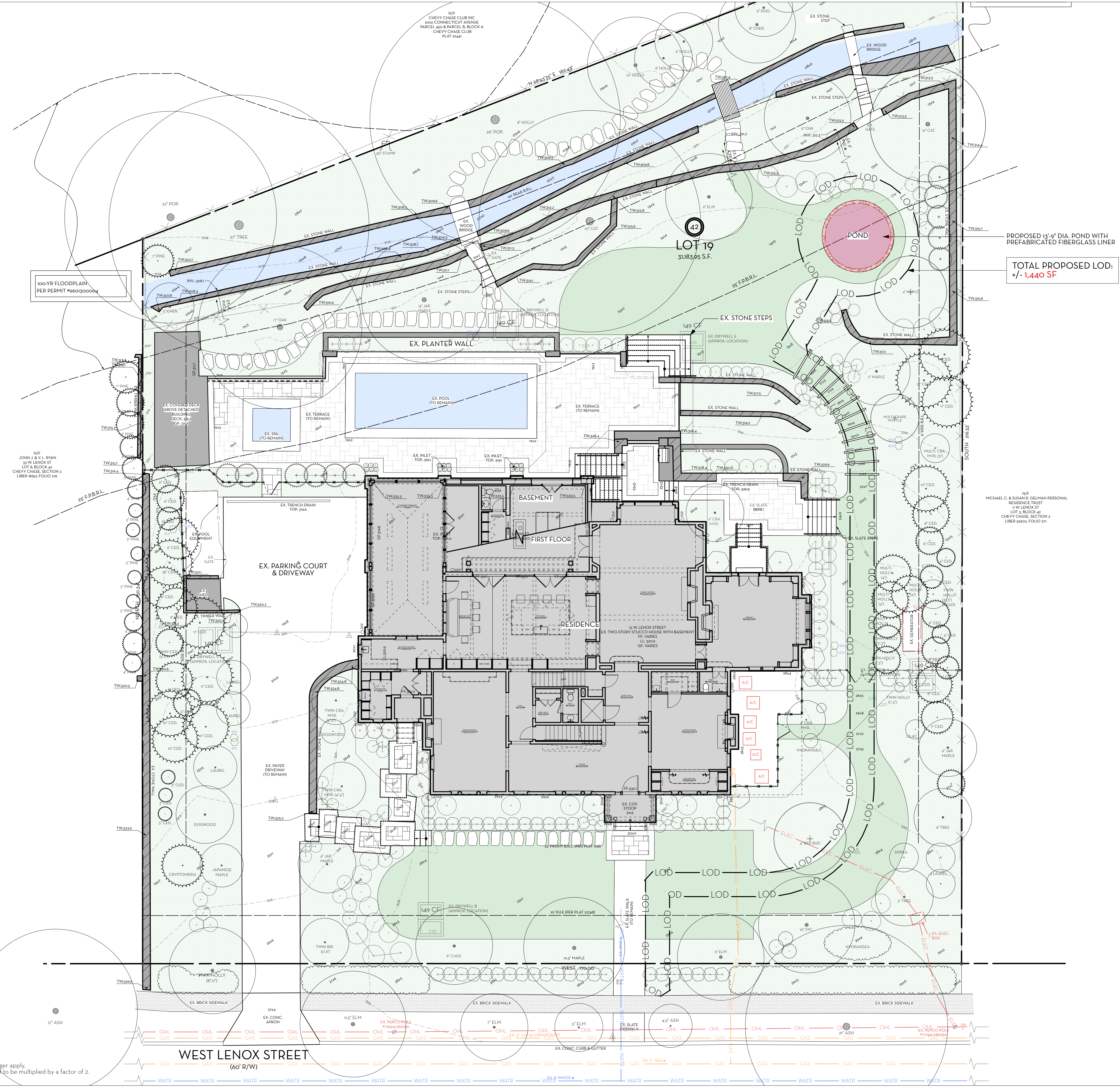
**HISTORIC AREA WORK PERMIT
CHECKLIST OF
APPLICATION REQUIREMENTS**

	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	*	*	*	*	*		*

LEGEND:

- EX. DECIDUOUS TREE
- EX. CONIFEROUS TREE
- PROPOSED DECIDUOUS TREE
- PROPOSED EVERGREEN TREE
- PROPOSED DECIDUOUS SHRUB
- PROPOSED EVERGREEN SHRUB
- PROPOSED PLANTING BED
- PROPOSED LAWN
- PROPOSED WALL (131 SQ TOTAL)
- PROPERTY LINE
- EXISTING WALL
- EXISTING FENCE
- PROPOSED FENCE
- SETBACK LINE
- EXISTING CONTOUR
- PROPOSED CONTOUR
- LIMIT OF DISTURBANCE
- PROPOSED HARDSCAPE

PROJECT INFO:
 THE SCOPE OF SITE WORK INCLUDES A NEW AT-GRADE (15'-9" DIAMETER) POND IN THE NORTH-EAST CORNER OF THE PROPERTY. THE POND WILL BE CONSTRUCTED FROM A PREFABRICATED FIBERGLASS LINER. A STONE COPING WILL BE INCLUDED AROUND THE PERIMETER OF THE POND. THE PROPOSED WORK WILL NOT BE VISIBLE FROM THE FRONT FACADE OF THE PROPERTY OR FROM ADJACENT PROPERTIES.



PROPOSED 15'-9" DIA. POND WITH PREFABRICATED FIBERGLASS LINER

TOTAL PROPOSED LOD: +/- 1,440 SF

100-YR FLOODPLAIN PER PERMIT #9601300004

N/P JOHN J. & V.L. SWAN 18 W LENOX ST LOT 3 BLOCK 42 CHEVY CHASE, SECTION 1 LIBER 18662 FOLIO 216

N/P MICHAEL C. & SUSAN S. GELMAN PERSONAL RESIDENCE TRUST 18 W LENOX ST LOT 5 BLOCK 42 CHEVY CHASE, SECTION 1 LIBER 18662 FOLIO 221

If this drawing is not 24" x 36", it is a reduced print, and notations of scale no longer apply.
 If this drawings is 12" x 18", it is a 50% reduced print, and scaled dimensions need to be multiplied by a factor of 2.

WEST LENOX STREET (60' R/W)

CHLA

CAMPION/HRUBY

111 Cathedral Street, Suite 100 | Annapolis, MD 21401
 O: 410.280.8850 campionhruby.com

Consultants:

Project #: 22328

KAPLAN RESIDENCE

15 West Lenox Street
 Chevy Chase, MD 20815

02 APRIL 2024

100% CONSTRUCTION DOCUMENT SET

No.	Date	Description

Drawn By: EF Proj. Manager: AP

Approved By: BH

N

Scale: 1" = 10'-0"

OVERALL SITE PLAN - HAWP

L-100



CAMPION/HRUBY

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KAPLAN RESIDENCE

15 West Lenox Street
Chevy Chase, MD 20815

02 APRIL 2024

100% CONSTRUCTION DOCUMENT SET

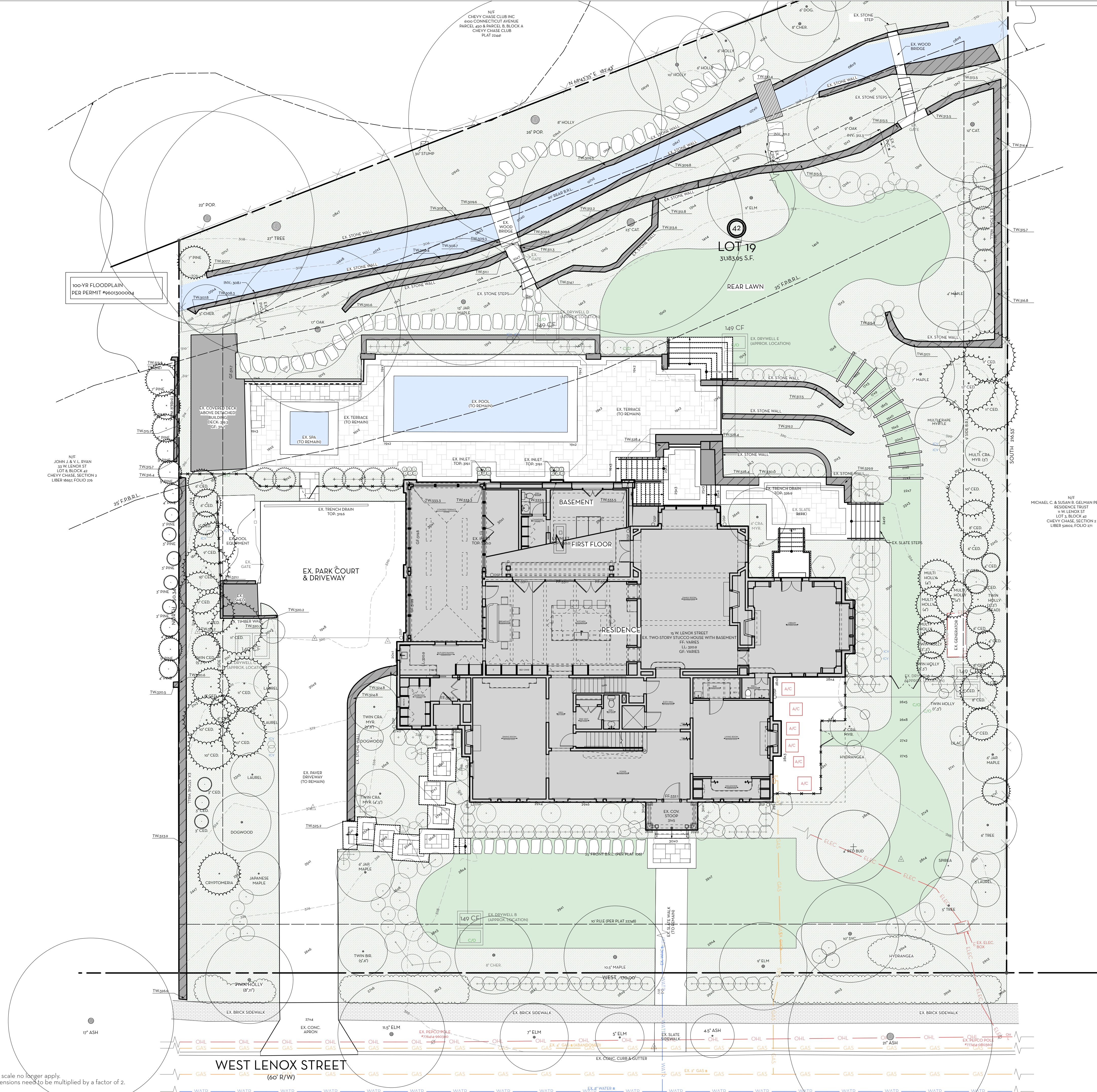
No.	Date	Description
1	9/28/23	REVISION
2	10/12/23	MONTE CO REVISION

Drawn By: EF Proj. Manager: AP
Approved By: BH

N
Scale: 1" = 10'-0"

TREE INVENTORY PLAN

L-101



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If this drawings is 12" x 18", it is a 50% reduced print, and scaled dimensions need to be multiplied by a factor of 2.



EXISTING TERRACE WALLS FROM REAR LAWN



EX. STEPS TO REAR LAWN



EXISTING SPA & POOL TERRACE



EXISTING STAIRS TO LOWER LAWN



EXISTING EAST SIDE FENCING



EXISTING POOL TERRACE AND STAIRS TO UPPER TERRACE



EX. UPPER POOL TERRACE



EXISTING EAST SIDE FENCING



EXISTING STREAM TOWARD END OF REAR PROPERTY LINE

CHLA

CAMPION/HRUBY

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 O: 410.280.8850 campionhruby.com

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Project #: 22328

KAPLAN RESIDENCE

15 West Lenox Street
 Chevy Chase, MD 20815

02 APRIL 2024

100% CONSTRUCTION DOCUMENT SET

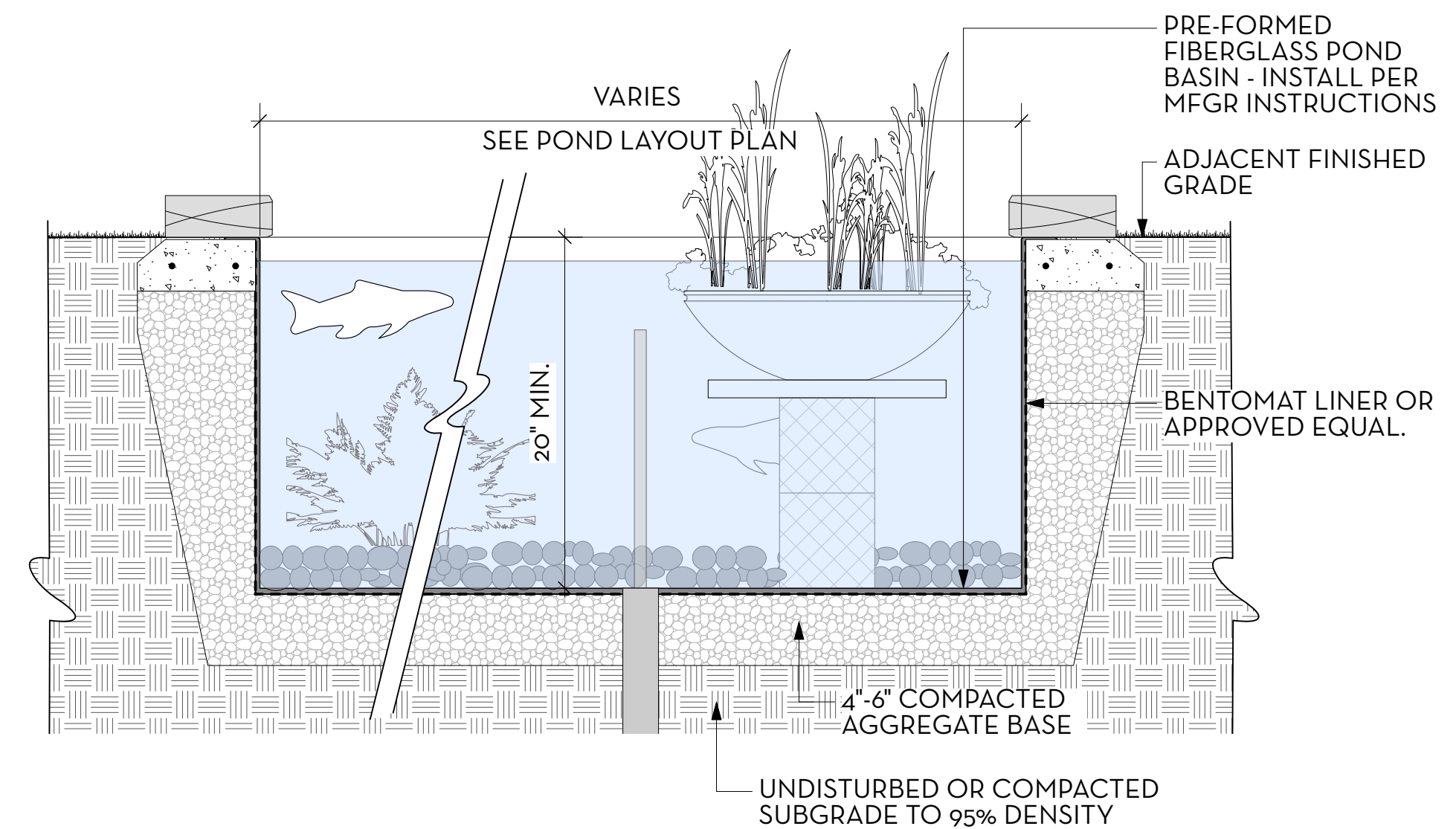
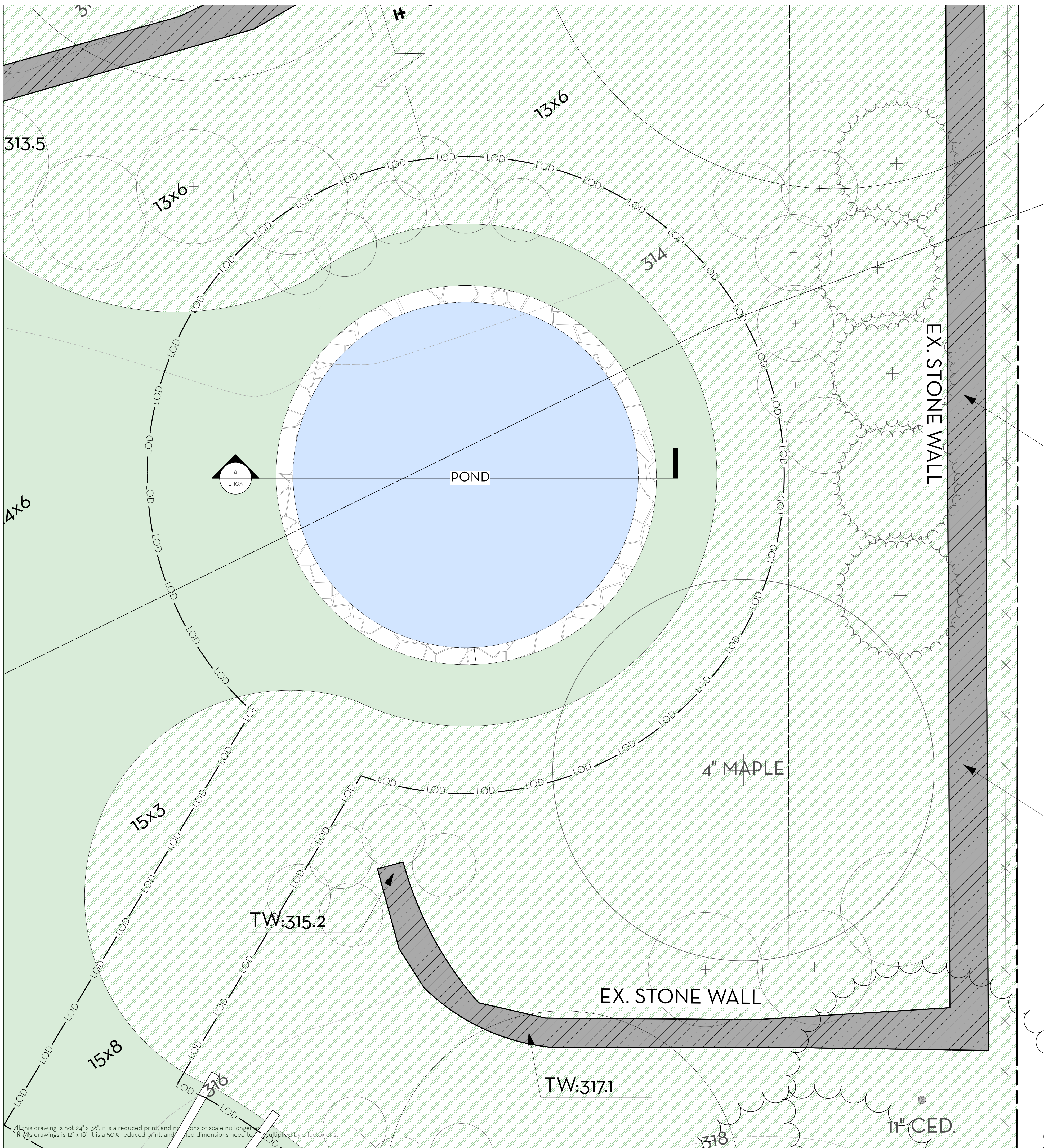
No.	Date	Description

Drawn By: EF Proj. Manager: AP
 Approved By: BH

Scale: N.T.S.

EXISTING SITE PHOTOS - REAR

L-102



A POND SECTION, DETAIL
Scale: 1" = 1'-0"



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Project #: 22328

KAPLAN RESIDENCE

15 West Lenox Street
Chevy Chase, MD 20815

02 APRIL 2024

100% CONSTRUCTION DOCUMENT SET

No.	Date	Description

Drawn By: EF Proj. Manager: AP
Approved By: BH

N
Scale: As Shown

ACCESSORY STRUCTURE DETAILS

L-103

If this drawing is not 24" x 36", it is a reduced print, and dimensions of scale no longer apply. If this drawing is 12" x 18", it is a 50% reduced print, and dimensions need to be multiplied by a factor of 2.



DEPARTMENT OF PERMITTING SERVICES

Marc Elrich
County Executive

Rabbiah Sabbakhan
Director

HISTORIC AREA WORK PERMIT APPLICATION

Application Date: 4/2/2024

Application No: 1065230
AP Type: HISTORIC
Customer No: 1488537

Affidavit Acknowledgement

The Contractor is the Primary applicant authorized by the property owner
This application does not violate any covenants and deed restrictions

Primary Applicant Information

Address 15 W LENOX ST
CHEVY CHASE, MD 20815
Othercontact Campion Hruby Landscape Architects (Primary)

Historic Area Work Permit Details

Work Type ADD
Scope of Work THE SCOPE OF SITE WORK INCLUDES A NEW AT-GRADE (13'-9" DIAMETER) POND IN THE NORTH-EAST CORNER OF THE PROPERTY. THE POND WILL BE CONSTRUCTED FROM A PREFABRICATED FIBERGLASS LINER. A STONE COPING WILL BE INCLUDED AROUND THE PERIMETER OF THE POND. THE PROPOSED WORK WILL NOT BE VISIBLE FROM THE FRONT FACADE OF THE PROPERTY OR FROM ADJACENT PROPERTIES.

From: [Amber Phaire](#)
To: [Berger, Chris](#)
Subject: Re: 15 West Lenox Street, Chevy Chase - HAWP No. 1065230
Date: Tuesday, April 23, 2024 11:14:32 AM

[EXTERNAL EMAIL] Exercise caution when opening attachments, clicking links, or responding.

Hi Chris,

I will plan on attending the HPC meeting on May 8.

I can send the photos of the proposed pond area on Thursday.

The stone coping will match the wall stone material that currently exists on site. The dimensions will roughly be 8"Lx4"Wx3"D. The coping will be set in mortar. I will send photos of this as well.

Should I send the photos directly to you, or do they need to be uploaded to the site?

Thanks,

On Tue, Apr 23, 2024 at 11:03 AM Berger, Chris <Chris.Berger@montgomeryplanning.org> wrote:

Good morning,

Your Historic Area Work Permit application to install a pond in the rear yard at 15 West Lenox Street in Chevy Chase is scheduled for Historic Preservation Commission review at its May 8 meeting. Please plan to have a project representative attend the meeting, which will begin at 7 p.m. at the Maryland-National Capital Park and Planning Commission Wheaton Headquarters Auditorium on the 2nd floor at [2425 Reedie Drive](#) in Wheaton. Staff has no concerns with the project.

Staff has 3 questions/comments:

- Can you email me a photo of the area of the yard where the pond will be installed?
- Provide specifications for the stone coping to surround the pond. This could be a representative photo of the stone to be used with approximate dimensions (length, width, and thickness).
- Will the stone coping be affixed with mortar?

Please provide your responses by this Friday, April 26.

Chris Berger, AICP

Cultural Resources Planner III

Montgomery County Planning Department

2425 Reedie Drive, 13th Floor, Wheaton, MD 20902

Chris.Berger@montgomeryplanning.org

Office: 301-495-4571

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Amber Phaire, ASLA, PLA

Senior Associate



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