

# Montgomery County Historic Preservation

## Staff Report

<p><b>ADDRESS:</b> 46 Grafton Street, Chevy Chase, Chevy Chase</p> <p><b>RESOURCE:</b> Chevy Chase Village Historic District</p> <p><b>APPLICANT:</b> Doug and Mary Beth McDaniel</p> <p><b>REVIEW:</b> HAWP</p> <p><b>CASE NO.:</b> 1158773</p> <p><b>PROPOSAL:</b> Retroactive fence installation</p>	<p><b>MEETING DATE:</b> 6/10/2026</p> <p><b>REPORT DATE:</b> 6/3/2026</p> <p><b>PUBLIC NOTICE:</b> 5/27/2026</p> <p><b>TAX CREDIT ELIGIBLE:</b> No</p> <p><b>STAFF:</b> Devon Murtha</p>
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### Staff Recommendation

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

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### Architectural Description

**Significance:** Contributing Resource to the Chevy Chase Village Historic District

**Date:** 1929

**Style:** Colonial Revival



Figure 1: The location of the subject property (outlined in blue) is located in the Chevy Chase Village Historic District (hatched and outlined in red).

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## Proposal

The applicant is applying for approval for retroactive fence installation on the subject property. In 2025, the applicant replaced their existing six-foot (6') wood board fence with a six-foot (6') wood board fence. The new fence has post caps that are six feet and six inches (6'6") tall; the additional 6" for the posts are one of the items for this retroactive application. The applicants also removed a section of four-foot (4') fence along the west boundary of the front yard.



Figure 2: View of the fence of the subject property along Cedar Parkway in 2019 (left; Googlemaps) and 2026 (right; Montgomery County Planning).

Additionally, the applicants removed a section of four-foot tall (4') picket fence, and replaced it with four-foot (4') solid board fence (*Figure 3*) in the side yard. This change in design is the second item for this retroactive HAWP.



Figure 3: View of the fence of the subject property along Grafton Street in 2019 (left; Googlemaps) and 2025 (right; Googlemaps).

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## Applicable Guidelines

When reviewing alterations and new construction within the Chevy Chase Village several documents are to be utilized as guidelines to assist the Commission in developing their decision. These documents include the Chevy Chase Village Master Plan Amendment and Design Guidelines (*Design Guidelines*), Montgomery County Code Chapter 24A-8 (Chapter 24A-8), 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 Design 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.

HAWP applications for exterior alterations, changes, and/or additions to non-contributing/out-of-period resources should receive the most lenient level of review. Most alterations and additions 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 district as a whole.

- 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.
- 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 to 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**

- (a) The commission shall instruct the director to deny a permit if it finds, based on the evidence and information presented to or before the commission that the alteration for which the permit is sought would be inappropriate, inconsistent with or detrimental to the preservation, enhancement or ultimate protection of the historic site or historic resource within an historic district, and to the purposes of this chapter.
- (b) The commission shall instruct the director to issue a permit, or issue a permit subject to such conditions as are found to be necessary to ensure conformity with the purposes and requirements of this chapter, if it finds that:
  - 1) The proposal will not substantially alter the exterior features of an historic site or historic resource within an historic district; or
  - 2) The proposal is compatible in character and nature with the historical, archeological, architectural or cultural features of the historic site or the historic district in which an

historic resource is located and would not be detrimental thereto or to the achievement of the purposes of this chapter; 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.)

### ***The 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, space and spatial relationships that characterize a property will be avoided.

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### **Staff Discussion**

The subject property is a two-story Colonial Revival House on a small lot at the intersection of Grafton Street and Cedar Parkway. It is a Contributing resource to the Chevy Chase Village Historic District and is located in the southwest corner of the district.



Figure 4: View of subject property from Grafton Street (Montgomery Planning).

Staff is supportive of the retroactive application for fence installation. Per the *Design Guidelines*, fences should be subject to moderate scrutiny if they are visible from the public right-of-way, lenient scrutiny if they are not. Staff finds that this fence is visible from the right-of-way, primarily along the west elevation, and is subject to moderate review.

In general, Staff finds that six-foot (6') board fences should generally be located behind the rear wall plane of the house to "foster the Village's open, parklike character, which necessitates respect for existing environmental settings, landscaping, and patterns of open space," per the *Design Guidelines*. Contra to that guidance, the fence is located in front of the front wall plan. However, Staff finds that in this case, the fence is generally appropriate due to its location and the presence of an existing fence of a similar size in the same location. The new six-foot (6') board fence is the same material and height as the previous fence, and would generally be considered an in-kind replacement, with the exception of the post caps that rise six inches (6") taller. Staff finds that this alteration is minor and does not have a meaningful impact on the district, per Chapter 24A-8(b). Staff also finds that the design of the post and caps adds a level of formality to the fence that is compatible with the Colonial Revival style of the house. Many of the fences in the district feature a similar style of post-cap.

Staff finds that the small section of picket fence that was replaced with four-foot (4') solid board is somewhat atypical. Generally, fences in the front yards of the Chevy Chase Village Historic District are low picket fences, and not solid board, to maintain the patterns of open space, per the *Design Guidelines*. However, Staff finds that this small section of board fence will not have a meaningful impact on the overall streetscape. The four-foot section of fence is recessed substantially in the front-yard, nearly to the front plane of the house. The fence encloses side yard and does not encumber the view of the façade in any way (*Figure 5*).

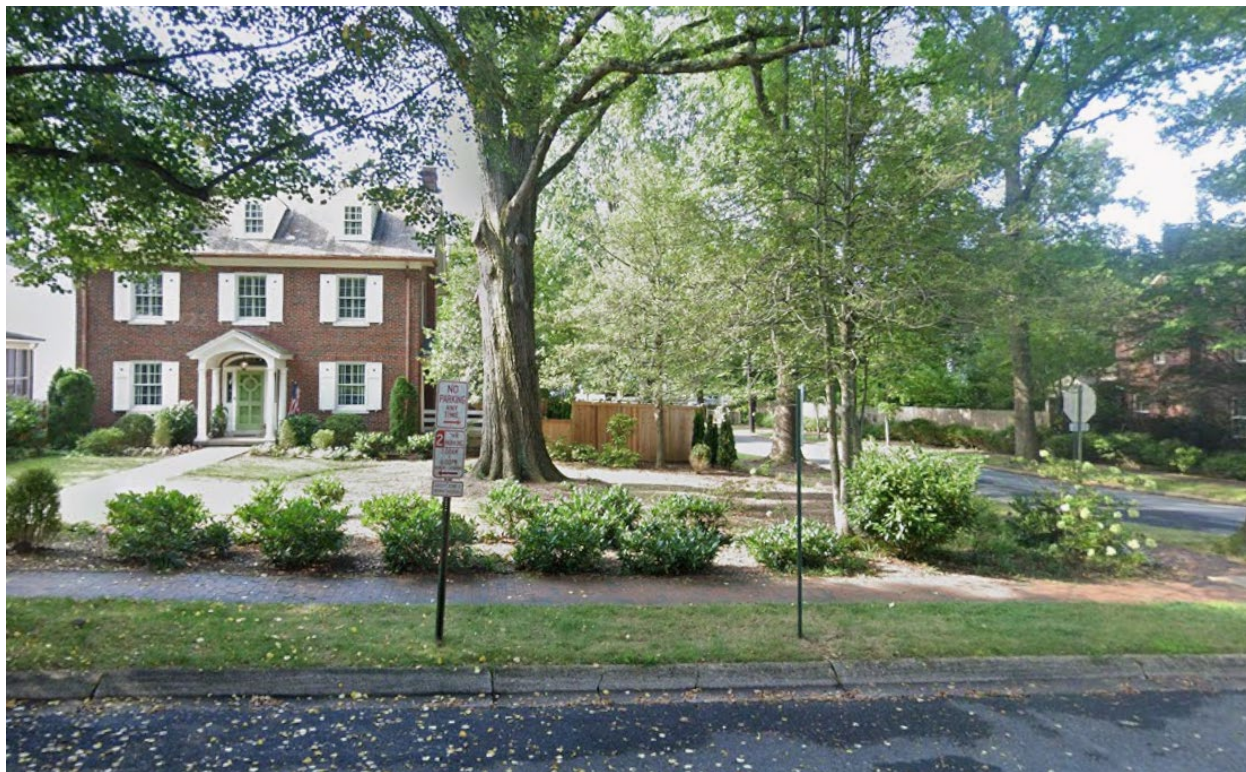


Figure 5: View of the subject property from the Grafton Avenue (Googlemaps) with the approximate location of the district boundary indicated in yellow.

The *Design Guidelines* recognize the "remarkably eclectic architectural fabric" of the historic district, and Staff finds that permits some diversity in the design of fences. Staff finds that although most houses in the district feature short picket fences in the front yard, there are several examples of board fences enclosing side yards, or even front yards on larger, prominent lots. The house at 5810 Connecticut Avenue has a six-foot (6') board fence, which is only located on the side of the house so as not to impact the façade (*Figure 6*). Many of the houses along Connecticut Avenue feature tall board fences in front of the houses that allow for privacy of the side lots. Staff finds that the proposed, and installed, section of board fence in front of the subject property has a negligible impact on the district, and is consistent with the eclectic nature of the district, per the *Design Guidelines* and Chapter 24A-8(b).



Figure 6: View of 5810 Connecticut Avenue from the right-of-way (Googlemaps)

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## Staff Recommendation

Staff recommends that the Commission approve the HAWP application; under the Criteria for Issuance in Chapter 24A-8(b)(1) and (2) having found that the proposal 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 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 [devon.murtha@montgomeryplanning.org](mailto:devon.murtha@montgomeryplanning.org) to schedule a follow-up site visit.

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

PROPERTY IS ON CORNER OF GRAFTON ST AND CEDAR PARKWAY. STOCKADE FENCE BORDERS CEDAR PARKWAY, PARTIAL FN FROM YARD, AND ALLEYS OFF CEDAR

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

WE REPLACED OLD STOCKADE FENCE LAST YEAR AFTER OBTAINING PERMIT AND APPROVAL FROM CHERRY CHASE VILLAGE. PERMIT ALLOWED A 6' FENCE. WE ADMITTEDLY AND ABSENT MINDFULLY AGREED TO ADD SOME DECORATIVE CAPS WHICH PUSHED PARTS OF THE FENCE TO 6'6" IN SPOTS.

WE ARE ASKING CCV, MONTGOMERY CO. AND HPC TO APPROVE THE FENCE AS BUILT.

Work Item 1: \_\_\_\_\_

Description of Current Condition:

NEWLY BUILT FENCE  
EXCEEDS HEIGHT LIMIT  
OF 6' BY 6" IN  
SPOTS ALONG FENCE.

Proposed Work:

Work Item 2: \_\_\_\_\_

Description of Current Condition:

Proposed Work:

Work Item 3: \_\_\_\_\_

Description of Current Condition:

Proposed Work:

# CHEVY CHASE VILLAGE

5906 Connecticut Avenue  
Chevy Chase, Maryland 20815  
(301) 654-7300

Email: [ccvpermitting@montgomerycountymd.gov](mailto:ccvpermitting@montgomerycountymd.gov)

## BUILDING PERMIT

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*Permit Number: 8587*

*Date Issued: December 17, 2024*

*Expires: December 17, 2025*

*Name of Property Owner:*  
*Address of Construction:*

Doug McDaniel  
46 Grafton Street  
Chevy Chase, MD 20815

*Contractor:*  
*Contact Person:*  
*Phone Number:*

NA  
Resident  
(301) 529-2078

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### WORK TO BE DONE

- In-kind fence replacement on right side of residence
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### SPECIAL CONDITIONS

- Work must be done in accordance with submitted application.
- Work must commence within six months of the issuance of this permit and must be completed by **December 17, 2025**.
- Tree protection measures must be installed before work begins and must remain in place for the duration of project.
- Posting of commercial signs is prohibited.
- This permit has been issued pursuant to the statements and information provided by the Applicant. The Applicant is obligated to ensure that all work is performed within the property indicated above.
- Noise-Generating activities and power equipment usage are prohibited until after 8:00 a.m. M-F and after 9:00 a.m. weekends & holidays.**

*Permit Fee:* \$15.00

*Tree Protection Plan:* \$0.00

*Appeals:* \$0.00

*Total Fees Due:* \$15.00 (paid)

**THIS PERMIT MUST BE POSTED**

# Chevy Chase Village

## Application for a Variance

A variance is permission granted by the Board of Managers pursuant to, and subject to, the conditions of Sec. 8-9(c) of Chapter 8 to construct, install, remove or alter a structure or planting, or take any other action that does not otherwise meet the requirements of the Chapter. Except as provided in Sec. 8-11 a variance can be granted only by the Board of Managers.

<b>Subject Property:</b> 46 GRAFTON ST CC, MD 20815	
<b>Describe the Proposed Project:</b> FENCE FS COMPLETE BUT HIGHER THAN PERMIT PARAMETERS	
<b>Applicant Name(s) (List all property owners):</b> DOB & MARY BETH MCDANIEL	
<b>Daytime telephone:</b> 301-529-2078	<b>Cell:</b> SAME
<b>E-mail:</b> WWA116@MSN.COM	
<b>Address (if different from property address):</b>	
<i>For Village staff use:</i>	
<b>Date this form received:</b> _____	<b>Variance No:</b> _____

### Filing Requirements:

Applications will be reviewed for satisfaction of all requirements and are not considered complete until approved as such by staff.

- Completed Chevy Chase Village Application for a Variance (this form)
- Completed Chevy Chase Village Building Permit Application
- Completed Chevy Chase Village Website Posting Notice
- A boundary survey or plat diagram with a margin of error of one tenth of a foot or less showing all existing structures, projections and impervious surfaces.
- Surveys, plats, engineering reports, construction plans/specifications or other accurate drawings showing boundaries, dimensions, and area of the property, as well as the location and dimensions of all structures/fences/walls/etc., existing and proposed to be erected, and the distances of such structures/fences/walls/etc., from the nearest property lines. These drawings shall incorporate and display reference dimensions from the boundary survey or plat diagram required above.
- Copy of Covenants applicable to the property except for variances from Secs. 8-21 or 8-26 of Chapter 8 (Building Regulations) or Chapter 25 (Public Rights-of-Way) of the Chevy Chase Village Code.
- Variance fee (See fee schedule listed in Chapter 6 of the Village Code).

### Affidavit

I hereby certify that I have the authority to submit the foregoing application, that all owners of the property have signed below, that I have read and understand all requirements and that I or an authorized representative will appear at the scheduled public hearing in this matter. I hereby authorize the Village Manager, or the Manager's designee, and/or the Board of Managers to enter onto the subject property for the purposes of assessing the site in relation to this variance request. I hereby declare and affirm, under penalty of perjury, that all matters and facts set forth in the foregoing application are true and correct to the best of my knowledge, information and belief.

Applicant's Signature: \_\_\_\_\_

Date: 8/25/25

Applicant's Signature: Mary E McDaniel

Date: 8/25/25

**Describe the basis for the variance request** (Applicants should become familiar with the pertinent sections of the Village Code. Attach additional pages as needed):

Describe the special conditions of the property (e.g., odd shape, small size, sloping topography, abuts state highway, etc.) and how the property compares to other properties in the Village:

PLS SEE FILE ATTACHMENTS

Describe how enforcement of the building regulations would result in an unwarranted hardship and injustice because of the special condition(s) described above (i.e., describe (i) the unwarranted hardship and injustice that you claim exists and (ii) how the special conditions cause that unwarranted hardship and injustice):

PLS SEE FILE ATTACHMENTS

Describe how the proposed variance most nearly accomplishes the intent and purpose of the requirements of Chapter 8 of the Chevy Chase Village Code, entitled *Buildings and Building Regulations*:

*In exercising its powers in connection with a variance request, the Chevy Chase Village Board of Managers may reverse or affirm, wholly or partly, or may modify the requirement, decision or determination as it deems appropriate.*

<b>Variance Filing Fee</b> <i>Per Village Code Sec. 6-2(a)(24):</i> <input type="checkbox"/> \$300.00 for new construction. <input type="checkbox"/> \$150.00 for replacing existing non-conformities. <input type="checkbox"/> \$300.00 for fences, walls, play equipment, trees, hedges, shrubbery in the public right-of-way. <input type="checkbox"/> Other: \$ _____  <b>Fee Paid:</b> _____	<b>Checks Payable To:</b> Chevy Chase Village 5906 Connecticut Ave. Chevy Chase, MD 20815  <b>Date Paid:</b> _____  <b>Staff Signature:</b> _____
	<b>Approved to Issue Building Permit per Board Decision Executed by the Board Secretary:</b>  <b>Date:</b> _____  <b>Signature:</b> _____ <b>Village Manager</b>

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**Chevy Chase Village, MD Payment Confirmation**

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**From** Notification <noreply@forte.net>  
**Date** Mon 7/28/2025 6:16 PM  
**To** wwa116@msn.com <wwa116@msn.com>

Dear Doug McDaniel,

Thank you for making your payment to the Chevy Chase Village, MD on 7/28/2025 3:16:47 PM in the amount of 300.00.

**NOTE:**

This is an acknowledgement that you utilized our online system to make a payment. Please check your bank statement within 48 hours to ensure that your account was debited for the amount of the payment. If the payment was not deducted or if you have any questions regarding the payment process or service fee, please contact our office at 301-654-7300.

It is the responsibility of the payer to enter the correct card/checking account number and to have sufficient funds/credit limit available in order to ensure a successful transaction.

Do not reply to this email; this is an unattended mailbox.

Thank you

 Outlook

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**Your Fence**

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**From** Suzie Egan <suziegan@verizon.net>

**Date** Wed 7/23/2025 8:52 AM

**To** wwa116@msn.com <wwa116@msn.com>

Doug and Mary Beth,

Tom and I are writing to support your efforts to keep your fence as is and not have to reduce it by a few inches. It clearly fits in the character of the neighborhood and the capping on the posts adds a little extra charm. Let us know if there is anything else we can do to help.  
Good luck.

Suzie Egan  
101 Grafton Street

Sent from the all new AOL app for iOS



Outlook

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**Fence Matters**

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**From** John S <jsswdc@gmail.com>  
**Date** Tue 9/30/2025 10:09 AM  
**To** wwa116@msn.com <wwa116@msn.com>

Doug,

I remember distinctly writing the email when we first spoke about it, but unfortunately cannot locate it in either my Sent or Draft email boxes. A second shot is below.

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Dear Mr. and Mrs. McDaniel,

We understand that you are filing for a zoning exception because a portion of your new fence on Cedar Parkway was reported to slightly exceed the height requirement.

Our home at 5700 Cedar Parkway is the only one in the neighborhood that faces your home and the fence from Cedar Parkway. We have absolutely no objections or concerns regarding the structure. In fact, it is well-constructed, aesthetically pleasing, and by all measures an asset to the neighborhood. We without reservation support any efforts to leave the fence in its current state.

Please feel free to reach out if you or any other parties to the matter have any questions.

Sincerely,

John and Lisa Sanders

Doris Kafka & Robert Axelrod  
44 Grafton St  
Chevy Chase, MD 20185

July 24, 2025

To: Chevy Chase Village

We are the owners of 44 Grafton St, which is the house next door to 46 Grafton St. There is no objection on our part to the location, size or configuration of the fence recently installed on the Grafton Street and Cedar Parkway sides of the property.

Sincerely,



Doris Kafka & Robert Axelrod

**To: Chevy Chase Village**

**Re: Appeal of Fence Installation at 46 Grafton Street**

**Case: V-8696**

I will start my appeal by acknowledging that part of the fence we replaced exceeds the six-foot height cap outlined in the Chevy Chase Village permit. It was an honest oversight and mistake on our part. We bid the job to three fence contractors, asking each to install a six-foot high stockade fence of like-kind to what was existing. After we selected a contractor, whose original contract called for 131 linear feet of 4' x 6' vertical board, the sales rep asked if we wanted a one-inch trim-board and decorative New England-style caps on the 4" x 4" posts. We agreed to that without thinking that they might violate the permit parameters, so the fault rests with us for not thinking through our decision.

On to the appeal, which, technically, I believe I am not appealing the findings, but rather respectively asking the Village to amend our original permit or reissue the permit to fit the parameters of the new fence. In that case, the new or special permit would allow the fence, trim-board and the decorative caps to be 80 inches high. I believe 80 inches to be accurate, but given the topography/slope of our property along Cedar Parkway, I would feel more comfortable with the permitting and code enforcement coordinator making the final determination if 80 inches is correct.

Allowing the fence to remain as is would be consistent with the reasoning why the previous owners of 46 Grafton Street were granted approval to replace their fence approximately 15 years ago. It does not negatively impact the public health, safety, welfare or reasonable use of adjoining properties nor does it impair traffic. It does not diminish any requisite sightlines or visibility at the intersection of Cedar Parkway and Grafton Street. It does not appreciably block air flow or natural light to other properties.

The current fence is supported by our neighbors, Tom and Suzie Egan who live at 101 Grafton Street, and Doris Kafka and Robert Alexrod who live at 44 Grafton Street. (I have included copies of their letters of support.) Additionally, John and Lisa Sanders who live at 5700 Cedar Parkway also support our efforts, however, they left for a vacation to Japan before I could obtain an email from them. I will send it for the record once they return.

The current fence does not alter the character of the neighborhood; instead it enhances it by the addition of very modest aesthetic features. And it is in keeping with other corner lots within a two-street radius that have fences that exceed six-feet. Therefore, there is ample precedent to allow fencing higher than six-feet along, at least in our case, one of the busiest intersections in our part of Chevy Chase Village. The examples are:

5610 Cedar Parkway  
5 Chevy Chase Circle  
5620 Grove Street  
503 Kirkside Drive  
4000 Oliver Street  
5500 Park Street

I am certain that there are many other examples of corner lots with fences that exceed six feet throughout the Village; these six examples are nearest to 46 Grafton Street.

Thank you for taking the time to review and consider our request.

Respectively,

Doug and Mary Beth McDaniel  
46 Grafton Street  
Chevy Chase, MD 20815

