

MONTGOMERY COUNTY HISTORIC PRESERVATION COMMISSION
STAFF REPORT

Address:	5800 Connecticut Avenue, Chevy Chase	Meeting Date:	9/4/2024
Resource:	Non-Contributing Resource (Chevy Chase Village Historic District)	Report Date:	8/28/2024
Applicant:	George Pearce IV	Public Notice:	8/21/2024
Review:	HAWP	Tax Credit:	No
Permit Number:	1082040	Staff:	Chris Berger
PROPOSAL:	Fencing installation.		

STAFF RECOMMENDATION

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

1. The applicant must provide plans or a representative photo of the two proposed gates.
2. The finished side of the fence must face the right of way.

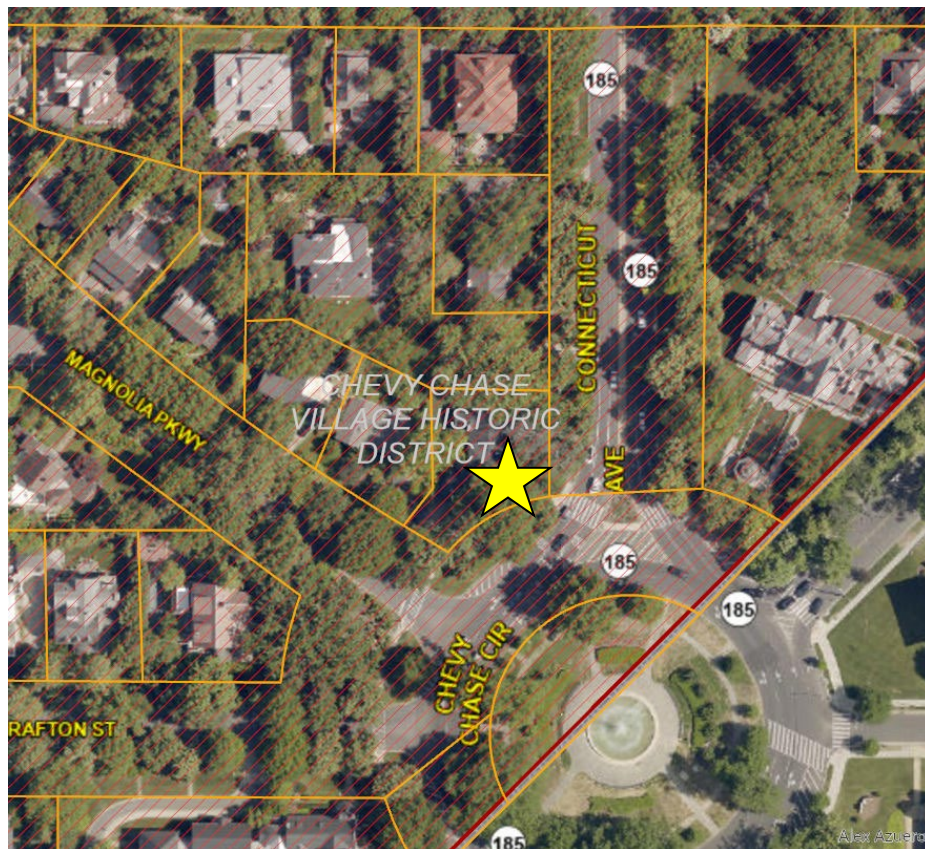


Figure 1: The subject property in the Chevy Chase Village Historic District is indicated with a yellow star. The district boundaries are marked with a red line and red cross hatching.

PROPERTY DESCRIPTION

SIGNIFICANCE: Non-Contributing Resource within the Chevy Chase Village Historic District
STYLE: Modern Split Level
DATE: circa 1958

The irregularly shaped property measures 0.29 of an acre (*Figures 2-3*). It is located at the northwest section of Chevy Chase Circle at the confluence of Magnolia Parkway and Connecticut Avenue. The existing painted wood picket fence measures 4 feet tall.



Figure 2: This image shows the existing fence as viewed from Connecticut Avenue. Source: Google



Figure 3: This image shows the existing fence as viewed from Magnolia Parkway. Source: Google

PROPOSAL

The applicant seeks to replace the 4-foot tall wood picket fence with a 5-foot tall pressure-treated wood solid board fence with a 1-foot tall diagonal lattice on top (*Figures 4-5*). Including the wood caps on top, the total fence height will be 6 feet, 4 inches, tall. The fence will have two gates: one at the driveway along Magnolia Avenue and another along the walkway at Connecticut Avenue. The applicant said the higher fence is necessary to improve safety and security and to reduce noise and pollution.



Figure 4: The applicant provided this representative photo of the fence to be installed at the subject property. It will stand 6 feet, 4 inches, tall with a 5-foot tall solid board base, 1-foot tall lattice top, and 4-inch tall post caps.

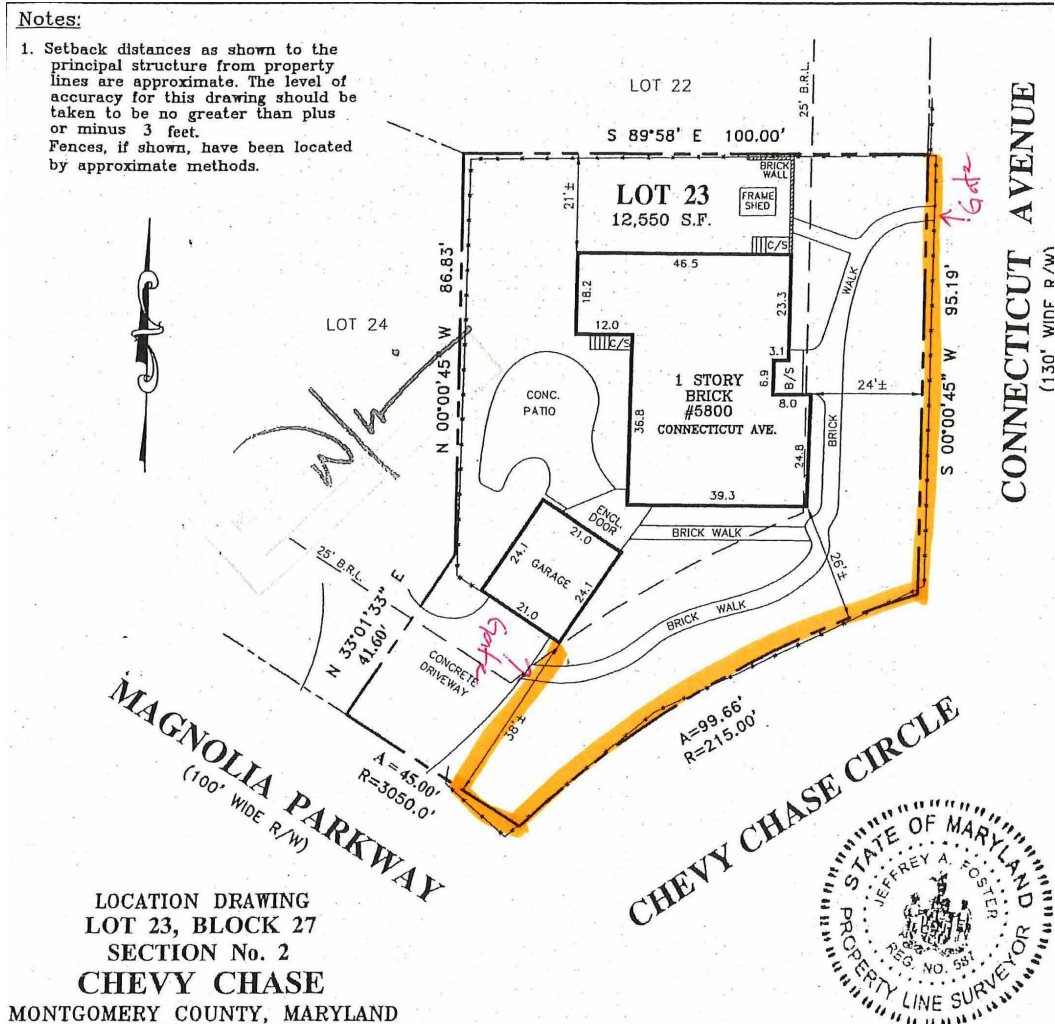


Figure 5: The applicant provided this site plan to show the proposed fence location, highlighted in orange. Unlike the existing fence, the replacement fence will be located within the property boundaries.

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 *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

(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* note the importance of Chevy Chase Circle:

Outstanding landscape features which bear testimony to Nathan Barrett's original landscape plan, include the arched canopy of trees framing West Irving Street, and triangular parklike lots at Magnolia Parkway and Chevy Chase Circle, and at Laurel Parkway and Kirke Street. A major landscape feature - Chevy Chase Circle, located on the DC-Maryland border - unites the two jurisdictions and provide a gateway to Chevy Chase. The sandstone fountain, built in 1932 and dedicated to Newlands, was recently restored by the Chevy Chase Land Company.

The *Guidelines* state that the following five basic policies should be adhered to:

1. Preserving the integrity of the proposed 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.
2. Preserving the integrity of the contributing structures in the district. Alterations to contributing structures should be designed in such a way that the altered structure still contributes to the district.
3. Maintaining the variety of architectural styles and the tradition of architectural excellence.
4. 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.
5. Alterations to the portion of a property that are not visible from the public right-of-way should be subject to very lenient review. Most changes to rear of the properties should be approved as a matter of course.

The direction for fences in the *Guidelines* reads:

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.

Moderate and Strict Scrutiny are defined as follows:

"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 proposed changes should be reviewed with extra care.

Non-Contributing/Out-of-Period Resources read are as follows:

Non-contributing/out-of-period resources are either buildings that are of little or no architectural and historical significance to the historic district or newer buildings constructed outside the district's primary period of historical importance. HAWP applications for exterior alterations, changes, and/or additions to these types of resources should receive the most lenient level of design review.

Most alterations and additions to non-contributing/out-of-period resources should be approved as a matter of course. The only exceptions would be major additions and alterations to the scale and massing of the structure which affect the surrounding streetscape and/or landscape and could impair the character of the historic district as a whole.

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.

STAFF DISCUSSION

Staff supports the proposed fence with conditions. The applicant proposes to replace the existing 4-foot tall wood picket fence along the Chevy Chase Circle, Magnolia Parkway, and Connecticut Avenue rights of way with a fence totaling 6 feet, 4 inches, that will have a 5-foot tall base, 1-foot tall lattice, and 4-inch tall cap.

Per Chapter 24A-8(d), the HPC is to 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. Similarly, the subject property is a Non-Contributing Resource in the Chevy Chase Village Historic District, and according to the design guidelines exterior changes are to receive the most lenient level of design review and should be approved as a matter of course with the exception of major additions and alterations to the scale and massing of the structure which affect the surrounding streetscape and/or landscape and could impair the character of the historic district as a whole.

The HPC's longstanding standard is to limit fence heights to 4 feet tall when they extend beyond the rear wall plane of the building's original footprint. This standard seeks to maintain the openness between houses in historic neighborhoods with the position that fences taller than 4-feet located in side yards

create visual barriers between properties and can obscure architecturally significant or notable features of the historic house(s). Staff regularly administratively approves 6-foot tall fences in rear yards and fences less than 4-feet tall in side yards.

The *Guidelines* state that fences should be subject to strict scrutiny if they detract significantly from the existing open streetscape. Staff does not find that to be the case with the subject property, where the fence will be set back approximately 30 feet from both Connecticut Avenue and Magnolia Parkway. It will be approximately 20 feet from Chevy Chase Circle at its closest point, but most of the fence will be at least 30 feet away from the edge of the Circle, so the visual impact of the taller and solid fence will be minimal. The *Guidelines* continue that fences should be subject to moderate scrutiny if they are visible from the public right of way. Staff finds the fence meets the moderate scrutiny because the fence is of a compatible material and preserves the integrity of the Non-Contributing Resource.

Further, staff finds the request meets Chapter 24A-8(b)(1), because the proposed fence will not substantially alter either the exterior features of the historic resource or the parklike setting of the historic district. As noted, the fence will be set back from the right of way, limiting its visibility. Further, the 1-foot tall lattice on top will limit the fence's visual impact.

The fence also meets Chapter 24A-8(b)(2), because it is compatible in character and nature with the architectural features of the historic district. Connecticut Avenue and Chevy Chase Circle each have three lanes and are well traversed thoroughfares, and other historic properties within the Chevy Chase Historic District have installed barriers to limit the impact of traffic on their properties. For example, the Newlands-Corby Mansion across the Connecticut Avenue from the subject property at 9 Chevy Chase Circle is both Contributing Resource to the district and a Master Plan Historic Site. It has an approximately 4-foot stone wall with what appears to be a 2-foot tall metal topper that is wrapped and has been present for at least 15 years (*Figure 6*).

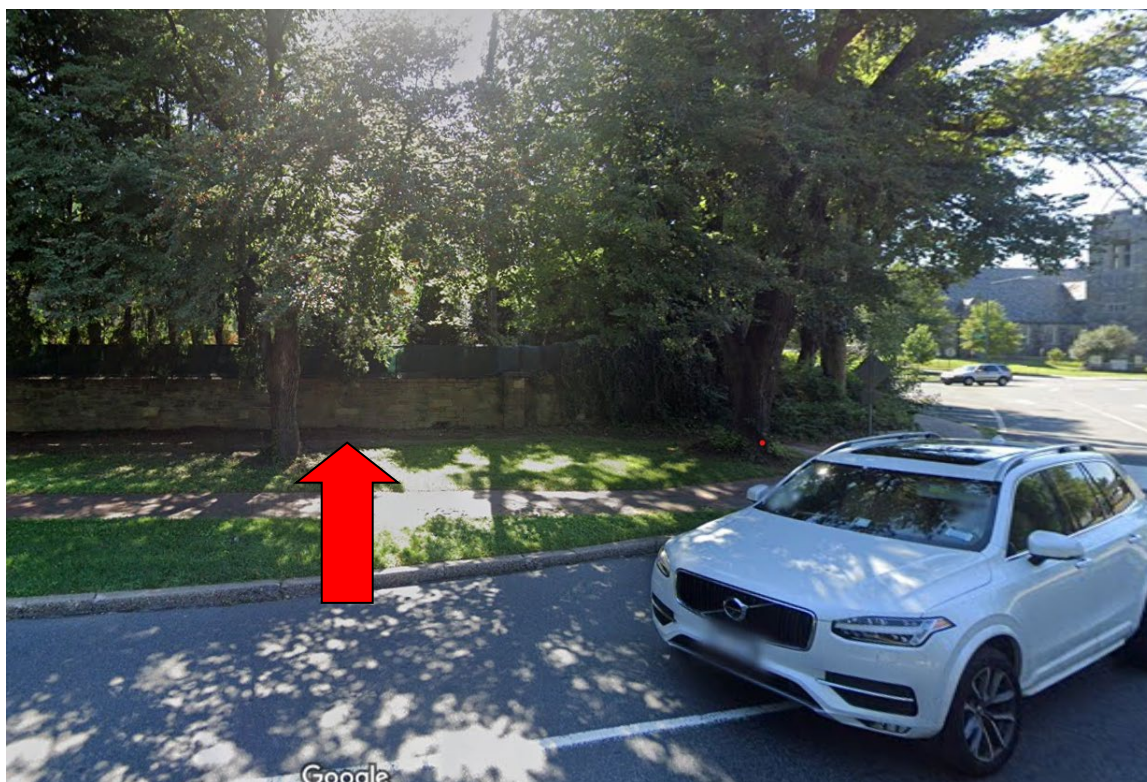


Figure 6: The fence at 9 Chevy Chase Circle, across Connecticut Avenue from the subject property, has an approximately 4-foot tall stone base with 2 foot tall topper. Source: Google

A block north at 5900 West Irving Street, another Contributing Resource, an approximately 6-foot tall solid board fence extends along Connecticut Avenue (*Figure 7*). It too has been present for at least 15 years.



Figure 7: The fence at 5900 West Irving Street has an approximately 6-foot tall solid board fence along Connecticut Avenue.

In conformance with the *Guidelines*, the proposed fence will preserve the integrity of the Chevy Chase Village Historic District and the contributing structures in the district where similar fences are common. In conformance with the relevant *Standards*, the historic character of the property will be retained and preserved by the fence's construction, and the exterior alteration will not destroy historic materials characterize the property and the new work is differentiated from the old.

No plans or representative photos have been provided for the two gates to be installed, so staff recommends a condition that the applicant provide that information. Staff seeks another condition that the finished side of the fence must face the right of way, and the structure will face interior toward the residence. Staff is confident this requirement will limit the visual impact of the taller fence.

STAFF RECOMMENDATION

Staff recommends that the Commission **approve with two conditions** the HAWP application:

1. The applicant must provide plans or a representative photo of the two proposed gates.
2. The finished side of the fence must face the right of way.

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 and 9;

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 Rebecca Ballo at 301-563-3404 or rebecca.ballo@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# 1082041
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:

- 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.

George Pearce IV

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	
9 Chevy Chase Circle Chevy Chase MD 20815	

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	*	*	*	*	*		*

Proposal/Invoice

All American Fences Inc.

Commercial & Residential

VA Contractor License
A2705129167

MD License
MHC131423

P.O. Box 219, Sterling, VA 20167 • Tel: 703-731-7035 • 703-437-7365 • Fax: 703-435-9247

E-mail: allamericanfences@yahoo.com • salesallamericanfences@gmail.com

Beau Pearce
5800 Connecticut Ave
Chery Chase, MD 20815
Email beaupearce2003@yahoo.com

July 16, 2024
Cell 202-437-4320
Work Phone _____
FAX _____

DESCRIPTION

CHECKLIST

STYLE/HEIGHT #92
Flat Board Privacy
Fence 1x6x60" +
Lattice Topper
 Call Customer Day In Advance

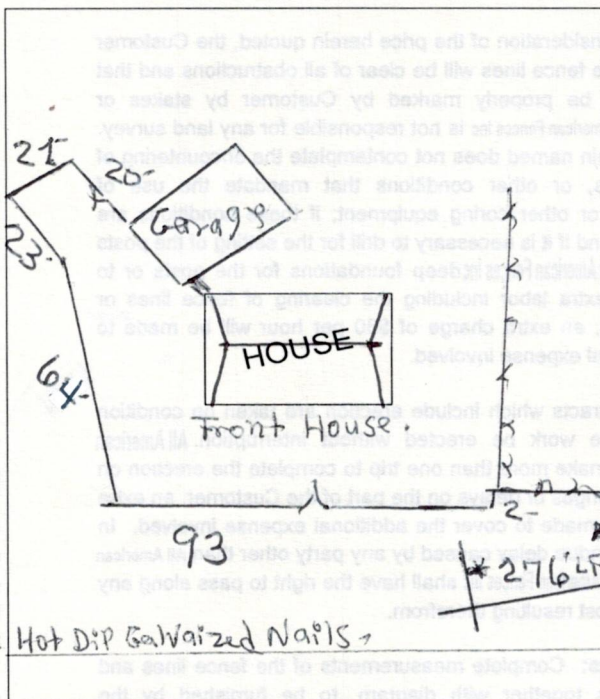
WALK GATES 2 D/GATES 0
 Arch Flat Top
Gate Post 6x6x10'
Fence Post 4x4x10'

Aluminum Bar Gate Post
 Wire Mesh _____
Color _____
 Residential Commercial
 Sprinkler System
 HOA / HOLD

All American Fences Inc.
 Will Will Not
Call Miss Utility

Stepped & Level 
 DIP Arch Cap Board
 Posts in Concrete Dry Pack
 Fence Replace on Same Line
 Yes No New Fence

Toe Nail 
 Face Nail 
 Follow The Ground
Flat Property 
 Follow The Ground
Flat & Slope Property 
 Underground ELEC GAS
 TEL CABLE
 Property Pins Found: YES NO
 Customer Responsible for Property Corners
 Permit By AAF
 Permit By Customer
 Other Permit?



Black Post Caps
 Pool Code Fence
 Wood Fence
 Colonial Gothic Point
 Chain Link Fence
 Aluminum Fence
 Vinyl Fence
 Deck
 Haul Debris Away by:
 AAF Customer
 Fence Removal
& Haul Away by:
 AAF Customer
 Trim Trees, Brush,
Shrubs by:
 AAF Customer

NOTES: Install APPROX 214' LFT OF 5' high Flat Board Privacy Fence with Capboard style, + 12" Diagonal Lattice Topper style Total 72" high Fence, + 2 Single Gate 42" wide x 60" high? * 3- Horizontal 2"x4" Rails Per Section + 1x4x8' capboard and 1x6x60" Vertical Board, + 12" x 96" Diagonal Lattice.

* All Pressure treated Yellow pine Material

* Gate FRAME 2"x4" Runner wRC Material.

Quote Including 20% Discount

Total Price \$ 8,495.00

Deposit \$ 2,830.00

Balance \$ 5,665.00

A 3% transaction fee will be applied to each credit card transaction.

PLEASE PAY OUR FOREMAN THE REMAINING BALANCE!

All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado and other necessary insurance.

All American Fences Inc. is not responsible for property lines or underground utilities. This embodies the entire understanding between the parties and there are no verbal agreements or representations in connection therewith. All material shall remain the property of All American Fences, Inc. until paid in full. All treated structural lumber is to comply with grading rules of S.P.I.B. Gate framing to be non-treated SPF lumber. If balance is not paid upon completion, purchaser agrees to pay accrued interest in the amount of 1 1/2% monthly, plus purchaser agrees to all costs of collection including court costs and attorney's fees.

All American Fence Estimator Nino Vidal 571-267-9986

Date _____

THIS CONTRACT IS SUBJECT TO THE TERMS AND CONDITIONS PRINTED ON THE REVERSE SIDE AND WHICH ARE MADE A PART HEREOF BY THIS AGREEMENT

ACCEPTANCE OF PROPOSAL

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

Date of Acceptance _____

Print Name _____

Signature _____

Start Date _____



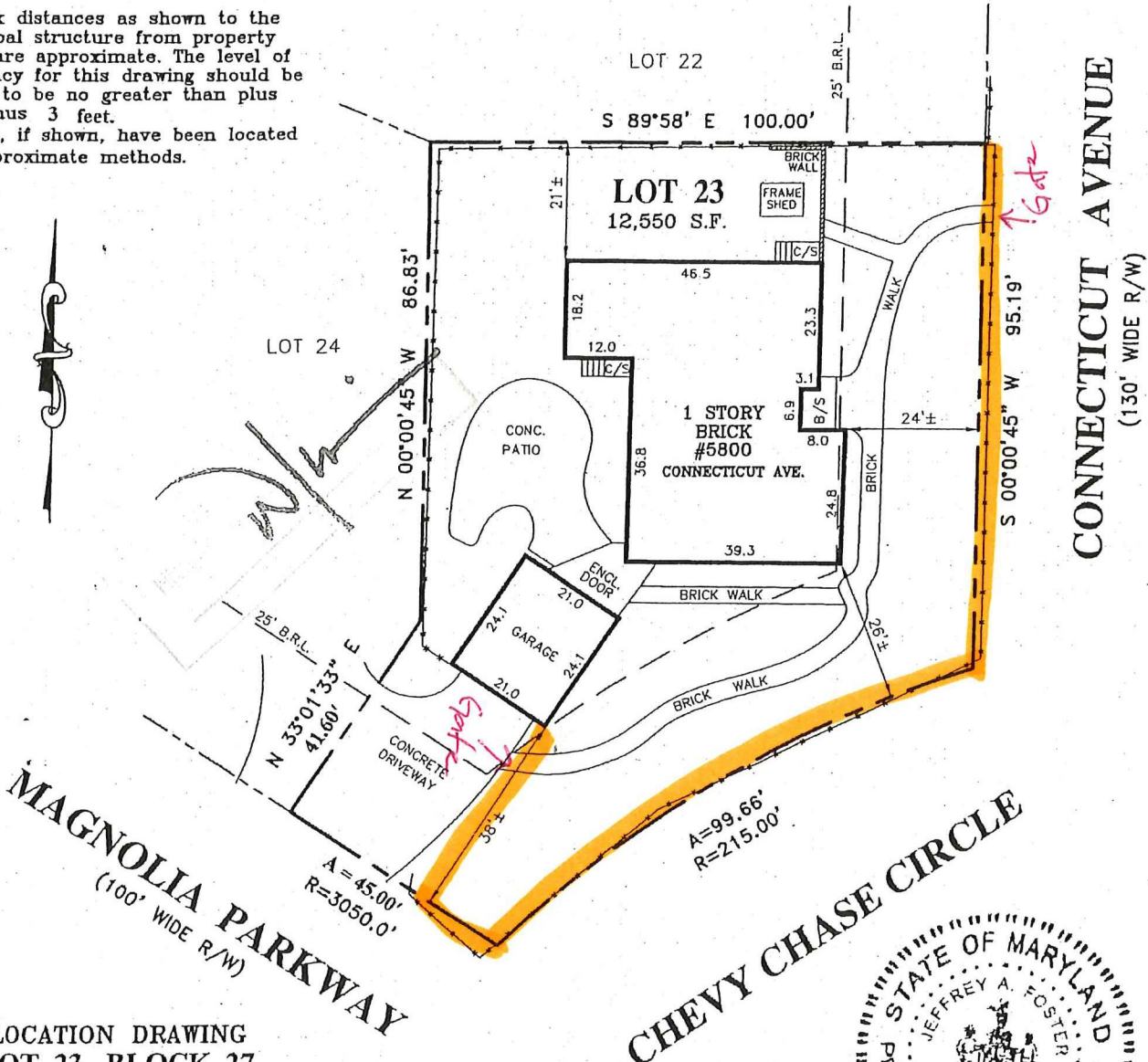


CONSUMER INFORMATION NOTES:

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



LOCATION DRAWING
 LOT 23, BLOCK 27
 SECTION No. 2
CHEVY CHASE
 MONTGOMERY COUNTY, MARYLAND



SURVEYOR'S CERTIFICATE		REFERENCES			SNIDER & ASSOCIATES LAND SURVEYORS 20270 Goldenrod Lane, Suite 110 Germantown, Maryland 20878 301/948-5100 Fax 301/948-1286	
"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." <i>Jeffrey A. Foster</i> MARYLAND PROPERTY LINE SURVEYOR REG. NO. 587 Expires: 04-02-2017		PLAT BK. 60 PLAT NO. 4949				

August 6, 2024

Fence Approval Letter (Inside Property Line)

**RE: 5800 Connecticut Avenue, Chevy Chase, MD 20815
Fence Replacement**

To Whom It May Concern,

My name is George Pearce IV, owner of 5800 Connecticut Avenue, Chevy Chase, MD 20815. We have a 4-foot fence on our property; however, the fence is deteriorating and in bad condition. We are requesting approval to replace the existing fence with a new 6-foot fence (6-feet 4-inch posts).

We live on Chevy Chase Circle so the reason for the taller fence is to provide more safety, security and to reduce noise and pollution on our property. The existing fence is inside our property line so we will be replacing the old fence with the new fence which will be inside our property line. We have included a picture of our existing fence to show that the new fence will be constructed in its place. The highlighted survey was just to show approximate location; however, the fence has you see on our property will be replaced within our property line.

The newer fence will be installed “entirely on the owners land” and not in the Right-of-Way.

Please let me know if you have any questions and thank you vey much for your help.

Sincerely,

A handwritten signature in cursive script that reads "George Pearce IV".

George Pearce
202-437-4320

From: [Beau Pearce](#)
To: [Berger, Chris](#)
Subject: Re: 5800 Connecticut Avenue, Chevy Chase
Date: Tuesday, August 27, 2024 7:07:42 PM

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

Hello Chris - how are you? I have a question for you. Is it too late to send pictures of our neighbors' fences along Connecticut Avenue? I realize LS you all should have an understanding of what our neighbors fences look like. I am attaching pictures of all of the fences along Connecticut Avenue in the Village. The below photos are of 5804, 5808, 5810, 5900 and 5904 Connecticut Avenue. Please let me know if there is anything I can do to add these photos to the application/consideration or if you could include them for me. Thank you for your help and please call me at 202-437-4220 if you have any questions or if there is something I can do before the meeting. Thanks again!









Beau Pearce
Managing Partner
Pearce Holdings, LLC
beaupearce2011@gmail.com
202-437-4320 (cell)

On Wed, Aug 21, 2024 at 6:46 AM Beau Pearce <beaupearce2011@gmail.com> wrote:
Hello Chris - my apologies, I actually gave you the wrong permit number. When I filled out my HAWP application process online I tried to correct being the property owner by going backwards in the system; however, I believe it created two HAWP numbers, which are: HAWP 1082040 and the other is HAWP 1082041. Please feel free to assign one of the numbers to my application and delete the other one - perhaps we use the first one HAWP 1082040 and delete the second one? Thanks for your help Chris! Beau.

Beau Pearce
Managing Partner
Pearce Holdings, LLC
beaupearce2011@gmail.com