

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

<b>Address:</b>	15 W. Lenox Street, Chevy Chase	<b>Meeting Date:</b>	10/9/2024
<b>Resource:</b>	Contributing Resource <b>Chevy Chase Village Historic District</b>	<b>Report Date:</b>	10/2/2024
<b>Applicant:</b>	15 W. Lenox Trust Amber Phaire	<b>Public Notice:</b>	9/25/2024
<b>Review:</b>	Historic Area Work Permit	<b>Tax Credit:</b>	n/a
<b>Case Number:</b>	1085874	<b>Staff:</b>	Dan Bruechert
<b>Proposal:</b>	Fence Installation		

---

**STAFF RECOMMENDATION**

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

1. The fence forward of the front wall plane of the house must be no taller than 4' (four feet).

**ARCHITECTURAL DESCRIPTION:**

**SIGNIFICANCE:** Contributing Resource within the Chevy Chase Village Historic District  
**STYLE:** Craftsman  
**DATE:** 1913



*Figure 1: 15 W. Lenox Street.*

## **BACKGROUND**

On March 23, 2022, the HPC approved a HAWP for partial demolition, building addition, tree removal, grading, and hardscape alteration.<sup>1</sup>

On October 11, 2023, the HPC approved additional hardscape alterations to the subject property.<sup>2</sup>

The most recent revision to the proposal included the addition of a pond in the rear of the subject property which was approved on May 8, 2024.<sup>3</sup>

## **PROPOSAL**

The applicant proposes to install a fence along the eastern property line.

## **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.

<sup>1</sup> The Staff Report for the March 2022 HAWP is available here: <https://montgomeryplanning.org/wp-content/uploads/2022/03/I.L-15-W.-Lenox-Street-Chevy-Chase-984980.pdf>. The recording of the hearing for the HAWP is available here: [https://mncppc.granicus.com/MediaPlayer.php?publish\\_id=0985dd46-aba5-11ec-8a90-0050569183fa](https://mncppc.granicus.com/MediaPlayer.php?publish_id=0985dd46-aba5-11ec-8a90-0050569183fa), beginning at 0:06:45.

<sup>2</sup> The 2023 HAWP covering hardscape additions was approved by consent on October 11, 2023. The Staff Report and application materials are available here: <https://montgomeryplanning.org/wp-content/uploads/2023/10/I.D-15-W.-Lenox-Street-Chevy-Chase-984980-REVISION.pdf>.

<sup>3</sup> The 2024 HAWP approving the pond in the rear yard was approved by consent. The Staff Report and application materials are available here: <https://montgomeryplanning.org/wp-content/uploads/2023/10/I.D-15-W.-Lenox-Street-Chevy-Chase-984980-REVISION.pdf>.

- *Fences* should be subject to moderate scrutiny if they are visible from the public right-of-way, lenient scrutiny if they are 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.

***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.

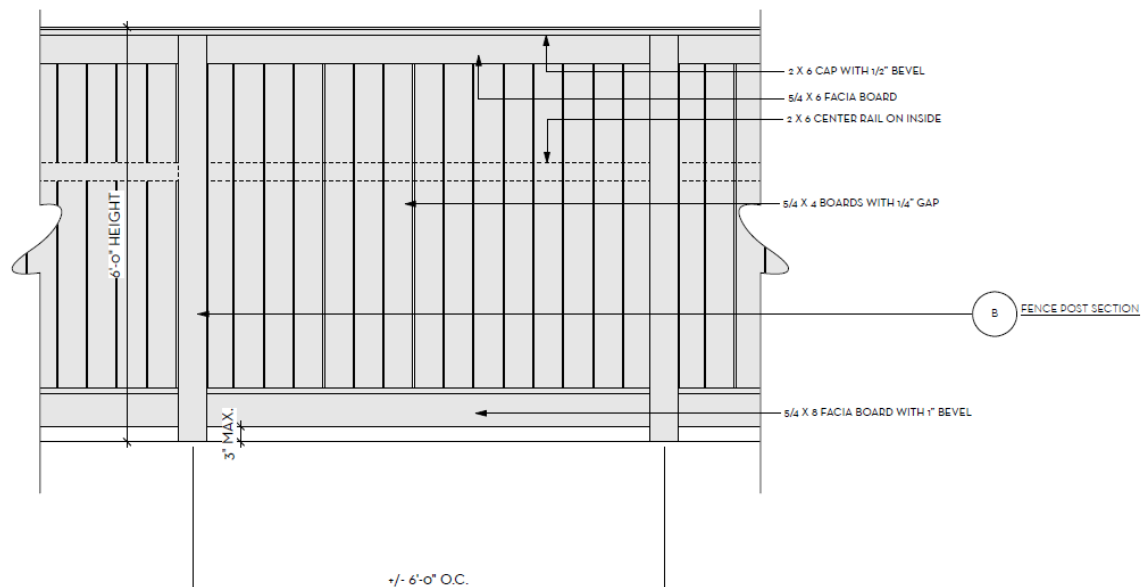
#10: New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

## STAFF DISCUSSION

The subject property is a large two-story Craftsman house on a double lot with stucco siding and a slate roof. Staff found reference to 2002 landscape alterations in a 2003 HAWP that included demolishing outbuildings, constructing a rear stone terrace, and constructing a pool and associated decking.<sup>4</sup>

The applicant proposes to construct a 174' (one hundred seventy-four) linear feet of 6' (six foot) tall solid board privacy fence along the east property line. The proposed fence matches the material and design of fencing that was approved in the 2023 HAWP, discussed above. The fence will begin approximately 5' (five feet) to the rear of the existing hedgerow and terminate at the stream in the rear of the property. The lot slopes away from the street grade toward the rear of the property and has several small trees and large bushes.

The proposed fence should be reviewed under moderate scrutiny as it would be visible from the public right-of-way when viewed in the absence of vegetation. Staff finds the design and materials of the proposed fence (see Fig. 2, below) are compatible with the character of the site and surrounding district.



**Figure 2: Design of the proposed fence.**

However, Staff does not find the height of the proposed fence is compatible with the character of the site and it will detract from the district's "open, park-like setting" as proposed. The typical requirement for fences in the Chevy Chase Village Historic District is that fences forward of the historic rear wall plane be no taller than 4' (four feet) and generally have an open picket design. In this instance, Staff finds that because the lot slopes away from street grade, much of the fence will appear lower than 4' (four feet). Additionally, because the fence will appear lower than 4' (four feet), people will be able to look over the fence when viewed from the public right-of-way, which largely eliminates the need for an open picket design to retain the openness sought after in the *Design Guidelines*. However, Staff finds the area to the front of the front wall plan should be no taller than 4' (four feet) and recommends the HPC include a condition to the approval of this HAWP to that effect. The area in front of the front wall plane is approximately 2' (two feet) below street-grade and a 6' (six foot) solid board fence is insufficient to retain the district's open park-like setting. Staff finds that either a 4' (four foot) tall fence of a variety of designs would be appropriate. Final plans satisfying this condition would need to be submitted to Staff to verify

<sup>4</sup> The HPC's file associated with an approved addition and hardscape landscape alterations is available here: [https://mcatlas.org/tiles/06\\_HistoricPreservation\\_PhotoArchives/Padlock/HAR60640008/Box069/35-13-03N\\_Chevy%20Chase%20Historic%20District\\_15%20W.%20Lenox%20St\\_09-11-2003.pdf](https://mcatlas.org/tiles/06_HistoricPreservation_PhotoArchives/Padlock/HAR60640008/Box069/35-13-03N_Chevy%20Chase%20Historic%20District_15%20W.%20Lenox%20St_09-11-2003.pdf).

compliance with the condition. With the recommended condition, Staff finds the proposed fence will satisfy 24A-8(b)(2) and (d), Standard 2, and the *Design Guidelines*.

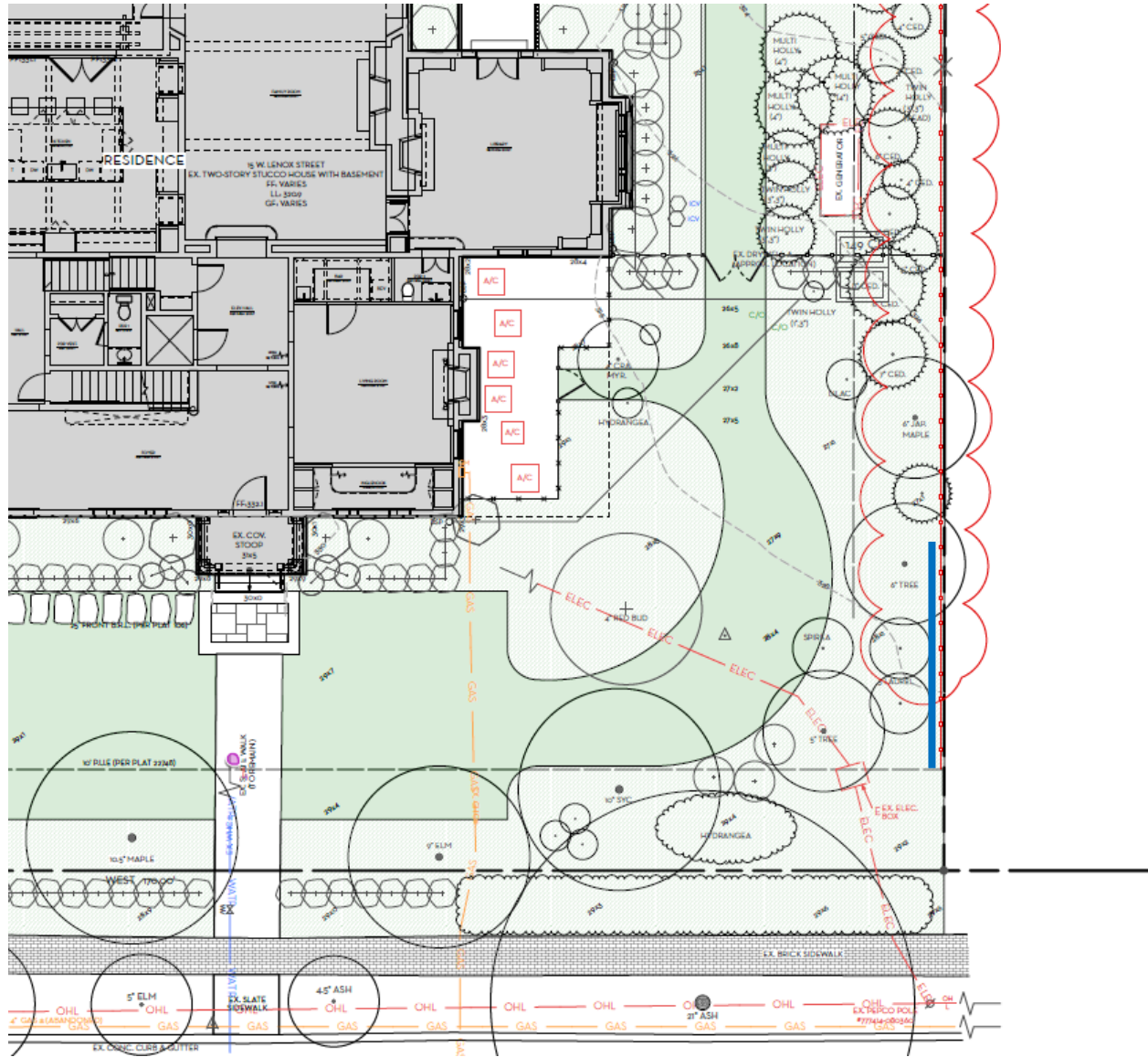


Figure 3: The southeast corner of the subject property. The area of Staff's recommended condition is shown in blue.

Lastly, Staff received comments from the property to the east, 11 W. Lenox St., expressing concerns about the maintenance of the space between the existing fence on 11 W. Lenox St. and the proposed fence. Staff encouraged the applicant to reach out to the project's landscape architect in hopes of resolving this issue before the HPC meeting on October 9, 2024.

**STAFF RECOMMENDATION**

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

1. The fence forward of the front wall plane of the house must be no taller than 4' (four feet) under the Criteria for Issuance in Chapter 24A-8(b)(2) and (d), and the *Chevy Chase Village Historic District Guidelines*, having found that the proposal 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 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# 1085874
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.

AP

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>	
11 W Lenox Street, Chevy Chase MD 20815 14 W Lenox Street, Chevy Chase MD 20815 16 W Lenox Street, Chevy Chase MD 20815 18 W Lenox Street, Chevy Chase MD 20815	
33 W Lenox Street, 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:

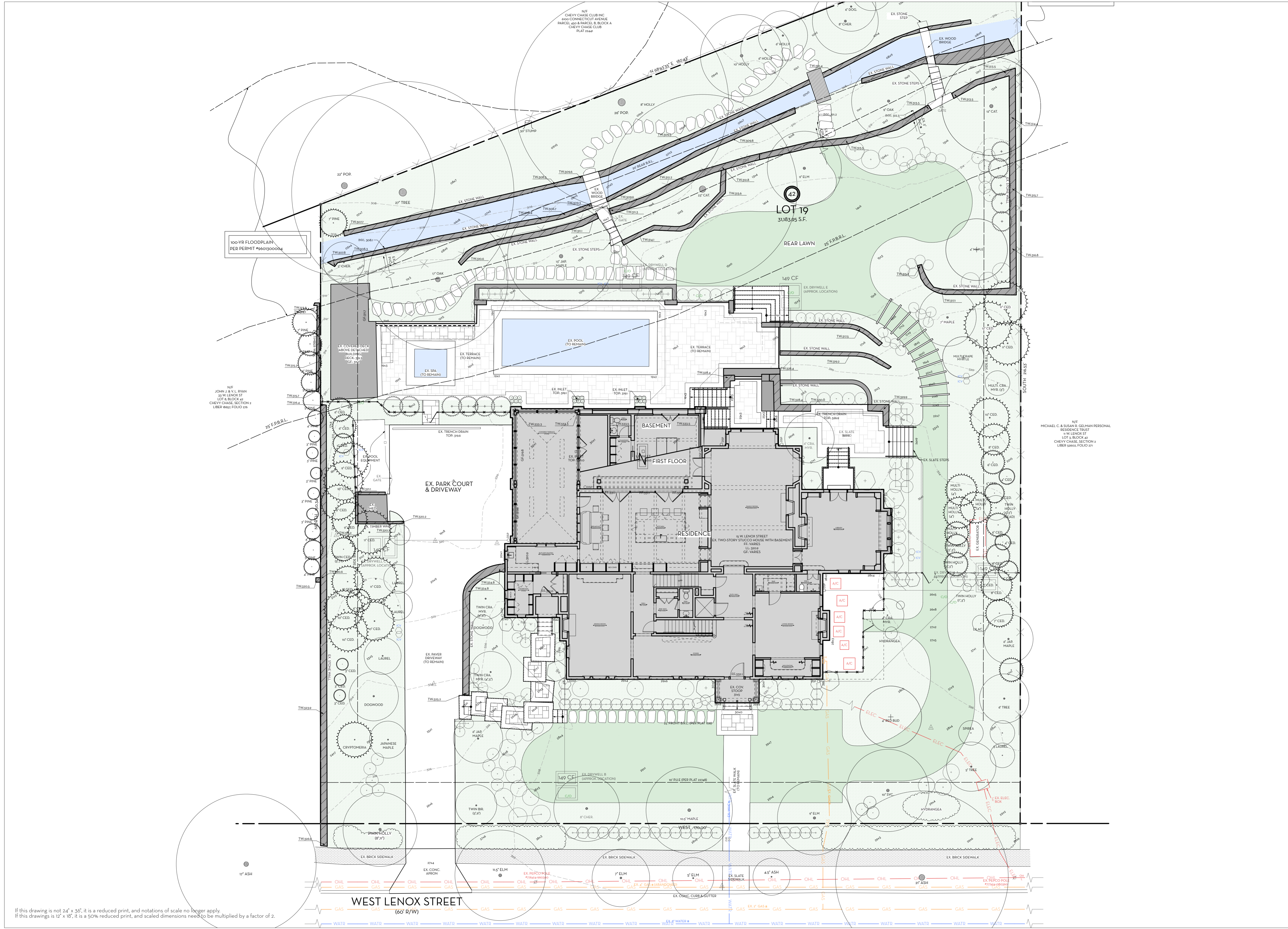
Work Item 1: _____	
Description of Current Condition:	Proposed Work:

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	*	*	*	*	*		*



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



**CAMPION/HRUBY**

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

Consultants:

This drawing and the design shown hereon are the property of Campion/HRUBY Landscape Architects. The reproduction, copying or use of this drawing without written consent is prohibited and any infringement will be subject to legal action.

Project #: 22328

**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"

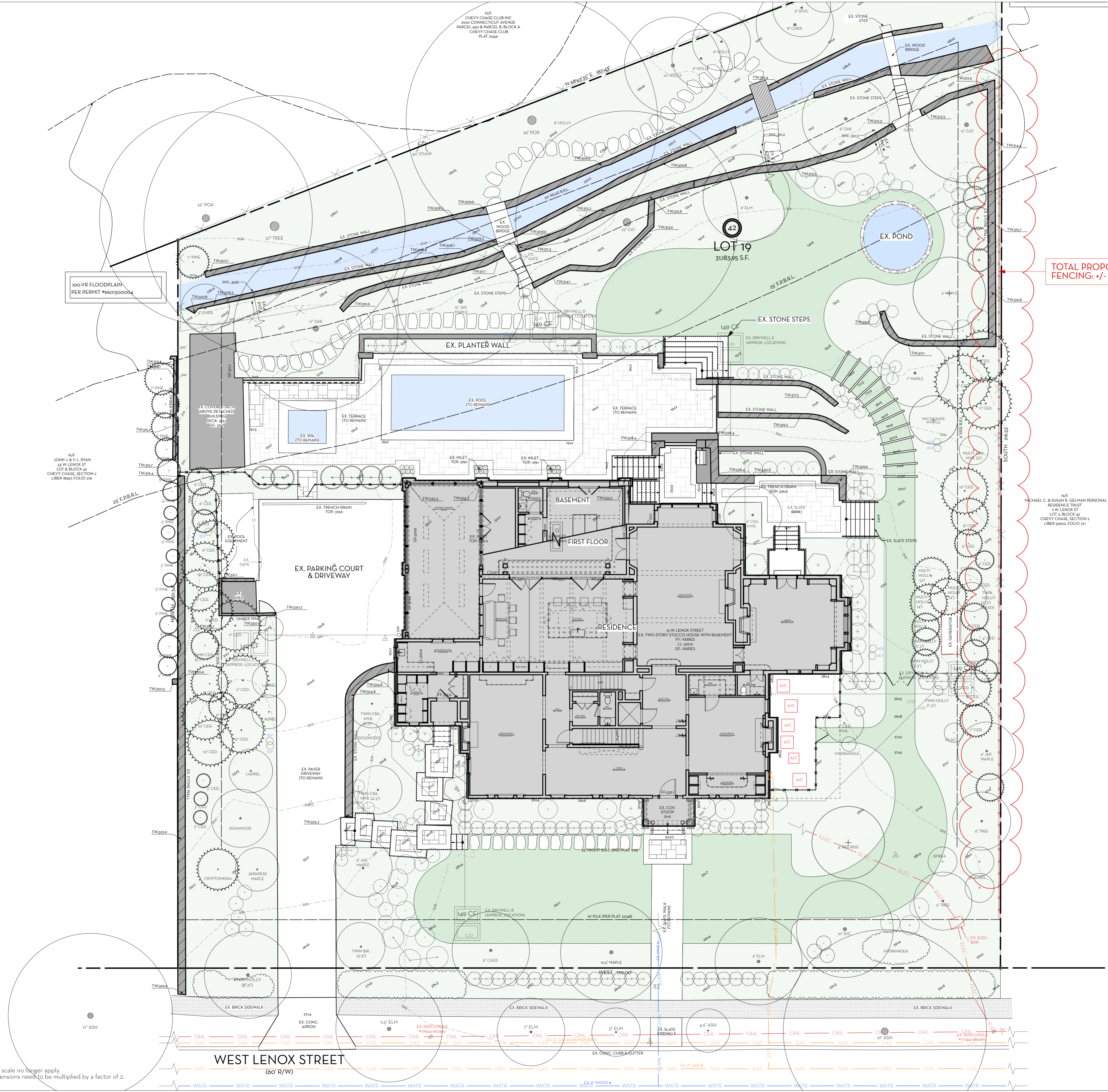
**TREE INVENTORY PLAN**

**L-101**

**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
- LOD - LIMIT OF DISTURBANCE
- PROPOSED HARDSCAPE

**PROJECT INFO:**  
 THE SCOPE OF WORK INCLUDES A NEW SECTION OF 6' HIGH WOOD PRIVACY FENCING ALONG THE RIGHT (EAST) PROPERTY LINE. THE FENCING WILL BE INSTALLED ENTIRELY ON THE 19 WEST LENOX PROPERTY. THE PROPOSED WORK WILL NOT BE VISIBLE FROM THE FRONT FACADE OF THE PROPERTY OR FROM ADJACENT PROPERTIES.



TOTAL PROPOSED FENCING: +/- 174 LF

Consultants:

---

This drawing and the design shown herein are the property of Campion Hruby Landscape Architects. The reproduction, copying or use of this drawing without written consent is prohibited and any infringement will be subject to legal action.

Project #: 22328  
**KAPLAN RESIDENCE**  
 15 West Lenox Street  
 Chevy Chase, MD 20815  
 02 MAY 2024

100% CONSTRUCTION DOCUMENT SET

No.	Date	Description
1	9/10/24	HAWP SUBMISSION

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

N  
 Scale: 1" = 10'-0"

**OVERALL SITE PLAN - HAWP**

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.



EXISTING TERRACE WALLS FROM REAR LAWN



EX. STEPS TO REAR LAWN



EXISTING POND



EXISTING STAIRS TO LOWER LAWN



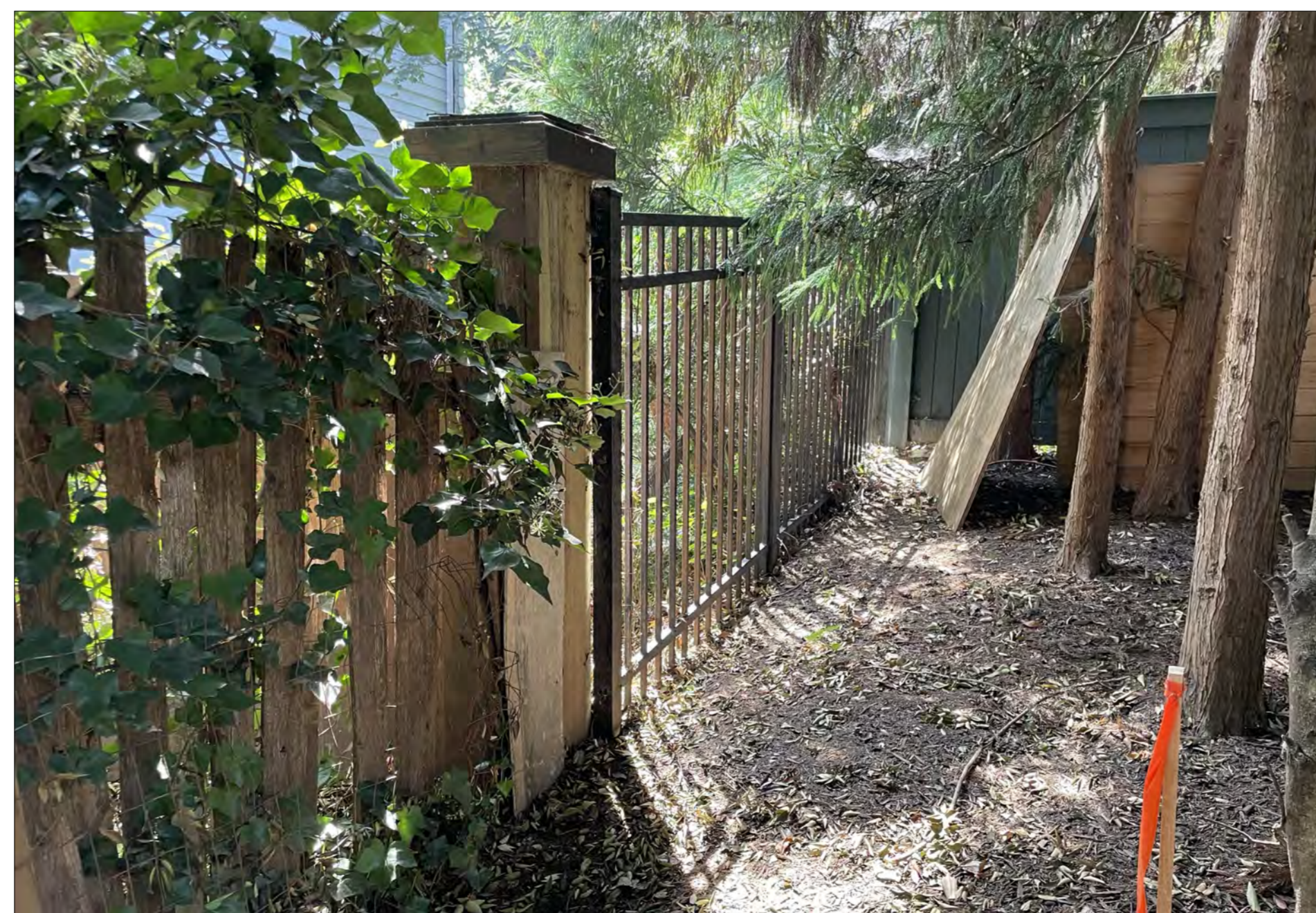
EXISTING EAST SIDE OF PROPERTY



EXISTING POOL TERRACE AND STAIRS TO UPPER TERRACE



EX. UPPER POOL TERRACE



EXISTING EAST SIDE FENCING



EXISTING EAST SIDE OF PROPERTY

**CHLA**

**CAMPION/HRUBY**

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

Consultants:

This drawing and the design shown hereon are the property of Campion Hruby Landscape Architects. The reproduction, copying or use of this drawing without written consent is prohibited and any infringement will be subject to legal action.

Project #: 22328

**KAPLAN RESIDENCE**

15 West Lenox Street  
 Chevy Chase, MD 20815

02 MAY 2024

100% CONSTRUCTION DOCUMENT SET

No.	Date	Description
1	9/10/24	HAWP SUBMISSION

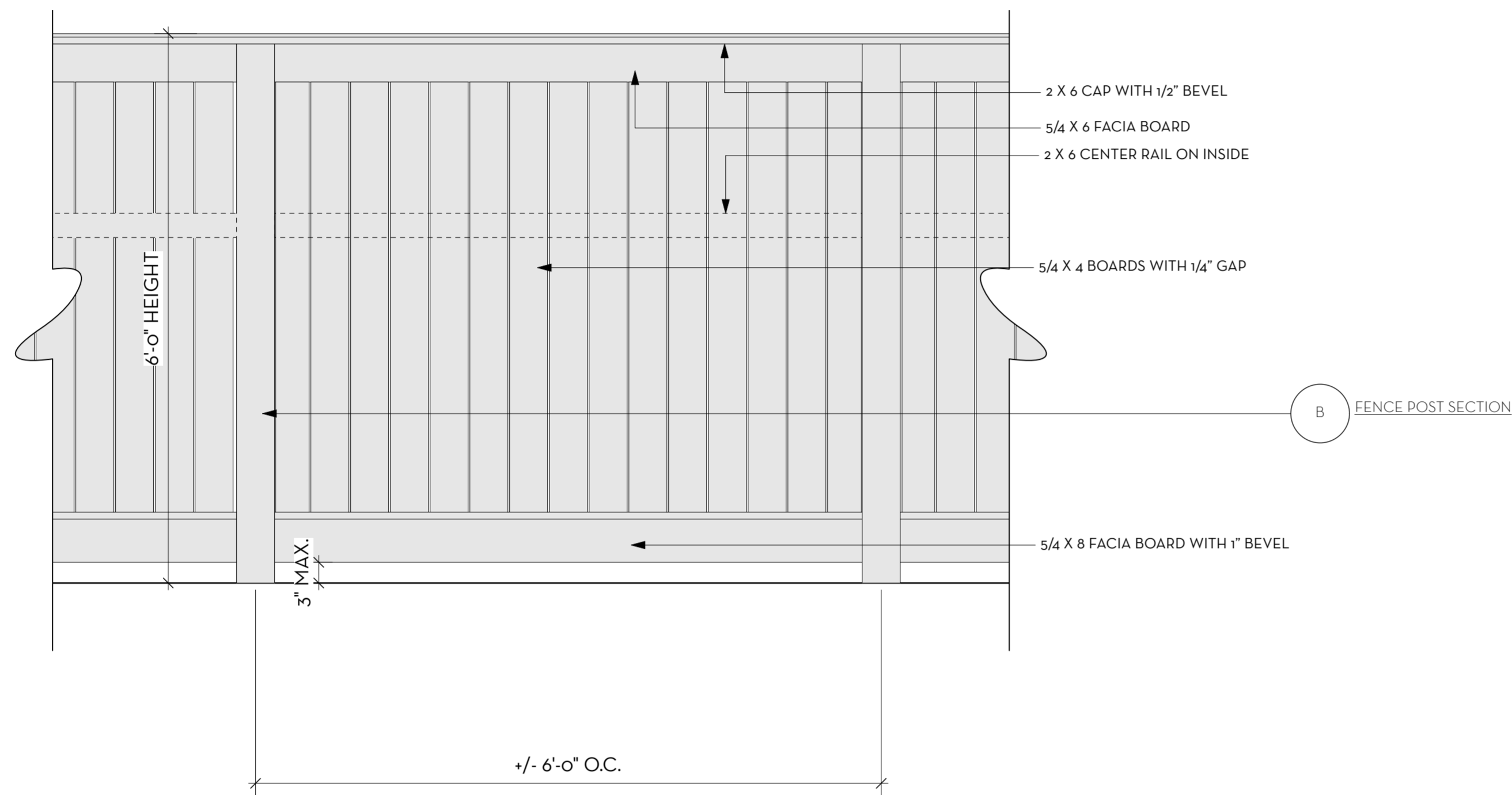
Drawn By: EF Proj. Manager: AP  
 Approved By: BH

Scale: N.T.S.

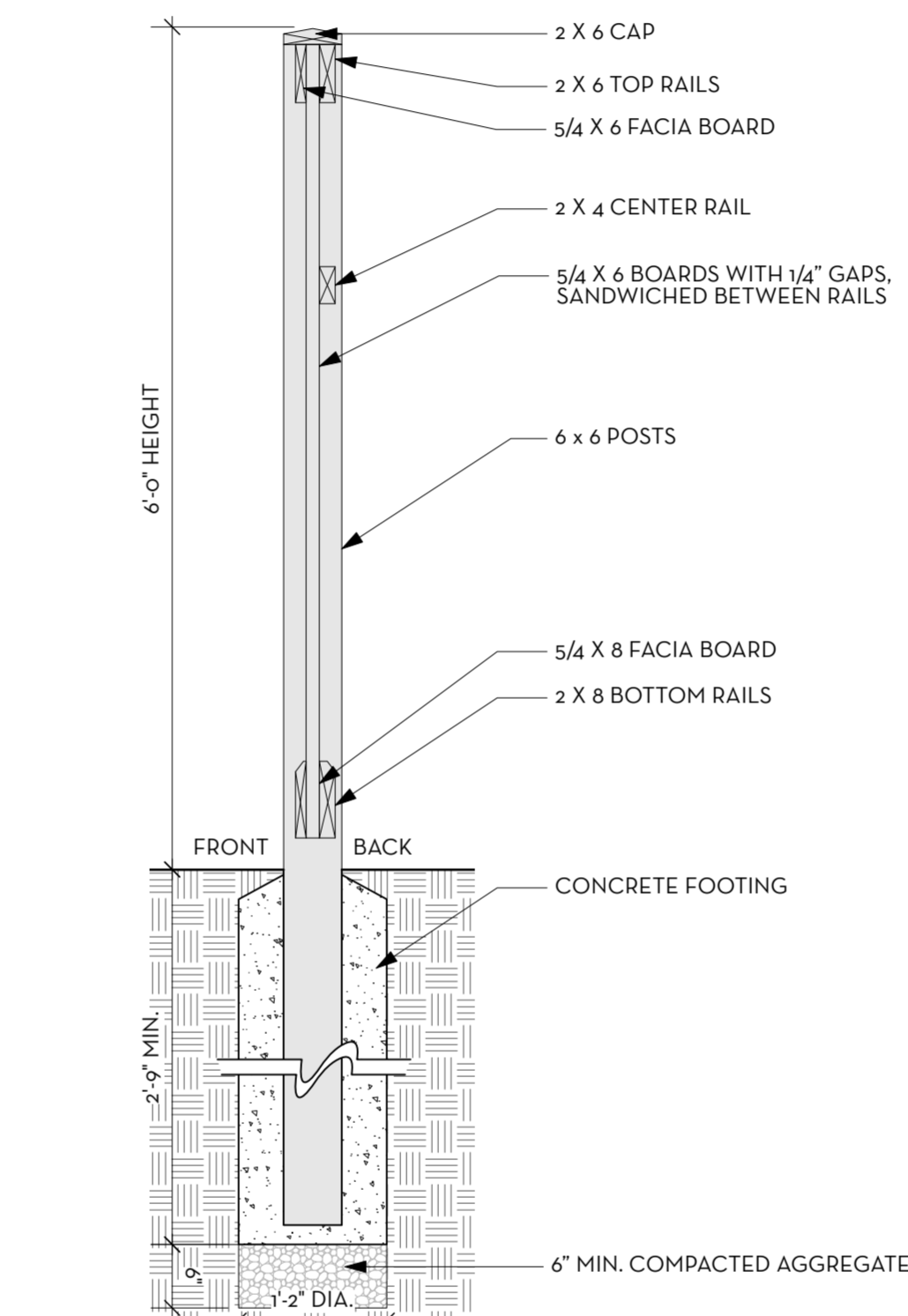
EXISTING SITE PHOTOS - REAR

**L-102**

Consultants:



1 WOOD PRIVACY FENCE  
 Scale: 3/4" = 1'-0"



B WOOD FENCE POST SECTION  
 Scale: 3/4" = 1'-0"

This drawing and the design shown hereon are the property of Campion Hruby Landscape Architects. The reproduction, copying or use of this drawing without written consent is prohibited and any infringement will be subject to legal action.

Project #: 22328

## KAPLAN RESIDENCE

15 West Lenox Street  
 Chevy Chase, MD 20815

02 MAY 2024

100% CONSTRUCTION DOCUMENT SET

No.	Date	Description
1	9/10/24	HAWP SUBMISSION

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

Scale: As Shown

ACCESSORY STRUCTURE DETAILS

# L-103



DEPARTMENT OF PERMITTING SERVICES

Marc Elrich  
*County Executive*

Rabbiah Sabbakhan  
*Director*

# HISTORIC AREA WORK PERMIT APPLICATION

Application Date: 9/10/2024

Application No: 1085874  
AP Type: HISTORIC  
Customer No: 1502314

## 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

Location 15 W LENOX ST 111 Cathedral St Chevy Chase, MD 20815  
Othercontact Phaire (Primary)

## Historic Area Work Permit Details

Work Type ADD

Scope of Work The scope of work includes a new section of 6' high wood privacy fencing along the right (East) property line. The fencing will be installed entirely on the 15 West Lenox property. The proposed work will not be visible from the front facade of the property or from adjacent properties.