

HISTORIC PRESERVATION COMMISSION

Marc Elrich
County Executive

Robert Sutton
Chairman

Date: March 7, 2023

MEMORANDUM

TO: Rabbiah Sabbakhan

Department of Permitting Services

FROM: Rebeccah Ballo

Historic Preservation Section

Maryland-National Capital Park & Planning Commission

SUBJECT: Historic Area Work Permit #1022245: New fence

The Montgomery County Historic Preservation Commission (HPC) has reviewed the attached application for a Historic Area Work Permit (HAWP). This application was **Approved** by the HPC staff.

The HPC staff has reviewed and stamped the attached construction drawings.

THE BUILDING PERMIT FOR THIS PROJECT SHALL BE ISSUED CONDITIONAL UPON ADHERENCE TO THE ABOVE APPROVED HAWP CONDITIONS AND MAY REQUIRE APPROVAL BY DPS OR ANOTHER LOCAL OFFICE BEFORE WORK CAN BEGIN.

Applicant: Adrienne Arsht (Jim Ochs/Phil Long, Agents)

Address: 9 Chevy Chase Circle, Chevy Chase

This HAWP approval is subject to the general condition that the applicant will obtain all other applicable Montgomery County or local government agency permits. After the issuance of these permits, the applicant must contact this Historic Preservation Office if any changes to the approved plan are made. Once work is complete the applicant will contact Rebeccah Ballo at 301.563.3404 or Rebeccah.Ballo@montgomeryplanning.org to schedule a follow-up site visit.





HAWP #:	at:	
submitted on:		
has been reviev	ved and de	termined that the proposal fits into the following category/categories:

Repair or replacement of a masonry foundation with new masonry materials that closely match the original in appearance;

Installation of vents or venting pipes in locations not visible from the public right-of-way;

New gutters and downspouts;

Removal of vinyl, aluminum, asbestos, or other artificial siding when the original siding is to be repaired and/or replaced in kind;

Removal of accessory buildings that are not original to the site or non-historic construction;

Repair or replacement of missing or deteriorated architectural details such as trim or other millwork, stairs or stoops, porch decking or ceilings, columns, railings, balusters, brackets shutters, etc., with new materials that match the old in design, texture, visual characteristics, and, where possible materials, so long as the applicant is able to provide one extant example, photographic evidence, or physical evidence that serves as the basis for the work proposed;

Construction of wooden decks that are at the rear of a structure and are not visible from a public right-of-way;

Roof replacement with -compatible roofing materials, or with architectural shingles replacing 3-Tab asphalt shingles;

Installation of storm windows or doors that are compatible with the historic resource or district;

Repair, replacement or installation of foundation-level doors, windows, window wells, and areaways, or foundation vents, venting pipes, or exterior grills that do not alter the character-defining features and/or the historic character of the resource:

Construction of fences that are compatible with the historic site or district in material, height, location, and design; Fence is lower than 48" in front of rear wall plane;

Construction of walkways, parking pads, patios, driveways, or other paved areas that are not visible from a public right-of-way and measure no more than 150 square feet in size;

Replacement of existing walkways, parking pads, patios, driveways, or other paved areas with materials that are compatible with the visual character of the historic site and district and that are no greater than the dimensions of the existing hardscape;

Construction of small accessory buildings no larger than 250 square feet in size that are not visible from the public right-of-way;

Installations of skylights on the rear of a structure that will not be visible from the public right-of-way, and would not remove or alter character-defining roof materials;

Installation of solar panels and arrays in locations that are not readily visible from the public right-of-way or that are designed so as to have a minimal impact on the historic resource or the historic district (e.g., systems that are ground-mounted in areas other than the front or side yard of a corner lot, located on accessory or outbuildings, on non-historic additions, or on rear facing roof planes);

Installation of car charging stations in any location on a property or in the right-of-way;

Installation of satellite dishes;

Removal of trees greater than 6" in diameter (d.b.h.) that are dead, dying, or present an immediate hazard.

Removal of trees greater than 6" in diameter (d.b.h.) in the rear of the property that will not impact the overall tree canopy of the surrounding district or historic site;

Replacement tree required as a condition; and, Other minor alterations that may be required by the Department of Permitting Services post-Commission approval that would have no material effect on the historic character of the property.

Staff finds the proposal complies with Chapter 24A, the Secretary of the Interior's Standards for Rehabilitation, and any additional requisite guidance. Under the authority of COMCOR No. 24A.04.01, this HAWP is approved by Rebeccah Ballo on ______. The approval memo and stamped drawings follow.



APPLICATION FOR HISTORIC AREA WORK PERMIT HISTORIC PRESERVATION COMMISSION

FOR STAFF ONLY: HAWP#___1022245_

DATE

ASSIGNED_

301.563.3400

REVIEWED

Date

By Rebeccah Ballo at 12:48 pm, Mar 07, 2023

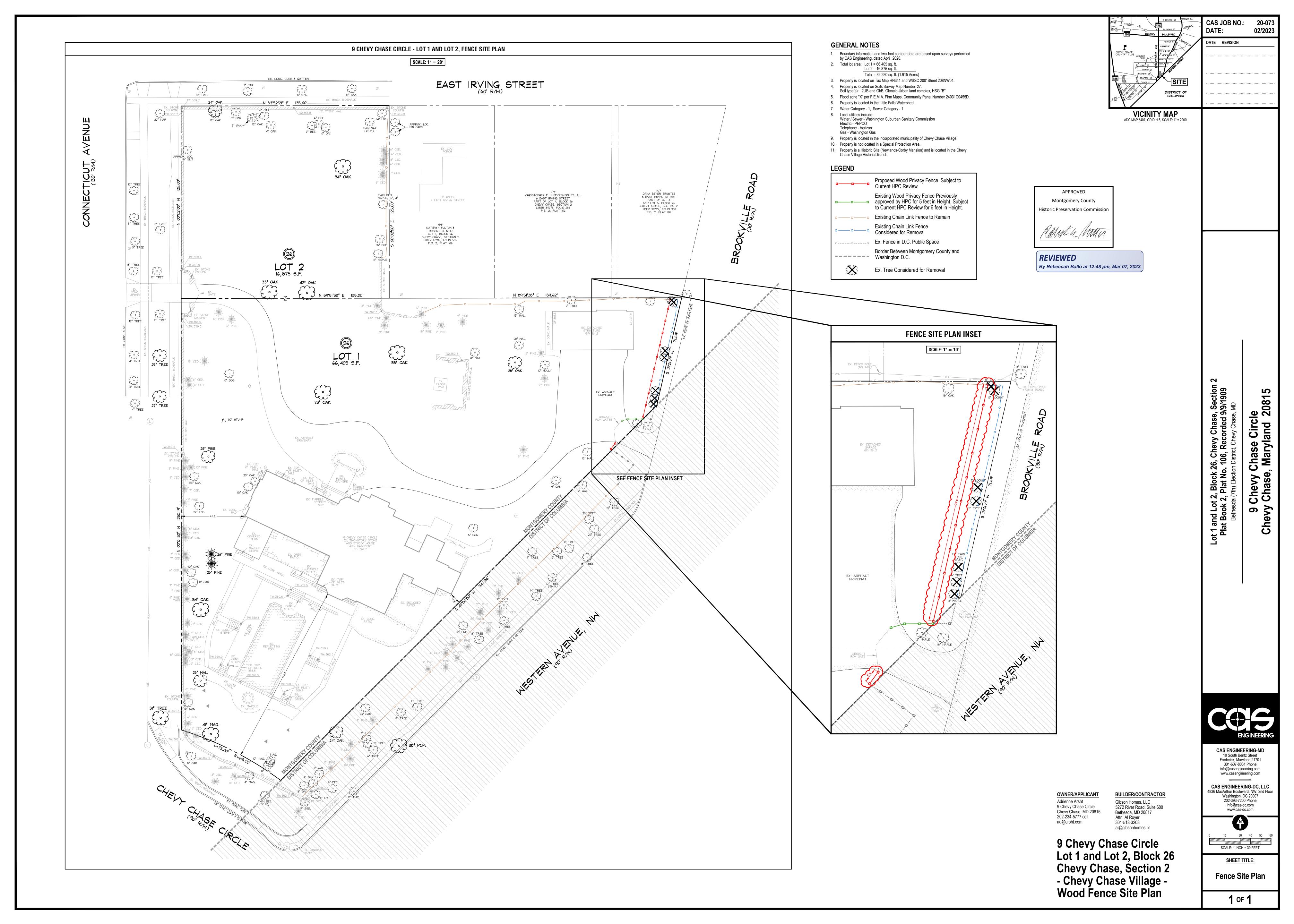
Name:			E-mail:			APPROVED Montgomery County Historic Preservation Commission
Address:			City:		Zip:	Rame no la
Daytime Phone:				No.:		
AGENT/CONTACT (if	applicable):					
Name:			E-mail:			
Address:			City:		Zip:	
Daytime Phone:			Contractor Ro	egistration No.	:	
LOCATION OF BUILD	ING/PREMIS	E: MIHP # of Historic	Property			
Is there an Historic Pr map of the easement Are other Planning an (Conditional Use, Varia supplemental informa	eservation/La , and docume d/or Hearing ance, Record ation.	and Trust/Environmen entation from the Ease Examiner Approvals / Plat, etc.?) If YES, incl	o/Individual S Ital Easemen ement Holder Reviews Red Iude informa	Site Name It on the Prope It supporting thi Quired as part of tion on these r	rty? If YES is applica of this App eviews as	S, include a tion.
Building Number:		Street:				
Town/City:		Nearest Cross	Street:			
Lot:	3lock:	Subdivision:	Parce	el:		
for proposed work a be accepted for revi New Constructi Addition Demolition Grading/Excava I hereby certify that I and accurate and tha	are submitte iew. Check al ion ation have the autl at the constru	the checklist on Paged with this application I that apply: Deck/Porch Fence Hardscape/Landsca Roof hority to make the forection will comply with and accept this to be	ape egoing applic	Shed/Garage Solar Tree removal, Window/Doo Other: cation, that the	planting r applicati	not Try Structure Ton is correct necessary

Signature of owner or authorized agent

Description of Property: Please describe the landscape features, or other significant features	he building and surrounding environment. Include information on significant structures of the property:
Description of Work Proposed: Please gi	ve an overview of the work to be undertaken:
	_
APPROVED	
Montgomery County	
Historic Preservation Commission	
Ramata lamas	

REVIEWED

By Rebeccah Ballo at 12:48 pm, Mar 07, 2023





William Kominers 301-841-3829 wkominers@lerchearly.com

Stuart R. Barr 301-961-6095 <u>srbarr@lerchearly.com</u>

February 20, 2023

Montgomery County Historic Preservation Office Attention: Rebeccah Ballo Montgomery County Planning Department 2425 Reedie Drive Floor 13 Wheaton, Maryland 20902

Re: 9 Chevy Chase Circle Property – Statement in Support of Historic Area Work Permit Application

Proposed Replacement Fencing Along Brookville Road

Dear Ms. Ballo:

As you are aware, our firm represents Adrienne Arsht (the "Applicant"), the owner of the property located at 9 Chevy Chase Circle, Chevy Chase, within Chevy Chase Village (the "Property"). Thank you again to you and John Liebertz for meeting with us at the Property on January 30, 2023 to walk the Property and discuss our client's plan to replace the existing fencing along the Brookville Road frontage of the Property. On behalf of our client, we provide this letter and statement in support of the accompanying Historic Area Work Permit (HAWP) Application for the proposed replacement fencing (the "Application"). As reflected on the attached Application materials, the project will be compatible with the historic designation of the Property and with the surrounding area. As explained further in this letter and in the Application materials, the project and the request comply with all of the standards and findings required for approval of a HAWP.

I. Background Information

The Property is commonly known as the Corby Mansion, located at the intersection of Connecticut Avenue, Western Avenue, and Chevy Chase Circle, within Montgomery County,

Maryland. The Property is comprised of two lots – Lots 1 and 2, Block 26, Chevy Chase Maryland Section Number 2, Plat Number 106 (Tax Account #07-00454971). The two lots have been in common ownership since 1915. The primary lot, Lot 1, contains the historic main home located in the southern portion of the Property, a detached accessory structure, driveway access on Connecticut Avenue and Brookville Road, a reflecting pool, and other associated improvements.

The total size of the Property is 83,399 square feet (almost two acres). The Property is zoned R-60 and has frontage on five streets: Chevy Chase Circle, Connecticut Avenue, East Irving Street, Brookville Road, and Western Avenue (Western Avenue is the boundary between Montgomery County, Maryland and Washington, DC). On the Montgomery County side of Western Avenue, the Property confronts other residential uses, all within the R-60 zone. The Property was designated as an individual Master Plan Historic Resource separate from the Chevy Chase Historic District in 1989, in recognition of its extraordinary architectural and historical significance.

II. <u>Description of Proposed Project</u>

A 3 foot 6 inch tall chain link fence with artificial ivy leaf privacy screen is currently located along the Brookville Road frontage, as shown in the photograph on page 5 and in Attachment A. The existing fencing exists from the Brookville Road driveway entrance to the northeast corner of the Property, with a small portion located within the District of Columbia and the majority located in Montgomery County. As reflected on the Fence Site Plan, the Applicant proposes a six (6) foot solid wood board fence to replace the existing fencing located along the Brookville Road frontage (approximately 79 linear feet). The existing fencing is old, unattractive, and in need of replacement, and the selected replacement fencing is needed for physical security and visual privacy for the Applicant.

The proposed fencing is planned to be the same height (6 feet), style, and color as the existing fencing located along the Brookville Road driveway entrance. Thus, the extension of this same fencing along Brookville Road will be consistent with the same fencing that exists along the driveway entrance. The HPC approved the fencing to the right of the driveway entrance and to the right of the gate (please see <u>Attachment B</u>), though we note that the approval was for 5-foot fencing when the fencing that exists is 6 feet. We ask for that very minor discrepancy to be corrected in connection with this Application.

Additionally, a very small portion of 6-foot fencing exists within Montgomery County to the left of the driveway entrance and directly to the left of the gate, as shown in the photograph on the following page, and on the Fence Site Plan. To the extent this very small portion of

fencing located in Montgomery County was not included with the prior approval (<u>Attachment B</u>), we ask for that approval now in connection with this Application.



View of Brookville Road driveway entrance with existing wood fencing to the left of the driveway. The proposed fencing along Brookville Road to be the same height (6 feet), style, and color.

The proposed fencing also will be consistent with the height of the fencing on the adjoining property (8 East Irving Street) located at the corner of East Irving Street and Brookville Road. The attached Fence Site Plan describes in detail the proposed location, dimensions, and materials. At present, the Applicant plans to locate the new fence behind/west of the small trees that are directly adjacent to the existing fence. That existing fence is proposed for removal. Depending on the exact ultimate alignment, the installation of the new fencing and the removal of existing fencing may require the removal or trimming of some or all of the small trees located directly next to the existing fencing. In the event any tree removal becomes necessary, we ask for approval to remove these trees as part of the HAWP application. The number and size of these small trees are described on the attached Fence Site Plan.

III. Request for Staff-Level Historic Area Work Permit

To enhance the Property's physical security and visual privacy, the Applicant requests

approval of a HAWP in order to construct the proposed new fencing. The HAWP Application satisfies the criteria for approval under County Code Section 24A-8 and the Secretary of the Interior's Standards for Rehabilitation.

The new fencing will not be inappropriate, inconsistent with, or detrimental to the preservation, enhancement or ultimate protection of the historic resource. The HPC previously approved the same exact type of fencing (at 5 feet in height) along the Brookville Road driveway entrance (please see <u>Attachment B</u>). The fencing will not substantially alter the exterior features of the historic resource, and the fencing is compatible in character and nature with the historical and architectural features of the site. The proposal will not remove or alter character-defining features of the subject Property.

The proposed fencing is aesthetic and contributes to the Property's historic character. The proposed height, style, and color complement the style and colors of the main house exterior. The fencing also is necessary to create more safe and private conditions for the Applicant's use and enjoyment. Granting the requested HAWP will not be adverse or detrimental to the use and enjoyment of adjoining or neighboring properties or Chevy Chase Village as a whole. No adjoining property owners will be adversely impacted, and there should be no effect on public health, safety or welfare of the public or neighbors.

The Property's designation, as approved by the Historic Preservation Commission, Planning Board, and County Council states that, "Any new construction should be designed so as to preserve views of the main house from Connecticut Avenue and Brookville Road." The project is consistent with this objective. No new construction on the main house exterior is proposed, and the project is consistent with the language from the Property's designation because the functional views from Brookville Road are preserved. As reflected in the photographs on the following page, the view of the main house from Brookville Road will still be preserved. As shown in the photographs, the added height of the proposed fence compared to the existing fence has little effect on the view of the main house from the sidewalk along Brookville Road. The new fence principally blocks view of vehicles parked in front of the house, or in front of the detached garage/carriage house. That independent structure itself blocks some views from Brookville Road. The view from the sidewalk along Brookville Road (because the sidewalk is only located on the east side of the street), allows a shallower angle of view to see over the fence to the house beyond.

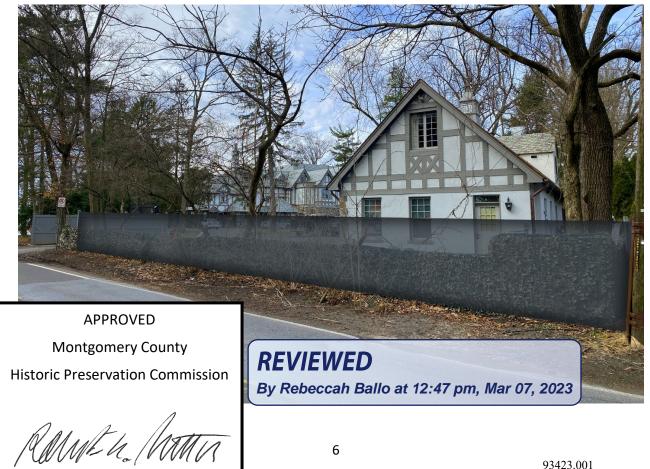


Current fencing and view of main house from Brookville Road (above). Proposed view of main house from Brookville Road after replacement fencing (below). A sidewalk exists only on the east side of Brookville Road.





Current fencing and view of main house from Brookville Road (above). Proposed view of main house from Brookville Road after replacement fencing (below). A sidewalk exists only on the east side of Brookville Road.



The public viewshed and openness of the view of the main house from Brookville Road will still be preserved. The proposed fencing will not obscure meaningful views of the main house from the public right-of-way of Brookville Road. The upper floor and variegated roof lines and chimneys remain visible. Additional views of the main house also exist through the wrought iron gate on Brookville Road and along other significant portions of the Property's perimeter. The vast majority of the perimeter of the Property in the County remains open to view above the existing low stone wall. These views from Connecticut Ave. and East Irving Street show the full expanse of the house within its natural setting. This more fully and properly presents the house in its historical context and the traditional approach from the entrance on Connecticut Ave. As evidenced by the garage/carriage house, and its large paved parking area, the Brookville entrance and frontage are secondary and service-oriented.

Under the Historic Preservation Commission Regulations, the Staff has the authority to approve certain HAWPs, which specifically include requests for fencing. As required for Stafflevel approvals, this particular request should have no more than an insignificant impact on the historic character of the resource. As demonstrated by the attached photographs and described in this statement, the distinctive character of the house remains visible from Brookville Road, and better views remain unchanged from large portions of the perimeter. The proposed fencing is compatible with the historic site in material, height, location, and design. Accordingly, the applicable criteria are met, and the Applicant requests a Staff-level HAWP approval.

IV. **Application Materials**

The attached HAWP Application includes the following materials:

- a. Photographs.
- b. Prior HPC approval for fencing along Brookville Road driveway.
- c. HAWP Application Form.
- d. Fence Site Plan.

V. **Conclusion**

The Applicant respectfully requests approval of the HAWP as described in this Application. Again, no changes to the historic resource are proposed, and this Application will not adversely impact the historic resource in any way. The owner has made significant

7 4874502.9 93423.001 improvements to the Property over multiple years, all of which have been in keeping with the historic nature of the Property.

We hope that this information provides the necessary context for the proposed project and answers all questions about the proposal. We thank the Staff for considering this information and a Staff-level approval. If you have any questions or need any additional information, please do not hesitate to contact us. Thank you very much for your favorable consideration of this Application.

Respectfully Submitted,

LERCH, EARLY & BREWER, CHTD.

William Kominers

Stuart R. Barr

Attachments:

A. Photographs

B. Prior HPC approval for fencing along Brookville Road driveway

cc (by email): Jim Ochs, CAS Engineering

Phillip Long, CAS Engineering Will Percival, Gibson Homes Al Royer, Gibson Homes

APPROVED

Montgomery County

Historic Preservation Commission

amete.

REVIEWED

By Rebeccah Ballo at 12:47 pm, Mar 07, 2023

Attachment A

Photographs



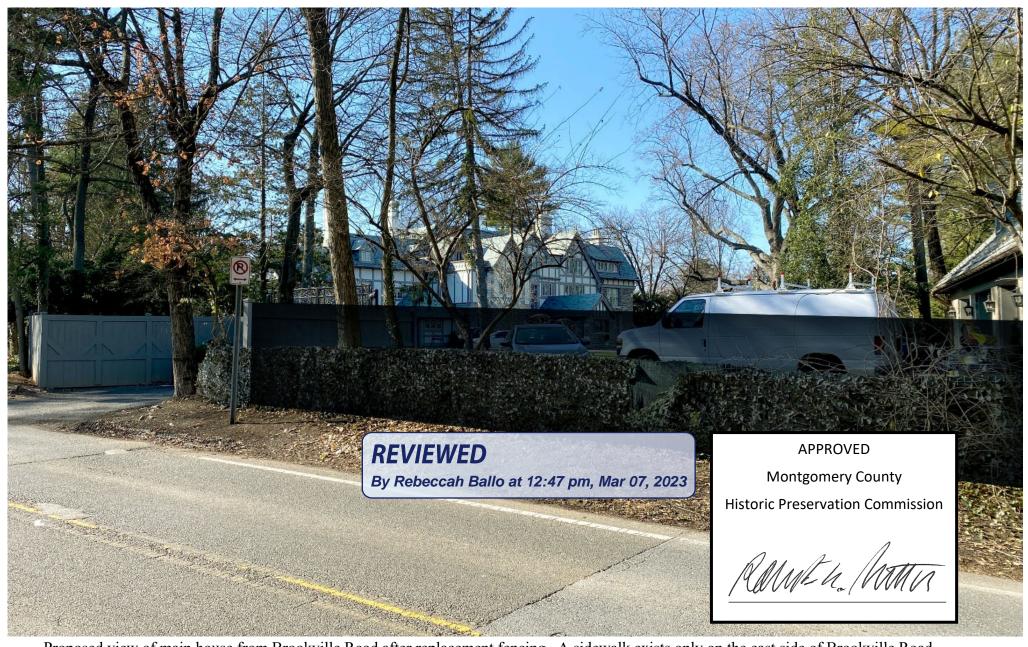
View of Brookville Road driveway entrance with existing wood fencing to the left of the driveway. The proposed fencing along Brookville Road to be the same height, style, and color.

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Current fencing and view of main house from Brookville Road.

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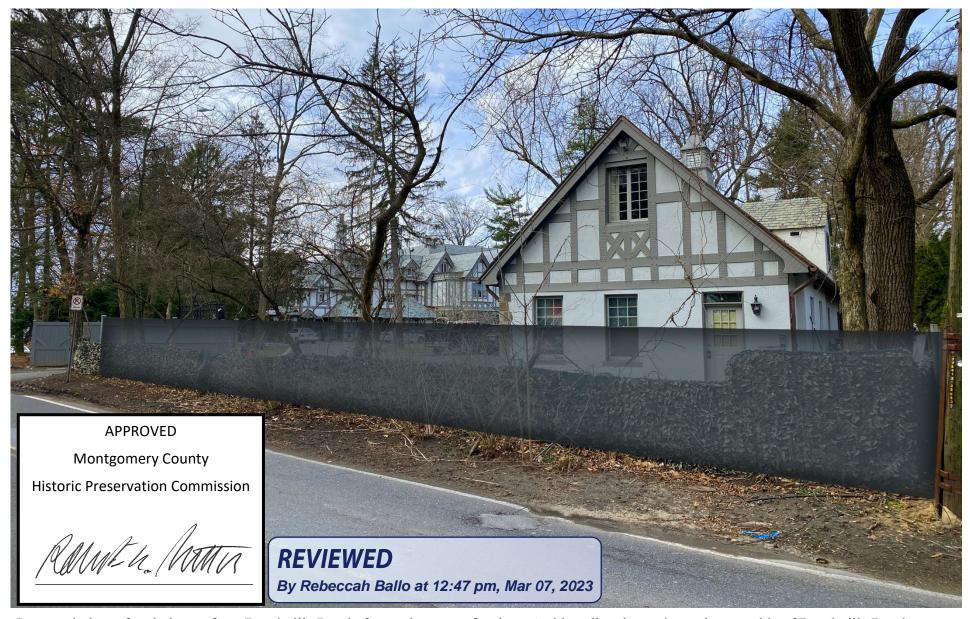
Proposed view of main house from Brookville Road after replacement fencing. A sidewalk exists only on the east side of Brookville Road.

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Current fencing and view of main house from Brookville Road.

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Proposed view of main house from Brookville Road after replacement fencing. A sidewalk exists only on the east side of Brookville Road.

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Attachment B
Prior HPC approval for fencing along Brookville Road driveway



HISTORIC PRESERVATION COMMISSION

Marc Elrich
County Executive

Robert K. Sutton Chairman

Date: September 2, 2022

MEMORANDUM

TO: Mitra Pedoeem

Department of Permitting Services

FROM: Michael Kyne

Historic Preservation Section

Maryland-National Capital Park & Planning Commission

SUBJECT: Historic Area Work Permit #1004005: Fence installation

The Montgomery County Historic Preservation Commission (HPC) has reviewed the attached application for a Historic Area Work Permit (HAWP). This application was **Approved** by historic preservation staff.

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THE BUILDING PERMIT FOR THIS PROJECT SHALL BE ISSUED CONDITIONAL UPON ADHERENCE TO THE ABOVE APPROVED HAWP CONDITIONS AND MAY REQUIRE APPROVAL BY DPS OR ANOTHER LOCAL OFFICE BEFORE WORK CAN BEGIN.

Applicant: Adrienne Arsht (Jim Ochs/Phil Long, Agents)

Address: 9 Chevy Chase Circle, Chevy Chase

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