



HISTORIC PRESERVATION COMMISSION

Isiah Leggett
County Executive

Thomas Jester
Chairperson

Date: 12/17/10

MEMORANDUM

TO: Carla Reid, Director
Department of Permitting Services

FROM: Anne Fothergill (AP)
Planner Coordinator
Historic Preservation Section-Planning Department
Maryland-National Capital Park & Planning Commission

SUBJECT: Historic Area Work Permit #555444—fence replacement

The Montgomery County Historic Preservation Commission (HPC) has reviewed the attached application for a Historic Area Work Permit (HAWP) and this application was **approved** by the HPC on December 15, 2010.

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: Michael Kail
Address: 101 East Lenox Street, 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 the work is completed the applicant will contact the staff person assigned to this application at 301-563-3400 to schedule a follow-up site visit.





HISTORIC PRESERVATION COMMISSION
301/563-3400

APPLICATION FOR HISTORIC AREA WORK PERMIT

Contact Person: M. KAIL
Daytime Phone No.: 202 429 6237 / 301 452 6448

Tax Account No.: _____

Name of Property Owner: M. KAIL Daytime Phone No.: 202 429 6237 / 301 452 6448

Address: 101 E LENOX ST CHEW CHASE MD 20815
Street Number City State Zip Code

Contractor: LONG FENCE Phone No.: _____

Contractor Registration No.: 9615-12

Agent for Owner: N/A Daytime Phone No.: _____

NOV 26 2010

House Number: 101 Street: E LENOX
Town/City: CHEW CHASE Nearest Cross Street: BIRCKVILLE RD By: _____
Lot: 9/10 Block: 45 Subdivision: SECTION 2 / CHEW C
Liber: _____ Folio: _____ Parcel: _____

- 1A. CHECK ALL APPLICABLE:
- | | | | | | | | | |
|---|----------------------------------|---|---|------------------------------------|--|--|-------------------------------|-------------------------------|
| <input checked="" type="checkbox"/> Construct | <input type="checkbox"/> Extend | <input type="checkbox"/> Alter/Renovate | <input type="checkbox"/> A/C | <input type="checkbox"/> Slab | <input type="checkbox"/> Room Addition | <input type="checkbox"/> Porch | <input type="checkbox"/> Deck | <input type="checkbox"/> Shed |
| <input type="checkbox"/> Move | <input type="checkbox"/> Install | <input type="checkbox"/> Wreck/Raze | <input type="checkbox"/> Solar | <input type="checkbox"/> Fireplace | <input type="checkbox"/> Woodburning Stove | <input type="checkbox"/> Single Family | | |
| <input type="checkbox"/> Revision | <input type="checkbox"/> Repair | <input type="checkbox"/> Revocable | <input checked="" type="checkbox"/> Fence/Wall (complete Section 4) | | <input type="checkbox"/> Other: _____ | | | |

1B. Construction cost estimate: \$ 2,500

1C. If this is a revision of a previously approved active permit, see Permit # _____

2A. Type of sewage disposal: 01 WSSC 02 Septic 03 Other: _____

2B. Type of water supply: 01 WSSC 02 Well 03 Other: _____

3A. Height 6 feet _____ inches

3B. Indicate whether the fence or retaining wall is to be constructed on one of the following locations:
 On party line/property line Entirely on land of owner On public right of way/easement

I hereby certify that I have the authority to make the foregoing application, that the application is correct, and that the construction will comply with plans approved by all agencies listed and I hereby acknowledge and accept this to be a condition for the issuance of this permit.

Signature of owner or authorized agent: [Signature] Date: 11/22/10

Approved: For Chairperson, Historic Preservation Commission

Disapproved: _____ Signature: _____ Date: 12/17/10

Application/Permit No.: 555444 Date Filed: 12/17/10 Date Issued: _____

1. **WRITTEN DESCRIPTION OF PROJECT**

a. Description of existing structure(s) and environmental setting, including their historical features and significance:

REMOVE 6' STOCKADE FENCE
INSTALL 6' CEDAR VERTICAL BOARD FENCE
IDENTICAL TO FENCE APPROVED AT 20 OXFORD STREET AT 4/20/10 HVG
IDENTICAL TO FENCE APPROVED AT 102 S HILLUSE

b. General description of project and its effect on the historic resource(s), the environmental setting, and, where applicable, the historic district

THIS FENCE WILL MATCH THE FENCE THE WPO & VILLAGES
HAS APPROVED AS PART OF THE PILCOCKVILLE RD PROJECT
HPC #35/R-10F

2. **SITE PLAN**

Site and environmental setting, drawn to scale. You may use your plat. Your site plan must include:

- a. the scale, north arrow, and date;
- b. dimensions of all existing and proposed structures; and
- c. site features such as walkways, driveways, fences, ponds, streams, trash dumpsters, mechanical equipment, and landscaping.

3. **PLANS AND ELEVATIONS**

You must submit 2 copies of plans and elevations in a format no larger than 11" x 17". Plans on 8 1/2" x 11" paper are preferred.

- a. Schematic construction plans, with marked dimensions, indicating location, size and general type of walls, window and door openings, and other fixed features of both the existing resource(s) and the proposed work.
- b. Elevations (facades), with marked dimensions, clearly indicating proposed work in relation to existing construction and, when appropriate, context. All materials and fixtures proposed for the exterior must be noted on the elevations drawings. An existing and a proposed elevation drawing of each facade affected by the proposed work is required.

4. **MATERIALS SPECIFICATIONS**

General description of materials and manufactured items proposed for incorporation in the work of the project. This information may be included on your design drawings.

5. **PHOTOGRAPHS**

- a. Clearly labeled photographic prints of each facade of existing resource, including details of the affected portions. All labels should be placed on the front of photographs.
- b. Clearly label photographic prints of the resource as viewed from the public right-of-way and of the adjoining properties. All labels should be placed on the front of photographs.

6. **TREE SURVEY**

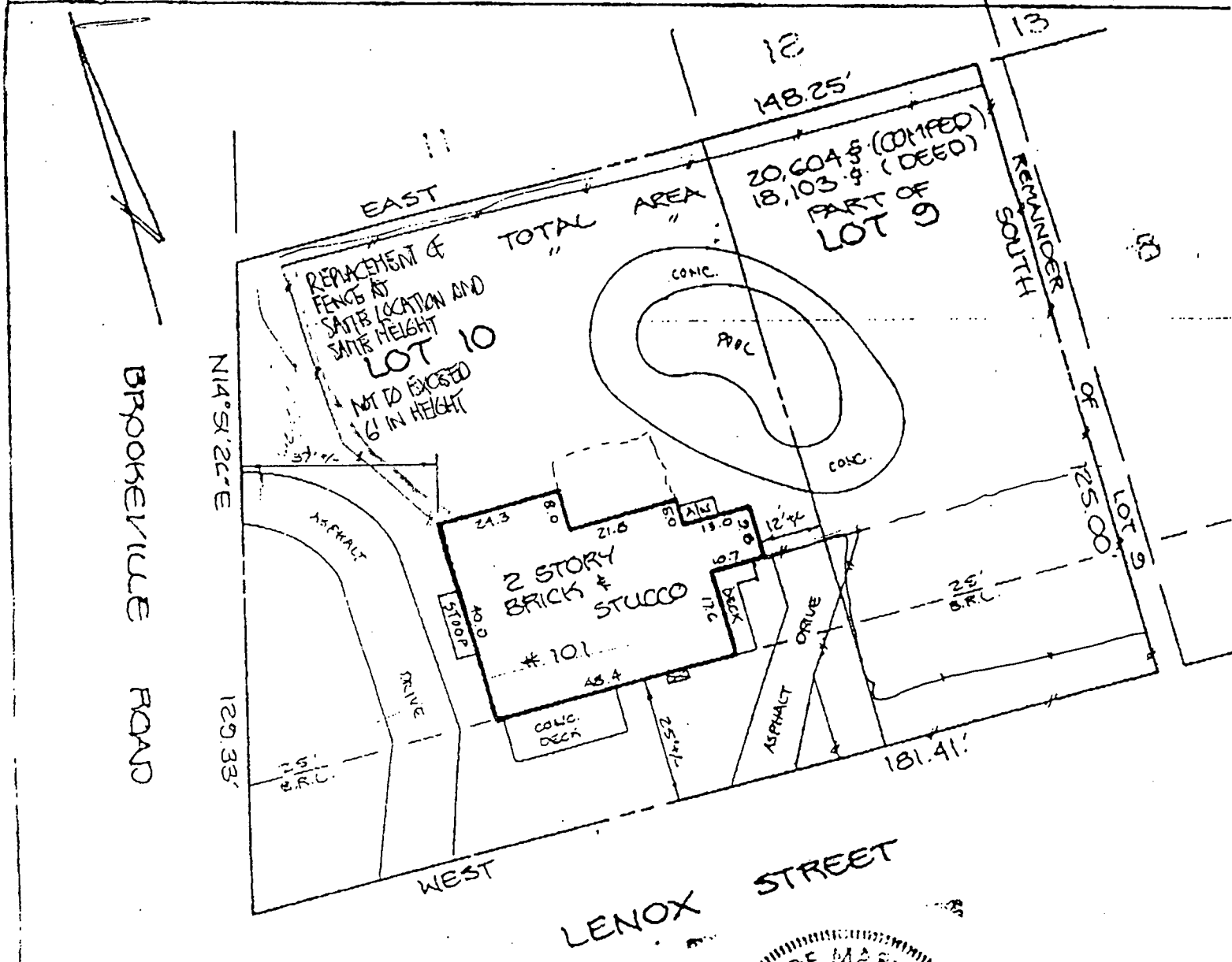
If you are proposing construction adjacent to or within the dripline of any tree 6" or larger in diameter (at approximately 4 feet above the ground), you must file an accurate tree survey identifying the size, location, and species of each tree of at least that dimension.

7. **ADDRESSES OF ADJACENT AND CONFRONTING PROPERTY OWNERS**

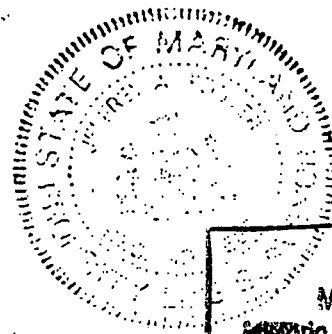
For ALL projects, provide an accurate list of adjacent and confronting property owners (not tenants), including names, addresses, and zip codes. This list should include the owners of all lots or parcels which adjoin the parcel in question, as well as the owner(s) of lot(s) or parcel(s) which lie directly across the street/highway from the parcel in question. You can obtain this information from the Department of Assessments and Taxation, 51 Monroe Street, Rockville, (301/279-1355).

PLEASE PRINT (IN BLUE OR BLACK INK) OR TYPE THIS INFORMATION ON THE FOLLOWING PAGE.
PLEASE STAY WITHIN THE GUIDES OF THE TEMPLATE, AS THIS WILL BE PHOTOCOPIED DIRECTLY ONTO MAILING LABELS.

NOTE: This location for title purposes only - not to be used for determining property lines. Property Corner Markers NOT guaranteed by this location




LOCATION OF HOUSE
 LOT 10 & PART OF LOT 9
 BLOCK 45, SECTION 2
CHEVY CHASE
 MONTGOMERY COUNTY, MARYLAND

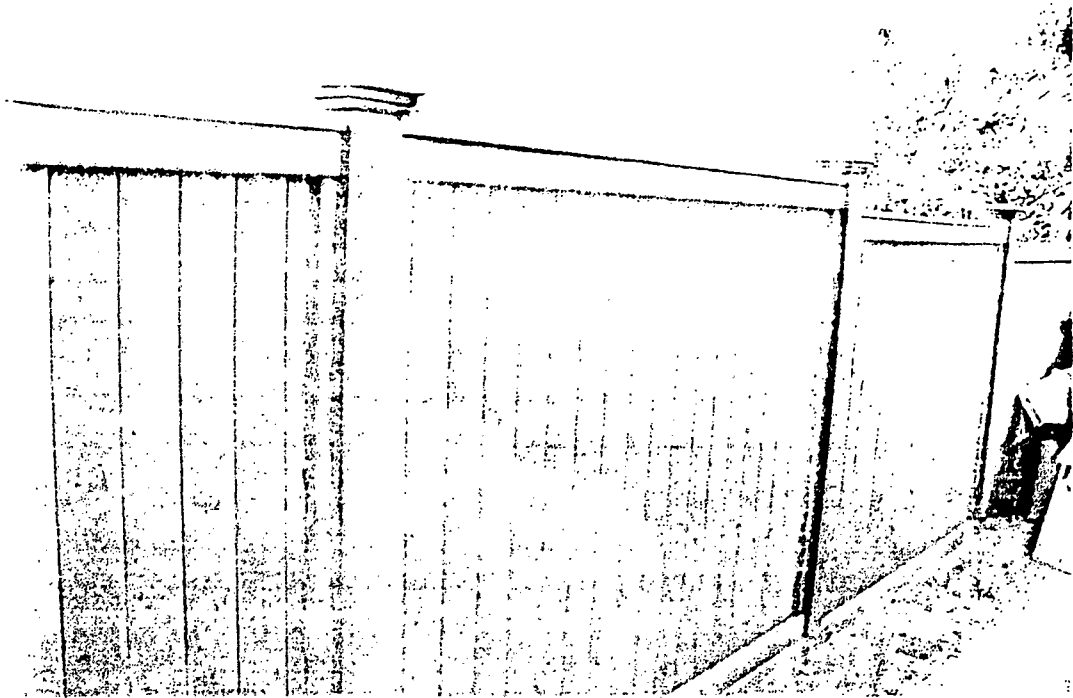


APPROVED
 Montgomery County
 Historic Preservation Commission
[Signature]

FLOOD ZONE "C" PER H.U.D.
 PANEL No. 0175C

Building Line and/or Flood Zone Information is taken from Available Sources and is Subject to Interpretation of Originator

SURVEYOR'S CERTIFICATE	REFERENCES	SNIDER & ASSOCIATES SURVEYORS - ENGINEERS LAND PLANNING CONSULTANTS	
"I HEREBY CERTIFY THAT THIS INSPECTION WAS PERFORMED IN ACCORDANCE WITH THE STANDARDS OF PRACTICE FOR REGISTERED SURVEYORS IN THE STATE AS ADOPTED BY THE MARYLAND SOCIETY OF SURVEYORS."	PLAT BK. 2 PLAT NO. 106	 DATE OF LOCATIONS WALL CHECK: IISE. LOC.: 9-10-93	2 Professional Drive, Suite 218 Gaithersburg, Maryland 20878 301-948-5100
<i>Jeffrey A. Fartin</i> PROP. LINE # 587 REGISTERED SURVEYOR MARYLAND NO.	LIBER FOLIO		SCALE: 1" = 30'



APPROVED
Montgomery County
Historic Preservation Commission

[Handwritten signature]

AP

12/17/10

7

MONTGOMERY COUNTY HISTORIC PRESERVATION COMMISSION
STAFF REPORT

Address:	101 East Lenox Street, Chevy Chase	Meeting Date:	12/15/10
Resource:	Contributing Resource Chevy Chase Village Historic District	Report Date:	12/8/10
Applicant:	Michael Kail	Public Notice:	12/1/10
Review:	HAWP	Tax Credit:	None
Case Number:	35/13-10W	Staff:	Anne Fothergill
PROPOSAL: Fencing replacement			

STAFF RECOMMENDATION

Staff recommends that the HPC approve the HAWP application.

PROPERTY DESCRIPTION

SIGNIFICANCE: Contributing Resource within the Chevy Chase Village Historic District
STYLE: Colonial Revival
DATE: 1901

PROPOSAL

The applicants are proposing to replace the existing 6' tall wooden stockade fencing at the left side of the house with 6' tall wooden board fencing in the exact same location. There is a swimming pool in the side yard behind the privacy fence. The proposed style of fence is the same style that the HPC recently approved for multiple fences as part of the Brookville Road sidewalk HAWP application. The proposed fence will connect to the north side neighbor's existing fence which is also the same fence style.

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

The Guidelines define a Contributing Resource as "A resource which contributes to the overall character of the district and its streetscape, but which is of secondary architectural and historical significance. A resource may be classified as contributing if it is a common or ubiquitous example of an architectural style that is important to the historic district, or if it was an outstanding resource that, while still identifiable as a specific architectural style, has

lost some degree of its architectural integrity due to alterations. Contributing resources add to the overall streetscape due to their size, scale, and architectural character.”

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.

Specifically, the *Guidelines* state:

- o 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.

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 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
 - (3) The proposal would enhance or aid in the protection, preservation and public or private utilization of the historic site or historic resource located within an historic district in a manner compatible with the historical, archeological, architectural or cultural value of the historic site or historic district in which an historic resource is located; or
 - (4) The proposal is necessary in order that unsafe conditions or health hazards be remedied; or
 - (5) The proposal is necessary in order that the owner of the subject property not be deprived of reasonable use of the property or suffer undue hardship; or
 - (6) In balancing the interests of the public in preserving the historic site or historic resource located within an historic district, with the interests of the public from the use and benefit of the alternative proposal, the general public welfare is better served by granting the permit.
- (c) It is not the intent of this chapter to limit new construction, alteration or repairs to any one period or architectural style.

- (d) In the case of an application for work on an historic resource located within an historic district, the commission shall be lenient in its judgment of plans for structures of little historical or design significance or for plans involving new construction, unless such plans would seriously impair the historic or architectural value of surrounding historic resources or would impair the character of the historic district. (Ord. No. 9-4, § 1; Ord. No. 11-59.)

Secretary of the Interior's Standards for Rehabilitation:

- #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 proposed style of the replacement fencing will be an improvement over the existing stockade fencing and will match many other fences along Brookville Road. The house faces Brookville Road, not East Lenox Street, and the applicants need privacy fencing in this side yard location along Brookville Road because of an existing swimming pool. The proposed fence is the exact same style and height of fencing that the HPC recently approved at multiple locations along Brookville Road.

STAFF RECOMMENDATION

Staff recommends that the Commission **approve** the HAWP application as being consistent with Chapter 24A-8(b)(1) & (2);

and with the *Secretary of the Interior's Standards for Rehabilitation*;

and with the general condition that the applicant shall present the **3 permit sets 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 the applicant shall notify the Historic Preservation Staff if they propose to make **any alterations** to the approved plans.



HISTORIC PRESERVATION COMMISSION
301/563-3400

APPLICATION FOR
HISTORIC AREA WORK PERMIT

Contact Person: M. KAIL
Daytime Phone No.: 202 429 6237 / 301 452 6448

Tax Account No.: _____

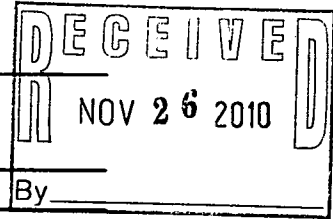
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Address: 101 E LENOX ST CHEW CHASE HD 20815
Street Number City State Zip Code

Contractor: LONG FENCE Phone No.: _____

Contractor Registration No.: 9615-02

Agent for Owner: N/A Daytime Phone No.: _____



House Number: 101 Street: E LENOX
Town/City: CHEW CHASE Nearest Cross Street: BLICKVILLE RD
Lot: 9/10 Block: 45 Subdivision: SECTION 2 / CHEW C
Liber: _____ Folio: _____ Parcel: _____

1A. CHECK ALL APPLICABLE:

- Construct
- Move
- Revision
- Extend
- Install
- Repair
- Alter/Renovate
- Wreck/Raze
- Revocable

CHECK ALL APPLICABLE:

- A/C
- Solar
- Fence/Wall (complete Section 4)
- Slab
- Fireplace
- Room Addition
- Woodburning Stove
- Other: _____
- Porch
- Single Family
- Deck
- Shed

1B. Construction cost estimate: \$ 2,500

1C. If this is a revision of a previously approved active permit, see Permit # _____

2A. Type of sewage disposal: 01 WSSC 02 Septic 03 Other: _____

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M. Kail
Signature of owner or authorized agent

11/22/10
Date

Approved: _____ For Chairperson, Historic Preservation Commission

Disapproved: _____ Signature: _____ Date: _____

Application/Permit No.: 555444 Date Filed: 11/24/2010 Date Issued: _____

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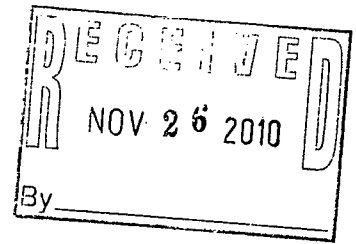
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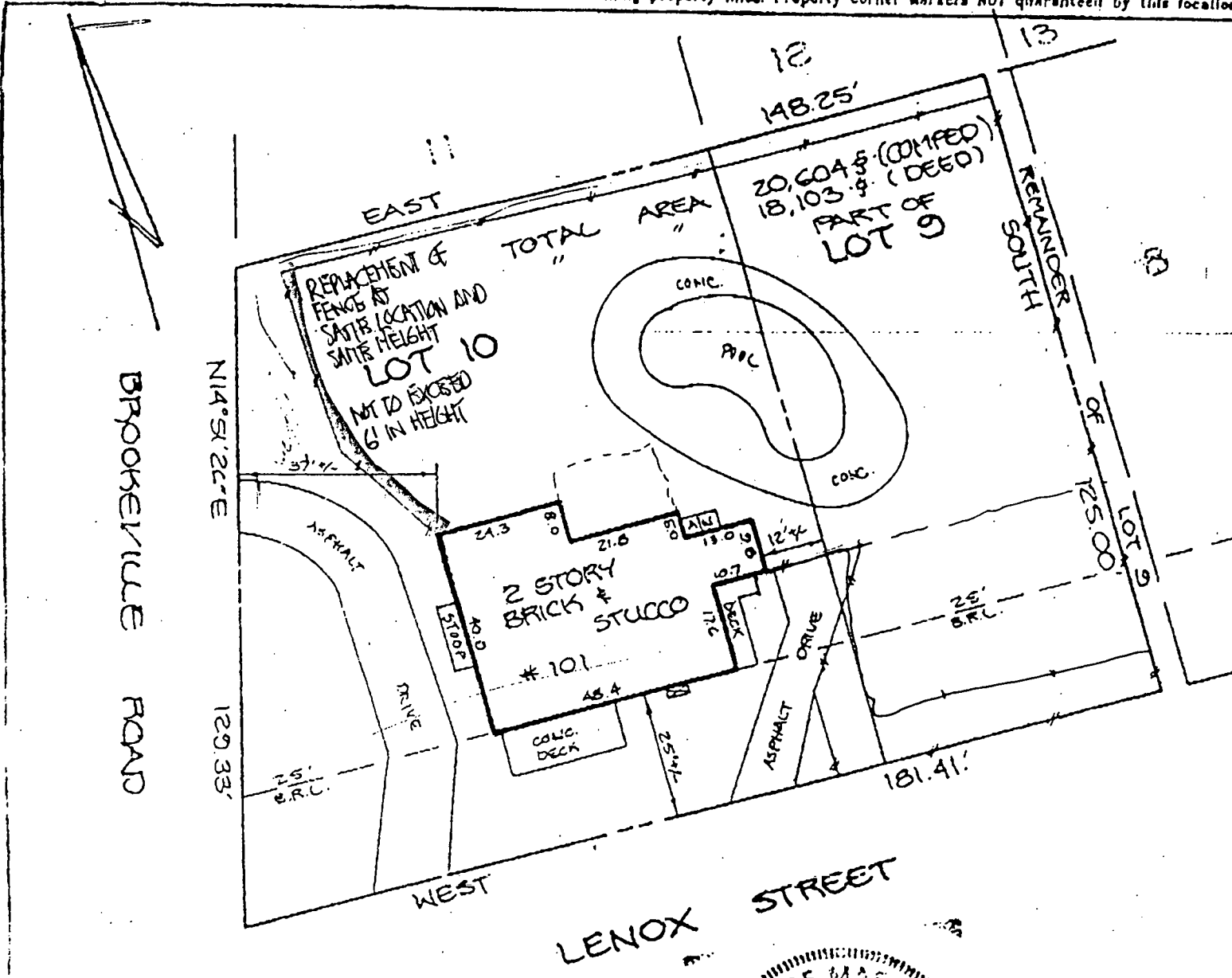
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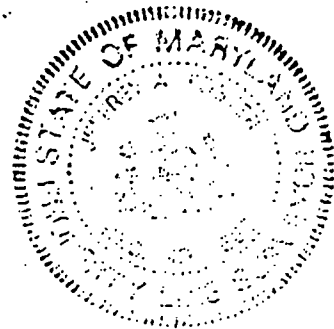
HAWP APPLICATION: MAILING ADDRESSES FOR NOTIFYING
[Owner, Owner's Agent, Adjacent and Confronting Property Owners]

Owner's mailing address	Owner's Agent's mailing address
H. KRAL 101 E LINCOLN ST CHERRY CHASE MO	N/A
Adjacent and confronting Property Owners mailing addresses	
R NICHOLS 102 1/2 MELROSE ST CHERRY CHASE MO	

NOTE This location for title purposes only - not to be used for determining property lines. Property Corner Markers NOT guaranteed by this location



LOCATION OF HOUSE
 LOT 10 & PART OF LOT 9
 BLOCK 45, SECTION 2
CHEVY CHASE
 MONTGOMERY COUNTY, MARYLAND



FLOOD ZONE 'C' PER H.U.D.
 PANEL No. 0175C

Building Line and/or flood Zone Information is taken from Available Sources and is Subject to Interpretation of Originator

SURVEYOR'S CERTIFICATE

"I HEREBY CERTIFY THAT THIS INSPECTION WAS PERFORMED IN ACCORDANCE WITH THE STANDARDS OF PRACTICE FOR REGISTERED SURVEYORS IN THE STATE AS ADOPTED BY THE MARYLAND SOCIETY OF SURVEYORS."

Jeffrey A. Foster PROP. LINE
 REGISTERED SURVEYOR MARYLAND NO. 587

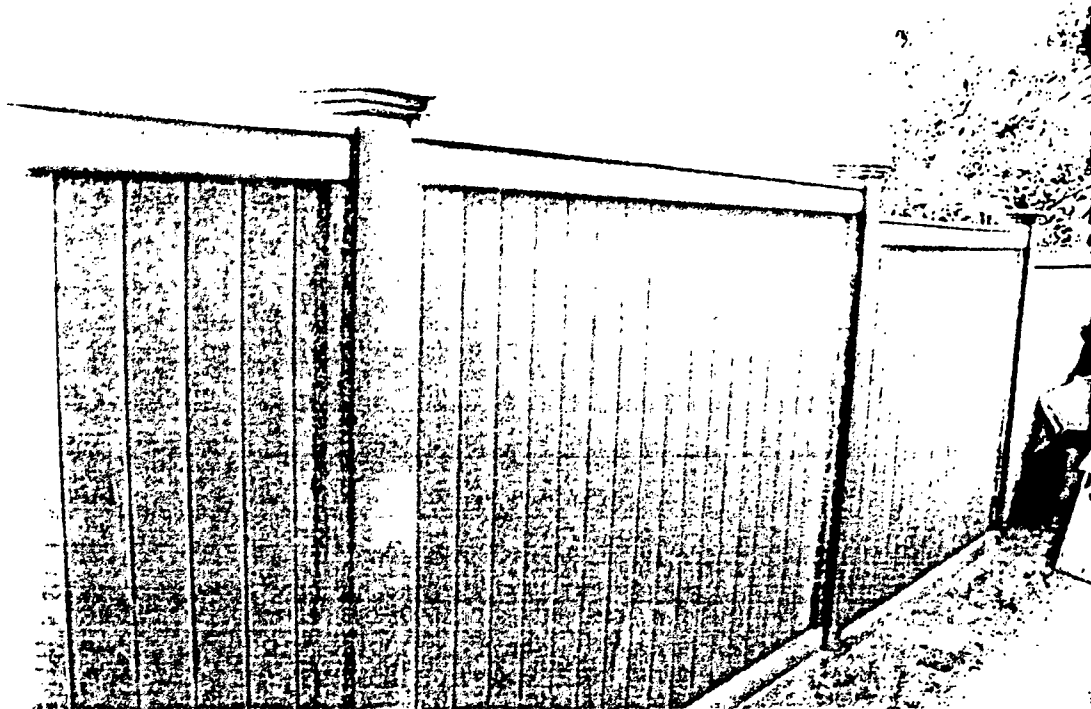
REFERENCES

PLAT BK. 2
 PLAT NO. 106

LIBER
 FOLIO

	SNIDER & ASSOCIATES SURVEYORS - ENGINEERS LAND PLANNING CONSULTANTS 2 Professional Drive, Suite 216 Gaithersburg, Maryland 20878 301-948-5100	
	DATE OF LOCATIONS	SCALE: 1" = 30'
WALL CHECK:	DRAWN BY: FEK	
ISE. LOC.: 9-10-93		

7



proposed fence style





101 EAST LENOX



(c) Copyright 2008, Pictometry International



(c) Copyright 2006, Pictometry International

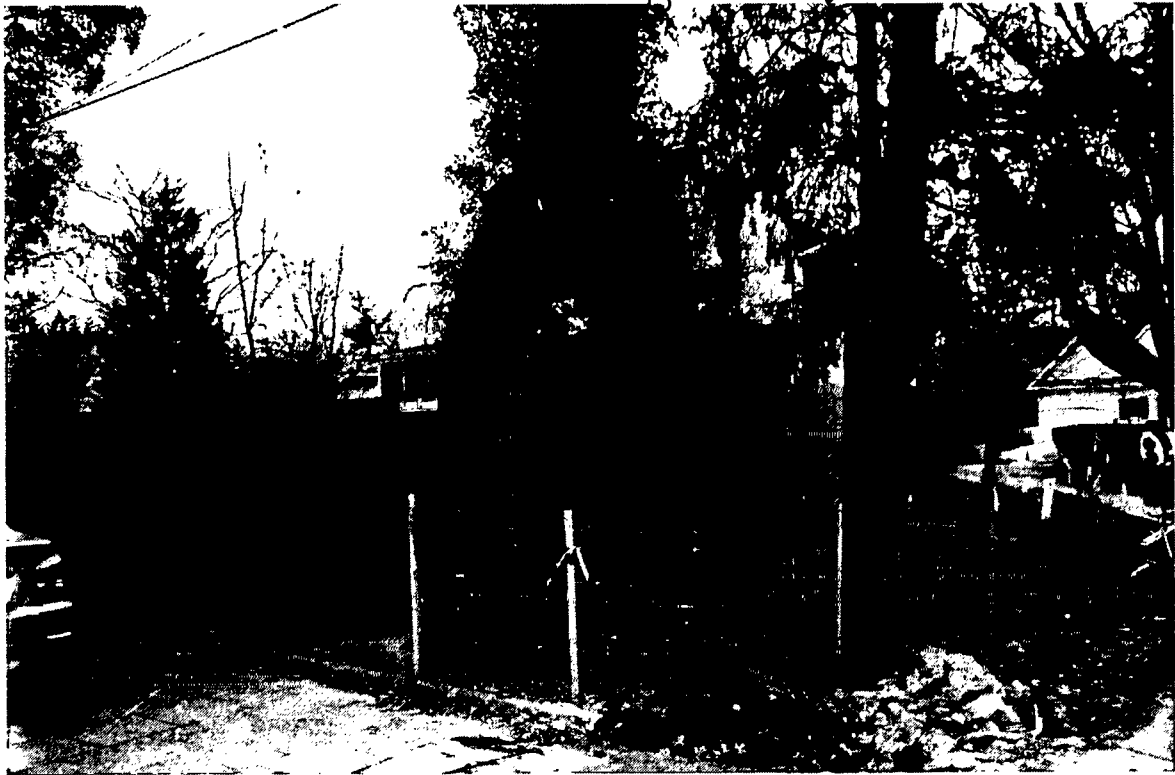


(c) Copyright 2008, Pictometry International

101 EAST LENOX (faces Brookville)



neighbor's fence (same style as proposed
replacement fence to
go here ↓)





looking south on Brookville at other 6' tall privacy fence





